

FREEDOM

TOWNSHIP

ZONING

ORDINANCE

NO. 4

ok 47596

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FREEDOM TOWNSHIP ZONING ORDINANCE NO.#4

A ORDINANCE PROVIDING TOWNSHIP ZONING, AND EMPOWERING THE BOARD OF TOWNSHIP SUPERVISORS TO ESTABLISH CERTAIN ZONING DISTRICTS; TO ESTABLISH A TOWNSHIP PLANNING COMMISSION; TO SECURE THE ORDERLY DEVELOPMENT OF THE TOWNSHIP AS PROVIDED BY CHAPTER 11-33 OF THE NORTH DAKOTA CENTURY CODE; TO REGULATE AND RESTRICT THEREIN IN THE LOCATION, ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, AND USE OF BUILDINGS, STRUCTURES AND LAND, FOR INDUSTRY, BUSINESS, TRADE, RESIDENCE AND OTHER USES, (EXCEPT THAT NO PROVISIONS OF THE ORDINANCE SHALL IN ANY WAY EFFECT THE USE OF LAND OR BUILDINGS USED FOR FARMING OR ANY NORMAL INCIDENT THERETO), TO REGULATE AND RESTRICT THE HEIGHT, NUMBER OF STORIES, AND SIZE OF ALL BUILDINGS, AND THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND RESTRICT THE DENSITY OF POPULATION; TO PROVIDE FOR THE CHANGE AND BOUNDARIES OF DISTRICTS; AND TO PROVIDE REFERENCES TO ZONING MAPS AND PROVIDE REGULATIONS FOR THE SUBDIVISION OF LAND; TO PROVIDE MINIMUM SPECIFICATIONS FOR CONSTRUCTION OF BUILDINGS AND SANITARY FACILITIES; TO PROVIDE FOR ENFORCEMENT OF THE PROVISION HEREOF; EFFECTIVE THIS 31 DAY OF May , 2022.

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR
FREEDOM TOWNSHIP

The Intent of this Ordinance is to:

Promote the health, safety, moral and general welfare of the Township residents and the orderly development of lands within the Township;

Preserve and maintain agricultural lands for farm use;

Encourage non-farm growth to locate within existing communities or within the immediate environs of communities;

Promote a healthy and visually attractive environment;

Promote the development of utility corridors which utilize the least productive agricultural land;

Regulate development in the flood plain areas so as to reduce flood damages and protect stream flows;

Discourage development which exceeds the carrying capacity of the land, air or water resources;

Discourage development which places an excessive financial burden on Township government.

ARTICLE 2

This ordinance shall be known and may be cited and referred to as the "ZONING ORDINANCE NO. 4 to the same effect.

**ARTICLE 3
DEFINITIONS**

For the purpose of this ordinance certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and plural shall include the singular; the word "building" shall include the word "structure" and "premises" and word "shall" is mandatory and not directory.

1. ACCESSORY BUILDINGS: A subordinate building. The use of which is customarily incidental to that of principal building or the same lot.
2. ALLEY: A public way which affords only a secondary access to abutting property.
3. AGRICULTURE BUILDING: Building used in connection with a farm operation where the primary source of operator's income is derived from farming. Agricultural Building include farm shop, machinery storage, grain or other farm production storage, livestock barns and shelter.
4. AGRICULTURE DISTRICT: Shall include any lands or areas so designed by the Board of Township Supervisors under authority of this ordinance.
5. AGRICULTURE BUSINESS: Any business providing agricultural products or services to the production, sales, or support of livestock or farming operations. Agriculture Business buildings are not agricultural buildings.
6. APARTMENT: A room or suite of rooms in a multiple dwelling intended to be designed for use as a residence by a single family.

7. AUTO WRECKING: See "junk yard."
8. BASEMENT: A story having part but not more than one-half (1/2) its height below grade. A basement is counted as a story for the purpose of height and flood regulations if subdivided and used for business or dwelling purposes other than by a janitor employed on the premises.
9. BILLBOARD: See "sign, outdoor advertising."
10. BLOCK: The property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, undivided acreage, river, or live stream; or between any of the foregoing and any other barrier to the continuity of development.
11. BOARDING HOUSES: A building other than a hotel where for compensation and by arrangement meals, lodging, or both are provided for three (3) or more persons. This includes lodging and rooming houses.
12. BUILDING: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property.
13. BUILDING, HEIGHT OF: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge of gable, hip, and gambrel roofs.
14. BUILDING INSPECTOR: The Building Inspector of the Township of Freedom, North Dakota or his/her authorized representative. Building Inspector shall be appointed by the township supervisors on a 3-year term.
15. BUILDING LINE: A line established, in general, parallel to the front street line beyond which no part of a building shall project, except as otherwise provided by this ordinance.
16. CELLAR: That portion of a building between floor and ceiling which is wholly or partly below grade, and having more than one-half (1/2) of its height below grade.
17. CLINIC: An establishment where patients, who are not lodged overnight are admitted for examination and treatment by a group of physicians practicing medicine together.

18. CLUB: A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.
19. COMBINED ROOMS: Any single dwelling room serving more than one purpose.
20. COMMERCIAL DISTRICT: Shall include any lands or areas so designed by the Board of Township Supervisors under authority of this ordinance.
21. COMMUNICATION TOWER: A tower, pole or similar structure which supports communication equipment (broadcasting or receiving) utilized by commercial, governmental or other public or quasi-public users but does not include private home use of satellite dishes, television antennas or amateur radio operators licensed by the Federal Communication Commission. The height of a communication tower is the distance from the base of the tower to the top of the structure.
22. COUNTY ROADS: Those roads designated and selected by the boards of county commissioners, as provided by the North Dakota Century Code.
23. TOWNSHIP ROADS: Roads designated and selected by the Board of Township Supervisors.
24. DISTRICT: A section or sections of the unincorporated area of Freedom Township, North Dakota, for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.
25. DWELLING: Any habitable building, or portion thereof, which is designed and/or used or occupied as a place of residence.
26. DWELLING, FARM: A dwelling actually inhabited by a person or family whose primary occupation is farming. A "Non-Farm Dwelling" is a dwelling that is not a Farm Dwelling.
27. DWELLING, MULTIPLE: A building or portion thereof designed for or occupied by more than two families.

28. DWELLING, SINGLE-FAMILY: A building designed for or occupied exclusively by one family.
29. DWELLING, TWO-FAMILY: A building designed for or occupied exclusively by two (2) families.
30. EASEMENT: A grant by the property owner of the use of a strip of land by the public, or by one or more persons or corporations for a specific purpose or purposes.
31. FAMILY: A group of one or more persons occupying a premise and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house or hotel, as herein defined.
32. FARM: Is a zoned area of Freedom Township containing at least forty (40) acres, which is used for farming. "Farming" means the growing of the usual farm products such as vegetables, fruit trees, and grain, and their storage on the area, as well as for raising thereon the usual farm poultry and farm animals, such as horses, cattle, sheep, and swine. The term farming includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities, and provided further that farming does not include the commercial feeding of garbage or offal to swine or other animals.
33. **Fence (solid)**: A solid fence is defined as any wall, screen, partition, or similar structure existing on land that separates properties, encloses, or divides land into distinct areas or obstructs the passage of air and light onto adjacent land or obstructs the vision of motorists or pedestrians on or near public roads.
34. **Fence (wire)** A fence consisting of posts with stranded horizontal wires, wire netting, or other wirework, between; with normal area of no less than 48 square inches between strands.
35. FRONTAGE ROADS AND RURAL SUBDIVISION ROADS: Roads that service a subdivision or series of lots, and are used to access township, county, state, or federal roadways.
36. FILLING STATION: Any building, structure, or land used for the

dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work such as motor replacement, body and fender repair or spray painting.

37. FLOOR AREA RATIO: The floor area of the building or buildings on a zoning lot, divided by the area of that zoning lot. A floor area of a building or buildings in the sum of the gross horizontal areas of the several floors of all buildings on the lot, measured from the exterior faces of exterior walls, or from the center line of walls separating two buildings. Floor area shall include the area of basements when used for residential, commercial, or industrial purposes, but need not include a basement or portion of a basement used for storage or the housing of mechanical or central heating or the basement apartment of a custodian in a multi-family dwelling, except that portion of said custodian's dwelling unit which is in excess of fifty (50) per cent of the total basement floor area. In calculating floor area, the following need not be included:
 - A. Attic space providing structural head room of less than seven (7) feet, six (6) inches;
 - B. Uncovered steps;
 - C. Terraces, breezeways and open porches;
 - D. Automobile parking space in basement or private garage, but not to exceed 600 square feet for a single-family dwelling, 800 square feet for a two-family dwelling, and 200 square feet per car space required by the provision of this ordinance for any other use.
38. FRONTAGE: All the property on one side of a street or highway between two intersecting streets or highways (crossing or terminating) measured along the line of the street or highway, or if the street or highway is dead ended, then all property abutting on one side between an intersecting street or highway and the dead end of the street or highway.
39. GARAGE, PRIVATE: An accessory building housing not to exceed three (3) motor-driven vehicles, the property of and for the use of the occupants of the lot of which the private garage is located.
40. GARAGE, PUBLIC: A building or portion thereof, other than a private or storage garage designed or used for equipping, servicing, repairing, hiring, selling or storing motor-driven

vehicles.

41. GARAGE, STORAGE OR PARKING: A building or portion thereof designed or used exclusively for term storage by prearrangement of motor-driven vehicles, as distinguished from daily storage furnished transients, and within which motor fuels and oils may be sold, but no motor-driven vehicles are equipped, repaired, hired or sold.
42. GRADE: Shall be the average level of the finished surface of the ground adjacent to the exterior walls of the building, as approved by the Freedom Building Inspector.
43. HEIGHT OF BUILDING: The vertical distance measured from the highest of the following three levels:
 - A. The mean street curb level;
 - B. The established or mean street grade in case the curb has not been constructed.
44. HIGHWAY PRIMARY: A street or highway used primarily for fast or heavy traffic, including expressways, freeways and boulevards.
45. HOME OCCUPATION: Any occupation or profession carried on by a member of the immediate family, residing on the premises; in connection with which there is used no sign other than a name plate not more than one square foot in area or no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than of a dwelling; in which no person is employed other than a domestic service; and in which no mechanical equipment is used except such as is permissible for purely domestic or household purposes. Home occupation shall include the use of premises by a physician, surgeon, dentist, lawyer, clergyman or other professional person for consultation or emergency treatment, but not for the general practice of his profession.
46. HOTEL: A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boardinghouse, a lodging house, or an apartment which are herein separately defined.

47. IMPROVEMENTS: Street grading and surfacing with or without curbs and gutters, sidewalks, water mains, crosswalks, sanitary and storm sewers, culverts, bridges, street, and trees.
48. INDUSTRIAL DISTRICT: Shall include any lands or areas so designed by the Board of Township Supervisors under authority of this ordinance.
49. INSTITUTION: A building occupied by a non-profit corporation or a non-profit establishment for public use.
50. JUNK YARD: The use of more than 200 square feet of the area of any lot whether inside or outside a building, or the use of any portion of that half of any lot that adjoins any street, for the storage, keeping, or abandonment of junk, including scrap metals, rags, paper or other scrap materials, used lumber, salvaged house wrecking and structural steel materials and equipment, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.
51. LAUNDROMAT: An establishment providing home type washing, drying, or ironing machines for hire to be used by customers on the premises.
52. LOADING SPACE: A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks, and having a minimum dimension of 12 by 35 feet and a vertical clearance of at least 14 feet.
53. LOT: A parcel of land occupied or intended for occupancy by one main building together with its accessory buildings, including the open space required by this ordinance and having its principal frontage upon a street or upon an officially approved place.
54. LOT, CORNER: A lot abutting upon two or more streets at their intersection.
55. LOT, DEPTH: The mean horizontal distance between the front and rear lot lines.
56. LOT, DOUBLE FRONTAGE: A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.
57. LOT LINE, REAR: The lot line generally opposite or parallel to the front street line.

58. LOT OF RECORD: A lot which is part of a subdivision, the map of which has been recorded in the office of the Ward County Recorder, or a parcel of land, the deed to which was recorded in the office of the Ward County Recorder prior to the adoption of this ordinance.
59. LOT ZONING: A tract of land occupied or to be occupied by a principal building and its accessory buildings, together with such open spaces and yards as are required under the provisions of this ordinance, having not less than the minimum area required by this ordinance for a zoning lot in the district in which such land is situated, and having its principal frontage on a street or a permanent, exclusive, non-obstructed easement of access of right-of-way to a street, not less than 20 feet wide. A "zoning lot" need not necessarily coincide with a "record lot" as herein defined.
60. MAINTENANCE AGREEMENT: Signed and dated legal and binding document between Freedom Township and party stating terms in which the party shall follow. Could include but not limited to agreement to blade and gravel a road section as a result of parties increased or type of use.
61. MASTER PLAN: The comprehensive plan, or any portion thereof, made and adopted by the Board of Township Supervisors in accordance with the laws of the State of North Dakota and regulations of Freedom Township indicating the general or specific locations recommended for streets, parks, public buildings, zoning district and all other public improvements.
62. MOTOR COURT OR MOTEL: A building or group of buildings used for the temporary residence of motorists or travelers.
63. NON-CONFORMING USE: Any building or land lawfully occupied by use at the time of passage of this ordinance or amendments thereto, which does not conform after the passage of this ordinance or amendments thereto with the use regulations of the district in which it is situated.
64. OUTLOT: A plot of land other than a subdivision.
65. PARKING AREA OR LOT: An open, unoccupied space used or required for use for parking of automobiles exclusively and in which no gasoline or automobile accessories are sold or no other business is conducted and no fees are charged.

66. PARKING SPACE: A surfaced area, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than one hundred and eighty (180) square feet exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.
67. PLACE: An open unoccupied space or a public or private thoroughfare other than a street or alley permanently reserved as the principal means of access to abutting property.
68. QUARTER SECTION: A quarter of a section of land according to the divisions of the government survey, laid off by dividing the section into four equal parts by north-and-south and east-and-west lines and continuing 160 acres (more or less).
69. TOWNSHIP SUPERVISORS: The Freedom Township Board of Township Supervisors.
70. TOWNSHIP PLANNING COMMISSION: A group of 3 persons appointed by the Freedom Township Supervisors with each person serving a 3 year consecutive term. Powers of the Planning Commission shall be to make recommendations to the Township Supervisors based on the Township Zoning Ordinance for sub-division plats, permitting, fee schedules, preliminary plats, zoning changes, conditional approvals, imposition of design standards, variances, and all other designations listed in the Township Zoning Ordinance.
71. RESIDENTIAL DISTRICT: Shall include any lands or areas so designed by the Board of Township Supervisors under authority of this ordinance.
72. SALVAGE YARD: A place where used parts of automobiles or other equipment are collected and processed for resale.
73. SIGN: Any device for visual communication which is used for the purpose of bringing the subject there of to the attention of the public, but not including any flag, badge, or insignia of any governmental agency or of any civic, charitable, religious, patriotic, fraternal or similar organization.
74. SIGN, OUTDOOR ADVERTISING: Sign, including billboard, which directs attention to a business, commodity, service, entertainment or other activity conducted, sold or offered

elsewhere than on the premises upon which the sign is located.

75. STABLE, PRIVATE: A detached accessory building for the housing of horses, ponies or mules owned by the occupants of the premises and not kept for remuneration, exhibition, hire.
76. STABLE, RIDING: A structure in which horses, mules or ponies used exclusively for pleasure riding or driving are housed, boarded, or kept for hire, including riding tracks or academies.
77. STREET LINE: A dividing line between a lot, tract or parcel of land and a contiguous street.
78. STREET, MINOR: A street intended primarily to provide pedestrian and vehicular access to the abutting properties.
79. STREET, SECONDARY: A street or highway which is intended to carry traffic from minor streets to the major streets. Secondary streets are usually the principal entrance streets to residential developments and the streets for circulation within the developments.
80. 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 be no floor above it, then the space between the floor and the ceiling next above it.
81. STORY, HALF: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.
82. 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.
83. STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.
84. SUBDIVISION: The division of a tract or parcel of land into lots or parcels of land for the purpose, whether immediate or

future, of sale or of building development, including any plat or plan which includes the creation of any part of one or more streets, public easements, or other rights-of-way whether public or private, for access to or from such lots or parcels of land, and/or including the creation of new or enlarged parks, playgrounds, plaza or open spaces. "Re-subdivision" includes the division of one or more lots as parcels of land in a subdivision made and recorded prior to or after the date these ordinances are adopted. However, the division of land for agricultural purposes into parcels of 40 or more acres, not involving any new street or easement of access, shall be exempted from these ordinances.

85. TEMPORARY STRUCTURE: A structure such as a tent or a building of sectional construction whose design and construction is such that it will be used only for a short period of time or that it can be readily moved to another location.
86. TOURIST CAMP: An area containing one or more tents, auto trailers or other portable or mobile shelters for use as temporary living facilities of one or more families, and intended primarily for automobile transients.
87. TOURIST HOME: A building other than a hotel where lodging is provided and offered to the public for compensation for not more than twenty individuals and open to transient guests, with which there is used only one sign not more than two square feet in area, and the lighting of which is regulated by the Building Inspector.
88. TOWNSHIP ROAD: Roads designated and selected by the township board and certified to the state as outlined in Chapter 24-07 of the North Dakota Century Code. These roads are not designated as part of a County, State or Federal Highway and are not located in an incorporated city.
89. TRAILER: Any vehicle or structure, including but not limited to an automobile trailer and trailer coach, mounted on wheels for use on highways and streets; propelled or drawn by its own or other motor power; and designed and constructed to provide for living or sleeping quarters for one or more persons or for the conduct of a business, profession, trade, or occupation, or use as a selling or advertising device.
90. TRAILER CAMP: A tract of land, together with open spaces required by this or any other regulation, used, designed,

maintained, or held out to accommodate three or more trailers, including all buildings, structures, tents, vehicles, accessories, appurtenances used or intended as equipment for such trailer camp, whether or not a charge is made for the use of the camp or its facilities. A trailer camp does not include automobile or trailer sales lots on which unoccupied trailers are parked for inspection and sale.

91. USE: The term referring to:
 - A. Any purpose for which buildings, other structures or land may be arranged, designed, intended, maintained or occupied.
 - B. Any occupation, business, activity or operation carried on (or intended to be carried on) in a building or other structure or on land.
 - C. A name of a building, other structure or tract of land which indicates the purpose for which it is arranged, designed, intended, maintained or occupied.
92. USE GROUP: Two or more uses similar in physical characteristics, traffic generation, locational, utility, or governmental service requirements, or generally compatible with other uses in the use group. Members of the several use groups herein established are specifically listed in this ordinance.
93. WIND FARM PROJECT: Five (5) or more wind towers, including storage and/or transmission equipment, operated to convert and store or transfer energy from the wind into usable forms of energy.
94. WIND TOWER: A tower and related equipment and structure(s) that converts and stores or transfers energy from the wind into usable forms of energy including (but not limited to): footings, foundation, blades, generator, nacelle, rotor, tower, wind turbine, transformer, vane, wire, and electrical infrastructure. The term does not include a wind tower constructed and operated exclusively to serve the personal, non-commercial needs of the property owner.
95. 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 a purpose of determining the width of a side yard, the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

96. YARD, FRONT: A yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than the projection of the usual steps or entrance-way.
97. YARD, REAR: A yard extending across the rear lot between the side lot lines and being the minimum horizontal distance between the rear lot and the rear of the main building or any projections other than steps. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.
98. YARD, SIDE: A yard extending from the front lot line to the rear yard line, and being the minimum horizontal distance between the side lot and the side of the main building or any projections thereof.

ARTICLE 4
DISTRICTS AND BOUNDARIES THEREOF

Section 1. Classes of Districts.

In order to classify, regulate and restrict the location of business, trades, industries and residences, and other land uses and the location of buildings designed for specific uses to regulate and limit the height and bulk of buildings hereafter erected, reconstructed or altered; to regulate and limit the intensity of the use of lot areas, and to regulate and determine the areas of yards, courts, and other open spaces within and surrounding such buildings, certain unincorporated areas of Freedom Township may be divided into any of the following classes of district. The use, height, and area regulations are uniform in each class of district and said districts shall be known as:

- A. "A-1" Agriculture District
- B. "C-1" Commercial District
- C. "M-1" Industrial District
- D. "R-1" Residence District

Section 2. Areas Included.

The areas to be included under Zoning Ordinance No. 4 shall be as

follows:

A. Freedom Township (Twp. 153, Rge. 83)

These zoning regulations shall apply to all areas within the civil boundaries of Freedom Township North Dakota as organized under Chapter 58-03 of the North Dakota Century Code.

Section 3. Boundaries.

The boundaries of these districts are hereby established as shown on the maps accompanying and made part of this ordinance which maps are designated as the "Township Zoning Map." The Township Zoning Maps and all the notations, references and other information shown thereon are a part of this ordinance and shall have the same force and effect as if such maps and all the notations, references, and other information shown thereon were fully set forth or described herein, which Township Zoning Maps are properly attested and on file with the Auditor of Ward County.

Section 4. Boundaries of Unsubdivided Property.

In the case of unsubdivided property, the district boundary lines shall be determined by the use of the scale appearing on the Zoning District Maps or by dimensions. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.

Section 5. Vacation of Property.

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

Section 6. Water Areas.

All areas within said zoning area which are under water and not shown as included within any district, shall be subject to all of the regulations of the district which immediately adjoins the water area. Where said water area adjoins two or more districts, the boundaries of each district shall be construed to extend to the center of the water area.

Section 7. Previously Zoned Lands

All lots, outlots, or lands previously zoned as agricultural, commercial, industrial, or residential, prior to Freedom Township Zoning Ordinance No.1 and recorded at the ward county recorders office, shall remain zoned as-is. Owner must provide proof of current zoning prior to the commencement of any improvements requiring a particular zoning district. If owner is unable to provide the recorded document, zoning will be assumed as A-1 (Agricultural District) under Freedom Township Zoning Ordinance No.1.

**ARTICLE 5
COMPLIANCE WITH THE REGULATIONS**

Section 1. Exceptions.

Except as hereinafter specifically provided:

- A. No land shall be used except for a purpose permitted in the district in which it is located.
- B. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used, except for a use permitted in the district in which such building is located.
- C. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which such building is located.
- D. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which such building is located.
- E. No building shall be erected, or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of the district in which such building is located.
- F. The minimum yards, parking spaces, and open spaces, including lot area per family, required by this ordinance for each and every building existing at the time of passage of this ordinance or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or parking space or open space required for any other building, nor shall any lot area be reduced below the requirements of this

ordinance for the district in which such lot is located.

- G. 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 specifically provided hereinafter, except where such lot has double frontage. Where lot has double frontage, buildings may be erected to front on each street provided the side yards and front yards are at least minimum size, and each structure has a rear yard of at least minimum size, and the building area does not exceed the requirements for interior lots.

Section 2. Room Sizes.

- A. Each living unit shall have at least two habitable rooms and one bathroom.
- B. Each living unit shall have adequate space for living, sleeping, cooking, storage, laundry and sanitary facilities.
- C. Measurements are based upon dimensions between walls or inside measurements.
- D. Stairs or closets are not included in required room size.
- E. Basement rooms, except recreation rooms, intended for continuous occupancy shall comply with the requirements for habitable rooms; a habitable room being defined as follows:

- 1. A space used for living, sleeping, eating, or cooking, or combinations thereof, but not including bathrooms, toilet compartments, closets, halls, storage rooms, laundry and utility rooms, basement recreation rooms and similar spaces.

- F. The following minimum room sizes shall be required:

- 1. Separate Rooms:

	Living Room (Sq. Ft.)	Dining Room (Sq. Ft.)	Kitchen (Sq. Ft.)	Total Bedroom (Sq. Ft.)	Total Living Min. Bedroom (Sq. Ft.)
Living Unit With 1 Bedroom	160	80	60	120	120
Living Unit With 2 Bedrooms	160	80	60	200	80
Living Unit With 3 Bedrooms	170	95	70	280	80
Living Unit With 4 Bedrooms	180	110	80	380	80
Least Dimension	11 Feet	8 Feet	3' 4" (Passage Space Between Cabinets and Walls)		

a. Least Dimension:

- i. Living Room - 11 feet.
- ii. Dining Room - 8 feet (only eating space in living unit).
- iii. Kitchen - 3 feet 4 inches (passage space between cabinets and walls).

2. Combined Rooms:

	Living / Dining Room (Sq. Ft.)	Kitchen Dining (Sq. Ft.)	Kitchen / Dining (Sq. Ft.)

Living Unit With 1 Bedroom	180	100	220
Living Unit With 2 Bedrooms	180	100	220
Living Unit With 3 Bedrooms	200	110	250
Living Unit With 4 Bedrooms	220	120	280

a. Least Dimension:

- i. Living Room Space - 11 feet.
- ii. Dining Space - 6 feet (only eating space in living unit).
- iii. Kitchen - 3 feet 4 inches (passage space).
- iv. Dining Space - 6 feet (only eating space in living unit).
- v. Other habitable rooms - 80 square feet.
- vi. Adequate space for water closet, lavatory and tub or shower; door must open 90 degrees.
- vii. Halls and Vestibules - 3 feet in width.
- viii. Closets - 5 square feet per bedroom; 5 foot clear hanging height.

Section 3. UTILITIES:

1. All new utilities shall be considered as a conditional use and, as such, shall conform to all requirements put on them by the Township Planning Commission.
2. No conditional use permit shall be issued unless the following conditions have been satisfied:
 - a. Underground utilities shall be placed to a minimum depth of
 - i. Four (4) feet within a road right-of-way.
 - ii. Three (3) feet in all other areas so as not to constitute a hazard to normal farming or general county/township maintenance.

- b. Utility placement shall conform with section line right-of-ways, roadway right-of-ways (township, county, state and federal) and railroad right-of-ways.
- c. Utility construction, reconstruction or maintenance will not result in undue damage or injury to roads, bridges, right-of-ways in the Township or to any public, or private property.
- d. Excavation costs for purposes of construction or maintenance of a utility shall be borne by the contractor or owner of said utility.
- e. A road maintenance agreement has been entered with the township stating responsibilities for maintaining the roads which are used exclusively or substantially impacted by contractor or owner of said utility. Responsibilities shall include the maintenance and repair or reimbursable compensation (monetary) to the township for grading, graveling, dust control, paving, or any other damage to township right-of-way. Owner or contractor shall provide photographic or video evidence of the condition of the road in question prior to beginning any activities. Right of way shall be restored to pre-activity condition.

Section 4. MINERAL EXPLORATION AND MINERAL PRODUCTION:

- 1. All mineral exploration and mineral production activities shall be considered as a conditional use and, as such, shall conform to all requirements put on them by the Township Planning Commission and Board of Township Supervisors.
- 2. No conditional use permit shall be issued unless satisfactory provision for the following has been made:
 - a. The activities will not result in undue damage or injury to roads, bridges, right-of-ways in the Township or to any public or private property. If damage occurs, property shall be restored to original condition at the expense of owner of said activity.
 - b. Evidence of a reclamation agreement with the surface owner.
 - i. Reclamation of project shall be finished within one (1) year, of the completion of the mineral exploration and/or production activities.
 - c. Evidence of compliance with all County, State and

Federal regulations.

d. Evidence that the activity is one hundred fifty (150) feet from all section lines, property lines, water sources and the centerlines of all township, county, state and federal roads.

e. Evidence that the activity is a minimum of 2640 feet from the nearest edge to any occupied building.

Section 5: WASTE DISPOSAL SITES:

1. At a minimum the following described waste disposal sites shall comply with all applicable state, federal, local laws, rules and regulations. In addition, the Township Board may require compliance to other conditions.
2. Private Waste Disposal Sites- Shall be defined as an open excavation used for disposal of personal refuse generated by the landowner or tenant for a period that exceeds 6 months. Private waste disposal sites shall be limited to one per section of land.
 - a. Private waste disposal sites shall be no closer than 300 feet to the nearest property line and 500 feet to any waterway.
3. Commercial Waste Disposal Sites - A solid waste disposal site or facility permitted pursuant to the laws of the State of North Dakota. Waste which is transported to a disposal site shall be by a waste hauler licensed by the State of North Dakota.
 - a. The site, operation, or facility must meet or exceed all applicable federal, state and local laws, rules, and regulations.
 - b. The site, operation, or facility shall be limited to inert solid waste and municipal solid waste. Waste that is deemed hazardous in nature or exerts hazardous characteristics or nuclear waste, sewage sludge and incinerator ash are not permitted.
 - c. All areas for cell, excavation or waste filling operations shall maintain a minimum setback of 150 feet from all property lines and 2640 feet from any occupied building.

- d. No fires shall be permitted, except by permission of the Board of Township Supervisors on the basis of current wind, weather or fire index. Any smoldering flame or spontaneous combustion at the site shall be immediately extinguished.
- e. The premises shall be kept neat and clean at all times, no loose paper or debris shall be allowed on the site, except on area where active filling operations are taking place.
- f. Entrance to the site shall be controlled at all times to prevent improper dumping on the site.
- g. For all facilities, a chain link fence of a minimum of eight feet in height, above all solid waste/excavation embankment or over burden, shall be installed along the boundaries of the area developed or the area of active filling operations and provided with gates of the same construction as the fence and shall have slats installed to limit visibility of site.
- h. Surface and storm water management shall comply with all applicable federal, state, and local laws, rules and regulations. These provisions shall be accomplished through the use of a professional engineer that is registered by the State of North Dakota. A copy of any and all plans and reports shall be provided to the Board of Township Supervisors one month prior to beginning any operations.
- i. The depth of excavation and the materials to be used for fill shall not have any adverse effect on the supply or quality of ground water.
- j. Operators of a commercial waste disposal facility or site must allow environmental inspector on site. Provisions shall be made for the cost to be paid by the operator to the State Health Department or Township as may be negotiated with the State Health Department or Township.
- k. Facilities other than those that manage municipal solid waste would be required to have non-sudden liability insurance and closure and post-closure insurance payable to the State Health Department and upon conditions set by State Health Department.

Section 6. Sign Regulations: Signs shall only be permitted if they conform to the regulations in this article.

1. PERMITTED SIGNS: The following signs shall be permitted in all zoning districts:

- a. Signs not exceeding two square feet in an area bearing property numbers, box numbers, or names of occupancies of the premises.
- b. Flags and the insignia of any government.
- c. Legal notices, identification information, or directional signs erected by government bodies.
- d. Signs directing and guiding traffic or parking on private property.
- e. No more than one sign advertising property for sale or rent. Sign shall be limited in size to a total area of 10 square feet.
- f. Bulletin boards and signs for churches or other public institutions.
- g. Temporary political advertisements.
- h. Business signs shall not exceed 32 square feet in total area measured on a flat plane; shall not exceed the height of the business building, and no more than 2 signs per business

Section 7. Fence Requirements

The purpose of this ordinance is to control the erection of fences along Freedom Township right of way, for the purpose of avoiding excess snow accumulation, allow storage of snow during winter snow plowing operations and provide for the safety of the public.

Fence and wire fence are separate structures and are defined in the definitions. Fences may be located in any required yard or buildable lot area; subject to provisions of this ordinance. All fences of any nature, type or description located along Freedom Township roads shall conform to the following requirements.

Solid Fences

- a. Fences (solid) must be located outside public right of way.
- b. Fences (solid) shall not be constructed within 75 feet of the centerline of Freedom Township road or right of way.
- c. Fences (solid) shall be constructed in such a manner as to not interfere with drainage and utilities.
- d. Fences (solid) in excess of six feet in height shall be considered as a structure or building and will need to follow all building requirements as set forth in the Freedom Township Zoning Ordinances.
- e. Measurement of fence (solid) height: Any fence subject to the provisions of this ordinance shall be measured from the immediate adjacent ground to top of highest part of fence.

Wire Fences

A. Wire Fences may be placed on property lines and not placed on public right of way in a manner that interferes with vehicle and farm equipment travel and transportation.

ARTICLE 6

"A-1" AGRICULTURE DISTRICT REGULATIONS

Section 1. A-1 Agriculture District.

The regulations set forth in this article or set forth elsewhere in this order, when referred to in this article, are the district regulations in an "A-1" Agriculture District.

Section 2. Intent and Purpose.

The principal economic activity in Freedom Township is agriculture. This district is established for the purposes of preserving the stability, productivity and sustainability of agricultural uses and protecting such uses from encroachment by non-agricultural uses. Any person seeking to place a non-farm dwelling on property within the A-1 Agriculture District is

deemed to be aware of the normal agricultural uses and farming practices within the district, including night farming, noise, odors, dust, bird cannons, chemical application, slow moving farm machinery on roads and other impacts from normal farming operations.

Section 3. Permitted Uses.

The following uses are permitted in the A-1 Agriculture District:

- A. Farming, including a related Farm Dwelling and buildings and structures maintained in connection with a farm or farming operation.
- B. Truck and flower gardening, nurseries, orchards, and greenhouses.
- C. Public elementary, and high schools, or private schools with the same curriculum as public elementary or high schools.
- D. Public or private forest and wildlife reservations or similar conservation projects.
- E. Quarries for the excavation of stone, gravel, sand, clay or similar minerals.
- F. Roadside stands offering for sale only farm products, which are produced on the premises or Township.
- G. Pumping or booster stations along a pipeline or substation along an electrical transmission line.
- H. Single family Non-Farm Dwellings.
- I. Churches and similar places of worship and parish houses.
- K. Hobby farms, whether or not there is a dwelling on the same site. If there is a dwelling (either farm or non-farm) associated with the site it is subject to the Residential Guidelines of this Section.

Section 4. Conditional Uses.

The following conditional uses shall be permitted only after a special use permit has been issued by the Board of Township Supervisors in accordance with these zoning regulations.

- a. Mineral extraction and exploration (including sand and gravel) subject to the requirements of these regulations.
- b. National Wildlife Refuges and Waterfowl Management Areas.
- c. Commercial feedlots.
- d. Radio or TV towers, utility lines, substations and

pipelines subject to the requirements of these regulations.

- e. Cemetery.
- f. Communication towers.
- g. Wind Towers.

Section 5. Prohibited Uses.

Land uses which are not listed in this section as a permitted use or as a conditional use shall be considered a prohibited use and shall not be allowed in this zoning district without following the amendment or variance procedures of these regulations.

Section 6. Height Regulations.

The height and area regulations set forth in Articles 10 and 11 shall be observed and in addition every building or portion thereof used for dwelling purposes shall comply with the side and rear yard and lot area per family requirements of the Residential District, provided, however, no more than two (2) Non-Farm Dwellings may be located on any quarter section of land on the A-1 Agriculture District.

Section 7. Road Maintenance.

Freedom Township shall not bear the burden of Road maintenance for any agricultural development not located on an existing maintained township road. A road maintenance agreement shall be in place and approved by the township board prior to Plat approval for roads that are located within lot developments or not otherwise specified.

Section 8. Lot Development.

The following regulations shall be applied to the construction of individual farm dwelling units:

Also see Article 10 and 11 for size, height and setback requirements.

- a. Lot Size - Not less than 5 acres contiguous to 40 acres of land farmed or owned by the same owner.

Section 9. Exemptions.

Wind towers and communication towers shall be exempt from the height regulations in Section 6. However, these uses shall be set

back a minimum distance of 1,760 feet from any occupied dwelling, public right-of-way, farmstead or above-ground electric transmission line. A permit shall be obtained from the Township Building Inspector with payment of those fees provided by the Freedom Township Fee Schedule ; the developer must submit a site plan before a permit is issued.

Section 10. Intensity of Use.

The A-1 Agriculture District is established to ensure the long term stability, productivity and sustainability of agricultural lands and land uses. Therefore, a maximum of two (2) Non-Farm Dwellings per Quarter Section is established for the A-1 Agriculture District and no lot or tract of land of the unincorporated areas of Freedom Township, zoned as A-1 Agriculture under authority of this ordinance, shall contain less than five (5) acres. A dwelling constructed upon or relocated to a parcel upon which a dwelling was located prior to June 16, 2016 shall not be considered a Non-Farm Dwelling for purposes of this Section 10, if said parcel: (a) does not exceed 10 acres and (b) was not cultivated, plowed or tilled for use in agricultural production subsequent to a dwelling being located on the parcel.

ARTICLE 7

"R-1" SINGLE-FAMILY RESIDENCE DISTRICT

Section 1. "R-1" Single-Family Residence District.

The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article are the regulations in the "R-1" Single-Family Residence District.

Section 2. Intent and Purpose.

This district is established for the purpose of providing for and guiding the orderly development of any rural subdivisions or residential lots within Freedom Township.

Section 3. Permitted Uses.

The following uses are permitted in the R-1 Single Family Residence District:

- A. Single-family dwelling.
- B. Parks, playgrounds, museums, libraries, and community buildings owned and operated by public agencies.
- C. Public school, elementary or high or a private school

having the same curriculum as a public school.

- D. Churches or other places of worship or Sunday school.
- E. Home occupations.
- F. Accessory building or use, including a private garage customarily incident to the above uses but not involving the conduct of a business, and including a private stable.
- G. A church or public bulletin board or temporary sign pertaining to the lease, hire or sale of a building or premise; which sign or bulletin board shall not exceed 10 square feet in area.

Section 4. Parking Regulations.

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Article 12.

Section 5. Conditional uses.

The following conditional uses shall be permitted only after a special use permit has been issued by the Board of Township Supervisors in accordance with these zoning regulations:

- A. Two-family dwelling.
- B. Multiple dwelling.
- C. Rooming, lodging, or boardinghouse.
- D. Institution of a religious, educational, eleemosynary, or philanthropic nature, but not a penal or mental institution.
- E. Hospital or sanatorium, except a criminal, mental or animal hospital.
- F. Nursing, convalescent, or rest home.
- G. Accessory building or use customarily incidental to any of the above uses, including a storage garage on a lot occupied by a multiple dwelling, hospital, or institution.

Section 6. Prohibited Uses.

Land uses which are not listed in this section as a permitted use or as a conditional use shall be considered a prohibited use and shall not be allowed in this zoning district without following the amendment or variance procedures of these regulations.

Section 7. Height and Area Regulations.

A. The height and area regulations set forth in Article 10 and 11 shall be observed.

B. Minimum lot size for R-1 district where residence subdivision is served by a municipal sanitary sewer collection and lagoon system shall be a minimum of two (2) acres in size (87,120 SF) per lot. Minimum lot width shall be 250 feet. All lots shall meet all other R-1 district requirement unless a variance or special use permit is approved.

Section 8. Road Maintenance.

Freedom Township shall not bear the burden of Road maintenance for any residential development not located on an existing maintained township road. A road maintenance agreement shall be in place and approved by the Board of Township Supervisors prior to Plat approval for roads that are located within residential developments or not otherwise specified.

Section 9. INTENSITY OF USE:

In keeping with primary goals of the Freedom Township Comprehensive Plan to preserve prime farmland, support agriculture and farm programs and discourage and control residential developments that interfere with farming, a maximum of two (2) Non-Farm Dwellings per Quarter Section is established for the R-1 Single-Family Residence District

ARTICLE 8
"C-1" COMMERCIAL DISTRICT

Section 1. "C-1" Commercial District.

The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article, are the regulations in the "C-1" Neighborhood Commercial District. Before granting commercial zone change and/or permits regarding commercial requirements Freedom Township will be required to advertize ten days in advance and hold a public hearing to allow public comment. If public concerns for safety, public health, public welfare and community need are not properly addressed Freedom Twp Board can deny zone change, permit and any special use permit.

Section 2. Intent and Purpose.

This district is established for the purpose of providing for and guiding the orderly development of any commercial development within Freedom Township.

Section 3. Permitted Uses.

The following uses are permitted in the C-1 Commercial District:

- A. Automobile parking area or lot.
- B. Clinic.
- C. Filling Station.
- D. Florist shop or greenhouse.
- E. Laundromat.
- F. Offices and Office Building.
- G. Retail store, provided that in connection with such store, there shall be no slaughtering of animals or poultry on the premises.
- H. Tailoring, dressmaking, shoe repairing, repair of household appliances and bicycles, catering, dry cleaning, and pressing, and bakery with sale of bakery products on the premises, and other uses of a similar character.
- I. Personal service uses including barber shops, banks, beauty parlors, photographic or artist studios, messengers, taxi-cab, newspaper or telegraphic service stations, dry cleaning receiving stations, restaurants, and other personal service uses of a similar character.
- J. Accessory building and use.

Section 4. Parking and Loading Regulations.

Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Article 12.

Section 5. Conditional Uses.

The following conditional uses shall be permitted only after a special use permit has been issued by the Board of Township Supervisors in accordance with these zoning regulations. Upon determination of Freedom Township conditional use permits can expire upon ownership change and/ or change in management. Such condition will be noted in conditional use permit at the time of issuance:

- A. Automobile or trailer display and salesroom.
- B. Business and commercial school, or dancing or music

- academy.
- C. Farm implement display and sales room.
 - D. Frozen food locker.
 - E. Hotel.
 - F. Milk distributing station.
 - G. Motel or tourist home.
 - H. Parking or public garage.
 - I. Radio or television broadcasting station or studio.
 - J. Theater.
 - K. Undertaking establishment.
 - L. Advertising sign or billboard, when located at least 50 feet from any residential district.
 - M. Veterinarian or animal hospital provided that no such building, kennel, or exercise runway shall be closer than 150 feet to any residential district.
 - N. Used car sales or storage lot when located at least 300 feet from any residential district.
 - O. Adult Bookstore when located not less than 1320 feet from any residential district; bowling alley, drive-in restaurant, truck or transfer terminal.
 - P. Dyeing and cleaning establishment or laundry, painting, plumbing or tinsmithing shop, printing shop, tire sales, and service, including vulcanizing, upholstering shop, not involving furniture manufacturing, and any other general service or repair establishment of similar character.
 - Q. Accessory building and use customarily incidental to any of the above uses.
 - R. Apartment hotel, apartment house, or hotel.
 - S. Laboratory, experimental, film or testing.
 - T. Truck or bus garage and repair shop.
 - U. Wholesale or distributing establishment or warehouse or wholesale market.
 - V. Printing, publishing or engraving.
 - W. Service industry such as a laundry, cleaning or dyeing establishment or similar use.
 - X. The manufacture, compounding, processing, packaging or treatment of such goods, materials and products as the following:
 - 1. Bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products excepting fish and meat products, sauerkraut, vinegar, yeast, and the rendering of fats and oils.
 - 2. Articles made from previously prepared materials such as: bone, canvas, cellophane, cloth, cork, feather, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-

- precious metals or stone, shell, textiles, wax, wire, yarns, and the likes.
3. Musical instruments, toys, novelties, rubber, or metal stamps, and other small molded rubber products.
 4. Fabrication and repair of electric or neon signs or other commercial advertising structures, light sheet metal products, and the like.
- Y. Any other use of similar character which is not objectionable by reason of the emission of odor, dust, smoke, gas fumes, noise or vibration or which is not specifically prohibited or regulated in Article 14.
- Z. Bottling works.
- AA. Sporting and athletic equipment manufacture.
- BB. Assembly and manufacture from pre-fabricated parts of household appliances, electronic products and similar products or the processing or assembling of parts for production of finished equipment.
- CC. Junk yards and automobile salvage operations, provided all operations are conducted within an area enclosed on all sides with a solid fence or wall not less than 6 feet in height or equal in height to salvage material and/or debris. All junk, salvage material, debris or items shall be stored or placed within the confines of the fenced area at all times.
- DD. Commercial grain elevators.
- EE. Business directly providing sales, service or support to farming operations. Agricultural Business shall produce more than 75% total revenue from farming operations.
- FF. Retail agriculture chemical and fertilizer outlets. Provided such retail outlets of this nature that store or sell anhydrous ammonia, chemicals including but not limited to pesticides and weed sprays in containers six gallons or larger are restricted from locating closer than 1320 feet from any dwelling which is presently or could in the future be occupied. No future occupied dwelling will be permitted within 1320 feet of such chemical and/or chemical outlet.

The following use of U., CC., DD., EE., and FF. will be required if located along a Freedom Township Road to rebuild that Freedom Township Road to whichever road is closer County, State or Federal road to that roads designated road standards and weight load limits. Upon order of Freedom Township this could include paving. This would apply to all access locations on commercial property. A bond maybe required by Freedom Township to insure compliance at the township's discretion.

Section 6. Prohibited Uses.

Land uses which are not listed in this section as a permitted use or as a conditional use shall be considered a prohibited use and shall not be allowed in this zoning district without following the amendment or variance procedures of these regulations.

Section 7. Height and Area Regulations.

The height and area regulations set forth in Articles 10 and 11 shall be observed.

Section 8. Road Maintenance.

Freedom Township shall not bear the burden of Road maintenance for any Commercial development not located on an existing maintained township road. A road maintenance agreement shall be in place and approved by the Board of Township Supervisors prior to Plat approval for roads that are located within lot developments or not otherwise specified.

ARTICLE 9
"M-1" Industrial District

Section 1. "M-1" Industrial District.

The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article are the regulations in the "M-1" Industrial District.

Section 2. Intent and Purpose.

This district is established for the purpose of providing for and guiding the orderly development of any industrial development within Freedom Township.

Section 3. Permitted Uses.

The following uses are permitted in the M-1 Industrial District:

- A. Carting, express, hauling or storage yard.
- B. Contractor's yard.
- C. Coal, coke or wood yard.
- D. Auto wrecking yards and junk yards but only when the premises upon which such activities are conducted are

wholly enclosed within a building or by a wooden fence not less than eight (8) feet in height and in which the openings or cracks are less than fifteen (15) percent of the total area.

- E. Petroleum storage, but only after the location and treatment of the premises has been approved by the Building Inspector, with a letter of approval from the State Fire Marshal.
- F. Industrial and manufacturing plants where the process of manufacturing or the treatment of materials is such that no measurable amount of dust, odor, gas, smoke or noise is emitted.

Section 4. Height and Area Regulations.

The height and area regulations set forth in Articles 10 and 11 shall be observed.

Section 5. Parking and Loading Regulations.

Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Article 12.

Section 6. Conditional Uses

The following conditional uses shall be permitted only after a special use permit has been issued by the Board of Township Supervisors in accordance with these zoning regulations:

- A. Acid manufacture.
- B. Cement, lime, gypsum, or plaster of paris manufacture.
- C. Distillation of bones and glue manufacture.
- D. Explosives manufacture or storage.
- E. Fat rendering and fertilizer manufacture.
- F. Garbage, offal, or dead animals, reduction or dumping.
- G. Refining of petroleum or its products.
- H. Smelting of tin, copper, zinc or iron ores.
- I. Stockyards or the slaughter of animals.

Section 7. Prohibited Uses.

Land uses which are not listed in this section as a permitted use or as a conditional use shall be considered a prohibited use and shall not be allowed in this zoning district without following the amendment or variance procedures of these regulations.

Section 8. Road Maintenance.

Freedom Township shall not bear the burden of Road maintenance for any industrial development not located on an existing maintained township road. A road maintenance agreement shall be in place and approved by the Board of Township Supervisors prior to Plat approval for roads that are located within lot developments or not otherwise specified.

**ARTICLE 10
TABLE OF HEIGHT AND AREA REQUIREMENTS**

The required height and area regulations are established and shown on the accompanying table which is Article 10.

District	Max Bldg Height (Stories)	Max Bldg Height (Feet)	Min Front Yard Depth (Feet)	Min Side Yard depth (Feet)	Min Lot size (Acres)	Min Lot Width (Feet)	# of Non-Farm Dwellings per quarter section of land
"R-1"	2.5	35	50	30	5	300	2
"M-1"	2.5	35	50	30	5	300	N/A
"C-1"	2.5	35	50	30	5	300	N/A
"A-1"	2.5	35	50	30	5	300	2

District	Min. Building Setback to Twnshp Rd or section line (ft from CL of Rd to nearest edge of Building)	Min. Shelterbelt & tree setback to Twnshp Rd or section line (ft from CL of road to edge of Developed trees)	Min. Building setback from A-1 zoned land to property line (ft)	Min Shelterbelt & tree setback from A-1&R-1 zoned lands (ft to edge of developed trees to property line)	Green Space (% of Lot)	Min. Building setback from residential property line Both sides
"R-1"	125	100	75	35	50	15
"M-1"	125	100	75	50	25	75
"C-1"	125	100	75	50	25	75
"A-1"	125	100	75	35	50	75

Ward County will be responsible for enforcing Ward County's setback policy on all county roads in Freedom Township.

**ARTICLE 11
HEIGHT AND AREA EXCEPTIONS AND MODIFICATIONS**

Section 1. Height.

- A. The height regulations prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, chimneys, elevator bulkheads, smokestacks, conveyors, flag poles, grain storage elevators, barns, shops buildings and other usual farm buildings.
- B. Public, semi-public or public service buildings, hospitals, institutions or schools, where permitted, may be erected to a height not exceeding 60 feet and churches and temples may be erected to a height not exceeding 75 feet when the required side and rear yards are each increased by one foot for each foot of additional building height above the height regulations for the district in which the building is located.
- C. The limitation on number of stories shall not apply to buildings used exclusively for storage purposes, provided such buildings do not exceed the height in feet permitted in the district in which they are

located.

ARTICLE 12
OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 1. Requirements.

In all districts there shall be provided at the time any building or structure is erected or structurally altered (except as specified in Section 2 of this Article), off-street parking spaces in accordance with the following requirements:

- A. Dwelling, including single, two and multiple family; one-parking space for each dwelling unit.
- B. Rooming or boarding house; one parking space for every two sleeping rooms.
- C. Fraternity or Sorority; one parking space for every bed.
- D. Private club or lodge; one parking space for every five members.
- E. Church or temple; one parking space for each eight seats in the main auditorium.
- F. School (except high school or college); one parking space for each four seats in the auditorium or main assembly room, or one space for each classroom, whichever is greater.
- G. College or high schools; one parking space for each four seats in the main auditorium or three spaces for each classroom, whichever is greater.
- H. Country club or golf club; one parking space for each five members.
- I. Community center, library, museum or art gallery; ten parking spaces plus one additional space for each 300 square feet of floor area in excess of 2,000 square feet.
- J. Hospital; one parking space for every four beds.
- K. Sanitarium, convalescent home, home for the aged or similar institution; one parking space for every six beds.
- L. Theater or auditorium (except school); one parking space for every five seats or bench seating spaces.
- M. Sports arena, stadium, or gymnasium; one parking space for every five seats or seating spaces.
- N. Hotel; one parking space for every three sleeping rooms or suite plus one space for every 200 square feet of

- commercial floor area contained therein. Plus one space for every 3 employees of the facility.
- O. Tourist home, cabin or motel; one parking space for each sleeping room or suite.
 - P. Dance hall, assembly or exhibition hall without fixed seats; one parking space for every 100 square feet of floor area used therefore.
 - Q. Business or professional office, studio, bank, medical clinic or dental clinic; three parking spaces plus one additional parking space for each 400 square feet of floor area over 1,000.
 - R. Bowling alley; five parking spaces for each alley.
 - S. Mortuary or funeral home; one parking space for each 50 feet of floor space in slumber rooms, parlors, or individual funeral service rooms.
 - T. Restaurant, night club, cafe or similar recreation or amusement establishment; one parking space for every 100 square feet of floor area.
 - U. Retail store or personal service establishment, except as otherwise specified herein; one parking space for every 200 square feet of floor area.
 - V. Furniture, appliance, or hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair or service shop; two parking spaces plus one additional parking space for every 300 square feet of floor area over 1,000.
 - W. Printing or plumbing shop or similar service establishment; one parking space for every three persons employed therein.
 - X. Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse, or similar establishment; one parking space for each two employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.

Section 2. Number of Parking Spaces.

In computing the number of such parking spaces required, the following rules shall govern:

- A. "Floor area" shall mean the gross floor area of a specific use.
- B. Where fractional spaces result, the parking spaces required shall be construed to the nearest whole number.
- C. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use

of similar nature.

- D. Whenever a building or use constructed or established after the effective date of this ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this ordinance is enlarged to the extent of 50 percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
- E. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

Section 3. Location of Parking Spaces.

All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located not to exceed 300 feet from an institutional building served and not to exceed 500 feet from any other non-residential building served.

- A. Not more than 50 percent of the parking spaces required for theatres, bowling alleys, dance halls, night clubs or cafes, and up to 100 percent of the parking spaces required for a church or school auditorium may be provided and used jointly by banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours; provided, however, that written agreement thereto is properly executed and filed as specified below.
- B. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement to assure their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form and executed by the States Attorney and shall be filed with the application for a building permit.

Section 4. Loading Spaces.

Every building or part thereof erected or occupied for retail business, service, manufacturing storage, warehousing, hotel, mortuary or any other use similarly involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain on the same premises loading space in accordance with the following requirements:

- A. In the "C-1" Commercial Districts and in the "M-1" Industrial Districts, one loading space for each 10,000 square feet or fraction thereof, of floor area in the building.

- B. In the "C-1" conditional resources, one loading space on the first 15,000 square feet or fraction thereof of floor area in the building and one additional loading space for each 15,000 square feet or fraction thereof, of floor area in excess of 15,000 square feet.

Section 5. Parking Space Size and Layout. (See Attachment 2)

**ARTICLE 13
SPECIAL USE**

In order to carry out the purposes of these regulations, the Board of Township Supervisors may require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, be reviewed by such Board prior to the granting of a building permit or certificate of occupancy therefore; and that the Board of Township Supervisors be, and is hereby given limited discretionary powers relating to the granting of such permit or certificate as special uses.

Section 1. General Provisions.

- A. The uses listed in this section are designated as special use, and no building permit or certificate of occupancy shall be issued by the Building Inspector until the application for such permit or certificate has been reviewed and authorized by the Board of Township Commissioners as provided in this Section 1.

- B. The Board of Township Supervisors shall not authorize the issuance of a building permit or certificate of occupancy until the applicant therefore has appeared at a public hearing on such application, notice of the time and place of which hearing has been given in the official Township

newspaper at least ten days prior to the date of such hearing.

- C. Before approving the issuance of a building permit or certificate of occupancy for a special use, the Board of Township Supervisors shall find:
 - 1. The proposed use is in harmony with the purpose of this regulation and comprehensive plan of Freedom Township.
 - 2. The proposed use will not adversely affect the health and safety of the public and the workers and residents, or farming in the area, and will not be detrimental to the use or development of adjacent properties or of the general neighborhood.
 - 3. The proposed use will comply with all appropriate regulations for the district in which it will be located.
 - 4. The proposed use will comply with all special regulations established by this section, and all special conditions necessary for the sanitation, safety, lighting and general welfare of the public.
- D. The Township Board of Supervisors (in all cases) is authorized to impose any conditions on the granting of a building permit or certificate of occupancy for a special use it deems reasonably necessary for the protection of the neighborhood and the general welfare of the public.
- E. The Township Board of Supervisors shall not authorize the location of a special use in any district from which it is prohibited.
- F. The Township Board of Supervisors shall refuse to authorize the issuance of a building permit or certificate of occupancy for any special use if the Board finds that such special use would fail to comply with any of the requirements of this regulation in this section.
- G. The Township Board of Supervisors shall require the applicant for authorization of a special use to furnish any engineering drawings or specifications, site plans, operating plans or any other data the board finds necessary to appraise the need for or affect of such special use.
- H. The Township Board of Supervisors may impose limitations, restrictions and/or conditions on the issuance of any special use permitted by this ordinance. If any such limitations, restrictions, and/or conditions which have been included as conditions of the issuance of a Special Use Permit are violated, a written warning will be issued

to the holder of the Special Use Permit to comply with the provisions of the permit. If the warning does not result in full compliance, the Township Board of Supervisors shall hold a hearing on such alleged violations and for which the holder of the Special Use Permit shall be given written notice at least 10 days in advance. Should the Township Board, after said hearing, find by a preponderance of the evidence that the holder of a Special Use Permit has failed to comply with limitations, restrictions and/or restrictions imposed by the Township Board pursuant to this ordinance, the Township Board may suspend or revoke the Special Use Permit or place further conditions on the Special Use Permit either temporary or permanent as the Board deems appropriate, prudent or necessary for the health, safety or welfare of neighboring persons or property or the Township as a whole.

- I. The holder of a Special Use Permit granted by the Township Board shall be the present operator of the special use on the property described in the permit. A Special Use Permit shall automatically be extended to the future operator or operators of the special use on the same property provided, however, that any and all limitations, restrictions or conditions imposed by the Township Board at any time on a given permit shall continue unaffected and undiminished under a new or different operator. A Special Use Permit shall be deemed to have expired if the special use is not conducted on the property named in the permit for a period of 12 consecutive months.

Section 2. Airport.

An Airport may be permitted as a special use.

Section 3. Cemetery.

A cemetery, mausoleum, columbarium or crematory may be permitted as a special use.

Section 4. Country Club or Golf Course.

Country club or golf course, except miniature course or practice driving tee operation for commercial purposes may be permitted as a special use.

Section 5. Drive-In Theater.

A drive-in theater may be permitted in "C-1" District as a special use, provided:

- A. No part of such theater shall be located closer to the boundary of any residential district than 1,320 feet, or closer to any highway or adjoining property line than 150 feet.
- B. The area accessible to patrons' vehicles shall be treated with a suitable material to prevent dust.
- C. Reservoir parking space off the street shall be provided for patrons awaiting admission in an amount not less than 10 percent of the vehicular capacity of the theater.
- D. The vehicular circulation shall be so designed and constructed as to permit only one way traffic within the boundaries of the tract on which the theater is to be located.
- E. Ingress and egress from the roadway shall be so designed and constructed as to provide for safe traffic movement.
- F. A structure for the sale and service of food and non-alcoholic beverages may be permitted as an accessory use for a drive-in-theater when approved by the governing health authority.

Section 6. Golf Driving Range, Miniature Golf Course, race track.

A golf driving range or miniature golf course, go-cart track, race track or other commercial recreational facilities of a similar nature, may be permitted as a special use provided:

- A. The area within 2640 feet of all boundaries of the lot is not an occupied residence.
- B. Any flood lights used to illuminate the premises are so directed and shielded as not to be an annoyance to any developed residential property, highways and streets.
- C. The Board of Township Supervisors shall grant only a temporary certificate of occupancy for a period not to exceed one year. Said certificate may be renewed at the expiration of each temporary certificate of occupancy for an additional year, and other standards established by this ordinance or special conditions imposed by the Board of Township Supervisors have been fully complied with.

Section 7. Temporary Uses.

The Board of Township Supervisors is authorized to grant the

certificate of occupancy for temporary uses as follows:

- A. For a carnival or circus in "A-1", "C-1", or "M-1" District or other areas approved by the Board of Township Supervisors, for period not to exceed 21 days.
- B. For a religious meeting in a tent or other temporary structure in "A-1", "C-1", "M-1, R-1 " District for a period not to exceed 60 days.
- C. Contractor's office and equipment sheds in any district for a period not to exceed two years; provided further, that such temporary certificate may be renewed for additional periods of one year.

Section 8. Trailer Camp.

A trailer camp may be permitted in a "C-1", "M-1" District as a special use, provided:

- A. The minimum total area of the premises shall be 10 Acres.
- B. The minimum unit area of premises used or occupied by each trailer shall be 5 Acres, clearly defined on the ground by stakes, posts or other markers.
- C. The minimum lane or driveway on which each individual trailer front shall be 20 feet in width surfaced with an all-weather surface and giving an unobstructed access to public street or highway.
- D. All entrances, exits, lanes and driveways between rows of trailers used or occupied in any trailer camp shall be lighted by electricity; at least one 150 watt light shall be provided for each 50 lineal feet of lane or driveway.
- E. No business shall be conducted in any trailer in any trailer camp.
- F. Every trailer camp, if in the opinion of the Township Planning Commission it is deemed necessary, shall have erected around its border suitable woven wire or open metal fence not less than five feet, nor more than six feet in height, having only necessary openings for ingress and egress to public street, highway or alley. Barbed wire shall not be used in the construction of any fence.
- G. All provisions for water supply, laundry, sewage, and fire protection to be provided in any trailer camp shall have been approved by the appropriate county, or state officer or agency.
- H. All setbacks from R-1 District will be obeyed.

Section 9. Taverns, Saloons, Etc.

Taverns, saloons, or other places where alcoholic beverages, as defined by law, are sold or consumed shall be in "C-1" Districts.

Section 10. Roadside Stands.

Roadside stands for the sale of agricultural products shall be located in areas only approved by the Board of Township Supervisors.

Section 11. Slaughter Houses or Meat Packing Facilities.

Slaughter House or meat packing facilities shall be located in an Industrial District only approved by the Board of Township Supervisors.

Section 12. Commercial Feed Lots or Others

Any commercial feed lots or other industry which may produce an obnoxious odor. Such facilities shall be located only in the area approved by the Board of Township Supervisors.

Section 13. Adult Entertainment Center.

Adult Entertainment Center is defined as: an "Adult Bookstore", "Adult Mini-Motion Picture Theater", or both, as defined herein.

A. Definitions applicable to this section:

1. ADULT BOOKSTORE: A bookstore having as a preponderance of its publications, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined in this subsection.
2. ADULT ESTABLISHMENT: An adult bookstore, an adult motion picture theater, an adult mini-motion picture theater, or a massage business, all as defined in this subsection.
3. ADULT MINI-MOTION PICTURE THEATER: An enclosed building with a capacity for less than fifty persons used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual

activities or specified anatomical areas as defined in this subsection, for observation by patrons of the theater.

4. ADULT MOTION PICTURE THEATER: An enclosed building with a capacity of fifty or more persons used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined in this subsection, for observation by patrons of the theater.
5. MASSAGE: The manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.
6. MASSAGE BUSINESS: Any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors.
7. SEXUALLY ORIENTED DEVICES: Without limitation any artificial or simulated specified anatomical area or any other device or paraphernalia that is designed in whole or in part for specified sexual activities.
8. SPECIFIED ANATOMICAL AREAS:
 - a. Less than complete and opaquely covered human genitals and pubic regions, buttocks, or female breasts below a point immediately above the top of the areola.
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
9. SPECIFIED SEXUAL ACTIVITIES:
 - a. Human genitals in a state of sexual stimulation or arousal.
 - b. Acts of human masturbation, sexual intercourse, or sodomy.
 - c. Fondling or other erotic touching of human genitals and pubic regions, buttocks, or female breasts.

B. An adult entertainment center shall be permitted only in

an "M-1" District (industrial district) and in no other district, and then only if the center meets the following conditions:

1. No building, premises, structure, or other facility that contains any adult establishment, as defined in subsection 1, shall contain any other kind of adult establishment.
2. No building, premises, structure, or other facility in which sexually oriented devices, as defined in subsection 1, are sold, distributed, exhibited, or contained shall contain any adult establishment, as defined in subsection 1.
3. The center is located no closer than 5,280 feet from any pre-existing church or school, or 2640 feet from any pre-existing occupied residence.
4. The center excludes from its premises those persons less than 18 years of age.
5. The center displays no signs visible from the exterior of the center, except for signs identifying the center as an adult bookstore or adult cinema.
6. No materials depicting specified sexual activities or specified anatomical areas shall be visible from the exterior of the center.
7. The manager and the owners of the center are registered with the Sheriff of Ward County and have provided him with such information as he reasonably may require with respect to their identities, including finger prints, and prior criminal records, if any.
8. The business premises of the center which is generally open to its patrons is open equally at the same time without charge to the Ward County Sheriff, and his deputies who may wish to enter thereon provided the entry is in the course of the discharge of the law enforcement officer's duties.

Section 14. Sanitary Land fill

Sanitary land-fill operations as approved by the Township Building Inspector and State Health Department.

Section 15. Other Uses.

Other uses not specifically provided for in a particular zoning district identified in this ordinance or any other provision of this article.

ARTICLE 14
NON-CONFORMING USES

Existing Uses: Any lawful use of the land or buildings existing at the date of passage of this resolution, and located in a district in which it would not be permitted as a new use under the provisions of this ordinance, is hereby declared to be a non-conforming use, and not in violation of this regulation at the date of adoption of such regulation. Provided, however, a non-conforming use shall be subject to, and the owner shall comply with the following regulations:

Section 1. Extension.

The non-conforming use of a building may be extended throughout any part of a building clearly designed for such use but not so used at the date of the adoption of the regulation. No non-conforming use may be extended to occupy land outside the building or any additional building not used for such non-conforming use at the date of adoption of this regulation. The non-conforming use of land shall not be extended, to any additional land not so used at the date of the adoption of this regulation.

Section 2. Additions, Repair, Alteration.

No building used for a non-conforming use shall be enlarged, extended, reconstructed or structurally altered unless the use is changed to one which complies with the provisions of this regulation. Provided, however, repairs and maintenance work may be carried out each year in an amount not to exceed 25 percent of assessed value of the building for that year but such repairs and maintenance work shall not increase the cubical content of the building nor the floor area devoted to the non-conforming use, nor shall it increase the number of dwelling units provided in a building. Nothing in this regulation shall be deemed to either prevent the strengthening nor the repair of a building which may be necessary to restore the building to a safe condition or to improve the sanitary conditions of the building.

Section 3. Destruction.

If any building in which there is a non-conforming use is damaged by fire, flood, explosion, wind, war, or other catastrophe, in an amount equal to or greater than 50 percent of its assessed valuation, it shall not be again used or reconstructed to be used for any use except one complying with the provisions of this regulation for the district in which it is located.

Section 4. Moving Buildings.

Any building in which there is a non-conforming use shall not be moved unless it is moved to a district in which the use for which the building was designed is permitted by this regulation. If any building in which there is a non-conforming use is moved any distance whatsoever, the building shall thereafter be used only in compliance with the provisions of this regulation for the district in which it is located.

Section 5. Change.

A non-conforming use may be continued in accordance with the provisions of this section, but it shall not be changed to any other use except the one which would be permitted as a new use in the district in which the building is located.

Section 6. Discontinuance.

- A. If, for any reason, a non-conforming use of land ceases for a continuous period of more than two years, the land shall thereafter not be used except in compliance with the provisions of this regulation for the district in which the land is located.
- B. If, for any reason, a non-conforming use of a building ceases for a continuous period of more than two years, the building shall thereafter not be used except in compliance with the provisions of this regulation for the district in which the building is located.

**ARTICLE 15
BOUNDARIES OF DISTRICTS**

Section 1. Interpretation of Boundaries:

The following rules shall apply to the boundaries of the zoning districts on the zoning district map.

- A. Where zoning district boundaries follow streets,

highways, roads, railroad lines, or extensions thereof, such boundary lines shall be the centerlines of those streets, highways, roads, railroad lines, or extensions thereof.

- B. Zoning district boundaries indicated as approximately following platted lot lines or other property lines shall be construed to follow such lines or extensions thereof.
- C. Zoning district boundaries which do not follow streets, highways, roads, railroad lines, property lines, or lot lines or extensions thereof shall be interpreted and determined by the Township Board.

Section 2. Rules Where Uncertainties May Arise.

Where uncertainties exist, with respect to the boundaries of the various districts as shown on the official zoning map and made a part of this ordinance, the following shall apply:

- A. The district boundaries are either streets or alleys, unless otherwise shown, and where the districts designated on the official map made a part of this ordinance are bounded approximately by streets or alley lines, the centerlines of such streets or alley lines shall be construed as being the boundaries of the district.

ARTICLE 16
ISSUANCE OF BUILDING AND OCCUPANCY PERMITS

Section 1. Enforcement, Building Permits, Approval of Plans.

A Building Inspector shall be appointed by the Freedom Township Board to enforce the provisions of this regulation.

- A. PERMITS: No structure of any kind used for residential, commercial or industrial purposes, including accessories thereto, shall hereafter be built, altered, or moved within the zoned area of Freedom Township until a building permit, alteration permit, or moving permit, in accordance with all township zoning ordinances, has been obtained from the office of the Building Inspector. Such permit shall be good only for one year from date of issuance and any construction beyond said date shall be with the approval of the Building Inspector. No permit is required for maintenance or repair of existing residences, commercial structures, or accessory structures which do not alter the strength or plan of said structure or its mechanical installations, but such maintenance or repair

shall comply with all requirements of this regulation. The Building Inspector shall have the authority to designate upon the alteration permit a specific time, not to exceed nine months, in which time remodeling of a structure must be completed. The Freedom Township Board of Supervisors, prior to the granting of a moving permit, shall hold a public hearing, due notice of which shall have been published once, at least ten days before the date of such hearing, in the official newspaper of the County of Ward. The cost of publication of such notice of hearing is to be paid by the party requesting the moving permit.

B. FEES: No permit, as required by said regulation, shall be issued until the fee prescribed by the Freedom Township Fee Schedule shall have been paid; nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure shall have been paid.

1. The Freedom Township Fee Schedule shall be established by resolution of the Freedom Township Board of Supervisors and modified from time to time in the judgment and discretion of the Freedom Township Board of Supervisors.

2. Before accepting any application for filing hereinafter mentioned, the Building Inspector shall charge and collect those fees prescribed by resolution of the Freedom Township Board of Supervisors:

a. All fees collected under provisions of this article shall be credited to the general fund of Freedom Township or by whatever agreement has been made by the Freedom Township Board to maintain the a Building Inspector.

b. If construction is not begun within said twelve(12) months after the date of issuance of the permit, said permit shall be canceled, unless the Freedom Township Board of Supervisors grant an extension of the same. In case of cancellation, the application and 50% of the inspection fee shall be returned to the applicant.

c. All structures hereinafter built, altered, or moved within the zoned areas of Freedom Township are subject to inspection by the Board of Township Supervisors and/or Building

Inspector representing Freedom Township.

- d. It shall be unlawful for any association, company, person, firm, cooperative, or corporation to use, or permit to use, or to supply electric current for electrical wiring for lights, heat, or power in any building or structure within the zoned area of Freedom Township, unless the required permits and a Certificate of Inspection and approval of such building, structure, and electrical circuits have been issued by the Board of Township Supervisors of Freedom Township or Freedom Township Building Inspector, or by an authorized representative thereof. The Certificate of Approval shall be attached to the electrical meter.

E. Any entity planning to build or construct a building without a building permit claiming an agriculture building exemption. By the discretion of the Freedom Township Board it is questionable as to whether or not building meets definition of an agriculture building Freedom Township or Building Inspector for Freedom Township shall request from building entity documentation and statement signed and dated by entity stating the building meets the definition of an agriculture building. If by findings of fact Freedom Township determines building fails to meet agriculture building definition building entity will cease construction and file correct building permit as required by Freedom Building inspector. If entity fails to comply a fine of 250 dollars a day will be levied on entity from date of notice to date of compliance. Entity will be responsible for any expenses and attorney fees incurred by Freedom Township to resolve entity's non compliance.

F. Before approval of a Building Permit for a use other than farming, additional impacts to Freedom Township Roads will be considered by the Building Inspector or Freedom Township. By discretion of Freedom Township a Maintenance Agreement may be required between Freedom Township and proper representatives of entity requesting building permit before building permit can be granted. County and State Entities will be notified of impacts to their roads as a result of implications of a Building Permit. Building Permit will not be approved until Ward County or State of North Dakota concerns have been addressed and they recommend approval.

Section 2. Construction Requirements, Single-Family and Multiple-Family Living Units and Accessory.

All structures or parts of structures used for single-family

dwelling units, multiple-family units, commercial structures and accessory structures thereto shall be designed and constructed in such a manner as to comply with the following requirements:

For the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, and maintenance of residential structures and accessories thereto within the zoned areas of Freedom Township, that certain building code shall be the same as the North Dakota State Building Code as identified in Section 54-21.3-03 of the North Dakota Century Code and amendments thereto and on file in the office of the Freedom Township Building Inspector and the same are hereby adopted and incorporated as fully as if set out at length herein; and, from this date on which this regulation shall take effect, the provisions thereof shall be controlling in the construction of all residential structures or accessories thereto constructed, reconstructed, altered, or moved within the zoned areas of Freedom Township.

Section 3. Construction Requirements, Commercial Structures and Accessories Therein.

For the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, and maintenance of commercial and industrial structures and accessories thereto within the zoned areas of Freedom Township, that certain building code shall be the same as the North Dakota State Building Code as identified in Section 54-21.3-03 of the North Dakota Century Code and amendments thereto and on file in the office of the Freedom Township Building Inspector and the same are hereby adopted and incorporated as fully as if set out at length herein; and, from this date on which this regulation shall take effect, the provisions thereof shall be controlling in the construction of all commercial and industrial structures or accessories thereto constructed, reconstructed, altered, or moved within the zoned areas of Freedom Township.

Section 4. Bond Requirements.

No structure of any kind used for residential, commercial, or industrial purposes, shall be moved into the zoned area or within the zoned area covered by this ordinance until a bond has been posted with the Freedom Township in an amount sufficient to construct such improvements, the amount to be determined by the Township Building Inspector and the form and surety of the bond to be approved by the Township Building Inspector. Until a bond has been posted with the Building Inspector, no permit shall be issued by the Building Inspector.

ARTICLE 17
SANITARY REQUIREMENTS

Section 1. Inspection.

After the adoption of this ordinance, no building other than those used for farming in the zoned areas of Freedom Township shall hereafter be erected, reconstructed, moved, or any work started upon same until proper permits have been obtained from the Building Inspector as provided by this ordinance. The building inspector shall not issue a permit until the following has been determined:

- A. Source of Water Supply: Whenever a building is to be and not connected to an approved water supply, evidence shall be submitted showing that the system to be provided is considered as being safe and satisfactory by the State Health Department or other designated agency.

- B. Sewage Disposal: Whenever a building to be erected is not connected to a sanitary sewer system, approved by the State Health Department, evidence shall be submitted showing that the system and the method of disposal are considered satisfactory by the State Health Department. Such information shall include leaching capabilities of the particular soil in question.

SECTION 2: Sanitary regulations:

All residential, commercial or industrial structures shall conform to the North Dakota health regulations as they refer to wells, irrigation, septic and sanitary systems.

ARTICLE 18
REGULATIONS GOVERNING THE SUBDIVISION OF LAND
WITHIN THE ZONED AREAS OF CERTAIN PARTS OF THE
UNINCORPORATED PORTION OF WARD COUNTY

Section 1. Purpose.

In order to provide for the proper arrangement of streets in relation to other existing and planned streets; to provide for adequate and convenient open spaces, for recreation, for light and air; in order to avoid congestion of population; in order to provide for traffic, for utilities, for access of fire-fighting apparatus; in order to provide for and improve the public health, safety and general welfare of the Freedom Township, the following rules and regulations for the plating and subdivision of zoned land within the

Freedom Township are made part of this regulation in accordance with the laws of the State of North Dakota:

Section 2. Procedure.

Before preparing the general plan of a subdivision, the subdivider should consult informally with the Freedom Township Board of Supervisors concerning the relation of his property to existing conditions, future plans, community facilities, utilities and services.

Section 3. Tentative Approval.

- A. The subdivider shall apply to the Freedom Township Board of Supervisors for tentative approval of a subdivision plat.
- B. Eight prints of the preliminary plan of the subdivision shall be filed with the Freedom Township Board of Supervisors at the time application for tentative approval is made. The plat shall comply with the provisions of Section 5, Item A, of this Article. Fees charged for the filing of a subdivision plat shall be paid in full, on the basis of estimated number of lots created, at the time of application for tentative approval.
- C. The Freedom Township Planning Commission shall approve, approve conditionally or disapprove such preliminary plat. If approved with modification or waiver of certain requirements by the Planning Commission, the reasons therefore shall be specified. If approved conditionally, the conditions and reasons therefore shall be stated. In any conditional approval, the Planning Commission may require the sub divider to submit a revised preliminary plat. If disapproved, the reasons for that action shall be stated, and if possible, the Planning Commission shall make recommendations on the basis of which the proposed subdivision may be approved.
- D. The action of the Planning Commission shall be entered on the official records of the Planning Commission, including any conditions imposed and the reasons for any disapproval of a preliminary plat. The approval or disapproval of the Planning 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 Commission.
- E. Tentative approval of a preliminary plat by the Planning 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.

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

Section 4. Design Standards.

A. Streets and Alleys.

1. The arrangement, character, extent, width, grade and location of all streets shall conform to the Master Plan and shall be considered in relation to existing and planned streets, to topographical conditions, and to the proposed uses of lands to be served thereby.
2. Minor streets shall be so laid out that their use by through traffic is discouraged.
3. Where a subdivision abuts or contains an existing or proposed major street, the Planning Commission may, at its discretion, require marginal access streets, reverse frontage of lots with a screen planting contained in a no-access reservation along the rear property lines, deep lots with rear service alleys, or other treatment that it deems advisable to give adequate protection to residential properties and afford separation of through and local traffic.
4. Street jogs shall be avoided.
5. A tangent at least 100 feet long shall be introduced between reverse curves on major and secondary streets.
6. When connecting street lines deflect from each other by more than ten degrees, they shall be connected by a curve of adequate radius to insure clear visibility for all vehicles.
7. Intersecting streets shall be laid out at as nearly right angles as possible, and no such angle of intersection shall be less than 60 degrees.
8. Property lines at street intersections shall be rounded with a radius of ten feet, or of a greater radius where the Planning Commission may deem necessary. The Planning Commission may permit chords or cut-offs in place of rounded corners.
9. Unless otherwise shown on the plat, right-of-way

standard widths shall be as follows:

<u>Class of Road</u>	<u>Right of Way</u>
County Roads	150ft. (75 from center line)
Township Roads, Section Lines & maintained Twp Rd by prescription	66 ft. (33' from centerline)
Frontage Roads:	80 ft. (40' from centerline)
Rural Subdivision Roads:	80 ft. (40' from centerline)

In order for Freedom Township or Ward County to acquire property or an easement from a land owner, Freedom Township or Ward County must meet the following conditions. Except for a subdivision requiring internal streets, frontage roads, utility easements, green space and any other land requirements as described in Article 18, Section 4, number 18,D. Public Sites and Open Spaces.

A. The land acquired must have a specific immediate use designated by Freedom Township or Ward County at the time of taking of property or easement.

B. Freedom Township or Ward County must designate a specific public problem that is being solved or specific public improvement being implemented needed to provide for public health and safety as a result of the taking of property or easement.

C. The acquired land in question must be used to solve the problem mentioned in B.

D. Eminent Domain can be used as a tool by Freedom Township or Ward County but above conditions A through C shall be adhered to.

E. Freedom Township and Ward County shall not have the authority to require additional dedication or donation of right of way of property abutting areas of existing right of ways. Any additional acquired right of way property shall be pursuant to North Dakota statutory procedures.

10. Subdivisions shall be of design as to provide building setbacks, per setback ordinance (Article 10).
11. Half-streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other standards of these regulations, and where the Freedom Township Planning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Whenever there exists a half-street adjacent to a tract to be subdivided, the other half shall be platted within

such tract.

12. Dead-end streets designed to be permanently without outlet shall be no longer than 500 feet, and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 120 feet.
13. No street names will be used that will duplicate or be confused with the names of existing streets. Streets that are now or will eventually be continuations of existing streets shall be called by the names of the existing streets.
14. All streets shall have a grade of not less than 0.5 percent. No major street shall have a grade in excess of 8 percent and no other street shall have a grade in excess of 10 percent, or as the Zoning Board shall approve.
15. The width of all residential alleys shall be 20 feet; all other alleys shall be 30 feet.
16. Dead-end alleys should be avoided, but if unavoidable, shall be provided with 50 feet in diameter turn-around facilities at the closed end.
17. Minimum road standards for township subdivision roads:
 - a. Culvert design frequency 25 years
 - Culvert diameter minimum 18 inches
 - b. Graded roadbed width 30 feet
 - c. Right-of-way width 66 feet
 - d. Slopes (in, out and back) 4' to 1'
 - e. Base of ditch width 5 feet
 - f. Road bed elevation 1 foot above side terrain
 - g. Depth of roadbed gravel 6 inches
 - h. Maximum gradient 7 percent and up to 10 percent if not longer than 300'
 - i. Cul-de-sac radium 60' of road surface plus additional 25' of boulevard to equal 85'
 - j. Finished road surface width 24 feet
 - k. Ditch depth shall be a minimum of two feet below shoulder of new road. If curb and gutter is used, the ditch requirements will be eliminated.
 - L. Approaches will be placed in a manner to be spaced apart 100 feet for each 10 miles per

hour posted road speed. Freedom Board will use this as a recommendation.

18. The platting of land for a rural subdivision that includes roads shall have the roads built to the minimum design standards (definition found in paragraph 20). The building of the roads is a condition precedent to the recording of the plat. The submitter proposing the rural subdivision shall be required to provide an estimate of the costs to build said road along with a preliminary plan and profile drawing with the preliminary plat for review by the Township Planning Commission. Upon approval of the estimate and preliminary plan by the Township Planning Commission, the submitter will be allowed to post a bond with the submission of the final plat for recording, to assure building of the road. The road will be required to be designed and inspected by a professional engineer so that a certification can be provided at the completion of the road construction. The certification shall provide language that the road was built to generally accepted construction standards including the minimum design standards contained herein.

B. Easements.

1. Easement across lots or centered on rear or side lot lines shall be provided at least ten feet wide where necessary for overhead or underground utilities.
2. 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 or parkways may be required in connection with such drainage easement.

C. Blocks.

1. Residential block length should usually not exceed 1,000 feet nor be less than 300 feet.
2. The width of blocks shall generally be sufficient to allow two tiers of lots.
3. Blocks intended for business and industrial use should specifically be designated for such purposes with adequate space set aside for off-street parking and delivery facilities.

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

D. Public Sites and Open Spaces.

1. Where deemed essential by the Planning Commission upon consideration of the type of development proposed in the subdivision, and especially in large-scale neighborhood unit developments not anticipated in the Comprehensive Plan, the Planning 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 schools, parks and other neighborhood purposes.

Section 5. Specifications for Plats.

A. The preliminary plat shall contain the following:

1. Proposed name of subdivision.
2. Location by section, township and range, or by other legal description.
3. Names and addresses of developer and surveyor who made the plat.
4. Scale of plat, which shall be one inch equals 100 feet.
5. Date.
6. North point indication.
7. Boundary line of proposed subdivision indicated by a solid heavy line.
8. Total acreage within subdivision.
9. Name, location and width of all existing or prior platted streets, indication of type and width of surfacing thereon; name, dimensions and location or railroad and other utility right-of-way, parks and other public open spaces, permanent buildings or structures, corporation boundaries and section lines within or adjacent to the subdivision.
10. 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.
11. Existing zoning of proposed subdivisions and adjacent tracts, in zoned areas.
12. Boundary lines of adjacent tracts of subdivided and unsubdivided land, showing owners.

13. Contours with a minimum contour of one foot for all subdivisions.
14. Layout of proposed streets, alleys, crosswalks, and easements, showing all widths and proposed street names.
15. Layout, numbers and dimensions of lots.
16. Parcels of land intended to be dedicated or reserved for public use, or set aside for use of property owners of subdivisions.
17. Building setback lines, showing dimensions.
18. A key map at a scale of 1 inch equals 400 feet or less, showing the boundary of the proposed subdivision and covering the area within a half-mile radius thereof.
19. One hundred year flood zone, flood way and recorded flowage easements.

B. Final Plat.

1. The final plat shall be submitted on 18 x 24 mylar provided that when more than one sheet is required, the number of sheets in the set shall be shown on each sheet. The final plat shall contain the following:
 - a. Name of subdivision.
 - b. Location by section, township and range, or other legal description.
 - c. Names of owners and surveyor.
 - d. Scale, which shall be 1 inch equals 100 feet and shall be shown graphically.
 - e. Date.
 - f. North point indication.
 - g. Boundary line of subdivision based on an accurate traverse with angular and lineal dimensions indicated.
 - 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 angles and distances to the nearest established street lines or official monuments (not less than 3) which shall be accurately described on the plat.
 - j. City, township, county or section lines accurately tied to the boundary lines of the subdivision by distance and angles.
 - k. Radii internal angles, points of curvature; tangent bearings and lengths of all arcs.
 - l. All easements for right-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 of concrete, 6 inches by 6 inches by 30 inches, with an iron pipe cast in the center. One such monument shall be placed at each corner and in 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 purposes indicated thereon; and any area to be reserved by deed covenant for common use of all property owners.
- p. Building setback lines, accurately shown with dimensions.
- q. Certification by registered surveyor to the effect that the plat represents survey made by him, and that the monuments shown thereon exist as located and that all dimensional and geodetic details are correct.
- r. 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.
- s. Proper form for the approval of the Planning Commission.
- t. Proper form for acceptance of plat, and amendment of Master Plan by Board of township Supervisors.

C. Protective Covenants.

1. 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 County Recorder at the same time the final plat is recorded.
2. Additional requirements for all subdivision and

outlot plats:

- a. State Plane Coordinates for a minimum of two corners of the platted parcel shall be indicated on the plat within six (6) inches. Whenever possible, the State Plane Coordinates indicated on the plat shall include the end points of the longest baseline on the plat.
- b. The coordinate basis shall be the North American Datum of 1983 Zone 3301 (North Dakota - North). Units used in State Plane Coordinates shall be U.S. Survey Feet (1m=39.37 inches).
- c. The name of the National Geodetic Survey Station used to establish State Plane Coordinates for the platted parcel, along with the Station's State Plane Coordinate, shall be indicated on the plat.
- d. An Appropriate scale factor for converting distances shown on the plat to distances consistent with the State Plane Coordinate System shall be indicated on the plat to a minimum of eight (8) decimal places.
- e. An electronic copy of the plat in AutoCAD format shall be submitted with the hard copies of all plats to be supplied to the County Engineer by the Planning Commission Secretary. The coordinate basis of the electronic drawing file shall be the North American Datum of 1983 Zone 3301 (North Dakota - North).

Section 6. Outlot and Subdivision Plat Approval.

- A. Final plats of outlots and subdivisions of land located within the boundaries of the district(s) covered by this Ordinance shall be approved by the Freedom Township Board of Supervisors with the procedures described in North Dakota Century Code Section 11-33.2-12 and/or as it may be amended. The Freedom Township Planning Commission is hereby empowered to investigate and to conduct public hearings into the public use and interest proposed to be served by proposed plats and to consider the public health, safety and welfare elements of NDCC 11-33.2-12 paragraph 3 and, if relevant, the potential effect on the value of adjoining property in making a recommendation for approval or disapproval to the Freedom Township Board of Supervisors. No outlot or subdivision plat of land included within the boundaries of the zoning districts

covered by this Ordinance shall be recorded in the office of the Ward County Recorder until approved by the Freedom Township Board of Supervisors.

- B. A parcel of land of 40 acres or more, or land to be used for farming shall not require a plat so long as it is not irregularly shaped, can easily be described, and has access from a public road.

Section 7. Vacation.

Vacation of subdivisions, plats, outlots, streets or alleys or any part thereof, shall be with the approval of the Freedom Township Board of Supervisors and shall conform to the rules as the Freedom Planning Commission may set forth.

Section 8. Variances.

A. Hardship.

1. 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 would result in retarding the achievement of the objective of these regulations, then the Freedom Township Board of Supervisors 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.
2. 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 street; in no case shall it be in conflict with existing zoning regulations.
3. In granting variances, modification or waivers, the Freedom Township Board of Supervisors may require such conditions as will in its judgment; secure substantially the objectives of the standards and regulations so affected.

Section 9. Effective Date.

This ordinance shall be in full force and effect from and after its

passage, publication and recordation as provided by law.

Section 10. Amendments.

- A. The Freedom Township Board of Supervisors may, from time to time, amend this ordinance by supplementing, changing, modifying, or repealing any of the regulations, restrictions, or other provisions thereof, or of district map, or the districts on said map, or of the boundaries of such districts. A proposed amendment may be initiated by proceedings as established by Chapter 11-33 of the North Dakota Century Code
- B. These regulations may be changed or amended by the Freedom Township Board of Supervisors after a public hearing, due notice of which shall have been given in the official newspaper of Freedom Township, at least ten days before the date of such hearing.
- C. These regulations, and any amendments thereto, shall have a notice published, and shall be recorded with the County Recorder in the appropriate county or counties, as provided by law.

Section 11. Severability.

If any section, paragraph, clause or phrase of this ordinance is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Freedom Township Board of Supervisors hereby declare that it would have passed this regulation and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be declared invalid or unconstitutional.

Section 12. Township Board to Act as Board of Appeal.

- A. Separate Hearings.
 - 1. Any person aggrieved by any provision of this ordinance, or any amendment thereto, may, within sixty (60) days after the taking effect of such provision, petition for a separate hearing thereon before the Freedom Township Board of Supervisors. The petition shall be in writing and shall specify in detail the ground of the objections. The petition shall be filed with the Freedom Township Clerk. A hearing thereon shall be held by the Board no sooner than ten (10) days, nor longer than forty

(40) days, after the filing of the petition with the Township Clerk who shall notify the petitioner of the time and place of the hearing. At this hearing the Freedom Township Board of Supervisors shall consider the matter complained of and shall notify the petitioner, by registered mail, what action, if any, it proposes to take thereon. The provisions of this action shall not operate to curtail or exclude the exercise of any rights or powers of the Freedom Township Board of Supervisors or any citizen.

B. May Adjust Enforcement.

1. The Freedom Township Board of Supervisors is authorized to adjust the application or enforcement of any provision of this ordinance in any specific case where literal enforcement of such provision would result in great practical difficulties, unnecessary hardships, or injustice, so as to avoid such consequences, provided such action shall not be contrary to the public interest or the general purposes hereof.

C. Appeals to District Court.

1. Any person or persons jointly or severally aggrieved by a decision of the Board of Township Supervisors, under this ordinance, may appeal to the district court in the manner provided in Chapter 11-11 of the North Dakota Century Code, as amended.

D. Appeal to the Board of Township Supervisors:

1. For each appeal from an order, requirement, decision, or determination of the building inspector in the administration or enforcement of the provisions of this regulation, a deposit covering cost of legal notices must accompany the appeal.

Section 13. Enforcement and Legal Procedure.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, the proper authorities of the County, or any person the value or use of whose property is or may be affected by

such violation, in addition to other remedies, may institute any appropriate action or proceedings in equity to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land or to prevent any illegal act, conducted business, or use in or about such premises.

Section 14. This Ordinance Not to Affect Farming.

No part of this ordinance shall be construed as prohibiting or restricting the use of land or buildings for farming or any normal incidents of farming.

Article 19

FREEDOM TOWNSHIP

WARD COUNTY
NORTH DAKOTA

2013
COMPREHENSIVE PLAN

Introduction

This comprehensive plan has been prepared as a statement for land use management for Freedom Township in Ward County, North Dakota. The plan is designed to help guide responsible land use planning and control. Freedom Township, Ward County, North Dakota is in the midst of great change. The development surrounding the oil extraction from the Bakken oil fields has turned western North Dakota from a quiet agricultural area to a non-stop center of activity. Freedom Township is not immune to these changes. New land uses, oil well development, and increased traffic all have impacted the Township and its residents. In response to this changing landscape, the Freedom Township Board of Supervisors has engaged in creating this Comprehensive Plan. This Plan will serve as a guide for managing future development and enable the citizens to create an orderly development process. Visions, goals, and values laid out in this plan were articulated by community members through questionnaires and a public meeting.

This Plan incorporates the vastly changing needs and attitudes of the township, promotes the agricultural heritage of the township and acknowledges that development in support of the growing oil industry presents new challenges and opportunities for the township.

Population

Freedom Township has an average residence density of four (4) persons per square mile. Population increases are also noted within the last decade. According to the 2010 census, the increase in the census tract where Freedom Township is located is attributable to the Bakken oil development. It is anticipated that population growth will continue for the foreseeable future.

The population of Freedom Township was at a high of 418 in 1930. The population of the township was 136 in 1986. The population of the Township was 134 according to the 2000 census. According to the 2010 census, the population of Freedom Township was 135.

Housing

The number of housing units has decreased since 1980 from 70 to 52 in 2000. These numbers illustrated the older and abandoned properties have been removed over the years. There are approximately 48 housing units in Freedom Township, as of 2013. Overall, the housing in Freedom Township is of good quality with many new homes just completed during the last few years. Older homes are also generally in good condition – with some exceptions.

Climate, Topography, and Natural Resources

1. Weather. The area has long, cold winters. Temperatures are often below freezing, with five months of the year having a monthly mean temperature below freezing. Strong winds frequently cause blizzard conditions, even with light snowfalls,

especially in open areas. Snowing, blowing, and drifting is common. On average, there are 90 days each year in which there is at least one inch of snow on the ground. The frost-free growing season in the Township statistically last 122 days. The first freeze in the fall usually occurs in the third week of September.

2. Landscape. Soil types generally found in the Township include Williams loam, Max loam and Bowbells loam. These soil types are generally well-suited for farming. Slopes in the Township range from A (flat) to C (rolling). The southwest triangle of the Township contains more sloughs, greater slopes and smaller crop fields. Lands in the southwest of the Township are primarily used for farming, pasture and haying. The remainder of the Township is used primarily for farming.

Infrastructure, Transportation, Public Facilities and Services

1. Although the Township does have one major highway, several County Roads and Townships roads complete the road network within the Township. Most roads in the Township are graded. US Highway 83 runs north-south through the Township. This highway serves as a major corridor through central North Dakota. County Road 20 is also a major thoroughfare. Traffic throughout the Township has increased dramatically over the past 10 years.

2. Most potable water in the Township is obtained from North Prairie Rural Water. There is no central wastewater system within the Township. Private septic tanks and drainfields are used. Septic permits are issued by the State of North Dakota.

3. Freedom Township is located in the South Prairie School District. The school district has approximately 220 elementary school students (2013). However, significant student growth is anticipated. Construction of a high school has been discussed but has not been undertaken at the time this plan was adopted.

4. Law enforcement for the Township is provided by the Ward County Sheriff's Department. The Township is served by the Minot Rural Fire Department.

Economy and Employment

1. The principal economic activity in Freedom Township is agricultural and agriculture support businesses. The township has limited commercial or industrial development mainly due to the proximity of the Minot area. Freedom Township is located near enough to other area communities and the Minot area for residents to commute to work there.

2. Ward County's unemployment rate has remained relatively low for many years. The average 2000 unemployment rate was 4.1%. Freedom Township's major long-term employer is the farming industry. Recently, petroleum and gas exploration and production has increased in the region. This has led to temporary,

to some extent, permanent jobs in that industry in the Township. Per capita income for Freedom Township, was \$29,342 in 2000. The 2011 inflation-adjusted per capita income (estimated) was \$39,451.

Existing Land Use

The existing land use in Freedom Township is primarily agricultural, although there are both farms and nonfarm dwellings in the Township. The Township has limited commercial buildings. Freedom Township's proximity to surrounding areas and the Minot area make it attractive for non-farm residential development.

Goals, Objectives, and Policies

1. **GOAL** – Preserve the Township's agricultural heritage

OBJECTIVES – (1) Preserve prime farmland in an organized transition by using the land use controls provided in this Comprehensive Plan and its corresponding zoning ordinance when making all land use decisions. (2) Support farms by being active in legislation affecting agriculture and industrial usage; send letters from the Township Officers to state and federal officials involved in the decision.

POLICIES – (1) Support agricultural and appropriate farm programs. (2) Support and equitable agricultural land taxation. (3) Discourage and control residential developments which interfere with farming. (4) Encourage siting public facilities and utility easements in locations which would minimize interference with farming.

2. **GOAL** – Protect public health, safety, and welfare by deterring incompatible land uses from harming conforming land uses

OBJECTIVES – (1) Refer to this plan to determine if land use requests are consistent with the natural resources. (2) Adopt a zoning ordinance consistent with this plan. (3) Use the zoning ordinance provisions to prevent incompatible land uses. (4) Acquire soil surveys from soil conservancy offices.

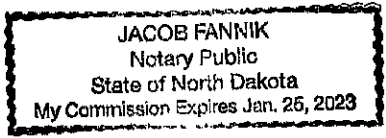
POLICIES – (1) Discourage nonagricultural development that hinders use of fertile soils for agricultural purposes. (2) Prevent undesirable, incompatible land uses from locating in the Township unless they meet appropriate conditions. (3) Make land use decisions in accordance with this plan. (4) Deter offensive and incompatible land uses from locating near dwelling and communities.

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF WARD ()

I, [Signature], the Chairman of
Freedom Township, North Dakota, do hereby certify that the foregoing
is a true and correct complete copy of an ordinance no.4 adopted by
the Board of Township Supervisors of Freedom Township; and that a
copy thereof has been filed with the office of the Recorders and
will be available to the public for inspection and copying thereat
from and after this date.

May 31 - 2022
[Signature]

Notary Public Seal



[Signature]