

PLANNING AND ZONING COMMISSION MEETING AGENDA

Monday April 30, 2018

6:00 PM City Hall, Heritage Room

- **CALL TO ORDER PUBLIC HEARING**

1. Public Hearing to hear comment on Amendments to City of Watford City Municipal Code of Ordinances: Chapter XV Zoning Ordinance, Article XXX- Subdivision Regulations.
2. Public Hearing to hear comment on Amendments to City of Watford City Municipal Code of Ordinances: Chapter XV Zoning Ordinance, Article XXXII- Landscaping Requirements.
3. Public Hearing to hear comment on Division of Land Application for Subdivision Preliminary Plat: "Emerald Ridge Phase 1" submitted by Shangcheng Development, LLC. The proposed subdivision is located in a portion of the SE $\frac{1}{4}$ and NE $\frac{1}{4}$ of Section 14, Township 150 North, Range 99 West, 48.503 acres, Watford City, McKenzie County, North Dakota.
4. Public Hearing to hear comment on Division of Land Application for Simple Lot Split submitted by Craig Nelson for property owned by James C. Ohnstad, LLC. located Irregular Tract #2933 in Section 19, Township 150 North, Range 98 West, Watford City, McKenzie County, North Dakota.
5. Public Hearing to hear comment on Division of Land Application for Simple Lot Split submitted by Warren Hovland for property located E $\frac{1}{2}$ Section 19, Township 150 North, Range 98 West, Lots 7, 8, 9, Block 1 Cherry Creek Second Addition, Watford City, McKenzie County, North Dakota.
6. Public Hearing to hear comment on the termination of Land Use Application for Conditional Use Permit originally submitted by Lindsay Wall for property located at 308 Park Ave. W to operate a home occupation for child care.
7. Public Hearing to hear comment on Division of Land Application for a Variance submitted by Curtis Anderson for the property located at 401 2nd St. NW. Requesting 12 $\frac{1}{2}$ ft. into the 25ft. NW corner of back yard setback for an addition to property of a 1-2 car garage.

- **CLOSE PUBLIC HEARING**

- **CALL TO ORDER REGULAR MEETING**

- **APPROVE MINUTES**

March 26, 2018

- **OLD BUSINESS**

Medical Marijuana Ordinance: establish zones.

- **NEW BUSINESS**

Due to Memorial Day, May P&Z meeting will need to reschedule: Tuesday May 29, 2018?

- **REVIEW PERMITS**

April Records

- **ADJOURNMENT**

1.

Amendments to City
Municipal Code of
Ordinances:

*Chapter XV Zoning
Ordinance, Article XXX
Subdivision Regulations*

ARTICLE XXX - SUBDIVISION REGULATIONS

SECTION 1. - PURPOSE OF CHAPTER

This Ordinance is adopted in order to safeguard the best interests of the City of Watford City and to assist the subdivider in harmonizing their interests with those of the City at large. Because each new subdivision becomes a permanent unit in the basic structure of the expanding community to which the community will adhere, and because piecemeal planning of subdivisions will result in an undesirable, disconnected patchwork of roadways and poor circulation of traffic unless its design and arrangement is correlated to the Comprehensive Plan and the Street and Highway Plan of the City, aiming at a unified scheme of community interests, to prevent the creation of non-conforming lots, to insure that all subdivisions of land are platted by professional land surveyors registered in the state of North Dakota, all subdivisions of land hereafter submitted for approval to the Planning Commission shall, in all respects, fully comply with the regulations hereinafter set forth in this Ordinance. These regulations are hereby adopted for the following purposes:

1. To establish standard procedures, requirements and conditions for the preparation, submission and approval of plats of the subdivision of land within the City and its un-incorporated jurisdiction thereof, as provided in Chapter 40-48 of the North Dakota Century Code, and to enable the City Planning Commission to exercise the authority granted therein, and
2. To require that such plats conform satisfactorily to the comprehensive plan for the territorial jurisdiction of the City Planning Commission and other plans for such jurisdiction or part thereof, including the land use plan and other portions of the Comprehensive plan.

(Ord. NO. 231, 3-7-2011)

SECTION 2. - TITLE OF CHAPTER

These regulations shall be known as the "Subdivision Regulations of the City of Watford City."

(Ord. NO. 231, 3-7-2011)

SECTION 3. - CONFORMITY WITH CHAPTER

Hereafter all subdivisions made within the City and within the designated areas outside of the corporate limits thereof, and not located in any other municipality, shall be subject to and shall conform to these regulations and shall conform to the major thoroughfare plan and other plans for such territory, or part thereof, including the land use plan and other portions of the Comprehensive Plan.

(Ord. NO. 231, 3-7-2011)

SECTION 4. - DEFINITIONS

For the purpose of this ordinance certain words used herein are defined as follows:

1. ALLEYS: Alleys are minor public ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street. Frontage on an alley shall not constitute legal frontage for the purpose of defining a lot or for the purpose of obtaining a building permit.
2. BLOCK: An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a physical land barrier such as a river.

3. **BUILDING LINE:** A line extending across the full width of a lot in front of which no building may be constructed other than steps not requiring handrails.
4. **BUILDING PERMIT:** The permit to allow for structural construction as required under the Building Code of the City of Watford City.
5. **CITY:** [The] City of Watford City, North Dakota.
6. **CITY AUDITOR:** [The] City Auditor of the City of Watford City, North Dakota.
7. **CITY ENGINEER:** The City Engineer of the City of Watford City, North Dakota.
8. **CUL-DE-SAC:** A short street having one (1) end open to traffic and being terminated by a vehicular turn-around with a minimum paved radius of forty-five (45) feet. Maximum cul-de-sac length is one thousand (1,000) feet as measured from the centerline of the intersecting street to the center of the radius of the cul-de-sac.
9. **DEAD END STREET:** A street which has only one (1) outlet for vehicular traffic and terminates without a vehicular turn-around.
10. **DEPTH OF LOT:** The depth of a lot shall be the average distance from the front lot line to the rear lot line. The front lot line is the lot boundary abutting the public right-of-way. (In the case of a corner lot abutting two (2) streets, the front lot line is the boundary aligned with or an extension of predominate front lines of lots in the remainder of the block.) The rear lot line shall be the boundary opposite (or most nearly opposite) the front lot line.
11. **DOUBLE FRONTAGE LOTS:** Double frontage lots are those which extend continuously between two (2) parallel (or approximately parallel) streets bounding a block. A block containing double frontage lots is composed of one (1) rather than two (2) tiers of lots. Lots with alleys at the rear lot line shall not be considered double frontage lots.
12. **DWELLING UNIT:** A single unit providing complete, independent living facilities for one (1) related by blood, marriage, or other legal means, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
13. **EASEMENT:** A grant by a property owner of the use of a strip of land for such public or private use as constructing and maintaining utilities, including but not limited to, sanitary sewers, water mains, electric lines, telephone lines, T.V. or F.M. transmission lines, storm sewer or storm drainage ways, gas lines, and roadways.
14. **FAMILY:** An individual or two (2) or more persons related by blood, marriage, or adoption or a group of not more than five (5) persons (excluding servants) who need not be related by blood, marriage, or adoption living together in a dwelling unit.
15. **FINAL PLAT:** A drawing or map of a subdivision, meeting all the requirements of the City of Watford City and in such form as required by the County of McKenzie for purposes of recording.
16. **GROUP DWELLING:** A single unit providing complete, independent living facilities for one (1) or more persons unrelated by blood, marriage, or other legal means, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
17. **IMPROVEMENTS:** Street grading, street surfacing and paving, curbs and gutters, street lights, street signs, traffic control devices, sidewalks, crosswalks, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other such installations as designated by the Planning Commission.
18. **INTERSECTION, STREET:** The point of crossing or meeting of two (2) or more streets. Intersections shall meet at angles of not less than seventy-five (75) degrees.
19. **LOT:** One (1) unit of a recorded plat or subdivision or a portion or parcel of land considered as a unit and occupied or to be occupied by a building and its accessory buildings and including as a minimum such open spaces required by other City ordinances and having frontage on an improved (ref Improvements) public street.

20. LOT OR PROPERTY PIN: A monument established by certified land survey and set by a registered land surveyor to provide for accurate location of property lines set in accordance with North Dakota Century Code 47-20.1-10. Minimum corner requirements.
21. MARKET VALUE: An estimate of the property worth, in terms of money, in the free and open market.
22. MONUMENT: An identification marker established by certified land survey and set by a registered land surveyor at each section corner, angle point, block corner, street centerline, or other point.
23. OWNER: Includes the plural as well as the singular, and where appropriate shall include a natural person, partnership, firm, association, public or quasi-public corporation, private corporation, or a combination of any of these.
24. PARCEL: A contiguous quantity of land under separate ownership.
25. PARKS AND PLAYGROUNDS: Areas of public land and open spaces in the City of Watford City, dedicated or reserved for recreation purposes.
26. PERCENTAGE OF GRADE: The rise or fall of a slope in feet and tenths of a foot for each one hundred (100) feet of horizontal distance. The center line of a street from the face of the nearest intersecting curb or nearest edge of pavement shall be used to determine the street grade.
27. PEDESTRIAN WAY: A public or private right-of-way across a block or within a block to provide access, to be used by pedestrians and which may be used for the installation of public or private utilities.
28. PLANNING COMMISSION: [The] City Planning Commission of Watford City, North Dakota.
29. PLAT: A map which defines the subdivision of land. A plat commonly shows lots, blocks, streets and other features relevant to the development and improvement of the property.
30. PRELIMINARY PLAT: A tentative drawing or map of a proposed subdivision meeting requirements herein enumerated.
31. PROTECTIVE COVENANTS: Contracts made between private parties as to the manner in which land may be used, with the objective of protecting and preserving the physical and economic integrity of any given area.
32. RECREATIONAL AREA, PUBLIC: An area of land open to the public for recreational purposes with or without user fees charged.
33. REVERSE FRONTAGE LOT: A corner lot the rear of which abuts upon the side of another lot whether across an alley or not.
34. RIGHT-OF-WAY: Areas or portions of areas of land dedicated, used, or prescriptively used for a road and along the side of the roadway. A thoroughfare or path reserved or established for public use or reserved for or occupied and used by a railroad or a public utility.
35. SIDEWALK OR WALKWAY: That portion of a dedicated right-of-way or easement intended for pedestrian use only.
36. SHARED USE PATH OR PATHWAY: That portion of a dedicated right-of-way or easement intended for pedestrian and/or non-motorized use only.
37. STREET: A public way for vehicular traffic which affords the principal means of access whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.
38. STREET, THOROUGHFARES: Arterial streets which are used primarily for heavy traffic, and serving as an arterial traffic way between the various districts of the community, as shown on the Comprehensive Plan.

39. STREET, COLLECTORS: Those that carry traffic from minor streets to the major system of thoroughfares and highways, including the principal entrance streets of residential districts as shown on the Comprehensive Plan.
40. STREET, MINOR: Those which are used primarily to provide vehicular and pedestrian access to abutting properties.
41. STREET WIDTH: The shortest distance between the curb faces on opposite sides of the street or the shortest distance between the edges of the improved surface of the traveled way.
42. STREET, PRIVATE: A private roadway affording access by pedestrians and vehicles, which is under individual rather than municipal control and ownership.
43. STREET, SERVICE OR FRONTAGE ROAD: Minor streets which are parallel and adjacent to thoroughfares and highways, and which provide access to abutting properties and protection from through traffic.
44. SUBDIVIDER: A person, corporation, partnership, association or any other group who prepares or causes to be prepared a subdivision plat.
45. SUBDIVISION: Any division or redivision of a lot, tract, or parcel of land within the city or its extra-territorial jurisdiction into two (2) or more lots, tracts, or parcels of land for the purpose of transfer of ownership, building development, the creation of streets and/or rights-of-way, or any other purpose; except that:
 - a) The sale or exchange of parcels of land to or between adjoining property owners where such sale or exchange does not create additional lots shall not be deemed a subdivision.
 - b) The allocation of property by court decree in settling the estate of a decedent or in partitioning land among owners shall not be deemed a subdivision.
 - c) The unwilling sale of land as the result of legal condemnation procedures, or the acquisition of street rights-of-way by a public agency in conformance with the comprehensive plan shall not be deemed a subdivision.
46. SWALES: A drainage system for storm runoff which approximates natural drainage patterns. For example, shallow drainage ways are provided beside streets and, if necessary, a ponding area is provided. Thus, use of a natural percolation is emphasized, and the need for conventional curb, gutter and storm drains is minimized or eliminated. The net result is lower initial cost to home buyers because of lower original costs and lower maintenance costs. This system may be used when internal pedestrian ways are provided in subdivisions.
47. TANGENT: A straight line departing from a curve which is perpendicular to the radius of that curve.
48. TRACT: A parcel of land intended for division or development of a subdivision.
49. U.S.G.S. DATUM: Refers to United States Geodetic Survey Datum.
50. VERTICAL CURVE: The surface curvature on a street center line located between lines of different percentage of grade.
51. WIDTH OF LOT: The width of a lot shall be the average distance between side lot lines. Side lot lines are those which are neither front nor rear lot lines.

(Ord. NO. 231, 3-7-2011)

SECTION 5. - APPROVAL OF PLATS

Plat approval as required herein and in conformity with statutory authority within the Planning Commission's territorial jurisdiction, shall be by the Planning Commission, with confirmation approval by the City Council. In all cases where land is offered for dedication for streets, utilities, or other public

purposes, the governing body affected shall act to accept or reject the offer of dedication and the deed for the fee to such lands. The approval of other jurisdictional Planning Commissions shall be required on all plats of land situated within the unincorporated jurisdiction of the City of Watford City, North Dakota.

(Ord. NO. 231, 3-7-2011)

SECTION 6. - PROCEDURE FOR APPROVAL OF PLATS

All subdivision sketches submitted for approval, as well as all plats, preliminary and final, shall be prepared in conformance with the provisions of this ordinance and in conformance with the Watford City Comprehensive Plan. The subdivider shall be responsible for such conformance.

Preliminary Steps:

1. Before preparing the general plan of a subdivision, the subdivider shall consult informally with the City ~~Engineer~~ [Planning Department] concerning the relation of the property to existing conditions, future plans, and community facilities, utilities and services.
2. It will be the duty of the Planning Commission to discourage the subdividing of lands that are far in advance of the needs of the community; or that by their location cannot be efficiently served by public utilities, schools, fire protection, police protection or other municipal service; or that are located in areas subject to flooding or that are topographically unsuitable for development; or that for any other reason are unwisely or prematurely subdivided. It shall also be the duty of the Planning Commission to encourage the replatting of lands deemed to be unsatisfactorily subdivided or are underdeveloped.
3. It shall also be the duty of the Planning Commission to encourage the coordinated platting of adjacent small parcels of land.

Preliminary Plat Approval:

The subdivider shall apply in writing to the Planning Commission for tentative approval of the preliminary subdivision plat.

1. ~~Eight (8) prints of the preliminary subdivision plat shall be submitted to the City Engineer for the Planning Commission at the City Hall at least twenty-one (21) days prior to the Planning Commission meeting at which the same shall be considered.~~ [An electronic format and 11" x 17" ledger size copy of the preliminary plat shall be submitted to the Planning Department. Preliminary Plats must be submitted on or before the deadline date as set by The Planning Department]. The preliminary plat shall comply with provisions of Section 10 of these regulations. Fees charged for the filing of the preliminary subdivision plat shall be paid in full, on the basis of the estimated number of lots created, at the time of application for tentative approval. The fee for the submission of a plat is ~~fifty dollars (\$50.00) plus ten dollars (\$10.00) for each newly created lot.~~ [set by Resolution of City Council]The City ~~Engineer~~ [Planning Department] shall prepare a report, thereon; setting out whether or not said plat meets the requirements of the City Ordinance, and the City of Watford City Comprehensive Plan. [The] City [Planner and/or Planning Department] ~~Engineer~~ shall present said report together with recommendations thereon, to the next meeting of the [Planning Commission and City] Council, filing as herein set out.
2. After receipt of the application for preliminary plat approval, the [Planning Department] ~~Engineer~~ shall give notice of a public hearing on such proposed subdivision by advertising the time and place of such hearing in a newspaper of general circulation in the City of Watford City or in the county concerned at ~~least ten (10) days prior to the date of such hearing.~~ The subdivider will furnish the name and address of the owner of the land, or his agent, at the time of application, and the [Planning Department] ~~secretary of the Planning Commission~~ shall

send to said address by registered mail a notice of the time and place of such public hearing not less than five (5) days before the date fixed for the hearing. The public hearing may be held at a regular meeting or special meeting of the Planning Commission.

3. Within sixty (60) days after the submission of a plat, the Planning Commission [shall make recommendation to] approve or disapprove it. If the plat is not [recommended for] approved or disapproved [approval or disapproval] within such time, it shall be deemed to have been approved, and a certificate to that effect shall be issued by the commission on demand. The applicant, however, may waive the requirement that the commission shall act within the sixty (60) days and consent to an extension of such period. The grounds upon which any plat is disapproved shall be stated upon the records of the commission.
4. Upon the making of its determination [recommendation], the Planning Commission shall embrace the same within a motion, which shall include all conditions it required for approval, or conditions upon which approval will be granted, and shall set forth the reasons for the approval given. A copy of the motion shall be sent forthwith to the subdivider and a copy thereof to the City Council together with the plat if it is approved, conditionally or otherwise.
5. Approval shall be effective for a maximum period of twelve (12) months, unless upon application by the developer, an extension is granted. If the plat or portion thereof has not been submitted for final approval within the time limit, a preliminary plat must again be submitted for approval.
6. The City Council shall review the preliminary plat and the recommendations of the Planning Commission at their next regular meeting following the action of the Planning Commission and shall take action on such plat and recommendations within sixty (60) days. Failing to do so, it shall be considered an approval of the plat and a certificate to that effect shall be issued by the City Council on demand. Procedures for approval, approval with conditions or denial shall be as prescribed by the Planning Commission.

Final Approval:

After the preliminary plat has been approved, and the subdivider determines to proceed to secure final approval of all or a part thereof as a final plat, the final plat shall be submitted to the Planning Commission with a letter requesting such approval and describing the proposed development schedule for the subdivision.

1. ~~One (1) Mylar original and two (2) reproducible copies of the final plat shall be submitted to the City Engineer at least fourteen (14) days prior to the Planning Commission meeting at which the same shall be considered.~~ [An electronic format and 11"x17" ledger size copy of the plat shall be submitted to the Planning Department for review. The final plat must be received by or on the submittal deadline date as set by the Planning Department.] The application shall be accompanied by such other documents and materials as may be required by these regulations or by the City [Planner] Engineer. The [Planning Department] Engineer shall prepare a report thereon setting out whether or not said final plat is in substantial agreement with the preliminary plat and if not, in what particulars it varies therefrom; whether or not it conforms to the requirements of State law and the City Ordinance, and that the final plat meets all the conditions as attached to the approval of the preliminary plat. At this time an adjusted filing fee shall be determined [as set by Resolution of City Council] and any additional fee shall be paid.
2. If the Planning Commission [recommends approval of] approves the subdivision, such approval will be entered upon the original and copies of the plat and will be signed by the Chairman of the Planning Commission. If the Planning Commission [recommends disapproval of] disapproves the subdivision, such action, together with the reasons therefore, will be entered in the official records of the Planning Commission and a copy of such record will be sent to the subdivider. If it shall determine that it cannot approve it unless certain conditions

are attached, it shall by motion set forth the conditions for approval and forthwith send a copy of such conditions to the subdivider, and all further action on the plat shall be suspended until the subdivider shall respond thereto, provided that if no further action is taken by the subdivider within a thirty (30) day period, the plat shall be deemed to be disapproved.

3. The Planning Commission will act upon all requests for final approval of a subdivision within thirty (30) days after application for such approval is made. Failure by the Planning Commission to act within such period shall be deemed as approval of the subdivision and the [Planning Department] ~~Secretary of the Planning Commission~~ shall issue a certificate to the effect upon demand. However, the subdivider may waive this requirement and agree to an extension of this period.
4. Upon final approval of a subdivision involving the creation of new streets, the widening, decreasing or vacation of existing streets or alleys, or the creation, enlargement or decreases of other lands devoted to public use, the Planning Commission shall thereby and without further public hearing have approved such change in streets, alleys, or public lands as an amendment to the Comprehensive Plan. The Planning Commission will transmit notice of such action to the City Council of the City of Watford City together with appropriate recommendations concerning the acceptance of dedicated streets and alleys, or the vacation thereof, and of the acceptance of other dedicated lands. In the case of streets, alleys and public lands lying outside the City of Watford City, notice of the action of the Planning Commission and appropriate recommendations will be transmitted to the board of County Commissioners of McKenzie County, the Township Board, and other bodies having jurisdiction.
5. Final action by motion on the final plat shall be communicated forthwith to the subdivider by the City [Planning Department] ~~Engineer~~ for the Planning Commission, and a copy of the motion shall be sent to the City Council, together with the plat, and such other data as the Council shall determine.

Submittal to the City Council:

1. Upon the [recommendation] ~~adoption of the motion~~ of approval or disapproval by the Planning Commission, the final plat shall come before the City Council for review.
2. The Council shall have the authority to hold such hearings on the final plat as it shall determine, and upon such notice as it shall provide.
3. If the Council is not satisfied with the final plat as presented, it may: (a) disapprove the same; (b) set forth such conditions and requirements as it shall require to be fulfilled before the same is approved; or (c) refer the same to the Planning Commission which shall act thereon at the next meeting and report back to the City Council no later than sixty (60) days after the said action of the City Council.
4. If the City Council shall determine to accept the plat, it shall by resolution so determine, and the resolution shall provide for the acceptance of all streets, alleys, easements or other public ways, parks, and other spaces dedicated to public purposes.
5. The action of the City Council finally determining the matter shall be communicated to the subdivider, and if the plat be disapproved, reasons given by the Council for such determination shall be set forth.
6. A final plat that is approved by the City Council shall be filed by the City [Planning Department] ~~Engineer~~ for record with the ~~Register of Deeds of~~ McKenzie County [Recorder], within thirty (30) days after approval.

(Ord. NO. 231, 3-7-2011)

SECTION 7. - PLATS OUTSIDE CORPORATE LIMITS

Procedure for approval of preliminary and final plats of land outside of the corporate limits of Watford City shall be the same as set forth in Section 6 of this Ordinance, except that one (1) copy of the preliminary plat shall be referred to the McKenzie County Commission, and one (1) copy to the affected townships with a request for their recommendations to be submitted to the Watford City Planning Commission. The Watford City Planning Commission shall consider such recommendations prior to taking action on the plat. If no such recommendations are received by the Watford City Planning Commission within sixty (60) days, the plat shall be deemed approved by the County and the township.

(Ord. NO. 231, 3-7-2011)

SECTION 8. - VACATION OF A PLAT OF RECORD

Conditions: A subdivider or owner may make application to the Planning [Planning Department] Commission to vacate any plat of record under the following conditions:

1. The plat to be vacated is a legal plat of record.
2. Vacation of the subdivision will not interfere with development of, nor deny access via public thoroughfare to, adjoining properties or utility services or other improvements.
3. Vacation of the subdivision will not be contrary to the Watford City Comprehensive Plan.
4. Procedure: Shall comply with vacation proceedings as outlined in Chapter 40-50.1 of the North Dakota Century Code. The land owner or owners shall present a proposal to the Planning Commission, containing the legal description and plat of the subdivision and calling for vacation thereof. The Planning Commission shall study the proposal and shall send recommendations to the City Council. The City Council shall approve or deny the proposal. If the proposal is approved, it shall then be recorded in the office of the County Recorder. All fees for the recording of such vacation shall be paid by the subdivider.

(Ord. NO. 231, 3-7-2011)

SECTION 9. - PROFESSIONAL ASSISTANCE

The City Council or the Planning Commission may request such professional assistance as it deems necessary to properly evaluate the plats submitted, expenses to be paid by the owner or subdivider.

(Ord. NO. 231, 3-7-2011)

SECTION 10. - SPECIFICATION FOR PLATS

Specifications for Preliminary Plats:

1. The following data regarding identification and description of the preliminary plat shall be provided:
 - a. Proposed name of subdivision, which name shall not duplicate or too closely approximate the name of any plat or existing subdivision heretofore recorded in the County except when such plat is an addition to an existing plat of record. The name of a rearrangement of an existing plat may be shortened from a complete legal description of the rearrangement by stating "(said rearrangement) hereafter to be known as _____."
 - i. Location by section, township and range, or by other legal description.
 - ii. Names and addresses of the owners, subdividers, and developers having control of the lands included in said preliminary plat, the designer of the plat, the surveyor and his registration number.

- iii. Graphic scale, not less than one (1) inch to one hundred (100) feet, or other scale as approved by the City [Planner] Engineer.
 - iv. North point.
 - v. Date of preparation.
 - vi. Font size shall be a minimum of 0.1 inches in height. Font type shall be Aerial, Calibri, Helvetica, or Verdana.
2. The following data regarding existing conditions shall be provided for preliminary plats:
 - a. Boundary line survey, including measured distances and angles which shall close by latitude and departure with an error of closure not exceeding one (1) foot in ten thousand (10,000) feet.
 - b. Total acreage in said preliminary plat computed to one one-hundredth (1/100) of an acre.
 - c. Total square footage of each lot.
 - d. Location and names of existing or platted streets or other public ways, parks and other public open spaces, buildings and structures, easements and section and corporate lines within the tract and to a distance of one hundred (100) feet beyond the tract at the time of submission of the plat.
 - e. If the proposed subdivision is a rearrangement or a replat of any former plat, the lot and block arrangement of the plat of record along with its original name shall be indicated by dotted or dashed lines. Also, any revision or vacated roadway of the original plat of record shall be so indicated.
 - f. Location and size of existing surfaced streets shall be shown, as well as all railroads, sewers, water mains, fire hydrants, gravel pits, culverts, or other underground facilities within and to a distance of one hundred (100) feet beyond the tract.
 - g. Boundary lines of adjoining platted or unplatted land within one hundred (100) feet beyond the tract.
 - h. Complete topography map that extends 100 feet beyond the subdivision boundary line with contour intervals not greater than two (2) feet, water courses, high water elevation, and date thereof (of parts of platted area that are wet or have been wet, or have been subject to flooding), marshes, rock outcrops and other significant features; all superimposed on at least one (1) print of preliminary plat. United States Geodetic Survey datum, including date of datum used, shall be used for all topographic mapping.
 - a) In the case of a subdivision where no new street is involved, the prescribed topographic map requirements shall be left up to the discretion of the City [Planner] Engineer.
3. The following data regarding proposed development design features of the preliminary plat shall be provided:
 - a. Layout of proposed streets, alleys, pedestrian ways and easements, showing right-of-way widths and proposed names of streets. The name or number of any street similar to or heretofore used in the City of Watford City shall not be permitted unless the proposed street is an extension of an already named street in which event that name or number shall be used. All street names or numbers shall be subject to the approval of the Planning Commission and City Council. All north-south travel ways shall be streets and all east-west travel ways shall be avenues. Alleys shall be unnamed.
 - b. Layout, numbers and dimensions of lots, square footage area of each lot, and the number or letter of each block.

- c. Proposed Public Improvements: Highways or other major improvements planned by public authorities for future construction on or near the tract.
- d. Location and size of proposed parks, playgrounds, churches, or school sites or other special uses of land to be considered for dedication to public use, or to be reserved by deed of covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation.
- e. Vicinity sketch, at a scale of one (1) inch equals one thousand (1,000) feet or less for an area one-half (½) mile in radius of the tract, to show the relation of the plat to its surroundings.
- f. Existing and proposed covenants, if applicable.
- g. A statement of proposed improvements to be installed by the subdivider including provisions for stormwater disposal.
- h. Profiles showing existing ground surface and proposed street grades, including extensions for a distance of three hundred (300) feet beyond the limits of the proposed subdivision; typical cross sections of the proposed grading, roadway and sidewalk.

Specifications for Final Plats:

[After the preliminary plat has been approved by City Council,] the owner or subdivider shall submit a final plat together with any necessary supplementary information. The final plat shall [be submitted to the Planning Department as an electronic format as well as one ledger (11 x 17) size copy. After the final plat has been approved by City Council, the final plat shall be submitted as (1) Mylar in sheet size of 24 x 36 inches]. ~~consist of one (1) Mylar original and two (2) prints on a reproducible Mylar base or other media approved by the City Engineer, and in sheet sizes of 22 x 34 inches, 24 x 36 inches, or other size approved by the City Engineer.~~ Font size shall be a minimum of 0.1 inches in height. Font type shall be Aerial, Calibri, Helvetica, or Verdana.

The final plat shall contain the following:

1. The final plat prepared for recording purposes shall be prepared in accordance with provisions of North Dakota State Statutes and applicable City and County regulations.
2. Name of subdivision: Names shall not duplicate or too closely approximate the name of any existing subdivision in McKenzie County except when such plat is an addition to an existing plat of record. The name of a rearrangement of an existing plat may be shortened from a complete legal description of the rearrangement by stating "(said rearrangement) hereafter to be known as _____."
3. Location and description and North Dakota State plane coordinates of cardinal points to which all dimensions, angles, bearings, and similar data on the plat shall be referenced; each of two (2) corners of the subdivision traverse shall be tied by course and distance to separate section corners, quarter-section corners, or to existing recorded physical monuments.
4. Location by section, township, range, county and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close. The allowable error of closure on any portion of a final plat shall be one (1) foot in ten thousand (10,000) feet. The location of monuments shall be noted or shown on the final plat. Location of such monuments shall be shown in reference to existing official monuments or to the nearest established street lines, including true angles and distances to such reference point or monuments. Permanent monuments shall be placed at each corner of each lot or portion of a lot, points of curvature, points of street intersection, and points of tangents on street lines, at each angle point on the boundary of the subdivision, at each intersection of a lot line with the centerline of an easement for a public utility or an easement for public use, and at each angle point or point of curvature for an easement for a public utility or an easement for public use. A permanent monument shall be deemed to be a steel rod, one-half

(1/2) inch in diameter extending at least two (2) feet below the finished grade. In situations where conditions prohibit the placing of monuments in the location prescribed above, offset markers are permitted. Permanent monuments placed within the paved portion of a street shall be a brass or aluminum cap monument set on top of a thirty (30) inch long by five-eighths (5/8) inch diameter steel rebar contained in a cast iron monument case.

5. Locations of lots, streets, public highways, alleys, parks and other features with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to produce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot lines.
6. Boundary lines and description of boundary lines on any areas other than streets and alleys, such as easements, which are to be dedicated or reserved for public use.
7. Lots shall be numbered clearly and the square footage of each lot shall be shown. Block numbers shall be shown clearly in the center of the block and all streets shall be named.
8. Names and addresses of owners, subdividers, and developers, designer of the plat, surveyor and his registration number, making the plat.
9. The scale of the plat shall be not less than one (1) inch to one hundred (100) feet or other scale as approved by the City [Planner] Engineer to be shown graphically, north point, and date of preparation.
10. Statement dedicating all easements as follows: Easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the strips marked "utility easements."
11. Statement dedicating all streets, alleys and other public areas not previously dedicated as follows: Streets, alleys and other public areas shown on this plat and not heretofore dedicated to public use are hereby also dedicated.

Certifications Required on Final Plats:

1. All signatures shall be notarized.
2. Notarized certification by owner and by any mortgage holder of record of their consent of the plat and the dedication of streets and other public areas.
3. Notarized certification by registered land surveyor, to the effect that the plat represents a survey made by him and that monuments and markers shown therein exist as located and that all dimension and geodetic details are correct.
4. Space for Certificates of Approval to be filled in by the signatures of the owner(s), surveyor, [Chairman] President of the Planning Commission, City Auditor, Mayor of the City Council, [Utility providers,] and Notary Publics for each as well as the McKenzie County Recorder [and McKenzie County Tax Director]. ~~The form of approval by the Planning Commission is as follows:~~

[ELIMINATE SIGNATURE BLOCK EXAMPLES: It is unnecessary to have the following examples of the signature blocks within our ordinances. We have a separate document of detailed Plat Language. The language is typically updated every year to accommodate date & name changes. The Plat language document is enclosed.]

Certificate of Registered Surveyor	
I, _____ BEING A REGISTERED NORTH DAKOTA LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE PROPERTY SHOWN HEREIN AND THE WITHIN MAP IS A TRUE AND CORRECT REPRESENTATION OF THE LAND SURVEYED, AND THAT I HAVE FULLY COMPLIED WITH THE	

~~PROVISIONS OF THE NORTH DAKOTA CENTURY CODE AND THE CITY OF WATFORD CITY SUBDIVISION
ORDINANCES TO THE BEST OF MY KNOWLEDGE AND BELIEF~~

--	--

	_____ Registered Land Surveyor
--	-----------------------------------

--	--

State of North Dakota	
-----------------------	--

County of McKenzie	
--------------------	--

~~—Be it known that on this _____ day of _____, 20_____, before me personally appeared and acknowledged the execution and signing of the above Certificate of Registered Land Surveyor to be his voluntary act and deed.~~

(S-E-A-L)	_____ Notary Public for the State of North Dakota My Commission Expires:
-----------	--

--	--

Owners Consent and Dedication:	
--------------------------------	--

--	--

~~We, the undersigned, being all the owners and mortgage holders of the lands platted herein, do hereby voluntarily consent to the execution of said plat, and do dedicate the streets, alleys, parks, and public grounds as shown thereon, including all sewers, culverts, bridges, water distribution lines, sidewalks, grounds, whether such improvements are shown or not, to the public use forever.~~

--	--

~~We agree not to vacate any portion of this plat without consent of the Planning Commission and the City of Watford City. We also hereby dedicate easements, to run with the land, for water, sewer, gas electric, telephone or other public utility lines or services under, on, or over those certain strips of land designated hereon as "utility easements".~~

	<u> </u> (Name of Owner)

State of North Dakota)	
	:SS:
County of McKenzie)	

—Be it known that on the _____ day of _____, 20_____, before me personally appeared and acknowledged the execution and signing of the above Consent and Dedication to be his (her,their) voluntary act and deed.	
(S E A L)	<u> </u> Notary Public for the State of North Dakota My Commission Expires:
Planning Commission Approval:	
—The subdivision of land shown hereon has been approved by the Planning Commission of the City of Watford City on _____.	
Further Requirements:	

~~—All design and/or improvement standards required by Ordinance must be met in the schematics presented by the subdivider prior to the approval of the Final Plat.~~

~~—All improvement, maintenance and warranty guarantees required by Ordinance must be made prior to the approval of the Final Plat.~~

(Ord. NO. 231, 3-7-2011)

SECTION 11. - OPEN SPACE REQUIREMENTS:

- A. GENERAL: Residential subdivisions, other than those simple lot splits meeting the requirements of Section 13 to Article XXX of Chapter XV of these Ordinances, shall be required to provide open space. Developed open space shall be designed to provide active recreational facilities to serve the residents of the development. Undeveloped open space shall be designed to preserve important site amenities and environmentally sensitive areas as well as to provide passive recreational opportunities. Each area set aside shall be of suitable size, dimension, topography, and general character and shall have adequate road access for the particular purposes envisioned by the developer and Planning Commission. The area shall be shown and marked on any tentative and final map.
- B. MINIMUM REQUIREMENTS:
1. AMOUNT OF OPEN SPACE REQUIRED. Open space shall be required in the amount of two and one-half (2½) acres per one thousand (1,000) residents expected to reside in the subdivision. Number of residents shall be calculated using the persons per type of dwelling unit determined by the 1990 U.S. Census as follows:
 - a. Persons Per Single Family Detached Unit 2.63
 - b. Persons Per Single Family Attached Unit 2.31
 - c. Persons Per Mobile Home Unit 2.47
 - d. Persons Per Multi-Family Unit 1.91
 2. ALTERNATE CALCULATION: Where types of dwelling units to be constructed are not specifically determined, persons per single family detached unit shall be used in calculating number of residents.
 3. LOCATION OF OPEN SPACE PARCELS: Open space parcels shall be convenient to the dwelling units they are intended to serve. However, because of noise generated by certain recreational activities, they shall be sited with sensitivity to surrounding development.
- C. IMPROVEMENT OF OPEN SPACE PARCELS:
1. DEVELOPED OPEN SPACE: The Planning Commission may require the installation of recreational facilities, taking into consideration:
 - a. The character of the open space land;
 - b. The estimated age and the recreation needs of persons likely to reside in the development;
 - c. Proximity, nature, and excess capacity of existing municipal recreation facilities; and

d. The cost of the recreational facilities.

Land reserved for developed open space shall be relatively level and dry, and shall have frontage on one (1) or more streets. The Planning Commission shall refer any subdivision proposed to contain developed open space to City Council.

2. **PAYMENT IN LIEU OF OPEN SPACE:** In lieu of providing open space within its development, developer may request that the City Council allow the developer to make payment to the City of Watford City, in an amount equal to any required reservation, for development or acquisition of open space at some other mutually agreed upon area. Such funds shall be used by the City of Watford City for the agreed upon purpose only.
 3. **UNDEVELOPED OPEN SPACE:** As a general principle, undeveloped open space should be left in its natural state. A developer may make certain improvements such as the cutting of trails for walking or jogging, equestrian use or the provision of picnic areas, etc. In addition, the Planning Commission may require a developer to make other improvements, such as removing dead or diseased trees, thinning trees or other vegetation to encourage more desirable growth, and grading and seeding.
- D. **EXCEPTIONS TO THE STANDARDS:** The Planning Commission may permit minor deviations from open space standards when it can be determined that: a) the objectives underlying these standards can be met without strict adherence to them; and/or b) because of peculiarities in the tract of land or the facilities proposed, it would be unreasonable to require strict adherence to these standards.
- E. **DEED RESTRICTIONS:** Any lands reserved for open space purposes shall contain appropriate covenants and deed restrictions approved by the City of Watford City Attorney ensuring that:
1. The open space area will not be further subdivided in the future;
 2. The use of the open space will continue in perpetuity for the purpose specified;
 3. Appropriate provisions will be made for the maintenance of the open space; and Common undeveloped open space shall not be turned into a commercial enterprise admitting the general public at a fee.
- F. **OPEN SPACE OWNERSHIP:** The type of ownership of land dedicated for open space purposes shall be selected by the owner, developer, or subdivider, subject to the approval of the Planning Commission. Type of ownership may include, but is not necessarily limited to, the following:
1. The City of Watford City;
 2. McKenzie County;
 3. Quasi-public organizations, subject to their acceptance;
 4. Property-owner, condominium, or cooperative associations or organizations; or
 5. Shared, undivided interest by all property owners in the subdivision.
- G. **PROPERTY-OWNERS ASSOCIATION:** If the open space is owned and maintained by a property-owner association or condominium association, the developer shall file a declaration of covenants and restrictions or other suitable document that will govern the association, to be submitted with the application for the final map approval. The provisions shall include, but are not necessarily limited to, the following:
1. The property-owners association shall be established before any lots are sold;
 2. Membership shall be mandatory for each property-owner;
 3. The open space restrictions shall be permanent, not just for a period of years;
 4. The association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities;

5. Property owners shall pay their pro rata share of the cost, and the assessment levied by the association can become a lien on the property if allowed in the master deed establishing the property-owners association; and
- H. MAINTENANCE OF OPEN SPACE AREAS: The person or entity identified as having the right of ownership or control over the open space shall be responsible for its continuing upkeep and proper maintenance.

(Ord. No. 268, 5-7-2012)

SECTION 12. - PUBLIC PROPERTY DEDICATION

- A. GENERAL: Residential subdivisions, other than those simple lot splits meeting the requirements of Section 13 to Article XXX of Chapter XV of these Ordinances, shall be required to provide acreage for the development of school sites, hospitals or other community related development or cash in lieu of dedicated acreage at the request of the City.
- B. MINIMUM REQUIREMENTS:
1. AMOUNT OF DEDICATION REQUIRED. Dedication shall be required in the amount one (1) acre per forty (40) acres of residential development. Number of acres shall be calculated using the gross acreage of the development site.
 2. PAYMENT IN LIEU OF DEDICATION: In lieu of dedicating acreage within its development, developer may request that the City Council allow the developer to make payment to the City of Watford City, in an amount equal to the appraised value of the calculated acreage. Such funds shall be used by the City of Watford City for the agreed upon purpose only.

(Ord. No. 269, 5-7-2012)

SECTION 13. - SIMPLE LOT SPLIT

A simple lot split shall be allowed when street improvements, water or sewer line improvements or other public improvements are not required, and no more than four (4) lots are created. Upon approval by the City Council, a simple lot split may be recorded. Notwithstanding the foregoing, all lot design standards and zoning requirements are required to be met.

(Ord. No. 270, 5-7-2012)

SECTION 14. - EXCEPTIONS TO SUBDIVISION REQUIREMENTS.

Lands transferred to governmental entities such as the City of Watford City, McKenzie County, State of North Dakota, United States government, McKenzie County Water Resource District, Western Area Water Supply Authority, and Watford City Park District; public utilities including power companies, telephone companies, cable companies and railroads may be exempt from these regulations provided the transfers are for the purpose of public roadway and/or utility expansion, and provided the parcels do not exceed four hundred (400) feet in width. Any and all exceptions from these regulations must have approval from the City Planner or designee prior to the transfer of land. Surveys creating the parcel must include a statement signed by the City Planner or designee that includes the following statement: "This parcel is not subject to the subdivision regulations found in Article XXX of Chapter XV of the Code of Ordinances for the City of Watford City." This exception shall be retroactive and include parcels previously created in violation of said subdivision regulations at such time as the City Planner or designee records an affidavit against the offending parcels that states that they are not subject to the subdivision regulations of the City of Watford City.

(Ord. No. 427, 4-21-2016; Ord. No. 429, 7-20-2016)

2.

Amendments to City
Municipal Code of
Ordinances:

*Chapter XV Zoning
Ordinance, Article XXXII
Landscaping Requirements*

ARTICLE XXXII - LANDSCAPING REQUIREMENTS

SECTION 1. - INTENT AND PURPOSE:

The purpose of this section is to establish requirements for the design, installation, and maintenance of landscapes that contribute ecologically and aesthetically to the growth and economic prosperity of the City; that achieve healthy, attractive, and safe environments according to recognized design and urban forestry principles; that encourage water conservation and storm water integration; and that conserve, protect, and promote the natural identity and environment of the City.

1. The requirements of this section intend to guide landscaping within commercial, industrial and residential zoning districts.
2. All landscaping designs must add visual beauty to the property and provide a high level of aesthetic value. The quantity and quality of the design should be compatible with each zoning district and the intended use of the property.
3. All new development or full redevelopment of a site shall comply with the landscape requirements of this chapter and incorporate sustainable landscape elements in the planting design including, but not be limited to, use of native species, rain gardens/bio-retention systems, green rooftops, and xeriscaping. In addition, the design should include aesthetic elements such as public art, fountains, plazas, and front yard/entrance landscaping.

(Ord. No. 430, 8-1-2016)

SECTION 2. - SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL LANDSCAPING:

The landscaping requirements of this section shall apply within the City of Watford City and within the extra-territorial jurisdiction of the City of Watford City to any of the following:

1. The construction of any new single-family residence, including townhouses, twin homes, and detached condominiums, or any two-family residence.
2. Preliminary Plat. A conceptual landscape plan shall be made a part of any development agreement associated with a preliminary plat.
3. Lots with existing landscaping shall be subject to the General Requirements identified subsection (a) "Minimum Landscape Area" and (e) "Maintenance."

General Requirements:

- a. Minimum Landscaped Area. The area of all yards bounded by the front property line, side property lines, and the boundary of the required rear yard closest to the residence excluding areas required for off-street parking, access, public improvements, or any area within any public right-of-way shall be landscaped with grass, vegetative ground cover, or xeriscape landscaping (a style of landscape design requiring little or no irrigation or other maintenance) in conjunction with site development.
- b. Planting Requirements. Turf, Vegetative Ground cover or Xeriscape.
- c. Installation. All trees and landscaping must be installed in a manner designed to encourage vigorous growth.
- d. Existing Plants. Plants that exist on a site that will remain after site development may be used to satisfy the landscaping standards of this section if they meet all size, variety and locational requirements.
- e. Maintenance. Landscaping must be maintained as described in Article III, Garbage, Refuse and Rubbish, Article XX Noxious Weeds, and Article XVI Lot Maintenance of City of Watford City Ordinances.

- f. Single-Family and Two-Family Residential homes are subject to compliance of Sections 6, 7, 8, 10 and 11 of this ordinance.

(Ord. No. 430, 8-1-2016)

SECTION 3. - COMMERCIAL, INDUSTRIAL, OFFICE, SUBSTANDARD LOT AND MULTI-FAMILY DEVELOPMENTS:

Landscaping shall be required for all new commercial, industrial, office, substandard lot, and multi-family developments; alterations and additions to buildings or parking lots; or changes in use. A landscaping plan may be required by the Planning Department or City Council as part of an application for a zone change, conditional use, variance, tenant improvement, development agreement, or planned unit development approval.

1. Landscaping Requirements - A building permit for new development shall not be issued unless the application for such permit includes a landscaping plan meeting the following landscaping requirements based upon the zoning/district in which the property is located:
 - a. Where front or side yard setbacks are required, such yards shall be fully landscaped according to their pertinent districts front/side yard setback depth requirements, except those areas necessarily covered by buildings, walkways, driveways, or by off-street parking and loading spaces.
 - b. In all zones/districts, there shall be at least seventy percent (70%) landscape coverage of the unimproved/undeveloped area.
 - c. Landscape beds may contain grass, ground cover, shrubs or trees, or a combination spaced properly for their respective sizes at maturity. These elements should be well distributed though not necessarily evenly spaced.
2. Building/Parking Lot Perimeter Landscaping: At least fifty percent (50%) of the total building perimeter, facing a public street, shall be sodded/seeded and landscaped with approved ground cover, shrubbery and trees in an area of no less than six (6) feet in width.
3. Interior Parking Lot Landscaping:
 - a. All parking lots shall have at least ten percent (10%) landscape coverage.
 - b. Live plant material shall be evenly dispersed throughout the parking area.
 - c. At least one (1) shade tree and three (3) shrubs shall be provided for every twenty (20) parking spaces, or fraction thereof within the off-street parking area. One (1) shade tree may be substituted for three (3) shrubs, but shrubs may not be substituted for shade trees.
 - d. All parking lots containing fifty (50) or more off-street parking spaces shall provide interior landscape areas within the parking lot. Such landscape areas shall be provided at the rate of ten (10) square feet per parking space, shall be no less than ten (10) feet by ten (10) feet (100 square feet), and shall be constructed with poured-in-place concrete curbing to minimize damage to plant material. The City Planner may waive the poured-in-place concrete curbing requirement for landscape beds intended to function as rain gardens, storm water infiltration areas, or storm water detention facilities. For parking lots with one hundred (100) to four hundred (400) parking spaces, at least fifty percent (50%) of the landscape areas shall be no less than six hundred (600) square feet in area with a minimum width dimension of ten (10) feet.
4. Landscaping Site Plan - A landscape plan shall be required for all development subject to the provisions of this subsection. All landscape plans submitted for approval shall contain, at a minimum, the following information and represented on plan set in coverage table format:
 - a. North point and scale (not less than 1" = 100');

- b. The boundary lines of the property with dimensions and area;
 - c. The location of all driveways, parking areas, sidewalks, structures, utilities, or other landscaping of site;
 - d. The location, common name, scientific name to the species level, size and quantity of all existing trees, shrubs, or other vegetation intended for use in meeting the requirements of this subsection - coverage table;
 - e. The location, common name, scientific name to the species level, size and quantity of all proposed landscape materials - coverage table;
 - f. The location and height of any proposed earthen berms, masonry fences, or other features used to meet the landscaping or buffer yard requirements;
 - g. The location of any existing and/or proposed easements; and
 - h. The square footage of each interior parking lot landscaping area and the overall square footage of all interior parking lot landscaping area shown - coverage table.
 - i. A cost estimate prepared by the landscape architect, landscape designer, landscape contractor, or civil engineer submitting the landscape plan in the amount sufficient to guarantee the installation of all the required landscaping, including materials and labor costs.
5. Landscape Design Considerations - Landscape design should serve to provide visually interesting open space, reduce the potential negative impact of development on adjacent land uses, and complement the scale of the development and its surroundings. Designers shall consider the following items in developing a landscape plan for submittal to the City:
- a. Landscape materials and structural items placed within the sight triangle of a corner lot shall not have a height of more than three (3) feet above the curb level during all stages of plant growth. Deciduous trees may be planted within the sight triangle provided they are not an obstruction to vision between three (3) feet and ten (10) feet above the curb level,
 - b. Landscape materials and structural items at driveway entrances cannot obstruct visibility for vehicles entering or exiting a parking lot,
 - c. Trees or shrubs shall not be planted under utility lines when their ultimate height may interfere with the lowest lines,
 - d. Landscaped areas shall be of adequate size to promote proper plant growth and to protect plantings from pedestrian traffic, vehicle traffic, and other types of concentrated activity,
 - e. Landscaped areas and plantings shall be located in a manner to allow adequate room for proper maintenance,
 - f. Utilize a variety of tree and shrub species to provide year round visual interest,
 - g. Final slopes greater than a 3:1 ratio, including slopes on earthen berms, will not be permitted without special approval or treatment, such as special seed mixtures or reforestation, terracing or retaining walls.
6. Tree/Shrub Requirements -
- 1. Street Trees:
 - a. At least one (1) street tree is required for every thirty-five (35) linear feet of street frontage unless the Planning Department determines that additional space between trees is necessary to address specific siting or other conditions. Grass is required in all areas of right-of-way for streets and utilities not covered by concrete, asphalt, or other material for vehicular, bicycle, or pedestrian travel unless otherwise approved by the Planning Department.

- b. Placement shall avoid utilities and be placed a minimum of seven (7) feet from back of curb, or on the back slope of any ditch area.
 - c. Placement shall be outside of sight distance triangles at intersections.
 - d. This requirement is exclusive of other requirements within this Chapter.
2. Open Space Planting Requirements:
- a. One (1) deciduous or evergreen tree shall be required for each fifty (50) square feet of required landscape area. No more than twenty (20) percent of the trees can be of the same type and no less than twenty (20) percent of the trees shall be evergreen.
 - b. Distribute trees throughout the property, including required islands, with at least seventy (70) percent installed to the front or most public view of the building.
 - c. Trees shall not create vehicle and pedestrian sight line issues.
 - d. Designs may substitute shrubs and perennial plants for trees up to thirty (30) percent of the landscape area. A tree is equivalent to ten (10) shrubs/perennial plants.
3. Minimum-Planting Requirements:
- a. Nursery Stock Sizing: The following nursery stock standards shall be required at the time of planting. All measurements shall conform to the standards set forth in the current edition of the "American Standard for Nursery Stock". Larger plants may be used or specified at any time. Trunk diameter shall be measured six (6) inches above ground level for four (4) inch caliper trees or less and measured twelve (12) inches above ground level for four (4) inch caliper trees or more.

PLANT	POTTED	BAILED AND BURLAPPED
Overstory (shade) Trees	2.5 inch diameter	2.5 inch diameter
Ornamental Trees	6 to 7 feet	2 inch diameter
Evergreen Trees		6 feet
Tall Shrubs and Hedge Material (Evergreen or Deciduous)	3 to 4 feet	3 to 4 feet
Low Shrubs	18—24 inches	18—24 inches
Evergreen Shrubs	18—24 inches	18—24 inches
Spreading Shrubs	18—24 inches	18—24 inches

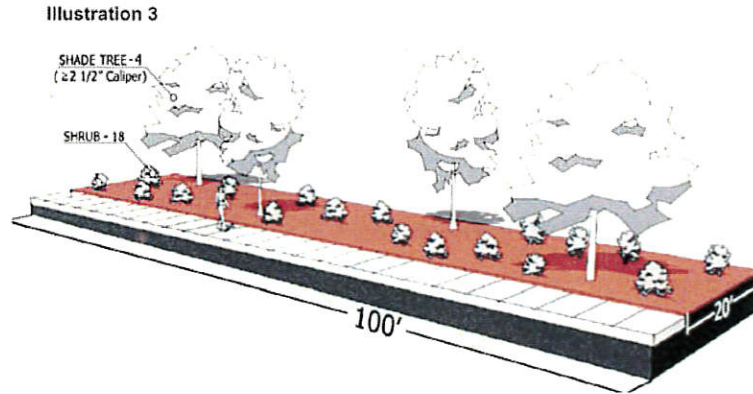
- b. Plant Hardiness: All plants specified and installed must be nursery grown and identified as hardy plants that are appropriate for all seasonal conditions. Plants must be sound, healthy, vigorous, and free of disease, insect eggs and larvae. *Native species shall be planted.*

- c. Plant Diversity: To promote diversity for areas of a site where vegetative screening is required or proposed, no single variety of plants constitute more than twenty-five percent (25%) of the screening materials, and the complement of plants used shall provide year round visual interest.
- d. Coverage: All landscaped areas shall have grass, or defined as a landscape planting bed with approved native vegetation, ground covers, shrubbery and trees with a mulch cover.

7. Buffer/Screening Requirements -

- 1. Buffer area/screening is required between adjacent zoning districts when a more intensive zoning district is abutting, directly visible from, or faces toward the boundary of the less intensive zoning district.
- 2. Buffer area/screening is required by a permitted or conditional use to ensure all outdoor storage activity, or other activities, is not visible from surrounding properties or roads.
- 3. The landscaped [buffer] area must be at least twenty (20) feet in width and [when it] abuts the property line shared in common with the residential property. [For all other zoning districts when abutting less intensive zoning, the landscape buffer area must be at least ten (10) feet in width.] The City Planner may consider exceptions to the minimum width requirement for a fully landscaped buffer screen.
- 4. The landscaped [buffer] area must include in respect to every one hundred lineal feet the following:

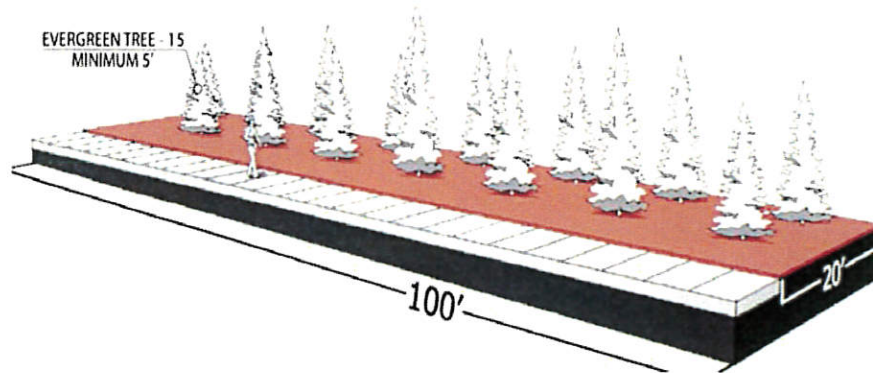
- a. Four (4) shade trees of at least a two and one half (2½) inch caliper and eighteen (18) shrubs (see Illustration 3)



OR

- b. Seven (7) ornamental trees of at least two (2) inch caliper and eighteen (18) shrubs (see Illustration 4)

Illustration 5



OR

- c. Fifteen (15) evergreen trees at least five (5) feet in height (see Illustration 5)

OR

- d. ~~[At least fifty (50) percent of the buffer area must be living landscape to] Any combination of plant material that~~ provide a suitable screen.

- 5. ~~A decorative masonry fence or solid wooden fence that provides a suitable screen, not less than six (6) feet in height, may be substituted for some or all of the elements prescribed in paragraphs (a) through (d) of Item 4 above. [If a decorative, masonry fence, or solid wooden fence, not less than six (6) feet in height is installed to provide a suitable screen, no additional living landscaping will be required within the buffer area. If chain-link fence will be installed, at least 50% of the required buffer area must still include living landscaping as described 4a-d.] Any fence that also includes a row of trees planted in front of the fence at a minimum of one (1) tree per twenty (20) feet of fence length may reduce the twenty (20) feet buffer width to ten (10) feet. (See Illustration 6.)~~

Illustration 4

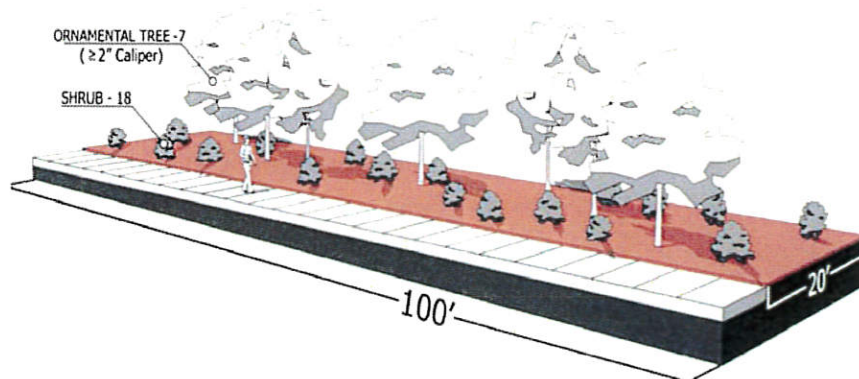
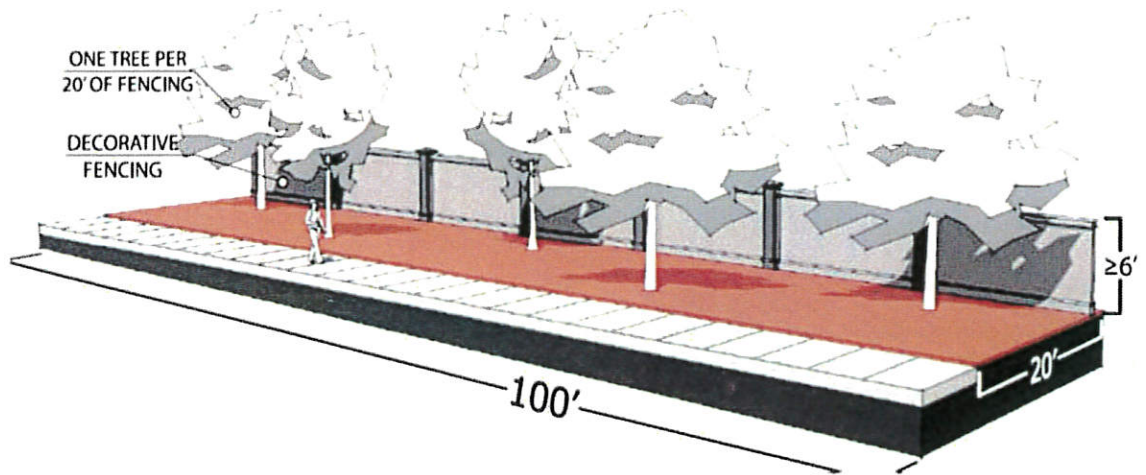


Illustration 6



6. The plant material required in paragraph (4) must be spaced to achieve the purpose of creating a barrier between a residential district, or less intensive zoning district, and a more use-intensive district. The ratios established by paragraph (4) shall be prorated as necessary when the length of a buffer strip is not evenly divisible by one hundred (100), with fractional numbers rounded to the nearest whole number.

(Ord. No. 430, 8-1-2016)

SECTION 4. - BUILDING ADDITION/SITE EXPANSION REQUIREMENTS:

Sites not meeting the minimum landscaping area requirements, general requirements, tree and shrub requirements, or buffer area requirements increases to landscaping shall be required if that building or site is expanded based on the following criteria and priorities:

1. A one-time building addition, or site expansion, of twenty-five percent (25%) or less of the existing floor area, or site area, does not have to comply with the standards of this article after adoption of the landscaping ordinance.
2. Any building addition, or site expansion, of more than twenty-five percent (25%) of the existing floor area (or site area) shall require increases to green space and landscaping on site.
3. Priority landscaping areas include:
 - a. Increasing the landscape area percentage as required in Section 3, and the number of trees and shrubs planted based on requirements in Section 3(6). Additional landscaping, trees and shrubs shall be located in highest and most publicly visible areas of the site.
 - b. Installation of any buffer required in Section 3(7).
 - c. Increases to parking lot landscaping.
4. Planning Staff will work with the applicant to determine the appropriate increases in landscaping area, plantings and buffering and priorities based on existing site conditions, existing landscaping and expansion plans during the required site review for new construction.

(Ord. No. 430, 8-1-2016)

SECTION 5. - NON-PLANT MATERIAL:

No more than twenty percent (20%) of the minimum required landscaping may consist of decorative rock, gravel, stones, bark chips, mulch, other inorganic or dead organic material, or artificial/synthetic landscaping materials.

(Ord. No. 430, 8-1-2016)

SECTION 6. - MAINTENANCE/WATER SCHEDULE:

Landscaping required under this Article shall include a watering plan with submittal of the landscape design. The landowner is responsible for regular weeding, mowing of grass, and watering, fertilizing, pruning, and other maintenance of all plantings as needed. Reference City of Watford City Ordinance Article 3, 10, and 16 Lot Maintenance, Noxious Weeds and Rubbish-Refuse-Garbage.

(Ord. No. 430, 8-1-2016)

SECTION 7. - REPLACEMENT:

All plant materials shall be maintained in a healthy and growing condition as appropriate for the season of the year. Landscaping and screening materials that die, become diseased, are significantly damaged must be replaced as required to remain in compliance with this ordinance.

(Ord. No. 430, 8-1-2016)

SECTION 8. - VISIBILITY TRIANGLES:

The landscaping requirements of this Article shall be modified in their application as necessary to leave visibility triangles unobstructed.

(Ord. No. 430, 8-1-2016)

SECTION 9. - SURETY:

No building permit for construction of a (multi-family, commercial, industrial, office and substandard lot) structure for which landscaping is required shall be issued unless the application for such permit is accompanied by:

1. A plan for the installation of such landscaping in compliance with the requirements of this section.
2. A cost estimate prepared by the landscape architect, landscape designer, landscape contractor, or civil engineer submitting the landscape plan in the amount sufficient to guarantee the installation of all the required landscaping, including materials and labor costs.
3. A performance bond in an amount sufficient to guarantee the installation of the landscaping according to the landscaping plan. The amount shall be equal to the cost estimate required in Section 9(2) of this article plus ten percent (10%).

The City Planner upon such terms may extend the deadline for installation of required landscaping and associated improvements and conditions as it may reasonably impose, otherwise the timeline is within the following construction season (12 months-calendar year).

(Ord. No. 430, 8-1-2016)

SECTION 10. - ENFORCEMENT:

Landscaping that is not installed, maintained or replaced within one (1) construction season as needed to comply with this section shall be considered a violation of this section and shall be subject to the penalties of withholding and or removing the Certificate of Occupancy, and/or the penalties prescribed in Section 1-607 of the City of Watford City Municipal Code.

(Ord. No. 430, 8-1-2016)

SECTION 11. - APPEALS:

An appeal to the City Council may be taken by any person aggrieved or by any officer, department, Council or bureau of the city regarding the requirements of this landscape ordinance.

(Ord. No. 430, 8-1-2016)

SECTION 12. - DEFINITIONS:

As used in this section, the following terms shall have the following meanings:

Caliper means the diameter of a tree trunk measured two (2) inches above root flare.

Construction means the first placement of permanent construction of a structure on a site, such as the framing of forms for a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation.

Deciduous means plant material that loses its leaves part of the year.

Development area means all area within a perimeter large enough to encompass the structure, and all other improvements being made or anticipated. Examples include but are not limited to:

1. Garages, storage sheds, and other auxiliary buildings, sidewalks and other improved walkways and driveways.

In addition, the development area shall include any yard area or setback area required by the zoning ordinance in connection with such construction to the extent not already included within the perimeter just described.

Evergreen tree, six (6) foot minimum, means that green foliage is persistent year round.

Ground Cover means the living landscape materials or low-growing plants, other than turf grasses, installed in such a manner to provide a continuous cover of the ground surface, and which upon maturity normally reach an average height of twenty-four (24) inches or less.

Landowner means the owner of the real property to which this section applies, or the person in control of such real property.

Landscaping means the planting, placement, or installation of:

1. Shade trees, evergreen trees, ornamental trees, shrubs, grass, flowers, and other live organic ground coverings;
2. Associated inorganic or dead organic materials such as decorative rock, gravel, stone, flatwork, bark chips and the like;
3. Pools, fountains, picnic areas, and similar amenities.

Ornamental tree, two (2) inch caliper, means less than thirty-five (35) feet at mature height.

Screening means the creation of a visual barrier such that no more than twenty percent (20%) of whatever is on one side of the barrier is visible to an observer on the other side.

Shade Tree means a tree with at least a two and one-half (2½) inch caliper more noted for its large and dense crown rather than its flowers or its light-colored bark and graceful leaves with an average height greater than thirty-five (35) feet at mature height.

Shrub means a deciduous or evergreen woody plant smaller than an ornamental tree and larger than ground cover, consisting of multiple stems from the ground or small branches near the ground, not less than twelve (12) inches in height.

Structure means any structure, which is designed, intended, or suitable for human occupancy (whether of a residential or non-residential character and whether on a permanent basis or periodic basis), or for storage of physical objects on a commercial basis.

Turf means a layer of matted earth formed by grass and plant roots into a thick mat.

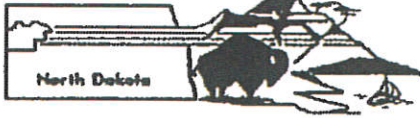
Xeriscaping is a landscaping method developed especially for arid and semiarid climates that utilizes water-conserving techniques (as the use of drought-tolerant plants, mulch and efficient irrigation).

(Ord. No. 430, 8-1-2016)

3.

Division of Land Use
Application:

Subdivision Plat
Emerald Ridge Phase 1



DIVISION OF LAND

SUBDIVISION PRELIMINARY PLAT

APPLICATION
 THE CITY OF WATFORD CITY
 213 2nd ST NE / PO BOX 494
 WATFORD CITY, NORTH DAKOTA

APPLICATION FEE: \$1,125.00 + \$15.00 PER LOT

REQUIREMENTS: All applications must be legible, printed in ink or typed, and suitable for reproduction. *Original application with original signature is required.* A *Subdivision Preliminary Plat Application* may be submitted in order to begin the Subdivision process to plat parcels within the Corporate City limits and the designated Extra Territorial Area (ETA). All *Preliminary Subdivision Plats* shall be subject to conform to the regulations as set within the City of Watford City Municipal Code of Ordinances and Chapter 40-48 of the North Dakota Century Code. Along with this application, please submit the following: N.D. Professionally Engineered/ Surveyed map of subdivision parcels in both .PDF format and 11"x17" size paper for review, a brief justification letter explaining the request for *Preliminary Subdivision Plat* and a copy of current property deed(s) and/or title report. Once approved by City Council, a Final Subdivision Plat must be submitted for additional review and approval before Subdivision Plat recordation. For specific details regarding this process, please refer to the *City of Watford City Municipal Code of Ordinances: CHAPTER XV ARTICLE XXX: SUBDIVISION REGULATIONS.*

PROPERTY OWNER INFORMATION

OWNER NAME(S): Shangcheng Development, LLC	PHONE NUMBER: 7347176360	EMAIL: vinodc@cl-grp.com
MAILING ADDRESS: P.O. Box 2895 Watford City, ND 58854		

APPLICANT INFORMATION

Same as Owner

APPLICANT NAME: Vinod C.	PHONE NUMBER:	EMAIL:
MAILING ADDRESS:		

DEVELOPER INFORMATION

DEVELOPER NAME: Shangcheng Development, LLC	PHONE NUMBER: 7347176360	EMAIL: vinodc@cl-grp.com
MAILING ADDRESS: P.O. Box 2895 Watford City, ND 58854		

PROPERTY INFORMATION

PROPERTY ADDRESS/LOCATION:	ZONING DISTRICT: R 2,3,4,CB	
PARCEL NUMBER(S): 827305220, 827305210, 827305230	PROPOSED SUBDIVISION NAME: Emerald Ridge - Phase 1	
LEGAL DESCRIPTION: (SECTION, TOWNSHIP RANGE) P/O SE1/4SE1/4 and P/O NE1/4SE1/4 Section 14, Township 150N, Range 99W, 5th PM		
EXISTING ACREAGE/SQ.FT.: 48.503 Ac.	NEW ACREAGE/SQ.FT.: 48.503 Ac.	PROPOSED # OF LOTS: 65
CURRENT USE OF PROPERTY: Apartments/Multi-Family Housing	PROPOSED USE OF PROPERTY: Apartments/Multi-Family Housing	

DESCRIPTION Please give a brief description of the Preliminary Subdivision Plat.

<p> </p> <p> </p> <p> </p>

APPLICANT SIGNATURE: (IF DIFFERENT THAN OWNER)
 As the applicant, I certify that all City Ordinances will be complied with and that the information given within this application as well as the plans submitted are in all respects true and correct to the best of my knowledge and belief.

APPLICANT SIGNATURE: _____ DATE: ____/____/____

APPLICANT PRINT NAME: _____ APPLICANT TITLE: _____

PROPERTY OWNER(S) AFFIDAVIT
 I/We, the undersigned, swear that I am / we are, the owner(s) and/or Mortgage holders of the property described within this application. I/We will make provisions to ensure compliance with the disclosure and recording requirements of McKenzie County and the City of Watford City. I/We certify that all information contained within this application are in all respects true and correct to the best of my/our knowledge and belief. I/We also hereby authorize City of Watford City Staff and/or its designee to access my property or premise for the purpose of gathering and verifying information in relation to this application and submitted plans.

PROPERTY OWNER SIGNATURE: Brendan Liang DATE: 03/30/18

PROPERTY OWNER SIGNATURE: _____ DATE: ____/____/____

PROPERTY OWNER NOTARY

On this 30th day of March, 2018 before me, the undersigned, a notary public for the state of New York, personally appeared, Brendan Liang known to me to be the person(s) who executed the certificate in witness whereof, I have hereunto set my hand and affixed my official seal the day and year in the certificate first written above.

Jenny O. Genao
 Notary Public

Notary Public for the state of New York
 Residing at New York
 My Commission Expires July 7, 2018

(NOTARIAL SEAL)
 JENNY O GENAO
 Notary Public - State of New York
 NO. 01GE6307406
 Qualified In New York County
 My Commission Expires Jul 7, 2018

OFFICE USE ONLY

<input type="checkbox"/> COPY OF PROPERTY DEED <input type="checkbox"/> COPY OF TITLE REPORT <input type="checkbox"/> COPY OF TITLE MEMORANDUM <input checked="" type="checkbox"/> PDF & LEDGER SIZE REVIEW COPY OF PLAT <input checked="" type="checkbox"/> VICINITY MAP <input checked="" type="checkbox"/> LEGAL DESCRIPTION <input type="checkbox"/> JUSTIFICATION LETTER <input checked="" type="checkbox"/> ORIGINAL SURVEYOR STAMP & SIGNATURE ON 24"X36" PLAT	LEGAL NOTICE DATES: _____ _____ <input type="checkbox"/> ADJACENT PROPERTY <input type="checkbox"/> OTHER NOTICES MAILED	MEETING DATES: PLANNING COMMISSION: <u>4.30.2018</u> CITY COUNCIL: <u>5.7.2018</u>
INVOICE: INVOICE NUMBER: <u>3379</u> DATE CREATED: <u>4.2.18</u> BY <u>[Signature]</u>	PAYMENT: \$1,125.00 + \$15.00 PER LOT DATE RECEIVED: ____/____/____ AMOUNT: \$ <u>2,100.⁰⁰</u> <input type="checkbox"/> CARD <input type="checkbox"/> CASH <input type="checkbox"/> CHECK # _____	

APPLICANT SIGNATURE: (IF DIFFERENT THAN OWNER)

As the applicant, I certify that all City Ordinances will be complied with and that the information given within this application as well as the plans submitted are in all respects true and correct to the best of my knowledge and belief.

APPLICANT SIGNATURE:

DATE:

APPLICANT PRINT NAME:

APPLICANT TITLE:

PROPERTY OWNER(S) AFFIDAVIT

I/We, the undersigned, swear that I am / we are, the owner(s) and/or Mortgage holders of the property described within this application. I/We will make provisions to ensure compliance with the disclosure and recording requirements of McKenzie County and the City of Watford City. I/We certify that all information contained within this application are in all respects true and correct to the best of my/our knowledge and belief. I/We also hereby authorize City of Watford City Staff and/or its designee to access my property or premise for the purpose of gathering and verifying information in relation to this application and submitted plans.

PROPERTY OWNER SIGNATURE:

DATE:

PROPERTY OWNER SIGNATURE:

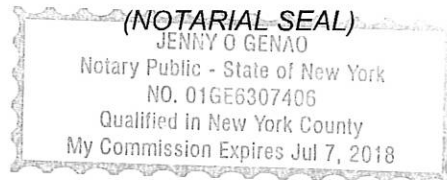
DATE:

PROPERTY OWNER NOTARY

On this 30th day of March, 2018 before me, the undersigned, a notary public for the state of New York, personally appeared, Brendan Liang known to me to be the person(s) who executed the certificate in witness whereof, I have hereunto set my hand and affixed my official seal the day and year in the certificate first written above.

Jenny O Genao
Notary Public

Notary Public for the state of New York
Residing at New York
My Commission Expires July 7, 2018



OFFICE USE ONLY

- COPY OF PROPERTY DEED
- COPY OF TITLE REPORT
- COPY OF TITLE MEMORANDUM
- .PDF & LEDGER SIZE REVIEW COPY OF PLAT
- VICINITY MAP
- LEGAL DESCRIPTION
- JUSTIFICATION LETTER
- ORIGINAL SURVEYOR STAMP & SIGNATURE ON 24"x36" PLAT

LEGAL NOTICE DATES:

____/____/____
____/____/____

ADJACENT PROPERTY OWNER NOTICES MAILED

MEETING DATES:

PLANNING COMMISSION:

____/____/____

CITY COUNCIL:

____/____/____

INVOICE:

INVOICE NUMBER: 3379

DATE CREATED: 4, 2, 18 BY: _____

PAYMENT: \$1,125.00 + \$15.00 PER LOT

DATE RECEIVED: 4, 9, 18 AMOUNT: \$ 2,100.00

CARD CASH CHECK # 113

