

vaging yard. There are exceptions, a trucking firm situated on the east side of the high school and a bulk petroleum dealer next to the cemetery and several storage buildings or open storage areas scattered about although most are again in close proximity to the railroad tracks. The map of existing land uses indicates where these uses are located.

PUBLIC/SEMI-PUBLIC

This land use category includes all community oriented facilities. Public land uses are owned and operated by the city and include such things as schools, parks, libraries, governmental offices, etc. Semi-public uses include privately owned facilities which benefit a major segment of the population and include parochial schools, clubs, and churches. In addition to these uses within the city, there are several uses outside the city proper. These are the airport, the sewage lagoon, and the city landfill. A large portion within this category is made up of the fairgrounds on the south end of town and other recreational spaces (approximately 57.6 acres). Semi-public uses comprise 5.2 acres or 1% of the total land developed within the city for this category of uses.

TRANSPORTATION LAND USE

All transportation facilities within the city, combine to make up the largest land use consumers of any category (30%). The streets use up the largest amount of land (121.4 acres). This includes streets, alleys, and both highways #281 and 30. Approximately another 27 acres are devoted to the railroad right-of-way. In addition to this, is the airport just north of town. It too is an important part of the total transportation system. In 1979, the runway was extended and an overlay added to facilitate the increased use of the airport by small aircraft.

GENERAL LAND USE PATTERNS

The overall pattern of Rolla is characterized by mixed uses west of the railroad tracks that extend north and south adjacent to this area. Primarily to the east is the Central Business District. Residential areas, schools, and various community facilities surround this business core.

Movement of businesses to highway frontage locations has begun to gain in importance. The limited expansion area of the Central Business District has contributed to the spreading out of commercial development away from Main Street. The trend has not been towards a self-contained shopping area but instead has been in the direction of a commercial strip along the east and west ends of the city.

Due to the small-block grid pattern of streets in Rolla, a large proportion of land is devoted to streets and highway right-of-ways. Streets comprise the largest single use of land accounting for over 25% of the total developed area, practically as much as all the residential and industrial development combined.

As noted earlier, the bulk of land inside the city limits and also within the planning area is undeveloped--23.4 percent for the city and 80 percent for the total planning area. Most of this is used for farming while a small amount is for urbanized uses. The city has significant amounts of vacant land within the platted area of town that may be used for development. Platted vacant lots should allow for moderate growth to the year 2000.

MAJOR PROBLEMS

Several major problems in the pattern of existing land use development are apparent in Rolla. These are summarized on the following page.

- 1) There are several examples of undesirable mixtures of land uses that are apparent. Scattered commercial uses, utilities, storage yards, etc; within residential or other areas detract from their amenities and value. Orderly arrangement of these activities can be achieved in the future through zoning.
- 2) Closely related to the above mentioned problems is the lack of a unified business area which offers adequate parking and shopper amenities within one integrated shopping area. Instead, recent trends have produced a scattering of business along U.S. Highway 281 in an unplanned and uncoordinated manner.
- 3) The railroad and U.S. Highway 30 divide the city north and south. Together, they tend to act as barriers to movement and rational development by cutting off parts of the city from the rest. There are several businesses that have located in a scattered pattern west of these barriers. This has resulted in a mixture of land uses that are incompatible from functional, municipal services, aesthetic, and traffic points of view. An appropriately planned area would not be in conflict with development of the Central Business District and would increase the utilization of land more efficiently. This would also remove problems of high volume traffic loads, noise, appearance, and incompatibility of residential, commercial and industrial land uses.

One planning objective should be, therefore, to integrate development in such a way as to reduce the separation of similar activities and provide a more cohesive highway commercial and industrial core to the city. Another planning objective should be for the city to adopt a Master Street Plan, providing a framework on which to guide the redevelopment or expansion of this area.

LAND USE PRINCIPALS AND OBJECTIVES

The following general planning principles and objectives were used as a basis to formulate the Land Use Plan:

- 1) The basis of land use segregation is to achieve compatibility and to locate, in close proximity, uses which are mutually re-enforcing from economic, aesthetic and livability points of view. Future community growth should usually occur in areas contiguous to existing development to facilitate economical expansion of utilities and community services. In general, vacant parcels of land in areas already partly developed should be utilized before new construction starts on raw land.

- 2) The Central Business District should be protected and stimulated for future economic growth. Inasmuch as this area is of significant economic importance, its potential for growth and improvement should not be diluted through a pattern of scattered commercial development elsewhere in the community.
- 3) Commercial highway service uses should be nucleated rather than developed in a strip configuration along the highway access.
- 4) Areas for industrial development should generally be established as extensions of existing areas with due consideration given to adequate highway and rail service. Major industrial land use boundaries should be established so that encroachment into abutting non-industrial districts is minimized. Future areas of industrial use should contain sufficient land to facilitate the modern practices of horizontal assembly operations, landscaping of grounds and provision of on-site parking and loading.
- 5) Public and semi-public facilities, especially schools and neighborhood recreation areas, should be located to maximize availability to users and provide safety of ingress and egress. Sufficient area should be reserved to prevent future over-crowding. A strong policy of multi-use facilities is advocated in order to achieve maximum economy of operation.
- 6) Traffic circulation should provide maximum access to the Central Business District and minimum adverse influence on residential neighborhoods.
- 7) Natural features should be protected so as not to impair their functional usefulness or destroy their physical amenity.

The Land Use Plan for Rolla and the surrounding area is shown in Map ⁷~~6~~ in Appendix A. It is intended to achieve the goals outlined above.

The Land Use Plan proposes that residential development, comprised of single family, multifamily, and mobile home units develop in neighborhoods of a comparable type. The vacant, platted areas to the north, northwest, southeast and far west together with other vacant scattered residential areas

are not developed, so 120 additional dwelling units can be accommodated. Other areas have been designated to allow for the placement of mobile homes.

Restaurants, motels, service stations, and other high-oriented businesses should be provided at convenient highway locations. It is proposed these activities be contained within an area on U.S. Highway 281 between the city limits to the west and the railroad tracks and on the south side of U.S. Highway 281 between the cemetery and Fifth Street SE. It is important aesthetically as well as functionally that these activities are not allowed to scatter but instead, are grouped together by type in order to reinforce each other. Also grouped in these areas should be auto sales, farm machinery and similar businesses oriented to the highway. Proper screening, landscaping, setbacks, and properly designed frontage roads all help convey a better visual appearance for these uses. Other types of retail sales and services should be encouraged to locate in the Central Business District.

Areas on the Land Use Plan have been designated for an expanded Central Business District. It is important that additional expansion area be made available for the Central Business District: increased needs for parking and additional floor space will exert outward pressures on the present Central Business District boundaries.

Adequate provision must be made for industry with large flat sites near rail and highway routes and with available water, sewer and other utilities.

It is important, for the appearance of the community and maintaining land values, that industrial, storage and related uses be contained within

designated areas. Much of the present blight evidenced in various residential sections may be attributed to the dispersal and unplanned mixture of commercial, industrial and residential land uses. At the same time, a well planned, landscaped, industrial area together with financial packaging will have a much more positive effect on prospective industrial developers than a mere supply of cheap land with minimal improvements. All of the areas designated for industrial use are intended to have a landscaped buffer strip, as required, to separate it from adjacent uses.

APPENDIX A

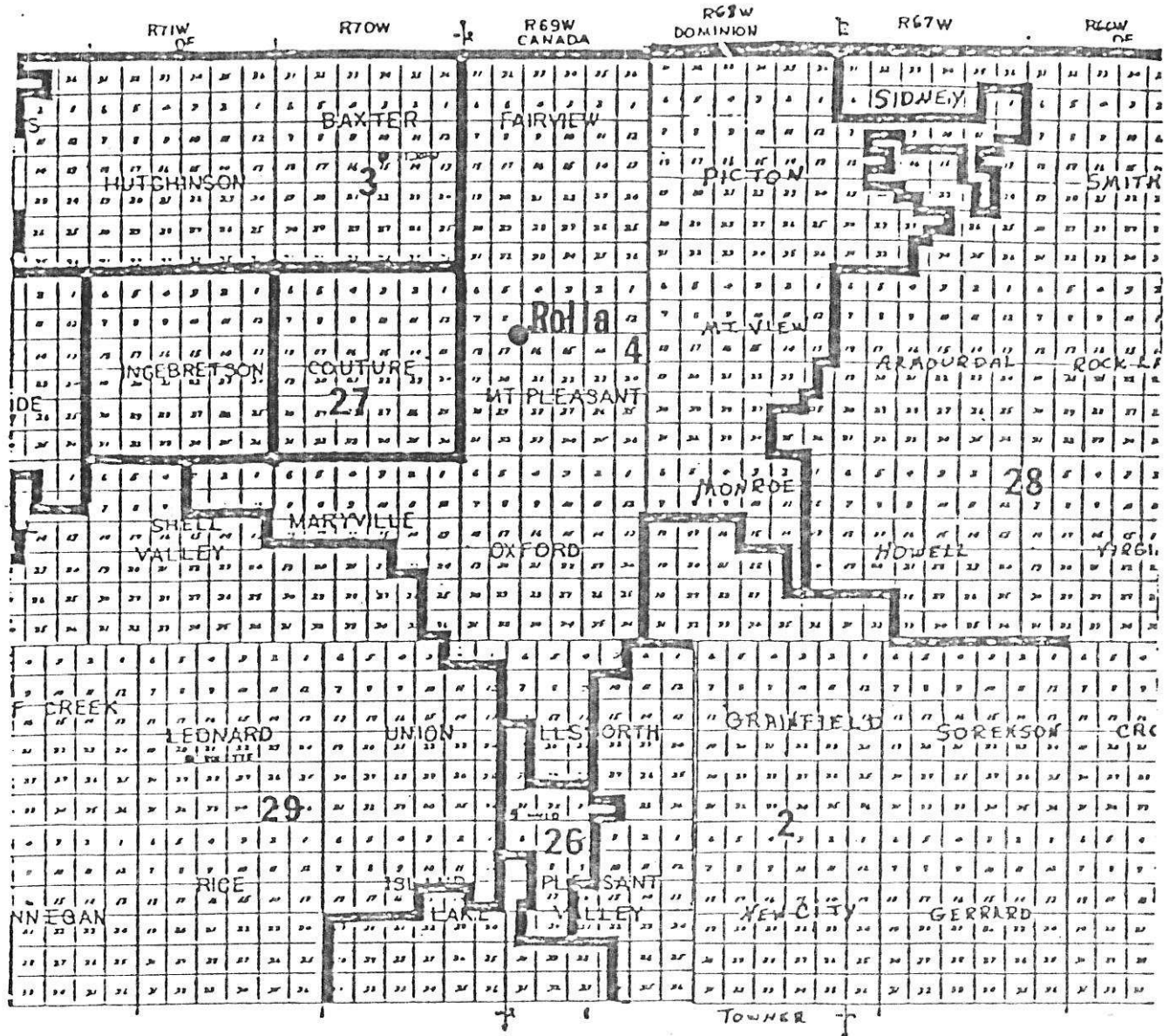
Maps

12-1-80

Authenticated copy of Appendix
A, Maps, (pp. 67-74) adopted by the
Planning Commission of the City
of Rella, North Dakota on September
30, 1980.

Gaelle Summering
Secretary

ROLLA SCHOOL DISTRICTS



- 4 - Mt. Pleasant School District #4
- 28 - North Central School District #28
- 3 - St. John School District #3
- 2 - West Central School District #2
- 26 - Mylo School District #26
- 29 - Rolette School District #29
- 27 - Courture School District #27

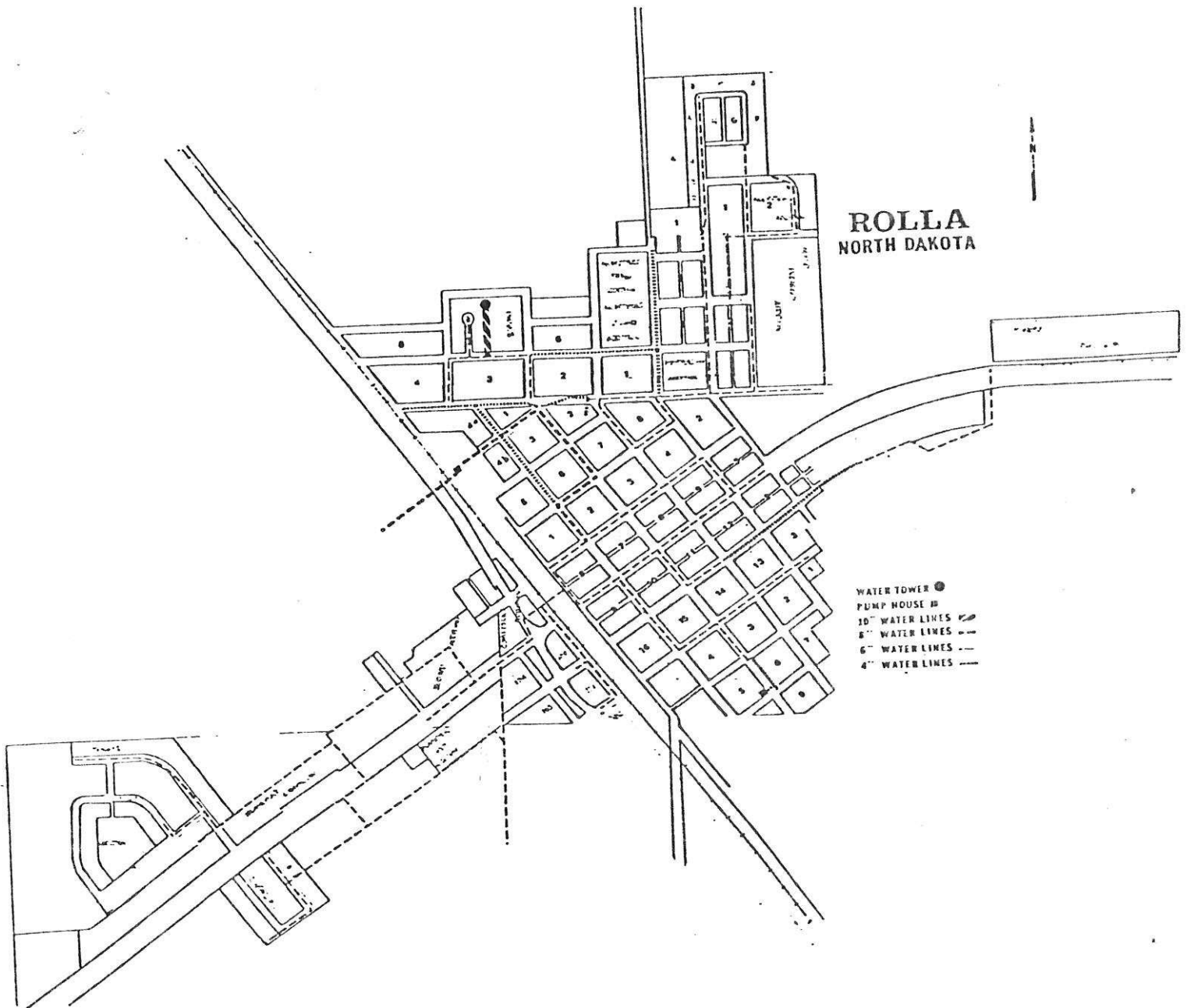
ROLLA SOILS MAP



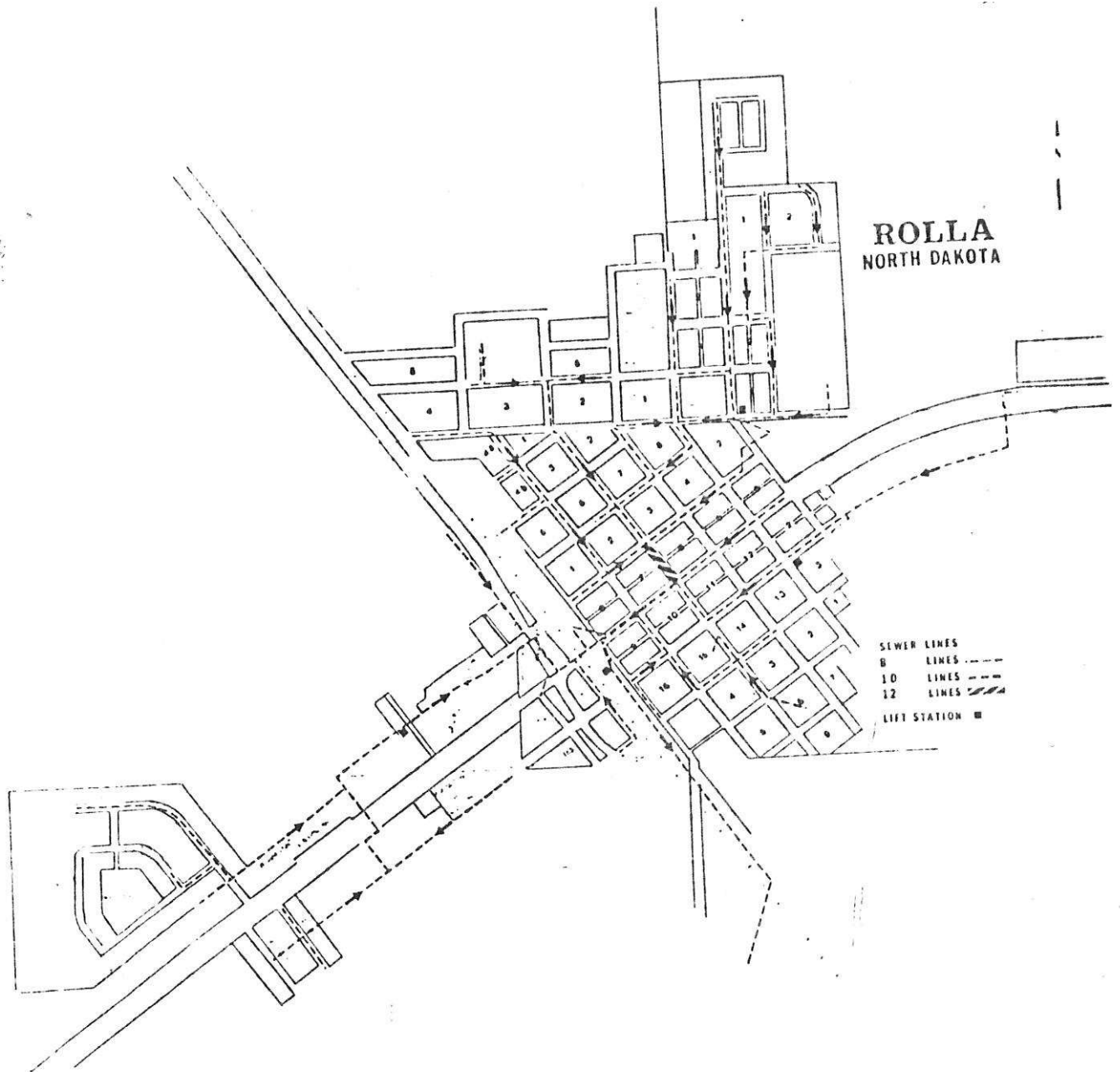
G - GOOD
F - FAIR
P - POOR

SOIL NAME	MAP SYMBOL	SEPTIC TANK	ROADS & STREETS	ROADFILL	LAWNS & LANDSCAPES	PARKS & RECREATION
Svea Barnes	11	P	P	P	G	G
Barnes Svea	12B	P	P	P	G	G
Buse Barnes	16E	P	F	F	F	-
Hamerly	17	P	P	P	F	G
Vallers	21	P	F	F	F	F
Overly	30	P	P	P	G	F
Colvin	33	P	P	P	P	P
Divide	79	P	F	F	G	G
Marysland	80	P	P	P	F	P
Sioux	83E	P	G	G	P	F

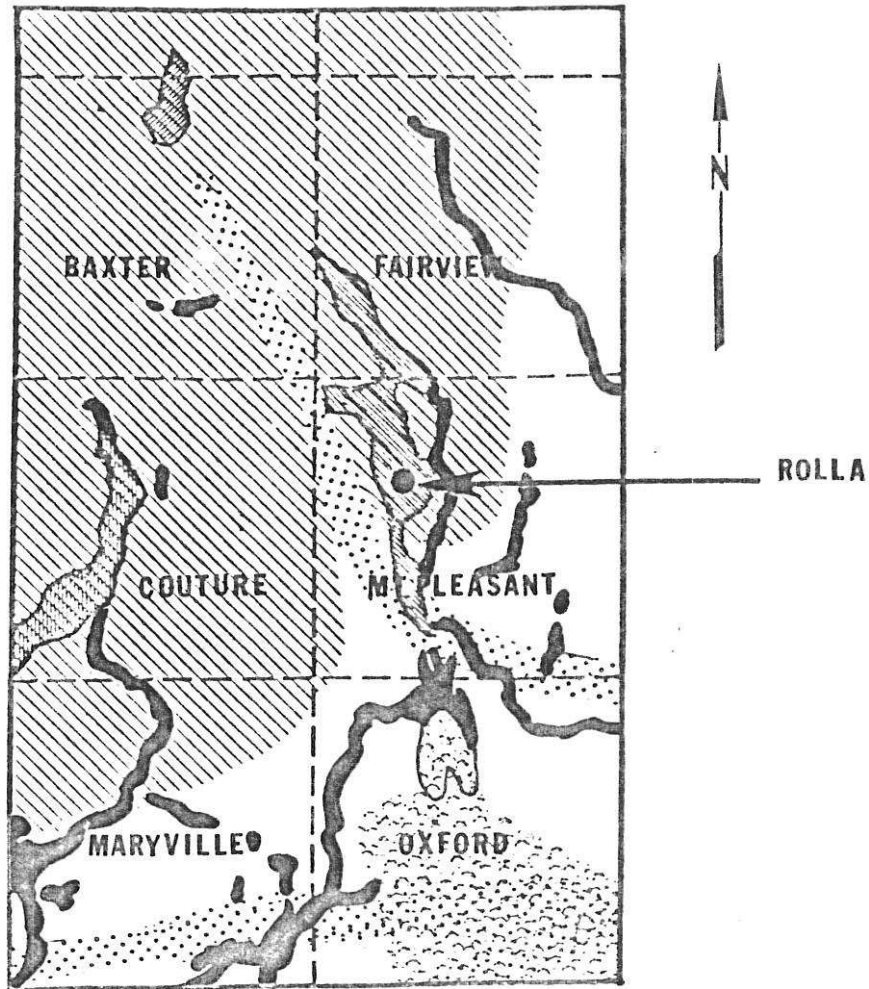
ROLLA WATER LINES



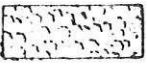
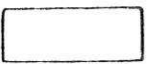




ROLLA SEWER LINES



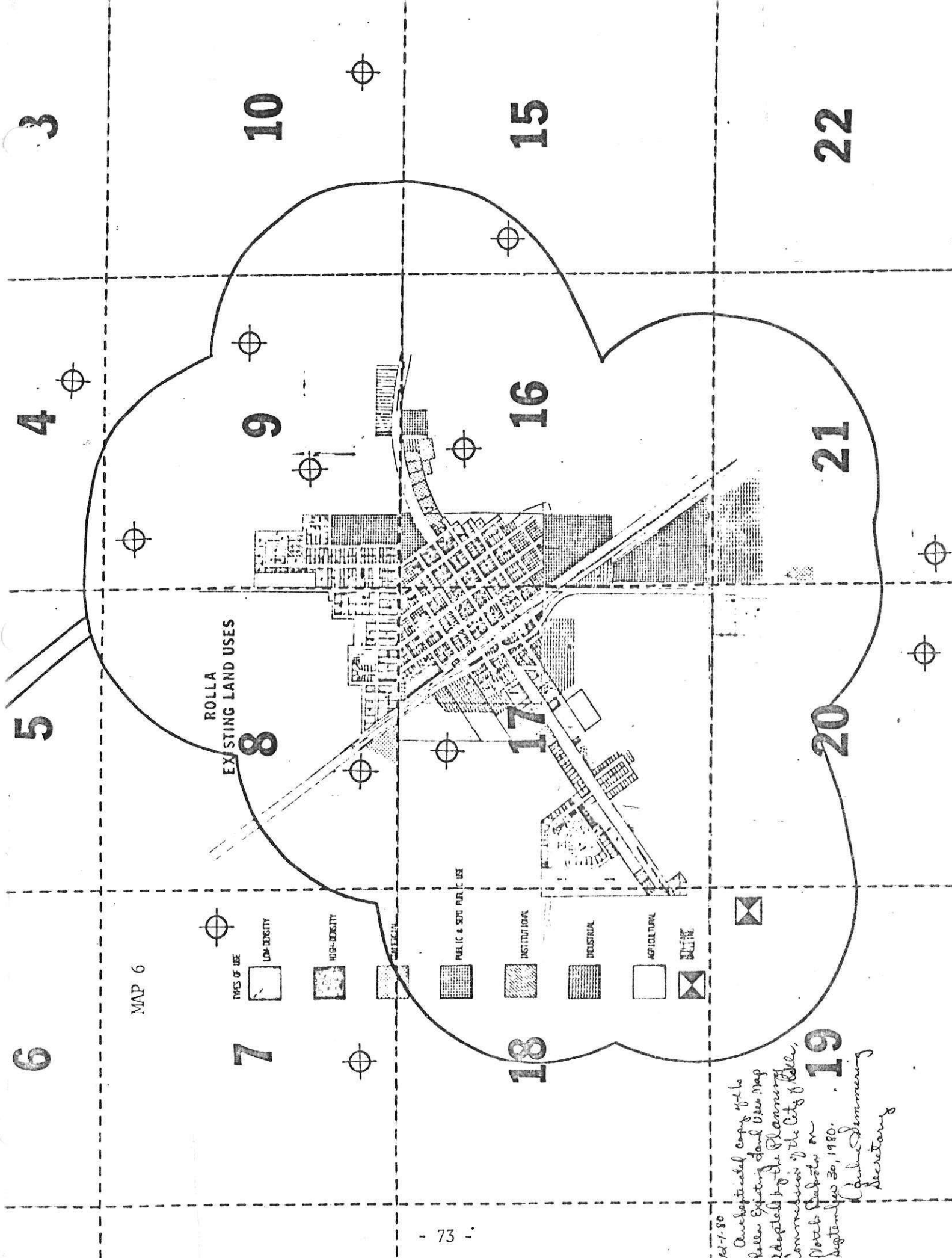
ROLETTE COUNTY GROUND WATER RESOURCES*



Type of Aquifer	Production Capability (gal./min.)	Hardness	Approx. Total Dissolved Salts (ppm)	Probability of Drilling into the Indicated Aquifer	Probability of Producing Adequate Water
 Fairly continuous surface sand and gravel.	Generally less than 50, locally 50 to 100	Hard	500	Very high	Very high
 Surface sand and silt, may be highly variable. Includes sand and gravel hills where the water table may be several to many tens of feet below the surface.	Less than 5 to 100	Hard	500	Variable	Good
 Suspected area of shallow, extensive subsurface sand and gravel.	50 to 100	Hard	500	Unknown Possibly very high	
 Discontinuous subsurface sand and gravel as much as 400 feet beneath the surface.	Less than 500	Hard	300 to 2,000	Fair	High
 Fine to medium grained sandstone as much as 600 feet beneath the surface. Water highly mineralized and most suitable for stock.	10 to 100	Soft	2,000	Very good	High
 Continuous sand and gravel in buried valleys as much as 400 feet beneath the surface.	50 to 500	Hard	300 to 500	Very low	Very high

*This map is not designed to locate potential wells

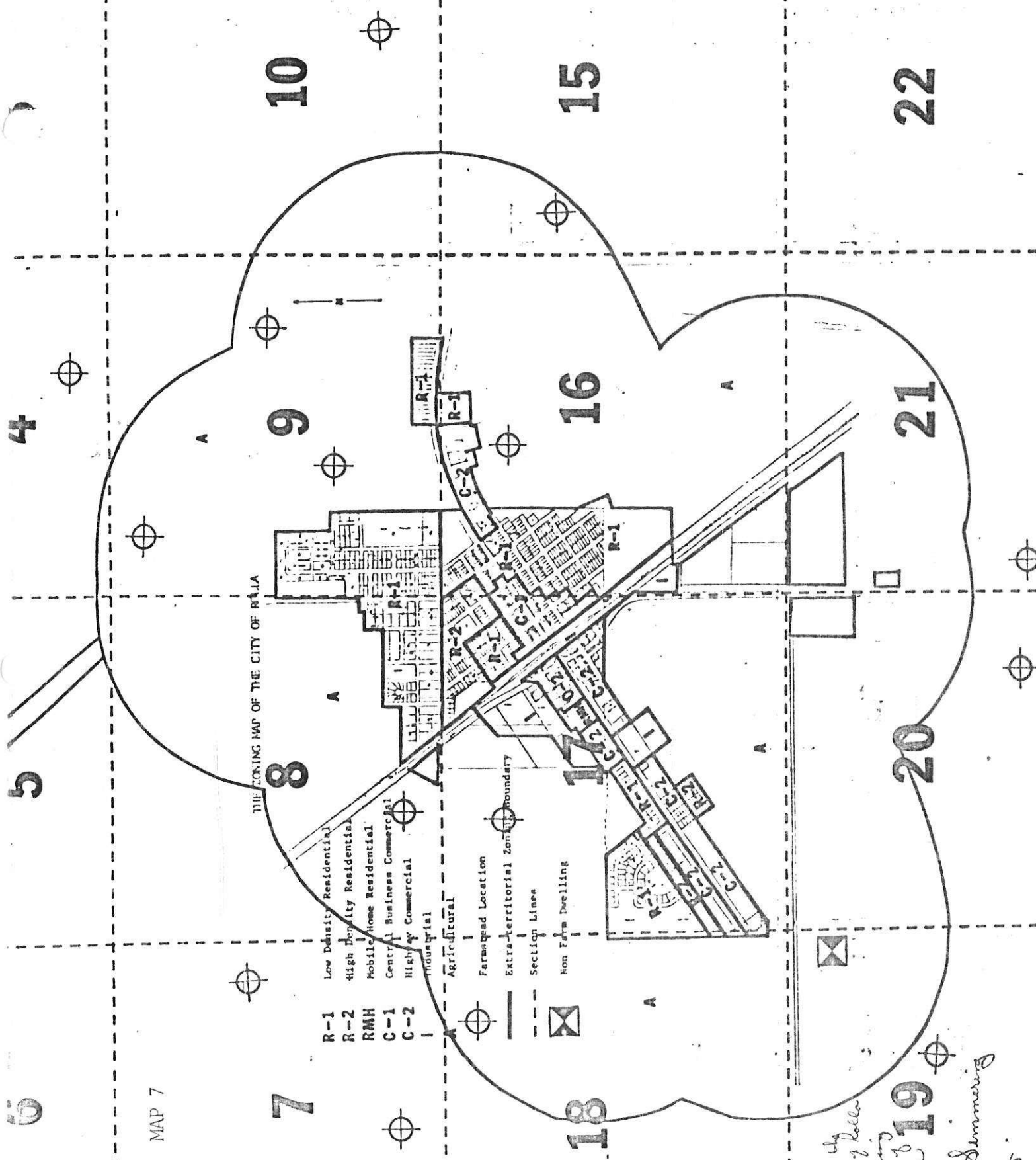
SOURCE: Geology of Rolette County, Dwight E. Deal, Bulletin 58, 1971.



MAP 6

- TYPES OF USE
 LOW-DENSITY
 HIGH-DENSITY
 PUBLIC & SEMI-PUBLIC USE
 INSTITUTIONAL
 INDUSTRIAL
 AGRICULTURAL
 WATER

Adopted copy of the
 Rolla Existing Land Use Map
 adopted by the Planning
 Commission of the City of Rolla,
 November 30, 1980.
 Robert G. Gentry
 Secretary



MAP 7

2-1-80

Authenticated copy of the
Zoning Map of the City of Kalla
Adopted by the Planning
Commission of the City of
Kalla, Kalla District on
September 20, 1980.

Pauline Summering
Secretary

APPENDIX B

Tables

12-1-80

Authenticated copy of Appendix B,
Tables (pgs 75-78) adopted by the
Planning Commission of the City
of Rolla, North Dakota on
September 30, 1980.

Garthe Summering
Secretary

WATER TREATMENT COSTS TO CUSTOMERS¹

TABLE 1

TABULATED IN 1980 DOLLARS

Average Water Usage	Home Water Softener (Individual System)	Iron & Manganese Removal Plant (Municipal System)	Lime Soda Softening Plant (Municipal System)
Average Meter Usage	Cost for Individual Softener	(Cost To Average Customer)	(Cost To Average Customer)
275 gPD	\$2.00 per 1,000 gal.	\$1.50 per 1,000 gal. ⁴	\$3.00 per 1,000 gal. ⁵
8,250 GPM	\$15.00 per month ³	\$13.00 per month	\$25.00 per month
99,000 GPY	\$180.00 per year	\$150.00 per year	\$296.00 per year
¹ Average 550 Meter Usage	Cost per 550 units	Cost per 550 metered customers	Cost per 550 metered customers
150,000 GPD ²	\$2.75 per day	\$231.00 per day	\$453.00 per day
4,500,000 GPM	\$8,250.00 per month	\$6,930.00 per month	\$13,583.00 per month
54,000,000 GPY	\$99,000.00 per year	\$83,600.00 per year	\$165,000.00 per year
2.16 Billion Dollars (per 40 year period)	\$3,960,000.00 per 40 year period	\$3,320,000.00 per 40 year period	\$6,500,000.00 per 40 year period
Initial cost of treatment facility for 550 meters	\$330,000.00	\$400,000.00	\$8,900,000.00

1) All calculations based on 550 metered customers divided by Rolla's average daily water usage.

2) Rolla City Auditor

3) Culligan Water Conditioning, Ed Burns, Devils Lake, North Dakota, Phone 662-2617

4) KBM Engineering, Jim West, Grand Forks, North Dakota, Phone 772-7156

5) Houston Engineering, Henry Molt, Fargo, North Dakota, Phone 237-5065

LINEAR FOOTAGE AND INSTALLATION OF PIPELINES

*LINEAR FOOTAGE

120,000

65,000

42,000

93,000*LINEAR YEARS OF INSTALLATION

1960 - 1970

1950 - 1960

1940 - 1950

Before 1940 located primarily
in the Rolla Central Business
District.

326,000 TOTAL Linear Footage

SOURCE: Water & Sewer Line Map, City Auditor's Office

ROLLA POTABLE WATER

WELL NUMBER	GENERAL WATER QUALITY	PUMPING CAPACITY GPM	POTENTIAL LENGTH OF PUMPING TIME PER 24 HOUR PERIOD	GALLONS PUMPED PER HR.	GALLONS PUMPED PER 24 HR. PERIOD
1	Good	125	6 hr.	7,500	45,000
2	Poor	100	12 hr.	6,000	72,000
3	Good	52	24 hr.	3,120	74,880
4	Good	21	12 hr.	1,260	15,120
5	Fair	52	24 hr.	3,120	74,880
6	Fair	100	24 hr.	6,000	144,000
6 ²		Potential 300		18,000	432,000
TOTAL		4,500		27,000	425,880
TOTAL WITH #6300 GPM		4,700		39,000	713,880
3	TOTAL Overhead Water Storage Capacity				300,000
4	Rolla's Average Daily Water Usage				150,000

- 1) Subjective Rating by Ralph Lawson, Chairman of Rolla Water & Sewer Committee.
- 2) This well has been tested at 300 gpm, but at this time has a 100 gpm pump on it.
- 3) Newly constructed in 1979.
- 4) Rolla City Auditor.

APPENDIX C

Method of Financing

Capital Improvements

12-1-80

Authenticated copy of Appendix C,
Method of Financing Capital Improvements,
(pp. 79-83) adopted by the Planning
Commission of the City of Falls, North
Dakota on September 30, 1980.

Charles Summering
Secretary

METHODS OF FINANCING CAPITAL IMPROVEMENTS

SPECIAL ASSESSMENT

The city of Rolla has the ability to create special assessment districts designed to provide specific services, facilities and/or utilities; and to levy an annual assessment against all residences or businesses located within the districts. The revenue generated through the levy can then be used by the municipality to retire the debt incurred in providing the services, facilities and/or utilities. For further information on special assessments, see Chapters 40-22, 40-23 and 40-24 of the North Dakota Century Code.

TEMPORARY IMPROVEMENT WARRANT

Rolla may, in anticipation of funds derived through the levying of special assessments, issue special improvement warrants for the purpose of making payment(s) on contracts for the cost of improvements. Improvement warrants, which are commonly used to finance the initial stages of an improvement project, may also be used to generate funds to provide for that portion of a project that has not been specially assessed. Further information on temporary improvement warrants may be obtained from Chapter 40-27 of the North Dakota Century Code, or from Ehlers and Associates, 507 Marquette Avenue, Minneapolis, MN 55400.

REVENUE BOND

The city may issue revenue bonds to raise money to finance the purchase, construction, renovation or expansion of facilities which generate revenues sufficient to repay the debt service due on the bonds in their entirety without requiring the municipality to obtain additional

funds from other sources in order to make such payments. From Rolla's standpoint, revenue bonds would be favorable in that they are sold with the understanding that should a project result in failure, the city would not suffer any financial loss. Chapter 40-35 of the North Dakota Century Code provides further information regarding revenue bonds.

GENERAL OBLIGATION BOND

Rolla may issue general obligation bonds to aid, construct, reconstruct, improve or extend any project undertaken for which revenue bonds have been issued, or to finance entirely new projects. In any case, approval by two-thirds of the Rolla voters is required before the city may issue general obligation bonds since the bonds are normally repaid from general tax revenues. In addition, under North Dakota law, no taxing jurisdiction may issue general obligation bonds which, with all other outstanding indebtedness of that jurisdiction, exceeds 5% of the assessed value of all taxable property within the jurisdiction, unless the debt limit is increased by a vote of the electorate as provided by statute.

Rolla may use general obligation bonds to finance revenue producing projects only when the bonds to be issued represent an investment to the city of \$50,000 or more, and when the net worth of the business wishing to lease such a project is at least five times the amount the municipality will invest in the project.

Use of the general obligation bond by the city of Rolla must be undertaken with caution as the tax revenues of the community must be used to amortize the unpaid balance should defaulting on the loan occur.

For additional general obligation bond information, see Chapter 21-03 and 40-57-19 of the North Dakota Century Code.

INDUSTRIAL REVENUE BOND

Industrial revenue bonds (often referred to as "MIDA" bonds) are a special class of revenue bonds which are used to acquire, construct, or develop facilities for eventual lease or sale to private business enterprises. Rolla may issue industrial revenue bonds by ordinance or resolution of its governing body without incurring any debt on the general credit of the municipality. Industrial revenue bonds are secured or guaranteed by a first mortgage on the property involved. The city can have no involvement whatsoever in any project financed with industrial revenue bonds except to act as a lessor. For additional information on industrial revenue bonds, see Chapter 40-57 of the North Dakota Century Code.

IMPROVEMENT BOND

If at some point in time the city of Rolla should adopt an urban renewal plan, the municipality would then be empowered to issue improvement bonds to finance the undertaking of an urban renewal project. Improvement bonds are authorized by resolution or ordinance of the Rolla City Council, and repaid solely from the revenues derived through the undertaking of the urban renewal project. In addition, improvement bonds are tax free and are not considered when calculating the bonded indebtedness of the community. Chapter 40-58-10 of the North Dakota Century Code provides more information concerning the issuance of urban renewal improvement bonds.

TAX INCREMENT FINANCING

The city of Rolla, provided it has adopted an urban renewal plan, may appropriate tax increments from any urban renewal area for the payment of any general obligation bonds, special improvement warrants, or re-funding improvement bonds issued by the community to provide funds for payment of the cost of renewal. The process works in basically the following manner; the city of Rolla purchases a blighted portion of town (urban renewal area) and requests the City Auditor to compute and certify the taxable value of each lot and parcel of real estate (including those already owned by the city or urban renewal agency) in the renewal area as it was last assessed and equalized prior to the date of the request. The city then clears the entire urban renewal area and makes it available to any developer wishing to develop the complete renewal area. Once developed, the renewal site is reassessed for tax purposes, the city retains the amount of tax the property would have generated in its previous state, and uses the additional tax revenue to retire the debt incurred in the securing and clearing of the renewal site. When the entire debt is retired, the city receives all tax revenue generated from within the renewal site. This method of financing is risky in that it requires a developer to immediately step in and develop the renewal site, or the city is faced with financing the initial stages of the process. For further information on tax increment financing, see Chapter 40-58 of the North Dakota Century Code.

SOURCES

Economic Development Financing, Souris Basin Planning Council, Minot, North Dakota, March, 1980.

Sources of Industrial Development Financing, Red River Regional Planning Council, Grafton, North Dakota, April, 1979.

APPENDIX D

Ordinance No. 510

A Zoning and Subdivision Ordinance

For The City Of Rolla, N.D.

12-1-80

Authenticated copy of Appendix D,
Zoning & Subdivision Ordinance For the
City of Rolla (pp. 1-42) adopted by the
Planning Commission of the City of Rolla,
North Dakota on September 30, 1980.

Pauline Summering
Secretary

TABLE OF CONTENTS

ZONING AND SUBDIVISION ORDINANCE

SECTION I.	INTRODUCTION	
	A. Authority	1
	B. Title	1
	C. Purpose	1
	D. Severability	1
	H.F. Effective Date	1
	H.G. Definition of Terms.....	2
	E. Repeal	1
SECTION II.	GENERAL PROVISIONS	
	A. Jurisdiction	8
	B. Compliance/Zoning Affects Every Structure and Use	8
	C. Interpretation.....	8
	D. Development	8
	E. Water and Sewage Facilities	9
	F. Land Suitability	10
	G. Non Conforming Uses	10
	H. Conditionally Permitted Uses	11
	I. Amendments	12
SECTION III.	ZONING DISTRICTS	
	A. Maps and Boundaries	14
	B. R-A Agricultural Residence District	15
	C. R-1 Low Density Residential	17
	D. R-2 High Density Residential	19
	E. R-M-H Mobile Home District Low Density	20
	F. Central Business Commercial District.....	22
	G. Highway Commercial District.....	23
	H. Industrial District.....	25
	I. Special Regulations.....	27
SECTION IV.	SUBDIVISION REGULATIONS	29
	A. Introduction - - - - -	
	B. Procedure for Subdivision Approval. - - - - -	29
	C. Design Standards - - - - -	32
	D. General Provisions	34
SECTION V.	ADMINISTRATION AND ENFORCEMENT	
	A. Rolla City Council	38
	B. Rolla Planning and Zoning Commission	38
	C. Board of Adjustment.....	39
	D. Code Administrator	40
	E. Building or Development Permit Fee.....	40
	F. Certificate of Compliance	41
	G. Violations and Penalties	41

DIFFERENCES BETWEEN A MANUFACTURED AND MODULAR HOME

	MANUFACTURED	MODULAR
Code built to:	HUD (federal code) <i>since 1976</i>	IRC (local code) <i>Int'l Residential Code</i>
Other common names:	Single wide, double wide, mobile home	systems built, ready built, pre fab
Designed for:	Single family Needs to be livable/complete <i>HUD has limitations</i>	Can do more commercial type Less limitation in options
Structural difference:	Built with frame and self-contained Frame stays with home	No frame underneath Shipped on frame, then removed
How to tell the difference: <i>main way to tell difference</i>	Frame <i>rounds 4' deep</i> <i>2006 code</i>	No frame
Foundation:	Piers (required with new home), crawlspace, basement <i>can see frame from unfinished basement</i> <i>has poly belly</i>	Crawlspace or basement <i>8"</i> <i>can see floor joists, plumbing etc.</i> <i>Needs crane to set down.</i>
Typical cost:	\$50-65 square foot	\$65-85 square foot (could be more) <i>Higher standards</i>
Appraisals for financing:	Can only compare to other manufactured homes	Can compare to other modulars and site built homes
Financing options:	Can finance home only Can also finance land and home <i>Can be moved - wheels/axles can be put back on.</i> <i>has title</i> <i>has HUD sticker</i>	Finance land and home (just like site built) <i>no longer movable unless w/ house mover.</i> <i>no title</i> <i>no sticker</i>

*2 sections have
poly to move 2 blocks
8-10k*

SECTION I. INTRODUCTION

A. AUTHORITY

The authority for this code is granted by chapters 40-47 of the North Dakota Century Code.

B. TITLE

This ordinance shall be known as the "Zoning Ordinance, City of Rolla, North Dakota."

C. PURPOSE

The purpose of this ordinance is to promote the health, safety, morals and general welfare as well as provide for the orderly development of the city, to encourage the use of community resources in a socially and economically desirable manner, and to provide a mechanism by which the city can establish and carry out its development policies.

D. SEVERABILITY

If any provision or section of this ordinance is adjudged invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.

E. REPEAL

All other ordinances or parts of ordinances of the City of Rolla, that are inconsistent or in conflict with this ordinance are hereby repealed.

F. EFFECTIVE DATE

This ordinance shall become effective after a public hearing and adoption by the city council of the City of Rolla.

G. DEFINITION OF TERMS USED IN THIS ORDINANCE

Definitions: For the purpose of this ordinance, the following definitions have been adopted:

I. General:

1. Words used in the present tense shall include the future; the singular number shall include the plural.
2. The word "person" includes a firm, partnership, association, corporation, or individual.
3. The word "shall" is mandatory.

II. Words and Phrases

1. Accessory Buildings and Uses: A subordinate building or portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises. An accessory use is one which is incidental to the main use of the premises.
2. Agriculture: The use of land for agricultural purposes, including the necessary buildings or structures for farm or farm labor use. Agriculture shall be limited to farming and the open grazing of livestock.
3. Alley: A public or private thoroughfare providing access to the back or side of two or more properties.
4. Alteration: Any change in the supporting members or any substantial change in the roof or exterior walls, or the moving from one location or position to another of a building.
5. Amendment: Any change, revision or modification of the text of the ordinance or the zoning district map.
6. Block: Is an area of land within a subdivision that is entirely bounded by street or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a physical land barrier such as a river or railroad.
7. Bond: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City Council. All bonds shall be approved by the City Council wherever a bond is required by these regulations.
8. Board of Adjustment: The body authorized by the Rolla City Council to issue variances, conditional use permits and hear appeals on the enforcement of the provisions of these regulations.
9. Building: Any structure designated or intended for shelter or protection of person, animals, or property.

10. Building, Height of: The vertical distance from the grade to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
11. Building Permit: It is the permit to allow for structural construction as required under the building Code of the City of Rolla.
12. City: The City of Rolla.
13. Code Administrator: The administrative official, designated by the Rolla City Council to administer and enforce the provisions of these regulations, or his subordinate.
14. Comprehensive Plan: Refers to the group of maps, charts and texts that make up the Comprehensive Guide Plan or Master Plan of the City.
15. Conditional Use: A use which would not be appropriate in a particular district, but which, if controlled as to the number, location, or relation to a neighborhood, would promote the public safety, health, convenience or welfare. A conditional use is allowed in a district only if the regulations for that district specifically permit it subject to the approval of the Board of Adjustment and only when the Board of Adjustment finds that such use meets all of the requirements applicable to it as specified in the ordinance. The Board of Adjustment may choose not to approve the conditional use, but the reasons must be given in writing.
16. Council: The governing body of the City of Rolla.
17. Design Standards: Are the specifications to land owners or subdividers for the preparation of plats, both preliminary and final, indicating among other things the optimum, minimum, or maximum dimensions of such items as right-of-way, blocks, easements and lots.
18. Developer: The owner, subdivider or party promoting the growth or building in an area.
19. District: A section or sections of Rolla for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.
20. Dwelling: Any building or portion thereof which is designed and used exclusively for residential purposes. This does not include mobile recreational vehicles.
21. Dwelling, Single Family: A building having accommodations for and used exclusively by one family.
22. Dwelling, Two Family or Duplex: A building having accommodations for and used exclusively by two families.
23. Dwellings, Multiple: A single building designed for and occupied by more than two families.
24. Easement: Is a grant by a property owner of the use of a strip of land for such public use as constructing and maintaining utilities,

including, but not limited to sanitary sewers, watermains, electric lines, telephone lines, T.V. or F.M. transmission lines, storm sewer or storm drainage ways, gas lines and roadways.

25. Family: Shall mean one individual or group of two or more persons living together as members of a single housekeeping unit and doing their cooking in a single kitchen on the premises, as distinguished from a group occupying a boarding and rooming house, lodging house, hotel, or club.
26. Feedlot: The use of land or buildings for the exclusive purpose of concentrated feeding or fattening of livestock for marketing.
27. Final Plat: Is a drawing or map of a subdivision, meeting all the requirements of the City of Rolla and in such form as required by the County of Rolette for purposes of recording.
28. Flood Plain: That continuous area adjacent to a stream of other natural drainage channels or areas, which are low lying, difficult to drain or subject to flooding.
29. Home Occupations: Any occupation or activity carried on in a dwelling 1) by a member of the immediate family residing therein, 2) is clearly secondary to the use of the dwelling for residential purposes, 3) and does not create excess noise, traffic or other disturbances. Home occupation shall include the use of a portion of a dwelling as an office and not employing more than one person outside the immediate family residing therein.
30. Improvement: An improvement consisting of any sanitary sewer, storm sewer, drainage ditch, water main, roadway, street grading and surfacing with or without curbs and gutters, sidewalks, planting strips, crosswalk, off street parking areas, or other facility for which the City of Rolla may ultimately assume the responsibility for maintaining and operating.
31. Intersection Street: Is the point of crossing or meeting of two or more streets.
32. Junk Yard: Any land or building use for the storage, sale or dismantling or obsolete vehicles, junk and other machinery.
33. Lot: A parcel of land capable of having a building and accessory uses and still meet the yard requirements, and fronts on a street.
34. Lot, Corner: A lot situated at the intersection of two (2) streets.
35. Lot Coverage: The total surface of a lot which is covered by any type of structure.
36. Lot Depth: The average distance between the front and rear lot lines.
37. Lot of Record: A lot, the description of which is recorded in the County Register of Deeds Office.
38. Lot Width: The average distance between the side lot lines measured parallel to the front lot line.

39. Master Plan: See "Comprehensive Plan"
40. Mobile Home: A mobile home shall be an all inclusive description of any dwelling unit, the original design of which permits it to be portable and no structural modifications including the addition thereto of porches, lean-to or other additions, nor the placement on any foundation or basement shall change its classification as a Mobile Home.
- Three distinct structural features are required for any home to qualify for the Dwelling classification rather than the Mobile Home classification.
1. The structure must have a regular wooden floor joists rather than the metal undercarriage common to a Mobile Home.
 2. The wall studdings must be of not less than 2x4 dimension and the siding must be of wood or masonite or other material common to a Dwelling rather than a metal skin usual to a Mobile Home.
 3. The roof must be sloped with regular shingles of asphalt or other material common to a Dwelling roof.
41. Mobile Home Park: A tract of land designed and developed to accommodate mobile homes on lots on a purchase, lease or rental basis.
42. Motel: A building or group of buildings used primarily for the temporary residence of motorists or travelers.
43. Non-Conforming Use: Any building, structure or tract of land existing at the time of enactment of this code which does not conform to the provisions of this code.
44. Owner: Includes the plural as well as the singular, and where appropriate shall include a natural person, partnership, firm, association, public or quasi-public corporation, private corporation or a combination or any of these.
45. Parking Space: An area enclosed or unenclosed, sufficient in size to store one automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile. All references to vehicle parking shall mean off street parking.
46. Parks and Playgrounds: Are public land and open spaces in the city of Rolla dedicated or reserved for recreational purposes.
47. Pedestrian Way: Is a public or private right-of-way across a block or within a block to provide access to be used by pedestrians and which may be used for the installation of street light utility lines.
48. Planning Commission: The Planning Commission of the city of Rolla.
49. Preliminary Plat: Is a tentative drawing or map of a proposed subdivision meeting requirements herein enumerated.

50. Protective Covenants: Are contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.
51. Service Road: Are minor streets which are parallel and adjacent to thoroughfares and highways, and which provide access to abutting properties and protection from through traffic.
52. Setback: The distance between the lot line and the building line, and/or any projection of the building thereof.
53. Sign: Any outdoor advertising having a permanent location on the ground or attached to or painted on a building, including bulletin boards, billboards and name plates.
54. 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 is no floor above it, then the space between the floor and ceiling next above it.
55. Street: Is a public right-of-way which affords the principal means of access to abutting property.
56. Street, Major: Are those that carry traffic from minor streets to the major system of thoroughfares and highways, including the principal entrance streets of residential districts as shown on the Comprehensive Plan.
57. Street, Cul-de-sac: Is a minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
58. Street, Minor: Are those streets which are used primarily to provide vehicular and pedestrian access to abutting properties, consisting of cul-de-sacs, residential streets and service roads.
59. Street Width: Is the shortest distance between lot lines delineating the street right-of-way.
60. Structure: Anything built, constructed, or erected which requires sidewalk, driveway, parking lot, permanent location on the ground, but not including fences.
61. Subdivider: The owner or party promoting the division of a tract or parcel of land into lots.
62. Subdivision: Is a described tract or parcel of land which is to be or has been divided into two or more lots or parcels, any of which resultant parcels is less than five (5) acres in area for the purpose of transfer of ownership or building development, or if a new street is involved, any division of a parcel of land. The term includes resub-

division and where it is appropriate to the context, relates either to the process of subdividing or to the land subdivided.

64. Tract: A parcel of land intended for division or development of a subdivision.
65. Use: The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.
66. Variance: The relaxation of the terms of the Zoning Regulations in relation to height, area, size and open spaces where specific physical conditions, unique to the site, would create an unreasonable hardship in the development of the site for permitted uses. The variance will not be contrary to the public interest.
67. 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 the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building, including any overhangs or projections, shall be used.
68. Yard, Front: A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the front lot line and the front of the main building or any projection of the usual steps, unenclosed balconies, or open porch.
69. Yard, Rear: A yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and rear of the main building including any projections other than steps, unenclosed balconies or unenclosed porches, 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 yards shall in all cases be at the opposite end of the lot from the front yard.
70. Yard, Side: The yard extending from the front yard to the rear yard. The depth is measured as the least distance from the side of the principle building and the side lot line.

SECTION II
GENERAL PROVISIONS

A. JURISDICTION

The provisions of this ordinance shall apply to all structures and land within and one-half mile beyond the city limits of Rolla, North Dakota.

B. COMPLIANCE (Zoning Affects Every Structure and Use)

1. Except as stated in this ordinance, no building, structure or land shall be used and no building or part thereof or structure shall be erected, constructed, reconstructed, occupied, moved, altered or repaired except in conformance with these regulations.
2. Conformity of Buildings: No building, structure or premises shall be erected, altered or used so as to produce smaller yards or less unoccupied area, and no building shall be occupied by more families than prescribed for such building, structure or premises for the district in which it is located.
3. Conformity of Open Spaces: No yard, court or open space, or part thereof, shall be included as part of the yard, court or open space similarly required for any other building, structure or dwelling under this chapter.

C. INTERPRETATION

In the interpretation and application of this ordinance, the provisions of this ordinance shall be held to the minimum requirements. Where this ordinance imposes a greater restriction than existing law, the provisions of this ordinance shall govern.

D. DEVELOPMENT

The following activities or uses shall constitute development and require a building permit prior to commencement of construction:

1. A change in the type of use of a building, structure or land.
2. A reconstruction or alteration of the size of a building, structure or land, this includes work for the improvement of any building or structure even if the work affects only the interior of the structure.
3. A material increase in the intensity of use of land, such as an increase in the number of businesses, offices or dwelling units in a structure or parcel of land.
4. Commencement of extraction or excavation on a parcel of land.
5. Demolition of a structure.
6. Deposit of refuse, solid or liquid waste or fill on a parcel of land.
7. Alteration of a use which has been abandoned for a period of one year.
8. Alteration or cuts in existing street curbs.
9. Feed lots.

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

1. The maintenance or improvement of a public road or railroad tract not involving substantial engineering redesign if the work is carried out on land within the boundaries of the right-of-way.
2. Work by any utility not involving substantial engineering redesign for the purpose of inspection, repair, renewal or construction on established rights-of-way of any streets, mains, pipes, cables, power lines, towers, poles, tracts, or the like.
3. Work for the maintenance, and renewal, of any building or structure, if the work affects only the interior or the decoration of the exterior of the building or structure.
4. The use of land or buildings or any of the normal incidents of farming (ranching, dairy, and general agriculture). This does not exempt accessory buildings and uses customarily incident to farming if within 300 feet of a lot line.

E. WATER AND SEWAGE FACILITIES

To protect the subsurface water supply from pollution and to protect the public health and safety, and to abate nuisance and odor, the construction of privies and cesspools shall be prohibited in the corporate limits of the city of Rolla. All such future development shall be connected to the sanitary sewer system and subject to the city's regulations regarding their use.

F. LAND SUITABILITY

No land shall be divided, subdivided or developed for a use which is not deemed suitable by the Rolla Planning and Zoning Commission for reasons of soil limitation, inadequate drainage or any other condition likely to be harmful to the health, safety or welfare of the future residents of the area or harmful to the overall community.

The subdivider or developer as a part of the pre-application procedure for subdivisions must request a determination of land suitability providing that he shall provide all necessary maps, data and information for such a determination to be made.

The Rolla City Council shall deny or approve the recommendations made by the Planning and Zoning Commission in regard to land suitability.

G. NON-CONFORMING USES

The lawful use of any building, structure, or land existing at the time of the enactment of this chapter may be continued, although such use does not conform with the provisions of this chapter, provided the following conditions are met:

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 for normal maintenance are made and such non-conforming uses shall not be extended to occupy a greater area of land than occupied at the time of adoption. (Within the restrictions of this subsection, nothing in this ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Code Administrator, or the North Dakota State Fire Marshall.)
2. Extension: A non conforming use shall not be extended, but the extension of a lawful use to any portion of a non-conforming building or structure which existed prior to the enactment of this ordinance shall not be deemed the extension of such non-conforming use.
3. Abandonment: No building or structure where a non-conforming use has been discontinued for a period of one (1) year or has changed to a permitted use shall again be devoted to a non-conforming use.

4. Property Destruction: A non-conforming structure destroyed or damaged less than 50% of its fair market value may be reconstructed within 1 year of such casualty. If damaged more than 50% of its fair market value, the non-conforming structures shall be reconstructed in accordance with these regulations.
5. Unlawful Use Not Authorized: Nothing in this chapter shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of zoning regulations in effect at the time of the effective date of this chapter.
6. District Changes: The foregoing provisions (one through five) shall not be applicable to conditional uses or any use made non-conforming by a change in regulations. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall apply to any non-conforming uses existing in the area under the different classifications, and all the requirements (1-7) shall be complied with except that the "Certificate of Non-Conforming Use" shall be issued upon the effective date of district boundary changes.
7. Certificate of Non-Conforming Use: Upon the effective date of this chapter, the Code Administrator shall issue a "Certificate of Non-Conforming Use" to every property owner whose property does not conform to the provisions of the use zone in which the property is located. In accordance with the provisions of this section no use of land, buildings or structures shall be made other than that specified on the "Certificate of Non-Conforming Use" unless said use shall be in conformity with the provisions of the use zone in which the property is located. A copy of each "Certificate of Non-Conforming Use" shall be filed with the office of the Building Inspector. No permit or license shall be issued to any property for which a "Certificate of Non-Conforming Use" has been issued until said permit or license has been approved by the Planning and Zoning Commission.

H. CONDITIONALLY PERMITTED USES

Applications for approval of a conditional use shall be submitted to the Rolla Board of Adjustment.

The Board of Adjustment 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 Board of Adjustment of Rolla shall find all of the following conditions present:

1. The conditional use will not be detrimental to or endanger the public health, safety or 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 are being provided.
5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. The conditional use shall conform to all applicable regulations of the district in which it is located.
7. Based upon their findings of the above listed conditions, the Board of Adjustment shall grant or deny a conditional use.

I. AMENDMENTS

The City Council may from time to time, on its own motion or by recommendation, change, modify, or repeal any of the regulations, restrictions or other provisions thereof, or of the district map, or the districts on said map, or of the boundaries of such districts. A proposed amendment may be initiated by the Council upon its own motion, or upon receipt of a request therefore from the City Planning and Zoning Commission, or upon receipt of a petition therefore from any interested person or persons of their agents.

1. Report by City Planning and Zoning Commission - Public Hearings:
The City Council shall require a report from the City Planning and Zoning Commission on a proposed amendment before taking final action thereon. The City Planning and Zoning Commission shall thereupon make a tentative report and hold a public hearing thereon with notice the same required for a public hearing by the governing body, before submitting its final report. Such final report shall be submitted within 90 days after the time of referral of the proposed

amendments to the City Planning and Zoning Commission unless the City Council is agreeable to an extension of time.

2. Action By Governing Body--Public Hearing: After the receipt of the required final report on any amendment from the City Planning and Zoning Commission, or in the event of the failure of the City Planning Zoning Commission to so report within 90 days following the time of referral of the proposed amendment to the City Planning and Zoning Commission, the governing body shall hold a public hearing, after which the proposed amendment may be passed. Not less than 15 days notice of the time and place of holding such public hearings shall first be published in the official newspaper. A hearing shall be granted to any person interested, and the time and place specified.
3. Vote After Protest: If a protest against an amendment or repeal is filed and signed by owners of 20% or more:
 - (a) Of the area of the lots included in such proposed change; or
 - (b) Of the area adjacent, extending one hundred fifty feet (45.72 meters) from the area to be changed, excluding the width of streets.

The amendment shall not become effective except by the favorable vote of three-fourths of all the members of the governing body of the city.

SECTION III
ZONING DISTRICTS

For the purpose of this Zoning Ordinance, the city of Rolla is divided into the following zoning districts:

- A -- Agricultural District
- R-1 -- Low Density, Residential District
- R-2 -- High Density, Residential District
- RMH -- Mobile Home Residential District
- C-1 -- Central Business Commercial District
- C-2 -- Highway Commercial District
- I -- Industrial District

A. MAPS AND BOUNDARIES;

The boundaries of these districts are hereby established as shown on a map entitled "The Zoning Map of the City of Rolla" on file in the office of the City Auditor. ^(Map 7, Appendix A) This map with all explanatory matter thereon, shall be deemed to accompany, be and is hereby made a part of this chapter.

1. Location of Zoning District Boundaries: The following rule shall apply with respect to the boundaries of the zoning districts as shown on the Zoning Map.
 - (a) The zoning district boundary lines of said map are intended to follow lot lines, the centerlines of streets or alleys, the centerlines of streets or alleys projected, railroad right-of-ways, or the corporate limit lines, all as they existed at the time of enactment of the zoning ordinance. In unsubdivided property and where a district boundary line does not clearly coincide with lot lines, it shall be determined by use of the scale on the map.

- (b) Questions concerning the exact location of district boundary lines shall be determined by the Board of Adjustment according to rules and regulations which it may adopt.

2. Annexed Property: Property which has not been included within a district and which has become a part of the city by annexation shall automatically be classified as lying and being in the R-1 residential district until such classification has been changed by an amendment to the Zoning District map as prescribed by law.

B. AGRICULTURAL DISTRICT (A):

1. PURPOSE: To establish and preserve areas of agriculture and low intensity development which does not significantly change the existing character of the area and secures economy in governmental expenditures for public services, utilities, and schools.
2. PERMITTED USES:
- (a) General farming operations including farm dwellings and agricultural buildings, nurseries and tree farms. Any shelter belts to be planted within 200 feet from the center line of roads shall require a permit and may be approved.
 - (b) Single family dwellings related to an individual farming operation.
 - (c) Single family non-farm dwellings on a tract of land of five acres or larger.
 - (d) Airports and heliports
 - (e) Public parks and other public buildings and public or quasi-public recreational facilities.
 - (f) Storage of agricultural products and minor handling according to State Health Department regulations.
 - (g) Home occupations and accessory uses customarily incident to the uses permitted in this district but not including feedlots or other concentrated animal feeding operations.
3. CONDITIONALLY PERMITTED USES:
- (a) Feed lots and other concentrated animal feeding operations provided they meet the following requirements.
 - 1) No unusual amount of odor or noise shall be disseminated beyond the boundaries of the premises on which the use is located.

- 2) Storage of manure shall not be permitted within one hundred fifty (150) feet of any lot line.
 - 3) All corrals, pens and buildings shall be located at least one hundred fifty (150) feet from any lot line.
 - 4) When the application for feed yards is filed with the Board of Adjustment the applicant shall present a plan showing the proposed development. Included in the plan shall be the following:
 - a. Topographic map showing two foot contours,
 - b. Drainage plan.
 - c. Location of existing utilities and proposed utility extensions.
 - d. Letters of commitment or intent from the utility companies concerning satisfactory water and sanitary sewer service or from the Rolette County Health department concerning satisfactory wells and septic tanks.
 - e. Plat showing dimensions and locations of all structures, existing or proposed, on the tract of land.
 - f. Parking and loading plan defining off-street parking and loading areas. Such plan is subject to Section 17 of this Ordinance.
 - g. Driveway plan indicating all interior driveways, curb cuts and area for maneuvering trucks.
 - h. All plans, plot plans and petitions as required must be submitted at least thirty (30) days prior to the hearing date before the Board of Adjustment.
 - i. The Board of Adjustment may in addition prescribe any additional conditions regarding intensity or limitation of use, appearance, hours of operation, setbacks or required open space, or other such conditions which may be deemed necessary.
-
- (b) Animal hospital or kennel
 - (c) Riding academies and stables
 - (e) Mineral extraction including sand and gravel by any commercial operation

- (e) Churches, schools, educational, religious and philanthropic institutions, but not including penal or mental institutions
- (f) Cemetery or crematory
- (g) Grain elevator
- (h) Wrecking, salvage or junkyard
- (i) Other uses of the same nature that are classed as those listed above in "Permitted Uses" section, which in the opinion of the Board of Adjustment as evidenced by a resolution of record, are not obnoxious or detrimental to the health, safety, morals, or the general welfare of the area than those uses listed as permitted uses.
- (j) Drive-in Theater Provided: The use is not within 660 yards of any residence, or residential district, the parking area shall be surfaced with a dust free material, and plans for the arrangement of entrances, exits, and parking stalls shall accompany the request for a conditional use permit.
- (k) Anhydrous Ammonia Storage Facility Provided: The use is not within 660 yards of the city's incorporated limits and meets all state and federal requirements regarding the safe handling and storage of this material.

4. MINIMUM DIMENTIONAL STANDARDS

Yard, Front: 150 feet from all section lines and the center-lines of township and county roads. 250 feet from the center line of all state and federal highways.

Yard, Side: Forty (40) feet

Yard, Rear: Forty (40) feet

Lot Size: 5 Acres

Lot Width: 380 feet

5. MAXIMUM HEIGHT:

No residential structure shall exceed thirty-five (35) feet

C. LOW-DENSITY, RESIDENTIAL DISTRICT (R-1):

1. PURPOSE: To establish and preserve quiet, uncongested one and two family residential neighborhoods protected from excess traffic hazards and the intrusion of incompatible land uses.

2. PERMITTED USES:

- (a) One and two family residences, customary accessory uses and home occupations excluding mobile homes.
- (b) Schools, parks, playgrounds and other publicly owned and operated recreational buildings.
- (c) Churches, provided off street requirements are met as stated in ~~Section I~~, "Special Regulations," *of this section.*
Paragraph

3. CONDITIONALLY PERMITTED USES:

- (a) Hospitals, clinics, convalescent and nursing homes
- (b) Cemeteries and greenhouses
- (c) Electric substation, water storage tanks, water pumping stations and sewer lift stations, fire stations and telephone exchanges without shop, garages, or administrative offices.

4. MINIMUM DIMENSIONAL STANDARDS:

Yard, Front: 25 feet

Yard Side: 5 feet for main buildings; 3 feet for accessory uses.

Yard, Rear: 25 feet for main buildings; 3 feet for accessory uses.

Lot Width: 50 feet

Lot Depth: 100 feet

Lot Coverage: Not more than 50% of a lot shall be occupied by buildings.

Area of Lot: 7500 sq. feet

Lots fronting on curvilinear streets shall have a minimum frontage of 38 feet and a 50 foot width at the building line.

On double frontage lots, the required front yard shall be provided on both streets.

Except for corner lots of record at the date of this ordinance, the front yard on the side street may be reduced to a depth of not less than 20 feet.

5. PARKING REQUIREMENTS:

One off-street parking space shall be provided for each dwelling unit on the premises, exclusive of required yards.

6. HEIGHT, MAXIMUM:

No residential structure shall exceed two and one-half stories or 35 feet, other structures may be of a height which does not conflict with airport requirements

D. HIGH-DENSITY RESIDENTIAL DISTRICT (R-2);

1. PURPOSE: To establish and preserve residential neighborhoods which allow for varied types of residential development.

2. PERMITTED USES:

- (a) All R-1 permitted uses, and multi-family residences.
- (b) Boarding or lodging houses and group housing projects.
- (c) Educational, religious, or philanthropic institutions, but not including penal or mental institutions.
- (d) Hospitals, clinics, convalescent and nursing homes.
- (e) Accessory storage garages or other accessory uses customarily incident to the uses permitted in this district.

3. CONDITIONALLY PERMITTED USES:

- (a) Non-profit clubs or lodges
- (b) Day Care facilities
- (c) Quasi-public recreational facilities
- (d) Electric substations, fire stations, police stations and telephone exchanges without shop, garages or administrative offices.

4. MINIMUM DIMENSIONAL STANDARDS:

Yard, Front: Same as R-1 District, except any building exceeding three stories in height, shall have an additional front yard setback of one foot for every one foot the building exceeds the height of 35 feet.

Yard, Side: Same as R-1 District, except that any building exceeding three stories in height shall have an additional side yard setback of one foot for

for every one foot the building exceeds a height of 35 feet.

Yard, Rear: Same as R-1 District

Lot Width: Same as R-1 District

Lot Depth: Same as R-1 District

Lot Coverage: Not more than fifty (50) percent of a lot shall be occupied by buildings.

Area of Lot: Same as R-1 District. For each additional multi-family unit after two, the following additional lot area shall be required: 1000 sq. feet per one bedroom; 1,300 sq. feet per two bedroom; 1,500 sq. feet per three bedroom. Regulations for corner lots, double frontage lots and lots fronting on curvilinear street are the same as in R-1 district regulations.

5. PARKING REQUIREMENTS:

One and one-half parking spaces per multi-family dwelling unit.

6. MAXIMUM HEIGHT:

Structures shall neither exceed four stories or 45 feet in height nor shall any structure be in conflict with airport requirements.

E. MOBILE HOME RESIDENTIAL DISTRICT (RMH):

1. PURPOSE: To establish and preserve an individual area or areas within the city for mobile homes and mobile home park development which will not have negative impact on the rest of the community and, at the same time, provide ample room and compatible utilities for such development.
2. PERMITTED USES:
 - (a) Mobile home parks (not to include recreational vehicles); parks and playgrounds.
 - (b) Mobile home service buildings such as coin operated washers and dryers, for use of residents of the mobile home park.
 - (c) Office for manager of the mobile home park.
 - (d) Storage building used for storage of vehicles used to tow mobile homes.
 - (e) Storage buildings for blocks, skirts, pipe and other material and equipment required to set a mobile home.

- (f) Accessory uses and buildings including swimming pools, bath houses, patios, etc., for use of mobile home residents.

3. MOBILE HOME PARK REQUIREMENTS:

- (a) Mobile home parks shall contain a minimum of five (5) acres of land and a maximum of eight (8) mobile homes per gross acre.
- (b) A minimum of ten (10) percent of the gross site area shall be devoted to open space and recreational facilities.
- (c) Each mobile home space shall be at least 40 feet wide and an area of 5,000 square feet.
- (d) There shall be a minimum of 15 feet between structures.
- (e) No building shall exceed 35 feet in height.
- (f) Underground utility hookups shall be provided to each lot in the park. These utilities shall include water, sewer, electricity and telephone.
- (g) Off-street parking of one parking space for each mobile home unit shall be provided and one additional space for every four units.
- (h) All lots in the park shall be accessible at all times to emergency vehicles.
- (i) Each mobile home shall have a setback of a minimum of ten feet within the park and 25 feet setback from other public roads adjoining the mobile home park.
- (j) Where the park is served by private streets, those streets shall conform to the following:
 - 1) Where parking is to be allowed on both sides of the street, a driving surface of 34 feet within a 40 feet right-of-way shall be provided.
 - 2) Where parking is prohibited on both sides of the street, a driving surface of 24 feet within a 30 feet right-of-way shall be provided.
- (k) Each mobile home space shall be provided with garbage stands and cans.
- (l) All regulations of North Dakota Regulatory Agencies and Departments relating to mobile homes shall be complied with.

F. CENTRAL BUSINESS COMMERCIAL DISTRICT (C-1):

1. PURPOSE: The C-1 District is intended to reserve an area for the grouping of businesses and personal services into a concentrated area serving the shopping needs of the city and surrounding trade area.
2. PERMITTED USES:
 - (a) Any commercial business or service including but not limited to hardware, clothing, bakeries, eating and drinking places, professional offices, hotels, places of assembly, public buildings, public utilities and transportation and communication facilities.
 - (b) Day Nursery or child care center
 - (c) Commercial and public parking lots
 - (d) Secondary building use (not involving open storage) when located on the same lot or other accessory uses customarily incident of the uses provided for in this district.
3. CONDITIONALLY PERMITTED USES:
 - (a) Sleeping rooms, apartments or owner-occupied residences in commercial buildings or service establishments, provided that the above uses are secondary to the main commercial use of the building and occupy less than fifty (50) percent of the main floor.
 - (b) Storage facilities for building materials such as lumber, steel, concrete blocks or pipe provided that these materials are either:
 - 1) Enclosed by a wall or fence equal in height to the highest pile of materials stored by not less than five (5) feet high;
 - 2) Stored in an enclosed structure.
 - (c) Enterprises or businesses of the same nature or class as those permitted uses, which in the opinion of the Board of Adjustment, as evidenced by a resolution of record, are not of a different intensity of use or character, or are more obnoxious or detrimental to the welfare of the area than existing businesses.
 - (d) Housing projects may be approved, but only if a part of a planned concept in accordance with the comprehensive plan. Such projects will be exempted from the restrictions normally applied to multiple dwellings, provided that such projects shall be approved as a total concept and shall observe such standards as not to materially affect adversely the health or safety of persons residing or working in

the neighborhood of the proposed project and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

In each of the above instances, the Board of Adjustment shall be provided with site development plans showing the proposed development or use and its relationship to adjacent properties. The site development shall show the location of improvements on the site, the height and bulk of structures propose, description and placement of screening or screen planting, availability of utilities if applicable, a statement of the time sequence of development and when necessary, environmental impact on properties in the immediate vicinity.

The Board may in addition prescribe any additional conditions regarding intensity or limitation of use, appearance, hours of operation, setbacks or required open space, or other such conditions which may be deemed necessary by the Board.

4. MINIMUM DIMENSIONAL STANDARDS:

(a) Yards:

- 1) Front - None
- 2) Rear - None if abutting an alley, otherwise 10 feet; except where adjoining an R1, R2 or MH District; then same as R1, R2 or MH District.
- 3) Side - None except where adjoining an R1, R2 or MH District; then same as R1, R2 or MH District.

(b) Lot Sizes: No minimum

5. MAXIMUM HEIGHT:

No building shall exceed five (5) stories or sixty-five (65) feet.

G. HIGHWAY COMMERCIAL DISTRICT (C-2):

1. PURPOSE: The C-2 District is intended for commercial activities which might be incompatible with uses in the central business dis-

strict by reason of traffic considerations, marketing characteristics, and area requirements and other characteristics inherent in these uses. Such commercial activities normally require a considerable amount of on-site storage or parking and would otherwise cause conflicts if located in the downtown central business district (C-1 District).

2. PERMITTED USES:

Restaurants and other eating establishments, motels, service stations, automobile repair garages, auto sales, farm machinery, building supply yards, wholesaling of products, commercial garages and warehousing.

Commercial recreation, including bowling alleys, dance halls, and skating rinks.

3. CONDITIONALLY PERMITTED USES:

(a) Enterprises or businesses of the same nature or class as those listed in the above section "Permitted Uses" which in the opinion of the Board of Adjustment, as evidenced by a resolution of record, are not more obnoxious or detrimental to the welfare of the area than those listed in above said section. Other types of retail sales and services shall be encouraged to locate in the Central Business District.

(b) Water supply buildings, wells, elevated tanks and similar essential public utility and service structures.

In each of the above instances, the Board of Adjustment shall be provided with site development plans showing the proposed development or use and its relationship to adjacent properties. The site development shall show the location of improvements on the site, the height and bulk of structures proposed, description and placement of screening or screen planting, availability of utilities is applicable, a statement of the time sequence of development and when necessary, environmental impact on properties in the immediate vicinity.

The Board may in addition prescribe any additional conditions regarding intensity or limitation of use, appearance, hours of operation, setbacks or required open space, or other such conditions which may be deemed necessary by the Board.

4. MINIMUM DIMENSIONAL STANDARDS:

Yard, Front: Thirty (30) feet

Yard, Side: Ten (10) feet is required, except on corner lots, in which case there shall be a side yard of not less than thirty (30) feet.

Yard, Rear: Thirty (30) feet

Lot Size: No minimum

5. INTENSITY OF USE REGULATIONS:

A buffer strip, which is approved by the Board of Adjustment, shall provide a slight and sound barrier when ^{a commercial} ~~an industrial~~ use is abutting a residential district. The buffer strip shall be adequately maintained by the property owner.

6. MAXIMUM HEIGHT:

No structure shall exceed three (3) stories or forty-five (45) feet.

H. INDUSTRIAL DISTRICT:

1. PURPOSE: It is the intent of this district to establish and preserve areas with good public transportation facilities such as highway and rail for industrial development in locations not incompatible with other zoning districts, and at standards that will not impair the traffic-carrying capabilities of abutting roads and highways. It is recognized that industrial uses are an important part of the region's land use pattern. The regulations for this district are intended to encourage industrial development that is compatible with surrounding or adjoining districts.

2. PERMITTED USES:

(a) Agriculture, grain elevators, lumber yards, trucking, rail and freight terminals, storage of oil, gasoline and petroleum products, commercial garages, warehouses, and any kind of scientific research or manufacture, compounding, assembling, reprocessing, fabrication, packaging or treatment of products, wholesaling, retailing associated with wholesaling, jobbing, manufacturing or processing industries provided the following limitations are placed on all such uses:

1) They do not cause injurious or obnoxious noise, vibration, smoke, gas fumes, odor, dust, fire hazard or other objectional conditions to present industrial development or to residential district in the vicinity.

2) Areas of outdoor storage and storage of equipment shall be concealed from view from abutting rights-of-way and adjoining residential districts.

(b) Dwelling units, for watchmen and their families, located on the premises where they are employed in such capacity.

- (c) Accessory uses customarily incident to the above cases are of the same nature as those enumerated above.

3. CONDITIONALLY PERMITTED USES:

- (a) Automobile salvage and wrecking operations, industrial and waste salvage operations, and junk yards provided a wall or fence encloses these operations from public view that is at least six feet high.
- (b) Water supply buildings, wells, elevated tanks and similar essential public utility and service structures.
- (c) Industrial enterprises or businesses of the same nature or class as those listed in the above section, "Permitted Uses", which in the opinion of the Board of Adjustment, as listed in the Resolution of Record, are not more obnoxious or detrimental to the welfare of the area than those listed in above said section.

In each of the above instances, the Board of Adjustment shall be provided with site development plans showing the proposed development or use and its relationship to adjacent properties. The site development shall show the location of improvements on the site, the height and bulk of structures proposed, description and placement of screening or screen planting, availability of utilities if applicable, a statement of the time sequence of development and when necessary, environmental impact on properties in the immediate vicinity.

The Board may in addition prescribe any additional conditions regarding intensity or limitation of use, appearance, hours of operation, setbacks or required open space, or other such conditions which may be deemed necessary by the Board.

4. MINIMUM DIMENSIONAL STANDARDS:

Yard, Front: Thirty (30) feet

Yard, Side: Ten (10) feet

Yard, Rear: Ten (10) feet

Lot Size: No minimum

5. INTENSITY OF USE REGULATIONS:

A buffer strip, which is approved by the Board of Adjustment, shall provide a sight and sound barrier when an industrial use is abutting a residential district. The buffer strip shall be adequately maintained by the property owner.

6. MAXIMUM HEIGHT:

Four (4) stories or fifty-five (55) feet except such limitation does not apply to buildings used for grain storage.

I. SPECIAL REGULATIONS:

1. General - the ^{paragraph} zoning district requirement hereinafter set forth in this section, qualify or supplement, as the case may be, the District Regulations appearing elsewhere in these regulations.
2. Off-Street Parking and Unloading - no building shall be erected, enlarged to the extent of increasing the floor area by as much as fifty (50) percent, or changed in use unless there is provided on the lot, space for the parking of automobiles or trucks in accordance with the following minimum requirements:
 - (a) Bowling alley, five parking spaces for each lane.
 - (b) Business, professional or public office building, studio, bank, medical or dental clinic, three parking spaces plus one additional parking space for each four hundred (400) square feet of floor area over one thousand (1,000) feet.
 - (c) Church, one parking space for each eight seats in the main auditorium.
 - (d) College or school, one parking space for each eight seats in the main auditorium or three spaces for each classroom whichever is greater.
 - (e) Community center, library, museum or art gallery, ten parking spaces plus one additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet.
 - (f) Dwellings, multi-family, one and one-half parking space for each dwelling unit.
 - (g) Hospital, sanitarium, home for the aged, or similar institution, one parking space for each three beds.
 - (h) Hotel, one parking space for each three sleeping rooms of suites plus one parking space for each two hundred (200) square feet of commercial floor area contained therein.
 - (i) Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse

or similar establishment, one parking space for every two employees on the maximum working shift plus space to accomodate all trucks and other vehicles used in connection therewith.

- (j) Mortuary or funeral home, one parking space for each fifty (50) square feet of floor space in slumber rooms, parlors, and individual funeral service rooms.
 - (k) Private club or lodge, one parking space for every ten members.
 - (l) Restaurant, night club, cafe or similar recreation or amusement establishment, one parking space for each one hundred (100) square feet of floor area.
 - (m) Retail store or personal service establishment, one parking space for each two hundred (200) square feet of floor area.
 - (n) Sports arena, stadium or gymnasium (except school), one parking space for each five seat for seating spaces.
3. Lighting: Outdoor lighting shall be directed away from the public right-of-way and nearby or adjacent Residential Districts.
 4. Outdoor Audio Systems: Fixed in place, shall be directed away from the public right-of-way and nearby or adjacent Residential Districts.
 5. Required Site Plan: Any application for a building permit or for a certificate of occupancy shall include a site plan or plat plan showing off-street parking and loading space to be provided in compliance with this Ordinance.
 6. Application of Parking and Loading Regulations: Off-street parking and loading regulations shall apply to all buildings, and uses of land established after the effective date of this Ordinance.

SECTION IV

SUBDIVISION REGULATIONS

A. INTRODUCTION

1. PURPOSE: The purpose of these regulations is to promote the health, safety, and general welfare of the City of Rolla as well as to guide the orderly future growth and development of the city; promote proper land use density; provide for adequate light, air, and privacy; secure safety from flood and fire; and guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage disposal, schools, parks, playgrounds, recreation, drainage, and other public facilities.
2. Regulations are adopted under the authority of 40-50 of the North Dakota Century Code.

B. PROCEDURE FOR SUBDIVISION APPROVAL

1. Preliminary Plat:

- (a) The subdivider shall prepare a preliminary plat and file an application for approval with the Planning and Zoning Commission. The application shall include all data required by these regulations accompanied by three copies of the plat.

The preliminary plat shall include all contiguous lands owned or controlled by the subdivider even if only a part of it is proposed for development at that time.

The Planning and Zoning Commission shall within thirty (30) days from date submitted, approve, conditionally approve, or reject the preliminary plat based on conformance of these regulations.

- (b) The preliminary plat shall be prepared by a registered land surveyor at a scale no smaller than one (1) inch equals two hundred (200) feet and may be drawn in pencil or ink. Three (3) copies shall be submitted to the Planning and Zoning Commission and shall correctly show the following information:
 - 1) The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor;
 - 2) The date of the map, north arrow, scale, and proposed title of subdivision;
 - 3) An accurate metes and bounds description of the property;
 - 4) The location of property with respect to surrounding property and streets, the names of all adjoining property owners of record or the names of adjoining developments; the names of adjoining streets;

- 5) Topographic contours at two (2) foot intervals;
- 6) The location of existing streets, easements, water bodies, streams, Special Flood Hazard Areas obtained from the F.I.A. or best alternate source in the absence of F.I.A. data and other pertinent features such as swamps, wooded areas, railroads, buildings, parks, cemeteries, drainage ditches, bridges and the 100-year flood plain.
- 7) The location and width of all proposed streets and easements, alleys, other public ways and proposed street rights-of-way;
- 8) Proposed street identification;
- 9) The location, dimensions, and areas of all proposed or existing lots;
- 10) Indication of the use of any lot (single-family, two-family, multi-family, townhouse), and all uses other than residential proposed by the subdivider;
- 11) Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions. All lots in each block consecutively numbered. All lots shall include proposed street addresses;
- 12) The location, dimensions, and area of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, of any of the dedication or reservation;
- 13) Identification of existing sewers, water mains, culvert, other underground structures, utility poles on or immediately adjacent to the tract as determined by the city engineer and utility representatives;
- 14) Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal, preliminary provisions for collecting and discharging surface water drainage;
- 15) The following notation shall also be shown:
 - a. Explanation of drainage easements, if any.
 - b. Explanation of site easements, if any.
 - c. Explanation of reservations, if any.
 - d. Endorsement of owner;
 - e. Location of sidewalks.
 - f. Curbs & gutter.
 - g. All utility services.

- 16) The lack of information under any item specified herein or erroneous information supplied by the applicant shall be cause for disapproval of a preliminary map.

2. Final Plat:

- (a) If the preliminary plat has been approved or approved conditionally, the subdivider shall submit three (3) copies of the final plat to the Planning Commission.

The Planning and Zoning Commission shall hold a public hearing as required by the North Dakota Century Code before action on the final plat is taken. Notice of the hearing shall be made in the official city newspaper fifteen (15) days prior to the public hearing.

If the final plat meets the requirements of these regulations and any conditions that may have been attached in the case of a preliminary plat given conditional approval, the Planning and Zoning Commission shall recommend approval of the plat to the City Council.

- (b) The City Council shall hold a public hearing on all final plats and shall publish a notice of public hearing in the official city newspaper at least fifteen (15) days prior to the hearing. The City Council shall within thirty (30) days of its initial consideration approve, deny, or refer the plat back to the Planning and Zoning Commission as presented.
- (c) The final plat shall be approved by the City Council within one (1) year of the date on which the preliminary plat was approved by the Planning and Zoning Commission. The final plat shall be filed in the office of the County Register of Deeds within six (6) months after approval of the City Council, and if not filed within such time, the final plat approval shall be considered null and void.
- (d) The final plat of the proposed subdivision shall be prepared by a registered land surveyor or engineer and shall conform to the requirements of the preliminary plat and any conditions attached by the Planning Commission.
- (e) The final subdivision plat shall be presented in "India ink" on tracing cloth or reproducible mylar at a scale no larger than one (1) inch equals two hundred (200) feet.

- (f) Endorsements shall include the City Engineer and the Chairman of the Planning and Zoning Commission. The final plat shall also be endorsed by the President of the City Council and the City Auditor as follows:

Approved this _____ day of _____

Mayor, City of Rolla

Attest: _____
Auditor, City of Rolla

C. PLATTING STANDARDS

1. Character of Land: The Planning and Zoning Commission shall not allow the subdivision of land which is unsuitable for development due to flooding, improper drainage, steep slopes, soil types, adverse earth formations, topography, utility easements, or other features which may be harmful to the present or future inhabitants of the subdivision and/or surrounding area. If adequate methods to overcome this unsuitability are formulated by the developer and approved by the City Engineer, the Planning and Zoning Commission may approve the development on the conditions that these measures are carried out.
2. Design Standards:
 - (a) Streets:
 - 1) The arrangement, character, extent, width, grade and location of all streets shall be related to topographic conditions; existing natural features including wetlands, marshes, and tree growths; public convenience and safety; existing and proposed uses of land served by streets; and to the most advantageous development of adjoining uses.
 - 2) The arrangement of streets in a subdivision shall provide, where possible, for the continuation or appropriate extension of existing and proposed streets in the city.
 - 3) Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way; the city may require a street approximately parallel to and on side of such right-of-way, at a distance suitable for the appropriate use of the intervening land.
 - 4) Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than 75 degrees, and no more than two (2) streets shall intersect at one point.
 - 5) Temporary dead-end streets shall not be permitted without a suitable turn-around with a diameter of not less than 120

feet. Appropriate arrangements shall be made for those parts of temporary turn-arounds outside of street rights-of-way to revert to the abutting property owners at such times as streets shall be extended. Temporary dead-end streets shall not exceed 800 feet in length measured from the nearest street right-of-way to the end of the street turn-around.

- 6) Cul-de-Sacs shall not exceed 600 feet in length measured from the nearest street right-of-way to the end of the street turn-around. The minimum diameter of the street turn-around shall be 120 feet and the street right-of-way shall be 140 feet.
- 7) No street identification shall be used which will duplicate or be confused with the names of existing streets in the city.
- 8) The width of the streets shall be not less than 80 feet for major streets and 66 feet for minor streets.
- 9) All alleys, where provided, shall have a public right-of-way of 30 feet.

(b) Utility Easements:

- 1) Easements across lots shall be provided for utilities and shall be 30 feet wide. Easements along rear and side lines shall be at least 15 feet wide on each side of the lot line and Easements shall be designated as "Utility Easement" on the plat.
- 2) All utility lines for electric power and telephone service whether underground or overhead on poles shall be placed in the utility easements.

(c) Drainage-Way Easements:

- 1) Where a subdivision is traversed by a water course, a drainage-way or wetland, there shall be provided an adequate drainage-way easement as required by the Planning and Zoning Commission.
- 2) The location, width, alignment and grading of such easements shall be of such a width and design to accomodate the anticipated discharge from the property being subdivided and also the anticipated run-off that may occur when property at a higher elevation in the drainage basin is developed.

(d) Blocks:

- 1) The length, width and shape of blocks shall be suited to the planned use of land, zoning requirements, convenient access, control and safety of street traffic and the limitations and opportunities of topography.
- 2) Block lengths shall not exceed 1,100 feet or be less than 450 feet.

(e) Lots:

- 1) Lot dimensions shall conform to the requirements of the zoning ordinance.
- 2) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the zoning ordinance.
- 3) Every lot shall front or abut a public street.
4. Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- 5) Side lot lines shall be substantially at right angles or radial to street lines.
- 6) Corner lots shall have an extra width of ten (10) feet over the minimum requirements to permit adequate building setbacks from side streets.

3. Required Improvements:

- (a) Survey Monuments: Monuments shall be placed at all block corners, angle points, points of curves in streets and at intermediate points as required by the Planning Commission.
- (b) Grading: All streets shall be graded in accordance with plans and specifications of the city.
- (c) Installation of Improvements: The improvements specified herein shall be installed, and approval of the final plat shall be given only after work has been completed.

D. 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 one-half ($\frac{1}{2}$) miles extraterritorial jurisdiction.
2. Compliance:
 - (a) No land shall be subdivided within the jurisdiction of the City of Rolla until the following conditions have been met:
 - 1) The subdivider has obtained approval of the preliminary plat by the Planning and Zoning Commission;
 - 2) A public hearing has been held and the subdivider has obtained approval of the final plat by the Planning and Zoning Commission;

- 3) The City Council has reviewed the final plat, held a public hearing, and has approved the plat;
- (b) No building permit shall be issued for any parcel or plat of land which was created by subdivision after the effective date of the provisions of these subdivision regulations, and which is not in conformance with these regulations.
- (c) No excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations.
3. Severability: If any provision or section of these regulations is found invalid by a court of competent jurisdiction, the remainder of the regulations shall not be affected.
4. Interpretation: In interpreting and applying these regulations, the provisions shall be held to be the minimum requirements for the promotion of public health, safety and general welfare.
5. Conflict with Public Provisions: Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule or regulation, those provisions which are more restrictive or impose higher standards shall control.
6. Conflict with Private Provisions: Where the provisions of these regulations are more restrictive or impose higher standards or regulations than a private easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern.
7. Amendments: Should the need arise to amend these regulations, the City Council shall hold a public hearing. Notice of the hearing shall be placed in the official city newspaper at least fifteen days prior to the hearing.
8. Variances:
 - (a) General: The Board of Adjustment may find that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal. It may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations. The Board of Adjustment shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:
 - 1) The granting of the variance would not be detrimental to the public safety, health, or welfare, and not be injurious to other property located adjacent to the proposed modification.

- 3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a mere inconvenience, if the strict letter of these regulations are carried out.
- 4) The variance is consistent with provisions of the Zoning ordinance and proper development of the area.

(b) Planned Unit Developments:

If a planned unit development of over ten (10) acres in a single ownership is proposed, detailed site plans showing the location of access, streets, buildings, parking facilities, recreational facilities and landscaping areas shall be submitted to the Board of Adjustment for review, together with detailed information as to proposed use and occupancy.

After a public hearing thereon, if the Board of Adjustment finds that the interests of the community in good design, environmental amenity and efficiency of public services would be enhanced thereby, the Board of Adjustment may waive one or more of the subdivision regulations (excepting the requirements for the installation of improvements) or may establish additional conditions to be met by the development plan.

In approving such a development plan the Board of Adjustment shall be assured that it provides and dedicates adequate open spaces and improvements for circulation, parking, recreation, education and service needs of the tract when fully developed and that such covenants, financial and legal guarantees are provided that will assure that the plan will be followed and achieved.

- (c) Conditions: In approving variances, the Board of Adjustment may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements of these regulations.
- (d) Procedures: A petition for any such variance shall be submitted in writing by the subdivider for the consideration of the Board of Adjustment. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

9. Enforcement:

- (a) It shall be the duty of the City Council to enforce these regulations and to bring to the attention of the City Attorney any violations or lack of compliance herewith.
- (b) Appropriate actions and proceedings may be taken by law or in equity to prevent any violations of these regulations;

to prevent unlawful construction; to recover damages; to restrain, correct, or abate a violation; and to prevent illegal occupancy of a building, structure, or premise.

10. Fees: The subdivider shall pay to the City Auditor a fee to be determined by the City Council.

SECTION V

ADMINISTRATION AND ENFORCEMENT

The administration and enforcement of the Zoning Ordinance is hereby vested in the Rolla City Council, the Code Administrator, the Board of Adjustment and the Planning and Zoning Commission.

A. ROLLA CITY COUNCIL

1. Duties Under This Code:

- (a) Approve or deny all final plats, and building permits.
- (b) All amendments to the text of these regulations and the "Zoning District Map" shall be approved by the City Council after a public hearing by the Planning and Zoning Commission.
- (c) Investigate and note the violation of the provisions of these regulations and take action.

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 administering 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.

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 public 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 vote of the majority shall uphold or reverse the order or decision of the Code Administrator. The Board shall record the grounds for its decision.
- (e) May issue a variance only as permitted in this ordinance.
- (f) May issue conditional use permits as permitted in this ordinance.

D. CODE ADMINISTRATOR

1. Appointment:

The code administrator shall be appointed by the Rolla City Council. The City Council shall decide the salary and compensation of the position.

2. Duties Under This Code:

- (a) Receive and file all applications for plats of subdivisions amendments to these regulations, the "Zoning District Map" and building permits.
- (b) Inspect buildings and maintain records.
- (c) File complaints against any person, persons, firm or corporation for violation of any of the provisions of any of the regulations over which he (she) has been granted jurisdiction.
- (d) Issue certificates of compliance.
- (e) Report all zoning violations to the City Attorney and the City Council for appropriate action.

E. BUILDING OR DEVELOPMENT PERMIT FEE

- 1. It shall be unlawful for any person to begin any development or building without obtaining a building permit.
- 2. The building permit fees as specified in Section 303 of the Uniform Building Code, 1967 Edition, Volume VII, Short Form, as now in force and effect in the City of Rolla, North Dakota, are hereby changed as follows:
 - (a) The building permit fee for any commercial building or any apartment type structure with three or more apartments shall be \$150.00.
 - (b) The building permit fee for any single dwelling house or duplex shall be \$100.00.
 - (c) The building permit fee for any exterior storage shed, fence, or patio shall be \$10.00.
 - (d) The building permit fee for any other addition to a structure or any garage (whether or not attached) or any other construction shall be \$25.00.

3. Where work for which a permit is required, is proceeded with or started prior to obtaining a building permit from the City of Rolla, the fees above specified shall be doubled, but the payment of such doubled fee shall not relieve any person from fully complying with the requirements of the Uniform Building Code in the execution of the work or from any other penalties described in the building code. The building contractor or person hired by the owner to perform the construction work shall be liable for all criminal penalties and all civil penalties provided here herein, provided by Ordinance No. 245, and provided in said Uniform Building Code, for the offense of commencing construction without a building permit and for any other offense provided in the Uniform Building Code; and further, if a building contractor or person hired by the owner to perform construction work shall fail to securely post a copy of the building permit on the construction site at commencement of construction, he shall be guilty of an infraction for which the penalty shall be not less than \$25.00 nor more than \$100.00. The owner of any property in the City of Rolla who permits the commencement of any construction on his property without a building permit shall likewise be subject to all civil and criminal penalties provided herein, provided in Ordinance No. 245, and provided in said Uniform Building Code.
4. Any building permit issued pursuant of these provisions shall expire one year from the date of issuance.

F. CERTIFICATE OF COMPLIANCE

1. No building or structure shall be occupied until a certificate of compliance shall have been issued by the code administrator for determining the conformity with the specifications for which the development permit has been issued.

G. VIOLATIONS AND PENALTIES

1. It is declared unlawful for any person to violate any of the terms and provisions of these regulations or other official control adopted by the Rolla City Council pursuant thereto. Violation thereof shall be a misdemeanor and may be punishable by a fine of not to exceed one hundred dollars (\$100.00) for each and every day that any violator fails to comply with the provisions of these regulations. Whenever a violation of these regulations occurs, any person may file a complaint in regard hereto. All fines for violation shall be paid to the Rolla City Auditor and shall be credited to the general fund of the city.

First reading: December 1, 1980

Publication of Notice of Hearing: December 11 and 18, 1980

Public Hearing: December 29, 1980

Second reading and passage: February 2, 1981

Approved: February 2, 1981

Donald Engbrecht

DONALD ENGBRECHT

Mayor

ATTEST:

Caroline Simmering

CAROLINE SIMMERING

City Auditor


THE ZONING MAP OF THE CITY OF ROLLA


R-1 - Low Density Residential
R-2 - High Density Residential
RMH - Mobile Home Residential
C-1 - Central Business Commercial
C-2 - Highway Commercial

I - Industrial
A - Agricultural

 Farmstead Location

 Extra territorial Zoning Boundary

 Section Lines

 Non Farm Dwelling

