



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

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West Fargo Planning & Zoning Commission Agenda  
Tuesday, September 10<sup>th</sup>, 2024 - 5:30 p.m.

- A. Call to Order
- B. Approval of Order of Agenda
- C. Approval of Minutes- August 13<sup>th</sup>, 2024
- D. Commission Membership Introduction and Recognition
  - 1. Bid farewell to Commissioner Aleyna Leibfried. Thank you for your service!
  - 2. Welcome Matthew Kopp as our new Planning & Zoning Commissioner!
- E. Regular Agenda
  - 1. Public Hearing- A24-25 The Yards 2<sup>nd</sup> Addition, a request for conditional use permit for installation of an aboveground fuel tank in an M: Heavy Industrial Zoning District at 643 5<sup>th</sup> St Ct NW (Lot 13, Block 1 of The Yards 2<sup>nd</sup> Addition)- Sankey
  - 2. Public Hearing- A24-26 Zoning Ordinance Amendments to Title IV regarding landscaping, screening, & outdoor storage- Nelson
  - 3. Initiation of Growth Area Master Plan Project – Nelson
- F. Non-Agenda Items
- G. Adjourn from Regular Agenda



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West Fargo Planning & Zoning Commission Meeting Minutes  
Tuesday, August 13<sup>th</sup> 2024 - 5:30 p.m.

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

Members Absent: None

Others Present: Aaron Nelson, Leslie McGillivray-Rivas, Lisa Sankey, Kat McNamara, 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 Gust motioned to approve the regular agenda. Commissioner Dodds seconded the motion. No opposition. Motion passed.

Commissioner Dodds moved and Commissioner Schwan seconded the motion to approve the minutes from July 9, 2024. No opposition. Motion passed.

Chair Kolb acknowledged that A24-20 South Pond at the Preserve 4<sup>th</sup> Addition, a request for variance to exceed height of an accessory structure at 2920 6<sup>th</sup> St E (Lot 17, Block 1 of South Pond at the Preserve 4<sup>th</sup> Addition) had been withdrawn. No further action was necessary for this item.

Chair Kolb opened a public hearing for A24-23 North Pond at the Preserve 18<sup>th</sup> Addition, a request for subdivision at 2400 Bluestem Dr. (Lot 1, Block 3 North Pond at the Preserve 9<sup>th</sup> 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 the conditions listed by city staff. Commissioner Gust seconded the motion. No opposition. Motion passed.

Chair Kolb opened a public hearing for A24-24 Nelson Acres 5<sup>th</sup> Addition, a request for a Planned Unit Development (PUD) Amendment regarding an existing landscaping business and a proposed event/entertainment venue at 225 40<sup>th</sup> Ave W (Lot 1, Block 1 of Nelson Acres 5<sup>th</sup> Addition). Chair Kolb asked for public comment. One person came forward to request denial of this application, citing traffic and safety concerns. Six other people; one of them being the applicant, came forward with comments in favor of approving the application. Concerns regarding access to the property were mentioned multiple times, by all commenters.

Chair Kolb closed the public hearing. Discussion held. Chair Kolb stated that the access issues cannot be addressed until the property violations are mediated and that creates a conundrum. Commissioner Leibfried stated that all public comments referenced the access issues and that she did not hear objections to the PUD amendments but all objections about the access issues. Director Nelson spoke on the access application that was submitted previously (presented to PZ Commission at April 8<sup>th</sup>, 2024 meeting). Commissioner Dodds asked if Phase 2 could be separated from Phase 1 of this requested amendment so that Phase 1 could take place and then

the access issues could be addressed prior to Phase 2 being approved. Commissioner Gust voiced concerns of cost for SheyWest when the access has not been ironed out. Chair Kolb motioned to approve the amendment of the PUD after striking out the language regarding the date restrictions in Exhibit A 2.a under the permitted uses *“the use is permitted during the months of July through April. No private banquet/party/events shall be allowed during the months of May and/or June, unless the event is held during hours the Nursery and Garden Center is not open to the public and no other events are being held.”* and modify the drawing to exclude the wording of the median being removed. Commissioner Leibfried seconded the motion. Commissioner Dodds voted nay, remaining Commissioners voted aye. Motion passed 5-1. Commissioner Thorstad requested an opportunity to comment on some of the application documents.

Chair Kolb opened the floor for non-agenda items. None were brought forth. Commissioner Dodds moved and Commissioner Leibfried seconded. Chair Kolb adjourned from the regular agenda at 7:31pm.

Chair Kolb opened the discussion agenda. Director Nelson provided a very brief overview of the discussion agenda items.

Chair Kolb adjourned from discussion agenda at 7:37 pm.

## STAFF REPORT

| A24-25                                                       |  | CONDITIONAL USE PERMIT     |  |
|--------------------------------------------------------------|--|----------------------------|--|
| 643 5 <sup>th</sup> Street Ct NW                             |  |                            |  |
| Lot .31, Block 1 of The Yards 2 <sup>nd</sup> Addition       |  |                            |  |
| Owner/Applicant: Excavating, Inc. – Fargo<br>Austin Stockert |  | Staff Contact: Lisa Sankey |  |
| Planning & Zoning Commission Public Hearing:                 |  | 09/10/2024                 |  |
| City Commission:                                             |  |                            |  |

**PURPOSE:**

Allow for aboveground fuel tanks for fueling vehicles and equipment for a business.

**STATEMENTS OF FACT:**

|                             |                                                                         |
|-----------------------------|-------------------------------------------------------------------------|
| Existing Land Use:          | Trucking Facility (Under Construction)                                  |
| Land Use Classification:    | G-3 Employment Growth Sector                                            |
| Current Zoning District(s): | M: Heavy Industrial Zoning District                                     |
| Zoning Overlay District(s): | None                                                                    |
| Total area size:            | 1.27 acres                                                              |
| Adjacent Zoning Districts:  | M: Heavy Industrial                                                     |
| Adjacent street(s):         | 7 <sup>th</sup> Avenue NW (Local); 5 <sup>th</sup> Street Ct NW (Local) |

**DISCUSSION AND OBSERVATIONS:**

- The applicant is requesting a 10,000-gallon aboveground fuel tank for vehicles and equipment.
- Aboveground class 1 (gasoline) and class 2 (diesel) liquid storage tanks are provided for as a conditionally permitted use in the M: Heavy Industrial zoning district without added conditions as are similar in more restrictive zoning districts. Due to the nature of the surrounding development, it is recommended to provide conditions as may be recommended from the West Fargo Fire Department.
- The applicant will need to provide plans showing spill containment, as well as a foundation plan, prior to issuance of a building permit.
- A conditional use permit agreement is required to be signed prior to issuance of a building permit and may include conditions deemed appropriate by the Commission.

**CRITERIA FOR GRANTING CONDITIONAL USE PERMIT:**

With reference to the criteria for granting conditional uses, the following is noted:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
  - The property has adequate access, and the improvements will not affect the current access.
2. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.

## STAFF REPORT

- No concerns noted.
- 3. Refuse and service areas, with particular reference to the items in (1) and (2) above.
  - No concerns noted.
- 4. Utilities, with reference of locations, availability, and compatibility.
  - No concerns noted.
- 5. Screening and buffering with reference to type, dimensions, and character.
  - The property is developed with heavy industrial uses. Screening and buffering requirements would be subject to City requirements, however, do not appear to be a concern.
- 6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
  - No concerns noted.
- 7. Required yards and other open space.
  - No concerns noted.
- 8. Soil conditions, as they relate to on-site sewage disposal, water supply, basement excavating, road construction and related land use.
  - No concerns noted.
- 9. General compatibility with adjacent properties and other properties in the district.
  - No concerns noted.

**NOTICES:**

Sent to: Property owners within 350' and applicable agencies and departments.

Comments Received:

- None to date.

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

- The application may be considered consistent with the Comprehensive Plan and the intent of the M: Heavy Industrial District.
- With regards to planning issues dealing with aboveground storage tanks the staff does not have concern; however, the applicant must comply with all requirements set forth in the International Fire Code, which will be enforced by the West Fargo Fire Department

**RECOMMENDATIONS:**

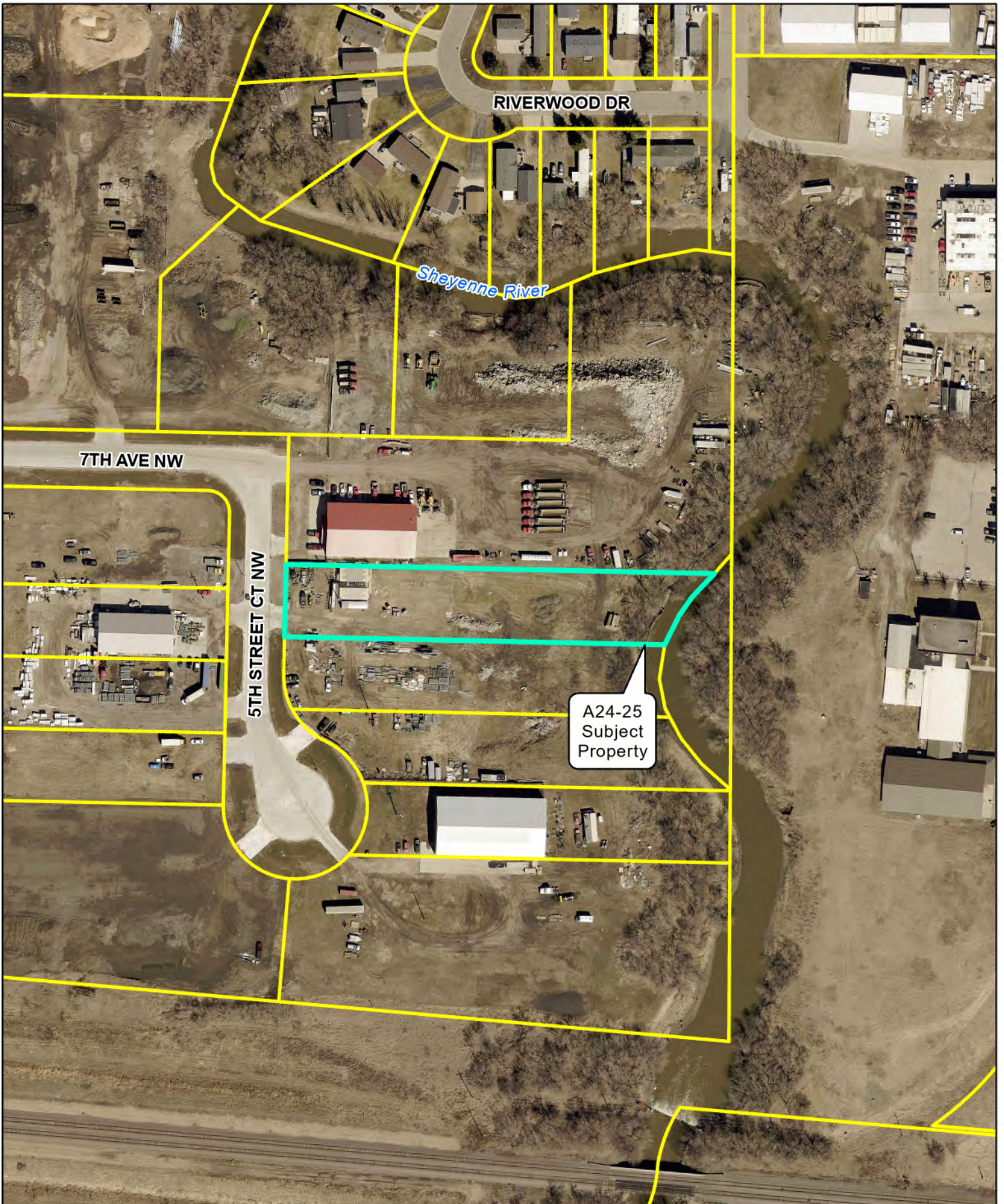
It is recommended that the City approve the proposed application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. A Signed Conditional Use Permit Agreement is received.

STAFF REPORT

Attachments:

- Aerial map
- Zoning map
- Site Plan
- Draft Conditional Use Permit Agreement



## Features

 Agenda Zone  Lots

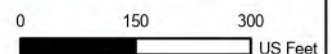
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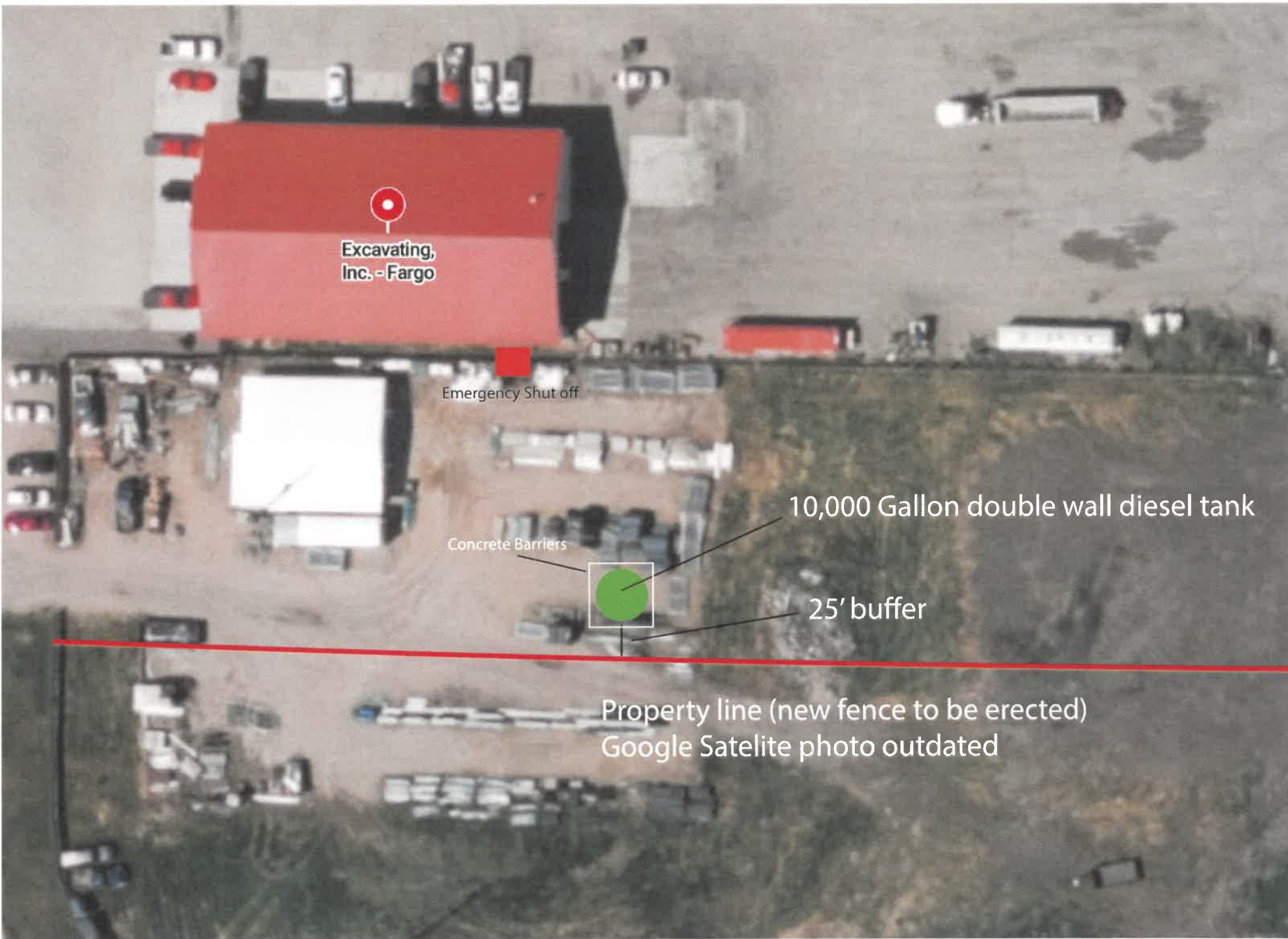




### West Fargo Zoning

|                              |                                         |                                          |
|------------------------------|-----------------------------------------|------------------------------------------|
| 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                   |





Excavating,  
Inc. - Fargo

Emergency Shut off

Concrete Barriers

10,000 Gallon double wall diesel tank

25' buffer

Property line (new fence to be erected)  
Google Satelite photo outdated





# ***Conditional Use Permit***

State of North Dakota,  
County of Cass,  
City of West Fargo

WHEREAS, **Excavating, Inc.** (hereinafter referred to as the “**Applicant**”) has paid the sum of two hundred dollars (\$200.00) to the City of West Fargo, as required by the City of West Fargo Zoning Ordinance, and has complied with all the requirements of said ordinance necessary for obtaining this permit; and

WHEREAS, the **Applicant** is the legal owner of property located at 651 5<sup>th</sup> Street Ct NW, West Fargo, ND 58078, legally described as (hereinafter referred to as the “Property”):

## **Lot 13, Block 1 of The Yards Second Addition**

NOW, THEREFORE, by order of the West Fargo City Commission, the said applicant is hereby issued a Conditional Use Permit to:

### **Allow for aboveground fuel tank in the M: Heavy Industrial zoning district.**

on the above-described Property with the following conditions:

1. The West Fargo Fire Department inspects and improves finished project prior to filling and operating fuel tanks.
2. The City of West Fargo reserves the right to inspect the property for compliance with these conditions.
3. Any and all claims that arise or may arise against Applicant, its agents, servants, or employees while engaged in the use of the Property, shall in no way be the obligation of the City of West Fargo. Furthermore, Applicant, its agents servants, employees, or assigns shall indemnify, hold harmless, and defend the City, its officers and employees against any and all liability, loss, costs, damages, expenses, claims, actions, or judgments, including attorneys’ fees which the City, its officers or employees may hereafter sustain, incur, or be required to pay, in any way connected with the use of the Property or City actions related to the granting of this Conditional Use Permit.
4. Any improvements made to the property in connection with this Conditional Use Permit shall be at the sole expense of the Owner and shall not be the obligation of the City.
5. If Applicant fails to observe the terms and conditions of this Conditional Use Permit, the City may revoke this Conditional Use Permit. In such an event, the City will give owner at least a ten (10) day notice of revocation of a revocation hearing for the Conditional Use Permit stating the time, place and purpose of such hearing. Upon such hearing, the City may revoke this Conditional Use Permit. If this Conditional Permit is revoked Owner shall remove the conditionally permitted use from the

property by the date stated by the City Commission at the hearing. Applicant shall pay as reasonable attorney's fees and court costs associated with the City's enforcement of the terms of this Conditional Use Permit.

6. This Conditional Use permit will not be in effect until such time as:
  - a) it is executed and recorded with Cass County; and
  - b) the City of West Fargo is provided with recording information.
7. The obligations herein shall run with the Property and shall bind the Applicant and the Owner and their successors and assigns.
8. Each provision, section, sentence, clause, phrase, and word of this Agreement is intended to be severable. If any provision, section, sentence, clause, phrase, and word hereof is held by a court with jurisdiction to be illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of this Agreement.
9. The Applicant acknowledges receipt of this Conditional Use Permit and agrees to its terms and conditions.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**APPLICANT:**

\_\_\_\_\_

STATE OF NORTH DAKOTA    )  
                                          )  
COUNTY OF CASS            )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned, a Notary Public in and for said county and state, personally appeared \_\_\_\_\_, known to me to be the person who is described in and who executed the above and foregoing document and acknowledged to me that he executed the same.

[SEAL]

\_\_\_\_\_  
Notary Public

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**CITY OF WEST FARGO**

\_\_\_\_\_  
Bernie L. Dardis, President of the Board of  
City Commissioners

\_\_\_\_\_  
Dustin T. Scott, City Auditor

STATE OF NORTH DAKOTA    )  
                                          )  
COUNTY OF CASS                )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, the undersigned, a Notary Public in and for said county and state, personally appeared Bernie L. Dardis and Dustin T. Scott, known to me to be the President of the Board of City Commissioners and City Auditor, respectively, of the City of West Fargo, that is described in and who executed the above and foregoing document and acknowledged to me that he executed the same on the behalf of the City of West Fargo.

[SEAL]

\_\_\_\_\_  
Notary Public

## STAFF REPORT

| A24-26 Zoning Ordinance Amendments                                                                               |                                     |
|------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| Zoning Ordinance Amendment to Title IV of the City Ordinance regarding Landscaping, Screening, & Outdoor Storage |                                     |
| Applicant: City of West Fargo                                                                                    | Staff Contact: Aaron Nelson         |
| Planning & Zoning Commission Introduction                                                                        | July 9, 2024 – (discussion only)    |
| Planning & Zoning Commission Introduction                                                                        | August 13, 2024 – (discussion only) |
| Planning & Zoning Commission Public Hearing                                                                      | September 10, 2024                  |
| City Commission Public Hearing & 1 <sup>st</sup> Reading                                                         |                                     |
| City Commission 2 <sup>nd</sup> Reading                                                                          |                                     |

**PURPOSE:**

Amendments to Title IV of the City Ordinances (zoning code) intended to organize and simplify existing landscape, screening, & outdoor storage standards for purposes of clarity.

**DISCUSSION AND OBSERVATIONS:**

- Targeted text amendments to Title IV zoning & subdivision ordinances were identified as a short-term project need within the West Fargo Planning Needs Assessment Action Plan in 2023. More-specifically, amendments to the landscaping, screening, and outdoor storage regulations were identified as needing attention mainly due to the overly complex and disjointed nature of the current standards. Additionally, there are some areas of overlapping and conflicting standards.

**Landscaping Standards**

- The landscaping standards of §4-449-A are proposed to be reorganized and updated for clarity and comprehension, without deviating from the overall intent. In all, there are five categories of landscaping that may apply to a given development, which are summarized here:
  - 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.
  - 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.
  - 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.
  - 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.
  - 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).

## STAFF REPORT

- In addition, individual zoning districts that contain landscaping standards are proposed to be modified for consistency with Section 4-449-A Landscaping Standards.
- In the interest of protecting riverbank stability along the Sheyenne River corridor, language is proposed to prohibit the removal of tree roots and stumps within 50 feet of the riverbank.

**Screening & Outdoor Storage Standards**

- One of the issues with the current zoning regulations is that there are multiple different sections of code that regulate visual screening of certain areas or uses in slightly different ways. The proposed amendments seek to remove areas of overlapping standards and clarify when and where visual screening is required, particularly for outdoor storage areas in both commercial and residential districts. Proposed updates include:
  - 1) Duplicative screening provisions removed from Section 4-441 fencing standards
  - 2) Section 4-446 updated to clarify requirements for the parking and storage of vehicles and equipment (such as cars, trailers, boats, and RVs) within residential districts, including when and where visual screening is required.
  - 3) Section 4-447 updated to clarify required screening and fencing requirements for refuse containers and outdoor storage areas.
  - 4) Overlay zoning districts that include requirements for screening modified for consistency with Section 4-447 screening requirements.
  - 5) Section 4-449-A buffer yard screening updated within the Landscaping standards (as noted above)

**NOTICES:**

|          |                         |
|----------|-------------------------|
| Sent to: | Notice in the newspaper |
|----------|-------------------------|

|                    |
|--------------------|
| Comments Received: |
|--------------------|

- None Received

**RECOMMENDATION:**

It is recommended that the City approve the proposed amendments to Title IV as presented on the basis that the proposed amendments are consistent with the comprehensive plan.

**Attachments:**

- Existing Ordinance & Proposed Amendments

# Proposed Updates to Landscaping, Screening, & Outdoor Storage 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. All plant materials shall be living plants suitable for USDA Plant Hardiness Zone 4.
- B. Artificial plants are prohibited.
- C. 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.
- D. 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 <sup>[1]</sup> | 1-inch caliper width          | >30 feet tall      |
| Large Evergreen Tree <sup>[1]</sup> | 3.5 feet tall                 | >30 feet tall      |
| Small Deciduous Tree <sup>[1]</sup> | 1-inch caliper width          | 12 to 30 feet tall |
| Small Evergreen Tree <sup>[1]</sup> | 2.5 feet tall                 | 12 to 30 feet tall |
| Shrub                               | 2 gallon container size       | 3 feet tall        |
| Perennial Plants <sup>[2]</sup>     | 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

- E. 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.
- F. 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.
- G. 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 Tree Topping 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 or Buffer standards of this section may not be counted towards meeting a development's Open Space Landscaping requirements. Parking Lot Landscaping, however, may be counted towards meeting a development's Open Space Landscaping requirements.

### **2. Plant Units Required**

A. **Commercial, Office, Residential, & Corridor Overlay Districts**

Within commercial, office, residential, and corridor overlay zoning districts (C, C-OP, HC, R, CO, CO-I, CO-R), at least four (4) plant units shall be provided for each one thousand (1,000) square feet of lot area or fraction thereof.

B. **Mixed-Use, and Public Districts**

Within mixed-use, and public zoning districts (EMU, P) that are not within the Corridor Overlay, Redevelopment Overlay, and/or Interstate Corridor Overlay zoning districts (CO, CO-I, CO-R), at least two (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 not 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.

### 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                      |

Existing mature trees may be counted as double the equivalent plant units noted in the table above, so long as the mature tree has a current caliper width of more than 7 inches for a large tree or more than 4 inches for a small tree, and meets all other applicable standards of this section.

### 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<sup>[1]</sup> areas in accordance with the following table:

| Parking Area Size<br>Number of Spaces | Buffer Width<br>Minimum (feet) | Minimum Planting/Screening Requirements <sup>[2]</sup>                                                                                                |
|---------------------------------------|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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 <sup>[3]</sup> (height between 2.5 and 3 feet) + 1 small tree or 6 shrubs/perennial grasses per 25 linear feet |
|                                       | 10                             | Berm (minimum height of 2.5 feet) + 1 small tree or 6 shrubs/perennial grasses per 25 linear feet                                                     |
| 51 - 250                              | 10                             | Masonry wall or berm, with minimum height of 2.5 feet + 1 tree and 3 shrubs, per 25 linear feet                                                       |
|                                       | 10                             | 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                                                       |
|                                       | 15                             | 1 tree + 6 shrubs, per 25 linear feet                                                                                                                 |

Notes:

[1] Vehicular circulation refers to any surfaces intended for motor vehicle use.

[2] These are minimum standards. Use of additional planting/screening materials are encouraged to provide flexibility in design and visual interest.

[3] Decorative metal fences must be wrought iron or similar in nature. Chain link fences are not considered a decorative metal fence.

## G. Parking Lot Island Landscaping

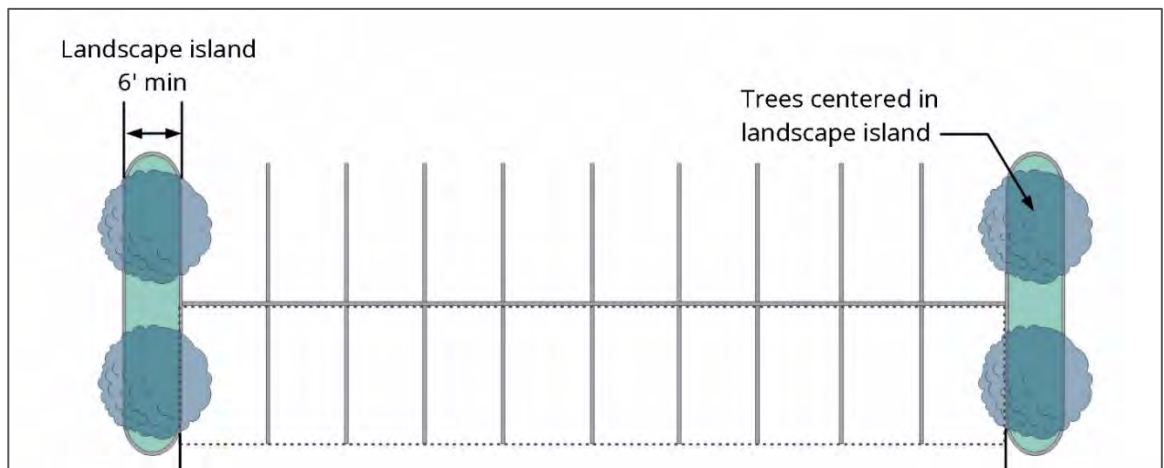
### 1. Applicability

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 landscape islands 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. 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.
4. 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/or the fruit is considered a nuisance or high maintenance, as determined by the City Forester.

**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, unless otherwise determined by the City Forester.

**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                                                                                                                                                                                                                                                           |
| <b>Multi-Family Residential (4 or more units)</b>                                                                                                                                                                                                                                | Single and two-family residential district or development                                               | Six-foot tall opaque screening fence <sup>[1]</sup><br>OR<br>Ten-foot wide landscape buffer                                                                                                                                                                              |
| <b>Mixed-Use</b>                                                                                                                                                                                                                                                                 | Single and two-family residential district or development<br>OR<br>Multi-family district or development | Six-foot tall opaque screening fence <sup>[1]</sup> AND ten-foot wide landscape buffer<br>OR<br>Fifteen-foot wide landscape buffer                                                                                                                                       |
| <b>Non-Residential</b>                                                                                                                                                                                                                                                           | Any residential district <sup>[2]</sup>                                                                 | Six-foot tall opaque screening fence <sup>[1]</sup> AND fifteen-foot wide landscape buffer                                                                                                                                                                               |
| <b>Industrial</b>                                                                                                                                                                                                                                                                | Any non-industrial district <sup>[2]</sup>                                                              | <b>Residential or Mixed-Use district:</b> Minimum eight-foot tall opaque screening fence <sup>[1]</sup> AND twenty-foot wide landscape buffer<br><b>Non-Residential district:</b> Six-foot tall opaque screening fence <sup>[1]</sup> AND ten-foot wide landscape buffer |
| <b>NOTES</b><br><sup>[1]</sup> : See subsection 4-441, <i>General Fencing and Screening Requirements</i> for additional information on fence standards.<br><sup>[2]</sup> : See 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.

DRAFT

~~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 throw 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 or 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.~~

~~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.~~

~~(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:

| <u>Number of Trees</u> | <u>Number of Species</u> |
|------------------------|--------------------------|
| 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)

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

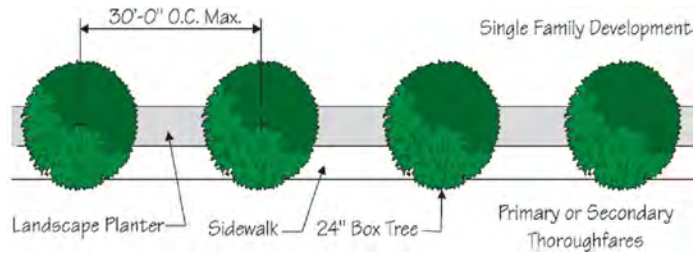
| PLANT UNITS CHART                                         |                                                     |    |
|-----------------------------------------------------------|-----------------------------------------------------|----|
| Large, Mature Deciduous Tree                              | 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.~~

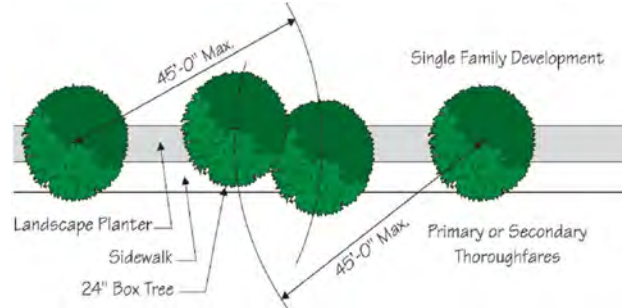
#### 8. Boulevard and Street Vegetation:

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:~~

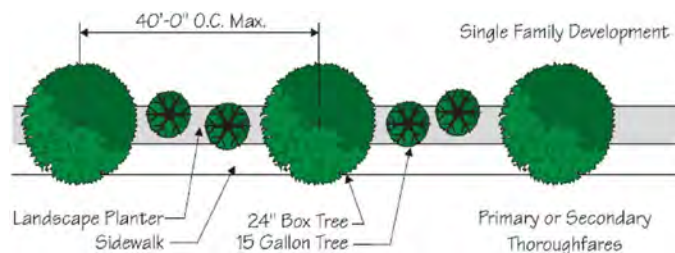
- ~~(1) Alternative 1: Spacing of trees shall not exceed thirty (30) feet on center.~~



- ~~(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 1/2 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**

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

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

#### 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.~~
  - ~~(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.~~

~~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 ½) 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.~~

~~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.~~

~~20. Approved Plant List:~~

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

[NOTE: These definitions are proposed to be relocated from the existing §4-449-A Landscaping Standards section to the §4-200 zoning code definitions. Underlined text indicates new additions to the list of defined words.]

## §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.

### **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.

### **Tree Topping**

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

### **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. In addition to the requirements of Section 4-447, aAll 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. In addition to the requirements of Section 4-447, aAll 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.

## **§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. Property owners are encouraged to protect and preserve trees and native riparian vegetation in a healthy condition to maintain riverbank and soil stability of the river corridor.

2. If trees are removed, their stump and root system shall be left intact. Stump grinding and/or excavation of roots is prohibited within 50 feet of the riverbank, unless otherwise approved by the City Forester, the City Engineer, or Southeast Cass Water Resource District.

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## **§4-440 SUPPLEMENTARY DISTRICT REGULATIONS.**

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### **4-441. GENERAL FENCING AND SCREENING REQUIREMENTS.**

1. DEFINITION OF FENCE. An artificially constructed structure of any material or combination of material erected to enclose or screen areas of land.
2. GENERAL FENCING AND SCREENING REQUIREMENTS FOR RESIDENTIAL AREAS. In any residential district, fences, hedges, and plantings may be permitted in the buildable area and in any required yard, or along the edge of any yard, provided that no fence or hedge along the sides or front edge of any required front yard shall be over two and one-half (2½) feet in height, except on through lots or double frontage lots where one of the front yards is intended to serve as the rear yard and is consistent with the other lots on the block, a fence or hedge may be up to six (6) feet in height. All fencing and screening shall meet visibility requirements for intersections by not impeding vision between a height of two and one-half (2½) feet and ten (10) feet within thirty (30) feet from the intersecting curb lines, or within twenty (20) feet from the intersecting property lines if there is no curb. Coordinated fencing schemes for the block are strongly encouraged, and if possible developed during the subdivision process. No fence or hedge within any buildable area or along any side or rear lot line shall be over six (6) feet in height.

Open fences such as a split rail or chain link without slats, which permit direct vision through at least 50% of the fence surface area shall be allowed a height of four (4) feet along the sides or front edge of any front yard.

- ~~3. REQUIRED FENCING AND SCREENING. Where any business, industrial users, or multiple family buildings of four (4) or more units (i.e., structure, parking or storage) abuts property zoned for residential use, that business, industry, or multiple family building shall provide screening~~

along the boundary of the residential property. Screening shall also be provided where a business, industry, or multiple family building of four (4) or more units is across the street from a residential zone, but not on that side of a business, industry, or multiple family building considered to be the front yard. Provided, however, that the provisions of this section will not apply where a multiple family building abuts a property also zoned for multiple family use. All fencing and screenings specifically required by this section shall meet visibility requirements for intersections and other requirements as stated herein, and shall consist of either a fence or green belt planting strip. A required screening fence shall be constructed of masonry, brick, wood or metal. Such fence shall provide a solid screening effect six (6) feet in height for multiple family uses and at least six (6) feet in height for business and industrial uses. A green belt planting strip shall consist of evergreen trees and/or deciduous trees and plants and shall be of sufficient width and density to provide an effective visual screen. This planting strip shall be designed to provide substantial visual screening to a minimum height of six (6) feet. Earth mounding and berms may be used but shall not be used to achieve more than three (3) feet of the required screen, unless otherwise provided for by the City (i.e., PUD requirements).

4. CONSTRUCTION STANDARDS. No fence, hedge, or plantings shall be constructed or maintained with electrified barbed wire, or other spiked materials which may pose injurious to public health and safety. Posts and other supporting structures used in the construction of fences shall be faced inward toward the property being fenced.
5. PRIVATE RECREATIONAL FENCES. Private recreational fences shall conform to the provisions attached to residential fences. Permanent swimming pool fences shall be governed by Title V of the Revised Ordinances of 1990 of the City of West Fargo, Chapter 5-05 International Property Maintenance Code, and specifically Section 303 Swimming Pools, Spas and Hot Tubs, as locally amended.
6. PUBLIC FENCES. Fences used in connection with public facilities and public recreational uses shall have a maximum height of ten (10) feet in any yard and be of the open fence variety. Residential construction standards shall apply to all public fences.
7. NON-RESIDENTIAL FENCES. Fences in light commercial areas shall conform to the provisions of residential fences. Fences in industrial or agricultural districts shall conform to the provisions attached to residential fences except where the Building Administrator determines it would be in the public welfare to add to fence height or to add security materials onto the fence. In such cases, fences shall not exceed ten (10)

feet in height.

8. TEMPORARY FENCES. The provisions of this section do not apply to Temporary fences needed to enclose sites, such as construction sites, do not require fencing permits.

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DRAFT

## **4-446. PARKING OF MOTORIZED VEHICLES AND EQUIPMENT IN RESIDENTIAL DISTRICTS**

### **1. Applicability**

- A. The provisions of this section apply to the parking and storage of currently licensed motorized vehicles and equipment within the following residential zoning districts: R-1E, R-L1A, R-1A, R-1B, R-1, R-1S, R-1SM, R-2, R-3, and R-5.
- B. “Currently licensed motorized vehicles or equipment” includes any motorized vehicle or equipment, including passenger vehicles, recreational equipment, boats, RVs, trailers, and the like.

### **2. Standards**

- A. Vehicles or equipment 25 feet in length or less may only be parked in the following described areas:
  - 1. Garage or Carport. Parking or storage may occur entirely within a garage or carport.
  - 2. Rear or side yard. Parking or storage may occur within a rear or side yard provided that a three-foot (3') setback be maintained between the vehicle/equipment and any rear or interior-side lot line, and a twelve-foot (12') setback be maintained from any street-side lot line. These setbacks are not applicable where:
    - a. A driveway to a garage or carport takes access from the street-side of the lot; or
    - b. a six-foot (6') privacy fence or equivalent landscaped screened area exist between the vehicle/equipment and the lot line
  - 3. Front yard. Parking or storage may occur within a front yard, provided that for one- or two-family dwellings, the parking or storage may only be located upon a driveway.
- B. Vehicles or equipment over 25 feet in length may only be parked in the following described areas:
  - 1. Garage or Carport. Parking or storage may occur entirely within a garage or carport.
  - 2. Rear or Side Yard. Parking or storage may occur within a rear or side yard provided that a three-foot (3') setback be maintained between the vehicle/equipment and any rear or interior-side lot line, and a twelve-foot (12') setback be maintained from any street-side lot line. These setbacks are not applicable where:
    - a. A driveway to a garage or carport takes access from the street-side of the lot, in which case only temporary parking or storage is allowed in accordance with the Front Yard parking/storage provisions outlined below; or

- b. a six-foot (6') privacy fence or equivalent landscaped screened area exist between the vehicle/equipment and the lot line
- 3. Front Yard or Street-Side Driveway. Temporary parking or storage may occur within a front yard or street-side driveway as follows:
  - a. During the period between April 15<sup>th</sup> to October 15<sup>th</sup>, temporary parking or storage shall not exceed a total of eleven (11) days in any fourteen (14) day period.
  - b. During the period between October 16<sup>th</sup> to April 14<sup>th</sup>, temporary parking or storage shall not exceed a total of 72 hours in any seven (7) day period.
  - c. All vehicles and equipment shall maintain a three-foot (3') setback from the sidewalk or, where no sidewalk exists, a one-foot (1') setback from the front and street-side property lines. Under no circumstances shall vehicle or equipment parking block the public right-of-way.
- C. Vehicle and equipment parking or storage may only be located on an improved parking surface consisting of concrete or bituminous paving, or gravel only where an existing gravel driveway has not been improved to concrete or asphalt. Grass, dirt, or individual pavers that are not integrated into a continuous driveway shall not constitute an improved parking surface.
- D. No such vehicle or equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

~~4-446. CURRENTLY LICENSED MOTORIZED VEHICLE AND EQUIPMENT  
PARKING IN RESIDENTIAL DISTRICTS.~~

~~A. Purpose: To prohibit the parking or storage of certain vehicles and equipment and prevent the extended storage of those vehicles and equipment which (due to general factors of nuisance) affects the well functioning and character of a residential neighborhood and the community.~~

~~B. For the purposes of this ordinance, the following definitions apply:~~

~~1. Currently Licensed Motorized vehicle or Equipment. Any motorized vehicle or equipment which is licensed and operable for the current year in which it is inspected by the City. This includes passenger vehicles with a cargo capacity rating of one ton or less and recreational equipment.~~

~~2. Improved Parking Surface. Shall consist of a durable surface to include concrete or bituminous, or gravel only where the existing driveway has not been improved to concrete or asphalt. Grass or dirt shall not constitute a durable surface.~~

~~3. Residential Districts. Shall include the zoning districts specified as R-1E, R-L1A, R-1A; R-1B; R-1; R-1S; R-1SM; R-2; R-3; and R-5.~~

~~4. Summer Parking/Storage. Shall include the period between April 15th to October 15th.~~

~~5. Winter Parking/Storage. Shall include the period between October 15th to April 15th.~~

~~C. Currently licensed vehicle or equipment parking on residential lots may be parked in the following described areas:~~

~~1. Garage/Carport. Parking or storage may occur entirely within a garage or carport.~~

2. ~~Required Rear Yard.~~ Parking or storage may occur on an improved parking surface within the required rear yard provided that a 3' setback be maintained for rear or side lot lines. This requirement may be waived where written agreement authorizing this waiver is made between the subject property and those neighbors whose property physically touch the subject property. This agreement shall thereupon be presented to the City Planner for recording. The 3' setback requirement may also be waived should a 6' privacy fence or equivalent landscaped screened area exist between vehicle/equipment parking and the lot line.

3. ~~Required Side Yard.~~ Parking or storage may occur on an improved parking surface within the required side yard provided that a 12-foot setback is maintained on the street side of a corner lot and a 3 foot setback is maintained from the side lot line on interior lot lines. This requirement may be waived along interior lot lines where written agreement authorizing this waiver is made between abutting neighbors to either side of the subject property and thereupon presented to the City Planner for recording. This requirement may also be waived should a 6' privacy fence or equivalent landscaped screened area exist between vehicle/equipment parking and the required side yard lot line.

Vehicles or equipment over 25' in length shall be parked behind the nearest portion of a building to the street unless written authorization is given by the neighbors in accordance with the process as described above. Should this authorization be given and recorded, these vehicles and equipment may extend no more than 25' past the nearest portion of a building to a street and be parked on an improved parking surface. However, under no circumstance shall vehicle or equipment parking occur within 3' of the sidewalk or, where no sidewalk exists, 1' from the front lot line. For vehicles and equipment over 25' in length, summer parking/storage shall occur for a time not to exceed a total of 11 days in any 14 day period. Winter parking for these vehicles and equipment shall occur for a time not to exceed 72 hours in any seven (7) day period.

- ~~4. Required Front Yard. Currently licensed vehicles and equipment 25' or under in length may be parked during any period on an improved parking surface. For vehicles and equipment over 25' in length, summer parking/storage shall occur on an improved parking surface for a time not to exceed a total of 11 days in any fourteen (14) day period. For vehicle and equipment over 25' in length, winter parking/storage shall occur on an improved parking surface and for a time not to exceed 72 hours in any seven (7) day period. All vehicles and equipment shall maintain a 3' setback from the sidewalk or, where no sidewalk exists, a 1' setback from the front property line. Under no circumstances shall vehicle or equipment parking block the public right of way.~~
- ~~5. No such vehicle or equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.~~

## **4-447. SCREENING OF DUMPSTERS AND OUTDOOR STORAGE AREAS**

### **3. Applicability**

- A. The provisions of this section apply to dumpsters/refuse containers and outdoor storage areas used for the storage, placement, and/or parking of equipment, materials, and inventory.

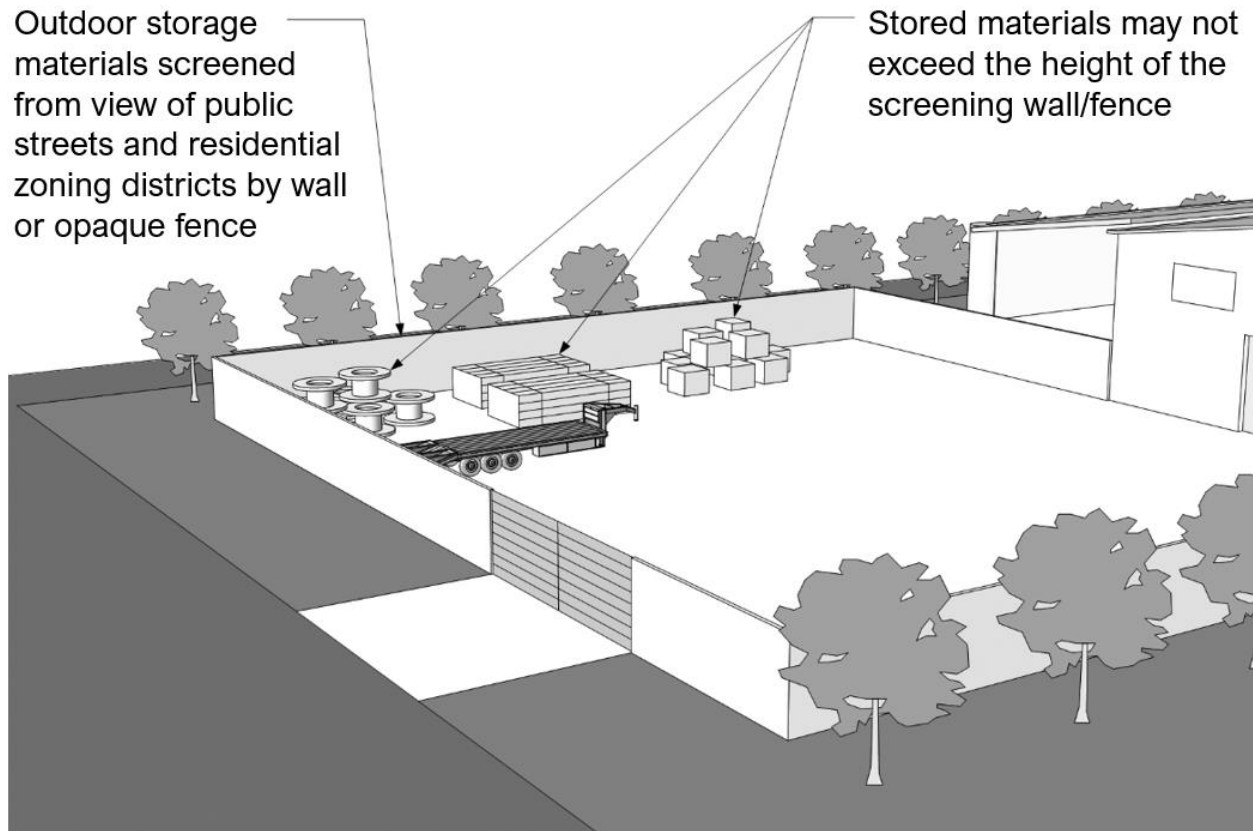
### **4. Exemptions**

- A. These standards do not apply to areas within industrial zoning districts (LI, M) that are not within the Corridor Overlay, Redevelopment Overlay, and/or Interstate Corridor Overlay zoning districts (CO, CO-I, CO-R).
- B. Single-family, twin home, and two-family residential uses are not required to meet the requirements of this section.
- C. Outdoor display of vehicles and equipment for sale or lease, as part of a dealership selling/renting new or used motor vehicles, farm implements, recreational vehicles, construction equipment, or similar use are exempt from these standards, so long as the outdoor display area is set back at least 4 (four) feet from any front or street-side lot line.

### **5. Standards**

- A. All dumpsters and refuse containers shall conform to the following provisions:
  - 1. Dumpsters and refuse containers shall be located at the side or rear of buildings and be visually screened from adjacent public streets or residential zoning districts.
  - 2. Dumpsters and refuse containers shall contain permanent walls or opaque fencing on at least three sides. Service openings within the walls/fencing shall be a minimum of 14 feet wide, unless otherwise approved by the Public Works Director.
  - 3. If the service opening faces and is directly visible from any public street or residentially zoned property. The service opening shall incorporate an opaque gate to visually screen the dumpsters or refuse containers.
- B. All outdoor storage areas shall conform to the following provisions, unless otherwise approved as a conditional use:
  - 1. The outdoor storage area shall not be located within a required front or required street-side yard setback area.
  - 2. The outdoor storage area shall be completely screen from view of public streets or residential zoning districts using an opaque screening fence or wall at least six feet tall.

3. Storage boxes, crates, shipping containers, or other units used for storing materials and protecting them from the weather are considered outdoor storage and must be completely screened from view of public streets or residential zoning districts.



#### **~~4-447. PARKING AND/OR STORAGE OF CERTAIN VEHICLES, EQUIPMENT AND MATERIALS.~~**

- ~~1. Commercial and Industrial Districts. Outside storage of equipment, materials and inventory as part of a principal commercial or industrial use shall be subject to the district use provisions. All outside storage shall conform to the following provisions:~~
  - ~~a. The area occupied is not within a required front or required street side yard, except for vehicle and equipment sales display areas.~~
  - ~~b. Unless otherwise approved as a conditional use, the storage area with all equipment, materials, and inventory is completely screened from the motoring public by fence or landscaping as provided for in Section 4-449.A.~~
  - ~~c. Display and storage areas generally shall be improved to allow for good drainage, dust control and provide for neat appearance. Grassed areas may be utilized if there is good drainage, dust can be controlled and the grassed surface can be maintained for neat appearance.~~
  - ~~d. The storage area does not encroach upon required parking space, required loading space, or snow storage area for the use.~~
  - ~~e. Storage boxes, crates or other units utilized for the purpose of storage and protecting materials from the weather are considered outdoor storage. Such units are allowed in Commercial areas, except within the "CO" District or Corridor Overlay District, provided they do not exceed six (6) feet in height, are located in a side or rear yard, and are fully screened from view from any public street according to the screening provisions found in Section 4-441.3. In industrial areas, these storage units are not limited by height; however, must be located in a side or rear yard and be fully screened from any public street.~~
  - ~~f. All new commercial and industrial uses shall comply with the above procedures and standards. For the purposes of public health, safety and aesthetic appeal to the community, any outside storage existing upon the effective date of this Section, shall be brought into compliance within twelve (12) months of written notification by certified mail to the property owner.~~

## **MEMORANDUM**

**TO:** West Fargo Planning & Zoning Commission  
**FROM:** Aaron Nelson, Planning Director   
**DATE:** September 5, 2024  
**SUBJECT:** Initiation of Growth Area Master Plan Project

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Staff requests formal approval to initiate a growth area master plan project and to issue a request for proposals (RFP) to engage a qualified multi-disciplinary consulting team to lead the development of the plan in collaboration with City staff and project stakeholders.

As discussed at the August 13, 2024 Planning & Zoning Commission meeting, the attached Project Overview document provides a high-level summary of the nature and scope of the proposed project. In short, this project will produce a growth area master plan to strategically guide the City's future development in an orderly and coordinated manner that is both fiscally sustainable and consistent with the community's vision for the future of West Fargo. Work on the plan is anticipated to commence in early 2025 with project completion in early 2026. Once underway, the process will include robust public and stakeholder participation throughout the life of the project. Project funding has been identified for year 2025 within the City's 2024 Capital Improvement Plan.

Suggested Motion:

"To recommend the City Commission direct staff to draft and publish a request for proposals for the development of a growth area master plan and to otherwise initiate this project."

Attachment: Draft Growth Area Master Plan Project Overview

# DRAFT Growth Area Master Plan – Project Overview

Updated: September 5, 2024

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| Project Abstract:     | <p>This project will produce a Growth Area Master Plan to strategically guide the City's future development in an orderly and coordinated manner that is both fiscally sustainable and consistent with the community's vision for the future of West Fargo.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Purpose & Objectives: | <p>The primary purpose of this project is to establish a strategic framework to guide the City's future growth and development decisions. To accomplish this, the following objectives are proposed:</p> <ul style="list-style-type: none"><li>• <b>Objective 1: To better understand future growth demand and the long-term fiscal implications of today's growth decisions. (Expand the knowledge base)</b><ul style="list-style-type: none"><li>— To ensure new development is orderly, sustainable, and can adequately fund itself long-term.</li><li>— To explore alternative options for the financing of growth.</li><li>— To ensure development is sustainable long-term.</li><li>— To understand likely future demand and growth scenarios.</li><li>— To ensure the City is adequately prepared to fund and provide for future demands on expansion of City services and infrastructure.</li></ul></li><li>• <b>Objective 2: To establish and map out a phased plan for the City's physical growth based on the City's Comprehensive Plan. (Flesh-out the vision)</b><ul style="list-style-type: none"><li>— To guide the location and phasing of new development, annexation, extension of public services</li><li>— To consolidate and distill existing plans and policies into one cohesive plan for growth (including such plans as West Fargo 2.0, Northwest Metro Transportation Plan, West 94 Transportation Plan, Metro Housing Study, CIP, utility master plans, School/Park facilities master plans, etc.)</li><li>— To coordinate the location, phasing, and timing of interrelated capital improvements and expansion of City services.</li></ul></li><li>• <b>Objective 3: To collaboratively manage growth decisions amongst dispersed stakeholder entities. (Improve the collaboration)</b><ul style="list-style-type: none"><li>— To collect public input and ensure growth plans remain consistent with the will of the public.</li><li>— To ensure the growth decisions of local governments (e.g., city, county, school district, park district, etc.) are coordinated with each other.</li><li>— To ensure the City's growth decisions are coordinated with the area landowners, the development community, and other stakeholders.</li><li>— To cultivate a collaborative approach to growth management across City departments and partner agencies/jurisdictions.</li></ul></li><li>• <b>Objective 4: To develop the tools and action steps necessary for managing future growth. (Establish the tools)</b><ul style="list-style-type: none"><li>— To develop the decision-making frameworks needed to guide development decisions.</li><li>— To lay the groundwork for the modernization of development regulations that are consistent with the City's vision for growth &amp; development.</li></ul></li></ul> |

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|                                                                  | <ul style="list-style-type: none"> <li>— To aid in the implementation of the vision of the West Fargo 2.0 Comprehensive Plan through the identification of actionable steps and detailed recommendations.</li> <li>— To help align the use of City programs, incentives, and funding to desirable outcomes in relation to the City's vision for growth and development.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p>Scope of Work<br/>Elements &amp;<br/>Plan Focus<br/>Areas</p> | <ul style="list-style-type: none"> <li>• <b>Project Management</b> <ul style="list-style-type: none"> <li>A. Consultant responsible for project management, outcomes, budget, and timeline.</li> </ul> </li> <li>• <b>Public &amp; Stakeholder Participation</b> <ul style="list-style-type: none"> <li>A. Public input &amp; participation throughout the process</li> <li>B. Targeted engagement and participation of key stakeholders</li> <li>C. Use of Steering &amp; Technical Committees</li> <li>D. Communication check-ins to the public and City leadership at project milestones throughout the project.</li> </ul> </li> <li>• <b>Plan Focus Areas:</b> <ul style="list-style-type: none"> <li>A. Existing Conditions &amp; Issue Assessment               <ul style="list-style-type: none"> <li>▪ Review of Existing Plans &amp; Studies</li> <li>▪ Data Collection</li> <li>▪ Capacity to accommodate future growth</li> <li>▪ Stakeholder input on issues/needs/goals</li> <li>▪ Summary of Community Vision and Core Concepts/Goals</li> </ul> </li> <li>B. Growth Scenarios &amp; Fiscal Impact Assessment               <ul style="list-style-type: none"> <li>▪ Evaluation of various growth scenarios (including such variables as: growth locations, densities, land-uses, public infrastructure/service expansion, etc.)</li> <li>▪ Special focus on options for the City-owned lagoon land</li> <li>▪ Special focus on fiscal impacts (pros &amp; cons) of various growth scenarios</li> </ul> </li> <li>C. Decision-Making Framework               <ul style="list-style-type: none"> <li>▪ Future Land-Use Maps and/or combination of similar policy maps (transects, contexts, nodes, etc.)</li> <li>▪ Phased development/annexation/service extension plan, including public infrastructure and future public facilities maps and phasing plan</li> <li>▪ Framework &amp; maps for the strategic use of incentives and city-financing (e.g., tax incentive programs and special assessments)</li> <li>▪ Framework for fiscal impact assessment of individual development proposals</li> </ul> </li> <li>D. Action Plan &amp; Next Steps               <ul style="list-style-type: none"> <li>▪ Recommendations for Growth &amp; Development Regulations</li> <li>▪ Development Financing &amp; Incentives                   <ul style="list-style-type: none"> <li>• Fiscal impact assessment for development proposals</li> <li>• Calibration of incentive programs to meet specified goals</li> <li>• Alternatives for development financing (alternatives to traditional special assessments)</li> </ul> </li> <li>▪ Cross-Jurisdictional Coordination Steps</li> <li>▪ Lagoon Property Strategy</li> </ul> </li> </ul> </li> </ul> |

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|                       | <ul style="list-style-type: none"> <li>• <b>Plan Development</b> <ul style="list-style-type: none"> <li>A. Drafting and refinement of plan documents &amp; digital content <ul style="list-style-type: none"> <li>▪ Executive summary, growth management master plan, recommendations, action plan/12-month implementation guide</li> <li>▪ Digital/web materials for project website</li> </ul> </li> </ul> </li> <li>• <b>Approval &amp; Adoption Process</b> <ul style="list-style-type: none"> <li>A. Presentations to City boards &amp; commissions</li> <li>B. Resolution of Adoption as addendum to WF 2.0 Comp Plan, as per NDCC §40-48-10</li> </ul> </li> <li>• <b>Plan Implementation</b> <ul style="list-style-type: none"> <li>A. 12-month implementation action plan <ul style="list-style-type: none"> <li>▪ Focused on the immediate action steps upon plan adoption</li> <li>▪ Consensus/approval of next steps built into the plan</li> <li>▪ Detailed outline of Prioritization, Roles/Responsibilities, &amp; Resource needs</li> </ul> </li> <li>B. Implementation kick-off and hand-off meetings <ul style="list-style-type: none"> <li>▪ Consultant-lead hand-off meeting(s) with City leadership to catalyze implementation of recommendations.</li> </ul> </li> </ul> </li> </ul> |
| Study Area            | <p>Primary Focus:</p> <ul style="list-style-type: none"> <li>• Periphery of the City's corporate limits</li> <li>• Exclusive extraterritorial jurisdiction, within the FM Diversion alignment</li> <li>• City lagoon property</li> <li>• I-94 Corridor west of the City</li> </ul> <p>Secondary Focus:</p> <ul style="list-style-type: none"> <li>• Extraterritorial areas outside of Primary Focus areas.</li> <li>• Mixed-use nodes and other infill opportunity areas.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Anticipated Timeline: | <ul style="list-style-type: none"> <li>• Q3 2024 – Project scoping and initiation approval <ul style="list-style-type: none"> <li>o August 13, 2024 – P&amp;Z Introduction &amp; Discussion</li> <li>o September 3, 2024 – CC Introduction &amp; Discussion</li> <li>o September 5, 2024 – EDAC Introduction &amp; Discussion</li> <li>o September 10, 2024 – P&amp;Z Recommendation for project approval and to issue RFP</li> <li>o September 16, 2024 – CC Project approval and approval to issue RFP</li> </ul> </li> <li>• Q4 2024 – Publication of request for proposals (RFP)</li> <li>• Q1 2025 – Consultant selection &amp; contracting</li> <li>• Q2 2025 – Project kick-off &amp; consultant-lead planning process</li> <li>• Q2 2026 – Project completion</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Issues:               | <ul style="list-style-type: none"> <li>• The FM Area Diversion channel creates both opportunities and limitations on future growth areas. Given the massive \$3-billion public investment to flood protect this area, there is a need to responsibly protect this public investment through well-reasoned land-use and development policy.</li> <li>• Lack of direction or consensus on the future use of the lagoons property.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

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|                       | <ul style="list-style-type: none"> <li>• Lack of tools to sufficiently evaluate and assess proposed development projects in terms of fiscal impacts to the City budget and long-term sustainability.</li> <li>• Coordination gaps between City and partner agencies on future development-related decisions (e.g., location &amp; timing of new schools in relation to future land-use and utility services; coordination of services between Cass Rural Water &amp; the City).</li> <li>• Lack of sufficient growth management guidance within the Comprehensive Plan (no future land-use component to WF 2.0 Plan and the Plan's growth map is insufficiently detailed).</li> <li>• Sanitary sewer capacity issues are limiting growth potential: <ul style="list-style-type: none"> <li>o The sanitary sewer system is at capacity south of the interstate.</li> <li>o City-wide sanitary sewer capacity is restricted due to costs to send sewage to Fargo.</li> <li>o Need for redundant lift station to reduce risk of city-wide sewage backup &amp; for future capacity of the system.</li> </ul> </li> <li>• Little to no preservation strategy for future public right-of-way and facility needs. (E.g., trail corridors, schools, street connectivity, utility lines, parks &amp; open space.)</li> <li>• Current and future demand for rural development within the City's future growth area. Existing rural residential developments present challenges and impediments to orderly urban growth as the City expands into these areas.</li> <li>• Landowners/developers unable to anticipate how the City is likely to respond to future development proposals. Such uncertainty increases development risk, resulting in increased costs to develop, which contributes to such things as overall housing costs.</li> <li>• The likely timing of future growth demand is not well understood.</li> <li>• Existing infrastructure needs &amp; costs exceed available funding sources. There is a need to ensure future growth maximizes efficiencies of public infrastructure.</li> <li>• Increasing pressure on City to allow rural residential development within the City's future growth area. There is a need to establish policy direction regarding if/when/where rural type development is appropriate.</li> <li>• Need to review development fees and funding options—determine if/how development should/can pay for itself.</li> <li>• Need to identify how walkable mixed use urban nodes identified in the Comp Plan are planned for and developed differently than other “typical” areas.</li> <li>• Misaligned housing goals at the city vs regional level in terms of need for more housing vs desire to increase ratio of jobs/businesses to housing.</li> </ul> |
| Feedback & Questions: | <p>West Fargo Planning Department<br/> Attn: Aaron Nelson<br/> 2515 6<sup>th</sup> St E<br/> West Fargo, ND 58078</p> <p>Phone: (701) 515-5370<br/> Email: Aaron.Nelson@WestFargoND.gov</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |