

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. 4910

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND  
LYING IN CHAS. A. ROBERTS 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 Chas. A. Roberts Addition, Fargo, Cass County, North Dakota; and,

5 WHEREAS, the Fargo Planning Commission recommended approval of the rezoning  
6 request on March 4, 2014; and,

7 WHEREAS, the rezoning changes were approved by the City Commission on March 31,  
8 2014; and,

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

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

16 NOW, THEREFORE,

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

18 Section 1. The following described property:

19 All of Blocks A through F; Lots Thirteen through Twenty (13-20), less the North  
20 18 feet of Lot Twenty (20), of Block G; All of Blocks K through V; all of Block  
21 W, less the right-of-way for Ninth Avenue South, Chas. A. Roberts Addition to  
22 the city of Fargo, Cass County, North Dakota and the South 20 feet of the East  
23 150 feet of Block Forty-three (43) of Northern Pacific Addition to the city of  
Fargo, Cass County, North Dakota,

a map of which is attached to the Development Standards.

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

Said property shall be referred to as the “Chas. A. Roberts Addition Historic Overlay

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District”.

1 Pursuant to LDC §20-0305.C, the following special development standards which shall  
2 apply to all properties, new and existing, within Chas. A. Roberts Addition Historic  
3 Overlay District.

4 **CHAS. A. ROBERTS ADDITION HISTORIC OVERLAY SPECIAL DEVELOPMENT**  
5 **STANDARDS**

6 **A. Authority**

7 In accordance with Section 20-0305.C of the Fargo Land Development Code, the  
8 following special development standards or regulations shall apply to all properties (new  
9 and existing) within the Chas. A. Roberts Addition Historic Overlay District.

10 **B. Boundaries**

11 The legal description of the boundary of this District is:

12 All of Blocks A through F; Lots Thirteen through Twenty (13-20), less the North 18 feet  
13 of Lot Twenty (20), of Block G; All of Blocks K through V; all of Block W, less the  
14 right-of-way for Ninth Avenue South, Chas. A. Roberts Addition to the city of Fargo,  
15 Cass County, North Dakota and the South 20 feet of the East 150 feet of Block Forty-  
16 three (43) of Northern Pacific Addition to the city of Fargo, Cass County, North Dakota.

17 This District is generally described as the area primarily bounded on the north by 6<sup>th</sup>  
18 Avenue South; on the east by 5<sup>th</sup> Street and 6<sup>th</sup> Street South; on the south by 10<sup>th</sup> Avenue  
19 South; and on the west by University Drive South. See generally Boundary Map below.

20 **C. Properties**

21 This subparagraph intentionally left blank.

22 **D. Definitions**

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1. **Historic Neighborhood Structure (HNS)** is a structure that was built within the Historic Overlay District boundaries at the time the original addition(s) was developed.
  2. **Open Space** is defined in Section 20-1202(43) of the Fargo Land Development Code as “an outdoor, unenclosed area, located on the ground or on a roof, balcony, deck, porch or terrace designed and accessible for outdoor living, recreation, pedestrian access or landscaping, but not including roads, parking areas, driveways or other areas intended for vehicular travel.
  3. **Principal Building** refers to the primary structure on a property, i.e. a house or commercial structure.
  4. **Accessory Building or Structure** refers to a structure that is subordinate to the principal building, i.e. a garage, shed, or guest house.
  5. **Style** is the vocabulary used to classify structures according to their appearance, structure, materials, and historic period. Important elements to include when assigning style are:
    - overall scale and relationship of height to width
    - façade proportions and relationship of solids to voids
    - window/door size, design, and operation
    - size, shape and proportions of entrances and porches
    - materials, texture, and pattern
    - roof forms
    - orientation, spacing, and site coverage of structures
    - landscaping, walls, and fences

Style Reference: A Field Guide to American Houses, Virginia and Lee McAlester, Alfred A. Knopf, Inc., 1984.

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**E. Certificate of Appropriateness**

1 In accordance with Section 20-0912 of the Fargo Land Development Code, a Certificate  
2 of Appropriateness shall be issued prior to the review and issuance of any permit required  
3 for the following: (*Note: A Certificate of Appropriateness is required **only if** a building  
4 permit is required*)

- 5 1. Any change to the **exterior** appearance of any principal building, accessory  
6 building or structure. (*Note: A Certificate of Appropriateness is not applicable for  
7 interior changes*)
- 8 2. Any **new construction** of a principal building, accessory building or structure.
- 9 3. The **demolition** of any principal building, accessory building or structure.
- 10 4. The **moving** of any principal building, accessory building or structure.
- 11 5. Placement or construction of a **sign**.

**F. Special Development Standards – General**

12 **1. Open Space**

13 At least 70% of a parcel's front yard shall be maintained as open space.

14 **2. Front Yard Parking**

15 Except for parking on driveways that run through the front yard to a garage, no  
16 parking is allowed in the front yard.

17 **3. Side Yard Fencing**

18 Stand-alone side yard fencing shall terminate a minimum of 2-feet behind the  
19 front façade of the principal structure.

20 **G. Special Development Standards – Exterior Renovation**

21 In conjunction with Section 20-0912.C(1) of the Fargo Land Development Code, the City  
22 Planner shall consider the following criteria in review of a request for a Certificate of  
23 Appropriateness regarding the exterior renovation of a principal building, accessory

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building or structure. A request that satisfies all of the following criteria shall be approved.

**1. Principal Building**

a. Exterior Cladding

1. Exterior cladding shall match the original principal building in design, dimension, detail, texture, and pattern. The use of substitute materials is permissible if matching the existing material is not technically or economically feasible.
2. If the principal building is void of its original exterior cladding, full replacement cladding shall be of a design compatible with the historic style of structures located within the district. Repair or partial replacement of non-original exterior cladding shall be exempt from this regulation.

b. Windows and Doors

1. Windows and doors shall match the original principal building in design and operation. The use of substitute materials is permissible if matching the existing material is not technically or economically feasible.
2. If the principal building is void of its original windows or doors, replacement windows and doors shall be of a design compatible with the historic style of structures located within the district. The use of substitute materials is permissible if matching the existing material is not technically or economically feasible.
3. Window or door openings shall not be increased or decreased by more than 10% in dimension or total area. Any changes in dimension or area will require review by the Fargo Historic Preservation Commission.

c. Roofs

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1. Roof functional and decorative features, such as roofing materials, cresting, dormers, chimneys, cupolas, vents, and gutters shall match the original in design, dimension, detail, texture, and pattern. The use of substitute materials is permissible if matching the existing material is not technically or economically feasible.
2. Skylights are prohibited on all roof planes parallel to and facing the street.

**2. Accessory Buildings or Structures**

- a. Alterations to accessory buildings and structures shall be compatible with the style of the principal building, and shall be subordinate to the principal building.

**H. Special Development Standards - Additions**

In conjunction with Section 20-0912.C(2) of the Fargo Land Development Code, the Historic Preservation Commission shall consider the following criteria in review of a request for a Certificate of Appropriateness regarding an addition to a principal building, accessory building or structure. A request that satisfies all of the following criteria shall be approved.

**1. Principal Building**

a. Exterior Cladding

1. Exterior cladding of the addition shall match the original principal building in design, dimension, detail, texture, and pattern. The use of substitute materials is permissible if matching the existing material is not technically or economically feasible.
2. If the principal building is void of its original exterior cladding, the cladding of the addition shall match the existing cladding of the principal structure. The use of substitute materials is permissible if matching the existing material is not technically or economically feasible.

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b. Windows and Doors

1. Windows and doors of the addition shall match the original principal building in style, design and operation. The use of substitute materials is permissible if the original material is not technically or economically feasible.
2. If the principal building is void of its original windows or doors, the window and doors of the addition shall match the existing principal building. The use of substitute materials is permissible if the existing material is not technically or economically feasible
3. A garage door of an attached, front-yard entered garage addition shall not exceed 10 feet in width or 8 feet in height. A double-stall garage will require 2 doors.

c. Roofs and Dormers

1. The roof form of an addition to the principal building shall be consistent with the roof style and pitch of the principal building.
2. Flat roofs and shed roofs are prohibited, except on porches and where consistent with the roof form of the original principal building.
3. All gable roofs shall have a minimum pitch of 6:12. All hip roofs must have a minimum pitch of 3:12.
4. The reconstruction or addition of dormers to an existing principal building, or the addition of dormers to an addition to a principal building shall be consistent with the style of a HNS.
5. Roof functional and decorative features, such as roofing materials, cresting, dormers, chimneys, cupolas, vents, and gutters shall match the original principal building in design, dimension, detail, texture, and pattern. The use of substitute materials is permissible

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1 if matching the existing material is not technically or economically  
feasible.

- 2 6. If the roof of the principal building is void of its original functional  
3 and decorative features, the roof of the addition shall match the  
4 existing roof of the principal structure. The use of substitute  
5 materials is permissible if matching the existing material is not  
6 technically or economically feasible.
- 7 7. Skylights are prohibited on all roofs parallel to and facing the  
street.

8 d. Entrances, Porches, and Decks

- 9 1. A new front entrance addition to the principal building shall face  
the street.
- 10 2. A new front entrance addition to the principal building shall have  
11 no fewer than four steps, or an equivalent ramp distance, from the  
12 ground level to the bottom of the front entrance door, or shall have  
13 the first floor plane in a style compatible with HNS.
- 14 3. Reconstruction of an open or screened porch (not an enclosed  
15 porch which provides year-round living space) which was  
16 historically a part of the original principal building shall be allowed  
17 to be rebuilt, and as may be necessary to accurately reconstruct,  
18 shall be allowed to vary by right from any existing zone district  
setback standards of the Fargo Land Development Code. The  
burden of establishing that a porch was part of the original  
structure is the owner's burden, not the City's.
- 19 4. Decks are prohibited in front yards.
- 20 5. On corner lots, decks are allowed on street side yards with  
21 screening, either by fence or landscaping.

22 e. Height and Elevation



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1. The height of a new addition to a principal building shall not exceed the overall scale of a HNS with a maximum eave height of 25 feet.
2. The height of a new addition to the principal building shall not be greater than the height of the principal building, except in the case of a second story addition to a single story principal building, the result of which is the creation of a two-story principal building consistent with a HNS.

**2. Accessory Buildings or Structures**

- a. Additions to existing accessory buildings or structures shall be subordinate in scale and compatible with the design and style of the principal structure.
- b. An addition to an existing accessory building that does not meet the dimensional setback standards of the LDC and does not increase in total floor area of the existing accessory building by more than 40%, is permissible by right, provided that: 1) the existing non-conforming setback is not increased; 2) the property line from which the non-conforming setback is determined is verified by a registered land surveyor; and 3) the new accessory building addition is limited in height to no more than one-story with 10-foot maximum sidewalls.

**I. Special Development Standards - New Construction**

In conjunction with Section 20-0912.C(2) of the Fargo Land Development Code, the Historic Preservation Commission shall consider the following criteria in review of a request for a Certificate of Appropriateness regarding the new construction of a principal building, accessory building or structure. A request that satisfies all of the following criteria shall be approved.

**1. Principal Building**

a. Proportion

1. The size and mass of the principal building in relation to open spaces, windows, door openings, porches, and balconies, must be

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visually compatible with the structures and places to which it is visually related.

2. The relationship of the width of the principal building to the height of the front elevation must be visually compatible with structures to which it is visually related.
3. The relationship of solids to voids in the front facade of a principal building must be visually compatible with structures to which it is visually related.
4. The relationship of the principal building to the open space between it and adjoining structures must be visually compatible with structures and places to which it is visually related.

b. Exterior Cladding

1. The relationship of the materials, detail, and pattern of the facade of a principal structure must be visually compatible with structures and places to which it is visually related.

c. Windows and Doors

1. The relationship of the width of the windows and doors to the height of windows and doors in the principal structure must be visually compatible with structures to which it is visually related.
2. Any garage door visible from the street shall not exceed 10 feet in width and 8 feet in height.

d. Roofs and Dormers

1. The roof shape of the principal building must be visually compatible with structures, to which it is visually related.
2. Flat roofs and shed roofs are prohibited, except on porches and where consistent with the roof form of an HNS.

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3. All gable roofs shall have a minimum pitch of 6:12. All hip roofs must have a minimum pitch of 3:12.

4. Dormers of the principal building shall be consistent with the style of the structure.

5. Skylights are prohibited on all roofs parallel to and facing the street.

e. Entrances, Porches, and Decks

1. The front entrance of the principal building shall face the street.

2. The front entrance to the principal building shall have no fewer than four steps, or an equivalent ramp distance, from the ground level to the bottom of the front entrance door, or shall have the first floor plane in a style compatible with HNS.

3. Decks are prohibited in front yards.

4. On corner lots, decks are allowed on street side yards with screening, either by fence or landscaping.

f. Height and Elevation

1. The height of the principal building must be visually compatible with structures to which it is visually related.

2. The height of the principal building shall not exceed the overall scale of HNS with a maximum eave height of 25 feet.

3. The principal building shall be constructed to have the first floor plane in a style compatible with HNS.

**2. Accessory Buildings or Structures**

a. New accessory building or structures shall be subordinate in scale and compatible with the design and style of the principal building.

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1 b. Except HNS designed with an attached garage, all garage structures shall  
2 be located in the rear yard. Any garage door visible from the street shall  
3 not exceed 10 feet in width or 8 feet in height.

4 c. Reconstruction (including its enlargement by up to 40% in total floor area)  
5 of an existing accessory building, which does not meet the dimensional  
6 setback standards of the Fargo Land Development Code, is permissible by  
7 right, provided that: 1) the existing non-conforming setback is not  
8 increased; 2) the property line from which the setback is determined is  
9 verified by a registered land surveyor; and 3) the new accessory building is  
10 limited in height to no more than one-story with 10-foot maximum  
11 sidewalls.

12 **J. Special Development Standards – Demolition**

13 In conjunction with Section 20-0912.C(2) of the Fargo Land Development Code, the  
14 Historic Preservation Commission shall consider the following criteria in review of a  
15 request for a Certificate of Appropriateness regarding the demolition of a principal  
16 building, accessory building or structure. A request that satisfies all of the following  
17 criteria shall be approved.

- 18 1. The requested demolition is justified by the state of deterioration, disrepair and  
19 structural stability of the structure, or the building has been condemned.
- 20 2. The requested demolition is not detrimental to the overall style of the historic  
21 district.
- 22 3. The requested demolition is consistent with the purpose of the Comprehensive  
23 Plan and other adopted policies of the City.

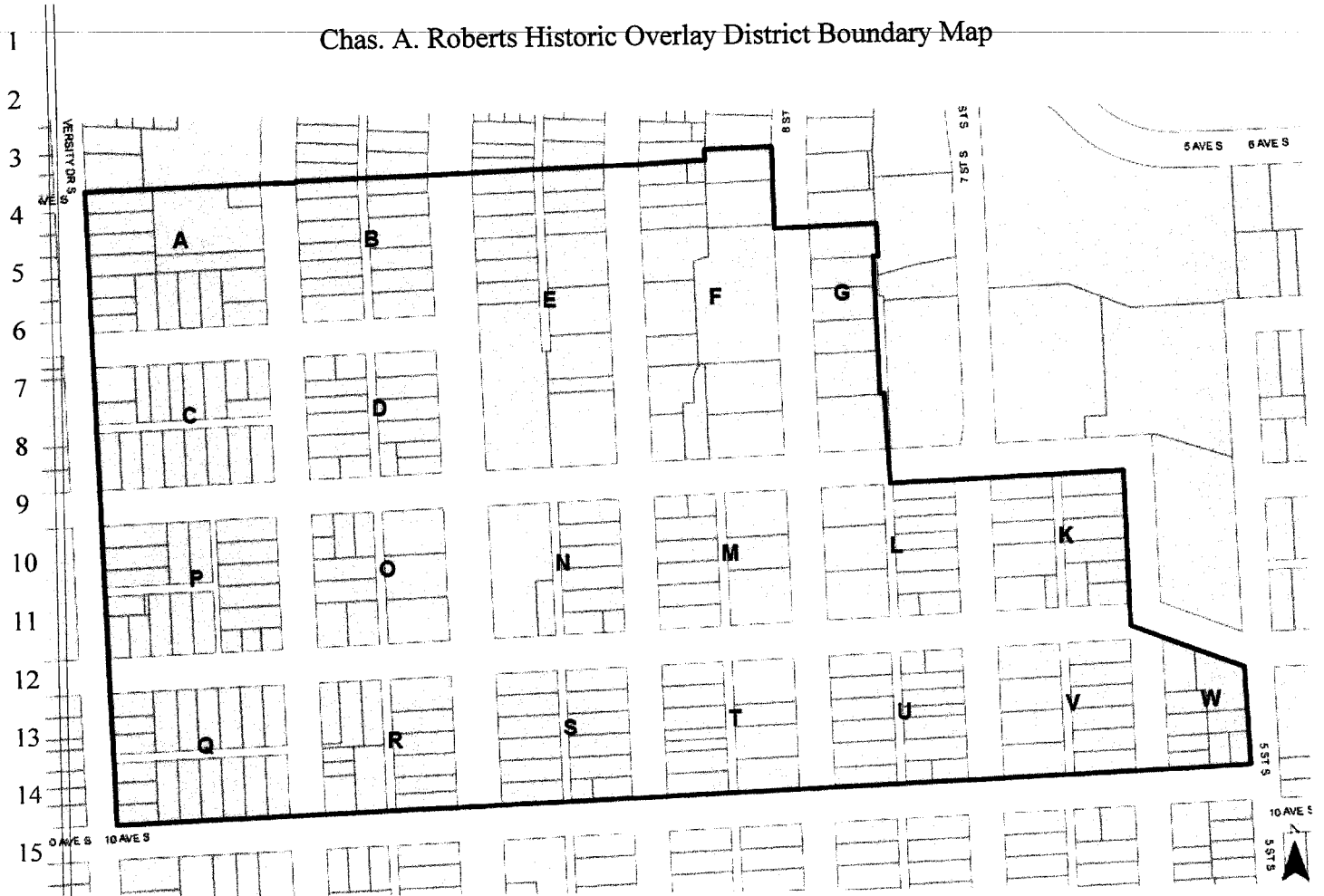
**K. Variance of Special Development Standards**

To allow for a variance of hardships that may arise from the strict application of any of  
the foregoing Special Development Standards, the Historic Preservation Commission  
may consider requests to deviate from any applicable standard(s) and allow for an  
exception(s). A two-thirds vote of the Historic Preservation Commission is required for  
approval of any exception to the Special Development Standards.

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Chas. A. Roberts Historic Overlay District Boundary Map

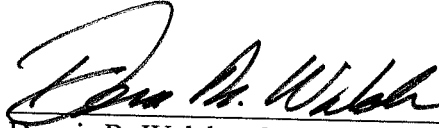


Section 2. The City Auditor is hereby directed to amend the zoning map now on file in his office so as to conform with and carry out the provisions of this ordinance.

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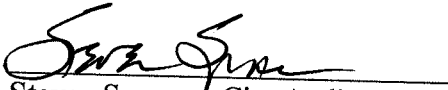
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1 Section 3. This ordinance shall be in full force and effect from and after its passage and  
approval.

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3   
4 Dennis R. Walaker, Mayor

4 (SEAL)

5 Attest:

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7 Steven Sprague, City Auditor

First Reading: 03-31-2014  
Second Reading: 04-14-2014  
Final Passage: 04-14-2014

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