Bismarck

Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION MEETING AGENDA
March 25, 2015

Tom Baker Meeting Room | 5:00 p.m. | City-County Building

Item No. | Page

INTRODUCTION OF NEW COMMISSIONER

1. Introduction of County Commissioner Brian Bitner, the County's new representative to the Bismarck Planning and Zoning Commission

MINUTES

2. Consider approval of the minutes of the February 25, 2015 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA

CONSIDERATION

The following items are requests for a public hearing.

3. Airport Road 2nd Addition (JW)

a. Zoning Change (R10 & MA to R10, MA & PUD) 1

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

b. Preliminary Plat 7

Staff recommendation: tentative approval ☐tentative approval ☐table ☐deny

4. Benedictine First Subdivision (Klee)

a. Zoning Change (A to Conditional RM) 11

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

b. Preliminary Plat 15

Staff recommendation: tentative approval ☐tentative approval ☐table ☐deny

5. **University of Mary Second Subdivision** – Zoning Change (A & RR to P) (Klee)..... 19

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

6. **Hamilton's First Addition First Replat**
Zoning Change (RM15 & PUD to R10, RM15 & PUD) (JT)..... 23

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

7. **Ash Coulee Estates Addition**
Zoning Change (R5 to R5 & PUD) (Klee) 31

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

8. **Off-street Parking** – Zoning Ordinance Text Amendment (Klee)..... 43

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

9. **Special Uses/Temporary Uses** – Zoning Ordinance Text Amendment (Klee)..... 57

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

10. **Special Uses/Drive-In/Drive-Through Establishments** –
Zoning Ordinance Text Amendment (Klee) 61

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

11. **CR- Commercial District/Parking & Loading** –
Zoning Ordinance Text Amendment (Klee) 65

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

REGULAR AGENDA

FINAL CONSIDERATION/PUBLIC HEARINGS

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

12. **Lot 2, Block 1, Mr. B's West Addition and part of adjacent Tract 7** –
Annexation (Klee)..... 69

Staff recommendation: approve ☐approve ☐continue ☐table ☐deny

13. **Lot 1 less the North 250 feet and Lot 2, Block 1, and Lots 1-2, Block 2, Northern Sky Addition and Auditor's Lot C-3 of the SE¼ of Section 17, T139N-R80W/Hay Creek Township** –
Zoning Change (RM30, RT & CA to RT & CA) (JW) 73

Staff recommendation: approve ☐approve ☐continue ☐table ☐deny

14. **Auditor's Lot J of the NE¼ of Section 30, T139N-R80W/Hay Creek Township (Part of vacated Tyler's Western Village)**– Zoning Change (A and RM30 to RT) (JW). 77

Staff recommendation: approve ☐approve ☐continue ☐table ☐deny

15. **Part of Lot 1, Block 1, Shannon Valley Third Addition –**
Zoning Change (RM30 to R10) (JW) 81

Staff recommendation: approve □approve □continue □table □deny

16. **Kamrose Crossing Addition** – PUD Amendment (JT) 85

Staff recommendation: approve □approve □continue □table □deny

17. **Stoneridge Addition** – PUD Amendment (JT) 95

Staff recommendation: approve □approve □continue □table □deny

18. **Lot 2, Block 1, Inland Addition** – Special Use Permit (child care center) (JW) 105

Staff recommendation: approve □approve □continue □table □deny

19. **Downtown Zoning Districts (DC-Downtown Core and DF-Downtown Fringe) –**
Zoning Ordinance Text Amendment/Design Guidelines (JT) 111

Staff recommendation: approve □approve □continue □table □deny

OTHER BUSINESS

20. **Consideration of Policy for Dedication of Easements and Rights-of-Way Required for Orderly Development** 147

21. **Other**

ADJOURNMENT

22. **Adjourn.** The next regular meeting date is scheduled for **Wednesday, April 29, 2015.**
(Please note that meeting is one week later than originally scheduled)

Enclosures: Meeting Minutes of February 25, 2015
Building Permit Activity Report for February 2015

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Airport Road 2nd Addition - Zoning Change (R10 & MA to R10, MA & PUD)	
Status: Planning Commission – Consideration	**Date:** March 25, 2015
Owner(s): Todd Billington (Lot 1) Jack and Bonnie Werner (Lots 2,3 and 4) Jimmy and Janice Lahman (Lot 5) Gerald Hilzendeger (Lot 6)	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Plat and rezone property to allow for the continuation of the residential use on Lot 1 and industrial uses on Lots 3-6, and for a PUD to allow the construction of shop condos on Lot 2, adjacent to the residential uses.	
Location: In central Bismarck, between Bowen Avenue and Tatley Park Road, along the west side of Airport Road.	
Project Size: 2.6 acres	**Number of Lots:** 6 lots in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Residential and industrial uses	**Land Use:** Residential and industrial uses
Zoning: R10 – Residential MA – Industrial	**Zoning:** R10 – Residential MA – Industrial PUD – Planned Unit Development
Uses Allowed: R10 – Single and two-family residential MA – Light industrial, general commercial, warehouses, storage facilities and shop condos	**Uses Allowed:** R10 – Single and two-family residential MA – Light industrial, general commercial, warehouses, storage facilities and shop condos PUD – Uses specified in proposed PUD
Maximum Density Allowed: R10 – 10 units/acre MA – NA	**Maximum Density Allowed**: R10 – 10 units per acre MA – NA PUD – NA

PROPERTY HISTORY:		
Zoned: Pre-1980	**Platted:** N/A	**Annexed:** Pre-1980

ADDITIONAL INFORMATION:

1. The proposed zoning change is outside the area covered by the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan (GMP).

2. Staff has concerns with the portion of the proposed zoning change that would rezone Lot 2, Block 1 from R10 – Residential to PUD – Planned Unit Development and has suggested to the applicant that a zoning designation of RT – Residential would be supported by staff.

(continued)

3. The proposed PUD- Planned Unit Development is being requested in order to construct a multi-tenant shop condo building. Shop condos are permitted within the MA – Industrial and MB – Industrial zoning districts and are considered an industrial use. Introducing industrial uses further away from Airport Road, directly adjacent to an existing twinhome, may have an adverse impact on the existing residential neighborhood. In addition, the proposed 15 foot buffer yard and landscaping may not provide an appropriate buffer between the industrial uses specified in the PUD – Planned Unit Development and the existing residential located to the west. Staff has informed the applicants and the consulting engineer that a rezoning of Lot 2, Block 1 to PUD – Planned Unit Development for the construction of shop condos would not be supported by staff.

FINDINGS:

1. The proposed zoning change for Lot 2, Block 1 may not be completely compatible with adjacent land uses. In particular, rezoning Lot 2, Block 1 to PUD – Planned Unit Development for the construction of shop condos may not provide a zoning transition between the existing residential neighborhood to the west and existing MA – Industrial zoning district to the east and would introduce industrial uses further into the existing neighborhood. Adjacent land uses include residential and industrial uses to the north across East Bowen Avenue, industrial uses to the east across Airport Road, residential uses to the west and Tatley Park to the south across Tatley Park Road.

2. The property is already annexed; therefore, the proposed zoning change would not place an undue burden on public services.

3. The proposed zoning change, with the exception of Lot 2, Block 1, would not adversely affect property in the vicinity. However, the proposed zoning change for Lot 2, Block 1, may adversely affect property in the vicinity. In particular, expanding industrial type uses (shop condos) further into an existing neighborhood and adjacent to residentially zoned properties, along with the amount of traffic potentially generated by those uses may adversely affect the existing lower density uses to the north and west.

4. The proposed zoning change, with the exception of Lot 2, Block 1, is consistent with the general intent and purpose of the zoning ordinance. The proposed zoning change of Lot 2, Block 1 is not completely consistent with the general intent and purpose of the zoning ordinance. In particular, allowing the construction of shop condos, an industrial use further into the existing neighborhood without a zoning transition is contrary to the concept of transitional zoning.

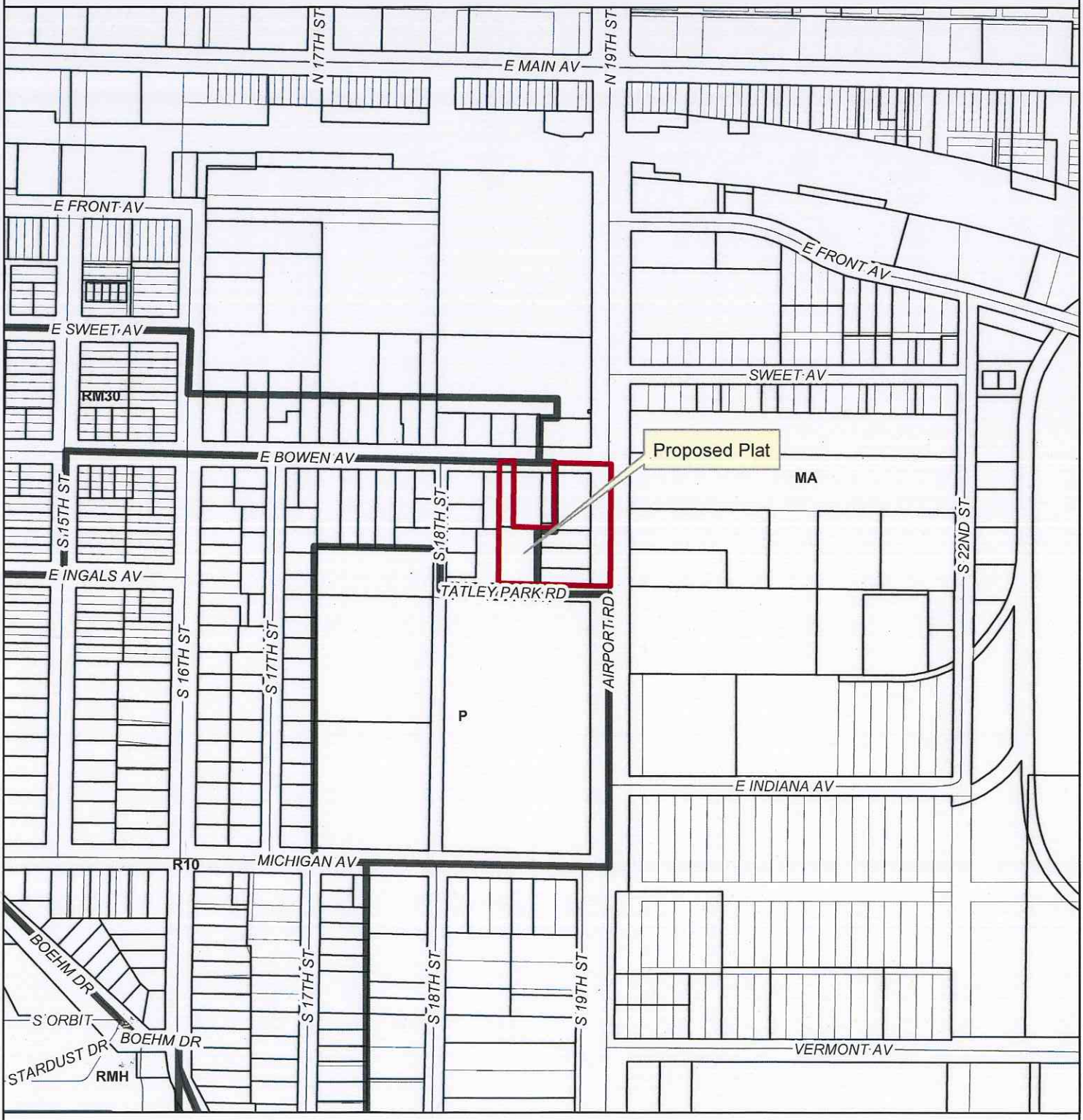
5. The proposed zoning change, with the exception of Lot 2, Block 1, is consistent with the master plan, other adopted plans, policies and accepted planning practice. However the proposed zoning change for Lot 2, Block 1, is not completely consistent with the master plan, other adopted plans, policies and accepted planning practice. In particular, given the fact that there would no longer be a zoning transition between the existing R10 – Residential zoned properties to the west. Expanding the industrial uses (shop condos) further to the west is contrary to the concept of transitional zoning.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the R10 – Residential and MA – Industrial and R10 – Residential, MA – Industrial, and PUD – Planned Unit Development for Airport Road 2nd Addition, with the understanding that staff will recommend denial of the proposed PUD – Planned Unit Development for Lot 2, Block 1, Airport Road Addition.

/JW

Proposed Zoning Change (R10 & MA to R10, MA & PUD)
Airport Road 2nd Addition



March 5, 2015 (hlb)

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

Feet
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Planned Unit Development

1826 Tatley Park Road

Bismarck ND

The existing land use along Airport Road from Main Street south to University Drive is industrial and commercial. The existing land use along Bowen Avenue and along Tatley Park Road is residential. At this location industrial and residential units occupy the same city block. Bowen Avenue along the north side of the block, Airport Road along the east side of the block and Tatley Park Road along the south side of the block. The property along Airport Road is zoned industrial and is occupied by 4 existing commercial and industrial businesses. The Tatley Park Road property and the Bowen Avenue property are zoned residential and have well established residential units along these streets. This is an existing problem in the older neighborhoods. Residential and Industrial uses are neighbors.

There is one undeveloped property that separates an industrial and a residential use. The property lies at 1826 Tatley Park Road. This parcel has industrial use on the east side and residential use on the west side. This parcel should act as a buffer between these existing uses. The most efficient way to establish this buffer is through the use of a Planned Unit Development district. The owner of this empty parcel is also the owner of the industrial property along Airport Road. The owner would like to develop the vacant site with a land use that would be consistent with his Airport Road property.

If he was to expand his parking lot in conjunction with the Airport Road businesses he would need to continue Industrial zoning into the empty lot. This would not be advisable. It would continue the industrial zoning up against an existing residential use. In an effort to provide a buffer between the industrial and the residential uses the owner is proposing a Planned Unit Development.

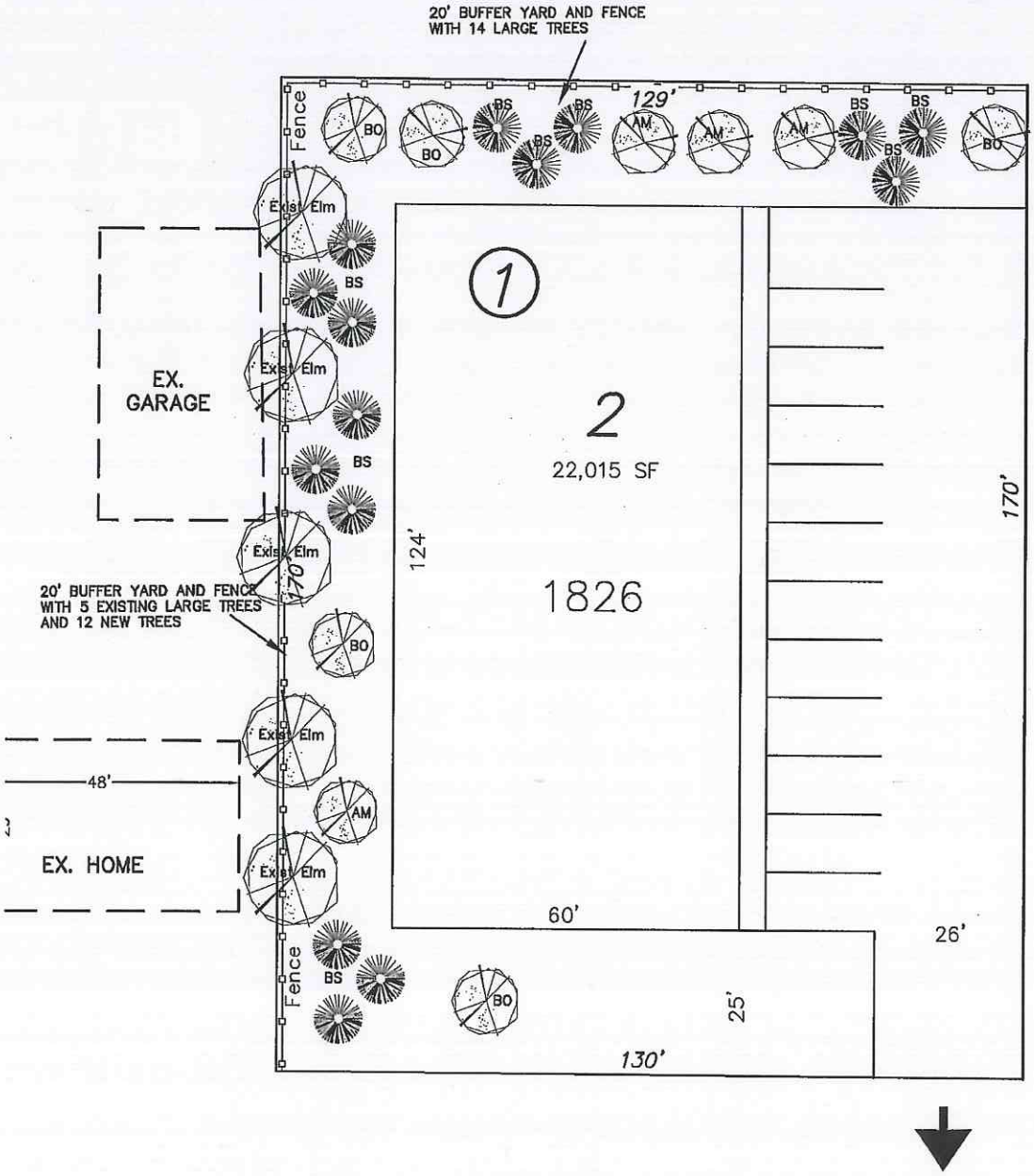
The Planned Unit Development district will allow the property owner to develop his property while providing a buffer to the existing residential use. The development can look like part of the Airport Road development and at the same time provide the necessary buffer between the existing residential and industrial uses. The existing vacant lot creates the opportunity to create a buffer between these existing uses.

The Planned Unit Development also allows the other properties in the neighborhood the opportunity to follow this example and allow the business uses along Airport Road to expand to the west as the adjoining residential uses are retired and the owners look for more attractive land uses.

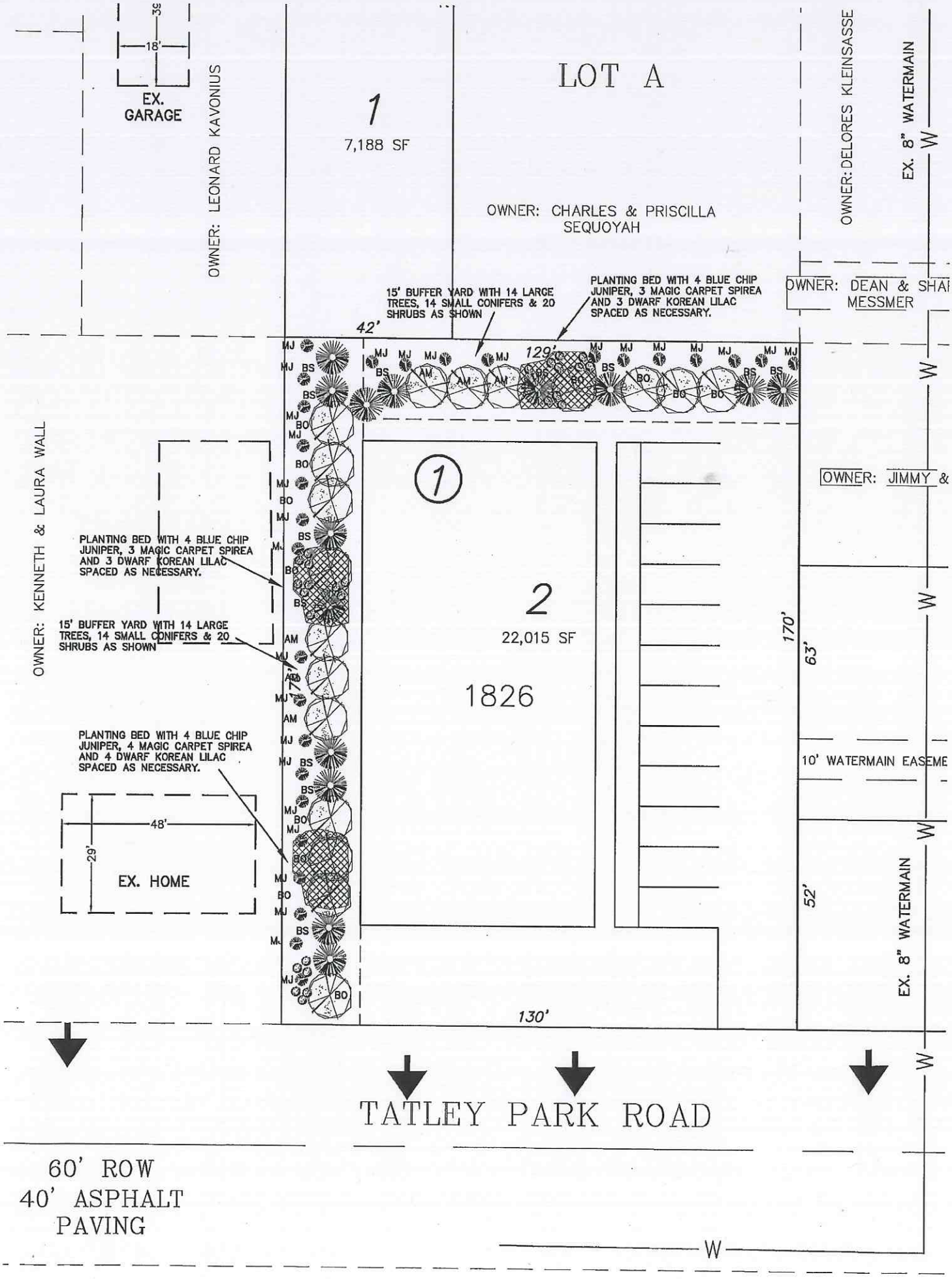
The parking lot on the proposed new building would be adjoining the industrial uses along Airport Road. A fence and landscape buffer can be adjioning the existing residential uses.

The vacant lot has 130 feet of frontage along Tatley Park Road and is 170 feet in depth along the industrial and commercial uses.

We have provided 2 site plans. The first uses planting to provide a buffer and the 2nd incorporates a fence as well as plantings to create the buffer.



TATLEY PARK ROAD


EX. GARAGE
18'
OWNER: LEONARD KAVONIUS
1
7,188 SF
LOT A
OWNER: CHARLES & PRISCILLA SEQUOYAH
OWNER: DELORES KLEINSASSE
EX. 8" WATERMAIN
OWNER: DEAN & SHAI MESSMER
15' BUFFER YARD WITH 14 LARGE TREES, 14 SMALL CONIFERS & 20 SHRUBS AS SHOWN
PLANTING BED WITH 4 BLUE CHIP JUNIPER, 3 MAGIC CARPET SPIREA AND 3 DWARF KOREAN LILAC SPACED AS NECESSARY.
42'
129'
OWNER: KENNETH & LAURA WALL
OWNER: JIMMY &
PLANTING BED WITH 4 BLUE CHIP JUNIPER, 3 MAGIC CARPET SPIREA AND 3 DWARF KOREAN LILAC SPACED AS NECESSARY.
15' BUFFER YARD WITH 14 LARGE TREES, 14 SMALL CONIFERS & 20 SHRUBS AS SHOWN
1
2
22,015 SF
1826
170'
63'
10' WATERMAIN EASEME
PLANTING BED WITH 4 BLUE CHIP JUNIPER, 4 MAGIC CARPET SPIREA AND 4 DWARF KOREAN LILAC SPACED AS NECESSARY.
48'
29'
EX. HOME
52'
EX. 8" WATERMAIN
130'
TATLEY PARK ROAD
60' ROW
40' ASPHALT PAVING
W

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Airport Road 2nd Addition – Preliminary Plat	
Status: Planning Commission – Consideration	**Date:** March 25, 2015
Owner(s): Todd Billington (Lot 1) Jack and Bonnie Werner (Lots 2,3 and 4) Jimmy and Janice Lahman (Lot 5) Gerald Hilzendeger (Lot 6)	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Plat and rezone property to allow for the continuation of the residential use on Lot 1 and industrial uses on Lots 3-6, and for a PUD to allow the construction of shop condos on Lot 2, adjacent to the residential uses.	
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Project Size: 2.6 acres	**Number of Lots:** 6 lots in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Residential and industrial uses	**Land Use:** Residential and industrial uses
Zoning: R10 – Residential MA – Industrial	**Zoning:** R10 – Residential MA – Industrial PUD – Planned Unit Development
Uses Allowed: R10 – Single and two-family residential MA – Light industrial, general commercial, warehouses, storage facilities and shop condos	**Uses Allowed:** R10 – Single and two-family residential MA – Light industrial, general commercial, warehouses, storage facilities and shop condos PUD – Uses specified in proposed PUD
Maximum Density Allowed: R10 – 10 units/acre MA – NA	**Maximum Density Allowed**: R10 – 10 units per acre MA – NA PUD – NA

PROPERTY HISTORY:		
Zoned: Pre-1980	**Platted:** N/A	**Annexed:** Pre-1980

FINDINGS:

1. All technical requirements for consideration of a preliminary plat have been met.

2. The proposed subdivision is outside the boundaries of the Fringe Area Road Master Plan.

(continued)

3. The proposed subdivision would generally be compatible with adjacent land uses. Adjacent land uses include residential and industrial uses to the north across East Bowen Avenue, industrial uses to the east across Airport Road, residential uses to the west and Tatley Park to the south across Tatley Park Road.

4. The property is already annexed; therefore the proposed subdivision would not place an undue burden on public services.

5. The proposed subdivision would not have an adverse impact on property in the vicinity.

6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.

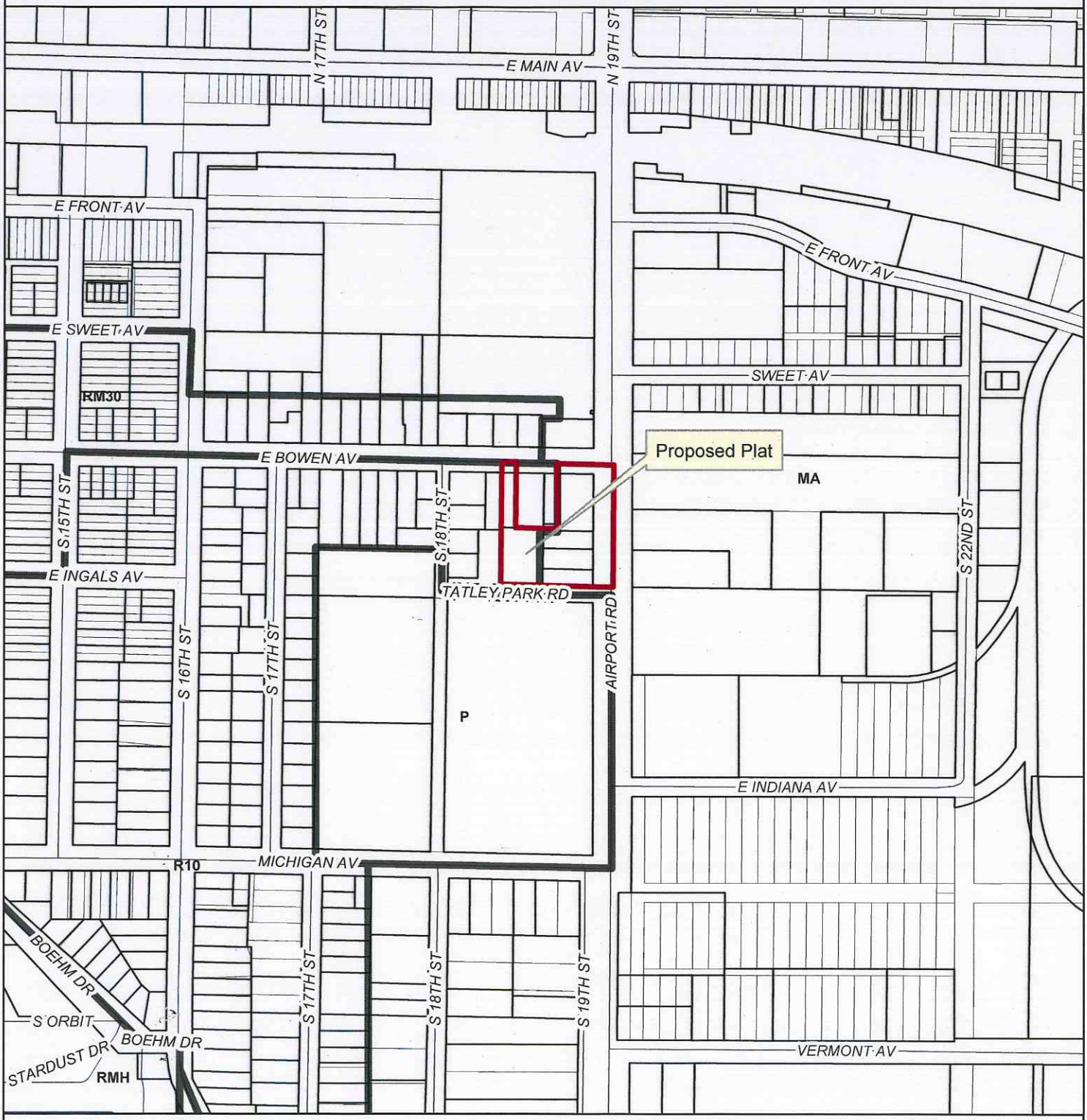
7. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends tentative approval of the preliminary plat for Airport Road 2nd Addition.

/JW

Proposed Plat
Airport Road 2nd Addition



March 5, 2015 (hlb)

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0 165 330 660 Feet

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MAR 19 2015

AIRPORT ROAD 2ND ADDITION

PRELIMINARY PLAT

LOTS B,C, AND D OF AUDITOR'S LOT 5 AND PART OF THE SW 1/4 OF SECTION 3, T. 138 N., R. 80 W.

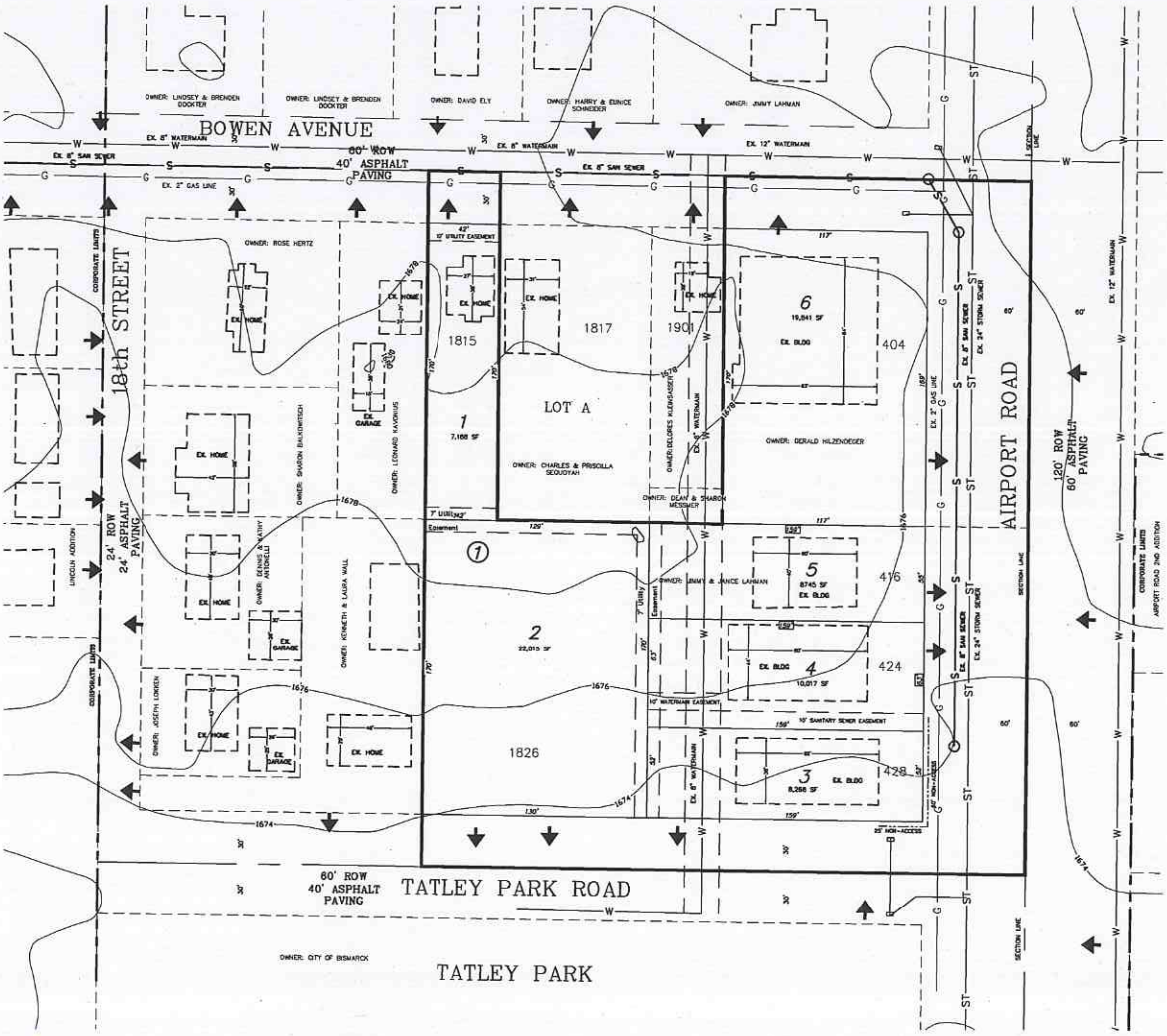
BISMARCK, NORTH DAKOTA

SCALE - 1"=30'

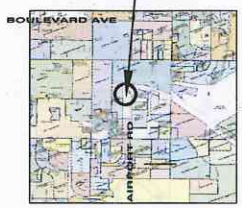
0 15 30 45

MARCH 19, 2015

NAVD 88



PROJECT LOCATION



LOCATION MAP

OWNER: LOTS 1-4
JACK & BONNIE WERNER
39 CAPTAIN MARSH DR
MANDAN, ND 58554

OWNER: LOT 5
JIM LAHMAN
412 RIVER ROAD
BISMARCK, ND 58504

OWNER: LOT 6
GERALD HILZENDEGER
404 AIRPORT ROAD
BISMARCK, ND 58504

2.60 ACRES
EXISTING ZONING: R10/MA
PROPOSED ZONING: R10/MA/PUD
6 LOTS

SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
900 Basin Avenue
Bismarck, North Dakota 58504
shcmail@swensonhagen.com
Phone (701) 223 - 2500
Fax (701) 223 - 2600

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Benedictine First Subdivision – Zoning Change (A to Conditional RM)	
Status: Planning Commission – Consideration	**Date:** March 25, 2015
Owner(s): Benedictine Sisters of the Annunciation	**Engineer:** Axien Engineering, PC
Reason for Request: Plat and zone property for further development of priory.	
Location: South of Bismarck, along the west side of ND Highway 1804, south and southwest of the University of Mary (Part of the SW¼ of the NW¼ and part of Government Lot 4, Section 2, and part of Government Lots 1 and 2, Section 3, T137N-R80W/Fort Rice Township).	
Project Size: 16.71 acres	**Number of Lots:** 3 lots in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Annunciation Priory	**Land Use:** Annunciation Priory
Zoning: A – Agricultural	**Zoning: Zoning:** Conditional RM – Residential
Uses Allowed: A – Agriculture	**Uses Allowed:** Group dwelling limited to the Annunciation Priory
Maximum Density Allowed: A – One unit/40 acres	**Maximum Density Allowed**: One group dwelling on Lot 1
PROPERTY HISTORY:	
Zoned: N/A	**Platted:** N/A

ADDITIONAL INFORMATION:

1. The plat is being proposed to clean up the underlying legal description and allow the construction of an accessory building for the Annunciation Priory.

2. The applicant originally requested P – Public zoning, as that is what the zoning of the adjacent University of Mary is zoned; however, staff believes a Conditional RM – Residential Zoning is more appropriate given the current use as Annunciation Priory.

FINDINGS:

1. The proposed zoning change would be consistent with the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan, which identifies this area as rural residential.

2. The proposed zoning change would only allow the existing use as a priory; therefore, it would continue to be compatible with adjacent land uses. Adjacent land uses include the University of Mary campus to the north and east, and a combination of agricultural uses and rural residential uses to the south and west across Apple Creek.

3. The property would continue to be served by an extension of City water from the campus and a private on-site sewer treatment system through the University of Mary and would have access to ND Highway 1804 via an interior access easement; therefore, the proposed zoning change would not place an undue burden on public services and facilities.

(continued)

4. 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 and subdivision regulations.

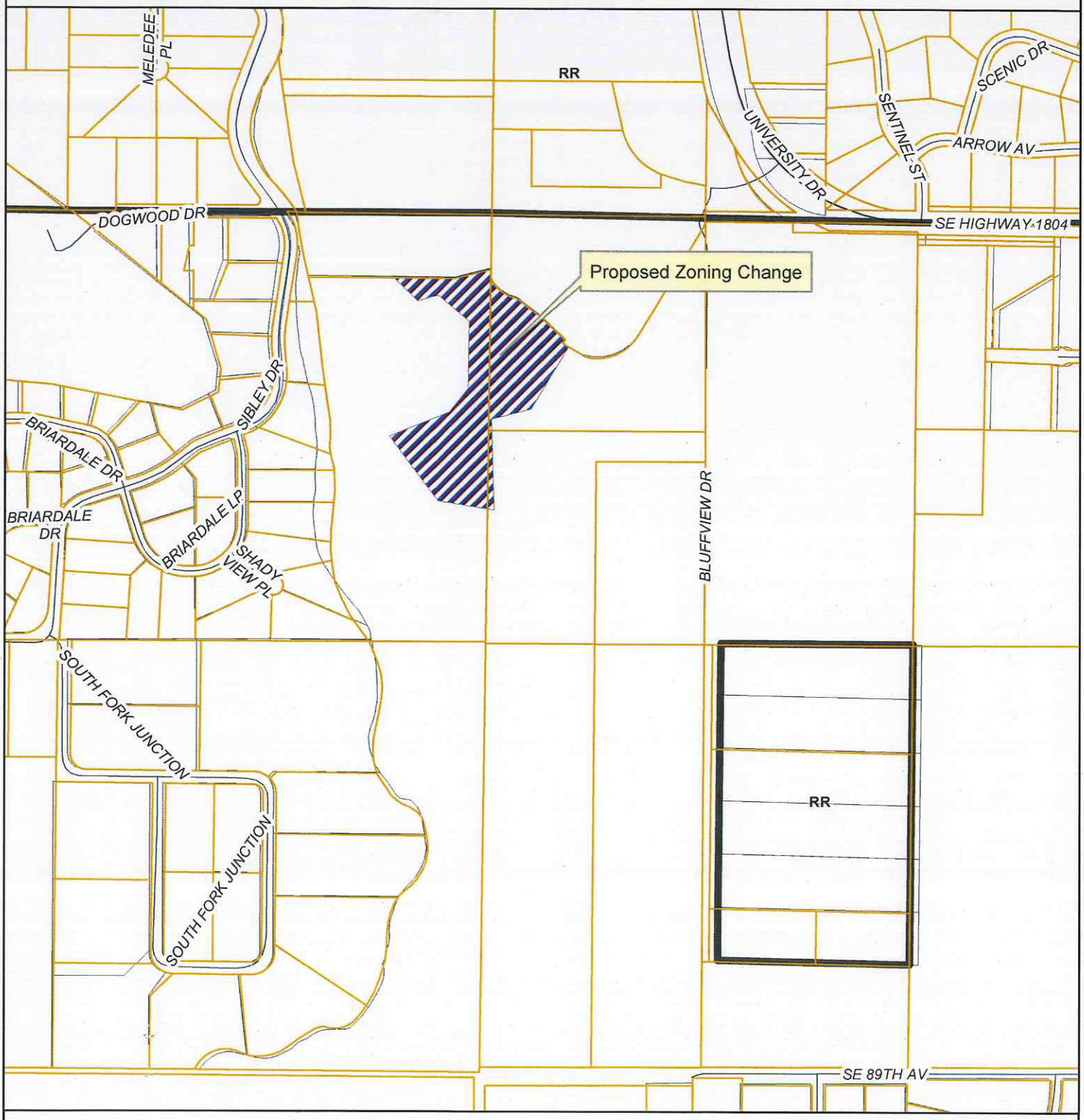
6. The proposed zoning change is consistent the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the A – Agricultural zoning district to the Conditional RM – Residential zoning district for Benedictine First Subdivision, the condition being that the uses would be limited to the Annunciation Priory and related accessory uses.

/Klee

Proposed Zoning Change (A to P)
Benedictine First Subdivision



March 5, 2015 (hlb)

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0 335 670 1,340 Feet

N

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Benedictine First Subdivision – Preliminary Plat	
Status: Planning Commission – Consideration	**Date:** March 25, 2015
Owner(s): Benedictine Sisters of the Annunciation	**Engineer:** Axien Engineering, PC
Reason for Request: Plat and zone property for further development of priory.	
Location: South of Bismarck, along the west side of ND Highway 1804, south and southwest of the University of Mary (Part of the SW¼ of the NW¼ and part of Government Lot 4, Section 2, and part of Government Lots 1 and 2, Section 3, T137N-R80W/Fort Rice Township).	
Project Size: 16.71 acres	**Number of Lots:** 3 lots in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Annunciation Priory	**Land Use:** Annunciation Priory
Zoning: A – Agricultural	**Zoning: Zoning:** Conditional RM – Residential
Uses Allowed: A – Agriculture	**Uses Allowed:** Group dwelling limited to the Annunciation Priory
Maximum Density Allowed: A – One unit/40 acres	**Maximum Density Allowed**: One group dwelling on Lot 1
PROPERTY HISTORY:	
Zoned: N/A	**Platted:** N/A

ADDITIONAL INFORMATION:

1. The plat is being proposed to clean up the underlying legal description and allow the construction of an accessory building for the Annunciation Priory.

FINDINGS:

1. All technical requirements for consideration of a preliminary plat have been met.

2. The proposed subdivision generally conforms to the Fringe Area Road Master Plan for the area, which identifies ND Highway 1804 as an arterial roadway. There are not any arterial or collector roadways identified within the boundary of the proposed plat.

3. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include the University of Mary campus to the north and east, and a combination of agricultural uses and rural residential uses to the south and west across Apple Creek.

4. The property would continue to be served by an extension of City water from the campus and a private on-site sewer treatment system through the University of Mary and would have access to ND Highway 1804 via an interior access easement; therefore, the subdivision would not place an undue burden on public services and facilities.

(continued)

5. The proposed subdivision would not adversely affect property in the vicinity.

6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.

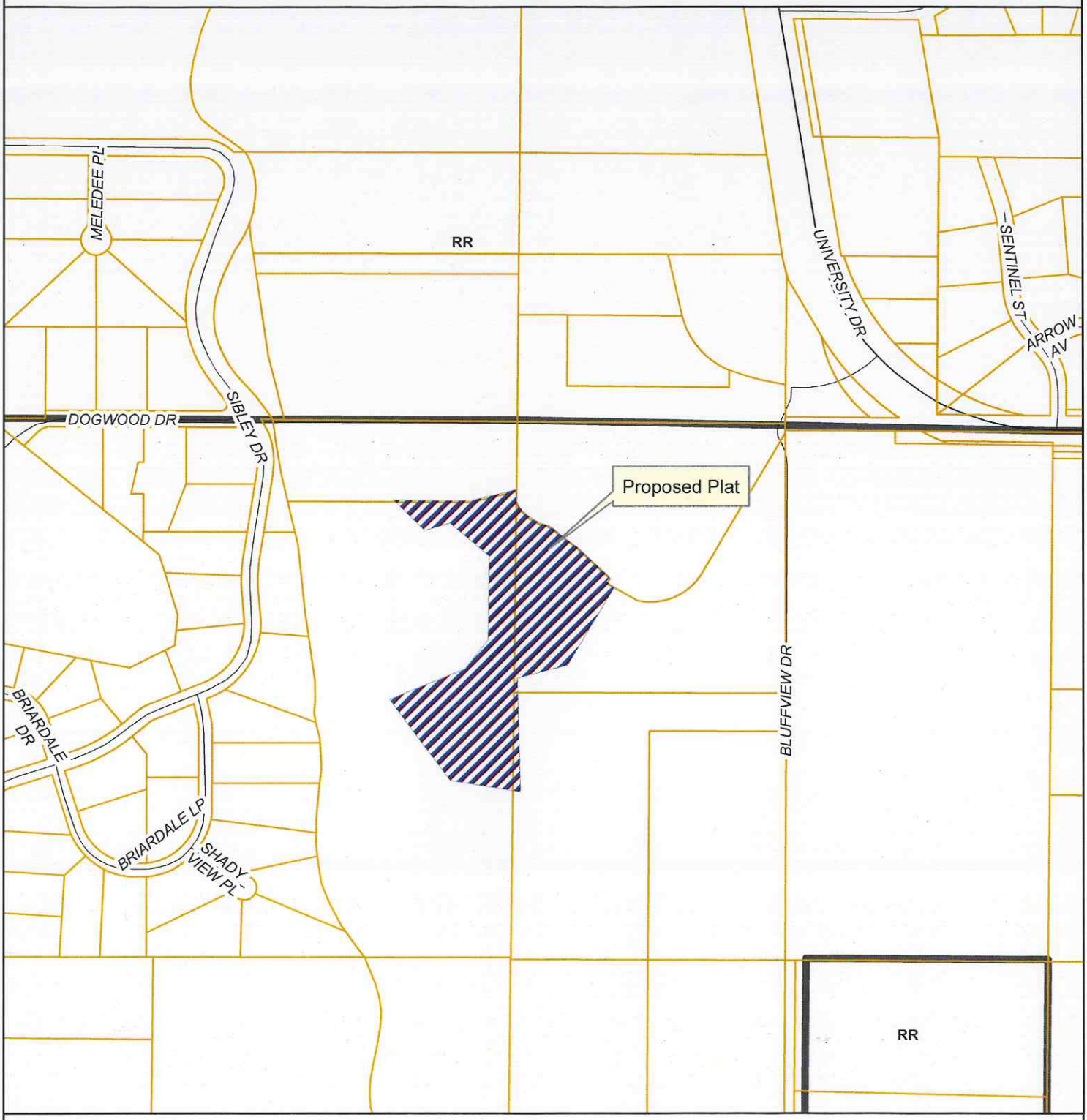
7. The proposed subdivision is consistent the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends tentative approval of the preliminary plat for Benedictine First Subdivision.

/Klee

Proposed Plat
Benedictine First Subdivision



January 21, 2015 (hlb)

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

0 270 540 1,080 Feet

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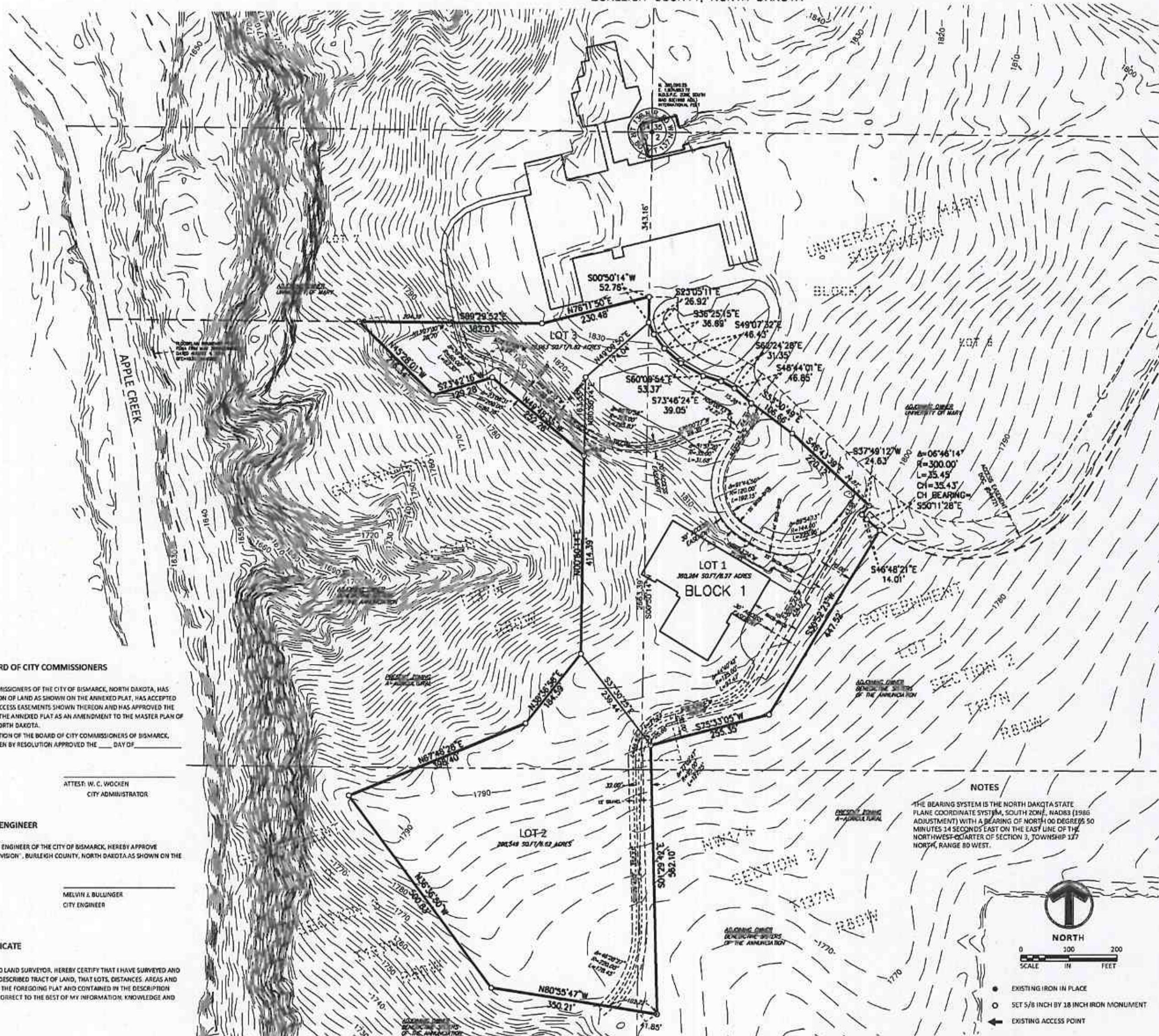
MAR 1 1 2015

BENEDICTINE FIRST SUBDIVISION

LOCATED IN PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND PART OF GOVERNMENT LOT 4 OF SECTIONS 2 AND PART OF GOVERNMENT LOTS 1 AND 2, SECTION 3, T137N, R80W, BURLEIGH COUNTY, NORTH DAKOTA



NOTES

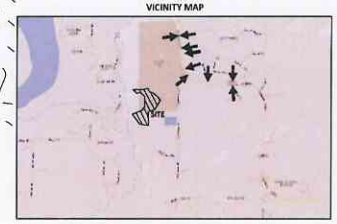
THE BEARING SYSTEM IS THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83 (1986 ADJUSTMENT) WITH A BEARING OF NORTH 00 DEGREES 50 MINUTES 14 SECONDS EAST ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 137 NORTH, RANGE 80 WEST.

NORTH

SCALE IN FEET: 0 — 100 — 200

- ● EXISTING IRON IN PLACE
- ○ SET 5/8 INCH BY 18 INCH IRON MONUMENT
- ← EXISTING ACCESS POINT

VICINITY MAP



APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL ACCESS EASEMENTS SHOWN THEREON AND HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE ____ DAY OF____________ 20____.

____
ATTEST: W. C. WOCKEN
CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, MELVIN BULLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, HEREBY APPROVE "BENEDICTINE FIRST SUBDIVISION", BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

____
MELVIN J. BULLINGER
CITY ENGINEER

SURVEYOR'S CERTIFICATE

I JAMES ALBER, REGISTERED LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE FOREGOING DESCRIBED TRACT OF LAND, THAT LOTS, DISTANCES, AREAS AND LOCATIONS AS SHOWN ON THE FOREGOING PLAT AND CONTAINED IN THE DESCRIPTION THEREOF, ARE TRUE AND CORRECT TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF.

____
JAMES ALBER, P.L.S. NO. LS-4730

STATE OF ____________
COUNTY OF ____________

ON THIS ____ DAY OF____________ 20____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, APPEARED JAMES ALBER, PROFESSIONAL LAND SURVEYOR, WELL KNOWN TO ME TO BE THE PERSON DESCRIBED IN THE FOREGOING DESCRIPTION AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS OWN FREE ACT AND DEED.

____
MY COMMISSION EXPIRES
NOTARY PUBLIC, ____________ COUNTY, STATE OF ____________

Sambatek
www.sambatek.com

DESCRIPTION

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 2; THENCE SOUTH 00 DEGREES 50 MINUTES 14 SECONDS WEST ON THE WEST LINE OF SAID SECTION 2 FOR A DISTANCE OF 343.16 FEET TO THE POINT OF BEGINNING, SAID POINT OF BEGINNING ALSO BEING THE SOUTHWEST CORNER OF LOT 6, BLOCK 1 OF UNIVERSITY OF MARY SUBDIVISION; THENCE SOUTHEASTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 6 ON THE FOLLOWING 14 COURSES:

THENCE SOUTH 00 DEGREES 50 MINUTES 14 SECONDS WEST FOR A DISTANCE OF 52.76; THENCE SOUTH 23 DEGREES 05 MINUTES 11 SECONDS EAST FOR A DISTANCE OF 26.92 FEET; THENCE SOUTH 36 DEGREES 25 MINUTES 15 SECONDS EAST FOR A DISTANCE OF 36.69 FEET; THENCE SOUTH 49 DEGREES 07 MINUTES 32 SECONDS EAST FOR A DISTANCE OF 46.43 FEET; THENCE SOUTH 60 DEGREES 09 MINUTES 54 SECONDS EAST FOR A DISTANCE OF 53.37 FEET; THENCE SOUTH 73 DEGREES 46 MINUTES 24 SECONDS EAST FOR A DISTANCE OF 39.05 FEET; THENCE SOUTH 62 DEGREES 24 MINUTES 28 SECONDS EAST FOR A DISTANCE OF 46.85 FEET; THENCE SOUTH 53 DEGREES 30 MINUTES 49 SECONDS EAST FOR A DISTANCE OF 106.66 FEET; THENCE SOUTH 46 DEGREES 43 MINUTES 39 SECONDS EAST FOR A DISTANCE OF 220.12 FEET; THENCE SOUTH 37 DEGREES 49 MINUTES 12 SECONDS WEST FOR A DISTANCE OF 24.63 FEET; THENCE SOUTH 46 DEGREES 48 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 14.01 FEET; THENCE SOUTHEASTERLY 35.45 FEET ON THE ARC OF A CURVE CONCAVE TO THE NORTHEAST, SAID CURVE HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 06 DEGREES 46 MINUTES 14 SECONDS AND A CHORD LENGTH OF 35.43 FEET WHICH BEARS SOUTH 50 DEGREES 11 MINUTES 28 SECONDS EAST AND THERE LEAVING SAID SOUTHERLY LINE;

THENCE SOUTH 30 DEGREES 52 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 447.52 FEET; THENCE SOUTH 75 DEGREES 33 MINUTES 05 SECONDS WEST FOR A DISTANCE OF 255.35 FEET; THENCE SOUTH 01 DEGREE 29 MINUTES 42 SECONDS EAST FOR A DISTANCE OF 562.10 FEET; THENCE NORTH 80 DEGREES 55 MINUTES 47 SECONDS WEST FOR A DISTANCE OF 350.21 FEET; THENCE NORTH 36 DEGREES 36 MINUTES 50 SECONDS WEST FOR A DISTANCE OF 500.83 FEET; THENCE NORTH 67 DEGREES 48 MINUTES 28 SECONDS EAST FOR A DISTANCE OF 398.40 FEET; THENCE NORTH 38 DEGREES 36 MINUTES 58 SECONDS EAST FOR A DISTANCE OF 164.59 FEET; THENCE NORTH 00 DEGREES 50 MINUTES 14 SECONDS EAST FOR A DISTANCE OF 414.39 FEET; THENCE NORTH 49 DEGREES 48 MINUTES 35 SECONDS WEST FOR A DISTANCE OF 252.26 FEET; THENCE SOUTH 75 DEGREES 42 MINUTES 16 SECONDS WEST FOR A DISTANCE OF 129.28 FEET; THENCE NORTH 45 DEGREES 28 MINUTES 01 SECOND WEST FOR A DISTANCE OF 216.34 FEET TO THE SOUTH LINE OF LOT 7, BLOCK 1 OF SAID UNIVERSITY OF MARY SUBDIVISION; THENCE SOUTH 89 DEGREES 29 MINUTES 52 SECONDS EAST ON SAID SOUTH LINE FOR A DISTANCE OF 382.03 FEET; THENCE NORTH 76 DEGREES 11 MINUTES 50 SECONDS EAST ON SAID SOUTH LINE FOR A DISTANCE OF 230.48 FEET TO THE POINT OF BEGINNING.

CONTAINING 727,896 SQUARE FEET (16.71 ACRES), MORE OR LESS.

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE BENEDICTINE SISTERS OF THE ANNUNCIATION, B.M.V., BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS " UNIVERSITY OF MARY SECOND SUBDIVISION" BURLIEGH COUNTY, NORTH DAKOTA, AND DOES SO DEDICATE EASEMENTS TO RUN WITH THE LAND THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS ACCESS EASEMENTS.

____
SISTER ____________, PRESIDENT
BENEDICTINE SISTERS OF THE ANNUNCIATION, B.M.V.

STATE OF ____________
COUNTY OF ____________

ON THIS ____ DAY OF____________ 20____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, APPEARED ____________________, WELL KNOWN TO ME TO BE THE PERSON DESCRIBED IN THE FOREGOING DESCRIPTION AND WHO ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME AS HIS OWN FREE ACT AND DEED.

____
MY COMMISSION EXPIRES
NOTARY PUBLIC, ____________ COUNTY, STATE OF ____________

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE ____ DAY OF____________ 20____, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF KILLDEER.

______________________ ______________________
WAYNE LEE YEAGER - CHAIRMAN CARL HOKENSTAD- SECRETARY

OWNER

BRIAN LARDY
UNIVERSITY OF MARY
7500 UNIVERSITY DRIVE
BISMARCK, ND 58504
701-355-8904

SURVEYOR

JAMES ALBER
SAMBATEK, INC.
2401 46TH AVE. SE. SUITE 202
MANDAN, ND 58554
701-390-4293

SHEET 1 OF 1
DATE: 3-10-2015

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: University of Mary Second Subdivision – Zoning Change (A & RR to P)	
Status: Planning Commission – Consideration	**Date:** March 25, 2015
Owner(s): University of Mary	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Plat and zone property for further development of university campus.	
Location: South of Bismarck, along the southwest side of ND Highway 1804 approximately two miles south of 48th Avenue SE (Government Lot 3, the SE¼ of the NW¼, and part of the SW¼ of the NW¼, Section 2, T137N-R80W/Fort Rice Township).	
Project Size: 95.8 acres	**Number of Lots:** 3 lots in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: University owned/undeveloped	**Land Use:** Expansion of university campus
Zoning: A – Agricultural	**Zoning:** P – Public
Uses Allowed: A – Agriculture	**Uses Allowed:** P – Public uses, including educational facilities
Maximum Density Allowed: A – One unit/40 acres	**Maximum Density Allowed**: P – No density indicated – dormitory and similar residential allowed in conjunction with educational facility
PROPERTY HISTORY:	
Zoned: N/A	**Platted:** N/A

ADDITIONAL INFORMATION:

1. Although the P – Public zoning district has historically been used only for lands owned by a public entity, staff is of the opinion that this district is the most appropriate for this property as the University of Mary is a quasi-public institution. The education use group, which includes a college campus, is also allowed as a permitted use in the RR – Residential zoning district. The education group is not a permitted use in the A – Agricultural zoning district.

2. The area included in the proposed plat was originally included in the plat and zoning change for University of Mary Subdivision, but this area was removed from the plat prior to final approval.

FINDINGS:

1. The proposed zoning change would be consistent with the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan, which identifies this area as a civic or public facility.

2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include the University of Mary campus to the north, the Annunciation Priory to the northwest and west and a combination of agricultural uses and rural residential to the southeast, south, east and northeast across US Highway 1804.

(continued)

3. The property is already owned by the University of Mary and could be served by municipal water via a contract with the City, a private on-site wastewater treatment system and has direct access to ND Highway 1804; therefore, the zoning change would not place an undue burden on public services and facilities.

4. 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.

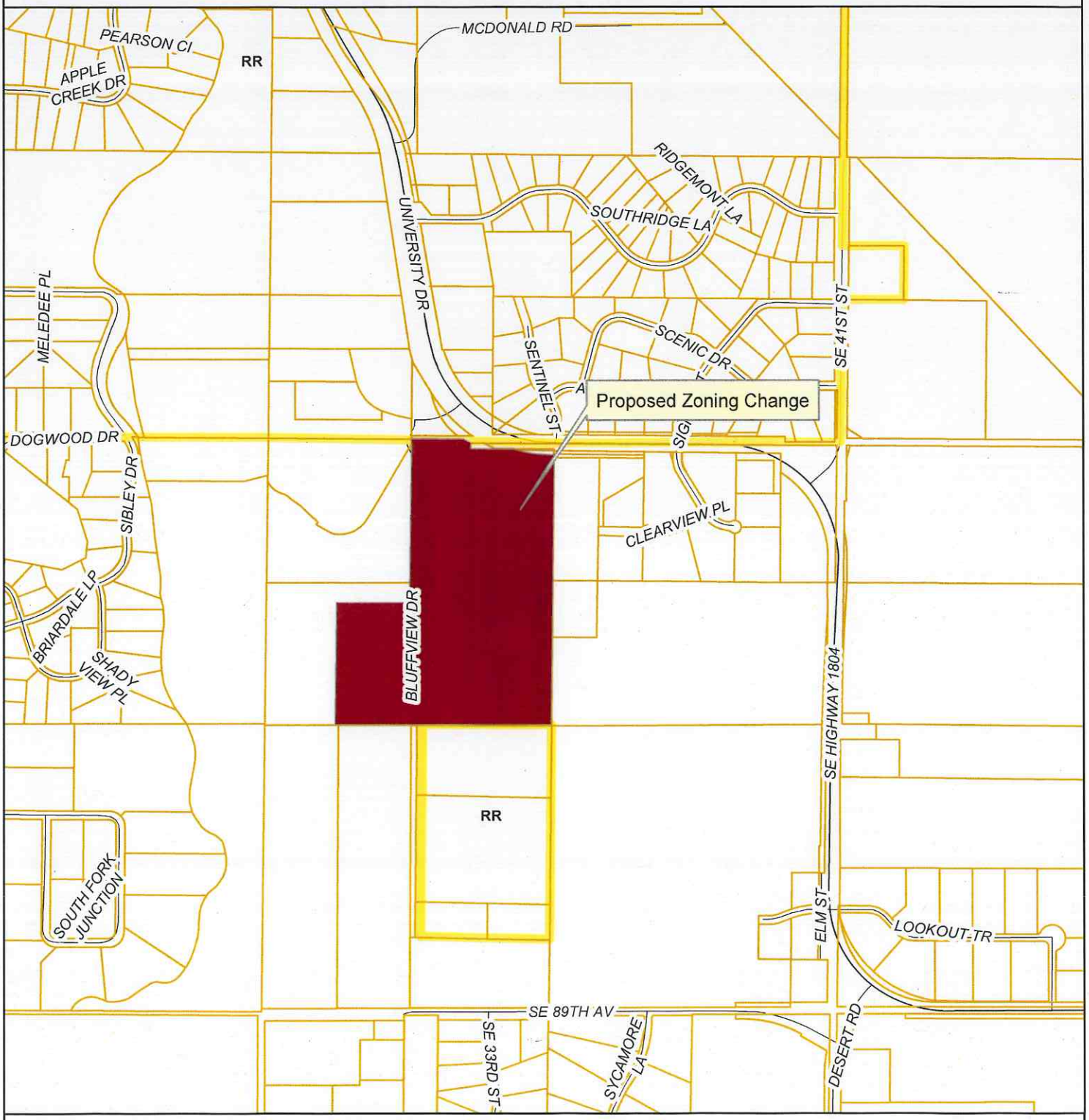
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the A – Agricultural and RR – Residential zoning district to the P – Public zoning district for the University of Mary Second Subdivision.

/Klee

Proposed Zoning Change (A to P)
University of Mary Second Subdivision



January 26, 2015 (hlb)

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

0 500 1,000 2,000 Feet

N

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:

Title:
Lots 1-3, Block 1, Hamilton's First Addition (To be replatted as Hamilton's First Addition First Replat) – Zoning Change (Conditional RM15 & PUD to R10, RM15 & PUD)

Status: Planning Commission – Consideration	**Date:** March 25, 2015
Owner(s): Michael Baumgartner Construction, Inc.	**Engineer:** Swenson, Hagen & Co.

Reason for Request:
Replat and rezone the property to provide for a mix of multi-family, two-family and commercial uses.

Location:
In northeast Bismarck west of Centennial Road along the east side of Hamilton Street and the south side of Calgary Avenue.

Project Size: 8.95 acres	**Number of Lots:** 22 lots in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Four 12-unit apartments, ten 2-unit twin homes and three multi-tenant commercial buildings
Zoning: Conditional RM15 – Residential PUD – Planned Unit Development	**Zoning:** R10 – Residential RM15 – Residential PUD – Planned Unit Development
Uses Allowed: Conditional RM15 – Multi-family residential PUD – Uses specified in PUD	**Uses Allowed:** R10 – Single and two-family residential RM15 – Multi-family residential PUD – Uses specified in PUD
Maximum Density Allowed: Conditional RM15 – 15 units/acre PUD – Density as specified in PUD	**Maximum Density Allowed**: R10 – 10 units/acre RM15 – 15 units/acre PUD – Density as specified in PUD

PROPERTY HISTORY:

Zoned: 04/2014 (Lots 1& 2) 05/2009 (Lot 3)	**Platted:** 04/2011	**Annexed:** 04/2011

ADDITIONAL INFORMATION:

1. As a condition of the recent zoning change from PUD to Conditional RM15 for Lots 1 & 2, the owner was required to replat the property as a minor subdivision final plat. Additional conditions include the maximum building height of any building is 35 feet; a site plan was to be submitted for both lots/the entire parcel demonstrating how the proposed residential densities related internally as well as with the adjacent properties; and the existing landscape berm shall remain in place until such time as the applicant submits a formal request to vacate the berm, the Board of City Commissioners would need to consider the request.

2. The site plan submitted with the zoning change request in 2014 showed four 12-unit apartment buildings and four twin homes for a total of 56 units occupying approximately 4.89 acres. The overall density of the proposed development would be approximately 11.5 units per acre.

(continued)

3. The site plan that was submitted with the current zoning change request has been modified from the previous submittal that accompanied the 2014 zoning change request. The current site plan includes one additional lot, Lot 3, Block 1, Hamilton's First Addition. The additional lot is also included in the minor subdivision final plat associated with this zoning change request. The modified site plan shows a significant increase in the number of twin homes proposed for the site. In particular, a portion of the additional twin homes would be located adjacent to a series of commercial shops proposed for the area south of the 50 foot wide buried pipeline easement. Planning staff has concerns with the additional twin homes proposed for the area. In particular, the previously submitted site plan allowed for greater separation and increased landscaping and screening material to help mitigate the potential conflicts between incompatible land uses. Planning staff will work with the applicant and his consultant to address this issue.

4. The property will be replatted as Hamilton's First Addition First Replat to accommodate for the mixed density residential uses and the commercial shop buildings. The southernmost lot, currently Lot 3, Block 1, Hamilton's First Addition is included with the PUD – Planned Unit Development zoning district that was created in May 2009. The PUD allows a mix of commercial uses, service uses, industrial uses and office uses. The PUD ordinance for Hamilton's Addition also addresses the appearance of the commercial shop buildings through design and aesthetic standards, setbacks and landscaping. It is the intent of Planning staff to replicate the PUD regulations for Hamilton's First Addition with the proposed PUD zoning for the aforementioned lot.

FINDINGS:

1. The proposed zoning change is outside of the area covered by the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan.

2. The proposed zoning change would generally be compatible with adjacent land uses. Existing adjacent land uses include developing single-family homes to the east and developing industrial/shop uses to the south, industrial and multi-family uses to the commercially-zoned parcels to the north, east and south. Currently a 50-foot-wide, 6-foot-high earthen berm with trees and shrubs separates the proposed commercial shop uses from the developing single-family dwellings to the east. A 50-foot-wide buried pipeline easement would separate the proposed commercial shop buildings from the proposed apartments and twin homes. In addition to the physical separation, the applicant is proposing to provide significant landscaping on both sides of the pipeline easement to help separate the two non-compatible land uses.

3. The property is annexed and services would be extended in conjunction with development; therefore, the zoning change would not place an undue burden on public services and facilities.

4. The proposed zoning change would not adversely affect property in the vicinity, provided the required landscape buffer yard is installed in conjunction with site development.

5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.

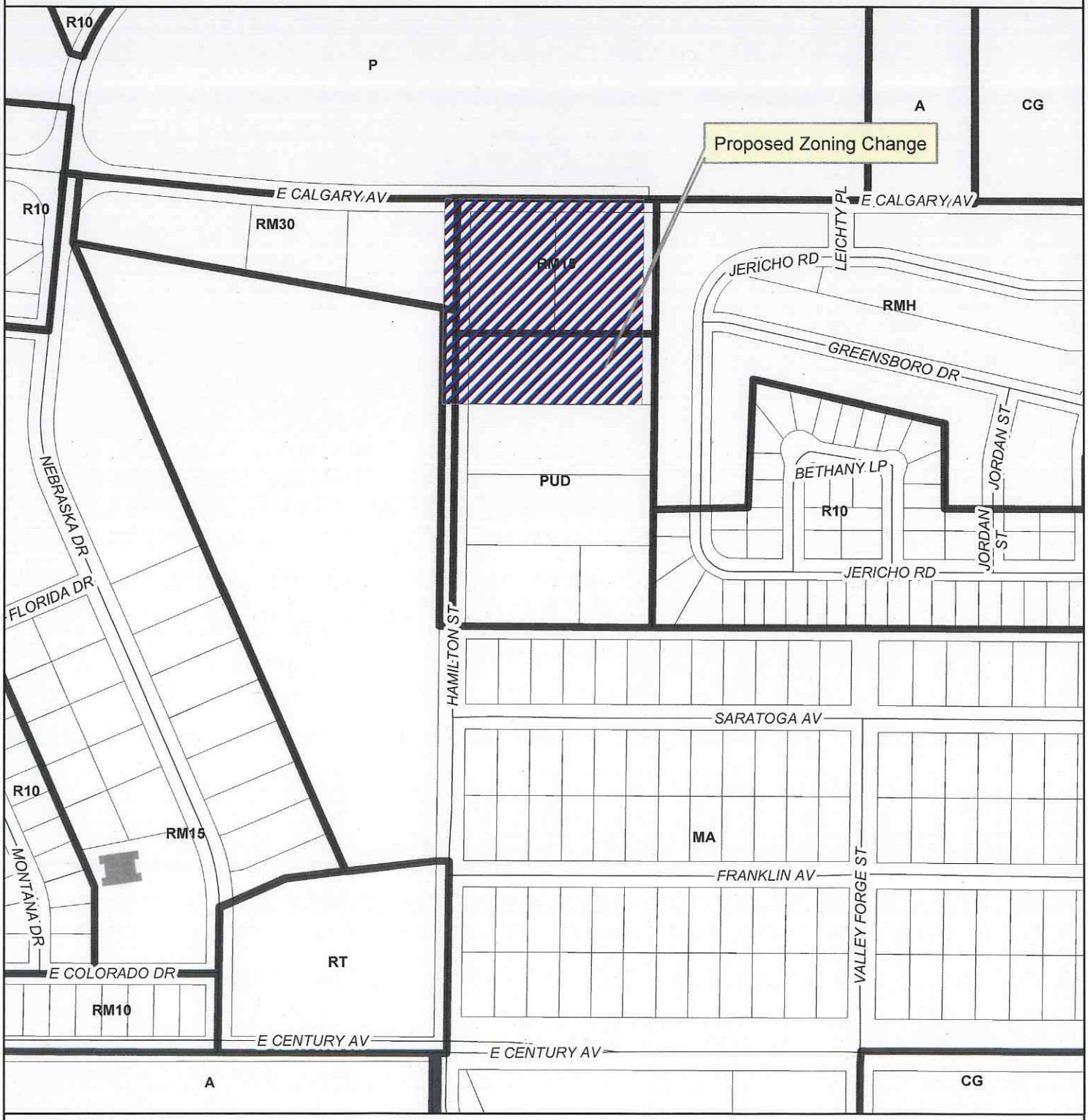
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing on the zoning change for the property that is currently described as Lots 1-3, Block 1, Hamilton's First addition that will be platted as Hamilton's First Addition First Replat.

/jt

Proposed Zoning Change (RM15 & PUD to R10, RM15 & PUD)
Hamilton's First Addition First Replat



January 21, 2015 (hlb)

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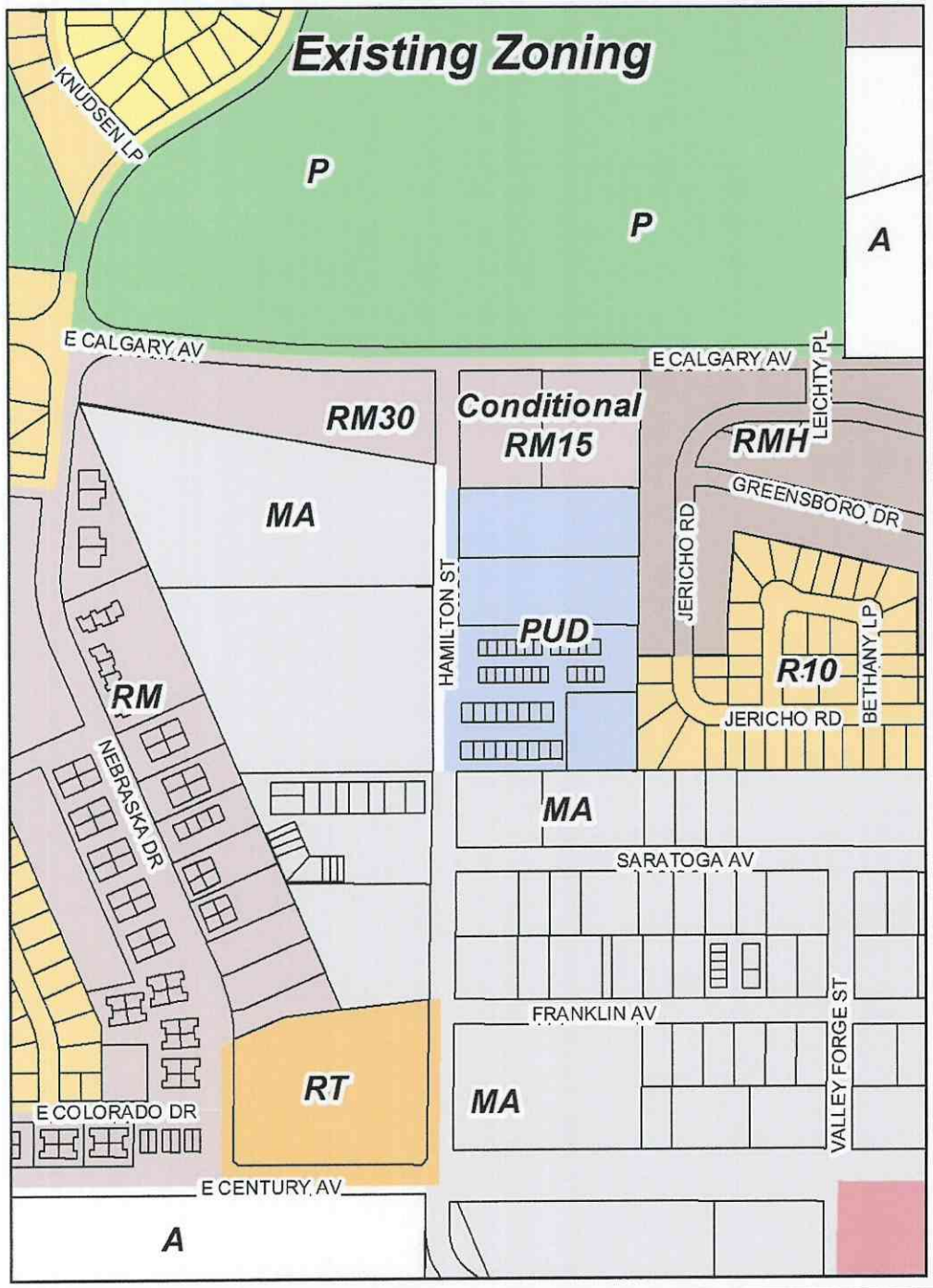
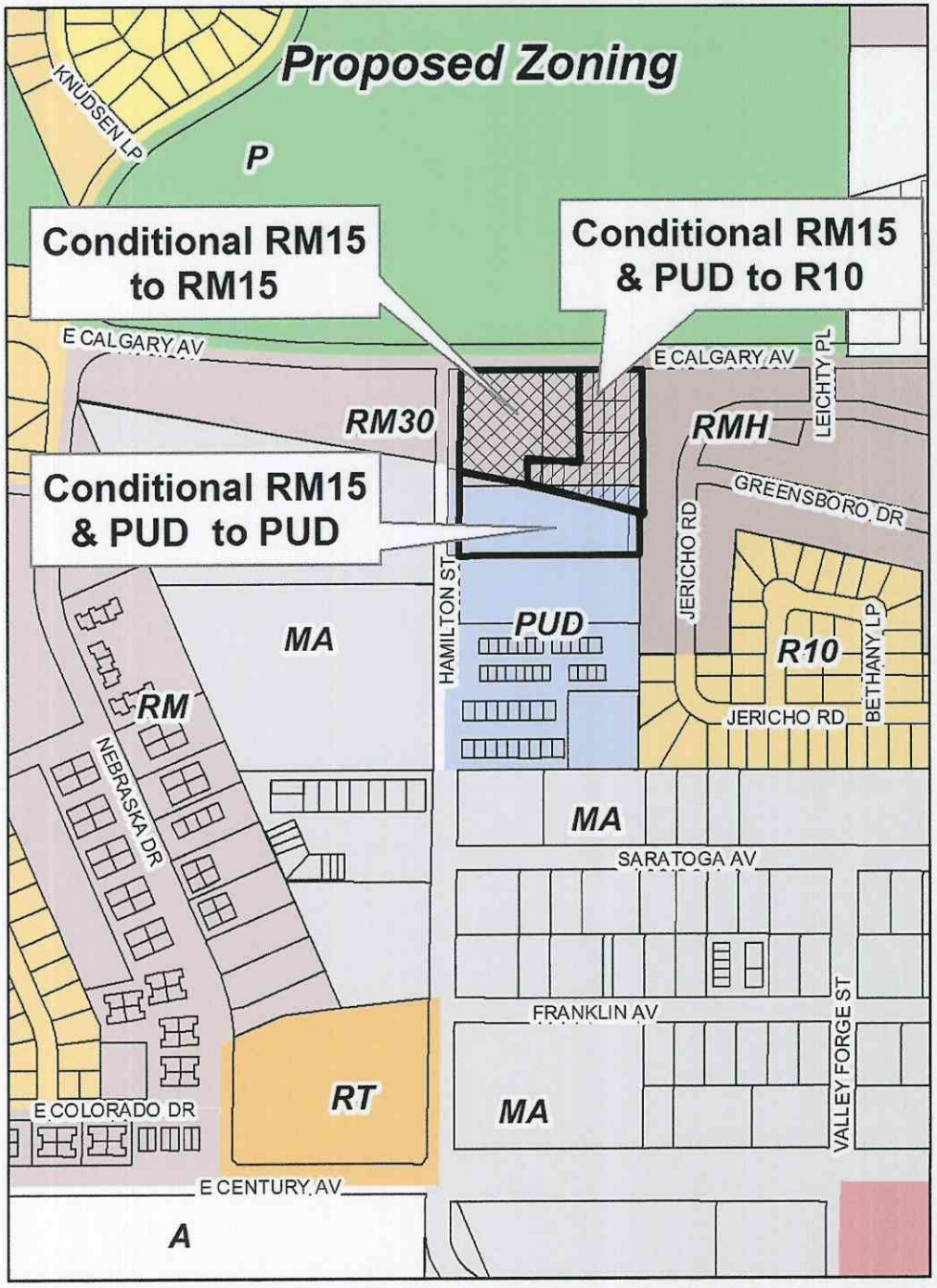
Hamilton's First Addition First Replat - Zoning Change





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March 2015

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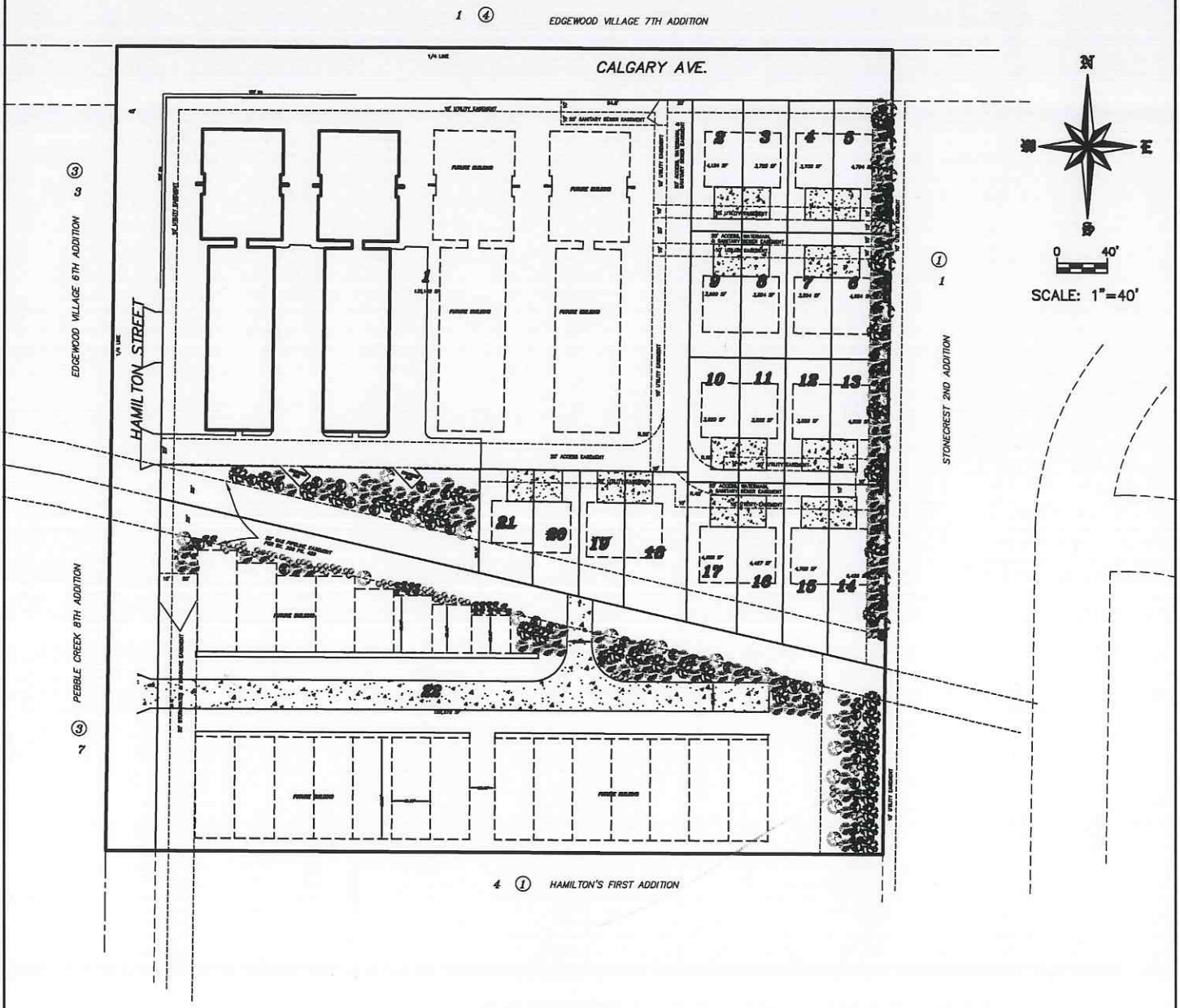
HAMILTON REPLAT LANDSCAPE PLAN

RECEIVED
FEB 2 0 2015



PLANT PALETTE

	COMMON NAME	SCIENTIFIC NAME	SIZE	QNTY.
TREES	SILVER MAPLE	Acer saccharinum	1 1/2" Cal.	30
	PONDEROSA PINE	Pinus ponderosa	1 1/2" Cal.	37
	MEDORA JUNIPER	Juniperus scopulorum 'Medora'	4' +	111
	PRINCESS KAY PLUM	Prunus nigra 'Princess Kay'	1 1/2" Cal.	48
SHRUBS	AMERICAN CRANBERRY BUSH	Viburnum trilobum 'Bailey's Compact'	2 Gallon	72
	DWARF GLOBE BLUE SPRUCE	Picea pungens 'Glauca Globosa'	2 Gallon	101

- SILVER MAPLE
- PONDEROSA PINE
- MEDORA JUNIPER
- PRINCESS KAY PLUM
- AMERICAN CRANBERRY BUSH
- DWARF GLOBE BLUE SPRUCE

SWENSON, HAGEN & COMPANY P.C.
909 Basin Avenue
Bismarck, North Dakota 58504
shcmail@swenson-hagen.com
Phone (701) 223 - 2650
Fax (701) 223 - 2606
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

HAMILTON'S FIRST ADDITION FIRST REPLAT

Request for Hamilton's First Addition PUD Amendment

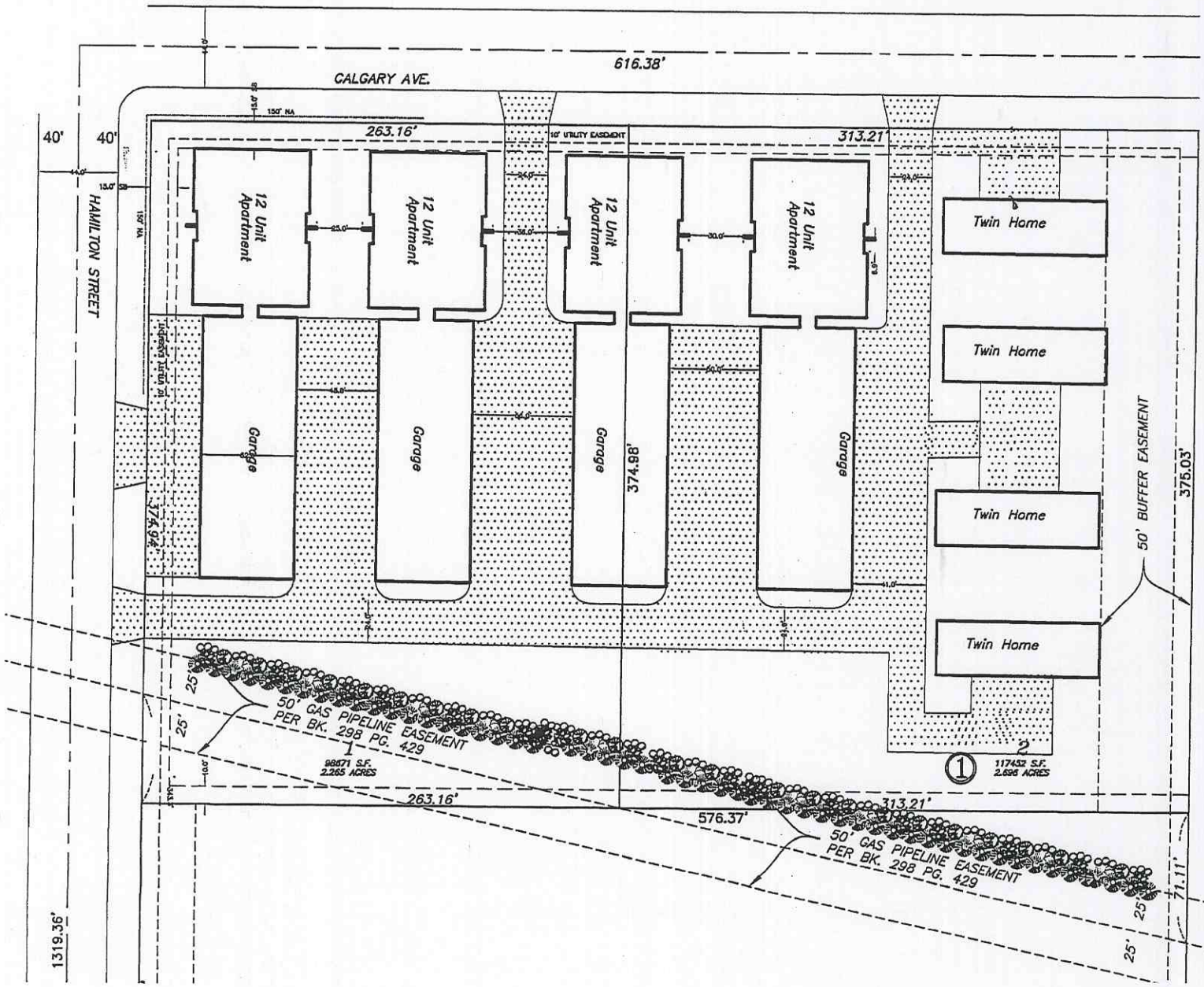
Michael Baumgartner Construction is proposing to amend the PUD currently in effect at Hamilton's First Addition.

The new PUD regulations would change the placement & amount of landscaping required between the various zoning uses in the area. Baumgartner Construction asks that the landscaping requirements for the amended PUD match the attached landscape plan, with the stipulation that reasonable substitutes for proposed species will be allowed.

RECEIVED

JAN 14 2014

ORIGINAL CONCEPT SUBMITTED WITH THE 2014 ZONING CHANGE REQUEST



BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Ash Coulee Estates Addition – Zoning Change (R5 to R5 and PUD)	
Status: Planning Commission – Public Consideration	**Date:** March 25, 2015
Owner(s): Daryl & Joan Scofield/Leona Kohler – owners Verity Homes of Bismarck, LLC - applicant	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Replat, rezone and annex property for single-family residential PUD development.	
Location: In northwest Bismarck, along the south side of Ash Coulee Drive west of Valley Drive (a replat of Lots 1-18, Block 1, Ash Coulee Second Addition).	
Project Size: 9.59 acres	**Number of Lots:** 40 lots in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped w/one rural residence	**Land Use:** Single-family residential
Zoning: R5 – Residential	**Zoning:** R5 – Residential (Lots 1 & 2) PUD – Planned Unit Development (Remainder)
Uses Allowed: R5 – Single-family residential	**Uses Allowed:** R5 – Single-family residential PUD – Uses specified in PUD
Maximum Density Allowed: R5 – 5 units per acre	**Maximum Density Allowed**: R5 – 5 units per acre PUD – Density as specified in PUD

PROPERTY HISTORY:		
Zoned: 11/2014 (replat) 05/1985 (Western Hills)	**Platted:** 11/2014(replat) 05/1985 (Western Hills)	**Annexed:** N/A

ADDITIONAL INFORMATION

1. The proposed development would be a single-family residential development with an overall density of 4.07 units per acre. The PUD portion of the development would have a density of 5.46 units per acre (excluding the Ash Coulee Drive right-of-way), with 37 single-family residential units and a private park.

FINDINGS:

1. The proposed zoning change would be consistent with the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan, which identifies the future use of this area as low density residential.

2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include a combination of rural residential to the northwest, low density urban residential to the northeast, east and south, and agricultural to the west.

(continued)

3. The subdivision proposed for this property would be annexed and services would be extended in conjunction with development; therefore, it would not place an undue burden on public services and facilities.

4. 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 and subdivision regulations.

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 on the proposed zoning change from the R5 – Residential zoning district to the R5 – Residential zoning district for Lots 1 and 2, and to the PUD – Planned Unit Development zoning district for Lots 3-40, Block 1, Ash Coulee Estates Addition, as outlined in the attached draft PUD ordinance.

ORDINANCE NO.

Introduced by	_____
First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____
Publication Date	_____

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

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

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

The following described property shall be excluded from the R5– Residential District and included within the R5 – Residential District.

Lots 1 and 2, Block 1, Ash Coulee Estates Addition.

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

The following described property shall be excluded from the R5 – Residential District and included within the PUD – Planned Unit Development District.

Lots 3-40, Block 1, Ash Coulee Estates Addition.

This PUD is subject to the following development standards:

1. *Uses Permitted.* Uses permitted include a maximum of 38 single-family residential units on Lots 3-8 and 10-41 and a private park on Lot 9, all in Block 1, Ash Coulee Estates Addition. The configuration of single-family residential units and the private park shall generally conform to the overall development plan for Ash Coulee Estates Addition dated February 20, 2015. Any change in the use of the property from that indicated above will require an amendment to this PUD.

2. *Single-family Residential Development Standards.* Each buildable lot shall have an area of not less than five thousand (5,000) square feet, a minimum

width of not less than thirty (30) feet at the building setback line, a minimum lot depth of one hundred (100) feet, a minimum front yard setback of twenty-five (25) feet from both public streets and private access easements, a minimum side yard setback of five (5) feet, a minimum rear yard setback of twenty (20) feet, and a maximum building height of thirty-five (35) feet.

3. *Private Park.* The development of the private park on Lot 9, Block 1 shall be the responsibility of the developer. On-going repair and maintenance of the private park shall be the responsibility of the home owners association.

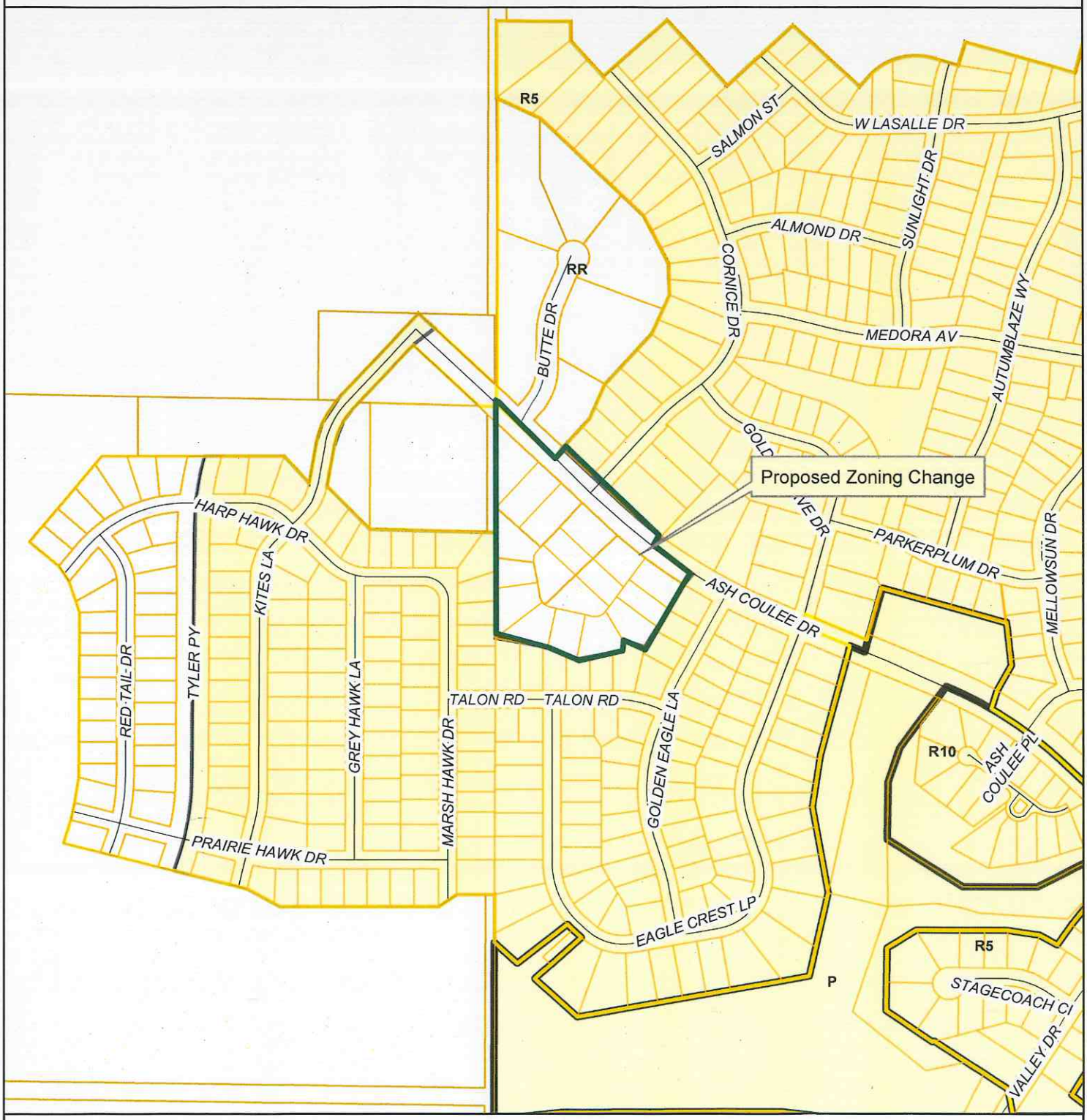
4. *Private Roadway Maintenance.* The development and construction of the private roadway (Cornice Loop) shall be the responsibility of the developer. On-going repair and maintenance of the private roadway shall be the responsibility of the home owners association.

5. *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.

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

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

Proposed Zoning Change (R5 to R5 & PUD)
Ash Coulee Estates Addition



January 21, 2015 (hlb)

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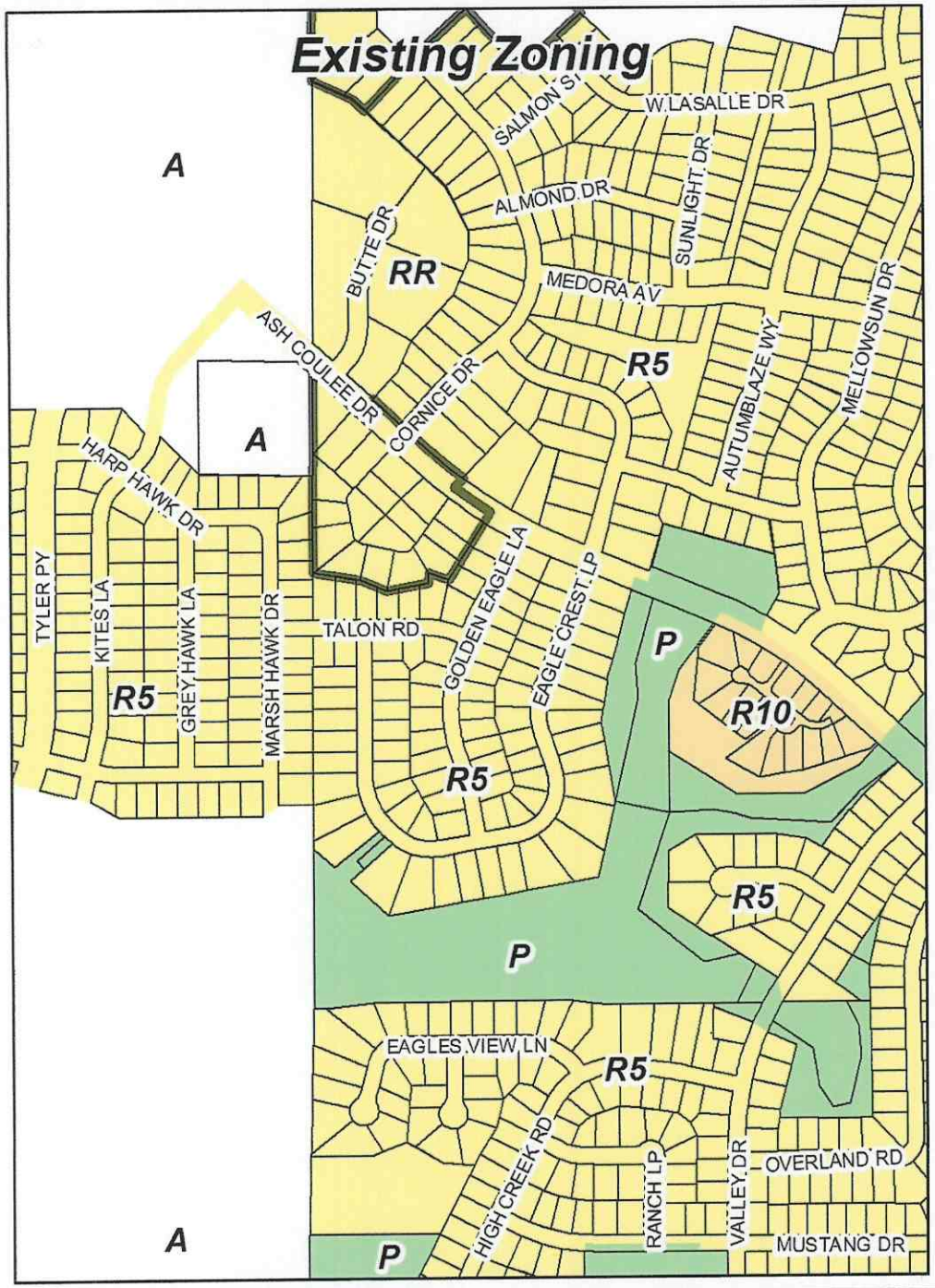
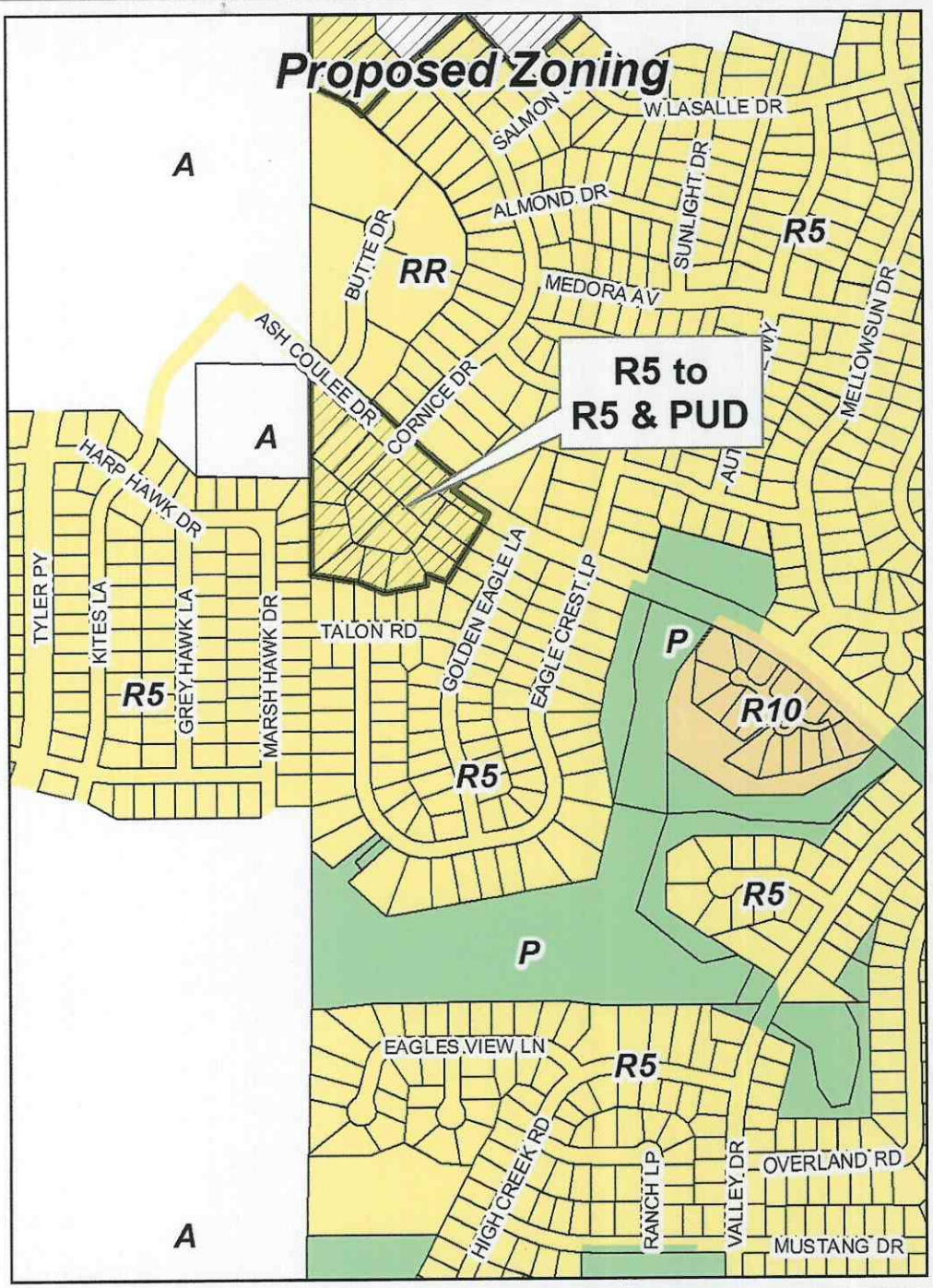
N

Ash Coulee Second Addition First Replat - Zoning Change





0 250 500 1,000 Feet

March 2015

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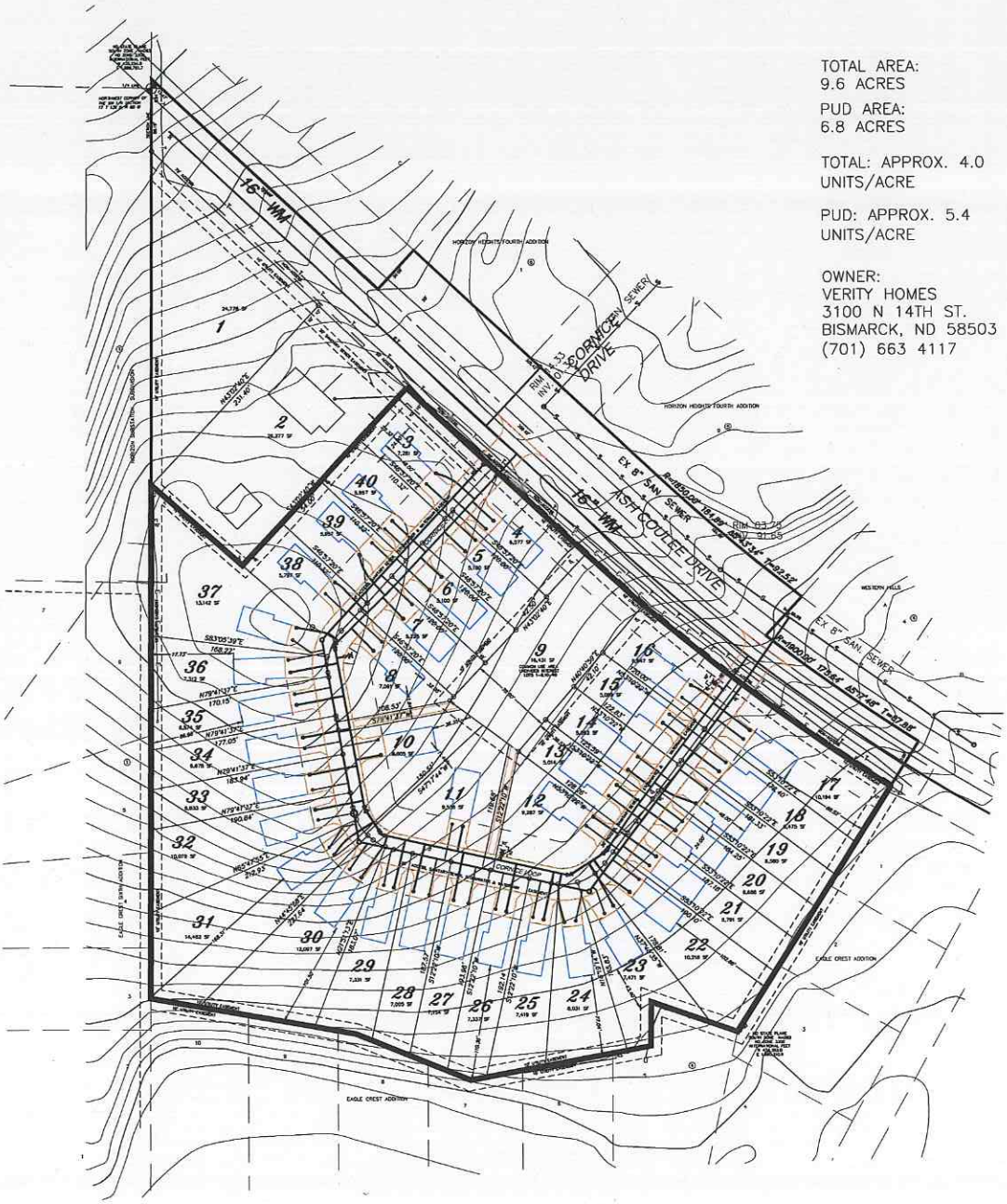
ASH COULEE ESTATES PUD SITE PLAN



TOTAL AREA:
9.6 ACRES

PUD AREA:
6.8 ACRES

TOTAL: APPROX. 4.0
UNITS/ACRE

PUD: APPROX. 5.4
UNITS/ACRE

OWNER:
VERITY HOMES
3100 N 14TH ST.
BISMARCK, ND 58503
(701) 663 4117

EXISTING ZONING: R-5
PROPOSED ZONING: PUD

FRONT YARD SETBACK FROM PUBLIC STREETS TO STRUCTURE	25'
SIDE YARD SETBACK	MINIMUM 5'
REAR YARD SETBACK	20'
MINIMIUM LOT WIDTH IN FRONT AT BUILDING LINE:	30'
MINIMUM LOT DEPTH	100'
MAXIMUM BUILDING HEIGHT:	35'
MINIMUM LOT SIZE:	5,000 sf

38 SINGLE FAMILY HOMES
PRIVATE PARK & STREET

N
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PUD SITE PLAN & ZONE CHANGE
ASH COULEE ESTATES

REVISION	DATE

ASH COULEE ESTATES ADDITION

(ASH COULEE 2ND ADDITION REPLAT)

Request for Ash Coulee Estates PUD

Verity Homes of North Dakota is proposing to develop approximately 9.6 acres located Southwest of Ash Coulee Drive and East of Eagle Crest 6th Addition. The area is currently platted as Ash Coulee 2nd Addition.

Verity Homes is considering developing the property into a residential development with 38 single family homes as a PUD with smaller lots and homes to accommodate the increasing affordable housing needs of the community. Lots 1 & 2 will remain R-5 zoning

The projected density of 5 units per acre and reconfiguration of the lots will allow potential homeowners to have a vested interest in their residence, while sharing in the use and maintenance of designated common areas used for a private park, driving lanes, emergency access & utility services.

The project will address the housing needs of the community by building modestly priced housing in North Bismarck.

The re-zoning of the area will maintain the city's plans for land use and the neighborhood will not be adversely affected by the new development.

See site plan for PUD specifics.

CITY OF BISMARCK
Ordinance No. XXXX

First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____
Publication Date	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-03-10 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO OFF-STREET PARKING AND LOADING.

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

Section 1. Amendment. Section 14-02-03 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Definitions is hereby amended and re-enacted to read as follows:

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

1. Applicability.

a. New Development. The off-street parking, stacking and loading requirements of this section shall apply to any new building constructed and to any new use established.

b. Expansion and Alterations. The off-street parking, stacking and loading requirements of this section shall apply when an existing structure or use is expanded or enlarged. Additional off-street parking and loading spaces will be required only to serve the enlarged or expanded area, not the entire buiding or use.

c. Change of Use. The off-street parking, stacking and loading requirements of this section shall apply to any change of use that would result in a requirement for more parking, stacking or loading spaces than the existing use. Additional parking,

stacking and loading spaces will be required only in proportion to the extent of the change, not for the entire building or use.

In the case of a change of use where the current use does not meet the minimum requirements for off-street parking, stacking and/or loading, and the proposed change of use would require less off-street parking, stacking or loading spaces than the current use, regardless of the number of spaces actually provided on the site, the Zoning Administrator may allow such change of use provided the off-street parking, stacking and loading for the new use is no less conforming than the current use.

~~1~~2. 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.

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, CG, CR 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 CA, CG, CR commercial and MA industrial district for a multi-tenant shopping center with a minimum of 30,000 square feet of leasable area and a minimum of five tenants - Off-street parking shall be provided in an amount equivalent to one space for each two hundred fifty (250) square feet of gross leasable area, provided the area of all assembly uses within the shopping center do not exceed twenty-five (25) percent of the total 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 Zoning Administrator.

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. Child care center: One space for each employee and one space for each ten (10) 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. Religious institutions: One space for each sixty (60) square feet of gross floor area in the largest assembly area.

~~2~~3. 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:

Type of Use	Minimum Number of Stacking Spaces	Measured From
Financial institution- ATM	3 spaces per lane	Kiosk
Financial institution - teller	4 spaces for first lane, 3 spaces for each additional lane	Window or pneumatic tube kiosk

Drive-through restaurant	12 spaces	Pick-up window
Drive-through coffee shop	10 spaces	Pick-up window
Car wash, automatic	6 spaces per bay	Entrance
Car wash, self-service	3 spaces per bay	Entrance
Drive-through car service (oil change and similar)	3 spaces per bay	Entrance
Drive-through pharmacy	3 spaces	Window
Drive-through cleaners	3 spaces	Window
Drive-through photo lab	3 spaces	Window
Self-service fueling station	2 spaces per fueling island	Each end of the fueling island
Gated parking lots and entrances	2 spaces	Gate

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.

~~3~~4. 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 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.

~~4~~5. Uses not specifically mentioned or unique situations. For any use not specifically mentioned in this section or in unique situations, the 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 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.

~~5~~6. 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.

~~6~~7. 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.

~~7~~8. 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.

~~8~~9. 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, prevent the establishment of such facilities upon the same lot or parcel, they shall be furnished within four hundred feet (400) of the premises to which they are appurtenant. Off-site parking lots within residential areas are subject to the requirements of Section 14-03-08(4)(x). 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 appropriately for the principal use which they are intended to serve.

~~9~~10. 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 Zoning Administrator 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.

~~10~~11. 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.

~~11~~12. 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.

~~12~~13. 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.

~~13~~14. Mixed uses. In the case of mixed uses, except as provided for in subsection 1(h)(2) of this section for a multi-tenant shopping center, 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.

~~14~~15. 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.

~~15~~16. 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; Ord. 5852, 11-22-11; Ord. 6028, 01-28-14; Ord. 6040, 04-22-14; Ord. 6043, 04-22-14; Ord. 6050, 05-27-14)

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, adoption and publication.

CITY OF BISMARCK
Ordinance No. XXXX

First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____
Publication Date	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-03-08 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO APECIAL USES/TEMPORARY USES.

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

Section 1. Amendment. Section 14-02-03 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Definitions is hereby amended and re-enacted to read as follows:

14-03-08. Special Uses. In order to carry out the purposes of this title, the board of city commissioners finds it necessary to require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, be reviewed by the city planning and zoning commission and by the Zoning Administrator (where allowed) prior to the granting of a building permit or certificate of occupancy and that the city planning and zoning commission and the Zoning Administrator (where allowed) are hereby given limited discretionary powers relating to the granting of such permit or certificate.

* * * * *

2. Temporary uses (administrative approval). The Zoning Administrator is authorized to grant permits for certain temporary uses without a public hearing or approval of the city planning and zoning commission. All temporary structures used for the following uses shall be removed within fifteen days after termination of the use. The following are temporary uses to which such regulations apply:

a. For a religious meeting in a tent or other temporary structure in a CG, MA, MB or A district for a period not to exceed thirty (30) days.

b. For the open lot sale of Christmas trees in a CA, CG, CR, MA, MB or A district for a period not to exceed forty-five (45) days.

c. For seasonal sales of nursery and bedding stock for a period of not more than ninety (90) days in a CA, CG, CR, MA, MB or A district.

d. For sale of fireworks for a period of not more than thirty (30) days in a MA, MB or A district.

e. For sale of locally grown farm or garden produce in a CA, CG, CR, MA, MB or A district of not more than ninety (90) days.

f. For temporary retail sales in a CA, CG, CR or MA district for a period not to exceed sixty (60) days.

~~f~~g. For a show, circus, menagerie or carnival in a CA, CR, CG, MA, MB, A or P Zone for a period of no more than ten days provided that proof of a bond or liability insurance as required by City Ordinance 5-03-08 is provided prior to the first day of the event and that no less than thirty days prior to the first day of the event the applicant shall submit an application for the event to the Zoning Administrator. Such application shall be accompanied by a fee, as established by the City, for each day of the event which shall be in addition to any other license or inspection fees, and a site plan of the event showing at least the following details:

1) General layout with dimensions and legal description.

2) Location and type of sanitary facilities. There shall be at least one toilet facility for each sex for every ten concessions.

3) Circulation plan showing access points, pedestrian areas and parking areas.

4) At least nine hundred square feet of area shall be required for each concession.

5) No public right-of-way shall be utilized for any portion of the event without special permission of the Board of City Commissioners.

6) No noise in excess of sixty decibels may be emitted after 11:00 p.m.

7) No event may begin earlier than 9:00 a.m. nor continue later than 1:00 a.m.

8) Each event which conducts, operates, manages, or sponsors any ferris wheel, merry-go-round, or other amusement ride shall post a $500,000 bond or liability insurance as required by City Ordinance 5-03-08.

9) Shows, circuses, menageries, or carnivals held at the Civic Center or the Missouri Valley Complex do not require a special use permit. Events held at those locations must still comply with all applicable City ordinances and adopted codes.

10) The Zoning Administrator will provide a copy of each application for a temporary special use permit for a show, circus, menagerie, or carnival to the Police Department, Fire Department, the Building Official, the Traffic Engineer, and to the Environmental Health Administrator for events held within the City, and to the Sheriff, the County Engineer, the Building Official, and the Rural Fire Department for events held outside the City.

* * * * *

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, adoption and publication.

CITY OF BISMARCK
Ordinance No. XXXX

First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____
Publication Date	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-08 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO SPECIAL USES AND DRIVE-IN/DRIVE-THROUGH RETAIL AND SERVICE ESTABLISHMENTS.

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

Section 1. Amendment. Section 14-02-03 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Definitions is hereby amended and re-enacted to read as follows:

14-03-08. Special Uses. In order to carry out the purposes of this title, the board of city commissioners finds it necessary to require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, be reviewed by the city planning and zoning commission and by the Zoning Administrator (where allowed) prior to the granting of a building permit or certificate of occupancy and that the city planning and zoning commission and the Zoning Administrator (where allowed) are hereby given limited discretionary powers relating to the granting of such permit or certificate.

* * * * *

4. Permanent uses (planning and zoning commission approval). The city planning and zoning commission is authorized to grant special use permits for the following uses:

* * * * *

g. Drive-in/drive-through retail or service establishments. An establishment dispensing goods at retail or providing services through a drive-in/drive-

through facility, including, but not limited to drive-in/drive-through restaurants, banks or other drive-in/drive-through facilities, exclusive of theatres, may be permitted in a CG, CR, MA or HM district (drive-in/drive-through facilities for banks and drive-in/drive-through windows for pharmacies as an ancillary use to a medical office/clinic only may also be permitted in a CA district) as a special use provided:

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

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

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

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

5. All access and egress driveways shall cross a sidewalk only in such a manner that its width at the inner edge of the sidewalk is no greater than its width at the curb, excluding any curved or tapered section known as the curb return. Any portion of a parking or loading area abutting a sidewalk at a point other than a permitted driveway shall be provided with wheel stops, bumper guards, or other devices to prevent

encroachment of parked, standing or moving vehicles upon any sidewalk area not contained within a permitted driveway. All curb cuts, widths and other specifications shall comply with the standards established by the city engineer.

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

* * * * *

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, adoption and publication.

CITY OF BISMARCK
Ordinance No. XXXX

First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____
Publication Date	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-04-13 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO THE CR COMMERCIAL DISTRICT.

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

Section 1. Amendment. Section 14-04-13 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to THE CR Commercial District is hereby amended and re-enacted to read as follows:

14-04-13. CR Commercial District.

1. General description. The CR commercial district is established as a district in which the principal use of the land is for regional shopping centers and related services. For the CR commercial district in promoting the general purposes of this article, the specific intent of this section is:

a. To prohibit residential, heavy commercial and industrial uses of the land, and to prohibit any other use which would substantially interfere with the development or continuation of commercial structures in the district.

b. To discourage any use which, because of its character or size, would interfere with the use of land in the district as a shopping and service center for the regional area served.

2. Uses permitted. The following uses are permitted:

a. Retail group A.

b. Service group A.

c. Office-bank group.

d. Commercial recreational group.

e. Health-medical group.

f. Religious institution.

The following uses are allowed under special uses pursuant to Section 14-03-08 hereof:

a. Temporary Christmas tree sales.

b. Temporary farm and garden produce sales.

c. Seasonal nursery and bedding stock sales.

d. Filling station.

e. Child care center.

f. Drive-in retail or service establishment.

g. Auto laundry - car wash.

h. Retail liquor sales.

3. Lot area. No CR commercial district shall contain less than forty (40) acres.

4. District width. Each CR commercial district shall have an average width of not less than one thousand (1,000) feet and shall have no principal dimension less than five hundred (500) feet in length.

5. Floor area. The gross floor area of the principal building shall be not less than three hundred thousand (300,000) square feet.

6. Setback. A minimum setback of fifty (50) feet shall be required of the principal building except when it

fronts on an interior street within the district. A setback of at least twenty-five (25) feet shall apply for all other buildings.

7. Height limits. No building shall exceed fifty (50) feet in height.

8. Off-street parking. Off-street parking and loading shall be provided ~~in an amount equivalent to five (5) spaces per thousand (1,000) square feet of gross leasable area. Where minimum setbacks occur, no parking shall be allowed between a building and an adjacent street~~ in accordance with the provisions of Section 14-03-10 of this Title. A site circulation plan shall be prepared by the shopping center and approved by the Zoning Administrator.

(Ord. 4462, 08-18-92; Ord. 4486, 04-27-93; Ord. 4564, 11-23-93; Ord. 4808, 11-12-96; Ord. 5027, 02-08-00; Ord. 5728, 05-26-09; Ord. 5958, 03-26-13; Ord. 6028, 01-28-14; Ord. 6040, 04-22-14)

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, adoption and publication.

BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Lot 2, Block 1, Mr. B's West Addition and part of the adjacent Tract 7 (part of Tract C of Zoller's Addition) (to be known as Tract 11) – Annexation	
Status: Planning Commission – Final Consideration	**Date:** March 25, 2015
Owner(s): 161 Commercial, LLC	**Engineer:** Baseline Engineering
Reason for Request: Annex property for expansion of manufactured home park.	
Location: Along the west side of Centennial Road between Interstate 94 and East Century Avenue, along the western edge of the Centennial Manufactured Housing Community (formerly Mr. B's Manufactured Home Park).	
Project Size: 5.72 acres, more or less	**Number of Lots:** One lot and part of one tract
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Expanded manufactured home park
Zoning: RMH – Residential	**Zoning:** RMH – Residential
Uses Allowed: Manufactured home park	**Uses Allowed:** Manufactured home park
Maximum Density Allowed: Seven families per net acre	**Maximum Density Allowed**: Seven families per net acre

PROPERTY HISTORY:		
Zoned: 07/1977	**Platted:** 08/1993 (Mr. B's West) 11/1964 (Zoller's)	**Annexed:** N/A

FINDINGS:

1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation at the time of development.

2. The proposed annexation would not adversely affect property in the vicinity.

3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.

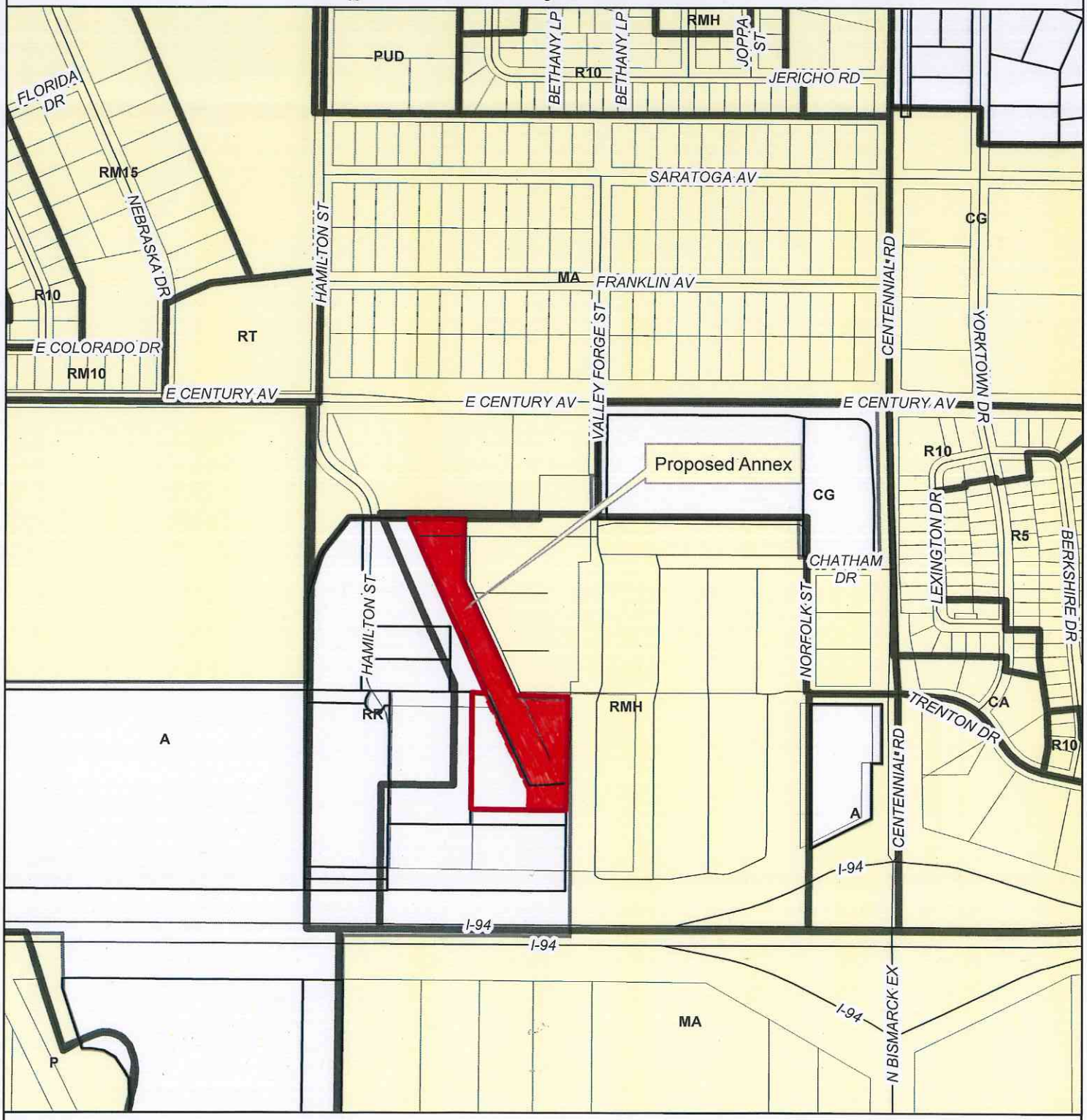
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the annexation of Lot 2, Block 1, Mr. B's West Addition and part of the adjacent Tract 7 (part of Tract C of Zoller's Addition) (to be known as Tract 11), with the understanding that the proposed annexation will not be forwarded to the City Commission for final action until the proposed plat of irregular description for the tract west of Mr. B's West Addition is submitted to the Planning Division.

/Klee

Proposed Annexation
Lot 2, Block 1, Mr. B's West Addition and part of the adjacent Tract 7



March 5, 2015 (hlb)

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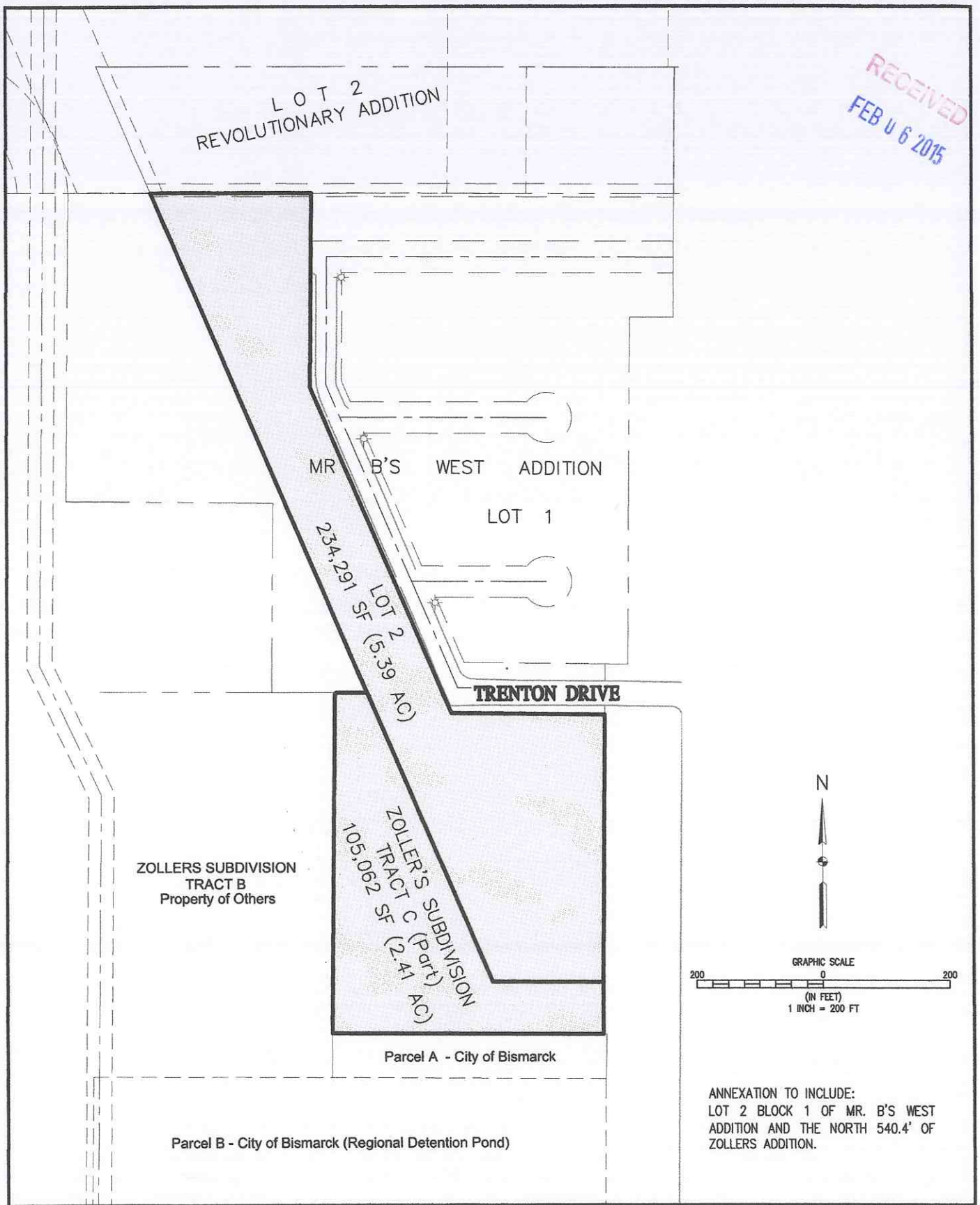

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161 COMMERCIAL LLC

CITY OF BISMARK — BURLEIGH COUNTY

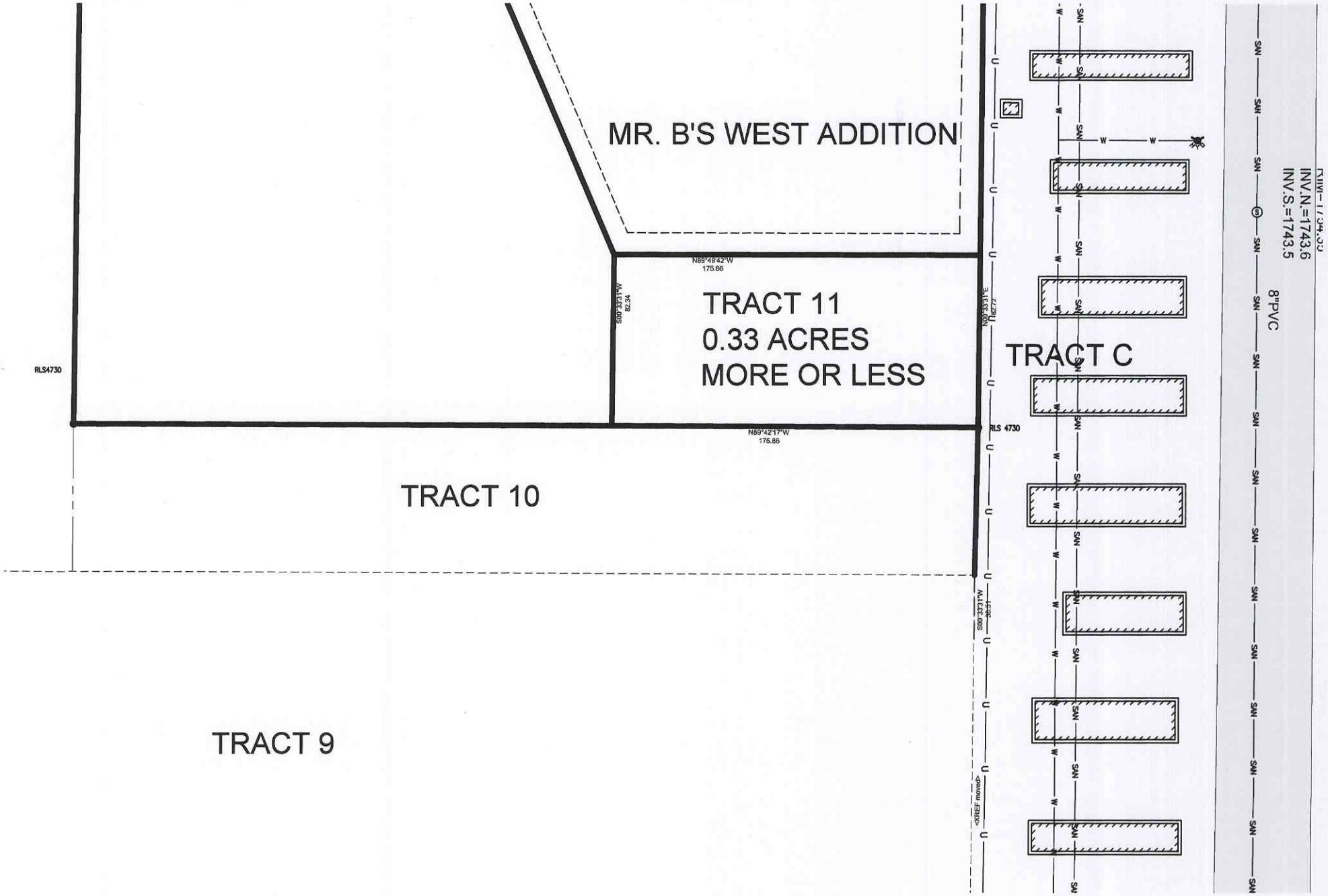
CENTENNIAL MANUFACTURED HOUSING COMMUNITY

2520 CENTENNIAL ROAD

ANNEXATION LIMITS

DESIGNED BY SMB	INITIAL SUBMITTAL 1/30/15
	DRAWING SIZE 8.5" X 11"
	SURVEY FIRM RANI ENGINEERING — SURVEY DATE JUNE 2014
DRAWN BY SMB	JOB NO. ND25079
	DRAWING NAME annex limit.dwg
CHECKED BY MS	SHEET 1 OF 1
	1

N:\ND25079 - Centennial MHC\Drawings\annex limit.dwg, 1/30/2015 2:31:20 PM, Steve Batchelder


MR. B'S WEST ADDITION
TRACT 11
0.33 ACRES
MORE OR LESS
TRACT C
TRACT 10
TRACT 9
RLS4730
RLS 4730
N89°49'42"W
175.86
N89°42'17"W
175.86
S00°33'31"W
82.34
N00°33'31"E
S00°33'31"W
<XREF moved>
INV.N.=1743.6
INV.S.=1743.5
8"PVC

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:

Title:
Lot 1 less the North 250 feet and Lot 2, Block 1, and Lots 1-2, Block 2, Northern Sky Addition and Auditor's Lot C-3 of the SE¼ of Section 17, T139N-R80W/Hay Creek Township – Zoning Change (RM30, RT & CA to RT & CA)

Status: Planning Commission – Public Hearing	**Date:** March 25, 2015
Owner(s): Wilment Development, LLC	**Engineer:** Swenson, Hagen & Co.

Reason for Request:
Rezone property to allow for neighborhood commercial development office uses.

Location:
In northwest Bismarck, in the northwest quadrant of the intersection of North Washington Street and Ash Coulee Drive / 43rd Avenue NE.

Project Size: 27.83 acres	**Number of Lots:** 5 lots in 2 blocks and 1 parcel
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** General commercial uses
Zoning: RM30 – Residential (Lots 1&2, Block 2) RT – Residential (Lot 2, Block 1 & northern portion of unplatted parcel located south of Lots1 & 2, Block 1) CA – Commercial (southern portion of Lot 1, Block 1 and part of Auditor's Lot C-3)	**Zoning:** RT – Residential (Lots 1 & 2, Block 2) CA – Commercial (portion of unplatted parcel south of Lots 1 &2, block 1 and the southern portion of Lot 1, Block 1 and part of Auditor's Lot C-3)
Uses Allowed: RM30 – Multi-family residential RT – Multi-family residential and offices CA – Multi-family residential, offices and neighborhood commercial uses	**Uses Allowed:** RT – Multi-family residential and offices CA – Multi-family residential, offices and neighborhood commercial uses
Maximum Density Allowed: RM30 – 30units/acre RT – 30 units/acre CA – 30 units/acre	**Maximum Density Allowed**: RT – 30 units/acre CA – 30 units/acre

PROPERTY HISTORY:

Zoned: 11/2002 (unplatted) 05/2012 (Northern Sky Addition)	**Platted:** 05/2012 (Northern Sky Addition)	**Annexed:** 05/2012 (Northern Sky Addition)

FINDINGS:

1. The proposed zoning change is outside the area covered by the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan (GMP).

(continued)

2. The proposed zoning change is compatible with adjacent land uses. Adjacent land uses include developing RT – Residential zoned property to the north (including a religious facility), developing single and two-family residential and undeveloped CA – Commercial zoned property to the east across North Washington Street, Horizon Middle School to the west and developing single and two-family residential to the south across Ash Coulee Drive and one large lot single family dwelling.

3. The un-annexed portions of the property will be annexed prior to development; therefore, the proposed zoning change would not place an undue burden on public services.

4. 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.

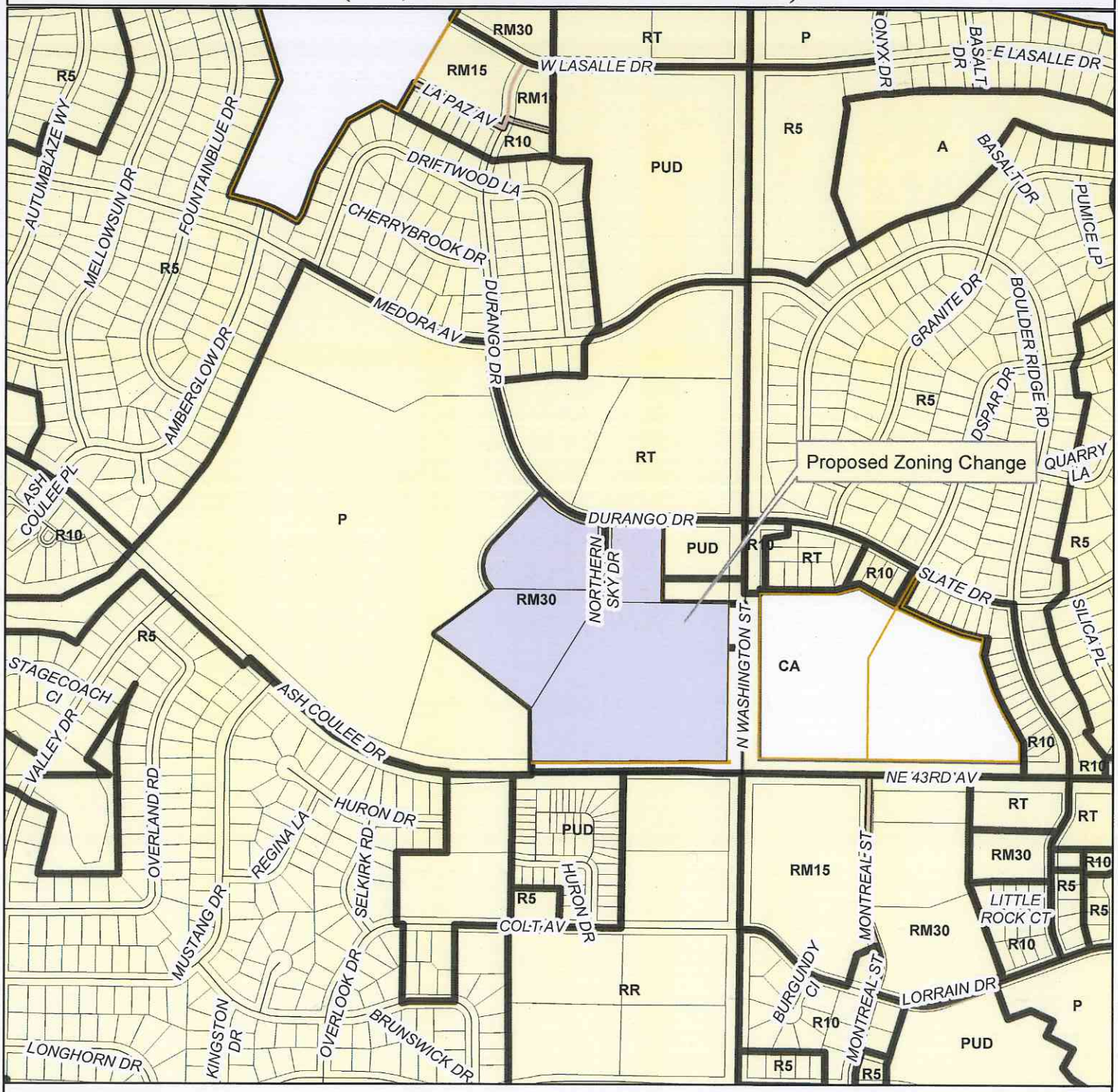
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the zoning change from the RM30 – Residential, RT – Residential and CA – Commercial zoning districts to the RT – Residential zoning district on Lot 1 and Lot 2, Block 2, Northern Sky Addition and to the CA – Commercial zoning district on Lot 1 less the north 250 feet of Lot 1 and all of Lot 2, Block 1, Northern Sky Addition and Auditor's Lot C-3 in the SE ¼ of Section 17, T139N-R80W/ Hay Creek Township.

/JW

Proposed Zoning Change
Lot 1 less the North 250 feet and Lot 2, Block 1 and Lots 1 and 2, Block 2, Northern Sky Addition and Auditor's Lot C-3, Section 17, T139N-R80W/Hay Creek Township (CA, RT & RM30 to CA & RT)



January 21, 2015 (hlb)

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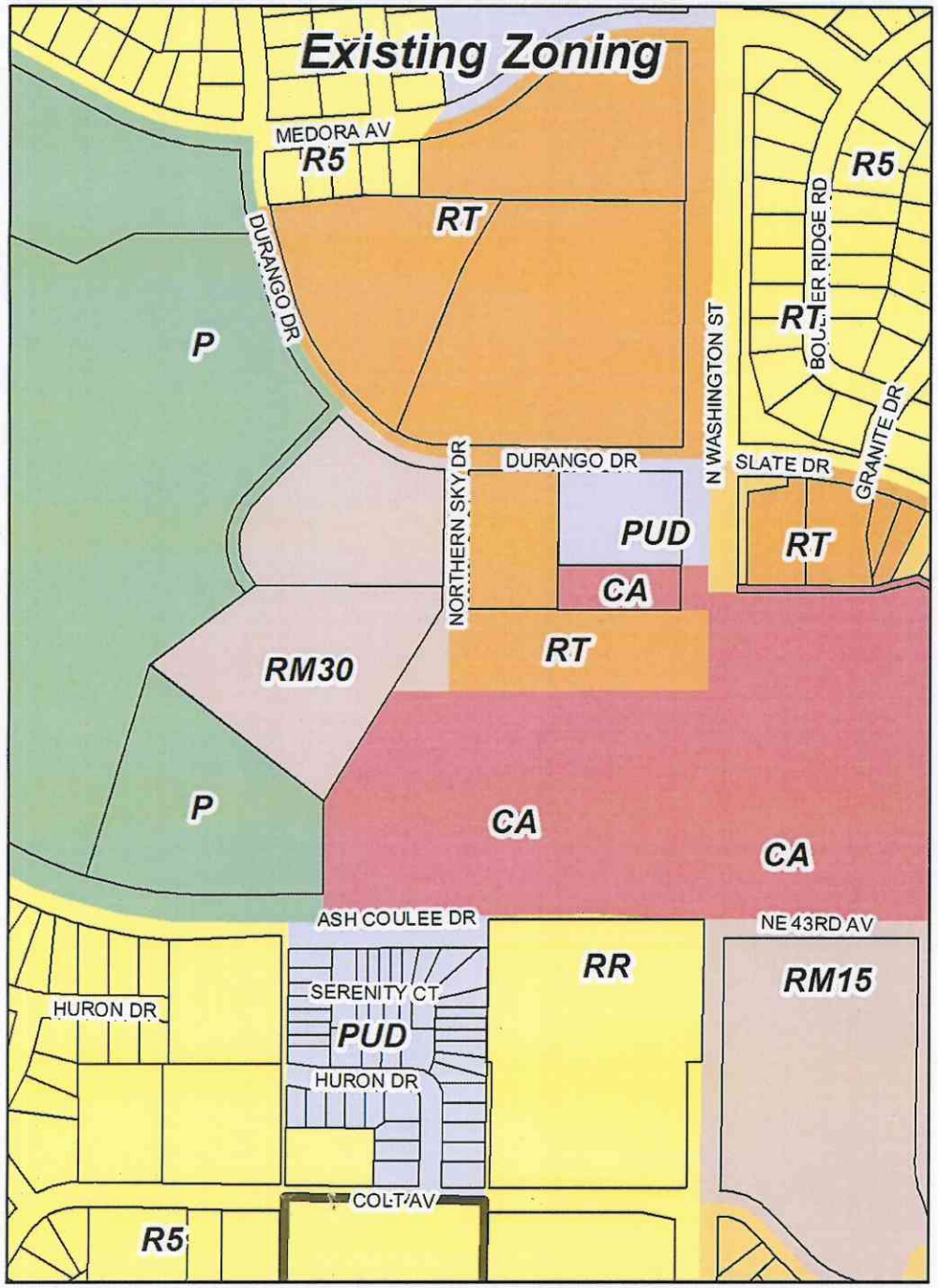
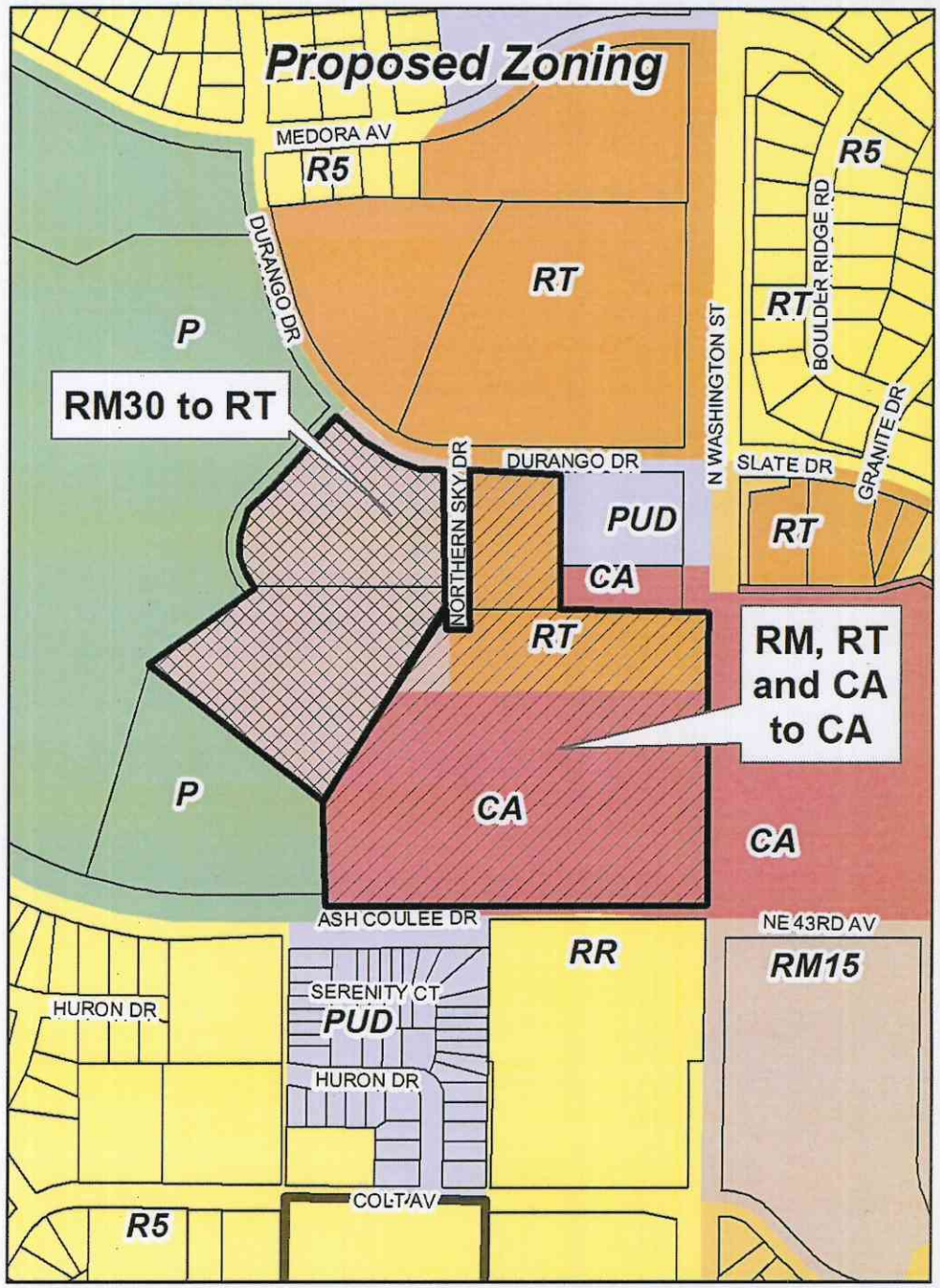
0 270 540 1,080 Feet

N

Part of Northern Sky Addition and Part of the SE1/4 of the SE1/4 of Section 17, Hay Creek Township - Zoning Change





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March 2015

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BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:

Title:
Auditor's Lot J of the NE¼ of Section 30, T139N-R80W/Hay Creek Township (Part of vacated Tyler's Western Village)– Zoning Change (A & RM30 to RT)

Status: Planning Commission – Public Hearing	**Date:** March 25, 2015
Owner(s): C Family Trust	**Engineer:** Swenson, Hagen & Co.

Reason for Request:
Rezone property to in order to combine with adjacent parcel.

Location:
In northwest Bismarck, north of I-94 and east of Tyler Parkway, along the north side of Burnt Boat Drive.

Project Size: 8,655 square feet, more or less	**Number of Lots:** One parcel

EXISTING CONDITIONS:	PROPOSED CONDITIONS:
Land Use: Undeveloped	**Land Use:** Multi-family residential and offices
Zoning: A – Agricultural RM30 – Residential	**Zoning:** RT – Residential
Uses Allowed: A – Agriculture RM30 – Multi-family residential	**Uses Allowed:** RT – Multi-family residential and offices
Maximum Density Allowed: A – One unit/40 acres RM30 – 30 units/acre	**Maximum Density Allowed:** RT – 30 units/acre

PROPERTY HISTORY:

Zoned: Pre-1980	**Platted:** N/A	**Annexed:** Pre-1980

ADDITIONAL INFORMATION:

1. The proposed zoning change is being requested in order to combine Auditor's Lot J with Auditor's Lot G of Lot 1, Block 1, Country West IV, the adjacent property to the south, which is zoned RT – Residential. Prior to combining the two parcels, they must be located within the same zoning district.

FINDINGS:

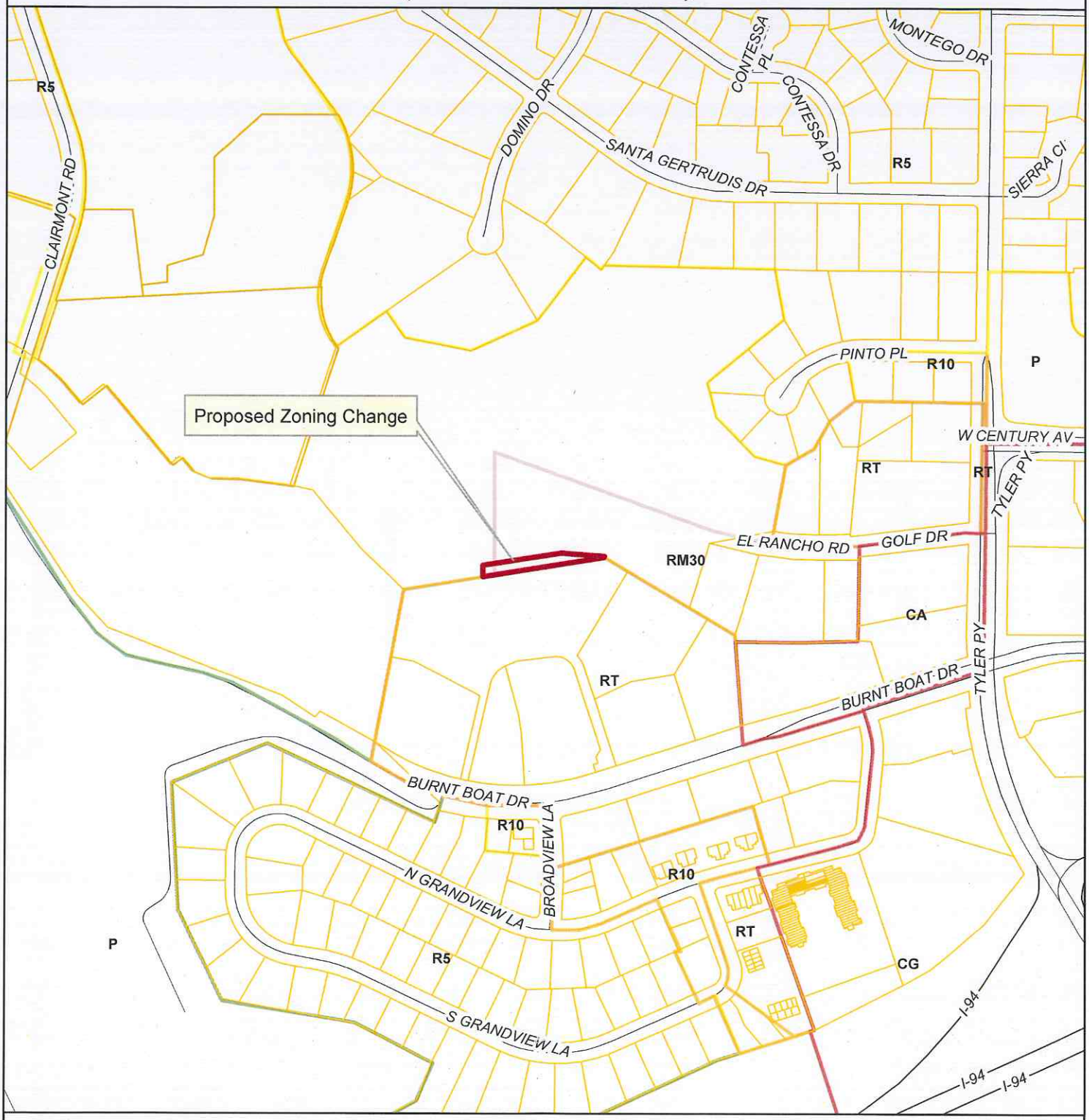
1. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include undeveloped RM30 – Residential zoned property to the north and east, undeveloped A-Agriculture zoned property to the west, and existing office uses to the south.
2. The property is already annexed; therefore, the proposed zoning change would not place an undue burden on public services.
3. The proposed zoning change would not adversely affect property in the vicinity.
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 the A – Agricultural and RM30 – Residential zoning districts to the RT – Residential zoning district on Auditor's Lot J of the NE¼ of Section 30 (Vacated Tyler's Western Village), T139N-R80W/Hay Creek Township.

/JW

Proposed Zoning Change
Auditor's Lot J, Section 30, Hay Creek Township
(A and RM30 to RT)



January 21, 2015 (hlb)

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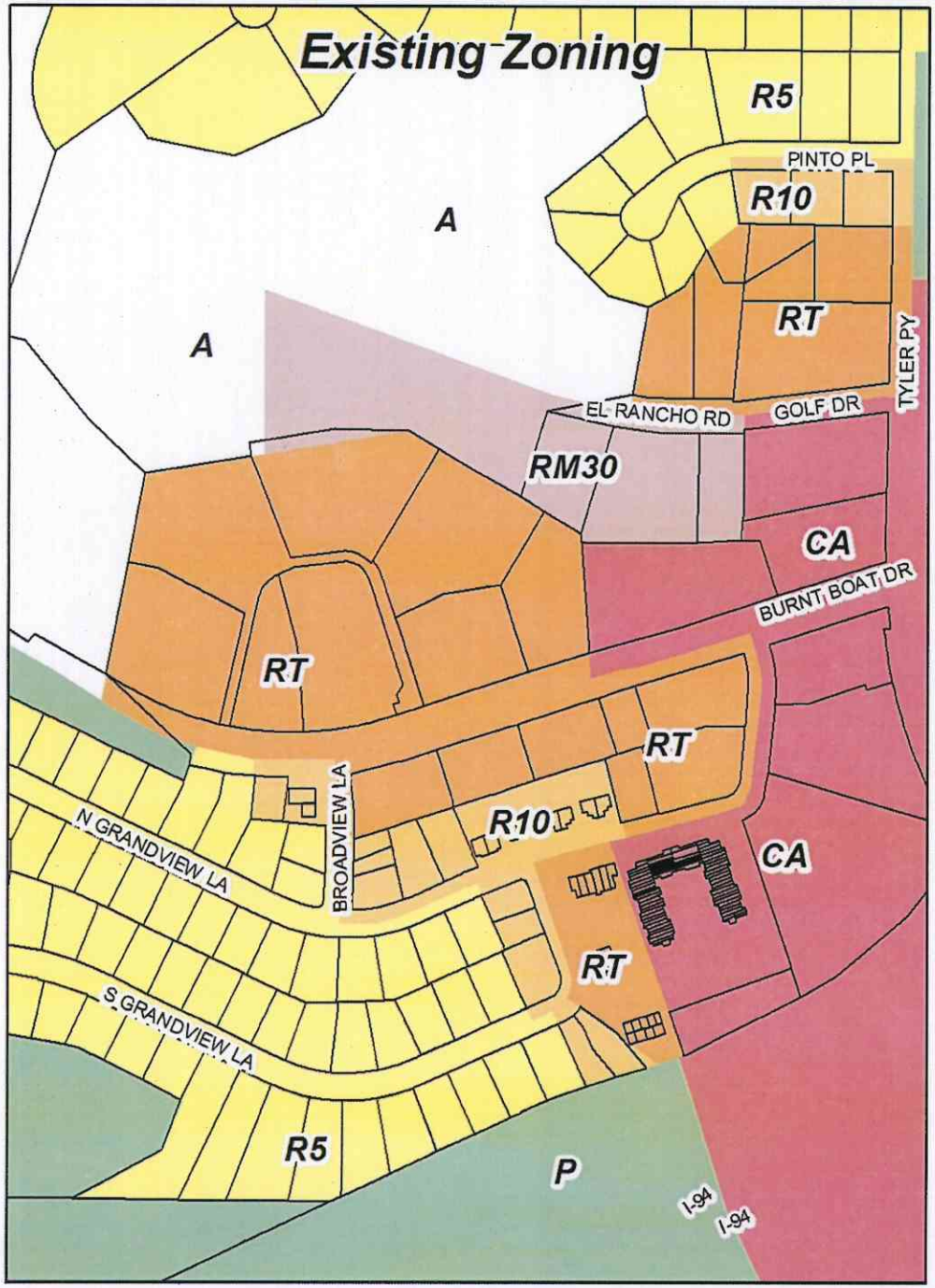
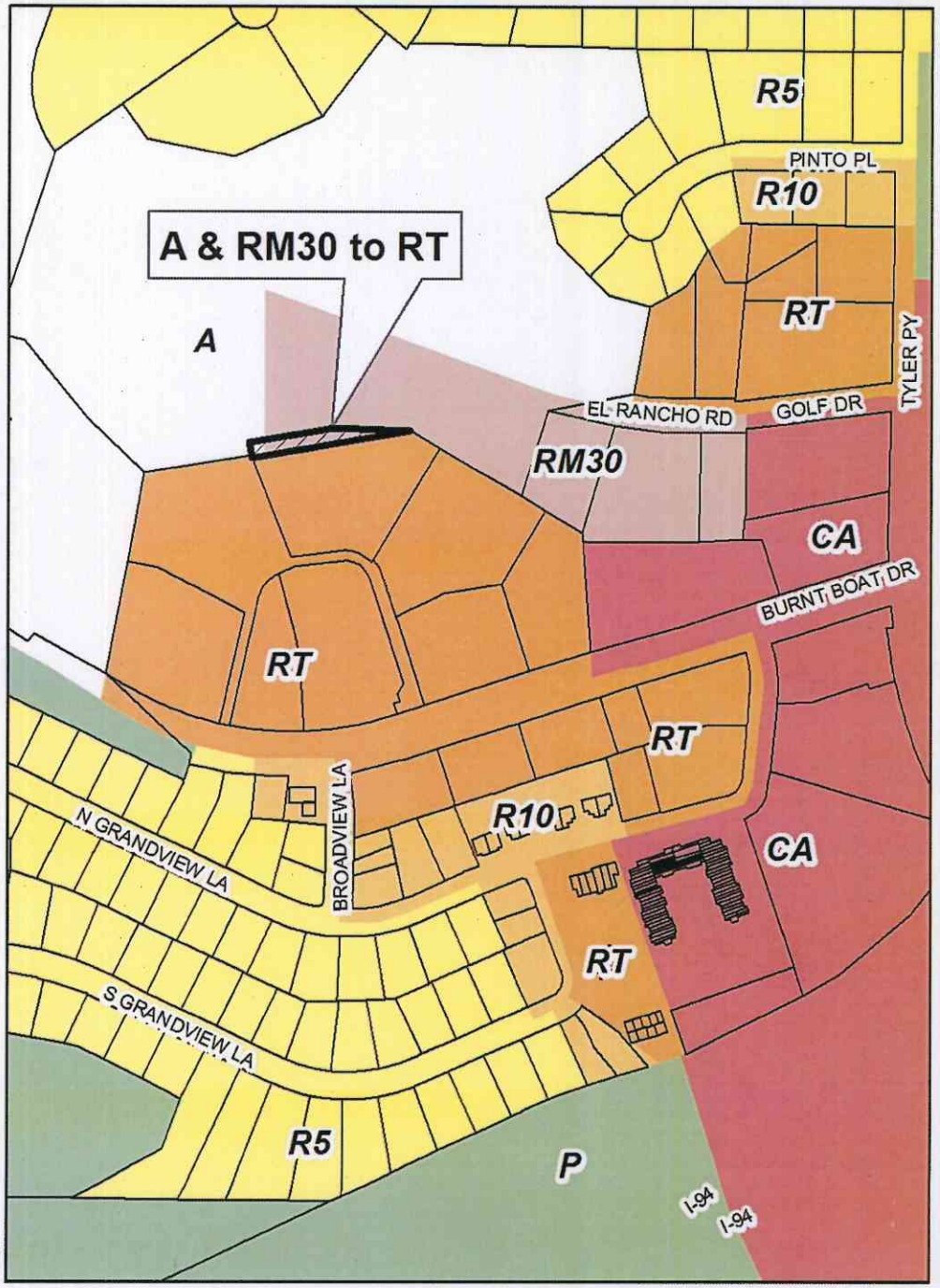
N

Auditor's Lot J of the NE 1/4 of Section 30-Hay Creek Township - Zoning Change





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February 2015

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BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Part of Lot 1, Block 1, Shannon Valley Addition – Zoning Change (RM30 to R10)	
Status: Planning Commission – Public Hearing	**Date:** March 25, 2015
Owner(s): Dakota Boys Ranch	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Rezone a portion of the lot in order to combine with adjacent parcel.	
Location: In east Bismarck, between East Divide Avenue and East A Avenue, along the east side of North 35th Street.	
Project Size: 3,629 square feet, more or less	**Number of Lots:** Portion of one lot
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Multi-family residential	**Land Use:** Single and two-family residential
Zoning: A – Agricultural RM30 – Residential	**Zoning:** R10 – Residential
Uses Allowed: RM30 – Multi-family residential	**Uses Allowed:** R10 – Single and two-family residential
Maximum Density Allowed: RM30 – 30 units/acre	**Maximum Density Allowed:** R10 – 10 units/acre

PROPERTY HISTORY:		
Zoned: 04/2002	**Platted:** 04/2002	**Annexed:** Pre-1980

ADDITIONAL INFORMATION:

1. The proposed zoning change is being requested in order to combine the southern 3,629 square feet of Lot 1, Block 1, (to be known as Lot 1B) with the adjacent property to the south, which is zoned R10 – Residential. The property owner to the south constructed a fence and installed landscaping on Lot 1, Block 1 in error. The applicant has agreed to sell that portion of Lot 1, Block 1 to the adjacent property owner. Prior to combining the two parcels, they must be located within the same zoning district.

FINDINGS:

1. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include multi-family residential to the north and west, industrial uses to the east across the Hay Creek channel and single and two-family dwellings to the south.

2. The property is already annexed; therefore, the proposed zoning change would not place an undue burden on public services.

3. The proposed zoning change would not adversely affect property in the vicinity.

4. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.

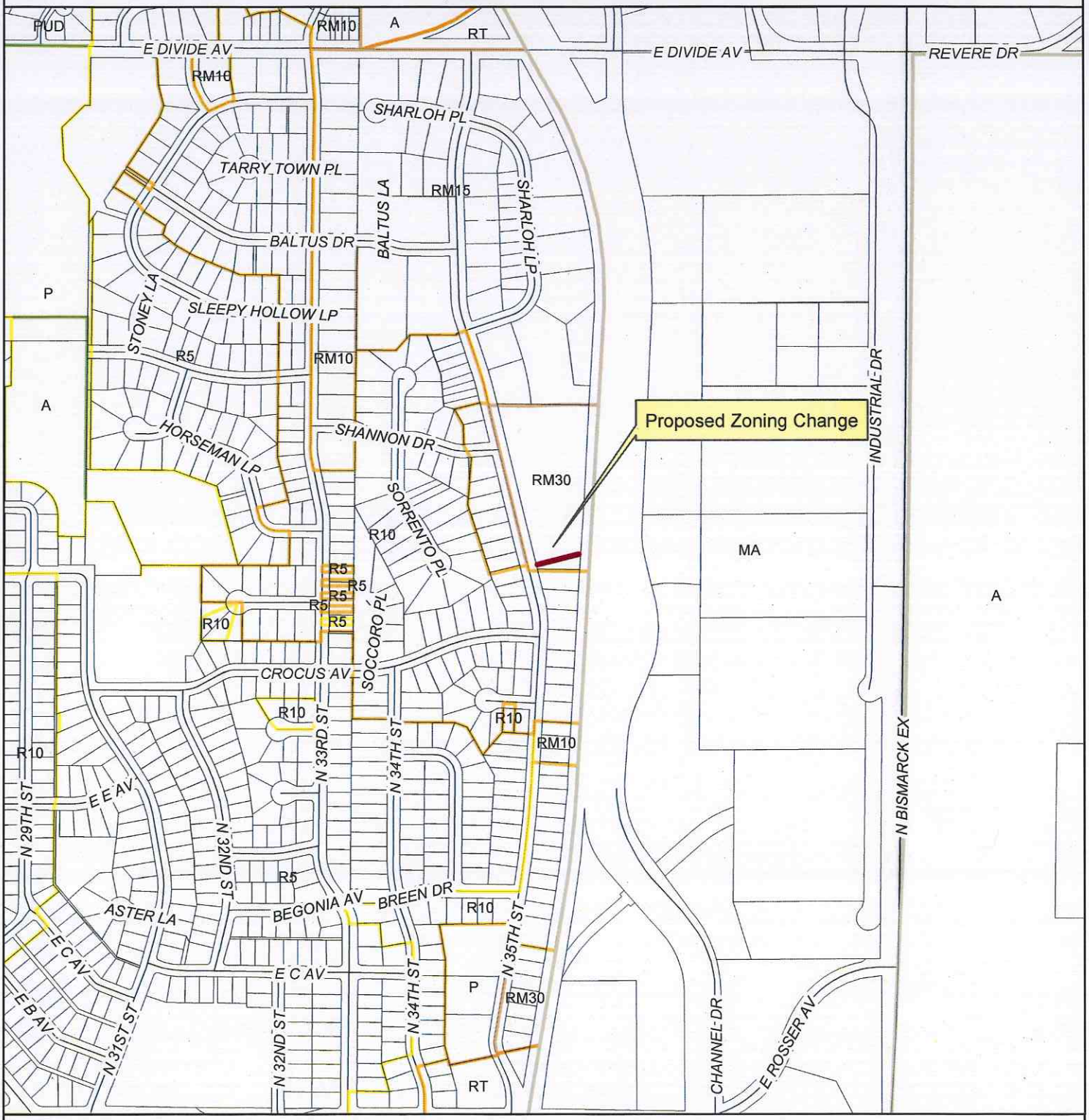
5. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the zoning change from the RM30 – Residential zoning district to the R10 – Residential zoning district on part of Lot 1, Block 1, Shannon Valley Third Addition (to be known as Lot 1B, Block 1, Shannon Valley Third Addition).

/JW

Proposed Zoning Change
Lot 1B, Block 1, Shannon Valley Third Addition
(RM30 to R10)



January 21, 2015 (hlb)

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0 270 540 1,080 Feet

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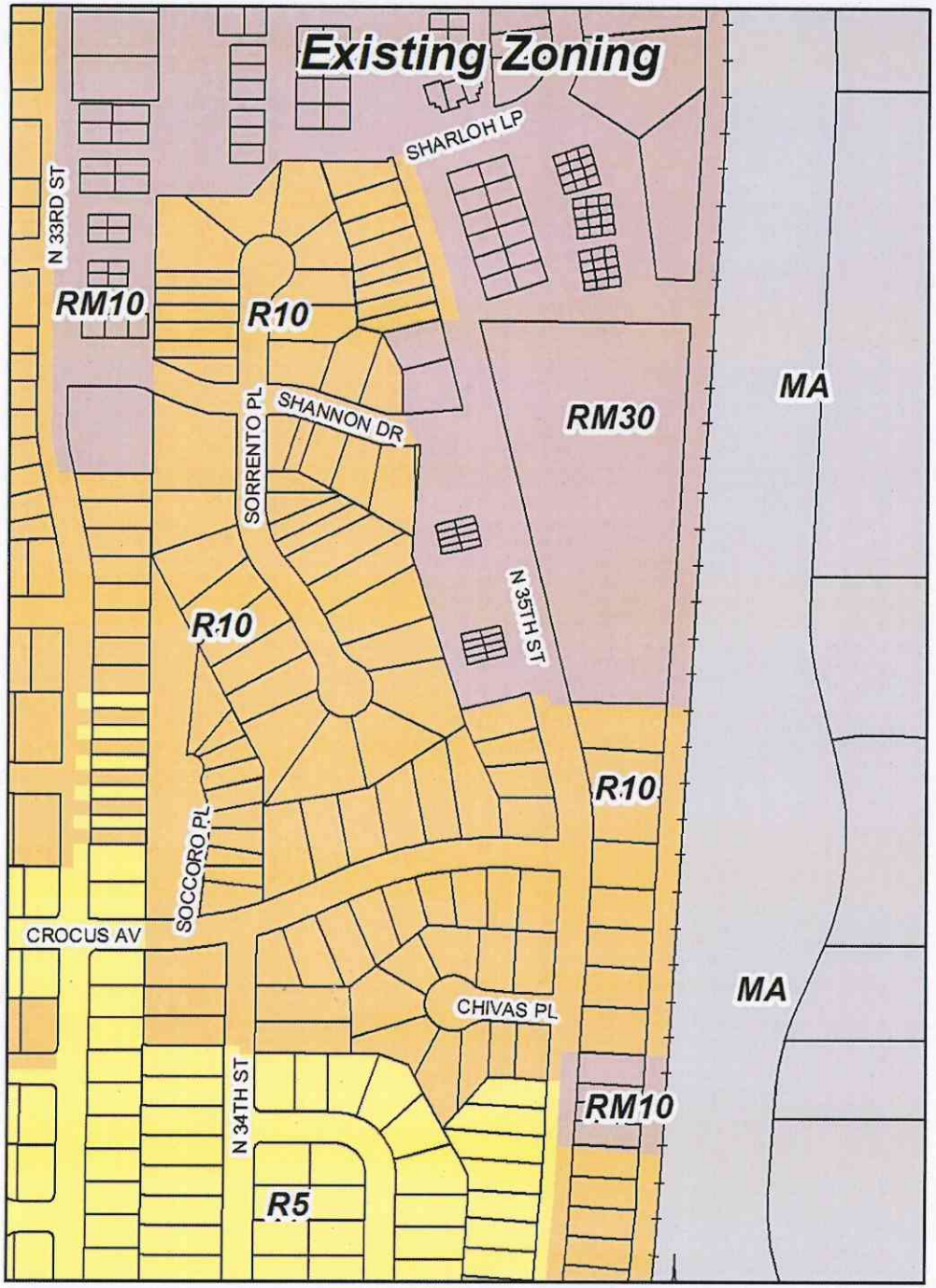
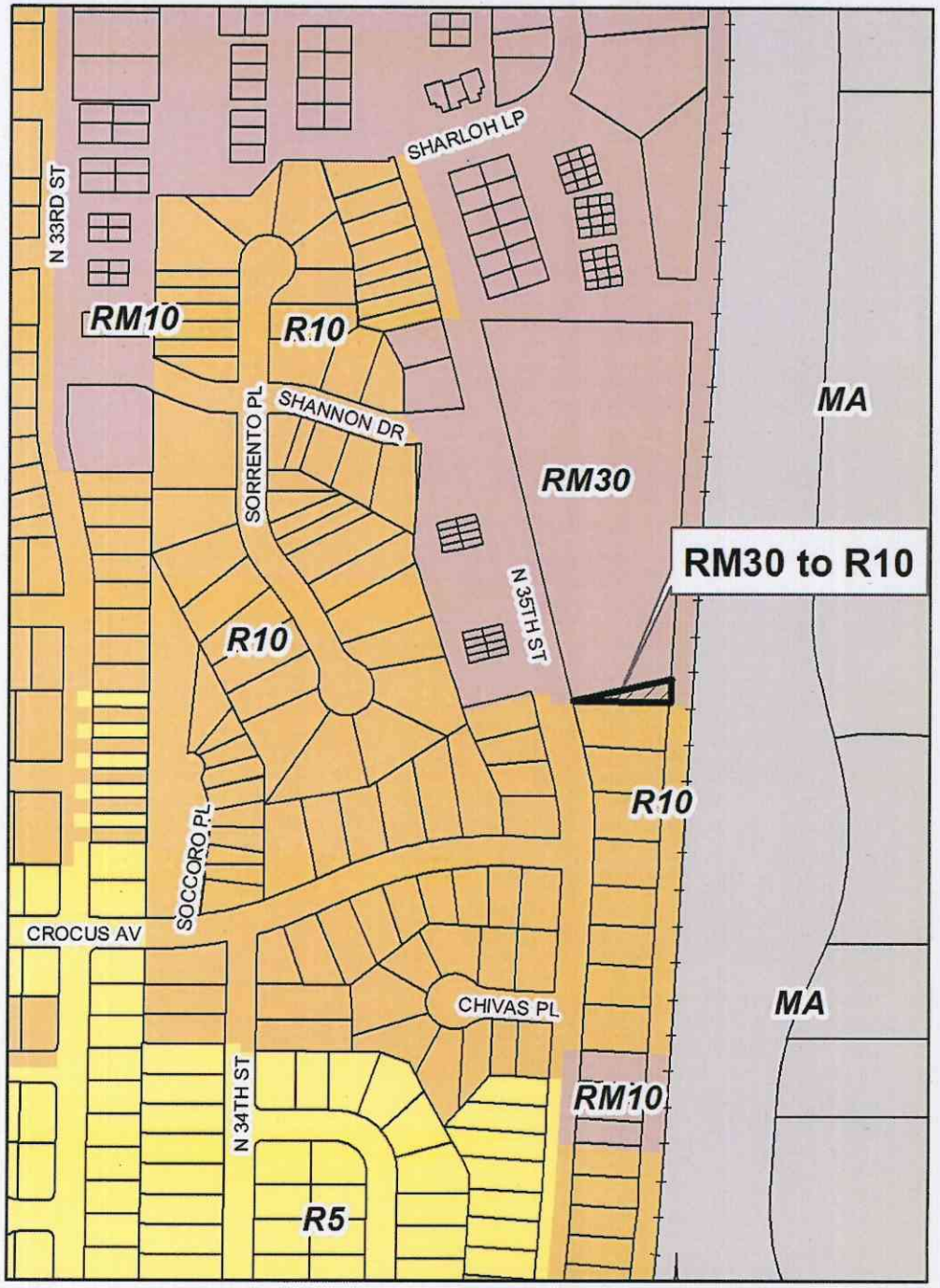
Part of Lot 1, Block 1, Shannon Valley Third Addition - Zoning Change





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February 2015

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BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Kamrose Crossing Addition – Major PUD Amendment	
Status: Planning Commission – Public Hearing	**Date:** March 25, 2015
Owner(s): Verity Homes of Bismarck, LLC	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Amend the PUD to clarify rear yard setback requirements.	
Location: In south Bismarck, in the northeast corner of the intersection of South Washington Street and Burleigh Avenue, along the west side of Rutland Drive.	
Project Size: 4.96 acres	**Number of Lots:** 78 lots in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** 18-building/74-unit row house development
Zoning: PUD – Planned Unit Development	**Zoning:** PUD – Planned Unit Development
Uses Allowed: PUD – Uses specified in PUD	**Uses Allowed:** PUD – Uses specified in PUD
Maximum Density Allowed: PUD – Density as specified in PUD	**Maximum Density Allowed:** PUD – Density as specified in PUD

PROPERTY HISTORY:		
Zoned: 07/2014	**Platted:** 07/2014	**Annexed:** 06/2007

ADDITIONAL INFORMATION:

1. The property was platted and zoned as a PUD in July 2014. The current setback requirements for the rear yard setback would not allow for the construction of the proposed townhomes. Planning and Inspections staff are comfortable with a reduction of the rear yard setback of fifteen (15) feet as measured from the edge of the property line. The 15 foot setback would allow for a 20 foot drive lane between the buildings and a five foot sidewalk adjacent to the rear of each building; this area totals 30 feet. The 30 foot area is currently shown on the plat as an access easement.

2. 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.

FINDINGS:

1. The proposed PUD amendment is outside of the area covered by the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan.

(continued)

2. The proposed PUD amendment would be compatible with adjacent land uses. Adjacent land uses include developing twin homes to the north and east, a storm water detention area to the west and undeveloped agricultural land to the south across Burleigh Avenue.

3. The property is annexed and services would be extended in conjunction with development; therefore, the proposed PUD amendment would not place an undue burden on public services and facilities.

4. The proposed PUD amendment would not adversely affect property in the vicinity.

5. The proposed PUD amendment is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.

6. The proposed PUD amendment 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 major Planned Unit Development (PUD) amendment for Kamrose Crossing Addition, as outlined in the attached draft PUD amendment document.

/jt

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 non-compatible 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.

CAPITOL VIEW ADDITION PLANNED UNIT DEVELOPMENT
ORDINANCE NO. 6074 (Adopted July 22, 2014)
MAJOR PUD AMENDMENT (Adopted _ _/_ _, 2015)

WHEREAS, Ordinance No. 6074 was adopted by the Board of City Commissioners on July 22, 2014; and

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

WHEREAS, Verity Homes of Bismarck, LLC has requested an amendment to the Planned Unit Development for Lots 1-78, Block 1, Kamrose Crossing 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:

Lots 1-78, Block 1, Kamrose Crossing Addition

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

1. *Uses Permitted.* Uses permitted include:

   Uses permitted include a maximum of 74 residential units in a mix of 3 to 5-unit row houses. The configuration of residential units shall generally conform to the overall development plan for Kamrose Crossing Addition dated April 25, 2014. Any change in the use of the property from that indicated above will require an amendment to this PUD. Any proposed changes that are inconsistent with these permitted use standards will require an amendment to this PUD.

2. *Development Standards.*

   Each interior buildable lot shall have an area of not less than twelve-hundred (1,200) square feet, a minimum width at the building setback line of not less than sixteen (16) feet, a minimum front yard setback of twenty-five (25) feet (as measured from the edge of the lot), a minimum side yard setback of five (5) feet, (as measured from the edge of the access easement) a minimum rear yard setback of ~~five (5)~~ fifteen (15) feet (as measured from the edge of the property line), and a maximum building height of forty (40) feet. Rear yards are along the private access roadways and front yards are along the courtyard portion of the site .

3. *Design and Aesthetic Standards.*

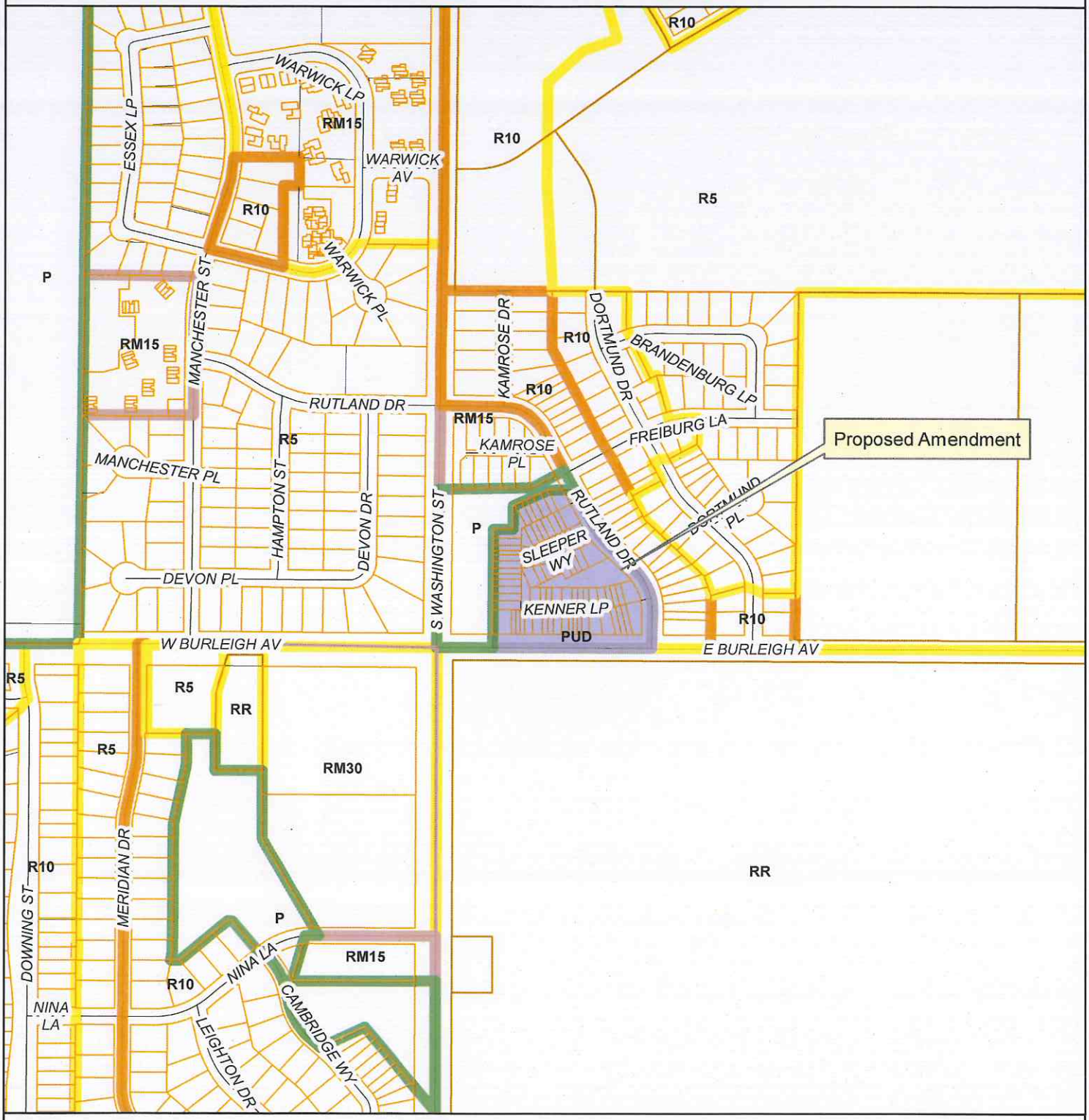
   Each building or structure shall utilize select finish materials including fiber cement board as siding and trim, stucco/EIFS, standing seam metal as an accent material and asphalt shingles.

4. *Private Roadway Maintenance.*

   The development and construction of the private roadways shall be the responsibility of the developer. On-going repair and maintenance of the private roadways shall be the responsibility of the home owners association.

5. *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 Amendment
Kamrose Crossing Addition



January 21, 2015 (hlb)

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

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APPLICANT WRITTEN STATEMENT

Kamrose Crossing Addition

Request for Approval of Kamrose Crossing Planned Unit Development

Verity Homes of North Dakota is proposing to develop approximately 4.94 acres located East of Rutland Drive and North of Burleigh Ave. The area is currently platted as Lots 3-6, Block 1 Kamrose Addition, Bismarck, North Dakota.

Verity Homes is considering developing the property into a residential development with 74 row houses that will include a mix of two and three bedroom units, featuring high end finishes such as quartz countertops, hardwood flooring, and security systems, along with architectural design unique to the area.

Red Door Homes proposes rezoning the property to a PUD district in order to accommodate the intended project which will result in a logical and orderly development pattern that will be consistent with surrounding land uses. The projected density of 15 units per acre and reconfiguration of the lots is not to establish new uses, but to allow for potential homeowners to have a vested interest in their residence, while sharing in the use and maintenance of designated common areas used for green spaces, driving lanes, emergency access, a dog park, and storm water storage and drainage.

The project will address the housing needs of the community by developing modestly priced housing in South Bismarck. Verity Homes anticipates that the proposed row houses, situated on smaller parcels of land, will attract younger, first-time homebuyers.

Considering that the existing zoning of the property allows for the construction of apartment buildings and other medium density residences, the proposed zoning change would not adversely affect property in the vicinity.

Interior landscaping, adequate parking and emergency lane access will be applied per the city standards and ordinances.

Zoning: PUD

Front yard: 25'

Side yard: 6'

Rear yard: 5'

Lot area: 1,200 square feet minimum

Building Height: 40' maximum (37' Typical)

See attachments for architectural drawings, etc.

BUILDING LOCATION PLAN

REDDOOR HOMES | BISMARCK, NORTH DAKOTA

KAMROSE SITE - PUD APPLICATION

25 APRIL 2014

URBAN DESIGN ASSOCIATES

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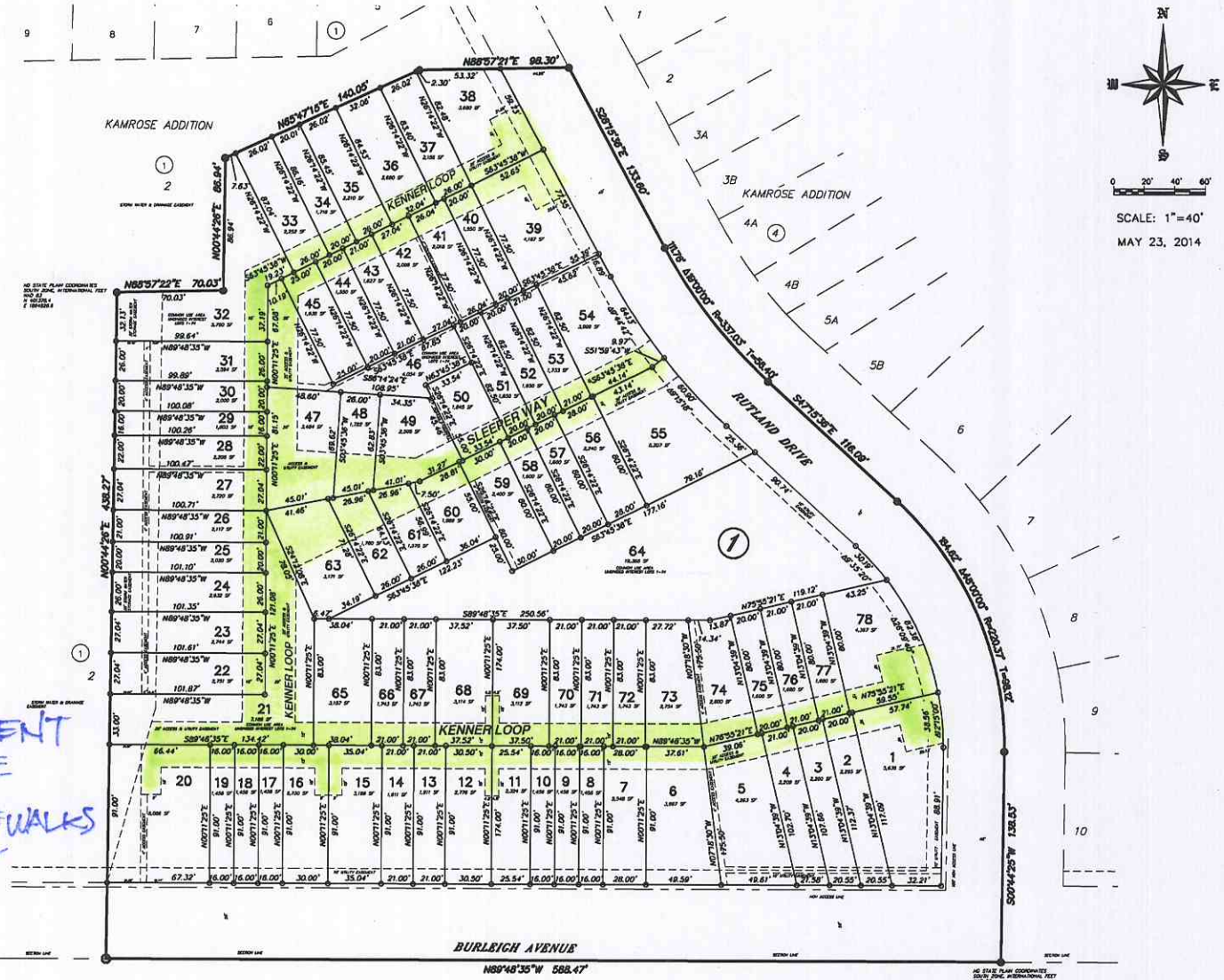


NOTES

BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY CITY ORDINANCE

COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET

BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS.

BENCHMARK:
HYDRANT #2441
WASHINGTON ST. & BURLEIGH AVE.
ELEV = 1638.77 (NGVD 29)

DECLARATION OF COVENANTS AND RESTRICTIONS HAVE BEEN RECORDED ON _____ AS DOCUMENT NO. _____ WITH THE BURLEIGH COUNTY RECORDER

AREA

LOTS	215,242 S.F	4.94 ACRES
STREETS	54,822 S.F	1.26 ACRES
TOTAL	270,064 S.F	6.20 ACRES

○ MONUMENT TO BE SET
● MONUMENT IN PLACE

30' ACCESS EASEMENT INCLUDES A 20' DRIVE LANE AND TWO 5' SIDEWALKS WHICH WOULD BE ADJACENT TO THE BUILDING.

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Stoneridge Addition – Major PUD Amendment	
Status: Planning Commission – Public Hearing	**Date:** March 25, 2015
Owner(s): Liechty Homes, Inc. (owner) Verity Homes of Bismarck, LLC (applicant)	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Amend the PUD to clarify rear yard setback requirements.	
Location: In northeast Bismarck west of Centennial Road along the west side of French Street and the south side of Calgary Avenue.	
Project Size: 2.95 acres	**Number of Lots:** 27 lots in 2 blocks
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** 6-building, 27-unit row house development
Zoning: PUD – Planned Unit Development	**Zoning:** PUD – Planned Unit Development
Uses Allowed: PUD – Uses specified in PUD	**Uses Allowed:** PUD – Uses specified in PUD
Maximum Density Allowed: PUD – Density as specified in PUD	**Maximum Density Allowed**: PUD – Density as specified in PUD

PROPERTY HISTORY:		
Zoned: 04/2011	**Platted:** 04/2011	**Annexed:** 04/2011

ADDITIONAL INFORMATION:

1. The property was re-platted and zoned as a PUD in November 2014. The current setback requirements for the rear yard setback would not allow for the construction of the proposed townhomes. Planning and Inspections staff are comfortable with a reduction of the rear yard setback of fifteen (15) feet as measured from the edge of the property line. The 15 foot setback would allow for a 20 foot drive lane between the buildings and a five foot sidewalk adjacent to the rear of each building; this area totals 30 feet. The 30 foot area is currently shown on the plat as an access easement.

2. 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.

FINDINGS:

1. The proposed zoning change is outside of the area covered by the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan.

(continued)

2. The proposed PUD amendment would be compatible with adjacent land uses. Adjacent land uses include developing single-family homes to the west and undeveloped commercially-zoned parcels to the north, east and south.

3. The property is annexed and services would be extended in conjunction with development; therefore, the proposed PUD amendment would not place an undue burden on public services and facilities.

4. The proposed PUD amendment would not adversely affect property in the vicinity, provided the required landscape buffer yard is installed in conjunction with site development.

5. The proposed PUD amendment is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.

6. The proposed PUD amendment 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 major Planned Unit Development (PUD) amendment for Stoneridge Addition, as outlined in the attached draft PUD amendment document.

/jt

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 non-compatible 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.

STONERIDGE ADDITION PLANNED UNIT DEVELOPMENT
ORDINANCE NO. 6091 (Approved November 25, 2014)
MAJOR PUD AMENDMENT (Adopted _ _/_ _, 2015)

WHEREAS, Ordinance No. 6091 was adopted by the Board of City Commissioners on November 26, 2014; and

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

WHEREAS, Verity Homes of Bismarck, LLC has requested an amendment to the Planned Unit Development for Lots 1-10, Block 1 and Lots 1-17, Block 2, Stoneridge 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:

Lots 1-10, Block 1 and Lots 1-17, Block 2, Stoneridge Addition

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

1. *Uses Permitted*:

   Uses permitted include a maximum of 27 residential units in a mix of 3 to 5-unit row houses. The configuration of residential units shall generally conform to the overall development plan for Stoneridge Addition dated July 25, 2014. Any change in the use of the property from that indicated above will require an amendment to this PUD..

2. *Development Standards.*

   Each interior buildable lot shall have an area of not less than twelve-hundred (1,200) square feet, a minimum width at the building setback line of not less than sixteen (16) feet, a minimum front yard setback of twenty-five (25) feet (as measured from the edge of the lot), a minimum side yard setback of five (5) feet, (as measured from the edge of the access easement) a minimum rear yard setback of ~~five (5)~~ fifteen (15) feet (as measured from the edge of the property line), and a maximum building height of forty (40) feet. Rear yards are along the private access roadways and front yards are along the courtyard portion of the site .

3. *Design and Aesthetic Standards.*

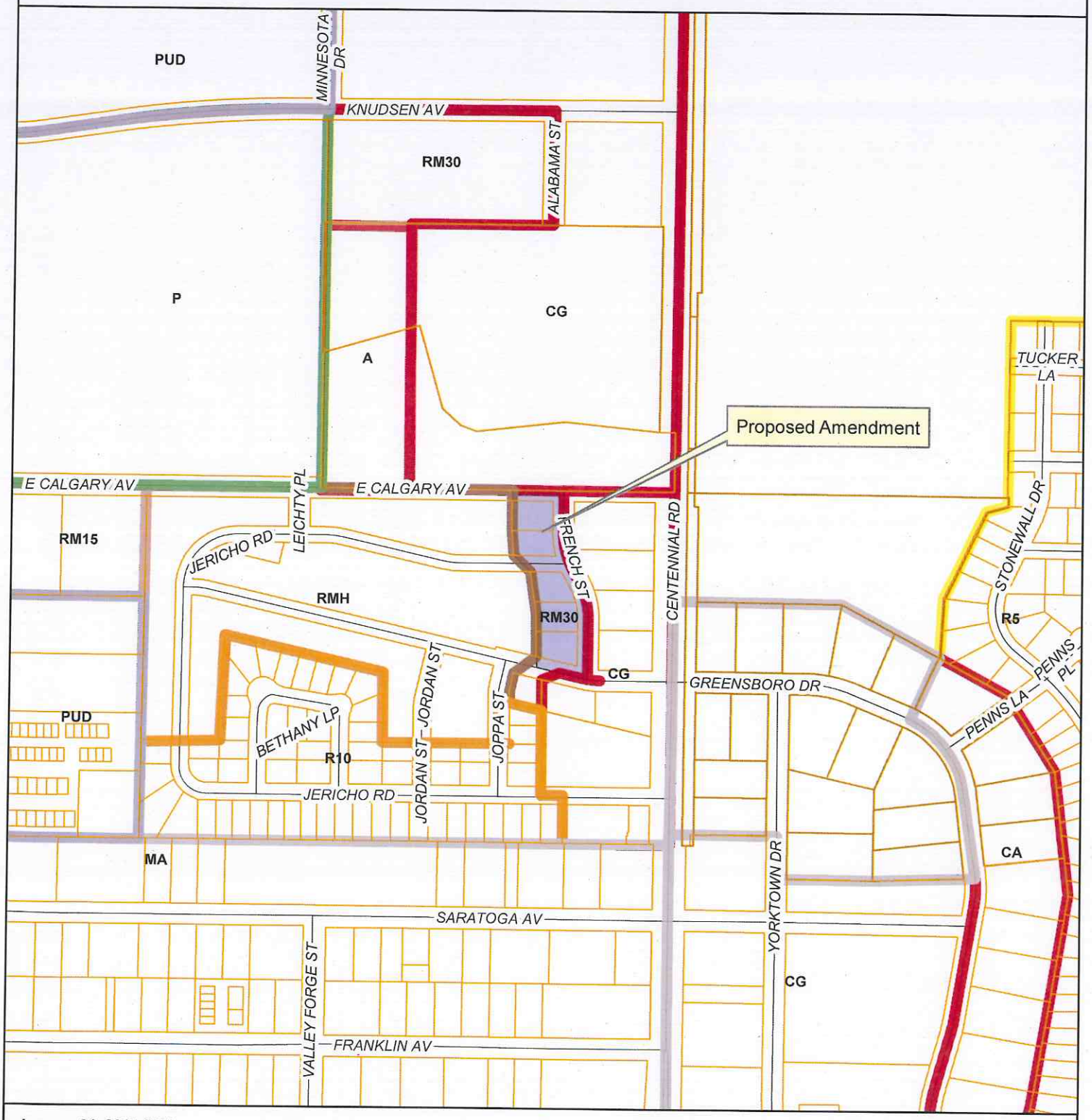
   Each building or structure shall utilize select finish materials including fiber cement board as siding and trim, stucco/EIFS, standing seam metal as an accent material and asphalt shingles.

4. *Private Roadway Maintenance.*

   The development and construction of the private roadways shall be the responsibility of the developer. On-going repair and maintenance of the private roadways shall be the responsibility of the home owners association.

5. *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 Amendment
Stoneridge Addition



January 21, 2015 (hlb)

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

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APPLICANT
WRITTEN STATEMENT

JUL 2 5 2014

Stone Ridge Addition

Request for Approval of Stone Ridge Planned Unit Development

Verity Homes of North Dakota is proposing to develop approximately 1.82 acres located South of Calgary avenue. The area is currently platted as Lots 2-3, Block 2 and Lots 4-6 Block 3 Stonecrest 2nd Addition, Bismarck, North Dakota.

Verity Homes is considering developing the property into a residential development with 27 row houses that will include a mix of two and three bedroom units, featuring high end finishes such as quartz countertops, hardwood flooring, and security systems, along with architectural design unique to the Northeast Bismark.

Verity Homes proposes rezoning the property to a PUD district in order to accommodate the intended project which will result in a logical and orderly development pattern that will be consistent with surrounding land uses. The projected density of 15 units per acre and reconfiguration of the lots is not to establish new uses, but to allow for potential homeowners to have a vested interest in their residence, while sharing in the use and maintenance of common areas.

The project will address the housing needs of the community by building modestly priced housing in North Bismarck. Verity Homes anticipates that the proposed row houses, situated on smaller parcels of land, will attract younger, first-time homebuyers.

Considering that the existing zoning of the property allows for the construction of high density residences, the proposed zoning change would not adversely affect property in the vicinity.

Interior landscaping, adequate parking and emergency lane access will be applied per the city standards and ordinances.

Zoning: PUD

Front yard: 25'

Side yard: 6'

Rear yard: 10'

Zero setback on Access Easments

Lot area: 1,500 square feet minimum

Building Height: 40' maximum (37' Typical)

See attachments for architectural drawings, etc.

JUL 2 5 2014

© 2014 URBAN DESIGN ASSOCIATES

URBAN DESIGN ASSOCIATES

AERIAL VIEW LOOKING NW

RED DOOR HOMES | BISMARCK, NORTH DAKOTA

STONERIDGE SITE PLANNING
2 JULY 2014

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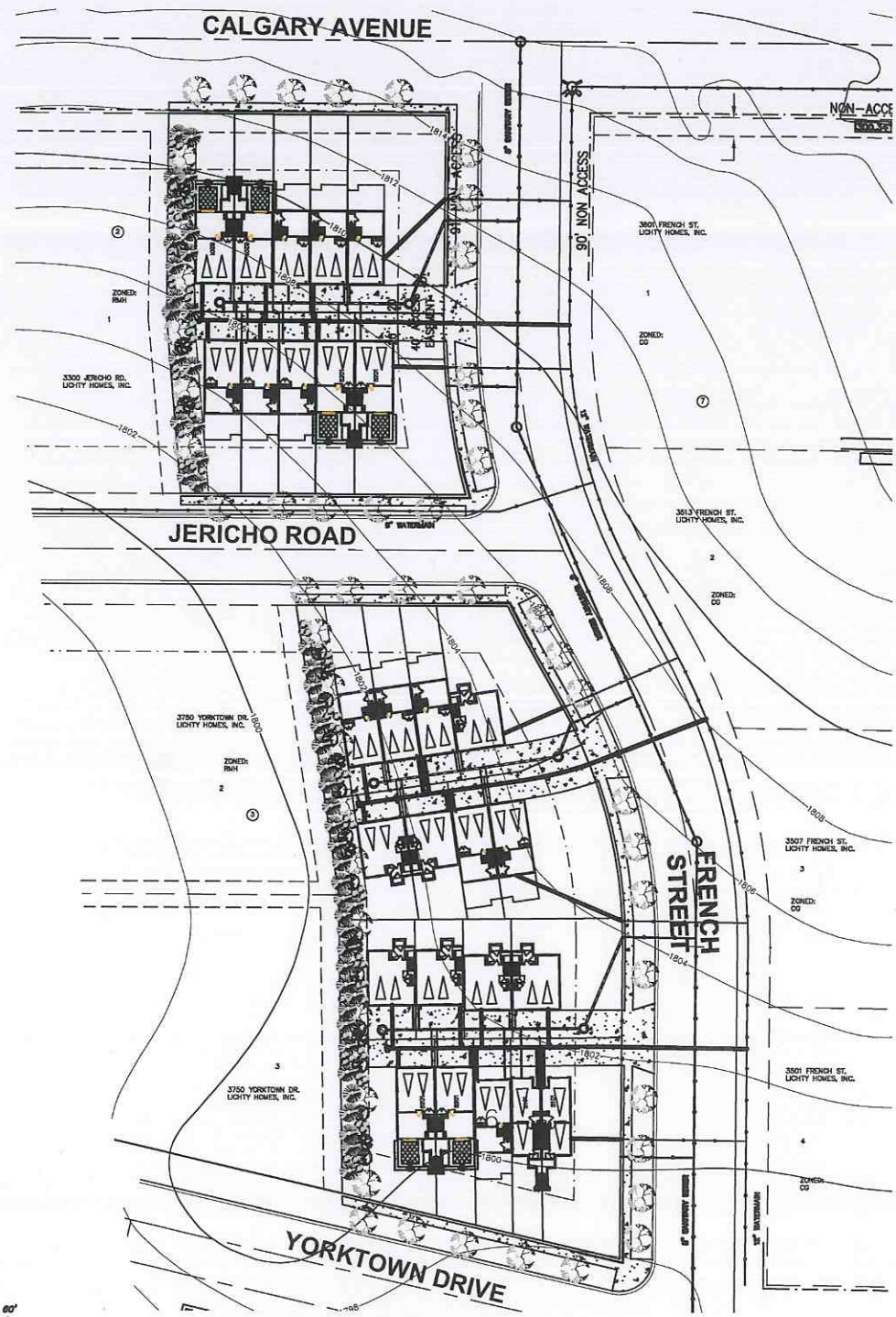
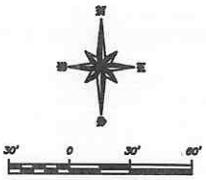
JUL 2 5 2014





SCALE – 1"=30'
JULY 24, 2014
NAVD 88

EXISTING ZONING: RM 30
PROPOSED ZONING: PUD

DEPTH OF FRONT YARD :	*25'*
WIDTH OF SIDE YARD:	*6'*
DEPTH OF REAR YARD:	*10'*
LOT WIDTH IN FRONT OF BUILDING LINE:	*16'*
MAXIMUM NUMBER OF UNITS:	*74'*
MAXIMUM BUILDING HEIGHT:	*40'*
ACCESS EASEMENT SETBACK:	*ZERO*
MINIMUM LOT SIZE:	
INTERIOR:	*1,500 sf*
END :	*2,600 sf*

1.82 ACRES, ROW HOUSES, 15 UNITS PER ACRE

SHEET C1.0

SURVEY FILE
DRAWN BY: AM
CHECK BY: JP
DATE
FILE DESC.
COMPUTER FILE

SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
909 Basin Avenue
Bismarck, North Dakota 58504
shengr@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606

PUD SITE PLAN & ZONE CHANGE
STONERIDGE ADDITION
REPLAT OF LOTS 2-3 BLOCK 2, LOTS 4-6 BLOCK 3
STONECREST 2ND ADDITION

REVISION	DATE

BISMARCK PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Lot 2, Block 1, Inland Addition – Special Use Permit (Child Care Center)	
Status: Planning Commission – Public Hearing	**Date:** March 25, 2015
Owner(s): Riverwood Partners, LLLP	**Engineer:** Swenson, Hagen & Company
Reason for Request: To obtain approval to allow the development and operation of a child care center.	
Location: In southwest Bismarck, south of West Bismarck Expressway Avenue west of South Washington Street, along the south side of Riverwood Drive.	
Project Size: 61,820 square foot (lot) / 9,237 square foot (building)	**Number of Lots:** 3 lots in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Child care center
Zoning: RT – Residential	**Zoning:** RT – Residential
Uses Allowed: RT – Multi-family residential, offices, and child care center with special use permit	**Uses Allowed:** RT – Multi-family residential, offices, and child care center with special use permit
Maximum Density Allowed: 30 units per acre	**Maximum Density Allowed:** 30 units per acre

PROPERTY HISTORY:		
Zoned: 07/2014	**Platted:** 07/2014	**Annexed:** Pre-1982

ADDITIONAL INFORMATION:

1. The proposed child care center is intended to accommodate 18 children 2 ½ years old and younger for the first year of operation.
2. The proposed child care center will employ a maximum number of 6 employees.
3. The hours of operation for the proposed child care center will be from 7:00 am to 7:00 pm, Monday through Friday.
4. The applicant has been working with the Building Inspections Division and Fire Marshal to ensure that all the requirements set forth to establish and operate a child care center are met.

FINDINGS:

1. A child care center is allowed as a special use in the RT – Residential zoning district, provided specific conditions are met. The proposed child care center meets the provisions outlined in Section 14-03-08(4)(q) of the City Code of Ordinances. A copy of this section is attached.

(continued)

2. The proposed special use would not adversely affect the public health, safety and general welfare.

3. The proposed special use would not be detrimental to the use or development of adjacent properties provided the play area is setback 20 feet from the property line and a buffer yard is installed per city requirements.

4. The use would be designed, operated and maintained in a manner that is compatible with the appearance of the existing character of the surrounding area.

5. Adequate public facilities and services are in place.

6. The use would not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.

7. Adequate measures have been taken to minimize traffic congestion in the public streets and provide for appropriate on-site circulation of traffic; in particular, adequate off-street parking would be provided.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the special use permit to allow the operation of a child care center on Lot 2, Block 1, Inland Addition with the following conditions:

1. The construction and operation of the day care center must meet all applicable requirements for such a use in the RT – Residential zoning district.

2. Development of the site must generally conform to the site plan submitted with the application.

Section 14-03-08(4)(q) (Special Uses)

q. Child Care Center. Child Care centers may be permitted as a special use in all zoning districts except RMH or MB districts, provided:

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

2) Each lot shall provide an outdoor recreation area of not less than seventy-five (75) square feet per child. The recreation area shall be fenced, have a minimum width of twenty (20) feet, a minimum depth of twenty (20) feet, be located on the same lot or parcel of land as the facility it is intended to serve, and must be located behind the building setback lines.

3) Adequate off street parking shall be provided at the following ratio: One space for each employee and one space for each ten (10) children.

4) Child Care centers shall conform to all applicable requirements of the International Building Code and The International Fire Code as adopted by the City of Bismarck (Title 4 of the City Code of Ordinances – Building Regulations), and all requirements of the North Dakota Department of Human Services.

5) Child care centers shall comply with all applicable requirements relating to health and sanitation that have been adopted by the City of Bismarck (Title 8 of the City Code of Ordinances – Health and Sanitation), and all requirements of the North Dakota Department of Health.

Proposed Special Use Permit
Lot 2, Block 1, Inland Addition

March 5, 2015 (hlb)

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

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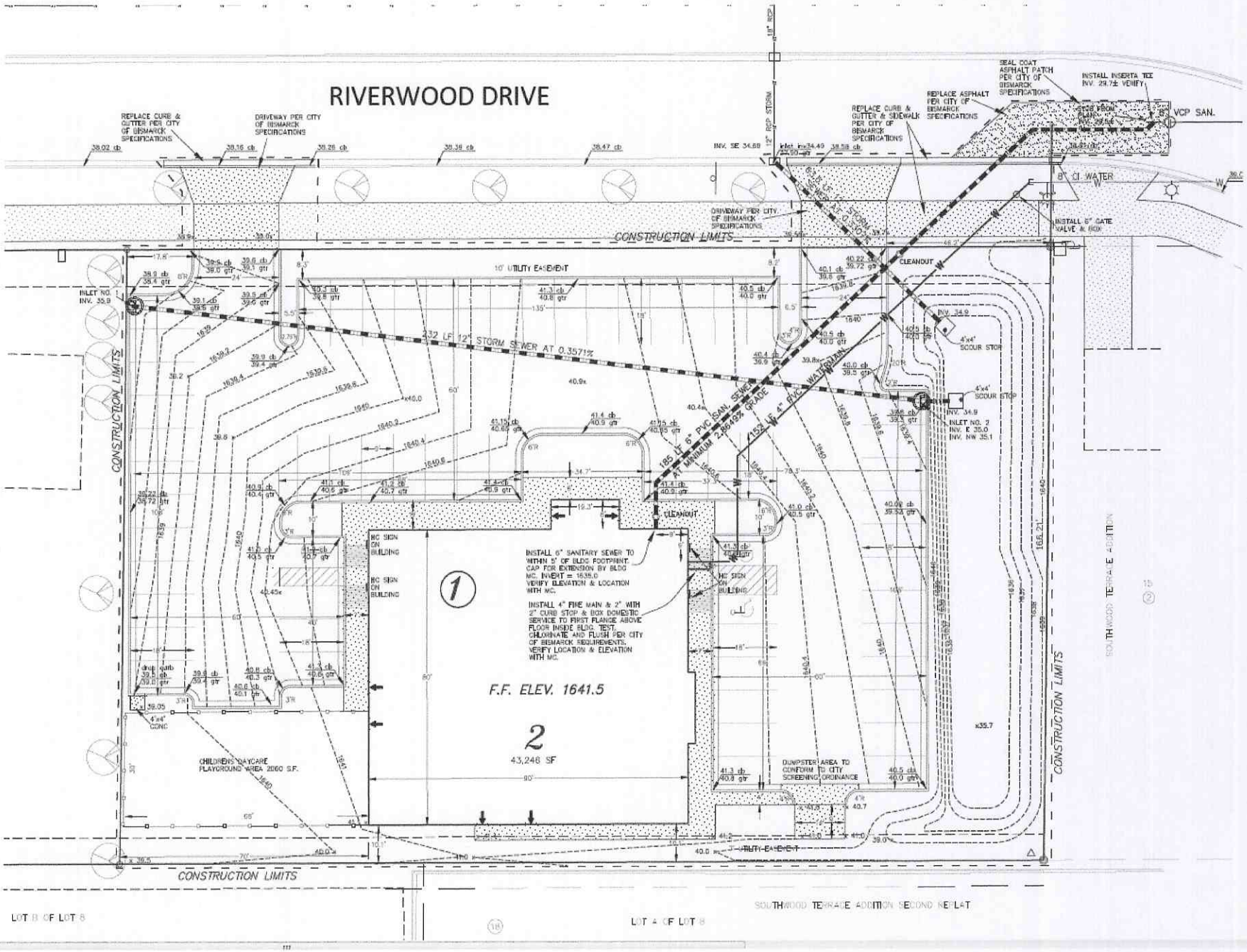
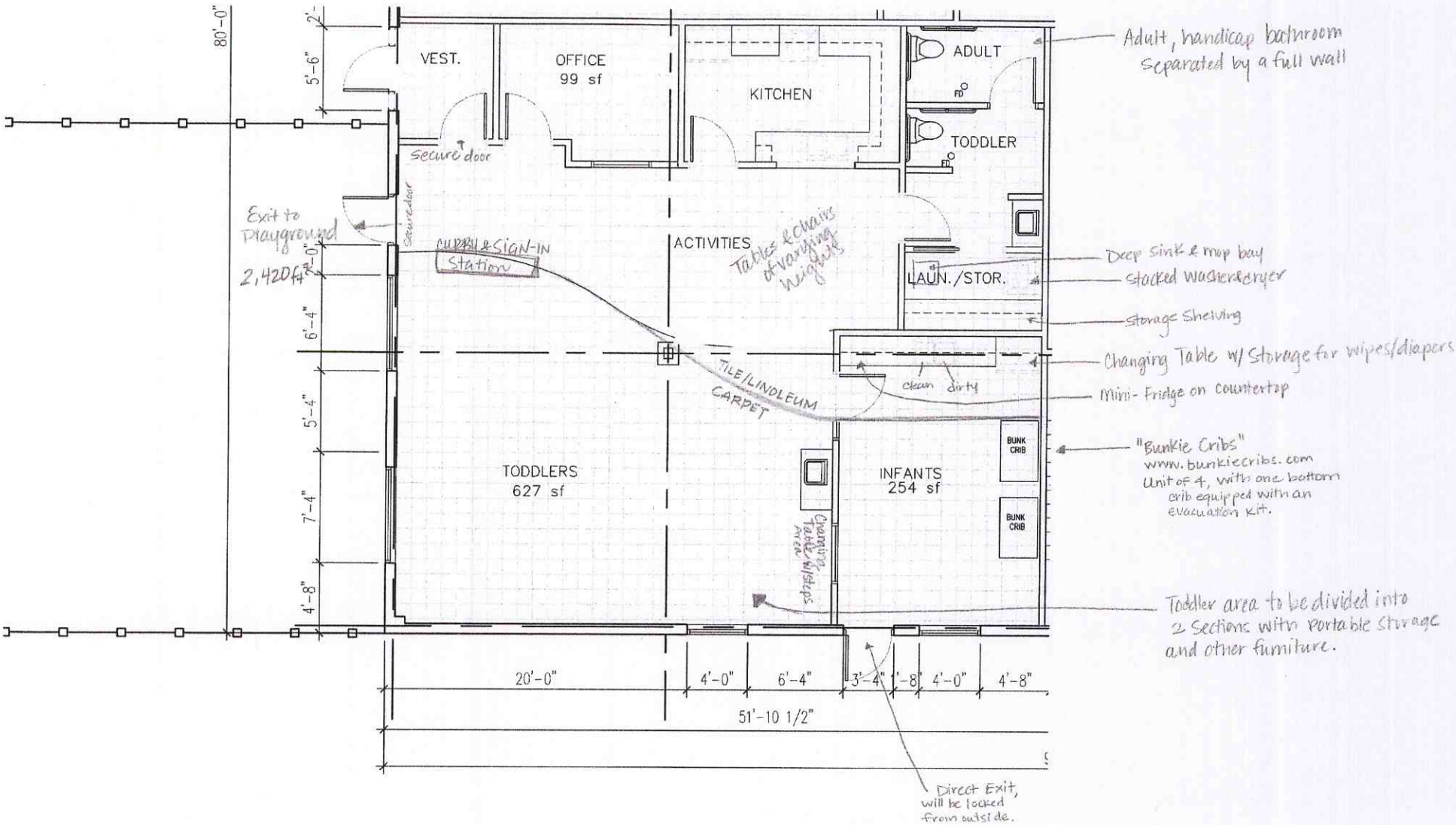

RIVERWOOD DRIVE
REPLACE CURB & GUTTER PER CITY OF BISMARCK SPECIFICATIONS
DRIVEWAY PER CITY OF BISMARCK SPECIFICATIONS
SEAL COAT ASPHALT PATCH PER CITY OF BISMARCK SPECIFICATIONS
INSTALL INSERTA TEE INV. 29.7± VERIFY
REPLACE ASPHALT PER CITY OF BISMARCK SPECIFICATIONS
REPLACE CURB & GUTTER & SIDEWALK PER CITY OF BISMARCK SPECIFICATIONS
VCP SAN.
8" CI WATER
INSTALL 6" GATE VALVE & BOX
CONSTRUCTION LIMITS
10' UTILITY EASEMENT
CLEANOUT
INLET NO. 1 INV. 35.9
432 LF 12" STORM SEWER AT 0.3571%
185 LF 6" PVC SAN. SEWER AT MINIMUM 2.86492% GRADE
152 LF 4" PVC WATERMAIN
4'x4' SCOUR STOP
INLET NO. 2 INV. E 35.0 INV. NW 35.1
INSTALL 6" SANITARY SEWER TO WITHIN 5' OF BLDG FOOTPRINT. CAP FOR EXTENSION BY BLDG MC. INVERT = 1635.0 VERIFY ELEVATION & LOCATION WITH MC.
INSTALL 4" FIRE MAIN & 2" WITH 2" CURB STOP & BOX DOMESTIC SERVICE TO FIRST FLANGE ABOVE FLOOR INSIDE BLDG. TEST, CHLORINATE AND FLUSH PER CITY OF BISMARCK REQUIREMENTS. VERIFY LOCATION & ELEVATION WITH MC.
HC SIGN ON BUILDING
F.F. ELEV. 1641.5
2
43,248 SF
CHILDREN'S DAYCARE PLAYGROUND AREA 2060 S.F.
DUMPSTER AREA TO CONFORM TO CITY SCREENING ORDINANCE
SLIMM MOTOR INN
SOUTHWOOD TERRACE ADDITION
SOUTHWOOD TERRACE ADDITION SECOND REPLAT
LOT B OF LOT 8
LOT A OF LOT 8


VEST.
OFFICE
99 sf
KITCHEN
ADULT
TODDLER
FD
FD
Secure door
Secure door
Exit to Playground
2,420 ft²
CUBBY & SIGN-IN Station
ACTIVITIES
Tables & chairs of varying heights
LAUN./STOR.
TILE/LINOLEUM
CARPET
clean
dirty
TODDLERS
627 sf
INFANTS
254 sf
BUNK CRIB
BUNK CRIB
Changing Table w/ Visitors Area
80'-0"
2'-
5'-6"
6'-4"
5'-4"
7'-4"
4'-8"
20'-0"
4'-0"
6'-4"
3'-4"
1'-8"
4'-0"
4'-8"
51'-10 1/2"
Adult, handicap bathroom separated by a full wall
Deep sink & mop bay
Stacked washer&dryer
Storage Shelving
Changing Table w/ Storage for wipes/diapers
Mini-Fridge on countertop
"Bunkie Cribs"
www.bunkiecribs.com
Unit of 4, with one bottom crib equipped with an evacuation kit.
Toddler area to be divided into 2 sections with portable storage and other furniture.
Direct Exit, will be locked from outside.

CITY OF BISMARCK
Ordinance No. XXXX

First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____
Publication Date	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-02-03, 14-04-21, 14-04-21.1 AND 14-04-21.2 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO DEFINITIONS, DOWNTOWN DISTRICTS, DC DOWNTOWN CORE DISTRICT AND DF DOWNTOWN FRINGE DISTRICT.

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

Section 1. Amendment. Section 14-02-03 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Definitions is hereby amended and re-enacted to read as follows:

14-02-03. Definitions. The following definitions represent the meanings of terms as they are used in these regulations

* * * * *

Downtown Design Review Committee: The person or persons designated by the City of Bismarck to administer and apply the Downtown Design Guidelines for all new construction projects, building addition projects, exterior building renovation projects and historic restoration projects within the DC - Downtown Core and DF - Downtown Fringe zoning districts. The Renaissance Zone Authority and its Technical Advisors have been designated as the Downtown Design Review Committee.

* * * * *

Section 2. Amendment. Section 14-04-21 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the Downtown Districts is hereby amended and re-enacted to read as follows:

14-04-21. Downtown Districts.

1. Districts Established. The following downtown zoning districts are hereby established: DC Downtown Core District and DF Downtown Fringe District.

2. Use Table. The table contained herein lists the uses allowed within the downtown zoning districts.

a. Use Categories. All of the categories listed in the use table are explained in detail in Section 14-04-21.3. The second column of the use table contains an abbreviated explanation of the respective use category. If there is a conflict between the abbreviated explanation and the full explanation in Section 14-04-21.3, the provisions of Section 14-04-21.3 shall prevail.

b. Use Standards. An "X" in the third column of the use table indicates that the use is subject to use-specific standards. These standards are listed alphabetically in Section 14-04-21.4.

c. Uses Permitted By Right. A "P" indicates that a use category is allowed by right in the respective zoning district. These permitted uses are subject to all other applicable provisions of this chapter.

d. Special Uses. An "SUP" indicates that the use is allowed only if reviewed and approved as a Special Use, in accordance with the Special Use provisions in Section 14-03-08, and is subject to all other applicable regulations in this chapter.

e. Uses Not Allowed. An "---" indicates that the use is not allowed in the respective zoning district.

Use Table.

Use Category	Definition	Use Standards	District	
			DC	DF
Residential Uses				
Group Living	Residential occupancy of a structure by a group of people who do not meet the definition of household.		P	P

Household Living	Residential occupancy of a dwelling unit by a household (related or up to four unrelated).			
Single-family, detached			---	P
Duplex/single-family attached (2)			---	P
Single-family, attached (3-8)			---	P
Multi-family structure			P	P
Multi-family - senior citizens		X	P	P
New Residences on 2nd floor & above			P	P
Commercial Uses				
Drive-in/Drive-through Facilities	Drive-in/Drive-through facilities in conjunction with a permitted principal use.	X	SUP	SUP
Entertainment Event, Major	Activities and structures that draw large numbers of people to specific events or shows. This category does not include outdoor recreation and entertainment uses, such as golf driving ranges and racetracks.		P	---
Microbrewery	Small-scale brewery that manufactures up to 10,000 barrels of fermented malt beverages per year.	X	SUP	---
Office	Activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services.		P	P
Parking, Accessory	Parking that is	X	SUP	SUP

	accessory to a specific use, but not located on the same parcel as the use - use standards for accessory parking that is adjacent to a residential use.			
Parking, Commercial	Parking that is not accessory to a specific use - fees may or may not be charged.	X	SUP	SUP
Retail Sales and Services Sales-Oriented Personal Service-Oriented Entertainment-Oriented Repair-Oriented	Establishments involved in the sale, lease or rental of any new or used products to the general public - they may also provide personal services or entertainment or provide product repair or services for consumer and business goods - use standards for convenience store/gas stations, mortuaries/funeral homes and vehicle sales lots. This category does not include self-service storage uses, adult entertainment centers, animal hospitals or kennels, off-premise advertising signs or microbreweries. Convenience store/gas stations are not allowed within the Downtown Core.	X	P	P
Vehicle Repair	Service to passenger vehicles, light trucks and other consumer motor vehicles - generally, the customer does not wait at the	X	SUP	P

	site while the service or repair is being performed.			
Vehicle Service, Limited	Direct services to motor vehicles where the driver generally waits in the car or nearby while the service is performed.	X	SUP	P
Institutional Uses				
Colleges	Colleges and institutions of higher learning.		P	P
Community Services	Public, non-profit or charitable uses, generally providing a local service to the community.	X	P	P
Child care	Care, protection and supervision for children and adults on a regular basis away from their primary residence for less than 24 hours/day.			
Family child care		X	---	P
Child care center		X	---	SUP
Health Care Facilities	Medical or surgical care to patients, with overnight care.		P	P
Parks and Open Areas	Natural areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, etc.		P	P
Religious Institutions	Meeting area for religious activities	X	P	P
Safety Services	Public safety and emergency response services.		P	P
Schools	Schools at the primary, elementary, middle, junior high or high school level.	X	---	P
Other Uses				

Detention Facilities	Government-operated facilities for the detention or incarceration of people.	X	P	---
Moving of buildings/structures	Moving in of a building or structure that has been previously occupied in another location.	X	---	SUP
Passenger Terminals	Passenger terminals for regional bus and rail service.	X	P	P
Telecommunications Facilities	Devices and supporting elements necessary to provide telecommunication services.		SUP	SUP
Utilities and Essential Services	Infrastructure services that need to be located in or near the area where the service is provided.		P	P

(Ord. 5422, 05-24-05; Ord. 5719, 05-12-09; Ord. 5958, 03-26-13; Ord. 6020, 11-26-13)

Section 2. Amendment. Section 14-04-21.1 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the DC Downtown Core District is hereby amended and re-enacted to read as follows:

14-04-21.1 DC Downtown Core District.

1. Purpose. The purpose of the Downtown Core District is to preserve and enhance the mixed-use, pedestrian-oriented nature of the City's downtown area. The district allows a wide range of mutually supportive uses in order to enhance downtown Bismarck's role as a commercial, cultural, governmental, health/medical, entertainment and residential center. The district standards also facilitate the creation of a strong and distinctive sense of place through the inclusion of open space and public plazas. The use of design standards will maintain the historical integrity, enhance the quality of design, and preserve the human-scale development of downtown.

2. Uses. Uses are allowed in the Downtown Core District in accordance with the Use Table of Section 14-04-21.

3. Dimensional Standards. Development within the Downtown Core District is subject to the following dimensional standards:

a. Lot Area. The minimum lot area is 7,000 square feet. For lots platted prior to 1953, the minimum lot area is 5,000 square feet.

b. Lot Width. The minimum lot width is 25 feet.

c. Lot Depth. There is no lot depth requirement.

d. Front Yard Setback. There is no minimum front yard setback. New buildings shall be built to the front property line. If the development site is between two existing buildings which are both setback from the front property line, the ~~front yard setback may not exceed the average setback of the adjoining buildings~~ new building shall be built to match the setback of the adjacent building with the least setback distance from the property line. In no case shall a setback greater than 15 feet be allowed~~, and this area must be~~. Consideration will be given to privately-owned spaces that are designed to provide space for public seating, public events, public displays, public gatherings and public performances. The area shall be landscaped and/or incorporate streetscape elements on a case-by-case basis.

e. Side Yard Setback. There is no minimum side yard setback, unless the side property line abuts residentially-zoned property, in which case the minimum side yard setback shall be 6 feet.

f. Rear Yard Setback. There is no minimum rear yard setback, unless the rear property line abuts residentially-zoned property, in which case the minimum rear yard setback shall be 10 feet.

g. Height. The maximum height is 130 feet, unless a special use permit to exceed this height is granted in accordance with the provisions of Section 14-08-03. The minimum height is two stories or 20 feet.

h. Lot Coverage. The maximum lot coverage is 100%.

4. Design Standards. All development within the Downtown Core District is subject to the following design standards:

a. Intent. The intent of the design standards is to create and maintain a high visual quality and appearance for the Downtown Core District. The regulations are also intended to ensure that new buildings, building additions, façade alterations, building rehabilitations, and signage are compatible with or improve the character of the Downtown Core District and fit into their surroundings. It is also the intent of these regulations to stimulate and protect public and private investment through the establishment of high standards with respect to spatial enclosure, architectural design, building materials, and appearance, and to support the preservation of historically significant buildings.

b. Review and Approval. All new buildings, building additions, facade alterations (both structural and non-structural), demolition of existing buildings, signage, streetscape installation or modification, fences, lighting and improvements within the public right-of-way within the Downtown Core District shall be subject to the City's downtown design review procedures and guidelines established in the Downtown Design Guidelines document and must be approved prior to issuance of any permits. The City's Renaissance Zone Authority is authorized to act as the Downtown Design Review Committee and shall review project applications for conformance with the Downtown Design Guidelines. After review, the Renaissance Zone Authority may approve an application, deny the application or ask for project modification before approval. ~~An administrative~~ A decision by ~~City staff~~ the Renaissance Zone Authority, acting as the

Downtown Design Review Committee regarding the application of the design ~~standards~~ guidelines, may be appealed ~~to the City's Renaissance Zone Authority and will be subject to the Authority's standard hearing procedures. Any decision of the Renaissance Zone Authority regarding design standards may be appealed~~ to the Board of City Commissioners pursuant to the process outlined in Section 14-06-03(3) of the City Code of Ordinances (Appeal to the Board of City Commissioners).

c. ~~*Remodeling*~~ *Restoration or Rehabilitation of Historically Significant Buildings.* Any building listed on the National Register of Historic Places, identified as being individually eligible for listing on the National Register or identified as contributing to the downtown Bismarck historic district in the Historic Architectural Inventory and Evaluation (2000) or any subsequent inventory and evaluation, is considered to be a historically significant building. For any building not identified above that is more than 50 years old, a determination shall be made on a case-by-case basis as to whether or not the building is historically significant. Projects involving the ~~remodeling, renovation~~ restoration or rehabilitation of existing historically significant buildings should reflect the original architectural character of the building and its characteristics. The removal of historic materials or alteration of features and spaces that characterize the building shall be avoided. The introduction of any new design elements should be consistent with the traditional features of the building. The rehabilitation of existing historically significant buildings is encouraged to be in accordance with the Secretary of the Interior's Standards for Rehabilitation. All projects involving the restoration or rehabilitation of historically significant buildings are subject to review by the Downtown Design Review Committee.

d. *New Construction.* Projects involving new construction shall consider the context of the site and be compatible with the general character of the downtown area. While new buildings are required to fit into their surroundings, the City will not require uniformity of design or dictate specific architectural

styles. The overall context of the downtown area includes a variety of architectural styles and these regulations are intended to allow both flexibility and creativity in achieving compatible design solutions. All new construction projects are subject to the design criteria established in the Downtown Design Guidelines document. All new construction projects are subject to review by the Downtown Design Review Committee to ensure the design meets the intent of the Downtown Design Guidelines.

e. Renovation or Rehabilitation of Existing Structures. Projects involving the renovation of existing structures that are not historically significant shall consider the context of the site and be compatible with the general character of the downtown area. Renovations of existing structures are subject to the design criteria established in the Downtown Design Guidelines document. All renovation projects are subject to review by the Downtown Design Review Committee to ensure the design meets the intent of the Downtown Design Guidelines.

f. Building Additions. Projects involving an addition to an existing building that is not historically significant shall consider the context of the site and be compatible with the general character of the downtown area. Building additions to existing structures are subject to the design criteria established in the Downtown Design Guidelines document. All building addition projects are subject to review by the Downtown Design Review Committee to ensure the design meets the intent of the Downtown Design Guidelines.

~~e~~g. Building Materials. Building materials shall be high-quality materials and compatible with those used for adjacent buildings. The following building materials are specifically prohibited from use as the primary exterior finish: unfinished, precast concrete block, vinyl or steel siding, rough sawn wood, or other materials typically found on residential dwellings. ~~For new construction, all walls visible from the street shall be primarily faced with architectural materials such as brick, stone, architectural concrete or pre-cast concrete panels,~~

~~glass, exterior insulation finish insulation systems, or an equivalent or better. The use of plain surface concrete block shall be prohibited (i.e. the surface must be dimensional). The use of typical residential exterior materials shall be prohibited (i.e. residential grade vinyl siding, residential grade steel siding, composite brick). Non-transparent mirrored or one-way glass with a reflectance greater than forty percent (40%) shall be prohibited from covering more than forty percent (40%) of the exterior walls.~~

All subsequent renovations, additions and related structures undertaken after the construction of an original building shall be finished with materials comparable to those used in the original construction and shall be designed in a manner conforming to the original architectural design and general appearance.

For existing historically significant buildings, the sheathing or installation of another material over the facade or any wall visible from the street shall be prohibited unless deemed necessary to preserve the structural integrity of the building.

~~f~~h. ***Building*** ~~***Colors***~~ ***Design Aspects***. Design aspects including mass, form, scale, colors, height, alignment, width and horizontal rhythm shall be in accordance with the Downtown Design Guidelines and be approved by the Downtown Design Review Committee. All other building design aspects not listed herein shall be in accordance with the Downtown Design Guidelines. ~~In order to maintain a sense of harmony within the Downtown Core District, color schemes used should complement the predominant hues of adjoining buildings. Color schemes should generally be simple, using the minimum number of colors necessary to accentuate architectural features. The use of extremely bright hues should generally be limited to smaller accent features of the building. Repainting projects which do not substantially change the existing color scheme are not subject to the building color criteria.~~

~~***g. Height***. The height of a new mid-block building shall be within one story/15 feet of any~~

~~adjoining building. If a proposed mid-block development is between two existing buildings that vary more than three stories in height, the new building shall be within one story/15 feet in height of either the taller or shorter building. The height of a new corner building may be higher than buildings on adjoining parcels, but should generally be within the average height of the buildings occupying the three adjacent corners of the intersection. It is not the intent of this provision to regulate the height of a new building which occupies one-quarter of a block or more as it relates to adjacent or adjoining buildings.~~

~~***h. Alignment.*** New infill development in the Downtown Core District shall maintain the zero setback and the alignment of adjoining facades at the property line.~~

~~***i. Width.*** New buildings shall reflect the existing characteristic rhythm of facades along the street. New construction on multiple lots, including parking ramps, should respect this pattern by designing the pattern of adjacent façade widths into the new facade.~~

~~***j. Horizontal Rhythms.*** New development shall maintain the alignment of building windows, cornices, and rooflines that dominate the block on which it will be constructed. Character and scale shall be compatible with surrounding structures through the use of materials, detailing and window placement. A clear visual division between the street level and upper floors shall also be maintained. Canopies and awnings consistent with the architectural style of the building are encouraged to accentuate the street level relationship between the building and streetscape and to provide protection for pedestrians.~~

~~***k***~~***i.*** ***Entrances.*** Main entrances to buildings shall face and be clearly visible from the street, and be recessed to maintain a coherent pattern along the sidewalk and to define the entry point. Recessed entrances shall allow operation of the door(s) without the doors extending beyond the property line into the public right-of-way.

~~i~~j. Windows. Ground floor windows shall be transparent. The original size, shape and proportion of all windows on existing historically significant buildings shall be preserved. For new non-residential buildings, a minimum of ~~fifty~~ seventy percent (~~50~~ 70%) of first floor facades fronting the street shall be windows, doors and other transparent elements. In order to preserve the character of existing historically significant buildings, it is not the intent of this provision to require windows to be installed where none existed in the original design. However, if the exterior of an existing historically significant building is being remodeled, renovated or rehabilitated, the size, shape and proportion of the original window openings shall generally be restored or maintained. Replacement windows shall generally conform with the style of the original windows used in the building. ~~with wood or prefinished aluminum as the finish material.~~

~~m~~k. Rooftop Equipment. Rooftop equipment shall be screened from ground level views with parapet walls or enclosures similar in form, material and detail to the primary structure.

~~n. Vacant Buildings.~~ ~~Vacant and abandoned buildings shall be made to appear inhabited. Boarding up windows in vacant or abandoned buildings shall be prohibited.~~

~~O~~l. Demolition and Vacant Lots. Any demolition shall be in accordance with the provisions of Section 4-05-03 of the City Code of Ordinances. Any lots left vacant after demolition shall be treated to control fugitive dust. If the lot is to remain vacant for more than sixty (60) days, said lot shall be landscaped, mulched and seeded or sodded to establish a perennial vegetative grass cover. The lot shall be maintained and kept free of debris and litter. If common walls are exposed due to demolition of adjoining buildings, the walls shall be treated to ensure that the walls do not become a visual detriment. The treatment may be temporary or permanent depending on the potential for redevelopment of adjoining parcels. Permanent alternative treatments include architectural treatment

that is similar to the front façade of the building or stucco. The wall treatment shall be in place within ninety (90) days of the date of demolition, unless a longer period is authorized at the time of approval of the demolition plans, and shall be the financial responsibility of the owner of the property upon which the demolished building was located.

~~***p. Exposed Common Walls.*** If common walls are exposed due to demolition of adjoining buildings, the walls shall be treated to ensure that the walls do not become a visual eyesore. The treatment may be temporary or permanent depending on the potential for redevelopment of adjoining parcels. Temporary alternative treatments include masonry paint or vines. Permanent alternative treatments include architectural treatment that is similar to the front façade of the building or stucco. The wall treatment shall be in place within ninety (90) days of the date of demolition, unless a longer period is authorized at the time of approval of the demolition plans, and shall be the financial responsibility of the owner of the property upon which the demolished building was located.~~

~~q~~ m. Work in Public Right-of-Way. Any work within the public right-of-way that relates to an identified streetscape element, as identified in the Streetscape Guidelines for Downtown Bismarck (May 1995) or subsequent updates, shall be in accordance with the design elements identified by those guidelines and shall comply with the standards established by the City Engineer.

~~***r. Landscaping and Screening.*** New construction and major remodeling, renovation or rehabilitation projects shall be subject to the requirements of Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening), including the installation of street trees if required.~~

5. Off-street Parking and Loading. Off-street parking and loading shall be provided in accordance with the provisions of Section 14-03-10. Off-street parking shall not be required for properties within the Downtown Parking District.

6. Landscaping and Screening. Development within the Downtown Core District, including the development of parking areas, shall be subject to the requirements of Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening). If decorative fencing or any other streetscape elements are used, they shall be consistent with or complementary to the designated downtown streetscape elements as described in the Downtown Streetscape Standards document.

7. Signage. All signage in the Downtown Core District shall be installed and maintained in accordance with the provisions of Chapter 4-04 of the City Code of Ordinances (Signs and Outdoor Display Structures). Canopies used for signage shall be consistent with the architectural style of the building.

(Ord. 5422, 05-24-05; Ord. 5813, 03-22-11; Ord. 5852, 11-22-11)

14-04-21.2 DF Downtown Fringe District.

Section 3. Amendment. Section 14-04-21.1 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the DF Downtown Fringe District is hereby amended and re-enacted to read as follows:

1. Purpose. The purpose of the Downtown Fringe District is to strengthen and complement the City's downtown area by allowing uses not normally allowed in the Downtown Core District. The Downtown Fringe District also serves to provide a transitional area between the Downtown Core District and adjacent commercial and residential zoning districts. The uses allowed in this district usually require larger parcels and a greater emphasis on automobile access and parking.

2. Uses. Uses are allowed in the Downtown Fringe District in accordance with the Use Table of Section 14-04-21.

3. Dimensional Standards. Development within the Downtown Fringe District is subject to the following dimensional standards:

a. Lot Area. The minimum lot area is 7,000 square feet. For lots platted prior to 1953, the minimum lot area is 5,000 square feet.

b. Lot Width. The minimum lot width is 60 feet. For lots platted prior to 1953, the minimum lot width is 50 feet.

c. Lot Depth. There is no lot depth requirement.

d. Front Yard Setback. There is no minimum front yard setback, unless the property is immediately adjacent to a residentially-zoned property, in which case the minimum front yard setback shall be 15 feet. In no case shall a setback greater than 25 feet be allowed, and this area must be landscaped and/or incorporate streetscape elements. Except for driveways associated with single and two-family dwellings, off-street parking and loading areas shall not occupy any portion of the front yard setback area.

e. Side Yard Setback. There is no minimum side yard setback, unless the property is immediately adjacent to a residentially-zoned property, in which case the minimum side yard setback shall be 6 feet.

f. Rear Yard Setback. There is no minimum rear yard setback, unless the property is immediately adjacent to a residentially-zoned property, in which case the minimum rear yard setback shall be 10 feet.

g. Height. The maximum height is 75 feet, unless the property is immediately adjacent to a residentially-zoned property, in which case the maximum height is 50 feet.

h. Lot Coverage. The maximum lot coverage is 100%, unless the property is immediately adjacent to a residentially zoned parcel, in which case the maximum lot coverage shall be 70%.

4. Design Standards. All development within the Downtown Fringe District is subject to the following design standards:

a. Intent. The intent of the design standards is to create and maintain a high visual quality and appearance for the Downtown Fringe District. The

regulations are also intended to ensure that new buildings, building additions, façade alterations, building rehabilitations, and signage are compatible with the character of the Downtown Fringe District and fit into their surroundings. It is also the intent of these regulations to stimulate and protect public and private investment through the establishment of high standards with respect to architectural design, building materials, and appearance, and to support the preservation of historically significant buildings.

b. Review and Approval. All new buildings, building additions, facade alterations (both structural and non-structural), demolition of existing buildings, signage, streetscape installation or modification, fences, lighting and improvements within the public right-of-way within the Downtown Fringe District shall be subject to the City's downtown design review procedures guidelines established in the Downtown Design Guidelines document and must be approved prior to issuance of any permits. The City's Renaissance Zone Authority is authorized to act as the Downtown Design Review Committee and shall review project applications for conformance with the Downtown Design Guidelines. After review, the Renaissance Zone Authority may approve an application, deny the application or ask for project modification before approval. ~~An administrative~~ A decision by ~~City staff~~ the Renaissance Zone Authority acting as the Downtown Design Review Committee regarding the application of the design ~~standards~~ guidelines may be appealed ~~to the City's Renaissance Zone Authority and will be subject to the Authority's standard hearing procedures. Any decision of the Renaissance Zone Authority regarding design standards may be appealed~~ to the Board of City Commissioners pursuant to the process outlined in Section 14-06-03(3) of the City Code of Ordinances (Appeal to the Board of City Commissioners).

c. ***~~Remodeling~~ Restoration or Rehabilitation of Historically Significant Buildings.*** Any building listed on the National Register of Historic Places, identified as being individually eligible for listing on the National Register or identified as contributing to the downtown Bismarck historic district in the

Historic Architectural Inventory and Evaluation (2000) or any subsequent inventory and evaluation, is considered to be a historically significant building. For any building not identified above that is more than 50 years old, a determination shall be made on a case-by-case basis as to whether or not the building is historically significant. Projects involving the ~~remodeling, renovation~~ restoration or rehabilitation of existing historically significant buildings should reflect the original architectural character of the building and retain its defining characteristics. The removal of historic materials or alteration of features and spaces that characterize the building shall be avoided. The introduction of any new design elements should be consistent with the traditional features of the building. The rehabilitation of existing historically significant buildings is encouraged to be in accordance with the Secretary of the Interior's Standards for Rehabilitation. All projects involving the restoration or rehabilitation of historically significant buildings are subject to review by the Downtown Design Review Committee.

d. *New Construction.* Projects involving new construction shall consider the context of the site and be compatible with the general character of the downtown area. While new buildings are required to fit into their surroundings, the City will not require uniformity of design or dictate specific architectural styles. The overall context of the downtown area includes a variety of architectural styles and these regulations are intended to allow both flexibility and creativity in achieving compatible design solutions. All new construction projects are subject to the design criteria established in the Downtown Design Guidelines document. All new construction projects are subject to review by the Downtown Design Review Committee to ensure the design meets the intent of the Downtown Design Guidelines.

e. Renovation or Rehabilitation of Existing Structures. Projects involving the renovation of existing structures that are not historically significant shall consider the context of the site and be compatible with the general character of the downtown area. Renovations of existing structures are

subject to the design criteria established in the Downtown Design Guidelines document. All renovation projects are subject to review by the Downtown Design Review Committee to ensure the design meets the intent of the Downtown Design Guidelines.

f. Building Additions. Projects involving an addition to an existing building that is not historically signification shall consider the context of the site and be compatible with the general character of the downtown area. Building additions to existing structures are subject to the design criteria established in the Downtown Design Guidelines document. All renovation projects are subject to review by the Downtown Design Review Committee to ensure the design meets the intent of the Downtown Design Guidelines.

~~e~~g. Building Materials. Building materials shall be high-quality materials and compatible with those used for adjacent buildings. The following building materials are specifically prohibited from use as the primary exterior finish: unfinished precast concrete block, vinyl or steel siding, rough sawn wood, or other materials typically found on residential dwellings. ~~For new construction, all walls visible from the street shall be primarily faced with architectural materials such as brick, stone, architectural concrete or pre-cast concrete panels, glass, exterior insulation finish insulation systems, or an equivalent or better. The use of plain surface concrete block shall be prohibited (i.e. the surface must be dimensional). The use of typical residential exterior materials shall be prohibited (i.e. residential grade vinyl siding, residential grade steel siding, composite brick). Non-transparent mirrored or one-way glass with a reflectance greater than forty percent (40%) shall be prohibited from covering more than forty percent (40%) of the exterior walls.~~

All subsequent renovations, additions and related structures undertaken after the construction of an original building shall be finished with materials comparable to those used in the original construction

and shall be designed in a manner conforming to the original architectural design and general appearance.

For existing historically significant buildings, the sheathing or installation of another material over the facade or any wall visible from the street shall be prohibited unless deemed necessary to preserve the structural integrity of the building.

~~f~~h. ***Building ~~Colors~~ Design Aspects.*** Design aspects including mass, form, scale, colors, height, alignment, width and horizontal rhythm shall be in accordance with the Downtown Design Guidelines and be approved by the Downtown Design Review Committee. All other building design aspects not listed herein shall be in accordance with the Downtown Design Guidelines. ~~In order to maintain a sense of harmony within the Downtown Core District, color schemes used should complement the predominant hues of adjoining buildings. Color schemes should generally be simple, using the minimum number of colors necessary to accentuate architectural features. The use of extremely bright hues should generally be limited to smaller accent features of the building. Repainting projects which do not substantially change the existing color scheme are not subject to the building color criteria.~~

~~***g. Height.*** The height of a new mid-block building shall be within one story/15 feet of any adjoining building. If a proposed mid-block development is between two existing buildings that vary more than three stories in height, the new building shall be within one story/15 feet in height of either the taller or shorter building. The height of a new corner building may be higher than buildings on adjoining parcels, but should generally be within the average height of the buildings occupying the three adjacent corners of the intersection. It is not the intent of this provision to regulate the height of a new building which occupies one-quarter of a block or more as it relates to adjacent or adjoining buildings.~~

~~***h. Alignment.*** New infill development in the Downtown Core District shall maintain the zero setback~~

~~and the alignment of adjoining facades at the property line.~~

i. Entrances. Main entrances to buildings shall face and be clearly visible from the street, and be recessed to maintain a coherent pattern along the sidewalk and to define the entry point. Recessed entrances shall allow operation of the door(s) without the doors extending beyond the property line into the public right-of-way.

j. Rooftop Equipment. Rooftop equipment shall be screened from ground level views with parapet walls or enclosures similar in form, material and detail to the primary structure.

~~***k. Vacant Buildings.*** Vacant and abandoned buildings shall be made to appear inhabited. Boarding up windows in vacant or abandoned buildings shall be prohibited.~~

~~l~~k. Demolition and Vacant Lots. Any demolition shall be in accordance with the provisions of Section 4-05-03 of the City Code of Ordinances. Any lots left vacant after demolition shall be treated to control fugitive dust. If the lot is to remain vacant for more than sixty (60) days, said lot shall be landscaped, mulched and seeded or sodded to establish a perennial vegetative grass cover. The lot shall be maintained and kept free of debris and litter. If common walls are exposed due to demolition of adjoining buildings, the walls shall be treated to ensure that the walls do not become a visual detriment. The treatment may be temporary or permanent depending on the potential for redevelopment of adjoining parcels. Permanent alternative treatments include architectural treatment that is similar to the front façade of the building or stucco. The wall treatment shall be in place within ninety (90) days of the date of demolition, unless a longer period is authorized at the time of approval of the demolition plans, and shall be the financial responsibility of the owner of the property upon which the demolished building was located.

~~***m. Exposed Common Walls.*** If common walls are exposed due to demolition of adjoining buildings, the~~

~~walls shall be treated to ensure that the walls do not become a visual eyesore. The treatment may be temporary or permanent depending on the potential for redevelopment of adjoining parcels. Temporary alternative treatments include masonry paint or vines. Permanent alternative treatments include architectural treatment that is similar to the front façade of the building or stucco. The wall treatment shall be in place within ninety (90) days of the date of demolition, unless a longer period is authorized at the time of approval of the demolition plans, and shall be the financial responsibility of the owner of the property upon which the demolished building was located~~.

~~n~~l. Work in Public Right-of-Way. Any work within the public right-of-way that relates to an identified streetscape element, as identified in the Streetscape Guidelines for Downtown Bismarck (May 1995) or subsequent updates, shall be in accordance with the design elements identified by those guidelines and shall comply with the standards established by the City Engineer.

~~o~~m. Landscaping and Screening. New construction and major remodeling, renovation or rehabilitation projects shall be subject to the requirements of Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening), including the installation of street trees, if required.

5. Off-street Parking and Loading. Off-street parking and loading shall be provided in accordance with the provisions of Section 14-03-10. Off-street parking shall not be required for properties within the Downtown Parking District.

6. Landscaping and Screening. Development within the Downtown Fringe District, including the development of parking areas, shall be subject to the requirements of Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening). If decorative fencing or any other streetscape elements are used, they shall be consistent with or complementary to the designated downtown streetscape elements as described in the Downtown Streetscape Standards document.

7. Signage. All signage in the Downtown Fringe District shall be installed and maintained in accordance with the provisions of Chapter 4-04 of the City Code of Ordinances (Signs & Outdoor Display Structures). Canopies used for signage shall be consistent with the architectural style of the building.

(Ord. 5422, 05-24-05; Ord. 5813, 03-22-11)

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.

Bismarck

DOWNTOWN DESIGN GUIDELINES

- **Design Guidelines for the Downtown Built Environment:**
  - **New Construction**
  - **Building Renovations & Additions**
  - **Open Spaces**
  - **Transportation**

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INTRODUCTION

THE DOWNTOWN IMAGE

The city of Bismarck is continually growing and changing. Because of this economic growth, the built environment needs to adapt and develop to accommodate the growth. With this influx of development comes an opportunity to define and enhance the image of downtown Bismarck. Downtown Bismarck has well-established entertainment and shopping districts. Downtown Bismarck has the opportunity to become a destination that is livable, vibrant, and rich in culture. The goal of these design standards is to guide the quality of new development and preserve the integrity of downtown in order to create that downtown image and achieve these design objectives:

- Create a walkable, human-scaled environment.
- Highlight the attributes that make Bismarck unique and give it a sense of place.
- Connect the built environment with the natural environment through the use of green spaces.
- Design within the context of existing characteristics of each neighborhood.
- Introduce new styles that complement the existing styles to form a balance between old and new.
- Build a flexible environment that can adapt to the changes over time.
- Create an environment that has both uniformity and variety.
- Promote compatibility and continuity of on-going development in downtown Bismarck.
- Encourage property improvements, new development projects and the continued efforts to have a vibrant, lively, and attractive destination as the heart of the community.

These design guidelines will serve as a tool in making decisions about new development. The guidelines are intended to address the built environment, building design, building additions and renovations, open spaces designed for the public and private uses and transportation. The design guidelines are complementary to the previous downtown studies: the 1993 Central Business District Plan; the 1995 Streetscape Guidelines for Downtown Bismarck; and the

2013 Downtown Bismarck Sub Area Plan. The design guidelines can help to create a framework for new development that will in turn become precedents for future development. Although these guidelines do not guarantee good design, they help to guide new development in the direction of good, high-quality design by promoting compatibility and integration of on-going development in downtown Bismarck, reinforcing the desirable environment through context-appropriate designs, acceptable building materials and human-scale design features, a walkable, mixed-use neighborhood and an environment that supports the integration of land uses.

The goal of the design guidelines is to build a recognizable district with an appealing atmosphere and sense of place that is unique to Bismarck, North Dakota. The guidelines promote an appealing district by encouraging sensitive modifications to significant and historic structures and compatible or complementary design that will enhance downtown. The design guidelines establishes an image and identity that will strengthen the presence of downtown Bismarck as a dynamic, vibrant, thriving hub of our community that provides opportunities for businesses, residents and visitors. The image of downtown Bismarck celebrates the historic presence of downtown, the current importance of downtown and the future potential to define downtown as a significant destination point and the heart of Bismarck.

The guidelines are intended to be flexible and to promote innovative design which is complementary to the established character of downtown. The guidelines are meant to encourage and promote unique solutions to design opportunities while establishing the character and vision for the future of downtown Bismarck.

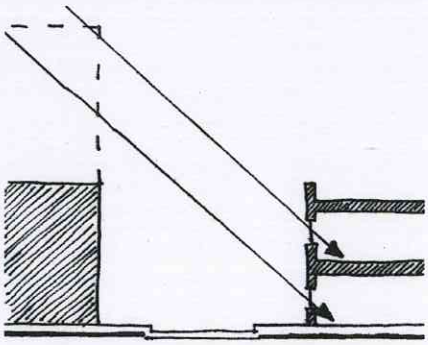
GOOD DESIGN

Although what constitutes an excellent design is somewhat subjective, some common attributes can be established. A good design is seamlessly woven into its surrounding context – both the built environment and the natural environment. It not only respects its surroundings, but also enhances them. Another measure of excellent design is its functionality and durability. A building should be built with the future in mind. Certain materials and construction methods should be used to create a building that will withstand the test of time. A design can be measured in what it gives to the community. A good design should not only meet individual needs, but should also meet the needs of the city as a whole.

THE PURPOSE OF THE DESIGN GUIDELINES

These design guidelines will give clarity to what is valued in a new design. They will raise awareness on what constitutes a good design. During the process of design, creativity and innovation are encouraged. These guidelines will act as a tool to guide that creativity and innovation in a way that upholds the values of the Bismarck community and preserves its identity. They will guide the design in a way that takes into account the larger context. The design guidelines are applicable to all properties located within the DC – Downtown Core and DF – Downtown Fringe zoning districts and are intended to serve as guidance for all new construction projects, building renovation projects, building addition projects and non-historic properties.

INCORPORATION INTO THE NATURAL ENVIRONMENT

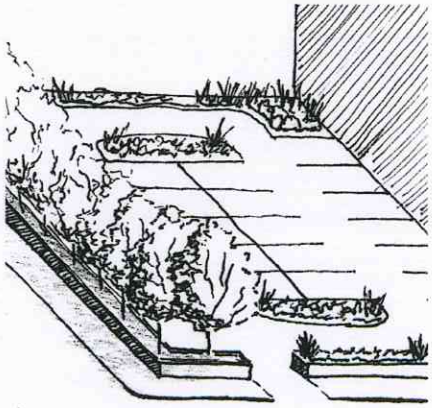


A tall building would block the sunlight reaching the nearby building. Work with the conditions of the site to maximize daylight, not just for the individual building, but for nearby buildings as well.

1. **Maximize daylight.** Daylighting should be maximized to create livable, inviting interior spaces. Consider how new buildings will affect the daylighting on the adjacent sites. Minimize shading onto these sites.

2. **Provide shading devices where appropriate.** Take into account the use of the space – both interior spaces and exterior spaces. Outdoor spaces may need a balance of sun and shade depending on the location. Consider how the devices will shade year-round. Ideally they should shade during the summer and allow sunlight in the winter.

3. **Design with the wind patterns to provide comfortable spaces.** Use the wind to maximize natural ventilation. Consider the wind patterns year-round and design accordingly. Take into account how the form of the building will affect the wind pattern. Use the building form and other elements to block the wind from pedestrian-heavy streets and outdoor spaces wherever possible.



Trees are used to screen the parking lot and to provide shade for the sidewalk.

4. **Design to increase vegetation.** Add vegetation to enhance the sense of place and tie the site into the surrounding natural environment. Consider giving vegetation a dual purpose. For example, trees could screen a parking lot or ramp while providing shade.

INCORPORATION INTO THE BUILT ENVIRONMENT

5. **Draw on the existing site characteristics to further define and enhance the sense of place.** Create rhythm and repetition with architectural elements to give the place a unique identity. Consider how the building ties into the city of Bismarck and how it enhances the uniqueness of Bismarck. Take into account a new building's architectural presence and how it will affect the experience of the place. Some buildings call for a strong visual impact. These buildings will help enhance the image of downtown. Other buildings and structures, such as a parking ramp, should be designed to complement their surroundings and include a variety of uses. Such corresponding design features should promote active uses and visual interest while also providing for key components such as off-street parking facilities to be designed in a manner that is complementary to the other uses in the building.

6. **Maintain a consistent street edge.** A strong street edge defines an urban space. Align new buildings with the existing buildings to create an edge. When that is not possible, use landscape elements to define the edge.

7. **New buildings should be compatible and complementary to the older existing buildings.** New buildings do not necessarily need to copy the existing traditional styles, but they should reflect and enhance the overall existing style and character, it should be a balance between new design elements and old architectural features and materials.

8. **Emphasis should be placed on the pedestrian experience.** Pedestrians should be able to interact with the built environment through visual impact and comfortable experiences at the street level of a building. Street level building facades should create continual visual interest for pedestrians. Attractive, large storefront windows will promote active ground floor use of buildings and spaces.

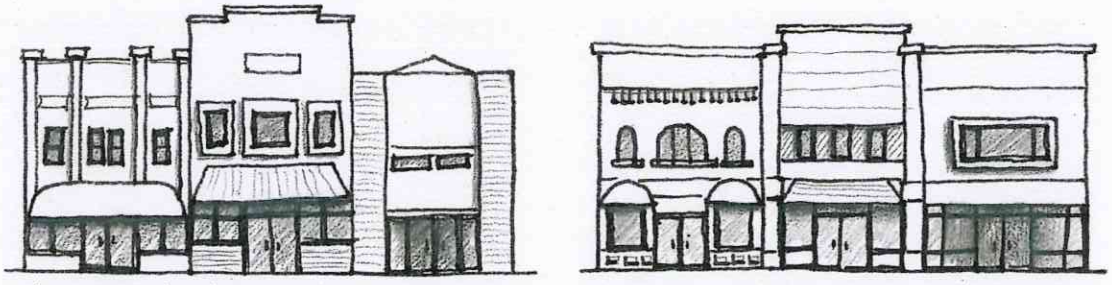
The opportunity to provide sidewalk displays, outdoor seating areas, and special events promotes an experience that is synonymous with a vibrant and thriving downtown atmosphere.

BUILDING DESIGN

MASS, FORM, AND SCALE

1. **Create a building that complements the existing surroundings in form and scale.** New buildings should be similar in size and form. Provide adequate transition between changes in building scale. Although a new building may be of a different size, the first few stories should visually relate to the surrounding context.

2. **Align architectural features.** Uniformity is established by the alignment of architectural features, such as windows or molding. Floor-to-floor height should also be similar to further define that uniformity. Variety can be introduced into the uniformity by the way those architectural features are articulated. Variety and uniformity should both be elements in the overall composition of the context in order to make it visually pleasing.



The picture on the right compared to the picture on the left shows how aligning windows, molding, etc. is one way to give order to the overall composition of the block.

FLEXIBILITY

3. **Create buildings that are adaptable.** Consider the lifespan of the building and plan ahead accordingly. As the economy and the makeup of the city change over time, the buildings will need to adapt to accommodate the current needs of the city. Building designs should promote compatibility with on-going improvements in downtown Bismarck and enhance the image of the area through the promotion of shopping, dining, cultural, and artistic opportunities as a unique experience in the heart of the community.

MATERIAL

4. **Use material that complements the material of the surrounding context.** Although new buildings do not need to have all the same material of the surrounding context, the materials should complement the existing surroundings. They could relate to the existing material in texture, finish, scale, and other design elements or aspects. to help tie the building into the composition of the neighborhood. Using local materials could help to further define the sense of place.

5. **Material should be of high-quality and should be long-lasting.** Use materials that are durable and easily maintained. Materials should be able to withstand the different weather conditions throughout the year.

ARCHITECTURAL ELEMENTS

6. **Create distinguishable, easily-identified entrances.** Consider the function of the entrance and design accordingly. Clearly define the main entrance and maximize its visibility. Orient these entrances toward the street rather than towards a parking lot. Although these entrances can introduce a new design style, they should in some way reflect the entrances of the existing buildings in scale and character.

7. **Articulate the building façade to fit within the surrounding context.** Consider the prevailing rhythm and repetition of the existing context. Add variety into the present rhythm and repetition. Creating variety will help prevent a monolithic feel while adding visual interest.

8. **Active edges.** Building frontages should provide direct access and a predominance of glass transparency to allow the physical interaction of people inside and outside the building. This feature also creates a safer pedestrian environment. Active edges must provide a minimum of 70% of the primary building façade as transparent glass along ground floor levels adjacent to rights-of-way.

9. **Color scheme.** Building colors should be simple and complementary to adjoining buildings. Brighter and darker hues should be limited to use as an accent color or to draw attention to building details.

HUMAN CONNECTIVITY

Signage and canopies help make the above area pedestrian friendly.

HUMAN SCALE

1. **Create buildings that are inviting to humans.** Building articulation should be to a human scale. Break up large masses to make it visually interesting. This can be done through material articulation or by adding architectural features such as canopies or balconies. Adding other human-scaled features such as signage or vegetation can create interest.

2. **Require ground level retail frontages.** Retail and service uses are encouraged to be concentrated along Main Avenue, Broadway Avenue, and 5th Street. Businesses that engage in the sale of goods or retail merchandise or eating/drinking establishments promote pedestrian activity and an active atmosphere. Entrances to upper floor establishments are also acceptable.

Photo credit: Sam Newberg | Joe-Urban.com

TRANSPORTATION

3. **Make neighborhoods walkable.** Create neighborhoods that are pedestrian-friendly by incorporating human-scale details. Add elements to protect the pedestrians from the weather, such as adding a canopy or awning. The disruption of pedestrian paths by service alleys should be minimized.

4. **Add benches and other elements to provide resting areas.** These resting areas could help break up long stretches of a sidewalk while adding visual interest. They should be safe and comfortable. These areas could also provide a place for people to socialize without affecting the flow of the pedestrian traffic.

5. **Provide bike lanes if possible.** Connect these lanes to the existing network of trails. Consider adding bike racks to encourage the use of bicycles. When bicyclists are anticipated, allow adequate space for both pedestrians and bicyclists to move freely.

Photo credit: William Wieners | Google Plus
The above parking structure is designed to visually fit within its context.

Photo credit: Joe Nickol | Sustainable Cities Collective
This sidewalk has space for outdoor dining that does not disrupt the flow of pedestrians.

Photo credit: Empire Covers

6. **Design parking spaces that fit into the surrounding context.** Reduce the visual impact of parking lots or parking ramps. Use vegetation or other elements to screen and enliven the space. Design parking ramps to visually fit into its context. Add architectural elements to make it human-scaled and promote first floor retail and commercial uses.

PUBLIC AND PRIVATE SPACES

7. **Distinguish between public and private spaces.** Public spaces should be transparent and welcoming at ground level. Private spaces, such as residences, should have a bigger sense of privacy. A clearly defined transition should be apparent between a public sidewalk and existing private residences. Minimize the visibility onto private spaces from adjacent public spaces.

8. **Design public spaces to encourage street level activity.** Provide adequate spacing for possible outdoor activities, such as outdoor dining or vending. Take into account the flow of pedestrian traffic and design the outdoor space in a way that does not hamper the flow.

9. **Provide a sense of security in all spaces.** Provide adequate lighting to create safe, comfortable spaces. Maximize visibility onto public spaces to increase security.

OPEN SPACES

10. **Incorporate open, green spaces into the community.** These green spaces should provide a place for human interaction. Understand the relationship between the open space and the adjacent buildings. The surrounding buildings will interact with this space and will become the "walls" of the space.

11. **Give outdoor open spaces a purpose and function.** Plan the space to meet the needs of the expected users. Allow for flexibility within the space to accommodate the changing conditions.

12. **Connect these green spaces to the surrounding context.** Visually and physically connect these spaces to other public spaces. The paths within these spaces should meet up with existing sidewalks. Visually connecting them with other public spaces could will help to make them inviting.

13. **Design these open spaces with the natural environment.** Understand the changing amount of sun and the wind – daily and seasonally – onto the space and design accordingly. Consider how these spaces could be used year-round.

Bismarck

Community Development Department

MEMORANDUM

TO: Chair Yeager and Planning Commissioners

FROM: Kim L. Lee, AICP, Planning Manager

DATE: March 19, 2015

SUBJ: Policy for Dedication of Easements and Rights-of-Way Required for Orderly Development

ACTION REQUESTED

A draft Policy for Dedication of Easements and Rights-of-Way Required for Orderly Development is attached for consideration by the Planning and Zoning Commission. If the Planning and Zoning Commission finds that the attached policy is ready for public input, staff recommends that a public hearing on the policy be scheduled for the April meeting.

BACKGROUND

The Board of City Commissioners, at their meeting on November 25, 2014, considered a request from Mayor Seminary to discuss the dedication of easements to allow for orderly development. At the conclusion of that discussion, the Board directed the Community Development Department staff to prepare a draft policy and/or ordinance that could be considered by the Board of City Commissioners at a future meeting. Subsequent to that meeting, additional discussions were also held on ways to reduce the City's footprint and to promote orderly development.

The attached policy was drafted by Community Development staff with input from other City staff members in Administration, Engineering, Public Works, Police and Fire. The document outlines the intent and purpose of the policy, the situations where the dedication of easements and rights-of-way could be required beyond the boundary of a proposed plat, and how that decision would be made. The policy as drafted formalizes what staff and the City Commission have conveyed to developers for several years during the plat review and approval process.

CITY OF BISMARCK

POLICY FOR DEDICATION OF EASEMENTS AND RIGHTS-OF-WAY REQUIRED FOR ORDERLY DEVELOPMENT

Effective Date: _____

Intent:

The City of Bismarck finds it necessary and desirable to provide for the dedication of rights-of-way and easements for municipal services to support new development at the earliest stage of the development process.

Purpose:

The purpose of this policy is to outline standards for the dedication of rights-of-way and easements necessary for the orderly development of the community and the efficient provision of municipal services throughout the community.

Policy:

This policy applies to property being subdivided which meets the following criteria: 1) the property being platted is located within or adjacent to the corporate limits; 2) the property being platted, if not already annexed, will be annexed prior to development; 3) the property being platted does not include all contiguous property under the developer/owner's ownership or control; and 4) rights-of-way and/or easements are needed beyond the area being platted in order to provide for the orderly extension of municipal services (water, sanitary sewer, storm water drainage and/or roadways) to the areas beyond the property being platted.

If a proposed plat does not include an entire tract of land or contiguous tracts of land under common ownership or control, the developer/owner may be required to dedicate rights-of-way for the extension of collector and arterial roadways and/or easements for the extension of municipal utilities (water, sanitary sewer and storm water drainage) beyond the outer boundary of the proposed plat, as needed, for the orderly development of the community and the efficient provision of municipal services. The need for such dedications shall be determined on a case-by-case basis during the plat review process and will be presented as a staff recommendation to the Planning and Zoning Commission and the City Commission. The desired location of such dedications shall be determined based on the City's master plans (including utility plans and the Fringe Area Road Master Plan), the developer/owner's master plan for the property and other planning and engineering considerations.

The easements and rights-of-way dedicated under this policy would be used to extend municipal utilities and roadways as needed for the efficient provision of municipal services in an orderly manner. It is not the intent of this policy to require the developer to make improvements beyond the edges of the proposed plat in conjunction with development of said plat, but to provide corridors for the orderly extension of municipal services if needed beyond the edges of the proposed plat.

DRAFT