



# PLANNING AND ZONING COMMISSION

## MEETING AGENDA January 24, 2024

Tom Baker Meeting Room	5:00 p.m.	City-County Office Building
<p>The City of Bismarck is encouraging citizens to provide their comments for public hearing items on the Planning &amp; Zoning Commission agenda via email to <a href="mailto:planning@bismarcknd.gov">planning@bismarcknd.gov</a>. 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</p>	<p>include which agenda item number your comment references and your name (anonymous comments will not be forwarded to the Planning &amp; 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 <a href="mailto:planning@bismarcknd.gov">planning@bismarcknd.gov</a> at least one business day before the meeting.</p> <p>As always, live meeting coverage is available on Government Access Channels 2 &amp; 602HD, Radio Access 102.5 FM, FreeTV.org, RadioAccess.org, ROKU, Apple TV and Fire TV.</p>	

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Item No.	Page No.
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### MINUTES

1. Consider approval of the minutes of the December 20, 2023, meeting of the Bismarck Planning & Zoning Commission.

### CONSENT AGENDA

#### CONSIDERATION

The following items are requests for public hearings.

2. **Municipal Fourth Addition First Replat, Lot 2, Block 1 (IJ).....6**

PUD Amendment | PUDA2023-003 | *Call for Public Hearing*

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



3. **Capital Electric Second Addition, Lot 2, Block 1 (LO)**.....25

Zoning Map Amendment | ZC2023-013 | *Consideration*

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

4. **McKenzie and Coffin's Addition, The East 90 feet of Lots 13-16, Block 69 (IJ)**.....34

Zoning Map Amendment | ZC2023-015 | *Consideration*

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

5. **William Blackstone Addition (JW)**..... 49

Major Subdivision Preliminary Plat | PPLT2023-002 | *Consideration*

Staff recommendation: tentative approval  tentative approval  continue  table  deny

Zoning Map Amendment | ZC2023-013 | *Consideration*

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

## REGULAR AGENDA

### PUBLIC HEARINGS

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

6. **First Responders Third Addition (JW)**.....60

Major Subdivision Final Plat | FPLT2023-004 | *Public Hearing*

Staff recommendation: approve  approve  continue  table  deny

7. **Sonnet Heights Subdivision Eighth Replat (IJ)**.....68

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

Staff recommendation: approve  approve  continue  table  deny

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

Staff recommendation: approve  approve  continue  table  deny



8. **Home Occupations (DN)**..... 83

Zoning Ordinance Text Amendment | ZOTA2023-005 | *Public Hearing*

Staff recommendation: approve    approve    continue    table    deny

**OTHER BUSINESS**

9. **Other**

**ADJOURNMENT**

10. **Adjourn.** The next regular meeting date is scheduled for February 28, 2024.

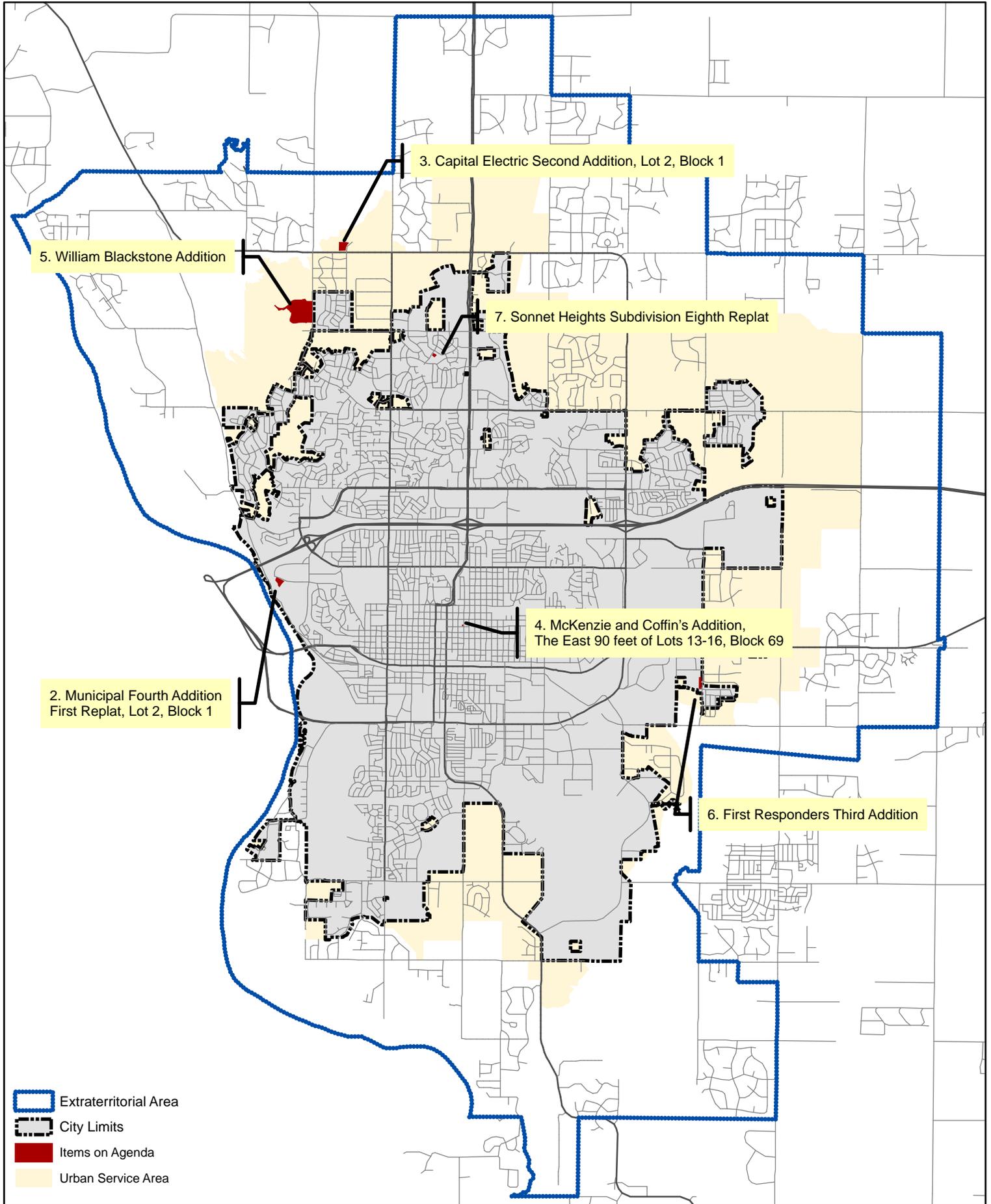
Enclosures:   Meeting Minutes of December 20, 2023  
Building Permit Activity Month to Date Report for December 2023  
Building Permit Activity Year to Date Report for December 2023



## **BISMARCK PLANNING AND ZONING COMMISSION PUBLIC HEARING PROCEDURE AND PROTOCOL**

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

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



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



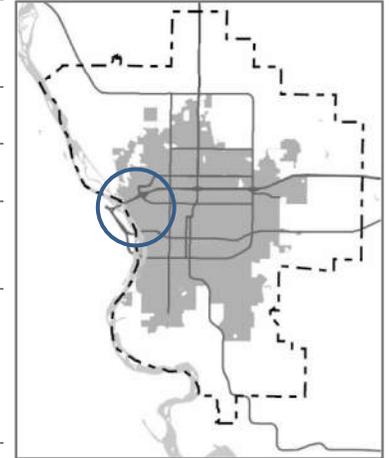
# STAFF REPORT

Application for: **Planned Unit Development Amendment**

Project ID: **PUDA2023-003**

## Project Summary

<i>Title:</i>	Municipal Fourth Addition First Replat, Lots 2-3, Block 1.
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Property Owner(s):</i>	CD Holdings, LLC
<i>Project Contact:</i>	Caroline Crary & Hannah Haynes, Capital House Corporation
<i>Project Location:</i>	In west, central Bismarck along the south side of Edwards Avenue, between Schafer Street and Canary Avenue (Lot 2, Block 1, Municipal Fourth Addition First Replat)
<i>Project Size:</i>	4.56 acres, more or less
<i>Applicant Request:</i>	Amend the existing PUD to include language for an event center
<i>Staff Recommendation:</i>	Call for public hearing



## Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	2 lots in 1 block (1 parcel)	<i>Lots/Blocks:</i>	2 lots in 1 block (1 parcel)
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Event center for small-to-mid-sized gatherings
<i>Future Land Use:</i>	Institutional (INS)	<i>Future Land Use:</i>	Institutional (INS)
<i>Zoning:</i>	PUD – Planned Unit Development	<i>Zoning:</i>	PUD – Planned Unit Development
<i>Uses Allowed:</i>	PUD – Uses specified in PUD	<i>Uses Allowed:</i>	PUD – Uses specified in PUD
<i>Max Density:</i>	PUD – Density specified in PUD	<i>Max Density:</i>	PUD – Density specified in PUD

## Area Information

## Property History

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	10/2022
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	01/2023
<i>Neighborhood:</i>	Bismarck State	<i>Annexed:</i>	Pre-1980

**Project Narrative**

Capital House Corporation is requesting approval of a Planned Unit Development Amendment (PUDA) to allow an event center for small-to-medium-sized gatherings on Lot 2, Block 1, Municipal Fourth Addition First Replat. The proposed event space would have an expected maximum occupancy of 375 people.

The existing Planned Unit Development (PUD) was adopted in October of 2022, upon sale of the land by the City of Bismarck to a private party, to allow a climbing gym as a primary use and additional uses to support the primary use (such

as office space, storage, and maintenance facilities). The climbing gym never materialized and now the property is for sale. The applicants for this request wish to have a secured PUDA prior to closing on the property.

The existing PUD also includes provisions related to high-quality design, slope preservation, landscaping, and other development and aesthetic standards. The proposed PUDA only adds an event center and associated designs but does not intend to significantly alter the underlying standards of the district.

**Project Context**

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

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



The property has been identified as Institutional (INS) in the Future Land Use Plan. The INS areas are places of cultural, political, or administrative significance to the general public. Goals and objectives of this plan as they relate to PUDAs are referenced in review standards below.

The project area is located along the west side of Bismarck State College near the Missouri River. As such, it is surrounded by land that is zoned P –

Public to the north and east, and the remainder of the existing PUD land is to the west and south. Much of the land to the west and south is undeveloped and is part of the existing natural riverfront. To the north is the Bismarck State College Community Bowl, and to the east is a municipal water storage facility managed by Public Works.

**Public Engagement**

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

**Review Standards and Findings of Fact**

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

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

**No**, unless additional information is provided prior to the public hearing to demonstrate alignment with the plan. The amended PUD would potentially obstruct advancement of the following objectives of the comprehensive plan:

*S2: Leverage and reinforce unique aspects of Bismarck’s identity:*

S2a: “Ensure that those who enter Bismarck through entrance corridors designated in this plan have a positive first impression of the city”

S2d: Encourage excellence and innovation in local architecture, particularly in areas of high visibility such as downtown, and along major corridors

*I4: Enhance equitable public access to and enjoyment of the Missouri River.*

The Missouri River is an unmistakable piece of Bismarck’s identity, and much of it is used for park space or other primarily public-facing uses. A privately operated event space might not inherently harm the riverfront but could limit opportunities for increasing public access to the riverfront or capitalizing further on the unique nature of the landscape. The use does not clearly

align with intent of the Institutional land use designation, as described further below.

The building would be located on a prominent site, not only from the riverfront but also from visitors travelling into Bismarck from the west on Interstate 94. This high visibility from the west was the primary reason for including a higher standard of design in the original PUD. The design of the building, as proposed, does not appear to match the context of other nearby buildings on the bluff, such as the Gateway to Science or, in a less prominent location, the North Dakota Safety Council building.

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

**Yes**. Adjacent uses include the Bismarck State College Community Bowl to the north, a water storage facility to the east, and undeveloped land to the south and west. The amended Planned Unit Development includes landscaped buffers around the proposed parking lot to the north of the event space building to mitigate any potential negative impacts on these uses. Additional technical details for landscape buffers would be finalized during the site plan process should the PUDA be approved.

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

**Yes, with** landscaping revisions to the site plan and an updated geotechnical report.

The existing site is relatively flat with few trees directly in the proposed building and parking lot areas. More prominent topographical features and trees exist outside of the proposed development area.

There are known issues of instability on the Missouri River bluffs, and a geotechnical study is necessary to safely build. A previous geotechnical study was performed, but changes to the location

*(continued)*

and character of the building requires a new study. This may be considered as a condition of the approval.

The existing PUD includes provisions for a landscaped buffer along the Edwards Avenue right-of way. However, buffer yard is not reflected in the site concept plan submitted with the PUD.

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

**Yes.** The proposed PUD is served entirely by existing public rights-of-way without need for an internal circulation system.

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

**No.** The proposed use, as designed and laid out, would not be directly compatible and harmonious with the surrounding area, which includes Bismarck State College and public parks along the riverfront. The area has a character of academic, museum, and sports facilities, as well as places for public recreation.

It may not be accurate to say that the uses would be strictly *incompatible*, though they are clearly different in how they interact with the broader public. The Future Land Use Plan describes the area as Institutional in nature which, among other things, is to have notable “cultural...significance”. The surrounding uses are more oriented to the general public than the proposed event space in terms of scope and access. Members of the public would still interact with the proposed use, as they could with any private business, but likely in smaller numbers and less often. Additionally, it could act as a barrier to future riverfront focused opportunities and potential connections between Bismarck State College and the riverfront.

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

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

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

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

**Staff Recommendation**

Based on the above findings, staff recommends calling for a public hearing for the proposed Planned Unit Development amendment, with the understanding that staff registers concerns with the proposed design and use of the site, as proposed. The following issues should be addressed prior to the public hearing:

1. Justification for how current standards for high-quality design with commercial grade materials are met by the proposed building.
2. Adjustments to the site layout displaying landscaping.
3. Consideration of a condition for a geotechnical study to be conducted prior to site plan approval.

**Attachments**

1. Draft PUDA amendment
2. Zoning and Plan Reference Map

*(continued)*

3. Proposed Site Exhibit
  4. Proposed Building Elevations
  5. Existing PUD zoning ordinance
- 

*Staff report prepared by:* Isak Johnson, Planner

701-355-1850 | [ijohnson@bismarcknd.gov](mailto:ijohnson@bismarcknd.gov)

**MUNICIPAL FOURTH ADDITION FIRST REPLAT PLANNED UNIT DEVELOPMENT  
ORDINANCE NO. 6527 (Adopted October 25, 2022)  
MAJOR PUD AMENDMENT (Adopted TBD)**

WHEREAS, Ordinance No. 6527 was adopted by the Board of City Commissioners on October 25, 2022; and

WHEREAS, Section 2(7) of the ordinance states that this PUD shall only be amended in accordance with the provisions of Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments);

NOW, THEREFORE, BE IT RESOLVED by the Bismarck Planning and Zoning Commission of the City of Bismarck, North Dakota, a municipal corporation, that the request to amend the Planned Unit Development for the following described property:

Lot 2 - 3, Block 1, Municipal Fourth Addition First Replat

is hereby approved and this PUD is now subject to the following development standards:

1. *Conformance to Submitted Documents.* The development must generally conform to the conceptual site layout and elevation views submitted in conjunction with the application for a Planned Unit Development.
2. *Uses Permitted.* The Uses within the district shall be limited to the following:
  - a. *Principal Uses.* The following principal uses shall be allowed:
    - i. Commercial recreation uses, limited to climbing facilities, fitness facilities, an **event center** and similar uses on Lot 2.
    - ii. Retail sales and service uses limited to uses that are related or complementary to the primary use as a climbing and athletic facility, such as the sale of clothing; the lease or sale of related sports equipment; the operation of a restaurant, café or other food service establishment; classes; child care for up to four (4) hours in a twenty-four (24); and multi-purpose meeting rooms on Lot 2.
    - iii. Principal uses for Lot 3 shall be defined at a later date under a specific development proposal submitted as an amendment to this PUD. In the interim, Lot 3 will remain in its undisturbed natural state until an amendment to this PUD ordinance is approved.
  - b. *Accessory Uses.* The following uses shall be allowed as accessory to the principal uses on the property.
    - i. Accessory uses and buildings commonly associated with the principal uses, including offices, **kitchen space in conjunction with an event center primary use**, equipment storage and maintenance facilities on Lot 2.
    - ii. Accessory uses for Lot 3 shall be defined at a later date under a specific development proposal submitted as an amendment to this PUD.
3. *Special uses.* The following uses shall be allowed with a special use permit:
  - a. Child care center on Lot 2 **in conjunction with a commercial recreation primary use.**

- b. Any special uses for Lot 3 shall be defined at a later date under a specific development **proposed proposal** submitted as an amendment to this PUD.
4. *Dimensional Standards.* The following dimensional standards shall apply to all structures within this district:
- a. *Front Yard.* Each lot shall have a front yard of not less than fifteen (15) feet in depth.
  - b. *Side Yard.* Each lot shall have two side yards of not less than ten (10) feet in width.
  - c. *Rear Yard.* Each lot shall have a rear yard of not less than ten (10) feet in depth.
  - d. *Lot Coverage.* The lot coverage of the principal building, any accessory buildings and required parking shall not exceed fifty (50) percent of the total lot area.
  - e. *Building Height.* The height of the principal building on Lot 2 shall be limited to a maximum height of 85 feet as measured from the lowest point of the building to the highest point of the roof to accommodate a climbing wall that meets Olympic and international competition standards. The height of any additional structures on Lot 2 and any structures on Lot 3 shall be defined at a later date under a specific development proposed submitted as an amendment to this PUD.
5. *Development Standards.* The following development standards shall apply to all developments within the district.
- a. *Design Standards.* It is the intent of the design standards to create and maintain a high visual quality and appearance for this development, encourage architectural creativity and diversity, create a lessened visual impact upon the surrounding land uses, preserve the integrity of the slope on the property, and stimulate and protect investment through the establishment of high standards with respect to materials, details and appearance.
    - i. *Site Design and Layout.* The layout of the site and the principal building on Lot 2 shall generally conform to the materials information submitted in conjunction with the application for a Planned Unit Development.
    - ii. *Building Design and Materials.* All buildings must be designed by a Professional Architect, registered in the State of North Dakota. The architectural design must be complementary to the context of the site and all building facades must be finished with commercial grade construction materials.
    - iii. *Slope Preservation.* Development of the site shall comply with the recommendations included in the geotechnical evaluation report(s) prepared for the site.
    - iv. *Renovations and Additions.* All subsequent renovations, additions and related structures constructed after the construction of the original building shall be constructed of materials comparable to those used in the original construction and shall be designed in a manner conforming or complementary to the original architectural design and general appearance.
    - v. *Artwork.* Design of any artwork visible from the public realm shall be responsive to the culture, history and/or heritage of the area and reflective of the identity of Bismarck.

- b. *Lighting.* All site lighting shall be downcast to limit light trespass on to adjacent properties. Up lighting of the building itself may be allowed for aesthetic purposes.
- c. *Off-street Parking and Loading.* Parking and loading areas shall be provided in accordance with Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading), based on the square footage and uses.
- d. *Landscaping and Screening.* Landscaping and buffer yards shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).

In addition to the requirements of Section 14-03-11, a buffer yard shall be installed along the northeastern 250 feet, as measured from the southern edge of the Edwards Avenue right-of-way, of the common lot line between Lots 1 and 2. Said buffer yard shall be planted with a minimum of four (4) large shade or conifer trees and two (2) small conifer or ornamental trees per 100 feet. Wherever possible, as determined during the site plan review process and with the permission of the City, said landscaping shall be installed within the 15-foot landscape easement included on the face of the plat over Lot 1.

- e. *Screening of Mechanical Equipment and Solid Waste Collection Areas.* Mechanical equipment and solid waste collections areas shall be screened in accordance with Section 14-03-12 of the City Code of Ordinances (Screening of Mechanical Equipment and Solid Waste Collection Areas).
- 6. *Signs.* Signage may be installed in accordance with the provisions of Chapter 14-03.1 (Signs) following standards for CA – Commercial zoning districts. Off-premise advertising signs and electronic message center signs are specifically prohibited.
  - 7. *Modifications.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major modifications require a public hearing and approval by the Bismarck Planning & Zoning Commission.

### Zoning Districts

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

### Future Land Use Plan

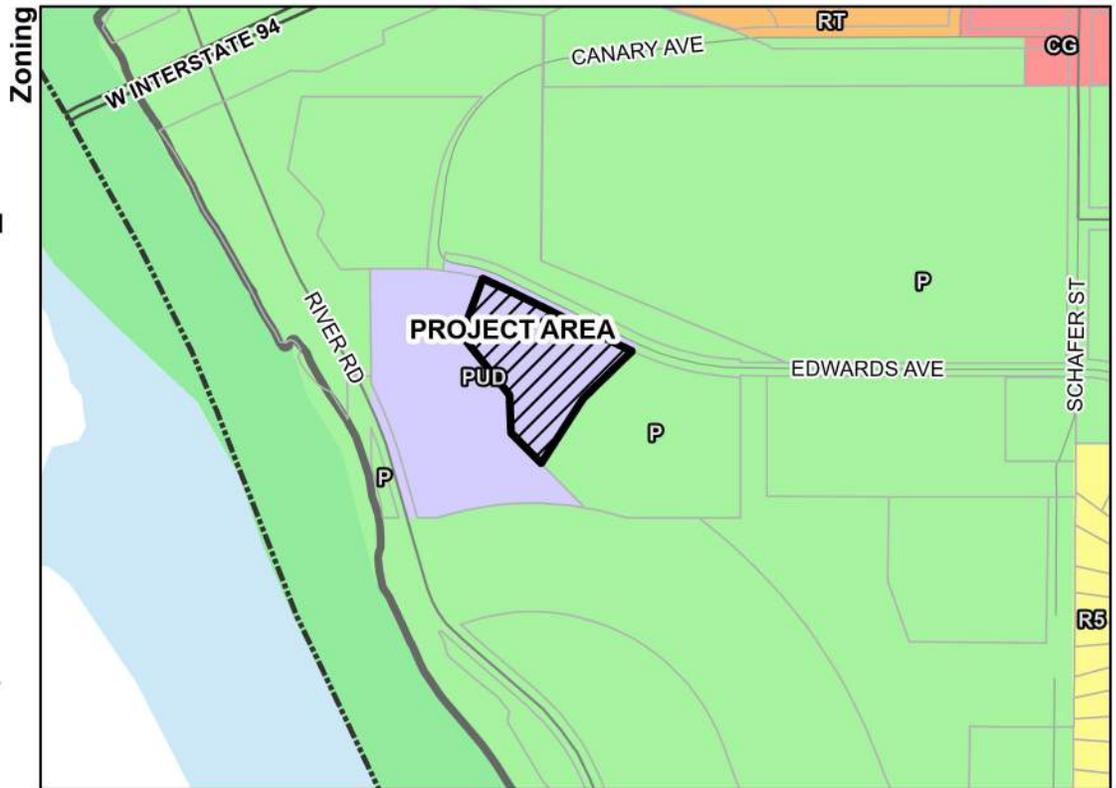
<b>UN</b>	Urban
<b>NMU</b>	Neighborhood Mixed Use
<b>CMU</b>	Community Mixed Use
<b>DMU</b>	Destination Mixed Use
<b>DT</b>	Downtown
<b>IND</b>	Industrial
<b>IF</b>	Industrial Flex
<b>IMU</b>	Industrial Mixed Use
<b>INS</b>	Institutional
<b>RR</b>	Rural Residential
<b>TR</b>	Transitional Rural
<b>PKOS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

### Active Mobility Plan

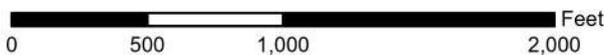
— Future Shared Trail

### Major Street Plan

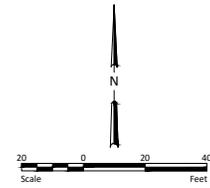
- Existing Arterial
- Future Arterial
- Existing Collector
- Future Collector
- Existing Interstate
- Future Interstate



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



City of Bismarck  
Community Development  
Planning Division  
January 8, 2024



**PRELIMINARY**  
NOT FOR CONSTRUCTION

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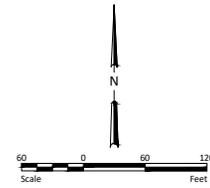


Drawn by	Date
TP	12-12-23
Checked by	Scale
NC	AS SHOWN

MUNICIPAL 4TH EVENT VENUE  
JOSEPH F. CRARY FAMILY LLP  
BISMARCK, NORTH DAKOTA

SITE CONCEPT  
PROJECT NO. 12227-0001

SHEET  
**1**



**PRELIMINARY**  
NOT FOR CONSTRUCTION

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No.	Revision	Date	By



Drawn by	Date
TP	12-12-23
Checked by	Scale
NC	AS SHOWN

MUNICIPAL 4TH EVENT VENUE  
JOSEPH F. CRARY FAMILY LLP  
BISMARCK, NORTH DAKOTA

SITE OVERVIEW  
PROJECT NO. 12227-0001

SHEET  
2





**ORDINANCE NO. 6527**

<i>First Reading</i>	<u>October 11, 2022</u>
<i>Second Reading</i>	<u>October 25, 2022</u>
<i>Final Passage and Adoption</i>	<u>October 25, 2022</u>
<i>Publication Date</i>	<u>February 13, 2023</u>

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

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

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

The following described property shall be excluded from the P – Public zoning district and included within the P – Public zoning district:

Lot 1, Block 1 and Lot 1, Block 2, Municipal Fourth Addition First Replat

Section 2. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the P – Public zoning district and included within the PUD – Planned Unit Development zoning district:

Lots 2 and 3, Block 1, Municipal Fourth Addition First Replat

This PUD is subject to the following standards:

1. *Conformance to Submitted Documents*. The development must generally conform to the conceptual site layout and elevation views submitted in conjunction with the application for a Planned Unit Development.
2. *Uses Permitted*. The uses within the district shall be limited to the following:
  - a. *Principal Uses*. The following principal uses shall be allowed:

- i. Commercial recreation uses, limited to climbing facilities, fitness facilities and similar uses on Lot 2.
    - ii. Retail sales and service uses limited to uses that are related or complementary to the primary use as a climbing and athletic facility, such as the sale of clothing; the lease or sale of related sports equipment; the operation of a restaurant, café or other food service establishment; classes; child care for up to 4 hours in a 24 hour period; and multi-purpose meeting rooms on Lot 2.
    - iii. Principal uses for Lot 3 shall be defined at a later date under a specific development proposal submitted as an amendment to this PUD. In the interim, Lot 3 will remain in its undisturbed natural state until an amendment to this PUD ordinance is approved.
  - b. *Accessory Uses.* The following uses shall be allowed as accessory to the principal uses on the property.
    - i. Accessory uses and buildings commonly associated with the principal uses, including offices, equipment storage and maintenance facilities on Lot 2.
    - ii. Accessory uses for Lot 3 shall be defined at a later date under a specific development proposal submitted as an amendment to this PUD.
- 3. *Special Uses.* The following uses shall be allowed with a special use permit:
  - a. Child care center on Lot 2.
  - b. Any special uses for Lot 3 shall be defined at a later date under a specific development proposed submitted as an amendment to this PUD.
- 4. *Dimensional Standards.* The following dimensional standards shall apply to all structures within this district:
  - a. *Front Yard.* Each lot shall have a front yard of not less than fifteen (15) feet in depth.
  - b. *Side Yard.* Each lot shall have two side yards of not less than ten (10) feet in width.
  - c. *Rear Yard.* Each lot shall have a rear yard of not less than ten (10) feet in depth.

- d. *Lot Coverage.* The lot coverage of the principal building, any accessory buildings and required parking shall not exceed fifty (50) percent of the total lot area.
  - e. *Building Height.* The height of the principal building on Lot 2 shall be limited to a maximum height of 85 feet as measured from the lowest point of the building to the highest point of the roof to accommodate a climbing wall that meets Olympic and international competition standards. The height of any additional structures on Lot 2 and any structures on Lot 3 shall be defined at a later date under a specific development proposed submitted as an amendment to this PUD.
5. *Development Standards.* The following development standards shall apply to all development within the district.
- a. *Design Standards.* It is the intent of the design standards to create and maintain a high visual quality and appearance for this development, encourage architectural creativity and diversity, create a lessened visual impact upon the surrounding land uses, preserve the integrity of the slope on the property, and stimulate and protect investment through the establishment of high standards with respect to materials, details and appearance.
    - i. *Site Design and Layout.* The layout of the site and the principal building on Lot 2 shall generally conform to the materials information submitted in conjunction with the application for a Planned Unit Development.
    - ii. *Building Design and Materials.* All buildings must be designed by a Professional Architect, registered in the State of North Dakota. The architectural design must be complementary to the context of the site and all building facades must be finished with commercial grade construction materials.
    - iii. *Slope Preservation.* Development of the site shall comply with the recommendations included in the geotechnical evaluation report(s) prepared for the site.
    - iv. *Renovations and Additions.* All subsequent renovations, additions and related structures constructed after the construction of the original building shall be constructed of materials comparable to those used in the original construction and shall be designed in a manner conforming or complementary to the original architectural design and general appearance.

- v. *Artwork.* Design of any artwork visible from the public realm shall be responsive to the culture, history and/or heritage of the area and reflective of the identity of Bismarck.
- b. *Lighting.* All site lighting shall be downcast to limit light trespass on to adjacent properties. Up lighting of the building itself may be allowed for aesthetic purposes.
- c. *Off-street Parking and Loading.* Parking and loading areas shall be provided in accordance with Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading), based on the square footage and uses.
- d. *Landscaping and Screening.* Landscaping and buffer yards shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).

In addition to the requirements of Section 14-03-11, a buffer yard shall be installed along the northeastern 250 feet, as measured from the southern edge of the Edwards Avenue right-of-way, of the common lot line between Lots 1 and 2. Said buffer yard shall be planted with a minimum of four (4) large shade or conifer trees and two (2) small conifer or ornamental trees per 100 feet. Wherever possible, as determined during the site plan review process and with the permission of the City, said landscaping shall be installed within the 15-foot landscape easement included on the face of the plat over Lot 1.

- e. *Screening of Mechanical Equipment and Solid Waste Collection Areas.* Mechanical equipment and solid waste collections areas shall be screened in accordance with Section 14-03-12 of the City Code of Ordinances (Screening of Mechanical Equipment and Solid Waste Collection Areas).
- 6. *Signs.* Signage may be installed in accordance with the provisions of Chapter 14-03.1 (Signs) following standards for CA – Commercial zoning districts. Off-premise advertising signs and electronic message center signs are specifically prohibited.
- 7. *Modifications.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major modifications require a public hearing and approval by the Bismarck Planning & Zoning Commission.

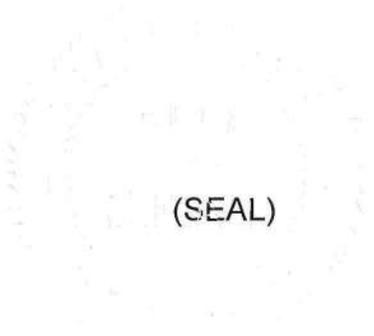
Section 3. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

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

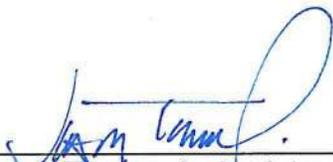
STATE OF NORTH DAKOTA    )  
  )  
COUNTY OF BURLEIGH        )

I, Jason Tomanek, do hereby certify that I am the duly appointed, qualified Assistant City Administrator of the City of Bismarck, North Dakota and that the foregoing is a full, true and correct copy of an ordinance adopted by the Board of City Commissioners at its regular meeting of October 25, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Bismarck, North Dakota, this 13<sup>th</sup> day of February, 2023.

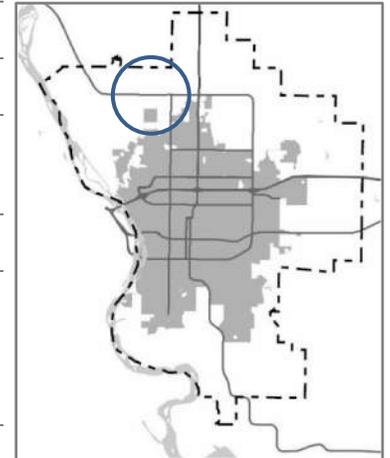


(SEAL)

  
\_\_\_\_\_  
Jason Tomanek, Assistant City Administrator

## Project Summary

<i>Title:</i>	Capital Electric Second Addition, Lot 2, Block 1
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Property Owner(s):</i>	Michael Ward, Owner Five Star Storage, Applicant
<i>Project Contact:</i>	Jacob Barney, Five Star Storage
<i>Project Location:</i>	Northwest of Bismarck, north of 57th Avenue Northwest and west of North Washington Street, in the northwest quadrant of the intersection of Sonora Way and ND Highway 1804 Northwest
<i>Project Size:</i>	7.04 acres
<i>Applicant Request:</i>	Rezone to Conditional MA – Industrial to enable the use of a self-storage facility
<i>Staff Recommendation:</i>	Call for public hearing



## Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 Lot in 1 Block	<i>Lots/Blocks:</i>	1 Lot in 1 Block
<i>Land Use:</i>	Agriculture/Undeveloped	<i>Land Use:</i>	Conditional Light Industrial
<i>Future Land Use:</i>	Industrial Flex (IF)	<i>Future Land Use:</i>	Industrial Flex (IF)
<i>Zoning:</i>	A – Agricultural	<i>Zoning:</i>	Conditional MA – Industrial
<i>Uses Allowed:</i>	A – Agriculture	<i>Uses Allowed:</i>	Conditional MA – Light industrial, general commercial, warehouses, manufacturing and shop condos
<i>Max Density:</i>	A – 1 unit / 40 acres	<i>Max Density:</i>	Conditional MA – N/A

## Area Information

## Property History

<i>Zoning Jurisdiction:</i>	Extraterritorial Area (ETA)	<i>Zoned:</i>	N/A
<i>Township:</i>	Hay Creek (organized)	<i>Platted:</i>	04/05
<i>Neighborhood:</i>	Undefined	<i>Annexed:</i>	N/A

(continued)

**Project Narrative**

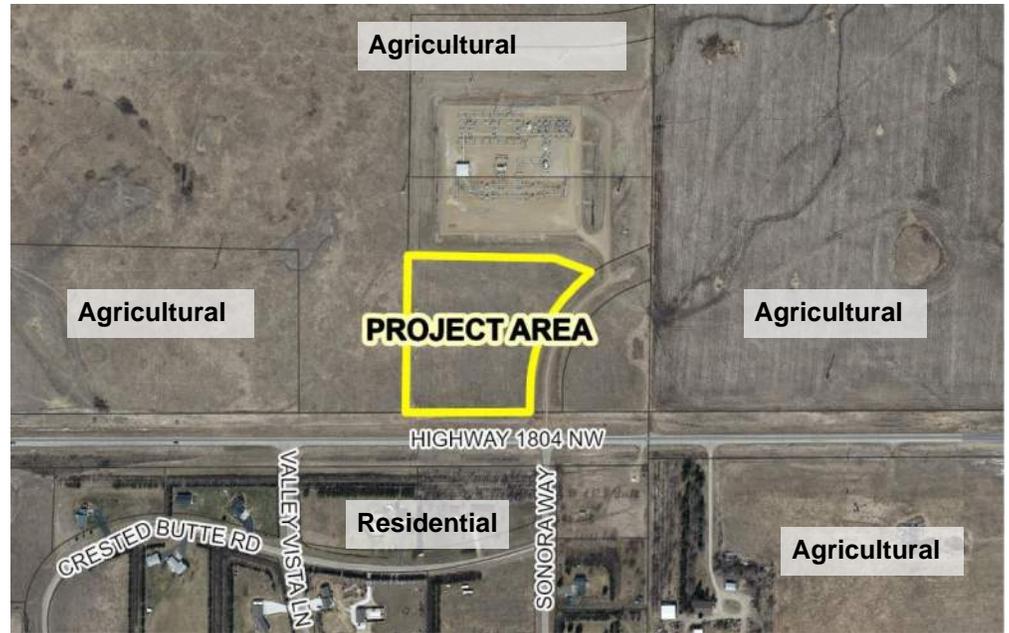
Michael Ward and Five Star Storage are requesting approval of a zoning map amendment from the A – Agriculture zoning district to the Conditional MA – Industrial zoning district for Lot 2, Block 1, Capital Electric Second Subdivision.

The applicant is proposing to develop the property to include a self-storage facility. The conditional MA – Industrial zoning would limit the use of the property to storage, as proposed.

**Project Context**

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

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



The property has been identified as Industrial Flex (IF) in the Future Land Use Plan. The Industrial Flex (IF) areas are flexible employment centers for a range of businesses, primarily for smaller-scale industrial uses and offices. Goals and objectives of this plan as they relate to a zoning map amendment are referenced in review standards below.

Adjacent uses include agricultural uses to the north, west, and east, and residential uses to the south across ND Highway 1804 NW. A substation is located on the lot to the north of the proposed site.

The right-of-way for Sonora Way was granted when the property was platted in 2005; however, the street was never built to County Commercial/Industrial Subdivision Roadway

standards as the substation to the north generated minimal traffic. Since the proposed self-storage facility will generate increased traffic to this area, Sonora Way will need to be built to the County Commercial/Industrial Subdivision standards at least to the entrance of the substation driveway. A gravel temporary cul-de-sac will also need to be constructed at the end of the street for turnaround purposes.

**Public Engagement**

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

**Review Standards and Findings of Fact**

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

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

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

Yes, with certain conditions applied to this zoning district. Adjacent uses are described in the project context section above. The proposed conditional zoning district would allow self-storage. Certain conditions including design, aesthetic, and development standards applied to the proposed zoning would alleviate potential incompatibilities to adjacent land uses in the future. The proposed conditional zoning restricts more intensive uses, including but not limited to:

- Retail Group B, which includes vehicle sales
- Service Group B, which includes motor vehicle repair garages
- Wholesale trade and distribution
- Hotel/Motel

With these conditions, development that may be anticipated from the proposed zoning would have no negative impact on the surrounding properties.

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

Yes. The current zoning district of A – Agricultural was established prior 1980. Conditions have changed since this time including the adoption of new comprehensive plans.

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 conditional zoning map amendment would not adversely impact housing opportunities in any way.

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

Yes. The proposed conditional zoning map amendment would conform to the Industrial Flex (IF) designation as outlined in the Future Land Use Plan.

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

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

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

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

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

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

**Staff Recommendation**

Based on the above findings, staff recommends calling for a public hearing on the zoning map

amendment from the A – Agriculture zoning district to the Conditional MA – Industrial zoning district, as outlined in the attached draft zoning ordinance, for Lot 2, Block 1, Capital Electric Second Subdivision with the following conditions:

1. A development and annexation agreement is approved before the public hearing

**Attachments**

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

*Staff report prepared by:* Lauren Oster, Planner

701-355-1846 | [laoster@bismarcknd.gov](mailto:laoster@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 14-03-02 OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

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

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

The following described property shall be excluded from the A – Agricultural zoning district and included in the Conditional MA – Industrial zoning district:

Lot 2, Block 1, Capital Electric Second Subdivision

This Conditional MA - Industrial zoning district is subject to the following additional standards:

1. *Uses Permitted*. The following uses are permitted within this Conditional MA – Industrial zoning district:
  - a. Industrial group A, limited to storage buildings and warehouses, including rental and condo storage units.
  - b. Utility service group.All other uses not included in this list shall be prohibited.
  
2. *Special Uses*. There are no uses allowed as special uses within this Conditional MA – Industrial zoning district.
  
3. *Dimensional Standards*.

- a. Lot Area. The minimum lot area is ten thousand (10,000) square feet.
- b. Lot Width. The minimum lot width is sixty (60) feet measured along the front building line.
- c. Lot Coverage. The maximum lot coverage for buildings and required parking is eighty (80) percent of the total lot area.
- d. Front Yard. The minimum front yard setback is fifty (50) feet from the property line adjacent to ND Highway 1804 and fifteen (15) feet from the property line adjacent to all other roadways.
- e. Side Yards. No side yards are required except where a lot adjoins a residential district.
- f. Rear Yard. The minimum rear yard setback is ten (10) feet.
- g. Height Limits. The maximum building height is seventy-five (75) feet.

4. *Design and Aesthetic Standards.*

- a. Intent. It is the intent of the design standards to create and maintain a high visual quality and appearance for this development, encourage architectural creativity and diversity, to create a lessened visual impact upon the surrounding land uses and to stimulate and protect investment through the establishment of high standards with respect to materials, details, and appearance.
- b. Building Materials. All building facades shall be designed with architecturally finished materials, with primary 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. If prefinished metal architectural panels are used, no more than 70% of the front elevation and no more than 80% of any other elevations facing a public-right-of-way may consist of this material.

The following building types and materials are expressly prohibited: wood as an exterior wall finish, except where used as an accent material; corrugated metal roofing or siding; and exposed, untextured, uncolored, unaugmented concrete.

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. Enclosed Building Requirement. All production, processing, storage, sales, display, or other business activity shall be conducted within a completely enclosed building.

5. *Other Development Standards.*

- a. Buffer Yards. In addition to the requirements of Section 14-03-11, a 20-foot-wide buffer yard shall be provided along the south side, adjacent to ND Highway 1804 NW, and west side of the lot. Said buffer yard shall be densely planted in conjunction with site development with the minimum number, species and size of trees and shrubs required for a 20-foot buffer yard in the City's landscaping ordinance (2 shade trees, 4 ornamental trees, 3 large upright coniferous trees, 10 small upright coniferous trees and 14 shrubs).
- b. Lighting. Lighting at entrances, exits, and drive aisles between buildings is permitted provided that any associated glare does not create a public nuisance or traffic safety hazard. High-intensity lighting devices oriented outward, including but not limited to laser lights, strobe lights, searchlights, and beacons, are not permitted.

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

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



# Zoning and Plan Reference Map

ZC2023-013

CAPITAL ELECTRIC SECOND SUBDIVISION, L2, B1

## Zoning Districts

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

## Future Land Use Plan

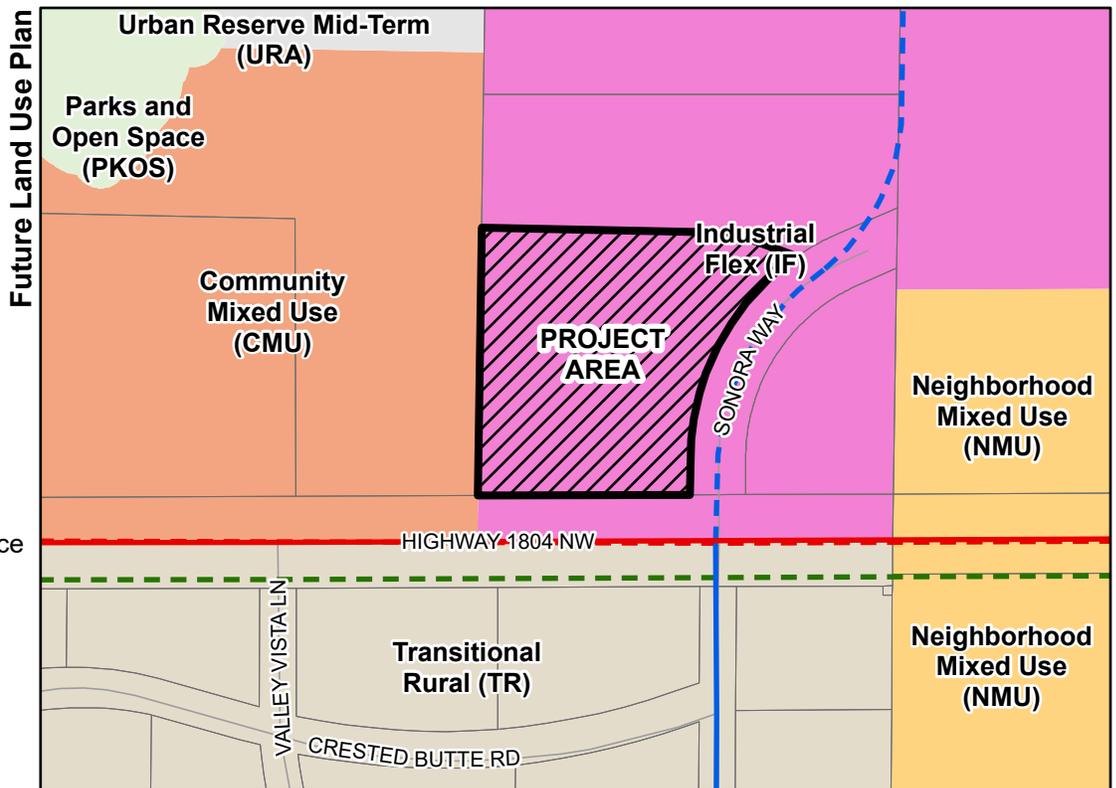
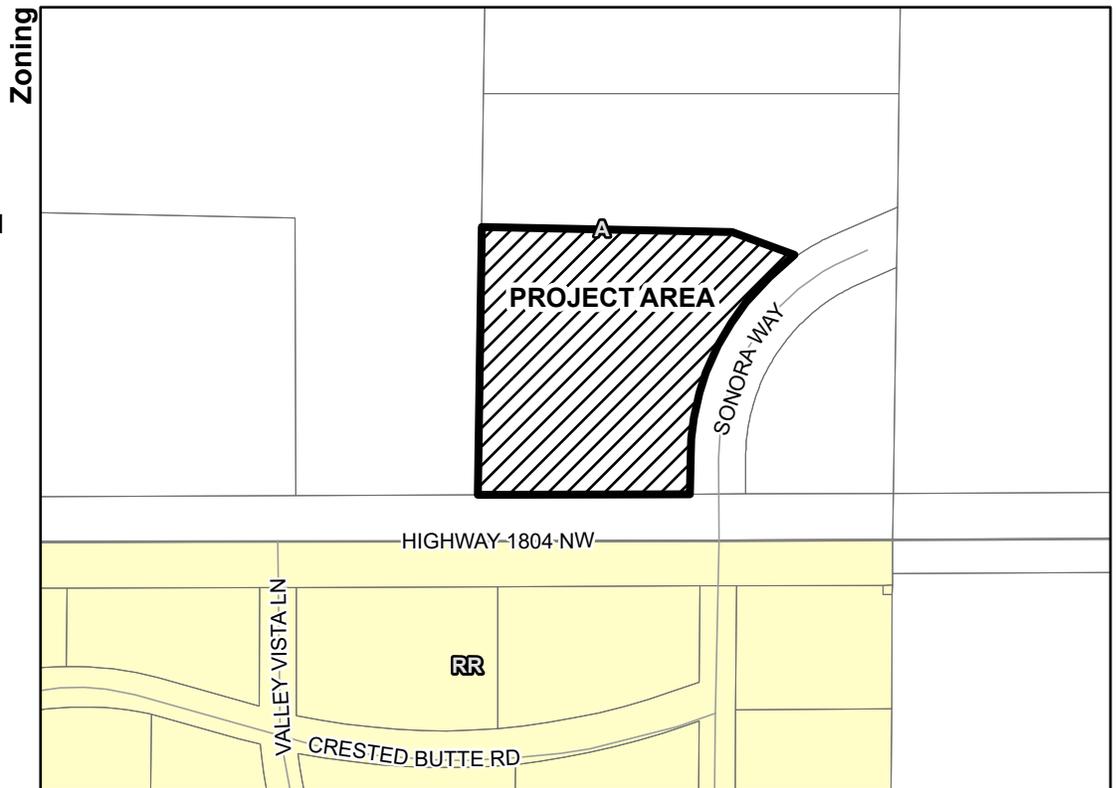
<b>UN</b>	Urban
<b>NMU</b>	Neighborhood Mixed Use
<b>CMU</b>	Community Mixed Use
<b>DMU</b>	Destination Mixed Use
<b>DT</b>	Downtown
<b>IND</b>	Industrial
<b>IF</b>	Industrial Flex
<b>IMU</b>	Industrial Mixed Use
<b>INS</b>	Institutional
<b>RR</b>	Rural
<b>TR</b>	Transitional Rural
<b>PKOS</b>	Parks/Open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

## Active Mobility Plan

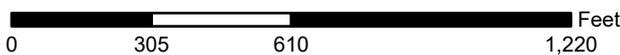
Future Shared Trail

## Major Street Plan

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



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



City of Bismarck  
Community Development  
Planning Division  
January 18, 2024

**Proposed New Zoning Map**

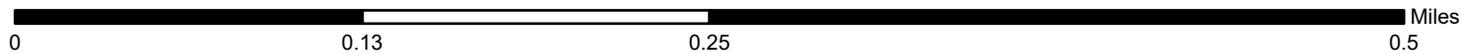
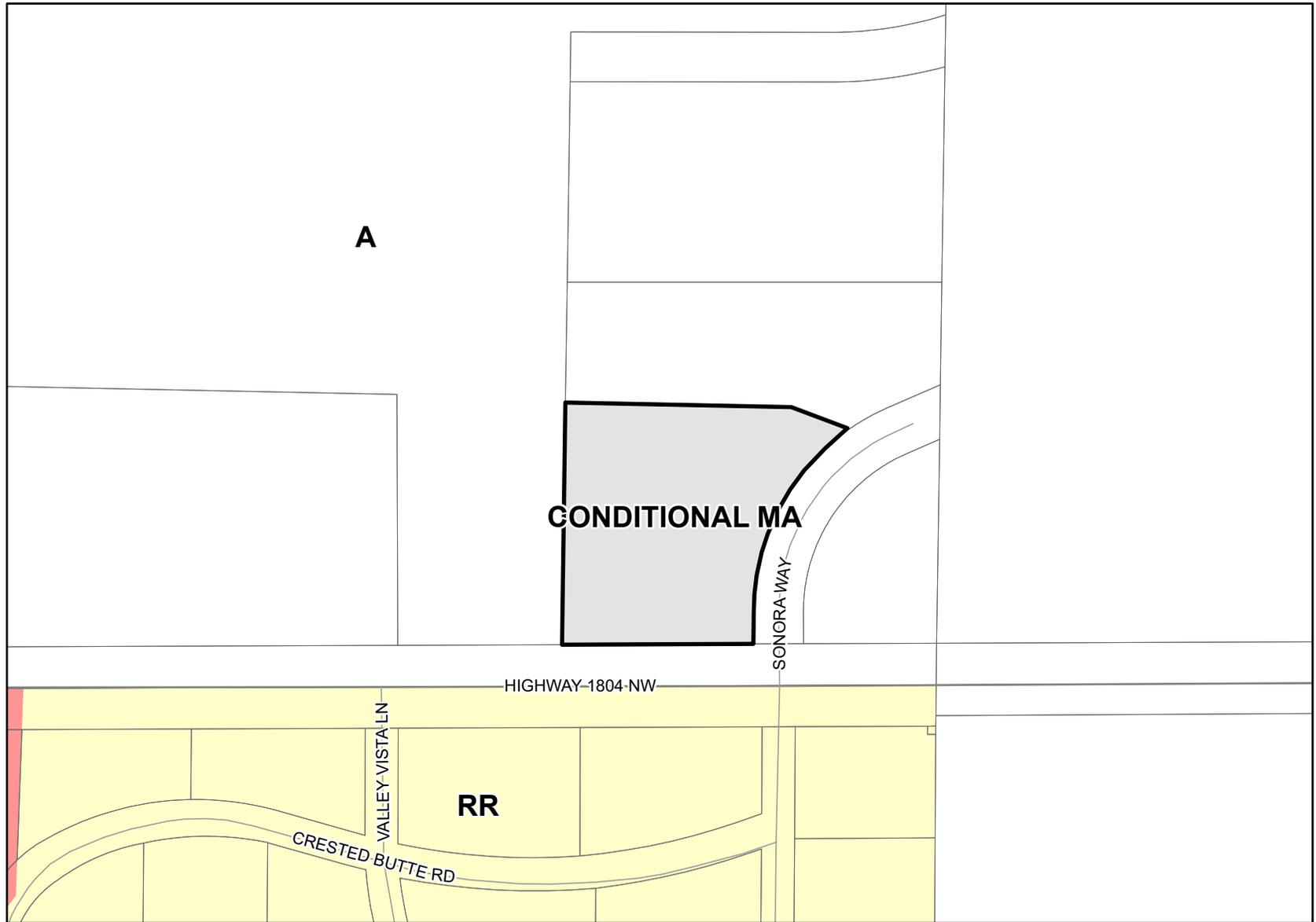
 Project Area  
(zoning within  
is proposed)

 City Limits

*Zoning Districts*

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

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

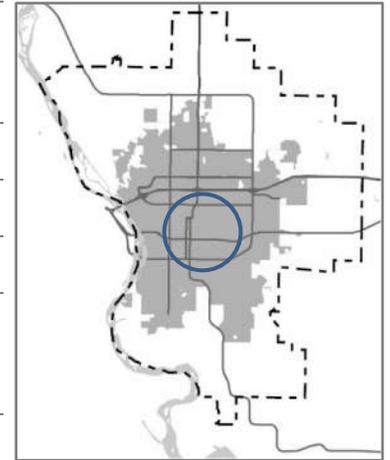


*This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.*



## Project Summary

<i>Title:</i>	East 90 Feet of Lots 13-16, Block 69, McKenzie and Coffin's Addition, less the North 10 Feet of Lot 13
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Property Owner(s):</i>	Remedy Housing Solutions, LLC
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson, Hagen & Co.
<i>Project Location:</i>	In central Bismarck, on the northwest corner of the intersection of East Avenue D and North 12th Street
<i>Project Size:</i>	8,100 SF
<i>Applicant Request:</i>	Rezone to a PUD to allow for future redevelopment
<i>Staff Recommendation:</i>	Call for public hearing



## Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 lot in 1 block	<i>Lots/Blocks:</i>	2 lots in 1 block
<i>Land Use:</i>	Two-family flat	<i>Land Use:</i>	Twin-home style residential with four housing units
<i>Future Land Use:</i>	Urban Neighborhood (UN)	<i>Future Land Use:</i>	Urban Neighborhood (UN)
<i>Zoning:</i>	R10 – Residential	<i>Zoning:</i>	PUD – Planned Unit Development
<i>Uses Allowed:</i>	R10 – Single and two-family residential	<i>Uses Allowed:</i>	PUD – Uses specified in PUD
<i>Max Density:</i>	R10 – 10 units / acre	<i>Max Density:</i>	PUD – Density specified in PUD

## Area Information

## Property History

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	Pre-1980
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	12/1882
<i>Neighborhood:</i>	McKenzie	<i>Annexed:</i>	Pre-1980

**Project Narrative**

Remedy Housing Solutions LLC is requesting approval of a zoning map amendment for a Planned Unit Development (PUD) on the East 90 feet of Lots 13-16, Block 69, Less the North 10 feet of Lot 13 in McKenzie & Coffin’s Addition. The applicant plans to construct a twin-home style structure with two residential units on the main floor, and two smaller residential units on the lower level, creating a total of four housing units.

The applicant intends to replat the property to create two new lots such that each new lot will have two housing units while the whole development looks like a standard twin-home. All other aspects of the development, such as

setbacks and lot size, will generally conform to the standards of an R10 – Residential zoning district.

Additionally, ten feet along the existing northern property boundary will be added to the property to the north. The proposed minor plat of the two new lots and the existing lot to the north would run concurrently with the request for a PUD should the PUD request be granted a public hearing. This minor plat would facilitate the creation of the new lots and the transfer of land to the existing parcel to the north. The parcel receiving the north ten feet of the existing parcel would remain in the R10 – Residential district.

**Project Context**

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

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



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

The project area is surrounded by land zoned R10 – Residential which allows single and two-family homes by-right; however, this is an older area of Bismarck that does have some structures with three or four units – according to City Assessing data – so four units (on two lots) would not be inherently out of character for the neighborhood.

**Public Engagement**

*(continued)*

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

**Review Standards and Findings of Fact**

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

**Zoning Map Amendment**

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

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

The UN designation in the Future Land Use Plan describes a mixture of housing with structures of up to four units, which would align with this request.

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

**Yes.** Adjacent uses are described in the project context section above. The proposed zoning district would allow a total of four housing units on two lots. Development that may be anticipated from the proposed zoning would be similar in nature to a typical twin-home that could be expected in an R10 – Residential district and 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 R10 - Residential zoning district was established pre-1980. Conditions have changed since this time. There are numerous structures in the area that were built before the current R10 – Residential district was created that have more than two housing units on similarly sized lots. There is no evidence that these existing structures inherently, negatively impact the neighborhood. The project area would not be any less restrictive than existing conditions in the surrounding area.

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

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

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

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

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

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

(continued)

*Planned Unit Development*

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

**Yes.** The following objectives of the plan would be advanced through the proposed Planned Unit Development.

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

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

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

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

The proposed development would be an infill project which redevelops land within the core of Bismarck. Therefore, it will use existing public utility and roadway infrastructure. This will allow not only additional housing opportunities for the area – which can increase the vibrancy of the neighborhood – but by utilizing existing infrastructure it will minimize costs to the broader public thus allowing it to be very financially efficient from a public services standpoint.

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

**Yes.** There are no uses adjacent to this proposed PUD that are incompatible and require a buffer.

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

**Yes.** The proposed PUD is a redevelopment of land within the central core of Bismarck. The proposed development would be visually and functionally similar to nearby, existing

development in terms of incorporating existing natural features into the design.

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

**Yes.** The proposed PUD is served entirely by existing public rights-of-way without need for an internal circulation system.

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

**Yes.** The proposed land use would be a total of four housing units in one structure, on two lots eventually, that would be visually and functionally similar to a twin-home style development that would be typical of standard R10 – Residential districts. The proposed use, as designed and laid out in the proposed layout in the proposed Planned Unit Development, would be compatible and harmonious with the surrounding area.

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

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

**Staff Recommendation**

Based on the above findings, staff recommends calling for a public hearing for the zoning map amendment from the R10 – Residential zoning district to a Planned Unit Development (PUD) for the East 90 feet of Lots 13-16, Block 69, McKenzie and Coffin’s Addition, less the North 10 feet of Lot 13, with the following condition:

*(continued)*

1. A minor plat application is submitted prior to the public hearing for the zoning map amendment to a PUD, such that the public hearings run concurrently.

**Attachments**

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map
4. PUD Narrative
5. Proposed Site Exhibit
6. Proposed Building Elevations

---

*Staff report prepared by:* Isak Johnson, Planner

701-355-1850 | [ijohnson@bismarcknd.gov](mailto:ijohnson@bismarcknd.gov)

# CITY OF BISMARCK

## ORDINANCE NO. XXXX

<i>Introduced by</i>	
<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 14-03-02 OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

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

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

The following described property shall be excluded from the R10 – Residential district and included in the PUD – Planned Unit Development zoning district:

The East 90 feet of Lots 13-16, Block 69, McKenzie and Coffin’s Addition, less the North 10 feet of Lot 13.

*[Note: Legal description will change with submittal of a replat]*

This PUD is subject to the following standards:

1. *Conformance to Submitted Documents*. The development must generally conform to the submitted site plan approved in conjunction with the PUD.
2. *Uses Permitted*. The uses within the district shall be limited to the following:
  - a. *Principal Uses*. The following principal uses shall be allowed:
    - i. One rowhouse building with two (2) primary units and two (2) secondary units.



within the site plan. Deviation from this plan may only be allowed if in full compliance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening) as it relates to structures typically seen in an R10 – Residential District (Section 14-04-06).

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

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

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



# Zoning and Plan Reference Map

ZC2023-015

MCKENZIE AND COFFINS ADDITION FIRST REPLAT, L 13-16, B 69

## Zoning Districts

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

## Future Land Use Plan

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

## Active Mobility Plan

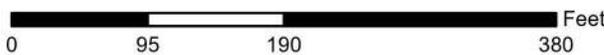
— Future Shared Trail

## Major Street Plan

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



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



City of Bismarck  
Community Development  
Planning Division  
January 4, 2024

## Proposed New Zoning Map

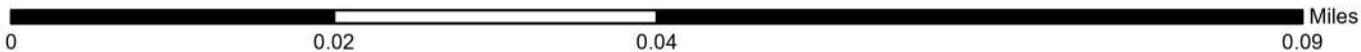
 Project Area  
(zoning within  
is proposed)

 City Limits

### Zoning Districts

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

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



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





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## SWENSON, HAGEN & CO. P.C.

civil engineering . surveying . land planning . hydrology  
landscape & site design . construction management

### McKenzie & Coffin's First Addition First Replat

The East 90' of Lots 13-16 Block 69 Less the North 10' of Lot 13

### McKenzie & Coffin's Addition

### Request for PUD

Remedy Housing Solutions, LLC, is proposing to re-zone a portion of McKenzie & Coffin's addition on the NW corner of N 12<sup>th</sup> St & East Avenue D. The lots in question are currently zoned R10, and contain a partially demolished home & outbuilding. Adjoining properties are also zoned R10.

The proposed PUD for a Gentle/Lean Infill project, as described in the City of Bismarck's "Infill and Redevelopment Plan" accepted by the Board of City Commissioners in February of 2017, would replace the existing structure with a twin-home style building, that will also have rental space for two additional units, for a total of four living spaces.

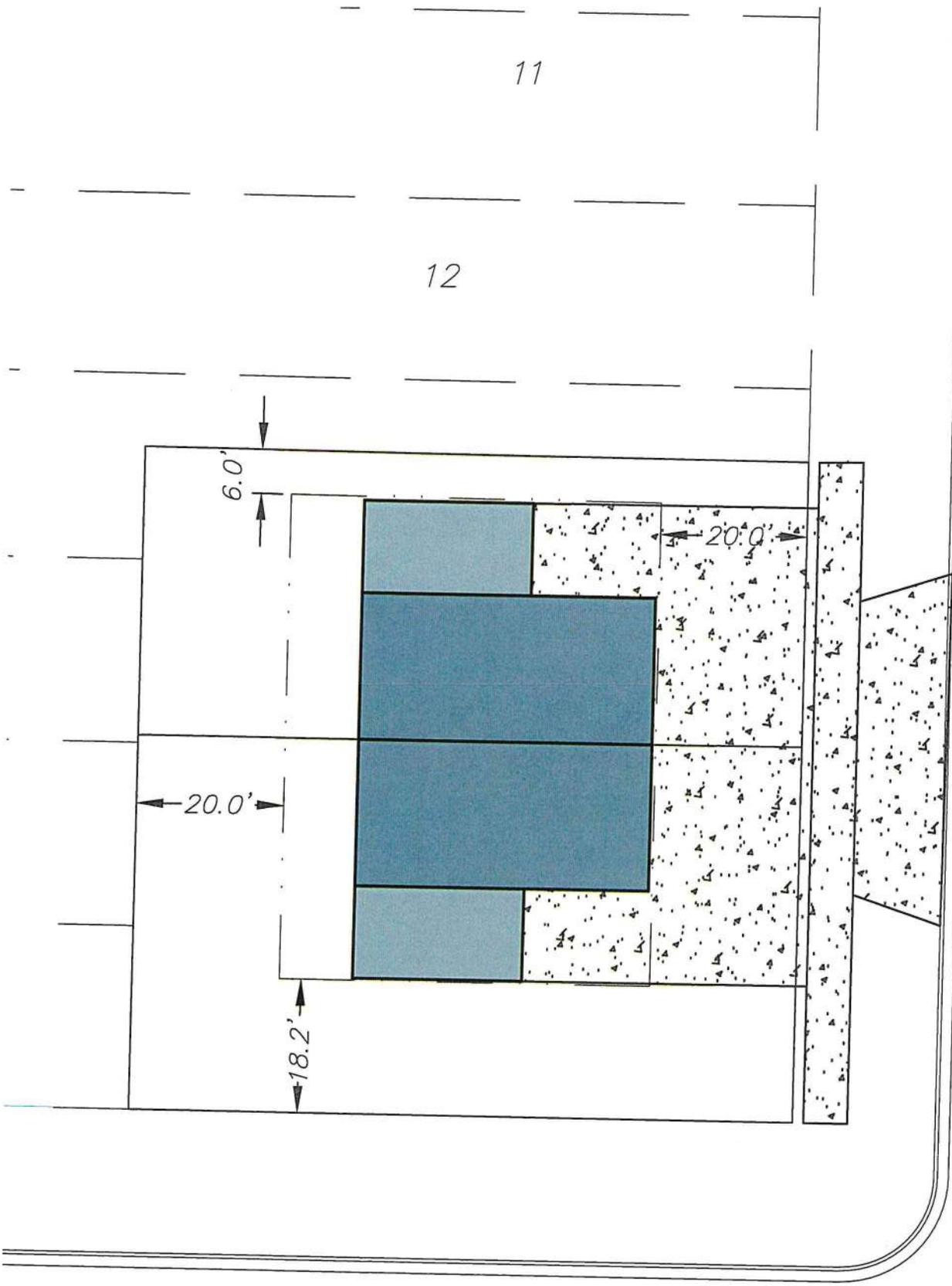
Setbacks would generally conform to R10 zoning with the allowance of Contextual setbacks. As measured per a survey, the "front yard" setback from East Ave D will be set at 18.2'. The Front Yard setback from N. 12<sup>th</sup> St. will be 20', which will be the garage facing side of the structure. Side yard of 6' and a rear yard of 20'.

Additionally, two of the units will be provided with garage space, while the two remaining will have paved parking spaces within the property. An HOA will be formed for maintenance of the structure, snow removal & communal green space.

Landscaping will be limited to street trees & grass, as the structure will aesthetically and structurally appear as a twin home, no landscape buffering between the project & adjoining uses will be required.

Lot coverage for all structures will be limited to 40%, building height limited to 40', minimum lot area of 3,500 sf.

RECEIVED  
DEC 22 2023



N 12TH ST.

AVENUE D



### DRAWING SCHEDULE

Second Floor_____	1
Main Floor_____	2
Basement_____	3
Foundation_____	4
Roof_____	5
Elevations - Front & Back_	6
Elevations - Left & Right__	7



1118 E Ave D

Thursday, December 28, 2023



## FRONT ELEVATION

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



## BACK ELEVATION

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

ALL EXTERIOR DIMENSIONS ARE TO EXTERIOR EDGE OF BEARING (CONCRETE/STUD). ALL INTERIOR DIMENSIONS ARE TO STUD (UNO).

### House Information

1118 E Ave D

Foundation Walls : 8" Concrete (UNO)	Basement : 0000 sf
Exterior Walls : 2x6	Main Floor : 0000 sf
Interior Walls : 2x4 (UNO)	Second Floor : 0000 sf
Wall Height : 0'-0"	Garage : 0000 sf
Garage Wall Height : 0'-0" (VERIFY)	Covered Porch : 0000 sf
Floor Trusses : 00"- Engineered	Covered Patio : 0000 sf
	<b>Total Living Area : 0000 sf</b>

### Disclaimer:

M.A. has prepared these plans based on information provided to J.E. Homes. Plans and elevations to be used to provide a concept and example of what is to be built. Contractor or Architect is responsible for verifying all locations, dimensions, building codes, & exterior materials. Contractor or Architect is responsible for having all plans reviewed by an engineer.

DRAWN BY: M.A.

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

PAGE:

6/7

DATE: 12/28/2023 Elevations - Front & Back

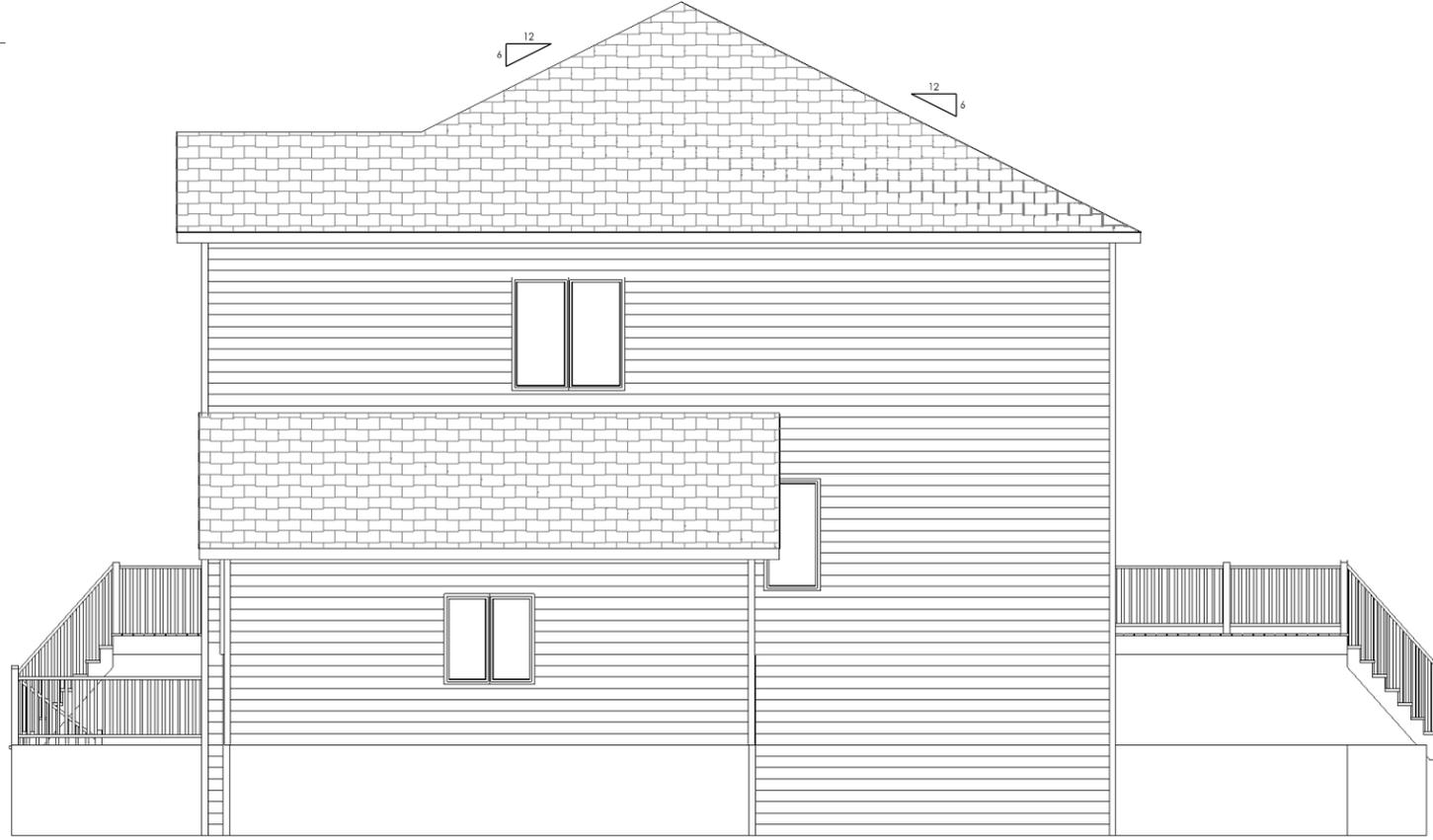


**BUILDERS**

7007 15th St NW  
Bismarck, North Dakota 58503  
701-595-2758



**LEFT ELEVATION**  
SCALE: 1/8" = 1'-0"



**RIGHT ELEVATION**  
SCALE: 1/8" = 1'-0"

ALL EXTERIOR DIMENSIONS ARE TO EXTERIOR EDGE OF BEARING (CONCRETE/STUD). ALL INTERIOR DIMENSIONS ARE TO STUD (UNO).

**House Information**

1118 E AVE D

Foundation Walls : 8" Concrete (UNO)	Basement : 0000 sf
Exterior Walls : 2x6	Main Floor : 0000 sf
Interior Walls : 2x4 (UNO)	Second Floor : 0000 sf
Wall Height : 0'-0"	Garage : 0000 sf
Garage Wall Height : 0'-0" (VERIFY)	Covered Porch : 0000 sf
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**DRAWN BY:** M.A.

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

**PAGE:** 7/7

**DATE:** 12/28/2023 Elevations - Left & Right



**BUILDERS**

7007 15th St NW  
Bismarck, North Dakota 58503  
701-595-2758

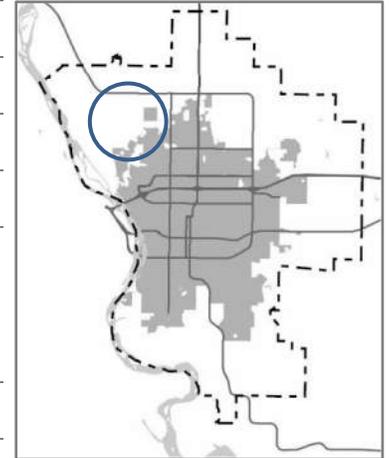
# STAFF REPORT

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

Project ID: **ZC2023-009**  
**PPLT2023-002**

## Project Summary

<i>Title:</i>	William Blackstone Addition
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Property Owner(s):</i>	Michael Ward
<i>Project Contact:</i>	Nic Cullen, PE, Houston Engineering
<i>Project Location:</i>	Northwest of Bismarck, west of North Washington Street and north of North 57th Avenue, along the west side of Tyler Parkway (Part of the SE¼ of Section 7, T139N-R80W/ Hay Creek Township)
<i>Project Size:</i>	59.24 acres
<i>Applicant Request:</i>	Plat and zone property for future residential development
<i>Staff Recommendation:</i>	Tentatively approve / call for public hearing



## Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 parcel	<i>Lots/Blocks:</i>	118 Lots in 9 Blocks
<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>	Urban Neighborhood (UN) Parks and Open Space (PKOS)
<i>Zoning:</i>	A – Agricultural	<i>Zoning:</i>	RM30 – Residential R5 – Residential P – Public Use
<i>Uses Allowed:</i>	A – Agriculture	<i>Uses Allowed:</i>	RM30 – Multi-family residential R5 – Single-family residential P – Parks, open space, stormwater facilities, and other public uses
<i>Max Density:</i>	A – 1 unit / 40 acres	<i>Max Density:</i>	RM3 – 30 units / acre R5 – 5 units / acre P – N/A

**Area Information**

**Property History**

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	N/A
<i>Township:</i>	Hay Creek (organized)	<i>Platted:</i>	N/A
<i>Neighborhood:</i>	Lincoln's Inn	<i>Annexed:</i>	N/A

**Project Narrative**

Michael Ward is requesting approval of a zoning map amendment from the A – Agriculture zoning district to the RM30 – Residential, R5 – Residential and P – Public zoning district and major subdivision preliminary plat titled William Blackstone Addition.

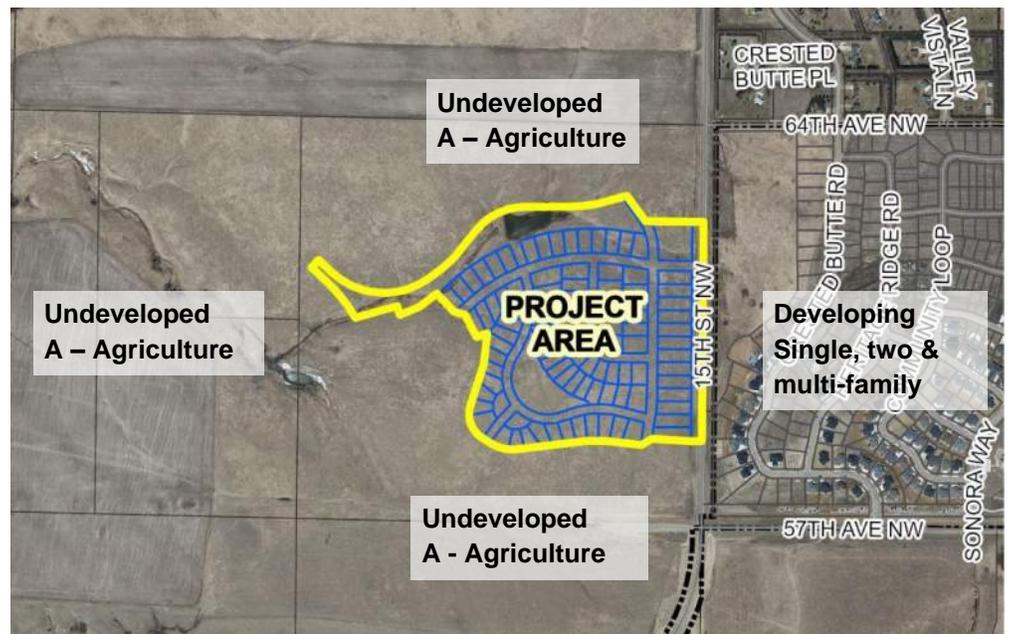
The proposed zoning map amendment and preliminary plat are being requested for future urban residential development with green spaces and a neighborhood park.

A request for annexation will be considered in conjunction with the final plat and public hearing for the proposed zoning map amendment.

**Project Context**

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

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



The property has been identified as Parks and Open Space (PKOS) and Urban Neighborhood (UN) in the Future Land Use Plan. The PKOS areas are spaces kept in a largely natural state, providing many important functions for the community and ecosystem. The UN areas are areas for quiet enjoyment of home life and are predominantly residential with a mix of housing

types. Goals and objectives of this plan as they relate to the zoning map amendment and preliminary plat are referenced in review standards below.

The area is surrounded by undeveloped A – Agriculture zoned property to the north, west and

*(continued)*

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

The majority of the plat is proposed to be developed as single-family residential with one lot in the northeast portion of the plat being multi-family. 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 plat includes non-buildable lots for green space, stormwater detention and walking trails. Lot 12, Block 9, adjacent to Tyler Parkway, would be utilized as temporary access to meet secondary access requirements for the plat. Development of this lot and the adjacent lots north and south would be delayed until secondary access is provided when subsequent plats for the adjacent area are completed. A development agreement may be required to address the timing and mechanisms for removal of the temporary access and the ownership of the non-buildable lots.

**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 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.*

**Zoning Map Amendment**

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

**Yes.** The proposed zoning map amendment is within the area designated as 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 district 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 current zoning district of A – Agriculture was established prior to 1980. Conditions have changed since this time including adoption of new comprehensive plans.

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

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

*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.

*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 recreations use in the design and management of greenway corridors and ponds.

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

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

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

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

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

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

**Major Subdivision Preliminary Plat**

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

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

Planning and Engineering staff are reviewing the master street plan for the arterial and collector roadway network for this area and future phases of development are likely to include arterial and collector roadways.

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

**Yes.** The corridors identified in the Active Mobility Plan are incorporated into rights-of-way or easements within the proposed subdivision. A multi-use trail easement is incorporated within the northern portion of the plat. A plan reference map is attached to this staff report.

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

**Yes.** A statement of intent for the provision of neighborhood parks and open space has been submitted. A neighborhood park will be located within Lot 1, Block 1 of the proposed plat. The statement of intent is attached for review.

*(continued)*

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

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

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

**Yes.** Subdivision design requirements, such as maximum block length, intended to promote street connectivity has 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. In particular, Lot 12, Block 9 which is adjacent to Tyler Parkway would be utilized as temporary access to meet secondary access requirements for the plat.

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

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

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

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

stormwater detention area is located on Lot 20, Block 1 of the proposed plat.

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

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

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

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

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

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

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

**Yes.** The future revenue and other public goods generated by the proposed subdivision are expected to be proportional to the public costs of development. Public costs associated with provision of municipal water and sewer service to new development will be adequately compensated for through payment of utility capital

*(continued)*

charges. The initial development will be funded by the developer or through special assessment of properties benefitted by said improvements, as outlined in the Development Cost Policy. Ongoing costs of maintenance and operation of all public facilities will be offset by property and/or sales tax derived from the proposed subdivision.

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

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

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

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

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

due upon creation of a street improvement district, annexation, or recordation of the plat, whichever is the latter.

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

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

**Staff Recommendation**

Based on the above findings, staff recommends scheduling a public hearing for the zoning map amendment from the A – Agriculture zoning district to the RM30 – Residential, R5 – Residential and P – Public zoning district and tentative approval of the major subdivision preliminary plat for William Blackstone Addition.

**Attachments**

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map
4. Preliminary Plat
5. Statement of intent for neighborhood park

*Staff report prepared by:* Jenny Wollmuth, AICP, CFM, Senior Planner  
701-355-1854 | jwollmuth@bismarcknd.gov

### Zoning Districts

<b>A</b>	Agriculture
<b>RR</b>	Rural Residential
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### Future Land Use Plan

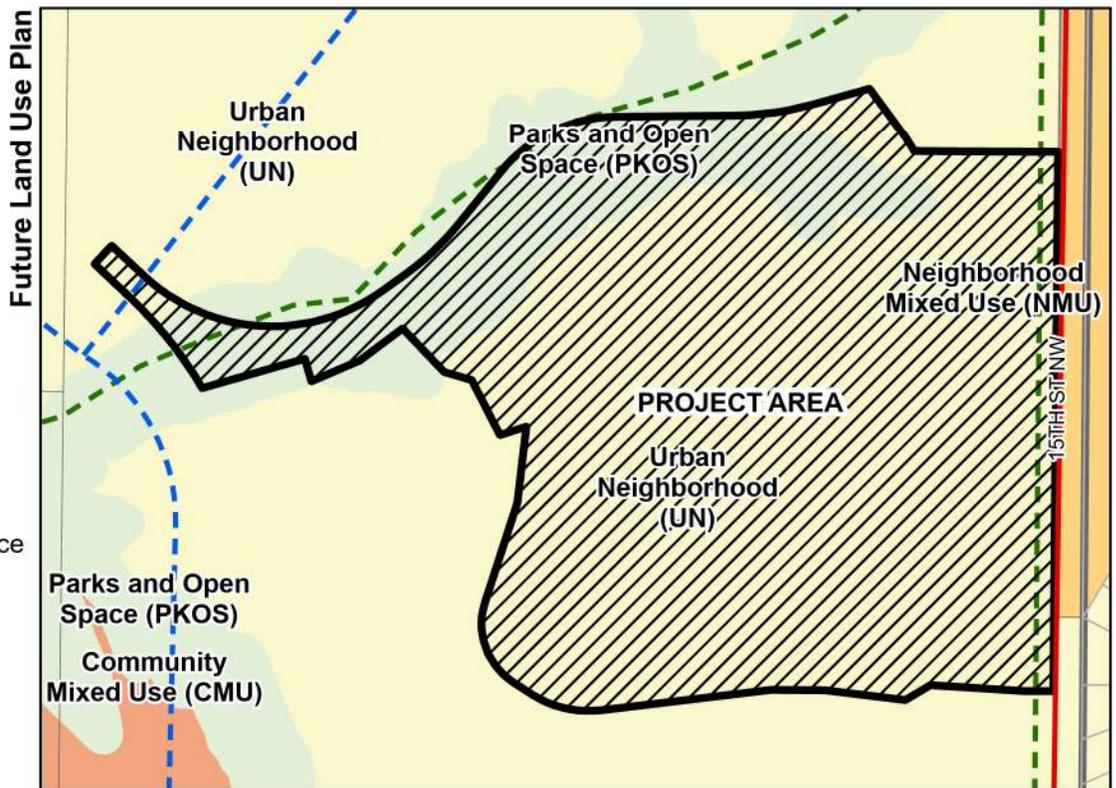
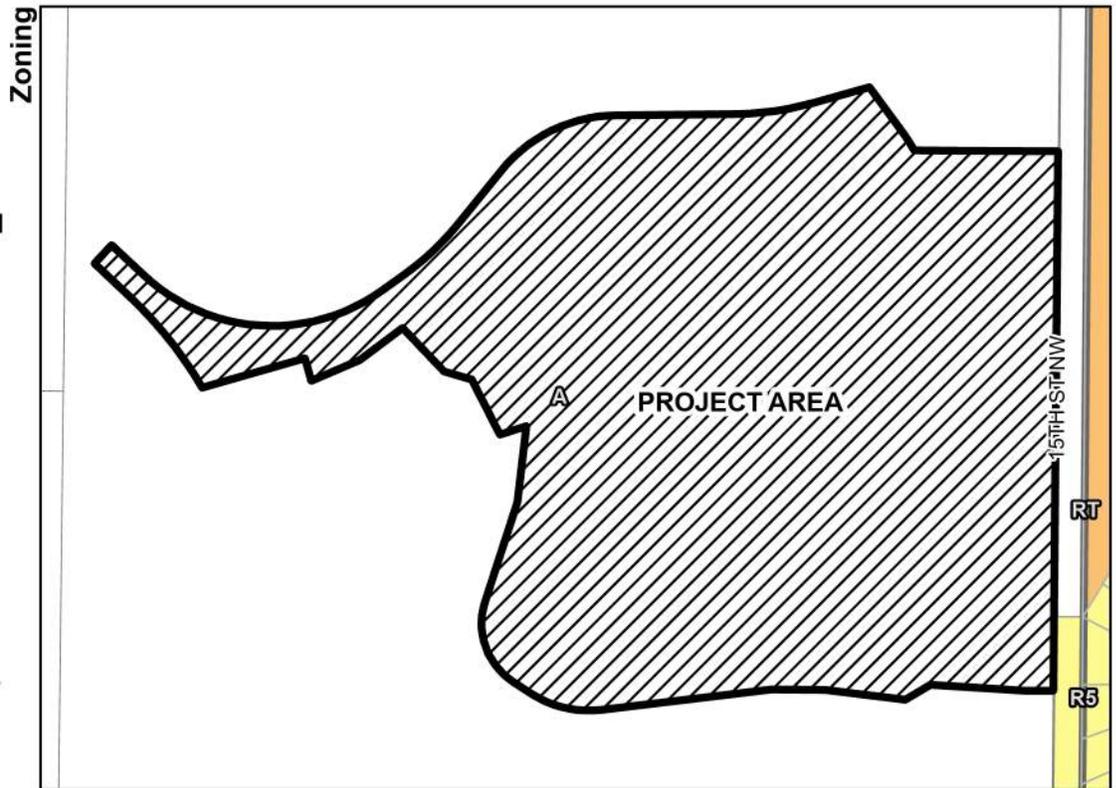
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<b>URA/URB</b>	Urban Reserve Mid/Long-Term

### Active Mobility Plan

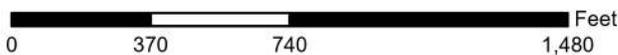
--- Future Shared Trail

### Major Street Plan

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



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



City of Bismarck  
 Community Development  
 Planning Division  
 January 17, 2024

**Proposed New Zoning Map**

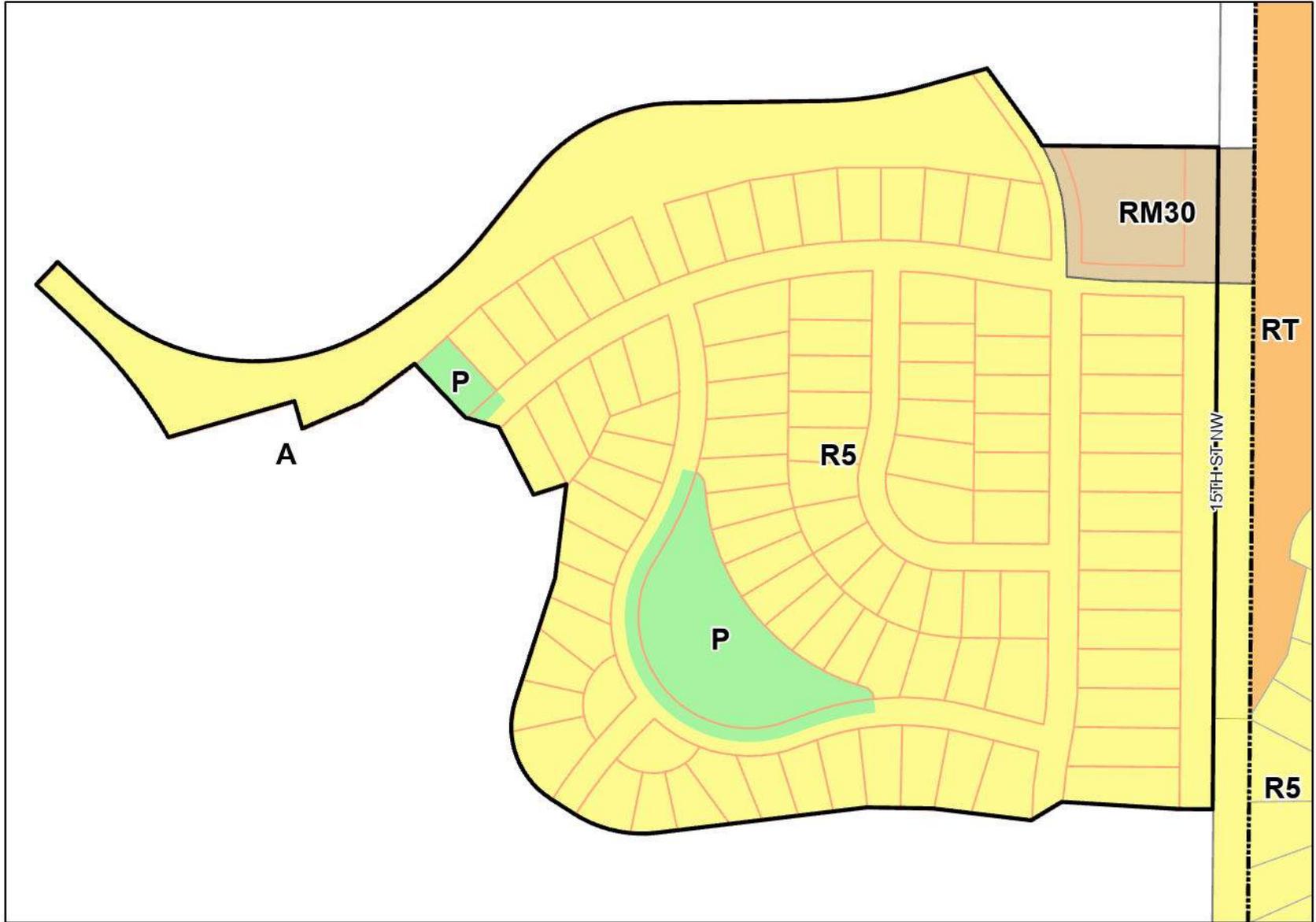
 Project Area  
(zoning within is proposed)

 City Limits

*Zoning Districts*

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

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



# PRELIMINARY PLAT WILLIAM BLACKSTONE ADDITION

AN UNPLATTED PORTION OF THE SOUTHEAST 1/4 OF SECTION 7  
T. 139 N., R. 80 W., 5th P.M.

CITY OF BISMARCK  
BURLEIGH COUNTY, NORTH DAKOTA

### PLAT INFORMATION

EXISTING ZONING: AG  
PROPOSED ZONING: R5, RM30, P

LOT ACREAGE: 46.02± ACRES  
RIGHT OF WAY ACREAGE: 13.22± ACRES  
TOTAL ACREAGE: 59.24± ACRES

BASIS OF BEARINGS: 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

### BENCH MARK

SE CORNER OF SECTION 7, T139N, R80W  
ELEV. 1897.74' NAVD 88

### SURVEYOR'S NOTES

THE FOLLOWING INFORMATION IS PROVIDED ON THE PRELIMINARY PLAT:

- CENTERLINE ROADWAY MILES:
  - LOCAL = 1.15 MILES
  - COLLECTOR = 0 MILES
  - ARTERIAL = 0 MILES
- MAXIMUM ALLOWABLE NEW HOUSING UNITS:
  - P = 2
  - R5 = 115
  - RM30 = 1
- UNDEVELOPABLE LAND:
  - BLOCK 1 LOT 20 (GREEN SPACE, TRAIL EASEMENT, & STORMWATER DETENTION AREA)
  - BLOCK 4 LOT 17 (GREEN SPACE)
  - BLOCK 5 LOT 1 (GREEN SPACE)
  - BLOCK 6 LOT 1 (PARK)
  - BLOCK 7 LOT 4 (GREEN SPACE)
  - BLOCK 7 LOT 27 (GREEN SPACE)
- SEE UTILITY SERVICING PLAN FOR PRELIMINARY UTILITY LAYOUT.

### ENGINEER/SURVEYOR

HOUSTON ENGINEERING, INC.  
3712 LOCKPORT STREET  
BISMARCK, NORTH DAKOTA 58501  
PHONE 701.323.0200

### OWNER

MICHAEL WARD  
201 SOUTH MAIN STREET, SUITE 200  
MINOT, ND 58701  
PHONE 701.852.4837

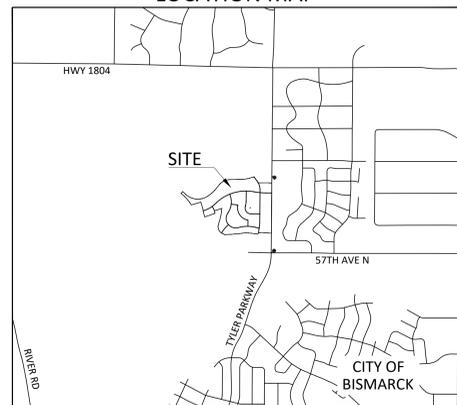


Scale 0 80 160 Feet  
JANUARY 8, 2024

### LEGEND

- IRON MONUMENT FOUND
- IRON MONUMENT SET
- PLAT BOUNDARY
- LOT LINE
- NON-ACCESS
- UTILITY EASEMENT
- EXISTING LOT LINE
- EXISTING UTILITY EASEMENT
- UTILITY POLE
  - W / GUY WIRE
  - TELEPHONE RISER
  - ELECTRICAL BOX
  - ELECTRIC METER
- SIGN
- OVERHEAD POWER
- FENCE
- RIGHT OF WAY LINE

### LOCATION MAP



# STATEMENT OF INTENT

## WILLIAM BLACKSTONE ADDITION

---

**To:** Community Development Division  
**From:** Nicolas Cullen, PE, CFM, Project Engineer  
**Subject:** William Blackstone Addition – Preliminary Plat  
**Statement of Intent to comply with the City of Bismarck’s  
Neighborhood Parks and Open Space Policy**  
**Date:** August 2, 2023  
**Project:** HEI No. 10846-0002

### OPEN SPACE – WILLIAM BLACKSTONE ADDITION

The owner of the proposed William Blackstone Addition property is committed to setting aside a parcel which has been designated on the preliminary plat, for the purposes of complying with the City of Bismarck’s Neighborhood Parks and Open Space Policy. This parcel is Lot 1 Block 4. The details related to property acquisition or the facilities development that will occur on them remains to be determined. A trail corridor is also being considered on Lot 16, Block 1, which is a parcel designated for the regional storm water detention facility.

### PARKS DEVELOPMENT AGREEMENT

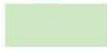
As the plat moves forward to final the owner is committed to continued discussion with the Bismarck Parks and Recreation District to complete the required Parks Development Agreement. The general intent of future park facilities within the properties are illustrated below. Future pedestrian trails will be located within the public ROW and paid for via public funds. The extent of the owner’s commitment to construct and have assessed park features with the designated open space parcels remains to be determined as part of the agreement.



**Legend:**



**Ped-Shed**  
5 min walking distance



**Natural Green Space**  
Undeveloped public use for preservation, recreation, and storm water conveyance



**Neighborhood Park**  
Developed public use for recreation, education, and government services



**Green Spine**  
Urban tree plantings and trail network directly linking community assets



**Sidewalks / Trail System**  
Neighborhood sidewalk and trail network



**Buffer Yard**  
Plantings providing privacy to residents from neighboring properties

**Section 7 - Greenspace + Walkability:**

A trail system network has been prescribed for this development that encourages walking and biking throughout the development. The system is designed to provide direct connections between neighborhood assets such as neighborhood parks, an elementary school, commercial uses, and undeveloped greenspace. Quality of life investments, such as trail networks and greenspace systems, increase the marketability of a subdivision and improve property values.

Three neighborhood parks have been intentionally sited throughout the development such that most residents are within a 5 minute walk of a park. Neighborhood parks are generally 2-5 acres in size and include both active and passive use infrastructure prescribed by the Bismarck Parks & Recreation District.

Elementary schools typically include greenspace that can double as a neighborhood park when school is not in session. The location of the elementary school is also intentionally sited equidistant from each neighborhood park, contributing to the overall greenspace system, and ensuring residents are within walking distance of a developed greenspace.

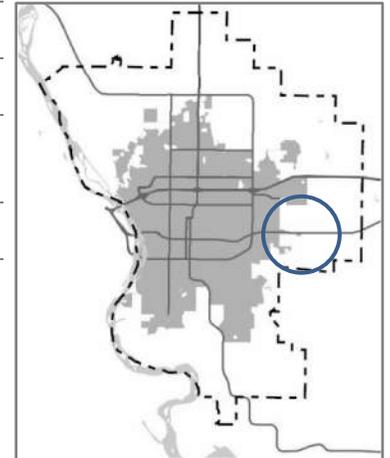
A greenspine has been planned that provides a direct link between the primary community assets. With this system, residents can move between amenities along a protected corridor that is designed specifically for pedestrian use. This greenspine would include urban tree plantings, trail system, and minimal driveway aprons to reduce pedestrian / vehicular contact points.

Finally, an undeveloped greenspace includes a trail system that loops around the development. This greenspace can be used as a passive use park while also satisfying regional stormwater requirements.



**Project Summary**

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



**Site Information**

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

(continued)

**Area Information**

**Property History**

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

**Project Narrative**

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

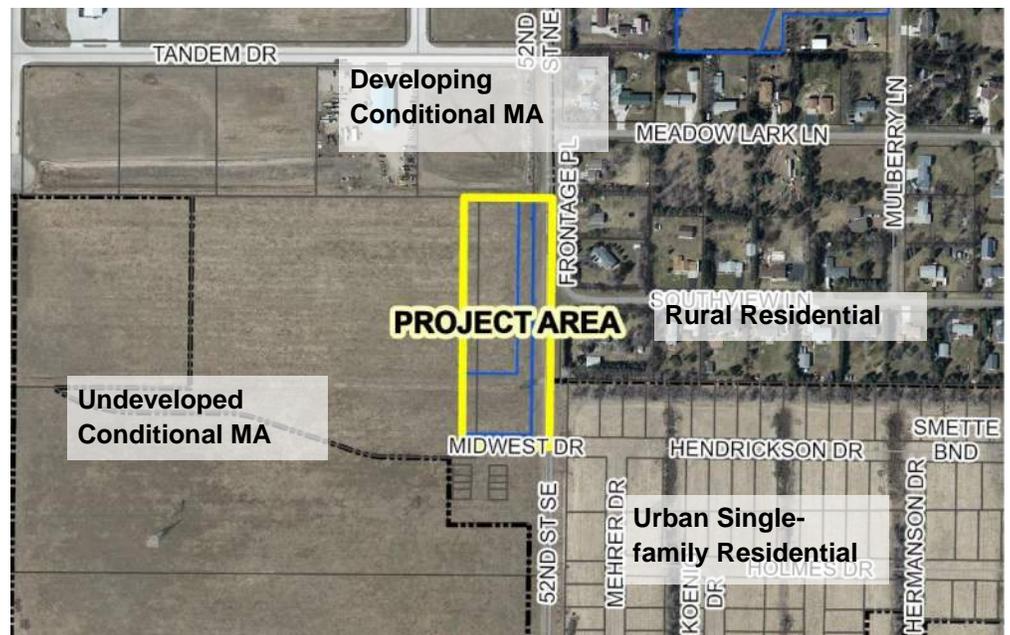
This request is being made to increase the platted area to include unplatted property to the west and create an additional lot for development.

The Planning and Zoning commission tentatively approved the preliminary plat at their meeting of December 20, 2023.

**Project Context**

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

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



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

standards for buildings, additional setbacks from 52<sup>nd</sup> Street SE and a 50-foot landscape buffer along the west side of 52<sup>nd</sup> Street. The landscape buffer in this location was installed in conjunction with site development in 2022.

The proposed plat is zoned Conditional MA – Industrial. Conditions include design and aesthetic

(continued)

**Public Engagement**

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on January 12 and 19, and 52 letters were mailed to the owners of nearby properties on January 13, 2024.

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

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

**Review Standards and Findings of Fact**

*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.*

*Final Plat*

*The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission*

**Yes.** The proposed final plat is substantially similar to the preliminary plat.

*Any and all conditions placed on approval of the preliminary plat by the Planning and Zoning Commission have been satisfied or will remain in place for future completion*

**N/A.** The planning and Zoning Commission did not place conditions on the approval of the preliminary plat.

*Sufficient easements and rights-of-way are included on the proposed subdivision to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision ([Goal G3-d](#))*

**Yes.** The proposed subdivision includes easements that extended into and through the plat. Easements are included for stormwater and drainage, municipal water and sanitary sewer, access, other utilities, and landscaping.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Stormwater runoff impacted by this subdivision is adequately managed to protect public and private*

*investments and the natural environment (Goal I5, Section 14.1-04-03);*

**Yes.** The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) for the proposed subdivision.

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

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

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

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

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

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

(continued)

facilities will be offset by property and/or sales tax derived from the proposed subdivision.

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

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

### **Staff Recommendation**

Based on the above findings, staff recommends approval of the major subdivision final plat for First Responders Third Addition.

### **Attachments**

1. Zoning and Plan Reference Map
2. Final Plat
3. Preliminary Plat

---

*Staff report prepared by:* Jenny Wollmuth, AICP, CFM, Senior Planner  
701-355-1845 | [jwollmuth@bismarcknd.gov](mailto:jwollmuth@bismarcknd.gov)

### Zoning Districts

<b>A</b>	Agriculture
<b>RR</b>	Rural Residential
<b>R5</b>	Residential
<b>RMH</b>	Manufactured Home Residential
<b>R10</b>	Residential
<b>RM</b>	Residential Multifamily
<b>RT</b>	Residential (Offices)
<b>HM</b>	Health and Medical
<b>CA</b>	Commercial
<b>CG</b>	Commercial
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<b>MB</b>	Industrial
<b>PUD</b>	Planned Unit Development
<b>DC</b>	Downtown Core
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### Future Land Use Plan

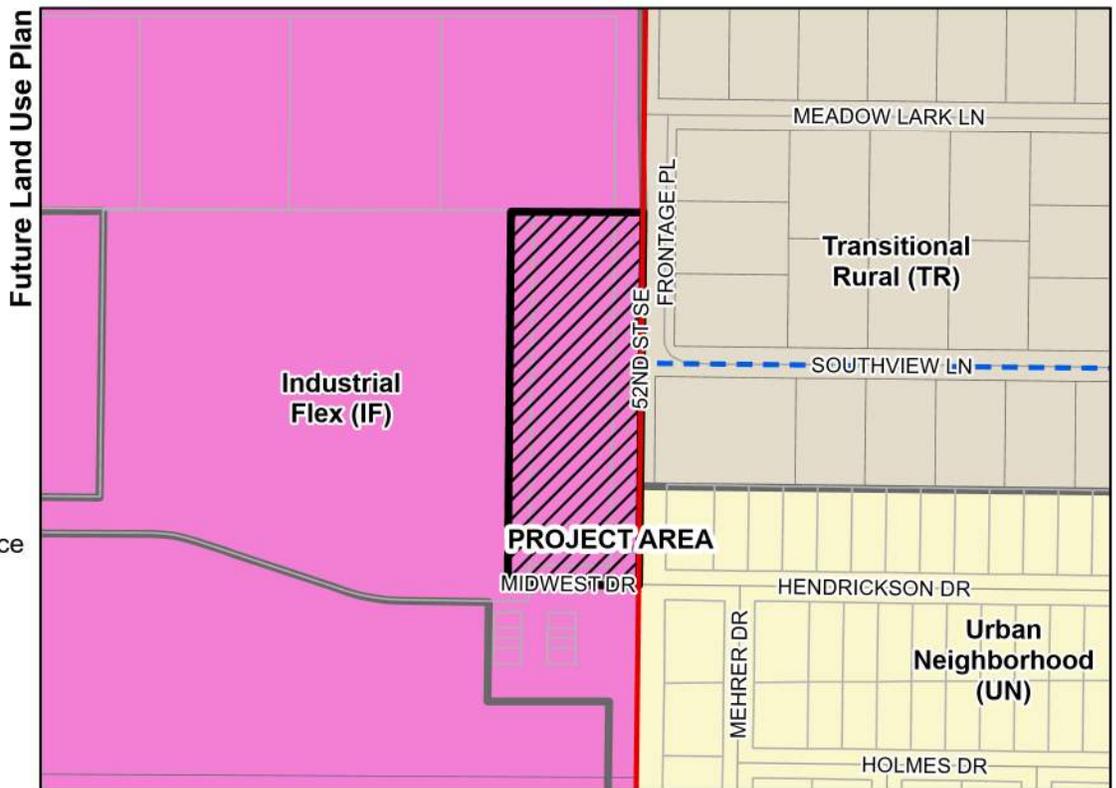
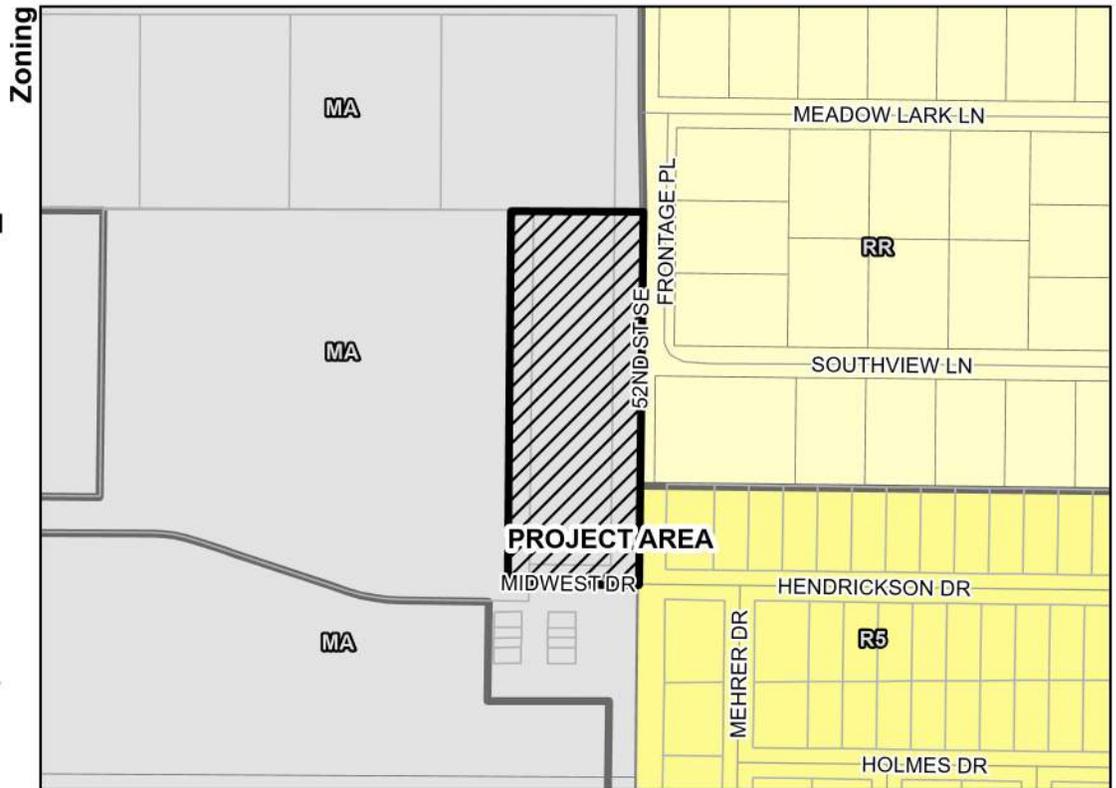
<b>UN</b>	Urban
<b>NMU</b>	Neighborhood Mixed Use
<b>CMU</b>	Community Mixed Use
<b>DMU</b>	Destination Mixed Use
<b>DT</b>	Downtown
<b>IND</b>	Industrial
<b>IF</b>	Industrial Flex
<b>IMU</b>	Industrial Mixed Use
<b>INS</b>	Institutional
<b>RR</b>	Rural
<b>TR</b>	Residential Transitional Rural
<b>PKOS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

### Active Mobility Plan

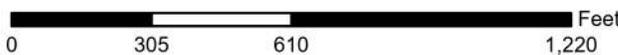
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### Major Street Plan

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



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



# FIRST RESPONDERS THIRD ADDITION

TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

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

### DESCRIPTION OF PROPERTY

A TRACT OF LAND BEING ALL OF FIRST RESPONDERS ADDITION, PART OF AUDITOR'S LOT 6A OF AUDITOR'S LOT 6, PART OF LOT 7B OF AUDITOR'S LOT 7, PART OF THE W1/2 OF 52ND ST SE, AND PART OF THE N1/2 OF MIDWEST DRIVE OF THE E1/2 OF SECTION 1, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SE1/4 OF SECTION 1, T138N-R80W; THENCE SOUTH 00°44'45" WEST ALONG THE EAST BOUNDARY LINE OF SAID SE1/4 AND THE CENTERLINE OF SAID 52ND ST SE FOR 218.46 FEET TO THE POINT OF INTERSECTION OF SAID 52ND ST SE AND MIDWEST DRIVE; THENCE NORTH 89°15'15" WEST ALONG THE CENTERLINE OF SAID MIDWEST DRIVE FOR 285.95 FEET; THENCE NORTH 00°40'07" EAST FOR 812.24 FEET; THENCE SOUTH 89°43'51" EAST TO A POINT ON THE NORTH BOUNDARY LINE OF AUDITOR'S LOT 6A OF AUDITOR'S LOT 6 OF THE E1/2 OF SAID SECTION 1 FOR 285.98 FEET TO A POINT ON THE EAST BOUNDARY LINE OF THE NE1/4 OF SAID SECTION 1, SAID POINT ALSO BEING ON THE CENTERLINE OF SAID 52ND ST SE; THENCE SOUTH 00°38'33" WEST ALONG SAID EAST BOUNDARY LINE AND SAID CENTERLINE FOR 596.17 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 5.34 ACRES, MORE OR LESS.

### SURVEYOR'S CERTIFICATE

I, ANDRA L. MARQUARDT, HEREBY CERTIFY I AM A LICENSED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECTION AND SUPERVISION AND THAT THE SURVEY IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE, THAT ALL MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

ANDRA MARQUARDT  
PROFESSIONAL LAND SURVEYOR  
N.D. REGISTRATION NO 4623

### OWNER'S CERTIFICATE AND DEDICATION

WE, VALOR PROPERTY GROUP, LLC, BEING ALL THE OWNERS OF THE LANDS PLATTED HEREIN, HAVE CAUSED THE LAND TO BE PLATTED AND DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED FIRST RESPONDERS 3RD ADDITION, AND DEDICATE ALL RIGHTS OF WAY TO THE CITY OF BISMARCK AS SHOWN ON THIS PLAT FOR PUBLIC USE, AND CONSENT TO ANY ACCESS CONTROL TO THE PROPERTY AS SHOWN, AND AFFIRM THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT.

WE ALSO DEDICATE ALL EASEMENTS AS SHOWN ON THIS PLAT AS "UTILITY EASEMENT" TO RUN WITH THE LAND FOR GAS, ELECTRIC, COMMUNICATION AND/OR OTHER PUBLIC UTILITIES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON.

WE ALSO DEDICATE TO THE CITY OF BISMARCK ALL EASEMENTS AS SHOWN ON THIS PLAT AS "STORMWATER & DRAINAGE EASEMENT" TO RUN WITH THE LAND FOR THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER AND/OR OVER THOSE AREAS INCLUDING THE CONSTRUCTION AND MAINTENANCE OF STORMWATER FACILITIES TOGETHER WITH NECESSARY APPURTENANCES.

WE ALSO DEDICATE TO ALL EASEMENTS AS SHOWN ON THIS PLAT AS "ACCESS EASEMENT" TO RUN WITH THE LAND FOR USE BY ALL LAND OWNING PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, ITS OFFICERS AND EMPLOYEES FOR EMERGENCY SERVICES AND ANY OTHER GOVERNMENTAL USE OR USES, PROVIDED THAT MAINTENANCE AND CLEARANCE OF THE EASEMENT IS THE RESPONSIBILITY OF THE LAND OWNING PARTIES AND THE CITY OF BISMARCK SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE PROPERTY OWNERS IN THE SUBDIVISION.

WE ALSO DEDICATE TO THE CITY OF BISMARCK ALL PUBLIC EASEMENTS AS SHOWN ON THIS PLAT AS "WATER, SANITARY SEWER EASEMENT" TO RUN WITH THE LAND FOR USE BY ANY GOVERNMENTAL SUBDIVISION, ITS OFFICERS AND EMPLOYEES TO CONSTRUCT, OPERATE, MAINTAIN, AND REPAIR WATERMAIN AND SANITARY SEWER FACILITIES UNDER OR UPON THOSE AREAS DESIGNATED AS SUCH.

BRADY WOLF, PRESIDENT  
VALOR PROPERTY GROUP, LLC  
813 S. 18TH ST  
BISMARCK, ND 58504

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024, BEFORE ME PERSONALLY APPEARED [OWNER(S)] FULL NAME, KNOWN TO ME TO BE THE PERSON(S) DESCRIBED IN AND WHO EXECUTED THE WITHIN CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC \_\_\_\_\_

### APPROVAL OF CITY PLANNING AND ZONING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT HAS BEEN APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA AND ORDINANCES OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIR ATTEST: BEN EHRETH - SECRETARY

### APPROVAL OF BOARD OF CITY COMMISSIONERS

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

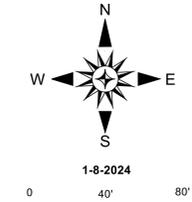
THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS APPROVED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

MICHAEL T. SCHMITZ - PRESIDENT ATTEST: JASON TOMANEK  
ACTING CITY ADMINISTRATOR

### APPROVAL OF CITY ENGINEER

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

GABRIEL J. SCHELL - CITY ENGINEER



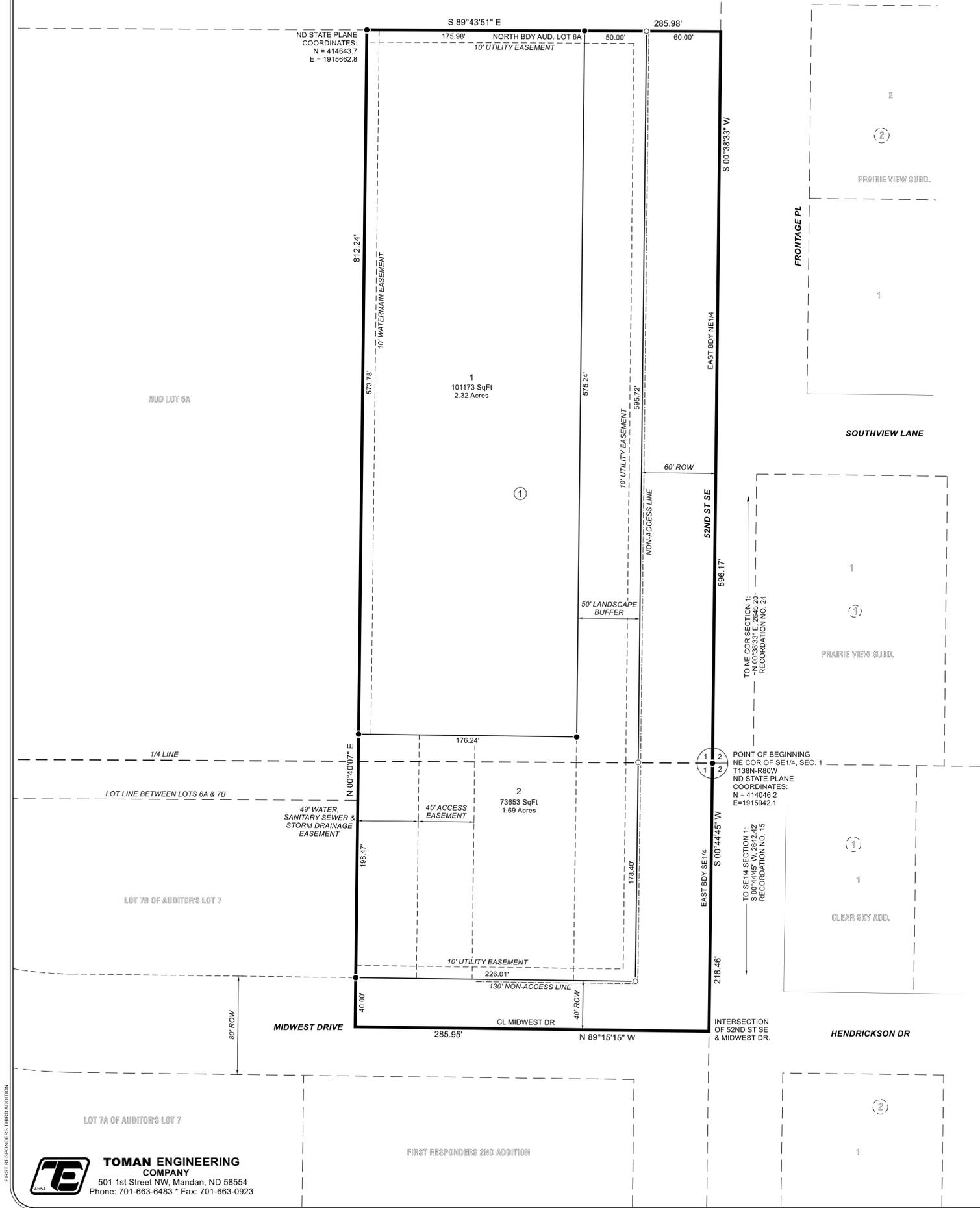
COORDINATE DATUM:  
ND STATE PLANE COORDINATES  
NAD83, 86 ADJUSTMENT  
INTERNATIONAL FEET  
BENCHMARK: HYDRANT #3323  
TANDEM DRIVE & 52ND STREET  
ELEV: 1704.04 (NGVD29)

**LEGEND**

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

**LOT TABLE**

LOT	ACRES	SQ FT
LOT 1	2.32	101,173
LOT 2	1.69	73,653



POINT OF BEGINNING  
NE COR OF SE1/4, SEC. 1  
T138N-R80W  
ND STATE PLANE  
COORDINATES:  
N = 414046.2  
E = 1915942.1

TO SE1/4 SECTION 1:  
S 00°44'45" W, 2642.42'  
RECORDATION NO. 15

INTERSECTION  
OF 52ND ST SE  
& MIDWEST DR.

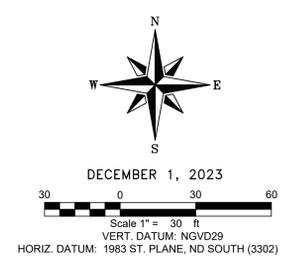
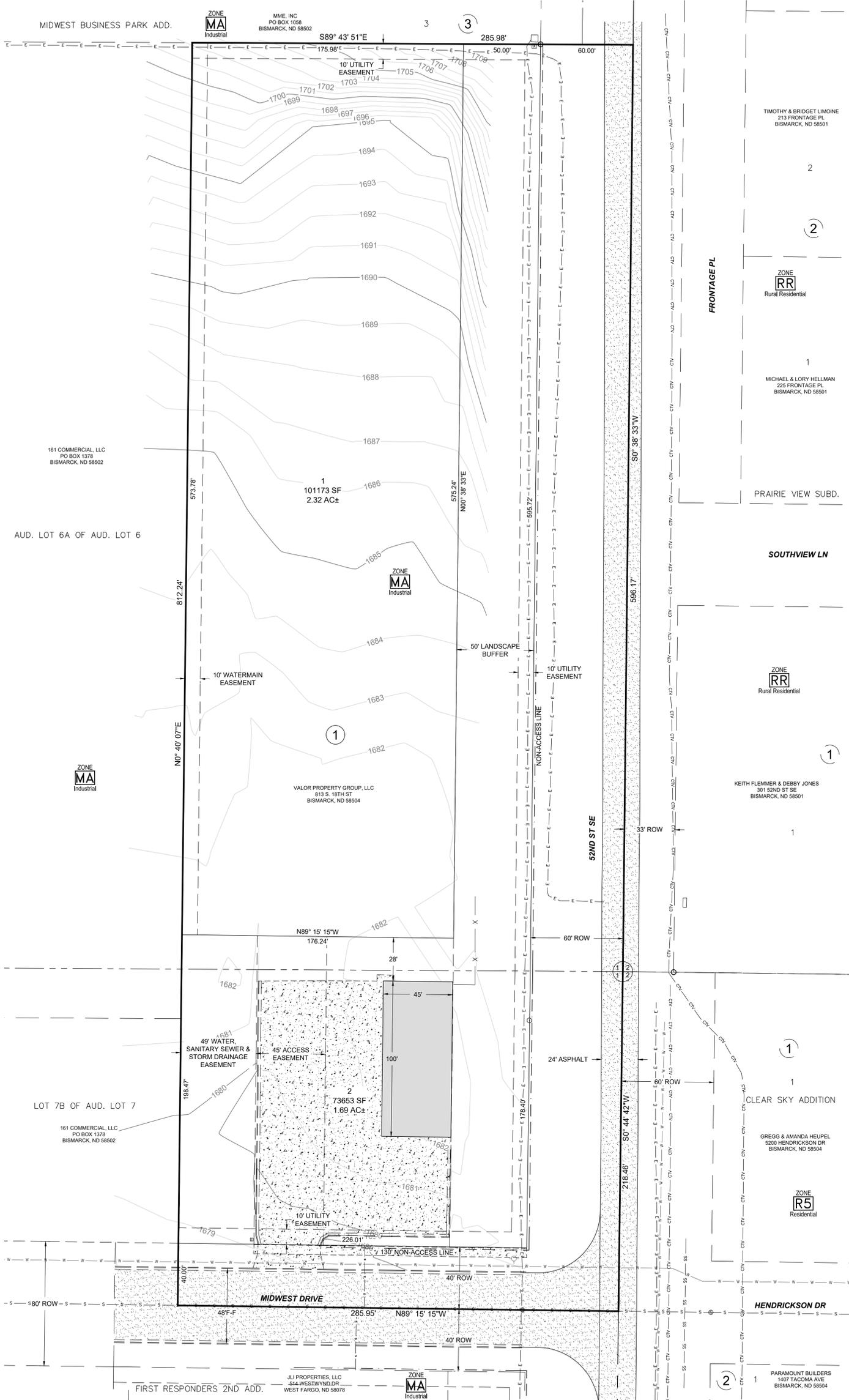
BASIS OF BEARING:  
EAST BOUNDARY LINE NE1/4  
SOUTH 00° 38' 33" WEST

- NOTES:**
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
  2. TOTAL LOTS: 4.01 AC± (174,826 SF)  
TOTAL ROW: 1.33 AC± (57,902 SF)  
TOTAL AREA: 5.34 AC± (232,728 SF)
  3. TOTAL ACREAGE IN NE1/4: 3.91 AC±  
TOTAL ACREAGE IN SE1/4: 1.43 AC±
  4. LOT 1 ACREAGE IN NE1/4: 0.77 AC±  
LOT 1 ACREAGE IN SE1/4: 0.92 AC±

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

# PRELIMINARY PLAT OF FIRST RESPONDERS THIRD ADDITION

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



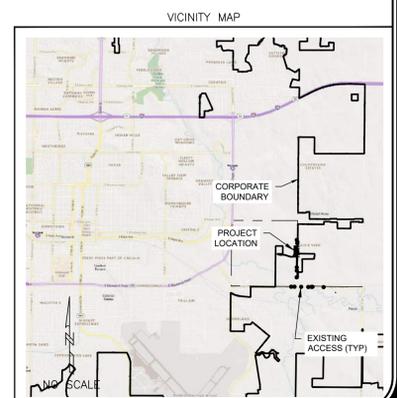
**LEGEND**

- FOUND PROPERTY CORNER
- △ SECTION/QUARTER CORNER
- ELECTRIC/UTILITY BOX
- ⊙ SANITARY SEWER MANHOLE
- ⊙ FIRE HYDRANT
- ⊕ GATE VALVE
- FO — FIBER OPTIC LINE
- CTV — CABLE TV
- E — UNDERGROUND ELECTRIC
- OH — OVERHEAD POWER
- W — WATERMAIN
- S — SANITARY SEWERMAIN
- SS — SANITARY SERVICE
- SS — STORM SEWER CULVERT
- Q — QUARTER/GOVT LOT LINE
- X — FENCE LINE
- — CURB & GUTTER
- ▭ EXISTING BUILDING
- ▭ CONCRETE
- ▭ ASPHALT ROAD

**OWNERS:**  
161 COMMERCIAL, LLC  
408 E. MAIN AVE  
BISMARCK, ND 58501  
VALOR PROPERTY GROUP, LLC  
813 S 18TH ST, BISMARCK, ND 58504

**BASIS OF BEARING:**  
BASIS OF BEARING: EAST BOUNDARY LINE OF THE NE1/4, SECTION 1, T138N-R80W SOUTH 00° 38' 33" WEST.

**NOTES:**  
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.  
2. TOTAL LOT ACREAGE: 4.01  
TOTAL ROW ACREAGE: 1.33  
TOTAL ACREAGE: 5.34



**TOMAN ENGINEERING**  
501 1st Street NW, Mandan, ND 58554  
Phone: 701-663-6483 \* Fax: 701-663-0923  
SURVEYOR: ANDRA L. MARQUARDT, RLS-4623

FIRST RESPONDERS THIRD ADDITION

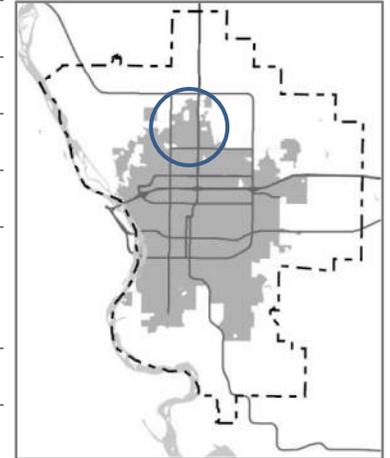
# STAFF REPORT

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

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

## Project Summary

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



## Site Information

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

## Area Information

## Property History

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	05/2007
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	05/2017
<i>Neighborhood:</i>	Sonnet Heights	<i>Annexed:</i>	05/2007

**Project Narrative**

J & D Construction is requesting approval of a minor subdivision final plat and a zoning map amendment from the RM30 – Residential zoning district to a planned unit development (PUD) on Lot 6, Block 1, Sonnet Heights Subdivision Sixth Replat. The replat would be titled Sonnet Heights Subdivision Eighth Replat. The applicant would develop the area with a duplex and a tri-plex, each on their own lot rather than the one lot that currently exists, with shared access and utilities.

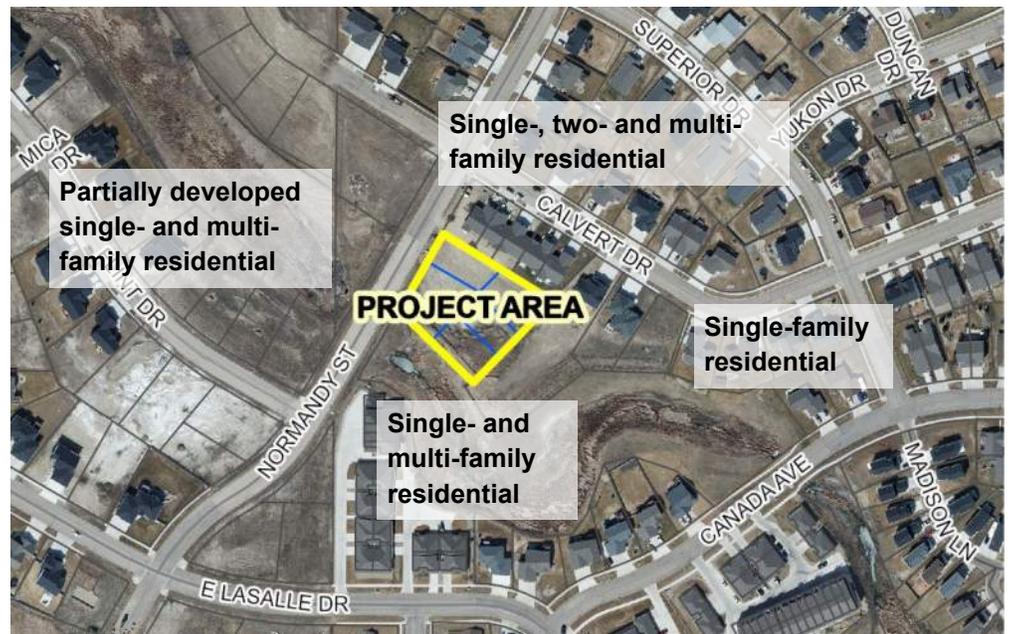
The primary needs for the PUD request is to reduce the side yard and rear setbacks for one of proposed duplex lots, to reduce the front yard setback for the tri-plex, as well as to include the private access, water and sewer easements.

The Planning and Zoning Commission considered this request at their meeting of December 20, 2023 and called for a public hearing on the minor subdivision final plat and zoning map amendment.

**Project Context**

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

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



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

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

**Public Engagement**

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on January 13 and January 19, 2024, and 58 letters were mailed to the owners of nearby properties on January 12, 2024.

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

*(continued)*

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

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

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

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

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

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

This area has been replatted multiple times over several decades, primarily to address geographic constraints. With each replat, the area of the existing lot shrunk to its current size. The

proposed zoning map amendment would allow for development that would fit the geography and be consistent with existing nearby developments.

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

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

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

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

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

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

**Planned Unit Development**

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

**Yes.** the following objectives of the plan would be advanced through the proposed PUD.

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

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

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

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

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

**Yes.** There are no uses adjacent to this proposed PUD that are incompatible and require a buffer.

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

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

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

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

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

**Yes.** The proposed PUD contains only residential land uses, specifically a twin home and a three-unit rowhouse. These uses, as designed and laid

out in the proposed layout in the proposed PUD, would be compatible and harmonious with the surrounding area.

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

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

*Minor Subdivision Final Plat*

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

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

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

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

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

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

*(continued)*

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

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

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

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

**Yes.** As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed subdivision would not

adversely impact the public health, safety, and general welfare.

**Staff Recommendation**

Based on the above findings, staff recommends approval of the zoning map amendment from the RM30 – Residential zoning district to a Planned Unit Development (PUD) and a minor subdivision final plat for Sonnet Heights Subdivision Eighth Replat.

**Attachments**

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

*Staff report prepared by:* Isak Johnson, Planner

701-355-1850 | [ijohnson@bismarcknd.gov](mailto:ijohnson@bismarcknd.gov)

# CITY OF BISMARCK

## ORDINANCE NO. XXXX

<i>Introduced by</i>	_____
<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 14-03-02 OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

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

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

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

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

This PUD is subject to the following standards:

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

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

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

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

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

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

a. *Off-Street Parking and Loading.* All off-street parking and loading must conform to the submitted site plan and be in full compliance with Section 14-03-11 of the City Code of Ordinances (Off-Street Parking and Loading).

b. *Landscaping and Screening.* Street trees must be installed in accordance with the submitted landscape plan contained within the site plan. Deviation from this plan may only be allowed if in full compliance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).

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

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

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

### Zoning Districts

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

### Future Land Use Plan

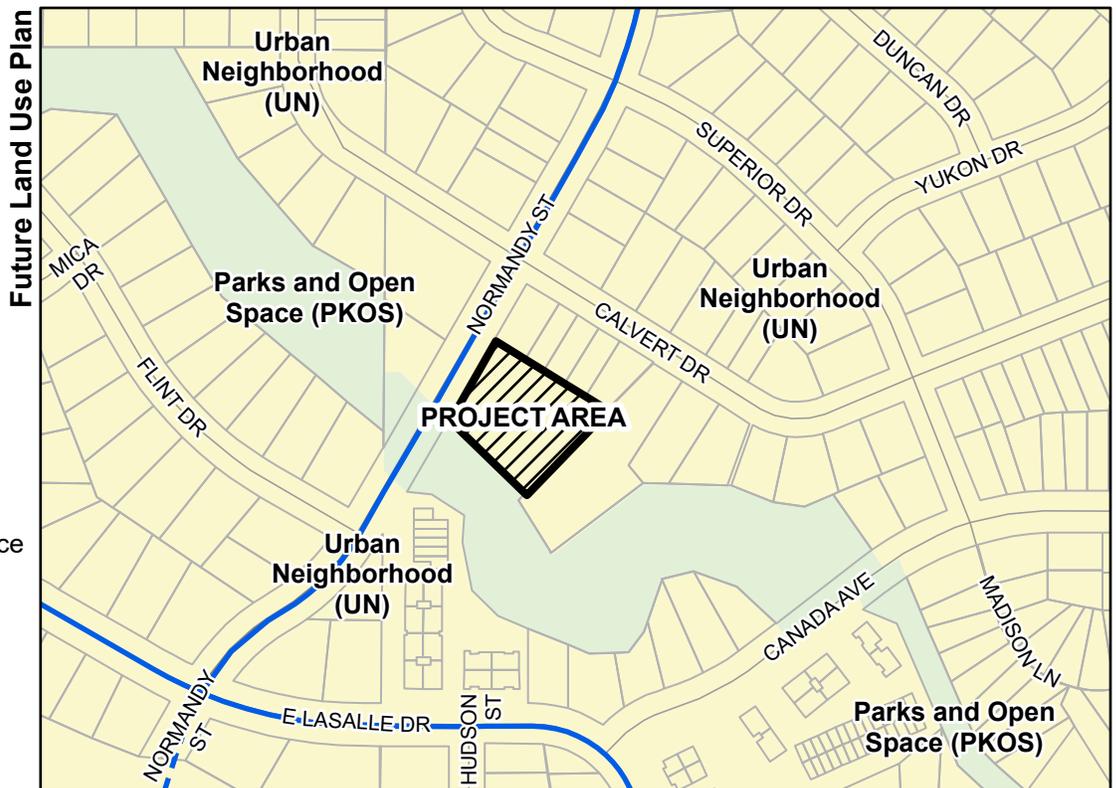
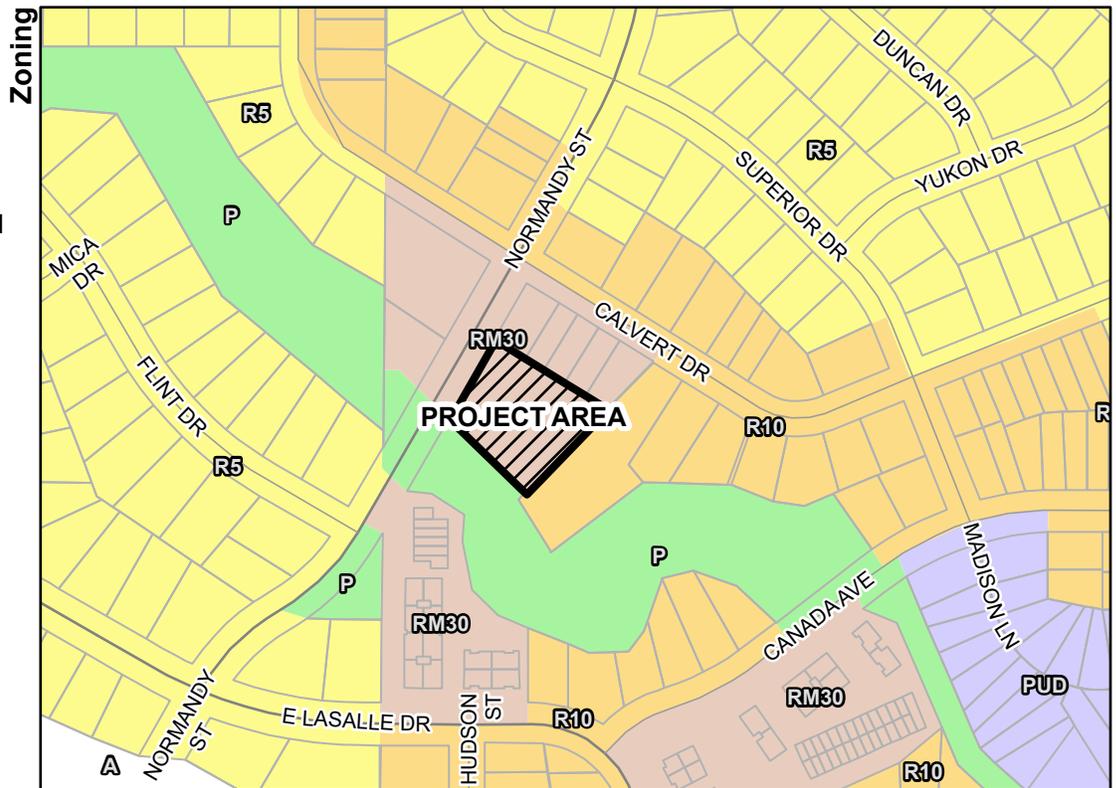
<b>UN</b>	Urban Neighborhood
<b>NMU</b>	Neighborhood Mixed Use
<b>CMU</b>	Community Mixed Use
<b>DMU</b>	Destination Mixed Use
<b>DT</b>	Downtown
<b>IND</b>	Industrial
<b>IF</b>	Industrial Flex
<b>IMU</b>	Industrial Mixed Use
<b>INS</b>	Institutional
<b>RR</b>	Rural Residential
<b>TR</b>	Transitional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

### Active Mobility Plan

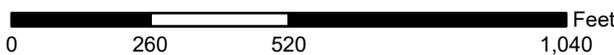
— Future Shared Trail

### Major Street Plan

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



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



City of Bismarck  
 Community Development  
 Planning Division  
 November 28, 2023

**Proposed New Zoning Map**

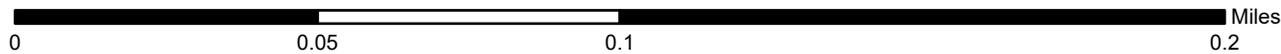
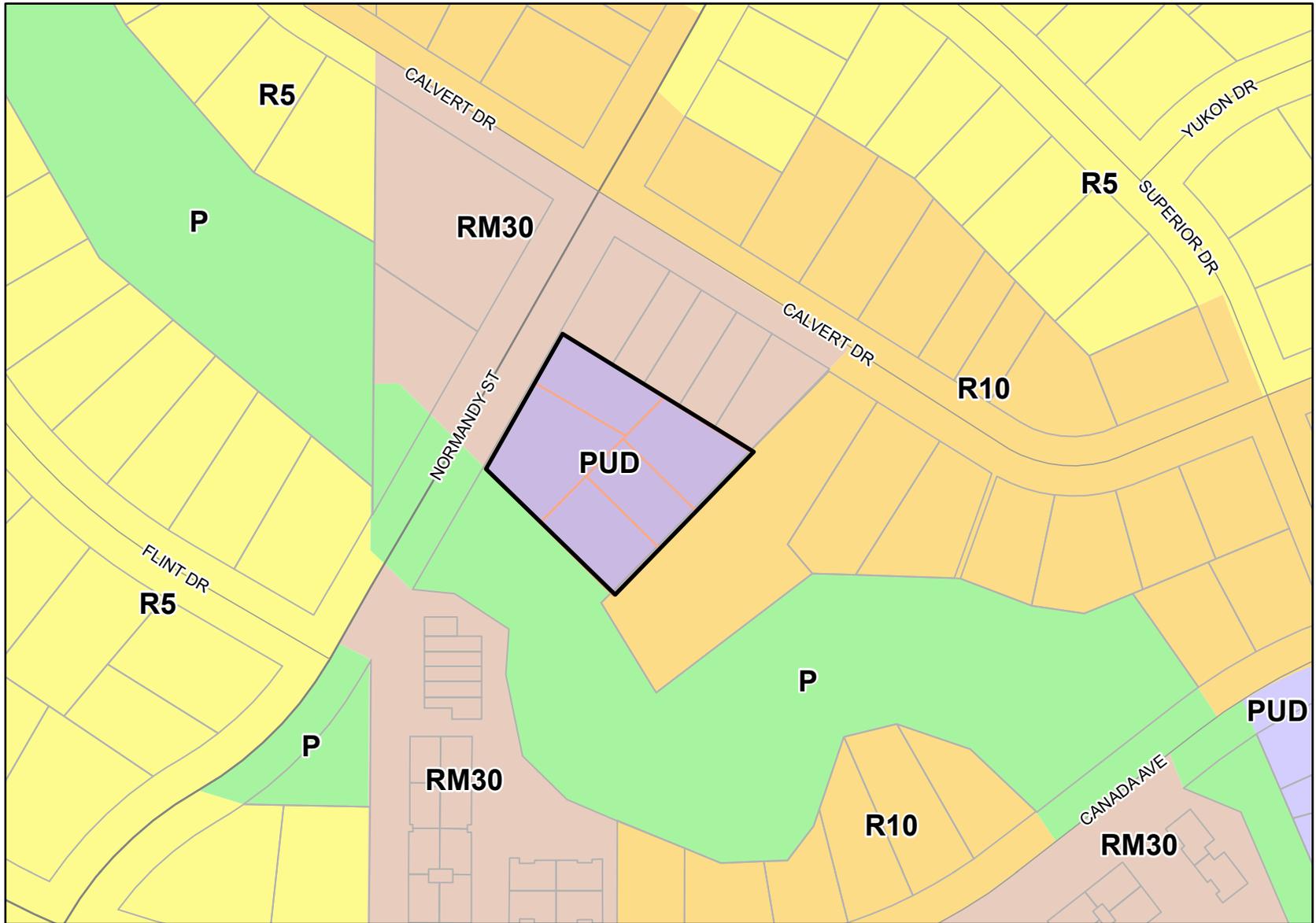
 Project Area  
(zoning within is proposed)

 City Limits

*Zoning Districts*

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

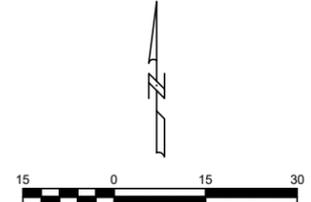
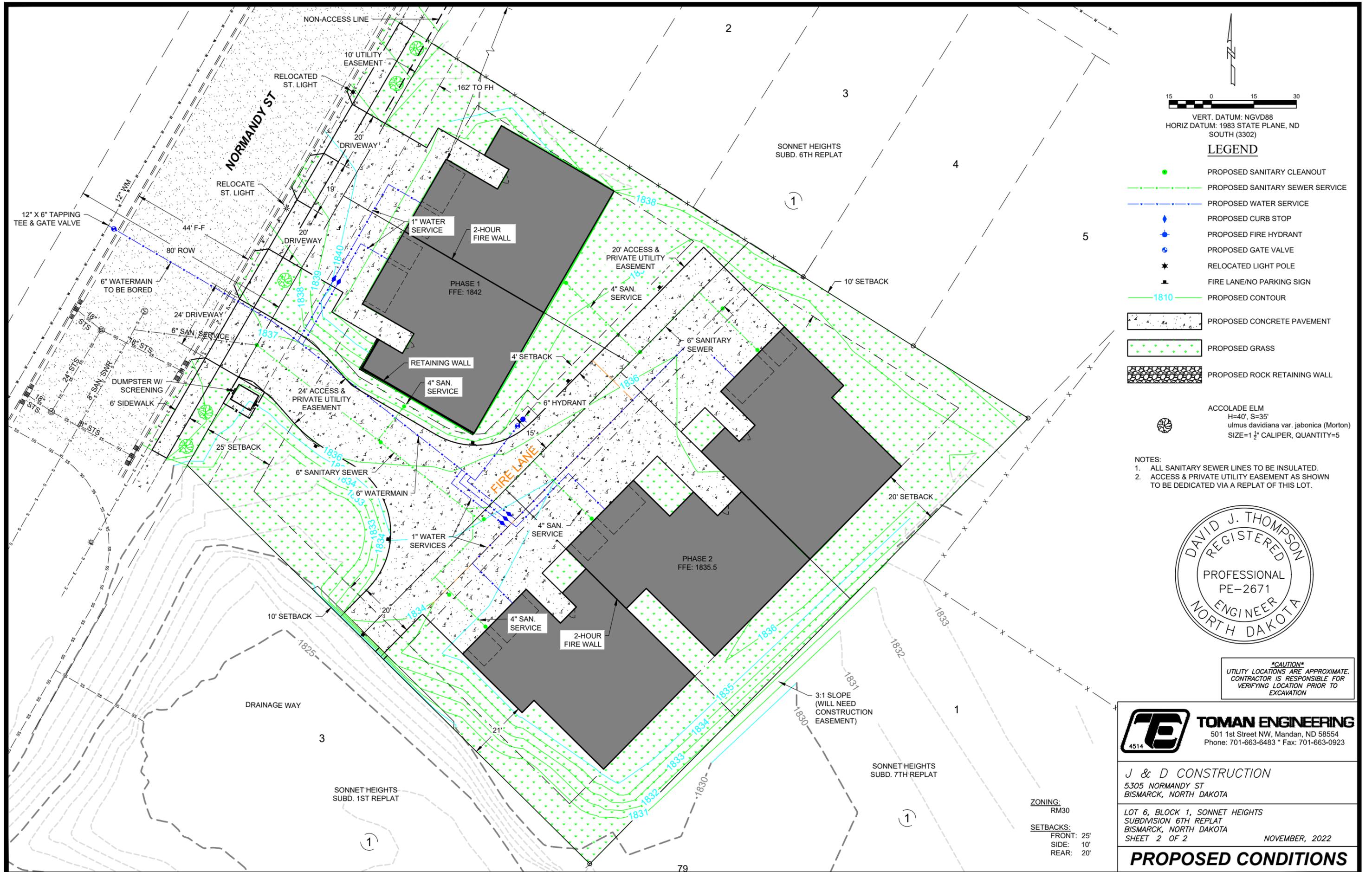
*A "C-" prior to the district indicates that special conditions would apply to the zoning district*



**Statement for PUD Request: Sonnet Heights 6<sup>th</sup> Subdivision 8<sup>th</sup> Replat**

To the City of Bismarck Planning Office:

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



VERT. DATUM: NGVD88  
 HORIZ DATUM: 1983 STATE PLANE, ND  
 SOUTH (3302)

**LEGEND**

- PROPOSED SANITARY CLEANOUT
- PROPOSED SANITARY SEWER SERVICE
- PROPOSED WATER SERVICE
- ◆ PROPOSED CURB STOP
- PROPOSED FIRE HYDRANT
- PROPOSED GATE VALVE
- ★ RELOCATED LIGHT POLE
- ▲ FIRE LANE/NO PARKING SIGN
- 1810 PROPOSED CONTOUR
- PROPOSED CONCRETE PAVEMENT
- PROPOSED GRASS
- PROPOSED ROCK RETAINING WALL
- ACCOLADE ELM  
 H=40', S=35'  
 ulmus davidiana var. japonica (Morton)  
 SIZE=1 1/2" CALIPER, QUANTITY=5

- NOTES:
1. ALL SANITARY SEWER LINES TO BE INSULATED.
  2. ACCESS & PRIVATE UTILITY EASEMENT AS SHOWN TO BE DEDICATED VIA A REPLAT OF THIS LOT.



**\*CAUTION\***  
 UTILITY LOCATIONS ARE APPROXIMATE.  
 CONTRACTOR IS RESPONSIBLE FOR  
 VERIFYING LOCATION PRIOR TO  
 EXCAVATION

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

**J & D CONSTRUCTION**  
 5305 NORMANDY ST  
 BISMARCK, NORTH DAKOTA

LOT 6, BLOCK 1, SONNET HEIGHTS  
 SUBDIVISION 6TH REPLAT  
 BISMARCK, NORTH DAKOTA  
 SHEET 2 OF 2

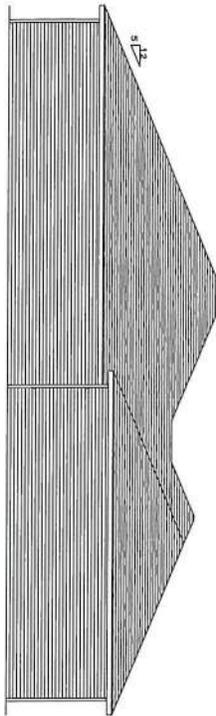
NOVEMBER, 2022

**PROPOSED CONDITIONS**

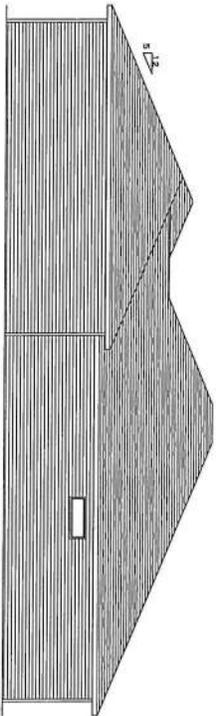
ZONING:  
 RM30

SETBACKS:  
 FRONT: 25'  
 SIDE: 10'  
 REAR: 20'

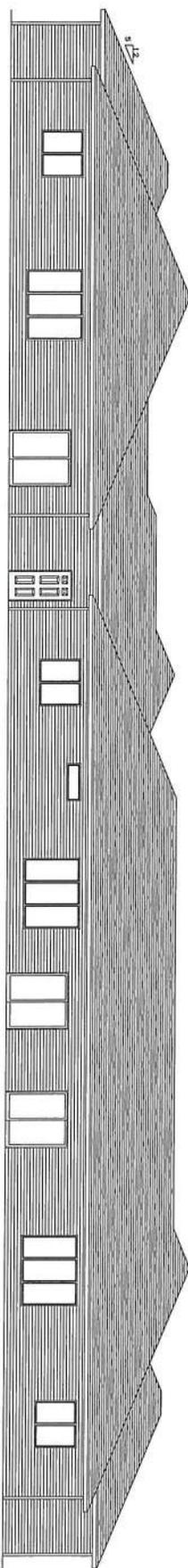
LEFT ELEVATION



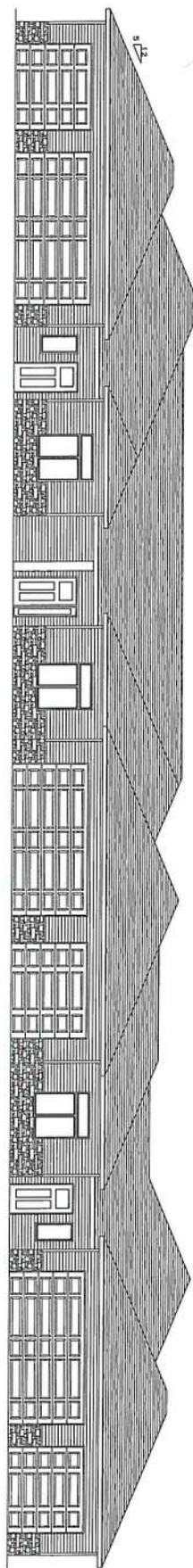
RIGHT ELEVATION



REAR ELEVATION



FRONT ELEVATION



NOV 17 2023  
RECEIVED

DRAWN BY:  
MARCIE FORNSHELL  
DATE: AUGUST 31, 2022  
SCALE:  
MONDAY, MAY 15, 2023  
SCALE:  
1/8" = 1'-0"

DRAWN FOR:  
**VOEGELE SIGNATURE HOMES**  
PLAN NAME:  
VSH- 2023 NORMADY DR 3 PLEX

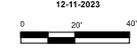
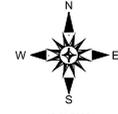
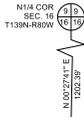
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**FRONT STREET MILLWORK & LUMBER INC.**  
3320 E CENTURY AVE - BISMARCK, ND 58503  
PHONE: 701-255-1636 - FAX: 701-222-0500  
MARCIE@FRONTSTREETMILLWORK.COM

# SONNET HEIGHTS SUBDIVISION EIGHTH REPLAT

TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

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



12-11-2023  
 COORDINATE DATUM:  
 NO STATE PLANE COORDINATES  
 NAD83 BOUNDARY ADJUSTMENT  
 INTERNATIONAL FEET  
 BENCHMARK: HYDRANT #3109  
 CALVERT DRIVE & NORMANDY ST  
 ELEV: 1849.01 (NGVD29)

LEGEND	
▲	SECTION/QUARTER CORNER
○	FOUND REBAR MONUMENT
●	SET REBAR MONUMENT

**DESCRIPTION OF PROPERTY**  
 A TRACT OF LAND BEING ALL OF LOT 6, BLOCK 1, SONNET HEIGHTS SUBDIVISION SIXTH REPLAT AND A PORTION OF NORMANDY STREET RIGHT-OF-WAY OF THE NE1/4 OF SECTION 16, TOWNSHIP 19 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EASTERNMOST CORNER OF LOT 6, BLOCK 1, SONNET HEIGHTS SUBDIVISION SIXTH REPLAT OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, THENCE SOUTH 44°34'59\"/>

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

ANDRÁ L. MARQUARDT, RLS 4623 \_\_\_\_\_ DATE \_\_\_\_\_

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

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

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

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

J & D CONSTRUCTION, INC.  
 SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.  
 \_\_\_\_\_ NOTARY PUBLIC  
 MY COMMISSION EXPIRES: \_\_\_\_\_

**APPROVAL OF CITY PLANNING AND ZONING COMMISSION**  
 THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIRMAN \_\_\_\_\_ ATTEST: BEN ERRETH - SECRETARY \_\_\_\_\_

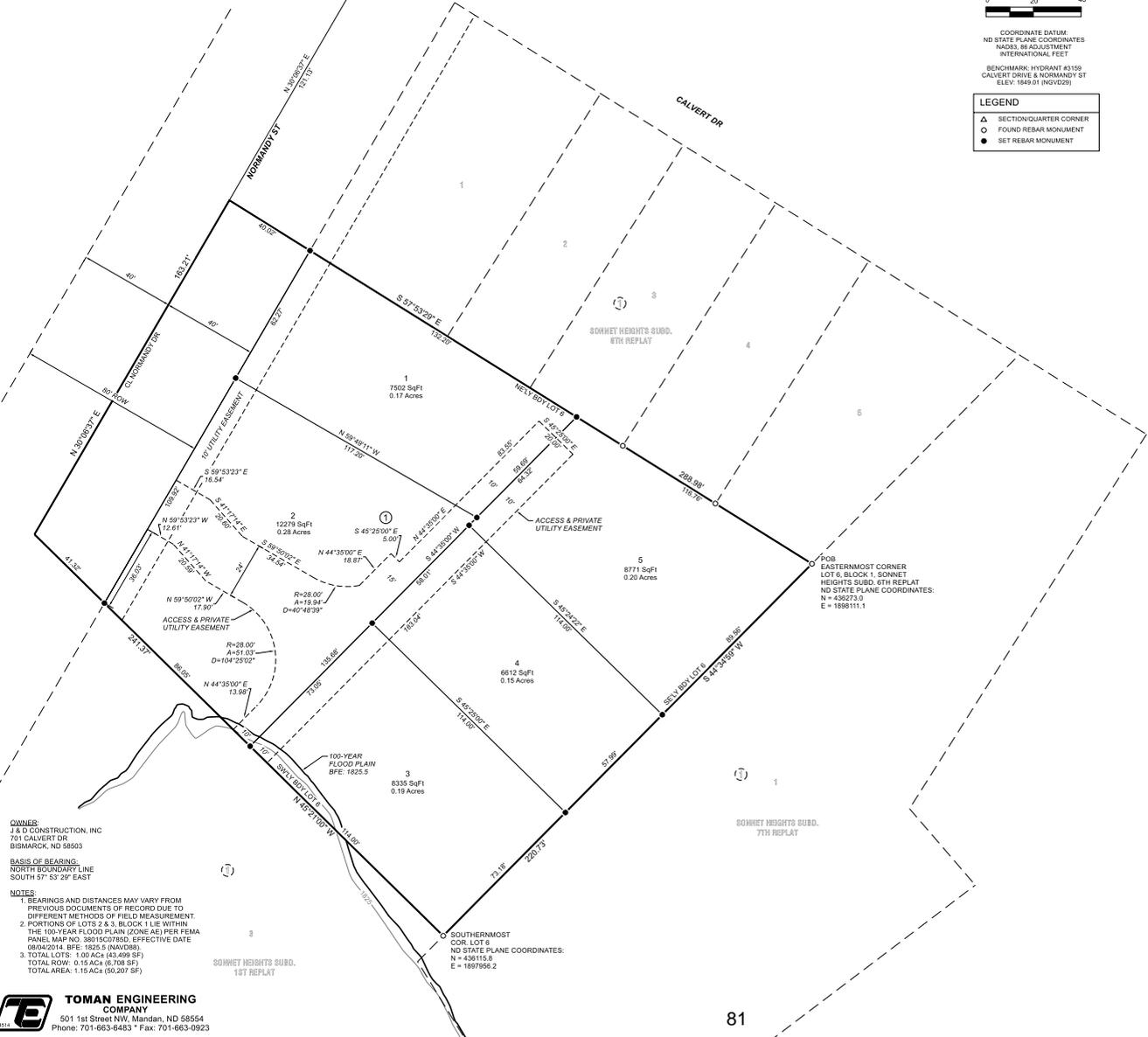
**APPROVAL OF BOARD OF CITY COMMISSIONERS**  
 THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT HAS APPROVED THE GROUNDS AS SHOWN ON THE PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS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

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

ATTEST: KEITH J. HUNKE - CITY ADMINISTRATOR \_\_\_\_\_

**APPROVAL OF CITY ENGINEER**  
 I, GABRIEL J. SCHELL, CITY ENGINEER FOR THE CITY OF BISMARCK, NORTH DAKOTA HEREBY APPROVES THIS PLAT THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

GABRIEL J. SCHELL - CITY ENGINEER \_\_\_\_\_



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

**BASIS OF BEARING:**  
 NORTH BOUNDARY LINE  
 SOUTH 57° 53' 29\"/>

- NOTES:**
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
  2. PORTIONS OF LOTS 2 & 3, BLOCK 1, LIE WITHIN THE 100-YEAR FLOOD PLAIN (ZONE AE) PER FEMA PANEL MAP NO. 300150700D, EFFECTIVE DATE 08/04/2014, BFE: 1625.2 (NAVD83).
  3. TOTAL LOTS: 1.00 AC± (43,499 SF)  
 TOTAL ROW: 0.15 AC± (6,708 SF)  
 TOTAL AREA: 1.15 AC± (50,207 SF)

SONNET HEIGHTS SUBD.  
 1ST REPLAT

SOUTHERNMOST COR. LOT 9  
 NO STATE PLANE COORDINATES:  
 N = 436115.8  
 E = 1897956.2

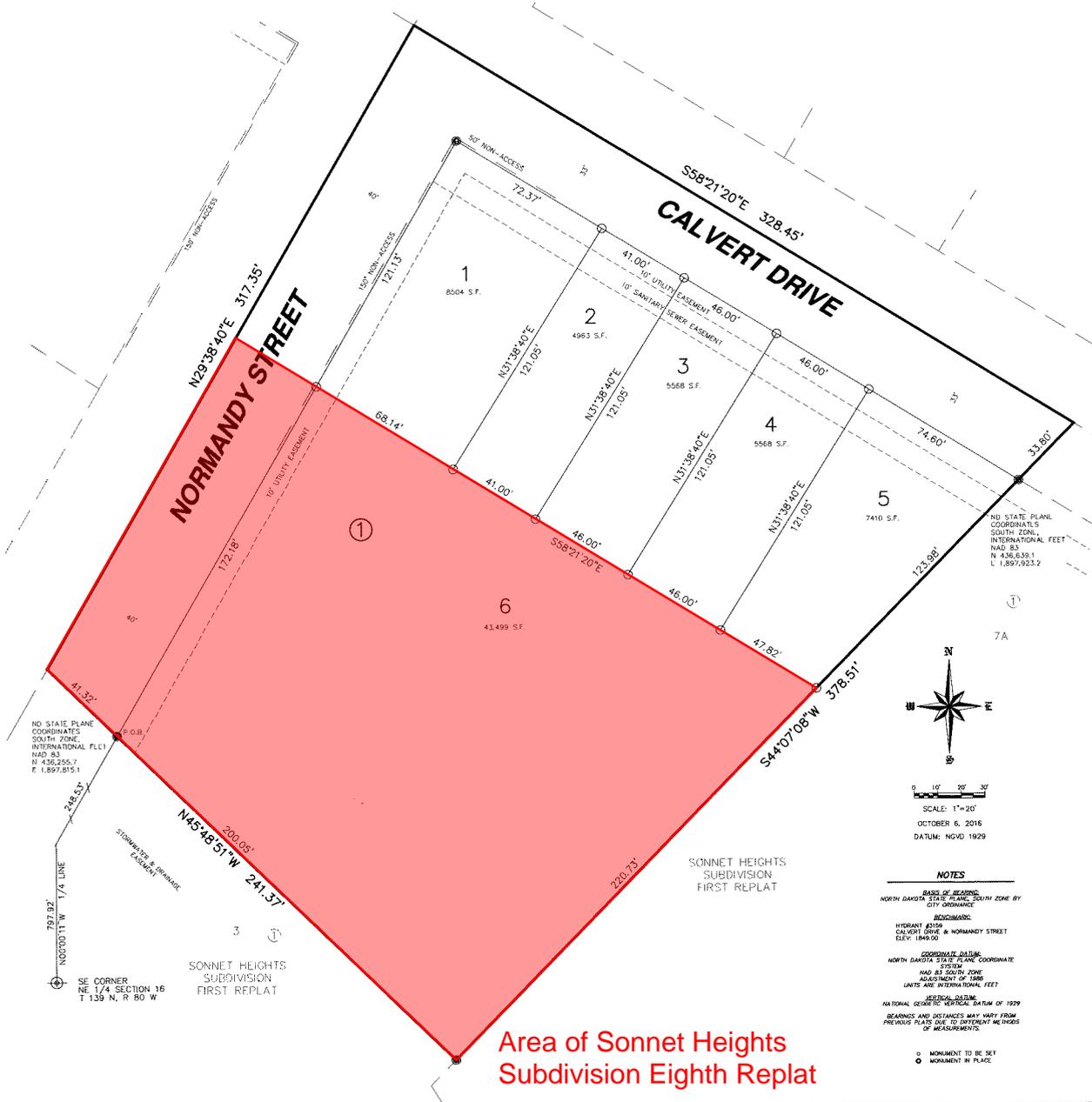
P.O.B.  
 EASTERNMOST CORNER  
 LOT 6, BLOCK 1, SONNET  
 HEIGHTS SUBD. 8TH REPLAT  
 NO STATE PLANE COORDINATES:  
 N = 436273.0  
 E = 1998111.1

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

# SONNET HEIGHTS SUBDIVISION SIXTH REPLAT

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

## BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



Area of Sonnet Heights Subdivision Eighth Replat

**DESCRIPTION**

BEING A REPLAT OF LOT 6 BLOCK 1 SONNET HEIGHTS SUBDIVISION FIRST REPLAT AND PARTS OF CALVERT DRIVE AND NORMANDY STREET RIGHTS OF WAY, PART OF THE NORTHEAST 1/4 SECTION 16, TOWNSHIP 139 NORTH RANGE 80 WEST, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA CONTAINING 2.24 ACRES, MORE OR LESS, DESCRIBED AS FOLLOWS:  
 BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 3 BLOCK 1 SONNET HEIGHTS SUBDIVISION FIRST REPLAT; THENCE NORTH 40 DEGREES 48 MINUTES 51 SECONDS WEST, A DISTANCE OF 41.32 FEET TO THE CENTERLINE OF NORMANDY STREET RIGHT OF WAY; THENCE NORTH 29 DEGREES 38 MINUTES 40 SECONDS EAST, ALONG SAID CENTERLINE, A DISTANCE OF 57.25 FEET TO THE INTERSECTION OF THE CENTERLINES OF NORMANDY STREET AND CALVERT DRIVE; THENCE SOUTH 48 DEGREES 21 MINUTES 20 SECONDS NORTHEASTERLY, EXTENSION OF THE WEST LINE OF LOT 7A BLOCK 1 SONNET HEIGHTS SUBDIVISION FIRST REPLAT, THENCE SOUTH 44 DEGREES 00 MINUTES 18 SECONDS WEST, ALONG SAID WESTERLY EXTENSION AND SAID WEST LINE, A DISTANCE OF 27.21 FEET TO THE NORTHERLY LINE OF LOT 3 BLOCK 1 SONNET HEIGHTS SUBDIVISION FIRST REPLAT; THENCE NORTH 45 DEGREES 48 MINUTES 51 SECONDS WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING.  
 THE ABOVE DESCRIBED TRACT CONTAINS 2.24 ACRES, MORE OR LESS.

**SURVEYOR'S CERTIFICATE**

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



STATE OF NORTH DAKOTA) SWENSON, HAGEN & CO. P.C.  
 COUNTY OF BURLEIGH ) 355 288 BASH AVENUE  
 TERRY BALTZER  
 PROFESSIONAL LAND SURVEYOR  
 N.D. REGISTRATION NO. 3595

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

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

**APPROVAL OF CITY PLANNING COMMISSION**

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

*Wayne Lee Moser* Chairman  
*Carl D. Hohnstad* Secretary

**APPROVAL OF BOARD OF CITY COMMISSIONERS**

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN HEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.  
 THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 17th DAY OF August, 2016.

*Keith J. Hunkle*  
 Keith J. Hunkle - City Administrator

**APPROVAL OF CITY ENGINEER**

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

*Gabriel J. Soehl*  
 Gabriel J. Soehl  
 CITY ENGINEER

**OWNER'S CERTIFICATE & DEDICATION**

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

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

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

STATE OF NORTH DAKOTA) JASON VOEGELE  
 COUNTY OF BURLEIGH ) 355 J&D CONSTRUCTION  
 4703 MOIST DRIVE  
 BISMARCK, N.D. 58503

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

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



**NOTES**

- BASES OF BEARING: NORTH DAKOTA STATE PLANE, SOUTH ZONE BY CITY ORDINANCE.
- BEARINGS: HYDRANT 83 AND CALVERT DRIVE & NORMANDY STREET DEVI. 1849.00
- COORDINATE DATUM: NORTH DAKOTA STATE PLANE COORDINATE SYSTEM HAD 83 SOUTH ZONE ADJUSTMENT OF 1986 UNITS ARE INTERNATIONAL FEET.
- VERTICAL DATUM: NATIONAL GEODETIC DATUM SYSTEM OF 1929
- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS.
- MONUMENT TO BE SET
- MONUMENT IN PLACE

**Project Summary**

<i>Title:</i>	Home Occupations
<i>Status:</i>	Planning & Zoning Commission – Final
<i>Project Contact:</i>	Daniel Nairn, AICP
<i>Request:</i>	Amend Section 14-03-06 and other related sections of the Bismarck Code of Ordinances related to home occupations
<i>Staff Recommendation:</i>	Approve

**Project Narrative**

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

The following definition of home occupation is proposed:

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

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

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

a special use permit from the Planning and Zoning Commission.

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

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

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

*Child Care and Garage Sales*

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

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

*(continued)*

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

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

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

#### *Sources of Information*

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

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

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

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

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

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

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

#### **Public Engagement**

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

*(continued)*

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

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

The Planning and Zoning Commission considered the request for this zoning text amendment on December 20, 2023 and called for a public hearing.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on January 13 and January 19, 2024

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 Text Amendment**

*The goals and objectives of Together 2045 Bismarck’s Comprehensive Plan would be advanced by the proposed zoning ordinance text amendment (Comprehensive Plan)*

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

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

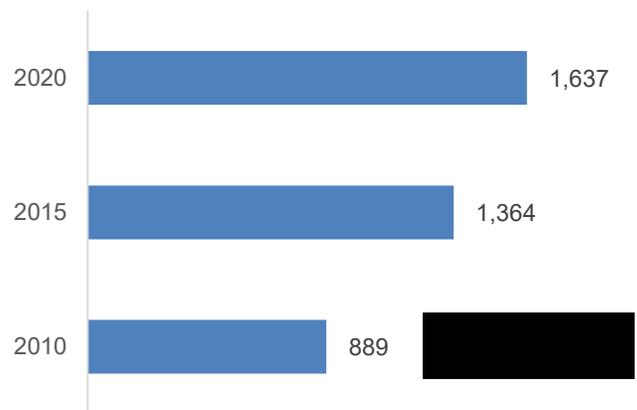
The intent of this draft is to find a workable balance for home occupations between the two goals of encouraging entrepreneurship and protecting the public interest, in terms of nuisance effects on residential neighborhoods.

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

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

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

**Bismarck Labor Force Working from Home**



It is no longer feasible to require permits for all home occupations, and further clarity is needed to differentiate between no/low-impact activity and

(continued)

high-impact activities based on performance metrics.

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

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

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

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

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

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

A public hearing has been scheduled by the Planning and Zoning Commission for this request, and all requirements for notice of this hearing

have been met, as documented in this report above.

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

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

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

**Staff Recommendation**

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

**Attachments**

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

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

701-355-1854 | [dnairn@bismarcknd.gov](mailto: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 SECTIONS 14-02-03, 14-03-06, 14-04-01, 14-04-01.1, 14-04-03, 14-04-06, AND 14-04-17 OF THE CODE OF ORDINANCES OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO HOME OCCUPATIONS.

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

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

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

~~2. Home occupation:~~

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

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

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

- ~~1. Dressmaker, seamstress.~~

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

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

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

~~5. Minister.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

\* \* \* \* \*

2. Used Permitted. The following uses are permitted.

\* \* \* \* \*

~~a. Family child care.~~

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

\* \* \* \* \*

2. Used Permitted. The following uses are permitted.

\* \* \* \* \*

~~a. Family child care.~~

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

\* \* \* \* \*

2. Used Permitted. The following uses are permitted.

\* \* \* \* \*

~~a. Family child care.~~

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

\* \* \* \* \*

2. Used Permitted. The following uses are permitted.

\* \* \* \* \*

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

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

\* \* \* \* \*

2. Used Permitted. The following uses are permitted.

\* \* \* \* \*

~~a. Family child care.~~

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

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

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

## Home Occupation Zoning Requirements from Bismarck Peer Communities

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

# Home Occupation Online Survey Report

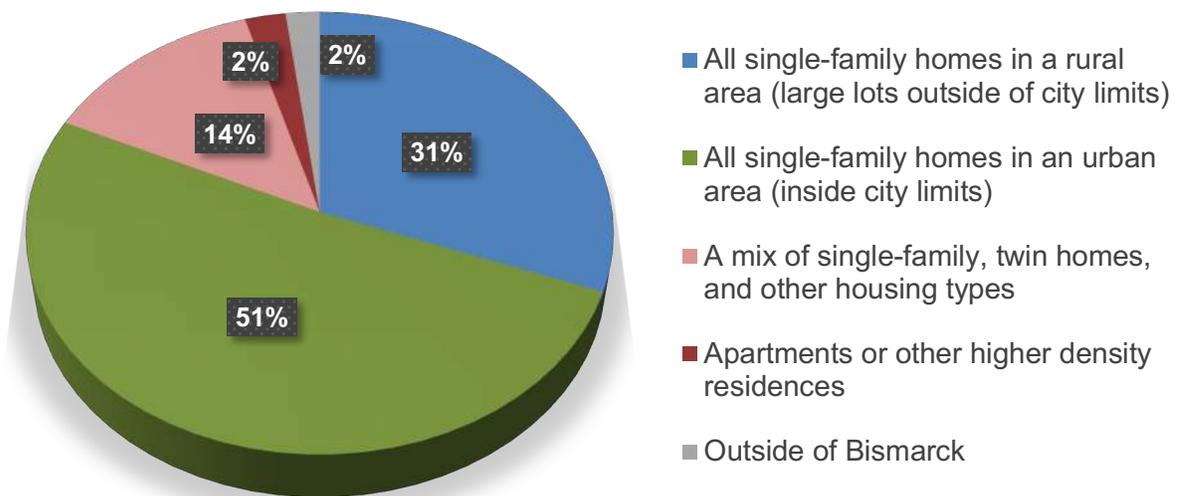
October 26, 2023 – Bismarck Community Development Department

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

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

## Neighborhood Types

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



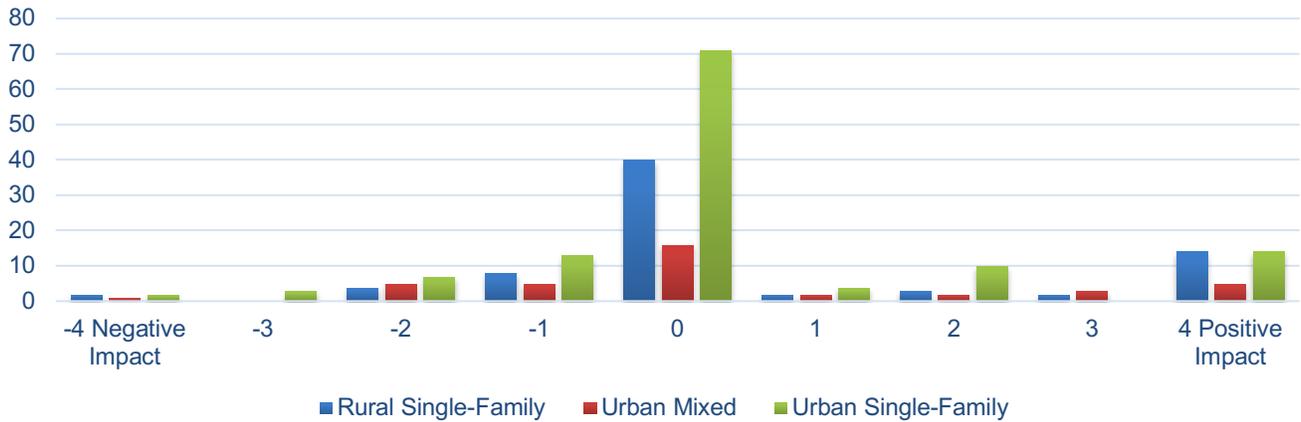
Responses outside of the City of Bismarck were not permitted to answer any questions other than the final open-ended response. For the purpose of analysis, the mixed-use urban and higher density urban categories are combined to allow a sufficient sample size.

## Home Occupation Scenarios

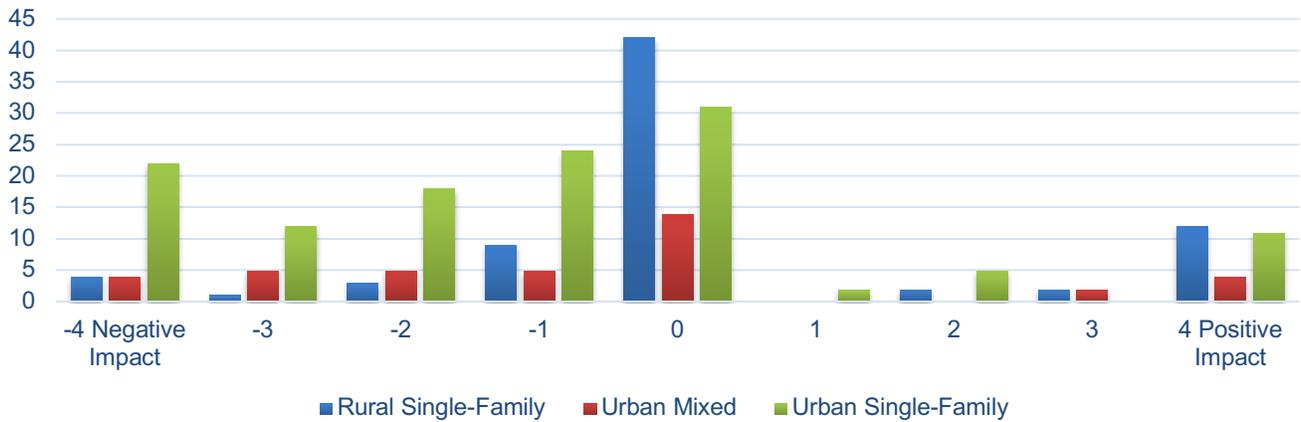
Respondents were presented a series of scenarios and asked to “imagine that a new neighbor moves into a home on your street, and rate how you believe each of the scenarios would impact your own household’s quality of life or property values.” Responses ranged from -4 Negative Impact to +4 positive impact,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

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

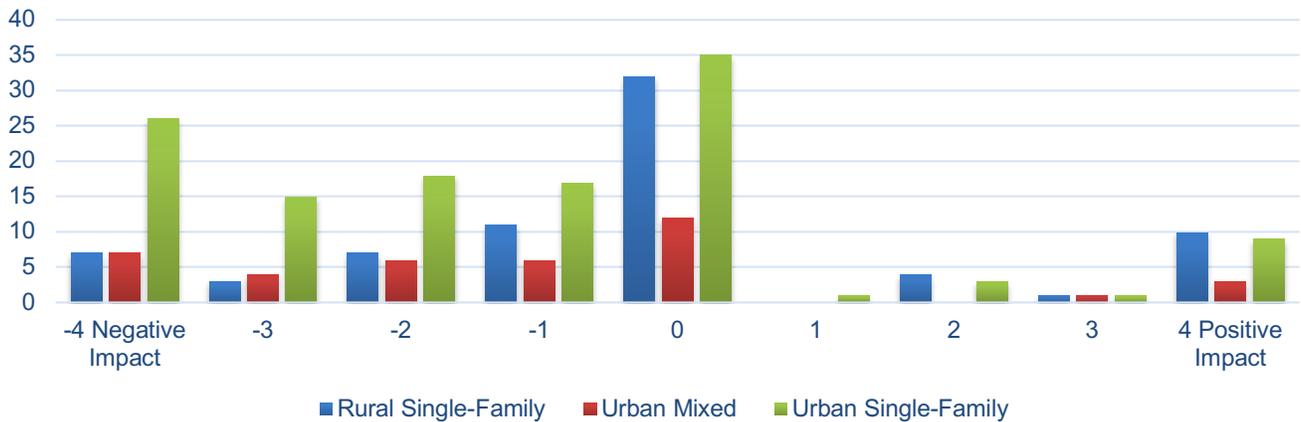
A music teacher offers lessons from the home with approximately 30 students arriving each week.



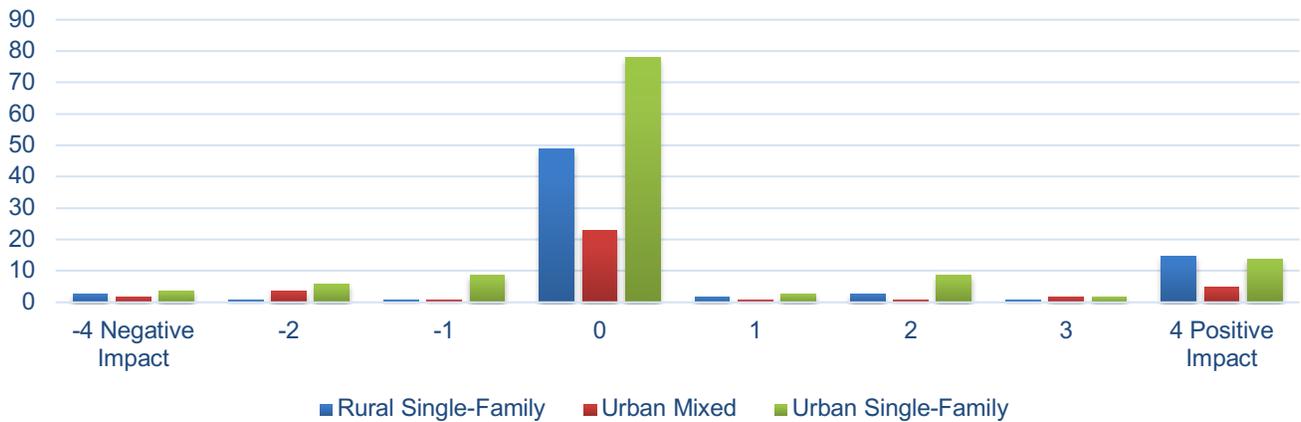
A self-employed contractor works out of their own home, parking a truck, a trailer, and other equipment on the property and storing construction materials in an indoor shed.



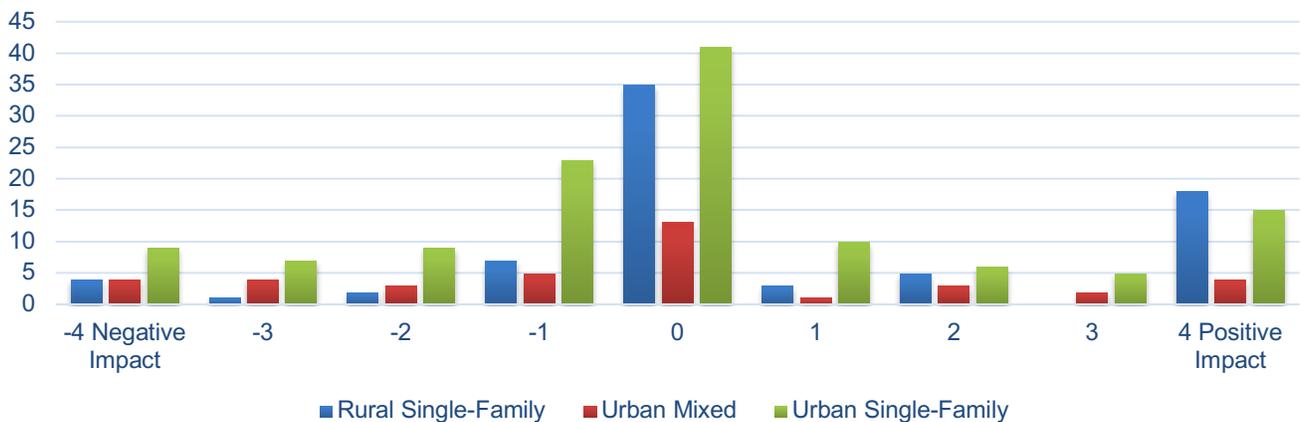
A landscaping business with five employees operates out of the owner's home. Workers gather at the home each day before going to job sites, and materials are stockpiled in the backyard mostly hidden by vegetation.



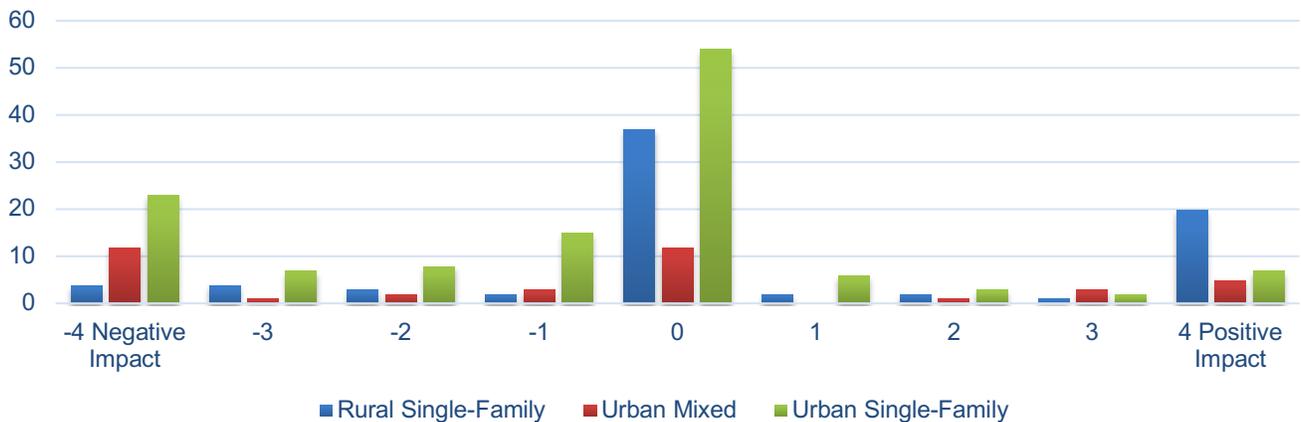
A woodworker builds custom furniture in a shop accessory to the home. About 10-15 products are sold each month online and delivered to the customer.



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



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



## Actual Home Occupations

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

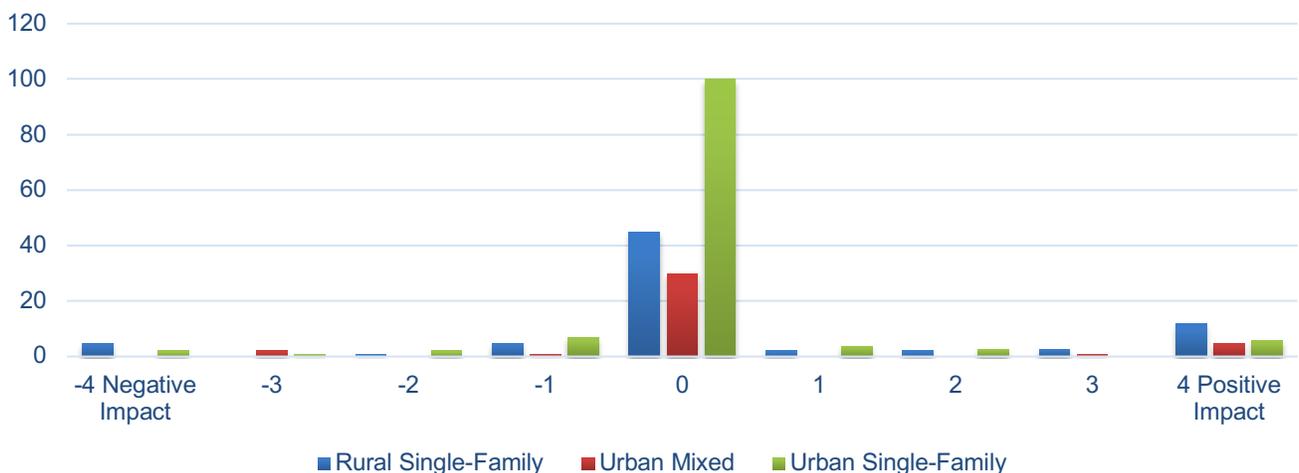


The following business types were noted, in order of most to least common:

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

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

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



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

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

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

Open-ended responses are provided below with minimal editing:

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

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

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

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

and counterproductive to a vibrant, functional city.

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

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

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

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

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

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

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

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

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

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

Please encourage mixed uses.

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

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

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

Not more than 1 employee

No retail or sales

Not more than 10 customers per week

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

Shop condos can be for these types of activities.

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

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

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

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

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

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

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

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

There is zero need to regulate it

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

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

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

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

Depends on the business!

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

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

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

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

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

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

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

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

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

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

Small businesses should NOT be regulated in rural residential areas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No, small businesses are a good thing in neighborhoods.

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

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

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

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

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

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

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

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

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

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

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

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

and are fine with it and everybody has an understanding.

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

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

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

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

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

Keep small businesses.

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

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

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

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

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

Thank you

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

No, leave them alone they are helping the community.

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

[Name Redacted] has a daycare and she is great

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**BISMARCK PLANNING & ZONING COMMISSION  
MEETING MINUTES  
December 20, 2023**

The Bismarck Planning & Zoning Commission met on December 20, 2023, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5<sup>th</sup> Street. The meeting was held in person and via Zoom. Vice Chair Johnson presided and was present in the Tom Baker Meeting Room.

Commissioners present were Cole Johnson, Paul Levchak, Daniel Lukens, Gabe Schell, Mike Schmitz, Wendy Van Duyne, Trent Wangen, and Paul Zent.

Commissioners Brian Bitner, Robert Field and Mike Schwartz were absent.

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

**MINUTES**

Vice Chair Johnson called for consideration of the minutes of the November 15, 2023 meeting.

**MOTION:** Commissioner Zent made a motion to approve the minutes of the November 15, 2023 meeting, as presented. Commissioner Lukens seconded the motion, and it was unanimously approved with Commissioners Johnson, Levchak, Lukens, Schell, Schmitz, Van Duyne, Wangen and Zent voting in favor of the motion.

**CONSIDERATION**

- 2. SONNET HEIGHTS SUBDIVISION EIGHTH REPLAT  
ZONING MAP AMENDMENT  
MINOR SUBDIVISION FINAL PLAT**
- 3. FIRST RESPONDERS THIRD ADDITION  
MAJOR SUBDIVISION PRELIMINARY PLAT**
- 4. HOME OCCUPATION  
ZONING ORDINANCE TEXT AMENDMENT**

**MOTION:** Based on the findings contained in the staff reports, Commissioner Levchak made a motion to approve consent agenda items 2, 3 and 4, calling for a public hearing the items as recommended by staff. Commissioner Schmitz seconded the motion, and it was unanimously approved with Commissioners Johnson, Levchak, Lukens, Schell, Schmitz, Van Duyne, Wangen and Zent voting in favor of the motion.

**FINAL CONSIDERATION – ANNEXATION  
HAY CREEK TOWNSHIP, LOT C, SECTION 19 AND LOT B, SECTION 30**

Vice Chair Johnson called for final consideration on the annexation of Lot C, Section 19 and Lot B, Section 30, Hay Creek Township. The proposed annexation includes 72.8 acres, more or less. The property is located in northwest Bismarck, east of River Road and north of Burnt Boat Drive.

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

Ms. Oster said, based on the findings, staff recommends approval the annexation of Lot C, Section 19 and Lot B, Section 30, Hay Creek Township

There being no comments or questions, Vice Chair Johnson closed the consideration.

**MOTION:** Based on the findings contained in the staff report, Commissioner Schmitz made a motion to recommend approval of the annexation of Lot C, Section 19 and Lot B, Section 30, Hay Creek Township. Commissioner Wangen seconded the motion, and the motion was unanimously approved with Commissioners Johnson, Levchak, Lukens, Schell, Schmitz, Van Duyne, Wangen and Zent voting in favor of the motion.

#### **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT DIMENSIONAL REQUIREMENTS FOR RESIDENTIAL ACCESSORY BUILDINGS**

Chair Johnson called for the public hearing on the zoning ordinance text amendment to clarify dimensional requirements for Residential Accessory buildings.

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

Mr. Johnson stated that, based on the findings, staff recommends approval of the zoning ordinance text amendment to clarify regulations of accessory structure dimensional requirements.

Mayor why would we go down with no ADU seems like a shift that could. Informal complaints about accessory structures being too tall. Why would an accessory structure have different rules than dwelling units?

Vice Chair Johnson opened the public hearing.

**MOTION:** Based on the findings contained in the staff report, Commissioner Zent made a motion to recommend approval of the minor subdivision final plat for Trillium Fifth Addition, with the condition that any proposed development exceeding a maximum of 65 percent impervious surface area will require additional stormwater considerations in the subdivision area. Commissioner Lukens seconded the motion, and the motion was unanimously approved with Commissioners Field, Johnson, Lukens, Schell, Schwartz, Van Duyne, Wangen, and Zent voting in favor of the motion.

**PUBLIC HEARING – MINOR SUDIVISION FINAL PLAT  
CENTENNIAL PARK FIRST ADDITION FIRST REPLAT**

Chair Johnson called for the public hearing on the minor subdivision final plat for Centennial Park First Addition First Replat. The property is located in southeast Bismarck, south of Interstate 94, and east of North Bismarck Expressway along the southeast side of Revere Drive.

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

Ms. Oster said, based on the findings, staff recommends approval of the minor subdivision final plat for Centennial Park First Addition First Replat, with the condition that a petition and development agreement for the construction of Revere Place is signed prior to the recordation of the proposed plat.

Chair Schwartz opened the public hearing.

Molly Barnes, the applicant came forward to thank staff, request approval, and answer any questions from the commissioners.

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

**MOTION:** Based on the findings contained in the staff report, Commissioner Zent made a motion to recommend approval of the minor subdivision final plat for Trillium Fifth Addition, with the condition that any proposed development exceeding a maximum of 65 percent impervious surface area will require additional stormwater considerations in the subdivision area. Commissioner Lukens seconded the motion, and the motion was unanimously approved with Commissioners Field, Johnson, Lukens, Schell, Schwartz, Van Duyne, Wangen, and Zent voting in favor of the motion.

**OTHER BUSINESS**

**Paul Levchak**

**ADJOURNMENT**

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 5:23 p.m. to meet again on January 24, 2024.

Respectfully submitted,

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Sarah Fricke  
Recording Secretary

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Cole Johnson  
Vice Chair

**PERMIT ACTIVITY REPORT - MTD  
DATE SELECTION 12/2023**

\*\*\*\*\*City\*\*\*\*\*

\*\*\*\*\*ETA\*\*\*\*\*

Census Code	12/2023		12/2022		12/2023		12/2022	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	0	\$0.00	0	\$0.00	0	\$0.00	1	\$349,308.25
MULTI FAMILY RESIDENTIAL	0	\$0.00	1	\$8,500,000.00	0	\$0.00	0	\$0.00
RESIDENTIAL ADDITION	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
DETACHED GARAGE	0	\$0.00	1	\$0.00	0	\$0.00	2	\$96,000.00
DECKS\PORCHES & COVERED PORCHES	1	\$10,000.00	0	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL ALTERATION/OTHER	1	\$44,668.16	1	\$15,000.00	1	\$10,000.00	0	\$0.00
HOME OCCUPATION	1	\$0.00	0	\$0.00	0	\$0.00	1	\$0.00
BASEMENT FINISH	7	\$214,484.00	4	\$85,914.00	0	\$0.00	0	\$0.00
FIREWORKS SALES	0	\$0.00	0	\$0.00	2	\$0.00	1	\$0.00
NEW SIGN PERMITS	13	\$171,125.00	2	\$3,900.00	4	\$37,000.00	0	\$0.00
SIGN ALTERATION	2	\$16,437.00	0	\$0.00	0	\$0.00	0	\$0.00
COMMERCIAL NEW CONSTRUCTION	4	\$1,165,000.00	2	\$540,000.00	0	\$0.00	0	\$0.00
COMMERCIAL ADDITION	0	\$0.00	1	\$15,769,130.00	0	\$0.00	0	\$0.00
COMMERCIAL ALTERATION	7	\$2,172,000.00	6	\$7,434,690.00	0	\$0.00	0	\$0.00
<b>Total</b>	<b>37</b>	<b>\$3,793,714.16</b>	<b>18</b>	<b>\$32,348,634.00</b>	<b>7</b>	<b>\$47,000.00</b>	<b>5</b>	<b>\$445,308.25</b>

PERMIT ACTIVITY REPORT - MTD  
DATE SELECTION 12/2023

\*\*\*\*\*City\*\*\*\*\*

\*\*\*\*\*ETA\*\*\*\*\*

Trade Permit Type	12/2023		12/2022		12/2023		12/2022	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	57	\$5,000.00	50	\$0.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	146	\$1,663,165.78	142	\$1,022,719.69	3	\$65,060.00	4	\$38,301.34
BUILDING PLUMBING	14	\$557,770.00	7	\$206,100.00	1	\$4,000.00	1	\$10,000.00
<b>Total</b>	<b>217</b>	<b>\$2,225,935.78</b>	<b>199</b>	<b>\$1,228,819.69</b>	<b>4</b>	<b>\$69,060.00</b>	<b>5</b>	<b>\$48,301.34</b>

PERMIT ACTIVITY REPORT - MTD  
DATE SELECTION 12/2023

	*****City*****		*****ETA*****	
	12/2023	12/2022	12/2023	12/2022
Living Units	Units	Units	Units	Units
BASEMENT FINISH	0	0	0	0
DETACHED GARAGE	0	0	0	0
RESIDENTIAL ADDITION	0	0	0	0
RESIDENTIAL ALTERATION/OTHER	0	0	0	0
SINGLE FAMILY DETACHED	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**PERMIT ACTIVITY REPORT - YTD  
DATE SELECTION 12/2023**

\*\*\*\*\*City\*\*\*\*\*

\*\*\*\*\*ETA\*\*\*\*\*

Census Code	12/2023		12/2022		12/2023		12/2022	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	78	\$28,280,891.10	156	\$45,980,594.44	25	\$9,042,176.34	30	\$11,410,320.06
ROWHOUSE (2) 1-HR FIRE SEPARATION	72	\$16,495,849.03	120	\$24,744,144.52	8	\$2,395,976.11	0	\$0.00
MULTI FAMILY RESIDENTIAL	45	\$23,149,556.90	7	\$17,546,455.51	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	19	\$0.00	7	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL ADDITION	18	\$791,857.95	12	\$412,624.96	8	\$848,864.43	10	\$1,156,033.10
DETACHED GARAGE	20	\$423,850.10	28	\$329,333.75	43	\$1,963,380.00	48	\$2,141,677.91
DECKS\PORCHES & COVERED PORCHES	119	\$713,191.15	77	\$246,560.53	14	\$381,773.50	9	\$252,803.45
SWIMMING POOLS	16	\$1,560,788.00	13	\$1,103,017.00	6	\$493,400.00	7	\$714,601.00
RESIDENTIAL ALTERATION/OTHER	59	\$2,156,606.56	38	\$1,453,058.85	10	\$740,002.07	10	\$506,459.22
HOME OCCUPATION	5	\$0.00	4	\$0.00	0	\$0.00	1	\$0.00
STORAGE SHED	13	\$34,852.50	9	\$30,955.00	5	\$13,260.00	2	\$12,000.00
BASEMENT FINISH	48	\$1,132,851.00	45	\$1,170,125.00	6	\$159,745.00	11	\$250,151.50
RESIDENTIAL	3	\$0.00	2	\$0.00	1	\$0.00	0	\$0.00
COMMERCIAL	5	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
FIREWORKS SALES	0	\$0.00	0	\$0.00	11	\$0.00	9	\$0.00
NURSERY STOCK SALES	4	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	1	\$0.00	3	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	93	\$1,455,394.53	67	\$569,866.00	7	\$46,600.00	3	\$46,866.00
SIGN ALTERATION	32	\$287,672.64	2	\$36,000.00	0	\$0.00	0	\$0.00
ELECTRONIC MESSAGE CENTER	1	\$309,234.00	0	\$0.00	0	\$0.00	0	\$0.00
COMMERCIAL NEW CONSTRUCTION	100	\$112,621,890.38	105	\$99,949,859.00	4	\$1,450,000.00	22	\$8,921,426.00
COMMERCIAL ADDITION	6	\$5,407,905.00	8	\$32,382,517.00	0	\$0.00	2	\$7,118,268.00
COMMERCIAL ALTERATION	101	\$52,088,540.64	73	\$28,623,839.88	7	\$1,003,547.00	3	\$3,780,000.00
<b>Total</b>	<b>858</b>	<b>\$246,910,931.48</b>	<b>782</b>	<b>\$254,578,951.44</b>	<b>155</b>	<b>\$18,538,724.45</b>	<b>167</b>	<b>\$36,310,606.24</b>

**PERMIT ACTIVITY REPORT - YTD  
DATE SELECTION 12/2023**

\*\*\*\*\*City\*\*\*\*\*

\*\*\*\*\*ETA\*\*\*\*\*

Permit Type	12/2023		12/2022		12/2023		12/2022	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	900	\$5,000.00	1003	\$203,000.00	2	\$0.00	6	\$0.00
BUILDING MECHANICAL	1464	\$27,307,181.69	1510	\$28,304,097.14	267	\$2,802,623.59	272	\$2,497,591.25
BUILDING PLUMBING	370	\$11,894,227.04	450	\$13,310,427.92	69	\$1,184,404.14	88	\$1,337,564.00
BUILDING SEPTIC	1	\$0.00	0	\$0.00	35	\$32,500.00	30	\$2,000.00
<b>Total</b>	<b>2735</b>	<b>\$39,206,408.73</b>	<b>2963</b>	<b>\$41,817,525.06</b>	<b>373</b>	<b>\$4,019,527.73</b>	<b>396</b>	<b>\$3,837,155.25</b>

PERMIT ACTIVITY REPORT - YTD  
DATE SELECTION 12/2023

\*\*\*\*\*City\*\*\*\*\*

\*\*\*\*\*ETA\*\*\*\*\*

Living Units	12/2023	12/2022	12/2023	12/2022
	Units	Units	Units	Units
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
MULTI FAMILY RESIDENTIAL	131	124	0	0
MANUFACTURED HOMES	18	5	0	0
BASEMENT FINISH	0	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
DETACHED GARAGE	0	0	0	0
RESIDENTIAL ADDITION	0	0	0	0
RESIDENTIAL ALTERATION/OTHER	0	0	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	69	112	6	0
SINGLE FAMILY DETACHED	75	151	21	23
SWIMMING POOLS	0	0	0	0
<b>Total</b>	<b>293</b>	<b>392</b>	<b>27</b>	<b>23</b>