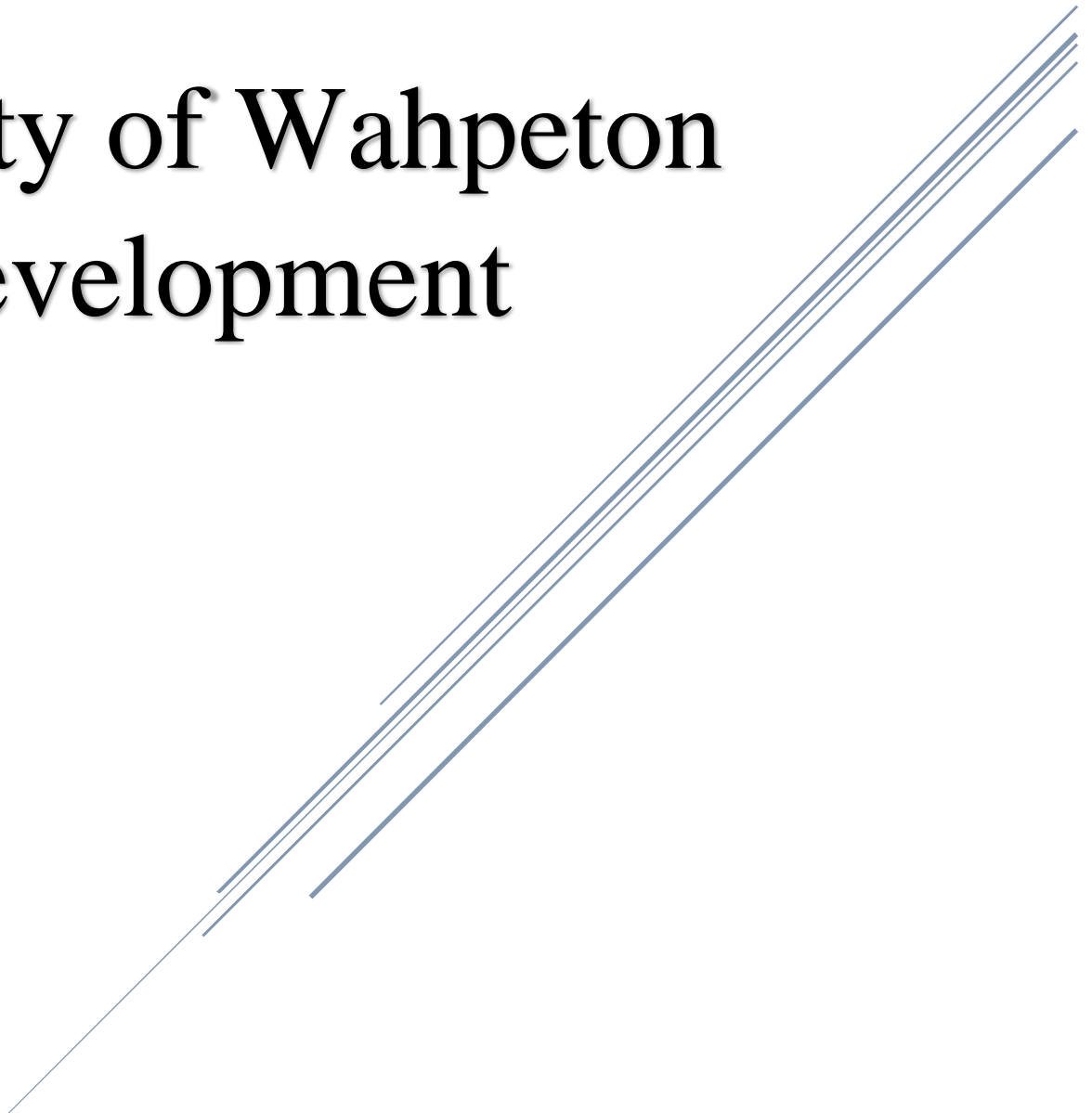




# City of Wahpeton Development



**The following Development Standards for the City of Wahpeton is a general overview of the rules and regulations for developing in the City of Wahpeton.**

**\* Please notes that this booklet is NOT intended to replace State Statute or City Ordinance.**

**For questions, comments, or concerns, relating to development in the City of Wahpeton please contact any of the following:**

**Staff Contact Information:**

Todd Johnson – Building Official and Zoning Administrator

Dennis Miranowski – Public Works Director

Chris DeVries – Community Development Director

Kyle Rogahn – Engineering Project Manager

Darcie Huwe – Finance Director

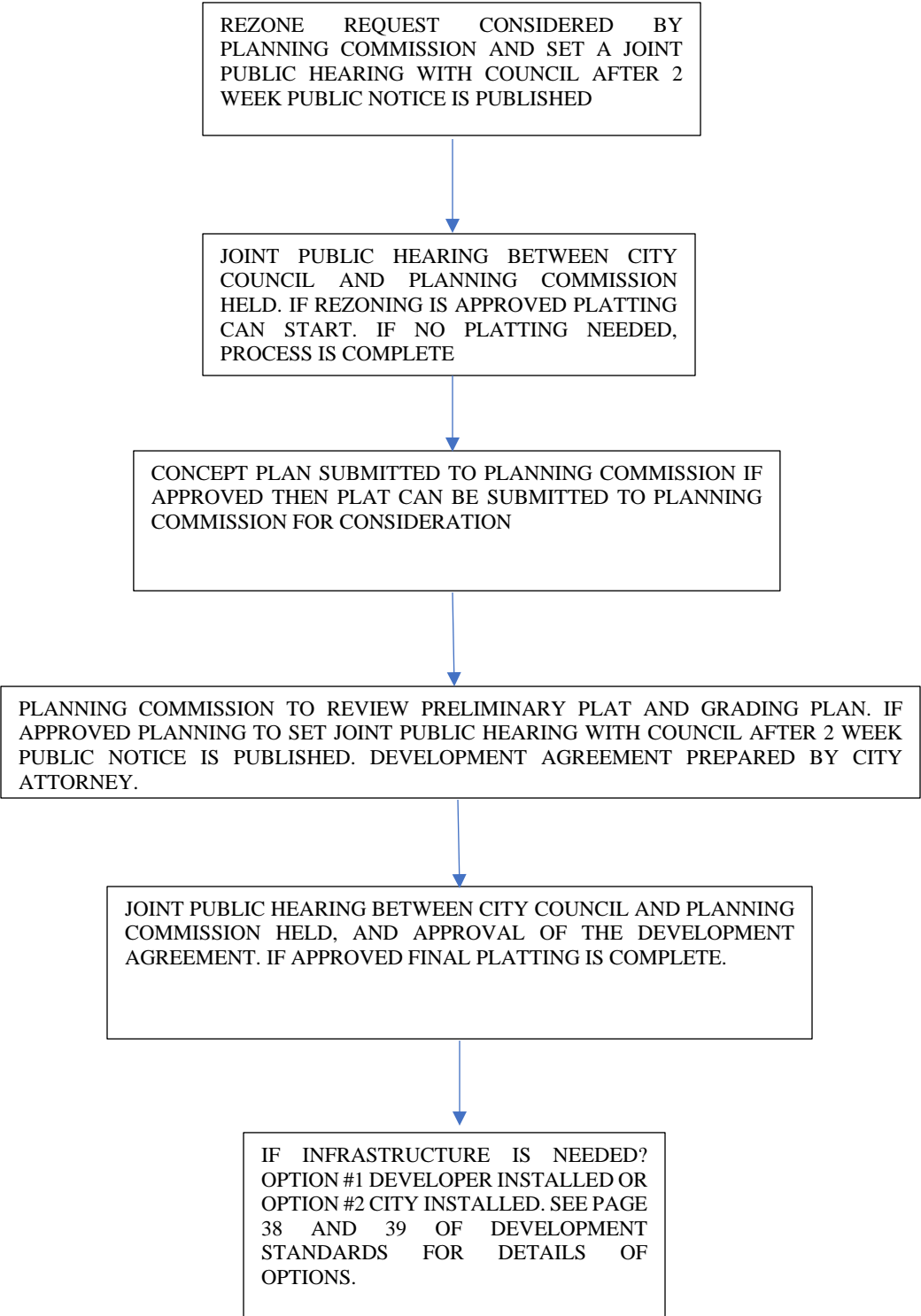
You can contact any of the above by call the Wahpeton City Hall at 701-642-8448

City Attorney's Office – 701-642-8055

**City of Wahpeton Development Process  
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**DEVELOPMENT PROCESS FLOW CHART**



# BRIEF OVERVIEW

1. Establish Zoning
2. Submission of Plats and Data to City Planning Commission. (Preapplication) See Wahp. Ord. § 38-77(a). See also Wahp. Ord. 100-103.
  - a. Proposed Development Plans. See Wahp. Ord. § 38-100;
  - b. Preliminary Plat Requirements. See Wahp. Ord. § 38-101;
  - c. Proposed data from Preliminary Plat. See Wahp. Ord. § 38-102; and
  - d. Specification and Contents (Final Plat). See Wahp. Ord. § 38-103.

## **WITHIN 15 DAYS OF PLANNING COMMISSION MEETING**

Planning commission shall inform that submission does or does not meet the objectives of the regulations. If not, Planning Commission shall notify reason.

3. Preparation of Preliminary Plat, Improvement plans, and supplemental material in section 2 above. See Wahp. Ord. § 38-78(a).
4. Filing an application for conditional approval of preliminary plat. Applicant must submit 6 prints of preliminary plat and 3 completed application forms for preliminary approval shall be submitted to the Finance Director/City auditor **5 days prior to** the planning commission meeting for consideration. See Wahp. Ord. § 38-78(b).
  - a. \$20.00 filing fee; See Wahp. Ord. § 38-78(b).
  - b. Name and address of a person to who notice of hearing shall be sent. See Wahp. Ord. § 38-24.

## **WITHIN 30 DAYS AFTER SUBMISSION OF PRELIMINARY PLAT**

At least 5 days prior to the date fixed for a hearing, notice of the time and place of such hearing shall be sent by registered or certified mail to the address shown on the plat. See Wahp. Ord. § 38-24. Except for minor plats.

Planning Commission shall approve or disapprove the plat. See Wahp. Ord. § 38-78(c); See also Wahp. Ord. § 38-24.

If approved: referred to City Council.

## **WITHIN 20 DAYS OF REFERRAL**

City Council shall approve or disapprove. If approved, returned to subdivider for compliance with final plat requirements. See Wahp. Ord. § 38-78(d).

- Conditional approval:

- The general terms and conditions under the preliminary approval was granted will not change for **3 years**;
  - The applicant may submit on or before the expiration date the whole or any portion of said plat for final approval.
- See Wahp. Ord. 38-78(e).
5. Install Improvements or post bond, letter of credit or other adequate performance guarantees, payable to the city, ensuring the installation of improvements. See Wahp. Ord. § 38-79. (may be waived upon request to city council on resolution by at least 3/4).
    - a. Monuments. See Wahp. Ord. § 38-171; and
    - b. Utility and Street. See Wahp. Ord. § 38-172.

**WITHIN 18 MONTHS FROM DATE OF PRELIMINARY APPROVAL**

6. Subdivider must submit Final Plat to the secretary of the Planning Commission to be forwarded for final approval. See Wahp. Ord. § 38-80(a).
7. Original tracing of the application form must be submitted to secretary at least **5 days prior to** the planning commission meeting. See Wahp. Ord. § 38-80(b).
8. Must provide statement from city engineer or consulting engineer regarding improvements. See Wahp. Ord. § 38-80(c).

**WITHIN 30 DAYS OF SUBMISSION**

9. Planning commission shall approve or disapprove. See Wahp. Ord. § 38-80(a). Failure to act within 30 days is deemed a favorable recommendation and the Plat shall be forwarded to the city council for their action. See Wahp. Ord. § 38-80(d).
10. Referral from Planning Commission to City Council.
11. If approved: file/submit copies of the final approved plat to the Finance Director/City Auditor; City Engineer; or Zoning Officer. See Wahp. Ord. § 38-80(e).
12. File the final approved plat with the office of the register of deeds for the County. See Wahp. Ord. § 38-80(f).
13. Submit satisfactory evidence of recording to the Finance Director/City Auditor. See Wahp. Ord. § 38-80(f).

**MINOR PLATS:**

1. Application Requirements: Must submit 2 paper copies of the proposed minor plat to the City Director of Public Works including the following. See Wahp. Ord. § 38-24.1(c)(1).
  - a. City Engineer may need topographic map with contour intervals; See Wahp. Ord. § 38-24.1(c)(2);

- b. Must submit current title insurance policy or current attorney's opinion of ownership, unless exempted; See Wahp. Ord. § 38-24.1(c)(3);
  - c. Must submit all information normally required with a major plat application. See above.
2. Submit conforming application to City Director of Public Works. Wahp. Ord. § 38-24.1(c).

**15 DAYS (maximum)**

Wahp. Ord. § 38-24.1(d).

3. City Director of Public Works and/or City Engineer shall approve or disapprove the application. Wahp. Ord. § 38-24.1(d).
- Insufficient information: if determined there to be insufficient information to adequately review the application, the application shall be deemed withdrawn.
  - Applicant may resubmit at any time thereafter.
  - **15 DAYS waiting period starts anew.**

**IF APPROVED BY PUBLIC WORKS DIRECTOR:**

4. Planning Commission to review without hearing.  
Exception: Hearing required upon votes. Wahp. Ord. § 38-24.3(a).

**15 DAYS (within)**

5. Planning Commission must approve or disapprove.
- Planning commission may require changes to the proposed minor plat be included in the final plat;
    - 1) Changes must not change the overall scope of the plat; and
    - 2) Must be approved by the director of public works
    - 3) Changes need not be resubmitted to planning commission unless directed to do so.
  - Considerations: Planning Commission shall consider the following for approval of plat:
    - 1) The prospective character of the development of the area included in the plat; and
    - 2) The surrounding territory.
  - A deed to the fee for the streets or other areas offered for dedication to the public on said plat may be required;

Wahp. Ord. § 38-25.

- Insufficient information: if determined there to be insufficient information to adequately review the application, the application shall be deemed withdrawn.
- Applicant may resubmit at any time thereafter.
- **15 DAYS waiting period starts anew.**

Wahp. Ord. § 38-24.3(b).

**IF APPROVED BY PLANNING COMMISSION:**

6. Application for approval of City Council:

- Applicant must submit two mylar, three paper copies, and one digital copy of the proposed final minor plat to the city director of public works;
- Director of public works shall submit for approval by the city council at next council meeting;
- No publication necessary.

Wahp. Ord. § 38-24.4(a).

7. Approval by City Council.

- Approved by resolution;
- The final minor plat shall be executed by the required city officials; and
- Recorded with the county recorder.

Wahp. Ord. § 38-24.4(b).

**IF DENIED BY PLANNING COMMISSION:**

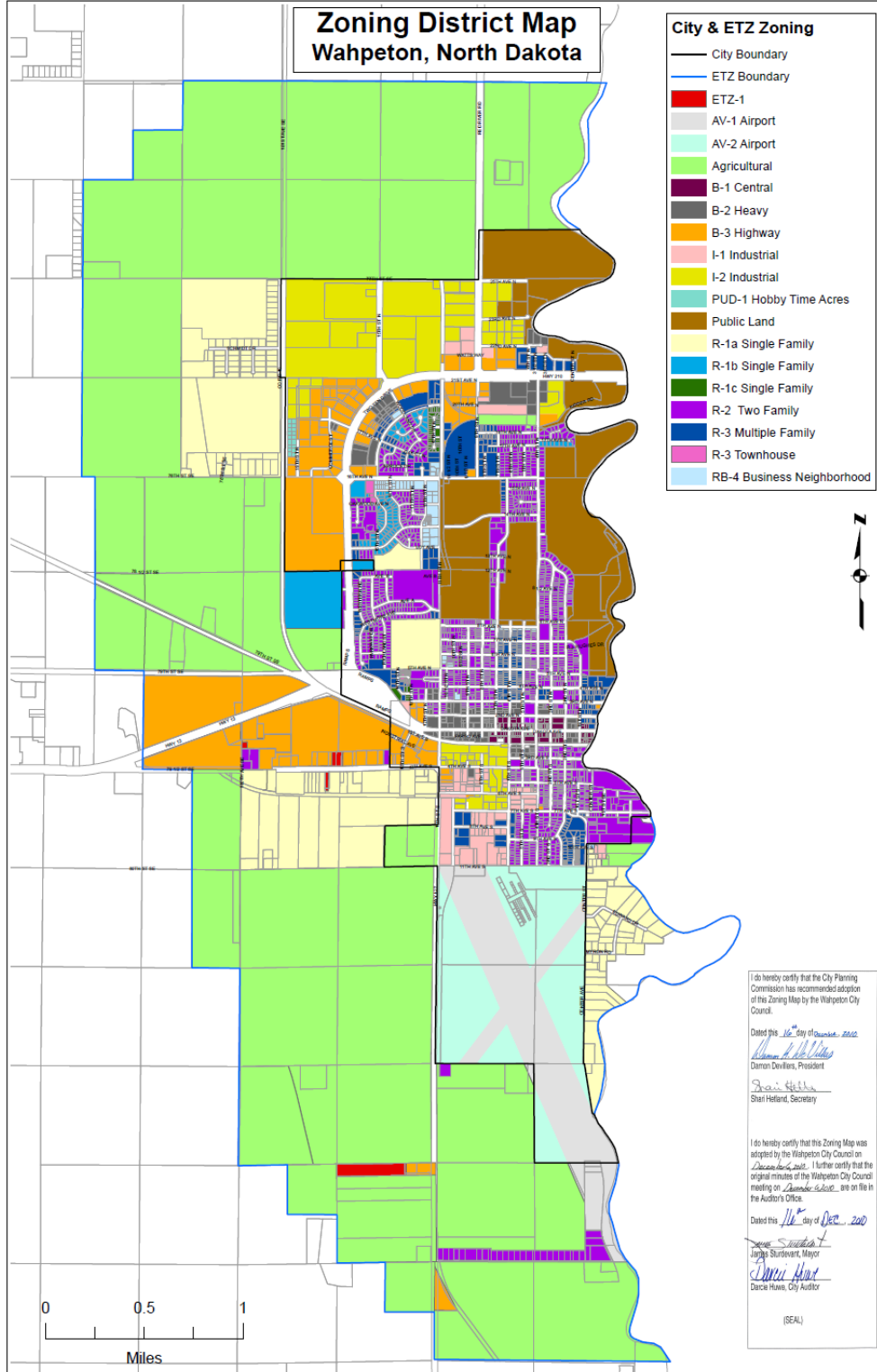
8. Denial by Planning Commission (Appeal)

- Applicant may appeal to the City Council;



# ZONING

STEP 1: Find the location where you plan to begin your construction.



STEP 2: Identify your zone.

Residence	FP-A	Agricultural	10
Residence	R-1a	Single-Family/Agri.	11-12
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Airport	AV-1	Airport District	31-32

Wahp. Ord. § 46-121.

## **AGRICULTURAL DISTRICTS**

Wahp. Ord. § 46-212

- (a) *Scope.* All uses except farm residences generally associated and identified with agriculture including, but not limited to, the cultivation of the soil and production of crops and the raising of livestock except swine.
- (b) *Permitted uses.* The permitted uses shall be as follows:
  - (1) Agricultural purposes such as crop production, raising of livestock except swine which purposes do not require a farm residence.
  - (2) Public parks, playgrounds, private recreation, shooting range, campgrounds.
  - (3) Dog pounds.
  - (4) Landfills with the approval of the City council.
  - (5) Sewage lagoons.
- (c) *Special exceptions.* Special exception uses shall be as follows:
  - (1) Open storage of materials.
  - (2) Raising of swine.
  - (3) Billboards.
  - (4) Feed lots.
  - (5) Fertilizer manufacture and storage.
  - (6) Single-family residences.
- (d) *Area regulations.* There are no minimum area requirements except as required by this chapter or other chapters of this Code.

# RESIDENTIAL DISTRICTS

## **Residence R-1a: Single-Family/ Agricultural**

Wahp. Ord. § 46-142

- (a) *Scope.* The provisions of this section apply to the Residence R-1a Single-Family Agricultural District.
- (b) *Permitted uses.* The permitted uses shall be as follows:
  - (1) Single-family dwelling.
  - (2) Churches and similar places of worship.
  - (3) Public, parochial schools or general instruction.
  - (4) Public libraries, museums, parks, playgrounds, and similar community facilities.
  - (5) Governmental administration and services such as office, firehouse, police, first aid, civil defense and like uses; however, this section shall not be interpreted to permit such uses as warehousing, indoor and outdoor storage of vehicles, road building equipment and supplies.
  - (6) Accessory uses incidental to any of the foregoing permitted uses.
- (c) *Special exceptions.* Special exception uses shall be as follows:
  - (1) Agriculture as a living, provided there is no display of products other than in growth visible from the street.
  - (2) Public utility substations or pumping stations, upon a showing that such structure is essential to serve the immediate neighborhood, that it cannot be located in any other type of district, and that it is housed in buildings that harmonize with the character of the neighborhood and has adequate screening and landscaping and meets all other standards of this chapter.
  - (3) Customary incidental home occupation which is carried on as an accessory use by one or more members of the family residing on the premises, and (a) which shall be carried on wholly within a completely enclosed building, and (b) in the activity, not more than one-half of the floor area of any one floor or basement shall be used, and (c) in the conduct of said activity not more than one person outside the family shall be employed, and (d) such customary home occupation must be in keeping with the character of the neighborhood in which located and must not materially depreciate property values in the immediate area. Such use must also satisfy the regulations prescribed in article IV, division 2 of this chapter, with regard to off-street parking, height limitations, signs and fences.
  - (4) Swimming pool not operated for profit, meeting recognized construction and safety standards and all other requirements of this chapter.
  - (5) Private schools of general instruction, whether or not operated for profit.
  - (6) Nonmunicipal libraries, museums, art galleries and community centers, whether or not operated for profit, and noncommercial clubs, lodges, or fraternal organizations.

- (7) Hospitals, provided that the local health officer shall first certify that in the proposed location such use will not have a detrimental effect on the health of the surrounding neighborhood and further provided that a nurse's home as an accessory use is permitted only on the same lot as the hospital.
- (8) Removable roadside stands for the sale of farm products produced on the premises; provided, however, that any such stand shall be situated not less than 40 feet from the street right-of-way line or lot line and shall have a minimum of four off-street parking spaces. Such stands shall be removed during seasons when products are not being offered for sale.
- (9) Inspection and permits.
  - a. All group day care homes or facilities and day care centers where care is provided to seven or more children other than the provider's own children, shall obtain an occupancy permit from the City building inspectors all state standards and be inspected by the City fire inspector. This permit will be available on a voluntary basis for family day care homes where care is provided to fewer than seven children. The occupancy permit shall be as established by resolution and is a one-time fee per location.
  - b. Any family day care home may be required to comply with the recommendations of the City fire inspector, City building inspector or county health department should the safety or sanitation of the home appear to be questionable by the state licensing agency.
- (d) *Area regulations.* The area regulations shall be as follows:
  - (1) *Lot area and width.* A lot area of not less than 20,000 square feet per family shall be provided for every building hereafter erected or used in whole or in part as a dwelling. Each lot shall have a building line frontage of not less than 120 feet.
  - (2) *Front yard.* There shall be a front yard on each street on which a lot abuts, which yard shall be not less than 50 feet in depth.
  - (3) *Side yard.* There shall be two side yards on each lot, neither of which shall be less than 20 feet in depth.
  - (4) *Rear yard.* There shall be a rear yard on each lot, which yard shall not be less than 50 feet.

## **Residence R-1b: Single-Family**

Wahp. Ord. § 46-143

- (a) *Scope.* The provisions of this section apply to the Residence R-1b Single-Family District.
- (b) *Permitted uses.* The permitted uses shall be as follows:
  - (1) All uses allowed by right in Residence R-1a district except that there shall be no raising or pasturing of livestock, poultry or other commercial domestic animals or birds.
  - (2) Boardinghouse, provided that not more than four such boarders shall be permitted without special exception by the board of adjustment.
  - (3) Public utility substations or pumping stations.
  - (4) Private schools or general instruction and day nurseries.
  - (5) Accessory uses customarily incidental to any of the foregoing permitted uses.
- (c) *Special exceptions.* Special exception uses shall be as follows:
  - (1) All uses allowed by special exception in the Residence R-1a District, except roadside stands and agriculture as a living.
  - (2) Vocational or trade schools, whether or not operated for profit.
  - (3) Retirement or nursing home.
  - (4) Two-family dwelling.
- (d) *Area regulations.* The area regulations shall be as follows:
  - (1) *Lot area and width.* A lot area of not less than 12,000 square feet per family shall be provided for every building hereafter erected or used in whole or in part as a dwelling. Each lot shall have a building line frontage of not less than 80 feet.
  - (2) *Front yard.* There shall be a front yard on each street on which a lot abuts, which yard shall be not less than 35 feet in depth.
  - (3) *Side yard.* There shall be two side yards on each lot, neither of which shall be less than eight feet in depth.
  - (4) *Rear yard.* There shall be a rear yard on each lot, which yard shall not be less than 30 feet.

## **Residence R-1c: Single-Family**

Wahp. Ord. § 46-144

- (a) *Scope.* The provisions of this section apply to the Residence R-1c Single-Family District.
- (b) *Permitted uses.* The permitted uses shall be as follows:
  - (1) Single-family dwelling, maximum main floor finished living space of 1,100 square feet.
  - (2) Parks or playgrounds.
- (c) *Special exceptions.* Special exception uses shall be as follows:
  - (1) Churches or similar places of worship.
  - (2) Child day care center home as required in subsection 46-142E.
  - (3) Two-family dwelling.
  - (4) Single-family dwelling, with a maximum main floor finished living space in excess of 1,300 square feet.
- (d) *Area regulations.* The area regulations shall be as follows:
  - (1) *Lot area and width.* A lot area of not less than 5,000 square feet per family shall be provided for every building erected. Each lot shall have a building line frontage of not less than 50 feet.
  - (2) *Front yard.* There shall be a front yard on each street on which a lot abuts, which yard shall be not less than 25 feet in depth.
  - (3) *Side yard.* There shall be two side yards for each lot, neither of which shall be less than six feet in depth, as measured from the foundation wall.
  - (4) *Rear yard.* There shall be a rear yard on each lot, such rear yard shall be not less than 20 feet in depth.

## **Residence R-2: Two-Family**

Wahp. Ord. § 46-145

- (a) *Scope.* The provisions of this section apply to the Residence R-2 Two-Family District.
- (b) *Permitted uses.* The permitted uses shall be as follows:
  - (1) All uses allowed by right in the Residence R-1b District.
  - (2) Two-family dwellings.
- (c) *Special exceptions.* Special exception uses shall be as follows:
  - (1) All uses allowed by special exception in the Residence R-1b District.
  - (2) Boardinghouse.
  - (3) Multiple-family dwelling.
  - (4) Lot area.
    - a. A lot area less than 8,400 square feet not to be less than 5,000 square feet for a single-family residence;
    - b. A lot area less than 10,000 square feet not to be less than 6,000 square feet for a duplex.
  - (5) Building frontage of less than 70 feet, to not less than 40 feet. Subsection (4) of this section and this subsection shall only be for plats approved by the City council before May 15, 1947.
- (d) *Area regulations.* The area regulations shall be as follows:
  - (1) *Lot area and width.*
    - a. *Single-family structures.* A lot area of not less than 8,400 square feet per family shall be provided for every building hereafter erected or used in whole or in part as a dwelling. Each lot shall have a building line frontage of not less than 70 feet.
    - b. *Two-family and multiple-family dwellings.* A lot area of not less than 10,000 square feet per two-family dwelling units and a maximum of 12 dwelling units per acre with a minimum frontage of 100 feet of building line frontage for multiple-family dwelling units.
  - (2) *Front yard.* There shall be a front yard on each street on which a lot abuts, which yard shall be not less than 25 feet in depth, which shall apply to all plats approved by the City council after March 15, 1947.
  - (3) *Side yard.*
    - a. There shall be two side yards on each lot, neither of which shall be less than seven feet in depth.
    - b. The side yard for all plats approved by the City council before May 15, 1947, shall be a minimum of five feet.
  - (4) *Rear yard.* There shall be a rear yard on each lot, which yard shall not be less than 25 feet in depth.



## **Residence R-3: Multiple-Family**

Wahp. Ord. § 46-146

- (a) *Scope.* The provisions of this section apply to the Residence R-3 Multiple-Family District.
- (b) *Permitted uses.* The permitted uses shall be as follows:
  - (1) All uses allowed by right in the residence R-2 district.
  - (2) Multiple-family dwellings.
- (c) *Special exceptions.* Special exception uses shall be as follows:
  - (1) All uses allowed by special exception in Residence R-2 District.
  - (2) Conversion into two-family and multiple-family dwellings in accordance with section 46-30.
  - (3) Mobile home park and single mobile home.
- (d) *Area regulations.* The area regulations shall be as follows:
  - (1) *Lot area and width.* A lot area of not less than 6,000 square feet per family shall be provided for every single-family dwelling hereafter erected or used in whole or in part as a dwelling. Each lot shall have a building line frontage of not less than 50 feet. For multiunit dwellings, that shall be a maximum of less than 24 dwelling units per acre and ten feet of building line frontage must be added for each dwelling unit up to 150 feet maximum.
  - (2) *Additions.* For two-family dwellings, 2,400 square feet of area and 20 feet of building line frontage must be added for each additional dwelling unit.
  - (3) *Front yard.* There shall be a front yard on each street on which a lot abuts, which yard shall be not less than 25 feet in depth which shall apply to all plats approved by the City council after March 15, 1947. Section 723.21 shall apply to plats approved before March 15, 1947.
  - (4) *Side yard.* There shall be two side yards on each lot, neither of which shall be less than six feet in depth with a minimum aggregate of 16 feet.
  - (5) *Rear yard.* There shall be a rear yard on each lot, which yard shall not be less than 20 feet in depth.
- (e) *Area regulations for mobile home parks.* The area regulations shall be as follows:
  - (1) *Lot area and width.* There shall be a lot area of not less than 3,000 square feet per mobile home. Each lot shall have a building line frontage of not less than 30 feet.
  - (2) *Front yard.* There shall be a front yard on each street on which a lot abuts, which yard shall be not less than 20 feet in depth.
  - (3) *Side yard.* There shall be two side yards on each lot, neither of which shall be less than five feet in depth with a minimum aggregate of 15 feet. Side yards adjacent to any other residential district shall not be less than 20 feet.

- (4) *Rear yard.* There shall be a rear yard on each lot, which yard shall not be less than 15 feet in depth. No building shall be within 30 feet of any rear lot line which abuts any other residential district.
- (f) *Supplementary regulations.* See regulations prescribed in article IV, division 2 of this chapter.
- (g) *Establishing townhouse zoning.* The provisions of this section apply only in the R-3 Zoning District.
- (1) *Permitted uses.* The permitted uses shall be as follows:
- One detached single-family dwelling unit per lot, in accordance with the R-3 District.
  - Rowhouses or townhouses. Attached single-family dwellings in groups of not more than six units or less than three units.
- (2) *Density.* The maximum allowable density per acre shall be stipulated in each zoning district. The density for a townhouses shall be no more than 16 units per net acre. (This may be increased by the planning commission upon request).
- (3) *Lot area.* Lot and yard requirement regulations for townhouse use. Each attached single-family dwelling hereafter erected shall conform to the following minimums:

	Interior	Interior End	Street Corner
Lot Area In Square Feet	1,900	2,800	4,900
Lot Width In Feet	18	26	41
Depth of front yard In feet	25	25	25
Width of side yard In feet	8	25	
Depth of rear yard In Feet	25	25	25

- (4) *Height regulations.* The maximum height of any principal building shall be 35 feet.
- (5) *Safety provision.* Townhouses shall have wall separations between each dwelling unit of at least a two-hour fire-rated wall which shall extend from the footing to and through the roof at least 30 inches except as may be allowed by chapter five of the state building code pertaining to area separation walls.
- (6) *Roof and setback lines.* No more than two consecutive townhouse units or rowhouses shall have the same roof line and no more than two consecutive units shall have the same setback from the street.
- (7) *Floor area.* Minimum floor area per unit of 850 square feet per unit. Minimum floor area for single-story units of 725 square feet per unit.

- (8) *Public utility.* Each unit shall have separate sewer and water service lines.
- (9) *Lots.* Each unit shall be located on a separate building lot that is separately recordable.
- (10) *Access.* All units shall have adequate access to a public street by means of an interior drive.
- (11) *Access to rear yard.* The required rear yard to each townhouse or row dwelling shall have an unobstructed access with a public walkway at least four-feet wide extending to an alley or street.
- (12) *Off-street parking.* Off-street parking spaces shall be provided for each dwelling unit in compliance with section 46-263 of the zoning ordinance.
- (13) *Homeowners' association.* Whenever possible, common open space shall be contiguous and shall be linked to any open space surrounding the development. Common open space shall be protected by covenants running with the land, which shall be drafted to the satisfaction of the City attorney. The covenants shall require that the homeowners' association be held responsible for the maintenance of the common open space, the accessory buildings and the exterior of the townhouse units. A copy of the covenant shall be kept on file in the office of the secretary of the planning commission.
- (14) *Accessory uses.*
  - a. Home occupations in accordance with section 46-1.
  - b. Maintenance, management or community recreation buildings incidental to the development.
  - c. Off-street parking.
  - d. Renting of rooms for not more than two roomers per dwelling unit.
  - e. Signs.
- (15) *Special uses.* Multiple-dwellings, subject to the appropriate provisions of the R-3 Zoning District, provided that the density does not exceed 16 units per acre.

# BUSINESS DISTRICTS

## **Business RB-4 Neighborhood**

Wahp. Ord. § 46-166

- (a) *Scope.* The provisions of this section apply to the Business RB-4 Neighborhood District.
- (b) *Permitted uses.* The permitted uses shall be as follows:
  - (1) Any use allowed in the Residence R-3 District provided that such use conforms to the area and use requirements of that district.
  - (2) Any local retail business or service establishment which supplies commodities or performs the following services primarily for residents of the surrounding neighborhood: grocery store, meat market, delicatessen, drugstore, barber and beauty shops.
  - (3) Business or professional office; medical or dental clinic.
  - (4) Any accessory use or a use of the same general character as subsections (b)(1) through (3) of this section.
  - (5) Parking lot as a principal use.
- (c) *Area regulations.* The area regulations shall be as follows:
  - (1) *Lot area and width.* The minimum lot area shall be 5,000 square feet for each commercial area. The minimum lot width shall be 50 feet.
  - (2) *Front yard.* The building line to establish a front yard for all buildings and structures shall conform to that required by the most restrictive adjacent use.
  - (3) *Side yard.* There shall be a side yard adjacent to any residential district of not less than 20 feet.
  - (4) *Rear yard.* No building shall be within 30 feet of the rear lot line.
- (d) *Supplementary regulations.* *Supplementary regulations.* See pages 39-48.

## **Business B-1 Central**

Wahp. Ord. § 46-167

- (a) *Scope.* The provisions of this section apply to the Business B-1 Central District.
- (b) *Permitted uses.* The permitted uses shall be as follows:
- (1) Retail or service store or shop.
  - (2) Personal service shop or agency such as tailor, dressmaking, beauty, barber or shoe repair shop.
  - (3) Medical or dental clinic or funeral home.
  - (4) Business, professional and governmental office.
  - (5) Hotels, apartment, second floor or above.
  - (6) Eating and drinking establishments, except those offering in-car services.
  - (7) Theaters, except those offering in-car services.
  - (8) Public transportation passenger facilities.
  - (9) Telephone exchanges.
  - (10) Accessory uses incidental to any of the foregoing uses.
  - (11) Parking lot as a principal use.
  - (12) Assembling and packaging, freight handling, light manufacturing, storage and warehousing and similar operations with the approval and subject to the conditions of the City council.
- (c) *Special exceptions.* Special exception uses shall be as follows:
- (1) Public and/or private schools of general instruction;
  - (2) For all lots and tracts abutting the Burlington Northern and Sante Fe Railroad tracks from the Bois de Sioux River to 11<sup>th</sup> Street, commercial and personal storage and/or warehouse buildings with all development standards dimensional standards, design and aesthetic standards and lots splits subject to all of the terms and conditions as established by the Planning Commission, which is the body to approve such exception and to tailor such terms and conditions as closely as possible to the existing ordinances for the classification of the district. Such terms and conditions include but are not limited to height, drainage, setbacks, and any other conditions as determined by the planning commission; and
  - (3) Automobile sales.
- (d) *Area regulations.* The area regulations shall be as follows:
- (1) *Side yard.* All buildings and incidental uses on lots adjacent to a residential district shall be located to provide a 20-foot side yard on the side abutting the residential district. When adjacent to other than residential district, no side yard is required; however, where side yards are provided for such a building, each such side yard shall be not less than six feet in width.

- (2) *Lot area and width.* The minimum lot area shall be 5,000 square feet for each commercial area. The minimum lot width shall be 50 feet.
  - (3) *Front yard.* Each lot lying between Third Street and Seventh Street abutting Dakota Avenue shall have a building line frontage of zero with all of the buildings being constructed to the lot line.
  - (4) *Rear yard.* No rear yard shall be required.
  - (5) *Variances.* Notwithstanding any other ordinance to the contrary, the City planning commission shall have the power to grant variances from the setback requirements of subsection (2) of this section hereof and shall otherwise follow the procedures provided for in hearing and deciding applications for variances as set forth in article II of this chapter.
- (e) *Supplementary regulations.* See pages 39-48.

## **Business B-2 Heavy**

Wahp. Ord. § 46-168

- (a) *Scope.* The provisions of this section apply to the Business B-2 Heavy District.
- (b) *Permitted uses.* The permitted uses shall be as follows:
  - (1) Any use allowed in business B-1 district.
  - (2) Automobile sales.
  - (3) Apartments (second floor only).
  - (4) Wholesale business and related warehousing and storage; provided that all inventories located on the premises are stored within a completely enclosed structure.
  - (5) Auto laundries, provided that their operative machinery is within an enclosed structure and adequate drainage is provided.
  - (6) Grocery supermarket.
  - (7) Furniture sales.
  - (8) Other similar uses requiring open storage or off-street parking and loading areas.
- (c) *Special exceptions.* Special exception uses shall be as follows:
  - (1) Two-family dwellings.
  - (2) Multiple-family dwellings.
  - (3) Apartments (first floor).
  - (4) Public and/or private schools of general instruction.
  - (5) Any accessory uses incidental to the foregoing special exceptions.
  - (6) For all lots and tracts abutting the Burlington Northern and Sante Fe Railroad tracks from the Bois de Sioux River to 11<sup>th</sup> Street, commercial and personal storage and/or warehouse buildings with all development standards dimensional standards, design and aesthetic standards and lots splits subject to all of the terms and conditions as established by the Planning Commission, which is the body to approve such exception and to tailor such terms and conditions as closely as possible to the existing ordinances for the classification of the district. Such terms and conditions include but are not limited to height, drainage, setbacks, and any other conditions as determined by the planning commission.
- (d) *Area regulations.* The area regulations shall be as follows:
  - (1) *Lot area and width.* A lot area of not less than 15,000 square feet shall be provided for every building hereafter erected or used. Each lot shall have a building line frontage of not less than 100 feet.
  - (2) *Buildings and incidental uses.* All buildings and incidental uses on lots adjacent to a residential district shall be located to provide a 40-foot side yard on the side abutting the residential district.
  - (3) *Front yard.* There shall be a front yard on each street which a lot abuts, which yard shall not be less than 25 feet in depth.

- (4) *Rear yard.* There shall be a rear yard on each lot, which yard shall be not less than 20 feet in depth.
  - (5) *Dakota Avenue setback.* Each lot lying between 1<sup>st</sup> Street and 11<sup>th</sup> Street abutting Dakota Avenue and one-half block on all cross streets of Dakota Avenue shall be allowed a zero setback on the Dakota Avenue right-of-way and from the public rights-of-way on the first half blocks of all cross streets.
- (c) *Supplementary regulations.* See pages 39-48.



## **Business B-3 Highway**

Wahp. Ord. § 46-169

- (a) *Scope.* The provisions of this section apply to the Business B-3 Highway District.
- (b) *Permitted uses.* The permitted uses shall be as follows:
  - (1) Any use allowed in business B-2 district.
  - (2) Service stations.
  - (3) Motels.
  - (4) Restaurants.
  - (5) Other similar uses which are highway oriented and dependent upon transient trade.
  - (6) Parking lot as a principal use.
- (c) *Special exceptions.* Special exception uses shall be as follows:
  - (1) Outdoor amusements, such as drive-in theaters, amusement parks, bowling alleys, skating rinks, and commercial recreation areas.
  - (2) Furniture sales.
  - (3) Automobile sales.
  - (4) Boat sales.
  - (5) Camping trailer and mobile home sales.
  - (6) Auto laundries, provided that their operative machinery is within an enclosed structure and adequate drainage is provided.
  - (7) Kennels and/or dog pound.
  - (8) Accessory uses incidental to the foregoing special exceptions.
  - (9) Public and/or private schools of general instruction.
  - (10) Sale of baby chicks.
- (d) *Area regulations.* The area regulations shall be as follows:
  - (1) *Lot area and width.* There shall be a lot area of not less than 40,000 square feet per lot. Each lot shall have a building line frontage of not less than 200 feet.
  - (2) *Front yard.* There shall be a front yard on each street which a lot abuts, which yard shall be not less than 50 feet in depth.
  - (3) *Side yard.* There shall be two side yards on each lot, neither of which shall be less than 25 feet in depth. Side yards adjacent to any other residential district shall be not less than 35 feet.
  - (4) *Rear yard.* There shall be a rear yard on each lot, which yard shall not be less than 30 feet in depth. No building shall be within 40 feet of any rear lot line which abuts any other residential district.
- (e) *Supplementary regulations.* See pages 39-48.

# INDUSTRIAL DISTRICTS

## General Provisions

Wahp. Ord. § 46-189

- (a) *Scope.* The provisions of this section apply to the industrial districts.
- (b) *Nonindustrial uses.* In industrial districts, no building may hereafter be used in whole or in part for any of the following purposes:
  - (1) Residential uses or any dwelling use, including hotels and motels.
  - (2) Retail stores, service shop, theater or other place of commercial recreation or amusement, restaurant or tavern.
  - (3) School, church, hospital, sanitarium, correctional institution or other institutional use.
  - (4) Cemetery.
- (c) *Prohibited uses.* The prohibited uses shall be as follows:
  - (1) Acid manufacture, or storage except on limited scale as an accessory to a permitted industry and under conditions specified by the zoning board of adjustment.
  - (2) Slaughterhouse and stockyard.
  - (3) Manufacture of fertilizers.
  - (4) Garbage, waste materials, offal, dead animal, or refuse incineration or storage.
  - (5) Manufacture or storage of gun powder, fireworks, or other explosives.
- (d) *Required yards.* The required yards shall be as follows:
  - (1) *Front yards.* No building shall be constructed within 20 feet of the front lot line in the I-1 district and 40 feet in the I-2 district.
  - (2) *Side yards.* On lots adjacent to a residential district, all buildings and incidental areas shall be located so as to provided a minimum side yard of 50 feet on the side adjacent to the residential district. All other side yards shall be a minimum of 20 feet.
  - (3) *Rear yards.* No building shall be constructed within 20 feet of the rear lot line.
- (e) *Off-street parking and loading requirements.* Off-street parking and loading facilities shall be provided in accordance with sections 46-263 and 46-266 of the zoning ordinance.
- (f) *Building height and sign regulations.* See regulations prescribed in sections 46-235 and 46-286 of the zoning ordinance.

## **Industrial I-1 District – Light**

Wahp. Ord. § 46-190

- (a) *Scope*. The provisions of this section apply to the Industrial I-1 District.
- (b) *Permitted uses*. The permitted uses shall be as follows:
  - (1) Assembling and packaging, freight handling, light manufacturing, storage and warehousing and similar operations.
  - (2) Filling station (service station).
- (c) *Special exceptions (board of adjustment)*. Special exception uses shall be as follows:
  - (1) Gasoline, oil or alcohol storage above ground in excess of 500 gallons and other similar industrial uses not listed above.
  - (2) Kennels and/or dog pound.
  - (3) Transfer station.

## **Industrial I-2 District – Heavy**

Wahp. Ord. § 46-191

- (a) *Scope*. The provisions of this section apply to the Industrial I-2 District.
- (b) *Permitted uses*. The permitted uses shall be as follows:
  - (1) Any use permitted in Industrial I-1 District.
  - (2) Manufacturing, fabricating and processing, provided that the proposed use will not constitute a fire hazard or emit objectionable smoke, noise, vibration, odor or dust.
- (c) *Special exceptions (City council)*. Gasoline, oil or alcohol storage above ground in excess of 500 gallons, composting and storage of yard waste, and other similar industrial uses not listed in subsection (b) of this section granted by the City council.
- (d) *Special exceptions (board of adjustment)*. Special exception uses shall be as follows:
  - (1) Kennels and/or dog pound.
  - (2) Transfer station.

## **Industrial I-3 District – Special**

Wahp. Ord. § 46-192

- (a) *Scope*. The provisions of this section apply to the Industrial I-3 District.
- (b) *Permitted uses*. The permitted uses shall be as follows:
  - (1) Any use permitted in Industrial I-1 District.
  - (2) Slaughterhouse and meat processing.
  - (3) Temporary storage of animal and slaughtering waste materials, within the limits set by the board of adjustment.
- (c) *Special exceptions (board of adjustment)*. Special exception uses shall be as follows:
  - (1) Kennels and/or dog pound.
  - (2) Transfer station.

## **Extraterritorial Zoning District ETZ-1**

Wahp. Ord. § 46-213

- (a) *Scope.* The provisions of this section apply to Extraterritorial Zoning District (ETZ-1).
- (b) *Permitted uses.* The permitted uses shall be as follows:
  - (1) All uses allowed by right in Residence R-1a District.
  - (2) Home occupation as allowed by right and under the conditions imposed by subsection 46-142(e).
  - (3) Daycare centers.
  - (4) Agriculture as a living, limited to cultivation of soil and production of crops.
- (c) *Special exceptions.* The special exception uses shall be as follows if authorized by the planning commission:
  - (1) Public utilities, substations, or pumping stations, upon showing that such structure is essential to serve the immediate neighborhood, that it cannot be located in any other type of district and that it is housed in buildings that harmonize with the character of the neighborhood and has adequate screening and landscaping and meets all of the other standards of this chapter.
  - (2) Customary incidental home occupation which is carried on as an accessory use by one or more members of the family residing on the premises, and:
    - a. Which shall be carried on wholly within a completely enclosed building;
    - b. In the activity, not more than the floor area of any one floor or basement shall be used then permitted by the planning commission.
    - c. In the conduct of said activity not more than the number of persons permitted by the planning commission in the special use permit from outside the family shall be employed.
    - d. Such customary home occupation must be in keeping with the character of the neighborhood in which located and must not material depreciate the property values in the immediate area. Such use must also satisfy the regulations described in article IV, division 2 of this chapter with regard to off-street parking, height limitations, signs and fences, in the immediate area; and
    - e. No noise, vibration, smoke, dust, odors, heat or glare shall be produced which is detrimental to the residential character of the zoning district in which it is located.
  - (3) Repair shops with inside storage only.
  - (4) Mobile homes as residences.
  - (5) Raising of livestock, including kennels, but excluding any breed or species of swine of any age.
  - (6) Two-family and multifamily housing as defined in article III, division 2 of this chapter.

- (7) All of the special exceptions in this classification shall be subject to all of the terms and conditions as determined and established by the planning commission, which is to tailor such conditions as closely as possible to the existing ordinances for the type of district permitting the use allowed hereunder by special exception and such other conditions included, but not limited to, setting a termination date for the special use, restricting the working hours of a home occupation, setting the number of livestock permitted on the premises, and all other terms and conditions as the planning commission deems fit. All such terms and conditions are to be made a part of the special use permit.
- (d) *Area regulations.* The area regulations shall be as follows:
    - (1) *Lot area.* A lot area shall not be less than one acre per family shall be provided for every building hereafter erected or used in whole or in part as a dwelling.
    - (2) *Front yard.* There shall be a front yard on each street on which a lot abuts, which yard shall be not less than 50 feet in depth.
    - (3) *Side yard.* There shall be two side yards on each lot, neither which shall be less than ten feet in depth.
    - (4) *Rear yard.* There shall be a rear yard on each lot, which yard shall not be less than 50 feet.
    - (5) *Regulated by planning commission.* The area regulations for special exceptions shall be not less than those for permitted uses and as further conditioned by the planning commission.
  - (e) *Parking.* Parking requirements shall be as provided for in the supplemental regulations set forth in article IV, division 2 of this chapter.

## **AV-1 and AV-2 Airport Districts**

Wahp. Ord. § 46-214

(a) *Scope.* The provisions of this section apply to the AV-1 and AV-2 Airport Districts.

(b) *Permitted uses.* The permitted uses shall be as follows:

(1) *AV-1 District.*

- a. Runways, landing strips, taxiways.
- b. Buffer zones.
- c. Agricultural.
- d. Airway facilities and equipment.

(2) *AV-2 District.*

- a. Aircraft maintenance facilities whether or not operated for profit.
- b. Aircraft fueling and washing (outdoors).
- c. Public transportation passenger facilities.
- d. Agricultural aircraft operating facilities.
- e. Aircraft storage facilities whether or not operated for profit.
- f. Business and professional offices related to the aircraft or travel industry.
- g. Retail or service store or shop related to the aircraft industry.
- h. Museums, parks, playgrounds and similar community facilities.
- i. Governmental administration and services such as: weather station, control tower for air traffic, offices, firehouse, security, police, first aid and civil defense.
- j. Parking lot as a principal use.
- k. Automobile rental facilities and related services.
- l. Public utility substations or pumping stations.
- m. Assembling and packaging, freight handling, light manufacturing, storage and warehouse and similar operations related to airport uses.
- n. Accessory uses incidental to any of the foregoing airport permitted use.
- o. Aircraft wholesale business and related warehousing and storage, provided all inventories located on the premises are stored within a completely enclosed structure.
- p. Airway facilities and equipment.
- q. Buffer zones between runways, landing strips, taxiways and other uses.

(c) *Special exceptions.* Special exception uses shall be as follows:

- (1) Nonmunicipal museums whether or not operated for profit, and noncommercial clubs and organizations.
- (2) Vocational or trade schools, whether or not operated for profit.



- (3) Hotels, motels and other accommodations for the traveling public.
  - (4) Eating and drinking establishments, except those offering in-car services.
  - (5) Gasoline and oil storage above ground in excess of 500 gallons.
  - (6) Manufacturing, fabricating and processing, provided that the proposed use will not constitute a fire hazard or emit objectionable smoke, noise, vibration, odor or dust.
  - (7) Agriculture as a living, provided there is no dwelling or display of products other than in growth visible from the street.
  - (8) Other aircraft related uses not listed in subsections (c)(1) through (c)(7) of this section.
  - (9) Single-family dwelling units.
  - (10) Any accessory uses incidental to the foregoing special exceptions.
- (d) *Prohibited airport uses.* The prohibited airport uses shall be as follows:
- (1) Church, hospital, sanitarium, correctional institution or other similar institutional uses.
  - (2) Cemetery.
  - (3) Slaughterhouse or stockyard.
  - (4) Manufacture or storage of acid, gun powder, fireworks or other explosives.
  - (5) Landfill and/or dump grounds.
  - (6) Sewage treatment plants.
- (e) *Area regulations.* The area regulations shall be as follows:
- (1) *Lot area and width.*
    - a. A lot area of not less than 20,000 square feet for commercial operations and not less than 3,000 square feet for private hangar shall be provided for every building hereafter erected.
    - b. Each lot shall have a building line frontage of not less than 200 inches for commercial lots and not less than 60 inches for private lots.
  - (2) *Front yard.* No front yard shall be required.
  - (3) *Side yard.* Seven feet.
  - (4) *Rear yard.* No rear yard shall be required.

# PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS

Wahp. Ord. § 46-215.

**Est. 90 day process for approval**

Also Known as “PUD”

STEP 1: Determine if the development is in need of a PUD

- PUDs allow for greater flexibility, uniqueness, innovative designs, and energy conservation.
- PUDs may be used in residential, commercial, or industrial districts.

STEP 2: Who May Apply

- The recorded property owner or
- A holder of an equitable interest in the property.
  - o Note: Before approval, applicant must show evidence of full ownership interest.
  - o Note: Property/Project must be in single ownership by the time of approval of the final development.

STEP 3: Minimum Requirements

- Land proposed must be a minimum of three (3) acres.

Exception: Land proposed may be less than three (3) acres upon a showing of the following:

- Waiver is in the public interest;
- One of the following:
  - o Unusual physical features of the site or the surrounding neighborhood are such that development under a different zoning district would not conserve the unique physical features of the site or would not allow functional or environmental compatibility with the surrounding neighborhood.
  - o The site is adjacent to an area which has been developed under the provisions of a Planned Unit Development District and will contribute to the amenity and functionality of the neighborhood.
  - o The site is part of an urban redevelopment and/or spot renewal program, provided it does not conflict with the nature of the surrounding neighborhood.
- The density, intensity of use, and lot coverage requirements for residential developments for the district as a whole shall not be reduced below that required in the underlying district.

STEP 4: Application Procedure (Preliminary Review)

- Must be submitted in accordance with the regulations for preliminary and final plats.

- Application and Concept Development Plan to be submitted to the Public Works Director for review by the Wahpeton Planning Commission:
  - o Concept Development Plans must include:
    - A legal description of the property.
    - A statement describing the general character of the intended development.
    - An accurate map of the project area showing the proposed site and its proposed land uses, and the adjacent properties and their present urban or projected land uses.
    - The pattern of proposed land uses including the shape, size and arrangement of proposed use areas, density acreage, and environmental character.
    - The internal traffic and circulation systems, off-street parking areas, and major points of access to public right-of-way.
    - Proposed open space and public areas.
    - Preliminary number, size and concept of the proposed structures within each area.
    - Proposed interior buffer areas between uses.
    - An outline for the anticipated schedule and sequence of development in terms of sub-areas for the total PUD District.
    - Preliminary subdivision plat.

**Reminder: Please include a grading and drainage plan as required. Needs to be signed by registered professional engineer.**

- o The Planning Commission shall review and preliminary approval of the total area for the following:
  - Whether the Proposal is consistent with the intended purposes of the PUD District;
  - Whether the Proposal is consistent with the City’s Comprehensive Plan; and
  - Whether the Proposal is consistent with the overall development of the City of Wahpeton.

STEP 4: Public Hearing On Preliminary Review

- The Planning Commission shall notify the surrounding property owners within 300 feet of the proposed PUD District (excluding right-of-ways).
- The planning commission will hold a public hearing on the concept development plan.
- Following a public hearing, the Planning Commission shall notify the applicant of its decision either to:
  - o Approve;
  - o Approve with modifications; or
  - o Disapprove the Plan.

#### STEP 5: Approval of Preliminary Review

- Upon Approval of the PUD District consists of a rezoning and the concept development plan shall establish the basic right to use the area in conformity with the plan as approved, and shall be recorded as an integral component of the district regulations, but such plan is conditioned upon approval of a detailed development plan, and shall not make permissible any of the uses as proposed until a detailed development plan is submitted and approval for all or a portion of the concept development plan.

#### STEP 6: Review for Final Approval

- Must submit a detailed development plan of any or all of the agreed to site sub areas to the Planning Commission.

The detailed development plan must consist of the following:

- A final subdivision plat including lot lines, easements, public rights-of-way, etc.
- A map of the site illustrating the following:
  - Size, location and arrangement of buildings including building spacing, setbacks, yards, etc.
  - Parking areas, private and public streets, sidewalks, and other transportation facilities.
  - Landscaping, screening and final ground contours.
  - Common open spaces and/or recreation areas.
  - Sewer, water and other utility lines.
- A written statement of ownership and maintenance responsibility of the common/open spaces and recreation areas and documentation of this responsibility;
- Written agreement with the City:
  - Improvements must be completed within 18 months of the initiation of construction which shall be started within 2 years of approval by the City Council in Step 7 below; Wahp. Ord. (S) 46-215(h)(2)(d); see also Wahp. Ord. (S) 46-215(h)(5);
    - If not completed within 18 months, the City may complete the installation of said improvements;
    - Improvements provided for by the City shall be paid for by assessing the cost through special assessments to the property;
- Applicant must receive final approval from the Planning Commission for the total site development or sub-areas.
- Upon approval, the Planning Commission shall refer the PUD to the City Council for Approval.

#### STEP 7: To City Council for Approval

Upon approval by the City Planning Commission, the Planning Commission shall designate the section for final approval by the City Council.

- Construction shall be started within 2 years of the approval by the City Council.
- Failure to begin development within 2 years shall automatically void the development plan.
  - Repeat to Step 6.

#### STEP 8: Amendments

Any change in the detailed development plan shall first be submitted for approval to the City planning commission, and if, in the opinion of the planning commission, such change constitutes substantial alteration of the original plan, especially with regards to a change in land use or an increase in development density or intensity, the procedure provided in subsections (g) and (h) of this section shall be required.

# REZONING/ZONING CHANGE

Est. 60 days

## STEP 1: Who can Petition for Zoning Change Wahp. Ord. § 46-96

- City Council;
- City Planning Commission;
- One or More owners of the property within the area requested to be changed.

## STEP 2: Request for Zoning Change Wahp. Ord. § 46-98

All requests must include the following and submit said request to the City Building Official or Zoning administrator.

- Intentions: A complete written statement giving reason and intentions for the planned future use of the area proposed for amendment;
- Site plan. Three (3) copies of a site plan, drawn to scale on a 11" x 17" paper of the area proposed for amendment and all abutting properties with their use and zoning district defined; and
- Proposed time schedule. A proposed time schedule for beginning and completion of development.

## STEP 3: Submission Wahp. Ord. § 46-97

The City Building official or zoning administrator shall submit the zoning change request to the planning commission for consideration.

## STEP 4: Review and Hearing Wahp. Ord. § 46-95

After consideration, the planning commission and City Council shall set a joint public hearing.

- Notice shall be published once a week for 2 successive weeks prior to the time set for the hearing in the official newspaper of the City.
- The City will be responsible for publication of the hearing. Cost of the publication will be invoiced to the development/owner. See Wahp. Ord. § 46-99/
- Notice must contain the following:
  - o The time and place of the hearing.
  - o A description of any property involved in any zoning change, by street address if streets have been platted or designated in the area affected.

- A description of the nature, scope, and purpose of the proposed regulation, restriction, or boundary.
- A statement of the times at which it will be available to the public for inspection and copying at the office of the finance director/City auditor.

# SUPPLEMENTAL DISTRICT REGULATIONS

The Supplemental District Regulations includes regulations and requirements pertaining to the following:

Regulation and Requirements	Page No.
Sewer and Water	
Height Limitations	
Fences	
Accessory Buildings	
Street Frontage	
Corner Lots	
Intersection Visibility	
Reduction of Lots and parts of others	
Adult Entertainment Centers	
Off-Street Parking	
Signs	



## **WATER AND SEWERAGE REQUIREMENTS**

Wahp. § 46-234

All buildings designated by the city council constructed after the original adoption of the ordinance from which this chapter is derived shall provide municipal sanitary and water supply before a zoning and use registration permit will be issued.

## **HEIGHT LIMITATIONS**

Wahp § 46-235

- (a) In residence districts, no building shall exceed 35 feet in height, provided that such height limits may be exceeded by one foot for each foot by which the width of each side yard is increased beyond minimum side yard requirements, up to a maximum of 50 feet. In commercial and industrial districts, no building shall exceed 80 feet in height, provided that such height limits may be exceeded when authorized by the board of adjustment. Structures supporting utility facilities are exempted from the provisions of this section.
- (b) Residential buildings over two stories in height shall have a side yard setback of one foot plus the height of the building from the finish grade to the peak of the roof. No other building shall be constructed in the side yard setbacks.

## **FENCES**

Wahp § 46-237

- (a) Regulations. Fences or walls not exceeding 30 inches in height may be erected on any part of a lot in any "R" residential zone district except as further regulated on corner lots, between the front lot line and the front building line for structures, and on any other part of the lot may be erected to a height not exceeding six feet. The height of such walls or fences shall be determined by measurement from the ground level at the lowest grade level within three feet on either side of such fences or walls. Any fence or wall more than six feet in height shall be considered a structure. If an "R" residential lot faces into a "B" business or an "I" industrial zone district, the height of the fence or wall in front of the building line for structure may be four feet high.
- (b) Corner lots. On corner lots, that part of a backyard fence or wall which extends to the side property line may be five feet high.

## **ACCESSORY BUILDINGS**

Wahp § 46-238

- (a) Accessory building. A detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located on the same lot with the main building or use. Such a building shall not include dwelling units or living quarters.
- (b) Accessory buildings shall not exceed 40 percent of the rear yard lot. The rear yard lot is a yard extending the full width of the lot and situated between the rear line of the principal building and the rear lot line.
- (c) No more than two accessory buildings shall be allowed per lot.
- (d) Accessory structures shall not exceed 1,200 square feet and in no case shall an accessory building be larger than the first floor square footage of the main building that is on the property. The square footage is calculated by measuring the outside walls of the main building.
- (e) Accessory detached garages shall not exceed 15 feet in height. Height is measured from the floor level of the structure to the peak of the roof.
- (f) Accessory buildings larger than 144 square feet shall be constructed of similar exterior materials and shall be the same color as the main building on the property.
- (g) Accessory buildings with no rear yard access to public right-of-way shall have a minimum rear yard setback of three feet.

## **ACCESSORY BUILDINGS: EXCEPTIONS AND LIMITATIONS**

Wahp. § 46-236

- (a) Accessory building requirements in single-family or two-family residential districts.
  - (1) Accessory buildings shall be located in the rear yard only and not exceed 40 percent of the rear yard lot. The rear yard lot is a yard extending the full width of the lot and situated between the rear line of the principal building and the rear lot line.
  - (2) No more than two accessory buildings shall be allowed per lot.
  - (3) Accessory structures shall not exceed 1,200 square feet and in no case shall an accessory building be larger than the first floor square footage of the main building that is on the property. The square footage is calculated by measuring the outside walls of the main building.
  - (4) Accessory detached garages shall not exceed 15 feet in height at midpoint of the roof. Height is measured from the floor level of the structure.

- (5) Accessory buildings larger than 144 square feet shall be constructed of similar exterior materials and shall be the same color and exterior design as the main building on the property.
- (6) Accessory buildings with no rear yard access to public right-of-way shall have a minimum rear yard setback of five feet from the lot line.
- (7) Accessory buildings with no rear yard access to public right-of-way shall have a minimum rear yard setback of five feet from the lot line.
- (b) Special exceptions (board of adjustment). Special exception to the accessory building square footage requirements may be authorized by the board of adjustment, as follows:
  - (1) Accessory detached garages shall not exceed 20 feet in height at midpoint, height is measured from the floor level.
  - (2) Accessory structures for lots consisting of not less than one acre shall not exceed 2,500 square feet.

## **STREET FRONTAGE REQUIRED**

Wahp. § 46-239

All lots shall abut a public street for the required frontage in the district which it is located; one single-family dwelling may utilize a private easement of not less than 20-feet wide and abutting upon a public street, if approved by the zoning board of adjustment.

## **CORNER LOTS**

Wahp. § 46-241

The side yard facing the street shall be the same as the front yard requirements for those lots to the rear of said corner lot abutting on the intersecting street.

## **VISIBILITY AT INTERSECTIONS**

Wahp. § 46-240

- (a) On any corner lot at a street intersection which has some form of traffic controls in all districts, there shall be no obstructions to traffic visibility within the clear sight triangle which is formed by the intersection of the centerline of two intersecting streets and a straight line joining the two said centerlines at points 55 feet distant from their point of intersection.
- (b) On any corner lot at a street intersection which does not have any form of traffic control in all districts, there shall be no obstructions to traffic visibility within the clear sight triangle which is formed by the intersection of the centerline of two intersecting streets and a straight line joining the two said centerlines at points a given number of feet distant from their point of intersection. The distance from this point of intersection are given on the following table for various speeds in miles per hour of enforced speed limit:

DISTANCE MEASUREMENT  
FOR CLEAR SIGHT TRIANGLE

Miles Per Hour	Distance Measurements (in feet)
20	73
25	99
30	126

## **REDUCTION OF LOTS AND PARTS OF OTHERS**

Wahp. § 46-242

No lot shall be sold, divided or set off in such a manner that either the portion sold, divided or set off, or the portion remaining, shall be less than the minimum size prescribed by the regulations relating to the district in which it is situated.

## **ADULT ENTERTAINMENT CENTERS**

Wahp. § 46-243

An adult entertainment center shall be permitted only in the industrial zoning district and in no other district, and then only if the adult entertainment center meets the following conditions:

- (1) The adult entertainment center is located no closer than 500 feet from any pre-existing church, school, residential zoning district, nursery, preschool, place of worship, park, swimming pool, any child daycare facility, recreation center, bike paths excluded, or youth athletic facility.
- (2) The adult entertainment center excludes from its premises those persons less than 18 years of age.
- (3) The adult entertainment center displays no signs visible from the exterior of the center, except for signs identifying the center as an adult store and hours of operation.
- (4) No materials depicting specific sexual activities or specified anatomical areas shall be visible from the exterior of the center.
- (5) The manager and the owners of the center are registered with the chief of police and have provided the chief of police with their complete name, address, date of birth, social security number, driver's license number, and any prior criminal offenses within the last five years that consist of the following crimes:
  - a. Section 26-34, sexual assault.
  - b. Section 26-208, fornicating.
  - c. Section 26-209, indecent exposure.
  - d. Section 26-181, disorderly conduct.
  - e. Section 26-233, prostitution.
  - f. Section 26-37, window peeping.
  - g. N.D.C.C. § 12.1-27.1-03.1, objectionable materials or performance-display to minor.
- (6) The business premises of the adult entertainment center which are generally open to its patrons are equally open at the same time without charge to members of the city police force who may wish to enter thereon provided the entry is in the court of the discharge of the police officer's duties.

## **OFF-STREET PARKING**

Wahp. § 46-263

In conjunction with any principal building hereafter erected or any use of land hereafter established, there shall be provided on the same lot therewith sufficient parking spaces to meet the minimum requirements specified herein with the exceptions of those uses occurring in the B-1 central business district zone.

- (1) Auditorium, assembly halls, dance halls, theaters, gymnasiums, and skating rinks: one space for each four seats or bench seating capacity.
- (2) Automatic car wash: ten spaces for each washing bay. Five spaces for do-it-yourself car wash.
- (3) Boardinghouse, roominghouse or lodginghouse: one space for each sleeping room.
- (4) Bowling alleys: four spaces per each lane.
- (5) Church: one space for each five seats in the main seating area.
- (6) Community center, library, museum or art gallery: ten spaces plus one additional space for each 300 square feet of floor area in excess of 2,000 square feet.
- (7) Dwellings.
  - a. One- and two-family dwellings: one space for each dwelling unit.
  - b. Multiple-dwellings and apartments: two spaces for each dwelling unit.
- (8) Fraternity or sorority: one space for each bed or one space for each student and advisor maintaining overnight accommodations.
- (9) Home occupation: one space per dwelling unit plus three spaces for each 200 feet of floor area devoted to said home occupation.
- (10) Hospital, sanitarium, home for the aged, nursing home or similar institution: one space for each three beds, plus one for each two employees.
- (11) Hotel: one space for each three sleeping rooms or suites, plus one space for each 200 square feet in commercial floor area contained therein.
- (12) Industrial and/or manufacturing: one space for each two employees on the maximum working shift, plus space to accommodate all trucks and other vehicles use in connection therewith.
- (13) Motel, tourist home or cabin court: one space for each sleeping room or unit.

- (14) Offices, professional agencies, banks, medical or dental clinics: three spaces plus one additional parking space for each 400 square feet of floor area over 1,000 square feet.
- (15) Private club or lodge: one space for every 200 square feet of building area.
- (16) Restaurant, night club, cafe or similar recreation or amusement establishment: one space for each 100 square feet of floor area.
- (17) Retail store establishment: one space for each 200 square feet of floor area.
- (18) Personal service establishment: one space for each 400 square feet of floor area.

## **APPLICABILITY**

Wahp § 46-264

- (a) The parking space requirement for a use not specifically mentioned herein shall be the same as required for use of a similar nature.
- (b) Whenever a building erected or established after the effective date of the original ordinance from which this chapter is derived is enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent or more in the number of existing spaces, such spaces shall be provided on the basis of expansion or change.
- (c) Whenever a building existing prior to the effective date of the original ordinance from which this chapter is derived is enlarged to the extent of 50 percent or more in floor area, said building or use shall then and thereafter comply with the parking requirements set forth herein.
- (d) All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by change or enlargement or use, or where such spaces are provided collectively or used jointly, by two or more buildings establishment of the required spaces may be located not to exceed 400 feet therefrom.
- (e)
  - (1) Not more than 50 percent of the parking spaces required for theaters, bowling alleys, dance halls, night clubs or cafes; and
  - (2) Up to 100 percent of the parking spaces required for a church or school auditorium;may be provided and used jointly by banks, offices, retail stores, repair shops, service establishments, and other similar uses not normally open, used or operated during the same hours as those listed in subsections (e)(1) and (e)(2) of this section.
- (f) Front yard parking. No off-street parking shall be permitted in the required minimum front yard of any residential district on a seasonal basis between April 1 and

October 31 of each year, as well as at any additional times dependent on weather as determined by the Chief of Police in his sole discretion.

- (1) Exceptions. Lots with 50 feet or less of street frontage and no alley access or on-street parking may install one additional improved parking space in the front yard in a residential district in accordance with the City's policy for design and placement of residential driveways.
- (g) Off-street parking spaces provided on other than same property as the use is located shall be permitted only in such district permitting parking as a use. Such separate parking spaces shall be maintained as long as the principal building or uses are maintained.

## **ACCESS DRIVES**

Wahp. § 46-265

- (a) In business districts, no parking space or access thereto, except entrance or exit drives as limited in this section, shall be within five feet of a street or lot line. Entrance or exit drives connecting the parking area and the street shall be permitted within the five foot strip required by this subsection; provided:
  - (1) Such drives shall not exceed 15 feet in total aggregate width for each 50 feet of street line abutting such lot, but in no case exceeding 40 feet in total aggregate width for each street line upon which a lot abuts.
  - (2) Such drives shall have at least 60 feet of unobstructed vision in both directions along the street unto which the drive enters measured from the centerline of the drive at the point where it enters the street, and the centerline of such drive shall be at least 60 feet from the centerline of any street intersecting the street onto which the drive enters.
  - (3) Such drives shall have on each side a triangular area formed by the intersection of the driveway line, the street line and a straight line joining said lines at points 30 feet distant from their point of intersection. Within such triangular area, no parking or loading or unloading shall be permitted, nor shall there be any obstruction to traffic visibility.
- (b) In industrial districts, no parking space or access thereto, except entrance or exit drives as limited in this section, shall be within five feet of any lot line. Entrance or exit drives connecting the parking and the street shall be permitted within the five-foot strip required in subsection (a) of this section; provided these drives meet the requirements as specified in subsections (a)(1) through (a)(3) of this section.



## **OFF-STREET LOADING**

Wahp. 46-266

Off-street loading and unloading space with proper access from a street or alley, and with at least 14 feet of vertical clearance shall be provided, either within or outside the building to adequately serve the use on the lot. All off-street loading and unloading spaces shall have an all-weather surface to provide safe and convenient access and use during all seasons.

## **SIGNS**

Wahp. § 46-286

Copy of Sign Code and Updates are kept with the City Building Inspector and made available for public inspection at any reasonable time.

Sign regulations attached as Appendix A.

# PLATS GENERALLY

## DEFINITIONS:

### Wahp. § 38-1

- (1) *Street* includes streets, highways, avenues, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements and rights-of-way, and other ways.
- (2) Arterial streets and highways are those which are primarily for fast or heavy traffic.
- (3) Collector streets are those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
- (4) Minor streets are those which are used primarily for access to the abutting properties.
- (5) Alleys are minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.
- (6) Right-of-way is the dedicated area of land for the purpose of constructing a public facility, such as a street, highway, alley, accessway or crosswalk.
- (7) Cul-de-sac is a street with one end open for access, and the other terminating in a vehicular turnaround.
- (8) Easement is a grant by the property owner of the use of the owner's land by the public, a corporation or other persons for specific purposes.
- (9) Plat is a drawing or map on which a subdivision plan is presented during various stages for approval.
- (10) *Subdivision* means the division of a tract or parcel of land into lots for the purpose, whether immediate or future, of sale or of building development, and any plat or plan which includes the creation of any part of one or more streets, public easements, or other rights-of-way, whether public or private, for access to or from such lots, and the creation of new or enlarged parks, playgrounds, plazas, or open spaces.

On reaching conclusions regarding the subdivider's general program, objectives, and concept plan the subdivider shall prepare a preliminary plat. Wahp. Ord. § 38-78(a).

### **STEP 1: Defining your project.**

Does the project meet the definition of a Major or Minor Plat. A Major plat is every plat not meeting the requirements of a Minor Plat.

**MINOR PLATS:**

Wahp. Ord. 38-24.1(b).

A minor plat is defined as follows:

- 5 lots or less
  - 1) Exception: unless all lots lie within the same block and the planning commission unanimously approves the minor platting of more lots.
- Must not contain property involved or created by a minor plat within one year prior from the date of filing.
- Must not have infrastructure improvements required by ordinance
  - 1) Exception: public sidewalks as required.
- Must not have applied for special exception to the subdivision ordinance under chapter 17 of the Wahpeton Municipal Code.
- Must comply with all state and federal laws and regulations and all applicable city ordinances, land use regulations, comprehensive plan and policies.
- May not dedicate a right-of-way.

**STEP 2: Create a Grading Plan:**

A grading plan consists of the grading and drainage for the subject area and adjoining areas within 100 feet of the perimeter of the property. Grading plans must be based on a datum plane and approved by the city engineer or consulting engineer. Wahp. Ord. § 38-102(b).

Permanent storm drainage, grading, detention, and related infrastructure improvements shall be provided on all development projects, public and private infrastructure improvements, and related infrastructure improvements. The City of Wahpeton Department of Public Works shall review all storm drainage improvement plans.

Grading plans typically include the following:

**PREEXISTING FLOWS:**

The design storm peak discharge from the subject property may not be increased from conditions existing prior to the proposed development except where it can be satisfactorily demonstrated by the applicant, and accepted by the City Public Works Director, that there is no adverse impact.

Generate a report showing the preexisting flows from a \_\_\_\_\_ year event.

**RETENTION AND DETENTION PONDS:**

Retention/detention (R/D) facilities or a combination of both shall be provided in order to maintain surface water discharge rates at or below the existing design storm peak discharge except where it can be demonstrated by the applicant, and accepted by the City Public Works Director, that no adverse impact will result from not providing said facilities.

R/D facilities have been used primarily for control of stormwater quantity. R/D involves the temporary collection and storage of stormwater. Detention facilities are designed with a restricted outflow rate; retention facilities are not designed for a measurable outflow. R/D can provide a combined benefit by controlling both stormwater quality and quantity.

Detention facilities will be required so that release rates downstream of the development do not exceed the 5-year frequency design storm flows for existing land use conditions up to the specified rainfall event. These release rates cannot increase the flooding conditions downstream.

The developer will be required to dedicate an access easement from an existing public road to a R/D facility and shall be a minimum 15-feet. Access easements shall be provided with a drivable surface as approved by the City Public Works Director.

The grading and drainage plan shall be prepared by a Civil Engineer registered in the State of North Dakota.

**ELEVATIONS:**

Proposed finished lot corners and finished street elevations.

Include cross sections for all proposed drainage swales and ditches.

The plan shall identify **Minimum Finished Floor Elevations** for each lot shown on the plat and shall be enforced in conjunction with Building Permits issued by the City.

**PROPOSED CONTOURS:**

Wahp. Ord. § 38-101(5); 38-24.1(c)(2).

Proposed finished grade contours in 2-foot intervals, or less if required by the City. The contours shall clearly identify elevations, dimensions and location, extent, and slopes of all grading work proposed to be done. Arrows clearly indicating drainage flows across the site and in drainage swales.

Ground elevation on the tract, based on a datum plane approved by the city engineer or consulting engineer: for land that slopes less than approximately two percent show spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions; for land that slopes more than approximately two percent either show contours with an interval of not more than five feet if ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than two feet if necessary because of irregular land or need for more detailed data for preparing plans and construction drawings.

**NON-PERVIOUS SURFACING:**

The plan shall clearly identify the boundaries of all areas that will be paved or otherwise altered in a manner that will increase surface water runoff and boundaries of all areas to remain in an existing or natural condition.

**STEP 3: Preapplication:  
SUBMIT TO PLANNING COMMISSION**

Wahp. Ord. § 38-77.

Before the filing of an application for conditional approval of the preliminary plat, the subdivider shall submit to the City Planning Commission plans and a concept drawing. This step does not require a formal application.

The purpose of the preapplication procedure is to afford the subdivider an opportunity to present their subdivision concept to the Planning Commission. The Planning Commission can advise and give input to the developer. Also, to consult early and informally with the commission before preparation of the preliminary plat and before formal application for its approval, to save time and money and to make the most of the subdivider's opportunities.

**Plans and Data Requirements:**

Proposed Development Plans. Wahp. Ord. §38-100.

- Describe or outline of existing conditions of the site, including the following:
  - 1) Data on existing covenants;
  - 2) Land characteristics;
  - 3) Available community facilities
  - 4) Utilities;
  - 5) Number of residential lots
    - Typical lot width;
    - Typical lot depth;
    - Price range
  - 6) Business areas
  - 7) Playgrounds
  - 8) Park areas
  - 9) Other public areas
  - 10) Proposed protective covenants;
  - 11) Proposed utilities; and
  - 12) Proposed street improvements
  
- A locating map showing the relationship of the proposed subdivision to existing community facilities which serve or influence it including the following:
  - 1) Development name;

- 2) Development location;
  - 3) Main traffic arteries;
  - 4) Public transportation lines;
  - 5) Shopping centers;
  - 6) Elementary and high schools;
  - 7) Parks and playgrounds;
  - 8) Principal places of employment;
  - 9) Railroad stations;
  - 10) Airports;
  - 11) Hospitals;
  - 12) Churches;
  - 13) Title;
  - 14) Scale;
  - 15) North arrow; and
  - 16) Date
- Sketch Plan on the topographic survey showing a simple sketch form of the proposed layout. Sketch may be freehand pencil made directly on a print of the topographic survey. Sketch plan shall include the following:
- 1) Streets;
  - 2) Lots;
  - 3) Other features in relation to the existing conditions; and
  - 4) Topographic data

#### **STEP 4: PLANNING COMMISSION MEETING ON PREAPPLICATION**

Planning Commission shall meet on Preapplication. Within **15 days after the meeting**, planning commission shall inform the subdivider that the plans and data, as submitted or as modified, do or do not meet the objectives.

#### **STEP 5: SEEK CONDITIONAL APPROVAL OF PRELIMINARY PLAT FROM PLANNING COMMISSION**

Wahp. Ord. § 38-78.

- Must submit the following to the finance director/city auditor **5 days prior to the Planning Commission Meeting:**
- 1) Submit 6 prints of Preliminary Plat
  - 2) Submit 3 completed application forms for approval;
  - 3) Pay \$20.00 filing fee; and
  - 4) Name and Address of person to whom notice of hearing shall be sent.

## Content Requirement of Preliminary Plats:

### Preliminary Plat Existing Information Wahp. Ord. § 38-101

- Preliminary Plat shall include the following:
  - 1) Boundary lines: bearings and distances.
  - 2) Easements: location, width and purpose.
  - 3) Streets on and adjacent to the tract: name and right-of-way width and location; type, width and elevation of surfacing; any legally established centerline elevations; walks, curbs, gutters, culverts, etc.
  - 4) Utilities on and adjacent to the tract: location, size and invert elevation of sanitary, storm and ~~combined~~ sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles and streetlights; if water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and size of nearest ones, showing invert elevation of sewers.
  - 5) Ground elevation on the tract, based on a datum plane approved by the city engineer or consulting engineer: for land that slopes less than approximately two percent show spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions; for land that slopes more than approximately two percent either show contours with an interval of not more than five feet if ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than two feet if necessary because of irregular land or need for more detailed data for preparing plans and construction drawings.
  - 6) Subsurface conditions on the tract, if required by the planning commission: location and results of tests made to ascertain subsurface soil, rock and groundwater conditions; depth to groundwater unless test pits are dry at a depth of five feet; location and results of soil percolation test if individual sewage disposal systems are proposed.
  - 7) Other conditions on the tract: water courses, marshes, rock outcrop, wooded areas, isolated preservable trees one foot or more in diameter, houses, barns, shacks and other significant features.
  - 8) Other conditions on adjacent land: approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroad, power lines, towers, and other nearby nonresidential land uses or adverse influences; owners of adjacent unplatted land; for adjacent platted land refer to subdivision plat by name, recordation date, and number, and show approximate percent built up, typical lot size and dwelling type.
  - 9) Photographs, if required by the planning commission: camera locations, directions of views and key numbers.
  - 10) Zoning on and adjacent to the tract.
  - 11) Proposed public improvements: highways or other major improvements planned by public authorities for future construction on or near the tract.
  - 12) Key plan showing location of the tract.

- 13) Title and certificates: present tract designation according to official records in office of appropriate recorder; title under which proposed subdivision is to be recorded, with names and addresses of owners, notation stating acreage, scale, north arrow, datum, benchmarks, certification of registered civil engineer or surveyor, and date of survey.

Proposed Data from Preliminary Plat. Wahp. Ord. § 38-102

- Plat shall be at a scale of 100 feet to one inch or larger, showing the following:
  - 1) Streets: names, right-of-way and roadway widths; approximate grades and gradients; and similar data for alleys, if any.
  - 2) Other rights-of-way or easements; location, width and purpose.
  - 3) Location of existing and proposed utilities, if not shown on other exhibits.
  - 4) Lot lines, lot numbers and block numbers.
  - 5) Sites, if any, to be reserved or dedicated for parks, playgrounds or other public uses.
  - 6) Sites, if in conformance with the zoning ordinance or comprehensive plan, for multifamily dwellings, shopping centers, churches, industry or other nonpublic uses.
  - 7) Minimum building setback lines.
  - 8) Site data, total acreage, including number of residential lots, typical lot size, and acres in parks, etc.
  - 9) Title, graphic scale, north arrow, and date.
  - 10) Location sketch map.
  - 11) Grading plan showing proposed elevations for all lot corners and method of providing positive drainage to all property within the plat.
    - Street grades shall be at a scale of not less than 50 feet to 1 inch and include the following:
      - Extensions for a reasonable distance beyond the limits of the proposed subdivision;
      - Typical cross sections of the proposed grading;
      - Roadway;
      - Sidewalk;
      - Preliminary plan or proposed sanitary and storm waste sewers with grades and sizes included;

**Plat Submission Requirements: (Major and Minor)**

Wahp. Ord. § 38-24.2;

- 1) Shall be prepared by a Registered North Dakota Professional Land Surveyor.
- 2) Shall be drawn on either 11x17 or 22x34 sheet of a scale no larger than 1 inch = 100 feet.
- 3) North arrow must be shown.
- 4) Scale bar must be shown.
- 5) All corners of each lot must be monumented with an iron monument with the land surveyors identification cap attached.
- 6) All controlling corners must be shown.



- 7) All monuments either set or found must be shown.
- 8) Basis of bearing must be shown. For basis of bearing the city coordinate system is recommended, however, the bearing system of the original plat from which the minor subdivision is within may be used. If the minor subdivision involves unplatted property, the bearing system shall be the city coordinate system (also known as the Wilkin County Coordinate System).
- 9) The minor plat shall include an approval certificate from the city engineer/public works director and the city council.
- 10) The minor plat shall contain the name and address of the professional land surveyor who prepared it.
- 11) The identification of the lots within the minor plat shall follow the nomenclature of the parent tract. For example, if the parent tract being subdivided is known as Lot 1, Block 2, Taylor Addition, than the subdivided portion with that particular lot shall be identified as Parcel A of Lot 1, Block 2, Taylor Addition.
- 12) The minor plat shall contain a title block that identifies that it is a minor plat of etc.
- 13) The minor plat shall be filed with the county recorder once it has been approved by resolution of the city council, and before the transfer of any lot within the minor plat. Once the minor plat is recorded, the lot designation within and as shown on the minor plat is sufficient to transfer title, no legal description is necessary.

### **Additional Requirements for Minor Preliminary Plats:**

Wahp. Ord. § 38-24.1(c).

- Must submit 2 paper copies of the proposed minor plat to the City Director of Public Works;
- City Engineer may need topographic map with contour intervals (i.e. Grading and Drainage Plan); and
- Must submit current title insurance policy or current attorney's opinion of ownership, unless exempted.

### **STEP 6A: PLANNING COMMISSION HEARING ON PRELIMINARY PLAT CONDITIONAL APPROVAL (MAJOR PLATS)**

Wahp. Ord. § 38-24; 38-78(c).

- **5 Days prior to hearing**, notice of the time and place of such hearing must be sent by registered or certified mail to the address shown on the plat. (Exception for Minor Plats).
- Planning Commission shall approve or disapprove the plat application.
- If approved: Refer to City Council.

### **STEP 6B: MINOR PLATS: Submission for approval.**

- Submit conforming application to City Director of Public Works. Wahp. Ord. § 38-24.1(c).

- Public Works and/or City Engineer shall approve or disapprove the application within 15 days of submission. Wahp. Ord. § 38-24.1(d).

**STEP 6B(1): Approval and Submission to Planning Commission. (No Hearing)**

Wahp. Ord. § 38-24.3(a).

- Planning Commission to review without hearing.
- Exception: A Hearing may be required upon votes.

**STEP 6B(2): Planning Commission Hearing on Application.**

Wahp. Ord. § 38-24.3(b).

- Planning Commission must approve or disapprove.
- Planning commission may require changes to the proposed minor plat be included in the final plat;
  - 1) Changes must not change the overall scope of the plat; and
  - 2) Must be approved by the director of public works
  - 3) Changes need not be resubmitted to planning commission unless directed to do so.
- Considerations: Planning Commission shall consider the following for approval of plat:
  - 1) The prospective character of the development of the area included in the plat; and
  - 2) The surrounding territory.
- A deed to the fee for the streets or other areas offered for dedication to the public on said plat may be required; Wahp. Ord. § 38-25.
- Insufficient information: if determined there to be insufficient information to adequately review the application, the application shall be deemed withdrawn.
- Applicant may resubmit at any time thereafter.

IF APPROVED BY PLANNING COMMISSION:

**STEP 7: Application Referred to City Council for Approval (Major and Minor Plats).**

**Major Plats:**

- City Council has **20 days to review** for approval;
- Conditional approval:
  - o The general terms and conditions under the preliminary approval was granted will not change for **3 years**;

- The applicant may submit on or before the expiration date the whole or any portion of said plat for final approval.

See Wahp. Ord. 38-78(e).

- Install Improvements or post bond, letter of credit or other adequate performance guarantees, payable to the city, ensuring the installation of improvements. See Wahp. Ord. § 38-79. (may be waived upon request to city council on resolution by at least 3/4).
  - a. Monuments. See Wahp. Ord. § 38-171; and
  - b. Utility and Street. See Wahp. Ord. § 38-172.
- If preliminarily approved move to Step 8: Submission of Final Plat.

### **Minor Plats:**

- Applicant must submit two mylar, three paper copies, and one digital copy of the proposed final minor plat to the city director of public works;
- Director of public works shall submit for approval by the city council at next council meeting;
- No publication necessary.

Wahp. Ord. § 38-24.4(a).

### **IF APPROVED BY CITY COUNCIL:**

- Approved by resolution;
- The final minor plat shall be executed by the required city officials; and
- Recorded with the county recorder.

Wahp. Ord. § 38-24.4(b).

### **STEP 8: Submission of Final Plat.**

Final Plat specifications and contents. Wahp. Ord. § 38-103.

- Final Plat must be drawn in ink on drafting film on sheets no larger than 30 inches wide by 42 inches long;
- Scale: shall be 100 feet to one inch or larger;
- May consist of several sheets accompanied by an index sheet showing the entire subdivision;
- Contents:
  - 1) Primary control points, approved by the city engineer or consulting engineer, or descriptions and "ties" to such control points, to which all dimensions, angles bearings, and similar data on the plat shall be referred.

- 2) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites; with accurate dimension to the nearest 100th of a foot, bearings or deflection angle to the nearest minute, and radii, arcs, and central angles of all curves.
- 3) Name and right-of-way width of each street or other right-of-way.
- 4) Location, dimensions and purpose of any easements.
- 5) Number to identify each lot and block.
- 6) Purpose for which sites, other than residential lots, are dedicated or reserved.
- 7) Minimum building setback line on all lots and other sites if other than zoning requires.
- 8) Location and description of monuments.
- 9) Reference to recorded subdivision plats of adjoining platted land by record name and number.
- 10) Certification of title showing that applicant is the landowner.
- 11) Certification by registered land surveyor certifying to accuracy of survey and plat.
- 12) Statement by owner dedicating streets, rights-of-way and any sites for public uses.
- 13) Title, graphic scale, north arrow and date.
- 14) Cross sections and profiles of streets showing grades approved by the city engineer or consulting engineer. The profiles shall be drawn to city standard scales and elevations and shall be based on a datum plane approved by the city engineer or consulting engineer.
- 15) A certificate by the city engineer or consulting engineer certifying that the subdivider has complied with section 38-79.
- 16) Protective covenants in form for recording.
- 17) Other data such other certificates, affidavits, endorsements, or deductions as may be required by the planning commission in the enforcement of these regulations.

- **Within 18 months from Date of Preliminary approval by City Council:**

- 1) Subdivider must submit Final Plat to the secretary of the Planning Commission to be forwarded for final approval. See Wahp. Ord. § 38-80(a).
- 2) Original tracing of the application form must be submitted to secretary at least **5 days prior to** the planning commission meeting. See Wahp. Ord. § 38-80(b).
- 3) Must provide statement from city engineer or consulting engineer regarding improvements. See Wahp. Ord. § 38-80(c).

**STEP 9: REQUEST FOR FINAL APPROVAL FROM PLANNING COMMISSION.**

- Within 30 days of submission to Planning Commission:

- 1) Planning commission shall approve or disapprove. See Wahp. Ord. § 38-80(a). Failure to act within 30 days is deemed a favorable recommendation and the Plat shall be forwarded to the city council for their action. See Wahp. Ord. § 38-80(d).

- 2) Referral from Planning Commission to City Council.
- 3) If approved: file/submit copies of the final approved plat to the Finance Director/City Auditor; City Engineer; or Zoning Officer. See Wahp. Ord. § 38-80(e).
- 4) File the final approved plat with the office of the register of deeds for the County. See Wahp. Ord. § 38-80(f).
- 5) Submit satisfactory evidence of recording to the Finance Director/City Auditor. See Wahp. Ord. § 38-80(f).

# DEVELOPMENT AGREEMENTS

Development Agreements are required by the City of Wahpeton if the project contains the installation of the following:

- Water;
- Sewer;
- Storm sewer;
- Streets; or
- Other infrastructure.

Development Agreements are between the developer and the City of Wahpeton.

Development Agreements outline terms of responsibilities for the Developer and the City of Wahpeton. Typical terms found in Development Agreements are as follows:

- Design and Construction of Infrastructure;
- Coordination of Activities;
- Dedication of Improvements;
- Funding of Improvements;
- Improvement District and Special Assessments;
- Special Assessment Financial Guarantees;
- Indemnification Statements;
- Reimbursement of Costs;
- Property Statements;
- Park Dedication; and
- Others.

**Note: A financial guarantee will be required if infrastructure or improvements need to be installed. The financial guarantee will be in the form of Letter of Credit or Performance Bond. The amount of the financial guarantee will be determined by the amount of the special assessments.**

**Timeline: Coordinate with the City Attorney and Finance Director.**

## **Option 1 Developer Installed Improvements**

The developer hires their own engineer to prepare the plans and specifications and bid the project privately. With this option the developer will, prepare the plans and specification, bid the project, award a contract to the low bid contractor, provide project administration, provide project observation.

With this option the developer will fund the construction of the improvements either with their own capital or bank financing. The developer can either include the cost of the improvements into the cost of the lot or they can ask the City to reimburse them for the costs and assess the property for the cost of installation of the improvements. **Note:** Refer to the City of Wahpeton Engineering Design Standards for infrastructure standards.

A Registered Engineer in the State of North Dakota must design the plans and specifications. The Engineer shall submit the plans and specification to the City Public Works Department for review. Upon approval, Engineer shall submit plans and specifications to the NDDEQ for approval.

The plans and specifications will need to be approved by the City Public Works before installation can take place.

The developer through the contract with their engineer **MUST** provide for full time field observation of the installation of the infrastructure to assure they are installed according to the approved plans and specifications.

**Note:** If there is work happening on site by the contractor the field inspector must be there to witness and inspect the work.

The City of Wahpeton may at times enter upon the project to additionally inspect and observe the installation of the infrastructure.

The City of Wahpeton requires that the final lift of asphalt be installed after the first lift has gone through one winter season. We have found because of the unique soils in the area, allowing areas where pipe crossing occur in the street settlement may occur over the winter and shows up as a dip in the road surface. These settlements will need to be edge milled and paved over to fill them in before the final lift will be installed.

After all the infrastructure installation is installed, the City Public Works Department will do a final inspection of the improvements and give the developer the City's approval. Only then will the improvements be accepted by the City Public Works Department. After the City Public Works Department accepts the infrastructure the maintenance of the infrastructure will be the responsibility of the City Public Works Department.

**Note:** If the first lift of asphalt is not installed before freeze up the developer will be required to do all the snow removal from the streets in the development.

### **Option 2 City Installed Improvements.**

The developer petitions the City to install the infrastructure improvements and have the costs assessment to the properties.

The City will prepare the plans and specification, bid the project, award a contract to the low bid contractor, provide project administration, provide project observation.

As with private install the final lift of asphalt will be installed after the first lift of asphalt has gone through one winter season. After the infrastructure is completed and approved by the City, the City will assess the costs of the infrastructure to the property.

# TAX INCREMENT FINANCING

If the development has a Tax Increment Financing (TIF) component, the TIF components will be included in the development agreement. Contact the Finance Director for further information on Tax Increment Financing Availability. See Appendix A for details on Tax Increment Financing and Requirements.



# MAILBOXES

The post office requires all new subdivisions to have **Centralized Box Units**. The post office will not allow individual mailboxes. The developer is **responsible for** contacting the post office for details pertaining to location of the box and specifications for concrete slab and other appurtenances.

APPENDIX A (SIGN CODE)  
**SIGN Code**

**SECTION 101  
GENERAL**

**101.1 General.** A sign shall not be erected in a manner that would confuse or obstruct the view of or interfere with exit signs required by Chapter 10 of the current International Building Code (IBC) as adopted by the City of Wahpeton or with official traffic signs, signals or devices.

**101.2 Maintenance.** All signs and sign support structures, together with all of their supports, braces, guys and anchors, shall be kept in a condition in which the appearance and structural stability of the sign and its supporting system have been kept in a condition comparable to that of the sign when it was first installed. In no case may the sign or its supporting structure be allowed to become deformed in any manner which will affect its legibility or its ability to withstand the required wind design loads on the sign face or its supporting structure.

**101.3 Permits.** Unless specifically exempted via this Code all signs erected in the City of Wahpeton shall require a permit issued by the Building Official or designee at a fee set by resolution of the City Council.

**101.4 Signs exempt from permits.** The following signs are exempt from the requirements to obtain a permit before erection:

1. Temporary signs announcing the sale or rent of property.
2. Signs erected by transportation authorities.

**101.5 Enforcement Authority.** The Building Official or designee is hereby authorized and directed to enforce all the provisions of this code.

(a.) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the Building Official has reasonable cause to believe that there exists any condition or violation to this code, the Building Official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this code, provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Building Official or his authorized representative shall have recourse to every remedy provided to secure entry.

**101.6 Appeals.** In order to provide for reasonable interpretation of the provisions of this code the Planning Commission will act as a Board of Appeals as provided in the building code.

(a.) Planning Commission. Denial of any request of a sign permit shall be appealable to the Planning Commission.

**101.7 Violations.** It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain any sign structure in this jurisdiction, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this code.

The following shall constitute a violation of this sign code:

1. Failure to purchase a permit before placing a sign.
2. Failure to affix permit tag to sign.
3. Failure to remove a sign when permit has expired.
4. Failure to notify Building Official as per Sec. 114.4 (c.)
5. Failure to have sign permanently marked with the name and

address of the sign owner.

6. Failure to maintain sign in good condition.
7. Failure to comply with electrical requirements of this code.
8. Failure to remove a sign not displaying copy.
9. Placement of a sign on public right-of-way.

(a.) All violations of this Code will be levied an administrative fee not to exceed \$100.00 per day of the sign is in violation, not to exceed \$500 and such other remedies the City may seek.

**101.8 Grandfather Clause.** All current signs, either existing or permitted, prior to the adoption of this code shall be grandfathered in and considered compliant until/unless said sign requires significant repair (50% or more of value) or replacement takes place.

## **SECTION 102 DEFINITIONS**

**H102.1 General.** Unless otherwise expressly stated, the following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of the *International Building Code* for general definitions.

**COMBINATION SIGN.** A sign incorporating any combination of the features of pole, projecting and roof signs.

**DISPLAY SIGN.** The area made available by the sign structure for the purpose of displaying the advertising message.

**ELECTRIC SIGN.** A sign containing electrical wiring, but not including signs illuminated by an exterior light source.

**GROUND SIGN.** A billboard or similar type of sign which is supported by one or more uprights, poles or braces in or upon the ground other than a combination sign or pole sign, as defined by this code.

**OFF PREMISE SIGN.** Any sign which directs attention to a business, profession, product, service, activity or entertainment not conducted, sold or offered on the premises upon which the sign is located.

**POLE SIGN.** A sign wholly supported by a sign structure in the ground.

**PORTABLE DISPLAY SURFACE.** A display surface temporarily fixed to a standardized advertising structure which is regularly moved from structure to structure at periodic intervals.

**PORTABLE SIGN.** Any sign that is not permanently affixed to the ground and can be moved from one location to another at periodic intervals.

**PROJECTING SIGN.** A sign other than a wall sign, which projects from and is supported by a wall of a building or structure.

**ROOF SIGN.** A sign erected upon or above a roof or parapet of a building or structure.

**Scrolling Illuminated Signs.** Scrolling, moving, flashing, rotating, illuminated signs or colored lights

**SIGN.** Any letter, figure, character, mark, plane, point, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminated service, which shall be constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever, so that the same shall

be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise, whatsoever, which is displayed in any manner outdoors. Every sign shall be classified and conform to the requirements of that classification as set forth in this chapter.

**SIGN STRUCTURE.** Any structure which supports or is capable of supporting a sign as defined in this code. A sign structure is permitted to be a single pole and is not required to be an integral part of the building.

**WALL SIGN.** Any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.

## **SECTION 103**

### **LOCATION**

**103.1 Location restrictions.** Signs shall not be erected, constructed or maintained so as to obstruct any fire escape or any window or door or opening used as a means of egress or so as to prevent free passage from one part of a roof to any other part thereof. A sign shall not be attached in any form, shape or manner to a fire escape, nor be placed in such manner as to interfere with any opening required for ventilation.

**103.2 Clearance from High Voltage Power Lines.** Signs shall be located not less than 6 feet horizontally or 12 feet vertically from overhead electrical conductors which are energized in excess of 750 volts. The term "overhead conductors" as used in this section means any electrical conductor, either bare or insulated, install above the ground, except such conductors as are enclosed in iron pipe or other material covering of equal strength.

**103.3 Right of Way.** No signs may be erected or placed in public right of way. Signs shall not project more than a maximum of four (4) feet into the Right of way or within 2 feet of the curb line. Signs projecting into the right of way shall be no less than eight (8) feet from finished grade.

**103.4 Projection Over Alleys.** No sign or sign structure shall project into any public alley below a height of 14 feet above grade, nor project more than 36 inches where the sign structure is located 14 feet to 16 feet above grade. The sign or sign structure may project not more than 36 inches into the public alley.

## **SECTION 104**

### **IDENTIFICATION**

**104.1 Identification.** Every outdoor advertising display sign hereafter erected, constructed or maintained, for which a permit is required shall be plainly marked with the name of the person, firm or corporation erecting and maintaining such sign and shall have affixed on the front thereof the permit number issued for said sign or other method of identification approved by the building official.

## **SECTION 105**

### **DESIGN AND CONSTRUCTION**

**105.1 General Requirements.** Signs shall be designed and constructed to comply with the provisions of this code for use of materials, loads and stresses.

**105.2 Permits, drawings and specifications.** Where a permit is required, as provided in Chapter 1, construction documents shall be required. These documents shall show the dimensions, material and required details of construction, including loads, stresses and anchors.

**105.3 Wind load.** Signs shall be designed and constructed to withstand wind pressure as provided for in Chapter 16.

**105.4 Seismic load.** Signs designed to withstand wind pressures shall be considered capable of withstanding earthquake loads, except as provided for in Chapter 16.

**105.5 Working stresses.** In outdoor advertising display signs, the allowable working stresses shall conform to the requirements of Chapter 16. The working stresses of wire rope and its fastenings shall not exceed 25 percent of the ultimate strength of the rope or fasteners.

**Exceptions:**

1. The allowable working stresses for steel and wood shall be in accordance with the provisions of Chapters 22 and 23.

2. The working strength of chains, cables, guys or steel rods shall not exceed one-fifth of the ultimate strength of such chains, cables, guys or steel.

**105.6 Attachment.** Signs attached to masonry, concrete or steel shall be safely and securely fastened by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to safely support the loads applied.

## **SECTION 106**

### **ELECTRICAL**

**106.1 Illumination.** A sign shall not be illuminated by other than electrical means, and electrical devices and wiring shall be installed in accordance with the requirements of the North Dakota (ND) State Wiring Standards. Any open spark or flame shall not be used for display purposes unless specifically approved.

**106.1.1 Internally illuminated signs.** Except as provided for in Sections 402.14 and 2611, where internally illuminated signs have facings of wood or approved plastic, the area of such facing section shall not be more than 120 square feet (11.16 m<sup>2</sup>) and the wiring for electric lighting shall be entirely enclosed in the sign cabinet with a clearance of not less than 2 inches (51 mm) from the facing material. The dimensional limitation of 120 square feet (11.16 m<sup>2</sup>) shall not apply to sign facing sections made from flame-resistant-coated fabric (ordinarily known as “flexible sign face plastic”) that weighs less than 20 ounces per square yard (678 g/m<sup>2</sup>) and that, when tested in accordance with NFPA 701, meets the fire propagation performance requirements of both Test 1 and Test 2 or that when tested in accordance with an approved test method, exhibits an average burn time of 2 seconds or less and a burning extent of 5.9 inches (150 mm) or less for 10 specimens.

**106.2 Electrical service.** Signs that require electrical service shall comply with the ND State Wiring Standards.

**106.3 Allowed Zoning.** Electrical signs and Scrolling Illuminated Signs are not allowed in residential zoned areas (R-1, R-2, or R-3) or within 150’ of residential zoning unless approved by special exception of the Planning Commission.

## **SECTION 107**

### **COMBUSTIBLE MATERIALS**

**107.1 Use of combustibles.** Wood, approved plastic or plastic veneer panels as provided for in Chapter 26, or other materials of combustible characteristics similar to wood, used for moldings, cappings, nailing blocks, letters and latticing, shall comply with Section H109.1, and shall not be used for other ornamental features of signs, unless approved.

**107.1.1 Plastic materials.** Notwithstanding any other provisions of this code, plastic materials which burn at a rate no faster than 2.5 inches per minute (64 mm/s) when tested in accordance with ASTM D 635 shall be deemed approved plastics and can be used as the display surface material and for the letters, decorations and facings on signs and outdoor display structures.

**107.1.2 Electric sign faces.** Individual plastic facings of electric signs shall not exceed 200 square feet (18.6 m<sup>2</sup>) in area.

**107.1.3 Area limitation.** If the area of a display surface exceeds 200 square feet (18.6m<sup>2</sup>), the area occupied or covered by approved plastics shall be limited to 200 square feet (18.6 m<sup>2</sup>) plus 50 percent of the difference between 200 square feet (18.6 m<sup>2</sup>) and the area of display surface. The area of plastic on a display surface shall not in any case exceed 1,100 square feet (102 m<sup>2</sup>).

**107.1.4 Plastic appurtenances.** Letters and decorations mounted on an approved plastic facing or display surface can be made of approved plastics.

## **SECTION 108**

### **ANIMATED DEVICES**

**108.1 Fail-safe device.** Signs that contain moving sections or ornaments shall have fail-safe provisions to prevent the section or ornament from releasing and falling or shifting its center of gravity more than 15 inches (381 mm). The fail-safe device shall be in addition to the mechanism and the mechanisms housing which operate the movable section or ornament. The fail-safe device shall be capable of supporting the full dead weight of the section or ornament when the moving mechanism releases.

## **SECTION 109**

### **GROUND SIGNS**

**109.1 Height restrictions.** The structural frame of ground signs shall not be erected of combustible materials to a height of more than 35 feet (10668 mm) above the ground. Ground signs constructed entirely of noncombustible material shall not be erected to a height of greater than 50 feet (30 480 mm) above the ground. Greater heights are permitted where approved and located so as not to create a hazard or danger to the public.

**109.2 Required clearance.** The bottom coping of every ground sign shall be not less than 3 feet (914 mm) above the ground or street level, which space can be filled with platform decorative trim or light wooden construction.

**109.3 Wood anchors and supports.** Where wood anchors or supports are embedded in the soil, the wood shall be pressure treated with an approved preservative.

**109.4 Height** of signs shall be governed by the following setback steps.

STEP 1. 0 feet to 25 feet from the property line the maximum height allowed shall be 30 feet.

STEP 2. 25+ feet to 100 feet from property line the maximum height allowed shall be 40 feet.

STEP 3. 100+ feet from the property line the maximum height allowed shall be 50 feet.

Setback dimensions shall be a straight line measurement from the property line to the center line of the sign standard nearest to that property line.

Height measurements shall be taken from the highest centerline grade of any adjacent street. Signs installed on the roof of any building within a height step shall not exceed the maximum allowed sign height of the zone in which the sign is located.

*Current signs that exceed the height restrictions in this code are grandfathered in per 101.8. Those same signs upon replacement must comply with this Code. An exception to 109.4 may be granted by the Board of Appeals so the grandfathered sign can be replaced at its current height and location.*

**109.5 Allowed Zoning** All business (B-1, B-2, B-3) and Industrial (I-1, I-2) zoned areas along with RB-4 Zoning areas.

## **SECTION 110 ROOF SIGNS**

**110.1 General.** Roof signs shall be constructed entirely of metal or other approved noncombustible material except as provided for in Sections H106.1.1 and H107.1. Provisions shall be made for electric grounding of metallic parts. Where combustible materials are permitted in letters or other ornamental features, wiring and tubing shall be kept free and insulated there from. Roof signs shall be so constructed as to leave a clear space of not less than 6 feet (1829 mm) between the roof level and the lowest part of the sign and shall have at least 5 feet (1524 mm) clearance between the vertical supports thereof. No portion of any roof sign structure shall project beyond an exterior wall.

**Exception:** Signs on flat roofs with every part of the roof accessible.

**110.2 Bearing plates.** The bearing plates of roof signs shall distribute the load directly to or upon masonry walls, steel roof girders, columns or beams. The building shall be designed to avoid overstress of these members.

**110.3 Height** of signs shall be governed by the following setback steps.

STEP 1. 0 feet to 25 feet from the property line the maximum height allowed shall be 30 feet.

STEP 2. 25+ feet to 100 feet from property line the maximum height allowed shall be 40 feet.

STEP 3. 100+ feet from the property line the maximum height allowed shall be 50 feet.

Setback dimensions shall be a straight line measurement from the property line to the center line of the sign standard nearest to that property line.

Height measurements shall be taken from the highest centerline grade of any adjacent street. Signs installed on the roof of any building within a height step shall not exceed the maximum allowed sign height of the zone in which the sign is located.

**110.4 Allowed Zoning** All business (B-1, B-2, B-3) and Industrial (I-1, I-2) zoned areas.

## **SECTION 111 WALL SIGNS**

**111.1 Materials.** Wall signs which have an area exceeding 40 square feet (3.72 m<sup>2</sup>) shall be constructed of metal or other approved noncombustible material, except for nailing rails and as provided for in Sections H106.1.1 and H107.1.

**111.2 Exterior wall mounting details.** Wall signs attached to exterior walls of solid masonry, concrete or stone shall be safely and securely attached by means of metal anchors, bolts or expansion screws of not less than 3/8 inch (9.5 mm) diameter and shall be embedded at least 5 inches (127 mm). Wood blocks shall not be used for anchorage, except in the case of wall signs attached to buildings with walls of wood. A wall sign shall not be supported by anchorages secured to an unbraced parapet wall.

**111.3 Extension.** Wall signs shall not extend above the top of the wall, nor beyond the ends of the wall to which the signs are attached unless such signs conform to the requirements for roof signs, projecting signs or ground signs.

**111.4 Allowed Zoning** All business (B-1, B-2, B-3) and Industrial (I-1, I-2) zoned areas along with RB-4 Zoning areas.

## SECTION 112

### PROJECTING SIGNS

**112.1 General.** Projecting signs shall be constructed entirely of metal or other noncombustible material and securely attached to a building or structure by metal supports such as bolts, anchors, supports, chains, guys or steel rods. Staples or nails shall not be used to secure any projecting sign to any building or structure. The dead load of projecting signs not parallel to the building or structure and the load due to wind pressure shall be supported with chains, guys or steel rods having net cross-sectional dimension of not less than 3/8 inch (9.5 mm) diameter. Such supports shall be erected or maintained at an angle of at least 45 percent (0.78 rad) with the horizontal to resist the dead load and at angle of 45 percent (0.78 rad) or more with the face of the sign to resist the specified wind pressure. If such projecting sign exceeds 30 square feet (2.8 m<sup>2</sup>) in one facial area, there shall be provided at least two such supports on each side not more than 8 feet (2438 mm) apart to resist the wind pressure.

**112.2 Attachment of supports.** Supports shall be secured to a bolt or expansion screw that will develop the strength of the supporting chains, guys or steel rods, with a minimum 5/8-inch (15.9 mm) bolt or lag screw, by an expansion shield. Turn buckles shall be placed in chains, guys or steel rods supporting projecting signs.

**112.3 Wall mounting details.** Chains, cables, guys or steel rods used to support the live or dead load of projecting signs are permitted to be fastened to solid masonry walls with expansion bolts or by machine screws in iron supports, but such supports shall not be attached to an unbraced parapet wall. Where the supports must be fastened to walls made of wood, the supporting anchor bolts must go through the wall and be plated or fastened on the inside in a secure manner.

**112.4 Height limitation.** A projecting sign shall not be erected on the wall of any building so as to project above the roof or cornice wall or above the roof level where there is no cornice wall; except that a sign erected at a right angle to the building, the horizontal width of which sign is perpendicular to such a wall and does not exceed 18 inches (457 mm), is permitted to be erected to a height not exceeding 2 feet (610 mm)

above the roof or cornice wall or above the roof level where there is no cornice wall. A sign attached to a corner of a building and parallel to the vertical line of such corner shall be deemed to be erected at a right angle to the building wall.

**112.5 Additional loads.** Projecting sign structures which will be used to support an individual on a ladder or other servicing device, whether or not specifically designed for the servicing device, shall be capable of supporting the anticipated additional load, but not less than a 100-pound (445 N) concentrated horizontal load and a 300-pound (1334 N) concentrated vertical load applied at the point of assumed or most eccentric loading. The building component to which the projecting sign is attached shall also be designed to support the additional loads.

**112.6 Allowed Zoning.** All business (B-1, B-2, B-3) and Industrial (I-1, I-2) zoned areas.

## SECTION 113

### MARQUEE SIGNS

**113.1 Materials.** Marquee signs shall be constructed entirely of metal or other approved noncombustible material except as provided for in Sections H106.1.1 and H107.1.

**113.2 Attachment.** Marquee signs shall be attached to approved marquees that are constructed in accordance with Section 3106.



**113.3 Dimensions.** Marquee signs, whether on the front or side, shall not project beyond the perimeter of the marquee.

**113.4 Height limitation.** Marquee signs shall not extend more than 6 feet (1829 mm) above, nor 1 foot (305 mm) below such marquee, but under no circumstances shall the sign or signs have a vertical dimension greater than 8 feet (2438 mm).

**113.5 Allowed Zoning.** All business (B-1, B-2, B-3) and Industrial (I-1, I-2) zoned areas along with RB-4 Zoning areas.

## **SECTION 114**

### **PORTABLE SIGNS**

**114.1 General.** Portable signs shall conform to requirements for ground, roof, projecting, flat and temporary signs where such signs are used in a similar capacity. The requirements of this section shall not be construed to require portable signs to have connections to surfaces, tie-downs or foundations where provisions are made by temporary means or configuration of the structure to provide stability for the expected duration of the installation.

**114.2 Permit Requirements.** A portable sign sixteen square feet and larger and/or greater than five feet in height shall require a permit. Permits shall be obtained from the Building Official by the person renting or displaying the sign, or the owner of the sign in the case of annual permits. A copy of the permit must be presented to the sign rental company before the sign can be rented. A permit tag will be issued with the permit and must be attached to the sign for which it has been issued.

**114.3 Permit Fees.** Permit fees shall be established by resolution of the City Council.  
(\$30 per sign per year)

**114.4 Annual Permit.** Annual permits may be purchased by sign rental companies and sign owners. Annual permits will be effective from 1 January to 31 December and shall be renewable on a yearly basis. An annual permit shall be issued for specific sign and must be attached to said sign.

(a) Annual permits shall not be transferable from sign to sign.

(b) A portable sign with an annual permit shall be allowed at a location for 30 days at a time. Once 30 days have expired, it shall be 30 days before another portable sign can be placed at that location (parcel).

(c) Holders of annual permits shall notify the Building Official prior to placing a sign; of the permit number of the sign, the location of the sign, the date the sign will be placed, and the date the sign will be removed.

**114.5 Multiple Signage.** In the case of strip malls, office condos and multiple business structures, two (2) signs shall be allowed per parcel at any given time.

**114.6 Maintenance.** Signs not displaying a copy shall be removed from the street frontage of a lot.

**114.7 Identification of Owner.** Portable signs shall be clearly marked by some permanent means and in a readily visible location with the name and address of the sign owner.

**114.8 Allowed Zoning.** All business (B-1, B-2, B-3) and Industrial (I-1, I-2) zoned areas along with Residential (All residential zoning) & RB-4 Zoning areas.

## **SECTION 115**

### **Signs in Residential Areas**

**115.1 Signs in Residential Districts.** Signs are not permitted in any residential district, except as used with "Home Occupation", public or semi-public uses, or existing business or commercial buildings being solely so used, in which case they shall conform to this section. This section shall not apply to any well maintained signs in current state of good repair in district zoned Residential-3

which are either painted onto a building or solidly affixed thereto, however, any such sign shall be limited in size so that it does not extend in any direction beyond the boundaries of the building side on which it is painted or affixed.

**115.2 Area Requirement.** Except as otherwise provided, home occupation or any other signs in any residence district or in connection with any residential building in any other district shall not exceed six (6) square foot in area.

**115.3** Any announcement sign of a club, public or semi-public building, or business or commercial building being used at the time of the adoption of this ordinance solely for business or commercial purposes shall be non-illuminated, not more than twelve (12) square feet in area, shall refer only to the premises which it occupies and shall be submitted for approval by the Building Official as to color, shape, size, location and height, to ensure conformity with the surrounding area.

**115.4 Sign Limits.** All signs that exceed six (6) square foot in area shall be placed off of the City right-of-way and before placement thereof plans therefore shall be submitted to the Building Official for his approval as to size, shape, color and proposed location and height to ensure conformity with the surrounding area.

**115.5** Any aggrieved party may appeal any decision made by the Building Official pursuant to Section 106.5 to the Planning Commission in the manner and pursuant to the procedures as set forth in Article 6 of Chapter 10 of the Revised Ordinances of the city of Wahpeton.

**115.7 Portable Signs** Portable signs are not allowed in residential districts for more than 5 days, inclusive of transportation to and off of the site, and then must not be located on the same parcel for 30 days.

## **SECTION 116**

### **Off-Premise Signs**

**116.1. Off-Premise Signs Allowed in Business (B) & Industrial (I) Districts.** Off-premise signs shall be allowed in B & I districts provided signage meets the following requirements:

(a) Spacing between off-premise signs shall be at least 500 feet. This distance shall be determined by a 500 foot radius from the sign along the street to which the sign orients.

(b) Area allowed for sign shall be determined as follows; 40% of the area of the building frontage or 3 square feet per lineal foot of lot frontage, whichever is greater. [12 x 25 w/out State highway frontage, 14 x 28 w]

(c) Sign height steps as per section 404 (f).

(d) Signs shall be located a minimum of 300 feet from residential zoning districts. This distance shall be determined by a 300 foot radius from the sign.

**116.2 Off-Premise Sign - Size.** Off-premise signs shall not exceed 1200 square feet in area with a maximum height of 30 feet and a maximum width of 60 feet, inclusive of border and trim, but exclusive of base or apron, supports and other structural members. [14 x 28 panel DMU, GC, LI, GI, permitted elsewhere as follows. Not in AG.]

**116.3 Off-Premise Signs in ETZ-1.** Off-premise signs shall be allowed in ETZ-1 zoning by special exception granted by the Planning Commission.

Table 4-A  
Size, Thickness and Type of Glass Panels in Signs

Maximum size of Exposed Panel		Maximum Thickness of Glass (inches)	Type of Glass
Any Dimension (inches)	Area (square inches)		
30	500	1/8	Plain, Plate or wired
45	700	3/16	Plain, Plate or wired
144	3,600	1/4	Plain, Plate or wired
>144	>3,600	1/4	Wired Glass

For SI: 1 inch = 25.4 mm, 1 square inch = 645.16 mm<sup>2</sup>.

Table 4-B  
Thickness of Projection Sign

Projection (feet)	Maximum Thickness (feet)
5	2
4	2.5
3	3
2	3.5
1	4

For SI: 1 foot = 304.8 mm

**SECTION 117**

**REFERENCED STANDARDS**

ASTM D 635-03 Test Method for H107.1.1

Rate of Burning and/or

Extent and Time of

Burning of Self-Supporting

Plastics in a Horizontal Position

ICC EC-06 ICC Electrical Code H106.1,  
H106.2

NFPA 701-99 Methods of Fire Test for H106.1.1

Flame Propagation of Textiles  
and Films