

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. 4655

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND  
LYING IN WOODRUFF'S ADDITION AND RUPERT'S SUBDIVISION  
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 Woodruff's Addition and Rupert's Subdivision, Fargo, Cass County,  
5 North Dakota; and,

6 WHEREAS, the Fargo Planning Commission recommended approval of the rezoning  
7 request on February 13, 2008; and,

8 WHEREAS, the rezoning changes were approved by the City Commission on March 10,  
9 2008; and,

10 WHEREAS, pursuant to Section 20-0804 of the Fargo Land Development Code (LDC) the  
11 Historic Preservation Commission has the power, among other powers and duties enumerated  
12 therein, to perform functions which may be assigned or delegated to it by the Board of City  
13 Commissioners; and,

14 WHEREAS, the Board of City Commissioners has found and deemed said certain parcels  
15 to be an area that has historic or cultural significance and, in accordance with LDC §20-0305, has  
16 determined that establishment of an H-O, Historic Overlay District, is appropriate;

17 NOW, THEREFORE,

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

19 Section 1. The following described property:

20 All of Blocks One (1), Two (2), Three (3), Four (4), Five (5) and Eight (8), Lots  
21 Eleven (11), Twelve (12), and Thirteen (13) of Block Seven (7), and the North  
22 120 feet of Lots One (1) and Two (2), Block Nine (9), Woodruff's Addition to the  
23 City of Fargo, Cass County, North Dakota;

and

Lots D, E, F, G and H of Rupert's Subdivision to the City of Fargo, Cass County,  
North Dakota,

is hereby rezoned to apply a "H-O", Historic Overlay, District".

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1 Said property shall be referred to as the "Woodruff's Addition Historic Overlay District".

2 Pursuant to LDC §20-0305.C, the following special development standards which shall  
3 apply to all properties, new and existing, within Woodruff's Addition Historic Overlay  
4 District.

4 **Woodruff's Addition Historic Overlay District Special Development Standards**

5 **1) Definitions.** "Historic Neighborhood Housing" ("HNH") is housing that was built in the  
6 Historic Overlay District area as the original addition was developed. It is assumed that it is the  
7 historic neighborhood housing that provides the greatest contribution to historic character of the  
8 area. For the Woodruff's Addition Overlay, Historic Neighborhood Housing includes structures  
9 in a variety of architectural styles built primarily between 1880 and 1930.

10 **2) Existing Buildings**

11 **a. Primary Structure**

- 12 1. Historic porches are encouraged. Reconstruction of an open or screened (not  
13 an enclosed porch which provides year-round living space) historic porch shall  
14 be allowed to violate current LDC setback requirements if the homeowner can  
15 provide proof that the porch was part of the original structure and that the re-  
16 construction is consistent with the historic feature.
- 17 2. New dormers added to existing structures shall be consistent with existing  
18 historic dormers on HNH or consistent with the style of the building if there  
19 are no existing dormers.
- 20 3. Skylights shall be designed to have minimum visual impact and are prohibited  
21 on roofs facing the street.
- 22 4. Original window openings and trim profile must be preserved, and  
23 replacement windows shall match original design.
- 24 5. New chimneys shall be clad with materials consistent with HNH (i.e., brick or  
25 stucco).

26 **b. Accessory Structure**

27 Accessory structures must be compatible with the style of the primary structure,  
28 and should be subordinate to the primary structure.

29 **3) New Construction**

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

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1. New primary structures shall be designed to have at least four steps to the bottom of the front entrance door; or a number of steps that is similar to adjacent properties.
2. The front entrance of the primary structure shall face the street.
3. Roof form of an addition 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.
5. Height of new construction shall relate to overall scale of HNH with a maximum eave height of 25 feet.
6. Height of an addition to the primary structure shall not be greater than the height of the primary structure, except in the case of a second story addition to a single story primary structure, the result of which is the creation of a two-story primary structure consistent with HNH.
7. New chimneys shall be clad with materials consistent with HNH (i.e., brick or stucco).
8. Skylights shall be designed to have minimum visual impact and are prohibited on roofs facing the street.
9. Major windows on the front of the house shall be vertical in their orientation.
10. Windows shall be placed in a balanced configuration. When a window is comprised of multiple components, the components should be configured in a balanced manner consistent with HNH. The term "balanced" means a harmonious or satisfying arrangement or proportion of parts or elements.

**b. Accessory Structure**

1. Garages must be located in the rear yard.
2. Accessory structures must be compatible with the style of the primary structure, and should be subordinate to the primary structure.
3. An existing accessory structure that does not meet the LDC setback requirements can be reconstructed (and enlarged up to 40%) in a location that maintains the existing "non-conforming" setback as long as the property line is verified by a registered land surveyor and the new structure is one-story in height with a maximum 10 foot sidewall.

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4. Any garage door that is visible from the street can be no wider than ten feet.

1 **4) Streetscape/Landscape/Fencing**

- 2 a. At least 70% of a parcel's front yard must be maintained as open space, as defined  
3 in the Land Development Code.  
4 b. No parking shall be permitted in front yards, except for a vehicle that may be  
5 parked in a driveway that runs through the front yard leading to a garage.  
6 c. With respect to interior and street side yard fencing within the Woodruff's  
7 Addition Historic Overlay District, LDC §20-0403.B.6.c.(1)(b) shall be amended  
8 to read as follows:

9 (b) in any street side yard or interior sideyard from the front property  
10 line extending the length of the front-yard setback distance or to a  
11 point that is two feet beyond the front of any existing house or  
12 other principal building, whichever length is greater, no fence, wall  
13 or hedge shall exceed 3 feet in height, provided however, that  
14 fences that are at least 75% light-permeable may exceed 3 feet, but  
15 may not exceed 4 feet in height;

16 d. All other fencing must be in compliance with the LDC.

17 **5) Historic Preservation Commission Limited Power to Grant Exception or Variance  
18 from More Restrictive Overlay Standards.**

19 The Historic Preservation Commission shall be authorized to consider and approve or  
20 deny an application requesting that an exception be granted releasing an owner from the  
21 restrictions of the Woodruff's Addition Historic Overlay District, said authority being  
22 limited to those restrictions that are more restrictive than the requirements of the LDC.  
23 The Historic Preservation Commission is not authorized to grant an exception or release a  
restriction or regulation contained in Woodruff's Addition Historic Overlay District that  
is less restrictive than the LDC. In considering such an application, the same procedure  
and review criteria shall be used for such application as set forth for Zoning Map  
Amendments, LDC §20-0906, except that the role of the Planning Commission in §20-  
0906 shall be performed by the Historic Preservation Commission.

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

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

  
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Dennis R. Walaker, Mayor

(SEAL)

Attest:

  
\_\_\_\_\_  
Steven Sprague, City Auditor

First Reading: 03-10-2008  
Second Reading: 03-24-2008  
Final Passage: 03-24-2008