

REGULAR AGENDA

FINAL CONSIDERATION/PUBLIC HEARINGS

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

5. **Lots 4 & 5, Block 6, Stonecrest 2nd Addition – Zoning Change (R10 to CG) (G²)**9
Staff recommendation: approve approve continue table deny
6. **Lot 7, Block 11, Northern Pacific Addition – Major PUD Amendment (JT)**.....13
Staff recommendation: approve approve continue table deny
7. **Off-street Parking & Loading/Vehicle Stacking – Zoning Ordinance Text Amendment (Klee)**.....41
Staff recommendation: approve approve continue table deny
8. **Stormwater Management – Zoning Ordinance Text Amendment (Klee)**.....57
Staff recommendation: approve approve continue table deny

OTHER BUSINESS

9. **Other**

ADJOURNMENT

10. **Adjourn.** The next regular meeting date is scheduled for Wednesday, November 16, 2011.

Enclosure: Minutes of the September 28, 2011 meeting
 Major Building Permits Report for September 2011
 Building Permit Activity Report for September 2011

**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Lots 3 & 4, less the East 80.63 feet of Lot 4, Block 1, Eastdale Addition – Zoning Change (RT to CA)		
Status: Planning Commission – Consideration	Date: October 26, 2011	
Owner(s): J & L Development, Inc.	Engineer: Swenson, Hagen & Company	
Reason for Request: The proposed zoning change would allow the addition of a second building and the expansion of the existing strip mall facility.		
Location: In east Bismarck, along the north side of East Rosser Avenue just east of North 26 th Street.		
Project Size: 16,379 SF (.376 acres)	Number of Lots: Part of 2 lots in 1 block	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Vacant/Undeveloped	Land Use: Commercial strip mall	
Zoning: RT – Residential	Zoning: CA – Commercial	
Uses Allowed: RT – Multi-family and offices	Uses Allowed: CA – Multi-family, light commercial and offices	
Maximum Density Allowed: RT – 30 units per acre	Maximum Density Allowed: CA – 30 units per acre	
PROPERTY HISTORY:		
Zoned: July 1971	Platted: July 1971	Annexed: Pre-1980
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. A site plan has been submitted as part of the City’s formal Site Plan Review Process. The site plan shows the expansion of the existing strip mall facility located on the parcel directly to the west and an additional strip mall facility on the remaining undeveloped property related to this zoning change request. The site plan also illustrates the appropriate buffer yard screening elements and separation distance necessary to satisfy the regulations of the Landscaping and Screening Ordinance. 		
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning change is in an area outside the boundaries of the Bismarck-Mandan Regional Future Land Use Plan. 2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include a church and developed single-family residential to the north, developed multi-family property to the east, partially-developed commercial property to the south and commercial property to the west. 		
<i>continued...</i>		

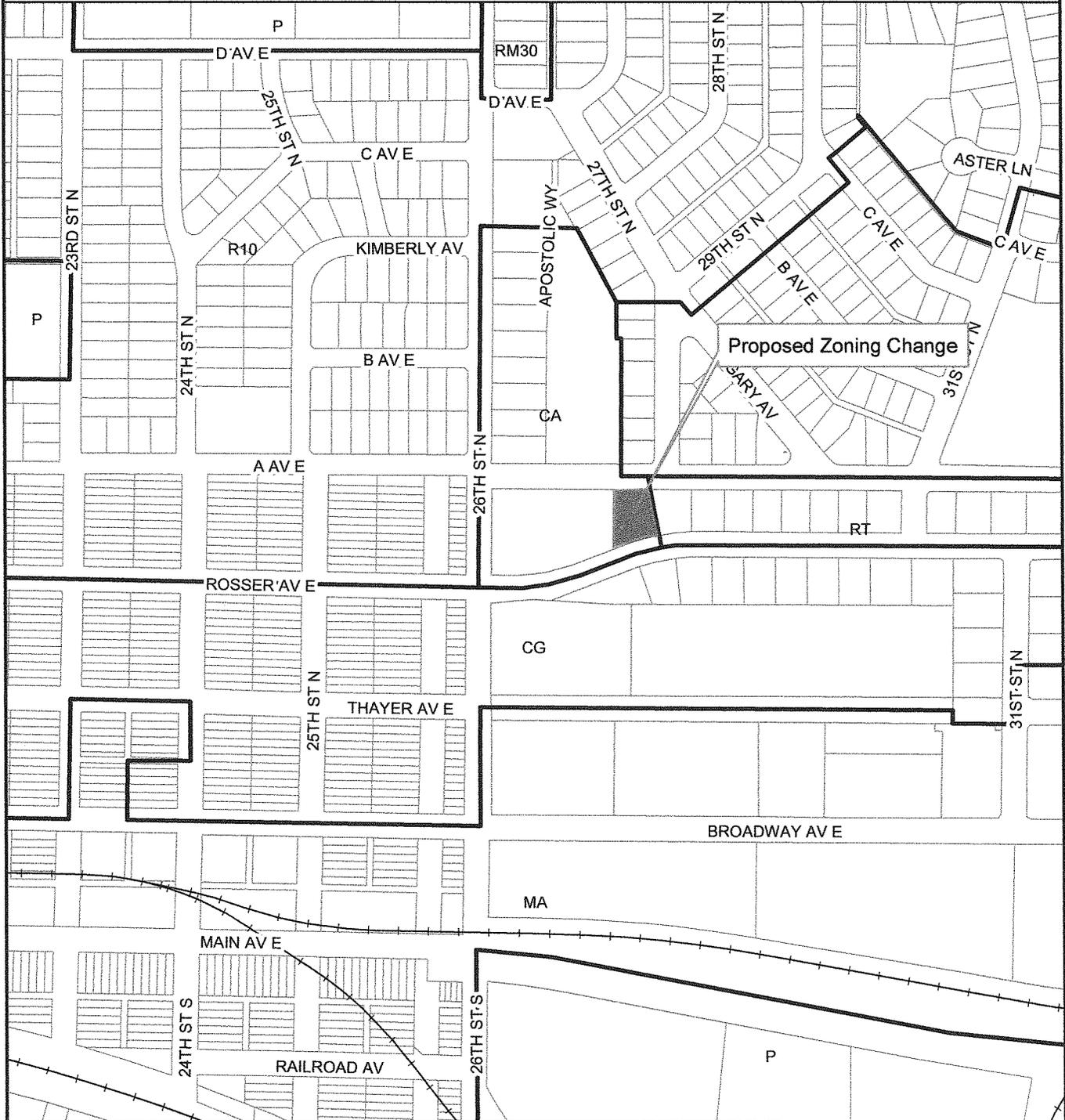
3. The property is already annexed; therefore the proposed zoning change would not place an undue burden on public services.
4. With the installation of the required buffer yard landscaping, the proposed zoning change would not adversely affect property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing for the zoning change for Lots 3 & 4, less the east 80.63 feet of Lot 4, Block 1, Eastdale Addition, from RT-Residential to CA-Commercial.

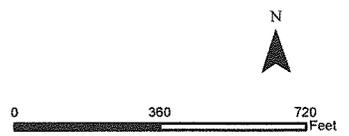
Proposed Zoning Change (RT to CA)

Lots 3-4, less the E80.63' of Lot 4, Block 1, Eastdale Addition

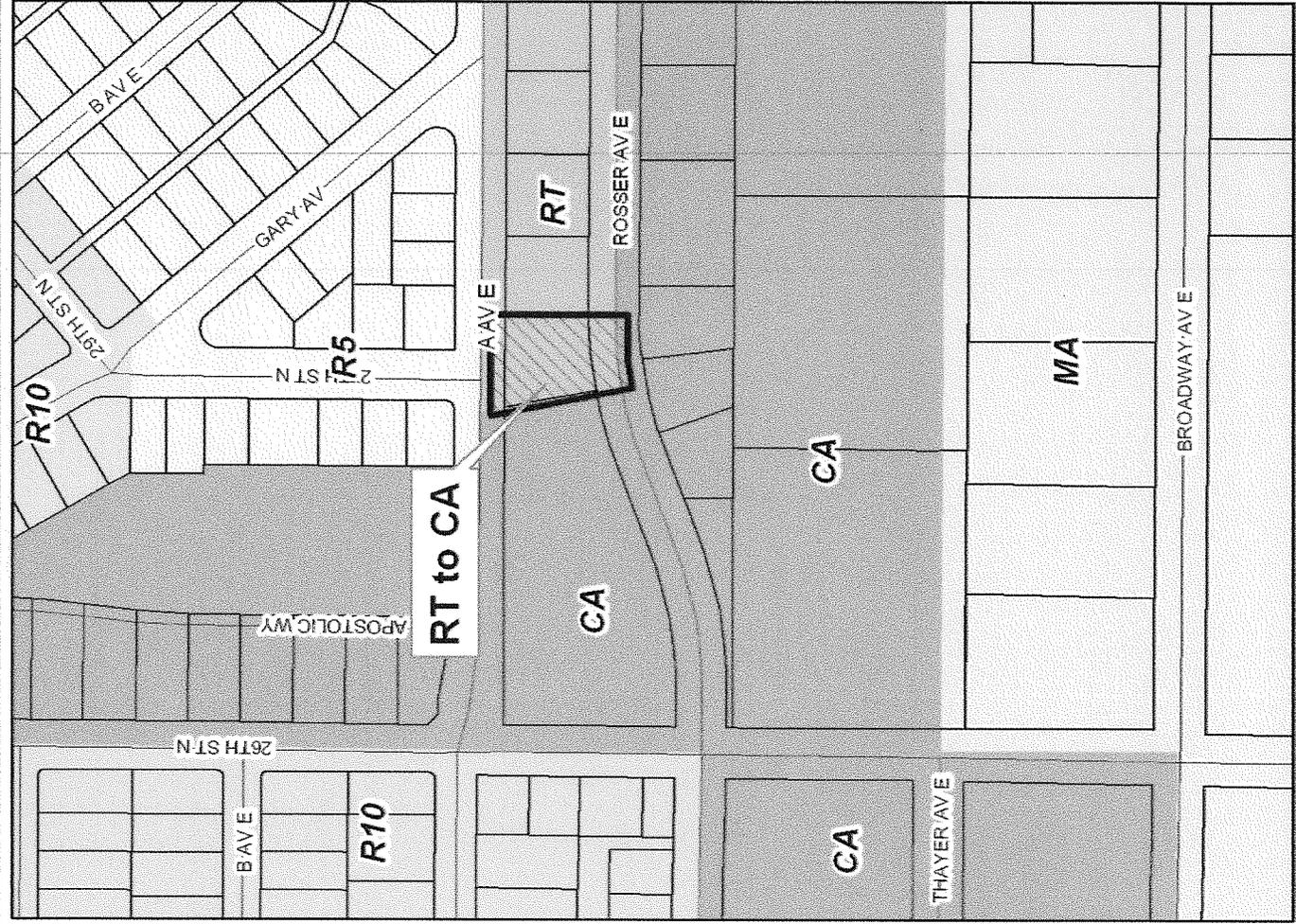
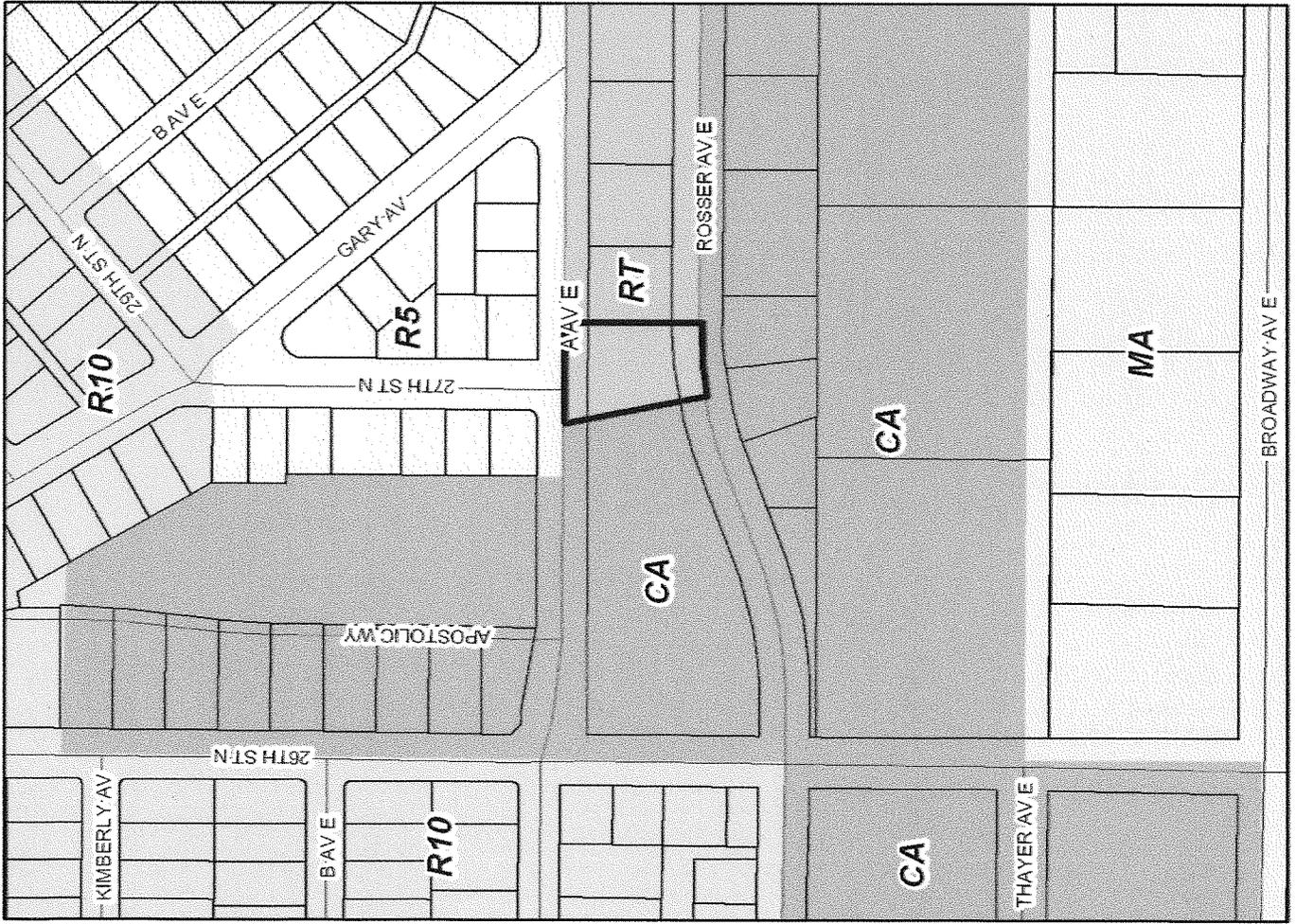


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
 Map was Updated/Created: October 20, 2011 (Klee)

Source: City of Bismarck



Lots 3-4, less the East 80.63 feet of Lot 4, Block 1, Eastdale Addition



October 2011

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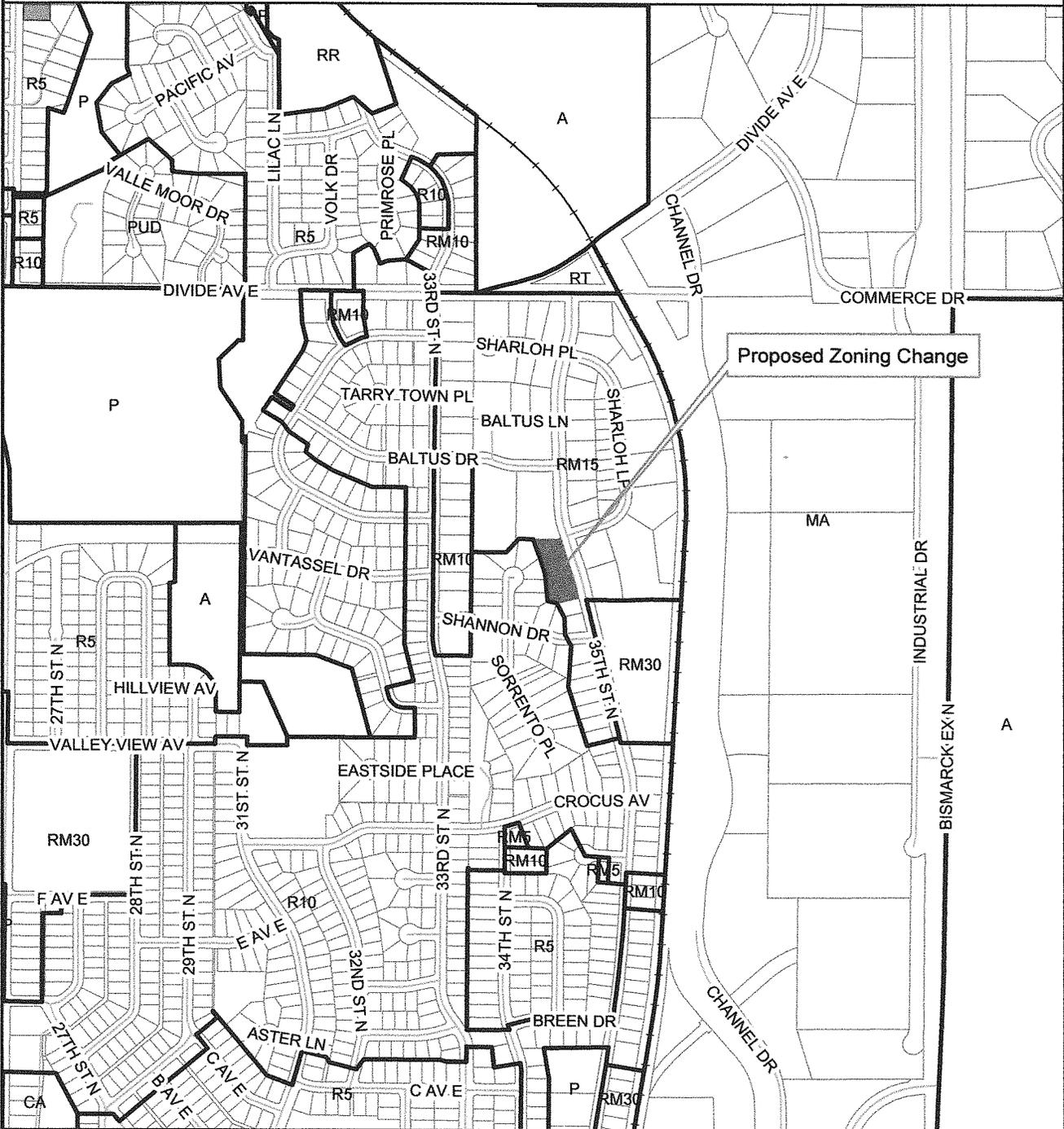
**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Lots 1-4, Block 2, Shannon Valley 4 th Addition – Zoning Change (RM15 to R10) (property being replatted as Shannon Valley 4 th Addition First Replat)		
Status: Planning Commission – Consideration	Date: October 26, 2011	
Owner(s): Todd's Construction	Engineer: Houston Engineering, Inc.	
Reason for Request: Change zoning of property to allow twinhome development.		
Location: Along the west side of North 35 th Street between Baltus Drive and Shannon Drive.		
Project Size: 1.33 acres, more or less	Number of Lots: 4 lots in 1 block	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Undeveloped	Land Use: One & two-family residential	
Zoning: RM15 – Residential	Zoning: R10 – Residential	
Uses Allowed: Multi-family residential	Uses Allowed: One and two-family residential	
Maximum Density Allowed: 15 units/acre	Maximum Density Allowed: 10 units/acre	
PROPERTY HISTORY:		
Zoned: 06/06	Platted: 06/06	Annexed: Pre-1980
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> The applicants are requesting a zoning change to allow for twinhome development on the property. The current zoning would allow the construction of four two-unit buildings on the property, but they would have to be on a common lot as a condo association. The zoning change will allow the same style of development with individual ownership of the land upon which the unit is constructed. 		
FINDINGS:		
<ol style="list-style-type: none"> This area is outside of the area covered by the Land Use Plan. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include multi-family to the north, east and south and one and two-family residential to the west. si. The property is already annexed; therefore, the proposed zoning change will not place an undue burden on public services. The proposed zoning change would not adversely affect property in the vicinity. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice. 		

RECOMMENDATION:

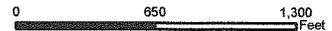
Based on the above findings, staff recommends scheduling a public hearing for the zoning change from RM15 – Residential to R10 – Residential on Lots 1-4, Block 2, Shannon Valley Fourth Addition (to be replatted as Lots 1-8, Block 1, Shannon Valley Fourth Addition First Replat).

Proposed Zoning Change (RM15 to R10) Lots 1-4, Block 2, Shannon Valley Fourth Addition Replat



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Map was Updated/Created: September 28, 2011 (kgg)

Source: City of Bismarck

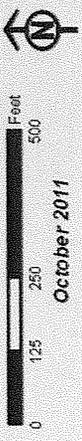
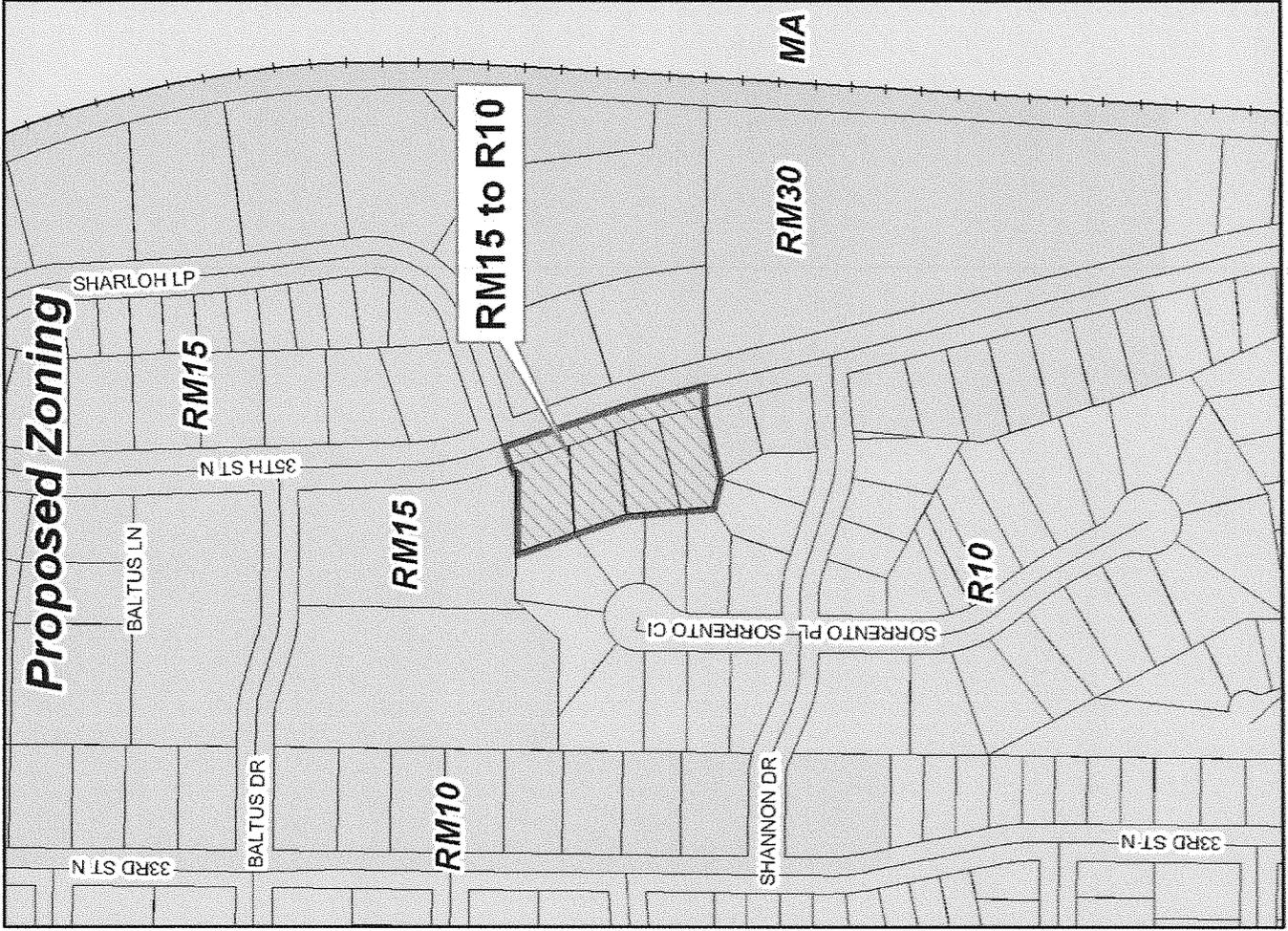


Lots 1-4, Block 2, Shannon Valley Fourth Addition - Zoning Change

Existing Zoning



Proposed Zoning



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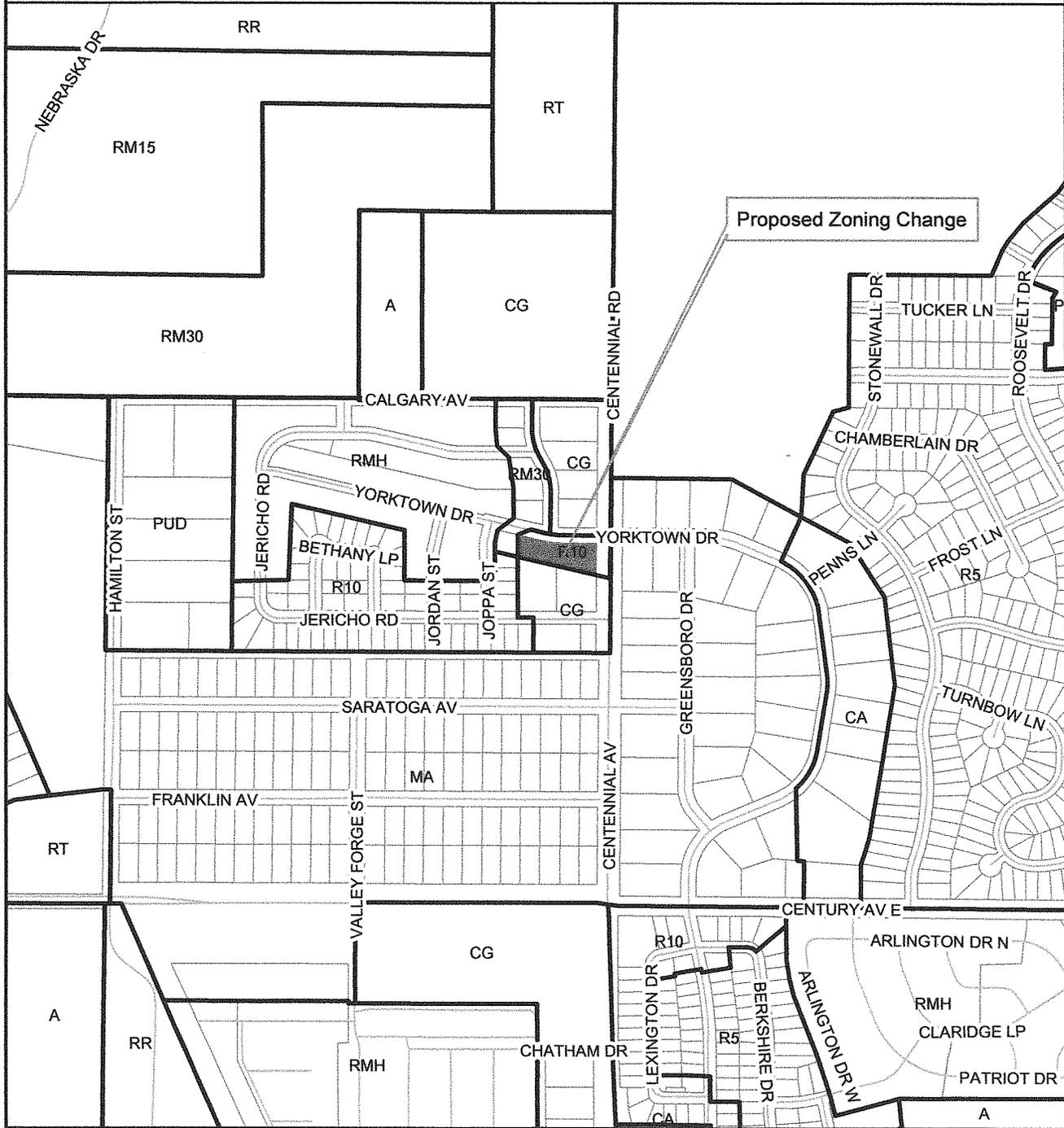
October 2011

**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Lots 4 & 5 of Block 6 in Stonecrest Second Addition – Zoning Change (R10 to CG)		
Status: Planning Commission – Public Hearing	Date: October 26, 2011	
Owner(s): Liechty Homes, Inc.	Engineer: N/A	
Reason for Request: Zone lots for commercial development (these two lots were left out of the earlier zoning change on this plat)		
Location: In northeast Bismarck, less than ½ mile north of Century Avenue on the west side of Centennial Avenue. (part of the N ½ of the SE ¼ of Section 23, T139N-R80W/ Hay Creek Township)		
Project Size: 1.21 acres	Number of Lots: 2 lots in 1 block	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Undeveloped	Land Use: Commercial	
Zoning: R10 - Residential	Zoning: CG-Commercial	
Uses Allowed: Single and two-family residential	Uses Allowed: Multi-family dwellings, offices, taverns, wholesale and heavy commercial	
Maximum Density Allowed: 10 units per acre	Maximum Density Allowed: 42 units per acre	
PROPERTY HISTORY:		
Zoned: 2001	Platted: April, 2011	Annexed: February, 2011
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning change would be consistent with the Land Use Plan, which identifies the long range use of this area as general commercial west of Centennial Road (Bismarck-Mandan Regional Land Use Plan). 2. The proposed zoning change is compatible with adjacent land uses and would not adversely affect property in the vicinity. Adjacent land uses include a church on a CG lot to the south; undeveloped CG and RM30 lots to the north; an undeveloped R10 lot to west, and undeveloped MA land to the east, across Centennial Road. 3. The subdivision proposed for this property has already been annexed; therefore, the zoning change will not place an undue burden on public services and facilities. 4. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance. 5. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice. 		
RECOMMENDATION:		
Based on the above findings, staff recommends approval of the zoning change from R10-Residential to CG-Commercial for Lots 4-5 of Block 6, Stonecrest Second Addition.		

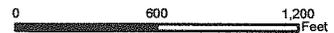
Proposed Zoning Change

Lots 4-5, Block 6, Stonecrest Second Addition

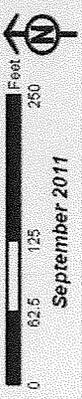


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 Map was Updated/Created: September 7, 2011 (kdg)

Source: City of Bismarck



Stonecrest Second Addition Zoning Change - R10 to CG



**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Lot 7, Block 11, Northern Pacific Addition – Major PUD Amendment		
Status: Planning Commission – Public Hearing	Date: October 26, 2011	
Owner(s): 613 Development Corporation	Engineer: None	
Reason for Request: The applicant wishes to convert the existing property from its former uses as a salon, offices and an apartment to a day care facility with offices and an apartment.		
Location: Along the east side of 3 rd Street North between East Avenue B and East Avenue C (613 North 3 rd Street).		
Project Size: 11,250 square feet	Number of Lots: 1 lot in 1 block	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: 3-story mixed-use building with one apartment, office space, vacant space formerly used as a salon with craft & gift sales, and off-street parking.	Land Use: 3-story, mixed-use building with one apartment, office space, salon, craft & gift sales, day care facility and off-street parking,	
Zoning: PUD – Planned Unit Development	Zoning: PUD – Planned Unit Development	
Uses Allowed: PUD – Salon, craft & gift sales, office space and one apartment	Uses Allowed: PUD- Day care facility, office space and one apartment	
Maximum Density Allowed: PUD – Two residential units	Maximum Density Allowed: PUD – Two residential units	
PROPERTY HISTORY:		
Zoned: 10/86 (Lot 6) 04/87 (Lot 7)	Platted: 02/1915	Annexed: Pre-1980
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. Section 14-04-18 of the Bismarck Code of Ordinances (Zoning) indicates that the intent of the City’s Planned Unit Development district is “to encourage flexibility in development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space.” A copy of this section is attached. 2. The property was originally zoned as a PUD in April 1987. The allowable uses included a salon, offices and apartments. The PUD was amended in 2001 to include a craft & gift sales as an allowable use. The salon was recently closed by its owners. The building owner/applicant has requested an amendment to the PUD to allow a day care facility 		
<i>continued...</i>		

3. Currently the applicant also owns the adjacent parcel to the south (611 North 3rd Street which is legally described as the north 50 feet of Lot 6, Block 11, Northern Pacific Addition) as a different entity. The property was acquired in 2002 to help accommodate additional parking demands. The lot to the south is primarily vacant; the only structure is a three-stall garage available for parking and storage. The partially developed lot was not included with the initial PUD and is not included in this request; however, the applicant has indicated that the off-street parking available on the adjacent lot would be utilized to support additional off-street parking needs for the building at 613 North 3rd Street. Planning staff has expressed a desire for the two lots to be combined as one parcel for the purpose of ensuring adequate parking would accompany the uses in the building located at 613 North 3rd Street. The applicant has indicated that the combination of the two separate lots could be accomplished pending a favorable outcome of his request to amend the PUD to allow a day care facility within the existing building.
4. The day care facility is intended to accommodate up to 58 children ranging in age from 0-12 years and 10 staff members. Based on this information provided with the application, 11 off-street parking spaces are required for the day care facility. Additionally, there shall be three off-street parking spaces provided for the apartments. Currently Lot 7 provides 17 parking spaces. With the additional parking available on the lot adjacent to the south, a total of 25 spaces would be provided.
5. Section 14-03-08(4)(r) of the City Code of Ordinances lists the requirements for a day care facility as a special use permit in any zoning district. A special use permit is not listed as an allowable use in a PUD zoning district; therefore, it is reasonable to ensure that a daycare facility in a PUD zoning district would meet the same requirements as a day care use in a different zoning district. The following five conditions would need to be satisfied: 1) Each building shall provide not less than thirty-five (35) square feet of interior recreation area per client. Work areas, office areas, and other areas not designed for use of the clients may not be counted in this computation; 2) Each lot shall provide an outdoor recreation area of not less than forty (40) square feet per client. The recreation area shall be fenced and located behind the building setback lines. Recreation areas shall be required only for those clients under twelve (12) years of age; 3) Adequate off street parking shall be provided at the following ratio: One space for each two employees and one space for each ten (10) clients; 4) Every sleeping room shall have at least one openable window or door approved for emergency escape or rescue; and 5) Day care centers shall conform to the Uniform Building Code and The Uniform Fire Codes which have been adopted by the City of Bismarck.
6. The City Traffic Engineer has expressed a concern with the proposed use of the property as a day care facility (see attached letter). The Traffic Engineer has stated that there is the potential for significant traffic impacts to 3rd Street traffic flow and the intersection of 3rd Street and Avenue C. 3rd Street is functionally classified a collector route and carries large volumes of traffic during AM and PM commute times. This facility is located south of the signalized intersection of 3rd Street and Avenue C with the northernmost driveway being located approximately 70 feet south of the intersection. This area is within the operational area of the intersection and will typically be inaccessible to southbound traffic during peak hours due to traffic stacking. There is an additional concern relating to the existing narrow driveways accessing this property and the ability of two motorists to utilize the driveways simultaneously. The Traffic Engineer and the applicant have discussed improvements to the property that would ameliorate the above-listed concerns. The improvements include new paint markings in the parking area to accommodate diagonal parking spaces and yellow arrows indicating the direction of traffic flow; a one-way traffic circulation pattern that would have traffic enter the site at the southernmost driveway and exist the property by utilizing the northernmost driveway; installing permanent signage throughout the property that indicates the appropriate ingress and egress to the off-street parking area and "Right Turn Only" signs displaying the time times 7:30 AM to 8:30 AM and 4:30 PM to 5:30 PM; and the removal of an existing shrub located adjacent to the northernmost driveway to aid in visibility as motorists exit the property.

continued...

FINDINGS:

1. The proposed PUD amendment would be compatible with adjacent land uses. Adjacent land uses include a mix of owner-occupied single-family dwellings, multi-family dwellings and the historic governors' mansion to the south east.
2. The proposed PUD amendment would not place an undue burden on public services. In particular, the installation of directional signage and signage prohibiting right turn traffic movements during specific times of the day, re-striping the off-street parking area to accommodate diagonal parking and direct traffic movements and the removal of the existing shrub adjacent to the proposed egress driveway, would mitigate negative impacts on 3rd Street traffic operations
3. The proposed amendment would not adversely affect property in the vicinity. In particular, the City Traffic Engineer previous concerns regarding the traffic operations during peak commute times would be mitigated by the above-listed site improvements.
4. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance.
5. The proposed amendment is consistent with all adopted plans, policies and accepted planning practice

RECOMMENDATION:

Based on the above findings, staff recommends approval of the Major PUD Amendment for Lot 7, Block 11, Northern Pacific Addition, as outlined in the attached PUD Amendment, which includes the following provisions to address the required traffic safety improvements:

1. New paint markings in the parking area to accommodate diagonal parking spaces.
2. Painted yellow arrows indicating the direction of traffic flow throughout the parking area.
3. A one-way traffic circulation pattern that would have traffic enter the site at the southernmost driveway and exit the property by utilizing the northernmost driveway.
4. Permanent signage is installed throughout the property that indicates the appropriate ingress and egress to the off-street parking area and "Right Turn Only" signs displaying the time times "7:30 AM to 8:30 AM" and "4:30 PM to 5:30 PM".
5. The existing shrub located adjacent to the northernmost driveway is removed.
6. The above listed conditions are satisfied prior to the operation of the day care facility.

LOT 7, BLOCK 11, NORTHERN PACIFIC ADDITION PLANNED UNIT DEVELOPMENT

ORDINANCE NO. 4143 (Adopted April 28, 1987)

MAJOR PUD AMENDMENT (Adopted December 21, 2001)

MAJOR PUD AMENDMENT (Adopted _____)

WHEREAS, Ordinance No. 4143 was adopted by the Board of City Commissioners on April; 28, 1987 and amended on December 21, 2001; and

WHEREAS, the ordinance indicates that any change in the uses outlined in the ordinance requires an amendment to the PUD; and

WHEREAS, Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments) outlines the requirements for amending a PUD; and

WHEREAS, 613 Development Corporation has requested an amendment to the Planned Unit Development for Lot 7, Block 11, Northern Pacific Addition.

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

Lot 7, Block 11, Northern Pacific Addition

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

1. *Uses Permitted.* Uses permitted include a salon, offices, and one apartment and a day care facility for up to 60 children. Any change in the use of the building from that indicated above will require an amendment to this PUD.
2. *Residential Development Standards.* The maximum allowable density shall be one (1) unit.
3. *Commercial Development Standards.* The existing 3-story building shall remain with no modifications to the size. Any change to the location, size or use of this building that is inconsistent with these standards will require an amendment to this PUD.
4. *Parking and Loading.* Adequate parking shall be provided on site for the proposed uses in accordance with Section 14-03-10 of the City Code of Ordinances. Although the south 60 feet of Lot 6, Block 11, Northern Pacific Addition is not included in the PUD, it is under common ownership and provides additional parking for this facility. The arrangement is expected to continue.

5. Day Care Facility Standards.

a. Each building shall provide not less than thirty-five (35) square feet of interior recreation area per client. Work areas, office areas, and other areas not designed for use of the clients may not be counted in this computation.

b. Each lot shall provide an outdoor recreation area of not less than forty (40) square feet per client. The recreation area shall be fenced and located behind the building setback lines. Recreation areas shall be required only for those clients under twelve (12) years of age.

c. Adequate off street parking shall be provided at the following ratio: One space for each two employees and one space for each ten (10) clients.

d. Every sleeping room shall have at least one openable window or door approved for emergency escape or rescue.

e. Day-care centers shall conform to the Uniform Building Code and The Uniform Fire Codes which have been adopted by the City of Bismarck.

f. The following traffic safety improvements are required:

- i. New paint markings in the parking area to accommodate diagonal parking spaces.
- ii. Painted yellow arrows indicating the direction of traffic flow throughout the parking area.
- iii. A one-way traffic circulation pattern that would have traffic enter the site at the southernmost driveway and exit the property by utilizing the northernmost driveway.
- iv. Permanent signage is installed throughout the property that indicates the appropriate ingress and egress to the off-street parking area and "Right Turn Only" signs displaying the time times "7:30 AM to 8:30 AM" and "4:30 PM to 5:30 PM".
- v. The existing shrub located adjacent to the northernmost driveway is removed.
- vi. The above listed conditions are satisfied prior to the operation of the day care facility.

6. Screening of Mechanical Equipment and Solid Waste Collection Areas.

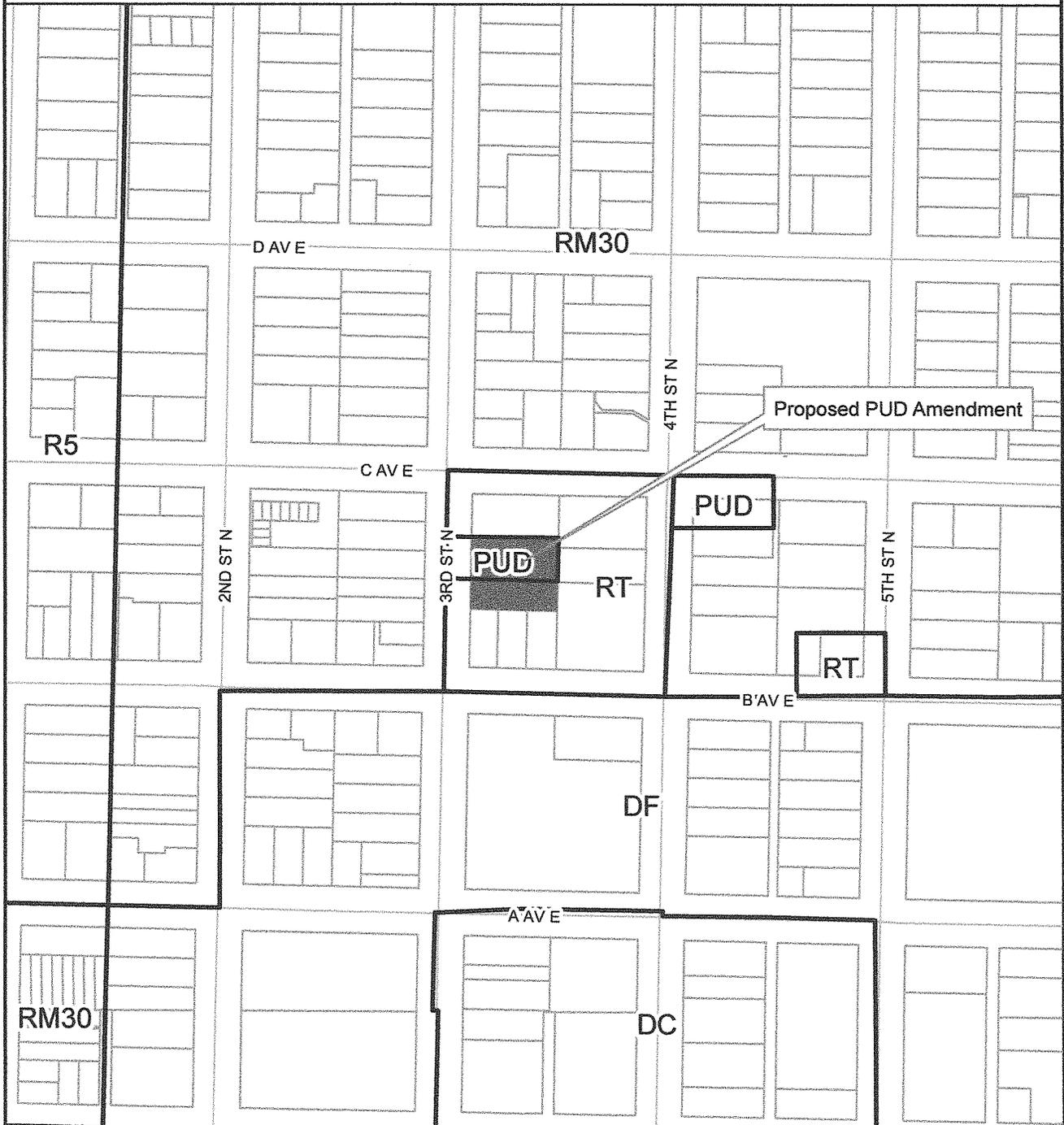
Mechanical equipment and solid waste collections areas shall be screened in

accordance with Section 14-03-12 of the City Code of Ordinances (Screening of Mechanical Equipment and Solid Waste Collection Areas).

7. *Signage.* Commercial signage on the site shall be the same as allowed under the RT-Residential standards.

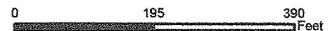
8. *Changes.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major changes require a public hearing and a majority vote of the Bismarck Planning & Zoning Commission.

Proposed PUD-Planned Unit Development Amendment The N50' of Lot 6 & Lot 7, Block 11, Northern Pacific Addition



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Map was Updated/Created: August 30, 2011 (kdg)

Source: City of Bismarck



RECEIVED

SEP 22 2011

Bismarck Engineering Department

TO: Planning Department

From: Mark A. Berg, Traffic Engineer

RE: 613 North 3rd Street PUD – Day Care Facility

The proposed 58 child capacity could potentially create significant traffic impacts to 3rd Street traffic flow and the intersection of 3rd and Avenue C.

North 3rd Street is a collector route and carries large volumes of traffic during AM and PM traffic peaks. This typically coincides about same time parents pick up their children from daycare.

This facility is located south of the signalized intersection of 3rd Street and Avenue C.

The northern most driveway (71 Feet south) is in the operational area of the intersection and will typically be inaccessible to southbound traffic during peak hours due to traffic stacking. One southbound vehicle stopping to enter the daycare will stack traffic into the intersection of 3rd Street and Avenue C causing a breakdown of traffic movement and potential safety issues. This driveway also is minimal in width to allow ease of in and out traffic movements.

The southern driveway is approximately 16 feet wide. This is not sufficient to handle two-way traffic movements for ingress and egress. Minimum driveway width should be 24- 26 feet and desirable width of 30-feet provides for fluid traffic movements. The narrow driveway will only permit a one-way traffic flow.

After further investigation of the traffic movements at 3rd Street and Avenue C, during the afternoon peak traffic flow (4:30 PM to 5:30 pm) based on a traffic count dated 05/05/2010 traffic on the street will stack beyond either driveway into this property. This will result in exiting traffic being able to only turn right. Entering traffic attempting to make a left turn into the facility will block 3rd Street while waiting for an adequate gap to cross northbound traffic. This will impact southbound traffic at the signalized intersection at Avenue C.

On street parking is available along 3rd Street. This is a residential/rental neighborhood with limited off street parking for tenants. My office has received comments in the past from residents concerning limited on street parking.

If parents utilize on street parking along the west side of 3rd Street they may have a tendency to jaywalk across 3rd Street between stacked vehicles waiting for the traffic signal. This could potentially result in a pedestrian crash if they step out from between stacked vehicles.

Melvin J. Bullinger, P.E., City Engineer

Phone: 701-355-1505 ★ TDD: 711 ★ FAX: 701-222-6593 ★ 221 N. Fifth Street ★ P.O. Box 5503 ★ Bismarck, ND 58506-5503

Based on the discussion above I would recommend denial of the change in the PUD to allow a daycare at this location.

A handwritten signature in black ink, appearing to read 'Mark A. Berg'. The signature is fluid and cursive, with the first name 'Mark' being the most prominent.

Mark A. Berg, Traffic Engineer

Jason Tomanek

From: Loran Galpin <[REDACTED]>
Sent: Monday, October 10, 2011 2:41 PM
To: Jason Tomanek
Subject: FW: 613 site plan

FYI

Loran

----- Forwarded Message

From: Loran Galpin <[REDACTED]>
Date: Mon, 10 Oct 2011 14:39:57 -0500
To: Mark Berg <maberg@nd.gov>
Conversation: 613 site plan
Subject: Re: 613 site plan

Loran,

What you have proposed below appears to address what I put in letter to the Planning Commission.

I would like to see the times for Right Turn Only changed to 8:30 Am and 5:30 PM. In reviewing the traffic counts in 5 minute intervals the AM and PM peaks do extend to half past the hour.

Not a requirement, but you may want to consider pavement marking arrows to reinforce the signage.

From: Loran Galpin [mailto:[REDACTED]]
Sent: Tuesday, October 04, 2011 5:07 PM
To: Mark Berg
Cc: Jason Tomanek
Subject: 613 site plan

Mark ,

Good afternoon .

When your schedule permits lets get together to discuss the changes that you had shared with me earlier that you would like to see incorporated as part of this approval .If Jason wants to join us that is fine

The items I remember that you indicated were important to address are:

1. Re-stripe the parking lot to an angle parking arrangement . I have contacted Great Lines and Mark is going to gray paint over the new striping they had just installed . They will then re-stripe the lot to the plan that is attached

2. The traffic pattern will be a One Way circulation system .

LARGE YELLOW ARROWS WILL BE INSTALLED ON PAVEMENT TO AID IN COMMUNICATING THIS TO DRIVERS

3. SIGNAGE WILL BE INSTALLED AT BOTH DRIVEWAYS.

- ENTER ONLY ... SOUTH DRIVEWAY

****DOUBLE SIDED SIGNAGE AT ENTRY**

ENTRY ONLY

- EXIT ONLYNORTH DRIVE WAY

****DOUBLE SIDED SIGNAGE AT ENTRY STATING**

EXIT ONLY

**** RIGHT TURN ONLY ****

7:30 AM -8:15AM

4:30PM - 5:15 PM

4. Bush south side of exit driveway will be Removed .

I will have all of these items completed before the Planning commission as they make sense even if this use is denied.

If I missed anything please let me know .

Sincerely ,

Loran Galpin , Pres
Galpin Company Inc.

Mark,

I appreciate the comments. We will change the times on the signs to 8:30 and 5:30.

I had asked Great lines last week to provide arrows on the pavement at the entry , at the top of the parking area , one turning to the north as traffic moves around building one going west at top of north parking lot and one at the exit driveway . I agree that these will enforce the the circulation flow.

Great Lines has already wiped out the new parking lines where we will install new angle stripes . They will do the new striping as soon as the weather permits.

The shrub south of the north exit drive will be removed this weekend .

We plan get the signs underway as they will be used even if our zoning request is not approved . I hope to get them in the ground before freeze up.

Loran

----- End of Forwarded Message

RECEIVED
AUG 26 2011

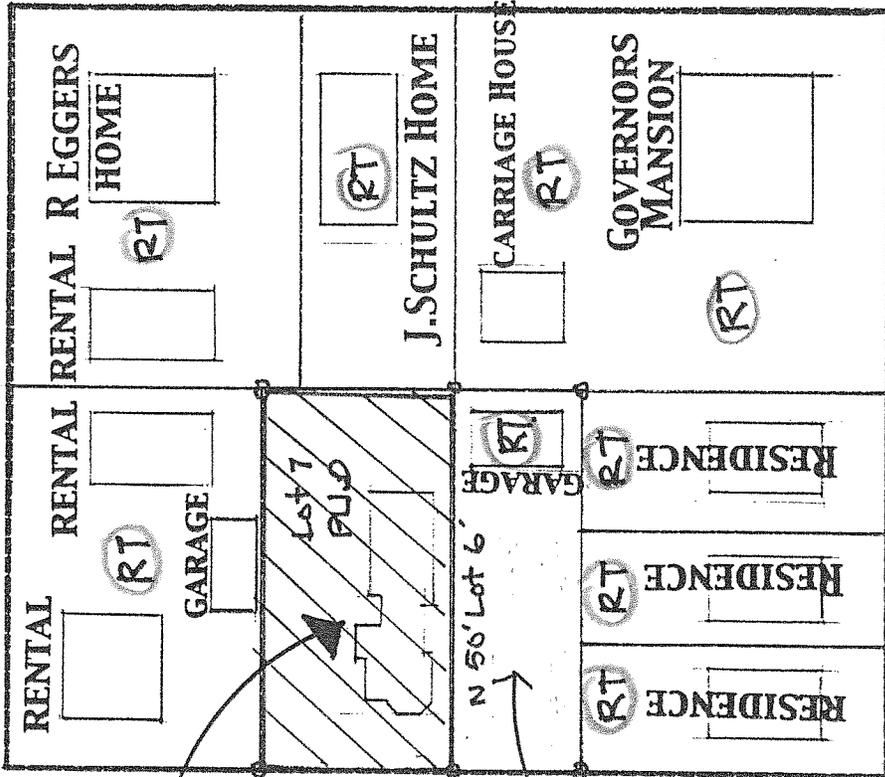
**SITE
613**

N 3rd St.

3RD STREET

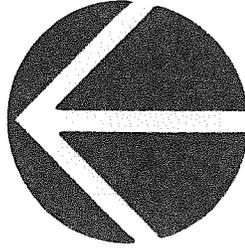
Loren Galpin
owner.

AVE C



4TH STREET

AVE B



north

1

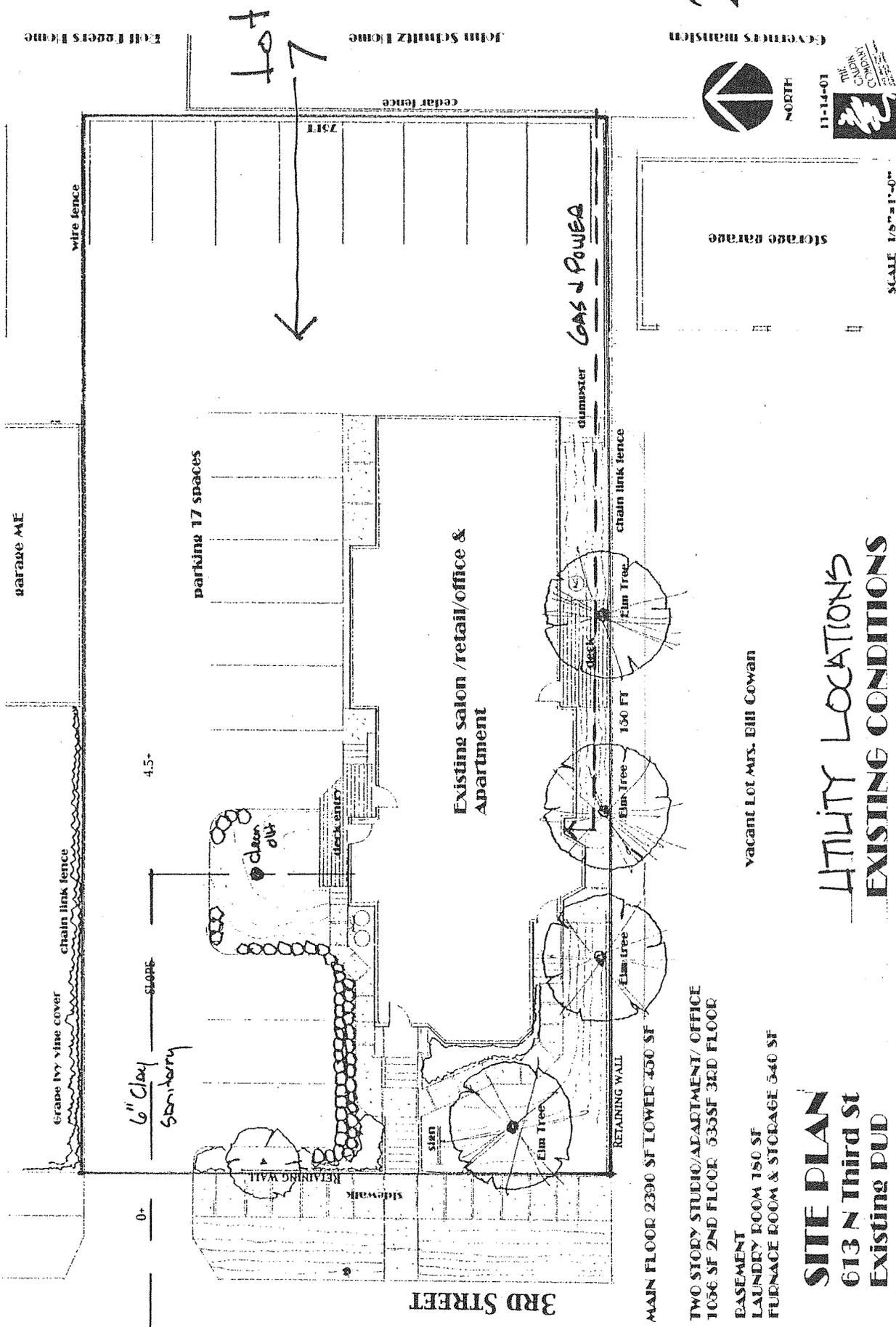


THE
GUILD
COMPANY
Box 2567 684512
P.O. Brock, ND
Dist 11 258 6663
(701)

Lot Ownership Map

RECEIVED
AUG 26 2011

RECEIVED
AUG 26 2011



SITE PLAN
613 N Third St
Existing PUD

UTILITY LOCATIONS
EXISTING CONDITIONS
* INITIAL PUD IN 1985-86

vacant lot Mrs. Bill Cowan

2

COVERED MASTER



SCALE 1/8" = 1'-0"

garage ME

wire fence

6" Clay Sanberry

4.5'

parking 17 spaces

lot 7

2011

John Schultz Home

cedar fence

3RD STREET

Existing salon /retail/office & Apartment

GAS & POWER

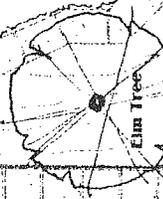
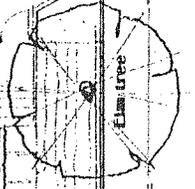
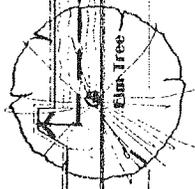
chain link fence

RETAINING WALL

MAIN FLOOR 2390 SF LOWER 400 SF

TWO STORY STUDIO/ADAPMENT/ OFFICE
1036 SF 2ND FLOOR 535SF 3RD FLOOR

EASEMENT
LAUNDRY ROOM 150 SF
FURNACE ROOM & STORAGE 540 SF



chain link fence

grape ivy vine cover

slope

0+

sidewalk

deck entry

clean out

slab

Elm Tree

Elm tree

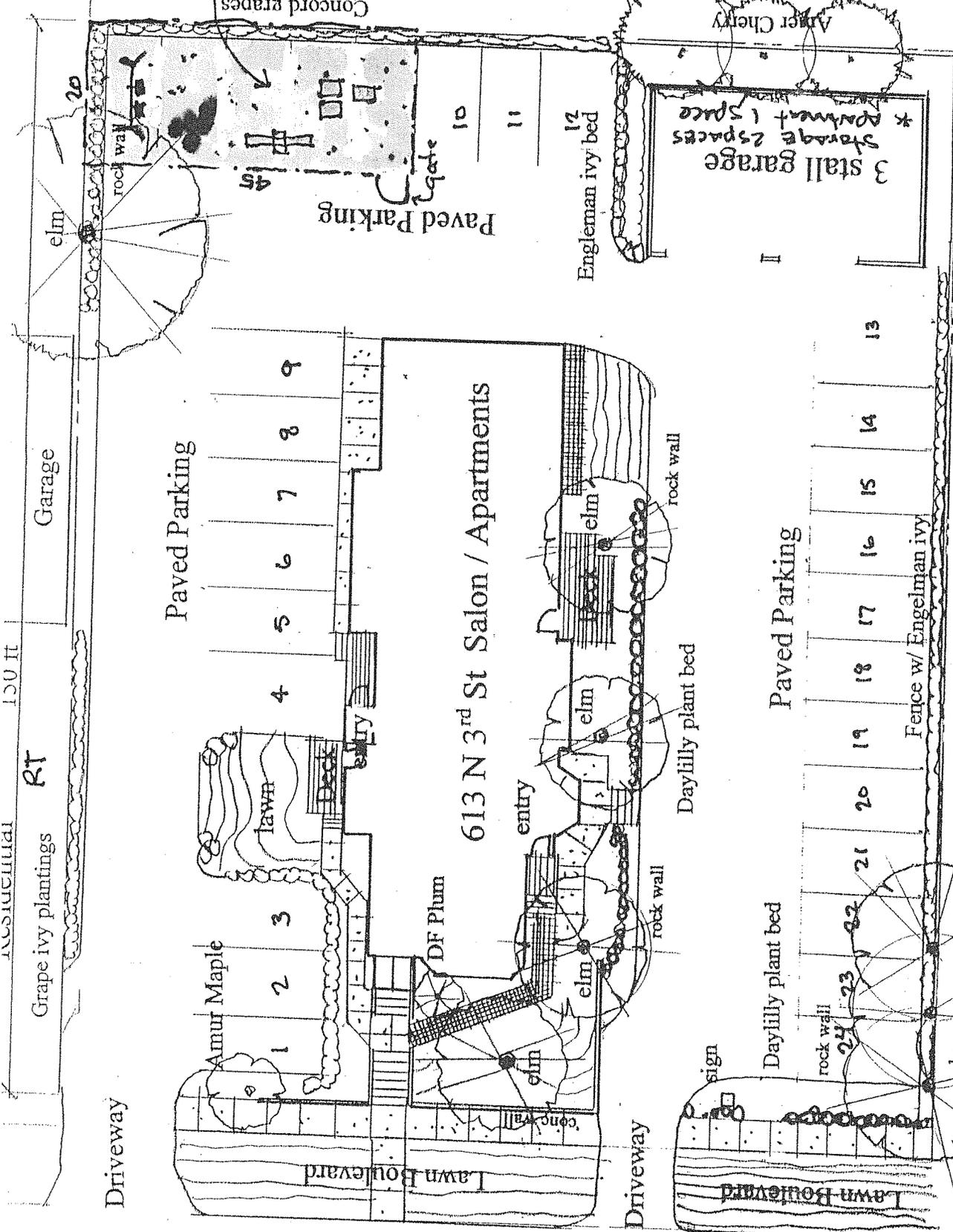
Elm Tree

Elm Tree

climber

Exit Egress Home

RECEIVED
Residential
RT AUG 26 2011



* FENCED PLAY AREA
900 SF.
* REA = 800 SF
* 20 children supervised per play period.
* X 40 = 800 SF

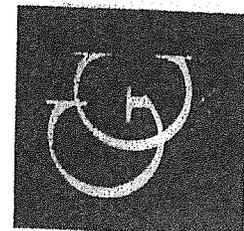
Residential
RT

24 parking + 1 apt garage = 25 spaces



NORTH
Scale: 1"=20'

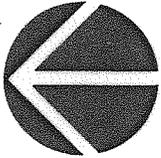
1. Dot area = 18,750 sf + boulevard 1625 sf = total area = 20,375 sf
2. Planting and landscape area = 3140 sf + boulevard lawn 1235sf
3. Total lawn and planting area = 4375 sf



GALPIN CO.
P.O. Box 2567
Bismarck, ND 58502
701-258-6663

Residential: RT
Planting area = 21% of lot area.

Plan : 613 N Third Street
marck North Dakota



NORTH:

SCALE 1/8" = 1'

STAFF PARKING

CUSTOMER PARKING

LEASE (INCLUDES)

BASEMENT LAUNDRY ROOM SWIM

APT. DECK

LOWER LEVEL 480 SF
MAIN FLOOR 2510 SF
LAUNDRY 100 SF

● - WINDOW LOCATIONS

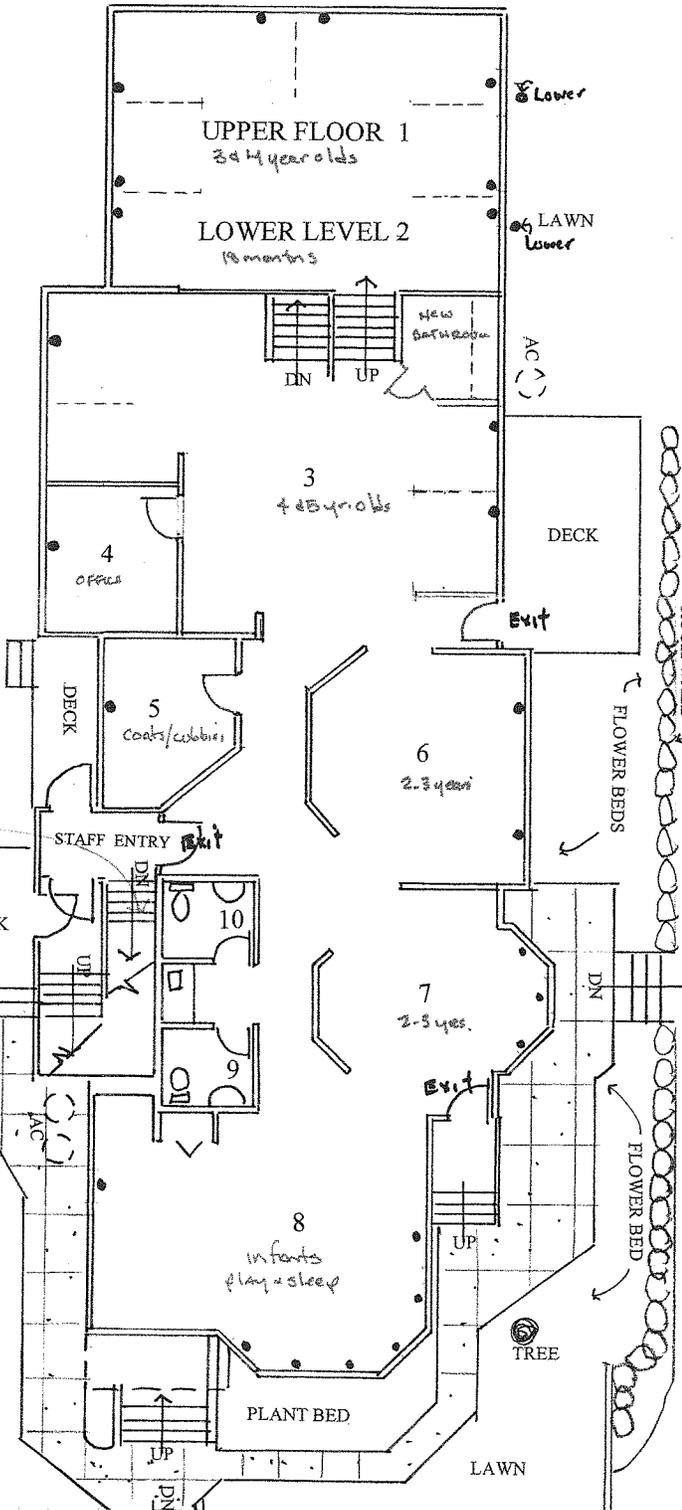
MAIN FLOOR PLAN613 N 3RD STREET....



EXHIBIT A

Handwritten signature and date 8-16-11

TEENANT 3RD Street





THE
GALDIN
COMPANY
P.O. Box 2567
Bismarck, ND 58502
(701) 258-6663

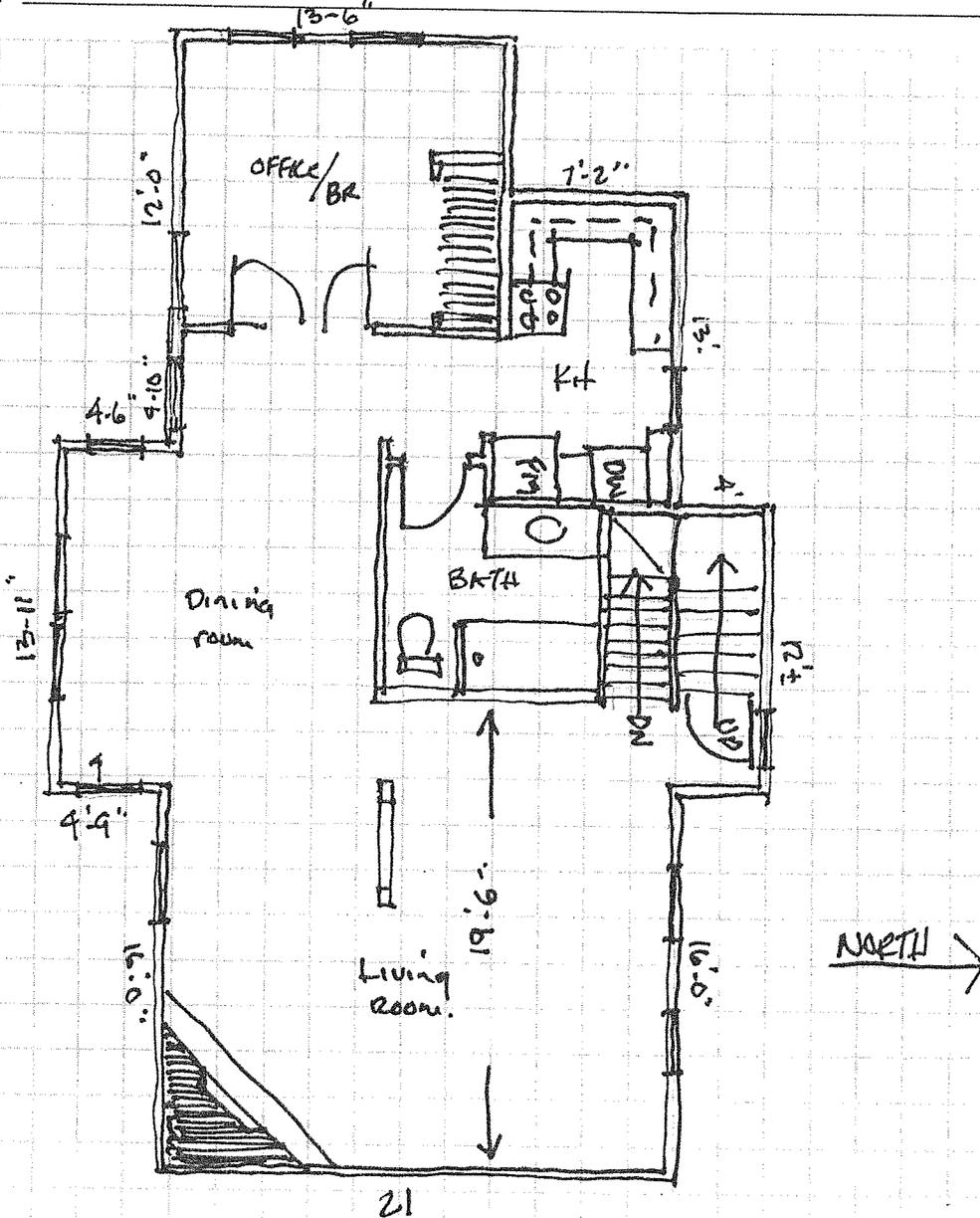
RECEIVED
AUG 26 2011

PROJECT

613 APARTMENT PLAN

DATE

9-4-02



2nd Floor APARTMENT PLAN

1080 SF.

$\frac{1}{8}'' = 1'-0''$

+
LOFT 461 SF

Total Floor = 1541 SF + Laundry in lower level.

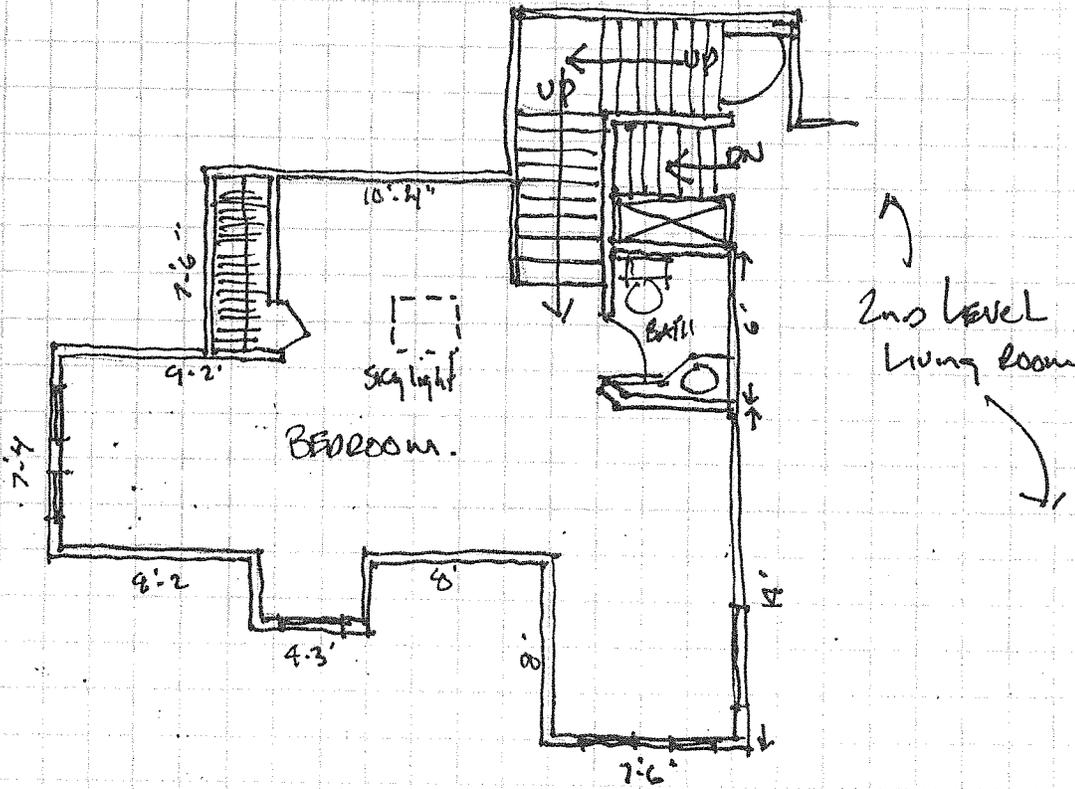


THE
GALDIN
COMPANY
P.O. Box 2567
Bismarck, ND 58502
(701) 258-6663

RECEIVED
AUG 26 2011

PROJECT 613 APT. PLAN

DATE 9-4-02



3RD FLOOR LOFT BEDROOM

461 SF

$\frac{1}{8} = 1'-0"$

613 N 3rd Street

PUD Amendment Zoning Request

Written Statement

In 1984 Loran Galpin Purchased the property at 613 N 3rd Street. At that time the building was a half empty property that had been divided up into a series of studio apartments to accommodate the pressure of the oil and coal boom in the 60's and 70's. It was a property in total disrepair.

Loran Galpin requested a PUD for the project and led the zoning effort to zone the rest of the block to RT so that future projects combining offices, multiple family apartments, condos or other designed approved uses that would begin to restore the neighborhood that was being neglected.

The block was successfully rezoned to RT with the exception of the 613 property which was zoned as a PUD due to the special use combinations that were part of the renovation project.

The 613 property was totally remodeled for apartments, offices and a salon. All interior and exterior walls were stripped bare, new electrical service, new plumbing, new heating cooling, new insulation, new windows, new roof and a total new interior on all levels. A new addition was added to the east of the building.

Due to its historical character, only the historical exterior of the property was able to be saved, since the earlier renovations during the energy boom had destroyed all of the interior detailing and character. The building was built in 1875 by the Russel's and has a history that involves Libby Custer. The original Carriage stone is still on site today,

Offices were created on the main floor along with a salon called Frankly Scarlet . The property was designed and structured around the salon , two business offices used for massage and consulting, and a two story apartment that was created for the floors two and three.

The property has remained as a salon until May 2011 when the owner closed their business . The apartment is one the most creative apartment suites in the downtown . It has had only two apartment tenants since its completion in 1985-86.

In 2003 Loran Galpin purchased the north 50 ft of lot 6 adjacent and to the south of the 613 . A new concrete parking lot was created and the existing 3 car garage on the east side of the lot was kept for parking and storage. The zoning of this lot is RT as is all properties located around 613 n 3r St ,except the Historical governor mansion on the corner of Ave B and 4th street .

Today after 26 years of being a building that had two offices , a salon , massage business offices ,and apartments we are asking for a PUD amendment that would permit us to add a Day Care Center to the uses that allowed in our PUD.

We do wish to keep the flexibility to permit a salon , offices , and apartments in the property in the future . However we see that the day care use is both appropriate and in keeping with the residential flavor of our property .

It offers:

1. A convenient and safe location to families working in and around downtown for their children
- 2.It has double the parking which adds to the ease for picking up and dropping off of the children.

3. A fresh , sunlit environment in a residential setting for the children and the day care providers that will work in the center .

4. It retains the neighborhood theme while still encouraging a mix of uses that will hopefully help the surrounding neighborhood invest more in their properties.

5.The PUD Zoning Amendment is in keeping with the development of the property and is compatible with the uses permitted in the RT zoning surrounding the property .

6. The Queen Anne Victorian exterior character and historical theme of this property is a classic and it will remain as a significant property in the neighborhood.

Our PUD Amendment request will utilize our building in the following manner .

- Main floor 2510 sf Day Care
- Lower level 480 sf Day Care
- Basement laundry room 100sf : Day Care

- Upper two floors 1541 Sf + Basement laundry of 100 Sf Will remain as an apartment .

We respectfully request that our project be recommended for a public hearing to allow us to Create a new home for Perfect Start Day Care . We also request that the PUD continue to permit us to provide office, apartments and salon uses since they are in keeping with the PUD designation for this property .

Loran Galpin
Owner , 613 Development

A large, stylized handwritten signature in black ink, appearing to read 'Loran Galpin', is written over the typed name and title.

613 N 3rd Street

Special use Permit for “Perfect Start” Day Care Center

Katie Oakland presently owns a Day Care Center called Perfect Start. She is seeking to expand and is looking for a business location that is convenient , visible , in a neighborhood setting ,and in a property that will set a special character for her business and the little ones she cares for . Presently she serves approx 18-30 children but she will be expanding to approx. 55-58 children at 613 N 3rd street if her special use permit is granted and if the PUD Zoning Amendment request is approved .

To be approved the property must meet the following criteria :

I. Building must provide at least 35 sf per client for recreation and care . Work areas , office area and other areas not designated for clients use cannot be include in this space calculation ..

The total interior floor area in the space rented by the Day Care Center including laundry room is 3,090 sf

Of this space the the following areas are not for client use

- Laundry 100 sf
- Restrooms 160sf
- One office 81 sf
- One play equipment room 90
-

Total interior non -client space = 431 sf

- The balance of the space is dedicated to Client use areas for resting , play and learning
- Total space available for client use = 2659 sf
- Room required for interior recreation is 35 sf x 58 clients = 2030 sf

*****The space exceeds the minimum required interior space by code*****

II. Outdoor recreation space must be not less than 40 sf per client

- The outdoor play space is 20 x 45 = 900 sf
- A maximum of 18-20 will be scheduled for play at any one time .
- The Day Care Center is required to have 800 sf . of out door play area

*****Proposed Outdoor Play exceeds the space area required by code.*****

III. Adequate off street parking Employees

- 10 adult employees 1 parking space per two employees = 5 Spaces
- 58 clients 1 parking space per 10 clients = 6 spaces
- Total parking required = 11 spaces
- **Site has 25 spaces total**
- **2 spaces for apartment**
- **23 spaces for day care and visitors**

*****Parking provide is double the number required .*****

IV. Sleeping rooms

- Each sleeping room as a minimum of one window .
- There are three exit doors from the Day Care space .

*****Sleeping room requirement are met or exceeded. *****

V. Conform to Uniform building and Fire Codes

- Building was totally restored to commercial building codes .
- The property has been inspected yearly by the Bismarck Fire Inspections teams and we have met or exceeded their requirements at all times .
- Afire alarm is planned as a part of the tenant occupancy for thee property .

*****Property does meet all city codes for fire and safety .*****

We plan a walk through with the bldg or fire inspectors upon completion of the installation of the fire alarm system to make sure the space is fully compliant

feet. Accessory buildings for the above computations shall include the following buildings: barns, stables and storage buildings, attached 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.

All allowable accessory buildings to a non-farm single-family residence may be increased to a maximum of fifteen thousand (15,000) square feet in area, provided:

a. The property on which the accessory building(s) is to be located is no less than 80 acres in size.

b. The property on which the accessory building(s) is to be located is at least two (2) miles from the current corporate limits of Bismarck.

c. A special use is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

(Ord. 4486, 04-27-93; Ord. 4564, 11-23-93; Ord. 4803, 11-12-96; Ord. 5026, 02-08-00; Ord. 5027, 02-08-00; Ord. 5286, 11-13-03; Ord. 5287, 12-16-03; Ord. 5368, 11-23-04; Ord. 5478, 12-13-05; Ord. 5665, 05-27-08)

EG 111. 14-04-18. Planned Unit Developments. It is the intent of this section to encourage flexibility in development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space.

1. Site plan, written statement and architectural drawings. The application must be accompanied by a site plan, a written statement and architectural drawings:

a. Site plan. A complete site plan of the proposed planned unit prepared at a scale of not less than one (1) inch equals one hundred (100) feet shall be submitted in sufficient detail to evaluate the land planning, building design, and other features of the planned unit. The site plan must contain, insofar as applicable, the following minimum information.

1) The existing topographic character of the land;

2) Existing and proposed land uses;

- 3) The location of all existing and proposed buildings, structures and improvements;
- 4) The maximum height of all buildings;
- 5) The density and type of dwelling;
- 6) The internal traffic and circulation systems, off-street parking areas, and major points of access to public right-of-way;
- 7) Areas which are to be conveyed, dedicated or reserved as common park areas, including public parks and recreational areas;
- 8) Proposed interior buffer areas between uses;
- 9) Acreage of PUD;
- 10) Utility service plan showing existing utilities in place and all existing and proposed easements;
- 11) Landscape plan; and
- 12) Surrounding land uses, zoning and ownership.

b. Written statement. The written statement to be submitted with the planned unit application must contain the following information:

- 1) A statement of the present ownership and a legal description of all the land included in the planned unit;
- 2) An explanation of the objectives to be achieved by the planned unit, including building descriptions, sketches or elevations as may be required to described the objectives; and
- 3) A copy of all proposed condominium agreements for common areas.

c. Architectural drawings - the following architectural drawings shall be submitted in sufficient detail to allow evaluation of building height, form,

massing, texture, materials of construction, and type, size, and location of door and window openings:

1) Elevations of the front and one side of a typical structure.

2) A perspective of a typical structure, unless waived by the planning department.

2. Review and approval.

a. All planned units shall be considered by the planning commission in the same manner as a zoning change. The planning commission may grant the proposed planned unit in whole or in part, with or without modifications and conditions, or deny it.

b. All approved site plans for planned units, including modifications or conditions shall be endorsed by the planning commission and filed with the Director of Community Development. The zoning district map shall indicate that a planned unit has been approved for the area included in the site plan.

3. Standards. The planning commission must be satisfied that the site plan for the planned unit has met each of the following criteria:

a. Proposal conforms to the comprehensive plan.

b. Buffer areas between noncompatible land uses may be required by the planning commission.

c. Preservation of natural features including trees and drainage areas should be accomplished.

d. The internal street circulation system must be designed for the type of traffic generated. Private internal streets may be permitted if they conform to this ordinance and are constructed in a manner agreeable to the city engineer.

e. The character and nature of the proposal contains a planned and coordinated land use or mix of land uses which are compatible and harmonious with adjacent land areas.

4. Changes.

a. Minor changes in the location, setting, or character of buildings and structures may be authorized by the Director of Community Development.

b. All other changes in the planned unit shall be initiated in the following manner:

1) Application for Planned Development Amendment.

a) The application shall be completed and filed by all owners of the property proposed to be changed, or his/their designated agent.

b) The application shall be submitted by the specified application deadline and on the proper form and shall not be accepted by the Director of Community Development unless and, until all of the application requirements of this section have been fulfilled.

2) Consideration by Planning Commission.
The planning commission secretary, upon the satisfactory fulfillment of the amendment application and requirements contained herein, shall schedule the requested amendment for a regular or special meeting of the planning commission, but in no event later than sixty (60) calendar days following the filing and acceptance of the application. The planning commission may approve and call for a public hearing on the request, deny the request or table the request for additional study.

3) Public Hearing by Planning Commission.
Following preliminary approval of an amendment application, the Director of Community Development shall set a time and place for a public hearing thereon. Notice of the time and place of holding such public hearing shall be published in a newspaper of general circulation in the City of Bismarck once each week for two (2) consecutive weeks prior to the hearing. Not less than ten (10) days prior to the date of the scheduled public hearing, the City shall attempt to notify all known adjacent property owners within three hundred (300) feet of the planned unit development

amendment. "Notify" shall mean the mailing of a written notice to the address on record with the City Assessor or Burleigh County Auditor. The failure of adjacent property owners to actually receive the notice shall not invalidate the proceedings. The Planning Commission may approve, approve subject to certain stated conditions being met, deny or table the application for further consideration and study, or, because of the nature of the proposed change, make a recommendation and send to the Board of City Commissioners for final action.

END.

(Ord. 4364, 05-07-91; Ord. 4876, 11-25-97; Ord. 4946, 10-27-98; Ord. 5218, 11-26-02; Ord. 5343, 06-22-04; Ord. 5351, 08-24-04; Ord. 5728, 05-26-09)

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

1. 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;

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 SECTIONS 14-03-10 AND 14-04-21 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO SPECIAL USES, OFF-STREET PARKING AND LOADING, DOWNTOWN DISTRICT STANDARDS AND VEHICLE STACKING.

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

Section 1. Amendment. Section 14-03-08 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Special Uses is hereby amended and re-enacted to read as follows:

14-03-08. Special Uses.

* * * * *

4. Permanent uses (planning commission approval).

* * * * *

g. Drive-in retail or service establishments. An establishment dispensing goods at retail or providing services through a drive-in facility, including, but not limited to drive-in restaurants, banks or other drive-in facilities exclusive of theatres may be permitted in a CG, CR, MA or HM district (drive-in banks only may also be permitted in a CA district) as a special use provided:

* * * * *

3. Adequate off-street parking shall be provided in conformance with section 14-03-10 of

this ordinance. In addition, ~~an ingress automobile parking reservoir vehicle stacking spaces~~ shall be provided on the premises in ~~conformance~~ accordance with section 14-03-10 of this ordinance, in addition to all common ingress and egress areas provided.

* * * * *

m. Auto laundry-car wash. An auto laundry or car wash may be permitted in a CG, CR, MA or MB district as a special use, provided:

* * * * *

2. Access to and egress from an auto laundry facility 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. ~~There shall be vehicle holding spaces for at least three (3) full size passenger vehicles per wash bay provided on site.~~ In addition, vehicle stacking spaces shall be provided on the premises in accordance with section 14-03-10 of this ordinance, ~~These areas shall be~~ in addition to all common ingress and egress areas provided.

* * * * *

Section 2. Amendment. Section 14-03-10 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Off-street Parking and Loading is hereby amended and re-enacted to read as follows:

14-03-10. Off-Street Parking and Loading.

1. Off-street parking. Except as provided elsewhere in this section, no application for a building permit or certificate of occupancy in any zone shall be approved unless there is included with the plan for such building improvement or use, a site plan showing the required space designated as being reserved for off-street parking purposes to be provided in connection with such building improvements or use in accordance with this section; and no certificate

of occupancy shall be issued unless the required facilities have been provided. Each required parking space shall be of an area at least nine (9) feet wide and eighteen (18) feet in length, in addition to the ingress and egress driveways required. All off-street parking spaces required and all driveways on private property leading to such parking areas shall be surfaced with a dustless all-weather hard surface material. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards. Crushed rock or gravel shall not be considered an acceptable surfacing material. All parking areas containing four (4) or more spaces or containing angled parking shall have the parking spaces and aisles clearly marked on the pavement. The number of off-street parking spaces shall be provided on the basis of the following minimum requirements:

a. Dwellings:

1) Single-family and two-family dwellings - Two (2) spaces for each dwelling unit.

2) Multiple-family dwellings - One (1) space for each efficiency unit; one and one-half spaces for each one-bedroom unit; two (2) spaces for each two-bedroom unit; two and one-half (2.5) spaces for each three-bedroom unit or larger.

b. Rooming houses: One space for each sleeping room rented, plus two (2) additional spaces for the owner or operator of the rooming house.

c. Hotels and motels, including clubs: One space for each guest room. If in addition to sleeping rooms, patrons or residents are provided with assembly halls, bars, restaurants, nightclubs, retail shops, service establishments or other businesses, additional off-street parking spaces will be required for such other uses in accordance with the regulations of this section for such uses.

d. Hospitals: One space for each two patient beds plus one additional space for each two employees.

e. Restaurants, including bars, taverns, night-clubs, lunch counters, diners, drive-ins and all other

similar dining or drinking establishments: One space for each sixty (60) square feet of gross floor area. Patio area shall be included when calculating gross floor area. ~~When a drive-up take out window is included, an ingress automobile stacking reservoir of not less than twelve (12) spaces serving each take out window shall be provided.~~

f. Theaters: One space for each sixty (60) square feet of gross floor area.

g. Places of public assembly, including private clubs, lodges and fraternal buildings not providing overnight accommodations, assembly halls, exhibition halls, convention halls, auditoriums, skating rinks, dance halls, bowling alleys, sport arenas, stadiums, gymnasiums, amusement parks, zoos, racetracks, fair-grounds, circus grounds, community centers, libraries, museums, and all other similar places of public assembly: One space for each sixty (60) square feet of gross floor area.

h. Retail establishments, including personal service shops, equipment or repair shops:

1) In a RT, CA, CB, CG commercial and MA industrial district - Off-street parking shall be provided in an amount equivalent to one space for each two hundred (200) square feet of gross floor space area on the ground floor, plus one space for each three hundred (300) square feet of gross floor area in a basement or any story above the ground floor; except that a furniture store shall have one space for each six hundred square feet of gross floor area.

2) In a CR commercial zone - Off-street parking shall be provided in an amount equivalent to five 5.0 spaces per thousand square feet of gross leasable area. Where minimum setbacks occur, no parking shall be allowed between a building and an adjacent street. A site circulation plan shall be prepared by the shopping center and approved by the Building Official.

i. Office buildings, adult or vocational education facilities, engraving works, blueprinting, and small animal veterinary clinics, including commercial, governmental and professional buildings, except as otherwise provided for in this section: One space for each two hundred fifty square feet of gross floor area.

j. Manufacturing and industrial plants, public utility buildings, contractor equipment yards, soft drink bottling establishments, fabricating plants and all other structures devoted to similar industrial pursuits: One space for each manufacturing employee on the largest shift, plus sufficient space to park all company-owned or leased vehicles including passenger automobiles, trucks, tractors, trailers and similar company-owned motor vehicles, plus one space for each two hundred fifty square feet of office area.

k. Terminal facilities, including airports, railroad, passenger and freight stations, bus depots, truck terminals and all other similar personal or material terminal facilities: Off-street parking space in an amount determined by the board of adjustment to be adequate to serve the public as customers, patrons and visitors, plus space to provide one off-street parking space for each employee plus space to provide off-street parking for all owned, leased or operated commercial vehicles, buses and similar motor vehicles.

l. Schools, including colleges, elementary schools, junior and senior high schools, whether public, private or parochial: One space for each employee, plus additional space for any places of public assembly in accordance with the requirements set forth in this section for such uses. In addition, all senior high schools and colleges shall provide one space for every five students.

m. Sanitariums, asylums, orphanages, adult or disabled care centers, convalescent homes, and similar institutions: One space for each four patient beds, plus one additional space for each employee.

n. Wholesale, warehouses and storage buildings, lumberyards and all other similar facilities. One

space for each six hundred (600) square feet of storage area. Retail and office areas shall meet the requirements of subsections h. and i. of Section 14-03-10 of the Zoning Ordinance.

o. Mortuary or funeral homes: One space for each four seats for patron use or one space for each sixty square feet of building area, whichever is greater.

p. Day care center: One space for each employee and one space for each ten children.

q. Animal hospital: Three spaces per doctor and one and one-half (1-1/2) additional spaces for every employee.

r. Senior Citizen Housing: .65 space for each living unit.

s. Filling stations: Adequate off-street parking must be provided for all operator equipment and at least one space for each two employees and at least five spaces for each service stall or bay on the premises.

t. Motor vehicle repair garages: Two spaces per repair stall.

u. Churches and other religious institutions: One space for each sixty (60) square feet of gross floor area in the largest assembly area.

2. Off-street vehicle stacking. Except as provided elsewhere in this section, no application for a building permit or certificate of occupancy for a commercial or industrial use shall be approved unless there is included with the plan for such building improvement or use, a site plan showing the required space designated as being reserved for off-street vehicle stacking purposes to be provided in connection with such building improvements or use in accordance with this section; and no certificate of occupancy shall be issued unless the required facilities have been provided. Each required vehicle stacking space shall be of an area at least ten (10) feet wide and twenty (20) feet in length. Vehicle stacking lanes shall be

located completely upon the parcel of land that includes the structure they are intended to serve and shall be so designed as to not impede on- or off-site traffic movements. All vehicle stacking spaces shall be surfaced with a dustless all-weather hard surface material. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards. Crushed rock or gravel shall not be considered an acceptable surfacing material. The number of off-street vehicle stacking spaces shall be provided on the basis of the following minimum requirements:

<u>Type of use</u>	<u>Minimum number of stacking spaces</u>	<u>Measured from</u>
<u>Financial institution - ATM</u>	<u>3 spaces per lane</u>	<u>Kiosk</u>
<u>Financial institution - teller</u>	<u>4 spaces for first lane, 3 spaces for each additional lane</u>	<u>Window or pneumatic tube kiosk</u>
<u>Drive-through restaurant</u>	<u>12 spaces</u>	<u>Pick-up window</u>
<u>Drive-through coffee shop</u>	<u>10 spaces</u>	<u>Pick-up window</u>
<u>Car wash, automatic</u>	<u>6 spaces per bay</u>	<u>Entrance</u>
<u>Car wash, self-service</u>	<u>3 spaces per bay</u>	<u>Entrance</u>
<u>Drive-through car service (oil change and similar)</u>	<u>3 spaces per bay</u>	<u>Entrance</u>
<u>Drive-through pharmacy</u>	<u>3 spaces</u>	<u>Window</u>
<u>Drive-through cleaners</u>	<u>3 spaces</u>	<u>Window</u>
<u>Drive-through photo lab</u>	<u>3 spaces</u>	<u>Window</u>
<u>Self-service fueling station</u>	<u>2 spaces per fueling island</u>	<u>Each end of the fueling island</u>
<u>Gated parking lots and entrances</u>	<u>2 spaces</u>	<u>Gate</u>

For uses not specified above, the Planning and Zoning Commission shall determine the appropriate number of spaces required based on the requirements for a similar use.

A drive-through facility with vehicle stacking spaces based on one type of use may not be converted to another type of use without the submittal and approval of a new site plan. A new special use permit shall be required for any change to a use with greater vehicle stacking space requirements. A drive-through facility which has been discontinued cannot be

re-established unless a new special use permit has been approved.

23. Off-street loading. Except as provided elsewhere in this section, no application for a building permit or certificate of occupancy for a commercial or industrial use shall be approved unless there is included with the plan for such building improvement or use, a plot site plan showing the required space or structural design for off-street loading purposes to be provided in connection with such building, improvement or use, in accordance with this section; and no certificate of occupancy shall be issued unless the required facilities have been provided in accordance with those shown on the approved plan. Such off-street loading space shall be provided in accordance with the following minimum requirements:

a. Each department store, freight terminal or railroad yard, hospital or sanitarium, industrial plant, manufacturing establishment, retail establishment, storage warehouse or wholesale establishment which has an aggregate gross floor area of twenty-five thousand (25,000) square feet or more, arranged, intended or designed for such use, shall provide off-street truck loading or unloading berths in accordance with the following table:

Square Feet of Aggregate Gross Floor Area Devoted to Such Use	Required Number of Berths
25,000 but less than 40,000	1
40,000 but less than 100,000	2
100,000 but less than 160,000	2
160,000 but less than 240,000	4
240,000 up to and including 320,000	5
For each additional 90,000	1 Addl

b. Each multifamily dwelling having ten (10) dwelling units - One off-street loading berth for ten (10) up to and including thirty (30) dwelling units, plus one additional off-street loading berth for each additional thirty dwelling units.

c. Each auditorium, convention hall, exhibition hall, funeral home, hotel, office building, restaurant, sports arena, hospital or welfare institution which has an aggregate gross floor area of fifty thousand (50,000) square feet or more used or intended to be used for service to the arranged, intended or designed uses - One off-street loading berth for fifty thousand (50,000) square feet up to and including two hundred fifty thousand (250,000) square feet and one additional berth for each additional two hundred thousand (200,000) square feet of floor area.

d. In computing the ground coverage of the principal building and all accessory buildings for any nonresidential use, sufficient area shall be added to the actual area of the principal building and all accessory buildings to provide off-street parking as required by section 14-03-10 of this ordinance.

34. Uses not specifically mentioned or unique situations. For any use not specifically mentioned in this section or in unique situations, the Building Official/Zoning Administrator has the authority to modify the number of off-street parking spaces required based on the occupancy load. In such cases, either the Building Official/Zoning Administrator or the applicant for the certificate of occupancy or building permit may apply to the board of adjustment for an interpretation of the provisions of this article for such off-street parking and off-street loading requirements and the board of adjustment shall render a decision in writing in the manner provided for in this article for such action.

45. Continuing character of obligation. The schedule of requirements for off-street parking space and off-street loading space shall be a continuing obligation of the owner of the real estate on which any such structure is located as long as the structure is in existence and its use requiring vehicle parking or vehicle loading facilities continues. It shall be unlawful for an owner of any building affected by this section to discontinue, change or dispense with, or to cause the discontinuance or change of the required vehicle parking or loading spaces apart from the discontinuance, sale or transfer of such structure, without establishing alternative vehicle parking or loading space which meets with the requirements of and is in compliance with this

section. It shall be unlawful for any firm or corporation to use such building without acquiring such land or other suitable land for vehicle parking or loading space which meets with the requirements of and is in compliance with this article.

56. Fractional measurements. When units or measurements determining number of required off-street parking and off-street loading spaces result in the requirements of a fractional space, any fraction up to and including one-fourth shall be disregarded, and fractions over one-fourth shall require one off-street parking or off-street loading space.

67. Off-street parking and loading requirements in certain zoning districts. In that section of the city described as follows: Commencing at the intersection of the east line of Ninth Street and Thayer Avenue; thence south on Ninth Street to a point one hundred fifty feet south of the south boundary line of Main Avenue being the center line of the Burlington Northern Railway Company right-of-way; thence west along the said center line of the Burlington Northern Railway Company right-of-way to the west line of Seventh Street extended; thence south to the center line of Bowen Avenue; thence west along the center line of Bowen Avenue to Fifth Street; thence north along the center line of Fifth Street to Front Avenue; thence west along the center line of Front Avenue to Third Street; thence north on Third Street one hundred fifty feet to the center line of the Burlington Northern Railway Company right-of-way; thence west along the center line of the Burlington Northern Railway Company right-of-way to the east line of Washington Street extended; thence north along the east line of Washington Street to the northwest corner of Lot 24, Block 84, Original Plat; thence east from the northwest corner of Lot 24, Block 84, Original Plat to the southwest corner of Lot 6, Block 84, Original Plat; thence north from the southwest corner of Lot 6, Block 84, Original Plat to the south line of Thayer Avenue; thence east along the south line of Thayer Avenue to the east line of Mandan Street; thence north along the east line of Mandan Street to the south line of Rosser Avenue; thence east along the south line of Rosser Avenue to the east line of First Street; thence south along the east line of First Street to the northwest corner of Lot 18, Block 110, Original Plat; thence east from this point to the east line of Second Street; thence north along the east line of Second Street to

the south line of Rosser Avenue; thence east along the south line of Rosser Avenue to the east line of Third Street; thence north along the east line of Third Street to the south line of Avenue A; thence east along the south line of Avenue A to the east line of Lot 4, Block 26, Northern Pacific Second Addition; thence south from this point along the center line of Block 26, Northern Pacific Second Addition and Block 126, Original Plat to the south line of Rosser Avenue; thence east along the south line of Rosser Avenue to the west line of Eighth Street; thence south along the west line of Eighth Street to the south line of Thayer Avenue; thence east along the south line of Thayer Avenue to the point of beginning, the following off-street parking provisions shall apply:

a. For any new building replacing a building existing at the date of this article, a new building being constructed on vacant land or any building in which the floor space is increased by any additions or structural alterations, off-street parking space will not be required under this article, but will be provided by the City of Bismarck, as the governing body of this city may from time to time provide by eminent domain, or other authorized legal means, and assess against the benefited property.

b. Notwithstanding any other requirements of this section relative to off-street parking, off-street loading shall be provided as designated elsewhere in this section.

78. Location of required parking and loading facilities. The off-street parking facilities required by this section shall be on the same lot or parcel of land as the structure they are intended to serve; provided, however, when practical difficulties, as determined by the board of adjustment, prevent the establishment of such facilities upon the same lot or parcel, they shall be furnished within four hundred feet of the premises to which they are appurtenant. The off-street loading facilities required by this section shall in all cases be on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be part of the area used to satisfy the off-street parking requirements of this article. All required off-street parking and loading facilities along with all ingress and egress

driveways thereto shall be zoned adequately for the principal use which they are intended to serve.

89. Plan of required off-street parking or loading areas. For the purpose of converting parking or loading spaces into the required parking or loading area, plans must be submitted to the Building Official to show how the required parking or loading space shall be arranged in the area supplied for that purpose and to indicate sufficient space for parking maneuvers, as well as adequate ingress and egress to the parking or loading area. For each parking space, not under roof, there shall be provided additional area for lanes, alleys, aisles and drives necessary for safe and adequate parking maneuvering. For each off-street loading space required by this section there shall be provided space clear and free of all obstructions, at least ten (10) feet in width, fifty feet (50) feet in length and fourteen (14) feet in height. Off-street parking and off-street loading space shall be provided with methods of ingress and egress such that it will be unnecessary for trucks or tractor-trailer combinations to back into them from a street or out of them into a street.

910. Use of required off-street parking by another building. No part of an off-street parking area required for any building or use for the purpose of complying with the provisions of this section shall be included as a part of an off-street parking area similarly required for another building or use unless the type of structure indicates that the periods of usage for such structures will not be simultaneous with each other, as determined by the board of adjustment.

1011. Maintenance of public off-street parking places provided. All off-street parking facilities for the use of the public required pursuant to the provisions of this section shall be paved, drained, lighted and periodically maintained by the owner in accordance with specifications of the city engineer, and such facilities shall be arranged for convenient access and safety of pedestrians and vehicles. No open area in an off-street parking area shall be encroached upon by buildings, storage or any other use; nor shall the number of parking spaces be reduced except upon the approval of the board of adjustment and then only after proof that, by reason of diminution of floor space, seating capacity, number of employees, or

change in other factors controlling the regulation of the number of parking spaces, the proposed reduction is reasonable and consistent with the intent of this section.

1412. Collective action relative to off-street parking and loading. Nothing in this title shall be construed to prevent the joint use of off-street parking or off-street loading space for two or more buildings or uses, if the total of such spaces when used together shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with this section.

1413. Mixed uses. In the case of mixed uses, the total requirements for off-street parking and off-street loading space shall be the sum of the requirements of the various uses computed separately as specified in subsections 1 and 2 of this section, and the off-street parking and off-street loading space for one use shall not be considered as providing the required off-street parking or off-street loading space for any other use.

1414. Nonconforming uses. In the case of nonconforming uses where major repairs, substantial alterations or extensions are made, no such major repairs, substantial alterations or extensions shall be permitted unless and until the off-street parking and off-street loading facility space requirements of this section, so far as they apply to the use to which such building is devoted, shall be fully provided for. Provided, however, this item shall not apply to the rebuilding of nonconforming uses that are being rebuilt according to section 14-03-09 of the zoning ordinance, or to structures located upon lots in districts being assessed for city-operated parking lots.

1415. Vacant lots. Vacant lots may be used for temporary off-street parking purposes if they meet the following criteria:

a. Location. Lot is located not more than six hundred (600) feet in distance from a parking district boundary.

b. Surfacing. Lot shall be surfaced and said surfacing shall be approved by the city engineer.

c. Access. Lot shall have separate ingress and egress driveways and said driveways shall be approved by the city engineer.

d. Minimum size. Lot shall be of sufficient size to contain not less than ten (10) automobiles, with each parking space at least nine (9) feet wide and twenty feet long, in addition to the ingress and egress driveways required.

e. Permit. Lots shall be authorized by the issuance of a certificate of occupancy from the director of inspection's office following compliance with and receipt of approval of items a, b, c and d described above.

(Ord. 4117, 12-30-86; Ord. 4213, 8-02-88; Ord. 4323, 4-24-90; Ord. 4236, 1-17-89; Ord. 4325 and 4326, 4-24-90 & 5-01-90; Ord. 4333, 6-05-90; Ord. 4332, 6-05-90; Ord. 4336, 7-31-90; Ord. 4770, 06-25-96; Ord. 4821, 02-25-97; Ord. 4863, 08-12-97; Ord. 4936, 09-08-98; Ord. 5206, 10-08-02; Ord. 5207, 10-08-02; Ord. 5247, 04-22-03; Ord. 5295, 02-24-04; Ord. 5501, 04-25-06; Ord. 5527, 06-27-06; Ord. 5693, 09-23-08; Ord. 5728, 05-26-09)

Section 2. Amendment. Section 14-04-21.4 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the CA Commercial District is hereby amended and enacted to read as follows:

14-04-21. Downtown Districts.

* * * * *

14-04-21.1 DC Downtown Core District.

* * * * *

5. Off-street Parking and Loading. Off-street parking and loading shall be provided in accordance with the provisions of Section 14-04-2103-10. Off-street parking shall not be required for properties within the Downtown Parking District.

* * * * *

14-04-21.4 Use Standards.

* * * * *

2. Drive-through Facilities.

* * * * *

b. Adequate off-street parking shall be provided in conformance with Section 14-03-10 of this ordinance. In addition, ~~an ingress automobile parking reservoir of no less than 12 spaces per window vehicle stacking spaces~~ shall be provided on the premises in conformance with Section 14-03-10 of this ordinance, in addition to all common ingress and egress areas provided.

* * * * *

10. Retail Sales and Service - Convenience Store/Gas Station.

* * * * *

e. Adequate off-street parking shall be provided in conformance with Section 14-03-10 of this ordinance. In addition, for car wash facilities, ~~an ingress automobile parking reservoir of no less than three (3) spaces per wash bay 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.

* * * * *

17. Vehicle Service, Limited.

* * * * *

c. Adequate off-street parking shall be provided in conformance with Section 14-03-10 of this ordinance. In addition, for car wash facilities, ~~an ingress automobile parking reservoir of no less than three (3) spaces per wash bay 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.

* * * * *

Section 4. 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 5. Effective Date. This ordinance shall take effect following final passage and adoption.

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 TITLE 14.1 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO STORMWATER MANAGEMENT.

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

Section 1. Amendment. Title 14.1 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Stormwater Management is hereby amended and re-enacted to read as follows:

CHAPTER 14.1-01 - GENERAL PROVISIONS

14.1-01-01. Purpose and Policy. This ~~€~~Title sets forth uniform requirements for stormwater management systems within the City and its extraterritorial jurisdiction. It is the intent of the Board of City Commissioners that the requirements and standards contained in this ~~ordinance~~ Title comply with all applicable state and federal laws. In the event of any conflict between the provisions of this ~~ordinance~~ Title and the provisions of an erosion control, shoreland protection, or floodplain ordinance, or other regulations adopted by the City, County, State or Federal authorities, the more restrictive standard prevails.

The objectives of this ~~€~~Title are:

1. To promote, preserve, and enhance the natural resources within the City of Bismarck and its extraterritorial jurisdiction;
2. To protect and promote the health, safety, and welfare of the people and property through effective stormwater management practices;

3. To protect the City's and surrounding area's natural resources from adverse impacts ~~occasionally~~ caused by development or other activities;

4. To regulate land development, land disturbing, or other activities that may have an adverse and potentially irreversible impact on water quality and environmentally sensitive lands;

5. To minimize conflicts and encourage compatibility between land disturbing and development activities and environmentally sensitive issues (i.e. land, water, habitat, etc.);

6. To require detailed review standards and procedures for land development activities proposed throughout the City, and its extraterritorial jurisdiction, thereby achieving a balance between ~~urban~~ growth and development, and the protection of water quality; ~~and~~

7. To provide for the protection of surrounding or adjacent properties from water and wind erosion through the use of best management practices that meet the intended use; and

78. To provide for adequate stormwater system analysis and appropriate stormwater system design as necessary to protect public and private property, water quality, and existing natural resources. This ~~title~~ establishes and provides for the following stormwater management criteria:

a). The regulation of development through the issuance of stormwater permits and through the enforcement of general stormwater drainage requirements throughout the City and its extraterritorial jurisdiction. It also authorizes monitoring and enforcement activities, and provides for the setting of applicable fees for the equitable distribution of costs associated with the administration of the stormwater management program established herein.

b). The regulation of, and the establishment of criteria for, public underground storm sewers, artificial and natural open channel drainage systems, stormwater detention and retention ponds, and private

stormwater drainage systems ultimately discharging into the public system.

c). The regulation of development activities as they relate to managing stormwater volumes, rates of runoff, flow duration, and their subsequent impacts to downstream property, water quality, and stormwater management facilities.

d). Provides for a stormwater management system user charge and the method for calculating charges for each user classification. Procedures for rate adjustments and annual review criteria are established.

e). Penalties for violating the provisions of this ordinance Title, and the orders, rules, regulations and permits issued hereunder.

f). Applies in the City of Bismarck, North Dakota, and its extraterritorial jurisdiction, and to persons outside the City who are, by contract or agreement with the City, users of the City stormwater management system. Except as otherwise provided herein, the City Engineer shall administer, implement, and enforce the provisions of this ordinance Title.

(Ord. 4817, 02-25-97)

14.1-01-02. Transfer of Authority. The City may, through the use of a joint powers agreement, transfer the authority for the administration and/or enforcement of this title in the City's extraterritorial area to another entity.

14.1-01-023. Definitions. For the purpose of this ordinance and Title, the following terms, phrases, and words, and their derivatives, shall have the meaning as stated in this section. When inconsistent with the context, words used in the present tense include the future tense. Words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and the word "may" is always permissive.

Agricultural Land Use: The use of land for planting, growing, cultivating and harvesting crops for human or livestock consumption and pasturing or yarding of livestock.

Applicant: Any person wishing to obtain a building permit, special use permit, zoning change, ~~or~~ subdivision approval, or stormwater permit.

Base Flood or 100-year Flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year (i.e. 100 year flood). ~~It is also referred to as the regional flood.~~

Base Flood Elevation (BFE): 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 stormwater management plan prepared for the area in which the property is located.

Board of City Commissioners: The Board of City Commissioners of the City of Bismarck.

City: The City of Bismarck ~~or the Board of City Commissioners of the City of Bismarck.~~

City Engineer: The City Engineer of the City of Bismarck or a duly authorized representative of the City Engineer.

Control Measure: A practice or combination of practices to control erosion and attendant pollution.

Conveyance Structure: A pipe, open channel, or other facility that transports runoff from one location to another.

County: The County of Burleigh.

County Engineer. The County Engineer of Burleigh County or a duly authorized representative of the County Engineer.

Design Standards Manual: The Stormwater Design Standards Manual, as originally adopted by the Board of City Commissioners and as subsequently amended by technical amendments by the City Engineer, which contains the principal standards and design criteria for developing an effective and acceptable stormwater management plan.

Detention Facility: A natural or manmade structure, including wetlands, ponds, parking lots, depressed grassy areas, roof tops, buried underground tanks, or other structures, used for the temporary storage and controlled release of runoff. Such facilities are used to delay or attenuate flow, which may contain a pool of water during times of storage, ~~or~~ and may be dry during times of no runoff.

Development: Any man-made change to improved or unimproved property, including any land disturbing activity, construction or the subdivision of land.

Development Properties: Lands and properties located within an approved stormwater management permit boundary.

Developer: A person, firm, corporation, sole proprietorship, partnership, federal or state agency, or political subdivision thereof engaged in a land disturbance and/or land development activity.

E.P.A.: The United States Environmental Protection Agency.

~~Engineer: The City Engineer of the City of Bismarek or authorized agent.~~

Erosion: Any process that wears away at the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of man and nature.

Erosion and Sediment Control Plan: A written description of the number, locations, sizes, and other pertinent information about best management practice methods designed to meet the requirements of this ~~ordinance~~ Title.

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

Final Stabilization: Activities following rough grading of the site to permanently make the site steadfast

or firm, minimizing soil movement by establishing a perennial vegetative grass cover by mulching and seeding, sodding, landscaping, concrete, gravel, or other permanent best management practices. The density of the vegetative cover shall be as required in the Design Standards Manual.

Flood Fringe: That portion of the flood plain outside of the floodway.

Floodplain or Flood-prone Area: The areas adjoining a water course or water basin that have been or may be covered by a regional or base flood. Any land area susceptible to partial or complete inundation by water from any source.

Floodplain Administrator: The person designated by the City of Bismarck to administer the City's floodplain regulations.

Floodplain Management: The regulation of the nature and location of construction on (or other occupancy of) lands subject to inundation by flood waters, so that foreseeable (probable) flooding damages will have an average annual risk smaller than some preselected amount. Floodplain management consists of technical and nontechnical studies, policies, management strategies, statutes and ordinances that collectively manage floodplains along rivers, streams, major drainageways, outfalls, or other conveyances. The federal government normally plays a major role in floodplain planning and management, whereas in urban stormwater management and design, local governments dominate the decision-making process.

Floodway or Regulatory Floodway: The channel of the water course, the bed of water basins, and those portions of the adjoining flood plains that are reasonably required to carry and discharge floodwater and provide water storage during a regional or base flood. 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.

Hydric Soils: Soils that are saturated, flooded, or covered by water long enough during the growing season to

develop anaerobic conditions in the upper part of the soil profile.

Hydrophytic Vegetation: Macrophytic plant life growing in water, soil, or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

Impervious Area: Impermeable surfaces, such as pavement or rooftops, which prevent the infiltration of water into the soil.

Land Development Activity: The construction or demolition of buildings, roads, parking lots, paved storage areas, and similar facilities.

Land Disturbing Activity: Any manmade change of the land surface including removing vegetative cover, excavating, filling and grading, but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; and harvesting trees.

Landowner: Any person holding title to or having an interest in land.

Land User: Any person operating, leasing, renting, or having made other arrangements with a landowner by which the landowner authorizes use of their land.

Local Detention: Detention provided to serve only the developing area in question and no areas outside of the development boundaries. This is also known as on-site detention.

Local Drainage System: The storm drainage system which transports the minor and major stormwater runoff to the major stormwater system serving only the property within the development boundaries. This is also known as the on-site drainage system.

Major Stormwater System: The portion of the total stormwater system that collects, stores, and conveys runoff that exceeds the capacity of the minor system. The major drainageways are readily recognizable as natural or improved channels that convey runoff that exceeds the capacity of the minor drainage system, including emergency

overflow facilities. It transports the minor and major stormwater runoff and serves more than the area within the development boundaries. The major system is usually less controlled than the minor system, and will function regardless of whether or not it has been deliberately designed and/or protected from encroachment, including when the minor system is blocked or otherwise inoperable. The major stormwater system is usually evaluated for the one hundred (100) year runoff event.

Management Practice: A practice or combination of practices to control erosion and water quality degradation.

Minor Stormwater System: The portion of the total drainage system that collects, stores and conveys frequently occurring runoff, and provides a relief from nuisance and inconvenience. This system has traditionally been carefully planned and constructed, and normally represents the major portion of the urban drainage infrastructure investment. The degree of inconvenience the public is willing to accept, balanced against the price it is willing to pay, typically establishes the drainage capacity or design recurrence frequency of a minor system. Minor systems include roof gutters and on-site drainage swales, curbed or side-swaled streets, stormwater inlets, underground storm sewers, open channels and street culverts. Generally, the minor stormwater system is designed to accommodate the minor (or ordinary) storm recurring at regular intervals, generally from two (2) to ten (10) years.

Multiple-Purpose Facility: An urban stormwater facility that fulfills multiple functions, such as enhancement of runoff quality, erosion control, wildlife habitat, or public recreation, in addition to its primary purpose of conveying or controlling runoff.

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

Notice of Transfer (NOT): Documentation indicating that the responsibilities of the stormwater permit have been transferred along with the transfer of a parcel of land.

On-Site Detention: Detention provided to serve only the developing area in question and no significant areas outside of the development boundaries. This is also referred to as local detention.

Outfall Facility: Any channel, storm sewer, or other conveyance receiving water into which a storm drain or storm drainage system discharges.

Outlet: Any outlet including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

Owner or Occupant: Any person owning or using a lot, parcel of land, or premises connected to and discharging stormwater into the City's stormwater system ~~of the City~~, and who pays for and is legally responsible for the payment of stormwater rates, special assessments or charges made against the lot, parcel of land, building or premises, if connected to the stormwater system or who would pay or be legally responsible for such payment.

Permanent Development: Any buildings, structures, landscaping and related features constructed as part of a development project approved under a stormwater permit.

Permanent Facilities: Those features of a stormwater management plan which are part of any natural or constructed stormwater system that require periodic or minimal maintenance to retain their operational capabilities. This includes but is not limited to storm sewers, infiltration areas, detention areas, channels, streets, etc.

Permittee: Any person who applies for and receives a stormwater or other permit ~~from the City~~ under this Title.

Person: Any developer, individual, firm, corporation, partnership, franchise, association, owner, occupant of property, or agency - public or private.

Private Drainage Channel: A drainage channel on privately-owned land or easements which eventually discharges into a public drainage channel or public storm sewer.

Private Storm Sewer: A storm sewer on privately-owned land or easements which eventually discharges into a public drainage channel or public storm sewer.

Public Drainage Channel: A drainage channel located entirely within a naturally occurring or constructed watercourse located on public lands or within a dedicated public easement.

Public Storm Sewer: A storm sewer located entirely within publicly owned land or easements.

Regional Detention: Detention facilities provided to serve an area outside the development ~~of~~ boundaries. A regional detention site generally receives runoff from multiple stormwater sources.

Regional Drainage System: The storm drainage system which transports the minor and major stormwater runoff to the major stormwater system generally serving multiple sources or developments.

~~Regional Flood: A flood that is representative of large floods known to have occurred generally in the state and recently characteristic of what can be expected to occur on an average frequency in the magnitude of a one hundred (100) year recurrence interval. It is also referred to as the base flood.~~

Retention Facility: A natural or manmade structure that provides for the storage of stormwater runoff by means of a pool of stored water. Such facilities are designed to eliminate subsequent surface discharge and, where applicable, provide for the treatment of stormwater runoff. Wet ponds are the most common type of retention facility (although a wet pond may also be used as a detention facility).

Runoff: The rainfall, snowmelt, dewatering or irrigation water flowing over the ground surface and into open channels, underground storm sewers, and detention or retention ponds.

Sediment: Solid material or organic material that, in suspension, is being transported or has been moved by air, water, gravity, or ice, and deposited at another location.

Site: The entire area included in the legal description of the parcel or other land division on which the land development or land disturbing activity is proposed in the permit application.

Stabilize: To make the site steadfast or firm, minimizing soil movement by mulching and seeding, sodding, landscaping, concrete, gravel, or other measures.

State: The State of North Dakota.

Storm Sewer: A pipe or conduit for carrying storm waters, surface runoff, street and wash waters, and drainage, excluding sewage and industrial wastes.

Stormwater: The flow of water which results from precipitation and which occurs during or immediately following rainfall or a snowmelt.

Stormwater Detention: Temporary storage of stormwater runoff in ponds, parking lots, depressed grassy areas, roof tops, buried underground tanks, etc., for future or controlled release. Used to delay and attenuate flow.

Stormwater Easement: An easement dedicated for the purpose of conveying, detaining or retaining stormwater. This may be accommodated by installing storm sewer, or for conveying surface water by means of utilizing natural topography or constructing a drainage channel. Certain uses within this easement are prohibited, including but not limited to, structures, trees, fences, any other elements or uses that may result in any obstruction to flows within this easement, or other incompatible uses, such as any portion of a private sewage disposal system.

Stormwater Management: The planned set of public policies and activities undertaken to regulate runoff under various specified conditions within various portions of the drainage system. It may establish criteria for controlling peak flows or runoff volumes, for runoff detention and retention, or for pollution control, and may specify criteria for the relative elevations among various elements of the drainage system. Stormwater management is primarily concerned with limiting future flood damages and environmental impacts due to development, whereas flood control aims at reducing the extent of flooding that occurs under current conditions.

Stormwater Management Criteria: Specific guidance provided to the engineer/designer in the Design Standards Manual to carry out drainage and stormwater management policies. An example might be the specification of local design hydrology - the design storm.

Stormwater Management Plan (SWMP): A written document detailing stormwater runoff characteristics for a defined area and the management of that runoff.

Stormwater Management System: Physical facilities that collect, store, convey, and treat stormwater runoff in urban areas. These facilities normally include detention and retention facilities, streets, storm sewers, inlets, open channels, and special structures, such as inlets, manholes, and energy dissipaters.

Stormwater Permit: A permit allowing land development and land disturbing activities so as to protect the public stormwater system.

Stormwater Program Coordinator: The person designated by the City of Bismarck to administer the NDPDES (MS4) permit and oversee the compliance and regulation of stormwater permits issued by the City, or a duly authorized representative of the Stormwater Program Coordinator.

~~Stormwater Retention:~~ Storage designed to eliminate subsequent surface discharge. ~~Wet ponds are the most common type of retention storage (though wet ponds may also be used for detention storage).~~

Structure: Anything manufactured, constructed, or erected which is normally attached to or positioned on land, including portable structures, earthen structures, roads, parking lots, and paved storage areas.

~~Unpolluted Water:~~ Any water of quality equal to or better than the effluent criteria in effect, or water that would not cause a violation of receiving water quality standards and would not benefit by discharge into a sanitary sewer and wastewater treatment facilities is considered unpolluted.

Urban Area: Land associated with, or part of, a defined city or town municipality. ~~This title of the Code~~

~~of Ordinances applies to urban or urbanizing, rather than rural, areas.~~

User: Any person who discharges, causes or permits the discharge of stormwater into the City's public stormwater management system.

User Fee: A fee levied on users of a stormwater management system for the user's proportionate share of the cost of operation and maintenance (including replacement) of such works.

Watershed Master Plan: The plan that an engineer/designer formulates to manage urban and/or rural stormwater runoff for a particular development project or drainage area. It typically addresses such subjects as the characterization of the site development and grading plan; existing and projected conditions; peak rates of runoff, flow duration, runoff volumes for various return frequencies; locations, criteria and sizes of detention or retention ponds and conveyances; runoff control features; land parcels, easement locations, opinions of probable costs, measures to enhance runoff quality, salient regulations, and how the plan addresses them, and consistency with secondary objectives such as public recreation, aesthetics, public safety, and groundwater recharge. It is usually submitted to regulatory officials the Board of City Commissioners for their review ~~for~~ and acceptance or adoption.

Wetlands: Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes.

a. A predominance of hydric soils;

b. Are inundated or saturated by the surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and

c. Under normal circumstances support the prevalence of such vegetation.

(Ord. 4817, 02-25-97; Ord. 5278, 09-23-03)

14.1-01-034. Scope. Every applicant for a building permit, subdivision approval, or a permit to allow land disturbing activities for an approved development must submit a stormwater management plan including an erosion and sediment control plan to the City Engineer. No building permit, subdivision approval, or permit to allow land disturbing activities shall be issued until approval of the stormwater management plan or a waiver of the approval requirement has been obtained in strict conformance with the provisions of this ~~title~~. In addition, no land disturbing activities shall occur until all initial best management practices (BMPs) have been implemented. A waiver of the stormwater management plan does not relieve the applicant from the stormwater permit requirements, including permit fees and an approved erosion and sediment control plan.

Exemptions to the requirements of this ~~section~~ Title include:

1. Any part of a subdivision if a plat of the subdivision has been approved by the Board of City Commissioners and recorded with the Register of Deeds County Recorder on or before the effective date of this ~~title~~ (January 1, 1998). A stormwater permit for land disturbing activities on such properties may still be required, ~~however,~~ in accordance with this ~~title~~;
2. Land disturbing activity involving the construction of a single-family or a two-family dwelling;
3. A parcel for which a building permit has been approved on or before the effective date of this ~~title~~;
4. Installation of a fence, sign, telephone, and electric poles and other kinds of posts or poles; or
5. Emergency work to protect life, limb, or property.

~~The City Engineer may waive any requirement of this title upon making a finding that compliance with the requirement will involve an unnecessary hardship, and the waiver of such requirement will not adversely affect the standards and requirements put forth in Chapter 14.1 05. The City Engineer may require as a condition of the waiver, such dedication or construction, or agreement to dedicate or construct, as may be necessary to adequately meet the said standards and~~

~~requirements. At the City Engineer's discretion, a waiver request may, or at the request of a City Commissioner a waiver request shall, be brought before the Board of City Commissioners for consideration, and approval or denial.~~

~~(Ord. 4817, 02-25-97)~~

CHAPTER 14.1-02 - STORMWATER MANAGEMENT PLAN - APPLICATION

14.1-02-01. Application.

~~14-1-02-01.~~ Application Procedure.

a. Written Application. A written application for ~~S~~stormwater ~~M~~management ~~P~~plan approval, along with the proposed ~~S~~stormwater ~~M~~management ~~P~~plan, shall be filed with the City Engineer. The application shall include a statement indicating the grounds upon which the approval is requested, that the proposed use is permitted in the underlying zoning district, and adequate evidence showing the proposed use will conform to the standards set forth in this ~~t~~title. Prior to applying for approval of a ~~S~~stormwater ~~M~~management ~~P~~plan, it is recommended that the applicant have the ~~S~~stormwater ~~M~~management ~~P~~plan reviewed by ~~an~~ all affected public agencies.

b. Copies. ~~Two~~ The number of sets of legible copies of the drawings as indicated by the City Engineer and required information shall be submitted to the City Engineer and shall be accompanied by a receipt from the City to document the payment of all required fees for processing and approval as set forth in Section 14.1-02-03 herein. Plans shall be prepared to a scale appropriate to the site of the project and suitable for the review to be performed.

c. Waiver. The City Engineer may waive any requirement of this Title upon making a finding that compliance with the requirement will involve an unnecessary non-economic hardship, and the waiver of such requirement will not adversely affect the standards and requirements put forth in Chapter 14.1-05. The City Engineer may require as a condition of the waiver, such dedication or construction, or agreement to dedicate or construct, as may be necessary to adequately meet the said standards and requirements. At the City Engineer's discretion, a

waiver request may, or at the request of a City Commissioner a waiver request shall, be brought before the Board of City Commissioners for consideration, and approval or denial.

(Ord. 4817, 02-25-97)

14.1-02-02. Contents of Stormwater Management Plan.
At a minimum, the Sstormwater Mmanagement Pplan shall contain the following information:

a. Written Report. A written report discussing pre- and post-development hydrology and hydraulic analysis, erosion and sedimentation control during and after construction, protective measures for proposed and existing structures, and water quality concerns. The contents of the report shall be in accordance with the recommended format in the City's Design Standards Manual and shall contain the following additional information:

i. The name and address of the applicant;

ii. The section, township and range;

iii. The acreage of the development and the acreage of the disturbed area;

iv. A description of the existing soils on the site, if necessary, including a map indicating soil types of the areas to be disturbed, information on the suitability of the soils for the type of development proposed, potential for erosion, the type of stormwater management system proposed, and any remedial steps to be taken by the developer to render the soils suitable; and

v. The current land use of the area in which the site is located.

b. Maps. The following maps shall be included with the written report. Each map shall contain a north point indicator, date, scale of drawing, and the datum.

i. Location Map. The location of the tract at a scale sufficient to clearly identify

the location of the property and giving such information as the names and numbers of adjoining roads, railroads, utilities, subdivisions, towns, districts or other defining landmarks, and a watershed boundary map illustrating the project site location as a subwatershed within the watershed of the larger or major drainage basin.

iii. Existing Site Conditions Map. A map of existing site conditions showing the site and immediately adjacent areas, including:

a. ~~The name and address of the applicant, the section, township and range, and the north point, date and scale of drawing, and number of sheets;~~

b. ~~The location of the tract by an insert map at a scale sufficient to clearly identify the location of the property and giving such information as the names and numbers of adjoining roads, railroads, utilities, subdivisions, towns, and districts or other defining landmarks;~~

e1. Existing topography with a contour interval appropriate to the topography of the land, but in no case having a contour interval greater than two (2) feet;

d2. A watershed boundary map illustrating the project site location as a subwatershed(s) within the watershed of the larger or major drainage basin site or development;

e3. A delineation of streams, rivers, public waters and the presence or absence of wetlands located on and immediately adjacent to the site, including depth of water, a general description of vegetative cover found within the site, a statement of general water quality, and any classification given to the water body by state or federal agencies;

~~4.~~ Location and dimensions of existing stormwater drain systems and natural drainage patterns on and immediately adjacent to the site delineating in which direction and at what rate stormwater is conveyed from the site, identifying the receiving stream, river, public ditch, or wetland, and setting forth those areas of the unaltered site where stormwater collects or passes;

~~g.~~ A description of the soils on the site, including a map indicating soil types of the areas to be disturbed, containing information on the suitability of the soils for the type of development proposed, potential for erosion, the type of stormwater management system proposed, and any remedial steps to be taken by the developer to render the soils suitable.

~~5.~~ Current extent of vegetative cover and a clear delineation of any vegetation proposed for removal; and

~~i.~~ The current land use of the area in which the site is located; and

~~6.~~ The 100-year flood plains, flood fringes, and floodways, as designated on a FEMA published digital flood insurance rate map (DFIRM) or as determined by a site specific analysis.

~~2.~~ Site Construction Plan. A Site Construction Plan shall be provided, including:

~~a.~~ Locations and dimensions of all proposed land disturbing activities and any phasing or scheduling of those activities;

~~b.~~ Approximate locations of all temporary soil or dirt stockpile areas;

~~c.~~ Location and description of all construction site erosion control measures

~~necessary to meet the requirements of this ordinance;~~

~~d. A schedule of anticipated starting and completion dates for each land disturbing activity, including the installation of construction site erosion control measures needed to meet the requirements of this ordinance; and~~

~~e. Provisions for maintaining the construction site erosion control measures prior to, during, and after construction.~~

3iii. Plans of Final Site Conditions Map. A Pplan of Ffinal Ssite Cconditions on the same scale as the existing site conditions map showing the proposed site changes shall be provided, including:

a1. The proposed final grading plan shown at contours at the same interval as provided above or as required to clearly indicate the relationship of the proposed changes to existing topography and remaining features. This grading plan should also indicate areas of cut and fill activity greater than three (3) feet;

b. A landscape plan, drawn to an appropriate scale, including dimensions and distances and the location, type, size and description of proposed landscape materials which will be added to the site as part of the development;

2. A watershed boundary map illustrating the proposed subwatershed(s) within the site or development;

c3. A drainage plan of the developed site delineating the direction and at what rate of stormwater runoff and how it will be conveyed from the site and setting forth the areas of the site where stormwater will be collected along with the method of collection including ponds, storm sewer or channels;

D4. The proposed size, alignment, and intended use of any structures to be erected on the site;

E5. A clear delineation and tabulation of all areas which shall be paved or surfaced, including a description of the surfacing material to be used; and

F6. Any other information pertinent to the particular project which, in the opinion of the applicant, is necessary for the review of the project.

c. Erosion and Sediment Control Plan. The erosion and sediment control plan shall include a report and map containing information as outlined in the Design Standards Manual and the following information:

i. The locations and dimensions of all proposed land disturbing activities as they relate to the specified phases detailed in the Design Standards Manual.

ii. Approximate locations of all stockpile areas;

iii. Location and detailed description of all construction site best management practices (BMPs) necessary to meet the requirements of this Title;

iv. A schedule of anticipated starting and completion dates for each phase of activity, including the installation of construction site best management practices (BMPs) needed to meet the requirements of this Title; and

v. Provisions for maintaining the construction site best management practices (BMPs) throughout all phases of construction including prior to, during, and after construction. This shall include the installation of permanent control measures and the removal of temporary BMPs.

~~4. Stormwater Management Plan Report. A written report discussing pre and post development hydrology and hydraulic analysis, erosion and sedimentation control during and after construction, protective measures for proposed and existing structures, and water quality concerns. The contents of the report shall be in accordance with the recommended format in the City's Stormwater Design Standards Manual (Manual).~~

(Ord. 4817, 02-25-97)

3. Certification. All stormwater management plans, drawings, specifications, and computations for stormwater management facilities submitted for review shall contain a validated seal and be signed by a Professional Engineer registered in the State of North Dakota. This requirement will be met as part of the properly completed stormwater management plan, as described in the Design Standards Manual.

~~14.1-02-034. Fees. All applications for Sstormwater Mmanagement Pplan approval shall be accompanied by a processing and approval fee established by the City Engineer. In the case of complex applications or regional stormwater facilities, a secondary fee schedule will be used as established by the City Engineer. All fees under this tTitle shall be reviewed and approved by the Board of City Commissioners.~~

(Ord. 4817, 02-25-97)

~~CHAPTER 14.1-03 STORMWATER MANAGEMENT PLAN REVIEW~~

14.1-02-02. Review.

~~14-1-03-01. Process. Stormwater Mmanagement Pplans meeting the requirements of Chapter Section 14.1-02-01 shall be submitted to the City Engineer for reviewed by the City Engineer for and compliance with the standards of Chapter Section 14.1-042-03. For plans within the City's extraterritorial area, the City Engineer will provide copies of the stormwater management plan to the County Engineer and the Burleigh County Water Resource District for review and comment. After evaluation of the stormwater management plan, tThe City Engineer shall approve, approve with conditions, or deny the Sstormwater Mmanagement Pplan. For plans within the City's extraterritorial area, the City Engineer will not approve a stormwater management plan~~

without written concurrence of the County Engineer. If a particular stormwater management plan involves a complex application or has the potential for significant controversy, the City Engineer ~~or the applicant~~ may bring the proposed stormwater management plan before the Board of City Commissioners for consideration and public comment.

~~14.1 03 02. Duration. Approval of any plan submitted under the provisions of this ordinance shall expire one year after the date of approval unless construction has commenced in accordance with the plan. However, if prior to the expiration of approval, the applicant makes a written request to the City Engineer for an extension of time to commence construction setting forth the reasons for the requested extension, the City Engineer may grant one extension of not greater than one single year. Receipt of any request for an extension shall be acknowledged by the City Engineer within fifteen (15) days. The City Engineer shall make a decision on the extension within thirty (30) days of receipt. Any plan may be revised in the same manner as originally approved. Any denied application may be resubmitted with additional information addressing the concerns contained within the denial. The resubmittal is subject to all applicable fees and shall be considered as a new application.~~

~~14.1 03 032. Conditions. A Sstormwater Mmanagement Pplan may be approved subject to compliance with conditions reasonable and necessary to insure that the requirements contained in this ordinance Title are met. Such conditions may, among other matters, limit the size, kind or character of the proposed development, require the construction of structures, drainage facilities, storage basins and other facilities, require replacement of vegetation, establish required monitoring procedures, stage the work over time, require alteration of the site design to insure buffering, require the acquisition of certain lands or easements, and require the conveyance to the City of Bismarck or other public entity of certain lands or interests therein. The City Engineer may specify special requirements for specific watersheds within the City and its extraterritorial jurisdiction. The nature of these requirements will be subject to the unique environmental and natural resource environment of each subwatershed. Approval of a plan shall bind the applicant to perform all of the conditions and requirements of the plan prior to any land disturbing activities.~~

~~CHAPTER 14.1-04 STORMWATER MANAGEMENT PLAN APPROVAL STANDARDS~~

14.1-02-03. Approval Standards.

~~14.1-04-01. General.~~ This section describes approval standards against which proposed ~~S~~stormwater ~~M~~management ~~P~~plans will be measured. A ~~S~~stormwater ~~M~~management ~~P~~plan which fails to meet the standards contained in this section shall not be approved by the City Engineer or the Board of City Commissioners. Other standards, such as state and federal standards, shall also apply. If two standards of different agencies conflict, the more restrictive standards shall apply.

It shall be the responsibility of the applicant to obtain any required permits from other governmental agencies having jurisdiction over the work to be performed. Typically, such agencies ~~would~~ could include the Burleigh County Water Resource District, the Burleigh County Engineer's Office, the State Water Commission and State Engineer's Office, the State Department of Transportation, the State Health Department, the State Historical Preservation Officer, the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, and possibly others.

In addition to this Stormwater Management Ordinance, the applicant is responsible for adhering to the requirements of other ordinances contained within the Code of Ordinances for the City of Bismarck, including:

~~1~~a. Zoning ordinance regulations contained under Title 14 which are of special interest to new development projects.

~~2~~b. Conformance with the requirements of the FP-Floodplain District, Title 14, Section 14-04-19.

~~3~~c. Regulations governing the subdivision of land, Title 14, Chapter 14-09.

d. Conformance with the Landscaping and Screening requirements in Title 14, Section 14-03-11.

The following sections describe routine approval standards to be used in evaluating a proposed ~~S~~stormwater ~~M~~management ~~P~~plan.

(Ord. 4817, 02-25-97)

~~14.1 04 02.~~ Stormwater Design Standards Manual. The Stormwater Design Standards Manual (~~Manual~~), as adopted and amended by the City of Bismarck, contains the principal standards and design criteria for developing an effective and acceptable ~~S~~stormwater ~~M~~management ~~P~~plan. The Manual contains an overview of the City's Stormwater Management Policy and design objectives as well as a detailed discussion of the contents of ~~S~~stormwater ~~M~~management ~~P~~plans submitted to the City Engineer for approval. The Manual contains detailed criteria for hydrologic evaluations, the design of stormwater management system facility components, water quality protection standards, instructions for the development of an erosion and sedimentation control plan, and requirements for easements and ~~rights~~-of-way. The Manual also contains a discussion of operation and maintenance requirements, standard forms to be used, and standard construction details adopted by the City.

(Ord. 4817, 02-25-97)

~~14.1 04 03.~~ Models/Methodologies/Computations. Hydrologic models and design methodologies used to determine runoff conditions and to analyze stormwater management structures and facilities shall be approved in advance by the City Engineer. ~~All Stormwater Management Plans, drawings, specifications, and computations for stormwater management facilities submitted for review shall contain a validated seal and be signed by a Professional Engineer registered in the State of North Dakota. This requirement will be met as part of the properly completed Stormwater Management Plan Report, as described in the Stormwater Design Standards Manual.~~

(Ord. 4817, 02-25-97)

~~14.1 04 04.~~ Construction Plans and Specifications.

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

1. Be consistent with the ~~S~~stormwater ~~M~~management ~~P~~plan approved by the City Engineer.

2. Be in conformance with the requirements of the City of Bismarck Municipal Construction Specifications for Municipal Public Works Improvements, current special provisions, and any other necessary permits issued by other governmental agencies.

3. Be sealed and signed by a Professional Engineer registered in the State of North Dakota.

4. Be submitted to the City Engineer for approval.

5. Contain a drawing or drawings delineating the erosion and sediment control plan, including details of silt fences, storm drain inlet protection, and other best management practices (BMPs). The construction specifications shall contain technical specifications describing erosion, sedimentation and water control requirements during and after construction operations.

~~5. No construction may commence until approval of the construction plans and specifications has been received.~~

~~The set of construction plans, in a format acceptable to the City Engineer, shall contain a drawing or drawings delineating the erosion and sedimentation management plan, including details of silt fences, storm drain inlet protection, and other construction erosion control facilities. The construction specifications shall contain technical specifications describing erosion, sedimentation, and water control requirements during and after construction operations.~~

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

(Ord. 4817, 02-25-97)

5b. Construction Plans and Specifications for Private Facilities within the Corporate Limits. The construction plans and specifications prepared for the

construction of private stormwater management facilities within the corporate limits or on land that will be annexed prior to development must:

a1. Be consistent with the stormwater management plan approved by the City Engineer.

b2. Be sealed and signed by a Professional Engineer registered in the State of North Dakota.

e3. Be submitted to the City Engineer for approval.

d4. Contain a drawing or drawings delineating the erosion and sediment control plan, including details of silt fences, storm drain inlet protection, and other best management practices (BMPs). The construction specifications shall contain technical specifications describing erosion, sedimentation and water control requirements during and after construction operations.

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

c. Construction Plans and Specifications for Public Facilities within the Extraterritorial Area. The construction plans and specifications prepared for the construction of public stormwater management facilities within the extraterritorial areas must:

1. Be consistent with the stormwater management plan approved by the City Engineer.

2. Be in conformance with the requirements of Burleigh County any other necessary permits issued by other governmental agencies.

3. Be sealed and signed by a Professional Engineer registered in the State of North Dakota.

4. Be submitted to the County Engineer for approval.

5. Contain a drawing or drawings delineating the erosion and sediment control plan, including details of silt fences, storm drain inlet protection, and other best management practices (BMPs). The construction specifications shall contain technical specifications describing erosion, sedimentation and water control requirements during and after construction operations.

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

14.1-04-05. Construction Activities. Construction operations must at a minimum comply with the following requirements:

1a. Site Dewatering. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, soil concentrators or other appropriate controls as deemed necessary. Water may not be discharged in a manner that causes erosion, sedimentation, or flooding on the site; the receiving channels; or any wetland.

2b. Waste and Material Disposal. All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed of off-site and not allowed to be carried by runoff or wind into a receiving channel, storm sewer system, or wetland.

3c. Tracking Management. Each site shall have roads, access drives and parking areas of sufficient width, length and surfacing to prevent sediment from being tracked onto public or private roadways prior to any land disturbing activities. Any material reaching or placed on a public or private road shall be removed (not by flushing) before the end of each work day or more frequently as needed.

4d. Water Quality Protection Chemical Contamination. The construction contractor shall be

required to control oil and fuel spills, and the discharge of any chemicals to prevent such spills or discharges from entering any water course, sump, sewer system, water body, or wetland.

5e. Site Erosion and Sedimentation Control. Construction operations must include erosion and sedimentation control measures meeting accepted design criteria for wind and water erosion, standards and specifications contained in the Stormwater Design Standards Manual.

f. Concrete Wash Out Area. The developer or his construction contractor shall identify and construct a concrete wash out area to standards and specifications contained in the Design Standards Manual. The party responsible for the installation of the concrete wash out area is responsible for maintenance and removal.

(Ord. 4817, 02-25-97)

14.1-04-06. Stormwater Management Criteria for Permanent Facilities. Stormwater control facilities included as part of the final design for a permanent development shall be addressed in the Stormwater Management Plan and shall meet the following criteria:

1a. Pre-versus Post Hydrological Response of Site. An applicant shall install or construct, on or for the proposed land disturbing or development activity, all stormwater management facilities necessary to manage increased runoff so that the two (2) year, ten (10) year and one hundred (100) year storm peak discharge rates existing before the proposed development shall not be increased and accelerated channel erosion will not occur as a result of the proposed land disturbing or development activity. In lieu of the installation or construction of stormwater management facilities, an applicant may make an in-kind or monetary contribution for the development and maintenance of regional stormwater management facilities designed to serve multiple land disturbing and development activities undertaken by one or more persons, including the applicant. The City Engineer shall establish this fee based upon an approved master plan and an analysis of drainage and flood protection benefits provided to property

~~directly impacted by the regional stormwater management facilities.~~

2b. Natural Features of the Site. The applicant shall ~~give consideration to reducing~~ reduce the need for stormwater management facilities by incorporating the use of natural topography and land cover such as wetlands, ponds, natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of these natural features.

3c. Stormwater Management Strategies. The following stormwater management practices shall be investigated in developing a ~~S~~stormwater ~~M~~management ~~P~~plan:

ai. Natural infiltration of precipitation and runoff on-site, if suitable soil and geological conditions are available. The purpose of this strategy is to encourage the development of a ~~S~~stormwater ~~M~~management ~~P~~plan that encourages natural infiltration. This includes providing as much natural or vegetated area on the site as possible, minimizing impervious surfaces, and directing runoff to vegetated areas rather than to adjoining streets, storm sewers and ditches. This shall include the identification of areas with known high water tables, natural springs and other areas with ground water implications.

bii. The flow attenuation by use of open vegetated swales and natural depressions.

eiii. Stormwater detention facilities.

div. Stormwater retention facilities (on a case by case basis).

v. Storm sewer facilities.

A combination of successive practices may be used to achieve the applicable minimum control requirements specified in the above ~~four~~ strategies. Justification

shall be provided by the applicant for the method selected.

4d. Adequacy of Outlets. The adequacy of any outlet used as a discharge point for proposed stormwater management facilities must be assessed and documented to the satisfaction of the City Engineer. The hydraulic capacities of downstream natural channels, reaches, storm sewer systems, or streets shall be sufficient to receive post-development runoff discharges and volumes without causing increased property damages, ~~or~~ any increase in the established base floodplain elevation (BFE), or a change in the conveyance of the base flood. If a floodplain or floodway has not been established by the Federal Emergency Management Agency, then the applicant shall provide a documented analysis and estimate of the base flood elevation as certified by a Professional Engineer registered in the State of North Dakota. In addition, projected velocities in downstream natural or manmade channels shall not exceed that which is reasonably anticipated to cause erosion unless protective measures acceptable to the City Engineer are approved and installed as part of the ~~S~~stormwater ~~M~~management ~~P~~plan. The assessment of outlet adequacy shall be included in the ~~S~~stormwater ~~M~~management ~~P~~plan and shall be certified by a Professional Engineer registered in the State of North Dakota.

5e. Stormwater Detention/Retention Facilities. Stormwater detention or retention facilities proposed to be constructed in the ~~S~~stormwater ~~M~~management ~~P~~plan shall be designed according to the most current technology as reflected in the ~~Stormwater~~ Design Standards Manual.

(Ord. 4817, 02-25-97)

14.1-04-07. Operation, Maintenance and Inspection. All stormwater management facilities shall be designed to minimize the need for maintenance, to provide access for maintenance purposes, and to be structurally sound. All stormwater management facilities shall have a plan of operation and maintenance that assures continued effective removal of pollutants carried in stormwater runoff. The City Engineer or Stormwater Program Coordinator may inspect all stormwater management facilities at any time. Inspection records will be kept on file at the City

~~Engineering Department with the Stormwater Program Coordinator.~~ It shall be the responsibility of the applicant to obtain any necessary public easements or other property interests to allow access to the stormwater management facilities for inspection and maintenance purposes. The City Engineer shall retain enforcement powers for assuring adequate operation and maintenance activities through permit conditions and penalties for noncompliance orders.

(Ord. 4817, 02-25-97)

~~14.1.04-08.~~ Easements and Bonds. Easements or bonds may be required as conditions to the issuance of a permit.

(Ord. 4817, 02-25-97)

~~14.1-04-09.~~ Management of Site Vegetation. The applicant shall provide for the installation and maintenance of vegetation on development property in accordance with the following criteria:

~~1a.~~ Use of Impervious Surfaces. No person shall apply fertilizer to or deposit grass clippings, leaves, or other vegetative materials on impervious surfaces, or within stormwater drainage systems with impervious liners or conduits including streets and gutters.

~~2b.~~ Unimproved Land Areas. Except for driveways, sidewalks, patios, areas occupied by structures or areas which have been improved, all areas shall be covered by plants, or an approved vegetative growth cover or non-erosive pervious surface.

~~3c.~~ Use of Pervious Surfaces. No person shall deposit grass clippings, leaves, or other vegetative materials, with the exception of normal mowing or weed control, within natural or manmade drainageways, wetlands, or within wetland buffer areas.

(Ord. 4817, 02-25-97)

~~14.1-04-10.~~ Plan Applicability. A plan issued under this ~~title~~ runs with the land and is a condition of plat approval. Any owner or subsequent owner of any parcel within the plat must comply with the plan or any approval, revision or modification of the plan. Any owner or

subsequent owner shall be aware of and responsible for continued implementation of this plan.

(Ord. 4817, 02-25-97)

11. Duration. Approval of any plan submitted under the provisions of this Title shall expire one (1) year after the date of approval unless a stormwater permit is issued and construction has commenced in accordance with the plan. However, if prior to the expiration of approval, the applicant makes a written request to the City Engineer for an extension of time to commence construction setting forth the reasons for the requested extension, the City Engineer may grant one extension of not greater than one (1) year. Receipt of any request for an extension shall be acknowledged by the City Engineer within fifteen (15) days. The City Engineer shall make a decision on the extension within thirty (30) days of receipt.

12. Revisions and Resubmittals. Any plan may be revised in the same manner as originally approved and resubmitted. Any denied application may be resubmitted with additional information addressing the concerns contained within the denial. The resubmittal is subject to all applicable fees and shall be considered as a new application.

~~CHAPTER 14.1-05 — STORMWATER MANAGEMENT PERMITS~~

14.1-02-04. Stormwater Management Permits.

~~14-01-05-01.~~ Stormwater Management. It is unlawful to initiate land development, land disturbing, or other activities which result in an increase in stormwater quantities, degradation of stormwater quality, or restriction of flow in any storm sewer system, open ditch or natural channel, stormwater easement, water body, or wetland outlet within the jurisdiction of the City, without having first complied with the terms of this ~~¶~~Title.

(Ord. 4817, 02-25-97)

~~14.1-05-02.~~ Stormwater Management Permits.

~~1a.~~ Mandatory Permits. Any person proposing a development or project which involves land development, land disturbing, or other activities as defined in this ~~¶~~Title, shall obtain a stormwater management permit before initiating those activities.

If the stormwater management plan submittal requirement is waived or deemed exempt by the City Engineer, a stormwater permit must be obtained in accordance with this section.

2b. Permit Application. All persons subject to meeting the requirements for a mandatory stormwater permit shall complete and file with the City Engineer an application in the form prescribed by the City Engineering Department and accompanied by a fee established by the City Engineer and adopted by the Board of City Commissioners. The permit application shall be accompanied by a the following:

- i. A phased erosion and sediment control plan;
- ii. A final grading plan;
- iii. An approved, or revised Sstormwater Mmanagement Pplan as prescribed under Chapter Section 14.1-02-01 of this tTitle, or a waiver of this requirement;
- iv. Verification that all best management practices (BMPs) have been installed; and
- v. The applicable fee.

The City Engineer will evaluate the data furnished as part of the Sstormwater Mmanagement Pplan and may require additional information. For permit applications within the City's extraterritorial area, the City Engineer will provide copies of the permit application to the County Engineer for review and comment. After evaluation and acceptance of the Sstormwater Mmanagement Pplan, the City Engineer may issue a stormwater management permit subject to any terms and conditions deemed necessary. For permit applications within the City's extraterritorial area, the City Engineer will not approve a stormwater permit without written concurrence of the County Engineer.

3c. Permit Conditions. Stormwater management permits are issued subject to all provisions of this tTitle and all other applicable regulations, user charges and fees established by the City. Permits may contain any of the following conditions:

- ai. The user fee for a stormwater outlet utilizing a regional stormwater management facility.

bii. Limits on the maximum rate of stormwater discharge;

eiii. Limits on water quality degradation of stormwater discharge;

div. Requirements for the installation, operation and maintenance of stormwater detention/retention facilities;

ev. Compliance schedule;

fvi. Requirements for notification to and acceptance by the City Engineer of any land disturbing activities which have the potential for increasing the rate of stormwater discharge resulting in degradation of stormwater quality; and

gvii. Other conditions as deemed appropriate by the City Engineer to insure compliance with this ~~title~~ Title.

4d. Permit Duration. Permits must be issued for a time period specified by the City Engineer. The applicant shall apply for permit renewal a minimum of ~~ninety (90)~~ thirty (30) days prior to the expiration of the applicant's existing permit. The terms and conditions of a permit are subject to modification by the City Engineer during the term of the permit as set forth in ~~paragraph five (5)~~ herein. Failure to renew the permit prior to the expiration date will require the permittee to pay a late fee as prescribed by the City Engineer. While the permit may have expired, the permittee remains responsible for the activities and site governed under the permit until the permit is terminated.

5e. Permit Modification. Permits may be modified by the City Engineer for just cause upon thirty (30) calendar days' notice. Just cause shall include but not be limited to:

ai. Promulgation of a new applicable nationwide and or statewide permit standards;

bii. Changes in the requirements of this ordinance Title;

eiii. Changes in the process used by the permittee or changes in discharge rate, volume, or character; and

div. Changes in the design or capability of receiving stormwater facilities.

The applicant must be informed of any proposed changes in the permit at least thirty (30) days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

6f. Permit Amendments. Stormwater permits may be amended only by a written request submitted by the Permittee to the City Engineer. This request shall contain the reason for the change, and documentation related to any additional impacts which may result from amendment approval, and shall include an amendment to the approved stormwater management plan. Amendment requests submitted prior to issuance of a stormwater permit shall be considered part of the original submittal. Amendment requests filed after permit approval shall be considered and reviewed under the same procedures and guidelines as used for the a new stormwater permit applications under this title.

7g. Permit Transfer. A permit runs with the property it covers and is transferable to new owners in its entirety or by parcel, with each parcel being subject to the permit and any conditions which apply to that parcel. A Notice of Transfer is required in conjunction with the transfer of a parcel of land. The current permittee is responsible for submitting the required Notice of Transfer to the Stormwater Program Coordinator within ten (10) business days of the transfer of a parcel of land.

8h. Monitoring Facilities. The City Engineer may require the applicant to provide and operate at the applicant's expense a monitoring facility to allow inspection, sampling, and flow measurements of each stormwater facility component. Where at all possible, the monitoring facility shall be located on the

property of the applicant as opposed to on public rights-of-way. Ample room must be allowed for accurate flow measuring and sampling and the facility shall be kept in a safe and proper operating condition.

9i. Inspection. The City Engineer or Stormwater Program Coordinator may inspect the stormwater management facilities of any permittee to determine compliance with the requirements of this title. A permittee shall allow the City Engineer or Stormwater Program Coordinator to enter upon the premises at all reasonable hours for the purposes of inspection, sampling or record examination. The City Engineer or Stormwater Program Coordinator shall be allowed to set up equipment on the permittee's premises as required for the purpose of collecting samples and flow recording.

j. Termination. A stormwater permit shall be terminated after a review by the City Engineer has determined that a development site has been fully constructed and is reasonably protected from erosion based on constructed conditions. A termination review shall be requested by the permittee or may be initiated by the City Engineer after the expiration date of the permit.

Prior to termination of the stormwater permit an amended stormwater management plan must be submitted to the City Engineer documenting any changes to the original stormwater management plan. The amended stormwater management plan shall be certified by a Professional Engineer registered in the State of North Dakota.

(Ord. 4817, 02-25-97)

~~14.1 05 03. Final Stormwater Management Plan. Upon completion of all required construction activities, the permit applicant shall submit to the City Engineer the final Stormwater Management Plan to document any change to the original Stormwater Management concept. The final Stormwater Management Plan shall contain Record Drawings showing the final configuration for all improvements as constructed. The final Stormwater Management Plan and Record Drawings shall be certified by a Professional Engineer registered in the State of North Dakota.~~

(Ord. 4817, 02-25-97)

CHAPTER 14.1-063 - ENFORCEMENT

14.1-063-01. Remedies and Enforcement Powers. The City shall have the following remedies and enforcement powers:

1. Withhold Permits. The City may deny or withhold all permits, certificates or other forms of authorization as to any applicant for a stormwater permit. Instead of withholding or denying an authorization, the City may grant such authorization subject to the condition that the violation be corrected. This enforcement provision applies regardless of whether the current owner or applicant is responsible for the violation in question. The City may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements owned by a person who owns, develops or otherwise causes an uncorrected violation of a provision of this Title or of a condition or qualification of a permit, certificate, approved stormwater management plan or other authorization previously granted by a decision-making body. This provision applies regardless of whether the property for which the stormwater permit or other approval is sought is the property in violation.

2. Revocation of Stormwater Permits. A stormwater permit may be revoked when the City Engineer determines that:

a. There is departure from the plans, specifications, or conditions as required under terms of a stormwater permit or approved stormwater management plan;

b. The plans, specifications, or conditions were obtained by false representation or the stormwater permit was issued by mistake; or

c. Any of the provisions of this Title are being violated as to the project under the stormwater permit.

3. Revocation of Stormwater Management Plan or Other Approval. When a violation of this Title involves a failure to comply with an approved stormwater management plan or conditions to which the approval of such plan was

made subject, the City Engineer may, upon giving proper notice, revoke the plan approval or other approval, allow work to continue on condition of strict compliance with all applicable rules and regulations, or impose such other conditions as the City Engineer deems appropriate and necessary.

4. Suspension of Stormwater Management Plan or Stormwater Permit. The City Engineer shall have authority to suspend a stormwater management plan or a stormwater permit upon finding that an actual or threatened discharge exists or when such conditions present an imminent or substantial danger to the health or welfare of persons downstream, environment, natural resources, stormwater quantity, water quality, and/or environmentally sensitive lands. Upon issuance of suspension notice and order, all work in the area covered by the plan and/or permit, shall cease immediately. If any person fails to comply with the suspension order, the City shall commence whatever steps are necessary to obtain compliance. The City Engineer may lift the suspension order upon proof of compliance with all stormwater management plan or stormwater permit conditions.

Whenever the City Engineer orders the suspension of a stormwater management plan or stormwater permit and declares the situation to be an emergency, the City Engineer shall serve a notice and order on the permittee personally, or by registered or certified mail. The permittee has the right to an informal hearing before the City Engineer by making an appointment with the City Engineer. The informal hearing must be held within five (5) days of service of the notice and order. Following the hearing, the City Engineer may affirm, modify or rescind the stop work order.

5. Stop Work Order. The City Engineer shall have authority to issue a stop work order, ordering suspension of all work and activity at the site, upon finding that an actual or threatened discharge exists or when such conditions present an imminent or substantial danger to the health or welfare of persons downstream, the environment, natural resources, stormwater quantity, water quality, and/or environmentally sensitive lands. Upon issuance of a stop work order, all work in the area covered by the stormwater permit, if a permit has been issued, shall cease immediately. If any person notified of such stop work order fails to comply, the City shall commence whatever

steps are necessary to obtain compliance. The City Engineer may lift the stop work order upon proof of compliance with all plan or permit requirements and conditions.

Whenever the City Engineer issues a stop work order and declares the situation to be an emergency, the City Engineer shall serve a notice and order on the person performing the work personally, or by registered or certified mail. The person performing the work, owner or permittee has the right to an informal hearing before the City Engineer by making an appointment with the City Engineer. The informal hearing must be held within five (5) days of service of the notice and order. Following the hearing, the City Engineer may affirm, modify or rescind the stop work order.

6. Injunctive Relief. The City may seek an injunction or other equitable relief in court to stop any violation of this Title or of a stormwater permit, stormwater management plan, certificate or other form of authorization granted hereunder.

7. Abatement. The City may seek a court order in the nature of mandamus, abatement, injunction or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

8. Restitution. The City may seek an order requiring restitution as a condition to be met by a person before the person's stormwater permit is restored, before the person is allowed to lawfully discharge into the sewer system, or before other action may be taken by the person as determined by an appropriate order.

9. Costs of Damage. Any person violating any of the provisions of this Title or who initiates an activity that causes a deposit, obstruction, or damage or other impairment to the City's stormwater management system is liable to the City for any expense, loss, or damage caused by the violation or the discharge. The City may bill the person violating this Title the costs of any cleaning, repair or replacement work caused by the violation of stormwater discharge, and if unpaid within ninety (90) days may result in assessment of such costs against the violator's property.

10. City Attorney's Fees and Costs. In addition to the fees and penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporter's fees, and other expenses of litigation by appropriate action against the person found to have violated this Title or the orders, rules, regulations and permits issued hereunder.

11. Other Remedies. The City shall have such other remedies as are and as may be from time to time provided by North Dakota law and municipal codes for the violation of this Chapter or related provisions.

12. Remedies Cumulative. The remedies and enforcement powers established in this Chapter are cumulative.

~~14.1 06 01. Emergency Suspension of Permits. The City Engineer may for cause order the suspension of the stormwater management permit of a person or parcel owner when it appears to the City Engineer that an actual or threatened discharge presents or may present an imminent or substantial danger to the health or welfare of persons downstream, substantial danger to the environment, or a violation of any permit conditions imposed by this title. If any person is notified of the suspension of a stormwater management permit and/or a person fails to comply voluntarily with the suspension order, the City Engineer shall commence whatever steps are necessary to obtain compliance, including judicial proceedings. The City Engineer may reinstate the stormwater management permit upon proof of compliance with all permit conditions.~~

~~Whenever the City Engineer orders the suspension of a stormwater management permit pursuant to the emergency provisions of this section, the City Engineer shall serve notice on the permittee personally, or by registered or certified mail. The permittee has the right to an informal hearing before the City Engineer upon request made in writing and filed with the City Engineer. The informal hearing must be held within five (5) days of the request. Following the hearing, the City Engineer may affirm, modify or rescind the order.~~

~~Any applicant dissatisfied with an order the City Engineer issued pursuant to this section may request a hearing before the Board of City Commissioners by filing a written request for a hearing with the City Engineer, within fifteen (15) days of receipt of the order, who shall inform City Administration. The~~

hearing must be held within thirty (30) days of receipt of the request, or as subject to the current meeting schedule, whereupon the Board of City Commissioners may affirm, modify or rescind the order. A request for a hearing filed pursuant to this section does not stay the order while the hearing is pending.

~~(Ord. 4817, 02-25-97)~~

14.1-03-02. Administrative Search Warrant. Whenever the City Engineer is denied access to a property to inspect for compliance with this Title, he/she may secure an administrative search warrant from the municipal judge in accordance with Chapter 29-29.1, N.D.C.C.

~~14.1-06-02. Revocation of a Permit.~~ A stormwater management permit may be revoked following notice and an opportunity for a hearing in accordance with Sections 14.1-06-03 and 14.1-06-04. The Board of City Commissioners may revoke a stormwater management permit for cause, including but not limited to:

- ~~a. Violation of any terms or conditions of the stormwater management permit;~~
- ~~b. False statements on any required reports;~~
- ~~c. Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; or~~
- ~~d. Any other violation of this title or related ordinance.~~

~~The Board of City Commissioners may suspend a stormwater management permit and order a temporary work stoppage to bring a project into compliance. Notice of such an order shall be given and a hearing provided in accordance with Sections 14.1-06-03 and 14.1-06-04.~~

~~(Ord. 4817, 02-25-97)~~

14.1-063-03. Notification Notice and Order. Except for emergency orders under Section 14.1-064-01(4) and (5), whenever the City Engineer finds that any person has violated or is violating this Title, a stormwater discharge permit and/or its conditions, an approved stormwater management plan, or any prohibition, limitation or requirement contained herein, the City Engineer shall serve upon such person a written notice and order stating the nature of the violation. Within thirty (30) days of the date of the notice, unless a shorter different time

frame is set by the City Engineer due to the nature of the violation, a plan for the satisfactory correction thereof must be submitted to completed to the satisfaction of the City Engineer.

(Ord. 4817, 02-25-97)

14.1-063-04. Appeal. All decisions of the City Engineer dealing with violations of a stormwater permit or this Title or the issuance or non-issuance of the permits required by this Title are subject to appeal to the Board of City Commissioners upon written notice of appeal filed within fifteen (15) days of issuance of the decision. If no appeal is filed within the time period specified, the decision of the City Engineer is final. An appeal stays the City Engineer's decision unless the City Engineer declares the order to be an emergency and certifies to the board that a stay would cause imminent danger to life and property in which case the decision may be stayed only by a restraining order from the Board of City Commissioners or a court of record.

14.1-063-05. Hearing. Upon receiving the notice of appeal the Board of City Commissioners shall set a date for a hearing within thirty (30) days of receipt of the notice of appeal. Notice of the time and place for the hearing must be served upon the appellee by certified mail or in person not less than five (5) days prior to the hearing.

~~14.1-06-04. Hearing.~~ If the violation if not corrected by timely compliance, the City Engineer may order any permittee who causes or allows a violation to a stormwater permit to show cause before the Board of City Commissioners why the order of the City Engineer should not be upheld. A notice of hearing must be served on the permittee specifying the time and place of a hearing to be held by the Board regarding the order of the City Engineer, and directing the permittee to show cause before the Board why the order of the City Engineer should not be upheld. The notice must be served personally or by registered or certified mail at least ten (10) days before the hearing. The evidence submitted at the hearing shall be considered by the Board which shall then either uphold, modify or rescind the order of the City Engineer. An appeal of the Board's decision may be taken according to law.
(Ord. 4817, 02-25-97)

~~14.1-06-05. Legal Action.~~ The discharge of deposited or eroded materials onto public rights of way or public storm sewer systems within the City of Bismarck shall be considered an offense and may result in an order to remove such materials.

Removal of such materials shall be at the owners expense based on the properties from which they originated. The owner shall have three (3) days after receiving the notice to remove these materials. If such materials are not removed they may be removed under the City Engineer's direction and any associated costs shall be the responsibility of the owner.

If any person commences any land disturbing activities which result in increased stormwater quantity or stormwater quality degradation into the City stormwater management system contrary to the provisions of this title, federal or state requirements or any order of the City, the City Attorney may, following the authorization of such action by the Board of City Commissioners, commence action for appropriate legal and/or equitable relief.

(Ord. 4817, 02-25-97)

CHAPTER 14.1-074 - PENALTIES

14.1-074-01. Penalty. Any person who is found to have violated an order of the Board of City Commissioners made in accordance with this title, or who has failed to comply with any provision of this title and the orders, rules, regulations and permits issued hereunder, is guilty of an offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. Any person who fails to comply with a final or un-stayed decision of City Engineer or a decision of the Board of City Commissioners after a hearing or who has failed to comply with any provision of this Title and the orders, rules, regulations and permits issued hereunder, is guilty of an ordinance violation and subject to the provisions of Chapter 1-02 of the City Code (Penalties). Each day the violation continues constitutes a separate offense.

(Ord. 4817, 02-25-97)

14.1-04-02. Abatement. The imposition of a penalty provided by the provisions of this Title shall not preclude the City from instituting proceedings to restrain, correct or abate a continuing violation of this Title. If any person violates any of the provisions of this Title or initiates an activity which causes a deposit, obstruction, or damage or other impairment to the City's stormwater management system and within ten days of a final order issued under this Chapter, fails to obey that order, the City Engineer is hereby authorized to restrain, correct or abate the violation and have the costs incurred assessed against the property.

~~14.1-07-02. Costs of Damage. Any person violating any of the provisions of this title or who initiates an activity which causes a deposit, obstruction, or damage or other impairment to the City's stormwater management system is liable to the City for any expense, loss, or damage caused by the violation or the discharge. The City may bill the person violating this title the costs for any cleaning, repair or replacement work caused by the violation of stormwater discharge.~~
~~(Ord. 4817, 02-25-97)~~

~~14.1-07-03. City Attorney's Fees and Costs. In addition to the civil penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporter's fees, and other expenses of litigation by appropriate action against the person found to have violated this title or the orders, rules, regulations and permits issued hereunder.~~
~~(Ord. 4817, 02-25-97)~~

~~14.1-074-043. Falsifying Information. Any person who knowingly makes any false statements, representations, or certification in any applicable record, report, plan, or other document filed or required to be maintained pursuant to this Title, or stormwater management permit, or who knowingly falsifies, tampers with, or knowingly renders inaccurate any monitoring devices or method required under this eChapter, shall be guilty of an offense.~~
~~(Ord. 4817, 02-25-97)~~

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 jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect following final passage and adoption.

**Major Permit Activity
September 2011**

Non-deeded Owner: Interstate Power Systems
Address: 3801 Commerce Drive
Cost: \$515,947.00
Description: Single-story building addition

Non-deeded Owner: Pine Properties, LLC
Address: 100 West Broadway Avenue
Cost: \$4,000,000.00
Description: Foundation and steel for future three-story building

Non-deeded Owner: Captain Jack's West
Address: 1140 West Turnpike Avenue
Cost: \$1,114,100.00
Description: Single-story building

Non-deeded Owner: LaSalle Condos
Address: 804 East LaSalle Drive
Cost: \$600,000.00
Description: Two-story, four unit condominium

Non-deeded Owner: The Painters
Address: 1851 Revere Drive
Cost: \$563,187.00
Description: Single-story building

Non-deeded Owner: Pahlke Shop
Address: 1430 Industrial Drive
Cost: \$507,000.00
Description: Two-story building

Non-deeded Owner: Hu Hot
Address: 409 South 3rd Street
Cost: \$441,889.00
Description: 5328 square foot interior finish for restaurant

Non-deeded Owner: Belcastle Apartments Phase II
Address: 1834 East Capital Avenue
Cost: \$3,043,071.00
Description: Three-story, 42 unit apartment building

DATE SELECTION 9/2011

Permit Type	***** City *****		***** ETA *****		***** County *****							
	9/2011	9/2010	9/2011	9/2010	9/2011	9/2010						
	Permits	Valuation	Permits	Valuation	Permits	Valuation						
SINGLE FAMILY DETACHED	49	7,971,713.00	28	4,834,708.00	5	1,667,619.00	9	1,439,174.00	0	.00	0	.00
SINGLE FAMILY ATTACHED	1	120,630.00	21	2,632,131.00	0	.00	0	.00	0	.00	0	.00
TWO UNIT	0	.00	1	334,112.00	0	.00	0	.00	0	.00	0	.00
THREE & FOUR FAMILY	1	600,000.00	0	.00	0	.00	0	.00	0	.00	0	.00
FIVE & MORE FAMILY	1	3,043,071.00	1	603,291.00	0	.00	0	.00	0	.00	0	.00
CONDO/TOWNHOUSE-1 HR.WALL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MANUFACTURED HOMES	7	1,500.00	2	.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME WITHOUT EXTRA	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME WITH EXTRAS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME MISCELLANEOUS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
HOTELS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOTELS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
GROUP QUARTERS	0	.00	1	507,734.00	0	.00	0	.00	0	.00	0	.00
NON-STRUCTURAL DEVELOPMEN	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
AMUSEMENT & RECREATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
CHURCHES AND RELIGIOUS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
INDUSTRIAL	2	1,070,187.00	2	266,000.00	0	.00	2	548,935.00	0	.00	0	.00
RESEARCH & DEVELOPMENT	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
AUTO SERVICE AND REPAIR	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
HOSPITALS & INSTITUTIONAL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
OFFICE, BANK & PROFESSION	0	.00	1	340,289.00	0	.00	0	.00	0	.00	0	.00
SCHOOLS AND EDUCATIONAL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
COMM (RETAIL SALES)	2	1,555,989.00	2	1,769,522.00	0	.00	0	.00	0	.00	0	.00
OTHER (PUBLIC PARKING GAR	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
OTHER STRUCTURES	3	4,226,760.00	18	1,258,000.00	0	.00	0	.00	0	.00	0	.00
PUBLIC BUILDING	0	.00	0	.00	0	.00	0	.00	1	293,400.00	0	.00
ROOM ADDITIONS	3	68,402.00	4	93,507.00	2	140,124.00	2	40,644.00	0	.00	0	.00
RESIDENTIAL GARAGES	9	86,656.00	8	78,448.00	7	114,688.00	7	144,512.00	0	.00	2	37,728.00
PATIOS AND COVERS	6	15,440.00	9	24,690.00	4	12,320.00	2	4,920.00	0	.00	0	.00
SWIMMING POOLS AND SPAS	0	.00	1	1,200.00	0	.00	0	.00	0	.00	0	.00
OTHER	19	67,900.00	14	42,726.00	5	70,550.00	1	1,000.00	0	.00	0	.00
HOME OCCUPATIONS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
STORAGE SHEDS	5	7,850.00	10	33,800.00	0	.00	1	3,072.00	0	.00	0	.00
BASEMENT FINISH	7	48,475.00	14	78,036.00	3	13,452.00	2	12,160.00	0	.00	0	.00
INDUSTRIAL BUILDINGS	1	515,947.00	2	293,506.00	0	.00	0	.00	0	.00	0	.00
COMMERCIAL BUILDINGS	6	217,531.00	3	136,145.00	0	.00	0	.00	0	.00	0	.00

DATE SELECTION 9/2011

Permit Type	***** City *****		***** ETA *****		***** County *****	
	9/2011	9/2010	9/2011	9/2010	9/2011	9/2010
	Permits	Valuation	Permits	Valuation	Permits	Valuation
OFFICE & PROFESSIONAL BLD	3	297,266.00	5	624,683.00	0	.00
OTHER	5	281,590.00	1	97,450.00	0	.00
ALTER PUBLIC	1	2,750.00	1	127,540.00	0	.00
APTS TO CONDO	0	.00	0	.00	0	.00
TO/FROM RESIDENTIAL	0	.00	0	.00	0	.00
RESIDENTIAL	0	.00	0	.00	0	.00
OTHER	0	.00	2	.00	0	.00
CHRISTMAS TREE SALES	0	.00	0	.00	0	.00
FIREWORKS SALES	0	.00	0	.00	0	.00
NURSERY STOCK SALES	0	.00	0	.00	0	.00
TEMPORARY STRUCTURE PERMI	0	.00	1	.00	0	.00
CIRCUS/CARNIVAL	0	.00	0	.00	0	.00
MOVE OUT OF PMT LOCATION	0	.00	0	.00	0	.00
MOVE INTO PERMIT LOCATION	0	.00	0	.00	0	.00
MOVE WITHIN PMT LOCATION	0	.00	1	.00	0	.00
NEW SIGN PERMIT	3	21,525.00	13	148,182.00	0	.00
SIGN ALTERATION	0	.00	0	.00	0	.00
ELECTRONIC MESSAGE CENTER	0	.00	0	.00	0	.00
FLOOD RELATED PERMITS	0	.00	0	.00	0	.00
Permit Type Total	134	20,221,182.00	166	14,325,700.00	26	2,018,753.00
					26	2,194,417.00
					1	293,400.00
					2	37,728.00

DATE SELECTION 9/2011

Permit Type	***** City *****		***** ETA *****		***** County *****	
	9/2011 Permits	9/2010 Permits	9/2011 Permits	9/2010 Permits	9/2011 Permits	9/2010 Permits
Plumbing	76	46	9	5	2	1
Electrical	138	78	0	0	0	0
Mechanical	124	100	49	28	8	0
Drain Field	0	0	23	13	1	2
Hood Suppression	1	0	0	0	0	0
SprinklerStandpipe	4	4	0	0	0	0
Alarm Detection	4	0	0	0	0	0
Total	347	228	81	46	11	3

DATE SELECTION 9/2011

Living Units	***** City *****		***** ETA *****		***** County *****	
	Units 9/2011	Units 9/2010	Units 9/2011	Units 9/2010	Units 9/2011	Units 9/2010
SINGLE FAMILY DETACHED	49	28	5	9	0	0
SINGLE FAMILY ATTACHED	1	21	0	0	0	0
TWO UNIT	0	2	0	0	0	0
THREE & FOUR FAMILY	4	0	0	0	0	0
FIVE & MORE FAMILY	42	7	0	0	0	0
MANUFACTURED HOMES	1	0	0	0	0	0
GROUP QUARTERS	0	7	0	0	0	0
ROOM ADDITIONS	0	0	1	1	0	0
PATIOS AND COVERS	1	0	0	0	0	0
OTHER	1	0	0	0	0	0
BASEMENT FINISH	1	0	0	0	0	0
Total	100	65	6	10	0	0

PERMIT LOCATION	PERMIT NUMBER	PROPERTY ADDRESS	DATE SELECTION	OWNERS NAME CONTRACTOR	VALUATION
CITY OF BISMARCK	2011-0001242	100 W BROADWAY	AV 09/2011	BROADWAY CENTRE CURLYS CONSTRUCTION INC	4,000,000.00
CITY OF BISMARCK	2011-0001329	1140 W TURNPIKE	AV	CAPTAIN JACK'S WEST ASSOCIATED POOL BUILDERS INC	1,114,100.00
CITY OF BISMARCK	2011-0001369	1834 E CAPITOL	AV	BELCASTLE APARTMENTS PAHSE II NORTHWEST CONTRACTING INC	3,043,071.00

DATE SELECTION 9/2011

Permit Type	***** City *****		***** ETA *****		***** County *****							
	9/2011	9/2010	9/2011	9/2010	9/2011	9/2010						
	Permits	Valuation	Permits	Valuation	Permits	Valuation						
SINGLE FAMILY DETACHED	250	43,307,862.00	183	32,349,740.00	72	14,096,932.00	69	12,780,989.00	9	1,687,618.00	9	1,672,683.00
SINGLE FAMILY ATTACHED	64	9,990,481.00	73	10,724,639.00	0	.00	0	.00	0	.00	0	.00
TWO UNIT	1	238,476.00	2	456,971.00	0	.00	0	.00	0	.00	0	.00
THREE & FOUR FAMILY	6	3,720,500.00	3	1,720,000.00	0	.00	0	.00	0	.00	0	.00
FIVE & MORE FAMILY	2	3,968,461.00	3	2,747,291.00	0	.00	0	.00	0	.00	0	.00
CONDO/TOWNHOUSE-1 HR.WALL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MANUFACTURED HOMES	31	13,440.00	24	5,100.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME WITHOUT EXTRA	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME WITH EXTRAS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME MISCELLANEOUS	0	.00	1	31,516.00	0	.00	0	.00	0	.00	0	.00
HOTELS	2	12,311,458.00	1	4,362,000.00	0	.00	0	.00	0	.00	0	.00
MOTELS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
GROUP QUARTERS	0	.00	3	652,434.00	0	.00	0	.00	0	.00	0	.00
NON-STRUCTURAL DEVELOPMEN	0	.00	2	4,380,824.00	0	.00	0	.00	0	.00	0	.00
AMUSEMENT & RECREATION	0	.00	0	.00	0	.00	1	500.00	0	.00	0	.00
CHURCHES AND RELIGIOUS	0	.00	1	120,000.00	0	.00	0	.00	0	.00	0	.00
INDUSTRIAL	8	3,302,302.00	9	4,588,341.00	2	314,000.00	6	824,534.00	0	.00	0	.00
RESEARCH & DEVELOPMENT	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
AUTO SERVICE AND REPAIR	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
HOSPITALS & INSTITUTIONAL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
OFFICE, BANK & PROFESSION	4	2,293,250.00	8	28,692,482.00	0	.00	0	.00	0	.00	0	.00
SCHOOLS AND EDUCATIONAL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
COMM (RETAIL SALES)	6	3,302,780.00	5	2,571,193.00	0	.00	0	.00	0	.00	0	.00
OTHER (PUBLIC PARKING GAR	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
OTHER STRUCTURES	17	5,534,057.00	26	2,247,243.00	0	.00	5	2,500.00	0	.00	0	.00
PUBLIC BUILDING	7	45,113,764.00	6	1,898,031.00	1	511,064.00	0	.00	2	304,742.00	0	.00
ROOM ADDITIONS	23	479,602.00	17	378,360.00	10	354,837.00	17	1,203,643.00	1	21,306.00	2	97,680.00
RESIDENTIAL GARAGES	51	494,732.00	69	623,164.00	63	1,268,508.00	66	1,143,235.00	5	196,660.00	18	531,080.00
PATIOS AND COVERS	83	243,660.00	112	380,509.80	14	100,245.00	12	49,187.00	0	.00	4	17,265.00
SWIMMING POOLS AND SPAS	0	.00	2	71,595.00	1	47,300.00	0	.00	0	.00	0	.00
OTHER	122	873,443.00	155	1,623,296.00	15	300,424.00	12	299,301.00	1	4,172.00	4	12,500.00
HOME OCCUPATIONS	2	.00	3	.00	1	.00	1	.00	0	.00	0	.00
STORAGE SHEDS	39	71,700.00	90	172,186.00	3	18,433.00	12	27,754.00	0	.00	1	5,120.00
BASEMENT FINISH	136	677,802.00	105	496,439.00	36	199,973.00	39	223,715.00	2	1,140.00	2	12,650.00
INDUSTRIAL BUILDINGS	19	3,726,580.00	17	1,747,393.00	1	286,382.00	1	5,688.00	0	.00	0	.00
COMMERCIAL BUILDINGS	41	7,970,344.00	22	2,421,638.00	1	84,100.00	1	988,684.00	0	.00	0	.00

DATE SELECTION 9/2011

Permit Type	***** City *****		***** ETA *****		***** County *****							
	9/2011	9/2010	9/2011	9/2010	9/2011	9/2010						
	Permits	Valuation	Permits	Valuation	Permits	Valuation						
OFFICE & PROFESSIONAL BLD	34	8,433,489.00	60	8,662,854.00	0	.00	1	97,000.00	0	.00	0	.00
OTHER	19	3,925,211.00	10	1,559,206.00	2	1,200,000.00	1	16,995.00	0	.00	0	.00
ALTER PUBLIC	12	5,316,027.00	14	6,155,308.00	0	.00	0	.00	0	.00	0	.00
APTS TO CONDO	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
TO/FROM RESIDENTIAL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
RESIDENTIAL	7	.00	11	.00	1	.00	0	.00	0	.00	0	.00
OTHER	8	.00	8	.00	0	.00	0	.00	0	.00	0	.00
CHRISTMAS TREE SALES	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
FIREWORKS SALES	0	.00	2	.00	12	.00	10	.00	0	.00	0	.00
NURSERY STOCK SALES	6	.00	3	.00	0	.00	0	.00	0	.00	0	.00
TEMPORARY STRUCTURE PERMI	3	.00	4	.00	7	.00	5	.00	0	.00	0	.00
CIRCUS/CARNIVAL	2	50.00	1	.00	0	.00	0	.00	0	.00	0	.00
MOVE OUT OF PMT LOCATION	1	.00	3	.00	0	.00	0	.00	0	.00	0	.00
MOVE INTO PERMIT LOCATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOVE WITHIN PMT LOCATION	0	.00	2	.00	0	.00	0	.00	0	.00	0	.00
NEW SIGN PERMIT	56	677,791.00	48	389,338.00	0	.00	1	1,945.00	0	.00	0	.00
SIGN ALTERATION	2	9,587.00	1	26,915.00	0	.00	0	.00	0	.00	0	.00
ELECTRONIC MESSAGE CENTER	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
FLOOD RELATED PERMITS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
	1066	168,327,562.00	1109	122,256,006.80	242	18,782,198.00	260	17,665,670.00	20	2,215,638.00	40	2,348,978.00

DATE SELECTION 9/2011

Permit Type	***** City *****		***** ETA *****		***** County *****	
	9/2011 Permits	9/2010 Permits	9/2011 Permits	9/2010 Permits	9/2011 Permits	9/2010 Permits
Plumbing	411	373	84	84	8	9
Electrical	887	771	0	0	0	0
Mechanical	897	777	175	152	20	18
Drain Field	0	0	23	13	1	2
Hood Suppression	1	0	0	0	0	0
SprinklerStandpipe	4	4	0	0	0	0
Alarm Detection	4	0	0	0	0	0
Total	2241	1954	338	310	37	36

DATE SELECTION 9/2011

Living Units	***** City *****		***** ETA *****		***** County *****	
	Units 9/2011	Units 9/2010	Units 9/2011	Units 9/2010	Units 9/2011	Units 9/2010
SINGLE FAMILY DETACHED	249	183	72	69	9	9
SINGLE FAMILY ATTACHED	64	73	0	0	0	0
TWO UNIT	2	4	0	0	0	0
THREE & FOUR FAMILY	24	12	0	0	0	0
FIVE & MORE FAMILY	52	28	0	0	0	0
MANUFACTURED HOMES	5	2	0	0	0	0
GROUP QUARTERS	0	9	0	0	0	0
INDUSTRIAL	1	0	0	0	0	0
COMM (RETAIL SALES)	1	0	0	0	0	0
OTHER STRUCTURES	0	4	0	0	0	0
ROOM ADDITIONS	4	0	3	5	0	1
RESIDENTIAL GARAGES	0	1	0	1	0	1
PATIOS AND COVERS	4	1	0	0	0	0
OTHER	5	5	0	0	0	0
STORAGE SHEDS	0	2	0	0	0	0
BASEMENT FINISH	9	6	1	1	0	0
INDUSTRIAL BUILDINGS	1	0	0	0	0	0
ALTER PUBLIC	1	0	0	0	0	0
RESIDENTIAL	1	0	0	0	0	0
Total	423	330	76	76	9	11