

ORDINANCE NO. 990

**AN ORDINANCE ADOPTING SECTION 46-216.1
ESTABLISHING PLANNED UNIT DEVELOPMENT
ZONING FOR RIVERPOINTE ACRES**

BE IT ORDAINED, by the City Council of the City of Wahpeton, North Dakota, that Section 46-216.1 be adopted and establish Planned Unit Development Zoning for Riverpointe Acres of the City of Wahpeton, Richland County, North Dakota, to provide as follows:

46-216.1 (a) Amendment. Section 46-216.1 is hereby adopted to rezone the following described property from R-3 Multi Family Residential to Planned Unit Development District – PUD for Riverpointe Acres and to read as follows:

The following property shall be excluded from other zoning and shall instead be included within a Planned Unit Development District which shall cover the property described as follows:

Lots 1-15 Block 1 and Lots 1-6 Block 2 all in Riverpointe Acres, Wahpeton, Richland County, North Dakota.

This PUD is subject to the following development standards:

- (1). Uses Permitted. The following uses are permitted within this PUD:
 - a. Personal storage buildings and personal shops;
 - b. Seasonal urban vegetable gardens;
- (2). Special Exceptions: As authorized by the Board of Adjustment:
 - a. Service shops.
- (3). No lot splits are allowed.

46-216.1 (b) Dimensional Standards.

- (1). Refer to attachment #1 for Drainage and Setback Location
- (2). Height. The minimum building sidewall shall be 10 feet from the top of the interior finished floor to the bottom of rafters at the top of the sidewall. The maximum sidewall height shall not exceed 16 feet measured from the top of interior finished floor to the bottom of the rafters at the top of the sidewall. The maximum height of the building shall be determined by the construction of the roof. Roof pitch shall be 4 to 12 no more or no less. Eave and gable ends must

have a minimum/maximum overhang of 24". Lots 13, 14 and 15 shall have a sidewall of no more or no less than 10 ft. in height.

- (3). Lot Coverage. The minimum building size on the ground floor shall be at least 960 square feet of fully enclosed shop or storage area and may not exceed 3,600 square feet of shop or storage area. Open terraces, patios, enclosed porches, atriums, breeze ways and similar areas are not considered fully enclosed for purposes of defining fully enclosed area. All buildings must be centered upon each lot.
- (4). Lots 1-6 Block 2 shall have a maximum building width of 60 feet.
- (5). All buildings must have a two tone color scheme. The bottom four feet of one color. The upper portion of the walls of one color and the roof of the same color as the bottom four feet. Colors must be chosen from the Metals Sales brochure labeled # 25, 29, 17, 74, or 49. All over head doors, walk in doors and windows shall be of bright white (39).

46-216.1 (c) Use Standards. All uses within this planned unit development shall conform to the following requirements:

- (1). There is no unusual fire, explosion or safety hazard.
- (2). There is no production of noise at any boundary of this district in which such use is located in excess of the average intensity of street and traffic noise at that point.
- (3). There is no emission of smoke in excess of any density described as No. One as measured by a standard Ringelmann Chart as prepared by the United States Bureau of Mines; provided, however, that smoke of a density not in excess of No. Two on a Ringelmann Chart will be permitted for a period not in excess of four minutes in any thirty-minute period.
- (4). There is no emission of dust, dirt or toxic or offensive odors or gas.
- (5). There is no activity which produces electrical, electronic or radio frequency interference beyond the boundaries of the property on which the activity is located.
- (6). No livings quarters are allowed.

46-216.1 (d) Design and Aesthetic Standards.

- (1). Intent. It is the intent of the design standards and the restrictive covenants as adopted by the owner and developer to create a visual quality and appearance that is not offensive to the public and adjoining owner. To maintain this visual quality and appearance the following standards shall apply:
- (2). Only a one story building shall be allowed on each lot.
- (3). The roof pitch shall be at a four (4) to twelve (12) slope.
- (4). Each structure is to be located upon a permanent foundation and constructed in accordance with the provisions of the applicable City codes governing construction of footings and foundations. Not more than 12 inches of foundation shall be exposed.
- (5). The finished floor of each structure shall be at an elevation of eighteen (18) inches above curb, measured at the middle of each lot.
- (6). Exterior Finish. All buildings shall have a permanent exterior finish which must be permanently painted metal clad code approved siding exterior. Color shall be of # 25, 29, 17, 74, or 49 from the Metal Sales brochure MS Colorfast 45 or equivalent.
- (7). Enclosed Building Requirement. All storage, mechanical and shop work must be conducted within a completely enclosed building except for gardening.
- (8). Outdoor Storage Areas. No outdoor storage allowed.
- (9). City Water and Sewer Connections. All buildings must connect to the City of Wahpeton's water and sewer services upon completion.
- (10). Driveway Locations. Driveway locations will be determined by the City of Wahpeton for each lot. Each driveway must be at least the width of the overhead door. Driveways must be concrete.

46-216.1 (e) Development Standards.

- (1). Lots 13, 14 and 15 Block one must be of the same color coordination. Bottom 4 feet, top 6 feet and roof. Setbacks must be uniform on these lots.

- (2). Accessory Buildings. Accessory buildings are not allowed within this Planned Unit Development.
- (3). Parking and Loading. Parking and loading areas shall be provided and must be of concrete.
- (4). Signage. No signs of any kind shall be displayed to the public view on any lot except as follows.
- (5). One sign not more than four (4) feet square identifying the owner.
- (6). One sign not more than six (6) feet square advertising property for sale or rent.
- (7). One sign not more than twenty-five (25) square feet used by a developer to advertise property during the construction and sale.
- (8). No exterior dumpsters are allowed. Property owners must contract for any waste material services.
- (9). No kennels allowed.

46-216.1 (f) Changes. This PUD may not be amended except when authorized by the City Council.

46-216.1 (g) Repeal. All ordinances or parts of ordinance in conflict with this ordinance are hereby repealed.

46-217.1 (h) Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

Dated this 16th day of April, 2018.

CITY OF WAHPETON

By Steven L. Dale
 Steven L. Dale, Mayor

ATTEST:

Darcie E. Huwe
 Darcie E. Huwe
 Finance Director/City Auditor

First Reading: April 2, 2018
Second Reading:
Adoption:

PLAT OF RIVER POINTE ACRES

A REPLAT OF ALL OF WEST BRANFORD ADDITION TO THE CITY OF WAMPETER, SHELBY COUNTY, NORTH CAROLINA

