



COMMUNITY DEVELOPMENT DEPARTMENT

DATE: October 4, 2016

FROM: Carl D. Hokenstad, AICP, Director of Community Development

ITEM: Accessory Buildings in RMH District – Zoning Ordinance Text Amendment

REQUEST

The City of Bismarck's Community Development Department – Planning Division has initiated this zoning ordinance text amendment in order to clarify provisions for accessory buildings in the RMH Residential zoning district.

Section 14-04-05 of the City Code of Ordinances (RMH Residential) indicates that each leased lot within a manufactured home park shall be limited to one attached utility structure of no more than 120 square feet, that no accessory building shall exceed 15 feet in height and that no legal attachment to a principal building shall exceed the height of the principal building. Although detached accessory structures have historically been allowed in the RMH – Residential zoning district, the provisions of this section are silent on the size or placement of accessory buildings other than those that are attached to the principal structure.

The proposed amendment will clarify that accessory buildings beyond an attached utility structure are allowed within the RMH – Residential zoning district and outline the requirements for such accessory buildings.

Please place this item on the October 11 City Commission meeting and the October 25, 2016 City Commission meeting.

BACKGROUND INFORMATION

The Planning & Zoning Commission held a public hearing on this item on September 28, 2016.

No members of the public spoke at the public hearing.

At the conclusion of the hearing, and based on the findings contained in the staff report, the Planning & Zoning Commission unanimously recommended approval of the zoning ordinance text amendment as outlined in Ordinance 6235.

RECOMMENDED CITY COMMISSION ACTION

October 11th Meeting of the Board of City Commissioners – consider the request for the zoning ordinance text amendment as outlined in Ordinance 6235, and call for a public hearing on this item for the October 25th meeting of the Board of City Commissioners.

October 25th Meeting of the Board of City Commissioners – hold a public hearing on the zoning ordinance text amendment as outlined in Ordinance 6235 and take final action on the proposed amendment.

STAFF CONTACT INFORMATION

Please contact Kim L. Lee, AICP, the planner in our office assigned to this request, at 355-1846 or klee@bismarcknd.gov.

Planning Manager Kim Lee will also present this item at the meeting.

CITY OF BISMARCK
Ordinance No. 6235

<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 SECTIONS 14-03-06 AND 14-04-05 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO INCIDENTAL USES AND THE RMH RESIDENTIAL DISTRICT.

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

Section 1. Amendment. Section 14-03-06 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Incidental Uses is hereby amended and re-enacted to read as follows:

14-03-06. Incidental Uses. Permitted uses and approved special uses shall be deemed to include accessory uses and accessory structures that are customarily incidental to the principal use, subject to the following standards:

1. Accessory Uses and Buildings.

* * * * *

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

1. Accessory uses and buildings commonly associated with residential uses include recreational activities, raising of pets, hobbies and parking of occupants' vehicles.

2. Customary domestic pets are allowed in accordance with the provisions of Title 3 of the Bismarck Code of Ordinances, but not including horses, poultry or agricultural livestock except as allowed in Sections 14-04-01, 14-04-02 or 14-04-17 of this ordinance. No more than three (3)

dogs or cats, four months of age or older are allowed.

3. Private swimming pools are allowed in accordance with the provisions of Chapter 4-06 of the City Code of Ordinances.

4. All allowable accessory buildings for a one or two-family residence in an urban residential zoning district (R5, R10, RM, RMH & RT) shall be limited to a maximum area of twelve hundred (1,200) square feet, a maximum wall height of twelve (12) feet and a maximum building height of twenty-five (25) feet.

Accessory buildings for the above computations shall include the following buildings: barns, stables, storage buildings, and detached garages. Attached garages are not included in the above computations, provided the area occupied by an attached garage does not exceed one and one-half times the area of the footprint of the dwelling portion of the principal structure to which it is attached.

* * * * *

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

Section 2. Amendment. Section 14-04-05 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the RMH Residential District is hereby amended and re-enacted to read as follows:

14-04-05. RMH Residential District.

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3. Development Standards.

a. Density. The maximum allowable density for all manufactured home parks shall be seven (7) families per net acre.

b. Lot Dimensions.

1. For single-wide manufactured home dwelling units, minimum lot dimensions shall be fifty (50) feet and the minimum lot area shall be five thousand (5,000) square feet.

2. For double-wide manufactured home dwelling units, minimum lot dimensions shall be sixty (60) feet and the minimum lot area shall be six thousand (6,000) square feet.

c. Park Area. The minimum total area of a manufactured home park shall be at least one hundred forty thousand (140,000) square feet.

d. Lot Coverage. The ground area occupied by a manufactured home, all utility structures, roofed deck or patio, and required off-street parking spaces shall not exceed forty (40) per cent of the total area of the lot. In computing the ground coverage, sufficient off-street parking space to comply with Section 14-03-10 hereof shall be added to actual area of the principal and accessory buildings. Each lot shall be limited to one attached utility structure of no more than one hundred twenty (120) square feet. Each lot may also have a detached accessory building(s) in accordance with Section 14-03-06 (1) of this Title, provided the lot coverage requirement is not exceeded.

e. Height Limits. No accessory building shall exceed fifteen (15) feet in height, nor shall any legal attachment to a principal building except the height of the principal building.

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(Ord. 4756, 05-14-96; Ord. 4936, 09-08-98; Ord. 5728, 05-26-09; Ord. 6028, 01-28-14)

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

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



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

September 28, 2016

Application for: Zoning Ordinance Text Amendment

TRAKiT Project ID: ZOTA2016-005

Project Summary

Title:	Accessory Uses and Buildings in RMH Residential Zoning District
Status:	Planning & Zoning Commission – Public Hearing
Project Contact:	Kim L. Lee, AICP, Planning Manager
Sections Amended:	14-03-06(1) (Incidental Uses/Accessory Uses and Buildings) and 14-04-05(3) (RMH Residential District/Development Standards)
Request:	Modify provisions in Title 14 to clarify the maximum permitted accessory building size allowed in the RMH Residential District.

Staff Analysis

Section 14-04-05(2) of the City Code of Ordinances (RMH Residential) outlines use development standards for single-family mobile and manufactured home dwellings located within manufactured home parks. The lot coverage standards indicate that each lot shall be limited to one attached utility structure of no more than 120 square feet. The height limits indicate that no accessory building shall exceed 15 feet in height and that no legal attachment to a principal building shall exceed the height of the principal building. Although detached accessory structures have historically been allowed in this district, the provisions of this section are silent on the size or placement of accessory buildings other than those that are attached to the principal structure.

The desire for accessory buildings in this district has increased as the size of lease lots within the manufactured home parks have increased. Again, although the RMH zoning district is silent on this matter, the practice has been to issue permits for accessory buildings under the same provisions applied to single-family dwellings in the R5 and R10 zoning district.

The proposed amendments will clarify that accessory buildings beyond an attached utility structure are allowed within the RMH zoning district and outline the requirements for such accessory buildings.

Required Findings of Fact

1. The proposed text amendment would not adversely affect the public health, safety or general welfare;
2. 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;
3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance; and
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning ordinance text amendment to clarify provisions for accessory buildings in the RMH Residential zoning district, as outlined in the attached draft ordinance.

(continued)

Attachments

1. Draft zoning ordinance amendment
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Staff report prepared by: Kim L. Lee, AICP, Planning Manager
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