

ORDINANCE NO. 425

An Ordinance of the City of Rolla amending in its entirety "Section II. General Provisions" of Ordinance No. 310, a Zoning and Subdivision Ordinance in regards to sub-section H. Conditionally Permitted Uses and "Section V. Administration and Enforcement Subsection B. Planning and Zoning Commission and Subsection C. Board of Adjustments.

BE IT ORDAINED by the City Council of The City of Rolla, Rolette County, North Dakota:

Section II, (General Provisions) of Ordinance No. 310 adopted February 2, 1981, is hereby amended by replacing sub-section H (Conditionally Permitted Uses) in its entirety with the following language:

Applications for approval of a conditional use shall be submitted to the Rolla Planning and Zoning Commission.

The Rolla Planning and Zoning Commission shall hold a public hearing before action is taken on the application for approval of a conditionally permitted use. Notice of said hearing shall be published in the official newspaper of general circulation at least two weeks prior to the hearing.

No application for a conditional use shall be granted unless the Planning and Zoning Commission shall find all of the following conditions present.

1. The conditional use will not be detrimental to or endanger the public health, safety of general welfare.
2. The existing permitted uses in the neighborhood will not be in any way substantially impaired or diminished by the establishment of the conditional use.
3. The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or being provided.
5. The conditional use shall conform to all applicable regulations of the district in which it is isolated.
6. Based upon their findings of the above listed conditions, the Planning and Zoning Commission shall grant or deny a conditional use.

Section V (Administration) of Ordinance No. 310 adopted February 2, 1981, is hereby amended by replacing sub-section B (Planning and Zoning Commission) in its entirety with the following language:

B. Planning and Zoning Commission

1) Membership:

- a) The Planning and Zoning Commission shall consist of not more than ten members, of the ten members one member shall be a resident living in the one-half mile non-incorporated area. The executive officer, the engineer, and the attorney of the municipality shall be ex-officio members of the commission.

2) Duties Under This Code:

- a) Establish rules and procedures for administrating the Zoning Ordinance.
- b) Hold public hearings on all applications for subdivision plats, amending the "Zoning District Map" and the text of these regulations.
- c) Recommend approval, denial or modification of all applications for amendment after the public hearing to the City Council.

- d) Publish notice of the public hearings in the official municipal newspaper of general circulation at least two weeks prior to the said hearing.
- e) Initiate and review from time to time a study of the provisions of these regulations and make recommendations to the City Council.
- f) Review, update and implement the Rolla Comprehensive Plan.
- g) May issue a variance only as permitted in the Ordinance.
- h) May issue conditional use permits as permitted in this ordinance.

Section V (Administration) of Ordinance No. 310 adopted February 2, 1981, is hereby amended by replacing sub-section C (Board of Adjustment) in its entirety with the following language:

C. Board of Adjustment

1) Membership

- a) The Board of Adjustment consisting of five members shall be appointed by the City Council in accordance with the provisions of Chapter 40-47-07 of the North Dakota Century Code. The appointing authority may remove any member of the Board for cause after a hearing.

2) Duties Under This Code:

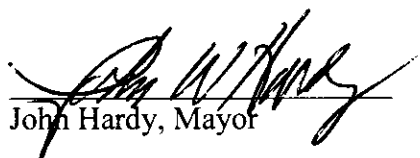
- a) Hear the appeal of any person, firm, or organization aggrieved by the decision or ruling of the code administrator. The code administrator shall transmit to the Board of Adjustment all records on which his decision was based.
- b) Fix a reasonable time for the hearing of the appeal and publish notice of said hearing in the official municipal newspaper of general circulation at least two week prior to the hearing.
- c) Hear and decide appeals where there is allegedly errors in the administration of the ordinances.
- d) Hear and decide on variance from these regulations as will not be contrary to the public interest, where the literal enforcement of the regulations will result in undue hardship to an individual, family or business. The concurring note of the majority shall uphold or reverse the order or decision of the Code Administrator. The Board shall record the grounds for its decision.

Section 1: Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 2: Effective Date. This Ordinance shall be in full force and effect from and after final passage.

First Reading: May 20, 2020

Second Reading/Approved: June 17, 2020

  
John Hardy, Mayor

Attest:  
  
Carolynn Orey, City Auditor