

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4507

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN ISLAND PARK ADDITION TO THE
CITY OF FARGO – HISTORIC OVERLAY DISTRICT

1
2 WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the
3 City of Fargo have held hearings pursuant to published notice to consider the proposed rezoning of
4 certain parcels of land lying in Island Park Addition, Fargo, Cass County, North Dakota; and,

5 WHEREAS, the Fargo Planning Commission recommended approval of the rezoning
6 request on October 18, 2005; and,

7 WHEREAS, the rezoning changes were approved by the City Commission on December 5,
8 2005,

9 NOW, THEREFORE,

10 Be It Ordained by the Board of City Commissioners of the City of Fargo:

11 Section 1. The following described property located in Island Park Addition, Fargo, Cass
12 County, North Dakota, is hereby rezoned to place an H-O, Historic Overlay, zoning district over the
13 following described property situate in the City of Fargo, County of Cass and State of North Dakota
14 as follows:

15 Lot One (1), and the north 150 feet of that part of the vacated Fifth (5th) Street
16 South lying between 6th Avenue South and 7th Avenue South; Lot Eight (8) and all
17 of the vacated Fifth (5th) Street South lying adjacent to Lot Eight (8), and (Lots
18 between 6th Avenue South and 7th Avenue South and Lots Two (2) through Seven
19 (7), all in Block One (1), Island Park Addition; and,

20 Lots One (1) through Nine (9) and Lots Sixteen (16) through Twenty-four (24),
21 Block Two (2); Lots One (1) through Eight (8) and Lots Sixteen (16) through
22 Twenty-two (22), Block Three (3), including the west 57 feet of Lot Fifteen (15)
23 and the west twenty-five (25) feet of Lot Nine (9) of Block Three (3); and Lots
One (1) through Eight (8), Block Four (4), Island Park Addition.

Said property shall be referred to as the “Island Park H-O, Historic Overlay, District”.

Pursuant to §20-0305.C of the Land Development Code, the following special
development standards which shall apply to all properties, new and existing, within Island
Park H-O, Historic Overlay, District.

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Island Park H-O, Historic Overlay, District Special Development Standards

1) **Definitions.** “Historic Neighborhood Housing” (“HNH”) is housing that was built in the Historic Overlay District area as the original addition was developed. It is assumed that it is the historic neighborhood housing that provides the greatest contribution to historic character of the area. For this historic overlay district, Historic Neighborhood Housing includes structures built between 1880 and 1920.

2) **Existing Buildings**

a. **Primary Structure**

1. Reconstruction of an historic porch shall be allowed to vary from setback requirements of LDC Article 20-05 (Dimensional Standards) if poof is provided that the porch was part of the original structure and that the reconstruction is consistent with the historic feature.
2. New dormers added to existing structures shall be consistent with existing historic dormers on HNH or shall be consistent with the style of the building if there are no existing dormers.
3. Skylights shall be designed to have minimum visual impact and are prohibited on roofs facing the street.
4. Original window openings must be preserved.
5. New chimneys shall be clad with materials consistent with HNH (i.e., brick or stucco).

b. **Accessory Structure**

Accessory structures must be compatible with the style of the primary structure.

3) **New Construction**

a. **Primary Structure and Additions to existing buildings**

1. New primary structures shall be designed to have four to five steps from the ground level to the bottom of the front entrance door.
2. The front entrance of the primary structure shall face the street.
3. Roof form of any addition to the primary structure shall be consistent with the roof design and pitch of the primary structure.
4. All gable roofs must have a minimum pitch of 6:12. All hip roofs must have a minimum pitch of 4:12. Flat roofs and shed roofs are prohibited, except on porches.

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- 1 5. Height of new construction shall relate to overall scale of HNH with a
2 maximum eave height of 25 feet.
- 3 6. Height of an addition to the primary structure shall not be greater than the
4 height of the primary structure, except in the case of a second story addition to
5 a single story primary structure. In the case of such a second story addition,
6 the resulting two-story primary structure must be consistent in with HNH.
- 7 7. New chimneys shall be clad with materials consistent with HNH (i.e., brick or
8 stucco).
- 9 8. Skylights shall be designed to have minimum visual impact and are prohibited
10 on roofs facing the street.
- 11 9. Primary façade openings (i.e., windows and doors) shall be vertical in their
12 orientation.
- 13 10. Façade openings shall be placed in a balanced configuration. When an
14 opening is comprised of multiple components, the components should be
15 configured in a balanced manner consistent with HNH. The term “balanced”
16 means a harmonious or satisfying arrangement or proportion of parts or
17 elements.

18 **b. Accessory Structure**

- 19 1. Garages must be located in the rear yard.
- 20 2. Height of accessory structures shall not be greater than the height of the
21 primary structure.
- 22 3. Accessory structures must be compatible with the style of the primary
23 structure.
- 24 4. An existing accessory structure that does not meet the setback requirements of
25 the Land Development Code may be reconstructed in a location that maintains
26 the existing “non-conforming” setback as long as the property line is verified
27 by a registered land surveyor and the new structure is one-story in height with
28 a maximum 10 foot sidewall. In the event an existing accessory structure is
29 reconstructed, the accessory structure may be enlarged by as much as forty
30 percent of floor area.
- 31 5. Garage doors visible from the street may not exceed ten feet in width.

32 **4) Streetscape/Landscape/Fencing**

- 33 a. Front yards must have a minimum of seventy percent open space, as defined in the
34 Land Development Code.

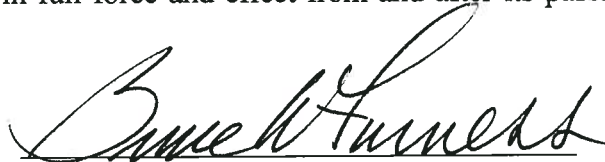
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- 1 b. Parking of motor vehicles, boats and trailers shall be prohibited in front yards with
2 the exception of driveways that extend from the street through the front yard to a
3 garage.

4 Section 2. The City Auditor is hereby directed to amend the zoning map now on file in his
5 office so as to conform with and carry out the provisions of this ordinance.

6 Section 3. This ordinance shall be in full force and effect from and after its passage and
7 approval.



Bruce W. Furness, Mayor

(SEAL)

9 Attest:

10 
11 Steven Sprague, City Auditor

First Reading: December 5, 2005
Second Reading: December 19, 2005
Final Passage: December 19, 2005

12 F:\City\ORD\REZONE\Island Park Addition - H-O Historical Overlay