



PLANNING AND ZONING COMMISSION

MEETING AGENDA December 20, 2023

Tom Baker Meeting Room	5:00 p.m.	City-County Office Building
The City of Bismarck is encouraging citizens to provide their comments for public hearing items on the Planning & Zoning Commission agenda via email to planning@bismarcknd.gov. The comments will be sent to the Planning and Zoning Commissioners prior to the meeting and included in the minutes of the meeting. To ensure that comments are compiled and forwarded to the Planning and Zoning Commissioners with enough time to review all comments, please submit your comments no later than 8am the day of the meeting. Comments received after 8am the day of the meeting will not be included for consideration by the Planning and Zoning Commission. Comments should also		include which agenda item number your comment references and your name (anonymous comments will not be forwarded to the Planning & Zoning Commissioners or included in the minutes of the meeting). If you would like to appear via video or audio link for a 3-5-minute comment on a public hearing item, please provide your e-mail address and contact information to planning@bismarcknd.gov at least one business day before the meeting. As always, live meeting coverage is available on Government Access Channels 2 & 602HD, Radio Access 102.5 FM, FreeTV.org, RadioAccess.org, ROKU, Apple TV and Fire TV.

Item No.	Page No.
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MINUTES

1. Consider approval of the minutes of the November 15, 2023 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA CONSIDERATION

The following items are requests for public hearings.

2. **Sonnet Heights Subdivision Eighth Replat (IJ).....6**

Zoning Map Amendment| ZC2023-012 | *Call for Public Hearing*

Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny

Minor Subdivision Final Plat | MPLT2023-006 | *Call for Public Hearing*

Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny



3. **First Responders Third Addition (JW)**.....21

Major Subdivision Preliminary Plat | PPLT2023-003 | *Consideration*

Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny

4. **Home Occupation (DN)**.....28

Zoning Ordinance Text Amendment | ZOTA2023-005 | *Consideration*

Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny

REGULAR AGENDA

PUBLIC HEARINGS

The following items are requests for final action and forwarding to the City Commission.

5. **Hay Creek Township, Lot C, Section 19 and Lot B, Section 30 (LO)**.....56

Annexation | ANNX2023-005 | *Final Consideration*

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

6. **Dimensional Requirements for Residential Accessory Buildings (IJ)**.....67

Zoning Ordinance Text Amendment | ZOTA2023-002 | *Public Hearing*

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

7. **Centennial Park First Addition First Replat (LO)**.....86

Minor Subdivision Final Plat | MPLT2023-007 | *Public Hearing*

Staff recommendation: approve with conditions ☐ approve with conditions ☐ continue ☐ table ☐ deny

OTHER BUSINESS

8. **Recognition of Service for Commissioner Paul Levchak.**
9. **Other**

ADJOURNMENT

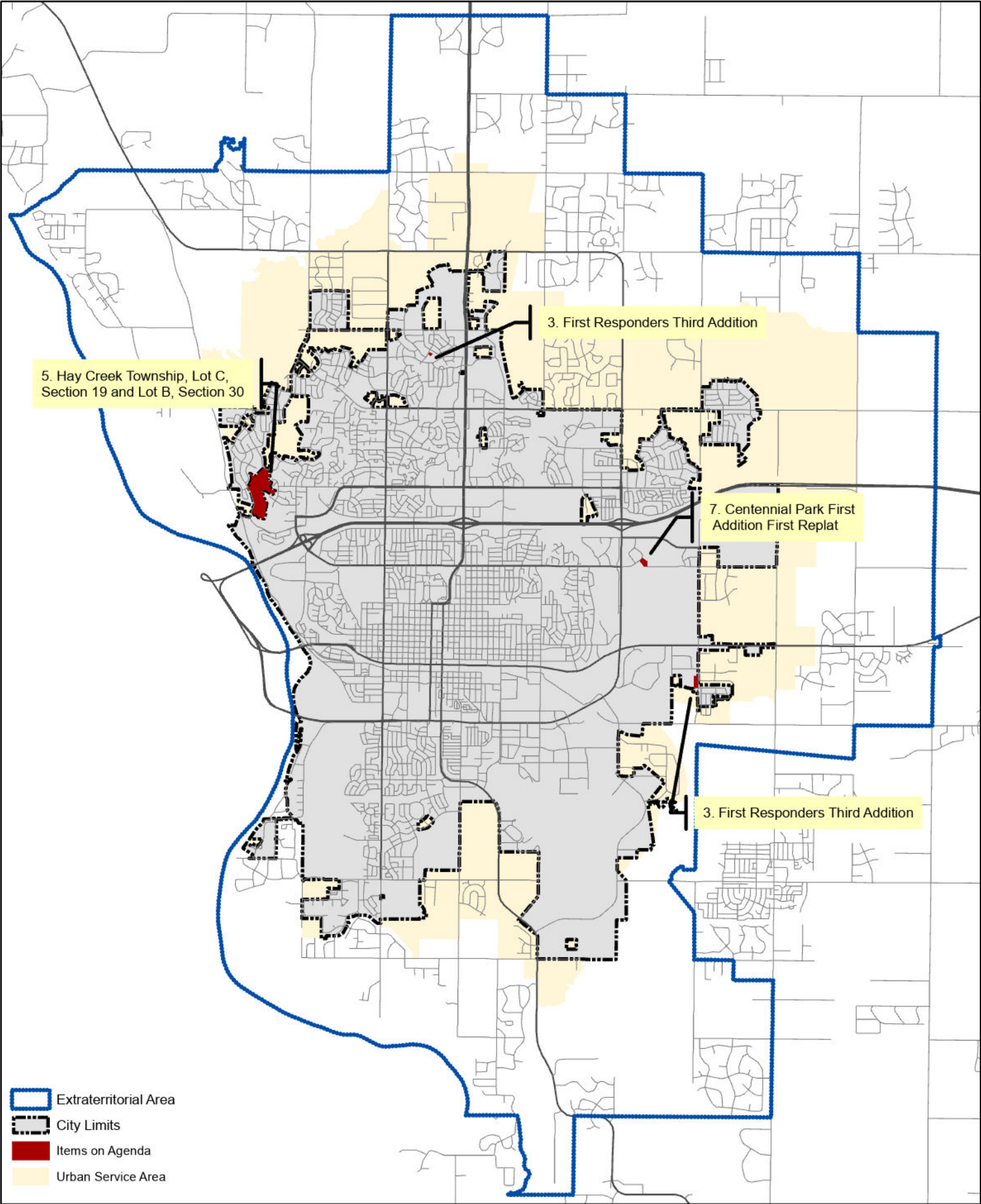
10. **Adjourn.** The next regular meeting date is scheduled for January 24, 2024.

Enclosures: Meeting Minutes of November 15, 2023
Building Permit Activity Month to Date Report for November 2023
Building Permit Activity Year to Date Report for November 2023

BISMARCK PLANNING AND ZONING COMMISSION PUBLIC HEARING PROCEDURE AND PROTOCOL

All public hearings before the Bismarck Planning and Zoning Commission will follow the same basic format. This outline has been prepared to help you understand the procedure and protocol.

1. The Chair of the Planning and Zoning Commission will introduce the item on the agenda and ask staff to present the staff report.
2. The Planner assigned to the file will present the staff report on the item. The presentation will be an overview of the written staff report included in the agenda packet, which is posted on the City's website by the end of the day on the Friday before the meeting.
3. The members of the Planning and Zoning Commission may ask staff questions about the request itself or staff's recommendation, but they will not discuss the request prior to obtaining input from the public.
4. The Chair of the Planning and Zoning Commission will then open the public hearing on the request and ask if anyone would like to speak to the Commission.
5. The applicant or his or her designated agent is usually given the courtesy of speaking first to outline the proposal and/or clarify any information presented by staff. The applicant may speak at this time or wait until others have spoken.
6. The public hearing is then opened to the public to voice their support, opposition or to ask questions about the proposal. Please write your name and address on the sign-in sheet, step up to the podium, speak clearly, state both your first and last names and your address, then your comments. Speaking over the microphone rather than directly into it will provide the best audio quality. Also, please avoid tapping or banging the podium, as the microphone amplifies the sound. Your comments as well as any materials distributed to the Planning and Zoning Commissioners at this time will be made part of the public record. If you would prefer to provide written materials to staff at the beginning of the meeting, we will distribute the materials to the Commission for you.
7. Please be respectful of the Planning and Zoning Commissioners, staff and others speaking on the request. Personal attacks against the applicant or others, clapping/cheering or booing speakers is not acceptable. Staff and the applicant will only respond to questions from the Planning and Zoning Commissioners, not questions directly from those speaking at the public hearing.
8. Everyone who wishes to speak will be given a chance to speak; however, at larger public hearings, the Chair may ask speakers to limit their time at the podium to five minutes, not repeat previous testimony/comments and only speak once. Members of the Planning and Zoning Commission may ask questions of those speaking, but may also listen and deliberate after the hearing is closed.
9. After everyone in the audience wishing to speak has given his or her comments, the Chair will close the public hearing portion for the agenda item. No additional comments from the public are allowed after the hearing has been closed. At this point, the Chair will ask staff if they have any additional information or final comments.
10. The Planning and Zoning Commissioners will then discuss the proposal. They may ask staff or the applicant additional questions or for clarification of items stated during the public hearing. At the conclusion of the discussion, the Commission will make its recommendation or decision.



This map is for reference purpose only and is not intended as a survey or accurate representation of all map features.

STAFF REPORT

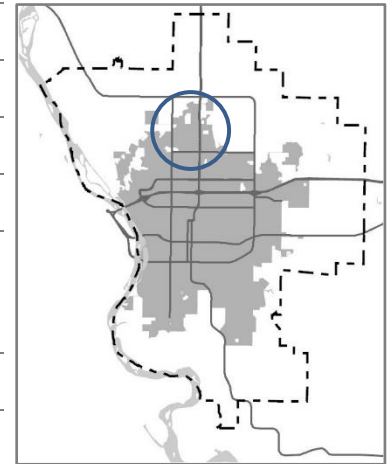
Agenda Item # 2
December 20, 2023

Application for: **Zoning Map Amendment**
Minor Plat

Project ID: **ZC2023-012**
MPLT2023-006

Project Summary

<i>Title:</i>	Sonnet Heights Subdivision Eighth Replat and PUD
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Property Owner(s):</i>	J & D Construction
<i>Project Contact:</i>	Andra Marquardt, Toman Engineering
<i>Project Location:</i>	North Bismarck, along the east side of Normandy Street between Calvert Drive and East Lasalle Drive
<i>Project Size:</i>	1.15 acres, more or less
<i>Applicant Request:</i>	Replat of all of Lot 6, Block 1, Sonnet Heights Subdivision Sixth Replat, and the adjacent Normandy Street Right-of-Way, and rezone to a PUD for future development
<i>Staff Recommendation:</i>	Call for public hearing



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 lot in 1 block	<i>Lots/Blocks:</i>	5 lots in 1 block
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Two-family and row house residential
<i>Future Land Use:</i>	Urban Neighborhood (UN)	<i>Future Land Use:</i>	Urban Neighborhood (UN)
<i>Zoning:</i>	RM30 – Residential	<i>Zoning:</i>	PUD – Planned Unit Development
<i>Uses Allowed:</i>	RM30 – Multi-family residential	<i>Uses Allowed:</i>	PUD – Uses specified in PUD
<i>Max Density:</i>	RM30 – 30 units / acre	<i>Max Density:</i>	PUD – Density specified in PUD

Area Information

<i>Zoning Jurisdiction:</i>	Bismarck City Limits
<i>Township:</i>	N/A (City of Bismarck)
<i>Neighborhood:</i>	Sonnet Heights

Property History

<i>Zoned:</i>	05/2007
<i>Platted:</i>	05/2017
<i>Annexed:</i>	05/2007

Project Narrative

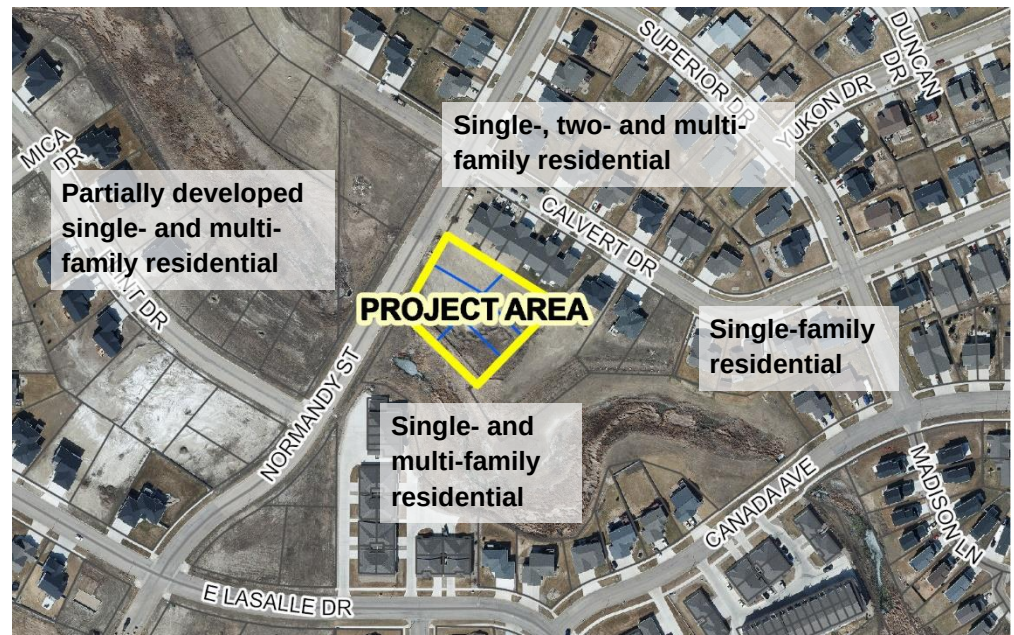
J & D Construction is requesting approval of a minor subdivision final plat and a zoning map amendment for a planned unit development on Lot 6, Block 1, Sonnet Heights Subdivision Sixth Replat. The replat would be titled Sonnet Heights Subdivision Eighth Replat. The applicant would develop the area with a duplex and a tri-plex,

each on their own lot rather than the one lot that currently exists, with shared access and utilities. The primary needs for the PUD request is to reduce the side yard and rear setbacks for one of proposed duplex lots, to reduce the front yard setback for the tri-plex, as well as to include the private access, water and sewer easements.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Urban Neighborhood (UN) in the Future Land Use Plan. The UN areas are places of quiet enjoyment of home life. Goals and objectives of this plan as they relate to minor subdivision final plats and zoning map amendments are referenced in review standards below.

The project area is surrounded by a mixture of land zoned R5 – Residential, R10 – Residential and RM30 – Residential. The adjacent land uses include single-family, two-family, and some multi-family residential areas.

Public Engagement

Public engagement will commence if the Planning and Zoning Commission calls for a public hearing on this request.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

Zoning Map Amendment

The Future Land Use Plan is adhered to with the proposed zoning map amendment ([Future Land Use Plan](#))

Yes. The proposed zoning map amendment is within the area designated as Urban Neighborhood (UN) in the Future Land Use Plan, as described in the Project Context section above. The proposed zoning district would generally conform to the character of this district.

The proposed amendment is compatible with adjacent land uses and zoning ([Goal S10-a](#), [S5-a](#))

Yes. Adjacent uses are described in the project context section above. The proposed zoning district would allow a twin home and a three-unit rowhouse. Development that may be anticipated from the proposed zoning would have no negative impact on the surrounding properties.

A change in conditions or by an error in the zoning map has occurred since the previous zoning classification was established ([Goal S9-e](#))

Yes. The current zoning district of RM30 - Residential was established in May 2007. Conditions have changed since this time.

This area has been replatted multiple times over several decades, primarily to address geographic constraints. With each replat, the area of the existing lot shrunk to its current size. The proposed zoning map amendment would allow for development that would fit the geography and be consistent with existing nearby developments

Undue restriction of housing options or access to neighborhood amenities would not result from the proposed zoning map amendment ([Goal S1-a](#), [Goal T1-c](#))

Yes. The proposed zoning map amendment would enhance the diversity of housing types available to Bismarck residents and would support a mix of uses to create vibrant neighborhoods where necessities and amenities of daily life are easily accessible to all residents.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed zoning map amendment (Section 14-02-01; [NDCC 40-27-03](#))

Yes. The proposed zoning map amendment would support the purpose of the zoning ordinance, as stated in the City Code of Ordinances and North Dakota Century Code.

Proper administrative procedures related to the request are being followed (Section 14-07-02, [NDCC Chapter 40-47](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for a zoning map amendment, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

Planned Unit Development

Together 2045 Bismarck's Comprehensive Plan is adhered to with the proposed Planned Unit Development (Section 14-04-18(3)a)

Yes. the following objectives of the plan would be advanced through the proposed planned unit development.

S6: Encourage a diversity of housing types to meet the variety of household needs in the community.

S10: Support the arrangement of compatible land uses to minimize adjacent conflicts.

G1: Encourage infill and redevelopment of land already connected to municipal services.

T3: Ensure that the variety and quality of housing is aligned with the needs of the community.

Adequate buffer areas have been provided between any noncompatible land uses (Section 14-04-18(3)b)

Yes. There are no uses adjacent to this proposed planned unit development that are incompatible and require a buffer.

Natural features of the site would be preserved, inasmuch as possible, including the preservation of trees and natural drainage ways (Section 14-04-18(3)c)

Yes. Directly adjacent to the project area, to the southwest, there is a coulee used for stormwater detention. The proposed planned unit development incorporates these existing natural features into the design of the development to the greatest extent feasible. Development would be adjacent to the coulee but would not take place within the coulee itself.

The internal roadway circulation system within the planned unit development has been adequately designed for the type of traffic that would be generated (Section 14-04-18(3)d)

Yes. The proposed planned unit development is served by Normandy Street and a private access easement to the three units on the eastern side of the PUD.

The character and nature of the proposed planned unit development contains a planned and coordinated land use or mix of land uses that are compatible and harmonious with the area in which it is located (Section 14-04-18(3)e)

Yes. The proposed planned unit development contains only residential land uses, specifically a twin home and a three-unit rowhouse. These uses, as designed and laid out in the proposed layout in the proposed planned unit development, would be compatible and harmonious with the surrounding area.

The public health, safety and general welfare will not be adversely impacted by the proposed zoning map amendment (Goal S10-a)

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed zoning map amendment

would not adversely impact the public health, safety, and general welfare.

Minor Subdivision Final Plat

Dimensional standards of the zoning ordinance are met with the proposed subdivision (Title 14)

Yes. All lots meet area and width requirements of the zoning district within which they are located, and there is sufficient space within each lot for anticipated buildings to meet density, setback, and lot coverage requirements. The proposed planned unit development reduces the side yard setback for one unit, while all other setbacks are consistent with these building types in their standard zoning districts.

Stormwater runoff impacted by this subdivision is adequately managed to protect public and private investments and the natural environment (Goal 15, Section 14.1-04-03);

Yes. There is a plan to manage any stormwater runoff generated by this subdivision. The post-construction stormwater management permit (PCSMP) has been conditionally approved by the City Engineer.

Technical specifications required of the final plat have been met (Section 14-09-07)

Yes. The proposed final plat contains the required information to ensure an accurate and timely review by staff, the Planning and Zoning Commission, and the general public.

Proper administrative procedures related to the request are being followed (Section 14-09-04)

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for final plat approval, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning

(continued)

Commission. A public hearing has been scheduled for this request, and all requirements for notice of this hearing have been met, as documented in this report above.

Creation of any new lots in the City of Bismarck is subject to development capital charges for municipal utilities. Utility capital charges will be due prior to recordation of the plat.

The public health, safety and general welfare will not be adversely impacted by the proposed subdivision (Goal S10-a)

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed subdivision would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends calling for a public hearing for the replat of all of Lot 6, Block 1, Sonnet Heights Subdivision Sixth Replat, and the adjacent Normandy Street Right-of-Way (to be titled Sonnet Heights Subdivision Eighth Replat), and for the rezone to a PUD for future development

Attachments

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map
4. PUD Narrative
5. Proposed Site Exhibit
6. Proposed Building Elevations
7. Final Plat
8. Original Plat with Replatted Area Highlighted

Staff report prepared by: Isak Johnson, Planner

701-355-1850 | ijohnson@bismarcknd.gov

CITY OF BISMARCK

ORDINANCE NO. XXXX

Introduced by
First Reading
Second Reading
Final Passage and Adoption
Publication Date

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the RM30 – Residential zoning district and included in the PUD – Planned Unit Development zoning district:

Lots 1-5, Block 1, Sonnet Heights Subdivision Eighth Replat

This PUD is subject to the following standards:

1. *Conformance to Submitted Documents*. The development must generally conform to the submitted site plan approved in conjunction with the PUD.
2. *Uses Permitted*. The uses within the district shall be limited to the following:
 - a. *Principal Uses*. The following principal uses shall be allowed:
 - i. One rowhouse building with two (2) units (i.e., twin home)
 - ii. One rowhouse building with three (3) units.
3. *Special Uses*. No uses shall be allowed with a special use permit.

4. *Dimensional Standards.* The following dimensional standards shall apply to all structures within this district:
- a. *Lot Dimensions.* Minimum lot size dimensions shall conform to the appropriate sections of the City Code of Ordinances based on the above uses.
 - i. Row house buildings with two (2) units: Section 14-04-06(2)e (R10 Residential District).
 - ii. Row house buildings with three (3) to eight (8) units: Section 14-04-07(2)e (RM Residential District).
 - b. *Front Yards.* The minimum front yard setback from Normandy Street shall be twenty-five (25) feet. The minimum front yard setback from the shared access easement shall be twenty (20) feet.
 - c. *Side Yards.* All buildings shall have side yards in accordance with the appropriate sections of the City Code of Ordinances based on the above uses:
 - i. Row house buildings with two (2) units: Section 14-04-06(2)e (R10 Residential District).
 - ii. Row house buildings with three (3) to eight (8) units: Section 14-04-07(2)e (RM Residential District).

With the exception of Lot 2, Block 1, which shall have a side yard which at no point measures smaller than three (3) feet.
 - d. *Rear Yards.* All buildings shall have rear yards in accordance with the appropriate sections of the City Code of Ordinances based on the above uses:
 - i. Row house buildings with two (2) units: Section 14-04-06(2)e (R10 Residential District).
 - ii. Row house buildings with three (3) to eight (8) units: Section 14-04-07(2)e (RM Residential District).

With the exception of Lot 2, Block 1, which shall have a rear yard which at no point measures smaller than three (3) feet.
 - e. *Height.* All buildings shall have a height limit in accordance with the appropriate sections of the City Code of Ordinances based on the above uses.
 - i. Row house buildings with two (2) units: Section 14-04-06(2)e (R10 Residential District).

- ii. Row house buildings with three (3) to eight (8) units:
Section 14-04-07(2)e (RM Residential District).

5. *Development Standards.* The following development standards shall apply to all development within the district.

- a. *Off-Street Parking and Loading.* All off-street parking and loading must conform to the submitted site plan and be in full compliance with Section 14-03-11 of the City Code of Ordinances (Off-Street Parking and Loading).
- b. *Landscaping and Screening.* Street trees and buffer yard landscaping must be installed in accordance with the submitted landscape plan contained within the site plan. Deviation from this plan may only be allowed if in full compliance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).

6. *Modifications.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major modifications require a public hearing and approval by the Bismarck Planning & Zoning Commission.

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

Zoning Districts

A	Agriculture
RR	Rural
	Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

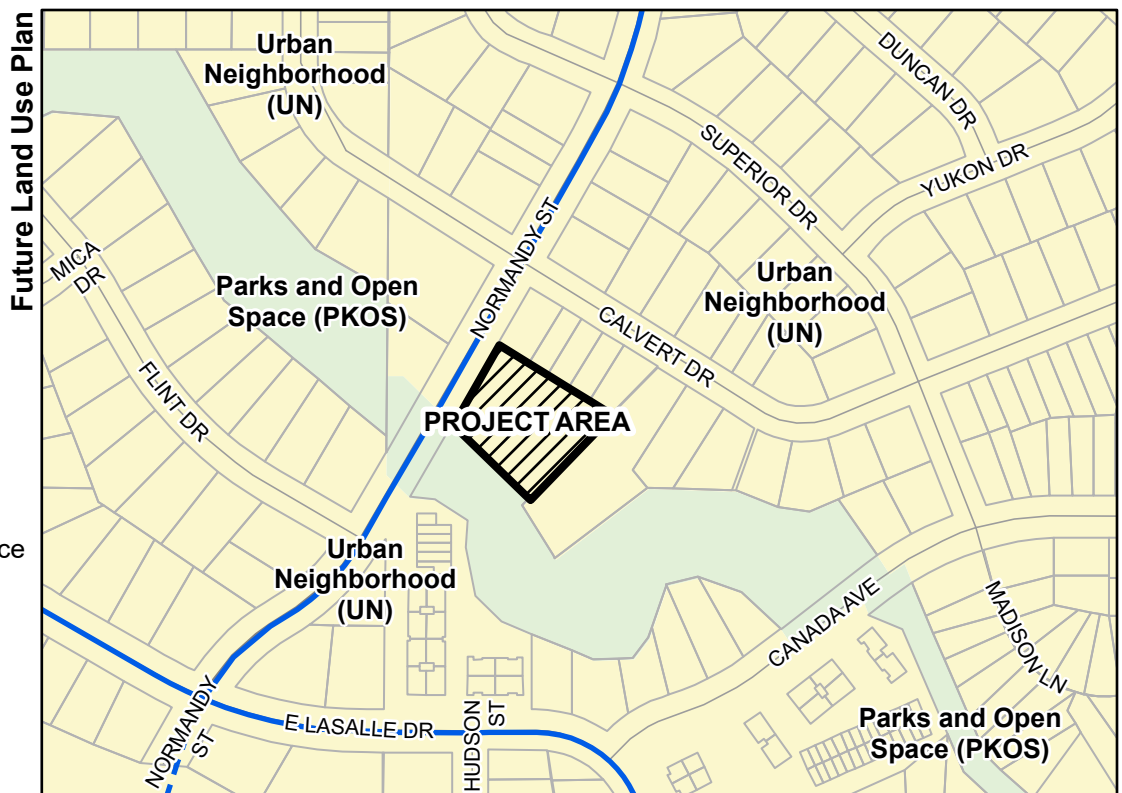
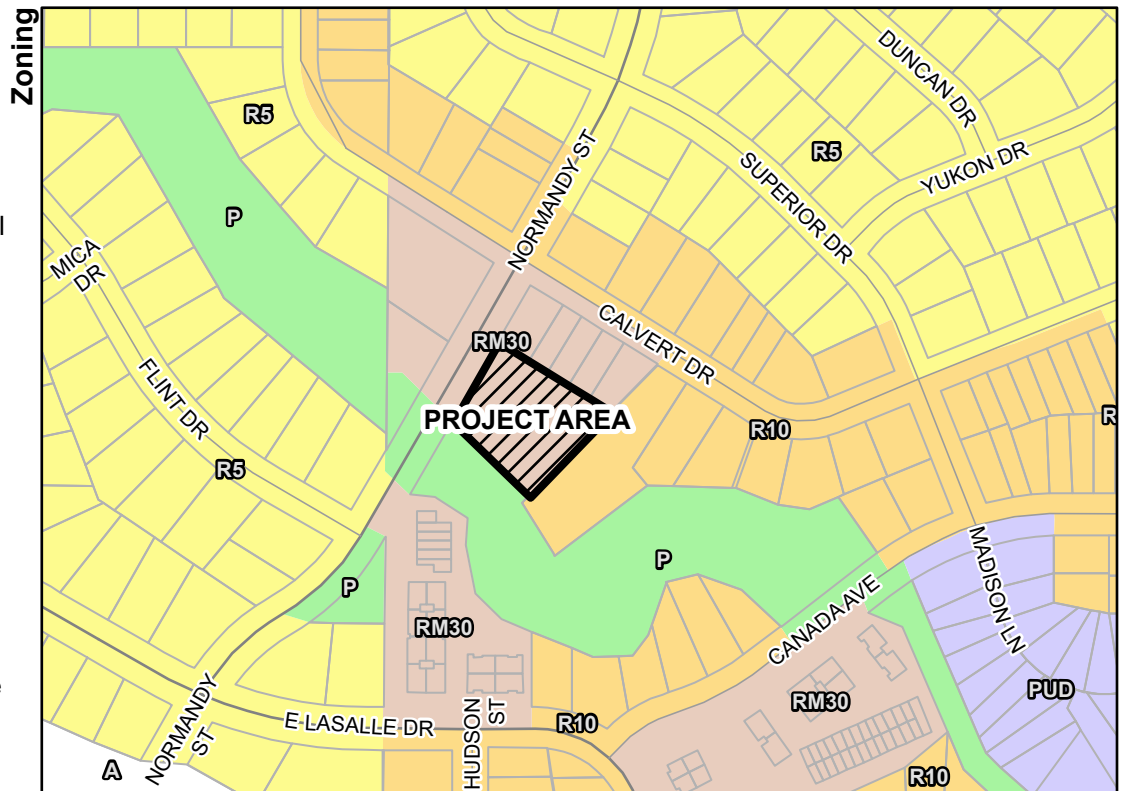
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Residential Transitional
PKOS	Rural Parks/Open Space
	Urban Reserve
URA/	Mid/Long-Term
URB	

Active Mobility Plan

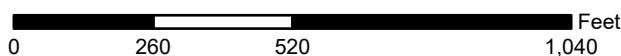
Future Shared Trail

Major Street Plan

—	Existing Arterial
- - -	Future Arterial
—	Existing Collector
- - -	Future Collector
—	Existing Interstate
- - -	Future Interstate



This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated herein.



City of Bismarck
Community Development
Planning Division
November 28, 2023

Proposed New Zoning Map

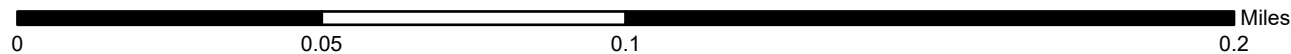
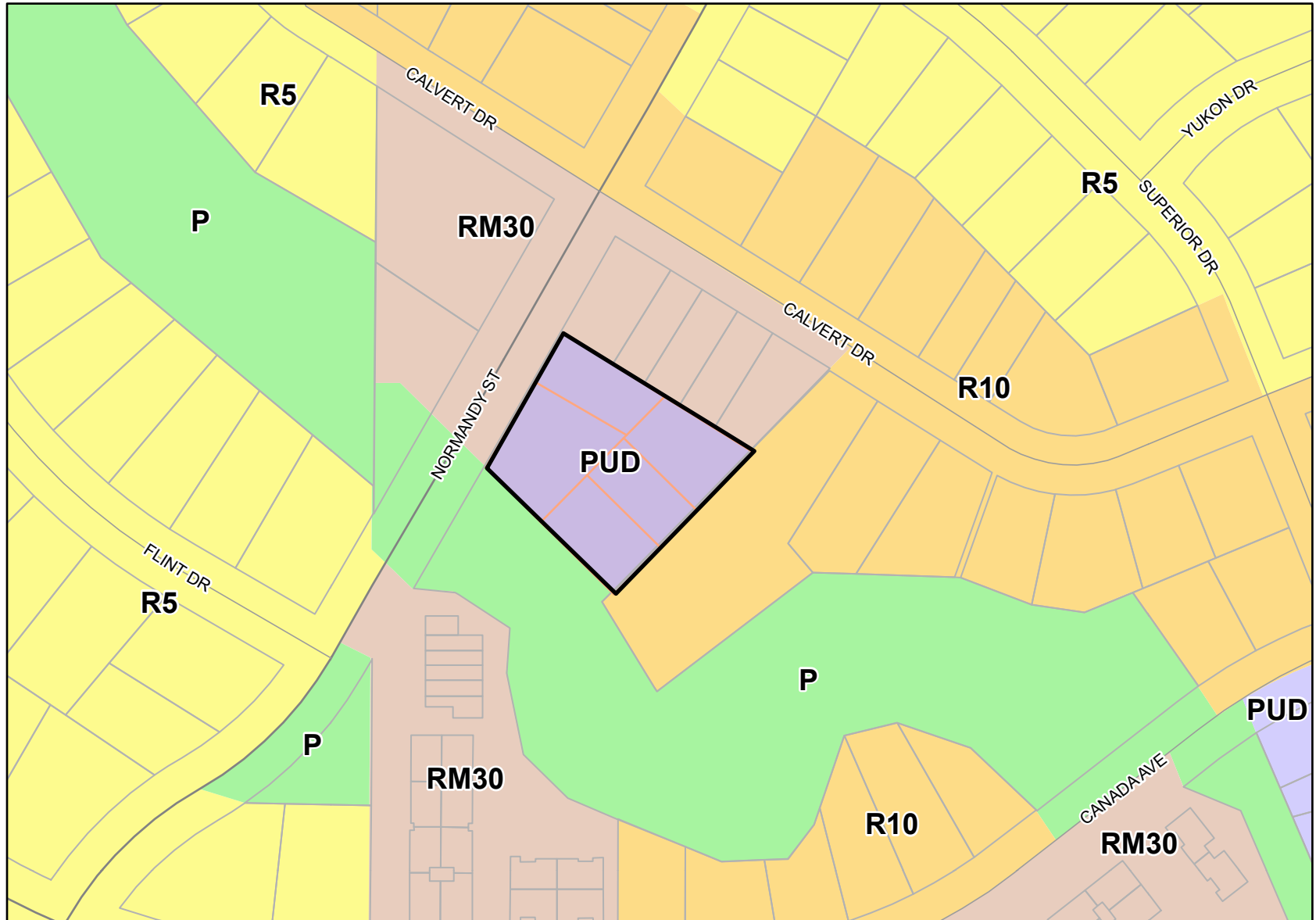
 Project Area
(zoning within
is proposed)

 City Limits

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

*A "C-" prior to the district
indicates that special
conditions would apply
to the zoning district*



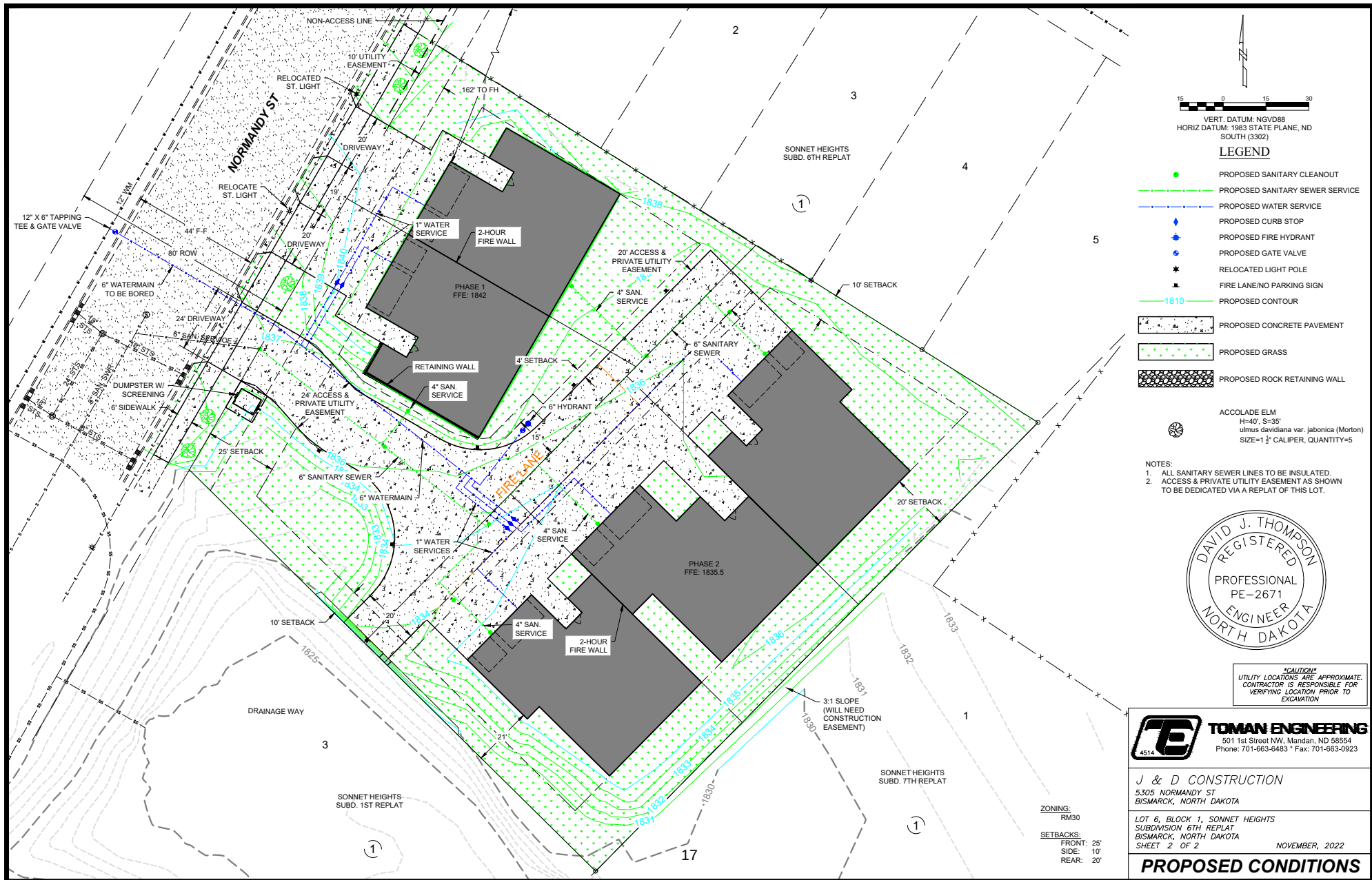
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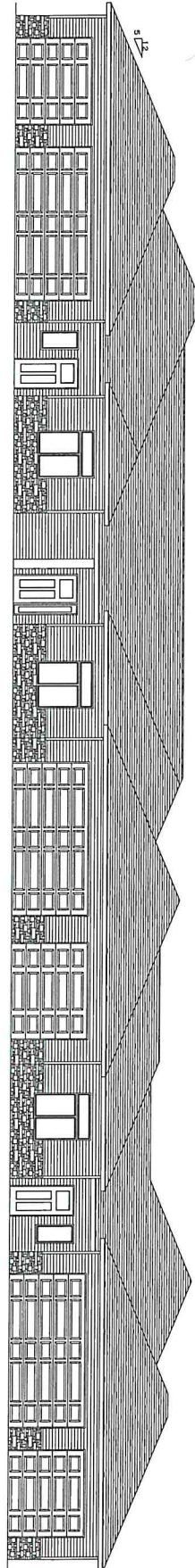
Statement for PUD Request: Sonnet Heights 6th Subdivision 8th Replat

To the City of Bismarck Planning Office:

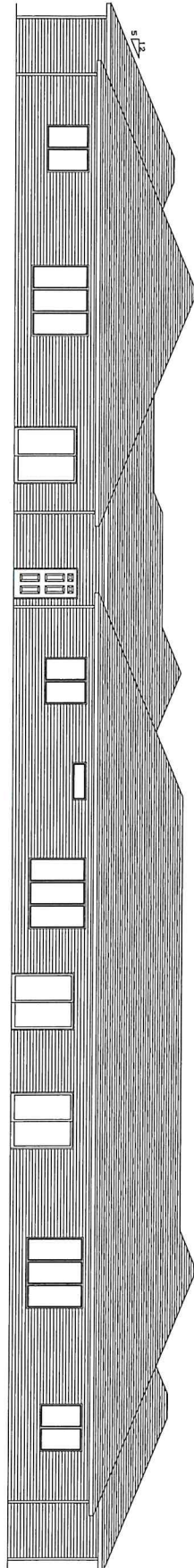
JD Construction requests a PUD for the purpose of modifying the side yard setbacks abutting the private drive and to include said private drive and private water and sanitary sewer.



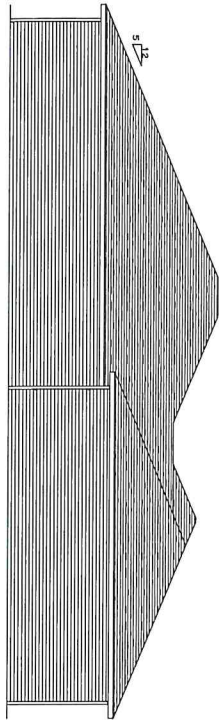
FRONT ELEVATION



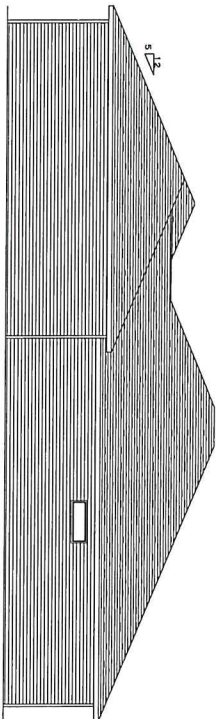
REAR ELEVATION



LEFT ELEVATION



RIGHT ELEVATION



RECEIVED
NOV 17 2023

Drawn By:
MARCIE FORNSHELL
Date: AUGUST 31, 2022
Scale:
Monday, May 15, 2023
Title:
1/8" = 1'-0"

Drawn For:
VOEGELE SIGNATURE HOMES
Plan Name:
VSH- 2023 NORMADY DR 3 PLEX

DISCLAIMER OF WARRANTY: Plans furnished by Front Street Millwork & Lumber, Inc. are prepared by draftspersons who are not qualified as licensed architects or professional engineers. Front Street Millwork & Lumber, Inc. expressly disclaims any liability whatsoever for errors or omissions of any kind which may be found on the plans. Use of these plans shall be at the sole risk of the user. Any plans furnished by Front Street Millwork & Lumber, Inc. are furnished without any warranty by said Lumber Company that they are suitable, fit or correct, in particular, for use, reliance by any user of the plans and all users shall be responsible for the proper calculation of correct structural materials, spans, loads, & bearing points or attachments of the plan or details of construction based on the principles of mathematics, aesthetics or the physical sciences must be the responsibility of the builder, the owner, or the user of the plans.

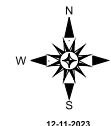
FRONT STREET MILLWORK & LUMBER INC.
3320 E CENTURY AVE - BISMARCK, ND 58503
PHONE: 701-255-1636 - FAX: 701-222-0500
MARCIE@FRONTSTREETMILLWORK.COM

SONNET HEIGHTS SUBDIVISION EIGHTH REPLAT

TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

ALL OF LOT 6, BLOCK 1, SONNET HEIGHTS SUBDIVISION SIXTH REPLAT INCLUDING A PORTION OF NORMANDY STREET RIGHT-OF-WAY OF THE NE1/4 OF SECTION 16, T139N-R80W OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

N1/4 COR.
SEC. 16
T139N-R80W
N 0°22'34"E
1208.39'



12-11-2023



COORDINATE DATUM:
NO STATE PLANE COORDINATES
NAD83, 88 ADJUSTMENT
INTERNATIONAL FEET
BENCHMARK: HYDRANT 43109
CALVERT DRIVE & NORMANDY ST
ELEV: 1849.01 (NGVD29)

LEGEND

- SECTION/QUARTER CORNER
- FOUND REBAR MONUMENT
- SET REBAR MONUMENT

DESCRIPTION OF PROPERTY

A TRACT OF LAND BEING ALL OF LOT 6, BLOCK 1, SONNET HEIGHTS SUBDIVISION SIXTH REPLAT AND A PORTION OF NORMANDY STREET RIGHT-OF-WAY OF THE NE1/4 OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EASTERNMOST CORNER OF LOT 6, BLOCK 1, SONNET HEIGHTS SUBDIVISION 6TH REPLAT OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, THENCE SOUTH 44°34'59" WEST ALONG THE SOUTHEASTERLY BOUNDARY LINE OF SAID LOT 6 FOR 220.73 FEET TO THE SOUTHERNMOST CORNER OF SAID LOT 6; THENCE NORTH 45°21'09" WEST ALONG THE SOUTHWESTERLY BOUNDARY LINE OF SAID LOT 6 FOR 241.37 FEET TO A POINT ON THE CENTERLINE OF NORMANDY STREET; THENCE NORTH 30°06'37" EAST ALONG SAID CENTERLINE FOR 163.21 FEET TO A POINT ON THE NORTHEASTERLY BOUNDARY LINE EXTENDED WESTERLY OF SAID LOT 6; THENCE SOUTH 57°53'29" EAST ALONG SAID NORTHEASTERLY BOUNDARY LINE EXTENDED WESTERLY FOR 288.98 FEET TO THE POINT OF BEGINNING, SAID TRACT OF LAND CONTAINING 1.15 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, ANDREA L. MARQUARDT, HEREBY CERTIFY I AM A LICENSED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECTION AND SUPERVISION AND THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS AND MARKS SET TOGETHER WITH THOSE FOUND, ARE OF THE CHARACTER AND OCCUPY THE POSITIONS SHOWN THEREON, AND ARE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED.

ANDREA L. MARQUARDT, RLS 4623

DATE

OWNER'S CERTIFICATE AND DEDICATION

WE, OF J & D CONSTRUCTION, INC. BEING THE OWNERS OF THE LANDS PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED "SONNET HEIGHTS SUBDIVISION EIGHTH REPLAT", AND DEDICATE ALL RIGHTS OF WAY TO THE CITY OF BISMARCK AS SHOWN ON THIS PLAT FOR PUBLIC USE, AND CONSENT TO ANY ACCESS CONTROL TO THE PROPERTY AS SHOWN.

WE ALSO DEDICATE ALL EASEMENTS AS SHOWN ON THIS PLAT AS "UTILITY EASEMENTS" TO RUN WITH THE LAND FOR PUBLIC AND PRIVATE UTILITIES OR SERVICES ON, ACROSS, ABOVE OR UNDER THOSE CERTAIN STRIPS OF LAND.

WE ALSO DEDICATE ALL EASEMENTS AS SHOWN ON THIS PLAT AS "ACCESS EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF SHARED ACCESS BETWEEN ALL LOTS OF THIS SUBDIVISION.

WE FURTHER GRANT ANY OTHER EASEMENTS OR SERVITUDES AS SHOWN AND THOSE THAT ARE RECORDED BUT NOT SHOWN.

J & D CONSTRUCTION, INC.

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS ____ DAY OF ____ 20__.

NOTARY PUBLIC

_____, COUNTY, _____

MY COMMISSION EXPIRES: _____

APPROVAL OF CITY PLANNING AND ZONING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK ON THE ____ DAY OF ____ 20__, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ, CHAIRMAN

ATTEST: BEN ERRETH - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS ACCEPTED THE DEDICATION OF ALL RIGHTS OF WAY AND PUBLIC EASEMENTS SHOWN THEREON, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THIS PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS APPROVED THE ____ DAY OF ____ 20__.

ATTEST: KEITH J. HUNKE - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER FOR THE CITY OF BISMARCK, NORTH DAKOTA HEREBY APPROVES THIS PLAT THIS ____ DAY OF ____ 20__.

GABRIEL J. SCHELL - CITY ENGINEER

OWNER:
J & D CONSTRUCTION, INC.
701 CALVERT DR
BISMARCK, ND 58503

BASE OF BEARING:
NORTH BOUNDARY LINE
SOUTH 57° 53' 29" EAST

NOTES

1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
2. PORTIONS OF LOTS 2 & 3, BLOCK 1, LIE WITHIN THE 100-YEAR FLOOD PLAIN (ZONE AE) PER FEMA PANEL MAP NO. 300150700D, EFFECTIVE DATE 08/04/2014, BFE: 1825.5 (NAVD83).
3. TOTAL LOTS: 1.00 AC4 (43,499 SF)
TOTAL ROW: 0.15 AC4 (6,708 SF)
TOTAL AREA: 1.15 AC4 (50,207 SF)

SONNET HEIGHTS SUBD.
1ST REPLAT

SOUTHERNMOST
COR. LOT 6
NO STATE PLANE COORDINATES:
N = 436115.8
E = 1897956.2

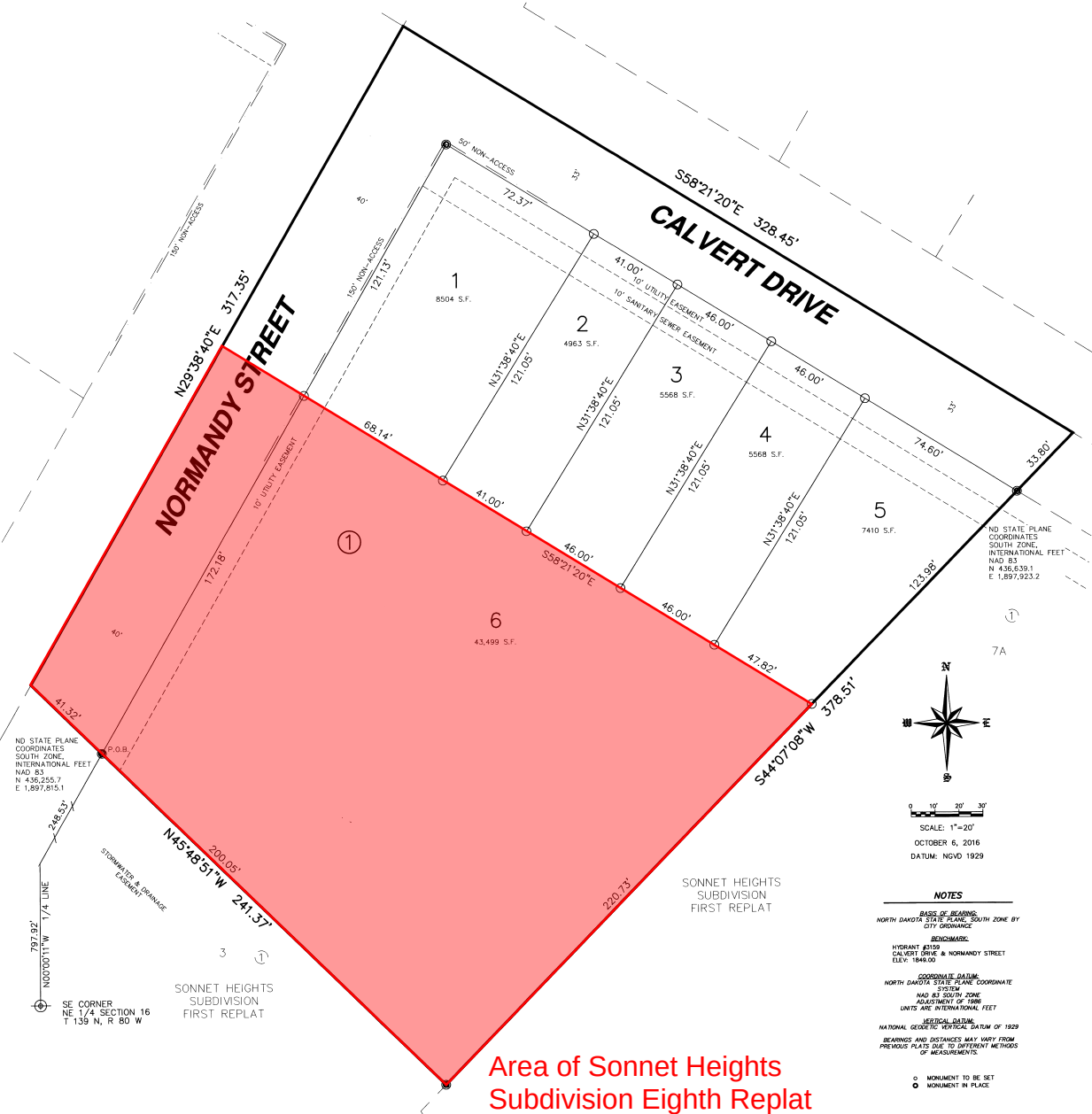


**TOMAN ENGINEERING
COMPANY**
501 1st Street NW, Mandan, ND 58554
Phone: 701-663-6483 * Fax: 701-663-0923

SONNET HEIGHTS SUBDIVISION SIXTH REPLAT

BEING A REPLAT OF LOT 6 BLOCK 1 SONNET HEIGHTS SUBDIVISION FIRST REPLAT
AND PARTS OF CALVERT DRIVE AND NORMANDY STREET RIGHTS OF WAY
PART OF THE NORTHEAST 1/4 SECTION 16, TOWNSHIP 139 NORTH,
RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN,

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



DESCRIPTION

BEING A REPLAT OF LOT 6 BLOCK 1 SONNET HEIGHTS SUBDIVISION FIRST REPLAT AND PARTS OF CALVERT DRIVE AND NORMANDY STREET RIGHTS OF WAY, PART OF THE NORTHEAST 1/4 SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA CONTAINING 2.24 ACRES, MORE OR LESS, DESCRIBED AS FOLLOWS:
BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 3 BLOCK 1 SONNET HEIGHTS SUBDIVISION FIRST REPLAT; THENCE NORTH 45 DEGREES 48 MINUTES 00 SECONDS WEST, A DISTANCE OF 41.32 FEET TO THE CENTERLINE OF NORMANDY STREET RIGHT OF WAY; THENCE NORTH 29 DEGREES 38 MINUTES 40 SECONDS EAST, ALONG SAID CENTERLINE, A DISTANCE OF 37.45 FEET TO THE INTERSECTION OF THE CENTERLINES OF NORMANDY STREET AND CALVERT DRIVE; THENCE SOUTH 58 DEGREES 21 MINUTES 20 SECONDS EAST, ALONG THE CENTERLINE OF CALVERT DRIVE RIGHT OF WAY, A DISTANCE OF 328.45 FEET TO THE NORTHEASTERLY EXTENSION OF THE WEST LINE OF LOT 7A BLOCK 1 SONNET HEIGHTS SUBDIVISION FIRST REPLAT; THENCE SOUTH 44 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG SAID WESTERLY EXTENSION AND SAID WEST LINE, A DISTANCE OF 378.51 FEET TO THE NORTHERLY LINE OF LOT 3 BLOCK 1 SONNET HEIGHTS SUBDIVISION FIRST REPLAT; THENCE NORTH 45 DEGREES 48 MINUTES 00 SECONDS WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 200.05 FEET TO THE POINT OF BEGINNING.
THE ABOVE DESCRIBED TRACT CONTAINS 2.24 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE AND CORRECT COPY OF THE NOTES AND FIELD BOOKS UNDER MY SUPERVISION AND COMPLETED ON OCTOBER 6, 2016, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.



STATE OF NORTH DAKOTA) SWENSON, HAGEN & CO. P.C.
COUNTY OF BURLEIGH) 909 BASH AVENUE
BISMARCK, NORTH DAKOTA

Terry Baltzer
TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3595

ON THIS 11th DAY OF OCTOBER, 2016, BEFORE ME PERSONALLY APPEARED TERRY BALTZER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NATALIE THIEL
Notary Public
State of North Dakota
My Commission Expires Aug 8, 2022

Natalie Thiel
NATALIE THIEL
NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES 8-8-2022

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE 27th DAY OF August, 2016, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK, AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

Wayne L. Wacker CHAIRMAN
Carl D. Hornstad SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN ADDITION TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 27th DAY OF August, 2016.

Keith R. Hunke
ATTEST
KEITH R. HUNKE - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHILL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "SONNET HEIGHTS SUBDIVISION SIXTH REPLAT", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

Gabriel J. Schill
GABRIEL J. SCHILL
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT J & D CONSTRUCTION, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "SONNET HEIGHTS SUBDIVISION SIXTH REPLAT", BISMARCK, NORTH DAKOTA, AND DO SO RE-DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY, SANITARY SEWER, STORM SEWER & STORM WATER EASEMENTS.

THEY FURTHERMORE DEDICATE UNTO THE CITY OF BISMARCK "STORM WATER AND DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DESIGNATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THEREFOR FOR STORM WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

STATE OF NORTH DAKOTA))
COUNTY OF BURLEIGH))

Jason Voegle
JASON VOEGLE
J & D CONSTRUCTION
4750 MOST DRIVE
BISMARCK, N.D. 58503

ON THIS 11th DAY OF October, 2016, BEFORE ME PERSONALLY APPEARED JASON VOEGLE, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NATALIE THIEL
Notary Public
State of North Dakota
My Commission Expires Aug 8, 2022

Natalie Thiel
NATALIE THIEL
NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES 8-8-2022



NOTES

BASES OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY
CITY OF BISMARCK

BEACHMARKS:
HYDRAULIC BENCH MARK
CALVERT DRIVE & NORMANDY STREET
ELEV. 1649.00

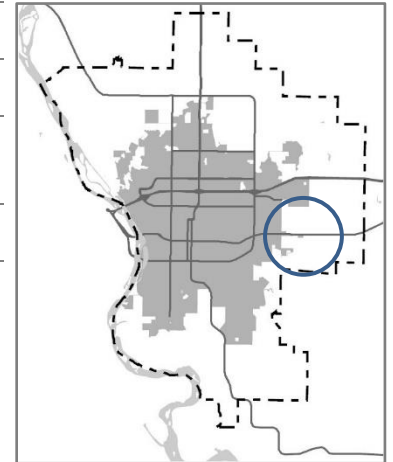
COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE
SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET

VERTICAL DATUM:
NATIONAL GEODETIC VERTICAL DATUM OF 1929
BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS

○ MONUMENT TO BE SET
● MONUMENT IN PLACE

Project Summary

<i>Title:</i>	First Responders Third Addition
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Property Owner(s):</i>	161 Commercial, LLC Valor Property Group, LLC
<i>Project Contact:</i>	Harvey Schneider, Toman Engineering
<i>Project Location:</i>	East Bismarck, east of North Bismarck Expressway and south of East Main Avenue / County Highway 10, in the northwest quadrant of 52nd Street NE and Midwest Drive (a replat of all of First Responders Addition, Part of Auditor's Lot 6A of Auditor's Lot 6, Part of Lot 7B of Auditor's Lot 7, part of the W½ of 52nd Street SE right-of-way, and part of the N½ of Midwest Drive right-of-way, Section 1, T138N-R80W/Lincoln Township)
<i>Project Size:</i>	5.34 acres
<i>Applicant Request:</i>	Plat property for future development
<i>Staff Recommendation:</i>	Tentatively approve / call for public hearing



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 lot in 1 block and part of 1 parcel	<i>Lots/Blocks:</i>	2 lots in 1 block
<i>Land Use:</i>	Industrial / Storage	<i>Land Use:</i>	Industrial / Storage
<i>Future Land Use:</i>	Industrial Flex (IF)	<i>Future Land Use:</i>	Industrial Flex (IF)
<i>Zoning:</i>	Conditional MA – Industrial	<i>Zoning:</i>	Conditional MA – Industrial
<i>Uses Allowed:</i>	Conditional MA – Light industrial, general commercial, warehouse, manufacturing and shop condos with additional design and aesthetic standards	<i>Uses Allowed:</i>	Conditional MA – Light industrial, general commercial, warehouse, manufacturing and shop condos with additional design and aesthetic standards
<i>Max Density:</i>	Conditional MA – N/A	<i>Max Density:</i>	Conditional MA – N/A

Area Information**Property History**

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	03/2017
<i>Township:</i>	Lincoln (not organized)	<i>Platted:</i>	08/2020 (First Responders Addition)
<i>Neighborhood:</i>	Old Highway 10	<i>Annexed:</i>	07/2019

Project Narrative

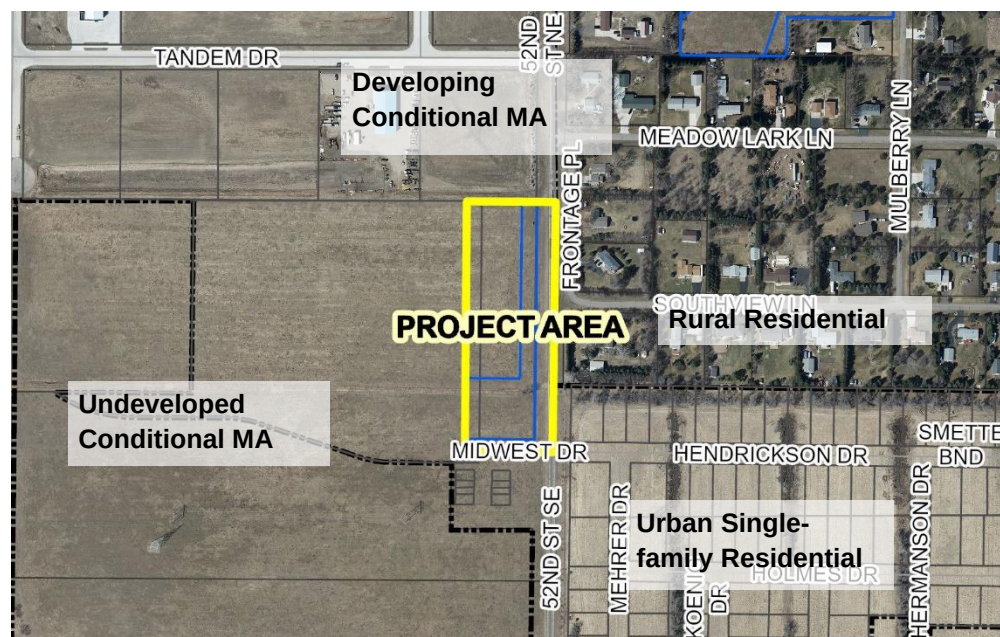
161 Commercial, LLC and Valor Property Group, LLC are requesting approval of a major subdivision preliminary plat titled First Responders Third Addition.

This request is being made to increase the platted area to include unplatted property to the west and create an additional lot for development.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Industrial Flex in the Future Land Use Plan. The Industrial Flex areas are flexible employment centers for a range of businesses. Goals and objectives of this plan as they relate to the proposed preliminary plat are referenced in review standards below.

The proposed plat is zoned Conditional MA – Industrial. Conditions include design and aesthetic standards for buildings, additional setbacks from 52nd Street SE and a 50-foot landscape buffer

along the west side of 52nd Street. The landscape buffer in this location was installed in conjunction with site development in 2022.

Public Engagement

Public engagement will commence if the Planning and Zoning Commission calls for a public hearing on this request.

(continued)

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Community Development Activities map.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

Major Subdivision Preliminary Plat

The Major Street Plan is adhered to with the proposed subdivision ([Major Street Plan](#))

Yes. The corridors identified in the Major Street Plan are incorporated into rights-of-way within the proposed subdivision. 52nd Street SE is included in the proposed plat and is an existing arterial roadway. A plan reference map is attached to this staff report.

The Active Mobility Plan is adhered to with the proposed subdivision ([Active Mobility Plan](#))

Yes. There are no corridors identified in the Active Mobility Plan within or adjacent to the proposed subdivision. A plan reference map is attached to this staff report.

A neighborhood park will be available within walking distance for all urban residents ([Goal I1-a](#), Section 14-09-04(2)a(vii))

Yes. The proposed plat will not be developed for residential uses; therefore, the provision of neighborhood parks and open space is not required.

Vehicle trips generated by the proposed subdivision will be adequately supported by the transportation system ([Goal C3-c](#))

Yes. The proposed subdivision would likely not have a substantial effect on circulation and safety

of public roadways in the vicinity, and therefore, no traffic impact study is required.

Street connectivity is provided for efficient travel and secondary access for emergency services ([Goal C4](#), Section 14-09-05)

Yes. Subdivision design requirements, such as maximum block length, intended to promote street connectivity have been met, and there are no cul-de-sacs or dead-end streets in the proposed subdivision. The City's Secondary Roadway Access Policy has been met allowing alternative routes into and out of the subdivision.

Roadway access is managed to reduce potential points of conflict and improve safety ([Goal C3-b](#))

Yes. Direct access to major public roadways is appropriately limited and spacing of all intersections is adequate to meet the City's access management standards and professional engineering judgement. Non-access lines will be dedicated with the proposed plat to communicate and enforce this access control.

Stormwater runoff impacted by this subdivision is adequately managed to protect public and private investments and the natural environment ([Goal I5](#), Section 14.1-04-03);

Yes. There is a plan to manage any stormwater runoff generated by this subdivision. A scoping sheet for a post-construction stormwater management permit (PCSMP) has been approved by the City Engineer, and the PCSMP will be approved prior to submittal of a final plat (PCSMP2023-095).

Dimensional standards of the zoning ordinance are met with the proposed subdivision (Title 14)

Yes. All lots meet area and width requirements of the zoning district within which they are located, and there is sufficient space within each lot for anticipated buildings to meet density, setback, and lot coverage requirements. All rights-of-way

(continued)

and dedicated easements conform to design standards of the subdivision ordinance.

Natural hazards and impact to environmentally sensitive land is minimized through the location and design of the proposed subdivision (Goal I6-a)

Yes. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development

Water supply systems will seamlessly transition from a rural to an urban system through cooperation with the South-Central Regional Water District (Goal G3-f, Section 14-09-04(2)d)

Yes. The proposed subdivision will be served with municipal water upon development and no future transition will be necessary.

The City's investment in infrastructure associated with the proposed subdivision is expected to receive a proportional long-term return to residents through future revenues or other public goods associated with this subdivision (Goal G3-a)

Yes. The future revenue and other public goods generated by the proposed subdivision are expected to be proportional to the public costs of development. Public costs associated with provision of municipal water and sewer service to new development will be adequately compensated for through payment of utility capital charges. The initial development will be funded by the developer or through special assessment of properties benefitted by said improvements, as outlined in the Development Cost Policy. Ongoing costs of maintenance and operation of all public facilities will be offset by property and/or sales tax derived from the proposed subdivision.

Technical specifications required of the preliminary plat have been met (Section 14-09-07)

Yes. The proposed preliminary plat contains the required information to ensure an accurate and timely review by staff, the Planning and Zoning Commission, and the general public.

Proper administrative procedures related to the request are being followed (Section 14-09-04)

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. Staff held a meeting with the applicant to discuss the request prior to submittal of a formal application. A complete application for the preliminary plat was submitted to the Community Development Department, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

Creation of any new lots in the City of Bismarck is subject to development capital charges for municipal utilities. Capital utility charges will be due prior to recordation of the plat.

The public health, safety and general welfare will not be adversely impacted by the proposed subdivision (Goal S10-a)

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed subdivision would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends tentative approval of the major subdivision preliminary plat.

Attachments

1. Zoning and Plan Reference Map
2. Preliminary Plat

(continued)

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner
701-355-1845 | jwollmuth@bismarcknd.gov



Zoning and Plan Reference Map

FIRST RESPONDERS THIRD ADDITION

PPLT2023-003

Zoning Districts

A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

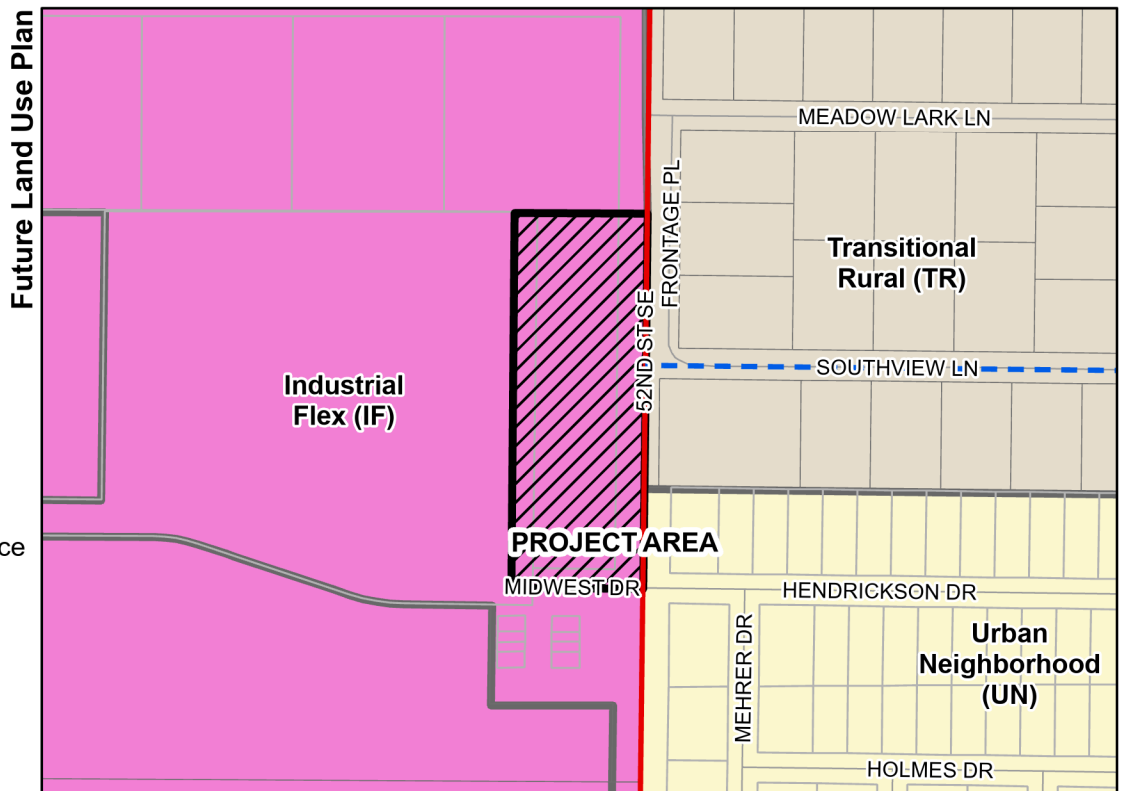
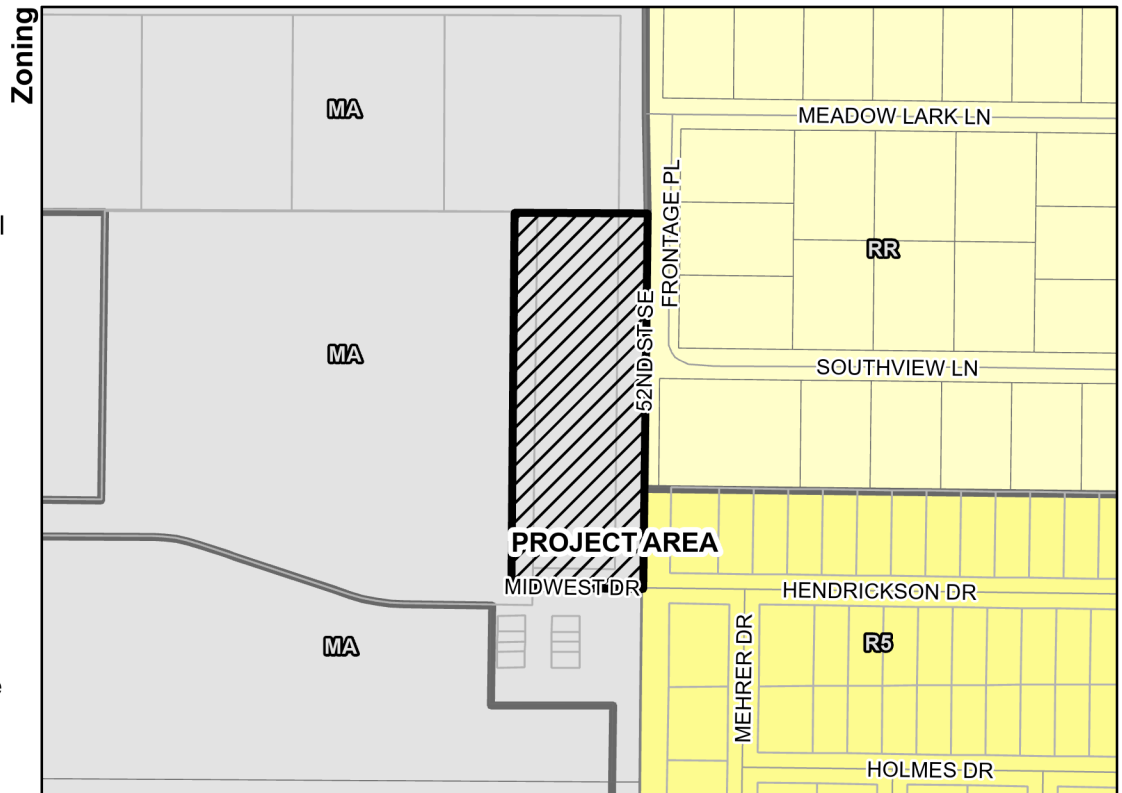
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Transitional Rural
PKOS	Parks/Open Space
URA/	Urban Reserve
URB	Mid/Long-Term

Active Mobility Plan

— Future Shared Trail

Major Street Plan

- Existing Arterial
- Future Arterial
- Existing Collector
- Future Collector
- Existing Interstate
- Future Interstate



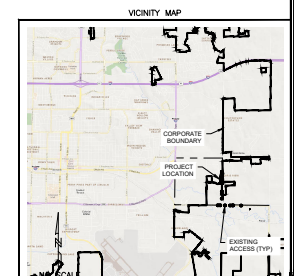
This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated herein.

0 305 610 1,220 Feet



City of Bismarck
Community Development
Planning Division
December 12, 2023

TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA
ALL OF FIRST RESPONDERS ADDITION, PART OF AUDITOR'S LOT 6A OF AUDITOR'S LOT 6, PART OF LOT 7B OF AUDITOR'S
LOT 7, PART OF THE W1/2 OF 52ND ST SE, AND PART OF THE N1/2 OF MIDWEST DRIVE OF THE E1/2 OF SECTION 1,
T138N-R80W OF THE 5TH PRINCIPAL MERIDIAN, OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



Project Summary

Title:	Home Occupations
Status:	Planning & Zoning Commission – Consideration
Project Contact:	Daniel Nairn, AICP
Request:	Amend Section 14-03-06 and other related sections of the Bismarck Code of Ordinances related to home occupations.
Staff Recommendation:	Call for public hearing

Project Narrative

The Community Development department requests approval of amendments to Sections 14-02-03, 14-03-06, 14-04-01, 14-04-01.1, 14-04-03, 14-04-06, and 14-04-17 of the Bismarck Code of Ordinances related to home occupations.

The following definition of home occupation is proposed:

“Home Occupation: A business, business activity, profession, occupation, or trade activity occurring on a residential property that is conducted by at least one or more occupants of the residence, as an accessory use to the principal residential use of the dwelling, for economic gain other than agriculture.”

The draft amendment would replace the existing home occupation section of the ordinance with new language that creates a two-tier standard:

1. *A minor home occupation* would have limited to no impact on the surrounding residences and would be allowed by-right. A permit would no longer be required.
2. *A major home occupation* may have a small to moderate impact on the surrounding residences and would require

a special use permit from the Planning and Zoning Commission.

The following criteria are used to establish permitted home occupations of each type:

- Number of employees
- Area of building used for home occupation
- Visual appearance of residence
- Outdoor storage of materials
- Noise, odor, vibrations, or electrical interference
- Number of visits from customers
- Hours of operation
- Vehicle and trailer parking
- Heavy commercial vehicles
- Certain adult or medical marijuana uses.

Certain criteria differentiate between urban and rural zoning districts. In general, greater flexibility for business activity is allotted to rural areas.

Child Care and Garage Sales

The term home occupation is intended to be inclusive to all business activities, including child care and garage sales.

Family child care operators would fall under the definition of home occupation. However, these

(continued)

uses are already licensed and permitted by the North Dakota Department of Health and Human Services. Therefore, these uses are listed as exceptions to certain criteria.

Certain changes are proposed to avoid confusion between zoning and state licensing categories. The term of “in-home child care” is used, which would still permit up to 12 children in a home. However, the proposed ordinance also clarifies that unlicensed “self-declared” child care, which allows up to five children, may be allowed in any dwelling unit, including multifamily dwellings. Furthermore, “family child care” is removed from specific zoning districts and applied to all residential dwellings.

Although garage sales are not explicitly noted, the criteria are written such that all garage sales currently permitted would be classified as a minor home occupation.

Sources of Information

Community Development staff have researched home occupation zoning, and the findings are summarized here and attached to this staff report.

First, the American Planning Association (APA) has issued advisory reports on home occupations on three occasions: in 1953, 2006, and September 2023. While home occupations were initially prohibited in most zoning ordinances, including Bismarck’s, by the early 1950s, it became clear that certain “customary” home-based businesses should be allowed to continue operation. By the 2006 report, home occupations were promoted by APA as a positive good, especially for the reduction in commuting, and performance-based standards were proposed. The most recent 2023 report, further promotes home occupations as catalysts for equitable small business development, as long as certain standard can be met, with a recommendation to divide into two or more tiers based on impact.

Second, staff researched other communities in our region. All nine identified peer communities have a home occupation ordinance in effect. The conditions of peer communities are provided in an attached table, with Bismarck’s existing ordinance for comparison.

There are many similarities between the home occupation ordinances. Only two cities, Fargo, ND and Rapid City, SD, currently have a two-tier ordinance with a special use permit. Staff from both cities affirm that their current ordinance has not been problematic, in terms of staff and Planning and Zoning Commission workload, public acceptance, or enforceability.

Third, a survey on home occupations of Bismarck area residents was conducted. A total of 245 responses were received from urban and rural neighborhoods of different compositions. While the survey was not scientific, attempts were made to reduce bias by limiting access to only the city website and two Facebook posts.

Residents were asked their opinions on hypothetical and actual home occupations occurring on their own street. There are a wide range of opinions in the community. In general, rural residents are more accepting than urban residents of business activities in their neighborhood. Many open responses suggest criteria for determining higher impact activity.

A stakeholder group considered this information and guided staff in drafting the ordinance that is attached to this staff report.

Public Engagement

The City Commission discussed the need for modification to the home occupations ordinance during their August 8, 2023 and directed staff from the Community Development Department to initiate review of this section.

(continued)

A stakeholder committee has met on two occasions to guide and review drafts of the ordinance.

The online survey was released to the public between October 5 – 26, 2023. A report summarizing results of the survey is attached to this document.

Formal public engagement will commence if the Planning and Zoning Commission calls for a public hearing on this request.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

Zoning Text Amendment

The goals and objectives of Together 2045 Bismarck's Comprehensive Plan would be advanced by the proposed zoning ordinance text amendment ([Comprehensive Plan](#))

Yes. The following objectives of the plan would be advanced through the proposed amendment. Objective S9(c) states:

“Review and develop reasonable policies to guide informal or temporary activities, such as food trucks, short-term rentals, and home occupations to encourage entrepreneurship while protecting the public interest”

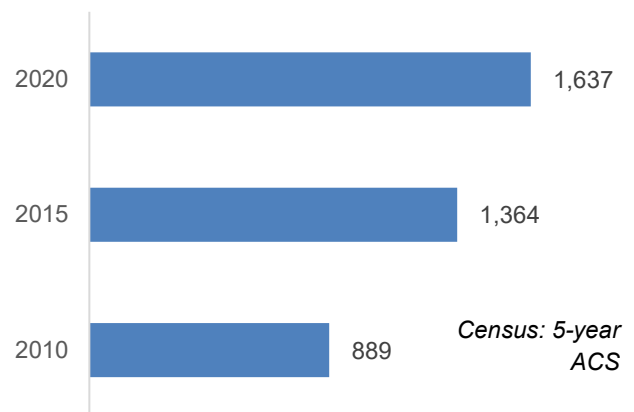
The intent of this draft is to find a workable balance for home occupations between the two goals of encouraging entrepreneurship and protecting the public interest, in terms of nuisance effects on residential neighborhoods.

The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance ([Goal S9-e](#), [G10-g](#))

Yes. Significant portions of this section of the zoning ordinance originate from the 1953 Zoning Ordinance, although some modifications to performance standards were been made over the years. Conditions have changed since this time period. Many of the home occupations listed as customary at the time are no longer common, and the advent of the internet has enabled remote work options that were previously unavailable.

The number of remote workers has steadily increased in recent decades. Although post-Covid 19 data are not yet available locally, recent national studies suggest 28% of full working days were spent at home.

Bismarck Labor Force Working from Home



It is no longer feasible to require permits for all home occupations, and further clarity is needed to differentiate between no/low-impact activity and high-impact activities based on performance metrics.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed amendment (Section 14-02-01; [NDCC 40-27-03](#))

Yes. The proposed zoning text amendment would support the purpose of the zoning ordinance, as stated in the City Code of Ordinances and North Dakota Century Code.

(continued)

The proposed text amendment will preserve the overall integrity and coherence of the zoning ordinance ([Goal G10](#))

Yes. All sections of the zoning ordinance containing any references to or potential conflicts with the proposed zoning text amendment have been reviewed and corrected, as needed.

Proper administrative procedures related to the request are being followed (Section 14-07-02, [NDCC Chapter 40-47](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The zoning text amendment has been initiated by staff from the Community Development Department, on behalf of the Planning and Zoning Commission. A preliminary draft is attached to this report for consideration by the Planning and Zoning Commission.

The public health, safety and general welfare will not be adversely impacted by the proposed zoning text amendment ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed zoning text amendment

would not adversely impact the public health, safety, and general welfare.

Certain federal and state requirements associated with commercial building construction and occupation may still apply to home occupations, depending on the situation. Notably, any commercial use, regardless of size, that is open to the public must provide reasonable accommodations for persons with disability to be compliant with the Americans with Disabilities Act (ADA). Although this is not a zoning criterion, the business owner is still responsible for compliance.

Staff Recommendation

Based on the above findings, staff recommends calling a public hearing for amendments to Sections 14-02-03, 14-03-06, 14-04-01, 14-04-01.1, 14-04-03, 14-04-06, and 14-04-17 of the Bismarck Code of Ordinances related to home occupations

Attachments

1. Draft Zoning Text Amendment
2. Matrix of Peer Communities
3. Home Occupation Survey Report

Staff report prepared by: Daniel Nairn, AICP, Planning Manager

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CITY OF BISMARCK

ORDINANCE NO. XXXX

First Reading
Second Reading
Final Passage and Adoption
Publication Date

AN ORDINANCE TO AMEND SECTIONS 14-02-03, 14-03-06, 14-04-01, 14-04-01.1, 14-04-03, 14-04-06, AND 14-04-17 OF THE CODE OF ORDINANCES OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO HOME OCCUPATIONS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA:

Section 1. Amend. Section 14-02-03 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Definitions, is hereby enacted to read as follows:

* * * * *

~~Family Child Care: A detached single family dwelling, which also serves as the primary residence of the operator/provider, offering care, maintenance and supervision for hire or compensation, for less than twenty four (24) hours per day, for no more than twelve (12) children under the age of twelve (12) years, including any children of the operator/provider on the premises that are under the age of twelve (12) years, and generally licensed by the North Dakota Department of Human Services as an early childhood program. Family child care is considered an accessory use to the principal use of the property as single family detached residential dwelling.~~

* * * * *

Home Occupation: A business, business activity, profession, occupation, or trade activity occurring on a residential property that is conducted by at least one or more occupants of the residence, as an accessory use to the principal residential use of the dwelling, for economic gain other than agriculture or rental for residential occupation.

* * * * *

In-Home Child Care. A home occupation licensed by the State of North Dakota, or exempt from said licensing requirements, to provide early childhood services of care, supervision, education, or guidance of a child or children.

Section 2. Amend. 14-03-06 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Incidental Uses, is hereby enacted to read as follows:

~~2. Home occupation:~~

~~a. There is permitted in a dwelling any occupation customarily incidental to the principal use as a dwelling subject to the following limitations:~~

- ~~1. A permit for the home occupation shall be obtained from the Zoning Administrator prior to the initiation of the use. Said permit shall be valid for two years. An administrative fee may be charged. Any appeal from a decision relative to said permit shall be referred to the Board of Adjustment.~~
- ~~2. No more than one person other than a member of the immediate family occupying a dwelling is employed, except domestic help.~~
- ~~3. No stock in trade is stored outside, displayed or sold upon the premises.~~
- ~~4. No alteration of the principal building changes the character thereof as a dwelling.~~
- ~~5. No sign is used.~~
- ~~6. No more than twenty five percent of the area of one story of the building is devoted to the home occupation.~~
- ~~7. The address of the home occupation is not used in any advertising of the business or service.~~
- ~~8. No objectionable noise, odor, vibration or electrical interference is noticeable at the property line.~~
- ~~9. No traffic significantly in excess of present neighborhood levels is created.~~

~~b. The following are hereby declared to be home occupations as intended by this section:~~

- ~~1. Dressmaker, seamstress.~~

~~2. Artist. A person who is skilled in the profession of the fine arts of creative work or its principles; making or doing of things that display form, beauty and unusual perception and shall be limited to a person engaging in or teaching painting, sculpture, music, literature, dramatic art and ballet dancing. Group or student assemblies for the purpose of teaching or learning shall be limited to no more than four students at any one time.~~

~~3. Emergency treatment only of patients by physician or dentist.~~

~~4. Office uses provided said use does not generate traffic significantly in excess of present levels in the neighborhood.~~

~~5. Minister.~~

~~c. Rummage sales, yard sales or garage sales will be permitted provided that no one location hold more than two such sales in any calendar year.~~

~~Rummage, yard or garage sales may be of up to four consecutive days in duration but the two sales permitted under this section may not exceed a total of six days.~~

2. Home Occupations. A home occupation is permitted as an accessory use on any residential property in any zoning district, subject to the following provisions:

a. Permitting Process. home occupations are further divided into major and minor types based on standards contained in this section and subject to a separate approval process for each type:

i. Minor home occupations are permitted by right. A property owner may choose to request a certificate to verify compliance with provisions of this section, and the Zoning Administrator will issue a letter of compliance based on information provided by the property owner and in accordance with a process set by the Zoning Administrator.

ii. Major home occupations shall be permitted by a special use permit, according to procedures set in Section 14-03-08 of this Title.

iii. Home occupations that do not meet either major or minor standards are not permitted.

- iv. More than one (1) home occupation may be permitted on any residential property. In such cases, all standards and permits of this section apply to the cumulative total of all home occupations on the property.
- b. Minor home occupations. A minor home occupation is any home occupation that meets all of the following standards:
 - i. The home occupation is conducted only by one (1) or more residential occupants of the dwelling with no outside employees.
 - ii. No more than twenty-five percent (25%) of the floor area of the principal structure and up to one hundred percent (100%) of one (1) accessory structure is utilized by the home occupation, including storage of associated goods.
 - iii. There exists no outward visual evidence to indicate the presence of the home occupation to an uninformed person, such as alterations of the dwelling from a customary residential appearance, overnight storage of products or materials outside, shipping containers, or commercial signs.
 - iv. There exists no noise, odor, vibration, or electrical interference associated with the home occupation that is noticeable at the property line.
 - v. Visits from customers, clients, or patients are limited to no more than one (1) party at any time. Notwithstanding, multiple said parties may be present on the property during not more than four (4) events per year, with each event not to exceed four (4) days and no events occurring consecutively. At no time may a home occupation generate traffic significantly greater than that of a conventional residential use.
 - vi. Visits from customers, clients, patients, or deliveries occur only during the hours of 7 AM to 11 PM.
 - vii. Not more than two (2) vehicles, equipment, and/or trailers associated with the home occupation park or stand on the property or the street, if permitted, at any one time. Notwithstanding, home occupations in the RR – Rural Residential, RR5 – Residential, or A – Agricultural zoning districts may be permitted up to four (4) vehicles and/or trailers.

- viii. No commercial trucks with a weight exceeding fourteen thousand (14,000) pounds may park on the property or the street, if permitted, with the exception of one semi-truck without a trailer. Notwithstanding, home occupations in the RR – Rural Residential, RR5 – Residential, or A – Agricultural zoning districts may be permitted up to one (1) commercial truck exceeding fourteen thousand (14,000) pounds but not to exceed thirty-three thousand (33,000) pounds.
- ix. There is no storage of any flammable, toxic, explosive, or otherwise hazardous materials to a greater extent than stored in a typical residential household, and no hazardous material is discharged into any sewer, storm drain, or the ground.
- x. The use is not an adult entertainment center, adult bookstore, or registered in North Dakota as a compassion center to dispense or produce medical marijuana.
- c. In-Home Child Care. Notwithstanding provisions of Section 14-03-06(2)b(i), Section 14-03-06(2)b(ii), and Section 14-03-06(2)b(v), in-home child care may be permitted as a minor home occupation, subject to the following standards:
 - i. In any single-family or two-family dwelling, the in-home child care is licensed by the State of North Dakota as a Family Child Care or a Group Child Care for no more than twelve (12) children under the age of twelve (12) years, including any children of the operator/provider on the premises that are under the age of twelve (12) years.
 - ii. In any dwelling unit, the in-home child care is classified by the State of North Dakota as a Self-Declaration Provider for no more than five (5) children under the age of twelve (12) years, including any children of the operator/provider on the premises that are under the age of twelve (12) years.
- d. Major home occupations. A major home occupation is any home occupation that meets all of the following standards:
 - i. The home occupation does not meet all standards required of a minor home occupation.
 - ii. The home occupation is conducted by one (1) or more residential occupant of the dwelling and no more than one (1) additional employee that does not reside on-

premises and spends the majority of a typical work day on-site.

- iii. No more than fifty percent (50%) of the floor area of the principal structure and up to one hundred percent (100%) of accessory structures is utilized by the home occupation, , including storage of associated goods.
- iv. The principal residential dwelling is not altered from a customary residential appearance.
- v. The dwelling is not altered from a customary residential appearance and there is no overnight storage of products or materials outside or in shipping containers on the property.
- vi. No more than one (1) non-illuminated commercial sign is placed on the property of no greater than two (2) square feet in area. Notwithstanding, home occupation signs in the RR – Rural Residential, RR5- Residential, or A – Agricultural zoning districts may be no greater than six (6) square feet in area.
- vii. Noise ordinance requirements contained in Chapter 08-10 of the Code of Ordinance are met at all times, and there exists no objectionable odor, vibration, or electrical interference associated with the home occupation and above typical residential levels that is noticeable at the property line.
- viii. Visits from customers, clients, patients, employees, or deliveries do not create an undue burden on traffic safety and congestion or on-street parking availability in the neighborhood. At no time may a home occupation generate traffic significantly greater than that of a conventional residential use.
- ix. Visits from customers, clients, patients, employees, or deliveries occur only during the hours of 7 AM to 11 PM.
- x. No more than three (3) vehicles, equipment, and/or trailers associated with the home occupation may park or stand on the property or the street, if permitted, at any time. Notwithstanding, home occupations in the RR – Rural Residential, RR5 – Residential, or A – Agricultural zoning districts may be permitted up to five (5) vehicles and/or trailers.
- xi. No more than one (1) commercial truck exceeding fourteen thousand (14,000) pounds, but not to exceed

thirty-three thousand (33,000) pounds, may park on the property or the street, if permitted, at any time. Notwithstanding, home occupations in the RR – Rural Residential, RR5 – Residential, or A – Agricultural zoning districts may be permitted up to three (3) commercial trucks exceeding fourteen thousand (14,000) pounds, no more than one (1) of which may exceed thirty-three thousand (33,000) pounds.

- xii. There is no storage of any flammable, toxic, explosive, or otherwise hazardous materials to a greater extent than stored in a typical residential household, and no hazardous material is discharged into any sewer, storm drain, or the ground.
- xiii. The use is not an adult entertainment center, adult bookstore, or registered in North Dakota as a compassion center to dispense or produce medical marijuana.

Section 3. Amend. 14-04-01 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the RR – Rural Residential zoning district, is hereby enacted to read as follows:

* * * * *

2. Used Permitted. The following uses are permitted.

* * * * *

~~a. Family child care.~~

Section 4. Amend. 14-04-01.1 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the RR5 – Rural Residential zoning district, is hereby enacted to read as follows:

* * * * *

2. Used Permitted. The following uses are permitted.

* * * * *

~~a. Family child care.~~

Section 5. Amend. 14-04-03 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the R5 – Residential zoning district, is hereby enacted to read as follows:

* * * * *

2. Used Permitted. The following uses are permitted.

* * * * *

a. ~~Family child care.~~

Section 6. Amend. 14-04-06 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the R10 – Residential zoning district, is hereby enacted to read as follows:

* * * * *

2. Used Permitted. The following uses are permitted.

* * * * *

a. ~~Family child care, when located in a detached single family dwelling.~~

Section 7. Amend. 14-04-17 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the A – Agricultural zoning district, is hereby enacted to read as follows:

* * * * *

2. Used Permitted. The following uses are permitted.

* * * * *

a. ~~Family child care.~~

Section 8. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent remaining portions of this ordinance.

Section 9. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 10. Effective Date. This ordinance shall take effect after final passage, adoption and publication.

Home Occupation Zoning Requirements from Bismarck Peer Communities

City	Types	Max Area	Employees	Signs	Appearance	Vehicles	Performance	Prohibitions	Other	Permitting
Bismarck	None	25% of primary, Not in accessory	1 additional	Prohibited	No alteration from residential	Not addressed. No significant traffic	Noise, fumes, etc. prohibited	None	No advertising address.	Permit required
Fargo	Major and Minor	25% of primary	1 additional, major only	1 SF wall sign, no lighting	No alteration from residential	Max 1 commercial truck less than 1 ton.	Noise, fumes, electric, etc. prohibited	Vehicle repair, dispatch, mortuary, animal, firearms, adult	Minor: limits on number of customers, daytime hours.	Minor by-right, Major SUP
Minot	None	25% of floor area, or 100% of accessory	2 total, with exceptions for family	4 SF no lighting	"Indistinguishable from any other dwelling."	Max 2 parked on street. 1 commercial vehicle allowed. Max daily travel	Noise, fumes, etc. prohibited	Animal boarding, Retail, vehicle repair	N/A	By right, no permit
Grand Forks	None	30% of floor area. No limit in accessory	1 additional part-time only	2 SF, front yard only. Lighting required.	No change in outward appearance	Not addressed. No significant traffic	Odors, noise, etc.	None	Daytime hours of operation	By right, no permit
Rapid City, SD	Major and Minor	20% of floor area	Only residents	1 SF, no lighting	No outward visible evidence	2 deliveries a week. No unusual traffic. No more than 1 additional vehicle.	Noise, smoke, heat, etc.	None	No mechanical equipment. Appointment only. Daytime hours	Minor by-right, Major SUP
Sioux Falls, SD	None	None	Only residents	2 SF, no lighting	No alteration from residential. No product displays.	No large truck deliveries. 4 visits per day. No off-street parking.	Noise, vibration, glare, electrical etc.	Retail	No separate entrance. Inside only.	Permit required
Billings, MT	Craft has separate process	25% of floor area or 500 SF	Only residents	Prohibited	No indication from outward appearance	One commercial vehicle > 12,000 lbs. 4 visits per hour max.	Light, noise, vibration, fumes, etc	Large goods, vehicle repair, dispatch, animals, Marijuana	Daytime hours. Inside only.	Review for craft only
Helena, MT	None	49% of floor area or 100% of accessory	Only residents	2 SF, no lighting	No display of products	No parking lot or disturbance. No large truck deliveries.	Noise, vibration, smoke, odor, etc.	Marijuana	No separate entrance.	Business license
Saint Cloud, MN	None	25% of one story	Only residents	1 SF, no lighting	None	None	None	Retail	N/A	By right, no permit
Rochester, MN	None	25% of floor area or 1,000 SF. Not in accessory	1 additional	2 SF or 12 SF, based on zone, no lighting,	No non-residential entrances. No display.	One commercial vehicle < 10,000 lbs.	noise, vibration, glare, etc.	Animals,	Only homemade products sold.	Permit required
Sioux City, IA	None	25% of floor area or 400 SF, excluding accessory	Only residents	2 SF, no lighting	No alteration from residential	One commercial vehicle < 14,000 lbs. no ads. Small truck delivery only.	noise, vibration, glare, etc.	Medical, vehicle repair, animals, retail, salvage, restaurant	No advertising address.	Permit required

Home Occupation Online Survey Report

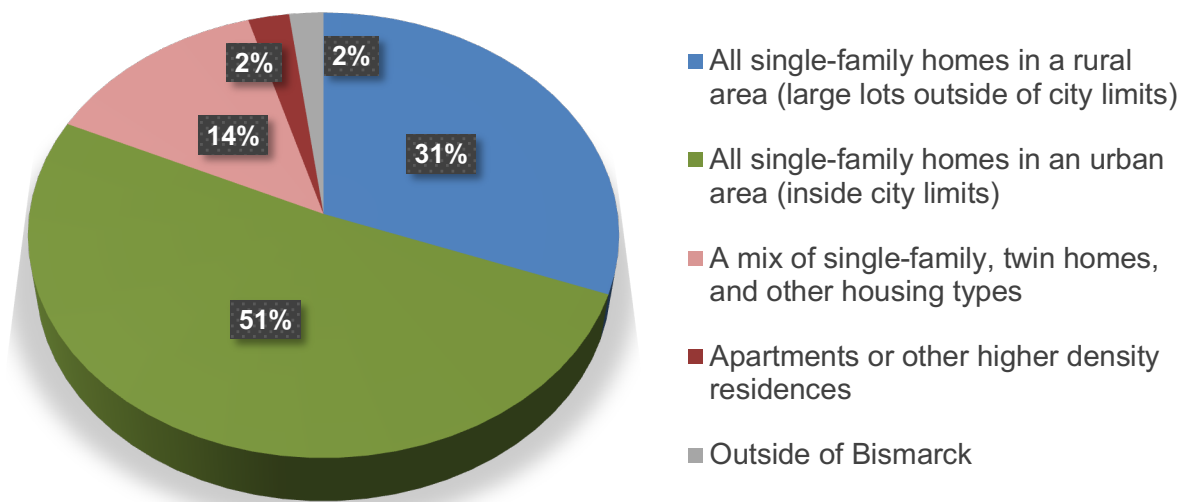
October 26, 2023 – Bismarck Community Development Department

In preparation for an ordinance update on Home Occupations, the Planning Division of the Community Development department conducted an online survey between October 5 – 26, 2023.

The survey did not have a controlled sample, but it could only be accessed through the city front page of the city website or two Facebook posts. A total of 245 responses were received during this period. The results are summarized in this report, and open-ended responses are included in their entirety.

Neighborhood Types

Respondents were asked to describe the street that they live on. The following neighborhood types were identified:



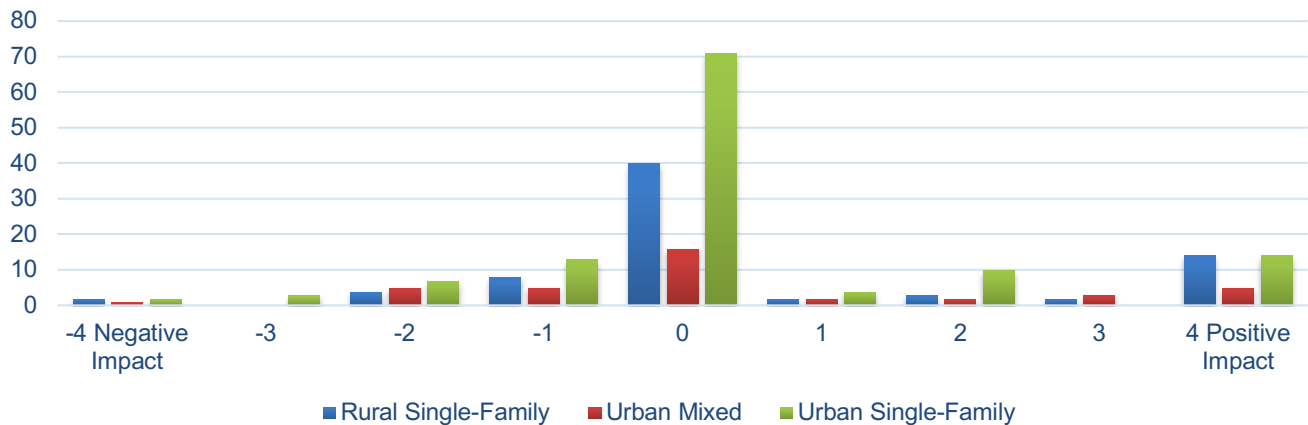
Responses outside of the City of Bismarck were not permitted to answer any questions other than the final open-ended response. For the purpose of analysis, the mixed-use urban and higher density urban categories are combined to allow a sufficient sample size.

Home Occupation Scenarios

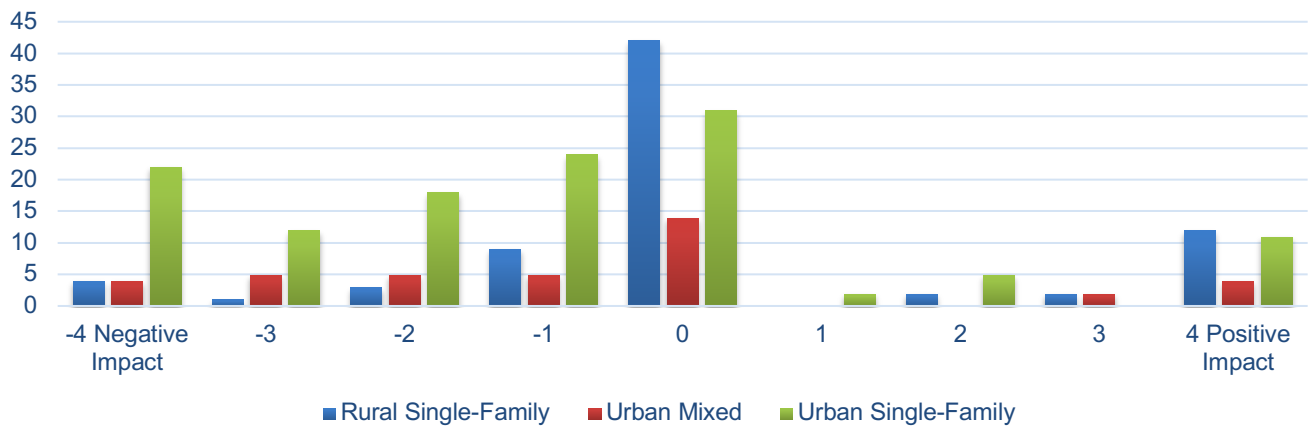
Respondents were presented a series of scenarios and asked to “imagine that a new neighbor moves into a home on your street, and rate how you believe each of the scenarios would impact your own household’s quality of life or property values.” Responses ranged from -4 Negative Impact to +4 positive impact, with 0 in the middle indicating no impact from the home occupation.

The results are presented below in question order, by neighborhood type:

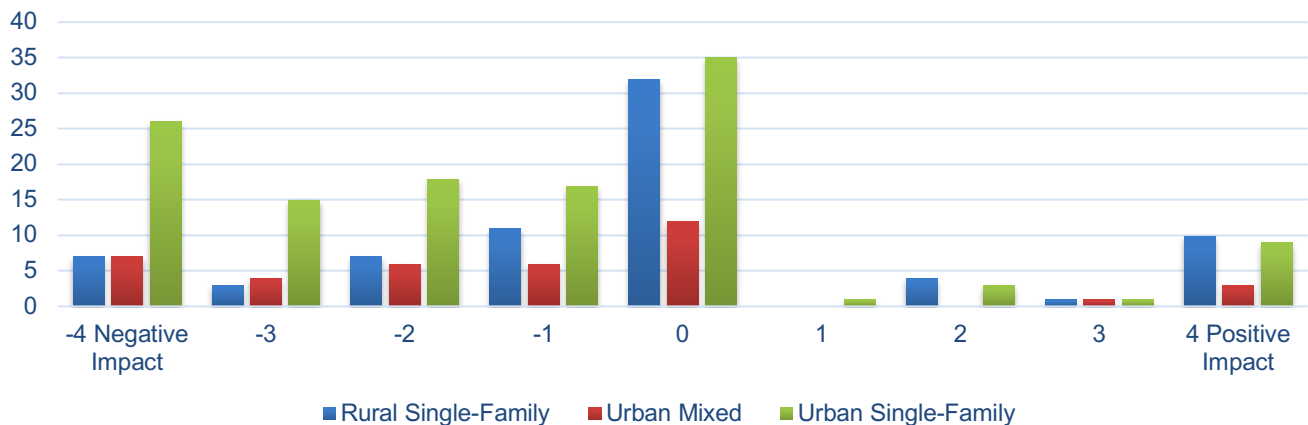
A music teacher offers lessons from the home with approximately 30 students arriving each week.



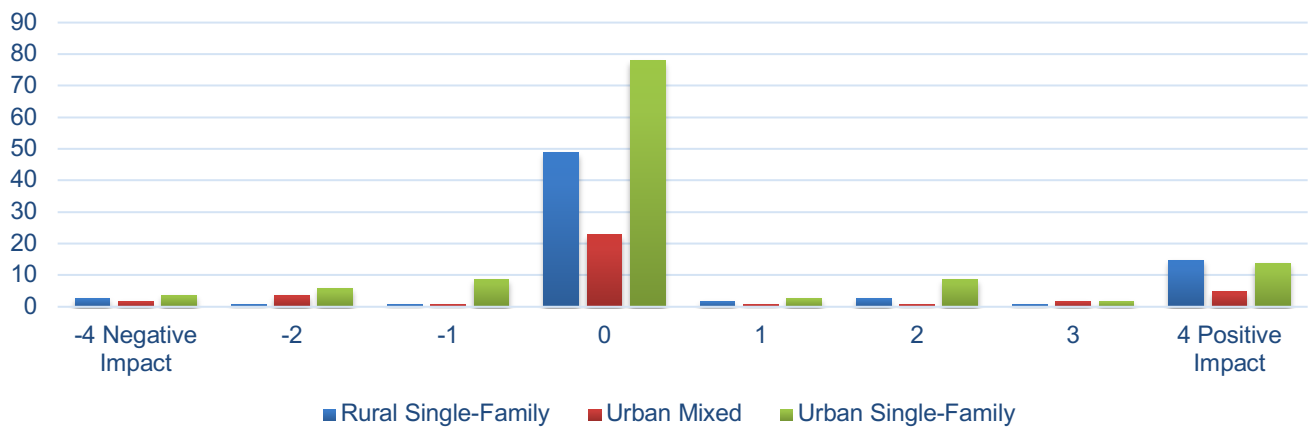
A self-employed contractor works out of their own home, parking a truck, a trailer, and other equipment on the property and storing construction materials in an indoor shed.



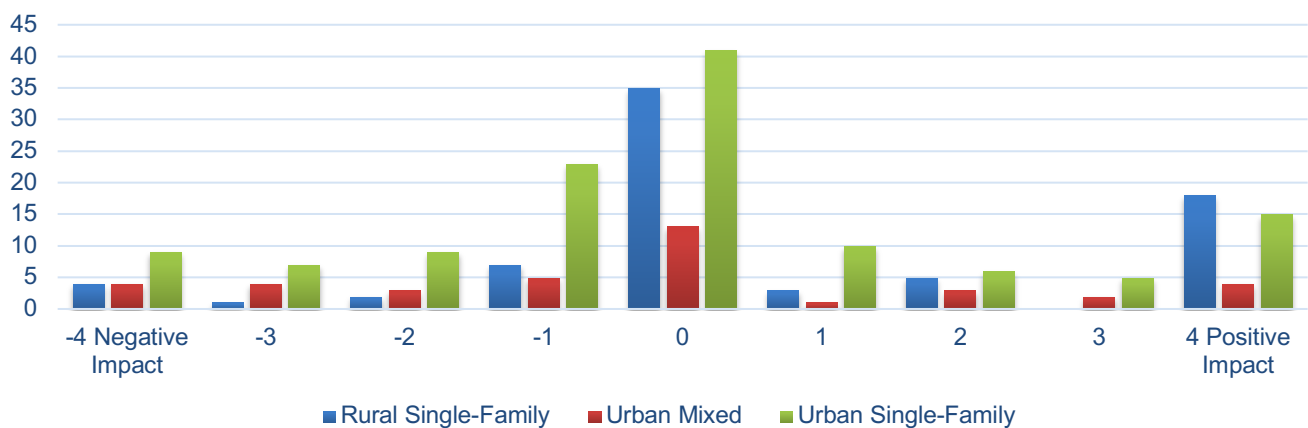
A landscaping business with five employees operates out of the owner's home. Workers gather at the home each day before going to job sites, and materials are stockpiled in the backyard mostly hidden by vegetation.



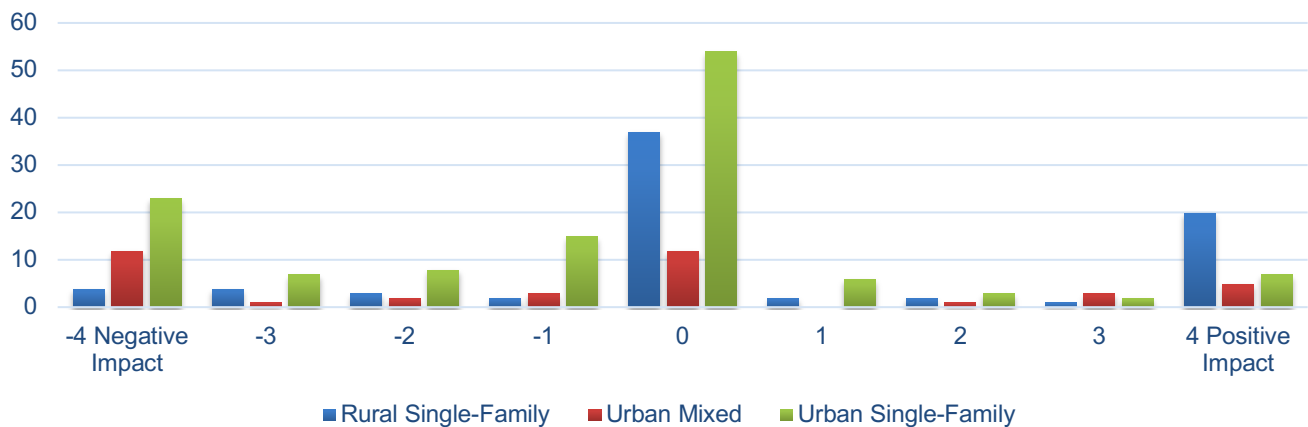
A woodworker builds custom furniture in a shop accessory to the home. About 10-15 products are sold each month online and delivered to the customer.



A home-based day care with 12 kids is operated by the homeowner and one employee.

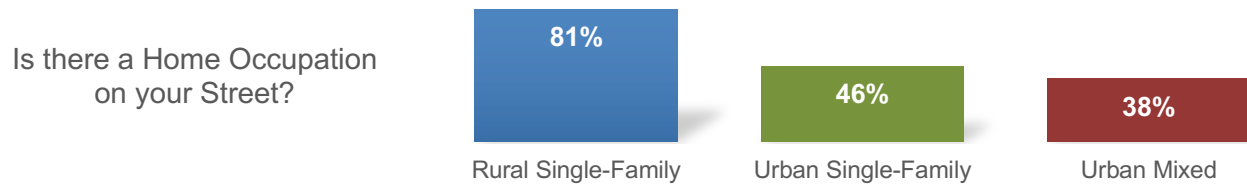


A licensed firearms retailer repairs and sells guns and ammunition from their own residence.



Actual Home Occupations

The next section of the survey inquired about any actual home occupations that are occurring on the respondent's street. A total of **132 (54%)** respondents report a home occupation on their own street.

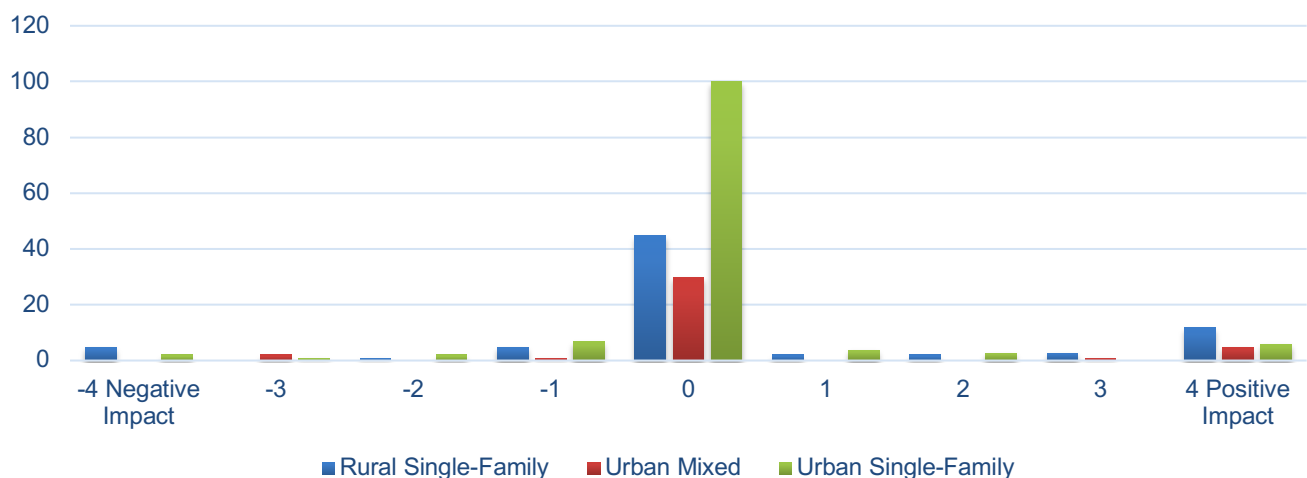


The following business types were noted, in order of most to least common:

Business Type	Count	Percent
Child Care	40	25%
Construction	39	25%
Landscaping	27	17%
Auto/Boat Repair	6	4%
Small Engine Repair	4	3%
Woodworking/Furniture	4	3%
Snow Removal	4	3%
Animal Training/Grooming	4	3%
Taxidermy	3	2%
Appliance Repair	3	2%
Medical Service	3	2%
Product Retail	3	2%

Business Type	Count	Percent
Fabric Services	3	2%
Hair Stylist	2	1%
Trucking	2	1%
Music Lessons	2	1%
Junkyard	2	1%
Massage	1	1%
Cleaning Services	1	1%
Business Consultant	1	1%
Personal Trainer	1	1%
Welding	1	1%
Photography	1	1%
DJ	1	1%
Agriculture	1	1%

How does this business affect your quality of life or property values?



The respondents were given the opportunity to provide open-ended responses to guide the ordinance update process. A broad range of opinions are evident, although a majority of responses state that home occupations are overall positive for a neighborhood, as long as certain conditions are met to limit the impact on neighbors. A significant minority of respondents favor home occupations with no restrictions. A small number of respondents favor prohibition of home occupations in residential areas.

The following specific factors to consider in an ordinance were raised by respondents:

- | | |
|---|---|
| ☐ Daytime hours of operation | ☐ Customers per week |
| ☐ Noise | ☐ Fire code inspections |
| ☐ Parking on the site | ☐ Outdoor storage screening |
| ☐ On-street parking - over winter months | ☐ Activities that generate traffic |
| ☐ Duration of on-street parking (pick-up vs all day) | ☐ Number of business vehicles |
| ☐ Number of employees | ☐ Sight distances at intersections |
| ☐ Gross weight of equipment | ☐ Residential aesthetics |
| ☐ Landscaped buffers | ☐ Control of trash/litter |
| ☐ Light pollution controls | ☐ Chemical dumping |
| ☐ On-site retail | ☐ Alcohol, tobacco, and firearms |

Open-ended responses are provided below with minimal editing:

Is there anything you'd like to tell us about regulating business activity in Bismarck residential areas?

Makes the road very dangerous in our situation there is constantly a bit trailer or a garbage trailer parked on the street. We call the city but nothing changes. We are thinking of moving because of this neighbor.

I think business activity is great based on the business. One to two customers is not a problem; more than that during the hours of 6-10 pm may become annoying.

I think residential zoning, especially single-family zoning, should be abandoned in favor of up-zoning our city neighborhoods to hopefully slow the suburban sprawl that is unsustainable

and counterproductive to a vibrant, functional city.

Noise ordinances should be heeded as well as parking (including long term vehicle/trailer) parking should be equally enforced for personal or commercial use, including notices for "winter" parking in the fall. As an example, BPD was in force on our street tagging RV's and boats with notices they will be towed prior to the winter, but two contractor's trailers were not and remained for weeks and had been there longer than some of the tagged RV's and boats. One was a contractor that lives on the street and another had been there all summer.

Any existing, modified or new rules and ordinances needs to be equally enforced be it homeowners, on-site contractors, contractors operating from home or other businesses operating from home.

We are in an era where people can and should make money from home. Let's not stymie their efforts. It is worth noting, I do not have a business operating from home, but feel people should be encouraged to do so.

Less regulation is always better. Every situation should be handled on a case-by-case basis. Most business owners will be responsible and do what they can to be a positive impact to their neighbors.

Business owners pay taxes and spend money in our community. Regardless of where they do it from. In the days of nomadic work opportunities they can work from anywhere. Make it hard for them here they could and would easily relocate to a place that allows them to thrive.

Many contractors can't afford another property if they are self-employed or have very few employees. Have it based on employee numbers and gross weight of equipment or type of equipment. Nothing viewable from the public right of way.

Low traffic small businesses in residential areas is one thing. Having vehicles frequent the area and strange people in and out is a problem. I had a home daycare and that is one business that families in the area liked having close to them. Other types of businesses are questionable. The purpose of living in an area like ours is for the distance from others and to avoid the commotion of commercial areas. We live here for the peace and quiet. One nearby neighbor repairs vehicles in his shop. They frequently have people to their house, and that is something I would prefer they not do. It is a

bother when people park on the road anywhere in our area, because it creates a bottleneck for traffic, which is a hazard, especially on hills.

Don't let cell phone towers be built 15 feet from residential and mixed-use lots when they could easily be placed on top of a commercial building, out in the ditch on I-94, or at a substation a few blocks away. It is so embarrassing that the City admitted to the Tribune that they didn't keep an inventory of cell phone towers inside the city limits.

I think just because the scores are negative doesn't mean they are necessarily bad. I think if the question was asked about anything with too much commotion next door would provide a negative response. I would think the biggest issue with each of these is the respect that's provided by each business and their patrons to your residence. Although I put negatives for each response I still think enabling individuals to make a living while reducing unneeded brick and mortar stores is good as it may help reduced urban development.

Please encourage mixed uses.

It does not belong in or near a 1-mile radius of housing period

We live in the Hay Creek Park area where to the East of us is an industrial area, CK Auto, etc. As a City, we need to consider the impacts of industrial areas that are adjacent to single family homes as a result of poor City planning. What limits on building elevations, implementing buffers such as wooded areas, and light pollution controls can be considered for future zoning efforts and improvements to current zoning.

Soft businesses such as home day care, are very different from business operations. Residential areas should remain Residential.

Not more than 1 employee

No retail or sales

Not more than 10 customers per week

Stay out of it. Focus on getting property taxes under control and reduce spending. That is a much higher priority.

Shop condos can be for these types of activities.

It helps the community at large, as long as businesses are following all city regulations regarding lawns, street parking, etc.

there's already too much regulation regulate anymore. No one could afford to compete with big business.

I would be concerned about the additional traffic on the street. I live on a cul-de-sac so any additional traffic is noticeable and makes a difference to limited on-street parking.

In an era when government can shut down the economy, restricting home-based businesses would be immoral and counter-productive to economic development goals. The city should look at how to make it easier to operate businesses out of homes, not harder.

The scenarios above are not all so terribly bad but you also have people running plasma tables, powder coat ovens, and metal fabrication out of their garages in residential areas. Those pose more fire hazard and well honestly makes it tough as a real business with overhead trying to survive. The guy with the woodwork maybe the closest to that scenario but you but you list it on a small hobby scale so that impact is smaller.

Forced separation of business and residential areas is not conducive to my lifestyle. I have no vehicle, and businesses within walking

distance, and a vibrant, busy community, would only serve to improve my quality of life. I want houses stacked on top of every shop in town and I want to live in those houses.

Keep residential areas residential for homeowners. Self-employed businesses, retail and commercial businesses do not belong in residential neighborhoods/areas. Even the new trending "professional office buildings" designed to look like single family homes do not belong in residential areas/neighborhoods.

There is zero need to regulate it

It should be limited to those businesses that have a minimal impact on neighbors. We have a lawn/snow removal business a few houses from us that parks equipment on the street. We also have a neighbor that works at a recreational vehicle dealer that parks trailers with inventory in front of our house and when doing so, he damages the trees on the boulevard. We also have a daycare where parents park and block our driveway when dropping off and picking up kids. All of these activities cause noise and take away from the residential quality of our neighborhood.

None of your business. It's our right to use our properties as we see fit. Stop taking our rights away.

Noise is a main concern. Peace and quiet are needed for homeowners. That's why there are noise regulations. Lack of parking space due to single stall garages on this particular street would be a big problem also. Not conducive for businesses.

Remove out of state interests from owning and renting land or equity.

Depends on the business!

Most of my concerns with the above scenarios would be with noise or the materials that may

be on the property. It would be with the amount of parking they would take up on the street.

Most home businesses in rural subdivisions are mostly hidden and well taken care of by the business owner. It's nice having a contractor to call if help is needed, and a landscaper if needed. The only people bothered by these businesses in rural subdivisions have too much time on their hands and want to be in everyone else's business.

With the rising cost of living and real estate, businesses should be encouraged to make the most use out of the available space. Small businesses are an essential part of the community and as a community we need to support them whenever possible.

Let them be. They are trying to make a living just like everybody else. Why make a stink about it?

Small businesses are a staple to any community. It is nice to know that you have someone reliable down the street you can go and ask for advice or help.

I don't care what people do inside their home/garage. Extra traffic to the home should be very limited. There also should be restriction on activity that increases traffic and parking on a street to more than what would be expected of a single-family home.

I would allow licensed home-based day cares to be an exception to the traffic restrictions since the societal need is so high that it outweighs the negative neighborhood impacts.

I think it is up to the homeowner whether they would like to operate a business out of their home or not. They should be encouraging people to be entrepreneurs and to do the best they can for their families. At least they have a job and aren't relying on the government for all

of their bills. As long as the business is not affecting neighbors I don't see any issue with it.

Small businesses should NOT be regulated in rural residential areas.

How would running a professional business out of someone's home negatively affect a neighborhood?

How can you possibly regulate what people are doing? We have such a need for daycare, are you going to shut them down? How can you allow one type of business to operate out of a house and not another, that would be discrimination. You want people to work and support the economy, but not out of their home. Doesn't sound right.

The law should be designed to allow people to run a small business out of their homes. A huge part of our economy comes from just such small businesses. And the people who run them are good people, helping the community.

It is their property and if they want to use it to make income I don't have a problem with it as long as the yard still looks decent.

No. I feel there is typically minimal impact on neighbors.

I think it is unfair that you pick and choose what small businesses are able to operate out of their homes. There are no negative impacts on the City or the neighborhoods so let them work and operate their businesses out of their home

I think when someone operates a business out of their home they can only be allowed one business vehicle to be at the residence.

As far as employees gathering at a home, it can feel uncomfortable. They (employees) may not have had background checks and it's uncomfortable having strangers knowing your daily routines because they are in your

neighborhood on a daily basis for work. Also, we need stricter rules for vehicles being parked on streets for an extended period of time and noise violations. :)

Visually pleasing such as fences to contain business items. Street parking allowed for immediate property line and across street as long as mail and garbage not hindered. Encourage more off-street parking, parking slab adjacent to property.

As long as they don't take up ample street parking for multiple hours during the day it's OK with me.

Give tax incentives and refunds to small businesses operating in the Bismarck/Mandan metropolitan area and utilize our taxes wisely instead of recording a 170 million dollar surplus and raising the local and county taxes and not disclosing what it will be spent on.

Encourage them!!! Please LOWER their taxes- it's killing their businesses!

Government overreach is driving the cost of services up and although some regulation is appropriate it needs to be as minimal as possible so that the community and free market can thrive unhindered.

You don't need to control what everyone does if it isn't illegal.

Not sure if there is a home-based business as such that you have listed in the survey. Should have a choice of Maybe or not sure.

We live next door to a landlord who rents out the house to UMary football players and the polebarn to a man who owns an excavation business. This would be considered a commercial property since he's renting out to two different people on the same lot but our neighborhood is residential. We have complained to the city numerous times, but you

don't do anything. We don't mind the football players but do mind the excavation business as the polebarn is right next to our house and he brings semis and large vehicles in and out. It looks crappy next door, and we don't like the noise. We moved here to be in a residential neighborhood not a commercial property neighborhood.

We are so sick of the noise pollution coming from WBI compressor station on 57th.

The question about a contractor - they will park their big vehicle on the street. We have a neighbor that has a huge trailer, one that holds two snowmobiles, and he parked it on the street. This trailer blocked the intersection. He lives on a corner, so he parked the trailer on the street where he didn't live - nice huh? Asking him to not do this did no good. And the City didn't care either. That's why having anyone with a business that as big equipment would not be beneficial to any neighborhood. Because they would certainly use the PUBLIC street to park their equipment. Not good for snow removal or intersection access.

Not opposed as long as it doesn't start to look like it's not a residential area anymore, with equipment, materials, etc. all over. I think if it's a business being run out of a home, it shouldn't look like it's a business to your neighbors and passerbys.

If they want it to be a full-fledged business and take up more than their reasonable share of parking, store items in visible areas; then rent office, space, a shop, etc.

I think regulating business activity is wise, particularly larger scale businesses that require substantial equipment to operate. Also, any that produce noise or possible disruption to the neighborhood as well. It is imperative that residential areas be safe and not expected to house businesses that would be better suited

for another sector in town (including homeless shelters, soup kitchens, etc).

No, small businesses are a good thing in neighborhoods.

Low impact businesses run out of the home are ok in town. No storage of materials. A daycare or music teacher generally doesn't have more than one or two extra vehicles at a time so it's not a big impact to the neighborhood. Repairing firearms is not a big deal but selling guns and ammo would be a BIG no no in town or in rural subdivisions.

More involved businesses that may require several work vehicles may be ok in rural areas, but storage of materials or additional equipment needs to be limited or completely screened. Once you have more than 1 employee-get a shop so it doesn't burden the neighborhood.

If someone has a legitimate small business registered with the State of ND they should be able to operate it from their home. There are always exceptions, but how and who decides is up for debate. Keep the American dream alive and let's allow home based small businesses to thrive!

Lots of traffic in and out all day but I'm gone working most of the day, so it generally doesn't impact me. They all are gone by 6pm.

I don't see a problem with business activity in residential areas. Let capitalism do its thing.

Businesses should be operated in a commercial zoned area, not in a residential zoned area.

All is good except the boat repair/DJ business. He blasts music that disturbs neighbors. His yard also looks like a junk yard.

I feel in general homeowners should be able to do as they please in their own homes/property. However, if there is potential for injury or harm

to neighbors, or a significant increase in traffic and equipment on the streets, that should be something that is not allowed and the business/home-owner should be renting or buying commercial real estate for their business.

Keep more government out of peoples' lives. What are you trying to do by ruining or making it impossible for small independent businesses from surviving? This will only cause more expense to independent contractors and make it unable to survive if they are forced to get commercial property for these small low-income businesses. Most of these small business are on 2-5 acre lots and have vegetation between one another that it doesn't affect others around them. Government regulation ruins this opportunity for independent contractors that do much service for commercial businesses such as snow removal lawn mowing etc. that need just a shop to store their equipment so it can be ready to go after a snowstorm or kept out of the elements that cause damage or theft. Keep government regulation out of it. Lawn mowing contractors can't afford to have commercial space either and adding costs of doing service for your office complexes will skyrocket if this is forced on small business owners

It's disruptive to neighborhoods when there's a business with several employees coming and going from the home business throughout the day and neighbors don't know if employees can or can't be trusted at the same level as their neighbors.

Is no different as if somebody would have people over for the holidays or a gathering at their house for a birthday party for small business owners running a business out of their house cuz most of the cars for small business are gone and not staying real long. On the street that I live on on the block I'm on the neighbors are all aware of the two businesses

and are fine with it and everybody has an understanding.

Let the subdivision covenants dictate the use of property not the government. There are plenty of other homeowners in rural subdivisions that don't have a business and the property looks as if they do. That's why people choose to live in those areas, to own larger property that they can do with as they please. If North Dakota is all about helping the rural small businesses then they should let that happen instead of hindering their activity. Shop local is the slogan.

As long as they don't create an eyesore or become a nuisance due to noise, I believe they should operate as they wish, especially outside the city limits.

Small businesses can bring great things, even to residential areas.

Need for quarterly review that no additional buildings added to property for storage

I love to support small business in Bismarck home based or otherwise. Having someone closer than running into town is a huge bonus for me and my family both. I think that as long as they aren't creating noise issues or making property look unruly that they should be allowed.

Keep small businesses.

Neighbor mentioned above is in violation. No one does anything. We look at wrecked cars and junk yard every day. Maintain speed limit control and put limitations in place and enforce but let small businesses exist within reason. Noise control too.

Small businesses are just that. They need the opportunity to start somewhere and be small. Some people don't have the capital to start their business and right away act like a big business with offices, shops, ect. Give entrepreneurs a

chance at becoming something great and productive for society. Many big businesses have small business roots and hampering the start of growth will hurt future jobs, city revenue and customers who save money that can't pay the big business rates for services. Jobs will be lost if small business like these have to close their doors.

The businesses in our area do not affect the quality of our life.

Any business should not negatively impact its neighbors. Junk appliances and or vehicles should not be stored on RR property.

Thank you

We want more small businesses, and they need to start in the home. It really is none of the city's business. If one person complained and 99 others didn't, majority should rule!!!

No, leave them alone they are helping the community.

I don't think there should be limitations on in home daycares more than there is already as it is already very difficult to find childcare. The most impact a daycare has in a neighborhood would be during drop off and pick up times however it's no different than a resident having a gathering at their home with multiple people.

[Name Redacted] has a daycare and she is great

Mind your own business unless it has a negative impact on other landowners such as high traffic / noise outside of normal operating hours.

Businesses, regardless of size or type, should not be allowed in single family residential neighborhoods. Any business that increases people or motor vehicle traffic in a residential neighborhood should be required to be located

in an appropriately zoned district. No exceptions or middle of the road exceptions.

People should mind their own business and just keep a nice yard. To many people complaining about what the next person has and then the go with those few people's opinion.

What people do for work on their own property is none of the city or state's business.

Let the covenants and HOAs dictate the use of homes for a business. Taking away opportunities from entrepreneurs not only hurts the city of Bismarck's economy, but it goes against "shop small" or "shop local". This also makes Bismarck less desirable to raise a family, as well as creates a bigger divide now within communities in our city. Bismarck used to have a small-town community feel, but more recently legislation has been stripping us of that and our freedoms.

Requirements to keep things neat and no trash laying around to blow

As long as traffic on roads isn't an issue and the places are kept up I don't have an issue.

Proper screening of the activity or enclosure is helpful. A landowner may have 4 trailers in their back yard in a rural home even without a home-based occupation so it seems punitive to require all areas be screened. There is a threshold where that activity would no longer have the neighborhood support. That threshold is likely tied to the activity occurring on site and whether that activity is noticeable (someone working in their shop not as disruptive if it is all self-contained, different story if there are 10 cars that are the "next" projects or building materials strewn about the property). Allowing work inside a contained area likely contributes positively to the neighborhood if it is the catalyst that supports the construction of a \$100,000+ structure which increases the tax base.

Small business owners are the backbone of America. A person has a right to earn a living so long as they are not negatively affecting their neighbors.

I feel residential businesses are a great way to do the jobs you love without having a lot of overhead. Working from home has become a very popular way to work. If this was taken away, I believe a lot of those businesses would close and leave the employees and owners jobless. We don't need any more jobless people. Trying to stop people from having a business at their own home is ridiculous. I do not agree with this at all, if people want to work and run a business out of their home that they pay for, let them. Today no one wants to work, why try to stop the people who do want to work? This makes no sense at all.

As long as there is not excessive noise pollution, chemical dumping, and the property is well kept I have no issues.

I would think that firearms dealers should be in a business district because there could potentially be a daycare or a school right next to the business. Likewise with a smoke or CBD shop, coffee shop/food truck selling in neighborhood house/driveway.

I appreciate that the City's watching out for residents and potential misuse of the zoning ordinance

It would be great to see more neighborhood amenity commercial spaces on the corner of major streets in all residential areas limited to coffee shops, bistros and restaurants and never operating beyond 9 pm in the winter and 10 in the summer. Other conditions should include no parking allowed so that people are forced to use this as a neighborhood walkable amenity.

I would worry about the drug dealers all over than anything else.

If there is going to be constant noise, a lot of foot traffic or parking required, or hazardous chemicals/processes like fire or extreme cold, those kinds of businesses should not be allowed in residential areas. But I'm all for allowing as much home business as possible because everyone should be able to make money from home.

There's already such high property taxes that it makes sense to work from your home when feasible rather than renting elsewhere for business. It would render it even less affordable to be self-employed. As long as noise restrictions and the standards of the condition of the home etc. are adhered to, it has little to no impact on the neighborhood. It also has the potential for higher productivity during winter weather if a commute is not needed. I've had plenty of neighbors over the years with multiple junker cars being worked on in the driveway for personal use etc. running a business from a home is less impactful than that, in my opinion.

If the business can keep items from cluttering the front yard, driveway, or street then I see no issues to the neighborhood. I think the curb appeal is what matters most to me and my view of the neighborhood. If the business has an accessory building for storage or the business then I am okay with whatever the business may be. I'm not sure how noise plays into this, but I wouldn't want to see a business that generates noise from 10 pm to 6 am.

Workers leave vehicles behind and take work vehicles to job sites taking up parking. Job vehicles take up tons of street parking and impact snow removal. Equipment and material are displayed stored outside for long periods of time at both locations.

Surprised the city would conduct a survey like this. You allowed a business park to be developed in what was promised as a

residentially development...Boden Addition! That would be a -4 negative affect.

No guns, no bars, no smoke shops or other questionable or hazardous businesses mixed in residential areas. People that make and sell items online would not be an issue.

Residential in town is alot different then residents out of town. Having a bobcat, tractor trailer etc. are commonly owned by us anyway to move snow and do yard work. Most of the time we help our neighbors out with snow removal with the equipment that we use every day to make a living. I think we have the right to have and operate a small business out of the home.

Big trucks, big equipment, and stockpiles of materials don't belong in residential neighborhoods in city limits.

Consider noise level, parking impact. - short term to pick up child not as impactful as cars parked all day, storage of items - all should be inside shop or garage except for short periods.

I think the city needs to tread lightly on homeowner rights as private property owners especially in the Rural residential areas. The businesses I have listed above have been very beneficial to our rural subdivision in the ET. Examples operators in the neighborhood watch some of our younger kids for families in the who work making it easily accessible for their children. Also the children are typically familiar with a neighborhood business owner as they are our neighbors. The lawn care and snow removal guys help keep our streets open for fire and rescue as well as those in our neighborhood who are considered essential works. We sometimes go several days without a plow, so our small business owners help with keeping a lane open during these weather events to assist essential workers to get out of developed to the highway to get to their

essential job. This has been helpful for first responders in cases where they need to get into our development during an emergency.

Small business should be encouraged as long as the yard is clean and maintained and equipment is kept off the streets

The city should not be able to regulate what we do in the county - we don't get any city benefits, and we don't vote for city representatives, so they shouldn't have jurisdiction over what we do in the county as far as businesses. Also a small business in the middle of the suburbs is a lot different than a small business in an area where people have land and acreage and space - much less impact on others. I think you also strongly have to consider the rights of property owners to do what they want on their own property.

Stay the hell off our property and worry about fixing the streets and issues we pay you to do and NOT invent new ways to attempt to control private business.

Worry about potholes and not some gal selling her pottery out of her own home.

Bismarck is one of the nicest cities because we don't build business next to neighborhoods

Drive around Minot. It looks terrible because of their zoning. Many neighborhoods have become dumps because of it. Keep industrial away from homes. The land on South 12th and Burleigh that's for sale should NOT be sold as industrial. Way to ruin the area.

Allow home based Business to operate from their home. Small business is key to healthy economy. Overall I've found home businesses to be a positive in my neighborhood. It's always a plus to know people with knowledge and skills for projects at your own house. I've hired 3 of my neighbors on several occasions!

I find that what my neighbors choose to do out of their own home is none of my business and has little to no impact on my own life. Anybody should be allowed to run their small business out of their home within reason.

Residential Business is a great way to start small and how most company started. do not make it harder for people to start something that they are passionate about.

Any business that isn't retail should be allowed as long as all business-related activity occurs on their property. Parking business related vehicles/equipment on the public streets near the property should be allowed. No businesses that regularly uses dangerous chemicals or produces sound or dust pollution should not be allowed.

The impact is from extra traffic potentially speeding on the road. If speed limits are posted (and enforced), it would minimize the impact.

In the above scenarios, there is a concern of parents/teens driving too fast for the neighborhood as they rush to and from appointments. Obviously, this is dependent on the habits of individual drivers.

Anything leading to storage of extra vehicles, campers, building materials etc... should only be allowed in industrial areas and should not be allowed in residential neighborhoods.

As a Bismarck resident for many years, home businesses don't seem have a negative impact and don't affect others as long as the noise level, street parking etc. are within reason. Homeowners should have the freedom to decide whether or not they should run a business from home

Allowing more mixed-used and neighborhood commercial within restricted guidelines.

We should ban all working out of residential homes. I have several neighbors who work from home and also a daycare with almost 10 kids. This must all be banned. Some of this activity is very hard to detect and the city needs to do more investigation. I think a group of retired people could start a task force looking for violations and reporting to the city for prosecution. The city should also add an online form to report violations.

STAFF REPORT

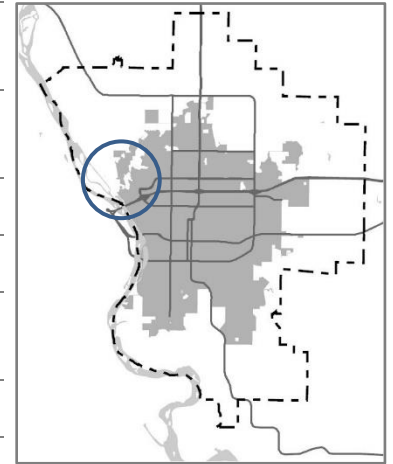
Application for: **Annexation**

Agenda Item # 5
December 20, 2023

Project ID: **ANNX2023-005**

Project Summary

<i>Title:</i>	Hay Creek Township, Lot C, Section 19 and Lot B, Section 30
<i>Status:</i>	Planning & Zoning Commission – Final Consideration
<i>Property Owner(s):</i>	Park District of the City of Bismarck
<i>Project Contact:</i>	Lauren Oster, Planner
<i>Project Location:</i>	In northwest Bismarck, east of River Road and north of Burnt Boat Drive
<i>Project Size:</i>	72.8 Acres, more or less
<i>Applicant Request:</i>	Annex Lot C, Section 19 and Lot B, Section 30, Hay Creek Township



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	2 unplatted parcels	<i>Lots/Blocks:</i>	2 unplatted parcels
<i>Land Use:</i>	Public	<i>Land Use:</i>	Public
<i>Future Land Use:</i>	Parks and Open Space (PKOS)	<i>Future Land Use:</i>	Parks and Open Space (PKOS)
<i>Zoning:</i>	P – Public Use	<i>Zoning:</i>	P – Public Use
<i>Uses Allowed:</i>	P – Parks, open space, stormwater facilities, and other public uses	<i>Uses Allowed:</i>	P – Parks, open space, stormwater facilities, and other public uses
<i>Max Density:</i>	P – N/A	<i>Max Density:</i>	P – N/A

Area Information

<i>Zoning Jurisdiction:</i>	Bismarck City Limits
<i>Township:</i>	Hay Creek (organized)
<i>Neighborhood:</i>	Promontory Point

Property History

<i>Zoned:</i>	08/20
<i>Platted:</i>	N/A
<i>Annexed:</i>	N/A

Project Narrative

The Park District of the City of Bismarck is requesting approval of the annexation of Lot C, Section 19 and Lot B, Section 30, Hay Creek Township.

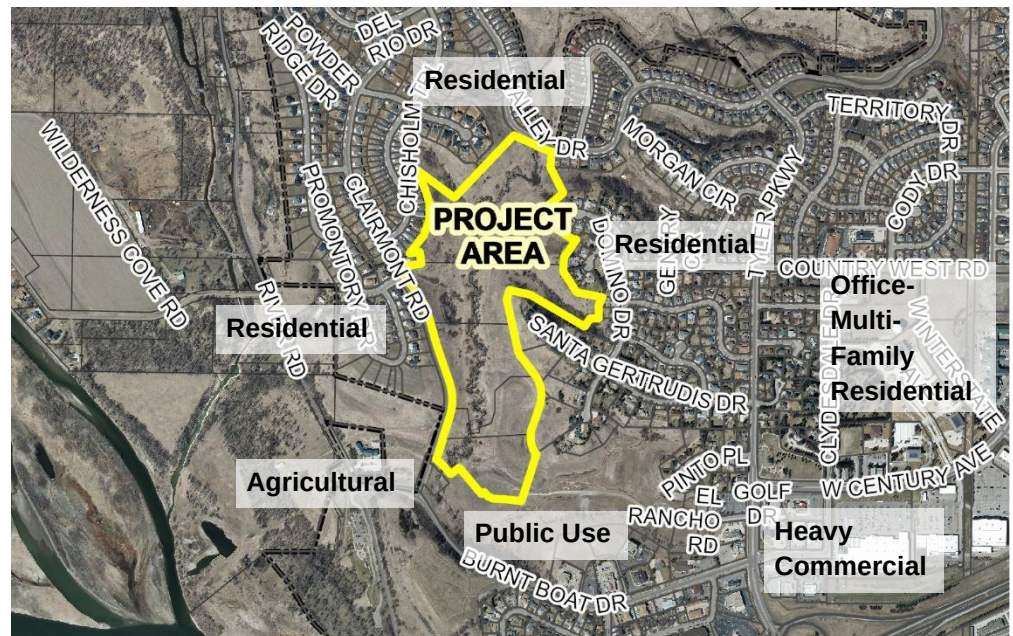
The requested action will bring that part of lands not previously annexed into the corporate limits to incorporate into the future nature-based recreation park north of Burnt Boat Drive and South of Valley Drive.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.

A Growth Phasing Plan Map is also attached to this staff report, showing prioritization for extension of the Bismarck city limits.



The property has been identified as Parks and Open Space (PKOS) in the Future Land Use Plan. The PKOS areas are places that are kept in a largely natural state, providing many important functions for the community and ecosystem. Goals and objectives of this plan as they relate to an annexation are referenced in review standards below.

It is the intent of the Park District of the City of Bismarck that this area be named Clairmont Family Park.

Public Engagement

Annexations do not have a public hearing before the Planning & Zoning Commission. The public will be duly notified of this request before it is

heard by the City Commission, as will Burleigh County and Hay Creek Township in accordance with the provisions of Section 40-51.2-05 of the North Dakota Century Code.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Community Development Activities map.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

(continued)

The Growth Phasing Plan is adhered to with the proposed annexation ([Growth Phasing Plan](#))

Yes. The proposed annexation incorporates land that is within the Urban Service Area Boundary and has been designated as Expansion Ready.

Adequate public facilities are or will be available to serve the annexed properties completely and equitably ([Goal G3-b](#), [Goal G3-c](#))

Yes. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities, and programs to serve any development allowed by the annexation at the time the property is developed.

The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck ([Goal G2-b](#), [NDCC 40-51.2-03](#))

Yes. The area proposed annexation is clearly contiguous to the existing corporate boundaries. 100% of the proposed annexation's perimeter adjoins corporate limits. Generally, any proportion greater than 20% is considered unambiguously contiguous.

Proper administrative procedures related to the request are being followed ([NDCC 40-51.2](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. A written

petition for the proposed annexation was submitted to the Community Development Department, which has been deemed valid by City staff. A public hearing, subject to all notice requirements, would be held with the City Commission.

The public health, safety and general welfare will not be adversely impacted by the proposed annexation ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed annexation would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation of Lot C, Section 19 and Lot B, Section 30, Hay Creek Township as outlined in the draft annexation ordinance.

Attachments

1. Draft Annexation Ordinance
2. Zoning and Plan Reference Map
3. Growth Phasing Plan Map
4. Exhibits of Lot B and Lot C

Staff report prepared by: Lauren Oster, Planner

701-355-1846 | laoster@bismarcknd.gov

CITY OF BISMARCK

ORDINANCE NO. XXXX

First Reading _____

Second Reading _____

Final Passage and Adoption _____

AN ORDINANCE ANNEXING PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DECLARING THE TERRITORY ANNEXED; DECLARING THE SAME TO BE A PART OF THE CORPORATE LIMITS OF SAID CITY.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA:

Section 1. Territory Annexed. The territory and land hereinafter described is hereby declared and found to be a part of the corporate limits of the City of Bismarck, Burleigh County, North Dakota, as follows:

Lot C, Section 19, Township 139 North, Range 80 West of the Fifth Principal Meridian, Bismarck, Burleigh County, North Dakota.

and

Lot B, Section 30, Township 139 North, Range 80 West of the Fifth Principal Meridian, Bismarck, Burleigh County, North Dakota.

The above-described tract of land contains 72.8 acres, more or less.

Section 2. Provisions Applicable. From and after the final passage and adoption of this ordinance and upon recording of this ordinance with the Burleigh County Recorder, the territory herein described shall be a part of the corporate limits of the City of Bismarck, North Dakota.



Zoning and Plan Reference Map

CENTENNIAL PARK FIRST ADDITION FIRST REPLAT

MPLT2023-007

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

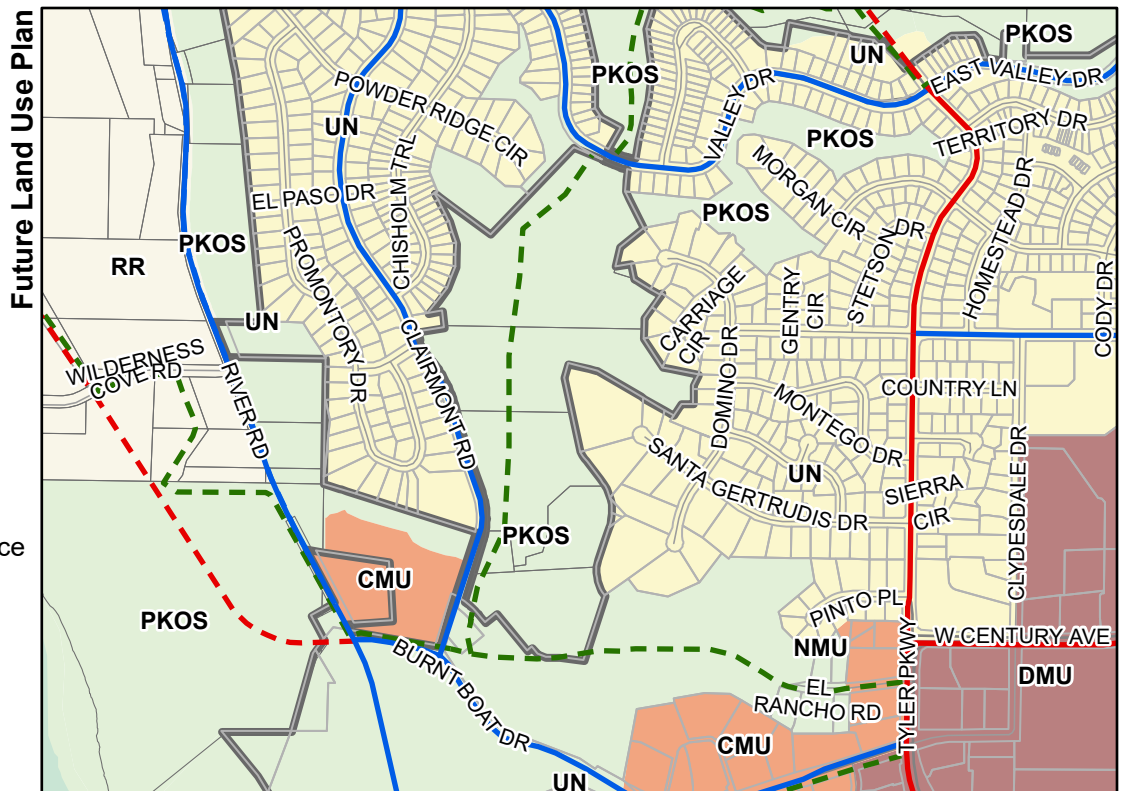
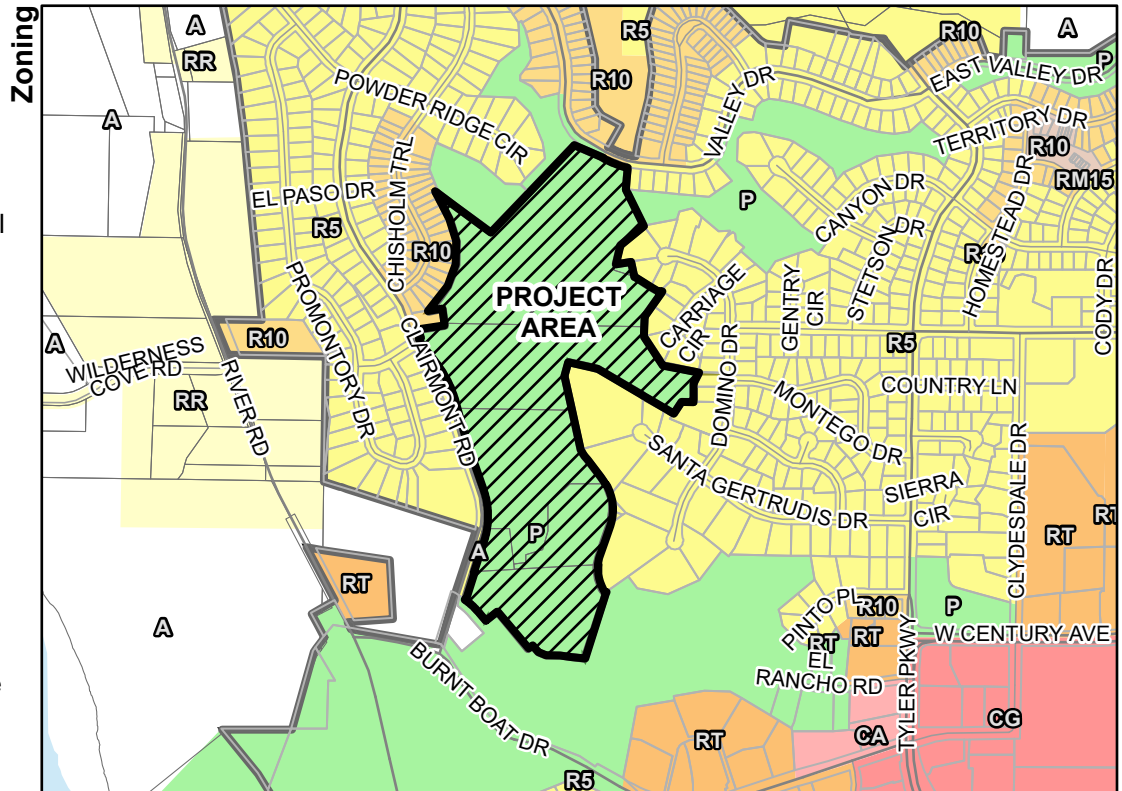
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Residential Transitional
PKOS	Rural Parks/Open Space
URA/	Urban Reserve
URB	Mid/Long-Term

Active Mobility Plan

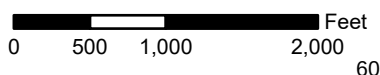
Future Shared Trail

Major Street Plan

- Existing Arterial
- Future Arterial
- Existing Collector
- Future Collector
- Existing Interstate
- Future Interstate



This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated herein.

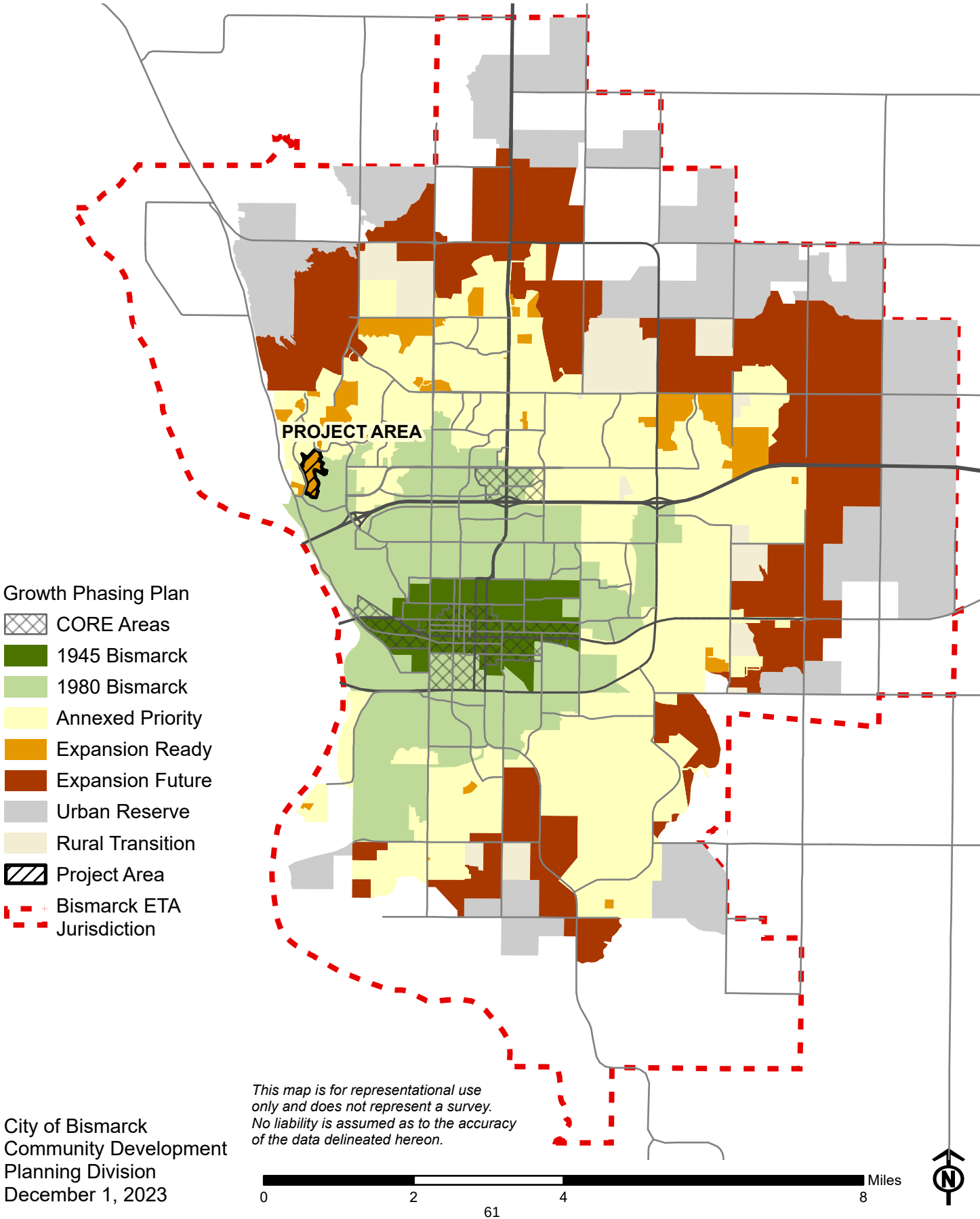


City of Bismarck
Community Development
Planning Division
December 1, 2023



Growth Phasing Plan Map
SILVER RANCH FOURTH ADDITION

ANNX2023-005





KEPT IN OFFICE

TPLAT

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Burleigh County

PLAT OF IRREGULAR DESCRIPTION (Sec. 57-02-39-N.D.C.C.)

PLAT OF

LOT B

Section 30, Township 139 N, Range 80 W

Present Owner BELL BANK, TRUSTEE, C-FAMILY TRUSTLOT B 31-139-80-00-30-420, 414, 410, 412, 400

ALL THAT PART OF THE NORTH 1/2 OF SECTION 30, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BULLEIGH COUNTY

BEGINNING AT THE NORTHMOST CORNER OF LOT 1 BLOCK 4 COUNTRY WEST III; THENCE SOUTH 15 DEGREES 42 MINUTES 16 SECONDS WEST, ALONG THE BOUNDARY OF COUNTRY WEST III, A DISTANCE OF 100.19 FEET; THENCE SOUTH 12 DEGREES 16 MINUTES 24 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 500.93 FEET TO THE BOUNDARY OF TYLER'S WESTERN VILLAGE; THENCE SOUTHEASTERLY AND TO THE LEFT, ALONG SAID BOUNDARY, ON A 676.78 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS NORTH 60 DEGREES 06 MINUTES 13 SECONDS EAST, AN ARC LENGTH OF 97.76 FEET; THENCE SOUTH 38 DEGREES 12 MINUTES 31 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 145.33 FEET; THENCE SOUTHEASTERLY AND TO THE RIGHT, CONTINUING ALONG SAID BOUNDARY, ON A 388.45 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 51 DEGREES 53 MINUTES 23 SECONDS WEST, AN ARC LENGTH OF 351.90 FEET; THENCE SOUTH 13 DEGREES 46 MINUTES 24 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 236.95 FEET; THENCE SOUTHEASTERLY AND TO THE LEFT, CONTINUING ALONG SAID BOUNDARY AND THE BOUNDARY OF VACATED TYLER'S WESTERN VILLAGE, ON A 288.68 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 76 DEGREES 29 MINUTES 17 SECONDS EAST, AN ARC LENGTH OF 352.30 FEET; THENCE SOUTH 33 DEGREES 48 MINUTES 51 SECONDS WEST, CONTINUING ALONG THE BOUNDARY OF VACATED TYLER'S WESTERN VILLAGE, A DISTANCE OF 381.12 FEET TO THE NORTH LINE OF TRACT CWXVI; THENCE NORTH 70 DEGREES 04 MINUTES 18 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 5.67 FEET; THENCE NORTH 84 DEGREES 19 MINUTES 45 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 200.00 FEET; THENCE SOUTH 89 DEGREES 19 MINUTES 50 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 90.55 FEET; THENCE NORTH 70 DEGREES 13 MINUTES 14 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 54.11 FEET; THENCE NORTH 40 DEGREES 03 MINUTES 50 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 58.00 FEET; THENCE SOUTH 49 DEGREES 56 MINUTES 10 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 38.00 FEET; THENCE NORTH 40 DEGREES 03 MINUTES 50 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 310.00 FEET; THENCE SOUTH 49 DEGREES 56 MINUTES 10 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 95.00 FEET; THENCE NORTH 40 DEGREES 03 MINUTES 50 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 62.21 FEET; THENCE NORTHWESTERLY AND TO THE LEFT, CONTINUING ALONG SAID NORTH LINE, ON A 510.46 FOOT RADIUS CURVE, AN ARC LENGTH OF 157.38 FEET TO THE EAST LINE OF CLAIRMONT ROAD RIGHT-OF-WAY; THENCE NORTH 18 DEGREES 00 MINUTES 27 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 417.33 FEET; THENCE NORTHEASTERLY AND TO THE LEFT, CONTINUING ALONG SAID EAST LINE, ON A 533.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS NORTH 72 DEGREES 03 MINUTES 13 SECONDS WEST, AN ARC LENGTH OF 343.92 FEET; THENCE NORTH 18 DEGREES 51 MINUTES 12 SECONDS WEST, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 299.04 FEET; THENCE NORTHWESTERLY AND TO THE RIGHT, CONTINUING ALONG SAID EAST LINE, ON A 1867.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS NORTH 70 DEGREES 59 MINUTES 52 SECONDS EAST, AN ARC LENGTH OF 118.24 FEET; THENCE NORTH 15 DEGREES 28 MINUTES 23 SECONDS WEST, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 185.30 FEET; THENCE NORTHWESTERLY AND TO THE LEFT, CONTINUING ALONG SAID EAST LINE, ON A 783.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 74 DEGREES 35 MINUTES 51 SECONDS WEST, AN ARC LENGTH OF 314.27 FEET; THENCE NORTH 38 DEGREES 22 MINUTES 49 SECONDS WEST, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 106.15 FEET; THENCE NORTHWESTERLY AND TO THE RIGHT, ON A 267.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS NORTH 51 DEGREES 37 MINUTES 45 SECONDS WEST, AN ARC LENGTH OF 69.66 FEET TO THE BOUNDARY OF PROMONTORY POINT II ADDITION;



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Burleigh County

PLAT OF IRREGULAR DESCRIPTION (Sec. 57-02-39-N.D.C.C.)

PLAT OF

LOT B

Section 30 , Township 139 N, Range 80 W

Present Owner BELL BANK, TRUSTEE, C-FAMILY TRUST

LOT B

THENCE NORTH 72 DEGREES 07 MINUTES 55 SECONDS EAST, ALONG SAID BOUNDARY, A DISTANCE OF 13.87 FEET; THENCE NORTH 17 DEGREES 48 MINUTES 43 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 52.42 FEET; THENCE NORTH 81 DEGREES 07 MINUTES 23 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 179.54 FEET; THENCE NORTH 07 DEGREES 30 MINUTES 30 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 16.04 FEET TO THE NORTH LINE OF SECTION 30, TOWNSHIP 139 NORTH, RANGE 80 WEST; THENCE NORTH 88 DEGREES 58 MINUTES 05 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 1331.79 FEET TO THE BOUNDARY OF COUNTRY WEST I REPLAT; THENCE SOUTH 03 DEGREES 48 MINUTES 33 SECONDS WEST, ALONG SAID BOUNDARY, A DISTANCE OF 61.81 FEET; THENCE SOUTH 32 DEGREES 55 MINUTES 30 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 227.98 FEET; THENCE SOUTH 78 DEGREES 19 MINUTES 56 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 243.20 FEET; THENCE SOUTH 28 DEGREES 44 MINUTES 08 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 79.20 FEET; THENCE SOUTH 00 DEGREES 51 MINUTES 59 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 124.61 FEET TO THE BOUNDARY OF TYLER'S WESTERN VILLAGE; THENCE NORTH 89 DEGREES 35 MINUTES 36 SECONDS WEST, ALONG SAID BOUNDARY, A DISTANCE OF 79.30 FEET; THENCE SOUTH 35 DEGREES 52 MINUTES 14 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 91.62 FEET TO THE NORTH LINE OF COUNTRY WEST III; THENCE NORTH 59 DEGREES 16 MINUTES 37 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 565.03 FEET; THENCE NORTH 74 DEGREES 15 MINUTES 50 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 218.95 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 46.6 ACRES, MORE OR LESS.



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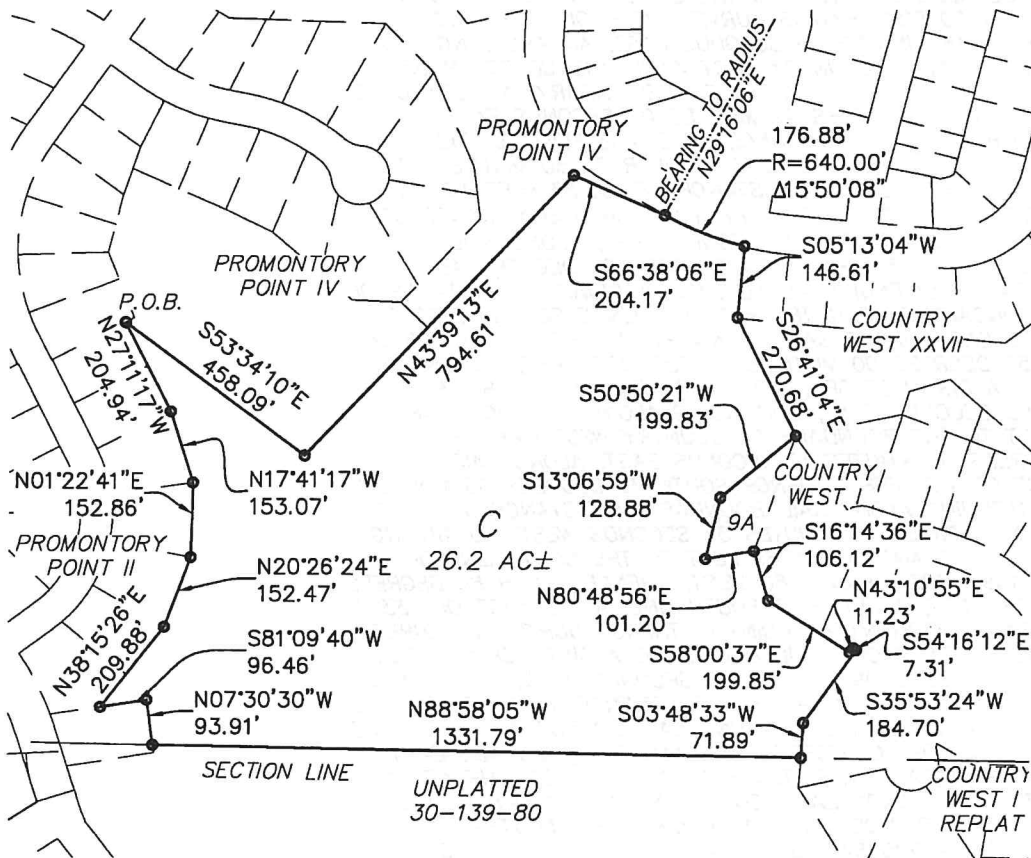
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Page: 1 of 4
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Burleigh County

PLAT OF IRREGULAR DESCRIPTION (Sec. 57-02-39-N.D.C.C.)

PLAT OF

LOT C Section 19 , Township 139 N, Range 80 W

Present Owner BELL BANK, TRUSTEE, C-FAMILY TRUST



JULY 30, 2020
SCALE 1" = 300'





907776

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Page: 2 of 4
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Burleigh County

PLAT OF IRREGULAR DESCRIPTION (Sec. 57-02-39-N.D.C.C.)

PLAT OF

LOT C

Section 19, Township 139 N, Range 80 W

Present Owner BELL BANK, TRUSTEE, C-FAMILY TRUSTLOT C 31-139-80-00-19-020, 017

ALL THAT PART OF THE SOUTH 1/2 OF SECTION 19, TOWNSHIP 139 NORTH,
RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, NORTH DAKOTA,
DESCRIBED AS FOLLOWS:

BURLEIGH COUNTY

BEGINNING AT THE NORTHMOST CORNER OF LOT 8A BLOCK 3 PROMONTORY
POINT II; THENCE SOUTH 53 DEGREES 34 MINUTES 10 SECONDS EAST, ALONG THE
BOUNDARY OF PROMONTORY POINT IV, A DISTANCE OF 458.09 FEET; THENCE
NORTH 43 DEGREES 39 MINUTES 13 SECONDS EAST, CONTINUING ALONG SAID
BOUNDARY, A DISTANCE OF 794.61 FEET; THENCE SOUTH 66 DEGREES 38
MINUTES 06 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF
204.17 FEET; THENCE SOUTHEASTERLY AND TO THE LEFT, CONTINUING ALONG
SAID BOUNDARY, ON A 640.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH
BEARS NORTH 29 DEGREES 16 MINUTES 06 SECONDS EAST, AN ARC LENGTH OF
176.88 FEET TO THE BOUNDARY OF COUNTRY WEST XXVII; THENCE SOUTH 05
DEGREES 13 MINUTES 04 SECONDS WEST, ALONG SAID BOUNDARY, A DISTANCE OF
146.61 FEET; THENCE SOUTH 26 DEGREES 41 MINUTES 04 SECONDS EAST,
CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 270.68 FEET TO THE
BOUNDARY OF COUNTRY WEST I; THENCE SOUTH 50 DEGREES 50 MINUTES 21
SECONDS WEST, ALONG SAID BOUNDARY, A DISTANCE OF 199.83 FEET TO THE
BOUNDARY OF AUDITOR'S LOT 9A OF SECTION 19, TOWNSHIP 139 N, RANGE 80 W.;
THENCE SOUTH 13 DEGREES 06 MINUTES 59 SECONDS WEST, ALONG SAID
BOUNDARY, A DISTANCE OF 128.88 FEET; THENCE NORTH 80 DEGREES 48
MINUTES 56 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF
101.20 FEET TO THE BOUNDARY OF COUNTRY WEST I; THENCE SOUTH 16 DEGREES
14 MINUTES 36 SECONDS EAST, ALONG SAID BOUNDARY, A DISTANCE OF 106.12
FEET; THENCE SOUTH 58 DEGREES 00 MINUTES 37 SECONDS EAST, CONTINUING
ALONG SAID BOUNDARY, A DISTANCE OF 199.85 FEET; THENCE NORTH 43
DEGREES 10 MINUTES 55 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A
DISTANCE OF 11.23 FEET TO THE BOUNDARY OF COUNTRY WEST I REPLAT;
THENCE SOUTH 54 DEGREES 16 MINUTES 12 SECONDS EAST, ALONG SAID
BOUNDARY, A DISTANCE OF 7.31 FEET; THENCE SOUTH 35 DEGREES 53 MINUTES
24 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 184.70
FEET; THENCE SOUTH 03 DEGREES 48 MINUTES 33 SECONDS WEST, CONTINUING
ALONG SAID BOUNDARY, A DISTANCE OF 71.89 FEET TO THE SOUTH LINE OF
SECTION 30 TOWNSHIP 139 NORTH, RANGE 80 WEST; THENCE NORTH 88 DEGREES
58 MINUTES 05 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1331.79
FEET TO THE BOUNDARY OF PROMONTORY POINT II; THENCE NORTH 07 DEGREES
30 MINUTES 30 SECONDS WEST, ALONG SAID BOUNDARY, A DISTANCE OF 93.91
FEET; THENCE SOUTH 81 DEGREES 09 MINUTES 40 SECONDS WEST, CONTINUING
ALONG SAID BOUNDARY, A DISTANCE OF 96.46 FEET; THENCE NORTH 38 DEGREES
15 MINUTES 26 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE
OF 209.88 FEET; THENCE NORTH 20 DEGREES 26 MINUTES 24 SECONDS EAST,
CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 152.47 FEET; THENCE NORTH
01 DEGREES 22 MINUTES 41 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY,
A DISTANCE OF 152.86 FEET; THENCE NORTH 17 DEGREES 41 MINUTES 17
SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 153.07
FEET; THENCE NORTH 27 DEGREES 11 MINUTES 17 SECONDS WEST, CONTINUING
ALONG SAID BOUNDARY, A DISTANCE OF 204.94 FEET TO THE POINT OF
BEGINNING;

THE ABOVE DESCRIBED TRACT CONTAINS 26.2 ACRES, MORE OR LESS.

STAFF REPORT

Agenda Item # 6
December 20, 2023

Application for: **Zoning Ordinance Text
Amendment**

Project ID: **ZOTA2023-002**

Project Summary

<i>Title:</i>	Dimensional Requirements for Residential Accessory Buildings
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Project Contact:</i>	Isak Johnson, Planner
<i>Request:</i>	Amend dimensional requirements for residential accessory buildings
<i>Staff Recommendation:</i>	Approve

Project Narrative

Accessory structures are allowed throughout the City of Bismarck as well as in the Extraterritorial Area for a variety of uses and purposes in conjunction with the principal use of a given parcel. Commonly asked questions from the public, or potential points of conflict during the review process by City staff related to accessory structures, include aspects of building height, size and placement.

In order to reduce any confusion surrounding the regulations of accessory structure dimensional requirements, Planning and Building Inspections staff aim to clarify sections of Title 14 of the City of Bismarck ordinances. This ordinance amendment addresses sections with the intent to increase public understanding and improve City processes related to approval of accessory structures throughout the City and the ETA.

Areas of clarification addressed by this zoning ordinance text amendment include:

- Definition of building height, and how height is measured, for all buildings.
- Height of residential accessory structures, including accessory dwelling units (ADUs).
- Placement of residential accessory structures in relation to principal

structures, other accessory structures, and property line setbacks.

- Other minor clarifications connected to residential accessory structures when relevant.

Of these four areas, the first two contain the most notable changes. These changes for the height of residential accessory structures are summarized in the tables below.

Urban (Corporate Limits)

	Current	Proposed
Height limit (no ADU)	25ft	20ft
Height limit (with ADU)	20ft	25ft
Wall height limit	12ft	No limit
How it is measured (pitched roofs)	To the peak*	To the mean of the wall and peak

Rural (ETA)

	Current	Proposed
Height limit (no ADU)	25ft	25ft
Height limit (with ADU)	20ft	25ft
Wall height limit	16.5ft	No limit
How it is measured (pitched roofs)	To the peak*	To the mean of the wall and peak

(continued)

**Note: This interpretation has been debated within the Community Development Department over the course of previous ordinance amendments throughout the years, and this debate is part of the reason for this proposed amendment.*

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on December 8 and December 15, 2023.

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

The goals and objectives of Together 2045 Bismarck's Comprehensive Plan would be advanced by the proposed zoning ordinance text amendment ([Comprehensive Plan](#))

Yes. The following objectives of the plan would be advanced through the proposed amendment.

S3(e): Encourage accessory buildings to be compatible in design with, and subordinate in scale to, the principal buildings on the property.

S4(a): Increase efficiency of urban land use to maximize public investment in infrastructure and services thereby reducing cost for tax and ratepayers.

The proposed ordinance amendment will continue to improve how Bismarck residents use their land as efficiently as possible, while streamlining understandings of the appropriate regulations.

The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally

adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance ([Goal S9-e](#), [G10-g](#))

Yes. This section of the zoning ordinance has been amended many times, most recently in 2017. The purpose of the proposed zoning ordinance text amendment is to clarify this provision to ensure that the original intent is met.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed amendment (Section 14-02-01; [NDCC 40-47-03](#))

Yes. The proposed zoning ordinance text amendment would support the purpose of the zoning ordinance, as stated in the City Code of Ordinances and North Dakota Century Code.

The proposed text amendment will preserve the overall integrity and coherence of the zoning ordinance ([Goal G10](#))

Yes. All sections of the zoning ordinance containing any references to or potential conflicts with the proposed zoning ordinance text amendment have been reviewed and corrected, as needed.

Section 14-02-03 clarifies the definition of accessory structures (and related items) used throughout this text amendment. Sections 14-03-05, 14-03-06, and 14-03-08 address the primary issues of residential accessory structure placement and height. Then Sections 14-04-01, 14-04-01.1, 14-04-03, 14-04-06 clarify several reiterations of previously addressed items to ensure consistency.

Proper administrative procedures related to the request are being followed (Section 14-07-02, [NDCC Chapter 40-47](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The zoning ordinance text amendment has been initiated by staff from the Community Development

(continued)

Department, on behalf of the Planning and Zoning Commission. A preliminary draft is attached to this report for the public hearing by the Planning and Zoning Commission.

The public health, safety and general welfare will not be adversely impacted by the proposed zoning text amendment ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed zoning ordinance text amendment would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning ordinance text amendment on dimensional requirements for residential accessory structures.

Attachments

1. Draft zoning ordinance text amendment
2. Examples of accessory structure placement areas
3. Examples of accessory structure height by roof type

Staff report prepared by: Isak Johnson, Planner

701-355-1850 | ijohnson@bismarcknd.gov

CITY OF BISMARCK

ORDINANCE NO. XXXX

First Reading _____
Second Reading _____
Final Passage and Adoption _____
Publication Date _____

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-02-03, 14-03-05, 14-03-06, 14-03-08, 14-04-01, 14-04-01.1, 14-04-03, 14-04-06, OF THE CODE OF ORDINANCES OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE DIMENSIONAL REQUIREMENTS FOR ACCESSORY BUILDINGS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA:

Section 1. Amend. Sections 14-02-03 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the dimensional requirements for accessory buildings, is hereby enacted to read as follows:

14-02-03. Definitions. The following definitions represent the meanings of terms as they are used in these regulations:

* * * * *

Accessory Dwelling Unit: A separate and complete dwelling unit established in conjunction with, ~~but clearly subordinate to,~~ and ancillary to, the principal single family dwelling unit, whether within the same structure as the principal unit or within a detached accessory structure on the same lot or parcel. An accessory dwelling unit contains one bedroom, kitchen and bathroom facilities, and a separate exterior entrance.

Accessory Use: A use or structure that is clearly incidental to and customarily found in connection with a principal structure or use; is ~~subordinate in area, extent and~~ ancillary in purpose to the principal building or uses; contributes to the comfort, convenience or necessity of occupants of the principal use; and is located on the same lot and in the same zoning district as the principal use.

* * * * *

~~Building-Accessory: A subordinate~~ A permanent, or semi-permanent, ancillary building or structure, the use of which is customarily incidental to that of a principal building on the same lot, including, without limitation, garages, storage sheds, playhouses, kennels, ~~statuary, trellises, barbecue stoves, residential greenhouses, tent-like structures,~~ or similar structures, storm or civil defense shelter, radio towers, satellite receiving or transmitting stations or antennas, and other structures, towers, antenna, ornaments or devices.

* * * * *

Height of Building: The vertical distance measured from the highest of the following three levels:

- ~~(a) The street curb level;~~
- ~~(b) The established or mean street grade in case the curb has not been constructed; or~~
- ~~(c) The average finished ground level adjoining the building if it sets back from the street line~~

The average finished ground level adjoining the building at all exterior walls (measured at fixed intervals around the base of the structure)

To:

- ~~(a) the level of the highest point at the roof beams of flat roofs, or roofs including not more than one (1) inch of vertical rise to the one (1) foot of horizontal travel, and;~~
- ~~(b) the deck line of mansard roofs; or~~
- ~~(c) to the mean height level of the top of the main plate and highest ridge for other roofs. And when a building has multiple roofs, use the roof with the tallest ridge/height to calculate total building height.~~

* * * * *

Section 2. Amend. Sections 14-03-05 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the dimensional requirements for accessory buildings, is hereby enacted to read as follows:

14-03-05. Supplementary Provisions. The regulations specified in this title shall be subject to the following provisions and interpretations:

* * * * *

4. Location of residential accessory buildings.

- a. In any residential zoning district except RR and RR5 (see the RR or RR5 district for accessory building regulations specific to that district), all accessory buildings ~~except garages~~ shall be located ~~in the rear yard~~ ten (10) feet from the principal structure, shall be located behind the line created by the front wall of the principle structure, and shall not be less than three (3) feet from the rear or side lot line while noting that structures less than five (5) feet from the side or rear lot line may require fire separation precautions in accordance with City of Bismarck Building Code when located at least ten feet behind the rear wall of the principal building.
1. For lots situated directly between two roadways, the yard adjacent to the roadway which provides access to the property's principal structure (such as by means of a doorway or driveway) is the front yard.
 2. ~~If the ten-foot distance behind the rear wall of~~ from the principal building cannot be maintained, the structure must be built in accordance with the appropriate fire protection features as determined by the City of Bismarck Building Code and the same setbacks shall be maintained as is required for the principal building.
 3. Any uncovered deck, patio or porch shall not be considered as part of the principal building for purposes of this subsection.
- b. A garage located in a rear yard and ~~approached from an~~ with an approach perpendicular to an alley must be set back from the alley line at least twenty (20) feet to allow for an additional parking space without obstructing the alley. When the approach to the garage is parallel to the alley and the car maneuvers on private property, the distance from the alley and side lot lines to the garage may be not less than three (3) feet.
- c. Accessory buildings, including garages, located on a corner lot in a residential district shall be ~~located not less than twenty feet from the lot line of the side street and in no case shall be set back less than the setback distance required for the principal building.~~ set back from the side street no less than the principal structure setback requirements for the district. For the purpose of this section, the side street is the street that does not provide access to the house by means of a door or driveway. The minimum setback from the adjacent lot line of the lot also facing the side street shall be the same as required for the principal building. no less than three (3) feet and be in accordance with the City of Bismarck Building Code when relevant.

- ~~d. In a residential district any garage on an inside lot may be located with the same setback from the street as required for the principal building providing that such setback is at least twenty feet and that such garage does not violate the side yard requirements for a principal building for the district in which it is located. If such detached garage is located at least ten feet behind the rear wall of the principal building, such garage may be located not less than three feet from the side lot line.~~
- d. All setback measurements for accessory buildings shall be made from the ~~eaves rather than the wall or foundation walls,~~ or the outermost exterior structurally supporting features (such as columns), and the structures must be built in accordance with the City of Bismarck Building Codes with regards to projections from the walls such as eaves.
- e. No accessory building shall be allowed on any utility easement.

* * * * *

Section 3. Amend. Sections 14-03-06 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the dimensional requirements for accessory buildings, is hereby enacted to read as follows:

14-03-06. Incidental Uses. Permitted uses and approved special uses shall be deemed to include accessory uses and accessory structures that are customarily incidental to the principal uses, subject to the following standards:

1. Accessory Uses and Buildings.

- a. General Requirements. Accessory uses and buildings shall comply with the following standards and all other applicable regulations of this chapter:

- 1. The accessory use or building shall be incidental and customarily associated with the principal use or structure.

- 2. ~~Except for accessory buildings for one and two family residential uses constructed in accordance with the provisions of Section 14-03-06(1)(b), the accessory use or building shall be subordinate in area, extent, and purpose to the principal use or building served.~~

- ~~3. The accessory use or building shall contribute to the comfort, convenience and necessity of the occupants of the principal use or building served.~~
2. The accessory use or building shall be located on the same zoning lot as the principal use or building.
3. The accessory use or building shall not be injurious to the use and enjoyment of surrounding properties.
4. No accessory building shall be located within any recorded public easement or over any known public utility.

b. One and two-family residential accessory uses and buildings.

* * * * *

4. All allowable accessory buildings for a one or two-family residence in an urban residential zoning district (R5, R10, RM, RMH & RT) shall be limited to a maximum area of twelve hundred (1,200) square feet, ~~a maximum wall height of twelve (12) feet~~ and a maximum building height of ~~twenty-five (25) feet~~ twenty (20) feet, except for accessory dwelling units which are allowed a maximum height of twenty-five (25) feet as described in Section 14-03-08.4(y).

* * * * *

5. All allowable accessory buildings for a single-family rural residence in a rural residential zoning district (RR & RR5) shall be limited to a maximum area of fourteen hundred (1,400) square feet for lots of ~~40,000~~ forty thousand (40,000) square feet or less; to a maximum area of eighteen hundred (1,800) square feet for lots between ~~40,000~~ forty thousand (40,000) square feet and ~~64,999~~ sixty-five thousand (65,000) square feet; to a maximum area of twenty-four hundred (2,400) square feet for lots over ~~65,000~~ sixty-five thousand (65,000) square feet, except as provided for herein. The ~~maximum wall height shall be limited to sixteen and one-half (16.5) feet~~ and the maximum building height shall be limited to twenty-five (25) feet.

The allowable accessory buildings for a single-family rural residence on a lot in a rural residential zoning district (RR & RR5) with ~~40,000~~ forty thousand (40,000) to ~~64,999~~ sixty-five thousand (65,000) square feet in

area may be increased to a maximum of twenty-four hundred (2,400) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

The allowable accessory buildings for a single-family rural residence on a lot in a rural residential zoning district (RR & RR5) with more than ~~65,000~~ sixty-five thousand (65,000) square feet in area may be increased to a maximum of thirty-two hundred (3,200) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

* * * * *

6. All allowable accessory buildings for a single-family rural residence in the agricultural zoning district (A) shall be limited to a maximum area of one (1) percent of the total lot area up to a maximum of five thousand (5,000) square feet. ~~The maximum wall height shall be limited to sixteen and one half (16.5) feet and the maximum building height shall be limited to twenty-five (25) feet.~~

* * * * *

- e. Non-residential accessory uses and buildings in all other zoning districts.

* * * * *

- ~~9. Except for agricultural buildings located in the agricultural zoning district, no accessory building shall exceed the height or floor area of the principal building.~~
9. Manufacturing and repair facilities incidental to the principal use subject to the following limitations:

* * * * *

Section 4. Amend. Sections 14-03-08 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the dimensional requirements for accessory buildings, is hereby enacted to read as follows:

14-03-08. Special Uses. In order to carry out the purposes of this title, the board of city commissioners finds it necessary to require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, be reviewed by the city planning and zoning commission and by the Zoning Administrator (where allowed) prior to the granting of a building permit or certificate of occupancy and that the city planning and zoning commission and the Zoning Administrator (where allowed) are hereby given limited discretionary powers relating to granting of such permit or certificate.

* * * * *

4. Permanent uses (planning and zoning commission approval). The city planning and zoning commission is authorized to grant special use permits for the following uses:

* * * * *

y. Accessory Dwelling Units

* * * * *

3. Requirements for All Accessory Dwelling Units. Prior to receiving a special use permit an applicant shall demonstrate that the following requirements will be met:

- a. No more than one accessory dwelling unit may be permitted on each lot or parcel.
- b. An accessory dwelling unit must be contained completely within the principal structure on the lot or parcel, or contained within an accessory structure that meets all requirements of this Code, including size and setback requirements of the underlying zoning district. However, the height of any accessory dwelling unit may be up to ~~twenty (20)~~ twenty-five (25) feet ~~or the height of the principal structure on the lot, whichever is less.~~

* * * * *

- ~~g. No part of any rooftop deck or balcony on an accessory dwelling unit may be located within twenty five (25) feet of a side or rear property line.~~

- g. An accessory dwelling unit must be connected to public utilities if available on the lot or parcel. If the lot is serviced by an on-site sewage treatment facility, the applicant must show that sufficient sewage treatment capacity will be available to meet anticipated needs.
- h. An accessory dwelling unit must comply with all residential building code requirements outlined in Title 4 of the Bismarck Code of Ordinances.
- i. An accessory dwelling unit may be occupied by no more than one family, as defined by Title 14 of the Bismarck Code of Ordinances.

* * * * *

Section 5. Amend. Sections 14-04-01 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the dimensional requirements for accessory buildings, is hereby enacted to read as follows:

14-04-01. RR Residential District. In any RR residential district, the following regulations shall apply:

* * * * *

10. Accessory Buildings. All allowable accessory buildings for a single-family residence shall be limited to a maximum of fourteen hundred (1,400) square feet for lots of ~~40,000~~ forty thousand (40,000) square feet or less; to a maximum of eighteen hundred (1,800) square feet for lots between ~~40,000~~ forty thousand (40,000) square feet and ~~64,999~~ sixty-five thousand (65,000) square feet; and to a maximum of twenty-four hundred (2,400) square feet for lots over ~~65,000~~ sixty-five thousand (65,000) square feet, except as provided herein. The ~~maximum wall height shall be limited to sixteen and one-half (16.5) feet and the maximum building height shall be limited to twenty-five (25) feet.~~

The allowable accessory buildings for a single-family rural residence on a lot with ~~40,000~~ forty thousand (40,000) to ~~64,999~~ sixty-five thousand (65,000) square feet in area may be increased to a maximum of twenty-four hundred (2,400) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

The allowable accessory buildings for a single-family rural residence on a lot with more than ~~65,000~~ sixty-five thousand (65,000) square feet in area may be increased to a maximum of thirty-two hundred

(3,200) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

* * * * *

Section 6. Amend. Sections 14-04-01.1 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the dimensional requirements for accessory buildings, is hereby enacted to read as follows:

14-04-01.1. RR5 Residential District. In any RR5 residential district, the following regulations shall apply:

* * * * *

11. Accessory Buildings. All allowable accessory buildings for a single-family rural residence shall be limited to a maximum of thirty-two hundred (3,200) square feet. ~~The maximum wall height shall be limited to sixteen and one-half (16.5) feet and the maximum building height shall be limited to twenty-five (25) feet.~~

* * * * *

Section 7. Amend. Sections 14-04-03 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the dimensional requirements for accessory buildings, is hereby enacted to read as follows:

14-04-03. R5 Residential District. In any R5 residential district, the following regulations shall apply:

* * * * *

10. Height limits. No single-family dwelling shall exceed forty (40) feet in height. No principal building for any other permitted use shall exceed fifty (50) feet in height. No accessory building shall exceed ~~twenty-five (25)~~ twenty (20) feet in height, except for accessory dwelling units which are allowed a maximum height of twenty-five (25) feet.

* * * * *

Section 8. Amend. Sections 14-04-06 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the dimensional requirements for accessory buildings, is hereby enacted to read as follows.

14-04-06. R10 Residential District. In any R10 residential district, the following regulations shall apply:

* * * * *

10. Height limits. No single-family dwelling and no two-family dwelling shall exceed forty (40) feet in height. No principal building for any other permitted use shall exceed fifty (50) feet in height. No accessory buildings shall exceed ~~twenty-five (25)~~ twenty (20) feet in height, except for accessory dwelling units which are allowed a maximum height of twenty-five (25) feet.

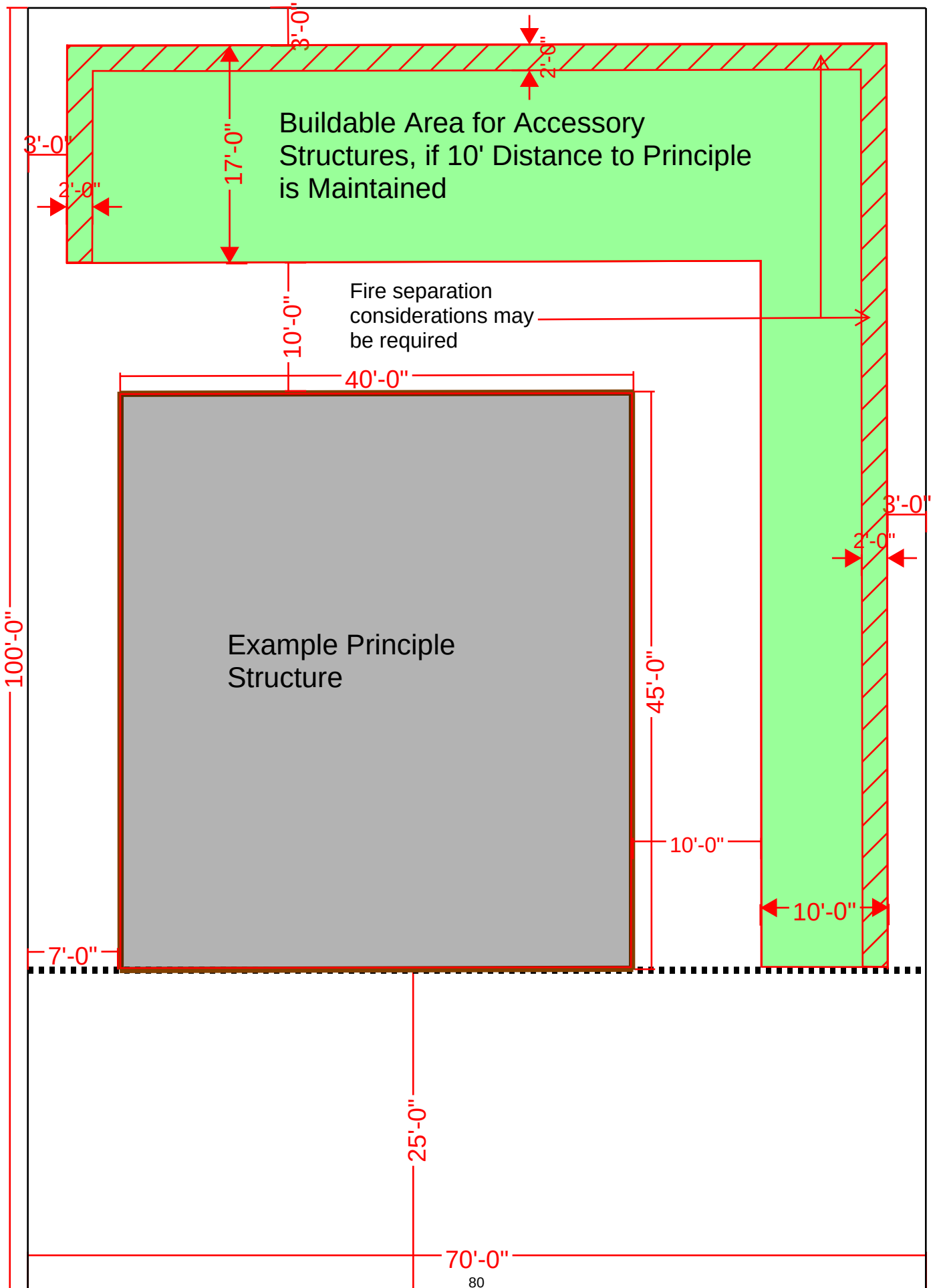
* * * * *

Section 9. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent remaining portions of this ordinance.

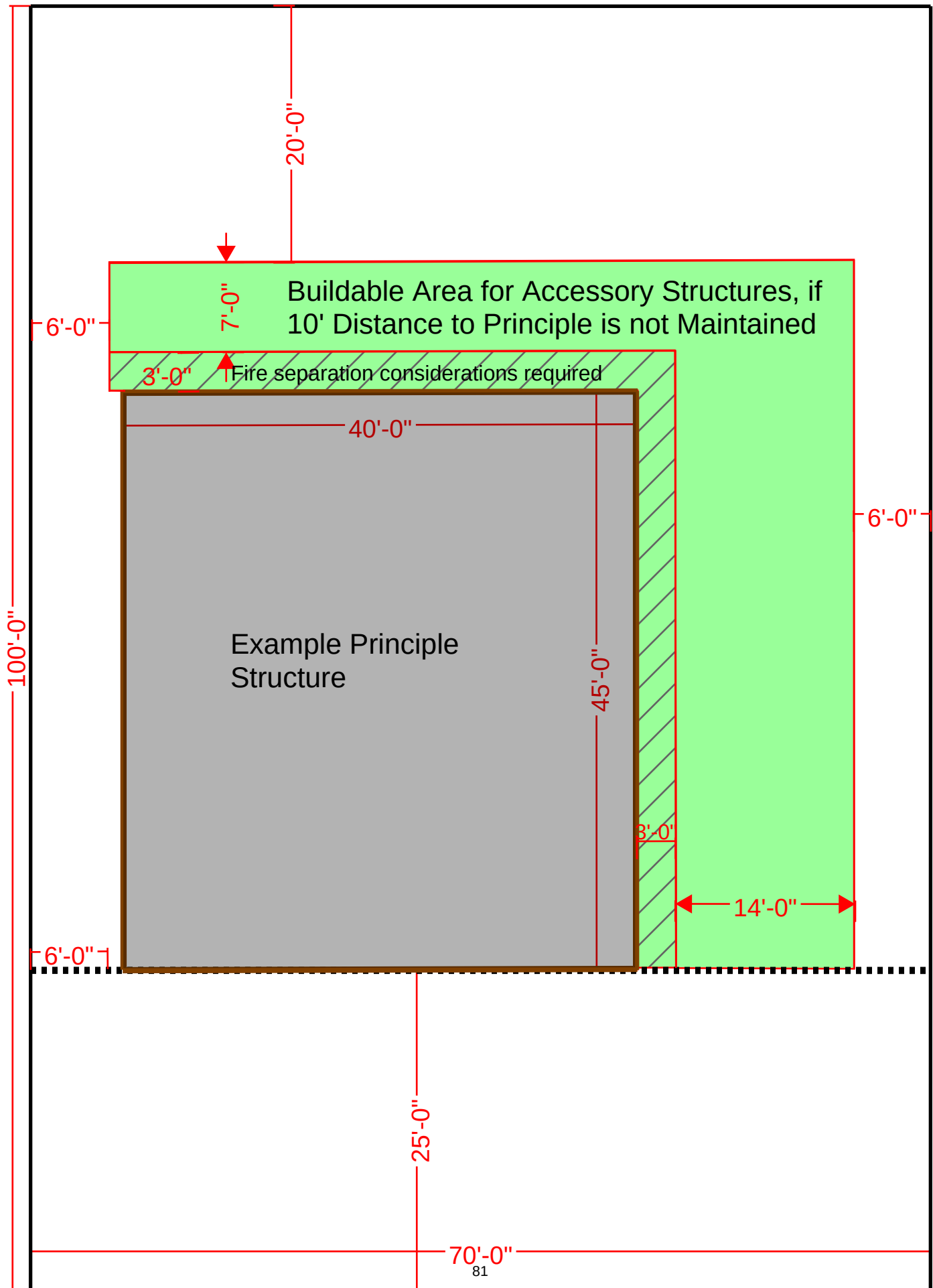
Section 10. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 11. Effective Date. This ordinance shall take effect after final passage, adoption and publication.

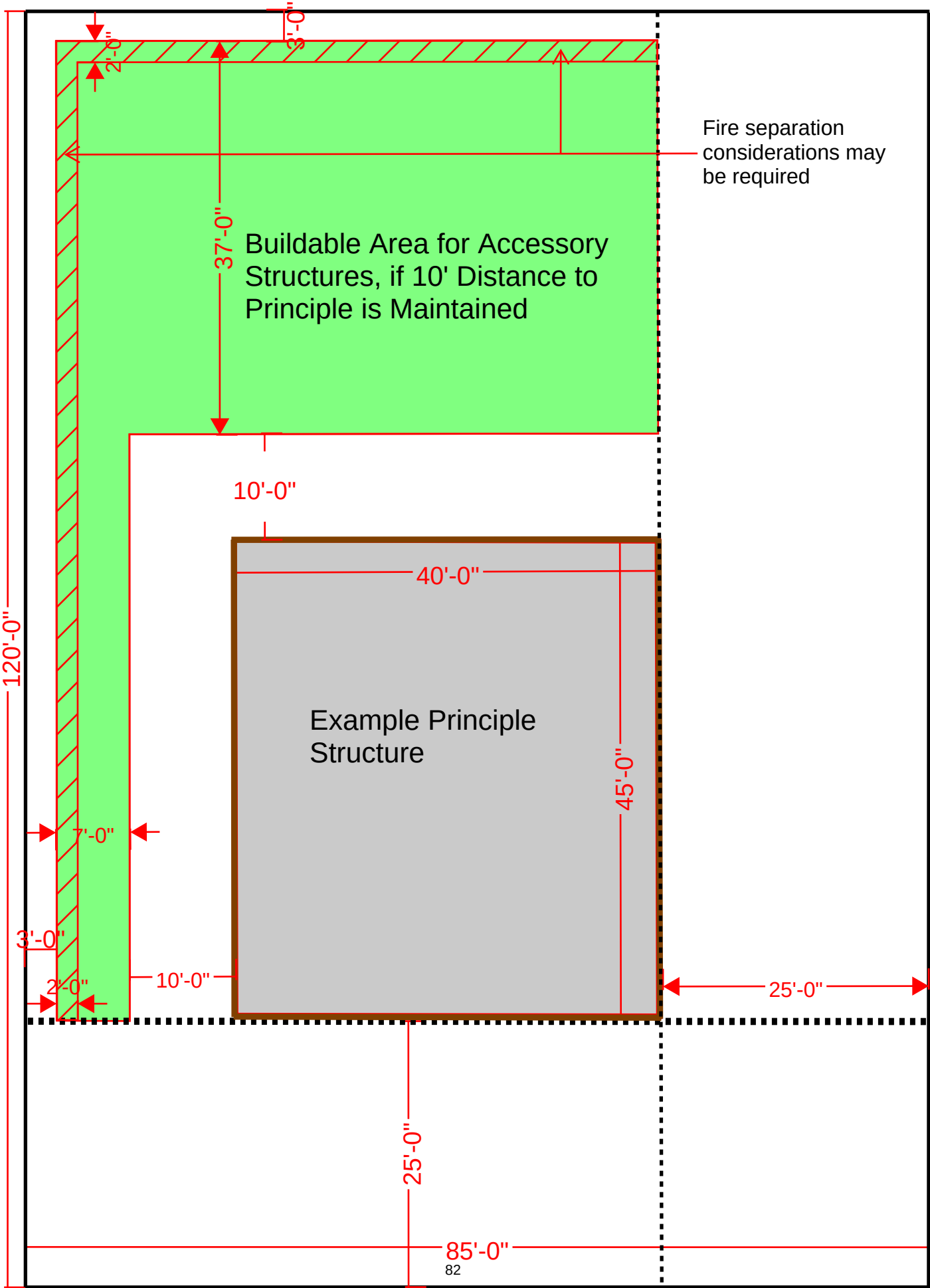
Accessory Structures on an Interior Lot (1"=10')



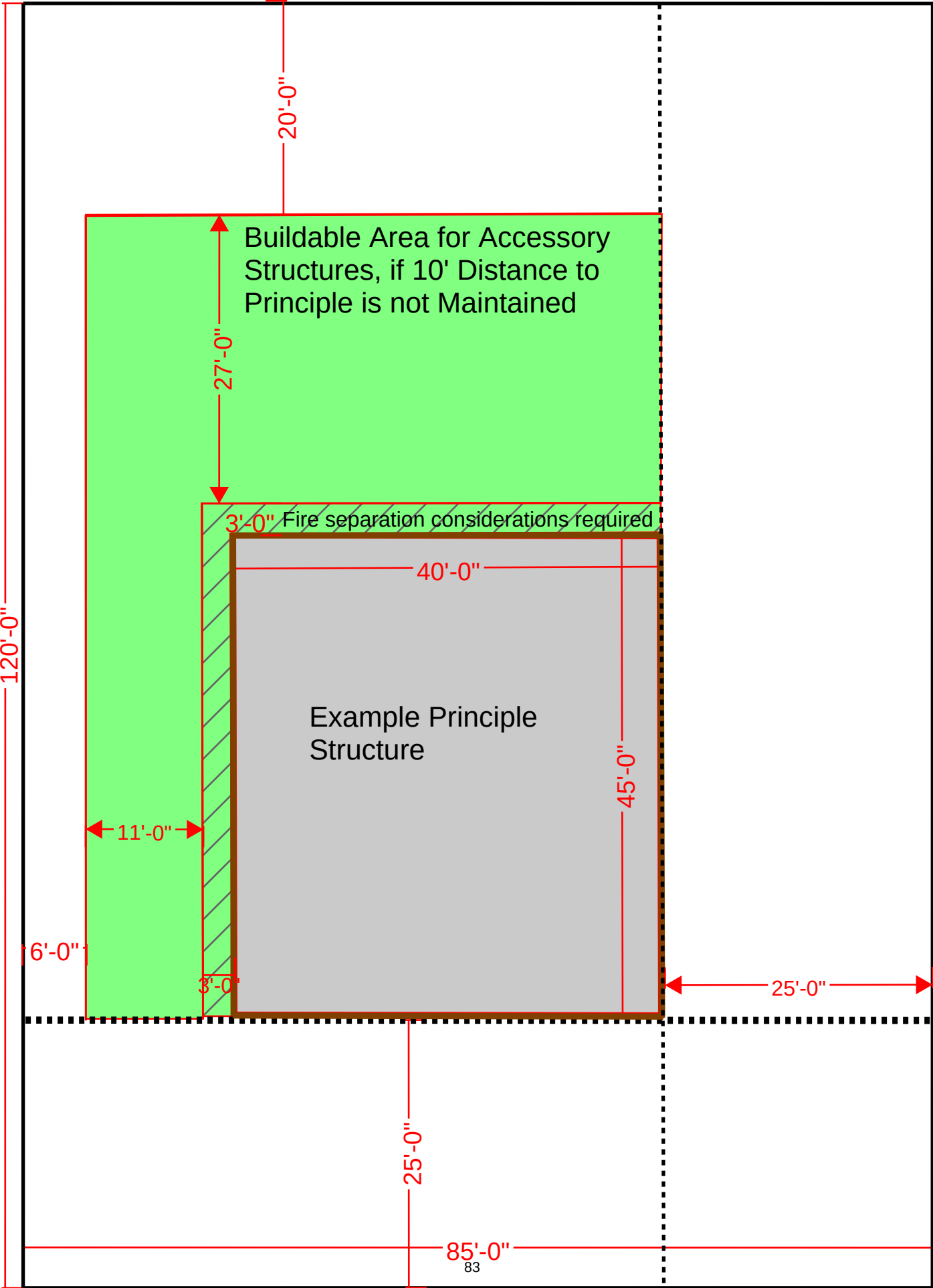
Accessory Structures on an Interior Lot (1"=10'), cont.



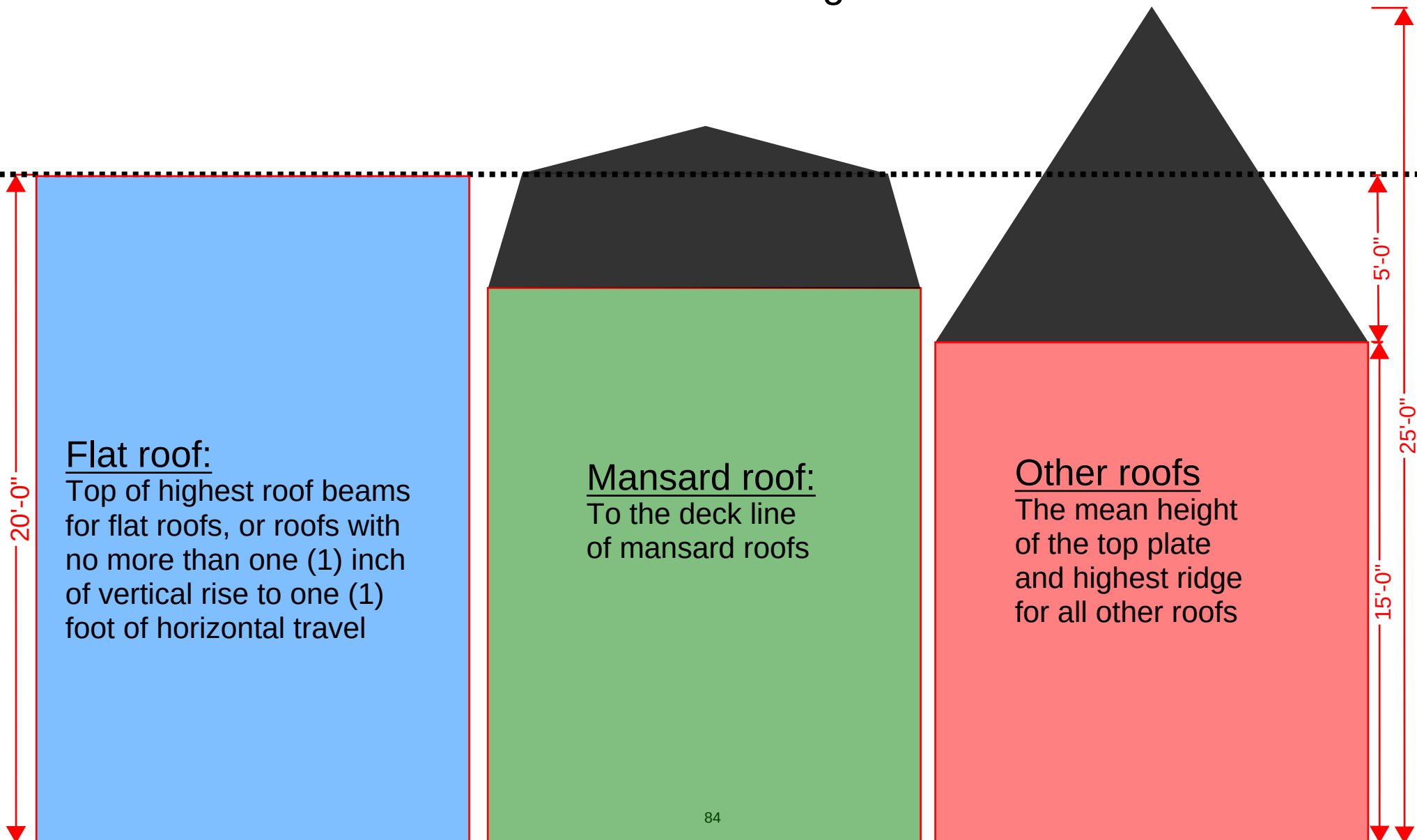
Accessory Structures on a Corner Lot (1"=12')



Accessory Structures on a Corner Lot (1"=12'), cont.

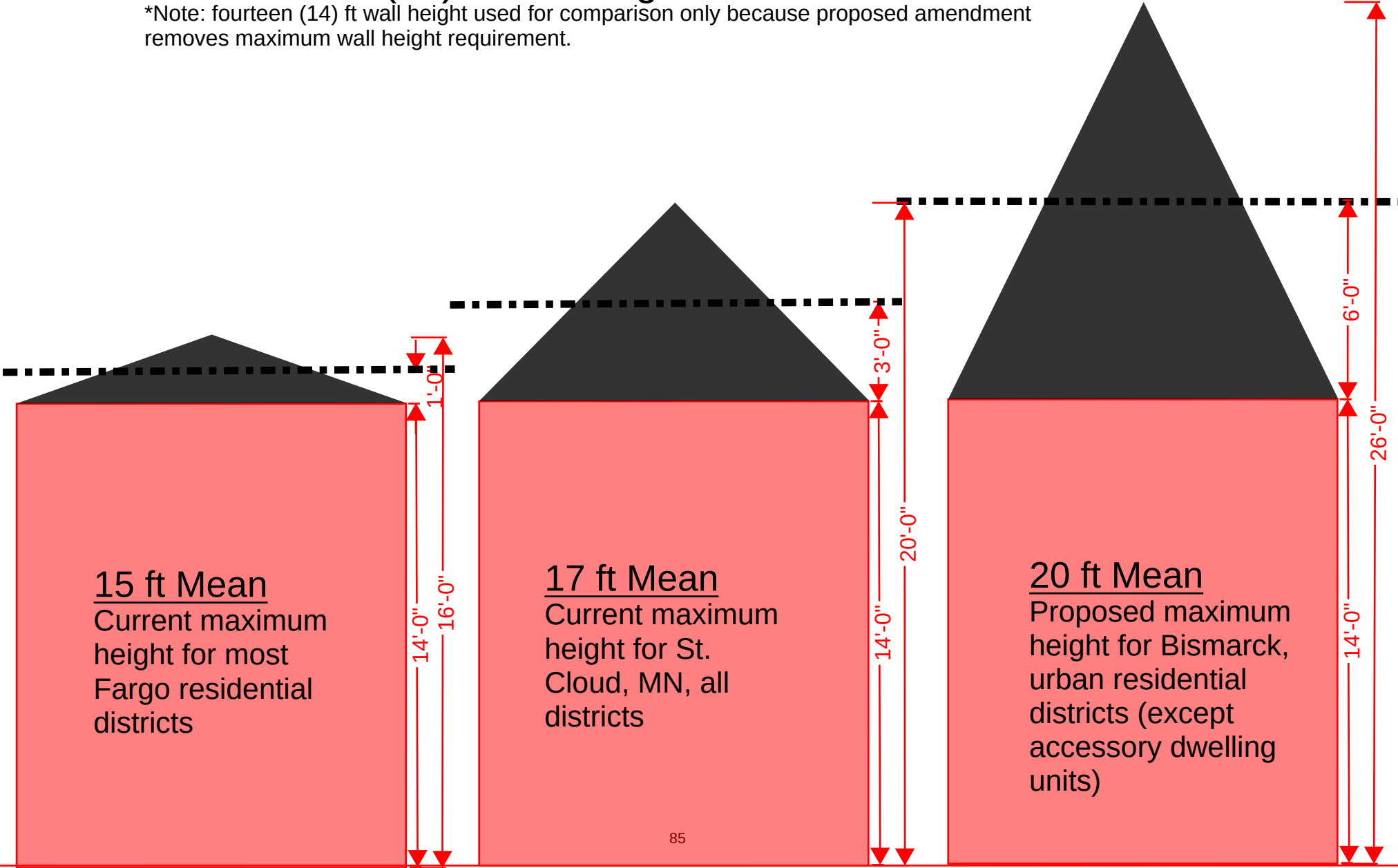


Example maximum heights of
different roof types, assuming
measurements from level ground



Example maximum mean heights of pitched roof types, assuming measurements from level ground and fourteen (14) ft wall height*

*Note: fourteen (14) ft wall height used for comparison only because proposed amendment removes maximum wall height requirement.



STAFF REPORT

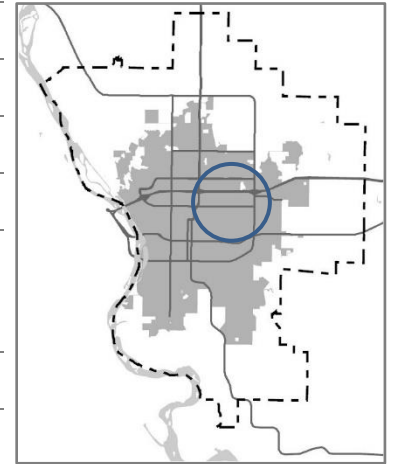
Application for: **Minor Plat**

Agenda Item # 7
December 20, 2023

Project ID: **MPLT2023-007**

Project Summary

<i>Title:</i>	Centennial Park First Addition First Replat
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Donald and Cynthia Klym
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson, Hagen & Co.
<i>Project Location:</i>	In southeast Bismarck, south of Interstate 94, and east of North Bismarck Expressway along the southeast side of Revere Drive
<i>Project Size:</i>	4.4 Acres
<i>Applicant Request:</i>	Replat property to allow for future development
<i>Staff Recommendation:</i>	Approve with conditions



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 Lot in 1 Block	<i>Lots/Blocks:</i>	2 Lots in 1 Block
<i>Land Use:</i>	Industrial	<i>Land Use:</i>	Industrial
<i>Future Land Use:</i>	Industrial (IND)	<i>Future Land Use:</i>	Industrial (IND)
<i>Zoning:</i>	MA – Industrial	<i>Zoning:</i>	MA – Industrial
<i>Uses Allowed:</i>	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos	<i>Uses Allowed:</i>	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos
<i>Max Density:</i>	MA – N/A	<i>Max Density:</i>	MA – N/A

Area Information

<i>Zoning Jurisdiction:</i>	Bismarck City Limits
<i>Township:</i>	N/A (City of Bismarck)
<i>Neighborhood:</i>	East Divide Commerce

Property History

<i>Zoned:</i>	Pre-1980s
<i>Platted:</i>	02/1979
<i>Annexed:</i>	Pre-1980s

Project Narrative

Donald and Cynthia Klym are requesting approval of a minor subdivision final plat titled Centennial Park First Addition First Replat.

The proposed replat would encompass the entirety of Lot A of Lot 4, Block 4, Centennial Park First Addition, increasing the number of lots from 1 to 2 to allow for separate businesses to operate under two different land descriptions. The MA – Industrial zoning, which allows light industrial,

general commercial, warehouses, manufacturing, and shop condos, would not change.

The area adjacent to the north of the property was granted to the City of Bismarck in 1982 for public street purposes, and the installation and operation of water, sewer, and utilities. As this public right-of-way has not been previously platted, it is indicated on this proposed replat as Revere Place.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as mainly Industrial (IND) with a small area of Parks and Open Space (PKOS) in the Future Land Use Plan. The industrial areas are centers of research, production, and distribution. The parks and open space areas are places that are kept in a largely natural state, providing many important functions for the community and ecosystem.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on December 8 and December 15, and 8 letters

were mailed to the owners of nearby properties on December 8.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Community Development Activities map.

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

(continued)

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

Dimensional standards of the zoning ordinance are met with the proposed subdivision ([Title 14](#))

Yes. All lots meet area and width requirements of the zoning district within which they are located, and there is sufficient space within each lot for anticipated buildings to meet density, setback, and lot coverage requirements.

Stormwater runoff impacted by this subdivision is adequately managed to protect public and private investments and the natural environment ([Goal 15, Section 14.1-04-03](#));

Yes. There is a plan to manage any stormwater runoff generated by this subdivision. The post-construction stormwater management permit (PCSMP) has been conditionally approved by the City Engineer.

Technical specifications required of the final plat have been met (Section 14-09-07)

Yes. The proposed final plat contains the required information to ensure an accurate and timely review by staff, the Planning and Zoning Commission, and the general public.

Proper administrative procedures related to the request are being followed (Section 14-09-04)

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for final plat approval, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission. A public hearing has been

scheduled for this request, and all requirements for notice of this hearing have been met, as documented in this report above.

Creation of any new lots in the City of Bismarck is subject to development capital charges for municipal utilities. Capital utility charges will be due prior to recordation of the proposed plat.

The proposed plat includes previously dedicated right of way to the north of the plat. A signed petition and development agreement between the City of Bismarck and the property owner(s) for the future construction of Revere Place is required prior to the recordation of the proposed plat.

The public health, safety and general welfare will not be adversely impacted by the proposed subdivision ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed subdivision would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the minor subdivision final plat for Centennial Park First Addition First Replat with the following conditions:

1. A petition and development agreement for the construction of Revere Place is signed prior to the recordation of the proposed plat.

Attachments

1. Zoning and Plan Reference Map
2. Final Plat
3. Original Plat with Replatted Area Highlighted

Staff report prepared by: Lauren Oster, Planner

701-355-1846 | laoster@bismarcknd.gov

(continued)



Zoning and Plan Reference Map

CENTENNIAL PARK FIRST ADDITION FIRST REPLAT

MPLT2023-007

Zoning Districts

A	Agriculture
RR	Rural
	Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

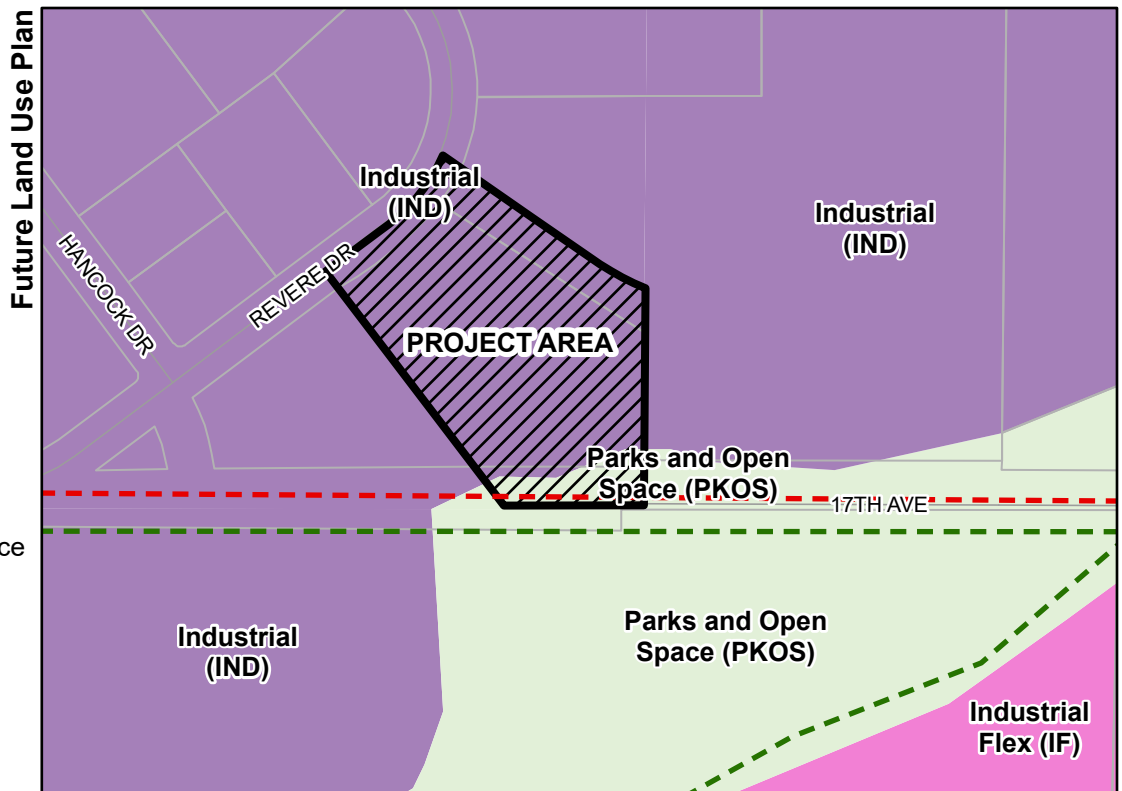
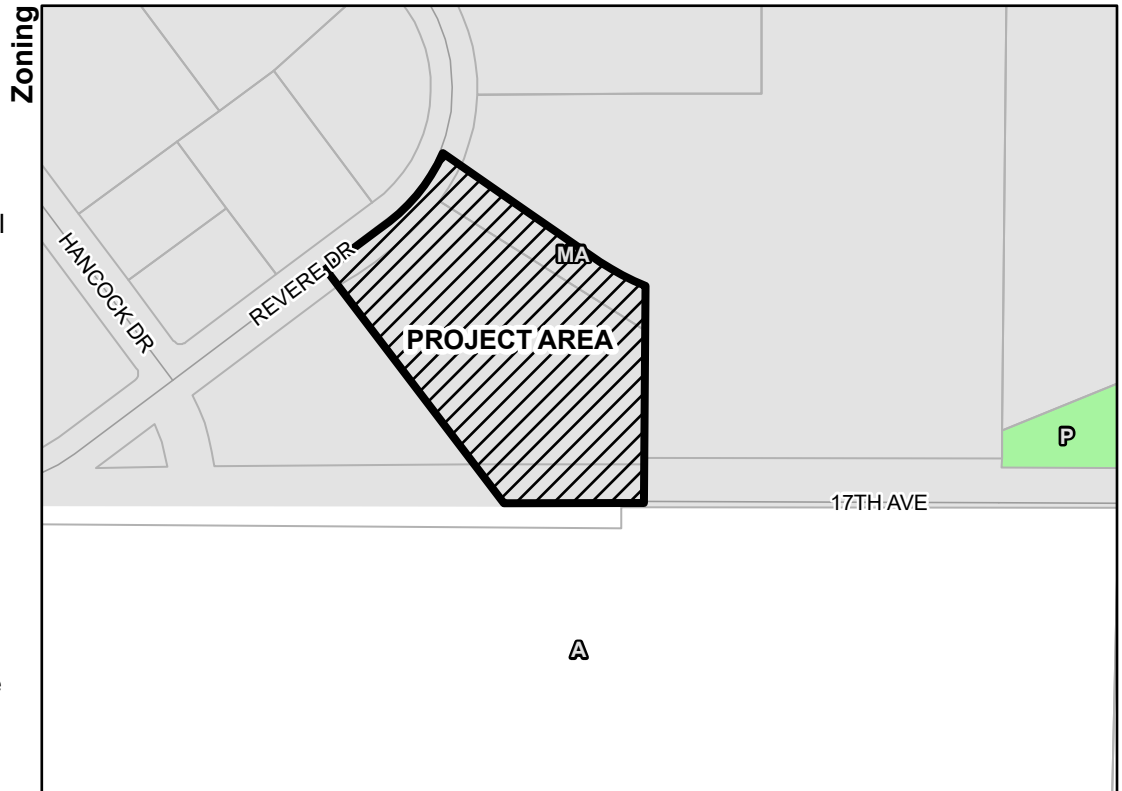
UN	Urban
NMU	Neighborhood
	Mixed Use
CMU	Community
	Mixed Use
DMU	Destination
	Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial
	Mixed Use
INS	Institutional
RR	Rural
	Residential
TR	Transitional
	Rural
PKOS	Parks/Open Space
	Urban Reserve
URA/	Mid/Long-Term
URB	

Active Mobility Plan

Future Shared Trail

Major Street Plan

- Existing Arterial
- Future Arterial
- Existing Collector
- Future Collector
- Existing Interstate
- Future Interstate



This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated herein.

0 240 480 89 960 Feet



City of Bismarck
Community Development
Planning Division
December 13, 2023

CENTENNIAL PARK FIRST ADDITION FIRST REPLAT

BEING PART OF LOT A OF LOT 4 BLOCK 4 CENTENNIAL
PARK FIRST ADDITION AND PART OF REVERE DRIVE
RIGHT-OF-WAY OF SECTION 25
TOWNSHIP 139 NORTH RANGE 80 WEST
OF THE FIFTH PRINCIPAL MERIDIAN

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

BEING PART OF LOT A OF LOT 4 BLOCK 4 CENTENNIAL PARK FIRST ADDITION AND PART OF REVERE DRIVE
RIGHT-OF-WAY OF SECTION 25, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE WESTMOST CORNER OF SAID LOT A; THENCE NORTH 36 DEGREES 48 MINUTES 56 SECONDS
WEST, ON THE EXTENSION OF THE SOUTHWESTERLY LINE OF SAID LOT A, A DISTANCE OF 40.00 FEET TO THE
CENTERLINE OF REVERE DRIVE RIGHT-OF-WAY; THENCE NORTH 53 DEGREES 09 MINUTES 08 SECONDS EAST, ON
SAID CENTERLINE, A DISTANCE OF 109.98 FEET; THENCE NORTH 53 DEGREES 09 MINUTES 08 SECONDS EAST, ON
CENTERLINE, AN ARC LENGTH OF 102.98 FEET TO THE NORTHEASTLY LINE OF GRANT DR. (43418); THENCE
SOUTH 55 DEGREES 16 MINUTES 40 SECONDS EAST, ALONG SAID NORTHEASTLY LINE, A DISTANCE OF 322.70
FEET; THENCE SOUTHEASTLY AND TO THE LEFT, CONTINUING ON SAID NORTHEASTLY LINE, AN ARC LENGTH OF
94.47 FEET TO THE WEST LINE OF EAST DIVIDE INDUSTRIAL PARK; THENCE SOUTH 00 DEGREES 31 MINUTES
02 SECONDS WEST, ON SAID WEST LINE, A DISTANCE OF 373.41 FEET TO THE SOUTH LINE OF SECTION 25,
TOWNSHIP 139 NORTH, RANGE 80 WEST; THENCE NORTH 89 DEGREES 47 MINUTES 27 SECONDS WEST, ON SAID
SOUTH LINE, A DISTANCE OF 214.68 FEET TO THE SOUTHWESTERLY LINE OF SAID LOT A; THENCE NORTH 36
DEGREES 48 MINUTES 56 SECONDS WEST, ON SAID SOUTHWESTERLY LINE, A DISTANCE OF 480.43 FEET TO THE
POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 191,623 SF MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY
THAT THE APPROVED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION
AND COMPLETED ON 2022, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT,
THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE
CORRECT.

SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA
58504

TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3595

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION
OF THE CITY OF BISMARCK, ON THE 2022, IN ACCORDANCE WITH LAWS OF THE
STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS. IN WITNESS WHEREOF
ARE SET THE HANDS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF
BISMARCK.

MICHAEL J. SCHWARTZ - CHAIRMAN

ATTEST
BEN EHRETH - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE
SUBDIVISION OF LAND AS SHOWN ON THE PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN
HEREON, HAS APPROVED THE ORDINANCES AS SHOWN ON THE APPROVED PLAT AS AN AMENDMENT TO THE
MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING
WITHIN THE BOUNDARY OF THE APPROVED PLAT.
THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN
BY RESOLUTION APPROVED THE DAY OF 2022.

ATTEST
KEITH J. HUNKE - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE
"CENTENNIAL PARK FIRST ADDITION FIRST REPLAT", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON
THE PLAT.

GABRIEL J. SCHELL
CITY ENGINEER

OWNERS' CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT DONALD C. KLYM & CYNTHIA J. KLYM, BEING THE OWNERS AND
PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREIN TO BE SURVEYED
AND PLATTED AS "CENTENNIAL PARK FIRST ADDITION FIRST REPLAT", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA,
AND DO SO RE-DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC
UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE UTILITY EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS,
ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND
DESIGNATED HEREON AS UTILITY EASEMENTS.

THEY FURTHER GRANT ACCESS AND WATERMAIN EASEMENTS TO THE ADJOINING LAND OWNERS OF CENTENNIAL
PARK FIRST ADDITION FIRST REPLAT, THEIR TENANTS, VISITORS AND LICENSEES, IN COMMON WITH ALL OTHERS HAVING
LIKE RIGHT AT ALL TIMES HEREAFTER FOR ALL PURPOSES CONNECTED WITH THE USE OF SAID PARTIES, TO PASS AND
REPASS ALONG SAID EASEMENT AND TO HOLD SAID EASEMENT TO SAID PARTIES, THEIR HEIRS AND ASSIGNS AND
APPURTENANT TO THE LAND OF SAID PARTIES. THEY ALSO GRANT SAID EASEMENT TO CONSTRUCT, OPERATE,
MAINTAIN, AND REPAIR WATERMAIN FACILITIES UNDER OR UPON THE REAL PROPERTY HEREAFTER DESCRIBED.

THEY FURTHERMORE DEDICATE UNTO THE CITY OF BISMARCK "STORM WATER AND DRAINAGE EASEMENTS" TO RUN
WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH
AND/OR ACROSS THOSE AREAS DESIGNATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE
PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT
FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THEREFOR FOR STORM WATER, STORM SEWER AND SURFACE
WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND
UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)
DONALD C. KLYM
4330 E CALGARY AVE
BISMARCK, ND 58503

ON THIS DAY OF 2022, BEFORE ME PERSONALLY APPEARED DONALD C. KLYM, KNOWN
TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED
TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)
CYNTHIA J. KLYM
4330 E CALGARY AVE
BISMARCK, ND 58503

ON THIS DAY OF 2022, BEFORE ME PERSONALLY APPEARED CYNTHIA J. KLYM, KNOWN
TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND SHE ACKNOWLEDGED
TO ME THAT SHE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES

NOTES

BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY
CITY ORDINANCE

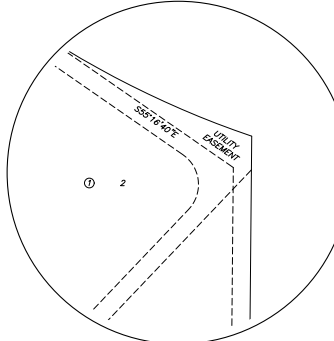
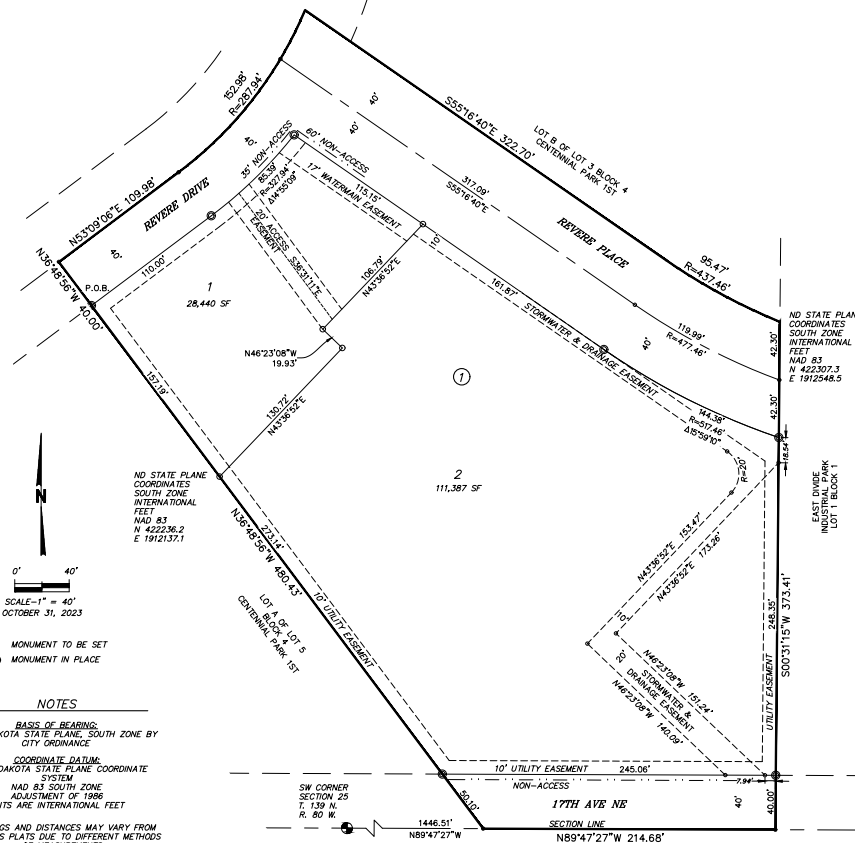
COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE
SYSTEM

NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET

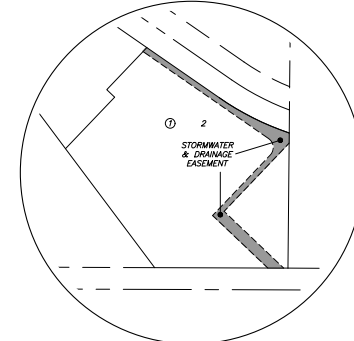
BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.

VERTICAL BENCHMARK:
BTD #1597
REVERE DR, 1ST NORTH OF HANCOCK DR (SOUTH)
ELEV. 1717.69 (NGVD 29)

AREA DATA	
LOTS	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,33,34,35,36,37,38,39,40,41,42,43,44,45,46,47,48,49,50,51,52,53,54,55,56,57,58,59,60,61,62,63,64,65,66,67,68,69,70,71,72,73,74,75,76,77,78,79,80,81,82,83,84,85,86,87,88,89,90,91,92,93,94,95,96,97,98,99,100
STREETS	21,796 SF 1.19 ACRES
TOTAL	191,623 SF 4.40 ACRES



LOT 2 BLOCK 1 UTILITY EASEMENT DETAIL (NOT TO SCALE)



LOT 2 BLOCK 1 STORMWATER & DRAINAGE EASEMENT DETAIL (NOT TO SCALE)

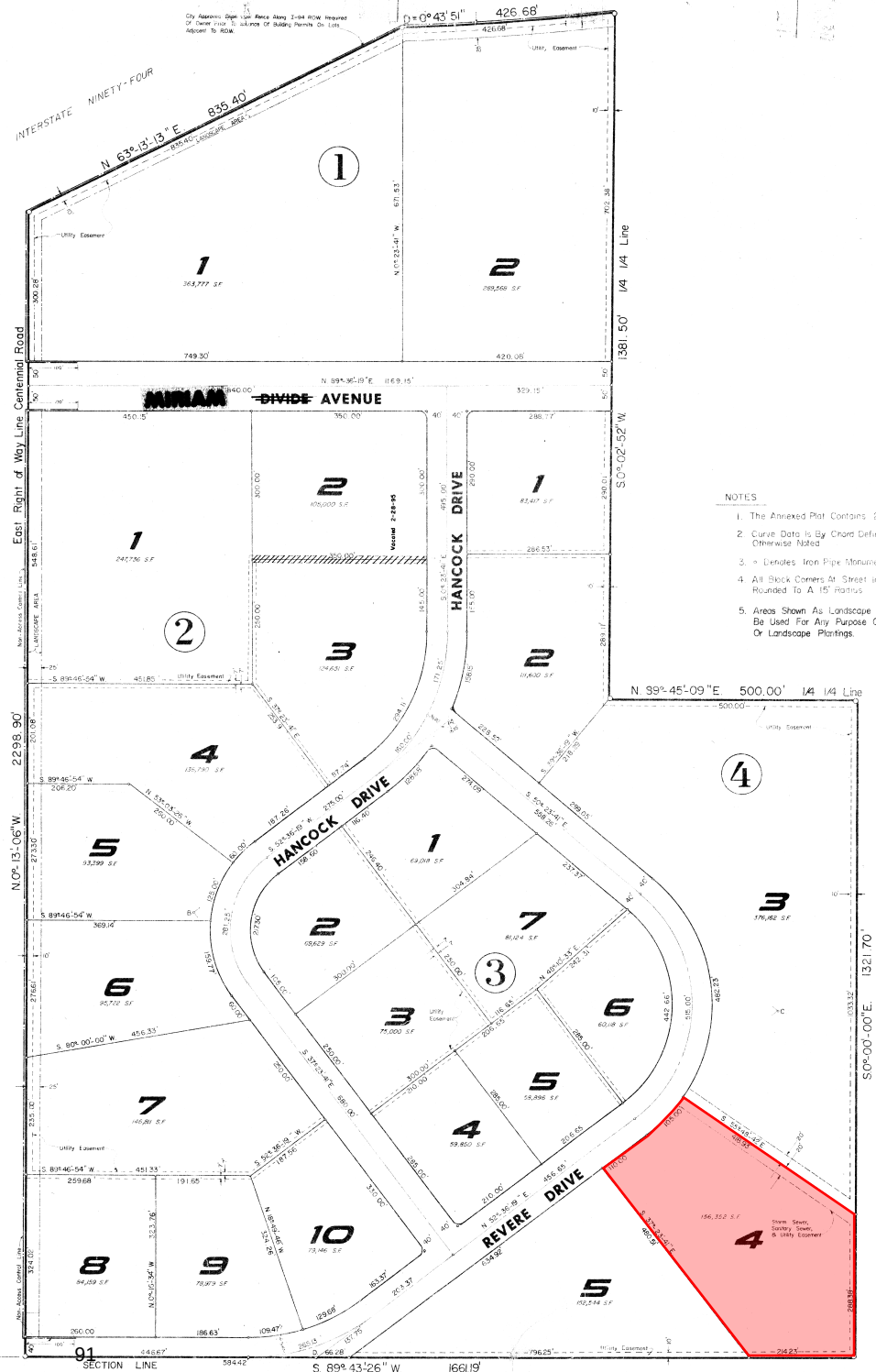
CENTENNIAL PARK FIRST ADDITION

BISMARCK, NORTH DAKOTA

PART OF THE SW 1/4 & THE SE 1/4 OF THE NW 1/4, SECTION 25, T.139N., R.80W.



	Δ	D	T	L	R	EXT
A	INSIDE	18° 01' 13"	159.18	294.11	319.26	3748
	OUTSIDE	31° 02' 50"	179.12	331.25	355.26	42.18
B	INSIDE	14° 23' 17"	199.07	368.36	399.26	46.87
	OUTSIDE	41° 22' 50"	141.40	217.30	141.40	58.57
C	INSIDE	32° 00' 00"	181.40	281.23	181.40	75.14
	OUTSIDE	26° 06' 15"	221.40	344.77	221.40	91.77
D	INSIDE	23° 16' 06"	311.70	442.66	247.94	150.35
	OUTSIDE	103° 04' 00"	203.00	301.99	257.94	174.50
E	INSIDE	17° 32' 24"	412.25	587.43	377.94	198.65
	OUTSIDE	15° 11' 16"	124.32	238.61	370.28	20.31
F	INSIDE	14° 00' 00"	137.75	269.15	410.28	22.51
	OUTSIDE	12° 45' 03"	15.18	291.17	450.28	24.70



- NOTES
1. The Annexed Plat Contains 24 Lots
 2. Curve Data Is By Chord Definition Unless Otherwise Noted
 3. = Denotes Iron Pipe Monument To Be Set
 4. All Back Corners At Street Intersections Are Rounded To A 15' Radius
 5. Areas Shown As Landscape Area Shall Not Be Used For Any Purpose Other Than Lawn Or Landscape Plantings

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
November 15, 2023**

The Bismarck Planning & Zoning Commission met on November 15, 2023, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. The meeting was held in person and via Zoom. Chair Schwartz presided and was present in the Tom Baker Meeting Room.

Commissioners present were Brian Bitner, Robert Field, Cole Johnson, Paul Levchak, Daniel Lukens, Gabe Schell, Mike Schmitz, Wendy Van Duyne, and Paul Zent.

Commissioner Trent Wangen was absent.

Staff members present were Jannelle Combs – City Attorney, Ben Ehreth – Community Development Director, Sarah Fricke – Senior Administrative Assistant, Isak Johnson – Planner, Daniel Nairn – Planning Manager, Lauren Oster – Planner, and Jenny Wollmuth – Senior Planner.

MINUTES

Chair Schwartz called for consideration of the minutes of the October 25, 2023 meeting.

MOTION: Commissioner Zent made a motion to approve the minutes of the October 25, 2023 meeting, as presented. Commissioner Lukens seconded the motion, and it was unanimously approved with Commissioners Bitner, Field, Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, Van Duyne, and Zent voting in favor of the motion.

CONSIDERATION

**2. DIMENSIONAL REQUIREMENTS FOR ACCESSORY BUILDINGS
ZONING ORDINANCE TEXT AMENDMENT**

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to approve consent agenda item 2, calling for a public hearing the item as recommended by staff. Commissioner Schmitz seconded the motion, and it was unanimously approved with Commissioners Bitner, Field, Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, Van Duyne, and Zent voting in favor of the motion.

**FINAL CONSIDERATION – ANNEXATION
PUBLIC HEARING – MAJOR SUBDIVISION FINAL PLAT
PUBLIC HEARING – ZONING MAP AMENDMENT
SILVER RANCH FOURTH ADDITION**

Chair Schwartz called for the public hearing on the zoning ordinance map amendment from the A – Agricultural zoning district to the Conditional RM20 – Residential, R10 – Residential, and P – Public zoning districts, the final plat for Silver Ranch Fourth Addition, and the

annexation of part of Silver Ranch Fourth Addition and part of Silver Ranch Third Addition. The proposed annexation includes 40.84 acres, more or less. The property is located in northeast of Bismarck, north of 43rd Avenue NE and east of 52nd Street NE, along extensions of Silver Boulevard and Silbernagel Drive.

Mr. Nairn stated that the proposed Conditional RM20 – Residential zoning district is intended to be developed at low-to-moderate densities suitable to the Urban Neighborhood classification. The applicant has expressed that this is their intent, although not strictly required by the requested zoning district.

Mr. Nairn gave an overview of the request and stated that, as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the proposed zoning map amendment would not adversely impact the public health, safety, and general welfare.

Mr. Nairn said, based on the findings, staff recommends approval of the zoning ordinance map amendment from the A – Agricultural zoning district to the Conditional RM20 – Residential, R10 – Residential, and P – Public zoning districts, the final plat for Silver Ranch Fourth Addition, and the annexation of part of Silver Ranch Fourth Addition and part of Silver Ranch Third Addition.

Mr. Nairn explained that staff had received calls from two neighbors regarding sight distances at the intersection of proposed Noble Drive and 52nd Street NE and dust and noise concerns.

Commissioner Johnson questioned the reason for the larger-than-average block sizes. Mr. Nairn explained that Block 1 contains a large school site, which for this reason is less of a concern for staff, and Blocks 2 and 3 contain residential uses that, according to the applicant, will be served by internal private drives.

Commissioner Levchak voiced concerns with the Noble Drive intersection.

Commissioner Schell stated the intersection of Noble Drive was relocated to the present location during the preliminary plat and sight distances would have been reviewed at this time. He further stated that he would review this study to confirm.

Chair Schwartz opened the public hearing.

Landon Niemiller of Swenson Hagen & Co came forward to address any questions or concerns. He addressed the stated concerns and said he will look and make sure the Noble Drive intersection is appropriate. Commissioner Schell asked if the applicant is satisfied with the condition in the zoning ordinance. Mr. Niemiller is confident they can meet the requirements with satisfaction for both the applicant and city staff.

There being no further comments or questions, Chair Schwartz closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to recommend approval of the zoning ordinance map amendment from the A – Agricultural zoning district to the Conditional RM20 – Residential, R10 – Residential, and P – Public zoning districts, the final plat for Silver Ranch Fourth Addition, and the annexation of part of Silver Ranch Fourth Addition and part of Silver Ranch Third Addition. Commissioner Zent seconded the motion, and the motion was unanimously approved with

Commissioners Bitner, Field, Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, Van Duyne, and Zent voting in favor of the motion.

OTHER BUSINESS

Mr. Nairn presented the commission with a summary of an upcoming release of Request for Proposals for New Land Development Code. Commissioner Schell asked about a timeline. Mr. Nairn explained the Request for Proposals would be sent the same week and applications are due by January 5, 2024, with an expected start in March 2024 to be refined by the chosen consultant. Commissioner Van Duyne asked how much involvement is expected from the Planning and Zoning Commission. Mr. Nairn explained that the commission will be making a final recommendation to the City Commission, would be represented on a steering committee, and otherwise may be as involved as they wish to be, and staff will be updating the commission throughout the process. Chair Schwartz then asked if any action was required, and Mr. Nairn stated this was informative only and no action is required at this time.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 5:23 p.m. to meet again on December 20, 2023.

Respectfully submitted,

Sarah Fricke
Recording Secretary

Mike Schwartz
Chair

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 11/2023

*****City*****

*****ETA*****

	11/2023		11/2022		11/2023		11/2022	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	5	\$2,059,089.18	1	\$121,021.86	1	\$131,184.00	0	\$0.00
ROWHOUSE (2) 1-HR FIRE SEPARATION	2	\$374,345.70	11	\$1,333,755.42	0	\$0.00	0	\$0.00
MULTI FAMILY RESIDENTIAL	0	\$0.00	1	\$49,929.00	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	2	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL ADDITION	1	\$20,087.55	1	\$29,383.20	0	\$0.00	0	\$0.00
DETACHED GARAGE	1	\$0.00	0	\$0.00	3	\$223,200.00	0	\$0.00
DECKS\PORCHES & COVERED PORCHES	2	\$4,126.50	2	\$8,764.88	0	\$0.00	0	\$0.00
SWIMMING POOLS	1	\$226,000.00	2	\$157,731.00	0	\$0.00	0	\$0.00
RESIDENTIAL ALTERATION/OTHER	3	\$55,357.40	0	\$0.00	0	\$0.00	0	\$0.00
HOME OCCUPATION	1	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
BASEMENT FINISH	2	\$62,350.00	1	\$38,377.50	0	\$0.00	0	\$0.00
RESIDENTIAL	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	7	\$66,228.00	1	\$10,788.00	0	\$0.00	0	\$0.00
SIGN ALTERATION	5	\$84,432.00	0	\$0.00	0	\$0.00	0	\$0.00
COMMERCIAL NEW CONSTRUCTION	8	\$16,506,873.00	8	\$3,922,614.00	0	\$0.00	0	\$0.00
COMMERCIAL ADDITION	1	\$1,066,015.00	0	\$0.00	0	\$0.00	0	\$0.00
COMMERCIAL ALTERATION	9	\$3,199,710.00	2	\$448,000.00	0	\$0.00	0	\$0.00
Total	51	\$23,724,614.33	31	\$6,120,364.86	4	\$354,384.00	0	\$0.00

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 11/2023

*****City*****

*****ETA*****

	11/2023		11/2022		11/2023		11/2022	
Trade Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	74	\$0.00	82	\$0.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	116	\$4,837,458.53	133	\$1,631,998.06	6	\$58,680.00	8	\$52,830.92
BUILDING PLUMBING	32	\$2,463,165.00	31	\$589,240.00	5	\$107,650.00	3	\$89,500.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	2	\$0.00	5	\$0.00
Total	222	\$7,300,623.53	246	\$2,221,238.06	13	\$166,330.00	16	\$142,330.92

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 11/2023

	*****City*****		*****ETA*****	
	11/2023	11/2022	11/2023	11/2022
Living Units	Units	Units	Units	Units
MANUFACTURED HOMES	2	0	0	0
BASEMENT FINISH	0	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
DETACHED GARAGE	0	0	0	0
RESIDENTIAL ADDITION	0	0	0	0
RESIDENTIAL ALTERATION/OTHER	0	0	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	2	11	0	0
SINGLE FAMILY DETACHED	4	1	0	0
SWIMMING POOLS	0	0	0	0
Total	8	12	0	0

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 11/2023

*****City*****

*****ETA*****

	11/2023		11/2022		11/2023		11/2022	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	78	\$28,280,891.10	156	\$45,980,594.44	25	\$9,042,176.34	29	\$11,061,011.81
ROWHOUSE (2) 1-HR FIRE SEPARATION	72	\$16,495,849.03	120	\$24,744,144.52	8	\$2,395,976.11	0	\$0.00
MULTI FAMILY RESIDENTIAL	45	\$23,149,556.90	6	\$9,046,455.51	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	19	\$0.00	7	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL ADDITION	17	\$791,857.95	12	\$412,624.96	8	\$848,864.43	10	\$1,156,033.10
DETACHED GARAGE	20	\$423,850.10	28	\$329,333.75	43	\$1,963,380.00	45	\$2,045,677.91
DECKS\PORCHES & COVERED PORCHES	118	\$703,191.15	77	\$246,560.53	14	\$381,773.50	9	\$252,803.45
SWIMMING POOLS	16	\$1,560,788.00	13	\$1,103,017.00	6	\$493,400.00	7	\$714,601.00
RESIDENTIAL ALTERATION/OTHER	58	\$2,111,938.40	37	\$1,438,058.85	9	\$730,002.07	10	\$506,459.22
HOME OCCUPATION	4	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00
STORAGE SHED	13	\$34,852.50	9	\$30,955.00	5	\$13,260.00	2	\$12,000.00
BASEMENT FINISH	42	\$944,167.00	41	\$1,084,211.00	5	\$133,945.00	11	\$250,151.50
RESIDENTIAL	3	\$0.00	2	\$0.00	1	\$0.00	0	\$0.00
COMMERCIAL	5	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
FIREWORKS SALES	0	\$0.00	0	\$0.00	9	\$0.00	8	\$0.00
NURSERY STOCK SALES	4	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	1	\$0.00	3	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	80	\$1,284,269.53	65	\$565,966.00	3	\$9,600.00	3	\$46,866.00
SIGN ALTERATION	31	\$277,735.64	2	\$36,000.00	0	\$0.00	0	\$0.00
ELECTRONIC MESSAGE CENTER	1	\$309,234.00	0	\$0.00	0	\$0.00	0	\$0.00
COMMERCIAL NEW CONSTRUCTION	96	\$111,456,890.38	103	\$99,409,859.00	4	\$1,450,000.00	22	\$8,921,426.00
COMMERCIAL ADDITION	6	\$5,407,905.00	7	\$16,613,387.00	0	\$0.00	2	\$7,118,268.00
COMMERCIAL ALTERATION	94	\$49,916,540.64	67	\$21,189,149.88	7	\$1,003,547.00	3	\$3,780,000.00
Total	823	\$243,149,517.32	765	\$222,230,317.44	147	\$18,465,924.45	161	\$35,865,297.99

**PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 11/2023**

*****City*****

*****ETA*****

	11/2023		11/2022		11/2023		11/2022	
Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	844	\$0.00	954	\$203,000.00	2	\$0.00	5	\$0.00
BUILDING MECHANICAL	1338	\$25,744,629.91	1384	\$27,437,470.25	244	\$2,636,949.59	252	\$2,303,197.11
BUILDING PLUMBING	357	\$11,469,157.04	444	\$13,116,327.92	67	\$1,047,704.14	86	\$1,315,564.00
BUILDING SEPTIC	1	\$0.00	0	\$0.00	35	\$32,500.00	30	\$2,000.00
Total	2540	\$37,213,786.95	2782	\$40,756,798.17	348	\$3,717,153.73	373	\$3,620,761.11

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 11/2023

*****City*****

*****ETA*****

	11/2023	11/2022	11/2023	11/2022
Living Units	Units	Units	Units	Units
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
MULTI FAMILY RESIDENTIAL	131	60	0	0
MANUFACTURED HOMES	18	5	0	0
BASEMENT FINISH	0	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
DETACHED GARAGE	0	0	0	0
RESIDENTIAL ADDITION	0	0	0	0
RESIDENTIAL ALTERATION/OTHER	0	0	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	70	112	6	0
SINGLE FAMILY DETACHED	75	151	21	23
SWIMMING POOLS	0	0	0	0
Total	294	328	27	23