



Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION
MEETING AGENDA
January 27, 2016

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

Item No. Page No.

MINUTES

- 1. Consider approval of the minutes of the December 16, 2015 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA

CONSIDERATION

The following items are requests for a public hearing.

- 2. Schwan's Commercial Addition (JT)1
- Zoning Change (A to CG) | ZC2015-036
Staff recommendation: schedule a hearing [] schedule a hearing [] table [] deny
- Preliminary Plat | PPLT2015-011
Staff recommendation: tentative approval [] tentative approval [] continue [] table [] deny
3. Light of Christ Addition (JW)7
- Zoning Change (A to Conditional RT) | ZC2015-037
Staff recommendation: schedule a hearing [] schedule a hearing [] table [] deny
- Fringe Area Road Master Plan Amendment (Sec 9, T139N-R80W) | FRMP2015-001
Staff recommendation: schedule a hearing [] schedule a hearing [] table [] deny
- Preliminary Plat | PPLT2015-012
Staff recommendation: tentative approval [] tentative approval [] continue [] table [] deny



4. Evergreen Ridge Addition PUD (Klee)				
Major PUD Amendment PUDA2015-006				15
Staff recommendation: schedule a hearing	<input type="checkbox"/>	schedule a hearing	<input type="checkbox"/>	table
	<input type="checkbox"/>	deny	<input type="checkbox"/>	
5. Stoneridge Addition PUD (JT)				
Major PUD Amendment PUDA2015-007				21
Staff recommendation: schedule a hearing	<input type="checkbox"/>	schedule a hearing	<input type="checkbox"/>	table
	<input type="checkbox"/>	deny	<input type="checkbox"/>	
6. Kamrose Crossing Addition PUD (JT)				
Major PUD Amendment PUDA2015-008				29
Staff recommendation: schedule a hearing	<input type="checkbox"/>	schedule a hearing	<input type="checkbox"/>	table
	<input type="checkbox"/>	deny	<input type="checkbox"/>	
7. Various Lots and Tracts in East Bismarck				
City-Initiated Zoning Change Phase 3 of 6 (DN)				
(R5, R10, RM10, RM30, RMH, MA and A to P) ZC2016-001.....				37
Staff recommendation: schedule a hearing	<input type="checkbox"/>	schedule a hearing	<input type="checkbox"/>	table
	<input type="checkbox"/>	deny	<input type="checkbox"/>	
8. Off-street Parking and Loading Requirements (BB/Klee)				
Zoning Ordinance Text Amendment ZOTA2015-018.....				43
Staff recommendation: schedule a hearing	<input type="checkbox"/>	schedule a hearing	<input type="checkbox"/>	table
	<input type="checkbox"/>	deny	<input type="checkbox"/>	

REGULAR AGENDA

PUBLIC HEARINGS

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

9. Meadowlark Commercial Sixth Addition 1st Replat (JW)				
Minor Subdivision Final Plat MPLT2015-013				61
Staff recommendation: approve	<input type="checkbox"/>	approve	<input type="checkbox"/>	continue
	<input type="checkbox"/>	table	<input type="checkbox"/>	deny
10. Various Lots and Tracts in Northeast Bismarck –				
City-Initiated Zoning Change Phase 2 of 6 (DN)				
(R5, R10, RM30, RT, and A to P) ZC2015-035.....				65
Staff recommendation: approve	<input type="checkbox"/>	approve	<input type="checkbox"/>	continue
	<input type="checkbox"/>	table	<input type="checkbox"/>	deny
11. Auditor’s Lot 6 of the NE¼ of Sec 1, T138N-R80W/Lincoln Township (JT)				
Zoning Change (RR to MA) ZC2015-032.....				71
Staff recommendation: approve	<input type="checkbox"/>	approve	<input type="checkbox"/>	continue
	<input type="checkbox"/>	table	<input type="checkbox"/>	deny
12. Part of Lot 1, Block 1, Kensington First Addition (JW)				
Zoning Change (RM15 to RT) ZC2015-033.....				79
Staff recommendation: approve	<input type="checkbox"/>	approve	<input type="checkbox"/>	continue
	<input type="checkbox"/>	table	<input type="checkbox"/>	deny
13. Off-Premise Advertising Signs (JW/DN)				
Zoning Ordinance Text Amendment ZOTA2015-013.....				83
Staff recommendation: approve	<input type="checkbox"/>	approve	<input type="checkbox"/>	continue
	<input type="checkbox"/>	table	<input type="checkbox"/>	deny

OTHER BUSINESS

14. **Other**

ADJOURNMENT

15. **Adjourn.** The next regular meeting date is scheduled for **February 24, 2016.**

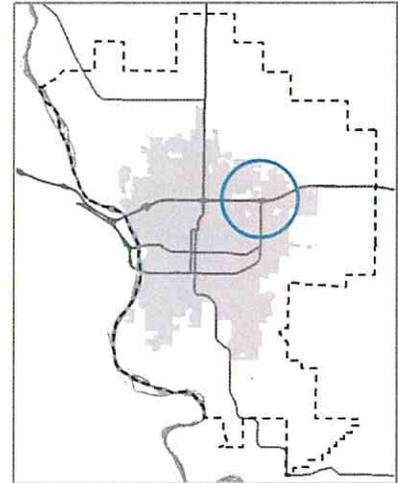
Enclosures: Meeting Minutes of December 16, 2015
Building Permit Activity Month to Date Report for December 2015
Building Permit Activity Year to Date Report for December 2015

Application for: Zoning Change
Major Subdivision Preliminary Plat

TRAKiT Project ID: ZC2015-036
PPLT2015-011

Project Summary

Title:	Schwan's Commercial Addition
Status:	Planning Commission – Consideration / Tentative Approval
Owner(s):	Schwan Family Partnership
Project Contact:	Harvey Schneider / Toman Engineering
Location:	In east Bismarck, along the west side of Centennial Drive and the north side of Interstate 94.
Project Size:	4.15 acres
Request:	To plat and zone the property to allow for future commercial development projects.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 parcel	Number of Lots:	2 lots in 1 block
Land Use:	Undeveloped	Land Use:	Commercial
Designated GMP	Commercial	Designated GMP	Commercial
Future Land Use:		Future Land Use:	
Zoning:	A – Agricultural	Zoning:	CG – Commercial
Uses Allowed:	A – Agriculture	Uses Allowed:	CG – General commercial, multifamily residential, and offices
Max Density Allowed:	A – 1 unit / 40 acres	Max Density Allowed:	CG – 42 units / acre

Property History

Zoned:	N/A	Platted:	N/A	Annexed:	01/2016
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Staff Analysis

The applicant has indicated the proposed commercial uses would include a convenience store on the northern lot and a hotel on the southern portion of the property.

A landscape buffer yard easement has been included along the west edge of the property to allow for adequate screening between the single-family land use to the west and the proposed commercial land uses.

(continued)

Required Findings of Fact*Zoning Change*

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Preliminary Plat

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision is outside the boundary of the 2014 Fringe Area Road Master Plan;
3. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore no traffic impact study is required.

4. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
5. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
6. The proposed subdivision is not located in an area that is subject to flooding, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, and/or an area that is topographically unsuited for development;
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
9. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

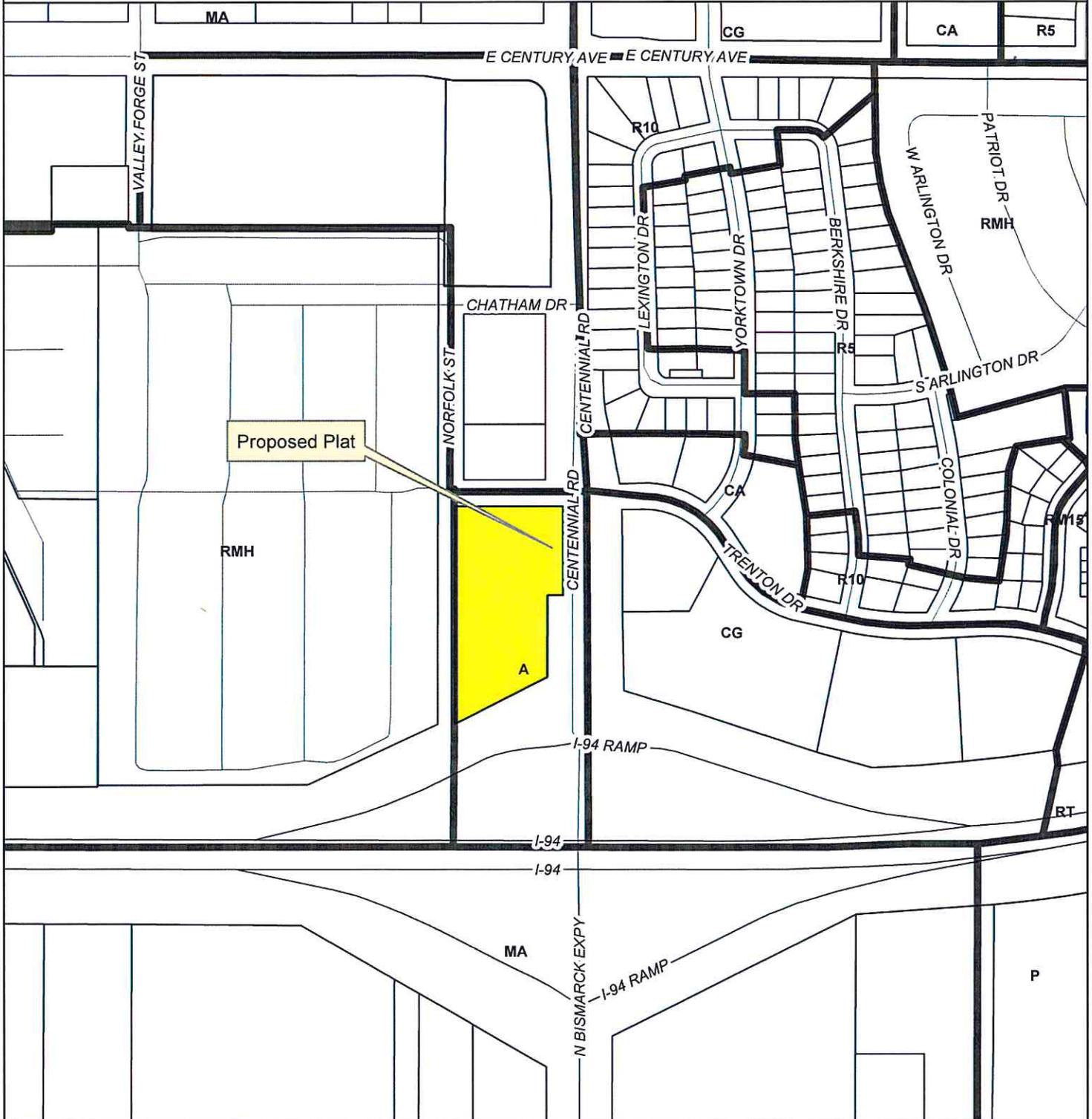
Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the A – Agriculture zoning district to the CG – Commercial zoning district and tentative approval of the preliminary plat for Schwan's Commercial Addition.

Attachments

1. Location Map
2. Zoning Map
3. Reduction of Preliminary Plat

Staff report prepared by: Jason Tomanek, Senior Planner
jtomanek@bismarcknd.gov | 701.355.1849

Proposed Plat and Zoning Change (A to CG) Schwan's Commercial Addition

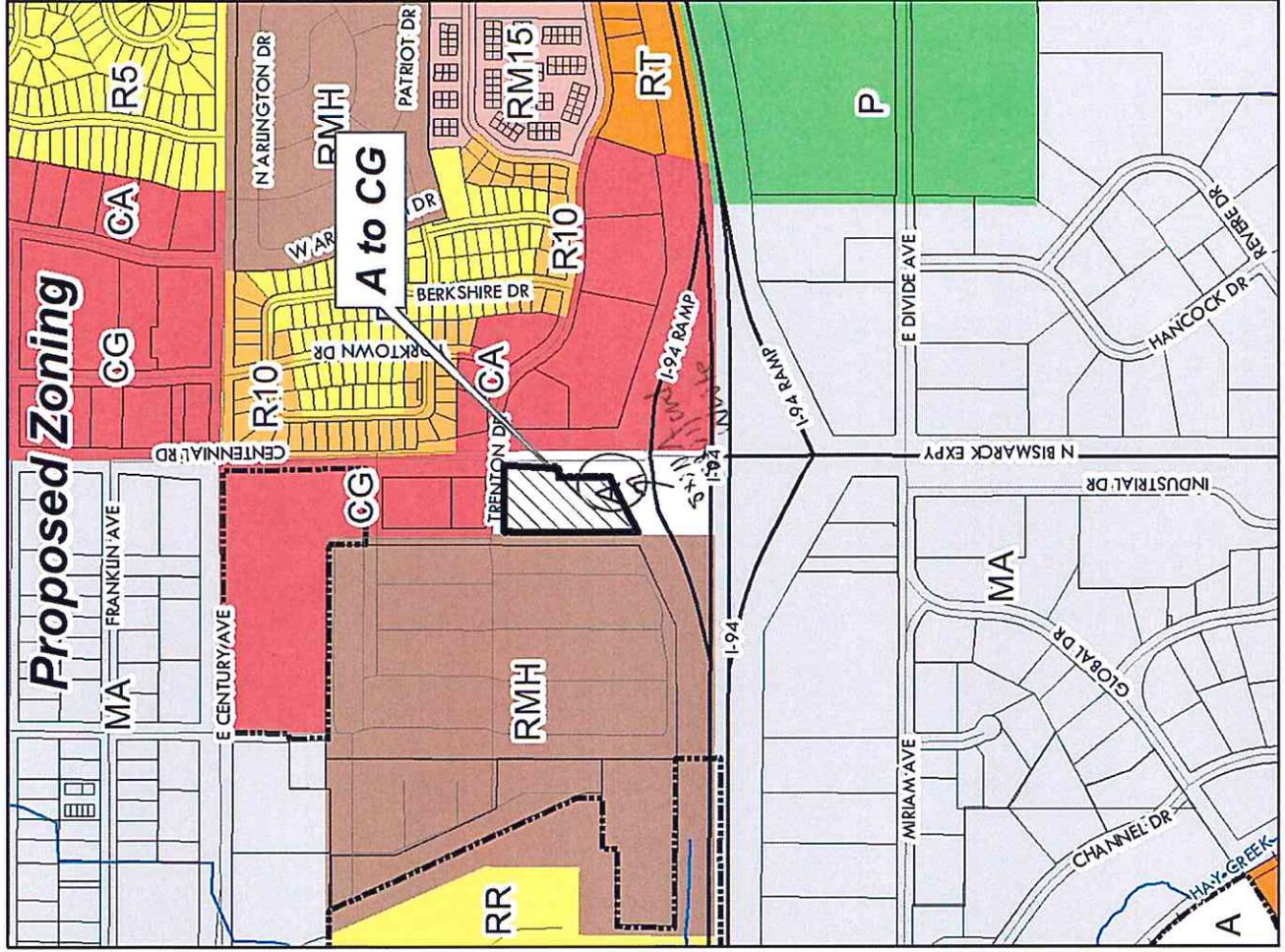
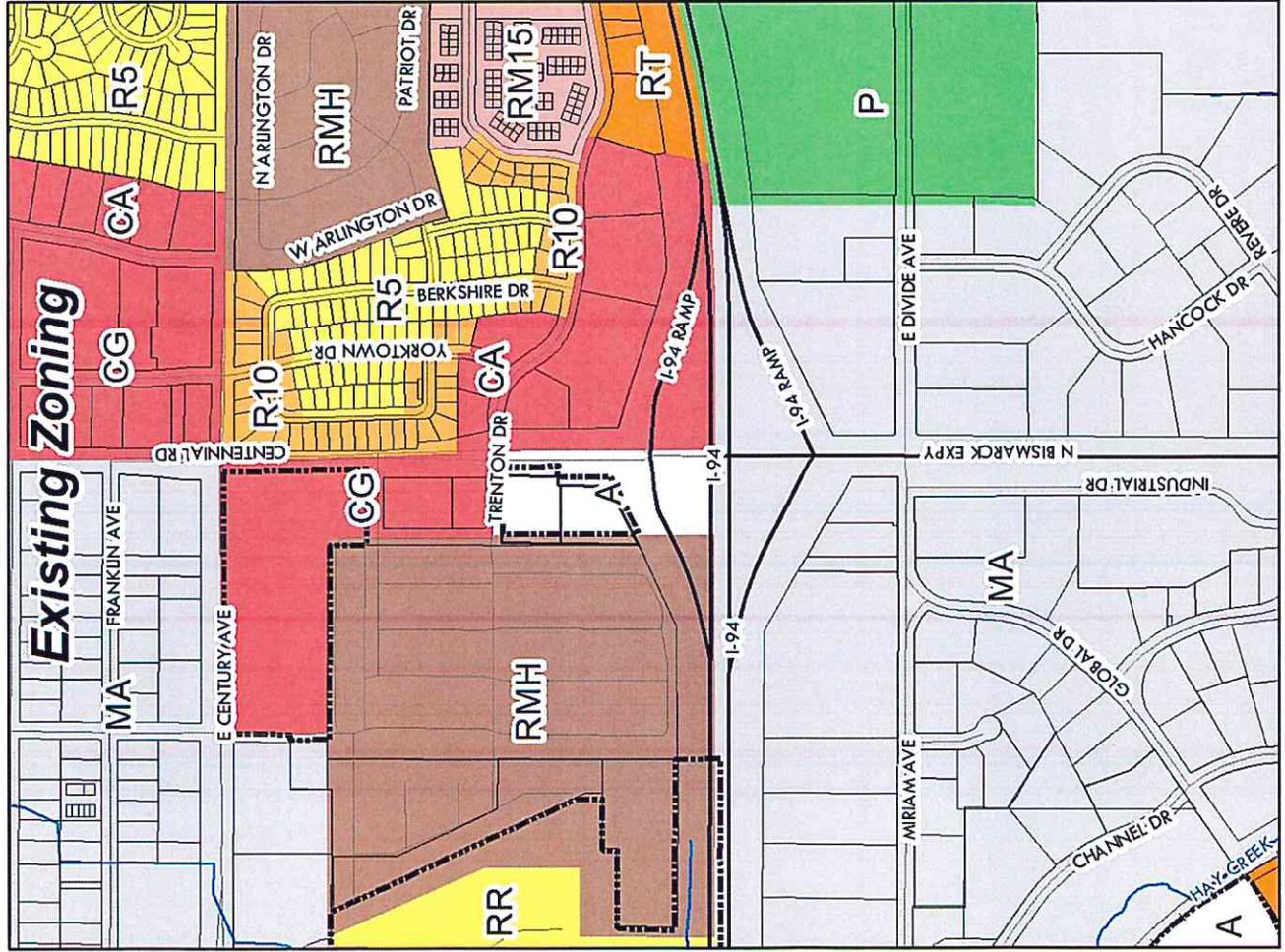


June 15, 2015 (h1b)

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.



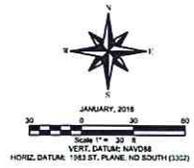
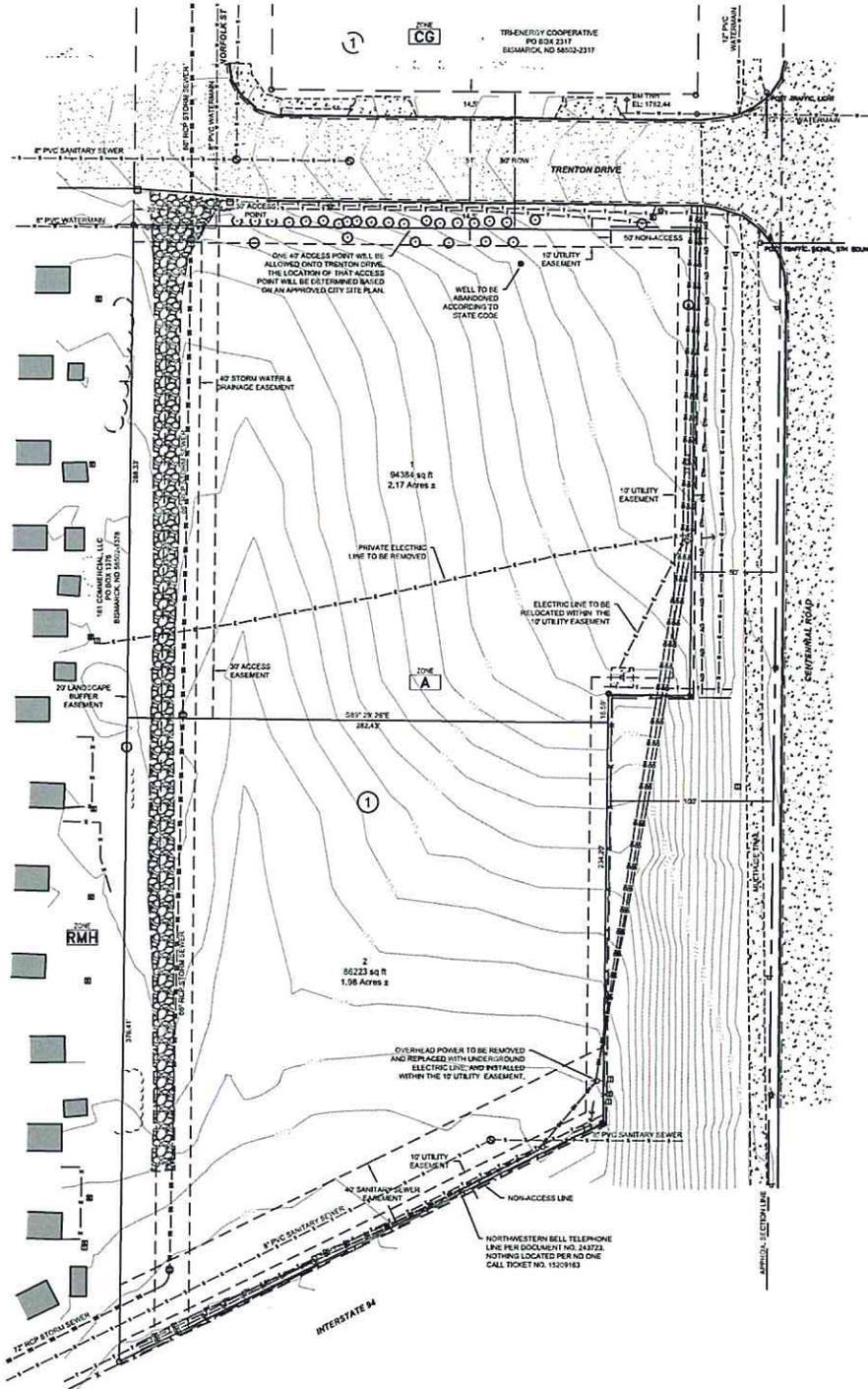
Schwan's Commercial Addition - Zoning Change



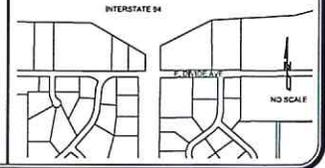
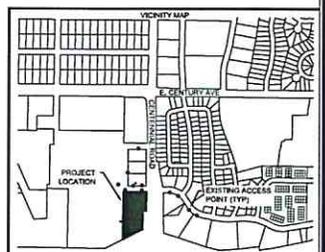
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon. January, 2016

PRELIMINARY PLAT OF SCHWAN'S COMMERCIAL ADDITION

TRACT 5 OF NE1/4, SECTION 26, T139N-R80W, OF THE CITY OF
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



- LEGEND**
- PROPERTY CORNER TO BE SET
 - FOUND PROPERTY CORNER
 - FOUND ROW MARKER
 - TRAFFIC SIGNAL POST
 - SANITARY SEWER MANHOLE
 - STORM SEWER MANHOLE
 - FIRE HYDRANT
 - GATE VALVE
 - ELECTRIC BOX
 - ISDN
 - CABLE TELEPHONE PEDESTAL
 - ELECTRIC METER
 - LIGHT POLE
 - POWER POLE
 - GUYANCHOR POLE
 - WOODEN PILLAR
 - DECIDUOUS TREE
- 500' 01' 54"E 556.15' MEASURED BEARING DISTANCE
 (500' 02' 03"E (506.15') RECORD BEARING DISTANCE
- ===== CURB & GUTTER
 - X- FENCE
 - GAS LINE
 - CABLE TV
 - STORM SEWER
 - SANITARY SEWER
 - WATERMAIN
 - TELEPHONE
 - UNDERGROUND ELECTRIC
 - OVERHEAD POWER
 - CONCRETE
 - ASPHALT
 - GRAVEL
 - BUILDING
 - TREE ROW
 - BUSHES



OWNERS:
 SCHWAN FAMILY PARTNERSHIP
 PO BOX 1218
 BISMARCK, ND 58502

BASES OF BEARING:
 BASES OF BEARING: WEST BOUNDARY TRACT 5
 NORTH 07° 31' 31" EAST

NOTES:

1. TRACT 5 IS CURRENTLY IN THE ETA, BUT IS IN THE PROCESS OF BEING ANNEXED INTO THE CITY OF BISMARCK.
2. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
3. TOTAL LOTS: 4.15 ACRES

TOMAN ENGINEERING
 501 1st Street NW, Mandan, ND 58554
 Phone: 701-663-6483 * Fax: 701-663-0923



STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

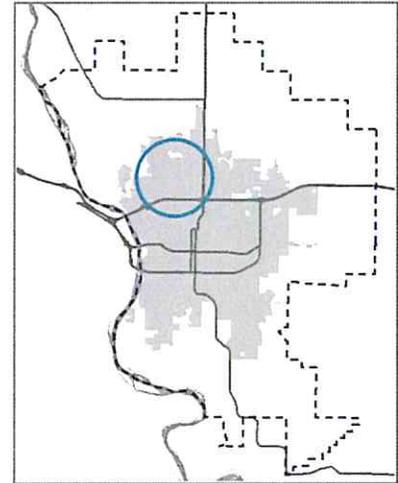
Agenda Item # 3
 January 27, 2016

Application for: Zoning Change
Fringe Area Road Master Plan Amendment
Major Subdivision Preliminary Plat

TRAKiT Project ID: ZC2015-037
 FRMP2015-001
 PPLT2015-012

Project Summary

Title:	Light of Christ Addition
Status:	Planning Commission – Consideration of Zoning Change and Fringe Area Road Master Plan Amendment / Tentative Approval of Preliminary Plat
Owner(s):	Light of Christ Catholic Schools Ronald and Ruth Knutson
Project Contact:	Brad Krogstad, KLJ John Richter, Light of Christ Catholic Schools
Location:	In north Bismarck, between North Washington Street and US Highway 83, along the north side of 57 th Avenue NE.
Project Size:	48.26 acres
Request:	Rezone, plat, and annex property for future Light of Christ Catholic Schools high school campus.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	2 parcels	Number of Lots:	1 lot in 1 block
Land Use:	Agriculture	Land Use:	Light of Christ Catholic Schools campus
Designated GMP Future Land Use:	Medium Density Residential	Designated GMP Future Land Use:	Medium Density Residential
RT – Residential	A – Agricultural	Zoning:	Conditional RT – Residential
Uses Allowed:	A – Agriculture	Uses Allowed:	Conditional RT – campus uses
Max Density Allowed:	A – 1 unit / 40 acres	Max Density Allowed:	RT – 30 units / acre

Property History

Zoned:	N/A	Platted:	N/A	Annexed:	N/A
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(continued)

Staff Analysis

The proposed zoning change to the Conditional RT – Residential zoning district and plat are being requested for development of the property for the future St. Mary’s High School campus.

A zoning change to the Conditional RT – Residential zoning district would limit the proposed uses for the site to campus uses associated with Light of Christ Catholic Schools and the Bismarck Diocese and limit the overall height of buildings to no more than three stories in height.

The Future Land Use Plan in the 2014 Growth Management Plan, as amended; identifies this area as Medium Density Residential, which requires an overall density of 4 to 10 units per acre. The residential use and density categories displayed in the FLUP are based on a development block concept that defines the personality of an area. Although the proposed plat does not contain residential units, the MDR development block for this area requires a diverse mix of underlying land use types and densities. These land use types and corresponding densities may include a mix of multi-family residential uses, office uses and neighborhood commercial uses.

An amendment to the Fringe Area Road Master Plan (FARMP) for Section 9, Hay Creek Township has been requested. If approved this amendment would relocate the intersection of Ridgeland Drive, the north-south collector for this section, and 57th Avenue NE to a location approximately 725 feet to the west along the east side of the proposed plat. This roadway segment would be in alignment with Ridgeland Drive from the north across Highway 1804. The City Traffic Engineer is supportive of the proposed amendment.

The property will be annexed and municipal services would likely be obtained from Daybreak Addition to the east along the north side of 57th Avenue NE. A description of the proposed annexation route and concurrence from the impacted land owners is required prior to approval of the final plat.

A traffic impact study has been requested by the City Traffic Engineer as the proposed plat would likely generate a significant number of vehicle trips that

would affect the circulation and safety of public roadways in the vicinity. Approval of the traffic is required prior to the approval of the final plat.

Required Findings of Fact

Zoning Change

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Fringe Area Road Master Plan Amendment

1. The proposed amendment is compatible with adjacent land uses;
2. The proposed amendment is justified by a change in conditions since the Fringe Area Road Master Plan was established or last amended;
3. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner;

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

Preliminary Plat

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
3. The proposed subdivision would likely generate a significant number of vehicle trips that would affect the circulation and safety of public roadways in the vicinity, and therefore a traffic impact study is required prior to submittal of the final plat.
4. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
5. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
6. The proposed subdivision is not located in an area that is subject to flooding, an area where the proposed development would adversely impact water quality and/or

environmentally sensitive lands, and/or an area that is topographically unsuited for development;

7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
9. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for approval of the zoning change from the A – Agriculture zoning district to the Conditional RT – Residential zoning district and amendment of the Fringe Area Road Master Plan, and tentative approval of the preliminary plat for Light of Christ Addition with the following condition for the proposed zoning change:

1. The development of the site is limited to campus uses associated with Light of Christ Catholic Schools and the Bismarck Diocese, and the overall heights of buildings are limited to three stories in height.

Attachments

1. Location Map
2. Zoning Map
3. Reduction of Preliminary Plat

Proposed Plat, Annex, FARMP and Zoning Change (A to P) Light of Christ Addition

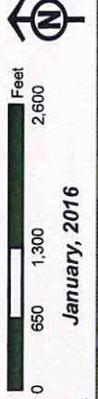
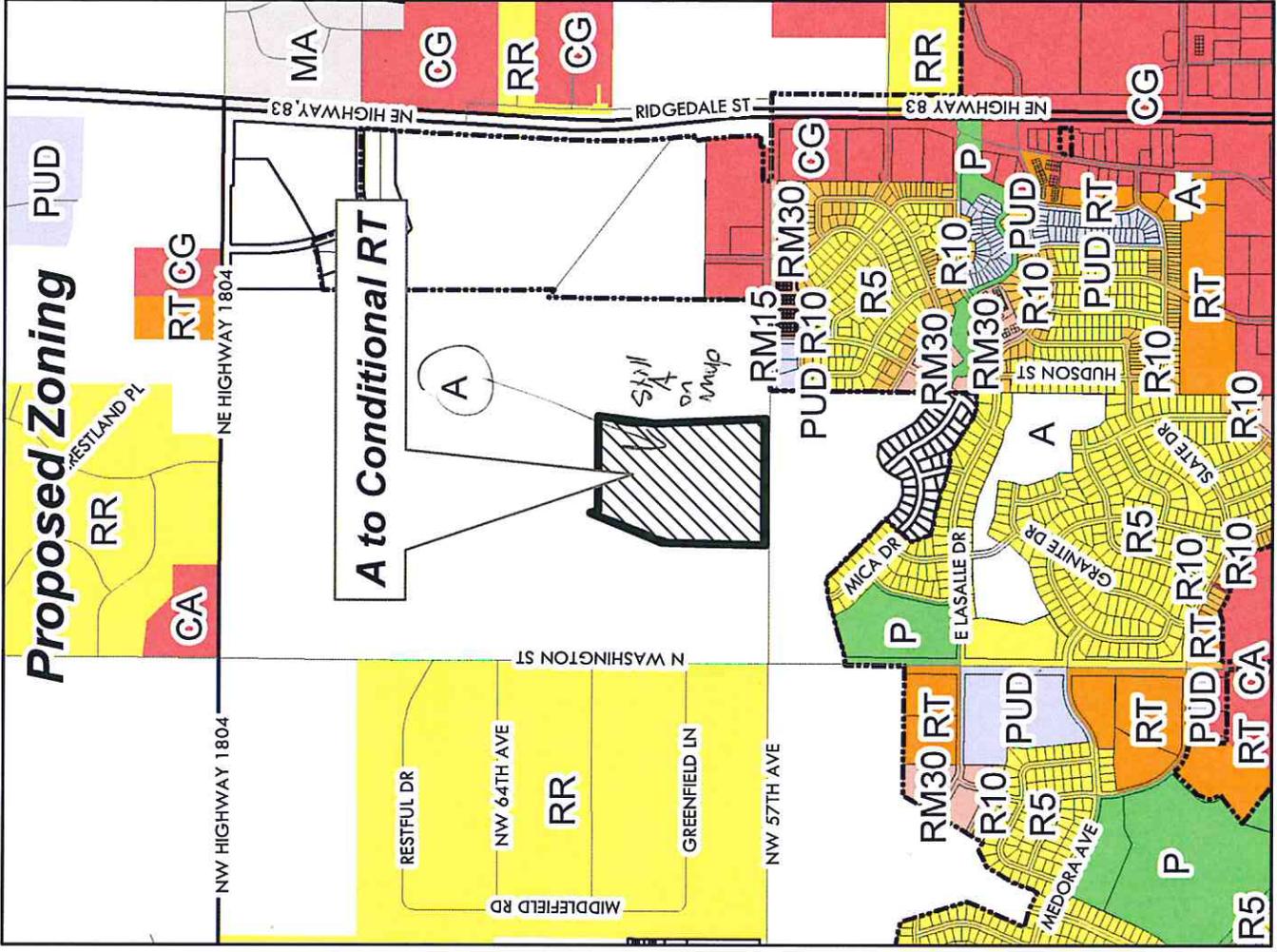
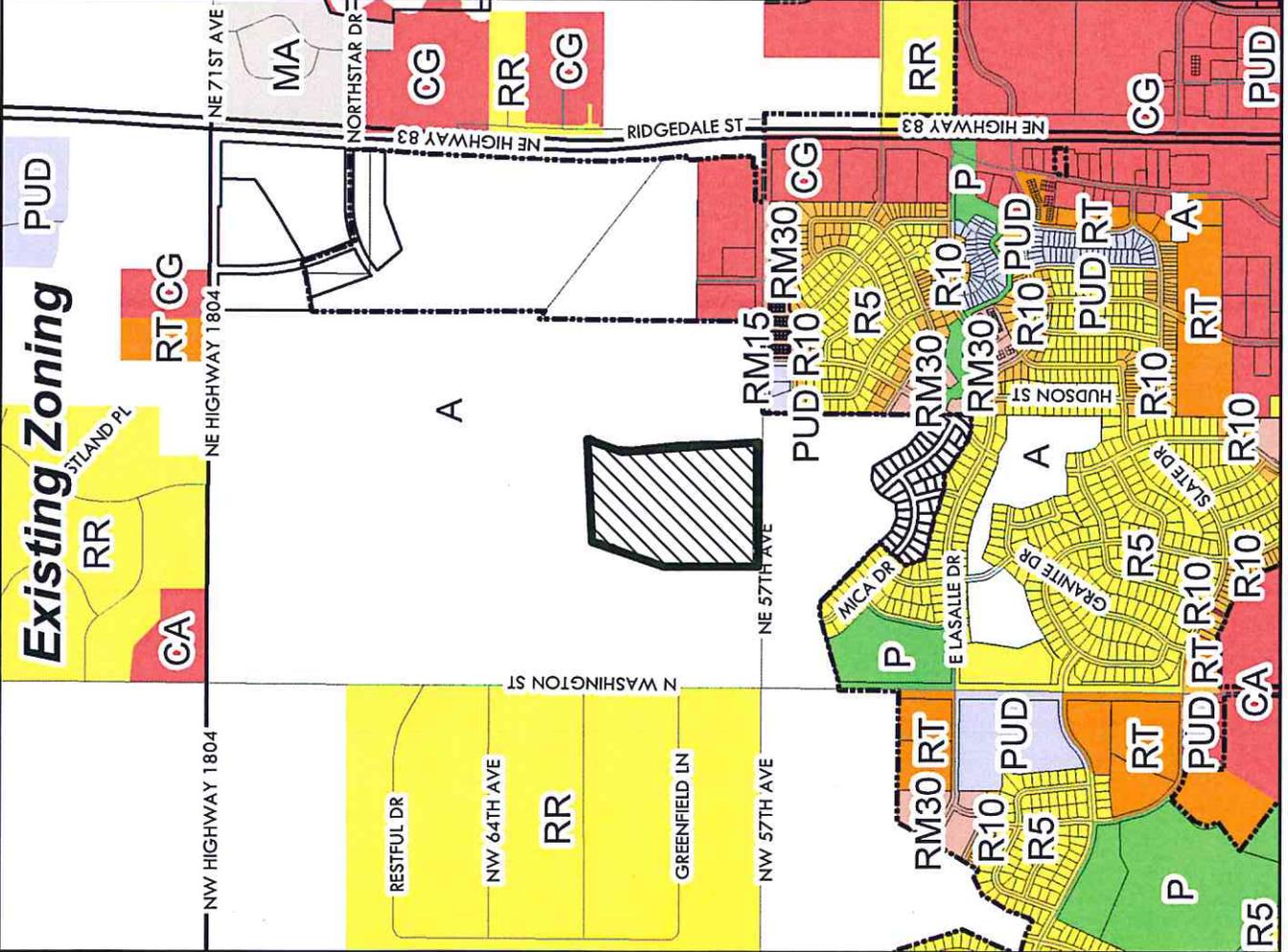


June 15, 2015 (hlb)

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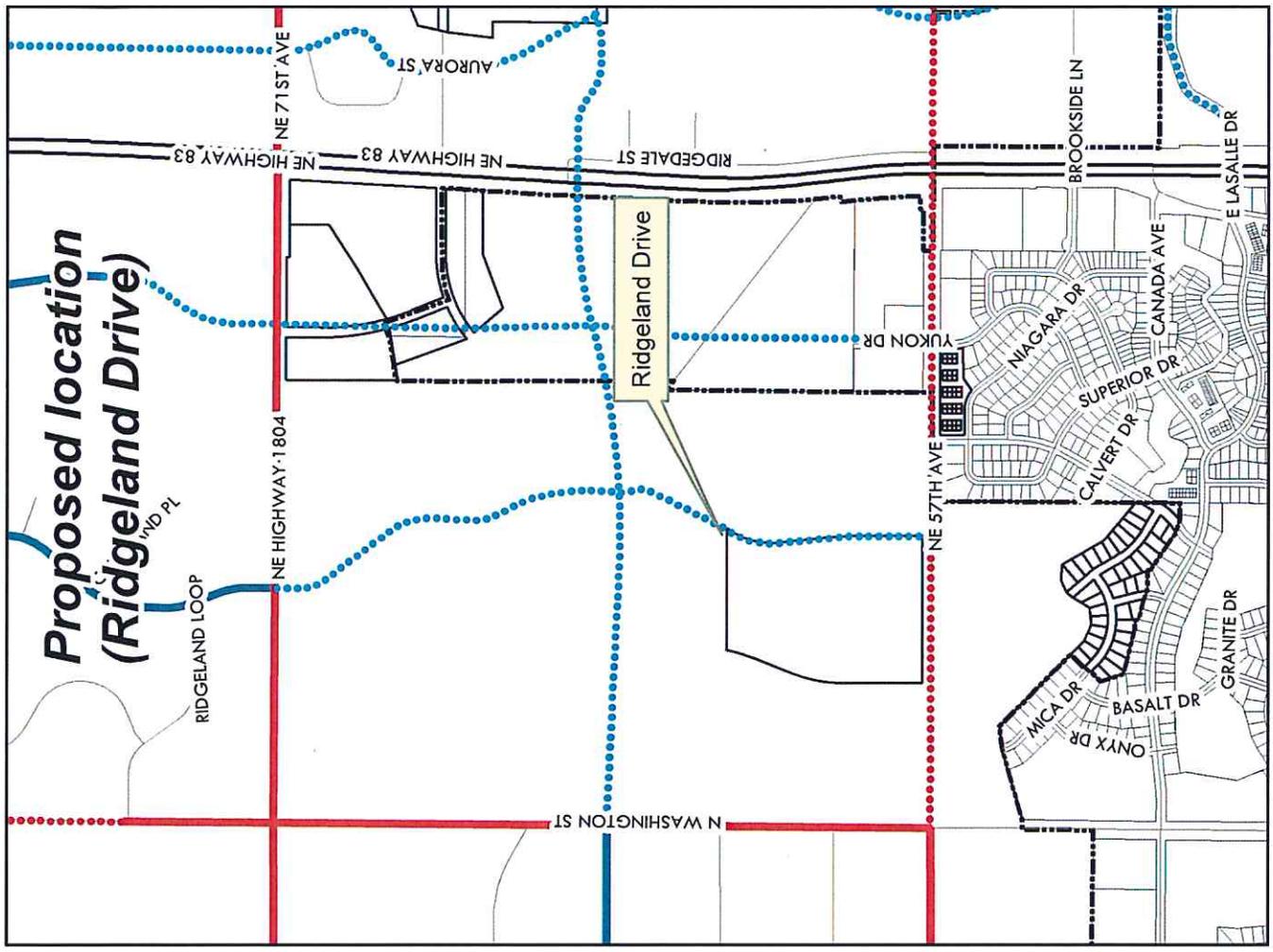
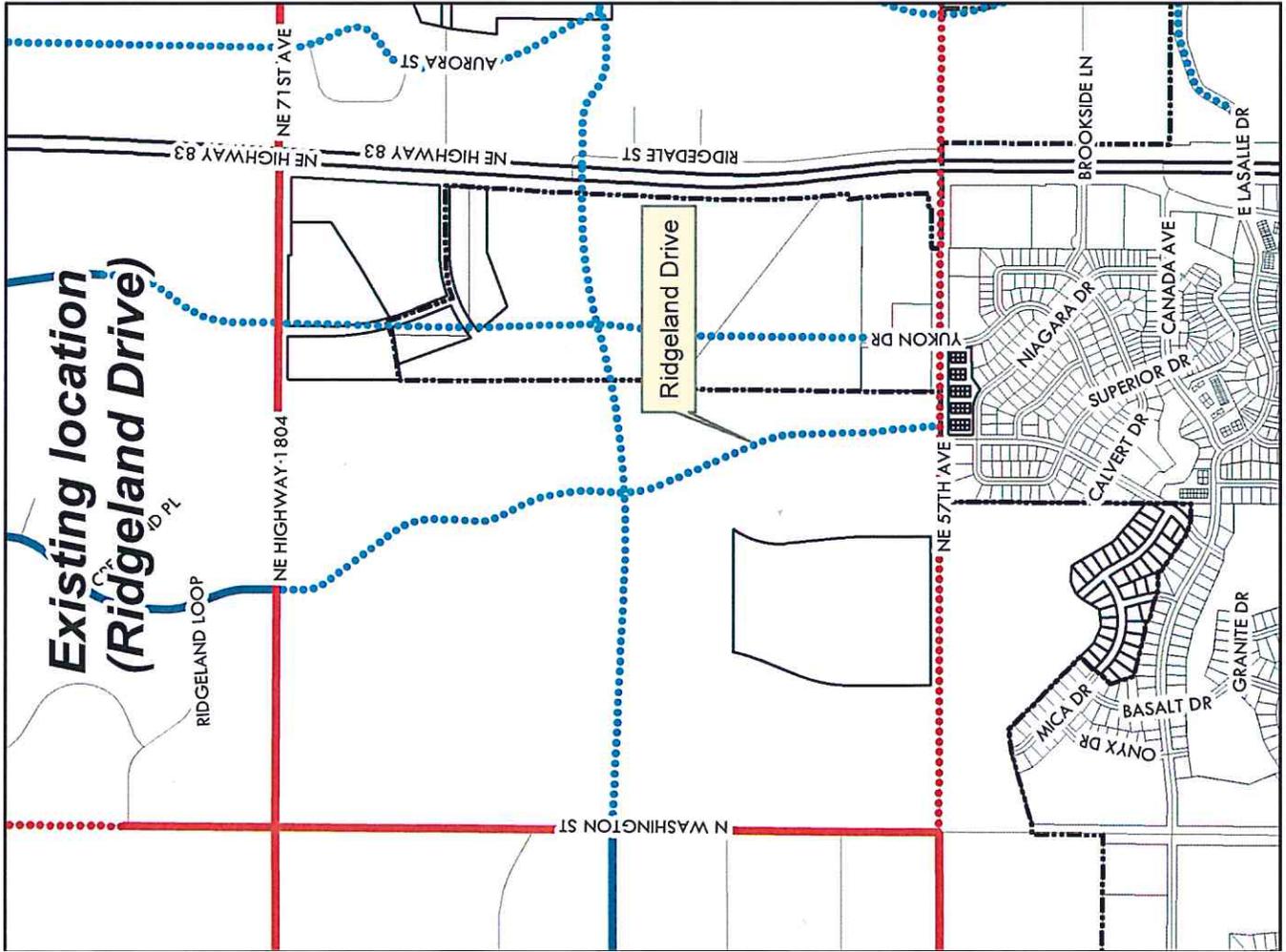


Light of Christ Addition - Zoning Change



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Light of Christ Addition - Fringe Area Road Master Plan Amendment



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January, 2016



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

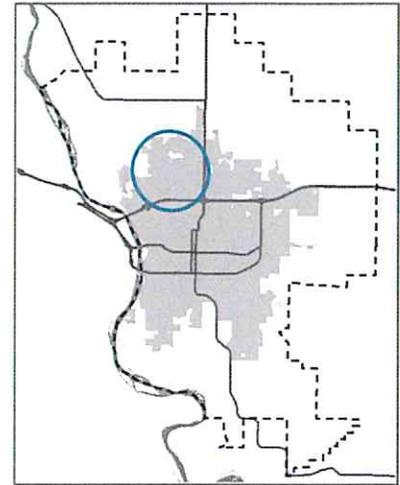
Agenda Item # 4
January 27, 2016

Application for: Major Planned Unit Development (PUD) Amendment

TRAKiT Project ID: PUDA2015-006

Project Summary

Title:	Evergreen Ridge Addition PUD Amendment
Status:	Planning Commission – Consideration
Owner(s):	Verity Homes of Bismarck, LLC
Project Contact:	Melanie Kitzan-Morel, Verity Homes of Bismarck, LLC
Location:	In northwest Bismarck, west of North Washington Street between Ash Coulee Drive and Colt Avenue
Project Size:	8.0 acres, more or less
Request:	Amend Planned Unit Development to allow clarify the lot coverage requirement for lots within the project.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	48 lots in 2 blocks	Number of Lots:	48 lots in 2 blocks
Land Use:	Single and two-family residential	Land Use:	Single and two-family residential
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan.	Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan.
Zoning:	PUD – Planned Unit Development	Zoning:	PUD – Planned Unit Development
Uses Allowed:	PUD – Uses specified in PUD	Uses Allowed:	PUD – Uses specified in PUD
Max Density Allowed:	PUD – Density specified in PUD	Max Density Allowed:	PUD – Density specified in PUD

Property History

Zoned:	04/2014	Platted:	04/2014	Annexed:	04/2014
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Staff Analysis

The applicant is requesting an amendment to the Planned Unit Development (PUD) approved in April 2014 in order to clarify the maximum lot coverage requirements. Because the overall development plan is not changing and setbacks will remain the same, the

PUD amendment is simply a clarification and will have minimal impact on previously developed property adjacent to the perimeter of the project. The proposed change is also being evaluated to determine whether the proposed change will have any impact of the approved storm water management plan for the project.

(continued)

Required Findings of Fact

1. The proposed amendment is outside of the area included in the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed amendment is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed amendment at the time the property is developed;
4. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner;
5. The character and nature of the amended planned unit development contains a planned and coordinated land use or mix of land uses that are compatible and harmonious with the area in which it is located;
6. The amended planned unit development would preserve the natural features of the site insofar as possible, including the preservation of trees and natural drainage ways;
7. The internal roadway circulation system within the amended planned unit development has been adequately designed for the type of traffic that would be generated;
8. Adequate buffer areas have been provided between the amended planned development and adjacent land uses, if needed, to mitigate any adverse impact of the planned unit development on adjacent properties.
9. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the major Planned Unit Development (PUD) amendment for Evergreen Ridge Addition to clarify the lot coverage requirements, as outlined in the attached PUD amendment document.

Attachments

1. Draft PUD Amendment Document
2. Location Map
3. PUD Written Statement

Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov

**EVERGREEN RIDGE ADDITION PLANNED UNIT DEVELOPMENT
ORDINANCE NO. 6048 (Adopted April 22, 2014)
MAJOR PUD AMENDMENT (Adopted _____)**

WHEREAS, Ordinance No. 6048 was adopted by the Board of City Commissioners on April 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 1-39, Block 1 and Lots 1-9, Block 2, Evergreen Ridge 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:

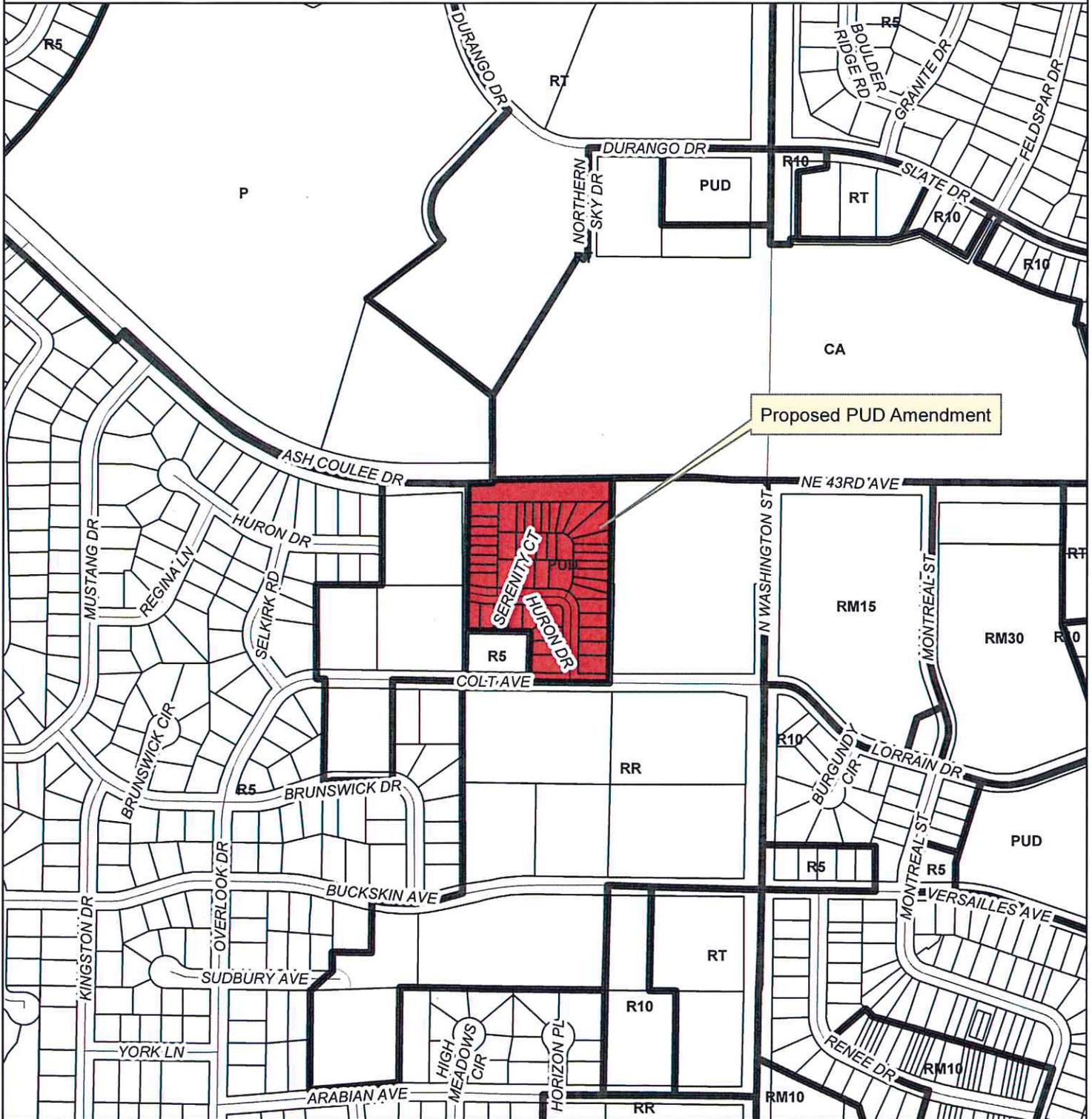
Lots 1-39, Block 1 and Lots 1-9, Block 2, Evergreen Ridge Addition

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

1. *Uses Permitted.* Uses permitted include a maximum of 48 residential units in both single-family and two-family buildings. Lots 25-29 and 36-39, Block 1 and Lots 1-9, Block 2 are limited to single-family dwellings and Lots 1-24 and 30-35, Block 1 are limited to one-half of a two-family dwelling. The configuration of residential units shall generally conform to the overall development plan for Evergreen Ridge Addition dated March 13, 2014. 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 fifty (50) feet, a minimum front yard setback of twenty (20) feet, 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, and a maximum lot coverage of fifty percent (50%).
3. *Two-family Residential Development Standards.* Each buildable lot shall have an area of not less than thirty-two hundred (3,200) square feet, a minimum width of not less than twenty-five (20) feet at the front property line and a minimum width of not less than thirty (30) feet at the building setback line, a minimum front yard setback of twenty (20) feet (as measured from the edge of the access easement for the private road), 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, and a maximum lot coverage of fifty percent (50%).
4. *Private Roadway Maintenance.* The development and construction of the private roadway 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. *Temporary Emergency Access.* A temporary emergency access will be allowed on Ash Coulee Drive, subject to the following conditions:
- The temporary emergency access will be removed by the home owners association when the connection of Huron Drive is completed to the west.
 - The access approach shall be constructed and paved. The size of the approach shall be sufficient to accommodate a fire truck.
 - The access shall be controlled by a steel framed gate and padlocked with the keys in possession of the Bismarck Fire Department.
 - Landscaping shall be provided on both ends of the gate to prevent vehicular traffic from driving around the emergency access gate.
 - A sign shall be displayed on the middle of the gate stating “No Parking, Emergency Vehicle Access Only”
 - The home owners association will be responsible for snow removal and maintenance of the access approach.
6. *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 Evergreen Ridge Addition



January 19, 2016 (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.



EVERGREEN RIDGE ADDITION

PUD AMENDMENT

Written Statement

Verity Homes of Bismarck is proposes the following amendment to the City of Bismarck PUD Ordinance No. 6048: The ground area occupied by the principal and accessory buildings shall not exceed fifty (50) percent of the total area of the lot. The amendment meets the intent of the original PUD, in that it provides an option for affordable lots in Northeast Bismarck, while allowing for a variety of floor plans and square footage to individual buyers.



STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

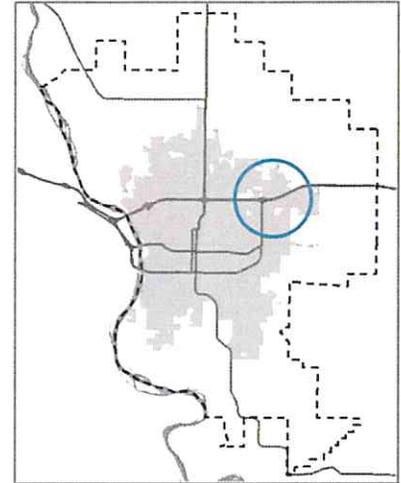
Agenda Item # 5
 January 27, 2016

Application for: Major Planned Unit Development (PUD) Amendment

TRAKiT Project ID: PUDA2015-007

Project Summary

Title:	Block 2, Stoneridge Addition (to be replatted as Stoneridge Addition First Replat)
Status:	Planning Commission – Consideration
Owner(s):	Verity Homes of Bismarck, LLC
Project Contact:	Arthur Goldammer, Verity Homes of Bismarck, LLC
Location:	In northeast Bismarck, west of Centennial Road along the west side of French Street between Jericho Road and Greensboro Drive.
Project Size:	2.95 acres
Request:	To amend the PUD to allow for a reduction in the quantity of units and modification of the types of residential dwelling units.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	17 lots in 1 block	Number of Lots:	16 lots in 1 block (minor plat in-process)
Land Use:	Undeveloped	Land Use:	Multi-family residential
Designated GMP Future Land Use:	Already Zoned. Not in Future Land Use Plan	Designated GMP Future Land Use:	Already Zoned. Not in Future Land Use Plan
Zoning:	Planned Unit Development (PUD)	Zoning:	Planned Unit Development (PUD)
Uses Allowed:	PUD – Uses specified in PUD	Uses Allowed:	PUD – Uses specified in PUD
Max Density Allowed:	PUD – Density specified in PUD	Max Density Allowed:	PUD – Density specified in PUD

Property History

Zoned:	03/2015	Platted:	03/2015	Annexed:	04/2011
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Staff Analysis

In conjunction with the PUD amendment proposed for this development, the applicant has is intending to replat the property to allow for a reduction in the

maximum number of dwelling units. Because of the replat, a new PUD ordinance will be developed for Block 2.

(continued)

Required Findings of Fact

1. The proposed amendment is compatible with adjacent land uses and zoning;
2. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed amendment at the time the property is developed;
3. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner;
4. The character and nature of the amended planned unit development contains a planned and coordinated land use or mix of land uses that are compatible and harmonious with the area in which it is located;
5. The amended planned unit development would preserve the natural features of the site insofar as possible, including the preservation of trees and natural drainage ways;
6. The internal roadway circulation system within the amended planned unit development has been adequately designed for the type of traffic that would be generated;
7. Adequate buffer areas have been provided between the amended planned development

and adjacent land uses, if needed, to mitigate any adverse impact of the planned unit development on adjacent properties.

8. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance;
9. The proposed amendment is consistent with the master plan, other adopted plans, policies and planning practice; and
10. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the major Planned Unit Development (PUD) amendment for Block 2, Stoneridge Addition.

Attachments

1. Draft Ordinance to amend PUD
2. Location Map
3. PUD Written Statement
4. Proposed Layout
5. Aerial View

ORDINANCE NO.

<i>Introduced by</i>	_____
<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 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 RM30 – Residential District and included within the PUD – Planned Unit Development District.

Lots 1-17, Block 2, Stoneridge Addition

This PUD is subject to the following development standards:

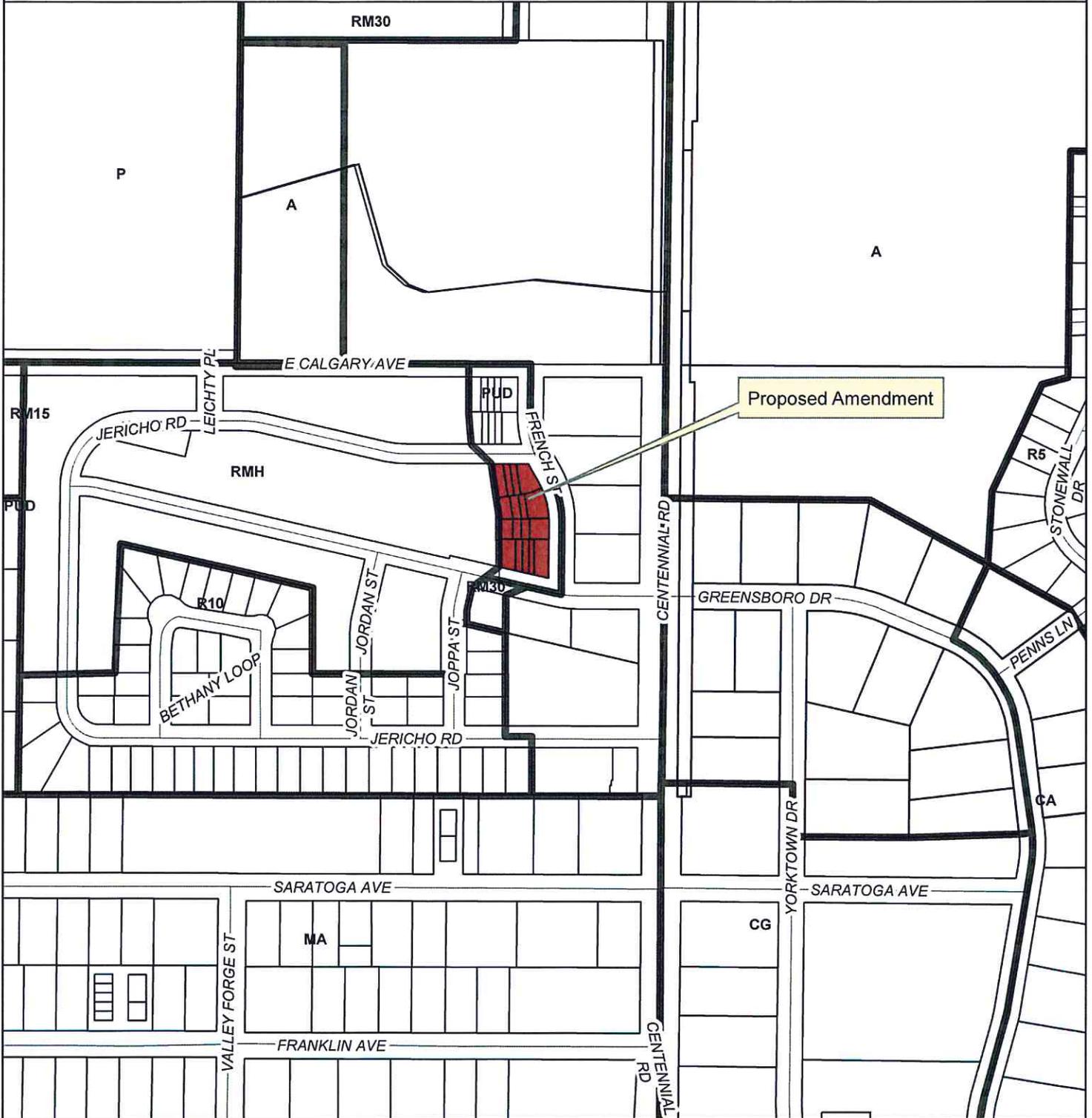
- 1. Uses Permitted.* Uses permitted include a maximum of 16 residential units in a mix of 3 to 5-unit row houses. The configuration of residential units shall generally conform to the overall development plan for Block 2 of the Stoneridge Addition dated December 28, 2015. Any change in the use of the property from that indicated above will require an amendment to this PUD.
- 2. Multi-family Residential Development Standards.* Each 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 (20) feet (as measured from the edge of the lot), a minimum side yard setback of five (5) feet, a minimum rear yard setback of five (5) feet, and a maximum building height of forty (40) feet. Rear yards are along the private access roads and the front yard is along the courtyard portion of the site.
- 3. Private Driveway Maintenance.* The development and construction of the private driveways 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.

4. *Development Standards.* Landscaping and buffer yards shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).
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 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

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

Proposed PUD Amendment Lots 1-17, Block 2, Stoneridge Addition



June 15, 2015 (h1b)

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STONERIDGE ADDITION FIRST REPLAT

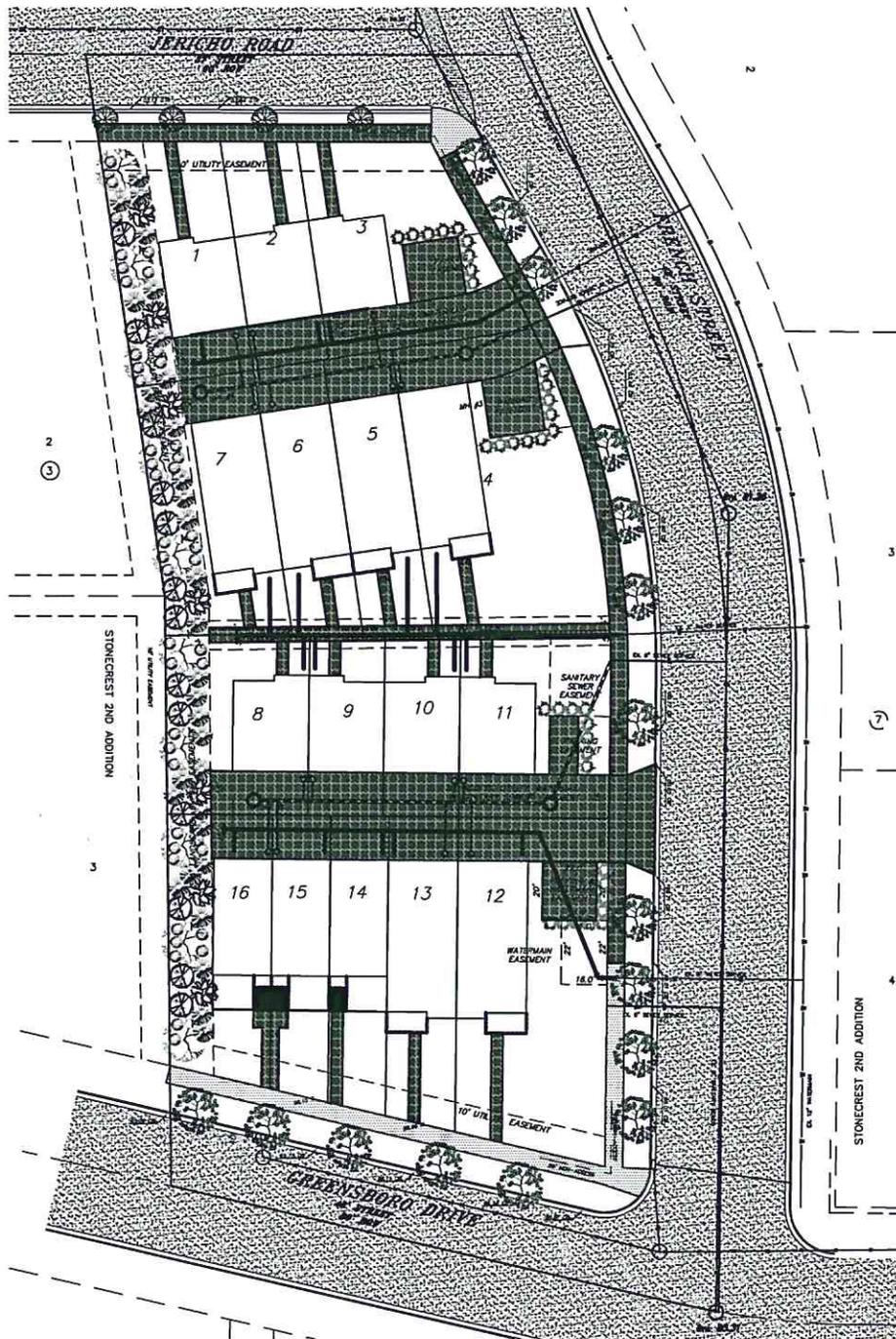
Request for Approval of Stoneridge Addition PUD Amendment

Verity Homes of North Dakota is proposing to amend the PUD for Stoneridge Addition First Replat. The area is currently platted as Stoneridge Addition, but will be updated to reflect the PUD.

Verity Homes is considering developing the property with the same concept as the original PUD, but will reconfigure some of the structures and driving lanes, and allow for twin home-style homes.

See site plan for PUD specifics.

RECEIVED
DEC 28 2015



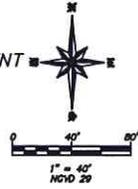
EXISTING ZONING: PUD
PROPOSED ZONING: AMENDED PUD

- DEPTH OF FRONT YARD FROM PUBLIC ROW : 20'
- WIDTH OF SIDE YARD: 5'
- DEPTH OF REAR YARD: 0'
- MIN. LOT WIDTH IN FRONT OF AT BUILDING LINE: 16'
- MAXIMUM BUILDING HEIGHT: 40'
- ACCESS EASEMENT SETBACK: ZERO

STAIRS, LANDINGS, BUMP OUTS, WINDOWS, & PORCHES ALLOWED 10' INTO SETBACKS

SIDING SHALL BE VINYL, TRIM AND BUMP OUT AREAS SHALL BE FIBER CEMENT

MINIMUM LOT SIZE:
 INTERIOR: 1,500 sf
 END : 2,600 sf



SWENSON, HAGEN & COMPANY P.C.
 1927 Bismarck Avenue
 Bismarck, North Dakota 58101
 (701) 223-2600
 Fax (701) 223-2606

Surveying
 Hydrology
 Land Planning
 Civil Engineering
 Landscape & Site Design
 Construction Management

STONERIDGE ADDITION FIRST REPLAT
 REPLAT OF LOTS 1-17 BLOCK 1
 STONERIDGE ADDITION

FIGURE ONE
 PUD SITEPLAN AND ZONING CHANGE



AERIAL VIEW FROM SOUTHEAST
STONERIDGE | BISMARCK, NORTH DAKOTA

PUD AMENDMENT
21 DECEMBER 2015



STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

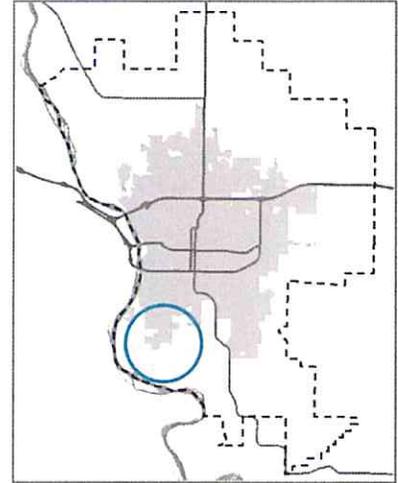
Agenda Item # 6
 January 27, 2016

Application for: Major Planned Unit Development (PUD) Amendment

TRAKiT Project ID: PUDA2015-008

Project Summary

Title:	Kamrose Crossing Addition
Status:	Planning Commission – Consideration
Owner(s):	Verity Homes of Bismarck, LLC
Project Contact:	Arthur Goldammer, Verity Homes of Bismarck, LLC
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
Request:	To amend the PUD to allow for a reduction in the quantity of residential dwelling units and to allow 2-unit dwellings.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	78 in 1 block	Number of Lots:	72 lots in 1 block (minor plat in-process)
Land Use:	Multi-family residential	Land Use:	20-building/72-unit row house development
Designated GMP Future Land Use:	Already Zoned. Not in Future Land Use Plan	Designated GMP Future Land Use:	Already Zoned. Not in Future Land Use Plan
Zoning:	Planned Unit Development (PUD)	Zoning:	Planned Unit Development (PUD)
Uses Allowed:	PUD – Uses specified in PUD	Uses Allowed:	PUD – Uses specified in PUD
Max Density Allowed:	PUD – Density specified in PUD	Max Density Allowed:	PUD – Density specified in PUD

Property History

Zoned:	07/2014 11/2015 (amended)	Platted:	07/2014	Annexed:	06/2007
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Staff Analysis

In conjunction with a minor subdivision final plat proposed for this development, the applicant has

requested a modification to the Planned Unit Development (PUD) zoning ordinance to allow for a reduction in the number of dwelling units and to allow

(continued)

for the construction of twin-home units within the mixed-density residential development.

Required Findings of Fact

1. The proposed amendment is outside the area included in the Future Land Use Plan (FLUP) of the 2014 Growth Management Plan, as amended;
2. The proposed amendment is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed amendment at the time the property is developed;
4. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner;
5. The character and nature of the amended planned unit development contains a planned and coordinated land use or mix of land uses that are compatible and harmonious with the area in which it is located;
6. The amended planned unit development would preserve the natural features of the site insofar as possible, including the preservation of trees and natural drainage ways;
7. The internal roadway circulation system within the amended planned unit development has been adequately designed for the type of traffic that would be generated;
8. Adequate buffer areas have been provided between the amended planned development and adjacent land uses, if needed, to mitigate any adverse impact of the planned unit development on adjacent properties.
9. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the major Planned Unit Development (PUD) amendment for Kamrose Crossing Addition.

Attachments

1. PUD Amendment Document
2. Location Map
3. PUD Written Statement
4. Revised Site Layout
5. Aerial View

Staff report prepared by: Jason Tomanek – Senior Planner
jtomanek@bismarcknd.gov | 701-355-1849

**KAMROSE CROSSING ADDITION PLANNED UNIT DEVELOPMENT
ORDINANCE NO. 6074 (Adopted July 22, 2014)
MAJOR PUD AMENDMENT (Adopted March 25, 2015)
MAJOR PUD AMENDMENT (Adopted November 17, 2015)
MAJOR PUD AMENDMENT (Adopted _____, 2016)**

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

WHEREAS, Ordinance No. 6074 was amended by the Planning & Zoning Commission on March 25, 2015; and

WHEREAS, Ordinance No. 6074 was amended by the Planning & Zoning Commission on November 17, 2015; 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~~ 72, 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~~ 68 residential units in a mix of ~~3~~ 2 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, 2015~~ December 28, 2015. 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)~~ one thousand five hundred (1,500) 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 fifteen (15) feet (as measured from the edge of the property line), and a maximum building height of forty (40) feet. Stairs, landings, bump-outs, windows and porches are allowed into the setback areas. Rear yards are along the private access roadways and front yards are along the courtyard portion of the site.

3. *Design and Aesthetic Standards.*

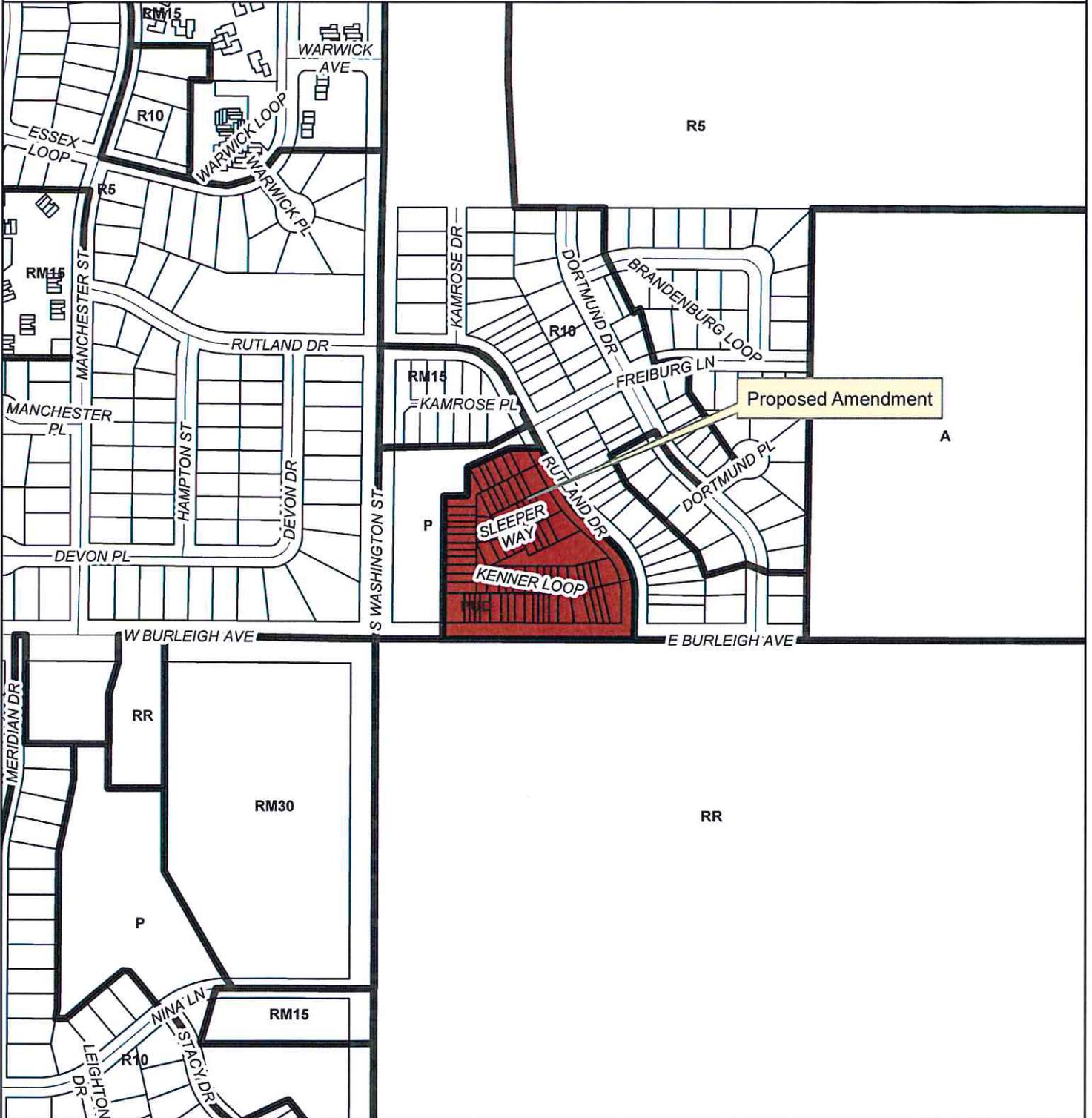
Each building or structure shall utilize select finish materials including fiber cement board or other residential grade materials as siding and trim, stucco/EIFS, standing seam metal as an accent material and asphalt shingles.

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



June 15, 2015 (hlb)

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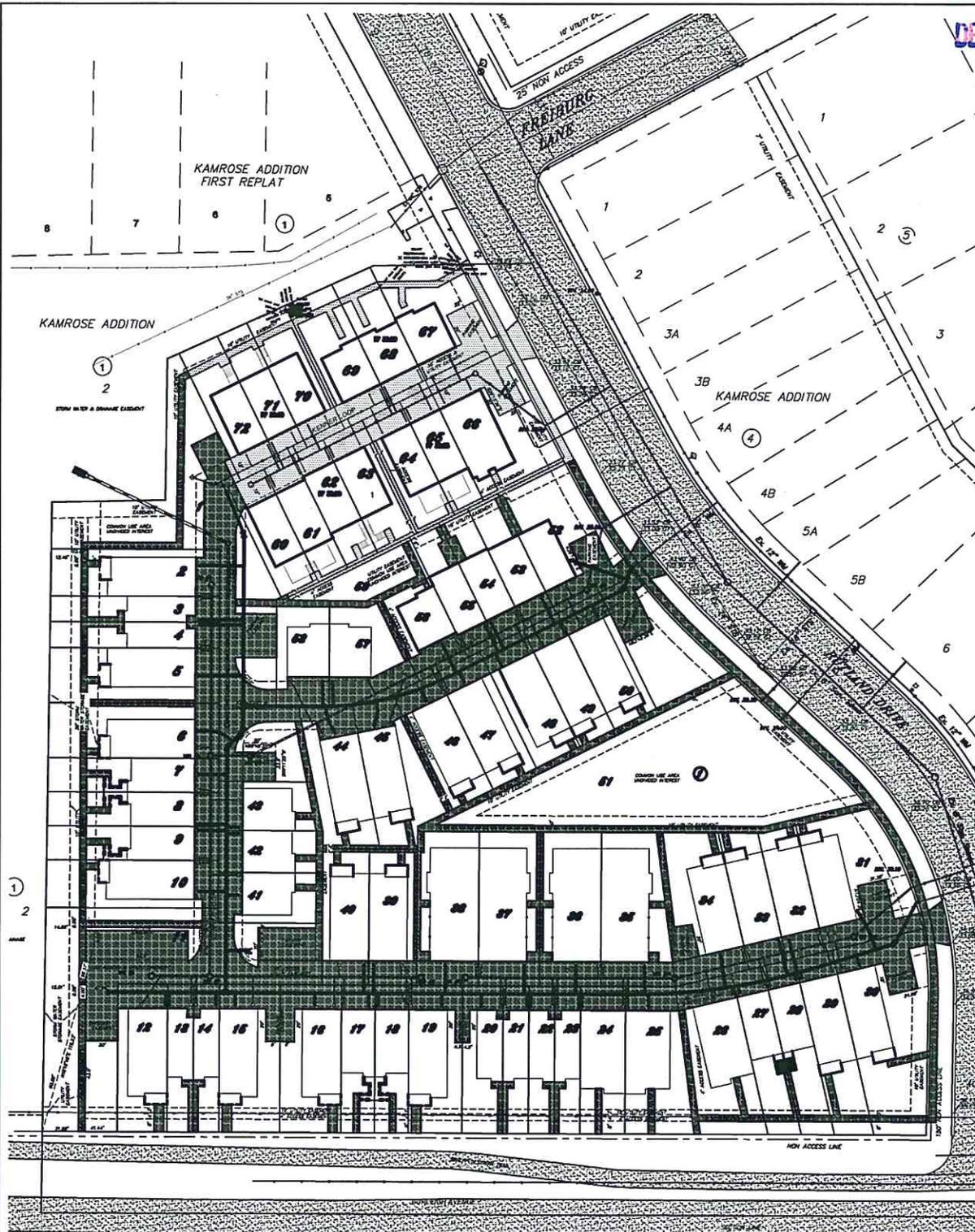
KAMROSE CROSSING FIRST REPLAT

Request for Approval of Kamrose Crossing First Replat PUD Amendment

Verity Homes of North Dakota is proposing to amend the PUD for Kamrose Crossing Addition. The area is currently platted as Kamrose Crossing Addition, but will be updated to reflect the PUD.

Verity Homes is considering developing the property with the same concept as the original PUD, but will reconfigure some of the structures and driving lanes, and allow for twin home-style homes.

See site plan for PUD specifics.



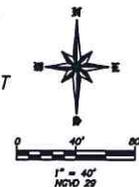
EXISTING ZONING: PUD
PROPOSED ZONING: AMENDED PUD

DEPTH OF FRONT YARD FROM PUBLIC ROW : 20'
 WIDTH OF SIDE YARD: 5'
 DEPTH OF REAR YARD: 0'
 MIN. LOT WIDTH IN FRONT OF AT BUILDING LINE: 16'
 MAXIMUM BUILDING HEIGHT: 40'
 ACCESS EASEMENT SETBACK: ZERO

STAIRS, LANDINGS, BUMP OUTS, WINDOWS, &
 PORCHES ALLOWED 10' INTO SETBACKS

SIDING SHALL BE VINYL, TRIM AND BUMP OUT
 AREAS SHALL BE FIBER CEMENT

MINIMUM LOT SIZE:
 INTERIOR: 1,500 sf
 END : 2,600 sf



SWENSON, HAGEN & COMPANY P.C.
 300 Ross Avenue
 Bismarck, North Dakota 58504
 Phone (701) 221-2600
 Fax (701) 221-2600
 Services: Surveying, Planning, Land Planning, Civil Engineering, Landscape & Site Design, Construction Management

KAMROSE CROSSING ADDITION FIRST REPLAT
REPLAT OF LOTS 1-78 BLOCK 2
KAMROSE CROSSING ADDITION

FIGURE ONE
 PUD SITEPLAN AND ZONING CHANGE



AERIAL VIEW FROM SOUTHWEST
KAMROSE | BISMARCK, NORTH DAKOTA

PUD AMENDMENT
21 DECEMBER 2015



STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

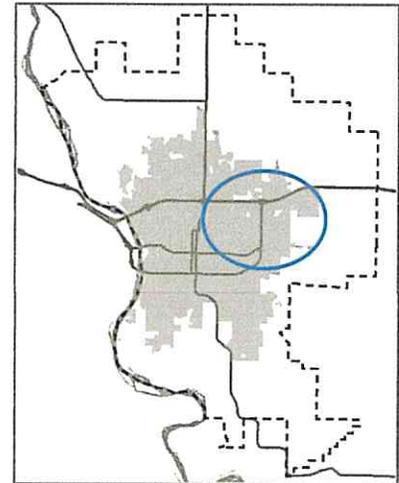
Agenda Item # 7
 January 27, 2016

Application for: Zoning Change

TRAKiT Project ID: ZC2016-001

Project Summary

Title:	Various P-Public District Zoning Changes (R5, R10, RM10, RM30, RMH, MA and A to P) – Phase 3 of 6
Status:	Planning Commission – Consideration
Owner(s):	City of Bismarck Bismarck Parks and Recreation District Bismarck Public Schools
Project Contact:	Daniel Nairn, AICP, Planner, City of Bismarck
Location:	Various tracts of land east of US Highway 83 and north of Main Avenue.
Project Size:	71.81 acres
Request:	City-initiated action to rezone properties in public ownership to the P-Public zoning district to enhance consistency of the zoning map



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	26 tracts	Number of Lots:	26 tracts
Land Use:	Parks, schools, and stormwater facilities	Land Use:	Parks, schools, and stormwater facilities
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	R5 – Residential R10 – Residential RM10 – Residential RM30 – Residential RMH – Residential MA – Industrial A – Agricultural	Zoning:	P – Public Use

(continued)

<p><i>Uses Allowed:</i></p> <p>R5 – Single-family residential R10 – Single and two-family residential RM10 – Multi-family residential RM30 – Multi-family residential RMH – Manufactured home parks MA – Light industrial, general commercial, warehouses, manufacturing and shop condos A – Agriculture</p>	<p><i>Uses Allowed:</i></p> <p>P – Parks, schools, open space, stormwater facilities, and other public uses.</p>
<p><i>Max Density Allowed:</i></p> <p>R5 – 5 units / acre R10 – 10 units / acre RM10 – 10 units / acre RM30 – 30 units / acre RMH – 7 units / acre MA – N/A A – 1 unit / 40 acres</p>	<p><i>Max Density Allowed:</i></p> <p>P – N/A</p>

Staff Analysis

In Section 14-04-16 of the Bismarck Code of Ordinances, the P – Public zoning district is “established as a district in which the predominant use of land is for public uses,” specifically for public recreation, education and other government services. Over time, several parcels throughout the city have been acquired by a government agency and put to public use, while remaining in their original zoning district. The Community Development Department proposes to rezone these properties to the P – Public zoning district, in order to meet the intent of the ordinance and improve the consistency of the zoning map.

This project is the third of six rezoning phases planned around the city. Many of the tracts of land in this project are school properties, including facilities for Robert Miller Elementary School, Pioneer Elementary School, Saxvik Elementary School, Rita Murphy Elementary School, Simle Middle School, and the Bismarck Early Childhood Education Program (BECEP). The other tracts are park or stormwater land near Hay Creek, including nine residential lots along an unbuilt portion of 26th Street that have been incorporated into Hay Creek Park.

Representatives from the City of Bismarck Public Works, the Parks and Recreation District, and Bismarck Public Schools were consulted to assure that all of the

properties listed will continue in their current use into the future.

Required Findings of Fact

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and

(continued)

8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning change from the R5 – Residential zoning district to the P – Public zoning district for the properties described as:

- Lot 9, Block 22, Morningside Heights Addition Replat of Blocks 16 and 17 and Part of Block 11, and all of Block 3 Boustead and Walkers Subdivision
- Lot 2, Block 1, Kilber 2nd Addition
- Lots 1 through 9 and Lot 14, Block 1, Hay Creek Park Addition
- Lots 5 through 12, Block 23, Stein's 4th Addition

And for the zoning change from the R10 – Residential zoning district to the P – Public zoning district for the properties described as:

- Lots 12 through 21, Block 23 and all of Block 26, Flannery and Wetherby Addition and all of vacated Avenue D adjacent to said blocks
- All of Block 22, Fisher Addition
- A Tract of Land in Lounsberry's Bismarck Outlots, described as follows: Beginning at a point 167 feet North of the SW corner of Lot 21 of said subdivision; thence due North a distance of 340 feet; thence due East a distance of 180 feet; thence due North a distance of 50 feet; thence due East a distance of 117 feet; thence due South a distance of 390 feet; thence due West a distance of 297 feet to the point of beginning, containing 2.41 acres, more or less
- Lot 1, Block 1, Shannon Valley 4th Addition
- Lot 24, Block 29, Stein's 4th Addition

And for the zoning change from the RM10 – Residential zoning district to the P – Public zoning district for the properties described as:

- Lot 1, Block 2, Sleepy Hollow Heights 3rd Addition

And for the zoning change from the RM30 – Residential zoning district to the P – Public zoning district for the properties described as:

- Lots 1 through 16, Block 33 and Lots 1 through 13, Block 48, Fisher Addition and vacated Porter Avenue adjacent to said blocks; and part of Lots 8 and 9 and all of Lots 10-18, Block 5, Rolling Hills First Addition, and part of the West ½ of the NE ¼ of Section 34, Township 139 North, Range 80 West, containing 2.58 acres, more or less

And for the zoning change from the RMH – Residential zoning district to the P – Public zoning district for the properties described as:

- Tracts 9 and 10 of Tracts 7 and 8 of Tract C of Zoller's Subdivision

And for the zoning change from the MA – Industrial zoning district to the P – Public zoning district for the properties described as:

- Lots 3 through 5 and 8A, Miriam Industrial Park 2nd Addition

And for the zoning change from the A – Agricultural zoning district to the P – Public zoning district for the properties described as:

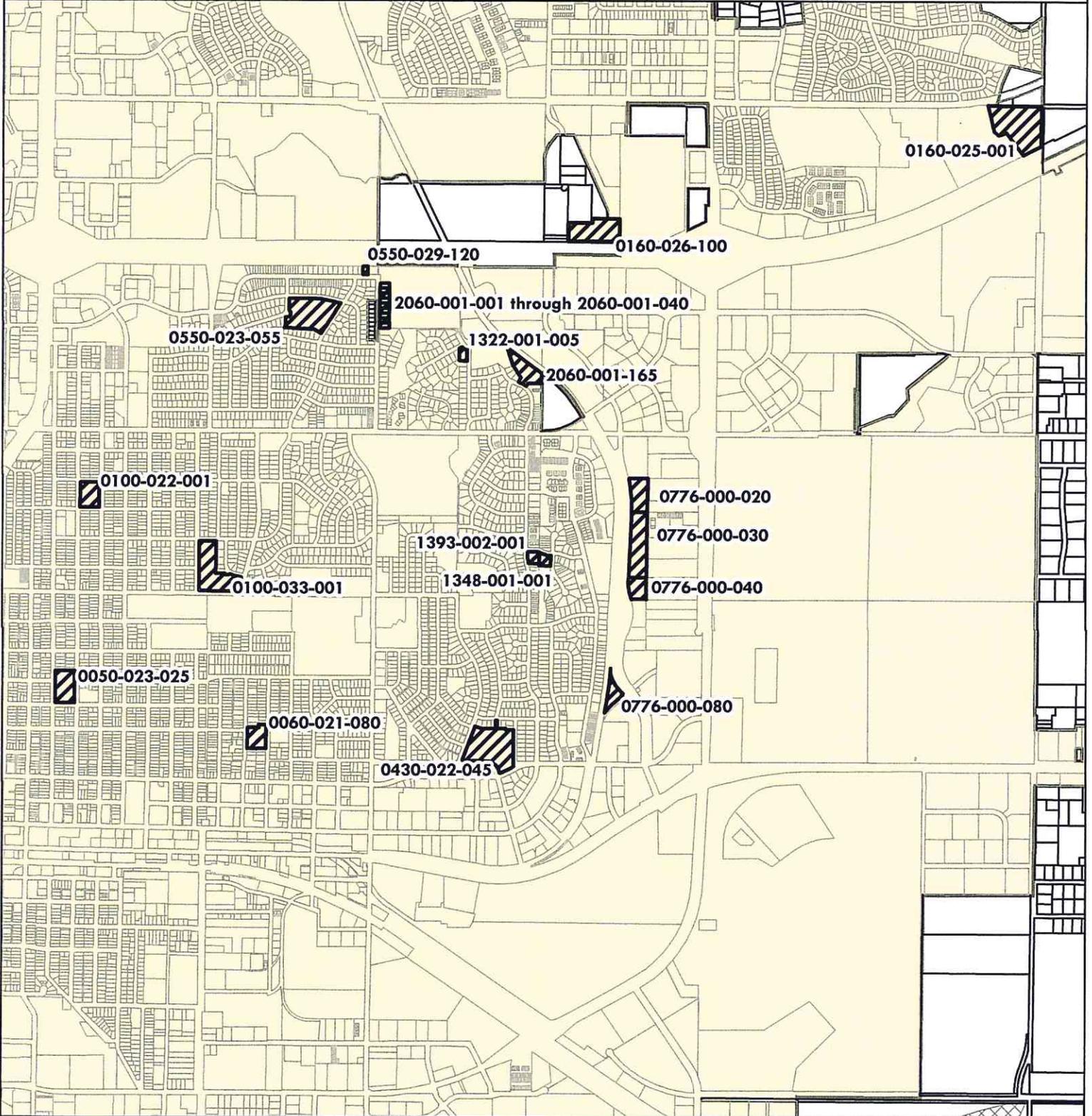
- A tract of land in the NE ¼ of Section 25, Township 139 North, Range 80 West, bounded by the Northerly line of the Interstate I-94 right-of-way and the East line of Century Park 6th Addition and the North and East lines of said section 25

Attachments

1. Location Map
2. Zoning Map

Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.org

Various P-Public Zoning Changes (R5, R10, RMH, RM10, RM30, RT, MA & A) East of State Street

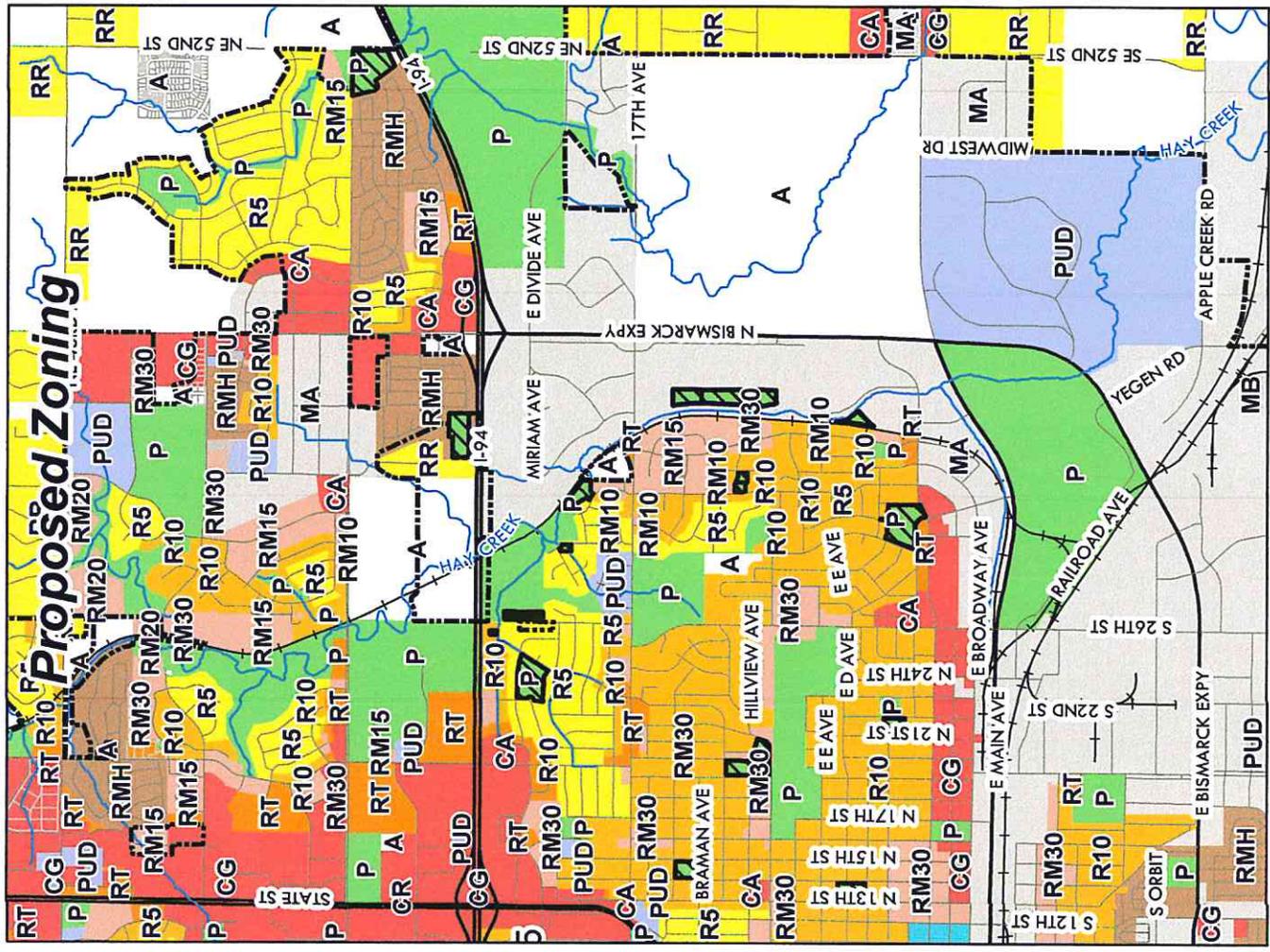
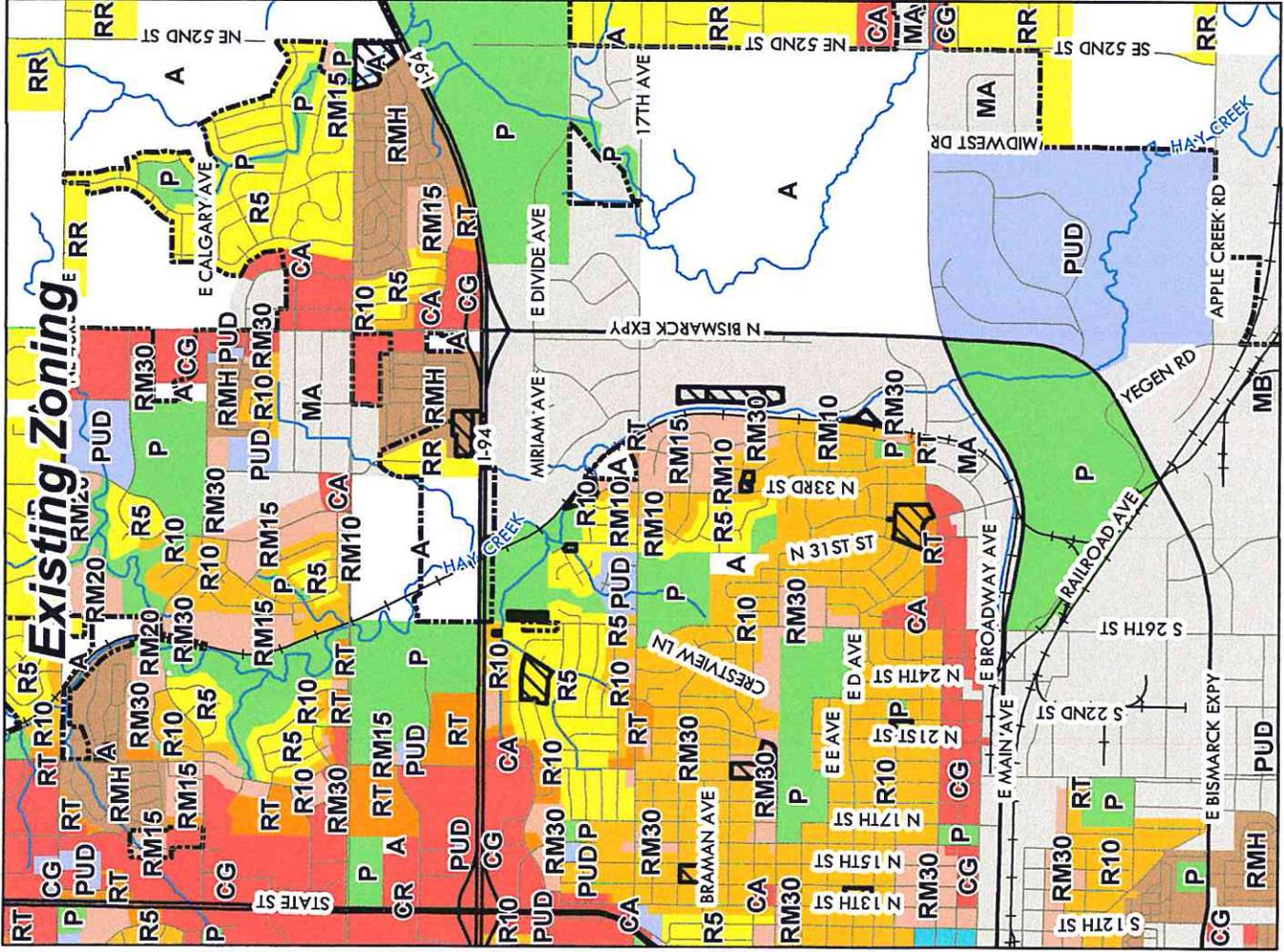


January 20, 2015 (dan)

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Various P-Public District Zoning Changes (Phase 3) - Zoning Change



-  Areas to be Changed
-  City Limits
-  Extraterritorial Area



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January, 2016



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 8
January 27, 2016

Application for: Zoning Ordinance Text Amendment

TRAKit Project ID: ZOTA2015-018

Project Summary

Title:	Off-Street Parking and Loading
Status:	Planning Commission – Consideration
Project Contact:	Brady Blaskowski, Building Official and Zoning Administrator
Sections Amended:	Section 14-03-10
Request:	Amend provisions of the City Code of Ordinances to clarify and update requirements for off-street parking and loading, including changes to requirements for the number of off-street parking spaces provided for various uses.

Staff Analysis

The City’s off-street parking and loading provisions were originally adopted as part of an overall ordinance amendment in 1982. The number of spaces required for some uses have been modified over the years; however, there has not been a comprehensive evaluation of the number of off-street parking spaces required since 1982.

The proposed amendment puts the requirements into a table format by land use categories, adds new categories where needed and modifies requirements for many categories based on our research of what is required in other similar sized communities.

Required Findings of Fact

1. The proposed text amendment would not adversely affect the public health, safety or general welfare;
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance

was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance;

3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance; and
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning ordinance text amendment relating to Off-Street Parking and Loading as outlined in the attached draft ordinance.

Attachments

1. Draft zoning ordinance text amendment

CITY OF BISMARCK

Ordinance No. XXXX

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

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-10 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. Purpose. The off-street parking and loading regulations of this title are intended to ensure that an appropriate number of off-street parking spaces will be provided in proportion to the needs of the proposed use and increase public safety by reducing the congestion on public streets.

~~1.2.~~ Applicability. The off-street parking and loading requirements contained herein shall apply to any of the following:

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 building 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.

23. 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. The required off-street parking, loading, and access areas shall be used exclusively for the temporary parking and maneuvering of vehicles and shall not be used for the sale, lease, display, repair, or storage of vehicles, trailers, boats, campers, mobile homes, merchandise, or equipment, or for any other use not authorized by the provisions of this chapter. 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, nightclubs, 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, fairgrounds, 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.

USE	REQUIRED NUMBER OF OFF-STREET PARKING SPACES
Residential Use	
Single-family	Two (2) spaces for each dwelling unit
Two-family	Two (2) spaces for each dwelling unit
Multi-family	One (1) space for each efficiency unit One and one-half spaces (1.5) 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
Rooming & Boarding Houses	One (1) space for each sleeping room rented, plus two (2) additional spaces for the owner or operator of the house.
Senior Housing	.65 spaces for each living unit
Dormitory	One (1) space for each sleeping room
Adult or Disabled Care Center, Convalescent home, and nursing home	One (1) space for each four (4) patient beds, plus one additional space for each employee on the largest shift.

<u>Institutional Use</u>	
<u>Schools including colleges, elementary schools, middle schools and high schools</u>	<u>One (1) 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.</u>
<u>Library and Museum</u>	<u>One (1) space for each three hundred (300) square feet of gross floor area.</u>
<u>Places of public assembly including exhibition halls, convention halls, auditoriums, sports arenas, athletic fields, and theaters</u>	<u>One (1) space for each five (5) seats provided.</u>
<u>Religious Institutions</u>	<u>One space for each five (5) seats provided in an assembly area.</u>
<u>Commercial Uses</u>	
<u>Child Care Center</u>	<u>One space for each employee and one space for each ten (10) children.</u>
<u>Motor Fueling Station/ Convenience Store</u>	<u>Four spaces plus two spaces for each service stall or bay. Facilities designed for sale of other items shall be required to provide additional parking in accordance with other applicable provisions of this section.</u>
<u>Motor vehicle repair garages</u>	<u>Two (2) spaces for each repair stall</u>
<u>Hospitals</u>	<u>One space for each two patient beds plus one additional space for each two employees.</u>
<u>Hotel/Motel</u>	<u>One (1) space for each guest room. If, in addition to the guest rooms, patrons 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.</u>
<u>Funeral home or mortuary</u>	<u>One (1) space for each four seats for patron use or one space for each sixty square feet of building area, whichever is greater.</u>
<u>Office Buildings</u>	<u>One (1) space for each three hundred (300) square feet of gross floor area</u>
<u>Medical, Chiropractic, and Dental Clinics</u>	<u>One (1) space for each two hundred (200) square feet of gross floor area</u>
<u>Veterinary Clinics</u>	<u>One (1) space for each two hundred fifty (250) square feet of gross floor area.</u>
<u>Sports and Fitness Clubs</u>	<u>One (1) space for each three hundred (300) square feet of gross floor area</u>

Retail Sales and Service	One (1) space for each two hundred fifty (250) square feet of gross floor area
Multi-tenant shopping center with a minimum of thirty thousand (30,000) square feet of leasable area and a minimum of five (5) tenants	Off-street parking shall be provided in an amount equivalent to one (1) space for each two hundred fifty (250) square feet of gross leasable area, provided the area of all dining and drinking establishments within the shopping center do not exceed twenty-five (25) percent of the total leasable area.
Furniture and Appliance Sales	One (1) space for each six hundred (600) square feet of gross floor area
Bar, tavern or lounge	One (1) space for each fifty (50) square feet of gross floor area, plus one (1) space for each employee on the largest shift. Patio areas shall be included when calculating floor area.
Full service restaurant	One (1) space for each seventy (75) square feet of gross floor area, plus one (1) space for each employee on the largest shift. Patio area shall be included when calculating gross floor area. If the restaurant includes a designated bar area, off-street parking shall be provided for that area at a ratio of one (1) space for each fifty (50) square feet of gross floor area.
Fast food restaurant with or without drive-through facilities, including coffee shops, ice cream or yogurt shops.	One (1) space for each sixty (60) square feet of gross floor area. Patio area shall be included when calculating gross floor area. If a drive-through is included, stacking space in accordance with the applicable provisions of this section must also be provided.
Take out restaurant with no patron seating	One (1) space for each two hundred (200) square feet of gross floor area.
Amusement uses	One (1) space for each three hundred (300) square feet of gross floor area.
Industrial Uses	
Service Business with fifty (50) percent or more of the gross floor area devoted to storage, warehouse, and or industry use, including those facilities commonly referred to as shop condos	Eight (8) spaces or one space for each two hundred and fifty (250) square feet devoted to public sales, service, or office use, whichever is greater, plus one space for each six hundred (600) square feet of storage area. Sufficient space to park all company-owned or leased vehicles including passenger automobiles, trucks, tractors, trailers and similar company-owned motor vehicles must be provided in addition to the required off-street parking.

<p><u>Self-service storage facilities</u></p>	<p><u>A dedicated parking lane shall be provided adjacent to each storage structures openings a minimum of nine (9) feet in width. Driveways adjacent to each parking lane shall be a minimum of twenty (20) feet in width. In facilities provided with a dedicated rental or leasing office, one (1) space for each two hundred and fifty (250) square feet of office area must be provided.</u></p>
<p><u>Manufacturing and industrial plants, public utility buildings, fabricating plants, and all other structures</u></p>	<p><u>One (1) space for each manufacturing employee on the largest shift, plus one space for each two hundred fifty square feet of office area. Sufficient space to park all company-owned or leased vehicles including passenger automobiles, trucks, tractors, trailers and similar company-owned motor vehicles must be provided in addition to the required off- street parking.</u></p>
<p><u>Warehousing and Distribution</u></p>	<p><u>One (1) space for each employee on the largest shift or one space for each two thousand (2000) square feet of gross floor area, Whichever is greater, plus one space for each two hundred fifty square feet of office area. Sufficient space to park all company-owned or leased vehicles including passenger automobiles, trucks, tractors, trailers and similar company-owned motor vehicles must be provided in addition to the required off- street parking.</u></p>
<p><u>Uses Not Specifically Listed</u></p>	
<p><u>For uses not specifically listed above, off-street parking requirements shall be determined by the Zoning Administrator on the same basis as required for the most similar listed uses. In such cases, the Zoning Administrator may also consult off-street parking reference materials including, but not limited to, manuals prepared by the American Planning Association and the Institute of Transportation Engineers. 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.</u></p>	

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.

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.

~~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.~~

65. 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.

76. 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.

87. 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.

98. 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.

1011. 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.

1110. 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.

1211. 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.

1312. Collective action relative to off-street parking and loading. Nothing in this title shall be construed to prevent the joint use of off-street parking or off-street loading space for two or more buildings or uses, if the total of such spaces when used together shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with this section.

1413. Mixed uses. In the case of mixed uses, 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.

1514. 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.

1615. 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.



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

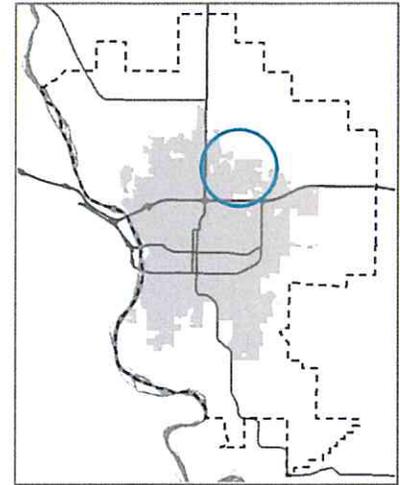
Agenda Item # 9
January 27, 2016

Application for: Minor Subdivision Final Plat

TRAKiT Project ID: MPLT2015-013

Project Summary

Title:	Meadowlark Commercial Sixth Addition 1 st Replat
Status:	Planning Commission – Public Hearing
Owner(s):	Sterling Properties, LLLP
Project Contact:	Gary Holt, Houston Engineering
Location:	In north Bismarck, east of US Highway 83, north of 43 rd Avenue NE along the west side of North 19 th Street
Project Size:	29.48 acres
Request:	Replat property for future multi-family development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 parcel in 1 block	Number of Lots:	3 lots in 1 block
Land Use:	Multi-family residential	Land Use:	Multi-family residential
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	CA – Commercial	Zoning:	CA – Commercial
Uses Allowed:	CA – Neighborhood commercial	Uses Allowed:	CA – Neighborhood commercial
Max Density Allowed:	CA – 30 units / acre	Max Density Allowed:	CA – 30 units / acre

Property History

Zoned:	06/2005	Platted:	05/2012	Annexed:	05/2012
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Staff Analysis

The minor subdivision plat is being requested in order to modify the existing lot lines located in Meadowlark Commercial Sixth Addition for future multi-family development and to relocate an existing storm water easement. A 36-unit apartment building is located on the proposed Lot 3 and a series of twin homes and a

club house are planned to be located on the proposed Lots 1 and 2.

The applicant has submitted a request to waive the requirement of a storm water management plan for the proposed minor subdivision. The waiver request has been approved by the City Engineer as a

(continued)

comprehensive storm water management plan including this area is in process.

5. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Required Findings of Fact

1. All technical requirements for approval of a minor subdivision final plat have been met;
2. The requirement to provide a storm water management plan has been waived by the City Engineer;
3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and

Staff Recommendation

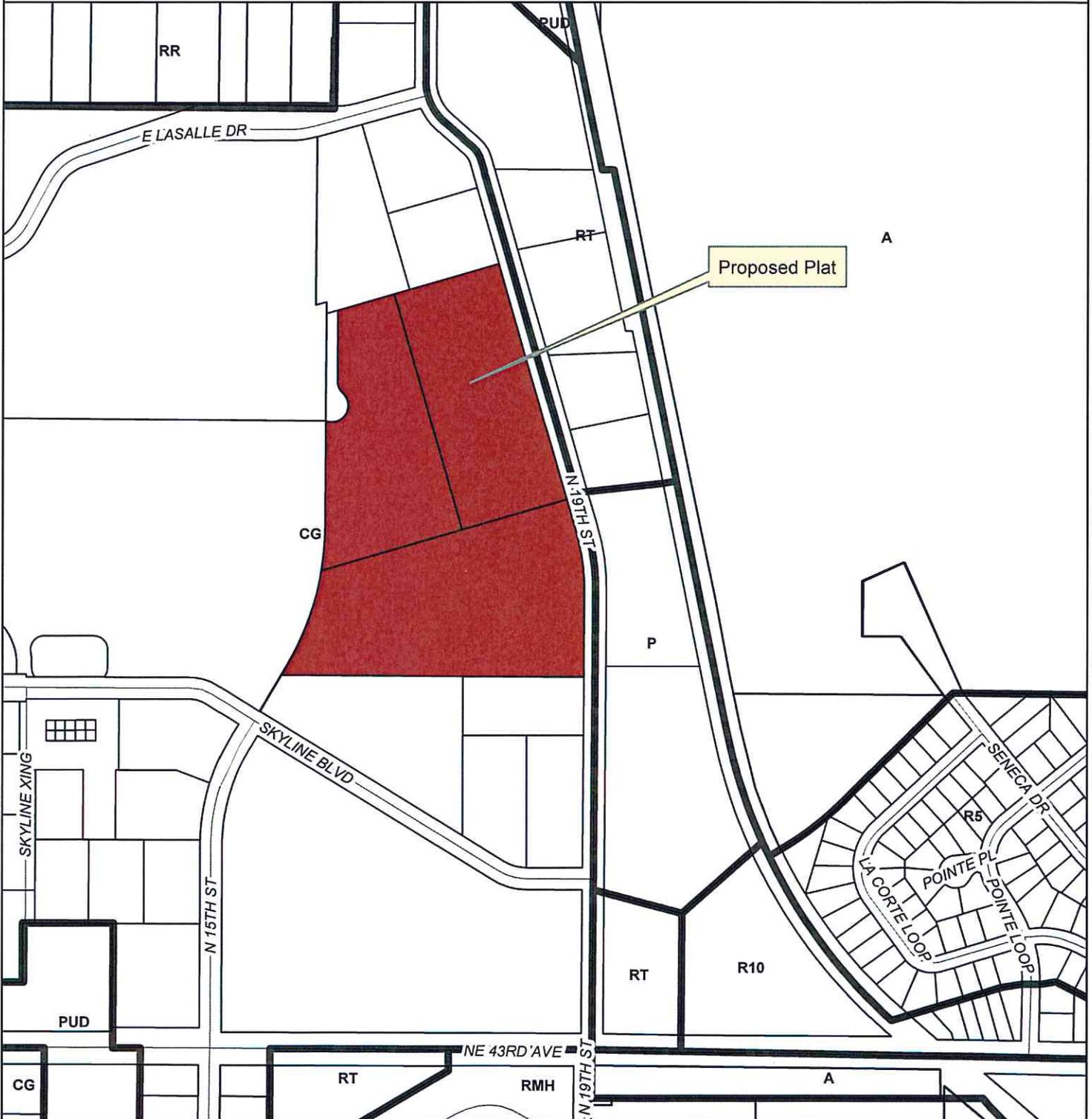
Based on the above findings, staff recommends approval of the minor subdivision plat for Meadowlark Commercial Sixth Addition 1st Replat and granting a waiver from the storm water management plan.

Attachments

1. Location Map
 2. Reduction of final plat
-

Staff report prepared by: Jenny Wollmuth, Planner
701-355-1845 | jwollmuth@bismarcknd.gov

Proposed Minor Plat Meadowlark Commercial 6th Addition Replat



June 15, 2015 (h1b)

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STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

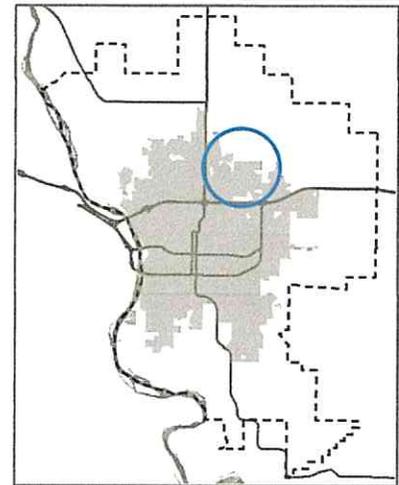
Agenda Item # 10
 January 27, 2016

Application for: Zoning Change

TRAKiT Project ID: ZC2015-035

Project Summary

Title:	Various P-Public District Zoning Changes (R5, R10, RM30, RT, and A to P) – Phase 2 of 6
Status:	Planning Commission – Public Hearing
Owner(s):	City of Bismarck Bismarck Parks and Recreation District
Project Contact:	Daniel Nairn, AICP, Planner, City of Bismarck
Location:	Various tracts of land north of Interstate 94 and east of US Highway 83.
Project Size:	43.27 acres
Request:	City-initiated action to rezone properties in public ownership to the P-Public zoning district to enhance consistency of the zoning map.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	12 tracts	Number of Lots:	12 tracts
Land Use:	Parks and stormwater facilities	Land Use:	Parks and stormwater facilities
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan.	Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan.
Zoning:	R5 – Residential R10 – Residential RM30 – Residential RT – Residential A – Agricultural	Zoning:	P – Public Use
Uses Allowed:	R5 – Single-family residential R10 – One and two-family residential RM30 – Multi-family residential RT – Offices and multi-family residential A – Agriculture	Uses Allowed:	P – Parks, open space, stormwater facilities, and other public uses

(continued)

<p><i>Max Density Allowed:</i></p>	<p>R5 – 5 units / acre R10 – 10 units / acre RM30 – 30 units / acre RT – 30 units / acre A – 1 unit / 40 acres</p>	<p><i>Max Density Allowed:</i></p>	<p>P – N/A</p>
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Staff Analysis

In Section 14-04-16 of the Bismarck Code of Ordinances, the P – Public zoning district is “established as a district in which the predominant use of land is for public uses,” specifically for public recreation, education and other government services. Over time, several parcels throughout the city have been acquired by a government agency and put to public use, while remaining in their original zoning district. The Community Development Department proposes to rezone these properties to the P – Public zoning district, in order to meet the intent of the ordinance and improve the consistency of the zoning map.

This project is the second of six rezoning phases planned around the city. Of the ten tracts of land included in the project, most are parkland or regional stormwater facilities along the Hay Creek greenway in northeast Bismarck. One additional parcel on the north side of Century Avenue in Sattler’s Sunrise 4th Addition is for stormwater conveyance.

Representatives from the City of Bismarck Public Works, the Parks and Recreation District, and City of Bismarck Public Schools were consulted to assure that all of the properties listed will continue in their current use into the future.

Required Findings of Fact

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning

classification at the time the property is developed;

4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning change from the R5 – Residential zoning district to the P – Public zoning district for the properties described as:

- Tract A of Lots 13 – 15, Block 1, The Pointe subdivision
- Lot 19, Block 1, Sattler’s Sunrise 4th Addition

And for the zoning change from the A – Agricultural zoning district to the P – Public zoning district for the properties described as:

- A tract of land in the NE1/4 of Section 22, T139N-R80W/Hay Creek Township, Burleigh County, North Dakota, described as: beginning at a point at the NE corner of said NE1/4; thence South along the East line a distance of 655.52 feet; thence a distance of 565 feet

(continued)

parallel with the North section line to the Soo Line railroad tracks; thence Northwesterly along the Soo Line railroad tracks to a point where said railroad intersects with the North section line; thence East 1280 feet along said North section line to the point of beginning, excepting from the above-described parcel all of Meeks Subdivision, more fully described as the North 406.24 feet of the East 379.16 feet of Section 22, T139N-R80W/Hay Creek Township.

- Tract 2 of the N1/2 of the NW1/4 of Section 26, T139N-R80W/Hay Creek Township, Burleigh County, North Dakota, more particularly described as: Commencing at the NW corner of said Section 26; thence along the West line of said Section 26 S 00-09-16 W for 218.6 feet to the point of beginning along the Westerly right-of-way line for the railroad on a curve to the left with a radius of 5779.58 feet, a delta angle of 02-55-00 and for an arc length of 294.22 feet; thence continuing on the said railroad right-of-way S 26-45-14 E for 924.54 feet to the South line of the said N1/2 of the NW1/4 of Section 26; thence along the south line of the N1/2 of the NW1/4 of Section 26 S 89-35-46 W for 33.87 feet; thence N 26-44-35 W for 109.91 feet; thence N 47-42-09 W for 56.50 feet; thence S 76-43-34 W for 109.94 feet; thence S 90-00-00 W for 68.95 feet; thence N 67-49-42 W for 88.26 feet to the West line of said Section 26; thence along the said West line of Section 26 N 00-09-18 E for 1002.45

feet to the said point of beginning, containing 5.55 acres, more or less.

And for the zoning change from the RM30 - Residential zoning district to the P – Public zoning district for the property described as:

- Lots 19 and 20, Block 2, Edgewood Village 6th Addition

And for the zoning change from the R10 – Residential zoning district to the P – Public zoning district for the properties described as:

- Lot 1, Block 2, Edgewood Village 6th Addition
- Lot 31, Block 1, Edgewood Village 6th Addition
- Lot 61, Block 1, Edgewood Village 2nd Addition
- Lot 54, Block 16, Pebble Creek 4th Addition Less that part taken for the right-of-way of Century Avenue.

And for the zoning change from the RT - Residential zoning district to the P – Public zoning district for the properties described as:

- Lots 1 and 2, Block 9, Pebble Creek Addition

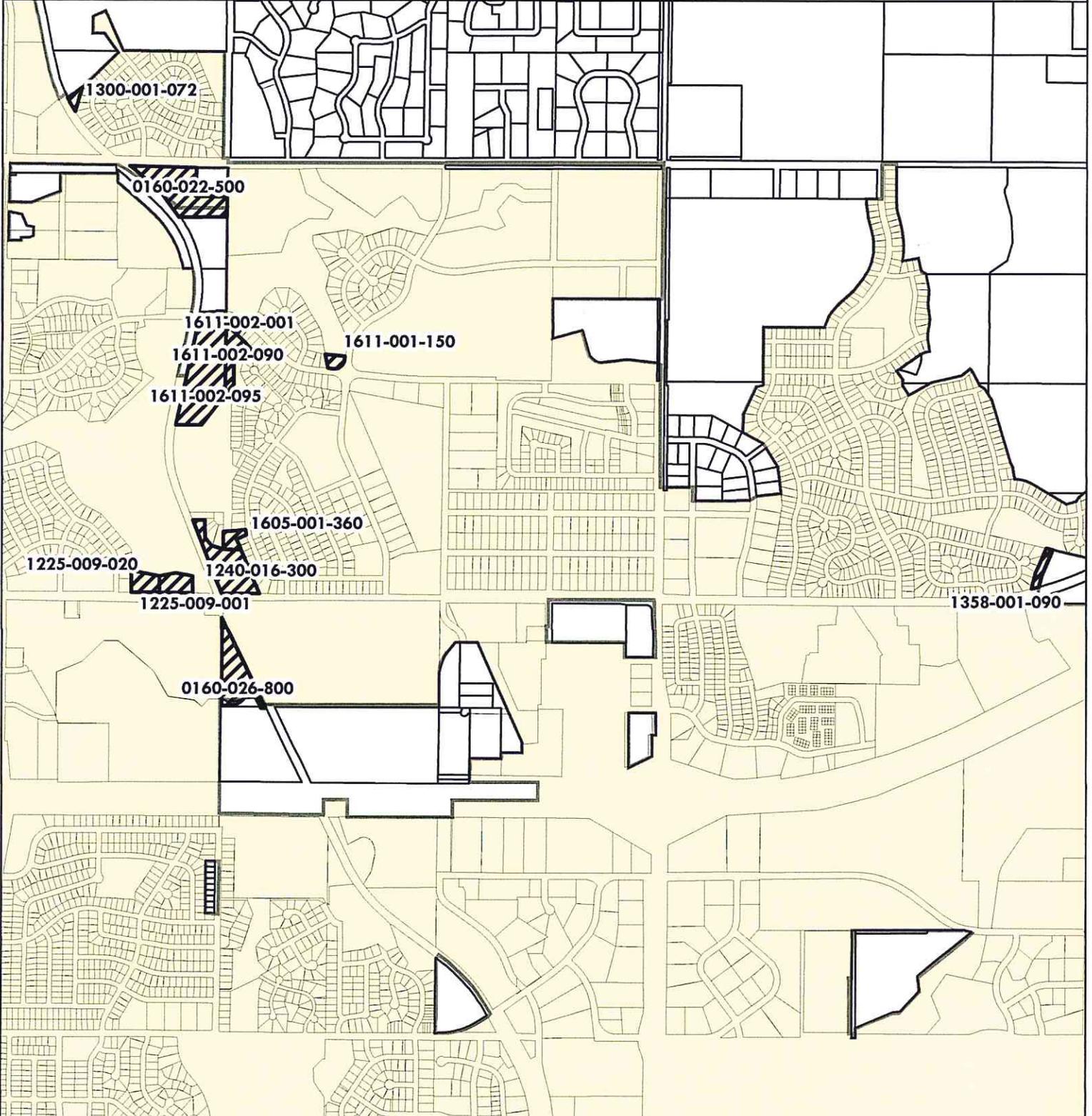
Attachments

1. Location Map
2. Zoning Map

Staff report prepared by:

Daniel Nairn, AICP, Planner
 701-355-1854 | dnairn@bismarcknd.org

Various P-Public Zoning Changes (R5, R10, RM30, RT, & A) North of I-94 and East of State Street

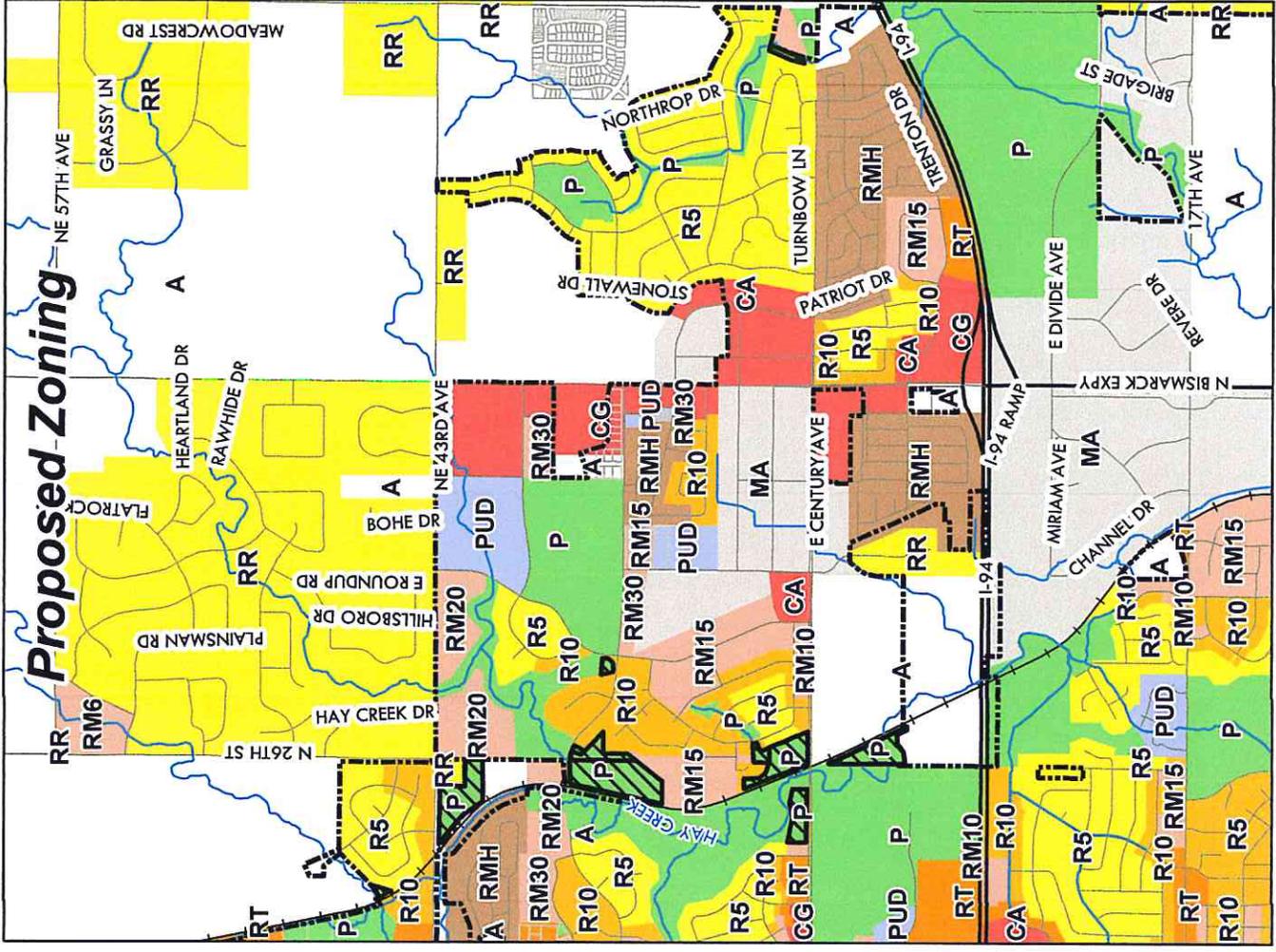
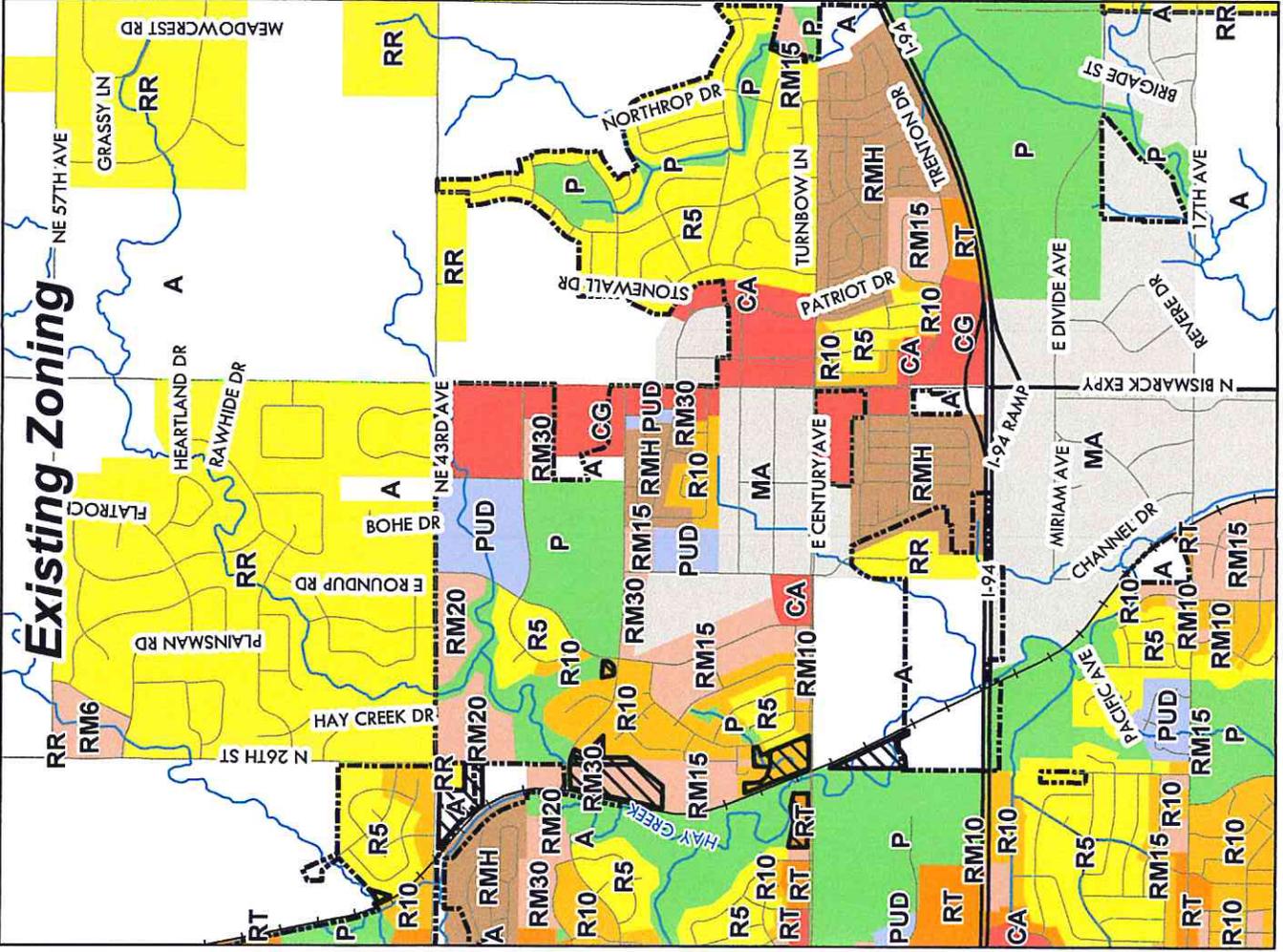


December 7, 2015 (dan)

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Various P-Public District Zoning Changes (Phase 2) - Zoning Change



-  Areas to be Changed
-  City Limits
-  Extraterritorial Area

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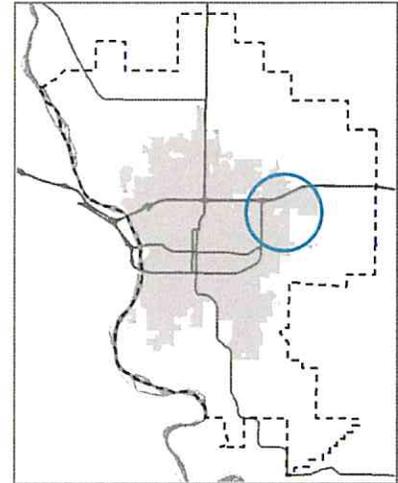
January, 2016

Application for: Zoning Change

TRAKit Project ID: ZC2015-032

Project Summary

Title:	Auditor's Lot 6 of the NE1/4 of Section 1, T138N-R80W/ Lincoln Township
Status:	Planning Commission – Public Hearing
Owner(s):	Mark & Stephanie Swenson
Project Contact:	Mark Swenson
Location:	In east Bismarck, along the west side of SE 52 nd Street approximately 1/2 mile south of East Main Avenue/County Highway 10
Project Size:	22.33 acres +/-
Request:	Rezone property to allow for future platting and development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 unplatted parcel	Number of Lots:	1 unplatted parcel
Land Use:	Vacant / Undeveloped	Land Use:	Industrial
Designated GMP Future Land Use:	Industrial	Designated GMP Future Land Use:	Industrial
Zoning:	A – Agricultural	Zoning:	MA – Industrial
Uses Allowed:	A – Agriculture	Uses Allowed:	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos
Max Density Allowed:	A – 1 unit / 40 acres	Max Density Allowed:	MA – N/A

Property History

Zoned:	11/2007	Platted:	N/A	Annexed:	N/A
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Staff Analysis

Planning staff has discussed the requested zoning change with the applicant and indicated that a landscape buffer yard along the east edge of the property adjacent to 52nd Street SE would need to be designed and constructed in a manner similar to that of the adjacent subdivision to the north. In particular, a 50-foot wide, 6-foot high earthen berm densely planted with vegetation would be a condition of a favorable recommendation by Planning staff. The application of the landscape buffer yard is consistent with the prior approval of the adjacent subdivision to the north. The purpose of the landscape buffer yard is to provide visual screening of the site from the adjacent residential subdivisions to the east across 52nd Street SE.

The property has not been platted or annexed at this time. The applicant has indicated a desire to plat, annex and develop the property in the future. However, specific uses for the property have not been identified at this time. Prior to any building permits being issued, the property would need to be platted and annexed to the corporate limits.

Required Findings of Fact

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning

classification at the time the property is developed;

4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval the zoning change from RR – Residential to MA – Industrial as outlined in the attached draft ordinance.

Attachments

1. Location Map
2. Zoning Map
3. Draft Ordinance

ORDINANCE NO.

<i>Introduced by</i>	_____
<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 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:

1. The following uses are permitted within the MA – Industrial zoning district:
 - a. Hotel-motel
 - b. Retail Group A
 - c. Retail Group B
 - d. Service Group A, excluding dry cleaning plants, mortuaries or funeral homes
 - e. Service Group B
 - f. Wholesale Group
 - g. Truck Terminal
 - h. Industrial Group A, excluding ice manufacturing, soft drink bottling plants and petroleum bulk plants
 - i. Commercial Recreation Group
 - j. Office-Bank Group
 - k. Health-Medical Group

2. The following uses are allowed as special uses pursuant to Section 14-03-08 of the City Code of Ordinances:
 - a. Temporary Christmas tree sales
 - b. Temporary religious meetings
 - c. Temporary farm and garden produce sales
 - d. Seasonal nursery and bedding stock sales
 - e. Small animal veterinary clinic
 - f. Drive-in retail or service establishments
 - g. Golf driving range
 - h. Small wind energy systems
 - i. Auto laundry-car wash
 - j. Roadway maintenance facilities

3. Dimensional Standards

- a. Lot area. The minimum lot area is 10,000 square feet
- b. Lot width. The minimum lot width is sixty (60) feet
- c. Front Yard Setback. The minimum front yard setback is fifteen (15) feet along interior roadways. The minimum front yard setback along 52nd Street is fifty (50) feet.
- d. Side Yard Setback. The minimum side yard setback is ten (10) feet.
- e. Rear Yard Setback. The minimum rear yard setback is ten (10) feet.
- f. Transition Area. That portion of the Conditional MA – Industrial zoning district that lies within four hundred (400) feet of the center line of 52nd Street is referred to the “Transition Area”.
- g. Transition Area Setback. The maximum setback within the Transition Area along 52nd Street shall be no more than seventy-five (75) feet from the east property line.
- h. Height. The maximum building height is sixty (60) feet, except for buildings constructed within the Transition Area, which shall be limited to twenty-five (25) feet in height.
- i. Lot Coverage. The maximum lot coverage for buildings and required parking is 80% of the total lot area.

4. Design and Aesthetic Standards.

- a. Intent. It is the intent of the design standards to create and maintain a high visual quality and appearance for this development, encourage architectural creativity and diversity, to create a lessened visual impact upon the surrounding land uses and to stimulate and protect investment through the establishment of high standards with respect to materials, details and appearance.
- b. Building Materials. The main building facade facing a public street within the property must be designed with architecturally finished materials, with primary building materials being limited to modular masonry materials such as brick, stone or dimensional block; precast concrete or aggregate panels; stucco or stucco-like materials; or prefinished metal architectural panels. If prefinished metal architectural panels are used, no more than 70% of the front elevation and no more than 80% of any other elevations facing a public-right-of-way may consist of this material. The following building types and materials are expressly prohibited: wood frame structures, except for accessory buildings; wood as an exterior wall finish, except where used as an accent material; corrugated metal roofing or siding; and exposed, untextured, uncolored, unaugmented concrete.
The main entrance or façade of the buildings shall be given special treatment through the use of different materials, colors and/or architectural features to enhance the view from the public right of way.

All subsequent renovations, additions and related structures constructed after the construction of the original building shall be constructed of 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.
- c. Building Colors. The main mass of the building shall be of a neutral, subtle color that reflects those found in the natural environment to help de-emphasize the overall mass of the building elevation. Design features that provide accents to the building façade may be of a brighter color that is vibrant but not garish, in a shade that compliments colors utilized in the main mass of the building.

- d. Enclosed Building Requirement. All production, processing, storage, sales, display, or other business activity shall be conducted within a completely enclosed building except for outdoor storage areas.
- e. Outdoor Storage Areas. Except as provided for in Section 4 (c) above, outdoor storage areas shall be placed to the rear or side of the principal structure and shall be subject to the building setback requirements. The storage area shall be fenced around its perimeter with a minimum six foot wall or fence and any storage area visible from the public right-of-way shall be screened with a vegetative buffer yard. Goods and materials shall be located on a paved or gravel surface and the outdoor storage area shall be maintained in an orderly fashion.
- f. The height of materials stored, excluding operable vehicles and equipment, shall not exceed the height of the fence, with the exception that the height of materials may be increased to two times the fence height if the stored material meets the building setback requirements. The outdoor storage area shall not reduce the amount of required parking on the site.

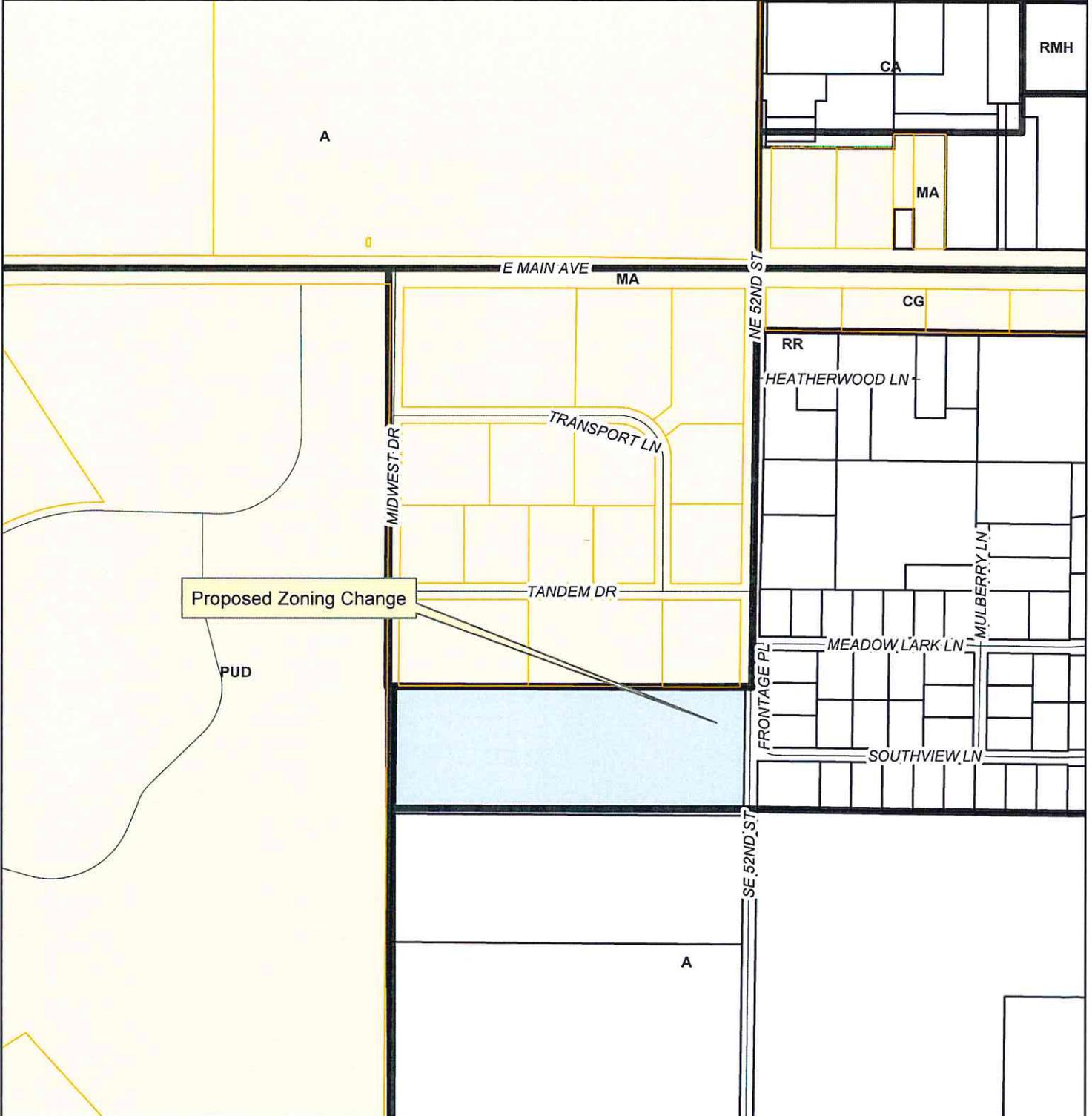
5. *Development Standards.*

- a. Accessory Buildings. Accessory buildings may be allowed in accordance with the provisions of Section 14-03-06 of the City Code of Ordinances (Incidental Uses) and shall be subject to the same setback requirements as the principal structure. Storage containers may not be used as Accessory Buildings.
- b. Parking and Loading. Parking and loading areas shall be provided in accordance with Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading), based on the square footage and uses. Said parking areas shall be hard-surfaced and striped in conjunction with site development and regularly maintained. Concrete perimeter curbing of the parking areas will not be required. Loading areas within 400 feet of the centerline of 52nd Street shall be oriented away from 52nd Street.
- c. Landscaping and Screening. Parking lot landscaping and buffer yards shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).
- d. Buffer Yards. In addition to the requirements of Section 14-03-11, a 50 foot wide buffer yard shall be provided along the eastern boundary of the PUD zoning district. Said buffer yard shall be shown on the face of the plat as a landscape easement and shall include a berm of no less than 6 feet in height and densely planted in conjunction with site development with the minimum number, species and size of trees and shrubs required for buffer yards in the City's landscaping ordinance (minimum of 6 trees and 25 shrubs per 100 linear feet, with at least 50% of the required trees and shrubs being evergreens).
- e. Screening of Mechanical Equipment and Solid Waste Collection Areas. Mechanical equipment and solid waste collections areas shall be screened in accordance with Section 14-03-12 of the City Code of Ordinances (Screening of Mechanical Equipment and Solid Waste Collection Areas).
- f. Signage. Signage for the development may be installed in accordance with the provisions of Sec 14-03-05 (10) (Industrial Park Area Identification Signs). Signage for individual lots within the development shall be installed in accordance with the provisions of Chapter 4-04 of the City Code of Ordinances (Signs and Display Structures). Off-premise advertising signs (billboards) are specifically prohibited within this development.

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

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

**Proposed Zoning Change (RR to MA)
Auditor's Lot 6 of the NE1/4 of Section 1
T138N-R80W/Lincoln Township**

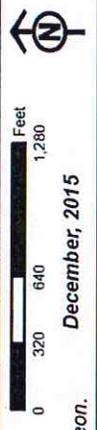
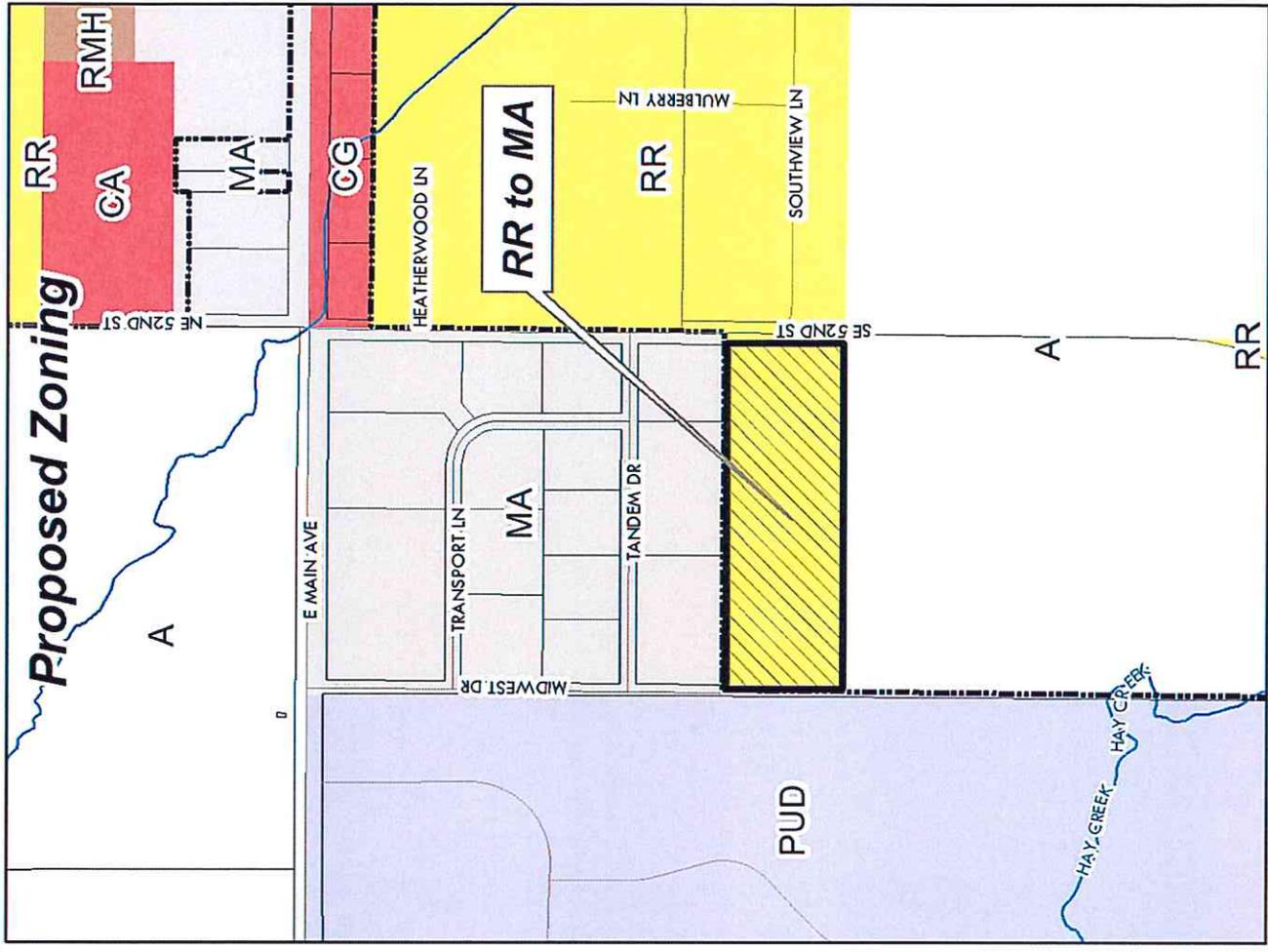
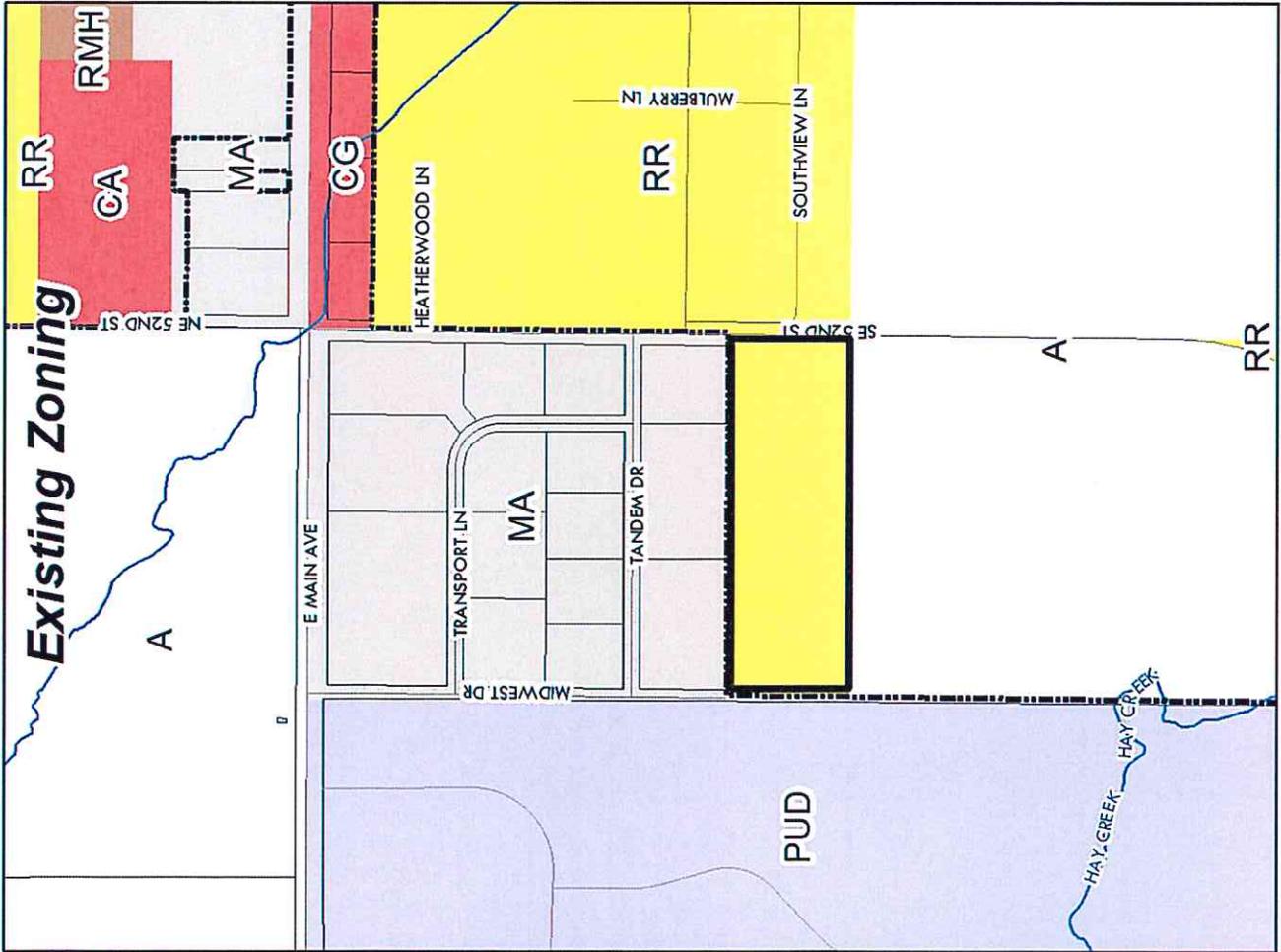


June 15, 2015 (h1b)

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Auditor's Lot 6 of the NE 1/4 of Section 1, Lincoln Township - Zoning Change



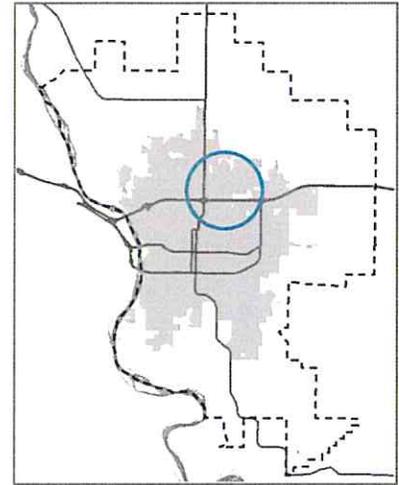
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon. December, 2015

Application for: Zoning Change

TRAKit Project ID: ZC2015-033

Project Summary

Title:	Lot 1 less the Westerly 2 feet taken for sidewalk and the N1/2 of the vacated Interstate Avenue adjacent, Block 1, Kensington First Addition
Status:	Planning Commission – Public Hearing
Owner(s):	Maple View II East, Inc.
Project Contact:	Gaylin Schmidt, Maple View II East, Inc
Location:	In east Bismarck, between Interstate 94 and East Century Avenue, along the east side of North 19 th Street
Project Size:	53,657 square feet
Request:	Rezone property to allow development of office uses on a previously platted lot.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	Part of 1 lot in 1 block	Number of Lots:	Part of 1 lot in 1 block
Land Use:	Multi-family residential	Land Use:	Office uses
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	RM15 – Residential	Zoning:	RT – Residential
Uses Allowed:	RM15 – Multi-family residential	Uses Allowed:	RT – Offices and multi-family residential
Max Density Allowed:	RM15 – 15 units / acre	Max Density Allowed:	RT – 30 units / acre

Property History

Zoned:	06/1993	Platted:	06/1993	Annexed:	06/1993
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Staff Analysis

The applicant is proposing a zoning change from the RM15 – Residential zoning district to the RT – Residential zoning district to allow for the adaptive

reuse of the existing building. The existing building was previously used as a memory care facility, which is a permitted use in the RM15 – Residential zoning district. A new memory care facility was recently

(continued)

constructed in northwest Bismarck and the residents of this facility were relocated there.



The proposed zoning change would not adversely affect adjacent properties. Adjacent land uses include Pebble Creek Golf Course to the north and east, Indoor park facility and Shiloh Christian School to the south, and office uses to the west across North 19th Street.

The proposed zoning change is outside the area included in the Future Land Use Plan in the 2014 Growth Management Plan, as amended because it was previously platted and zoned;

The property is already annexed and municipal services are in place.

Required Findings of Fact

1. The proposed zoning change outside the area included in the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;

3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

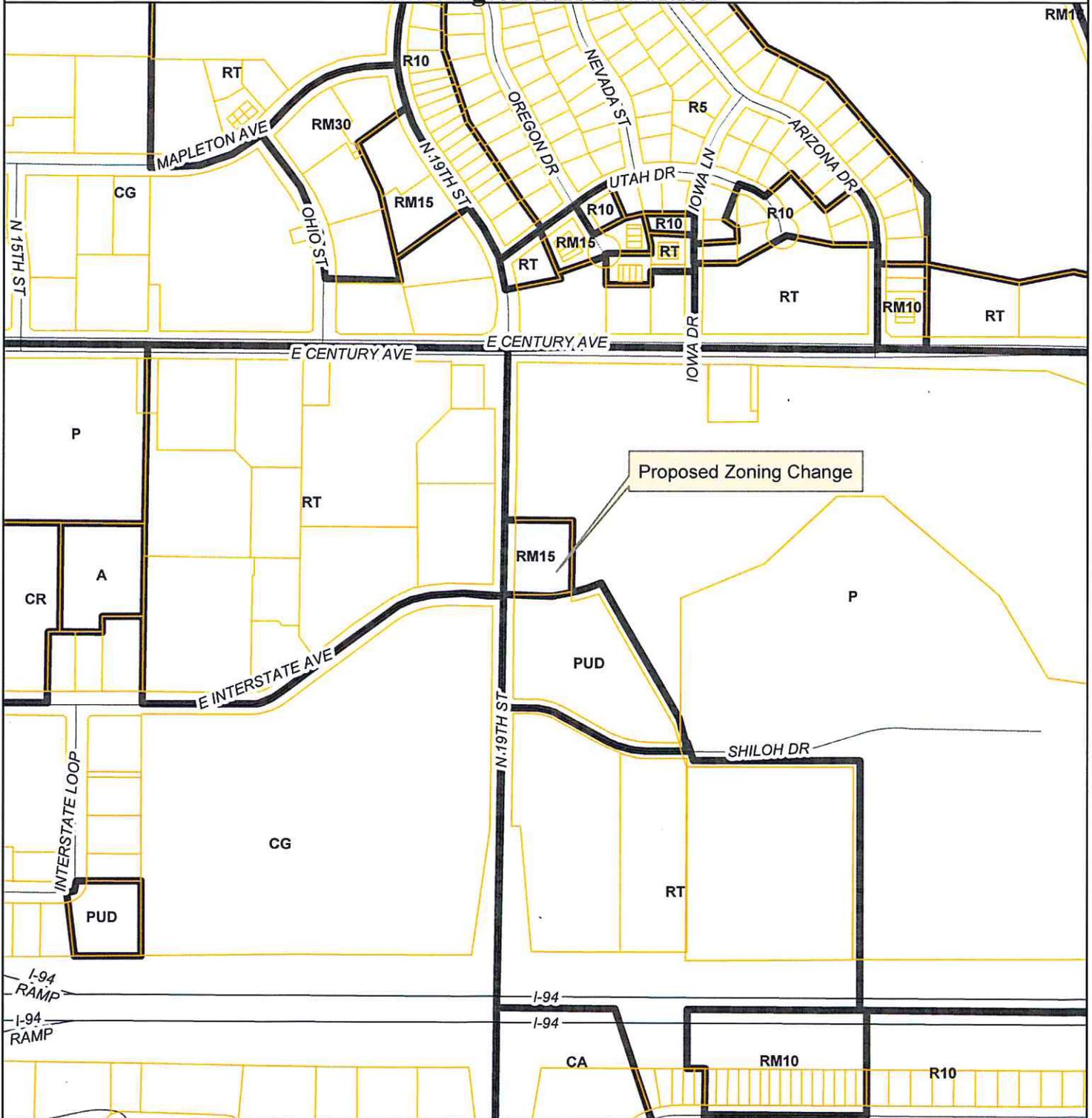
Based on the above findings, staff recommends approval of the zoning change from the RM15 – Residential zoning district to the RT – Residential zoning district for Lot 1 less the Westerly 2 feet taken for sidewalk and the N1/2 of the vacated Interstate Avenue adjacent, Block 1, Kensington First Addition.

Attachments

1. Location Map
2. Zoning Map

Staff report prepared by: Jenny Wollmuth, Planner
701-355-1845 | jwollmuth@bismarcknd.gov

Proposed Zoning Change
Lot 1 less the Westerly 2 feet taken for sidewalk and
the N1/2 of the vacated Interstate Avenue adjacent, Block 1
Kensington First Addition

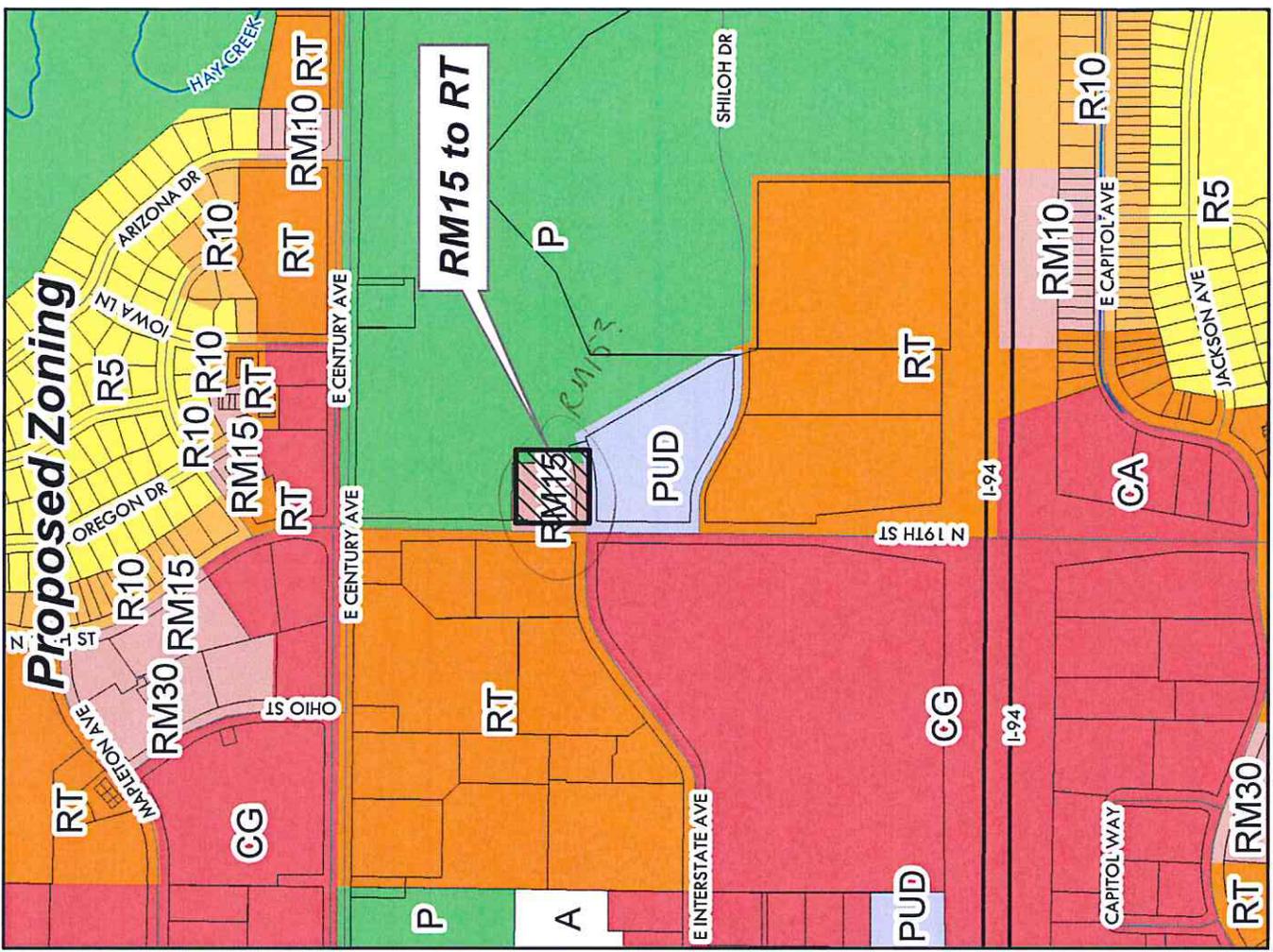
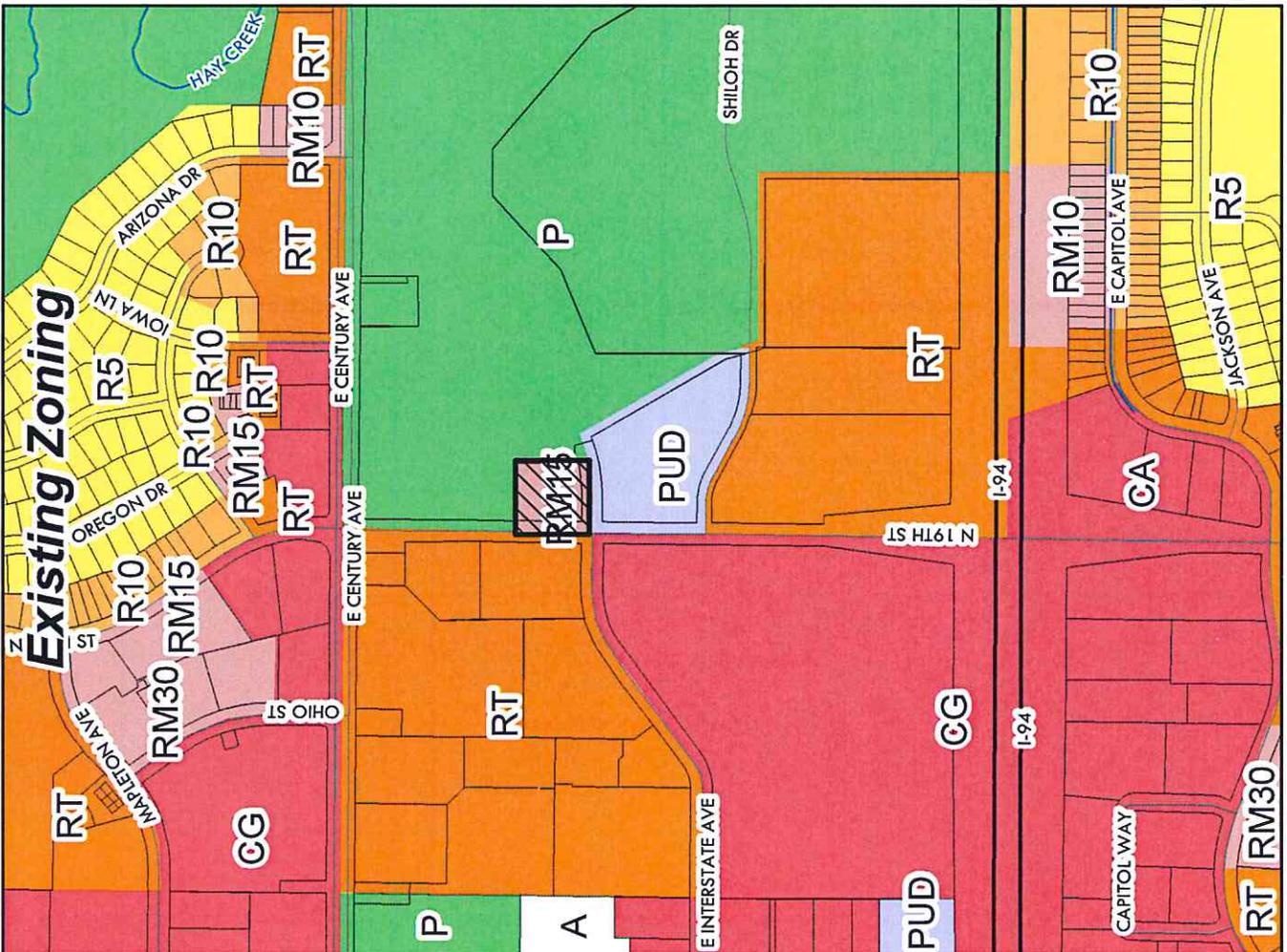


June 15, 2015 (h/b)

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Part of Lot 1, Block 1, Kensington First Addition - Zoning Change



December, 2015

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STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 13

January 27, 2016

Application for: Zoning Ordinance Text Amendment

TRAKiT Project ID: ZOTA2015-013

Project Summary

Title:	Off-Premise Advertising Signs (billboards)
Status:	Planning Commission – Public Hearing
Project Contact:	Jenny Wollmuth, Planner
Sections Amended:	14-02-03, 14-03-07, 14-04-12, 14-04-13, 14-04-14, and 14-04-15
Request:	Amend the zoning ordinance to augment and clarify requirements for off-premise advertising signs (billboards).

Staff Analysis

The Bismarck Board of City Commissioners, at their meeting of June 15, 2015, approved a six-month moratorium for all new digital and static off-premise advertising signs (also known as billboards) along Interstate 94 and principal arterial roadways in the City of Bismarck and its Exterritorial Area (ETA). The moratorium allowed planning staff time to draft amendments to the current zoning ordinance regarding off-premise advertising signs, which were presented to the Planning Commission during a public hearing on October 28, 2015. The Planning Commission continued the item to allow staff additional conversations with sign industry representatives, and the Board of City Commissioners subsequently extended the moratorium to March 15, 2016.

The proposed zoning text amendment defines off-premise advertising signs, digital off-premise advertising signs and sign face, and includes provisions for the size, spacing, and setbacks of signs. It also includes criteria for approval of an off-premise advertising sign as an administrative special use by the Zoning Administrator.

The bulk of the changes made were to transfer the provisions for off-premise advertising signs located in Title 4 of the City Code of Ordinances (Building Regulations) to Title 14 of the City Code of Ordinances (Zoning Regulations). However, substantive changes

have also been proposed, as outlined in this staff report.

The 2014 Growth Management Plan includes the following objective under Goal #3 Transportation:

“Create a positive image along the high volume corridors that serve as gateways into the city.”

Under this objective, the City Commission has adopted the following approach:

“Limit placement of billboards along Interstate 94 and other major arterials and entrances into the city”

Difference between Static and Digital Signs

The current ordinance includes many provisions that apply exclusively to digital signs, but not non-digital signs. The draft amendment has removed many of these disparities by applying the same standards to all off-premise advertising signs, with the exception of spacing distance between signs and operational requirements such as frame rate or brightness that obviously pertain only to digital signs.

Size of Signs

Two common sign sizes in the industry are the “poster” (12’ x 24’) and the “bulletin” (14’ x 48’). The larger bulletins commonly feature two advertisements side-by-side. Virtually all existing off-premise advertising signs

(continued)

in Bismarck and its ETA are one of these two sizes - approximately 27% are poster and 71% are bulletin.

Currently, both sign sizes are allowed throughout the City and the ETA, subject to zoning districts and other requirements. The draft ordinance would limit the larger bulletin signs to Bismarck Expressway, east of the intersection with Airport Road, and to Interstate 94. Restrictions on the larger signs for areas that are away from interstate roadways within city limits are common in municipalities throughout the region. Additional language has been added to the proposed amendment to allow sign extensions beyond the rectangular sign face of up to 20% of the area. A minimum sign area of 280 square feet has also been added.

Example of Poster Sign (12' x 24')

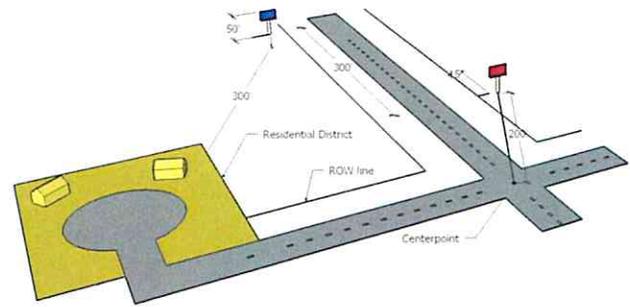


Example of a Bulletin Sign (14' x 48')



Spacing Requirements

The draft amendment includes changes to the spacing standards for signs, as shown in the following diagram:



Measuring the required distance between signs is ambiguous in the current ordinance. The proposed amendment clarifies the way the separation distance is measured. Distance is measured between any two signs on the same or opposite sides of a roadway and as a linear distance along the centerline of the roadway toward which the sign is oriented. The proposed amendment includes an additional separation distance of least 200 feet from the center point of any intersection of an arterial roadway and an arterial roadway and/or a collector roadway to improve traffic safety.

Administrative Process

Currently off-premise advertising signs are permitted by-right where allowed with the exception of digital off-premise advertising signs within 300 feet of a residential area. The draft amendment presented to the Planning and Zoning Commission in October 2015 would have required approval of a special use permit by the Planning and Zoning Commission for all off-premise advertising signs. Sign industry representatives noted that this discretionary approval could lead to costly unpredictability. The draft amendment has been revised to remove the requirement of a public hearing and approval by the Planning and Zoning Commission for all off-premise advertising signs and replaces it with an administrative special use permit that would be approved administratively by the Zoning Administrator, with review by other staff members as needed.

Required Findings of Fact

1. The proposed text amendment would not adversely affect the public health, safety or general welfare;

(continued)

2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance;
3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance; and
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Staff Recommendation

Based on the above findings, staff recommends approval of the attached zoning ordinance text amendment relating to off-premise advertising signs.

Attachments

1. Draft amendments to Title 14
2. Table of Off-Premise Advertising Sign regulations in peer communities.
3. Map of existing off-premise advertising signs in the City of Bismarck.

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CITY OF BISMARCK

Ordinance No. XXXX

<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-02-03, 14-03-07, 14-04-12, 14-04-13, 14-04-14, and 14-04-15 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO DEFINITIONS, USE GROUPS, SPECIAL USES, AND THE CG, CR, MA, AND MB ZONING DISTRICTS.

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:

Digital Off-Premise Advertising Sign: An off-premise advertising sign with a digital display of information that is capable of displaying multiple static images sequentially and is controlled by electronic communications. A sign with one digital face and one static face shall be considered a digital off-premise advertising sign.

* * * * *

Off-Premise Advertising Sign: A ground sign, as defined in the most recent adoption of the International Building Code (IBC), advertising, or intending to advertise, any goods or services that are not associated with the use of the premises. An off-premise advertising sign may be static, digital, illuminated, non-illuminated or any combination thereof.

* * * * *

Sign Face: The entire surface area of the sign that is used to identify, advertise or communicate information for visual representation and is visible from any one direction.

Section 2. Amendment. Section 14-03-07 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Use Groups is hereby amended and re-enacted to read as follows:

14-03-07. Use Groups. In order to carry out the purposes of this title, certain uses having similar characteristics are classified together as "use groups". In any district in which a use group is permitted, it is the intent of this title to permit any particular member of that use group to be located within that district. In any district in which a use group is not listed as a permitted use, it is the intent of this title to prohibit each and every member of that use group from locating within that district. These use groups shall apply to all zoning districts except the Downtown Core and Downtown Fringe district.

* * * * *

5. Service group B. The use in service group B is one in which the principal activity is technical or vocational instruction by a private organization for profit, repair and service to motor vehicles (not including a filling station as defined herein) and other service uses not necessary in or appropriate to neighborhood commercial districts, and for which one or more of the following factors is present:

a. Repair or service operations are such as to produce some offensive noise, dust, odor, glare, heat or vibration perceptible or measurable from outside the building in which the use is located.

b. The use is one which, if placed on a lot adjacent to a lot in a residential district, would create an unusual safety hazard for the lot or other lots in said residential district, or would otherwise unduly depreciate the value of any lot in said residential district.

c. The following uses are declared to be typical uses in service group B:

1) Reserved.

2) Motor vehicle repair garage.

3) Commercial school, including business, secretarial, dancing, music, physical culture, technical trade school, adult education or vocational education.

4) Commercial parking lot or structure.

5) Tire and battery repair.

6) Furniture repair and upholstery.

~~7) Outdoor advertising sign, billboard.~~

§ 7) Radio, television or communication broadcast and receiving facilities.

Section 3. Amendment. Section 14-03-08 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Special Uses is hereby amended and re-enacted to read as follows:

14-03-08. Special Uses. 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.

* * * * *

3. Permanent uses (administrative approval). The Zoning Administrator may issue special use permits for the following uses without a public hearing or approval of the city planning and zoning commission:

* * * * *

b. Off-Premise Advertising Sign: Off-Premise Advertising Signs may be permitted in any CG, CR, MA, or MB district as an administrative special use provided:

1. The sign meets provisions outlined in Chapter 24-17 of the North Dakota Century Code (NDCC) and a permit has been issued by the North Dakota Department of Transportation, where required.

2. A site plan is submitted showing the overall dimensions of the sign, the location of the sign and any appurtenant features. The site plan shall be accompanied by a narrative description of operational elements of the sign including illumination and any electronic functions. The site plan must verify that all the following criteria in this section have been met:

a. Off-premise advertising signs shall not be subject to front yard setback requirements for each zoning district, but the entirety of the sign shall be set back at least fifteen (15) feet from any property line fronting a street, except that off-premise advertising signs oriented toward Interstate 94 (not business loop) are exempted from this front yard setback requirement.

b. The sign shall meet provisions outlined in Chapter 4-04 of the City Code of Ordinances.

c. Any illumination of the sign shall be directed toward the sign and not away from the sign.

d. The sign shall be located adjacent to a minor or principal arterial roadway. If the right-of-way of an arterial roadway includes a local or frontage roadway, the sign may be adjacent to said local or frontage roadway.

e. Each sign face may not exceed four hundred (400) square feet in area, sixteen (16) feet in height or twenty (25) feet in width, with the exception of off-premise advertising signs oriented toward Interstate 94 (not business loop) or Bismarck Expressway east of the intersection with Airport Road, which may not exceed six hundred and seventy two (672) square feet in area, sixteen (16) feet in height or fifty (50) feet in width. In addition, no off-premise advertising sign face may be less than two hundred and eighty (280) square feet in area.

f. A non-digital off-premise advertising sign may have up to an additional twenty percent (20%) of the sign face area on the perimeter of the sign face for extension elements. All sign extension space shall be of the same material as the sign face.

g. The sign shall have no more than two (2) sides per sign. Signs with two sides back-to-back shall be treated as one sign, provided said sign faces are parallel or have an angle of separation of no more than thirty (30) degrees.

h. The sign shall not exceed fifty (50) feet in height, measured from the top of the nearest curbline to the top of the sign or structure. The display area of the sign shall be located no less than ten (10) feet above the adjacent street grade.

i. Any and all parts of the sign (static or digital) shall be located at least three hundred (300) feet from any part of an existing or approved off-premise advertising sign (static or digital;) at least two hundred (200) feet from the center point of any intersection of an arterial and an arterial and/or collector roadway; and at least five hundred (500) feet from the nearest right-of-way of an interstate

interchange. In addition, all parts of a digital off-premise advertising sign shall be located at least twelve hundred (1,200) feet from any part of an existing or approved digital off-premise advertising sign. Distance is measured as the linear distance along the centerline of the roadway toward which the sign is oriented. The distance shall be measured between any two signs on the same or opposite sides of this roadway

j. The sign shall be located at least three hundred (300) feet from any RR-Residential, RR5-Residential, R5-Residential, R10-Residential, RM-Residential, or RMH-Residential zoning district, as measured from any part of the sign to the nearest property line within any residential zoning district.

k. The sign shall not resemble or interfere, to any degree, with the effectiveness of a traffic control device, sign or signal; shall not be placed beside or behind a traffic control device in a location or at a height that makes a motorist's view of a traffic control device indistinguishable from the sign; shall not obstruct or interfere with a motorist's view of approaching, merging or intersecting traffic within the operational area of an intersection; and shall not have distracting flashing or moving lights so designed or lighted as to create a traffic hazard. The City Engineer and Chief of Police shall verify in writing that the provisions of this subsection have been met.

l. The sign shall not obstruct any other existing sign, either off-premise or on-premise.

m. The sign shall not project over the public right-of-way or any property line or be located within the sight triangle as

defined in Section 14-02-03 of the City Code of Ordinances.

n. Digital off-premise advertising signs shall meet the following additional standards:

1. The sign shall have a frame hold time of no less than seven (7) seconds and must transition instantaneously from one static image to another static image without any special effects. The use of streaming video, full-motion video, animation or frame effects is prohibited.

2. The sign shall have a default mechanism that shall freeze the sign in one position as a static message if a malfunction occurs; and

3. The sign shall have a mechanism able to automatically adjust the illuminative brightness of the display according to ambient light conditions by means of a light detector/photocell.

3. A separate administrative special use permit shall be required for the conversion of any existing non-digital off-premise Advertising sign to a digital off-premise advertising sign. An existing non-conforming sign must meet all requirements outlined in this chapter prior to approval of an administrative special use permit.

4. Nothing in this section shall be construed to confer a preference or any greater protection for certain off-premise advertising signs based on the content or message of the sign, whether commercial or non-commercial in nature.

Section 4. Amendment. Section 14-04-12 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to CG

Commercial District is hereby amended and re-enacted to read as follows:

14-04-12. CG Commercial District. In any CG commercial district, the following regulations shall apply:

* * * * *

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

- a. Temporary Christmas tree sales.
- b. Temporary religious meetings.
- c. Temporary farm and garden produce sales.
- d. Seasonal nursery and bedding stock sales.
- e. Filling station.
- f. Drive-in retail or service establishment.
- g. Child care center.
- h. Small animal veterinary clinic.
- i. Golf driving range.
- j. Auto laundry - car wash.
- k. Retail liquor sales.
- l. Microbrewery.
- m. Off-premise advertising sign.

Section 5. Amendment. Section 14-04-13 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to CR Commercial District is hereby amended and re-enacted to read as follows:

14-04-13. CR Commercial District. In any CR commercial district, the following regulations shall apply:

* * * * *

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.
- i. Off-premise advertising sign.

Section 6. Amendment. Section 14-04-14 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to MA Industrial District is hereby amended and re-enacted to read as follows:

14-04-14. MA Industrial District. In any MA industrial district, the following regulations shall apply:

* * * * *

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

- a. Temporary Christmas tree sales.
- b. Temporary religious meetings.
- c. Temporary circus/fair/carnival.
- d. Temporary farm and garden produce sales.
- e. Temporary fireworks sales.
- f. Seasonal nursery and bedding stock sales.

- g. Solid waste disposal facility.
- h. Airport.
- i. Recreational vehicle park.
- j. Filling station.
- k. Drive-in retail or service establishment.
- l. Motor vehicle parts salvage yard.
- m. Small animal veterinary clinic.
- n. Animal hospital or kennel.
- o. Golf driving range.
- p. Junkyard.
- q. Retail liquor sales.
- r. Racetracks.
- s. Child care center.
- t. Off-premise advertising sign.

Section 7. Amendment. Section 14-04-15 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to MB Industrial District is hereby amended and re-enacted to read as follows:

14-04-15. MB Industrial District. In any MB industrial district, the following regulations shall apply:

* * * * *

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

- a. Temporary Christmas tree sales.
- b. Temporary circus/fair/carnival.
- c. Temporary religious meeting.

- d. Seasonal nursery and bedding stock sales.
- e. Temporary fireworks sales.
- f. Temporary farm and garden produce sales.
- g. Airport.
- h. Solid waste disposal facility.
- i. Motor vehicle parts salvage yard.
- j. Small animal veterinary clinic.
- k. Animal hospital or kennel.
- l. Junkyard.
- m. Adult entertainment center.
- n. Auto laundry - car wash.
- o. Vehicular racetrack.
- p. Hazardous material bulk storage plant.
- q. Off-premise advertising sign.

Section 8. 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 10. Effective Date. This ordinance shall take effect following final passage, adoption and publication.

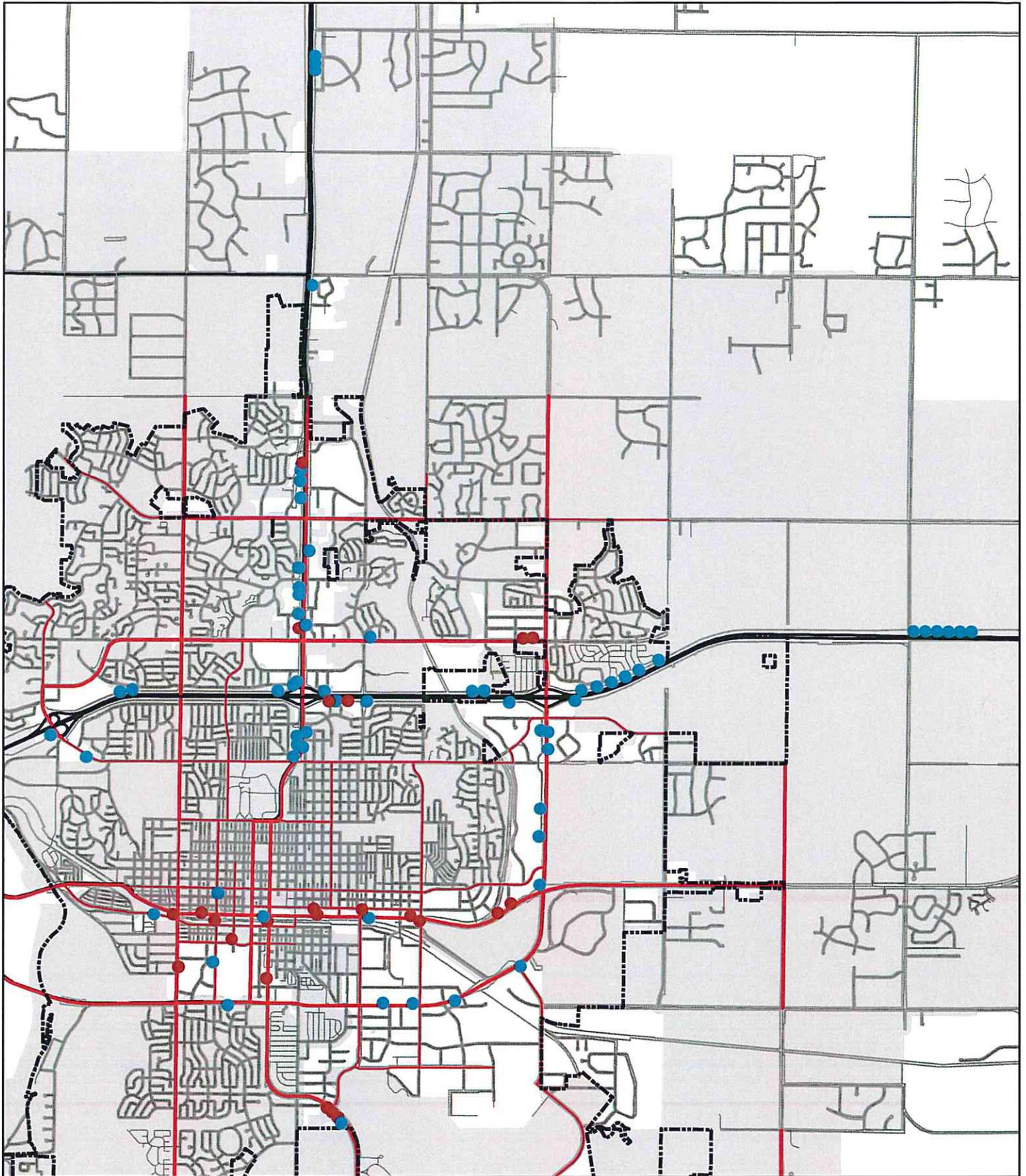
Off-Premise Advertising Sign Peer Community Evaluation

City of Bismarck Community Development Department

10/29/2015

Community	Spacing (ft)	Max Size (SF)	Max Height (ft)	Min Setback (ft)	Quota	Process	Other
Bismarck, ND	300 static 1,200 digital	800	50	Unclear	None	By right. Building permit	150 ft from residential with SUP, digital
Bismarck, ND (Proposed)	300 static 1,200 digital along ROW both sides	400, except 672 along I-94 and Bismarck Expressway.	50	15	None	Special use permit and building permit.	300 ft from residential
Fargo, ND	500 static 1,200 digital along ROW (most districts)	300 or limited 672 (see quota)	25 – 60 depending on setback	0 – 100 depending on height	Capped at 44 total large signs (672 SF) allowed in city.	By-right. Sign permit.	Additional setbacks from sensitive sites
Grand Forks, ND	500 radial	None	50	None	New signs only allowed with census pop. increase. Credits issued for removal of existing signs.	By right. Sign permit	Certain corridors have additional quotas and setbacks
Minot, ND	500 static, 1,200 digital along ROW same side.	672 SF with 20% allowed for extension	50	10	None	By right. Sign Permit.	300 ft from sensitive sites.
Dickinson, ND	1,000 static 1,500 digital along ROW, both sides except I-94	672	50 highway, 40 else	None	None	By-right, sign permit	

Community	Spacing (ft)	Max Size (SF)	Max Height (ft)	Min Setback (ft)	Quota	Process	Other
Rapid City, SD	2,000 along ROW and 1,500 radial	250	30	0 – 10 depending on clearance.	New signs prohibited. Credits issued for removal of existing signs.	Conditional use permit and sign permit	Setback from on-premise signs
Stouffville, SD	600 along same side of ROW	288 or 672 with SUP	40	None	None	By-right. Or SUP for large signs or within 600 ft of sensitive areas	Only one face per sign
Aberdeen, SD	300 along ROW and 150 radial	400	40	None	None	By right. Zoning permit.	
Sheridan, WY	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
Billings, MT	600-1000 radial depending on zone	250, or 480 along interstate	35	20	New signs prohibited, unless an existing non-conforming sign is removed.	By-right or special use depending on zone	200 ft from residential
Bozeman, MT	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
Alexandria, MN	1,000	400	36	350 from centerline	None	By-right. Building permit	Only allowed in Industrial. 300 ft from residential
Bemidji, MN	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
Muncie, IN	1,000 along both sides of ROW	300	None	10 -25 depending on # of lanes	Capped in 1985 with 1% increase per year. Credits issued for removal of existing signs.	By right. Building permit.	One sign per site
Lincoln, NE	600 static, 5,000 digital radial	300 – 700 depending on zone	35-45 depending on zone	33 in some zones. Else no setback.	New signs prohibited, unless an existing non-conforming sign is removed.	By-right. Sign permit	600 ft from sensitive sites 800 ft from entrance corridors



Off Premise Sign

- 24 - 25 ft Wide
- 26 - 54 ft. Wide

Functional Class

- INTERSTATE
- MINOR ARTERIAL
- PRINCIPAL ARTERIAL



Off-premise sign prohibited by zone

This map is for reference purpose only and is not intended as a survey or accurate representation of all map features.

