

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 5042

AN ORDINANCE REPEALING AND REMOVING THE CONDITIONAL USE PERMIT
AND ESTABLISHING A PLANNED UNIT DEVELOPMENT
MASTER LAND USE PLAN AND FINAL PLAN
ON CERTAIN PARCELS OF LAND LYING IN ROCKING
HORSE EAST 2ND ADDITION
TO THE CITY OF FARGO

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the proposed Planned Unit Development Master Land Use Plan and Final Plan of certain parcels of land lying in Rocking Horse East 2nd Addition, Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission approved the request for approval of the planned unit development, consisting of both the master land use plan and final plan for development, on June 7, 2016; and

WHEREAS, the Planned Unit Development, consisting of both the master land use plan and final plan for development, was approved by the City Commission on July 5, 2016,

NOW, THEREFORE,

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

Section 1. The Conditional Use Permit that was established on the following-described property located in Rocking Horse East 2nd Addition, Fargo, Cass County, North Dakota as follows:

Lot Five (5), Block One (1), Rocking Horse East 2nd Addition, to the City of Fargo,
North Dakota;

is hereby repealed and removed.

Section 2. There is a Planned Unit Development Master Land Use Plan and Final Plan established on the following-described property located in Rocking Horse East 2nd Addition, Fargo, Cass County, North Dakota as follows:

Lots Five (5) through Seven (7), Block One (1), Rocking Horse East 2nd Addition,
to the City of Fargo, North Dakota;

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1. Signage
 - a. No off-premise signage
 - b. No temporary or portable signs
 - c. No pylon signs
2. Lighting
 - a. Lighting shall no exceed 0.4 foot candles at a distance of one foot or more beyond the property's perimeter.
3. Nuisances As Outlined Below
 - a. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any Lot that will emit foul odors, including compost sites and fertilizer. All garbage containers, including dumpsters, shall be concealed behind approved fence, screen wall or building extension. Trailers filled with debris must be covered at all times, and be placed behind screened fenced area at all times.
4. Outdoor Storage
 - a. Outdoor Storage areas shall not cover more than 50% of the open space of the development.
 - b. Outdoor Storage areas shall not be located within the front setback area of the development.
 - c. Outdoor Storage areas shall be fenced in a manner that is not visible from public right of way and shall have fence heights that will visually block any items stored within. (Fences over 8.5 feet in height must follow the required building setbacks of GC – General Commercial zoning.)
5. Parking
 - a. All off-street parking spaces, traffic circulation areas, and outdoor storage areas shall be paved with asphalt or concrete.
 - b. All service vehicles will be located inside a building or screened/fenced area after business hours.

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- c. No truck parking in front setback or from any side of the development directly visible from residentially zoned property.
- 6. Landscaping/Fencing
 - a. The residential protection buffer on the north side will consist of two evergreen trees and 13 shrubs every 30 linear feet planted on a 3 to 1 earthen berm within the provided 25-foot area in the rear in all areas not designed for drainage.
 - b. 20-0302.F.3 at least 10% of the gross land area in a PUD shall consist of open space.
 - c. All storage areas and areas between buildings, if any, located on lots 5, 6 and 7, Block 1, Rocking Horse East 2nd Addition will have a white, vinyl, 8-foot-high fence with a 16-inch picket fence top rail at the north side of the property to match existing fence on lot 5. This fence will be installed for security and privacy purposes as the properties are developed.
- 7. Architectural materials, colors and building design must be compatible to the original building.

20-0402 R. Industrial Uses in General Commercial Zoning

- 1. Within GC zoning districts, Industrial Service, Manufacturing and Production, Warehouse and Freight Movement, and Wholesale Sales shall be allowed uses under the following conditions:
 - a. All outdoor storage areas must be fenced with a 6-foot-high opaque fence.
 - (1) Outdoor storage areas shall not cover more than 50 percent of the open space of the development.
 - (2) Outdoor storage areas shall not be located within the front setback area of the development.
 - b. No truck parking will be allowed in the front setback area, or on any side of the development directly visible from residentially zoned property. Truck parking areas directly visible from rights-of-way shall be buffered with an opaque fence or continuous hedge and large tree species placed 35 feet on center. Trees shall be a minimum of 1.5-inch caliper at the time of installation and do not count toward open space or parking lot buffer requirements.

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- c. No truck docks or unloading areas will be allowed in the front, or any side of the development directly visible from residentially zoned property or street rights-of-way. Unloading and docking areas visible from rights-of-way shall be buffered with an opaque fence or continuous hedge and large tree species placed 35 feet on center. Trees shall be a minimum of 1.5-inch caliper at the time of installation and do not count toward open space or parking lot buffer requirements.
- d. These standards do not apply to aggregate or soil and/ or construction debris storage, concrete hatching, or asphalt mixing uses listed under industrial service. Therefore, aggregate storage, concrete hatching, and asphalt mixing are prohibited in the GC zoning district.

Section 3. The City Auditor is hereby directed to enter the Planned Unit Development on the zoning map now on file in his office so as to conform with and carry out the provisions of this ordinance.

Section 4. This ordinance shall be in full force and effect from and after its passage and approval.

/s/
Timothy J. Mahoney, Mayor

(SEAL)
Attest:

/s/
Steve Sprague, City Auditor

First Reading: 7-5-16
Second Reading: 7-18-16
Final Passage: 7-18-16