



Many homeowners construct accessory buildings on their property, either for a garage, shed, or shop. This guide provides an outline of requirements for accessory buildings to single-family homes within rural residential zoning districts of the City of Bismarck and its extraterritorial area. A separate guide is available for urban zoning districts within the City's jurisdiction.

Most requirements for accessory buildings may be found in Section 14-03-05 (Supplementary Provisions) and 14-03-06 (Incidental Uses) of the Bismarck Code of Ordinances.

### Size of Accessory Buildings

The allowable size of an accessory building depends on the zoning district the property is in and lot size:

Zoning/Lot Size	Maximum Size	With Special Use Permit
Rural Residential, 40K SF or less lot size	1,400 SF	N/A
Rural Residential, 40K SF – 65K SF lot size	1,800 SF	2,400 SF
Rural Residential, 65K SF or greater lot size	2,400 SF	3,200 SF

Agricultural, 40-80 Acres lot size	1% of lot area up to 5,000 SF	7,500 SF
Agricultural, 80 Acres or greater lot size	1% of lot area up to 5,000 SF	15,000 SF

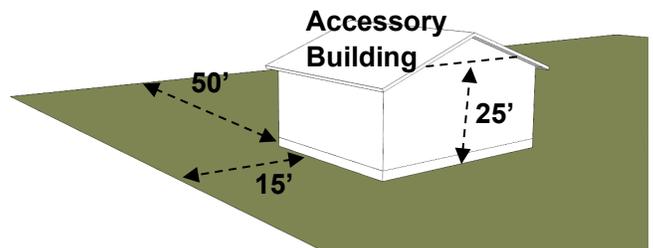
If there are multiple accessory buildings on a lot, the maximum size applies to the sum area of all accessory buildings.

A special use permit, required for larger accessory buildings, may only be granted by the Planning and Zoning Commission during a public hearing. Neighbors of the proposed lot will be notified, and additional application fees apply.

### Setback and Height of Accessory Buildings

In rural zoning districts, accessory buildings follow the same setback requirements as the primary house on the lot in rural areas. This is 15 feet from the side property lines and 50 feet from the rear property line in the RR – Rural Residential zoning district. Buildings cannot be built within a recorded easement.

If the building is closer than 10 feet from the house on the lot, it must be reviewed by Building Inspections staff to determine if fire protection features are required by City of Bismarck Building Code



Accessory buildings may not exceed 25 feet in height, as defined by "Height of Building" in Section 14-02-03 (Definitions). See the 'Calculating Heights for Buildings' guide for more details on how these are measured.

## **When is a Building Permit Required?**

Building permits are required for all accessory buildings greater than 120 Square Feet in area. If a permit is required, additional building code standards, such as required foundation types, apply. However, all zoning requirements, such as setbacks and heights, apply even to smaller buildings that do not require a building permit.

## **Uses within Accessory Buildings**

Residential accessory buildings are intended to be used by the homeowner or tenants on the lot. Hobbies or recreational activity is acceptable, but accessory buildings should not be utilized for commercial activity in residential areas. Home occupation permits only apply to work within the primary house, not an accessory building.

Accessory buildings that include a residential dwelling may be allowed but must follow special requirements for Accessory Dwelling Units and receive a special use permit from the Planning and Zoning Commission. See guide on Accessory Dwelling Units for more information.

## **Construction Sequence of Accessory Buildings**

Generally, accessory buildings may only be built after or at the same time as the primary house on the lot. However, in rural zoning districts an accessory building may be constructed before the primary house with a petition of support from 60% of nearby property owners and is subject to additional size restrictions.

If you wish to seek such a petition, contact the Community Development department for a list of addresses and owner names of all parcels within the required area.

## **Accessory Building on Same Lot**

An accessory building must be located on the same lot as the primary house. If adjoining lots are in common ownership, the owner may apply with the Planning Division for a lot modification to combine the lots.

## **Private Covenants**

Private covenants for a neighborhood may impose additional restrictions, such as design standards or outright prohibition of accessory buildings. The City does not enforce private covenants or maintain records of which lots have private covenants.

## **How to Apply**

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### *Building Permit*

If a building permit is required, you or your contractor may submit a building permit with the Building Inspections Division of the City of Bismarck's Community Development Department.

### *Special Use Permit*

If a special use permit is required to allow a larger size, a uniform development application may be submitted to the Planning Division of the City of Bismarck. Please allow at least 45 days for special use permit approval before a building permit may be issued.

*For additional information, contact the City of Bismarck Planning Division at 355-1840 or visit the City-County Office Building 221 N. 5th Street during standard office hours.*