



# PLANNING AND ZONING COMMISSION

## MEETING AGENDA

March 27, 2024

Tom Baker Meeting Room	5:00 p.m.	City-County Office Building
<p>Any member of the public may attend this meeting. Comments may be provided on public hearing items either in person, at the appointed time, or emailed by 8 am on the meeting day to <a href="mailto:planning@bismarcknd.gov">planning@bismarcknd.gov</a> for distribution to the Commission and inclusion in minutes, unless anonymous.</p>		<p><a href="https://www.bismarcknd.gov/agendacenter">FreeTV.org</a>. Minutes will be available at <a href="https://www.bismarcknd.gov/agendacenter">https://www.bismarcknd.gov/agendacenter</a>.</p>
<p>Coverage of this meeting is available on Government Access Channels 2 &amp; 602HD or streaming live and archived online at</p>		<p>The City of Bismarck does not discriminate in admission or access to its programs, activities, or services. To request accommodations for disabilities and/or language assistance, please contact the Title VI/ADA Coordinator at 701-355-1330.</p> <p>Agenda subject to change prior to meeting.</p>

Item No. Page No.

1. Introduction of new commissioner.

## MINUTES

2. Consider approval of the minutes of the February 28, 2024, meeting of the Bismarck Planning & Zoning Commission.

## CONSENT AGENDA

### CONSIDERATION

Requests for public hearings at a later date

3. **Central Outpost Subdivision (DN)**..... 6

Major Subdivision Preliminary Plat | PPLT2024-001 | Consideration

Staff recommends: tentative approval     tentative approval     continue     table     deny

Zoning Map Amendment | ZC2024-002 | *Consideration*

Staff recommends: schedule hearing     schedule hearing     continue     table     deny





9. **Home Occupations (DN)** .....

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

Staff recommends: continue  approve  continue  table  deny

**OTHER BUSINESS**

10. **Update on Agri-Tourism/Private Riding Stables Ordinance**

11. **Other**

**ADJOURNMENT**

12. **Adjourn.** The next regular meeting date is scheduled for April 24, 2024.

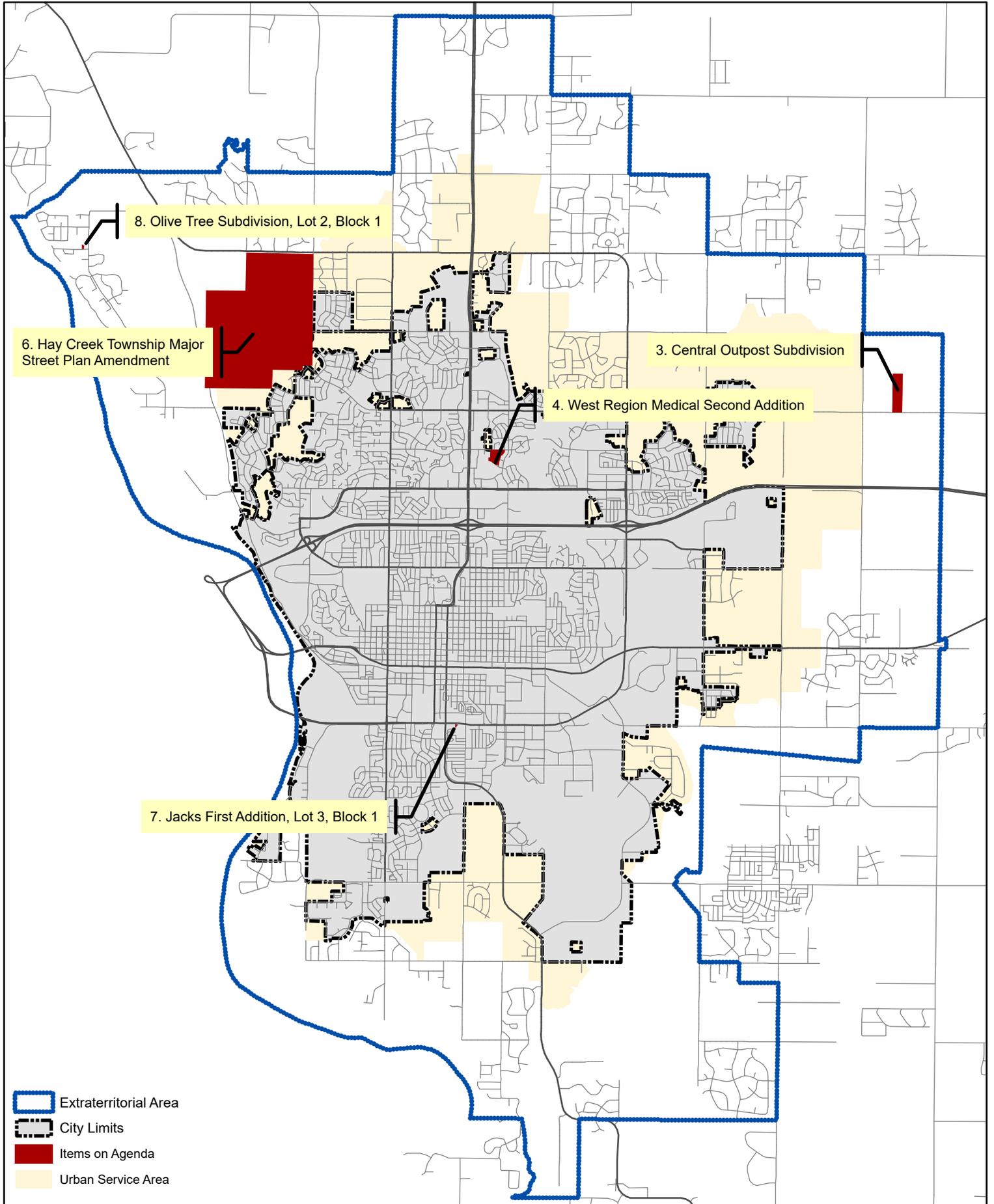
Enclosures: Meeting Minutes of February 28, 2024  
Building Permit Activity Month to Date Report for February 2024  
Building Permit Activity Year to Date Report for February 2024



## **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.



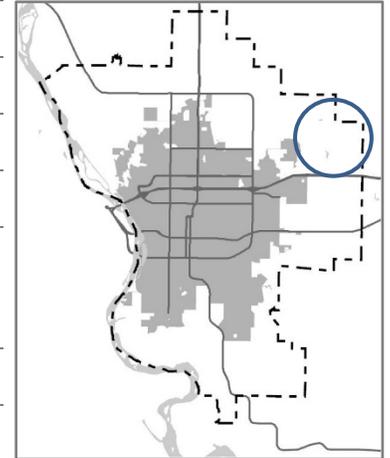
# STAFF REPORT

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

Project ID: **PPLT2024-001**  
**ZC2024-002**

## Project Summary

<i>Title:</i>	Central Outpost Subdivision
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Property Owner(s):</i>	Central Power Electric Cooperative, Inc.
<i>Project Contact:</i>	Bryan Hastig, Interstate Engineering
<i>Project Location:</i>	Northeast of Bismarck, east of 80th Street NE and on the north side of 43rd Avenue NE (E ½ of E ½ of SW ¼ of Section 16, T139N-R79W)
<i>Project Size:</i>	40.21 Acres
<i>Applicant Request:</i>	Plat for development of utility maintenance facility and service yard
<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 Tract	<i>Lots/Blocks:</i>	1 Lot in 1 Block
<i>Land Use:</i>	Agriculture	<i>Land Use:</i>	Utility maintenance facility and service yard
<i>Future Land Use:</i>	Urban Reserve Mid-Term (URA)	<i>Future Land Use:</i>	Urban Reserve Mid-Term (URA)
<i>Zoning:</i>	A – Agricultural	<i>Zoning:</i>	PUD – Planned Unit Development
<i>Uses Allowed:</i>	A – Agriculture	<i>Uses Allowed:</i>	PUD – Uses specified in PUD
<i>Max Density:</i>	A – 1 unit / 40 acres	<i>Max Density:</i>	PUD – Density specified in PUD

## Area Information

## Property History

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

**Project Narrative**

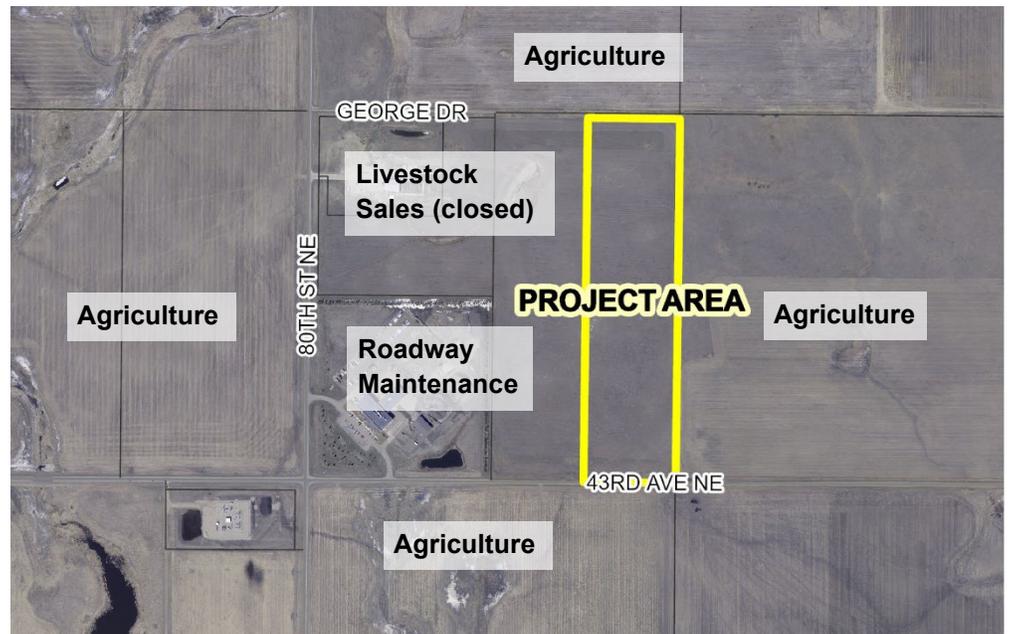
Central Power Electric Cooperative, Inc is requesting approval of a zoning map amendment from the A – Agricultural zoning district to the PUD – Planned Unit Development zoning district and a preliminary plat for Central Outpost Addition.

The proposed 1-lot subdivision would allow construction of a maintenance facility and laydown yard. Central Power Electric Cooperative, Inc.would utilize this site for repair and upkeep of substations and other facilities in the area. A mobile substation will be housed in this location for temporary use on sites throughout the area.

**Project Context**

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

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



The property has been identified as mostly Urban Reserve Mid-Term, with a small portion as Urban Reserve Long-Term, in the Future Land Use Plan. Urban Reserve areas are suitable for urban development but are not projected to be annexed by the year 2045. Goals and objectives of this plan as they relate to this zoning map amendment and subdivision are referenced in review standards below.

The Major Street Plan shows an arterial roadway and two collectors adjacent to the proposed plat. Conformance with this plan is discussed in Findings of Fact below.

**Public Engagement**

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

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

(continued)

of fact, related to land use, are presented in response to each standard.

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

**Yes.** The proposed zoning map amendment is within the area designated as Urban Reserve Mid-Term in the Future Land Use Plan, as described in the Project Context section above. Specific land uses are not identified for this area, because urban development is not expected until after 2045, the time horizon of the plan. The proposed zoning district would generally conform to the character of this district.

In this area, any development should be made with consideration for future redevelopment at urban densities. A large-lot utility site would not be likely to create a barrier to annexation, and the northern portion of the 40-acres tract could be further subdivided in the future as warranted for development.

It should be noted that the lands to the west of 80<sup>th</sup> Street NE are identified for Urban Neighborhood, and previous Future Land Use Plans identified the subject site for residential development. Although future land use is formally undefined, approval of this plat will make residential development of the immediate surroundings, in particular the tract of the land to the west, less likely and desirable.

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

**Yes.** Adjacent uses are identified in the project context section above. All immediately adjacent lands are undeveloped or in agricultural use. The nearest developed sites are a roadway maintenance facility, a former livestock sales pavilion, and an electrical substation. 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 when the city assumed the extraterritorial authority of this area. Conditions have changed since this time, as the city limits have expanded in the northeastern corridor.

*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 not directly adversely impact housing opportunities. However, over the longer-term, development of a non-residential use on this site may decrease the likelihood of residential development in the surrounding tracts of land.

*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 objective of the plan would be advanced through the proposed amendment:

*“Collaborate with public utility and delivery organizations to ensure efficient services” (C10).*

This location is central to the utility service area, which includes several rural substations, and this location will optimize access to the mobile substation and other service needs of your facilities.

*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.

(continued)

*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.

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

**Yes.** The Planned Unit Development (PUD) would be limited to only public utility services, which would prevent the site and general area from developing into an industrial character overall, and further aforementioned goals related to efficient service delivery.

The dimensional standards and requirements of the PUD mirror that of the roadway maintenance facility owned by Burleigh County. The applicant of these standards would create consistency for like uses within this section of land.

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

**Yes.** Although there are no incompatible adjacent uses currently, the proposed planned unit development includes landscaped buffers to mitigate any potential negative impacts on future nearby uses. The landscaped buffers would be 50-feet in width and densely planted, similar to what has been planted by Burleigh County Highway Department to the west.

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

**Yes.** The proposed planned unit development incorporates these existing natural features into the design of the development to the greatest extent feasible. A pending stormwater management plan will address any potential for water runoff from the site. There no hazardous water or topographical slope conditions.

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

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

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

**Yes.** The proposed utility servicing uses, as designed and laid out 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.

*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, in each case the half of the right-of-way within the platted area. A total of 75 feet of right-of-way would be dedicated for 43<sup>rd</sup>

(continued)

Street NE on the southern boundary. On the northern boundary, 40 feet would be dedicated for an extension of George Drive. Third, a new collector roadway would be dedicated along the eastern boundary, to be named Lignite Drive. 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 provision of neighborhood parks and open space is not needed because the proposed preliminary plat is not an urban subdivision with residential zoning districts.

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

**Yes, with** improvements to 43<sup>rd</sup> Avenue NE. The segment of this roadway at this site is currently not paved. As a condition for acceptance of right-of-way, Burleigh County is anticipated to require improvement of this roadway to county standards. A waiver from improvement at this time of the collector roadways is being requested by the applicant.

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

**Yes.** There are no internal roadways proposed with this plat, and all access currently would be gained from the existing 43<sup>rd</sup> Avenue NE. Any future development that requires additional roadway access could be determined through a replatting process.

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

**Yes.** This plat would share a single access point to 43<sup>rd</sup> Avenue with the undeveloped tract of the land to the west. An access easement between these two properties would be recorded in conjunction with the plat. Direct access to major public roadways is appropriately limited and spacing of all intersections is adequate to meet the County’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 project PCSMP2024-008 will be approved prior to submittal of a final plat. Ponds to detain runoff will be included in this plan, with the exact locations to be determined.

*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

(continued)

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 is within two miles of the city limits and will require an agreement with the South Central Regional Water District prior to recordation of the plat. The City of Bismarck will retain rights to extend municipal water into the proposed subdivision after five years.

Water and sewer easements for future municipal services have been included on this plat. Detailed servicing plans have not been developed, but the reservation of easements during the platting process may facilitate future urbanization, as anticipated in the comprehensive plan.

*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 proposed subdivision is outside of Bismarck city limits and will not be served by municipal services at this time.

*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.

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

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

**Staff Recommendation**

Based on the above findings, staff recommends calling for a public hearing on the zoning map amendment from the A – Agricultural zoning district to the PUD – Planned Unit Development, as attached, and tentative approval of a preliminary plat for Central Outpost Subdivision.

**Attachments**

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

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

701-355-1854 | dnairn@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 A – Agricultural zoning district and included in the PUD – Planned Unit Development zoning district

Lot 1, Block 1, Central Outpost Subdivision.

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. Public utility storage and maintenance facility
    - ii. Public utility service yard

- b. *Accessory Uses.* No accessory uses shall be permitted, with the exception of any general services and utilities necessary for proper function of the principal uses on the site.
- 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. *Front Yard (south).* The setback from the south lot line adjacent to the arterial roadway of 43<sup>rd</sup> Avenue NE shall be 175 feet.
  - b. *Front Yard (east).* The setback from the east lot line adjacent to the collector roadway of Lignite Drive shall be 125 feet.
  - c. *Side Yard (west).* The setback from the west lot line shall be 50 feet.
  - d. *Rear Yard (north).* The setback from the north lot line shall be 50 feet.
  - e. *Height.* No building shall exceed fifty (50) feet in height.
- 5. *Development Standards.* The following development standards shall apply to all development within the district.
  - a. *Landscaping.* A landscaped buffer yard is provided on the north and west sides of the developed site to screen the operation from adjacent land uses. Said buffer yard shall be no less than fifty (50) feet in width and shall be densely planted in conjunction with site development in accordance with the requirements of Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).
  - b. *Parking.* Off-street parking spaces for a service business shall be required, according to Section 14-03-10 of the City Code of Ordinances (Off-Street Parking and Loading). Required parking and necessary drive lanes must be paved. All other service yard areas may utilize a gravel surface.
  - c. *Service Yard.* All exterior equipment and material storage areas shall be fenced and set back no less than one hundred fifty (150) feet from the south or east property line and no less than seventy-five (75) feet from a north or west property line.
- 6. *Signs.* Signage may be installed in accordance with the provisions of Chapter 14-03.1 (Signs) following standards for Commercial zoning districts.

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 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

CENTRAL OUTPOST SUBDIVISION

PPLT2024-001  
ZC2024-002

## 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

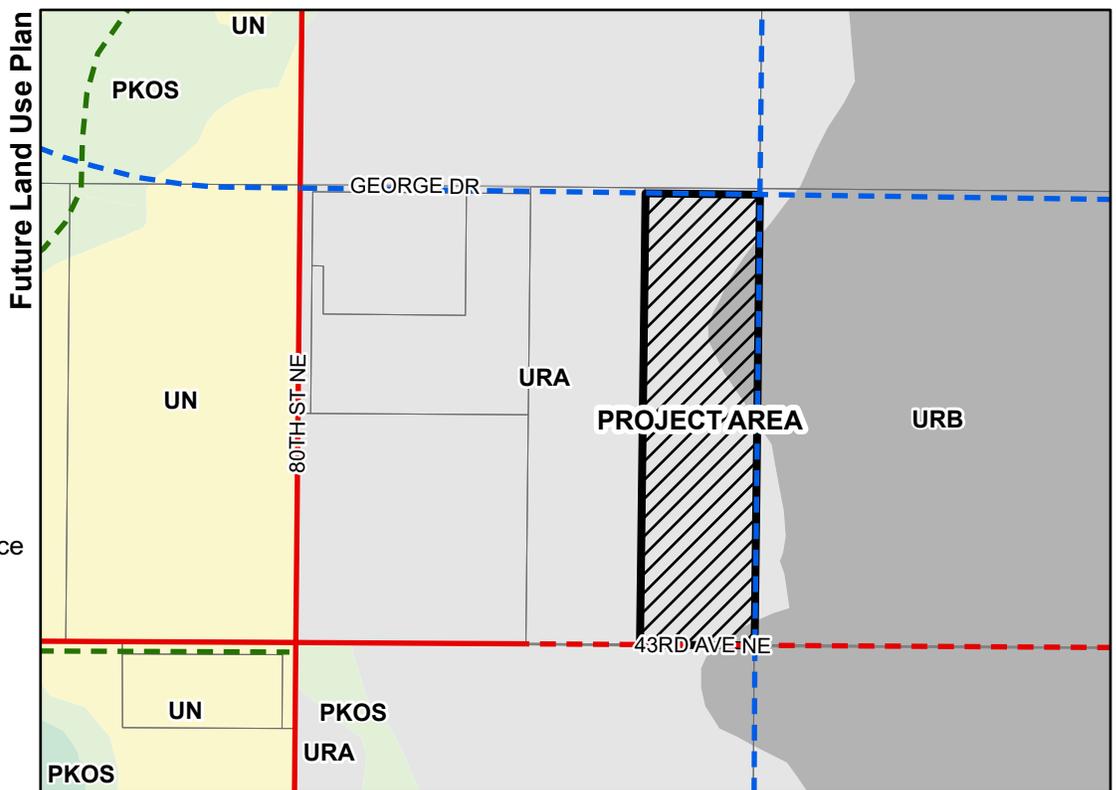
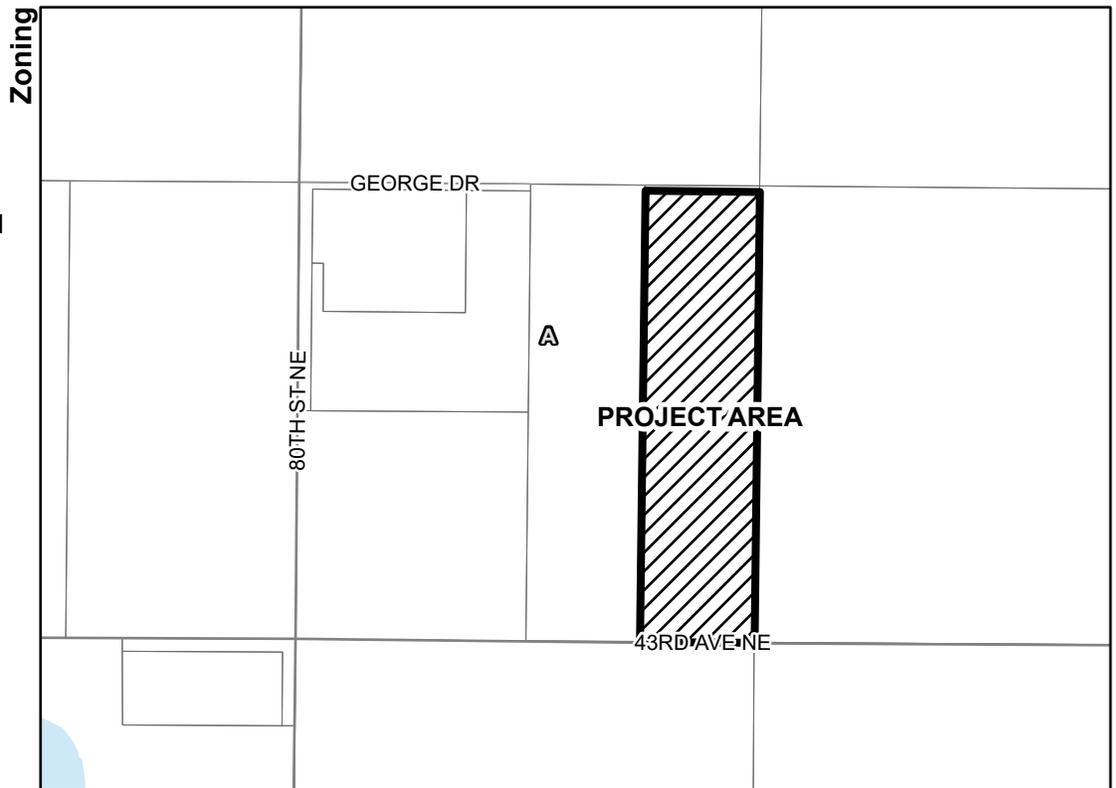
<b>UN</b>	Urban
<b>NMU</b>	Neighborhood Mixed Use
<b>CMU</b>	Community Mixed Use
<b>DMU</b>	Destination Mixed Use
<b>DT</b>	Downtown
<b>IND</b>	Industrial
<b>IF</b>	Industrial Flex
<b>IMU</b>	Industrial Mixed Use
<b>INS</b>	Institutional
<b>RR</b>	Rural
	Residential
<b>TR</b>	Transitional Rural
<b>PKOS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

## Active Mobility Plan

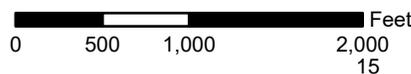
— Future Shared Trail

## 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  
March 19, 2024

**Proposed New Zoning Map**

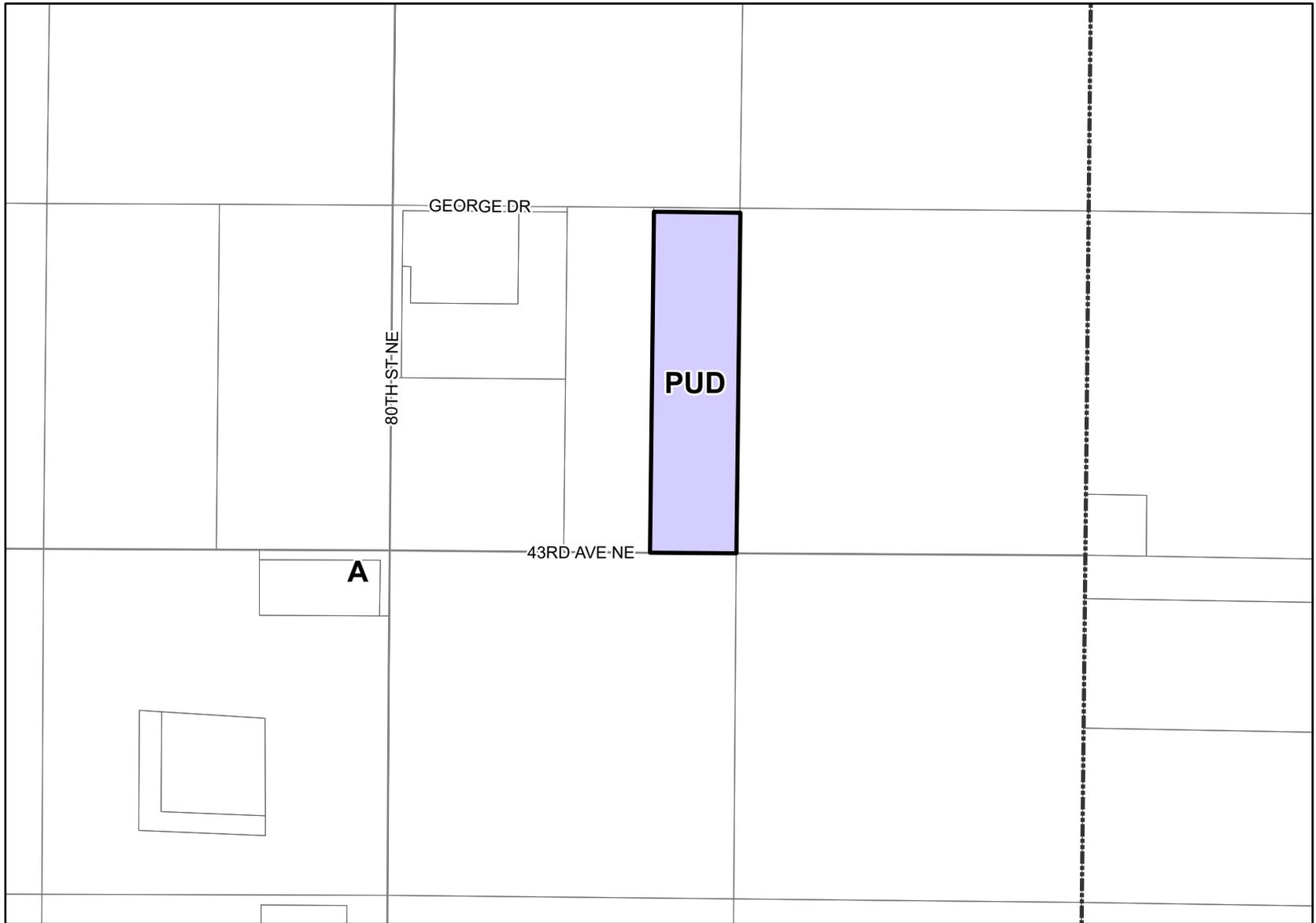
 Project Area  
(zoning within  
is proposed)

 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*





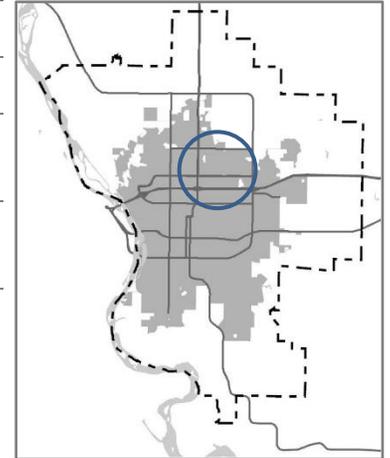
# STAFF REPORT

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

Project ID: **ZC2024-001**  
**PPLT2024-002**

## Project Summary

<i>Title:</i>	West Region Medical Second Addition
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Property Owner(s):</i>	High Plains PMS LLC Bearstail Basketball
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Company
<i>Project Location:</i>	In north-central Bismarck, north of East Century Avenue between State Street and North 19th Street, along the south side of East Calgary Avenue (being a replat of all of West Region Medical Addition)
<i>Project Size:</i>	17 acres
<i>Applicant Request:</i>	Replat property for future development
<i>Staff Recommendation:</i>	Tentatively approve / call for public hearing



## Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	3 parcels in 2 blocks	<i>Lots/Blocks:</i>	3 lots in 2 blocks
<i>Land Use:</i>	Vacant	<i>Land Use:</i>	Commercial land uses including basketball training and game facility
<i>Future Land Use:</i>	Community Mixed Use (CMU)	<i>Future Land Use:</i>	Community Mixed Use (CMU)
<i>Zoning:</i>	RT – Residential CG – Commercial	<i>Zoning:</i>	CG – Commercial
<i>Uses Allowed:</i>	RT – Offices and multi-family residential CG – General commercial, multi-family residential, and offices	<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices
<i>Max Density:</i>	RT – 30 units / acre CG – 42 units / acre	<i>Max Density:</i>	CG – 42 units / acre

**Area Information**

**Property History**

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	06/2004
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	07/2013
<i>Neighborhood:</i>	Memorial	<i>Annexed:</i>	04/1993

**Project Narrative**

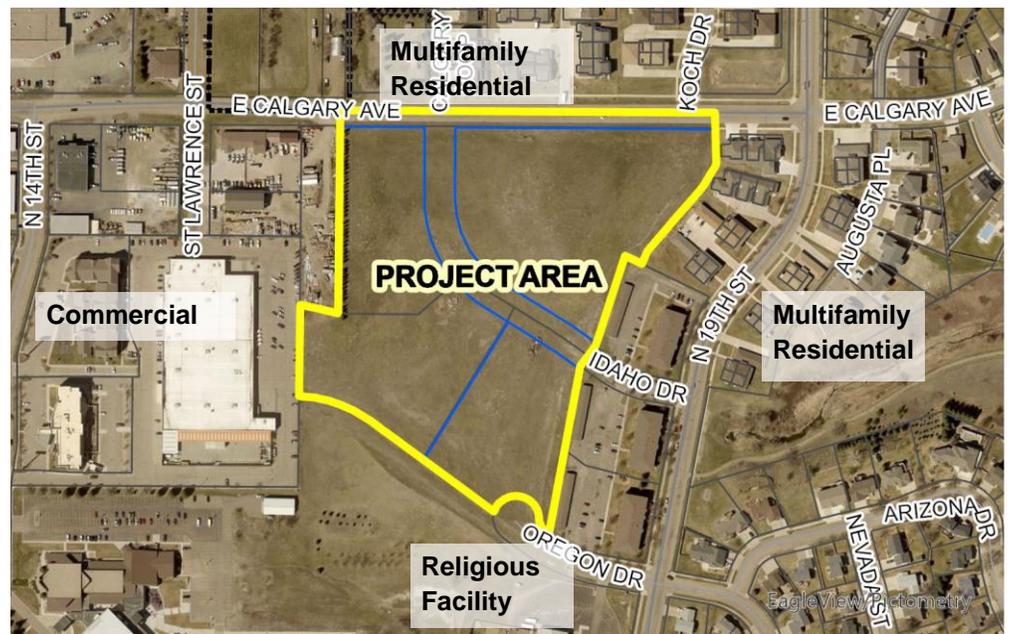
High Plains PMS LLC and Bearstail Basketball are requesting approval of a zoning map amendment from the CG – Commercial and RT – Residential zoning districts to the CG – Commercial zoning district and major subdivision preliminary plat for West Region Medical Second Addition.

Approval of the proposed zoning map amendment and proposed plat would rededicate Idaho Drive, adjust lot lines and allow for future commercial development including a basketball training and game facility.

**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 Community Mixed Use (CMU) in the Future Land Use Plan. The CMU areas are places of commerce, employment, and residence for the Bismarck community. Goals and objectives of this plan as they relate to the proposed zoning map amendment and preliminary plat are referenced in review standards below.

*Background Information*

The proposed plat is a replat of all of West Region Medical Addition, which was approved in 2013. A plat modification to vacate all of Idaho Drive and a lot modification to combine Lots on either side of Idaho Drive into one parcel were approved in 2015 at the owner’s request.

(continued)

The proposed plat would rededicate Idaho Drive in the same location as the original plat and create parcels for development. Idaho Drive would be constructed to the northwestern edge of Lot 1, Block 1 and would continue north to East Calgary Avenue as development of the adjacent lots occurs.

**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.

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 Community Mixed Use (CMU) 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 for commercial uses, specifically a basketball training and game facility which is allowed in the CG – Commercial zoning district as a commercial recreation group. 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 RT – Residential and CG – Commercial were established in 2004. 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 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 zoning map amendment would confirm to the Community Mixed Use (CMU) 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.

*(continued)*

*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. East Calgary Avenue is included in the proposed plat and is an existing collector 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.** The corridors identified in the Active Mobility Plan are incorporated into rights-of-way or easements within the proposed subdivision. There is an existing street bike connection within the right-of-way of East Calgary Avenue. 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 provision of neighborhood parks and open space is not needed because the proposed preliminary plat is not an urban subdivision with residential zoning districts.

*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 permanent cul-de-sacs or dead-end streets in the proposed subdivision. The addition of Idaho Drive will improve the overall connectivity of the street network in this area. The City's Secondary Roadway Access Policy has been met allowing alternative routes into and out of the subdivision.

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

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

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

**Yes.** There is a plan to manage any stormwater runoff generated by this subdivision. A scoping sheet for a post-construction stormwater management permit (PCSMP) has been approved

*(continued)*

by the City Engineer, and the PCSMP will be approved prior to submittal of a final plat (PCSMP2024-010).

*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 proposed subdivision involves infill and redevelopment of an area already served by municipal infrastructure. The additional up-front and ongoing costs to the City are expected to be minimal, relative to the benefits provided by the subdivision.

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

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

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

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

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

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

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

**Staff Recommendation**

Based on the above findings, staff recommends scheduling a public hearing for the zoning map amendment from the RT – Residential and CG Commercial zoning districts to the CG – Commercial zoning district and tentative approval of the major subdivision preliminary plat for West Region Medical Second Addition.

*(continued)*

**Attachments**

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

*Staff report prepared by:* Jenny Wollmuth, AICP, CFM, Senior Planner  
701-355-1845 | [jwollmuth@bismarcknd.gov](mailto:jwollmuth@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 RT – Residential and CG – Commercial zoning district and included in the CG – Commercial zoning district:

Lot 1 and Lot 2, Block 1, West Region Medical Second Addition

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 CG – Commercial zoning district and included in the CG - Commercial zoning district:

Lot 1, Block 2, West Region Medical Second Addition

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

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



# Zoning and Plan Reference Map

## WEST REGION MEDICAL SECOND ADDITION

PPLT2024-002

### 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

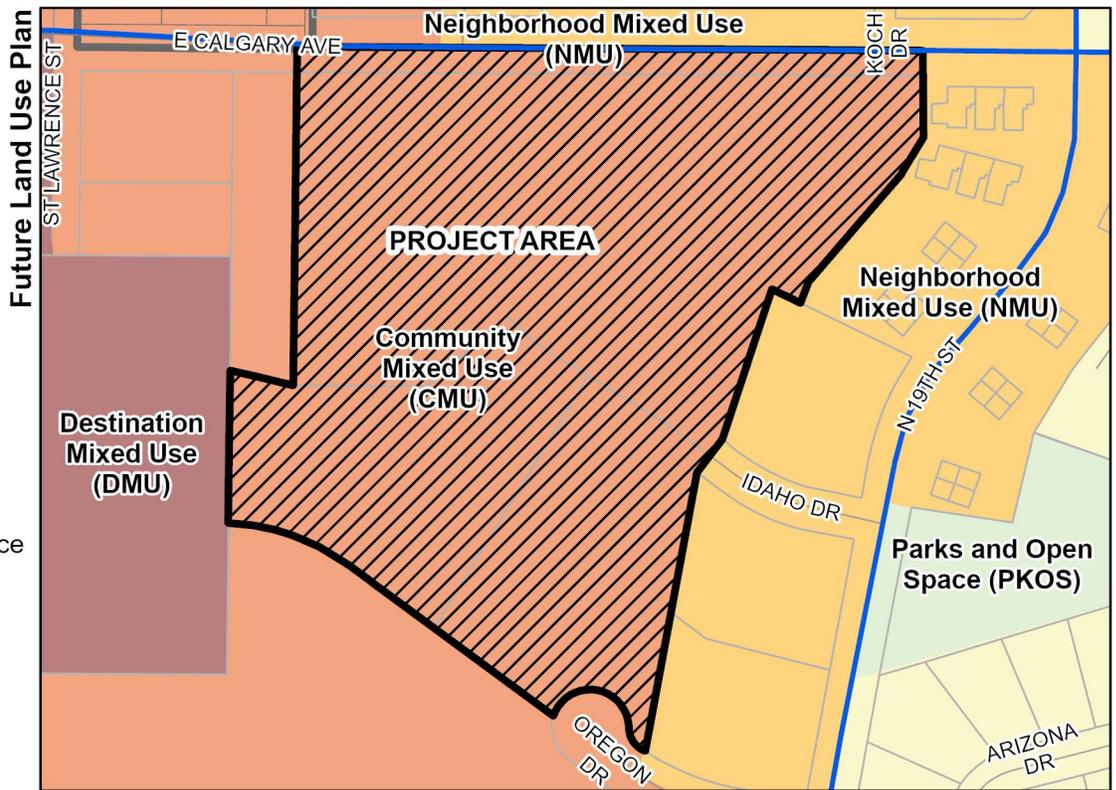
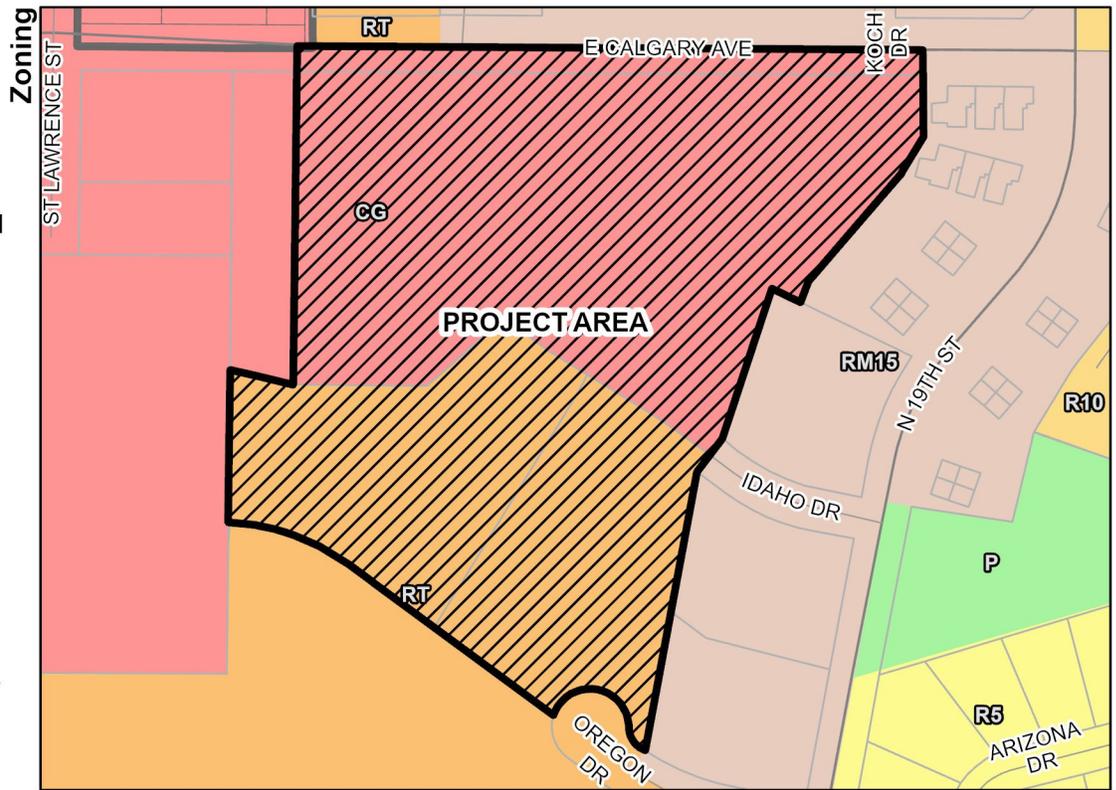
<b>UN</b>	Urban
<b>NMU</b>	Neighborhood Mixed Use
<b>CMU</b>	Community Mixed Use
<b>DMU</b>	Destination Mixed Use
<b>DT</b>	Downtown
<b>IND</b>	Industrial
<b>IF</b>	Industrial Flex
<b>IMU</b>	Industrial Mixed Use
<b>INS</b>	Institutional
<b>RR</b>	Rural Residential
<b>TR</b>	Transitional Rural
<b>PKOS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

### Active Mobility Plan

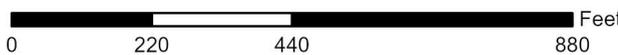
Future Shared Trail

### 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  
March 19, 2024

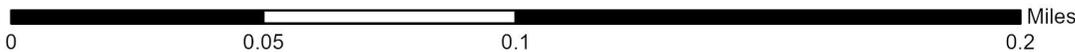
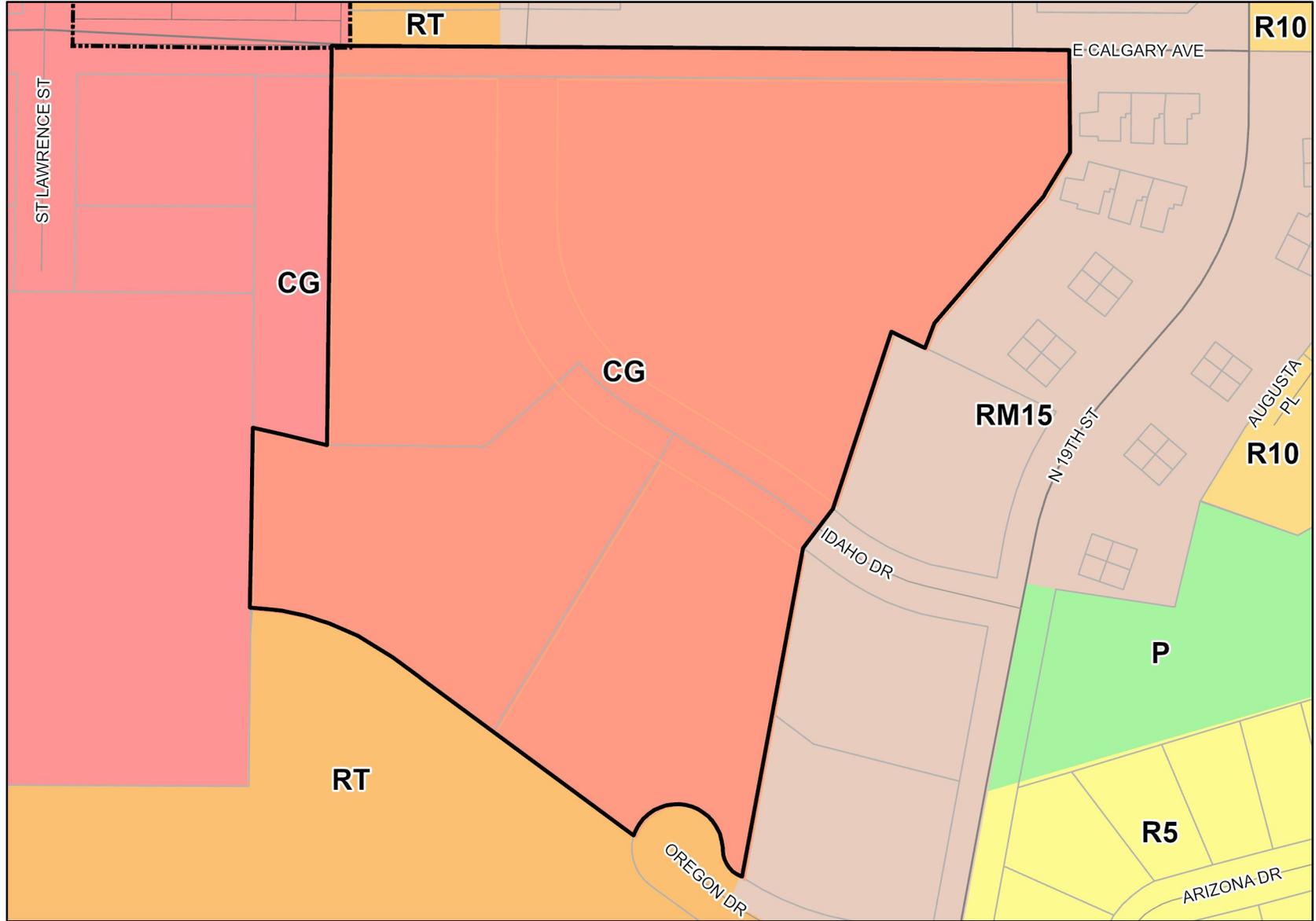
**Proposed New Zoning Map**

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*



# WEST REGION MEDICAL SECOND ADDITION

BEING A REPLAT OF ALL OF WEST REGION MEDICAL ADDITION  
PART OF THE SW 1/4 OF SECTION 22  
TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

17.0 ACRES  
EXISTING ZONING: RT/CG  
PROPOSED ZONING: CG  
3 LOTS, 2 BLOCKS

OWNER: HIGH PLAINS PMS, LLC  
PO BOX 564  
MANDAREE, ND 58757

BEARS TAIL BASKETBALL  
8008 NORTHWOOD PLACE  
BISMARCK, ND 58503



LOCATION MAP



# STAFF REPORT

Agenda Item # 5  
March 27, 2024

Application for: **Zoning Ordinance Text Amendment**

Project ID: **ZOTA2024-004**

## Project Summary

<i>Title:</i>	Revisions to FP – Floodplain District
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Project Contact:</i>	Jenny Wollmuth, AICP, CFM
<i>Request:</i>	Amend Section 14-04-19 of the City Code of Ordinances (FP – Floodplain)
<i>Staff Recommendation:</i>	Call for public hearing

## Project Narrative

The Community Development Department requests approval of amendments to Section 14-04-19 of the City Code of Ordinances (FP – Floodplain). The proposed amendments would add additional definitions to avoid misinterpretation and clarify requirements, reduce the freeboard or elevation requirement for Pre-FIRM manufactured home parks or subdivisions from two feet above the Base Flood Elevation (BFE) to one foot above the BFE, and change the effective date of the Flood Insurance Rate Map (FIRM) to June 6, 2024. The FIRM is an official map of a community on which FEMA determines base flood elevation, flood zones and floodplain boundaries.

### *National Floodplain Insurance Program and Community Rating System*

The City of Bismarck and its Extraterritorial Area (ETA) is a participating community in the National Floodplain Insurance Program (NFIP). Participation in the NFIP is a State requirement for communities in North Dakota. Communities that participate in the NFIP must adopt a local floodplain ordinance that meets or exceeds FEMA and State requirements. Any modifications made to the City’s floodplain ordinance must be reviewed by the State Floodplain Insurance

Program Coordinator and FEMA Floodplain Specialists for compliance with State and Federal requirements. The proposed changes outlined in the draft ordinance have been reviewed and approved by both the State and FEMA.

The City of Bismarck and its ETA are also a participating community in the Community Rating System (CRS). The CRS is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. As a result, flood insurance premium rates are discounted to reflect the reduced flood risk resulting from the City of Bismarck meeting the goals of the CRS program. Currently, flood insurance policy holders are eligible for a 15% discount in their premium given our CRS status of Class 7. Staff has been assured that no change to this discount or class rating would occur if the ordinance is adopted as proposed.

### *Sources of Information*

A stakeholder group comprised of industry professionals, including professional land surveyors, members of the Burleigh County Water Resource District and Burleigh County Planning, a representative of manufactured home communities, ND Department of Water Resources staff, members of the Bismarck Board of

Adjustment and Bismarck Planning and Zoning Commission, and the Mayor was formed in May 2023.

The stakeholder group met four times to review existing requirements, FEMA and State guidelines, and technical bulletins, and to suggest changes.

*Proposed Changes*

At the request of FEMA and the ND Department of Water Resources, a citation of statutory authority referencing Chapters 40-47, 11-33, and 58-03 of the ND Century Code was added to delegate responsibility to the City to adopt regulations designed to promote public health, safety and general welfare of its citizen. While this language is used and referenced in Title 14, FEMA and the State requested it be specifically added to the FP – Floodplain district regulations. Other amendments include:

- Definitions for enclosures, existing manufactured home park or subdivision, expansion to an existing manufactured home park or subdivision, new manufactured home park or subdivision and violation.
- Clarifying language to the definition of substantial improvement explaining that any repair, reconstruction, or improvement of a structure that occurs within a consecutive two-year period would be a substantial improvement if the repair, reconstruction, or improvement exceeds 50% of the value of the structure.
- Technical requirements to allow enclosures below the BFE based on certain conditions.
- Reference to the effective date of the FIRM, which is June 6, 2024.
- Reducing the freeboard or elevation requirement for Pre-FIRM manufactured

home parks or subdivisions from two feet above the BFE to one foot above the BFE.

The stakeholder group was asked specifically if they were in favor of reducing the elevation requirement for all new construction and substantial improvements from two feet to one foot above the BFE. The stakeholder group was not in favor of this reduction for the following reasons:

- The two foot freeboard or elevation requirement provides long-term protection for homeowners. With new flood insurance rate mapping efforts, flood modeling can change the Special Flood Hazard Area (SFHA) impact based on a variety of factors including the changing characteristics of the Missouri River.
- Burleigh County is in the process of updating its floodplain ordinance. Burleigh County Planning is going to continue to recommend a two foot freeboard standard. It has been suggested that Burleigh County and Bismarck floodplain ordinances try to be as consistent as possible. This would be the case, for a significant regulatory portion of the ordinance, if both the City and the County maintain the two foot freeboard standard.
- By maintaining a two foot freeboard or elevation requirement, homeowners carrying flood insurance will continue to experience the 15% discount.

**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*

*(continued)*

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 I6(b) states:

*“Participate actively in the National Flood Insurance Program and the Community Rating System to manage designated floodplains”*

*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.** Amendments to this section of the zoning ordinance have been made regularly in the past for various reasons including clarification purposes and to reflect the most recent FIS and FIRM completed for the community in 2015. Conditions have changed since this time period, which justify the proposed revision. In particular, a new FIS and FIRM for the community was recently completed. These documents must be adopted prior to June 6, 2024.

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

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

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

**Yes.** All sections of the zoning ordinance containing any references to or potential conflicts with the proposed zoning ordinance text amendment have been reviewed and corrected, as needed. Additional definitions for enclosure, existing manufactured home park or subdivision, expansion to an existing manufactured home park or subdivision, new manufactured home park or subdivision and violation have been added along with clarifications for flood hazard reduction to avoid misinterpretation and clarify requirements.

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

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

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

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

**Staff Recommendation**

Based on the above findings, staff recommends scheduling a public hearing for amendments to Section 14-04-19 of the City Code of Ordinances (FP – Floodplain district).

*(continued)*

**Attachments**

1. Draft zoning ordinance text amendment
- 

*Staff report prepared by:* Jenny Wollmuth, AICP, CFM, Senior Planner  
701-355-1845 | [jwollmuth@bismarcknd.gov](mailto:jwollmuth@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 14-04-19 OF THE CODE OF ORDINANCES OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO REGULATIONS FOR PROPERTIES LOCATED WITHIN THE FP – FLOODPLAIN ZONING DISTRICT.

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

Section 1. Amend. Section 14-04-19 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to regulations for properties located within the FP – Floodplain , his hereby enacted to read as follows:

14-04-19. FP Floodplain District. In any FP floodplain district, the following regulations shall apply:

1. The Legislature of the State of North Dakota has in North Dakota Century Code, Chapters 40-47, 11-33 and 58-03, delegated responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

2. Statement of purpose. It is the purpose of this section to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- a. To protect human life and health;
- b. To minimize expenditure of public money for costly flood control projects;
- c. To minimize the need for rescue and relief efforts associated with flooding, generally undertaken at the expense of the general public;
- d. To minimize prolonged business interruptions;

- e. To minimize damage to public facilities and utilities located in special flood hazard areas such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges;
  - f. To help maintain a stable tax base by providing for the use and development of special flood hazard areas so as to minimize future flood blight areas;
  - g. To ensure that potential buyers are notified that property is located in a special flood hazard area;
  - h. To ensure that those who occupy the special flood hazard areas assume responsibility for their actions; and
  - i. To provide an increased level of protection in anticipation of future increases in the base flood elevation (BFE).
3. Methods of reducing flood losses. In order to accomplish its purposes, this section includes methods and provisions for:
- a. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion, flood water elevations or flow velocities;
  - b. Requiring that uses vulnerable to flooding, including attendant utilities and facilities which serve such uses, be protected against flood damage at the time of initial construction;
  - c. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or convey flood waters;
  - d. Controlling filling, grading, dredging, and other development which may increase flood damage; and
  - e. Preventing or regulating the construction of flood barriers or obstructions which will unnaturally divert flood waters or which may increase flood hazards in other areas.
4. Definitions. Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application.

“Accessory Structure” for floodplain management purposes means structures that are on the same parcel of property as a principal structure, the use of which is incidental to the use of the principal structure. Accessory structures are a single-story structure that may

only be used for parking or storage, represent a minimal investment by owners, and have low damage potential. Structures that include the following uses are not considered accessory structures for floodplain management purposes: habitable spaces, bathrooms, toilet rooms, laundry facilities, and entertainment and recreational spaces including but not limited to workshops and game rooms.

"Agricultural Structure" for floodplain management purposes means structures that are used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this section or a request for a variance.

"Attendant utilities and equipment" means utilities, electrical, plumbing, heating, ventilation, and air conditioning equipment, as well as facilities and services associated with new construction.

"Base flood or 100-year flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

"Base flood elevation (BFE)" means the height of the base flood or 100-year flood, usually in feet above mean sea level, as designated on a FEMA published digital flood insurance rate map (DFIRM) or as determined by the storm water management plan prepared for the area in which the property is located.

"Basement" means any area of a building having its floor subgrade (below ground level) on all sides.

"Best available data (BAD)" means water elevation information from any source used to estimate or determine the base flood elevation (i.e., high water mark).

"Conveyance or hydraulic conveyance" means a geometric characteristic of a river or watercourse at a given location that determines the flow-carrying capacity at that location.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the special flood hazard area.

"Enclosure" means enclosed walled in areas below the lowest floor of an elevated building that are constructed of flood-resistant materials and designed to automatically equalize hydrostatic flood forces on exterior walls by allowing the entry and exit of floodwaters.

“Existing Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

“Expansion to an Existing Manufactured Home Park or Subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Fill" means materials such as soil, gravel, or crushed stone that is placed in an area and increases the ground elevation, whether or not that was the intention.

"Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, and/or the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood insurance rate map (FIRM) or digital flood insurance rate map (DFIRM)" means the official map issued by the Federal Emergency Management Agency (FEMA) where special flood hazard areas are designated as Zone A, AE, AO, AH, A1-A30 or A-99.

"Flood insurance study (FIS)" means the official report provided by the Federal Emergency Management Agency (FEMA) that includes flood profiles, the flood insurance rate map (FIRM), and the water surface elevation of the base flood.

"Floodplain or flood-prone area" means any land area susceptible to partial or complete inundation by water from any source.

"Floodplain Administrator" means the person designated by the Director of Community Development to administer and enforce the City's floodplain regulations.

"Floodproofing (dry)" means protection provided a structure, together with attendant utilities and sanitary facilities, which is watertight to two (2) feet above the base flood elevation with walls that are substantially impermeable to the passage of water.

“Floodproofing (wet)” means the use of flood damage resistant materials and construction techniques to minimize flood damage to structures by intentionally allowing floodwater to enter and exit automatically (without human intervention) to minimize unequal

pressure of water on walls (hydrostatic load or pressure). Wet floodproofing also requires structures to be anchored to resist flooding, have mechanical and utility equipment elevated or protected, and have flood openings installed in walls.

"Floodway or regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

"Letter of map amendment (LOMA)" means an official amendment to the currently effective flood insurance rate map (FIRM) which establishes that a property is not located in a special flood hazard area. A letter of map amendment (LOMA) is issued by FEMA.

"Letter of map revision (LOMR)" means an official amendment to the currently effective flood insurance rate map (FIRM) which is issued by FEMA and changes flood zones, delineations and elevations. A letter of map revision based on fill (LOMR(f)) is a LOMR issued by FEMA based on the placement of fill.

"Lowest floor" means the lowest floor of a structure including the basement and/or crawl space.

"Manufactured home" means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a recreational vehicle, but does include a mobile home.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this section.

**"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.**

"Non-conversion agreement" means an agreement signed by applicants and property owners, affirming that the owners agree not to convert or modify in any manner that is inconsistent with approved permit (and variance conditions, when applicable).

"Non-residential" means any building or structure or portion thereof that is not classified as residential.

"Pre-FIRM Building" means a building for which construction or substantial improvement occurred on or before ~~December 31, 1974~~ **September 18, 1985, or before** the effective date of ~~an~~the initial Flood Insurance Rate Map (FIRM).

"Principal structure" for floodplain management purposes means a structure that is not an accessory structure. All principal structures must be constructed in accordance with the requirements applicable to residential construction or nonresidential construction as determined by the use of the structure.

"Post-FIRM Building" means a building for which construction or substantial improvement occurred after ~~December 31, 1974~~ **September 18, 1985, or before** the effective date of ~~an~~the initial Flood Insurance Rate Map (FIRM). whichever is later.

"Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area, and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

"Recreational vehicle" means a vehicle which is built on a single chassis; four hundred (400) square feet or less when measured at the largest horizontal projection; designated to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal uses. Recreational vehicles include, but are not limited to, travel trailers, trailers on wheels, park-model trailers and other similar vehicles.

"Residential" means:

- a. Buildings and structures and portions thereof where people live or that are used for sleeping purposes on a transient or non-transient basis;
- b. Residential structures, including but not limited to one and two-family dwellings, multifamily dwellings, group dwellings, bed and breakfast facilities, hotels and motels; and
- c. Institutional facilities where people are cared for or live on a 24-hour basis in a supervised environment, including but not limited to board and care facilities, assisted living facilities, nursing homes, group homes, congregate care facilities, hospitals, medical centers, jails and detention centers.

"Special flood hazard area (SFHA)" means an area of land that would be inundated by a flood having a one percent (1%) chance of being equaled or exceeded in any given year (100-year flood).

"Start of construction" includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms.

"Storage tank" means any closed vessel used to store gases or liquids.

"Storm water management plan" means a document prepared in accordance with the provisions of Title 14.1 of the City Code of Ordinances to evaluate surface water runoff and flood risks within a development, plat or watershed; to document special flood hazard areas; and to determine the systems required to convey or control flood flows within and through the area.

"Structure" means a walled and roofed building, including manufactured homes and gas or liquid above-ground storage tanks.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the building to its pre-damaged condition would equal or exceed fifty percent (50%) of the market value as assessed of the structure before the damage occurred.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, **that occurs within a consecutive two (2) year period.** ~~†~~The cost of which equals or exceeds fifty percent (50%) of the market value as assessed of the structure either: before the improvement or repair is started; or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this section which permits construction in a manner that would otherwise be prohibited by this section.

"Violation" means the failure of a structure or other development to be fully compliant with the floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by the floodplain management ordinance is presumed to be in violation until such time as that documentation is provided.

5. General provisions.

- a. Jurisdiction. This section shall apply to all special flood hazard areas within the jurisdiction of the City of Bismarck, including all lands within the corporate limits of the City of Bismarck and the extraterritorial jurisdiction as provided for in Section 40-47-01.1 of the North Dakota Century Code, including areas specifically included in the jurisdiction of the City of Bismarck through agreement as approved by the Board of City Commissioners.
- b. Basis for establishing the special flood hazard areas. The special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report titled "The Flood Insurance Study for Burleigh County, North Dakota and Incorporated Areas", dated August 4, 2014, June 6, 2024 with an accompanying flood insurance rate map (FIRM), and as subsequently updated by any Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR) and/or Letter of Map Revision Based on Fill (LOMR(f)) issued by the Federal Emergency Management Agency (FEMA), is hereby adopted by reference and declared to be a part of this section. The Flood Insurance Study (FIS) is on file in the office of the Floodplain Administrator. Special flood hazard areas may also be designated in a storm water management plan prepared for a development, plat or watershed.
- c. Compliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this section and other applicable regulations, unless a valid building permit was in place prior to July 27, 2010, except as provided for in subsection 6(b)(5) 7(b)(iii) (additions to existing structures).
- d. Greater restrictions. This section is not intended to repeal, remedy, or impair any existing easements, covenants, or deed restrictions. However, where this section and another section of the City Code of Ordinances, an easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

- e. Interpretation. In the interpretation and application of this section, all provisions shall be:
- 1i. Considered as minimum requirements;
  - 2ii. Liberally construed in favor of the City of Bismarck; and
  - 3iii. Deemed neither to limit nor repeal any other powers granted to the City under the North Dakota Century Code or the Home Rule Charter for the City of Bismarck.
- f. Warning and disclaimer of liability. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the City of Bismarck, any officer or employee thereof, or the Federal Emergency Management Agency (FEMA) for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.
- g. Severability. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.
- h. ~~g.~~ h. Letter of Map Revision (LOMR) and Letter of Map Revision based on Fill (LOMR-F). Development on any parcel for which a Letter of Map Revision (LOMR) or Letter of Map Revision based on Fill (LOMR-F) has been issued shall comply with all of the requirements and recommendations as contained therein. Development on any parcel for which a LOMR or Letter of Map Revision based on Fill (LOMR-F) has been issued shall be constructed in accordance with the provisions of FEMA Technical Bulletin 10-01.
- i. ~~h.~~ i. Non-conforming Status. Any structure constructed with the lowest floor elevated as required by the regulations in effect at the time of construction shall be considered a non-conforming structure for the purposes of this section, provided the lowest floor of said structure is elevated on fill and/or a permanent foundation to at least one (1) foot above the base flood elevation.

6. Administration.

a. Establishment of a development permit. A development permit shall be obtained before construction or development begins within any special flood hazard area established in subsection ~~4(b)~~ 5(b) (basis for establishing the special flood hazard areas). Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- 1i. Elevation in relation to mean sea level (NAVD88), of the lowest floor (including basements and/or crawl spaces) of all structures;
- 2ii. Elevation in relation to mean sea level (NAVD88) to which any structure has been floodproofed;
- 3iii. Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in subsection ~~6(b)(2)~~ 7(b)(ii) (nonresidential construction); and
- 4iv. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

b. Establishment of a non-structural development permit. A non-structural development permit shall be obtained before any land disturbing activity begins within any special flood hazard area established in subsection ~~4(b)~~ 5(b) (basis for establishing the special flood hazard areas). Application for a non-structural development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; proposed elevations upon completion of the land disturbing activity; the type of fill being used, if fill is proposed; and a description of the extent to which any watercourse will be altered or relocated as a result of proposed land disturbing activity.

c. Administration by the Floodplain Administrator. The Floodplain Administrator, as defined herein, shall administer and implement this section by granting or denying

development permit and non-structural development permit applications in accordance with its provisions.

- d. Duties and Responsibilities of the Floodplain Administrator. Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to:

- 1i. Permit application review.

- a. Review all development permit applications and non-structural development permit applications to determine that the permit requirements of this section have been satisfied.

- b. Review all development permit applications and non-structural development permit applications to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

- c. Review all development permit applications and non-structural development permit applications to determine if the proposed development or land disturbing activity is located in the floodway. If located in the floodway, assure that the encroachment provisions of this section are met.

- 2ii. Use of other base flood data. When base flood elevation data has not been provided in accordance with subsection 4(b) 5(b) (basis for establishing the special flood hazard areas), the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data available (known as best available data (BAD)) from a federal, state or other source, as criteria for requiring that new construction, substantial improvements, or other development in the floodplain are administered in accordance with subsection 6(b)7(b) (specific standards).

- 3ii. Information to be obtained and maintained.

- a. Obtain and record the actual elevation (in relation to mean sea level in NAVD88) of the lowest floor (including basement and/or

crawl space) of all new or substantially improved structures, and whether or not the structure contains a basement and/or crawl space.

b. For all new or substantially improved floodproofed structures:

i. Obtain and record the actual elevation (in relation to mean sea level in NAVD88) to which the structure has been floodproofed; and

ii. Maintain the floodproofing certifications required in subsection ~~5(a)(3)~~ 6(a)(iii).

c. Maintain for public inspection all records pertaining to the provisions of this section.

~~4~~ iv.

Alteration of watercourses. The Floodplain Administrator shall:

a. Notify nearby communities, water resource districts, and the North Dakota State Engineer, as necessary, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished; and

c. Notify the appropriate water resource district prior to removal or placement of fill within two hundred (200) feet of the ordinary high water mark of a body of water during normal flow or stage.

~~5~~ v.

Interpretation of flood insurance rate map (FIRM) or Digital flood insurance rate map (DFIRM) boundaries. Make interpretations where needed, as to the exact location of the boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of

the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection **7 8** (variance procedure). The Floodplain Administrator may require information be submitted by a registered land surveyor.

7. Provisions for flood hazard reduction.

- a. General standards. In all special flood hazard areas, the following standards are required:

**4i.** Anchoring.

- a. All new construction and substantial improvements, including additions, shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- b. All manufactured homes must be elevated and anchored to resist flotation, collapse **or and** lateral movement **of the structure**. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors as referenced in FEMA P-85 / 2009. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

**2ii.** Construction materials and methods.

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and
- c. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Such facilities shall be located in areas that have been elevated on fill and/or a permanent foundation to at least two (2)

feet above the base flood elevation for residential structures and manufactured homes. ~~C~~construction. Such facilities shall be located in areas that have been elevated on fill and/or a permanent foundation to at least two (2) feet above the base flood elevation or in areas that have been floodproofed to at least two (2) feet above the base flood elevation for nonresidential construction.

**3iii.** Utilities.

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the system into flood waters; and
- c. All new and replacement on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**4iv.** Subdivision proposals.

- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
- b. All subdivision proposals shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- d. Base flood elevation data shall be provided for all subdivision proposals and other proposed developments. Elevation data must be provided in NAVD88 for areas with a flood insurance rate map (FIRM) or other base flood elevation data in that datum.

- b. Specific standards. In all special flood hazard areas where base flood elevation data have been provided as set forth in subsection 4(b) (basis for establishing the special flood hazard

areas) or subsection 5(d)(2) (use of other base flood data), the following provisions are required:

- i. Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement and/or crawl space, elevated on fill and/or a permanent foundation to at least two (2) feet above the base flood elevation.
  
- ii. Nonresidential construction. Construction and substantial improvement of any nonresidential structure shall either have the lowest floor, including basement and/or crawl space, elevated on fill and/or a permanent foundation to at least two (2) feet above the base flood elevation or, together with attendant utility and sanitary facilities, shall:
  - a. Be floodproofed to at least two (2) feet above the base flood elevation, so that below this elevation the structure is watertight with walls substantially impermeable to the passage of water;
  - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Floodplain Administrator as set forth in subsection ~~5(d)(3)~~ 6(d)(ii) (information to be obtained and maintained).
  
- iii. Manufactured homes.
  - a. Manufactured homes shall be anchored in accordance with subsection ~~6(a)(1)~~ 7(a)(i) (anchoring).
  - b. All manufactured homes or those to be substantially improved shall be on a permanent foundation, as referenced in FEMA P-85 / 2009, have the lowest floor bottom of the frame of the manufactured home elevated on fill and/or a

permanent foundation to at least two (2) feet above the base flood elevation, and be securely anchored to an adequately anchored foundation system. However, within a Pre-FIRM manufactured home park, a newly placed manufactured home or those to be substantially improved shall be on a permanent foundation, have the bottom of the frame of the manufactured home elevated on fill and/or a permanent foundation to at least one (1) foot above the base flood elevation, and be securely anchored to an adequately anchored foundation system.

iv. Recreational Vehicles.

a. All recreational vehicles to be placed on a site must be on the site for less than 180 consecutive days; AND be fully licensed and highway ready.

v. Enclosures. New construction and substantial improvements may have enclosures with areas below the base flood elevation, that are less than 300 square feet and usable solely for building access and utility service connections serving the building, if constructed in accordance with the following requirements:

a. Must have structural and non-structural components constructed of flood damage resistant material. Flood damage resistant materials must meet or exceed the requirements of the most recent version of FEMA Technical Bulletin 2;

b. Must be provided with flood openings designed to equalize the hydrostatic pressure of flood forces on exterior walls by allowing the automatic entry and exit of floodwaters. Flood opening designs must meet or exceed the requirements of the most recent version of FEMA Technical Bulletin 1;

c. Must have mechanical, electrical, and utility equipment elevated at least two-feet above the base flood elevation or specifically designed to prevent water from entering or accumulating within the components during flooding in accordance with the most recent version of FEMA Technical Bulletin P-348; and,

d. Prior to the issuance of a building permit, the property owner must submit a signed non-conversion agreement to the City of Bismarck.

**The non-conversion agreement must be recorded with the Burleigh County Recorder.**

- vi.** Attached garages, decks and landings providing primary access, and accessory buildings.
- a. Garages attached to any residential structure, non-residential structure or manufactured home shall be subject to the same construction requirements as the residential structure, non-residential structure or manufactured home to which it is attached.
  - b. Decks and landings providing access to the primary entrance of a residential structure, non-residential structure or manufactured home shall be subject to the same construction requirements as the residential structure, non-residential structure or manufactured home to which it provides access.

**vii.** Accessory structures.

- a. Accessory structures defined within this section that are not greater than 600 square feet in area may be constructed with the lowest floor below the base flood elevation in accordance with the following wet floodproofing requirements:
  - i. Must be anchored to resist floatation, collapse and lateral movement.
  - ii. Must have structural and non-structural components constructed of flood damage resistant material to an elevation of at least two feet above the base flood elevation. Flood damage materials must meet or exceed the requirements of the most recent version of FEMA Technical Bulletin 2;
  - iii. Must be provided with flood openings designed to equalize the hydrostatic pressure of flood forces on exterior walls by allowing the automatic entry and exit of floodwaters. Flood opening designs must meet or exceed the requirements of the most recent version of FEMA Technical Bulletin 1;

- iv. Must have mechanical, electrical and utility equipment elevated at least two-feet above the base flood elevation or specifically designed to prevent water from entering or accumulating within the components during flooding in accordance with the most recent version of FEMA Technical Bulletin P-348; and,
  - v. Prior to the issuance of a building permit for the structure, the property owner must submit a signed non-conversion agreement to the City of Bismarck. The non-conversion agreement must be recorded with the Burleigh County Recorder.
- b. Accessory structures defined within this section that are greater than 600 square feet in area may be constructed with the lowest floor one foot above the base flood elevation in accordance with the following requirements.
- i. Must have mechanical, electrical and utility equipment elevated at least two-feet above the base flood elevation or specifically designed to prevent water from entering or accumulating within the components during flooding in accordance with the most recent version of FEMA Technical Bulletin P-348; and,
  - ii. Prior to the issuance of a building permit for the structure, the property owner must submit a signed non-conversion agreement to the City of Bismarck. The non-conversion agreement must be recorded with the Burleigh County Recorder.
- c. Accessory structures that are not enclosed and do not have more than one ridged wall may be constructed at grade in accordance with the following requirements.
- i. Must have structural and non-structural components constructed of flood damage resistant material to an elevation of at least two feet above the base flood elevation. Flood damage materials must meet or exceed the requirements of the most recent version of FEMA Technical Bulletin 2;

- ii. Must have mechanical, electrical and utility equipment elevated at least two-feet above the base flood elevation or specifically designed to prevent water from entering or accumulating within the components during flooding in accordance with the most recent version of FEMA Technical Bulletin P-348; and,
- iii. Prior to the issuance of a building permit for the structure, the property owner must submit a signed non-conversion agreement to the City of Bismarck. The non-conversion agreement must be recorded with the Burleigh County Recorder.

**6viii.** Additions to existing structures.

- a. Any addition to any existing residential structure, non-residential structure, manufactured home, garage, deck, landing or accessory structure that ~~is considered a post-FIRM building and~~ is not deemed a substantial improvement may be constructed with the lowest floor at the same elevation as the existing structure, ~~provided the lowest floor of the existing structure is elevated on fill and/or a permanent foundation to at least one (1) foot above the base flood elevation. Any addition to any existing residential structure, non-residential structure, manufactured home, garage, deck, landing or accessory structure that is considered a pre-FIRM building and is not deemed a substantial improvement may be constructed with the lowest floor at the same elevation as the existing structure.~~
- c. Floodways. Floodways are designated areas located within the special flood hazard areas established in subsection 4(b) (basis for establishing the special flood hazard areas). Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
  - i. ~~4.~~ Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not

result in any increase in flood levels during the occurrence of the base flood discharge.

- ii. ~~2.~~ If the preceding subsection is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of subsection ~~6~~ ~~7~~ (provisions for flood hazard reduction).

8. ~~8.~~ Variance procedure.

- a. Board of Adjustment. The Board of Adjustment, as established in Chapter 14-06 of the City Code of Ordinances (Board of Adjustment), shall hear and decide appeals and requests for variances from the requirements of this section.
- b. Appeals. An appeal may be filed by any person, firm, or corporation aggrieved, or by any governmental officer, department or board affected by any decision or determination made by the Floodplain Administrator in the enforcement or administration of this section, in accordance with the provisions of Sections 14-06-02 (Powers and Duties) and 14-06-03 (Appeal Procedures).
- c. Variances. An application for a variance may be made by any person, firm, or corporation with a legal interest in the property for which the variance is being sought, in accordance with the provisions of Sections 14-06-02 (Powers and Duties) and 14-06-03 (Appeal Procedures).
- d. In considering appeals and variance applications, and in addition to the requirements outlined in Section 14-06-02 (Powers and Duties), the Board of Adjustment shall consider all technical evaluations, all relevant factors, and the standards specified in this section, including:
  - i. ~~1.~~ The danger to life and property due to flooding or erosion damage;
  - ii. ~~2.~~ The danger that materials may be swept onto other lands to the injury of others;
  - iii. ~~3.~~ The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - iv. ~~4.~~ The importance of the services provided by the proposed facility to the community;

- v. ~~5.~~ The necessity to the facility of a waterfront location, where applicable;
  - vi. ~~6.~~ The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
  - vii. ~~7.~~ The compatibility of the proposed use with the existing and anticipated development;
  - viii. ~~8.~~ The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - ix. ~~9.~~ The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - x. ~~10.~~ The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
  - xi. ~~11.~~ The costs of providing governmental services during and after flood conditions, including maintenance and repair of utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- e. Upon consideration of the factors in subsection ~~(78)(d)~~ and the purposes of this section, the Board of Adjustment may attach such conditions to the granting of a variance as it deems necessary to further the purpose of this section.
- f. Conditions for variances.

~~i.1.~~ Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this subsection.

~~ii.2.~~ Variances shall not be issued within the identified floodplain if any increase in flood levels during the base flood discharge would result.

~~iii.3.~~ Variances shall only be issued upon a determination that the variance is the minimum

necessary, considering the flood hazard, to afford relief.

**iv.4.** Variances shall only be issued upon:

1. A showing of good and sufficient cause;
  2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  3. A determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- g. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation lower than two (2) feet above the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- h. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances granted to the Federal Emergency Management Agency (FEMA) upon request.

**9. Encroachment Analysis.** When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

**10. 9. Penalties for Violations.** Penalties for violation of this section shall be in accordance with the provisions of Chapter 14-05 (Enforcement) of the City Code of Ordinances. Nothing herein shall prevent the City of Bismarck from taking such other lawful action as is necessary to prevent or remedy any violation.

\* \* \* \* \*

Section 2. 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 3. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Effective Date. This ordinance shall take effect after final passage, adoption and publication.

# STAFF REPORT

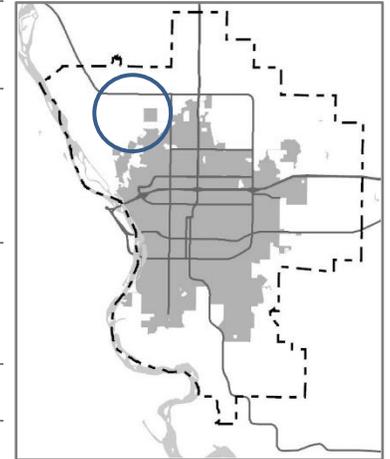
Application for: **Major Street Plan  
Amendment  
Future Land Use Plan  
Amendment**

Project ID: **MSPA2023-001**

Project ID: **FLUP2024-001**

## Project Summary

<i>Title:</i>	Hay Creek Township, Major Street Plan Amendment
<i>Status:</i>	MSPA2023-001: Planning and Zoning Commission - Public Hearing FLUP2024-001: Planning & Zoning Commission – Consideration
<i>Property Owner(s):</i>	Lucinda Ward (Section 7, T139N-R80W & Sections 12 &13, T139N-R81W) Ron Knutson (Section 18, T139N-R80W))
<i>Project Contact:</i>	Isak Johnson, Planner
<i>Project Location:</i>	Northwest of Bismarck in Sections 7 and 18, T139N-R80W, and Sections 12 and 13, T139N-R81W, Hay Creek Township, West of Tyler Parkway between Frisco Way and State Highway 1804
<i>Project Size:</i>	MSPA2023-001: 1.97 square miles, more or less FLUP2024-001: 0.17 square miles, more or less
<i>Applicant Request:</i>	Adjust the proposed alignment of future arterial and future collector roadways
<i>Staff Recommendation:</i>	Approve / Call for Public Hearing



## Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	Parts of 6 tracts of land	<i>Lots/Blocks:</i>	Parts of 6 tracts of land
<i>Land Use:</i>	Undeveloped/agricultural	<i>Land Use:</i>	Undeveloped/agricultural
<i>Future Land Use:</i>	Neighborhood Mixed Use (NMU) Community Mixed Use (CMU)	<i>Future Land Use:</i>	Community Mixed Use (CMU) Neighborhood Mixed Use (NMU)
<i>Zoning:</i>	A – Agricultural	<i>Zoning:</i>	A – Agricultural
<i>Uses Allowed:</i>	A – Agriculture	<i>Uses Allowed:</i>	A – Agriculture
<i>Max Density:</i>	A – 1 unit / 40 acres	<i>Max Density:</i>	A – 1 unit / 40 acres

**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>	N/A
<i>Neighborhood:</i>	Undefined	<i>Annexed:</i>	N/A

**Project Narrative**

The Community Development Department is requesting approval of a Major Street Plan Amendment in Hay Creek Township (Sections 7 and 18, T139N-R80W, and Sections 12 and 13, T139N-R81W). The existing proposed major streets include a “Beltway” arterial road running northeast to southwest from near the intersection of State Highway 1804 and Tyler Parkway, northeast of the project area, to the proposed extension of 57<sup>th</sup> Ave NW further to the southwest.

This is primarily the result of previous plans that envisioned a “Beltway” of high-speed, limited access, highway-style roads traversing the northern outskirts of Bismarck and bypassing much of the City itself before reaching a proposed bridge in the northern part of Bismarck to cross the Missouri River.

However, as time went on, the City continued to expand northward and the previously imagined Beltway never materialized in the form of a high-speed, limited access roadway. The major street plan still calls for the inclusion of a future “northern” bridge acting as an extension of 57<sup>th</sup> Ave NW to provide an additional connection between Bismarck and Mandan, but there is no exact timeline or funding source for its creation at this time.

Given the changing characteristics of the area, planning staff began analyzing different scenarios that would still achieve the connectivity and access that residents of Bismarck and Burleigh County would need in this region, as the area

continues to grow and change. Planning staff conducted this review with input from the Metropolitan Planning Organization (MPO), the City Engineering Department, the Burleigh County Highway Department, staff from Morton County and the City of Mandan, and the landowners.

Proposed changes include the realignment of the “Beltway” arterial to the western section line of Section 7 (T139N-R80W) and the removal of a future arterial extension of Ash Coulee Drive between River Road and an extension of Clairmont Road. Other proposed changes include the realignment of any relevant future collectors to serve Sections 7 and 18, T139N-R80W.

The proposed removals and realignments would not prohibit the landowners/future developers from including other local roadways throughout these areas.

Additionally, the Community Development Department is requesting approval of a Future Land Use Plan Amendment (FLUP) in Hay Creek Township (portions of Sections 7 & 18, T139N-R80W). More precisely, planning staff are requesting the flipping of the two existing FLUP designations along the proposed extension of 57<sup>th</sup> Avenue NW east of the section line that makes the western boundary of Section 7 &18, T139N-R80W.

This FLUP amendment is connected to the current Major Street Plan Amendment (MSPA2023-001) in the same general area such that the more intense land uses will remain adjacent to the most proposed arterial and

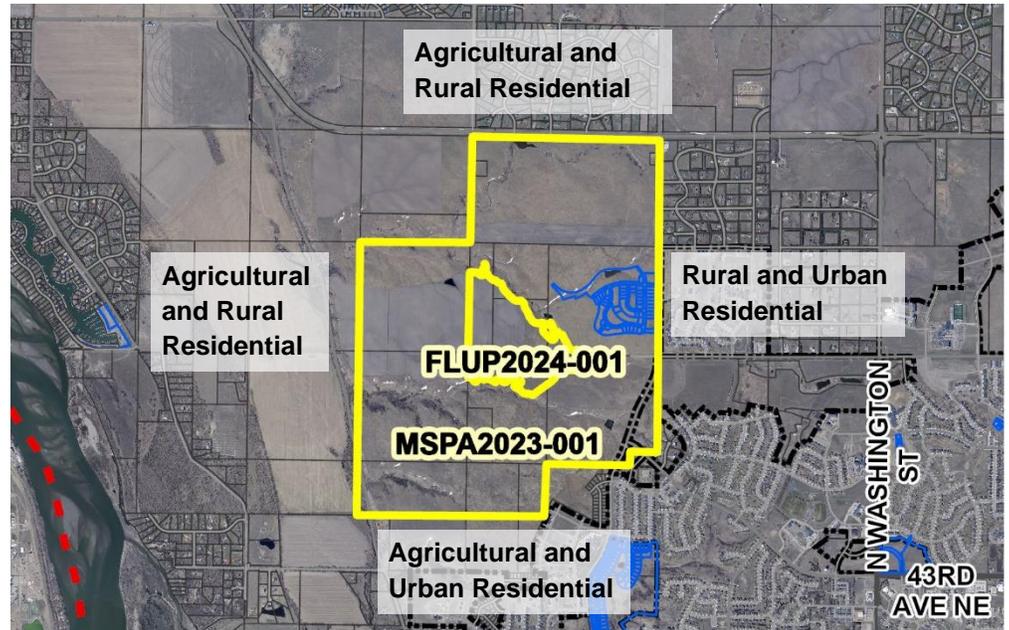
*(continued)*

collector roadways. This was discussed with the relevant landowners during stakeholder meetings for the Major Street Plan project.

**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.*



Due to the relatively large scope of the MSPA, the project area has been identified in the Future Land Use Plan as Urban Neighborhood (UN), Neighborhood Mixed Use (NMU), Community Mixed Use (CMU), Parks and Open Space (PKOS), and Urban Reserve Mid-Term (URA). These areas range from primarily residential in nature, to a mixture of residential and commercial activities, and primarily natural landscapes.

Specifically for the FLUP amendment, the property has been identified as Neighborhood Mixed Use (NMU) and Community Mixed Use (CMU) in the Future Land Use Plan. The NMU and CMU areas both contain mixtures of residential, commercial and employment characteristics with the mixtures focusing more on residential opportunities in NMU areas and more on commercial opportunities in CMU. Goals and objectives of this plan as they relate to Major Street Plan Amendments and Future Land Use

Plan Amendments are referenced in review standards below.

The immediate area is currently undeveloped, agricultural land, but portions the major street plan amendment project are adjacent to City limits to the east. There is currently a major subdivision plat in process for the southeast portion of Section 7, Hay Creek Township titled William Blackstone Addition. In general, there is urban development to the south and east of the project areas, and rural residential development to the north and northeast. Immediately west of the project area is undeveloped agricultural land as well.

**Public Engagement**

The public has been duly notified of this MSPA request. A notice was published in the Bismarck Tribune on March 15 and March 22, and four letters were mailed to the owners of nearby properties on March 15, 2024. Hay Creek

Township was notified of this request on March 18.

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.

Public engagement for the FLUP amendment will commence if the Planning and Zoning Commission calls for a public hearing on that item.

**Review Standards and Findings of Fact**

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

*Major Street Plan Amendments*

*The overall continuity and function of the Major Street Plan, and its connections to surrounding areas, is retained or improved after the proposed amendment (MSP standards)*

**Yes.** The proposed alignments would maintain a similar number of intersections and most starting points of the existing proposed major streets. Furthermore, the removal of the “Beltway” arterial in favor of collectors throughout Section 7, Hay Creek Township will provide more flexibility for future local roadways and development.

*The spacing and quantity of intersections sufficient to meet access management standards are retained after the proposed amendment (MSP standards)*

**Yes.** The proposed amendment to Major Street Plan would meet all requirements of the City’s

access control policy and engineering judgement for safe and efficient spacing of intersections.

The minimum distance for an access point from the intersection of two collectors is sixty (60) feet. Depending on the classification of arterial, the minimum distance for an access point from the intersection of a collector and an arterial range from one hundred (100) to three hundred (300) feet. The proposed alignments of the collectors and arterial would create intersections with spacings of at least 1000 feet, approximately, from each other. No other roadways are currently proposed in the immediate area, but the remaining areas would allow for enough flexibility of access point placement when constructing local roadways in future developments.

*The current plan is not adequately aligned with the existing or proposed street layout or development proposed for the site and the amendment will, to some degree, alleviate this deficiency (MSP standards)*

**Yes.** There is currently a proposed preliminary major plat in the southeast corner of the project area. The proposed major street alignments would have a very minor impact on the initial proposed development. However, it may cause revisions to early-stage master planning of the area.

All relevant landowners possibly affected by these changes have been consulted to ensure that proposed changes to the Major Street Plan have broad support from all relevant stakeholders.

*The proposed alignment is not adversely affected by steep grades, wetlands, drainages, railroad crossings, transmission lines, or any other constraints to a degree greater than the current plan (MSP standards)*

**Yes.** No unique natural or manmade features will obstruct the proposed alignment of the Major Street Plan. The area is currently undeveloped land zoned A – Agricultural, thus offering no unique manmade obstructions, and topographic conditions of the proposed alignment are not

*(continued)*

substantially different than the existing alignments.

*The proposed amendment does not substantially increase the length of the alignment, affecting construction and maintenance costs, unless offset by commensurate public benefit (MSP standards)*

**Yes.** The total length of the existing alignments is approximately 5.8 miles, and the total length of the proposed alignments is 4.7 miles. The proposed alignments would be approximately 1.1 miles shorter than the total existing alignment length. Similarly, the proposed alignments include a reduced length of roadways defined strictly as arterials due to removing some segments and reclassifying other formerly arterial segments as collectors. The latter are typically not as wide as arterials, thus potentially lowering construction and maintenance costs further.

*The proposed amendment is consistent with the goals and objectives of Together 2045 Bismarck’s Comprehensive Plan (MSP standards)*

**Yes.** The overall goals and objectives of the comprehensive plan have been met. In particular, the Goal C4: “Encourage a highly connected network of streets and pathways” and Goal C3: “Construct and support safe and efficient streets and roads” would be met.

Most arterial roadways in the Major Street Plan follow a general grid pattern, with many along section lines. This amendment aligns the indicated major streets to conform more with that general pattern. While this amendment would not dictate specific designs of future roadway systems of developments in the area, in general street grids (or street systems that more closely resemble grids) with relatively small blocks offer enhanced connectivity and access for delivery of municipal and emergency services.

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

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

*Future Land Use Plan Amendments*

*The proposed amendment is compatible with adjacent land uses, both existing and proposed in the Future Land Use Plan (FLUP standards)*

**Yes.** The adjacent uses are described in the Project Context section above. The adjacent Future Land Use Plan designations are Neighborhood Mixed Use, Urban Neighborhood and Parks and Open Space. The proposed amendment does not substantially alter the envisioned future, urban character of the area, but rather adjusts to remain consistent with a proposed Major Street Plan Amendment (MSPA2023-001) in the area.

*The proposed amendment is suitable for the natural conditions of the site, including topography, drainage, wetlands, and other natural conditions (FLUP standards)*

**Yes.** The area proposed for amendment does not contain any natural conditions that would substantially impede development in the character of the proposed district. Stormwater management, grading, and other land alternation activities that occur with site development would not be out of the ordinary for this land use.

The proposed amendment is not altering the proposed shape of future mixed use areas, but rather shifts the designations of two existing areas such that the more intense of the two better aligns with the appropriate roadways as described in a nearby Major Street Plan Amendment (MSPA2023-001).

*The proposed amendment is aligned with the Major Street Plan or accompanied by an amendment to the Major Street Plan that would render it in alignment (FLUP standards)*

(continued)

Yes, with a formal amendment to the Major Street Plan. In conjunction with this request, planning staff request approval of an amendment to the Major Street Plan which is appearing for a public hearing at this meeting of the Planning and Zoning Commission. If MSPA is approved and this amendment is approved as presented in this staff report, the Future Land Use Plan and Major Street Plan would be in alignment. A plan reference map is attached to this staff report.

*The proposed amendment does not adversely affect the City's ability to provide municipal utilities in the future to or beyond the district(s) proposed for amendment (FLUP standards)*

Yes. Although municipal services are not available or imminent in this area, it may be reasonably assumed that services could be extended to this location in the future. There are no known obstacles that would make such extension impractical or prohibitively expensive.

*The current Future Land Use Plan designation is not adequate to meet the needs of the community or suitable for this tract of land, as justified by the applicant, and the proposed land use designation would, to some degree, alleviate this condition (FLUP standards)*

Yes. Planning staff provide this FLUP amendment in conjunction with the MSPA that is presented for a public hearing at this meeting of the Planning and Zoning Commission. The MSPA was initiated by planning staff after conversations with City staff, Burleigh County staff, the Metropolitan Planning Organization (MPO), Morton County staff, City of Mandan staff, and the landowners.

The FLUP was also discussed during these meetings, particularly with the landowners, and this FLUP amendment would maintain consistency between the two plans.

*The proposed amendment is consistent with the goals and objectives of Together 2045 Bismarck's*

*Comprehensive Plan and other adopted plans and policies (FLUP standards)*

Yes, the following objectives of the plan would be advanced through the proposed amendment. The proposed FLUP amendment is compatible with existing geographical conditions and proposed land uses of the area, given the fact that this is only adjusting the location of two existing FLUP designations of the area rather than introducing entirely new FLUP designations. This proposed amendment would not inhibit the outward expansion of the urban development and services and would remain consistent with the Major Street Plan so long as MSPA2023-001 is approved in conjunction with this project.

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

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

**Staff Recommendation**

Based on the above findings, staff recommends approval of the proposed Major Street Plan Amendment in Hay Creek Township (Sections 7 and 18, T139N-R80W, and Sections 12 and 13, T139N-R81W).

Additionally, based on the above findings staff recommends calling for a public hearing on the proposed Future Land Use Plan Amendment in Sections 7 & 18, T139N-R80W, Hay Creek Township with the following conditions:

1. The Major Street Plan Amendment (MSPA2023-001) in the same area is approved.

**Attachments**

(continued)

1. Draft Major Street Plan Resolution
  2. Draft Future Land Use Plan Resolution
  3. Zoning and Plan Reference Map
  4. Existing Major Street Plan and Future Land Use Plan of Area
  5. Proposed Changes to Major Street Plan and Future Land Use Plan
- 

*Staff report prepared by:* Isak Johnson, Planner

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

**RESOLUTION OF  
THE BISMARCK BOARD OF CITY COMMISSIONERS  
AMENDMENT TO THE MAJOR STREET PLAN (MSPA2023-001)**

**WHEREAS**, the Board of City Commissioners of the City of Bismarck, North Dakota, wishes to formally amend the City of Bismarck’s Major Street Plan, which shows existing and future corridors for major streets in Bismarck and its extraterritorial area; and

**WHEREAS**, said Major Street Plan was adopted as part of Together 2045 Bismarck’s Comprehensive Plan by the Bismarck Planning and Zoning Commission on November 16 and by the Bismarck Board of City Commissioners on December 27, 2022; and

**WHEREAS**, the Major Street Plan may, from time to time, be amended according to standards and procedures established in the comprehensive plan; and

**WHEREAS**, the Planning and Zoning Commission held a public hearing on March 27, 2024 and, after consideration of the matter, recommended the amendment to the Board of City Commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of City Commissioners of the City of Bismarck, North Dakota, to amend the Major Street Plan to realign the proposed arterial roadway and collector roadways for the area shown on the attached exhibit and described, more or less, as:

Sections 7 & 18, T139N-R80W, and Sections 12 & 13, T139N-R80W, Hay Creek Township, Burleigh County, North Dakota

is in all things allowed and granted.

**BE IT FURTHER RESOLVED** that the Community Development Director of the City of Bismarck is directed to revise all subsequent publications of the Major Street Plan to reflect the amendments hereby resolved.

Adopted this 14th day of May, 2024.

**CERTIFICATE**

I, Jason Tomanek, do hereby certify that I am the duly appointed, qualified City Administrator of the City of Bismarck, North Dakota, and that the foregoing is a full, true and correct copy of a resolution adopted at a legally convened meeting of the Board of City Commissioners held on this May 14, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Bismarck, North Dakota, this 14th day of May, 2024.

---

Jason Tomanek  
City Administrator  
Bismarck, North Dakota

DRAFT

**RESOLUTION OF  
THE BISMARCK BOARD OF CITY COMMISSIONERS  
AMENDMENT TO THE FUTURE LAND USE PLAN (FLUP2024-001)**

**WHEREAS**, the Board of City Commissioners of the City of Bismarck, North Dakota, wishes to formally amend the City of Bismarck's Future Land Use Plan, which establishes districts in the City of Bismarck and its extraterritorial area that are planned to take shape by the year 2045; and

**WHEREAS**, said Future Land Use Plan was adopted as part of Together 2045 Bismarck's Comprehensive Plan by the Bismarck Planning and Zoning Commission on November 16 and by the Bismarck Board of City Commissioners on December 27, 2022; and

**WHEREAS**, the Future Land Use Plan may, from time to time, be amended according to standards and procedures established in the comprehensive plan; and

**WHEREAS**, the Planning and Zoning Commission held a public hearing on April 24, 2024 and, after consideration of the matter, recommended the amendment to the Board of City Commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of City Commissioners of the City of Bismarck, North Dakota, to amend the Future Land Use Plan from the Neighborhood Mixed Use (NMU) and Community Mixed Use (CMU) designations to the Community Mixed Use (CMU) and Neighborhood Mixed Use (NMU) designations for the area shown on the attached exhibit and described, more or less, as:

The area along the western half of the section line that divides Sections 7 & 18, T139N-R80W, Hay Creek Township in Burleigh County, North Dakota

is in all things allowed and granted.

**BE IT FURTHER RESOLVED** that the Community Development Director of the City of Bismarck is directed to revise all subsequent publications of the Future Land Use Plan to reflect the amendments hereby resolved.

Adopted this 14th day of May, 2024.

**CERTIFICATE**

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 a resolution adopted at a legally convened meeting of the Board of City Commissioners held on this May 14, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Bismarck, North Dakota, this 14th Day of May, 2024.

---

Jason Tomanek  
City Administrator  
Bismarck, North Dakota

DRAFT



# Zoning and Plan Reference Map

SECTIONS 7, 18, T139-R80, & 12, 13, T139-R81 (HAY CREEK TWP)

FLUP2024-001  
MSPA2023-001

## 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

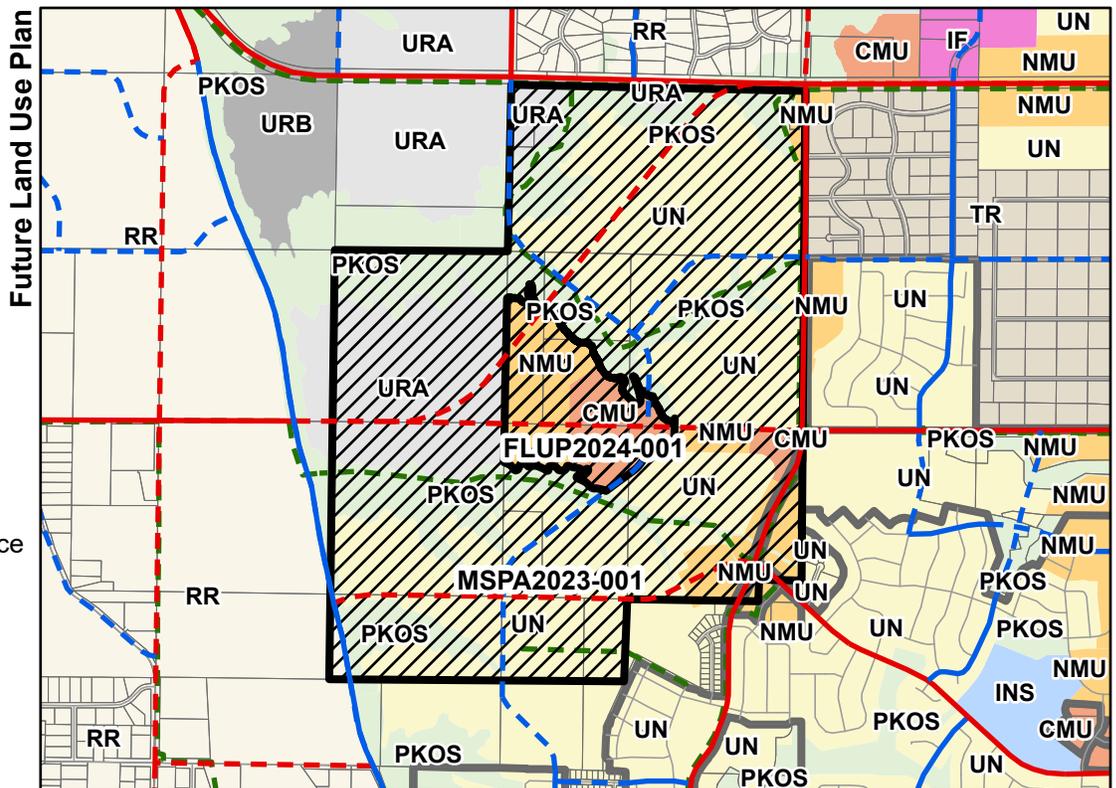
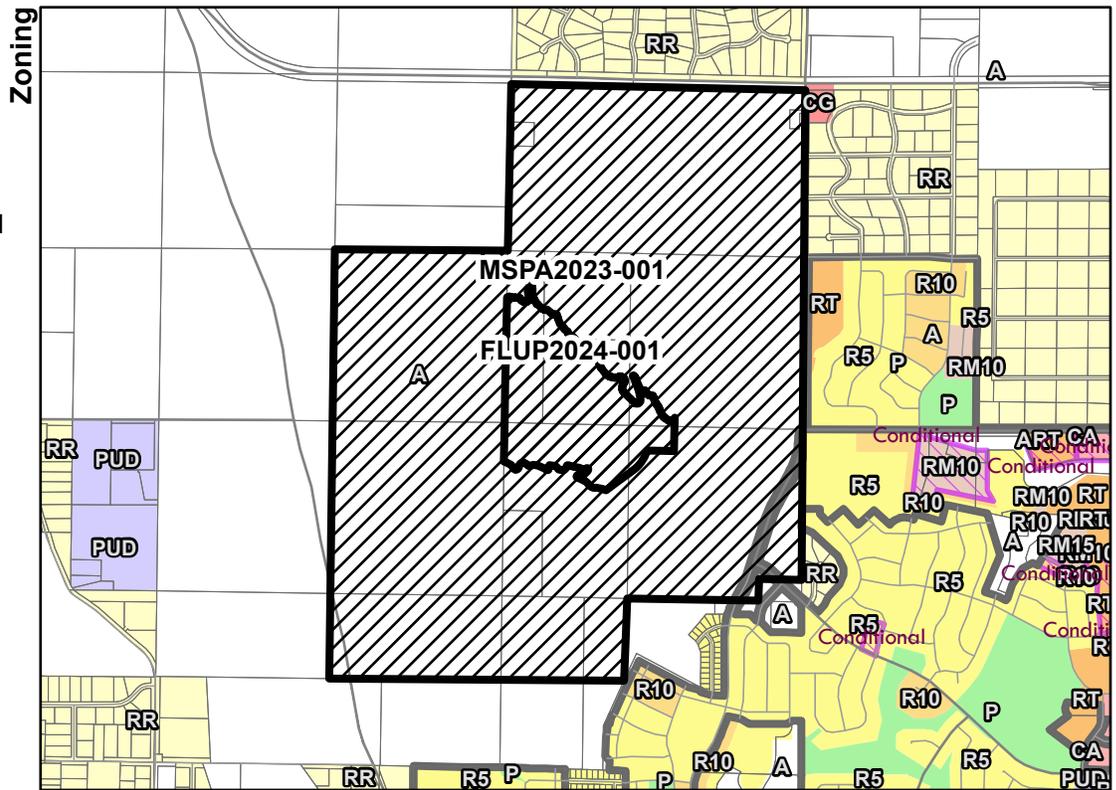
<b>UN</b>	Urban
<b>NMU</b>	Neighborhood Mixed Use
<b>CMU</b>	Community Mixed Use
<b>DMU</b>	Destination Mixed Use
<b>DT</b>	Downtown Industrial
<b>IND</b>	Industrial
<b>IF</b>	Industrial Flex
<b>IMU</b>	Industrial Mixed Use
<b>INS</b>	Institutional
<b>RR</b>	Rural Residential
<b>TR</b>	Transitional Rural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

## Active Mobility Plan

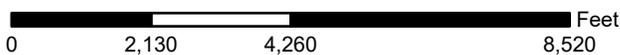
Future Shared Trail

## Major Street Plan

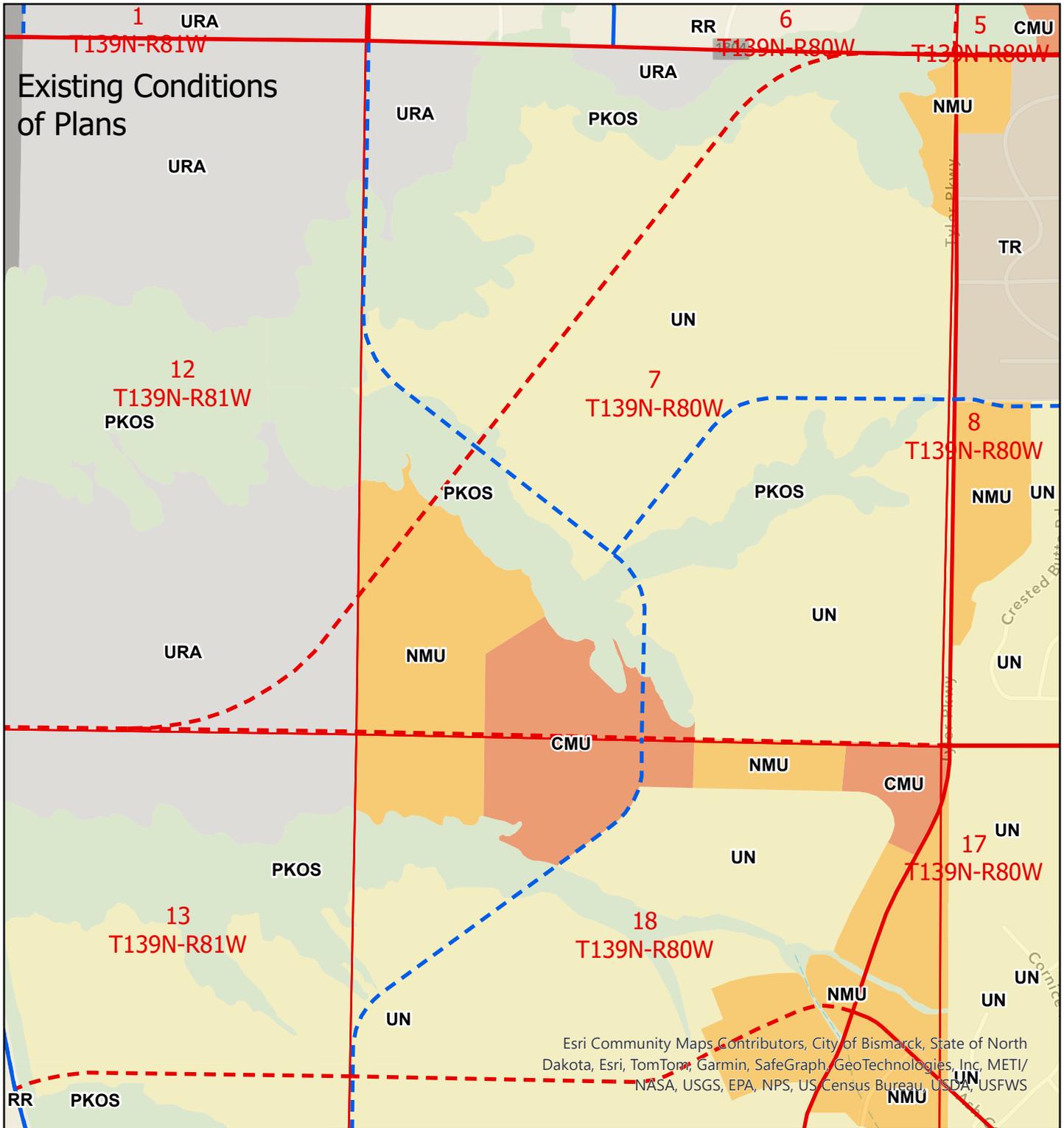
- Existing Arterial
- Future Arterial
- Existing Collector
- Future Collector
- Existing Interstate
- Future Interstate



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  
March 22, 2024



Esri Community Maps Contributors, City of Bismarck, State of North Dakota, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS



Existing Conditions of Future Land Use Plan and Major Street Plan in parts of Sections 7 & 18, T139N-R80W and Sections 12 & 13, T139N-R81W, of Hay Creek Township.

**Legend**

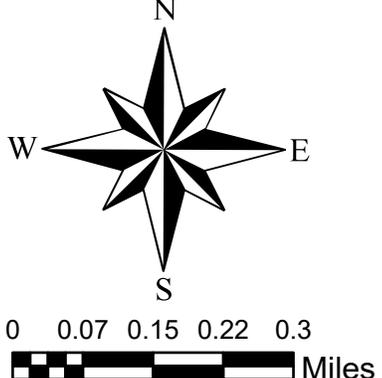
**Existing Major Street Plan**

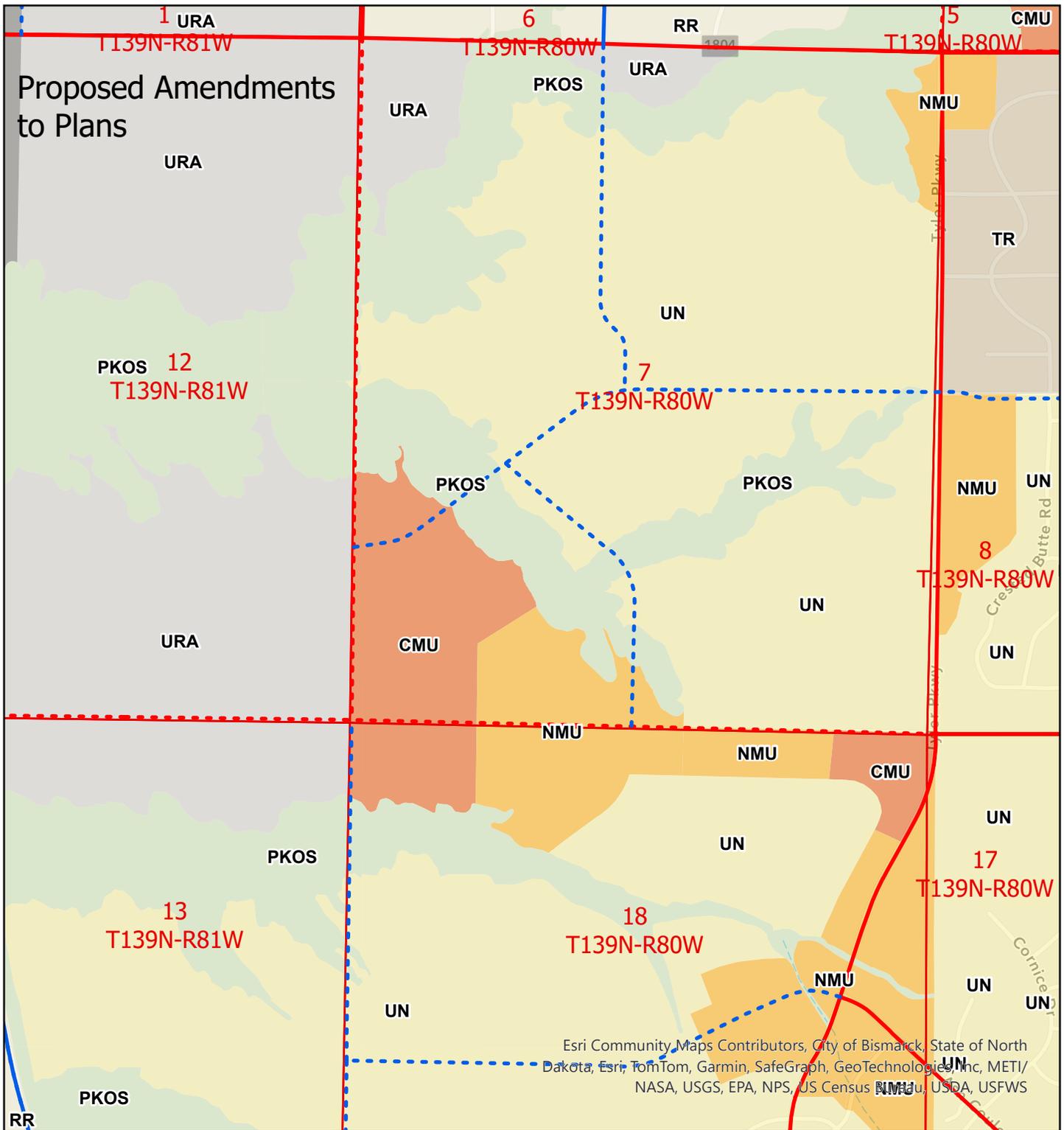
- Existing Arterial
- - - Future Arterial
- Existing Collector
- - - Future Collector

**Existing FLUP**

- Urban Neighborhood (UN)
- Neighborhood Mixed Use (NMU)
- Community Mixed Use (CMU)

- Rural Residential (RR)
- Transitional Rural (TR)
- Parks and Open Space (PKOS)
- Urban Reserve Long-Term (URB)
- Urban Reserve Mid-Term (URA)





Draft of proposed Amendments to Future Land Use Plan and Major Street Plan in parts of Sections 7 & 8, T139N-R80W and Sections 12 & 13, T139N-R81W, of Hay Creek Township.

**Legend**

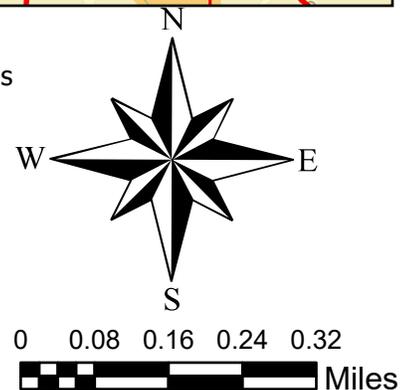
**MSP Proposed**

- Arterial, Existing
- - - Arterial, Future
- Collector, Existing
- - - Collector, Future

**FLUPA2024-001**

- Community Mixed Use (CMU)
- Neighborhood Mixed Use (NMU)
- Parks and Open Space (PKOS)

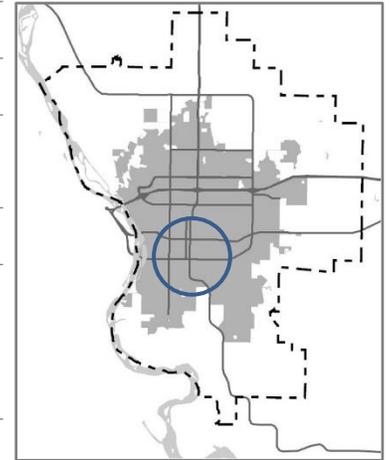
- Rural Residential (RR)
- Transitional Rural (TR)
- Urban Neighborhood (UN)
- Urban Reserve Mid-Term (URA)
- Urban Reserve Long-Term (URB)



Esri Community Maps Contributors, City of Bismarck, State of North Dakota, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

**Project Summary**

<i>Title:</i>	Jacks First Addition, Lot 3, Block 1
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Quest Development & Construction, Applicant KC Land Holdings, LLC, Owner
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson, Hagen & Co.
<i>Project Location:</i>	In south central Bismarck, south of East Arbor Avenue and east of University Drive, in the southwest quadrant of the intersection of Bismarck Expressway and South 11th Street
<i>Project Size:</i>	0.54 acres
<i>Applicant Request:</i>	Allow special use permit for a drive-through car service (oil change)
<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>	1 lot in 1 block
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Drive-through oil change
<i>Future Land Use:</i>	Community Mixed Use (CMU)	<i>Future Land Use:</i>	Community Mixed Use (CMU)
<i>Zoning:</i>	MA – Industrial	<i>Zoning:</i>	MA – Industrial
<i>Uses Allowed:</i>	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos	<i>Uses Allowed:</i>	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos
<i>Max Density:</i>	MA – N/A	<i>Max Density:</i>	MA – N/A

**Area Information**

**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>	10/2022
<i>Neighborhood:</i>	South 12th Corridor	<i>Annexed:</i>	Pre-1980

**Project Narrative**

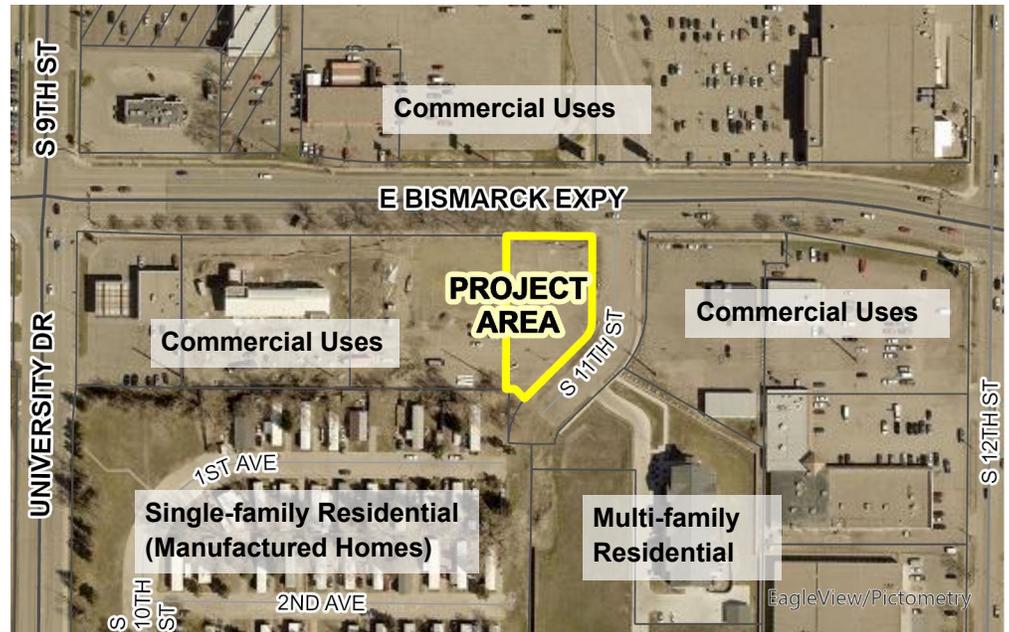
KC Land Holdings, LLC and Quest Development & Construction are requesting approval of a Special Use Permit (SUP) to allow a drive-through car service for oil changes on Lot 3, Block 1, Jacks First Addition.

This use is allowed in the MA – Industrial zoning district with approval of a SUP by the Planning and Zoning Commission.

**Project Context**

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

A Zoning and Plan Reference Map is attached 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 Community Mixed Use (CMU) in the Future Land Use Plan. The CMU areas are places of commerce, employment, and residences for the Bismarck Community. Goals and objectives of this plan as they relate to the proposed special use permit are referenced in review standards below.

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.

**Public Engagement**

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on March 15 and March 22, and 13 letters were mailed to the owners of nearby properties on March 15, 2024.

**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.

Basic project information, with the ability to contact staff for more details, has been provided

(continued)

## Special Use Permit

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

**Yes.** Drive-in/drive-through standards outlined in 14-03-08(4)g have been, or will be, met by the proposed special use:

*“1. The lot area, lot width, front yard, side yards, rear yard, floor area and height limit of the structure and its appurtenances shall conform to the requirements of the district in which it is located.”*

According to the site plan submitted with the application, this requirement would be met.

*“2. Access to and egress from a drive-in/drive-through establishment shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing or backing of vehicles on sidewalks or streets.”*

According to the site plan submitted with the application, this requirement would be met.

*“3. Adequate off-street parking shall be provided in conformance with section 14-03-10 of this ordinance. In addition, vehicle stacking spaces shall be provided on the premises in accordance with section 14-03-10 of this ordinance, in addition to all common ingress and egress areas provided.”*

According to the site plan submitted with the application, this requirement would be met.

*“4. Ingress and egress points shall be maintained at not less than sixty (60) feet from an intersecting street corner of arterial or collector streets, and not less than forty (40) feet from an intersecting street corner on local street.”*

According to the site plan submitted with the application, this requirement would be met.

*“5. All access and egress driveways shall cross a sidewalk only in such a manner that its width at the inner edge of the sidewalk is no greater than its width at the curb, excluding any curved or tapered section known as the curb return. Any portion of a parking or loading area abutting a sidewalk at a point other than a permitted driveway shall be provided with wheel stops, bumper guards, or other devices to prevent encroachment of parked, standing or moving vehicles upon any sidewalk area not contained within a permitted driveway. All curb cuts, widths and other specifications shall comply with the standards established by the city engineer.”*

According to the site plan submitted with the application, this requirement would be met.

*“6. On a corner lot no fence, wall, terrace, structure, shrubbery or automobile shall be parked or other obstruction to vision having a height greater than three (3) feet above the curb shall occupy the space in a triangle formed by measuring ten (10) feet back along the side and front property lines.”*

According to the site plan submitted with the application, this requirement would be met.

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

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

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

**Yes.** The proposed SUP adheres to the overall goals and objectives of the Comprehensive Plan.

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

(continued)

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

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

**Yes.** As a cumulative result of all findings contained in this staff report, City of Bismarck staff

find that the proposed SUP would not adversely impact the public health, safety, and general welfare.

**Staff Recommendation**

Based on the above findings, staff recommends approval of a Special Use Permit to allow a drive-through car service for oil changes on Lot 3, Block 1, Jacks First Addition.

**Attachments**

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

*Staff report prepared by:* Lauren Oster, Planner

701-355-1846 | [laoster@bismarcknd.gov](mailto:laoster@bismarcknd.gov)

**RESOLUTION OF  
BISMARCK PLANNING AND ZONING COMMISSION**

**SPECIAL USE PERMIT FOR DRIVE-THROUGH OIL CHANGE CAR SERVICE  
IN JACKS FIRST ADDITION (SUP2024-002)**

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

**WHEREAS**, the owners of property described as Lot 3, Block 1, Jacks First Addition have requested approval of a special use permit to allow a drive-through car service for oil changes in the MA – Industrial zoning district on said property; and

**WHEREAS**, The Bismarck Planning and Zoning Commission held a public hearing on March 27, 2024 regarding this request for a special use permit and considered public testimony and findings of fact related to the request.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning and Zoning Commission of the City of Bismarck, North Dakota, that the application for a special use permit for drive-through car service for oil changes on Lot 3, Block 1, Jacks First Addition is hereby approved, subject to the following conditions:

1. The special use permit is put into use by March 27, 2026.
2. All other terms and conditions of the zoning ordinance are met.

Adopted this 27th day of March, 2024.

**CERTIFICATE**

I, Ben Ehreth, do hereby certify that I am the duly appointed, qualified Community Development Director of the City of Bismarck, North Dakota, and that the foregoing is a full, true and correct copy of a resolution adopted at a legally convened meeting of the Planning and Zoning Commission held on this March 27, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand, this 27th day of March, 2024.

---

Ben Ehreth  
Community Development Director  
Bismarck, North Dakota

### 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

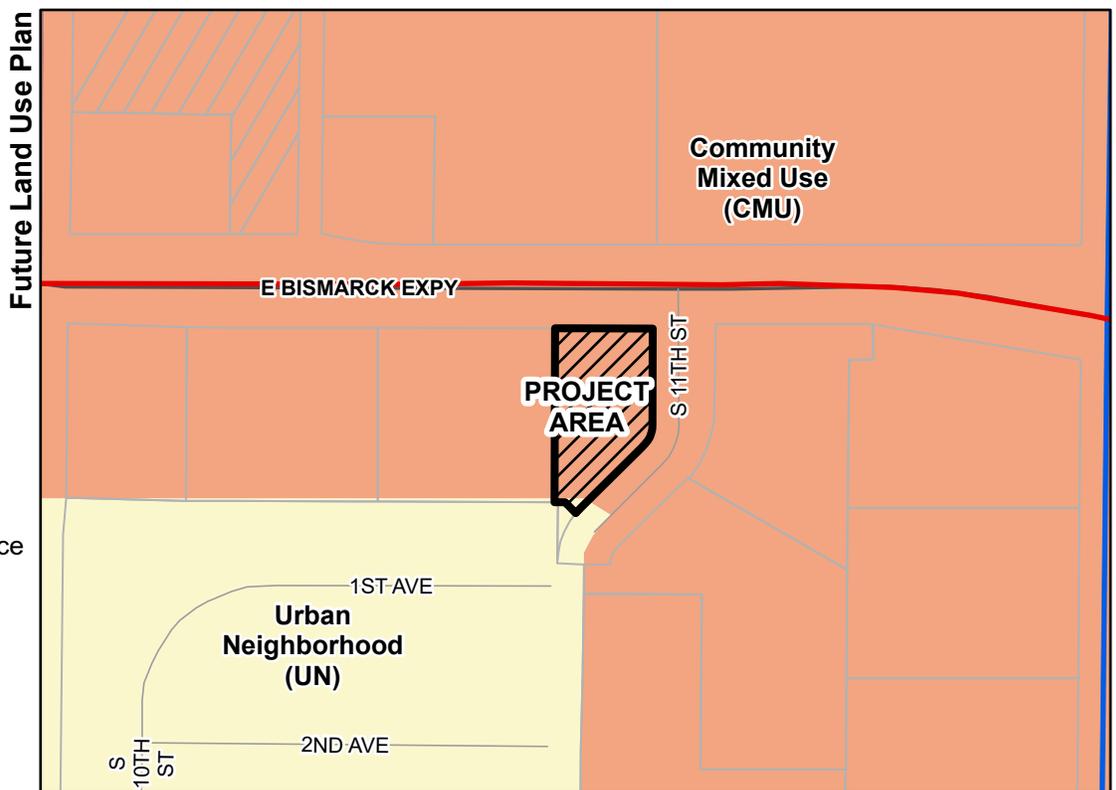
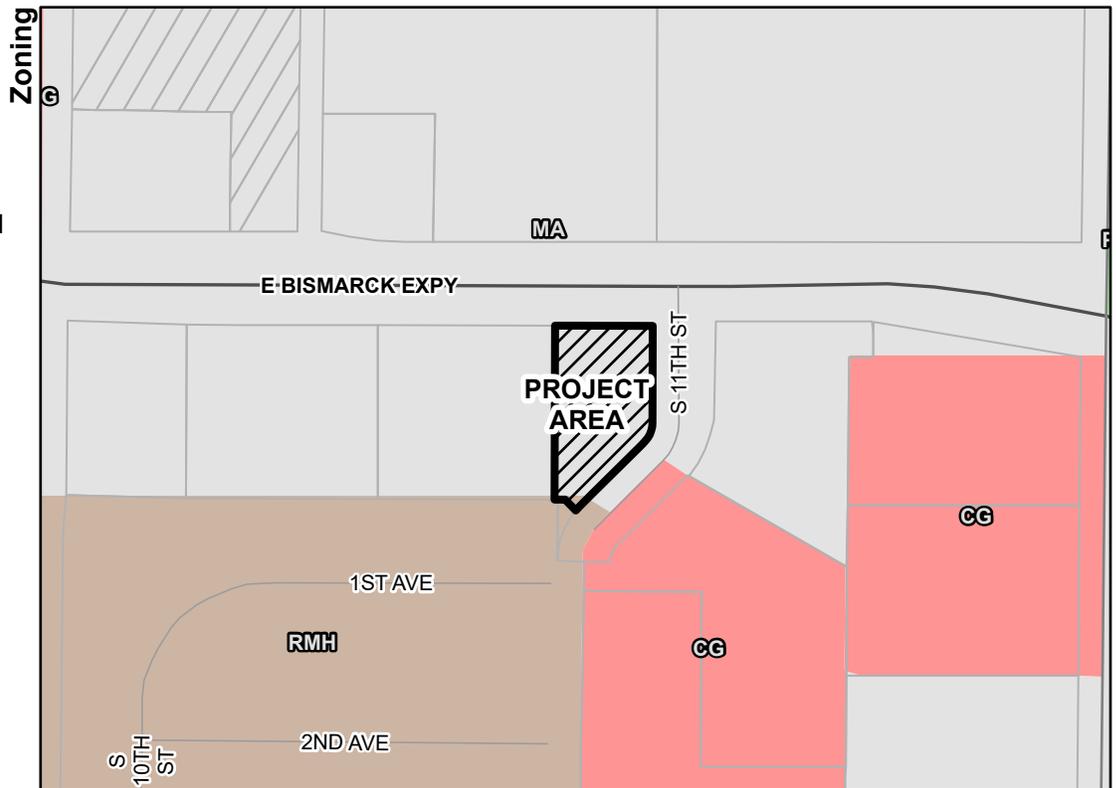
<b>UN</b>	Urban Neighborhood
<b>NMU</b>	Neighborhood Mixed Use
<b>CMU</b>	Community Mixed Use
<b>DMU</b>	Destination Mixed Use
<b>DT</b>	Downtown
<b>IND</b>	Industrial
<b>IF</b>	Industrial Flex
<b>IMU</b>	Industrial Mixed Use
<b>INS</b>	Institutional
<b>RR</b>	Rural Residential
<b>TR</b>	Transitional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

### Active Mobility Plan

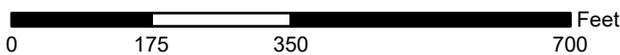
- Future Shared Trail

### Major Street Plan

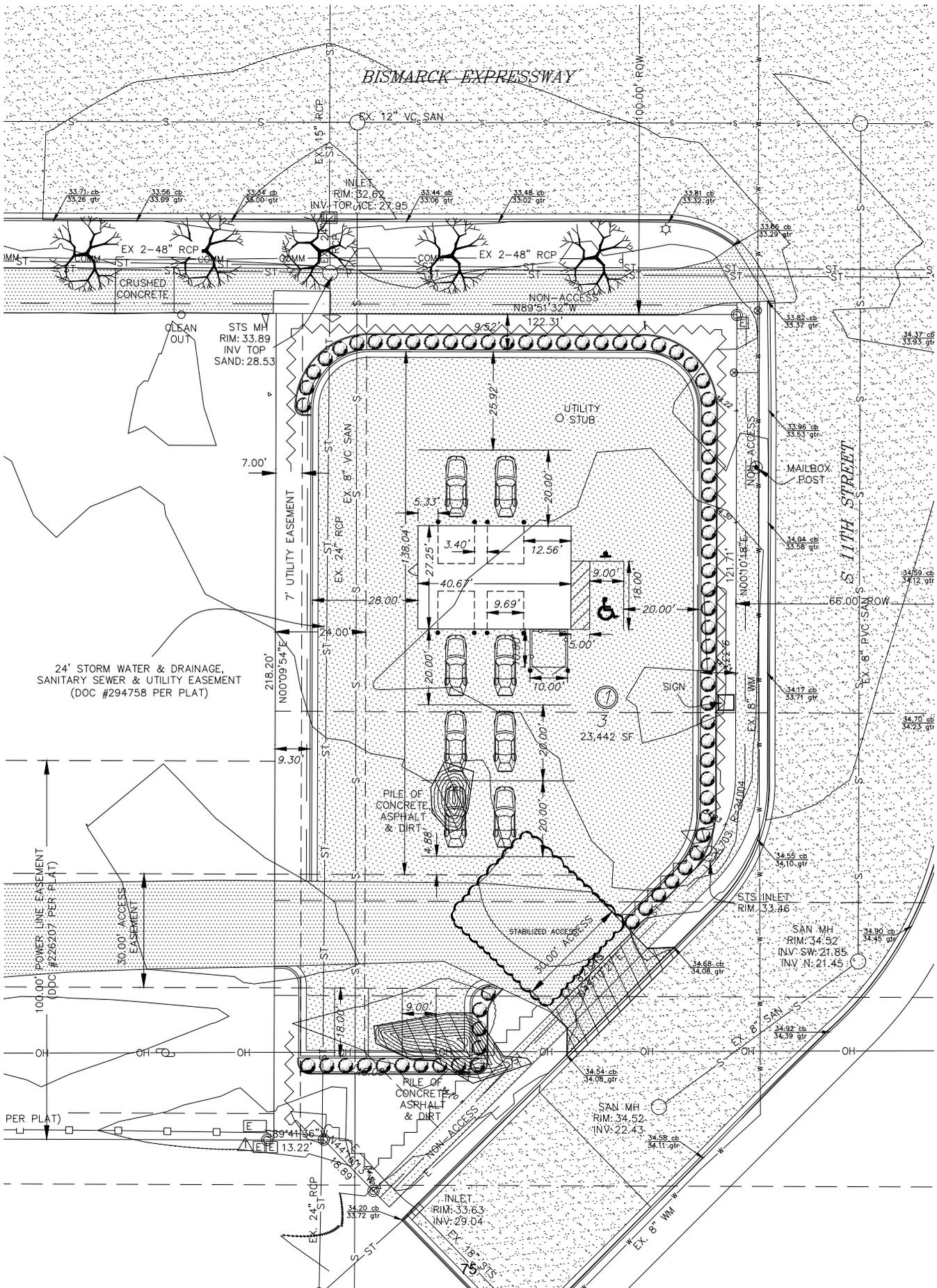
- Existing Arterial
- Future Arterial
- Existing Collector
- Future Collector
- Existing Interstate
- Future Interstate



*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.*



BISMARCK EXPRESSWAY



24' STORM WATER & DRAINAGE,  
SANITARY SEWER & UTILITY EASEMENT  
(DOC #294758 PER PLAT)

100.00' POWER LINE EASEMENT  
(DOC #226207 PER PLAT)

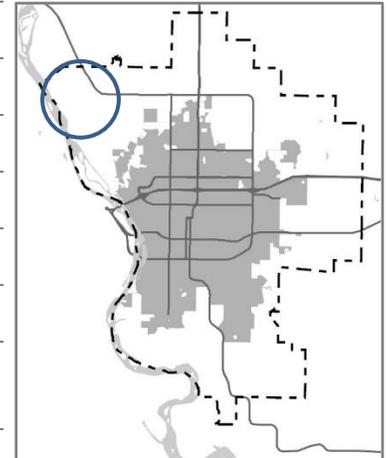
30.00' ACCESS  
EASEMENT

7' UTILITY EASEMENT

NOO'09'54"E

**Project Summary**

<i>Title:</i>	Olive Tree Subdivision, Lot 2, Block 1
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Corey and Jamie Hendricks
<i>Project Contact:</i>	Corey Hendricks
<i>Project Location:</i>	Lot 2, Block 1, Olive Tree Subdivision
<i>Project Size:</i>	41,193 square feet (lot size)
<i>Applicant Request:</i>	Increase allowable size of accessory structures to 2,400 square feet
<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>	1 lot in 1 block
<i>Land Use:</i>	Rural Residential	<i>Land Use:</i>	Rural Residential
<i>Future Land Use:</i>	Rural Residential (RR)	<i>Future Land Use:</i>	Rural Residential (RR)
<i>Zoning:</i>	RR – Residential	<i>Zoning:</i>	RR – Residential
<i>Uses Allowed:</i>	RR – Large lot single-family residential and limited agriculture	<i>Uses Allowed:</i>	RR – Large lot single-family residential and limited agriculture
<i>Max Density:</i>	RR – 1 unit per 65,000 square feet	<i>Max Density:</i>	RR – 1 unit per 65,000 square feet

**Area Information**

**Property History**

<i>Zoning Jurisdiction:</i>	Extraterritorial Area (ETA)	<i>Zoned:</i>	9/2004
<i>Township:</i>	Hay Creek (organized)	<i>Platted:</i>	11/2002
<i>Neighborhood:</i>	Ponderosa Village	<i>Annexed:</i>	N/A

**Project Narrative**

Corey and Jamie Hendricks are requesting approval of a Special Use Permit (SUP) to increase the allowable size of accessory structures to 2,400 square feet on Lot 2, Block 1, Olive Tree Subdivision.

Their parcel is within the Extraterritorial Area and is large enough to have an allowable maximum size of 1,800 square feet without the SUP. There is an existing 1,800 square foot accessory

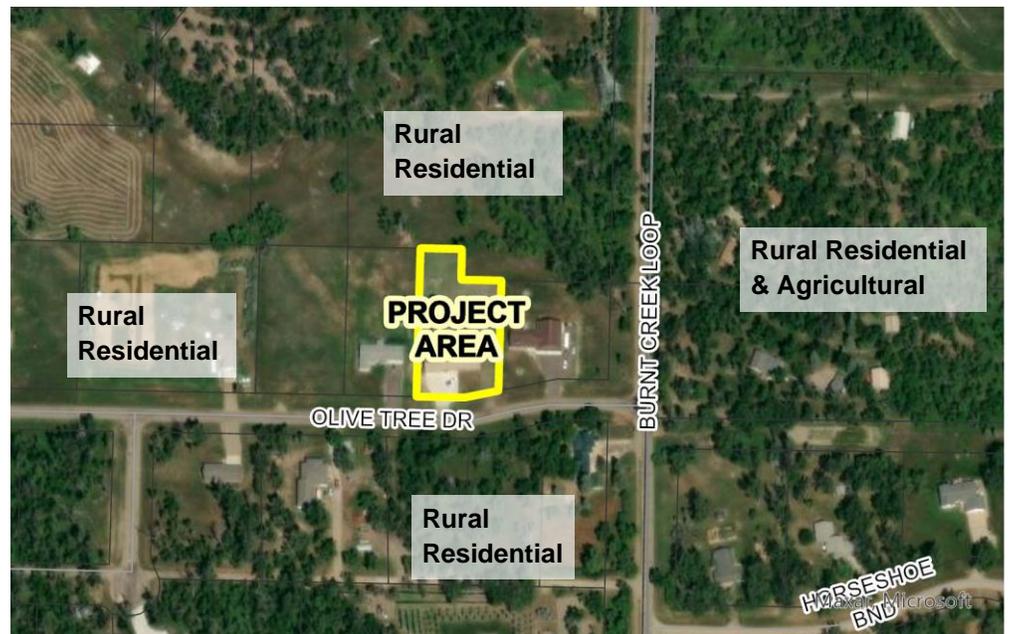
building on the parcel, so the SUP would allow an additional 600 square feet of accessory buildings.

The applicants intend to construct a 576 square foot greenhouse from a purchasable kit consisting of a metal frame and plastic roofing. The plan to use the greenhouse to extend the growing season of garden vegetables and remove the plastic roofing during the winter but leave the frame intact.

**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 Rural Residential (RR) in the Future Land Use Plan. The RR areas are places for country living with convenient proximity to city life. Goals and objectives of this plan as they relate to special use permits are referenced in review standards below.

The project area is zoned RR – Rural Residential and is surrounded by RR – Rural Residential land, with some land zoned A – Agricultural further to the northeast. The Growth Phasing Plan neither identifies the area for city expansion nor as Urban

Reserve; therefore, urban-style redevelopment within the next 50 years is unlikely.

**Public Engagement**

Hay Creek Township was notified of this request on March 13, 2024. The township has not provided input as of this report.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on March 15 and March 22, and 56 letters were mailed to the owners of nearby properties on March 15, 2024.

*(continued)*

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.*

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

**Yes.** The proposed accessory structure will conform to requirements of Section 14-03-06(1)(b)(5), which states, “The allowable accessory buildings for a single-family rural residence on a lot in a rural residential zoning district (RR & RR5) with 40,000 to 64,999 square feet in area may be increased to a maximum of twenty-four hundred (2,400) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.” The size of the lot is 41,193 square feet and the sum of all accessory structures on the lot would be 2,376 square feet.

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

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

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

**Yes.** The proposed Special Use Permit adheres to the overall goals and objectives of the comprehensive plan.

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

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

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

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

**Staff Recommendation**

Based on the above findings, staff recommends approval of the special use permit for an increased maximum allowable size of accessory structures to 2,400 square feet on Lot 2, Block 1, Olive Tree Subdivision.

**Attachments**

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

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*Staff report prepared by:* Isak Johnson, Planner

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

**RESOLUTION OF  
BISMARCK PLANNING AND ZONING COMMISSION**

**SPECIAL USE PERMIT FOR INCREASING ALLOWABLE SIZE OF ACCESSORY  
STRUCTURES TO 2,400 SQUARE FEET  
IN OLIVE TREE SUBDIVISION (SUP2024-004)**

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

**WHEREAS**, the owners of property described as Lot 2, Block 1, Olive Tree Subdivision have requested approval of a special use permit to allow an increased allowable size of accessory structures to 2,400 square feet in the RR – Residential zoning district on said property; and

**WHEREAS**, The Bismarck Planning and Zoning Commission held a public hearing on March 27, 2024 regarding this request for a special use permit and considered public testimony and findings of fact related to the request.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning and Zoning Commission of the City of Bismarck, North Dakota, that the application for a special use permit for increased allowable size of accessory structures to 2,400 square feet on Olive Tree Subdivision is hereby approved, subject to the following conditions:

1. The special use permit is put into use by March 27, 2026.
2. All other terms and conditions of the zoning ordinance are met.

Adopted this 27th day of March, 2024.

**CERTIFICATE**

I, Ben Ehreth, do hereby certify that I am the duly appointed, qualified Community Development Director of the City of Bismarck, North Dakota, and that the foregoing is a full, true and correct copy of a resolution adopted at a legally convened meeting of the Planning and Zoning Commission held on this March 27, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand, this 27th day of March, 2024.

---

Ben Ehreth  
Community Development Director  
Bismarck, North Dakota



# Zoning and Plan Reference Map

SUP2024-004

OLIVE TREE SUBDIVISION, LOT 2, BLOCK 1

## 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

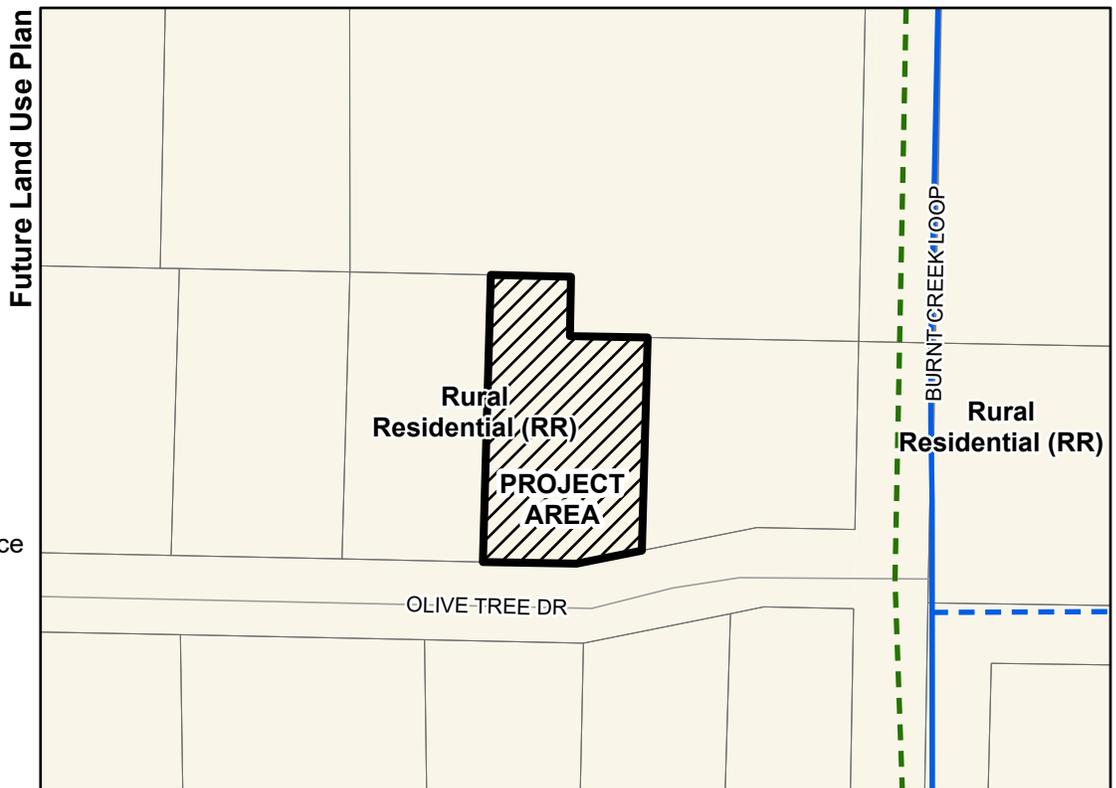
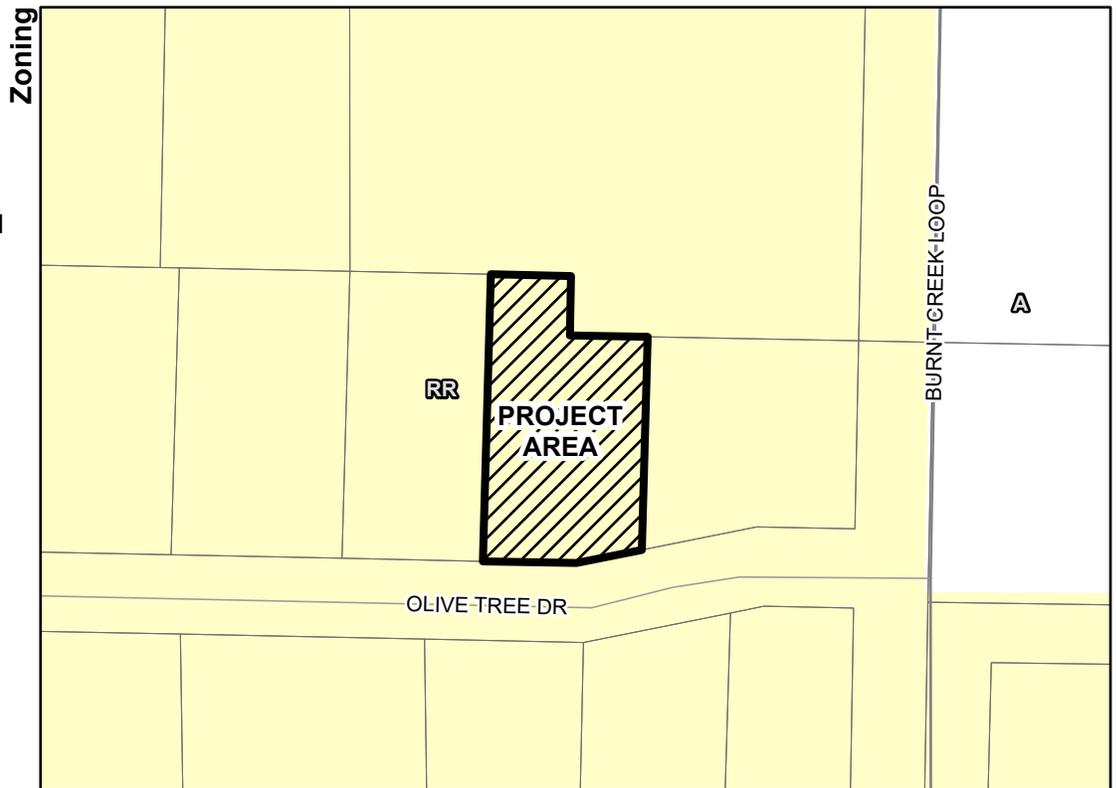
<b>UN</b>	Urban
<b>NMU</b>	Neighborhood Mixed Use
<b>CMU</b>	Community Mixed Use
<b>DMU</b>	Destination Mixed Use
<b>DT</b>	Downtown
<b>IND</b>	Industrial
<b>IF</b>	Industrial Flex
<b>IMU</b>	Industrial Mixed Use
<b>INS</b>	Institutional
<b>RR</b>	Rural Residential
<b>TR</b>	Transitional Rural
<b>PKOS</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 hereon.*



City of Bismarck  
Community Development  
Planning Division  
March 6, 2024

ATTACHMENT TO LOT SURVEY EXHIBIT  
 LOT 2 OF BLOCK 1, OLIVE TREE SUBDIVISION  
 BURLEIGH COUNTY, NORTH DAKOTA  
 5430 OLIVE TREE DRIVE - JAMIE HENDRICKS

RECEIVED  
 FEB 15 2024

NORTH



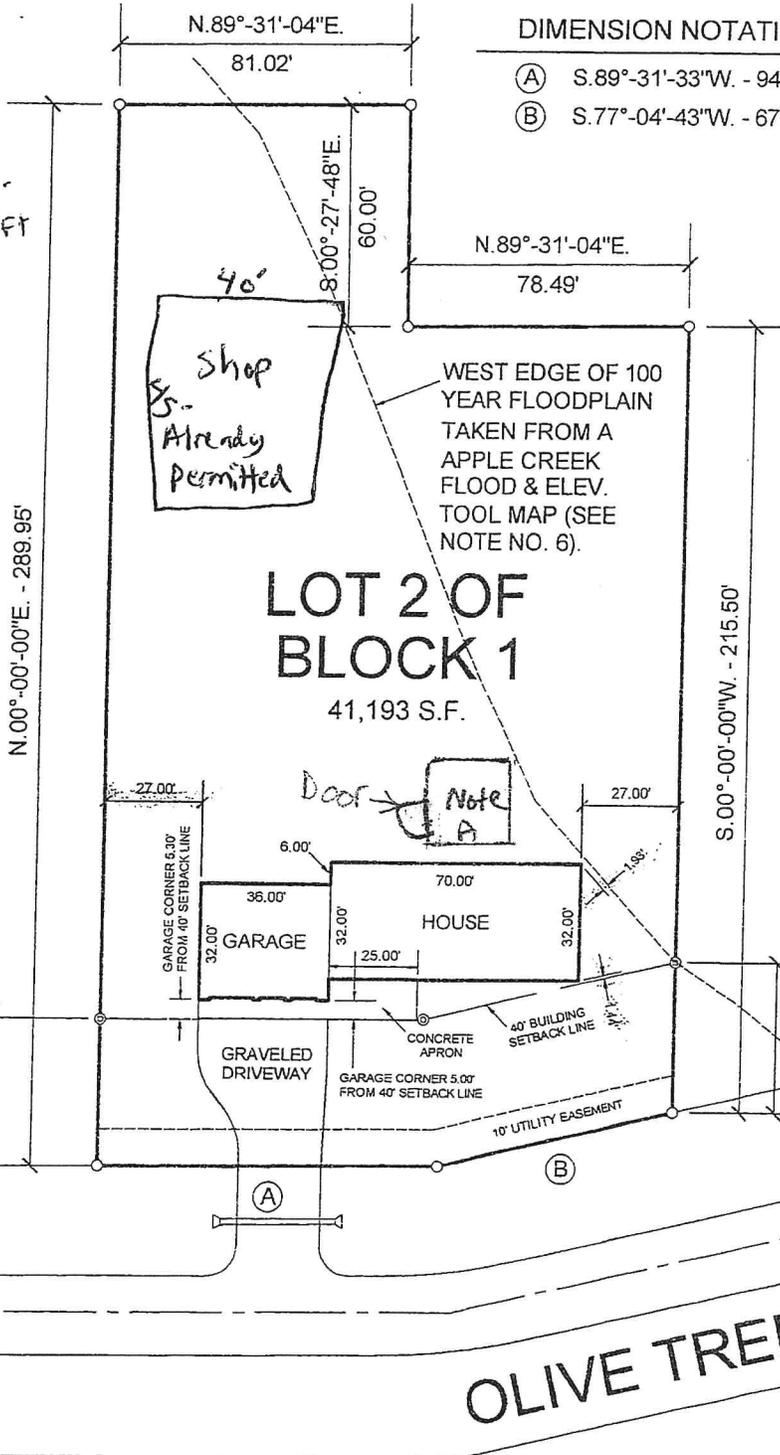
SCALE: 1" = 50'  
 REVISED: 10-02-2020

DIMENSION NOTATION

- (A) S.89°-31'-33"W. - 94.58'
- (B) S.77°-04'-43"W. - 67.11'

NOTES

1. OLIVE TREE DRIVE HAS A RIGHT-OF-WAY OF 80.00'.
2. IT HAS A GRAVELED SURFACE OF 22.00' IN WIDTH.
3. THE EXISTING CULVERT, AS SHOWN HEREON, IS 15" IN DIAMETER AND HAS FLARED END SECTIONS.
4. THE EXISTING DRIVEWAY FROM OLIVE TREE DRIVE TO THE SOUTH LINE OF LOT 2 IS 23.00' WIDE AND IS GRAVELED.
5. SOUTH CENTRAL REGIONAL DISTRICT PROVIDES RURAL WATER TO THIS SUBDIVISION. PHONE: 701-258-8710 WITH ANY QUESTIONS YOU MAY HAVE.
6. THE WEST EDGE OF THE 100 YR. FLOODPLAIN, AS SHOWN, WAS TAKEN FROM A BURLEIGH COUNTY, ND: APPLE CREEK FLOOD & ELEVATION TOOL MAP (DATED 05/05/2016). A COPY OF SAID MAP IS ATTACHED.



Note A  
 24x24 = 576 SqFT  
 Greenhouse  
 Door on Southwest Corner  
 10' Away From house  
 Total Accessory (Shop) Building  
 equal to 1800 Sq Ft.  
 Permit # = RES 2023-0063

OLIVE TREE DRIVE

NLC CONSULTING



**BISMARCK PLANNING & ZONING COMMISSION  
MEETING MINUTES  
February 28, 2024**

The Bismarck Planning & Zoning Commission met on February 28, 2024, 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 Brian Bitner (via Zoom), Cole Johnson, Dan Lukens (via Zoom), Gabe Schell, Mike Schmitz, Wendy Van Duyne, Trent Wangen and Paul Zent.

Commissioners Robert Field and Mike Schwartz were absent.

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

**MINUTES**

Vice Chair Johnson called for consideration of the minutes of the January 24, 2024 meeting.

**MOTION:** Mayor Schmitz made a motion to approve the minutes of the January 24, 2024, meeting, as presented. Commissioner Zent seconded the motion, and it was unanimously approved with Commissioners Bitner, Johnson, Lukens, Schell, Schmitz, Van Duyne, Wangen and Zent voting in favor of the motion.

**CONSIDERATION**

**2. FETTIG SUBDIVISION  
MAJOR SUBDIVISION PRELIMINARY PLAT  
ZONING MAP AMENDMENT**

**3. HAY CREEK TOWNSHIP, SECTIONS 7 AND 18, T139-R80, SECTION 12-13, T139-R81  
MAJOR STREET PLAN AMENDMENT**

**4. AMENDMENTS TO AGRICULTURAL ZONING DISTRICT  
ZONING MAP AMENDMENT**

**MOTION:** Based on the findings contained in the staff reports, Commissioner Van Duyne made a motion to approve consent agenda items 2, 3, and 4, calling for public hearings as recommended by staff. Commissioner Wangen seconded the motion and it was unanimously approved with Commissioners Bitner, Johnson, Lukens, Schell, Schmitz, Van Duyne, Wangen, and Zent voting in favor of the motion.

**PUBLIC HEARING – PLANNED UNIT DEVELOPMENT AMENDMENT  
MUNICIPAL FOURTH ADDITION FIRST REPLAT, LOTS 2 AND 3, BLOCK 1**

Vice Chair Johnson called for the public hearing on the Planned Unit Development Amendment (PUDA) for Lots 2 and 3, Block 1, Municipal Fourth Addition First Replat. The property is located in west-central Bismarck along the south side of Edwards Avenue, between Schafer Street and Canary Avenue.

Mr. Johnson provided an overview of the request and stated that, as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the PUDA would not adversely impact the public health, safety, and general welfare.

Mr. Johnson said, based on the findings contained in the staff report, staff recommends the continuation of the public hearing for the PUDA for Lots 2 and 3, Block 1, Municipal Fourth Addition First Replat. Staff registers concerns with the proposed design of the site and recommends continuation, unless the following issues are addressed:

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 during the site plan approval process.
3. Consideration of a condition for a geotechnical study to be conducted prior to site plan approval.

Vice Chair Johnson opened the public hearing.

One of the applicants, Hannah Haynes, came forward to indicate to the commission that the amendment to the original PUD was simply adding allowance of an event venue. She explained the need for this type of venue in the Bismarck-Mandan area as well as the potential tax revenue for the city. She explained the design and layout of the building plans as well as the exterior. She noted that the event venue would also include non-profit events, food festivals, craft shows, etc.

A Bismarck resident and owner of a local corporate event planning company, Diedre Hillman, addressed the commission in support of the proposed PUD amendment. She agrees there is a lack of venues in the community and believes the proposed venue would help her business significantly along with benefitting the city's revenue and tourism.

David Witham introduced himself as the original PUD applicant and addressed the commission in opposition to the proposed amended PUD. He does not believe an amendment is appropriate for the changes requested as the new plans are not in line with the existing PUD. He feels the proposal should be a new PUD so that the Board of City Commissioners is able to decide whether or not the plans are appropriate for this location. He feels that his original design, for a climbing gym, was more appropriate due to its visibility from I-94.

Vice Chair Johnson mentioned the proposal appears to have a similar parking capacity to the previously approved PUD.

Commissioner Van Duyne reminded the commission that they have a responsibility to consider the long-term aesthetic of this unique area of the city.

Mr. Witham asked the commission whether they would like to achieve a holistic aesthetic in this area and told them the proposed site does not match the existing structures in the area.

Beth Demke, Executive Director of Gateway to Science, stated she agrees with Bismarck's need for additional event spaces. She brought up the challenges the Gateway to Science currently faces including parking, traffic and safety and stated she is concerned these challenges will worsen with the addition of an event space with limited parking.

Commissioner Schell mentioned that Gateway to Science holds multiple events simultaneously and there is not enough parking during these times. Commissioner Van Duyne asked Commissioner Schell what level of analysis was administered and whether improvements can be made at this time. Commissioner Schell responded that the Engineering Department set the No Parking signage and other potential options to address these challenges could include creating towing zones and widening roads. The Engineering department will be reviewing options.

Ms. Haynes approached to explain that her plans contained more than the required minimum parking spaces. She also mentioned she has contacted local hotels about possibly providing shuttle services. Commissioner Van Duyne asked Ms. Haynes if any other architectural styles had been considered. Ms. Haynes replied that they chose a Georgian design to differentiate from modern designs already being used.

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

Commissioner Van Duyne stated that the property is a key area of the city and while she does agree there is a need for an event venue, she feels the design should not conflict with the existing structures.

Mr. Johnson stated the language in the existing PUD refers to high quality design and commercial grade materials, but no specific materials are required in the PUD.

Commissioner Van Duyne believes the area needs more specific design standards.

Mayor Schmitz also agrees that an event space is needed but feels the concept and location of the proposed structure differs significantly from the formerly approved concept.

Commissioner Schell asked staff why they recommended continuation rather than adding conditions to an approval. Mr. Johnson explained staff needs an updated geotechnical study and landscape requirements as well as conditions added to the site plan.

Mr. Ehreth stated that staff has struggled with the design as no defined standards have been set for this area. The original PUD was crafted around a specific use and staff would like additional time to continue working with the applicant to bring a design to the commission that they could be comfortable approving. Vice Chair Johnson asked what would make city staff comfortable recommending approval. Mr. Ehreth explained that the property is privately owned and therefore staff may only react to proposals. The only possibility of issuing a request for proposals on this property is for the city to purchase this land back and there are no plans to do so at this time.

Commissioner Van Duynes asked staff to clarify their request. Mr. Ehreth explained the commission may approve the proposal now, but that staff is not comfortable with the current proposal. Mr. Nairn explained that staff is also requesting continuation to allow time for discussion of the design because this will be the final decision as PUD amendments do not go to the Board of City Commissioners.

**MOTION:** Based on the findings contained in the staff report, Commissioner Van Duynes made a motion to continue the public hearing on the Planned Unit Development Amendment (PUDA) for Lots 2 and 3, Block 1, Municipal Fourth Addition First Replat to provide staff additional time to work with the applicant on the design concept. Mayor Schmitz seconded the motion, and the motion was approved with Commissioners Johnson, Lukens, Schell, Schmitz, Van Duynes, and Wangen voting in favor of the motion. Commissioner Zent recused himself from this vote. Commissioner Bitner voted against the motion.

### **PUBLIC HEARING – ZONING MAP AMENDMENT CAPITAL ELECTRIC SECOND SUBDIVISION, LOT 2, BLOCK 1**

Vice Chair Johnson called for the public hearing on a zoning map amendment from the A – Agricultural zoning district to the Conditional MA – Industrial zoning district for Lot 2, Block 1, Capital Electric Second Subdivision. The property is located 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.

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 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 zoning map amendment from the A – Agricultural zoning district to the Conditional MA – Industrial zoning district for Lot 2, Block 1, Capital Electric Second Subdivision, as presented.

Vice Chair Johnson opened the public hearing.

The applicant, Jacob Barney, on behalf of Five Star Storage, addressed the commission to explain their intentions for the site. They plan to construct a self-storage facility including landscaping to blend with the surrounding areas. He stated there is a substation on the north side of the property and an existing WAPA easement limits uses of this site.

Mayor Schmitz stated he believes anything could be built to the south of the 125-foot WAPA easement, including a house, so he disagrees there are restrictions on this property.

Ron Knutson, via Zoom, stated he is concerned with the overall aesthetic of North Bismarck. He stated that he owns storage units in the area, and that these are not currently filled. He questioned whether a traffic study has been conducted and mentioned storage units could increase crime in the area.

Claudia Berg, a nearby resident, would have a direct view of the proposed storage units and opposes this proposal. She stated the Lewis and Clark Trail is in the area and she, therefore,

has concerns with the effect on tourism and long-term development as well as traffic concerns.

Commissioner Schell stated that while he shares the concern about traffic safety, the proposal does meet site distance standards. Commissioner Zent asked whether there would be a stop sign or a yield sign, to which Commissioner Schell responded that a stop sign is the standard.

Nic Cullen, with Houston Engineering, came forward to speak on behalf of the property owner stating this site will be Industrial Flex according to the Future Land Use Plan.

Mr. Barney then stated that self-storage facilities typically yield very low traffic while another use may cause more traffic. He also reminded the commission that they intend to include a landscape buffer to blend the units with the surrounding neighborhood. He stated the plans include motion sensor lights and no pole lights to disturb the neighborhood.

Vice Chair Johnson closed the public hearing.

Commissioner Wangen asked why this area is industrial in the Future Land Use Plan. Mr. Nairn responded by saying this area was designated during the comprehensive plan process because the site already has a substation as well as the WAPA easement and the broader area has a need for storage units.

**MOTION:** Commissioner Bitner made a motion to deny zoning map amendment from the A – Agricultural zoning district to the Conditional MA – Industrial zoning district for Lot 2, Block 1, Capital Electric Second Subdivision. Commissioner Schmitz seconded the motion, and it was denied with Commissioners Bitner, Schmitz, Van Duyne, Wangen, and Zent voting in favor of the motion. Commissioners Johnson, Lukens, and Schell voted against the motion.

## **PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT AND ZONING MAP AMENDMENT MCKENZIE AND COFFINS SECOND ADDITION**

Vice Chair Johnson called for the public hearing on a minor subdivision final plat titled McKenzie and Coffin's Second Addition and on a zoning map amendment from the R10 – Residential zoning district to a PUD – Planned Unit Development zoning district on Lots 2 and 3, Block 1, of McKenzie and Coffin's Second Addition. The proposed plat is three lots in one block with a total area of approximately 27,433 SF and is located in central Bismarck on the northwest corner of the intersection of East Avenue D and North 12<sup>th</sup> Street.

Mr. Johnson provided an overview of the request, presented a public comment that staff received prior to the hearing, and stated that as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the proposed minor subdivision final plat and zoning map amendment would not adversely impact the public health, safety, and general welfare.

Mr. Johnson said, based on the findings, staff recommends approval of the minor subdivision final plat and zoning map amendment for McKenzie and Coffins Second Addition, as presented.

Vice Chair Johnson opened the public hearing.

Landon Niemiller, with Swenson Hagen & Co., addressed the commission to explain the plans for this site. The intention is to construct two homes on two separate lots. Commissioner Schell asked if this would be a four-unit multi-family to keep it similar to the surrounding neighborhood. Mr. Niemiller explained that each home would have two separate residents, making this a four-unit building that appears as a twin home.

Commissioner Bitner asked if the existing home would be demolished and removed. Mr. Niemiller said that the current home would be removed, including the existing garages.

Michelle Arndt, a neighbor of the site, came forward to express concerns with traffic safety and parking caused four housing units.

Mr. Niemiller stated that the two upper units would have a garage and a driveway plus a driveway for the two lower units.

Mikaela Schlosser, the applicant with Remedy Housing Solutions, LLC, stated they intend for these units to be used by professionals, with short term leases, usually less than six months. Commissioner Van Duyne asked how many bedrooms were in each unit. Ms. Schlosser replied that the upper two units would contain three bedrooms, or two bedrooms and an office and the two lower units would each contain one bedroom.

Ms. Arndt came forward again to state she did not support the proposed four-unit structure.

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

**MOTION:** Based on the findings contained in the staff report, Commissioner Schmitz made a motion to recommend approval of the R10 – Residential zoning district to a PUD – Planned Unit Development zoning district on Lots 2 and 3, Block 1, of McKenzie and Coffin’s Second Addition. Commissioner Zent seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Johnson, Lukens, Schell, Schmitz, Van Duyne, Wangen, and Zent voting in favor of the motion.

**PUBLIC HEARING – SPECIAL USE PERMIT (ACCESSORY BUILDING)  
SHAMROCK ACRES THIRD SUBDIVISION, LOT 2, BLOCK 7**

Vice Chair Johnson called for the public hearing on the special use permit to increase the allowable size of accessory structures up to 3,200 square feet on Lot 2, Block 7, Shamrock Acres Third Subdivision. The property is located north of Bismarck, east of 26th Street Northeast and south of 97th Avenue Northeast, on the south side of Dublin Drive.

Ms. Oster provided an overview of the proposed special use permit and that the proposed special use permit would not adversely impact the public health, safety and general welfare.

Ms. Oster said, based on the findings contained in the staff report, staff recommends approval of the special use permit to increase the allowable size of accessory structures up to 3,200 square feet on Lot 2, Block 7, Shamrock Acres Third Subdivision.

Vice Chair Johnson opened the public hearing.

There being no questions or comments, Vice Chair Johnson closed the public hearing.

**MOTION:** Commissioner Bitner made a motion to approve the special use permit to increase the allowable size of accessory structures up to 3,200 square feet on Lot 2, Block 7, Shamrock Acres Third Subdivision. Commissioner Wangen seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Johnson, Lukens, Schell, Schmitz, Van Duyne, Wangen, and Zent voting in favor of the motion.

### **CONTINUED PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT HOME OCCUPATIONS**

Mr. Nairn requested to delay the public hearing on the zoning ordinance text amendment regarding home occupations until the March 27, 2024, meeting. Staff requires additional input from stakeholders.

**MOTION:** Commissioner Schmitz made a motion to continue the public hearing on the zoning ordinance text amendment for home occupations as recommended by staff. Commissioner Zent seconded the motion, and it was unanimously approved with Commissioners Bitner, Johnson, Lukens, Schell, Schmitz, Van Duyne, Wangen, and Zent voting in favor of the motion.

### **OTHER BUSINESS**

Vice Chair Johnson thanked Commissioner Wendy Van Duyne for her years of service.

Mr. Nairn provided the Commission with an update on the Land Development Code. A consultant has been selected to assist with this project and a contact is in development.

### **ADJOURNMENT**

There being no further business, Vice Chair Johnson declared the Bismarck Planning & Zoning Commission adjourned at 7:15 p.m. to meet again on March 27, 2024.

Respectfully submitted,

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Sarah Fricke  
Recording Secretary

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Cole Johnson  
Vice Chair

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PERMIT ACTIVITY REPORT - MTD  
DATE SELECTION 2/2024

\*\*\*\*\*City\*\*\*\*\*

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Census Code	2/2024		2/2023		2/2024		2/2023	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	3	\$1,169,088.80	0	\$0.00	0	\$0.00	0	\$0.00
ROWHOUSE (2) 1-HR FIRE SEPARATION	16	\$2,878,696.00	0	\$0.00	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	1	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL ADDITION	1	\$65,985.00	0	\$0.00	0	\$0.00	0	\$0.00
DETACHED GARAGE	0	\$0.00	1	\$16,800.00	0	\$0.00	0	\$0.00
DECKS\PORCHES & COVERED PORCHES	3	\$18,395.00	2	\$9,531.00	0	\$0.00	0	\$0.00
RESIDENTIAL ALTERATION/OTHER	5	\$56,628.66	2	\$29,300.00	1	\$0.00	0	\$0.00
HOME OCCUPATION	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
BASEMENT FINISH	4	\$97,008.00	6	\$139,062.00	0	\$0.00	0	\$0.00
COMMERCIAL	0	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	7	\$343,200.61	5	\$244,703.00	0	\$0.00	0	\$0.00
SIGN ALTERATION	4	\$41,559.13	1	\$500.00	0	\$0.00	0	\$0.00
COMMERCIAL NEW CONSTRUCTION	3	\$1,897,400.00	4	\$6,830,000.00	0	\$0.00	0	\$0.00
COMMERCIAL ALTERATION	8	\$865,993.00	6	\$2,180,110.00	0	\$0.00	1	\$19,500.00
<b>Total</b>	<b>55</b>	<b>\$7,433,954.20</b>	<b>31</b>	<b>\$9,450,006.00</b>	<b>1</b>	<b>\$0.00</b>	<b>1</b>	<b>\$19,500.00</b>

PERMIT ACTIVITY REPORT - MTD  
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Trade Permit Type	2/2024		2/2023		2/2024		2/2023	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	52	\$0.00	49	\$0.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	104	\$1,402,512.00	133	\$2,269,314.18	2	\$5,429.75	6	\$29,868.00
BUILDING PLUMBING	9	\$110,828.00	6	\$218,031.00	4	\$60,000.00	1	\$15,015.00
<b>Total</b>	<b>165</b>	<b>\$1,513,340.00</b>	<b>188</b>	<b>\$2,487,345.18</b>	<b>6</b>	<b>\$65,429.75</b>	<b>7</b>	<b>\$44,883.00</b>

PERMIT ACTIVITY REPORT - MTD  
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	*****City*****		*****ETA*****	
	2/2024	2/2023	2/2024	2/2023
Living Units	Units	Units	Units	Units
MANUFACTURED HOMES	0	1	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	64	0	0	0
SINGLE FAMILY DETACHED	2	0	0	0
<b>Total</b>	<b>66</b>	<b>1</b>	<b>0</b>	<b>0</b>

PERMIT ACTIVITY REPORT - YTD  
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Census Code	2/2024		2/2023		2/2024		2/2023	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	4	\$1,169,088.80	0	\$0.00	0	\$0.00	0	\$0.00
ROWHOUSE (2) 1-HR FIRE SEPARATION	22	\$3,455,372.00	8	\$1,412,138.56	0	\$0.00	0	\$0.00
MULTI FAMILY RESIDENTIAL	1	\$241,700.00	0	\$0.00	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	4	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL ADDITION	2	\$79,103.40	0	\$0.00	0	\$0.00	0	\$0.00
DETACHED GARAGE	0	\$0.00	1	\$16,800.00	0	\$0.00	0	\$0.00
DECKS\PORCHES & COVERED PORCHES	6	\$23,340.50	2	\$9,531.00	0	\$0.00	0	\$0.00
SWIMMING POOLS	0	\$0.00	1	\$85,000.00	0	\$0.00	0	\$0.00
RESIDENTIAL ALTERATION/OTHER	7	\$134,128.66	4	\$139,300.00	2	\$59,000.00	1	\$9,250.00
HOME OCCUPATION	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
BASEMENT FINISH	9	\$199,133.00	12	\$216,354.50	0	\$0.00	2	\$69,552.50
RESIDENTIAL	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
COMMERCIAL	0	\$0.00	3	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	12	\$410,079.61	6	\$248,303.00	0	\$0.00	0	\$0.00
SIGN ALTERATION	6	\$62,854.13	2	\$3,050.00	0	\$0.00	0	\$0.00
COMMERCIAL NEW CONSTRUCTION	6	\$2,377,400.00	14	\$7,680,000.00	0	\$0.00	0	\$0.00
COMMERCIAL ALTERATION	18	\$5,351,971.00	15	\$4,500,110.00	0	\$0.00	1	\$19,500.00
<b>Total</b>	<b>97</b>	<b>\$13,504,171.10</b>	<b>72</b>	<b>\$14,310,587.06</b>	<b>2</b>	<b>\$59,000.00</b>	<b>4</b>	<b>\$98,302.50</b>

**PERMIT ACTIVITY REPORT - YTD  
DATE SELECTION 2/2024**

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Permit Type	2/2024		2/2023		2/2024		2/2023	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	116	\$0.00	117	\$0.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	216	\$3,474,827.98	235	\$3,464,075.90	34	\$237,913.53	36	\$640,735.75
BUILDING PLUMBING	26	\$1,222,831.00	12	\$365,031.00	1	\$1,000.00	1	\$15,015.00
<b>Total</b>	<b>358</b>	<b>\$4,697,658.98</b>	<b>364</b>	<b>\$3,829,106.90</b>	<b>35</b>	<b>\$238,913.53</b>	<b>37</b>	<b>\$655,750.75</b>

PERMIT ACTIVITY REPORT - YTD  
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Living Units	2/2024	2/2023	2/2024	2/2023
	Units	Units	Units	Units
MULTI FAMILY RESIDENTIAL	0	0	0	0
MANUFACTURED HOMES	3	2	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	82	32	0	0
SINGLE FAMILY DETACHED	3	0	0	0
SWIMMING POOLS	0	0	0	0
<b>Total</b>	<b>88</b>	<b>34</b>	<b>0</b>	<b>0</b>