



Aaron Nelson, AICP Director of Planning and Zoning
Leslie McGillivray-Rivas, Sr. Planner
Lisa Sankey, Planner
Breanna Siegler, Office Manager

www.westfargond.gov

West Fargo Planning & Zoning Commission Agenda
Tuesday, July 9th, 2024 - 5:30 p.m.

- A. Call to Order
- B. Approval of Order of Agenda
- C. Approval of Minutes- June 11th, 2024
- D. Regular Agenda
 - 1. Public Hearing-A24-15 North Pond at the Preserve 18th Addition, a request for replat at 450 23rd Ave. E (Lot 1, Block 1 of North Pond at the Preserve 14th Addition)- McGillivray-Rivas (***continued from July 9, 2024 meeting; withdrawn***)
 - 2. Public Hearing- A24-20 South Pond at the Preserve 4th Addition, a request for variance to exceed height of an accessory structure at 2920 6th St E (Lot 17, Block 1 of South Pond at the Preserve 4th Addition)- McGillivray-Rivas
 - 3. Public Hearing- A24-21 Charleswood River Estates 13th Addition, a request for replat at 381, 389, and 397 20th Ave E (Lots 4-6 Charleswood River Estates 10th Addition)- Sankey
 - 4. Public Hearing- A24-22 Simpsons 7th Addition, a request for a retracement plat and a variance to reduce the building control line of the CO-SR: Sheyenne River Corridor Overlay district to construct an addition onto an existing home at 1444 Sheyenne St. & 1442 River St (Lots 1 & 2, Block 1 Simpsons 2nd Subdivision)- Sankey
- E. Non-Agenda Items
- F. Adjourn from Regular Agenda
- G. Discussion Agenda
 - 1. Proposed revisions to Title IV Ordinances regarding landscaping
- H. Adjourn from Discussion Agenda

West Fargo Planning & Zoning Commission Meeting Minutes
Tuesday, June 11th 2024 - 5:30 p.m.

Members Present: Joe Kolb, Kathi Schwan, Eric Dodds, Mike Thorstad, Dave Gust

Members Absent: Aleya Leibfried

Others Present: Aaron Nelson, Leslie McGillivray-Rivas, Lisa Sankey, John Shockley, Breanna Siegler

Minutes Submitted by: Breanna Siegler, Office Manager

Meeting was called to order by Chair Kolb at 5:30pm. Chair Kolb asked for approval of the order of the agenda. Commissioner Dodds motioned to approve the regular agenda. Commissioner Schwan seconded the motion. No opposition. Motion passed.

Commissioner Gust moved and Commissioner Schwan seconded the motion to approve the minutes from May 14, 2024. No opposition. Motion passed.

Chair Kolb opened a public hearing for A24-15 North Pond at the Preserve 18th Addition, a request for replat at 450 23rd Ave. E (Lot 1, Block 1 of North Pond at the Preserve 14th Addition). This item was continued from the May 14th, 2024 meeting. It is proposed to be continued until the July 9th, 2024 meeting. Commissioner Gust motioned to continue this item until the July 9th meeting. Commissioner Thorstad seconded. No opposition. Motion passed.

Chair Kolb opened a public hearing for A24-14 Jason Subdivision, a request for a conditional use permit for an Accessory Building larger than 1600sq ft. in an R-R: Rural Residential Zoning District at 3712 26th St NW (Lot 1, Block 1, Jason Subdivision). Chair Kolb asked for public comment. No public comment was brought forth. Chair Kolb closed the public hearing. Commissioner Dodds motioned to approve with the recommended conditions listed. Commissioner Thorstad seconded the motion. No opposition. Motion passed.

Chair Kolb opened a public hearing for A24-16 Maple Ridge at the Preserve 8th Addition, a request for a variance to reduce required minimum building control line of the CO-SR: Sheyenne River Corridor Overlay District at 3060 Sheyenne River Way (Lot 1, Block 1 Maple Ridge at the Preserve 8th Addition). Chair Kolb asked for public comment. No public comment was brought forth. Chair Kolb closed the public hearing. Discussion held. Commissioner Dodds motioned to approve with recommendation from city staff. Commissioner Gust seconded the motion. No opposition. Motion passed.

Chair Kolb opened a public hearing for A24-17 FMD-Raymond Subdivision, a request for subdivision at Section 2,11,14,23,26,27, and 34, T140N, R50W (FMD-Raymond Subdivision). Commissioner Dodds

disclosed his professional involvement with the diversion project and the creation of this plat. City Attorney Shockley confirmed that this involvement does not create a need for Commissioner Dodds to recuse himself from voting procedures. Chair Kolb asked for public comment. No public comment was brought forth. Chair Kolb closed the public hearing. Commissioner Thorstad motioned to approve. Commissioner Schwan seconded the motion. No opposition. Motion passed.

Chair Kolb opened a public hearing for A24-19 Zoning Ordinance Amendments to Title IV relating to Planned Unit Developments (PUDs). Discussion held. Chair Kolb asked for public comment. No public comment was brought forth. Commissioner Gust motioned to approve. Commissioner Schwan seconded the motion. No opposition. Motion passed.

Chair Kolb opened the floor for non-agenda items. None were brought forth. Commissioner Gust moved to adjourn from the regular agenda. Commissioner Dodds seconded the motion. No opposition. Motion passed. The regular agenda was adjourned at 6:12pm.

CITY OF WEST FARGO PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

A24-20 Variance	
Name of Development: South Pond at the Preserve 4 th Variance	
Legal Description: Lot 17, Block 1, South Pond at the Preserve 4 th	
Applicant: Angie & Steve Saxlund	Staff Contact: Leslie McGillivray-Rivas
Planning & Zoning Commission Public Hearing:	July 9, 2024
City Commission:	

PURPOSE:

Statement of purpose: A variance is requested of section 4-442 for an Accessory Building, proposing to exceed the maximum 15' roof height of the structure. In this case, the roof is proposed to be both a structure for weather protection and deck structure with required railings.

STATEMENTS OF FACT:

Land Use Classification:	G-2 Sub-Urban - Growth Sector
Existing Land Use:	Single Family Residential Dwelling
Current Zoning District(s):	R1-A Single Family Dwelling District
Total area size:	17,000 Square Feet
Adjacent Zoning Districts:	North – R1-A South – R1-A East – R1-A West – R1-A
Adjacent street(s):	East-6 th Street East- Local
Adjacent Bike/Pedestrian Facilities:	Westerly Rear Yard has 10' Bike and Utility Easement
Available Parks/Trail Facilities:	The trail connection located in the rear yard of the property is linked to both trails and play facilities at the nearby Freedom Elementary School, Rustad Recreation Center and Maple Ridge Park.
Public Dedication Requirements:	NA

DISCUSSION AND OBSERVATIONS:

- The applicant has provided building plans and a site plan with their application for a variance for an Accessory Building. The proposed accessory building is one story with a flat roof and rooftop deck accessible via exterior staircase. The building is approximately 20 feet tall when measured from the yard grade to the top of the roof deck railing.
- Per Section 4-442 Accessory Building and Use Provisions. 2. No detached accessory building or use in any residential district shall exceed one story or 15 feet in height.
- The maximum 15' height allowed is measured from the grade elevation to the highest point of the coping of a flat roof. "Grade" is defined as: "The average elevation of the finished ground at the exterior walls of the main building."
- The applicant's proposed accessory building site location has elevations which slope towards the adjoining storm water retention pond to the southwest. A topographic map is provided which illustrates how the rear yard slopes towards the pond.

STAFF REPORT

- The existing home has a pool deck that is elevated with a retaining wall which sits several feet above the natural yard grade. As such, the floor elevation of the proposed accessory structure is elevated to match the elevation of the existing pool deck.
- At the eastern end of the accessory structure (where it abuts the existing elevated pool deck) the building height measured from the pool deck to the top of the rooftop deck railing is shown as 14'-7 1/8". (Rear Elevation-shown on accompanying design details)
- The western face of the proposed structure (Front Elevation) shows that in addition to the building structural height noted above, a foundation structure with potentially 4'-6" of an exposed face would create a overall height of 19'-1 3/16" in the northwest corner and 20'-1 1/8" in the southwest corner.
- The site plan provided shows the outline of the proposed structure outlined in red. There does not appear to be adequate separation of the proposed structure from the platted easements or the western property line for site grading to occur for the purpose of lessening the visibility of the exposed foundation walls. The proposed structure would sit immediately adjacent to an existing shared-use path.
- The site has platted easements which correlate to the adjoining pond and paved pedestrian trail. The platted easements include a 10' utility and bike path easement, a 55' Storm Water Storage and Bike Path Easement and a 30' Pond Access Easement.

REQUIREMENTS FOR VARIANCES

Section 4-566 of Title IV of the City Ordinances outlines several criteria for the granting of a variance:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district;
 - There is currently a sloped elevation on the property in the area proposed for the accessory structure. The slopes are designed to accommodate drainage from the property to the adjoining stormwater retention pond. The grading and drainage plan pertaining to the lot were approved in conjunction with the subdivision approval process. As part of a larger overall plan and design, this site does not have special conditions or circumstances that make it unique in the overall subdivision.
- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
 - An accessory structure can be accommodated in other locations on the applicant's property and does not deprive the applicant of rights granted to others. The request for variance arises from the applicant's desire to place the structure at the same floor elevation as an elevated pool deck.
- That the special conditions and circumstances do not result from the actions of the applicant.
 - The request is based on the existing conditions of approved site grading approved by the City of West Fargo. The applicant's choice for the location of the accessory structure, the size and scale create special conditions and circumstances.
- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
 - The request would confer a special privilege to the applicant as stated above.

STAFF REPORT

- No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
 - o Not Applicable-This request is unique to the application.

NOTICES:

Sent to: Property owners within 150' and applicable agencies and departments

Comments Received:

- Two property owners contacted planning with requests for information. Building plans were emailed to those individuals for review. No comments have been received.
- No other comments have been received by agencies or departments.

CONSISTENCY WITH COMPREHENSIVE PLAN AND OTHER APPLICABLE CITY PLANS AND ORDINANCES:

- The West Fargo 2.0 Sub-Urban Growth Sector narrative states that existing residential neighborhoods are not likely to see much change in the next decades.
- The Zoning Ordinance has provisions within residential zoning districts for permitting additional structures and features which provide flexibility in regard to recreational and general storage uses.

RECOMMENDATIONS:

It is recommended that the city deny the proposed application on the basis that it is not consistent with City plans and ordinance, specifically the variance criteria found within Section 4-566 of Title IV of the City Ordinances.



Features

 Agenda Zone  Lots



West Fargo Zoning

A: Agricultural	LI: Light Industrial	R-1SM: Mixed One and Two Family Dwelling
C: Light Commercial	M: Heavy Industrial	R-2: Limited Multiple Dwelling
C-OP: Commercial Office Park	P: Public	R-3: Multiple Dwelling
DMU: Downtown Mixed Use	PUD: Planned Unit Development	R-4: Mobile Home
EMU: Entertainment Mixed Use	R-L1A: Large Lot Single Family Dwelling	R-5: Manufactured Home Subdivision
HC: Heavy Commercial	R-1A: Single Family Dwelling	R-1E: Rural Estate
	R-1: One and Two Family Dwelling	R-R: Rural Residential



0 150 300
US Feet



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

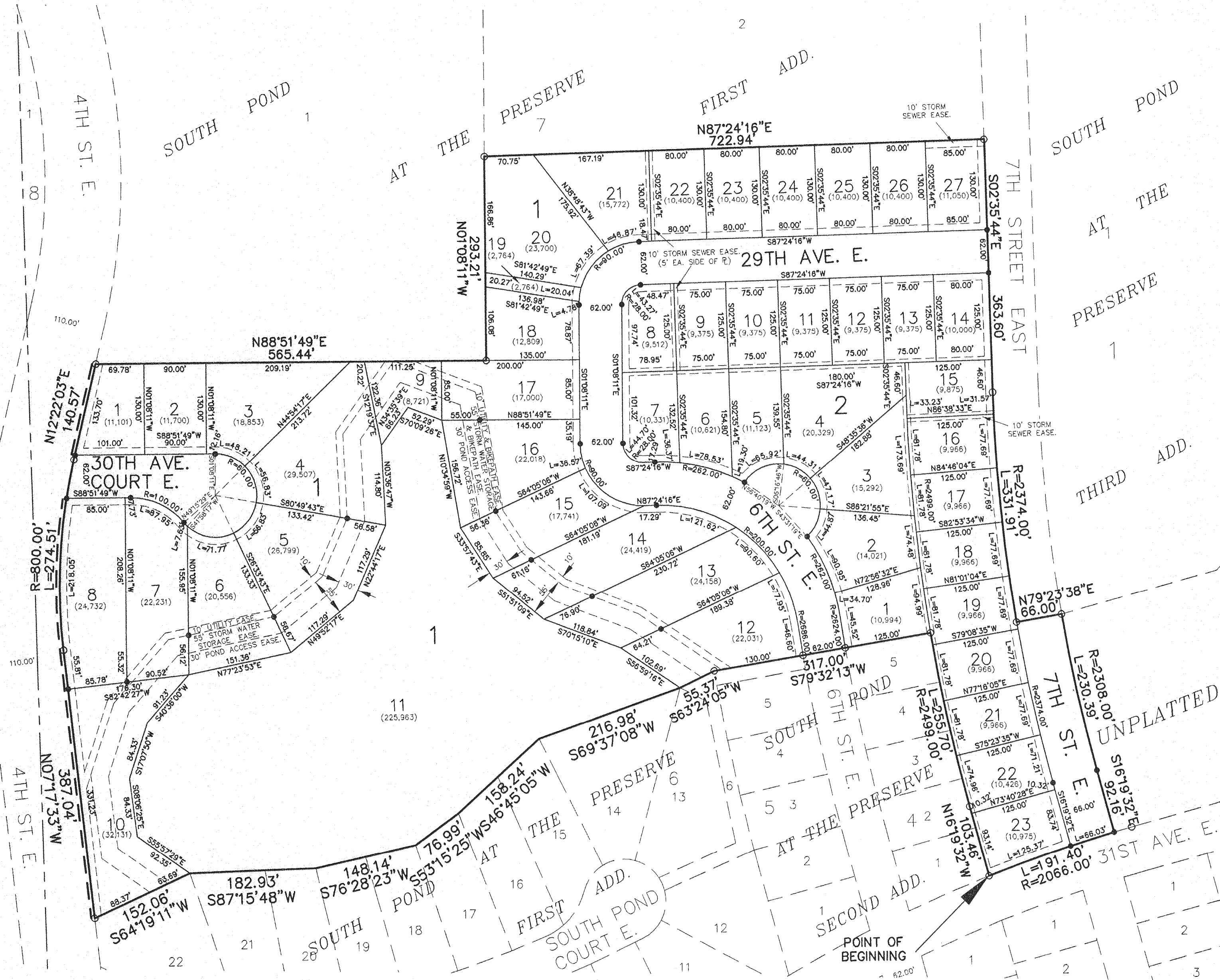
2920 6th Street East, West Fargo



Date: 7/3/2024	Parcel Critical Elevation: N/A	Building Critical Elevation: N/A
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This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.

PLAT OF SOUTH POND AT THE PRESERVE FOURTH ADDITION
TO THE CITY OF WEST FARGO, A PLAT OF PART OF THE SOUTHEAST QUARTER OF SECTION 20,
TOWNSHIP 139 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA.



CERTIFICATE

AARON SKATTUM, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "SOUTH POND AT THE PRESERVE FOURTH ADDITION" TO THE CITY OF WEST FARGO, A PLAT OF PART OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 139 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT THE EXTERIOR BOUNDARY LINES OF SAID ADDITION ARE DESCRIBED AS FOLLOWS, TO WIT:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 139 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF BLOCK 4, SOUTH POND AT THE PRESERVE SECOND ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA; THENCE NORTH 16°19'32" WEST (PLAT BEARING) ALONG THE EAST LINE OF SAID BLOCK 4 FOR A DISTANCE OF 103.46 FEET; THENCE CONTINUE NORTHWESTERLY ALONG THE EAST LINE OF SAID BLOCK 4 FOR A DISTANCE OF 255.70 FEET ALONG A TANGENTIAL CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 2,499.00 FEET; THENCE SOUTH 79°32'13" WEST ALONG THE NORTH LINE OF SAID BLOCK 4, THE WESTERLY EXTENSION THEREOF AND THE NORTH LINE OF BLOCK 5 OF SAID SOUTH POND AT THE PRESERVE SECOND ADDITION FOR A DISTANCE OF 317.00 FEET; THENCE SOUTH 63°24'05" WEST ALONG THE NORTH LINE OF SAID BLOCK 5 FOR A DISTANCE OF 55.37 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 5, SAID POINT ALSO BEING THE NORTHEAST CORNER OF BLOCK 6 OF SOUTH POND AT THE PRESERVE FIRST ADDITION TO THE CITY OF WEST FARGO; THENCE SOUTH 69°37'08" WEST ALONG THE NORTH LINE OF SAID BLOCK 6 FOR A DISTANCE OF 216.98 FEET; THENCE SOUTH 46°45'05" WEST ALONG THE NORTH LINE OF SAID BLOCK 6 FOR A DISTANCE OF 158.24 FEET; THENCE SOUTH 53°15'25" WEST ALONG THE NORTH LINE OF SAID BLOCK 6 FOR A DISTANCE OF 76.99 FEET; THENCE SOUTH 78°28'23" WEST ALONG THE NORTH LINE OF SAID BLOCK 6 FOR A DISTANCE OF 148.14 FEET; THENCE SOUTH 87°15'48" WEST ALONG THE NORTH LINE OF SAID BLOCK 6 FOR A DISTANCE OF 182.93 FEET; THENCE SOUTH 64°19'11" WEST ALONG THE NORTH LINE OF SAID BLOCK 6 FOR A DISTANCE OF 152.06 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 4TH STREET EAST IN THE CITY OF WEST FARGO; THENCE NORTH 07°17'33" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID 4TH STREET EAST FOR A DISTANCE OF 387.04 FEET; THENCE CONTINUE NORTHERLY A DISTANCE OF 274.51 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID 4TH STREET EAST ALONG A TANGENTIAL CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 800.00 FEET; THENCE NORTH 12°22'03" EAST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID 4TH STREET EAST FOR A DISTANCE OF 140.57 FEET TO THE SOUTHWEST CORNER OF BLOCK 7 OF SAID SOUTH POND AT THE PRESERVE FIRST ADDITION; THENCE NORTH 88°51'49" EAST ALONG THE SOUTH LINE OF SAID BLOCK 7 FOR A DISTANCE OF 565.44 FEET; THENCE NORTH 01°08'11" WEST ALONG THE SOUTH LINE OF SAID BLOCK 7 FOR A DISTANCE OF 293.21 FEET; THENCE NORTH 87°24'16" EAST ALONG THE SOUTH LINE OF SAID BLOCK 7 FOR A DISTANCE OF 722.94 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 7, SAID CORNER LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF 7TH STREET EAST IN THE CITY OF WEST FARGO; THENCE SOUTH 02°35'44" EAST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID 7TH STREET EAST FOR A DISTANCE OF 363.60 FEET; THENCE CONTINUE SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID 7TH STREET EAST FOR AN ARC DISTANCE OF 331.91 FEET ALONG A TANGENTIAL CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 8,660.00 FEET, A CHORD BEARING OF SOUTH 70°17'13" WEST AND A CHORD LENGTH OF 190.33 FEET, TO THE SOUTHEAST CORNER OF BLOCK 4, SOUTH POND AT THE PRESERVE SECOND ADDITION, THE POINT OF BEGINNING.

SAID TRACT CONTAINS 24.25 ACRES, MORE OR LESS, AND IS SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "SOUTH POND AT THE PRESERVE FOURTH ADDITION" TO THE CITY OF WEST FARGO, A PLAT OF PART OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 139 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF AARON SKATTUM, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE ALL STREETS, AVENUES AND UTILITY, BIKEPATH, POND ACCESS AND STORM WATER STORAGE EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

CONTRACT FOR DEED VENUEE OWNER:
RUSTY GOOSE DEVELOPMENT, LLLP.

CONTRACT FOR DEED VENDOR OWNER:
DB & MH PARTNERSHIP, LLLP.

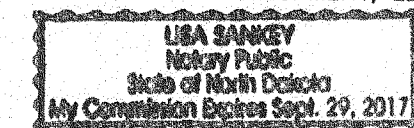
Doris Borth
DORIS BORTH, GENERAL PARTNER

Neri Borth
DORIS BORTH, GENERAL PARTNER

STATE OF NORTH DAKOTA)

COUNTY OF CASS

ON THIS 13th DAY OF March, 2012, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED DORIS BORTH, GENERAL PARTNER OF RUSTY GOOSE DEVELOPMENT, LLLP, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME IN THE NAME OF RUSTY GOOSE DEVELOPMENT, LLLP.

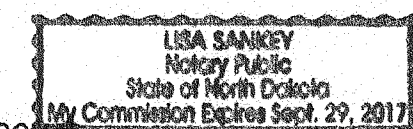


NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: Sept 29, 2017

STATE OF NORTH DAKOTA)

COUNTY OF CASS

ON THIS 13th DAY OF March, 2012, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED DORIS BORTH, GENERAL PARTNER OF DB & MH PARTNERSHIP, LLLP, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME IN THE NAME OF DB & MH PARTNERSHIP, LLLP.



NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: Sept 29, 2017

WEST FARGO PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS 12th DAY OF March 2012.

Frank R. Lenzmeier

FRANK R. LENZMEIER, CHAIRMAN
STATE OF NORTH DAKOTA)

COUNTY OF CASS

ON THIS 12th DAY OF March, 2012, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED FRANK R. LENZMEIER, CHAIRMAN OF THE WEST FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE WEST FARGO PLANNING COMMISSION.



NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: Sept 29, 2017

WEST FARGO COMMISSION APPROVAL

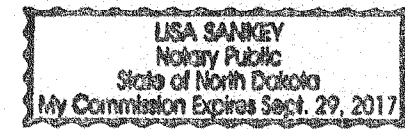
THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS 19th DAY OF March 2012.

Rich Mattern

RICH MATTERN, PRESIDENT OF
THE WEST FARGO CITY COMMISSION
STATE OF NORTH DAKOTA)

COUNTY OF CASS

ON THIS 20th DAY OF March 2012, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED RICH MATTERN, PRESIDENT OF THE WEST FARGO CITY COMMISSION, AND JAMES BROWNLEE, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF WEST FARGO.



NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: Sept 29, 2017

CITY ENGINEER'S APPROVAL

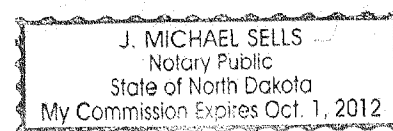
THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS 3rd DAY OF March 2012.

Kevin J. Bucholz
KEVIN J. BUCHOLZ, CITY ENGINEER

STATE OF NORTH DAKOTA)

COUNTY OF CASS

ON THIS 3rd DAY OF March, 2012, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED KEVIN J. BUCHOLZ, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.



NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: Oct. 1, 2012



RECORDER'S OFFICE CASS COUNTY, ND
I CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD THIS DATE:
JEWEL A. SPIES, COUNTY RECORDER
by *Jewel A. Spies*, Dep. 1348599
Recorded Electronically

1348599

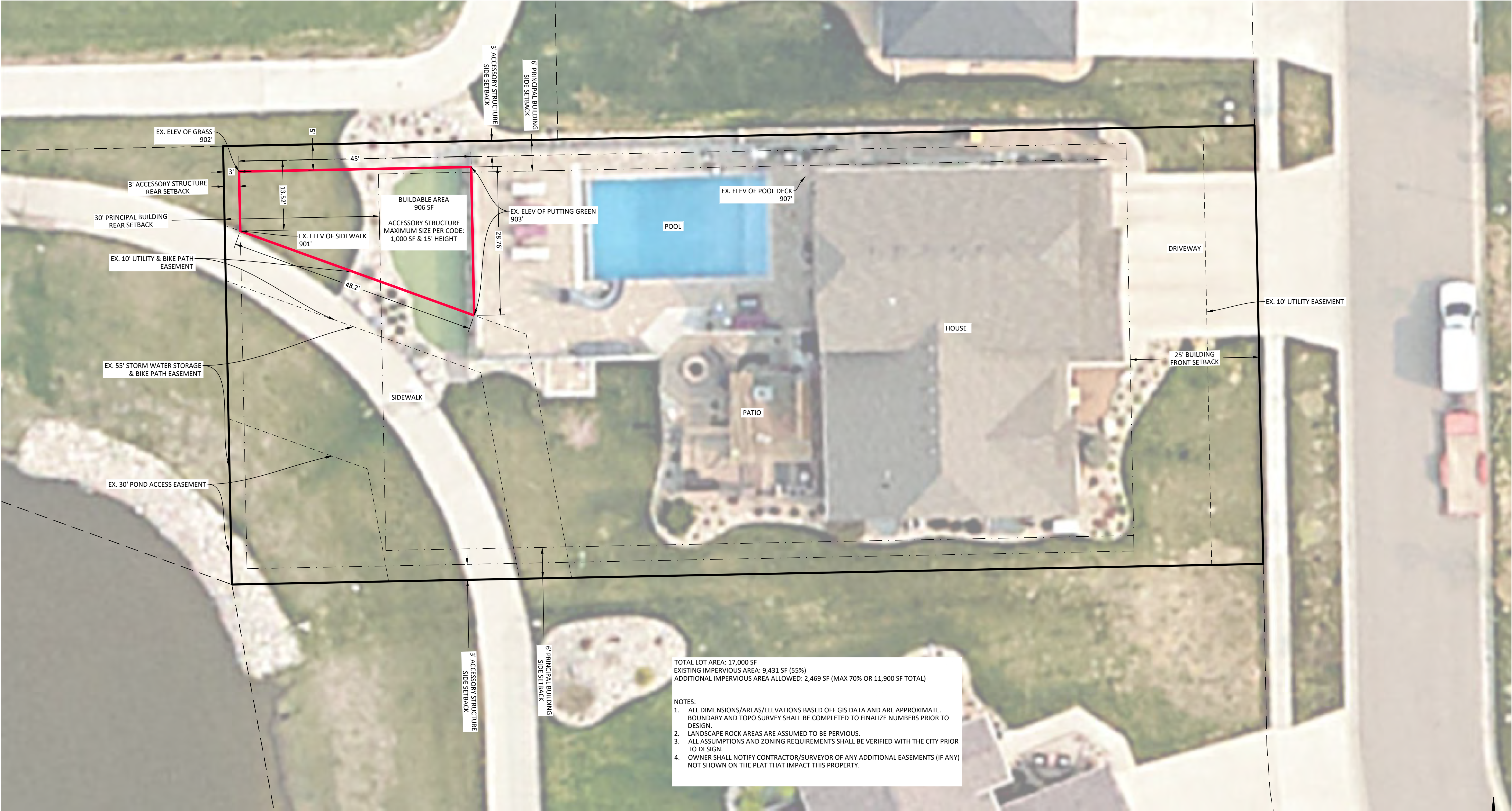
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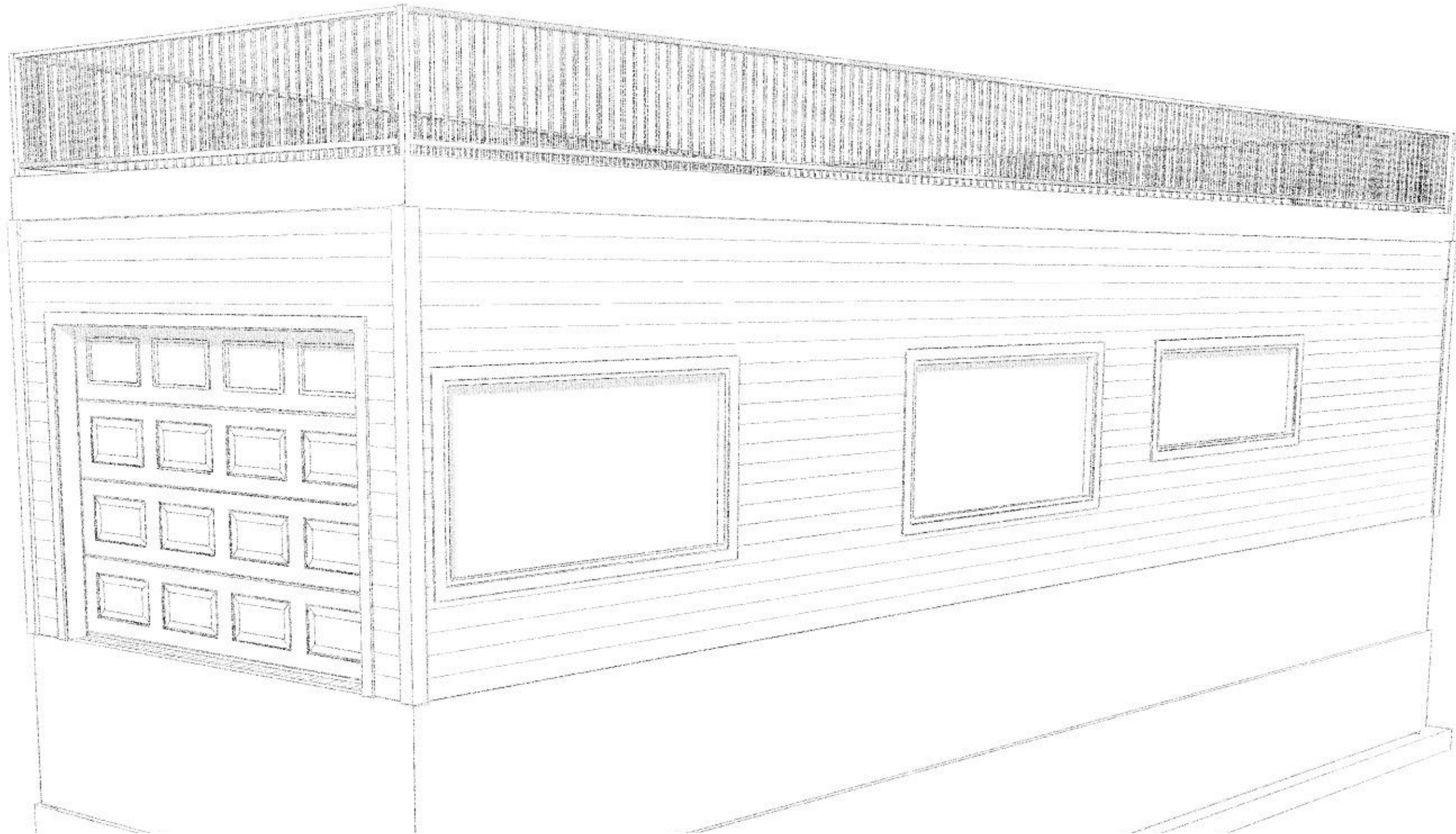
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PLAT \$14.50

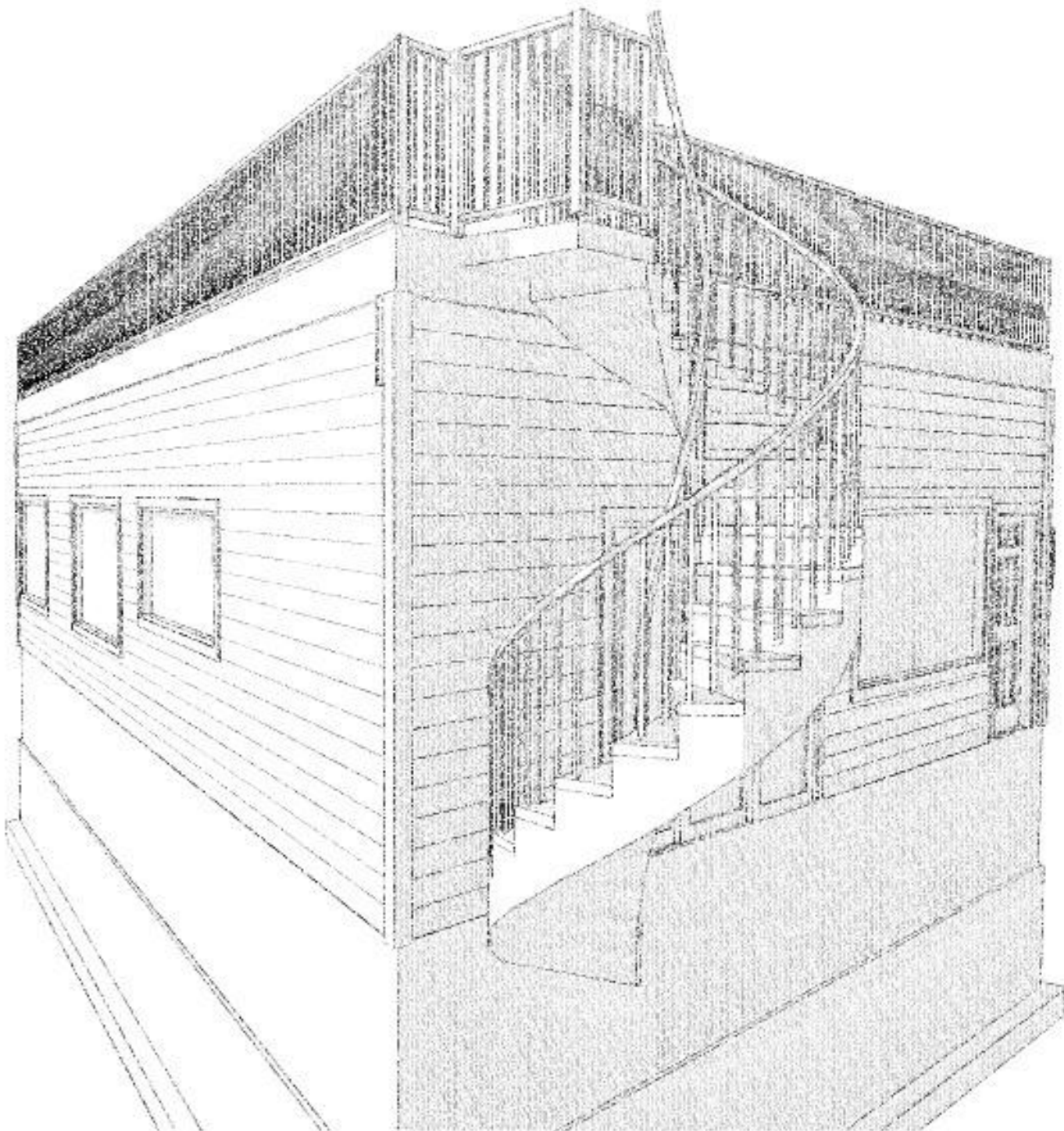
OHNSTAD TWICHELL P.C. Book: Y-1 Page: 43

2920 6TH ST E
WEST FARGO, ND 58078

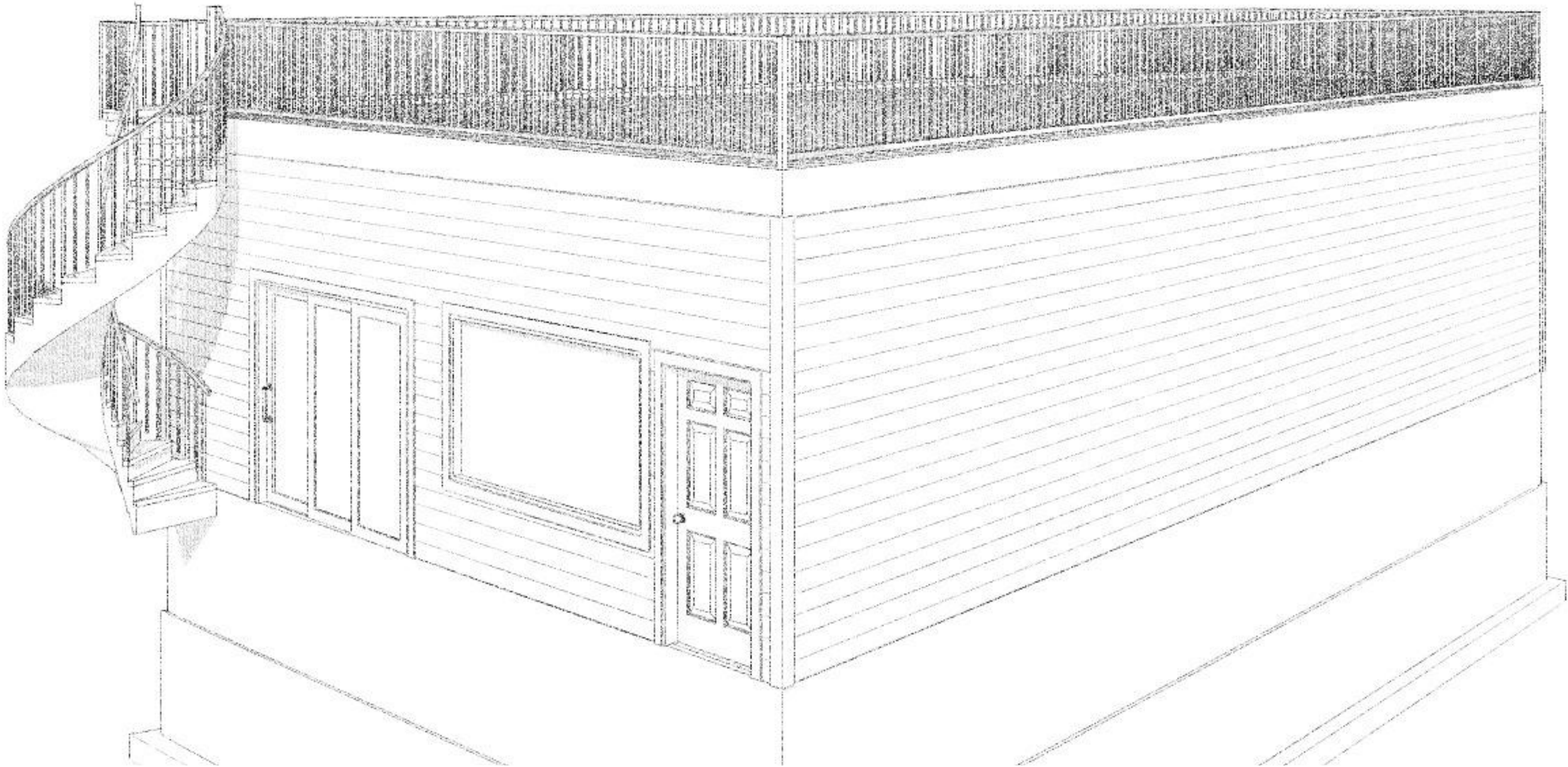




FRONT VIEW



REAR RIGHT



REAR TO LEFT VIEW

SAXLUND POOL HOUSE

Project Description:		Drawn by: PTG	Checked by: JCHII	A1
		Date Issued:	Revised Date: 6/24/2024	
		Scale: REFER TO PLAN	Simonson Lumber & Hardware, Inc. is not responsible for any changes after the date above.	

Disclaimer of Warranties

Plans furnished by Simonson Lbr. & Hdwe. Inc. are prepared by Draftsmen who are not Qualified as professional Architects or professional Engineers. Simonson Lbr. & Hdwe. Inc. and its Architectural and Engineering Employees, Agents, Representatives, and Affiliates, shall not be liable for errors or omissions in the plans, or for any consequences, damages, or liabilities whatsoever for errors of any kind which may be found on the plans. Use of such plans shall be at the **Sole risk of the User. Any Plans** furnished by Simonson Lbr. & Hdwe. Inc. are intended for informational purposes only and are not to be used for construction. Simonson Lbr. & Hdwe. Inc. and its Architectural and Engineering Employees, Agents, Representatives, and Affiliates, shall not be liable for any damages, losses, or injuries, or for any consequences, damages, or liabilities whatsoever, arising out of the use of the plans, or for any consequences, damages, or liabilities whatsoever, arising out of the use of the plans, or for any consequences, damages, or liabilities whatsoever, arising out of the use of the plans. The **Responsibility of the Builder, the Owner, or the User** of the plans.

Copyright

Any use, reproduction, copying, modification, or derivative work of the plan(s) furnished by Simonson Lumber & Hardware, Inc. is a violation of the United States Federal Copyright Act.

THIS PLAN IS THE MOST CURRENT PLAN AS OF THIS DATE:

6/24/2024

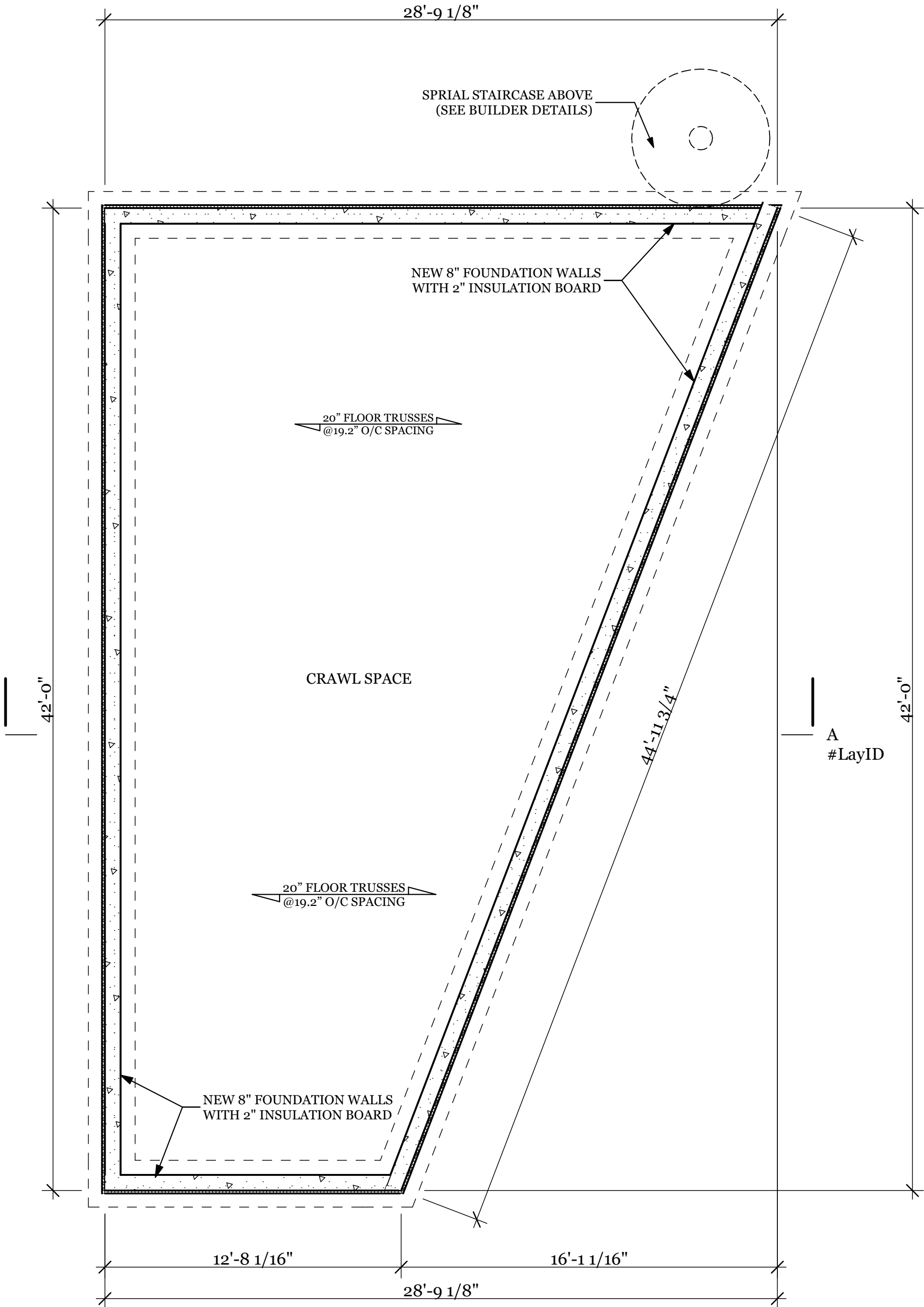
IF THIS DATE IS MORE THAN 1 WEEK OLD PLEASE VERIFY WITH THE DESIGNER AT SIMONSON'S THAT YOU HAVE THE MOST RECENT SET OF DOCUMENTS.

CONTRACTOR

PREMIER
CONSTRUCTION



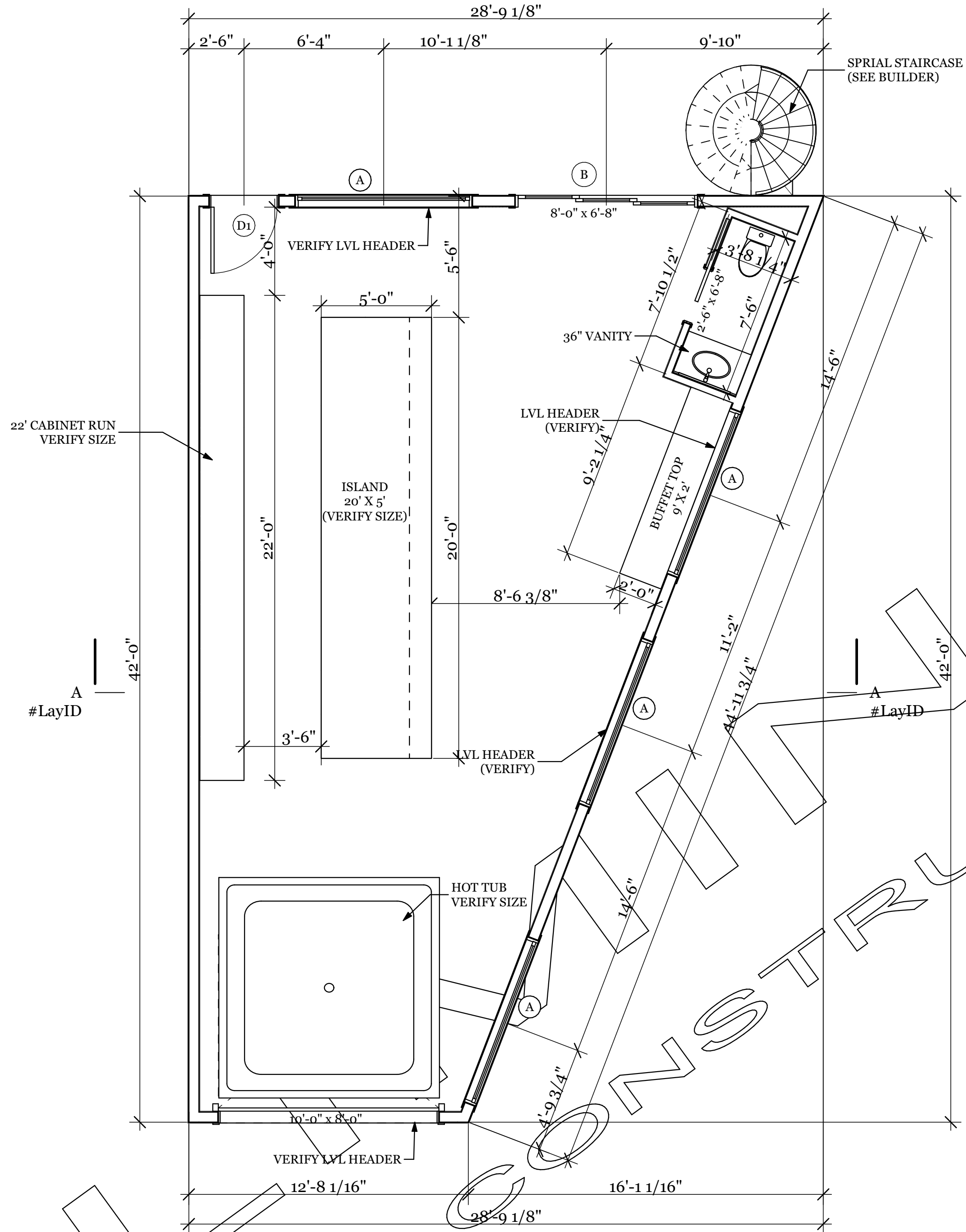
Simonson Lumber & Hardware, Inc.
An Employee Owned Business
Fargo, ND. Ph: (701) 232-3281



- GENERAL NOTES:**
- UNDISTURBED EARTH UNDER ALL FOOTINGS
 - CONTRACTOR MUST VERIFY ALL DIMS, FLOOR JOIST DEPTHS, SPACING, BEARING, FLOORING, ETC. IN FIELD**
 - NEW 8" CONCRETE FOUNDATION WALLS WITH 20" x 10" CONCRETE FOOTINGS (VERIFY HEIGHTS WITH GRADE)**
 - VERIFY CHANGE IN GRADE HEIGHTS - SEE BUILDER ON DETAILS**
 - VERIFY 2" CONCRETE SLAB (CRAWL SPACE) WITH CONTRACTOR**
 - 20" FLOOR TRUSSES @ 19.2" O/C SPACING (MAIN FLOOR)**
 - DROP INTO CRAWL SPACE SO NEW FLOOR IS FLUSH WITH FLOOR - POOL AREA (SEE BUILDER DETAILS)**
 - VERIFY LOCATION OF ACCESS FOR NEW CRAWL SPACE FROM WITH CONTRACTOR**

1 BASEMENT PLAN

SCALE: 1/4" = 1'-0"



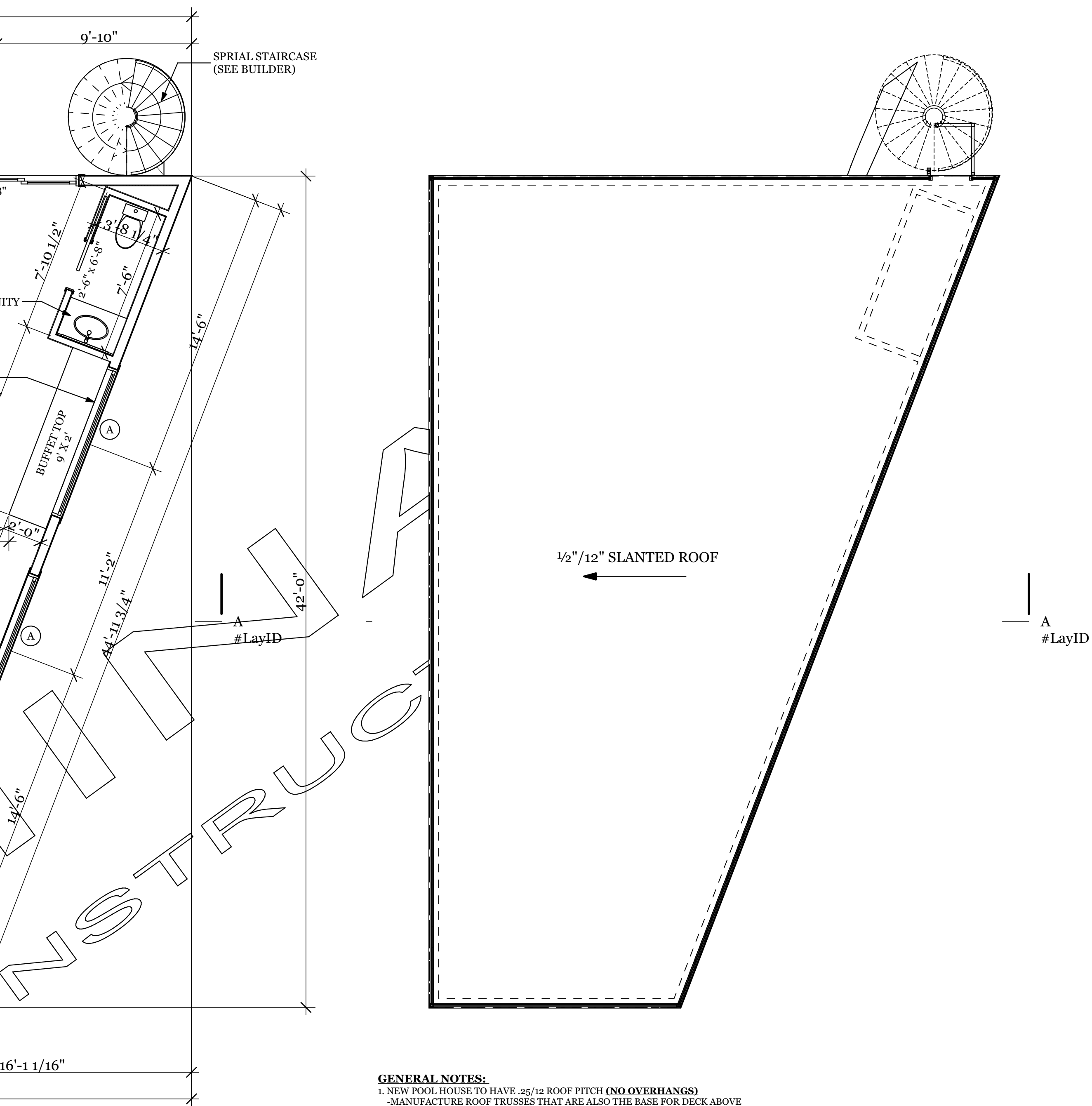
- GENERAL NOTES:**
- 7/16" EXTERIOR WALL SHEATHING REQUIRED TO THICKNESS OF ALL EXTERIOR WALLS BUILDER TO VERIFY ALL**
 - ALL EXTERIOR 2X6 WALLS DRAWN 6 1/16" THICK**
 - ALL INTERIOR 2X4 WALLS DRAWN 6 1/16" THICK, ALL INTERIOR 2X6 WALLS ARE DRAWN 6 1/2" THICK.**
 - CEILING HEIGHTS ARE 8'-0" - 22' FLOOR TRUSSES**
 - 20" FLOOR TRUSSES @ 19.2" O/C SPACING (MAIN FLOOR)**
 - ALL WINDOWS, DOORS AND OPENINGS 5'-0" & LARGER TO HAVE (2) JACK STUDS UNDER EITHER SIDE OF HEADERS IN ACCORDANCE WITH IRC & CITY CODE REQUIREMENTS**
 - CONTRACTOR MUST VERIFY ALL WINDOWS, DOORS & OPENING HEADER SIZES WITH TRUSS MANUFACTURE**
 - IF LVL MATERIALS REQUIRED, TRUSS MANUFACTURE TO SIZE, LOCATE ON PLANS, AND SUPPLY**
- GENERAL WINDOW NOTES:**
- TOP OF ALL WINDOW UNITS ARE PLACED @ 6'-10 7/8" FROM FINISHED FLOOR**
 - VERIFY TYPE OF MATERIALS FOR HEADERS**
 - IF POSSIBLE LVL AND CLEAR SPACE, IS POSSIBLE TO PICK UP BEARING BETWEEN UNITS**

GERKIN-WINDOW SCHEDULE - MAIN FLOOR

QTY	ID	Model	Rough Opening	Head Height
1	A	MODEL 4312 - CASEMENT	8'-0"x3'-3"	6'-10 7/8"
1	A	MODEL 4312 - CASEMENT	8'-0"x4'-6"	6'-10 7/8"
1	A	MODEL 4312 - CASEMENT	8'-0"x4'-6"	6'-10 7/8"

2 MAIN FLOOR PLAN

SCALE: 1/4" = 1'-0"



- GENERAL NOTES:**
- NEW POOL HOUSE TO HAVE .25/12 ROOF PITCH (**NO OVERHANGS**)
 - MANUFACTURE ROOF TRUSSES THAT ARE ALSO THE BASE FOR DECK ABOVE
 - 9'-1 1/8" PLATE HEIGHTS BELOW
 - A2 X -- TREATED JOISTS TO FORM DECK WITH RUBBER MEMBRANE ROOF (**SEE BUILDER ON DETAILS**)
 - VERIFY TYPE OF DECKING - RAILING MATERIALS WITH CLIENTS & BUILDER
 - VERIFY TYPE OF BEAMS/HEADERS REQUIRED TO SUPPORT FLOOR & ROOF LOADS WITH TRUSS MANUFACTURE
 - IF LVL MATERIALS REQUIRED, TRUSS MANUFACTURE TO SIZE, LOCATE ON PLANS, AND SUPPLY
 - CONTRACTOR MUST VERIFY ALL WINDOWS, DOORS & OPENING HEADER SIZES WITH TRUSS MANUFACTURE**
 - ALL WINDOWS, DOORS AND OPENINGS 5'-0" & LARGER TO HAVE (2) JACK STUDS UNDER EITHER SIDE OF HEADERS IN ACCORDANCE WITH IRC & CITY CODE REQUIREMENTS

3 ROOF PLAN

SCALE: 1/4" = 1'-0"

PROJECT SQUARE FOOTAGE -ANSI Z765-2003 GUIDELINES

POOL HOUSE	874.70
	874.70 ft ²

SQUARE FOOTAGE DISCLAIMER:
Simonson Lumber & Hardware, Inc. expressly disclaims any liability with respect to the square footage listed on any floor plans or renderings above. Buyer or Contractor is responsible for verifying the square footage of the plans prior to pricing or estimates.

Disclaimer of Warranties

Plans furnished by Simonson Lbr. & Hdwe. Inc. are prepared by Draftsmen who are not Qualified as professional Architects or professional Engineers who are not Licensed in Architecture or Professional Engineering. Simonson Lbr. & Hdwe. Inc. and its employees, agents, representatives, and subcontractors shall not be responsible for any errors or omissions, or for any consequences or damages, whatsoever for errors of any kind which may be found on the plans. Use of such plans shall be at the **Sole risk of the User. Any Plans** furnished by Simonson Lbr. & Hdwe. Inc. are intended for informational purposes only and shall not be used for any other purpose. Reliance by any User of these plans and **All Responsibilities** for the usage and/or calculation of correct structural materials, spans, loads, & the principles of mathematics, aesthetics or the physical sciences must be the **Responsibility of the Builder, the Owner, or the User** of the plans.

Copyright

Any use, reproduction, copying, modification, or derivative work of the plan(s) furnished by Simonson Lumber & Hardware, Inc. is a violation of the United States Federal Copyright Act.

CONTRACTOR

**PREMIER
CONSTRUCTION**



Simonson Lumber & Hardware, Inc.
An Employee Owned Business

Fargo, ND. Ph: (701) 232-3281

SAXLUND POOL HOUSE

Project Description:

Drawn by: PTG

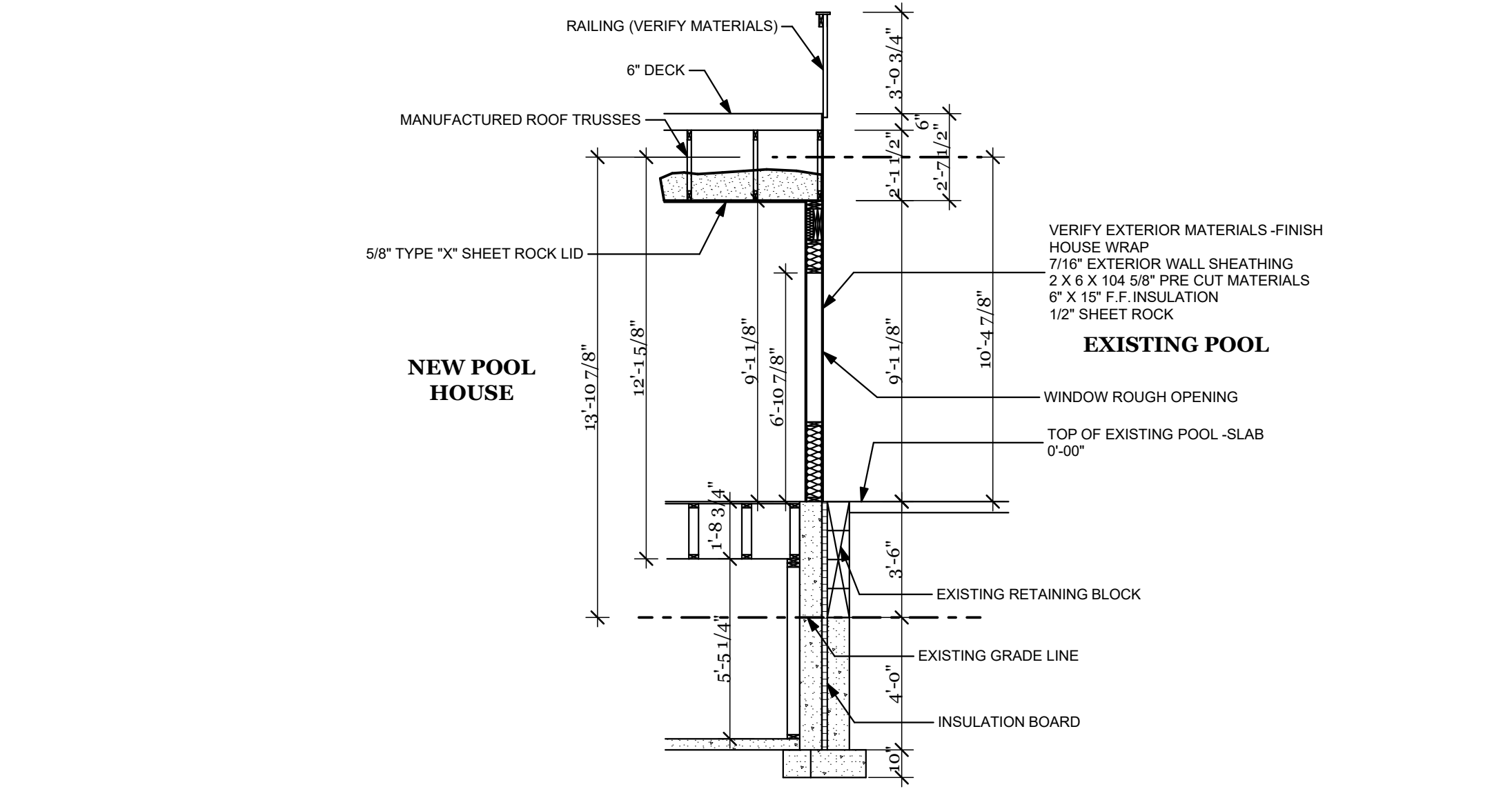
Date Issued:

Scale: REFER TO PLAN

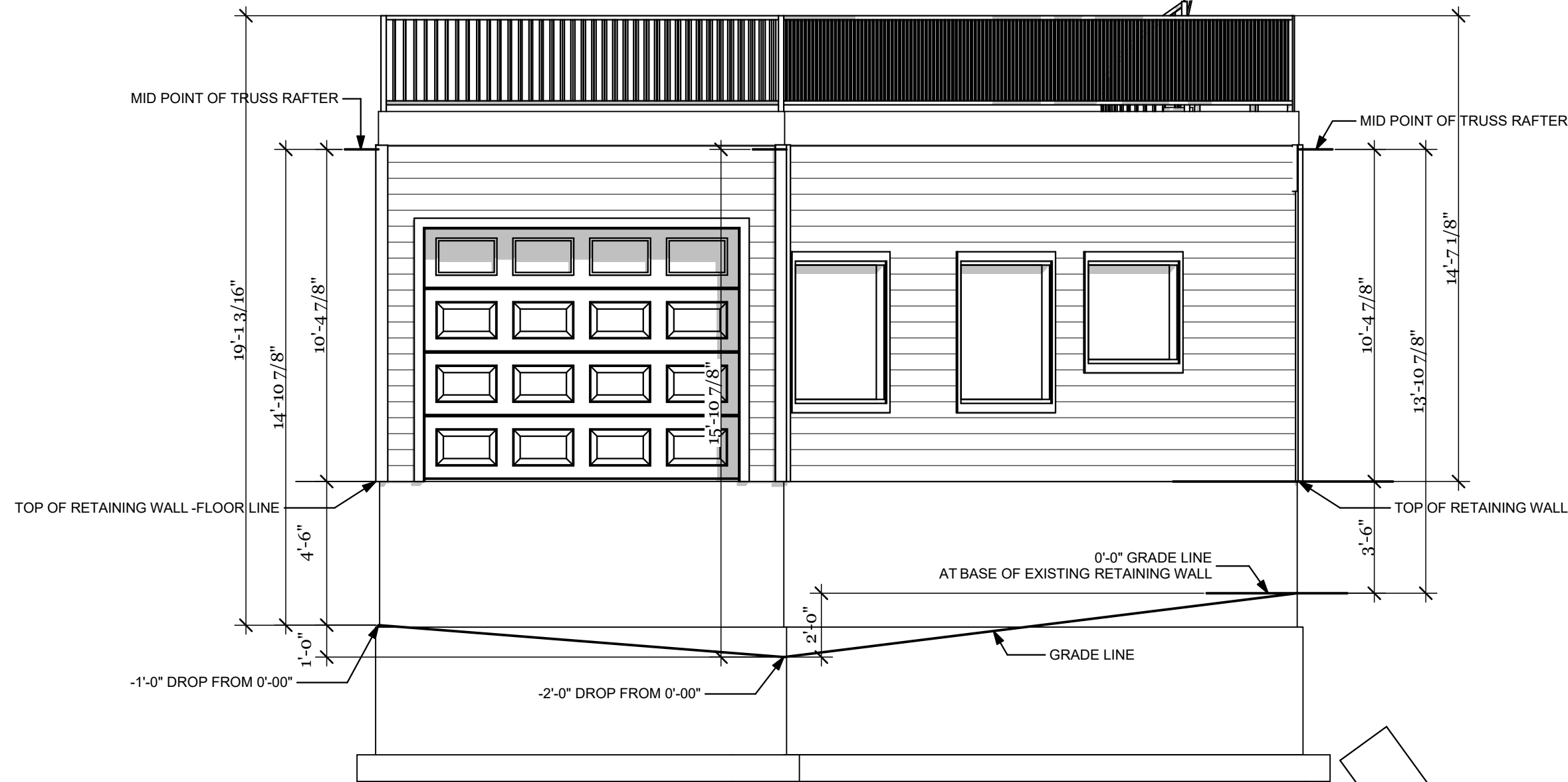
Checked by: JCHII

Revised Date: 6/24/2024

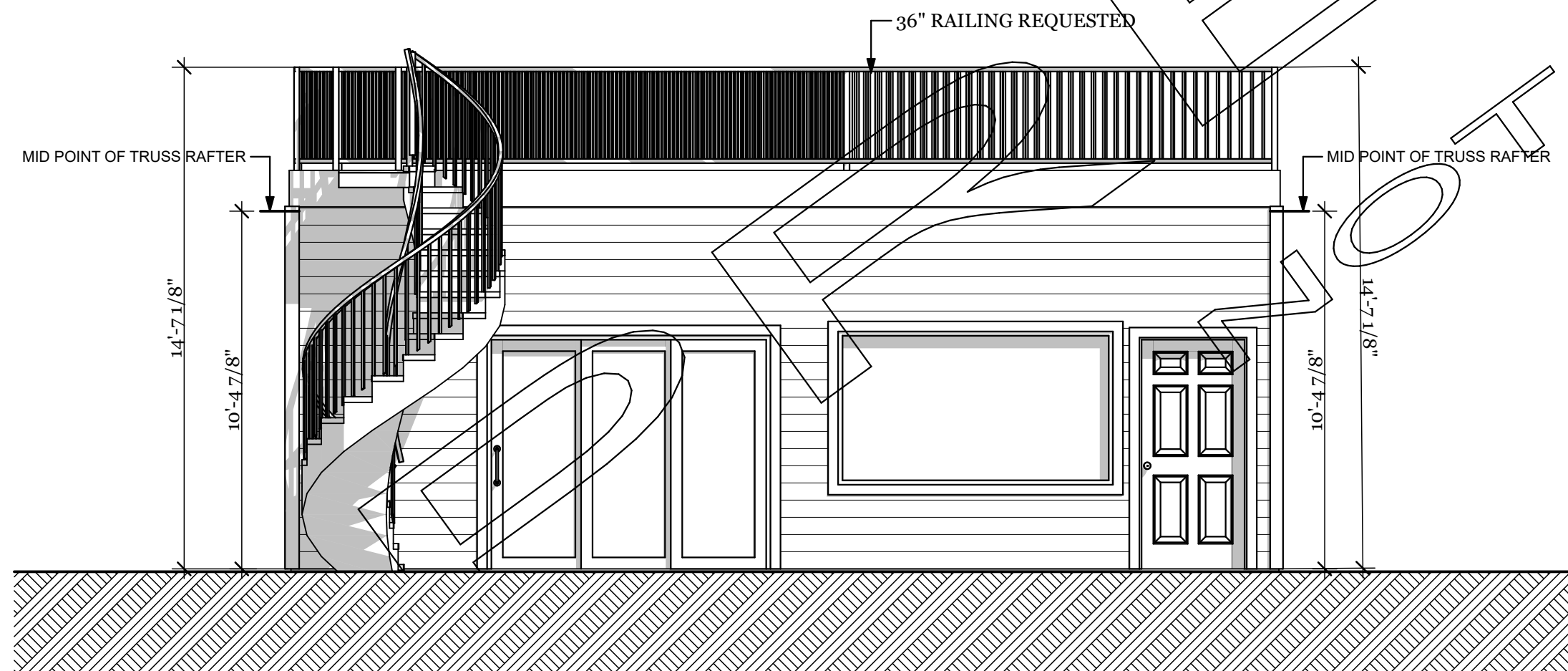
A2



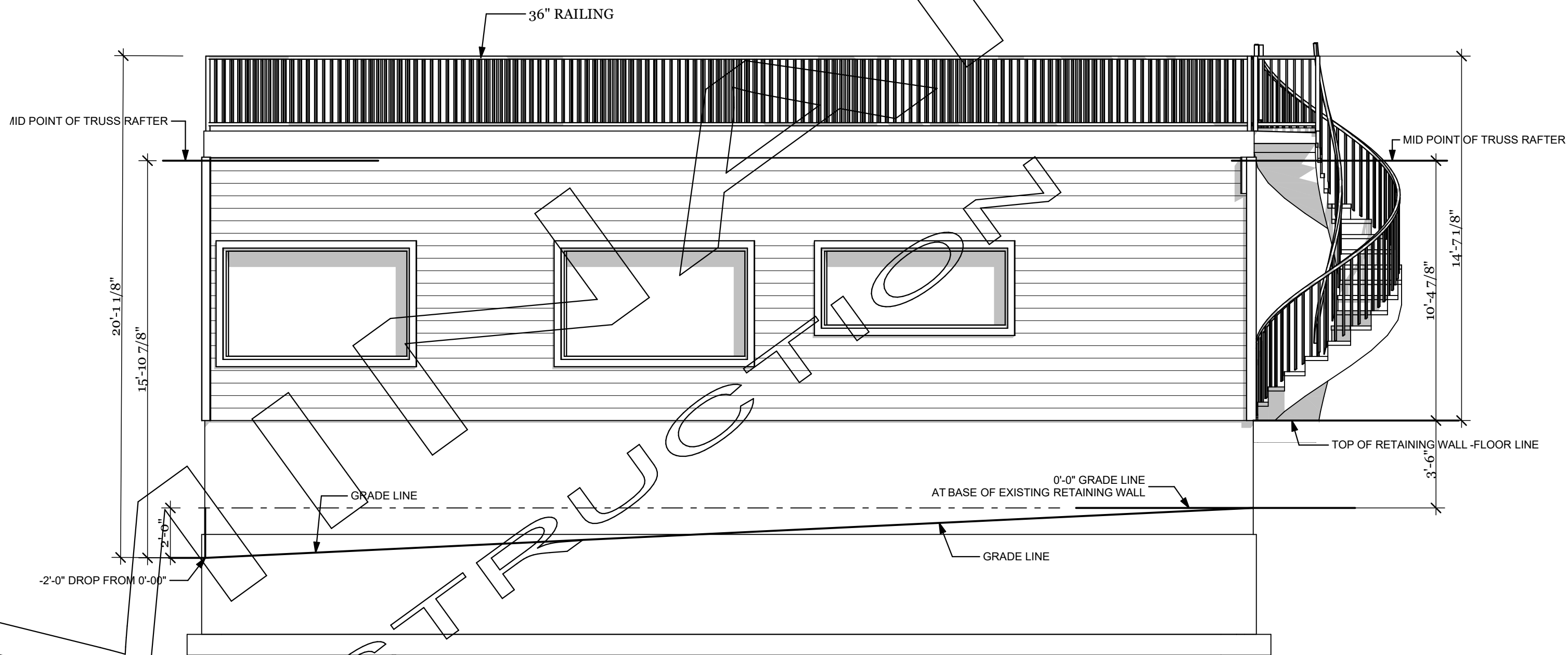
7 FOUNDATION -WALL SECTION
SCALE: 1/4" = 1'-0"



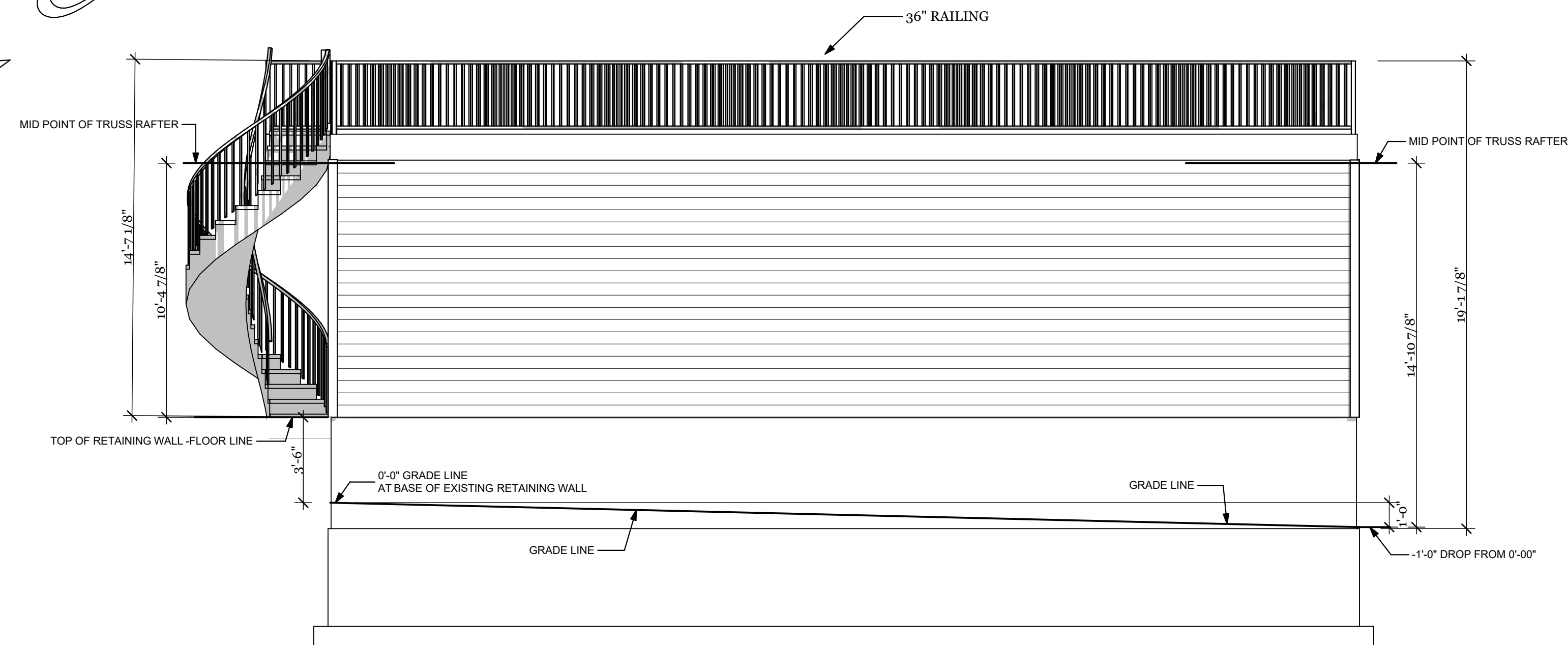
1 FRONT ELEVATION
SCALE: 1/4" = 1'-0"



3 REAR ELEVATION
SCALE: 1/4" = 1'-0"



2 RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



4 LEFT ELEVATION
SCALE: 1/4" = 1'-0"

SAXLUND POOL HOUSE

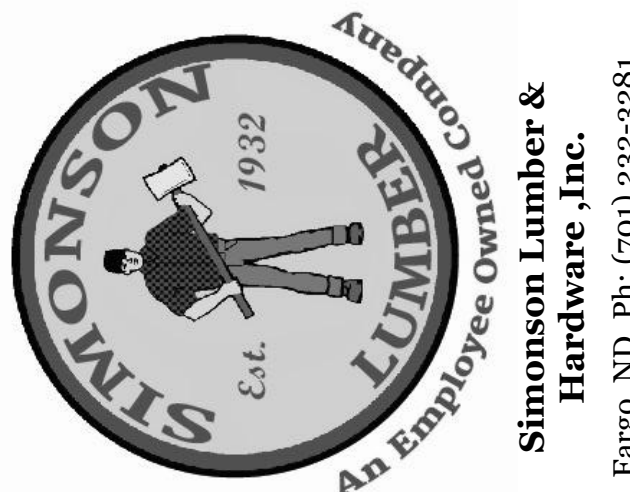
Project Description:		Drawn by: PTG	Checked by: JCHII	A3
		Date Issued:	Revised Date: 6/24/2024	
		Scale: REFER TO PLAN	Simonson Lumber & Hardware, Inc. is not responsible for any changes after the date above.	

Disclaimer of Warranties
Plans furnished by Simonson Lbr. & Hdwe. Inc. are prepared by Draftsmen who are not Qualified as professional Architects or professional Engineers. Simonson Lbr. & Hdwe. Inc. and its employees accept no liability whatsoever for errors of any kind which may be found on the plans. Use of such plans shall be at the **Sole risk of the User.** Any plans furnished by Simonson Lbr. & Hdwe. Inc. are for informational purposes only and are not to be used for construction. The User shall be responsible for obtaining all necessary permits and for the use and/or calculation of correct structural materials, spans, loads, & principles of mathematics, aesthetics or the physical sciences must be the **Responsibility of the Builder, the Owner, or the User** of the plans.

Copyright
Any use, reproduction, copying, modification, or derivative work of the plan(s) furnished by Simonson Lumber & Hardware, Inc. is a violation of the United States Federal Copyright Act.

THIS PLAN IS THE MOST CURRENT PLAN AS OF THIS DATE:
6/24/2024
IF THIS DATE IS MORE THAN 1 WEEK OLD PLEASE VERIFY WITH THE DESIGNER AT SIMONSON'S THAT YOU HAVE THE MOST RECENT SET OF DOCUMENTS.

CONTRACTOR
**PREMIER
CONSTRUCTION**



STAFF REPORT

A24-21 MINOR SUBDIVISION	
Charleswood River Estates 13 th Addition	
381, 389 and 397 20th Ave E (Lots 4-6, Block 1 Charleswood River Estates 10 th)	
Applicant/Owner: Jesse Craig/Craig Holdings, LLC Chris & Heather Slverson	Staff Contact: Lisa Sankey
Planning & Zoning Commission Public Hearing:	07/09/2024
City Commission Final Plat Approval:	

PURPOSE:

Replat three residential PUD lots into two for sale and development.

STATEMENTS OF FACT:

Land Use Classification:	G-2 Sub-Urban – Growth Sector
Existing Land Use:	Single Family Dwelling & Vacant Residential Lot
Current Zoning District(s):	PUD: Planned Unit Development
Zoning Overlay District(s):	CO-SR: Sheyenne River Corridor Overlay
Total area size:	3.22 Acres
Proposed Lot size(s) or range:	Lot 1 – 73,496 ft ² ; Lot 2 – 67,258 ft ²
Adjacent Zoning Districts:	PUD: Planned Unit Development (Residential)
Adjacent street(s):	20 th Avenue East (Local Street)
Adjacent Bike/Pedestrian Facilities:	Adjacent to sidewalks of Charleswood development
Available Parks/Trail Facilities:	Charleswood Park within ½ mile
Park Dedication Requirements:	Provided with previous subdivision

DISCUSSION AND OBSERVATIONS:

- The applicant has submitted an application for a proposed replat.
- The replat is necessary for a minor lot line adjustment. The property owner is selling three lots, which will be replatted into two.
- The proposed subdivision is located on a peninsula along the Sheyenne River, west of Charleswood River Estates 2nd-6th Additions and accessed off the west end of 20th Ave E via a private drive.
- The property is zoned PUD: Planned Unit Development to allow for greater flexibility in design. These lots are proposed to be developed with environmental sensitivity as a priority, i.e. keeping trees, minimal soil disturbance, minimal run-off, etc.
- The property was developed primarily for larger lot, single family residential dwellings where public sewer and water services were available along a private drive with the following development standards as per the 2014 Resolution Amending the Charleswood River Estates 10th Addition Plat:
 - Lot Area a minimum of 35,000 square feet
 - Minimum Lot Width of 90 feet
 - Front Yard Setback of 32 feet
 - Side Yard Setback a minimum of 5 feet with 10 feet being the minimum from the corner lot.
 - Rear Yard is 75 feet from the riverbank (building control line)
- The City requires a building control line established on the plat when subdivisions are along the Sheyenne River. The building control line is to be established 100 feet from the riverbank per the Subdivision Ordinance. With the approval of previous subdivision plats, the City Commission

STAFF REPORT

approved a variance to allow the building control line at 75 feet from the established riverbank but added a condition that a geotechnical evaluation be completed for each lot prior to permitting. Based on information from the firm performing the geotechnical study, the City Commission passed a resolution in December 2014 amending the condition to the following: **“After the issuance of a building permit by the City of West Fargo, but prior to construction of the home, including pouring a foundation and/or basement the owner of each property or the Developer must obtain and submit to the West Fargo Building Inspector an excavation observation report approved by a licensed geotechnical engineer or his authorized representative for the individual home which evidences that an on-site compaction and strength test on foundation subgrade has been performed and the results of said test(s) are within acceptable national and local geotechnical engineering standards/specifications to support the proposed home.”**

- The developer and subsequent owners are responsible for maintaining existing trees and natural grasses to the extent possible according to the Sheyenne River Corridor Overlay District and City’s Landscape Standard.

NOTICES:

Sent to:	Legal notices published in the Forum and notices sent to applicable agencies and departments.
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Comments Received in relation to preliminary plat:

- No comments received to date.

CONSISTENCY WITH COMPREHENSIVE PLAN AND OTHER APPLICABLE CITY PLANS AND ORDINANCES:

- The proposed application is consistent with the City plans and ordinances.

RECOMMENDATIONS:

It is recommended that the City approve the proposed application on the basis that it is consistent with City plans and ordinances and subject to the condition listed below:

1. Development of proposed Lots 1 and 2 will follow the original development plan and standards for the single family lots as approved with the original Charleswood River Estates 9th Addition as well as the required excavation observation report for each home as noted above.

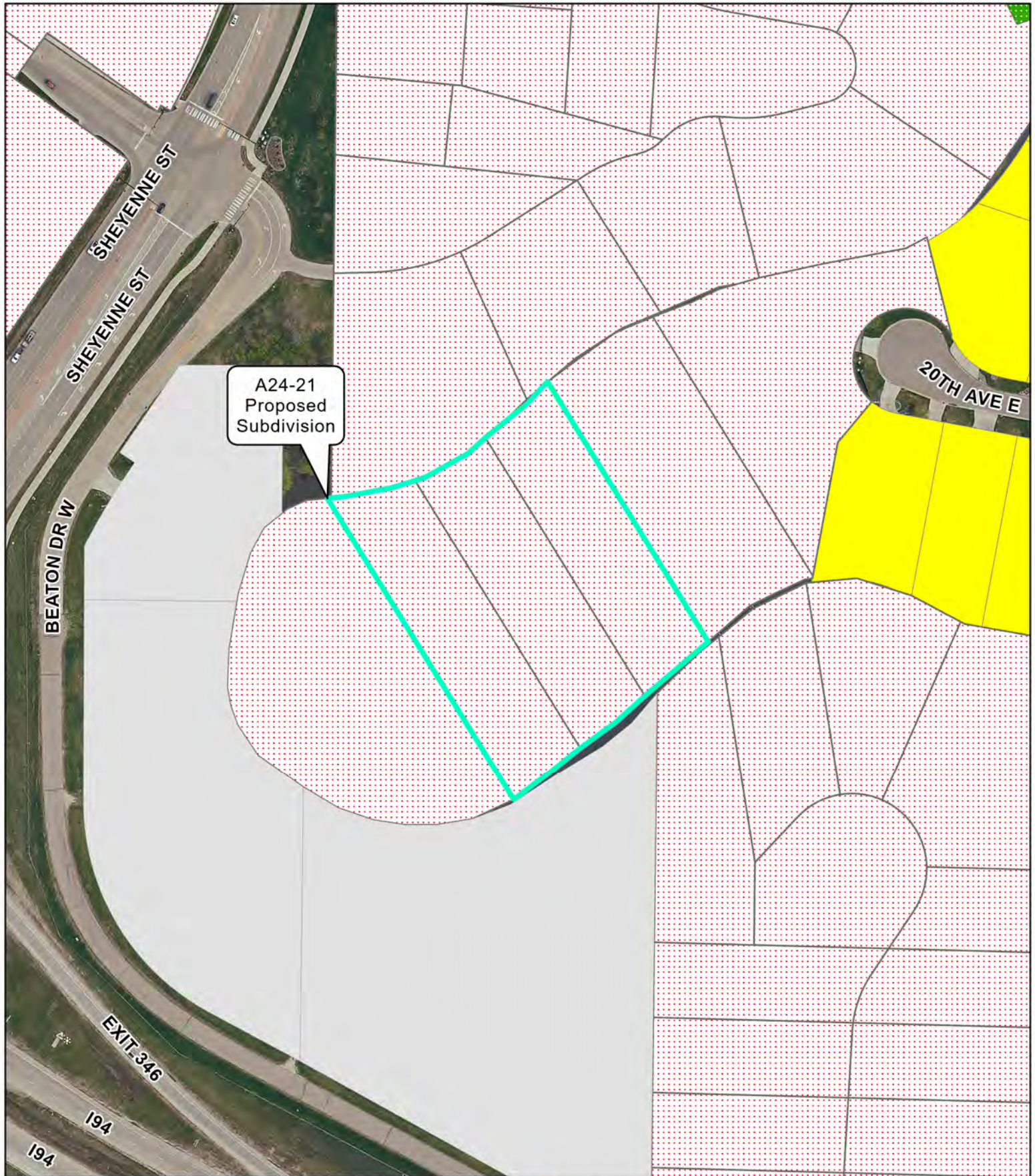
Attachments:

- Aerial map
- Zoning map
- Preliminary Plat
- Site Plan
- Charleswood River Estates 10th Addition Resolution outlining development standards



Features

 Agenda Zone  Lots



West Fargo Zoning

A: Agricultural

C: Light Commercial

C-OP: Commercial Office Park

DMU: Downtown Mixed Use

EMU: Entertainment Mixed Use

HC: Heavy Commercial

LI: Light Industrial

M: Heavy Industrial

P: Public

PUD: Planned Unit Development

R-L1A: Large Lot Single Family Dwelling

R-1A: Single Family Dwelling

R-1: One and Two Family Dwelling

R-1SM: Mixed One and Two Family Dwelling

R-2: Limited Multiple Dwelling

R-3: Multiple Dwelling

R-4: Mobile Home

R-5: Manufactured Home Subdivision

R-1E: Rural Estate

R-R: Rural Residential



0 150 300
US Feet

CITY WEST FARGO, CASS COUNTY, STATE OF NORTH DAKOTA

WE, THE UNDERSIGNED DO HEREBY CERTIFY THAT CRAIG HOLDINGS LLC IS THE OWNER OF THE LAND DESCRIBED IN THE PLAT OF "CHARLESWOOD RIVER ESTATES THIRTEENTH ADDITION" TO THE CITY OF WEST FARGO, A REPLAT OF LOTS 4, 5, AND 6 BLOCK 1, CHARLESWOOD RIVER ESTATES TENTH ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA, THAT I HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF COLE A. NESSET, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT.

SAID CHARLESWOOD RIVER ESTATES THIRTEENTH ADDITION CONSISTS OF 2 LOTS 1 BLOCK, AND CONTAINS ±3.22 ACRES, MORE OR LESS, AND IS SUBJECT TO RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

BY: JESSE R. CRAIG, PRESIDENT
CRAIG HOLDINGS LLC

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JESSE R. CRAIG, PRESIDENT OF CRAIG HOLDINGS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME ON BEHALF OF THE CITY OF WEST FARGO.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

A. THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____ 2024.

BERNIE L. DARDIS
PRESIDENT, BOARD OF CITY COMMISSIONERS

DUSTIN T. SCOTT
CITY ADMINISTRATOR

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED **BERNIE L. DARDIS**, PRESIDENT OF THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WEST FARGO, AND **DUSTIN T. SCOTT**, CITY AUDITOR OF THE CITY OF WEST FARGO, TO ME KNOWN BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME ON BEHALF OF THE CITY OF WEST FARGO.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

I, COLE A. NESET, REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE PROPERTY DESCRIBED ON THIS PLAT AS CHARLESWOOD RIVER ESTATES THIRTEENTH ADDITION TO CRAIG HOLDINGS LLC, A REPLAT OF LOTS 4, 5 AND 6 BLOCK 1, OF CHARLESWOOD RIVER ESTATES TENTH ADDITION TO CRAIG HOLDINGS LLC, CASS COUNTY, NORTH DAKOTA; THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE SHOWN CORRECTLY ON SAID PLAT IN FEET AND HUNDRETHS OF A FOOT; THAT ALL MONUMENTS ARE OR WILL BE INSTALLED CORRECTLY IN THE GROUND AS SHOWN; AND THAT THE EXTERIOR BOUNDARY LINES ARE CORRECTLY DESIGNATED. DATED THIS _____ DAY OF _____, 2024.

COLE A. NESET,
REGISTERED LAND SURVEYOR
ND REG. NO. 7513

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED COLE A. NESEY, REGISTERED LAND SURVEYOR, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS DAY OF 2024.

DANIEL R. HANSON
CITY ENGINEER

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED, DANIEL R. HANSON, WEST FARGO CITY ENGINEER, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS CITY ENGINEER.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

I HEREBY CERTIFY THAT PROPER EVIDENCE OF TITLE HAS BEEN EXAMINED BY ME, AND I APPROVE THE PLAT AS TO FORM AND EXECUTION THIS _____ DAY OF _____ 2024.

JOHN T. SHOCKLEY
WEST FARGO CITY ATTORNEY

STATE OF NORTH DAKOTA)
COUNTY OF CASS) ss.

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOHN T. SHOCKLEY, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS CITY ATTORNEY.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

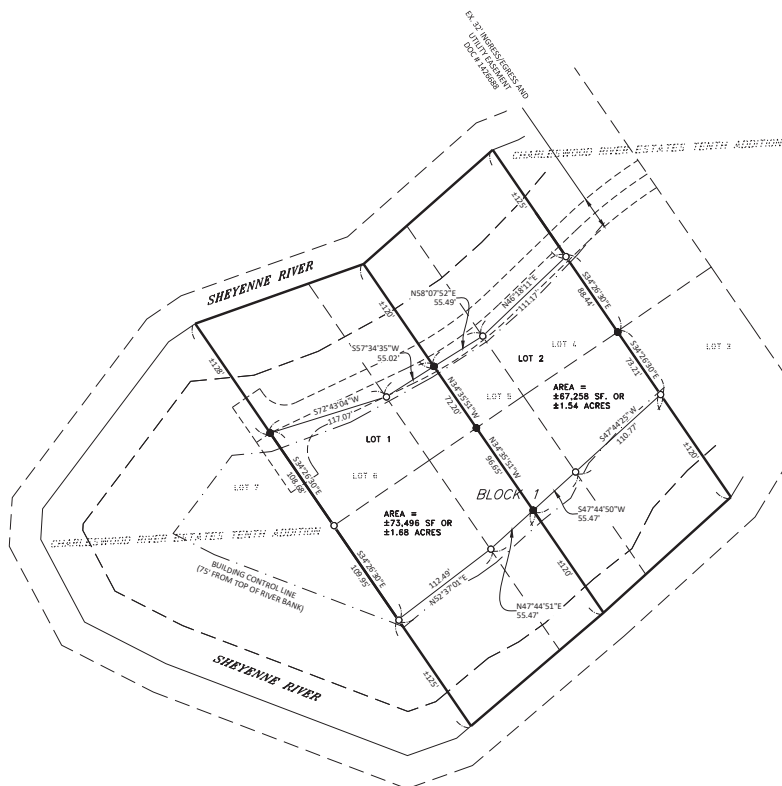
THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____ 2024

JOSEPH F. KOLB
CHAIRMAN PLANNING COMMISSION

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOSEPH F. KOLB, CHAIRMAN OF THE WEST FARGO PLANNING COMMISSION THAT IS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME ON BEHALF OF THE WEST FARGO PLANNING COMMISSION.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA



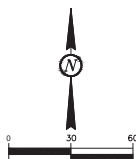
SHEET 1 OF 1



LEGEND

	MONUMENT SET
	MONUMENT FOUND
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
---	EX. EASEMENT
---	EX. PROPERTY LINE
---	EX. SECTION LINE
---	PROPERTY BOUNDARY LINE
---	NEW PROPERTY LINE

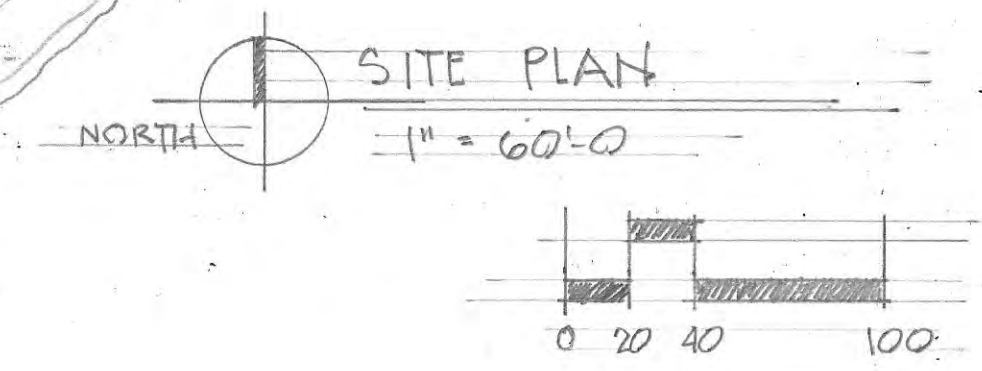
DATE OF SURVEY: MAY 2024
BASIS OF BEARING: THE PLAT OF CHARLESWOOD TENTH ADDITION TO
THE CITY OF WEST FARGO AS RECORDED.





SIVERSON RESIDENCE
WIELANDT RESIDENCE

CHARLESWOOD RIVER ESTATES
WEST FARGO ND
PARCELS A & B



SEE SURVEY BY
NESET LAND SURVEYS

ELTON · DESIGN · STUDIO

12/15/14
Approved S-O

Commissioner _____ introduced and moved the adoption of the following Resolution:

**RESOLUTION APPROVING AMENDMENT TO RESOLUTION
APPROVING CHARLESWOOD RIVER ESTATES 10th ADDITION PLAT**

WHEREAS, on August 27, 2014, the West Fargo City Commission approved the final plat of Charleswood River Estates 10th Addition (hereinafter the “Charleswood 10th Addition Plat”); and

WHEREAS, the City Commission approved the Charleswood 10th Addition Plat with several conditions, including condition nine (9) which provided that a “geotechnical study is provided for each lot prior to permitting demonstrating that the property can support the structure(s).” See Exhibit A.; and

WHEREAS, condition nine (9) was based upon geotechnical studies dated August 8th, 2008, (relevant page of report attached as **Exhibit B**) and supplemented by a report dated September 4, 2013, (relevant page of report attached as **Exhibit C**) and authored by Braun Intertec, a licenced North Dakota professional engineer; and

WHEREAS, based upon current knowledge of subsurface conditions, Braun Intertec has waived the requirement of performing a subsurface investigation for the individual homes and instead is recommending performing excavation observation by a licensed geotechnical engineer or his authorized representative for the individual homes and performing on-site compaction and strength test on foundation subgrade which will be built under the proposed development. See Exhibit D; and

WHEREAS, RFMC, LLC, the residential housing developer of Charleswood 10th Addition (hereinafter the “Developer”), has requested the City Commission amend condition number nine (9) as a result of Braun Intertec’s revised recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of West Fargo that the conditions for approval for the Plat of Charleswood 10th Addition be amended as follows:

1. An Attorney Title Opinion is received.
2. A certificate showing taxes being current is received.
3. The City receives and approved drainage and municipal services plan.
4. A mailbox plan is submitted by the developer for consideration.
5. Any necessary easement are placed on the Final Plat
6. Any revised covenants are filed with the Final Plat.
7. An Outline is received for the anticipated schedule and sequence of construction for all Improvements.
8. A Subdivision/PUD Agreement is received.
9. ~~A geotechnical study is provided for each lot prior to permitting demonstrating that the property can support the structure(s).~~ After the issuance of a building permit by the City of West Fargo, but prior to construction of the home, including pouring a foundation and/or basement the owner of each property or the Developer must obtain and submit to the West Fargo Building inspector an excavation observation report approved by a licensed geotechnical engineer or his authorized representative for the individual home which evidences that an on-site compaction and strength test on foundation subgrade has been performed and the results of said test(s) are within acceptable national and local geotechnical engineering standards/specifications to support the proposed home.
10. Water and sewer lines will be installed in accordance with City Standards, and inspected and approved by the City Engineer, and the City will own, operate and maintain such water and sewer lines and appurtenances including gate valves and hydrants. Subsequent property owners will be responsible for installing and maintaining sewer injector pumps for sewage from each residential structure into the sewer main.

** ~~Strike trough text is hereby removed and~~ underlined text is hereby added to the above conditions.*

BE IT FURTHER RESOLVED BY, the Board of City Commissioners that terms, conditions and findings of the Staff Report attached as **Exhibit A**, is amended only to the extent provided in this Resolution and said Staff Report is hereby incorporated by reference and is part of this Resolution and binding upon the property within Charleswood 10th Addition Plat.

Dated this 15th day of December, 2014.

APPROVED:

President of the Board of City Commissioners

ATTEST:

City Auditor

Commissioner _____ seconded the motion. On roll call the following commissioners
voted in favor of said motion: _____.

The following commissioners voted nay: _____. The following commissioners were
absent and not voting: _____. The majority having voted aye, the motion was carried
and the Resolution was duly adopted.

STAFF REPORT

City of West Fargo

A14-31 Charleswood River Estates
10th Addition, replat of Lots 1-8,
Block 1 of Charleswood River Estates
9th Addition, City of West Fargo,
North Dakota

Aaron Greterman

Planning & Zoning Commission

Introduction – 6/9/14

Public Hearing – 6/9/14 - Approval

City Commission

Final Plat Approval – 9/2/14

BACKGROUND:

PURPOSE: To subdivide property for single family residential development.

EXISTING LAND USE: Vacant

EXISTING ZONING: PUD: Planned Unit Development

PARCEL SIZE: ± 8.4 Acres

CITY PLANS: Land Use – Low Density Residential
Streets – 20th Avenue East – Local Street
Private Drive
Bikeway – N/A
Parks - The developer has fulfilled the required dedication.

STATEMENTS OF FACT:

- The proposed subdivision is located on a peninsula along the Sheyenne River, west of Charleswood River Estates 2nd-6th Additions and northwest of the Oakwood Bend development.
- This development would be accessed off of the west end of 20th Ave E via a private drive.
- The proposed use (single family) is consistent with the City's Future Land Use Plan and is in conformance with the Approved Area Plan.

DISCUSSIONS AND OBSERVATIONS:

- The Preliminary Plat shows 7 lots. Preliminary plans are for single family homes with a private drive.
- Last fall the developer replatted the property to allow for 8 single family lots. He is now proposing wider lots.

Exhibit "A"

Staff Report – A14-31

Page 2

- The property is zoned PUD: Planned Unit Development to allow for greater flexibility in design. These lots are proposed to be developed with environmental sensitivity as a priority, i.e. keeping trees, minimal soil disturbance, minimal run-off, etc.
- This development will be a gated community with control access gates off the west end of 20th Ave E. The entry will be designed to be attractive with flowers, plants and possibly a water fall feature. Residents will have a pass key to open the gates when they drive up. Emergency responders will be issued a pass key as well.
- The City requires a building control line established on the plat when subdivisions are along the Sheyenne River. The building control line is to be established 100 feet from the riverbank per the Subdivision Ordinance. With the approval of the previous subdivision plat, the City Commission approved a variance to allow the building control line at 75 feet from the established riverbank, but added a condition that a geotechnical study be completed for each lot prior to permitting.
- Detailed development plans approved for the development included lot and yard requirements for the lots which will remain the same.
- Park dedication requirements for the Charleswood development were satisfied a number of years ago.
- The developer and subsequent owners will be responsible for maintaining existing trees and natural grasses to the extent possible according to the Sheyenne River Corridor Overlay District and City's Landscape Standard.
- The City has not yet received the following information: Attorney Title Opinion, revised drainage and municipal services plan, certificate showing taxes are current, necessary utility easements shown on the Final Plat, outline for the anticipated schedule and sequence of construction for all improvements, and revised subdivision/PUD agreement.
- Notices were sent out to utility companies, SE Cass Water Resource District, Park District, West Fargo Post Office and City departments for review. The Police Department has indicated the need to ensure access of emergency responders. Previously the Post Office indicated the development would be serviced with cluster box delivery. SE Cass Water Resource District encourages the City to adopt Cass County river setback criteria for the platting of lots adjacent to the Sheyenne River, as the geotechnical instability of river banks adjacent to the Sheyenne River is a known hazard and is further exacerbated in river oxbow areas such as that proposed by this development.

AFFECTS CONSIDERED (PROS & CONS)

Pros for Development as Proposed

- The development is consistent with the City's plans, ordinances and approved area plan.
- Single family is viewed as the most appropriate use for the area.

Cons for Development as Proposed

- The subdivision is affected by the proximity of the Sheyenne River and potentially unstable soil conditions.

RECOMMENDATIONS:

It is recommended to conditionally approve the application on the basis that the request is consistent with City plans and ordinances. The conditions of approval are as follows:

1. An Attorney Title Opinion is received.
2. A certificate showing taxes being current is received.
3. The City receives an approved drainage and municipal services plan.
4. A mailbox plan is submitted by the developer for consideration.
5. Any necessary easements are placed on the Final Plat.
6. Any revised restrictive covenants are filed with the Final Plat.
7. An outline is received for the anticipated schedule and sequence of construction for all improvements.
8. A Subdivision/PUD Agreement is received.
9. A geotechnical study is provided for each lot prior to permitting demonstrating that the property can support the structure(s).
10. Water and sewer lines will be installed in accordance with City standards, and inspected and approved by the City Engineer, and the City will own, operate and maintain such water and sewer lines and appurtenances including gate valves and hydrants. Subsequent property owners will be responsible for installing and maintaining sewer injector pumps for sewage from each residential structure into the sewer main.

Planning and Zoning Commission Recommendation:

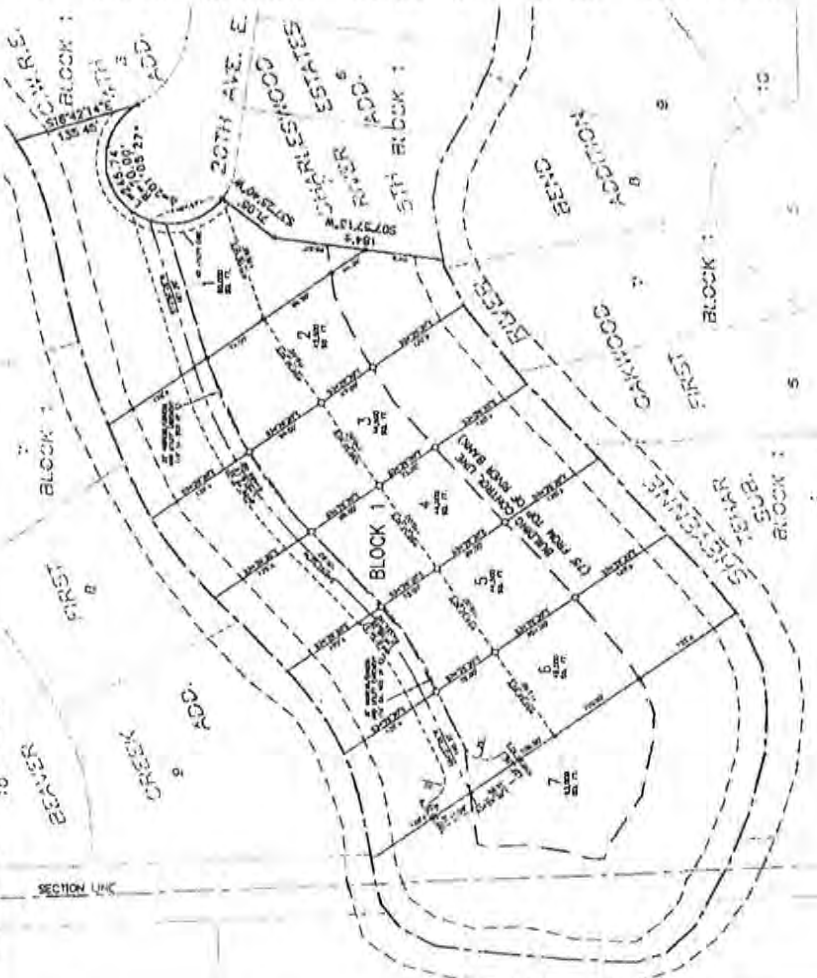
At their June 9, 2014 meeting the Planning and Zoning Commission approved the request subject to the 10 conditions listed above.

Exhibit "A"



Exhibit "A"





LEGEND

□ □ IRON MOUNTAIN PLANT
□ □ SET SURVILL' STATION WITH
YELLOW PLASTIC CAP ABOVE
□ □ DEVICES AND LENGTH
□ □ MARKED RAILROAD LENGTH
□ □ DEVICES SURVILL. AREA.

PLANT OF MARIANA, THE PLANT OF CHARLESTON WITH
ADDITION TO THE CITY OF WEST FALCON AS RECORDED



CHARTER SCHOOL

CERTIFICATE

[illegible]

ALL OF CHARLESTON RIVER ESTATES #14 IN ADDITION TO THE CITY OF WEST FARROW, DALLAS COUNTY, NORTH CAROLINA.



DAVID S. MEYER
REGISTERED LAND SURVEYOR
NO. REG. NO. 2084
STATE OF NORTH CAROLINA

ON THIS DATE OF 2014, BEFORE ME, A NOTARY PUBLIC in and for SAG COUNTY and STATE PERSONALITY APPEARED DAVID E. ADAMS, a single man, known to me to be the same person described in and who executed the foregoing certificate and acknowledged to me that he executed the same as his free act and deed.

HOIARY PUBLIC; CASS COUNTY, NORTH DAKOTA

DEDICATION

THE ABOVE INFORMATION WAS OBTAINED FROM THE FILES OF THE FBI AT NEW YORK CITY AND IS BEING FURNISHED TO YOU FOR YOUR INFORMATION.

Yours truly,
J. Edgar Hoover
Director

ALFRED M. JOHNSON
ELIAB OF WORTH PARISH
COUNTY OF CLAY

PART OF THE ABOVE WAS A MORTGAGE PUBLIC IN AND FOR SAG COUNTY AND STATE, PERSONALITY APPEARED ACTUALLY TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEEDICATION AND ASSIGNED IT TO ME THAT WE ACCURATELY THE NAME OF RMC, LLC

INDUSTRIAL PUBLIC, CLARK COUNTY, NORTH CAROLINA

WEST FARGO CITY COMMISSION APPROVAL _____
CITY COMMISSION EXPIRITE _____

APPROVED BY THE WEST PALM BEACH COMMISSION THIS _____ OF _____ 2014.

BOOK MATCHING PRESIDENT OF
CITY OF FALLS CITY, MISSOURI

STATE OF NORTH CAROLINA

[illegible]

1970-1971

WEST FARGO, N.D. (BIS) —

DATE _____ DO NOT _____ (DO NOT SIGN) (DO NOT SIGN)

FROM MEDUCONAL, OMAHA
STATE OF NORTH DAKOTA
FROM THE OFF. OF A.S. 1988

ON THE DAY OF THE WEST FARGO RACING TRACK, BEING IN THE CITY OF WEST FARGO, NORTH DAKOTA, AND ACCORDING TO ME THAT HE TRULY BE THE SAME IN THE CITY OF WEST FARGO RACING TRACK.

RESTAINT PUBLIC, CIVIL SERVICE, HEALTH CARE

WEST FARGO CITY ENGINEER'S APPROVAL _____

APPROVED BY THE WEST FARGO CITY ENGINEER THIS _____ DAY OF _____ 2004.

KEVIN J. BULLOCK, CITY ENGINEER

[illegible]

NO. 1079 PUBLIC LAND COUNTY, MOBILE PARISH

57 Deutsche Größe

moore
engineering, inc.

SALES: 800-451-1011
FAX: 800-451-1012
1999

Exhibit "A"

Charleswood 31st Addition

The Charleswood 31st addition is being developed primarily for larger lot, single-family residential dwellings where public water and sewer services are available. This addition & its road will be developed in a way to save as many trees as possible to preserve the natural characteristics of the area that make it so great.

Lot Area: Minimum of 35,000 sq ft (building area to be less than that due to river setback requirements)

Lot Width: Minimum of 90 ft

Setback: Minimum of 32 ft

Side Yard: Minimum of 5 ft with 10 ft being the minimum set back from the corner lot

Rear Yard: 75 ft from top of river bank (see building control line)

Covenants & Restrictions: Will follow the guidelines set by its neighboring Charleswood River Estate 5th Addition

Road: The road will be private without curb & gutter to preserve as many of the trees as possible.

Exhibit "B"

Charleswood, Inc.
Our Project FA-08-02481
August 8, 2008
Page 8

D.2.d. Erosion Control

The project site is located in a peninsula of land located adjacent to a loop in the Sheyenne River. As is common in these loops, erosion of the river bank occurs when the water enters the loop and where the water exits the loop. This is because the water is accelerating in these locations, which causes erosion. Development of this site will require some type of erosion control along approximately 250 feet of the entrance and 250 feet of the exist of the loop. The erosion protection can consist of rip rap or a wall structure. Additional survey information and markers would be required to aid in better locating the extent of the erosion control system.

D.3. Recommendations for Housing

In general the soil conditions will not limit construction of homes. Our borings did encounter variable soil conditions, and we recommend that a geotechnical evaluation be performed for the individual homes.

D.4. Construction Quality Control

D.4.a. Excavation Observations

We recommend having a geotechnical engineer observe all excavations related to subgrade preparation for the roadways, utilities and manholes. The purpose of the observations is to evaluate the competence of the geologic materials exposed in the excavations, and the adequacy of required excavation oversizing.

D.4.b. Materials Testing

We recommend performing relative moisture and compaction tests on all fill materials placed below the proposed roadways. We recommend slump, air content and strength tests of Portland cement concrete.

D.4.c. Cold Weather Precautions

If site grading and construction is anticipated during cold weather, all snow and ice should be removed from cut and fill areas prior to additional grading. No fill should be placed on frozen subgrades. No frozen soils should be used as fill.

Concrete delivered to the site should meet the temperature requirements of ASTM C 94. Concrete should not be placed on frozen subgrades. Concrete should be protected from freezing until the necessary strength is attained. Frost should not be permitted to penetrate below footings.

E. Procedures

E.1. Penetration Test Boring

The penetration test boring was drilled with a ATV-mounted core and auger drill equipped with hollow-stem auger. The borings were performed in accordance with ASTM D 1586. Penetration test samples

BRAUN
INTERTEC

A.4. Site Conditions

The site currently exists as an undeveloped tree covered peninsula of land located on the east side of a loop within the Sheyenne River. Based upon our review of the elevations listed within the referenced boring logs, we understand the area is relatively flat.

A.5. Scope of Services

Our scope of services for this project was submitted as a Proposal to Mr. Dusting Scott of Moore Engineering Inc. on August 9, 2013. We received authorization to proceed from Mr. Scott on August 12, 2013. Our scope of services was performed under the terms of our June 15, 2006, General Conditions.

Information obtained from the referenced boring logs and Geotechnical Evaluation was used to identify the geotechnical issues influencing design and construction, qualify the nature of their impact, and outline alternatives for their mitigation. Upon reviewing these items, we developed baseline recommendations for:

- Excavation dewatering;
- The reuse of on-site materials during construction and the impact of groundwater on construction;
- Preparing pavement and utility subgrades and the selection, placement, and compaction of excavation backfill and other required fill;
- Pavement sections based upon the traffic data provided and the information obtained from the referenced boring logs; and
- Providing quality control and evaluating differing site conditions during construction.

Please note that our previous report prepared for Charleswood, Inc., addressed slope stability concerns pertaining to the residential development of this addition. Our scope of services did not involve re-addressing any slope stability concerns for the utility installations or street construction. The recommendations included in our report prepared for Charleswood, Inc., remain unchanged.

Exhibit "D"



Braun Intertec Corporation
526 10th Street NE, Suite 300
P.O. Box 485
West Fargo, ND 58078

Phone: 701.232.8701
Fax: 701.232.7817
Web: braunintertec.com

December 12, 2014

Project B14-09576

Mr. Jeff Johnson & Aaron Greterman
RNSC, LLC.
4342 15th Avenue South, Suite 105
Fargo, ND 58103

Re: Addendum 1 to Geotechnical Evaluation Report (Braun Project No. FA-08-02461)
Charleswood River Estates 10th Addition
20th Avenue East
West Fargo, North Dakota

Dear Mr. Johnson & Mr. Greterman:

This letter serves as Addendum 1 to our Geotechnical Evaluation Report (FA-08-02461) for the above mentioned project, dated August 8, 2008. This Addendum presents our revised recommendation regarding the requirement of subsurface investigation for individual homes to be built under the scope of the project.

Background

Our Geotechnical Evaluation Report (Braun Intertec Project No. FA-08-02461, dated August 8, 2008) provided the recommendation for the construction of the proposed development under Charleswood River Estates 10th Addition. The subsurface investigation performed as a part of the project revealed presence of variable soil condition across the project site and as a result of that we recommended performing further subsurface investigation for individual homes to be built under the said project. This requirement of further geotechnical investigation for individual home was mentioned in Section D.3. of our geotechnical report, dated August 8, 2008.

New Information

A separate subsurface investigation under Braun Intertec Project No. FA-13-05204, dated September 4, 2013 was performed for Moore Engineering in the Charleswood area. This report provided the recommendation for the construction of the pavements and utilities under Charleswood River Estates 31st Addition to be located at 20th Avenue East and Priceton Lane in West Fargo, North Dakota. The subsurface investigation performed under these two projects (Braun Intertec Project No. FA-08-02461 and FA-13-05204) in the same vicinity provided us a broader spectrum of knowledge regarding subsurface soil profile for the peninsula.

Recommendations

Based on our current knowledge of subsurface condition at the project site we waive the requirement of performing subsurface investigation for the individual homes under the project as was stated under Section D.3. of our geotechnical report, dated August 8, 2008. However, in order to avoid presence of

unforeseen soil conditions under the building foot print, we recommend performing the excavation observation by a licensed geotechnical engineer or his authorized representative for the individual homes and performing on-site compaction and strength test on foundation subgrade which will be built under the proposed development.

Remarks

This addendum should be attached to and considered a part of our original Geotechnical Evaluation Report. With the exception of any results or recommendations changed by this Addendum, the information contained in our Geotechnical Evaluation Report remains unchanged.

In performing its services, Braun Intertec used that degree of care and skill ordinarily exercised under similar circumstances by reputable members of its profession currently practicing in the same locality. No warranty, express or implied, is made.

If you have any questions about this Addendum, please contact Steve Nagle at 701.238.3425.

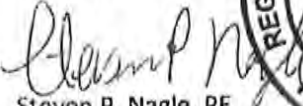
Sincerely,

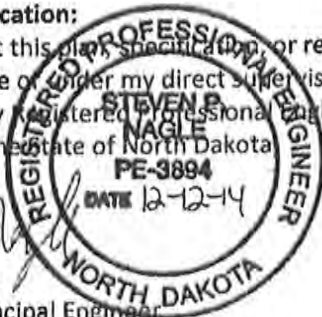
BRAUN INTERTEC CORPORATION


Debashis Sikdar, PE
Project Engineer

Professional Certification:

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly registered Professional Engineer under the laws of the state of North Dakota


Steven P. Nagle, PE
Vice President/ Principal Engineer
Registration Number: PE-3894



STAFF REPORT

A24-22		Retracement Plat/Request for Variance	
Simpson's 7 th Addition			
Lots 1 & 2, Block 1 of Simpson's 2 nd Subdivision – 1444 River St and 1442 Sheyenne St			
Owner: Brent and Nancy Michelsen		Staff Contact: Lisa Sankey	
Applicant: Cole Neset – Neset Land Surveys			
Planning & Zoning Commission Public Hearing:		07-09-2024	
Board of Adjustment & City Commission Final Plat Approval:			

PURPOSE:

Combine two lots into one and reduction of the building control line of the CO-SR (Sheyenne River Corridor Overlay) zoning district standards for an addition onto a single-family home.

STATEMENTS OF FACT:

Land Use Classification:	G-4A Core Retrofit Growth Sector
Existing Land Use:	Single Family Dwelling
Current Zoning District:	R-1A: Single Family Dwellings
Zoning Overlay District(s):	CO-SR: Sheyenne River Corridor Overlay
Proposed Lot size(s) or range:	54,721 ft ²
Adjacent Zoning Districts:	North, South, and East – R-1A: Single Family Dwellings West – P: Public Facilities (Elmwood Park west of River)
Adjacent street(s):	River Street – Local; Access Easement to Sheyenne Street
Adjacent Bike/Pedestrian Facilities:	Multi-Use Path along Sheyenne Street
Available Parks/Trail Facilities:	Elmwood Park within ½ mile.

DISCUSSION AND OBSERVATIONS:

- The applicant is proposing to combine two previously subdivided lots to construct an attached garage and addition onto their single family dwelling.
- A preliminary site plan was submitted with the plat and application showing a proposed addition on the south side of the existing home on current Lot 1.
- Property owners wishing to combine properties which have been previously platted for the purpose of building across lot lines and/or increasing lot area to address district requirements may submit a retracement plat provided the following conditions are met:
 1. No additional right-of-way is required or being established.
 2. There is no proposed or perceived need of public improvements as a result of the combining of platted lots.
 3. Lots to be combined are contiguous and under common ownership.
- The proposed retracement plat will not affect the property or use. The retracement plat will be given a subdivision name with a lot and block number, which will be of benefit to the City and Cass County for administration purposes.

STAFF REPORT

- With retracement plats there are no street right-of-way dedication or park dedication requirements.
- A public hearing is not required, though the applicant must plat the property according to subdivision standards and the plat must be reviewed by the Planning and Zoning and City Commissions.
- The applicant is also requesting a variance for a reduction of the building control line of the CO-SR: Sheyenne River Corridor Overlay. At the June 17, 2024, City Commission meeting, the applicant's representative requested that the City Commission authorize issuance of a building permit prior to the merging of the two platted lots. The Commission voted to send this request to the Planning & Zoning Commission for their review and recommendation prior to additional action.
- The western portion of the subject property is located within the CO-SR (Sheyenne River Corridor Overlay) zoning district, which establishes a building control line that restricts structures, parking lots, fill and other development that may cause increased riverbank destabilization within 100 feet of the "established riverbank as determined by the City Engineer."
- The applicant would like to demolish a portion of single-family house and reconstruct an addition and construct an attached garage with access to the east. The existing home was constructed in 1950 and has been found to be encroaching into the 100-foot building control line area, with the southwest corner of the proposed foundation located approximately 89 feet from the established riverbank. The western edge of the existing home is 76' from the established riverbank.
- The applicant indicated that they would like to replace 1,200 square feet of the existing house and add a new addition with a basement. The current house encroaches on the building control line by 24 feet and the proposed encroachment for the new addition is less than what is currently encroaching.
- As provided for in Section 4-431-C.3 of the zoning regulations, the City Commission may reduce the required building control line where it can be demonstrated through a soils analysis that soils are stable within the building control area. Requests for reduction of the building control area are handled via the variance approval process.
- In accordance with the provisions of §4-431-C.3, the applicant has employed a geotechnical firm to provide a soils analysis in respect to the existing home and proposed addition. The soils analysis concludes that the home will not be impacted by soil instability caused by the riverbank. The soils analysis has been reviewed by the City Engineer, who has no concerns regarding soil stability based on the findings of the soil analysis. A copy of the analysis is attached for reference.

NOTICES:

Sent to:	Property Owners within 150' and Applicable agencies and departments
----------	---

- A call was received from an area property owner who was in support of the request.

CONSISTENCY WITH COMPREHENSIVE PLAN AND OTHER APPLICABLE CITY PLANS AND ORDINANCES:

- The proposed retracement plan application is consistent with the City plans and ordinances.
- The variance is not consistent with the City's standard building control line of 100 feet from the riverbank; however, City ordinance does allow a reduction of the building control area of up to 50 feet upon demonstration that soils are sufficiently stable. The proposal is otherwise consistent with the city's comprehensive plan and other applicable city plans.

STAFF REPORT

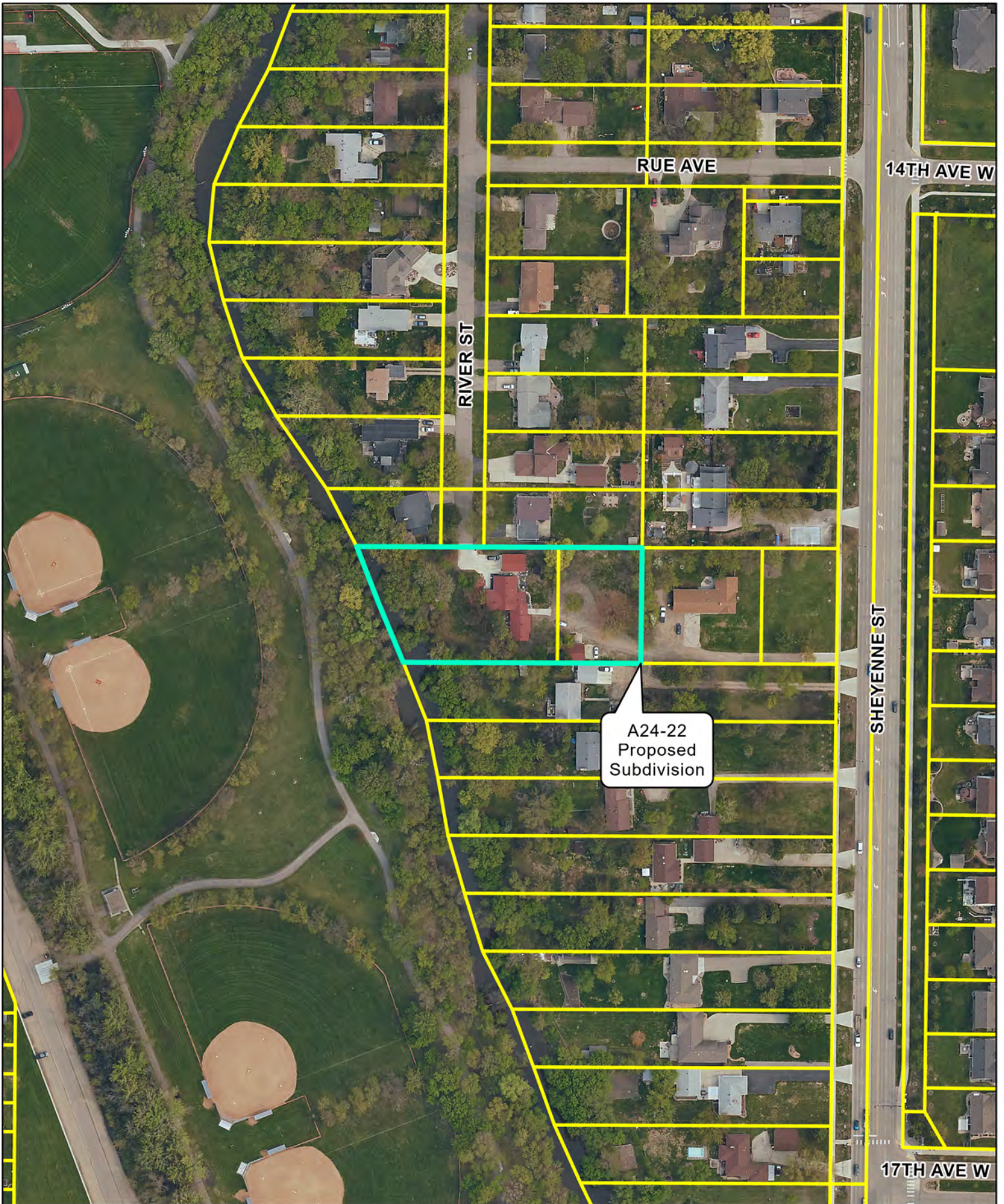
RECOMMENDATIONS:

It is recommended that City approve the retracement plat on the basis that it is consistent with City plans and ordinances and approval of the reduction of the building control line from 100 feet to approximately 89 feet for the proposed structure on the basis of the following findings:

1. §4-431-C.3 states that where it can be demonstrated through a soils analysis that soils are stable within the building control area, the City Commission may consider reduction of the required minimum setback by variance.
2. In accordance with §4-431-C.3, the applicant has provided a soils analysis which demonstrates the soils are sufficiently stable to support the house that encroaches into the required 100' building control area, which has been reviewed and found to be satisfactory by the City Engineer.
3. The reasons set forth in the application justify the approval of the reduction of the building control line, and it is the minimum variance necessary to accommodate the existing structure.
4. A letter/agreement be signed by the property owner acknowledging the variance and waiving the City's liability.

Attachments

1. Aerial map
2. Zoning map
3. Preliminary Plat
4. Preliminary Plat with Overlay
5. Geotechnical Opinion
6. Site Plan



Features

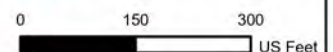
 Agenda Zone  Lots



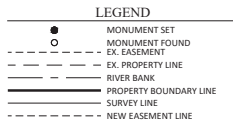


West Fargo Zoning

A: Agricultural	LI: Light Industrial	R-1SM: Mixed One and Two Family Dwelling
C: Light Commercial	M: Heavy Industrial	R-2: Limited Multiple Dwelling
C-OP: Commercial Office Park	P: Public	R-3: Multiple Dwelling
DMU: Downtown Mixed Use	PUD: Planned Unit Development	R-4: Mobile Home
EMU: Entertainment Mixed Use	R-L1A: Large Lot Single Family Dwelling	R-5: Manufactured Home Subdivision
HC: Heavy Commercial	R-1A: Single Family Dwelling	R-1E: Rural Estate
	R-1: One and Two Family Dwelling	R-R: Rural Residential



A REPLAT OF LOTS 1 AND 2, BLOCK 1, A REPLAT OF LOTS 17 AND 18, BLOCK 2, SIMPSON'S SECOND SUBDIVISION IN THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA, LESS THE EAST 272.00' THEREOF.



DATE OF SURVEY: JUNE 2024
BASIS OF BEARING: THE REPLAT OF LOTS 17 AND 18, BLOCK 2,
SIMPSON'S SECOND SUBDIVISION TO THE CITY OF WEST FARGO
AS RECORDED.

I HEREBY CERTIFY THAT PROPER EVIDENCE OF TITLE HAS BEEN EXAMINED BY ME, AND I APPROVE THE PLAT AS TO FORM AND EXECUTION THIS _____ DAY OF _____ 2024.

JOHN T. SHOCKLEY
WEST FARGO CITY ATTORNEY

STATE OF NORTH DAKOTA)
)ss
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOHN T. SHOCKLEY, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS CITY ATTORNEY.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____ 2024.

JOSEPH F. KOLB
CHAIRMAN PLANNING COMMISSION

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOSEPH F. KOLB, CHAIRMAN OF THE WEST FARGO PLANNING COMMISSION THAT IS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME ON BEHALF OF THE WEST FARGO PLANNING COMMISSION.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

WE, THE UNDERSIGNED DO HEREBY CERTIFY THAT BRENT G. MICHELSEN AND NANCY JO MICHELSEN ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "SIMPSON'S 7TH ADDITION" TO THE CITY OF WEST JARVIS, A REPLAT OF LOTS 1 AND 2, BLOCK 1, A REPLAT OF LOTS 17 AND 18, BLOCK 2, SIMPSON'S SECOND SUBDIVISION IN THE CITY OF WEST JARVIS, CASS COUNTY, NORTH DAKOTA, LESS THE EAST 272.00' THEREOF. THAT I HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF COLE A. NESE, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT AND THAT THE SUBDIVISION WILL BE KNOWN AS "SIMPSON'S 7TH ADDITION". I HEREBY DEDICATE ALL UTILITY EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

SAID SIMPSON'S 7TH ADDITION CONSISTS OF 1 LOT 1 BLOCK, AND CONTAINS ±1.26 ACRES, MORE OR LESS, AND IS SUBJECT TO RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

BY: BRENT G. MICHELSEN

BY: NANCY JO MICHELSEN

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRENT G. MICHELSEN AND NANCY JO MICHELSEN DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME ON BEHALF OF THE CITY OF WEST FARGO.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____ 2024.

BERNIE L. DARDIS
PRESIDENT, BOARD OF CITY COMMISSIONERS

DUSTIN T. SCOTT
CITY AUDITOR

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS DAY OF , 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BERNIE L. DARDIS, PRESIDENT OF THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WEST FARGO, AND DUSTIN T. SCOTT, CITY AUDITOR OF THE CITY OF WEST FARGO, TO ME KNOWN BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME ON BEHALF OF THE CITY OF WEST FARGO.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

I, COLE A. NESET, REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE PROPERTY DESCRIBED ON THIS PLAT AS SIMPSON'S 7TH ADDITION TO BRENT G. AND NANCY JO MICHELSEN, A REPLAT OF LOTS 1 & 2, BLOCK 1 OF THE REPLAT OF LOTS 17 & 18, BLOCK 2, SIMPSON'S SECOND SUBDIVISION BRENT G. AND NANCY JO MICHELSEN, CASS COUNTY, NORTH DAKOTA; THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE SHOWN CORRECTLY ON SAID PLAT IN FEET AND HUNDRETHS OF A FOOT; THAT ALL MONUMENTS ARE OR WILL BE INSTALLED CORRECTLY IN THE GROUND AS SHOWN; AND THAT THE EXTERIOR BOUNDARY LINES ARE CORRECTLY DESIGNATED. DATED THIS _____ DAY OF _____, 2024.

COLE A. NESET,
REGISTERED LAND SURVEYOR
ND LS-7513

STATE OF NORTH DAKOTA)
)ss
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED COLE A. NESET, REGISTERED LAND SURVEYOR, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____ 2024

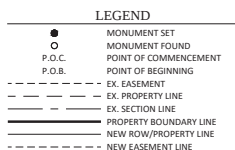
DANIEL R. HANSON
CITY ENGINEER

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED, DANIEL R. HANSON, WEST FARGO CITY ENGINEER, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS CITY ENGINEER.

NOTARY PUBLIC, COUNTY:CASS STATE: NORTH DAKOTA

A REPLAT OF LOTS 1 AND 2, BLOCK 1, OF THE REPLAT OF LOTS 17 AND 18, BLOCK 2, SIMPSON'S SECOND SUBDIVISION, WEST FARGO, CASS COUNTY, NORTH DAKOTA



DATE OF SURVEY: JUNE 2024
BASIS OF BEARING: THE REPLAT OF LOTS 17 AND 18, BLOCK 2,
SIMPSON'S SECOND SUBDIVISION TO THE CITY OF WEST FARGO
AS RECORDED.

I HEREBY CERTIFY THAT PROPER EVIDENCE OF TITLE HAS BEEN EXAMINED BY ME, AND I APPROVE THE PLAT AS TO FORM AND EXECUTION THIS _____
DAY OF _____ 2024.

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOHN T. SHOCKLEY, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS CITY ATTORNEY.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____ 2024.

JOSEPH F. KOLB
CHAIRMAN PLANNING COMMISSION

STATE OF NORTH DAKOTA)
)ss
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOSEPH F. KOBL, CHAIRMAN OF THE WEST FARGO PLANNING COMMISSION THAT IS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME ON BEHALF OF THE WEST FARGO PLANNING COMMISSION.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

WE, THE UNDERSIGNED DO HEREBY CERTIFY THAT BRENT G. MICHELSEN AND NANCY JO MICHELSEN ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT "SIMPSON'S 7TH ADDITION" TO THE CITY OF WEST FARGO, A REPEAT OF LOTS 1 AND 2, BLOCK 1 OF THE REPEAT OF LOTS 17 & 18, BLOCK 2, SIMPSON'S SECOND SUBDIVISION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA, THAT HAVE CAUSED TO BE PLATED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF COR. A. NESSET, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT.

SAID SIMPSON'S 7TH ADDITION CONSISTS OF 1 LOT 1 BLOCK, AND CONTAINS ±1.26 ACRES, MORE OR LESS, AND IS SUBJECT TO RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

BY: BRENT G. MICHELSEN

BY: NANCY JO MICHELSEN

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRENT G. MICHELSEN AND NANCY JO MICHELSEN DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME ON BEHALF OF THE CITY OF WEST FARGO.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS DAY OF 2024.

BERNIE L. DARDIS
PRESIDENT, BOARD OF CITY COMMISSIONERS

DUSTIN T. SCOTT
CITY ADMINISTRATOR

STATE OF NORTH DAKOTA)
)ss
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BERNIE L. DARDIS, PRESIDENT OF THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WEST FARGO, AND DUSTIN T. SCOTT, CITY AUDITOR OF THE CITY OF WEST FARGO, TO ME KNOWN BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME ON BEHALF OF THE CITY OF WEST FARGO.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

I, COLE A. NESET, REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE PROPERTY DESCRIBED ON THIS PLAT AS SIMPSON'S 7TH ADDITION TO BRENT G. AND NANCY JO MICHELSEN, A REPLAT OF LOTS 1 AND 2, BLOCK 1 OF THE REPLAT OF LOTS 17 & 18, BLOCK 2, SIMPSON'S SECOND SUBDIVISION BRENT G. AND NANCY JO MICHELSEN, CASS COUNTY, NORTH DAKOTA; THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE SHOWN CORRECTLY ON SAID PLAT IN FEET AND HUNDREDTHS OF A FOOT; THAT ALL MONUMENTS ARE OR WILL BE INSTALLED CORRECTLY IN THE GROUND AS SHOWN; AND THAT THE EXTERIOR BOUNDARY LINES ARE CORRECTLY DESIGNATED. DATED THIS _____ DAY OF _____, 2024.

COLE A. NESET,
REGISTERED LAND SURVEYOR
ND LS-7513

STATE OF NORTH DAKOTA
COUNTY OF CASS

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED COLE A. NESE, REGISTERED LAND SURVEYOR, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____ 2024

DANIEL R. HANSON
CITY ENGINEER

STATE OF NORTH DAKOTA
COUNTY OF CASS

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED, DANIEL R. HANSON, WEST FARGO CITY ENGINEER, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS CITY ENGINEER.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

June 28, 2024

Project B2405828

Brent and Nancy Michelsen
1444 River Street
West Fargo, ND 58078

Re: Opinion on Riverbank Stability
Michelsen Residence
1444 River Street
West Fargo, North Dakota

Dear Mr and Ms. Michelsen:

The purpose of this letter is to assist you in obtaining a zoning variance for the above referenced property.

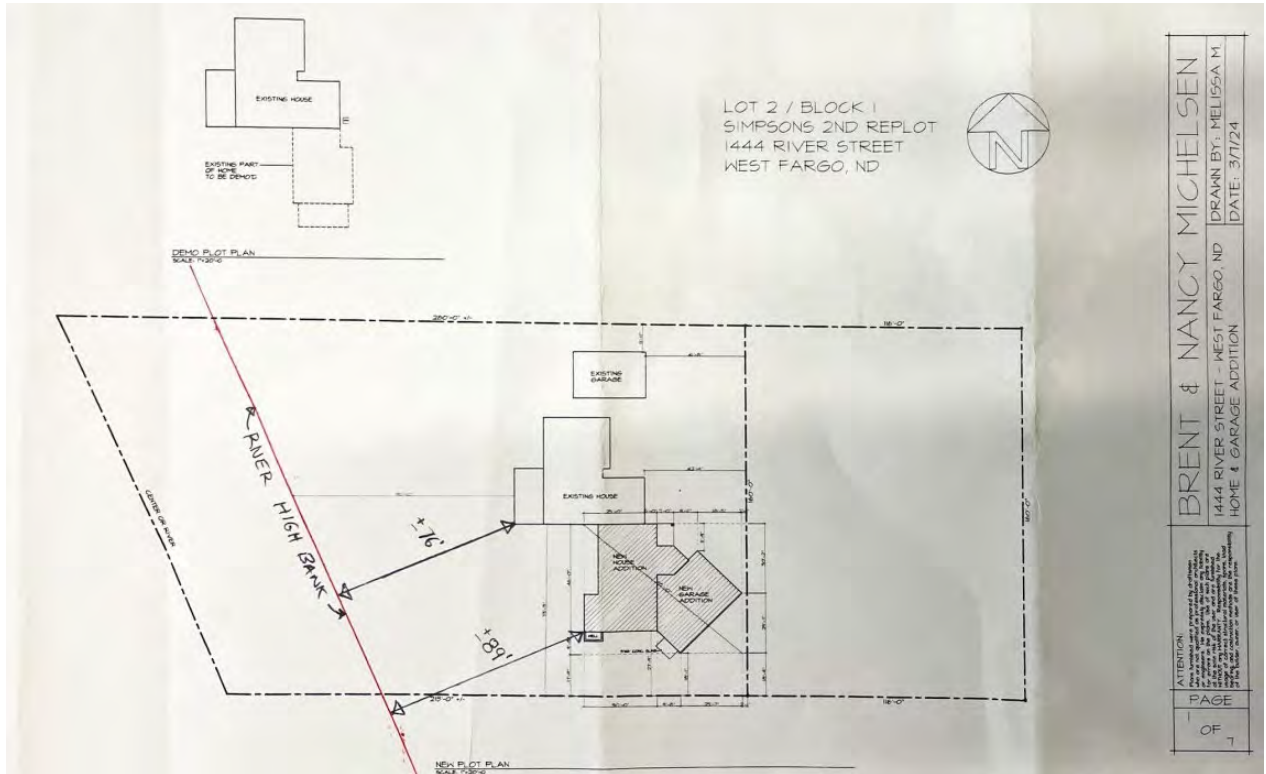
Project Background

We understand the City of West Fargo has a zoning ordinance that requires structures to be a minimum of 100 feet from the top of the riverbank. Section 4-431-C.3 of the City Ordinances outlines the process for modification of the building control line as follows:

“Where it can be demonstrated through a soils analysis that soils are stable within the building control area, the City Commission may consider reducing the required minimum setback by variance. The soils analysis shall be conducted by a qualified professional engineer and demonstrate that the soils can accommodate the type of structure, parking lot or other use without sustaining future damage. No use may be closer than fifty (50) feet from the established riverbank.”

We have not performed a legal survey of the property or the location of the proposed home, but we understand the southwest corner of your new addition will be approximately 89 feet from the top of the riverbank. You provided us Figure 1 below to assist us in evaluating the stability of the home in relation to the top of the riverbank.

Figure 1. Excerpt from Sheet 1 of 7 and dated March 7, 2024.



In addition, we have been informed the proposed addition will be supported by a basement that bears approximately 10 feet below grade.

Geotechnical Information

Braun Intertec was not able to access the area between the riverbank and the proposed addition with a drill rig. However, Braun Intertec has performed several geotechnical evaluations for the City of West Fargo in the area of 13th Avenue South and Sheyenne Street.

Our experience through this section of West Fargo, adjacent to the Sheyenne River, would indicate the soils consists mainly of Red River Valley fat clays that have been modified by the meandering river. The modifications mean there are layers and seams of silt and sand within the fat clay. The depth of this alluvium typically matches the depth of the river and in this section of the river, the bottom of the river is typically 20 feet below the elevation of the "top of river". Below the alluvium is fat clay that is identified as the Brenna formation. These soils are characterized by high plasticity, high moisture content and low strength. Below the Brenna formation is glacial till. The depth of the glacial till varies but averages a depth of 80 feet in West Fargo. Seasonal high-water levels are generally within 5 feet of existing grade, but vary with the elevation of the Sheyenne River.

Analytical Demonstration

Braun Intertec used the GeoStudio 2023.1.2 program SLOPE/W by Bentley Systems, Inc. to perform stability analyses at the site to evaluate the stability of the home. To create the model, Braun Intertec used a Trimble Catalyst GPS receiver and reported elevations relative to the WGS 84 datum at the corner of the home and at the top of the riverbank.

Based on our review of previous geotechnical evaluations, published data from various United States Corps of Engineering Publications and our experience in the area, we assigned the parameters presented in Table 1 to the materials encountered at the site for our analytical demonstration.

Table 1. Analytical Modeling Properties

Soil Layer	Elevation (Feet)	Unit Weight (PCF)	Drained Strength	
			Cohesion (PSF)	Friction Angle (degree)
Clay Fill	>900	115	50	24
Fat Clay Alluvium	900 to 880	110	0	25
Fat Clay-Brenna	880 to 825	108	0	19
Glacial Till	Below 825	135	200	35

We have attached the results of our analytical demonstration to this letter. We estimate the factor of safety adjacent to the home is 1.7 and the factor of safety below the footings of the home is 1.9. Typically, we recommend a minimum factor of safety of 1.5 for engineered structures.

Conclusion

Based on our visual observations at the site, review of available geotechnical information, and our analytical demonstration, the home will not be impacted by soil instability caused by the riverbank.

It should be noted the existing riverbank has a small area of active erosion. This erosion could impact appurtenant structures such as the fence along the top of the riverbank in the future. A riverbank is dynamic. If the erosion increases, steps could be considered to slow down the advance of the erosion and future impacts on appurtenant structures.

Remarks

In performing its services, Braun Intertec used that degree of care and skill ordinarily exercised under similar circumstances by reputable members of its profession currently practicing in the same locality. No warranty, express or implied, is made.

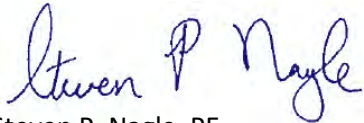
If you have any questions about this letter, please contact Steve Nagle at 701.238.3425.

Sincerely,

BRAUN INTERTEC CORPORATION

Professional Certification:

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the State of North Dakota.



Steven P. Nagle, PE
Vice President/Principal Engineer
License Number: PE3894
June 28, 2024



Attachments:

Slope Stability Graphics (2)

Title: B2405828 Variance for Michelsen Addition

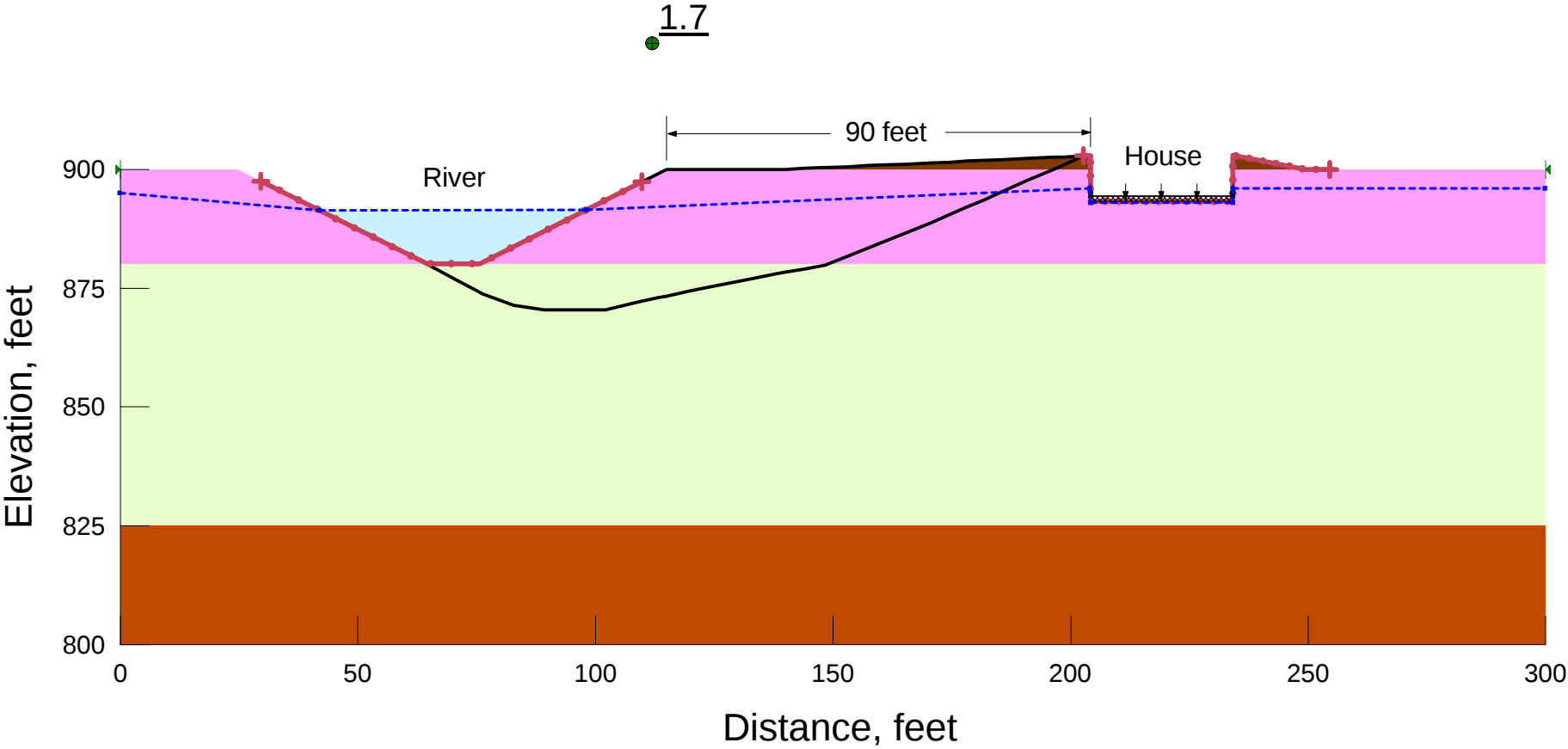
Name: Stability of the House

Analysis Type: Spencer

Effective Stress Parameters

River Level = 891 feet above MSL

Color	Name	Slope Stability Material Model	Unit Weight (pcf)	Effective Cohesion (psf)	Effective Friction Angle (°)	Piezometric Surface
	Brenna	Mohr-Coulomb	108	0	19	1
	Clay Fill	Mohr-Coulomb	115	50	24	1
	Fat Alluvium	Mohr-Coulomb	110	0	25	1
	Glacial Till	Mohr-Coulomb	135	200	35	1



Title: B2405828 Variance for Michelsen Addition

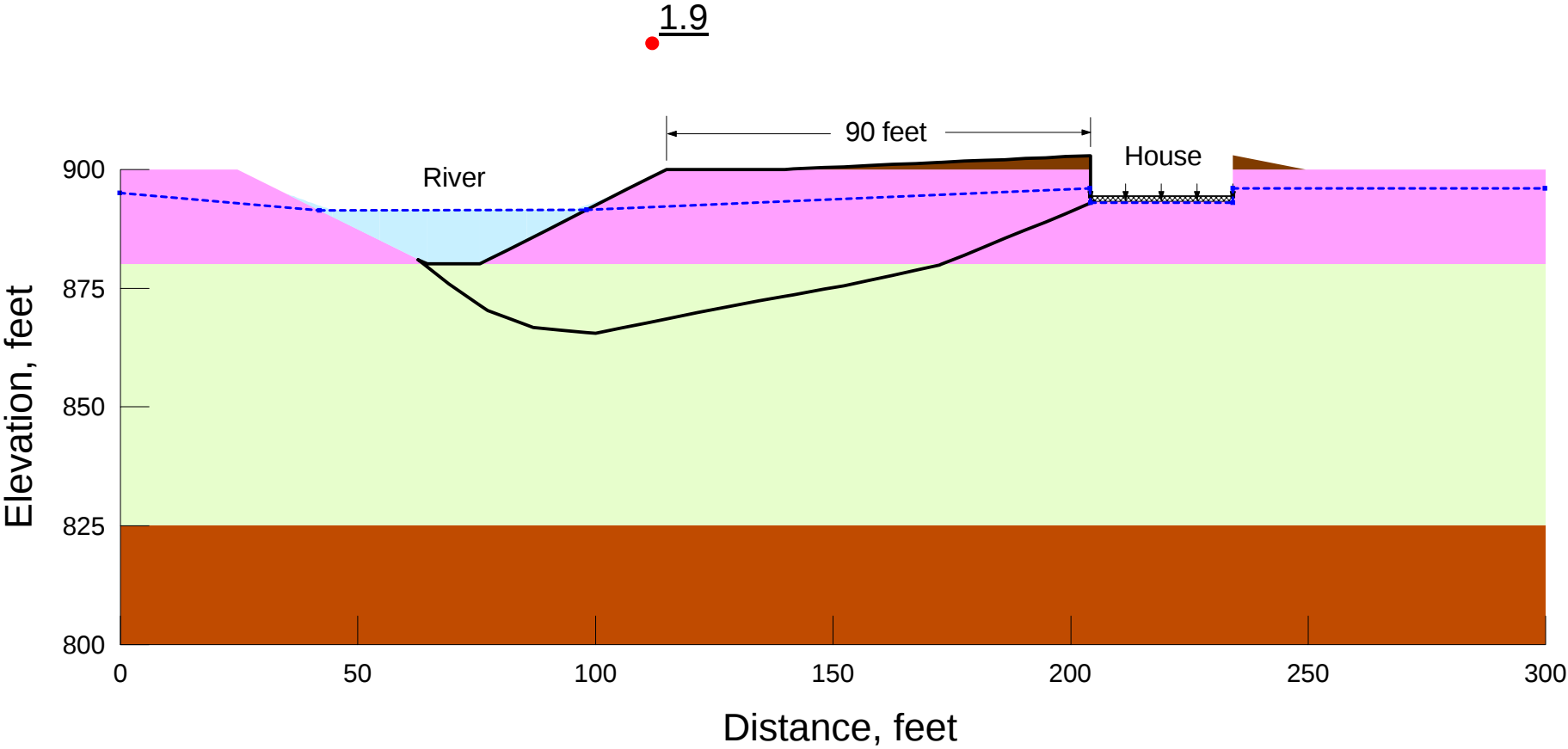
Name: Stability of the House

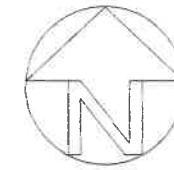
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NEW PLOT PLAN
SCALE: 1"=20'-0"

PAGE
1
OF
7

MEMORANDUM

TO: West Fargo Planning & Zoning Commission
FROM: Aaron Nelson, Planning Director *AN*
DATE: July 3, 2024
SUBJECT: Discussion on Proposed Revisions to Title IV Ordinances Regarding Landscaping Standards

Targeted text amendments to Title IV zoning & subdivision ordinances were identified as a short-term priority project within the West Fargo Planning Needs Assessment Action Plan in 2023. Staff is continuing to work on a series of proposed Title IV ordinance amendments which will first be brought forth for introduction and discussion purposes at least one month prior to inclusion on the regular Planning & Zoning Commission agenda as an actionable item.

At the July 9 meeting, staff will provide an overview of draft proposed text amendments to the Landscaping standards. This is a discussion item only and no action is requested.

The proposed edits seek to organize and simplify existing landscaping standards. Efforts have been made to remove subjectivity and to establish objective standards for the type and location of various types of landscaping. In all, there are five categories of landscaping that may apply to a given development, which are summarized here:

1. **Open Space Landscaping** - Open Space Landscaping is general landscaping required within the open spaces and yards of a development. The amount of Open Space Landscaping required is based on the zoning district and the lot size of the development.
2. **Parking Lot Perimeter Landscaping** - Parking Lot Perimeter Landscaping is landscaping located between a parking lot and a public street. It is used to screen parking lots located within close proximity to public streets & sidewalks.
3. **Parking Lot Island Landscaping** - Parking Lot Islands are used to break-up large swaths of parking lot. Landscaped Parking Lot Islands are required where there are rows of 20 or more parking spaces.
4. **Boulevard Trees** - Boulevard Trees are the City street trees located within boulevard areas of the public right-of-way. The City Forester maintains a list of permissible tree species, which are generally spaced every 25-30 feet within City boulevards.
5. **Buffer Yards** - Buffer Yards are used to ease the transition between various intensities of land-use, such as between commercial and residential developments. Buffer Yards may consist of a combination of fencing and vegetation with the size of the Buffer Yard contingent on the potential for incompatibility between land uses (i.e., less compatible land uses require bigger buffers whereas more compatible land uses require smaller buffers).

In addition to clarifying these core landscaping standards listed above, the proposed amendment also proposes to relocate landscape-specific definitions from the landscaping section of the code to the general

zoning definitions section. Additionally, small tweaks are proposed to the standards of specific zoning districts that currently include individual references to landscaping.

Please note that this is a first draft of the proposed amendment. Staff is still working through and discussing many of the details of the proposed language and standards. Staff will also be working on a few related minor tweaks to general fencing and screening standards. If any significant changes are proposed, this topic may be on the Discussion Agenda for a second time prior to being placed on the Regular Agenda for consideration by the Planning & Zoning Commission.

Attachments

- Draft proposed amended *§4-449-A – Landscaping Standards*
Including draft proposed amendments to:
 - o *§4-200 Definitions*
 - o *§4-427-A "C-OP" District Or Commercial Office Park District*
 - o *§4-431 "CO" District or Corridor Overlay District*
 - o *§4-431-A "CO-I" District Or Interstate Corridor Overlay District*
 - o *§4-431-B "CO-R" District Or Redevelopment Corridor Overlay District*
 - o *§4-431-C "CO-SR" District Or Sheyenne River Corridor Overlay District*
- Existing *§4-449-A – Landscaping Standards*

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§4-449-A Landscaping Standards

A. Purpose

The purpose of this Landscaping section, through the preservation, protection, maintenance, and planting of trees and other plant materials, is to:

1. Help reduce the city's impact on the environment.
2. Enhance green space within the city.
3. Provide shade and wind breaks to reduce extreme weather.
4. Mitigate flood hazards, erosion, and storm water runoff. Trees can help in the stabilization of soil and replenish groundwater supplies.
5. Reduce the heat island effect that is generated by hardscape such as asphalt parking lots by requiring organic ground cover and shade.
6. Provide buffers and screens against noise, air pollution, and unsightly and incompatible land uses.
7. Absorb carbon dioxide and supply oxygen in our atmosphere, which is an essential ecological function in the preservation of human and animal life. Trees can provide a haven for birds which, in turn, assist in the control of insects.
8. Help aid in energy conservation.

B. Applicability

1. New Development

- A.** All new development (including reconstruction and expansion) shall be required to provide landscaping, screening, and buffering in accordance with the standards of this section, unless otherwise exempt by this code.
- B.** When an expansion or redevelopment of a building on a lot requires the removal of required landscaping, that landscaping shall be replaced elsewhere on the lot.

2. Exceptions

A. Single- and Two-Family Residential

Single-family, twin home, and two-family residential uses are not required to meet the landscaping requirements of this section. However, such development is required to provide street trees in accordance with this section, as well as ground cover for all areas of the lot that are not covered by improvements.

B. Agricultural District

Agricultural uses within the “A” zoning district shall not be required to provide landscaping.

C. Parking Lots

1. The requirements of this section do not apply to parking lot re-striping and repaving where there is no expansion of the parking area.
2. When a parking lot is being expanded to an extent 50 percent or more of the lot's surface area prior to expansion, or at least 50 percent more parking spaces are being added, whichever is less, landscaping as described in this section shall be required.
3. For parking lot expansions of less than 50 percent, only the parking lot area being added shall be required to meet the standards of this section. For example, if a parking lot is expanded in an area not adjacent to a street, no Parking Lot Perimeter landscaping is required, and only the expanded area shall be subject to the Parking Lot Island landscaping standards of this section.
4. Expansions are measured cumulatively, so that separate expansions adding up to a 50 percent or greater increase within five years shall be required to meet the landscaping requirements of this section.

D. DMU District

Development within the “DMU” zoning district shall not be required to provide landscaping in accordance with this section.

E. Improvements & Repairs

1. Improvements or repairs to existing development that do not increase the existing floor area on the lot by more than 1,000 square feet or 10 percent, whichever is greater, shall not be required to provide landscaping in accordance with this section.
2. Expansions are measured cumulatively, so that separate expansions adding up to more than 1,000 square feet or 10 percent (whichever is greater) within five years shall be required to meet the landscaping requirements of this section.

F. Change in Use

Changes in use that do not require more parking spaces or a more intensive zoning than the previous use shall not be required to provide landscaping in accordance with this section.

C. Landscape Plan Required

1. A landscape plan shall accompany all development applications and/or building permit requests that require landscaping pursuant to this section, and shall include the minimum information specified by the City.
2. No building permit shall be issued until a landscape plan is submitted and approved by the City Planner.
3. No certificate of occupancy shall be issued for any building or structure until all landscaping shown on the approved landscape plan has been installed. The City Planner may approve a deferral of up to eight months, on account of adverse weather conditions.

If a property owner requests a deferral, the request shall be accompanied by a proposed schedule for completion of installation.

4. A temporary certificate of occupancy may be issued when a deferral has been approved by the City Planner.

D. General Standards

1. Plant Material & Installation

- A. Trees should be chosen by preference from the City's [Approved Tree List](#), which identifies trees that are compatible with local soils and climatic conditions including salt tolerance, sun and heat exposure, and mean low temperature.
- B. All plant materials shall be living plants suitable for USDA Plant Hardiness Zone 4.
- C. Artificial plants are prohibited.
- D. Species of trees shall not be planted if the roots cause damage to public works, the branches are subject to a high incidence of breakage, and the fruit is considered a nuisance or high maintenance, as determined by the City Forester.
- E. All trees and shrubs shall be planted in good condition. All plant materials to be installed shall be nursery-grown and root-pruned stock, free of insects, weeds, disease, debris, and defects.
- F. Plant materials used to satisfy the requirements of this section shall meet the size requirements of the Plant Material Size Table, below:

Plant Material Size Table

Type of Plant Material	Min. Size at Time of Planting	Mature Size
Large Deciduous Tree ^[1]	1.5 to 3-inch caliper width	>30 feet tall
Large Evergreen Tree ^[1]	5 feet tall	>30 feet tall
Small Deciduous Tree ^[1]	1.5 to 3-inch caliper width	12 to 30 feet tall
Small Evergreen Tree ^[1]	3 to 4 feet tall	12 to 30 feet tall
Shrub	2 gallon container size	3 feet tall
Perennial Plants ^[2]	1 gallon container size	2.5 feet tall

[1] Smaller caliper/height trees for certain species may be acceptable upon approval of the City Planner.

[2] Perennial plant materials shall not exceed twenty percent (20%) of the open space requirement

- G. Grass shall be planted in species normally grown as permanent lawns, and may be sodded, plugged, sprigged, or seeded; except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used, nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved.
- H. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover such as organic material shall be planted in such a manner as to present a finished appearance and seventy-five (75) percent of complete coverage after two (2) complete growing seasons, with a minimum of fifteen (15) inches on center. In certain cases, ground cover also may consist of rocks, pebbles, sand and similar materials if approved by the City.
- I. The maximum slope of any landscaped berm shall be 2:1.

2. Maintenance

- A.** The property owner and tenant shall be jointly and severally responsible for maintenance of all required landscaping. This maintenance requirement shall carry with the land and shall be the responsibility of any subsequent owners and tenants of the property. It is the responsibility of the owner to notify any subsequent owners of the property of this responsibility.
- B.** Landscape areas and site improvements shall be maintained in good condition for a healthy, neat, and orderly appearance and shall be kept free from weeds and debris. All plant materials shall be maintained in a healthy and vigorous condition through proper irrigation, fertilization, pruning, weeding, mowing, and other standard horticultural practices so as to grow to their normal shape, color, and height, and to fulfill the required functions of screening, shading, buffering, and aesthetic appeal set forth by the City.
- C.** The hatracking of trees is prohibited.

3. Administrative approval for practical landscaping improvements

- A.** The City Planner has authority to allow flexibility to the requirements of this section to enable:
 - 1. Flexibility concerning the location of landscaping to allow for landscaping to be focused in buffer areas adjacent to conflicting land uses, entrance areas, or other areas of increased visibility.
 - 2. Flexibility concerning irregular, narrow, or shallow lots.
 - 3. Flexibility to approve alternative planting plans that include aesthetic design elements and hardscapes that complement the plant material such as public art, fountains, plazas, courtyards, and front yard/entrance statements.
- B.** The City Planner has authority to allow flexibility to the Buffer Yard standards of this section when any of the following circumstances are found to exist:
 - 1. Natural land characteristics such as topography or existing vegetation on the proposed building site would achieve the same intent of the required Buffer Yard.
 - 2. Innovative landscaping or architectural design is employed on the building site to achieve an equivalent screening or buffering effect.
 - 3. The required Buffer Yard would be ineffective at maturity due to the proposed topography of the site, and or the location of the improvements on the site.
- C.** When the acreage of a site is significantly larger than the area proposed for physical improvements or active usage, Buffer Yards shall be reserved as required by this section. However, to achieve the intent of this section, the City Planner may require an alternative location and design for required screening and plantings.
- D.** When property lines abut an adjacent jurisdiction, the City Planner shall determine the specific Buffer Yard requirements along that property line after consideration of the zoning designation and or land use of the adjacent

property. Requirements shall not exceed those that would be required for similarly situated/zoned property within the City.

E. Open Space Landscaping

1. Relationship to Other Landscaping Standards

Landscaping provided to meet the Boulevard Tree, Parking Lot Perimeter Landscaping, or Buffer standards of this section may not be counted towards meeting a development's Open Space Landscaping requirements. Parking Lot Island Landscaping, however, may be counted towards meeting a development's Open Space Landscaping requirements.

2. Plant Units Required

A. Commercial and Office Districts

Within commercial and office zoning districts (C, C-OP, HC), at least three (3) plant units shall be provided for each one thousand (1,000) square feet of lot area or fraction thereof.

B. Residential, Mixed-Use, and Public Districts

Within residential, mixed-use, and public zoning districts (R, EMU, P), at least three (2) plant units shall be provided for each 1,000 square feet of lot area or fraction thereof.

C. Industrial Districts

Within industrial zoning districts (LI, M) that are also within the Corridor Overlay, Redevelopment Overlay, and/or Interstate Corridor Overlay zoning districts (CO, CO-I, CO-R), at least one (1) plant unit shall be provided for each one thousand (1,000) square feet of lot area or fraction thereof.

Development within industrial zoning districts that are outside of these corridor overlay zoning districts are exempt from providing Open Space Landscaping.

3. Plant Unit Equivalency

The following table provides a breakdown of plant unit equivalencies.

Type of Plant Material	Equivalent Plant Units
Large Deciduous Tree	10
Large Evergreen Tree	10
Small Deciduous Tree	5
Small Evergreen Tree	5
Shrub	2
Perennial Plants	1

4. Location of Plant Units

A minimum of seventy percent (70%) of the plant units required pursuant to this subsection shall be within front or street-side yards. In the EMU zoning district, said seventy percent (70%) requirement shall not apply.

5. Plant Unit Calculation

On-site wetlands, stormwater ponds, natural preservation areas, and outdoor recreation facilities (sports fields, tracks, playgrounds, etc.) may be excluded from the lot area square-footage value used to calculate required plant unit.

F. Parking Lot Perimeter Landscaping

1. Applicability

Parking Lot Perimeter Landscaping is required for all off-street parking and vehicle circulation areas located within 30 feet of public street rights-of-way.

2. Location

Parking lot perimeter landscaping shall be located between adjacent street rights-of-way and off-street parking areas and all vehicular circulation^[3] areas in accordance with the following table:

Parking Area Size Number of Spaces	Buffer Width Minimum (feet)	Planting/Screening Minimum Requirements
1 - 50	4	Row of shrubs or perennial plants spaced no greater than 2-4 feet apart to create a continuous row at maturity.
	6	Masonry wall or decorative metal fence with a minimum height of 2.5 feet + ether 6 shrubs/perennial grasses or 1 small tree, per 25 linear feet
		1 tree + 6 shrubs/perennial plants, per 25 linear feet
51 - 250	9	Masonry wall or berm, with minimum height of 2.5 feet + 1 tree and 3 shrubs, per 25 linear feet
		1 tree + 6 shrubs, per 25 linear feet
251+	15	Masonry wall or berm, with minimum height of 2.5 feet + 1 tree and 3 shrubs, per 25 linear feet
		1 tree + 6 shrubs, per 25 linear feet

G. Parking Lot Island Landscaping

1. Applicability

All parking lots with 20 or more parking spaces shall provide landscape islands as described in this subsection.

2. Landscape Islands

- A. One interior landscape island shall be provided for every twenty (20) parking spaces, and a terminal island shall be provided at both ends of each row of parking. See Figure 1.
- B. Interior and terminal landscapes island shall be no less than six feet wide and no shorter than the length of the adjacent parking space(s).

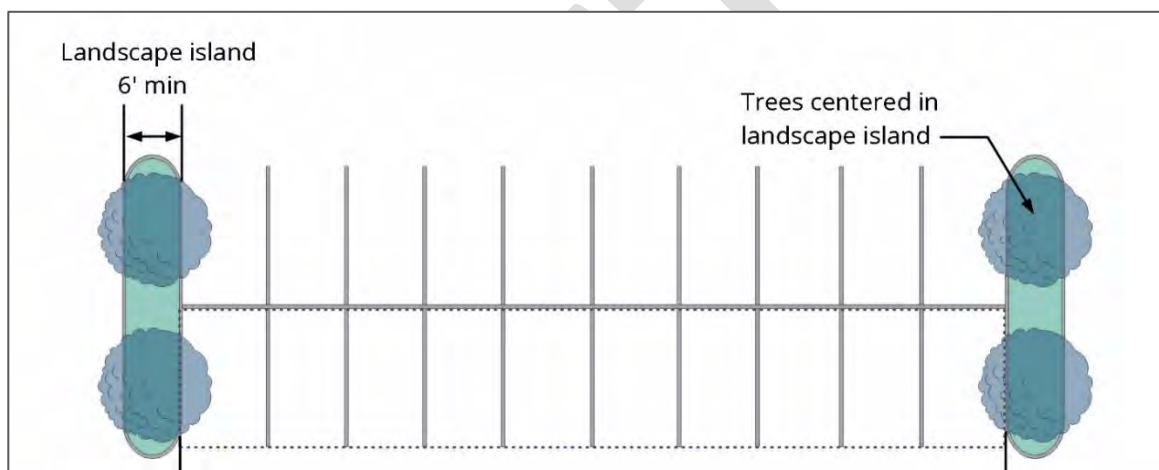


Figure 1: Double-Length Landscape Island

- C. Each landscape island adjacent to the length of one parking space shall contain at least one tree surrounded by at least 90 square feet of permeable surface area.
- D. Each double-length landscape island adjacent to the length of two parking spaces shall provide at least two trees. Trees in double length islands shall be planted no less than 15 feet apart. Each tree shall have a minimum permeable surface area of 90 square feet.
- E. Trees and any other vegetation planted within parking lot landscape islands may be counted towards Open Space plant unit minimum standards.
- F. Trees shall be selected from the Approved Plant List, and the species chosen shall have a root spread at maturity that will not be constrained by the island width.
- G. Any remaining surface area of the island shall be covered with living plant material or other approved ground cover, such as mulch, pea gravel, river rock, or similar landscaping material.

H. Boulevard Trees

1. Coordination with Other Plans

Tree layouts (plans) shall be coordinated with existing corridor planting plans, subdivision street landscape plans, and other established landscape plans to provide the desired effect as determined by this standard and the City Forester.

2. Permit Required

The City Forester's office reviews and approves all proposed boulevard tree plantings and removals. Prior to installation or removal of a boulevard tree, an application must first be submitted and approved by the City Forester's office.

3. Minimum Requirements

The City Forester shall have final approval of proposed boulevard tree plans, species, and placement, and may approve variances from these minimum requirements where conditions necessitate.

A. Species of Trees

1. Boulevard trees shall be chosen from the City's [Approved Plant List, as maintained by the City Forester](#).
2. Boulevard trees shall be single-stem trunks with a straight vertical line.
3. Evergreen trees shall not be planted as boulevard trees.

B. Number of Trees

1. In residential areas, one boulevard tree shall be planted every twenty-five (25) feet within boulevards. In all other areas, one boulevard tree shall be planted every thirty (30) feet within boulevards, unless the City Forester determines otherwise.
2. If the branches of a boulevard tree at mature height would interfere with overhead powers lines, ornamental trees may be planted at a rate of two ornamental trees for every one required canopy tree. The substitution and placement of ornamental trees shall be reviewed and approved by the City Forester.

C. Spacing of Trees

1. New trees shall be planted at least twenty-five (25) feet from existing trees.
2. On corner lots, the trees shall be planted forty (40) feet from the point of intersection of the curbs.
3. Trees shall be planted at least twelve (12) feet from driveways and alleyways.

D. Size Requirements

1. At time of planting, boulevard trees must be at least 1 inch in diameter.
2. The lowest branch on the tree cannot be over 9 ½ feet above the ground.

I. Buffer Yards

1. Applicability

The requirement for Buffer Yards shall apply when:

- A. Multi-family residential development of four (4) or more units is constructed on a parcel that shares a property line with a single- and two-family residential zoning district (R-R, R-1E, R-L1A, R-1A, R-1B, R-1, R1-S, R-1SM), or existing single- or two-family residential development.
- B. Non-residential or mixed-use development is constructed on a parcel that shares a property line with any residential zoning district (R-x), or existing residential development, including multi-family development.
- C. Industrial development is constructed on a parcel that shares a property line with any non-industrial zoning district.

2. Exception

- A. These buffering requirements do not apply when residential development is constructed in non-residential zoning districts. The residential development may install screening fences and/or buffering at their discretion; however, existing or new non-residential development shall not be required to do so.

3. Screening and Buffering Along Shared Property Lines

Buffering and Screening Requirements		
Type of Development	Adjacent to:	Minimum Buffer
Multi-Family Residential (4 or more units)	Single and two-family residential district or development	Six-foot tall opaque screening fence ^[1] OR Ten-foot wide landscape buffer
Mixed-Use	Single and two-family residential district or development OR Multi-family district or development	Six-foot tall opaque screening fence ^[1] AND ten-foot wide landscape buffer OR Fifteen-foot wide landscape buffer
Non-Residential	Any residential district ^[2]	Six-foot tall opaque screening fence ^[1] AND fifteen-foot wide landscape buffer
Industrial	Any non-industrial district ^[2]	Residential or Mixed-Use district: Minimum eight-foot tall opaque screening fence ^[1] AND twenty-foot wide landscape buffer Non-Residential district: Six-foot tall opaque screening fence ^[1] AND ten-foot wide landscape buffer
NOTES		

[1]: See subsection 4-441, *General Error! Reference source not found. and Screening Requirements* for additional information on fence standards.

[2]: See **Error! Reference source not found.** above: requirements do not apply to residential development in non-residential zoning districts.

4. Buffer Planting Requirements

In side- and rear-yard landscape buffers, for every thirty (30) linear feet of required buffer, evergreen trees shall be planted as follows, unless an alternative is approved by the City Planner:

A. Ten-Foot Wide Buffer

Two (2) large evergreen trees shall be planted at least ten (10) feet apart, interspersed with four (4) shrubs, plus ground cover.

B. Fifteen-Foot Wide Buffer

Three (3) large evergreen trees at least eight (8) feet apart, interspersed with eight (8) shrubs, plus ground cover.

C. Twenty-Foot Wide Buffer

Six (6) large evergreen trees, planted in a double row, with the planting offset so as to create a continuous screen, with each tree in the same row planted least eight (8) feet apart, plus ground cover.

§4-200 Definitions

Approved Tree List

A list of trees that is approved by the City Forester and the City of West Fargo to plant within the city limits.

Buffer Yard

Landscaping that is used to obstruct the view of an adjacent property.

City Forester

The Forester is a city employee who is responsible for the promotion of the health and sustainability of the urban forest within the municipal limits of the City of West Fargo and providing public education as to the benefits, best use, and maintenance of the city's urban forest.

Deciduous Shade-Tree

A tree that sheds all its leaves every year at a certain season.

Dripline

The area directly located under the outer circumference of the tree's branches.

Evergreen Tree

A tree, either broad leaf or conifer, which maintains at least a portion of its leaves or needles throughout the year.

Fence

A structure constructed of any material or combination of materials that is erected to enclose or screen areas of land.

Ground Cover

Grasses and other low-growing plants, vines, or grasses that form dense, extensive growth, and have a positive effect against soil erosion and soil moisture loss. Permeable natural landscape materials, such as mulch and rock, are also considered ground cover to the extent they are used in combination with live plant materials.

Hattracking

A type of pruning where most of the canopy is removed from a tree, leaving mostly branch stubs.

Landscaping

The combination of elements such as trees, shrubs, ground covers, vines, and other organic material planted for shade, buffering, and the creation of a pleasing environment surrounding construction and development.

Native Plants

Plants that grow naturally in a particular region, ecosystem, or habitat without human introduction.

Ornamental Tree

A tree planted primarily for its decorative value or for screening and that, at its mature height, typically does not exceed 25 feet.

Perennial

A non-woody plant that lasts for more than two growing seasons.

Permeable Material

Any material that allows water and air to pass through it. In the context of landscaping, permeable material is required at the base of tree plantings, where ground cover must allow infiltration of water and air.

Right-of-Way (ROW)

An area of land under public ownership where facilities such as streets, sidewalks, street boulevards, railroads, or power lines are built.

Runoff

Water that is not absorbed by the ground surface or soil, and which flows onto other areas. With irrigation, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or where a severe slope exists. Runoff is also generated when water from precipitation events cannot be absorbed by the surface on which it falls.

Swale

A depression in grade to control and direct the flow of surface water.

Turf

Any grassy area maintained by frequent mowing, fertilization and watering used for lawn and playing fields.

§4-427-A "C-OP" District Or Commercial Office Park District

4-427-A.1 Statement Of Intent

This district is intended to provide for the development of office, office showroom, and office warehouse buildings in an area of high quality site development standards, amenities, and building materials. This district would be particularly well situated in areas of high visibility and include support uses which meet the level of development quality, benefit from the visibility and access to traffic, and create an aesthetically attractive impression on surrounding areas and roadways. It is the intent of this district that building architecture and site development provide the primary means of exposure and communication, and that reliance on signs is minimized. Businesses which require more signage or building construction which is out of character with the district are not appropriate.

4-427-A.2 Permitted Uses

1. Commercial and professional office buildings, single or multi tenant.
2. Business services, such as banks, and other financial institutions, and professional offices.
3. Cultural and educational facilities.
4. Churches and Schools.
5. Public/Semi-public facilities.
6. Medical and dental facilities such as clinics, hospitals, nursing, basic care or convalescent homes, not including Behavioral Health Care Facility.
7. Child Care Centers.

4-427-A.3 Conditionally Permitted Uses

The following uses may be permitted in the "C-OP" District subject to the conditions hereinafter imposed and subject further to review and approval by the City as required by Section 4-550 of this ordinance:

1. Office combined with showrooms, in which products are provided for viewing and display to retail or wholesale buyers, provided that in such building, office space comprises of no less than forty percent (40%) of the gross floor space of the building, but not outdoor display.
2. Office combined with warehouse, in which products are stored for use, repackaging, display, and shipping, but not assembly, manufacturing, or fabrication, provided that in such building, office space comprises no less than forty percent (40%) of the gross floor space of the building, but not outdoor storage.

3. Full service restaurants, provided that where such restaurant is integral to another principal building, such as an office or hotel, parking supply is calculated to accommodate the mix of uses.
4. Hotels and motels.
5. Assisted living facilities when the following conditions are met:
 1. The majority of residents are age fifty-five (55) and older and there is a minimum of one full time equivalent employee per every six residents.
 2. The services of a licensed registered nurse are available to all residents.
 3. The applicant provides the city planner with a detailed plan showing the activities and personnel that will be available to residents of the facility.

4-427-A.4 Site Development Standards

The following standards shall apply to all uses in the C-OP District, in addition to other provisions found elsewhere in this ordinance. Where these regulations conflict with other general provisions, these regulations shall be deemed to apply.

1. YARD REQUIREMENTS.
 1. Front Yard: 60 feet from front property line.
 2. Side Yard: 10 feet from the side property line.
 3. Rear Yard: 35 feet from rear property line.
 4. Parking: 15 feet from front property line, 5 feet from all other property lines.
2. BUILDING CONSTRUCTION.
 1. A higher construction standard is required in the Commercial Office Park District. Any exposed metal or fiberglass on all buildings shall be limited to no more than thirty (30) percent of any wall which fronts on a public street, provided that it is coordinated into the architectural design. Truck parking or loading shall be screened with materials of the principal building and other screenings, so that such uses are not directly visible from the Interstate or any public street.
 1. ADDITIONS, ALTERATIONS, AND ACCESSORY BUILDINGS. All subsequent additions, exterior alterations and accessory buildings, constructed after the erection of an original building or buildings shall be of the same materials as those used in the original building and shall be designed in a manner conforming to the original architectural concept and general appearance. These provisions shall not prevent the upgrading of the quality of materials used in a remodeling or expansion program.
 2. APPEARANCE. Garages, accessory structures, screened walls and exposed areas of retaining walls shall be of a similar type, quality and appearance as the principal structure. These provisions shall not prevent the upgrading of the quality of materials used in a remodeling or expansion program.
3. LANDSCAPING REQUIREMENTS.

1. On all property within the C-OP District, no less than 25% of the property shall be landscaped with trees, shrubs, grass, and other cultured plantings. The number of trees to be planted shall be in accordance with the Landscaping standards of §4-449-A, no less than the total number of feet of the length of the lot perimeter divided by 50 feet.
2. Within parking lots, one landscaped island of at least 150 square feet shall be provided for every twenty parking spaces.
3. Ponds for the management of storm water shall not count toward the minimum landscaped standard.

4. SIGNAGE REQUIREMENTS.

1. One monument-style sign is permitted for each building. Pylon or pole signs are not permitted, except by conditional use. Such sign, if found not to detract from the intent and character of the C-OP District, may be allowed, provided that it shall be limited to a maximum of one hundred fifty (150) square feet in area and thirty-five (35) feet in height.
2. In addition to the monument sign, one wall-mounted sign is permitted for each public street frontage of the parcel. No individual sign may exceed eighty (80) square feet in area.
3. SIGN CONSTRUCTION AND ILLUMINATION. Signs may be illuminated by external flood lights, or internally. No flashing, blinking, or motion lighting of any kind is permissible.

4-427-A.5 Other Applicable Regulations

Section 4-440 Supplementary District Regulations

Section 4-450 Off-Street Parking and Loading Requirements

Section 4-460 Sign Regulations

§4-431 “CO” District or Corridor Overlay District

4-431.1 Statement Of Intent

The provisions of the CO District are intended to promote orderly development and safe, attractive and desirable spatial patterns and locations for urban and suburban land uses adjacent to the Cass County 17/Sheyenne Street, 32nd Avenue, 40th Avenue, 52nd Avenue, 9th Street East, Veteran’s Boulevard and 13th Avenue corridors. Full regard is given for the importance of these corridors as major growth areas for West Fargo and as landscaped gateways to the City. In some areas of the district as identified in the Yard Requirements and Lot Design Standards, full regard is given to the context of the street and adjacent land uses for their urban appeal, which would include such things as streetscape, lighting, and other amenities that encourage interaction beyond vehicular traffic. The CO District shall extend along Cass County 17 (Sheyenne Street) from 13th Avenue East to 52nd Avenue and from 12th Avenue North to 40th Avenue North, 52nd Avenue from Cass County 17 to the west, 40th Avenue, 32nd Avenue, Veteran’s Boulevard, 9th Street East from Interstate 94 to 13th Avenue, and 13th Avenue from Sheyenne Street to the east City limits hereinafter referenced to as “the designated streets,” and be a depth of six hundred (600) feet on each side of the centerline of Cass County 17 (Sheyenne Street), 32nd Avenue, 40th Avenue, 52nd Avenue, 9th Street East, Veteran’s Boulevard, and 13th Avenue.

Source: Ord. 1049, Sec. 24 (2015); Ord. 1111, Sec. 1 (2018)

4-431.2 Permitted Uses

All uses permitted in any underlying district as designated on the City Zoning Map.

4-431.3 Conditionally Permitted Uses

Any use conditionally permitted in any underlying district as designated on the City Zoning Map and subject to the specific provisions relating to each use.

4-431.4 Yard Requirements For The CO District

1. **SIDE YARD MINIMUM.** For commercially zoned lots, the minimum side yard shall be 10 feet. Residentially zoned property in the Corridor Overlay District shall maintain the side yard required in the underlying Residential District.
2. **REAR YARD MINIMUM.** For commercially zoned lots abutting the designated streets, the minimum rear yard shall be 20 feet. For commercially zoned lots not abutting the designated streets, the minimum rear yard shall be 10 feet. Residentially zoned property in the CO District shall maintain the same rear yard as required in the underlying residential district.
3. **FRONT YARD MINIMUM.** For the purpose of this ordinance, all front yards for properties abutting the designated streets shall be facing those streets. All front yards abutting a designated arterial or collector roadway, as approved by the City Commission, shall be considered facing that roadway. A minimum front yard depth

of 45 feet shall be required for all properties abutting the designated street rights-of-way, with the exception of Sheyenne Street between Interstate 94 and 40th Avenue, 32nd Avenue west of Sheyenne Street and 13th Avenue East. Minimum front yard depths for commercially zoned property not abutting the designated streets shall be 15 feet, except where frontage is on a designated arterial or collector roadway, as approved by the City Commission, where the minimum front yard depth shall be 30 feet. Depths for residentially zoned property not abutting the designated streets shall be the same as required for the underlying Residential Zoning District. For corner properties abutting the designated streets and an arterial or collector roadway, the secondary front yard which does not face the designated streets shall have a minimum front yard depth of 30 feet.

4. LOT COVERAGE. For commercial uses, lot coverage by buildings shall not exceed 40%; for residential uses, lot coverage shall be the same as in the underlying district.

4-431.5 Lot Design Standards

1. OPEN SPACE LANDSCAPING.

1. All yard areas not covered by buildings, sidewalks or paved parking areas shall be landscaped in accordance with the Landscaping standards of §4-449-A. A minimum of 10% of the lot area shall be landscaped.
2. For properties abutting the designated streets, with the exception of Sheyenne Street between Interstate 94 and 40th Avenue, 32nd Avenue West of Sheyenne Street and 13th Avenue East, a minimum of 20 feet of landscaped open space shall be required to separate parking areas or access drives and front lot lines. For properties not abutting the designated streets or an arterial or collector roadway, a minimum of 5 feet of landscaped open space shall be required to separate parking areas or access drives and front lot lines. For properties abutting a designated collector or arterial roadway, as approved by the City Commission, a minimum of 10 feet of landscaped open space shall be required to separate parking areas or access drives and front lot lines.
3. A minimum of 5 feet of landscaped open space shall be required to separate parking areas from side and rear lot lines and a minimum of 5 feet of open space shall be required to separate parking areas and building setback lines.
4. A minimum of 3 feet of landscaped open space shall be required to separate access driveways and side or rear lot lines unless said driveway is used as a common access to two adjacent properties.
5. ~~Ponds for management of storm water shall not count toward the minimum landscaped standard.~~

2. BUILDING CONSTRUCTION.

1. A higher construction standard is required in the Corridor Overlay District. In areas of the Corridor Overlay District, which is zoned Light Commercial, any exposed metal or fiberglass on all buildings shall be limited to no more than thirty (30) percent of any wall which fronts on a public street, provided that it is coordinated into the architectural design. Seventy percent (70%) of any

wall (façade area) which fronts on a public street shall be constructed of glass, brick, wood, stone, architectural concrete cast in place or precast concrete panels, or, as approved by the Commission(s), other integrated materials per the architectural design. In areas of the Corridor Overlay District which are also zoned Heavy Commercial District, Light Industrial District, and Heavy Industrial District, all buildings constructed of curtain wall panels of finished steel, aluminum or fiberglass shall be required to be faced with brick, wood, stone, architectural concrete cast in place or pre-cast concrete panels on all wall surfaces with frontage on a public street. The required wall surface treatment may allow a maximum of seventy (70) percent of the metal or fiberglass wall to remain exposed if it is coordinated into the architectural design.

1. ADDITIONS, ALTERATIONS, AND ACCESSORY BUILDINGS. All subsequent additions, exterior alterations and accessory buildings, constructed after the erection of an original building or buildings shall be of the same materials as those used in the original building and shall be designed in a manner conforming to the original architectural concept and general appearance. These provisions shall not prevent the upgrading of the quality of materials used in a remodeling or expansion program.
2. APPEARANCE. Garages, accessory structures, screened walls and exposed areas of retaining walls shall be of a similar type, quality and appearance as the principal structure. These provisions shall not prevent the upgrading of the quality of materials used in a remodeling or expansion program.
3. ~~BOULEVARD/FRONT YARD PLANTINGS. The planting must be in conformance to any applicable major street corridor landscape plan developed as part of a subdivision, Planned Unit Development, or other site development plan adopted by the City. Each tree shall be at least 1 ½ inches in caliper and all tree species shall be as recommended by the City Forester.~~
4. CURBS REQUIRED. All buildings and walkways bordering any parking areas shall be curbed.
5. REFUSE COLLECTION AREAS AND OUTDOOR STORAGE AREAS. All refuse collection and outdoor storage areas shall only be permitted in rear yards and shall be visually screened from adjoining properties or streets.
6. PARKING AREAS.
 1. All parking areas shall be paved to provide a durable and dust-free surface.
 2. Light poles located within parking area perimeters shall be surrounded by curbed islands with a minimum distance of 4 feet from the center line of the light pole to the curb, or protected by an elevated concrete pedestal at least 3 feet in height and 2 feet in diameter.
 3. Light poles located outside of paved parking areas shall be located a minimum of 4 feet from the curbed edge of the parking area, or protected by

an elevated concrete pedestal of not less than 3 feet in height and 2 feet in diameter.

7. FENCES. Fences along the Corridor Overlay District are not allowed within the required front yard along the designated streets of the development, except when a fence is an essential component of the development and is either approved as part of a Planned Unit Development for the development or as a conditional use. Special regard is given in residential areas for double frontage lots where the house faces a local street and the intended rear yard faces the designated street. Fences should be decorative and/or provide for added landscape treatments to meet the intent of the CO District and may be required to be set back to accomplish the intended effect. Once a fencing scheme has been approved, accessory buildings may be permitted, subject to the Supplementary District Regulations for accessory buildings and uses.

4-431.6 Other Applicable Regulations

Section 4-440 Supplementary District Regulations

Section 4-450 Off-Street Parking and Loading Requirements

Section 4-460 Sign Regulations

§4-431-A “CO-I” District Or Interstate Corridor Overlay District

4-431-A.1 Statement Of Intent

Statement of Intent. The provisions of the "CO-I" District are intended to promote orderly development and safe, attractive and desirable spatial patterns and locations for urban land uses adjacent to the Interstate 94 Corridor. Full regard is given for the importance of this corridor as a major growth area for West Fargo and as a highly visible gateway through the City. The "CO-I" District shall extend along the entire I-94 section within the City Limits and Extraterritorial Area and shall be an approximate depth of 600 feet on each side of the interstate right-of-way.

4-431-A.2 Permitted Uses

All uses permitted in any underlying district as designated on the City Zoning Map.

4-431-A.3 Conditionally Permitted Uses

Any use conditionally permitted in any underlying district as designated on the City Zoning Map and subject to the specific provisions relating to each use.

4-431-A.4 Site Development Standards

1. YARD SETBACKS. Structures adjacent to I-94 shall be set back a minimum of 100 feet from the interstate right-of-way for single and two-family uses. Principal structures for multiple family uses shall be set back a minimum of 100 feet from the interstate right-of-way with accessory structures set back a minimum of 50 feet. All other structures shall maintain a minimum setback of 50 feet from the interstate right-of-way, except for structures adjacent to interstate on and off-ramps, which shall maintain a minimum setback of 30 feet. All other yard setbacks shall be according to requirements of the underlying district.
2. LOT COVERAGE. For commercial and other non-residential uses, lot coverage by buildings shall not exceed 40%; for residential uses, lot coverage shall be the same as in the underlying district.
3. **OPEN SPACE** LANDSCAPING AND BUFFERS.
 1. All yards adjacent to I-94 shall be landscaped open space. At least one tree shall be installed along the Interstate frontage for every 50 feet of interstate frontage. Trees may be grouped to create the desired effect. All yard areas not covered by buildings, sidewalks or paved parking areas shall be landscaped in accordance with the Landscaping standards of §4-449-A. A minimum of 10% of the lot area shall be landscaped. In addition to landscaped open space requirements along I-94, properties shall comply with the Open Landscaping requirements found in Section 4-431.5, pertaining to front, side and rear yards.

2. Residential properties shall be buffered to minimize noise impacts from interstate traffic. Berming and vegetative buffers shall be created prior to development. For single family and two family uses berms shall be developed within an easement no less than 100 feet deep along I-94 and 30 feet deep along the on/ off ramps and have a slope no greater than 3:1. Berms shall be required to be elevated six feet above the elevation of the driving lanes on I-94 with a lower elevation and more flexibility in design along the on/off ramps. The berms shall also have several rows of coniferous trees (evergreens) planted to provide year-round vegetative buffering. Berm easements should be placed so that there is minimal affect on utility easements. For multiple family residential uses, more flexibility is allowed in the design of berms and vegetative buffers.
4. BUILDING CONSTRUCTION.
1. A higher construction standard is required in the Interstate Corridor Overlay District. In areas of the Interstate Corridor Overlay District, which are zoned Light Commercial, Commercial Office Park, or Planned Unit Development and intended for light commercial uses, any exposed metal or fiberglass on all buildings shall be limited to no more than thirty (30) percent of any wall which fronts on a public street, provided that it is coordinated into the architectural design. Seventy percent (70%) of any wall (façade area) which fronts on a public street shall be constructed of glass, brick, wood, stone, architectural concrete cast in place or precast concrete panels, or, as approved by the Commission(s), other integrated materials per the architectural design. In areas of the Interstate Corridor Overlay District which are also zoned Heavy Commercial, Light Industrial, Heavy Industrial, or Planned Unit Development and intended for heavy commercial and industrial uses all buildings constructed of curtain wall panels of finished steel, aluminum or fiberglass shall be required to be faced with brick, wood, stone, architectural concrete cast in place or pre-cast concrete panels on all wall surfaces with frontage on a public street. The required wall surface treatment may allow a maximum of seventy (70) percent of the metal or fiberglass wall to remain exposed if it is coordinated into the architectural design
 1. ADDITIONS, ALTERATIONS, AND ACCESSORY BUILDINGS. All subsequent additions, exterior alterations and accessory buildings, constructed after the erection of an original building or buildings shall be of the same materials as those used in the original building and shall be designed in a manner conforming to the original architectural concept and general appearance. These provisions shall not prevent the upgrading of the quality of materials used in a remodeling or expansion program.
 2. APPEARANCE. Garages, accessory structures, screened walls and exposed areas of retaining walls shall be of a similar type, quality and appearance as the principal structure. These provisions shall not

prevent the upgrading of the quality of materials used in a remodeling or expansion program.

5. OUTDOOR DISPLAYS, STORAGE, TRUCK PARKING OR LOADING. All outdoor displays, storage, truck parking or loading shall be located to the side or rear of the building and screened with materials of the principal building and other screening, so that such uses are not directly visible from the Interstate and other public streets. Outdoor display areas shall be identified on the site plan and be subject to site and building plan review and approval. Display areas shall be established in such a manner as not to detract from the desired affects of the Interstate Corridor Overlay District..

DRAFT

§4-431-B “CO-R” District Or Redevelopment Corridor Overlay District

4-431-B.1 Statement Of Intent

The provisions of the “CO-R” District are intended to promote orderly development and redevelopment and safe, attractive and desirable spatial patterns and locations for urban land uses adjacent to major street corridors, with full regard for the importance of these corridors as major growth areas for West Fargo and as gateways to the City. The “CO-R” District shall extend along the entire length of Main Avenue, 12th Avenue North, 8th Street West, Sheyenne Street north of 13th Avenue, Center Street, 9th Street East north of 13th Avenue and 45th Street. The depth of the “CO-R” District shall be generally the depth of the lots fronting on each side of the above described roadways.

4-431-B.2 Permitted Uses

All uses permitted in any underlying district as designated on the City Zoning Map.

4-431-B.3 Conditionally Permitted Uses

Any use conditionally permitted in any underlying district as designated on the City Zoning Map and subject to the specific criteria relating to each use.

4-431-B.4 Yard Requirements For The CO-R District

1. **SIDE YARD MINIMUM.** For commercial and industrial zoned lots, the minimum side yard shall be 5 feet except on a corner lot a side yard facing a public way shall be 10 feet. Side yards may be reduced as a conditional use, particularly where it is intended to join buildings on narrow lots established in the downtown area. Residentially zoned property in the Corridor Overlay District shall maintain the side yard required in the underlying residential district.
2. **REAR YARD MINIMUM.** For commercially and industrially zoned lots in the “CO-R” District, the minimum rear yard shall be 10 feet. Residentially zoned property in the “CO-R” District shall maintain the same rear yard as required in the underlying residential district.
3. **FRONT YARD MINIMUM.** For commercially zoned property in the “CO-R” District, properties shall maintain a minimum front yard setback from any public street of 10 feet. Industrial properties shall maintain a front yard setback of 20 feet and side yard setback of 10 feet from a public street. Residentially zoned lots shall maintain a minimum front yard of 40 feet along the designated street. Double frontage lots shall provide a setback for the opposite front yard on the local street as required by the underlying district.
4. **LOT COVERAGE.** For commercial uses, lot coverage by buildings shall not exceed 65%; for industrial uses, lot coverage by buildings shall not exceed 85%; for residential uses, lot coverage shall be the same as in the underlying district.

4-431-B.5 Lot Design Standards

1. **OPEN SPACE** LANDSCAPING.

1. All yard areas not covered by buildings, sidewalks or paved parking areas (or fenced storage yards in industrial districts) shall be landscaped with grass, trees and other landscaping **in accordance with the Landscaping standards of §4-449-A, as approved by the City.**
2. All required front yards and secondary front yards (side yards on corner lots fronting on a public street) shall be landscaped as open space.
3. A minimum of 5 feet of landscaped open space shall be required to separate parking areas from side and rear lot lines and a minimum of 5 feet of open space shall be required to separate parking areas and building setback.
4. A minimum of 3 feet of landscaped open space shall be required to separate access driveways and side or rear lot lines, unless side driveway is used as a common access to two adjacent properties.
5. Ponds for management of storm water shall not count toward the minimum landscaped standard.

2. **BUILDING CONSTRUCTION.** A higher construction standard is required in the Redevelopment Corridor Overlay District. In areas of the Redevelopment Corridor Overlay District, which is zoned Light Commercial, any exposed metal or fiberglass on all fronting buildings shall be limited to no more than thirty (30) percent of any wall which fronts on a public street, provided that it is coordinated into the architectural design. Seventy percent (70%) of any wall (facade area) which fronts on a public street shall be constructed of glass, brick, wood, stone, architectural concrete cast in place or precast concrete panels, or, as approved by the Commission(s), other integrated materials per the architectural design. In areas of the Redevelopment Corridor Overlay District which are also zoned Heavy Commercial, Light Industrial District and Heavy Industrial District, all fronting buildings constructed of curtain wall panels of finished steel, aluminum or fiberglass shall be required to be faced with brick, wood, stone, architectural concrete cast in place or pre-cast concrete panels on all wall surfaces with frontage on a public street. The required wall surface treatment may allow a maximum of seventy (70) percent of the metal or fiberglass wall to remain exposed if it is coordinated into the architectural design. Truck loading dock areas shall be to the side or rear of the building so that they do not face a public street. Where this is not possible, special approval shall be required by the Planning and Zoning Commission and City Commission, and screening of the truck loading dock shall be considered.

1. **ADDITIONS, ALTERATIONS, AND ACCESSORY BUILDINGS.** Buildings which are expanded or remodeled on the public street sides, or buildings which are expanded or remodeled by 25% of the building value shall conform to the building standards established above.
2. **APPEARANCES.** Garages, accessory structures, screened walls and exposed areas of retaining walls shall be of a similar type, quality and appearance as

the principal structure. These provisions shall not prevent the upgrading of the quality of materials used in a remodeling or expansion program.

3. REFUSE COLLECTION AREAS AND OUTDOOR STORAGE AREAS. All refuse collection and outdoor storage areas shall only be permitted in side or rear yards and shall be visually screen from adjoining properties or streets.
4. PARKING AREAS.
 1. All Parking areas shall be paved with asphalt or concrete to provide a durable and dust-free surface. Existing buildings which are remodeled or expanded by 25% of the building value shall upgrade unpaved parking areas to a paved condition with asphalt or concrete.
 2. Light poles located within parking area perimeters within front yards shall be surrounded by curbed islands with a minimum distance of 4 feet from the center line of the light pole to the curb, or protected by an elevated concrete pedestal at least 3 feet in height and 2 feet in diameter.
 3. Light poles located outside of paved parking areas shall be located a minimum of 4 feet from the curbed edge of the parking area, or protected by an elevated concrete pedestal of not less than 3 feet in height and 2 feet in diameter.
5. FENCES. Fences along the Redevelopment Corridor Overlay District are not allowed within the required front yard, except when a fence is an essential component of the development and is either approved as part of a Planned Unit Development for the development or as a conditional use.

4-431-B.6 Other Applicable Regulations

Section 4-440 Supplementary District Regulations

Section 4-450 Off-Street Parking and Loading Requirements

Section 4-460 Sign Regulations

§4-431-C "CO-SR" District Or Sheyenne River Corridor Overlay District

4-431-C.1 Statement Of Intent

The provisions of the "CO SR" District are intended to promote orderly, safe and desirable development patterns along the Sheyenne River where unstable soil conditions exist. The "CO-SR" Districts shall extend along the entire Sheyenne River Corridor and shall be approximately 100 feet from the established river bank.

4-431-C.2 Building Control Line And Use Restrictions

The City hereby establishes a building control line along the Sheyenne River within the Corporate limits of the City of West Fargo and within the Extraterritorial Jurisdiction limits of the City. The building control line shall be 100 feet from the established riverbank as determined by the City Engineer. The building control line shall be the minimum setback line for any primary and accessory structures requiring permits, parking lots, fill and other development activities which may cause increased riverbank destabilization.

4-431-C.3 Relaxation Of Use Restrictions

Where it can be demonstrated through a soils analysis that soils are stable within the building control area, the City Commission may consider reducing the required minimum setback by variance. The soils analysis shall be conducted by a qualified professional engineer and demonstrate that the soils can accommodate the type of structure, parking lot or other use without sustaining future damage. No use may be closer than fifty (50) feet from the established riverbank.

4-431-C.4 Existing Nonconforming Uses And Structures

Existing nonconforming uses and structures shall not be expanded unless in conformity with the provisions of the "CO-SR" District. Where required setbacks cannot be achieved, relaxation of setbacks may be pursued according to Section 4-431-C.3. Nonconformities are subject to Section 4-470.

4-431-C.5 Landscape Standards

Properties within the "CO SR" District shall follow the landscape standards established in Section 4-449-A.

4-431-C.5 Tree Preservation

- 1. Trees in a healthy condition shall be protected and preserved.**
- 2. Removal of unhealthy or diseased trees shall be done only with approval of the City Forester. Tree replacement may be required.**

4-449-A. LANDSCAPING STANDARD.

1. Purpose: The preservation of existing trees and vegetation, as well as the planting of new trees and vegetation, can significantly add to the quality of the physical environment of the community. The regulations outlined herein are designed to provide for the health, safety and welfare of the residents of the City of West Fargo. Landscaping Plan can provide the following benefits to the community:
 - a. Help reduce the cities impact on the environment.
 - b. Enhances green space within the city.
 - c. Helps provide shade and wind breaks to reduce extreme weather.
 - d. Reduces the hazards of flooding and aid in the control of erosion and storm water runoff. Trees can help in the stabilization of soil and replenish groundwater supplies.
 - e. Provides buffers and screens against noise, air pollution, and unsightly and incompatible land uses.
 - f. Absorb carbon dioxide and supply oxygen in our atmosphere, which is an essential ecological function in the preservation of human and animal life. Trees can provide a haven for birds which, in turn, assist in the control of insects.
 - g. Help aid in energy conservation.
2. Definitions: The following definitions are intended to provide a common interpretation of terms in order to avoid confusion and insure that the Standards are utilized in a uniform manner.

AESTHETICALLY PLEASING: in a pleasing manner or beautiful, indicated when someone does not necessarily have an interest or bias towards something but can still accept that it is still acceptable to look at.

APPROVED PLANT LIST: A list of plants that is approved by the City Forester and the City of West Fargo to plant within the city limits.

BACKFILL: Soil that is returned to a planting hole after a plant's roots have been positioned.

BERMS: Graded mounds of earth used to create a screen, buffer or a landscape design element.

BIOSWALE: Are landscape elements designed to remove silt and pollution from surface runoff water. They consist of a swale drainage course with gently sloped sides (less than six percent) and filled with vegetation, compost and/or riprap. Water flows through this path, along with the wide and shallow ditch, while doing so the bioswale is designed to maximize the time water spends in the swale, which aids the trapping and filtering of pollutants and silt.

BUFFER YARD: Landscaping that is used to obstruct the view of an adjacent property.

BOULEVARD: An area located in front of a property facing a city street or public right of way.

CALIPER: A way of measurement for trees around the trunk of the tree, in other words by, measuring the outer circumference or perimeter of a tree trunk.

CITY FORESTER: Forester an employee of the city and is responsible for the promotion of the health and sustainability of the urban forest within the municipal limits of the City of West Fargo and providing public education as to the benefits and best use of the urban forest and the maintenance of such forest.

DECIDUOUS SHADE TREE: A tree that sheds all its leaves every year at a certain season.

DECORATIVE BLOCK: Generally refers to non-standard, masonry, building block. The face of the block is typically textured and contains a non-standard finish or shape.

DRIPLINE: is the area directly located under the outer circumference of the tree's branches.

DROUGHT-TOLERANT PLANT: A plant that can survive with minimum supplemental water.

EVERGREEN TREE: A tree, either broad leaf or conifer, which maintains at least a portion of its leaves or needles throughout the year.

FIFTEEN (15) GALLON TREE: Tree measuring a minimum of six (6) feet in height, four (4) feet in spread and one and one-quarter (1 1/4) inch trunk caliper measured at six (6) inches above the soil line.

FINISHED ELEVATION: The elevation/grade which re-establishes the finished grade after all site improvements are completed.

GARDEN PLANTS: The practice of growing plants. Ornamental plants are normally grown for their overall appearance such as flowers, or plants that are grown for consumption (such as but not limited to: vegetables, fruits, herbs, and leaf vegetables) or for medicinal use, which eventually die after one growing season.

GROUND COVER: Plants grown for their low spreading capabilities for the protection of soils, to prevent growth of weeds and for aesthetic purposes.

HATRACKING: is a type of pruning where most of the canopy is removed from a tree, leaving mostly branch stubs. Hatracking initiates decay in the trunk and main branches and attracts wood boring insects. Never top a tree or allow anyone to top one of your trees. Hatracking is equivalent to butchering a tree.

HARDSCAPE: Elements of the landscape constructed from non-living materials such as concrete, boulders, brick, blacktop and lumber.

IRRIGATION SYSTEM: The combination of elements such as automatic controllers, meter, pressure vacuum breakers, pipes, valves, emitters, bubblers, spray heads, tubing and other materials designed for the purpose of transporting water to landscaping.

LANDSCAPING: The combination of elements such as trees, shrubs, ground covers, vines, and other organic material that are for the express purpose of creating an attractive and pleasing environment. Plazas, patios, art, and decorative courtyards may also be considered landscape elements.

MEANDERING SIDEWALK: A sidewalk with windings or turns in a circuitous pattern.

NATIVE PLANTS: Plants that are naturally meant to be in this area.

NON-POROUS MATERIALS: A material that does not allow the movement of water and air to pass through it.

OVERHEAD SPRAY HEADS: An irrigation method that delivers water to the landscape in a spray or stream-like manner from above-ground spray heads (including pop-ups, impulse

sprinklers, rotors, micro-misters, etc., but does not include bubblers).

PERENNIAL: A non-woody plant that lasts for more than two growing seasons.

POROUS/PERMEABLE MATERIAL: A material that does allow the movement of water and air to pass through it.

PUBLIC RIGHT OF WAY (ROW): The strip of land over which facilities such as highways, railroads, or power lines are built. The customary or legal right of a person, vessel, or vehicle to pass in front of another.

RIP-RAP: Hardscape materials that provide erosion protection along a drainage way (i.e. large boulders).

ROCK MULCH: A non-soluble protective covering which includes rock, gravel, decomposed granite, or crushed rock applied to the soil surface to reduce weed growth, reduce evaporation of moisture from the soil surface, maintain even temperature around plant roots, and slow erosion.

RUNOFF: Irrigation water that is not absorbed by the soil to which it is applied and which flows onto other areas. Runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or where a severe slope exists.

SOIL: All unconsolidated mineral and organic material of whatever origin that overlies bedrock and can be readily excavated.

SOIL AMENDMENTS: Organic and inorganic material added to soils to improve texture, nutrients, moisture holding capacity, and infiltration rates.

STEM WALL: A wall usually less than two (2) feet in height, used to divert or direct storm water flows within an area specified by the Department of Public Works.

SWALES: A depression in grade to control and direct the flow of surface water.

TOPSOIL: The top layer of native soil that is usually better for plant growth than what is beneath it. The term is also used to describe good soil imported for landscaping.

TURF: Any grassy area maintained by frequent mowing, fertilization and watering used for lawn and playing fields.

TWENTY-FOUR (24) INCH BOX TREES: Trees measuring a minimum of eight (8) feet in height, and six (6) feet in spread with a two (2) inch trunk caliper measured at six (6) inches above the soil line.

XERISCAPING: Xeriscaping is a creative method of landscaping that emphasizes water conservation. This is accomplished by following sound horticultural and landscaping practices, such as planning and design, soil improvements, limited turf areas, use of mulches, use of low water demand plants, efficient irrigation, and appropriate maintenance. When combined, these practices will produce an attractive, efficient, sustainable landscaping arrangement for residential, commercial and industrial situations.

3. General Goals and Objectives for Landscape Standards:

- a. Clearly define spaces, articulate use areas, and unify site elements through use of landscape materials:
 - (1) Create a distinction of natural planting areas and implemented landscaping.
 - (2) Use consistent site features such as signs and benches.
- b. Provide clear wayfinding as appropriate for facilities and properties:
 - (1) Create a strong entry.
 - (2) Provide clear direction to primary building entries.
 - (3) Enhance circulation corridors with trees and plant materials.
- c. Support a safe and clear circulation system(s):
 - (1) Provide appropriate sidewalk and roadway width as described in the Site Design Standards.
 - (2) Improve visibility, safety, and aesthetics as appropriate for facilities.

d. Use sustainable landscaping practices:

- (1) Limit and control erosion throughout site.
- (2) Minimize use of non-sustainable fertilizers, herbicides, and pesticides
- (3) Use plant material to reduce adverse climatic conditions such as heat, wind, and precipitation.
- (4) Guide future development toward sustainable and environmentally sound design through use of native and locally available plant material, reclaimed water irrigation, and other practices.
- (5) Feature native plant material.
- (6) Reinforce a natural context of the site by simulation a natural type of planting.
- (7) Consider xeriscaping approaches where natural, low maintenance plant material would be desired (i.e. exterior fringes of plant site).

4. Applicability: The requirements of this division apply to all development within the City. All street boulevards are required to have boulevard trees unless the City Forester deems otherwise. Single family, twin home and two family residential and industrial properties are not required to meet proposed plant units for each lot, though they are encouraged to do so; however, all multiple family properties, commercial properties and properties within any overlay district are required to adhere to the plant unit chart standards. All properties which require green areas (grassed) or landscaped open space, shall have the appropriate landscaping completed prior to the issuance of a certificate of occupancy. A temporary certificate of occupancy may be issued when weather and/or seasonal conditions do not allow the installation of landscaping with a schedule for completion as may be approved by the City Planner.

Source: Ord. 1049, Sec. 31 (2015)

5. Plant Standards:

A. General Standards:

- (1) Acceptable trees include, but are not limited to; those identified as suitable for the

intended use in the "Approved Plant List." Acceptable vegetative ground cover consists of shrubs and ground cover including grass and native prairie grass.

- (2) Species of trees shall not be planted if the roots cause damage to public works, the branches are subject to a high incidence of breakage, and the fruit is considered a nuisance or high maintenance, as determined by the City Forester.
 - (3) All trees shall be planted in good condition. All plant materials to be installed shall be nursery grown and root pruned stock free of insects, disease, and defects.
 - (4) The developer shall plant, or install, as appropriate grass, tree grates, porous pavers, or similar pervious surfaces, which shall extend to twice the initial drip line of the newly planted tree. Minimum tree grate size shall be five square feet.
- B. Approved Plant List: The City shall maintain a Plant List identifying plants compatible with local soils and climatic conditions including salt tolerance, sun and heat exposure, and mean low temperature. All required landscape plants must be selected from the Plant List. Plant material shall be selected that is best suited to withstand the soil and physical growing conditions on the project site. Plant species that are freeze and drought tolerant are preferred. Protection and preservation of native species and natural areas is encouraged.

6. Landscaping Material:

- A. Where landscaping and associated landscape plans are required, the landscaping materials shall consist of the following:
- (1) Walls and Fences: Walls shall be constructed of natural stone, brick or other appropriate aesthetically pleasing decorative materials. Chain link fencing will be permitted only if covered with plant material or otherwise screened.
 - a. Retaining: Retaining walls exceeding four (4) feet in height, including stage walls

which cumulatively exceed four (4) feet in height, must be constructed in accordance with plans prepared by a registered engineer or landscape architect of brick, concrete or natural stone. Artificial material may be approved if appropriate. A building permit is required.

Source: Ord. 1049, Sec. 32 (2015)

- (2) Earth Berms: Earth berms shall be physical barriers, which block or screen the view similar to a hedge, fence, or wall. Mounds shall be constructed with proper and adequate plant material to prevent erosion. A difference in elevation between areas requiring screening does not constitute an existing earth mound, and shall not be considered as fulfilling any screening requirement.
- (3) Plants: All plant materials shall be living plants; artificial plants are prohibited. Plants to be selected from the approved plants list, following this division or as approved by City Forester. Plant materials shall meet the following requirements:
 - (a) Deciduous Trees: Shall be species having an average crown spread of greater than fifteen (15) feet and having trunk(s) which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements, except at vehicular use area intersections where an eight-foot clear wood requirement will control. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping of the same so as to create the equivalent of a fifteen-foot crown spread. A minimum of ten (10) feet overall height or minimum caliper (trunk diameter, measured six (6) inches above ground for trees up to four (4) inches caliper) of at least two and one-half (2 ½) inches immediately after planting shall be required. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be placed closer than fifteen (15) feet to such public works,

unless the tree root system is completely contained within a barrier for which the minimum interior containing dimensions shall be five (5) feet square and five (5) feet deep and for which the construction requirements shall be four (4) inches thick, reinforced concrete.

- (b) Evergreen Trees: Evergreen trees shall be a minimum of six (6) feet high with a minimum caliper of one and one-half (1 ½) inches when planted.
- (c) Shrubs and Hedges: Deciduous shrubs shall be at least two (2) feet in average height when planted, and shall conform to the opacity and other requirements within four (4) years after planting. Evergreen shrubs shall be at least two (2) feet in average height and two (2) feet in diameter.
- (d) Vines: Vines shall be at least twelve (12) inches high at planting, and are generally used in conjunction with walls or fences.
- (e) Grass or Ground Cover: Grass shall be planted in species normally grown as permanent lawns, and may be sodded, plugged, sprigged, or seeded; except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used, nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover such as organic material shall be planted in such a manner as to present a finished appearance and seventy-five (75) percent of complete coverage after two (2) complete growing seasons, with a minimum of fifteen (15) inches on center. In certain cases, ground cover also may consist of rocks, pebbles, sand and similar materials if approved by the city.

7. Material Specifications:

- A. Minimum Number of Trees Required: A property owner should have a variety of trees on their property. This will allow the trees to be less prone to disease and have a healthy life. It is suggested that as many different tree species be placed on the site as possible but a minimum number of a variety of tree species shall be provided in accordance with the following table:

Number of Trees	Number of Species
1 - 3	1
4 - 6	2
7 - 9	3
10 - 12	4
13 - 15	5
16 - 18	6
19 - 21	7
22 - 24	8
25 +	9

- B. Plant Units: Residential and industrial districts are encouraged to follow the number of plant units for each lot as described below. All multiple family residential, commercial and overlay Zoning districts must have a minimum number of plant units on each lot. These standard plant units are (4) units for every thousand (1,000) square feet of a lot. Only the plants on the owner's property will be counted towards required total plant units. Garden plants will not count toward the plant units. Below, is the equation of the plant units per square footage and the plant units chart:

(See Chart on Following Page)

$$\frac{(\text{Square Footage of Lot})}{1000} \times 4 = \text{Plant Units}$$

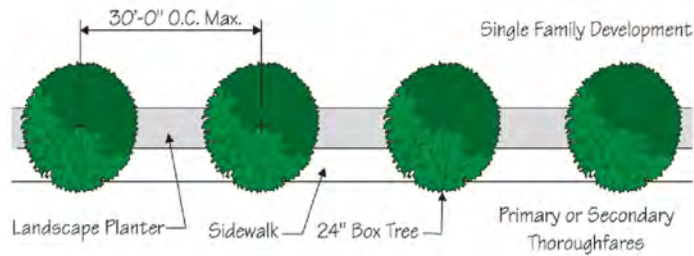
PLANT UNITS CHART		
Large, Mature Deciduous Tree	1.5 to 3-inch - > 30 foot mature height	10
Large, Mature Evergreen Tree	5 to 6 foot height - > 30 foot mature height	10
Small, Mature Deciduous Tree (Max. of 20% of plant units)	1.5 to 3-inch caliper - 12 to 30 foot mature height	7
Small, Mature Evergreen Tree (Max. of 20% of plant units)	3 to 4 foot height - 12 to 30 foot mature height	7
Mature Shrub	2 gallon	5
Perennial Plants	2 gallon	3

C. Onsite Retention: If an area where a wetland, bioswale, rain garden, or native prairie grass is designated for onsite retention, the square footage of that area will be excluded from the total lot area prior to calculation of plant units.

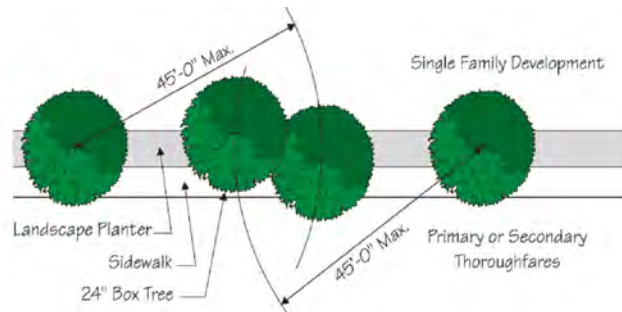
8. Boulevard and Street Vegetation:

A. Tree Layouts: Tree layouts (plans) shall be coordinated with existing corridor planting plans, subdivision street landscape plans, and other established landscape plans to provide the desired effect as determined by this standard and the City Forester. It is required by the City to have at least one (1) tree on all street boulevards every thirty (30) feet, unless the City Forester determines otherwise. Trees shall be planted twelve (12) feet from driveways and alleyways. The spacing shall be at least twenty-five (25) feet from existing trees. On corner lots, the trees shall be planted forty (40) feet from the point of intersection of the curbs. The City Forester or City Planner shall have final approval of the location of the tree and have the right to approve variances from the above requirements where conditions necessitate. Recommended tree layouts are as follows:

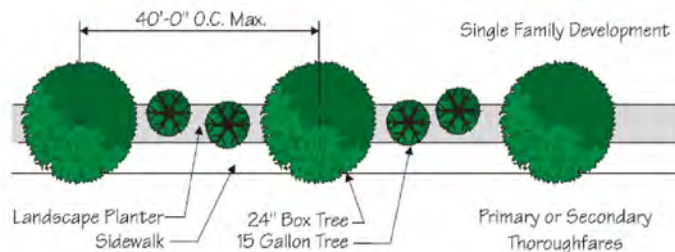
- (1) Alternative 1: Spacing of trees shall not exceed thirty (30) feet on center.



- (2) Alternative 2: Clustering of trees is allowed if: the total number of trees exceeds the minimum number of trees required by at least one (1) tree; the spacing between any two (2) trees does not exceed forty-five (45) feet; and at least three (3) trees are located within a forty five (45) feet radius.



- (3) Alternative 3: The minimum number of trees required is one (1) 24 inch box deciduous or evergreen tree for every forty (40) linear feet of planter plus one (1) extra 24 inch box tree. In addition, two (2) 15 gallon deciduous or evergreen trees shall be required for every forty (40) linear feet of planter, and will be located between the 24 inch box trees. The spacing of the 24 inch box trees shall not exceed forty (40) feet on center. The 15 gallon trees can be either regularly spaced or grouped in between the 24 inch trees.



- B. Size Requirements: No tree measuring less than 1 1/4" in diameter of trunk one foot above ground may be planted on the City Boulevard. The lowest branch shall not be over 9 ½ feet from the ground. The Tree must be a single stem trunk and have a straight vertical line.

9. Buffer Yards:

- A. Purpose: The purpose of buffer yards is to limit the view and reduce the noise between abutting incompatible uses, and to ease the transition from one zoning district to another. Buffer yards are intended to provide a physical integration of uses, which promote the public health, welfare and safety by:

- (1) Preventing visual pollution;
- (2) Preventing the overcrowding of land;
- (3) Preventing the undue congregation of people and vehicles; and
- (4) Promoting the peaceful enjoyment of property within the City of West Fargo.

- B. When Required:

- (1) A buffer yard shall be required of any lot in any zoning district when the lot in that district abuts a zoning district of lower intensity.
- (2) When a public right-of-way separates zones of different intensities, the following criteria shall apply, regardless of whether the zoning line is on one side or the other or the center of the public right-of-way:
 - (a) If the public right-of-way is an alley, a buffer yard with screening shall be provided.
 - (b) If the public right-of-way is a local or collector street, a buffer yard with screening shall be provided on any side or rear of the higher intensity use which abuts the right-of-way as per the table below, or according to approved subdivision landscaping plans or corridor

overlay district plans; however the buffer yard shall not be required on the front of the higher intensity use where the front abuts the public right-of-way.

(c) If the public right-of-way is an arterial street or highway, no buffer yard or screening shall be required for the portion of the higher intensity use abutting the public right-of-way.

(3) When single and two-family uses are located on Arterial streets and Interstate 94.

(4) When a site plan is submitted to modify or expand an existing building or site improvements, or accommodate a change in land use, buffer yard and screening requirements shall only be applied to those portions of the site that are directly affected by the proposed improvements, or change in land use, as determined by the City Planner.

C. General Standards:

(1) Buffer yards shall contain vegetative and/or architectural screening that achieves the purpose of the buffer yard, and which meets the requirements for screening, Buffer Yards Screening and Zoning Standards Table, below.

(2) The maximum slope of any buffer yard shall be 2H: 1V where H is the horizontal distance and V is the vertical distance. Additional width shall be added to any portion of any buffer yard which exceeds this slope such that the minimum buffer yard width is met by land less steep than 2H: 1V.

(3) The buffer yard shall be located entirely within the higher intensity zoning district and abutting the zoning district line or adjacent right-of-way if such right-of-way separates the lot from the zoning district line. However, the buffer yard may be placed in the lower intensity zoning district or partially within both zoning districts if both sides of the zoning district line and entire buffer yard width are within common ownership and a permanent easement is provided over any

portion of the buffer yard not within the higher intensity zoning district.

- (4) A driveway required to serve the principal structure on the site may exist in the buffer yard. This driveway shall run substantially perpendicular to the buffer yard.
- (5) Buffer yards shall be maintained in a natural condition free of structures, loading or storage areas, parking, roads, or driveways except as provided for in (4) above.
- (6) Buffer yards required by this standard shall be applied equally to all similarly situated properties. Modifications to these standards may be granted in writing by the City Planner, if the City Planner finds any of the following circumstances exist on the proposed building site, or surrounding properties:
 - (a) Natural land characteristics such as topography or existing vegetation on the proposed building site would achieve the same intent of this section.
 - (b) Innovative landscaping or architectural design is employed on the building site to achieve an equivalent screening or buffering effect.
 - (c) The required screening and landscaping would be ineffective at maturity due to the proposed topography of the site, and or the location of the improvements on the site.
 - (d) The topography of adjacent and surrounding sites is such as to render required screening ineffective at maturity.
- (7) When the acreage of a site is significantly larger than the area proposed for physical improvements or active usage, buffer yards shall be reserved as required by this section. However, to achieve the intent of this section, the City Planner may require an alternative location and design for required screening and plantings.

- (8) When property lines abut an adjacent jurisdiction, the City Planner shall determine the specific screening and buffering requirements along that property line after consideration of the zoning designation and or land use of the adjacent property. Requirements shall not exceed those that would be required for similarly situated/zoned property within the City.
- (9) Dimensions: Buffer yard dimensions and screening requirements shall be provided as detailed in the table below:

Buffer Yards, Screening, and Zoning Standards Table

BUFFER YARDS	ARCHITECTURAL	VEGETATIVE
A	4' Screen 10' Buffer Yard Small Evergreen Trees Alternated with Deciduous Trees	20' Buffer Yard Small Evergreen Trees, Alternated with Deciduous Trees, and One Row Evergreen or Other Shrubs
B	6' Screen 15' Buffer Yard Small Evergreen Trees Alternated with Deciduous Trees	30' Buffer Yard Small Evergreen Trees, Alternated with Deciduous Trees, and One Row of Evergreen or Other Shrubs
C	6' Screen 25' Buffer Yard Large and Small Evergreens Alternated with Deciduous Trees	50' Buffer Yard Large Evergreen Trees, Alternated with Deciduous Trees, Small Evergreen Trees, and One Row of Evergreen or Other Shrubs
D	8' Screen 30' Buffer Yard Large Deciduous Trees Alternated with Large Evergreen Trees	60' Buffer Yard Large Evergreen Trees, Alternated with Deciduous Trees, Small Evergreen Trees, and One Row of Evergreen or other Shrubs

Abutted Existing District					
Developers or Selected District	R1, R-1A, R-1B, R-1E, R-L1A, R-R	R-2, R-3, R-4, R-5	A	C, C-OP, HC, LI, P	M
R1, R-1A, R-1B, R-1E, R-L1A, R-R	N/A	A	B	C	D
R-2, R-3, R-4, R-5	A	N/A	A	B	C
A	B	A	N/A	A	B
C, C-OP, HC, LI, P	C	B	A	N/A	A
M	D	C	B	A	N/A

Source: Ord. 1049, Sec. 33 (2015); Ord. 1222, Sec. 5 (2023)

10. Screening:

A. When Required:

- (1) Screening shall be provided within a buffer yard to ease the transition of one land use or activity to another, to achieve the purposes of the buffer yard. Screening may be accomplished through architectural or vegetative materials.
- (2) Screening shall be provided, in addition to the requirements listed below, for:
 - (a) All articles or materials being stored, maintained, repaired, processed, erected, fabricated, dismantled, or salvaged, such that the activity is not visible from surrounding properties or roads.
 - (b) Refuse storage and loading areas such that these activities are not visible from surrounding properties or roads.
 - (c) Rooftop and ground level mechanical equipment such that it is not visible from surrounding properties or roads.

(d) All trash dumpsters or containers used for recycling shall be screened on three sides with architectural screening supplemented by plantings. Screening shall be based upon the standards below and subject to the approval of the City Planner:

- 1) Four-foot tall architectural screening is acceptable when household style trash containers are used in place of dumpsters;
- 2) The requirement for supplemental plantings may be waived by the City Planner in cases where dumpsters or containers are added to an existing development. In determining whether to grant a waiver, the City Planner shall be guided by these standards: proximity of the facility to residential structures; efficacy of screening to mitigate any adverse effect of the use; and benefit of the screening relative to its cost.
- 3) When a site plan is submitted to modify or expand an existing building or site improvements, or accommodate a change in land use, screening requirements shall only be applied to those portions of the site that are directly affected by the proposed improvements, or change in land use, as determined by the City Planner.
- 4) Screening for single family and two-family uses along Arterial streets shall follow type "B" buffer yards. Screening for single family and two-family uses along Interstate 94 shall follow type "D" buffer yards. Screening for multiple family uses along Interstate 94 shall follow type "B" buffer yards.

B. General Standards:

- (1) Screening shall be continuous and in place at the time of occupancy. If vehicular or pedestrian access through the screen is necessary, the screening function shall be preserved, and approved by the City Planner.
- (2) Requirements: Screening may be architectural or vegetative, per the requirements below:
 - (a) Visual Impact: Required screening for any visual impact may be achieved with fences, walls, earth berms, hedges or other landscape materials. All walls and fences shall be architecturally harmonious with the principal building. The use of chain link fences equipped with slats is prohibited. Earth berms shall not exceed a slope of 3:1 unless provided with landscaping designed to minimize maintenance. The screen shall be designed to provide effective visual barrier during all seasons.

Source: Ord. 1049, Sec. 34 (2015)

- (b) Height: Architectural screening shall be at least four feet in height, and shall be supplemented with plantings.
- (c) Health: Vegetative material shall be alive and in good health.
- (d) Small Coniferous Trees: shall be at least 4 feet in height at planting and allowed to grow to at least 6 feet in height. Large evergreen trees shall be at least 6 feet in height at planting and allowed to grow at least 10 feet in height. All required evergreen vegetation shall be maintained in good condition.
- (e) Deciduous Trees: shall be at least 1" caliper 10" to 12" in height. They shall be supplemental and not deemed to be adequate screening in themselves.
- (f) Plants: Acceptable vegetative plantings include any tree listing in the "Approved Plant List" for screening purposes.

- C. Screening design and development shall be compatible with the existing and proposed land use and the development character of the surrounding land and structures.
- D. Screening shall be of sufficient density and diversity to achieve the intent of this section. However, at the time of planting, the spacing of trees shall not exceed twelve (12) feet on center, and the planting pattern shall be staggered. Shrubbery shall be more closely spaced. Specific exceptions to this requirement may be granted by the City Planner to encourage quality and creativity of design where the intent of this section is met.
- E. Existing vegetation within buffer yards shall be considered as a substitute for otherwise required landscaping or screening, if in the opinion of the City Planner, the type, size, and density of the existing vegetation complies with the standards and intent of this section.
- F. When a proposed buffer yard has a variation in elevation of greater than 10 vertical feet at any point, the required screening or landscaping within the yard shall be placed to maximize the effectiveness of the screening or landscaping, as determined by the City Planner.
- G. Trees planted to meet any of the screening requirements may also be used to meet any other landscaping requirement within this standard.
- H. Screening required by this Section shall be applied equally to all similarly situated properties. Modifications to these standards may be granted in writing by the City Planner if the City Planner finds any of the following circumstances exist on the proposed building site, or surrounding properties:
 - (1) Natural land characteristics such as topography or existing vegetation on the proposed building site would achieve the same intent of this section.
 - (2) Innovative landscaping or architectural design is employed on the building site to achieve an equivalent screening or buffering effect.

- (3) The required screening and landscaping would be ineffective at maturity due to the proposed topography of the site, and or the location of the improvements on the site.
- (4) The topography of adjacent and surrounding sites is such as to render required screening ineffective at maturity.

11. River Buffer: A healthy and properly watershed buffer zone shall stabilize the shoreline or stream bank, provide erosion control benefits, provide a source of organic matter for aquatic organisms, capture nutrients, reduce flood peak flows, and provide water temperature controls.

A. River District is hereby created to celebrate, conserve, promote, and manage those areas on such as the Sheyenne River within the corporate limits of the City of West Fargo. These watershed buffer standards will ensure that new development is compatible with and enhances the unique river resources. It is the intent of these standards to promote economic revitalization throughout the river valleys while providing for an opportunity for enjoyment of the river by a maximum number of citizens, neighbors, and guests. The goals of the River District are to:

- (1) Promote the protection and improvement of the Sheyenne River as water resources;
- (2) Promote responsible development that will result minimal stormwater runoff, soil erosion, river bank destabilization, grading, and flood damage;
- (3) Promote the preservation of a vegetative river resource corridor between the top of the river bank and new development to protect property from flooding and to enhance water quality;
- (4) Encourage the planting of specific riparian landscaping that will aid in controlling erosion, improving water quality, reducing stormwater runoff, enhancing fish and wildlife habitats, and protecting visual quality;

- (5) Promote the protection of existing natural areas, wetlands, and habitats, especially bluffs along the rivers;
 - (6) Encourage the establishment of vegetative buffer yards between incompatible land uses to lessen negative impacts;
 - (7) Encourage the conservation, protection, and promotion of the district's natural, cultural, and historic resources to enhance its value as a significant amenity to West Fargo's citizens, neighbors, and tourists;
 - (8) Promote improvements to existing infrastructure and the coordination of all new utility improvements;
- B. Conditional Uses: Any use that's not natural to the Sheyenne River and is manmade, is subject to a conditional use permit and the use in the River District must be approved by the City Planner.
- C. General Standards: The following standards shall be required for uses in the River District.
 - (1) River District: The River District is any area that is a one hundred (100) feet from the Sheyenne River bank.
 - (2) Landscaping/Buffering Standards: Landscaping and/or buffering shall be provided as required. Tree species suitable for a river environment shall be specified in the "Approved Tree List" for required landscaping and buffering in the River District. In areas experiencing natural stream bank erosion, planting of riparian vegetation shall be the required stabilization measure.
 - (3) Parking Standards: Parking lots shall be allowed if approved by a conditional use permit if the parking lot doesn't harm the river but not recommended in the River District. No parking shall be permitted in any setback more than fifty (50) feet or less from the river. Uses in the River District shall be permitted a 20 percent reduction in required parking. Shared parking arrangements and common parking areas are encouraged.

- (4) Design Standards: The Design of the River District is to be a natural look. It shall include native plantings and native trees to this area. The speculative grading of land within the River District is prohibited. Natural slopes in excess of 45 degrees shall not be graded, and the existing vegetation shall not be removed. Buffers or shorelines shall have bands or strips with permanent vegetation that run adjacent to the river. The purpose of a buffer is to provide a protective barrier or cushion between activities occurring on the upland side of the buffer and the river.
- (5) Construction: All new or expanded operations/ construction located within or near the River District must take all precautions not to harm the river by polluting, increasing erosion, or littering.
- (6) Storage: Outdoor storage of materials is prohibited in the river district.
- (7) Walking Trail: The development of a pedestrian trail/greenway along the rivers is encouraged within the River District. Land owners are encouraged to dedicate/grant a dry land right-of-way or easement within the river resource yard.

12. Open Space Landscaping:

- A. Undeveloped Areas: All undeveloped areas of the site, excluding protected wetlands, river districts, and tree preservation areas, shall be seeded or sodded. Seeding includes native prairie grass. In addition, an appropriate mix of trees and other plant material shall be provided to create an aesthetically pleasing site. Native plantings and xeriscaping is recommended but not limited to.
- B. Undeveloped Areas Next to Public ROW: Where undeveloped or open areas of a site are located adjacent to public right-of-way, the plan shall provide for over-story boulevard trees. A minimum of one (1) tree for every thirty (30) feet of frontage is required. The City Planner may approve alternatives if it meets the intent of the ordinance.

13. Parking Lot Landscaping Standards:

- A. Perimeter areas: When parking lot perimeters, including driveways and drive aisles, are not entirely screened visually by an intervening building or structure or land mass from any abutting right-of-way, there shall be provided landscaping designed to buffer direct views of cars and hard surface areas. The landscaping must break up expanses of hard surface areas, help to visually define boulevards and soften direct views of parking areas and provide for reforestation with overstory tree from the approved tree species list identified for parking or other species as approved by City Forester or City Planner.
 - 1. Perimeter Dimensions: The perimeter of the parking lot will consist of an area ten (10) feet to the outside of the parking lot area in all directions where otherwise green space would be. Within this ten (10) foot dimension the following shall apply:
 - (a) A six(6) foot minimum dimension to all trees from edge of pavement so that this would provide space to where vehicles overhang;
 - (b) A four (4) foot minimum dimension to all trees where vehicles to not overhang; and
 - (c) A four (4) foot minimum dimension for perennials and shrubs.
- B. Interior Landscaping Any open vehicular use areas containing more than six thousand (6,000) square feet of area, or twenty (20) or more vehicular parking spaces, shall provide interior landscaping in accordance with this division in addition to "perimeter" landscaping. Interior landscaping may be peninsular or island types. Landscaped area shall include all parking lot and drive islands and perimeter vegetative landscaping or green space. Required setback areas shall be excluded. There may not be more than twenty (20) continuous parking spaces (40 back to back) in a continual row without providing an island or peninsular landscaping.
- C. Curbing: Concrete curbing is encouraged to protect landscaped areas unless the area is implemented to be a rain garden or bioswale.

- D. Soil: All landscaping areas shall have the proper soil preparation to ensure the viability of the vegetation to survive. The landscaping plan shall provide specifications for proper soil preparation.

Source: Ord. 1049, Sec. 35 (2015)

- 14. Landscape Aesthetics and Design Criteria: Landscaping plans shall provide for an appropriate mix of plantings around the exterior footprint of all buildings. The intent of this section is to improve the appearance of the structures and, where necessary, break up large unadorned building elevations. These plantings are not intended to obscure views of the building or accessory signage.
 - A. Aesthetics: Landscape areas shall be designed with an emphasis on aesthetic appeal, function, safety, appropriateness to site conditions, and water conservation. The grouping of plants with similar water requirements is encouraged.
 - B. Xeriscaping: Xeriscaping is recommended throughout all landscapes.
 - C. Utility Lines: Where overhead utility lines are located above landscape, small ornamental trees that do not exceed the growth of fifteen (15) feet shall be substituted instead of large shade tree that will have to be trimmed after tree has matured.
 - D. Lawn Grass: Grass may be sodded, plugged, sprigged, or seeded, except that solid sod shall be used in swales or other areas subject to erosion. Slopes steeper than 10:1 shall be sodded. However, if natural prairie grass, cattails, or reeds are being implemented proper erosion control practices shall be engaged.
 - E. Mulch: All trees, shrubbery, ground cover, and vine planting beds shall be mulched with standard mulch materials such as shredded cypress bark, pine bark chips, pine straw, or decorative stone to prevent invasion of other plant species and weeds, to absorb and retain moisture for the benefit of the plants, to prevent erosion, to enrich the soil, to provide protection from maintenance equipment, and to present a neat and orderly appearance of the landscaped area.

15. Existing Trees and Landscapes:

- A. Existing Tree Requirements: Where the site contains existing trees, a special effort shall be made to preserve them in accordance with the following requirements:
- (1) Protect: Trees in a healthy condition shall be protected and preserved.
 - (2) Removing Trees: Removal of unhealthy or diseased trees is mandatory, however removal of healthy trees of a height of six feet or more shall be done only with approval of the City Forester. Tree replacement may be required.
 - (3) Construction: Trees to be preserved shall be protected during construction operations by the use of barricades or fencing large enough to include everything inside the outer edge or drip line of the tree and conspicuous enough to be seen easily by operators of trucks and heavy equipment.
 - (4) Grading: No grade changes shall be made around existing trees without approval of the City Forester. Retaining walls shall be used when changing existing grades around specimen trees.
 - (5) Roots: Tree roots shall be protected and preserved where possible. Tunneling shall be used to avoid damaging roots where construction in the immediate area is necessary. No trenching of tree roots within twenty feet of the trunk shall be performed without approval of the City Forester.
 - (6) Chemicals: Chemical poisoning and run-off from petroleum products, lime and mortar, fertilizers, pesticides, soil sterilants, or the washing of equipment designed to apply these materials shall be prohibited, within the dripline of trees to be preserved.
 - (7) Tree Rows: Agricultural tree rows (wind breaks) shall not be removed unless authorized by the City Forester or the City Council. These trees are not only an important part of the City's quality, but are needed to help

control extreme winds and weather. Adequate measures shall be taken to mitigate any danger to the preservation or health of the tree rows. If agricultural tree rows (wind breaks) cannot be preserved, based upon the discretion from the City Forester stating that the trees are no longer in a healthy condition, the trees may be removed. Tree rows authorized for removal shall be replaced and/or additional landscape enhancement shall be provided as approved by the City Planner.

B. Wooded Areas:

- (1) Wooded areas with mature trees are to be preserved, at the applicants option may be included to meet all or part of the canopy requirements, provided the site plan identifies such trees and the trees meet the standards of size, health, placement, etc. set out in this section. The City Forester shall evaluate use of existing trees to ensure they have adequate health and strength to allow such use.
- (2) Existing trees in wooded areas designated to be included as part of these requirements should be protected during construction by fencing placed at a distance in feet equal to or greater than one and a half ($1\frac{1}{2}$) times the diameter of the tree in inches at the height of four (4) feet.

16. Installation:

- A. Materials: All materials installed shall conform to the approved landscape plans. If any changes of materials are desired, amended plans must be submitted and approved before installation.
- B. Curb Cuts and Driveway: Curb cuts and driveway aprons which are abandoned shall be removed and replaced with standard curbing and sod.
- C. Construction: During installation of landscaping, grassed areas off-site or within the public rights-of-way which have been disturbed by construction activity shall be cleaned of all debris, regraded to the proper elevations, and resodded or reseeded. Any preserved vegetation areas that have been damaged or removed shall be

replanted and refurbished to restore the area as much as possible to its original condition.

Source: Ord. 1049, Sec. 36 (2015)

17. Maintenance:

- A. Duty to Trim Trees: It shall be the duty of all persons, whether owners or tenants, to keep the shade trees along the public streets and avenues adjoining such property trimmed in such a manner that such trees shall not interfere with travel on said streets, avenues, and sidewalks.
- B. Responsible: The property owner and tenant shall be jointly and severally responsible for maintenance of all required landscape, irrigation, and hardscape improvements as originally approved. This maintenance requirement shall carry with the land and shall be the responsibility of any subsequent owners and tenants of the property. It is the responsibility of the owner to notify any subsequent owners of the property of this responsibility.
- C. Improvements: Landscape areas and site improvements shall be maintained in good condition for a healthy, neat, and orderly appearance and shall be kept free from weeds and debris. All plant materials shall be maintained in a healthy and vigorous condition through proper irrigation, fertilization, pruning, weeding, mowing, and other standard horticultural practices so as to grow to their normal shape, color, and height, and to fulfill the required functions of screening, shading, buffering, and aesthetic appeal set forth by the City. The hatracking of trees is prohibited. All dead plants shall be replaced. All damaged plants including lawn grass shall be replaced or restored. Mulch shall be at the proper coverage and depth.
- D. Hardscapes: Pavement, curbing, wheel stops, and other hardscape improvements shall be sound and in place. If it is determined by maintenance inspections that such curbs are insufficient to prevent vehicular encroachment, then installation of bollards or similar devices substantial enough to prohibit encroachment may be required. Any such fixtures shall be architecturally consistent with other site fixtures and structures for materials and colors.

- E. Violations: The City shall notify the property owner and tenant in writing of any maintenance violations. Upon notification of a maintenance violation, the property owner, tenant, or authorized agent shall correct the violation within 30 days. Where immediate attention and care may restore damaged plants, the owner or tenant shall submit a treatment narrative and schedule prepared by a registered landscape architect or a local nursery professional. If the treatment plan and procedures fail to restore the plants to vigorous growth to meet their normal growth habit and the original design intent within 90 days, then the plants must be replaced.

18. Replacement:

A. Tree Replacement Requirements:

- (1) City Policy: It is the policy of the City to preserve natural woodland areas throughout the city and with respect to specific site development to retain as far as practical, substantial tree stands which can be incorporated into the overall landscape plan.
- (2) Tree Health: The owner, tenant, and their respective agents shall be held jointly and severally responsible to maintain their property and landscaping in a condition presenting a healthy, neat and orderly appearance and free from refuse and debris. Plants and ground cover which are required by an approved site or landscape plan and which have died shall be replaced within three (3) months of notifications by the city. However, the Zoning Administrator may extend the time for compliance up to nine (9) months in order to allow for seasonal or weather conditions.
- (3) Clear Cutting: No clear cutting of woodland areas shall be permitted except if approved by the City Planning Department or City Forester.
- (4) Removed Trees: Any trees on the site which are a caliper of five (5) inches or more at a height of five (5) feet above the ground, or ornamental trees over twelve (12) feet in height which are to be removed during site development should be moved elsewhere on site or replaced with a new tree.

19. Plan Submission and Approval: The property owner or developer may be required to prepare a landscape plan drawn by a registered landscape architect or other professional acceptable to the city if deemed necessary by the City Planner. The city shall apply the following standards (but not limited too) in reviewing the landscape plans and shall contain these contents following:
- A. Plot plan: drawn to an easily readable scale, showing and labeling by name and dimensions, all existing and proposed property lines, easements, buildings, and other structures, vehicular use areas (including parking stalls, driveways, service areas, square footage), water outlets and landscape material (including botanical name and common name, installation size, on-center planting dimensions where applicable, and quantities for all plants used).
 - B. Elevations: Typical elevations and/or cross sections may be required in any landscape plan.
 - C. Context of Plans: Title block with the pertinent names and addresses (property owner, person drawing plan, and person installing landscape material), scale date, north arrow (generally orient plan so that north is to top of plan), and zoning district.
 - D. Existing Landscape Material: shall be shown on the required plan and any material in satisfactory condition may be used to satisfy this article in whole or in part.

Source: Ord. 1049, Sec. 37 (2015)

20. Approved Plant List:

- A. The list of approved boulevard trees and other species as approved by the City Forester.

Source: Ord. 916, Sec. 68 (2012); Ord. 976, Sec. 3 (2013)