

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4807

AN ORDINANCE AMENDING SECTION 20-0402.E
OF ARTICLE 20-04 OF CHAPTER 20 OF
THE FARGO MUNICIPAL CODE (LAND DEVELOPMENT CODE)
RELATING TO USE 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. Amendment.

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

* * * * *

E. Household Living/Group Living

1. A Conditional Use Permit shall be required for Group Living Uses in zoning districts other than MR or UMU and in ~~in~~ acting upon such Conditional Use Permit requests for Group Living Uses, ~~in any zoning district~~, the Planning Commission shall consider the following factors:
 - a. Whether or not the dwelling unit meets all building, housing, and fire codes of the City;
 - b. Whether or not the property has off-street parking space for every vehicle which is owned, possessed or utilized by occupants of the building. Such parking spaces must meet all applicable standards of the City;

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- 1 c. The general condition of the building and whether or not it is in need of
substantial repairs or renovation; and
- 2
- 3 d. Whether or not the requested occupancy is compatible with the neighborhood and
will not create undue density and congestion.

4 Said factors need be considered only when the Planning Commission is considering a
5 request for a Conditional Use Permit.

- 6 2. In MR Zoning districts, Group Living uses in MR districts are permitted by right,
7 provided such uses shall be subject to the maximum density standards of the
8 underlying zoning district. For the purpose of interpreting this standard, each 4-
9 person sleeping capacity shall be considered one dwelling unit.

10 Section 2. Penalty.

11 A person who willfully violates this ordinance is guilty of an infraction. Every person,
12 firm or corporation violating an ordinance which is punishable as an infraction shall be punished
13 by a fine not to exceed \$500; the court to have power to suspend said sentence and to revoke the
14 suspension thereof.

15 Section 3. Effective Date.

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

18 
Dennis R. Walaker, Mayor

19 (Seal)

20 Attest:

21 
Steven Sprague, City Auditor

22 First Reading: 01-09-2012
23 Second Reading: 01-23-2012
Final Reading: 01-23-2012
Publication: 01-30-2012