



Bismarck Planning and Zoning Commission

MEETING
July 22, 2026

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

- A. [Public Comment](#)

3. CONSENT AGENDA

- A. **Updates to Title 14.1 Stormwater Management (DN)**

Zoning Ordinance Text Amendment | ZOTA2026-003 | Consideration
Staff recommends: Call for Public Hearing

B. William Blackstone Addition Update (DN)

Zoning Map Amendment | ZC2026-008 | Consent
Staff recommends: Call for Public Hearing

C. Elk Ridge Fourth Addition Update (DN)

Zoning Map Amendment | ZC2026-010 | Consent
Staff recommends: Call for Public Hearing

4. REGULAR AGENDA

A. Paradise Valley Third Addition (IJ)

Zoning Map Amendment | ZC2026-007 | Public Hearing
Staff recommends: Approve

Major Subdivision Final Plat | PPLT2026-005 | Public Hearing
Staff recommends: Approve

B. Heritage Ridge Second Addition, Block 1, Lots 14-15 - Personal Flex (JW)

Special Use Permit | SUP2026-005 | Public Hearing
Staff recommends: Approve

C. Silver Ranch Fourth Addition, Block 1, Lots 1&3 - EMC Sign (LO)

Special Use Permit | SUP2026-004 | Public Hearing
Staff recommends: Approve

5. OTHER BUSINESS

ADJOURN

The next regular meeting date is scheduled for August 19, 2026, at 5:00 pm in the Tom Baker Meeting Room.

A. Building Permit Data: [Month to Date](#) or [Year to Date](#)

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
June 24, 2026

The Bismarck Planning & Zoning Commission met on June 24, 2026, 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 DakotaMediaAccess.org for public viewing. Chair Schwartz presided and was present in the Tom Baker Meeting Room.

Commissioners present were Cole Johnson, Gabe Schell, Mike Schwartz, Sheldon Sivak, Conner Swanson, and Kendra Taylor (via zoom).

Commissioners not present were Brain Bitner, Mike Schmitz, and Al Wangler.

Staff members present were Sarah Fricke – Senior Administrative Assistant, Isak Johnson – Planner, Daniel Nairn – Planning Director, Lauren Oster – Planner, and Jenny Wollmuth – Senior Planner.

MINUTES

Chair Schwartz called for consideration of the minutes of the May 27, 2026 meeting.

MOTION: Commissioner Swanson made a motion to approve the minutes of the May 27, 2026, meeting. Commissioner Johnson seconded the motion, and it was unanimously approved with Commissioners Johnson, Schell, Schwartz, Sivak, Swanson, and Taylor voting in favor of the motion.

PUBLIC COMMENT

Chair Schwartz opened the public comment period.

There being no comments, Chair Schwartz closed the public comment period.

**FINAL CONSIDERATION – NORTHERN SKY SECOND ADDITION FIRST REPLAT,
BLOCK 2
ANNEXATION**

Chair Schwartz called for the final consideration of the annexation of Block 2, Northern Sky Second Addition First Replat. The property is located in northwest Bismarck, in the northwest corner of North Washington Street and Ash Coulee Drive, on the north side of Wilkinson Place.

Ms. Oster 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 the public health, safety, and general welfare.

Ms. Oster said, based on the findings contained in the staff report, staff recommends approval of the annexation of Block 2, Northern Sky Second Addition First Replat.

MOTION: Based on the findings contained in the staff report, Commissioner Johnson made a motion to approve the annexation of Block 2, Northern Sky Second Addition First Replat. Commissioner Sivak seconded the motion, and it was unanimously approved with Commissioners Johnson, Schell, Schwartz, Swanson, Sivak, and Taylor voting in favor of the motion.

**PUBLIC HEARING – DCN ADDITION
ZONING MAP AMENDMENT and MAJOR SUBDIVISION FINAL PLAT**

Chair Schwartz called for the public hearing on the zoning map amendment from the A – Agriculture and RT – Residential (OX- Office Mixed-Use) zoning district to the RT – Residential (OX- Office Mixed-Use) zoning district and a major subdivision final plat titled DCN Addition. The property is located in north-central Bismarck, north of East Calgary Avenue, between North Washington Street and State Street, in the southwest quadrant of the intersection of Coleman Street and 43rd Avenue NE.

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 zoning map amendment and major subdivision final plat titled DCN Addition would not adversely impact the public health, safety, and general welfare.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the zoning map amendment from the A – Agriculture and RT – Residential (OX- Office Mixed-Use) zoning district to the RT – Residential (OX- Office Mixed-Use) zoning district and a major subdivision final plat titled DCN Addition.

Chair Schwartz opened the public hearing.

Brad Krogstad, KLJ consultant representing the applicant, appeared for questions. Chair Schwartz asked if there are any buildings planned for the area. Mr. Krogstad said there are no immediate plans that he is aware of, but the applicant wants the opportunity to build in the future.

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

MOTION: Based on the findings contained in the staff report, Commissioner Swanson made a motion to approve the zoning map amendment from the A – Agriculture and RT – Residential (OX- Office Mixed -Use) zoning district to the RT – Residential (OX- Office Mixed- Use) zoning district and a major subdivision final plat titled DCN Addition. Commissioner Sivak seconded the motion, and it was unanimously approved with Commissioners Johnson, Schell, Schwartz, Sivak, Swanson, and Taylor voting in favor of the motion.

**PUBLIC HEARING – BERG ACRES ADDITION
ZONING MAP AMENDMENT and MAJOR SUBDIVISION FINAL PLAT**

Chair Schwartz called for the public hearing on a zoning map amendment from the A – Agriculture and CG – Commercial (CX-Commercial Mixed-Use) zoning district to the CG –

Commercial (CG-Commercial General) zoning district and major subdivision final plat titled Berg Acres Addition. The property is located in east Bismarck between 52nd Street and 66th Street, along the south side of East Main Avenue.

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 zoning map amendment and major subdivision final plat titled Berg Acres Addition would not adversely impact the public health, safety, and general welfare.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the zoning map amendment from the A – Agriculture and CG – Commercial (CX-Commercial Mixed-Use) zoning district to the CG – Commercial (CG-Commercial General) zoning district and major subdivision final plat titled Berg Acres Addition with the condition that a development agreement identifying future improvements to 62nd Street Southeast along the western boundary of the plat and interim use of the private septic system until public sanitary service becomes available is approved by the City Commission prior to recording the plat.

Chair Schwartz opened the public hearing.

Tom Weigel, Moore Engineering representing the applicant, was available for questions. Commissioner Johnson questioned the alignment of 62nd Street Southeast to the west of the property. Mr. Weigel confirmed this road is intended as a dedicated easement for an access road to support future development south of the property and the planned access road avoids interfering with the existing building and shed.

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

MOTION: Based on the findings contained in the staff report, Commissioner Sivak made a motion to approve the zoning map amendment from A – Agriculture and CG – Commercial (CX-Commercial Mixed-Use) zoning district to the CG – Commercial (CG-Commercial General) zoning district and major subdivision final plat titled Berg Acres Addition with the condition that a development agreement identifying future improvements to 62nd Street Southeast along the western boundary of the plat and interim use of the private septic system until public sanitary sewer service becomes available is approved by the City Commission prior to recording the plat. Commissioner Johnson seconded the motion, and it was unanimously approved with Commissioners Johnson, Schell, Schwartz, Sivak, Swanson, and Taylor voting in favor of the motion.

**PUBLIC HEARING – PART OF MEADOW VALLEY ADDITION AND PART OF THE
REPLAT OF LOT 1, BLOCK 2, MEADOW VALLEY ADDITION
SPECIAL USE PERMIT – DRIVE-THROUGH**

Chair Schwartz called for the public hearing on a special use permit for a drive-through in conjunction with a financial institution on Lot 2 and the West 1 foot of Lot 3, Block 2, Meadow Valley Addition and Lots 41-44 of the Replat of Lot 1, Block 2 of Meadow Valley Addition. The property is located in central Bismarck, on the south side of East Bismarck Expressway, between Bozeman Drive and South 7th Street.

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

Mr. Johnson said, based on the findings, staff recommends approval of the special use permit for a drive-through in conjunction with a financial institution on Lot 2 and the West 1 foot of Lot 3, Block 2, Meadow Valley Addition and Lots 41-44 of the Replat of Lot 1, Block 2 of Meadow Valley Addition.

Chair Schwartz opened the public hearing.

Jennifer Smith joined via Teams to explain that the project is for an ATM.

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

MOTION: Commissioner Johnson made a motion to approve the special use permit in for a drive-through in conjunction with a financial institution on Lot 2 and the West 1 foot of Lot 3, Block 2, Meadow Valley Addition and Lots 41-44 of the Replat of Lot 1, Block 2 of Meadow Valley Addition. Commissioner Sivak seconded the motion.

Commissioner Swanson inquired if the remaining section of the property would be affected by the current decision, or if it would require its own separate special use permit. Mr. Johnson clarified that once the replat is finalized and recorded, any other use on the remaining piece of the property will be completely unaffected by the current special use permit.

The motion was unanimously approved with Commissioners Johnson, Schell, Schwartz, Swanson, and Sivak voting in favor of the motion.

BYLAWS

Mr. Nairn presented an updated draft of bylaws that included requests of the commissioners. Commissioner Schell asked whether the ETA members of the Commission would be removed by County Commission. Mr. Nairn confirmed that would be the case and noted that the bylaws could be amended to reflect this.

MOTION: Commissioner Schell made a motion to approve the bylaws with a modification to the removal of commissioners section to clarify a path for ETA members to be removed by the Burleigh County Commission. Commissioner Swanson seconded the motion, and it was unanimously approved with Commissioners Johnson, Schell, Schwartz, Sivak, and Swanson voting in favor of the motion.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 5:32 p.m. to meet again on July 22, 2026.

Respectfully submitted,

Sarah S. Fricke
Recording Secretary

Mike Schwartz
Chair

DRAFT

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

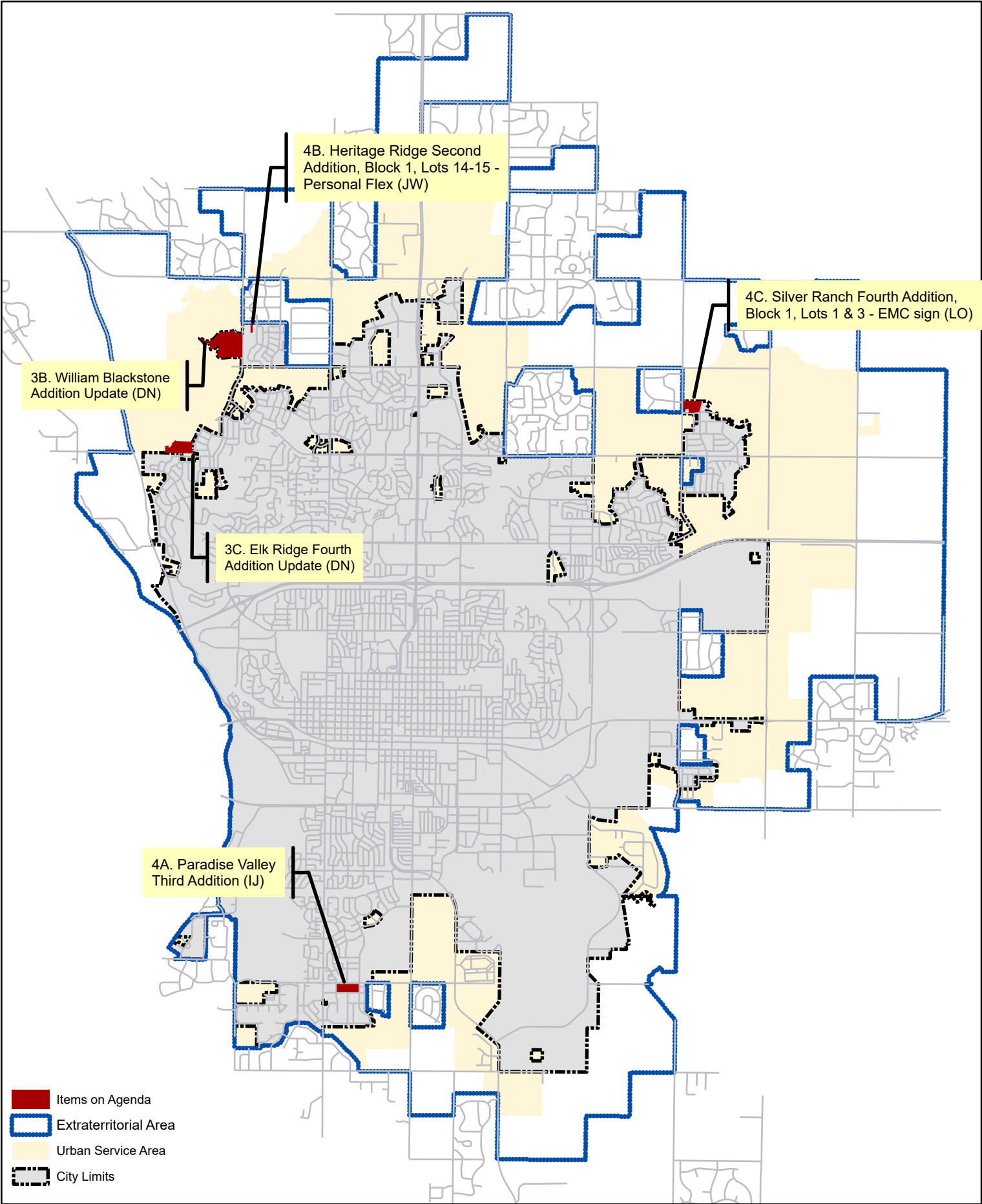
Any comments addressing an item on the current agenda, other than a public hearing, or an agenda item from the preceding meeting.

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.

Project Summary

<i>Title:</i>	Updates to Title 14.1 Stormwater Management
<i>Status:</i>	Planning and Zoning Commission – Consideration
<i>Project Contact:</i>	Daniel Nairn, AICP, Planning Director
<i>Request:</i>	Update Title 14.1 Stormwater Management to align with adopted Land Development Code
<i>Staff Recommendation:</i>	Call for public hearing

Project Narrative

The Engineering Department and Planning Department propose amendments to Title 14.1 Stormwater Management to align with the recently adopted Land Development Code.

Title 14.1 is an independent title of the Bismarck Code of Ordinances. However, the Planning and Zoning Commission is still authorized to review and advise on any amendments to this title, because of the integral relationship between stormwater management and the overall land development process.

Proposed changes to Title 14.1 relate to:

- Updating the state agency that governs stormwater management
- Inclusion of townhouses of up to four units in small-site construction stormwater management permits, in alignment with Land Development Code categories.
- Update references to site plan procedure language used in the Land Development Code.
- Align the stormwater review process with new subdivision procedures of the Land Development Code.

- Provide more staff discretion over submittal of a certification report after completion of facility installation.

Public Engagement

Because this ordinance is initiated by City staff, it will follow the original Title 14 process in effect until Oct 1, 2026, which requires consideration by the Planning and Zoning Commission prior to a public hearing.

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.

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

(continued)

*proposed zoning ordinance text amendment
([Comprehensive Plan](#))*

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

“Manage stormwater to protect public and private investments and the natural environment” I5

“Review and update plans, ordinances, and policies on a regular basis to reflect changing conditions and public will” G10(g)

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

Yes. This section of the zoning ordinance was previously adopted on August 22, 2017. Conditions have changed since this time period which justify the proposed revision, in particular the adoption of the Land Development Code and change in state agency oversight.

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.

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

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

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

Staff Recommendation

Based on the above findings, staff recommends Calling a public hearing on amendments to Title 14.1 as shown in the attached ordinance.

Attachments

1. Draft Zoning Ordinance

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

701-355-1854 | dnairn@bismarcknd.gov

**CITY OF BISMARCK
ORDINANCE NO. 6664**

<i>First Reading</i>	
<i>Second Reading</i>	
<i>Final Passage and Adoption</i>	
<i>Publication Date</i>	

AN ORDINANCE TO AMEND TITLE 14.1 OF THE CODE OF ORDINANCES OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO STORMWATER MANAGEMENT.

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

Section 1. Amend. Section 14.1-01-03 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Definitions, is hereby enacted to read as follows:

14.1-01-03. Definitions. For the purpose of this Title, the following terms, phrases, and words, and their derivatives, shall have the meaning as stated in this section. When inconsistent with the context, words used in the present tense include the future tense. Words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and the word "may" is always permissive.

* * * * *

Certification Report: The required analysis documenting that the facilities identified in an approved stormwater management plan have been constructed and function as intended. A certification report ~~is a required submittal~~ for a post-construction stormwater management permit is a required submittal as detailed in the Stormwater Design Standards Manual.

* * * * *

~~Extraterritorial Jurisdiction: The territorial zoning and subdivision authority of the City which extends to all unincorporated land located within four (4) miles of the corporate limits of the City, or as amended by agreement, as authorized by Section 40-47-01.1 of the North Dakota Century Code.~~

Extraterritorial Area (ETA): The territorial zoning and subdivision authority of the City which extends to all unincorporated land located within the limits of negotiated agreements with Burleigh County and/or organized townships, as authorized by the NDCC.

* * * * *

National Pollution Discharge Elimination System (NPDES) Permit: Any permit or requirement enforced by the North Dakota State Department of ~~Health~~ Environmental Quality, Division of Water Quality, pursuant to the Clean Water Act as amended for the purposes of regulating stormwater discharge.

~~NDDoH: The North Dakota Department of Health, Division of Water Quality.~~

Notice of Termination (NOT): Notification to the City and/or the ~~NDDoH~~ North Dakota Department of Health, Division of Water Quality that all construction activities for a project have been completed and exposed soils have achieved final stabilization.

Notice of Transfer: Notification to the City and/or the ~~NDDoH~~ North Dakota Department of Health, Division of Water Quality indicating that the responsibilities of the mandatory stormwater management permit have been transferred along with the transfer of a parcel of land.

* * * * *

Stormwater Management: The application of Best Management Practices (~~DMPs~~ BMPs) to mitigate adverse impacts to stormwater quality and quantity, prevent sediments and other pollutants from entering surface or ground water; source controls, and treatment of run-off to reduce pollution

(Ord. 4817, 02-25-97; Ord. 5278, 09-23-03; Ord. 5853, 11-22-11; Ord. 6270, 08-22-17; Ord 6664; XX-XX-XX)

Section 2. Section 14.1-02-01 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Municipal Separate Storm Sewer System, is hereby enacted to read as follows:

14.1-02-01. Municipal Separate Storm Sewer System. The City of Bismarck is a designated Municipal Separate Storm Sewer System (MS4) under the Environmental Protection Agency's Stormwater Phase II Final Rule published on December 8, 1999 and is regulated under the North Dakota Pollutant Discharge Elimination System (NDPDES) by the North Dakota Department of ~~Health~~ Environmental Quality. In order to demonstrate compliance with the requirements of the MS4 General Permit,

all development activities within the City's zoning jurisdiction must comply with the provisions contained herein related to construction stormwater management permits and post-construction stormwater management permits.

(Ord. 4817, 02-25-97; Ord. 5853, 11-22-11; Ord. 6270, 08-22-17; Ord 6664; XX-XX-XX)

Section 3. Section 14.1-02-02 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Conformance with Local, State and Federal Regulations, is hereby enacted to read as follows:

14.1-02-02. Conformance with Local, State and Federal Regulations. In addition to the requirements contained herein, it is the responsibility of the applicant to obtain all required approvals from local, state and federal agencies for the proposed project. Agencies that may require consultation or permits include the Burleigh County Highway Department, the Burleigh County Water Resource District, the North Dakota Department of Transportation, the North Dakota State Water Commission, the North Dakota Department of ~~Health~~ Environmental Quality, the North Dakota State Historic Preservation ~~Office~~ Office, the United States Army Corps of Engineers, the Federal Emergency Management Agency or the United States Environmental Protection Agency.

(Ord. 4817, 02-25-97; Ord. 5853, 11-22-11; Ord. 6270, 08-22-17; Ord 6664; XX-XX-XX)

Section 4. Section 14.1-03-01 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Construction Stormwater Management Permits (CSMP) Required, is hereby enacted to read as follows:

14.1-03-01. Construction Stormwater Management Permits (CSMP) Required. A construction stormwater permit is required in order to facilitate implementation of appropriate best management practices (BMPs) and protect water quality during development construction activities in areas within the corporate limits and areas within the extraterritorial area that contribute to the City's MS4. Submittal and review requirements for a CSMP are dependent upon the size and scope of the project.

1. Small Site Construction Stormwater Management Permit. A small site construction stormwater management permit is required for construction activities ~~applied for after January 1, 2018~~ that meet one or more of the following criteria:

- a. Land disturbance greater than or equal to 3,000 square feet and less than 10,000 square feet, occurring on land with slopes of less than 12 percent; or

- b. Construction of a ~~one- or two-family residential home~~ single- or two-family dwelling or townhouses of up to four units if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more.
2. Large Site Construction Stormwater Management Permit. A large site construction stormwater management permit is required for construction activities ~~applied for after January 1, 2018~~, except for the construction of a ~~one- or two-family residential home~~ single- or two-family dwelling or townhouses of up to four units, that meet one or more of the following criteria:

* * * * *

- h. Any other activity, including the construction of a ~~one- or two-family residential home~~ single- or two-family dwelling or townhouses of up to four units, that the City Engineer determines to have a high risk of soil erosion or water pollution, or that may significantly impact an open waterway, stream or wetland area.
4. North Dakota Department of ~~Health~~ Environmental Quality Construction General Permit. All projects that result in land disturbance activity that meets the minimum threshold outlined in the North Dakota Department of ~~Health~~ Environmental Quality Construction General Permit are required to obtain a Construction Stormwater Management Permit from the City and coverage from the North Dakota Department of ~~Health~~ Environmental Quality under the Construction General Permit.
5. Exclusions. The following activities are excluded from obtaining a mandatory Construction Stormwater Management Permit:
- a. Plowing or tilling for agricultural purposes;
 - b. Emergency activity that is immediately necessary for the protection of life, property or natural resources;
 - c. Construction of a ~~one- or two-~~ single-family dwelling within the City's extraterritorial area, with the understanding that erosion control measures are implemented on-site during construction by the builder;
 - d. ~~Construction of any project in the City's extraterritorial area, other than a one- or two-family dwelling, that does not~~

~~contribute to the City's MS4, with the understanding that erosion control measures are implemented on-site during construction by the builder; or~~

- e d. Other construction activities that are determined by the City Engineer to not have potential for adverse impact on stormwater quality.

(Ord. 4817, 02-25-97; Ord. 5853, 11-22-11; Ord. 6270, 08-22-17; Ord 6664; XX-XX-XX)

Section 5. Section 14.1-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Small Site Construction Stormwater Management Permits, is hereby enacted to read as follows:

14.1-03-02. Small Site Construction Stormwater Management Permits.

1. Application Required. An application for a small site construction stormwater management permit shall be submitted prior to or concurrently with an application for a building permit for ~~one or two-family dwellings~~ single- or two-family dwelling or townhouses of up to four units or other projects that meet the thresholds outlined in Section 14.1-03-01. Site development activities shall not commence until said application has been approved and best management practices (BMPs) are in place.
2. Submittal Requirements. The submittal requirements for a small site construction stormwater management permit are outlined in the City's Stormwater Design Standards Manual.
3. Review and Approval Procedures. The review and approval procedures are outlined in the City's Stormwater Design Standards Manual. A building permit will not be issued and no site development activities may commence until the small site construction stormwater management permit has been approved and BMPs are properly installed.
4. Transfer of Permit. Small site construction stormwater management permits cannot be transferred to a subsequent owner.
5. Termination of Permit. During construction, stormwater management best management practices (BMPs) must be installed and remain in place until final stabilization, as outlined in the City's Stormwater Design Standards Manual, has been achieved on the site. When final stabilization has been achieved, the applicant shall submit a Notice of Termination (NOT) request to the City Engineer. Upon review and

approval by the City Engineer, the applicant will be notified that the authorization has been terminated.

(Ord. 5853, 11-22-11; Ord. 6270, 08-22-17; Ord 6664; XX-XX-XX)

Section 6. Section 14.1-03-03 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Large Site Construction Stormwater Management Permits, is hereby enacted to read as follows:

14.1-03-03. Large Site Construction Stormwater Management Permits.

* * * * *

2. Submittal Requirements. The submittal requirements for a large site construction ~~storm-water~~ stormwater permit are outlined in the City's Stormwater Design Standards Manual. The submittal package shall be prepared and sealed by a ~~registered professional engineer~~ licensed professional engineer legally authorized to practice in the State of North Dakota.

3. Review and Approval Procedures. The review and approval procedures are outlined in the City's Stormwater Design Standards Manual. A building permit will not be issued and no site development activities may commence until the large site construction stormwater management permit has been approved.

* * * * *

5. Termination of Permit. During construction, stormwater management best management practices (BMPs) must be installed and remain in place until final stabilization, as outlined in the ~~Storm-Water~~ Stormwater Design Standards Manual, has been achieved on the site. When final stabilization has been achieved, the applicant shall submit a Notice of Termination (NOT) request to the City Engineer.

(Ord. 4817, 02-25-97; Ord. 5853, 11-22-11; Ord. 6270, 08-22-17; Ord 6664; XX-XX-XX)

Section 7. Section 14.1-04-01 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Post-Construction Stormwater Management Permits, is hereby enacted to read as follows:

14.1-04-01. Post-Construction Stormwater Management Permits. A ~~post construction~~ post-construction stormwater management permit addresses

the long-term or permanent function of drainage facilities for development projects. A post-construction stormwater management permit is required for development projects ~~applied for after January 1, 2018~~ in areas within either the corporate limits or the extraterritorial area that meet one or more of the following criteria:

* * * * *

4. Any development activity that requires approval of a complete subdivision or general site plan under Title 14 of the City Code of Ordinances or ~~any development project that requires approval of a site plan~~; or

(Ord. 4817, 02-25-97; Ord. 5853, 11-22-11; Ord. 6270, 08-22-17; Ord 6664; ~~XX-XX-XX~~)

Section 8. Section 14.1-04-04 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Conditional Approval, is hereby enacted to read as follows:

14.1-04-04. Conditional Approval. Conditional approval of a post-construction stormwater management permit is required prior to submittal of ~~an application for approval of the associated final plat in recordable form, minor subdivision final plat or general site plan. In order to provide adequate time for review and approval, applications for conditional approval of a post-construction stormwater management permit should be submitted no less than thirty (30) days prior to the submittal of an application for approval of a final plat, a minor subdivision final plat or a site plan. For projects that do not require approval of a site plan or a final plat, the application for conditional approval shall be submitted no less than sixty (60) days prior to construction.~~ Applications for conditional approval of a post-construction stormwater management permit shall be submitted in conjunction with a preliminary plat or adequate time in advance of site plan submittal to allow staff review, as established by the City Engineer.

1. Submittal Requirements. The submittal requirements for conditional approval of a post-construction stormwater management permit are outlined in the City's Stormwater Design Standards Manual. The submittal package shall be prepared and sealed by a ~~registered professional engineer~~ licensed professional engineer legally authorized to practice in the State of North Dakota.
2. Review and Conditional Approval Procedures. The review and conditional approval procedures for a post-construction stormwater management permit are outlined in the Stormwater Design Standards

Manual. For projects within the City's extraterritorial area, the City Engineer will provide copies of the stormwater management plan to the County Engineer for review and comment. For projects within the extraterritorial area, the City Engineer shall obtain written concurrence from the County Engineer prior to granting conditional approval of the post-construction stormwater management permit. Upon conditional approval of the post-construction stormwater management permit, the City Engineer will provide the applicant with the original signed copy of the conditional permit by mail or in person and a copy via e-mail. ~~A copy of the conditional permit shall be submitted with the application for approval of a final plat, minor subdivision final plat or site plan.~~ Approval of a final plat or general site plan will be withheld until conditional approval of the post-construction stormwater management permit is obtained.

(Ord. 6270, 08-22-17; Ord 6664; XX-XX-XX)

Section 9. Section 14.1-04-05 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Material Submitted After Conditional Approval, is hereby enacted to read as follows:

14.1-04-05. Material Submitted After Conditional Approval. After obtaining conditional approval of a post-construction stormwater management permit, construction plans and specification, geotechnical reports and operation and maintenance plans may be submitted.

1. Construction Plans and Specifications.
 - a. Construction Plans and Specifications for Public Facilities within the Corporate Limits. The construction plans and specifications prepared for the construction of public stormwater management facilities within the corporate limits or on land that will be annexed prior to development must:
 - i. Include a basis of design report demonstrating consistency with the approved storm water management plan and conditionally approved post-construction stormwater management permit.
 - ii. Be in conformance with the requirements of the City of Bismarck Construction Specifications for Municipal Public Works Improvements, current special provisions, and any other necessary permits issued by other governmental agencies.

- iii. Be sealed and signed by a ~~Professional Engineer registered in the State of North Dakota~~ licensed professional engineer legally authorized to practice in the State of North Dakota.
- iv. Be submitted to the City Engineer for approval.
- v. Be submitted concurrently with the application for approval of a large site construction stormwater management permit.

No construction may commence until the construction plans and specifications have been approved by the City Engineer and all other applicable permits and approvals are received from outside agencies.

- b. Construction Plans and Specifications for Private Facilities within the Corporate Limits. The construction plans and specifications prepared for the construction of private stormwater management facilities within the corporate limits or on land that will be annexed prior to development must:

- i. Include a basis of design report demonstrating consistency with the approved storm water management plan and conditionally approved post-construction stormwater management permit.
- ii. Be sealed and signed by a ~~Professional Engineer registered in the State of North Dakota~~ licensed professional engineer legally authorized to practice in the State of North Dakota.
- iii. Be submitted to the City Engineer for approval.
- iv. Be submitted concurrently with the application for approval of a large site construction stormwater management permit.

No construction may commence until all applicable permits and approvals are received from the City and outside agencies.

- c. Construction Plans and Specifications for Public Facilities within the Extraterritorial Area. The construction plans and specifications prepared for the construction of public

stormwater management facilities within the extraterritorial areas must:

- i. Include a basis of design report demonstrating consistency with the approved storm water management plan and conditionally approved post-construction stormwater management permit.
- ii. Be in conformance with the requirements of the Burleigh County Highway Department and any other necessary permits issued by other governmental agencies.
- iii. Be sealed and signed by a ~~Professional Engineer~~ registered in the State of North Dakota licensed professional engineer legally authorized to practice in the State of North Dakota.
- iv. Be submitted to the County Engineer for approval.
- v. Be submitted concurrently with the application for approval of a large site construction stormwater management permit.

No construction may commence until the construction plans and specifications have been approved by the County Engineer and all other applicable permits and approvals are received from outside agencies.

2. Operations and Maintenance Manual. An operations and maintenance manual shall be submitted in conjunction with construction plans and specifications for public projects within the corporate limits and for private projects within both the corporate limits and the extraterritorial area. An operations and maintenance manual shall be submitted for each post-construction stormwater management control, in accordance with the provisions of the Stormwater Design Standards Manual.
3. Access and Drainage Easements. The City Engineer may require that an easement be recorded to allow for continued access to constructed stormwater management facilities within or adjacent to the corporate limits, to provided cross parcel drainage easements and for other elements that are deemed necessary. All required access and drainage easements shall be prepared by a professional land ~~survey~~ surveyor, reviewed by the City Engineer and recorded at the

Burleigh County Recorder's Office, with a copy of the recorded document provided to the City Engineer.

Section 10. Section 14.1-04-06 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Completion and Final Approval, is hereby enacted to read as follows:

14.1-04-06. Completion and Final Approval.

1. Completion and Certification. Upon completion of the project, a Certification Report ~~shall be submitted to~~ may be requested by the City Engineer. The Certification Report shall certify that installed BMPs are consistent with the conditionally approved ~~Post Construction~~ Post-Construction Stormwater Management Plan (PCSMP), or report that BMPs are not consistent with the conditionally approved PCSMP. The Certification Report requirements are outlined in the Stormwater Design Standards Manual (SWDSM).
2. Record Drawings Required. For public projects not overseen by the City Engineer, record drawings of the project shall also be submitted to the City Engineer.
3. Final Inspection. Upon submittal of the Certification Report and required record drawings, the City Engineer will perform a final inspection of the site. Upon satisfactory completion of the final inspection, ~~or as deemed by the City Engineer~~, final approval of the ~~Post Construction~~ Post-Construction Stormwater Management Plan will be issued.

(Ord. 6270, 08-22-17; Ord 6664; **XX-XX-XX**)

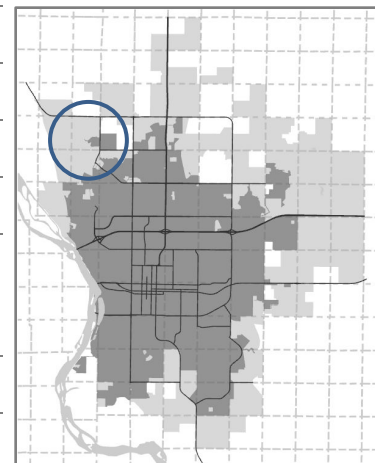
Section 11. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 12. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 13. Effective Date. This ordinance shall take effect on October 1, 2026.

Project Summary

<i>Title:</i>	William Blackstone Addition Update
<i>Status:</i>	Planning and Zoning Commission – Consideration
<i>Property Owner(s):</i>	Ward family
<i>Project Contact:</i>	Daniel Nairn, AICP, Planning Director
<i>Project Location:</i>	Northwest Bismarck, west of North Washington Street and north of 57th Avenue NW, along the west side of Tyler Parkway
<i>Project Size:</i>	59.24 acres
<i>Applicant Request:</i>	Update zoning approved for William Blackstone Addition to new Land Development Code districts
<i>Staff Recommendation:</i>	Call for public hearing



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	118 Lots in 9 Blocks	<i>Lots/Blocks:</i>	No Change
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Single and multi-family residential, public park and stormwater facilities
<i>Future Land Use:</i>	Urban Neighborhood (UN) Parks and Open Space (PKOS)	<i>Future Land Use:</i>	No Change
<i>Zoning:</i>	Conditional RM10-Residential R10-Residential R5-Residential P-Public Use	<i>Zoning:</i>	RS-Residential Suburban OS-Open Space RM-Residential Multi-Family (Plan Overlay District)
<i>Uses Allowed:</i>	Conditional RM10: Multi-family residential R10: Single- and two-family Residential R5: Single-family residential P: Parks, open space, stormwater facilities, and other public uses	<i>Uses Allowed:</i>	RM: Multi-family residential RS: 1-3 unit residential OS: Parks, open space, stormwater facilities, and other public uses

(continued)

Area Information

Property History

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	6/2/2026
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	5/18/2026
<i>Neighborhood:</i>	Lincoln's Inn	<i>Annexed:</i>	5/27/2026

Project Narrative

The Planning Department is requesting approval of a zoning map amendment for the Land Development Code zoning districts from A-Agricultural to the RS-Residential Suburban, RM-Residential Multi-Family with a Plan Overlay District, and OS-Open Space zoning districts for William Blackstone Addition.

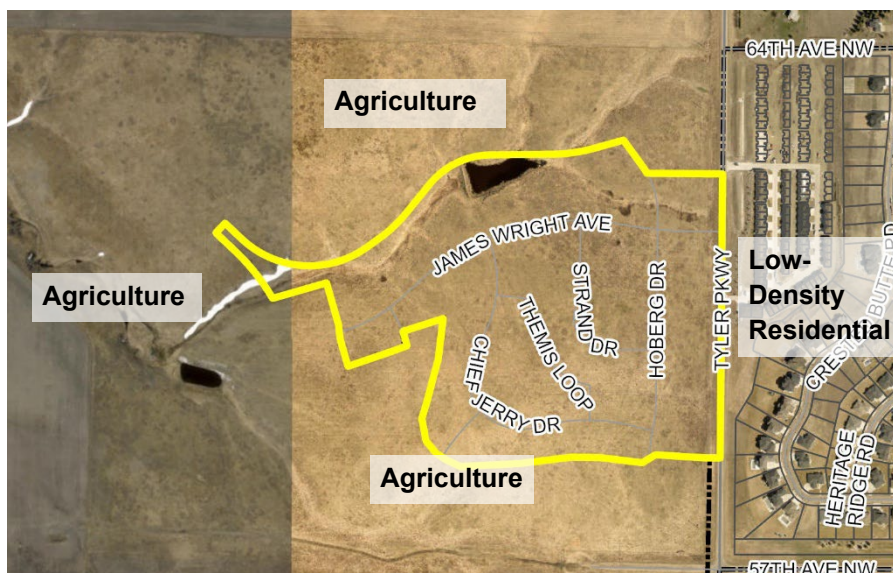
A rezoning to the R5-Residential, R10-Residential, Conditional RM10-Residential, and P-

Public zoning district was approved by the City Commission on November 13, 2025. However, the zoning did not take effect until the plat was recorded in May 2026. Therefore, these changes were not accounted for in the approval of the initial zoning districts that corresponded to the Land Development Code. The purpose of this action is to update zoning into the most equivalent new districts.

Project Context

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

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



The property has been identified as Urban Neighborhood (UN) and Parks and Open Space (PKOS) in the Future Land Use Plan. The Urban Neighborhood areas are a place for quiet enjoyment of home life, and Parks and Open Space areas are kept in a largely natural state, providing many important functions for the community and ecosystem. Goals and objectives of this plan as

they relate to this zoning map amendment are referenced in review standards below.

Public Engagement

Because this ordinance is initiated by City staff, it will follow the original Title 14 process in effect until Oct 1, 2026, which requires consideration by the

(continued)

Planning and Zoning Commission prior to a public hearing.

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.

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 Parks and Open Space (PKOS) and Urban Neighborhood (UN) in the Future Land Use Plan, as described in the Project Context section above. The proposed zoning districts would generally conform to the character of this district. However, future subdivisions within this area may require a greater mix of housing types and density to adhere to the Future Land Use Plan.

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

Yes. Adjacent uses are described in the project context section above. The proposed zoning district would allow urban residential development with green spaces and a neighborhood park. 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 proposed changes are necessitated by an error in omitting the William Blackstone Addition from the initial Land Development Code zoning map, because it was in process at the time of map adoption.

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

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

The 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.

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

G3: Coordinate expansion of city infrastructure and services with growth.

G3b) Assure, prior to annexation, that adequate public facilities to support a proposed development are available or will be provided concurrently with development as service demands occur.

I1: Provide access to parks and outdoor places for all residents.

I1a) Ensure neighborhood parks are included within newly developed residential subdivisions so that all residents have a small park within a half-mile walk from home.

(continued)

I2: Preserve connected greenway corridors throughout the community.

2a) Preserve the natural landscape within coulees, steep slopes, and low-lying areas identified as Parks and Open Space in this plan during the process of development review through either dedication of separate unbuildable lots or easements.

2c) Coordinate stormwater management with passive recreational use in the design and management of greenway corridors and ponds.

T7: Recognize and act upon the vital link between healthy lifestyles and the built environment.

T7a) Encourage healthy lifestyles by creating space for outdoor recreation options such as trails and parks.

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. This zoning map amendment is initiated by the City of Bismarck with notification of the property owner.

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 a public hearing for a zoning map amendment for the Land Development Code zoning districts from A-Agricultural to the RS-Residential Suburban, RM-Residential Multi-Family with a Plan Overlay District entitled William Blackstone Multi-Family, and OS-Open Space zoning districts for William Blackstone Addition.

Attachments

1. Draft Zoning Ordinance
2. Draft Plan Overlay District
3. Zoning and Plan Reference Map
4. Proposed Zoning Map

Staff report prepared by: Daniel Nairn, AICP, Planning Director
701-355-1854 | dnairn@bismarcknd.gov

**CITY OF BISMARCK
ORDINANCE NO. XXXX**

<i>First Reading</i>	
<i>Second Reading</i>	
<i>Final Passage and Adoption</i>	
<i>Publication Date</i>	

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-02-02 OF THE CITY OF BISMARCK CODE OF ORDINANCES, 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 14-02-02 of the Code of Ordinances of the City of Bismarck, North Dakota, which will become effective on October 1, 2026, is hereby amended to read as follows:

The following described property shall be excluded from the A-Agricultural zoning district and included in the RS-Residential Suburban zoning district:

Lots 1-19, Block 1; Lots 1-3, Block 3; Lots 1-17, Block 4; Lots 1-13, Block 5; Lots 2-12, Block 6; Lots 1-27, Block 7; Lots 1-12, Block 8; and Lots 1-13, Block 9, William Blackstone Addition

Section 2. Amendment. Section 14-02-02 of the Code of Ordinances of the City of Bismarck, North Dakota, which will become effective on October 1, 2026, is hereby amended to read as follows:

The following described property shall be excluded from the A-Agricultural zoning district and included in the OS-Open Space zoning district:

Lot 20, Block 1; and Lot 1, Block 6, William Blackstone Addition

Section 3. Amendment. Section 14-02-02 of the Code of Ordinances of the City of Bismarck, North Dakota, which will become effective on October 1, 2026, is hereby amended to read as follows:

The following described property shall be excluded from the A-Agricultural zoning district and included in the RM-Residential Multi-Family zoning district:

Lot 1, Block 2, William Blackstone Addition.

Section 4. Adoption. As authorized by Section 14-08-04, a Plan Overlay District is hereby established to be known as William Blackstone Multi-Family, as specified in all text and referenced exhibits attached to this ordinance.

Section 5. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 6. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.



William Blackstone Multi-Family PLAN OVERLAY DISTRICT (POD)

14-07-03 Plan Overlay Districts:

Plan Overlay Districts (POD) are applied as an overlay that reflects adjustments made to applicable base zoning districts based on a plan for the area within the district. Where the POD is silent as to a development standard or requirement, the requirements of the applicable base zoning district shall apply.

Legal Description:

This plan overlay district shall apply to the following lands:

Lot 1, Block 2, William Blackstone Addition

1. Purpose

Limit density to be compatible with existing residential units on the east side of Tyler Parkway.

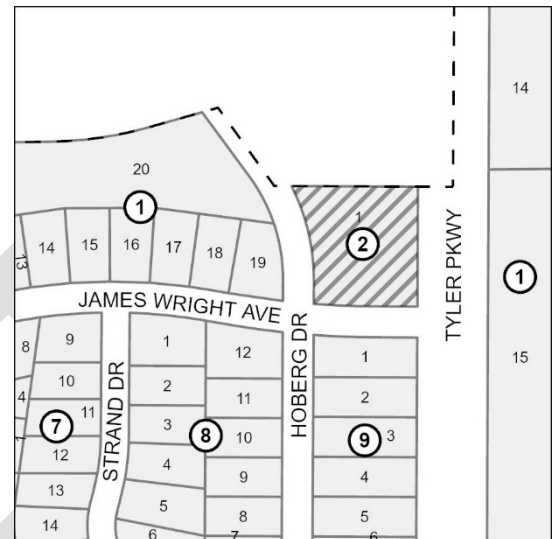
2. Comprehensive Plan

The following objectives of the Comprehensive Plan are supported:

“Use zoning and other tools to require new development and redevelopments to be harmonious with existing uses in the area and support the health, safety, and public welfare of the community” (S10a)

3. Standards and Requirements

- The maximum height of any principal building shall not exceed 40 feet.
- The number of housing units in the POD shall not exceed five.



Area of overlay district shown in hashmark

Base Zoning District:

RM – Residential Multifamily

Revision History:

TBD (ZC2026-008)

Certificate:

I, Jason Tomanek, do hereby certify that this document is a full, true and correct copy of a Plan Overlay District adopted at a legally convened meeting of the Board of City Commissioner held on this Date of Approval.

Jason Tomanek
City Administrator
Bismarck, North Dakota

Date

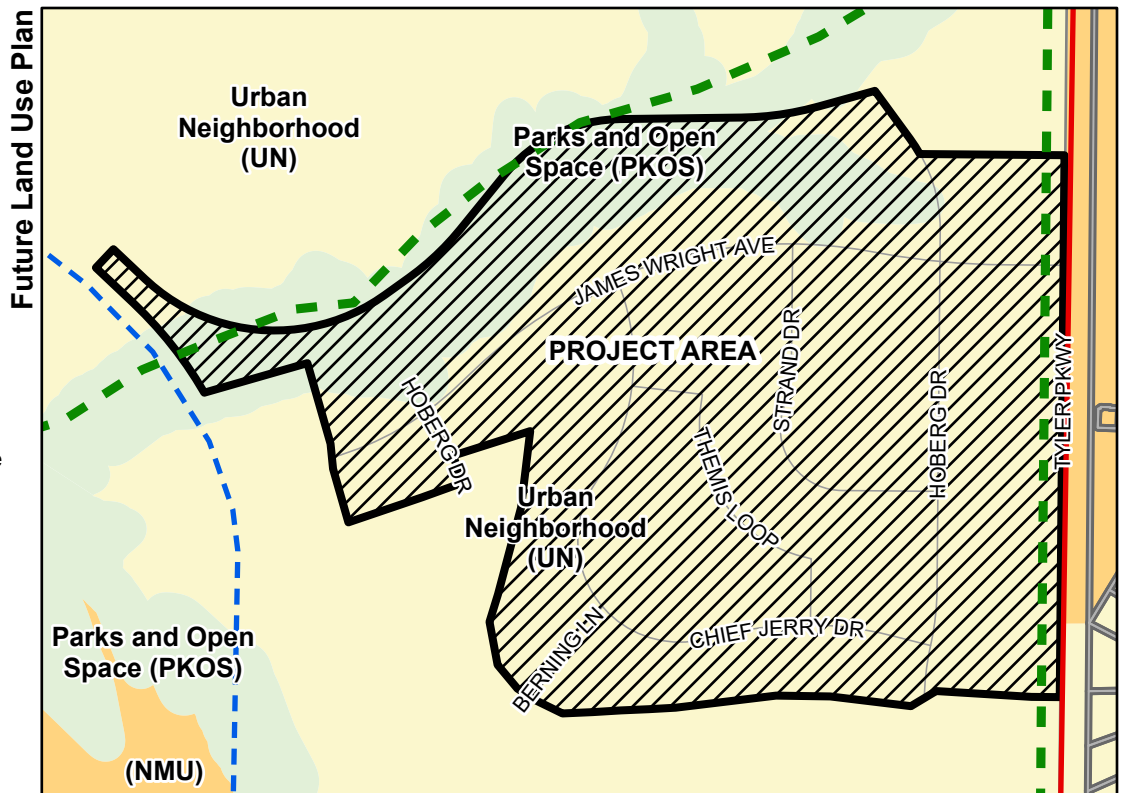
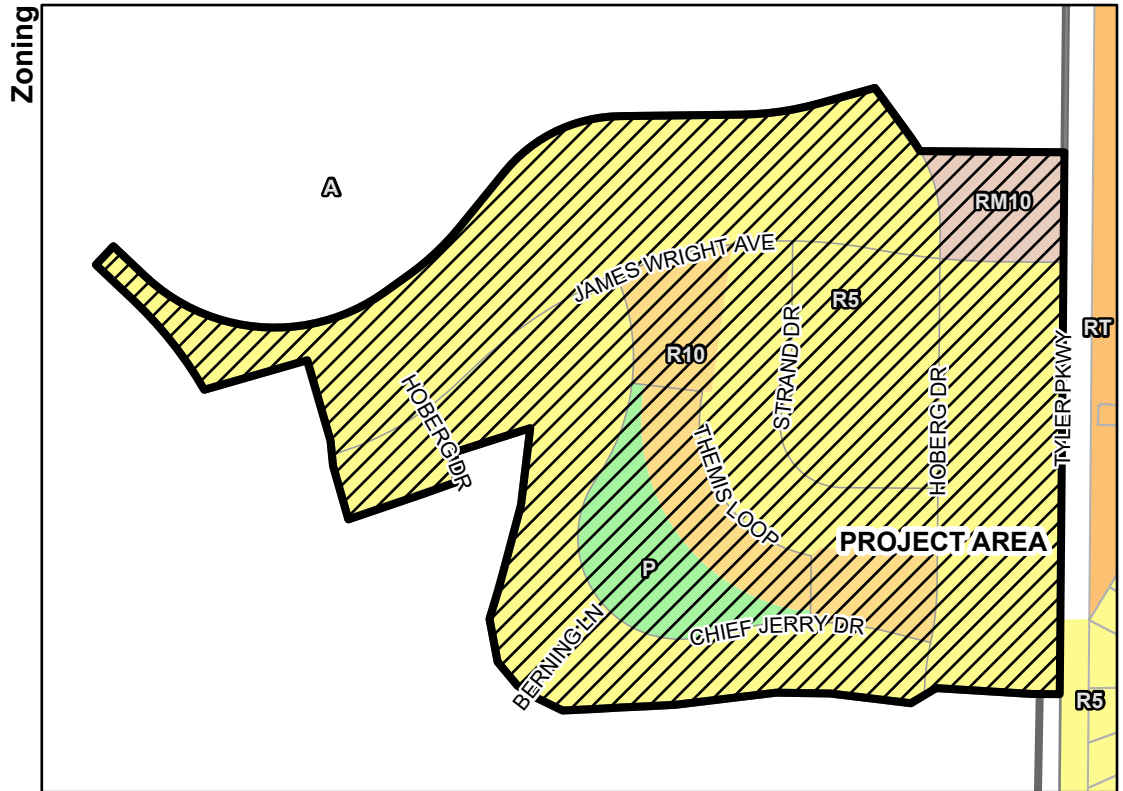
Zoning Districts

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

Future Land Use Plan

UN	Urban 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
TR	Residential Transitional
PKOS	Parks/Open Space
URA/	Urban Reserve
URB	Mid/Long-Term

- Existing Arterial
- - Future Arterial
- Existing Collector
- - Future Collector
- Existing Interstate
- - Future Interstate
- City Limits
- · - · Future Shared Use Trail
- Existing Shared Use Trail



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

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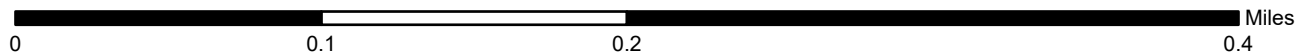
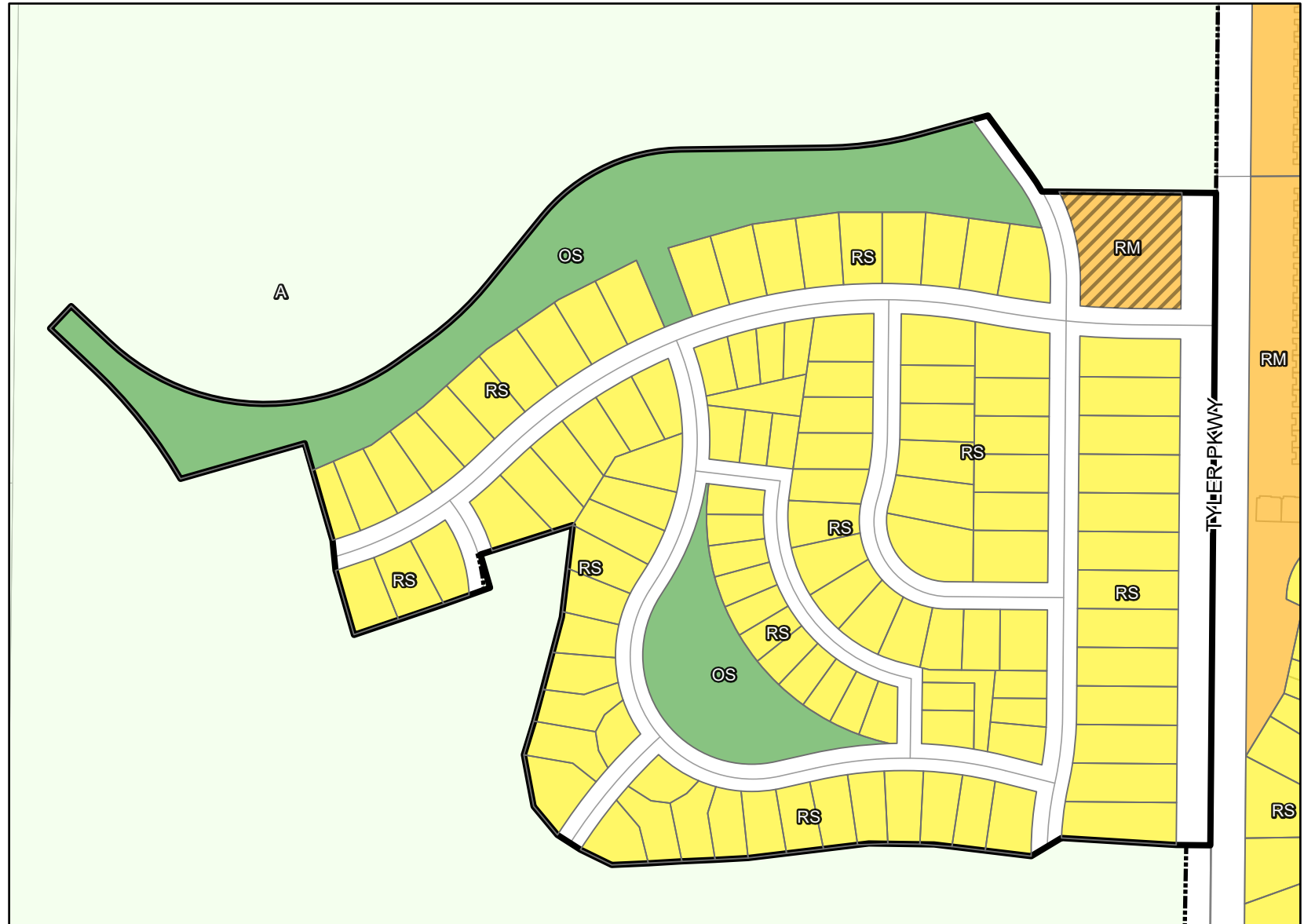
City of Bismarck
Planning Department
July 9, 2026

Proposed New Zoning Map

-  Project Area
-  City Limits
-  Plan Overlay District

Zoning Districts

- A** Agriculture
- RRE** Residential Rural Estate
- RR** Residential Rural
- RS** Residential Suburban
- RM** Residential Multi-Family
- RU** Residential Urban
- RMH** Residential Manufactured Housing
- RX** Residential Mixed
- OX** Office Mixed
- CX** Commercial Mixed
- CG** Commercial General
- IX** Industrial Mixed
- IG** Industrial General
- DT** Downtown
- PCI** Public Civic
- OS** Institutional
- OS** Open Space
- PUD** Planned Unit Development



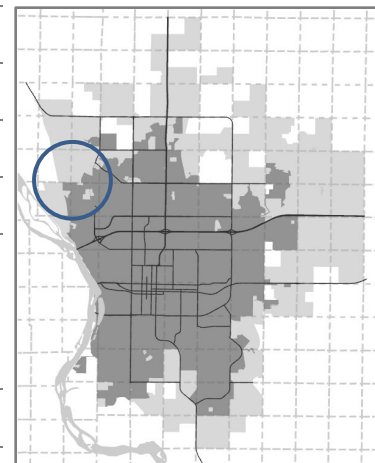
This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Planning Department
June 22, 2026

Project Summary

<i>Title:</i>	Elk Ridge Fourth Addition Update
<i>Status:</i>	Planning and Zoning Commission – Consideration
<i>Property Owner(s):</i>	Section 18 Land LLC
<i>Project Contact:</i>	Daniel Nairn, AICP, Planning Director
<i>Project Location:</i>	Northwest of Bismarck, between North Washington Street and River Road, west of Tyler Parkway and north of Frisco Way (Part of the SW¼ of Section 18, T139N-R80W/Hay Creek Township)
<i>Project Size:</i>	23.65 acres
<i>Applicant Request:</i>	Update zoning approved for Elk Ridge Fourth Addition to new Land Development Code districts
<i>Staff Recommendation:</i>	Call for public hearing



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	46 lots in 5 blocks	<i>Lots/Blocks:</i>	No Change
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Single-family residential
<i>Future Land Use:</i>	Urban Neighborhood (UN)	<i>Future Land Use:</i>	No Change
<i>Zoning:</i>	A-Agricultural	<i>Zoning:</i>	RS-Residential Suburban OS-Open Space
<i>Uses Allowed:</i>	A: Agriculture	<i>Uses Allowed:</i>	RS: 1-4 unit residential OS: Parks, open space, and stormwater detention

Area Information

Property History

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	Pending
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	7/14/2026
<i>Neighborhood:</i>	Elk Ridge	<i>Annexed:</i>	Pending

(continued)

Project Narrative

The Planning Department is requesting approval of a zoning map amendment for the Land Development Code zoning districts from A-Agricultural to the RS-Residential Suburban and OS-Open Space zoning districts for Elk Ridge Fourth Addition.

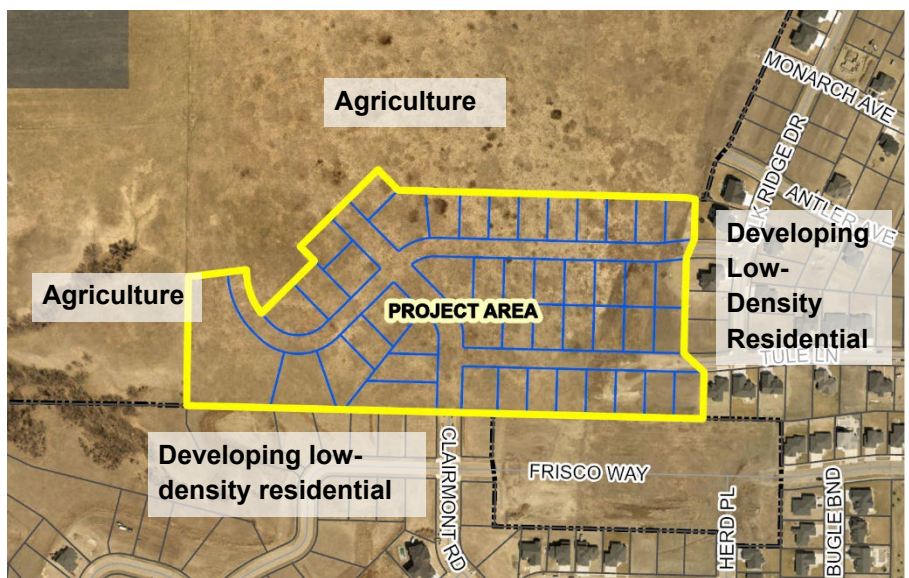
A rezoning to the R10 – Residential zoning district was approved by the City Commission on August

26, 2025. The plat was recorded on July 14, 2026, and the zoning will be published shortly after to become effective. Therefore, these changes were not accounted for in the approval of the initial zoning districts that corresponded to the Land Development Code. The purpose of this action is to update zoning into the most equivalent new districts.

Project Context

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

A Zoning and Plan Reference Map is attached, 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 quiet enjoyment of home life. Goals and objectives of this plan as they relate to the proposed zoning map amendment and plat are referenced in review standards below.

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.

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 (UN) in the Future Land Use Plan, as described in the Project Context section above. The proposed zoning districts would generally conform to the character of this district.

(continued)

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

Yes. Adjacent uses are described in the project context section above. The proposed zoning district would allow the development of single- and two-family homes and townhomes of up to three units. 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 A-Agricultural is the default for any piece of land that has not been otherwise zoned. The property is adjacent to the Elk Ridge neighborhood which continues to develop and expand. Therefore, the proposed zoning of the majority of the property to the RS-Residential Suburban zoning district at this time will help facilitate future phases of development. The OS-Open Space district is designated for the stormwater lot within the subdivision.

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

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

The proposed zoning map amendment would facilitate the development of single- and two-family homes, as well as three-unit townhouses.

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.

- S1: Encourage the formation and growth of complete neighborhoods.

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. This zoning map amendment is initiated by the City of Bismarck with notification of the property owner.

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 a public hearing for a zoning map amendment for the Land Development Code zoning districts from A-Agricultural to the RS-Residential Suburban and OS-Open Space zoning districts for Elk Ridge Fourth Addition.

Attachments

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map

(continued)

Staff report prepared by: Daniel Nairn, AICP, Planning Director
701-355-1854 | dnairn@bismarcknd.gov

**CITY OF BISMARCK
ORDINANCE NO. XXXX**

<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-02-02 OF THE CITY OF BISMARCK CODE OF ORDINANCES, 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 14-02-02 of the Code of Ordinances of the City of Bismarck, North Dakota, which will become effective on October 1, 2026, is hereby amended to read as follows:

The following described property shall be excluded from the A-Agricultural zoning district and included in the RS-Residential Suburban zoning district:

Lots 2-8, Block 1; Lots 1-4, Block 2; Lots 1-11, Block 3; Lots 1-15, Block 4, and Lots 1-8, Block 5, Elk Ridge Fourth Addition.

Section 2. Amendment. Section 14-02-02 of the Code of Ordinances of the City of Bismarck, North Dakota, which will become effective on October 1, 2026, is hereby amended to read as follows:

The following described property shall be excluded from the A-Agricultural zoning district and included in the OS-Open Space zoning district:

Lot 1, Block 1; Elk Ridge Fourth Addition.

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

Zoning Districts

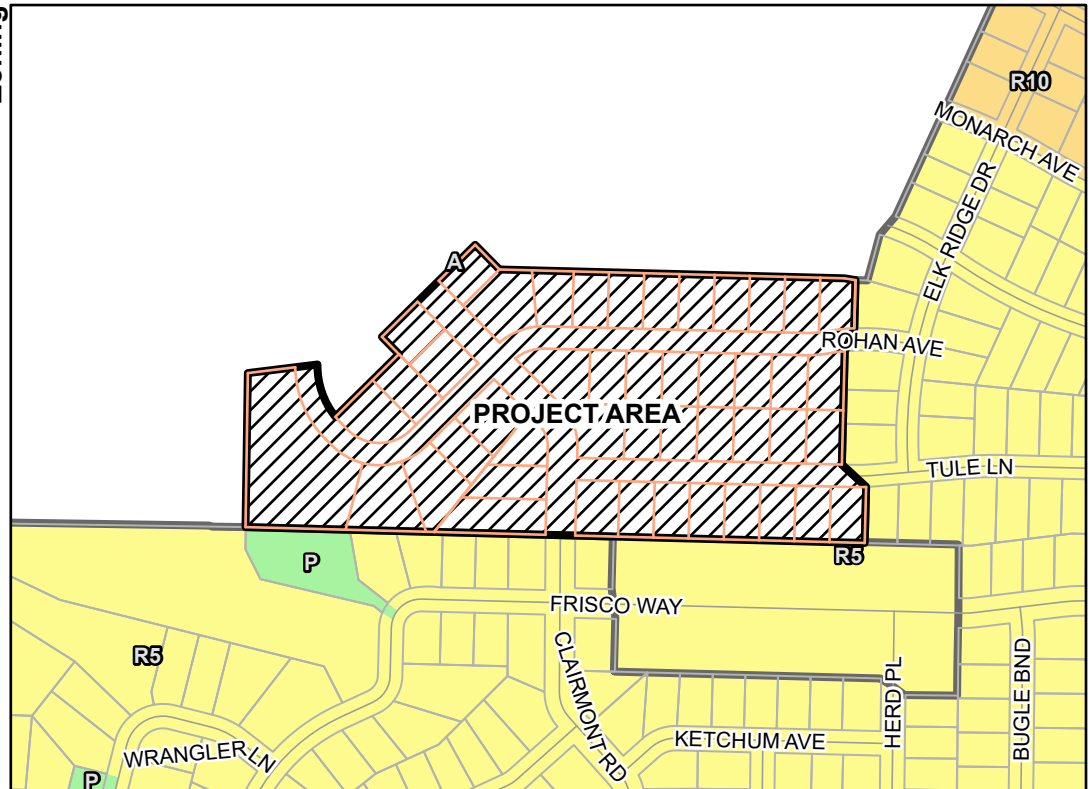
A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

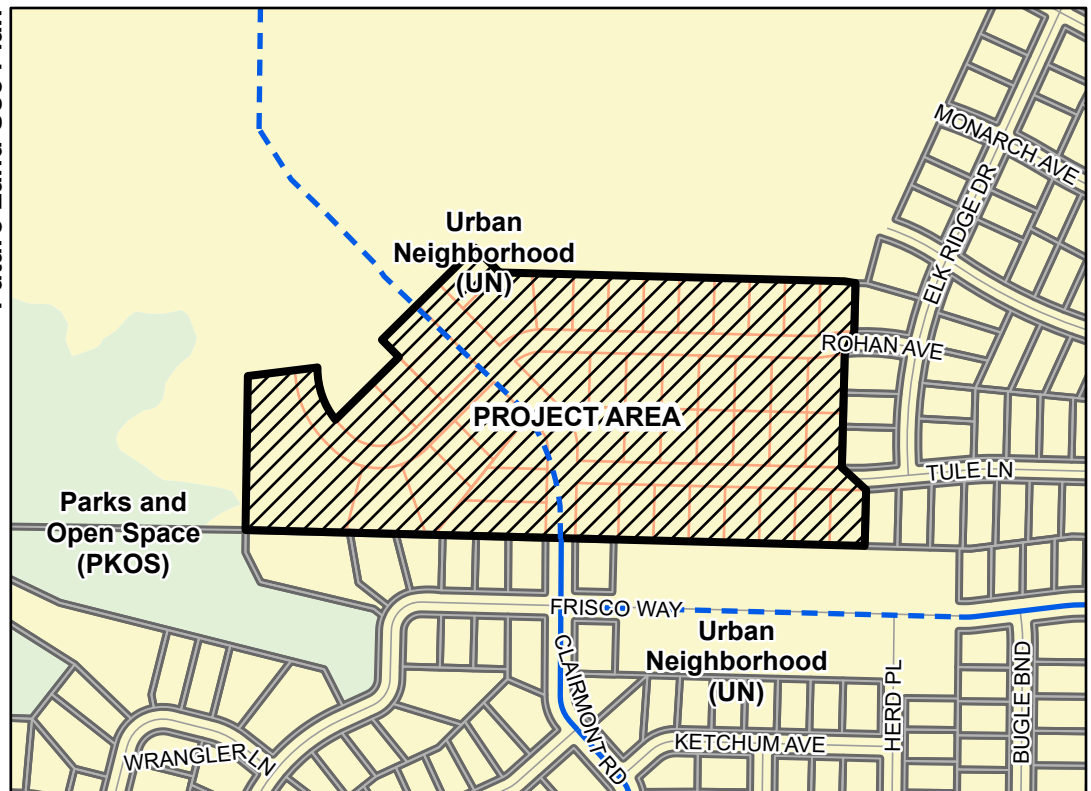
UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Residential Transitional
PKOS	Parks/Open Space
URA/	Urban Reserve
URB	Mid/Long-Term

- Existing Arterial
- - - Future Arterial
- Existing Collector
- - - Future Collector
- Existing Interstate
- - - Future Interstate
- City Limits
- - - Future Shared Use Trail
- Existing Shared Use Trail

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 herein.

0 375 750 1,500 Feet



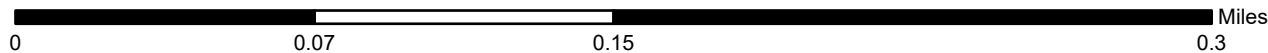
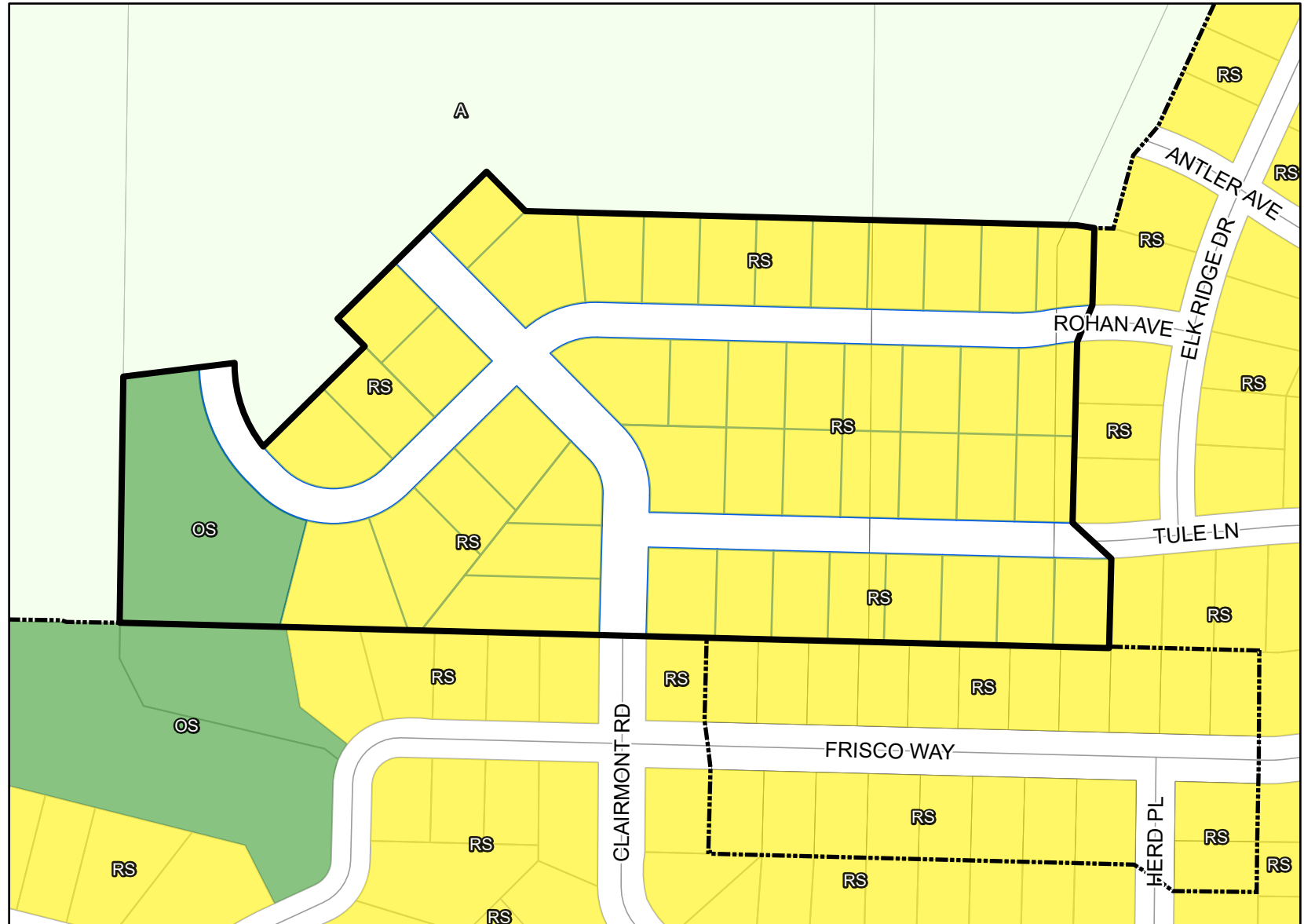
City of Bismarck
Planning Department
July 10, 2026

**Proposed New
Zoning Map**

-  Project Area
(zoning within
is proposed)
-  City Limits

Zoning Districts

- A** Agriculture
- RRE** Residential Rural Estate
- RR** Residential Rural
- RS** Residential Suburban
- RM** Residential Multi-Family
- RU** Residential Urban
- RMH** Residential
Manufactured
Housing
- RX** Residential Mixed
- OX** Office Mixed
- CX** Commercial Mixed
- CG** Commercial General
- IX** Industrial Mixed
- IG** Industrial General
- DT** Downtown
- PCI** Public Civic
- OS** Open Space
- PUD** Planned Unit
Development



*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.*



City of Bismarck
Planning Department
June 22, 2026

STAFF REPORT

Agenda Item # 4A

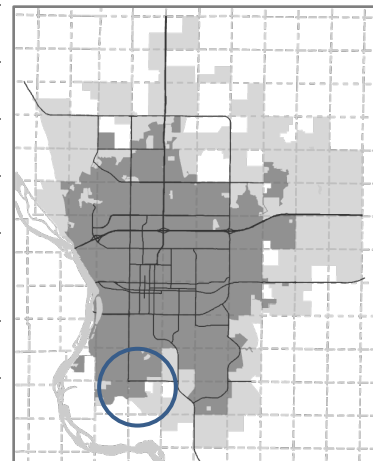
July 22, 2026

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

Project ID: **ZC2026-007**
PPLT2026-005

Project Summary

<i>Title:</i>	Paradise Valley Third Addition
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	EWR Bismarck Paradise Valley, LLC
<i>Project Contact:</i>	Hanna Boese, PE, Lowry Engineering
<i>Project Location:</i>	In south Bismarck, along the south side of Burleigh Avenue between Rutland Drive and Boston Drive
<i>Project Size:</i>	14.33 acres
<i>Applicant Request:</i>	Replat and rezone the property to facilitate future mixed-use (residential & commercial) development
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 lot in 1 block	<i>Lots/Blocks:</i>	2 lots in 1 block
<i>Land Use:</i>	Developing residential	<i>Land Use:</i>	Residential and commercial mixed-use
<i>Future Land Use:</i>	Neighborhood Mixed Use (NMU)	<i>Future Land Use:</i>	No change
<i>Zoning:</i>	RM30 – Residential (RM – Residential Multi-Family)	<i>Zoning:</i>	CX-Commercial Mixed-Use RM-Residential Multi-Family
<i>Uses Allowed:</i>	RM30 – Multi-family residential	<i>Uses Allowed:</i>	CX – Neighborhood commercial RM – Multi-family residential

Area Information

Property History

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	Pre-LDC:02/2023 LDC: 10/2026
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	01/2023
<i>Neighborhood:</i>	Paradise Valley	<i>Annexed:</i>	08/2022

(continued)

Project Narrative

EWR Bismarck Paradise Valley, LLC is requesting approval of a zoning map amendment from the existing RM30 – Residential (RM-Residential Multi-Family) zoning district to the CX-Commercial Mixed-Use and RM-Residential Multi-Family zoning districts, and a preliminary subdivision plat titled Paradise Valley Third Addition.

The applicant intends to replat the existing single parcel into a two-lot in one-block subdivision where the larger, northern lot would be zoned CX-Commercial Mixed-Use and the southern lot would be zoned RM-Residential Multi-Family (which is roughly equivalent to the current RM30 – Residential zoning district).

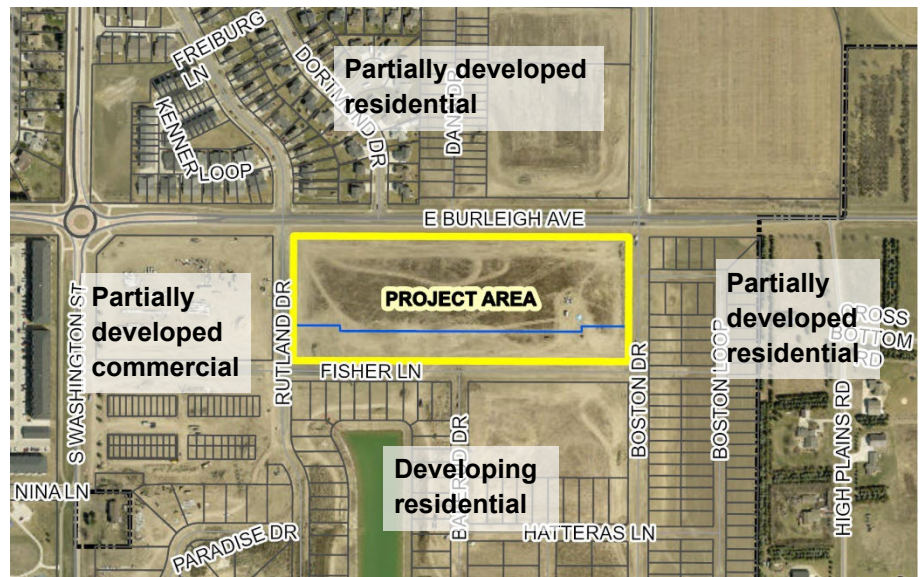
There are a series of four-unit townhouse-style buildings being constructed on what will become the southern lot. The applicant intends to create a mixture of commercial and apartment-style residential uses on the northern lot; a tentative, preliminary site plan for the northern lot is attached. The replat will ensure that both parcels have sufficient easements for utilities and access.

The applicant chose to opt into the new Land Development Code process which permits zoning map amendments (including those accompanied by preliminary subdivision plats) to appear for a public hearing without an initial meeting for consideration/calling for a public hearing by the Planning and Zoning Commission.

Project Context

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

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



The property has been identified as Neighborhood Mixed-Use (NMU) in the Future Land Use Plan. The NMU areas are described as the social and commercial gathering spaces for the immediate surrounding residential areas. Goals and objectives of this plan, as they relate to zoning map amendments and preliminary subdivision plats, are referenced in review standards below.

The project area is on the northern edge of the developing Paradise Valley neighborhood. To the north, east, and south, is developing or partially developed land primarily with single- and two-family dwellings. To the west is partially developed commercial land

(continued)

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on July 9 and 16, and 45 postcards were mailed to the owners of nearby properties on July 10, 2026.

A physical sign providing information on the public hearing was placed in a publicly accessible spot at the project location on July 7, 2026.

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.

Zoning Map Amendment

The amendment is consistent with the Future Land Use Plan and all other provisions of the Comprehensive Plan – 14-20-05(10)(d)(i)

Yes. The proposed zoning map amendment is within the area designated as Neighborhood Mixed Use (NMU) 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 amendment adheres to the general intent and purpose of this Code – 14-20-05.10(d)ii

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.

The proposed zoning district is compatible with adjacent land uses and zoning – 14-20-05(10)(d)(iii)

Yes. Adjacent uses are described in the Project Context section above. The proposed zoning district would allow a variety of residential uses as well as neighborhood-supporting commercial uses. Development that may be anticipated from the proposed zoning would have no negative impact on the surrounding properties.

Proper administrative procedures related to the request have been followed – 14-20-05(10)(d)(iv)

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.

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 amendment will not adversely impact the public health, safety, and general welfare – 14-20-05(10)(d)(v)

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.

Preliminary Subdivision Plat

The subdivision complies with the applicable dimensional standards of this Code – 14-20-06(3)(c)(iv)(1)

(continued)

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 setback and lot coverage requirements. All rights-of-way and dedicated easements conform to design standards of the subdivision ordinance.

The subdivision adheres to the Major Street Plan – 14-20-06(3)(c)(iv)(2) ([Major Street Plan](#))

Yes. The following corridors are identified in the Major Street Plan and are adjacent to the boundary of the proposed subdivision: East Burleigh Avenue and Boston Drive. Neither the plat nor the anticipated development are expected to interfere with the Major Street Plan. A plan reference map is attached to this staff report.

Vehicle trips generated by the proposed subdivision will be adequately supported by the transportation system – 14-20-06(3)(c)(iv)(3)

Yes. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore, no traffic impact study is required.

Street connectivity is provided for efficient travel and secondary access for emergency services – 14-20-06(3)(c)(iv)(4)

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

Roadway access is managed to reduce potential points of conflict and improve safety – 14-20-06(3)(c)(iv)(5)

Yes. Direct access to major public roadways is appropriately limited and spacing of all intersections is adequate to meet the City's access management standards and professional

engineering judgement. Non-access lines will be dedicated with the proposed plat to communicate and enforce this access control.

A neighborhood park will be available within walking distance for all urban residents – 14-20-06(3)(c)(iv)(6)

Yes. Adequate parks and open space already exist to serve anticipated residents of this subdivision. The requirements of the neighborhood parks and open space policy have been waived by the Bismarck Parks and Recreation District per Section 14-16-02(2)(b)(iii). The plat area is a replat of an area served by the Parks Development Agreement of the original Paradise Valley Addition.

The subdivision is designed to minimize natural hazards and impacts to environmentally sensitive land – 14-20-06(3)(c)(iv)(7)

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

Stormwater runoff impacted by this subdivision is adequately managed to protect public and private investments and the natural environment – 14-20-06(3)(c)(iv)(8)

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

Water supply systems will be adequately supplied by the City or seamlessly transition from a rural to an urban system through cooperation with the South Central Regional Water District – 14-20-06(3)(c)(iv)(9)

(continued)

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

The City's investment in infrastructure associated with the proposed subdivision is expected to receive a proportional long-term return to residents through future revenues or other public goods associated with the proposed subdivision – 14-20-06(3)(c)(iv)(10)

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

Technical specifications required of the preliminary plat have been met – 14-20-06(3)(c)(iv)(11)

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

Proper administrative procedures related to the request have been followed – 14-20-06(3)(c)(iv)(12)

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

Code have been followed to date. Staff held a meeting with the applicant to discuss the request prior to submittal of a formal application. A complete application for the preliminary plat was submitted to the Planning Department, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

The subdivision will not adversely impact the public health, safety, and general welfare – 14-20-06(3)(c)(iv)(13)

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 zoning map amendment from the existing RM30 – Residential (RM-Residential Multi-Family) zoning district to the CX-Commercial Mixed-Use and RM-Residential Multi-Family zoning districts, and a preliminary subdivision plat titled Paradise Valley Third Addition.

Attachments

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map
4. Preliminary Plat

Staff report prepared by: Isak Johnson, AICP, Planner
701-355-1850 | ijohnson@bismarcknd.gov

**CITY OF BISMARCK
ORDINANCE NO. XXXX**

<i>First Reading</i>	
<i>Second Reading</i>	
<i>Final Passage and Adoption</i>	
<i>Publication Date</i>	

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-02-02 OF THE CITY OF BISMARCK CODE OF ORDINANCES, 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 14-02-02 of the Code of Ordinances of the City of Bismarck, North Dakota, which will become effective on October 1, 2026, is hereby amended to read as follows:

The following described property shall be excluded from the RM-Residential Multi-Family zoning district and included in the CX-Commercial Mixed-Use zoning district:

Lot 1, Block 1, Paradise Valley Third Addition

Section 2. Amendment. Section 14-02-02 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 RM-Residential Multi-Family zoning district and included in the RM-Residential Multi-Family zoning district:

Lot 2, Block 1, Paradise Valley Third Addition

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

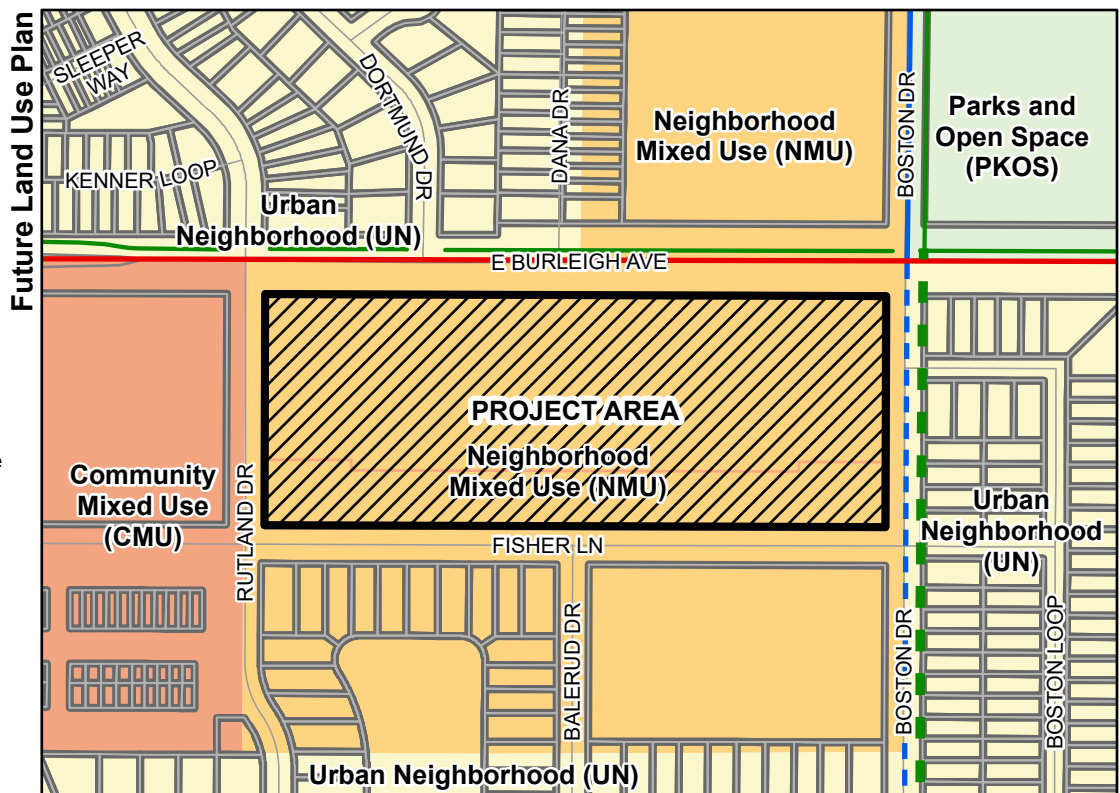
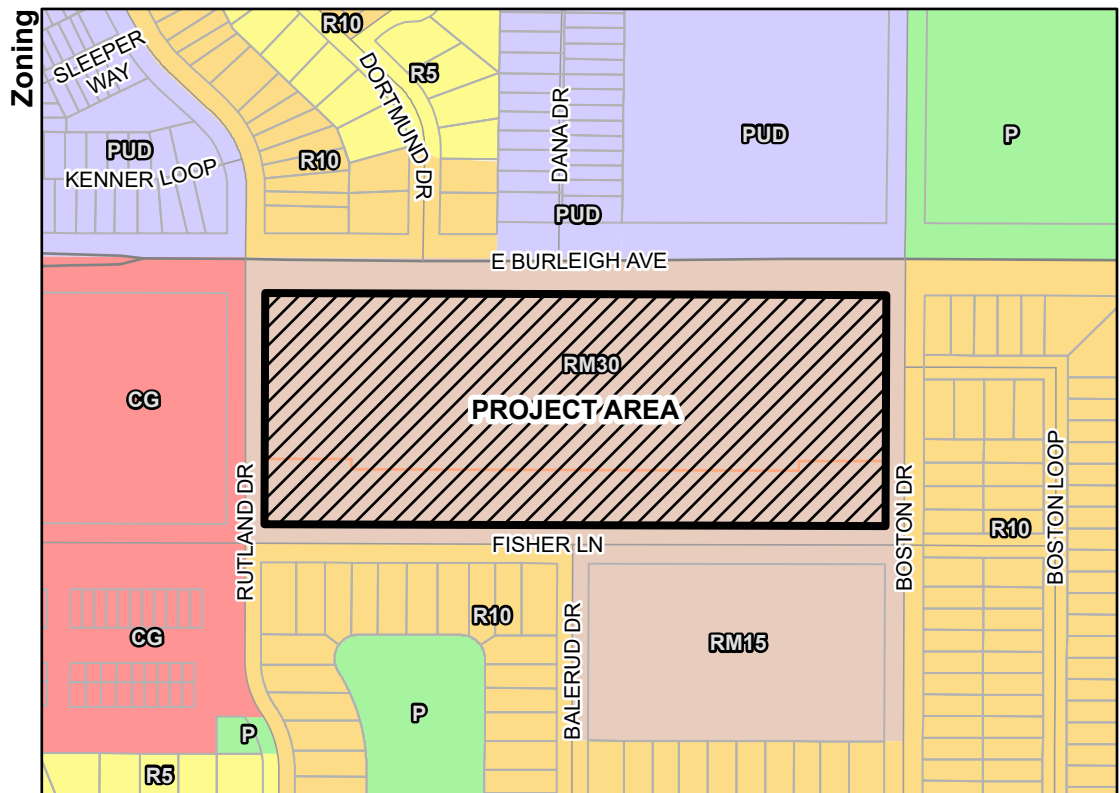
Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
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CMU	Community Mixed Use
DMU	Destination Mixed Use
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IMU	Industrial Mixed Use
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PKOS	Parks/Open Space
URA/	Urban Reserve
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- Existing Arterial
- - Future Arterial
- Existing Collector
- - Future Collector
- Existing Interstate
- - Future Interstate
- City Limits
- - - Future Shared Use Trail
- Existing Shared Use Trail



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0 290 580 1,160 Feet

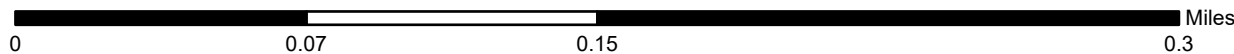
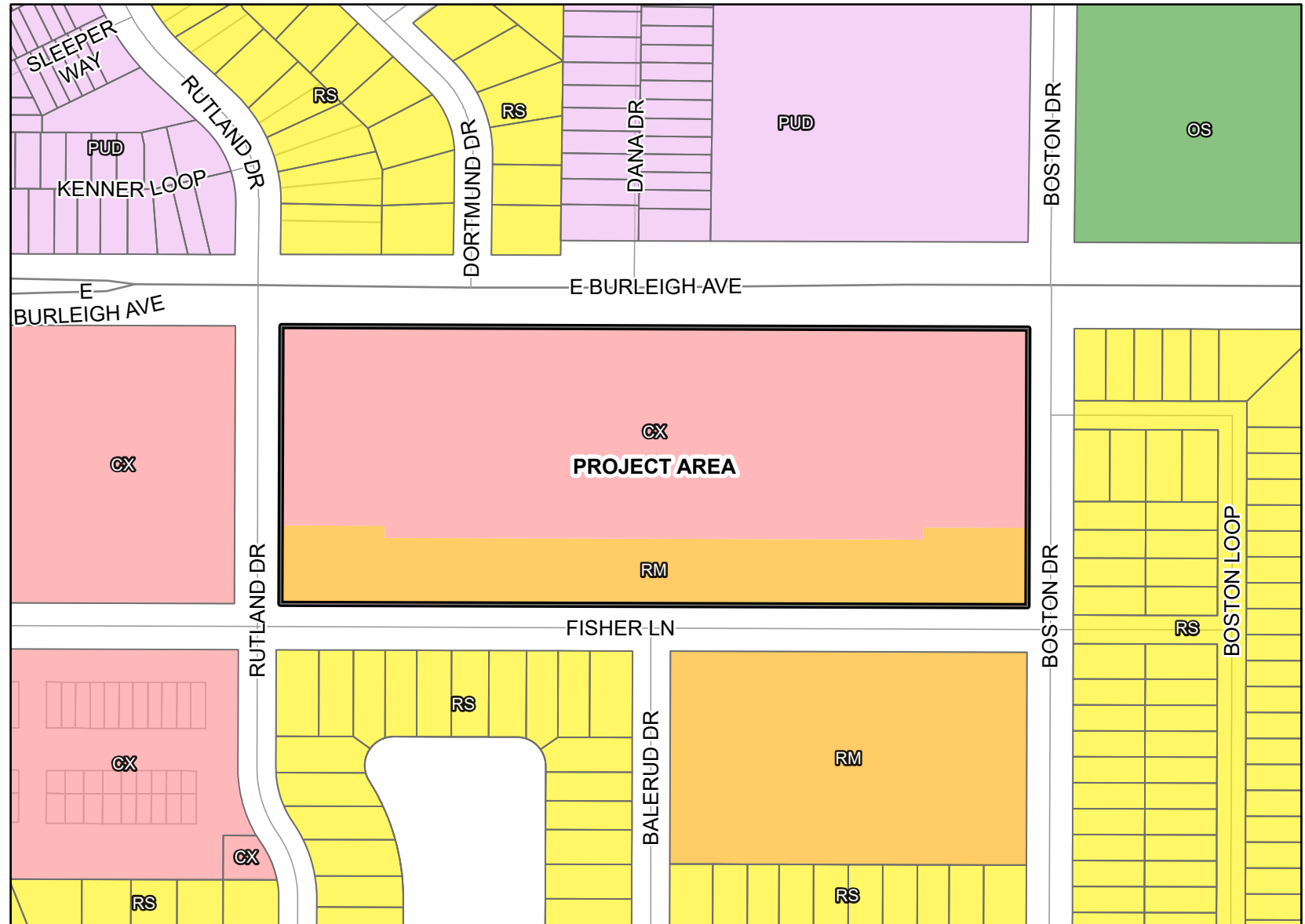


City of Bismarck
Planning Department
July 13, 2026

Proposed New Zoning Map

-  Project Area
-  City Limits
-  Plan Overlay District

- Zoning Districts**
- A** Agriculture
 - RRE** Residential Rural Estate
 - RR** Residential Rural
 - RS** Residential Suburban
 - RM** Residential Multi-Family
 - RU** Residential Urban
 - RMH** Residential Manufactured Housing
 - RX** Residential Mixed
 - OX** Office Mixed
 - CX** Commercial Mixed
 - CG** Commercial General
 - IX** Industrial Mixed
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 - DT** Downtown
 - PCI** Public Civic
 - OS** Institutional Open Space



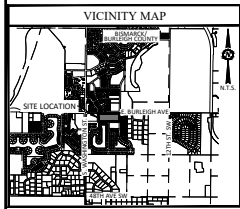
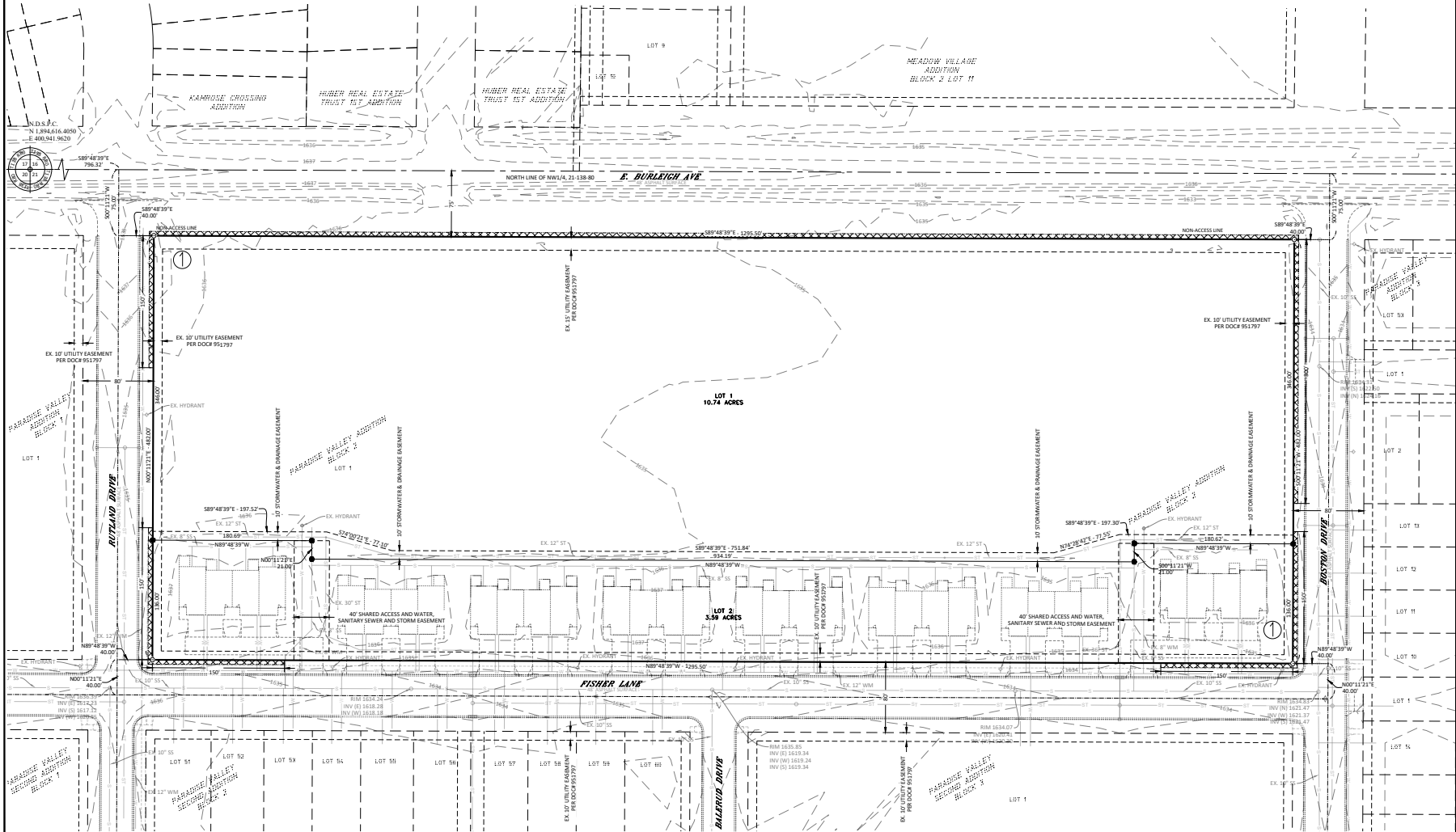
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City of Bismarck
Planning Department
July 16, 2026

PARADISE VALLEY THIRD ADDITION

A REPLAT OF LOT 1 BLOCK 2 OF PARADISE VALLEY ADDITION,
IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

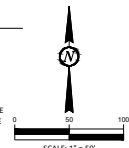


LOWRY
ENGINEERING
5306 51ST AVENUE SOUTH, SUITE A
FARGO, NORTH DAKOTA 58104
DATE: 07/02/20

SHEET 1 OF 2

AREA		
LOTS	624,430 SF	14.33 ACRES
RIGHT-OF-WAY	0 SF	0 ACRES
TOTAL	624,430 SF	14.33 ACRES

LEGEND	
(P)	BLOCK #
○	MONUMENT SET
—	EX. EASEMENT
---	EX. PROPERTY LINE
---	EX. SECTION LINE
---	PROPERTY BOUNDARY LINE
---	NEW ROW/PROPERTY LINE
---	NEW EASEMENT LINE
XXXXXX	EX. NON-ACCESS LINE



SURVEY INFORMATION

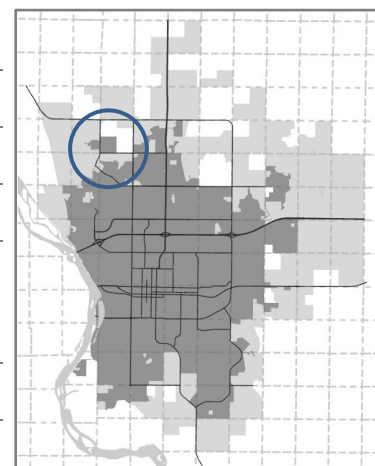
DATE OF SURVEY: DECEMBER 2021
BASIS OF BEARING: ND STATE PLANE SOUTH ZONE NAD83 (3302)
ADJUSTMENT 1986. UNIT OF MEASURE IS INTERNATIONAL FEET.
CONTOUR VERTICAL DATUM: NAVD 88
TOPOGRAPHIC CONTOURS ARE DERIVED FROM SURVEY.
BENCHMARK USED: T-NUT HYDRANT LOCATED IN THE NORTHWEST CORNER OF SECTION 21 NEAR THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH WASHINGTON STREET AND E. BURLEIGH AVE HAS AN ELEV: 1640.98' (NAVD 88)

NOTES

- ALL DISTANCES SHOWN ARE GROUND MEASUREMENT.
- EXISTING SITE ZONED AS RM - RESIDENTIAL MULTI-FAMILY.
- ADJACENT ZONING = EX - COMMERCIAL MIXED USE
RM - RESIDENTIAL MULTI-FAMILY
RS - RESIDENTIAL SUBURBAN
PUD - PLANNED UNIT DEVELOPMENT
OS - OPEN SPACE
4. PROPOSED ZONING = EX - COMMERCIAL MIXED USE (NORTH LOT)
RM - RESIDENTIAL MULTI-FAMILY (SOUTH LOT)

Project Summary

<i>Title:</i>	Heritage Ridge Second Addition, Block 1, Lots 14-15
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Heritage Development Inc.
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Co
<i>Project Location:</i>	Northwest Bismarck, west of North Washington Street between 57th Avenue NW and south of 64th Avenue NW, along the east side of Tyler Parkway
<i>Project Size:</i>	16.5 acres
<i>Applicant Request:</i>	Special use permit for personal flex buildings
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 parcel in 1 block	<i>Lots/Blocks:</i>	No change
<i>Land Use:</i>	Multi-family residential	<i>Land Use:</i>	Multi-family residential and personal flex
<i>Future Land Use:</i>	Neighborhood Mixed Use (NMU)	<i>Future Land Use:</i>	No change
<i>LDC Zoning:</i>	RM – Residential Multi-family	<i>Zoning:</i>	No change
<i>LDC Uses Allowed:</i>	Multi-family residential and personal flex buildings with Special Use Permit	<i>Uses Allowed:</i>	No change

Area Information

Property History

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	03/2021 (RT); 10/2026 (LDC Zoning RM)
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	03/2021
<i>Neighborhood:</i>	Heritage Park/Ridge	<i>Annexed:</i>	03/2021

(continued)

Project Narrative

Heritage Development Inc. is requesting approval of a special use permit for personal flex structures on Lots 14-15, Block 1, Heritage Ridge Second Addition.

Personal flex buildings are a new use introduced with the adoption of the Land Development Code (LDC). They are defined as a non-habitable, non-commercial building used by an individual or household for personal storage, hobbies, craftwork, or private recreation, and not open to the public. Personal flex uses are intended for use by residents of an adjacent neighborhood.

Personal flex is an allowable use in the IX – Industrial Mixed-Use zoning district and allowed

with approval of a special use permit within the RR-Rural Residential, RS-Residential Suburban, and RM-Residential Multi-Family zoning districts based on specific standards outlined below.

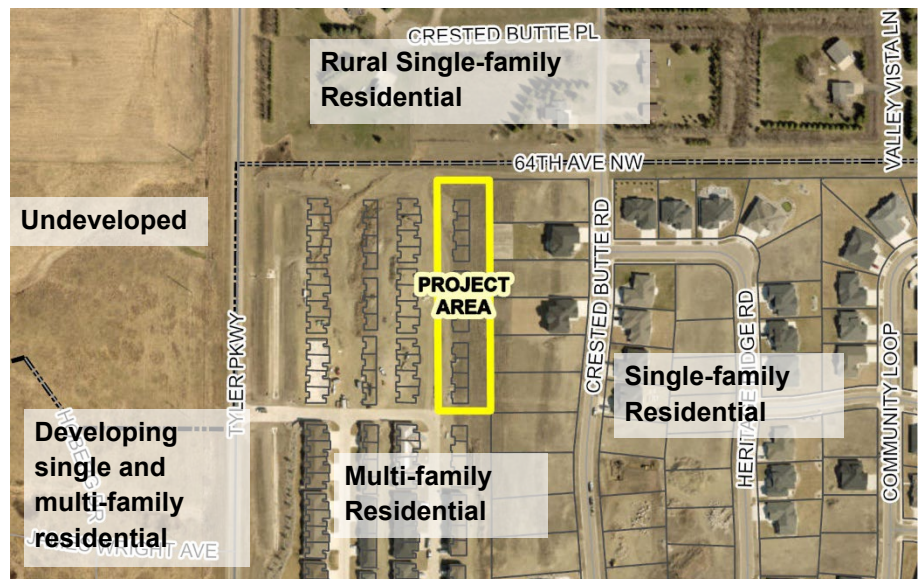
During the adoption of the LDC, the City Commission authorized applicants to submit new projects under the LDC prior to the effective date of October 1, 2026.

The applicant is proposing to construct three personal flex structures within the northeast portion of their multi-family residential subdivision. Two of the structures will contain five units, and one structure will contain six units, for a total of 16 units.

Project Context

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

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



The property has been identified as Neighborhood Mixed Use (NMU) in the Future Land Use Plan. The NMU areas are the social and commercial gathering spaces for the immediate surrounding residential areas. Goals and objectives of this plan as they relate to this request are referenced in review standards below.

Adjacent land uses include rural residential to the north across the unimproved 64th Avenue NW,

single-family residential to the east, multi-family residential to the south and undeveloped and developing residential uses to the west across Tyler Parkway.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on July 9 and 16, and 31 postcards were mailed

(continued)

to the owners of nearby properties on July 10, 2026.

A physical sign providing information on the public hearing was placed in a publicly accessible spot at the project location on July 7, 2026.

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 special use permit is consistent with the Comprehensive Plan and the purpose of the applicable zoning district – 14-20-05(8)(d)(i)

Yes. The proposed special use permit adheres to the overall goals and objectives of the comprehensive plan and would support the purpose of the zoning ordinance, as stated in the City Code of Ordinances and North Dakota Century Code.

The special use permit complies with the requirements of this Code, including any use-specific standards in Chapter 14-10 Use Definitions and Use-Specific Standards – 14-20-05(8)(d)(ii)

Yes. The proposed special use standards for a personal flex use outlined in Section 14-10-05(4)(b)(ii) have been, or will be, met by the proposed special use:

1. *Personal flex uses may only be permitted on a lot that includes four or more independent personal flex units.*

The project includes 16 personal flex units.

2. *Personal flex structures shall not be occupied as a residence, temporarily or permanently.*

The applicant has confirmed that this standard will be met.

3. *Personal flex uses are for private use only. Any commercial activity is prohibited, including storage of commercial goods or public assembly. Personal flex uses shall not be considered an extension of a residence that would allow a home occupation activity.*

The applicant has confirmed that this standard has been met.

4. *A Level 2 enhanced landscaped buffer shall be planted where adjacent to residential uses, as described in Section 14-15-09, Buffer Yards.*

The personal flex structures are located in the northeast portion of the neighborhood adjacent to developing residential uses, which are situated above the structures due to the site's significant topography. To account for this elevation difference, the applicant has requested an adjustment to the required Level 2 enhanced landscape buffer. The submitted landscape plan provides an alternative design that meets the intent of the LDC landscaping requirements and has been approved by the City Forester and Planning Director.

5. *Personal flex uses may be supplied with water and sewer service to each unit.*

The applicant has indicated that each unit will be serviced by municipal water and sewer.

(continued)

6. *The maximum building height of a personal flex structure is 25 feet.*

According to the drawings submitted with the application, the proposed personal flex structures will be 24 feet 9 inches.

7. *Buildings shall be located with a minimum width of 60 feet of hard-surfaced area when two garage fronts face each other.*

According to the drawings submitted with the application this standard will be met. A width of 76 feet of hard-surface area is sited between units.

8. *The following design standards regarding materials and appearance shall apply to align personal flex structures with the residential character of the surrounding properties.*

a. *The front building façade and any façade visible from the public right-of-way shall be designed with finished materials covering at least the bottom 30 percent of the area of each wall on all sides, with finished building materials being limited to modular masonry materials such as brick, stone or dimensional block; precast concrete or aggregate panels; stucco or stucco-like materials; or prefinished metal architectural panels.*

b. *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 to the original architectural design and general appearance.*

- c. *Overhead doors shall be inwardly-oriented to the greatest degree feasible on the lot.*

9. *If a homeowners association exists or will be created for an adjacent neighborhood, authority over management of personal flex uses should be assigned to this homeowners association rather than an independent association. Evidence of adequate long-term management may be requested during the special use permit process.*

According to the information submitted with the application, the proposed personal flex structures will meet the above design criteria. The structures are roughly 500 feet from Tyler Parkway and overhead doors are inwardly oriented.

The special use permit includes a plan for mitigating or offsetting any significant adverse impacts, including but not limited to hours of operation, traffic generation, lighting, noise, odor, dust and other external impacts, anticipated to result from the use – 14-20-05(8)(d)(iii)

Yes. The special use permit includes a plan for mitigating or offsetting any significant adverse impacts. A buffer yard will be planted along the north and east side of the proposed personal flex structures. A landscape plan is attached.

Proper administrative procedures related to the request are being followed – 14-20-05(8)(d)(iv)

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.

(continued)

The special use permit will not adversely impact the public health, safety, and general welfare – 14-20-05(8)(d)(v)

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 the proposed special use permit for

personal flex uses on Lots 14-15, Block 1, Heritage Ridge Second Addition.

Attachments

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

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 PERSONAL FLEX
IN HERITAGE RIDGE SECOND ADDITION (SUP2026-005)**

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 14-20-05(8) of the Bismarck Code of City Ordinances; and

WHEREAS, the owners of property described as Lots 14-15, Block 1, Heritage Ridge Second Addition have requested approval of a special use permit to allow a personal flex in the RM – Residential zoning district on said property; and

WHEREAS, The Bismarck Planning and Zoning Commission held a public hearing on July 22, 2026 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 for personal flex on Lots 14-15, Block 1, Heritage Ridge Second Addition 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 July 22, 2026.

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 July 22, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand.

Daniel Nairn, AICP
Planning Director
Bismarck, North Dakota

Date

Label: LDC Zoning (Old Zoning)

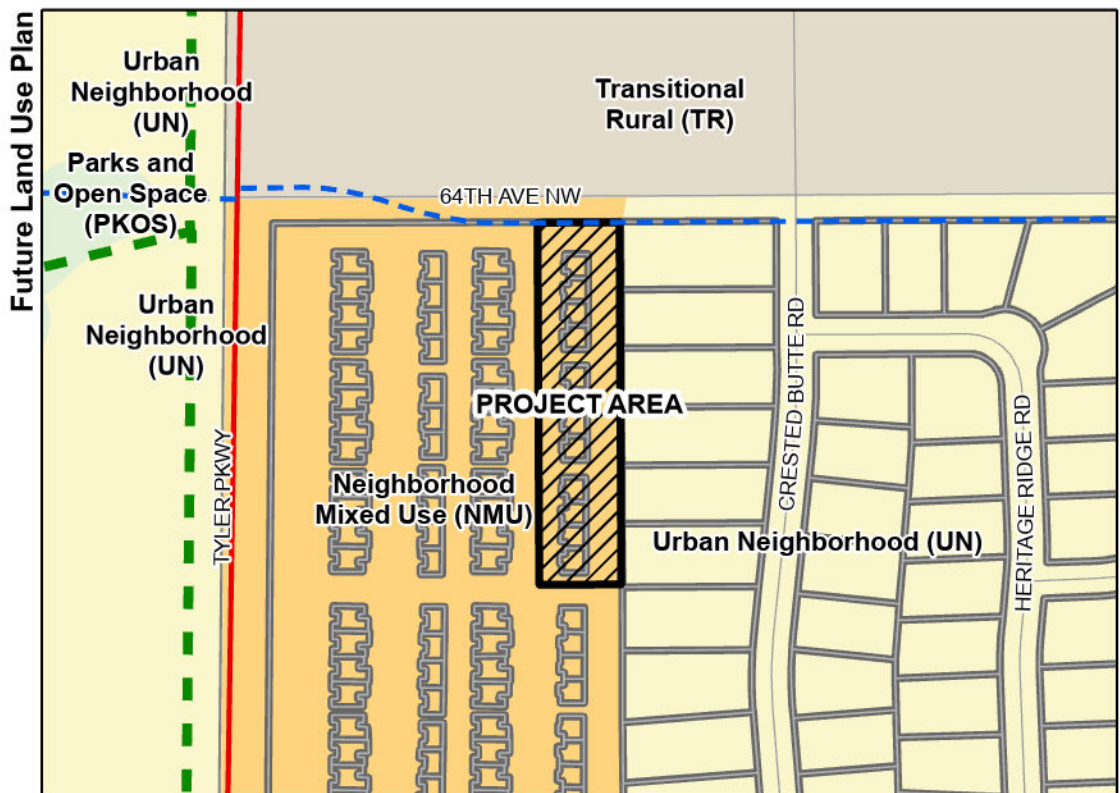
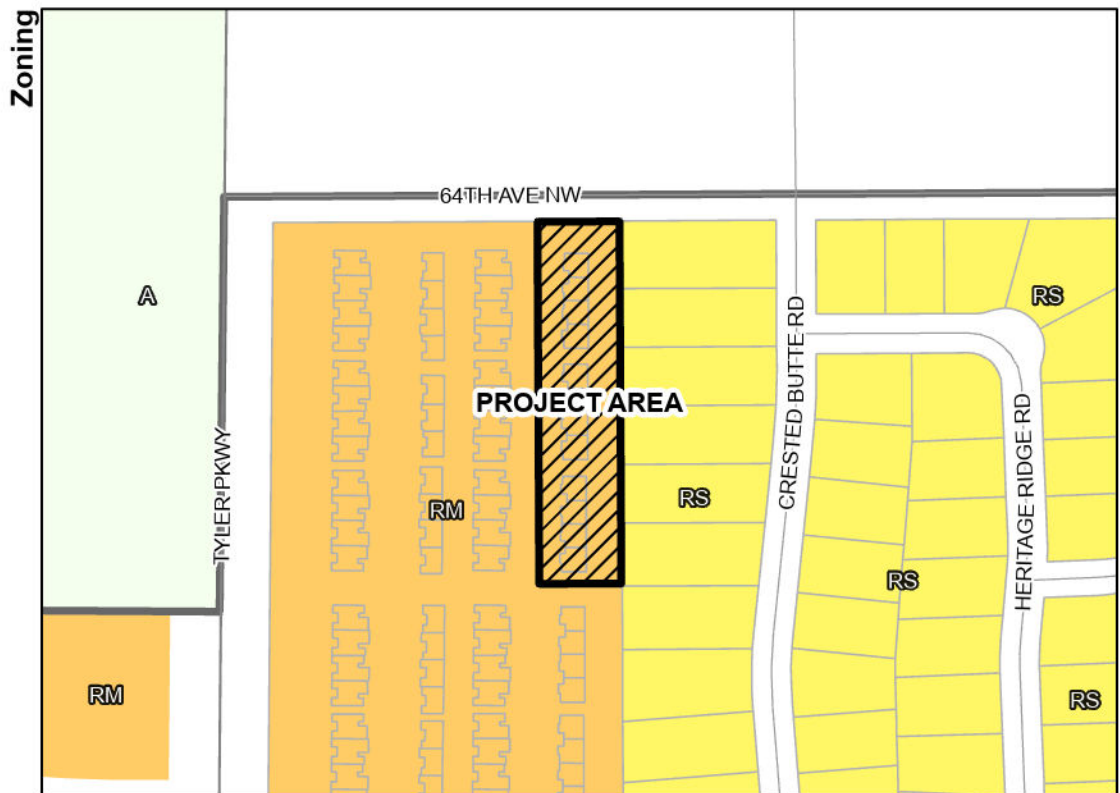
Zoning Districts

A	Agriculture
RRE	Residential Rural Estate
RR	Residential Rural
RS	Residential Suburban
RM	Residential Multi-Family
RU	Residential Urban
RMH	Residential Manufactured Housing
RX	Residential Mixed
OX	Office Mixed
CX	Commercial Mixed
CG	Commercial General
IX	Industrial Mixed
IG	Industrial General
DT	Downtown
PCI	Public Civic Institutional
OS	Open Space
PUD	Planned Unit Development

Future Land Use Plan

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

- Existing Arterial
- - - Future Arterial
- Existing Collector
- - - Future Collector
- Existing Interstate
- - - Future Interstate
- City Limits
- - - Future Shared Use Trail
- Existing Shared Use Trail



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.

0 212.5 425 850 Feet



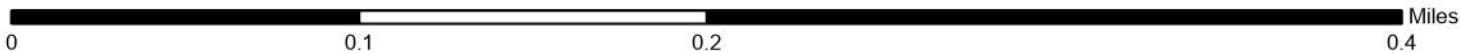
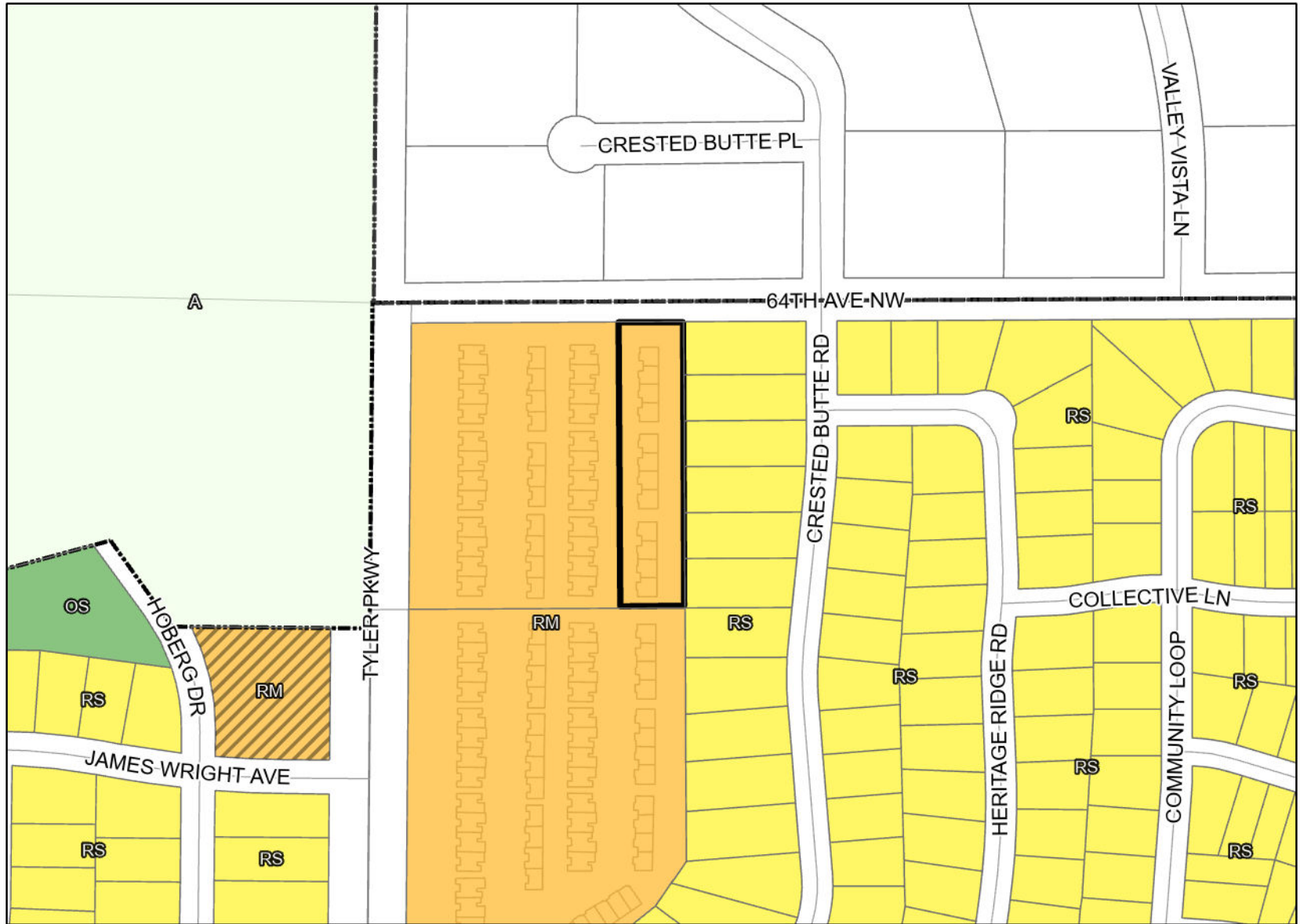
City of Bismarck
Planning Department
July 15, 2026

Proposed New Zoning Map

-  Project Area
-  City Limits
-  Plan Overlay District

Zoning Districts

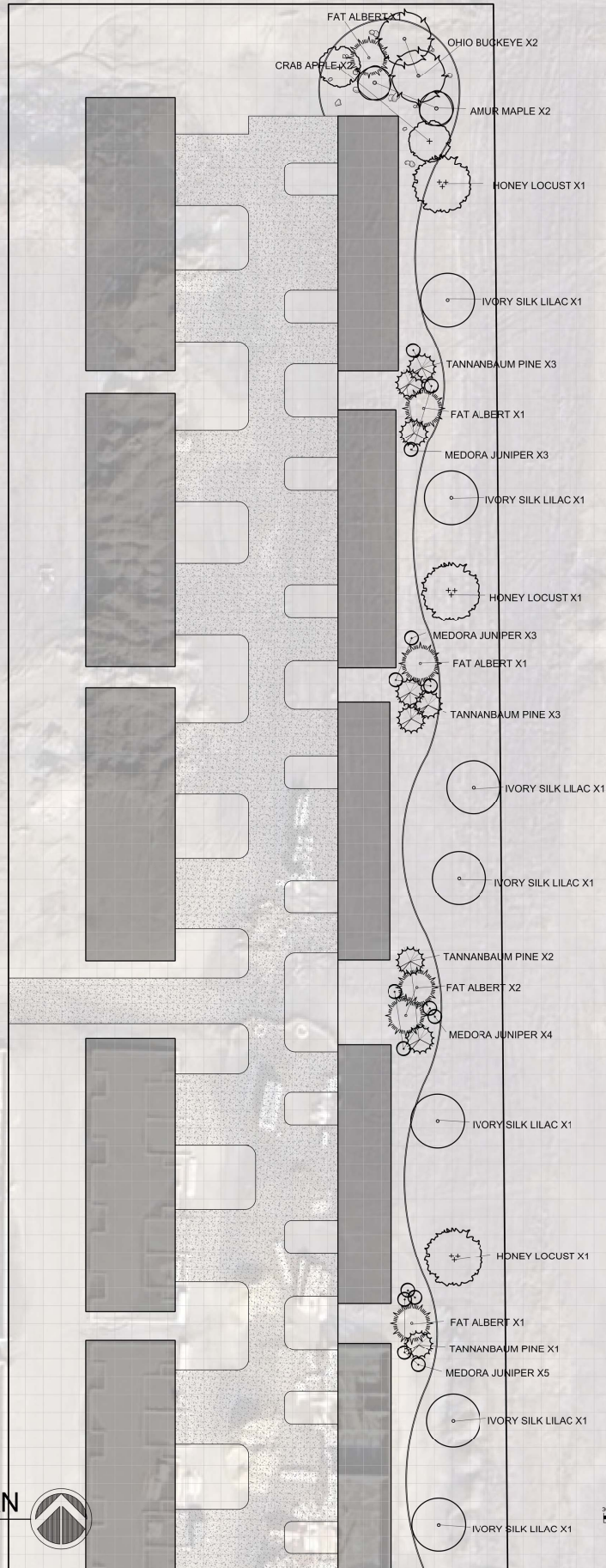
- A** Agriculture
- RRE** Residential Rural Estate
- RR** Residential Rural
- RS** Residential Suburban
- RM** Residential Multi-Family
- RU** Residential Urban
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- RX** Residential Mixed
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- IX** Industrial Mixed
- IG** Industrial General
- DT** Downtown
- PCI** Public Civic Institutional
- OS** Open Space



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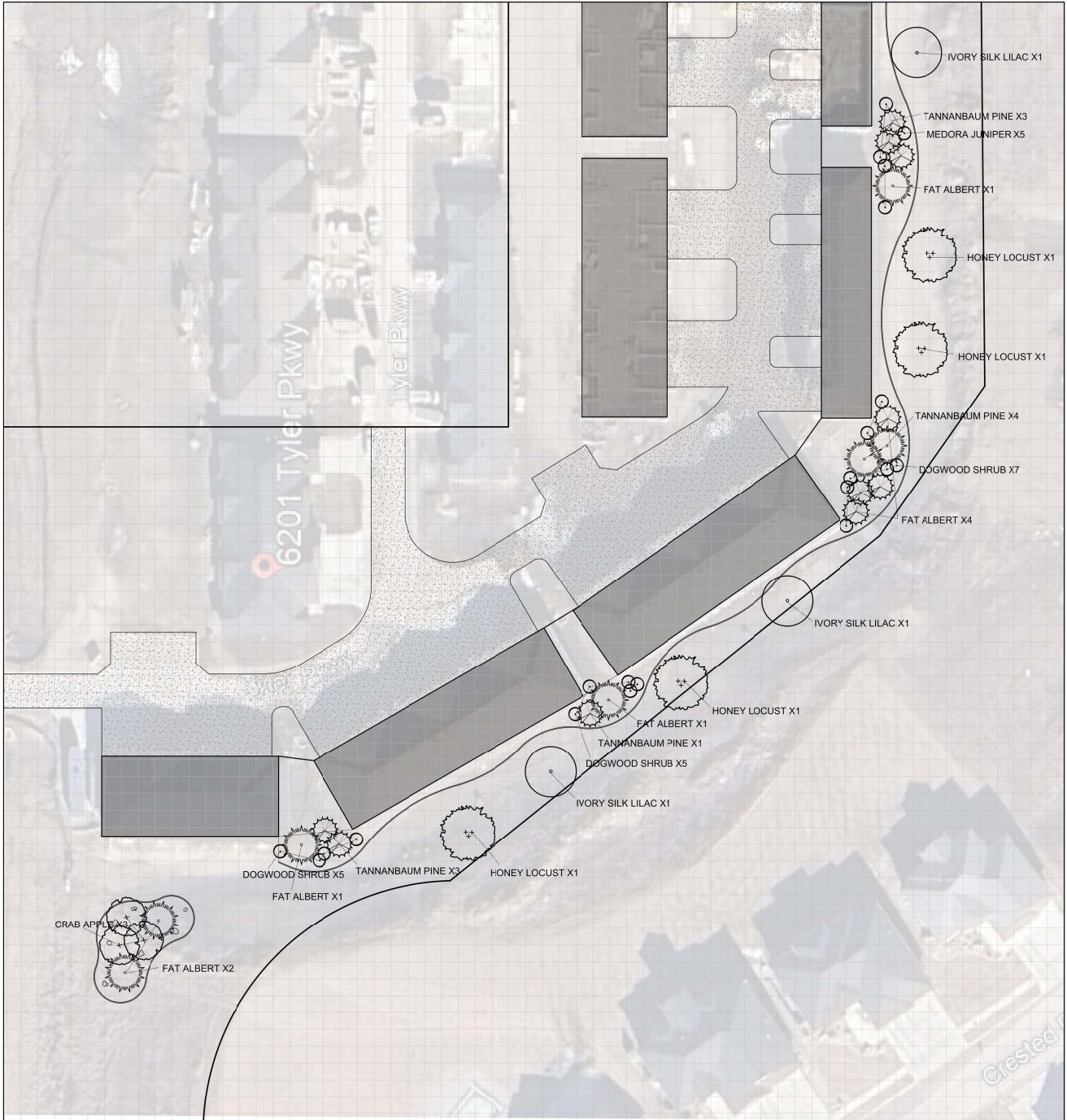
City of Bismarck
Planning Department
July 15, 2026



LANDSCAPE SITE PLAN

SCALE: 1" = 30'





LANDSCAPE SITE PLAN

SCALE: 1" = 30'



Prairie View

Landscaping & Nursery

CONTACT:	
E-Mail:	franklin@pvi-nd.com
Office:	701-250-0000
Cell:	701-426-9054

PROJECT:

HERITAGE COTTAGES

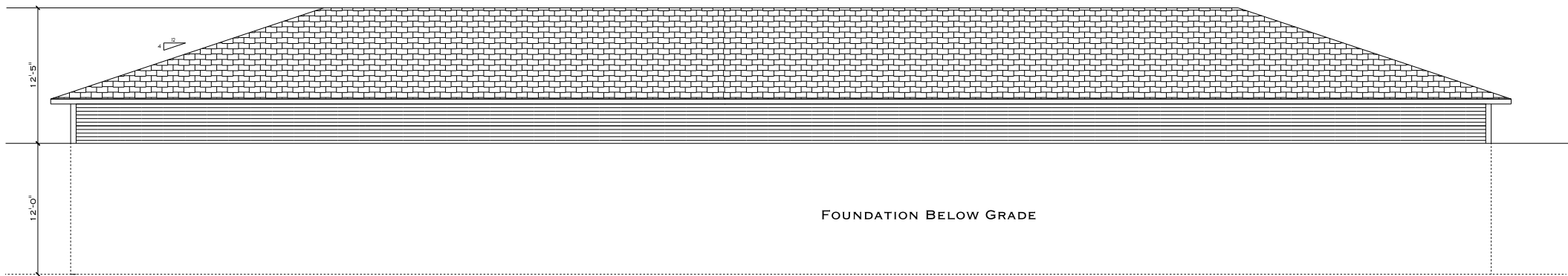
LANDSCAPE BUFFER

PHONE #1:	701-220-1321
PHONE #2:	
ADDRESS: 6201 Tyler Parkway, Bismarck ND 58504	

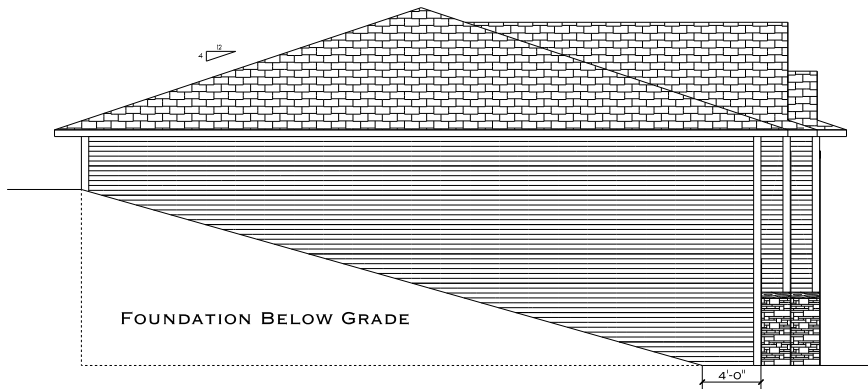
DATE:	7/16/2026
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ADDRESS: 6201 NW 15TH STREET

SQUARE FOOTAGE: 1,236/1,286

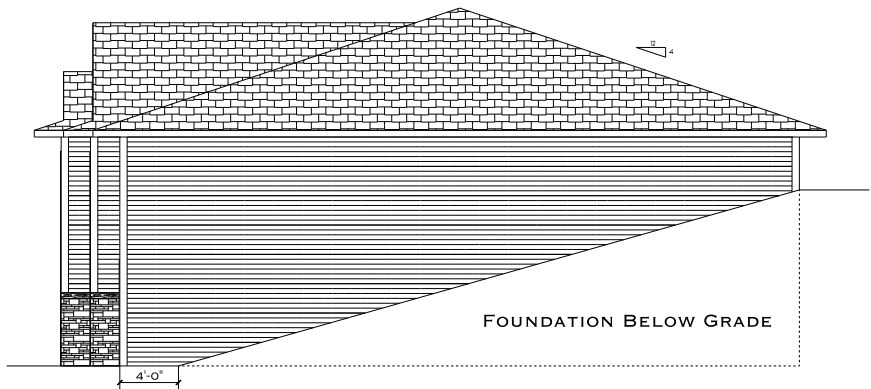


REAR ELEVATION



LEFT ELEVATION

- LP SIDING:
- LP SHAKES:
- LP CORNER PEICES & TRIM:
- SOFFIT & FASCIA:
- SHINGLES:
- STONE:
- WINDOWS:
- GARAGE DOOR:
- ENTRY DOOR:



RIGHT ELEVATION

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DUPLICATION OR USE IS STRICTLY PROHIBITED
UNDER THE LAW.



K & L HOMES, INC.

NAME: HERITAGE COTTAGES GARAGES

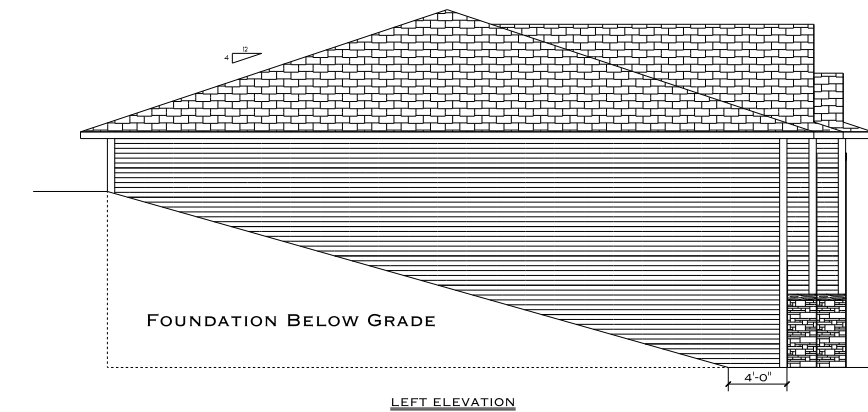
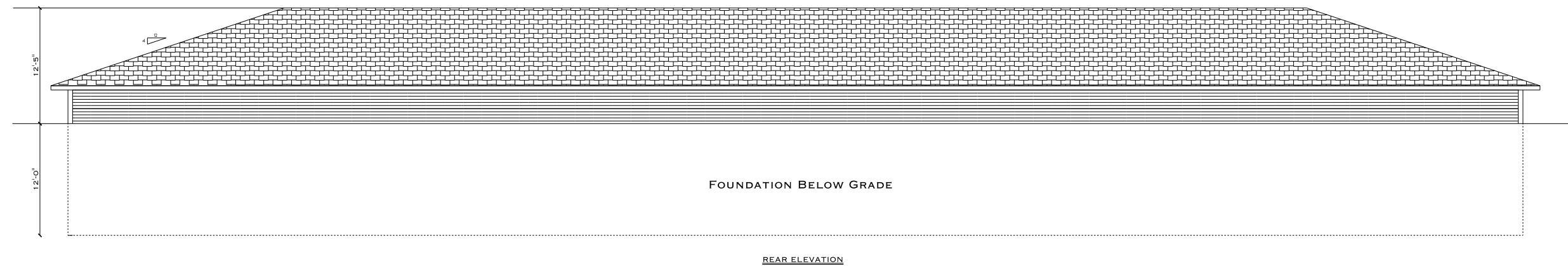
1/8" SCALE

DATE: 7-17-2026

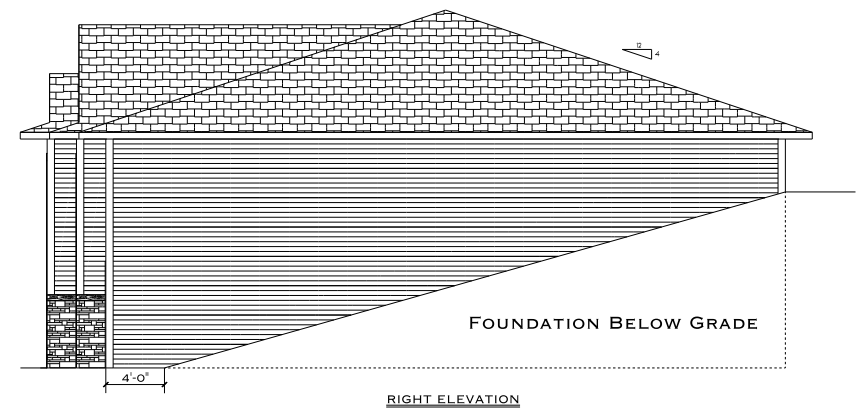
BY: CHAD A. MOLDENHAUER

ADDRESS: 6201 NW 15TH STREET

SQUARE FOOTAGE: 1,236/1,286



LP SIDING:
LP SHAKES:
LP CORNER PEICES & TRIM:
SOFFIT & FASCIA:
SHINGLES:
STONE:
WINDOWS:
GARAGE DOOR:
ENTRY DOOR:

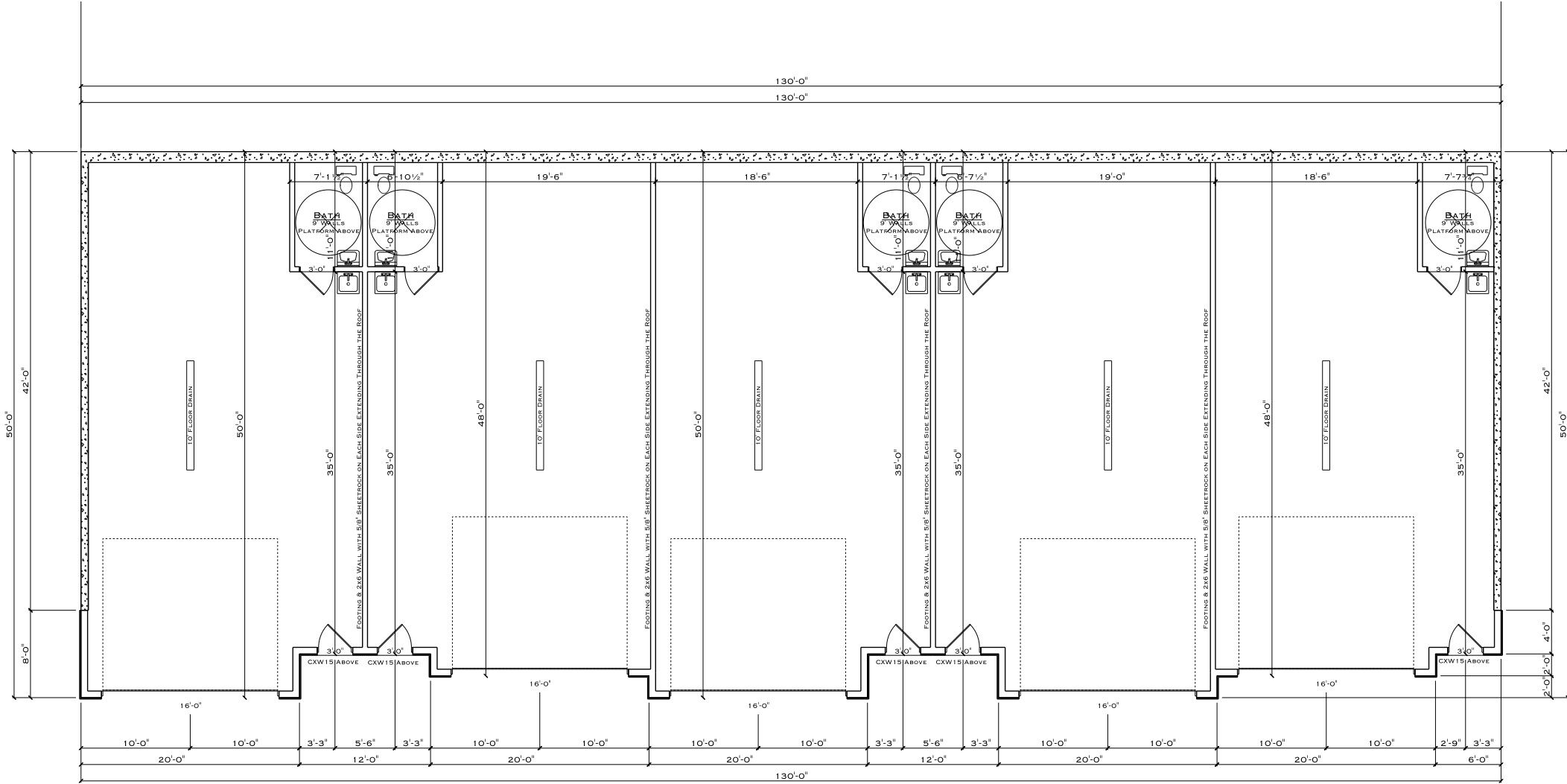


NAME: HERITAGE COTTAGES GARAGES
DATE: 7-17-2026 BY: CHAD A. MOLDENHAUER

K & L HOMES, INC.
PO BOX 7188 - BISMARCK, ND 58507-7188
PHONE: (701)258-4554 - FAX: (701)258-6018
EMAIL: CHAD@K-L-HOMES.COM

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1/8" SCALE



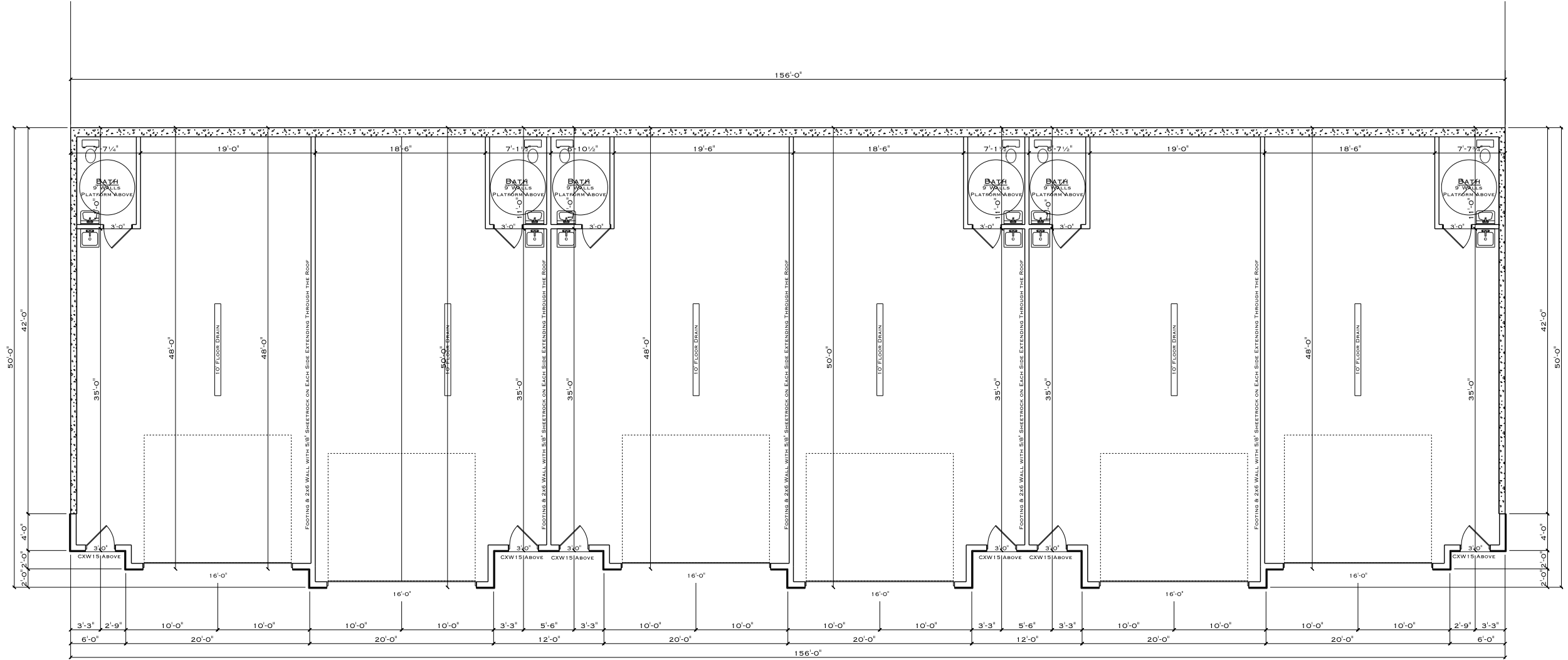
1/8" SCALE

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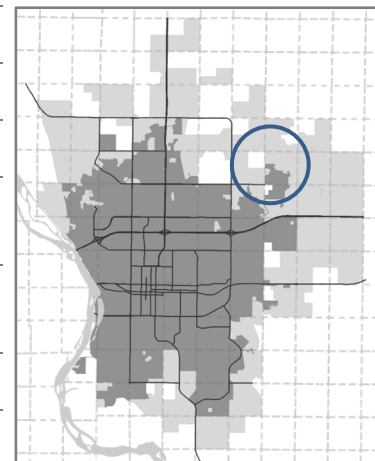
NAME: HERITAGE COTTAGES GARAGES

DATE: 7-17-2026 BY: CHAD A. MOLDENHAUER

1/8" SCALE

Project Summary

<i>Title:</i>	Silver Ranch Fourth Addition, Block 1, Lots 1 & 3
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Bismarck Public Schools
<i>Project Contact:</i>	Darin Scherr, Bismarck Public Schools Scott Mann, Mann Signs Inc.
<i>Project Location:</i>	In northeast Bismarck, east of 52nd Avenue NE, along the north side of Noble Drive
<i>Project Size:</i>	14.22 acres
<i>Applicant Request:</i>	Install an electronic message center sign in a residential district
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 parcel in 1 block	<i>Lots/Blocks:</i>	No change
<i>Land Use:</i>	Bismarck Career Academy site	<i>Land Use:</i>	No change
<i>Future Land Use:</i>	Neighborhood Mixed Use (NMU)	<i>Future Land Use:</i>	No change
<i>Zoning:</i>	R10 – Residential	<i>LDC Zoning:</i>	PCI-Public, Civic, Institutional
<i>Uses Allowed:</i>	R10 – Single and two-family residential	<i>LDC Uses Allowed:</i>	PCI – Public, quasi-public, educational, institutional, civic uses including cultural facilities and campuses

Area Information

Property History

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	12/2023 (R10 – Residential); 10/1/2026 (LDC Zoning - PCI)
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	12/2023
<i>Neighborhood:</i>	Silver Ranch	<i>Annexed:</i>	12/2023

(continued)

Project Narrative

Mann Signs Inc., on behalf of Bismarck Public Schools, is requesting approval of a special use permit for an electronic message center (EMC) sign on Lots 1 & 3, Block 1, Silver Ranch Fourth Addition. The property is the site of the Bismarck Career Academy at Silver Ranch.

The proposed sign includes static (non-electronic) sign content as well as the electronic content. EMC signs are required to meet both dimensional, operational, and sign feature requirements as outlined in the findings below.

A previous special use permit request for an EMC sign on Lot 3, Block 1, Silver Ranch Fourth Addition was approved on August 27, 2025. The property owner would like to have two pole signs

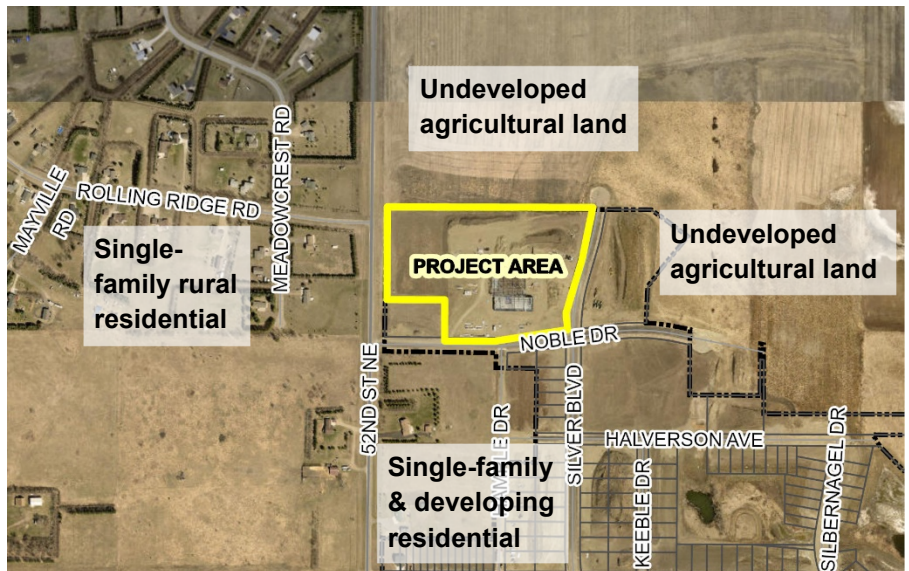
but would prefer to have the EMC one adjacent to 52nd Street NE. The property owner recently combined Lots 1 and 3, Block 1 into one parcel. As such, a new special use permit for an EMC sign is required for the new parcel. Additionally, the owner has noted that the existing sign that was originally proposed to have the electronic content will now only have static sign content.

The proposed location of the EMC sign is within a stormwater and drainage easement adjacent to 52nd Street NE. An encroachment agreement for the sign was approved by the City Commission on June 23, 2026, and was recorded on June 26, 2026.

Project Context

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

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



The property has been identified as Neighborhood Mixed Use (NMU) in the Future Land Use Plan. The NMU areas are the social and commercial gathering spaces for the immediate surrounding residential areas. Goals and objectives of this plan as they relate to this request are referenced in review standards below.

The property is on the northern edge of the still-developing Silver Ranch neighborhood. As such, it

is mostly surrounded by undeveloped land that will likely be residential in nature in the future. There are two rural residential properties to the south of the property and farther to the west are other existing rural residential properties.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on

(continued)

July 9 and 16, and 31 postcards were mailed to the owners of nearby properties on July 10, 2026.

A physical sign providing information on the public hearing was placed in a publicly accessible spot at the project location on July 7, 2026.

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 special use permit is consistent with the Comprehensive Plan and the purpose of the applicable zoning district (Section 14-20-05(8)(d)(i)).

Yes. The proposed special use permit adheres to the overall goals and objectives of the comprehensive plan and would support the purpose of the zoning ordinance, as stated in the City Code of Ordinances and North Dakota Century Code.

The special use permit complies with the requirements of this Code, including any use-specific standards in Chapter 14-10 Use Definitions and Use-Specific Standards (Section 14-20-05(8)(d)(iii)).

Yes. Electronic Message Center sign standards have been, or will be, met by the proposed special use:

Operational Requirements (Sections 14-18-04(3)(c) and 14-18-05(2)(f)(vi)(3))

- *Brightness: The sign shall not exceed a maximum illumination level of 0.3 footcandles above ambient light levels.*
- *Video: The use of streaming video or full-motion video is prohibited.*
- *Frame Hold Time: The sign shall have a frame hold time of no less than three seconds between 7 AM and 9 PM. The sign shall hold on a constant frame or be turned off between 9 PM and 7 AM.*
- *Effects: The sign shall be limited to instantaneous or continuous fading transitions from one static frame to another static frame without the use of any frame entrance, exit or hold effects or the use of any animation or background animation.*

The applicant has acknowledged that the operational requirements necessary for the issuance of a special use permit for the EMC will be met. An operational narrative agreement is attached.

Sign Features (Section 14-18-04(3)(d))

- *A default mechanism that shall freeze the sign in one position as a static message if a malfunction occurs, and a mechanism able to automatically adjust the illuminative brightness of the display according to ambient light conditions by means of a light detector/photocell.*

The applicant has acknowledged that the sign feature requirements necessary for the issuance of a special use permit for the EMC will be met. An operational narrative agreement is attached.

Dimensional Requirements (Sections 14-18-03 and 14-18-05(2)(f)(vi)(2))

- *Proportion of Sign: Electronic message centers may only be included on pole signs or monument signs that also contain static content. The static portion of the sign must be at least 33 percent of the total sign face.*

(continued)

- *The electronic portion of the sign is limited to no more than 32 square feet in area.*
- *Each parcel is limited to one EMC sign.*

The applicant has acknowledged that the dimensional requirements necessary for the issuance of a special use permit for the EMC will be met. Sign exhibits are attached.

The sign face is about 64 square feet, and the static portion of the sign is about 27.5 square feet. The static portion is more than 33 percent of the total sign face. The electronic portion of the sign is 32 square feet in area.

As noted in the *Project Narrative* section above, the property owner recently combined Lots 1 and 3, Block 1 into one parcel. The property owner would like to have two freestanding signs but would prefer to have the EMC one adjacent to 52nd Street NE. As such, a new special use permit for an EMC sign is required for the new parcel. Additionally, the owner has noted that the existing sign that was originally proposed to have the electronic content will now only have static sign content.

The special use permit includes a plan for mitigating or offsetting any significant adverse impacts, including but not limited to hours of operation, traffic generation, lighting, noise, odor, dust and other external impacts, anticipated to result from the use (Section 14-20-05(8)(d)(iii))

Yes. Certain dimensional, operational, and sign features are required for EMC signs. The applicant has submitted an operational narrative agreement and sign exhibits indicating that these requirements will be met.

Proper administrative procedures related to the request are being followed (Section 14-20-05(8)(d)(iv)).

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 special use permit will not adversely impact the public health, safety, and general welfare (Section 14-20-05(8)(d)(v)).

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 for an EMC sign on Lots 1 & 3, Block 1, Silver Ranch Fourth Addition.

Attachments

1. Draft Special Use Permit Resolution
2. Zoning and Plan Reference Map
3. Proposed Site Exhibit
4. Proposed Sign Dimensions
5. Operational Narrative Agreement

Staff report prepared by: Lauren Oster, Planner

701-355-1846 | laoster@bismarcknd.gov

**RESOLUTION OF
BISMARCK PLANNING AND ZONING COMMISSION**

**SPECIAL USE PERMIT FOR EMC SIGN
IN SILVER RANCH FOURTH ADDITION (SUP2026-004)**

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 14-20-05(8) of the Bismarck Code of City Ordinances; and

WHEREAS, the owners of property described as Lots 1 & 3, Block 1, Silver Ranch Fourth Addition have requested approval of a special use permit to allow an Electronic Message Center (EMC) sign in the PCI-Public, Civic, Institutional zoning district on said property; and

WHEREAS, The Bismarck Planning and Zoning Commission held a public hearing on July 22, 2026 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 for an EMC sign on Lots 1 & 3, Block 1, Silver Ranch Fourth Addition 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 July, 2026.

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 July 22, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand.

Daniel Nairn, AICP
Planning Director
Bismarck, North Dakota

Date

Label: LDC Zoning (Old Zoning)

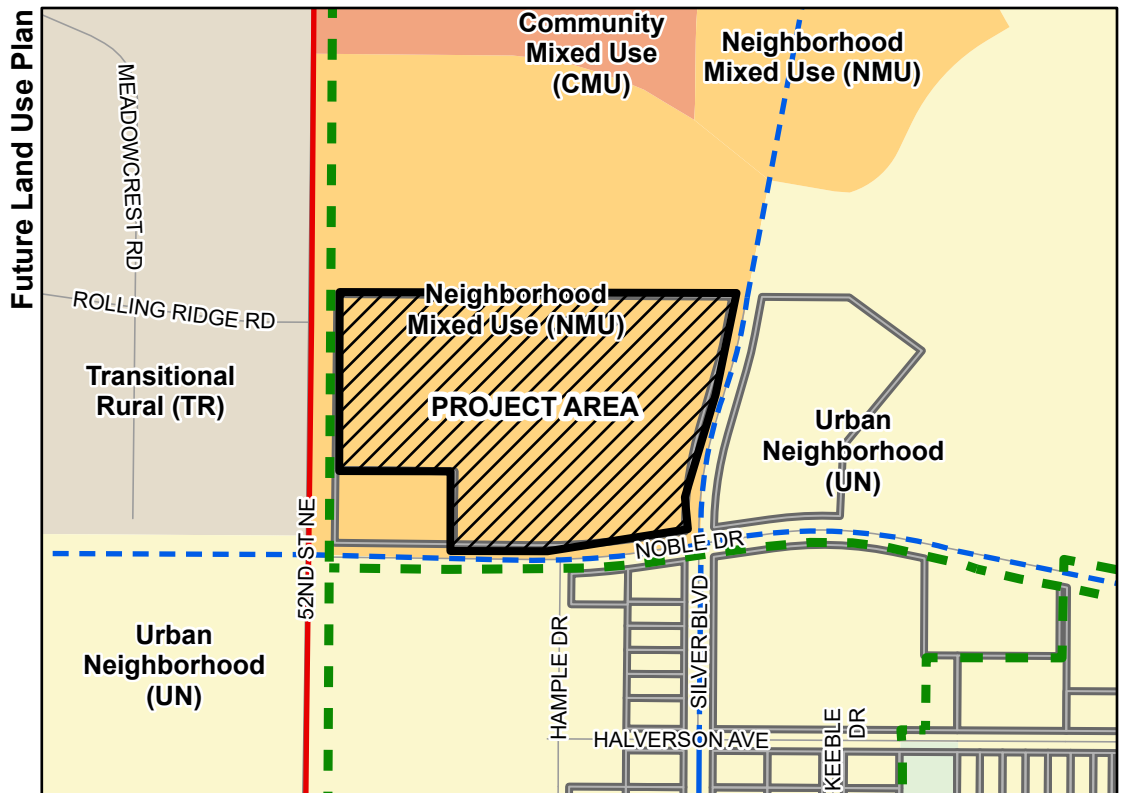
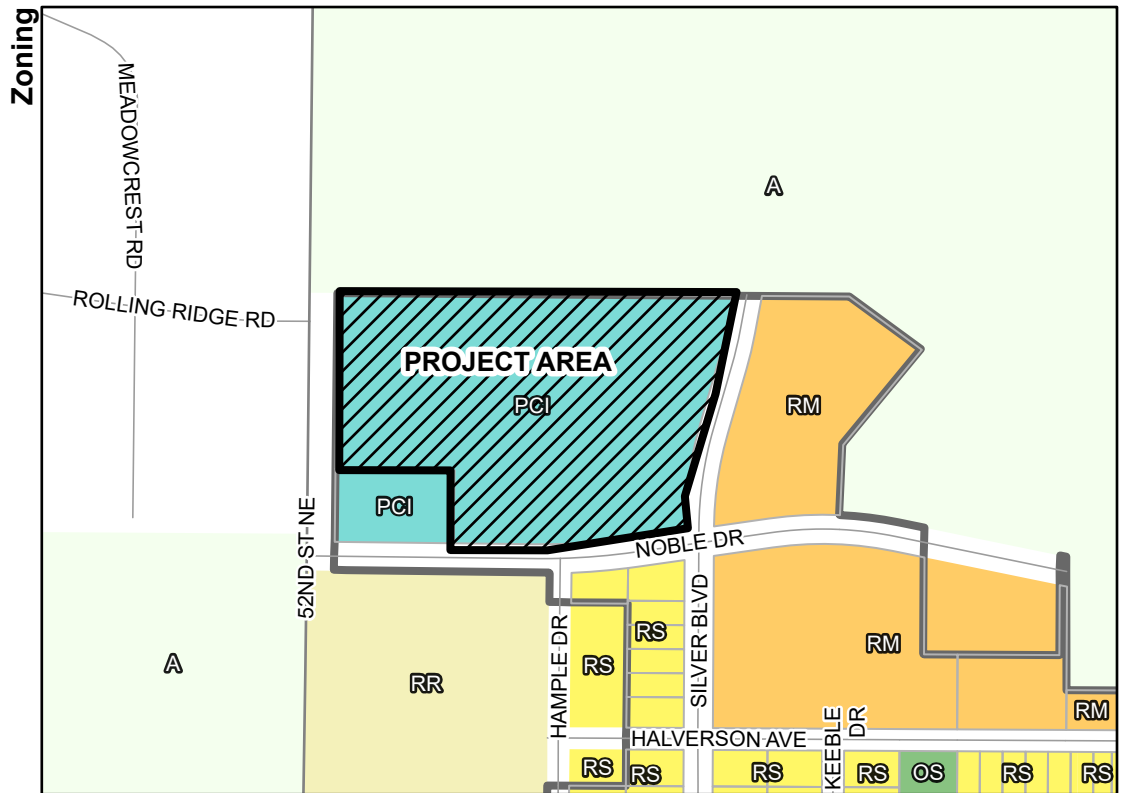
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OS	Open Space
PUD	Planned Unit Development

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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

- Existing Arterial
- - - Future Arterial
- Existing Collector
- - - Future Collector
- Existing Interstate
- - - Future Interstate
- City Limits
- - - Future Shared Use Trail
- Existing Shared Use Trail

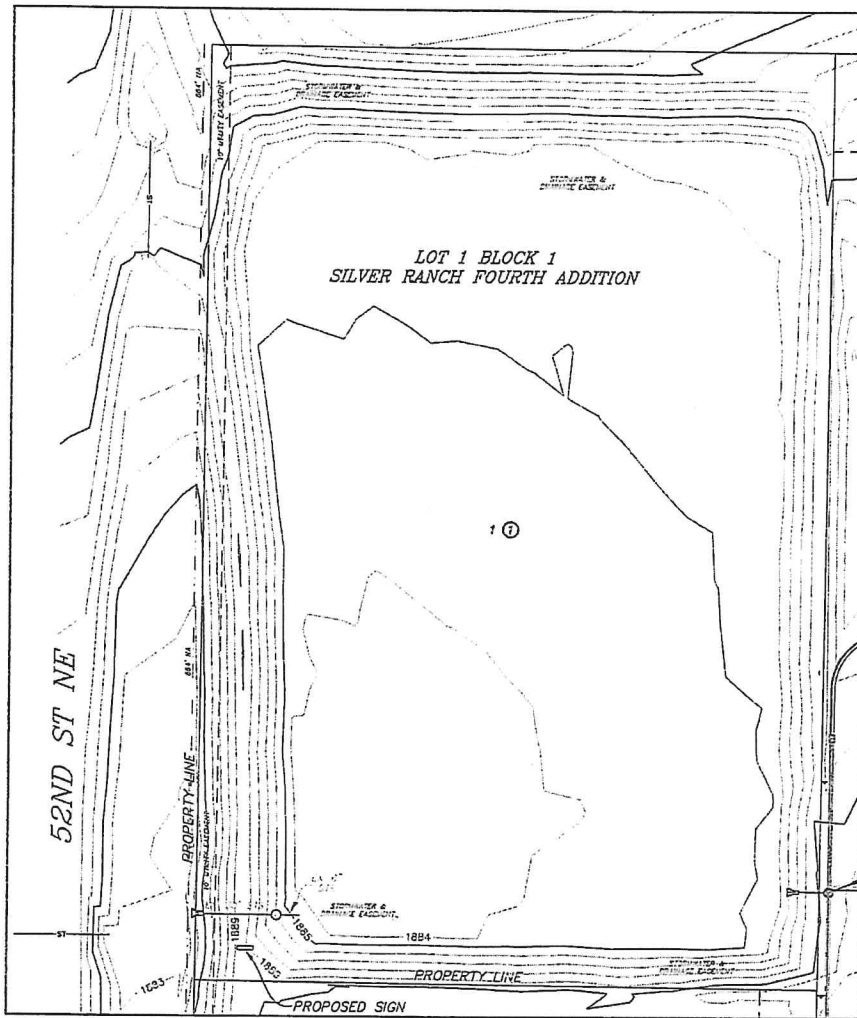


This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated herein.

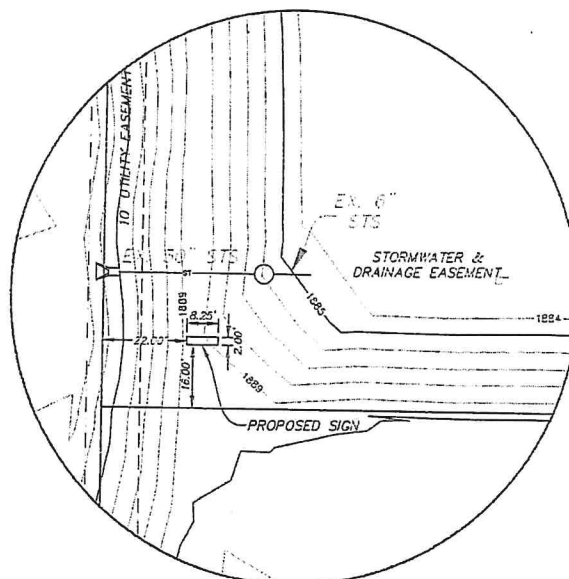
0 385 770 1,540 Feet



City of Bismarck
Planning Department
July 15, 2026



SCALE: 1" = 60'



SCALE: 1" = 30'



SWENSON, HAGEN & COMPANY P.C.

Surveying
Mapping
Engineering
Civil Engineering
Land Use Planning
Construction Management

2022 Annual Meeting
Held at N. Dakota State
University in Fargo, ND
Phone: 701.223.2200
Fax: 701.223.2201

LOTS 1 & 3 SILVER RANCH 4TH ADDITION (TO BE COMBINED)
SILVER RANCH CTE
SITE SIGNAGE LOCATION MAP

GOVERNING CODES

1. PERFORM WORK IN COMPLIANCE WITH APPLICABLE FEDERAL, STATE, AND LOCAL CODES AND REGULATIONS.
- a. 2021 NORTH DAKOTA BUILDING CODE AND REFERENCED STANDARDS.

1. DEAD LOAD:
 - a. SIGN CABINET WEIGHT = 3000# MAXIMUM
2. WIND LOAD:
 - a. ULTIMATE DESIGN WIND SPEED (3-SECOND GUST) (VULT) = 115 MPH
 - b. RISK CATEGORY = II
 - c. EXPOSURE CATEGORY = C

1. DRILLED PIERS ARE DESIGNED PER IBC SECTION 1807.3 USING THE MINIMUM PRESUMPTIVE LOAD-BEARING VALUES EQUAL TO 1500 PSF FOR VERTICAL PRESSURE AND 100 PSF/FT FOR LATERAL PRESSURE. VERIFY SOILS MEET THESE CRITERIA BEFORE PLACING CONCRETE.
2. CLEAN PIER EXCAVATIONS OF SNOW, WATER, LOOSE MATERIAL, AND DEBRIS PRIOR TO PLACING CONCRETE. PROTECT FOUNDATION FROM WATER AND FREEZING.

1. ALL CONCRETE WORK COVERED BY THESE CONTRACT DOCUMENTS SHALL CONFORM TO THE REQUIREMENTS OF ACI 318 AS PUBLISHED BY THE AMERICAN CONCRETE INSTITUTE.

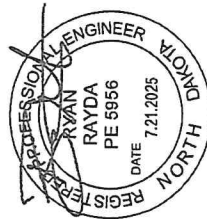
2. MIX PARAMETERS:
 - a. MINIMUM 28-DAY SPECIFIED COMPRESSIVE STRENGTH: 4,000 PSI
 - b. PORTLAND CEMENT: TYPE III (5 SACK MINIMUM)
 - c. FLY ASH: TYPE C MEETING CLASS F, 25% MAXIMUM
 - d. AGGREGATE: ASTM C33, 1 1/2" MAXIMUM SIZE
 - e. MAXIMUM SLUMP: 4"
 - f. MAXIMUM WATER/CEMENT RATIO: 0.52
 - g. AIR ENTRAINMENT: 5% - 7%
3. HOT WEATHER CONCRETING PER ACI 305R, COLD WEATHER CONCRETING PER ACI 306R, REINFORCING BARS: ASTM A615, GRADE 60

1. FABRICATE AND ERECT STRUCTURAL STEEL IN ACCORDANCE WITH THE CODE PROVISIONS OF THE "AISC STEEL CONSTRUCTION MANUAL, 15TH EDITION".

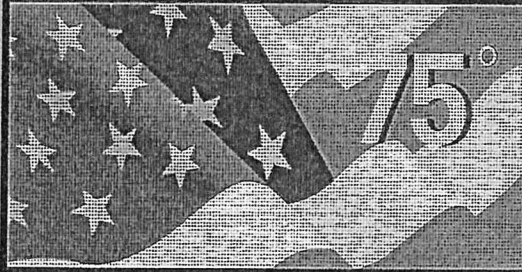
2. PIPE POSTS: ASTM A53, GRADE B, FY = 35 KSI



1 BPS CAREER ACADEMY SILVER RANCH SIGN
S-001 1/2"=1'-0"

[illegible]

CAREER ACADEMY SILVER RANCH



Dakota COMMUNITY
BANK & TRUST

CAREER ACADEMY
SILVER RANCH



mann
SIGNS, INC.

1507 Continental Ave
Bismarck, ND 58504
701-355-1111
www.mannsignsinc.com

CLIENT:

**BPS: CAREER
ACADEMY**

APPROVAL:

X

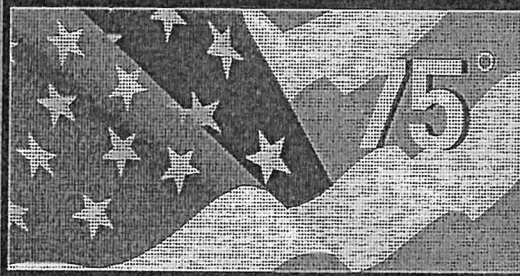
WORK ORDER:

45803

DUE TO VARIATIONS IN OUTPUT
DEVICES, THE COLORS SHOWN
HERE MAY NOT REFLECT
ACTUAL COLORS.

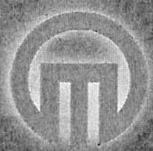
THE CONCEPTS REPRESENTED IN
THIS ARTWORK ARE THE PROPERTY
OF MANN SIGNS, INC. AND
MAY NOT BE USED IN WHOLE
OR PART WITHOUT WRITTEN
CONSENT FROM MANN SIGNS, INC.

CAREER ACADEMY SILVER RANCH



COMMUNITY
BANK & TRUST

CAREER ACADEMY
SILVER RANCH



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701-355-1111
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CLIENT:

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APPROVAL:

X

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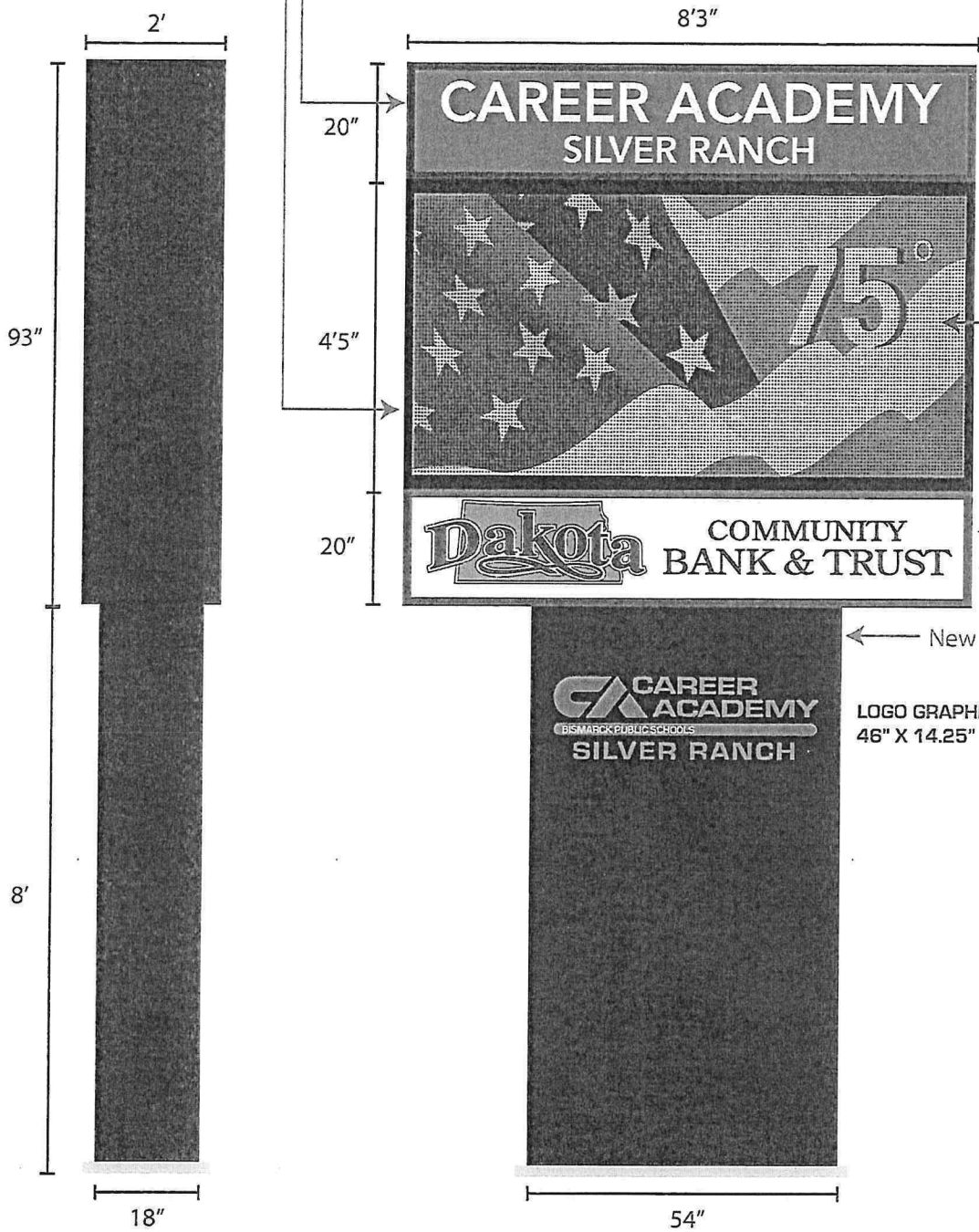
45803

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Remove & Reuse
Illuminated Cabinet & EMC
from Existing Sign

EMC Viewing Area:
4' x 8'



mann
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City of Bismarck
Community Development Department
Building Inspections Division
Phone: 701-355-1465 * FAX: 701-220-6450 * TDD: 711
PO Box 5503 * Bismarck, ND 58506-5503
buildinginspections@bismarcknd.gov

Last Revised: 9/25/2023

**OPERATIONAL
NARRATIVE
AGREEMENT:
RESIDENTIAL**

PROPERTY INFORMATION

Project Address, City, State, Zip: 5402 Noble Dr. Bismarck ND 58503

Owner's Name: Bismarck Public Schools

OPERATIONAL NARRATIVE:

Operational Narrative for an Electronic Message Center located within a residentially zoned district or within 150' of a residentially zoned district per 14-03.1-07 (5) e, f:

e. Operational Requirements. Electronic message center signs shall be subject to the following operational requirements:

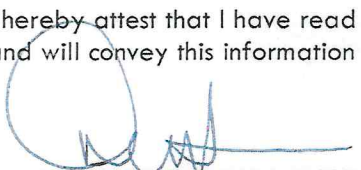
- i) Brightness. The sign shall not exceed a maximum illumination level of 0.3 foot-candles above ambient light levels.
- ii) Frame Hold Time. The sign shall have a frame hold time of no less than three (3) seconds between 7:00 a.m. and 9:00 p.m. The sign shall hold on a constant frame or be turned off between 9:00 p.m. and 7:00 a.m.
- iii) Effects. The sign shall be limited to instantaneous or continuous fading transitions from one static frame to another static frame without the use of any frame entrance, exit or hold effects or the use of any animation or background animation.
- iv) Video. The use of streaming video or full-motion video on any electronic message center sign is prohibited.

f. Sign Features. Electronic message center signs shall be equipped with the following features:

- i) A default mechanism that shall freeze the sign in one position as a static message if a malfunction occurs; and
- ii) A mechanism able to automatically adjust the illuminative brightness of the display according to ambient light conditions by means of a light detector/photocell.

Times of day that the sign will be operated 7:00 am to 9:00 pm

I hereby attest that I have read and understand the operational requirements of an Electronic Message Center Sign and will convey this information to any tenants or property managers that are authorized to operate said sign:


Owner's Signature

June 5, 2026
Date