Bismarck Planning and Zoning Commission

MEETING
October 22, 2025

Tom Baker Meeting Room City-County Office Building 5:00 PM

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.

1. **APPROVAL OF MEETING MINUTES**

   A. Consider approval of minutes

   B. Guide to Public Participation

   C. Map of all items on the agenda

2. **PUBLIC COMMENT**
   Limited to items on this meeting's Consent agenda, or the previous Planning and Zoning Commission meeting.

3. **CONSENT AGENDA**

   A. **Pebble Creek Addition, Block 9, Lot 33** (LO)

      Zoning Map Amendment | ZC2025-017 | Consideration
      Staff recommends: Call for Public Hearing

B. **Rural Accessory Structure Size** (IJ)

Zoning Ordinance Text Amendment | ZOTA2025-005 | Consideration
Staff recommends: Call for Public Hearing

4. **REGULAR AGENDA**

A. **Miriam Industrial Park Fifth Addition** (IJ)

Minor Subdivision Final Plat | MPLT2025-008 | Public Hearing
Staff recommends: Approve

B. **Parts of Riverview Addition and McKenzie's Addition** (LO)

Planned Unit Development Amendment | PUDA2025-003 | Public Hearing
Staff recommends: Approve

C. **Haycreek Township, E1/2, S25** (JW)

Special Use Permit | SUP2025-015 | Public Hearing
Staff recommends: Approve

D. **2025 Amendments to Growth Phasing Plan (DN)**

Plan Amendment | GPPA2025-001 | Public Hearing
Staff recommends: Approve

5. **OTHER BUSINESS**

A. Arts and Culture Master Plan Presentation (LO)

B. Changes to Department Structure

6. **ADJOURN**

A. The next meeting of the Planning & Zoning Commission is scheduled for November 19, 2025.

B. Building Permit Data: **Month to Date** or **Year to Date**

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
September 24, 2025

The Bismarck Planning & Zoning Commission met on September 24, 2025, 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. Dakota Media Access was present to record the meeting and archive on freetv.org for public viewing. Chair Schwartz presided and was present in the Tom Baker Meeting Room.

Commissioners present were Robert Field, Cole Johnson, Gabe Schell, Mike Schmitz (via Zoom), Mike Schwartz, Sheldon Sivak, Trent Wangen, and Paul Zent.

Commissioners Bitner, Larson and Lukens were absent.

Staff members present were Brady Blaskowski – Building Official, Sarah Fricke – Senior Administrative Assistant, Isak Johnson – Planner, Daniel Nairn – Acting Community Development Director, Lauren Oster – Planner, and Jenny Wollmuth – Senior Planner.

MINUTES

Chair Schwartz called for consideration of the minutes of the August 27, 2025 meeting.

MOTION: Commissioner Wangen made a motion to approve the minutes of the August 27, 2025 meeting, as presented. Commissioner Zent seconded the motion, and it was unanimously approved with Commissioners Field, Johnson, Schell, Schmitz, Schwartz, Sivak, Wangen and Zent voting in favor of the motion.

CONSIDERATION

3A. PARTS OF RIVERVIEW ADDITION AND MCKENZIE'S ADDITION
PLANNED UNIT DEVELOPMENT AMENDMENT

3B. 2025 AMENDMENTS TO GROWTH PHASING PLAN
GROWTH PHASING PLAN AMENDMENT

MOTION: Based on the findings contained in the staff reports, Commissioner Zent made a motion to approve consent agenda items 3A and 3B, calling for public hearings as recommended by staff. Commissioner Sivak seconded the motion, and it was unanimously approved with Commissioners Field, Johnson, Schell, Schmitz, Schwartz, Sivak, Wangen and Zent voting in favor of the motion.

CONTINUED PUBLIC HEARING – WILLIAM BLACKSTONE ADDITION
MAJOR SUBDIVISION FINAL PLAT, ZONING MAP AMENDMENT, and ANNEXATION

Chair Schwartz called for the continued public hearing on a zoning map amendment from the A – Agriculture zoning district to the Conditional RM10 – Residential, R10 – Residential, R5 – Residential and P – Public zoning districts, major subdivision final plat titled William Blackstone Addition, and annexation of all of the proposed plat and all of Tyler Parkway from 57th Avenue NW to the northern boundary of the plat. The property is located northwest of Bismarck, west of North Washington Street and north of 57th Avenue NW, along the west side of Tyler Parkway (Part of the SE¼ of Section 7, T139N-R80W/ Hay Creek Township).

Ms. Wollmuth provided 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 annexation, zoning map amendment and major subdivision final plat would not adversely impact public health, safety, and general welfare.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the annexation, zoning map amendment and major subdivision final plat titled William Blackstone Addition, with the following conditions:

1. Temporary turnaround easements at the termini of Hoberg Drive, Berning Lane, and James Wright Avenue are provided prior to recording the final plat.
2. Separate dedicated right-of-way or a separate easement to the City of Bismarck for all municipal services from 57th Avenue NW to the southern boundary of plat is required prior to plat recordation.
3. A development agreement outlining installation and maintenance responsibilities, timeframes and triggers for removal of the temporary intersection and road, gate and knox box, and restoration of Lot 12 to a buildable lot be submitted prior to plat recordation.

Chair Schwartz asked Ms. Wollmuth if staff have any additional concerns from the August public hearing on this item. Ms. Wollmuth replied that staff is comfortable with the changes and recommends approval with the proposed conditions.

Commissioner Schell stated that execution of the development agreement regarding a proposed temporary access from the subdivision to Tyler Parkway would be more appropriate at the public hearing by the Bismarck City Commission, rather than at the time of plat recordation. Ms. Wollmuth said that change could be made as part of the motion at this meeting.

Chair Schwartz opened the public hearing.

Bob Martin, a representative of the property owner, said the applicant has no issue with any of the requests made by the Planning and Zoning Commission.

Three adjacent property owners spoke in opposition to the proposed development.

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

Ms. Wollmuth reminded the commission to include any additional conditions with a motion.

Commissioner Schell explained the City Engineering department's approval of the access point locations, stating that traffic would generally not be travelling through the intersections as both sides of Tyler Parkway are residential neighborhoods that do not further connect. He said traffic safety is always the main concern.

MOTION: Based on the findings contained in the staff report, Commissioner Zent made a motion to approve the annexation, zoning map amendment and major subdivision final plat titled William Blackstone Addition, with the conditions that a temporary turnaround easements at the termini of Hoberg Drive, Berning Lane, and James Wright Avenue are provided prior to recording the final plat; separate dedicated right-of-way or a separate easement to the City of Bismarck for all municipal services from 57th Avenue NW to the southern boundary of plat is required prior to plat recordation, and; a development agreement outlining installation and maintenance responsibilities, timeframes and triggers for removal of the temporary intersection and road, gate and knox box, and restoration of Lot 12 to a buildable lot be submitted prior to the public hearing with the City Commission. Commissioner Wangen seconded the motion, and the motion was approved with Commissioners Field, Johnson, Schell, Schmitz, Schwartz, Sivak, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING – OLIVE TREE SECOND SUBDIVISION
MAJOR SUBDIVISION FINAL PLAT

Chair Schwartz called for the public hearing on a major subdivision final plat titled Olive Tree Second Subdivision. The property is located northwest of Bismarck, along the west side of Burnt Creek Loop and south side of Dietrich Place.

Ms. Wollmuth provided 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 major subdivision final plat would not adversely impact public health, safety, and general welfare.

Ms. Wollmuth said, based on the findings, staff recommends approval of the major subdivision final plat titled Olive Tree Second Subdivision.

Chair Schwartz opened the public hearing.

Landon Niemiller, Swenson Hagen & Co., said the request is an expansion of the existing rural residential lot for the property owner to build an accessory structure.

Commissioner Schell said 42 feet of non-access roadway exists on the section line and 32 feet of statutory right-of-way still exists.

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

MOTION: Based on the findings contained in the staff report, Commissioner Wangen made a motion to approve the major subdivision final plat titled Oliver Tree Second Subdivision Commissioner Zent seconded the motion, and it was unanimously approved with Commissioners Field, Johnson, Schell, Schmitz, Schwartz, Sivak, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING – SILVER RANCH THIRD ADDITION THIRD REPLAT MINOR SUBDIVISION FINAL PLAT AND ZONING MAP AMENDMENT

Chair Schwartz called for the public hearing on a zoning map amendment from the RM20 – Residential zoning district to the RM20 – Residential and R10 – Residential zoning districts and the minor subdivision final plat of Silver Ranch Third Addition Third Replat. The property is located in northeast Bismarck, in the northeast quadrant of the intersection of 43rd Avenue NE and Silbernagel Drive.

Mr. Johnson provided 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 zoning map amendment and minor subdivision final plat would not adversely impact public health, safety, and general welfare.

Mr. Johnson said, based on the findings contained in the staff report, staff recommends approval of the zoning map amendment from the RM20 – Residential zoning district to the RM20 – Residential and R10 – Residential zoning districts and the minor subdivision final plat of Silver Ranch Third Addition Third Replat.

Commissioner Zent asked if the average lot size of 48 feet x 120 feet is consistent with the rest of Silver Ranch. Mr. Johnson explained that the lot size is consistent with the requested zoning.

Commissioner Schell asked why part of the plat will remain zoned RM20. Mr. Johnson stated that R10 – Residential permitted twin homes, while RM – Residential districts would permit townhome-style units in groups of three or more. The RM – Residential district also has a slightly larger side yard setback than the R10 – Residential. Therefore, to facilitate the applicant's building plans, they were requesting mostly R10 – Residential lots, but with some remaining RM20 – Residential lots.

Chair Schwartz opened the public hearing.

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

Mr. Nairn confirmed that there are other lots in Silver Ranch Third Addition that are consistent with the requested zoning.

Commissioner Schell said the city owns the property across 43rd Avenue NE and intends to have a fire station there in the future.

MOTION: Based on the findings contained in the staff report, Commissioner Schmitz made a motion to approve the zoning map amendment from the RM20 – Residential zoning district to the RM20 – Residential and R10 – Residential zoning districts and the minor subdivision final plat of Silver Ranch Third Addition Third Replat. Commissioner Sivak seconded the motion, and the motion was unanimously approved with Commissioners Field, Johnson, Schell, Schmitz, Schwartz, Sivak, Wangen and Zent voting in favor of the motion.

FINAL CONSIDERATION – SILVER RANCH FIFTH ADDITION, PART OF BLOCKS 2-5 ANNEXATION

Chair Schwartz called for final consideration on an annexation on Lots 11-12, Block 2, Lots 14-19, Block 3, Lots 1-2 Block 4, and Lots 1-2 & 35-38, Block 5, and the adjoining rights-of-way of Davies Drive and Halverson Avenue, part of Silver Ranch Fifth Addition. The property is located east by northeast of Bismarck, north of 43rd Avenue, east of Silver Boulevard, along future extensions of Davies Drive and Halverson Avenue.

Mr. Johnson provided 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 annexation would not adversely impact public health, safety, and general welfare.

Mr. Johnson said, based on the findings contained in the staff report, staff recommends approval of the annexation of Lots 11-12, Block 2, Lots 14-19, Block 3, Lots 1-2 Block 4, and Lots 1-2 & 35-38, Block 5, and the adjoining rights-of-way of Davies Drive and Halverson Avenue, Silver Ranch Fifth Addition with the condition that the previously approved annexation of Lots 20-27, Block 3, Lot 44, Block 4, and Lots 32-34, Block 5, Silver Ranch Fifth Addition, and adjoining rights-of-way of Davies Drive and Halverson Avenue (identified as ANNX2025-001, included in Ordinance 6626) is recorded prior to this annexation

MOTION: Based on the findings contained in the staff report, Commissioner Wangen made a motion to approve the annexation of Lots 11-12, Block 2, Lots 14-19, Block 3, Lots 1-2 Block 4, and Lots 1-2 & 35-38, Block 5, and the adjoining rights-of-way of Davies Drive and Halverson Avenue, Silver Ranch Fifth Addition with the condition that the previously approved annexation of Lots 20-27, Block 3, Lot 44, Block 4, and Lots 32-34, Block 5, Silver Ranch Fifth Addition, and adjoining rights-of-way of Davies Drive and Halverson Avenue (identified as ANNX2025-001, included in Ordinance 6626) is recorded prior to this annexation. Commissioner Johnson seconded the motion, and the motion was unanimously approved with Commissioners Field, Johnson, Schell, Schmitz, Schwartz, Sivak, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING – SILVER RANCH FIFTH ADDITION ZONING MAP AMENDMENT

Chair Schwartz called for the public hearing on a revision to the zoning map amendment for Silver Ranch Fifth Addition, specifically for the Planned Unit Development (PUD) to adjust the front yard setbacks and lot width. The property is located northeast of Bismarck, north of 43rd Avenue, east of Silver Boulevard, along future extensions of Davies Drive and Halverson Avenue.

Mr. Johnson provided 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 revision to the zoning map amendment would not adversely impact public health, safety, and general welfare.

Mr. Johnson said, based on the findings contained in the staff report, staff recommends approval of the revised zoning map amendment for Silver Ranch Fifth Addition.

Commissioner Schell asked if the lot width would need to be adjusted after the plat is approved.

Chair Schwartz opened the public hearing.

Landon Niemiller, Swenson Hagen & Co., explained that the corner lots are pie shaped and have a 20 foot front yard setback and the request provides more flexibility for those lots.

Commissioner Schell said he has concerns with the shortened driveways causing vehicles to block the public right-of-way/sidewalks. Mr. Niemiller said the driveways will be a standard length.

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

MOTION: Based on the findings contained in the staff report, Commissioner Zent made a motion to approve the revised zoning map amendment for Silver Ranch Fifth Addition. Commissioner Sivak seconded the motion, and the motion was approved with Commissioners Field, Johnson, Schell, Schmitz, Schwartz, Sivak, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING – SHORT TERM RENTALS
ZONING ORDINANCE TEXT AMENDMENT

Chair Schwartz called for the public hearing on a zoning ordinance text amendment to Sections 14-02-03 and 14-03-06 of the City Code of Ordinances to allow short-term rentals as a use on residential properties within the city limits and the extraterritorial area.

Ms. Oster provided an overview of the request and, as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the zoning ordinance text amendment would not adversely impact public health, safety, and general welfare.

Ms. Oster said, based on the findings contained in the staff report, staff recommends approval of the zoning ordinance text amendment to Sections 14-02-03 and 14-03-06 of the City Code of Ordinances to allow short-term rentals as a use on residential properties within the city limits and the extraterritorial area.

Commissioner Johnson asked why a requirement to comply with International Building Code is needed in the ordinance. Mr. Blaskowski explained that the IBC has been included to safeguard and protect tenants.

Chair Schwartz opened the public hearing.

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

Commissioner Schell asked if the ordinance includes any permit requirements for a short-term rental or if it is a zoning designation only. Ms. Oster said that the ordinance amendment, as written, does not require a permit.

Chair Schwartz thanked the stakeholder group and staff. He said he would have preferred a more restrictive ordinance, but this can be amended again in the future.

Commissioner Schell addressed the public comment that came in an email related to traffic concerns. He said the zoning ordinance includes language related to off street parking.

Commissioner Johnson asked if unrelated individuals are able to rent individual rooms in a large house. Ms. Oster said the Title 14 includes language regarding limitations to the number of unrelated individuals in a single family residence, which would cover short-term rentals in a single-family residence. Commissioner Johnson stated things like traffic and noise are covered in the existing ordinance.

MOTION: Based on the findings contained in the staff report, Commissioner Zent made a motion to approve zoning ordinance text amendment to Sections 14-02-03 and 14-03-06 of the City Code of Ordinances to allow short-term rentals as a use on residential properties within the city limits and the extraterritorial area. Commissioner Johnson seconded the motion, and the motion was unanimously approved with Commissioners Field, Johnson, Schell, Schmitz, Schwartz, Sivak, Wangen and Zent voting in favor of the motion.

OTHER BUSINESS

Mr. Nairn updated the commissioners on public notice signs, which were placed on properties for the first time for this hearing. Commissioners held a discussion including the materials used and possibilities to make the signs more noticeable.

Mr. Nairn then introduced two consultants working on the Land Development Code (LDC). Mary Madden from Madden Planning and Jenny Baker from Clarion Associates explained the process and status of the LDC, in particular Module 1.5 relating to downtown and Module 2 relating to development standards. Commissioner Johnson asked about the use of PUDs to allow certain uses. Ms. Baker explained that the new LDC includes more flexible zoning districts to make them more usable. Mr. Nairn explained that many of the existing PUDs and conditional zoning districts may not be necessary but some will continue to be in place.

Chair Schwartz announced that Commissioner Lukens would no longer be part of the Planning and Zoning Commission and thanked him for his service.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 6:45 p.m. to meet again on October 22, 2025.

Respectfully submitted,

_____
Sarah Fricke
Recording Secretary

_____
Mike Schwartz
Chair

BISMARCK PLANNING AND ZONING COMMISSION
GUIDE TO PUBLIC PARTICIPATION

The Planning and Zoning Commission welcomes and values public input during its meetings. The following procedures for public comment are to ensure that all individuals have a fair opportunity to be heard while maintaining an orderly, transparent, and efficient meeting environment. There are two opportunities available:

Public Hearings

All public hearing items are shown on the regular agenda, which is when comments on these items should be given.

1. **Introduction**. The Chair of the Planning and Zoning Commission introduces the item on the agenda and asks staff to present a report.
2. **Staff Report**: A planner presents the staff report. The presentation will be an overview of the written staff report included in the agenda packet with a visual presentation of materials.
3. **Commission Questions**. Commissioners may ask staff questions, but they will not discuss the request or share an opinion prior to obtaining input from the public.
4. **Open Public Hearing**. The Chair will then open the public hearing on the request and ask if anyone would like to speak to the commission.
5. **Applicant Statement**. The applicant is traditionally given the courtesy to present their proposal or any additional information first.
6. **Public Statements**. The hearing is then opened to the public to voice their support, opposition, or give any comments regarding the item. This is the opportunity to approach the podium.
7. **Close Hearing**. The Chair closes the hearing for the item once all interested people have spoken, and no more public comments are allowed.
8. **Commission Discussion**. Commissioners discuss the proposal. They may ask staff or the applicant questions or for clarification of items stated during the public hearing.
9. **Commission Action**. The Planning and Zoning Commission makes its decision on that item.

Other Public Comments

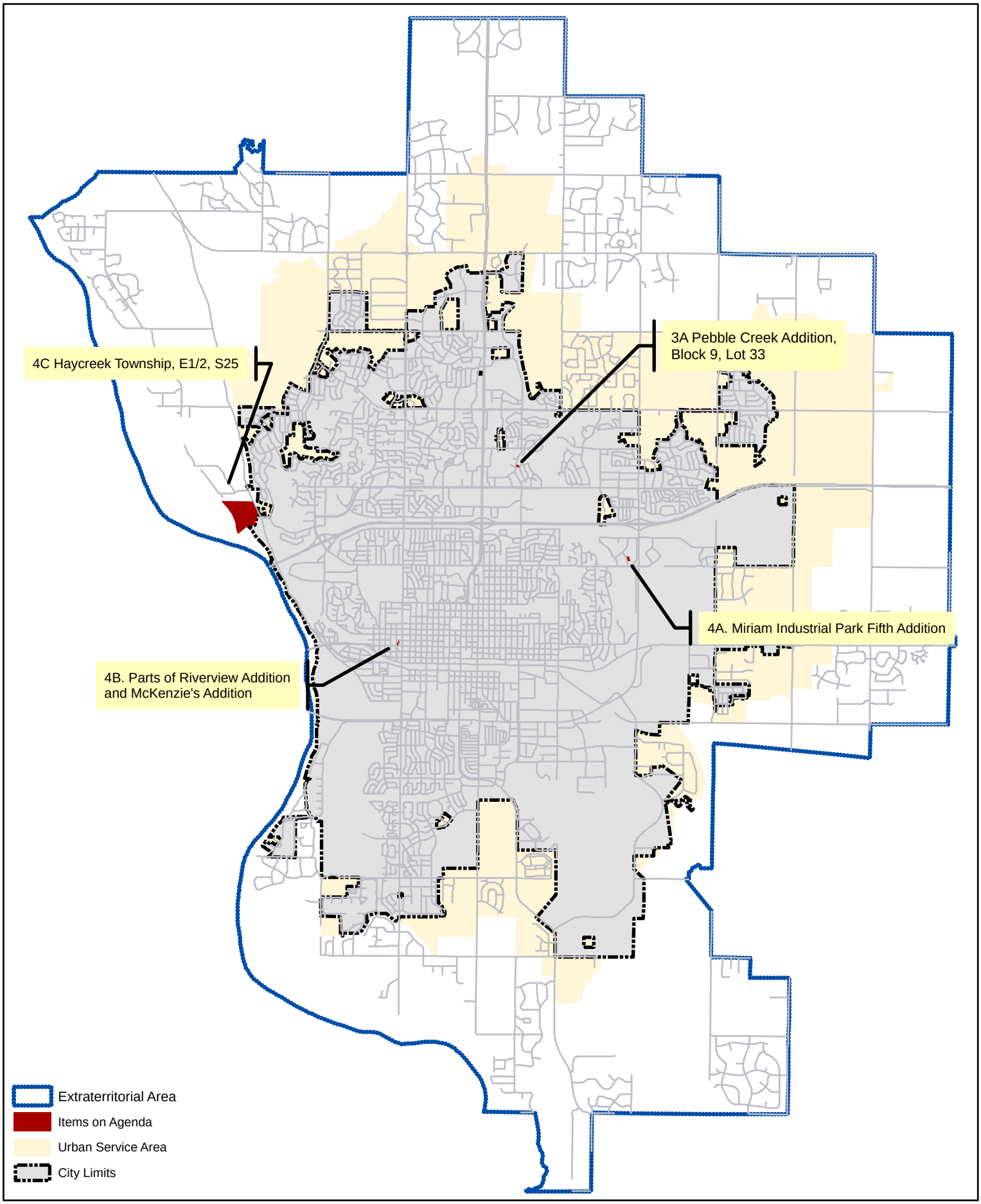
Any comments addressing an item on the current agenda, other than a public hearing, or an agenda item from the preceding meeting.

1. **Public Comment**. General public comments are received toward the beginning of the meeting.
2. **Time Limits**. Each person may comment for five minutes, unless extended by the Chair. An individual may not yield their time to another. The total comment period is limited to 30 minutes, unless extended by the Chair.

General Instructions

The following guidance applies to both public hearings and other public comments:

- Write your first and last name and address on the sign-in sheet at the podium.
- Adjust the microphone, if necessary, state your name, then provide comments. Traditionally, comments are addressed to the Chair and Planning and Zoning Commission.
- Comments may not be defamatory, abusive, harassing, or unlawful; include information that is exempt or confidential under North Dakota open records law; or interfere with the orderly conduct of the meeting.
- Commenters may only address the Commission, not staff, applicants, or other meeting attendees. Commissioners may question any person. The Chair may ask speakers to limit their time, not repeat previous testimony, and speak only once.
- Written materials may be distributed to the Commissioners or displayed visually on screens. Staff are available to assist.
- Reasonable accommodations will be made upon request, pursuant to the City's Title VI policy.



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

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Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

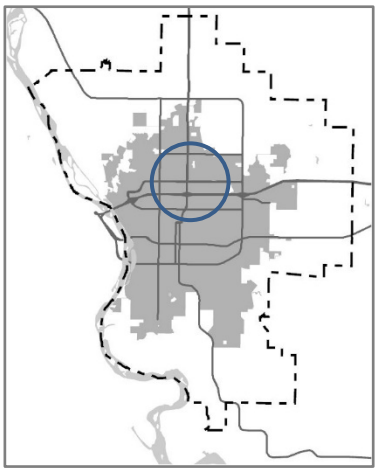
Agenda Item # 3A
October 22, 2025

Application for: **Zoning Map Amendment**

Project ID: **ZC2025-017**

Project Summary

Title:	Pebble Creek Addition, Block 9, Lot 33
Status:	Planning and Zoning Commission – Consideration
Property Owner(s):	Kirk and Annie Blackwood (Owner) Jenny Maattala (Applicant)
Project Contact:	Jenny Maattala, Soul 57
Project Location:	In central Bismarck, north of East Century Avenue and east of State Street, in the northeast quadrant of the intersection of North 19th Street and Oregon Drive
Project Size:	14,862 square feet
Applicant Request:	Rezone to allow youth group and caregiver support services
Staff Recommendation:	Call for public hearing



Site Information

Existing Conditions		*Proposed Conditions*	
Lots/Blocks:	1 Lot in 1 Block	*Lots/Blocks:*	No change
Land Use:	Single-family residential	*Land Use:*	Youth group and caregiver support services
Future Land Use:	Urban Neighborhood (UN)	*Future Land Use:*	No change
Zoning:	R5 – Residential	*Zoning:*	Conditional RT - Residential
Uses Allowed:	R5 – Single-family residential	*Uses Allowed:*	Conditional RT – Uses specified in ordinance
Max Density:	R5 – 5 units / acre	*Max Density:*	Conditional RT – 5 units / acre

Area Information

Zoning Jurisdiction:	Bismarck City Limits
Township:	N/A (City of Bismarck)
Neighborhood:	Pebble Creek

Property History

Zoned:	07/1992
Platted:	06/1992
Annexed:	06/1992

(continued)

Project Narrative

Jenny Maattala, with consent from the current owners Kirk and Annie Blackwood, is requesting approval of a zoning map amendment from R5 – Residential to Conditional RT – Residential on Lot 33, Block 9, Pebble Creek Addition. The request would permit the additional use of youth group and caregiver support services for Soul 57.

Additional Information

According to the applicant, Soul 57 is a non-profit organization that provides group grief support for youth aged 3-24 years old, as well as caregiver support during their youth's time within the office. Typically, the youth will meet for 2 hours twice a week for these groups.

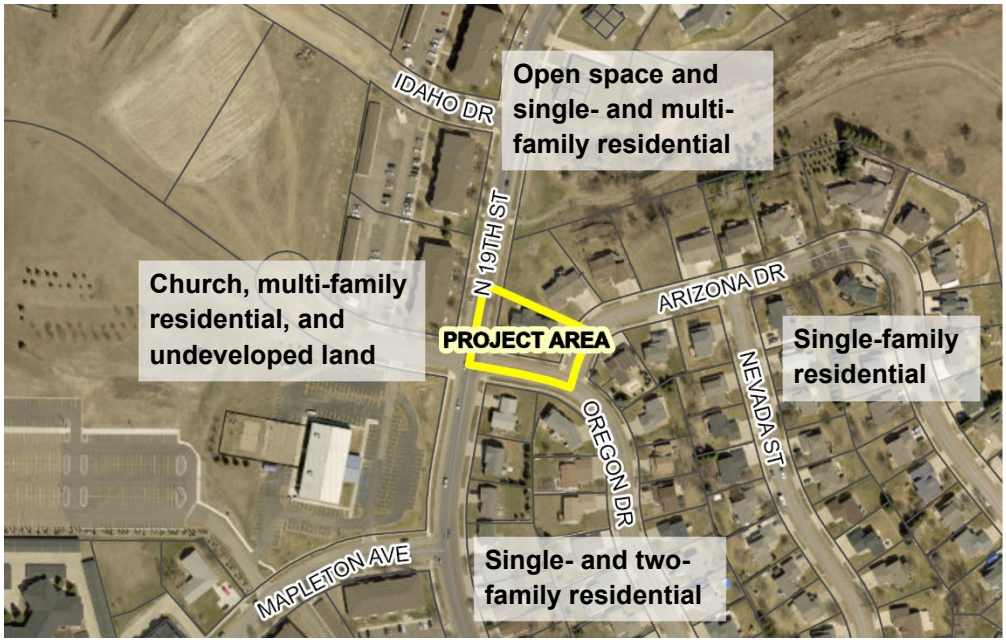
Most standards included in the proposed Conditional RT – Residential zoning district would be similar to the R5 – Residential zoning district including some of the uses and the development standards.

The applicant has submitted a waiver from the landscape buffering requirements that would be required on the north side of the property due to the higher intensity zoning. Reasons for the waiver include site constraints including the site's topography and an established fence line and deck. Staff find this justification to be valid.

The applicant has also noted that Evangel, which is across North 19th Street to the west, will allow the use of their parking lot for occasional overflow parking to help with any potential parking issues that may arise.

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 for quiet enjoyment of home life. Goals and objectives of this plan as they relate to the zoning map amendment are referenced in review standards below.

Adjacent uses include open space and single- and multi-family residential to the north; single-

(continued)

family residential to the east; single- and two-family residential to the south; and a church, multi-family residential, and undeveloped commercial land to the west.

Public Engagement

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

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Open Development Projects Dashboard and 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

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 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 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 use as proposed by the applicant would function similar to a home occupation which would align with this designation.

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

Yes, with certain conditions applied to this zoning district. Adjacent uses are described in the project context section above. The proposed zoning district would allow a single-family residence and youth group and caregiver grief support services. There are additional development standards are that consistent with either the R5 – Residential or home occupation requirements. These include maintaining a residential appearance of the property, hours of operations, number of visitors to the property at a given time, and sign restrictions. With these conditions, 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 R5 - Residential was established in July 1992. Conditions have changed since this time including the adoption of Bismarck's comprehensive plan, Together 2045 in December of 2022.

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, with certain conditions applied to this zoning district. There are additional development standards that include maintaining a residential appearance of the property, hours of operations, number of visitors to the property at a given time, and sign restrictions. The inclusion of these standards were to maintain consistency with the general character and requirements of the surrounding neighborhood, specifically the areas directly adjacent to the north, east, and south. With the proposed conditions, the proposed zoning map amendment would not adversely impact housing opportunities in any way.

(continued)

The goals and objectives of Together 2045 Bismarck's Comprehensive Plan would be advanced by the proposed zoning map amendment (Comprehensive Plan)

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

- S9: Provide the means for adaptation of the built environment to meet complex and changing economic and social demands
- G7(c): Empower citizens to pursue their own ideas for neighborhood and community betterment
- T7(c): Improve the mental health of residents through land use and design interventions that promote physical activity, social connections, and other aspects of wellbeing backed by current research

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.

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.

Staff Recommendation

Based on the above findings, staff recommends calling for a public hearing on a zoning map amendment from the R5 – Residential zoning district to the Conditional RT – Residential zoning district on Lot 33, Block 9, Pebble Creek Addition.

Attachments

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map
4. Landscape Buffer Waiver

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	_____
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, 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 R5 – Residential zoning district and included in the Conditional RT – Residential zoning district:

Lot 33, Block 9, Pebble Creek Addition

This Conditional RT – Residential zoning district shall be subject to the following additional standards

1. Use Restrictions.
    a. A single-family dwelling.
    b. Health and medical group, limited to youth group and caregiver support services.
2. Development Standards.
    a. Density. The maximum allowable density is five (5) units per gross acre.
    b. Lot area. Each permitted principal structure, together with its accessory structures, shall be located on a lot having an area of not less than seven thousand (7,000) square feet.

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c. Lot coverage. Lot coverage shall not exceed thirty (30) percent of the total area of the lot, with the ability to increase through administrative approval, as applied to the R5 – Residential zoning district in Section 14-04-03.

d. Setbacks. The minimum setback adjacent to North 19th Street, Oregon Drive, and Arizona Drive shall not be less than twenty-five (25) feet in depth. The minimum setback for all other sides shall not be less than six (6) feet in depth.

e. Height limit. No principal building shall exceed forty (40) feet in height. No accessory building shall exceed twenty-five (25) feet in height.

3. Additional Standards.

a. Residential appearance. No outward visual evidence exists to indicate the presence of a non-residential use, such as alterations of the dwelling from a customary residential appearance, overnight storage of products, or non-customary residential materials outside.

b. Hours of operation. Visits from clients or patients occur only during the hours of 7AM to 9PM.

c. Visitors. Visits from clients or patients are limited to no more than twelve (12) individuals at any time. Notwithstanding, multiple clients or patients 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. Visits from clients, patients, or employees should not create an undue burden on traffic safety and congestion or on-street parking availability in the neighborhood.

d. Signs. Signs for residential and non-residential uses are not permitted.

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 and Plan Reference Map

PEBBLE CREEK ADDITION, B9, L33

ZC2025-017

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

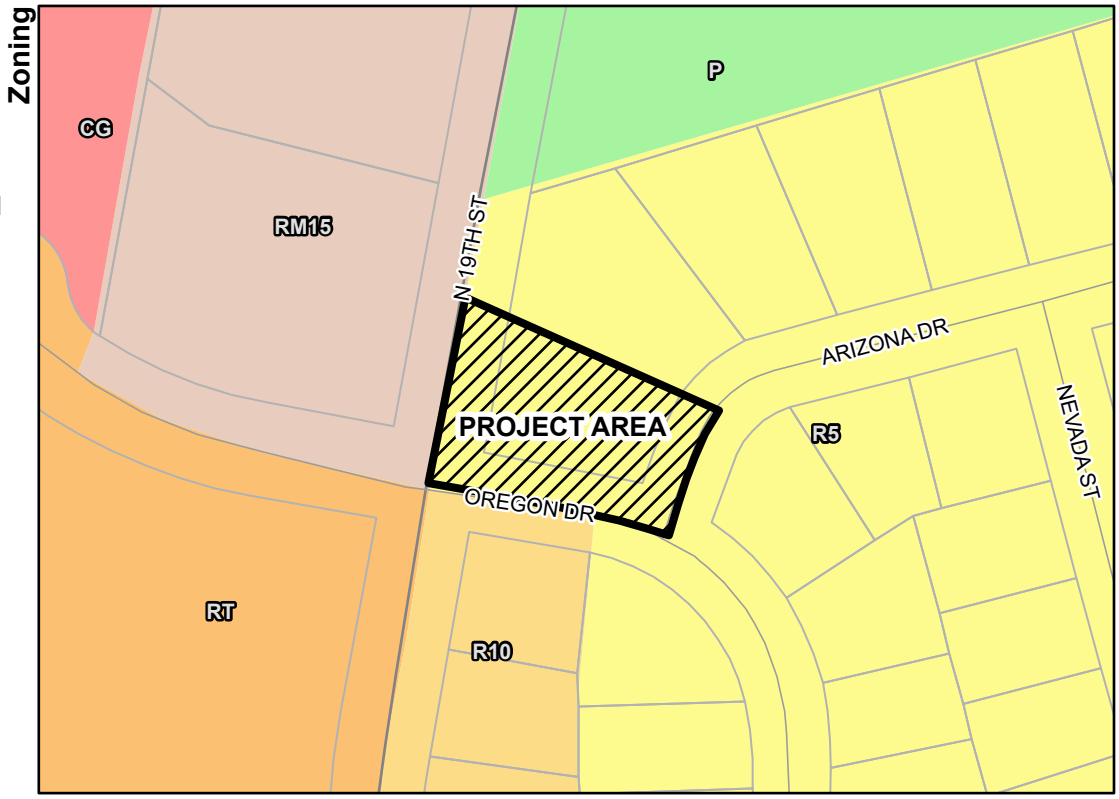
UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural Residential
TR	Transitional Rural
PKOS	Parks/Open Space Urban Reserve
URA/ URB	Mid/Long-Term

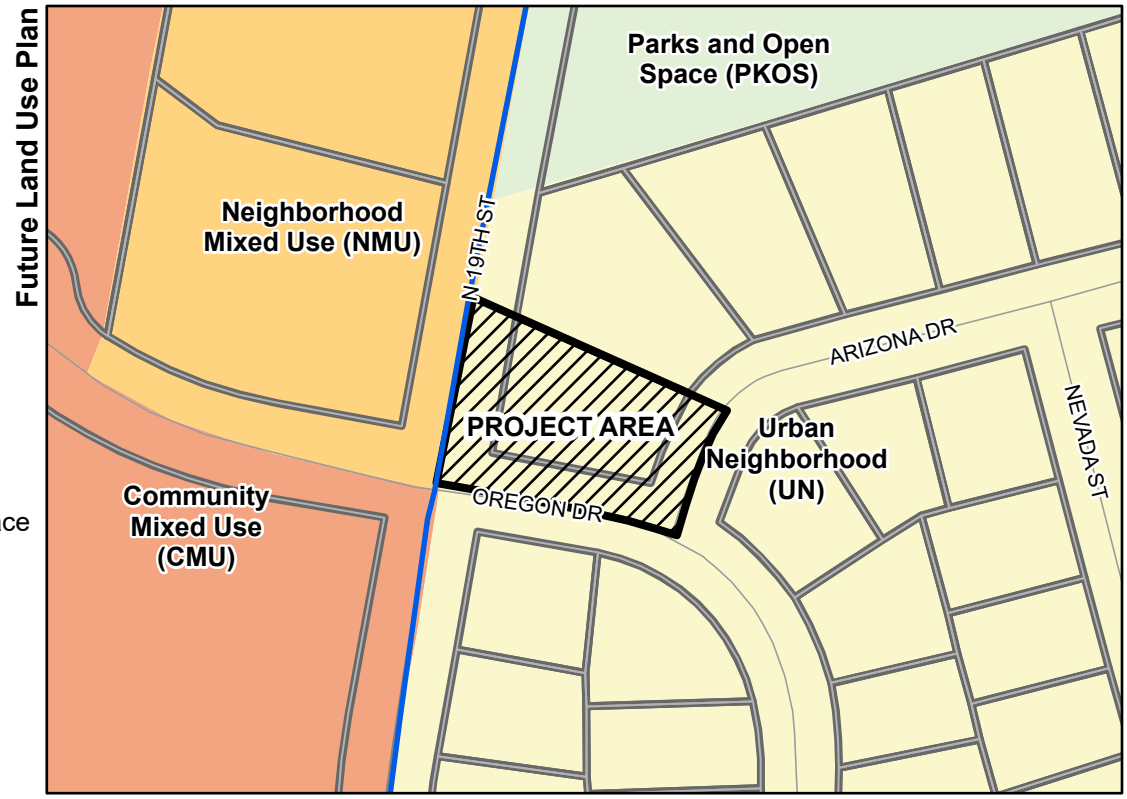
Active Mobility Plan

Future Shared Trail

Major Street Plan

Existing Arterial
Future Arterial
Existing Collector
Future Collector
Existing Interstate
Future Interstate
City Limits





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 hereon.

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City of Bismarck
Community Development
Planning Division
October 13, 2025

Proposed Zoning Change

PEBBLE CREEK ADDITION, B9, L33

ZC2025-017

Proposed New Zoning Map

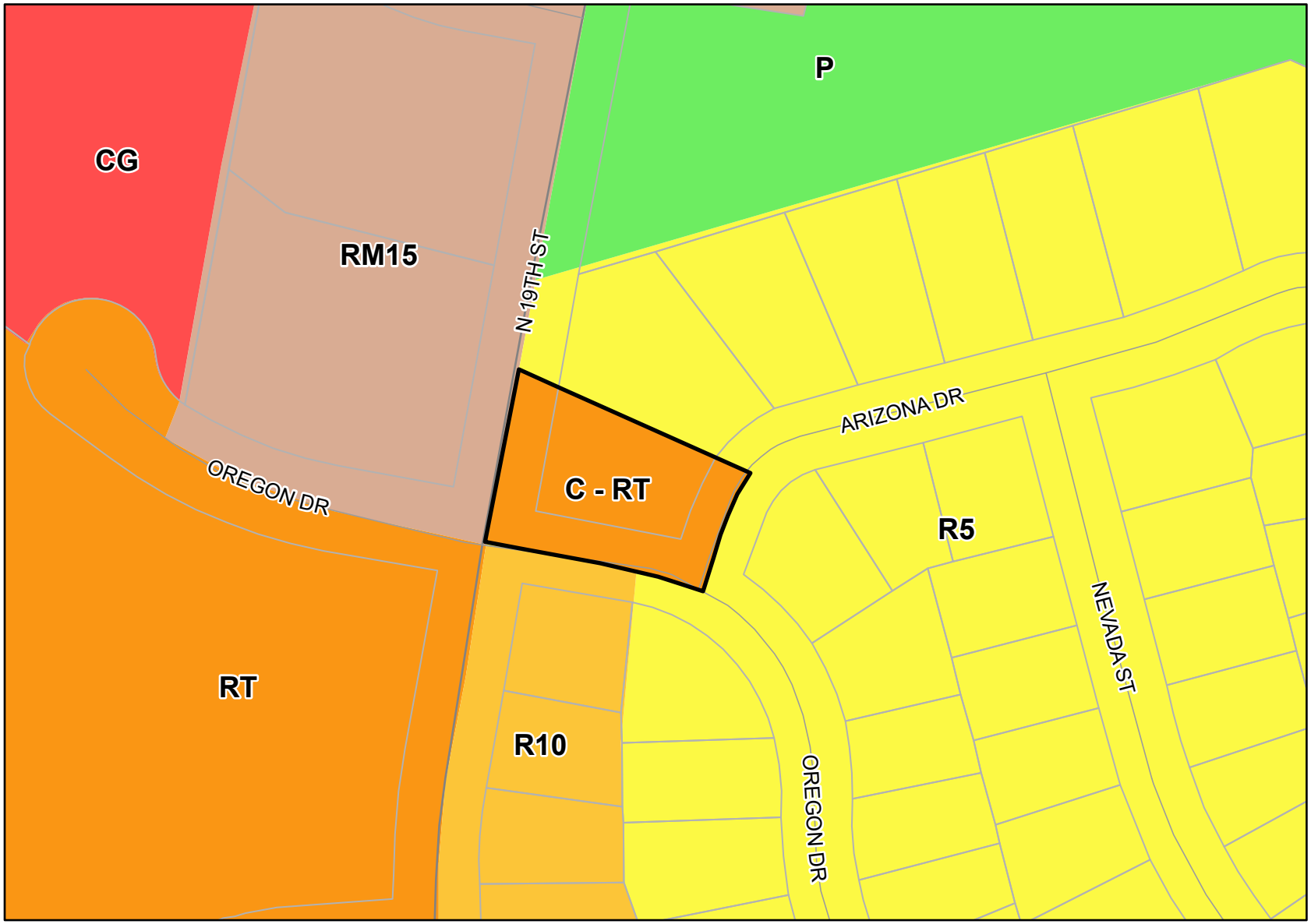
Project Area (zoning within is proposed)

City Limits

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

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



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City of Bismarck
Community Development
Planning Division
October 13, 2025

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 hereon.

Sarah Fricke

From: Kelsey Zottnick <[redacted]>
Sent: Friday, October 10, 2025 1:23 PM
To: Planning - General Mailbox; Lauren Oster
Cc: Hunt Boustead; Jenny Maattala
Subject: Special Request

CAUTION: ***External Email - Use caution clicking links or opening attachments***

Dear Planning and Zoning Commission:

We are reaching out regarding the property located at 1901 Oregon Dr Bismarck ND 58503 that is currently under consideration for rezoning.

Soul 57 requests consideration for a modification or waiver of the landscaping buffer requirement due to unique site constraints. The property's existing topography, along with an established fence line and deck on the north side, significantly limit the ability to install a compliant landscaping buffer as outlined in the zoning requirements.

Additionally, there will be no exterior changes to the property that would alter its current residential appearance. It is their intent to maintain the existing character and aesthetic of the property so that it continues to blend seamlessly with the surrounding neighborhood.

Soul 57 understands the intent of the buffer regulation and is committed to maintaining an attractive and functional site. However, given these physical limitations, they are requesting that the City note these constraints and consider flexibility in this requirement as part of the review process.

Please let me know if any additional documentation would be helpful to support this.

Kelsey Zottnick
Real Estate Agent
701-[redacted]
www.ParamountND.com

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

Agenda Item # 3B
October 22, 2025

Application for: **Zoning Ordinance Text Amendment**

Project ID: **ZOTA2025-005**

Project Summary

Title:	Rural Accessory Structure Size
Status:	Planning and Zoning Commission – Consideration
Project Contact:	Isak Johnson, AICP, Planner
Request:	Revise and update ordinances regarding total accessory structure size in rural areas to align more closely with Burleigh County's ordinance (Sections 14-03-06, 14-04-01, 14-04-01.1, and 14-04-17)
Staff Recommendation:	Call for public hearing

Project Narrative

On October 14, 2025, Planning staff received direction from the Bismarck Board of City Commissioners to amend all relevant sections of the City's zoning ordinance, Title 14, regarding residential accessory structure size in rural zoning districts. Namely, staff have been directed to align the City's zoning ordinance on this topic with Burleigh County's equivalent sections of their zoning ordinance as a result of ongoing discussions regarding amendments to the City's Extraterritorial Area (ETA). For the City of Bismarck, these relevant sections of Title 14 include: 14-03-06, Incidental Uses; 14-04-01, RR Residential district; 14-04-01.1, RR5 Residential district; and 14-04-17, A Agricultural district.

As Planning staff are in the process of updating the entirety of the City's zoning ordinance to a new 'Land Development Code' (LDC), staff have intended early on in the process to propose amending this topic to align with Burleigh County's zoning ordinance to help facilitate uniformity which would ease resident concerns or confusion. Given the timeline of ETA amendment discussions, compared to the tentative timeline of the LDC's adoption, the Board of City Commissioner's directed staff to conduct this zoning ordinance text amendment separately, so that it can be ready sooner, but still incorporated into the LDC when that is ready for final adoption.

The main changes proposed in this text amendment include amending the total permitted structure(s) size of accessory buildings in rural districts (RR – Residential, RR5 – Residential, A – Agricultural) to 4% of the total parcel size. Currently, RR – Residential districts and A – Agricultural districts are permitted a set square footage, with the option to increase that maximum size with an approved special use permit (SUP). This text amendment would remove any two-tiered categorization, one without an approved SUP, and one with an approved SUP, and simplify it to the above referenced 4% of the parcel size in all cases.

The RR5 – Residential district is currently provided a set amount of accessory structure space without the option to increase said size with an approved SUP. All districts would instead scale with the size of the parcel in a fashion identical to Burleigh County.

For reference, Burleigh County's current ordinance regarding accessory structure size can be found here in Article 6, Section 1(1)h:

(continued)

https://www.burleigh.gov/media/03ant1iw/zoning-ordinance-2024.pdf#page=41

Two charts visually comparing the two ordinances are attached with this report.

Public Engagement

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

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Open Development Projects Dashboard.

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.

- S9: Provide the means for adaptation of the built environment to meet complex and changing economic and social demands.
- G7(c): Empower citizens to pursue their own ideas for neighborhood and community betterment.
- G10(b): Promote a zoning and subdivision ordinance that is complementary with that of Burleigh County in the areas designated for rural residential development.
- G10(g): Review and update plans, ordinances, and policies on a regular basis to reflect changing conditions and public will.

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. Sections 14-04-01, RR Residential District, and 14-04-01.1, RR5 Residential District, were previously revised and adopted on January 23, 2024 (Ord. 6570). Sections 14-03-06, Incidental Uses, and 14-04-17, A Agricultural District, were previously revised and adopted on June 25, 2024 (Ord. 6579).

Ord. 6570 amended residential accessory building height conditions by clarifying certain definitions and removing wall height limits. Ord. 6579 codified agriculture recreation as a permitted use in the A – Agricultural zoning district as well as adjusting maximum size limits for accessory structures in said zoning district. Conditions have changed since this time period, which justify the proposed revision.

As part of ongoing discussions between the City of Bismarck and Burleigh County to amend the existing Extraterritorial Area (ETA) agreement, one ordinance that is often discussed both by the respective commissions and the general public is accessory structure size. Staff had previously noted the difference between the two jurisdictions ordinances and intended to propose amending the City of Bismarck's ordinance to more closely match Burleigh County's regulations for this topic early on in the process of updating the City's zoning ordinance to a new Land Development Code.

As a result of further discussions between the two commissions, the Bismarck Board of City

(continued)

Commissioners instructed staff to formally change the relevant sections of the zoning ordinance prior to the adoption of the full, new Land Development Code.

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.

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. All rural zoning districts have been adjusted to more closely match Burleigh County's zoning ordinance for similar zoning districts. Additionally, all internal references to other sections of the City's zoning ordinance have been modified appropriately, and one clarification regarding the wall height limit for structures in the A – Agricultural zoning district was included.

For this clarification, wall height limits for residential accessory structures were removed in Ord. 6570 on January 23, 2024; however, one reference to a wall height limit in the A – Agricultural zoning district was inadvertently left in, despite being removed elsewhere. This ordinance corrects that issue.

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 Department, on behalf of the City 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.

Staff Recommendation

Based on the above findings, staff recommends calling for a public hearing on the zoning ordinance text amendment related to rural accessory structure size (Sections 14-03-06, 14-04-01, 14-04-01.1, and 14-04-17).

Attachments

1. Draft zoning ordinance text
2. Ordinance Comparison Charts

Staff report prepared by: Isak Johnson, AICP, 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 SECTIONS 14-03-06, 14-04-01, 14-04-01.1, 14-04-17 OF THE CODE OF ORDINANCES OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO PERMITTED ACCESSORY STRUCTURE SIZE FOR RESIDENCES IN RURAL RESIDENTIAL AND AGRICULTURAL ZONING DISTRICTS.

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

Section 1. 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:

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 use, subject to the following standards:

1. Accessory Uses and Buildings.

* * * * *

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

* * * * *

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 four (4) percent of the area of the parcel. ~~fourteen hundred (1,400) square feet for lots of forty thousand (40,000) square feet or less; to a maximum area of eighteen hundred (1,800) square feet for lots greater than forty thousand (40,000) square feet and less than or equal to sixty-five thousand (65,000) square feet; to a maximum area of twenty-four hundred (2,400) square feet for lots over sixty-five thousand~~

~~(65,0000 square feet, except as provided for herein.~~ 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 more than forty thousand (40,000) and less than or equal to 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 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 four (4) ~~one (1)~~ percent of the total ~~lot~~ parcel ~~area up to a maximum of five thousand (5,000) square feet~~. 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 the A – Agriculture zoning district with at least thirty-five (35) acres in area and located entirely outside the Urban Service Area Boundary (USAB), may be increased to a maximum of 8,000 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 the A – Agricultural zoning district with at least seventy (70) acres in area and located entirely outside the Urban Service Area Boundary (USAB) may be increased to a maximum of 15,000 square feet as a special use in accordance with the provisions of Sections 14-03-08.~~

* * * * *

(Ord. 4235, 1-17-89; Ord. 4327, 4-24-90 & 5-01-90; Ord. 4341, 9-11&18-90; Ord. 4529, 07-06-93; Ord. 4634, 09-27-94: Ord. 4772, 06-25-96; Ord. 4880, 12-30-97; Ord. 5237, 02-25-03; Ord. 5372, 11-23-04; Ord. 5447, 07-26-05; Ord. 5468, 10-25-05; Ord. 5528, 06-27-06; Ord. 5728, 05-26-09; Ord. 5902, 06-26-12; Ord. 6028, 01-28-14; Ord. 6109, 03-24-15; Ord. 6203, 05-24-16; Ord. 6234, 10-25-16; Ord. 6235, 10-25-16; Ord. 6278, 08-22-17; Ord. 6283, 09-26-17; Ord. 6423, 07-25-20; Ord. 6570, 02-05-24; Ord. 6579, 06-29-24; Ord. 6583, 10-30-24; Ord. XXXX)

Section 2. Amend. 14-04-01 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to RR Residential District, 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 four (4) percent of the area of the parcel. ~~fourteen hundred (1,400) square feet for lots of forty thousand (40,000) square feet or less; to a maximum of eighteen hundred (1,800) square feet for lots greater than forty thousand (40,000) square feet and less than or equal to sixty-five thousand (65,000) square feet; and to a maximum of twenty-four hundred (2,400) square feet for lots over sixty-five (65,000) square feet, except as provided herein.~~ 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 more than forty thousand (40,000) and less than or equal to 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 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.~~

* * * * *

(Ord. 4564, 11-23-93; Ord. 4577, 02-01-94; Ord. 4631, 08-30-94; Ord. 4756, 05-14-96; Ord. 4772, 06-25-96; Ord. 4828, 03-25-97; Ord. 4875, 10-14-97; Ord. 5280, 09-23-03;

Ord. 5286, 11-13-03; Ord. 5287, 12-16-03; Ord. 5369, 11-23-04; Ord. 5566, 12-12-06; Ord. 5902, 06-26-12; Ord. 5958, 03-26-13; Ord. 6040, 04-22-14; Ord. 6109, 03-24-15; Ord. 6218, 07-26-16; Ord. 6278, 08-22-17; Ord. 6283, 09-26-17; Ord. 6361, 01-22-19; Ord. 6570, 02-05-24; Ord. 6583, 10-30-24; Ord. XXXX)

Section 3. Amend. 14-04-01.1 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to RR5 Residential District, 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 four (4) percent of the area of the parcel. ~~thirty-two hundred (3,200) square feet.~~ The maximum building height shall be limited to twenty-five (25) feet.

* * * * *

(Ord. 5296, 02-24-04; Ord. 5371, 11-23-04; Ord. 5902, 06-26-12; Ord. 6040, 04-22-14; Ord. 6109, 03-24-15; Ord. 6218, 07-26-16; Ord. 6278, 08-22-17; Ord. 6283, 09-26-17; Ord. 6361, 01-22-19; Ord. 6570, 02-05-24; Ord. 6583, 10-30-24; Ord. XXXX)

Section 4. Amend. 14-04-17 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to A Agricultural District, is hereby enacted to read as follows:

14-04-17. "A" Agricultural District. In an A agricultural district, the following regulations shall apply:

* * * * *

11. Accessory Buildings. All allowable accessory buildings for a non-farm single-family rural residence shall be limited to a maximum of four (4) ~~one (1)~~ percent of the total ~~lot~~ parcel ~~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.

~~The allowable accessory buildings for a single-family rural residence on a lot in the A – Agriculture zoning district with at least thirty-five (35) acres in area and located entirely outside the Urban Service Area Boundary (USAB) may be increased to a maximum of 8,000 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 the A – Agriculture zoning district with at least seventy (70) acres in area and located entirely outside the Urban Service Area Boundary (USAB), may be increase to a maximum of 15,000 square feet as a special use in accordance with the provisions of Section 14-03-08.~~

* * * * *

(Ord. 4486, 04-27-93; Ord. 4564, 11-23-93; Ord. 4803, 11-12-96; Ord. 5026, 02-08-00; Ord. 5027, 02-08-00; Ord. 5286, 11-13-03; Ord. 5287, 12-16-03; Ord. 5368, 11-23-04; Ord. 5478, 12-13-05; Ord. 5665, 05-27-08; Ord. 5902, 06-26-12; Ord. 5958, 03-26-13; Ord. 6040, 04-22-14; Ord. 6109, 03-24-15; Ord. 6179, 12-22-15; Ord. 6218, 07-26-16; Ord. 6283, 09-26-17; Ord. 6579, 06-29-24; Ord. 6583, 10-30-24; Ord. 6618, 04-28-25; Ord. XXXX)

Section 5. 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 jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 7. Effective Date. This ordinance shall take effect after final passage, adoption and publication.

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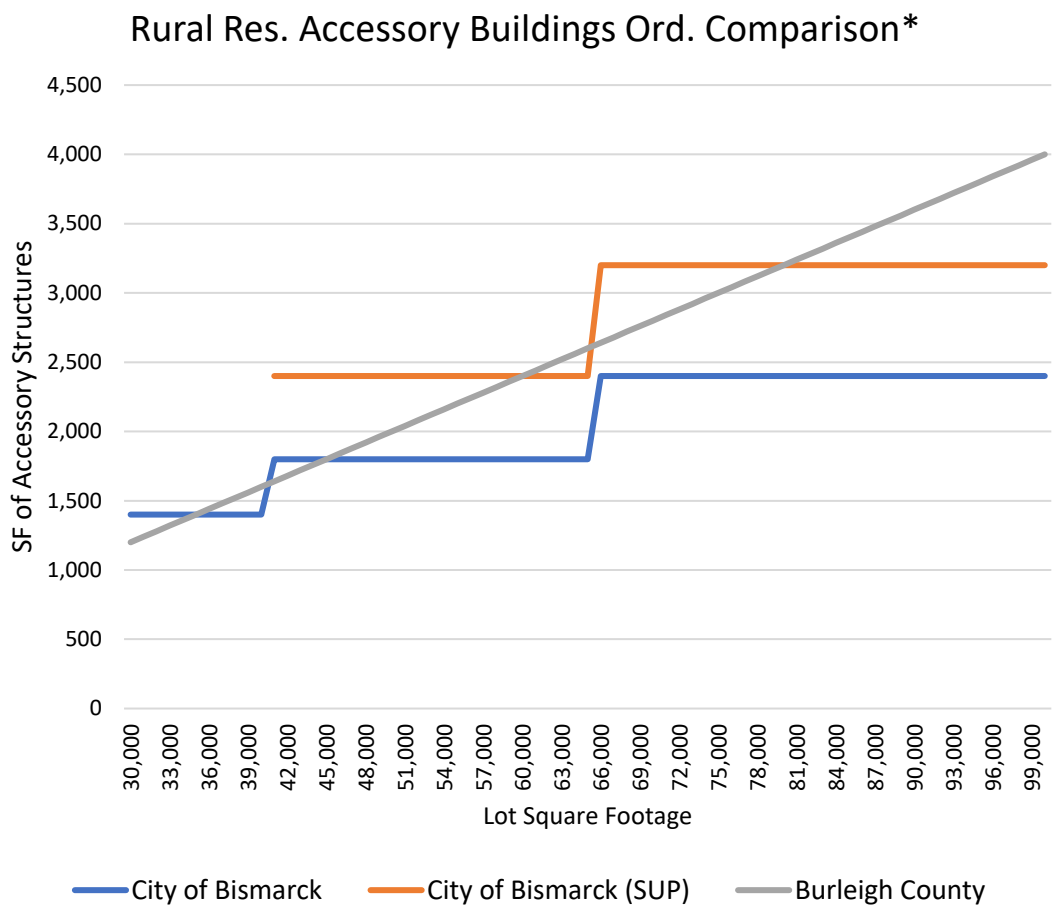
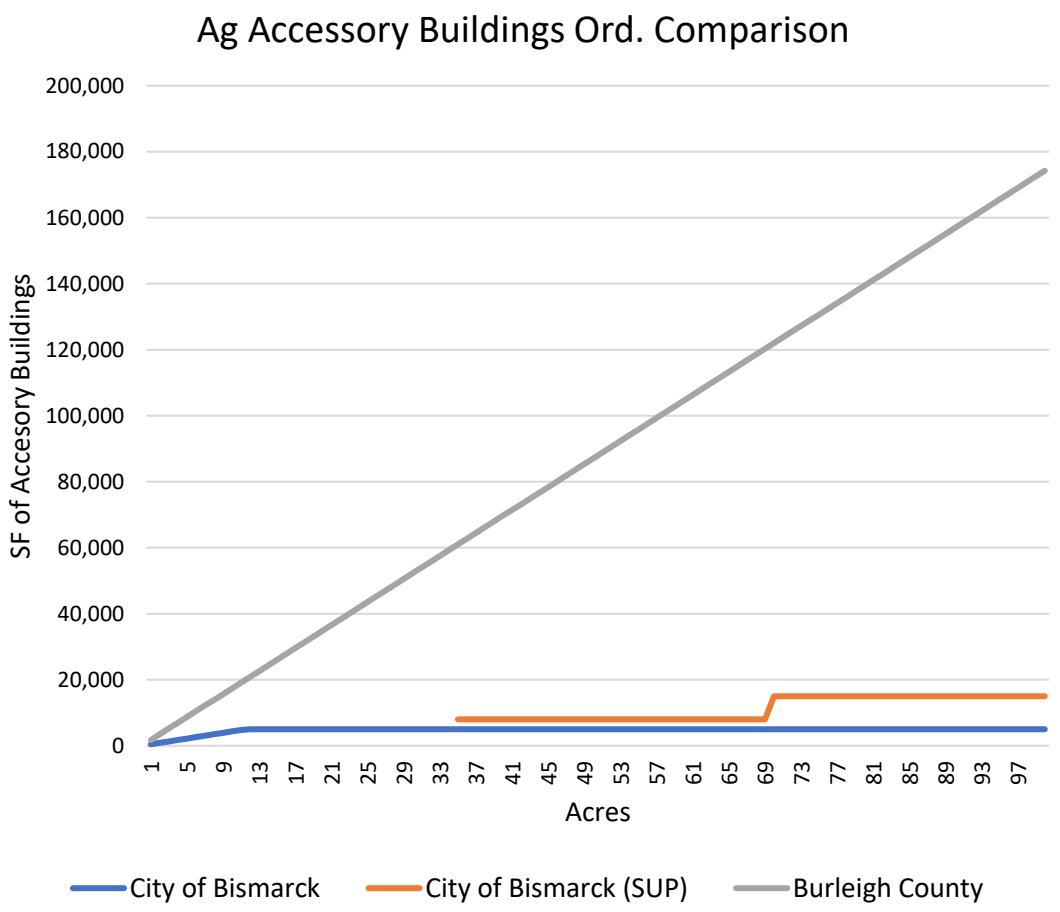




*Note: Comparison between the City RR – Residential zoning district and the County R1 – Country Homes Residential zoning district.

For the City RR5 – Residential zoning district which has a minimum lot size of 5 acres, all properties are currently permitted up to 3,200 square feet of accessory structure(s) by right (i.e. no option for increasing that size with an approved SUP). A County R1 – Country Homes Residential parcel with at least 5 acres, would be permitted at least 8,712 square feet of accessory structure(s) under the 4% of lot size regulation.

Bismarck COMMUNITY DEVELOPMENT

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

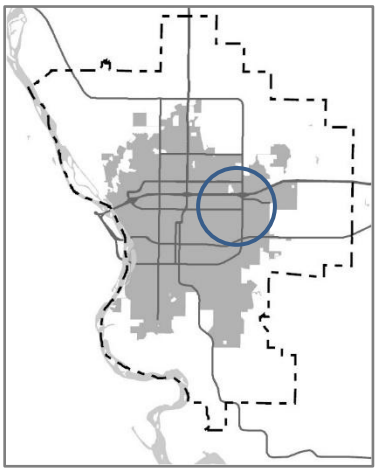
Agenda Item # 4A
October 22, 2025

Application for: **Minor Plat**

Project ID: **MPLT2025-008**

Project Summary

Title:	Miriam Industrial Park Fifth Addition
Status:	Planning and Zoning Commission - Public Hearing
Property Owner(s):	Thomas Bettenhausen (north parcel) MVVC Properties, LLP (south parcel)
Project Contact:	Landon Niemiller, AICP, Swenson Hagen & Co
Project Location:	In northeast Bismarck, north of East Divide Avenue, south of Miriam Avenue, on the east side of Commerce Drive
Project Size:	1.42 acres
Applicant Request:	Replat to provide adjust ownership of common driving lane and parking area of properties
Staff Recommendation:	Approve



Site Information

Existing Conditions		*Proposed Conditions*	
Lots/Blocks:	2 lots in 1 block	*Lots/Blocks:*	No change
Land Use:	Veterinary clinic and office	*Land Use:*	No change
Future Land Use:	Industrial (IND)	*Future Land Use:*	No change
Zoning:	MA – Industrial	*Zoning:*	No change
Uses Allowed:	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos	*Uses Allowed:*	No change
Max Density:	MA – N/A	*Max Density:*	No change

Area Information

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

Property History

Zoned:	Pre-1980
Platted:	08/1974
Annexed:	Pre-1980

(continued)

Project Narrative

Thomas Bettenhausen and MVVC Properties, LLP, are requesting approval of a minor subdivision final plat titled Miriam Industrial Park Fifth Addition. The property is a replat of part of Lot 1, Block 4, Miriam Industrial Park First Addition – specifically a replat of Auditor's Lots 1 and 2 of Lot A of Lot 4, Block 1, Miriam Industrial Park First Addition.

The request is to realign the property line between the two existing properties and include some easements for access and utilities to ensure what the owners describe as a more equitable division of the common access point, driving lane, and parking area.

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 (IND) in the Future Land Use Plan. The IND areas are centers of research, production, and distribution. Goals and objectives of this plan as they relate to minor subdivision final plats are referenced in review standards below.

The property is located entirely within an MA – Industrial zoning district. Adjacent uses on all sides contain a variety of light industrial and commercial uses, including some offices.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on October 10 and 17, and 16 postcards were mailed to the owners of nearby properties on October 10, 2025.

A physical sign providing information on the public hearing was placed in a publicly accessible spot at the project location on October 7, 2025.

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

(continued)

Projects Dashboard and 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

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 I5, 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.

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 of Miriam Industrial Park Fifth Addition.

Attachments

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

Staff report prepared by: Isak Johnson, AICP, Planner

(continued)

701-355-1850 | ijohnson@bismarcknd.gov

Zoning and Plan Reference Map

MIRIAM INDUSTRIAL PARK FIFTH ADDITION

MPLT2025-008

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 Neighborhood
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/ URB	Mid/Long-Term

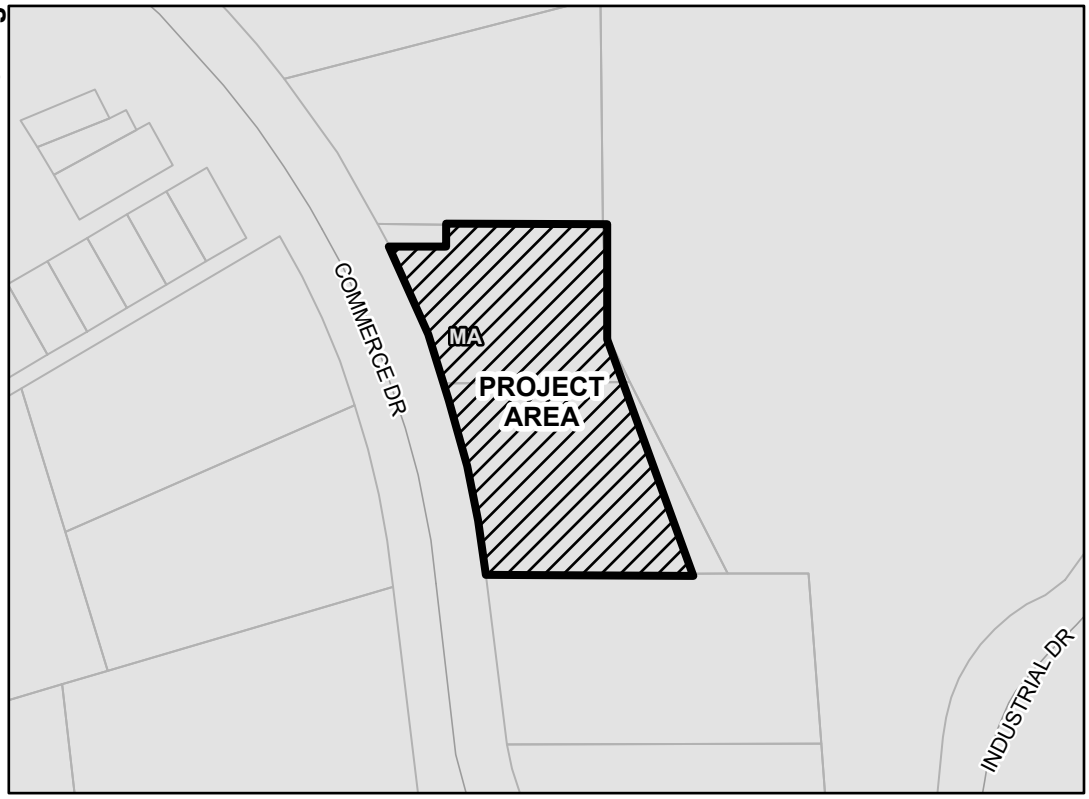
Active Mobility Plan

Future Shared Trail

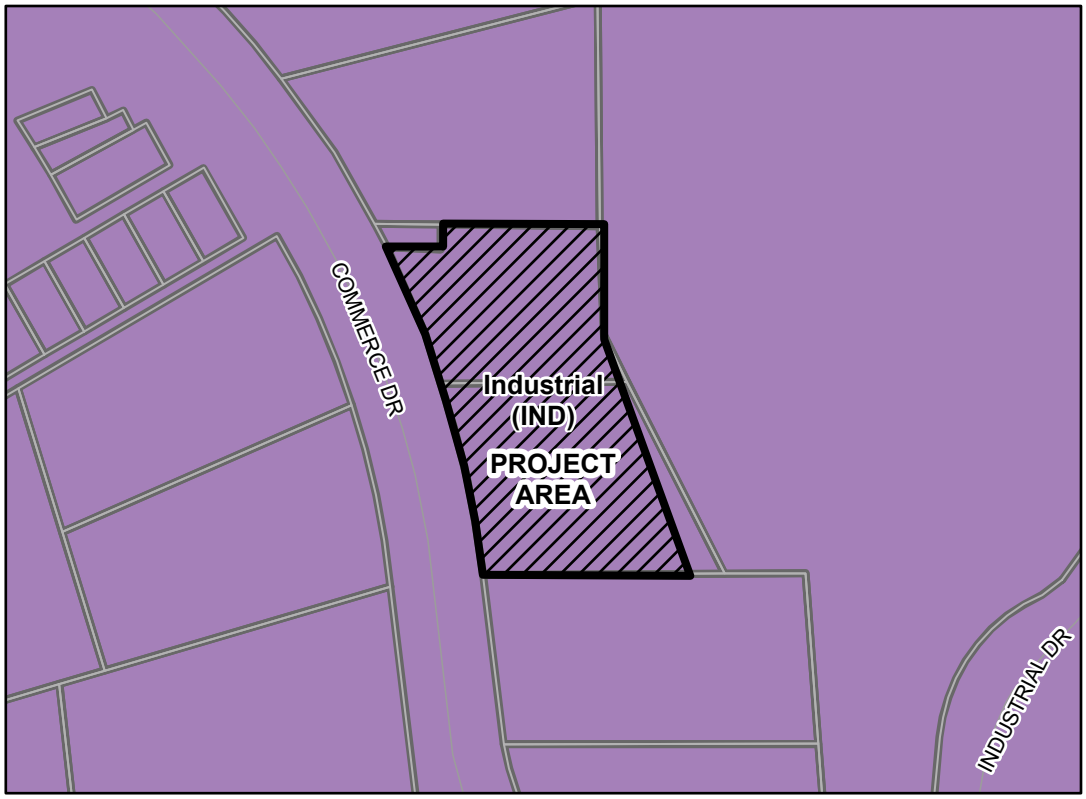
Major Street Plan

Existing Arterial
Future Arterial
Existing Collector
Future Collector
Existing Interstate
Future Interstate
City Limits

Zoning



Future Land Use Plan



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 hereon.

0 120 240 480 Feet

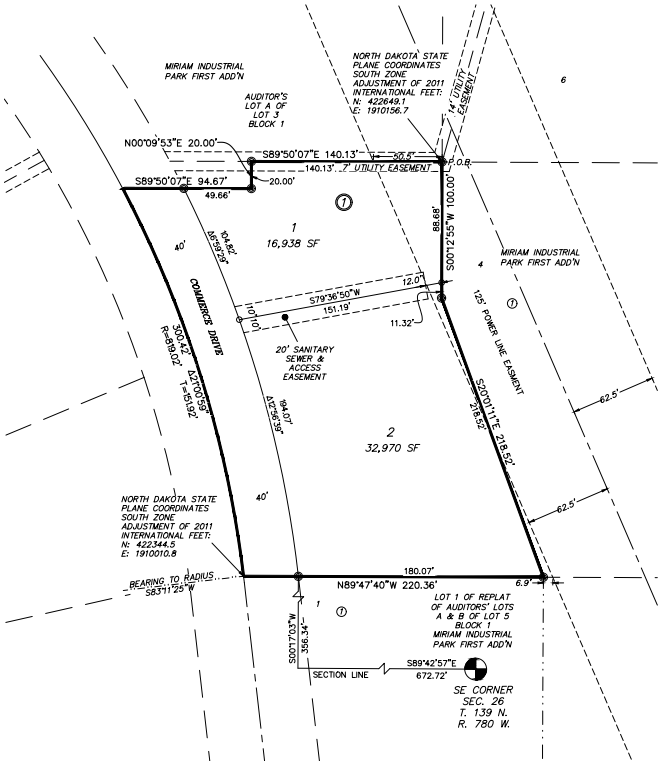
N

City of Bismarck
Community Development
Planning Division
October 13, 2025

MIRIAM INDUSTRIAL PARK FIFTH ADDITION

BEING A REPLAT OF PART OF AUDITOR'S LOT 1 OF LOT A OF LOT 4 BLOCK 1
AND ALL OF AUDITOR'S LOT 2 OF LOT A OF LOT 4 BLOCK 1
AND PART OF THE EAST 1/2 OF COMMERCE DRIVE RIGHT-OF-WAY
OF MIRIAM INDUSTRIAL PARK FIRST ADDITION OF THE SOUTHEAST 1/4
OF SECTION 26, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



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 2011
UNITS ARE INTERNATIONAL FEET

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

N

0' 40'

SCALE - 1" = 40'
SEPTEMBER 11, 2025

○ MONUMENT TO BE SET
◉ MONUMENT IN PLACE

AREA DATA

LOTS	49,908 S.F.	1.15 ACRES
STREETS	11,996 S.F.	0.27 ACRES
TOTAL	61,894 S.F.	1.42 ACRES

DESCRIPTION

BEING A REPLAT OF PART OF AUDITOR'S LOT 1 OF LOT A OF LOT 4 BLOCK 1, AND ALL OF AUDITOR'S LOT 2 OF LOT A OF LOT 4 BLOCK 1, AND PART OF THE EAST 1/2 OF COMMERCE DRIVE RIGHT-OF-WAY OF MIRIAM INDUSTRIAL PARK FIRST ADDITION OF THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF AUDITOR'S LOT A OF LOT 3 BLOCK 1 MIRIAM INDUSTRIAL PARK FIRST ADDITION; THENCE SOUTH 00 DEGREES 12 MINUTES 55 SECONDS WEST, ON THE EAST LINE OF AUDITOR'S LOT 1 OF LOT A OF LOT 4 BLOCK 1 MIRIAM INDUSTRIAL PARK FIRST ADDITION, A DISTANCE OF 100.00 FEET; THENCE SOUTH 20 DEGREES 01 MINUTE 11 SECONDS EAST, CONTINUING ON SAID EAST LINE AND THE EAST LINE OF AUDITOR'S LOT 2 OF LOT A OF LOT 4 BLOCK 1 MIRIAM INDUSTRIAL PARK FIRST ADDITION, A DISTANCE OF 218.52 FEET TO THE NORTH LINE OF REPLAT OF AUDITORS' LOT A & B OF LOT 5 BLOCK 1 MIRIAM INDUSTRIAL PARK FIRST ADDITION; THENCE NORTH 89 DEGREES 47 MINUTES 40 SECONDS WEST, ON SAID NORTH LINE AND ITS WESTERLY EXTENSION, A DISTANCE OF 220.36 FEET TO THE CENTERLINE OF COMMERCE DRIVE RIGHT-OF-WAY; THENCE NORTHWESTERLY AND TO THE LEFT, ON SAID CENTERLINE, ON A 819.02 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 83 DEGREES 11 MINUTES 25 SECOND WEST, AN ARC LENGTH OF 300.42 FEET TO A LINE THAT IS A WESTERLY EXTENSION OF A LINE THAT IS 20.00 SOUTH OF, AND PARALLEL WITH THE SOUTH LINE OF AUDITOR'S LOT A OF LOT 3 BLOCK 1 MIRIAM INDUSTRIAL PARK FIRST ADDITION; THENCE SOUTH 89 DEGREES 50 MINUTES 07 SECONDS EAST, ON SAID PARALLEL LINE, A DISTANCE OF 94.67 FEET; THENCE NORTH 00 DEGREES 09 MINUTES 53 SECONDS EAST, PERPENDICULAR TO SAID SOUTH LINE, A DISTANCE OF 20.00 FEET TO SAID SOUTH LINE; THENCE SOUTH 89 DEGREES 50 MINUTES 07 SECONDS EAST, ON SAID SOUTH LINE, A DISTANCE OF 140.13 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 61,894 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 _____, 2025, 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.
3002 AIRWAY AVE
BISMARCK, NORTH DAKOTA
58504

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

APPROVAL OF CITY PLANNING & ZONING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF BISMARCK, ON THE _____ 202_, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING & ZONING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING & ZONING COMMISSION OF THE CITY OF BISMARCK.

_____ _____
MICHAEL J. SCHWARTZ - CHAIRMAN ATTEST--DANIEL NAIRN--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 THEREON, HAS APPROVED THE GROUNDS 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 _____, 202_.

_____ _____
MICHAEL T. SCHMITZ - PRESIDENT ATTEST
JASON TOMANEK - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE THIS PLAT.

_____
GABRIEL J. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THOMAS BETTENHAUSEN AND MVVC PROPERTIES, LLP, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "MIRIAM INDUSTRIAL PARK FIFTH ADDITION", 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 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 FURTHERMORE RESERVE A 20' SANITARY SEWER & ACCESS EASEMENT FOR ALL LAND OWNING PARTIES OF MIRIAM INDUSTRIAL PARK FIFTH ADDITION, 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. SAID EASEMENT TO ALLOW FOR THE CONSTRUCTION, , OPERATION, MAINTENANCE, AND REPAIRING OF SANITARY SEWER FACILITIES UNDER OR UPON THE THOSE AREAS DESCRIBED AS "SANITARY SEWER & ACCESS EASEMENT".

STATE OF NORTH DAKOTA)
)SS
COUNTY OF BURLEIGH)

_____
THOMAS BETTENHAUSEN
1801 COMMERCE ST
BISMARCK, ND 58501
OWNER, LOT 1 BLOCK 1

ON THIS _____ DAY OF _____, 202_, BEFORE ME PERSONALLY APPEARED THOMAS BETTENHAUSEN, 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)
)SS
COUNTY OF BURLEIGH)

_____
MVVC PROPERTIES, LLP
THOMAS BETTENHAUSEN
1801 COMMERCE ST
BISMARCK, ND 58501
OWNER, LOT 2 BLOCK 1

ON THIS _____ DAY OF _____, 202_, BEFORE ME PERSONALLY APPEARED THOMAS BETTENHAUSEN OF MVVC PROPERTIES, LLP, 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.

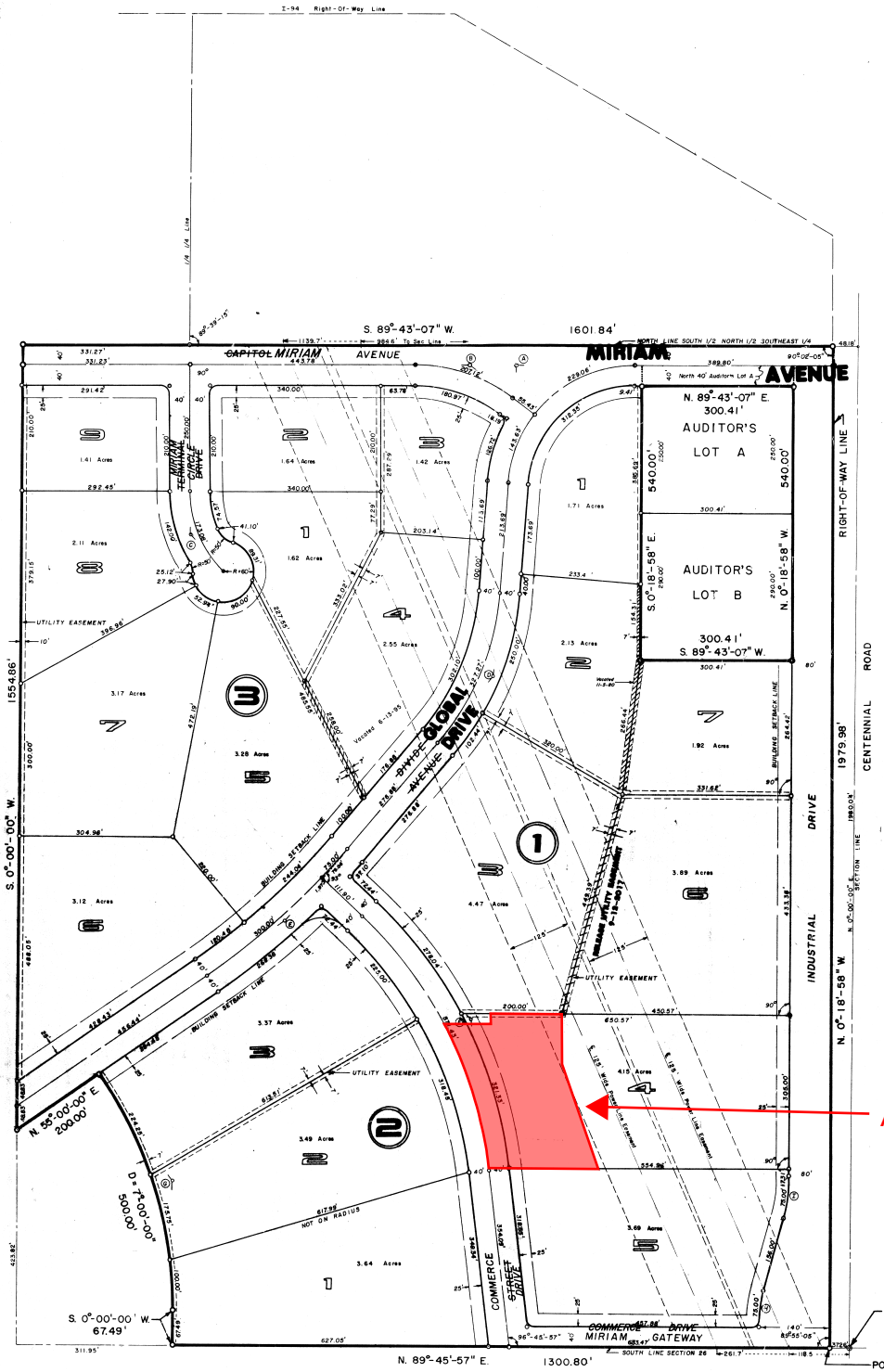
_____
NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

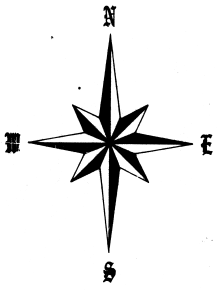
SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
3002 Airway Avenue
Bismarck, North Dakota 58504
sheng@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606

MIRIAM INDUSTRIAL PARK

FIRST ADDITION

BISMARCK, NORTH DAKOTA





SCALE · 1" = 100'

DATE · JULY 26, 1974

CURVE DATA

Curve	Δ	D	T	L	R	Ext.
A	85°-43'-07"	23°-00'-00"	232.72'	372.70'	250.79'	91.35'
B	37°-16'-53"	18°-00'-00"	107.81'	207.12'	319.62'	17.69'
C	45°-00'-00"	26°-00'-00"	92.07'	173.08'	222.27'	18.31'
D	36°00'-00"	11°-00'-00"	169.50'	327.27'	521.67'	26.85'
E	15°-00'-00"	4°-00'-00"	188.62'	375.00'	1432.69'	12.36'
F	40°-00'-00"	7°-00'-00"	298.10'	571.43'	819.02'	52.56'
G	35°-00'-00"	7°-00'-00"	258.24'	500.00'	819.02'	39.75'
H & I	15°-00'-00"	20°-00'-00"	37.91'	75.00'	287.94'	2.48'

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

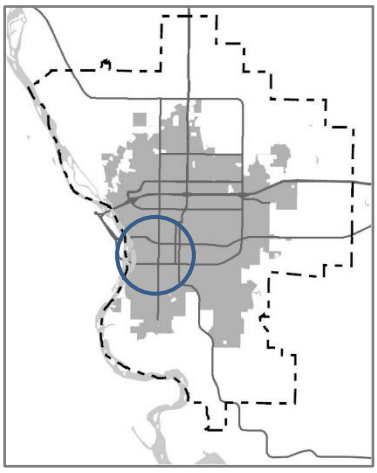
Agenda Item # 4B
October 22, 2025

Application for: **PUD Amendment**

Project ID: **PUDA2025-003**

Project Summary

Title:	Parts of Riverview Addition and McKenzie's Addition
Status:	Planning and Zoning Commission - Public Hearing
Property Owner(s):	St. Mary Sisters
Project Contact:	Thomas Schanandore, 3D Rise Structural Engineering
Project Location:	In west-central Bismarck, west of North Washington Street between West Avenue A and West Rosser Avenue, along the east side of Raymond Street
Project Size:	29,175 square feet
Applicant Request:	Amend the height to maximize the utilization of the building
Staff Recommendation:	Approve



Site Information

Existing Conditions		*Proposed Conditions*	
Lots/Blocks:	1 Parcel in 1 Block	*Lots/Blocks:*	No Change
Land Use:	Convent	*Land Use:*	No Change
Future Land Use:	Urban Neighborhood (UN)	*Future Land Use:*	No Change
Zoning:	PUD – Planned Unit Development	*Zoning:*	No Change
Uses Allowed:	PUD – Uses specified in PUD	*Uses Allowed:*	No Change
Max Density:	PUD – Density specified in PUD	*Max Density:*	No Change

Area Information

Zoning Jurisdiction:	Bismarck City Limits
Township:	N/A (City of Bismarck)
Neighborhood:	Cathedral District

Property History

Zoned:	10/2024
Platted:	Riverview Addition 04/1910 McKenzie's Addition 05/1882
Annexed:	Pre-1980

(continued)

Project Narrative

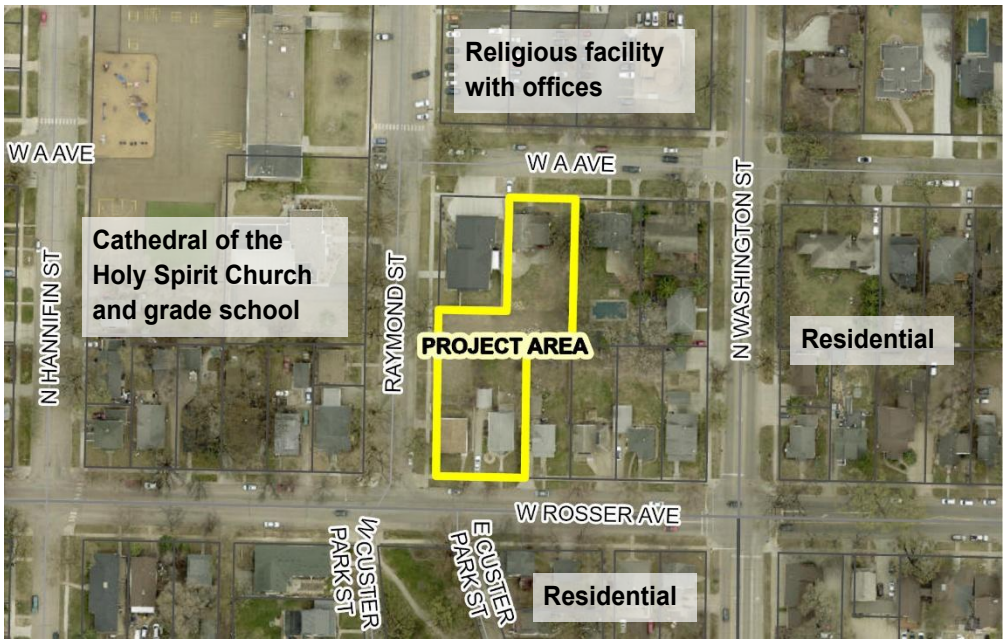
St. Mary Sisters are requesting approval of a Planned Unit Development (PUD) amendment on Lots 5 and 6, Block 1, Riverview Addition and Lot 7 and the East 75 feet of Lots 8-12, Block 28, McKenzie's Addition.

The proposed PUD amendment would increase the maximum allowable height from 40 feet to 55 feet for the principal structure.

Changes to the previous concept design, including a more efficient layout of the interior and a larger chapel space, have prompted this proposed change. The proposed change in height, mainly for the chapel space, would allow the St. Mary Sisters to maximize the benefit and utilization of the building for their needs.

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 a place for quite enjoyment of home life. Goals and objectives of this plan as they relate to the proposed zoning map amendment are referenced in review standards below.

Adjacent uses include a religious facility with office uses to the north across West Avenue A, residential to the east and south across West Rosser Avenue, and residential and Cathedral Church and grade school to the west across Raymond Street.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on October 10 and 17, and 49 postcards were mailed to the owners of nearby properties on October 10, 2025.

A physical sign providing information on the public hearing was placed in a publicly accessible spot at the project location on October 7, 2025.

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

(continued)

Projects Dashboard and 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.

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 amended planned unit development.

- S9: Provide the means for adaptation of the built environment to meet complex and changing economic and social demands.
- G1: Encourage infill and redevelopment of land already connected to municipal services.

The proposed development would meet changing demands of the community and would provide residential opportunities for the St. Mary Sisters near existing religious institutions. The proposed development would also utilize existing municipal infrastructure.

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

Yes. Adjacent uses are described in the project context section above. The amended Planned Unit Development includes landscaped buffers to mitigate any potential negative impacts on these uses.

It would allow the development of the proposed convent building for the St. Mary Sisters. This building would be residential in nature and would be located adjacent to existing residential uses. A 15-foot landscape buffer yard will be required to separate the higher density residential use of the convent from the existing lower density residential uses to the east.

Development that may be anticipated from the proposed zoning would have no negative impact on the surrounding properties.

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

Yes. The property slopes down from the north of the site to the south. The amended Planned Unit Development incorporates these existing natural features into the design of the development to the greatest extent feasible. In particular, both the site and building design will take advantage of the topography of the property.

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 entirely by existing public rights-of-way without need for an internal circulation system.

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 zoning district would allow the development of a convent building for the St. Mary Sisters. This building would be residential in nature and would be located adjacent to existing residential uses. These uses, as designed and laid out in the proposed Planned Unit Development, would be compatible and harmonious with the surrounding area.

Proper administrative procedures related to the request are being followed (Section 14-04-18)

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century

(continued)

Code have been followed to date. The applicant has submitted a complete application for a planned unit development amendment, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

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.

Staff Recommendation

Based on the above findings, staff recommends approval of the Planned Unit Development (PUD) amendment on Lots 5 and 6, Block 1, Riverview Addition and Lot 7 and the East 75 feet of Lots 8-12, Block 28, McKenzie's Addition.

Attachments

1. Draft PUD Amendment Resolution
2. Zoning and Plan Reference Map
3. Conceptual Design
4. Building Elevations

Staff report prepared by: Lauren Oster, Planner

701-355-1846 | laoster@bismarcknd.gov

RESOLUTION OF
BISMARCK PLANNING AND ZONING COMMISSION

MAJOR PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT FOR PARTS OF RIVERVIEW ADDITION AND MCKENZIE'S ADDITION

Ordinance Number	6590
Final Passage and Adoption:	October 22, 2024
Ordinance Amendment Number:	6590A
Amendment Passage and Adoption:	

WHEREAS, Ordinance No. 6590 was adopted by the Board of City Commissioners on October 22, 2024; and,

WHEREAS, The Bismarck Planning and Zoning Commission held a public hearing on October 22, 2025 regarding this request for a Planned Unit Development (PUD) amendment in accordance with provisions of Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments) and considered public testimony and findings of fact related to the request.

NOW, THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission of the City of Bismarck, North Dakota, that the application for a Planned Unit Development (PUD) amendment on Lots 5 and 6, Block 1, Riverview Addition and Lot 7 and the East 75 feet of Lots 8-12, Block 28, McKenzie's Addition is hereby approved:

Lots 5 and 6, Block 1, Riverview Addition and Lot 7 and the East 75 feet of Lots 8-12, Block 28, McKenzie's Addition is subject to the following standards:

1. *Conformance to Submitted Documents.* The development must generally conform to the submitted site plan in conjunction with the application for a Planned Unit Development (PUD) amendment.

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. Convent(s) including classrooms and offices for use by St. Mary's Sisters

    b. *Accessory Uses.* The following uses shall be allowed as accessory to the principal uses:

        i. Accessory Building(s). All accessory buildings must comply with requirements for residential accessory buildings.

3. *Special Uses.* The following uses shall be allowed with a special use permit and as an accessory to the principal uses:

a. None

4. *Dimensional Standards.* The following dimensional standards shall apply to all structures within this district:

   a. Front Yard. The front yard setback for yards located adjacent to a public right-of-way shall be 15 feet.

   b. Side Yard. The side yard setback located along the west side of the property shall be no less than 6 feet. The side yard setback located along the east side of the property shall be no less than 15 feet.

   c. Height. Convent buildings shall not exceed ~~40~~ 55 feet. Accessory buildings shall not exceed 25 feet.

   d. Lot Coverage. Lot coverage shall not exceed 40 percent.

5. *Design Standards*. It is the intent of the design standards to create and maintain a high visual quality and appearance for this development, create a lessened visual impact upon the surrounding land uses, and stimulate and protect investment through the establishment of high standards with respect to materials, details, and appearance. The following development standards shall apply to all development within the district.

   a. *Building design*. All buildings must be designed and constructed to create and maintain a high visual quality and appearance that is comparable and complementary to the surrounding neighborhood. All subsequent renovations, additions and related structures constructed after the construction of the original building shall be constructed of materials comparable to those used in the original construction and shall be designed in a manner conforming or complementary to the original architectural design and general appearance.

6. *Development Standards.* The following development standards shall apply to all development within this district.

   a. *Landscaping.* A landscaped buffer yard along the entire length of the east side of the property shall be required according to Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening). Said buffer yard shall be 15 feet in width and include a six-foot opaque fence and be planted in conjunction with site development.

   b. *Parking.* Off-street parking spaces shall be required according to Section 14-03-10 of the City Code of Ordinances (Off-Street Parking and Loading).

7. *Signs.* Signage may be installed in accordance with the provisions of Chapter 14-03.1 (Signs) following standards for R5 - Residential zoning districts.

8. *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 and Zoning Commission.

CERTIFICATE

I, Daniel Nairn, do hereby certify that I am the duly appointed, qualified Planning Director of the City of Bismarck, North Dakota, and that the foregoing is a full, true and correct copy of a resolution adopted at a legally convened meeting of the Planning and Zoning Commission held on this October 22, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand.

_____ _____

Daniel Nairn, AICP Date
Planning Director
Bismarck, North Dakota

DRAFT

Zoning and Plan Reference Map

SAINT JOSEPH CONVENT

PUDA2025-003

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

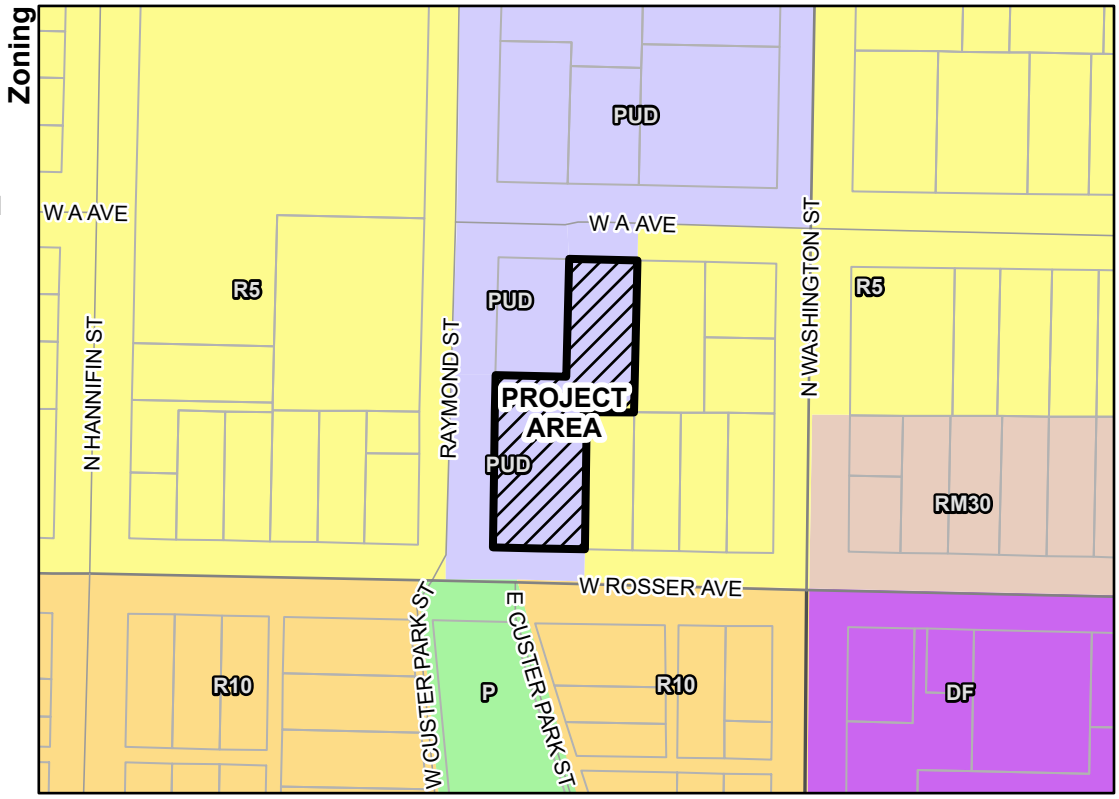
UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural Residential
TR	Transitional Rural
PKOS	Parks/Open Space Urban Reserve
URA/ URB	Mid/Long-Term

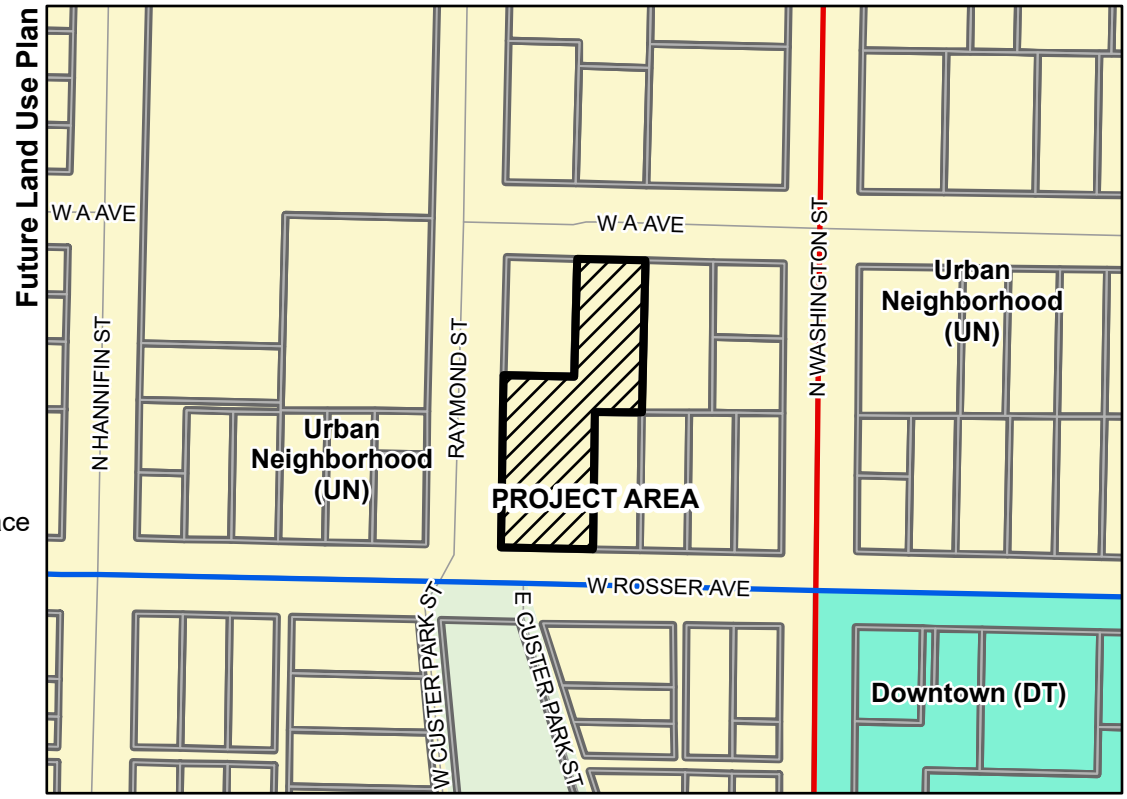
Active Mobility Plan

Future Shared Trail

Major Street Plan

Existing Arterial
Future Arterial
Existing Collector
Future Collector
Existing Interstate
Future Interstate
City Limits

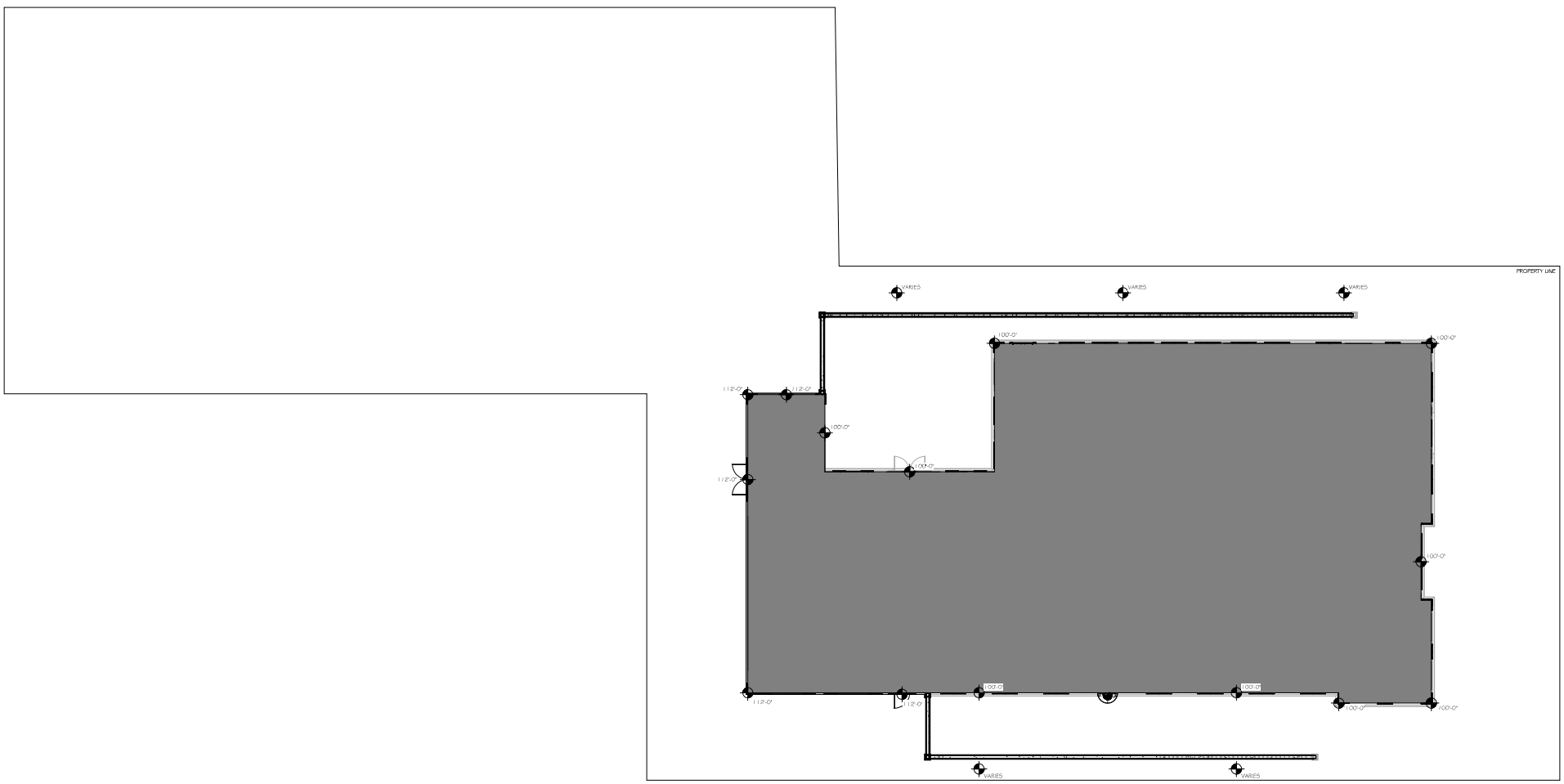




This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

0 150 300 600 Feet

City of Bismarck
Community Development
Planning Division
September 17, 2025



1 A100 **Building Footprint Plan**
SCALE: 1/8" = 1'-0"

GT ARCHITECTURE
401 WEST VILLARD STREET SUITE 206
DICKINSON, NORTH DAKOTA 58601
WWW.GTARCHITECTURE.COM
PHONE: 701-483-8434

PRELIMINARY

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St. Mary Sisters
St. Joseph Convent
Bismarck, North Dakota

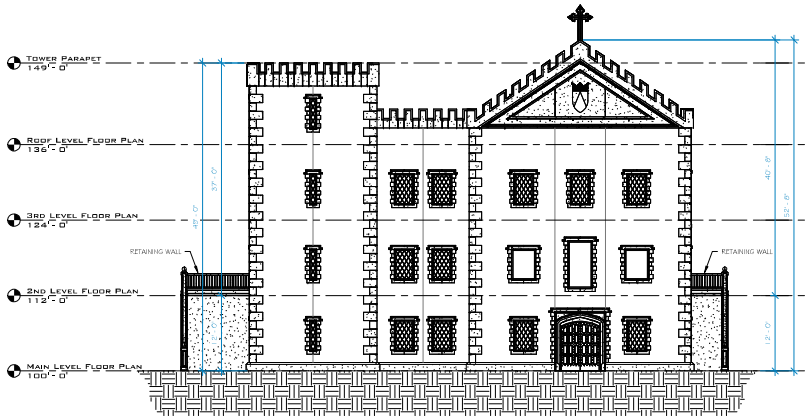
Drawn By: AJ
Date: 08-12-2025
Project Number: 18 05 25
Sheet: A100
Building Footprint Plan

ST. MARY SISTERS

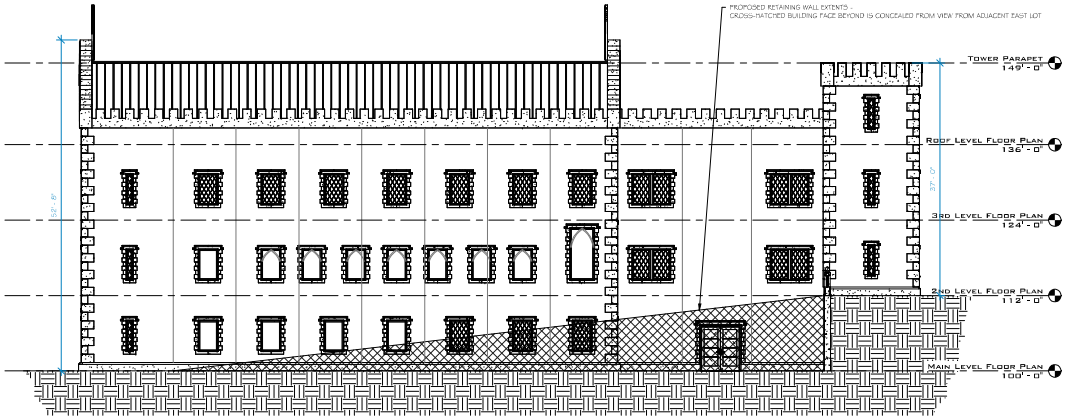
ST. JOSEPH CONVENT



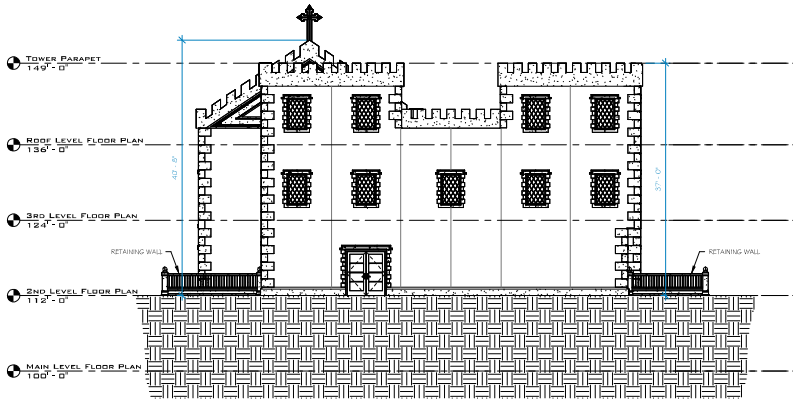
GT ARCHITECTURE



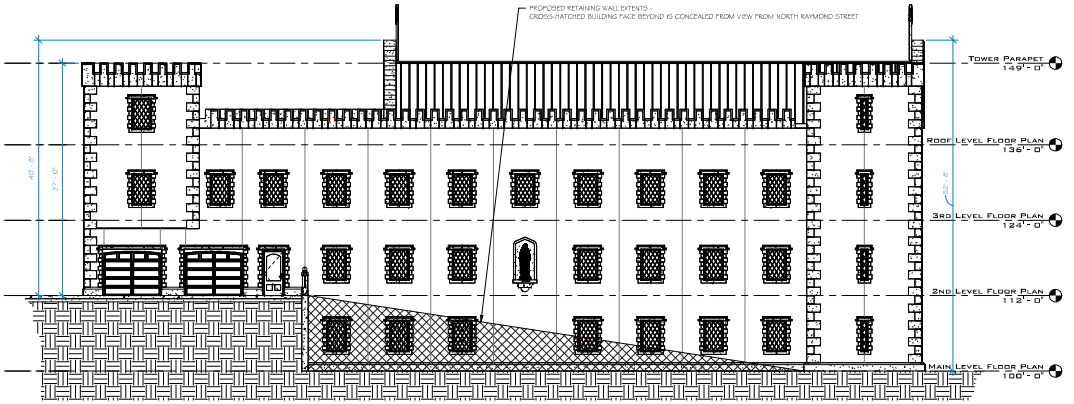
1 A200 **South Elevation**
SCALE: 1/8" = 1'-0"



2 A200 **East Elevation**
SCALE: 1/8" = 1'-0"



3 A200 **North Elevation**
SCALE: 1/8" = 1'-0"



4 A200 **West Elevation**
SCALE: 1/8" = 1'-0"

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DICKINSON, NORTH DAKOTA 58601
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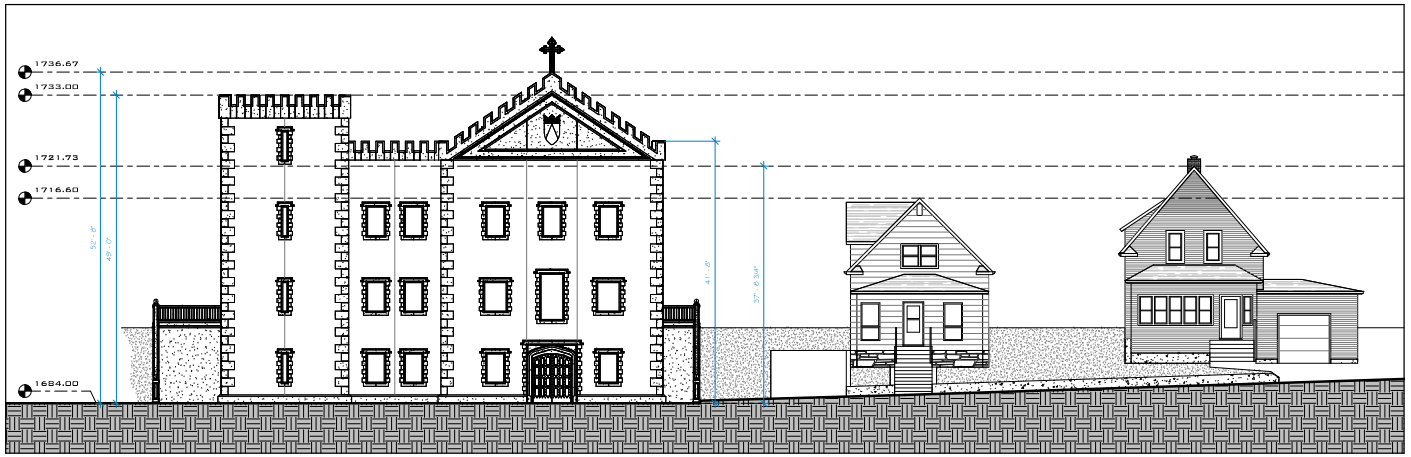
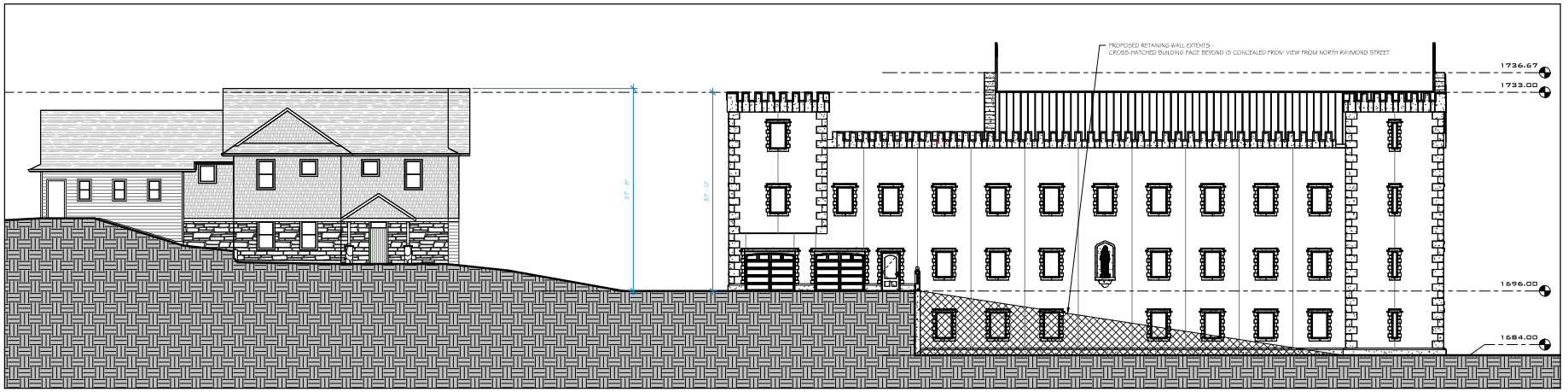
St. Mary Sisters
St. Joseph Convent
Bismarck, North Dakota

Drawn By: AJ
Date: 08-12-2025
Project Number: 18 05 25
Sheet: A200
BUILDING ELEVATIONS



1 A201 **South Elevation**
SCALE: 1/8" = 1'-0"



2 A201 **West Elevation**
SCALE: 1/8" = 1'-0"

GT ARCHITECTURE
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DICKINSON, NORTH DAKOTA 58601
WWW.GTARCHITECTURE.COM
PHONE: 701-483-8434

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St. Mary Sisters
St. Joseph Convent
Bismarck, North Dakota

Drawn By: AJ
Date: 09-05-2025
Project Number: 18 05 25
Sheet: A201
BUILDING ELEVATIONS

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

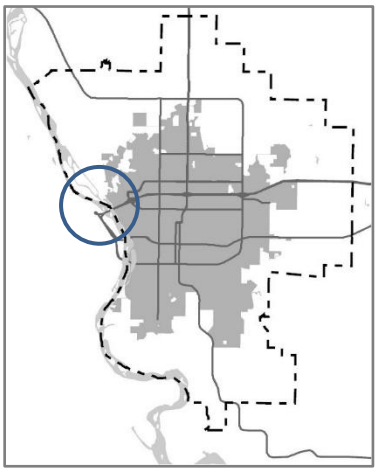
Agenda Item # 4C
October 22, 2025

Application for: **Special Use Permit**

Project ID: **SUP2025-015**

Project Summary

Title:	Auditor's Lot S-3 in the East ½ of Section 25, Hay Creek Township
Status:	Planning and Zoning Commission - Public Hearing
Property Owner(s):	Lonnie Barth
Project Contact:	Lonnie Barth
Project Location:	West of Bismarck, between Interstate 94 and Wilderness Cove Road, along the west side of River Road
Project Size:	71.2 acres
Applicant Request:	Increase allowable area of accessory buildings to 15,000 square feet
Staff Recommendation:	Approve



Site Information

Existing Conditions		*Proposed Conditions*	
Lots/Blocks:	1 parcel in 1 Block	*Lots/Blocks:*	No change
Land Use:	Undeveloped	*Land Use:*	Single-family dwelling with accessory buildings
Future Land Use:	Parks and Open Space (PKOS)	*Future Land Use:*	No change
Zoning:	A – Agricultural	*Zoning:*	No change
Uses Allowed:	A – Agriculture	*Uses Allowed:*	No change
Max Density:	A – 1 unit / 40 acres	*Max Density:*	No change

Area Information

Zoning Jurisdiction:	Extraterritorial Area (ETA)
Township:	Hay Creek (organized)
Neighborhood:	Undefined

Property History

Zoned:	08/2024
Platted:	N/A
Annexed:	N/A

(continued)

Project Narrative

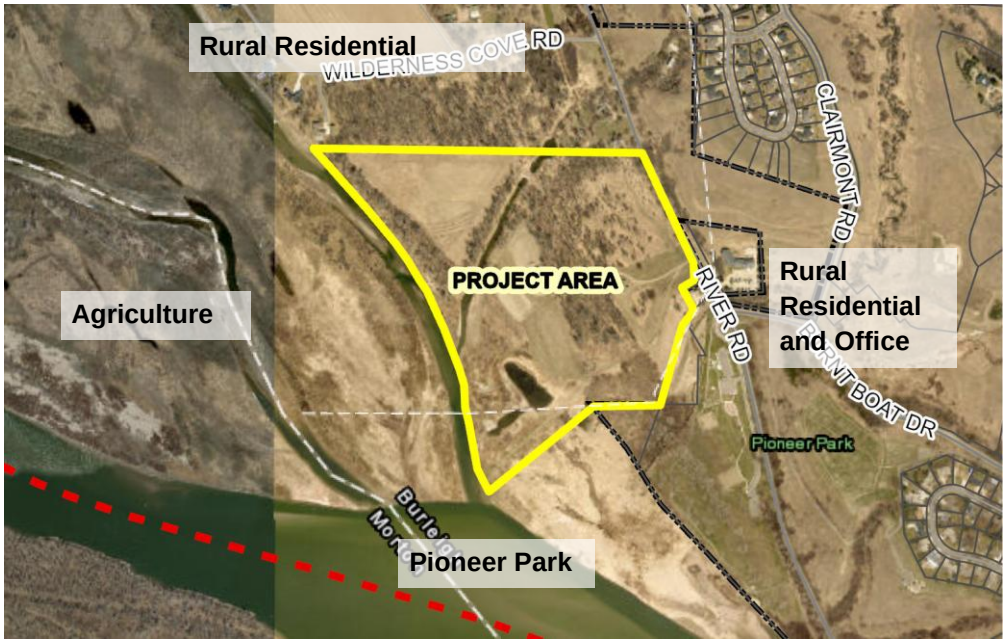
Lonnie Barth requests approval of a special use permit to increase the allowable area of accessory structures to 15,000 square feet on Auditor's Lot S-3 in the East ½ of Section 25, Hay Creek Township.

The property is zoned A – Agriculture, is currently located outside the Urban Service Area Boundary (USAB) and is 71.2 acres. As such, it meets the criteria outlined in the zoning ordinance for up to 15,000 square feet of accessory structures with approval of a special use permit.

The applicant has also submitted a building permit to move a manufactured home onto the property to live in while his home is being constructed.

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 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. The PKOS designation in this area is largely due to the property being located within the Special Flood Hazard Area (SFHA). Goals and objectives of this plan as they relate to this request are referenced in review standards below.

Adjacent land uses include rural residential and agricultural uses to the north, Pioneer Park to the south, agriculture to the west and rural residential and office uses (Ducks Unlimited) to the east across River Road.

.

Public Engagement

Hay Creek Township was notified of this request on October 14, 2025.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on October 10 and 17, and 15 postcards were mailed to the owners of nearby properties on October 10, 2025.

A physical sign providing information on the public hearing was placed in a publicly accessible spot at the project location on October 7, 2025.

(continued)

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Open Development Projects Dashboard and 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

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.

Special regulations established for this type of use have been met (Section 14-03-08(1)c)

Yes. The proposed accessory structure will conform to requirements of Section 14-03-06(1)(b)(6), which states, "the allowable accessory buildings for a single-family rural residence on a lot in an A – Agriculture zoning district with at least seventy (70) acres in area and located entirely outside the Urban Service Area Boundary (USAB) may be increased to a maximum of fifteen thousand (15,000) square feet provided a special use in accordance with the provisions of Section 14-03-08.."

The size of the lot is 71.2 acres. There is an existing 4,000 (aprox) square feet accessory building on site and the applicant is proposing to construct an additional 10,943 square foot accessory building.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed special use permit (Section 14-03-08(1)c)

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

Together 2045 Bismarck's Comprehensive Plan is adhered to with the proposed Special Use Permit (Section 14-03-08(1)c)

Yes. The proposed special use permit adheres to the overall goals and objectives of the comprehensive plan.

Proper administrative procedures related to the request are being followed (Section 14-03-08(1))

Yes. All administrative procedures of the City Code of Ordinances have been followed to date. The applicant has submitted a complete application for a special use permit, 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 by the Planning and Zoning Commission for this request, and all requirements for notice of this hearing have been met, as documented in this report above.

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

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

Staff Recommendation

Based on the above findings, staff recommends approval of a special use permit to increase the allowable area of accessory structures to 15,000 square feet on Auditor's Lot S-3 in the East ½ of Section 25, Hay Creek Township.

Attachments

1. Draft Special Use Permit Resolution
2. Zoning and Plan Reference Map
3. Proposed Site Exhibit
4. Building Plan

(continued)

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner

701-355-1845 | jwollmuth@bismarcknd.gov

RESOLUTION OF
BISMARCK PLANNING AND ZONING COMMISSION

SPECIAL USE PERMIT FOR INCREASING ALLOWABLE SIZE OF ACCESSORY STRUCTURES TO 15,000 SQUARE FEET on Auditor's Lot S-3 in the East ½ of Section 25, Hay Creek Township (SUP2025-015)

WHEREAS, certain special uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, must be granted approval by the Planning and Zoning Commission within certain zoning districts, as established by Section 14-03-08 of the Bismarck Code of City Ordinances; and

WHEREAS, the owners of property described as Auditor's Lot S-3 in the East ½ of Section 25, Hay Creek Township have requested approval of a special use permit to allow an increased allowable size of accessory structures to 15,000 square feet in the A - Agriculture zoning district on said property; and

WHEREAS, The Bismarck Planning and Zoning Commission held a public hearing on October 22, 2025 regarding this request for a special use permit and considered public testimony and findings of fact related to the request.

NOW, THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission of the City of Bismarck, North Dakota, that the application for a special use permit to increase the allowable size of accessory structures to 15,000 square feet on Auditor's Lot S-3 in the East ½ of Section 25, Hay Creek Township is hereby approved, subject to the following conditions:

1. The special use is put into use within twenty-four (24) months of the adoption of this resolution.
2. All other terms and conditions of the zoning ordinance are met.

Adopted this 22nd day of October, 2025.

CERTIFICATE

I, Daniel Nairn, do hereby certify that I am the duly appointed, qualified Planning Director of the City of Bismarck, North Dakota, and that the foregoing is a full, true and correct copy of a resolution adopted at a legally convened meeting of the Planning and Zoning Commission held on this October 22, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand.

_____ _____

Daniel Nairn, AICP — Date
Planning Director
Bismarck, North Dakota

DRAFT

Zoning and Plan Reference Map

HAY CREEK TOWNSHIP, E1/2 S25

SUP2025-015

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

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

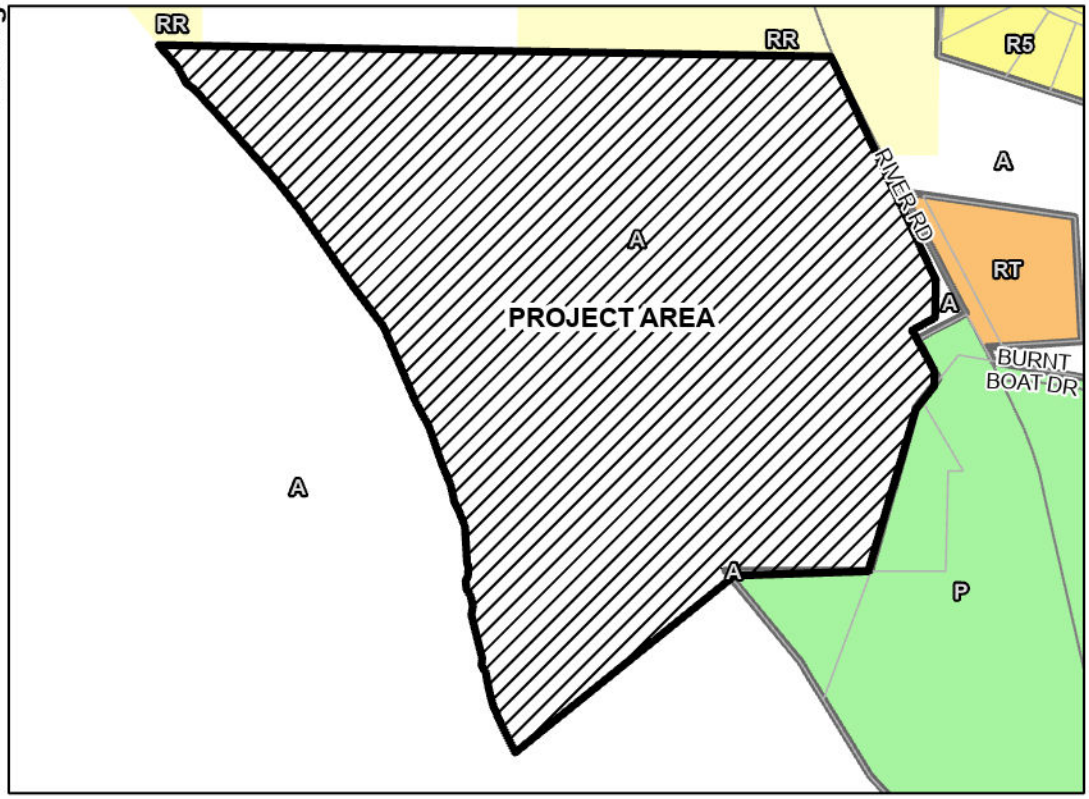
Active Mobility Plan

- Future Shared Trail

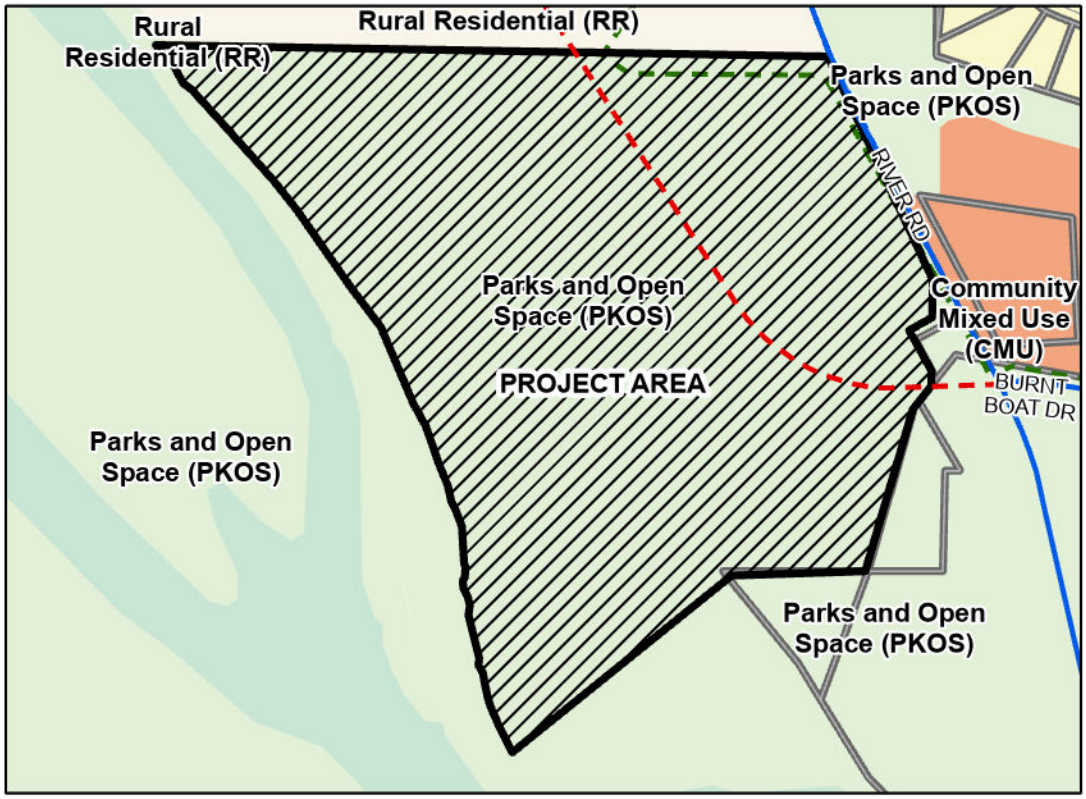
Major Street Plan

- Existing Arterial
- Future Arterial
- Existing Collector
- Future Collector
- Existing Interstate
- Future Interstate
- City Limits

Zoning



Future Land Use Plan

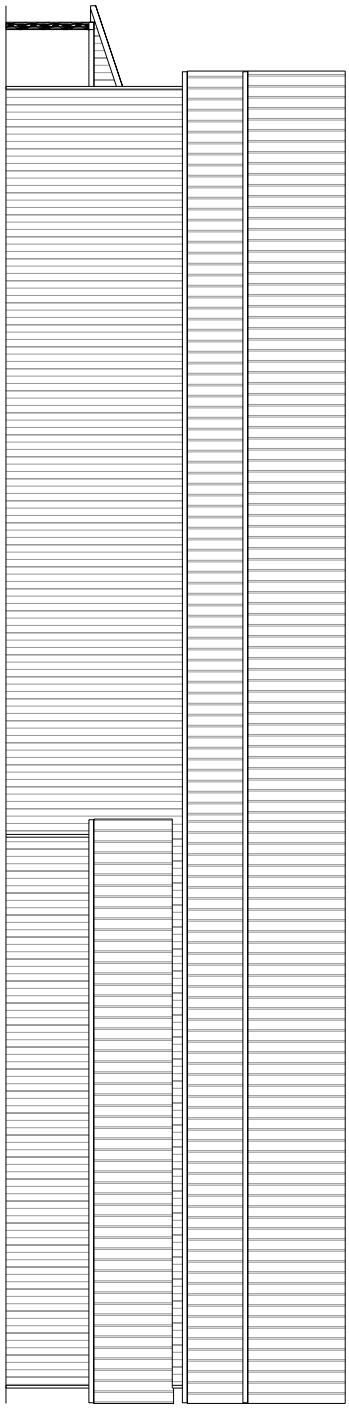


This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

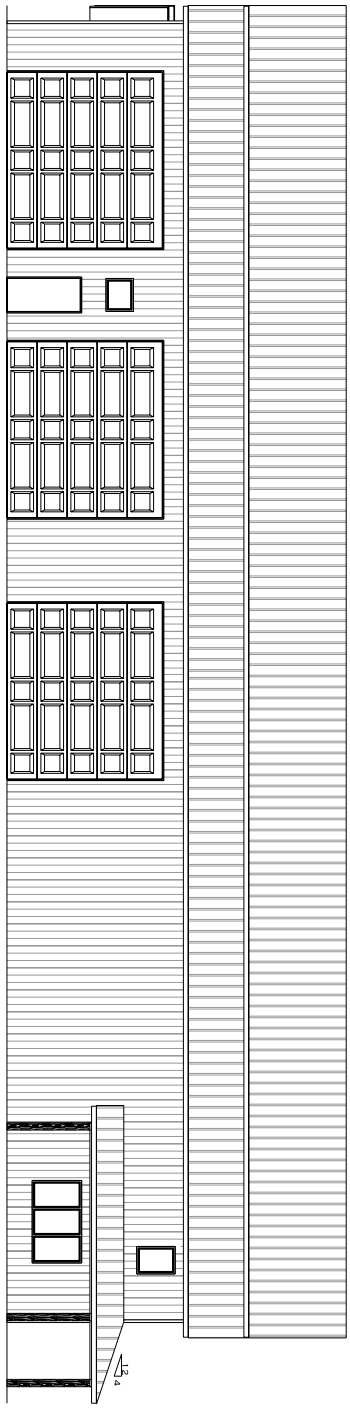
0 445 890 1,780 Feet

City of Bismarck
Community Development
Planning Division
October 14, 2025

Rear Elevation



Front Elevation



Drawn By:
Marcie Fornshell

Date: Dec 27, 2022

Revised: Tuesday, October 7, 2025

Scale: 1/8" = 1'-0"

Drawn For:
B&B Roofing

Plan Name:
BBR-100x118 Shops

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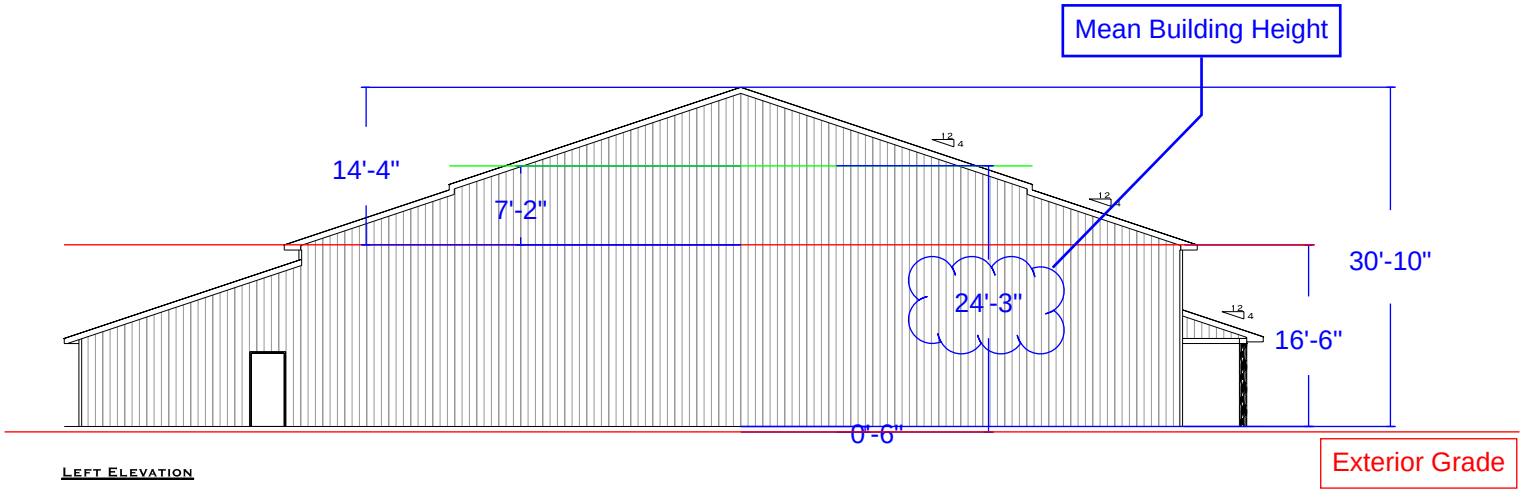
Phone: 701-255-1636 - Fax: 701-222-0500
marcie@frontstreetmillwork.com



LEFT ELEVATION



RIGHT ELEVATION

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DRAWN FOR:
B&B ROOFING

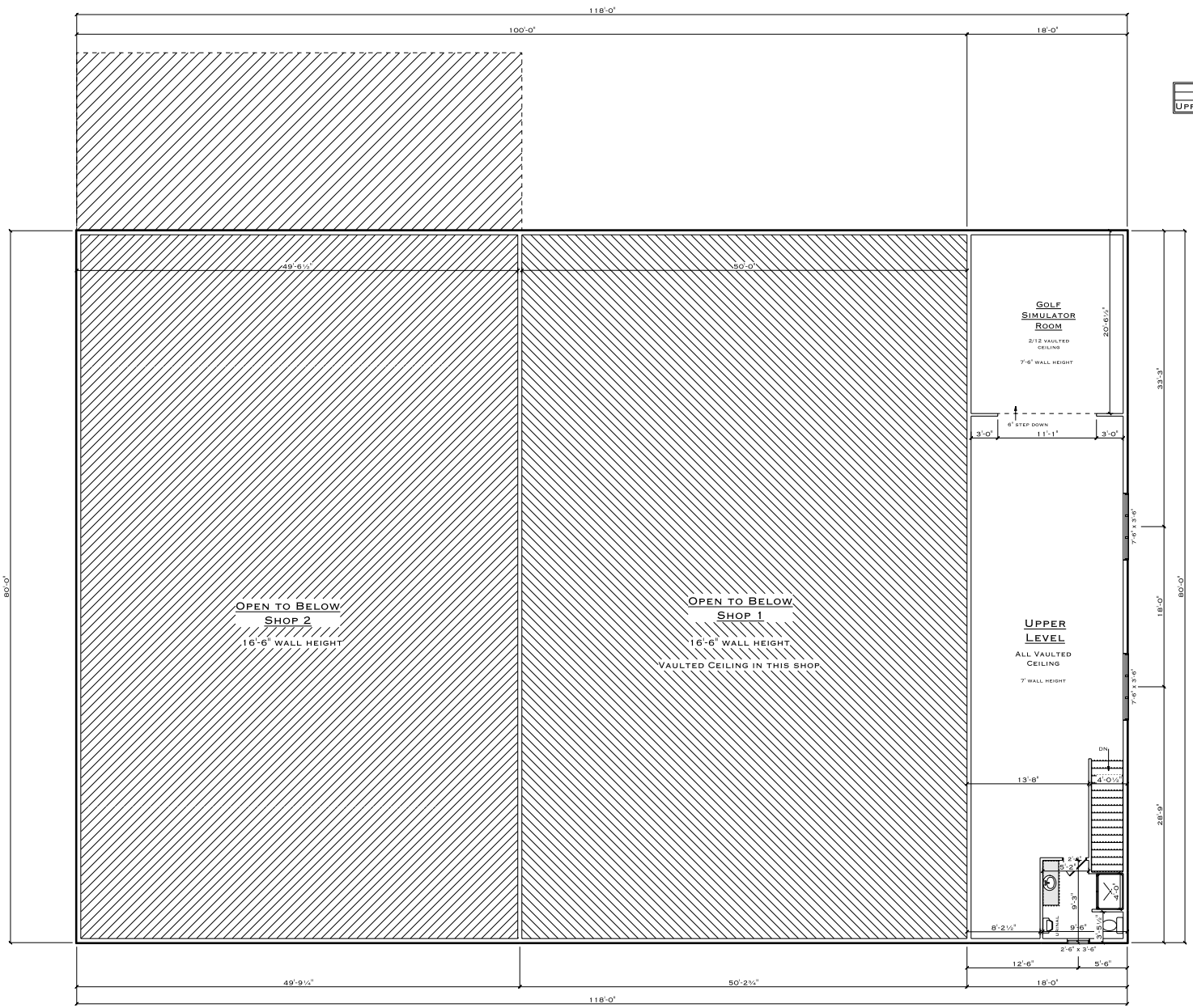
PLAN NAME:
BBR-100X118 SHOPS

DRAWN BY:
MARCIE FORNSHELL

DATE:
DEC 27, 2022

REVISED:
TUESDAY, OCTOBER 7, 2025

SCALE:
1/8" = 1'-0"



AREA SCHEDULE	
NAME	AREA
Upper Floor	1440.0 sq ft.

Front Street Millwork & Lumber Inc.
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Phone: 701-255-1636 - Fax: 701-222-0500
marcie@frontstreetmillwork.com

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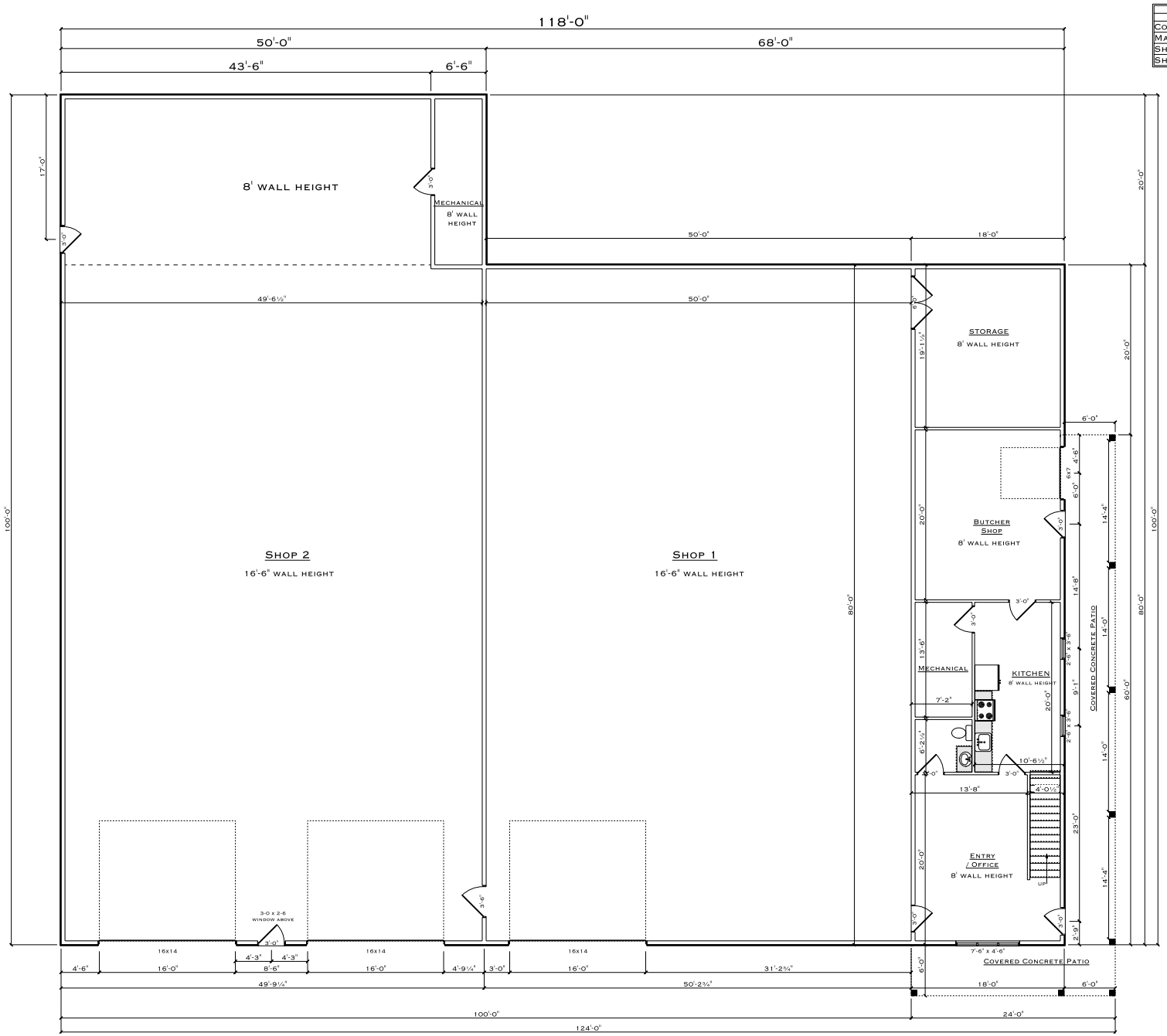
Drawn By: Marcie Fornshell
Date: Dec 27, 2022
Revised: Tuesday, October 7, 2025
Scale: 1/8" = 1'-0"

Drawn For: B&B Roofing Lonnie Barth
Plan Name: BBR-100x118 Shops



AREA SCHEDULE	
NAME	AREA
COVERED ENTRY	504.0 SQ FT.
MAIN FLOOR	1440.0 SQ FT.
SHOP 1	4036.7 SQ FT.
SHOP 2	4962.5 SQ FT.

FRONT STREET MILLWORK & LUMBER INC.
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MARCIE@FRONTSTREETMILLWORK.COM

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DRAWN FOR:
B&B ROOFING LONNIE BARTH

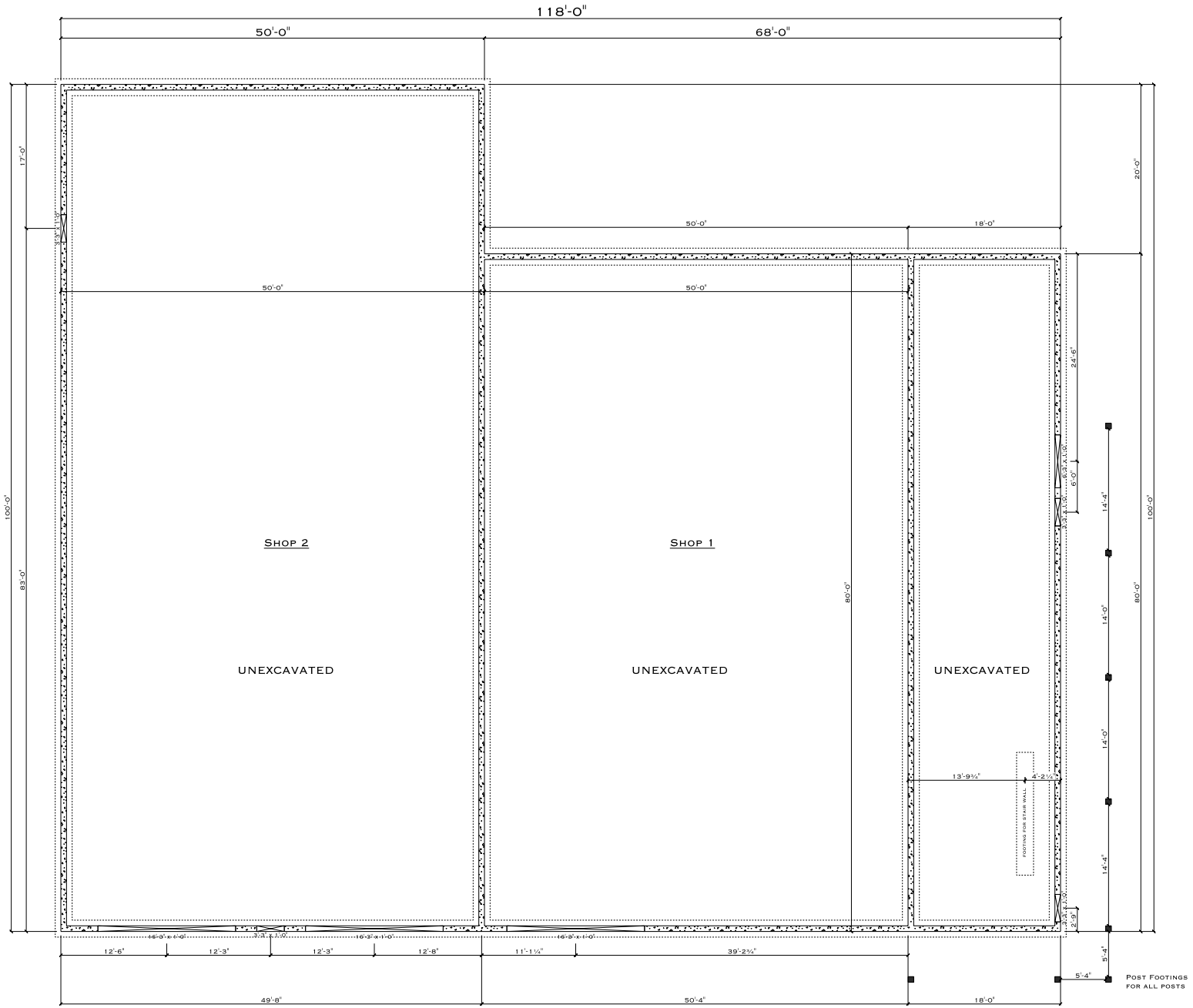
PLAN NAME:
BBR-100x118 SHOPS

DRAWN BY:
MARCIE FORNSHELL

DATE:
DEC 27, 2022

TITLE:
TUESDAY, OCTOBER 7, 2025

SCALE:
1/8" = 1'-0"



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Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

Agenda Item #4D
October 22, 2025

Application for: **Growth Phasing Plan Amendment**

Project ID: **GPPA2025-001**

Project Summary

Title:	2025 Amendments to Growth Phasing Plan
Status:	Planning & Zoning Commission – Public Hearing
Project Contact:	Daniel Nairn, AICP, Planning Director
Request:	Modify areas of the Growth Phasing Plan to reflect changing development conditions and preparation for Extraterritorial Area discussion.
Staff Recommendation:	Approve

Project Narrative

The Planning Department is proposing amendments to the Growth Phasing Plan, most recently included within the Together 2045 Comprehensive Plan. This Plan is reviewed annually to evaluate changing development conditions and available capacity to absorb projected growth.

Purpose of the Growth Phasing Plan

The primary function of the Growth Phasing Plan is to establish anticipated phasing of growth in areas outside of the City of Bismarck and within the City's extraterritorial authority. The areas included in the plan could reasonably be served by municipal utilities at some point in the future.

The primary areas for future growth are broken up into four development areas by priority:

1. **Annexed City Limits**. Areas already annexed into city limits. As shown on the attached map, some annexed areas are not yet developed.
2. **Urban Service Area Priority**. Areas outside of city limits where city services may be more readily accessed in the near term, based on available funding.
3. **Urban Service Area Expansion**. Areas outside of city limits where city services are not as accessible in the near term but are expected within the next 25 years. In these areas, immediate City participation in financing or extending municipal services is unlikely and limited. However, present development in these areas may be possible with private funding for infrastructure.
4. **Urban Reserve**. Areas suitable to support urban growth of Bismarck beyond the urban service area for a projected 50 years.

Relevance to Extraterritorial Area (ETA)

The extraterritorial area is the legal boundary within which Bismarck exercises zoning and subdivision authority outside of city limits. The Comprehensive Plan includes the following objective:

> *"Exercise zoning and subdivision authority within the City's extraterritorial area and periodically review this boundary with potential adjustments to align with expected growth." G2(c)*

(continued)

This update of the Growth Phasing Plan may be utilized to determine the expected growth used to adjust the ETA boundaries. In other words, there is no need for Bismarck to claim an ETA for areas that our Comprehensive Plan does not anticipate urbanizing, and attention should instead be focused on areas that are suitable for future urban development.

The time horizon of 50 years is set in the plan for Urban Reserve areas, which would fit the function of an extraterritorial area well. Changes to the boundary would require City Commission action or a renegotiation of the negotiated agreement between the City of Bismarck and Burleigh County.

Even with adjustments, the ETA should continue to be reviewed periodically to account for future conditions.

Proposed Changes to Growth Phasing Plan

The following changes are proposed for 2025:

- Revise the outer boundaries of the Urban Reserve areas so that no lot or parcel would be split by the boundary. This would make the line suitable as a negotiated ETA boundary.
- Create a new Airport Buffer around the departing runway of the Bismarck airport. This area would not be expected to urbanize within the time horizon of the plan but should be retained in the ETA for airport operational purposes.
- Minor changes to the boundaries of the Urban Reserve area boundary to reflect updated growth projections and response to public comments, as directed by City Commission. No changes to the outer Urban Service Area are proposed.
- Accounting for the 2024 annexations, which included 147 acres of land.

Overall Changes Proposed to ETA

	Acres	% of Total	Residences	% of Total
Retain in ETA	21,491	53%	196	5%
Remove from ETA	19,260	47%	3,694	95%

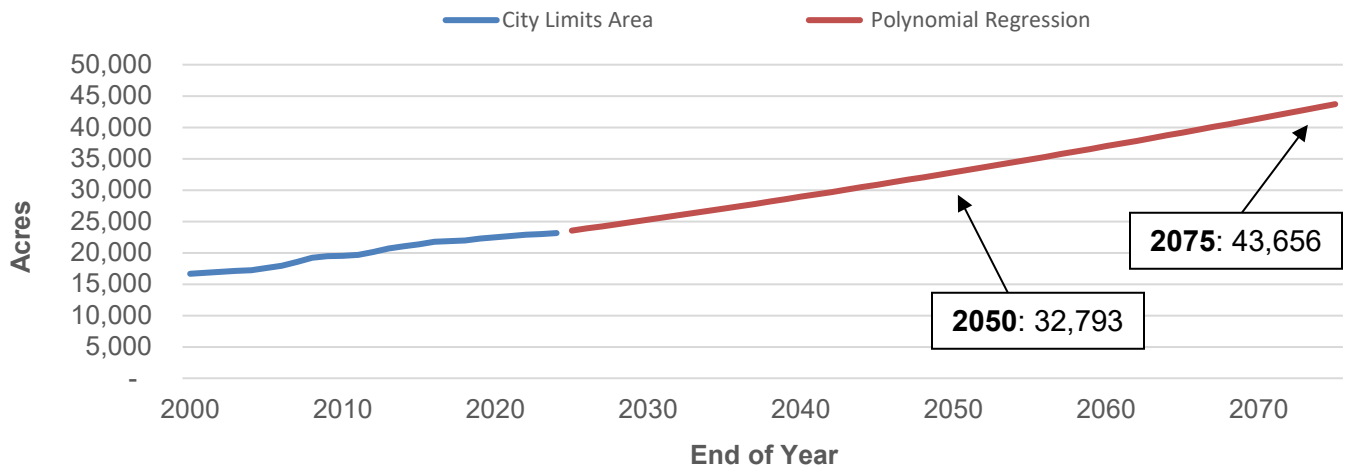
Summary of Each Analysis Area Retained in ETA

Phase	Acres	Residences*	Annexation Years Out
Annexed City Limits	23,245	35,940	0
Urban Service Area Priority	1,136	24	3
Urban Service Area Expansion	9,348	79	28
Urban Reserve	9,385	91	50
Airport Buffer	1,621	2	N/A

* In ETA, residence is any county parcel with an assessed residential property value greater than zero

(continued)

Historic and Projected Area of Bismarck City Limits



Text Changes to Comprehensive Plan

This amendment also revised the text of the Comprehensive Plan, as outlined in the attached draft. The changes clarify names of the urban service areas, define a new airport buffer area, include the Urban Reserve standards in the amendment process, and describe the relation of the Growth Phasing Plan to the ETA.

Growth Capacity Analysis

For the purpose of right-sizing the ETA, annexation is the appropriate benchmark to measure future development because this is the point at which zoning and subdivision authority take effect.

Future annexation of areas outside of city limits is projected with the following assumptions:

- Population density will remain the same in the future. Bismarck's population density has remained stable for the last 25 years at around 2040 people per square mile.
- Annexation will proceed in a contiguous manner to existing city limits.
- Long-term historic annexation growth rates will continue into the future.
- Section 36, Hay Creek Township (School Section), although technically annexed, is excluded and considered available for future City growth. This state-owned tract of land, amounting to approximately one year of projected city growth, has not yet been platted or zoned.

Any changes in these assumptions would require an adjustment of the projection. These factors will continue to be monitored in the future.

Because there is often a significant lag between annexation and full build-out of development, it should be noted that the actual population and employment in growth areas would lag behind the annexation by several years. Therefore, this projection is not directly comparable to other forecasts used for traffic or other purposes.

The outer boundary of the Urban Reserve area has been set at the 50 year projected mark to align with the intent of the Comprehensive Plan.

(continued)

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on October 10 and 17, 2025.

A draft of this map was shared, upon request, with the Bismarck City Commission and Burleigh County Commission during their September 17 joint meeting. Public comments were received and City staff was directed to work with County staff on any potential adjustments to the map and a plan for administrative transition of extraterritorial area duties.

The map was shared again during the October 7 Bismarck-Burleigh Commissions meeting, and again during the October 14 Bismarck City Commission meeting.

On October 15, Frequently Asked Questions (FAQ) on the ETA and an interactive map of a simplified Growth Phasing Plan were released on the City website and promoted through a press release and social media.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Open Development Projects Dashboard and 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

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.

Annexed areas are amended to reflect the current legal corporate limit at the time of the update (GPP standards)

Yes. All lands annexed within the previous year are incorporated into the Annexed Priority areas. A total of 147 acres were annexed in 2024.

Urban Service Priority Areas have basic infrastructure, such as trunklines and arterial roadways, either within or adjacent to the area that may be utilized for development, or such basic infrastructure is programmed for the near future (GPP standards)

Yes. The Urban Service Priority areas are proposed to remain the same, and basic infrastructure may be accessed by future development as available.

The Urban Service Area Boundary, including both the Expansion and Priority areas, is large enough to contain approximately twenty-five years of anticipated annexation (GPP standards)

Yes. The overall USAB is projected to be annexed by 2053, in 28 years. This somewhat exceeds the 25 year standard.

CORE Areas are determined to have the highest need and opportunity for redevelopment based on data such as improvement-to-land value ratio, rate of change in assessed value, building condition, and other evidence (GPP standards)

Yes. No changes to the CORE Areas are proposed at this time.

The proposed amendment is consistent with the goals and objectives of the comprehensive plan (GPP standards)

Yes. The proposed amendments further Objective G2(d): “Evaluate the Growth Phasing Plan annually and adjust to account for actual pace and direction of growth.”

The proposed amendment would not adversely affect the public health, safety, and general welfare (Goal S10-a)

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

(continued)

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

Staff Recommendation

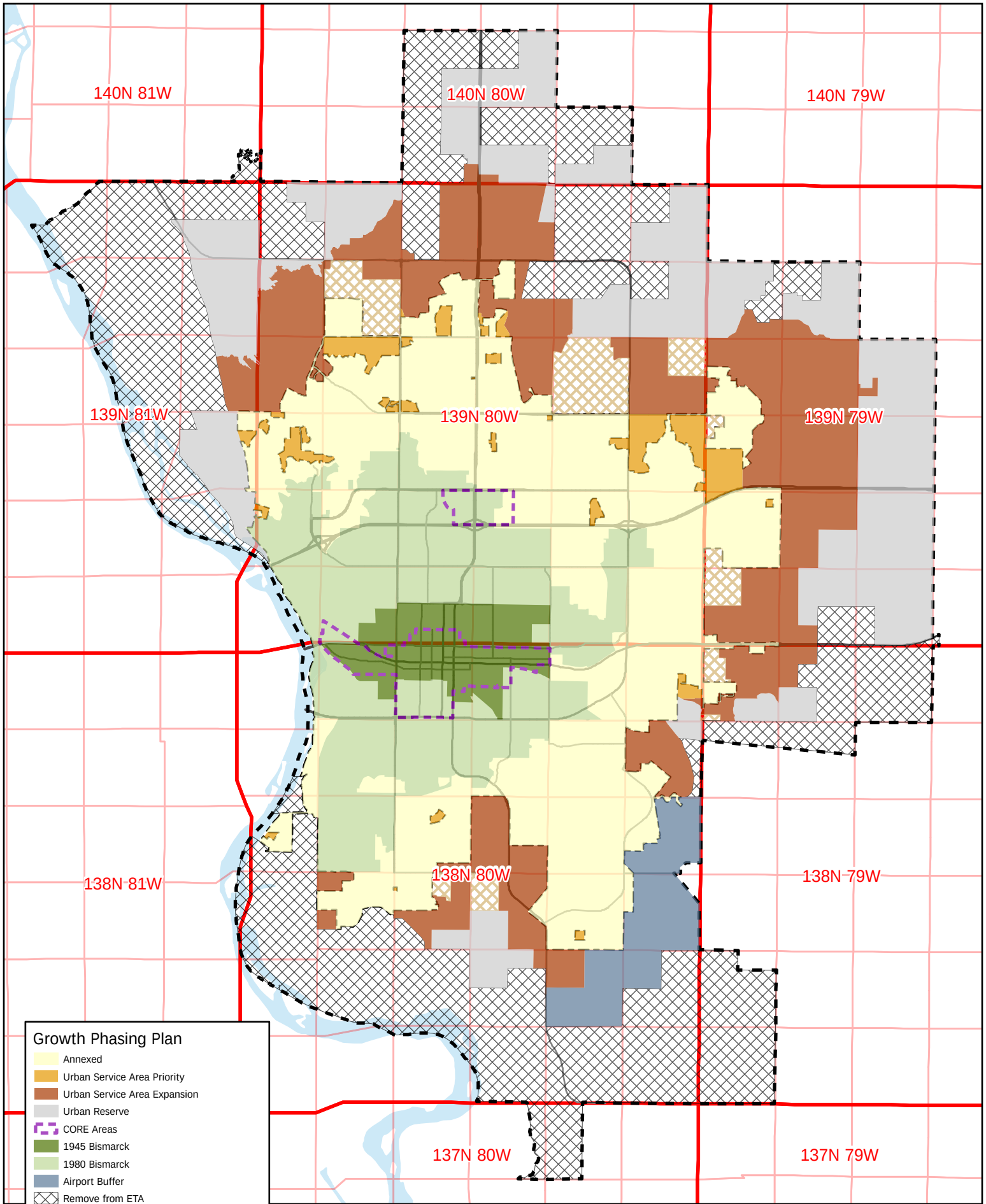
Based on the above findings, staff recommends approval of the Growth Phasing Plan of the Comprehensive Plan, as described in this staff report and attachments.

Attachments

1. Growth Phasing Plan Amendment Map
2. Growth Phasing Plan Text Amendments to Comprehensive Plan
3. Annexed, Vacant, and Developable Lands Map

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

701-355-1854 | dnairn@bismarcknd.gov



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

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Growth Phasing Plan

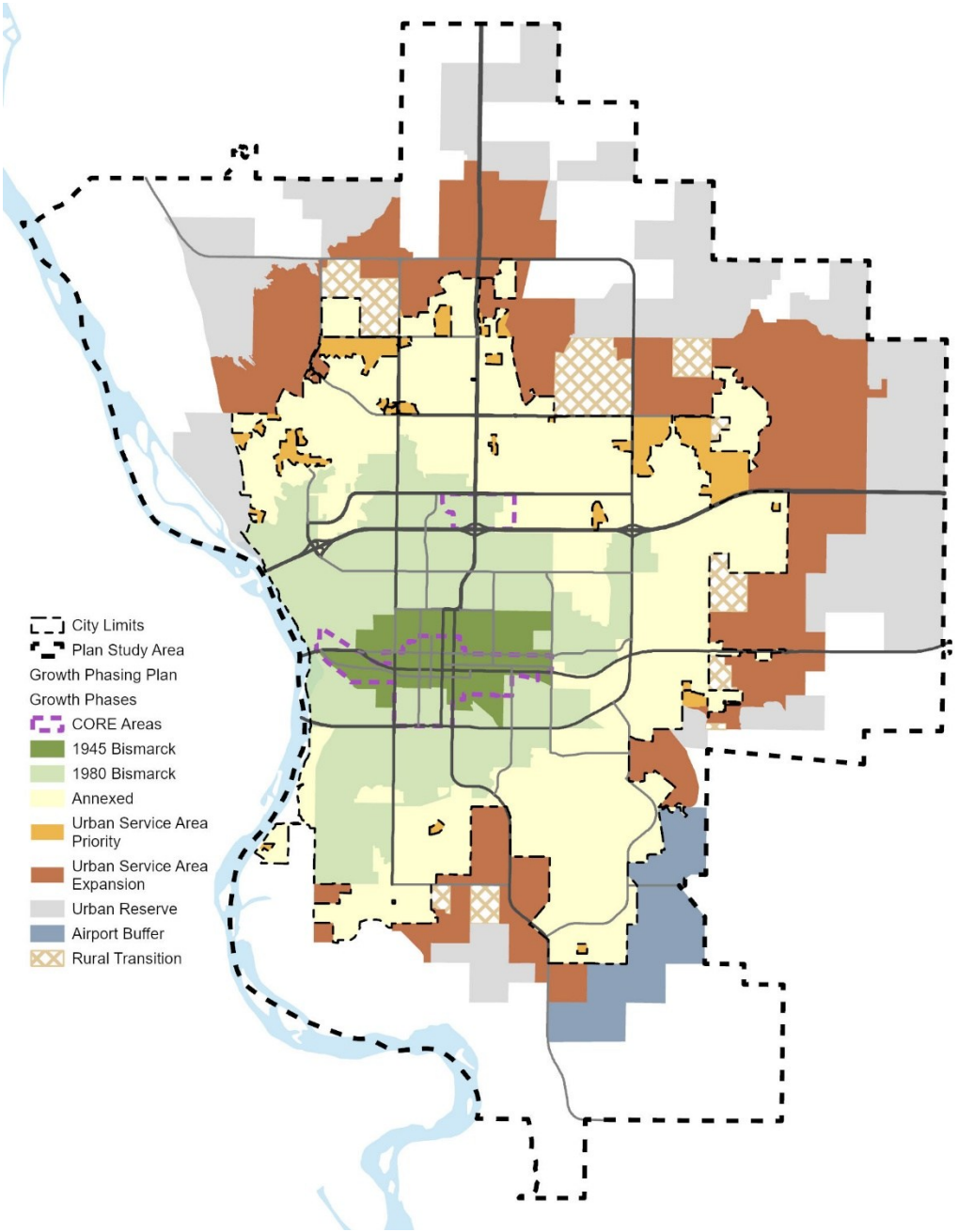
The Growth Phasing Plan is a map that shows when areas of the Bismarck and its extraterritorial area are expected to annex and develop. The various phases should be understood relative to each other and not as an absolute timetable. The plan sets a prioritization sequence, based on proximity and availability of city services, and the timing will be dictated by developers responding to the market.

The Growth Phasing Plan has the objectives:

- Aligns timing of Bismarck's Capital Improvements Plan and other funding with anticipated development phasing
- Signals to landowners long-term potential uses of land for the purpose of investment
- Allows the Planning and Zoning Commission to identify developments that are premature, even if otherwise meeting objectives of this plan.

Cities are always changing, and the Growth Phasing plan represents this dynamic condition of land use. This map also shows stages of development in Bismarck's past as a reference for pace of growth and to align ordinance requirements with characteristics of development in place during certain historic eras.

The overview map on this page is available online in an interactive format that will function as the official version. Each of the areas shown in the Growth Phasing Plan is described on the following pages.



1 Annexed ~~Priority~~City Limits

The Annexed City Limits~~Priority~~ areas ~~are within city limits and~~ are likely served with municipal services already. In certain cases, lands were historically annexed in advance of development for various reasons, and more significant investment may be necessary in these locations. In all cases, the previous action of annexation signaled a prioritization for urban development, as these landowners are already enfranchised and contributing citizens of Bismarck.

Most growth in the annexed area will take the form of infill and redevelopment of existing buildings and sites into new potentially more intensive uses. Although urban services are typically available, there may be need for capacity improvements or upgrades desired by property owners. As funds are available, the City may participate in capital improvements to serve this area or utilize assessments or other available funding mechanisms to finance certain development costs.

2 ~~Expansion~~ Urban Service Area Priority ~~2~~

The ~~Expansion Priority 2~~Urban Service Area Priority areas are not yet annexed but may be provided with municipal services efficiently without significant public or private cost. These areas are contiguous to the existing city limits on one or more sides and development within these areas often includes opportunities to provide additional interconnectivity of the roadway network resulting in more efficient vehicle trip distribution and improved emergency service response. Major water, sewer and transportation infrastructure are generally nearby with capacity available for extension into the area.

The ~~Expansion Priority 2~~Urban Service Area Priority areas are the City's second highest priority, after annexed areas, for future growth and development. As funds are available, the City may participate in capital improvements to serve this area and any practices that may facilitate expansion of corporate limits should be focused in this area.

3 Urban Service Area Expansion ~~Priority 3~~

The ~~Expansion Priority 3~~Urban Service Area Expansion areas are not yet easily serviced with existing infrastructure and municipal services, but may reasonably be annexed by 2045, the time horizon of this plan.

~~Expansion Priority 3~~Urban Service Area Expansion areas may be directly annexed into Bismarck, but landowners petitioning the City must demonstrate how public services adequate to support any proposed development would be provided. The City is not expected to participate in funding of any improvements in the Expansion Priority 3 area. The petitioner must show how necessary infrastructure would be funded, either through their own financing, partnership with other benefitting property owners, or some other means.

2 ~~Expansion Priority 2~~Urban Service Area Priority
+
3 Urban Service Area Expansion~~Expansion Priority 3~~ =

Urban Service Area Boundary (USAB)

The outer boundary of ~~the Expansion Priority 2 and Expansion Priority 3~~both Priority and Expansion areas functions as the Urban Service Area Boundary (USAB) for Bismarck. This is the overall area that may be expected to be annexed and provided with municipal services ~~by the 2045,~~within the next 25 years, the time horizon of this plan.

The land area of the total USAB comprises ~~17.21~~16.38 square miles, which aligns with ~~the most aggressive annexation scenario projected for 2045~~ projected annexation over the next 25 years. Although Bismarck may not annex this entire area by this time, allowing more

room for growth accounts for unpredictability in the direction and pace of annexation.

Properties within the Urban Service Area Boundary may be improved in compliance with the existing zoning, typically A – Agricultural. Any amendments of the zoning map would be evaluated in terms of meeting the urban development intent of this area.

It should be noted that the 2014 Burleigh County Comprehensive Plan also encourages development to be concentrated in a city's urban service area, an objective that has been reinforced by further surveys and public outreach with Burleigh County rural residents.

4 Urban Reserve

The Urban Reserve areas are not currently suitable for urban development but may be ~~by 2070, roughly~~within ~~-~~a 50-year time horizon. Combined with the USAB, the Urban Reserve comprises ~~30.26~~31.04 square miles and represents almost a doubling of the city's current land area.

The Urban Reserve designation may facilitate long-term investment in these properties in anticipation of future greater returns with urban development. Certain rural developments may be permitted in these areas in the interim, as described in more detail in the Grow element and Future Land Use Plan description of this plan.

ETA Extraterritorial Area

~~The Extraterritorial Area (ETA) functions as the outer boundary of the Growth Phasing Plan. Land outside of the ETA was not studied in any reports or projections related to this plan. The current boundary was negotiated in 2014 with Burleigh County, with minimal adjustments made in the years since. The current ETA includes enough land area to meet the City's projected development need for the next 50 years, although adjustments to the boundaries may be necessary account for the future direction of growth.~~

The Extraterritorial Area (ETA) is the area within which the City of Bismarck exercises zoning and subdivision authority outside of city limits, in accordance with state law. The boundary of this jurisdiction should be set to include the Urban Service Area Boundary (USAB) and Urban Reserve areas, but to exclude areas that this plan does not anticipate annexing and urbanizing within 50 years. The study area of this Comprehensive Plan may include areas outside of the ETA, but the City would not have jurisdiction within these areas.

TR Transitional Rural

The Transitional Rural areas are significantly developed rural residential subdivisions that are expected to be mostly or completely surrounded by the City of Bismarck by 2045. These land use changes create unique challenges for both the City and rural residents, which will require ongoing conversation between all parties. Additional through-traffic may be generated from surrounding development, but efforts should be made to limit this to corridors identified as collectors on the Major Street Plan. In certain locations, city infrastructure may be extended through rural residential subdivisions in easements or rights-of-way with efforts taken to minimize disruption to existing residents.

Residents of subdivisions may wish to annex and take advantage of city services. Many rural subdivisions in this area were designed with eventual urbanization in mind, and this option remains in place. The Transitional Rural areas should not be included within the City's ETA.

AB Airport Buffer

Airport Buffer areas lie within close proximity to the Bismarck Airport, but are not anticipated to be annexed and urbanized within 50 years. These lands should be retained with the ETA to allow the City to protect

airport operations through zoning enacted for this purpose. Airport Buffer areas may be improved and developed by property owners, according to requirements of the zoning ordinance and Future Land Use Plan.

CR CORE Areas

Community Opportunity and Revitalization Effort (CORE) areas of Bismarck contain sites with significant potential for revitalization. Certain CORE areas, especially in the downtown, began this process many years ago but still have room for additional investment. The area is determined based on a redevelopment index, using variables such as property values, age of structures, and excess parking availability.

The designation of CORE areas signals an openness to change. All infill and redevelopment should be sensitive to the surrounding context, and new development within these areas should contribute to an overall renewal of the neighborhood or district.

The CORE areas are ideal locations for the use of development-based investments that may be available from federal, state, or local sources.

1945 1945 Bismarck

The developed area in 1945 represents the pattern of urban growth predominant prior to World War II. This includes a gridded layout, smaller lots, narrower streets, and service alleys. The scale of the city at the time allowed most homes to be within a general walking distance to the central business district. Around this time, Bismarck's first Plan for Development was adopted by the City Commission, which envisioned the next era of development with a more suburban ideal suited to driving. Highland Acres, which was platted in 1947, was the first subdivision to implement the new plan and depart from this traditional pattern.

The neighborhoods, downtown, and industrial areas in the 1945 footprint still largely follow the traditional layout of the original plats, even as buildings styles and technology have changed.

1980 1980 Bismarck

The developed area in 1980 represents the footprint of Bismarck at the time the most recent major Comprehensive Plan was adopted, followed by the adoption of the current zoning ordinance in 1983. This date is approximately the halfway point between the traditional urban form present by 1945 and the developed area at the time of adoption of this plan. Growth between 1945 and 1980 was profoundly shaped by two major federal infrastructure projects of the 20th century. The Interstate 94 completed in 1965 eventually became the dominant commercial corridor and pulled the center of Bismarck to the north. At the same the Garrison Dam controlled flooding of the Missouri River enough to allow development south of the downtown area.

Growth Phasing Plan Amendments

The Growth Phasing Plan is **a living document**. Over time, revisions will be made to reflect changing conditions or public will. Changes should be made according to a **transparent and consistent** process, considering systemic effects on the whole plan.

Amendment Process

Because of the timely nature of the Growth Phasing Plan, regular updates will be scheduled on an annual basis.

All amendments will be initiated by staff from the Community Development Department, in close consultation with Engineering and Public Works departments. Staff will evaluate data on population and employment projections, the capacity to absorb growth in each of the Growth Phasing Plan areas, infrastructure installed within the last year, and plans for future capital projects that will affect the City's ability to grow. Based on these findings and the criteria of this plan, staff will recommend revisions to Growth Phasing Plan.

The Planning and Zoning Commission will hold a public hearing on the annual amendment to the Growth Phasing Plan and recommend an amended plan to the City Commission for final potential approval. This process supersedes any previously adopted policies.

Amendment Standards

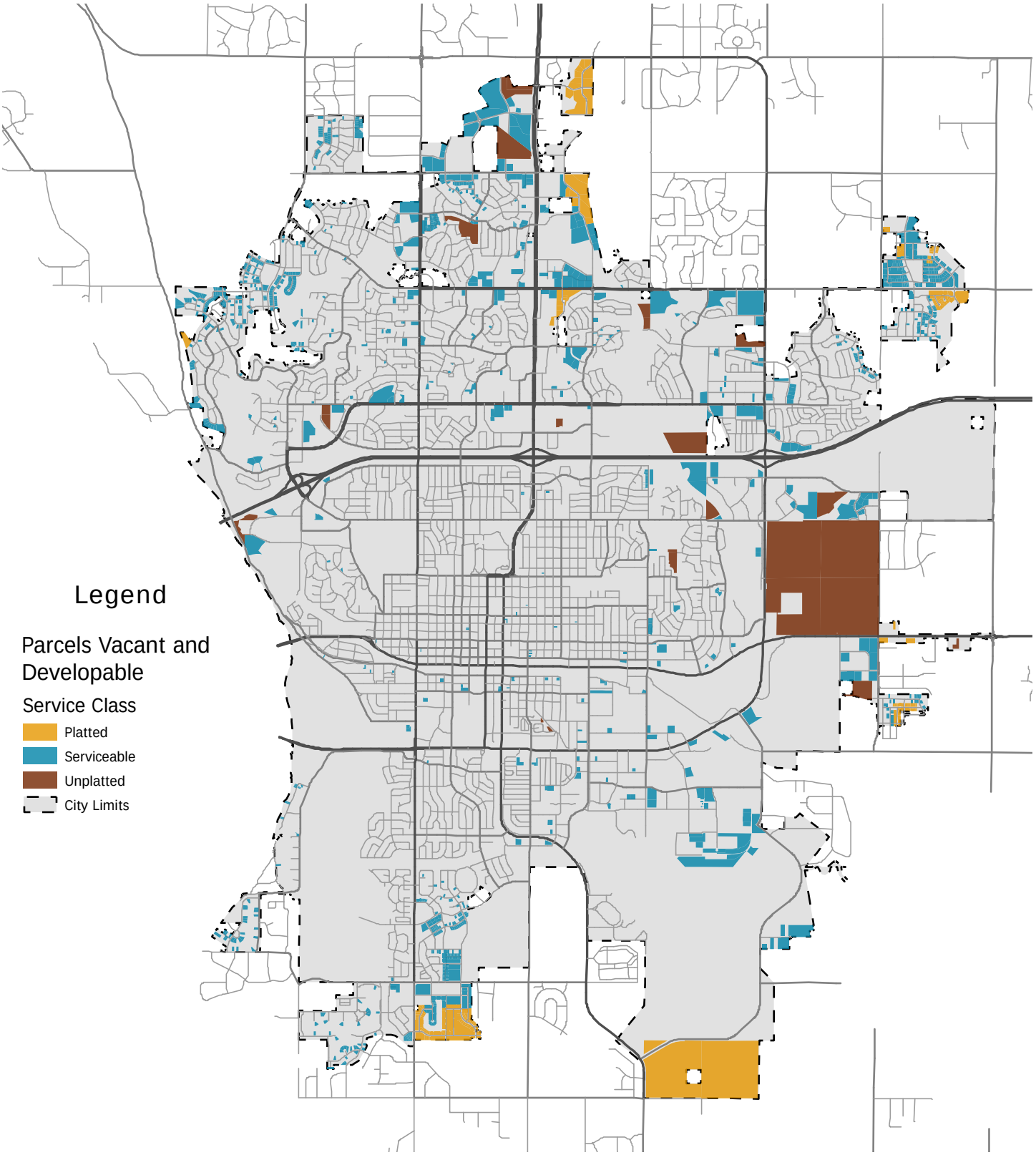
All amendments will be evaluated according to the following standards:

- Annexed ~~Priority~~ City Limits areas are amended to reflect the current legal corporate limit at the time of the update
- ~~Expansion Priority 2~~Urban Service Area Priority ~~areas~~ have basic infrastructure, such as trunklines and arterial roadways, either within or adjacent to the area that may be utilized for development, or such basic infrastructure is programmed for the near future
- The Urban Service Area Boundary, including both the ~~Expansion Priority 2 and Expansion Priority 3~~Priority and Expansion areas, is large enough to contain approximately ~~twenty-five~~ 25 years of anticipated annexation.
- The Urban Reserve, together with the Urban Service Area Boundary, is large enough to contain approximately 50 years of anticipated annexation.
- CORE Areas are determined to have the highest need and opportunity for redevelopment based on data such as improvement-to-land value ratio, rate of change in assessed value, building condition, and other evidence
- The proposed amendment is consistent with the goals and objectives of this comprehensive plan
- The proposed amendment would not adversely affect the public health, safety, and general welfare

Promptly after approval of any amendment, the Growth Phasing Plan is updated in the City's online maps, which will always be made available to the public and function as the official version of the plan.

Vacant and Developable Parcels

GPPA2025-001



City of Bismarck
Community Development
Planning Division
September 18, 2025

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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 hereon.

Agenda Item # 5A
October 22, 2025

MEMORANDUM

TO: Chair Schwartz and Bismarck Planning and Zoning Commission

FROM: Lauren Oster, Planner, Community Development Department

ITEM: Bismarck Arts and Culture Master Plan Update

MEETING: October 22, 2025

The City of Bismarck was awarded an Our Town grant from the National Endowment for the Arts in 2022 to create an Arts and Culture Master Plan (Plan) for Bismarck. The effort to create this Plan stemmed from several factors including the City's 2019 Strategic Plan objective to create a vibrant local art community; a series of community arts conversations among artists, performers, culture bearers and arts administrators in 2022; and the creation of Bismarck's Together 2045 Comprehensive Plan in 2022 which included goals T8(a-d) related to arts and culture.

Community engagement for this Plan occurred between late 2024 and early 2025 with drafting occurring after that. As part of the project's scope, staff are presenting the final draft of the Plan to the City Commission as well as to the boards of the other Plan partners for final input. Additionally, this Plan may help and support efforts of the Planning and Zoning Commission, including components related to the Land Development Code. As such, input on the final draft Plan from the Planning and Zoning Commission is requested.

The Plan will be finalized and provided to the City Commission for adoption after the final input from each of the boards and commissions is incorporated.

More information on the Arts and Culture Master Plan, including a copy of the draft, can be found at https://www.bismarcknd.gov/2474/Arts-and-Culture-Plan.

STAFF CONTACT INFORMATION:

Daniel Nairn, AICP | Planning Director | 355-1854 | dnairn@bismarcknd.gov

Lauren Oster | Planner | 355-1846 | laoster@bismarcknd.gov


Bismarck
ARTS & CULTURE
MASTER PLAN

Overview

- About the Plan
- Community Engagement
- Comparison Cities
- The Arts
- Action Plan





About the Plan

- Previous plans' goals related to arts and culture in the community
- National Endowment for the Arts Our Town grant

Partners

Dakota West Arts Council, Bismarck Parks and Recreation District, and Bismarck Public Schools

Consultant

Designing Local





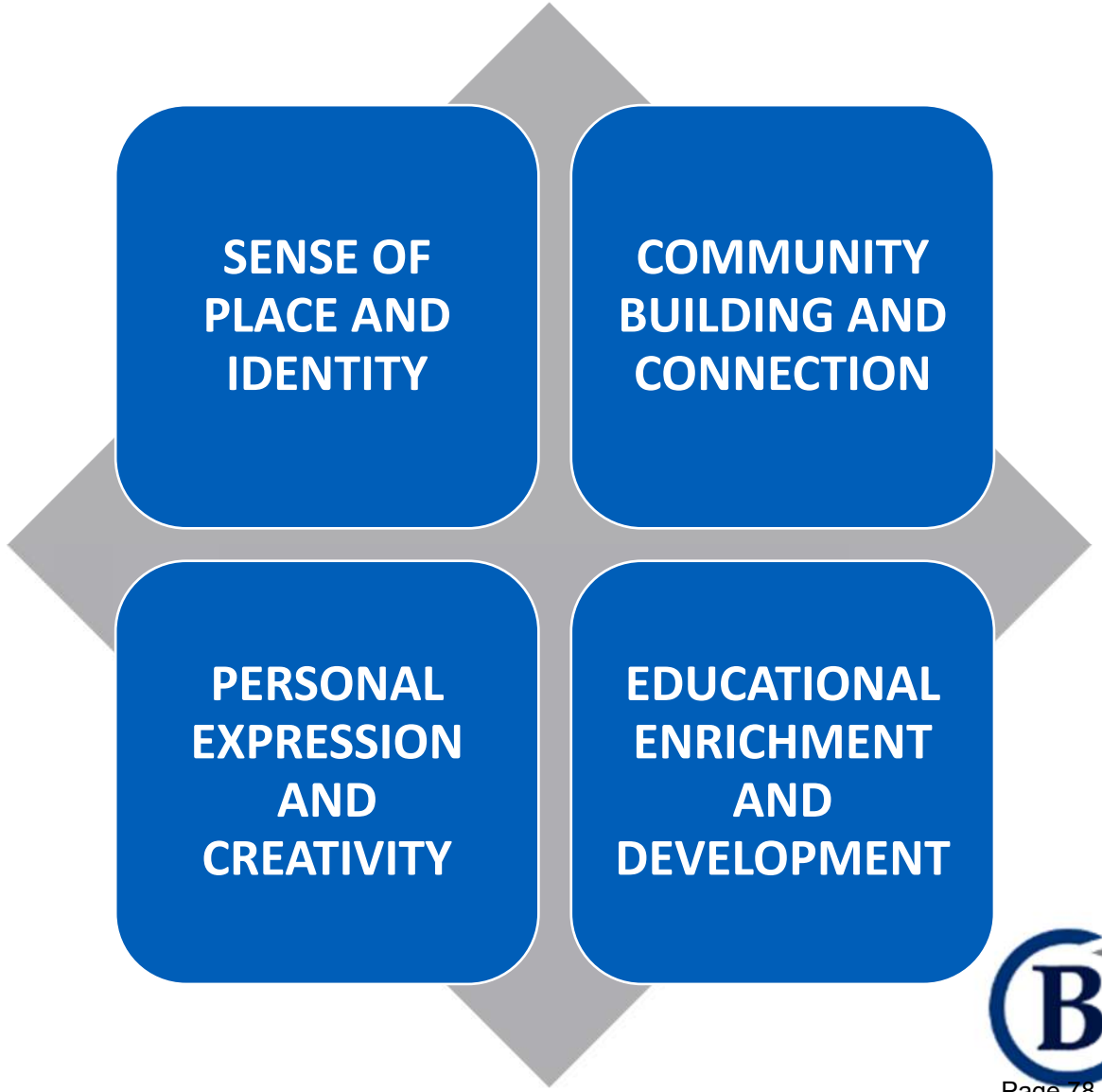
Community Engagement

- Stakeholder Interviews
- Focus Groups
- Online Survey
- Public Workshop

Reoccurring Engagement Themes

- Opportunities for Arts and Culture
- Barriers to Experiencing the Arts
- Cultural Programming Opportunities
- Desires for Plan Outcomes

Guiding Values for Plan Recommendations



Comparison Cities

City	Population	Median Household Income	Arts Impact
Bismarck, ND	73,622	$75,846	$58.1m
Grand Forks, ND	59,166	$63,838	--
Rapid City, SD	74,703	$70,094	$204.1m
Billings, MT	117,116	$67,028	--
Fargo, ND	125,990	$61,422	$55.4m
Sioux Falls, SD	192,517	$70,925	$126.1m

The Arts

- Visual Arts
- Public Art
- Performing Arts
- Literary Arts



Action Plan

- Now (0-3 Years)
- Soon (3-5 Years)
- Next (5-10 Years)

- Funding Opportunities
- Arts Activation & Discovery Opportunities



How could this Plan relate to and support the Bismarck Planning and Zoning Commission?

- Strategies 1.1, 1.2, 2.4
- Support the goals and objective from Together 2045, specifically T8 (a-d)





Questions?