

Quick Reference Guide

Zoning Setbacks, Lot Survey, Low Impact Development (LID), and FAQ - 9/11/14

Residential District, Chapter 165.04.5, Side Yard setback = 5’.

Height Limit = 35’ lowest pt. to highest pt. Front & Rear Yard setbacks = 35’, Typical Lot Width = 75’
Chapter 165.10.10 The setback line is determined by a line of sight joining the farthest projecting overhangs (closest point of the principal dwelling or building to the ordinary high water mark) of the nearest buildings on either side of the subject property. Existing steps shall not be used in determining the line of sight. For dwellings or buildings located along the canals in Wahpeton, the line of sight determination applies to the rear yard (canal side) setback.

Lakefront Residential District, Chapter 165.05.5, Side Yard setback = 5’, Typical Lot Width = 75’
Height Limit = 35’ lowest pt. to highest pt. Front & Rear Yard setbacks = 35’

- On Lakefront lots the lake side is considered the front yard.
- Chapter 165.10.10 Line of sight is used to protect the view of the lakes as much as possible and prevent lakeshore creeping of new buildings or structures. With that stated, any property owner is not guaranteed a view of the lake any more than the perpendicular projection, the same width of any property owner’s lakeshore lot.
- Chapter 165.05.5 “Structure” includes, but is not limited to, not only the structure proper but all appurtenances, both attached and unattached, such as roof overhangs, entrance landings and stairs, decks, porches, garages, gazebos, utility buildings, fire pits, flag poles, statues, window wells and air conditioners. Chapter 165.10.5 Yard encroachments.
- Shoreline setback requirement: Chapter 165.10.12.3. All new construction, additions, decks, fences, etc., must be located at least 35 feet back from the ordinary high water mark. Within the area between the ordinary high water mark and the 35 foot setback line or line of sight, no hard cover is allowed.
- Tree & Vegetation Removal: Chapter 165.10.12.2 Removal of trees, 6” or larger in diameter, may not be removed within 35’ of the ordinary high water mark unless the tree is dead, diseased, or has significant storm damage. Such removal shall not be accomplished until application for a tree removal permit is authorized by the Zoning Administrator & Board of Adjustment chairman. If a tree is removed, it is anticipated a replacement tree will be put in its place. The removal of trees 6’ or larger, for visual reasons, is not allowed. It is unlawful for any person to permanently remove viable native vegetation or other viable plant life from the shoreline bank without replacing the same with other vegetation that is equally effective in retarding erosion and preserving the natural appearance of the shoreline bank. Trees not between the shoreline and the 35’ front yard setback do not require a tree removal permit.

Commercial District, Chapter 165.06.5, Side Yard setback = 10% of the lot width, no less than 8’
Height Limit = 35’ lowest pt. to highest pt. Front & Rear Yard setbacks = 35’, Typical Lot Width = 75’

Institutional District, 165.07.6 **Principal Use**, Side Yard setback = 5’, Typical Lot Width = 75’
Height Limit = 35’ lowest pt. to highest pt. Front & Rear Yard setbacks = 35’

Low Impact Development (LID), Chapter 165.01.10 LID measures are not required until the impervious surface of the lot is increased by 550 square feet or more. When there is an increase in excess of 500 square feet in the impervious surface of any lot, storm water management features shall be incorporated in all construction or remodeling activities sufficient to manage and filter a water quantity volume of 1.25 inches of rainfall in a 24 hour period, from the new impervious surface.

Local LID Conservation Supplies and Conservation Contractor list from Dickinson SWCD:

Beck Engineering Inc., Landscape Architect, Spirit Lake 712-336-3596

4Evergreen Landscape & Design Service, Milford 712-338-4222

Ferguson Landscape, Spirit Lake 712-336-1360

Hassel Landscape, Spirit Lake 712-320-8482

Kramer Landscape Design & Installation, Spirit Lake 712-320-1647

Slater Lawn Service, Spirit Lake 712-336-4650

Sweet Grass Naturoscaping, Spirit Lake 712-330-8671

The Praire Flower, Fostoria 712-260-0506

Lot Surveys Chapter 165.10.3 & 4. Building applications require a recent copy of your lot survey with the footprint of building or structure as it sits on your lot with setbacks listed. If you do not have a recent lot survey, you will need to have your lot surveyed for a zoning compliance building application to be approved. Here is a local partial list of surveyors:

*Jim Blum Surveying, Spirit Lake 712-320-4925

*Jacobsen Westergard, Estherville 866-215-2298 (toll free)

Answers to Frequently Asked Questions:

Recreational Vehicles: Chapter 82. Storage parking during the off season may be stored in a side, rear yard, or in an inconspicuous location. Recreational Vehicles must be in good working condition have current license plates and registration. Recreational Vehicles may be occupied no longer than seven (7) consecutive days at a time and no more than fourteen (14) days in the calendar year. Only one (1) occupied Recreational Vehicles and one (1) tent are allowed at one time on a residential lot. The City must be notified the time period when Recreational Vehicles are occupied.

Fences, Living Fences (Hedges) or Walls Chapter 165.10.7. In all districts, fences and walls not exceeding six (6') feet in height are permitted within the limits of side and rear yards. A fence or wall not exceeding four (4') feet in height and not exceeding fifty percent (50%) solid is permitted within the limits of front yards. In the case of retaining walls supporting embankments, the above requirements shall apply only to that part of the wall above the ground surface of the retained embankment. Fences not exceeding four (4') feet in height are permitted along lake- frontage streets. 3. No fence or wall shall be located closer than two (2') feet from the property line unless the owners of the adjoining properties execute, record with the Dickinson county Recorder and file with the city clerk a written agreement providing for the location of a fence on the property line and providing for the ownership, maintenance and repair of such a fence. 4. All fences and walls constructed or maintained in the city of Wahpeton shall be of uniform style, construction and appearance from both sides. (A retaining wall that requires a railing for safety concerns is considered a fence).

- **Dog Leash Requirement: Chapter 55.06.** It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City.
- **Accessory Buildings Including Detached Garages Chapter 165.11.1.** Accessory buildings (including garages) may be located in the rear and side yards provided they are constructed a minimum of ten (10') feet distant from other structures and conform to required setbacks. 6. An unattached garage building shall not exceed fifteen (15) feet in height and shall only be one story
- **Roller Skates & Skateboards not allowed on Harpen Street, Chapter 67.04** ... includes all devices which incorporate wheels or rollers designed or intended to bear and carry the weight of a person, which is propelled by the physical efforts of the user. Such devices include shoe roller skates, clamp-on roller skates, rollerblades, and scooters, but do not include bicycles.
- **Nonconforming Structures Chapter 165.14.** Any structure that does not meet the required setbacks or height requirements is a nonconforming structure. A structure shall not be enlarged upon, expanded or extended, nor used as grounds for adding on. Repairs can be made up to 50% of the value of the structure within one year of the damage to strengthen and restore to a safe condition.