ZONING ORDINANCE AND SUBDIVISION REGULATIONS

CITY OF WILTON, ND

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ARTICLE 1 – INTRODUCTION

6.0101 Title

This Ordinance and the Zoning District Map shall be known as the Zoning Ordinance and Subdivision Regulation for the City of Wilton, North Dakota.

6.0102 Purpose and Intent

The zoning regulations and districts, as herein set forth, are designated to promote the health, safety, and safety, and welfare of the people of the City of Wilton and are established for the purpose of promoting the sound and desirable use of land.

6.0103 Authority

Code reference is Chapter 40-47 and Section 40-05-02 (13) of the North Dakota Century Code and all subsequent changes.

6.0104 Interpretation and application

In the interpreting and applying the provisions of this Ordinance, it shall be held to be the minimum for the promotion of public health, safety, and general welfare.

It is not intended by these provisions to interfere with, abrogate, or annul rules or permits previously adopted according to the law relating to the use of building or premises; nor is it intended to interfere with, abrogate, or annul any easements, covenants, or agreements between parties; provided, however, that where these provisions impose greater restrictions as to use or require larger open space or less height than this Ordinance, the greater prevail.

6.0105 Severability

If any section, subsection, sentence, clause, or phrase of the above Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of said Ordinance. The City of Wilton Commission of the City of Wilton, North Dakota, hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsection, sentence, clause, or phrases may be declared invalid or unconstitutional.

6.0106 Repeal

All regulations, parts of regulations, existing ordinances, or resolution in conflict with this Ordinance and its provisions are hereby repealed.

6.0107 General Terms

Words used in the present tense include the future; the singular number includes the plural and the plural shall include the singular.

The word person includes a firm, association, partnership, trust, company, or corporation as well as an individual.

The word shall is mandatory; the word may is permissive.

6.0108 Specific Terms

Access – The way by which pedestrians and vehicles shall have safe and adequate ingress and egress to the property.

Accessory building – A subordinate building, the use of which customarily is incidental to the main building or the main use of the premises such as garages and tool sheds. A second dwelling on a lot zoned for a single-family residence is not considered a permitted accessory building.

Administrator – The administrative official, designated by the City Commission, to administer and enforce the provisions of this ordinance.

Advertising Sign – See Sign.

Aggregation of Lots – The combination of two or more platted lots into fewer lots that does not involve the vacation of existing easements and does not involve lots with more than one zoning classification.

Alley - A minor street providing vehicular service access to the back or side of two or more properties

Amendment – Any change, revision or modification of the text of the ordinance or to the Official Planning and Zoning Map.

Animal Hospital or Veterinary Clinic – A place where animals are treated and accommodated by a veterinarian.

Apartment – A room or suite of rooms suitable for occupancy as a residence for one family.

Arterial Streets and Highways - Those which are used primarily for fast or heavy traffic.

Average Daily Traffic (ADT) – The average number of vehicles crossing a specific point on a roadway during a 24-hour period on the average working day. The projected or estimated ADT for a development shall be based on the most representative land use(s) described in the manual entitled “Trip Generation” (latest edition) published by the Institute of Transportation Engineers, or a similar source.

Bed and Breakfast Establishment – A house in which the resident owner offers overnight accommodations and meal service to guests for compensation.

Block – A parcel of land abutting one street and surrounded by public streets, railroad rights-of-way, parks or the boundary line of the City of Wilton.

Board of Adjustment - The body authorized by the City Commission of Wilton to hear appeals on the enforcement of the provisions of this Ordinance and to grant variances.

Buildable Area - The portion of a lot remaining after required yards have been provided.

Building - Any structure designed, or intended for the enclosure, shelter or protection of persons, chattels, or property.

Building Code - Refer to Federal Housing Administration Minimum Property Standards, 1994 Edition, and its additions amends, etc.

Building Height – The vertical distance from means natural grade to the highest point on a building. Building height excludes chimneys, vents and antennae.

Certificate of Zoning Compliance - A certificate stating compliance with zoning district regulations

Clear Sight Triangle

a. An area of unobstructed vision at the intersections of streets, alleys and driveways. The purpose of the sight triangle is to ensure visibility for operators of motor vehicles, bicycles and pedestrians on intersecting streets, driveways and alleys. For any use on a corner lot, the sight triangle is the triangle formed by measuring from the point of intersection of the two (2) property lines a distance of twenty (20) feet in both directions along the street right-of-way.
b. No object shall be erected, established, constructed or planted within the sight triangle that is higher than three (3) feet above the established street grade.

Collector Streets - Those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.

Commercial District - The area designated by the City Commission of Wilton on the District Zoning Map, which provides for the grouping of retail merchandising, light industry, and service activities.

Community Garage - A group of private garages located jointly in any lot or premises of two or more adjacent premises and having no shop or service in connection therewith, providing the storage space includes at least two hundred and fifty (250) square feet for each motor vehicle.

Conditional Use Permit - Any use to which the Planning Commission shall set specific conditions, all of which must be met prior to approval of said use in a district.

Curb Level - The level established for curb in front of a building measured at the center of such front, and where no curb level had been established, the City Engineer shall establish such curb level or its equivalent for the purpose of this Ordinance.

Day Care – Less than 24 hours, out of home care for children.

Developer – Developer is a generic term used in this ordinance which means the landowner or person or firm who proposes to develop land. The developer may appoint a representative for all proceedings by this ordinance.

Development – The performance of any building, extraction, clearing, grading or excavating operation; the making of any material change in the use of a building, structure or land; and the division of land into two or more parcels.

District - A section or sections of the City of Wilton and the designated area for which the regulating governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform.

Dwelling – Any building or portion thereof intended for residential purposes on a permanent basis.

Dwelling – Mobile Home - A structure, transportable in one or more sections and designed to be joined into one integral unit, which is fourteen (14) body feet or more in width and is fifty (50) body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling without a permanent foundation when connected to the required utilities, and includes the plumbing heating, air-conditioning, and electrical system contained herein.

Dwelling – Two-Family - A residential building designed for and occupied exclusively by two families

Dwelling Unit – A space providing private living quarters for one household. A dwelling unit may include individual cooking and sanitation facilities. An apartment, single family residence and travel trailer are examples of dwelling units.

Dwelling, Multiple Family – A building having accommodations for and occupied exclusively by more than two families or households on a permanent basis, which may include apartments, townhouses or condominium buildings.

Dwelling, Single Family – A detached building designed for occupancy by one family or household. Also includes manufactured homes that (a) comply with the National Manufactured Home Construction and Safety Standards Act or the Uniform Building Code at the time of production, (b) are at least 1,000 square feet in size, (c) are attached to a permanent foundation, (d) are connected to public water and sewer where available, (d) have a pitched roof, eaves and siding materials that are customarily used on site-built homes in the City of Wilton, and (e) are built offsite in a factory on or after January 1, 1990. Recreational vehicles, mobile homes and travel trailers are not single-family dwellings for the purposes of this ordinance.

Easement - A vested or acquired right to use land, other than as a tenant for a specific purpose; such as right being held by someone other than the owner who holds title to the land.

Family Hotel - A place where food and lodging are provided for compensation and having less than (10) sleeping rooms.
Family - One or more persons occupying the premises and living as a single housekeeping unit.

Final Plat – A plan or map prepared in accordance with the provisions of the subdivision regulations portion of this ordinance which is prepared to be recorded in the Register of Deeds office.
Floor Area - The gross floor area of the several floors in a building.

Frontage Road - See Marginal Access Street.

Frontage - See Lot, Frontage

Garage, Private - An accessory building designed or used for the storage of not more than four (4) motor-driven vehicles owned and used by the occupants of the building to it is accessory. If attached to a house it must have a minimum of four (4) foot footings, if detached it must have a floating slab with a minimum of one (1) foot footings along the perimeter of the slab. The appearance of the garage must be similar to the main residence.

Garage, Public - Any building or premises used for equipment, repairing, hiring, selling, or storing motor-driven vehicles, not including show rooms for the display of the cars.

Grade - The surface of the ground, court, lawn, yard, or sidewalks adjoining a building; the established grade is the grade of the street, curb lines fixed by the City of Wilton; the natural grade is undisturbed natural surface of the ground, court, lawn, or yard after filling or grading to desired elevation or elevations around a building or structure; but where the finished grade is below the level of the adjoining street, the established grade shall be deemed the finished grade.

Group Home – An assisted living facility or nursing home; a residence for developmentally, mentally or disabled persons; a youth foster home, transitional living facility or the like; a halfway house, and a licensed adult foster care facility.

Height – see building height.

Home Occupations - Any occupation or profession carried on by members of the family residing on the premises, which is clearly incidental and secondary to the use of the dwelling purpose and does not change the character thereof.

Hotel - A building where lodging with or without meals is provided and offered to the public for compensation and which has more than ten (10) sleeping rooms. Hotels include motels and automobile courts.

Improvements - Street grading and surface with or without curbs, gutters sidewalks, crosswalks, water mains, sanitary and storm sewers, culverts, bridges, streets, and landscaping.

Industrial Districts - The areas designed by the City Commission of Wilton on the District Zoning Map which provide for the grouping of manufacturing, assembly, and heavy commercial activities.

Industrialized Housing - A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, locations on jacks, or other temporary or permanent foundations, connections to utilities or the like.

Large Scale Development – A large scale development is a project that will contain 50 or more residential lots or units or is projected to generate 500 or more ADT.

Living Unit - A residential unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking and sanitation.

Loading Space – An off-street space on the same lot as the use for the temporary parking of a commercial vehicle, while loading or unloading merchandise or material, which has appropriate means of access.

Lot - A tract of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and open space as are herein required.

Lot Area – The total area within the boundary lines of the lot or parcel of land not including the public right-of-way.

Lot Line Adjustment – A change of an existing platted boundary line between fewer than 5 adjoining lots that meets the following criteria: a) Does not involve lots within more than one zoning classification; b) Is not one lot line adjustment in a series of lot line adjustments proposed as a way to circumvent the subdivision process; and c) Where both of the resulting parcels conform to the minimum lot area and width for zoning purposes. Lot line adjustments that do not meet those criteria are reviewed as subdivisions.

Lot of Records - A lot which is part of a subdivision, the map of which has been recorded in the offices of the County Auditor and Register of Deeds of Mclean County or Burleigh County, or a parcel of land, the deed of which was recorded in the office of the Register of Deeds prior to the adoption of this Ordinance.

Lot Width - The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the rear of the required front yard.

Lot, Corner – A lot abutting upon two streets at their intersection.

Lot, Coverage - The total area of building expressed as a percentage of the total lot, plot, or tract.

Lot, Depth of - The mean horizontal distance between the front and rear lot lines.

Lot, Frontage - The front of a lot shall be construed to be the portion nearest the street. For the purpose for determining yard requirements on corner lots and through lots, all sides of a lot adjacent to street shall be considered frontage.

Marginal Access Streets - Minor streets which are parallel to and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from though traffic.

Material - (as in a material change to an application or plat) – Significant, substantially altering the proposal or having an impact on any of the review criteria, bringing the proposal out of compliance, or impacting the public's ability to have meaningful participation and comment.

Minor Change of Occupancy - A change in the use of a lot or primary structure on a lot. A minor change is one that has identical or lesser parking requirements, similar traffic generation potential, creates no additional signage (measured by square footage), and has, as determined by the zoning administrator, similar or lesser impacts on neighboring land uses.

Minor Streets - Those which are used primarily for access to the abutting property.

Mobile Home - is a prefabricated residential structure built in a factory on a steel chassis with wheels, designed to be towed to a site for long-term living. May also be referred to as a trailer home.

Mobile Home Park - A tract of land designed and developed to accommodate mobile homes, each occupying a portion of the site of a purchase, lease, or rental basis, and each provided with the necessary utilities and other amenities so that the total development serves as a suitable environment for long-term residential occupancy.

Modular Home - A dwelling structure located on a permanent foundation and permanently connected to public utilities, consisting of pre-selected, prefabricated units or modules and transported to and/or assembled on the site of its permanent location; also in contrast to a mobile home, either single-wide, double-wide, or of multiple widths, located on a permanent location and permanently connected to utilities; and further that it conforms to the present City of Wilton building, housing, electrical, and plumbing codes.

Motor Vehicle - Any vehicle requiring a motor vehicle license by the State of North Dakota

Non-Conforming Use - Any building or tract of land lawfully occupied by use, at the time of the passage of this Ordinance or amendments, thereto, which does not conform with the provisions of this Ordinance or amendments thereto.

Official Planning and Zoning District Map – The map showing the zoning districts of the City of Wilton officially adopted by the Wilton City Commission.

Ordinance Permit – Any permit issued under this ordinance including a permit customarily called a zoning conformance permit, preliminary or final plat approval, rezoning, certification, amendment, variance, demolition or other action having the effect of permitting development.

Parking Space – An area surfaced for the purpose of, and sufficient area within, for storing one parked automobile and which accesses onto a street or alley. A typical parking space is 9' x 20'.

Permitted Use - Any use which complies with the requirements of a zoning district.

Planning Commission - See Zoning Commission

Plat - Any map, plan or chart of a tract of land or subdivision indicating the location and boundaries of individual properties and recorded in the office of the Register of Deeds

Public Utility - Any business which furnishes the general public telephone, telegraph, electricity, natural gas, or water services; and any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the State.

Residential District - The area designated by the City Commission of Wilton on the District Zoning Map for development of residential dwelling units.

Right-of-Way - The area, either public or private, over which the right of passage exists. The right-of-way shall not be considered as a land area when computing lot size.

Set-Back - The line within a property defining the required minimum distance between any structure or use and the adjacent right-of-way property line of any lot.

Sight Line - See Clear Sight Triangle

Sign – Any outdoor advertising having a permanent location on the ground or attached to or painted on a building, including bulletin boards, billboards and name plates.

Storage Shed - Any accessory building used for the purpose of storing household maintenance items.

Street - A way for vehicular traffic designated as a street, highway, boulevard, thoroughfare, parkway, throughway, avenues, road or court on the official records and maps.

Structural Alterations - Any change to the supporting members of a building such as bearing walls, partitions, columns, beams or girders, excepting such alterations as may be required for the safety of the building.

Structure – Anything built, constructed, or erected which requires a permanent location on the ground, or attached to something having a permanent location on the ground, but not including fences.

Subdivision – The division of a tract or parcel of land into record lots for the purpose, whether immediate or future, of sale or of building development, including any plat or plan which includes the creation of any part of one or more streets, public easements, or other rights-of-way, whether public or private, for access to or from such lots, and/or including the creation of new or enlarged parks, playgrounds, plazas or open spaces. However, the division of land for agricultural purposes into parcels of 5 or more acres, not involving any new street or easement of access, shall be exempted from these regulations.

Tract - A plot, piece or parcel of land, other than a lot which is recorded in the office of the Register of Deeds of McLean County or Burleigh County.

Travel Trailer – Any portable unit designed to be used as a temporary dwelling for travel or recreational purposes. The term includes those units that contain toilet and lavatory facilities and those that do not. Travel railer is synonymous with the term recreational vehicle.

Un-subdivided Land – Improved or unimproved land not divided into lots or parcels on any map of record.

Use - The specific purpose for which land or a building is used.

Variance - A relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, and where the literal enforcement of the Ordinance would result in unnecessary and undue hardship.

Vehicle - See Motor Vehicle.

Yard - A space on the same lot with the principle building or structure, open, unoccupied, and unobstructed by building or structure from the ground upward.

Yard, Front - A yard extending across the full width of the lot side lot lines, the depth of which is the distance between the front line and the front building line.

Yard, Rear - A yard extending from the rear line of the required front yard to the rear lot line, the depth which is the least distance from the sides of principle building and side lot line.

Yard, Side - A yard extending from the rear line of the required front yard to the rear lot line, the depth of which is the least distance from the sides of principle building and the side lot line.

Zoning Administrator - The officer appointed by the City Commission of Wilton to administer the zoning affairs of the City of Wilton and issue building permits.

Zoning Commission - The body appointed by the City Commission of Wilton to conduct the zoning affairs of the city. Also known as the Planning and Zoning Commission.

Zoning District Map - The map showing the zoning district of the City of Wilton officially adopted by the City Commission of the City of Wilton.

Article 2 - General Provisions

6.0201 Jurisdiction

The City of Wilton Zoning Regulations shall apply to all land within the corporate limits of the City of Wilton, and to any quarter section of unincorporated territory if a majority of the quarter section is located within one (1) mile of the corporate limits of the City of Wilton.

6.0202 Compliance and Effective Date

The regulation set by the provision of this Ordinance shall apply uniformly within each district to each class of kind of structure or land.

From this 7th day of October 2026, each new use shall be in compliance with the provisions of this Ordinance.

6.0203 Amendments

From time to time, because no area is static, the Zoning Ordinance and Subdivision Regulations and Zoning District Map may have to be amended, supplemented, changed or repealed. No action on an amendment can be made until a public hearing has been held.

6.0204 Procedure for Making Amendments

a. Application for amendments shall be filed with the City Auditor.
b. The City Auditor shall present said application to the City Planning and Zoning Commission at its next regular scheduled meeting.

6.0205 Notice of Amendment Hearings

a. At least fifteen (15) days notice of the time and place of the hearing shall be published in the official newspaper of the City of Wilton.
b. The City Auditor shall notify applicant of the time and place of said hearing.
c. The Land Use Administrator shall post notice of time and place of said hearing on the affected site.

6.0206 Public Hearings by Planning and Zoning Commission and City Commission

a. Following a public hearing conducted by the Planning and Zoning Commission, said Commission shall submit it recommendations concerning the proposed amendment to the City Commission.
b. Upon receipt of the Planning and Zoning Commission's recommendations, the City Commission shall set a final hearing date for the proposed amendment.
c. Procedure for the notice of the final hearing shall follow that of the hearing conducted by the Planning and Zoning Commission.
d. Following the final hearing, the City Commission shall approve or disapprove the proposed amendment.

6.0207 Protest to Amendments

1. If a protest against an amendment is signed by the owners of twenty percent or more:
    a. of the area of the lots included in such proposed changes; or
    b. of the area adjacent, extending one hundred and fifty (150) feet from the area to be changed, excluding the width of the streets the amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the City Commission of Wilton.
2. A public hearing shall be held on all protests to amendments.
3. At least fifteen (15) days notice of the time and place of the hearing shall be published in the official newspaper of the City of Wilton.
4. All protests to amendments shall be filed in writing with the City Auditor within (10) days following approval of the amendment.

6.0208 Non-Conforming Use

a. Any use which is lawful at the time of adoption of this Ordinance, but would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments, shall be known as Non-Conforming.
b. Non-Conforming Uses shall not be enlarged upon, expanded or extended.
c. A building in which non-conforming use is located may be repaired or reconstructed without structural alteration, to the extent not greater than fifty (50) percent of the assessed value of the building exclusive of foundations; however, the combined cost of alterations and repairs in any 10 (ten) year period shall not exceed the assessed valuation of the building at the time the last allowable building permit was applied for.
d. If a non-conforming use is discontinued for a period of twelve (12) consecutive months, any future use of such building or premises shall conform to the provisions of this Ordinance.
e. If a building housing a non-conforming use is destroyed to the extent of fifty (50) percent or more of assessed value, said use shall be discontinued.

6.0209 Non-Conforming Use - Regulations

a. No building shall be erected on any residential building plot nearer than 25 feet to nor further than 35 feet from the front lot line, nor nearer than 10 feet to any side lot line. The side lot tile restriction shall not apply to a garage located on the rear one-quarter of a lot, except on corner lots no building shall be permitted nearer than 25 feet to the side line. For the purpose of this covenant, steps shall not be considered as a part of the building provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot. This restriction shall not be applicable to lots associated with a cul-de-sac and in such instance regulations as provided by the City Building Code shall prevail.
b. No residential lot shall be re-subdivided into building plots having less than 9,500 square feet of area or a width of less than 75 feet and then only by the owner and developer.
c. No trailer, basement, tent, shack, garage, barn, or other outbuilding erected in the tract shall at any time be used as a residence temporarily or permanently, nor shall any residence of a temporary character be permitted.

d. No building shall be erected, altered, placed or permitted on any lot unless the design, location, materials, and workmanship is in harmony with existing structures and locations in the tract and does not violate any protective covenants.

Article 3 – Districts

6.0301 District Zoning Map

The City of Wilton is hereby divided into zones, or districts, as shown on the District Zoning Map, which together with all explanatory matter thereon, is adopted by reference and declared to be part of this Ordinance. A copy of said map is on file in the office of the Auditor.

Where uncertainty exists with respect to the boundaries of the various districts hereby established and as shown on the District Zoning Map, the following rules shall apply:

a. The district boundaries are the center lines of streets or alleys, unless otherwise shown.
b. Where the district boundaries are no center lines of streets or alleys and where the land has been or may hereafter be divided into lots or block and lots, the district boundaries shall be construed to be lot lines.
c. Where land has not been subdivided into lots or block and lots, the district boundary lines on the District Zoning Map shall be determined by the use of the scale of measurement shown on said map.
d. Where uncertainty may exist as to the exact boundary line or district, the same shall be determined by the Board of Adjustment and a record kept thereof.

6.0302 Residential Districts

6.0302.1 Residential District 1 (R-1)

It is the intent of these district regulations to provide for low density residential use

<u>Permitted Uses</u>

1. Single-Family Dwellings
2. Churches
3. Schools
4. One Attached Garage & One Detached Garage Per Dwelling
5. Park and Recreation Facilities

<u>District Regulations</u>

1. Minimum Lot Size
    a. Minimum width – seventy-five (75) feet.
    b. Minimum length – one hundred forty (140) feet
    c. Minimum area – ten thousand five hundred (10,500) square feet.
    d. Existing area – six thousand two hundred fifty (6,250) square feet.
2. Maximum Lot Size
    a. Maximum area – fourteen thousand (14,000) square feet
3. Maximum Intensity
    a. The principle building and all accessories shall not cover more than thirty (30) percent of an inside lot, nor more than thirty-five (35) percent of a corner lot.
4. Minimum Residence Size
    a. Minimum square footage of one thousand (1,000) square feet of living space not to include garage.
5. Setback Requirements

   a. Front yard – minimum depth of twenty-five (25) feet from the curb.
   b. Rear yard –. A minimum depth of three (3) feet. Where no alley is present, the minimum rear depth shall be seven (7) feet. Structures with vehicle access to an adjacent alley shall maintain a minimum rear depth of fifteen (15) feet.
   c. Side yard – minimum width of three (3) feet.
   d. All structures shall be behind setbacks. Including but not limited to: dwellings, decks, porches, sheds, detached garages, and entryways. Accessibility ramps shall be exempt.
   e. Measurements for all buildings shall be made from the eaves rather than the wall or foundation
   f. No accessory building shall be allowed on any utility easement.
6. Maximum Height Requirement
   a. No building shall exceed forty (40) feet or three (3) stories on height.
   b. No garage shall exceed fourteen (14) foot side walls.
7. Storage Shed
   a. Maximum size of two hundred (200) square feet.
   b. Must be anchored to 1-foot footing or 12-inch screw spikes used in each corner.
   c. No dirt floors
   d. Shall be a minimum of 10 feet from other structures if no firewall or a minimum of 5 feet from other structures with a firewall.
   e. Shall be located in the rear yard.
   f. One per dwelling unit
8. Garages – Detached
   a. Detached garages shall not exceed one thousand five hundred (1,500) square feet or the 30/35 rule. (See 2a.)
   b. Garage side walls shall not exceed fourteen (14) feet in height.
   c. Maximum height of 30 feet
   d. Garage shall be on a floating slab with a minimum of one (1) foot footings along the perimeter of the slab.
   e. If using footings that are not part of floating slab, the area that is above the slab shall be included in the height of the side wall.
   f. Shall be a minimum of 10 feet from other structures if no firewall or a minimum of 5 feet from other structures with a firewall.
   g. A garage located in a rear yard and approached from an alley shall be a minimum of 15 feet from property line.
   h. The garage shall be similar in appearance to the main house.
   i. Pole barn type garages shall not be permitted.
   j. One per dwelling unit
   k. Garages must be built in conjunction with a permanent dwelling or secondary to a permanent dwelling
9. Fences
   a. Property pins shall be located by a licensed surveyor or the neighboring property owner(s) shall sign a Fence Line Agreement.
   b. Fences shall be chain-link, wood or an engineered material that is appealing to sight.
   c. Fences in the front yard shall not exceed 36” (wood) or 48” (chain link) in height.
   d. Fences in the back and side yards shall be in the owner’s right-of-way.

   e. No fence higher than 36” (wood) or 48” (chain link) shall be in the line of sight.
   f. Applicant must submit a drawing which includes what height of fence, material being used and location in relation to street, house and adjoining properties.
   g. No fence shall exceed 72”.
10. Sidewalks
   a. All sidewalks shall be a minimum of four (4) feet in width.
11. Motor Vehicle Parking
   a. Adequate off-street motor vehicle parking shall be provided.
   b. No abandoned or vehicles that are inoperative shall be permitted in the residential yards.
12. Recreational Vehicles
   a. Recreational vehicles shall not be used as residences
   b. Recreational vehicles may be occupied and parked on a residential lot as an accessory use for not more than 7 consecutive days
   c. Unoccupied recreational vehicles stored on a residential lot shall comply with all setback requirements of the district
13. Miscellaneous Storage
   a. Storage of used lumber, metal, concrete blocks, fence, etc. shall not be allowed in residential Districts.
14. Tin siding is only permitted on buildings 200 sq. ft. or less.
15. No steel buildings shall be allowed in residential areas.

6.0302.2 Residential District 2 (R-2)

<u>Permitted Uses:</u>

1. Two-Family Dwellings
2. Single-Family Dwelling
3. Schools
4. Churches
5. Park and Recreational Facilities

<u>District Regulations</u>

1. Minimum Lot Size
   a. Minimum width – eighty (80) feet.
   b. Minimum length – one hundred forty (140) feet
   c. Minimum area – eleven thousand two hundred (11,200) square feet.
   d. Existing area – six thousand two hundred fifty (6,250) square feet.
2. Maximum Lot Size
   a. Maximum area – fourteen thousand (14,000) square feet
3. Maximum Intensity
   a. The principle building and all accessories shall not cover more than thirty (30) percent of an inside lot, nor more than thirty-five (35) percent of a corner lot.
4. Minimum Residence Size
   a. Minimum square footage of one-bedroom unit – seven hundred (700) square feet.

   b. Minimum square footage of two-bedroom unit – eight hundred fifty (850) square feet.
   c. Minimum square footage of three-bedroom unit – one thousand (1,000) square feet.
5. Setback Requirements
   a. Front yard – minimum depth of twenty-five (25) feet from curb.
   a. Rear yard – A minimum depth of three (3) feet. Where no alley is present, the minimum rear depth shall be seven (7) feet. Structures with vehicle access to an adjacent alley shall maintain a minimum rear depth of fifteen (15) feet.
   b. Side yard – minimum width of three (3) feet.
   c. All structures shall be behind setbacks. Including but not limited to: dwellings, decks, porches, sheds, detached garages, and entryways. Accessibility ramps shall be exempt.
   d. Measurements for all buildings shall be made from the eaves rather than the wall or foundation
   e. No accessory building shall be allowed on any utility easement.
6. Maximum Height Requirement
   a. No building shall exceed forty (40) feet or three (3) stories on height.
   b. No garage shall exceed fourteen (14) foot side walls.
7. Storage Shed
   a. Maximum size of two hundred (200) square feet.
   b. Shall be anchored to 1-foot footing or 12-inch screw spikes used in each corner.
   c. No dirt floors
   d. Shall be a minimum of 10 feet from other structures if no firewall or a minimum of 5 feet from other structures with a firewall.
   e. Shall be located in the rear yard.
   f. One per dwelling unit
8. Garages – Detached
   a. Detached garages shall not exceed one thousand five hundred (1,500) square feet or the 30/35 rule. (See 2a.)
   b. Garage side walls shall not exceed fourteen (14) feet in height.
   c. Maximum height of 30 feet
   d. Garage shall be on a floating slab with a minimum of one (1) foot footings along the perimeter of the slab.
   e. If using footings that are not part of floating slab, the area that is above the slab shall be included in the height of the side wall.
   f. Shall be a minimum of 10 feet from other structures if no firewall or a minimum of 5 feet from other structures with a firewall.
   g. A garage located in a rear yard and approached from an alley shall be a minimum of 15 feet from property line.
   h. The garage shall be similar in appearance to the main house.
   i. Pole barn type garages shall not be permitted.
   j. One per dwelling unit
   k. Garages must be built in conjunction with a permanent dwelling or secondary to a permanent dwelling.
9. Fences

a. Property pins shall be located by a licensed surveyor or the neighboring property owner(s) shall sign a Fence Line Agreement.
b. Fences shall be chain-link, wood or an engineered material that is appealing to sight.
c. Fences in the front yard shall not exceed 36” (wood) or 48” (chain link) in height.
d. Fences in the back and side yards shall be in the owner’s right-of-way.
e. No fence higher than 36” (wood) or 48” (chain link) shall be in the line of sight.
f. Applicant shall submit a drawing which includes what height of fence, material being used and location in relation to street, house and adjoining properties.
g. No fence shall exceed 72”.

10. Sidewalks
    a. All sidewalks shall be a minimum of four (4) feet in width.
11. Motor Vehicle Parking
    a. Adequate off-street motor vehicle parking shall be provided.
    b. No abandoned or vehicles that are inoperative shall be permitted in the residential yards.
12. Recreational Vehicles
    a. Recreational vehicles shall not be used as residences
    b. Recreational vehicles may be occupied and parked on a residential lot as an accessory use for not more than 7 consecutive days
    c. Unoccupied recreational vehicles stored on a residential lot shall comply with all setback requirements of the district
13. Miscellaneous Storage
    a. Storage of used lumber, metal, concrete blocks, fence, etc. shall not be allowed in residential Districts.
14. Tin siding is only permitted on buildings 200 sq. ft. or less.
15. No steel buildings allowed in residential areas.

6.0302.3 Residential District 3 (R-3)

It is the intent of these district regulations to provide for high intensity residential use.

<u>Permitted Uses:</u>

1. All permitted used in R-1
2. All permitted used in R-2
3. All multi-family dwellings with three or more units.
4. Community garages
5. Parks
6. Schools
7. Churches

<u>District Regulations</u>

1. Minimum Lot Size
    a. Minimum width – one hundred (100) feet.
    b. Minimum length – one hundred forty (140) feet
    c. Minimum area – fourteen thousand (14,000) square feet.

   d. Existing area – six thousand two hundred fifty (6,250) square feet.
2. Maximum Lot Size
   a. Maximum area –twenty thousand (20,000) square feet
3. Maximum Intensity
   a. The principle building and all accessories shall not cover more than fifty (50) percent of an inside lot, nor more than more than fifty (50) percent of a corner lot.
4. Minimum Residence Size
   a. Minimum square footage of one-bedroom unit – seven hundred (700) square feet.
   b. Minimum square footage of two-bedroom unit – eight hundred fifty (850) square feet.
   c. Minimum square footage of three-bedroom unit – one thousand (1,000) square feet.
5. Setback Requirements
   a. Front yard – minimum depth of twenty-five (25) feet from curb.
   b. Rear yard –-A minimum depth of three (3) feet. Where no alley is present, the minimum rear depth shall be seven (7) feet. Structures with vehicle access to an adjacent alley shall maintain a minimum rear depth of fifteen (15) feet.
   a. Side yard – minimum width of three (3) feet.
   b. All structures shall be behind setbacks. Including but not limited to: dwellings, decks, porches, sheds, detached garages, and entryways. Accessibility ramps shall be exempt.
   c. Measurements for all buildings shall be made from the eaves rather than the wall or foundation
   d. No accessory building shall be allowed on any utility easement.
6. Maximum Height Requirement
   a. No building shall exceed forty (40) feet or three (3) stories on height.
   b. No garage shall exceed fourteen (14) foot side walls.
7. Storage Shed
   a. Maximum size of two hundred (200) square feet.
   b. Shall be anchored to 1-foot footing or 12-inch screw spikes used in each corner.
   c. No dirt floors
   d. Shall be a minimum of 10 feet from other structures if no firewall or a minimum of 5 feet from other structures with a firewall.
   e. Shall be located in the rear yard.
   f. One per dwelling unit
8. Garages – Detached
   a. Detached garages shall not exceed one thousand five hundred (1,500) square feet or the 30/35 rule. (See 2a.)
   b. Garage side walls shall not exceed fourteen (14) feet in height.
   c. Maximum height of 30 feet
   d. Garage shall be on a floating slab with a minimum of one (1) foot footings along the perimeter of the slab.
   e. If using footings that are not part of floating slab, the area that is above the slab shall be included in the height of the side wall.
   f. Shall be a minimum of 10 feet from other structures if no firewall or a minimum of 5 feet from other structures with a firewall.

g. A garage located in a rear yard and approached from an alley shall be a minimum of 15 feet from property line.
h. The garage shall be similar in appearance to the main house.
i. Pole barn type garages shall not be permitted.
j. One per dwelling unit
k. Garages must be built in conjunction with a permanent dwelling or secondary to a permanent dwelling.

9. Fences
    a. Property pins shall be located by a licensed surveyor or the neighboring property owner(s) shall sign Fence Line Agreement.
    b. Fences shall be chain-link, wood or an engineered material that is appealing to sight.
    c. Fences in the front yard shall not exceed 36” (wood) or 48” (chain link) in height.
    d. Fences in the back and side yards shall be in the owner’s right-of-way.
    e. No fence higher than 36” (wood) or 48” (chain link) shall be in the line of sight.
    f. Applicant shall submit a drawing which includes what height of fence, material being used and location in relation to street, house and adjoining properties.
    g. No fence shall exceed 72”.
10. Sidewalks
    a. All sidewalks shall be a minimum of four (4) feet in width.
11. Motor Vehicle Parking
    a. Adequate off-street motor vehicle parking shall be provided.
    b. No abandoned or vehicles that are inoperative shall be permitted in the residential yards.
12. Recreational Vehicles
    a. Recreational vehicles shall not be used as residences
    b. Recreational vehicles may be occupied and parked on a residential lot as an accessory use for not more than 7 consecutive days
    c. Unoccupied recreational vehicles stored on a residential lot shall comply with all setback requirements of the district
13. Miscellaneous Storage
    a. Storage of used lumber, metal, concrete blocks, fence, etc. will not be allowed in residential Districts.
14. Tin siding is only permitted on buildings 200 sq. ft. or less.
15. No steel buildings allowed in residential areas.

6.0302.4 Mobile Home District 1 (MH-1)

It is the intent of these district regulations to provide for an area of mobile home and industrialized housing development.

<u>Permitted Uses</u>

1. Mobile Homes
2. Industrialized Housing
3. Accessory Use

<u>District Regulations</u>

1. Minimum Lot Size per mobile home
    a. Minimum width –-fifty (50) feet.
    b. Minimum area – six thousand (6,000) square feet.
    c. Existing area – six thousand two hundred fifty (6,250) square feet.
2. Maximum Lot Size
    a. Maximum area – fourteen thousand (14,0000) square feet
3. Setback Requirements
    a. Front yards – minimum depth twenty-five (25) feet.
    b. Side yards – minimum width of fifteen (15) feet.
    c. Measurements for all buildings shall be made from the eaves rather than the wall or foundation
4. Storage Shed
    a. Maximum size of two hundred (200) square feet.
    b. Shall be anchored to 1-foot footing or 12-inch screw spikes used in each corner.
    c. No dirt floors
    d. Shall be a minimum of 10 feet from other structures if no firewall or a minimum of 5 feet from other structures with a firewall.
    e. Shall be located in the rear yard.
    f. One per dwelling unit
5. Fences
    a. Fences shall be chain-link, wood or an engineered material that is appealing to sight.
    b. Fences in the front yard shall not exceed 36” (wood) or 48” (chain link) in height.
    c. Fences in the back and side yards shall be in the owner’s right-of-way.
    d. No fence higher than 36” (wood) or 48” (chain link) shall be in the line of sight.
    e. Applicant shall submit a drawing which includes what height of fence, material being used and location in relation to street, house and adjoining property.
    f. No fence shall exceed 72”.
6. Motor Vehicle Parking
    a. Off-street parking of at least two parking spaces for each mobile home unit shall be provided. Additional parking spaces may be required depending on the number of beds and use.

6.0302.5 Mobile Home District 2 (MH-2)

It is the intent of these district regulations to provide for an area of mobile home park to be developed for long-term residential use.

<u>Permitted Uses</u>

1. Mobile homes
2. Industrialized housing
3. Accessory use

<u>District Regulations</u>

1. Mobile home parks shall be a minimum of five (5) continuous acres and a maximum of six (6) homes per gross acres.

2. A minimum of twelve (12) percent of the gross site area shall be devoted to open space or recreational facilities.
3. Underground utilities hookups shall be provided for each lot. These utilities shall include water, sewer, gas, electricity and telephone.
4. Minimum lot size
    a. Minimum width –fifty (50) feet.
    b. Minimum area – six thousand (6,000) square feet.
    c. Existing area – six thousand two hundred fifty (6,250) square feet.
5. Maximum lot size
    a. Maximum area – fourteen thousand (14,0000) square feet.
6. Setback Requirements
    a. Front yard – minimum depth of twenty-five (25) feet from the street.
    b. Rear yard – minimum depth of twenty (20) feet, exclusive of a ten-foot alley easement.
    c. Side yard – minimum width of ten (10) feet.
    d. All structures shall have a setback of a minimum of 15 feet from any exterior park boundary
    e. All structures shall be behind setbacks. Including but not limited to: dwellings, decks, porches, sheds, detached garages, and entryways. Accessibility ramps shall be exempt.
    f. Measurements for all buildings shall be made from the eaves rather than the wall or foundation
    g. No accessory building shall be allowed on any utility easement
7. Storage Shed
    a. Maximum size of two hundred (200) square feet.
    b. Shall be anchored to 1-foot footing or 12-inch screw spikes used in each corner.
    c. No dirt floors
    d. Shall be a minimum of 10 feet from other structures if no firewall or a minimum of 5 feet from other structures with a firewall.
    e. Shall be located in the rear yard.
    f. One per dwelling unit
8. Fences
    a. Fences shall be chain-link, wood or an engineered material that is appealing to sight.
    b. Fences in the front yard shall not exceed 36” (wood) or 48” (chain link) in height.
    c. Fences in the back and side yards shall be in the owner’s right-of-way.
    d. No fence higher than 36” (wood) or 48” (chain link) shall be in the line of sight.
    e. Applicant must submit a drawing which includes what height of fence, material being used and location in relation to street, house and adjoining property.
    f. No fence shall exceed 72”.
9. Motor Vehicle Parking
    a. Off-street parking of at least two parking spaces for each mobile home unit shall be provided. Additional parking spaces may be required depending on the number of beds and use.

6.0303 Commercial District (C-1)

It is the intent of these district regulations to provide for the grouping of retail merchandising, light industry, and service activities into a central area.

District Regulations

1. Maximum Height Requirement
    a. No building shall exceed seventy (70) feet or four (4) stories in height.
2. All buildings located within the fire limits of the City, so defined by ordinance, shall conform to the construction as prescribed in said ordinance.
3. Set Back Requirements:
    a. Front: minimum depth of 13 feet from curb with no vehicle access. Minimum depth of 20 feet with vehicle access
    b. Side: minimum depth of 3 feet
    c. Rear: minimum depth 3 feet with no vehicle access. Minimum depth of 20 feet with vehicle access
4. Garages and buildings shall be on a floating slab with a minimum of one (1) foot footings along the perimeter of the slab or foundation and cement floor.
5. Fences
    a. Property pins shall be located by a licensed surveyor or the neighboring property owner(s) shall sign a Fence Line Agreement.
    b. Fences shall not exceed 96”
    c. Fences shall be chain-link, wood or an engineered material that is appealing to sight.
    d. No fence higher than 36” (wood) or 48” (chain link) shall be in the line of sight.
6. A buffer strip, approved by the planning and zoning commission, shall provide a sight and sound barrier when an commercial use is abutting an R-residential district. The buffer shall be comprised of a combination of berms, trees, stones, shrubs and fences made of natural looking materials. Landscaping that is indigenous to the area and requires minimal irrigation is encouraged.
7. Clear sight triangle must be maintained
8. Residential uses shall conform to the area and setback requirements of the R-3 district

6.0304 Industrial District (I)

It is the intent of these district regulations to provide for the best location of heavy commercial and industrial uses which would be incompatible with other uses.

Permitted Uses – such as

1. Bottling plant
2. Farm equipment sales
3. Gasoline station
4. Grain and feed elevator or mill
5. Heavy equipment sales, service, or repair
6. Lumber yard
7. Sewage disposal plant
8. Solid waste landfill and transfer stations

9. Trucking or freight terminal
10. Vocational training schools
11. Warehouses
12. Welding shops

District Regulations

1. Maximum Height Requirement
    a. No building shall exceed seventy (70) feet or four (4) stories in height.
2. Set Back Requirements:
    a. Front: minimum depth of 13 feet from curb with no vehicle access. Minimum depth of 20 feet with vehicle access
    b. Side: minimum depth of 3 feet
    c. Rear: minimum depth 3 feet with no vehicle access. Minimum depth of 20 feet with vehicle access
3. All buildings located within the fire limits of the City, so defined by ordinance, shall conform to the construction as prescribed in said ordinance.
4. Motor Vehicle Parking
    a. Adequate motor vehicle parking shall be provided off street for all rolling equipment at a ratio of one-to-one employee; for visitors and customers at a ratio of one-per-management employee. Motor vehicle parking shall be allowed on yards and setbacks.
5. Outdoor Storage of Material
    a. Outdoor storage of material for process or sale shall not be permitted on any front yard or in any sight line.
6. Garages and buildings shall be on a floating slab with a minimum of one (1) foot footings along the perimeter of the slab or foundation and cement floor.
7. Fences
    a. Property pins shall be located by a licensed surveyor or the neighboring property owner(s) shall sign a Fence Line Agreement.
    b. Fences shall not exceed 96”
    c. Fences shall be chain-link, wood or an engineered material that is appealing to sight.
    d. No fence higher than 36” (wood) or 48” (chain link) shall be in the line of sight.
8. A buffer strip, approved by the planning and zoning commission, shall provide a sight and sound barrier when an industrial use is abutting an R-residential district. The buffer shall be comprised of a combination of berms, trees, stones, shrubs and fences made of natural looking materials. Landscaping that is indigenous to the area and requires minimal irrigation is encouraged.
9. Clear sight triangle must be maintained

6.0305 Parking and Recreation District (Rec 1)

It is the intent of these district regulations to provide for areas for general recreational activities and public open space.

Permitted Uses

1. Recreational Activities
2. Commercial retail establishments operated only in conjunction with the recreational uses in the district and for the convenience thereof.

6.0306 Agriculture (Ag)
It is the intent of this regulation to provide orderly annexation of areas surrounding Wilton into the city proper.

The following sections excluding part already in the city are zoned agricultural:

1. Section 34 – Township 143 – Range 80
2. Section 35 – Township 143 – Range 80
3. Section 2 – Township 142 – Range 80
4. Section 3 – Township 142 – Range 80

Permitted Uses

1. Farming – ranching

6.0307 Rural Residential District 1 (RR-1)
The Rural Residential District RR is established as a district in which the principal use of the land shall be for low density, large lot, single dwelling, limited agriculture and limited equine husbandry. For Rural Residential District RR and promoting the general purpose of this title, the specific intent of this section is:

a. To encourage the construction or placement of and use of land for single-family dwellings on large rural lots and for limited agricultural uses.
b. To prohibit general commercial and industrial uses of the land and to prohibit any use which would substantially interfere with the development or the continuation of single-family dwellings and limited agricultural uses.
c. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this title.
d. To discourage any use which would generate traffic on the streets of the district other than normal traffic to serve the single-family residence of the area.

Permitted Uses

1. Single- family dwellings
2. Education group
3. Public recreational group
4. Private riding stable provided that animals shall be used for private use only; that no animal, animal stable, barn, or shelter shall be located within one hundred (100) feet of any neighboring residence or structure; that two (2) horses shall be permitted any premises which contains at least ten (10) acres. For the purposes of this ordinance the definition of a horse shall only be those horses that are one calendar year of age or older.
5. Family foster home for adults

The following special uses are permitted as per approval by the Wilton City Commission:

a. Day care center
b. Church
c. Group day care

Restricted Uses
The following uses are restricted and not allowed:

a. Beekeeping and hive storage
b. Honey manufacturing of any type

District Regulations

1. Lot area - Each principle building erected, together with its accessory buildings, shall be located on a lot containing a minimum area of 106,450 square feet with a minimum lot width of 150 feet and a minimum lot depth of 200 feet.
2. Front Yard - Each platted lot shall have a front yard of not less than forty (40) feet in depth a measured from the front property line
3. Side Yard - Each lot shall have two (2) side yards, one on each side of the principle building and accessory buildings. The sum of the width of the two (2) side yards shall not be less than twenty (20) percent of the average width of the lot, and in no case less than fifteen (15) feet per yard.
4. Rear Yard - Each lot or premises shall have a rear yard depth of not less than fifty (50) feet or twenty (20) percent of the depth of the lot or premises whichever is the larger but need not exceed seventy-five (75) feet.
5. Height Limits - No single-family dwelling shall exceed thirty-five (35) feet in height nor shall any other principle structure exceed fifty (50) feet in height not shall any accessory structure exceed twenty-five (25) feet in height. For each foot or faction thereof, that a building exceeds thirty-five (35) feet in height there shall be added four (4) feet to the minimum depth of each rear yard required by this section.
6. Automobile Parking - Adequate automobile parking shall be provided for each dwelling.
7. Minimum road standards - Sufficient temporary construction easement shall be given to allow for proper road construction. All streets to be used for on-street parking shall be forty (40) feet in roadway width of constructed without curb and gutter section.
8. Accessory Buildings - All allowable accessory building to a residence shall be limited to a maximum of fifteen hundred (1,500) square feet for each lot of three acres or less. For lots larger than three (3) acres, the ground area occupied by the accessory buildings combined shall not exceed one (1) percent of the total area of the lot up to a maximum of five thousand (5,000) square feet. Accessory building for the above computations shall include the following buildings: barns, stables and storage buildings, attached and detached garages provided that one thousand (1,000) square feet of attached garages may be exempted from the maximum allowable accessory building coverage computations delineated above.
9. Building and moving permit required - A building permit from the City is required before any construction may take place upon any property with in a Residential District RR zone. A moving permit shall be required from the City before any building may be moved into or removed from property within a Residential District RR-1 zone.

10. Subject to City Ordinances - The ordinances of the City of Wilton shall apply to all Residential District RR-1 property. This zoning ordinance shall take precedence over any ordinance that conflicts with this ordinance.

6.0308 Rural Residential District 2 (RR-2)

The Rural Residential District RR is established as a district in which the principal use of the land shall be for low density, single family dwelling. For Rural Residential District RR-2 and promoting the general purpose of this title, the specific intent of this section is:

a. To encourage the construction or placement of and use of land for single-family dwellings on rural lots
b. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this title.
c. To discourage any use which would generate traffic on the streets of the district other than normal traffic to serve the single-family residence of the area.

Permitted Uses

1. Single- family dwellings
2. Education group
3. Public recreational group
4. Family foster home for adults

The following special uses are permitted as per approval by the Wilton City Commission:

a. Day care center
b. Church
c. Group day care

Restricted Uses

The following uses are restricted and not allowed:

a. Beekeeping and hive storage
b. Honey manufacturing of any type

District Regulations

1. Lot area - Each principle building erected, together with its accessory buildings, shall be located on a lot containing a minimum area of 43,560 square feet with a minimum lot width of 100 feet and a minimum lot depth of 200 feet.
2. Front Yard - Each platted lot shall have a front yard of not less than forty (40) feet in depth a measured from the front property line
3. Side Yard - Each lot shall have two (2) side yards, one on each side of the principle building and accessory buildings. Side yards shall not be less that twenty (20) feet each measured from the side property lines.
4. Rear Yard - Each lot or premises shall have a rear yard depth of not less than thirty (30) feet.
5. Height Limits - No single-family dwelling shall exceed thirty-five (35) feet in height nor shall any other principle structure exceed fifty (50) feet in height not shall any accessory structure exceed twenty-five (25) feet in height. For each foot or faction thereof, that a

building exceeds thirty-five (35) feet in height there shall be added four (4) feet to the minimum depth of each rear yard required by this section.

6. Automobile Parking - Adequate automobile parking shall be provided for each dwelling.
7. Minimum road standards - Sufficient temporary construction easement shall be given to allow for proper road construction. All streets to be used for on-street parking shall be forty (40) feet in roadway width of constructed without curb and gutter section.
8. Accessory Buildings - All allowable accessory buildings to a residence shall be limited to a maximum 2600 square feet for each lot.
    a. Detached garages and shops shall not exceed 2400 square
    b. Sheds shall not exceed 200 square feet
9. Building and moving permit required - A building permit from the City is required before any construction may take place upon any property within a Residential District RR-2 zone. A moving permit shall be required from the City before any building may be moved into or removed from property within a Residential District RR-2 zone.
10. Animals
    a. No livestock of any kind shall be raised, bred or kept on any lot
    b. No more than a total of three (3) dogs or cats over the age of 4 months may be maintained on each lot and are not permitted to run at large

Subject to City Ordinances - The ordinances of the City of Wilton shall apply to all Residential District RR property. This zoning ordinance shall take precedence over any ordinance that conflicts with this ordinance

Article 4 - Special Provisions

Purpose

These provisions shall apply to all district unless otherwise stated in the district regulations.

This ordinance recognizes that certain activities, conditions, and uses may affect all district and may be detrimental on certain districts unless proper safeguards are taken. Therefore, the following regulations have been made to protect the welfare of the people of the City of Wilton.

6.0401 Exceptions to Maximum Height Requirements

The Following shall be exempt from maximum height requirements in all district regulations: Antennas, belfries, chimneys, cupolas, flag poles, ventilators, water tanks, or other appurtenances usually required to be placed above roof level and not intended for human occupancy

6.0401.1 Towers

Towers may be erected to any height provided the same shall not exceed in area one-quarter (1/4) the area of the lot upon which the principle building is located, and shall not exceed two thousand five hundred (2,500) square feet in area, a shall be a minimum of twenty-five (25) feet at every point from any adjoining property line

Towers exceeding 50 ft. in height shall be erected in an Industrial Zoned District.

6.0402 Gasoline filling stations and bulk stations; where prohibited

Any retail gasoline filling station shall not be located within three hundred (300) feet of any block whereon there is located a public or parochial school.

No bulk oil or bulk fuel shall be located within the city limits of Wilton

6.0403 Churches and Schools – Exceptions to maximum intensity and setback requirements

Churches and schools shall be permitted to occupy seventy-five (75) percent of corner lots and sixty-five (65) percent of inside lots.

Rear yards shall be a minimum depth of six (6) feet

Side yards shall be a minimum width of eight (8) feet.

6.0404 Conditional Use Permit

A Conditional Use Permit shall be granted following compliance with both conditions set forth in the district regulations and the following procedure.

<u>Procedure:</u>

1. Application for Conditional Use Permits shall be submitted to the City Auditor. The application shall include:

a. Name and address of the applicant
b. Date of application
c. Description of the site and its relationship to the surrounding area.
d. Preliminary map showing boundary lines and location of structures to be developed on the site.
e. Topographic map in five (5) foot contours of the site
f. General soils of the site.
g. Location of existing utilities and/or proposed utility extension.
h. Parking plan showing off-street parking areas and/or loading areas.
i. A timing schedule indicating the anticipated starting and completion dates of the development.
j. Names and addresses of adjacent property owners.
k. Any reasonable information the Planning Commission deems necessary.

2. The Planning and Zoning Commission shall hold a public hearing before any action is taken on the application. Notice of said hearing shall be published in the official newspaper of the city at least fifteen (15) days prior to said hearing and is to be the responsibility of the applicant.
3. Following the public hearing, the Planning and Zoning Commission shall submit its recommendations concerning the permit request to the City Commission for their decision.

Article 5 - Administration and Enforcement

6.0501City of Wilton Planning and Zoning Commission

6.0501.1 Authority

Authority found in Section 40-47-06 of the North Dakota Century Code.

6.0501.2 Duties

1. Recommend the planning and zoning affairs of the City of Wilton.
2. Present a report to the City Commission on recommendations
3. Conduct hearings on zoning additions and amendments.
4. Issue Certificates of Zoning Compliance.

6.0501.3 Certificates of Zoning Compliance

1. A Certificate of Zoning Compliance shall be required of all new or altered permitted uses.
2. No non-conforming use shall be maintained, renewed, changed or extended until a Certificate of Zoning Compliance is issued.
    a. Said Certificates shall state specifically wherein the non-conforming use differs from the provisions of this ordinance
    b. Upon adoption of this Ordinance, or any amendment thereto, owners or occupants of non-conforming uses shall have three (3) months to apply for said Certificate.
3. Failure to obtain a Certificate of Zoning Compliance shall constitute a violation of this Ordinance.
4. Fees
    a. Building permits – a minimum fee of fifty dollars ($50.00) for all building permits. Fees shall be calculated at the rate of $10.00/$10,000 of estimated construction cost) with a maximum fee of two hundred fifty dollars ($250.00), whichever is greater, shall be paid to the City Auditor.
    b. Fence and Deck Permit – all fence and deck permits a fee of twenty-five dollars ($25.00) shall be paid to the City Auditor.
    c. Moving Permit – the movement of any building or structure to be used as a dwelling a fee of two hundred dollars ($200.00) shall be paid to the City Auditor. The movement of any building or structure to be used as a garage or storage shed a fee of thirty dollars ($30.00) shall be paid to the City Auditor.
    d. Cleanup bond – for the removal of any building or structure a cleanup bond of five hundred dollars ($500.00) shall be posted with the City Auditor.
    e. Variance & Conditional Use request – all variance and conditional use requests, a fee of two hundred and seventy-five dollars ($275.00) shall be paid to the City Auditor regardless of decision.

6.0502 Board of Adjustment

6.0502.1 Authority

The City Commission shall act as a Board of Adjustment in accordance with the North Dakota Century Code, Chapter 40-47-07

6.0502.2 Duties

1. The Board shall hear and decide appeals from and shall review any order, requirements, decision or determination made by the administrative official charged with enforcement of the provisions of this Ordinance.
2. The Board shall grant variance from terms of this Ordinance when the literal enforcement of this provisions of this Ordinance would result in unnecessary hardship and said variance would not be contrary to the public interest. Application for a variance shall show:
    a. The special conditions and circumstance which are peculiar to the land or structure and applicable to other land or structures in the same district.
    b. The special conditions and circumstances do not result from the actions same applicant.
    c. The literal interpretation of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the district.
    d. The granting of the variance shall not confer any special privilege to the applicant that is denied by the Ordinance to others in the same district.

Under no circumstance shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

6.0503 Zoning Administrator

6.0503.1 Authority

The City Commission shall appoint a Land Use Administrator to carry out the directive and duties as assigned by said Commission. The Administrator shall be directly responsible to the City Commission.

6.0503.2 Duties

1. Shall attend all hearings
2. Shall maintain updated copies of this Ordinance and the District Zoning Map
3. Shall keep copies of all records
4. Shall post notice of amendment hearings on affected site
5. Shall make inspection of land and/or structures to determine compliance with the provisions of this ordinance.
6. Shall carry out any other duties assigned by the City Commission.

6.0504 Violations and Penalties

6.0504.1 Actions to correct Violations

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or if any building, structure or land is used in violation of this chapter, the proper city authorities or any affected citizen or property owner, in addition to other remedies, may institute any appropriate action or proceedings:

1. To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or, use;
2. To restrain, correct, or abate such violations;
3. To prevent the occupancy of the building, structure, or land, or
4. To prevent any illegal act, conduct, business, or use in or about such premises

(North Dakota Century Code, Section 40-47-12)

6.0504.2 Penalty

Any person, firm or corporation violating any of the provisions of this Ordinance shall, upon conviction, be punished by a fine of not more than one hundred dollars ($100.00) or by imprisonment in the County Jail for not more than ninety (90) days, or both fine and imprisonment. Each and every day that a violation of this Ordinance shall be continued shall constitute and be considered a separate offense.

Article 6 – Development Standards

All development shall comply with the following standards, as applicable.

6.0601 Adequate Public Facilities Required

1. Unless expressly authorized elsewhere in this ordinance, all development, and all lots or parcels within a development, shall be provided with water, sewer, power, telephone, paved streets, curbs, gutters, stormwater facilities, street lights and sidewalks.
2. All public facilities necessary to serve the development, including any necessary easements, extension of mains, lift stations, streets, sidewalks, and other improvements, shall be provided by the developer as set forth herein.
3. No improvements shall be made until all necessary plans, profiles and specifications have been submitted to and approved by the City Engineer.

6.0602 Streets

1. The arrangement, character, extent, width, grade and location of all streets shall be related to: existing and planned streets; topographic conditions; existing natural features including wetlands, marshes and tree growths; public convenience and safety; existing and proposed uses of the land served by the streets, and to the most advantageous development of adjoining uses.
2. The arrangement of streets in a subdivision shall provide, where possible, for the continuation or appropriate extension of existing and proposed streets in the city.
3. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the City of Wilton requires a street approximately parallel to such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distance shall also be determined with regard for the requirements of approach grades and future grade separation. In such instances, non-access restrictions may be required to limit access only to specific points along the right-of-way. Landscape buffering may also be required along the right-of-way to separate incompatible uses.
4. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than 75 degrees, and no more than two streets shall intersect at one point.
5. The use of cul-de-sac streets shall be limited in order to promote a well-connected street network that provides for safe, direct and convenient access by vehicles, bicycles and pedestrians. Such streets are permitted in instances where is no reasonable opportunity to provide for future connections to adjoining streets, including natural barriers such as water features or man-made barriers such as railroad tracks.
6. The maximum length of a cul-de-sac street shall be 750 feet measured from the centerline of the intersection of the through street to the center of the cul-de-sac.
7. Islands or medians within a cul-de-sac may be permitted so long as a neighborhood association or similar group assumes responsibility for curb and vegetation maintenance.
8. Dead-end streets shall not be permitted without a suitable cul-de-sac or other approved turnaround with a diameter of no less than 120 feet. Appropriate arrangements shall be made for those parts of temporary turnarounds outside of street rights-of-way to revert to the abutting property owners at such time as streets shall be extended.
9. Half streets are prohibited.
10. No street names shall be used which will duplicate or be confused with the names of existing streets in the city. Names of streets aligned with existing streets shall be the same as those of the existing streets. Street names shall be subject to the approval of the City Commission.

11. The width of all alleys shall be at least 20 feet.
12. All streets shall have a grade of not less than 0.4 percent and not more than 10 percent.
13. All streets shall be designed by a licensed engineer with plans and final construction approved by the City Engineer.
14. All streets shall be paved.
15. Streets shall be built to the standards in Table 6.0602.1:

Table 6.0602.1
Urban Street Standards

Urban Street Standards								
Classification	Lanes	Zoning Class	Parking	Paved Width (Curb face to curb face)	Sidewalks	Right-of-way	Volume (ADT)	Max Grade (%)
Local	2	R-1, R-2, R-3	Both Sides	37 ft.	4 ft.	66 ft.	0-4999	10
			One Sides					
			None					
		C, I	Both Sides		5 ft.			
			One Side					
			None					

6.0603 Lots

1. The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated.
2. Every lot shall front or abut a public street.
3. All lots created after the adoption of this ordinance shall comply with the requirements of the zoning district in which they are located unless a variance or other waiver is properly granted.
4. Corner lots shall be designed to have sufficient width to permit appropriate building setbacks from both roads and to provide acceptable visibility for traffic safety. (See the setback requirements of particular zoning districts in Article 3.
5. Side lot lines shall be substantially at right angles or radials to street lines.
6. Lot lines shall follow municipal and zoning district boundary lines rather than cross them.
7. Depth and width of properties reserved or laid out for commercial or industrial use shall be adequate to provide for the off-street parking and service facilities at a minimum required by this ordinance and by the type of use and development contemplated.

6.0604 Blocks

1. The length, width and shape of blocks shall be suited to the planned use of land, zoning requirements, convenient access, control and safety of street traffic and the limitations and opportunities of topography.

2. Blocks must be wide enough to allow for two tiers of lots unless a narrower configuration is essential to provide separation of residential development from traffic arteries, or to overcome specific disadvantages of topography or orientation.
3. Block length shall not be more than 900 feet.

6.0605 Parks and Open Space

Parks and open space provide a valuable asset to the City of Wilton, its historical development and the health and general welfare of its residents. These standards are intended to ensure that parks and open space provide focal points for new residential development. A central square or green, for example, may comprise a majority of the area required for dedication.

1. Applicability. The parks/open space dedication requirement applies to all new residential development except in the Commercial and Industrial zoning districts.
2. Dedication. Parks/open space shall be dedicated to the City of Wilton Park District unless expressly authorized by the City Commission. In such cases the park/open space area shall be maintained by a property owners association.
3. Required parks/open space. The amount of required parkland or open space shall be 10% of the gross site area.

6.0606 Utility Easements

1. Easements across lots or along rear or side lot lines shall be provided for utilities and shall be 10 feet wide for gas, communications and electrical, and 20 feet minimum each for water and sewer.
2. Easements shall be centered on lot lines where possible. Total easement width shall be subject to City Engineer discretion. Such easements shall be designated as “Utility Easement” on the plat or site plan.
3. Subject to utility company approval, utility lines for electric power and telephone service shall be placed underground (unless otherwise specified in this ordinance) in the utility easements.
4. Utility easements shall connect with easements established in adjoining properties.

6.0607 Grading and Drainage

1. Drainage plan approval required. Whenever 1 acre (43,560 square feet) or more of land is to be disturbed by development, the developer shall submit a grading and drainage plan to the City Engineer prior to soil disturbance. All improvements required by the City Engineer shall be installed by the developer prior to final subdivision plat approval (unless a developers’ agreement is in effect) or prior to certificate of compliance issuance, as appropriate.
2. The grading and drainage plan shall include the following:
    a. Existing features, including a drainage area map showing the topography of the drainage basin contributing to the site, and a site plan showing the site’s topography and natural and man-made features including wetlands, drainages, vegetation, soil types, streets, utilities, structures, etc.;
    b. Proposed alterations to the site, including clearing and grading, cuts, fills, planned contours, phased site work description and timetable (when applicable) and vegetation that is planned to be preserved;
    c. Temporary erosion and sediment control measures (best management practices) during construction; and
    d. Long term facilities for site drainage and stormwater management including drainage easements of adequate location and width to accommodate drainage

from the site and upstream areas and also to accommodate access for maintenance purposes.

3. Culverts of adequate size shall be provided and installed by the developer where drainage channels intersect any street right-of-way or easement. The length of the culvert, amount of backfill to be placed over it, and the culvert's capacity shall be approved by the City Engineer.
4. Concrete curbs and gutters shall be installed in all residential subdivisions, also in all development in the Commercial and Industrial zoning districts, and in all multiple family dwelling projects, hotels/motels and where deemed necessary by the City Commission in accordance with the plans and specifications approved by the City of Wilton.
5. The full width of all rights-of-way shall be graded and all streets shall be surfaced in accordance with plans and specifications of the City of Wilton (see Table 6.0602.1)
6. Stormwater leaving the development property shall not exceed pre-development levels unless otherwise approved by the City Commission.
7. Drainage easements, where necessary, shall be shown on the subdivision plat or site plan (see 2.D. above)

6.0608 Sewage Disposal System

Municipal sanitary sewers shall be installed so as to provide service to each lot within the subdivision or development unless in the AG zoning district as permitted in this ordinance. All sewer plans shall be reviewed and approved by the City Engineer prior to installation.

6.0609 Municipal Water Supply

Water mains shall be installed so as to provide service to each lot within the subdivision or other development that meets or exceeds minimum fire flow requirements. All water plans shall be reviewed and approved by the City Engineer prior to installation.

6.0610 Solid Waste

Solid waste disposal facilities shall be provided by the developer where deemed appropriate by the City Commission. Visual screening of solid waste facilities may be required.

6.0611 Mail Delivery

A means of mail delivery such as cluster mailbox units may be required.

6.0612 Survey Monuments

Monuments shall be placed at all lot and block corners, angle points, points of curves in streets and at intermediate points as shall be required by the Planning and Zoning Commission and City Commission.

6.0613 Traffic Impact Analysis

When required by this ordinance, the developer shall submit a traffic impact analysis (TIA) to gauge the impacts of development on transportation facilities, safety and traffic flow.

1. Preparation. A professional engineer or transportation planner must prepare the traffic impact analysis.
2. Form and Content. The TIA shall be in written form along with supporting maps and other appropriate information. At a minimum, the report must include the following elements:
    a. Purpose and goals;

b. A description of the site and study area, which shall extend to the most logical collector or arterial road based on trip distribution patterns;
c. Existing traffic circulation conditions and patterns including road geometrics, roadway capacity, conditions of roads leading to the development and other relevant information;
d. Anticipated traffic circulation conditions and patterns including road geometrics, traffic counts, trip distribution, land uses, crash data, intersection evaluations, roadway capacity and other relevant information;
e. Anticipated effects of the development on the existing road network; and
f. Recommendations and alternatives to alleviate the negative effects (if any) and maintain the existing level of service after development.

6.0614 Large Scale Development

Large scale development includes 50 or more residential lots/units, commercial or industrial, or a combination of uses that will potentially generate 500 or more vehicle trips on the average working day (ADT) based on research published by the Institute of Transportation Engineers or a similar source.

1. Large scale development shall provide public facilities necessitated, entirely or in part, by the development. Such facilities include public water, sewer, runoff management, street improvements, pedestrian and bicycle facilities, public parks and playgrounds, emergency medical, police and fire protection and solid waste.
2. At the discretion of the Administrator, the public needs of a large scale development may be determined through a fact finding process at the expense of the developer. The Administrator may retain professional planners or engineers to prepare a community impact report, the purpose of which is to determine what facilities needs may be attributed to the development and at what costs. The Administrator shall inform the developer of this requirement at a pre-application meeting. No final permit shall be granted until the developer has paid for all costs associated with this process.

6.0615 Bed and Breakfast Establishments

1. The establishment shall be operated by the owner of the home who shall live on the property.
2. The bed and breakfast may not contain more than four guest rooms or serve more than 12 guests.
3. Food service may be provided for resident guests only.
4. Bed and breakfasts may not be leased or offered for use as reception space, office space, meeting space or similar events open to non-resident guests.
5. A maximum of one wall sign, which may be externally lit, not exceeding 8 square feet in area, may be displayed.
6. At least one off-street parking space shall be provided per room.

6.0616 Multiple Family Dwellings and Hotels/Motels

1. Pedestrian Access. A system of walkways connecting each dwelling or hotel building to public sidewalks, on-site parking, other on-site multiple family dwellings, solid waste disposal areas, mail boxes, recreation areas and storage areas shall be provided.
2. Vehicular Access. At least two roads/approaches accessing public streets shall be provided for more than 15 dwelling units or rooms. The circulation pattern must be acceptable to the local fire department and the City Engineer.

3. Parking. At least two on-site parking spaces shall be provided per dwelling and 1.2 per hotel room. No more than 50% of the parking should be provided between the primary buildings and the primary access street.
4. Design. The architectural style of each building shall be consistent and finished on all sides. Additionally, the developer shall provide at least four of the features below (at the developer's discretion).
    a. Modulated building wall planes by using projections, recesses and offset planes with a minimum depth of two feet;
    b. Balconies or bay windows on the front of the building façade;
    c. Varied rooflines;
    d. Visual diversity on all building facades by varying materials, texture and color;
    e. Landscaping adjacent to the building that includes at least one tree and four shrubs per each 25 linear feet of building façade that faces a public street;
    f. Windows or glazed area equal to at least 15% of the combined total of all the building's facades.
5. Parks and open space: The parks and open space requirements of this ordinance apply to multiple family dwellings (see 6.0605).

6.0617 Parking and Loading

1. Purpose and Intent. These standards establish off-street parking requirements designed to lessen congestion in the streets and provide a reasonable amount of parking for developments.
2. Applicability. Any building or structure erected or located and any use of land established after the effective date of this ordinance, including changes of use and additions to existing uses, shall be required to provide off-street parking in accordance with the standards in this section, with the following two exceptions:
    a. Where a change of land use within an existing building or lot requires an increase in off-street parking by 10% or less, the increase shall be waived.
3. Size. A standard parking space is 9 feet wide by 20 feet deep.
4. Vertical Clearance. Each space shall have a vertical clearance of at least 8 feet.
5. Location.
    a. For all residential uses, off-street parking shall be located on the same lot as the use they serve;
    b. For all other uses, off-street parking shall not be located more than 300 feet from the lot and must be located within the same zoning classification as the use they serve;
    c. For land uses other than single and two family residential, a portion of parking is encouraged to be located behind the primary structure(s) (i.e., on the opposite side of the building from the street access).
    d. Parking shall not be located where it inhibits visibility at any intersections.
6. Plan Review and Permit Required. Parking plans including location, circulation pattern, signage, dimensions, lighting, landscaping, pedestrian and bicycle facilities and other specifications shall be drawn to scale and submitted for review and approval for all land uses other than single and two family residential and related accessory uses.
7. Construction. All off-street parking spaces and associated access shall be improved with asphalt or concrete or comparable hard surface except for temporary land uses, which may be gravel.
8. Drainage. All off-street parking areas shall be designed and constructed to allow proper drainage and include stormwater containment to be reviewed and approved by the City Engineer.
9. Landscaping and Screening.

   a. For land uses requiring 40 or more spaces and for all land uses in the Commercial District, a minimum of 10% of the parking lot shall be landscaped.
   b. For all land uses requiring 10 or more spaces, a buffer strip consisting of landscape vegetation and that may include decorative fencing, rock and berms shall be required.
10. Lighting. Parking lot lighting shall be side-shielded and downward pointed to prevent glare from leaving the site.
11. Drive Aisles. Minimum aisle widths shall be
   a. For two-way circulation and 90° parking: 24 feet;
   b. For one-way circulation and 60° angle parking: 18 feet; and
   c. For one-way circulation and 45° angle parking: 15 feet.
12. Snow Storage. A snow storage area at least 2% of the size of the parking lot, drive aisles and circulation shall be provided to avoid the loss of required parking spaces to snow storage.
13. Required Parking: All development shall provide at least the minimum number of off-street parking spaces established in Table 6.0417.1. Except as provided in (14), below, if two or more uses occupy the same building or lot, the total requirement shall be the sum of the requirements of the individual uses.
14. Shared Parking. At the discretion of the permitting authority (Administrator or City Commission), up to a 30% reduction in the number of parking spaces required for off-street parking may occur under the following circumstances:
   a. When at least 50% of the parking spaces required by this section are for primarily “night time” uses such as theatres, bowling alleys, bars and related uses, and the parking spaces also serve those uses that are provided by “day time” uses such as banks, offices, furniture stores, retail, wholesale and related uses;
   b. When at least 50% of the parking spaces required by this section for a religious institution, an auditorium incidental to a school, or a similar use, may be supplied by the off-street parking facilities provided by uses primarily of a “day-time” nature;
   c. When the joint parking facility is located within 300 feet of either the building or land use for which the parking facility is required;
   d. When the applicant for a joint use parking facility can demonstrate there is no substantial conflict in the principal operating hours of the buildings and uses for which the joint use is proposed; and
   e. When a contract providing for shared use for a period of at least 15 years is executed before issuance of a permit.
15. Required Parking for Uses Not Listed. Where a minimum number of parking spaces for a land use is not listed in the table below, the Administrator shall determine the appropriate number of spaces based on (A) the most similar land use described herein, (B) parking requirements from other jurisdictions, and/or (C) published sources of parking standards such as those produced by the Institute of Transportation Engineers and the American Planning Association.
16. Loading Areas.
   a. Commercial and industrial buildings shall provide one safe, properly signed off-street freight loading area for each 10,000 square feet of gross floor area or outdoor storage.
   b. Day care centers, schools, health care facilities, places of assembly and similar land uses shall provide at least one safe, properly signed off-street passenger loading area.

Table 6.0417.1

Required off Street parking

Required off street parking			
Residential		Commercial	
1 & 2 Family Homes	2/du	Bed and Breakfast	1/ room + 2
Accessory Dwelling	1/ du	Hotel/Motel	1.2 per rental room
Multiple Family	2/ du	Automobile Service Station	2 per bay
Mobile Home	2/ du	Gas Stations/Convenience Stores	1/ 300 sq. ft. of floor area
Temporary Housing	2/ du	Day Cares	1/ employee + 1/ 8 pupils
Group Homes	¼ residents + 1/ employee	Undertaking Parlors	¼ seats
		Baber/Beauty Parlor	One/chair + 1/ employee
Religious/Civic		General Retail	1/ 500 sq. ft. of retail area
Churches Auditoriums, theaters, Places of Assembly	.33/seat	Professional Office	1/ 300 sq. ft. of floor area
Hospitals	¼ bed + 1/ employee	Medical/Dental Office	1/ 200 sq. ft. of floor area
K-12 Schools	1.5 per classroom	Eating and drinking establishment	1/ 4 seats
Commercial or Trade School	1/3 student + 1/ employee at capacity	Shopping Centers	4/ 1,000 sq. ft. of floor area
Cemetery	1/ employee	General Merchandise, groceries	4/ 1,000 sq. ft. of floor area

6.0618 Mobile Home Parks

1. Mobile home parks shall contain a minimum of 5 acres of land.
2. A minimum of 10% of the gross site area shall be devoted to open space and recreation facilities.
3. Each mobile home shall be placed within a lot at least 50 feet in width and with a minimum area of 6,000 square feet.
4. All structures shall have a setback of a minimum of 15 feet from any exterior park boundary and 25 feet from all streets.
5. All structures shall be set back at least 10 feet from interior mobile home park lot lines.
6. No mobile home shall be older than 10 years on the date of installation.

7. Underground utility hookups shall be provided to each lot in the park. These utilities shall include water, sewer, gas, electricity and telephone.
8. All lots in the park shall be accessible at all times to emergency vehicles.
9. Off-street parking of at least two parking spaces for each mobile home unit shall be provided. Additional parking spaces may be required depending on the number of beds and use.
10. Streets in the park shall be dedicated public streets, designed and constructed according to standards recommended by the developer's engineer and approved by the City Engineer.
11. All regulations of North Dakota regulatory agencies and departments relating to mobile homes shall be complied with.
12. One or more common mailbox facility may be provided to serve the residents.
13. A school bus stop shall be provided if requested by the school district.

6.0619 Travel Trailers/Recreational Vehicles

1. Unoccupied travel trailers may be stored on a residential lot or within a commercial storage area.
2. The clear sight triangle shall be maintained for all unoccupied travel trailers stored on a residential lot.

6.0620 Fences, Visibility at Intersections

Except as otherwise specifically provided in other codes and ordinances of the city, the following regulations shall apply to the placement and construction of fences, landscaping and other visual obstructions at intersections:

1. R1, R2, R3, MH-1, MH-2
    a. Property pins shall be located by a licensed surveyor or the neighboring property owner(s) shall sign Fence Line Agreement.
    b. Fences shall be chain-link, wood or an engineered material that is appealing to sight.
    c. Fences in the front yard shall not exceed 36" (wood) or 48" (chain link) in height.
    d. Fences in the back and side yards shall be in the owner's right-of-way.
    e. No fence higher than 36" (wood) or 48" (chain link) shall be in the line of sight.
    f. Applicant must submit a drawing which includes what height of fence, material being used and location in relation to street, house and adjoining properties.
    g. No fence shall exceed 72"
    h. Clear Sight Triangle shall be maintained
2. Commercial and Industrial
    a. Shall provide a survey no older than 5 years old or the neighboring property owner(s) shall sign Fence Line Agreement.
    b. Fences shall not exceed 96"
    c. Fences shall be chain-link, wood or an engineered material that is appealing to sight.
    d. No fence higher than 36" (wood) or 48" (chain link) shall be in the line of sight.
    e. Clear Sight Triangle shall be maintained

6.0621 Signs

1. Purpose. The purpose of these standards is to provide reasonable, effective, consistent, content-neutral and nondiscriminatory sign standards; to recognize that signs are a

necessary means of useful communication and convenience to the public; to ensure that signs do not constitute a traffic or pedestrian safety hazard, obstruct public ways, or create a nuisance; to promote both renovation and proper maintenance of signs; to protect and enhance the community's image; to encourage innovative and attractive design; to allow for special circumstances; and to guarantee equal treatment under the law.

2. Scope. These standards govern the type, placement, and physical dimensions of signs within the different zoning districts. These standards shall not regulate official traffic or government signs; the copy of message of signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point of purchase displays (i.e., newspaper dispensers); scoreboards on athletic fields; flags of any nation, government, or noncommercial organization; gravestones; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign.

3. Prohibited signs. The following types of signs are prohibited in all districts.
    a. Signs imitating or resembling official traffic or government signs or signals;
    b. Any sign attached to a utility pole or structure, street light, tree, fence, fire hydrant, bridge, curb, sidewalk or other location on public property except as otherwise provided. This prohibition is not intended to include any tags, signs or other informational signs required by utility companies;
    c. Any sign placed in any public right-of-way except for signs erected by the City or other authorized entity;
    d. Signs which have been unlawfully or illegally erected and/or maintained;
    e. Any strobe lights or searchlights, animated, rotating, flashing, blinking signs or signs displaying video;
    f. Signs that constitute a traffic hazard or nuisance that are detrimental to the health, safety and welfare of the public; and
    g. Any sign which emits audible sound, odor, smoke, steam, laser, or hologram light.
4. Signs permitted by zoning district. The following signs are permitted on-premises in the indicated zones subject to a permit.

Table 6.0621.1
Sign Standards for the R-1, R-2 and R-3 Zones

Sign Type	Number Allowed	Maximum Allowed Dimensions
Nameplate	1 per single family occupancy	4 sq. ft. (single family), 10 sq. ft., (multiple family)
Identification Sign	2 per neighborhood entrance, permitted or conditional use	32 sq. ft. and 8 ft. height

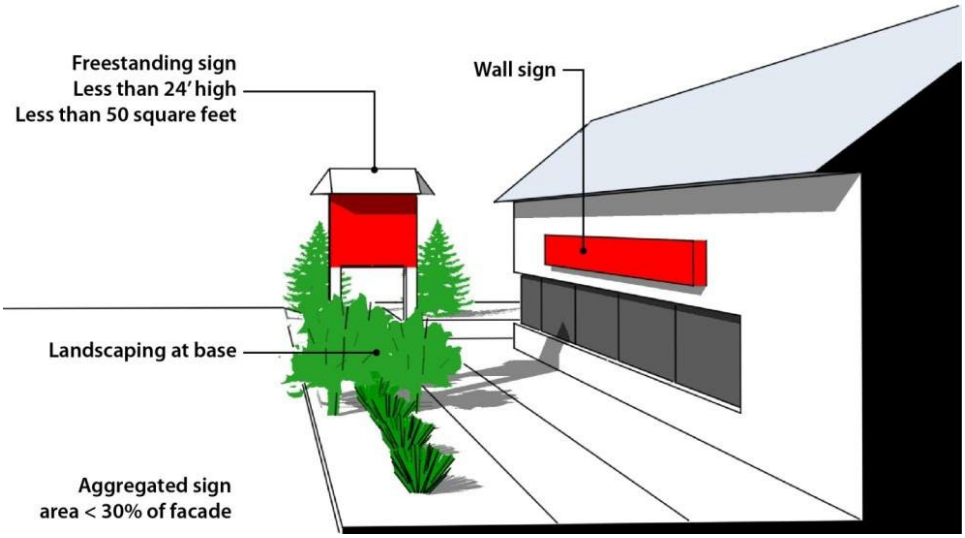
R-1, R-2 and R-3 Zones
    a. For each single family or duplex occupancy, 1 nameplate not exceeding 4 square feet in area;
    b. For each multiple family occupancy, 1 nameplate not exceeding 10 square feet in area;
    c. For a neighborhood and for other permitted or conditional uses, 2 identification signs per entrance not to exceed 32 square feet in area and 8 feet in height from street grade and must be placed at minimum 5 feet from any property line;
    d. Signs shall not block windows or any means of ingress or egress.

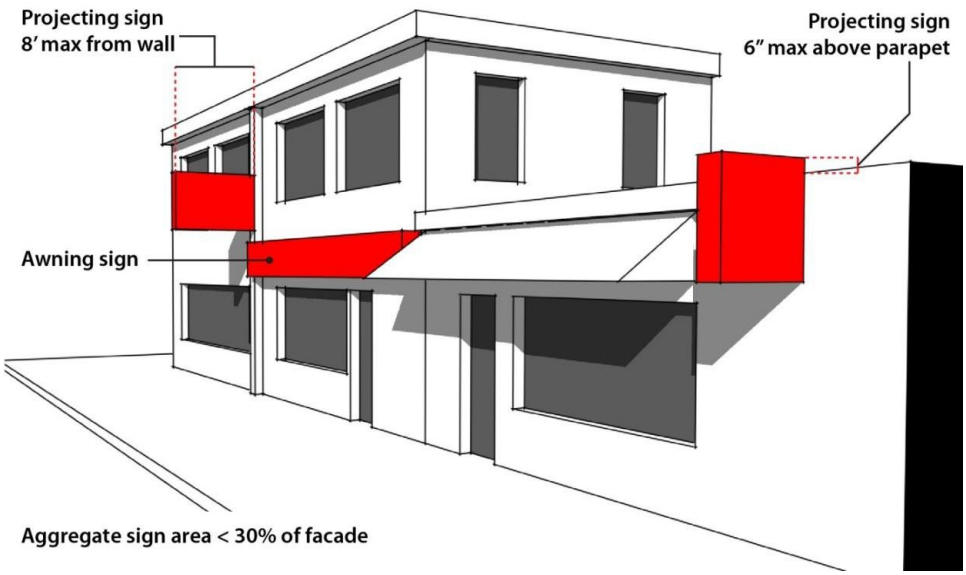
Table 6.0621.2
Sign Standards for the Commercial and Industrial Zones

Sign Type	Number Allowed	Maximum Dimensions
Freestanding	1 per principal building	50 sq. ft. and 24 ft. height
Projecting	1 per principal building	8 ft. from wall, 6 in. above roof parapet
Wall/Awning	1 per principal building	Aggregated sign area < 30% of façade

Commercial and Industrial Zone

a. For each principal building, 1 freestanding sign not exceeding 50 square feet in area and 24 feet in height from street grade;
b. Freestanding signs shall have landscaping at their base and be architecturally related to the design of the building;
c. For each principal building, 1 wall sign which includes signs affixed to awnings;
d. For each principal building, 1 projecting sign not extending more than 8 feet from wall structure and rising not more than 6 inches above roof parapet; For each principal building, 1 wall or awning sign, which may include smaller signs within a larger frame where there is more than one land use (e.g., more than one business) in a building;
e. For each principal building, 1 projecting sign not extending more than 8 feet from wall structure and rising not more than 6 inches above roof parapet;
f. The total combined wall and projecting sign area shall not exceed 30% of building façade.





6.0622 Demolition

Demolition is the complete removal of a structure. The demolition of any structure over 201 square feet in size requires a demolition permit (see Appendix A for a permit application form). The following requirements apply to all structural demolition.

1. All demolition, debris removal and filling of excavated or basement areas shall occur within 30 days of a demolition permit being granted by the Administrator.
2. All debris and related salvage shall be promptly stacked and removed from the site.
3. Excavated or basement areas shall be filled to ground level with clean material if work stops for 7 days or more.
4. Signage of hazard shall be conspicuously posted around the perimeter of the site.
5. Fire protection measures shall be taken when deemed necessary by the Fire Chief.
6. For demolition projects over 5,000 square feet in area, a performance bond of the type and amount approved by the City Commission shall be required.
7. Asbestos inspection may be required. It shall be the responsibility of the property owner to comply with the North Dakota Asbestos Control Program. If asbestos is found, the 30 day time period may be extended.
8. Prior to a permit being granted, approval from the following shall be required:
    a. City Engineer;
    b. Electric company;
    c. Solid waste official;
    d. Building official;
    e. Gas company official;
    f. Phone company official; and
    g. Cable company official.

Article 7 – Subdivision Regulations

6.0701 Purpose

For the purposes of this ordinance as described in 6.0103, the City of Wilton has set forth the following procedures, requirements and standards for the division of land and subdivision approval. These regulations are intended to provide for the proper arrangement of streets in relation to other existing and planned streets and to the master plan, and for adequate and convenient open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light, and air, for the avoidance of congestion of population, and for easements for building setback lines or for public utility lines.

6.0702 Compliance Required

No plat of a subdivision or re-subdivision of land within the City of Wilton or within the city's extraterritorial jurisdiction shall be filed or recorded until it has been approved by the Planning and Zoning Commission and the Wilton City Commission.

6.0703 Penalty, Injunction, Civil Action

Any owner, or the agent of any owner, of land located within the territory of a subdivision that is subject to the approval by the Planning and Zoning Commission and the Wilton City Commission who transfers, sells, agrees to sell, or negotiates to sell any land by reference to or exhibition of a plat of a subdivision, or by any other use thereof, before such plat has been approved by the Planning and Zoning Commission and the Wilton City Commission and recorded in the McLean and Burleigh County Recorder's Office shall forfeit and pay the maximum penalty allowed by law for each lot transferred or sold or agreed or negotiated to be sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided in this section. The City of Wilton may enjoin such transfer, sale, or agreement by an action for injunction, or it may recover the penalty by a civil action.

6.0704 Master Plan Required

A master plan is required when only a portion of contiguous land under single ownership is proposed for subdivision. A master plan shall also be used for phased development (see 6.0709)

6.0705 Exemptions

Lot line adjustments, aggregations of lots, court ordered division of land and any other land division exempted from subdivision review requirements under North Dakota law shall be exempt from the subdivision review requirements of this chapter, except as follows:

1. All plats and surveys exempt from subdivision review shall be reviewed and approved by the Planning and Zoning Commission and City Commission prior to transfer of title and the resulting lots shall comply with the zoning requirements of this ordinance unless expressly authorized.
2. All development on lots exempt from subdivision review shall comply with the zoning and development standards of this ordinance.
3. Lands transferred to governmental entities such as the City of Wilton and McLean and Burleigh County, utility companies and power and telephone companies are also exempt from the pre-application and preliminary plat application requirements of this chapter

provided the transfers are for the purpose of public roadway and utility expansion, and provided the parcels are of a strip-like nature not to exceed 200 feet in width.

6.0706 Procedures for Subdivision Approval

1. Pre-application procedure
    a. The developer shall file a pre-application, site plan, supplementary information and review fee with the Administrator. Within 30 days of receiving the pre-application and supporting documents, the Administrator and developer shall meet in person or by telephone or video conference to discuss the proposed subdivision.
    b. At the pre-application meeting, the Administrator and developer shall discuss the subdivision, zoning, comprehensive plan, annexation, development standards and construction requirements that apply to the subdivision.
    c. Within 60 days of the pre-application meeting, the Administrator shall provide the developer with:
        i. a letter summarizing the information discussed at the meeting;
        ii. a list of information that will be required to be submitted for the preliminary plat application to be considered for approval (see #2 and #3, below); and
        iii. a list of agencies and service providers that the developer will be required to contact prior to submittal of the preliminary plat application and that the Administrator may also contact during the review period. Information to be sent to the agencies and service providers includes a preliminary plat, a written description of the type(s) of development, timing of the project, and additional information the agency will need to determine whether it can provide adequate service to the subdivision.
    d. Unless the developer submits a preliminary plat application within one year of the date of the pre-application meeting, a new pre-application is required.
2. Information that may be required in a Preliminary Plat Application.
   The Administrator may require the following information to be included in a preliminary plat application:
    a. Application form signed by the developer and all property owners (if different from the developer)
    b. Review fee
    c. Vicinity map
    d. Phasing plan
    e. Copies of all correspondence with public agencies and service providers identified in the pre-application letter
    f. Title abstract (or title report)
    g. Consent to platting from all lien holders and mortgagees
    h. Documentation of legal and physical access to the subdivision
    i. Copies of existing easements
    j. Description of proposed easements
    k. A map that includes current names and addresses of all adjacent property owners
    l. Typical proposed street cross section and preliminary street plans
    m. Existing and proposed road approach locations
    n. Existing water rights
    o. Existing mineral rights
    p. Traffic impact assessment
    q. Grading and drainage plan

r. Re-vegetation and noxious weed control plan
s. Landscaping and maintenance plan
t. Building elevations
u. Signage plan
v. Dust control plan
w. Draft developers' agreement (if bonding is proposed)
x. List of improvements proposed to be dedicated to the City of Wilton and improvements that are proposed to be managed privately
y. Plans for ownership, use, management and development guidelines for open space and common facilities (parking areas, garbage collection areas, etc.)
z. Existing and proposed covenants, conditions & restrictions and deed restrictions
aa. Draft engineering plans for all public improvements
bb. Information necessary to demonstrate compliance with zoning and development standards
cc. Variance request
dd. FEMA floodplain map and/or analysis
ee. Geotechnical soils analysis and development suitability study
ff. Such additional relevant information as identified by the Administrator during the pre-application meeting that is pertinent to the review of the subdivision proposal

3. Information that is required on a preliminary plat. The preliminary plat shall be based upon a survey, may consist of one or more sheets, shall be submitted in three copies at a scale of not more than 200 feet to one inch, and shall show correctly on its face:
   a. The name, address and telephone number of the person to be contacted regarding the plat and also the names of all landowners and the name of the developer (if different)
   b. Date, graphic scale and north point
   c. Name of the proposed subdivision (names cannot be duplicated)
   d. Location of the proposed subdivision by government lot, quarter section, section, township, range, city and county
   e. A scaled drawing of the exterior boundaries of the proposed subdivision referenced to the corner established in the US Public Land Survey and the total acreages encompassed thereby
   f. Names and locations of adjacent subdivisions, parks, cemeteries and other developments
   g. Location, right-of-way widths and names of any existing or proposed streets, alleys or other public ways, easements and railroad and utility rights-of-ways, included within or adjacent to the proposed subdivision
   h. Location of existing property lines, buildings, streams or water courses, marshes or wetlands, wooded areas, and other similar significant features within the parcel being sub-divided
   i. Contours at vertical intervals suitable for evaluating the grades of municipal improvements
   j. Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, open space, drainage ways or other public uses
   k. Existing and proposed land use and zoning included within or adjacent to the proposed subdivision
   l. Approximate dimensions of all lots and proposed lot and block numbers
   m. Sidewalks, paths, curbs, gutters, culverts and other improvements on and adjacent to the parcel.
   n. Utilities on and adjacent to the parcel – locations, sizes, invert elevations of sanitary and storm sewers; locations and sizes of water mains; locations of gas

lines; fire hydrants, electric and telephone lines, poles and street lights, and railroad lines. If water mains and sewers are not on or adjacent to the tract, indicate the directions and distances to, and sizes of the nearest ones, and invert elevations of sewers.

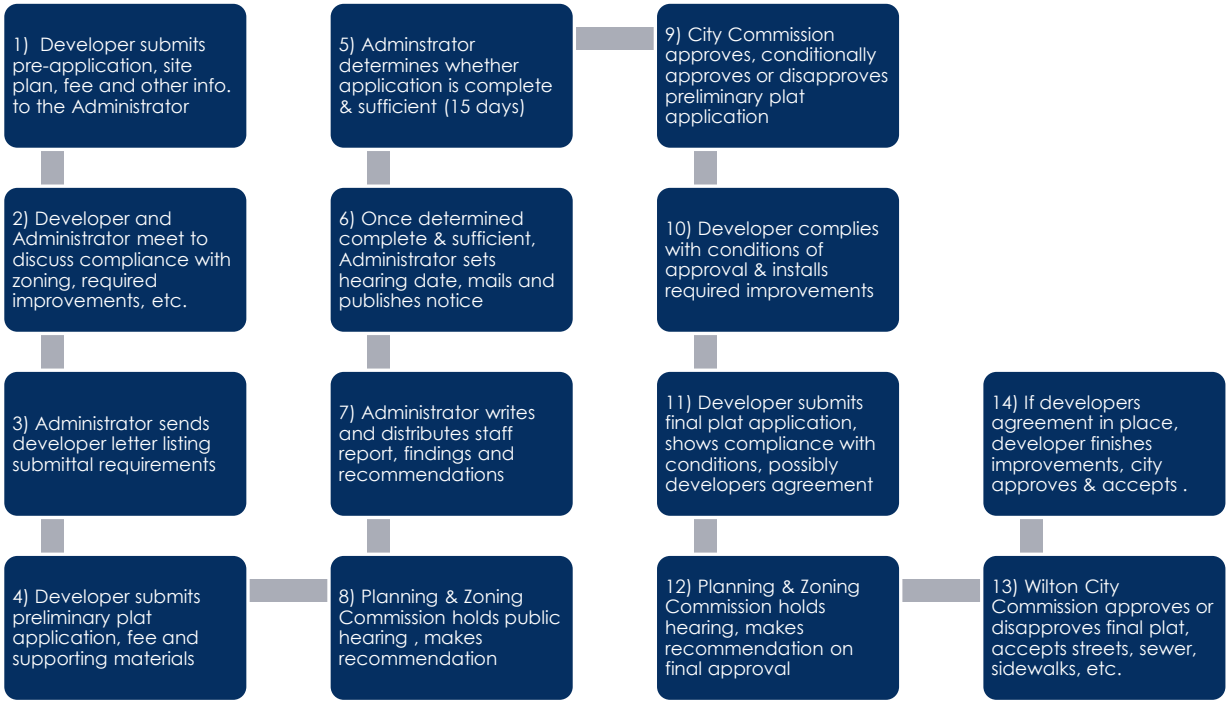
o. Subsurface conditions on the parcel. If required by the Administrator and City Engineer, location and results of tests made to ascertain subsurface soil, rock, and groundwater conditions including depth to groundwater if less than 6 feet during high groundwater season.

4. Preliminary Plat Procedure
    a. The developer shall file with the Administrator a written application form, 3 paper copies and 1 digital copy of the preliminary plat (24 x 36" and 8.5 x 11" or 11 x 17"), review fee adopted by the City Commission and all information required to be submitted in the pre-application letter [6.0706(1)(C), above]. If any items required in the pre-application letter are not submitted, the developer shall provide a written explanation.
    b. After receiving the application, plat, fee and supplementary materials, the Administrator shall determine whether the submittal is complete and sufficient for review.
        i. When a plat and application are determined incomplete or insufficient, the Administrator shall provide written notice to the developer indicating what information must be submitted for the review to proceed.
        ii. The day the Administrator determines the plat and application are complete and sufficient the application shall be officially considered submitted for the purposes of review.
        iii. Following a public hearing on the preliminary plat application, the Planning and Zoning Commission shall, within 30 days from the date the application is deemed to be submitted, approve, conditionally approve or disapprove the preliminary plat by making a recommendation to the Wilton City Commission. The Planning and Zoning Commission may attach conditions to a recommendation for preliminary approval intended to ensure compliance with this ordinance and to mitigate anticipated impacts of the subdivision. The Commission shall state the grounds upon which any plat is approved or disapproved, and written findings upon which the decision is based must be included in the Commission's record.
        iv. If the Planning and Zoning Commission does not recommend that the City Commission approve or disapprove the plat within 30 days of the application being deemed to be submitted, the plat shall be deemed to have been approved by the Planning and Zoning Commission, and a certificate to that effect shall be issued upon demand. The developer, however, may waive the requirement that the Planning and Zoning Commission act within 30 days and may consent to an extension of the period.
        v. At least 15 days and for 2 publications before the date of the public hearing, notice of the hearing shall be published in the official newspaper of the City of Wilton giving the time and place of the hearing and the character of the subdivision.
        vi. At least 5 days before the date of the public hearing, a notice of the time and place of the hearing shall be sent by registered mail to the developer at the address shown on the plat and also to all adjacent landowners.
        vii. At least 5 days before the date of the public hearing, the Administrator shall transmit a staff report, findings and recommendations to the

Planning and Zoning Commission and the developer, and also make these documents available to other interested parties.

viii. Within 14 days following the public hearing, the Administrator shall transmit a report, findings and the Planning and Zoning Commission's recommendation to the Wilton City Commission.

Figure 6.0706.1
General Subdivision Review Process Flow Chart



c. Wilton City Commission Preliminary Plat Review

i. Following a public hearing and at the next meeting of the Wilton City Commission for which notice may be posted and during which time is available for consideration, the City Commission shall approve, conditionally approve or deny the preliminary plat application. The Commission may attach conditions to a preliminary approval intended to ensure compliance with this ordinance and city policies, and to mitigate anticipated impacts caused by the subdivision. The Commission shall state the grounds upon which any plat is approved or disapproved, and written findings upon which the decision is based must be included in the Commission's record.

d. Preliminary Plat Decision

i. Prior to a decision on a preliminary plat application, the Administrator, Planning and Zoning Commission and the Governing Body shall take into consideration the prospective character of the development of the area included in the plat and of the surrounding territory.

ii. The decision to approve, conditionally approve or deny the preliminary plat application shall be based compliance of the plat and application

materials with the comprehensive plan, this ordinance and any other applicable ordinances and policies of the City of Wilton that were in effect when the application was deemed to be submitted for review.

iii. During the preliminary approval period the developer shall meet and demonstrate compliance with any conditions of approval and apply for final plat approval.

iv. The preliminary approval for all subdivisions is valid for 3 years unless part of a phased development (6.0709, below), or the developer submits an extension request that is approved prior to expiration.

v. If the developer fails to obtain an extension or demonstrate compliance with all conditions, the developer will be required to re-apply for preliminary plat approval subject to the regulations then in effect.

e. Effect of Preliminary Plat Approval

i. Approval of the preliminary plat is not an acceptance of the subdivision plat for record but is rather an expression of approval of the general plat as a guide to preparation of the subdivision for final approval and recording upon fulfillment of the requirements of this ordinance and any conditions of approval.

ii. No building permit shall be issued until a final plat is filed and all public improvements plans are approved.

5. Final Plat Procedure

a. After preliminary approval but prior to expiration, the subdivider shall submit a final plat application and review fee, three copies of the final plat or a certified survey map prepared by a registered land surveyor or engineer, a developers agreement (if applicable), a current abstract of title with title opinion, consent to platting from all lien holders and mortgagees, and information demonstrating compliance with all conditions of approval.

b. The Planning and Zoning Commission shall hold a public hearing in accordance with the North Dakota Century Code before action on the final plat is taken by the Wilton City Commission. At least 5 days before the date of the public hearing, notice of the time and place of the hearing shall be sent by registered mail to the developer at the address shown on the plat, and notice of the hearing shall be published in the official newspaper of the City of Wilton indicating the time and place of the hearing and the character of the subdivision.

c. The final plat of the proposed subdivision shall be prepared by a registered land surveyor or engineer and shall conform to the requirements of the preliminary plat approval and any conditions attached thereto by the Planning and Zoning Commission and Wilton City Commission.

d. If the final plat meets the requirements of this ordinance and has been submitted within the preliminary plat approval period and all conditions have been met, the City Commission of Wilton shall approve the final plat of the subdivision.

e. The City Commission must expressly accept any and all streets, sidewalks, utilities and other improvements, as well as any land, easements or rights-of-way and any other dedications.

6.0707 Required Improvements, Developers Agreements

1. Prior to approval of the final plat, the developer shall have installed all improvements required by the Wilton City Commission or have entered into a developers' agreement guaranteeing the construction, installation and maintenance of all required improvements.

2. The Wilton City Commission requires at a minimum the following improvements to be installed, inspected and approved before entering into a developers' agreement:
    a. Street and alley grading and compaction;
    b. Rough drainage;
    c. Water mains; and
    d. Sewer facilities.
3. A developers' agreement for the remaining improvements shall be guaranteed through performance bond, joint certificate of deposit or other security that has been approved by the City Commission.
4. The developers' agreement shall include a licensed engineer's itemized estimate, including supporting documentation, of the costs of installing the remaining improvements, as well as a schedule for the developer to install the improvements. The City Commission reserves the right to reject the engineer's estimate.
5. The amount of the guarantee shall be 125% of the engineer's estimate.
6. As the public improvements are installed, certified by the developer's engineer and approved by the City Engineer, the developer may request and the City Commission may grant a reduction in the financial security that is commensurate with the costs of the improvements that have been installed. The financial security release of funds is not intended to be a construction cash account. The release of funds shall only occur after major construction milestones have been reached.
7. Upon final installation of all improvements, the developer shall submit to the City Engineer as-built plans stamped by a licensed engineer.

6.0708 Subdivision Variances

1. A variance from the development standards of this ordinance (Article 6) may be granted by the Wilton City Commission after public hearing and recommendation by the Planning and Zoning Commission when the following criteria are met:
    a. Strict compliance with the design standards will result in unnecessary hardship to the developer based on conditions that are unique to the property (e.g., lot configuration, physical conditions, etc.). Unnecessary hardship shall not be strictly financial in nature;
    b. Granting of the variance will not be detrimental to the public health, safety or general welfare or injurious to other adjoining properties;
    c. The variance will not cause a substantial increase in public costs; and
    d. The variance will not place the subdivision in nonconformance with any adopted zoning standards.
2. In granting variances, the City Commission may impose reasonable conditions to secure the purpose and objectives of this ordinance.

6.0709 Phased Development

The developer may propose to file final plats or develop in phases over time according to the following standards:

1. Each phase must be fully capable of functioning with all the required improvements in place in the event future phases are not completed or are completed at a much later time.
2. A phasing plan must be submitted for review and approval that includes:
    a. A plat or site plan delineating each phase that includes the general timeframe for platting and development of each phase and,

   b. A public facilities improvement plan showing which improvements will be completed with each phase.
3. The governing body may require that the parkland dedication for the entire development be met prior to final approval of the first phase.
4. The first phase shall be final platted or developed within 3 years of permit approval (preliminary approval for subdivisions). Each successive phase shall be final platted or developed within 3 years of the previous phase.
5. Modifications to an approved phasing plan which do not materially change the impacts on adjoining property may be approved or denied by the Administrator in consultation with the City Engineer. Modifications which materially increase impacts to adjoining property owners shall be approved or denied by the City Commission.

6.0710 Modifications and Vacations of Plats

Modifications and vacations of recorded plats shall be reviewed and approved by the Wilton City Commission after consultation with the Planning and Zoning Commission.

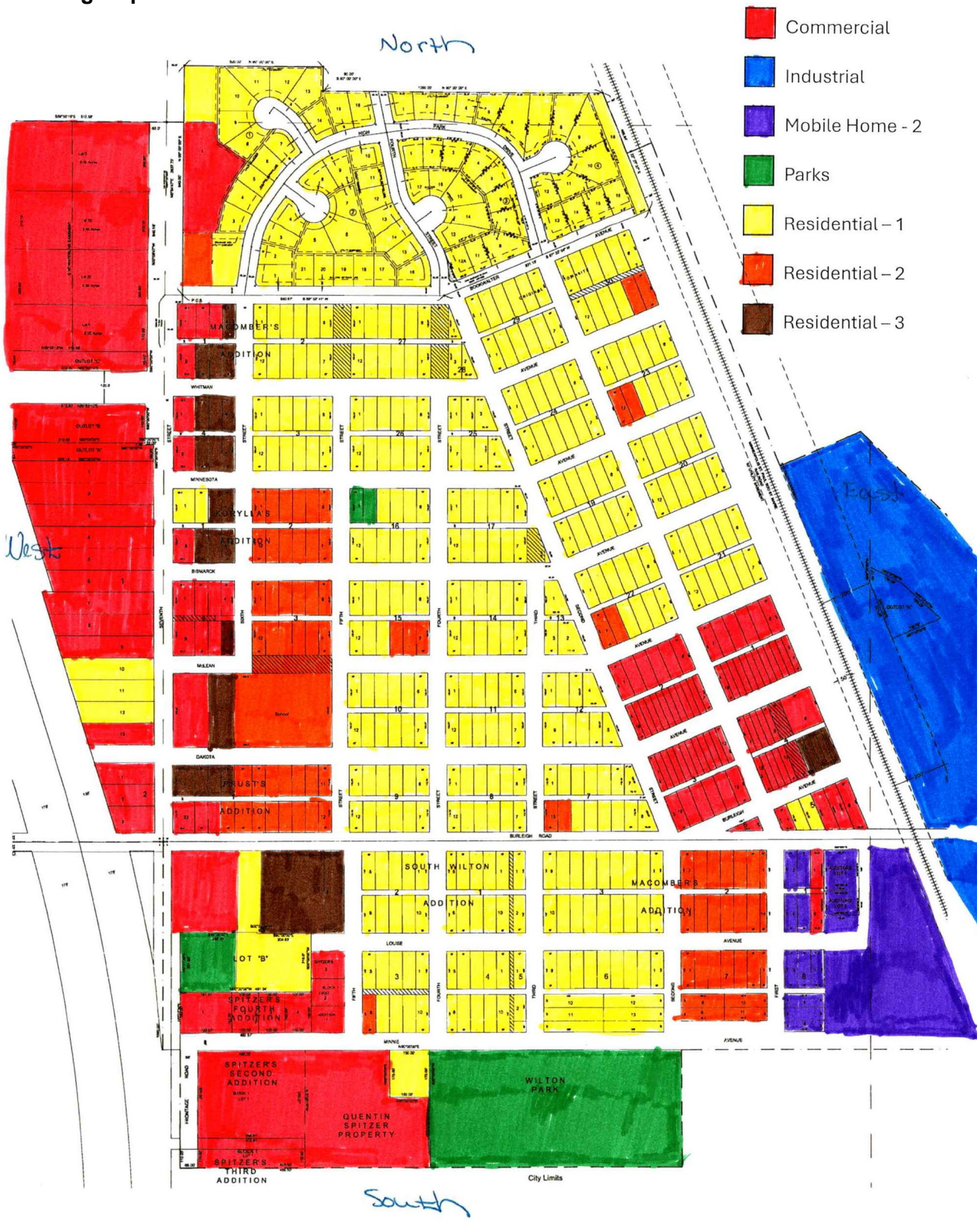
APPENDIX A
APPLICATION, FORMS AND OTHER RESOURCES

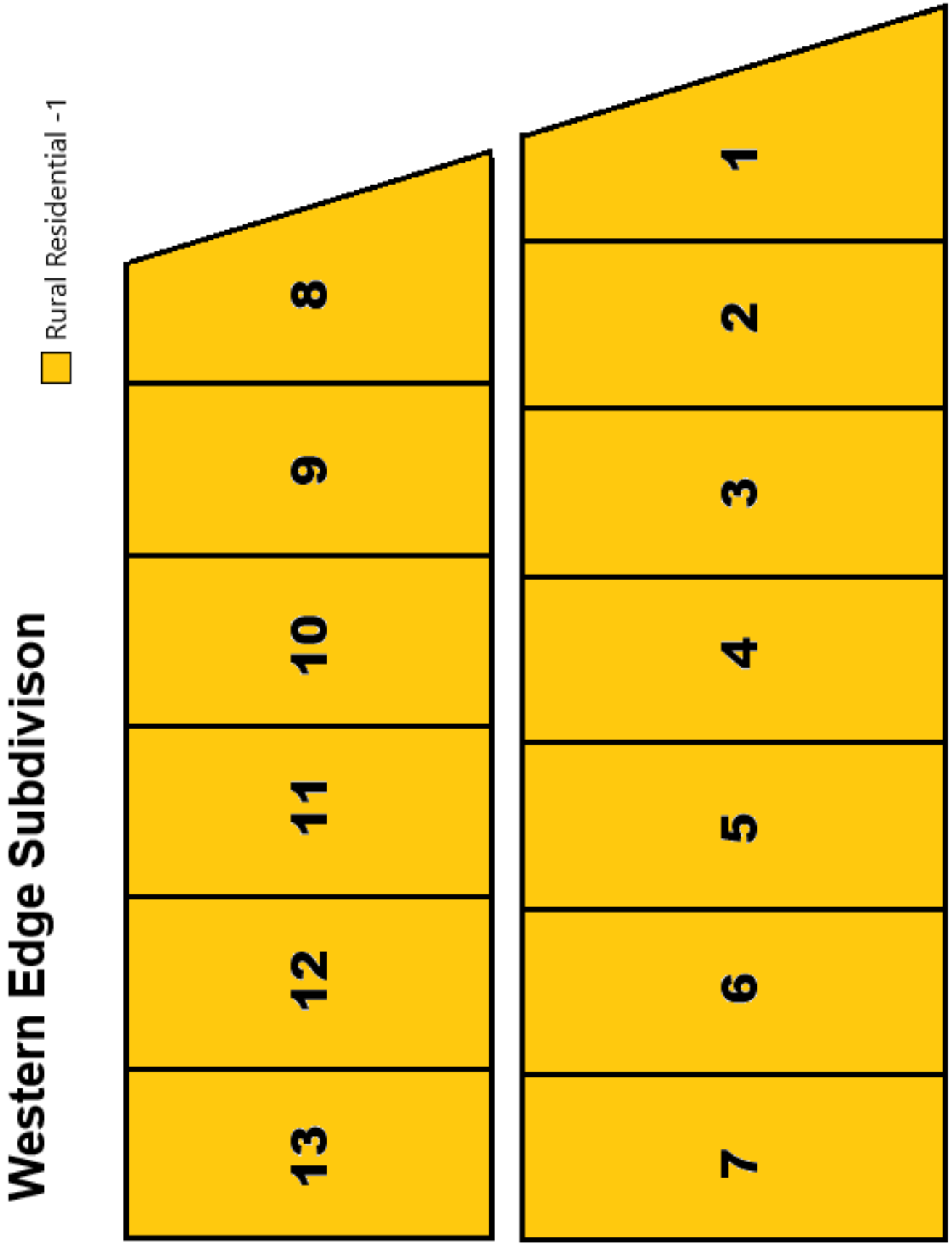
Application forms may be amended from time to time by the Administrator or the City Auditor. Review fees may be amended by the City Commission.

The following application forms and other resources are located in this appendix:

1. Zoning Map
2. Fees
3. Amendment Application
4. Annexation Application
5. Conditional Use Permit Application
6. Demolition Permit Application
7. Fence Line Agreement
8. Final Plat Application
9. Pre-Application Form (Used for Conditional Use Permits and Subdivisions)
10. Preliminary Plat Application
11. Zoning Variance Application

Zoning Maps


Commercial
Industrial
Mobile Home - 2
Parks
Residential – 1
Residential – 2
Residential – 3
North
West
East
South
MACOMBER'S ADDITION
KOEYLEAS ADDITION
TRUST'S ADDITION
SOUTH WILTON ADDITION
MACOMBER'S ADDITION
LOT "B"
SPITZER'S FOURTH ADDITION
SPITZER'S SECOND ADDITION
QUENTIN SPITZER PROPERTY
WILTON PARK
SPITZER'S THIRD ADDITION
City Limits


Western Edge Subdivison
Rural Residential -1
13
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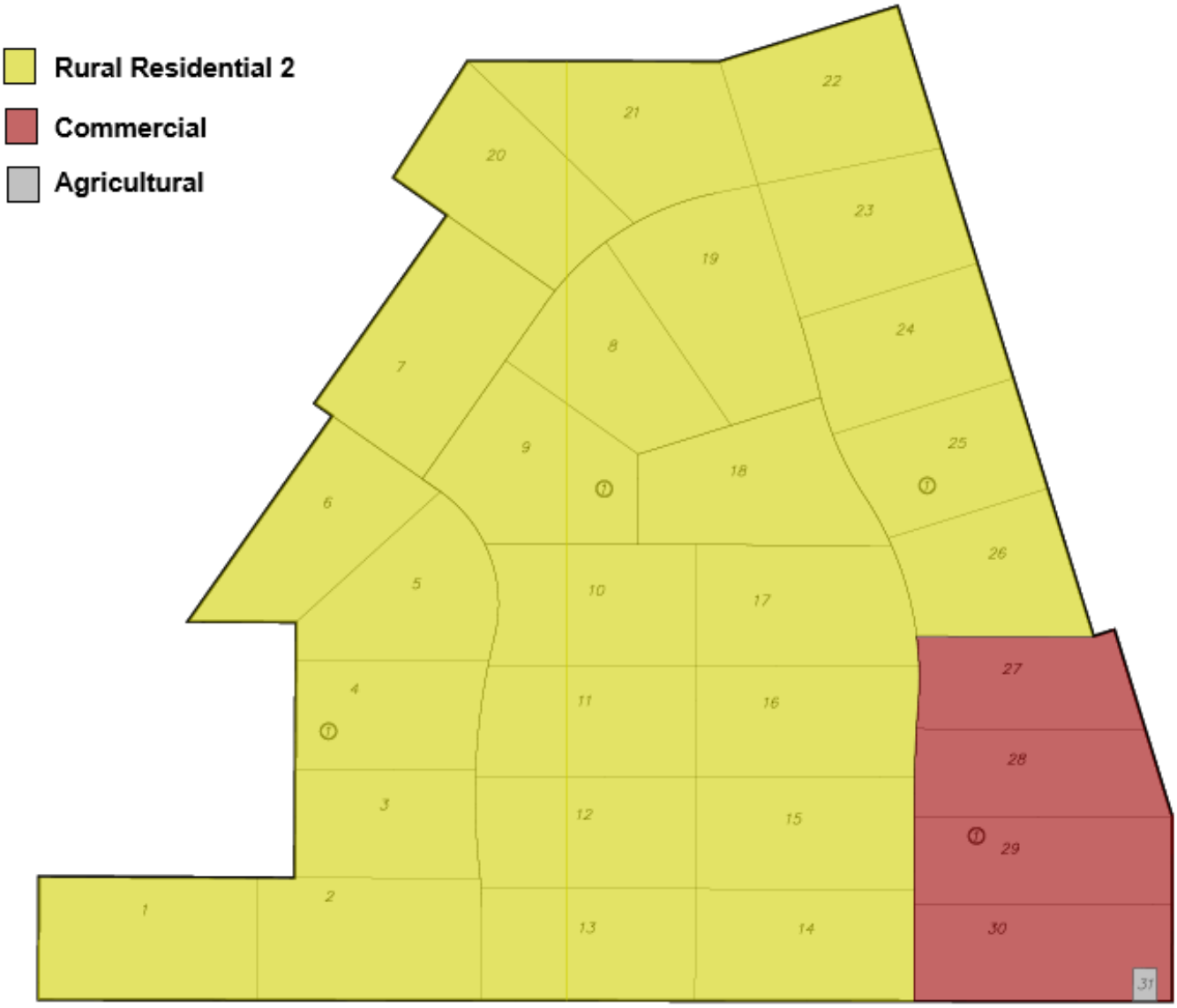
1

LIBERTY ACRES SUBDIVISION

ZONING MAP



Application and Permit Fees*

Annexation Application		$400.00
Application for Amendment	Zoning Change Only	$500.00
Building Permit	Fence or Deck Only	$25.00
Building Permit	See Building Permit Fee Schedule	
Conditional Use Permit		$275.00
Demolition Permit	to remove a building	$100.00
Final Plat Application	Subdivision	$1,000.00
Moving Permit	garage or storage shed	$50.00
Moving Permit	Dwelling	$200.00
Pre-Application	Conditional Use or Preliminary Plat	$100.00
Preliminary Plat Application	Subdivision $500 + $100 per lot	<----
Variance Request		$275.00

Building Permit Schedule

Estimated Construction Cost			Permit Fee
$0.00	-	30,000	$ 50.00
30,001	-	40,000	$ 60.00
40,001	-	50,000	$ 70.00
50,001	-	60,000	$ 80.00
60,001	-	70,000	$ 90.00
70,001	-	80,000	$ 100.00
80,001	-	90,000	$ 110.00
90,001	-	100,000	$ 120.00
100,001	-	110,000	$ 130.00
110,001	-	120,000	$ 140.00
120,001	-	130,000	$ 150.00
130,001	-	140,000	$ 160.00
140,001	-	150,000	$ 170.00
150,001	-	160,000	$ 180.00
160,001	-	170,000	$ 190.00
170,001	-	180,000	$ 200.00
180,001	-	190,000	$ 210.00
190,001	-	200,000	$ 220.00
200,001	-	210,000	$ 230.00
210,001	-	220,000	$ 240.00
Over 220,001			$ 250.00 + $10 for every $10,000

Application for Amendment

This application is used to request an amendment to the Zoning Ordinance and Subdivision Regulations of the City of Wilton, including an amendment to the Official Planning and Zoning Map	**Office Use Only** Fee: $_____ Date: _____ Cash/CC/Check #: _____

1. Owner(s) of Record:

   Name: _____

   Mailing Address: _____

   City/State/Zip: _____ Phone: _____

2. Person(s) authorized to represent the owner(s), their role (e.g. developer, engineer) and to whom a copy of all correspondence is to be sent:

   Name: _____

   Mailing Address: _____

   City/State/Zip: _____ Phone: _____

3. Type of Amendment:

   Map Amendment: Provide a complete and accurate description of the area for which the amendment is requested and also a map showing the area.

   From _____ zoning district to_____ zoning district. Square feet/Acres_____ Please describe amendment:

   _____

   _____

   Text Amendment: Enter the complete text of the proposed amendment (attach additional sheets as necessary).

   _____

   _____

   _____

4. Please list additional materials submitted in support of your amendment request:

   _____

   _____

5. Please describe how the amendment request:
   A. Furthers the purpose and intent of the zoning ordinance and subdivision regulations;
   B. Corrects an inconsistency or error, addresses changing conditions or addresses a specific public challenge such as the need for affordable housing or downtown redevelopment.

I hereby certify under penalty of perjury and the laws of the State of North Dakota that the information submitted herein, on all other forms, documents, plans or any other information submitted as a part of this application to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand any approval based thereon may be rescinded and other appropriate action taken. The signing of this application signifies approval for representatives of the City of Wilton to be present on the property for routine monitoring and inspection during the approval and development process.

_____ _____

Applicant Signature Date

Annexation Application

This application is used to apply for annexation approval. Annexation approval must be obtained prior to any land development activity.	**Office Use Only** Fee: $_____ Date: _____ Cash/CC/Check #: _____

1. Owner(s) of Record:

   Name: _____

   Mailing Address: _____

   City/State/Zip: _____ Phone: _____

2. Person(s) authorized to represent the owner(s), their role (e.g. developer, engineer) and to whom a copy of all correspondence is to be sent:

   Name: _____

   Mailing Address: _____

   City/State/Zip: _____ Phone: _____

   Name: _____

   Mailing Address: _____

   City/State/Zip: _____ Phone: _____

3. Property Description (Refer to Property Records)

   Street Address: _____ Sec. No. _____ Township _____

   Range _____ Subdivision Name: _____ Tract No. _____ Lot No. _____ Block No. ____ Lot Size: _____ Acres/Square Feet (circle)

   Parcel Number _____

4. Current Use: _____ Proposed Use: _____

5. Current Zoning: _____Requested Zoning: _____

6. Proposed Number of Lots: _____

7. Reason for Request:

_____

_____

8. Petitioners for annexation must present to the city the following information:
    a. A petition for annexation into the City of Wilton, North Dakota, which shall be in the form of a letter and include:

        - Petitioner's Name, Mailing Address, and Contact Information
        - Address or Tax Map Number of the property(s) proposed for annexation
        - City Zoning Classification(s)
        - Requested Zoning Classification(s)
        - Present Land Use of the property(s)
        - Proposed Land Use of the property(s)

    b. A survey by a licensed and registered land surveyor which shall show, at a minimum, the extents of the property, size in acres, adjacent property owners, and the existing city limits line.
    c. All applicable fees
    d. Three paper copies and digital copies of the following:

        - The preliminary plat (24" x 36" and 11" x 17" or 8 ½" x 11")
        - The pre-application letter from the Administrator listing the information required to be submitted.
        - All of the information required to be submitted in the pre-application letter.
        - A letter explaining why any of the required items are not included with this application (if any).
        - Any supplemental information deemed necessary by the developer to demonstrate compliance with the comprehensive plan, the Zoning Ordinance and Subdivision Regulations of the City of Wilton, and any other applicable ordinance and policies in effect.

I hereby certify under penalty of perjury and the laws of the State of North Dakota that the information submitted herein, on all other forms, documents, plans or any other information submitted as a part of this application to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand any approval based thereon may be rescinded and other appropriate action taken. The signing of this application signifies approval for representatives of the City of Wilton to be present on the property for routine monitoring and inspection during the approval and development process.

_____ _____

Applicant Signature Date

Conditional Use Permit Application

This application is used for all conditional use permit (CUP) requests. A CUP must be approved prior to any land development activity related to a conditional use.	**Office Use Only** Fee: $_____ Date: _____ Cash/CC/Check #: _____

1. Proposed Use:
   _____

2. Owner(s) of Record:

   Name: _____

   Mailing Address: _____

   City/State/Zip: _____ Phone: _____

3. Person(s) authorized to represent the owner(s), their role (e.g. developer, engineer) and to whom a copy of all correspondence is to be sent:

   Name: _____

   Mailing Address: _____

   City/State/Zip: _____ Phone: _____

   Name: _____

   Mailing Address: _____

   City/State/Zip: _____ Phone: _____

4. Property Description (Refer to Property Records)

   Street Address: _____ Sec. No. _____ Township _____

   Range _____ Subdivision Name: _____ Tract No. _____ Lot No.

   _____ Block No. ____ Lot Size: _____ Acres/Square Feet

   (circle)

   Parcel Number _____

   Zoned_____

5. Attachments (Please refer to the zoning ordinance and any applicable development standards)
   a. Site plan (one or more sheets) including the following: scale, site boundaries, topographic contours, setbacks, all easements, utilities, plans for fire protection,

solid waste, stormwater facilities, access, road specifications, parking, surface waters, landscaping, fences, lighting and structures.

b. Building elevations.
c. A signage plan.
d. A narrative describing the proposed use in light of the following evaluation criteria:
    i. The conditional use will not be detrimental to or endanger the public health, safety or general welfare.
    ii. The existing permitted uses in the neighborhood will not in any manner be substantially impaired or diminished by the establishment of the conditional use.
    iii. The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
    iv. Adequate utilities, access roads, drainage and other necessary site improvements have been provided or will be provided prior to the conditional use being initiated.
    v. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
    vi. The conditional use shall conform to all applicable regulations of the district in which it is located or a variance has been granted.
    vii. The conditional use complies with all applicable development standards.
e. A current map and list of all landowners within 200 feet of the property.
f. A transportation impact analysis prepared by a qualified licensed engineer when 50 or more units or beds are proposed.
g. A narrative statement describing why any of the supplements are not attached (if any).

I hereby certify under penalty of perjury and the laws of the State of North Dakota that the information submitted herein, on all other forms, documents, plans or any other information submitted as a part of this application to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand any approval based thereon may be rescinded and other appropriate action taken. The signing of this application signifies approval for representatives of the City of Wilton to be present on the property for routine monitoring and inspection during the approval and development process.

_____ _____

Applicant Signature Date

Demolition Permit Application

This application is used to apply for a demolition permit for the demolition (complete removal) of any structure over 900 square feet in size	**Office Use Only** Fee: $_____ Date: _____ Cash/CC/Check #: _____

1. Owner(s) of Record:

   Name: _____

   Mailing Address: _____

   City/State/Zip: _____ Phone: _____

2. Person(s) authorized to represent the owner(s), their role (e.g. developer, engineer) and to whom a copy of all correspondence is to be sent:

   Name: _____

   Mailing Address: _____

   City/State/Zip: _____ Phone: _____

3. Property Description (Refer to Property Records)

   Street Address: _____ Sec. No. _____ Township _____

   Range _____ Subdivision Name: _____ Tract No. _____ Lot No. _____ Block No. ____ Lot Size: _____ Acres/Square Feet (circle)

   Parcel Number _____ Zoned _____

4. Description of Work: _____

5. Signatures from the following or a letter stating service are turned off:

   a. City Engineer

      _____

   b. Electric company

      _____

c. Building official

_____

d. Gas company official

_____

e. Phone company official

_____

f. Cable company official

_____

6. Attachments
   a. Site plan (one or more sheets) including the following: scale, north arrow, site boundaries, setbacks, all easements, existing and to-be-demolished structures, utilities, roads and driveways, surface waters, fences, signage, and any other information that is pertinent to and will aid in evaluating a demolition permit request.
   b. Photos of the site and structure(s) to be demolished.
   c. A schedule for demolition, debris removal, and filling.
   d. Proposed performance bond type and amount if area to be disturbed is over 5,000 square feet.

I hereby certify under penalty of perjury and the laws of the State of North Dakota that the information submitted herein, on all other forms, documents, plans or any other information submitted as a part of this application to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand any approval based thereon may be rescinded and other appropriate action taken. The signing of this application signifies approval for representatives of the City of Wilton to be present on the property for routine monitoring and inspection during the approval and development process.

_____ _____

Applicant Signature Date

Fence Line Agreement

Property pins shall be located by a licensed surveyor or the neighboring property owner(s) shall sign a Fence Line Agreement.	**Office Use Only** Date filed with Auditors Office: _____

1. Owner(s) of Record:

   Name: _____

   Mailing Address: _____

   City/State/Zip: _____ Phone: _____

2. Person(s) authorized to represent the owner(s), their role (e.g. developer, engineer) and to whom a copy of all correspondence is to be sent:

   Name: _____

   Mailing Address: _____

   City/State/Zip: _____ Phone: _____

3. Property Description (Refer to Property Records)

   Street Address: _____ Sec. No. _____ Township _____

   Range _____ Subdivision Name: _____ Tract No. _____ Lot No. _____ Block No. ____ Lot Size: _____ Acres/Square Feet (circle)

   Parcel Number _____ Zoned _____

4. Neighboring Property Owner(s):

   Name: _____

   Mailing Address: _____

   City/State/Zip: _____ Phone: _____

5. Neighboring Property Description (Refer to Property Records)

   Street Address: _____ Sec. No. _____ Township _____

   Range _____ Subdivision Name: _____ Tract No. _____ Lot No.

_____ Block No. ____ Lot Size: _____ Acres/Square Feet (circle)

Parcel Number _____ Zoned _____

By signing below, I understand the property pins were not located to prove where the property line is located. I am in agreement with the placement of the proposed fence. Should a property line dispute arise in the future over the placement of the fence, the City of Wilton cannot not be held responsible in any way. I agree to remove or relocate the fence should a future survey prove the fence is not located on my property.

_____ _____

Applicant Signature Date

By signing below, I understand the property pins where not located to prove where the property line is located. I am in agreement with the placement of the proposed fence. Should a property line dispute arise in the future over the placement of the fence, the City of Wilton cannot not be held responsible in any way.

_____ _____

Neighboring Property Owners Signature Date

Final Plat Application

This application is used to apply for final plat subdivision approval.	**Office Use Only** Fee: $_____ Date: _____ Cash/CC/Check #: _____ Date of prelim. approval: _____

1. Owner(s) of Record:

   Name: _____

   Mailing Address: _____

   City/State/Zip: _____ Phone: _____

2. Person(s) authorized to represent the owner(s), their role (e.g. developer, engineer) and to whom a copy of all correspondence is to be sent:

   Name: _____

   Mailing Address: _____

   City/State/Zip: _____ Phone: _____

   Name: _____

   Mailing Address: _____

   City/State/Zip: _____ Phone: _____

3. Property Description (Refer to Property Records)

   Street Address: _____ Sec. No. _____ Township _____

   Range _____ Subdivision Name: _____ Tract No. _____ Lot No. _____ Block No. ____ Lot Size: _____ Acres/Square Feet (circle)

   Zoned _____

4. Attach 8 paper copies and digital copies of the following:
   a. The final plat (24" x 36" and 11" x 17" or 8 ½" x 11").
   b. The preliminary approval letter.
   c. A narrative describing how all conditions of preliminary approval have been met.

d. Supplementary information demonstrating compliance with all conditions of preliminary approval.
e. A developers agreement and financial guarantee (if applicable).
f. A current abstract of title with title opinion.
g. A signed, notarized statement from all lien holders and mortgagees consenting to platting.

I hereby certify under penalty of perjury and the laws of the State of North Dakota that the information submitted herein, on all other forms, documents, plans or any other information submitted as a part of this application to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand any approval based thereon may be rescinded and other appropriate action taken. The signing of this application signifies approval for representatives of the City of Wilton to be present on the property for routine monitoring and inspection during the approval and development process.

_____ _____

Developer Signature Date

_____ _____

Landowner Signature (if different from the developer) Date

Pre-Application for Conditional Use and Subdivisions

This application is the first step for all conditional use permit (CUP) and subdivision requests. A CUP or preliminary plat must be approved prior to any land development activity.	**Office Use Only** Fee: $_____ Date: _____ Cash/CC/Check #: _____

1. Owner(s) of Record:

   Name: _____

   Mailing Address: _____

   City/State/Zip: _____ Phone: _____

2. Person(s) authorized to represent the owner(s), their role (e.g. developer, engineer) and to whom a copy of all correspondence is to be sent:

   Name: _____

   Mailing Address: _____

   City/State/Zip: _____ Phone: _____

   Name: _____

   Mailing Address: _____

   City/State/Zip: _____ Phone: _____

3. Property Description (Refer to Property Records)

   Street Address: _____ Sec. No. _____ Township _____

   Range _____ Subdivision Name: _____ Tract No. _____ Lot No. _____ Block No. ____ Lot Size: _____ Acres/Square Feet (circle)

   Zoned _____

4. Current and Proposed Uses:
   _____

5. Proposed Number of Lots or Units:
   _____

6. Describe Current Use of Surrounding Property:
   _____

7. Attach a Sketch Plan that Includes the Following:

    a. Approximate lot boundaries with rough dimensions / acreages proposed
    b. Location of existing and proposed structures
    c. Location of existing and proposed easements and rights-of-way
    d. Location of existing and proposed roads
    e. Location of existing and proposed utilities (sewer, water, electrical, telephone, gas)
    f. Location of parks and open spaces (if applicable)
    g. General terrain and natural features

I hereby certify under penalty of perjury and the laws of the State of North Dakota that the information submitted herein, on all other forms, documents, plans or any other information submitted as a part of this application to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand any approval based thereon may be rescinded and other appropriate action taken. The signing of this application signifies approval for representatives of the City of Wilton to be present on the property for routine monitoring and inspection during the approval and development process.

_____ _____

Developer Signature Date

_____ _____

Landowner Signature (if different from the developer) Date

Preliminary Plat Application

This application is used to apply for preliminary plat subdivision approval. Preliminary approval must be obtained prior to any land development activity.	**Office Use Only** Fee: $_____ Date: _____ Cash/CC/Check #: _____

1. Owner(s) of Record:

   Name: _____

   Mailing Address: _____

   City/State/Zip: _____ Phone: _____

2. Person(s) authorized to represent the owner(s), their role (e.g. developer, engineer) and to whom a copy of all correspondence is to be sent:

   Name: _____

   Mailing Address: _____

   City/State/Zip: _____ Phone: _____

   Name: _____

   Mailing Address: _____

   City/State/Zip: _____ Phone: _____

3. Property Description (Refer to Property Records)

   Street Address: _____ Sec. No. _____ Township _____

   Range _____ Subdivision Name: _____ Tract No. _____ Lot No. _____ Block No. ____ Lot Size: _____ Acres/Square Feet (circle)

   Zoned _____

4. Current and Proposed Uses:
   _____

5. Proposed Number of Lots:
   _____

6. Describe Current Use of Surrounding Property:
   _____

7. Attach 3 paper copies and digital copies of the following:
    a. The preliminary plat (24" x 36" and 11" x 17" or 8 ½" x 11").
    b. All of the information required to be submitted in the pre-application letter.
    c. A letter explaining why any of the required items are not included with this application (if any).
    d. Any supplemental information deemed necessary by the developer to demonstrate compliance with the comprehensive plan, the Zoning Ordinance and Subdivision Regulations of the City of Wilton, and any other applicable ordinance and policies in effect.

I hereby certify under penalty of perjury and the laws of the State of North Dakota that the information submitted herein, on all other forms, documents, plans or any other information submitted as a part of this application to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand any approval based thereon may be rescinded and other appropriate action taken. The signing of this application signifies approval for representatives of the City of Wilton to be present on the property for routine monitoring and inspection during the approval and development process.

_____ _____

Developer Signature Date

_____ _____

Landowner Signature (if different from the developer) Date

Variance Request Application

This application is used to apply for a zoning variance. It is the developer's burden to prove that because of topographic conditions or other unique circumstances related to the property, the strict application of the zoning ordinance would result in an undue hardship.	Office Use Only Fee: $_____ Date: _____ Cash/CC/Check #: _____

1. Owner(s) of Record:

   Name: _____

   Mailing Address: _____

   City/State/Zip: _____ Phone: _____

2. Person(s) authorized to represent the owner(s), their role (e.g. developer, engineer) and to whom a copy of all correspondence is to be sent:

   Name: _____

   Mailing Address: _____

   City/State/Zip: _____ Phone: _____

3. Property Description (Refer to Property Records)

   Street Address: _____ Sec. No. _____ Township _____

   Range _____ Subdivision Name: _____ Tract No. _____ Lot No. _____ Block No. ____ Lot Size: _____ Acres/Square Feet (circle)

   Parcel Number _____ Zoned _____

4. Proposed Land Use: _____

5. Current Land Use: _____

6. What Standard Are You Requesting a Variance From?
   _____
   _____
   _

7. Attachments

   a. Site plan (one or more sheets) including the following: scale, site boundaries, setbacks, all easements, structures, utilities, road specifications, parking, surface waters, landscaping, fences, signage, and any other information that is pertinent to and will aid in evaluating a variance request.
   b. Site plan (one or more sheets) including the following: scale, site boundaries, setbacks, all easements, structures, utilities, road specifications, parking, surface waters, landscaping, fences, signage, and any other information that is pertinent to and will aid in evaluating a variance request.

      i. How due to the particular physical surroundings, lot characteristics, or topographical conditions of the property, strict compliance would impose an unnecessary hardship on the developer;
      ii. . How the purpose of the variance is not based solely on a desire for economic or other gain;
      iii. How the alleged difficulty or hardship is caused by the zoning and/or development requirements and has not been created by any person presently having an interest in the property;
      iv. How the variance will not be detrimental to the public welfare or injurious to other properties in the area; and
      v. How the variance will not be contrary to the intent and purpose of the City of Wilton Zoning Ordinance and Subdivision Regulations
   c. A current map and list of all landowners within 220 feet of the property

I hereby certify under penalty of perjury and the laws of the State of North Dakota that the information submitted herein, on all other forms, documents, plans or any other information submitted as a part of this application to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand any approval based thereon may be rescinded and other appropriate action taken. The signing of this application signifies approval for representatives of the City of Wilton to be present on the property for routine monitoring and inspection during the approval and development process.

_____ _____

Applicant Signature Date