

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:

20-0216 UMU, University Mixed-Use District

A. Description:

1. The UMU district is intended to provide for the location and grouping of compatible uses. The appropriate location for this district will meet three factors. 1) The location will be in close proximity to a university or campus setting. The term campus includes large medical or business settings. 2) The location will have access to public transportation routes and alternative transportation corridors. 3) The location will be in a setting where the neighborhood is in transition from owner-occupied housing to rental housing or where blighted conditions are present.
2. The objective of the zoning district is to encourage high-quality, durable, and long-lasting investments in order to enhance the quality of life and discourage blight. To achieve this objective, the University Mixed-Use zoning district allows higher overall residential density and limited commercial uses while incorporating design standards to achieve quality housing. Development is intended to be pedestrian oriented and neighborhood friendly. Use of pedestrian scale components will be incorporated into architectural details, attractive streetscapes and safe traffic movements. The intent of the district is to promote high quality mixed-use development in certain neighborhoods, while preserving the single-family owner occupied housing within the neighborhood.
3. A zoning map amendment to a UMU, University Mixed-Use, District may not be 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.

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 except the use of commercial parking 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.

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.

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

c. Ground-Floor Transparency

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

d. Articulation

(1) Offsets

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

(2) Architectural features

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

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.

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

2. a. Recordation of Approved Alternative Design.

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

b. Violations.

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

Section 2. Amendment.

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

§20-0201 General

A. Districts Established

The following base zoning districts are hereby established:

1. AG, Agricultural
2. SR-0, Single-Dwelling Residential
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
- ~~12.~~ MHP, Mobile Home Park
- ~~13.~~ NO, Neighborhood Office
- ~~14.~~ NC, Neighborhood Commercial

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	
Advertising Signs			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/C [B]	P/C [B]	P/C [B]	P/C [B]	P [B]
Parking, Commercial	parking that is not accessory to a specific use...fees may or may not be charged		-	-	-	-	-	-	-	-	-	-	P/C [S]	-	-	-	-	P	P	P	P	P
Recreation and Entertainment, Outdoor	large, generally commercial uses that provide continuous recreation or entertainment oriented activities		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P	P	
Retail Sales and Service	firms involved in the sale, lease or rental of new or used products to the general public...they may also provide personal services or entertainment, or provide product repair or services for consumer and business goods		-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	P	P	P	P	
Self-Service Storage	uses providing separate storage areas for individual or business uses		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/C [J]	-	P	P	
Vehicle Repair	service to passenger vehicles, light & medium trucks & other consumer motor vehicles, generally, the customer does not wait at the site while the service or repair is being performed		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/C [L]	P/C [L]	P	P	
Vehicle Service, Limited	direct services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is performed		-	-	-	-	-	-	-	-	-	-	P/C [M]	-	-	-	-	P	P/C [M]	P	P	
Industrial																						
Industrial Service	firms engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C [Q]	C [R]	P [F]	
Manufacturing and Production	firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P	

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
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			-	-	-	-	-	-	-	-	-	-	-	-	-	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.

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]	C [N]	P/C [N]	P/C [N]	P [N]		
		Greater than 125 ft in height	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C [N]	C [N]	[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]	P/C [N]	P [N]
		TSSs supported by Guy wires	C [N]	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[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]	C [N]	[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

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

2. Attached Telecommunications Facilities

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

3. Telecommunications Support Structures

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

- a. As provided by Sec. 20-0402, TSSs of no more than 125 feet in height are permitted in GC, LI and GI zoning districts subject to use-specific standards, including:
 - (1) No TSS may be located closer than 300 feet from the base of the TSS to 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 one other 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.

- 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:

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

2. Front and Street Side Setbacks and Yards

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

3. Rear Setback

- a. In zoning districts other than UMU, Wwhen located within the rear yard area, 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.
- b. In a UMU district, accessory structures, other than fences or walls shall meet the 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.

4. Interior Side Setback

- a. In zoning districts other than UMU, Nno accessory structure, other than a fence or wall, may be located within a required interior side setback, except that garages and parking structures accessory to multi-dwelling development in all MR 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 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.
- b. In a UMU zoning district, accessory structures, other than fences or walls, shall meet the interior side setback requirements of Sec. 20-0501.

5. Setbacks from Public Easements

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

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

a. Residential Districts

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

b. AG, SR-0 and Nonresidential Districts

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 district, unless expressly authorized by this Land Development Code.

c. Fences, Walls and Closely Grown Hedges.

- (1) Within SR, MR, UMU, NC and NO zoning districts, restrictions on the height of fences, walls and closely grown hedges shall be as follows:
 - (a) in any front yard no fence, wall or hedge shall exceed 3 feet in height, provided however, that fences that are at least 75% light-permeable may exceed 3 feet, but may not exceed 4 feet in height;
 - (b) in any street side yard or interior sideyard from the front property line extending the length of the front-yard setback distance or to the front of any existing house or other principal building, whichever length is greater, no fence, wall or hedge shall exceed 3 feet in height, provided however, that fences that are at least 75% light-permeable may exceed 3 feet, but may not exceed 4 feet in height;
 - (c) in any street side yard or interior side yard from the point identified in subparagraph (b) hereof to the rear property boundary or in any rear yard no fence, wall or hedge shall exceed 6.5 feet in height; and,
 - (d) in any rear yard, any fence, wall, or hedge located at least three feet from the property line may exceed 6.5 feet, but may not exceed 8.5 feet.
- (2) Within LC, GC, DMU, LI and GI zoning districts, restrictions on the 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, 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.

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

D. Freestanding Non-Commercial Telecommunications Support Structures

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

1. The maximum permitted height of a TSS for non-commercial antennas in an AG, SR, MR, UMU, NC, or NO zoning district or on a site with residential land use is a total of 50 feet, as measured from the ground to the top of the TSS. The maximum height of masts and/or antennas mounted on the TSS is 30 feet, for a total maximum height of 80 feet.
2. In an AG, SR, MR, UMU, NC, or NO zoning district, or on a site with residential land use, a TSS of greater than 50 feet, up to a maximum of 70 feet, as measured from the ground to the top of the TSS is a conditional use. The maximum height of masts and/or antennas mounted on the TSS is 30 feet, for a total maximum height of 100 feet. Factors for considering approval of a conditional use for TSSs exceeding 50 feet in height include:
 - a. Existence of a structure within 300 feet of the TSS, which will create interference with antenna operations.
 - b. Tree heights in the yard where the TSS is to be located or in immediately adjacent yards are such that they will interfere with ham radio operations.
 - 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.

Section 8. Amendment.

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

§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 <u>Max.</u>	1.0 <u>Max.</u>	2.9 <u>Max.</u>	5.4 <u>Max.</u>	8.7 <u>Max.</u>	12.1 <u>Max.</u>	14.5 <u>Max.</u>	16.0 <u>Max.</u>	20.0 <u>Max.</u>	24.0 ^[1] <u>Max.</u>	<u>18.0</u> <u>Min.</u>
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>2,420</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.

[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 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 area of the building.

[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 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 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 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 within the same zoning district and, therefore, shall be subject to the maximum size limitation.

Section 9. Amendment.

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

2. Setback Averaging

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

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.

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	

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 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	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	
C-5	3	All others	None	40	4.5	8	2' off R/W	80		Wider streets as warranted by traffic	
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 20' median and two 20' roadways	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

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
	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
Collector	100	200

Improvement	Residential (<u>UMU</u> , MR-3 and more restrictive)	Nonresidential (NO and less restrictive)
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.

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, <u>UMU</u>	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 use. However, the minimum parking standards for properties in a UMU zoning

district are indicated below.

- a. All nonresidential uses in a UMU zoning district shall be exempt from the off-street parking and loading standards of this section.
- b. All residential development within a UMU zoning district, shall be required 1.25 parking stalls per dwelling unit. One stall per dwelling unit shall be reserved full time.

Section 13. Amendment.

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

A. Access to Streets

Access to streets shall be allowed as follows, unless otherwise restricted by negative access 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]}

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

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

Section 14. Amendment.

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

C. Open Space Landscaping

1. Applicability

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

2. Relationship to Other Landscaping Standards

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

3. Plant Units Required

a. Residential Districts and UMU zoning district

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

4. Location of Plant Units

A minimum of 70 percent of the plant units required pursuant to this subsection shall 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.

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:

<u>UMU Zoning District</u>	
<u>Location</u>	<u>Setback Minimum (feet)</u>
<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;
3. Any development involving the addition of more than 250 off-street parking spaces;

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.

4. Any development on a site with an area of 200,000 square feet or more;
5. Any development involving more than one principal building on a single site if the total floor area of all of the buildings on the site exceeds 50,000 square feet;
6. Any development in ~~the~~ DMU zoning district;
7. Any development in a UMU zoning district; and
8. Any other use or development expressly requiring Site Plan Review by other 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: