

15 if no such index is published as of December 15), shall be above 10% (using the average for the years 1947-1949 as a base), the maximum levy permitted by subdivision 1 or by charter shall be increased by  $\frac{1}{3}$  percent for each of the first 6 points that said index may be increased and by one percent for each additional point increased above 6. A fractional point increase shall be disregarded if less than one-half point and treated as one point if one-half point, or more.

Approved April 21, 1953.

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CHAPTER 578—H. F. No. 1889

*An act relating to compensation of county commissioners in certain counties; amending Laws 1943, Chapter 402, Section 1, as amended.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Laws 1943, Chapter 402, Section 1, as amended by Laws 1949, Chapter 413, Section 1, is amended to read:

Section 1. **Stearns County; county commissioner; salary, mileage.** The salary and compensation of each county commissioner in any county now or hereafter having a population of not less than 70,000 nor more than 75,000, shall be \$1,725 per year. In addition thereto each commissioner shall receive \$5.00 per day for each day necessarily occupied in the discharge of official duties while acting on any committee under the direction of the board, and  $7\frac{1}{2}$  cents for each mile necessarily traveled in attending meetings of the board or upon committee work. The total per diem and mileage paid to any commissioner in any year shall not exceed the sum of \$700. This total is in addition to his salary of \$1,725. The chairman of the county board shall receive  $7\frac{1}{2}$  cents for each mile necessarily traveled in going to the county seat to sign warrants during recess of the board.

Approved April 21, 1953.

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CHAPTER 579—H. F. No. 1901

*An act to authorize cities of the first class now or hereafter having a population of 450,000 or over to regulate the uses of real property therein; amending Minnesota Statutes 1949, Section 462.18.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1949, Section 462.18, is amended to read:

462.18 **Regulation of buildings, Minneapolis.** For the purpose of promoting the public health, safety, order, convenience, prosperity and general welfare, any city of the first class in the state acting by and through its governing body, may by ordinance regulate the location, size, and use of buildings, the height of buildings, the arrangement of buildings on lots, and the density of population therein, may make different regulations for different districts thereof, and may acquire or prepare and adopt a comprehensive city plan for such city or any portion thereof for the future physical development and improvement of the city, in accordance with the regulations made as aforesaid, and may thereafter alter the regulations or plan, such alterations, however, to be made only after there shall be filed in the office of the city clerk a written consent of the owners of two-thirds of the several descriptions of real estate situate within 100 feet of the real estate affected, and after the affirmative vote in favor thereof by a majority of the members of the governing body of any such city; provided, however, that notwithstanding any resolution, ordinance or law conflicting herewith, the governing body of any such city, by an affirmative two-thirds vote in favor thereof, may by resolution grant a permit for the construction of additions, extensions or improvements to any hospital which is being actually operated and maintained on the premises which it occupies on the date of the passage of this section; provided, further, that whenever the city planning commission or board shall make recommendation in writing to the governing body of any such city for altering the regulation or plan, with respect to a more restricted use of any real estate within 1,000 feet of a public park, which park contains not less than 50 acres, located near or adjacent to the waters of a navigable lake, covering an area of not less than 1,000 square miles, the governing body, by a two-thirds vote of all its members, may alter the regulation or plan in accordance with the recommendation of the city planning commission or board.

*Provided, further, that the governing body of any city of the first class, now or hereafter having a population of 450,000 or over, by a two-thirds vote of all its members in favor thereof, may, after hearing, adopt a new zoning ordinance or plan or amend or alter any existing zoning ordinance or plan without such written consent whenever the planning commission or planning board of such city shall have made a survey of the whole area of the city or of an area of not less*

than 40 acres, within which the new ordinance or plan or the amendments or alterations of the existing ordinance or plan would take effect when adopted, and shall have found that the number of descriptions of real estate affected by such changes and alterations renders the obtaining of such written consent impractical, and such planning commission or planning board shall affirm in writing that its proposals in any case are reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use, and shall have conducted a public hearing on such proposed ordinance, changes or alterations, of which hearing published notice shall have been given in a daily newspaper of general circulation at least once each week for three successive weeks prior to such hearing, which notice shall state the time, place and purpose of such hearing, and shall have approved such proposed ordinance, changes or alterations by a two-thirds vote of all its members and recommended in writing to the governing body the adoption of such proposed ordinance, changes or alterations.

In any such city now or hereafter having a population of 450,000 or over in which the governing body shall have heretofore adopted or shall hereafter adopt such a zoning ordinance or plan, the governing body may also provide thereby for the regulation of the use of lands or buildings, for the classification of dwellings, for the regulation of the minimum proximity of future buildings or uses in commercial or industrial districts or zones to adjoining multiple dwelling or residence districts or zones, and may prohibit the extension or improvement of or conversion of existing structures into any or all classes of dwellings, in areas included in heavy industrial districts, when in the judgment of such governing body industrial development so warrants.

In any such city now or hereafter having a population of 450,000 or over in which by any local rule or ordinance the use of any land, or the construction or use of any building located within a zoned district, shall have been made conditional upon the applying for and obtaining the governing body's consent thereto, no such application shall be denied except by action of the city council in writing adopted by the governing body after a public hearing on such application, which denial shall state the reasons for such denial.

Sec. 2. It is the intent of the legislature that the provisions of this act are separable and if any provisions shall be held unconstitutional, such decision shall not affect the remainder of this act.

Approved April 21, 1953.