# ORDINANCE NO. 506

## AN ORDINANCE AMENDING TITLE 19 OF THE CITY OF ROLLA CODE RELATING TO ZONING, SUBDIVISION REGULATIONS, VARIANCES, BUILDING PERMITS, AND RELATED PROCEDURES

## BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, NORTH DAKOTA:

**Construction of Amendments.** Only provisions amended or added by this ordinance are set forth below. Each substantive provision specifically set forth below, whether an entire section, subsection, paragraph, subparagraph, definition, or other numbered or lettered provision, is amended and reenacted in its entirety as shown. A section heading included solely for identification and organization does not, by itself, indicate that the entire section is being replaced. Any language formerly contained within a substantive provision specifically reproduced below that is not included in the amended text is repealed and shall have no further force or effect. All provisions of Title 19 not specifically amended, repealed, or added by this ordinance shall remain unchanged and in full force and effect.

### 19.01.010 Authority

The authority for this Title is granted by Chapters 40-47 and 40-48 of the North Dakota Century Code. Plats and subdivision documents shall also comply with Chapter 40-50.1 of the North Dakota Century Code and other applicable state law.

### 19.01.050 Definitions

16. Design Standards: Are the specifications to land owners or subdividers for the preparation of plats, indicating among other things the optimum, minimum, or maximum dimensions of such items as right-of-way, blocks, easements and lots.

50. Reserved.

63. Subdivision: The division of a tract or parcel of land into lots for the purpose, whether immediate or future, of sale or building development, and any plat or plan that 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 the creation of new or enlarged parks, playgrounds, plazas, or open spaces.

66. Variance: A limited relaxation of a dimensional or physical requirement of the zoning regulations, including requirements relating to height, area, lot size, yards, setbacks, parking, loading, or open space, granted because unique physical conditions of the property create practical difficulty or unnecessary hardship in complying with the strict terms of this Title. A variance shall not authorize a use prohibited in the zoning district or be used as a substitute for rezoning.

### 19.02.070 Development

The following activities or uses do not constitute development and do not require a building permit prior to commencement of construction:

3. The use of land or existing buildings for the normal incidents of farming, including ranching, dairy, and general agriculture. Buildings used for agricultural purposes shall be

subject to building permit and North Dakota State Building Code requirements only to the extent required by applicable state law. Nothing in this exemption shall relieve agricultural property or structures from compliance with otherwise applicable zoning requirements of this Title.

### 19.02.110 Land Suitability

No land shall be divided, subdivided, or developed for a use that is unsuitable because of soil limitations, inadequate drainage, flood hazard, topography, or another physical condition likely to be harmful to the health, safety, or welfare of future occupants, surrounding property, or the community.

For a subdivision, land suitability shall be considered as part of the plat review required by Section 19.06.030. The applicant shall provide maps, data, and other information reasonably requested by the City to evaluate land suitability. A separate pre-application land-suitability determination shall not be required.

### 19.02.130 Non-Conforming Uses

1. Alterations: Lawful non-conforming uses of land or buildings existing at the date of adoption of these regulations may continue, provided no structural alterations except normal maintenance are made and such non-conforming uses are not extended to occupy a greater area of land than occupied at the time of adoption, except as permitted by subsection 4 of this Section or as otherwise required by state law.

4. Property Destruction:

   a. Except as provided in paragraph b, a non-conforming structure destroyed or damaged by less than fifty percent (50%) of its fair market value may be reconstructed within one (1) year of the casualty. If damaged by fifty percent (50%) or more of its fair market value, the structure shall be reconstructed in accordance with these regulations.

   b. Notwithstanding paragraph a or any other provision of this Title, a non-conforming structure devoted to residential use and located in a residential zoning district may be repaired, replaced, improved, maintained, restored, or rebuilt in its entirety even though damaged beyond fifty percent (50%) of its value if all of the following requirements are satisfied:

      i. An application for a building permit is submitted within six (6) months after the date the damage occurs;

      ii. Restoration begins within one (1) year after the date the damage occurs;

      iii. The lot or parcel upon which the residential structure is located abuts a public right-of-way; and

      iv. The repaired, replaced, restored, or rebuilt structure does not:

         (1) Occupy a portion of the lot that was not occupied by the damaged structure;

         (2) Have more square footage than the damaged structure;

         (3) Exceed the height or number of stories of the damaged structure;

         (4) Diminish the number of off-street parking spaces located on the property from the number existing before the damage;

         (5) Violate existing building or fire codes;

         (6) Violate existing sanitary or health standards imposed by the local health district;

         (7) Pose a risk to public health or safety;

(8) Encroach upon a public right-of-way; or

(9) Encroach upon neighboring property.

c. Expansion of a non-conforming residential structure described in paragraph b is prohibited unless the expansion complies with applicable zoning ordinances and state law. A non-conforming structure may not be moved unless the relocation will bring the structure into compliance with applicable zoning ordinances.

d. Repair, replacement, restoration, rebuilding, or expansion of non-conforming uses and structures in floodplain areas shall remain subject to applicable floodplain management requirements. The City shall issue a building permit for a qualifying non-conforming residential structure when required by North Dakota Century Code Section 40-47-05.1.

**19.02.160 Zoning Variances**

1. Scope. A zoning variance may be granted only from dimensional or physical requirements of this Title. A variance shall not permit a use that is prohibited in the applicable zoning district, change the zoning classification of property, or be used as a substitute for a zoning amendment.
2. Application. An application for a zoning variance shall be filed with the Code Administrator and shall identify the specific requirement from which relief is requested, the extent of the requested variance, and the facts supporting the request.
3. Planning and Zoning Commission Review.
   a. The Planning and Zoning Commission shall hold a public hearing on the variance application and shall make a recommendation to the City Council.
   b. Notice of the Planning and Zoning Commission hearing shall be provided in accordance with the City's public meeting notice requirements and applicable law. Newspaper publication shall not be required unless specifically required by state law or another provision of this Title.
   c. The Planning and Zoning Commission shall state the grounds for its recommendation and shall make written findings based upon the evidence presented.
4. Standards. A zoning variance may be approved only if the City Council finds, based upon the record, that:
   a. Because of exceptional narrowness, shallowness, shape, topography, or other extraordinary physical conditions unique to the property, strict application of the regulation would create practical difficulty or unnecessary hardship;
   b. The hardship or difficulty relates to the property itself and is not based solely upon the personal or economic circumstances of the applicant;
   c. Granting the variance will not be contrary to the public interest, materially detrimental to public health, safety, or welfare, or substantially injurious to neighboring property;
   d. The variance will not confer a special privilege that is inconsistent with the limitations placed upon other similarly situated property;
   e. The requested relief is the minimum variance reasonably necessary to address the practical difficulty or unnecessary hardship; and
   f. The spirit and general purpose of this Title will be observed and substantial justice will be done.

5. City Council Action. After receiving the Planning and Zoning Commission recommendation, the City Council shall consider the variance application at a regular or special meeting. The City Council may approve, approve with conditions, or deny the variance. A separate public hearing before the City Council shall not be required unless otherwise required by law or directed by the City Council. The City Council shall state the grounds for its decision, and written findings supporting the decision shall be included in the City records.
6. Conditions. In approving a variance, the City Council may impose reasonable conditions necessary to protect neighboring property, secure the public interest, or ensure that the relief granted remains consistent with the purpose of this Title.
7. Judicial Review. Any judicial appeal authorized by law from a final City Council decision on a zoning variance shall be taken in accordance with North Dakota Century Code Section 28-34-01 and other applicable law.

**19.02.170 Amendments to Zoning Regulations**

The procedures set forth in this section apply to amendments, supplements, changes, modifications, or repeals of zoning regulations, zoning district classifications, the Zoning District Map, or zoning district boundaries. Amendments to subdivision regulations contained in Chapter 19.06 shall be governed by Section 19.06.090.

1. Initiation of Amendment. A proposed zoning amendment may be initiated by the City Council on its own motion, upon recommendation of the Planning and Zoning Commission, or upon petition by an interested person or the person's authorized agent.
2. Planning and Zoning Commission Review and Public Hearing.
   a. A proposed zoning amendment shall be referred to the Planning and Zoning Commission before final action by the City Council.
   b. The Planning and Zoning Commission shall prepare a preliminary report and hold at least one public hearing on the proposed amendment before submitting its final report to the City Council.
   c. Notice of the Planning and Zoning Commission public hearing shall be provided in accordance with the City's public meeting notice requirements and applicable state open meeting law. The notice and agenda shall be posted at the City's principal office and at the meeting location and, if the City maintains a website, on the City's website, and shall otherwise be filed and provided as required for public meetings. Publication of the Planning and Zoning Commission hearing notice in the official newspaper is not required unless newspaper publication is specifically required by another provision of this Title or by state law.
   d. Following the public hearing, the Planning and Zoning Commission shall submit its final report and recommendation to the City Council. The report shall state the grounds for the Commission's recommendation and shall include written findings supporting the recommendation.
   e. The Planning and Zoning Commission shall submit its final report within ninety (90) days after referral unless the City Council approves an extension. The City Council shall not hold its required zoning public hearing or take final action on the amendment until it has received the final report of the Planning and Zoning Commission.

3. City Council Public Hearing and Action.
   a. After receiving the final report of the Planning and Zoning Commission, the City Council shall hold a public hearing on the proposed zoning amendment. A copy of the proposed amendment shall be filed with the City Auditor before the hearing.
   b. Notice of the City Council public hearing shall be published in the City's official newspaper once a week for two (2) successive weeks before the hearing. The notice shall contain:
      i. The time and place of the hearing;
      ii. A description of any property involved in a zoning change, by street address if streets have been platted or designated in the affected area;
      iii. A description of the nature, scope, and purpose of the proposed amendment; and
      iv. A statement of the times at which the proposed amendment will be available for public inspection and copying at the office of the City Auditor.
   c. Following the public hearing, the City Council may approve, deny, or modify the proposed amendment.
   d. The City Council shall state the grounds upon which a requested zoning amendment is approved or denied, and written findings supporting the decision shall be included in the City's records.
4. Protest. If a protest against a proposed zoning amendment or repeal is timely filed and signed by the owners of twenty percent (20%) or more:
   a. Of the area of the lots included in the proposed change; or
   b. Of the area adjacent to the property proposed to be changed, extending one hundred fifty (150) feet from the area to be changed and excluding the width of streets;

the amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the City Council, as provided by state law.

5. Publication and Filing Following Adoption. Following adoption of a zoning amendment, the City shall file a certified copy of the adopted regulation, restriction, or boundary with the City Auditor and shall publish notice of the adopted amendment in the City's official newspaper. The notice shall describe the nature, scope, and purpose of the amendment and shall state the times at which the amendment will be available for public inspection and copying at the office of the City Auditor. The City shall also complete any additional publication, filing, or other requirements applicable to adoption of a City ordinance.

**19.06.010 Introduction**

1. Purpose: The purpose of these regulations is to promote the health, safety, and general welfare of the City of Rolla; provide for the orderly division and development of land; promote appropriate land-use density; and provide for adequate access, transportation, utilities, drainage, public services, and other facilities necessary for the orderly development of the City.
2. Authority: These subdivision regulations are adopted pursuant to Chapter 40-48 of the North Dakota Century Code. All plats shall also comply with the applicable requirements of Chapter 40-50.1 of the North Dakota Century Code.

**19.06.030 Procedure for Subdivision Approval**

1. Submission of Plat.
   a. A person proposing a subdivision of land subject to this Chapter shall submit a final plat to the Code Administrator for review and consideration by the Planning and Zoning Commission.
   b. The final plat shall be prepared and certified by a registered land surveyor and shall comply with the applicable requirements of this Title and Chapter 40-50.1 of the North Dakota Century Code.
   c. The plat shall contain a clear title sufficient to identify the property being platted. Nothing in this Title requires the word "Subdivision" to appear in the title or name of a plat. An outlot, lot, tract, parcel, or other land designation permitted by applicable law may be used.
   d. The plat shall contain the name and address of the individual to whom notice of the Planning and Zoning Commission hearing is to be sent, together with all other information required by applicable state law and these regulations.
2. Planning and Zoning Commission Hearing and Action.
   a. Upon submission of the plat, the Planning and Zoning Commission shall hold a public hearing before acting upon the plat.
   b. At least five (5) days before the hearing, notice of the time and place of the hearing shall be sent by registered mail to the address identified on the plat. Public notice of the hearing shall also be provided in accordance with the City's public meeting notice requirements. Publication of notice in the City's official newspaper shall not be required for consideration of an individual subdivision plat unless otherwise required by state law.
   c. Within thirty (30) days after submission of the plat, the Planning and Zoning Commission shall approve or disapprove the plat unless the applicant waives the thirty-day requirement and consents to an extension. If the Commission does not approve or disapprove the plat within the required period and the applicant has not waived the deadline, the plat shall be deemed approved, and the Commission shall issue a certificate to that effect upon demand.
   d. The Planning and Zoning Commission shall state the grounds upon which the plat is approved or disapproved, and written findings supporting its decision shall be included in the Commission's records.
3. City Council Review and Final Approval.
   a. Following approval by the Planning and Zoning Commission, the plat shall be submitted to the City Council together with a copy of a title insurance policy or an attorney's opinion of title, running to the benefit of the City and stating the name of the owner of record, as required by state law.
   b. The City Council may consider and act upon the plat at a regular or special City Council meeting. A separate public hearing or newspaper publication shall not be required for City Council consideration of an individual subdivision plat unless otherwise required by state law.
   c. In considering the plat, the Planning and Zoning Commission and City Council shall consider the prospective character of the development of the property and the surrounding territory as required by state law.
   d. The City Council may approve or deny the plat.

4. Endorsement, Recording, and Renewal.
   a. Required endorsements shall include the Chairman of the Planning and Zoning Commission and such other certifications or approvals required by state law. The plat shall also contain the following City approval:

      Approved this _____ day of _____, _____.

      _____
      Mayor, City of Rolla

      Attest:

      _____
      City Auditor

   b. Following final approval, the plat shall be filed for record with the Rolette County Recorder within six (6) months after final City Council approval, unless the City Council approves an extension of the recording period.

   c. The City Council may extend the recording period before it expires or may renew the approval of a plat after the recording period has expired without requiring an additional Planning and Zoning Commission hearing if the City Council makes written findings that:
      i. The Planning and Zoning Commission previously approved the same plat following the hearing required by law;
      ii. The plat proposed for recording is materially identical to the plat previously approved;
      iii. There has been no material change in the plat, applicable law, surrounding property, or other circumstances that reasonably warrants additional Planning and Zoning Commission review; and
      iv. Renewal of the approval is consistent with the public interest.

   d. If the City Council determines that the plat has been materially changed or that circumstances warrant additional review, the plat shall be processed as a new application under this Section.

   e. The City Council may, by resolution, confirm and renew the approval of a plat that was recorded after expiration of the original recording period if the findings required by paragraph c are made. This renewal authority applies to plats approved before or after the effective date of this provision.

   f. Except as provided in paragraph e, a plat that is not recorded within the required recording period or an approved extension shall not thereafter be recorded or relied upon as an approved plat until its approval has been renewed under this subsection.

**19.06.070 General Provisions**

1. Jurisdiction: These subdivision regulations shall apply to all subdivisions of land located within the corporate limits of the City of Rolla, North Dakota, and within the City's one-half (1/2) mile extraterritorial subdivision jurisdiction.
2. Compliance:
   a. No land subject to these subdivision regulations shall be subdivided unless the subdivision has been processed in accordance with Section 19.06.030.
   b. A final subdivision plat shall be approved by the Planning and Zoning Commission and the City Council and recorded with the appropriate County Recorder before any parcel created by the subdivision is transferred or sold, except as otherwise permitted by law.

c. No building permit shall be issued for a parcel created by subdivision after the effective date of these regulations unless the subdivision is in compliance with these regulations.

d. No excavation, construction, or installation of public or private improvements required as part of a subdivision shall commence except in conformity with the approved plat, these regulations, and all applicable permits.

7. Reserved. Variances from the subdivision regulations are governed by Section 19.06.080.

**19.06.080 Variances from Subdivision Regulations**

1. General. The Planning and Zoning Commission may grant a variance from a requirement of the subdivision regulations when strict compliance would result in practical difficulty or extraordinary hardship because of the particular physical surroundings, shape, topography, or other unique conditions of the property and when the purposes of the subdivision regulations may be served by an alternative proposal.
2. Required Findings. A variance from the subdivision regulations shall not be granted unless the Planning and Zoning Commission makes written findings, based upon the evidence presented, that:
   a. The variance will not be detrimental to public health, safety, or welfare or injurious to neighboring property;
   b. The practical difficulty or hardship results from conditions unique to the property and not merely from inconvenience or the personal or economic circumstances of the applicant;
   c. The variance is consistent with the zoning regulations, the purposes of the subdivision regulations, and the proper development of the area;
   d. The variance will not confer a special privilege inconsistent with the limitations placed upon other similarly situated property; and
   e. The relief granted is the minimum reasonably necessary to address the practical difficulty or hardship.
3. Planned Unit Developments. If a planned unit development of more than ten (10) acres in single ownership is proposed, detailed site plans showing access, streets, buildings, parking facilities, recreational facilities, landscaping, and proposed use and occupancy shall be submitted to the Planning and Zoning Commission. After a public hearing, the Commission may waive one or more subdivision requirements, except requirements for installation of improvements, or impose additional conditions if it finds that the development plan enhances good design, environmental amenity, and efficiency of public services and provides adequate open space and improvements for circulation, parking, recreation, education, and service needs. The Commission may require covenants, financial guarantees, or other legal assurances reasonably necessary to ensure completion of the approved plan.
4. Conditions. In approving a subdivision variance, the Planning and Zoning Commission may impose reasonable conditions necessary to substantially secure the objectives of the subdivision regulations.
5. Procedure.
   a. A request for a subdivision variance shall be submitted in writing to the Code Administrator and shall state the specific requirement from which relief is requested and the facts supporting the request.

b. The Planning and Zoning Commission shall hold a public hearing before acting on the request. Notice shall be provided in accordance with the City's public meeting notice requirements and applicable law. Newspaper publication shall not be required unless specifically required by state law or another provision of this Title.

c. The Planning and Zoning Commission shall approve, approve with conditions, or deny the request and shall include its written findings in the Commission records.

**19.06.090 Amendments to Subdivision Regulations**

1. Amendments, supplements, modifications, or repeals of the subdivision regulations contained in this Chapter shall be processed separately from amendments to zoning regulations under Section 19.02.170.
2. Before an amendment to the subdivision regulations is adopted, the Planning and Zoning Commission shall hold a public hearing as required by Chapter 40-48 of the North Dakota Century Code.
3. Notice of the Planning and Zoning Commission hearing shall be provided in accordance with the City's public meeting notice requirements and applicable state law. Publication of the hearing notice in the City's official newspaper shall not be required unless specifically required by state law.
4. Following the public hearing, the Planning and Zoning Commission shall adopt, modify and adopt, or reject the proposed subdivision regulation or amendment by resolution and shall transmit its action to the City Council.
5. A subdivision regulation or amendment shall not become effective unless it has been adopted by the Planning and Zoning Commission following the required public hearing and enacted by the City Council as part of this Title. If the City Council proposes a material change to the subdivision regulation or amendment adopted by the Planning and Zoning Commission, the proposed change shall be referred back to the Planning and Zoning Commission for further action before final enactment.
6. Following final adoption and enactment, the subdivision regulations shall be published as required by law. A copy shall be certified by the City Council and filed for record by the Planning and Zoning Commission with the Rolette County Recorder, as required by Chapter 40-48 of the North Dakota Century Code.

**19.08.010 Rolla City Council**

1. Duties Under This Code:
   a. Approve or deny final subdivision plats and building permits as provided by this Title.
   b. Act upon amendments to zoning regulations and the Zoning District Map after completion of the procedures required by Section 19.02.170, and enact subdivision regulations and amendments after completion of the procedures required by Section 19.06.090.
   d. Approve all building permits except those residential building permits for proposed construction, additions, or alterations involving two thousand five hundred (2,500) square feet or less, which may be approved by the Code Administrator as provided by this Title.
   e. Decide applications for zoning variances as provided by Section 19.02.160.

**19.08.030 Planning and Zoning Commission**

2. Duties Under This Code:

a. Establish reasonable rules and procedures for administration of this Title consistent with applicable law.

b. Hold public hearings on subdivision plats as required by Chapter 40-48 of the North Dakota Century Code; hold public hearings on proposed zoning amendments as required by Chapter 40-47 of the North Dakota Century Code; hold public hearings on zoning variance applications and subdivision variance requests as provided by this Title; and hold such other public hearings as required by this Title or applicable law.

c. Approve or disapprove subdivision plats and make written findings as required by law; recommend approval, denial, or modification of proposed zoning amendments to the City Council; and adopt subdivision regulations and amendments as provided by Section 19.06.090.

d. Provide notice of public hearings in the manner required for the particular matter under consideration. Notice of zoning amendment hearings shall be provided as set forth in Section 19.02.170. Notice of subdivision plat hearings, subdivision variance hearings, and hearings on amendments to subdivision regulations shall be provided as set forth in Chapter 19.06. Notice of zoning variance hearings shall be provided as set forth in Section 19.02.160.

g. Hold hearings and make recommendations to the City Council on zoning variance applications as provided by Section 19.02.160, and decide requests for variances from subdivision regulations as provided by Section 19.06.080.

**19.08.070 Code Administrator**

2. Duties Under This Code:

a. Receive and file applications for subdivision plats, zoning variances, subdivision variances, amendments to this Title, amendments to the Zoning District Map, appeals under Chapter 19.12, and building permits.

f. Approve residential building permits for proposed construction, additions, or alterations involving two thousand five hundred (2,500) square feet or less, provided the proposed work complies with this Title and all other applicable City requirements.

**19.08.090 Building or Development Permits and Fees**

1. **Permit Required.** It shall be unlawful for any person to begin any development, construction, alteration, demolition, or other activity for which a permit is required by this Title without first obtaining the required permit.
2. **Building Code.** The City shall administer and enforce the North Dakota State Building Code, as adopted and amended pursuant to Chapter 54-21.3 of the North Dakota Century Code, to the extent applicable to construction within the City's jurisdiction. Nothing in this section shall require application of the State Building Code to a building or activity exempt from the State Building Code under applicable state law.
3. **Building Permit Fees.** Building permit fees shall be as follows:

a. Residential construction with a value of up to $5,000: **$30.00**.

b. Residential construction with a value of $5,001 through $25,000: **$60.00**.

c. Residential construction with a value exceeding $25,000: **$60.00 plus $0.05 per square foot of the proposed construction, addition, or alteration**.

d. Commercial construction with a value of up to $25,000: **$120.00**.

e. Commercial construction with a value exceeding $25,000: **$120.00 plus $0.10 per square foot of the proposed construction, addition, or alteration**.

f. Construction within the City's one-half (1/2) mile extraterritorial jurisdiction: **$30.00 flat fee**, unless another fee established by this section is expressly made applicable.

g. Demolition or removal: **Residential — $30.00; Commercial — $120.00**.

4. **Work Commenced Without Permit.** If work for which a permit is required is commenced before the required permit is obtained, the otherwise applicable permit fee shall be doubled. Payment of the doubled permit fee does not relieve the owner, contractor, or other responsible person from complying with this Title, the North Dakota State Building Code where applicable, or any other applicable law or ordinance, and does not preclude enforcement under Section 19.08.130.
5. **Posting of Permit.** A copy of the building permit shall be securely posted at the construction site in a location visible from the exterior during the period of construction.
6. **Required Notices.** Each building permit issued by the City shall contain all notices required by state law, including any notice required by Chapter 54-21.3 of the North Dakota Century Code concerning compliance with the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities.

### 19.12.010 Appeals Types

Appeals may be taken from an order, requirement, decision, or determination made by an administrative official charged with enforcement of this Title, or from a final decision of the Planning and Zoning Commission for which no other review or approval procedure is specifically established by this Title or applicable law.

This Chapter shall not be used to obtain relief that is required to be sought through a zoning amendment, zoning variance, subdivision plat, or other procedure specifically established elsewhere in this Title.

### 19.12.030 Appeals Procedure

1. Filing. An appeal shall be filed in writing with the City Auditor within fifteen (15) days after written notice of the decision being appealed. The notice of appeal shall identify the decision appealed from, state the grounds for the appeal, and be accompanied by any required filing fee.
2. Record. The officer or body from whose decision the appeal is taken shall promptly transmit to the City Auditor the papers and records upon which the decision was based.
3. Appeals from Administrative Officials. If the appeal is from a decision of the Code Administrator or another administrative official, the Planning and Zoning Commission shall hold a public hearing and make a recommendation to the City Council. Notice of the hearing shall be provided in accordance with the City's public meeting notice requirements and applicable law. Newspaper publication shall not be required unless specifically required by state law or another provision of this Title.

4. Appeals from Planning and Zoning Commission. If the appeal is from a final decision of the Planning and Zoning Commission, the matter shall proceed directly to the City Council and shall not be referred back to the Commission for a recommendation on its own decision.
5. City Council Hearing and Decision. The City Council shall hold a public hearing on the appeal after due notice to the parties. Notice shall be provided in accordance with the City's public meeting notice requirements and applicable law. Newspaper publication shall not be required unless specifically required by state law or another provision of this Title. Any party may appear in person, by agent, or by attorney.
6. Authority on Appeal. The City Council may affirm, reverse, or modify the decision appealed from and may exercise the authority of the officer or body from whom the appeal is taken to the extent permitted by law. An appeal under this Chapter shall not be used to grant a zoning variance or other relief for which this Title establishes a separate application procedure.
7. Findings and Notice. The City Council shall issue a written decision stating the grounds for its action and any findings required by law. The decision shall be transmitted to the appellant and filed with the City Auditor.
8. Stay. Filing an appeal stays further proceedings on the decision appealed from unless the officer from whom the appeal is taken certifies that a stay would cause imminent peril to life or property. In that event, proceedings shall not be stayed except by appropriate order of the City Council or a court of competent jurisdiction.
9. Judicial Review. Any judicial appeal authorized by law from a final City Council decision under this Chapter shall be taken in the manner and within the time provided by North Dakota Century Code Section 28-34-01 and other applicable law.

**PLANNING AND ZONING COMMISSION ACTION**

Public hearing held: September 29, 2026.

Following the public hearing, the Rolla Planning and Zoning Commission:

☒ Recommended approval of the proposed zoning amendments to the City Council; and

☒ Adopted the proposed amendments to the subdivision regulations and recommended their enactment by the City Council.

Planning and Zoning Commission action taken on September 29, 2026.

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**Chair, Rolla Planning and Zoning Commission**