

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 5184

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN EDDY PLACE ADDITION, EDDY & FULLERS AUDITORS LOTS,
CASE, PEAKE & HALL ADDITION AND FULLERS ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain parcels of land lying in Eddy Place Addition, Eddy & Fullers Auditors Lots, Case, Peake & Hall Addition and Fullers Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on November 6, 2018; and,

WHEREAS, the rezoning changes were approved by the City Commission on December 3, 2018,

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

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

NOW, THEREFORE,

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

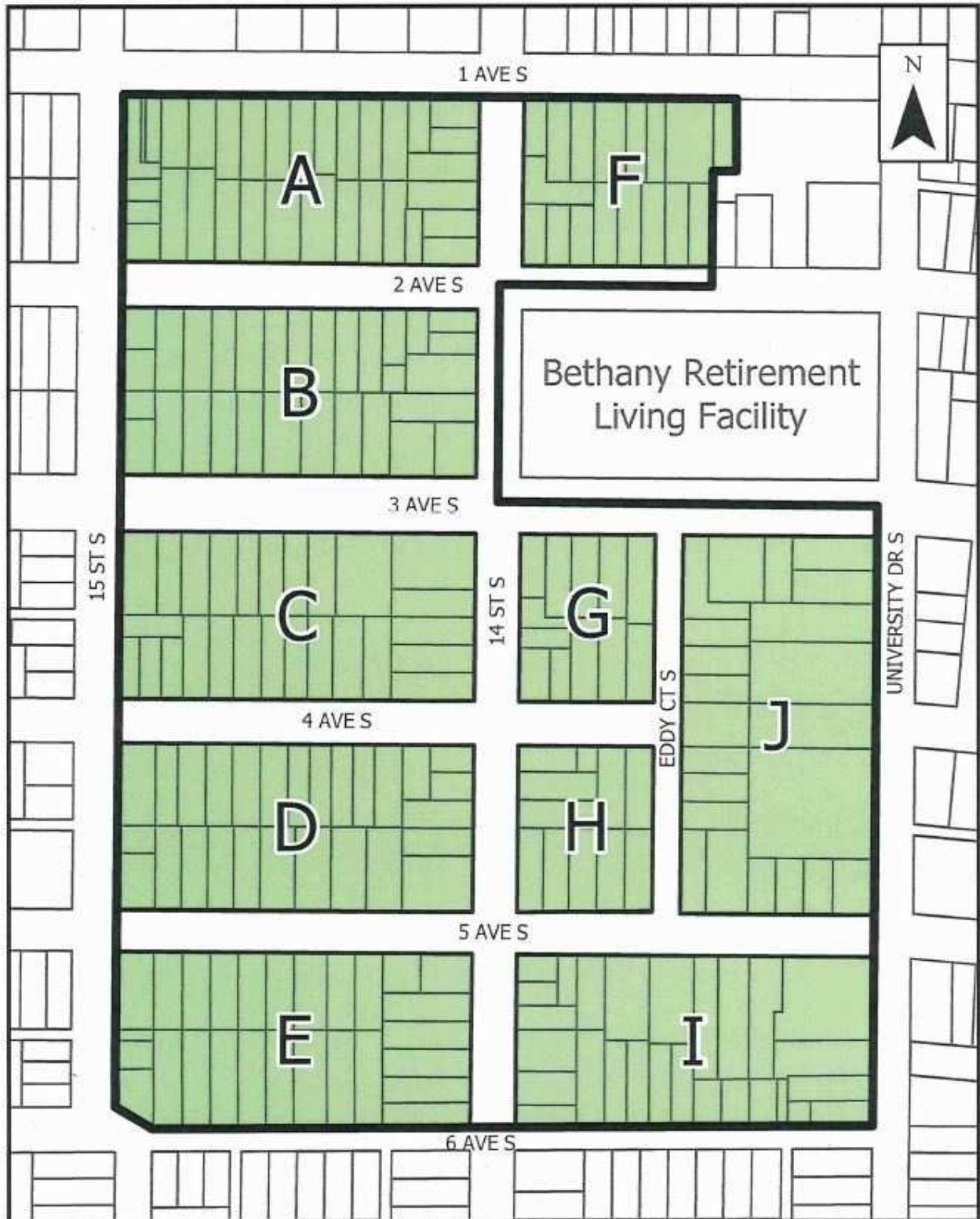
Section 1. The following described property:

All of Eddy Place Addition; Blocks Ten (10) through Sixteen (16), and Twenty-four (24) through Forty-three (43) of Eddy & Fullers Auditors Lots; Block One (1), Six (6) and Seven (7) of Case, Peake & Hall Addition and Blocks One (1), Six (6) and Seven (7) of Fullers Addition to the City of Fargo, Cass County, North Dakota;

a map of which is as follows:

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

Said property shall be referred to as the Jefferson Neighborhood Historic Overlay District.

Pursuant to LDC §20-0305.C, the following special development standards which shall apply to all properties, new and existing, within the Jefferson Neighborhood Historic Overlay District:

Jefferson Neighborhood Historic Overlay District Special Development Standards

A. Authority

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

B. Properties

The individual existing properties included in the Jefferson Neighborhood Historic Overlay District, described by address, block number, type of building, style of architecture, and year built are listed as follows:

The map of the Overlay District, above, indicates overlay boundaries with blocks identified by letters A through J. The block letters correspond to the list of properties that follows, which includes 232 parcels.

PARCEL NUMBER	PROPERTY ADDRESS	HOUSE STYLE	BLOCK	YEAR BUILT	TYPE
01-0700-00540-000	1444 1 AVE S	Craftsman	A	1921	Single Family
01-0700-00550-000	1448 1 AVE S	Craftsman	A	1921	Single Family
01-0700-00560-000	1442 1 AVE S	Craftsman	A	1917	Single Family
01-0700-00570-000	1438 1 AVE S	Craftsman	A	1925	Single Family
01-0700-00580-000	1445 2 AVE S	Craftsman	A	1901	Single Family
01-0700-00590-000	1441 2 AVE S	National	A	1899	Duplex
01-0700-00600-000	1437 2 AVE S	National	A	1901	Single Family
01-0700-00610-000	1433 2 AVE S	National	A	1922	Single Family

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01-0700-00620-000	1418 1 AVE S	Craftsman	A	1890	Single Family
01-0700-00630-000	1429-1431 2 AVE S	Prairie	A	1929	Duplex
01-0700-00640-000	1422 1 AVE S	National	A	1900	Duplex
01-0700-00650-000	1419 2 AVE S	Prairie	A	1939	Conversion
01-0700-00660-000	1428 1 AVE S	National	A	1932	Single Family
01-0700-00670-000	1412 1 AVE S	Undefined	A	1880	Single Family
01-0700-00680-000	1416 1 AVE S	National	A	1880	Duplex
01-0700-00690-000	1414 1 AVE S	National	A	1880	3 Plex
01-0700-00710-000	1415 2 AVE S	National	A	1890	Single Family
01-0700-00720-000	1413 2 AVE S	Turn of the Century Cottage	A	1890	Single Family
01-0700-00730-000	1411 2 AVE S	National	A	1914	Single Family
01-0700-00740-000	1402 1 AVE S	Commercial	A	1988	Retail
01-0700-00750-000	1410 1 AVE S	Prairie	A	1890	Single Family
01-0700-00760-000	109 1 4 ST S	Craftsman	A	1885	Duplex
01-0700-00770-000	107 14 ST S	Gable Front	A	1890	Single Family
01-0700-00780-000	115 14 ST S	Undefined	A	1885	Single Family
01-0700-00790-000	1409 2 AVE S	Prairie	A	1895	Single Family
01-0700-00800-000	121 14 ST S	Craftsman Bungalow	A	1914	Single Family
01-0700-00810-000	119 14 ST S	Gable Front	A	2012	Single Family
01-0980-01010-000	110 15 ST S	Commercial	A		Other
01-0980-01020-000	1450 1 AVE S	National	A	1920	Single Family
01-0980-01021-000	1450 1 AVE S	NA	A	0	Vacant Land
01-0980-01030-000	112 15 ST S	Undefined	A	1904	Single Family
01-0980-01040-000	1449-1449 1/2 2 AVE S	Ranch	A	1956	Single Family
01-0980-01050-000	114 15 ST S	Classical Revival	A	1904	Other
01-0980-01060-000	1452 1 AVE S	National	A	1922	Duplex
01-0700-01390-000	203 14 ST S	Gable Front	B	1910	Single Family

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01-0700-01400-000	205 14 ST S	Gable Front	B	1911	Single Family
01-0700-01410-000	1404 2 AVE S	Gable Front	B	1880	Single Family
01-0700-01420-000	209 14 ST S	Gable Front	B	1901	Duplex
01-0700-01430-000	215 14 ST S	National	B	1910	Single Family
01-0700-01440-000	1411 3 AVE S	Gable Front	B	1918	Single Family
01-0700-01460-000	1401 3 AVE S	Gable Front	B	1929	Single Family
01-0700-01470-000	1410 2 AVE S	Gable Front	B	1900	Single Family
01-0700-01480-000	213 14 ST S	NA	B	0	Vacant Land
01-0700-01490-000	1412 2 AVE S	Prairie	B	1921	Retail & Apart.
01-0700-01500-000	1414 2 AVE S	Prairie	B	1916	Single Family
01-0700-01510-000	1415 3 AVE S	Prairie	B	1894	Single Family
01-0700-01520-000	1413 3 AVE S	Prairie	B	1928	Single Family
01-0700-01530-000	1418 2 AVE S	Tudor	B	1930	Single Family
01-0700-01540-000	1420 2 AVE S	Stick	B	1911	Single Family
01-0700-01540-000	1420 1/2 2 AVE S	Stick	B	1911	Single Family
01-0700-01550-000	1416 2 AVE S	Stick	B	1890	Duplex
01-0700-01560-000	1425 3 AVE S	Stick	B	1900	Duplex
01-0700-01570-000	1421 3 AVE S	Stick	B	1895	Duplex
01-0700-01580-000	1440 2 AVE S	National	B	1900	Single Family
01-0700-01590-000	1444 2 AVE S	Stick	B	1900	Single Family
01-0700-01600-000	1428 2 AVE S	Stick	B	1900	Single Family
01-0700-01610-000	1424 2 AVE S	Stick	B	1905	Single Family
01-0700-01620-000	1445 3 AVE S	Prairie	B	1917	Single Family
01-0700-01630-000	1439 3 AVE S	Stick	B	1906	Single Family
01-0700-01640-000	1429 3 AVE S	Craftsman	B	1900	Single Family
01-0700-01650-000	1431 3 AVE S	Stick	B	1900	Single Family
01-0980-01080-000	1446 2 AVE S	Craftsman Cottage	B	1919	Single Family
01-0980-01090-000	208 15 ST S	Craftsman	B	1921	Single Family
01-0980-01110-000	1447 3 AVE S	Foursquare	B	1921	Single Family
01-0980-01120-000	212 15 ST S	Foursquare	B	1923	Single Family

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01-0340-00010-000	1448 3 AVE S	Craftsman	C	1917	Single Family
01-0340-00020-000	310 15 ST S	Craftsman	C	1961	Single Family
01-0340-00030-000	1449 4 AVE S	Craftsman	C	1919	Single Family
01-0340-00040-000	1447 4 AVE S	Craftsman	C	1919	Single Family
01-0700-01660-000	1438 3 AVE S	Stick	C	1907	Single Family
01-0700-01670-000	1442 3 AVE S	Craftsman	C	1916	Single Family
01-0700-01680-000	1432 3 AVE S	Minitraditional	C	1948	Single Family
01-0700-01690-000	1434 3 AVE S	Stick	C	1900	Single Family
01-0700-01700-000	1430 3 AVE S	Stick	C	1914	Single Family
01-0700-01720-000	1443 4 AVE S	Craftsman	C	1919	Single Family
01-0700-01740-000	1433 4 AVE S	Stick	C	1902	Single Family
01-0700-01750-000	1431 4 AVE S	Stick	C	1899	Single Family
01-0700-01760-000	1429 4 AVES	Stick	C	1899	Single Family
01-0700-01770-000	1426 3 AVES	Craftsman	C	1914	Single Family
01-0700-01781-000	1420 3 AVES	Stick	C	1900	Single Family
01-0700-01790-000	1427 4 AVES	Stick	C	1890	Single Family
01-0700-01800-000	1425 4 AVES	Stick	C	1895	Single Family
01-0700-01810-000	1423 4 AVE S	Stick	C	1895	Single Family
01-0700-01820-000	1418 3 AVE S	Craftsman	C	1911	Single Family
01-0700-01850-000	1419 4 AVE S	Foursquare	C	1907	Single Family
01-0700-01860-000	1415 4 AVE S	Dutch Colonial	C	1909	Duplex
01-0700-01870-000	313 14 ST S	Apartment	C	1900	Conversion
01-0700-01880-000	315 14 ST S	Classical Revival	C	1900	Single Family
01-0700-01890-000	317 14 ST S	Classical Revival	C	1905	Single Family
01-0700-01900-000	307 14 ST S	Foursquare	C	1905	Single Family
01-0700-01910-000	303 14 ST S	Victorian	C	1885	Single Family
01-0340-00730-000	1442 4 AVE S	Craftsman	D	1904	Single Family
01-0340-00740-000	1435 5 AVE S	Prairie	D	1901	Single Family
01-0340-00750-000	414 15 ST S	National	D	1901	Single Family
01-0700-02090-000	403 14 ST S	Undefined	D	1907	Single Family

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01-0700-02100-000	407 14 ST S	Undefined	D	1908	Single Family
01-0700-02110-000	1410 4 AVE S	Undefined	D	1908	Single Family
01-0700-02130-000	415 14 ST S	Undefined	D	2016	Single Family
01-0700-02140-000	417 14 ST S	Undefined	D	2016	Single Family
01-0700-02150-000	421 14 ST S	Classical Revival	D	1898	Single Family
01-0700-02160-000	1418 4 AVE S	Classical Revival	D	1914	Single Family
01-0700-02170-000	1414 4 AVE S	Classical Revival	D	1914	Single Family
01-0700-02180-000	1412 4 AVE S	Classical Revival	D	1904	Single Family
01-0700-02190-000	1419 5 AVE S	Foursquare	D	1890	Single Family
01-0700-02200-000	1409 5 AVE S	Turn of the Century Cottage	D	1890	Single Family
01-0700-02210-000	1430 4 AVE S	Undefined	D	1900	Single Family
01-0700-02220-000	1424 4 AVE S	Gable Front	D	1905	Single Family
01-0700-02230-000	1422 4 AVE S	Gable Front	D	1900	Single Family
01-0700-02240-000	1423 5 AVE S	Gable Front	D	1900	Duplex
01-0700-02250-000	1421 5 AVE S	Ranch	D	1975	Apartment
01-0700-02260-000	1440 4 AVE S	Gable Front	D	1900	Single Family
01-0700-02270-000	1438 4 AVE S	Gable Front	D	1900	Single Family
01-0700-02280-000	1436 4 AVE S	Gable Front	D	1926	Single Family
01-0700-02290-000	1432 4 AVE S	Gable Front	D	1895	Single Family
01-0700-02300-000	1429 5 AVE S	Gable Front	D	1917	Single Family
01-0700-02310-000	1431 5 AVE S	Craftsman	D	1917	Single Family
01-0700-02320-000	1425 5 AVE S	Gable Front	D	1898	Single Family
01-0700-02330-000	1427 5 AVE S	Craftsman	D	1916	Single Family
01-0340-00760-000	1444 5 AVE S	National	E	1903	Duplex
01-0340-00770-000	520 15 ST S	National	E	1890	Single Family
01-0340-00780-000	524 15 ST S	Craftsman	E	1940	Single Family
01-0700-02340-000	1436 5 AVE S	Ranch	E	1953	Single Family

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01-0700-02350-000	1440 5 AVE S	Ranch	E	1955	Single Family
01-0700-02360-000	1432 5 AVE S	Gable Front	E	1910	Single Family
01-0700-02370-000	1430 5 AVE S	Gable Front	E	1890	Single Family
01-0700-02380-000	1441 6 AVE S	Gable Front	E	1926	Single Family
01-0700-02390-000	1437 6 AVE S	Prairie	E	1946	3 Plex
01-0700-02400-000	1433 6 AVE S	Gable Front	E	1923	Duplex
01-0700-02410-000	1431 6 AVE S	Gable Front	E	1921	Single Family
01-0700-02420-000	1427 6 AVE S	Ranch	E	1959	Apartment
01-0700-02430-000	1428 5 AVE S	Craftsman	E	1907	Single Family
01-0700-02440-000	1422 5 AVE S	Gable Front	E	1907	Single Family
01-0700-02450-000	1420 5 AVE S	Bungalow	E	1915	Single Family
01-0700-02460-000	1414 5 AVE S	Gable Front	E	1889	3 Plex
01-0700-02470-000	1423 6 AVE S	Foursquare	E	1924	Apartment
01-0700-02480-000	1417 6 AVE S	Ranch	E	1955	Single Family
01-0700-02490-000	1411 6 AVE S	Mission	E	1925	Single Family
01-0700-02500-000	1410 5 AVE S	Ranch	E	1949	3 Plex
01-0700-02510-000	501 14 ST S	Gable Front	E	1885	Single Family
01-0700-02520-000	507 14 ST S	Gable Front	E	1897	Duplex
01-0700-02530-000	511 14 ST S	Mission	E	1890	Single Family
01-0700-02540-000	515 14 ST S	Stick	E	1908	Single Family
01-0700-02550-000	519 14 ST S	Southwest	E	1929	Single Family
01-0700-02560-000	523 14 ST S	Stick	E	1928	Single Family
01-0700-00820-000	102 14 ST S	Gable Front	F	1916	Duplex
01-0700-00840-000	1346 1 AVE S	Gable Front	F	1907	Single Family
01-0700-00850-000	1344 1 AVE S	Gable Front	F	1907	Single Family
01-0700-00861-000	114 14 ST S	Gable Front	F	1900	Duplex
01-0700-00880-000	1345 2 AVE S	Gable Front	F	1885	Duplex
01-0700-00890-000	1339 2 AVE S	Gable Front	F	1885	Single Family
01-0700-00900-000	1343 2 AVE S	Gable Front	F	1885	3 Plex
01-0700-00910-000	1336 1 AVE S	Gable Front	F	1900	Single Family
01-0700-00920-000	1334 1 AVE S	Gable Front	F	1900	Single Family
01-0700-00930-000	1330 1 AVE S	Gable Front	F	1890	Single Family

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01-0700-00940-000	1333 2 AVE S	National	F	1890	Single Family
01-0700-00950-000	1337 2 AVE S	National	F	1885	Single Family
01-0700-00960-000	1331 2 AVE S	Gable Front	F	1922	Single Family
01-0700-00975-000	1324 1 AVE S	Commercial	F	1938	Apartment
01-0700-00990-000	1320 1 AVE S	Undefined	F	1900	Single Family
01-0700-01000-000	1329 2 AVE S	Gable Front	F	1890	Duplex
01-0700-01020-000	1325 2 AVE S	Pyramidal	F	1890	Single Family
01-0710-00140-000	1336 3 AVE S	Stick	G	1897	Conversion
01-0710-00150-000	1338 3 AVE S	National	G	1898	Single Family
01-0710-00160-000	1342 3 AVE S	National	G	1904	Single Family
01-0710-00170-000	1346 3 AVE S	National	G	1898	Single Family
01-0710-00180-000	1350 3 AVE S	National	G	1899	Single Family
01-0710-00190-000	310 14 ST S	National	G	1899	Single Family
01-0710-00200-000	314 14 ST S	National	G	1899	Single Family
01-0710-00210-000	1345 4 AVE S	Prairie	G	1901	Single Family
01-0710-00220-000	1349 4 AVE S	National	G	1900	Single Family
01-0710-00230-000	1341 4 AVE S	National	G	1911	3 Plex
01-0710-00240-000	1337 4 AVES	Classical Revival	G	1915	Single Family
01-0710-00250-000	1333 4 AVE S	Craftsman	G	1915	Single Family
01-0710-00260-000	1334 4 AVE S	Stick	H	1927	Single Family
01-0710-00280-000	1338 4 AVES	Craftsman	H	1888	Single Family
01-0710-00290-000	410 14 ST S	Stick	H	1923	Single Family
01-0710-00300-000	406 14 ST S	National	H	1916	Single Family
01-0710-00310-000	1342 4 AVE S	NA	H	0	Vacant Land
01-0710-00320-000	402 14 ST S	Craftsman	H	1951	Single Family
01-0710-00330-000	1345 5 AVE S	Classical Revival	H	1904	Duplex
01-0710-00340-000	1343 5 AVE S	National	H	1906	Single Family
01-0710-00350-000	1341 5 AVE S	National	H	1919	Single Family
01-0710-00360-000	1339 5 AVE S	National	H	1910	Single Family
01-0710-00370-000	1335 5 AVE S	National	H	1899	Single Family

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01-0700-02570-000	500 14 ST S	NA	I	1917	Duplex
01-0700-02580-000	1342 5 AVE S	Gable Front	I	1901	Single Family
01-0700-02590-000	1340 5 AVE S	Gable Front	I	1920	Single Family
01-0700-02600-000	1339 6 AVE S	Craftsman	I	1918	Duplex
01-0700-02620-000	504 14 ST S	Classical Revival	I	1907	Single Family
01-0700-02630-000	508 14 ST S	Classical Revival	I	1906	Single Family
01-0700-02640-000	512-514 14 ST S	Undefined	I	1979	Duplex
01-0700-02650-000	524 14 ST S	Stick	I	1907	3 Plex
01-0700-02660-000	526 14 ST S	Craftsman Bungalow	I	1930	Single Family
01-0700-02670-000	1332 5 AVE S	Tudor	I	1897	Single Family
01-0700-02680-000	1325 6 AVE S	Craftsman	I	1922	Single Family
01-0700-02690-000	1329 6 AVE S	Craftsman	I	1922	Single Family
01-0700-02700-000	1334 5 AVE S	Modern	I	1991	Apartment
01-0700-02710-000	1337 6 AVE S	Craftsman	I	1916	Single Family
01-0700-02720-000	1333 6 AVE S	Craftsman	I	1916	Single Family
01-0700-02730-000	1314-1316 5 AVE S	Gable Front	I	1936	Duplex
01-0700-02740-000	1306 5 AVE S	Foursquare	I	1886	Duplex
01-0700-02750-000	517 UNIVERSITY DR	Craftsman	I	1900	Single Family
01-0700-02770-000	519 UNIVERSITY DR	Stick	I	1900	Single Family
01-0700-02780-000	523 UNIVERSITY DR	Stick	I	1925	Single Family
01-0700-02790-000	1305 6 AVE S	Stick	I	1900	Single Family
01-0700-02800-000	1307 6 AVE S	Cape Cod	I	1901	Single Family
01-0700-02810-000	1309 6 AVE S	Stick	I	1904	Single Family

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01-0700-02820-000	1311 6 AVE S	Craftsman Bungalow	I	1920	Single Family
01-0700-02870-000	1324 5 AVE S	Craftsman	I	1920	Single Family
01-0700-02880-000	1320 5 AVE S	Gable Front	I	1919	Single Family
01-0700-01920-000	1324 3 AVE S	Bungalow	J	1915	Single Family
01-0700-01930-000	1314 3 AVE S	Bungalow	J	1929	Single Family
01-0700-01940-000	1306 3 AVE S	Apartment	J	1885	Conversion
01-0700-01950-000	305 UNIVERSITY DR	Foursquare	J	1918	Duplex
01-0700-01960-000	315 UNIVERSITY DR	Foursquare	J	1910	Office & Apart.
01-0700-01970-000	317 UNIVERSITY DR	Queen Ann	J	1928	Office
01-0700-02000-000	405 UNIVERSITY DR	Undefined	J	1968	Apartment
01-0700-02000-000	411 UNIVERSITY DR	Undefined	J	1968	Apartment
01-0700-02040-000	1323 5 AVE S	Queen Ann	J	1891	Duplex
01-0700-02050-000	1309 5 AVE S	Undefined	J	1953	Single Family
01-0700-02060-000	1315 5 AVE S	Undefined	J	1941	Single Family
01-0700-02070-000	415 UNIVERSITY DR	Undefined	J	1951	Single Family
01-0700-02080-000	1305 5 AVE S	Undefined	J	1951	Single Family
01-0710-00010-000	1325 5 AVE S	Stick	J	1904	Single Family
01-0710-00020-000	406 EDDY CT S	Cape Cod	J	1931	Single Family
01-0710-00030-000	402 EDDY CT S	Stick	J	1890	Single Family
01-0710-00040-000	410 EDDY CT S	Craftsman	J	1936	Single Family
01-0710-00051-000	330 EDDY CT S	Modern	J	2004	Single Family

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01-0710-00070-000	401 UNIVERSITY DR	Classical Revival	J	1904	Single Family
01-0710-00100-000	316 EDDY CT S	Gable Front	J	1926	Single Family
01-0710-00110-000	314 EDDY CT S	Italianate	J	1912	Single Family
01-0710-00120-000	312 EDDY CT S	Italianate	J	1915	Single Family
01-0710-00130-000	1326 3 AVE S	Queen Anne	J	1889	Conversion

C. Definitions

1. **Historic Neighborhood Structure (HNS)** is any residential structure built within the Jefferson Neighborhood Historic Overlay District prior to 1940.
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. The styles of the Historic Neighborhood Structures within the Jefferson Neighborhood District are characterized by:
 - 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

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- 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.

D. Certificate of Appropriateness

In accordance with Section 20-0912 of the Fargo Land Development Code, no building permit shall be issued for the following until a Certificate of Appropriateness has been reviewed and approved in accordance with said Section 20-0912: *(Note: A Certificate of Appropriateness is required **only if** a building permit is required)*

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

E. Post-1939 Structures--exemption

With respect to residential structures built after 1939 and before the effective date of this ordinance, said structures shall be exempt from the requirement of obtaining a Certificate of Appropriateness prior to obtaining a building permit for any change to the **exterior** appearance of any principal building, accessory building or structure. Owners or permittees of such structures are encouraged to conform with the style elements of this ordinance.

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F. Special Development Standards – General

1. Open Space

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

3. Front Yard Parking

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

4. Side Yard Fencing

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

G. Special Development Standards – Exterior Renovation

In conjunction with Section 20-0912.C(1) of the Fargo Land Development Code, the City Planner shall consider the following criteria in review of a request for a Certificate of Appropriateness regarding the exterior renovation of a Historic Neighborhood Structure's principal building, accessory building or structure. A request that satisfies all of the following criteria shall be approved. Substitute materials are permissible if matching the existing material is not technically or economically feasible.

1. Principal Building

a. Exterior Cladding

1. Exterior cladding shall match the original principal building in design, dimension, detail, texture, and pattern.
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

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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.
 - 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.
 - 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
 - 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.
 - 2. Skylights are prohibited on all roof planes parallel to and facing the street.
- d. Entrances, Porches, and Decks
 - 1. A renovated front entrance addition 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 the style characteristics of a Historic Neighborhood Structure as described in the definitions above.

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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 Historic Neighborhood Structure's principal building, accessory building or structure. A request that satisfies all the following criteria shall be approved. Substitute materials are permissible if matching the existing material is not technically or economically feasible.

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.
 - 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.
- b. Windows and Doors
 - 1. Windows and doors of the addition shall match the original principal building in style, design and operation.
 - 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.

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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 Historic Neighborhood Structure.
 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.
 6. If the roof of the principal building is void of its original functional and decorative features, the roof of the addition shall match the existing roof of the principal structure.
 7. Skylights are prohibited on all roofs parallel to and facing the street.

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- d. Entrances, Porches, and Decks
 - 1. A new front entrance addition to the principal building shall face the street.
 - 2. A new front entrance addition 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 Historic Neighborhood Structure.
 - 3. Reconstruction of an open or screened porch (not an enclosed porch which provides year-round living space) which was historically a part of the original principal building shall be allowed to be rebuilt, and as may be necessary to accurately reconstruct, 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.
 - 4. Decks are prohibited in front yards.
 - 5. On corner lots, decks are allowed on street side yards with screening, either by fence or landscaping.
- e. Height and Elevation
 - 1. The height of a new addition to a principal building shall not exceed the overall scale of an 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

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result of which is the creation of a two-story principal building consistent with an 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 Historic Neighborhood Structure's 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 visually compatible with the structures and places to which it is visually related.

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2. The relationship of the width of the principal building to the height of the front elevation must be visually compatible with historic structures within the Jefferson Neighborhood Historic Overlay District.
 3. The relationship of solids to voids in the front facade of a principal building must be visually compatible with historic structures within the Jefferson Neighborhood Historic Overlay District.
 4. The relationship of the principal building to the open space between it and adjoining structures must be visually compatible with historic structures within the Jefferson Neighborhood Historic Overlay District.
- 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 historic structures within the Jefferson Neighborhood Historic Overlay District.
 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.

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2. Flat roofs and shed roofs are prohibited, except on porches and where consistent with the roof form of an HNS.
 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 Historic Neighborhood Structure.
 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 historic structures within the Jefferson Neighborhood Historic Overlay District.
 2. The height of the principal building shall not exceed the overall scale of HNS with a maximum eave height of 25 feet.

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3. The principal building shall be constructed to have the first-floor plane in a style compatible with Historic Neighborhood Structure.

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.
- b. Except Historic Neighborhood Structures designed with an attached garage, all garage structures shall be in the rear yard. Any garage door visible from the street shall not exceed 10 feet in width or 8 feet in height.
- c. Reconstruction (including its enlargement by up to 40% in total floor area) of an existing accessory building, which does not meet the dimensional setback standards of the Fargo Land Development Code, is permissible by right, provided that: 1) the existing non-conforming setback is not increased; 2) the property line from which the setback is determined is verified by a registered land surveyor; and 3) the new accessory building is limited in height to no more than one-story with 10-foot maximum sidewalls.

J. Special Development Standards - Demolition

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 demolition of a principal building, accessory building or structure. A request that satisfies the following criteria shall be approved.

1. The requested demolition is justified by the state of deterioration, disrepair and structural stability of the structure, or the building has been condemned.

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2. The requested demolition is not detrimental to the overall style of the historic district.
3. The requested demolition is consistent with the purpose of the Comprehensive 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.

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.

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

/s/

Timothy J. Mahoney, M.D. Mayor

(SEAL)

Attest:

/s/

Steven Sprague, City Auditor

First Reading: 12-3-17
Second Reading: 12-17-18
Final Passage: 12-17-18