

FARGO CITY COMMISSION AGENDA
Monday, January 12, 2009 - 5:00 P.M.

CITY COMMISSION MEETINGS ARE BROADCAST LIVE ON TV FARGO (Channel 99). They are rebroadcast at 7 p.m. each Thursday and again at 8:00 a.m. each Saturday and are also included in our video archive at www.cityoffargo.com/commission.

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, December 29, 2008).

* * * Consent Agenda - Approve the Following * * *

- a. Receive and file Notice of Appeal from Decisions of Local Governing Body filed by William Rakowski.
- b. Appointment of Assistant City Attorneys.
- c. Resolution relating to extension of the existing lease agreement between the City and the Building Authority for the 2009 calendar year, confirming appropriation of funds for required debt service payments in the amount of \$383,510.
- d. Receive and file Year to Date – Budget to Actual Report for December 2008.
- e. Grant allocation from the North Dakota Department of Human Services for interpreter services (Contract #600-07110).
- f. Contracts with the North Dakota Department of Health for the VFC/AFIX immunization program and coordination of same (CFDA #93.268, Contract #08-1006 and CFDA #93.268, Contract #08-984).
- g. Authorization for City staff to contract fuel purchases for the 2009 fiscal year.
- h. Applications for 5-year property tax exemptions for improvements made to buildings:
 - (1) Mark and Teresa Moderow, 1742 15th Street South.
 - (2) Frank and Linnea Anderson, 1225 North Elm.
- i. Application filed by Home Builders Care of Fargo-Moorhead Foundation for a raffle on 3/26/09.
- j. Second Addendum to Memorandum of Understanding with Fargo Public Schools to use the City of Fargo fueling facility.
- k. NDDOT Cost Participation and Maintenance Agreement and Project Concept Report and Project Decisions for Project No. 5838.
- l. Bills.

* * * Regular Agenda * * *

1. Consider settlement in the matter of City of Fargo v. Fargo Public School District No. 1 in connection with right-of-way acquisition for the 52nd Avenue construction project.
2. Discussion regarding compliance with the Americans with Disabilities Act was postponed to this date; however, the matter should be postponed until the 2/9/09 Regular Meeting to allow additional time to draft a report.
3. Recommendation to reappoint Kris Sheridan and Steve Swiontek to the Renaissance Zone Authority.
4. Recommendation to reappoint Dave Selvig to the City Hall-Auditorium Commission.
5. Public Hearings - 5:15 p.m.:
 - a. Petition for a Text Amendment to the Land Development Code to amend Article 20-02 Base Zoning Districts and other applicable sections of Chapter 20 for the purpose of creating a University Mixed-Use District.
 - (1) Approval recommended by the Planning Commission on 10/8/08.
 - (2) Receive and file Ordinance.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 241-1310 or TDD 241-8258. Please contact us at least three business days in advance of public meetings to give our staff adequate time to make arrangements.

Minutes are available on the City of Fargo Web site at www.cityoffargo.com/commission



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OFFICE OF THE CITY ATTORNEY

January 8, 2009

Board of City Commissioners
200 North Third Street
Fargo, ND 58102

Re: City of Fargo v. City of Fargo Public School District No. 1
(Street & Utility Easements – Storm Water Retention Pond)

Dear Commissioners:

In December 2007 we commenced two actions against School District No. 1 to acquire right of way (street and utilities) together with an approximate 28 acre tract for a storm water retention pond. Immediate possession was necessary in order to meet State and Federal mandated time deadlines relating to the 52nd Avenue Construction Project thus necessitating Eminent Domain.

At that time we deposited the sum of \$1,031,337.02 This included \$158,705.82 for easements (right-of-way easements \$152,162.22; utility easements \$2,564.73; temporary construction easements \$3,978.87) and \$872,631.20 for retention pond. Following consultation with an independent review appraiser, a settlement amount was negotiated and agreed upon at \$1.25 per square foot for a total of \$1,849,296.26. As part of the settlement, each side is paying its own attorney's fees and costs relating to the litigation. We will be preparing formal Stipulations of Settlement to be filed with the Court after School District No. 1 approves the settlement amount per square foot.

RECOMMENDED MOTION: I/we hereby move to approve the per square foot settlement amount of \$1.25 per square foot for the right of way and retention pond square footage and to approve purchase at the same per square foot amount for the utility right of way in accordance with the percentage of said amount set forth in the lawsuit.

Yours very truly,

OFFICE OF THE CITY ATTORNEY

Garylle B. Stewart
Assistant City Attorney

GBS/amc

- cc: Ben Dow
- Mark Bittner
- Erik Johnson
- Brad Sinclair

FAUS\GBS\CITY\Engineer (112)52nd Ave S (SID #5314) - 481\Fargo Public School (481.017)\ltr to commission re settlement.doc





Mayor Dennis R. Walaker
200 3rd Street North
Fargo, North Dakota 58102
Phone (701) 241-1310
Fax (701) 476-4136

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MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS
FROM: MAYOR DENNIS R. WALAKER *Dennis R. Walaker*
DATE: JANUARY 6, 2009
SUBJECT: APPOINTMENTS TO THE RENAISSANCE ZONE AUTHORITY

The terms of Kris Sheridan and Steve Swiontek on the Renaissance Zone Authority expire on January 1, 2009. Both Ms. Sheridan and Mr. Swiontek are willing to be reappointed and I am, therefore, recommending their reappointment for another three-year term ending January 1, 2012.

Your favorable consideration of this recommendation will be greatly appreciated.

RECOMMENDED MOTION: Approve the reappointment of Kris Sheridan and Steve Swiontek as members of the Renaissance Zone Authority for three-year terms ending January 1, 2012.

wwappts09rza



(4)

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR DENNIS R. WALAKER



DATE: JANUARY 7, 2009

SUBJECT: APPOINTMENT TO THE CITY HALL-AUDITORIUM COMMISSION

The term of Dave Selvig on the City Hall-Auditorium Commission expired on January 1, 2009. Mr. Selvig is willing to serve another term and I am recommending that he be reappointed.

Your favorable consideration of this recommendation will be greatly appreciated.

RECOMMENDED MOTION: Approve the reappointment of David Selvig as a member of the City Hall-Auditorium Commission for a three-year term ending January 1, 2012.

Attachment
wwappt09chac

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City of Fargo Staff Report			
Title:	A Text Amendment to create a new base zoning district, University Mixed-use. The new zoning district will require, use regulations, dimensional standards, and general development standards.	Date:	07/01/08 Update: 10/01/08 Update: 01/08/09
		Staff Contact:	Nicole Crutchfield
Owner(s)/Applicant:	City of Fargo	Engineer:	N/A
Applicable Regulation	This application relates to Chapter 20-02, Base Zoning Districts, and other applicable sections of Chapter 20 of the Fargo Municipal Code (Land Development Code) for the purpose of creating a new mixed-use zoning district, University Mixed-Use.		
Status:	City Commission Public Hearing		

Proposed Text Amendment:

Attached are the draft text amendments for sections of Chapter 20 of the Fargo Municipal Code (Land Development Code). This district is proposed to be called University Mixed-Use (UMU). The essence of the changes are proposed as follows:

- 1) Minimum residential density to be achieved for all development, at 18 units per acre.
- 2) Additional uses of office and retail are encouraged in combination with the residential density in order to encourage mixed-uses.
- 3) Design standards for new construction are required for all development, similar to (DMU) Downtown Mixed-Use zoning district.
- 4) Building setbacks are reduced to allow for higher density to be achieved. The setbacks mimic the Limited Commercial zoning district.
- 5) Parking requirements are reduced to be more in keeping with the shared parking and reduced auto trips that result from mixed-use development.

In the attached draft ordinance, additional text amendments are presented to coincide with the changes listed above.

Staff Analysis:

I. History and Purpose:

Areas in the vicinity of NDSU, specifically Roosevelt Neighborhood, have received considerable development pressure for single home conversions to multi-family dwelling units in order to accommodate for the growing demand of housing near the University. At the same time, staff analyzed home ownership and investment in areas near the University, most notably west of Johnson Park and south of 12th Avenue. The analysis confirmed that less than 25% owner-occupied home ownership existed and the assessment grade on all properties were rated less than good on properties west of Johnson Park.

Coincidentally, during the development of the Roosevelt Neighborhood plan in 2004, there was little participation from citizens within areas west of Johnson Park. The primary goal of the neighborhood plan was to establish stabilization of the single-family neighborhood and discourage absentee landowners. However, at the time of the study, staff noticed the differences in character within the Roosevelt Neighborhood between west of Johnson Park and east of Johnson Park.

As a result of the recent history, discussion began for the need of a new zoning district to focus and accommodate development needs near the University but also to acknowledge protection of owner-occupied housing. The mission of creating the new zoning district was to help establish higher quality development, that is more neighborhood friendly, and that will establish long term investment. The models for the proposed zoning district were the recent TIF developments along 12th Avenue. In addition, the scale and style of the new NDSU Living Learning complex also showed market interests towards new housing styles. The primary goal of the proposed ordinance was to accommodate the demand of new student housing, while encouraging long-lasting investment; which in turn removes the demand for the converted housing in the single-family owner-occupied neighborhoods.

At the national level, the development style proposed in the new zoning district can be described as Mixed-Use, Smart Growth, or Transit Neighborhood Development. These are all development trends that encourage increased density, shared parking, emphasis on alternative transportation measures, design standards that reflect the scale of the neighborhood and abutting street, and multiple uses within a block or building. Most major cities have new zoning districts to accommodate these development trends. Many state universities located in urban settings have development styles such as these neighboring the campus.

As staff began to study the potential results of the new zoning district it became apparent there may be other areas of the city that may be appropriate for this new zoning district. Potential areas include near MeritCare, west of 10th Street near industrial uses, and areas near the new downtown campus. Of interest to staff are areas where we receive considerable requests for (DMU) Downtown Mixed Use zone change requests but where staff may consider too intense. As a result, staff discussed location criteria that would be appropriate for a new zoning district such as UMU. The location criteria includes: 1) Area of low home ownership 2) Area near transit 3) Area is in transition of depreciating value or where blight exists.

II. Development of Ordinance:

Starting in June 2008, staff held a number of public meetings with the Roosevelt Neighborhood in preparation of the development of this ordinance. (Comments are summarized and recorded at the end of this report.) Many issues of concern were stated by residents. These include:

- 1) Concern for commercial development to creep into the residential stable portions of the neighborhood.
- 2) Parking by commuter students on city streets cause issue with blocked driveways, walks, etc.
- 3) Lack of enforcement of apartment residents exceeding the 3 non-related resident requirement creates nuisances to abutting properties.
- 4) The Roosevelt Neighborhood does not feel that they have had frequent, fair or honest communication with NDSU or the NSDU Association about their future plans.
- 5) More incentives for home owners to invest to down zone their properties and reinvest are needed to stabilize single-family owner-occupied housing.

As staff recorded these comments, it was confirmed with the participating citizens that the solutions to these problems do not belong into a zoning ordinance or codified into code; but rather these problems are action steps that coincide with the implementation plan of the Roosevelt Neighborhood Plan.

Working with the neighborhood, staff realizes that there are multiple planning steps that are needed specifically to fulfill many of the goals of the Roosevelt Neighborhood. The following outlines the steps the Planning Department and Roosevelt Neighborhood proposes to implement after the adoption of the mixed-use ordinance.

- 1) Update the Roosevelt Neighborhood Plan, to include a future land use map. A future land use map will provide staff and decision-makers direction for where land uses belong in the neighborhood for the next 20 years. The development of the map will be created through public meetings with the neighborhood and will be presented to Planning Commission and City Commission. The first of the neighborhood meetings is scheduled for February.
- 2) Staff and the residents would like to proceed with a staff initiated rezoning for properties west of Johnson Park. For properties that are interested in this, it will help establish the new zoning district and provide encouragement towards new development. It is important to do this prior to more investment occurring.
- 3) Action plans and steering committees are needed to assist with the non-zoning related issues. Staff believes each of the topics (parking on streets, rental housing enforcement, etc) is complicated and requires extensive discussions and investigation.

Staff recommends establishing the zoning ordinance first in the series of the above steps, since we believe it will be a helpful tool in accommodating the immediate development requests and to prevent short-term investment.

III. Review Criteria:

Text Amendments are subject to three review criteria per the LDC, Sec.20-0904. The criteria are as follows:

1. Is the amendment consistent with the purpose of this Land Development Code?

The Purpose and Intent (Section 20-0104) of the LDC is stated as follows: "This land development code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the

health, safety, and general welfare of the citizens of Fargo." The proposed text amendment will encourage long term investment, stabilization of transitional neighborhoods, and provide for an enhanced quality of life by establishing complimentary uses and walkability within the zoning district. **Criterion Satisfied**)

2. Will the amendment adversely affect the public health, safety, or general welfare?

Staff contends that this amendment will not have an adverse affect on the public health, safety or general welfare. The text amendment allows for new types of development that our existing ordinance does not currently encourage. The recent development on 12th Avenue is an example of the quality of housing that can be established with the proposed development standards. **(Criterion Satisfied)**

3. Is the amendment necessary because of changed or changing social values, new planning concepts or other social or economic conditions in the areas affected?

The amendment is necessary due to change in planning concepts and changes in social and economic conditions of the area. The success of the development at 12th Avenue can be used as an example of the demand and change of value in the area. This is also a development trend seen throughout the country. Our current code does not allow for the ability to accommodate the mixed-use with better design standards except for areas near downtown or with a conditional overlay. **(Criterion Satisfied)**

IV. Planning Commission Hearings Results:

Many drafts of the proposed text amendments that have been discussed with the neighborhood. The Planning Commission initially heard the proposed text amendment in August 2008; it was continued to October 8, 2008. The Planning Commission recommended approval on October 8, 2008.

The issues that were part of their discussions included:

- 1) Concerns regarding on-street parking and whether the recommendation of the parking requirements was enough.
- 2) Concerns with proceeding with the proposed ordinance prior to completing a neighborhood plan update.

Staff and the residents of the neighborhood continued to meet in August and September. Consensus was developed that University Mixed-Use was appropriate west of Johnson Park but not east of Johnson Park until a future land use map for the neighborhood was created.

During the neighborhood meeting process, the specifics of the parking problem became more evident. The main issues were, competing with free on street parking, availability of the "close" parking spaces on campus, and uniform parking policies and enforcement on the surrounding neighborhood streets. This fall, the City hired a private security contractor for daily policing of on street parking requirements. Also, NDSU implemented a reduced fee parking permit program at the Fargodome. This fall, the sales of these permits increased greatly. At the Planning Commission hearing staff proposed to reunite the task force who developed the current residential parking program, to evaluate these new tools, and to investigate additional tools to address the commuter parking challenge.

V. Update:

Between the Planning Commission recommendation on October 8th and today, staff held additional meetings with residents of the neighborhood. A few outstanding items remain; however, staff believes a balance has been created between establishing a tool that will entice new development for quality new housing and adding protection to the single-family owner-occupied housing.

Items that have changed between the Planning Commission recommendation and today are as follows:

- 1) The neighborhood review process has been removed. Staff had initially proposed a review process that would require developers and neighbors to converse about a proposed project. It was then determined that this was hard to codify since the outcomes of meetings between developer and residents could not be predicted.
- 2) Residential protection standards were established to address the concerns some residents had with the allowed building height.
- 3) Design standards for accessory structures were redefined to address concerns from developers. Developers had concerns that too much cost for detached garages was being added from the requirements of the design standards.

- 4) The parking program analysis was removed from the parking requirements. Originally, to address concerns about lack of parking, it was proposed in the ordinance to require applicants to perform a parking study. It was then determined that this was too ambiguous and hard to codify.
- 5) In the description criteria, a boundary and time period was established for when the new zoning district can be applied.

In the weeks leading up to the City Commission hearing, staff has worked with residents and two area developers regarding the above changes.

**APPENDIX:
Supporting Materials and Supplemental Neighborhood Meeting Notes
Report 1:**

On June 24, 2008 staff met with approximately eight Roosevelt Neighborhood representatives, including executive officers of the association. In general they were supportive of the proposed ordinance and development standards. However, they did have some initial concerns. These included:

1. Would like to see more landscape and open space than what our code currently requires.
Staff Comment: The new ordinance proposes parking lot paving setbacks that will increase visual open areas.
2. Would like to see more public space and walkability
Staff Comment: The new ordinance proposes parking lot paving setbacks to encourage walkability between side yards and rear yards. The new ordinance also encourages public space amenities in the form of plazas or patios to encourage community gathering.
3. There is a concern of too much commercial proposed.
Staff Comment: There was concern whether commercial in the middle of the block might be good or bad. It was then discussed that it would be good to allow for market changes for the future. It was also noted that the code does not require the mixed use, it only allows for it as the market sees the need. The primary land use is for multi-dwelling housing.
4. Can other parts of the neighborhood be down zoned?
Staff Comment: There are several areas in the Roosevelt Neighborhood that are non-conforming with the existing zoning district. This is mainly due to changes in the code over the past 50 years. Many of the converted single-family housing or 4-plexes are non-conforming. This is an item worth looking at in more detail as part of the neighborhood update.
5. Would like to see the city invest long term in infrastructure improvements, such as in bike paths
Staff Comment: This is worth investigating as part of the neighborhood update. Many recent reports and studies have looked at Barrett Street as a main north/south connection from Downtown to the University.
6. The mix of housing types needs to include single-family.
Staff Comment: Single-family is allowed as a use within the proposed zoning district. This is mainly to accommodate existing owner occupied housing.
7. Parking on the neighborhood streets
Staff Comment: It is realized that parking on the streets is a serious problem. The main cause of the parking on the streets is not due to the local residents but due to students and employees not willing to pay for parking. The free cost of parking on the streets will always win when it is an option. It is encouraged that the city, neighborhood, and University work together to establish a regulated parking program. This can include on street parking permits or time zone parking. The parking requirement recommended in the code is based on the new development projects proposed on 12th Avenue, as well as the University parking program and model ordinances for shared use parking. The University extensively studies the availability for parking permits. Currently, many landlords in the area unbundle the parking. This means that an apartment occupant pays extra for a parking space. By "unbundling" the parking developers have the option to establish parking needs based on their tenants and market. This allows for more flexibility which leads to higher quality development.

8. Feeling of creep or pushed from both sides.

Staff Comment: The Roosevelt Neighborhood has considerable development pressure from both the east side (from the University) and the west side (from developers). They believe strongly in the need to preserve the home ownership in the area and prevent further conversions. Staff believes the new zoning ordinance will divert the pressure from the central portions in the neighborhood and hopefully move it to the west portions of the area.

Report 2 – Neighborhood Issues raised December 2008:

1. More protection to single-family owners needs to exist within the ordinance.

Staff Comment: At the meeting on December 9th with Ken Lepper, he expressed the need to add more protection and incentives for single-family home owners. He would like to see conditions attached to the proposed ordinance that include items; such as, down zoning properties or historic overlay ordinances. Staff expressed the limits of land use law, and the protection land owners have with constitutional rights. Staff believes that individual property owners could request down zoning their land or request the establishment of a historical overlay. Staff would support these requests. However, the city will not force property owners to down zone their property.

2. More needs to be done to stabilize single-family land uses.

Staff Comment: At the meeting on December 9th, two neighborhood stabilization programs were requested by Mr. Lepper: 1) More code enforcement for households that exceed the 3 unrelated people limit. 2) A school district commitment to convert the schools to be more regional attractions in the form of a charter school or magnet school designation. Staff stated that these items are not suited as part of a zoning ordinance. Staff can however relay these interests and requests as we move forward with neighborhood plan updates. Staff foresees the neighborhood plan update to be the next step with planning for the future of Roosevelt Neighborhood and that the recommendations of the plan will likely identify the above stated issues as important items that warrant additional review and action by the affected stakeholders, including the city, NDSU, RNA, and others.

3. Where is the "Policy statement"?

Staff Comment: At the summer 2008 meetings there was discussion on identifying criteria for zoning properties University Mixed-use. This was formulated and formally written as the "description" of the proposed ordinance draft. At the December 16th meeting, it was expressed by the community members that this "policy statement" may still be too vague to lend enough comfort and protection from development creep and UMU boundary limitations should be established. Staff stated that besides needing to meet the criteria in the "description" of the proposed ordinance, there is also the neighborhood plan update which will be scheduled in the near future. As the next neighborhood planning step, staff and the neighborhood will create a land use component for the existing neighborhood plan which will establish a future land use map. This land use map will guide all future land uses for the neighborhood. This map would be consulted for future rezoning requests. Currently, staff understands that zoning properties University Mixed-use zoning district will only be supported west of Johnson Park, until the neighborhood plan update is completed and adopted. In essence, there will be two verification points for zoning land University Mixed-use: 1) meeting the zone change criteria in the land development code; 2) matching with the future land use map.

4. Concerns with the neighborhood review process.

Staff Comment: Staff initially inserted a neighborhood review into the proposed ordinance. The goal of this process was to engage dialog between the applicant and interested citizens as part of a zoning request. There were concerns presented from both residents and developers that this process seemed too undefined and the outcome and direction from these meetings were too ambiguous. We also realized that the process could become burdensome for both neighborhood associations and developers. As a result staff removed this item from the proposed code and instead inserted the residential protection standards as they currently exist in the Land Development Code.

5. 60 foot building height limit may be concerning in some areas.

Staff Comment: The meeting attendees have concern with the 60' building height limit. They understand that 60' building height may be appropriate in some areas and not appropriate in other areas. Staff has two concerns: 1) Limiting the height below 60' deters from the ability to meet the required density. Density is

important to achieve quality housing and support new retail. 2) 60' is the height limit currently allowed in Limited Commercial and MR-3 zoning districts. The University Mixed-use ordinance needs to have the same advantages as these existing zoning districts in order to encourage development under the University Mixed-use density standards. Many properties already have the development rights to build under the 60' height limit of MR-3. With the addition of the residential protection standards, staff believes that in the cases where a 60' height limit might not be appropriate, the issue could be through the application of these standards.

6. Parking requirement is not sufficient.

Staff Comment: This proposed zoning district does not require parking for retail or office, which is similar to Downtown Mixed-use zoning district. The proposed zoning district does require parking for residential units, 1.2 stalls for every dwelling unit. The neighborhood has concerns that not enough parking will be required. Staff suggests that in order to achieve the required density and to fit the development on the land, parking needs to be provided off-site with private shared parking agreement. We need to acknowledge that alternative transportation and parking demands exist in mixed-use developments and that development should not have the majority of its focus be auto-oriented. Originally, in the proposed ordinance staff had also proposed that the developer conduct a parking program study for their development. After internal discussions, we realize that this language would not be a legally defensible ordinance item that could be implemented. It was too vague and undefined. Instead, staff has added a statement of intent that reminds the applicant that it is their responsibility to know their market's parking needs. When creating this ordinance we must balance the density and demand for housing. We must also recognize the existing parking standards that are currently within the land development code are designed for suburban auto oriented development. When studying parking needs for denser downtown college oriented development, we must recognize that auto trips are reduced due to shared parking and alternative transportation.

The two reports above summarize the majority of the comments received from the meetings with the Roosevelt Neighborhood Association. Staff believes that some of these concerns may be presented at the public hearing. The details of the draft ordinance can be found attached to this report.

Planning Commission Recommendation: 10-08-08

In a unanimous decision (7-0), the Planning Commission moved to accept the findings and recommendations of staff and recommend approval to the City Commission of the proposed text amendment of Article 20-02 Base Zoning Districts and other applicable sections of Chapter 20 of the Fargo Municipal Code (Land Development Code) for the purpose of creating a new mixed-use zoning district, University Mixed-Use District.

Staff Recommendation:

"To accept the findings and recommendation of staff and the Planning Commission and hereby move to approve the proposed text amendment of Article 20-02 Base Zoning Districts and other applicable sections of Chapter 20 of the Fargo Municipal Code (Land Development Code) for the purpose of creating a new mixed-use zoning district, University Mixed-Use District as presented and hereby receive and file the draft ordinance."

City Commission Decision: 1-12-09

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

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AN ORDINANCE ENACTING SECTION 20-0216 AND AMENDING SECTIONS 20-0202, 20-0401, 20-0402.N, 20-0402.S, 20-0403.B, 20-0403.D, 20-0501, 20-0504.D, 20-0609.A, 20-0611.G, 20-0611.I, 20-0611.J, 20-0701.A.3, 20-0702.A, 20-0705.C.3 and 4, 20-0705.D.3 and 20-0910.A OF CHAPTER 20 OF THE FARGO MUNICIPAL CODE (LAND DEVELOPMENT CODE) RELATING TO BASE ZONING DISTRICTS, USE REGULATIONS, DIMENSIONAL STANDARDS, SUBDIVISION DESIGN AND IMPROVEMENTS AND GENERAL DEVELOPMENT STANDARDS

WHEREAS, the electorate of the City of Fargo has adopted a home rule charter in accordance with Chapter 40-50.1 of the North Dakota Century Code; and

WHEREAS, Section 40-05.1-06 of the North Dakota Century Code provides that the City shall have the right to implement home rule powers by ordinance; and

WHEREAS, Section 40-05.1-05 of the North Dakota Century Code provides that said home rule charter and any ordinances made pursuant thereto shall supercede state laws in conflict therewith and shall be liberally construed for such purpose; and

WHEREAS, the Board of City Commissioners deems it necessary and appropriate to implement such authority by the adoption of this ordinance;

NOW, THEREFORE,

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

Section 1. Enactment.

Section 20-0216 of Article 20-02 of Chapter 20 (Land Development Code) is hereby enacted to read as follows:

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1
2 **20-0216 UMU, University Mixed-Use District**

3 **A. Description:**

- 4 1. The UMU district is intended to provide for the location and grouping of
5 compatible uses. The appropriate location for this district will meet three factors.
6 1) The location will be in close proximity to a university or campus setting. The
7 term campus includes large medical or business settings. 2) The location will
8 have access to public transportation routes and alternative transportation
9 corridors. 3) The location will be in a setting where the neighborhood is in
10 transition from owner-occupied housing to rental housing or where blighted
11 conditions are present.
- 12 2. The objective of the zoning district is to encourage high-quality, durable, and
13 long-lasting investments in order to enhance the quality of life and discourage
14 blight. To achieve this objective, the University Mixed-Use zoning district
15 allows higher overall residential density and limited commercial uses while
16 incorporating design standards to achieve quality housing. Development is
17 intended to be pedestrian oriented and neighborhood friendly. Use of pedestrian
18 scale components will be incorporated into architectural details, attractive
19 streetscapes and safe traffic movements. The intent of the district is to promote
20 high quality mixed-use development in certain neighborhoods, while preserving
21 the single-family owner occupied housing within the neighborhood.
- 22 3. A zoning map amendment to a UMU, University Mixed-Use, District may not be
23 applied to the easterly portion of the Roosevelt Neighborhood until an amendment
of the Roosevelt Neighborhood Plan has been approved by the Fargo Board of
City Commissioners. For purposes of this subparagraph, the Roosevelt
Neighborhood Plan is the plan approved by the Fargo Board of City
Commissioners by Resolution enacted and approved September 13, 2004 and the
easterly portion of the Roosevelt Neighborhood is that part of the Roosevelt
Neighborhood described in said Plan lying east of the easterly boundary of
Johnson Park, and the extension to the north and south of said easterly boundary.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

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B. Uses

1. Uses allowed in the UMU district must be in accordance with the Use Table of Sec. 20-0401.
2. The minimum dwelling unit per acre density as required in Sec. 20-0501 must be met on all lots in the UMU District, except for a commercial parking use.
3. All non-residential uses shall be limited to the ground floor and second floor of a building.

C. Dimensional Standards

Development within the UMU district is subject to the dimensional standards of Article 20-05.

D. Design Standards

1. General

a. Intent

The UMU Design Standards are intended to create and maintain a general visual quality and appearance that will be appealing to people who live and work in the UMU district, enhancing the residential character while respecting the institutional presence. The regulations are also intended to stimulate and protect investment in the UMU district through the establishment of high quality standards with respect to materials, details, and appearance.

b. Applicability

The UMU Design Standards of this subsection D apply throughout the UMU district.

c. Review Procedure

Review for compliance with the Design Standards of this subsection shall be carried out in accordance with the Site Plan Review Procedures of Sec. 20-0910.

2. Demolition

The standards of this subsection apply in the event of building and site demolition.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

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a. Vacant Lots

Any lots left vacant after demolition must be paved or landscaped to ensure a dust-free surface. The paving or landscaping shall be in place within 30 days of the date of demolition, unless a longer time period is approved at the time of approval of the demolition plans. Once installed, the landscaping or paving shall be continuously maintained in serviceable condition. Prior to approval of the demolition plans the applicant shall provide a letter of credit, a paid-in-full receipt from a contractor, a performance bond or escrow deposit adequate to ensure that the proposed landscaping or paving will be completed. The security provided must be in an amount equal to at least 100 percent of the estimated total cost of labor and materials. The City shall be authorized to use such financial guarantee to complete the work if the required paving or landscaping is not in place by the date stated on the approved performance guarantee form. Landscaping or paving required by this subsection must be maintained in serviceable condition.

b. Maintenance

Any lots left vacant after demolition shall be regularly maintained and kept free of debris and litter.

3. Building Siting and Design

The standards of this subsection apply to all development. The following design standards apply to all buildings in the UMU district. These standards are intended to promote an attractive and long-lasting investment.

a. Building Orientation

- (1) At least one primary building entry shall face a public street.
- (2) The building shall be designed to have all exterior walls with equal design consideration, to include materials, color, articulation and general aesthetics for the purpose of access and appreciation by the general public.
- (3) Building elevations that face a public street shall have at least 15 percent of the wall facing the street consist of windows or entrance areas.

b. Materials

- (1) All walls shall be finished with architectural materials such as brick, glass, stone, ceramic, stucco, precast panels, exterior insulation finish systems (e.g. dryvit), fiber cement siding, or curtain walls. Building elevation materials shall be commercial grade, durable, and have a multi-generational life span.

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- 1 (2) The following materials may not be used other than for purposes of providing
2 accent: insulated metal panels; seamless metal siding; wood-based materials;
3 asphalt; and decorated concrete block. When these materials are used, the
4 materials must be of commercial grade.
- 5 (3) The use of architectural metal panels and wood panels for enclosure of
6 mechanical equipment shall be permitted.
- 7 (4) Mirrored glass or one-way glass with a reflectance of greater than 40 percent
8 shall be prohibited from covering more than 40 percent of exterior walls.
- 9 (5) When the UMU development is a detached single-family or duplex residential
10 use, residential structure exterior materials that are commonly used in
11 residential developments (e.g. residential grade vinyl siding, composite brick,
12 residential grade steel siding) may be used upon approval of the Zoning
13 Administrator.

14 **c. Ground-Floor Transparency**

15 At least 25 percent of the ground-floor façade of buildings along public
16 streets must be comprised of windows, doors and other transparent elements
17 (e.g. glass block). Calculations shall be based on the total square feet of the
18 elevation of the ground floor. Existing buildings along sidewalks to which
19 interior renovations or structural improvements are proposed shall be
20 excluded from this requirement; however, in no case shall the existing
21 transparency be reduced.

22 **d. Articulation**

23 **(1) Offsets**

- 1 i. As to building elevation walls, as visible above ground, that are
2 longer than 100 feet wall plane projections or recesses having a
3 depth of at least two feet and extending for a minimum of 25% of
4 the length of such walls must be incorporated into the building
5 design..
- 6 ii. As to building heights taller than 35 feet a horizontal design
7 features on the building's façade must be incorporated into the
8 building design. Examples of horizontal design features include
9 awnings, canopies, transoms, moldings, balconies, wainscoting or
10 changes in color or texture.

11 **(2) Architectural features**

- 12 i. The building design shall include integrated design features to
13 avoid monotony, to create visual interest, and to enhance the
14 pedestrian scale all of which is to be designed to create
15 compatibility with the surrounding neighborhood. Examples of

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features to be included are:

- a. Arcades
- b. Cornices
- c. Eaves
- d. Bow, bay, arched, oval, or gable windows
- e. Shutters
- f. Arched entries, balconies or breezeway entrances
- g. Stone or brick accent walls
- h. Decorative stone or brick banding
- i. Decorative tiles
- j. Verandas, porches, balconies or decks
- k. Projected walls or dormers
- l. Variation of roof lines
- m. Decorative caps or chimneys

e. Accessory Uses:

- (1) The accessory use standards set forth in Sec. 20-0403 apply to the UMU district.
- (2) The following additional design standards shall apply to accessory structures for the purpose of design compatibility with the residential neighborhood.
 - i. Accessory building setbacks shall meet the development standards of primary buildings as required in Sec. 20-0501.
 - ii. Accessory building elevation materials shall match the primary building materials.
 - iii. Accessory buildings may be located in rear yards and/or side yards only. Accessory buildings are not permitted in the front or street-side yard.
 - iv. Garage doors on accessory structures may not exceed a width of 20 feet.
 - v. Separate garage structures may be no more than 50 feet in length on the longest side of the building.
 - vi. Multiple accessory buildings adjacent to each other shall have a building separation of 10 feet.

f. Parking Structure Screening

Parked vehicles shall be screened from view of adjacent streets by walls at least 2 ½ feet tall or opaque screening materials; such as, fences or plants at least 2 ½ feet tall.

D. Alternative Design Standards.

- 1. An alternative design standard represents a proposal to meet the intent expressed in Sec. 20-0216 D.1.a. by means other than those prescribed in Sec. 20-0216.

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1 Applicants who wish to propose a project or development with alternative design
2 components must secure approval of Alternative Design Standards for the project or
3 development by obtaining review, action and approval by the Planning Commission
4 in accordance with the Conditional Use Permit Review procedures of Sec. 20-0906.

5 2. a. Recordation of Approved Alternative Design.

6 An attested copy of an approved Alternative Design or Alternative Design
7 Standards must be recorded with the County Recorder on forms made available in
8 the Planning Department. An Alternative Design or Alternative Design Standards
9 may be amended by following the same procedure required for the original
10 approval.

11 b. Violations.

12 Violations of an approved Alternative Design or Alternative Design Standards
13 constitute a violation of the Land Development Code and will be subject to the
14 enforcement and penalty provisions of Article 20-011.

15 Section 2. Amendment.

16 Paragraph A of Section 20-0201 of Article 20-02 of Chapter 20 (Land Development
17 Code) of the Fargo Municipal Code is hereby amended to read as follows:

18 §20-0201 General

19 A. Districts Established

20 The following base zoning districts are hereby established:

- 21 1. AG, Agricultural
- 22 2. SR-0, Single-Dwelling Residential
- 23 3. SR-1, Single Dwelling Residential
4. SR-2, Single-Dwelling Residential
5. SR-3, Single-Dwelling Residential
6. SR-4, Single-Dwelling Residential
7. SR-5, Single-Dwelling Residential
8. MR-1, Multi-Dwelling Residential
9. MR-2, Multi-Dwelling Residential
10. MR-3, Multi-Dwelling Residential
11. UMU, University Mixed-Use
1112. MHP, Mobile Home Park
1213. NO, Neighborhood Office

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- 1314. NC, Neighborhood Commercial
- 1415. GO, General Office
- 1516. LC, Limited Commercial
- 1617. DMU, Downtown Mixed-Use
- 1718. GC, General Commercial
- 1819. LI, Limited Industrial
- 1920. GI, General Industrial

Section 3. Amendment.

Section 20-0401 of Article 20-04 of Chapter 20 (Land Development Code) of the Fargo Municipal Code is hereby amended to read as follows:

Table 20-0401

Use Category	Definition (Excerpt; See Sec. 20-1203)	Specific Use Type	Zoning Districts																		
			A G	S R 0	S R 1	S R 2	S R 3	S R 4	S R 5	M R 1	M R 2	M R 3	U M U	M H P	N O	N C	G O	L C	D M U	G C	L I
Residential																					
Household Living	residential occupancy of a dwelling unit by a "household"	House, Detached	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	P/C [E]	C	-
		House, Attached	-	-	-	-	P	P	P	P	P	P	P	P	P	P	C	C	P/C [E]	C	-
		Duplex	-	-	-	-	P	P	P	P	P	P	P	P	P	P	C	C	P/C [E]	C	-
		Multi-Dwelling Structure	-	-	-	-	-	-	P	P	P	P	P	P	P	P	C	C	P/C [E]	C	-
		Mobile Home Park	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-
Group Living	residential occupancy of a structure by a group of people who do not meet the definition of "Household Living"		C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	P/C [E]	P/C [E]	P/C [E]	P	P/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	C/C [E]	-
Institutional																					
College	colleges and institutions of higher learning		C	C	C	C	C	C	C	C	C	P	C	C	C	P	P	P	P	P	P
Community Service	public, nonprofit, or charitable uses, generally providing a local service to the community		C/C [C]	C/C [C]	C/C [C]	C/C [C]	C/C [C]	C/C [C]	P/C [C]	P/C [C]	P/C [C]	C/C [C]	P/C [C]	P/C [C]	P/C [C]	P	P	P/C [C]	P	P	P

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Use Category	Definition (Excerpt; See Sec. 20-1203)	Specific Use Type	Zoning Districts																			
			A G	S R 0	S R 1	S R 2	S R 3	S R R 4	S R R 5	M R 1	M R 2	M R 3	U M U	M H P	N O	N C	G O	L C	D M U	G C	L I	
Day Care	care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day	1-7 children or adults ^[1]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P	P	P	P	P	P	P	P	
		8-12 children or adults ^[1]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P/C [D]	P	P	P	P	P	P	P	P
		13+ children or adults	-	-	-	-	-	-	-	C/C [D]	C/C [D]	C/C [D]	P/C [D]	C/C [D]	C/C [D]	C/C [D]	P	P	P	P	P	P
Detention Facilities	facilities for the detention or incarceration of people		C	-	-	-	-	-	-	C	C	C	-	-	-	-	C	C	C	P	P	
Health Care Facility	medical or surgical care to patients, with overnight care		C	C	C	C	C	C	C	C	C	C	C	C	-	-	P	P	P	P	P	
Parks and Open Areas	natural areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, etc.		P	P	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	P	P	
Religious Institution	meeting area for religious activities	500 seating capacity	-	P	P	P	P	P	P	P	P	P	P/C	P	P	P	P	P	P	P	P	
		501+ seating capacity	-	P/C [H]	P	P	P	P	P/C	P	P	P	P	P	P	P	P					
Safety Services	public safety & emergency response services		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Schools	schools at the primary, elementary, middle, junior high, or high school level		-	P/C [I]	C	-	-	-	C	C	C	C	C									
Utilities, Basic	infrastructure services that need to be located in or near the area where the service is provided		P [K]	P [K]	P [K]	P [K]	P [K]	P [K]	P [K]	P [K]	P [K]	P [K]	P/C [K]	P [K]	P [K]	P [K]	P [K]	P [K]	P [K]	P [K]	P [K]	
Commercial																						
Adult Entertainment Center	an adult bookstore, adult cinema or adult entertainment facility		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/C [A]	P [A]	
Office	activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial		-	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	P	P	

[1] Not including the children or parents of the day care provider.

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Use Category	Definition (Excerpt; See Sec. 20-1203)	Specific Use Type	Zoning Districts																			
			A G	S R 0	S R 1	S R 2	S R 3	S S R R 4	S S R R 5	M R 1	M R 2	M R 3	U M U	M H P	N O	N C	G O	L C	D M U	G C	L I	
	packaging, or assembly of goods																					
Warehouse and Freight Movement	firms involved in the storage, or movement of goods																		C	P [R]	P	
Waste-Related Use	uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material																					
Wholesale Sales	firms involved in the sale, lease, or rental of products primarily intended for industrial, institutional, or commercial businesses																		C	P [R]	P	
Other																						
Agriculture	raising, producing or keeping plants or animals	Animal Confinements	C	C [2]																		
		Farming/Crop Production	P	C																		
Aviation	facilities for the landing and takeoff of flying vehicles, including loading and unloading areas		C	C														C	C	C	C	P
Surface Transportation	facilities for the landing and takeoff of flying vehicles, including loading and unloading areas																	C	C	C	C	P
Entertainment Event, Major	activities & structures that draw large numbers of people to specific events or shows		C										C							C	C	C
Mining	mining or extraction of mineral or aggregate resources from the ground for off-site use		C																			C

[2] In SR-0 districts, animal confinements are either permitted or a conditional use, subject to procedures of Sec. 20-0909, as described in Sec. 20-1203.C.2.b.

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Use Category	Definition (Excerpt; See Sec. 20-1203)	Specific Use Type	Zoning Districts																					
			AG	SR0	SR1	SR2	SR3	SR4	SR5	MR1	MR2	MR3	UMU	MHP	NO	NC	GO	LC	DMU	GC	LI			
Telecommunications Facilities	devices and supporting elements necessary to produce non-ionizing electromagnetic radiation... operating...to produce a signal...	125 feet in height or less	C [N]	C [N]	C [N]	C [N]	C [N]	C [N]	C [N]	C [N]	C [N]	C [N]	C [N]	C [N]	C [N]	C [N]	C [N]	C [N]	C [N]	C [N]	P/C [N]	P/C [N]		
		Greater than 125 ft in height	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C [N]	C [N]	
		Up to building height limit of applicable zoning district	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]	P/C [N]
		TSSs supported by Guy wires	C [N]	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
		Attached Telecommunications facilities	C [N]	C [N]	C [N]	C [N]	C [N]	C [N]	C [N]	C [N]	C [N]	C [N]	C [N]	C [N]	C [N]	C [N]	C [N]	C [N]	C [N]	C [N]	C [N]	C [N]	C [N]	C [N]

Section 4. Amendment.

Section 20-0402.N of Article 20-04 of Chapter 20 (Land Development Code) of the Fargo Municipal Code is hereby amended to read as follows:

N. Telecommunications Facilities

1. General

All telecommunications facilities shall comply with the standards of this Land Development Code, all applicable standards of the Federal Telecommunications Act of 1996, and all applicable requirements of the Federal Aviation Administration. Freestanding Non-Commercial Support Structures in AG, SR, MR, UMU, NC, and NO zoning districts are addressed by Section 20-0403.D. Accessory Uses. Freestanding Non-Commercial support structures in any other zoning district shall be

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1 considered Telecommunications Support Structures and shall meet the requirements
2 of this section.

3 **2. Attached Telecommunications Facilities**

4 Attached telecommunications facilities shall be allowed by-right in the districts
5 indicated in the Use Table provided that they comply with all applicable standards of
6 the underlying zoning district, including any maximum height standards. If visible
7 from SR, MR, or UMU zoning districts, attached telecommunications facilities shall
8 be designed and painted to minimize their visibility from such areas. Any proposed
9 attached telecommunications facility which does not comply with the foregoing
10 requirements will only be permitted if approved in accordance with the Conditional
11 Use review procedures of Sec. 20-0909.

12 **3. Telecommunications Support Structures**

13 Telecommunications support structures (also referred to herein as "TSS") must
14 comply with the following requirements as approved by the Zoning Administrator,
15 unless otherwise stated.

- 16 a. As provided by Sec. 20-0402, TSSs of no more than 125 feet in height are
17 permitted in GC, LI and GI zoning districts subject to use-specific standards,
18 including:
- 19 (1) No TSS may be located closer than 300 feet from the base of the TSS to any
20 residentially zoned property, as measured from the base of the TSS to the
21 nearest such residentially zoned property line;
 - 22 (2) The TSS must have co-location capability of at least one other
23 telecommunications provider; and
 - (3) TSSs shall be either clustered together or spread apart an adequate distance so
as to reduce their impact on the overall appearance of the area and the view of
the horizon. Therefore, TSSs shall be placed either:
 - (a) No farther than 300 feet from an existing and approved
telecommunications TSS, or
 - (b) A minimum distance of ¼ mile between existing and approved TSSs of
125 feet in height or less, and a minimum distance of ½ mile from
telecommunications TSSs of over 125 feet in height, as measured from the
base of one TSS to the base of another.

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- b. As provided by Sec. 20-0401, TSSs of more than 125 feet in height are Conditional Uses in GC, LI and GI zoning districts and are therefore subject to the Conditional Use review process of Sec. 20-0909:
 - (1) No TSS may be located closer than 500 feet or three times the height of the TSS, whichever is greater, from any residentially zoned property, as measured from the base of the TSS to the nearest such residentially zoned property line;
 - (2) The TSS must have co-location capability of at least two other telecommunications providers; and
 - (3) TSSs shall be either clustered together or spread apart an adequate distance so as to reduce their impact on the overall appearance of the area and the view of the horizon. Therefore, TSSs shall be placed either no farther than 300 feet from an existing and approved telecommunications TSS, or a minimum distance of ¼ mile between existing and approved telecommunications TSSs of 125 feet in height or less, and a minimum distance of ½ mile from telecommunications TSSs of over 125 feet in height, as measured from the base of one TSS to the base of another TSS.

- c. As provided by Sec. 20-0401, TSSs of no more than the maximum building height for the applicable zoning district are permitted by right in AG, SR-0-SR-4, MR-1-MR-3, UMU, NC, NO, LC, and GO zoning districts subject to use-specific standards, including:
 - (1) No TSS located in any non-residential zoning district may be located closer than 300 feet from any residentially zoned property, as measured from the base of the TSS to the nearest such residentially zoned property line; and
 - (2) No TSSs located in any MR zoning district may be located closer than 200 feet from any SR zoning districts, as measured from the base of the TSS to the nearest point of such SR zoning district.

- d. As provided by Sec. 20-0401, TSSs in DMU and P/I zoning districts and TSSs which exceed the maximum building height for the applicable zoning district, but are not more than 125 feet in height in AG, SR-0-SR4, MR-1-MR-3, UMU, NC, NO, LC and GO zoning districts are Conditional Uses and are therefore subject to the Conditional Use review process of Sec. 20-0909:

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Section 5. Amendment.

Section 20-0402.S of Article 20-04 of Chapter 20 (Land Development Code) of the Fargo Municipal Code is hereby amended to read as follows:

S. Commercial Parking

1. A commercial parking lot may be dedicated to patrons other than those serving the land uses on site.
2. Commercial parking lots abutting public rights of way or single family dwelling units shall have a 9 foot landscape buffer. The landscape planting units shall be equivalent to the residential protection standards per Section 20-0704.
3. Commercial parking lots shall have a minimum 10 % interior open space, including 10 foot wide end islands at the end of each parking bay.
4. Interior open space shall be planted with groundcover, turf or the required plant units. 3 plant units shall be provided for each 1,000 square of interior open space. The plant unit equivalent chart is referenced in Section 20-0705. The required plant units may count towards the open space requirements.
5. Surfaces must be hard surfaced and paved asphalt or concrete.
6. Minimum dwelling density is not required for properties within a UMU zoning district.
7. The minimum residential density standard of Sec. 20-0501 is not required in commercial parking uses within a UMU zoning district.

Section 6. Amendment.

Section 20-0403.B of Article 20-04 of Chapter 20 (Land Development Code) of the Fargo Municipal Code is hereby amended to read as follows:

B. Development Standards

The following standards apply to all accessory uses and structures unless otherwise expressly provided.

1. Timing of Construction

Accessory structures must be constructed in conjunction with or after the principal

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1 building. They may not be built prior to the construction of the principal structure.

2 **2. Front and Street Side Setbacks and Yards**

3 No accessory structure, other than a fence, wall or hedge may be located within a
4 required front or street side setback. The location of fences and walls within parking
lot buffers are regulated by §20-0705.

5 **3. Rear Setback**

- 6 a. In zoning districts other than UMU, When located within the rear yard area,
7 accessory structures shall be exempt from rear setback requirements, provided
that they shall be set back at least 3 feet from rear and side lot lines. This 3-foot
setback shall not apply to fences or walls.
- 8 b. In a UMU district, accessory structures, other than fences or walls shall meet the
9 rear setback requirements of Sec. 20-0501 As in districts other than UMU zoning
districts, said setback requirements do not apply to fences or walls.

10 **4. Interior Side Setback**

- 11 a. In zoning districts other than UMU, No accessory structure, other than a fence or
12 wall, may be located within a required interior side setback, except that garages
and parking structures accessory to multi-dwelling development in all MR
13 districts shall only require a 3-foot minimum setback on lots platted after
February 17, 1998. On MR lots that share a common interior side-yard, no
14 setback is required to accessory structures provided there is a recorded cross-
access agreement between the record owners of the respective properties, and
provided the structures meet all applicable building codes for such a structure.
- 15 b. In a UMU zoning district, accessory structures, other than fences or walls, shall
16 meet the interior side setback requirements of Sec. 20-0501.

17 **5. Setbacks from Public Easements**

18 No accessory structure, other than a fence or wall, may be located within any
recorded public easement or over any known public utility.

19 **6. Height of accessory structures/fences, walls, hedges.**

20 **a. Residential Districts**

21 In SR-1 through SR-5, MR and UMU zoning districts accessory structures shall
not exceed 15 feet in height.

22 **b. AG, SR-0 and Nonresidential Districts**

23 In the AG, SR-0 districts and the NO and more intensive zoning districts,
accessory structures shall not exceed the maximum height limit of the underlying

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1 district, unless expressly authorized by this Land Development Code.

2 **c. Fences, Walls and Closely Grown Hedges.**

3 (1) Within SR, MR, UMU, NC and NO zoning districts, restrictions on the
4 height of fences, walls and closely grown hedges shall be as follows:

5 (a) in any front yard no fence, wall or hedge shall exceed 3 feet in
6 height, provided however, that fences that are at least 75% light-
7 permeable may exceed 3 feet, but may not exceed 4 feet in height;

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

15 (c) in any street side yard or interior side yard from the point identified
16 in subparagraph (b) hereof to the rear property boundary or in any
17 rear yard no fence, wall or hedge shall exceed 6.5 feet in height;
18 and,

19 (d) in any rear yard, any fence, wall, or hedge located at least three
20 feet from the property line may exceed 6.5 feet, but may not
21 exceed 8.5 feet.

22 (2) Within LC, GC, DMU, LI and GI zoning districts, restrictions on the
23 height of fences, walls and closely grown hedges shall be as follows:

(a) No fence, wall or hedge shall exceed 8.5 feet in height.

(b) In the event the property is adjacent to residentially-zoned
property, no fence, wall or hedge may exceed 6.5 feet in height
along, or within three feet of, the property line abutting
residentially-zoned property.

(3) Sight Distance - Within any zoning district, the following restrictions shall
apply: (a) On corner lots, no fence, wall or hedge located within 20 feet
of a street intersection (right-of-way line) shall exceed 3 feet in height,

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measured from curb level; and (b) The height of fences, walls and closely grown hedges shall be measured from the elevation of the sidewalk or curb of the adjacent street.

- (4) Notwithstanding any other provisions of this section, any fence located completely within the required building setback for the zoning district is subject only to the height limitations as are buildings within that zoning district.

7. Building Coverage

- a. Building coverage of detached accessory structures may not exceed that of the principal building; provided, however, that in MR zoning districts, garages accessory to multi-dwelling structures may not exceed 130 percent of the building coverage of the principal building, and in a UMU zoning district building coverage of detached accessory structures may not exceed 50 percent of the building coverage of the principal building, and in the SR-0 district building coverage of detached accessory structures may not exceed 150 percent of the building coverage of the principal building, and in SR-0, SR-1 and SR-2 districts when lot sizes are equal to or greater than 40,000 square feet in size, building coverage of detached accessory structures may not exceed the size as shown on Table 20-0403 below.
- b. Accessory buildings and structures shall be included in the calculation of total building coverage. In MR zoning districts, as to multi-dwelling structures with garages as accessory buildings, building coverage may be allowed up to 37.5 percent, provided there is a significant shared site amenity to be shared among the tenants included on the landscaping plan submitted during the building permit process. Examples of such amenities: gazebo with barbeque pit, volleyball court, basketball court, tot-lot/playground, swimming pool, or such other shared amenities as approved by the Zoning Administrator.

Table 20-0403

Lot Size	Maximum size of Accessory Structure
40,000 sq. ft. to 2 Ac.	4,000 sq. ft.
+ 2 Ac. to 3 Ac.	4,500 sq. ft.
+ 3 Ac. to 4 Ac.	5,000 sq. ft.
+ 4 Ac. to 5 Ac.	5,500 sq. ft.
+ 5 Ac. to 10 Ac.	6,000 sq. ft.

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1 Section 7. Amendment.

2 Section 20-0403.D of Article 20-04 of Chapter 20 (Land Development Code) of the
3 Fargo Municipal Code is hereby amended to read as follows:

4 **D. Freestanding Non-Commercial Telecommunications Support Structures**

5 Telecommunications Support Structures (“TSS”) for the purpose of elevating
6 non-commercial antennas are permitted as accessory uses in AG, SR, MR, UMU, NC,
7 and NO zoning districts, pursuant to the requirements listed below.

- 8 1. The maximum permitted height of a TSS for non-commercial antennas in an AG, SR,
9 MR, UMU, NC, or NO zoning district or on a site with residential land use is a total
10 of 50 feet, as measured from the ground to the top of the TSS. The maximum height
11 of masts and/or antennas mounted on the TSS is 30 feet, for a total maximum height
12 of 80 feet.
- 13 2. In an AG, SR, MR, UMU, NC, or NO zoning district, or on a site with residential
14 land use, a TSS of greater than 50 feet, up to a maximum of 70 feet, as measured
15 from the ground to the top of the TSS is a conditional use. The maximum height of
16 masts and/or antennas mounted on the TSS is 30 feet, for a total maximum height of
17 100 feet. Factors for considering approval of a conditional use for TSSs exceeding 50
18 feet in height include:
- 19 a. Existence of a structure within 300 feet of the TSS, which will create interference
20 with antenna operations.
- 21 b. Tree heights in the yard where the TSS is to be located or in immediately adjacent
22 yards are such that they will interfere with ham radio operations.
- 23 c. The orientation of the trees, yard, TSS, and neighboring homes is such that the
 increased height will not make the TSS more noticeable or more intrusive to
 properties within 300 feet.

21 Section 8. Amendment.

22 Section 20-0501 of Article 20-05 of Chapter 20 (Land Development Code) of the Fargo
23 Municipal Code is hereby amended to read as follows:

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§20-0501 Residential District Standards

The dimensional standards of Table 20-0501 apply to all development in MR-3 and more restrictive zoning districts.

Table 20-0501

Dimensional Standard	Zoning District										UMU
	AG	SR-0	SR-1	SR-2	SR-3	SR-4	SR-5 ^[9]	MR-1	MR-2	MR-3	
Maximum/Minimum Density (UPA - Units per Acre)	0.1 Max.	1.0 Max.	2.9 Max.	5.4 Max.	8.7 Max.	12.1 Max.	14.5 Max.	16.0 Max.	20.0 Max.	24.0 ^[1] Max.	<u>18.0</u> Min.
Minimum Lot Size											
Area (Sq. Ft.)	10 Ac	1 Ac ^[2]	15,000	8,000	5,000	3,600	3,000	5,000	5,000	5,000	<u>5,000</u>
Width (Ft.)	200	120	80	60	50 ^[3]	34 ^[3]	25	50 ^[3]	50 ^[3]	50 ^[3]	<u>50^[3]</u>
Minimum Setbacks (Ft.)											
Front	50 ^[4]	50	35	30	20	15 ^[5]	15 ^[5]	25	25	25	<u>10</u>
Interior Side ^[6]	25	25	15%/15	10%/10	10%/10	4	4	15%/25	15%/25	10	<u>5</u>
Street Side	25 ^[7]	25	17.5	15	12.5	10	10	12.5	12.5	12.5	<u>10</u>
Rear	50	50	25	25	15	15	15	20	20	20	<u>15</u>
Max. Building Coverage (Pct. of Lot)	NA	25	25	30	35	45	50	35 ^[8]	35 ^[8]	35 ^[8]	<u>75</u>
Minimum Open Space (Pct. of Lot)	NA	NA	NA	NA	NA	NA	NA	35	35	35	<u>NA</u>
Maximum Height (Ft.)	35	35	35	35	35	35	35	35	45	60	<u>60</u>

Source: 2985 (1999), 3062 (1999), 4039 (2000), 4165 (2001), 4338(2003).

[1] Higher densities may be allowed in accordance with the Bonus Density provisions of Sec. 20-0505.

[2] SR-0 minimum district size is 20 acres. See Sec.20-0203-A.

[3] Minimum lot width subject to limitation of access as provided in Sec.20-0702.

[4] Minimum 100 feet from right-of-way on Arterial or section line road.

[5] Minimum 20-foot setback shall be provided between front-entry garages and nearest edge of sidewalk crossing plate.

[6] #/# = Percent of Lot Width/Feet (whichever is less).

[7] Minimum 75 feet from right-of-way on Arterial or section line road.

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1 [8] Maximum of 37.5 percent of building coverage shall be allowed if site amenity is provided in accordance with Sec. 20-0403.B.7. If the amenity is
 2 contained within the footprint of one primary structure, the floor area of that amenity is counted as open space, but is not subtracted from the
 3 area of the building.

4 [9] The SR-5 zoning district is limited to a maximum size of 21,000 square feet, but may exceed 21,000 square feet, up to a maximum of two
 5 acres provided the district is within 600 feet of a private or public dedicated open space feature, such as a public park, private park, school yard or
 6 playground that is accessible to residents of the SR-5 district, any of which shall be a minimum of two acres or more in size. For purposes of
 7 identifying a single SR-5 zoning district, parcels adjacent to one another that are, or will be, the same zoning classification shall be deemed to be
 8 within the same zoning district and, therefore, shall be subject to the maximum size limitation.

9 Section 9. Amendment.

10 Section 20-0504.D.2 of Article 20-05 of Chapter 20 (Land Development Code) of the
 11 Fargo Municipal Code is hereby amended to read as follows:

12 **2. Setback Averaging**

13 In a block where the average front setback of existing buildings within 100 feet of the
 14 subject lot is not more than 6 feet greater or 6 feet less than the front setback
 15 requirement for the zoning district in which such block is located, the front setback
 16 for the proposed building shall be set at such average depth. Where such average
 17 depth is more than 6 feet greater or 6 feet less than the front setback required for such
 18 district, this average setback requirement may be waived by the Board of Adjustment
 19 and a different requirement established by the Board of Adjustment. When a block is
 20 zoned in different zoning districts, the front setback requirements of the district that
 21 requires the greater front setback shall apply along its entire length. Setback
 22 averaging is not required in a UMU, University Mixed-Use, District.

23 Section 10. Amendment.

Sections 20-0609.A of Article 20-06 of Chapter 20 (Land Development Code) of the
 Fargo Municipal Code is hereby amended to read as follows:

A. Sidewalk Installation Priorities

Sidewalks shall be installed in accordance with the following Table 20-0609-1, which sets
 out the City's priorities for sidewalk installation.

Table 20-0609-1

Functional Classification	Traffic Volume (ADT)	Zoning Districts		
		AG-NC, UMU	LC-GC	LI-GI
Sidewalk Priority				
Local	0-2,499	Medium[3]	High	Medium[1]

[3] Waivers allowed in accordance with Article 18-02.

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Functional Classification	Traffic Volume (ADT)	Zoning Districts		
		AG-NC, UMU	LC-GC	LI-GI
Local Collector	2,500-4,999	High	High	Medium[1]
Collector	5,000-9,999	High	High	Medium[1]
Minor Arterial	10,000-19,999	High	High	Medium[1]
Principal Arterial	20,000-29,999	High	High	Medium[1]

Section 11. Amendment.

Sections 20-0611.G, I and J of Article 20-06 of Chapter 20 (Land Development Code) of the Fargo Municipal Code is hereby amended to read as follows:

G. Geometric Standards

The geometric design standards of this section apply to all streets.

1. Right-of-Way and Pavement Widths

The right-of-way and pavement width standards of Table 20-0611-1 apply to all streets.

Table 20-0611-1

Urban Street Standards										
Functional Classification	Category	Lanes	Zoning Classifications	Parking	Paving Width ⁽¹⁾ Face of Curb (FOC) (Ft)	Sidewalks			R/W (FT)	Notes
						Right (FT)	Left (FT)	Location		
Local	L-1	2	SR-0 thru 3 SR-4 > 42' wide	Both Sides	32	4.5	4.5	2' off R/W	70	Sidewalk plan required per LDC
				Both Sides	30	4.5	4.5	2' off R/W	66	
				One Side	28	4.5	4.5	2' off R/W	62	
				None	24	4.5	4.5	2' off R/W	50	
				None	24	4.5	None	On R/W	50	
	L-2	2	SR-4 < 42' wide MR-1, UMU	Both Sides	32	4.5	4.5	2' off R/W	70	
				One Side	28	4.5	4.5	2' off R/W	62	
				None	24	4.5	4.5	2' off R/W	60	
	L-3	2	MR-2 & MR-3	Both Sides	40	4.5	4.5	2' off R/W	80	
				One Side	32	4.5	4.5	2' off R/W	70	
	L-4	2	GO Tech Park	Both Sides	40	4.5	4.5	2' off R/W	80	
				One Side	32	4.5	4.5	2' off R/W	70	
				None	28	4.5	4.5	2' off R/W	70	
	L-5	2	LC, GC, GI, LI	Both Sides	40	4.5	4.5	2' off R/W	80	Wider Streets as warranted by traffic Parking restrictions as needed for traffic

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Urban Street Standards										
Functional Classification	Category	Lanes	Zoning Classifications	Parking	Paving Width ⁽¹⁾ Face of Curb (FOC) (Ft)	Sidewalks			R/W (FT)	Notes
						Right (FT)	Left (FT)	Location		
Collector	C-1	2	All SR & MR-1, <u>UMU</u>	Both Sides	40	4.5	4.5	2' off R/W	80	Parking restrictions at major intersections Widen to 3 lanes (36') at major intersections Widen to 3 lanes (36') at major intersections
				One Side	32	4.5	4.5	2' off R/W	80	
				None	30	4.5	4.5	2' off R/W	80	
	C-2	2	MR-2 & MR-3	Both Sides	44	4.5	4.5	2' off R/W	80	Parking restrictions at major intersections Parking restrictions at major intersections Widen to 3 lanes (36') at major intersections
				One Side	36	4.5	4.5	2' off R/W	80	
				None	30	4.5	4.5	2' off R/W	80	
	C-3	2	All Others	Both Sides	44	4.5	4.5	2' off R/W	80	Parking restrictions at major restrictions Parking restrictions at major intersections Widen to 3 lanes (36') at major intersections
				One Side	36	4.5	4.5	2' off R/W	80	
				None	32	4.5	4.5	2' off R/W	80	
	C-4	3	All SR & MR	None	36	4.5	8	2' off R/W	80	Wider streets as warranted by traffic
				None	40	4.5	8	2' off R/W	80	
Parkway	PW-1	2	All SR & MR-1	Both Sides	40	4.5	8	2' off R/W	110	Parking restrictions at major intersections Widen to 3 lanes (36') at major intersections Widen to 3 lanes (36') at major intersections
				One Side	32	4.5	8	2' off R/W	100	
				None	30	4.5	8	2' off R/W	100	
	PW-2	2	MR-2 & MR-3	Both Sides	44	4.5	8	2' off R/W	110	Parking restrictions at major intersections Parking restrictions at major intersections Widen to 3 lanes (36') at major intersections
				One Side	36	4.5	8	2' off R/W	100	
None				30	4.5	8	2' off R/W	100		
PW-3	2	All others	Both Sides	44	4.5	8	2' off R/W	110	Parking restrictions at major intersections Parking restrictions at major intersections Widen to 3 lanes (36') at major intersections	
			One Side	36	4.5	8	2' off R/W	100		
			None	32	4.5	8	2' off R/W	100		
PW-4	2	All Zones	Both Sides	60	4.5	8	2' off R/W	120	City to pay for tree planting	
PW-5	3	All SR & MR	None	36	4.5	8	2' off R/W	100	City to pay for tree planting	

- Notes:**
1. Street and R/W widths for PI zones will be determined by type of land use.
 2. Street and R/W widths for NO and NC will be based on zoning of the adjacent larger tracts.
 3. R/W widths may be reduced if sidewalks are removed as part of an LDC approved sidewalk plan. R/W widths may be reduced by 6' by elimination of

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Urban Street Standards										
Functional Classification	Category	Lanes	Zoning Classifications	Parking	Paving Width ^[1] Face of Curb (FOC) (Ft)	Sidewalks			R/W (FT)	Notes
						Right (FT)	Left (FT)	Location		
sidewalk on one side or 12' by elimination of sidewalks on both sides.										
4. Minimum R/W shall be 50'.										
5. Over width city funding does not apply to street widening required for parking purposes.										
Rural Street Standards										
Type		Lanes	Zoning Classifications	Parking	Width		Ditches		R/W (FT)	Notes
6	PW-6	3	All others	None	40	4.5	8	2' off R/W	100	City to pay for tree planting
Arterial			All zones	None	As required					
					Paved	Width	Inslope	Backslope		
Local		2	SR & MR	None	26	8	5 to 1	4 to 1	100	
		2	All others	None	26	10	5 to 1	4 to 1	100	
Arterial		2	All Others	None	30	10	5 to 1	4 to 1	100	

2. Backing onto Arterial Streets

Driveways must be designed and arranged so as to avoid requiring vehicles to back on to arterial streets.

3. Grades, Curve Radii and Other Standards

The street grade, curve radii and other standards of Table 20-0611-1 apply to all streets.

Table 20-0611-2

Improvement	Residential (UMU, MR-3 and more restrictive)	Nonresidential (NO and less restrictive)
Maximum Grade (pct)		
Local	5	5
Collector	5	5
Arterial	5	5
Minimum Grade (pct)		
All streets	0.4	0.4
Minimum Centerline Radius of Curve (feet)		
Local	100	200
Collector	275	275
Arterial	550	550
Minimum Tangent Length Between Reverse Curves (feet)		
Local	100	200

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Improvement	Residential (UMU, MR-3 and more restrictive)	Nonresidential (NO and less restrictive)
Collector	100	200
Arterial	300	400
Minimum Sight Distance (feet)		
Local	200	250
Collector	240	250
Arterial	300	400
Intersection	Across corners-25 ft back	Across corners-25 ft back
Minimum Turnaround (feet)		
Right-of-Way Diameter	140	160
Pavement	100	140
Design Speed (miles per hour)		
Local	30	30
Collector	35	35
Arterial	40	50
Maximum Length of Cul-de-Sac		
Permanent	600 feet, measured from the nearest street right-of-way line to the end of the nearest turnaround radius.	
Temporary	800 feet, measured from the nearest street right-of-way line to the end of the nearest turnaround radius.[1] A double entry cul-de-sac may exceed the stated maximum, if approved by the City Engineer.	

[1] The Planning Commission may approve waivers from the cul-de-sac length standards with it finds (1) that extraordinary hardships or practical difficulties will result from strict compliance with the cul-de-sac length standards and (2) that the purposes of these regulations will be served to a greater extent by an alternative proposal. Waiver requests shall be considered during the Subdivision Plat review process.

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I. Curbs

The curb standards of Table 20-0611-3 apply to all streets.

Table 20-0611-3

Functional Classification	Volume (ADT)	Zoning Districts	
		AG - MR-3, UMU	NO - GI
Required Curb Type			
Local	0-2,499	Mountable	Standard
Local Collector	2,500-4,999	Mountable	Standard
Collector	5,000-9,999	Standard	Standard
Minor Arterial	10,000-19,999	Standard	Standard
Principal Arterial	20,000-29,999	Standard	Standard

J. Railroads and Limited Access Highways

Subdivisions adjacent to railroad rights-of-way or limited access highways shall be treated as follows:

1. Residential Districts

In UMU, MR-3 and more restrictive districts a buffer strip at least 15 feet in depth in addition to the normal depth of the lot required in the district must be provided adjacent to the railroad right-of-way or limited access highway. This buffer must be included in the lot area owned and maintained by the owner.

Section 12. Amendment.

Section 20-0701.A.3 of Article 20-07 of Chapter 20 (Land Development Code) of the Fargo Municipal Code is hereby amended to read as follows:

3. UMU Exemption for Nonresidential and UMU Reduction for Residential

While no regulatory intent is implied herein, the responsibility clearly falls upon the applicant to review and understand, using professional consultation as appropriate, the parking needs of the development and to provide for the availability of sufficient parking, either onsite or offsite, which meets the minimum demands of the intended

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1 use. However, the minimum parking standards for properties in a UMU zoning
 2 district are indicated below.

3 a. All nonresidential uses in a UMU zoning district shall be exempt from the off-
 4 street parking and loading standards of this section.

5 b. All residential development within a UMU zoning district, shall be required 1.25
 6 parking stalls per dwelling unit. One stall per dwelling unit shall be reserved full
 7 time.

8 ***

9 Section 13. Amendment.

10 Section 20-0702.A of Article 20-07 of Chapter 20 (Land Development Code) of the
 11 Fargo Municipal Code is hereby amended to read as follows:

12 **A. Access to Streets**

13 Access to streets shall be allowed as follows, unless otherwise restricted by negative access
 14 easements or other limitations as indicated on the plat.

Functional Classification	Typical Volume Range (ADT)	Zoning Districts ^[7]	
		AG-Through MR-3	NO Through P/I
Local	0-499	Allowed ^[1]	Allowed ^[1]
Local Collector	2,500-999	Limited ^[2]	Limited ^[2]
Collector	5,000-999	Limited ^[3]	Limited ^[4]
Minor Arterial	10,000-9,999	Limited ^[5]	Shared ^{[5][6]}
Principal Arterial	20,000 or more	Limited ^[5]	Limited ^{[5][6]}

15 [1] Access allowed provided that at corner lots in SR zoning districts access is at least 15 feet from block corner and
 16 at corner lots in UMU, MR and nonresidential zoning districts access is at least 75 feet from block corner.
 17 Driveway spacing in NO-GI districts shall be a minimum of 50 feet.

18 [2] Access allowed provided that at corner lots in SR zoning districts access is at least 40 feet from block corner and
 19 in MR and nonresidential zoning districts access is at least 75 feet from block corner. Driveway spacing in UMU, MR
 20 and NO-GI districts shall be a minimum of 50 feet.

21 ***

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1 Section 14. Amendment.

2 Sections 20-0705.C.3 and 4 and D.3 of Article 20-07 of Chapter 20 (Land Development
3 Code) of the Fargo Municipal Code are hereby amended to read as follows:

4 **C. Open Space Landscaping**

5 **1. Applicability**

6 The Open Space Landscaping standards of this subsection shall apply to all
7 development in SR-3 or SR-4 developments containing three or more attached
8 dwelling units and in all MR-1 and more intensive zoning districts.

9 **2. Relationship to Other Landscaping Standards**

10 Landscaping provided to meet the Street Tree or Parking Lot Perimeter Landscaping
11 standards of this section may not be counted towards meeting a project's Open Space
12 Landscaping requirements. Open Space Landscaping may be placed within the interior
13 of off-street parking areas, in which case the landscaping shall be counted toward
14 meeting the project's Open Space Landscaping requirements.

15 **3. Plant Units Required**

16 **a. Residential Districts and UMU zoning district**

17 Within residential and institutional zoning districts and a UMU zoning district, at
18 least three (3) plant units shall be provided for each 1,000 square feet of lot area
19 or fraction thereof, and eight (8) square feet per plant unit shall be provided.

20 ***

21 **4. Location of Plant Units**

22 A minimum of 70 percent of the plant units required pursuant to this subsection shall
23 be installed in required front or street side setback areas. In a UMU zoning district,
 said 70 percent requirement shall not apply.

D. Parking Lot Perimeter Landscaping

1. Applicability

All off-street parking areas shall be subject to the Parking Lot Perimeter Landscaping standards of this subsection. The standards do not apply to areas used for storing vehicles or equipment in conjunction with a vehicle sales or rental establishment.

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2. Relationship to Other Landscaping Standards

Landscaping provided to meet Street Tree or Open Space Landscaping standards shall not be counted towards meeting the Parking Lot Perimeter Landscaping requirements.

3. Paving setbacks.

For the purpose of providing space for pedestrian and bicycle circulation, and creating opportunities for planting buffers, parking lots and vehicular circulation areas shall provide a paving setback in accordance with the following table:

UMU Zoning District	
Location	Setback Minimum (feet)
<u>Street side</u>	<u>15</u>
<u>Interior Side</u>	<u>8</u>
<u>Rear side</u>	<u>6</u>

Section 15. Amendment.

§20-0910 Site Plan Review

A. Applicability

The Site Plan review procedures of this section shall apply to:

1. Any development that is subject to the Residential Protection Standards of Sec. 20-0704 if it will result in the addition of more than 50,000 square feet of gross floor area, whether through new construction or building enlargement;
2. Any development involving the addition of more than 100,000 square feet of gross floor area, whether through new construction or building enlargement;

Commentary

Although Site Plans may be required with applications for other forms of development approval (e.g. Conditional Use Permits), those plans shall be reviewed in accordance with the respective development review procedure. When Site Plans are reviewed in conjunction with other forms of development approval, separate Site Plan Review under the procedures of this section will not be required.

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- 1 3. Any development involving the addition of more than 250 off-street parking spaces;
- 2 4. Any development on a site with an area of 200,000 square feet or more;
- 3 5. Any development involving more than one principal building on a single site if the
- 4 total floor area of all of the buildings on the site exceeds 50,000 square feet;
- 5 6. Any development in ~~the~~ DMU zoning district;
- 6 7. Any development in a UMU zoning district; and
- 7 8. Any other use or development expressly requiring Site Plan Review by other
- 8 provisions of this Land Development Code.

Section 16. Effective Date.

This ordinance shall be in full force and effect from the and after its passage, approval and publication.

Dennis R. Walaker, Mayor

(Seal)

Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Reading:
Publication:

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