Burleigh County Planning and Zoning Commission Meeting

Tom Baker Meeting Room, City/County Office Building, 221 N 5th St, Bismarck

Attend in Person | Watch live on Government Access Channels 2 or 602 | Listen to Radio Access 102.5 FM | Stream on freetv.org or Dakota Media Access Facebook Live | Replay later from freetv.org

AGENDA

October 14, 2026

5:15 PM

1. Pledge of Allegiance
2. Roll Call
3. Approval of September Meeting Minutes
4. Public Comments: (Restricted to Burleigh County residents and landowners)
5. Consent Agenda: (The following items are requests for a public hearing)

   5-1 Revision to Part of Article 33 of County Ordinance
   Review proposed change to Article 33 – Subdivision Regulations

6. Public Hearing Agenda:

   6-1 Baldwin Greenhouse Subdivision
   Requests approval of the final plat and a "Do Pass" recommendation to the Board of Burleigh County Commissioners.
   Staff Recommendation: Approval

   6-2 Grendahl Subdivision
   Requests approval of the final plat and a "Do Pass" recommendation to the Board of Burleigh County Commissioners.
   Staff Recommendation: Approval

7. Other Business:
8. Adjourn

Next Meeting: October 14, 2026

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Burleigh County Planning and Zoning Commission Meeting Minutes
September 9, 2026

PRESENT: Chairman Dennis Agnew, Commissioners Mike Connelly, Alvie Jarratt, Wayne Munson, Dale Patrick, Jim Small, Bea Streifel, and John Risch

OTHERS: Mitch Flanagan, Jacob Zabel, Casey Einrem, Dan Schriock, representatives of applicants, and members of the public

Chairman Agnew called the meeting to order. The Pledge of Allegiance was recited, followed by roll call. A quorum was present. The minutes from July 8th and August 12th were presented for approval.

Motion	Responsible Party	Result
Approve the minutes from the July 8th and August 12th meetings of the county commission	Motion made by Commissioner Jarratt Motion seconded by Commissioner Small	Motion approved 8-0

PUBLIC COMMENTS:
There were no public comments.

CONSENT AGENDA

There were 3 items on the consent agenda requesting a public hearing.

5-1 Grendahl Subdivision
A proposal to divide an existing 39 acre parcel into a 32 acre parcel and a 5 acre parcel. The smaller parcel's zoning would be changed from A - Agricultural to R1 - Rural Residential.

5-2 Grant Subdivision
A proposal to create a new 29 acre parcel that would split apart from an existing 78 acre parcel.

5-3 Baldwin Greenhouse Subdivision & Strong Farms PUD
A proposal to create a 1 lot subdivision on a 40 acre parcel located at 1725 201st Ave NE. The adoption of a PUD agreement was also proposed. This item was removed from the table at the July 8th meeting, which sent it back to the consent agenda.

Commissioner Streifel: Questioned why item 5-3 was on the consent agenda after being discussed at previous meetings.

Motion	Responsible Party	Result
Approve items 5-1 and 5-2 on the consent agenda, approving both items for a public hearing	Motion made by Commissioner Munson Motion seconded by Commissioner Hall	Motion approved 8-0

Mitch Flanagan, Planning Director: Explained that item 5-3 had been brought back to the consent agenda at the July 8th meeting, and that this had not been noticed prior to the August 12th meeting as a result of the minutes for the July 8th meeting not being completed at that time. While he believed the item should have been approved for a public hearing at the July 8th meeting, it had not been, and the proper process needed to be followed.

Chairman Agnew: Asked for an update related to an easement and an agreement between the property owner and a neighbor.

Mitch Flanagan, Planning Director: Stated he believed that a second easement on the site was possibly necessary, but had not been fully decided on by the applicant. Additionally, he was not aware of any meeting between the property owner and the neighbor, or any agreement they may have made.

Commissioner Streifel: Asked for more information on the easement and if it needed to be fully addressed before the item could be approved for a public hearing.

Mitch Flanagan, Planning Director: Stated that a second access to the site would be necessary unless the single proposed access was 40 feet wide. This would be necessary for fire response to the site.

Chairman Agnew: Asked if the preliminary and final plat had been finished.

Mitch Flanagan, Planning Director: Stated that the preliminary plat was complete and the final plat was almost finished. Additionally stated that an agreement between the property owners being signed was still a possibility.

Commissioner Patrick: Agreed that an agreement between property owners would be necessary to resolve the disagreements related to the proposal.

Commissioner Connelly: Claimed to have toured the site and had talked to both property owners. They had tried to set up times to discuss an agreement, but plans had fallen through. He believed that the neighbor was unlikely to discuss an agreement any further, an that an agreement was unlikely to happen in the future.

Mitch Flanagan, Planning Director: Questioned how an agreement would be officially recorded and was unsure if an agreement could even be enforced. Additionally re-established that the PUD would require the construction of a 6-foot, solid barrier fence that would hopefully address some of the neighbor's issues with the proposal.

Commissioner Munson: Believed that an agreement would not be enforceable, as it would be outside of the authority of the planning and zoning commission.

Commissioner Streifiel: Stated that she did not expect an agreement to be in writing, but simply wished for a discussion to be held. Additionally asked if the easement question would be addressed before final approval.

Mitch Flanagan, Planning Director: Stated that it could be addressed prior to the next meeting.

Commissioner Small: Wished to hear the county engineer's thoughts on a second access.

Daniel Schriock, County Engineer: Stated that a second easement and a singular 40-foot access point would both follow the county's standards.

Motion	Responsible Party	Result
Approve item 5-3 on the consent agenda, approving the item for a public hearing	Motion made by Commissioner Connelly Motion seconded by Commissioner Munson	Motion approved 7-1

PUBLIC HEARING AGENDA

6-1 Highlands at Burnt Creek

A proposal for a new 33 lot subdivision on an 80 acre parcel north of Bismarck. The proposal includes a zoning change from A – Agricultural to R1 – Rural Residential. The petitioner requests approval of the final plat and giving a "do pass" recommendation to the Board of Burleigh County Commissioners.

Jacob Zabel, County Planner: Introduced the subdivision, additionally mentioning that the lots would vary in size from 1.5 to 6.3 acres, but that most would be on the lower end of that range. Additionally, the storm water management plan for the subdivision had not been approved by staff prior to the meeting, so staff were requesting approval conditional to the plan's approval.

Commissioner Streifel: Asked if Burleigh County would be maintaining the proposed roads in the development.

Jacob Zabel, County Planner: Stated that the question would be best answered by the highway department.

Commissioner Streifel: Asked for any information on sewer or other utilities.

Jacob Zabel, County Planner: Stated that the subdivision would be made up of lots suitable for private septic systems.

Casey Einrem, Senior Assistant County Engineer: Stated that the roads in the subdivision would be township roads maintained by the county and confirmed the planned use of septic tanks on the site.

Chairman Agnew opened the public hearing.

Harvey Schneider, Project Surveyor: Agreed with the information presented by staff and was open to answering any questions.

Chairman Agnew: Asked for the reason that the storm water management plan was not ready.

Harvey Schneider, Project Surveyor: Stated that the plan was submitted, but not yet approved by staff.

Casey Einrem, Senior Assistant County Engineer: Stated that the department did not have time to review the proposed storm water management plan prior to the meeting due to a busy schedule.

Tanya Fyfe, Nearby Homeowner: Expressed support for the subdivision, but wished for information regarding a homeowners' association, the quality of homes, if animals would be allowed, if the roads would be paved, and setback requirements.

Casey Einrem, Senior Assistant County Engineer: Stated that the county would require the roads to be paved and that homes would be similar to those in the surrounding area.

Mitch Flanagan, Planning Director: Confirmed that homes would be similar to those in the surrounding area and mentioned the relevant setback requirements.

Tanya Fyfe, Nearby Homeowner: Asked if approval of the subdivision would impact the fence on the property line between her property and the proposed subdivision.

Casey Einrem, Senior Assistant County Engineer: Stated that there would be no roads adjacent to the shared property line to be concerned about.
The public hearing was closed.

Motion	Responsible Party	Result
Approve the subdivision and give a "do pass" recommendation to the Burleigh County Commission conditional to the approval of	Motion made by Commissioner Patrick Motion seconded by Commissioner Connelly	Motion approved 8-0

the stormwater management plan		

6-2 Misty Waters 4th Subdivision

A proposal for a minor plat modification to vacate a 20-foot drainage easement on an existing property at 6408 Dream Dr. The petitioner requests approval of the final plat and giving a "do pass" recommendation to the Board of Burleigh County Commissioners.

Jacob Zabel, County Planner: Introduced the proposal and reiterated that the removal of the drainage easement was the only proposed change.

Chairman Agnew opened the public hearing. No comments were received, and the public hearing was closed.

Commissioner Patrick: Stated that he didn't think vacating the drainage easement would be a good idea, given the area's history with flooding.

Commissioner Small: Asked for an engineer to comment on the proposal.

Casey Einrem, Senior Assistant County Engineer: Stated that the easement had become obsolete since it was adopted and that numerous nearby properties had already vacated their easements.

Commissioner Connelly: Agreed with the information provided by Casey Einrem.

Commissioner Patrick: Asked if the Corps of Engineers were okay with the proposal.

Casey Einrem, Senior Assistant County Engineer: Confirmed that they had no issues with the proposal.

Motion	Responsible Party	Result
Approve the minor plat modification and give a "do pass" recommendation to the Burleigh County Commission	Motion made by Commissioner Connelly Motion seconded by Commissioner Hull	Motion approved 8-0

6-3 Aberle Park Subdivision Zoning Change

A proposal for a zoning change to an existing 1 lot subdivision at 2810 158th St NE. The petitioner requests approval of the final plat and giving a "do pass" recommendation to the Board of Burleigh County Commissioners.

Jacob Zabel, County Planner: Introduced the proposal, stating that the zoning would change from C – Commercial to I – Industrial to allow for the site to be used for commercial storage. He also stated

that industrial properties already existed in the area, so the proposed change would not be out of place.

Commissioner Hull: Asked where the surrounding industrial properties were in relation to the site.

Jacob Zabel, County Planner: Stated that most of the nearby industrial uses were to the immediate east of the site.

Chairman Agnew opened the public hearing.

Landon Niemiller, Project Representative: Confirmed the existence of nearby industrial uses and asked for any questions.

Chairman Agnew: Asked what was proposed to happen to the existing RV park on the site.

Landon Niemiller, Project Representative: Stated that the proposed commercial storage would be in addition to the continued operation of the RV park.

The public hearing was closed.

Motion	Responsible Party	Result
Approve the zoning change and give a "do pass" recommendation to the Burleigh County Commission.	Motion made by Commissioner Munson Motion seconded by Commissioner Small	Motion approved 8-0

6-4 Axt River Cliffs Subdivision

A proposal for a lot combination of 2 existing lots in an unsubdivided area, located at 26276 80th St NW. The petitioner requests approval of the final plat and giving a "do pass" recommendation to the Board of Burleigh County Commissioners.

Jacob Zabel, County Planner: Introduced the project, explaining that the zoning for this project was the authority of Painted Woods township and the township was aware of the project. Additionally, he mentioned that staff requested a conditional approval of the proposal, conditional upon proof of an access easement being provided to the county.

Chairman Agnew opened the public hearing.

Landon Niemiller, Project Surveyor: Stated the approval of the Township, despite lot size requirements not being met, and addressed that the easement would be addressed.

Daniel Schriock, County Engineer: Added that the paving waiver needed to be provided, and that this would also require a conditional approval.

The public hearing was closed.

Motion	Responsible Party	Result
Approve the final plat and give a "do pass" recommendation to the Burleigh County Commission conditional to proof of an access easement being provided and a paving waiver being provided	Motion made by Commissioner Hull Motion seconded by Commissioner Jarratt	Motion approved 5-3

6-5 Chad Dockter Subdivision

A proposal for the creation of a 4 lot subdivision on a 40 acre lot in Apple Creek Township. The petitioner requested approval of the final plat and giving a "do pass" recommendation to the Board of Burleigh County Commissioners.

Jacob Zabel, County Planner: Introduced the subdivision, mentioning that lots would be between 6 and 10 acres in size and that Apple Creek Township had zoning authority over the site and that they did not comment on the proposal.

Chairman Agnew: Asked about a comment sent in prior to the meeting related to the potential reconstruction on 55th Ave SE, located on the north boundary of the subdivision.

Jacob Zabel, County Planner: Deferred the comment to the highway department.

Commissioner Hull: Asked how lots of between 6 and 10 acres could add up to 40 acres.

Jacob Zabel, County Planner: Stated that the remaining acreage in question would be set aside as right-of-way.

Casey Einrem, Senior Assistant County Engineer: Stated that 55th Ave SE is a township road and that no projects on the road were planned in the short term.

Commissioner Small: Asked if the county highway department was the agency that would issue an access on the road.

Casey Einrem, Senior Assistant County Engineer: Stated that the access points would be approved through the plat itself.

Chairman Agnew opened the public hearing.

Greg Feser, Project Surveyor: Mentioned that the subdivision would be simple and only use existing roads.

Commissioner Small: Asked if the project would have to be approved through Apple Creek Township prior to implementation.

Greg Feser, Project Surveyor: Confirmed that Apple Creek Township would have a hearing on the subdivision.

Commissioner Patrick: Asked why the zoning on the site would remain A – Agricultural, despite the proposed lots being somewhat residential in nature.

Greg Feser, Project Surveyor: Stated that the site's zoning would be handled by Apple Creek Township and not the county.

Mitch Flanagan, Planning Director: Confirmed Apple Creek Township's zoning authority over the area.

The public hearing was closed.

Motion	Responsible Party	Result
Approve the final plat and give a "do pass" recommendation to the Burleigh County Commission	Motion made by Commissioner Streifel Motion seconded by Commissioner Jarratt	Motion approved 8-0

6-6 Missouri Valley Complex 2nd Replat

A proposal to replat the existing Missouri Valley Complex site. The complex is within the city of Bismarck, but a joint powers agreement gives both the city and county the authority over the site. The petitioner requested approval of the final plat and giving a "do pass" recommendation to the Board of Burleigh County Commissioners.

Mitch Flanagan, Planning Director: Stated that the item had been pulled from the agenda because the plat had not yet been completed and the city's corrections hadn't yet been received.

6-7 The Ridge at Hawktree 3rd Subdivision

A proposal to redraw the lot boundaries of the Ridge at Hawktree golf course to better include all of the golf course on the same 2 parcels. The petitioner requested approval of the final plat and giving a "do pass" recommendation to the Board of Burleigh County Commissioners.

Jacob Zabel, County Planner: Introduced the proposal and stated that the subdivision would contain two lots because it is located across township lines.

Chairman Agnew opened the public hearing.

Harvey Schneider, Project Surveyor: Agreed with the information presented by staff and was open to answering any questions.

The public hearing was closed.

Motion	Responsible Party	Result
Approve the final plat and give a “do pass” recommendation to the Burleigh County Commission	Motion made by Commissioner Patrick Motion seconded by Commissioner Connelly	Motion approved 8-0

6-8 Revisions to Various Ordinances

A proposal to revise several existing ordinances that had been previously approved by the planning and zoning commission at the August 12th meeting. An additional public hearing was required.

Mitch Flanagan, Planning Director: Confirmed that the proposed changes were made available to the public prior to the meeting and that all changes discussed by the commission previously had been addressed.

Commissioner Streifel: Asked for a clarification on the definition of the term “family foster home for adults”.

Commissioner Hull: Clarified that they were group homes for adults with disabilities or other reasons to need care.

Commissioners Patrick, Connelly, and Munson: Gave testimony involving personal history relating to adult foster care, all expressing support for the concept.

Chairman Agnew opened the public hearing. No comments were received, and the public hearing was closed.

Motion	Responsible Party	Result
Approve the proposed ordinance revisions and give a “do pass” recommendation to the Burleigh County Commission	Motion made by Commissioner Munson Motion seconded by Commissioner Hull	Motion approved 8-0

OTHER BUSINESS

There was no additional business.

A motion was made and seconded to adjourn. The motion was approved unanimously, and the meeting was adjourned.

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STAFF REPORT Introduction

Zoning Ordinance Summary

Status:	Planning and Zoning Commission –
Project Contact:	Mitch Flanagan
Request:	Revise and Update Article 33 of Burleigh County Ordinances
Staff Recommendation:	Review for Recommendations to the County Commission

The following are proposed changes to the Burleigh County Zoning Ordinances.

Article 33 SUBDIVISION REGULATIONS

ARTICLE 33 SUBDIVISION REGULATIONS

The following regulations apply to the subdivision of any and all land within Burleigh County that is not within the corporate limits or within the area of application of extraterritorial jurisdiction of any city.

Section 1. Purpose of Subdivision Regulations

In order to provide for the proper arrangement of streets in relation to other existing and planned streets, and to the master plan of Burleigh County; to provide for adequate and convenient open spaces; for recreation; for light and air; in order to avoid congestion of population; in order to provide for traffic, utilities, for access of firefighting apparatus; in order to provide for, and improve, the public health, safety, and general welfare of the citizens of Burleigh County, the following rules and regulations have been adopted by the Planning Commission of Burleigh County in accordance with the laws of the State of North Dakota.

Section 2. Planning and Zoning Commission Review

The Planning and Zoning Commission of Burleigh County shall review and approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of County Commissioners.

Section 3. Township Review

For subdivisions proposed in areas not under the zoning jurisdiction of Burleigh County, the Township Board of Supervisors of the township in which the subdivision is located shall review the subdivision and make a recommendation to the Board of County Commissioners.

Section 4. Definitions

The following definitions represent the meanings of terms as they are used in these regulations:

Alley - A strip of land, dedicated to public use, primarily to provide vehicular service access to the side or rear of properties otherwise abutting on a street.

Easement **-** A grant by the property owner of the use of a strip of land by the public, or by one or more persons or corporations for a specific purpose or purposes.

Highway – Primary - Any Designated Interstate or Federal Route, such as I-94 or US 83. Primary highways provide for rapid movements of relatively large traffic volumes between large lane areas, major traffic generators and other arterials. Primary highways should have controlled access and are usually multi-land roads with no parking.

Highway – Secondary - Any Designated State or County arterial route, such as Highway 1804 or County Highway 10. Secondary highways provide through traffic movements between Areas and links collectors with other arterials. Secondary highways usually have two to four lanes and may be divided or undivided roads, preferably with little or no parking, and limited access.

Improvements - Street grading and surfacing, with or without curbs and gutter, sidewalks, crosswalks, water mains, sanitary and storm sewers, culverts, bridges, street trees.

Lot - A portion of a subdivision, or other parcel of land intended as a unit for transfer of ownership or for development.

Master Plan - The comprehensive plan, or any portion thereof, made and adopted by the Planning Commission in accordance with the laws of the State of North Dakota, indicating the general or specific locations recommended for streets, parks, public buildings, zoning districts and all other public improvements.

Planning and Zoning Commission **-** The Planning and Zoning Commission of Burleigh County.

Road – Collector - Roadway which provides traffic movements between local roads and arterial roads and highways and also provides direct access to abutting property. Collector roads are usually two-lane roads that should be designed to minimize on-street parking and direct driveway access.

Road – Local - Roadway whose primary function is to provide access to abutting property. Local roads are usually two-lane roads with parking and direct access to adjacent lands.

Subdivisions - The division of a lot, tract or parcel of land into lots for the purpose, whether immediate or future, of sales or building development, including any plat or plan which includes the creation of any part of one or more streets, public easements, or other rights-of-way, whether public or private, for access to or from such lots, and/or including the creation of new or enlarged parks, playgrounds, plazas or open spaces. "Subdivision" includes the re-subdivision of one or more lots in a subdivision made and recorded prior to or after the date these regulations are adopted. However, the division of land for agricultural purposes into parcels of forty (40) or more acres, not involving any new street or easement of access, shall be exempted from these regulations.

Section 5. Procedures

The following procedures shall be followed in the process of platting except for the requirements found under Section 12 defined as Minor Changes to Existing Plats.

1. Preliminary Steps

a. The applicant shall determine the zoning district in which the property is located. If the zoning is not appropriate, the applicant will also need to request a zoning change. Proper zoning must be approved by the Board of County Commissioners before a subdivision proposal can be approved and filed.

    1. For subdivisions proposed in areas not under the zoning jurisdiction of Burleigh County, documentation that the subdivision complies with the zoning requirements of the township must be provided along with the request for tentative approval of a preliminary plat.

b. Before preparing plans for a subdivision, the sub divider shall consult informally with County planning and engineering officials concerning the relation of the property to existing conditions of zoning and need, future plans, community facilities, utilities, and other necessary services.

c. It is the duty of the Planning and Zoning Commission to discourage the subdividing of lands that are far in advance of the needs of the community; or that by their location cannot be efficiently served by public utilities, fire protection, police protection or other services; or that are located in areas subject to flooding, or that are topographically unsuitable for development; or that for any other reason are being unwisely or prematurely subdivided.

2. Tentative Approval

a. The sub divider shall apply in writing on the required form to the Planning Department for tentative approval of a subdivision plat at least ~~twenty-one (21) days~~ thirty (30) days prior to the meeting of the Planning and Zoning Commission at which it is to be considered.

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Agenda Item 6-1

October 14, 2026

Project Summary

Project:	Baldwin Greenhouse Subdivision
Status:	Public Hearing
Applicant:	Strengthen ND Stoll Holdings LLP
Project Contact:	Jacob Zabel, County Planner
Applicant Request:	Platting of an unplatted lot and adoption of a PUD
Staff Recommendation:	Approval of the final plat and giving a "do pass" recommendation to the B.C.C.

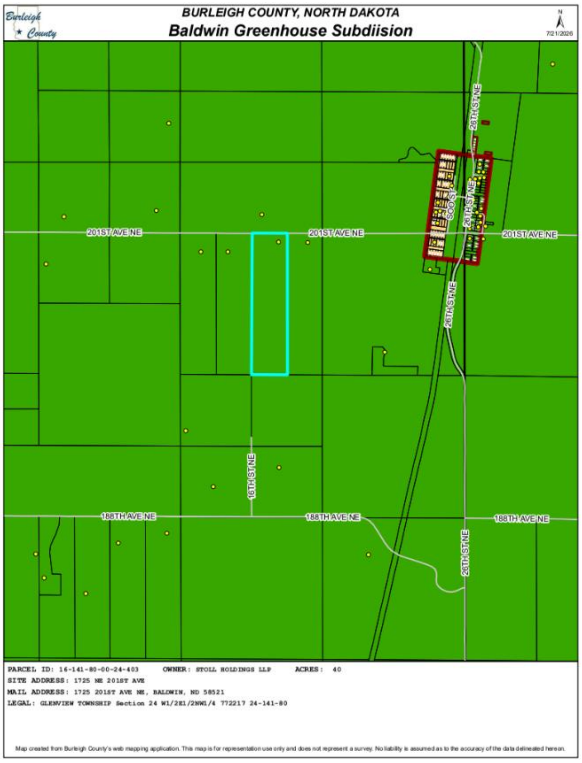
Site Information

Address:	1725 201st Ave NE
Zoning Authority:	Burleigh County
Size:	40.04 acres, more or less
Land Use:	Baldwin Greenhouse
Existing Zoning:	A - Agricultural
Proposed Zoning:	PUD – Planned Unit Development

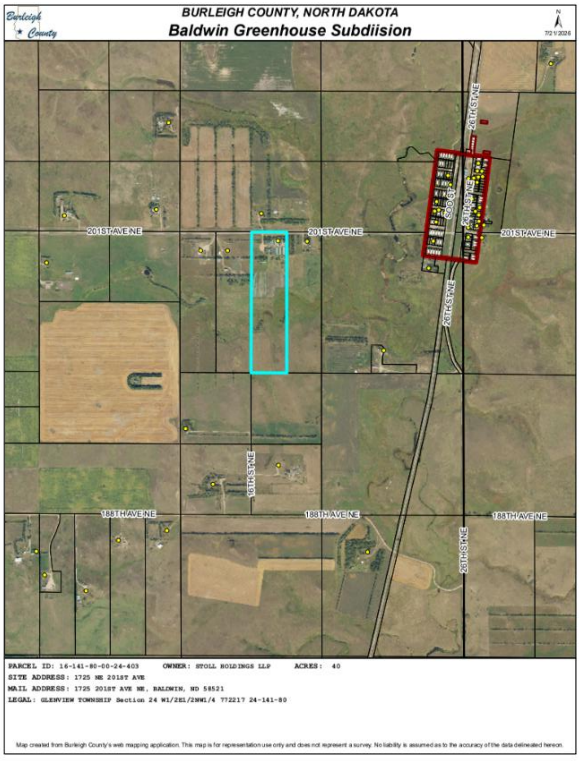
Project Narrative

A request to Burleigh County regarding a zoning change from A – Agricultural to PUD – Planned Unit Development to allow the owners to use a facility on the sire for limited retail and classroom space. A pre-application meeting was held on April 17, 2026.

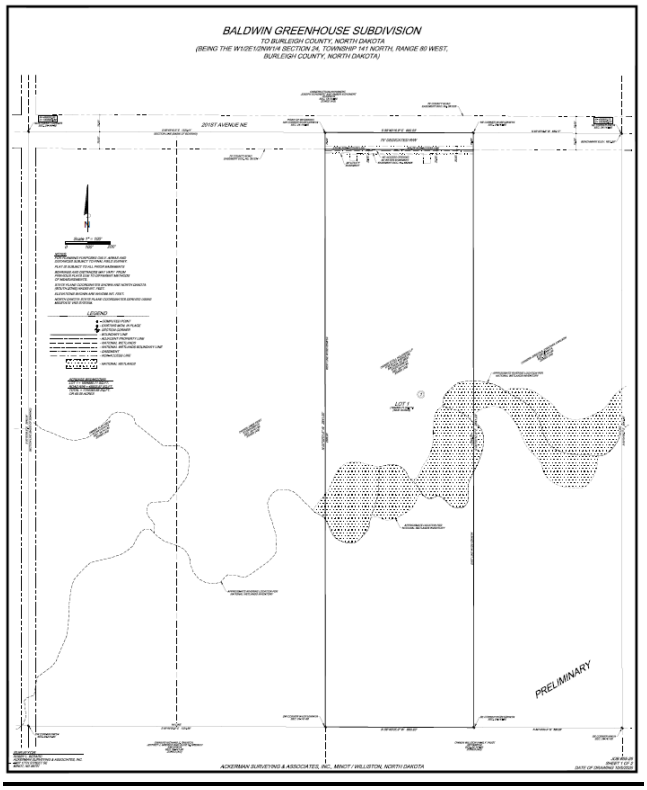
The proposed rezoning would affect 1 lot containing 40.04 acres, more or less. Several buildings already exist on the site, with access from 201st Avenue NE. The Burleigh County Planning and Zoning Commission approved the preliminary plat and called for a public hearing at the September 9th meeting. This proposed subdivision was first submitted on April 23, 2026.



Ex. 6-1-1: Zoning Map



Ex. 6-1-2: Aerial Map



Ex. 6-1-3: Final Plat

Staff Findings

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This final plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Burleigh County's future land use plan designates the area of this subdivision as Rural.
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 6 Business and Industry – Objectives 1 and 3.

Staff Recommendation

The petition for a final plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the final plat and giving a "do pass" recommendation to the B.C.C.

Planning Commission Actions

The Burleigh County Planning and Zoning Commission can:

1. Approve the final plat & give a “do pass” recommendation to the B.C.C.
2. Approve the final plat with conditions & give a “do pass” recommendation to the B.C.C. after all conditions have been completed.
3. Deny the final plat with reason.
4. Table the final plat for more information.

PUD Development Standards:

Location: **1725 201st Ave. NE Baldwin**

Use: **Geen House and Education center**

Lot size: **40 Acres**

Lot Area Coverage: 3% of lot principal and accessory building.

Accessory buildings: Allowed per county standards.

Building Height: Two story maximum, not to exceed-35' in height for principal building.

Foundations: All structures shall be built with frost protected foundations. In determining soil conditions for this lot, a site-specific design by a Registered Design Professional for the foundation system will be acceptable.

Architectural Drawings: Following approval of this PUD, the owners will begin detailed architectural design. Architectural drawings may be submitted and will provide sufficient detail to obtain all necessary building permits per Burleigh County standards.

Buffer Zones: A buffer zone must be established on the west property line to include:

1. A eight (8) foot solid privacy fence installed along the west property line.
2. Trees, bushes and shrubs planted along all property lines and fence, location and width to be determined by the Burleigh County Commission

This PUD shall:

1. Outdoor lighting fixtures directed so direct light is visible above a height of 5 feet. lighting fixtures near adjacent properties must have special shielding to help eliminate light pollution on adjacent properties.
2. Outdoor lighting must be five (5) feet from the adjacent properties.
3. Proper restroom facilities (porta potties) must be provided in addition to restroom facilities in structures.
4. Parking must be provided. No road side parking. All parking areas must be mowed or graveled to prevent fire hazards.
5. Maintain a singular and site-specific sewer system.
6. Maintain retention/detention ponds if required by the stormwater management plan.
7. There will be no overnight stays
8. Site design and building(s) must conform to all applicable requirements of the International Building Code (IBC) and the International Fire Code (IFC) as adopted by Burleigh County– Building Regulations and NDCC.

9. All parking areas shall be gravel or compacted dirt with grass cut low, and designed to prevent debris from the site entering the public right-of-way, and be arranged to provide for orderly and safe loading or unloading and parking.
10. Sound generated by outdoor amplification of music or voice must not exceed 55 decibels between the hours of 9:00 am and 9:00pm.
11. Events not needing a Special Use Permit shall be held between the hours of 9:00 am to 9:00 pm, with one-hour before and after event for set-up and clean up only. All outdoor light fixtures shall be installed in a manner intended to limit the amount of off-site impacts. Light fixtures located near adjacent properties may require special shielding devices to prevent light trespass.
12. The use is setback a minimum of 50' adjacent to properties with a differing land use classification.
13. A site plan, and if necessary, a stormwater management plan study is submitted for review and approval prior to the issuance of a building permit

Sewer System: An individual septic system shall be allowed on this lot separate from any existing sewer systems present. PUD Developers shall install and maintain by the owners per Burleigh County Building Department regulations.

a. Private Sewage System:
   i: Individual septic system: This individual private septic system shall be designed by a registered design professional.
   ii. Register with NDDEQ the Class V Injection Wells as part of the septic system permit review.

Lot Access: Fixed approaches, as per initial design, may only be modified and/or moved with the special approval of the Burleigh County Engineer and Highway Department. The driveway approach shall be permitted as issued by Burleigh County Highway Department.

1. The approach shall be a fixed single approach driveway.
2. U.S. Post Office approved mail receptacle shall be provided in predetermined location.

Platting: Any development shall be platted to ensure future conformity with the PUD and to give Burleigh County assurance this PUD shall only be amended in accordance with Article 20 Section 5 (Planned Unit Developments). Major changes require a public hearing and a majority vote of the Burleigh County Planning & Zoning Commission.

Flood Plains and SFHA: Not applicable

Lot Modifications: Any subsequent significant modification of lots shall be subject to the requirements of Article 33 of Burleigh County Zoning Ordinance of Ordinances.

Issuance of Building Permits: Building permits shall not be issued until all development standards are approved and completed to current Burleigh County standards.

Zoning: After PUD approval, the identified parcel shall be zoned as a PUD per Burleigh County zoning regulations.

Site Plan: A site plan shall be provided that contains the following minimum information:

a. Site information -

1. Name of PUD facility
2. Name and address of the PUD applicant and owner
3. Name, address, and registration of professional surveyor involved in preparing the site plan
4. Scale, which shall be 1 inch equals 100 feet or less and shown graphically.
5. Date site plan was prepared

b. Driving Surfaces

1. Entry to property, entry to building and turnaround for 1st responders required to be paved.
2. Req' width of entry road to be County standard

c. Parking

1. Off street parking required
2. Parking lot or parking area can be compacted dirt with grass cut low.
3. Fire break around parking area- 30' wide,
4. Provide adequate drainage,
5. Provide adequate lighting.

d. Building Life Safety

Fire and Building Safety:

1. Life Safety Inspection is required prior to rezoning
2. Fire inspections required annually,
3. Fire extinguishers tested annually,
4. All temporary tents req' fire resistant material,
5. Designated smoking areas: 20' from entry of buildings, req' proper disposal,
6. No fuel loads near buildings or parking lot.

Infrastructure Installation: Developer shall install an individual septic system and water facilities per the Burleigh County Zoning Ordinance. The driveway shall be built to Burleigh County standards. The Developer shall submit all necessary design documents for the approval of the storm water plans.

a. A utility service plan shall be provided showing existing utilities in place and all existing and proposed easements.

Infrastructure Funding: Any development shall fund the cost of initial engineering design, sanitary sewer, grading, water, and road installation.

Infrastructure Maintenance and Repair: The landowner shall be responsible for future repairs and maintenance of the private driveway and parking area. The owner shall be responsible for

future repairs and maintenance of sanitary sewer facility, storm water management and for mowing of detention/retention pond and common areas.

a. A site plan will detail proposing driveway, parking and building locations.

Parking and Traffic Rules and Regulation: Parking and enforcement shall conform to Article 10, Burleigh County Zoning Ordinance.

Snow Removal: Snow removal is the responsibility of the owner.

Garbage Collection: Garbage collection shall be the responsibility of property owner.

Monument Signs: No monument signs will be required to be installed but may be at the discretion of the developer.

Easements: All easements shall be shown on the plat.

Capital Improvement & Maintenance Fund: All future repairs and maintenance of property shall be the responsibility of the owner.

Grantor/Grantee of Easements: The only easement constructed will be at the approval of the Highway Engineer and the Burleigh County Zoning and Planning committee.

Activities requiring a Special Use Permit:

1. Corn Mazes
2. You pick vegetables
3. Carnivals and farmer's markets
4. Social events for individuals or organizations i.e. Weddings, graduations, company picnics.

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

Section 3. **Effective Date.** This ordinance shall be in full force and effect from and after its final passage and adoption.

Section 4. **Severability.** If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Final Passage and Adoption:

I, Mark Splonkowski, do hereby certify that I am the duly elected auditor, of the County of Burleigh, State of North Dakota, and that the foregoing is a full, true and correct copy of an ordinance adopted by the Board of Burleigh County Commissioners at its regular meeting on to be determined.
____day of _____

IN WITNESS WHEREOF, I have hereto set my hand and seal of Burleigh County

this _____day of _____, 2024.

_____
Mark Splonskowski
Burleigh County Auditor/Treasurer

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Agenda Item 6-2

October 14, 2026

Project Summary

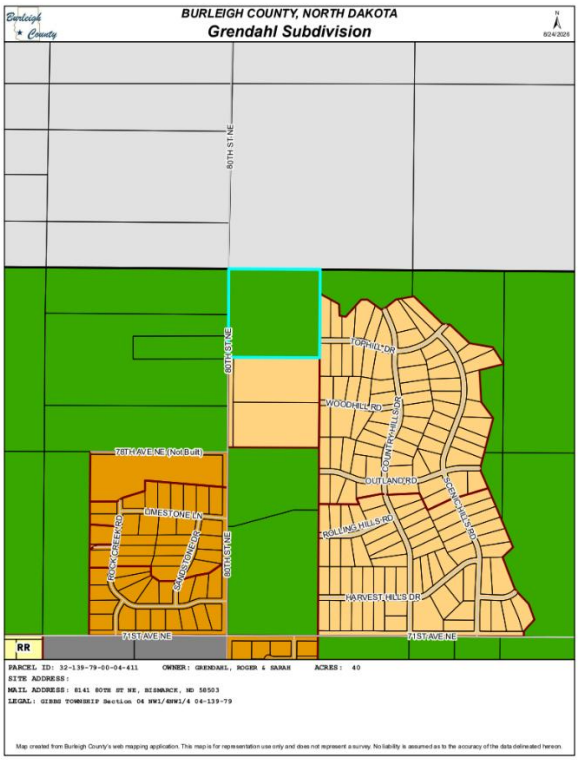
Project:	Grendahl Subdivision
Status:	Public Hearing
Applicant:	Roger & Sarah Grendahl
Project Contact:	Jacob Zabel, County Planner
Applicant Request:	Splitting a 39.09 acre parcel into 2 lots with a zoning change on one of the lots
Staff Recommendation:	Approval of the final plat and giving a “do pass” recommendation to the B.C.C.

Site Information

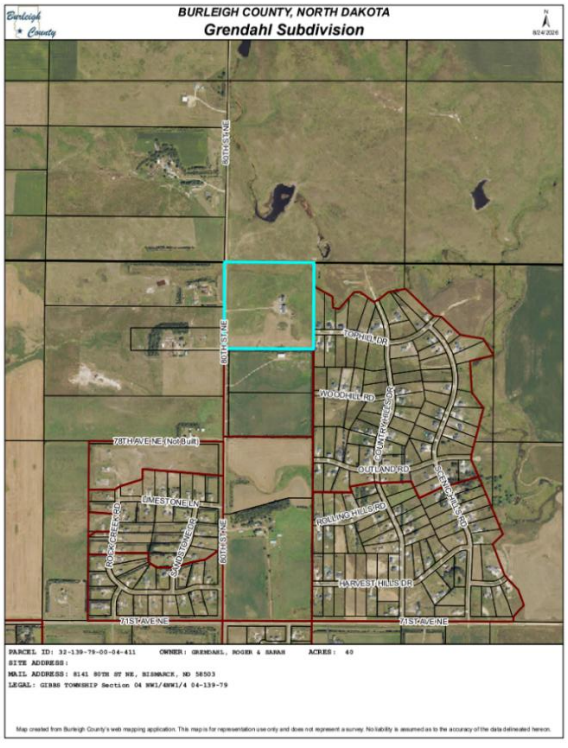
Address:	8141 80th St NE
Zoning Authority:	Burleigh County
Size:	39.09 acres, more or less
Lots:	1 block containing 2 lots of 5.00 acres and 31.87 acres each
Existing Land Use:	Rural Homestead
Existing Zoning:	A – Agricultural
Proposed Zoning:	A – Agricultural and R1 – Rural Residential

Project Narrative

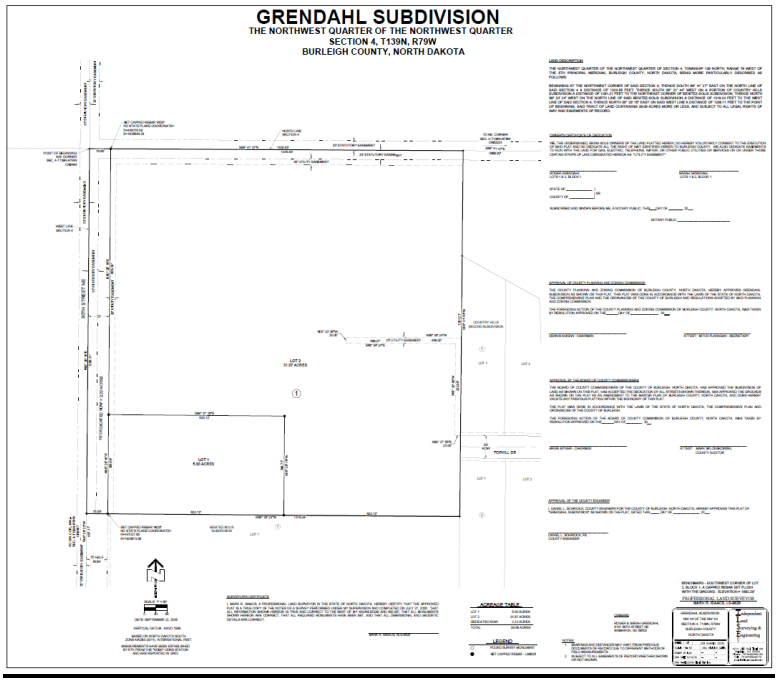
A request to Burleigh County regarding splitting a 39.09 acre parcel into 2 lots, one containing 5.00 acres and the other containing 31.87 acres, more or less. The 31.87 acre lot would remain A – Agricultural, while the smaller 5.00 acre lot would become R1 – Rural Residential. There is an existing single-family residential building with an accessory unit on the site, which both would be located on the 31.87 acre lot. The proposed subdivision was first submitted on August 20th, 2026.



Ex. 6-2-1: Zoning Map



Ex. 6-2-2: Aerial Map



Ex. 6-2-3: Final Plat

Staff Findings

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This final plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Burleigh County's future land use plan designates the area of this subdivision as Rural Residential.
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.

Staff Recommendation

The petition for a final plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the final plat and giving a "do pass" recommendation to the B.C.C.

Planning Commission Actions

The Burleigh County Planning and Zoning Commission can:

1. Approve the final plat & give a "do pass" recommendation to the B.C.C.
2. Approve the final plat with conditions & give a "do pass" recommendation to the B.C.C. after all conditions have been completed.
3. Deny the final plat with reason.
4. Table the final plat for more information.

Burleigh County Planning and Zoning Commission Meeting

Tom Baker Meeting Room, City/County Office Building, 221 N 5th St, Bismarck

Attend in Person | Watch live on Government Access Channels 2 or 602 | Listen to Radio Access 102.5 FM | Stream on freetv.org or Dakota Media Access Facebook Live | Replay later from freetv.org

AGENDA

September 9, 2026

5:15 PM

1. Pledge of Allegiance
2. Roll Call
3. Approval of July & August Meeting Minutes
4. Public Comments: (Restricted to Burleigh County residents and landowners)
5. Consent Agenda: (The following items are requests for a public hearing)

   5-1 Grendahl Subdivision
   Request approval of the preliminary plat. Call for a public hearing
   Staff Recommendation: Approval

   5-2 Grant Subdivision
   Request approval of the preliminary plat. Call for a public hearing
   Staff Recommendation: Approval

   5-3 Baldwin Greenhouse Subdivision & Strong Farms PUD
   Request approval of the preliminary plat. Call for a public hearing
   Staff Recommendation: Approval

6. Public Hearing Agenda:

   6-1 Highlands at Burnt Creek Subdivision
   Requests approval of the final plat and a "Do Pass" recommendation to the Board of Burleigh County Commissioners.
   Staff Recommendation: Approval

   6-2 Misty Waters 4th Subdivision
   Request approval of the final plat and a "Do Pass" recommendation to the Board of Burleigh County Commissioners.
   Staff Recommendation: Approval

6-3 Aberle Park Subdivision Zoning Change
Request approval of the final plat and a "Do Pass" recommendation to the Board of Burleigh County Commissioners.
Staff Recommendation: Approval

6-4 Axt River Cliffs Subdivision
Request approval of the final plat and a "Do Pass" recommendation to the Board of Burleigh County Commissioners.
Staff Recommendation: Approval

6-5 Chad Dockter Subdivision
Request approval of the final plat and a "Do Pass" recommendation to the Board of Burleigh County Commissioners.
Staff Recommendation: Approval

6-6 Missouri Valley Complex 2nd Replat
Request approval of the final plat and a "Do Pass" recommendation to the Board of Burleigh County Commissioners.
Staff Recommendation: Approval

6-7 The Ridge at Hawktree 3rd Subdivision
Request approval of the final plat and a "Do Pass" recommendation to the Board of Burleigh County Commissioners.
Staff Recommendation: Approval

6-8 Revisions to Certain Ordinances

- Review proposed changes and recommend 2nd Public Hearing for:
- Ex. 6.8.1 Zoning District Article 3 Definitions
- Ex. 6.8.2 Zoning District Article 6 Incidental Uses
- Ex. 6.8.3 Zoning District Article 8 Section 4, Sec. 8, Sec. 22
- Ex. 6.8.4 Zoning District Article 11 Ag Agricultural
- Ex. 6.8.5. Zoning District Article 12 R1 Residential
- Ex. 6.8.6. Zoning District Article 12 R2 Residential
- Ex. 6.8.7. Zoning District Article 15 R5 MH
- Ex. 6.8.8 Zoning District Article 16 C Commercial
- Ex. 6.8.9 Zoning District Article 18 I Industrial

7. Other Business:
8. Adjourn

Next Meeting: October 14, 2026

Burleigh County Planning and Zoning Meeting Minutes
July 8, 2026

PRESENT: Chairman Dennis Agnew, Commissioners Brian Bitner, Mike Connelly, Alvie Jarratt, Wayne Munson, Dale Patrick, Jim Small, Bea Streifel, and John Risch (online; joined shortly after roll call)

OTHERS: Mitch Flanagan, Marla McMonagle, Jacob Zabel, representatives of applicants, and Members of the Public

Chairman Agnew called the meeting to order. The Pledge of Allegiance was recited, followed by roll call. A quorum was present. There were no minutes presented for approval.

PUBLIC COMMENTS:
There were no public comments.

CONSENT AGENDA

There was 1 item on the consent agenda requesting a public hearing.

5-1 The Ridge at Hawktree 3rd Subdivision Replat
A proposal to redraw the lot boundaries of the Ridge at Hawktree golf course to better include all of the golf course on the same 2 parcels.

Motion	Responsible Party	Result
Approve the consent agenda as is, approving all items for a public hearing	Motion made by Commissioner Munson Motion seconded by Commissioner Bitner	Motion approved 9-0

PUBLIC HEARING AGENDA

Mitch Flanagan, Planning Director: Before the first public hearing, reminded the Commission that motions and decisions must be tied to the applicable ordinances, bylaws, Century Code, and findings of fact. He emphasized that findings should be based on the record rather than personal opinions or emotions.

6-1 Lookout Trail Variance
A proposal for a variance to the 15-foot side setback requirement at 4731 Lookout Trail. The petitioner requests approval of the final plat and giving a “do pass” recommendation to the Board of Burleigh County Commissioners.

Mitch Flanagan, Planning Director: Explained that a complaint was received regarding an accessory pole building under construction near the north property line. A building permit had been applied for in October 2025 but had not been issued, and a stop-work order was placed after the complaint. A stamped lot exhibit showed the closest corner of the building approximately 11.2 feet from the property line, requiring roughly 3.8 feet of relief from the 15-foot setback. Staff stated the structure was not over the property line, the separation met fire-safety concerns, and staff recommended approval of the variance.

Commissioner Patrick: Expressed concern about granting setback variances when the County has established setback requirements, noting that repeated exceptions could create a precedent for larger future encroachments.

Chairman Agnew opened the public hearing.

Stephanie Bosch, Adjacent property owner to the north: Stated she contacted the County after GIS information appeared to show the new building on her property. A later survey showed the new structure was not over the line but was within the required setback. She also raised concerns about two smaller existing structures, including a playhouse/treehouse, that she believed were on or too close to her property. She opposed approving the variance before the other boundary and setback concerns were addressed and stated the hardship was self-created because construction began before a permit was issued.

Sam Keller, Property owner and variance applicant: Clarified that the building sits at an angle to the property line: the west end is approximately 16 feet from the line and only the northeast corner is approximately 11.2 feet away. He said he had owned the property for about 38 years and relied on the existing shelterbelt and previous understanding of the boundary when locating the structure. He acknowledged that a small playhouse may cross the property line and stated it could be moved. The accessory building was framed but not completed.

The public hearing was closed.

Commissioner Connelly stated that the lack of an issued permit and the structure already being under construction made the findings difficult and supported denial.

Commissioner Risch noted the permit application had been pending for more than eight months; staff acknowledged the review had been delayed and there was a communication issue but confirmed no permit had been issued.

Commissioner Munson stated that, as a contractor, he would not begin construction without a permit in hand.

Motion	Responsible Party	Result
Deny the Lookout Trail setback variance because no building permit had been issued and the structure was within the required setback	Motion made by Commissioner Connelly Motion seconded by Commissioner Patrick	Motion approved 9-0

6-2 Outlook Road Variance

A proposal for a variance to the 15-foot side setback requirement at 8620 Outland Road. The petitioner requests approval of the final plat and giving a “do pass” recommendation to the Board of Burleigh County Commissioners.

Marla McMonagle, Planning Staff: Explained that the 1.5-acre lot in Country Hills 2nd Subdivision is pie-shaped. The owner proposes an accessory building with a 10-foot setback along the northwest property line, requiring five feet of relief from the 15-foot requirement. Three neighboring property owners submitted memorandums stating they had no concerns. Staff found the proposed placement would not encumber neighboring properties and recommended approval.

Chairman Agnew opened the public hearing.

Kurt Ruzicka, Property owner: Explained that the preferred location provides the most practical access from the existing driveway and garage for backing campers and boats into the building. Moving the building farther east would require additional dirt work because of the slope and would make access less convenient. He confirmed the property pins had

been located and the area had been professionally surveyed. He acknowledged the building could be moved if required but preferred the proposed location.

The public hearing was closed.

Commissioner Patrick: Stated he would not support the variance because the established setback should be enforced.

Commissioner Risch: Also opposed the request, noting the lot appeared to have sufficient room to move the building and comply with the setback.

Motion	Responsible Party	Result
Approve the Outlook Road variance as presented	Motion made by Commissioner Streifel Motion seconded by Commissioner Jarratt	Motion failed 2-7

6-3 Nature View Drive Variance

A proposal for a variance to the 4% accessory building lot coverage requirement at 501 Nature View Drive. The petitioner requests approval of the final plat and giving a "do pass" recommendation to the Board of Burleigh County Commissioners.

Marla McMonagle, Planning Staff: Explained that the 1.492-acre rural residential lot contains an existing 1,228-square-foot accessory building and the owner proposes an additional 1,500-square-foot accessory building. The proposal would exceed the current 4% accessory-building coverage limit by less than 200 square feet. Staff found the building would fit on the lot without encumbering neighbors and recommended approval, subject to the owner complying with any applicable private covenants.

Commissioner Bitner: Asked whether the proposed building would comply with ordinance changes currently being developed to increase allowable lot coverage. Staff confirmed that it would.

Chairman Agnew opened the public hearing. No comments were received, and the public hearing was closed.

Motion	Responsible Party	Result
Approve the variance and give a "do pass" recommendation to the Burleigh County Commission.	Motion made by Commissioner Munson Motion seconded by Commissioner Bitner	Motion approved 9-0

6-4 Island Park Estates 2nd Subdivision

A proposal for a lot combination at 6169 Island Road. Staff recommended approval of the final plat and giving a "do pass" recommendation to the Board of Burleigh County Commissioners.

Jacob Zabel, County Planner: Explained that Lots 12 and 3 of Block 6, Island Park Estates Subdivision, are each approximately two acres and would be combined into one approximately four-acre lot. The zoning would remain R-1 single-family residential. Staff noted that the final plat image in the packet was incorrect and displayed the correct plat for the Commission.

Chairman Agnew opened the public hearing.

Leighton Sampson, Property owner: Confirmed he owns both vacant lots and wants to combine them so a future home can be placed near the existing common lot line without being constrained by the internal setback.

The public hearing was closed.

Motion	Responsible Party	Result
Approve the final plat and give a "do pass" recommendation to the Burleigh County Commission.	Motion made by Commissioner Patrick Motion seconded by Commissioner Small	Motion approved 9-0

6-5 Klatte Subdivision and Zoning Change

A proposal for the creation of a 2 lot subdivision, which would involve a zoning change from Agricultural to Rural Residential on one of the lots. The site is approximately 41 acres. Staff recommended approval of the final plat and giving a "do pass" recommendation to the Board of Burleigh County Commissioners.

Mitch Flanagan, Planning Director: Explained that the item had been tabled at the June meeting for additional information. The approximately 44-acre tract would be divided into two lots: about 35 acres would remain Agricultural and an approximately 8.41-acre parcel would be rezoned to R-1. The applicants intend to operate a nonprofit, nature-based pre-K educational center for approximately 15 to 30 children. Educational groups are a permitted use in R-1 subject to ordinance requirements. Staff also discussed traffic counts obtained by the Highway Department, the surrounding mix of Agricultural and residential land, and a petition and letters submitted in opposition.

Commissioner Jarratt: Asked for a clarification of the site address. Staff specified the address was 14328 141st St NE.

Commissioner Streifel: Asked if any similar projects had been approved in Burleigh County. Staff could not recall a similar instance.

Commissioner Streifel: Asked if a single-family dwelling would be required to be on the parcel for the zoning change to be allowed. Staff stated that a school could exist on the lot without a residential building.

Commissioner Munson: Asked for a clarification on if an educational group was allowed in an R-1 zone. Staff confirmed an educational group is permitted by right in R-1.

Mitch Flanagan, Planning Director: Mentioned a petition in opposition to the proposed school that had been sent to the planning department staff.

Commissioner Connelly: Asked if any other nearby properties were zoned R-1. Staff confirmed that there were, including the property to the north, and that the future land use map supported R-1 zoning on the site.

Commissioner Small: Asked if all the people who signed the petition were opposed to the project. Staff confirmed that the signers were opposed to the project, and that the petition specified they were against the project because of increased density, existing infrastructure, property value concerns, child safety, and gun rights.

Mitch Flanagan, Planning Director: Stated that he did not believe that the school would impact the gun rights of neighboring landowners.

Commissioner Streifel: Asked if the individuals who signed the petition all resided on neighboring properties. Staff said that some of those who signed lived outside of the notification distance.

Commissioner Patrick: Asked how far away those who signed lived from the Klatte Subdivision. Staff stated that some signees lived over a mile away. Additionally, staff stated that the validity of the petition was in question because some of those who signed lived outside of the notification distance.

Chairman Agnew opened the public hearing.

Tim Klatte, Applicant: Addressed the opposition petition and argued that its claims were largely based on assumptions rather than verified evidence. He stated only about 8.4 acres of the family's approximately 80 acres would be rezoned and the remaining land would stay Agricultural. He described the proposed school building as approximately 1,050 square feet per floor, reviewed photographs and drone images showing the proposed location, and said the use would remain a small nonprofit nature school under a long-term lease. He disputed claims of neighboring gun or hunting rights. He stated operations would generally be weekdays during daytime hours.

Mallory Klatte, Applicant: Spoke in support of the nature school and emphasized its focus on outdoor learning, rural life, agriculture, wildlife, private property, and community. She stated the school would be set back from neighboring property lines and 41st Street, and the children's primary play area would be enclosed by an approximately 5.5-foot fence.

Jessie Grenz, Rural Burleigh County resident: Spoke in support of the zoning change. She said the issue before the Commission was whether the rezoning met the applicable standards, and she was concerned the applicants could be penalized for being transparent about their intended use. She argued that several objections related to the school itself rather than the zoning criteria and expressed concern about neighbors dictating otherwise lawful uses of another person's property.

Heidi Reiter, Adjacent property owner: Spoke in opposition and read from the neighbors' petition. She raised concerns about increased traffic on gravel roads, loss of privacy, infrastructure conditions, rural character, and potential effects on property values. As a livestock owner whose property adjoins the applicants' land, she expressed significant concern about liability.

Jon Dockter, neighboring property owner: Spoke in opposition. Argued that the proposed educational use does not fit the low-density character. He stated a private pre-K school would not primarily serve the immediate neighborhood.

Cassie Quintus , Director and lead teacher of Wonderfully Wild: Described her background in education and the school's safety practices. She stated the school intentionally uses low student-to-teacher ratios, a 5.5-foot fence, supervision, and additional staffing for children who need one-on-one attention. At a maximum enrollment of 30 children, she anticipated at least four full-time adults.

Tim Klatte, Applicant: Returned briefly and encouraged neighboring residents to view the school as an opportunity for community involvement, stating that neighbors' skills and professions could contribute to the children's learning.

The public hearing was closed.

Commissioner Streifel: Expressed concerns over the idea of spot zoning.

Commissioner Bitner: Disagreed that the Klatte Subdivision zoning change was spot zoning and claimed that denying the zoning change could go against property rights. Additionally, he stressed the need to make determinations based on rules and ordinances.

Commissioner Patrick: Also expressed the need to make determinations based on facts and not feelings and claimed that what the property owners did on their R-1 property was their business, if it is allowed in ordinance.

Motion	Responsible Party	Result
Approve the final plat and give a "do pass" recommendation to the Burleigh County Commission.	Motion made by Commissioner Patrick Motion seconded by Commissioner Munson	Motion approved 8-1

Commissioner Risch lost his online connection before the roll-call vote. The initial vote was 7-1. After reconnecting, Commissioner Risch asked to be recorded in support of the motion, making the final recorded vote 8-1.

AGENDA ITEMS

7-1 Data Center Moratorium

Proposed moratorium addressing data centers below the threshold covered by the existing 50 MW and greater ordinance. Staff request approval/recommendation to the Board of Burleigh County Commissioners.

Mitch Flanagan, Planning Director: Explained that the County had received interest involving data centers and that the existing ordinance addresses facilities of 50 MW or more. Staff proposed a temporary moratorium while developing regulations for smaller facilities below 50 MW, potentially including uses in multiple zoning districts. He stated the draft resolution should refer to facilities below 49.9 MW rather than below 100 MW.

Commissioner Risch: Expressed his support for the moratorium but favored making the proposed duration clear.

Chairman Agnew: Stated the phrasing was acceptable as long as it was clear.

Commissioners Bitner & Munson: Questioned the need for a moratorium if unlisted uses are not currently permitted and preferred moving directly into ordinance development.

Commissioner Streifel: Asked whether the issue could be incorporated into the zoning amendments already underway. Staff said that it could, but stressed the complexity of writing this type of ordinance.

Mitch Flanagan, Planning Director: Expressed his concern that smaller data centers not having any specifications in ordinance could be interpreted as them being fully allowed. Additionally, he pointed to a need to continue researching an ordinance without signaling that Burleigh County is closed to all data-center development.

Chairman Agnew: Questioned the need for a moratorium if no allowance for smaller data centers currently existed within ordinance and introduced the idea of keeping the data center ordinance separate from the other ordinance changes. Additionally, he asked if the city of Bismarck's ordinances had different specifications per MW usage. Staff did not believe that was the case.

Commissioner Bitner: Stated he did not believe a moratorium would pass the county commission and expressed his disapproval of the proposed moratorium.

Motion	Responsible Party	Result
Deny the request for a data center moratorium	Motion made by Commissioner Connelly Motion seconded by Commissioner Bitner	Motion approved 9-0

7-2 Resolution to Amend Burleigh County Zoning Ordinances

A resolution supporting the ongoing ordinance-amendment process. Staff request approval/recommendation to the Board of Burleigh County Commissioners.

Mitch Flanagan, Planning Director: Explained that the resolution is a required step in the ordinance-adoption process and follows the Commission's prior review of the affected zoning articles. A minor wording correction was identified in the draft before forwarding it.

Motion	Responsible Party	Result
Forward the Resolution to Amend Burleigh County Zoning Ordinances to the Burleigh County Commission for approval.	Motion made by Commissioner Munson Motion seconded by Commissioner Bitner	Motion approved 9-0

OTHER BUSINESS

8-1 Discussion on Baldwin Greenhouse

Discussion of complaint, preliminary plat, and proposed Planned Unit Development (PUD) related to the Baldwin Greenhouse Subdivision.

Mitch Flanagan, Planning Director: Explained that a June 14 complaint from Jamie Feist alleged school-related activity on the neighboring Baldwin Greenhouse property. Staff had discussed the complaint with the State's Attorney's Office, law enforcement, and County officials. Because the preliminary plat and PUD were tabled while neighboring owners addressed ongoing disputes, staff asked for direction on the complaint and whether the subdivision and PUD should move forward. Also discussed were buffering, access/easements, emergency access, and parking.

Commissioner Patrick: Said a site visit raised concern that some activity could be viewed as harassment of the neighboring deer operation and warranted further investigation. Also discussed were property-right responsibilities, nuisance and trespass concerns, and the limits of requiring one owner to remain quiet for a neighboring livestock operation.

Commissioner Connelly: Initially moved to dismiss the complaint and address the underlying issues through the PUD process, seconded by Commissioner Munson. During procedural discussion about the tabled subdivision and PUD, the motion was rescinded.

Motion	Responsible Party	Result
Remove both the Baldwin Greenhouse subdivision and PUD from the table and place them on the consent agenda for the next meeting.	Motion made by Commissioner Munson Motion seconded by Commissioner Connelly	Motion approved 9-0

Commissioner Bitner: Stated he wanted better cooperation between the neighboring property owners and a fair balance of property rights before supporting the proposal moving forward.

There was no additional business.

A motion was made and seconded to adjourn. The motion was approved unanimously, and the meeting was adjourned.

Burleigh County Planning and Zoning Meeting Minutes
August 12, 2026

PRESENT: Chairman Dennis Agnew, Commissioners Brian Bitner, Mike Connelly, Matt Hull, Alvie Jarratt, Wayne Munson, Dale Patrick, and Bea Streifel. Commissioner Small was not present.

OTHERS: Mitch Flanagan, Marla McMonagle, Jacob Zabel, representatives of applicants, and Members of the Public

Chairman Agnew called the meeting to order. The Pledge of Allegiance was recited, followed by roll call. A quorum was present. There were no minutes presented for approval.

PUBLIC COMMENTS:
There were no public comments.

CONSENT AGENDA

There were four items on the consent agenda, all requesting public hearings.

5-1 Axt River Cliffs Subdivision
A proposal for a lot combination of 2 unplatted parcels in Painted Woods Township.

5-2 Chad Dockter Subdivision
A proposal for a new 4 lot subdivision in Apple Creek Township. The 39.92 acre site would be divided into lots containing between 6.00 and 10.00 acres.

5-3 Highlands at Burnt Creek Subdivision
A proposal for a new 33 lot subdivision in Burnt Creek Township. The 80 acre site would be divided into lots containing between 1.50 and 6.29 acres. This proposal would also change the zoning on the site from agricultural to rural residential.

5-4 Aberle Park Subdivision Zoning Change
A proposal to change the zoning of the Aberle Park Subdivision from commercial to industrial to allow for the site to become a commercial storage area.

Motion	Responsible Party	Result
Approve the consent agenda as is, approving all items for a public hearing	Motion made by Chairman Agnew Motion seconded by Commissioner Bitner	Motion approved 8-0

PUBLIC HEARING AGENDA

6-1 Arcadia Lite Estates Subdivision
A proposal for a new 5 lot subdivision in Burnt Creek Township. Staff recommended approval of the final plat and giving a “do pass” recommendation to the Board of Burleigh County Commissioners.

Jacob Zabel, County Planner: explained the request involving an 80.1-acre parcel in the southeast quarter of Section 15, Burnt Creek Township. The proposal would create 5 lots of approximately 16.5 acres each. Zoning will remain Agricultural. All lots will use existing access from 26th Street NE and no new roads are proposed.

Chairman Agnew opened the public hearing.

Landon Niemiller, Surveyor and Applicant Representative: Stated the project had previously been reviewed with slightly larger lots. The lot sizes were adjusted to approximately 16.5 acres to preserve options for a possible future phase. No other material changes were identified.

The public hearing was closed.

Motion	Responsible Party	Result
Approve the final plat and give a "do pass" recommendation to the Burleigh County Commission.	Motion made by Commissioner Munson Motion seconded by Commissioner Connelly	Motion approved 8-0

6-2 Olive Tree 2nd Subdivision

A proposal for a lot combination of 2 lots at 5501 Dietrich Place. Staff recommended approval of the final plat and giving a "do pass" recommendation to the Board of Burleigh County Commissioners.

Jacob Zabel, County Planner: explained that the owner has two parcels, approximately 1.43 acres and 33.19 acres. A principal structure exists on the smaller parcel. Because an accessory building is proposed on the larger parcel and County code does not allow an accessory building on a lot without a principal structure, portions of the parcels would be combined to create a new approximately 25-acre lot containing the principal structure and proposed accessory building.

Chairman Agnew opened the public hearing.

Landon Niemiller, Surveyor and Applicant Representative: Described the proposal as a large-scale lot combination. Remaining land to the west will retain room for future access and right-of-way if the surrounding road network is extended in the future.

The public hearing was closed.

Motion	Responsible Party	Result
Approve the final plat and give a "do pass" recommendation to the Burleigh County Commission.	Motion made by Commissioner Streifel Motion seconded by Commissioner Hull	Motion approved 8-0

6-3 Apple Creek Ridge 3rd Subdivision

A proposal for a lot combination of 2 lots at 11737 Apple View Lane. Staff recommended approval of the final plat and giving a "do pass" recommendation to the Board of Burleigh County Commissioners.

Jacob Zabel, County Planner: Explained that two existing 1.55-acre lots have the same owner. One lot contains the principal use and the second is vacant. The owner proposes an accessory structure on the vacant parcel. The two lots

would be combined into one parcel of just over three acres so the accessory structure can be permitted. Zoning will not change.

Chairman Agnew opened the public hearing. No comments were received, and the public hearing was closed.

Motion	Responsible Party	Result
Approve the final plat and give a "do pass" recommendation to the Burleigh County Commission.	Motion made by Commissioner Patrick Motion seconded by Commissioner Hull	Motion approved 8-0

6-4 Misty Waters 3rd Replat

A proposal for a lot combination at 6301 Dream Circle. Staff recommended approval of the final plat and giving a "do pass" recommendation to the Board of Burleigh County Commissioners.

Jacob Zabel, County Planner: Explained that two adjoining, undeveloped lots would be combined into one 1.45-acre lot. The combination will allow the property owner to construct a residence across the existing property line. Zoning will not change.

Chairman Agnew opened the public hearing.

Jesse Schuchard, Property Owner: Confirmed the information presented by staff and offered to answer questions. No questions were raised.

The public hearing was closed.

Motion	Responsible Party	Result
Approve the final plat and give a "do pass" recommendation to the Burleigh County Commission.	Motion made by Commissioner Munson Motion seconded by Commissioner Connelly	Motion approved 8-0

6-5 Revisions to Certain Zoning Ordinances

The first public hearing on proposed ordinance revisions. Staff recommended reviewing the proposed revisions and moving the ordinances, with approved changes, to a second public hearing.

Mitch Flanagan, Planning Director: Explained that staff has been working on the revisions for an extended period. The changes generally increase allowable uses and reduce restrictions, including provisions involving home occupations, cell towers, shop condominiums, and other uses. The revisions are related in part to the transfer of a substantial portion of the former ETA to County jurisdiction.

Commissioner Bitner: Asked whether personal storage units should also be allowed in Agricultural zoning.

Discussion indicated this could be practical where Agricultural land is adjacent to residential development. Staff agreed the use could be added.

Commissioner Hull: Asked about border-yard and screening requirements when industrial property is adjacent to Agricultural land, particularly when the Agricultural property is currently farmed.

Discussion noted Agricultural land may contain residences or may transition to residential use, and screening requirements provide protection between more intense and less intense uses.

Commissioner Streifel: Identified duplicate language in the draft. On page 5, the second Section 2 regarding home occupation is to be removed, retaining the version containing the highlighted “but not limited to” language. On page 14, a duplicated use regarding temporary sale of certain items is to be removed and the remaining uses renumbered.

Commissioner Streifel: Asked about the definition and treatment of a commercial greenhouse in the Agricultural district.

Mitch Flanagan, Planning Director: Explained the distinction between a commercial/wholesale greenhouse and a retail greenhouse. It was also confirmed that a draft commercial/ retail greenhouse definition is already included in Article 3.

Commissioner Streifel: Asked that the proposed ordinance revisions be made available online before the next public hearing.

Mitch Flanagan, Planning Director: Stated the documents would be assembled and posted so the public can review the changes prior to the next hearing.

Chairman Agnew opened the public hearing. No members of the public spoke. The public hearing was closed.

Commissioner Bitner: Disclosed that he owns lots in a rural subdivision and is currently building a house and stated the proposed ordinance changes could potentially affect him. He asked the Board to determine whether he should participate in the vote.

Motion	Responsible Party	Result
Allow Commissioner Bitner to vote on the proposed ordinance revisions	Motion made by Commissioner Munson Motion seconded by Commissioner Patrick	Motion approved 8-0

Commissioner Streifel: Raised a concern regarding the “religious institution” use listed on page 35, number 19, and referenced planning and zoning issues occurring in Texas. The Commission agreed the subject warranted thoughtful review before the next meeting. No immediate amendment was adopted.

Motion	Responsible Party	Result
Approve the ordinance revisions with the changes identified during the meeting and move them to a second public hearing at the next Planning and Zoning Commission meeting	Motion made by Commissioner Patrick Motion seconded by Commissioner Munson	Motion approved 8-0

OTHER BUSINESS:
Chairman Agnew: Welcomed Commissioner Hull to the Planning and Zoning Commission.

There was no additional business.
A motion was made and seconded to adjourn. The motion was approved unanimously, and the meeting was adjourned.

Agenda Item 5-1

September 9, 2026

Project Summary

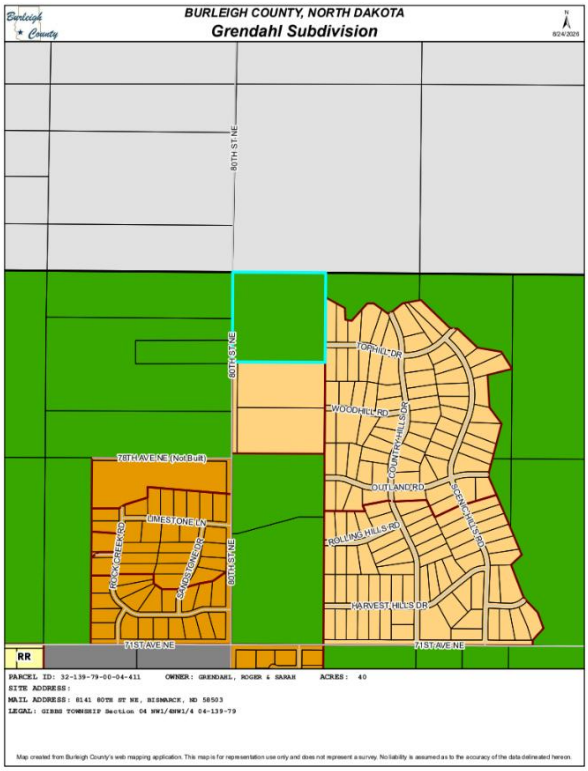
Project:	Grendahl Subdivision
Status:	Consent Agenda
Applicant:	Roger & Sarah Grendahl
Project Contact:	Jacob Zabel, County Planner
Applicant Request:	Splitting a 39.09 acre parcel into 2 lots with a zoning change on one of the lots
Staff Recommendation:	Approval of the preliminary plat and calling for a public hearing

Site Information

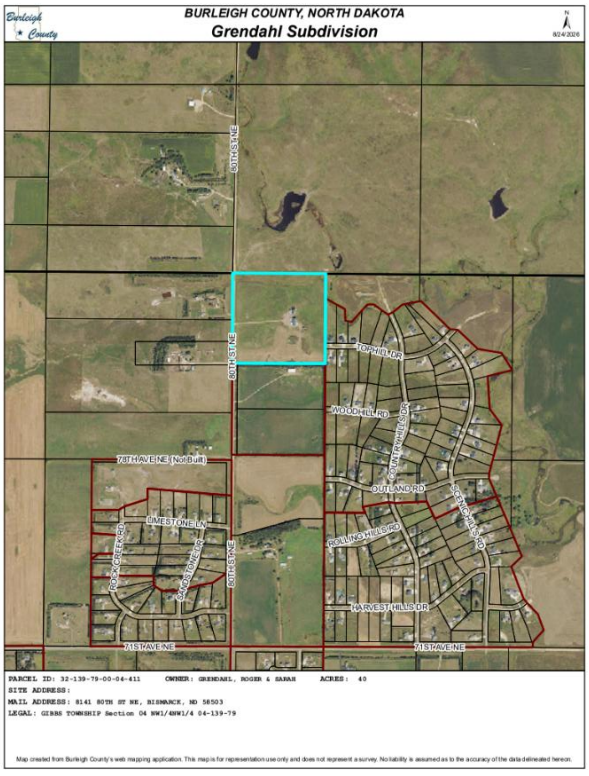
Legal Description:	NW ¼ of the NW ¼ of Section 4, T139N, R79W
911 Address:	8141 80th St NE
Zoning Authority:	Burleigh County
Size:	39.09 acres, more or less
Lots and Blocks:	1 block containing 2 lots of 5.00 acres and 31.87 acres each
Existing Land Use:	Rural Homestead
Existing Zoning:	A – Agricultural
Proposed Zoning:	A – Agricultural and R1 – Rural Residential

Project Narrative

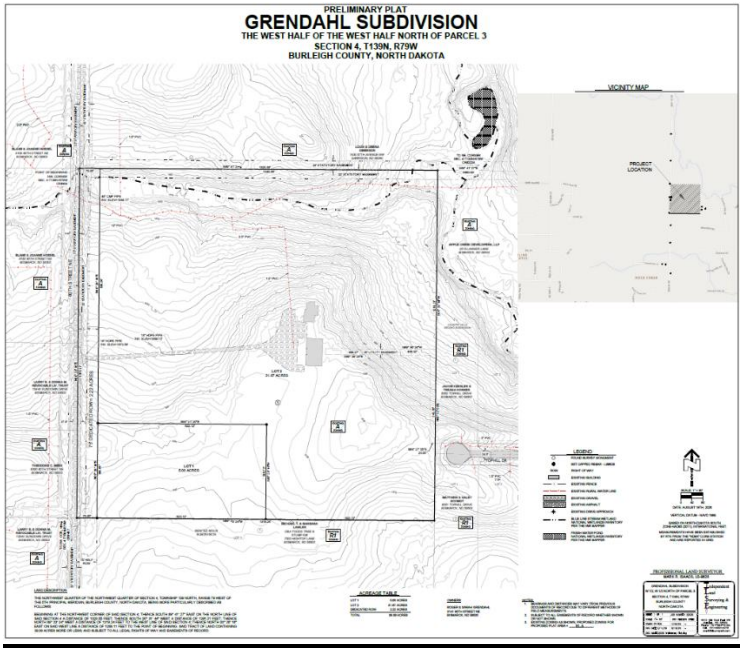
A request to Burleigh County regarding splitting a 39.09 acre parcel into 2 lots, one containing 5.00 acres and the other containing 31.87 acres, more or less. The 31.87 acre lot would remain A – Agricultural, while the smaller 5.00 acre lot would become R1 – Rural Residential. There is an existing single-family residential building with an accessory unit on the site, which both would be located on the 31.87 acre lot. The proposed subdivision was first submitted on August 20th, 2026.



Ex. 5-1-1: Surrounding Zoning



Ex. 5-1-2: Aerial View



Ex. 5-1-3: Preliminary Plat

Staff Findings

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This final plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Burleigh County's future land use plan designates the area of this subdivision as Rural Residential.
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.

Staff Recommendation

The petition for a preliminary plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the preliminary plat and calling for a public hearing

Planning Commission Actions

The Burleigh County Planning and Zoning Commission can:

1. Approve the preliminary plat & call for a public hearing.
2. Approve the preliminary plat with conditions & call for a public hearing after all conditions have been completed.
3. Deny the preliminary plat with reason.
4. Table the preliminary plat for more information.

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Agenda Item 5-2

September 9, 2026

Project Summary

Project:	Grant Subdivision
Status:	Consent Agenda
Applicant:	Rosella M. Grant
Project Contact:	Jacob Zabel, County Planner
Applicant Request:	Creation of a new 1 lot subdivision on a 29.32 acre site
Staff Recommendation:	Approval of the preliminary plat and calling for a public hearing

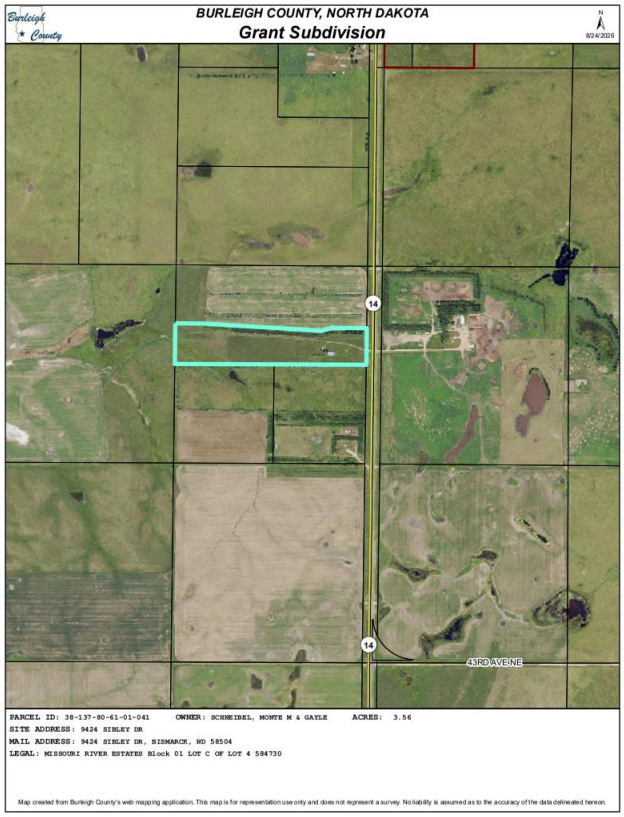
Site Information

Legal Description:	Part of the N ½ of the NE ¼ of Section 17, T139N, R76W
911 Address:	5302 Highway 14
Zoning Authority:	Sterling Township
Size:	29.32 acres, more or less
Lots and Blocks:	1 lot of 29.32 acres
Existing Land Use:	Agricultural Buildings
Zoning:	A – Agricultural

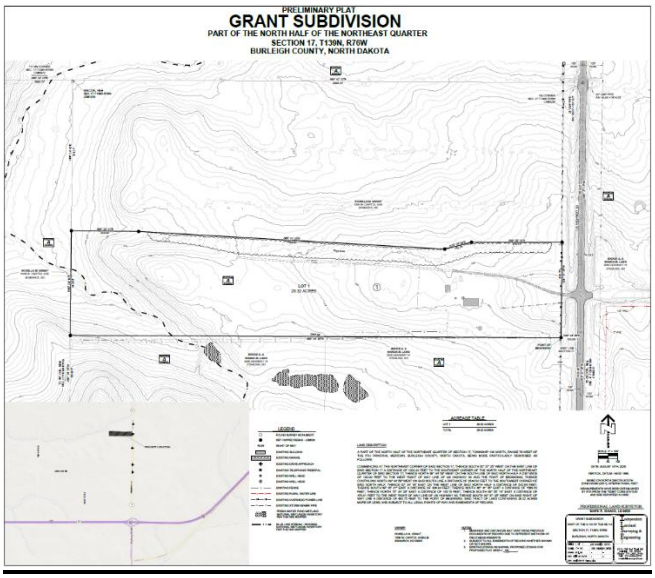
Project Narrative

A request to Burleigh County regarding the creation of a 1 lot subdivision on an unplatted parcel. The proposed subdivision would create a new 29.32 acre parcel from a part of an existing unplatted 77.99 acre parcel. Currently, the only structures on the site are agricultural in nature, with no principal structure. This proposed subdivision was first submitted on August 20th, 2026.

This proposed subdivision is located within the zoning jurisdiction of Sterling Township – an organized Township.



Ex. 5-2-1: Aerial View



Ex. 5-2-2: Preliminary Plat

Staff Findings

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This final plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Burleigh County's future land use plan designates the area of this subdivision as Rural Residential.
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.

Staff Recommendation

The petition for a preliminary plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the preliminary plat and calling for a public hearing

Planning Commission Actions

The Burleigh County Planning and Zoning Commission can:

1. Approve the preliminary plat & call for a public hearing.
2. Approve the preliminary plat with conditions & call for a public hearing after all conditions have been completed.
3. Deny the preliminary plat with reason.
4. Table the preliminary plat for more information.

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Agenda Item 5-3

September 9, 2026

Project Summary

Project:	Baldwin Greenhouse Subdivision & Strong Farms PUD
Status:	Public Hearing
Applicant:	Strengthen ND Stoll Holdings LLP
Project Contact:	Jacob Zabel, County Planner
Applicant Request:	Platting of an unplatted lot and adoption of a PUD
Staff Recommendation:	Approval of the final plat and giving a “do pass” recommendation to the B.C.C.

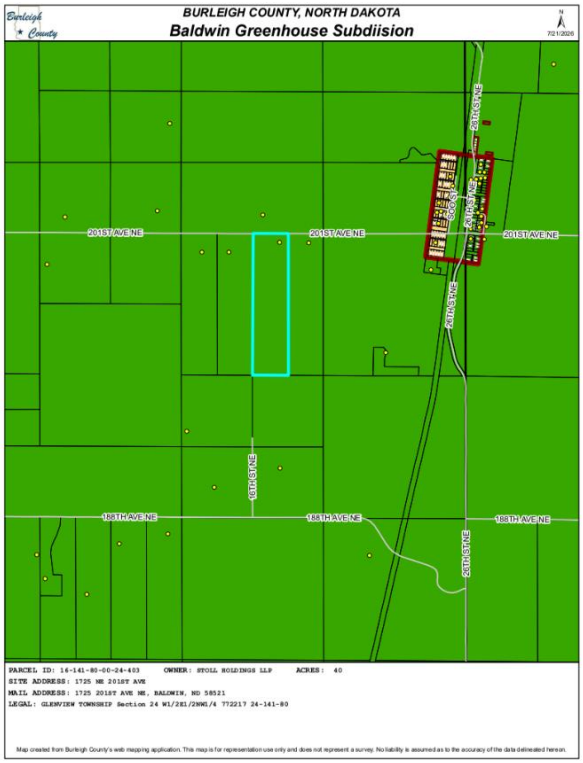
Site Information

Legal Description:	W ½ of the E ½ of the NW ¼ of Section 24, T141N, R80W
911 Address:	1725 201st Ave NE
Zoning Authority:	Burleigh County
Size:	40.04 acres, more or less
Land Use:	Baldwin Greenhouse
Existing Zoning:	A - Agricultural
Proposed Zoning:	PUD – Planned Unit Development

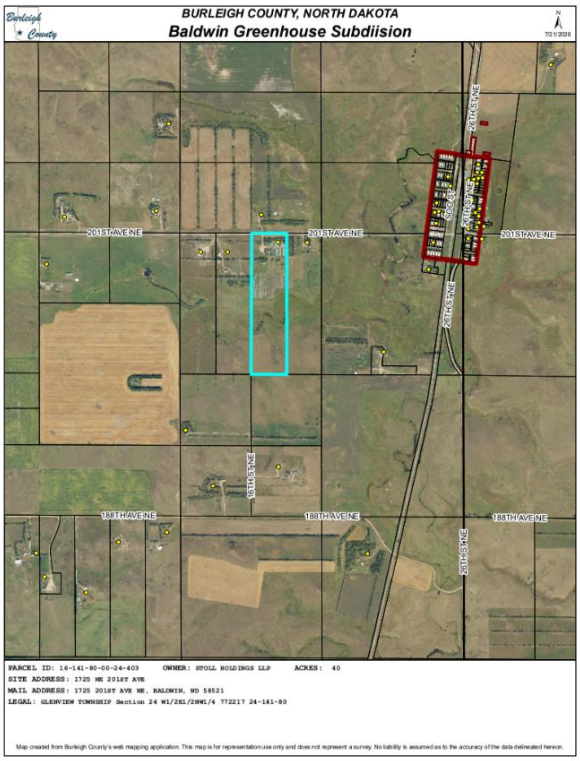
Project Narrative

A request to Burleigh County regarding a zoning change from A – Agricultural to PUD – Planned Unit Development to allow the owners to use a facility on the sire for limited retail and classroom space. A pre-application meeting was held on April 17, 2026.

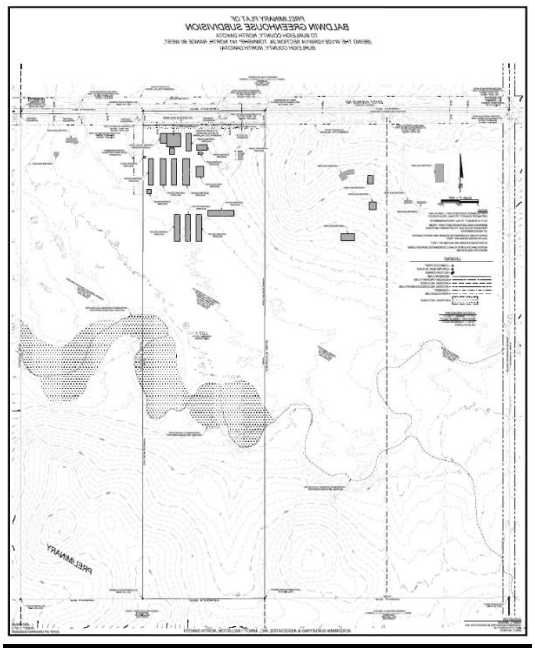
The proposed rezoning would affect 1 lot containing 40.04 acres, more or less. Several buildings already exist on the site, with access from 201st Avenue NE. The Burleigh County Planning and Zoning Commission tabled the request for more information on May 13, 2026. This proposed subdivision was first submitted on April 23, 2026.



Ex. 5-3-1: Surrounding Zoning



Ex. 5-3-2: Aerial View



Ex. 5-3-3: Preliminary Plat

Staff Findings

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This final plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Burleigh County's future land use plan designates the area of this subdivision as Rural.
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 6 Business and Industry – Objectives 1 and 3.

Staff Recommendation

The petition for a final plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the final plat and giving a "do pass" recommendation to the B.C.C.

Planning Commission Actions

The Burleigh County Planning and Zoning Commission can:

1. Approve the preliminary plat & call for a public hearing.
2. Approve the preliminary plat with conditions & call for a public hearing after all conditions have been completed.
3. Deny the preliminary plat with reason.
4. Table the preliminary plat for more information.

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Agenda Item 6-1

September 9, 2026

Project Summary

Project:	Highlands at Burnt Creek Subdivision
Status:	Public Hearing
Applicant:	Sattler Family LLLP
Project Contact:	Jacob Zabel, County Planner
Applicant Request:	Creation of a new 33 lot subdivision on an 80 acre undeveloped lot
Staff Recommendation:	Approval of the final plat and giving a “do pass” recommendation to the B.C.C.

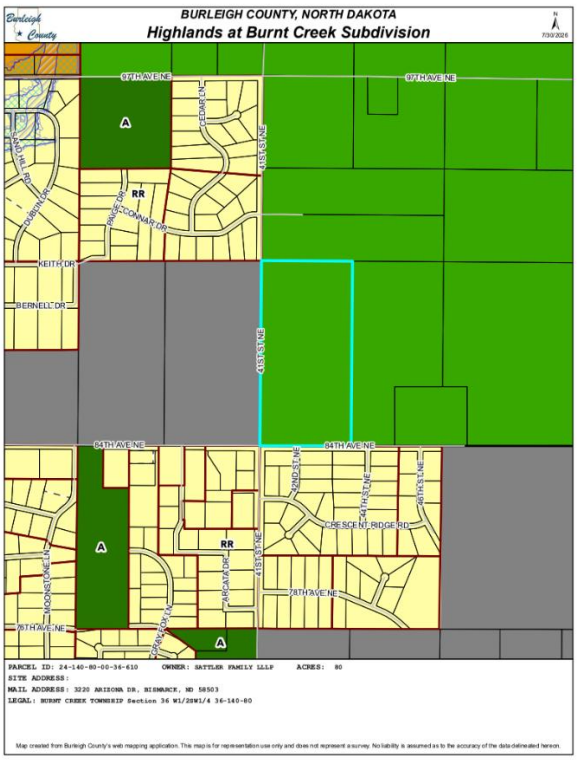
Site Information

Legal Description:	W ½ of the SW ¼ of Section 36, T140N, R80W
911 Address:	Not Assigned
Zoning Authority:	Burleigh County
Size:	80 acres, more or less
Lots and Blocks:	4 blocks containing 33 lots of between 1.50 and 6.29 acres each
Existing Land Use:	Undeveloped
Existing Zoning:	A – Agricultural
Proposed Zoning:	RR – Rural Residential

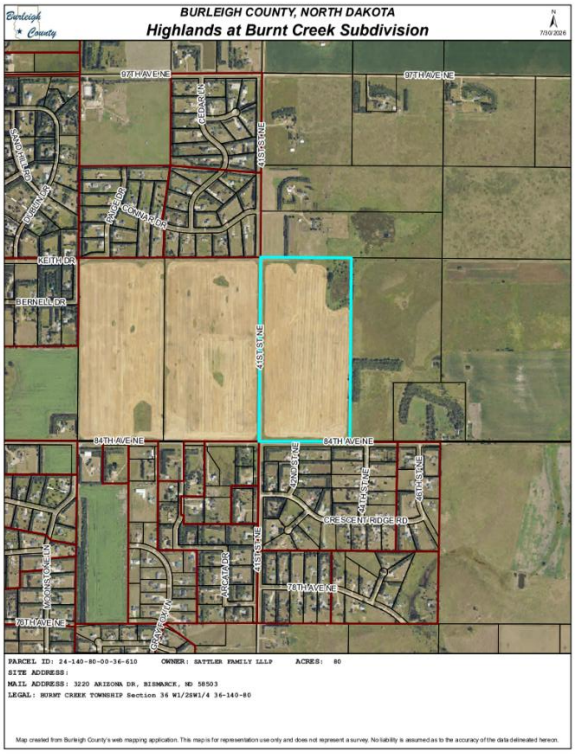
Project Narrative

A request to Burleigh County regarding the creation of a 33 lot subdivision. Zoning on the site would change to RR – Rural Residential.

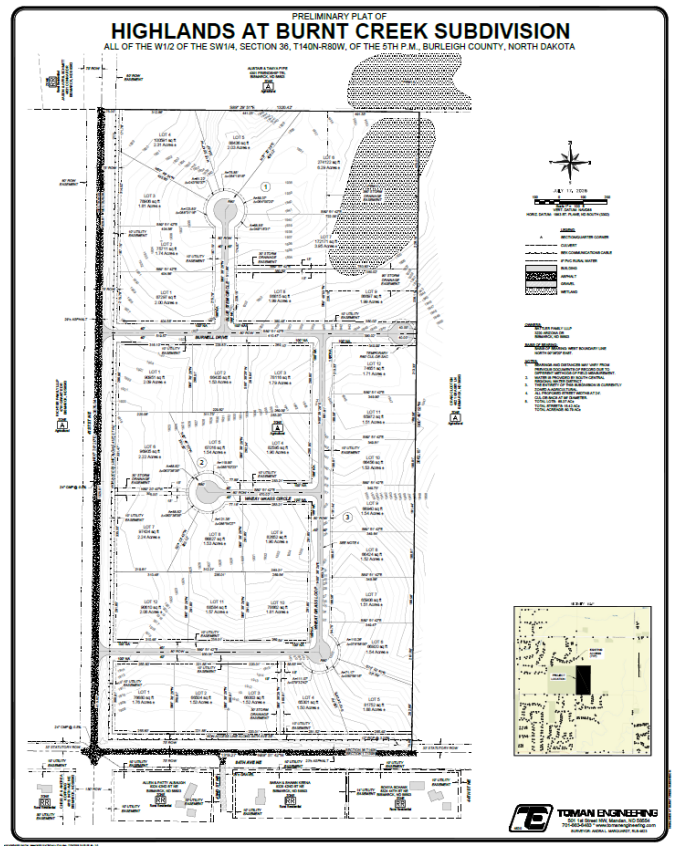
The proposed subdivision will create lots of between 1.50 acres and 6.29 acres, more or less. The proposed subdivision is a total of 80 acres, more or less. No buildings currently exist on the site. The proposed subdivision was first submitted on July 8th, 2026, with X revisions.



Ex. 6-1-1: Surrounding Zoning



Ex. 6-1-2: Aerial View



Ex. 6-1-3: Final Plat

Staff Findings

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This final plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Burleigh County's future land use plan designates the area of this subdivision as Rural Residential.
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.

Staff Recommendation

The petition for a final plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the final plat and giving a "do pass" recommendation to the B.C.C.

Planning Commission Actions

The Burleigh County Planning and Zoning Commission can:

1. Approve the final plat & give a “do pass” recommendation to the B.C.C.
2. Approve the final plat with conditions & give a “do pass” recommendation to the B.C.C. after all conditions have been completed.
3. Deny the final plat with reason.
4. Table the final plat for more information.

Public Hearing Notice

Bismarck Tribune	8/29/26 & 9/05/26
Surrounding Property Owners	8/28/26

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Agenda Item 6-2

September 9, 2026

Project Summary

Project:	Misty Waters 4th Subdivision
Status:	Public Hearing
Applicant:	Jeff R. & Nicole M. Duckwitz
Project Contact:	Jacob Zabel, County Planner
Applicant Request:	Minor plat modification to vacate a drainage easement
Staff Recommendation:	Approval of the final plat and giving a “do pass” recommendation to the B.C.C.

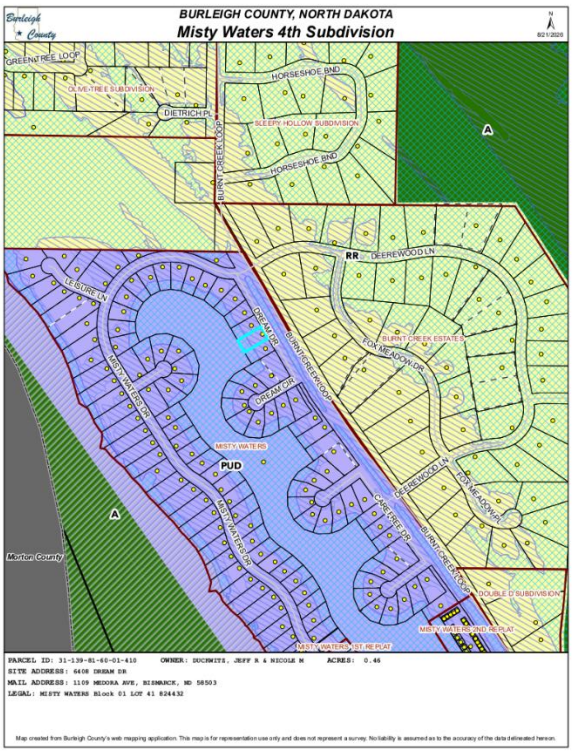
Site Information

Legal Description:	Lot 41, Block 1 of the Misty Waters Subdivision, in the W ½ of Section 11, T139N, R81W
Address:	6408 Dream Circle
Zoning Authority:	Burleigh County (Former ETA)
Size:	0.46 acres, more or less
Land Use:	Single-Family Home
Zoning:	PUD – Planned Unit Development

Project Narrative

A request to Burleigh County regarding the vacation of an existing 20’ drainage easement on an existing & developed lot.

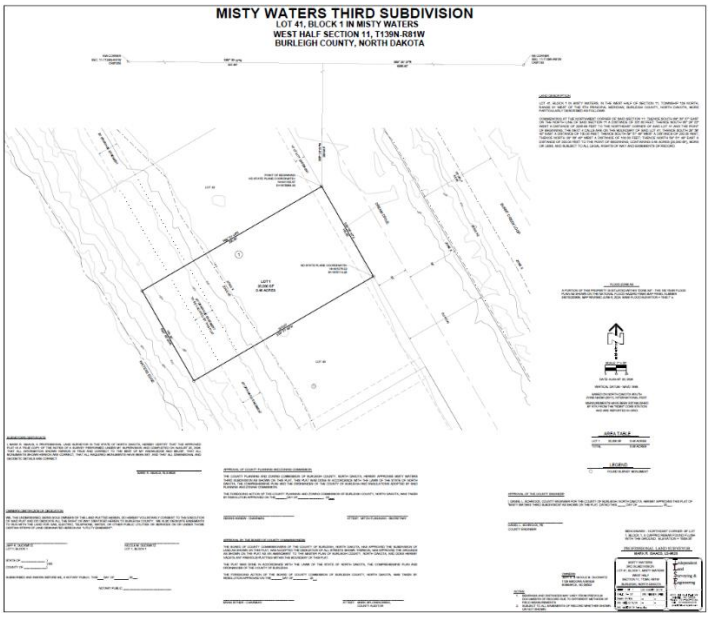
The minor plat modification would change nothing about the parcel of land except remove the existing easement. There is an existing single-family home on the lot. This proposed minor plat modification was first submitted on August 20th, 2026, with X revisions.



Ex. 6-2-1: Surrounding Zoning



Ex. 6-2-2: Aerial View



Ex. 6-2-3: Final Plat

Staff Findings

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This final plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. The proposed subdivision is located in the floodplain.
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.

Staff Recommendation

The petition for a final plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the final plat and giving a “do pass” recommendation to the B.C.C.

Planning Commission Actions

The Burleigh County Planning and Zoning Commission can:

1. Approve the final plat & give a “do pass” recommendation to the B.C.C.
2. Approve the final plat with conditions & give a “do pass” recommendation to the B.C.C. after all conditions have been completed.
3. Deny the final plat with reason.
4. Table the final plat for more information.

Public Hearing Notice

Bismarck Tribune	8/29/26 & 9/05/26
Surrounding Property Owners	8/28/26

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Agenda Item 6-3

September 9, 2026

Project Summary

Project:	Aberle Park Subdivision Zoning Change
Status:	Public Hearing
Applicant:	Ronald Aberle
Project Contact:	Jacob Zabel, County Planner
Applicant Request:	Zoning Change from C – Commercial to I - Industrial
Staff Recommendation:	Approval of the final plat and giving a “do pass” recommendation to the B.C.C.

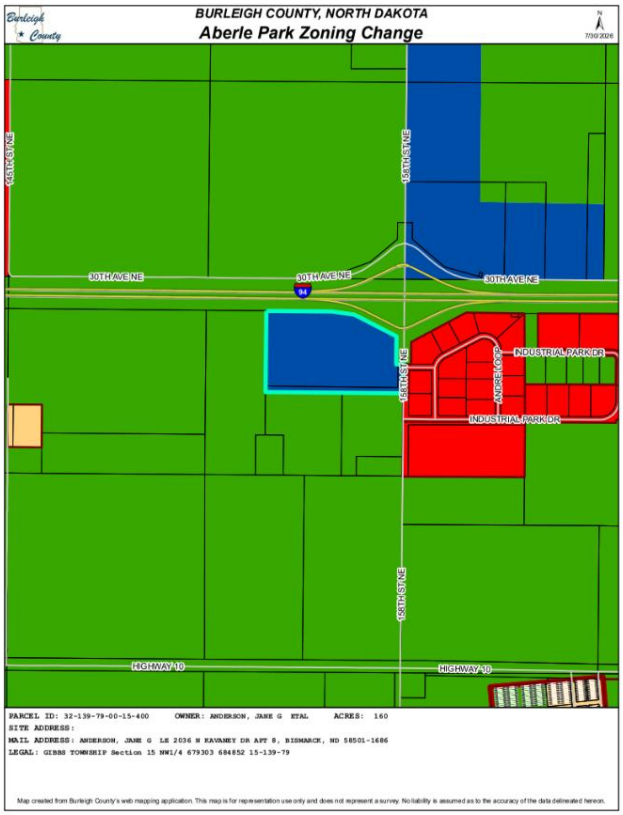
Site Information

Legal Description:	Aberle Park Subdivision, in the NE ¼ of Section 29, T139N, R79W
911 Address:	2810 158th St NE
Zoning Authority:	Burleigh County
Size:	38.25 acres, more or less
Existing Land Use:	RV Park
Proposed Land Use:	Commercial Storage Area
Current Zoning:	C - Commercial
Proposed Zoning:	I - Industrial

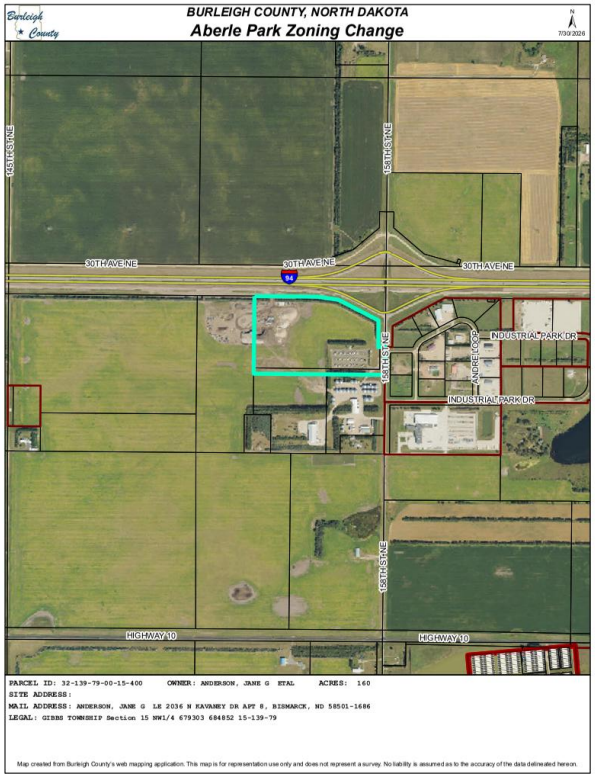
Project Narrative

A request to Burleigh County regarding a zoning change for a 1 lot subdivision. Zoning on the site would change from C – Commercial to I – Industrial.

The zoning change would apply to 1 parcel of land, which is 38.25 acres, more or less. A commercial storage area is proposed on the site, which is a permitted use in an I – Industrial zone. Surrounding land uses are A – Agricultural and I – Industrial. The zoning change proposal was submitted on July 23, 2026.



Ex. 6-3-1: Surrounding Zoning



Ex. 6-3-2: Aerial View

Staff Findings

1. The proposed use of the land is in line with the zoning code's rules for the proposed zoning.
2. Burleigh County's future land use plan designates the area of this subdivision as being within an Industrial opportunities overlay district.
3. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 6 Business and Industry – Objectives 1 and 3.

Staff Recommendation

The petition for a final plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the final plat and giving a "do pass" recommendation to the B.C.C.

Planning Commission Actions

The Burleigh County Planning and Zoning Commission can:

1. Approve the final plat & give a "do pass" recommendation to the B.C.C.
2. Approve the final plat with conditions & give a "do pass" recommendation to the B.C.C. after all conditions have been completed.
3. Deny the final plat with reason.
4. Table the final plat for more information.

Public Hearing Notice

Bismarck Tribune	8/29/26 & 9/05/26
Surrounding Property Owners	8/28/26

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Agenda Item 6-4

September 9, 2026

Project Summary

Project:	Axt River Cliffs Subdivision
Status:	Public Hearing
Applicant:	Philip Axt
Project Contact:	Jacob Zabel, County Planner
Applicant Request:	Lot combination of 2 parcels in an unsubdivided area
Staff Recommendation:	Approval of the final plat and giving a “do pass” recommendation to the B.C.C.

Site Information

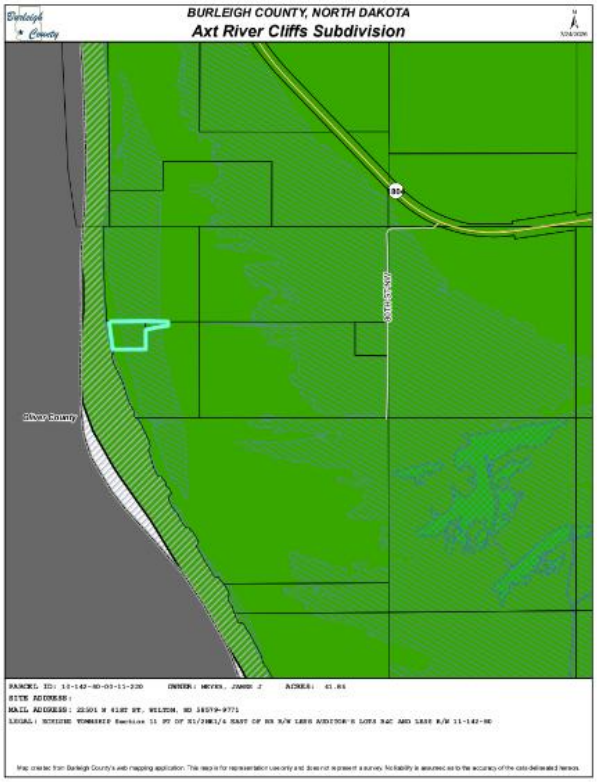
Legal Description:	Part of the NW 1/4 of Section 27, T142N, R81W
911 Address:	27276 80th St NW
Zoning Authority:	Painted Woods Township
Size:	4.93 acres, more or less
Land Use:	Rural Homestead
Zoning:	A - Agricultural

Project Narrative

A request to Burleigh County regarding the combination of 2 parcels in an unplatted area. A pre-application review meeting was held on June 11th, 2026.

The proposed subdivision will combine 2 parcels to create a single lot of 4.93 acres, more or less. There are multiple existing buildings on the existing 4.297 acre parcel. This proposed subdivision was first submitted on July 22nd, 2026, with X revisions.

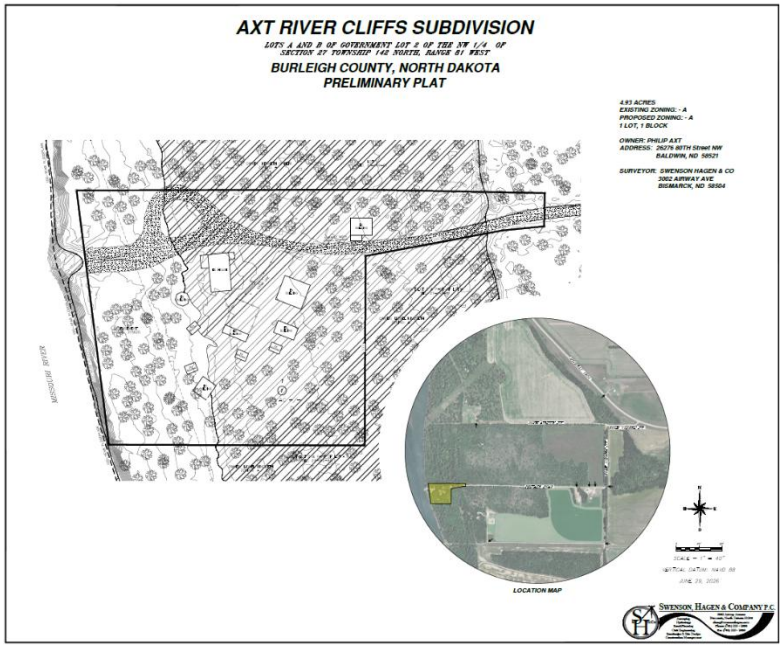
The proposed subdivision is located within the zoning jurisdiction of Painted Woods Township – an organized township.



Ex. 6-4-1: Surrounding Zoning



Ex. 6-4-2: Aerial View



Ex. 6-4-3: Final Plat

Staff Findings

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This final plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. The proposed subdivision is located in the floodplain.
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.

Staff Recommendation

The petition for a final plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the final plat and giving a “do pass” recommendation to the B.C.C.

Planning Commission Actions

The Burleigh County Planning and Zoning Commission can:

1. Approve the final plat & give a “do pass” recommendation to the B.C.C.
2. Approve the final plat with conditions & give a “do pass” recommendation to the B.C.C. after all conditions have been completed.
3. Deny the final plat with reason.
4. Table the final plat for more information.

Public Hearing Notice

Bismarck Tribune	8/29/26 & 9/05/26
Surrounding Property Owners	8/28/26

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Agenda Item 6-5

September 9, 2026

Project Summary

Project:	Chad Dockter Subdivision
Status:	Public Hearing
Applicant:	Christine Dockter
Project Contact:	Jacob Zabel, County Planner
Applicant Request:	Creation of a new 4 lot subdivision on a 39.92 acre undeveloped lot
Staff Recommendation:	Approval of the final plat and giving a “do pass” recommendation to the B.C.C.

Site Information

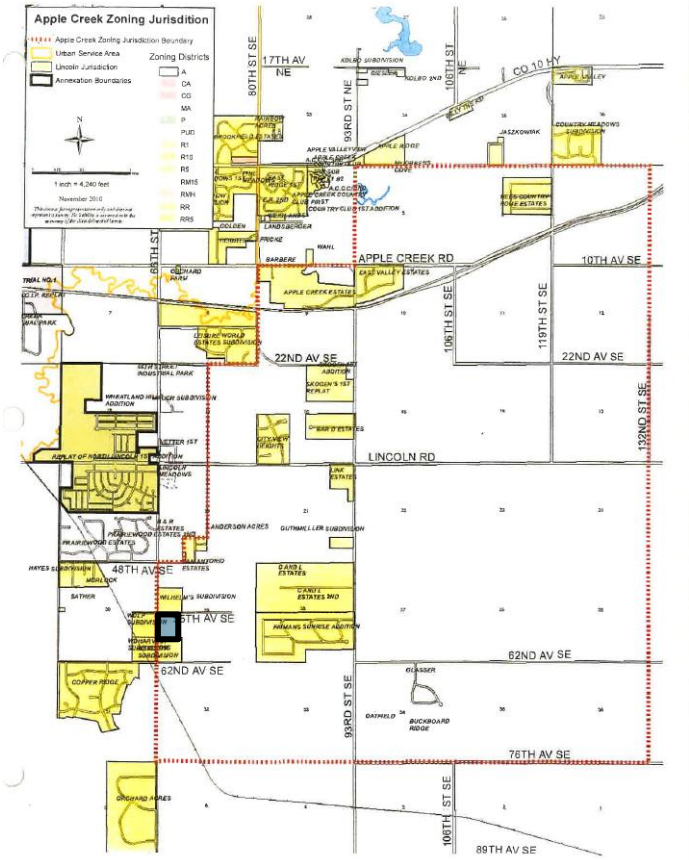
Legal Description:	NW ¼ of the SW ¼ of Section 29, T138N, R79W
911 Address:	Not Assigned
Zoning Authority:	Apple Creek Township
Size:	39.92 acres, more or less
Lots and Blocks:	1 block containing 4 lots of between 6.00 and 10.00 acres each
Existing Land Use:	Undeveloped
Zoning:	A - Agricultural

Project Narrative

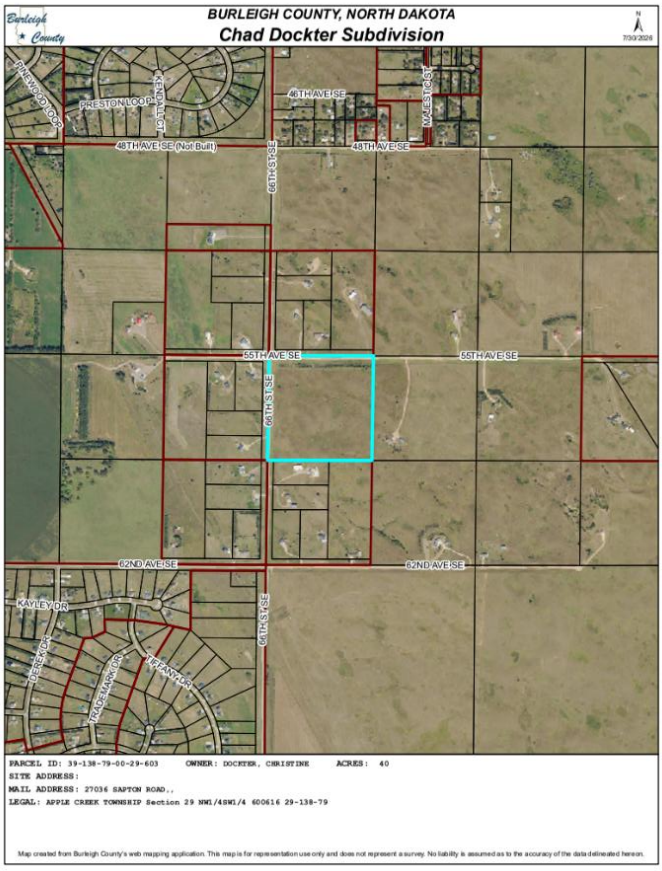
A request to Burleigh County regarding the creation of a 4 lot subdivision. Zoning on the site would remain A – Agricultural.

The proposed subdivision will create 4 parcels, ranging in size from 6.00 to 10.00 acres, more or less. The proposed subdivision is a total of 39.92 acres, more or less. No buildings currently exist on the site. The preliminary subdivision plat was submitted on July 24th, 2026.

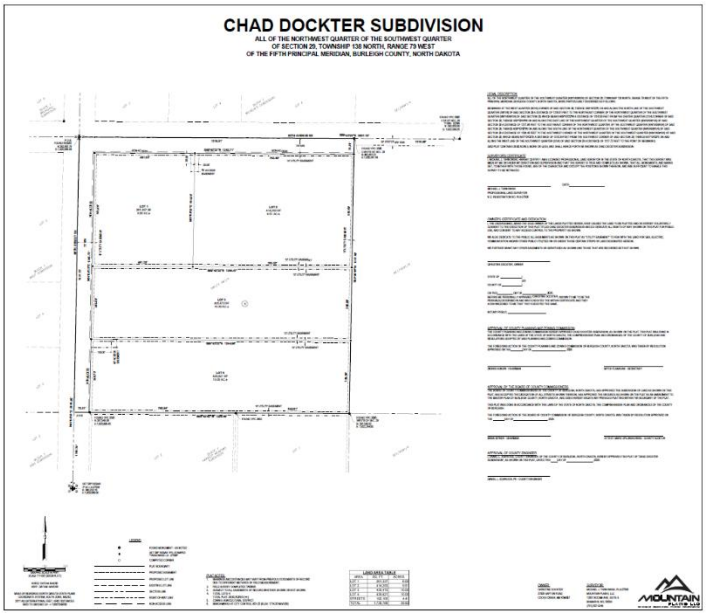
The proposed subdivision is located within the zoning jurisdiction of Apple Creek Township.



Ex. 6-5-1: Surrounding Zoning
(Chad Dockter Subd. Is in teal)



Ex. 6-5-2: Aerial View



Ex. 6-5-3: Final Plat

Staff Findings

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This final plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Burleigh County's future land use plan designates the area of this subdivision as Rural Residential.
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.

Staff Recommendation

The petition for a final plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the final plat and giving a "do pass" recommendation to the B.C.C.

Planning Commission Actions

The Burleigh County Planning and Zoning Commission can:

1. Approve the final plat & give a “do pass” recommendation to the B.C.C.
2. Approve the final plat with conditions & give a “do pass” recommendation to the B.C.C. after all conditions have been completed.
3. Deny the final plat with reason.
4. Table the final plat for more information.

Public Hearing Notice

Bismarck Tribune	8/29/26 & 9/05/26
Surrounding Property Owners	8/28/26

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Agenda Item 6-6

September 9, 2026

Project Summary

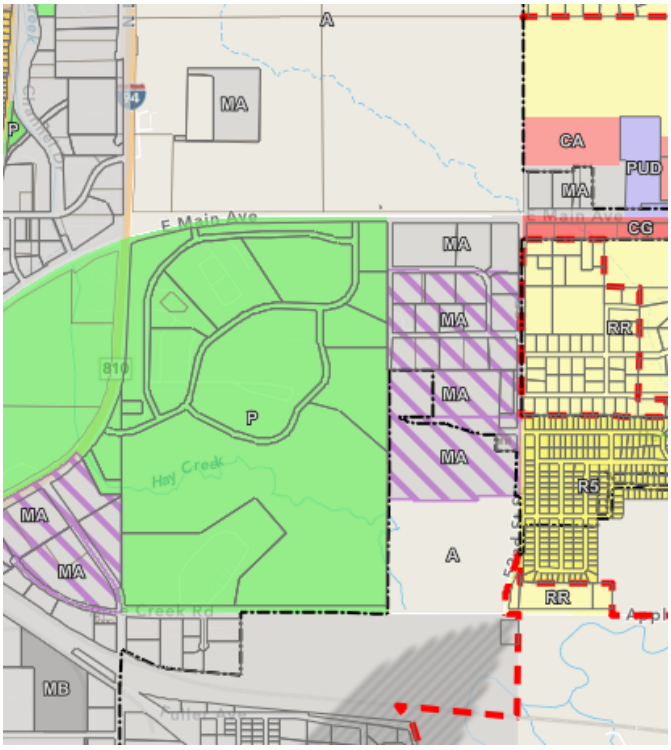
Project:	Missouri Valley Complex 2nd Replat
Status:	Public Hearing
Applicant:	Burleigh County
Project Contact:	Jacob Zabel, County Planner
Staff Recommendation:	Approval of the final plat and giving a “do pass” recommendation to the B.C.C.

Site Information

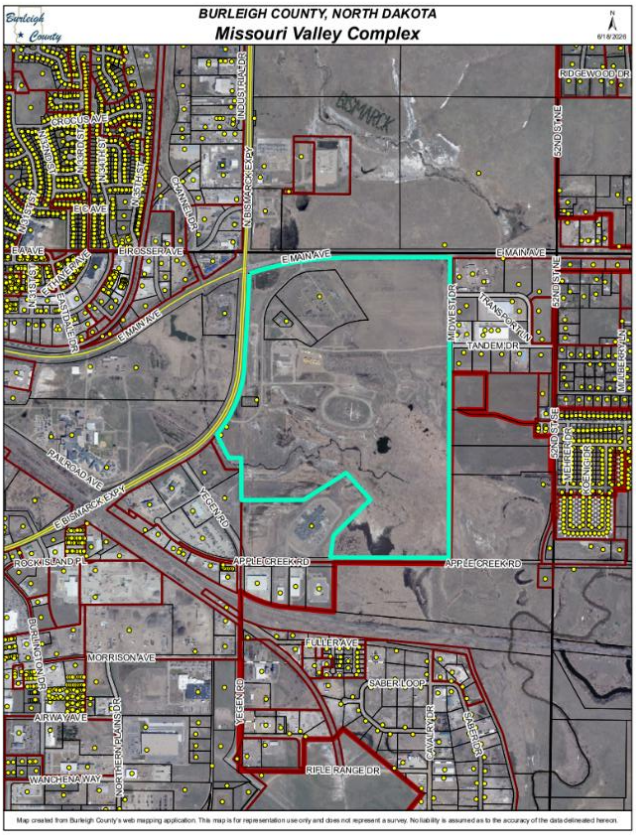
Legal Description:	Lots 4-19, Block 1 of the Missouri Valley Complex Subdivision of Sections 1 & 2, T138N, R80W
911 Address:	3805 E Bismarck Expwy
Zoning Authority:	City of Bismarck, given to Burleigh County under a JPA
Size:	367 acres, more or less
Zoning:	P – Public (Bismarck)

Project Narrative

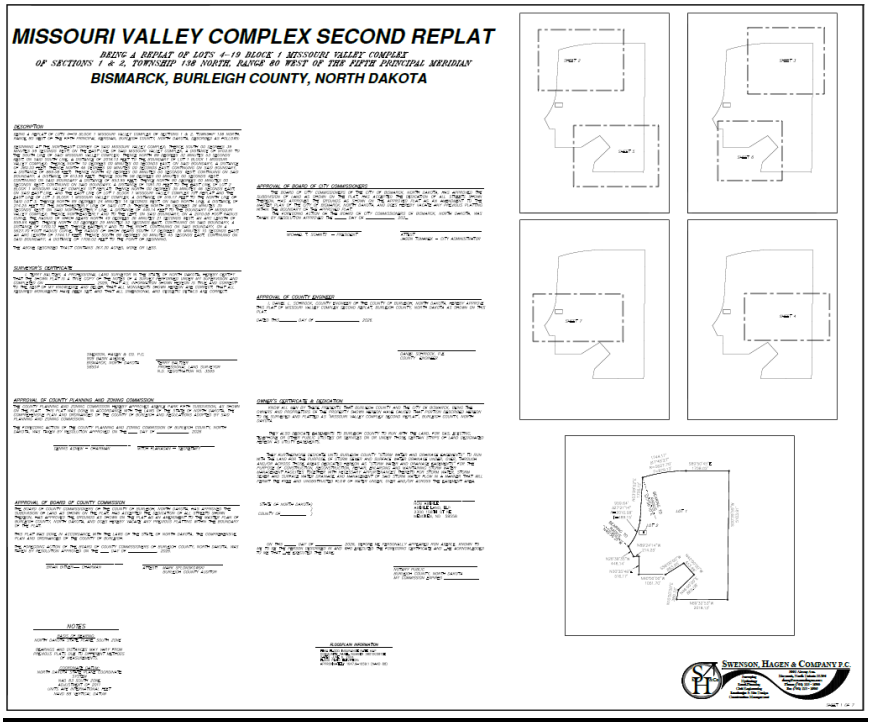
A Joint Powers Agreement (JPA) was signed by the City of Bismarck and the Board of Burleigh County Commissioners on April 6, 2026. The JPA gives Burleigh County the authority to exercise permitting, platting/zoning with subdivision review and administration. The JPA also means that Burleigh County shall construct and maintain all roads within the Missouri Valley Complex, with any modification to access points or creation of new access points needing to be renewed and approved by the City Engineer. This project has been in review since March 19, 2026.



Ex. 6-6-1: Surrounding Zoning (Bismarck Zoning Map)



Ex. 6-6-2: Aerial View



Ex. 6-6-3: (Part of) Final Plat

Staff Findings

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This final plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. The proposed subdivision is located in the floodplain.

Staff Recommendation

The petition for a final plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the final plat and giving a “do pass” recommendation to the B.C.C.

Planning Commission Actions

The Burleigh County Planning and Zoning Commission can:

1. Approve the final plat & give a “do pass” recommendation to the B.C.C.
2. Approve the final plat with conditions & give a “do pass” recommendation to the B.C.C. after all conditions have been completed.
3. Deny the final plat with reason.
4. Table the final plat for more information.

Public Hearing Notice

Bismarck Tribune	8/29/26 & 9/05/26
Surrounding Property Owners	8/28/26

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Agenda Item 6-7

September 9, 2026

Project Summary

Project:	The Ridge at Hawktree 3rd Subdivision
Status:	Public Hearing
Applicant:	Burleigh County
Project Contact:	Jacob Zabel, County Planner
Staff Recommendation:	Approval of the final plat and giving a “do pass” recommendation to the B.C.C.

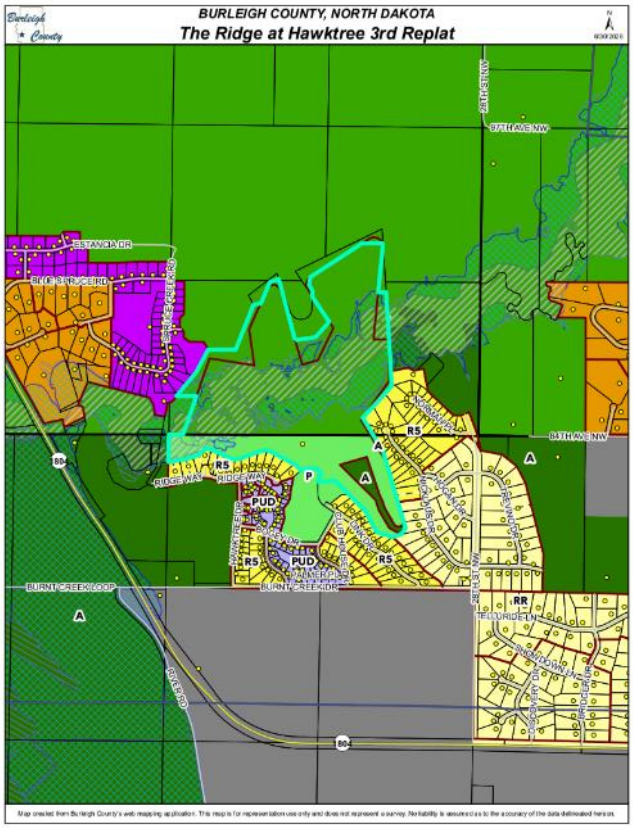
Site Information

Legal Description:	Part of Section 36, T140N, R81W, Part of Section 1, T139N, R81W, and Part of Lots 44 and 45, Block 1, The Ridge at Hawktree Subdivision
911 Address:	3500 East Link Dr
Zoning Authority:	Burleigh County
Size:	227 acres, more or less
Lots and Blocks:	1 block containing 2 lots
Zoning:	A – Agricultural and P – Public

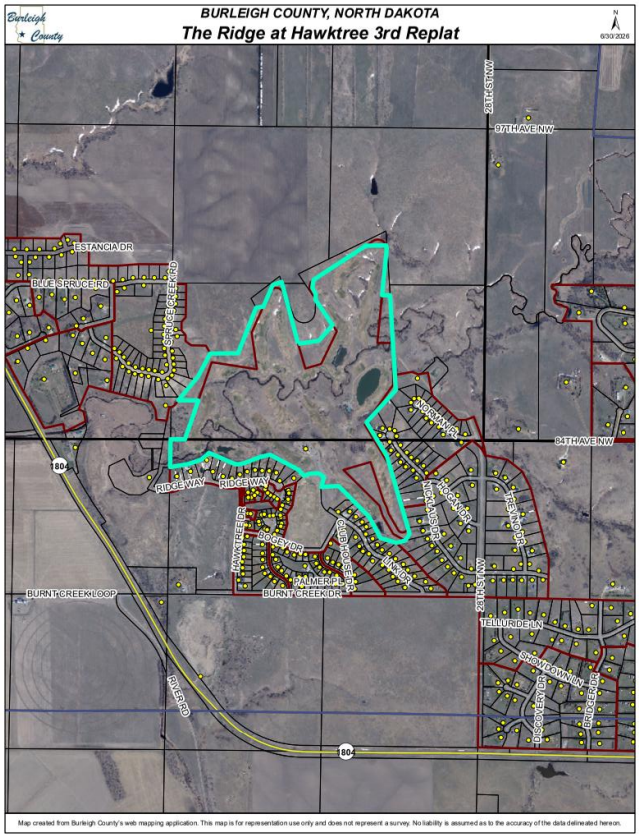
Project Narrative

A request to Burleigh County regarding the redrawing the lot lines around the Hawktree Golf Course to fully include all of the golf course’s paths on the same 2 lots. A pre-application meeting was held on July 8, 2026.

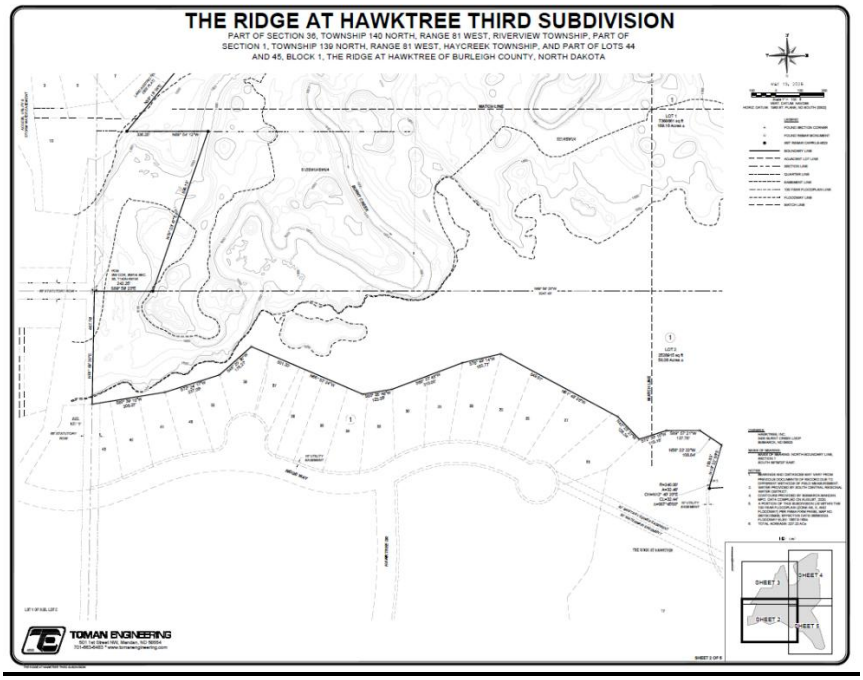
The proposed subdivision will redraw the property lines on 2 lots from the Ridge at Hawktree Subdivision containing 227.22 acres, more or less. There are buildings on both lots. This subdivision has been in review since March 12, 2026.



Ex. 6-7-1: Surrounding Zoning



Ex. 6-7-2: Aerial View



Ex. 6-7-3: (Part of) Final Plat

Staff Findings

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This final plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. The proposed subdivision is located in the floodplain.
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.

Staff Recommendation

The petition for a final plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the final plat and giving a “do pass” recommendation to the B.C.C.

Planning Commission Actions

The Burleigh County Planning and Zoning Commission can:

5. Approve the final plat & give a “do pass” recommendation to the B.C.C.
6. Approve the final plat with conditions & give a “do pass” recommendation to the B.C.C. after all conditions have been completed.
7. Deny the final plat with reason.
8. Table the final plat for more information.

Public Hearing Notice

Bismarck Tribune	8/29/26 & 9/05/26
Surrounding Property Owners	8/28/26

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6.8 Revisions to Certain Ordinances

Review the following Staff Reports Exhibits:
Introduction Staff Report

- Ex. 6.8.1. Zoning District Article 3 Definitions
- Ex. 6.8.2. Zoning District Article 6 Incidental Uses
- Ex. 6.8.3. Zoning District Article 8 Section 4, Sec. 8, Sec. 22
- Ex. 6.8.4. Zoning District Article 11 Ag Agricultural
- Ex. 6.8.5. Zoning District Article 12 R1 Residential
- Ex. 6.8.6. Zoning District Article 12 R2 Residential
- Ex. 6.8.7. Zoning District Article 15 R5 MH
- Ex. 6.8.8. Zoning District Article 16 C Commercial
- Ex. 6.8.9. Zoning District Article 18 I Industrial

STAFF REPORT Introduction

Zoning Ordinance Summary

Status:	Planning and Zoning Commission – Public Hearing 1st Posting – August 29, 2026 2nd Posting – September 5th 2026
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review for Recommendations to the County Commission

The following are proposed changes to the Burleigh County Zoning Ordinances.

STAFF REPORT Ex. 6.8.1

Article 3 Definitions Ordinance Summary

Status:	Planning and Zoning Commission –Public Hearing 1st Posting – August 29, 2026 2nd Posting – September 5th, 2026
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review for Recommendations to the County Commission

Buffer Yard: A strip of land, identified in the zoning ordinance, established to protect one type of land use from another of an incompatible land use. An appropriate buffer may vary depending on uses, districts etc. For PUD or Special Use Permits, the size and width shall be determined by the Burleigh County Board,

Buffer Yards.

a. Purpose. The buffer yard requirements are intended to provide separation between land uses of differing intensity. Buffer yards utilize a combination of distance and plantings to form a dense landscaping screen to mitigate the undesirable impacts associated with incompatible land uses on adjacent properties.

b. Applicability. Buffer yards shall be required between a single- or two-family residential use zoning and any other non-agricultural land use.

c. Location of Buffer Yards. Buffer yards shall be located along the entire length of any lot line where two (2) land uses of differing intensity abut, excluding areas adjacent to access points and sight triangles. Such buffer yards may be located within required yards, but not within any portion of the public right-of-way or access easement.

d. Responsibility for Buffer Yard Installation. Installation of all required buffer yards shall be the responsibility of the proposed higher intensity use and shall be located on the lot of the higher intensity use.

e. Standards. Buffer yards shall be installed in accordance with the following table:

i. Screening Fence. A screening fence may be made of solid wood, composite material with the appearance of solid wood, vinyl with the appearance of solid wood, masonry, or a combination of masonry and any of the other materials listed.

Area Where Buffer Yards Are Required	**Minimum Width of Buffer Yard**	**Landscape Materials Required- 100 Lineal Feet**

Side or rear yard of any expanding higher intensity land use adjacent to single and two-family residential uses or zoning	10 feet w/6-foot screening fence As determined by the Burleigh County Board	4 shade trees and 2 ornamental trees

Childcare Center- Also known as a Daycare Center, is a free-standing facility offering care, maintenance, and supervision for hire or compensation, for less than twenty-four (24) hours per day, for more than twelve (12) children under the age of twelve (12) years and licensed by the North Dakota Department of Human Services as an early childhood program.

Communication Tower: An elevated broadcast structure designed to support antennas and other communication equipment for the transmission and reception of signals such as radio, television, telephone, internet, and satellite communications.

Greenhouse-Commercial: A building used for indoor cultivation and production of flowers, crops, fruit trees, nursery stock, truck garden products, regardless of the climate, for wholesale purposes only.

Greenhouse-Retail: A building that is made primarily of translucent building material, used, designed or intended to be used for onsite sales and display of plants, products grown or stored therein, gardening supplies and equipment, or landscaping supplies and equipment.

Personal Storage Unit: A non-habitable, non-commercial building owned or used by an individual or household for personal storage, hobbies, craftwork, or private recreation, and not open to the public. Personal storage units are intended for use by residents of an adjacent neighborhood

Self-Storage Facility: A building or group of buildings that contains varying sizes of individual, compartmentalized, and controlled access units or lockers for use by members of the general public for storage of personal or business items. The self-storage structure shall not be used for residential occupancy.

STAFF REPORT Ex. 6.8.2

Article 6 Zoning District Ordinance Summary

Status:	Planning and Zoning Commission – Public Hearing 1st Posting – August 29, 2026 2nd Posting – September 5th, 2026
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review for Recommendations to the County Commission

ARTICLE 6 INCIDENTAL USES

Section 1. Accessory Uses

1. Dwelling Premises
    a. Private garages or off-street parking spaces incidental to a dwelling.
    b. Private greenhouse, vegetable, fruit, or flower garden, from which no products are sold or offered for sale.
    c. Children's playhouse, and playground equipment.
    d. Shed, tool room for storage of equipment used in grounds or building maintenance but not including stable, chicken house, or other buildings to house agricultural livestock.
    e. Private swimming pool and bath house.
    f. Statuary, trellises, barbecue stove or similar ornamental or landscaping features.
    g. No more than three (3) dogs four months of age or older.
    h. All allowable accessory buildings to a residence shall be limited to a maximum of ~~four percent (4%) of the area of the parcel,~~ square footage according to the size of the parcel, as follows:

Accessory Buildings Sq./Ft.	Computation Allowance
2 Acres or less	5% x 87'120.= 4,356 sq./ft
3 Acres	5% x 130,600.= 6,530 sq./ft
4 Acres	5% x 174,240.= 8,712 sq./ft
5 Acres	5% x 217,800.= 10,890 sq./ft
6 Acres or greater	4%

And a maximum wall height of sixteen and one-half (16½) feet and a maximum building height of twenty-five (25) feet.

Section 2. Home Occupation

There is permitted in a dwelling, any occupation customarily incidental to the principal use as a dwelling, subject to the following limitations:

~~1. No person, other than a member of the immediate family, occupying a dwelling is there employed; except domestic help.~~
~~2. No stock in trade is displayed or sold upon the premises.~~
~~3. No alteration of the principal building that changes the character thereof as a dwelling.~~
~~4. No illuminated sign is used, and no sign other than one giving the name and occupation, not more than one square foot in area, is displayed.~~
~~5. No more than twenty-five percent (25%) of the area of one story of the building shall be devoted to the home occupation.~~

1. The following are hereby declared, but not limited to, ~~to be~~ customary home occupations as intended by this section:
   a. Dressmaker, seamstress.
   b. Music teacher.
   c. Artist, sculptor.
   d. Author.
   e. Emergency treatment only of patients by physicians, dentists, or licensed drugless physicians.
   f. Emergency interview only of clients by lawyers, architects, engineers and similar professions.
   g. Minister.

Section 3 Minor Home Occupations.

Allowed in RR zoning districts as permitted by right. A minor home occupation is any home occupation that meets all of the following standards:

1. The home occupation is conducted on premises by one (1) or more residential occupants of the dwelling and no more than one (1) additional employee, business partner, independent contractor or any person affiliated with the home occupation that does not reside on-premises.

2. Up to fifty percent (50%) of the floor area of the principal structure and up to one hundred percent (100%) of one (1) accessory structure is utilized by the home occupation, including storage of associated goods, provided that customary residential amenities, such as a kitchen and bathroom, are not removed such that the structure would no longer meet building code standards as a dwelling unit.

3. There exists no outward visual evidence to indicate the presence of the home occupation to an uninformed person, such as alterations of the dwelling from a customary residential appearance, overnight storage of products or materials outside.

4. No more than one (1) non-illuminated commercial on premise wall sign is placed on the property of no greater than one (1) square foot, attached to a primary or accessory structure on the lot, subject to all requirements of Burleigh County.

5. There exists no noise, odor, vibration, or electrical interference associated with the home occupation that is noticeable at the property line.

6. Visits from customers, clients, or patients are by appointment only and limited to no more than one (1) party, or up to four (4) students for group lessons, at any time. Notwithstanding, multiple said parties may be present on the property during not more than four (4) events per year, with each event not to exceed four (4) days and no events occurring consecutively. At no time may a home occupation generate traffic significantly greater than that of a conventional residential use.

7. Visits from customers, clients, patients, or deliveries occur only during the hours of 7 AM to 9:00 PM.

8. Not more than two (2) vehicles and/or two (2) trailers associated with the home occupation may park or stand on the property or street, if permitted, at any time, and any on-street parking shall meet requirements of Burleigh County, as applicable.

9. Any vehicles, including trailers and equipment, associated with the home occupation must be parked in an orderly manner on surface suitable for parking, devoid of tall grass or other potential fire hazards, and debris from vehicles may not enter a public right-of-way, in accordance with Burleigh County, as applicable.

    a. There is no storage of any flammable, toxic, explosive, or otherwise hazardous materials to a greater extent than stored in a typical residential household, and no hazardous material is discharged into any sewer, storm drain, or the ground.
    b. The use is not an adult entertainment center, adult bookstore, or registered in North Dakota as a compassion center to dispense or produce medical marijuana.

Section 4. Major Home Occupations

Allowed in all zoning districts as permitted by SUP A major home occupation is any home occupation that meets all of the following standards:

1. The home occupation does not meet all standards required of a minor home occupation.

2. The home occupation is conducted on-premises by one (1) or more residential occupant of the dwelling and no more than three (3) additional employees, business partners, independent contractors or any person affiliated with the home occupation that do not reside on-premises.

3. Up to fifty percent (50%) of the floor area of the principal structure, one hundred percent (100%) of accessory structures, is utilized for the home occupation, provided that customary residential amenities, such as a kitchen and bathroom, are not removed such that the structure would no longer meet building code standards as a dwelling unit.

4. The home occupation may utilize one (1) contiguous outdoor area of up to five (5) percent of the total lot area or 10,000 square feet, whichever is less, including storage of associated goods, vehicles, equipment, and trailers. Notwithstanding, no limit on area of outdoor area shall apply in the A – Agricultural zoning district.

5. The principal residential dwelling is not altered from a customary residential appearance.

6. Outdoor and overnight storage of products or materials associated with the home occupation may not be in a front yard and must be screened by fencing, buildings, or landscaping buffer yards, such that materials are not clearly visible from a public right-of-way and adjoining properties during all seasons. Trailers may be loaded with items.

7. No more than one (1) non-illuminated commercial on premise sign is placed on the property of no greater than one (1)square foot, plus one (1) square foot per acre in the lot, of sign area, subject to all requirements of Burleigh County.

8. Noise ordinance requirements contained in NDCC. Ordinance are met at all times, and there exists no objectionable odor, vibration, or electrical interference associated with the home occupation and above typical residential levels that is noticeable at the property line.

9. Visits from customers, clients, patients, employees, or deliveries do not create an undue burden on traffic safety and congestion or on-street parking availability in the neighborhood. At no time may a home occupation generate traffic significantly greater than that of a conventional residential use.

   a. Visits from customers, clients, patients, employees, or deliveries occur only during the hours of 7:00 AM to 9:00 PM.

b. Any vehicles, including trailers and equipment, associated with the home occupation must be parked in an orderly manner on surface suitable for parking, devoid of tall grass or other potential fire hazards, and debris from vehicles may not enter a public right-of-way, in accordance with all requirements of Burleigh County.

c. Any on-street parking of vehicles associated with the home occupation shall meet requirements of Burleigh County, as applicable.

10. There is no storage of any flammable, toxic, explosive, or otherwise hazardous materials to a greater extent than stored in a typical residential household, and no hazardous material is discharged into any sewer, storm drain, or the ground.

11. The use is not an adult entertainment center, adult bookstore, or registered in North Dakota as a compassion center to dispense or produce medical marijuana.

STAFF REPORT Ex. 6.8.3

Article 8 Special Uses Zoning District Ordinance Summary

Status:	Planning and Zoning Commission –Public Hearing 1st Posting – August 29, 2026 2nd Posting – September 5th, 2026
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review for Recommendations to the County Commission

ARTICLE 8 - SPECIAL USES

Section 28. Childcare Center

Also known as a Daycare Center, a childcare center is a free-standing facility offering care, maintenance, and supervision for hire or compensation, for less than twenty-four (24) hours per day, for more than twelve (12) children under the age of twelve (12) years and licensed by the North Dakota Department of Human Services as an early childhood program.

1. Childcare centers are required to have a special use permit in all zoning districts provided:

a. Each building shall provide not less than thirty-five (35) square feet of interior recreation area per child. Work areas, office areas, and other areas not designed for use of the children may not be counted in this computation.
b. Each lot shall provide an outdoor recreation area of not less than seventy-five (75) square feet per child. The recreation area shall be fenced, have a minimum width of twenty (20) feet, a minimum depth of twenty (20) feet, be located on the same lot or parcel of land as the facility it is intended to serve, and must be located behind the building setback lines.
c. Adequate off street parking shall be provided at the following ratio: One space for each employee and one space for each ten (10) children.

2. Childcare centers shall conform to all applicable requirements of the International Building Code as adopted by Burleigh County, The International Fire Code as adopted by the State of North Dakota and all requirements of the North Dakota Department of Human Services.

3. Childcare centers shall comply with all applicable requirements relating to health and sanitation of the North Dakota Department of Health.

Section 29. Major Home Occupations

Allowed in all district as permitted by SUP. A major home occupation is any home occupation that meets all of the following standards:

1. The home occupation does not meet all standards required of a minor home occupation.

2. The home occupation is conducted on-premises by one (1) or more residential occupant of the dwelling and no more than three (3) additional employees, business partners, independent contractors or any person affiliated with the home occupation that do not reside on premises.

3. Up to fifty percent (50%) of the floor area of the principal structure, one hundred percent (100%) of accessory structures, is utilized for the home occupation, provided that customary residential amenities, such as a kitchen and bathroom, are not removed such that the structure would no longer meet building code standards as a dwelling unit.

4. The home occupation may utilize one (1) contiguous outdoor, fenced-in area of up to five (5) percent of the total lot area or 10,000 square feet, whichever is less, including storage of associated goods, vehicles, equipment, and trailers. Notwithstanding, no limit on area of outdoor area shall apply in the A – Agricultural zoning district.

5. The principal residential dwelling is not altered from a customary residential appearance.

6. Outdoor and overnight storage of products or materials associated with the home occupation may not be in a front yard and must be screened by fencing, buildings, or landscaping buffer yards, such that materials are not clearly visible from a public right-of-way and adjoining properties during all seasons. Trailers may be loaded with items.

7. No more than one (1) non-illuminated commercial on premise sign is placed on the property of no greater than one (1)square foot, plus one (1) square foot per acre in the lot, of sign area, subject to all requirements of Burleigh County.

8. Noise ordinance requirements contained in NDCC are met at all times, and there exists no objectionable odor, vibration, or electrical interference associated with the home occupation and above typical residential levels that is noticeable at the property line.

9. Visits from customers, clients, patients, employees, or deliveries do not create an undue burden on traffic safety and congestion or on-street parking availability in the neighborhood. At no time may a home occupation generate traffic significantly greater than that of a conventional residential use.
    a. Visits from customers, clients, patients, employees, or deliveries occur only during the hours of 7:00 AM to 9:00 PM.
    b. Any vehicles, including trailers and equipment, associated with the home occupation must be parked in an orderly manner on surface suitable for parking, devoid of tall grass or other potential fire hazards, and debris from vehicles may not enter a public right-of-way, in accordance with all requirements of Burleigh County.
    c. Any on-street parking of vehicles associated with the home occupation shall meet requirements of Burleigh County, as applicable.

10. No more than one (1) vehicle associated with the home occupation which requires a Commercial Driver License (CDL) to operate in North Dakota may park on the property at any time. At no time may said vehicle exceed the load restrictions in place for any time of the year on the adjoining street or park on the street.

11. There is no storage of any flammable, toxic, explosive, or otherwise hazardous materials to a greater extent than stored in a typical residential household, and no hazardous material is discharged into any sewer, storm drain, or the ground.

12. The use is not an adult entertainment center, adult bookstore, or registered in North Dakota as a compassion center to dispense or produce medical marijuana.

Section 30. Personal Storage Unit

Allowed in Residential and Agricultural Districts with a SUP. A non-habitable, non-commercial building used or owned by an individual or household for personal storage, hobbies, craftwork, or private recreation, and not open to the public. Personal storage uses are intended for use by the residents of an adjacent neighborhood.

1. Personal storage uses may only be permitted on a lot that includes four or more independent personal storage units.

2. Personal storage structures shall not be occupied as a residence, temporarily or permanently.

3. Personal storage uses are for private use only. Any commercial activity is prohibited, including storage of commercial goods or public assembly.

4. Personal storage uses shall not be considered an extension of a residence that would allow a home occupation activity.

5. A buffer zone is required where personal storage units are adjacent to residential uses.

6. Personal storage uses may be supplied with water and sewer service to each unit.

7. The maximum building height of a personal storage structure is 25 feet.

8. The personal storage structure shall not be used for residential occupancy.

~~9. Personal storage units are for private use only. Any commercial activity is prohibited, including storage of commercial goods or public assembly.~~

10. If multiple buildings are planned- garage doors shall face each other.

11. Buildings shall be located with a minimum width of 60 feet of hard surfaced area when two garage fronts face each other.

Section 31. Communication Tower

1. The minimum lot area of any parcel of land proposed for the establishment of a new tower shall be at least one-half acre in size.

2. There shall be no minimum size requirements for the leased parcel.

3. All towers shall be setback, at a minimum, the overall height of the tower from any property line. All measurements shall be from the leading edge of the tower structure. Setbacks for guyed wire bases will be the same as required for an accessory structure in the zone district in which the tower is located.

4. There is no minimum setback standard for related accessory buildings and support facilities provided the construction and placement of the buildings and support facilities are contained within the designated fenced leased parcel

5. The height of any telecommunication tower shall be governed by the height limit as required in the special use permit. Any telecommunication tower that is proposed with an overall height of 150 feet or greater shall be required to file with the Federal Aviation Administration Form 7460.

6. Lighting of telecommunication towers shall only be permitted as required by the Federal Aviation Administration and shall be governed by the Federal Aviation Administration Obstruction Marking & Lighting Advisory Circular (AC 70-7460-1K).

7. The boundary of the leased parcel surrounding the telecommunication towers and its related accessory buildings and support facilities shall be fenced with a minimum six-foot security type fencing. In addition, subject to review and analyses, all telecommunication towers shall be constructed and made available as to permit collocation of, at minimum, two additional, functionally equivalent service providers.

STAFF REPORT Ex. 6.8.4

Article 11 Agriculture Zoning District Ordinance Summary

Status:	Planning and Zoning Commission –Public Hearing 1st Posting – August 29, 2026 2nd Posting – September 5th, 2026
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review for Recommendations to the County Commission

ARTICLE 11-A - AGRICULTURAL DISTRICT REGULATIONS

Section 1. Description

The A - Agricultural District is established as a district in which the principal use of land is for general agricultural uses. The regulations are intended to prohibit commercial and industrial usage of the land and to prohibit any other use which would interfere with the development or continuation of the agricultural use of the land; and to discourage any use, which because of its character or size, would create requirements and costs for public services such as police and fire protection, water supply, and sewerage before such services can be systematically and adequately provided.

Section 2. Definition of "Farm"

For the purpose of the administration of this ordinance, a "farm" shall mean a single tract, or contiguous tract, of agricultural land containing a minimum of ten (10) acres and which normally provides a farmer, who is actually farming the land or engaged in the raising of livestock or other similar operations normally associated with farming and ranching, with not less than fifty percent (50%) of his annual net income; and the term "farmer" means an individual who normally devotes the major portion of his time to the activities of producing products of the soil, poultry, livestock, or dairy farming in such products' un-manufactured state and who normally receives not less than fifty percent (50%) of his annual net income from any one or more of the foregoing activities; and the term also includes an individual who is retired because of illness or age and who at the time of retirement owned and occupied, as a farmer, the premises.

Section 3. Permitted Uses

The following uses are allowed by-right in the Agricultural District:

1. Agricultural structures and activities
2. General farming group
3. Truck farming group
4. Livestock sales pavilion
5. Public recreation group
6. Utility service group
7. Radio or television transmitting station
8. Sand or gravel extraction
9. Oil or gas well
10. Railroad line trackage
11. Single-family dwelling
12. Manufactured home dwelling, when located on a permanent perimeter foundation in accordance with County codes governing construction
13. Private golf course, and customary accessory uses
14. Temporary sales of certain items
15. Greenhouse-Commercial
16. Portable Storage Containers-allowed for personal use only.
17. Accessory Solar Energy Systems.

18. Minor Home occupation

Section 4. Special Uses

The following special uses are allowed in the A-Agricultural District, in accordance with Article 8:

1. Airport or heliport
2. Cemetery
3. Drive-in theater
4. Golf driving range, not accessory to a golf course
5. Recreational vehicle park
6. Salvage yard
7. Junkyard
8. Veterinary/animal clinic
9. Animal hospital/kennel
10. Solid waste disposal facility
11. Vehicular race tracks
12. Rodeo or rodeo events
13. Trap or skeet shooting range
14. Animal feeding operations, as defined herein
15. Asphalt plants and concrete batch plants
16. Wind turbine facilities
17. Roadway maintenance facilities
18. Temporary worker housing
19. Meat packing facilities, limited
20. Medical Marijuana Manufacturing Center or Distribution
21. Wind Turbines

22. Solar Farms

23. Accessory Dwelling Units

24. Agricultural Recreation

25. Temporary sales of fireworks

26. Personal Storage Units

27. Communication Tower

Section 5. Accessory Uses

Customary accessory uses are allowed in the A-Agricultural District, in accordance with Article 6.

Section 6. Development Standards (Non-agricultural Uses)

1. Lot Area. Each permitted residential structure, together with its accessory buildings, shall be located on a lot or tract of land as follows:

Property Description	**Minimum Lot/Tract Size**
Metes and Bounds, Auditor's Plat or Deed	40 acres
Aliquot part of a Section of land	Intended to comprise 40 acres
Government Lot	35 acres

2. Lot Width. Each lot shall have a width of not less than six hundred-forty (640) feet, measured along the front property line.

3. Front Yard. Each lot shall have a front yard as follows, measured from the property line:

Roadway Classifications	**Minimum Front Yard (ft) Residential Buildings**	**Minimum Front Yard (ft) Commercial Buildings**
Arterial Road	175	225
Collector Road	65	115
Local Road	40	140

4. Side Yard. Each lot shall have two (2) side yards, one on each side of all principal and accessory buildings. Each side yard shall not be less than fifteen (15) feet. No building on a corner lot shall have a side yard on the side street less than the front yard requirements specified in this section.

5. Rear Yard. Each lot shall have a rear yard not less than fifty (50) feet in depth. If such rear yard abuts an arterial or collector road right-of- way, building locations shall also conform to the front yard requirements specified in this section.

6. Height Limits. No principal building for any permitted use shall exceed thirty-five (35) feet in height. No accessory building shall exceed twenty-five (25) feet in height.

7. Residential Building Permit. A building permit to construct or improve a single family or manufactured home dwelling and allowed accessory buildings shall be issued only after the following conditions have been met:

    a. An auditor's plat or a deed describing the property has been prepared and recorded at the Register of Deed's Office.
    b. A road approach permit has been granted by the County Engineer.

8. Non-residential Building Permit. A building permit to construct or improve any other non-agricultural building shall be issued only if such building is located in a platted subdivision.

Section 7. Additional Development Standards for Land Abutting the Missouri River (Non-agricultural uses)

In order to preserve and enhance the environmental and recreational qualities of the Missouri River, conserve the scenic and historic values of the Missouri River shoreland, protect shoreland development from river bank erosion, and provide for the wise use of the river and related land resources, the following additional development standard for non-agricultural uses is hereby established for land abutting the Missouri River:

1. Structure Setbacks. All structures on lots or parcels with un-stabilized banks shall be set back a minimum of one hundred (100) feet from the ordinary high-water mark of the Missouri River. All structures on lots or parcels with stabilized banks, either by an existing Corps of Engineers' stabilized structure or as permitted and approved by the Corps of Engineers, shall be set back a minimum of seventy-five (75) feet from the ordinary high-water mark of the Missouri River.

STAFF REPORT Ex. 6.8.5

Article 12 R1 Residential Zoning District Ordinance Summary

Status:	Planning and Zoning Commission –Public Hearing 1st Posting – August 29, 2026 2nd Posting – September 5th, 2026
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For Recommendation to the County Commission

ARTICLE 12 - R1 COUNTRY HOMES RESIDENTIAL DISTRICT REGULATIONS

Section 1. General Description

The R1 County Homes Residential District is established as a district in which the predominant use of land is for low-density residential and limited agricultural use. For the R1 District, in promoting the general purposes of this Ordinance, the specific intent of this Article is to encourage the continued use of the land for low-density residential and limited agricultural uses; prohibit commercial and industrial uses of the land; discourage any use, which because of its character or size, would create unusual requirements and costs for public services; and provide special standards for residential development abutting the Missouri River.

Section 2. Uses Permitted

The following uses are allowed by-right in the R1 Country Homes Residential District:

1. Single-family dwellings
2. Education group
3. Church
4. Utility service group
5. Public recreation group
6. Truck-farming group
7. Animal husbandry activity or project conducted primarily for educational purposes or school credits, provided such activities are not conducted for commercial purposes, and premises are maintained in a sanitary manner.
8. Chicken Hens and Coops are allowed provided that the animals are kept for private use only; that no male chickens (roosters) are kept; all hens are kept in a fenced area; all coops and structures meet applicable setbacks and size limitations for allowable accessory structures and are not located less than one hundred and fifty(150) feet of any

neighboring residence or structure; and that no more than ten (10) chickens shall be permitted.

9. Private riding stables provided that animals shall be used for private use only; that no animal, animal stable, barn or shelter shall be located within one hundred (100) feet of any neighboring residence or structure; that two (2) horses shall be permitted on any premises which contains at least two (2) acres and additional horses shall be allowed at the rate of one (1) horse for every additional three (3) acres of property owned

10. Golf course.

11. Accessory Dwelling Units – Allowed with a Special Use Permit

12. Minor Home Occupation

13. Family foster home for adults

14. Childcare centers– Allowed with a Special Use Permit.

15. Portable Storage Containers. –Maximum 1 unit per 5 acres.

16. Accessory Solar Energy Systems.

17. Personal Storage Units Allowed with a Special Use Permit.

18. Communication Tower Allowed with a Special Use Permit.

Section 3. Density

The maximum allowable density is one (1) family per net acre.

Section 4. Lot Area

Each single-family dwelling, together with its accessory buildings, hereafter erected shall be located on a lot having a minimum lot area of 65,000 square feet, a minimum lot width of one hundred (150) feet and a minimum lot depth of two hundred (200) feet. For lots platted prior to April 5, 2004, a single-family dwelling and accessory buildings may be erected on a lot having a minimum lot area of 40,000 square feet and a minimum lot width of one hundred (100) feet, provided said lot was designed in accordance with “slight” soil limitations at the time of platting.

Section 5. Front Yard

Each lot shall have a front yard not less than forty (40) feet in depth on interior subdivision streets or local roads. Except when fronting a highway or collector road then the setbacks shall not be less than the following distance outlined below from the centerline of such roadways fronting the property:

Primary Highway	Secondary Highway	Collector Road

250 feet	200 feet	115 feet

Section 6. Side Yard

Each lot shall have two (2) side yards, one on each side of the principal and accessory buildings. The sum of the widths of the two side yards shall not be less than twenty percent (20%) of the average width of the lot, and in no case less than fifteen (15) feet per yard.

Section 7. Rear Yard

Each lot or premises shall have a rear yard depth of not less than fifty (50) feet.

Section 8. Height Limits

No single-family dwelling shall exceed two and one-half (2½) stories, nor shall it exceed thirty-five (35) feet in height. No principal building for any other permitted use shall exceed four (4) stories, nor shall it exceed fifty (50) feet in height. For each one (1) foot, or fraction thereof, that a building exceeds thirty-five (35) feet in height, there shall be added four (4) feet to the minimum width of each side yard and two (2) feet to the minimum depth of the rear yard required by this section. No accessory building shall exceed two (2) stories, nor shall it exceed twenty-five (25) feet in height.

Section 9. Automobile Parking

Adequate automobile parking shall be provided as set forth in Article 10 of this Ordinance.

Section 10. Minimum Road Standards

Unless otherwise shown on the master plan, right-of-way and roadway widths shall conform to the standards set forth by Section 6, Subsection 1(m) of Article 33 hereof.

1. Sufficient temporary construction easements shall be given to allow for proper road construction.

2. All streets to be used for on-street parking shall be forty (40) feet in roadway width.

Section 11. Allowable Accessory Buildings

Customary accessory uses are allowed in the R1 Residential District in accordance with Article 6.

Section 12. Additional Development Standards for Land Abutting the Missouri River

In order to preserve and enhance the environmental and recreational qualities of the Missouri River, conserve the scenic and historic values of the Missouri River shoreland, protect shoreland

development from river bank erosion, and provide for the wise use of the river and related land resources, the following additional development standards are hereby established for land abutting the Missouri River platted after January 1, 2003:

1. Structure Setbacks. All structures on lots with un-stabilized banks shall be set back a minimum of one hundred (100) feet from the ordinary high-water mark of the Missouri River. All structures on lots with stabilized banks, either by an existing Corps of Engineers' stabilized structure or as permitted and approved by the Corps of Engineers, shall be set back a minimum of seventy-five (75) feet from the ordinary high-water mark of the Missouri River.

2. Impervious Surface Coverage. The percentage of the lot covered by impervious surfaces (structures, paved surfaces, etc.) shall not exceed 25 percent (25%).

3. Steep Slopes. For structures and/or facilities to be placed on steep slopes, the County Building Official may attach conditions on the building permit to prevent erosion and preserve existing vegetation.

4. Topographic Alterations Above the Ordinary High-Water Mark. Grading, filling and excavation necessary for the construction of structures, sewage treatment systems or driveways under validly issued permits shall be allowed. Notwithstanding any other applicable regulations, any other topographic alterations must meet the following standards:

    a. Alterations shall not adversely affect adjacent or nearby properties,
    b. Alterations must be designed and constructed in a manner that minimizes soil erosion, including the installation of erosion control measures as needed.

5. Topographic Alterations Below the Ordinary High-Water Mark. All topographic alterations below the ordinary high-water mark must be approved by the Corps of Engineers.

6. Variances. It is not the intent of this ordinance to make an existing parcel or lot, which is developable under the regulations in place prior to the adoption of this ordinance, not developable. Variances from the strict application of these development standards shall be subject to the requirements of Article 28.

STAFF REPORT Ex. 6.8.6

Article 13 R2 Residential Zoning District Ordinance Summary

Status:	Planning and Zoning Commission –Public Hearing 1st Posting – August 29, 2026 2nd Posting – September 5th, 2026
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review for Recommendations to the County Commission

ARTICLE 13 - R2 SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS

Section 1. General Description

The R2 Residential District is established as a district in which the principal use of the land is for medium density single-family dwellings on rural lots, provided said lots are not located abutting the Missouri River. The regulations are intended to prohibit commercial or industrial use of the land and to prohibit any other use which would substantially interfere with the development or continuation of single-family residential neighborhoods; and to discourage any use which because of its character or size would create requirements and costs for public services, such as police and fire protection, water supply, and sewerage, before such services can be systematically and adequately provided.

Section 2. Permitted Uses

The following uses are allowed by right in the R2 Residential District:

1. Single-family dwellings
2. Education group
3. Utility service group
4. Public recreation group
5. Golf course
6. Minor Home Occupation

Section 3. Special Uses

The following special uses are allowed in the R2 Residential District, in accordance with Article 8:

1. Airport

2. Cemetery

3. Childcare Center

4. Major Home Occupations

STAFF REPORT Ex. 6.8.7

Article 15 R5 Zoning District Ordinance Summary

Status:	Planning and Zoning Commission – Public Hearing 1st Posting – August 29, 2026 2nd Posting – September 5th, 2026
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review for Recommendations to the County Commission

ARTICLE 15 – R5 MH MANUFACTURED HOME DISTRICT

Section 1. General Description

The R5 Residential District is established as a district in which the principal use of the land is for single-family mobile home dwellings located within mobile home parks, provided said parks are not located abutting the Missouri River. For the R5 Residential District, the specific intent of this Article is:

1. To encourage the placement of, and the continued use of the and for single-family mobile home dwellings located within mobile home parks,

2. To prohibit commercial and industrial use of the land; and

3. To encourage suitable and proper development of mobile home parks.

Section 2. Definition

For the purpose of this section, "Mobile Home Park" shall also mean "Mobile Home Court".

Section 3. Uses Permitted

The following uses are allowed by right in the R5 Residential District:

1. Single-family mobile home dwellings or manufactured homes not located on a permanent foundation located within mobile/manufactured home parks.

2. Home occupations as defined, but not limited to:
   a. Dressmaker
   b. Artist
   c. Sculptor
   d. Author
   e. Minister

~~Section 9.~~ Section 4. Mobile Home Park Restrictions

1. No business shall be conducted in any mobile home park.
   a. Exception: Minor Home Occ.

2. Existing mobile home parks shall not be enlarged or extensively altered unless such alteration complies with the provisions of this article.

~~Section 10.~~ Section 5. Mobile Home Parks, Plans and Layout

All layouts for mobile home parks shall be submitted to the Planning Commission for approval prior to consideration of a zoning change request for R5 District uses. All changes thereto must be approved in like manner.

Section 6. Density

The maximum allowable density of all mobile home parks shall be seven (7) families per net acre.

1. The minimum total area of a mobile home park shall be at least four (4) acres.

Section 7. ~~Lot Dimensions~~ Development Standards.

~~1. All mobile home parks shall have near their main entrance a park office in which there shall be an up-to-date list of all park residents along with their addresses and a diagram of the park layout.~~

2. For single-wide mobile home dwelling units, minimum lot dimensions shall be fifty (50) feet wide and one hundred (100) feet deep with a minimum lot area of five thousand (5,000) square feet.

3. For double-wide mobile home dwelling units, minimum lot dimensions shall be sixty (60) feet wide and one hundred (100) feet deep with a minimum lot area of six thousand (6,000) square feet.

4. All mobile homes shall be equipped with compatible skirts to completely enclose the underside of the mobile home.

5. Each mobile home shall be anchored to the ground for purposes of withstanding wind pressures specified for single-family dwellings by the County Building Inspection Department prior to occupying the unit.

6. All clotheslines shall be placed in the rear yard.

~~**Section 7. Lot Restrictions**~~

~~All clotheslines shall be placed in the rear yard.~~

Section 8. Mobile Home Park Requirements

1. The minimum total area of a mobile home park shall be at least four (4) acres.

2. For single-wide mobile home dwelling units, minimum lot dimensions shall be fifty (50) feet wide and one hundred (100) feet deep with a minimum lot area of five thousand (5,000) square feet.

3. For double-wide mobile home dwelling units, minimum lot dimensions shall be sixty (60) feet wide and one hundred (100) feet deep with a minimum lot area of six thousand (6,000) square feet

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

5. Setbacks. Lot development shall observe the following setbacks:

    a. Front Yard. No manufactured home or any other legal attachments to said dwelling or any accessory structures shall be located less than twenty (20) feet from the front lot line, measured back from the sidewalk or walkway, provided, however, that on a record lot corresponding to a plat recorded prior to 1979, the following setback standards apply:

        i. of lots or parcels are selected on the opposite side of the proposed activity, so that a total number of six (6) reference lots are selected.

b. Side Yard and Spacing. No manufactured home or any other legal attachments to said dwelling or accessory structure shall be located less than six (6) feet from the side lot line measured back from the walkway or sidewalk. Manufactured homes on corner lots shall follow front yard setbacks from all streets. Side yard measurements are to be taken at right angles to the building at the closest points to a property line. Detached accessory buildings shall be located not less than five (5) feet from the side or rear lot lines. The ends of the manufactured homes shall be at least twelve (12) feet apart.

6. All entrances, exits and driveways between rows of mobile homes shall be lighted to provide an intensity of 0.3 foot-candles. Mobile home parks shall be provided with walkways at least three and one-half (3½) feet wide between each mobile home lot and service building and other parts of said park. Roadways within the parks shall be hard surfaced, either concrete or bituminized asphalt.

7. All provisions of water supply, laundry, sewage and fire protection to be provided in any mobile home park shall have been approved by the appropriate County and State Departments.

8. Off-street parking areas shall be provided in all mobile home parks at a ratio of at least two (2) car spaces per mobile space. The area for one (1) car space shall be at least ten (10) feet wide and twenty (20) feet deep, plus ingress and egress.

9. Recreation Areas. There shall be provided within each mobile home park an adequate site or sites for recreation for the exclusive use of the park occupants. Such recreation site or sites shall have a minimum area in the aggregate of four thousand (4,000) square feet plus one hundred (100) feet for each mobile home space in said park. The recreation sites shall be of appropriate design and provided with adequate and permanent equipment.

10. All mobile home parks must provide a completely and permanently landscaped setback area of at least thirty (30) feet in width around those portions of the park perimeter which border public right-of-way. Such areas may contain trees, shrubbery, grass, benches, fences, landscaped water resources and the like.

11. Setback areas not bordering public right-of-way may be used to fulfill the recreation area requirements of the preceding paragraph.

12. All mobile home parks shall have near their main entrance a park office in which there shall be an up-to-date list of all park residents along with their addresses and a diagram of the park layout.

13. All mobile home park lots shall be served by an approved central water and sewer system.

Section 9. Mobile Home Park Restrictions

4. No business shall be conducted in any mobile home park.

5. Existing mobile home parks shall not be enlarged or extensively altered unless such alteration complies with the provisions of this article

Section 10. Mobile Home Parks, Plans and Layout

All layouts for mobile home parks shall be submitted to the Planning Commission for approval prior to consideration of a zoning change request for R5 District uses. All changes thereto must be approved in like manner.

Section 11. Mobile Home Requirements

1. All mobile homes shall be equipped with compatible skirts to completely enclose the underside of the mobile home.
2. Each mobile home shall be anchored to the ground for purposes of withstanding wind pressures specified for single-family dwellings by the County Building Inspection Department prior to occupying the unit.

Section 12. Lot Coverage

1. The ground area occupied by a mobile home, attached storm shed, patio, storage building and required off-street parking spaces shall not exceed ~~50~~ 40 percent ~~(50%)~~ (40%) of the total area of the lot. In computing the ground coverage, four hundred (400) square feet shall be added to the actual area of the mobile home and the accessory buildings for the two (2) required off-street parking spaces. ~~This provision limits a lot to one (1) storm shed, not over ten (10) feet by twelve (12) feet, or one hundred twenty (120) square feet, in area per lot,~~ Each lot shall be limited to one attached utility structure of no more than one hundred twenty (120) square feet. Each lot may also have a detached accessory building(s) in accordance with Article 6, provided the lot coverage requirement is not exceeded, and said building shall be placed on a proper foundation.

    a. Enlargement or Alteration. Any enlargement or alteration of a manufactured home park that exceeds ten (10) per cent of the total number of lots or spaces shall comply with the provisions of Subsection 3 of this Section. The remaining portion of a manufactured home park not being enlarged or altered will not be required to comply with the provisions of Subsection 3.

    b. Public Right-of-Way. If public right-of-way bisects a manufactured home park, all lots located adjacent to such public right-of-way shall conform to the standards and setbacks as specified in the R5-Residential District.

Section 13. Community Storage Buildings.

Private garages or storage buildings located within manufactured home parks but not located on individual lots may be allowed, provided:

a. Height Limits. No community storage building sidewall shall exceed fourteen (14) feet in height. The maximum roof pitch of such buildings shall not exceed 3:12.

b. Activities. No activities other than storage of vehicles and household goods by residents of the manufactured home park shall be allowed.

c. Dimensions. No single building dimension shall exceed one hundred-twenty (120) feet and no individual building shall exceed a total of three thousand (3,000) square feet in size. All such buildings must be separated by a minimum of twelve (12) feet. No more than four (4) storage buildings may be grouped together in one location within a manufactured home park. All such groups of buildings must be separated by a minimum of five hundred (500) feet.

d. Accessways. Accessways to community storage buildings shall be hard surfaced, either concrete or bituminized.

e. Floors. All floors in community storage buildings shall be hard surfaced.

f. Site Plan. No community storage building or buildings shall be constructed until a site plan has been approved by the Planning Department.

STAFF REPORT Ex. 6.8.8

Article 16 C-Commercial Zoning District Ordinance Summary

Status:	Planning and Zoning Commission –Public Hearing 1st Posting – August 29, 2026 2nd Posting – September 5th, 2026
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review for Recommendations to the County Commission

ARTICLE 16 - C - COMMERCIAL DISTRICT REGULATIONS

Section 1. General Description

The C - Commercial District is established as a district in which the principal use of land is for commercial and service uses to serve the residential districts in the area, provided said uses are not located abutting the Missouri River, and in which traffic and parking congestion can be kept to a minimum in order to preserve residential values, and promote the general welfare of the surrounding residential district. The specific intent of this Article is:

1. To encourage the continued use of the land for neighborhood commercial and services uses,

2. To prohibit industrial uses of the land, and to prohibit any other use which would substantially depreciate the values of residential districts surrounding the C - Commercial District,

3. To encourage the discontinuance of mixed uses and uses that would not be permitted as new uses under the provisions of this article,

4. To discourage any use, which because of its character or size, would create requirements and costs for public services, such as police and fire protection, water supply and sewerage substantially in excess if the district were developed solely for neighborhood commercial and service uses.

Section 2 Buffer Yards.

1. Applicability:

a. Buffer yards are required for Commercial and or Industrial zoning districts on a side or rear yard of any expanding higher intensity land use adjacent to R1, R2. R5 and AG Districts.

Section ~~2.~~ 3. Uses Permitted

The following uses are allowed by-right in the C - Commercial District:

1. Retail Group A
2. Service Group A
3. Gasoline Filling Station
4. Office-bank Group
5. Church
6. Education Group
7. Fire Station
8. Utility Service Group
9. Retail Group B
10. Service Group B
11. Commercial Recreation Group
12. Wholesale Group
13. Health Medical Group
14. Public Recreation Group
15. Railroad Line Trackage
16. Railroad or Bus Passenger Station
17. Animal Hospital
18. Commercial Parking Lot
19. Temporary sales of certain items
20. Portable Storage Containers.- Limited to one per lot.
21. Accessory Solar Energy Systems.

Section 4. Special Use

1. Medical Marijuana Manufacturing Center or Distribution Center
2. Childcare center.
3. Communication Tower
4. Drive-in bank.
5. Temporary sales of fireworks
6. Retail liquor sales
7. Microbrew pub
8. Domestic distillery.

Section ~~3.~~ 5. District Area

No C - Commercial District shall be less than five (5) acres in size.

Section ~~4.~~ 6. Lot Area

Each principal building or structure plus its accessory buildings shall be located on a lot having an area as specified in Article 33, Section 6 (4) of the Zoning Ordinance. In no case shall a lot be less than twenty thousand (20,000) square feet in size. Premises without a central sanitary sewer system approved by the North Dakota State Department of Health shall comply with lot area requirements of the R1 Residential District.

Section ~~5.~~ 7. District Width

Each C District shall have an average width of not less than two hundred (200) feet and shall have no boundary less than one hundred (100) feet in length.

Section ~~6.~~ 8. Floor Area Ratio

The floor area ratio of the principal building and all accessory buildings shall not exceed 0.25 for a single-story building, nor shall it exceed 0.35 for buildings of more than one story. The ground area occupied by the principal building and accessory buildings shall not exceed twenty-five percent (25%) of the total area of the lot.

Section ~~7.~~ 9. Yard

No building shall be less than fifty (50) feet in distance from any lot line or twenty (20) feet in distance from any side or back yard line.

Section ~~8.~~ 10. Height Limits

No building or structure shall exceed two (2) stories or thirty-five (35) feet in height.

Section ~~9.~~ 11. Divided District

For the purposes of calculating the minimum area, lot width, lot dimensions, floor area ratio, percentage of lot covered by building, and yard requirements established by this Article, a single C - Commercial District cannot lie on two (2) sides of a public street or alley. Any area designated as being zoned C - Commercial and lying on both sides of a public street or alley shall be deemed to be two (2) C Commercial Districts, and all minimum requirements shall be met by buildings on each side of said public street or alley as separate districts.

Section ~~10.~~ 12. Non-Conforming Uses

It is the intent of this Article and this Section to designate no area as a C Commercial District in which there is at the date of adoption of this Article any residential or other non-conforming use. It is the further intent of this Article and this section that insofar as possible all neighborhood commercial and service areas in newly developed portions of the County shall take place in a C Commercial District, in order to decrease traffic and parking congestion and to preserve the residential values of the County. The County Planning and Zoning Commission shall refuse to approve any request for an amendment re-zoning any portion of the County to a C - Commercial District if there is in that district any use which would be a non-conforming use upon the passage by the Board of County Commissioners of the proposed amendment.

Section ~~11.~~ 13. Automobile Parking

Adequate automobile parking shall be provided as set forth in Article 10 of this Ordinance.

STAFF REPORT Ex. 6.9.9

Article 18 I-Industrial Zoning District Ordinance Summary

Status:	Planning and Zoning Commission – Public Hearing 1st Posting – August 29, 2026 2nd Posting – September 5th, 2026
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances

Staff Recommendation: Review for Recommendations to the County Commission

ARTICLE 18 - I - INDUSTRIAL DISTRICT REGULATIONS

Section 1. General Description

The I-Industrial District is established as a district in which the principal use of land is for heavy commercial, manufacturing and industrial establishments, provided said uses are not located abutting the Missouri River, which may create some nuisance, and which are not properly associated with, nor compatible with, residential, institutional, neighborhood commercial, and service establishments. For the Industrial District, in promoting the general purposes of this Ordinance, the specific intent of this Article is:

1. To encourage the construction of and the continued use of the land for heavy commercial, manufacturing and industrial purposes,

2. To prohibit residential and neighborhood commercial use of the land and to prohibit any other use which would substantially interfere with the development, continuation or expansion of commercial and industrial uses in the district; and

3. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this article.

Section 2 Buffer Yards.

1. Applicability:

a. Buffer yards are required for Commercial and or Industrial Zoning Districts on a side or rear yard of any expanding higher intensity land use adjacent to R1, R2. R5 and AG Districts.

Section ~~2.~~ 3. Uses Permitted

The following uses are allowed by-right in the I Industrial District:

1. Gasoline filling station
2. Retail group B
3. Service group B
4. Wholesale group
5. Fire Station
6. Truck terminal
7. Railroad line trackage

8. Railroad spur trackage
9. Railroad freight station
10. Railroad freight classification yard
11. Utility service group
12. Industrial use group
13. Livestock sales pavilion
14. Oil or gas well
15. Radio or television transmitting station
16. Sand or gravel extraction
17. Sewage treatment plant
18. Manufacturing Group
19. Religious institution.
20. Microbrew pub.
21. Domestic distillery
22. Brewer Taproom.
23. Animal services, non-veterinary
24. Shop Condos

Section ~~3.~~ 4. Special Uses

The following special uses are allowed in the I - Industrial District, in accordance with Article 8:

1. Meat packing facilities
2. Medical Marijuana Manufacturing Center or Distribution Center
3. Data Centers:
   -Any change of use within an existing permitted Data Center i.e.: AI Conversion Center, shall require a new special use permit review and approval.
4. Retail liquor sales.
5. Childcare center.
6. Communication Tower.
7. Asphalt production facilities, both permanent and temporary.
8. Hazardous material bulk storage plant.

Section 5. Industrial Use Group

A use in the Industrial Group is one involving the manufacturing or the storage and sale of heavy building materials or equipment, and which conforms to the following requirements:

1. Manufacture, compounding, processing, packaging, treatment of:
   a. Bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, and food products except fish and meat products, sauerkraut vinegar, yeast and the rendering or refining of fats and oils.
   b. Products from the previously prepared materials: Bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, metals, stones, fur, glass, hair, horn, leather, paper, plastics, shell, textiles, wood and yarns.
   c. Pottery and other ceramic products using only previously pulverized clay, and kilns
   d. Electric and neon signs, outdoor advertising signs, commercial advertising structures, and light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves, and similar products.
   e. Musical instruments, toys, novelties and rubber and metal stamps.
   f. Welding and machine shop.
   g. Laundry, cleaning and dyeing works, and carpet and rug cleaning.
   h. Ice manufacturing
   i. Assembly of electric appliances, electronic instruments and devices, radios, phonographs, and television sets, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders, and similar products.
   j. Soft drink bottling plant.

2. The following uses when conducted wholly within a completely enclosed building, or behind a 8’ privacy fence.
   a. Contractors' equip. storage yard.
   b. Building materials sales yard
   c. Pipe storage yard, including sales.
   d. Feed/fuel storage yard w/sales.
   e. Public utility service yard.
   f. Sale of oil and gas well drilling equipment.
   g. Concrete products
   h. Petroleum bulk
   i. Manufacturing and storage of alcoholic beverages, including brewery.

3. Manufacture, compounding, processing, refining or treatment of the following materials and products:
   a. Acetylene.
   b. Alcohol.
   c. Asphalt and bituminous products.
   d. Brick, tile or terra-cotta.
   e. Oilcloth or linoleum.
   f. Paint, shellac, turpentine, lacquer or varnish.
   g. Paper or pulp.

h. Petroleum products.
i. Plastics.
j. Slaughter and packing of animals and meat products.
k. Tannery, curing or storing of raw hides.

4. Any of the following uses provided that they shall not be located closer than five hundred (500) feet from any zone in which they are prohibited:
   a. Cement, lime, gypsum, or plaster of paris manufacture.
   b. Drop forge industry, manufacturing forgings with power hammer.
   c. Fertilizer manufacturing.
   d. Garbage, offal, bone or dead animal reduction.
   e. Gas manufacture or utility regulating stations.
   f. Electric generating plant.
   g. Smelting of tin, copper, zinc or iron ores.
   h. Soap manufacture.
   i. Stockyards, feeding pens or livestock sale facilities.

5. The following uses when conducted wholly within a completely enclosed building, or within an area enclosed on all sides with a solid wall, compact hedge or security fence, not less than six feet in height:

   i. Building material sales yard, including the sale of rock, sand, gravel and the like as an incidental part of the principal use.
   ii. Contractors' equipment, storage yard or plant, or rental of equipment commonly used by contractors.
   iii. Retail lumber yard, including only incidental mill work.
   iv. Feed and fuel yard.
   v. Public utility service yard, or electrical receiving or transforming station.
   vi. Pipe yard, or storage, sale or rental of oil and gas well drilling equipment.

6. Concrete products and mixing.

7. Petroleum bulk plants, ~~if in compliance with the Revised Ordinances of City of Bismarck~~

8. Manufacture, compounding, processing, refining, and treatment of the following materials and products:

   i. Acetylene
   ii. Alcohol
   iii. Asphalt
   iv. Tannery or curing or storage of raw hides
   v. Manufacturing and storage of alcoholic beverages, including brewery.

Section ~~4.~~ 6. Lot Area

Each principal building or structure plus its accessory buildings, shall be located on a lot having an area as specified in Article 33, Section 6(4) of the Zoning Ordinance. In no case shall a lot be less than twenty thousand (20,000) square feet in size. Premises without a central sanitary sewer system approved by the North Dakota State Department of Health shall comply with lot area requirements of the R1 Residential District.

Section ~~5.~~ 7. Lot Width

Each lot shall have a width of not less than one hundred (100) feet, measured along the front building line.

Section ~~6.~~ 8. Floor Area Ratio

Floor area ratio of the principal buildings or building and all accessory buildings shall not exceed 0.30 for single-story buildings, nor shall it exceed 0.60 for buildings of more than one story. The ground area occupied by the principal building or buildings and accessory buildings shall not exceed thirty percent (30%) of the total area of the lot.

Section ~~7.~~ 9. Front Yards

Each building shall have a front yard not less than fifty (50) feet in depth.

Section ~~8.~~ 10. Side Yards

Each lot shall have two (2) side yards, one on each side of any principal building. The sum of the widths of the two (2) side yards shall be not less than twenty percent (20%) of the average width of the lot; and in no case shall a side yard be less than fifteen (15) feet in width. On any lot having an average width greater than seventy-five (75) feet, neither side yard shall be less than fifteen (15) feet in width and no side yard need be greater than fifty (50) feet in width. On a lot containing two (2) principal buildings located side by side, there are no minimum requirements for the side yards between the two (2) buildings.

Section ~~9.~~ 11. Rear Yards

Each lot shall have a rear yard not less than twenty-five (25) feet in depth.

Section ~~10.~~ 12. Height Limits

No principal buildings shall exceed four (4) stories, nor shall it exceed fifty (50) feet in height. No accessory buildings shall exceed two (2) stories, nor shall it exceed twenty-five (25) feet in height.

Section ~~11.~~ 13. Automobile Parking

Adequate automobile parking shall be provided as set forth in Article 10 of this Ordinance.

Section ~~12.~~ 14. Landscaping

All front- side and rear yards shall be permanently landscaped.

Burleigh County Planning and Zoning Commission Meeting Agenda

Tom Baker Meeting Room, City/County Building, 221 5th Street N, Bismarck, ND

5:15pm

Attend in Person || Watch Live on Government Access Channels 2 or 602 || Stream on DakotaMediaAccess.org or Dakota Media Access Facebook Live || Replay Later from DakotaMediaAccess.org

AGENDA
August 12, 2026

1. Pledge of Allegiance
2. Roll Call
3. Approval of Minutes
4. Public Comments: (*Restricted to Burleigh County residents and landowners)*
5. Consent Agenda: *(The following items are requests for a public hearing)*

   5-1 AXT River Cliffs Subdivision
   - Request approval of the preliminary plat. Call for a public hearing
     Staff Recommendation: Approval

   5-2 Chad Dockter Subdivision
   - Request approval of the preliminary plat. Call for a public hearing
     Staff Recommendation: Approval

   5-3 Highlands at Burnt Creek Subdivision Preliminary Plat and Zoning Change
   - Request approval of the R1 zoning change and preliminary plat. Call for a public hearing
     Staff Recommendation: Approval

   5-4 Aberle Park Subdivision Zoning Change
   - Request approval of the I-Industrial Zoning Change. Call for a public hearing
     Staff Recommendation: Approval

6. Public Hearing Agenda:

   6-1 Arcadia Lite Estates Subdivision
   - *Requests approval of the final plat and* a "Do Pass" recommendation to the Board of Burleigh County Commissioners.
     Staff Recommendation: Approval

   6-2 Olive Tree 2nd Subdivision
   - Requests approval of the final plat and a "Do Pass" recommendation to the Board of Burleigh County Commissioners.
     Staff Recommendation: Approval

   6-3 Apple Creek Ridge 3rd Subdivision
   - Request approval of the final plat and a "Do Pass" recommendation to the Board of Burleigh County Commissioners.
     Staff Recommendation: Approval

6-4 Misty Waters 3rd Replat

- Request approval of the final plat and give a "Do Pass" recommendation to the Board of Burleigh County Commissioners.
  Staff Recommendation: Approval

6-5 Revisions to Certain to Ordinances

- Review proposed changes and recommend 2nd Public Hearing for:
  - Ex. 6.5.1 Zoning District Article 3 Definitions
  - Ex. 6.5.2 Zoning District Article 6 Incidental Uses
  - Ex. 6.5.3 Zoning District Article 8 Section 4, Sec. 8, Sec. 22
  - Ex. 6.5.4 Zoning District Article 11 Ag Agricultural
  - Ex. 6.5.5. Zoning District Article 12 R1 Residential
  - Ex. 6.5.6. Zoning District Article 12 R2 Residential
  - Ex. 6.5.7. Zoning District Article 15 R5 MH
  - Ex. 6.5.8 Zoning District Article 16 C Commercial
  - Ex. 6.5.9 Zoning District Article 18 I Industrial

7. Agenda Items:

8. Other Business:

9. Adjourn

Next Meeting: September 9, 2026

Agenda Item 5-1

Axt River Cliffs Subdivision

Status:	Consent Agenda
Applicant/Developer:	Philip Axt
Site Address:	26276 80th St NW
Project Size:	1 lot containing 4.93 acres
Zoning:	A – Agricultural

Project History

A request to Burleigh County regarding the combination of 2 parcels in an unplatted area. A pre-application review meeting was held on June 11th, 2026.

The proposed subdivision will combine 2 parcels to create a single lot of 4.93 acres, more or less. There are multiple existing buildings on the existing 4.297 acre parcel. This proposed subdivision was first submitted on July 22nd, 2026.

The proposed subdivision is located within the zoning jurisdiction of Painted Woods Township – an organized township.

Staff Findings

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This preliminary plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. The proposed subdivision is located in the floodplain.
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.

Staff Recommendation

The petition for a preliminary plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the preliminary plat and calling for a public hearing.

Planning Commission Actions

The Burleigh County Planning and Zoning Commission can:

1. Approve the preliminary plat & call for a public hearing.
2. Approve the preliminary plat with conditions & call for a public hearing after all conditions have been completed.
3. Deny the preliminary plat with reason.
4. Table the preliminary plat for more information.

Public Hearing Notifications

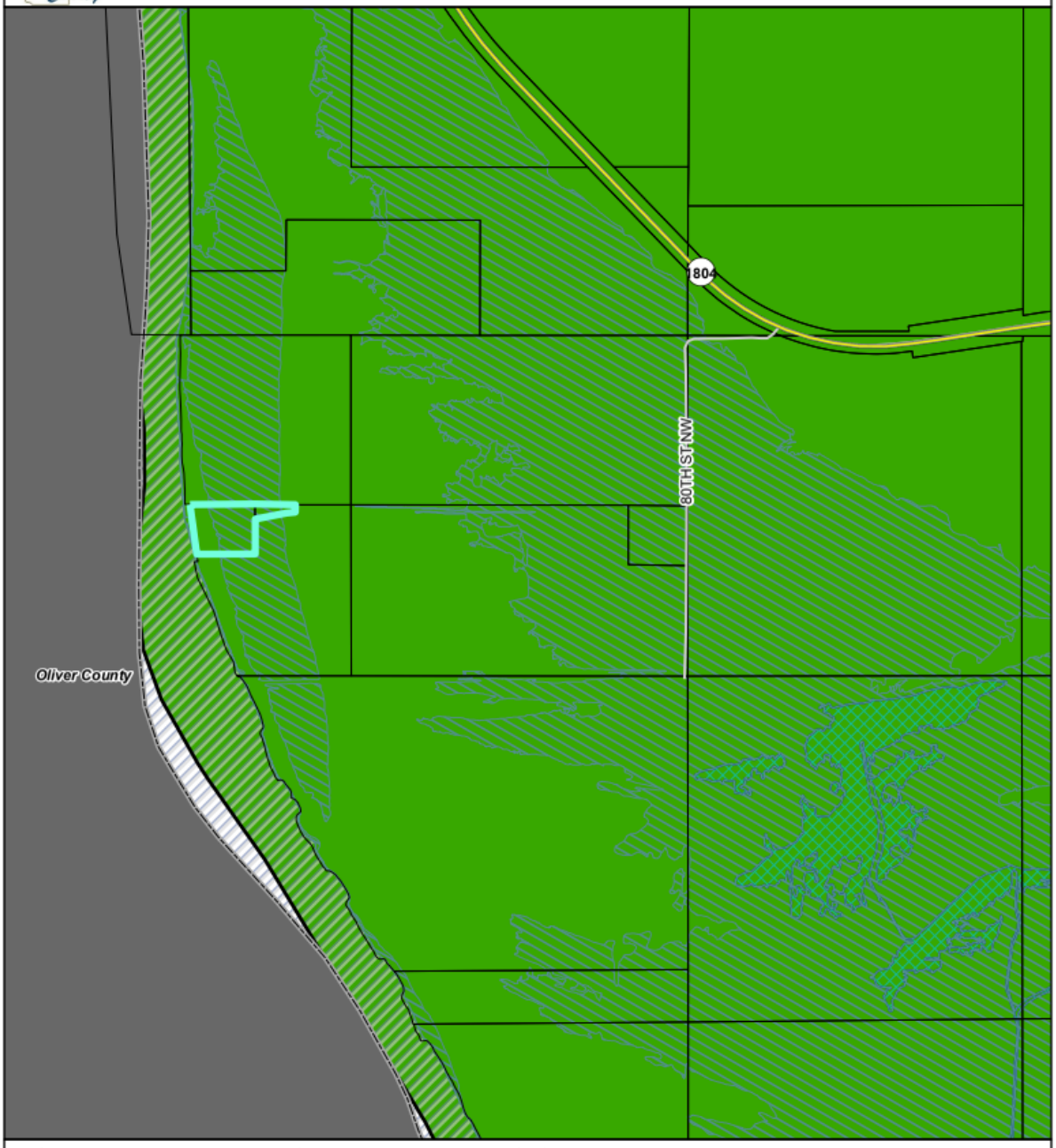
Bismarck Tribune	08/01/26 & 08/08/26
Burleigh County Website	07/31/26
Surrounding Property Owners	07/31/26

BURLEIGH COUNTY, NORTH DAKOTA

Axt River Cliffs Subdivision

N

7/24/2026



PARCEL ID: 10-142-80-00-11-220 OWNER: MEYER, JAMES J ACRES: 41.84

SITE ADDRESS:

MAIL ADDRESS: 22501 N 41ST ST, WILTON, ND 58579-9771

LEGAL: ECKLUND TOWNSHIP Section 11 PT OF E1/2NE1/4 EAST OF RR R/W LESS AUDITOR'S LOTS B&C AND LESS R/W 11-142-80

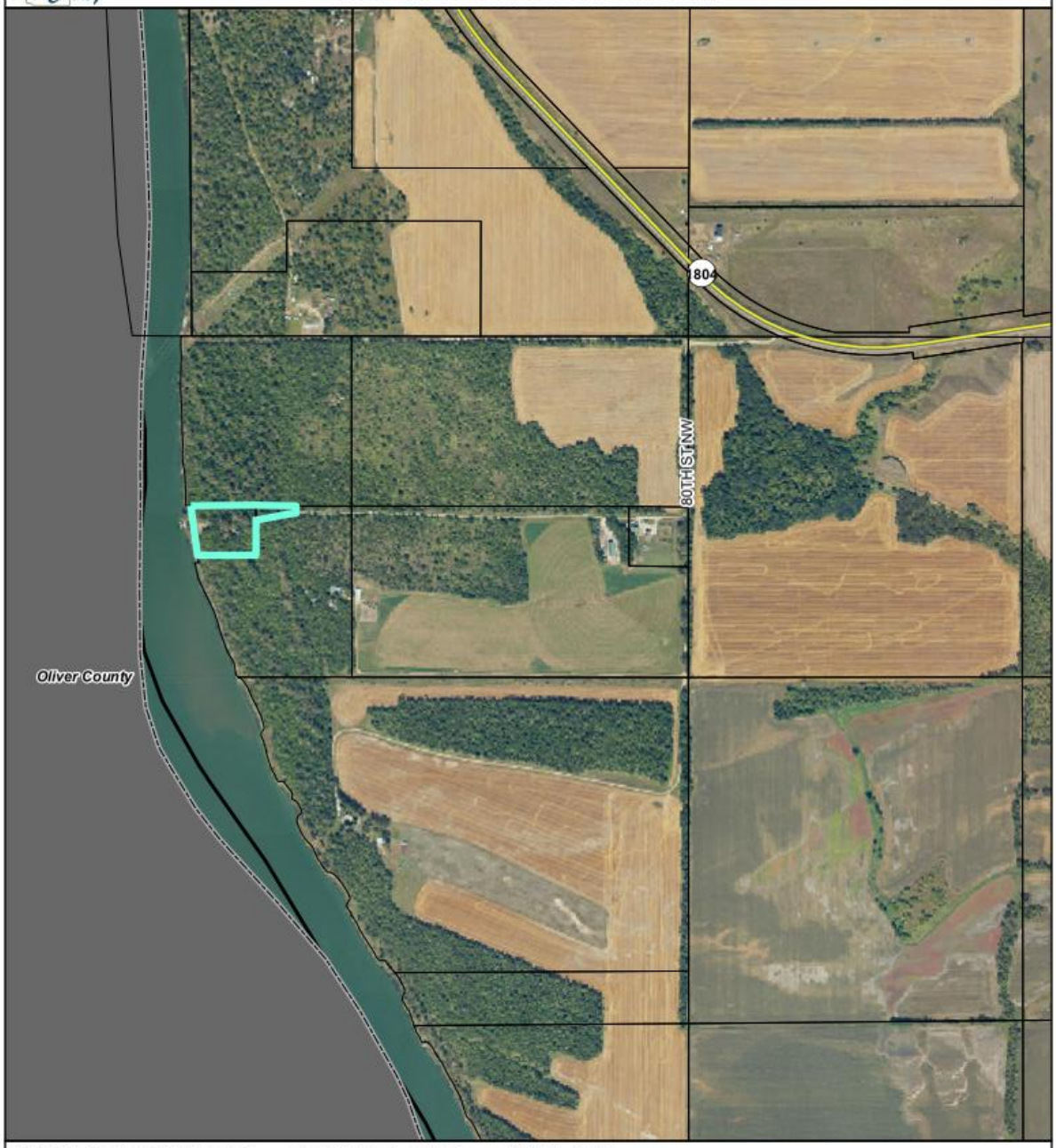
Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

BURLEIGH COUNTY, NORTH DAKOTA

Axt River Cliffs Subdivision

N

7/24/2026



PARCEL ID: 10-142-80-00-11-220 OWNER: MEYER, JAMES J ACRES: 41.84

SITE ADDRESS:

MAIL ADDRESS: 22501 N 41ST ST, WILTON, ND 58579-9771

LEGAL: ECKLUND TOWNSHIP Section 11 PT OF E1/2NE1/4 EAST OF RR R/W LESS AUDITOR'S LOTS B&C AND LESS R/W 11-142-80

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AXT RIVER CLIFFS SUBDIVISION

LOTS A AND B OF GOVERNMENT LOT 2 OF THE NW 1/4 OF SECTION 27 TOWNSHIP 142 NORTH, RANGE 81 WEST

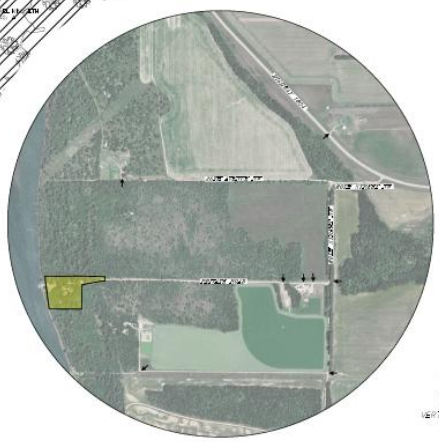
BURLEIGH COUNTY, NORTH DAKOTA
PRELIMINARY PLAT

4.93 ACRES
EXISTING ZONING: - A
PROPOSED ZONING: - A
1 LOT, 1 BLOCK

OWNER: PHILIP AXT
ADDRESS: 26276 80TH Street NW
BALDWIN, ND 58521

SURVEYOR: SWENSON HAGEN & CO
3002 AIRWAY AVE
BISMARCK, ND 58504





LOCATION MAP

SCALE – 1" = 40'
VERTICAL DATUM: NAVD 88
JUNE 29, 2026

SWENSON, HAGEN & COMPANY P.C.

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Agenda Item 5-2

Chad Dockter Subdivision

Status:	Consent Agenda
Applicant/Developer:	Christine Dockter
Site Address:	NW ¼ of the SW ¼ of Section 29, Township 138, Range 79
Project Size:	4 lots containing 39.92 acres
Zoning:	A – Agricultural

Project History

A request to Burleigh County regarding the creation of a 4 lot subdivision. Zoning on the site would remain A – Agricultural.

The proposed subdivision will create 4 parcels, ranging in size from 6.00 to 10.00 acres, more or less. The proposed subdivision is a total of 39.92 acres, more or less. No buildings currently exist on the site. The preliminary subdivision plat was submitted on July 24th, 2026.

The proposed subdivision is located within the zoning jurisdiction of Apple Creek Township.

Staff Findings

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This preliminary plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Burleigh County's future land use plan designates the area of this subdivision as Rural Residential.
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.

Staff Recommendation

The petition for a preliminary plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the preliminary plat and calling for a public hearing.

Planning Commission Actions

The Burleigh County Planning and Zoning Commission can:

1. Approve the preliminary plat & call for a public hearing.
2. Approve the preliminary plat with conditions & call for a public hearing after all conditions have been completed.
3. Deny the preliminary plat with reason.
4. Table the preliminary plat for more information.

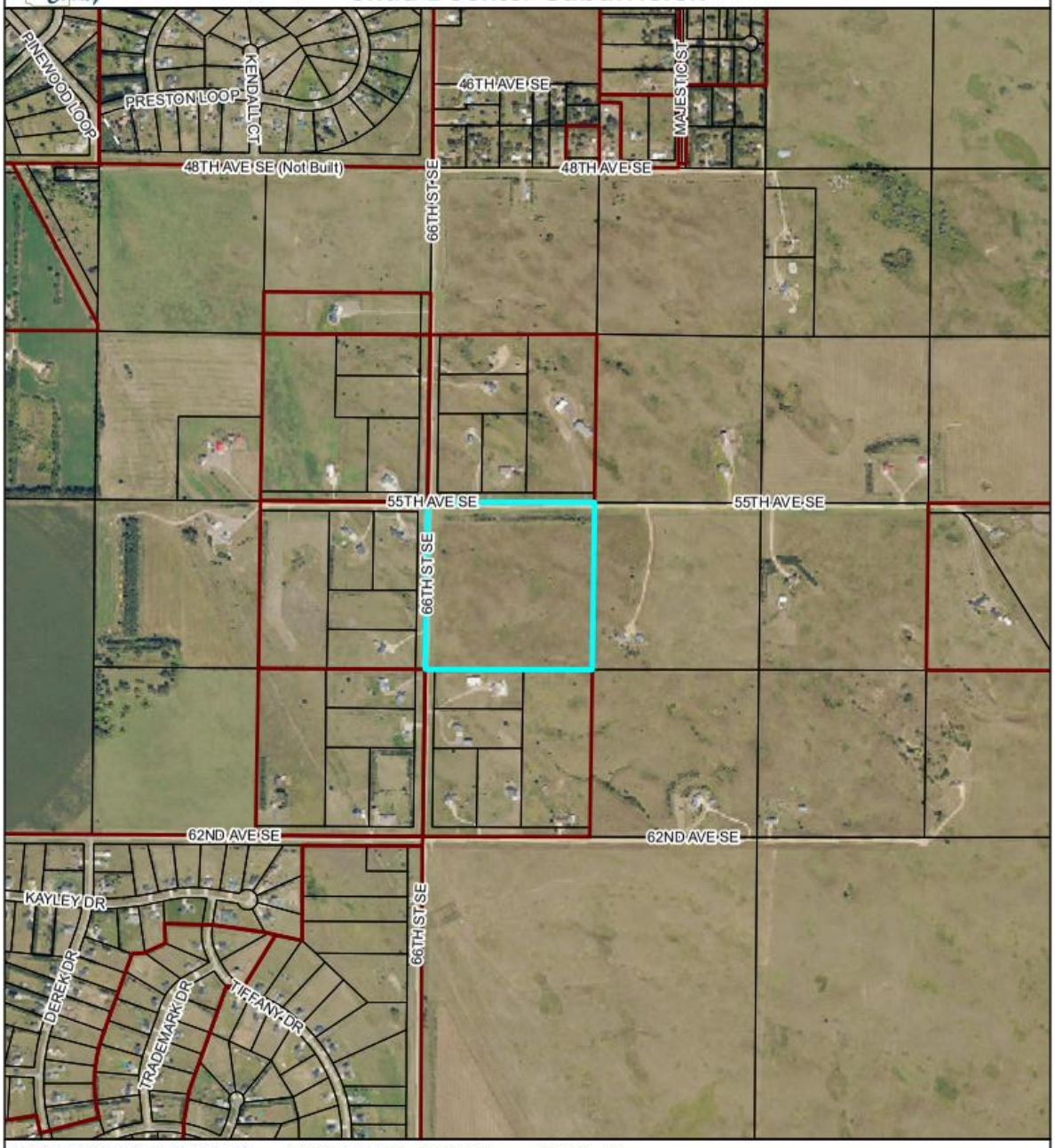
Public Hearing Notifications

Bismarck Tribune	08/01/26 & 08/08/26
Burleigh County Website	07/31/26
Surrounding Property Owners	07/31/26

BURLEIGH COUNTY, NORTH DAKOTA

Chad Dockter Subdivision

7/30/2026



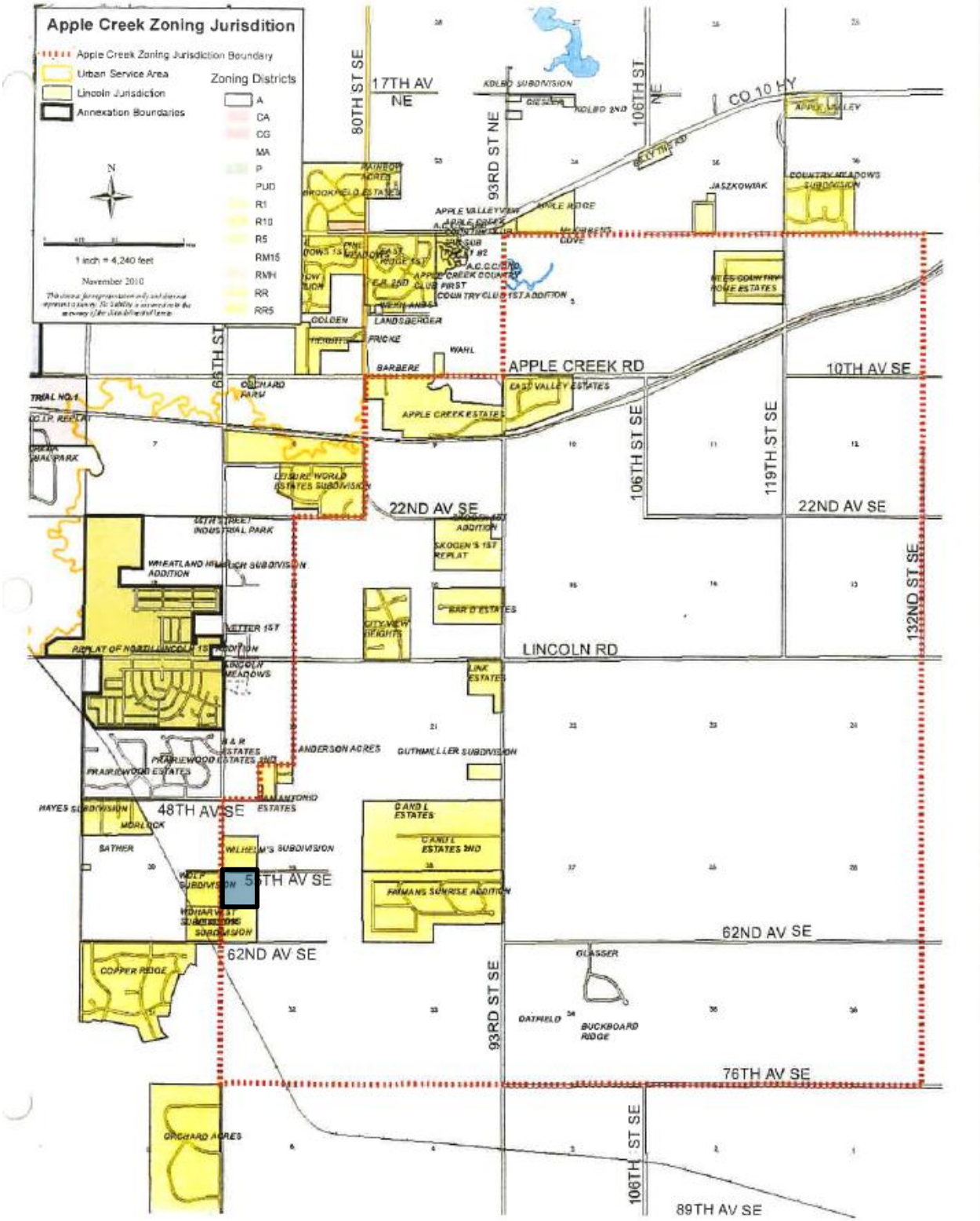
PARCEL ID: 39-138-79-00-29-603 OWNER: DOCKTER, CHRISTINE ACRES: 40

SITE ADDRESS:

MAIL ADDRESS: 27036 SAPTON ROAD,,

LEGAL: APPLE CREEK TOWNSHIP Section 29 NW1/4SW1/4 600616 29-138-79

Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

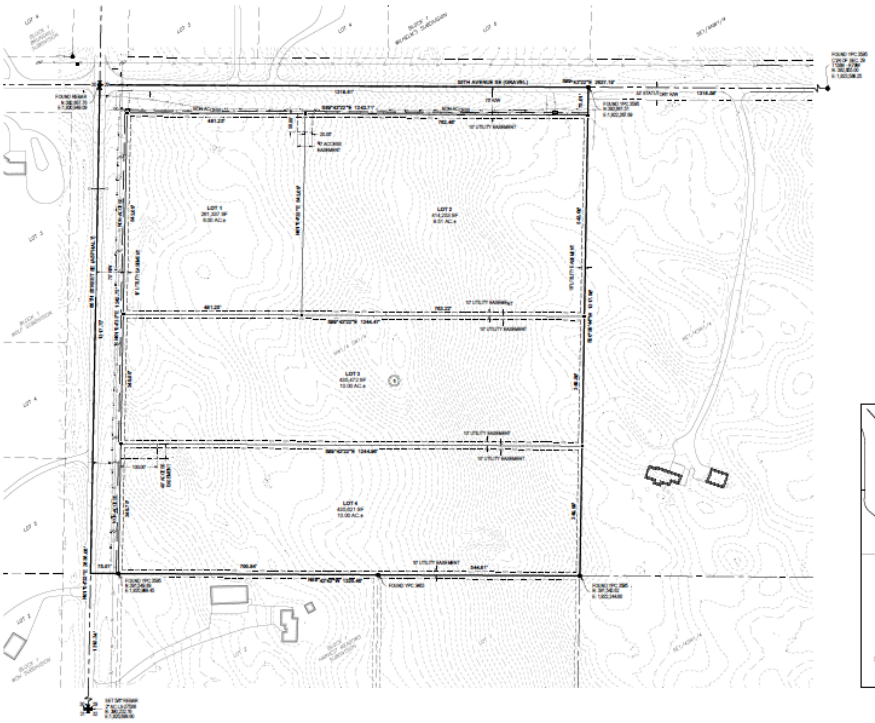


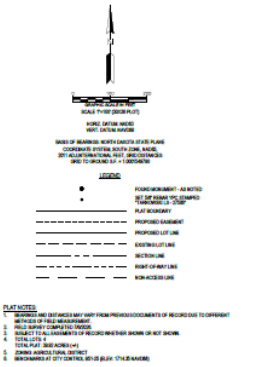
Note: The Chad Dockter Subdivision is shown on the map in teal.

PRELIMINARY PLAT FOR:

DOCKTER SUBDIVISION

ALL OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER
OF SECTION 29, TOWNSHIP 138 NORTH, RANGE 79 WEST
OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA

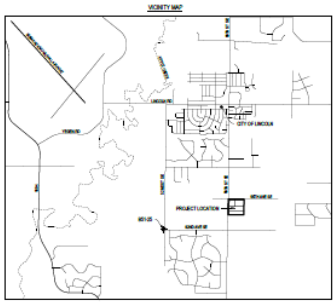




PLAT NOTES:

1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
2. FIELD SURVEY COMPLETED 7/4/2022.
3. SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.
4. TOTAL PLAT: 33
5. TOTAL AREA: 33.000 ACRES (+/-)
6. ZONING AGRICULTURAL DISTRICT
7. BENCHMARKS AT CITY CONTROL 601.25 (ELEV. 1714.35 NAVD88)

VICINITY MAP



PRELMINIARY

LEGAL DESCRIPTION:
ALL OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW¼SW¼) SECTION 29, TOWNSHIP 138 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SAID PLAT CONTAINS 33.00 ACRES, MORE OR LESS, AND SHALL HEREAFTER BE KNOWN AS DOCKTER SUBDIVISION.

OWNER:
CHRISTINE DOCKTER
2700 ANTON ROAD
COOKS CREEK, ND 58457

SURVEYOR:
MICHAEL J. TARKOWSKI, PLS 27230
MOUNTAIN PLAINS, LLC
1300 TACOMA AVE, SUITE A
BISMARCK, ND, 58504
(701) 557-2346

MOUNTAIN PLAINS LLC

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Agenda Item 5-3

Highlands at Burnt Creek Subdivision

Status:	Consent Agenda
Applicant/Developer:	Sattler Family LLLP
Site Address:	W ½ of the SW ¼ of Section 36, Township 140, Range 80
Project Size:	33 lots containing 80 acres
Existing Zoning:	A – Agricultural
Proposed Zoning:	RR – Rural Residential

Project History

A request to Burleigh County regarding the creation of a 33 lot subdivision. Zoning on the site would change to RR – Rural Residential.

The proposed subdivision will create lots of between 1.50 acres and 6.29 acres, more or less. The proposed subdivision is a total of 80 acres, more or less. No buildings currently exist on the site. The subdivision was first submitted on July 8th, 2026.

Staff Findings

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This preliminary plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Burleigh County's future land use plan designates the area of this subdivision as Rural Residential.
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.

Staff Recommendation

The petition for a preliminary plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the preliminary plat and calling for a public hearing.

Planning Commission Actions

The Burleigh County Planning and Zoning Commission can:

1. Approve the preliminary plat & call for a public hearing.
2. Approve the preliminary plat with conditions & call for a public hearing after all conditions have been completed.
3. Deny the preliminary plat with reason.
4. Table the preliminary plat for more information.

Public Hearing Notifications

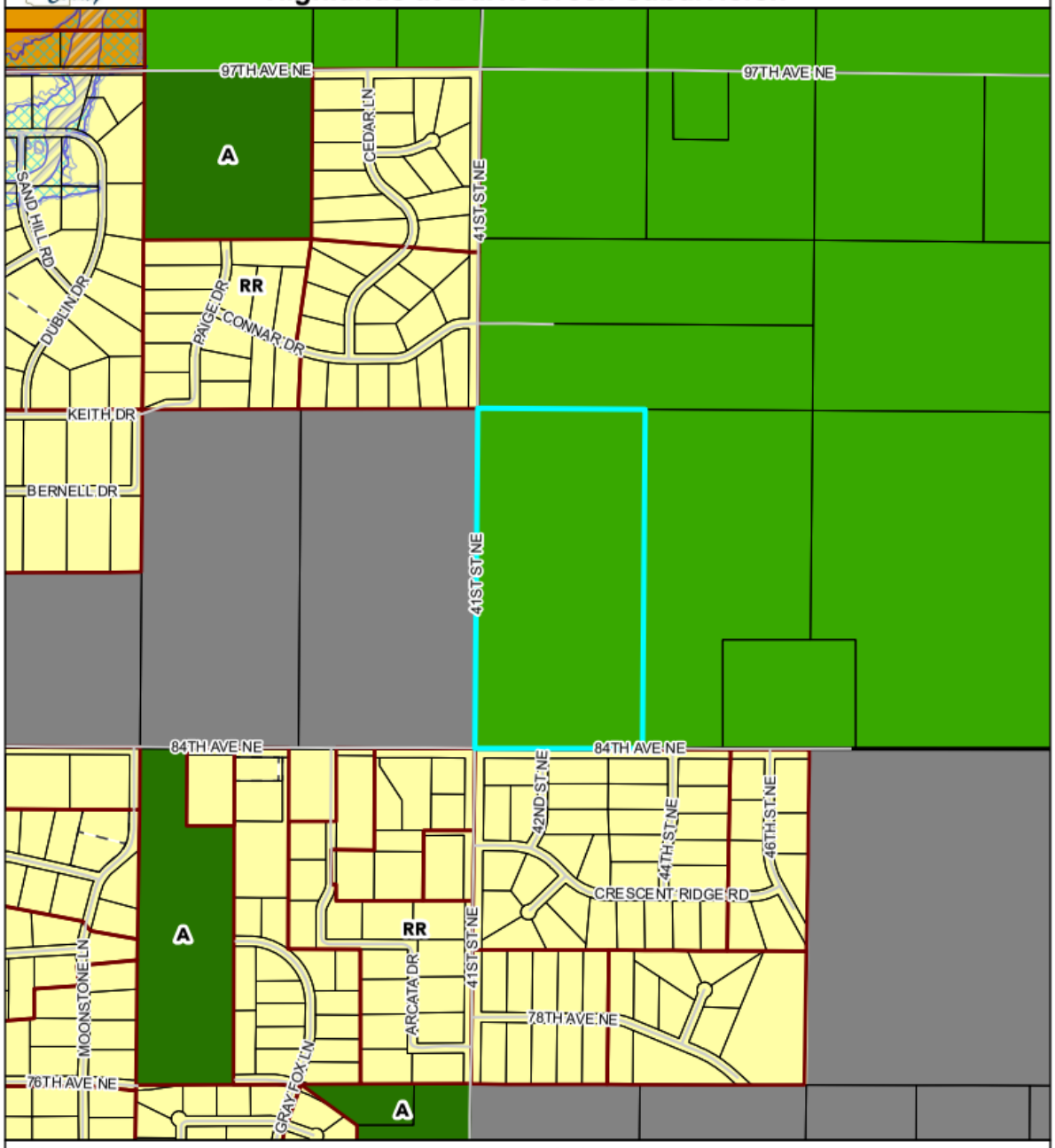
Bismarck Tribune	08/01/26 & 08/08/26
Burleigh County Website	07/31/26
Surrounding Property Owners	07/31/26

BURLEIGH COUNTY, NORTH DAKOTA

Highlands at Burnt Creek Subdivision

N

7/30/2026



PARCEL ID: 24-140-80-00-36-610 OWNER: SATTLER FAMILY LLLP ACRES: 80

SITE ADDRESS:

MAIL ADDRESS: 3220 ARIZONA DR, BISMARCK, ND 58503

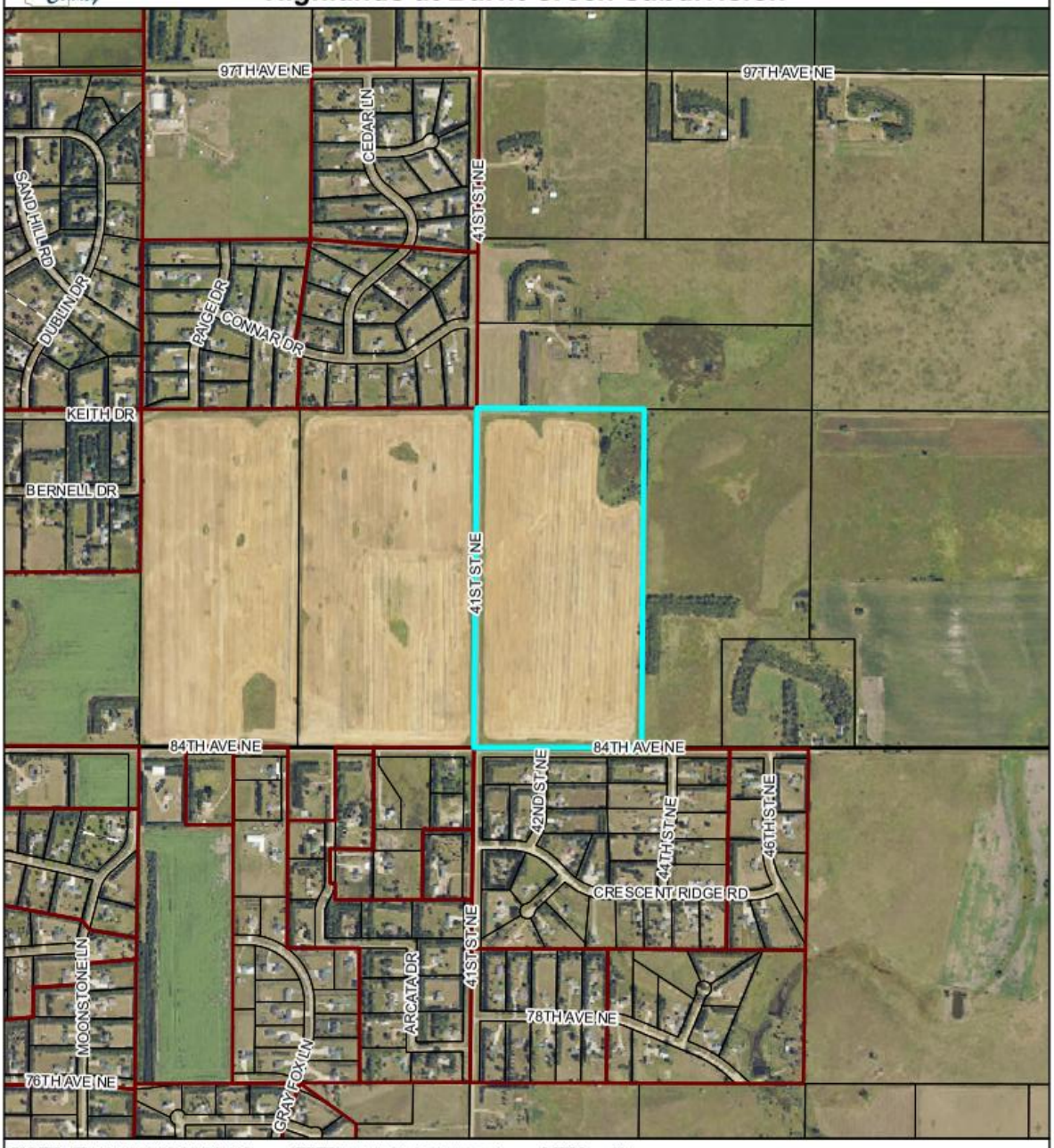
LEGAL: BURNT CREEK TOWNSHIP Section 36 W1/2SW1/4 36-140-80

Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

BURLEIGH COUNTY, NORTH DAKOTA

Highlands at Burnt Creek Subdivision

7/30/2026



PARCEL ID: 24-140-80-00-36-610 OWNER: SATTLER FAMILY LLLP ACRES: 80

SITE ADDRESS:

MAIL ADDRESS: 3220 ARIZONA DR, BISMARCK, ND 58503

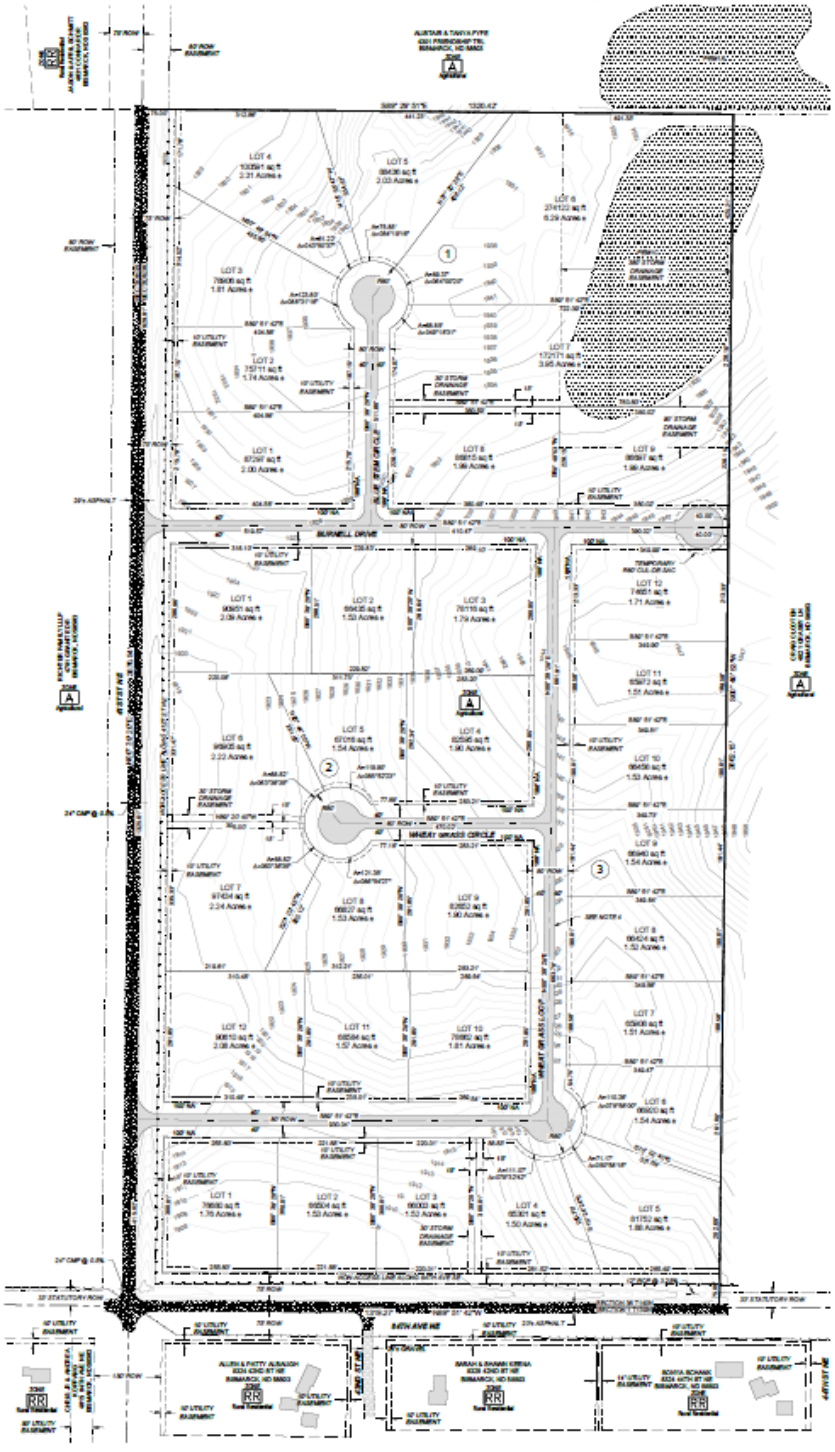
LEGAL: BURNT CREEK TOWNSHIP Section 36 W1/2SW1/4 36-140-80

Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

PRELIMINARY PLAT OF

HIGHLANDS AT BURNT CREEK SUBDIVISION

ALL OF THE W1/2 OF THE SW1/4, SECTION 36, T140N-R80W, OF THE 5TH P.M., BURLEIGH COUNTY, NORTH DAKOTA





TOMAN ENGINEERING
501 1st Street NW, Mandan, ND 58554
701-663-6480 * www.tomanengineering.com

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Agenda Item 5-4

Aberle Park Subdivision Zoning Change

Status:	Consent Agenda
Applicant/Developer:	Ronald Aberle
Site Address:	2810 158th St NE
Project Size:	1 lot containing 38.25 acres
Existing Zoning:	C – Commercial
Proposed Zoning:	I – Industrial

Project History

A request to Burleigh County regarding a zoning change for a 1 lot subdivision. Zoning on the site would change from C – Commercial to I – Industrial.

The zoning change would apply to 1 parcel of land, which is 38.25 acres, more or less. A commercial storage area is proposed on the site, which is a permitted use in an I – Industrial zone. Surrounding land uses are A – Agricultural and I – Industrial. The zoning change proposal was submitted on July 23, 2026.

Staff Findings

1. The proposed use of the land is in line with the zoning code's rules for the proposed zoning.
2. Burleigh County's future land use plan designates the area of this subdivision as being within an Industrial Opportunities overlay district.
3. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 6 Business and Industry – Objectives 1 and 3.

Staff Recommendation

The petition for a zoning change meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the preliminary plat and calling for a public hearing.

Planning Commission Actions

The Burleigh County Planning and Zoning Commission can:

1. Approve the zoning change & call for a public hearing.

2. Approve the zoning change with conditions & call for a public hearing after all conditions have been completed.
3. Deny the zoning change with reason.
4. Table the zoning change for more information.

Public Hearing Notifications

Bismarck Tribune	08/01/26 & 08/08/26
Burleigh County Website	07/31/26
Surrounding Property Owners	07/31/26

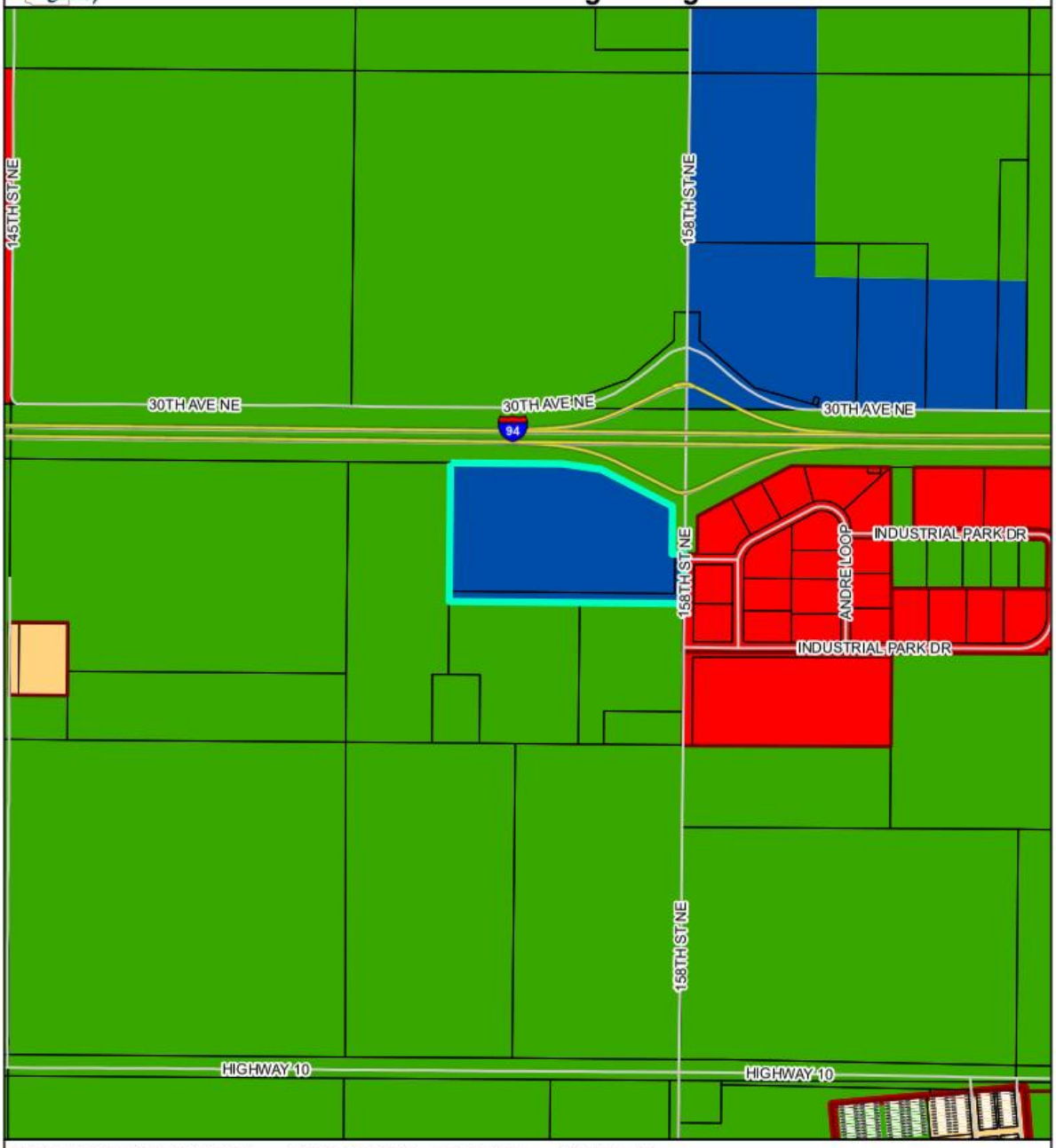
Burleigh County

BURLEIGH COUNTY, NORTH DAKOTA

Aberle Park Zoning Change

N

7/30/2026



PARCEL ID: 32-139-79-00-15-400 OWNER: ANDERSON, JANE G ETAL ACRES: 160

SITE ADDRESS:

MAIL ADDRESS: ANDERSON, JANE G LE 2036 N KAVANEY DR APT 8, BISMARCK, ND 58501-1686

LEGAL: GIBBS TOWNSHIP Section 15 NW1/4 679303 684852 15-139-79

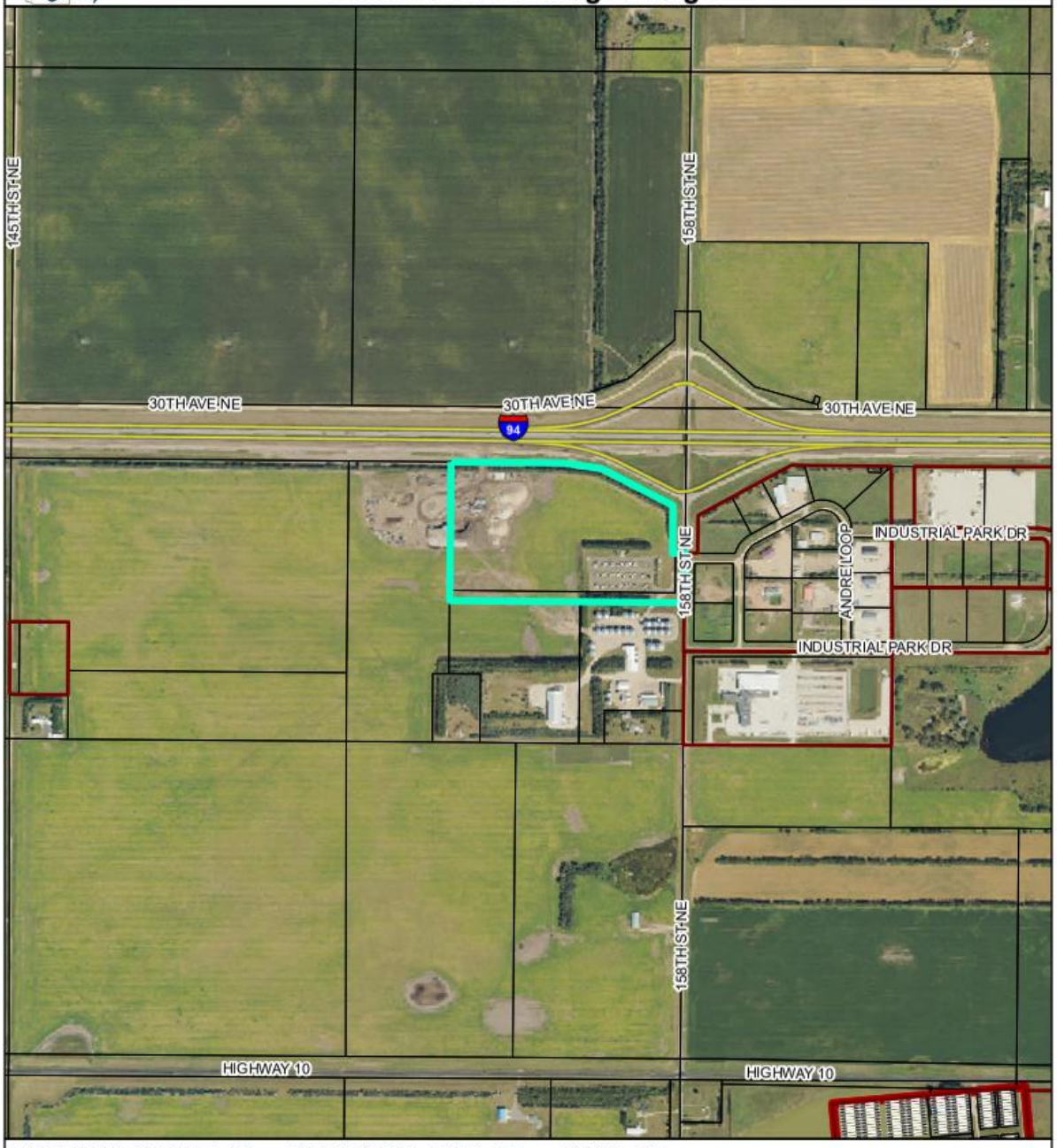
Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

BURLEIGH COUNTY, NORTH DAKOTA

Aberle Park Zoning Change

N

7/30/2026



PARCEL ID: 32-139-79-00-15-400 OWNER: ANDERSON, JANE G ETAL ACRES: 160

SITE ADDRESS:

MAIL ADDRESS: ANDERSON, JANE G LE 2036 N KAVANEY DR APT 8, BISMARCK, ND 58501-1686

LEGAL: GIBBS TOWNSHIP Section 15 NW1/4 679303 684852 15-139-79

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Agenda Item 6-1

Arcadia Lite Estates Subdivision

Status:	Public Hearing
Applicant/Developers:	Primecore Development LLC
Site Location:	SE ¼ of Section 15, Township 140, Range 80
Project Size:	5 lots containing 80 acres
Existing Zoning:	A – Agricultural

Project History

A request to Burleigh County regarding the creation of a 5 lot subdivision. Zoning on the site would remain Agricultural. Several pre-application meetings were held to discuss the requirements for the subdivision.

The proposed subdivision will create 5 parcels, each of which will contain 16.5 acres, with the subdivision containing a total of 80.1 acres, more or less. No buildings currently exist on the site. The Burleigh County Planning and Zoning Commission called for a public hearing on May 13, 2026. The subdivision was first submitted on March 20, 2026.

Staff Findings

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This final plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Burleigh County's future land use plan designates the area of this subdivision as Rural Residential.
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.

Staff Recommendation

The petition for a final plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the final plat and giving a "do pass" recommendation to the B.C.C.

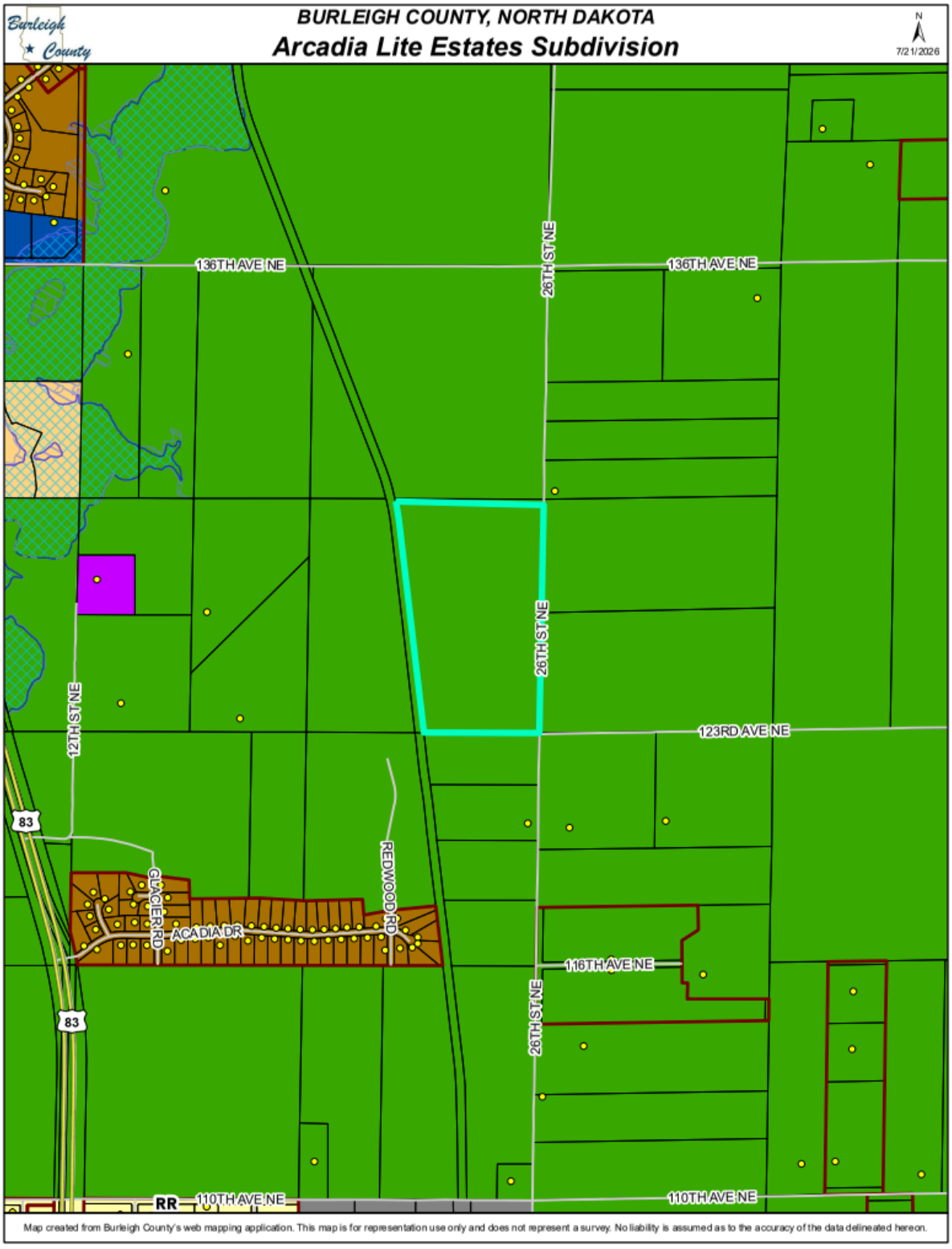
Planning Commission Actions

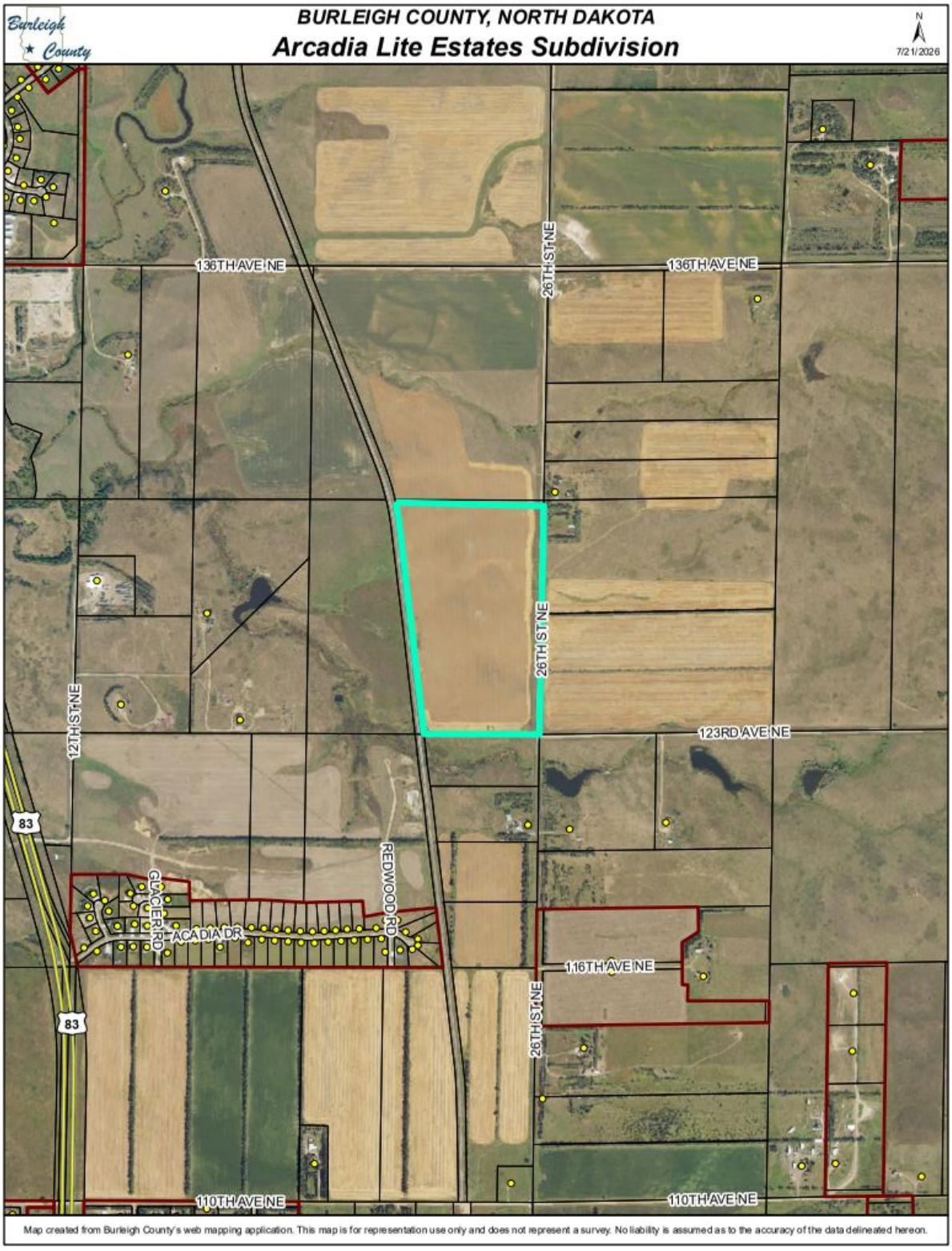
The Burleigh County Planning and Zoning Commission can:

1. Approve the final plat & give a “do pass” recommendation to the B.C.C.
2. Approve the final plat with conditions & give a “do pass” recommendation to the B.C.C. after all conditions have been completed.
3. Deny the final plat with reason.
4. Table the final plat for more information.

Public Hearing Notifications

Bismarck Tribune	08/01/26 & 08/08/26
Burleigh County Website	07/31/26
Surrounding Property Owners	07/31/26

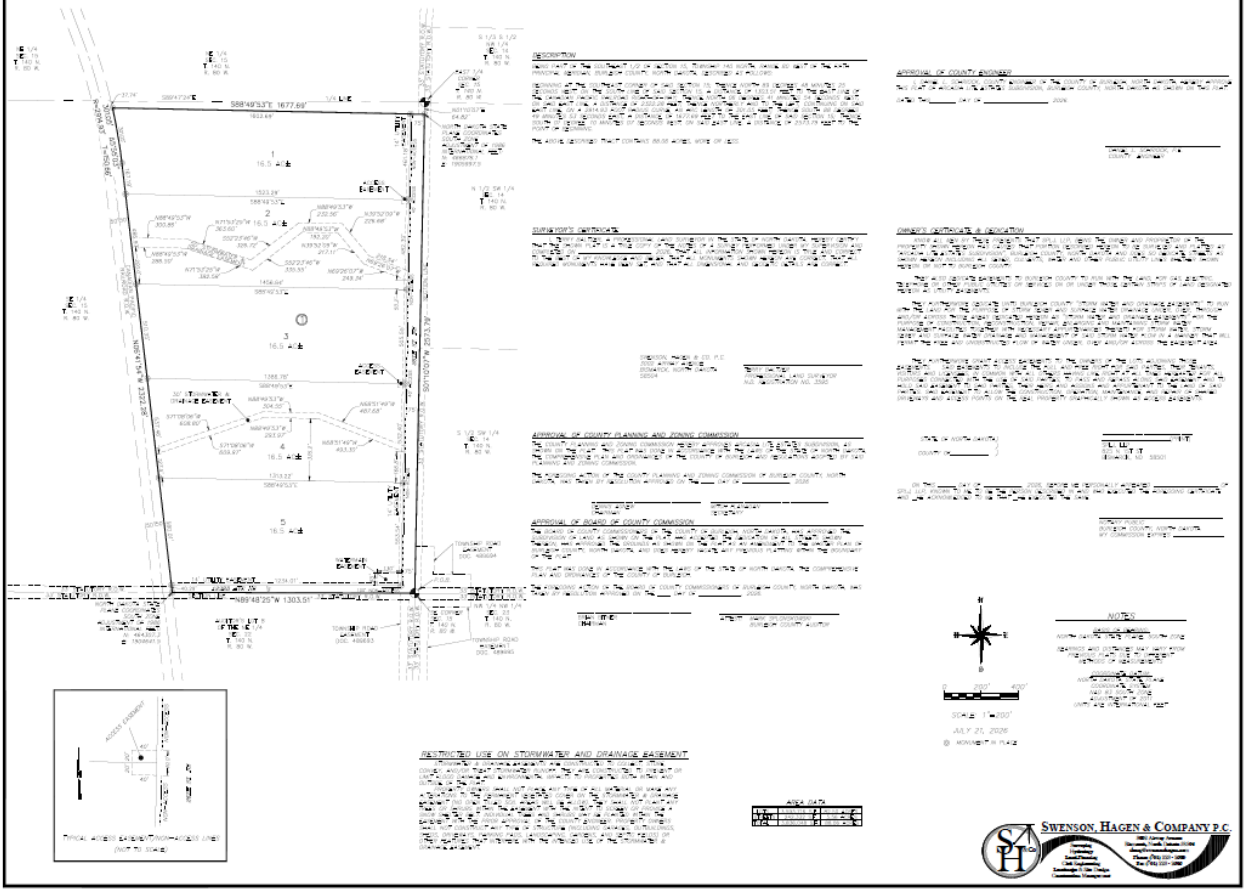

BURLEIGH COUNTY, NORTH DAKOTA
Arcadia Lite Estates Subdivision
Burleigh County
N
7/21/2026
136TH AVE NE
136TH AVE NE
26TH ST NE
26TH ST NE
12TH ST NE
123RD AVE NE
83
83
GLACIER RD
ACADIA DR
REDWOOD RD
116TH AVE NE
26TH ST NE
RR
110TH AVE NE
110TH AVE NE
Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.


BURLEIGH COUNTY, NORTH DAKOTA
Arcadia Lite Estates Subdivision
Burleigh County
N
7/21/2026
136TH AVE NE
26TH ST NE
136TH AVE NE
26TH ST NE
12TH ST NE
123RD AVE NE
83
REDWOOD RD
GLACIER RD
ACADIA DR
116TH AVE NE
26TH ST NE
83
110TH AVE NE
110TH AVE NE
Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

ARCADIA LITE ESTATES SUBDIVISION

BEING PART OF THE SOUTHEAST 1/4 OF
SECTION 15, TOWNSHIP 140 NORTH, RANGE 80 WEST
OF THE FIFTH PRINCIPAL MERIDIAN

BURLEIGH COUNTY, NORTH DAKOTA



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Agenda Item 6-2

Olive Tree 2nd Subdivision

Status:	Public Hearing
Applicant/Developers:	Derik Hoerner
Site Address:	5501 Dietrich Place
Project Size:	1 lot containing 25 acres
Existing Zoning:	RR – Rural Residential (Former ETA)

Project History

A request to Burleigh County regarding the combination of 2 parcels to allow the property owner to build an accessory building. A pre-application meeting was held on May 14, 2026.

The proposed subdivision will combine 1 lot from the Olive Tree Subdivision containing 1.43 acres, more or less, with part of a neighboring parcel containing 33.19 acres, creating a total acreage of 25 acres, more or less. The residence is located on the 1.43 acre lot with access from Dietrich Place. The Burleigh County Planning and Zoning Commission called for a public hearing on June 10, 2026. The subdivision has been in review since May 21, 2026.

Staff Findings

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This final plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Bismarck's future land use plan designates the area of this subdivision as Rural Residential.
4. The proposed subdivision is located in the floodplain.
5. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.

Staff Recommendation

The petition for a final plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the final plat and giving a "do pass" recommendation to the B.C.C.

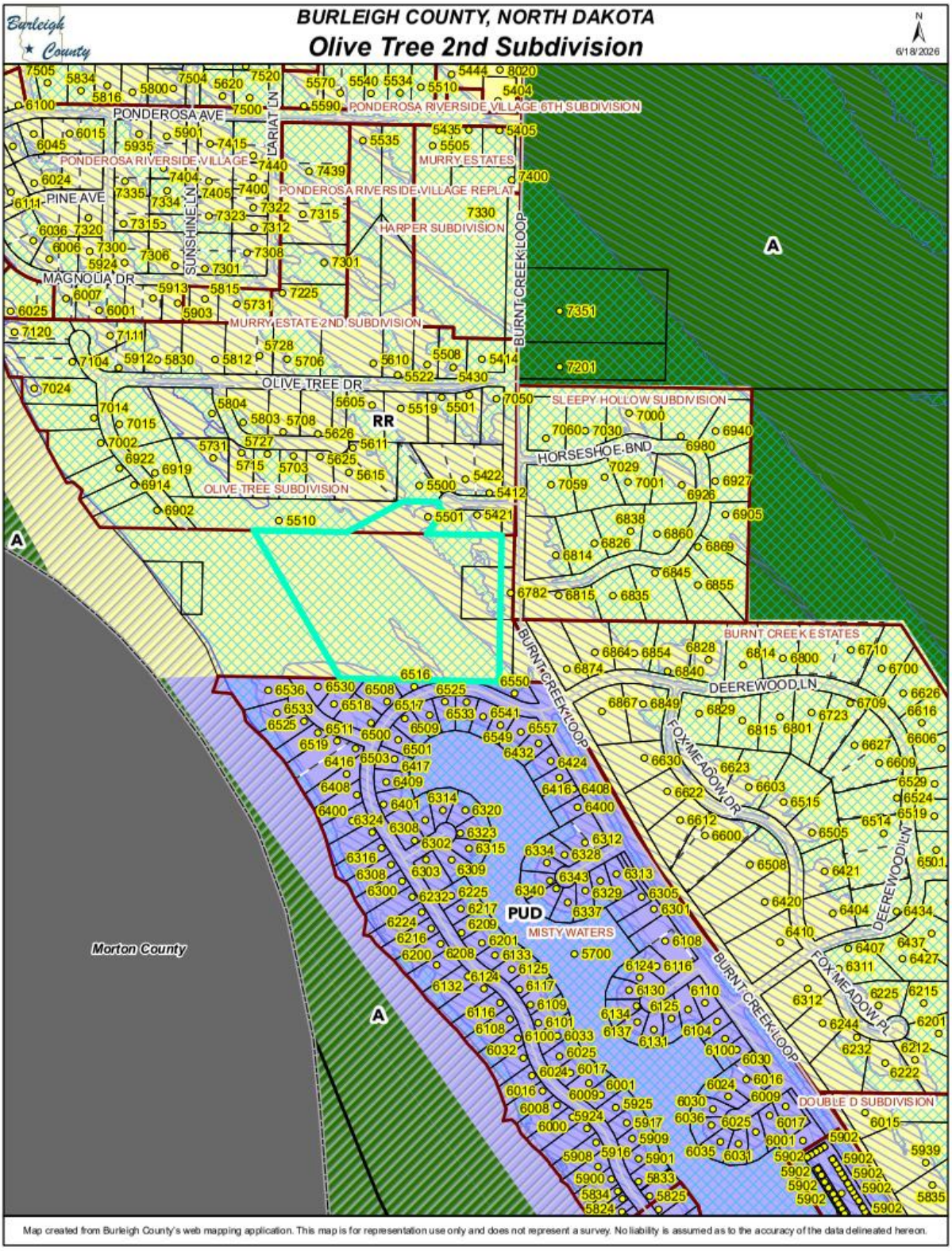
Planning Commission Actions

The Burleigh County Planning and Zoning Commission can:

1. Approve the final plat & give a “do pass” recommendation to the B.C.C.
2. Approve the final plat with conditions & give a “do pass” recommendation to the B.C.C. after all conditions have been completed.
3. Deny the final plat with reason.
4. Table the final plat for more information.

Public Hearing Notifications

Bismarck Tribune	08/01/26 & 08/08/26
Burleigh County Website	07/31/26
Surrounding Property Owners	07/31/26



Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.


BURLEIGH COUNTY, NORTH DAKOTA
Olive Tree 2nd Subdivision
Burleigh County
N
6/18/2026
PONDEROSA RIVERSIDE VILLAGE 6TH SUBDIVISION
PONDEROSA RIVERSIDE VILLAGE
PONDEROSA RIVERSIDE VILLAGE REPLAT
MURRY ESTATES
HARPER SUBDIVISION
MURRY ESTATE 2ND SUBDIVISION
OLIVE TREE DR
OLIVE TREE SUBDIVISION
SLEEPY HOLLOW SUBDIVISION
HORSESHOE BND
BURNT CREEK ESTATES
DEEREWOOD LN
FOXMEADOW DR
FOXMEADOW PL
MISTY WATERS
DOUBLE D SUBDIVISION
PINE AVE
MAGNOLIA DR
LARIAT LN
SUNSHINE LN
BURNT CREEK LOOP
Morton County
Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

OLIVE TREE SECOND SUBDIVISION

ALL OF LOT 21 BLOCK 2 OLIVE TREE SUBDIVISION & PART OF AUDITOR'S LOTS A & B OF GOVERNMENT LOT 1 OF THE NORTH 1/2 OF SECTION 10, TOWNSHIP 139 NORTH, RANGE 81 WEST

BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

ALL OF LOT 21 BLOCK 2 OLIVE TREE SUBDIVISION, AND PART OF AUDITOR'S LOTS A & B OF GOVERNMENT LOT 1 OF THE NORTH 1/2 OF SECTION 10, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 19 BLOCK 2 OLIVE TREE SUBDIVISION; THENCE SOUTH 89 DEGREES 51 MINUTES 49 SECONDS EAST, ON THE SOUTH LINE OF SAID LOT 19, AND ITS EASTERLY EXTENSION, A DISTANCE OF 484.13 FEET TO THE EAST LINE OF SAID SECTION 10; THENCE SOUTH 01 DEGREE 08 MINUTES 18 SECONDS WEST, ON SAID EAST LINE, A DISTANCE OF 437.47 FEET TO THE NORTH LINE OF MISTY WATERS SUBDIVISION; THENCE NORTH 88 DEGREES 52 MINUTES 02 SECONDS WEST, ON SAID NORTH LINE, A DISTANCE OF 929.66 FEET; THENCE NORTH 31 DEGREES 08 MINUTES 17 SECONDS WEST, A DISTANCE OF 684.91 FEET TO THE SOUTH LINE OF OLIVE TREE SUBDIVISION; THENCE SOUTH 88 DEGREES 51 MINUTES 46 SECONDS EAST, ON SAID SOUTH LINE, A DISTANCE OF 484.13 FEET TO THE SOUTHEAST CORNER OF LOT 20 BLOCK 2 OLIVE TREE SUBDIVISION; THENCE NORTH 01 DEGREE 21 MINUTES 31 SECONDS EAST, ON THE EAST LINE, A DISTANCE OF 264.31 FEET TO THE SOUTH LINE OF LOT 19 BLOCK 2 OLIVE TREE SUBDIVISION; THENCE SOUTH 89 DEGREES 51 MINUTES 49 SECONDS EAST, ON SAID SOUTH LINE, A DISTANCE OF 197.00 FEET TO THE BOUNDARY OF DETRICH PLACE RIGHT-OF-WAY; THENCE SOUTHERLY AND TO THE LEFT, ON SAID BOUNDARY, ON A 60.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 89 DEGREES 45 MINUTES 36 SECONDS EAST, AN ARC LENGTH OF 58.41 FEET TO THE WEST LINE OF LOT 20 BLOCK 2 OLIVE TREE SUBDIVISION; THENCE SOUTH 01 DEGREES 17 MINUTES 19 SECONDS WEST, ON SAID WEST LINE, A DISTANCE OF 139.15 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 24.16 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE SHOWN PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON _____, 2026; THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT; THAT ALL REQUIRED MONUMENTS HAVE BEEN SET; AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

SWENSON, HAGEN & CO. P.C.
3060 ARMY ARSENAL
BISMARCK, NORTH DAKOTA
58504

TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 7315

APPROVAL OF COUNTY PLANNING AND ZONING COMMISSION

THE COUNTY PLANNING AND ZONING COMMISSION HEREBY APPROVES OLIVE TREE SUBDIVISION, AS SHOWN ON THE PLAT. THIS PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND ORDINANCES OF THE COUNTY OF BURLEIGH AND PERTAINS TO ALL LANDS IN SAID PLANNING AND ZONING COMMISSION.

THE FOREGOING ACTION OF THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE ___ DAY OF _____, 2026.

LENARD ADAMS - CHAIRMAN _____ BECKY FLANAGAN - SECRETARY

APPROVAL OF BOARD OF COUNTY COMMISSION

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE VACATIONS AS SHOWN ON THE PLAT AS AN AMENDMENT TO THE MASTER PLAN OF BURLEIGH COUNTY, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE PLAT.

THIS PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND ORDINANCES OF THE COUNTY OF BURLEIGH.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE ___ DAY OF _____, 2026.

BRAD BERGSTROM - CHAIRMAN _____ GRACE MORRISSEY - BURLEIGH COUNTY AUDITOR

APPROVAL OF COUNTY ENGINEER

I, ELMER L. SCHRITZ, COUNTY ENGINEER OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HEREBY APPROVE THE PLAT OF OLIVE TREE SECOND SUBDIVISION, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THIS PLAT.

DATED THIS _____ DAY OF _____, 2026.

ELMER L. SCHRITZ, P.E.
COUNTY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT DEAN HOERNER, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "OLIVE TREE SECOND SUBDIVISION", BURLEIGH COUNTY, NORTH DAKOTA AND DOES SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES, WHETHER SHOWN HEREON OR NOT TO BURLEIGH COUNTY.

HE ALSO DEDICATE EASEMENTS TO BURLEIGH COUNTY TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY EASEMENT.

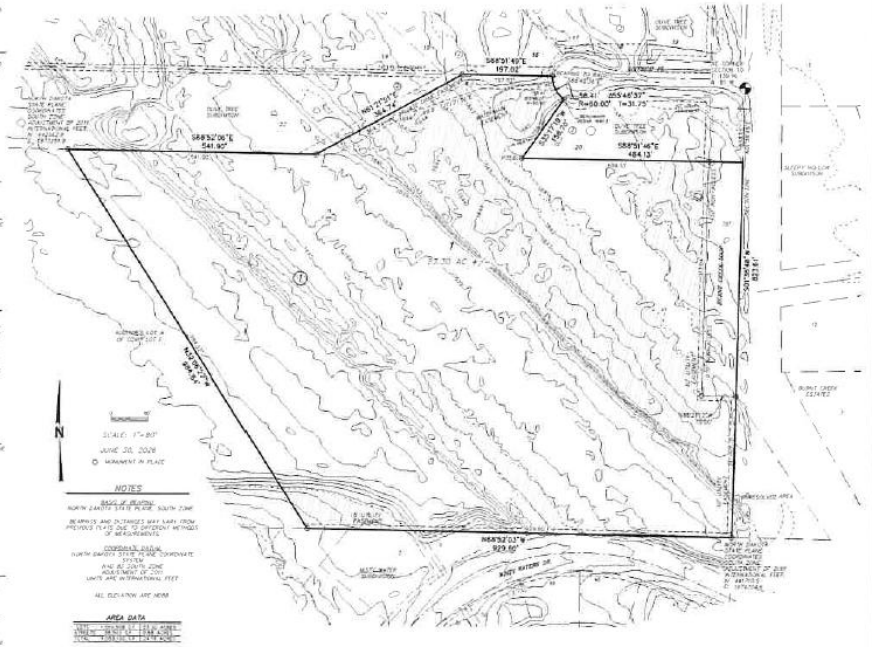
HE ALSO DEDICATES A WATERMAIN EASEMENT TO THE OWNER(S) OF LOT 22 BLOCK 2 OLIVE TREE ADDITION, SAID EASEMENT TO CONSTRUCT, OPERATE, MAINTAIN, AND REPAIR WATERMAIN FACILITIES UNDER OR UPON THE REAL PROPERTY SHOWN DESIGNATED HEREON AS "WATERMAIN EASEMENT".

STATE OF NORTH DAKOTA)
COUNTY OF _____)

DEAN HOERNER
1301 DETRICH PLACE
BISMARCK, ND 58503

ON THIS _____ DAY OF _____, 2026, BEFORE ME PERSONALLY APPEARED DEAN HOERNER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____



NOTES

BASIS OF BEARING
NORTH DAKOTA STATE PLANE, SOUTH ZONE

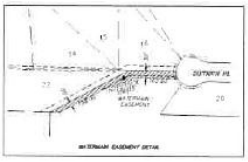
BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS.

COORDINATE DATUM
NORTH DAKOTA STATE PLANE COORDINATE SYSTEM
NAD 83, SOUTH ZONE
ADJUSTMENT OF 2011
UNITS ARE INTERNATIONAL FEET

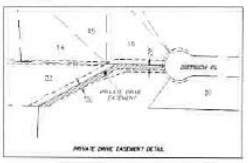
ALL ELEVATION ARE NGVD

AREA DATA

TOTAL	24.16 GROSS ACRES	24.16 NET ACRES
LOT 21	1.00 GROSS ACRES	1.00 NET ACRES



WATERMAIN EASEMENT DETAIL



PRIVATE DRIVE EASEMENT DETAIL

500 YR FLOODPLAIN

100 YR FLOODPLAIN

SWENSON, HAGEN & COMPANY P.C.

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Agenda Item 6-3

Apple Creek Ridge 3rd Subdivision

Status:	Public Hearing
Applicant/Developer:	Kyle & Heather Weisbeck
Site Address:	11737 Apple View Ln
Project Size:	1 lot containing 3.11 acres
Zoning:	R1 – Rural Residential

Project History

A request to Burleigh County regarding the combination of 2 parcels to allow the property owner to build an accessory building.

The proposed subdivision will combine 2 lots from the Apple Creek Ridge Subdivision to create a single lot of 3.11 acres, more or less. The residence is located on the southern parcel with access from Apple View Lane. This lot combination has been in review since July 23, 2026.

Staff Findings

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This final plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Burleigh County's future land use plan designates the area of this subdivision as Rural Residential.
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.

Staff Recommendation

The petition for a final plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the final plat and giving a "do pass" recommendation to the B.C.C.

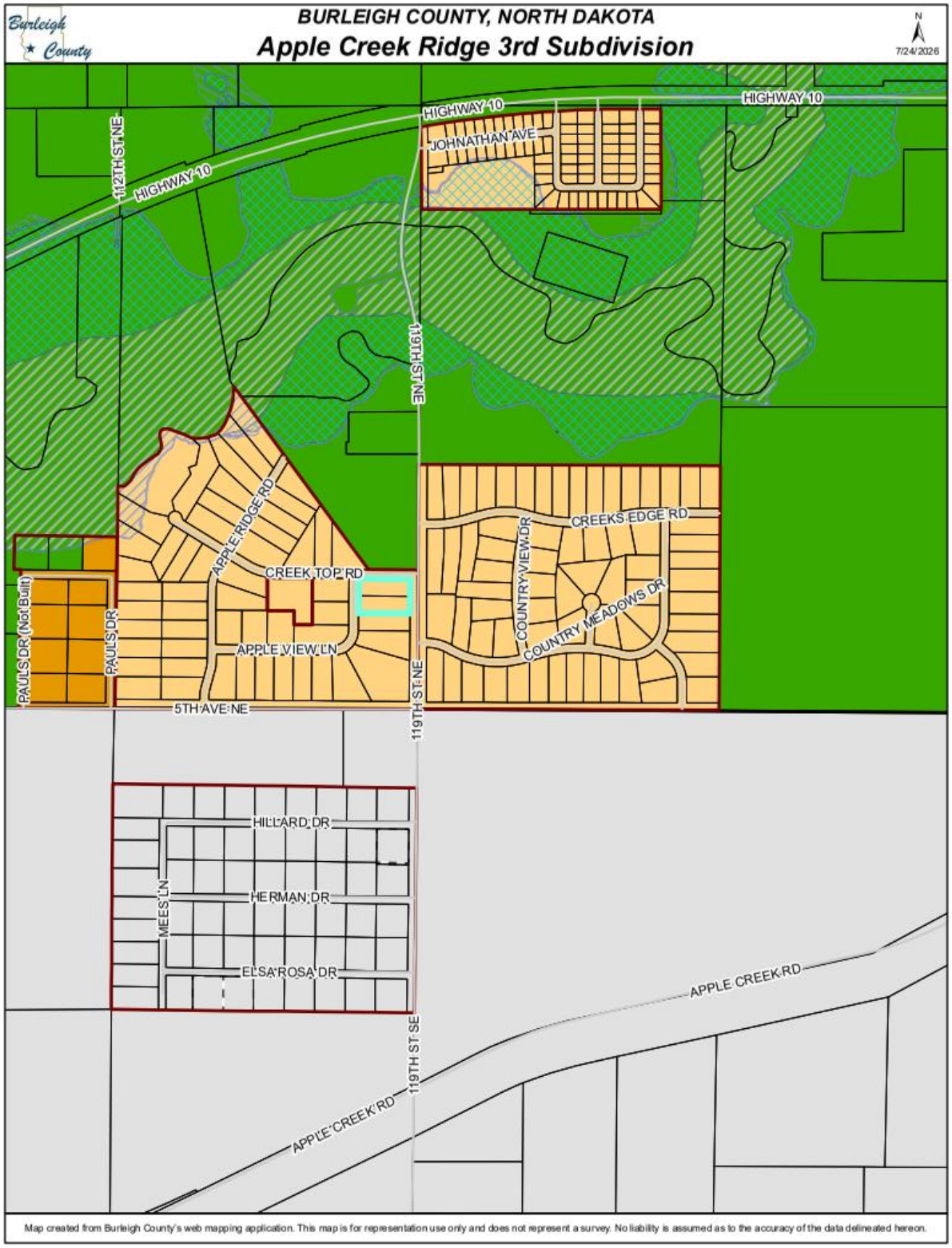
Planning Commission Actions

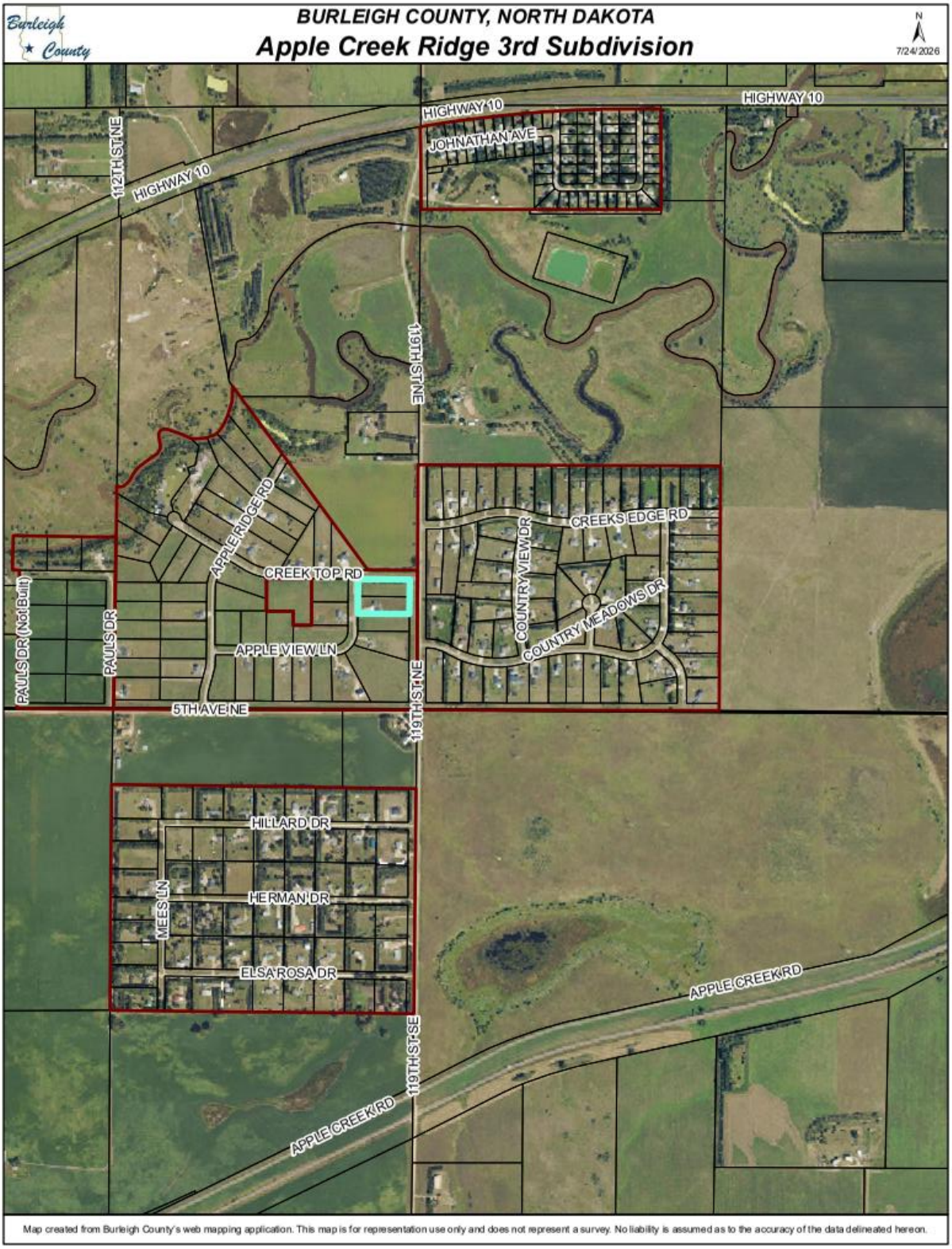
The Burleigh County Planning and Zoning Commission can:

1. Approve the final plat & give a “do pass” recommendation to the B.C.C.
2. Approve the final plat with conditions & give a “do pass” recommendation to the B.C.C. after all conditions have been completed.
3. Deny the final plat with reason.
4. Table the final plat for more information.

Public Hearing Notifications

Bismarck Tribune	08/01/26 & 08/08/26
Burleigh County Website	07/31/26
Surrounding Property Owners	07/31/26


BURLEIGH COUNTY, NORTH DAKOTA
Apple Creek Ridge 3rd Subdivision
Burleigh County
N
7/24/2026
HIGHWAY 10
HIGHWAY 10
HIGHWAY 10
JOHNATHAN AVE
112TH ST NE
119TH ST NE
APPLE RIDGE RD
CREEK TOP RD
APPLE VIEW LN
PAULS DR
PAULS DR (Not Built)
5TH AVE NE
CREEKS EDGE RD
COUNTRY VIEW DR
COUNTRY MEADOWS DR
HILLARD DR
HERMAN DR
ELSA ROSA DR
MEES LN
119TH ST SE
APPLE CREEK RD
APPLE CREEK RD
Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

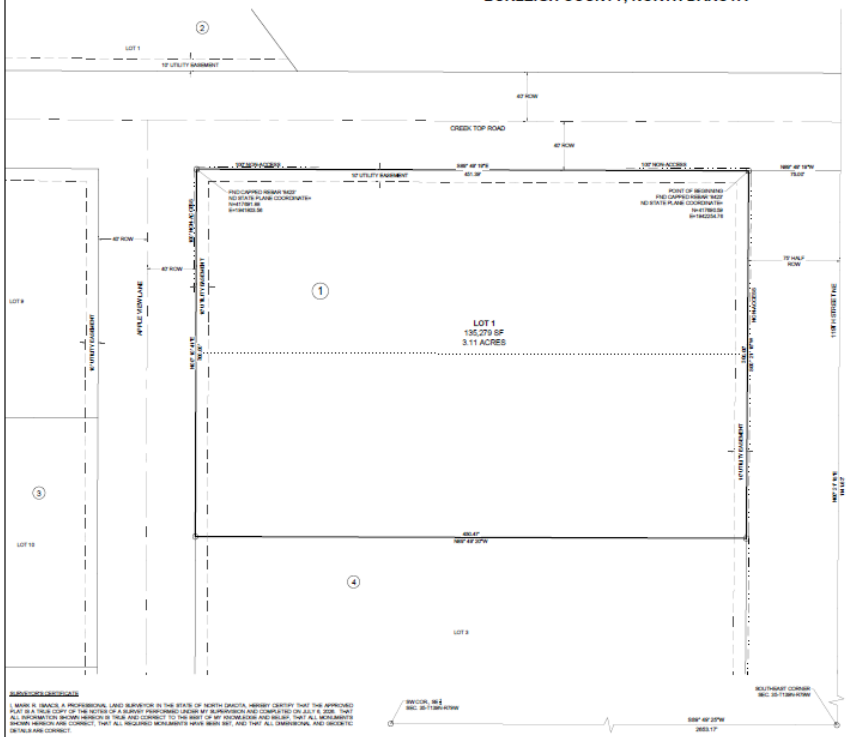

BURLEIGH COUNTY, NORTH DAKOTA
Apple Creek Ridge 3rd Subdivision
Burleigh County
N
7/24/2026
HIGHWAY 10
HIGHWAY 10
HIGHWAY 10
112TH ST NE
JOHNATHAN AVE
191TH ST NE
APPLE RIDGE RD
CREEK TOP RD
CREEKS EDGE RD
COUNTRY VIEW DR
COUNTRY MEADOWS DR
APPLE VIEW LN
PAULS DR (Not Built)
PAULS DR
5TH AVE NE
119TH ST NE
HILLARD DR
HERMAN DR
MEES LN
ELSA ROSA DR
APPLE CREEK RD
119TH ST SE
APPLE CREEK RD
Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

APPLE CREEK RIDGE THIRD SUBDIVISION

LOTS 1 & 2, BLOCK 4 IN APPLE CREEK RIDGE SUBDIVISION

SECTION 35, T139N, R79W

BURLEIGH COUNTY, NORTH DAKOTA



LAND DESCRIPTION

LOTS 1 & 2, BLOCK 4 IN APPLE CREEK RIDGE SUBDIVISION IN SECTION 35, TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 35; THENCE NORTH 00° 37' 15" EAST A DISTANCE OF 1141.63 FEET; THENCE NORTH 89° 48' 10" WEST A DISTANCE OF 75.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1 AND THE POINT OF BEGINNING; THENCE SOUTH 00° 37' 15" WEST ON THE EAST LINE OF SAID LOT 1 AND THE EAST LINE OF SAID LOT 2 A DISTANCE OF 300.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE NORTH 89° 48' 25" WEST ON THE SOUTH LINE OF SAID LOT 2 A DISTANCE OF 460.47 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 00° 10' 47" EAST ON THE WEST LINE OF SAID LOT 2 AND THE WEST LINE OF SAID LOT 1 A DISTANCE OF 300.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 89° 48' 10" EAST ON THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 451.36 FEET TO THE POINT OF BEGINNING, CONTAINING 3.11 ACRES (135,279 SF), MORE OR LESS, AND SUBJECT TO ALL LEGAL RIGHTS OF WAY AND EASEMENTS OF RECORD.



DATE: JULY 21, 2020

VERTICAL DATUM - NAVD 1988.

BASED ON NORTH DAKOTA SOUTH ZONE-NSRS (2011), INTERNATIONAL FEET.

MEASUREMENTS HAVE BEEN ESTABLISHED BY RTK FROM THE "NDMT" CORS STATION AND ARE REPORTED IN GRID.

AREA TABLE

LOT 1	135,279 SF	3.11 ACRES
TOTAL		3.11 ACRES

LEGEND

○	FOUND SURVEY MONUMENT
----	NON-ACCESS LINES

SURVEYOR'S CERTIFICATE

I, MARK R. ISAACS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THIS APPROVED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON JULY 6, 2020. THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

MARK R. ISAACS, RLS 9628

OWNER'S CERTIFICATE OF DEDICATION

WE, THE UNDERSIGNED, BEING SOLE OWNERS OF THE LAND PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THIS EXECUTION OF SAID PLAT AND DO DEDICATE ALL THE RIGHT OF WAY IDENTIFIED HEREIN TO BURLEIGH COUNTY. WE ALSO DEDICATE EASEMENTS TO RUN WITH THE LAND FOR GAS, ELECTRIC, TELEPHONE, WATER, OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS "UTILITY EASEMENT".

KYLE WEISBECK
LOT 1, BLOCK 1

HEATHER WEISBECK
LOT 1, BLOCK 1

STATE OF _____)
) SS
COUNTY OF _____)

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC THIS ___ DAY OF _____, 20__.

NOTARY PUBLIC _____

APPROVAL OF COUNTY PLANNING AND ZONING COMMISSION

THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, HEREBY APPROVES APPLE CREEK RIDGE THIRD SUBDIVISION AS SHOWN ON THIS PLAT. THIS PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND THE ORDINANCES OF THE COUNTY OF BURLEIGH AND REGULATIONS ADOPTED BY SAID PLANNING AND ZONING COMMISSION.

THE FOREGOING ACTION OF THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE ____ DAY OF _____, 20__.

DENISE ADRAW - CHAIRMAN

ATTEST: MITCH PLAISANCE - SECRETARY

APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT. HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE DRIVEWAYS AS SHOWN ON THE PLAT AS AN AMENDMENT TO THIS MASTER PLAN OF BURLEIGH COUNTY, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THIS PLAT.

THE PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND ORDINANCES OF THE COUNTY OF BURLEIGH.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE ____ DAY OF _____, 20__.

BRIAN BITTNER - CHAIRMAN

ATTEST: MARK SPLITTGERBER, COUNTY AUDITOR

APPROVAL OF THE COUNTY ENGINEER

I, DANIEL L. SCHROCK, COUNTY ENGINEER FOR THE COUNTY OF BURLEIGH, NORTH DAKOTA, HEREBY APPROVES THIS PLAT OF "APPLE CREEK RIDGE THIRD SUBDIVISION" AS SHOWN ON THE PLAT, DATED THIS ____ DAY OF _____, 20__.

DANIEL L. SCHROCK, PE
COUNTY ENGINEER

BENCHMARK - NORTHEAST CORNER OF LOT 1, BLOCK 1, A CAPPED REBAR FOUND FLUSH WITH THE GROUND. ELEVATION = 1958.08'

PROFESSIONAL LAND SURVEYOR
MARK R. ISAACS, LS-9628

Independent Land Surveying & Engineering

APPLE CREEK RIDGE 3RD SUBDIVISION
LOTS 1 & 2, BLOCK 4 IN APPLE CREEK RIDGE SUBDIVISION
SECTION 35, T139N, R79W
BURLEIGH, NORTH DAKOTA

OWNERS
KYLE & HEATHER WEISBECK
11757 APPLE VIEW LANE
MINDEN, ND 58554

NOTES
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF SURVEY OBSERVATIONS.
2. SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.

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Agenda Item 6-4

Misty Waters 3rd Replat

Status:	Public Hearing
Applicant/Developer:	Jesse & Noelle Schuchard
Site Address:	6301 Dream Cir
Project Size:	2 lots containing 1.45 acres
Zoning:	PUD – Planned Unit Development (Former ETA)

Project History

A request to Burleigh County regarding the combination of 2 parcels to allow the property owners to build on both of their parcels.

The proposed subdivision will combine 2 lots from the Misty Waters Subdivision to create a single lot of 1.45 acres, more or less. There are no existing buildings on the site. This lot combination has been in review since July 24th, 2026.

Staff Findings

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This final plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. The proposed subdivision is partially located in the floodplain.
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.

Staff Recommendation

The petition for a final plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the final plat and giving a “do pass” recommendation to the B.C.C.

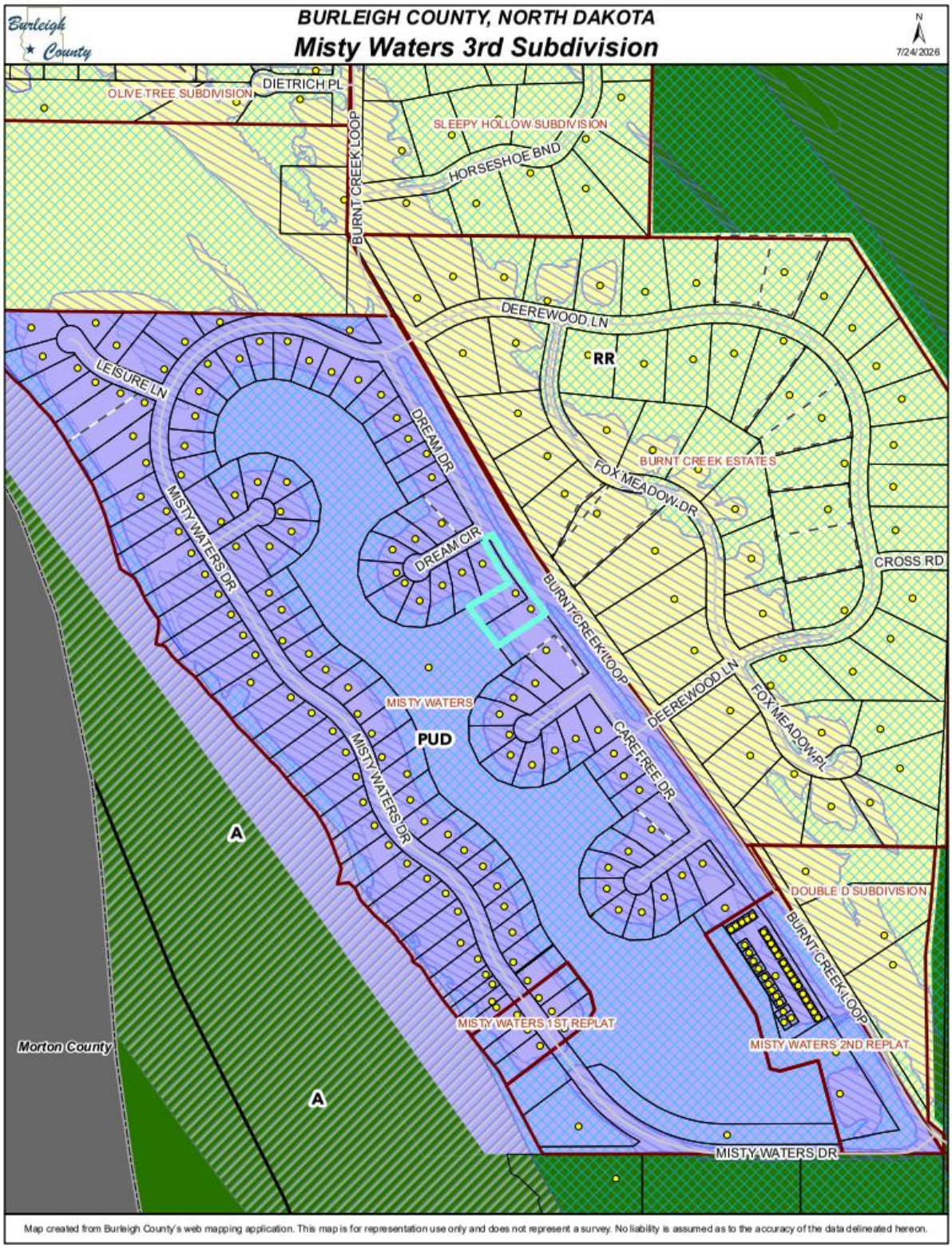
Planning Commission Actions

The Burleigh County Planning and Zoning Commission can:

1. Approve the final plat & give a “do pass” recommendation to the B.C.C.
2. Approve the final plat with conditions & give a “do pass” recommendation to the B.C.C. after all conditions have been completed.
3. Deny the final plat with reason.
4. Table the final plat for more information.

Public Hearing Notifications

Bismarck Tribune	08/01/26 & 08/08/26
Burleigh County Website	07/31/26
Surrounding Property Owners	07/31/26



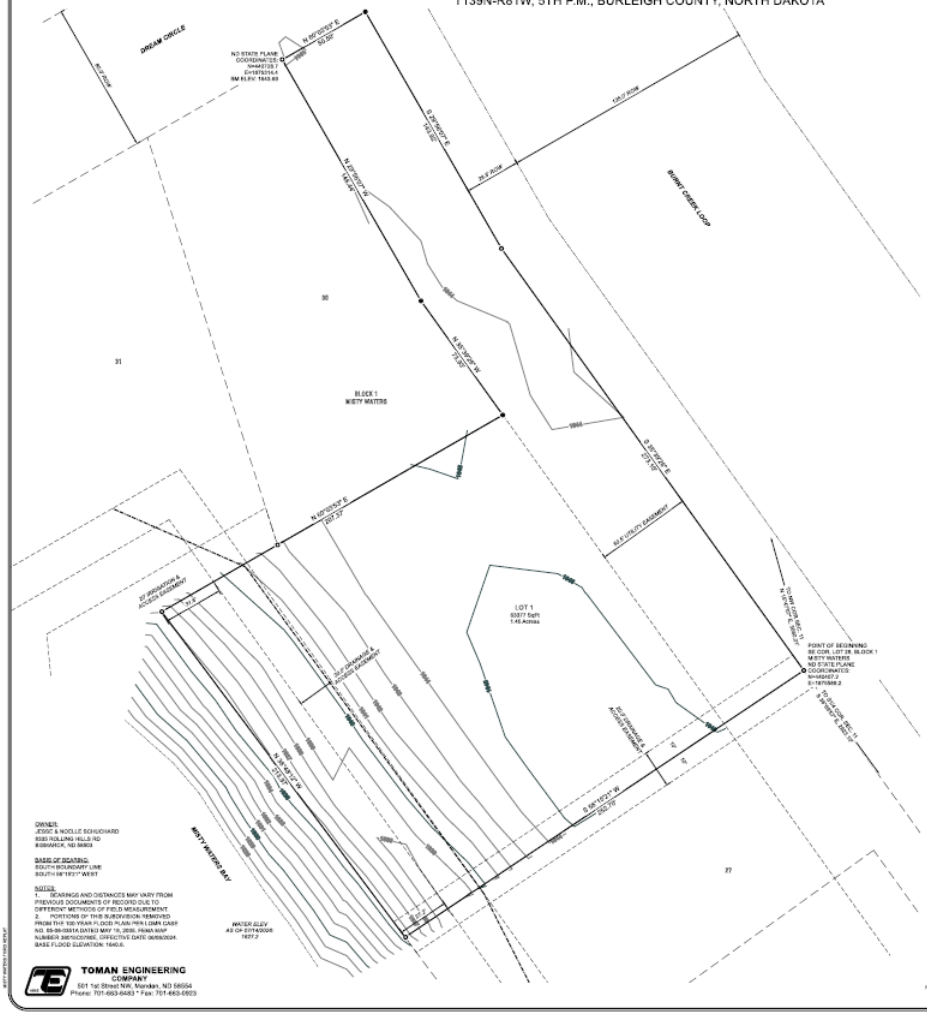
Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

MISTY WATERS THIRD REPLAT

ALL OF LOTS 28 AND 29, BLOCK 1, MISTY WATERS OF THE W1/2 OF SECTION 11, T139N-R81W, 5TH P.M., BURLEIGH COUNTY, NORTH DAKOTA



OWNER:
JESSE & NOELLE SCHUCHARD
6320 ROLLING HILLS RD
BISMARCK, ND 58503

BASIS OF BEARING:
SOUTH BOUNDARY LINE
SOUTH 89°15'21" WEST

NOTES:
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERING METHODS OF FIELD MEASUREMENT.
2. PORTIONS OF THIS SUBDIVISION REMOVED FROM THE 100-YEAR FLOOD PLAIN PER LOMR CASE NO. 05-08-0351A DATED MAY 16, 2006. FEMA MAP NUMBER 38015C0765E, EFFECTIVE DATE 06/06/2024. BASE FLOOD ELEVATION: 1640.6.

TOMAN ENGINEERING COMPANY
501 1st Street NW, Mandan, ND 58554
Phone: 701-663-6483 * Fax: 701-663-0903

DESCRIPTION OF PROPERTY:

ALL OF LOTS 28 AND 29, BLOCK 1, MISTY WATERS OF THE W1/2 OF SECTION 11, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EASTERNMOST CORNER OF LOT 29, BLOCK 1 MISTY WATERS OF BURLEIGH COUNTY, NORTH DAKOTA; THENCE SOUTH 59°15'21" WEST ALONG THE SOUTHEASTERLY BOUNDARY LINE OF SAID LOT 29 FOR 202.70 FEET TO THE SOUTHWARDMOST CORNER OF SAID LOT 29; THENCE NORTH 30°44'12" WEST ALONG THE SOUTHWESTERLY BOUNDARY LINE OF SAID 29 AND LOT 28, BLOCK 1, OF SAID MISTY WATERS FOR 213.97 FEET TO THE WESTERNMOST CORNER OF SAID LOT 28; THENCE NORTH 60°50'53" EAST ALONG THE NORTHWESTERLY BOUNDARY LINE OF SAID LOT 28 FOR 202.00 FEET TO THE NORTHERNMOST CORNER OF SAID LOT 28; SOUTHEASTERLY BOUNDARY LINE OF SAID LOT 28 FOR 75.85 FEET; THENCE NORTH 29°09'07" WEST CONTINUING ALONG SAID SOUTHWESTERLY BOUNDARY LINE FOR 146.44 FEET TO THE NORTHWEST CORNER OF SAID LOT 29; THENCE NORTH 69°03'09" EAST ALONG THE NORTH BOUNDARY LINE OF SAID LOT 29 AND SAID LOT 28 FOR 55.80 FEET TO THE NORTHERNMOST CORNER OF SAID LOT 28; THENCE SOUTH 29°09'07" EAST ALONG THE NORTHEASTERLY BOUNDARY LINE OF SAID LOT 28 FOR 143.92 FEET; THENCE SOUTH 30°39'28" EAST CONTINUING ALONG SAID NORTHEASTERLY BOUNDARY LINE FOR 273.16 FEET TO THE POINT OF BEGINNING, SAID TRACT OF LAND CONTAINING 1.45 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE:

I, ANDRA L. MARQUARDT, NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 4623, HEREBY CERTIFY THAT I WAS CAUSED TO BE SURVEYED BY MY FORCES UNDER MY SUPERVISION THE PROPERTY DESCRIBED HEREON AND I HAVE PREPARED THE ACCOMPANYING PLAT; FURTHER, THAT DISTANCES INDICATED HEREON ARE IN FEET AND HUNDREDTHS THEREOF, AND BEARINGS ARE INDICATED IN QUADRANTS AND DEGREES, MINUTES, AND SECONDS THEREOF; FURTHER, THAT SAID PLAT DOES TRULY SHOW THE SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

ANDRA L. MARQUARDT, PLS 4623

OWNERS CERTIFICATE OF DEDICATION:

WE, THE UNDERSIGNED, BEING SOLE OWNERS OF THE LAND PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AND DO DEDICATE ALL THE RIGHT OF WAY IDENTIFIED HEREIN TO BURLEIGH COUNTY FOREVER. WE ALSO DEDICATE EASEMENTS TO RUN WITH THE LAND FOR MAIL, ELECTRIC, TELEPHONE, WATER OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS "UTILITY EASEMENT".

JESSE SCHUCHARD NOELLE SCHUCHARD

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS ___ DAY OF _____, 2026.

_____ NOTARY PUBLIC
_____ COUNTY, _____
MY COMMISSION EXPIRES _____

APPROVAL OF COUNTY PLANNING AND ZONING COMMISSION:

THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, HEREBY APPROVES PONDEROSA RIVERSIDE VILLAGE 9TH SUBDIVISION AS SHOWN ON THIS PLAT; THIS PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND THE ORDINANCES OF THE COUNTY OF BURLEIGH AND REGULATIONS ADOPTED BY SAID PLANNING AND ZONING COMMISSION.

THE FOREGOING ACTION OF THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE ___ DAY OF _____, 2026.

DENNIS ASMAY - CHAIRMAN MITCH FLAKKEN - SECRETARY

APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS:

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS P.U.D. AND ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, AND DOES HEREBY VACATE ANY PREVIOUS PLAT LYING WITHIN THE BOUNDARY OF THIS PLAT.

THAT PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND ORDINANCES OF THE COUNTY OF BURLEIGH.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE ___ DAY OF _____, 2026.

BRIAN BITNER - CHAIRMAN ATTEST: MARK SPLONSKOWSKI
COUNTY AUDITOR

APPROVAL OF THE COUNTY ENGINEER:

I, DANIEL L. SCHROCK, COUNTY ENGINEER OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HEREBY APPROVES THIS PLAT OF PONDEROSA RIVERSIDE VILLAGE 9TH SUBDIVISION, AS SHOWN ON THIS PLAT.

DATED THIS ___ DAY OF _____, 2026

DANIEL L. SCHROCK, PE
COUNTY ENGINEER



7-21-2026

0 20' 40'

HORIZ. DATUM: 1983 ST. PLANE, ND SOUTH (2302)
VERT. DATUM: NAVD88

LEGEND

- FOUND REBAR MONUMENT
- SET IRONMAN MONUMENT
- BOUNDARY LINE
- ADJACENT LOT LINE
- RIGHT-OF-WAY LINE
- EASEMENT LINE
- 2050 LOMR LINE (SEE NOTE 2)
- EDGE OF WATER (AS OF 7/14/2026)

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6.5 Revisions to Certain to Ordinances

Review the following Staff Reports Exhibits:
Introduction Staff Report

- Ex. 6.5.1. Zoning District Article 3 Definitions
- Ex. 6.5.2. Zoning District Article 6 Incidental Uses
- Ex. 6.5.3. Zoning District Article 8 Section 4, Sec. 8, Sec. 22
- Ex. 6.5.4. Zoning District Article 11 Ag Agricultural
- Ex. 6.5.5. Zoning District Article 12 R1 Residential
- Ex. 6.5.6. Zoning District Article 12 R2 Residential
- Ex. 6.5.7. Zoning District Article 15 R5 MH
- Ex. 6.5.8. Zoning District Article 16 C Commercial
- Ex. 6.5.9. Zoning District Article 18 I Industrial

STAFF REPORT Introduction

Zoning Ordinance Summary

Status:	Planning and Zoning Commission – Public Hearing: Published on August 1 and August 8th
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For 2nd Public Hearing

The following are proposed changes to the Burleigh County Zoning Ordinances.

STAFF REPORT Ex. 6.5.1

Article 3 Definitions Ordinance Summary

Status:	Planning and Zoning Commission –Public Hearing Published on August 1st and August 8th
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review for 2nd Public Hearing

Buffer Yard: A strip of land, identified in the zoning ordinance, established to protect one type of land use from another of an incompatible land use. An appropriate buffer may vary depending on uses, districts etc. For PUD or Special Use Permits, the size and width shall be determined by the Burleigh County Board,

Buffer Yards.

a. Purpose. The buffer yard requirements are intended to provide separation between land uses of differing intensity. Buffer yards utilize a combination of distance and plantings to form a dense landscaping screen to mitigate the undesirable impacts associated with incompatible land uses on adjacent properties.

b. Applicability. Buffer yards shall be required between a single- or two-family residential use zoning and any other non-agricultural land use.

c. Location of Buffer Yards. Buffer yards shall be located along the entire length of any lot line where two (2) land uses of differing intensity abut, excluding areas adjacent to access points and sight triangles. Such buffer yards may be located within required yards, but not within any portion of the public right-of-way or access easement.

d. Responsibility for Buffer Yard Installation. Installation of all required buffer yards shall be the responsibility of the proposed higher intensity use and shall be located on the lot of the higher intensity use.

e. Standards. Buffer yards shall be installed in accordance with the following table:

i. Screening Fence. A screening fence may be made of solid wood, composite material with the appearance of solid wood, vinyl with the appearance of solid wood, masonry, or a combination of masonry and any of the other materials listed.

Area Where Buffer Yards Are Required	Minimum Width of Buffer Yard	Landscape Materials Required- 100 Lineal Feet
Side or rear yard of any expanding higher intensity land use adjacent to single and two-family residential uses or zoning	10 feet w/6-foot screening fence As determined by the Burleigh County Board	4 shade trees and 2 ornamental trees

Childcare Center- Also known as a Daycare Center, is a free-standing facility offering care, maintenance, and supervision for hire or compensation, for less than twenty-four (24) hours per day, for more than twelve (12) children under the age of twelve (12) years and licensed by the North Dakota Department of Human Services as an early childhood program

Communication Tower: An elevated broadcast structure designed to support antennas and other communication equipment for the transmission and reception of signals such as radio, television, telephone, internet, and satellite communications.

Greenhouse-Commercial: A building used for indoor cultivation and production of flowers, crops, fruit trees, nursery stock, truck garden products, regardless of the climate, for wholesale purposes only

Greenhouse-Retail: A building that is made primarily of translucent building material, used, designed or intended to be used for onsite sales and display of plants, products grown or stored therein, gardening supplies and equipment, or landscaping supplies and equipment

Personal Storage Unit: A non-habitable, non-commercial building owned or used by an individual or household for personal storage, hobbies, craftwork, or private recreation, and not open to the public. Personal storage units are intended for use by residents of an adjacent neighborhood

Self-Storage Facility: A building or group of buildings that contains varying sizes of individual, compartmentalized, and controlled access units or lockers for use by members of the general public for storage of personal or business items. The self-storage structure shall not be used for residential occupancy.

STAFF REPORT Ex. 6.5.2

Article 6 Zoning District Ordinance Summary

Status:	Planning and Zoning Commission – Public Hearing Published on August 1st and August 8th
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For 2nd Public Hearing

ARTICLE 6 INCIDENTAL USES

Section 1. Accessory Uses

1. Dwelling Premises
    a. Private garages or off-street parking spaces incidental to a dwelling.
    b. Private greenhouse, vegetable, fruit, or flower garden, from which no products are sold or offered for sale.
    c. Children's playhouse, and playground equipment.
    d. Shed, tool room for storage of equipment used in grounds or building maintenance but not including stable, chicken house, or other buildings to house agricultural livestock.
    e. Private swimming pool and bath house.
    f. Statuary, trellises, barbecue stove or similar ornamental or landscaping features.
    g. No more than three (3) dogs four months of age or older.
    h. All allowable accessory buildings to a residence shall be limited to a maximum of ~~four percent (4%) of the area of the parcel,~~ square footage according to the size of the parcel, as follows:

Accessory Building Sq/Ft.	Computation Allowance
2 Acres or Less	5% x 87,120. = 4,356sq./ft
3 Acres	5% x 174,240 = 8,712 sq/ft
4 Acres	5% x 217,800 = 10,890 sq/ft
5 Acres or Greater	4%

And a maximum wall height of sixteen and one-half (16½) feet and a maximum building height of twenty-five (25) feet.

Section 2. Home Occupation

There is permitted in a dwelling, any occupation customarily incidental to the principal use as a dwelling, subject to the following limitations:

~~1. No person, other than a member of the immediate family, occupying a dwelling is there employed; except domestic help.~~
~~2. No stock in trade is displayed or sold upon the premises.~~
~~3. No alteration of the principal building that changes the character thereof as a dwelling.~~
~~4. No illuminated sign is used, and no sign other than one giving the name and occupation, not more than one square foot in area, is displayed.~~
~~5. No more than twenty-five percent (25%) of the area of one story of the building shall be devoted to the home occupation.~~

1. The following are hereby declared, but not limited to, ~~to be~~ customary home occupations as intended by this section:
   a. Dressmaker, seamstress.
   b. Music teacher.
   c. Artist, sculptor.
   d. Author.
   e. Emergency treatment only of patients by physicians, dentists, or licensed drugless physicians.
   f. Emergency interview only of clients by lawyers, architects, engineers and similar professions.
   g. Minister.

Section 2. Home Occupation

There is permitted in a dwelling in R1 zoning district, customarily incidental to the principal use as a dwelling, subject to the following limitations:

1. ~~No person, other than a member of the immediate family, occupying a dwelling is there employed, except domestic help.~~
2. ~~No stock in trade is displayed or sold upon the premises.~~
3. ~~No alteration of the principal building that changes the character thereof as a dwelling.~~
4. ~~No illuminated sign is used, and no sign other than one giving the name and occupation,~~ ~~not more than one square foot in area, is displayed.~~
5. ~~No more than twenty-five percent (25%) of the area of one story of the building shall be devoted to the home occupation.~~
6. The following are hereby declared to be customary home occupations as intended by this section:
   a. Dressmaker, seamstress.
   b. Music teacher.
   c. Artist, sculptor.
   d. Author.
   e. Emergency treatment only of patients by physicians, dentists, or licensed drugless physicians.

f. Emergency interview only of clients by lawyers, architects, engineers and similar professions.
g. Minister.

Section 3 Minor Home Occupations.

Allowed in RR zoning districts as permitted by right. A minor home occupation is any home occupation that meets all of the following standards:

1. The home occupation is conducted on premises by one (1) or more residential occupants of the dwelling and no more than one (1) additional employee, business partner, independent contractor or any person affiliated with the home occupation that does not reside on-premises.

2. Up to fifty percent (50%) of the floor area of the principal structure and up to one hundred percent (100%) of one (1) accessory structure is utilized by the home occupation, including storage of associated goods, provided that customary residential amenities, such as a kitchen and bathroom, are not removed such that the structure would no longer meet building code standards as a dwelling unit.

3. There exists no outward visual evidence to indicate the presence of the home occupation to an uninformed person, such as alterations of the dwelling from a customary residential appearance, overnight storage of products or materials outside.

4. No more than one (1) non-illuminated commercial on premise wall sign is placed on the property of no greater than one (1) square foot, attached to a primary or accessory structure on the lot, subject to all requirements of Burleigh County.

5. There exists no noise, odor, vibration, or electrical interference associated with the home occupation that is noticeable at the property line.

6. Visits from customers, clients, or patients are by appointment only and limited to no more than one (1) party, or up to four (4) students for group lessons, at any time. Notwithstanding, multiple said parties may be present on the property during not more than four (4) events per year, with each event not to exceed four (4) days and no events occurring consecutively. At no time may a home occupation generate traffic significantly greater than that of a conventional residential use.

7. Visits from customers, clients, patients, or deliveries occur only during the hours of 7 AM to 9:00 PM.

8. Not more than two (2) vehicles and/or two (2) trailers associated with the home occupation may park or stand on the property or street, if permitted, at any time, and any on-street parking shall meet requirements of Burleigh County, as applicable.

9. Any vehicles, including trailers and equipment, associated with the home occupation must be parked in an orderly manner on surface suitable for parking, devoid of tall grass or other potential fire hazards, and debris from vehicles may not enter a public right-ofway, in accordance with Burleigh County, as applicable.

    a. There is no storage of any flammable, toxic, explosive, or otherwise hazardous materials to a greater extent than stored in a typical residential household, and no hazardous material is discharged into any sewer, storm drain, or the ground.
    b. The use is not an adult entertainment center, adult bookstore, or registered in North Dakota as a compassion center to dispense or produce medical marijuana.

Section 4. Major Home Occupations

Allowed in all zoning districts as permitted by SUP A major home occupation is any home occupation that meets all of the following standards:

1. The home occupation does not meet all standards required of a minor home occupation.

2. The home occupation is conducted on-premises by one (1) or more residential occupant of the dwelling and no more than three (3) additional employees, business partners, independent contractors or any person affiliated with the home occupation that do not reside on-premises.

3. Up to fifty percent (50%) of the floor area of the principal structure, one hundred percent (100%) of accessory structures, is utilized for the home occupation, provided that customary residential amenities, such as a kitchen and bathroom, are not removed such that the structure would no longer meet building code standards as a dwelling unit.

4. The home occupation may utilize one (1) contiguous outdoor area of up to five (5) percent of the total lot area or 10,000 square feet, whichever is less, including storage of associated goods, vehicles, equipment, and trailers. Notwithstanding, no limit on area of outdoor area shall apply in the A – Agricultural zoning district.

5. The principal residential dwelling is not altered from a customary residential appearance.

6. Outdoor and overnight storage of products or materials associated with the home occupation may not be in a front yard and must be screened by fencing, buildings, or landscaping buffer yards, such that materials are not clearly visible from a public rightof-way and adjoining properties during all seasons. Trailers may be loaded with items.

7. No more than one (1) non-illuminated commercial on premise sign is placed on the property of no greater than one (1)square foot, plus one (1) square foot per acre in the lot, of sign area, subject to all requirements of Burleigh County.

8. Noise ordinance requirements contained in NDCC. Ordinance are met at all times, and there exists no objectionable odor, vibration, or electrical interference associated with the home occupation and above typical residential levels that is noticeable at the property line.

9. Visits from customers, clients, patients, employees, or deliveries do not create an undue burden on traffic safety and congestion or on-street parking availability in the neighborhood. At no time may a home occupation generate traffic significantly greater than that of a conventional residential use.

   a. Visits from customers, clients, patients, employees, or deliveries occur only during the hours of 7:00 AM to 9:00 PM.

   b. Any vehicles, including trailers and equipment, associated with the home occupation must be parked in an orderly manner on surface suitable for parking, devoid of tall grass or other potential fire hazards, and debris from vehicles may not enter a public right-of-way, in accordance with all requirements of Burleigh County.

   c. Any on-street parking of vehicles associated with the home occupation shall meet requirements of Burleigh County, as applicable.

10. There is no storage of any flammable, toxic, explosive, or otherwise hazardous materials to a greater extent than stored in a typical residential household, and no hazardous material is discharged into any sewer, storm drain, or the ground.

11. The use is not an adult entertainment center, adult bookstore, or registered in North Dakota as a compassion center to dispense or produce medical marijuana.

STAFF REPORT Ex. 6.5.3

Article 8 Special Uses Zoning District Ordinance Summary

Status:	Planning and Zoning Commission –Public Hearing Published on August 1st and August 8th
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For 2nd Public Hearing

ARTICLE 8 - SPECIAL USES

Section 28. Childcare Center

Also known as a Daycare Center, a childcare center is a free-standing facility offering care, maintenance, and supervision for hire or compensation, for less than twenty-four (24) hours per day, for more than twelve (12) children under the age of twelve (12) years and licensed by the North Dakota Department of Human Services as an early childhood program.

1. Childcare centers are required to have a special use permit in all zoning districts provided:
    a. Each building shall provide not less than thirty-five (35) square feet of interior recreation area per child. Work areas, office areas, and other areas not designed for use of the children may not be counted in this computation.
    b. Each lot shall provide an outdoor recreation area of not less than seventy-five (75) square feet per child. The recreation area shall be fenced, have a minimum width of twenty (20) feet, a minimum depth of twenty (20) feet, be located on the same lot or parcel of land as the facility it is intended to serve, and must be located behind the building setback lines.
    c. Adequate off street parking shall be provided at the following ratio: One space for each employee and one space for each ten (10) children.
2. Childcare centers shall conform to all applicable requirements of the International Building Code as adopted by Burleigh County, The International Fire Code as adopted by the State of North Dakota and all requirements of the North Dakota Department of Human Services.

3. Childcare centers shall comply with all applicable requirements relating to health and sanitation of the North Dakota Department of Health.

Section 29. Major Home Occupations

Allowed in all district as permitted by SUP. A major home occupation is any home occupation that meets all of the following standards:

1. The home occupation does not meet all standards required of a minor home occupation.

2. The home occupation is conducted on-premises by one (1) or more residential occupant of the dwelling and no more than three (3) additional employees, business partners, independent contractors or any person affiliated with the home occupation that do not reside on premises.

3. Up to fifty percent (50%) of the floor area of the principal structure, one hundred percent (100%) of accessory structures, is utilized for the home occupation, provided that customary residential amenities, such as a kitchen and bathroom, are not removed such that the structure would no longer meet building code standards as a dwelling unit.

4. The home occupation may utilize one (1) contiguous outdoor, fenced-in area of up to five (5) percent of the total lot area or 10,000 square feet, whichever is less, including storage of associated goods, vehicles, equipment, and trailers. Notwithstanding, no limit on area of outdoor area shall apply in the A – Agricultural zoning district.

5. The principal residential dwelling is not altered from a customary residential appearance.

6. Outdoor and overnight storage of products or materials associated with the home occupation may not be in a front yard and must be screened by fencing, buildings, or landscaping buffer yards, such that materials are not clearly visible from a public right-of-way and adjoining properties during all seasons. Trailers may be loaded with items.

7. No more than one (1) non-illuminated commercial on premise sign is placed on the property of no greater than one (1)square foot, plus one (1) square foot per acre in the lot, of sign area, subject to all requirements of Burleigh County.

8. Noise ordinance requirements contained in NDCC are met at all times, and there exists no objectionable odor, vibration, or electrical interference associated with the home occupation and above typical residential levels that is noticeable at the property line.

9. Visits from customers, clients, patients, employees, or deliveries do not create an undue burden on traffic safety and congestion or on-street parking availability in the neighborhood. At no time may a home occupation generate traffic significantly greater than that of a conventional residential use.
    a. Visits from customers, clients, patients, employees, or deliveries occur only during the hours of 7:00 AM to 9:00 PM.
    b. Any vehicles, including trailers and equipment, associated with the home occupation must be parked in an orderly manner on surface suitable for parking, devoid of tall grass or other potential fire hazards, and debris from vehicles may not enter a public right-of-way, in accordance with all requirements of Burleigh County.
    c. Any on-street parking of vehicles associated with the home occupation shall meet requirements of Burleigh County, as applicable.

10. No more than one (1) vehicle associated with the home occupation which requires a Commercial Driver License (CDL) to operate in North Dakota may park on the property at any time. At no time may said vehicle exceed the load restrictions in place for any time of the year on the adjoining street or park on the street.

11. There is no storage of any flammable, toxic, explosive, or otherwise hazardous materials to a greater extent than stored in a typical residential household, and no hazardous material is discharged into any sewer, storm drain, or the ground.

12. The use is not an adult entertainment center, adult bookstore, or registered in North Dakota as a compassion center to dispense or produce medical marijuana.

Section 30. Personal Storage Unit

Allowed in Residential Districts with a SUP. A non-habitable, non-commercial building used or owned by an individual or household for personal storage, hobbies, craftwork, or private recreation, and not open to the public. Personal storage uses are intended for use by residents of an adjacent neighborhood.

1. Personal storage uses may only be permitted on a lot that includes four or more independent personal storage units.

2. Personal storage structures shall not be occupied as a residence, temporarily or permanently.

3. Personal storage uses are for private use only. Any commercial activity is prohibited, including storage of commercial goods or public assembly.

4. Personal storage uses shall not be considered an extension of a residence that would allow a home occupation activity.

5. A buffer zone is required where personal storage units are adjacent to residential uses.

6. Personal storage uses may be supplied with water and sewer service to each unit.

7. The maximum building height of a personal storage structure is 25 feet.

8. The personal storage structure shall not be used for residential occupancy.

~~9. Personal storage units are for private use only. Any commercial activity is prohibited, including storage of commercial goods or public assembly.~~

10. If multiple buildings are planned- garage doors shall face each other.

11. Buildings shall be located with a minimum width of 60 feet of hard surfaced area when two garage fronts face each other.

Section 31. Communication Tower

1. The minimum lot area of any parcel of land proposed for the establishment of a new tower shall be at least one-half acre in size.

2. There shall be no minimum size requirements for the leased parcel.

3. All towers shall be setback, at a minimum, the overall height of the tower from any property line. All measurements shall be from the leading edge of the tower structure. Setbacks for guyed wire bases will be the same as required for an accessory structure in the zone district in which the tower is located.

4. There is no minimum setback standard for related accessory buildings and support facilities provided the construction and placement of the buildings and support facilities are contained within the designated fenced leased parcel

5. The height of any telecommunication tower shall be governed by the height limit as required in the special use permit. Any telecommunication tower that is proposed with an overall height of 150 feet or greater shall be required to file with the Federal Aviation Administration Form 7460.

6. Lighting of telecommunication towers shall only be permitted as required by the Federal Aviation Administration and shall be governed by the Federal Aviation Administration Obstruction Marking & Lighting Advisory Circular (AC 70-7460-1K).

7. The boundary of the leased parcel surrounding the telecommunication towers and its related accessory buildings and support facilities shall be fenced with a minimum six-foot security type fencing. In addition, subject to review and analyses, all telecommunication towers shall be constructed and made available as to permit collocation of, at minimum, two additional, functionally equivalent service providers.

STAFF REPORT Ex. 6.5.4

Article 11 Agriculture Zoning District Ordinance Summary

Status:	Planning and Zoning Commission –Public Hearing Published on August 1st and August 8th
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For 2nd Public Hearing

ARTICLE 11-A - AGRICULTURAL DISTRICT REGULATIONS

Section 1. Description

The A - Agricultural District is established as a district in which the principal use of land is for general agricultural uses. The regulations are intended to prohibit commercial and industrial usage of the land and to prohibit any other use which would interfere with the development or continuation of the agricultural use of the land; and to discourage any use, which because of its character or size, would create requirements and costs for public services such as police and fire protection, water supply, and sewerage before such services can be systematically and adequately provided.

Section 2. Definition of “Farm”

For the purpose of the administration of this ordinance, a "farm" shall mean a single tract, or contiguous tract, of agricultural land containing a minimum of ten (10) acres and which normally provides a farmer, who is actually farming the land or engaged in the raising of livestock or other similar operations normally associated with farming and ranching, with not less than fifty percent (50%) of his annual net income; and the term "farmer" means an individual who normally devotes the major portion of his time to the activities of producing products of the soil, poultry, livestock, or dairy farming in such products' un-manufactured state and who normally receives not less than fifty percent (50%) of his annual net income from any one or more of the foregoing activities; and the term also includes an individual who is retired because of illness or age and who at the time of retirement owned and occupied, as a farmer, the premises.

Section 3. Permitted Uses

The following uses are allowed by-right in the Agricultural District:

1. Agricultural structures and activities
2. General farming group
3. Truck farming group
4. Livestock sales pavilion

5. Public recreation group
6. Utility service group
7. Radio or television transmitting station
8. Sand or gravel extraction
9. Oil or gas well
10. Railroad line trackage
11. Single-family dwelling
12. Manufactured home dwelling, when located on a permanent perimeter foundation in accordance with County codes governing construction
13. Private golf course, and customary accessory uses
14. Temporary sales of certain items
15. Greenhouse-Commercial
16. Portable Storage Containers-allowed for personal use only.
17. Accessory Solar Energy Systems.
18. Temporary sales of certain items
19. Minor Home occupation

Section 4. Special Uses

The following special uses are allowed in the A-Agricultural District, in accordance with Article 8:

1. Airport or heliport
2. Cemetery
3. Drive-in theater
4. Golf driving range, not accessory to a golf course
5. Recreational vehicle park
6. Salvage yard

7. Junkyard
8. Veterinary/animal clinic
9. Animal hospital/kennel
10. Solid waste disposal facility
11. Vehicular race tracks
12. Rodeo or rodeo events
13. Trap or skeet shooting range
14. Animal feeding operations, as defined herein
15. Asphalt plants and concrete batch plants
16. Wind turbine facilities
17. Roadway maintenance facilities
18. Temporary worker housing
19. Meat packing facilities, limited
20. Medical Marijuana Manufacturing Center or Distribution
21. Wind Turbines
22. Solar Farms
23. Accessory Dwelling Units
24. Agricultural Recreation
25. Temporary sales of fireworks
26. Communication Tower

Section 5. Accessory Uses

Customary accessory uses are allowed in the A-Agricultural District, in accordance with Article 6.

Section 6. Development Standards (Non-agricultural Uses)

1. Lot Area. Each permitted residential structure, together with its accessory buildings, shall be located on a lot or tract of land as follows:

Property Description	**Minimum Lot/Tract Size**
Metes and Bounds, Auditor's Plat or Deed	40 acres
Aliquot part of a Section of land	Intended to comprise 40 acres
Government Lot	35 acres

2. Lot Width. Each lot shall have a width of not less than six hundred-forty (640) feet, measured along the front property line.

3. Front Yard. Each lot shall have a front yard as follows, measured from the property line:

Roadway Classifications	**Minimum Front Yard (ft) Residential Buildings**	**Minimum Front Yard (ft) Commercial Buildings**
Arterial Road	175	225
Collector Road	65	115
Local Road	40	140

4. Side Yard. Each lot shall have two (2) side yards, one on each side of all principal and accessory buildings. Each side yard shall not be less than fifteen (15) feet. No building on a corner lot shall have a side yard on the side street less than the front yard requirements specified in this section.

5. Rear Yard. Each lot shall have a rear yard not less than fifty (50) feet in depth. If such rear yard abuts an arterial or collector road right-of- way, building locations shall also conform to the front yard requirements specified in this section.

6. Height Limits. No principal building for any permitted use shall exceed thirty-five (35) feet in height. No accessory building shall exceed twenty-five (25) feet in height.

7. Residential Building Permit. A building permit to construct or improve a single family or manufactured home dwelling and allowed accessory buildings shall be issued only after the following conditions have been met:

a. An auditor's plat or a deed describing the property has been prepared and recorded at the Register of Deed's Office.
b. A road approach permit has been granted by the County Engineer.

8. Non-residential Building Permit. A building permit to construct or improve any other nonagricultural building shall be issued only if such building is located in a platted subdivision.

Section 7. Additional Development Standards for Land Abutting the Missouri River (Nonagricultural uses)

In order to preserve and enhance the environmental and recreational qualities of the Missouri River, conserve the scenic and historic values of the Missouri River shoreland, protect shoreland development from river bank erosion, and provide for the wise use of the river and related land resources, the following additional development standard for non-agricultural uses is hereby established for land abutting the Missouri River:

1. Structure Setbacks. All structures on lots or parcels with un-stabilized banks shall be set back a minimum of one hundred (100) feet from the ordinary high-water mark of the Missouri River. All structures on lots or parcels with stabilized banks, either by an existing Corps of Engineers' stabilized structure or as permitted and approved by the Corps of Engineers, shall be set back a minimum of seventy-five (75) feet from the ordinary highwater mark of the Missouri River.

STAFF REPORT Ex. 6.5.5

Article 12 R1 Residential Zoning District Ordinance Summary

Status:	Planning and Zoning Commission –Public Hearing Published on August 1st and August 8th

Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For 2nd Public Hearing

ARTICLE 12 - R1 COUNTRY HOMES RESIDENTIAL DISTRICT REGULATIONS

Section 1. General Description

The R1 County Homes Residential District is established as a district in which the predominant use of land is for low-density residential and limited agricultural use. For the R1 District, in promoting the general purposes of this Ordinance, the specific intent of this Article is to encourage the continued use of the land for low-density residential and limited agricultural uses; prohibit commercial and industrial uses of the land; discourage any use, which because of its character or size, would create unusual requirements and costs for public services; and provide special standards for residential development abutting the Missouri River.

Section 2. Uses Permitted

The following uses are allowed by-right in the R1 Country Homes Residential District:

1. Single-family dwellings
2. Education group
3. Church
4. Utility service group
5. Public recreation group
6. Truck-farming group
7. Animal husbandry activity or project conducted primarily for educational purposes or school credits, provided such activities are not conducted for commercial purposes, and premises are maintained in a sanitary manner.
8. Chicken Hens and Coops are allowed provided that the animals are kept for private use only; that no male chickens (roosters) are kept; all hens are kept in a fenced area; all coops and structures meet applicable setbacks and size limitations for allowable accessory structures and are not located less than one hundred and fifty(150) feet of any neighboring residence or structure; and that no more than ten (10) chickens shall be permitted.

9. Private riding stables provided that animals shall be used for private use only; that no animal, animal stable, barn or shelter shall be located within one hundred (100) feet of any neighboring residence or structure; that two (2) horses shall be permitted on any premises which contains at least two (2) acres and additional horses shall be allowed at the rate of one (1) horse for every additional three (3) acres of property owned

10. Golf course.

11. Accessory Dwelling Units – Allowed with a Special Use Permit

12. Minor Home Occupation

13. Family foster home for adults

14. Childcare centers– Allowed with a Special Use Permit.

15. Portable Storage Containers. –Maximum 1 unit per 5 acres. to be discussed

16. Accessory Solar Energy Systems.

17. Personal Storage Units Allowed with a Special Use Permit.

18. Communication Tower Allowed with a Special Use Permit.

Section 3. Density

The maximum allowable density is one (1) family per net acre.

Section 4. Lot Area

Each single-family dwelling, together with its accessory buildings, hereafter erected shall be located on a lot having a minimum lot area of 65,000 square feet, a minimum lot width of one hundred (150) feet and a minimum lot depth of two hundred (200) feet. For lots platted prior to April 5, 2004, a single-family dwelling and accessory buildings may be erected on a lot having a minimum lot area of 40,000 square feet and a minimum lot width of one hundred (100) feet, provided said lot was designed in accordance with “slight” soil limitations at the time of platting.

Section 5. Front Yard

Each lot shall have a front yard not less than forty (40) feet in depth on interior subdivision streets or local roads. Except when fronting a highway or collector road then the setbacks shall not be less than the following distance outlined below from the centerline of such roadways fronting the property:

Primary Highway	Secondary Highway	Collector Road

250 feet	200 feet	115 feet

Section 6. Side Yard

Each lot shall have two (2) side yards, one on each side of the principal and accessory buildings. The sum of the widths of the two side yards shall not be less than twenty percent (20%) of the average width of the lot, and in no case less than fifteen (15) feet per yard.

Section 7. Rear Yard

Each lot or premises shall have a rear yard depth of not less than fifty (50) feet.

Section 8. Height Limits

No single-family dwelling shall exceed two and one-half (2½) stories, nor shall it exceed thirty-five (35) feet in height. No principal building for any other permitted use shall exceed four (4) stories, nor shall it exceed fifty (50) feet in height. For each one (1) foot, or fraction thereof, that a building exceeds thirty-five (35) feet in height, there shall be added four (4) feet to the minimum width of each side yard and two (2) feet to the minimum depth of the rear yard required by this section. No accessory building shall exceed two (2) stories, nor shall it exceed twenty-five (25) feet in height.

Section 9. Automobile Parking

Adequate automobile parking shall be provided as set forth in Article 10 of this Ordinance.

Section 10. Minimum Road Standards

Unless otherwise shown on the master plan, right-of-way and roadway widths shall conform to the standards set forth by Section 6, Subsection 1(m) of Article 33 hereof.

1. Sufficient temporary construction easements shall be given to allow for proper road construction.

2. All streets to be used for on-street parking shall be forty (40) feet in roadway width.

Section 11. Allowable Accessory Buildings

Customary accessory uses are allowed in the R1 Residential District in accordance with Article 6.

Section 12. Additional Development Standards for Land Abutting the Missouri River

In order to preserve and enhance the environmental and recreational qualities of the Missouri River, conserve the scenic and historic values of the Missouri River shoreland, protect shoreland development from river bank erosion, and provide for the wise use of the river and related land resources, the following additional development standards are hereby established for land abutting the Missouri River platted after January 1, 2003:

1. Structure Setbacks. All structures on lots with un-stabilized banks shall be set back a minimum of one hundred (100) feet from the ordinary high-water mark of the Missouri River. All structures on lots with stabilized banks, either by an existing Corps of Engineers' stabilized structure or as permitted and approved by the Corps of Engineers, shall be set back a minimum of seventy-five (75) feet from the ordinary high-water mark of the Missouri River.

2. Impervious Surface Coverage. The percentage of the lot covered by impervious surfaces (structures, paved surfaces, etc.) shall not exceed 25 percent (25%).

3. Steep Slopes. For structures and/or facilities to be placed on steep slopes, the County Building Official may attach conditions on the building permit to prevent erosion and preserve existing vegetation.

4. Topographic Alterations Above the Ordinary High-Water Mark. Grading, filling and excavation necessary for the construction of structures, sewage treatment systems or driveways under validly issued permits shall be allowed. Notwithstanding any other applicable regulations, any other topographic alterations must meet the following standards:

    a. Alterations shall not adversely affect adjacent or nearby properties,
    b. Alterations must be designed and constructed in a manner that minimizes soil erosion, including the installation of erosion control measures as needed.

5. Topographic Alterations Below the Ordinary High-Water Mark. All topographic alterations below the ordinary high-water mark must be approved by the Corps of Engineers.

6. Variances. It is not the intent of this ordinance to make an existing parcel or lot, which is developable under the regulations in place prior to the adoption of this ordinance, not developable. Variances from the strict application of these development standards shall be subject to the requirements of Article 28.

STAFF REPORT Ex. 6.5.6

Article 13 R2 Residential Zoning District Ordinance Summary

Status:	Planning and Zoning Commission –Public Hearing Published on August 1st and August 8th
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For 2nd Public Hearing

ARTICLE 13 - R2 SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS Section 1. General Description

The R2 Residential District is established as a district in which the principal use of the land is for medium density single-family dwellings on rural lots, provided said lots are not located abutting the Missouri River. The regulations are intended to prohibit commercial or industrial use of the land and to prohibit any other use which would substantially interfere with the development or continuation of single-family residential neighborhoods; and to discourage any use which because of its character or size would create requirements and costs for public services, such as police and fire protection, water supply, and sewerage, before such services can be systematically and adequately provided.

Section 2. Permitted Uses

The following uses are allowed by right in the R2 Residential District:

1. Single-family dwellings
2. Education group
3. Utility service group
4. Public recreation group
5. Golf course
6. Minor Home Occupation

Section 3. Special Uses

The following special uses are allowed in the R2 Residential District, in accordance with Article 8:

1. Airport
2. Cemetery
3. Childcare Center
4. Major Home Occupations

STAFF REPORT Ex. 6.5.7

Article 15 R5 Zoning District Ordinance Summary

Status:	Planning and Zoning Commission – Public Hearing Published on August 1st and August 8th
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For 2nd Public Hearing

ARTICLE 15 – R5 MH MANUFACTURED HOME DISTRICT

Section 1. General Description

The R5 Residential District is established as a district in which the principal use of the land is for single-family mobile home dwellings located within mobile home parks, provided said parks are not located abutting the Missouri River. For the R5 Residential District, the specific intent of this Article is:

1. To encourage the placement of, and the continued use of the and for single-family mobile home dwellings located within mobile home parks,

2. To prohibit commercial and industrial use of the land; and

3. To encourage suitable and proper development of mobile home parks.

Section 2. Definition

For the purpose of this section, "Mobile Home Park" shall also mean "Mobile Home Court".

Section 3. Uses Permitted

The following uses are allowed by right in the R5 Residential District:

1. Single-family mobile home dwellings or manufactured homes not located on a permanent foundation located within mobile/manufactured home parks.

2. Home occupations as defined, but not limited to:
   a. Dressmaker
   b. Artist

c. Sculptor
d. Author
e. Minister

~~Section 9.~~ Section 4. Mobile Home Park Restrictions

1. No business shall be conducted in any mobile home park.
    a. Exception: Minor Home Occ.

2. Existing mobile home parks shall not be enlarged or extensively altered unless such alteration complies with the provisions of this article.

~~Section 10.~~ Section 5. Mobile Home Parks, Plans and Layout

All layouts for mobile home parks shall be submitted to the Planning Commission for approval prior to consideration of a zoning change request for R5 District uses. All changes thereto must be approved in like manner.

Section 6. Density

The maximum allowable density of all mobile home parks shall be seven (7) families per net acre.

1. The minimum total area of a mobile home park shall be at least four (4) acres.

Section 7. ~~Lot Dimensions~~ Development Standards.

~~1. All mobile home parks shall have near their main entrance a park office in which there shall be an up-to-date list of all park residents along with their addresses and a diagram of the park layout.~~

~~2.~~ For single-wide mobile home dwelling units, minimum lot dimensions shall be fifty (50) feet wide and one hundred (100) feet deep with a minimum lot area of five thousand (5,000) square feet.

~~3.~~ For double-wide mobile home dwelling units, minimum lot dimensions shall be sixty (60) feet wide and one hundred (100) feet deep with a minimum lot area of six thousand (6,000) square feet.

~~4.~~ All mobile homes shall be equipped with compatible skirts to completely enclose the underside of the mobile home.

~~5.~~ Each mobile home shall be anchored to the ground for purposes of withstanding wind pressures specified for single-family dwellings by the County Building Inspection Department prior to occupying the unit.

~~6.~~ All clotheslines shall be placed in the rear yard.

~~**Section 7. Lot Restrictions**~~

~~All clotheslines shall be placed in the rear yard.~~

Section 8. Mobile Home Park Requirements

1. The minimum total area of a mobile home park shall be at least four (4) acres.

2. For single-wide mobile home dwelling units, minimum lot dimensions shall be fifty (50) feet wide and one hundred (100) feet deep with a minimum lot area of five thousand (5,000) square feet.

3. For double-wide mobile home dwelling units, minimum lot dimensions shall be sixty (60) feet wide and one hundred (100) feet deep with a minimum lot area of six thousand (6,000) square feet

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

5. Setbacks. Lot development shall observe the following setbacks:

    a. Front Yard. No manufactured home or any other legal attachments to said dwelling or any accessory structures shall be located less than twenty (20) feet from the front lot line, measured back from the sidewalk or walkway, provided, however, that on a record lot corresponding to a plat recorded prior to 1979, the following setback standards apply:

        i. of lots or parcels are selected on the opposite side of the proposed activity, so that a total number of six (6) reference lots are selected.

    b. Side Yard and Spacing. No manufactured home or any other legal attachments to said dwelling or accessory structure shall be located less than six (6) feet from the side lot line measured back from the walkway or sidewalk. Manufactured homes on corner lots shall follow front yard setbacks from all streets. Side yard measurements are to be taken at right angles to the building at the closest points to a property line. Detached accessory buildings shall be located not less than five (5) feet from the side or rear lot lines. The ends of the manufactured homes shall be at least twelve (12) feet apart.

6. All entrances, exits and driveways between rows of mobile homes shall be lighted to provide an intensity of 0.3 foot-candles. Mobile home parks shall be provided with walkways at least three and one-half (3½) feet wide between each mobile home lot

and service building and other parts of said park. Roadways within the parks shall be hard surfaced, either concrete or bituminized asphalt.

7. All provisions of water supply, laundry, sewage and fire protection to be provided in any mobile home park shall have been approved by the appropriate County and State Departments.

8. Off-street parking areas shall be provided in all mobile home parks at a ratio of at least two (2) car spaces per mobile space. The area for one (1) car space shall be at least ten (10) feet wide and twenty (20) feet deep, plus ingress and egress.

9. Recreation Areas. There shall be provided within each mobile home park an adequate site or sites for recreation for the exclusive use of the park occupants. Such recreation site or sites shall have a minimum area in the aggregate of four thousand (4,000) square feet plus one hundred (100) feet for each mobile home space in said park. The recreation sites shall be of appropriate design and provided with adequate and permanent equipment.

10. All mobile home parks must provide a completely and permanently landscaped setback area of at least thirty (30) feet in width around those portions of the park perimeter which border public right-of-way. Such areas may contain trees, shrubbery, grass, benches, fences, landscaped water resources and the like.

11. Setback areas not bordering public right-of-way may be used to fulfill the recreation area requirements of the preceding paragraph.

12. All mobile home parks shall have near their main entrance a park office in which there shall be an up-to-date list of all park residents along with their addresses and a diagram of the park layout.

13. All mobile home park lots shall be served by an approved central water and sewer system.

Section 9. Mobile Home Park Restrictions

4. No business shall be conducted in any mobile home park.

5. Existing mobile home parks shall not be enlarged or extensively altered unless such alteration complies with the provisions of this article

Section 10. Mobile Home Parks, Plans and Layout

All layouts for mobile home parks shall be submitted to the Planning Commission for approval prior to consideration of a zoning change request for R5 District uses. All changes thereto must be approved in like manner.

Section 11. Mobile Home Requirements

1. All mobile homes shall be equipped with compatible skirts to completely enclose the underside of the mobile home.
2. Each mobile home shall be anchored to the ground for purposes of withstanding wind pressures specified for single-family dwellings by the County Building Inspection Department prior to occupying the unit.

Section 12. Lot Coverage

1. The ground area occupied by a mobile home, attached storm shed, patio, storage building and required off-street parking spaces shall not exceed ~~50~~ 40 percent ~~(50%)~~ (40%) of the total area of the lot. In computing the ground coverage, four hundred (400) square feet shall be added to the actual area of the mobile home and the accessory buildings for the two (2) required off-street parking spaces. ~~This provision limits a lot to one (1) storm shed, not over ten (10) feet by twelve (12) feet, or one hundred twenty (120) square feet, in area per lot.~~ Each lot shall be limited to one attached utility structure of no more than one hundred twenty (120) square feet. Each lot may also have a detached accessory building(s) in accordance with Article 6, provided the lot coverage requirement is not exceeded, and said building shall be placed on a proper foundation.

    a. Enlargement or Alteration. Any enlargement or alteration of a manufactured home park that exceeds ten (10) per cent of the total number of lots or spaces shall comply with the provisions of Subsection 3 of this Section. The remaining portion of a manufactured home park not being enlarged or altered will not be required to comply with the provisions of Subsection 3.

    b. Public Right-of-Way. If public right-of-way bisects a manufactured home park, all lots located adjacent to such public rightof-way shall conform to the standards and setbacks as specified in the R5-Residential District.

Section 13. Community Storage Buildings.

Private garages or storage buildings located within manufactured home parks but not located on individual lots may be allowed, provided:

a. Height Limits. No community storage building sidewall shall exceed fourteen (14) feet in height. The maximum roof pitch of such buildings shall not exceed 3:12.

b. Activities. No activities other than storage of vehicles and household goods by residents of the manufactured home park shall be allowed.

c. Dimensions. No single building dimension shall exceed one hundred-twenty (120) feet and no individual building shall exceed a total of three thousand (3,000) square feet in size. All such buildings must be separated by a minimum of twelve (12) feet. No more than four (4) storage buildings may be grouped together in one location within a manufactured home park. All such groups of buildings must be separated by a minimum of five hundred (500) feet.

d. Accessways. Accessways to community storage buildings shall be hard surfaced, either concrete or bituminized.

e. Floors. All floors in community storage buildings shall be hard surfaced.

f. Site Plan. No community storage building or buildings shall be constructed until a site plan has been approved by the Planning Department.

STAFF REPORT Ex. 6.5.8

Article 16 C-Commercial Zoning District Ordinance Summary

Status:	Planning and Zoning Commission –Public Hearing Published on August 1st and August 8th
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For 2nd Public Hearing

ARTICLE 16 - C - COMMERCIAL DISTRICT REGULATIONS Section 1. General Description

The C - Commercial District is established as a district in which the principal use of land is for commercial and service uses to serve the residential districts in the area, provided said uses are not located abutting the Missouri River, and in which traffic and parking congestion can be kept to a minimum in order to preserve residential values, and promote the general welfare of the surrounding residential district. The specific intent of this Article is:

1. To encourage the continued use of the land for neighborhood commercial and services uses,

2. To prohibit industrial uses of the land, and to prohibit any other use which would substantially depreciate the values of residential districts surrounding the C - Commercial District,

3. To encourage the discontinuance of mixed uses and uses that would not be permitted as new uses under the provisions of this article,

4. To discourage any use, which because of its character or size, would create requirements and costs for public services, such as police and fire protection, water supply and sewerage substantially in excess if the district were developed solely for neighborhood commercial and service uses.

Section 2 Buffer Yards.

1. Applicability:

a. Buffer yards are required for Commercial and or Industrial zoning districts on a side or rear yard of any expanding higher intensity land use adjacent to R1, R2. R5 and AG Districts.

Section ~~2.~~ 3. Uses Permitted

The following uses are allowed by-right in the C - Commercial District:

1. Retail Group A
2. Service Group A
3. Gasoline Filling Station
4. Office-bank Group
5. Church
6. Education Group
7. Fire Station
8. Utility Service Group
9. Retail Group B
10. Service Group B
11. Commercial Recreation Group
12. Wholesale Group
13. Health Medical Group
14. Public Recreation Group
15. Railroad Line Trackage
16. Railroad or Bus Passenger Station
17. Animal Hospital
18. Commercial Parking Lot
19. Temporary sales of certain items

20. Portable Storage Containers.- Limited to one per lot.

21. Accessory Solar Energy Systems.

Section 4. Special Use

1. Medical Marijuana Manufacturing Center or Distribution Center
2. Childcare center.
3. Communication Tower
4. Drive-in bank.
5. Temporary sales of fireworks
6. Retail liquor sales
7. Microbrew pub
8. Domestic distillery.

Section ~~3.~~ 5. District Area

No C - Commercial District shall be less than five (5) acres in size.

Section ~~4.~~ 6. Lot Area

Each principal building or structure plus its accessory buildings shall be located on a lot having an area as specified in Article 33, Section 6 (4) of the Zoning Ordinance. In no case shall a lot be less than twenty thousand (20,000) square feet in size. Premises without a central sanitary sewer system approved by the North Dakota State Department of Health shall comply with lot area requirements of the R1 Residential District.

Section ~~5.~~ 7. District Width

Each C District shall have an average width of not less than two hundred (200) feet and shall have no boundary less than one hundred (100) feet in length.

Section ~~6.~~ 8. Floor Area Ratio

The floor area ratio of the principal building and all accessory buildings shall not exceed 0.25 for a single-story building, nor shall it exceed 0.35 for buildings of more than one story. The ground area occupied by the principal building and accessory buildings shall not exceed twenty-five percent (25%) of the total area of the lot.

Section ~~7.~~ 9. Yard

No building shall be less than fifty (50) feet in distance from any lot line or twenty (20) feet in distance from any side or back yard line.

Section ~~8.~~ 10. Height Limits

No building or structure shall exceed two (2) stories or thirty-five (35) feet in height.

Section ~~9.~~ 11. Divided District

For the purposes of calculating the minimum area, lot width, lot dimensions, floor area ratio, percentage of lot covered by building, and yard requirements established by this Article, a single C - Commercial District cannot lie on two (2) sides of a public street or alley. Any area designated as being zoned C - Commercial and lying on both sides of a public street or alley shall be deemed to be two (2) C Commercial Districts, and all minimum requirements shall be met by buildings on each side of said public street or alley as separate districts.

Section ~~10.~~ 12. Non-Conforming Uses

It is the intent of this Article and this Section to designate no area as a C Commercial District in which there is at the date of adoption of this Article any residential or other non-conforming use. It is the further intent of this Article and this section that insofar as possible all neighborhood commercial and service areas in newly developed portions of the County shall take place in a C Commercial District, in order to decrease traffic and parking congestion and to preserve the residential values of the County. The County Planning and Zoning Commission shall refuse to approve any request for an amendment re-zoning any portion of the County to a C - Commercial District if there is in that district any use which would be a non-conforming use upon the passage by the Board of County Commissioners of the proposed amendment.

Section ~~11.~~ 13. Automobile Parking

Adequate automobile parking shall be provided as set forth in Article 10 of this Ordinance.

STAFF REPORT Ex. 6.5.9

Article 18 I-Industrial Zoning District Ordinance Summary

Status:	Planning and Zoning Commission – Public Hearing Published on August 1st and August 8th
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For 2nd Public Hearing

ARTICLE 18 - I - INDUSTRIAL DISTRICT REGULATIONS

Section 1. General Description

The I-Industrial District is established as a district in which the principal use of land is for heavy commercial, manufacturing and industrial establishments, provided said uses are not located abutting the Missouri River, which may create some nuisance, and which are not properly associated with, nor compatible with, residential, institutional, neighborhood commercial, and service establishments. For the Industrial District, in promoting the general purposes of this Ordinance, the specific intent of this Article is:

1. To encourage the construction of and the continued use of the land for heavy commercial, manufacturing and industrial purposes,

2. To prohibit residential and neighborhood commercial use of the land and to prohibit any other use which would substantially interfere with the development, continuation or expansion of commercial and industrial uses in the district; and

3. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this article.

Section 2 Buffer Yards.

1. Applicability:

   a. Buffer yards are required for Commercial and or Industrial Zoning Districts on a side or rear yard of any expanding higher intensity land use adjacent to R1, R2. R5 and AG Districts.

Section ~~2.~~ 3. Uses Permitted

The following uses are allowed by-right in the I Industrial District:

1. Gasoline filling station
2. Retail group B
3. Service group B
4. Wholesale group
5. Fire Station
6. Truck terminal
7. Railroad line trackage
8. Railroad spur trackage
9. Railroad freight station
10. Railroad freight classification yard
11. Utility service group
12. Industrial use group
13. Livestock sales pavilion
14. Oil or gas well
15. Radio or television transmitting station
16. Sand or gravel extraction
17. Sewage treatment plant
18. Manufacturing Group
19. Religious institution.
20. Microbrew pub.
21. Domestic distillery
22. Brewer Taproom.

23. Animal services, non-veterinary

24. Shop Condos

Section ~~3.~~ 4. Special Uses

The following special uses are allowed in the I - Industrial District, in accordance with Article 8:

1. Meat packing facilities
2. Medical Marijuana Manufacturing Center or Distribution Center
3. Data Centers:
   -Any change of use within an existing permitted Data Center i.e.: AI Conversion Center, shall require a new special use permit review and approval.
4. Retail liquor sales.
5. Childcare center.
6. Communication Tower.
7. Asphalt production facilities, both permanent and temporary.
8. Hazardous material bulk storage plant.

Section 5. Industrial Use Group

A use in the Industrial Group is one involving the manufacturing or the storage and sale of heavy building materials or equipment, and which conforms to the following requirements:

1. Manufacture, compounding, processing, packaging, treatment of:
   a. Bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, and food products except fish and meat products, sauerkraut vinegar, yeast and the rendering or refining of fats and oils.
   b. Products from the previously prepared materials: Bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, metals, stones, fur, glass, hair, horn, leather, paper, plastics, shell, textiles, wood and yarns.
   c. Pottery and other ceramic products using only previously pulverized clay, and kilns
   d. Electric and neon signs, outdoor advertising signs, commercial advertising structures, and light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves, and similar products.
   e. Musical instruments, toys, novelties and rubber and metal stamps.
   f. Welding and machine shop.
   g. Laundry, cleaning and dyeing works, and carpet and rug cleaning.
   h. Ice manufacturing
   i. Assembly of electric appliances, electronic instruments and devices, radios, phonographs, and television sets, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders, and similar products.
   j. Soft drink bottling plant.

2. The following uses when conducted wholly within a completely enclosed building, or behind a 8’ privacy fence.
   a. Contractors' equip. storage yard.
   b. Building materials sales yard
   c. Pipe storage yard, including sales.
   d. Feed/fuel storage yard w/sales.
   e. Public utility service yard.
   f. Sale of oil and gas well drilling equipment
   g. Concrete products
   h. Petroleum bulk
   i. Manufacturing and storage of alcoholic beverages, including brewery.

3. Manufacture, compounding, processing, refining or treatment of the following materials and products:
   a. Acetylene.
   b. Alcohol.
   c. Asphalt and bituminous products.
   d. Brick, tile or terra-cotta.
   e. Oilcloth or linoleum.
   f. Paint, shellac, turpentine, lacquer or varnish.
   g. Paper or pulp.
   h. Petroleum products.
   i. Plastics .
   j. Slaughter and packing of animals and meat products.
   k. Tannery, curing or storing of raw hides .

5. Any of the following uses provided that they shall not be located closer than five hundred (500) feet from any zone in which they are prohibited:
   a. Cement, lime, gypsum, or plaster of paris manufacture.
   b. Drop forge industry, manufacturing forgings with power hammer.
   c. Fertilizer manufacturing.
   d. Garbage, offal, bone or dead animal reduction.
   e. Gas manufacture or utility regulating stations.
   f. Electric generating plant.
   g. Smelting of tin, copper, zinc or iron ores.
   h. Soap manufacture.
   i. Stockyards, feeding pens or livestock sale facilities.

6. The following uses when conducted wholly within a completely enclosed building, or within an area enclosed on all sides with a solid wall, compact hedge or security fence, not less than six feet in height:

   i. Building material sales yard, including the sale of rock, sand, gravel and the like as an incidental part of the principal use.

ii. Contractors' equipment, storage yard or plant, or rental of equipment commonly used by contractors.
iii. Retail lumber yard, including only incidental mill work. iv. Feed and fuel yard.
v. Public utility service yard, or electrical receiving or transforming station.
vi. Pipe yard, or storage, sale or rental of oil and gas well drilling equipment.

7. Concrete products and mixing.

8. Petroleum bulk plants, ~~if in compliance with the Revised Ordinances of City of Bismarck~~

9. Manufacture, compounding, processing, refining, and treatment of the following materials and products:

i. Acetylene
ii. Alcohol
iii. Asphalt
iv. Tannery or curing or storage of raw hides
v. Manufacturing and storage of alcoholic beverages, including brewery.

Section ~~4.~~ 6. Lot Area

Each principal building or structure plus its accessory buildings, shall be located on a lot having an area as specified in Article 33, Section 6(4) of the Zoning Ordinance. In no case shall a lot be less than twenty thousand (20,000) square feet in size. Premises without a central sanitary sewer system approved by the North Dakota State Department of Health shall comply with lot area requirements of the R1 Residential District.

Section ~~5.~~ 7. Lot Width

Each lot shall have a width of not less than one hundred (100) feet, measured along the front building line.

Section ~~6.~~ 8. Floor Area Ratio

Floor area ratio of the principal buildings or building and all accessory buildings shall not exceed 0.30 for single-story buildings, nor shall it exceed 0.60 for buildings of more than one story. The ground area occupied by the principal building or buildings and accessory buildings shall not exceed thirty percent (30%) of the total area of the lot.

Section ~~7.~~ 9. Front Yards

Each building shall have a front yard not less than fifty (50) feet in depth.

Section ~~8.~~ 10. Side Yards

Each lot shall have two (2) side yards, one on each side of any principal building. The sum of the widths of the two (2) side yards shall be not less than twenty percent (20%) of the average width of the lot; and in no case shall a side yard be less than fifteen (15) feet in width. On any lot having an average width greater than seventy-five (75) feet, neither side yard shall be less than fifteen (15) feet in width and no side yard need be greater than fifty (50) feet in width. On a lot containing two (2) principal buildings located side by side, there are no minimum requirements for the side yards between the two (2) buildings.

Section ~~9.~~ 11. Rear Yards

Each lot shall have a rear yard not less than twenty-five (25) feet in depth.

Section ~~10.~~ 12. Height Limits

No principal buildings shall exceed four (4) stories, nor shall it exceed fifty (50) feet in height. No accessory buildings shall exceed two (2) stories, nor shall it exceed twenty-five (25) feet in height.

Section ~~11.~~ 13. Automobile Parking

Adequate automobile parking shall be provided as set forth in Article 10 of this Ordinance.

Section ~~12.~~ 14. Landscaping

All front- side and rear yards shall be permanently landscaped.

Burleigh County Planning and Zoning Commission Meeting Agenda

Tom Baker Meeting Room, City/County Building, 221 5th Street N, Bismarck, ND

5:15pm

Attend in Person || Watch Live on Government Access Channels 2 or 602 || Stream on DakotaMediaAccess.org or Dakota Media Access Facebook Live || Replay Later from DakotaMediaAccess.org

AGENDA
July 8, 2026

1. Pledge of Allegiance
2. Roll Call
3. Approval of May 13, 2026, Minutes
4. Public Comments: (Restricted to Burleigh County residents and landowners)
5. Consent Agenda: (The following item(s) are request(s) for a public hearing)

   5-1 The Ridge at Hawktree 3rd Subdivision Replat
   - Request approval of the preliminary plat. Call for a public hearing
     - Staff Recommendation: Approval

6. Public Hearing Agenda: (The following item(s) are request(s) for a "Do Pass" recommendation)

   6-1 Lookout Trail Variance
   - Request approval of the variance to the 15' side setback
     - Staff Recommendation: Approval

   6-2 Outlook Road Variance
   - Request approval of the variance to the 15' side setback
     - Staff Recommendation: Approval

   6-3 Nature View Drive Variance
   - Request approval of the variance to the 4% lot coverage
     - Staff Recommendation: Approval

   6-4 Island Park Estates 2nd Subdivision
   - Request approval of the final plat. Approve and give a "Do Pass" recommendations to the Board of Burleigh County Commission.
     - Staff Recommendation: Approval

   6-5 Klatte Subdivision and Zoning Change (Tabled 6/10/2026)
   - Request approval of the final plat and zoning change give a "Do Pass" recommendation to the Board of Burleigh County Commissioners.
     - Staff Recommendation: Approval

7. Agenda Items: (The following item(s) are request(s) for approval or recommendation)

   7-1 Data Center Moratorium
   - Request for approval/recommendation to the Board of Burleigh County Commissioners.

   7-2 Resolution to amend Burleigh County Zoning Ordinances
   - Request approval/recommendation to the Board of Burleigh County Commissioners.

8. Other Business:

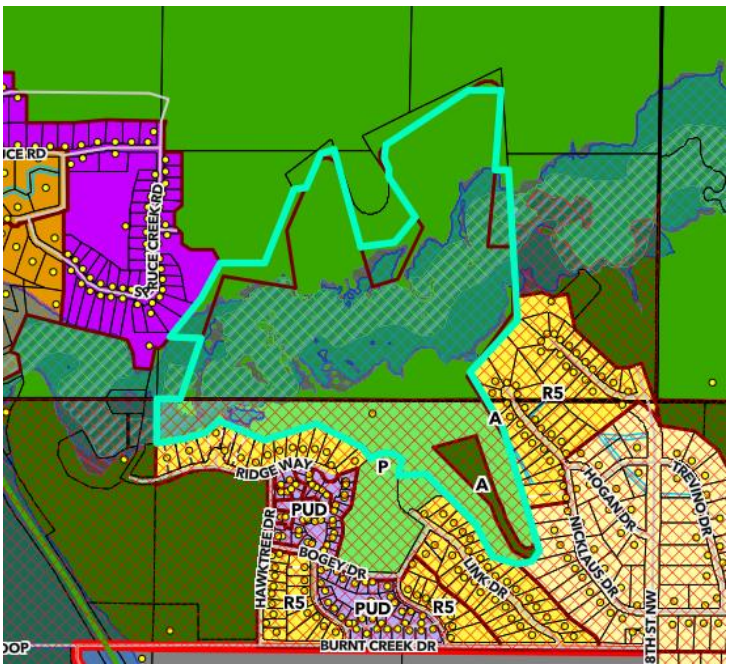
   8-1 Discussion on Baldwin Greenhouse.

9. Adjourn

Next Meeting: August 13, 2026

Agenda Item 5-1

The Ridge at Hawktree 3rd Replat

Project Summary	
Status:	Consent Agenda
Petitioner/Developer	Hawktree Inc.
Engineer	Toman Engineering
Location:  	Part of Section 36, Township 140 North, Range 81 West, Riverview Township, Part of Section 1, Township 139 North, Range 81 West, Hay Creek Township, And Parts of Lots 44 and 45, Block 1, The Ridge at Hawktree of Burleigh County, North Dakota 5-1-1 Location Map Site Address: 3500 East Link Dr
Project Size:	Two (2) lot subdivision containing 227.22 acres more or less
Zoning:	A - Agricultural and P - Public
Petitioners Request	Approve preliminary plat and call for a Public Hearing.

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

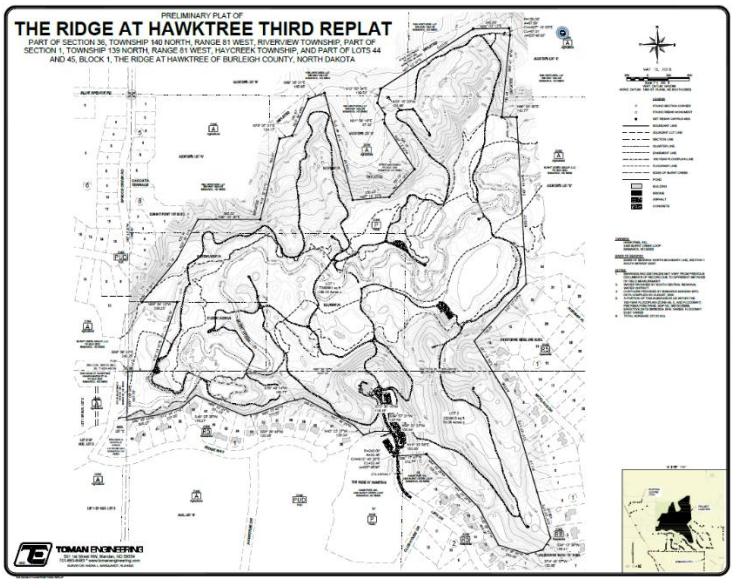
History/Description

Burleigh County was approached regarding redrawing the lot lines around the Hawktree Golf Club to fully include all of the golf course's paths on the same 2 lots. The pre-application meeting was held on April 20th.

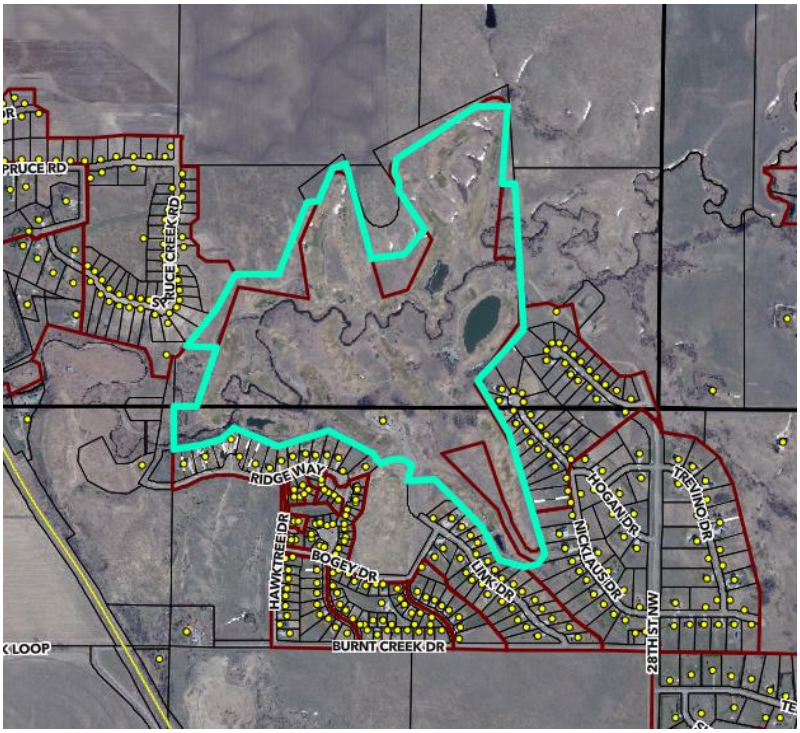
The proposed subdivision will redraw the property lines on two (2) lots from the Ridge at Hawktree Subdivision containing 227.22 acres, more or less. There are buildings located on both lots. Parts of both lots of the proposed subdivision is located within the floodplain. The Burleigh County Planning and Zoning Commission called for a public hearing on July 8, 2026.

Zoning is A – Agricultural and P – Public.

The review committee did not find any concerns.



Attachment 5-1-2 Preliminary Plat



Attachment 5-1-3 Site Map

Staff Findings – Final Plat

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This preliminary plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Zoning is A – Agricultural and P - Public.
4. The proposed subdivision is located in the floodplain.
5. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.

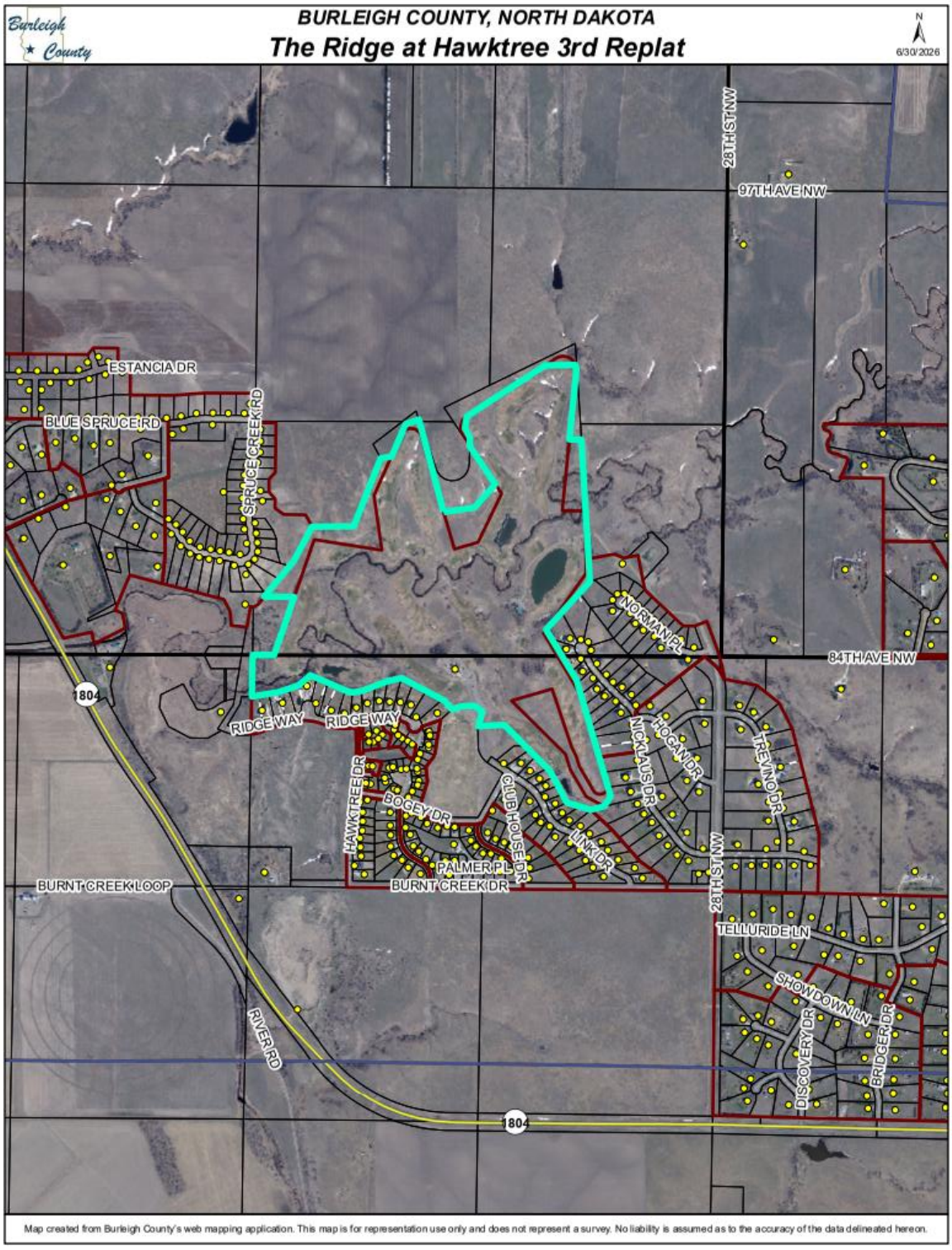
Planning Staff Recommendation

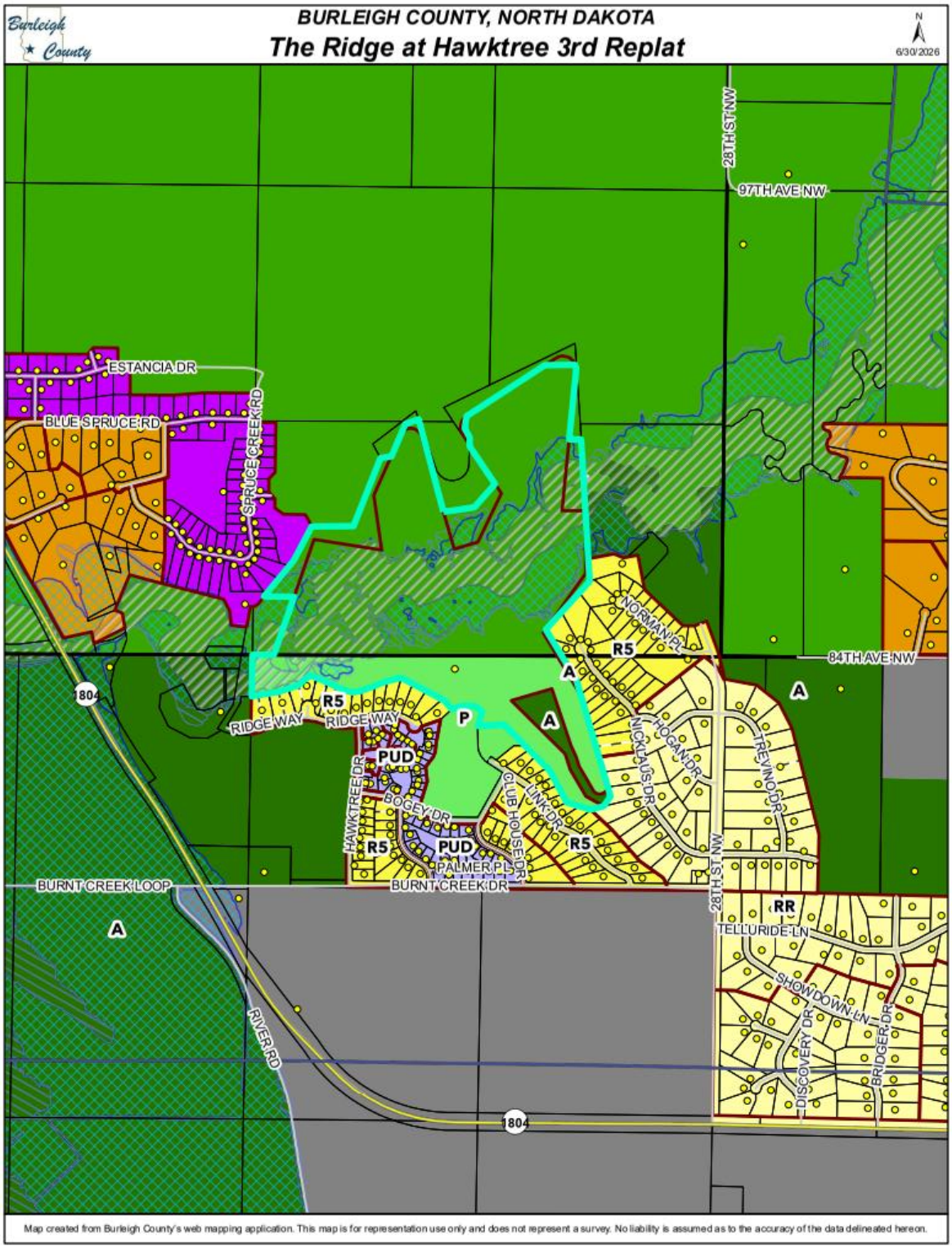
The petition for a preliminary plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the preliminary plat and calling for a public hearing.

Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

1. Approve the preliminary plat & call for a public hearing.
2. Approve the preliminary plat with conditions & call for a public hearing after all conditions have been completed.
3. Deny the preliminary plat with reason.
4. Table the preliminary plat for more information.


BURLEIGH COUNTY, NORTH DAKOTA
The Ridge at Hawktree 3rd Replat
Burleigh County
N
6/30/2026
28TH ST NW
97TH AVE NW
ESTANCIA DR
BLUE SPRUCE RD
SPRUCE CREEK RD
NORMA VAL
84TH AVE NW
1804
RIDGE WAY
RIDGE WAY
HAWKTREE DR
BOGEY DR
CLUB HOUSE DR
PALMER PL
LINK DR
NICKLAUS DR
HOGAN DR
TREVINO DR
BURNT CREEK LOOP
BURNT CREEK DR
28TH ST NW
TELLURIDE LN
SHOWDOWN LN
DISCOVERY DR
BRIDGER DR
RIVER RD
1804
Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.


BURLEIGH COUNTY, NORTH DAKOTA
The Ridge at Hawktree 3rd Replat
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SPRUCE CREEK RD
NORMAN PL
R5
A
84TH AVE NW
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RIDGE WAY
P
PUD
HAWKTREE DR
BOGEY DR
CLUB HOUSE DR
LINK DR
NICKLAUS DR
ROGAN DR
TREVINO DR
PALMER PL
BURNT CREEK DR
BURNT CREEK LOOP
RR
TELLURIDE LN
SHOWDOWN LN
DISCOVERY DR
BRIDGER DR
RIVER RD
Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

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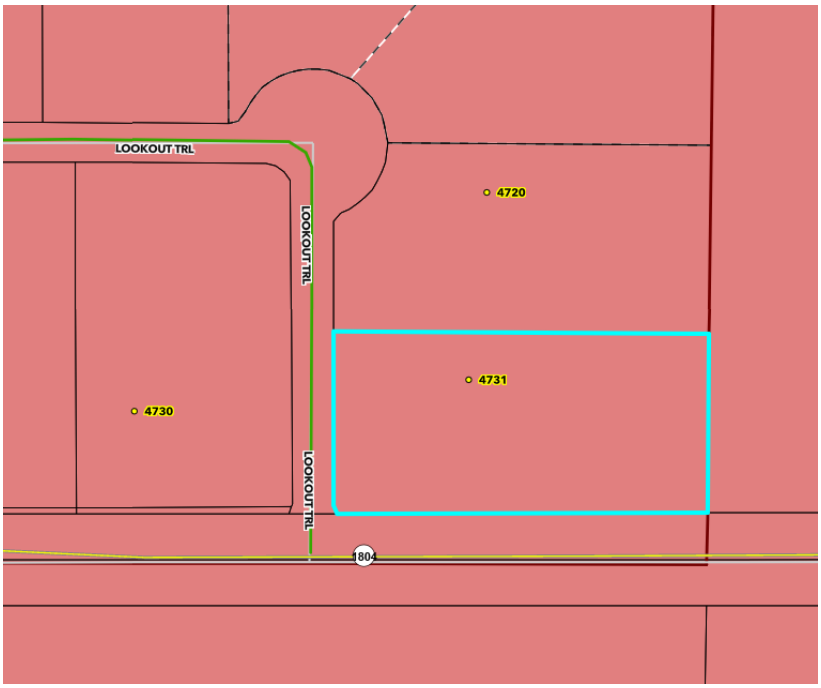
PLANNING AND ZONING COMMISSION

July 8, 2026

Agenda Item 6-1

Application for a Variance to Setbacks

Project Summary	
Public Hearing Agenda:	Variance to building set back distance
Status:	Planning and Zoning Commission – Consideration
Property Owner	Sam Keller
Applicant	Rabbithead Construction
Location: 	Lewis and Clark Estates, Block 1. Lot 2 Addressed as: 4731 Lookout Trail *6-1-1 Location Map*

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

Lot Size:	4.21 Acres more or less
Zoning:	R1- Rural Single Family Residential
Petitioners Request	Approval of the variance. Give a "Do Pass" recommendation to the Board of Burleigh County Commissioners
Public Hearing Notifications	Bismarck Tribune 6/27 & 7/7/2026 Burleigh County Website 6/26/2026 Surrounding Property Owners 6/26/2026

History/Description

On April 13, 2026 Burleigh County Building, Planning and zoning received a complaint regarding an accessory building being built on a property line at 4731 Lookout Trail. It was also discovered an application was submitted by Rabbithead Construction for the accessory building on October 29, 2025. The permit was not issued for this site. After this discovery a stop work was placed on the site. The builder was advised the building was being built inside the required setbacks and no permit was issued for the build. The neighboring property owners are concerned the accessory building is being built on their side of the property line. No property pins have been located.

Rabbithead Construction has submitted a variance request for relief from the 15' setback requirement. They are requesting an 11.5 set back from the north property line. (*Variance request exhibit 6-1-2)*

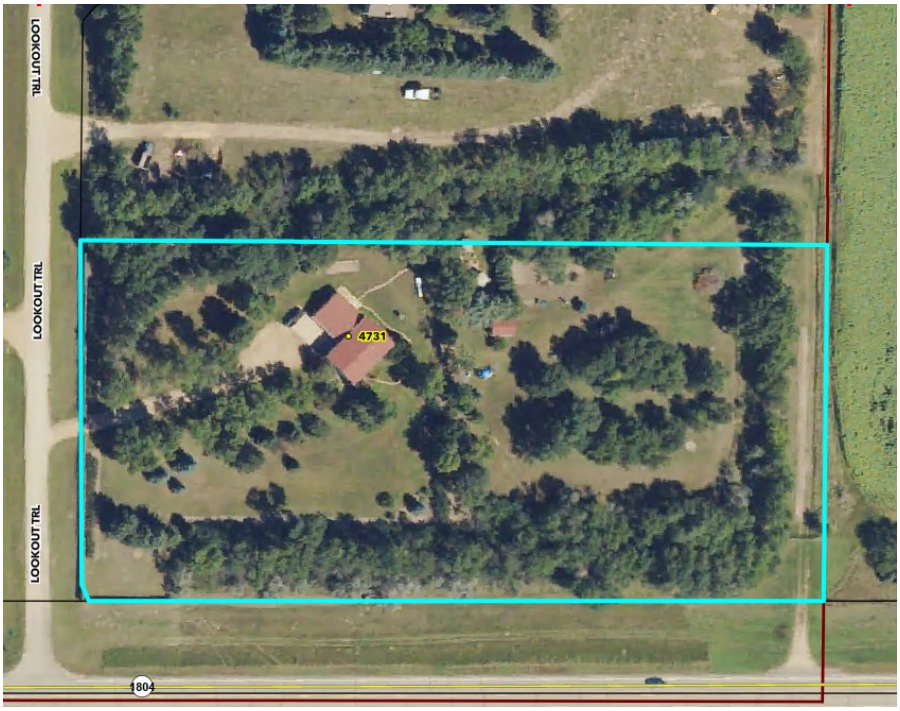


Exhibit 6-1-3 Site Map

Staff Findings:

The variance request is reasonable and would allow the property owner to use more of the property. The placement of the accessory building with a 11.5' set back on the N side of the property would not encumber the neighboring property.

1. This variance request fulfills the requirements of Article 28 Variances of the Burleigh County Zoning Ordinance.
2. The Burleigh County Ordinances require 15' of setback on the north lot line.
3. An 11.5' foot setback will not incumber the neighboring property
4. The neighboring property owners believe the building is encroaching on their property.

5. Granting of the variance does not conflict with the Burleigh County Ordinances.

Planning Staff Recommendation

The petition for a variance meets all administrative requirements of the Burleigh County Zoning Ordinance Article 28.

Planning Commission Action

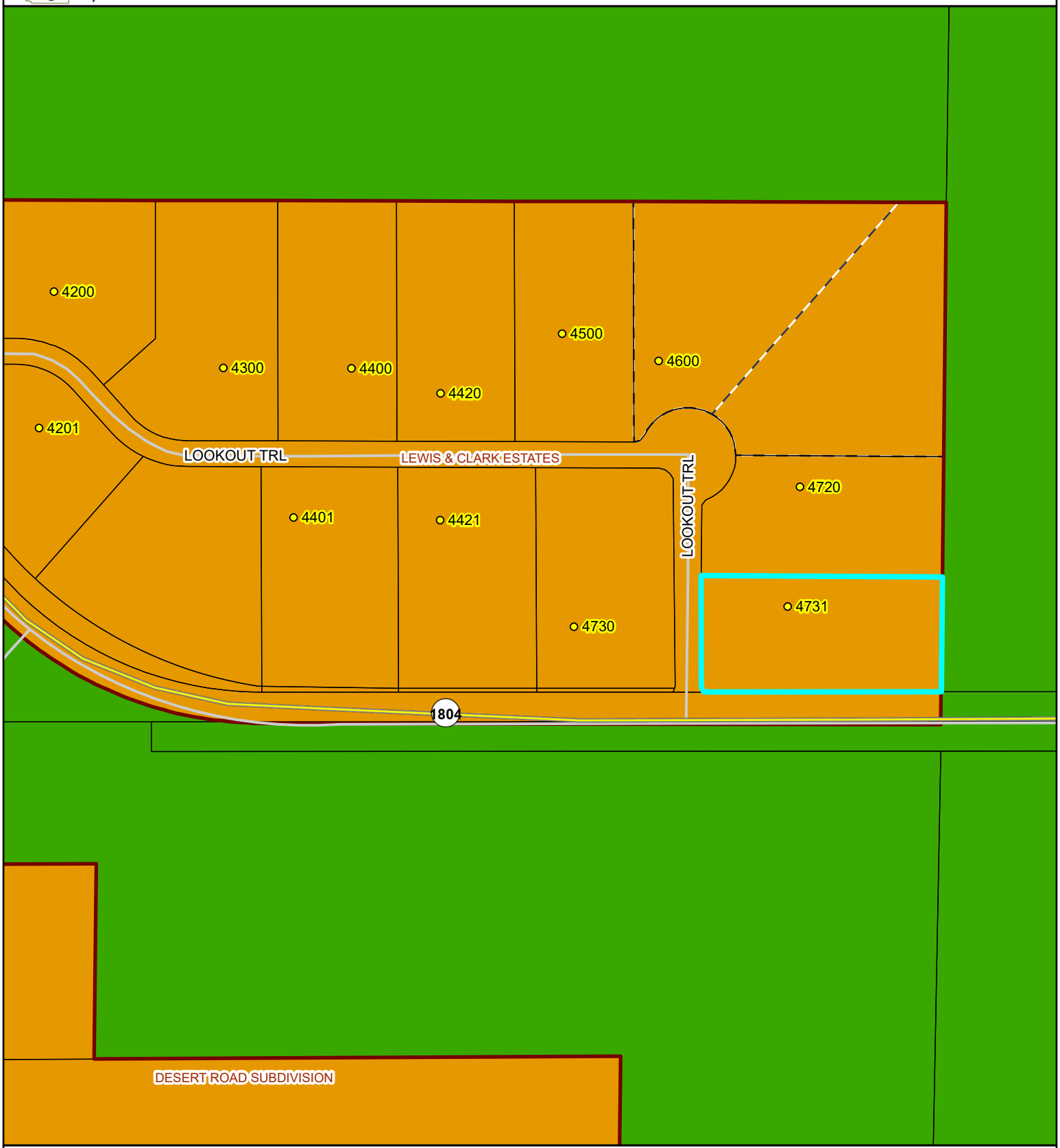
The Burleigh County Planning and Zoning Commission can:

1. Approve the variance with a “Do Pass” recommendation
2. Approve the variance with conditions and give a “Do Pass” recommendation after all condition have been completed.
3. Deny the variance with reason.
4. Table the variance for more information.

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

6/24/2026



PARCEL ID: 51-137-80-56-01-090 **OWNER:** KELLER, SAMUEL A & JOYCE A **ACRES:** 4.21

SITE ADDRESS: 4731 LOOKOUT TRL

MAIL ADDRESS: 4731 LOOKOUT TRL, BISMARCK, ND 58504-4214

LEGAL: LEWIS & CLARK ESTATES Block 01 L9 #393934

Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

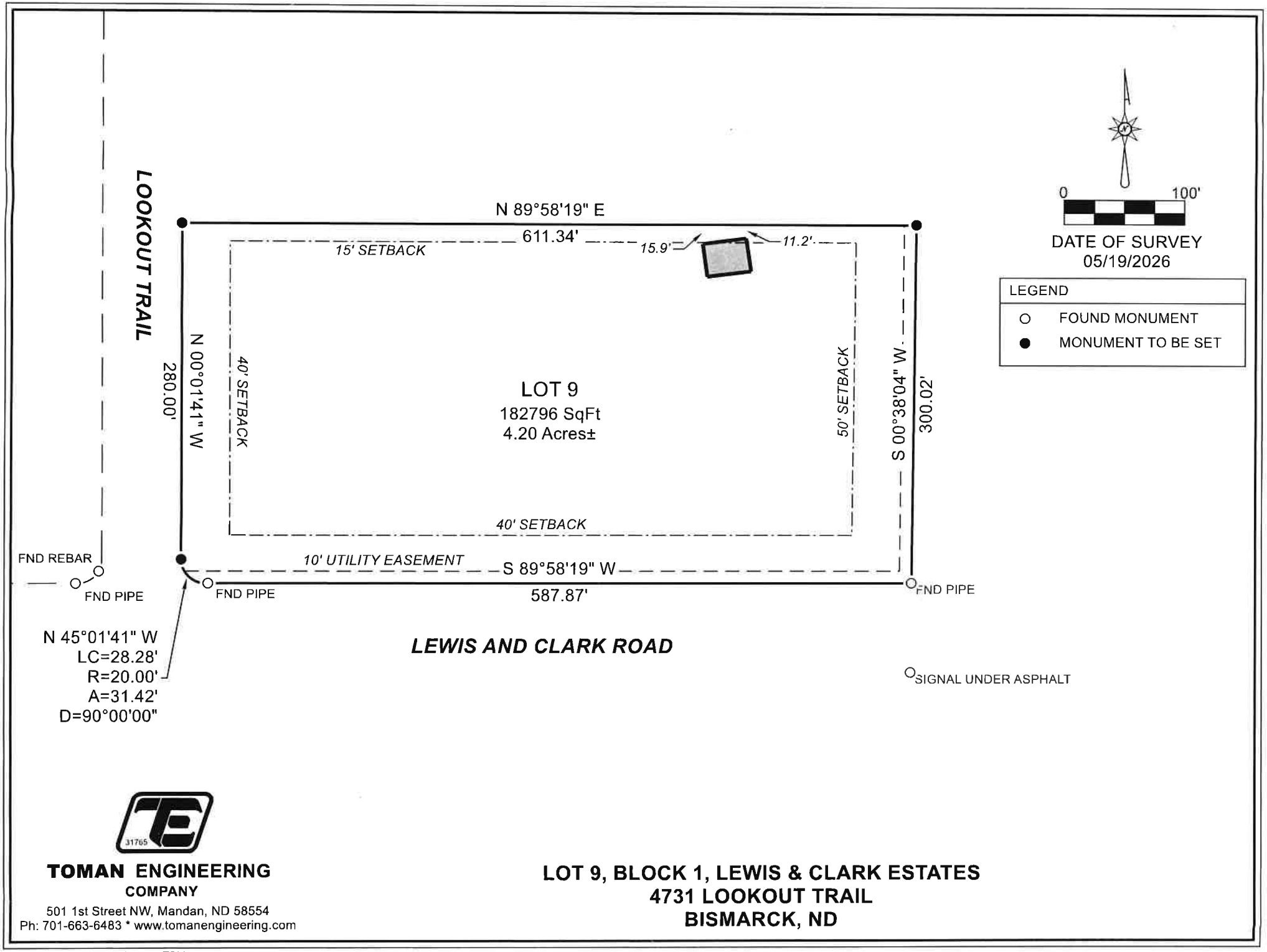
1. The location of the trees and the shelter belt would impose an unnecessary hardship on the location where the client would like the building placed. The trees between the properties would be in the way.

2. There is no financial or economic gain to be made from the request for a variance.

3. The hardship created by the 3.5 feet of being in the setback is that there are trees there, and it would require moving the building when there is no impact that would affect people in any way.

4. There is no public welfare concern, as there has not been a person to walk among those trees during the entire time Sam has lived there for almost 35 years.

5. I believe the variance will not be contrary to the Burleigh County Zoning Ordinance and Subdivision Regulations, as it will affect no one out there.



TOMAN ENGINEERING COMPANY
501 1st Street NW, Mandan, ND 58554
Ph: 701-663-6483 * www.tomanengineering.com

LOT 9, BLOCK 1, LEWIS & CLARK ESTATES
4731 LOOKOUT TRAIL
BISMARCK, ND

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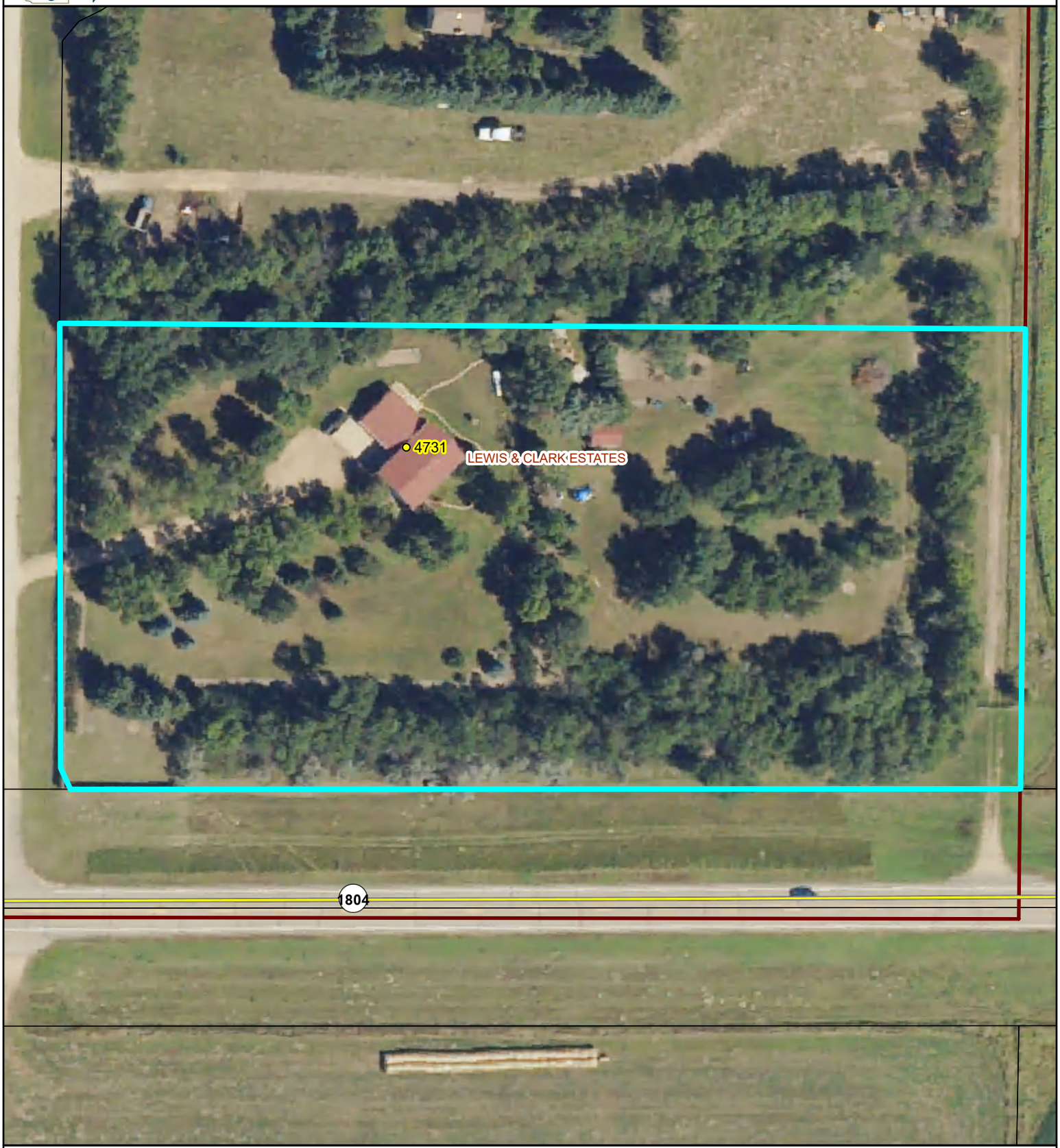
BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

6/24/2026



PARCEL ID: 51-137-80-56-01-090 **OWNER:** KELLER, SAMUEL A & JOYCE A **ACRES:** 4.21

SITE ADDRESS: 4731 LOOKOUT TRL

MAIL ADDRESS: 4731 LOOKOUT TRL, BISMARCK, ND 58504-4214

LEGAL: LEWIS & CLARK ESTATES Block 01 L9 #393934

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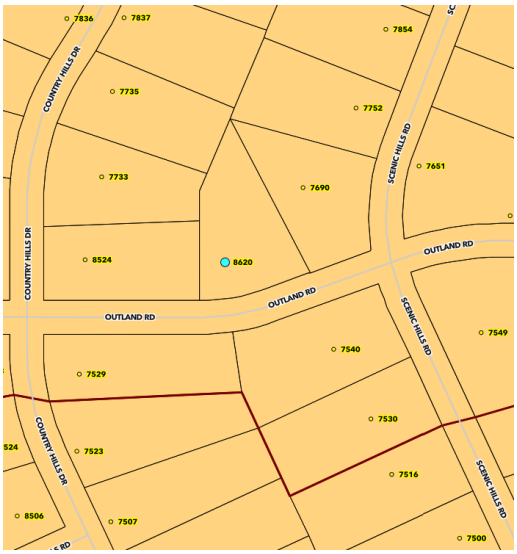
PLANNING AND ZONING COMMISSION

July 8, 2026

Agenda Item 6-2

Application for a Variance to Setbacks

Project Summary	
Public Hearing Agenda:	Variance to building set back distance
Status:	Planning and Zoning Commission – Consideration
Property Owner	Kurt Ruzicka
Applicant	Kurt Ruzicka
Location:  	Country Hills Second Subdivision Block 7, Lot 11 Addressed as: 8620 Outland Road *6-2-1 Location Map*
Lot Size:	1.5 Acres more or less
Zoning:	R1- Rural Single Family Residential

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

Petitioners Request		Approval of the variance. Give a "Do Pass" recommendation to the Board of Burleigh County Commissioners
Public Hearing Notifications	Bismarck Tribune Burleigh County Website Surrounding Property Owners	6/27 & 7/7/2026 6/26/2026 6/26/2026

History/Description

Burleigh County received a request for an accessory building for 8620 Outland Road.

The location he would like to place the accessory building is 5' into the required 15' setback on his lot. Because the lot is pie shaped, and the access to the building is along the NW side of his lot, he was advised to apply for the variance.

A variance application was submitted along with the reason for the variance. The petitioner also submitted three (3) memorandums of understanding from the property owners neighboring the NW side of his lot. (*Variance request exhibit 6-2-2)*

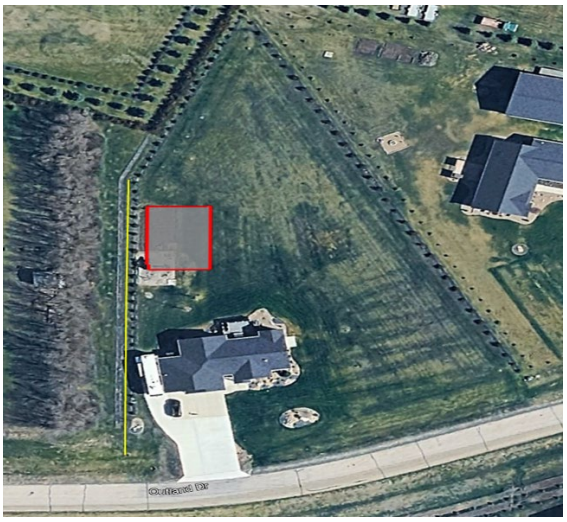


Exhibit 6-2-3 Site Map

Staff Findings:

The placement of the accessory building with a 10' set back on the NW side of the property would not encumber the neighboring properties.

1. This variance request fulfills the requirements of Article 28 Variances of the Burleigh County Zoning Ordinance.
2. The Burleigh County Ordinances require 15' of setback on the northwest lot line.
3. A 10' foot setback will not incumber the neighboring property
4. The neighboring property owners have submitted "Memorandums of Understanding" and have no concerns regarding the variance.
5. Granting of the variance does not conflict with the Burleigh County Ordinances.

Planning Staff Recommendation

The petition for a variance meets all administrative requirements of the Burleigh County Zoning Ordinance Article 28. However Staff recommends approval of the variance only after the property line has been surveyed and property pins are placed.

Planning Commission Action

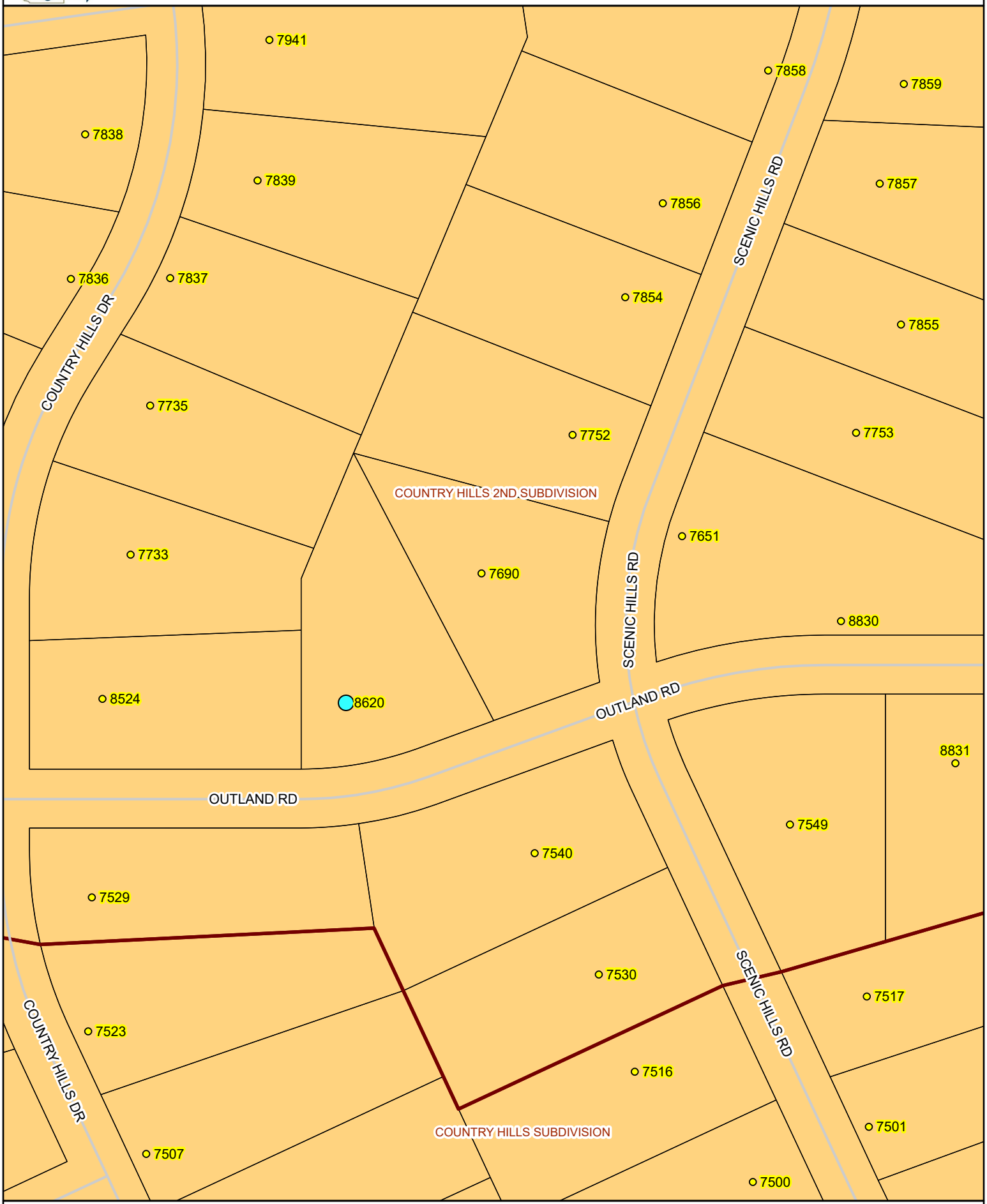
The Burleigh County Planning and Zoning Commission can:

1. Approve the variance with a "Do Pass" recommendation
2. Approve the variance with conditions and give a "Do Pass" recommendation after all condition have been completed.
3. Deny the variance with reason.
4. Table the variance for more information.

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

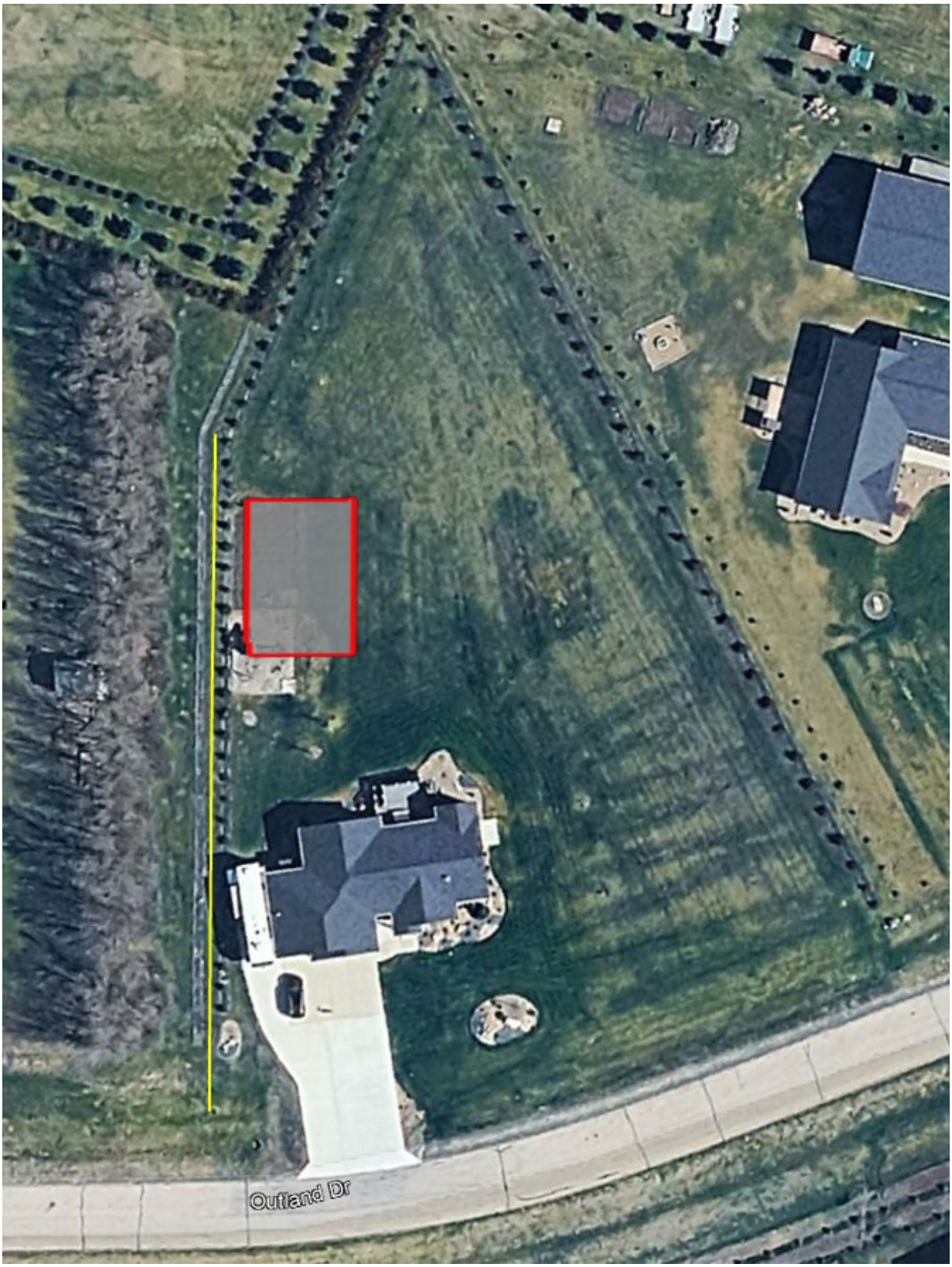
6/26/2026



Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

The property owner (Kurt Ruzicka) is requesting a variance from the required 15-foot side-yard setback to allow construction of an accessory shop building approximately 10 feet from the property line. The proposed shop will provide storage for vehicles, campers, and personal property associated with the residential use of the property. The need for the variance is due to the unique characteristics of the lot, which is irregular and pie-shaped, reducing the usable building area. Additionally, the existing residence is already located near the allowable setback limit, further restricting available building locations. The existing driveway and access configuration make the proposed location the most practical placement for the shop, allowing safe vehicle maneuvering and a direct approach into the building. Strict compliance with the setback requirement would limit the functionality of the property and limit reasonable access.

The variance request is not based on economic gain but rather on the need to reasonably utilize the property given its physical constraints. The hardship is created by the lot's shape, the existing location of the residence, and the application of the setback requirements, not by any action of the current property owner. The proposed shop will be compatible with surrounding residential properties, will comply with applicable building codes, and will not adversely affect neighboring landowners, public safety, traffic, drainage, or utilities. The adjacent property owners have reviewed the proposal and provided written support for the setback reduction. Approval of the variance will allow reasonable use of the property while remaining consistent with the intent and purpose of the Burleigh County Zoning Ordinance and Subdivision Regulations.


Outland Dr

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is entered into between:

Property Owner: Kurt Ruzicka
Address: 8620 Outland Rd

and

Adjacent Property Owner: Karen A Lyon
Address: 8524 Outland Rd

Purpose

The purpose of this Memorandum is to document the understanding and acknowledgment between the parties regarding the proposed construction of a shop/building located within the standard county setback requirement on the Property Owner's parcel located at:

The Property Owner intends to construct a shop/building that will encroach within the required fifteen-foot (15') setback established by Burleigh County.

Acknowledgment by Adjacent Property Owner

The Adjacent Property Owner acknowledges the proposed location of the structure and has reviewed the general site plan and proposed setback variance/exemption request.

The Adjacent Property Owner has no objection to the proposed construction and understands that the structure may be located within the required setback area adjacent to their property line.

Non-Binding Understanding

This Memorandum is intended solely to demonstrate mutual understanding and neighbor acknowledgment in support of the setback exemption application submitted to the County. This document does not transfer property rights, create easements, or otherwise alter ownership boundaries unless separately recorded by legal instrument.

Effective Date 6/2/26

Property Owner Signature

Name: Kurt Ruzicka
Date: 6/2/26

Adjacent Property Owner Signature

Name: Karen A Lyon
Date: 6-2-26

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is entered into between:

Property Owner: Kurt Ruzicka
Address: 8620 Outland Rd

and

Adjacent Property Owner: Travis Sailer
Address: 7733 Country Hills Dr

Purpose

The purpose of this Memorandum is to document the understanding and acknowledgment between the parties regarding the proposed construction of a shop/building located within the standard county setback requirement on the Property Owner's parcel located at:

The Property Owner intends to construct a shop/building that will encroach within the required fifteen-foot (15') setback established by Burleigh County.

Acknowledgment by Adjacent Property Owner

The Adjacent Property Owner acknowledges the proposed location of the structure and has reviewed the general site plan and proposed setback variance/exemption request.

The Adjacent Property Owner has no objection to the proposed construction and understands that the structure may be located within the required setback area adjacent to their property line.

Non-Binding Understanding

This Memorandum is intended solely to demonstrate mutual understanding and neighbor acknowledgment in support of the setback exemption application submitted to the County. This document does not transfer property rights, create easements, or otherwise alter ownership boundaries unless separately recorded by legal instrument.

Effective Date 02 June 2026

Property Owner Signature

Travis A Sailer Kurt Ruzicka

Name: ~~Travis A. Sailer~~ Kurt Ruzicka
Date: ~~02 June 2026~~ 6/2/26

Adjacent Property Owner Signature

Name: Travis A Sailer
Date: 02 June 2026

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is entered into between:

Property Owner: Kurt Ruzicka
Address: 8620 Outland Rd

and

Adjacent Property Owner: Derek Anderson
Address: 7735 Country Hills Dr

Purpose

The purpose of this Memorandum is to document the understanding and acknowledgment between the parties regarding the proposed construction of a shop/building located within the standard county setback requirement on the Property Owner's parcel located at:

The Property Owner intends to construct a shop/building that will encroach within the required fifteen-foot (15') setback established by Burleigh County.

Acknowledgment by Adjacent Property Owner

The Adjacent Property Owner acknowledges the proposed location of the structure and has reviewed the general site plan and proposed setback variance/exemption request.

The Adjacent Property Owner has no objection to the proposed construction and understands that the structure may be located within the required setback area adjacent to their property line.

Non-Binding Understanding

This Memorandum is intended solely to demonstrate mutual understanding and neighbor acknowledgment in support of the setback exemption application submitted to the County. This document does not transfer property rights, create easements, or otherwise alter ownership boundaries unless separately recorded by legal instrument.

Effective Date 6/1/26

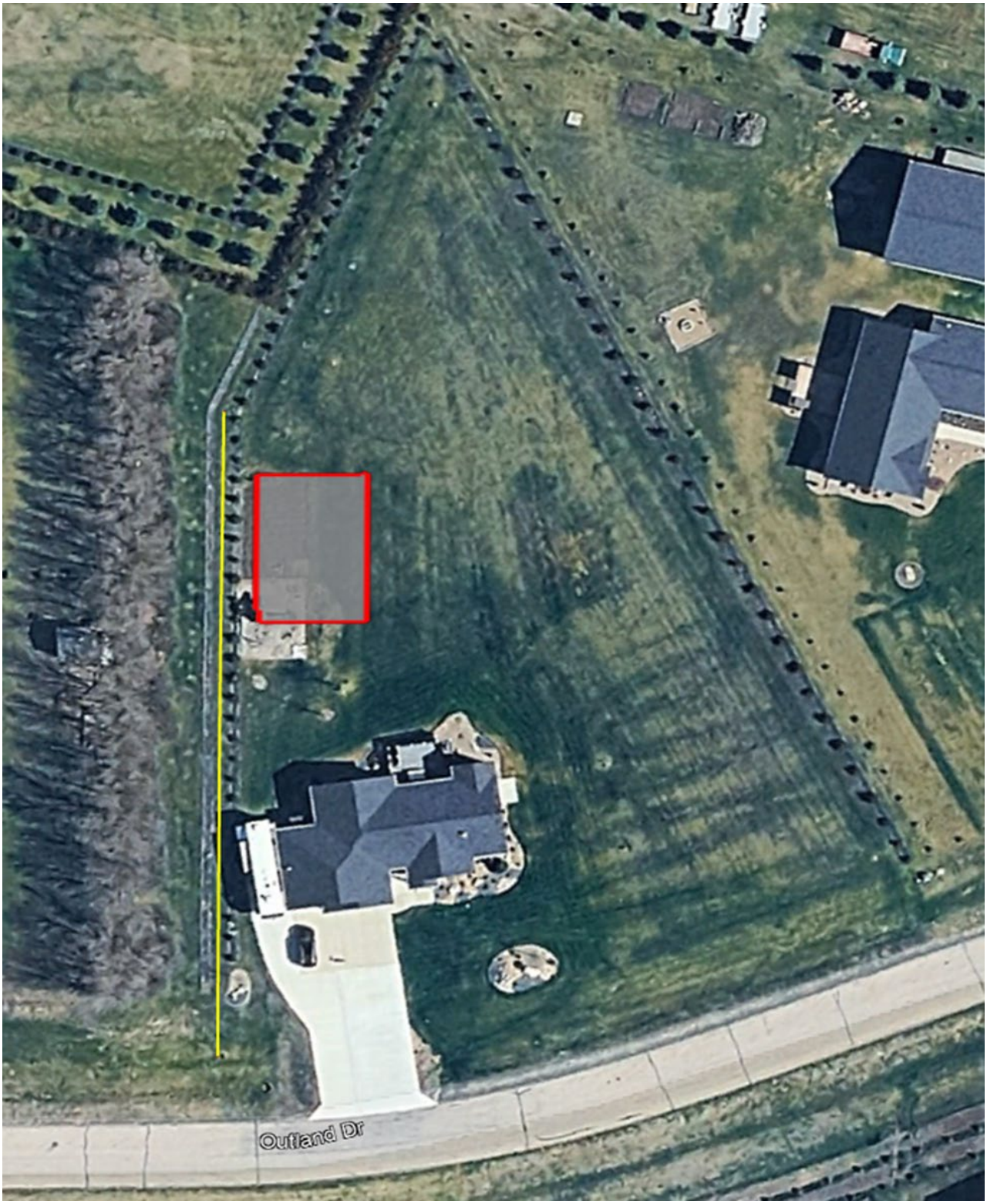
Property Owner Signature

Name: Kurt Ruzicka
Date: 6/1/26

Adjacent Property Owner Signature

Name: Derek Anderson
Date: 6/1/26

6-2-3 Site Survey 8620 Outlook Road



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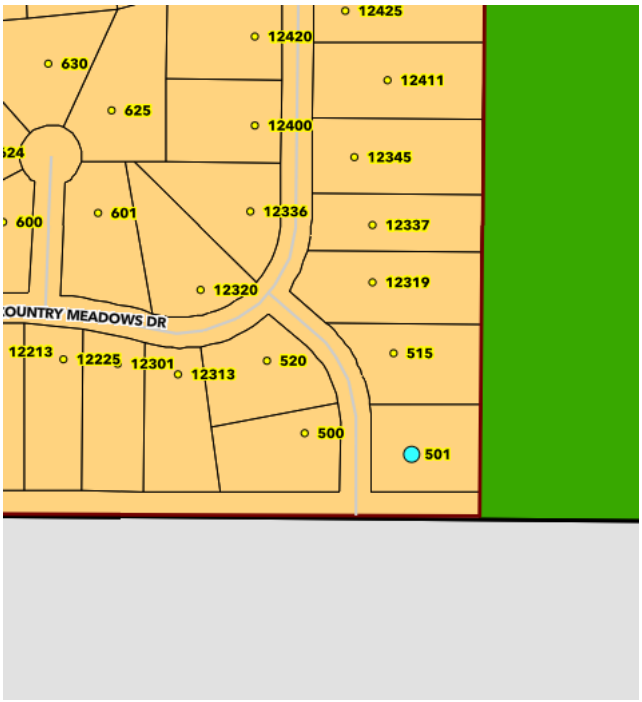
PLANNING AND ZONING COMMISSION

July 8, 2026

Agenda Item 6-3

Application for a Variance to lot coverage

Project Summary	
Public Hearing Agenda:	Variance to 4% lot coverage
Status:	Planning and Zoning Commission – Consideration
Property Owner	Justin Kitzan
Applicant	Justin Kitzan
Location:  	Country Meadows Addition Block 2, Lot 9 Addressed as: 501 Nature View Drive 6-3-1 Location Map

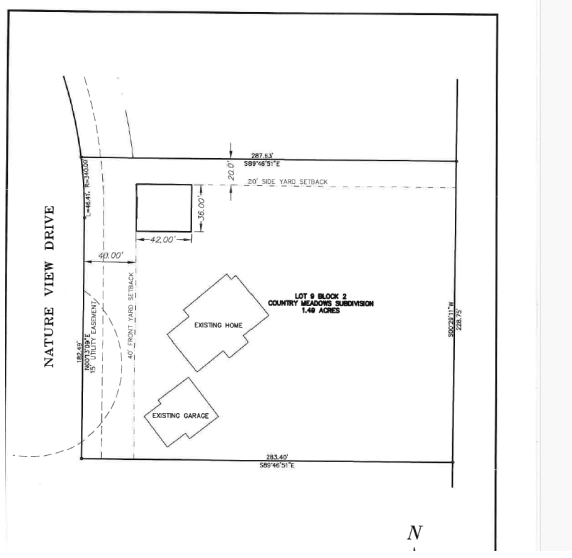
As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

Lot Size:		1.4 Acres more or less
Zoning:		R1- Rural Single Family Residential
Petitioners Request		Approval of the variance. Give a "Do Pass" recommendation to the Board of Burleigh County Commissioners
Public Hearing Notifications	Bismarck Tribune Burleigh County Website Surrounding Property Owners	6/27 & 7/7/2026 6/26/2026 6/26/2026

History/Description

Burleigh County received a request for an accessory building for 501 Nature View Drive.

The size of the new accessory building would be 1,500 sf. He has one (1) accessory buildings on his lot: 1,228sf. He is allowed 4% lot coverage for all accessory buildings. The addition of the 1,500 sf building would be 129sf over the allowable accessory buildings for his 1.492 acres lot. He was advised to apply for a variance.



6-3-2 Plat Map



Exhibit 6-3-3 Site Map

Staff Findings:

The variance request is reasonable. The proposed size of the accessory building does not incumber the neighbors and will fit on the lot. The owner will verify if there is a covenant that would restrict the size of the accessory building. It is his responsibility to stay within the requirements of his covenant if active.

1. This variance request fulfills the requirements of Article 28 Variances of the Burleigh County Zoning Ordinance.
2. The Burleigh County Ordinances allow 4% lot coverage for all accessory buildings.
3. The proposed building is less than 200sf over the allowable accessory building coverage.
4. The proposed accessory building will not incumber the neighbor.

5. Granting of the variance does not conflict with the Burleigh County Ordinances.

Planning Staff Recommendation

The petition for a variance meets all administrative requirements of the Burleigh County Zoning Ordinance Article 28.

Planning Commission Action

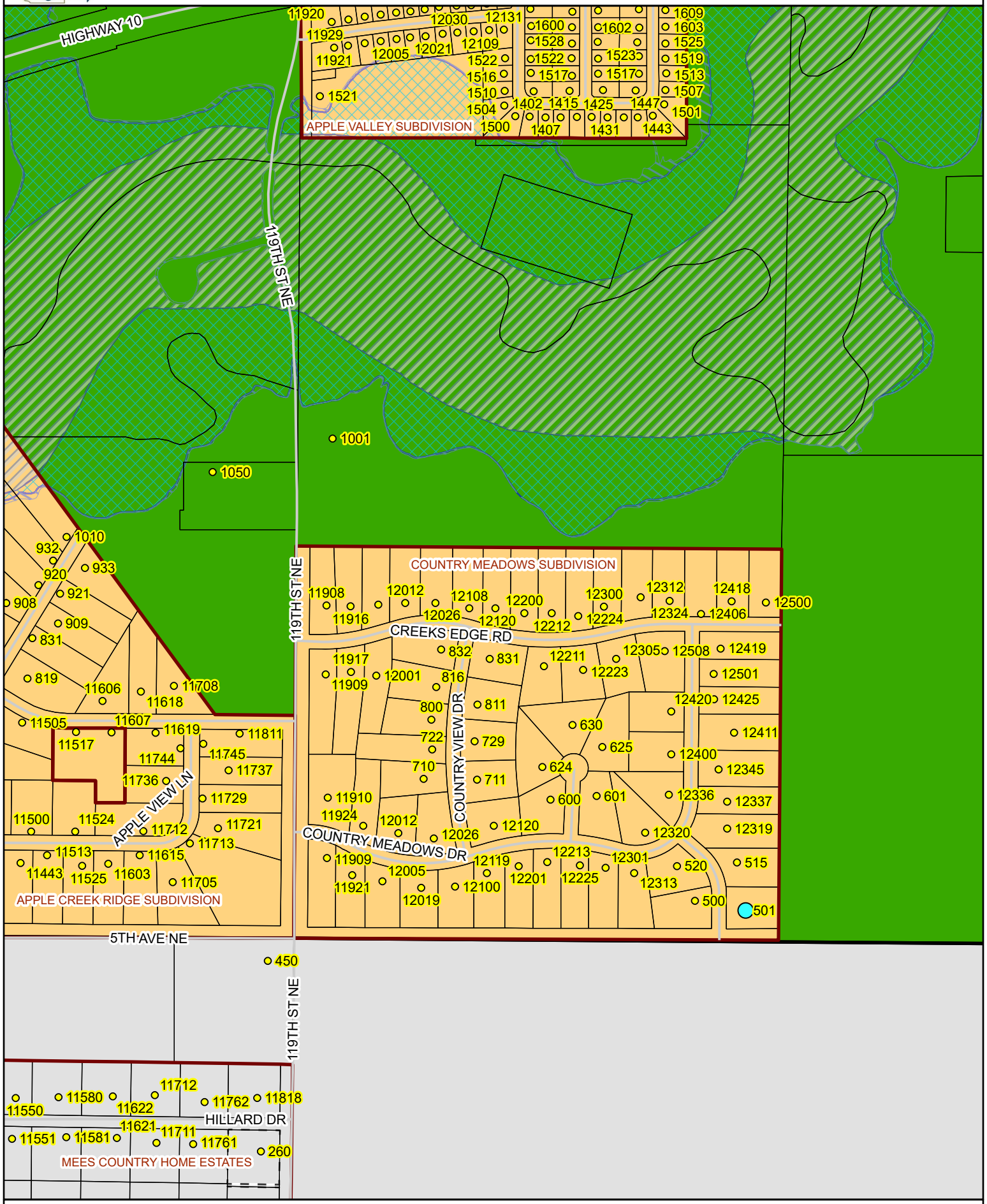
The Burleigh County Planning and Zoning Commission can:

1. Approve the variance with a “Do Pass” recommendation
2. Approve the variance with conditions and give a “Do Pass” recommendation after all condition have been completed.
3. Deny the variance with reason.
4. Table the variance for more information.

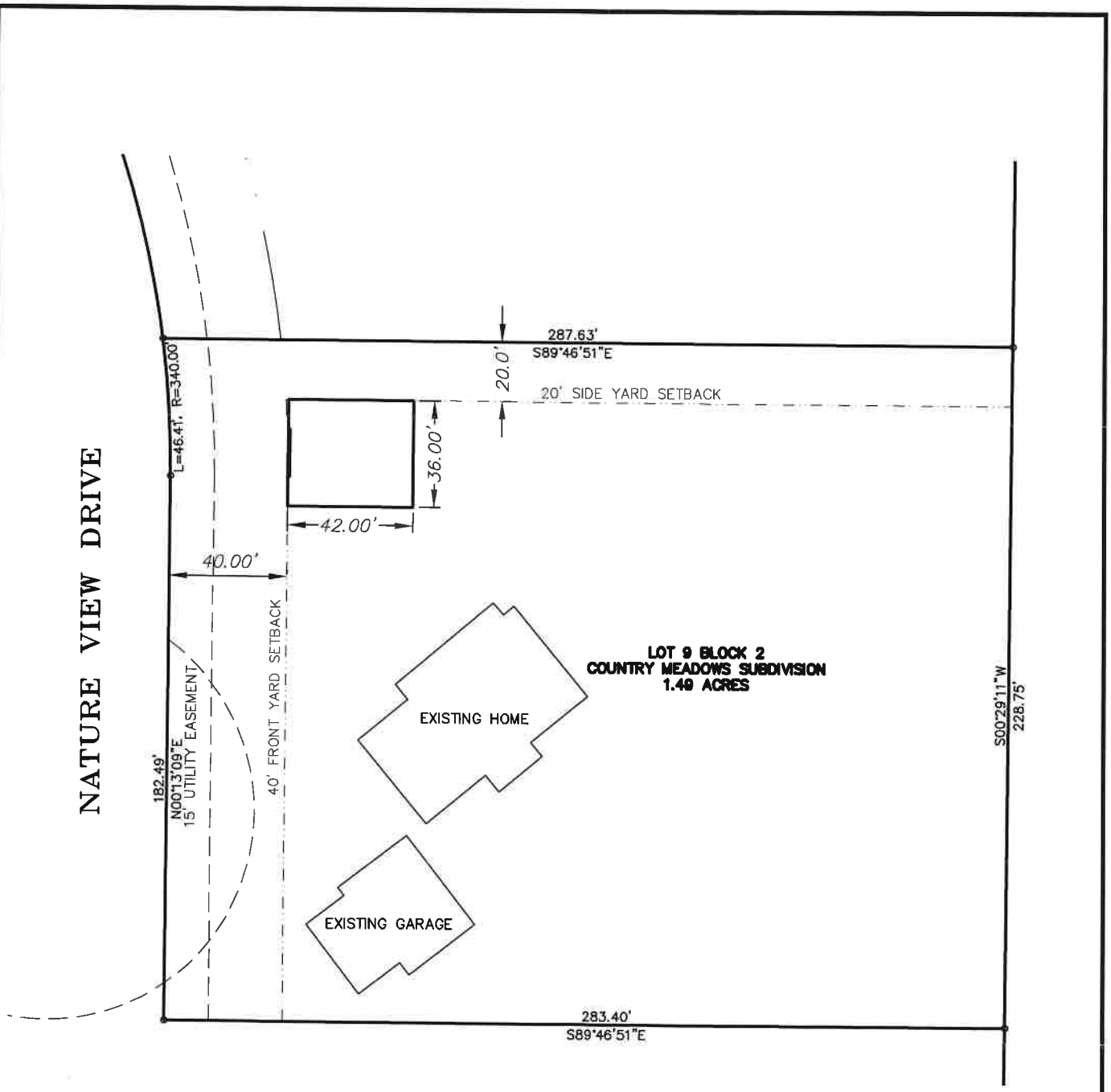
BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

6/26/2026



Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



N

SCALE: 1"= 50'

DATE: 06/04/2026

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

6/30/2026



Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

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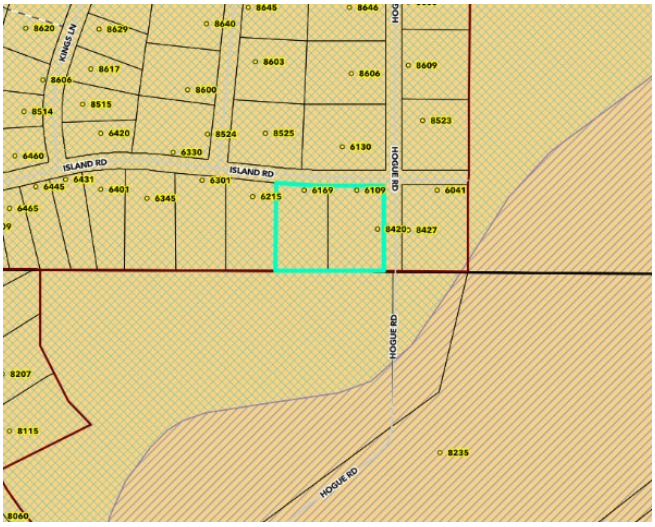
Agenda Item 6-4

Island Park Estates 2nd Subdivision

Project Summary	
Status:	Public Hearing
Petitioner/Developer	Leighton & Mackensi Sampson
Engineer	Toman Engineering
Location:  	All of Lots 12 & 13, Block 6, island Park Estates of the SW ¼, Section 34, T140N – R81W, Burleigh County 6-4-1 Location Map Site Address: 6169 Island Road
Project Size:	One (1) lot subdivision containing 3.94 acres more or less
Zoning:	R1 – Rural Single Family Residential
Petitioners Request	Approve final plat & give a "Do Pass" recommendation to the BCC
Notifications:	Bismarck Tribune – June 27th & July 7th Surrounding Property Owners – June 26th Burleigh County Website – June 26th

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

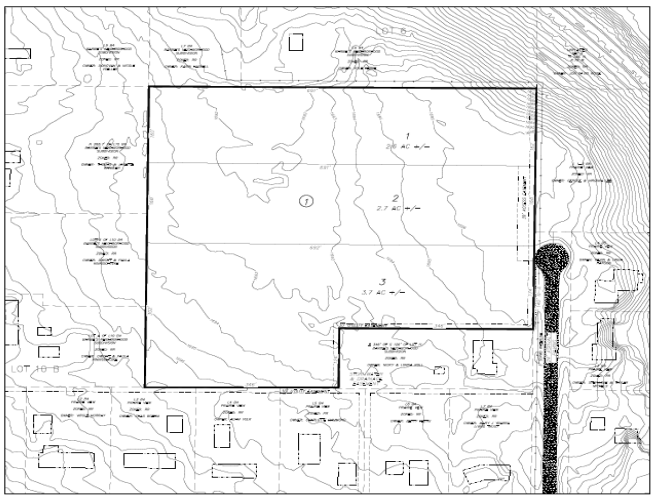
History/Description

Burleigh County was approached regarding combining two neighboring lots. The pre-application meeting was held on April 23, 2026.

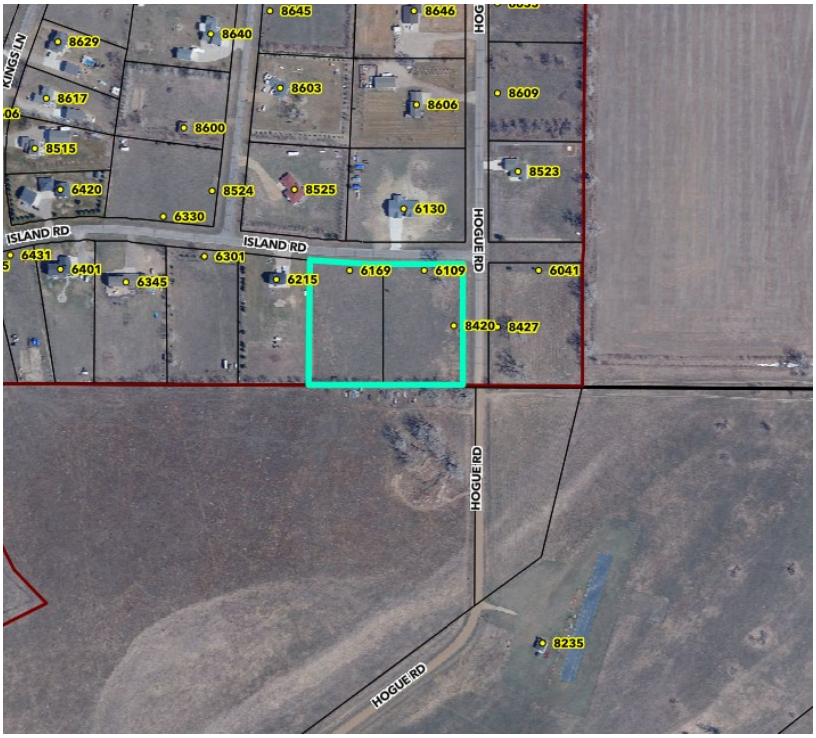
The proposed subdivision is considered a short plat that combines two (2) existing adjoining lots from the Island Park Estates Subdivision. The proposed plat contains 3.94 acres. There are no existing structures on either lot. The entirety of the proposed subdivision is located within the floodplain.

Zoning is R1 – Rural Single Family Residential.

The review committee did not find any concerns.



Attachment 6-4-2 Final Plat
(Placeholder Image)



Attachment 6-4-3 Site Map

Staff Findings – Final Plat

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This preliminary plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Zoning is R1 – Rural Single Family Residential.
4. The County's Future Land Use Plan places this subdivision under Rural.
5. The proposed subdivision is located in the floodplain.
6. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.

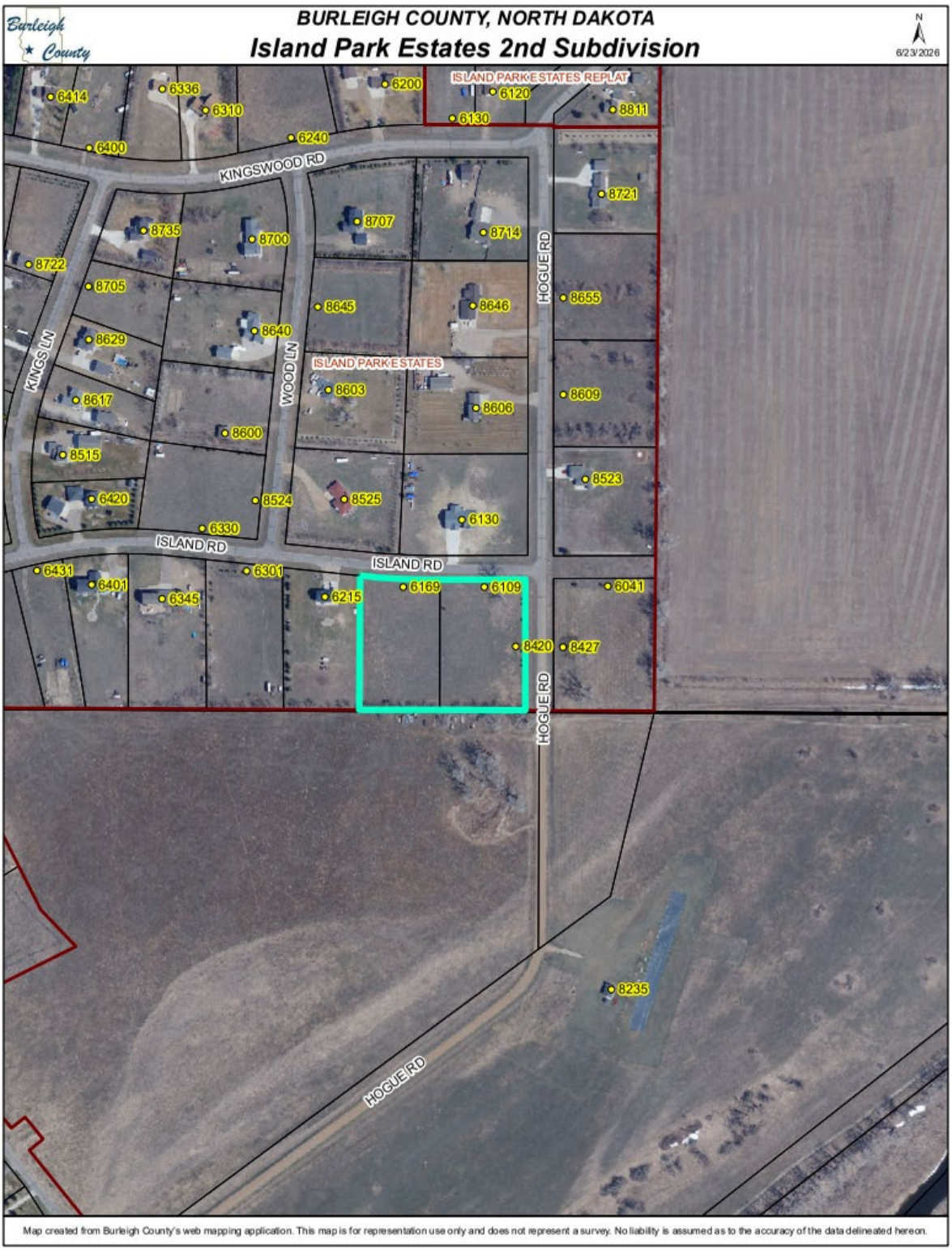
Planning Staff Recommendation

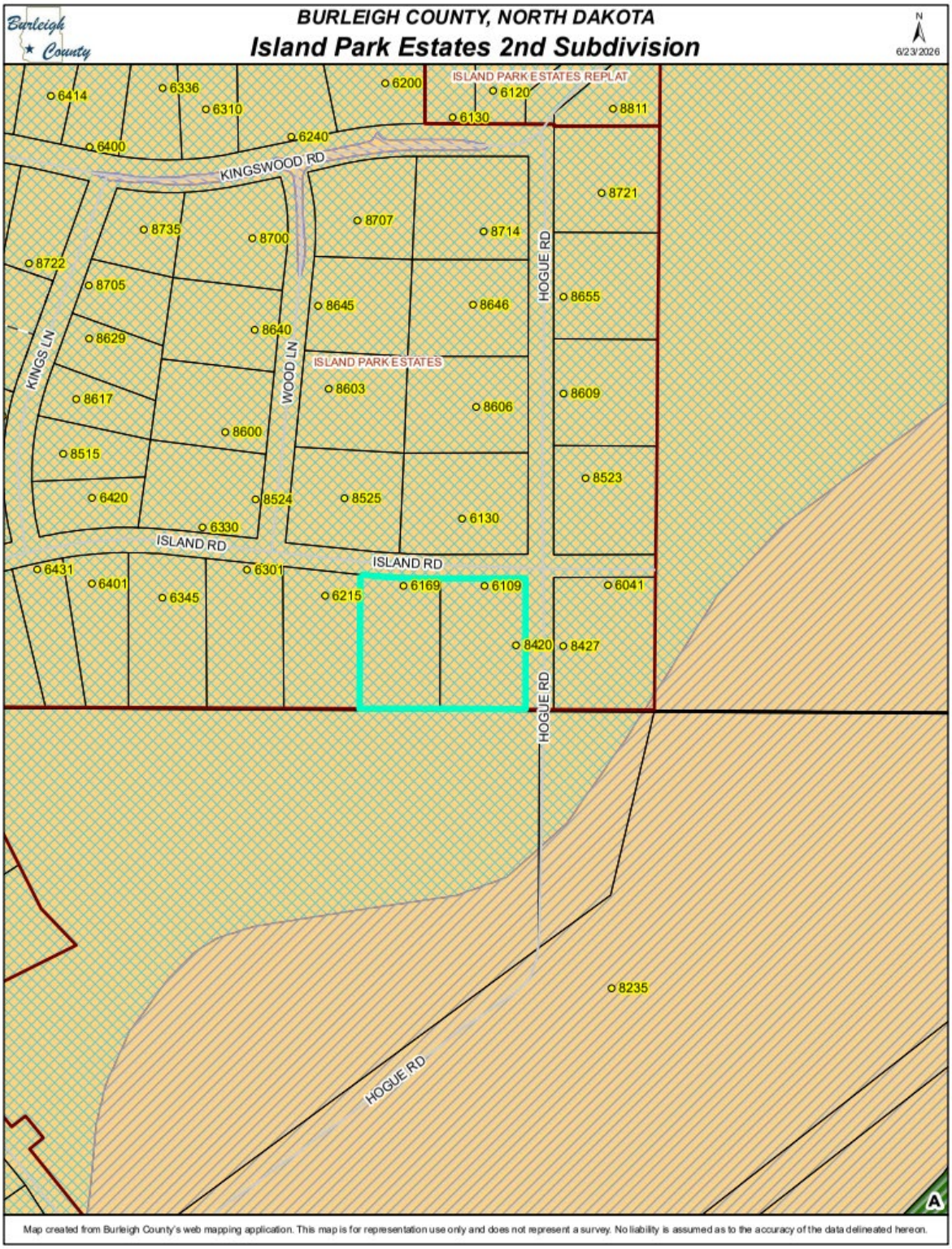
The petition for a final plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the final plat and giving a "Do Pass" recommendation to the B.C.C.

Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

1. Approve the final plat & give a "Do Pass" recommendation to the B.C.C.
2. Approve the final plat with conditions & give a "Do Pass" recommendation to the B.C.C. after all conditions have been completed.
3. Deny the final plat with reason.
4. Table the final plat for more information.


BURLEIGH COUNTY, NORTH DAKOTA
Island Park Estates 2nd Subdivision
Burleigh County
N
6/23/2026
ISLAND PARK ESTATES REPLAT
KINGSWOOD RD
KINGS LN
WOOD LN
HOGUE RD
ISLAND PARK ESTATES
ISLAND RD
ISLAND RD
HOGUE RD
6414
6336
6310
6200
6120
6130
8811
6400
6240
8721
8735
8700
8707
8714
8722
8705
8655
8645
8646
8640
8629
8603
8606
8609
8617
8600
8515
8523
6420
8524
8525
6130
6330
6431
6401
6345
6301
6215
6169
6109
6041
8420
8427
8235
Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.


BURLEIGH COUNTY, NORTH DAKOTA
Island Park Estates 2nd Subdivision
Burleigh County
N
6/23/2026
ISLAND PARK ESTATES REPLAT
KINGSWOOD RD
KINGS LN
WOOD LN
HOGUE RD
ISLAND PARK ESTATES
ISLAND RD
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HOGUE RD
A
Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

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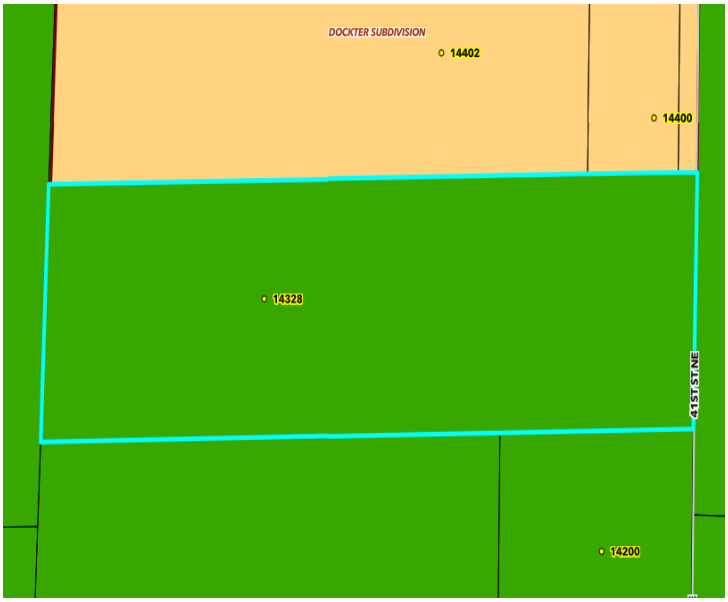
Agenda Item 6-5

Klatte Subdivision & Zoning Change

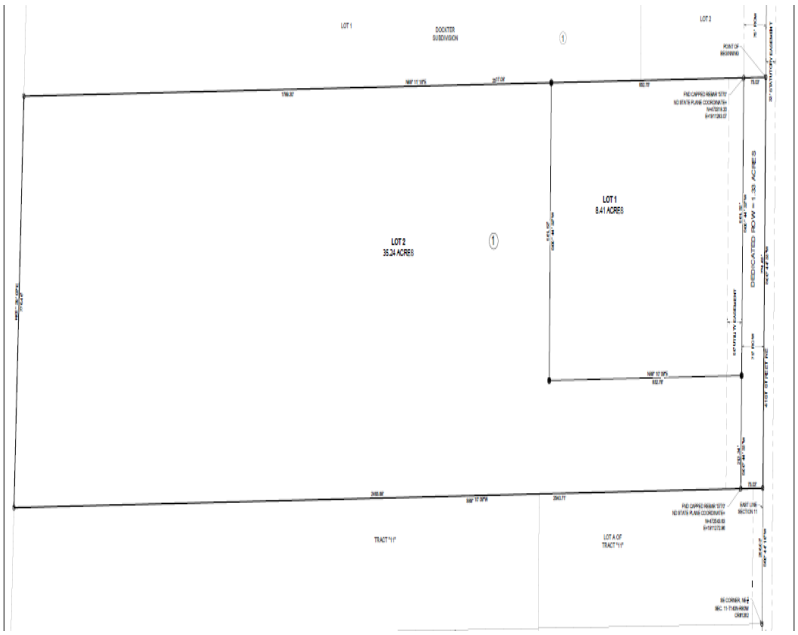
Project Summary	
Status:	Public Hearing
Petitioner/Developer	Timothy & Mallory Klatte
Engineer	ILSE, Inc
Location: 	All of Tract 10 in the Northeast 1/4 Section 11, Township 140N, Range 80W 6-5-1 Location Map Site Address: 5100 NE 136TH AVE
Project Size:	Two (2) lot subdivision containing 44 acres more or less
Zoning Change:	A-Agricultural to R1-Country Home Residential on 8.41 acre lot
Petitioners Request	Approve final plat and zoning change. Give a "Do Pass" recommendation to the BCC

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

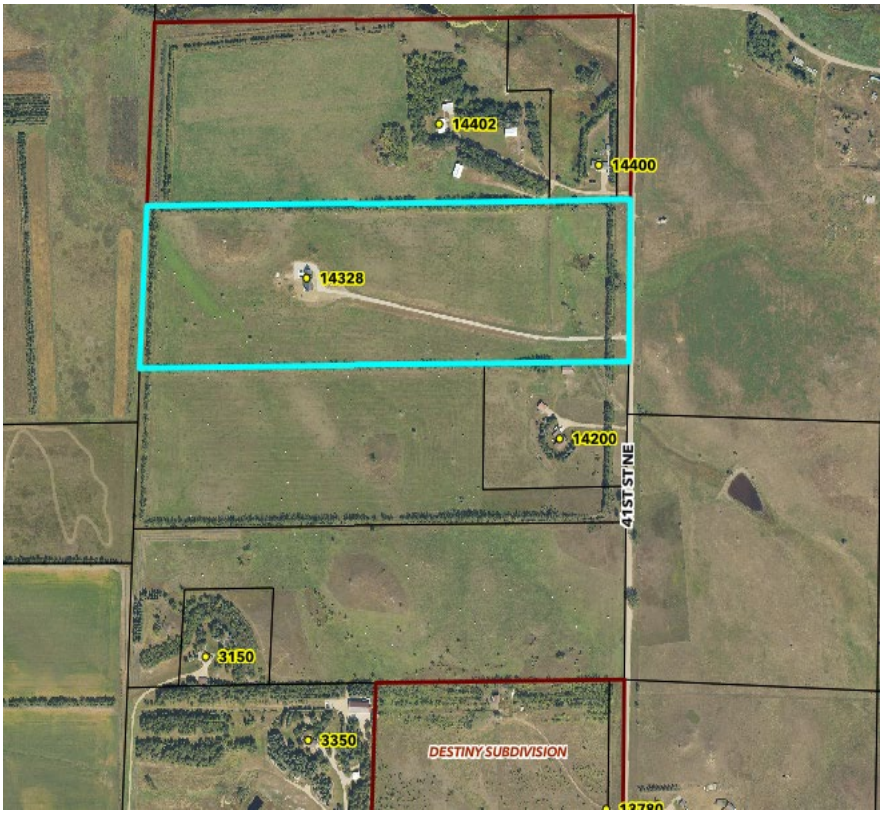
History/Description

Burleigh County was approached regarding subdividing a 44 acre lot into a two (2) lot subdivision. One lot will be 35 acres more or less and retain it's a-Agricultural Zoning. One lot will contain 8.41 acres and will require a zoning change. The petitioner would like to build a Pre-K Educational Center containing 15 up to 30 pre-K to Kindergarten aged children. The education will have an emphasis on outdoor learning on the 35 acres. Educational groups are an allowed use in R-1 zoning.

Staff reviewed the final plat and did not have any concerns. Burleigh County Planning and Zoning Commission approved the preliminary plat on May 13, 2026. A SWMP Waiver was submitted on May 25, 2026



Attachment 6-5-2 Final Plat



Attachment 6-5-3 Site Map

Staff Findings – Final Plat

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This final plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Zoning is A-Agricultural on the lot containing 35 acres more or less.
4. Lot 1 containing 8.41 acres. The petitioners have requested a zoning change to R1-Country Home Residential
5. Surrounding properties are zoned are zoned A-Agricultural with the exception being the subdivision to the North which is zoned R1-Country Home Residential
6. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.

Planning Staff Recommendation

The petition for a final plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the final plat and give a "Do Pass" recommendation to the BCC.

The petition for a zoning change on Lot 1 meets all the requirements of Article 12 of the Burleigh County Zoning Ordinances.

Planning Commission Action

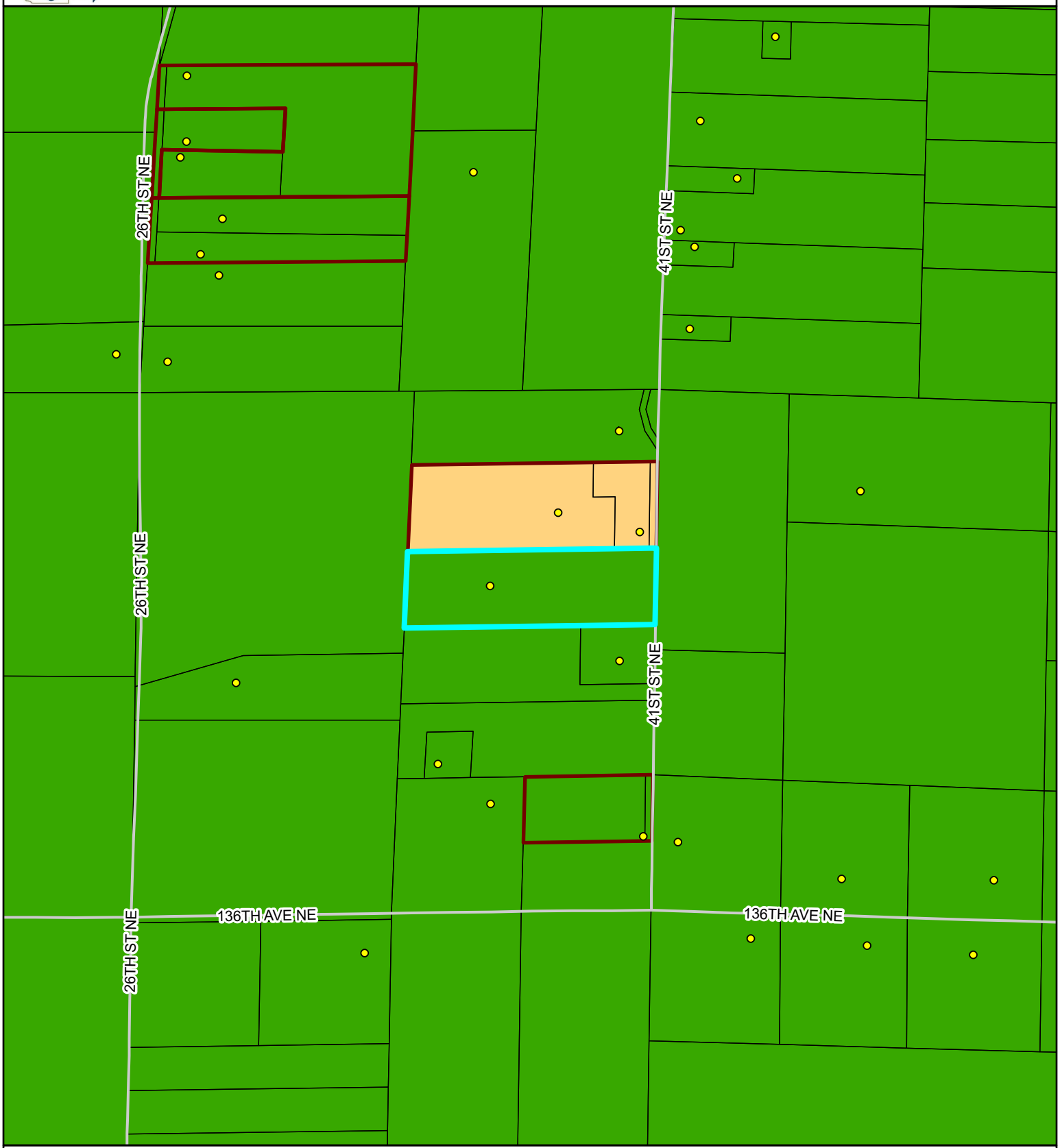
The Burleigh County Planning and Zoning Commission can:

1. Approve the final plat and/or zoning change. Give a "Do Pass" recommendation to the BCC.
2. Approve the final plat and/or zoning change with conditions. Give a "Do Pass" recommendation to the BCC after all condition have been completed.
3. Deny the final plat and/or zoning change with reason.
4. Table the final plat and/or zoning change for more information.

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

5/28/2026



PARCEL ID: 24-140-80-00-11-230 **OWNER:** KLATTE, TIMOTHY PATRICK & MALLORY **ACRES:** 45

SITE ADDRESS: 14328 NE 41ST ST

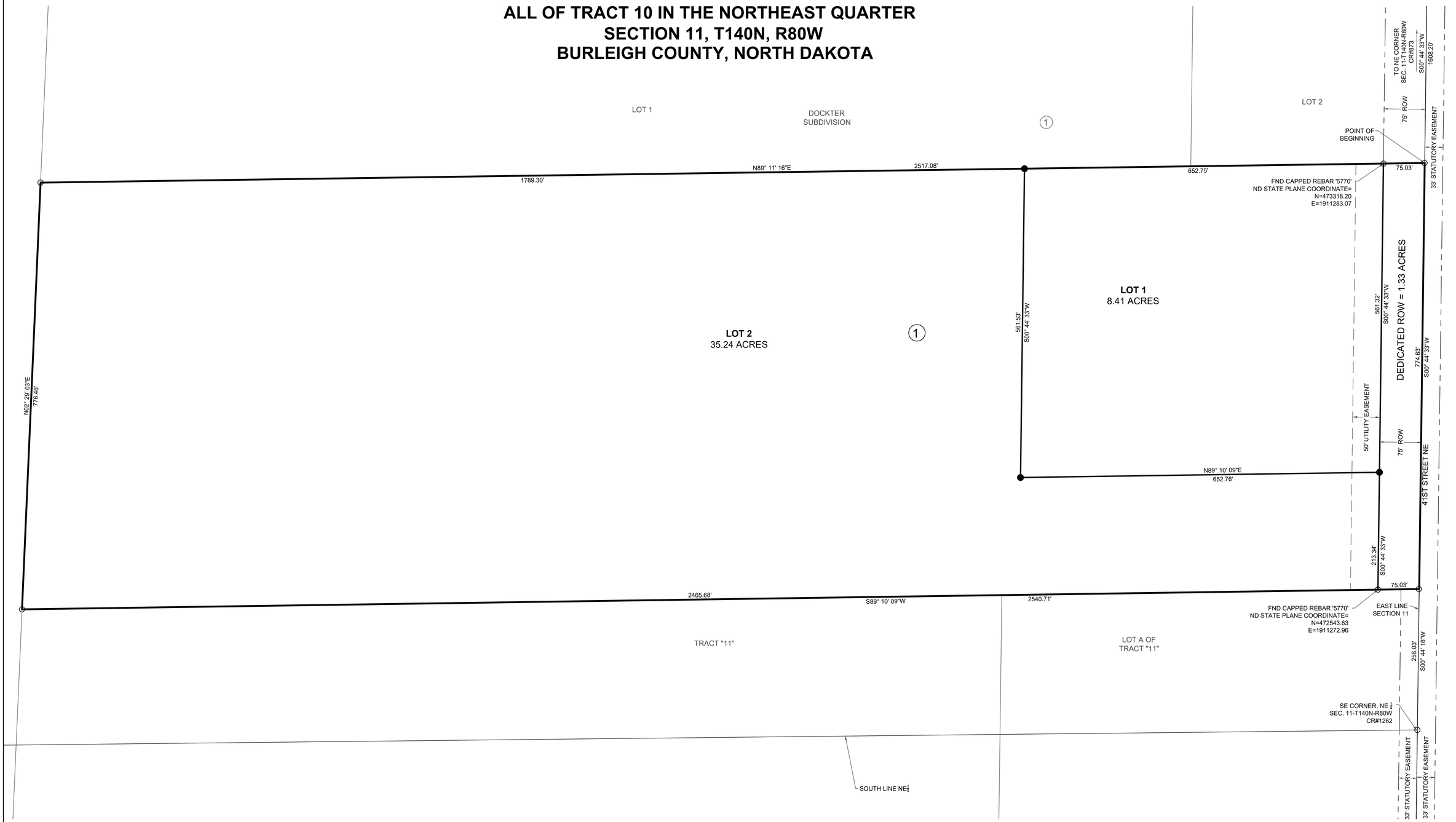
MAIL ADDRESS: 1805 BONN BLVD, BISMARCK, ND 58504

LEGAL: BURNT CREEK TOWNSHIP Section 11 TRACT 10 IN NE1/4 328495 683030 11-140-80

Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

KLATTE SUBDIVISION

ALL OF TRACT 10 IN THE NORTHEAST QUARTER
SECTION 11, T140N, R80W
BURLEIGH COUNTY, NORTH DAKOTA



OWNER'S CERTIFICATE OF DEDICATION

WE, THE UNDERSIGNED, BEING SOLE OWNERS OF THE LAND PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AND DO DEDICATE ALL THE RIGHT OF WAY IDENTIFIED HEREIN TO BURLEIGH COUNTY. WE ALSO DEDICATE EASEMENTS TO RUN WITH THE LAND FOR GAS, ELECTRIC, TELEPHONE, WATER, OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS "UTILITY EASEMENT".

THEY ALSO DEDICATE ACCESS EASEMENTS TO ALL LAND OWNING PARTIES, TO RUN WITH THE LAND FOR THE PURPOSE OF CONSTRUCTING, OPERATING, AND MAINTAINING THE ACCESS UNDER OR UPON THE REAL PROPERTY OF THOSE CERTAIN STRIPS OF LAND SO DESIGNATED.

TIMOTHY PATRICK KLATTE
LOTS 1 & 2; BLOCK 1

MALLORY KLATTE
LOTS 1 & 2; BLOCK 1

STATE OF _____)
) SS
COUNTY OF _____)

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC. THIS___DAY OF _____, 20___.

NOTARY PUBLIC _____

APPROVAL OF COUNTY PLANNING AND ZONING COMMISSION

THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, HEREBY APPROVES KLATTE SUBDIVISION AS SHOWN ON THIS PLAT, THIS PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND THE ORDINANCES OF THE COUNTY OF BURLEIGH AND REGULATIONS ADOPTED BY SAID PLANNING AND ZONING COMMISSION.

THE FOREGOING ACTION OF THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE_____DAY OF_____, 20___.

DENNIS AGNEW - CHAIRMAN

ATTEST: MITCH FLANAGAN - SECRETARY

LAND DESCRIPTION

ALL OF TRACT 10 IN THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 140 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 11; THENCE SOUTH 00° 44' 33" WEST ON THE EAST LINE OF SAID SECTION 11 A DISTANCE OF 1608.20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00° 44' 33" WEST ON SAID EAST LINE A DISTANCE OF 774.63 FEET; THENCE SOUTH 89° 10' 09" WEST A DISTANCE OF 2540.71 FEET; THENCE NORTH 02° 29' 03" EAST A DISTANCE OF 776.46 FEET; THENCE NORTH 89° 11' 16" EAST A DISTANCE OF 2517.08 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 44.98 ACRES MORE OR LESS; AND SUBJECT TO ALL LEGAL RIGHTS OF WAY AND EASEMENTS.

APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE PLAT AS AN AMENDMENT TO THE MASTER PLAN OF BURLEIGH COUNTY, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THIS PLAT.

THE PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND ORDINANCES OF THE COUNTY OF BURLEIGH.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE_____DAY OF_____, 20__.

BRIAN BITNER - CHAIRMAN

ATTEST: MARK SPLONSKOWSKI, COUNTY AUDITOR

SURVEYOR'S CERTIFICATE

I, MARK R. ISAACS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE APPROVED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON MAY 7, 2026. THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

MARK R. ISAACS, RLS 9628

APPROVAL OF THE COUNTY ENGINEER

I, DANIEL L. SCHRIOCK, COUNTY ENGINEER FOR THE COUNTY OF BURLEIGH, NORTH DAKOTA, HEREBY APPROVES THIS PLAT OF "KLATTE SUBDIVISION" AS SHOWN ON THE PLAT, DATED THIS _____ DAY OF _____, 20___.

DANIEL L. SCHRIOCK, PE
COUNTY ENGINEER

NORTH

SCALE: 1" = 80'

0 40 80

DATE: MAY 20TH, 2026

VERTICAL DATUM - NAVD 1988.

BASED ON NORTH DAKOTA SOUTH ZONE-NAD83 (2011), INTERNATIONAL FEET.

MEASUREMENTS HAVE BEEN ESTABLISHED BY RTK FROM THE "NDBK" CORS STATION AND ARE REPORTED IN GRID.

BENCHMARK - SOUTHEAST CORNER OF LOT 2, BLOCK 1, A CAPPED REBAR '5770' FOUND FLUSH WITH THE GROUND. ELEVATION = 1911.19'

PROFESSIONAL LAND SURVEYOR
MARK R. ISAACS, LS-9628

ACREAGE TABLE

LOT 1	8.41 ACRES
LOT 2	35.24 ACRES
DEDICATED ROW	1.33 ACRES
TOTAL	44.98 ACRES

LEGEND

○	FOUND SURVEY MONUMENT
●	SET CAPPED REBAR - LS9628
ROW	RIGHT OF WAY

OWNERS:

TIMOTHY PATRICK & MALLORY KLATTE
1805 BONN BOULEVARD
BISMARCK, ND 58504

NOTES:

1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENTS.
2. SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.

KLATTE SUBDIVISION
ALL OF TRACT 10 IN THE NE 1/4
SECTION 11, T140N, R80W
BURLEIGH, NORTH DAKOTA

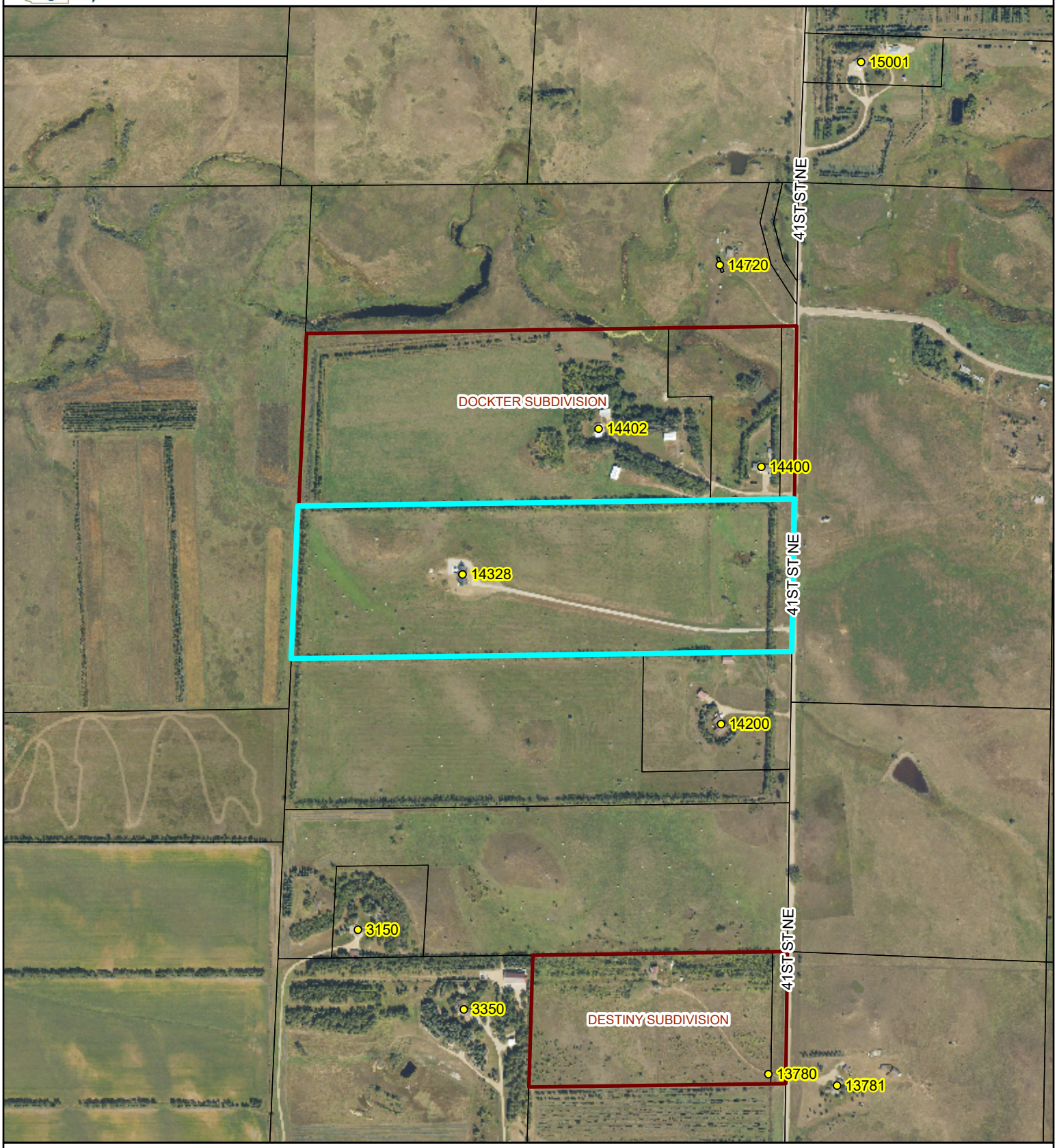
SHEET: 1 OF 1	JOB NUMBER: 26060
SCALE: 1"= 80'	DWG REVISION DATES
DRAWN BY: LCM	– –
DWG DATE: 5/20/26	– –
DWG NAME:26060 Klatte Subdivision Final Plat.dwg	

Independent Land Surveying & Engineering
4215 Old Red Trail NW
Mandan, ND 58554
Phone: 701-663-5184
Cell: 701-595-2079
mark@ilsurveynd.com

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

4/28/2026



PARCEL ID: 24-140-80-00-11-230 **OWNER:** KLATTE, TIMOTHY PATRICK & MALLORY **ACRES:** 45

SITE ADDRESS: 14328 NE 41ST ST

MAIL ADDRESS: 1805 BONN BLVD, BISMARCK, ND 58504

LEGAL: BURNT CREEK TOWNSHIP Section 11 TRACT 10 IN NE1/4 328495 683030 11-140-80

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Burleigh County Building, Planning & Zoning
PO Box 5518
Bismarck ND 58506

burleighcobuilding@nd.gov
701-221-3727

To: Burleigh County Planning Commission.

Re: Consider Moratorium

Date: 6-24-2026

From: Mitch Flanagan, Burleigh County Planning Director. MF

ITEM 1 | Data Center Moratorium

Burleigh County has taken notice of the potential to be identified as a preferred location for the development of data centers and finds it necessary to develop a zoning ordinance amendment to establish a framework for the evaluation and siting of Data Center facilities requiring less than 100 Megawatts of electricity.

In order to provide for an ordinance amendment, a consideration to place a moratorium as a pause on all new development, land use, and construction applications for Data Centers that require less than 100 Megawatts of electricity to operate, is necessary.

The State of North Dakota grants Counties the authority to adopt a moratorium under Chapter 11 Sections: 11-09.1, 11-28 and 11-33 which set forth the law relating to a County's authority to regulate construction.

ACTION REQUESTED — Consider motion to recommend a Resolution of a one year Moratorium on certain Data Center.

Attachments: Ex.. Resolution 26-03 Moratorium Resolution

BURLEIGH COUNTY COMMISSION
RESOLUTION 26-03

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS COUNTY OF BURLEIGH, NORTH DAKOTA TO PLACE A TEMPORARY MORATORIUM ON THE DEVELOPMENT OF CERTAIN DATA CENTERS.

WHEREAS, the Board of Commissioners of Burleigh County, ND has taken notice of the potential for Burleigh County to be identified as a preferred location for the development of Data Centers requiring less than 100 Megawatts of electricity and:

WHEREAS, the Board of Commissioners of Burleigh County, ND finds it necessary to amend certain zoning ordinances in order to protect the health, safety and general welfare of the citizens of Burleigh County and:

WHEREAS, amendments to existing ordinances are allowed for the best practices of land use: and

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners for Burleigh County, North Dakota place a temporary moratorium on the development of data centers requiring less than 100 Megawatts of electricity until modifications can be completed to:

Burleigh County Zoning Ordinances Article 8 Section 30

Is in all things allowed and granted.

BE IT FURTHER RESOLVED the County Auditor is hereby authorized to file this resolution for record in the office of the County Recorder. Burleigh County, North Dakota.

Adopted this _____day of _____, 20__.

CERTIFICATE

l, _____, do hereby certify that I am the duly elected, qualified, and acting County Auditor of the County of Burleigh, North Dakota, and that the foregoing is a full, true and correct copy of a resolution adopted by the Board of County Commissioners at its regular meeting of _____ _____ 20___.

IN WITNESS WHEREOF, have hereunto set my hand and the seal of the County of Burleigh, North Dakota, this _____day of _____, 20__

_____
Mark Splonskowski
County Auditor. Burleigh County, North Dakota

DRAFT

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Burleigh County Building, Planning & Zoning
PO Box 5518
Bismarck ND 58506

burleighcobuilding@nd.gov
701-221-3727

To: Burleigh County Planning Commission.

Re: Consider Moratorium

Date: 6-24-2026

From: Mitch Flanagan, Burleigh County Planning Director. MF

ITEM 1 | Resolution to Amend Certain Ordinances

Burleigh County, ND finds it necessary to amend certain zoning ordinances in order to protect the health, safety and general welfare of the citizens of Burleigh County. Amendments to existing ordinances are allowed for the best practices of land use. Due changes that were made to the former ETA Transfer Area, an increase of the jurisdictional areas of Burleigh County require necessary changes to our current land use laws

The modifications recommended to Burleigh County Zoning Ordinances are described as:

1. Zoning District Article 3 Definitions
2. Zoning District Article 6 Incidental Uses
3. Zoning District Article 8 Section 4, Sec. 8, Sec. 22
4. Zoning District Article 11 Ag Agricultural
5. Zoning District Article 12 R1 Residential
6. Zoning District Article 12 R2 Residential
7. Zoning District Article 15 R5 MH
8. Zoning District Article 16 C Commercial
9. Zoning District Article 18 I Industrial

ACTION REQUESTED — Consider motion to recommend a Resolution to amend certain ordinances.

Attachments: Ex.. Resolution 26-02 Amendments to Certain Ordinances

BURLEIGH COUNTY COMMISSION
RESOLUTION 26-02

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS COUNTY OF BURLEIGH, NORTH DAKOTA AMENDING CERTAIN ORDINANCES.

WHEREAS, the Board of Commissioners of Burleigh County, ND finds it necessary to amend certain zoning ordinances in order to protect the health, safety and general welfare of the citizens of Burleigh County; and

WHEREAS, amendments to existing ordinances are allowed for the best practices of land use: and

WHEREAS, changes to the former ETA have been made to increase the jurisdictional areas of Burleigh County requiring necessary changes to land use laws.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners for Burleigh County, North Dakota that modifications to Burleigh County Zoning Ordinances as described :

Zoning District Article 3 Definitions
Zoning District Article 6 Incidental Uses
Zoning District Article 8 Section 4, Sec. 8, Sec. 22
Zoning District Article 11 Ag Agricultural
Zoning District Article 12 R1 Residential
Zoning District Article 12 R2 Residential
Zoning District Article 15 R5 MH
Zoning District Article 16 C Commercial
Zoning District Article 18 I Industrial

DRAFT

Is in all things allowed and granted.

BE IT FURTHER RESOLVED the County Auditor is hereby authorized to file this resolution for record in the office of the County Recorder. Burleigh County, North Dakota.

Adopted this _____day of _____, 20__.

CERTIFICATE

l, _____, do hereby certify that I am the duly elected, qualified, and acting County Auditor of the County of Burleigh, North Dakota, and that the foregoing is a full, true and correct copy of a resolution adopted by the Board of County Commissioners at its regular meeting of _____ _____ 20___.

IN WITNESS WHEREOF, have hereunto set my hand and the seal of the County of Burleigh, North Dakota, this _____day of _____, 20__

_____

Mark Splonskowski
County Auditor. Burleigh County, North Dakota

DRAFT

Burleigh County Planning and Zoning Commission Meeting Agenda

Tom Baker Meeting Room, City/County Building, 221 5th Street N, Bismarck, ND

5:15pm

Attend in Person || Watch Live on Government Access Channels 2 or 602 || Stream on DakotaMediaAccess.org or Dakota Media Access Facebook Live || Replay Later from DakotaMediaAccess.org

AGENDA
JUNE 10, 2026

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Approval of April 8, 2026, Minutes**
4. **Public Comments**: (*Restricted to Burleigh County residents and landowners)*
5. Consent Agenda: *(The following item(s) are request(s) for a public hearing)*

5-1 Olive Tree Second Subdivision
- Request approval of the preliminary plat. Call for a public hearing
  Staff Recommendation: Approval

5-2 Missouri Valley Complex Second Replat
- Request approval of the preliminary plat. Call for a public hearing
  Staff Recommendation: Approval

5-3 Strong Farms Zoning Change and Preliminary Plat
- Request approval of the PUD zoning change and preliminary plat. Call for a public hearing
  Staff Recommendation: Approval

6. **Public Hearing Agenda:**

6-1 Arcadia Lite Estates Subdivision
- *Requests approval of the final plat and* a "Do Pass" recommendation to the Board of Burleigh County Commissioners.
  Staff Recommendation: Approval

6-2 Ponderosa Riverside Village 9th Subdivision
- Requests approval of the final plat and a "Do Pass" recommendation to the Board of Burleigh County Commissioners.
  Staff Recommendation: Approval

6-3 Norb's Subdivision
- Request approval of the final plat and a "Do Pass" recommendation to the Board of Burleigh County Commissioners.
  Staff Recommendation: Approval

6-4 Klatte Subdivision and Zoning Change
- Request approval of the final plat and zoning change give a "Do Pass" recommendation to the Board of Burleigh County Commissioners.
  Staff Recommendation: Approval

7. **Agenda Items:**

7-1-1. Revise and update to ordinances:
7-1-2 Ex. Zoning District Article 3 Definitions
7-1-3. Ex. Zoning District Article 6 Incidental Uses
7-1-4. Ex. Zoning district Article 8 Special Use Sec. 4 Childcare Center, Sec. 8 Home Occ., Sec. 22. Personal Storage Units
7-1-4. Ex. Zoning District Article 11 Ag Agricultural
7-1-5. Ex. Zoning District Article 12 R1 Residential
7-1-6. Ex. Zoning district Article 13 R2 Residential
7-1-7. Ex. Zoning District Article 15 R5 MH
7-1-8. Ex. Zoning District Article 16 C Commercial
7-1-9. Ex. Zoning District Article 18 I Industrial

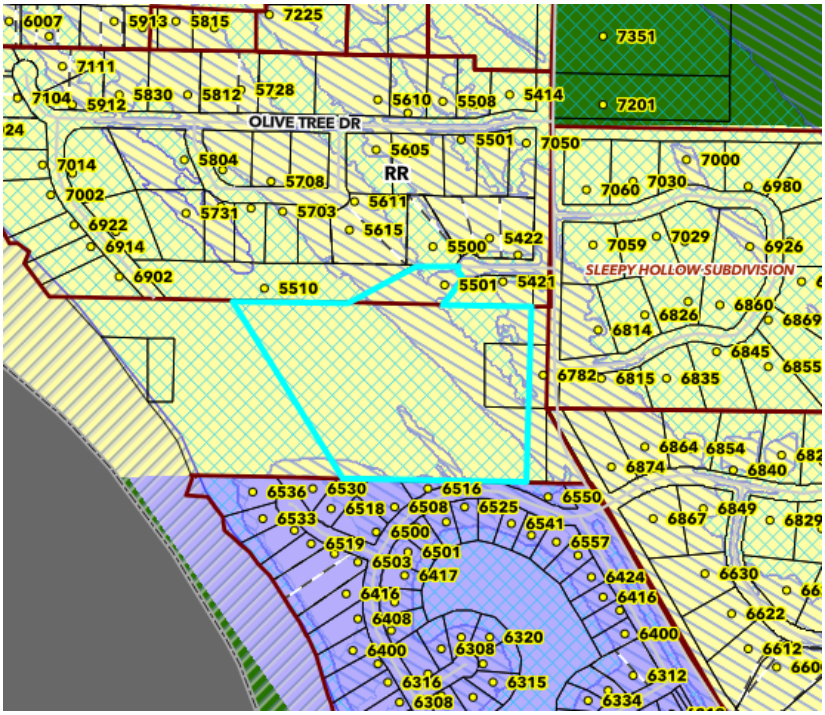
8. **Other Business**

9. **Adjourn**

Next Meeting: July 8, 2026

Agenda Item 5-1

Olive Tree 2nd Subdivision

Project Summary	
Status:	Consent Agenda
Petitioner/Developer	Derik Hoerner
Engineer	Swenson Hagen & Company
Location:  	All of Lot 21, Block 2 Olive Tree Subdivision & Part of Auditor's Lots A & B of Government Lot 1 of the North ½ of Section 10, Township 139 North, Range 81 West. 5-1-1 Location Map Site Address: 5501 Dietrich Place
Project Size:	One (1) lot subdivision containing 25 acres more or less
Zoning:	RR-Rural Residential
Petitioners Request:	Approve preliminary plat and call for a Public Hearing.

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

History/Description

Burleigh County was approached regarding combining lots so the property owner would be able to build an accessory building. The pre-application meeting was held on May 14, 2026.

The proposed subdivision will combine one (1) lot containing 1.43 acres more or less. Lot 21, Block 2 Olive Tree Subdivision and part of 33 acres parcel. The residence is located on Lot 21. The proposed subdivision is located in the floodplain. The review committee did not find any concerns. Minor corrections are being made and will be completed before the June 10th meeting.

Zoning is RR-Rural Residential.



Attachment 5-1-2 Preliminary Plat



Attachment 5-1-3 Site Map

Staff Findings – Preliminary Plat

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This preliminary plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Zoning is RR-Rural Residential.
4. The proposed subdivision is located in the floodplain.
5. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.

Planning Staff Recommendation

The petition for a preliminary plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the preliminary plat and calling for a public hearing.

Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

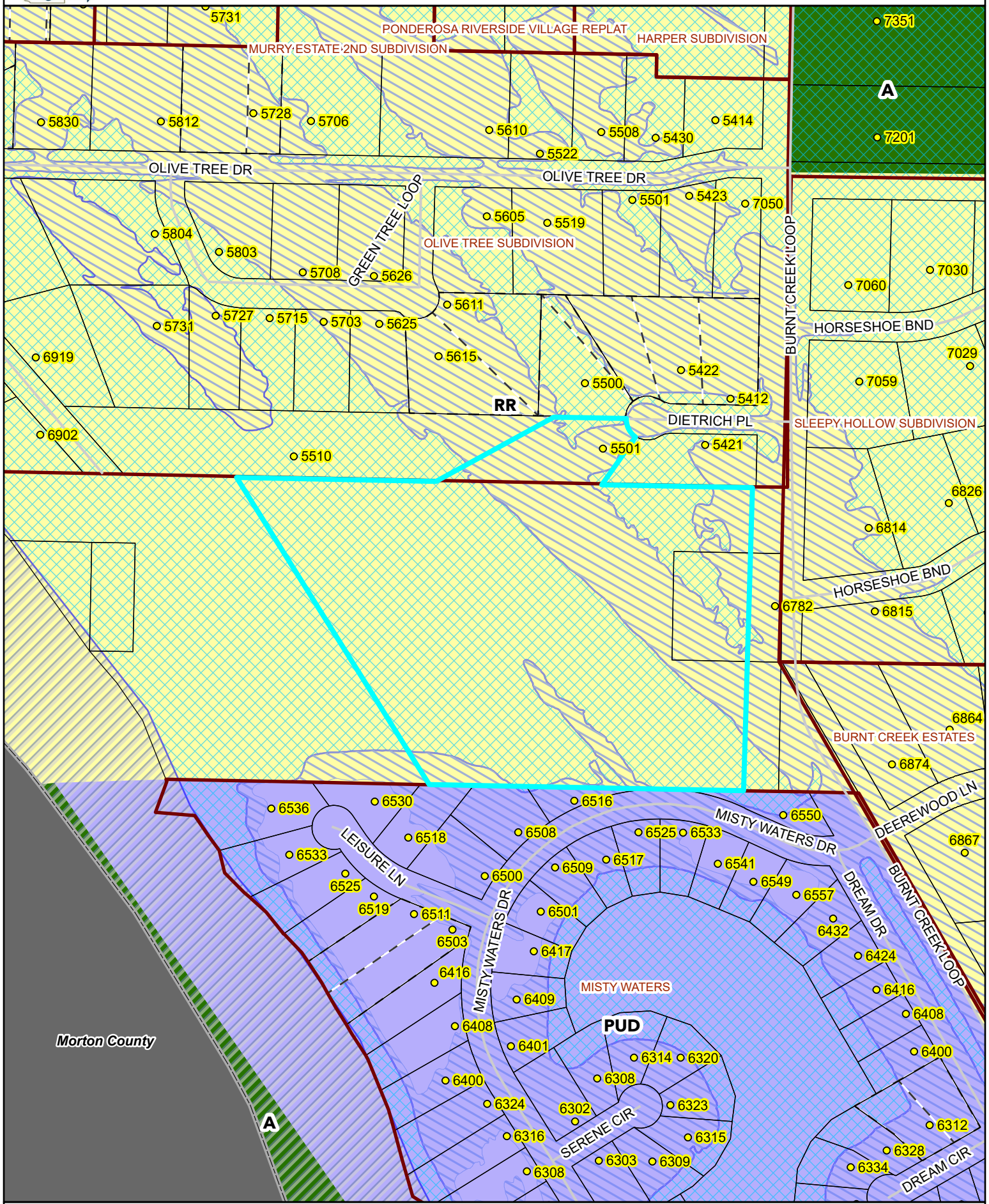
1. Approve the preliminary plat. Calling for a public hearing.
2. Approve the preliminary plat with conditions. Calling for a public hearing after all condition have been completed.
3. Deny the preliminary plat with reason.
4. Table the preliminary plat for more information.

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

Burleigh County

N

5/28/2026



Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

OLIVE TREE SECOND SUBDIVISION

ALL OF LOT 21 BLOCK 2 OLIVE TREE SUBDIVISION & PART OF AUDITOR'S LOTS A & B OF GOVERNMENT LOT 1 OF THE NORTH 1/2 OF SECTION 10, TOWNSHIP 139 NORTH, RANGE 81 WEST

BURLEIGH COUNTY, NORTH DAKOTA

23 ACRES +/-
EXISTING ZONING: RR
1 LOT 1 BLOCK

OWNER: DERIK HOERNER
ADDRESS: 5501 DIETRICH PL
BISMARCK, ND 58503

SURVEYOR: SWENSON HAGEN & CO
3002 AIRWAY AVE
BISMARCK, ND 58504

FLOODPLAIN INFORMATION

FEMA FLOOD INSURANCE RATE MAP
COMMUNITY PANEL NUMBER 38015C0570E
DATED JUNE 6, 2024
FLOOD PLAIN ELEVATION–1640.9 (NAVD 88)



SCALE – 1" = 80"

VERTICAL DATUM: NAVD 88

MAY 15, 2026



LOCATION MAP

SWENSON, HAGEN & COMPANY P.C.

Surveying
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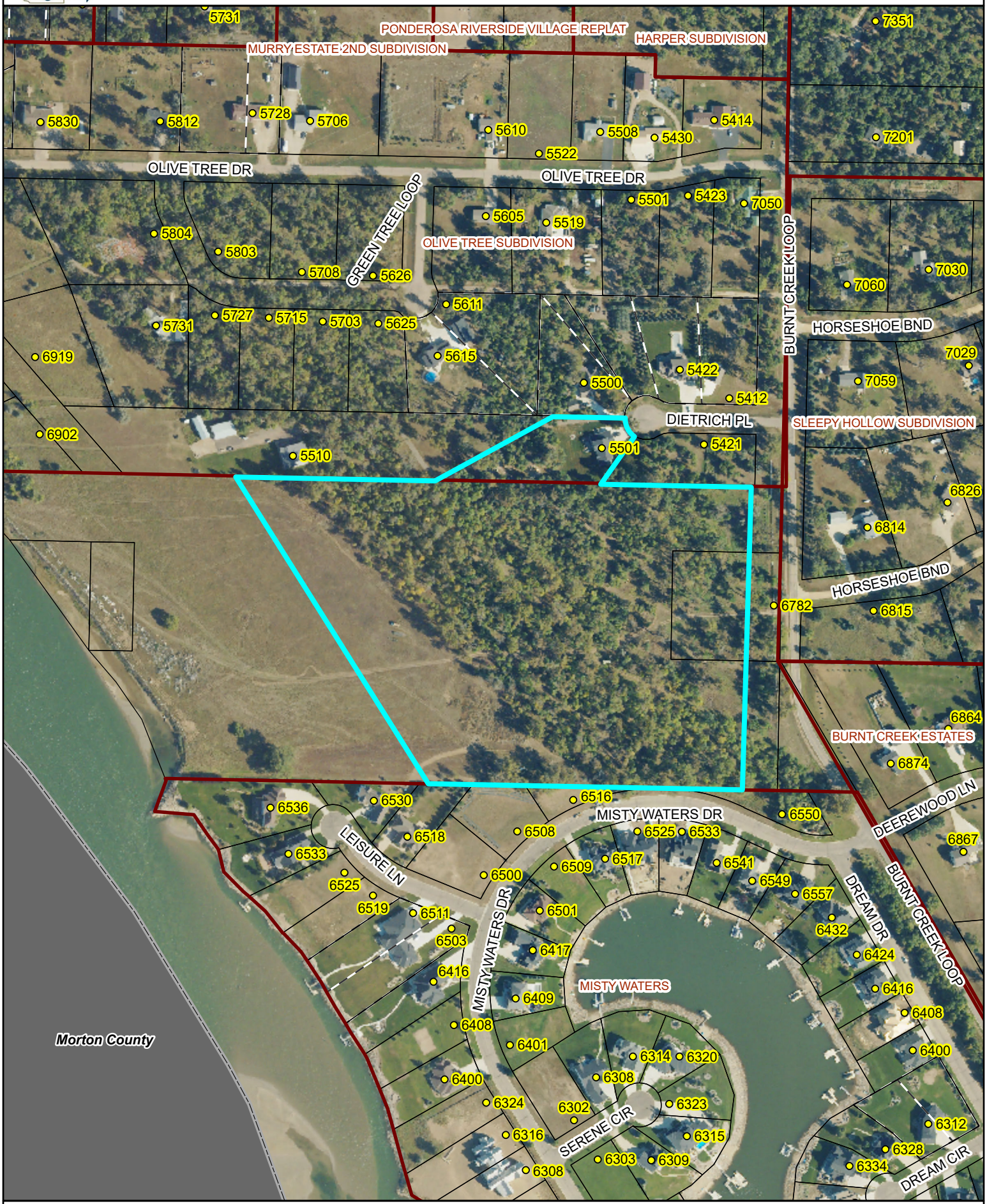
Civil Engineering
Landscape & Site Design
Construction Management

3002 Airway Avenue
Bismarck, North Dakota 58504
sheng@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

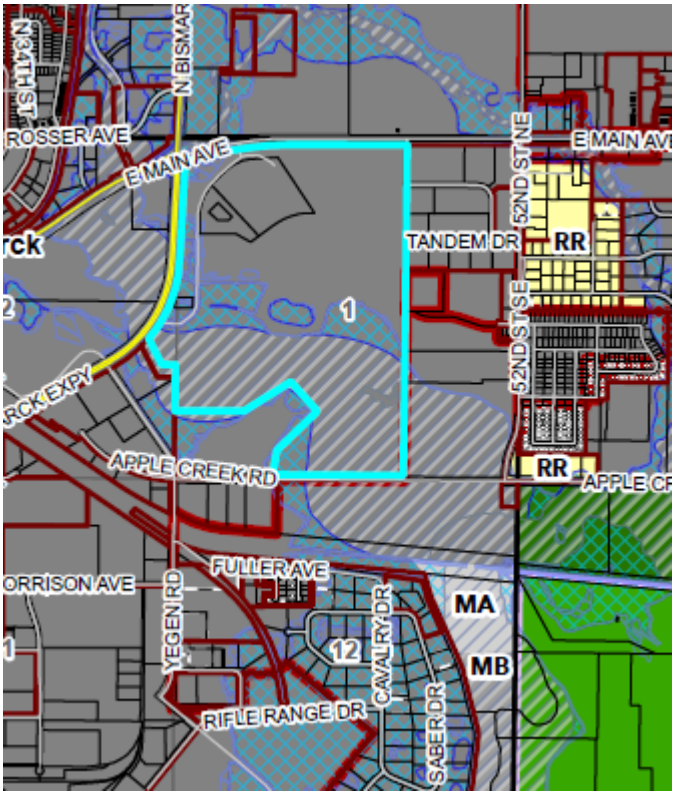
5/28/2026



Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

Agenda Item 5-2

Missouri Valley Complex Replat

Project Summary	
Status:	Consent Agenda
Petitioner/Developer	Burleigh County
Engineer	Swenson Hagen & Company
Location: 	Lots 4 – 19 Block 1 Missouri Valley Complex 5-2-1 Location Map Site Address: 3805 East Bismarck Expressway
Project Size:	Two (2) lot subdivision containing 367 acres more or less
Zoning:	P-Public Zoning District (Bismarck Zoning District)
Petitioners Request:	Approve preliminary plat and call for a Public Hearing.

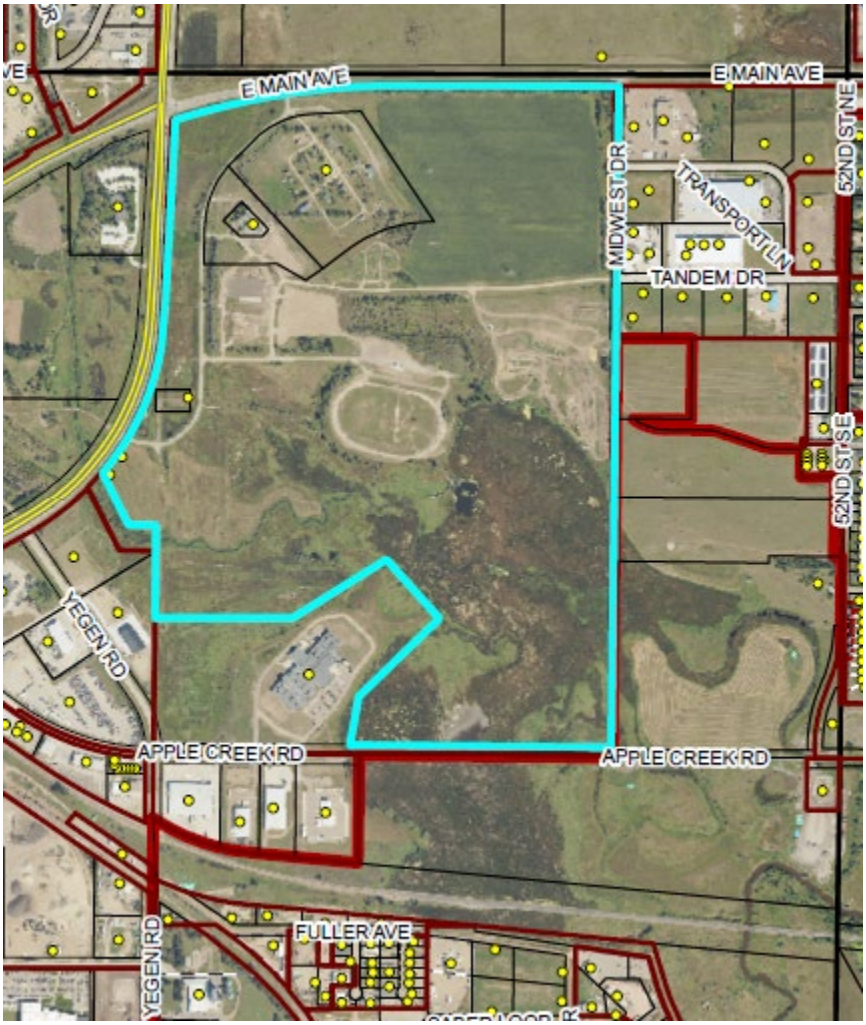
As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

History/Description

A Joint Powers Agreement (JPA) was signed by the Board of Burleigh County Commissioners and the City of Bismarck on April 6, 2026. The JPA allows Burleigh County the authority to exercise permitting, planning/zoning with subdivision review and administration in accordance with the Bismarck JPA. The County shall construct and maintain all roadways within MVC. Any modification to existing access points or new access points is required to be reviewed/approved by the City Engineer.



Attachment 5-2-2 Preliminary Plat



Attachment 5-2-3 Site Map

Staff Findings – Preliminary Plat

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This preliminary plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Zoning is P-Public
4. The proposed subdivision is located in the floodplain.

Planning Staff Recommendation

The petition for a preliminary plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the preliminary plat and calling for a public hearing.

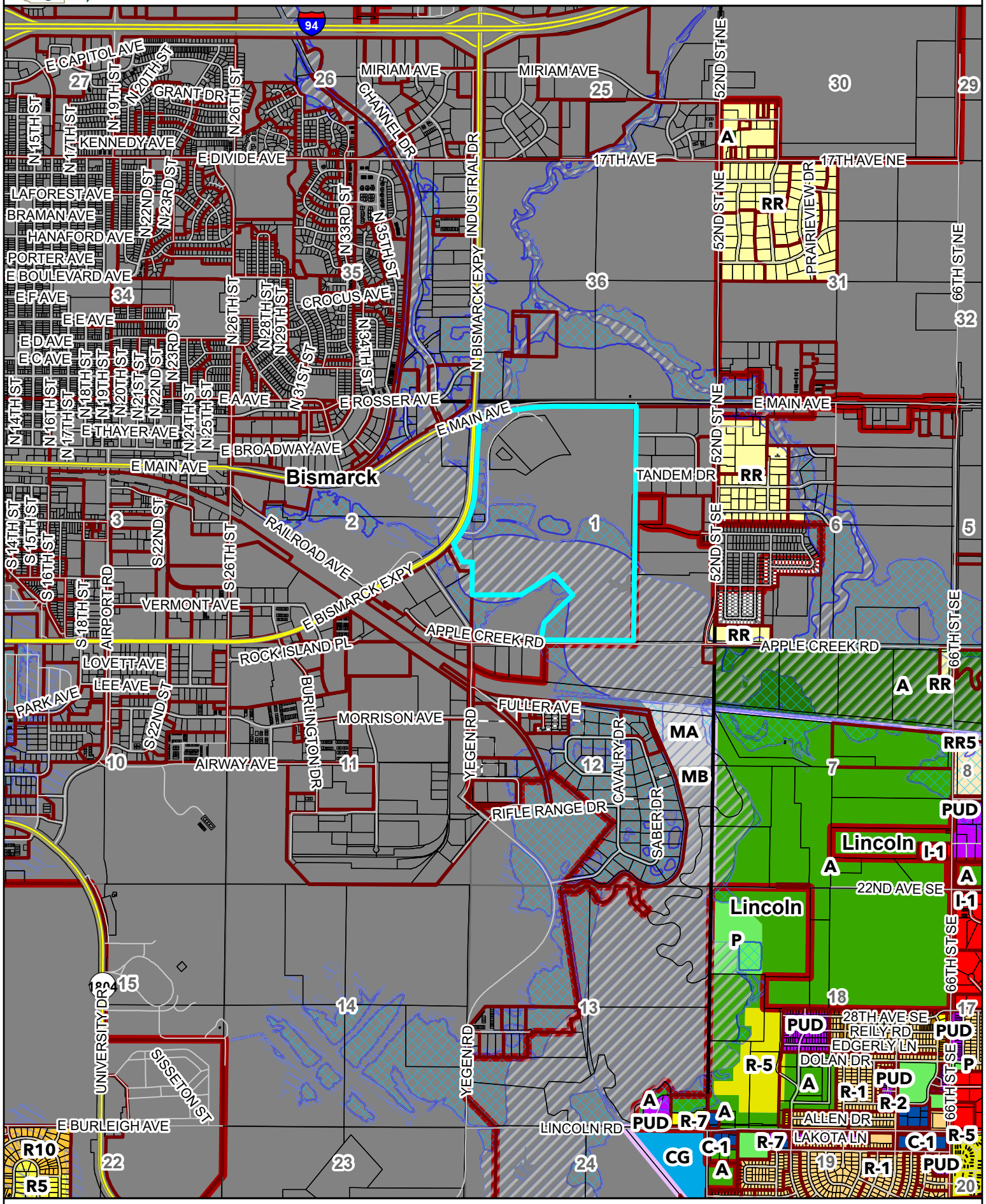
Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

1. Approve the preliminary plat. Calling for a public hearing.
2. Approve the preliminary plat with conditions. Calling for a public hearing after all condition have been completed.
3. Deny the preliminary plat with reason.
4. Table the preliminary plat for more information.

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

5/28/2026

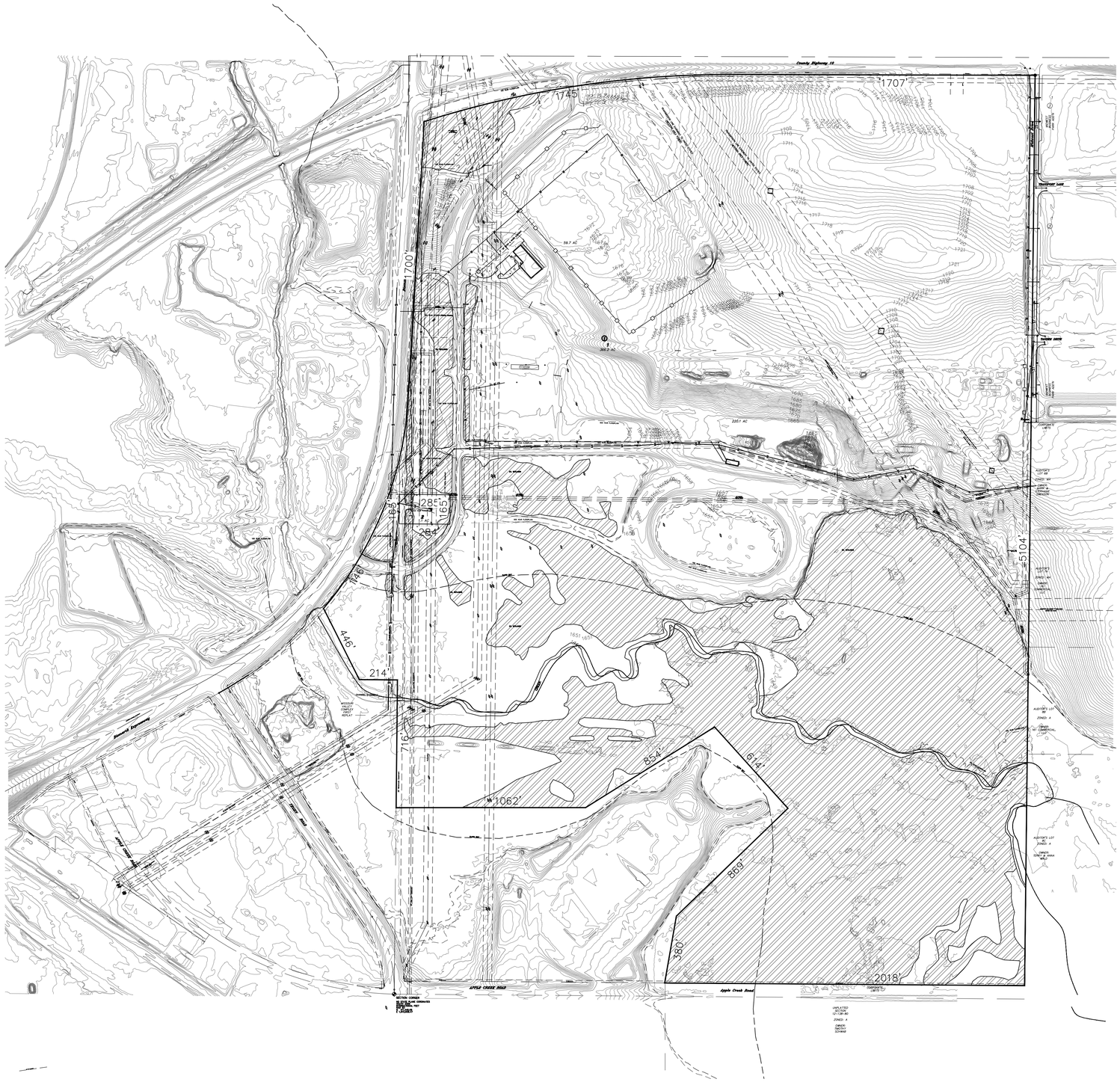


Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

MISSOURI VALLEY COMPLEX SECOND REPLAT

LOTS 4–19 BLOCK 1 MISSOURI VALLEY COMPLEX
PRELIMINARY PLAT

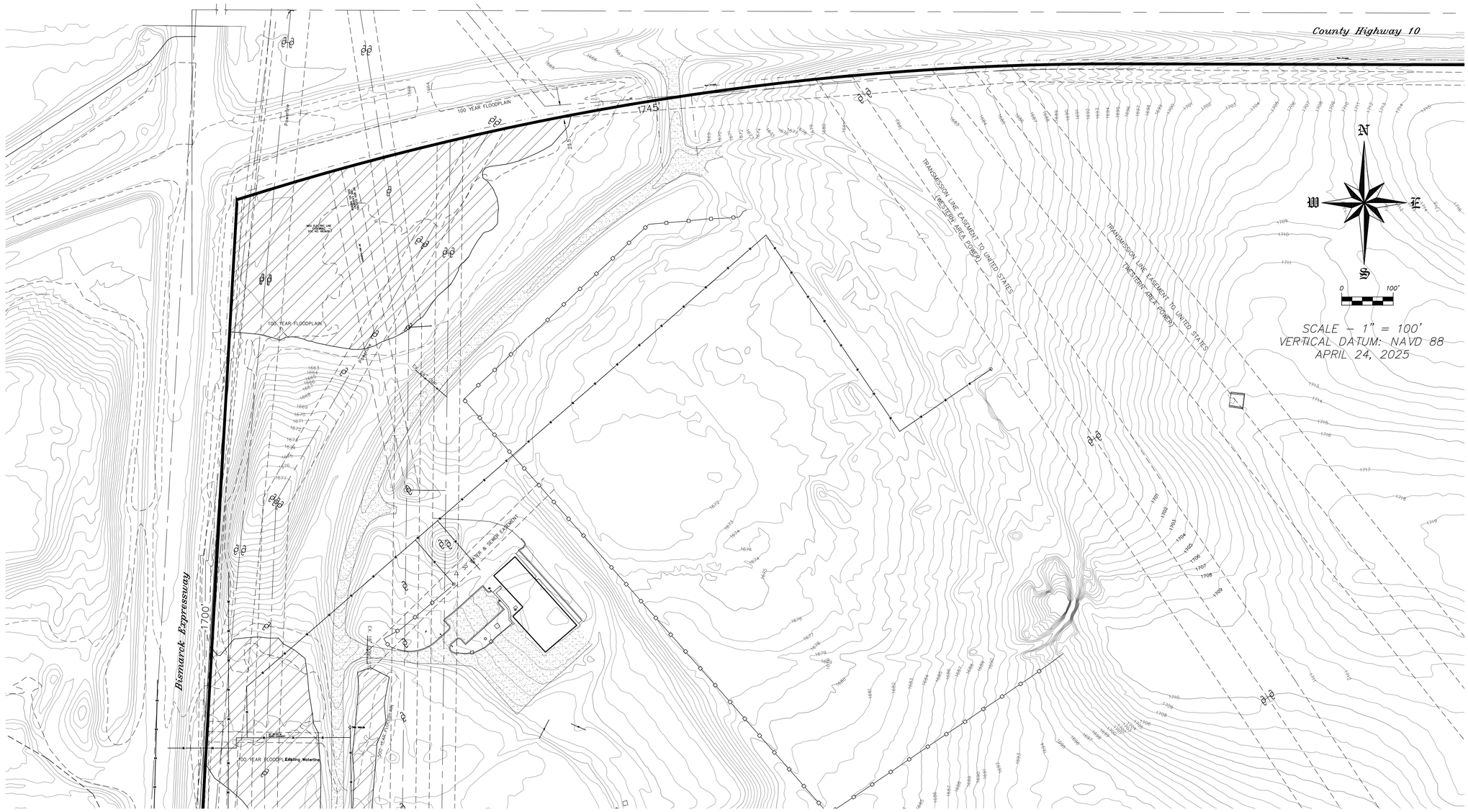
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA


1707'
1745'
1700'
1651.18'
1651.18'
1651.18

MISSOURI VALLEY COMPLEX SECOND REPLAT

LOTS 4–19 BLOCK 1 MISSOURI VALLEY COMPLEX
PRELIMINARY PLAT

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



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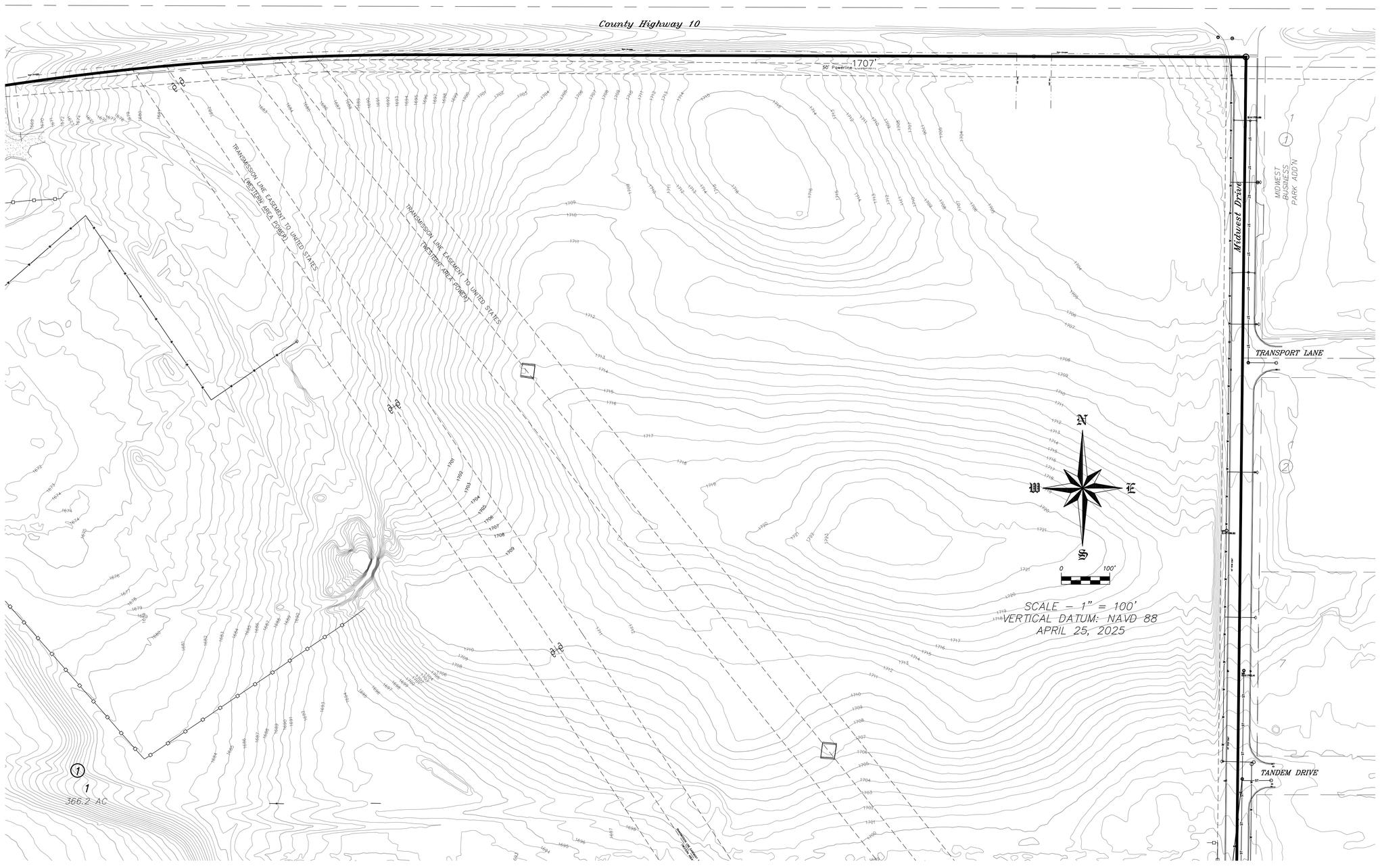
MISSOURI VALLEY COMPLEX SECOND REPLAT

LOTS 4–19 BLOCK 1 MISSOURI VALLEY COMPLEX
PRELIMINARY PLAT

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



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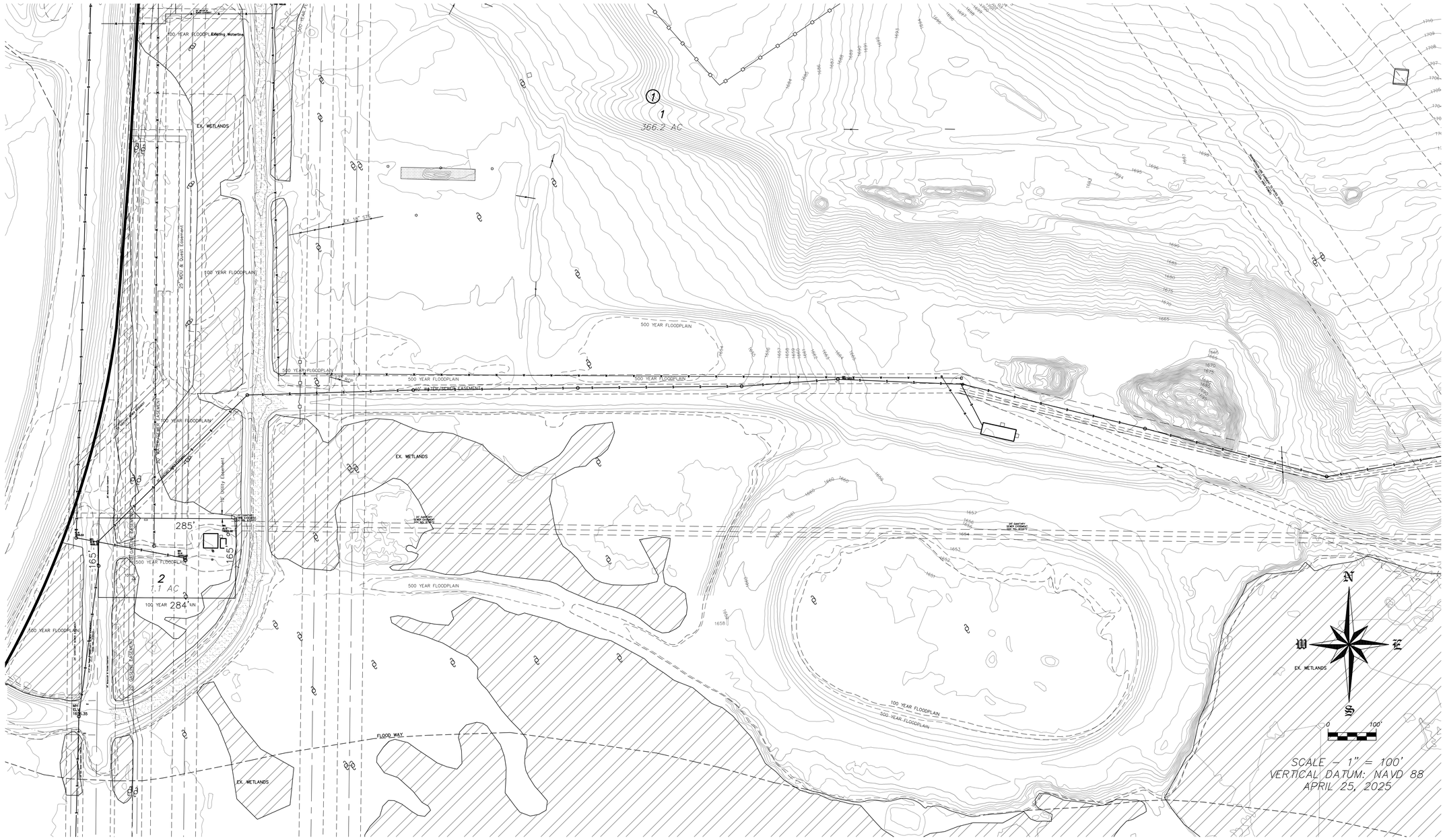
MISSOURI VALLEY COMPLEX SECOND REPLAT

LOTS 4–19 BLOCK 1 MISSOURI VALLEY COMPLEX
PRELIMINARY PLAT

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



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MISSOURI VALLEY COMPLEX SECOND REPLAT

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PRELIMINARY PLAT

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



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PRELIMINARY PLAT

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MISSOURI VALLEY COMPLEX SECOND REPLAT

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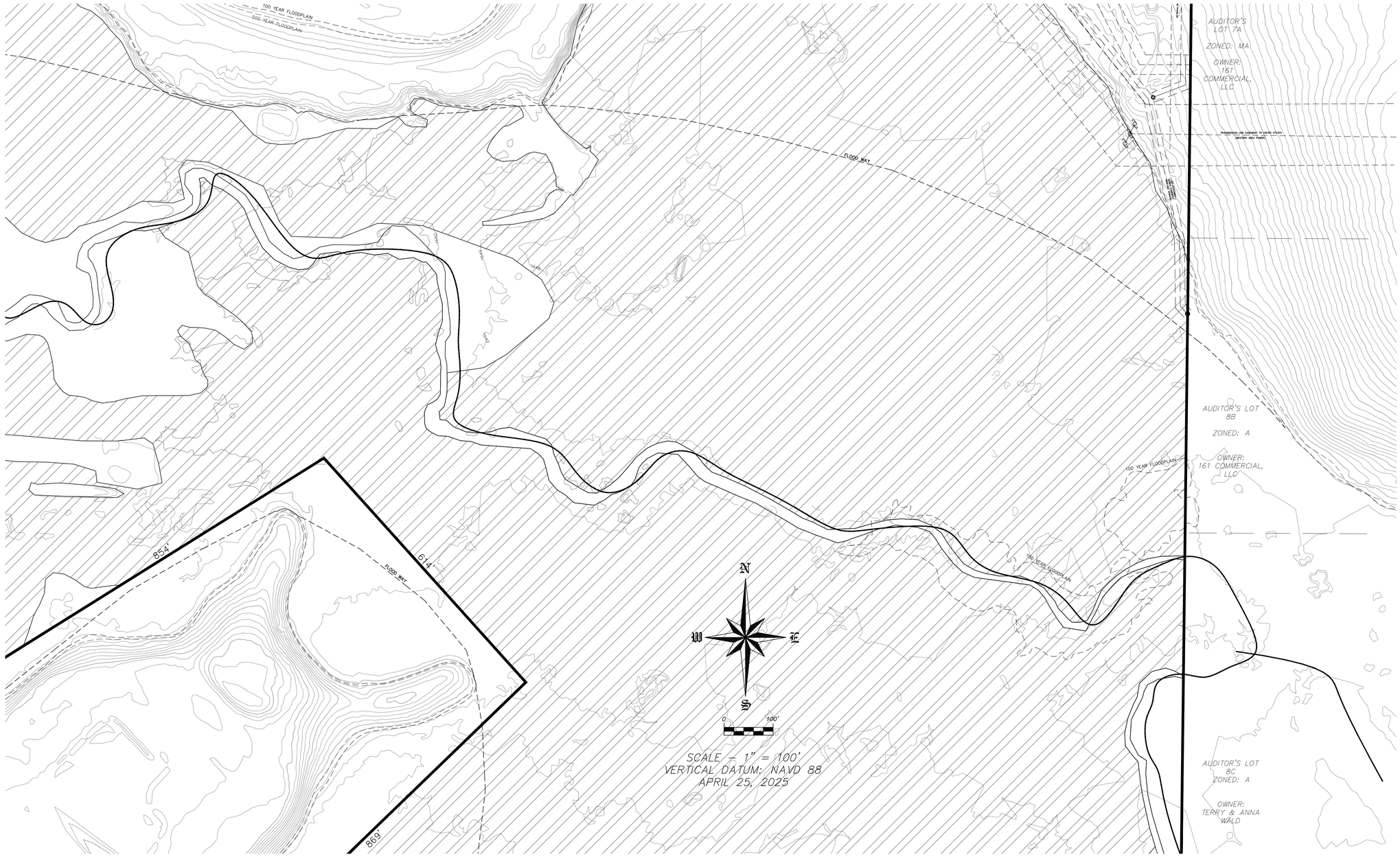
PRELIMINARY PLAT

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



SCALE – 1" = 100'
VERTICAL DATUM: NAVD 88
APRIL 25, 2025

SWENSON, HAGEN & COMPANY P.C.

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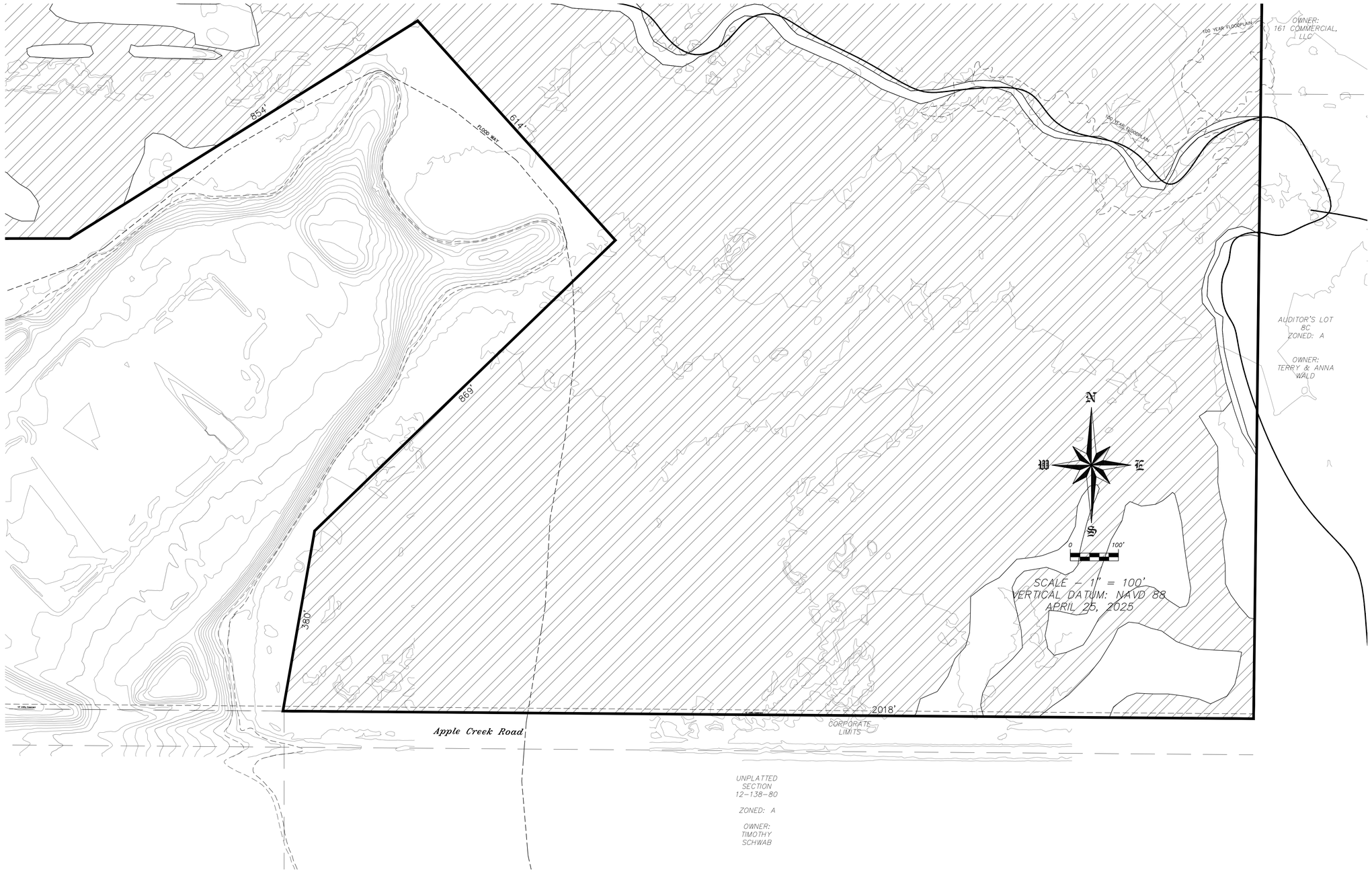
MISSOURI VALLEY COMPLEX SECOND REPLAT

LOTS 4–19 BLOCK 1 MISSOURI VALLEY COMPLEX
PRELIMINARY PLAT

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



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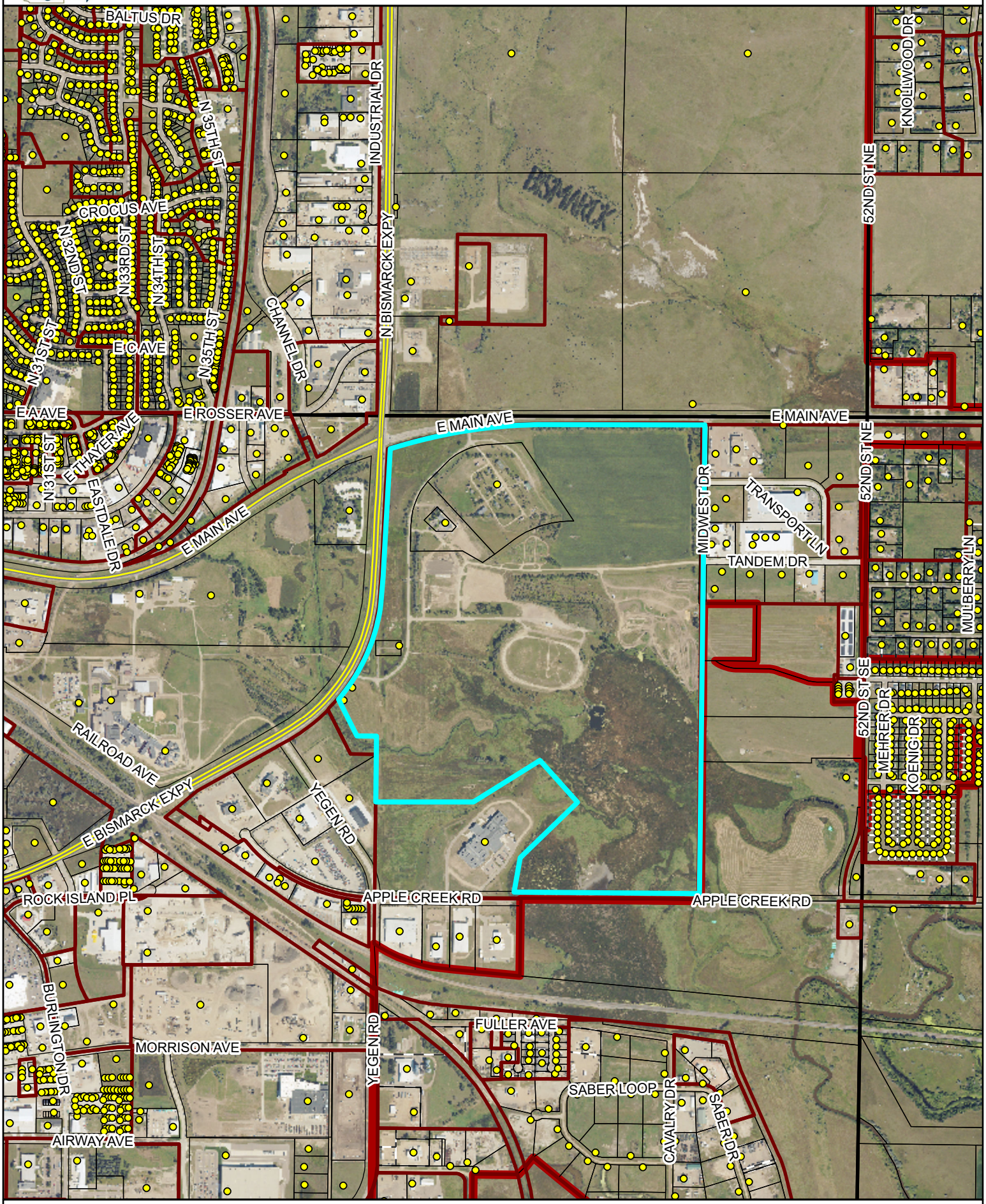
BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

5/28/2026



Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

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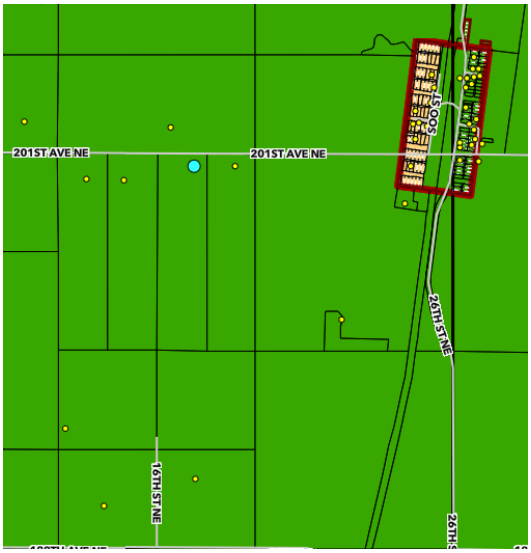
Agenda Item 5-3

Strong Farms PUD
Baldwin Greenhouse Subdivision

Project Summary	
Status:	Consent Agenda
Petitioner/Developer	Strengthen ND Stoll Holdings LLP
Engineer	Ackerman Surveying & Associates
Location: 	Being the W1/2 E1/2 NW1/4 Section 24, Township 141 N, Range 80W Addressed as: 1725 201st Ave. NE Baldwin, ND Attachment 5-3-1 Location Map
Project Size:	One (1) Lot Subdivision on 40.04 Acres
Zoning Change:	A-Agricultural to PUD – Planned Unit Development
Petitioners Request:	Approve the preliminary plat and zoning change. Call for a public hearing

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

History/Description

Burleigh County Staff received an application for a zoning change from A-Agricultural to PUD-Planned Unit Development from Strengthen ND. The request was to develop a Strengthen ND facility to be used for limited retail and classroom space. The intention is to train farmers how to properly package and sell their goods. The PUD request also includes the Stoll Farms (Baldwin Greenhouse & Nursery). Stoll farms also plan to grow their business by adding several seasonal high tunnels, use seasonal food trucks and intends to have educational tours for schools and community groups. Strengthen ND submitted an action plan and summary of what the parcel will be used for in addition to the greenhouse which is operating on the property. (Attachment 5-3-2)

Burleigh County staff met with Strengthen ND and a representative from the engineering firm on April 17, 2026 to discuss some general requirements for the PUD. Staff advised the participants that platting the property would be necessary for the zone change , concerns regarding correct location of property lines and increased land use being conducted on the parcel. A second access to the parcel is located on the neighboring parcel, so an access easement will be required from the property owners. This would need to be recorded and identified on the preliminary plat.

Several e-mail discussions were held concerning the need to plat the property. After much consideration it was decided to plat the property. A preliminary plat has been submitted and is currently under review

The Planning and Zoning Committee tabled the request on May 13, 2026, for more information.



Attachment 5-3-3 Preliminary Plat



Attachment 5-3-4 Site Map

See attachment 5-3-5 for Draft PUD

Staff Findings – Preliminary Plat & PUD Zoning

1. Second Access Easement for the property must be submitted if it encroaches on the neighboring property.
2. PUD must be approved before plat is recorded.

Planning Staff Recommendation
Preliminary Plat

The petition for a Preliminary plat meets all administrative requirements of the Burleigh County Zoning Ordinance – Article 33, with the exception of the preliminary plat submittal. Staff recommends approval of the preliminary plat with conditions:

1. A second access easement on the east side of property must be obtained from the property owners.
2. The final plat must be approved by all reviewing entities before a public hearing is scheduled.

Planning Staff Recommendation
PUD Zoning

The petition for a PUD Zoning meets all the administrative requirements of the Burleigh County Zoning Ordinances. Staff recommends approval and calling for a public hearing

Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

Preliminary Plat:

1. Approve the preliminary plat and call for a public hearing.
2. Approve the preliminary plat with conditions and call for a public hearing after all conditions have been completed.
3. Deny the preliminary plat with reason.
4. Table the preliminary plat for more information.

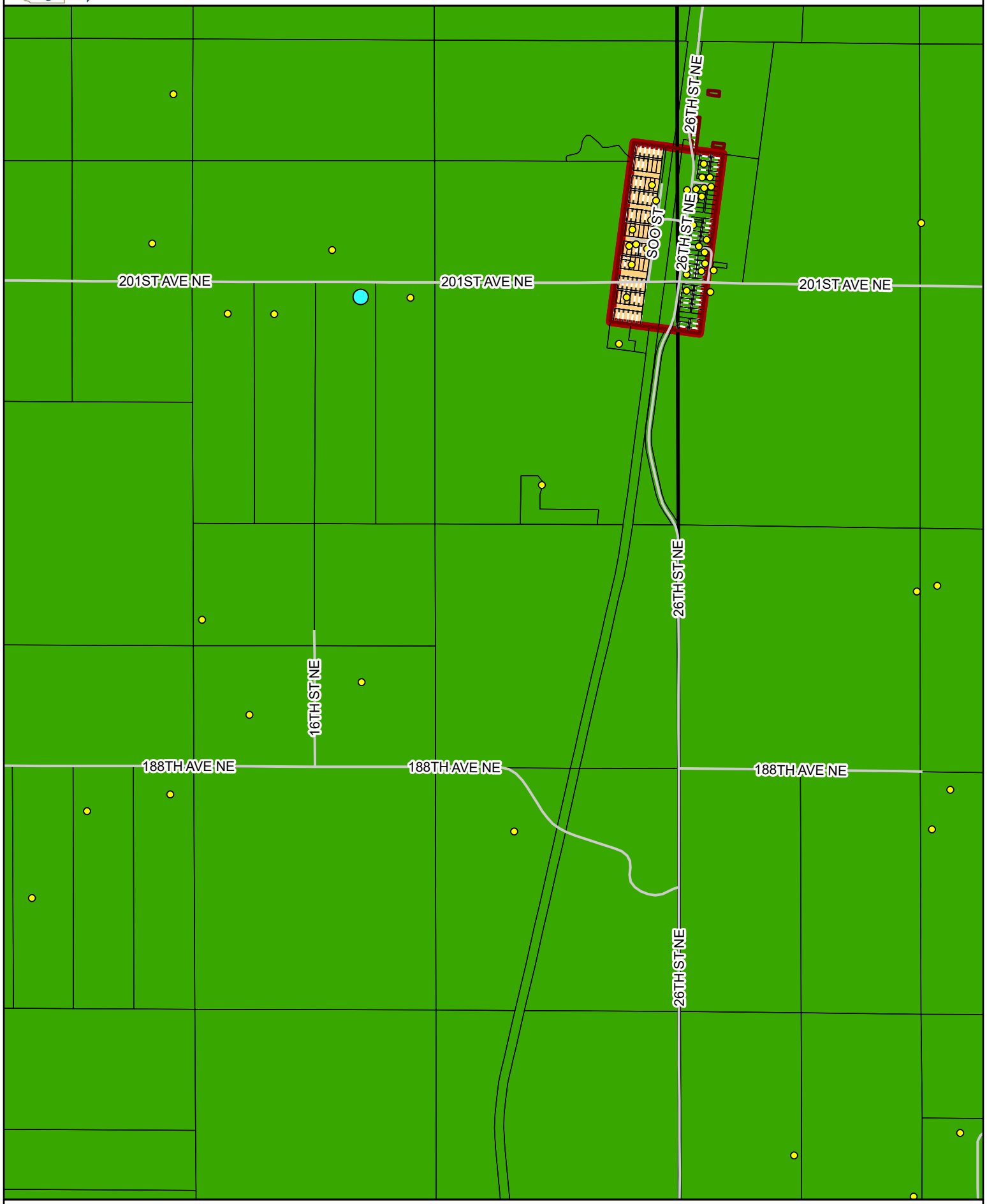
PUD Zoning Change:

1. Approve the PUD and call for a public hearing
2. Approve the preliminary plat with conditions and call for a public hearing after all conditions have been completed.
3. Deny the PUD with finding of fact.
4. Table the PUD for more information.

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

5/4/2026



Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

5-3-2 Action Plan

Baldwin Greenhouse/Strengthen ND site

Burleigh County PUD Application

a. The property included in the PUD is the single parcel at: W1/2 E1/2 NW1/4, Section 24, T141N, R80W. The parcel is owned by Stoll Holdings LLP.
b. The objectives of the planned unit are found in the attached Programmatic Action Plan, and the Stoll Farms business summary.
c. The PUD will have one ownership, so no association agreements are planned for common areas.

Strong Farm Incubator - A Launchpoint for Small Farmers & Local Foods Communities | Strengthen ND PUD Activities Listing | 10.8.2025

Programmatic Action Plan - 2025 to 2030 by Deliverable

1. On-Site Incubator Farm Participants Growing

- Annually, Strengthen ND will accept up to 5 on-site interns to utilize a small plot of land on the incubator farm site. The Strong Farm Incubator curriculum spans a 3-year period of time. **This means, at any given time, NO MORE than 15 small farmers will be utilizing their 50' x 50' plots.** This totals less than 1 acre of land. Their activities will include garden planning, planting, weeding/watering/maintenance, harvesting, and cleaning.
- Typical growing seasons, dependent on weather, are anticipated to be April - October, which is when the Strong Farm interns will be accessing their plots.

2. Technical Assistance & On-Farm Education/Tours

- From time to time, the Strong Farm Incubator team may provide on-site tours of the farm, including plots and the future regional processing facility. These tours will support long-term fundraising and sustainability for the program, while also sharing more about small farming practices. **It is anticipated that up to 1 annual tour will be completed with this intention, with approximately 20-25 people in attendance.**
- From time to time, the Strong Farm Incubator team may provide on-site educational activities, such as building/creating rain barrel classes, weed prevention and mitigation classes, garden planning classes, enhanced conservation practices classes, and other associated small farming-related topics. **It is anticipated that up to 3 on-site classes (primarily outdoors) will be completed annually, with approximately 20-25 people in attendance.**
- **To celebrate the groundbreaking of the regional processing facility and the progress of the Strong Farm interns, 1 on-site farm dinner may be held annually every fall, with an estimated attendance of between 50 and 60 people.**

3. Value-Added Agriculture & Infrastructure Development

- The regional processing facility remains on track for completion by year-end 2026, with wash/pack, commercial kitchen, and instructional space under phased development.
- The space will be offered to and utilized by individual farmers and related value-added ag manufacturers (those making jellies, salsas, baking breads, etc.) on a first-come, first-served basis. No more than 1 group (of up to 5) will be allowed to utilize the commercial kitchen space at any given time.
- The space will be offered to and utilized by the Strong Farm Incubator team, individual farmers, and related value-added ag manufacturers to hold workshops, such as canning, baking, local foods marketing and photography, local foods business planning, and other related topics. **It is anticipated that up to 4 on-site workshops (located indoors**

in the regional processing facility) will be held annually, with approximately 20 people in attendance (the classroom space has limited seating).

- The space will be offered to and utilized by the Strong Farm Incubator team, individual farmers, and related value-added ag manufacturers to hold local foods-based "get to know your farmer" demonstrations and connection events to support enhanced local foods procurement by government entities, hospitals/clinics/care facilities, schools, and retailers to support the local foods economy. **It is anticipated that up to 2 on-site works"get to know your farmer events" (located indoors in the regional processing facility) may be held annually, with approximately 20 people in attendance.**
- From time to time, participating Strong Farm Incubator interns may find it beneficial to set up a modified farm stand under the awning of the regional processing facility when it is built in 2026 to sell their produce/products to the foot traffic generated by the Baldwin Greenhouse & Nursery. **These pop-up farm stands may be held during the typical harvest season (July - October) and will not be a special event themselves.**

4. Mobile Market Truck

- Housed at the regional processing facility will be the Strong Farm Veggie Van, which will support distribution of local foods to area retailers, hospitals/clinics/care facilities, government entities, and schools. **This truck will be staffed by 1 Strong Farm Incubator team member (to be named) with a typical weekly route.**

Stoll Farms LLC/Baldwin Greenhouse & Nursery
1725 201st Ave NE Baldwin, ND 58521
In partnership with StrengthenND
Strong Farm Incubator Project

The Baldwin Greenhouse & Nursery have been in operation for over 30 years. As new owners December 2023, Jared and Ashley continue the greenhouse & nursery business. Existing Structures will be maintained and improved for adequate flower and plant growth.

Stoll Farms is the growing leg of the business. They have been in the business of growing produce since 2017. There is adequate land base to continue to grow a variety of vegetables for sales.

There are plans to add several seasonal high tunnels. There are three tunnels on sight ready for putting up, and an additional 1-2 high tunnels planned through an NRCS conservation plan. High Tunnels are generally considered to not be permanent structure. They grow plants in the ground or on raised beds. These will be on the south side of the greenhouse structures.

Bismarck schools have been on-site for an education event for soil health, plant growth, and other conservation, agricultural and produce topics. This has included as many as three hundred students over a 3-day period. We also like to have community groups come out for informal tours.

Also, because the location is not near a town or city that has food services, we will be providing drinks and on occasion food options. This is from the end of April until October 31.

In summary, in addition to Strengthen ND and the Strong Farm Project:

1. Plans for continued improvement to buildings
2. Additional High Tunnels
3. Use of Cropland for growing and harvesting produce
4. Seasonal use of food trucks
5. Tours for school and community agriculture education.

Lastly, there will be a USDA-NRCS conservation plan that includes wind row planting along the west side of the property to provide wind and sound protection; tree row renovation, low tunnels, irrigation management and other agriculture conservation will be completed over the next 5 years.

Residence (15.5’ peak height)



Existing Shop (22’ peak height)



South Greenhouses (14.5’ peak height)



Existing Retail Sales (18.5’ peak height)



North Greenhouses (18.5’ peak height)



Strawberry House (14.5’ peak height)



Proposed Strengthen ND Facility (20’11” peak height)





BURLEIGH COUNTY, NORTH DAKOTA

LOCATION MAP

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5/4/2026



Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

PUD Development Standards:

Location: **1725 201st Ave. NE Baldwin**

Use: **Geen House and Education center**

Lot size: **40 Acres**

Lot Area Coverage: 3% of lot principal and accessory building.

Accessory buildings: Allowed per county standards.

Building Height: Two story maximum, not to exceed-35' in height for principal building.

Foundations: All structures shall be built with frost protected foundations. In determining soil conditions for this lot, a site-specific design by a Registered Design Professional for the foundation system will be acceptable.

Architectural Drawings: Following approval of this PUD, the owners will begin detailed architectural design. Architectural drawings may be submitted and will provide sufficient detail to obtain all necessary building permits per Burleigh County standards.

Buffer Zones: A buffer zone must be established on the west property line to include:

1. A eight (8) foot solid privacy fence installed along the west property line.
2. Trees, bushes and shrubs planted along all property lines and fence, location and width to be determined by the Burleigh County Commission

This PUD shall:

1. Outdoor lighting fixtures directed so direct light is visible above a height of 5 feet. lighting fixtures near adjacent properties must have special shielding to help eliminate light pollution on adjacent properties.
2. Outdoor lighting must be five (5) feet from the adjacent properties.
3. Proper restroom facilities (porta potties) must be provided in addition to restroom facilities in structures.
4. Parking must be provided. No road side parking. All parking areas must be mowed or graveled to prevent fire hazards.
5. Maintain a singular and site-specific sewer system.
6. Maintain retention/detention ponds if required by the stormwater management plan.
7. There will be no overnight stays

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8. Site design and building(s) must conform to all applicable requirements of the International Building Code (IBC) and the International Fire Code (IFC) as adopted by Burleigh County– Building Regulations and NDCC.
9. All parking areas shall be gravel or compacted dirt with grass cut low, and designed to prevent debris from the site entering the public right-of-way, and be arranged to provide for orderly and safe loading or unloading and parking.
10. Sound generated by outdoor amplification of music or voice must not exceed 55 decibels between the hours of 9:00 am and 9:00pm.
11. Events not needing a Special Use Permit shall be held between the hours of 9:00 am to 9:00 pm, with one-hour before and after event for set-up and clean up only. All outdoor light fixtures shall be installed in a manner intended to limit the amount of off-site impacts. Light fixtures located near adjacent properties may require special shielding devices to prevent light trespass.
12. The use is setback a minimum of 50' adjacent to properties with a differing land use classification.
13. A site plan, and if necessary, a stormwater management plan study is submitted for review and approval prior to the issuance of a building permit

Sewer System: An individual septic system shall be allowed on this lot separate from any existing sewer systems present. PUD Developers shall install and maintain by the owners per Burleigh County Building Department regulations.

a. Private Sewage System:
   i: Individual septic system: This individual private septic system shall be designed by a registered design professional.
   ii. Register with NDDEQ the Class V Injection Wells as part of the septic system permit review.

Lot Access: Fixed approaches, as per initial design, may only be modified and/or moved with the special approval of the Burleigh County Engineer and Highway Department. The driveway approach shall be permitted as issued by Burleigh County Highway Department.

1. The approach shall be a fixed single approach driveway.
2. U.S. Post Office approved mail receptacle shall be provided in predetermined location.

Platting: Any development shall be platted to ensure future conformity with the PUD and to give Burleigh County assurance this PUD shall only be amended in accordance with Article 20 Section 5 (Planned Unit Developments). Major changes require a public hearing and a majority vote of the Burleigh County Planning & Zoning Commission.

Flood Plains and SFHA: Not applicable

Lot Modifications: Any subsequent significant modification of lots shall be subject to the requirements of Article 33 of Burleigh County Zoning Ordinance of Ordinances.

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Issuance of Building Permits: Building permits shall not be issued until all development standards are approved and completed to current Burleigh County standards.

Zoning: After PUD approval, the identified parcel shall be zoned as a PUD per Burleigh County zoning regulations.

Site Plan: A site plan shall be provided that contains the following minimum information:

a. Site information -

1. Name of PUD facility
2. Name and address of the PUD applicant and owner
3. Name, address, and registration of professional surveyor involved in preparing the site plan
4. Scale, which shall be 1 inch equals 100 feet or less and shown graphically.
5. Date site plan was prepared

b. Driving Surfaces

1. Entry to property, entry to building and turnaround for 1st responders required to be paved.
2. Req' width of entry road to be County standard

c. Parking

1. Off street parking required
2. Parking lot or parking area can be compacted dirt with grass cut low.
3. Fire break around parking area- 30' wide,
4. Provide adequate drainage,
5. Provide adequate lighting.

d. Building Life Safety

Fire and Building Safety:

1. Life Safety Inspection is required prior to rezoning
2. Fire inspections required annually,
3. Fire extinguishers tested annually,
4. All temporary tents req' fire resistant material,
5. Designated smoking areas: 20' from entry of buildings, req' proper disposal,
6. No fuel loads near buildings or parking lot.

Infrastructure Installation: Developer shall install an individual septic system and water facilities per the Burleigh County Zoning Ordinance. The driveway shall be built to Burleigh

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County standards. The Developer shall submit all necessary design documents for the approval of the storm water plans.

a. A utility service plan shall be provided showing existing utilities in place and all existing and proposed easements.

Infrastructure Funding: Any development shall fund the cost of initial engineering design, sanitary sewer, grading, water, and road installation.

Infrastructure Maintenance and Repair: The landowner shall be responsible for future repairs and maintenance of the private driveway and parking area. The owner shall be responsible for future repairs and maintenance of sanitary sewer facility, storm water management and for mowing of detention/retention pond and common areas.

a. A site plan will detail proposing driveway, parking and building locations.

Parking and Traffic Rules and Regulation: Parking and enforcement shall conform to Article 10, Burleigh County Zoning Ordinance.

Snow Removal: Snow removal is the responsibility of the owner.

Garbage Collection: Garbage collection shall be the responsibility of property owner.

Monument Signs: No monument signs will be required to be installed but may be at the discretion of the developer.

Easements: All easements shall be shown on the plat.

Capital Improvement & Maintenance Fund: All future repairs and maintenance of property shall be the responsibility of the owner.

Grantor/Grantee of Easements: The only easement constructed will be at the approval of the Highway Engineer and the Burleigh County Zoning and Planning committee.

Activities requiring a Special Use Permit:

1. Corn Mazes
2. You pick vegetables
3. Carnivals and farmer's markets
4. Social events for individuals or organizations i.e. Weddings, graduations, company picnics.

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

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Section 3. **Effective Date.** This ordinance shall be in full force and effect from and after its final passage and adoption.

Section 4. **Severability.** If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Final Passage and Adoption:

I, Mark Splonkowski, do hereby certify that I am the duly elected auditor, of the County of Burleigh, State of North Dakota, and that the foregoing is a full, true and correct copy of an ordinance adopted by the Board of Burleigh County Commissioners at its regular meeting on to be determined.
____day of _____

IN WITNESS WHEREOF, I have hereto set my hand and seal of Burleigh County

this _____day of _____, 2024.

_____
Mark Splonkowski
Burleigh County Auditor/Treasurer

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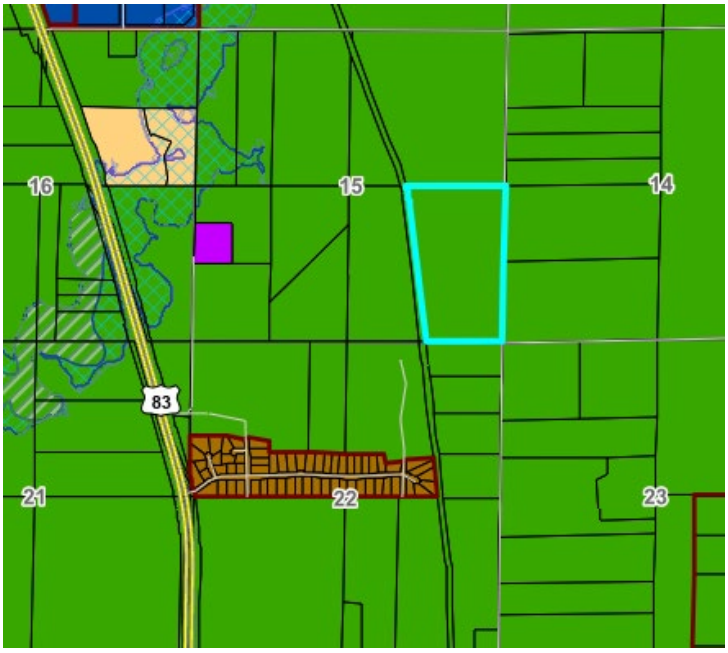
Agenda Item 6-1

Arcadia Lite Estates Subdivision

Project Summary	
Status:	Public Hearing
Petitioner/Developer	Primecore Development LLC
Engineer	Swenson Hagen & Company
Location:  6-1-1 Location Map	SE ¼, Section 15, Township140, Range 80W
Project Size:	Five (5) lots on 93 acres more or less
Zoning:	A-Agricultural
Petitioners Request	Approve final plat give a "Do Pass" Recommendation to the BCC
Notifications:	Bismarck Tribune 5/28 & 6/4/2026 Surrounding Properties 5/29/2026 Burleigh Co. Website 5/29/2026

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

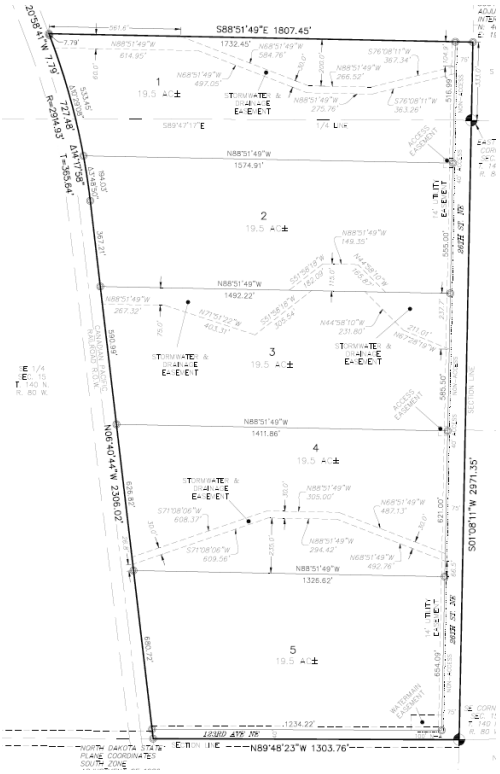
History/Description

Burleigh County was approached regarding development of a five (5) lot subdivision and zoning change from A-Agricultural to R1-Country Homes Residential. Several pre-application reviews were held regarding the requirements for a large-lot subdivision.

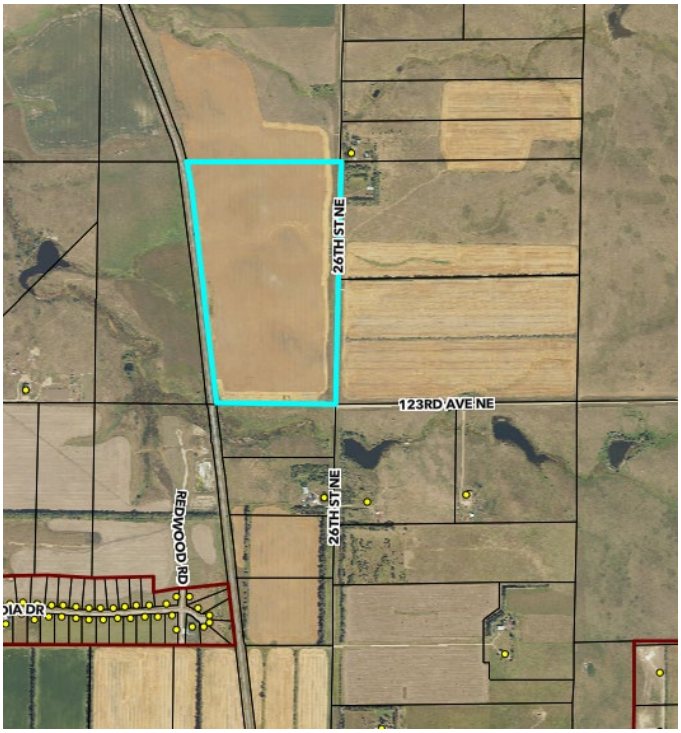
Arcadia Lite Estates will contain five (5) lots, each lot being 16 acres more or less. Access will be on the east side of parcel on 26th Street NE. Four (4) lots will have shared access points, one (1) will be allowed access from 123rd Ave. A Paving Waiver was granted on October 10, 2025. The Burleigh County Planning and Zoning Commission called for a public hearing on May 13, 2026.

Zoning is A-Agricultural. Zoning on the surrounding parcels is A-Agricultural.

The review committee did not have any concerns.



Attachment 6-1-2
Final Plat



Attachment 6-1-3 Site Map

Staff Findings – Final Plat

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This Final plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Zoning is A-Agricultural. A zoning change has been requested.
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.
5. A Stormwater Management Plan will be submitted.
6. A paving waiver was granted October 10, 2025

Planning Staff Recommendation

The petition for a final plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the final plat and giving a "Do Pass" recommendation to the BCC.

Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

1. Approve the final plat. Give a "Do Pass" recommendation to the BCC.
2. Approve the final plat with conditions. Give a "Do Pass" recommendation to the BCC after all condition have been completed.
3. Deny the final plat with reason.
4. Table the final plat for more information.

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

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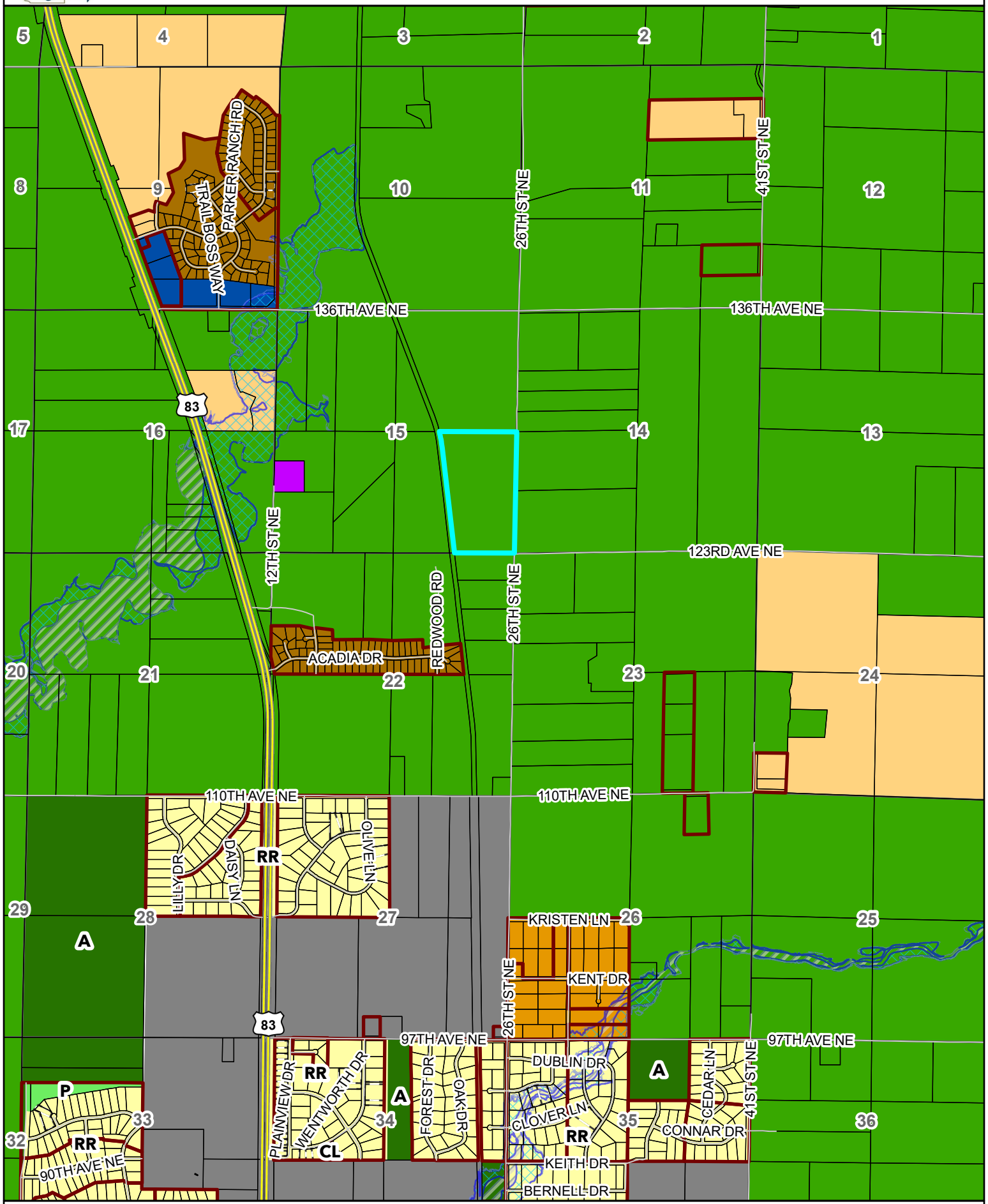
3/26/2026

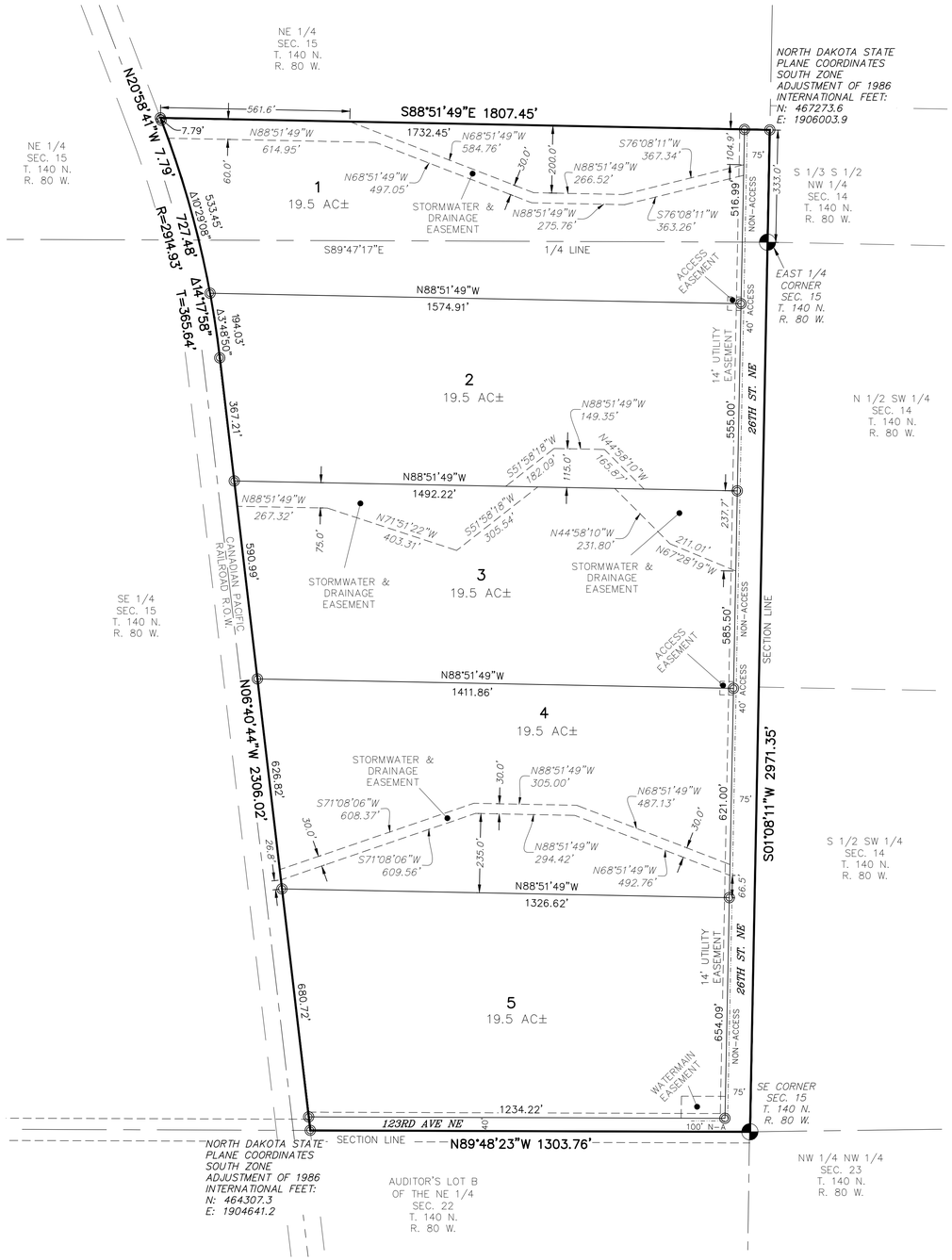


Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

ARCADIA LITE ESTATES SUBDIVISION

BEING PART OF THE EAST 1/2 OF SECTION 15, TOWNSHIP 140 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN

BURLEIGH COUNTY, NORTH DAKOTA



DESCRIPTION

BEING PART OF THE EAST 1/2 OF SECTION 15, TOWNSHIP 140 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 15; THENCE NORTH 89 DEGREES 48 MINUTES 23 SECONDS WEST, ON THE SOUTH LINE OF SAID SECTION 15, A DISTANCE OF 1303.76 FEET TO THE EAST LINE OF THE CANADIAN PACIFIC RAILROAD RIGHT-OF-WAY; THENCE NORTH 06 DEGREES 40 MINUTES 44 SECONDS WEST, ON AID EAST LINE, A DISTANCE OF 2306.02 FEET; THENCE NORTHERLY AND TO THE LEFT, CONTINUING ON SAID EAST LINE, ON A 2914.93 FOOT RADIUS CURVE, AN ARC LENGTH OF 727.48 FEET; THENCE NORTH 20 DEGREES 58 MINUTES 41 SECONDS WEST, CONTINUING ON SAID EAST LINE, A DISTANCE OF 7.79 FEET; THENCE SOUTH 88 DEGREES 51 MINUTES 49 SECONDS EAST, A DISTANCE OF 1807.45 FEET TO THE EAST LINE OF SAID SECTION 15; THENCE SOUTH 01 DEGREE, 08 MINUTES 11 SECONDS WEST, ON SAID EAST LINE, A DISTANCE OF 2971.35 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 103.85 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE SHOWN PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON _____, 2026, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA
58504

_____
TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3595

APPROVAL OF COUNTY PLANNING AND ZONING COMMISSION

THE COUNTY PLANNING AND ZONING COMMISSION HEREBY APPROVES ARCADIA LITE ESTATES SUBDIVISION, AS SHOWN ON THE PLAT. THIS PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND ORDINANCES OF THE COUNTY OF BURLEIGH AND REGULATIONS ADOPTED BY SAID PLANNING AND ZONING COMMISSION.

THE FOREGOING ACTION OF THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE ___ DAY OF _____, 2026

_____ _____
DENNIS AGNEW – CHAIRMAN MITCH FLANAGAN – SECRETARY

APPROVAL OF BOARD OF COUNTY COMMISSION

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE PLAT AS AN AMENDMENT TO THE MASTER PLAN OF BURLEIGH COUNTY, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE PLAT.

THIS PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND ORDINANCES OF THE COUNTY OF BURLEIGH.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE ___ DAY OF _____, 2026.

_____ _____
BRIAN BITNER-- CHAIRMAN ATTEST: MARK SPLONSKOWSKI
BURLEIGH COUNTY AUDITOR

APPROVAL OF COUNTY ENGINEER

I, DANIEL L. SCHRIOCK, COUNTY ENGINEER OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HEREBY APPROVE THIS PLAT OF ARCADIA LITE ESTATES SUBDIVISION, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THIS PLAT.

DATED THIS_____ DAY OF _____, 2026.

_____
DANIEL SCHRIOCK, P.E.
COUNTY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT SPLJ, LLP, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "ARCADIA LITE ESTATES SUBDIVISION", BURLEIGH COUNTY, NORTH DAKOTA AND DOES SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO BURLEIGH COUNTY.

THEY ALSO DEDICATE EASEMENTS TO BURLEIGH COUNTY TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY EASEMENTS.

THEY FURTHERMORE DEDICATE UNTO BURLEIGH COUNTY "STORM WATER AND DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DEDICATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THERETO FOR STORM WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

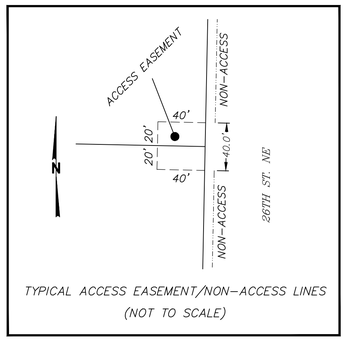
THEY FURTHERMORE GRANT ACCESS EASEMENTS TO THE OWNERS OF THE LOTS ADJOINING THOSE EASEMENTS. SAID EASEMENTS TO INCLUDE THE FULL AND FREE RIGHT FOR SAID PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, IN COMMON WITH ALL OTHERS HAVING LIKE RIGHT AT ALL TIMES HEREAFTER FOR ALL PURPOSES CONNECTED WITH THE USE OF SAID PARTIES, TO PASS AND REPASS ALONG SAID EASEMENT AND TO HOLD SAID EASEMENT TO SAID PARTIES, THEIR HEIRS AND ASSIGNS AND APPURTENANT TO THE LAND OF SAID PARTIES. SAID EASEMENT TO ALLOW THE CONSTRUCTION, OPERATION, MAINTENANCE, AND REPAIR OF SHARED DRIVEWAYS AND ACCESS POINTS ON THE REAL PROPERTY GRAPHICALLY SHOWN AS ACCESS EASEMENTS.

STATE OF NORTH DAKOTA)
)
COUNTY OF_____)

_____
_____(PRINT)
SPLJ, LLP
825 N 1ST ST
BISMARCK, ND 58501

ON THIS _____ DAY OF _____, 2026, BEFORE ME PERSONALLY APPEARED _____ OF SPLJ, LLP, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND _HE ACKNOWLEDGED TO ME THAT _HE EXECUTED THE SAME.

_____
NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____



TYPICAL ACCESS EASEMENT/NON-ACCESS LINES
(NOT TO SCALE)

RESTRICTED USE ON STORMWATER AND DRAINAGE EASEMENT

STORMWATER & DRAINAGE EASEMENTS ARE CONSTRUCTED TO COLLECT, STORE, CONVEY, AND/OR TREAT STORMWATER RUNOFF. THEY ARE CONSTRUCTED TO PREVENT OR LIMIT FLOOD DAMAGE AND ENVIRONMENTAL IMPACTS TO PROPERTIES BOTH WITHIN AND OUTSIDE OF THE PLAT.

PROPERTY OWNERS SHALL NOT PLACE ANY TYPE OF FILL MATERIAL OR MAKE ANY ALTERATIONS TO THE PERMANENT VEGETATED COVER ON THE STORMWATER & DRAINAGE EASEMENT (NO OPEN TILLED SOIL AREAS WILL BE ALLOW). THEY SHALL NOT PLANT ANY TREES OR SHRUBS WITHIN THE EASEMENT WITH THE INTENT TO SCREEN OR PROVIDE A SNOW SHELTER BELT. INDIVIDUAL TREES AND SHRUBS MAY BE PLANTED WITHIN THE EASEMENT WITH THE PRIOR APPROVAL OF THE COUNTY ENGINEER. PROPERTY OWNERS SHALL NOT CONSTRUCT ANY TYPE OF STRUCTURE (INCLUDING GARAGES, OUTBUILDINGS, SHEDS, DRIVEWAYS, PARKING PADS, LANDSCAPING, GARDENS, AND SEPTIC FIELDS) OR OTHER FEATURES THAT INTERFERE WITH THE INTENDED USE OF THE STORMWATER & DRAINAGE EASEMENT.

AREA DATA

NE 1/4	604,276 S.F	13.87 ACRES
SE 1/4	3,919,419 S.F.	89.98 ACRES

AREA DATA

LOTS	4,251,538 S.F.	97.60 ACRES
STREETS	272,157 S.F.	6.25 ACRES
TOTAL	4,523,695 S.F.	103.85 ACRES

0 100' 200'

SCALE: 1"=200'

APRIL 27, 2026

◎ MONUMENT IN PLACE

NOTES

BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE

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

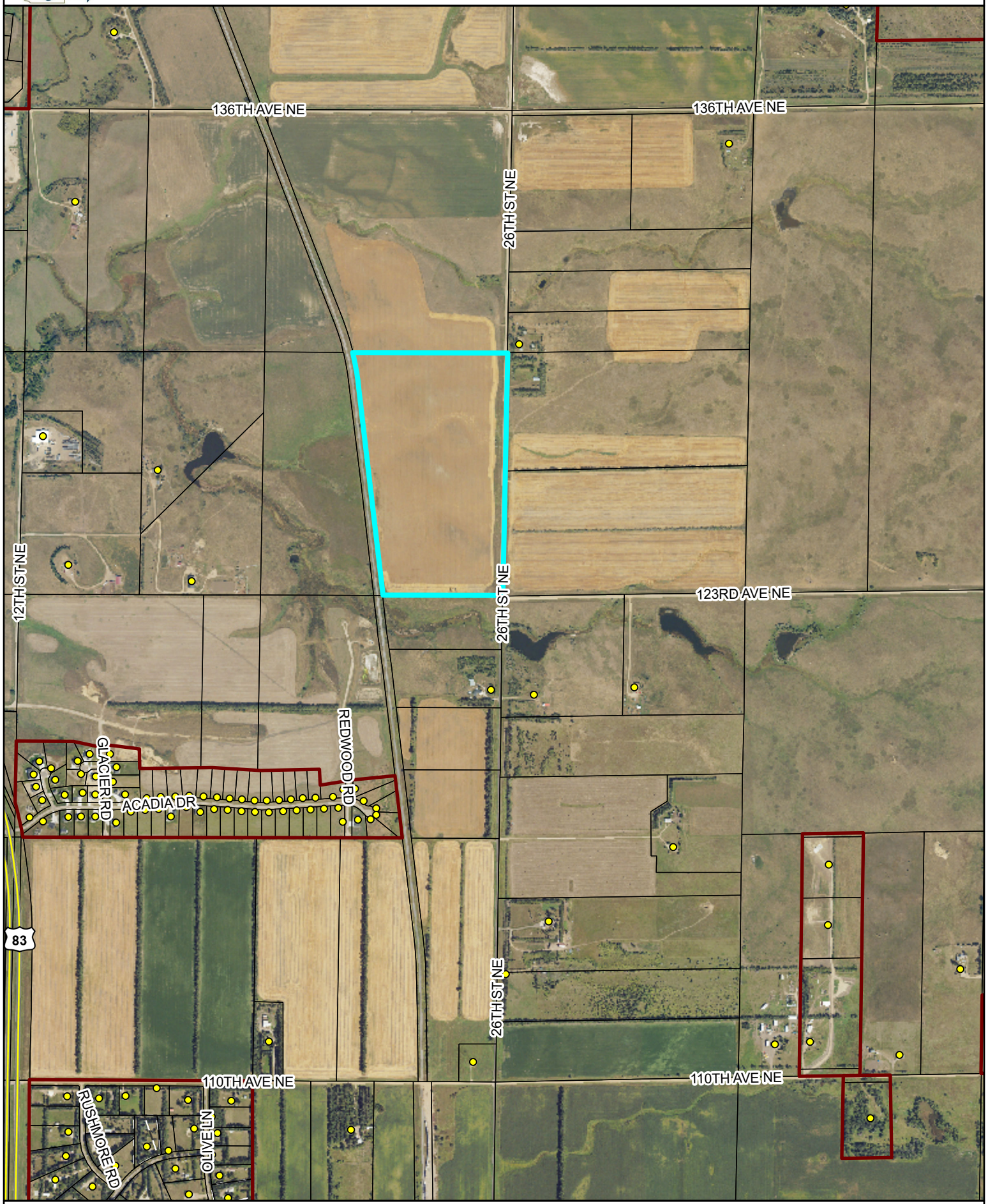
COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 2011
UNITS ARE INTERNATIONAL FEET
NAVD 88 VERTICAL DATUM

SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
3002 Airway Avenue
Bismarck, North Dakota 58504
sheng@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

3/26/2026



Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

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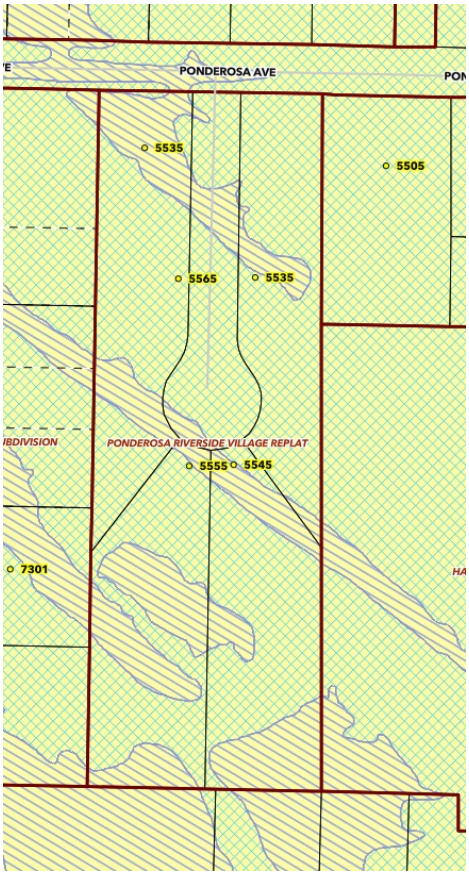
Agenda Item 6-2

Ponderosa Riverside Village 9th Subdivision

Project Summary	
Status:	Public Hearing
Petitioner/Developer	Jeffery & Kimberly Eslinger
Engineer	Toman Engineering Company
Location: 	All of the Replat of Part of Ponderosa Riverside Village Section 3, Township 139N, Range 81W, Burleigh County, ND Addressed as: 5535 Ponderosa Ave.
Project Size:	One (1) Lot Containing 10 Acres More or Less
Zoning:	R1- Country Home Residential

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

Petitioners Request	Approve final plat. Give a "Do Pass" recommendation to the BCC
Notifications:	Bismarck Tribune 5/28 & 6/4/2026 Surrounding Properties 5/29/2026 Burleigh Co. Website 5/29/2026

History/Description

Burleigh County was approached regarding combining four (4) lots into a one (1) lot subdivision. The zoning is RR Rural Single Family Residential. A pre-application review was held regarding the requirements for the subdivision.

The review committee did not see any concerns in combining the lots, however, there is a dedicated ROW cul-de-sac in the middle of the four lots. Because the petitioners wanted to combine the four lots into one lot, they were advised to apply for a vacation of the cul-de-sac. The owners applied and were granted a vacation at the May 4, 2026 meeting of the Board of Burleigh County Commissioners. The petitioners would like to start building on this lot in the summer of 2026. The request passed the Burleigh County Planning and Zoning Commission on May 13, 2026.



Attachment 6-2-2 Final Plat



Attachment 6-2-3 Site Map

Staff Findings – Final plat

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This final plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Zoning will not change.
4. A SWMP was not required.
5. A Paving Waiver was not required.
6. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.
7. A vacation of Buck Board Lane was approved at the May 4, 2026 meeting of the Board of Burleigh County Commissioners' Agenda.

Planning Staff Recommendation

The petition for a final plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the final plat and giving a "Do Pass" recommendation to the BCC.

Planning Commission Action

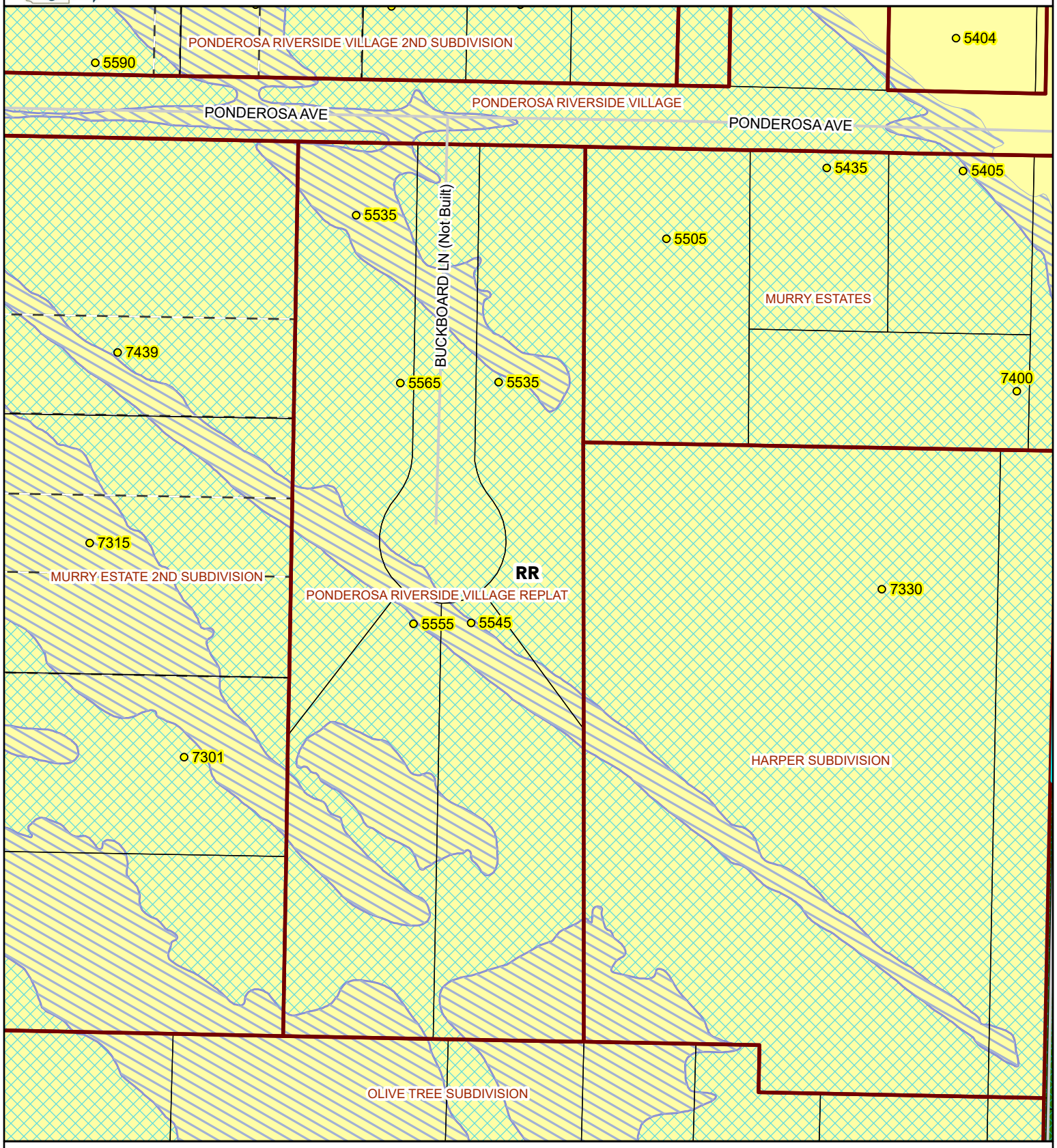
The Burleigh County Planning and Zoning Commission can:

1. Approve the final plat. Give a "Do Pass" recommendation to the BCC.
2. Approve the final plat with conditions. Give a "Do Pass" recommendation to the BCC after all condition have been completed.
3. Deny the final plat with reason.
4. Table the final plat for more information.

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

4/27/2026



PARCEL ID: 31-139-81-00-02-600 **OWNER:** TYLER LIMITED PARTNERSHIP **ACRES:** 148

SITE ADDRESS:

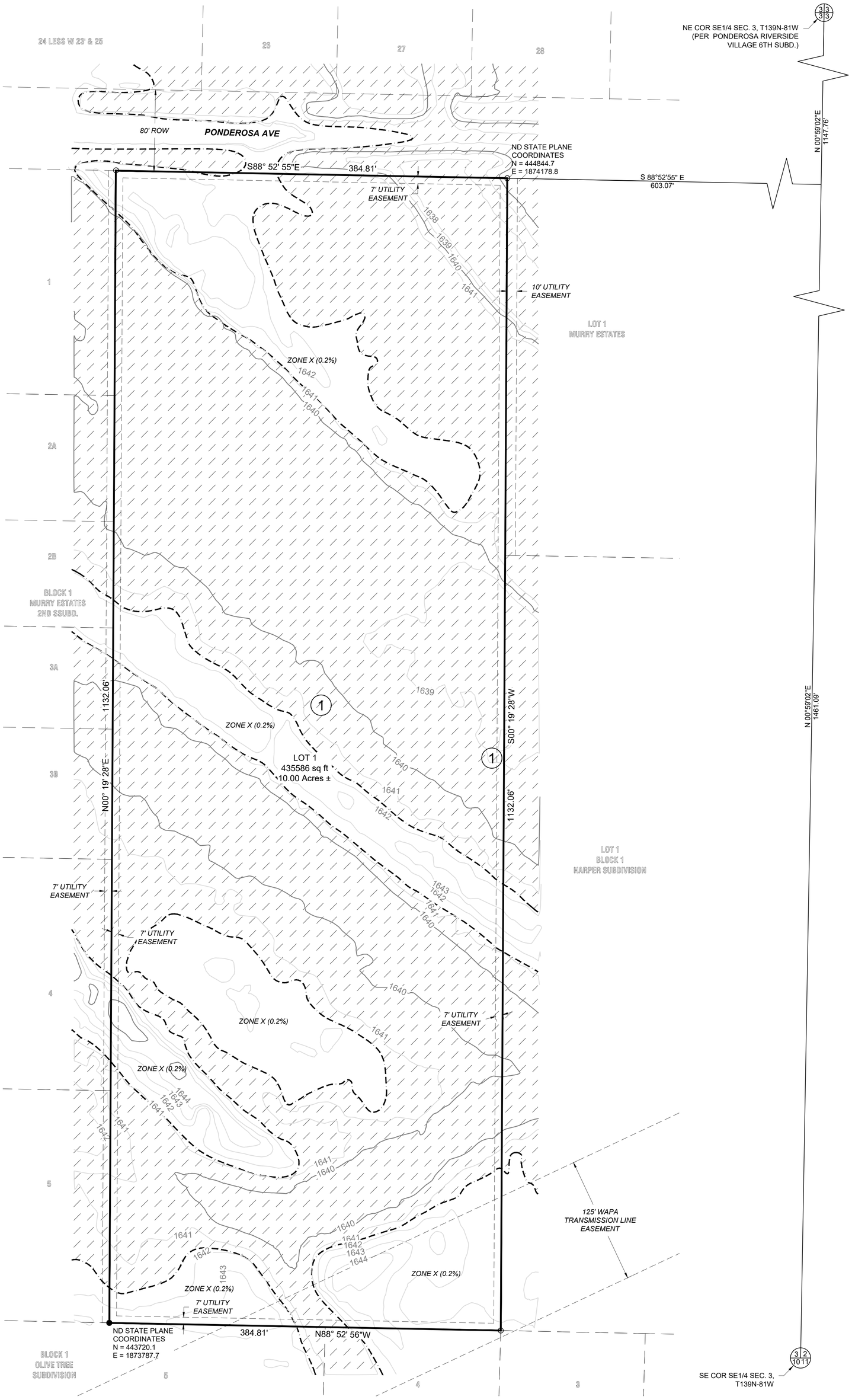
MAIL ADDRESS: %GARY H DIETRICH FAM TR 5302 123RD AVE NE, BISMARCK, ND 58503-9115

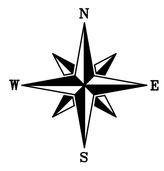
LEGAL: HAY CREEK TOWNSHIP Section 02 SW1/4 LESS 12 ACRES 357732 431550 672256 02-139-81

Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

PONDEROSA RIVERSIDE VILLAGE 9TH SUBDIVISION

ALL OF THE REPLAT OF PART OF PONDEROSA RIVERSIDE VILLAGE OF SECTION 3,
T139N-R81W, 5TH P.M. BURLEIGH COUNTY, NORTH DAKOTA





APRIL, 2026

50 0 50 100

Scale 1" = 50 ft

VERT. DATUM: NAVD88

HORIZ. DATUM: 1983 ST. PLANE, ND SOUTH (3302)

LEGEND

- FOUND REBAR MONUMENT
- SET REBAR MONUMENT
- BOUNDARY LINE
- ADJACENT LOT LINE
- SECTION LINE
- EASEMENT LINE
- 100-YEAR FLOODPLAIN

4632

TOMAN ENGINEERING

501 1st Street NW, Mandan, ND 58554

701-663-6483 * www.tomanengineering.com

SURVEYOR: ANDRA L. MARQUARDT, RLS-4623

OWNERS:

JEFFREY & KIMBERLY ESLINGER
5535 PONDEROSA AVE
BISMARCK, ND 58503

EMILY A. ESLINGER
FLAT 3182 ORIENTAL PARADE
WELLINGTON, NZ 6011

JONAH B. ESLINGER
2383 LARPENTEUR AVE WEST
LAUDERDALE, MN 55113

BASIS OF BEARING:

BASIS OF BEARING: NORTH BOUNDARY LINE
SOUTH 88°52'55" EAST.

NOTES:

1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
2. WATER IS PROVIDED BY SOUTH CENTRAL REGIONAL WATER DISTRICT.
3. PARTS OF THE PROPERTY LIES WITHIN THE 100-YEAR FLOODPLAIN (ZONE AE) PER FEMA FIRM PANEL MAP NO. 38015C0570E, EFFECTIVE DATE 06/06/2024. BFE: 1641.2 (NAVD88).
4. CONTOURS PROVIDED BY BISMARCK-MANDAN MPO. DATA COMPILED ON AUGUST, 2020.

DESCRIPTION OF PROPERTY

ALL OF THE REPLAT OF PART OF PONDEROSA RIVERSIDE VILLAGE OF SECTION 3, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA. SAID TRACT OF LAND CONTAINING 10.00 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, ANDRA L. MARQUARDT, NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 4623, HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED BY MY FORCES UNDER MY SUPERVISION THE PROPERTY DESCRIBED HEREON AND I HAVE PREPARED THE ACCOMPANYING PLAT; FURTHER, THAT DISTANCES INDICATED HEREON ARE IN FEET AND HUNDREDTHS THEREOF, AND BEARINGS ARE INDICATED IN QUADRANTS AND DEGREES, MINUTES, AND SECONDS THEREOF, AND ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT; FURTHER, THAT SAID PLAT DOES TRULY SHOW THE SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

_____
ANDRA L. MARQUARDT, RLS-4623

OWNER'S CERTIFICATE OF DEDICATION

WE, THE UNDERSIGNED, BEING SOLE OWNERS OF THE LAND PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AND DO DEDICATE ALL THE RIGHT OF WAY IDENTIFIED HEREIN TO BURLEIGH COUNTY FOREVER. WE ALSO DEDICATE EASEMENTS TO RUN WITH THE LAND FOR GAS, ELECTRIC, TELEPHONE, WATER OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS "UTILITY EASEMENT".

_____ _____
JEFFREY ESLINGER KIMBERLY ESLINGER

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS _____DAY OF _____, 2026.

_____NOTARY PUBLIC
_____COUNTY, _____
MY COMMISSION EXPIRES: _____

_____
EMILY A. ESLINGER

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS _____DAY OF _____, 2026.

_____NOTARY PUBLIC
_____COUNTY, _____
MY COMMISSION EXPIRES: _____

_____
JONAH B. ESLINGER

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS _____DAY OF _____, 2026.

_____NOTARY PUBLIC
_____COUNTY, _____
MY COMMISSION EXPIRES: _____

APPROVAL OF COUNTY PLANNING AND ZONING COMMISSION

THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, HEREBY APPROVES PONDEROSA RIVERSIDE VILLAGE 8TH SUBDIVISION AS SHOWN ON THIS PLAT. THIS PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND THE ORDINANCES OF THE COUNTY OF BURLEIGH AND REGULATIONS ADOPTED BY SAID PLANNING AND ZONING COMMISSION.

THE FOREGOING ACTION OF THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE _____DAY OF _____, 2026.

_____ _____
DENNIS AGNEW - CHAIRMAN MITCH FLANAGAN - SECRETARY

APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THIS PLAT.

THE PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND ORDINANCES OF THE COUNTY OF BURLEIGH.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSION OF BURELIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE ____ DAY OF _____, 2026.

_____ _____
BRIAN BITNER - CHAIRMAN ATTEST: MARK SPLONSKOWSKI
COUNTY AUDITOR

APPROVAL OF THE COUNTY ENGINEER

I, DAN SCHRIOCK, COUNTY ENGINEER OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HEREBY APPROVES THIS PLAT OF PONDEROSA RIVERSIDE VILLAGE 8TH SUBDIVISION, AS SHOWN ON THIS PLAT.

DATED THIS _____ DAY OF _____, 2026

_____
DAN SCHRIOCK, PE
COUNTY ENGINEER

WAPA RESTRICTION NOTE:

THE UNITED STATES GOVERNMENT (WESTERN AREA POWER ADMINISTRATION) HOLDS A 125 FOOT (62.5' ON EACH SIDE OF THE CENTERLINE) EASEMENT FOR THE RIGHT TO OPERATE, PATROL, REPAIR, MAINTAIN, USE, CONSTRUCT, AND RECONSTRUCT AN ELECTRICAL TRANSMISSION LINE. THE FOLLOWING ACTIVITIES ARE PROHIBITED WITHIN THE TRANSMISSION LINE EASEMENT, UNLESS REVIEWED AND APPROVED BY WESTERN AREA POWER ADMINISTRATION (IN WRITING).

1. OWNER SHALL NOT ERECT ANY STRUCTURE. STRUCTURES, BY WAY OF EXAMPLE, NOT BY LIMITATION, SHALL MEAN BUILDINGS, MOBILE HOMES, SIGNS, STORAGE TANKS, SEPTIC SYSTEMS, SWIMMING POOLS, TENNIS COURTS, OR SIMILAR FACILITIES.
2. OWNER SHALL NOT DRILL WELLS OR CONDUCT MINING OPERATIONS.
3. OWNER SHALL NOT GRANT PERMISSION TO THE PUBLIC FOR THE USE OF THE EASEMENT AREA. SUCH PROHIBITED USE SHALL INCLUDE ROADS, PARKING AREAS, STORAGE FACILITIES, AND RECREATION FACILITIES.
4. OWNER SHALL NOT APPRECIABLY CHANGE THE CHARACTER OF EXISTING TOPOGRAPHY. NORMAL GARDENING PRACTICES MAY BE CONDUCTED. HOWEVER, OWNER SHALL NOT PLANT TREES WITHIN THE TRANSMISSION LINE EASEMENT WITHOUT FIRST OBTAINING WRITTEN PERMISSION FROM THE WESTERN AREA POWER ADMINISTRATION (WAPS) OR ITS ASSIGNS.
5. OWNER SHALL NOT ERECT OR INSTALL FENCES ON OR ACROSS THE EASEMENT AREA WITHOUT FIRST SUBMITTING THE FENCE PLANS TO WAPA AND OBTAINING WAPA'S WRITTEN APPROVAL.
6. OWNER SHALL NOT PLANT TREES WITHIN THE RIGHT-OF-WAY.

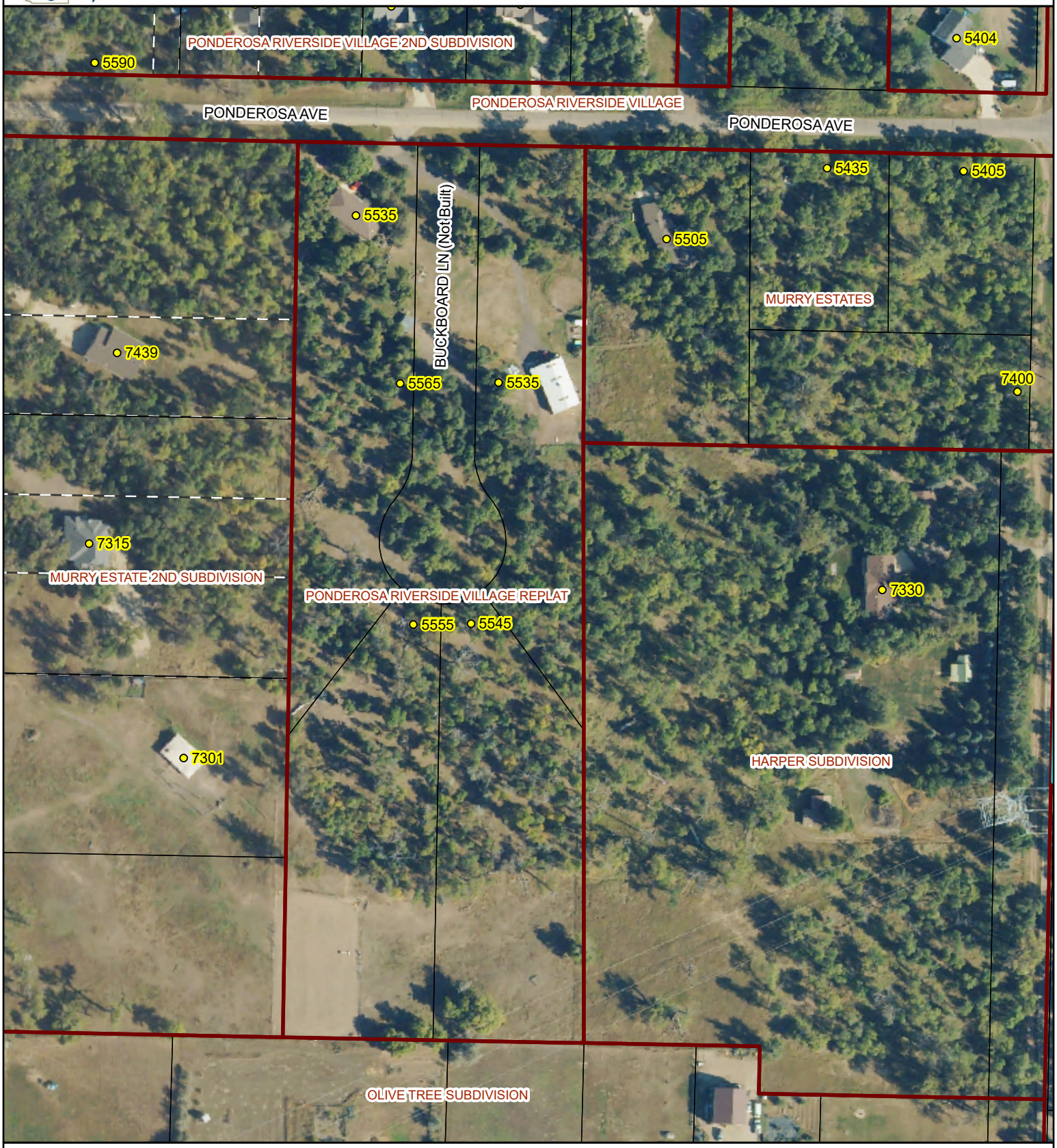
REQUESTS FOR PERMISSION TO USE THE TRANSMISSION LINE RIGHT-OF-WAY SHOULD BE SUBMITTED TO THE WESTERN AREA POWER ADMINISTRATION, NORTH DAKOTA MAINTENANCE OFFICE, P.O. BOX 1173, BISMARCK, ND 58502-1173. PLEASE CONTACT THE WESTERN AREA POWER SUPPLY WITH ANY QUESTIONS AT (701) 221-4500.

PONDEROSA RIVERSIDE VILLAGE 9TH SUBDIVISION

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

4/27/2026



PARCEL ID: 31-139-81-00-02-600 **OWNER:** TYLER LIMITED PARTNERSHIP **ACRES:** 148

SITE ADDRESS:

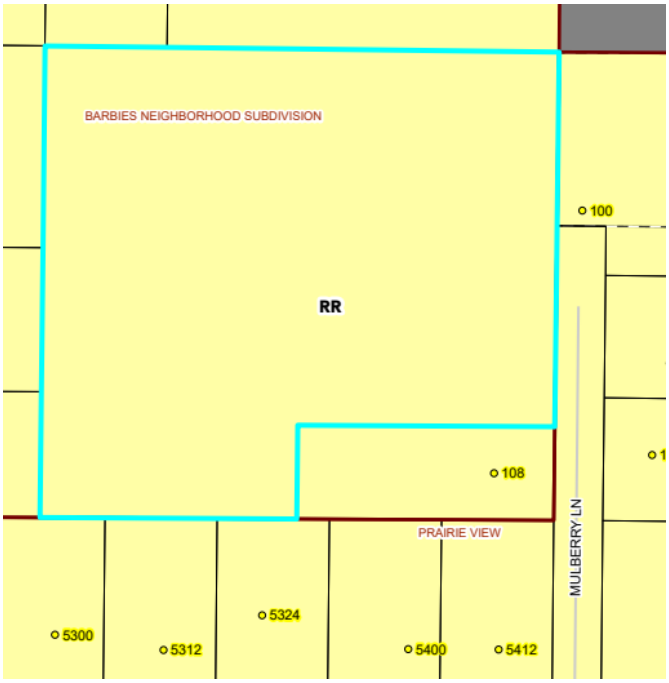
MAIL ADDRESS: %GARY H DIETRICH FAM TR 5302 123RD AVE NE, BISMARCK, ND 58503-9115

LEGAL: HAY CREEK TOWNSHIP Section 02 SW1/4 LESS 12 ACRES 357732 431550 672256 02-139-81

Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

Agenda Item 6-3

Norb's Subdivision

Project Summary	
Status:	Public Hearing
Petitioner/Developer	GKNG Properties LLC
Engineer	Swenson, Hagen & Company
Location:  	Being Part of Lot 11, Block 1, Barbie's Neighborhood Subdivision and Part of Mulberry Lane Right-of-Way of the SW ¼ of Section 6, Township 138 N, Range 79W 6-3-1 Location Map
Project Size:	Three (3) lot subdivision containing 9 acres more or less
Zoning:	R1- Country Home Residential
Petitioners Request	Approve final plat. Give a "Do Pass" recommendation to the BCC
Notifications	Bismarck Tribune 5/28 & 6/4/2026 Surrounding Properties 5/29/2026 Burleigh Co. Website 6/4/2026

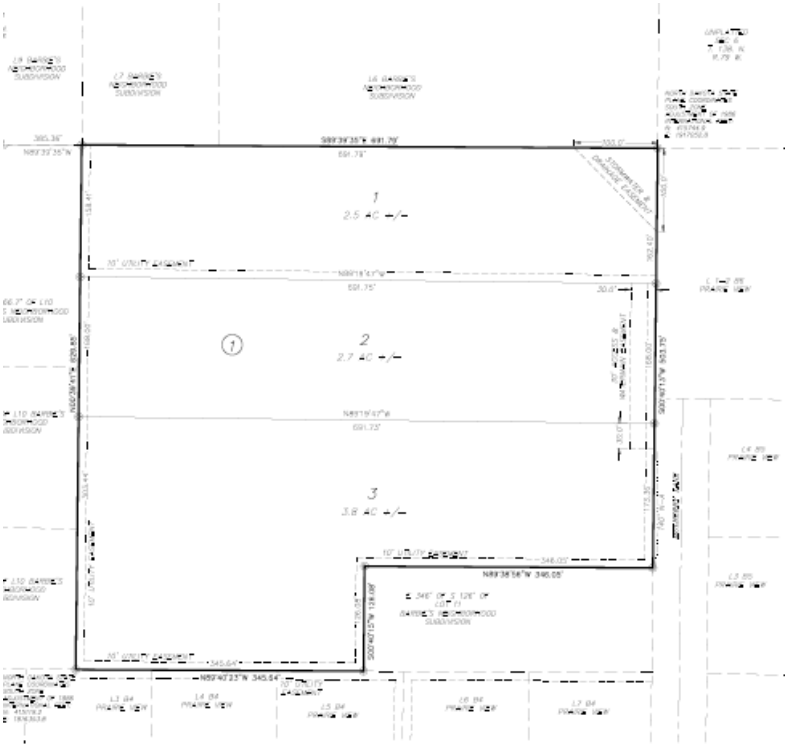
As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

History/Description

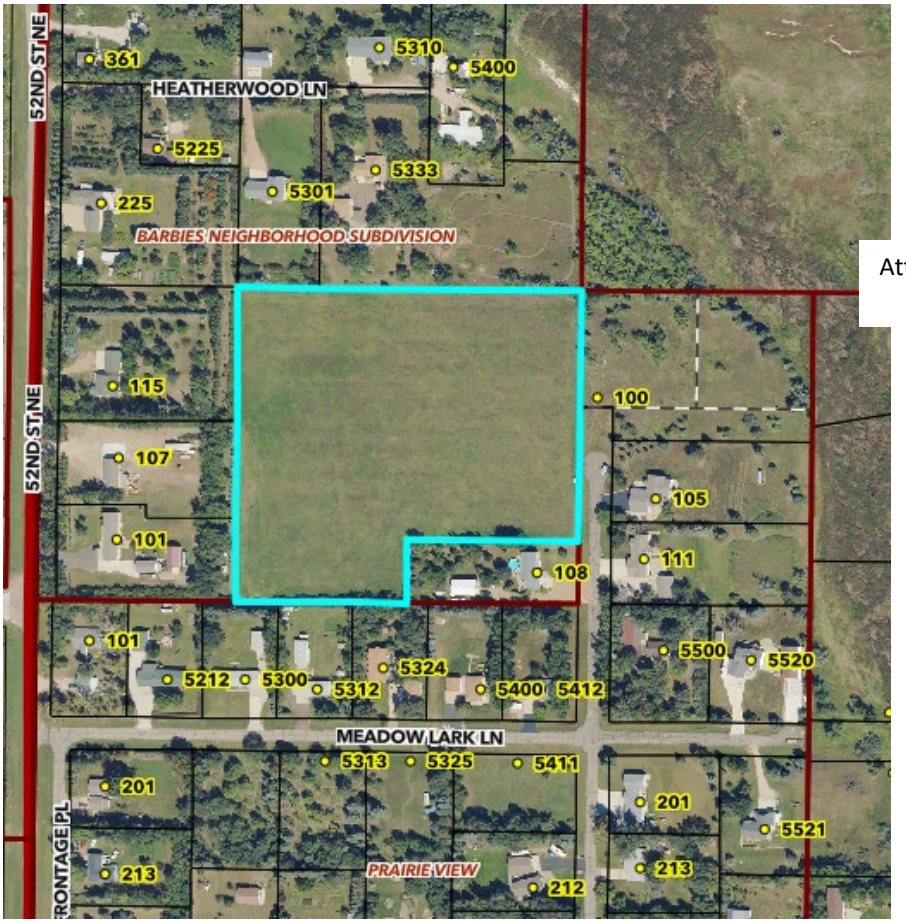
Burleigh County was approached regarding subdividing Lot 11 of Barbies Neighborhood Subdivision. Staff work with the petitioner on the number of lots and what would be required to plat the parcel. The zoning is R1-Country Home Residential.

The petitioner decided to divide the lot into a three (3) lot subdivision.

Staff reviewed the preliminary plat and did not have any concerns. The preliminary plat was approved at the May 13, 2026 Planning and Zoning Commission Meeting. A storm water management plan was not required.



Attachment 6-3-2 Final Plat



Attachment 6-3-3 Site Map

Staff Findings – Final Plat

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This final plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Zoning is R1-Country Home Residential
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.

Planning Staff Recommendation

The petition for a final plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the final plat and give a "Do Pass" recommendation to the BCC.

Planning Commission Action

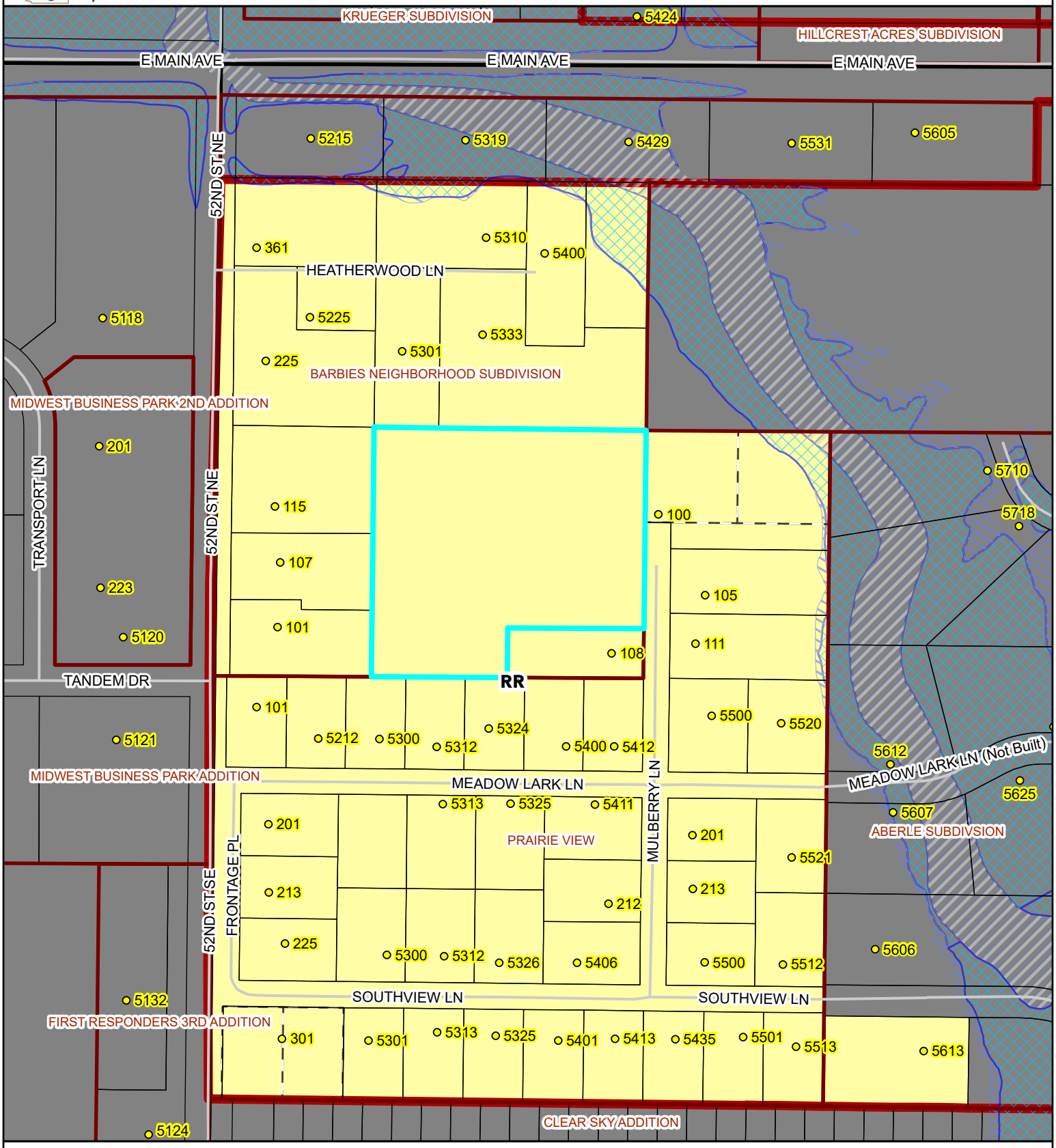
The Burleigh County Planning and Zoning Commission can:

1. Approve the final plat. Give a "Do Pass" recommendation to the BCC
2. Approve the final plat with conditions. Give a "Do Pass" recommendation to the BCC after all condition have been completed.
3. Deny the final plat with reason.
4. Table the final plat for more information.

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

4/28/2026



PARCEL ID: 39-138-79-15-00-110 **OWNER:** GKNG PROPERTIES LLC **ACRES:** 9

SITE ADDRESS:

MAIL ADDRESS: 14179 52ND ST NE, BALDWIN, ND 58521

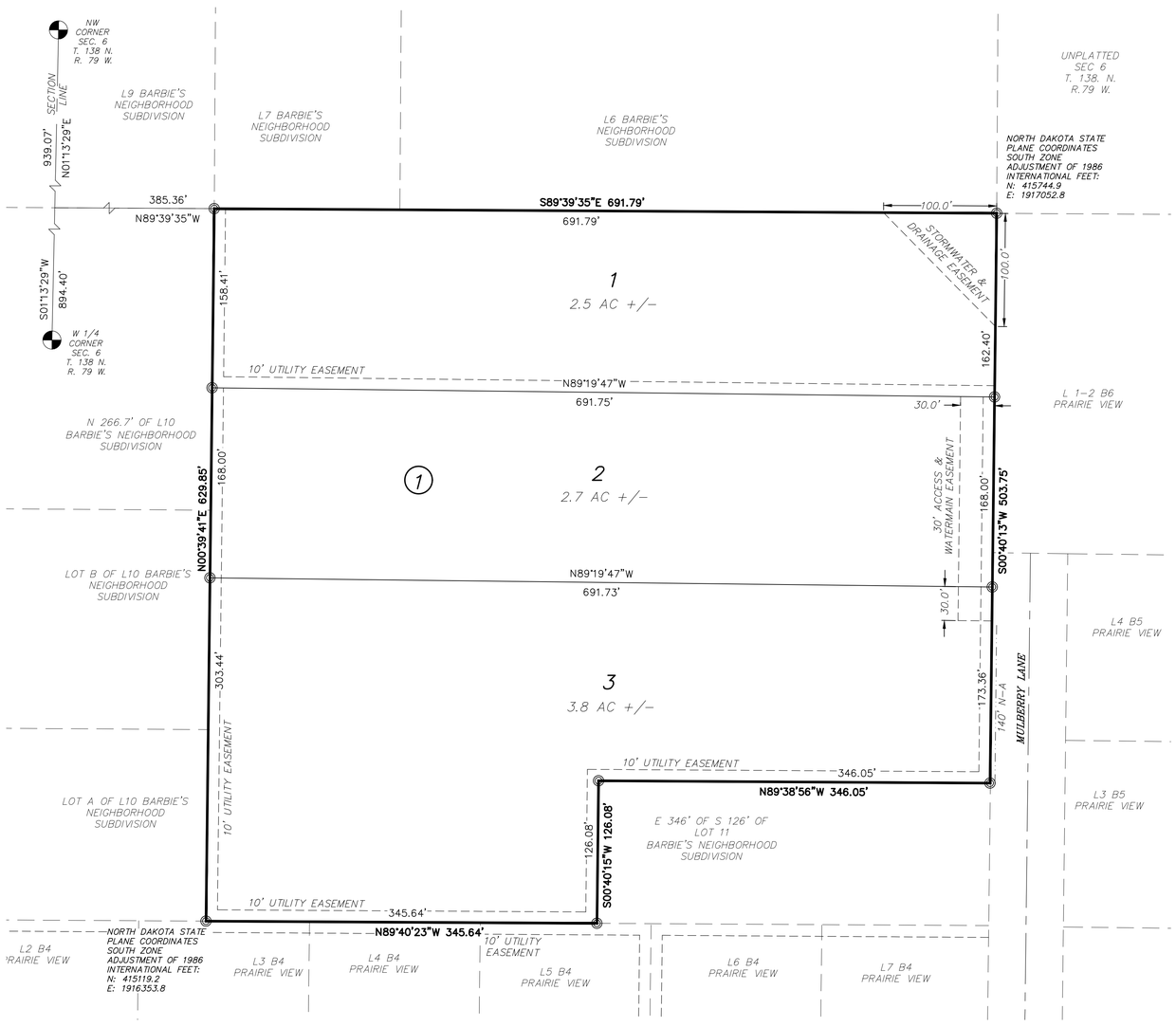
LEGAL: BARBIE'S NEIGHBORHOOD Block 00 LOT 11 LESS E346' OF THE S126' 796069

Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

NORBS SUBDIVISION

BEING LOT 11 LESS THE EAST 346' OF BARBIES NEIGHBORHOOD
OF SECTION 6, TOWNSHIP 138 NORTH, RANGE 79 WEST
OF THE FIFTH PRINCIPAL MERIDIAN

BURLEIGH COUNTY, NORTH DAKOTA



NOTES

BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE

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

COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 2011
UNITS ARE INTERNATIONAL FEET
NAVD 88 VERTICAL DATUM

APPROVAL OF COUNTY PLANNING AND ZONING COMMISSION

THE COUNTY PLANNING AND ZONING COMMISSION HEREBY APPROVES NORBS SUBDIVISION, AS SHOWN ON THE PLAT. THIS PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND ORDINANCES OF THE COUNTY OF BURLEIGH AND REGULATIONS ADOPTED BY SAID PLANNING AND ZONING COMMISSION.

THE FOREGOING ACTION OF THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE ____ DAY OF _____, 2026

_____ _____
DENNIS AGNEW – CHAIRMAN MITCH FLANAGAN – SECRETARY

APPROVAL OF BOARD OF COUNTY COMMISSION

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE PLAT AS AN AMENDMENT TO THE MASTER PLAN OF BURLEIGH COUNTY, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE PLAT.

THIS PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND ORDINANCES OF THE COUNTY OF BURLEIGH.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE ____ DAY OF _____, 2026.

_____ _____
BRIAN BITNER-- CHAIRMAN ATTEST: MARK SPLONSKOWSKI
BURLEIGH COUNTY AUDITOR

APPROVAL OF COUNTY ENGINEER

I, DANIEL L. SCHRIOCK, COUNTY ENGINEER OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HEREBY APPROVE THIS PLAT OF NORBS SUBDIVISION, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THIS PLAT.

DATED THIS_____ DAY OF _____, 2026.

_____
DANIEL SCHRIOCK, P.E.
COUNTY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT GKNG PROPERTIES, LLC, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "NORBS SUBDIVISION", BURLEIGH COUNTY, NORTH DAKOTA AND DOES SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO BURLEIGH COUNTY.

THEY ALSO DEDICATE EASEMENTS TO BURLEIGH COUNTY TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY EASEMENTS.

THEY FURTHERMORE DEDICATE UNTO BURLEIGH COUNTY "STORM WATER AND DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DEDICATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THERETO FOR STORM WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

THEY FURTHERMORE GRANT AN 40' ACCESS & WATERMAIN EASEMENT TO ALL LANDOWNERS OF NORBS SUBDIVISIONT TO CONSTRUCT, OPERATE, MAINTAIN, AND REPAIR WATERMAIN FACILITIES UNDER OR UPON THE REAL PROPERTY NOTED AS WATERMAIN EASEMENTS. GRANTEES SHALL HAVE THE RIGHT TO INGRESS AND EGRESS ACROSS THE EASEMENT PROPERTY FOR THE PURPOSES HEREIN GRANTED & RESERVED, AND TO INCLUDE THE FULL AND FREE RIGHT FOR SAID PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, IN COMMON WITH ALL OTHERS HAVING LIKE RIGHT AT ALL TIMES HEREAFTER FOR ALL PURPOSES CONNECTED WITH THE USE OF SAID PARTIES, TO PASS AND REPASS ALONG SAID EASEMENT AND TO HOLD SAID EASEMENT TO SAID PARTIES, THEIR HEIRS AND ASSIGNS AND APPURTENANT TO THE LAND OF SAID PARTIES, UPON THE REAL PROPERTY NOTED AS ACCESS EASEMENTS. SAID EASEMENT TO ALLOW THE CONSTRUCTION, OPERATION, MAINTENANCE, AND REPAIR OF SHARED DRIVEWAYS AND ACCESS POINTS ON THE REAL PROPERTY NOTED AS ACCESS EASEMENTS.

STATE OF NORTH DAKOTA)
)
COUNTY OF_____)

_____
GEORGE KUNTZ
GKNG PROPERTIES, LLC
14179 52ND ST NE
BALDWIN, ND 58521

ON THIS ____ DAY OF _____, 2026, BEFORE ME PERSONALLY APPEARED GEORGE KUNTZ OF GKNG PROPERTIES, LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND _HE ACKNOWLEDGED TO ME THAT _HE EXECUTED THE SAME.

_____
NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

DESCRIPTION

BEING LOT 11 LESS THE EAST 346' OF BARBIES NEIGHBORHOOD OF SECTION 6, TOWNSHIP 138 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 7 BARBIE'S NEIGHBORHOOD SUBDIVISION; THENCE SOUTH 89 DEGREES 39 MINUTES 35 SECONDS EAST, ON THE SOUTH LINE OF LOTS 6 & 7 BARBIE'S NEIGHBORHOOD SUBDIVISION, A DISTANCE OF 691.79 FEET TO THE WEST LINE OF BLOCK 6 OF PRAIRIE VIEW SUBDIVISION; THENCE SOUTH 00 DEGREES 40 MINUTES 13 SECONDS WEST, ON SAID WEST LINE AND THE WEST LINE OF MULBERRY LANE RIGHT-OF-WAY, A DISTANCE OF 503.75 FEET TO THE NORTH LINE OF THE EAST 346' OF THE SOUTH 126' OF LOT 11 BARBIE'S NEIGHBORHOOD SUBDIVISION, WARRANTY DEED FILED AS DOC #646705 IN THE BURLEIGH COUNTY RECORDER'S OFFICE; THENCE NORTH 89 DEGREES 38 MINUTES 56 SECONDS WEST, ON SAID NORTH LINE, A DISTANCE OF 346.05 FEET TO THE WEST LINE OF SAID WARRANTY DEED LOT; THENCE SOUTH 00 DEGREES 40 MINUTES 15 SECONDS WEST, ON SAID WEST LINE, A DISTANCE OF 126.08 FEET TO THE NORTH LINE OF BLOCK 4 PRAIRIE VIEW SUBDIVISION; THENCE NORTH 89 DEGREES 40 MINUTES 23 SECONDS WEST, ON SAID NORTH LINE, A DISTANCE OF 345.64 FEET TO THE EAST LINE OF LOT 10 BARBIE'S NEIGHBORHOOD SUBDIVISION; THENCE NORTH 00 DEGREES 39 MINUTES 41 SECONDS EAST, ON SAID EAST LINE, A DISTANCE OF 629.85 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 11.29 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE SHOWN PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON _____, 2026, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA
58504

_____
TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3595

RESTRICTED USE ON STORMWATER AND DRAINAGE EASEMENT

STORMWATER & DRAINAGE EASEMENTS ARE CONSTRUCTED TO COLLECT, STORE, CONVEY, AND/OR TREAT STORMWATER RUNOFF. THEY ARE CONSTRUCTED TO PREVENT OR LIMIT FLOOD DAMAGE AND ENVIRONMENTAL IMPACTS TO PROPERTIES BOTH WITHIN AND OUTSIDE OF THE PLAT.

PROPERTY OWNERS SHALL NOT PLACE ANY TYPE OF FILL MATERIAL OR MAKE ANY ALTERATIONS TO THE PERMANENT VEGETATED COVER ON THE STORMWATER & DRAINAGE EASEMENT (NO OPEN TILLED SOIL AREAS WILL BE ALLOW). THEY SHALL NOT PLANT ANY TREES OR SHRUBS WITHIN THE EASEMENT WITH THE INTENT TO SCREEN OR PROVIDE A SNOW SHELTER BELT. INDIVIDUAL TREES AND SHRUBS MAY BE PLANTED WITHIN THE EASEMENT WITH THE PRIOR APPROVAL OF THE COUNTY ENGINEER. PROPERTY OWNERS SHALL NOT CONSTRUCT ANY TYPE OF STRUCTURE (INCLUDING GARAGES, OUTBUILDINGS, SHEDS, DRIVEWAYS, PARKING PADS, LANDSCAPING, GARDENS, AND SEPTIC FIELDS) OR OTHER FEATURES THAT INTERFERE WITH THE INTENDED USE OF THE STORMWATER & DRAINAGE EASEMENT.

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

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

4/27/2026



PARCEL ID: 39-138-79-15-00-110 **OWNER:** GKNG PROPERTIES LLC **ACRES:** 9

SITE ADDRESS:

MAIL ADDRESS: 14179 52ND ST NE, BALDWIN, ND 58521

LEGAL: BARBIE'S NEIGHBORHOOD Block 00 LOT 11 LESS E346' OF THE S126' 796069

Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

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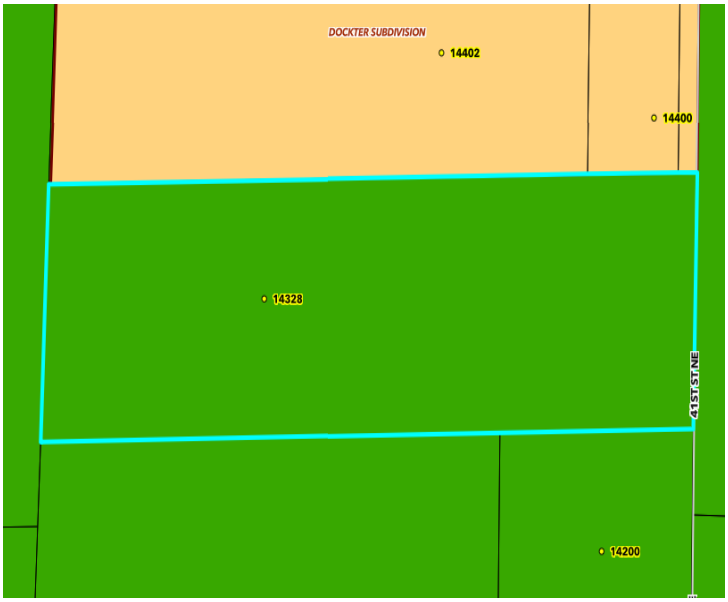
Agenda Item 6-4

Klatte Subdivision & Zoning Change

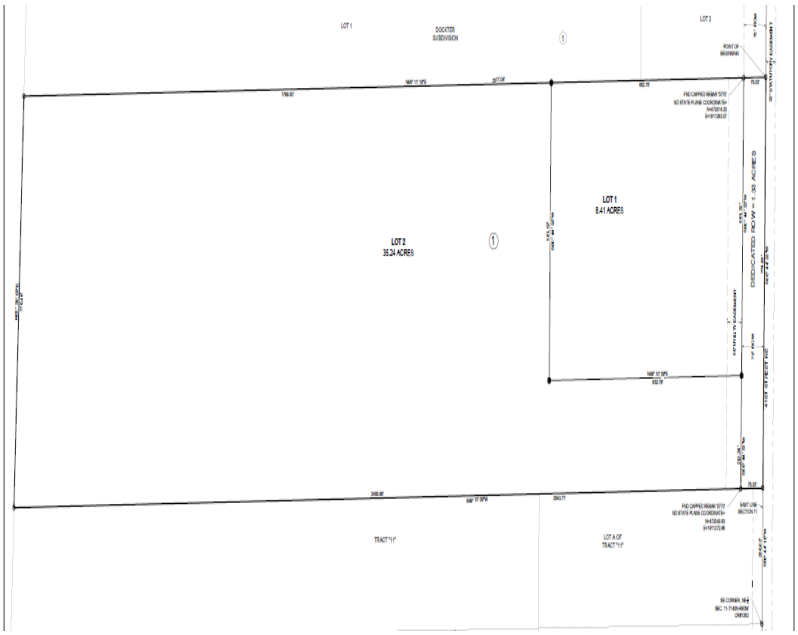
Project Summary	
Status:	Public Hearing
Petitioner/Developer	Timothy & Mallory Klatte
Engineer	ILSE, Inc
Location: 	All of Tract 10 in the Northeast 1/4 Section 11, Township 140N, Range 80W 6-4-1 Location Map Site Address: 5100 NE 136TH AVE
Project Size:	Two (2) lot subdivision containing 44 acres more or less
Zoning Change:	A-Agricultural to R1-Country Home Residential on 8.41 acre lot
Petitioners Request	Approve final plat and zoning change. Give a "Do Pass" recommendation to the BCC

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

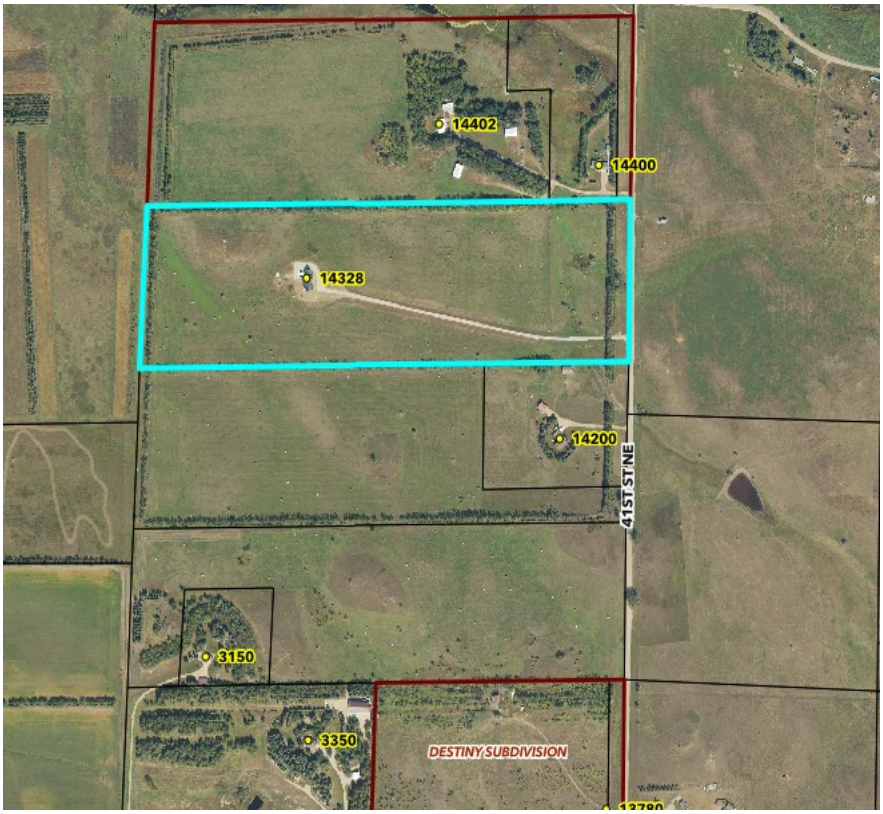
History/Description

Burleigh County was approached regarding subdividing a 44 acre lot into a two (2) lot subdivision. One lot will be 35 acres more or less and retain it's a-Agricultural Zoning. One lot will contain 8.41 acres and will require a zoning change. The petitioner would like to build a Pre-K Educational Center containing 15 up to 30 pre-K to Kindergarten aged children. The education will have an emphasis on outdoor learning on the 35 acres. Educational groups are an allowed use in R-1 zoning.

Staff reviewed the final plat and did not have any concerns. Burleigh County Planning and Zoning Commission approved the preliminary plat on May 13, 2026. A SWMP Waiver was submitted on May 25, 2026



Attachment 6-4-2 Final Plat



Attachment 6-4-3 Site Map

Staff Findings – Final Plat

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This final plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Zoning is A-Agricultural on the lot containing 35 acres more or less.
4. Lot 1 containing 8.41 acres. The petitioners have requested a zoning change to R1-Country Home Residential
5. Surrounding properties are zoned are zoned A-Agricultural with the exception being the subdivision to the North which is zoned R1-Country Home Residential
6. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.

Planning Staff Recommendation

The petition for a final plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the final plat and give a "Do Pass" recommendation to the BCC.

The petition for a zoning change on Lot 1 meets all the requirements of Article 12 of the Burleigh County Zoning Ordinances.

Planning Commission Action

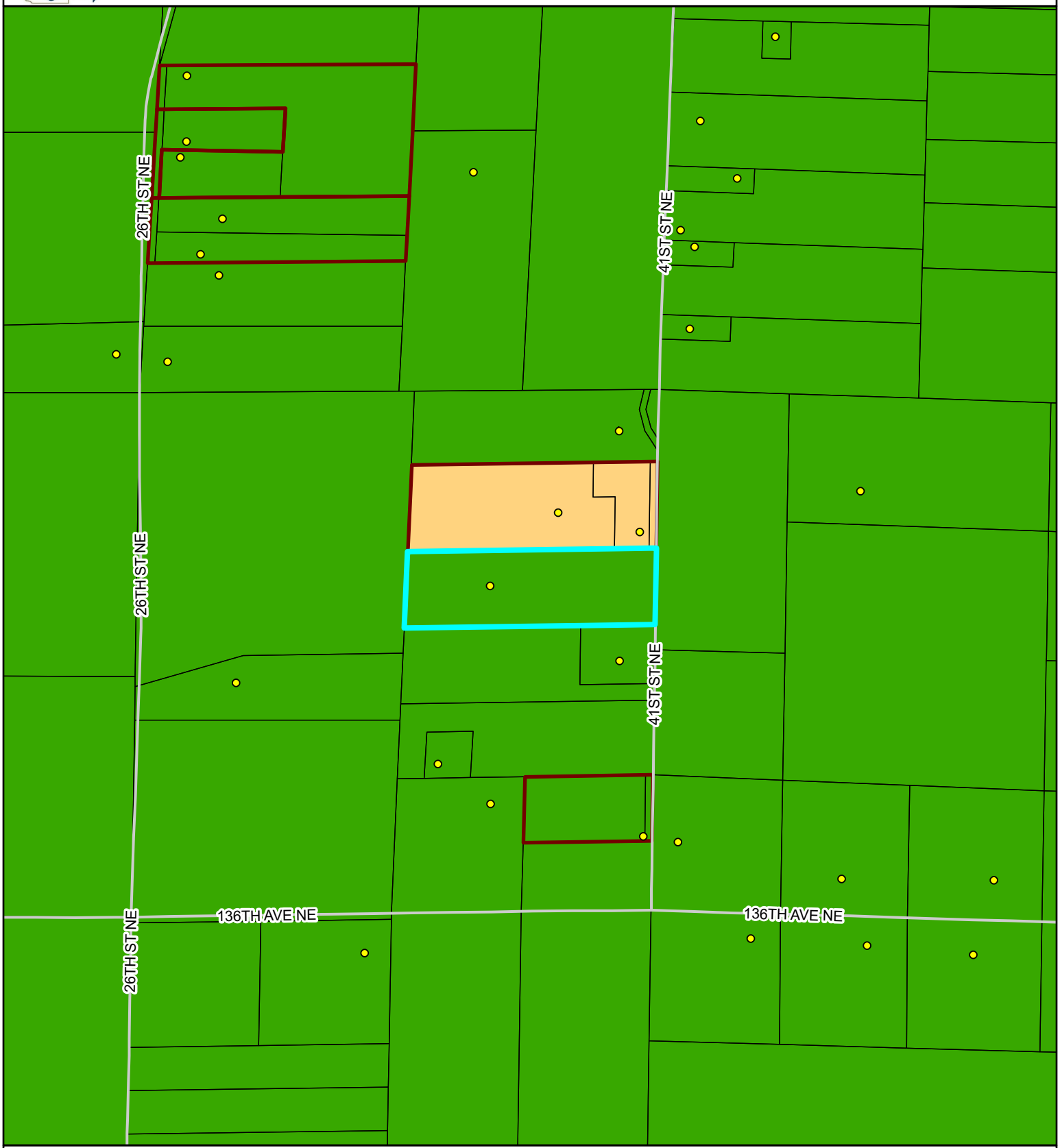
The Burleigh County Planning and Zoning Commission can:

1. Approve the final plat and/or zoning change. Give a "Do Pass" recommendation to the BCC.
2. Approve the final plat and/or zoning change with conditions. Give a "Do Pass" recommendation to the BCC after all condition have been completed.
3. Deny the final plat and/or zoning change with reason.
4. Table the final plat and/or zoning change for more information.

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

5/28/2026



PARCEL ID: 24-140-80-00-11-230 **OWNER:** KLATTE, TIMOTHY PATRICK & MALLORY **ACRES:** 45

SITE ADDRESS: 14328 NE 41ST ST

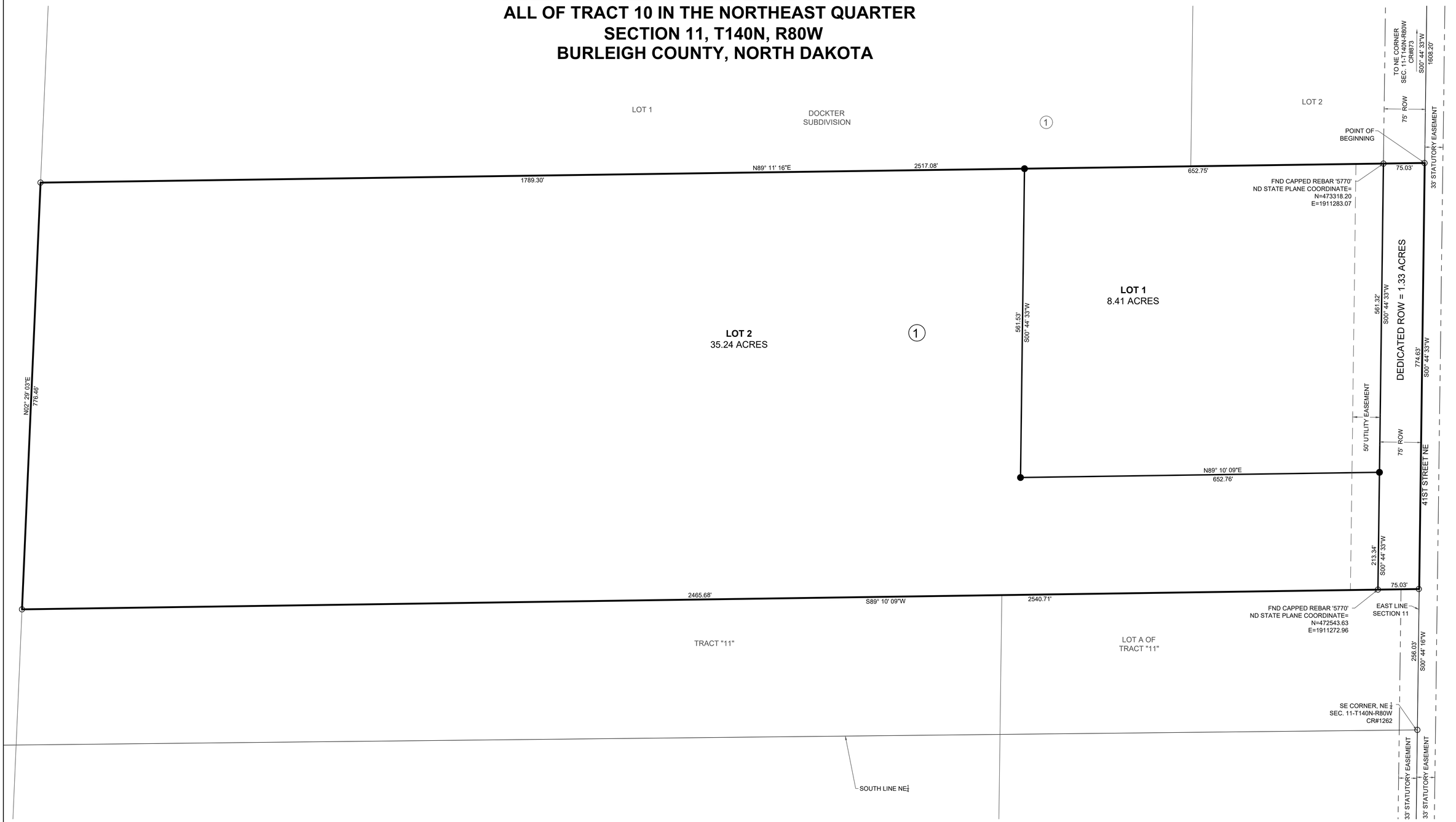
MAIL ADDRESS: 1805 BONN BLVD, BISMARCK, ND 58504

LEGAL: BURNT CREEK TOWNSHIP Section 11 TRACT 10 IN NE1/4 328495 683030 11-140-80

Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

KLATTE SUBDIVISION

ALL OF TRACT 10 IN THE NORTHEAST QUARTER
SECTION 11, T140N, R80W
BURLEIGH COUNTY, NORTH DAKOTA



OWNER'S CERTIFICATE OF DEDICATION

WE, THE UNDERSIGNED, BEING SOLE OWNERS OF THE LAND PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AND DO DEDICATE ALL THE RIGHT OF WAY IDENTIFIED HEREIN TO BURLEIGH COUNTY. WE ALSO DEDICATE EASEMENTS TO RUN WITH THE LAND FOR GAS, ELECTRIC, TELEPHONE, WATER, OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS "UTILITY EASEMENT".

THEY ALSO DEDICATE ACCESS EASEMENTS TO ALL LAND OWNING PARTIES, TO RUN WITH THE LAND FOR THE PURPOSE OF CONSTRUCTING, OPERATING, AND MAINTAINING THE ACCESS UNDER OR UPON THE REAL PROPERTY OF THOSE CERTAIN STRIPS OF LAND SO DESIGNATED.

TIMOTHY PATRICK KLATTE
LOTS 1 & 2; BLOCK 1

MALLORY KLATTE
LOTS 1 & 2; BLOCK 1

STATE OF _____)
) SS
COUNTY OF _____)

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC. THIS___DAY OF _____, 20___.

NOTARY PUBLIC _____

APPROVAL OF COUNTY PLANNING AND ZONING COMMISSION

THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, HEREBY APPROVES KLATTE SUBDIVISION AS SHOWN ON THIS PLAT, THIS PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND THE ORDINANCES OF THE COUNTY OF BURLEIGH AND REGULATIONS ADOPTED BY SAID PLANNING AND ZONING COMMISSION.

THE FOREGOING ACTION OF THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE_____DAY OF_____, 20___.

DENNIS AGNEW - CHAIRMAN

ATTEST: MITCH FLANAGAN - SECRETARY

LAND DESCRIPTION

ALL OF TRACT 10 IN THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 140 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 11; THENCE SOUTH 00° 44' 33" WEST ON THE EAST LINE OF SAID SECTION 11 A DISTANCE OF 1608.20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00° 44' 33" WEST ON SAID EAST LINE A DISTANCE OF 774.63 FEET; THENCE SOUTH 89° 10' 09" WEST A DISTANCE OF 2540.71 FEET; THENCE NORTH 02° 29' 03" EAST A DISTANCE OF 776.46 FEET; THENCE NORTH 89° 11' 16" EAST A DISTANCE OF 2517.08 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 44.98 ACRES MORE OR LESS; AND SUBJECT TO ALL LEGAL RIGHTS OF WAY AND EASEMENTS.

APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE PLAT AS AN AMENDMENT TO THE MASTER PLAN OF BURLEIGH COUNTY, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THIS PLAT.

THE PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND ORDINANCES OF THE COUNTY OF BURLEIGH.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE_____DAY OF_____, 20__.

BRIAN BITNER - CHAIRMAN

ATTEST: MARK SPLONSKOWSKI, COUNTY AUDITOR

SURVEYOR'S CERTIFICATE

I, MARK R. ISAACS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE APPROVED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON MAY 7, 2026. THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

MARK R. ISAACS, RLS 9628

APPROVAL OF THE COUNTY ENGINEER

I, DANIEL L. SCHRIOCK, COUNTY ENGINEER FOR THE COUNTY OF BURLEIGH, NORTH DAKOTA, HEREBY APPROVES THIS PLAT OF "KLATTE SUBDIVISION" AS SHOWN ON THE PLAT, DATED THIS _____ DAY OF _____, 20___.

DANIEL L. SCHRIOCK, PE
COUNTY ENGINEER

NORTH

SCALE: 1" = 80'

0 40 80

DATE: MAY 20TH, 2026

VERTICAL DATUM - NAVD 1988.

BASED ON NORTH DAKOTA SOUTH ZONE-NAD83 (2011), INTERNATIONAL FEET.

MEASUREMENTS HAVE BEEN ESTABLISHED BY RTK FROM THE "NDBK" CORS STATION AND ARE REPORTED IN GRID.

BENCHMARK - SOUTHEAST CORNER OF LOT 2, BLOCK 1, A CAPPED REBAR '5770' FOUND FLUSH WITH THE GROUND. ELEVATION = 1911.19'

PROFESSIONAL LAND SURVEYOR
MARK R. ISAACS, LS-9628

ACREAGE TABLE

LOT 1	8.41 ACRES
LOT 2	35.24 ACRES
DEDICATED ROW	1.33 ACRES
TOTAL	44.98 ACRES

LEGEND

○	FOUND SURVEY MONUMENT
●	SET CAPPED REBAR - LS9628
ROW	RIGHT OF WAY

OWNERS:

TIMOTHY PATRICK & MALLORY KLATTE
1805 BONN BOULEVARD
BISMARCK, ND 58504

NOTES:

1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENTS.
2. SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.

KLATTE SUBDIVISION
ALL OF TRACT 10 IN THE NE 1/4
SECTION 11, T140N, R80W
BURLEIGH, NORTH DAKOTA

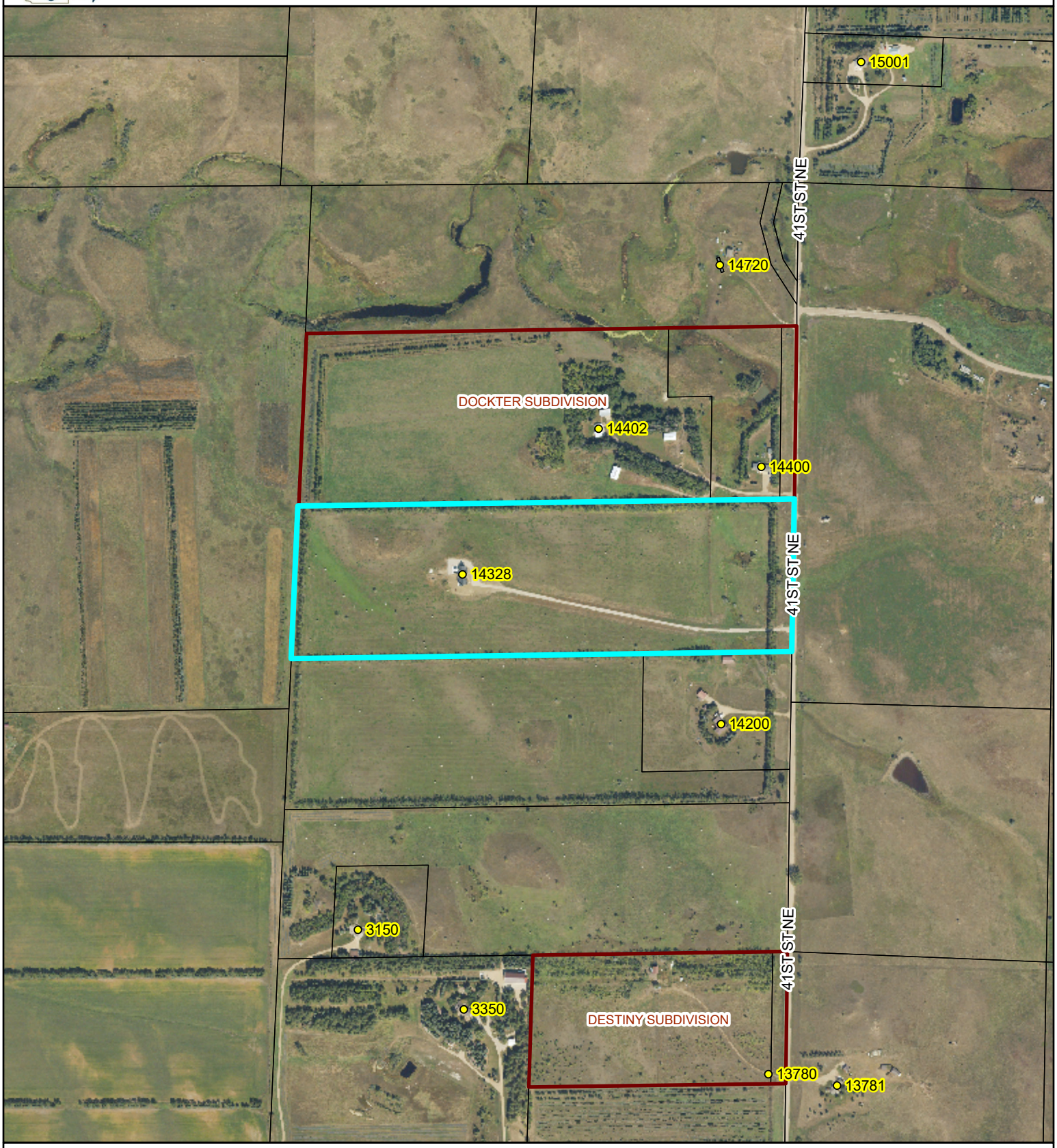
SHEET: 1 OF 1	JOB NUMBER: 26060
SCALE: 1"= 80'	DWG REVISION DATES
DRAWN BY: LCM	– –
DWG DATE: 5/20/26	– –
DWG NAME:26060 Klatte Subdivision Final Plat.dwg	

Independent Land Surveying & Engineering
4215 Old Red Trail NW
Mandan, ND 58554
Phone: 701-663-5184
Cell: 701-595-2079
mark@ilsurveynd.com

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

4/28/2026



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7.1 Revise and Updates to Ordinances

Review the following Staff Reports Exhibits:
Introduction Staff Report

- Ex. 7.1.1. Zoning District Article 3 Definitions
- Ex. 7.1.2. Zoning District Article 6 Incidental Uses
- Ex. 7.1.3. Zoning District Article 8 Section 4, Sec. 8, Sec. 22
- Ex. 7.1.4. Zoning District Article 11 Ag Agricultural
- Ex. 7.1.5. Zoning District Article 12 R1 Residential
- Ex. 7.1.6. Zoning District Article 12 R2 Residential
- Ex. 7.1.7. Zoning District Article 15 R5 MH
- Ex. 7.1.8. Zoning District Article 16 C Commercial
- Ex. 7.1.9. Zoning District Article 18 I Industrial

STAFF REPORT Introduction

Zoning Ordinance Summary

Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For Public Hearing

The following proposed changes to Burleigh County Zoning Ordinances are from suggestions made from previous Planning Commission meetings.

STAFF REPORT Ex. 7.1.1

Article 3 Definitions Ordinance Summary

Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For Public Hearing

Buffer Yard: A strip of land, identified in the zoning ordinance, established to protect one type of land use from another of an incompatible land use. An appropriate buffer may vary depending on uses, districts etc. For PUD or Special Use Permits, the size and width shall be determined by the Burleigh County Board,

Buffer Yards.

a. Purpose. The buffer yard requirements are intended to provide separation between land uses of differing intensity. Buffer yards utilize a combination of distance and plantings to form a dense landscaping screen to mitigate the undesirable impacts associated with incompatible land uses on adjacent properties.

b. Applicability. Buffer yards shall be required between a single- or two-family residential use zoning and any other non-agricultural land use.

c. Location of Buffer Yards. Buffer yards shall be located along the entire length of any lot line where two (2) land uses of differing intensity abut, excluding areas adjacent to access points and sight triangles. Such buffer yards may be located within required yards, but not within any portion of the public right-of-way or access easement.

d. Responsibility for Buffer Yard Installation. Installation of all required buffer yards shall be the responsibility of the proposed higher intensity use and shall be located on the lot of the higher intensity use.

e. Standards. Buffer yards shall be installed in accordance with the following table:

i. Screening Fence. A screening fence may be made of solid wood, composite material with the appearance of solid wood, vinyl with the appearance of solid wood, masonry, or a combination of masonry and any of the other materials listed.

Area Where Buffer Yards Are Required	Minimum Width of Buffer Yard	Landscape Materials Required- 100 Lineal Feet
Side or rear yard of any expanding higher intensity land use adjacent to single and two-family residential uses or zoning	10 feet w/6-foot screening fence As determined by the Burleigh County Board	4 shade trees and 2 ornamental trees

Childcare Center- Also known as a Daycare Center, is a free-standing facility offering care, maintenance, and supervision for hire or compensation, for less than twenty-four (24) hours per day, for more than twelve (12) children under the age of twelve (12) years and licensed by the North Dakota Department of Human Services as an early childhood program.

Communication Tower: An elevated broadcast structure designed to support antennas and other communication equipment for the transmission and reception of signals such as radio, television, telephone, internet, and satellite communications.

Greenhouse-Commercial: A building used for indoor cultivation and production of flowers, crops, fruit trees, nursery stock, truck garden products, regardless of the climate, for wholesale purposes only.

Greenhouse-Retail: A building that is made primarily of translucent building material, used, designed or intended to be used for onsite sales and display of plants, products grown or stored therein, gardening supplies and equipment, or landscaping supplies and equipment.

Personal Storage Unit: A non-habitable, non-commercial building owned or used by an individual or household for personal storage, hobbies, craftwork, or private recreation, and not open to the public. Personal storage units are intended for use by residents of an adjacent neighborhood

Self-Storage Facility: A building or group of buildings that contains varying sizes of individual, compartmentalized, and controlled access units or lockers for use by members of the general public for storage of personal or business items. The self-storage structure shall not be used for residential occupancy.

STAFF REPORT Ex. 7.1.2

Article 6 Zoning District Ordinance Summary

Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For Public Hearing

ARTICLE 6 INCIDENTAL USES

Section 1. Accessory Uses

1. Dwelling Premises
    a. Private garages or off-street parking spaces incidental to a dwelling.
    b. Private greenhouse, vegetable, fruit, or flower garden, from which no products are sold or offered for sale.
    c. Children's playhouse, and playground equipment.
    d. Shed, tool room for storage of equipment used in grounds or building maintenance but not including stable, chicken house, or other buildings to house agricultural livestock.
    e. Private swimming pool and bath house.
    f. Statuary, trellises, barbecue stove or similar ornamental or landscaping features.
    g. No more than three (3) dogs four months of age or older.
    h. All allowable accessory buildings to a residence shall be limited to a maximum of ~~four percent (4%) of the area of the parcel,~~ square footage according to the size of the parcel, as follows:

Accessory Buildings Sq./Ft.	Computation Allowance
2 Acres or less	5% x 87'120.= 4,356 sq./ft
3 Acres	5% x 130,600.= 6,530 sq./ft
4 Acres	5% x 174,240.= 8,712 sq./ft
5 Acres	5% x 217,800.= 10,890 sq./ft
6 Acres or greater	4%

And a maximum wall height of sixteen and one-half (16½) feet and a maximum building height of twenty-five (25) feet.

Section 2. Home Occupation

There is permitted in a dwelling, any occupation customarily incidental to the principal use as a dwelling, subject to the following limitations:

~~1. No person, other than a member of the immediate family, occupying a dwelling is there employed; except domestic help.~~
~~2. No stock in trade is displayed or sold upon the premises.~~
~~3. No alteration of the principal building that changes the character thereof as a dwelling.~~
~~4. No illuminated sign is used, and no sign other than one giving the name and occupation, not more than one square foot in area, is displayed.~~
~~5. No more than twenty-five percent (25%) of the area of one story of the building shall be devoted to the home occupation.~~

1. The following are hereby declared, but not limited to, ~~to be~~ customary home occupations as intended by this section:
   a. Dressmaker, seamstress.
   b. Music teacher.
   c. Artist, sculptor.
   d. Author.
   e. Emergency treatment only of patients by physicians, dentists, or licensed drugless physicians.
   f. Emergency interview only of clients by lawyers, architects, engineers and similar professions.
   g. Minister.

Section 2. Home Occupation

There is permitted in a dwelling in R1 zoning district, customarily incidental to the principal use as a dwelling, subject to the following limitations:

1. ~~No person, other than a member of the immediate family, occupying a dwelling is there employed, except domestic help.~~
2. ~~No stock in trade is displayed or sold upon the premises.~~
3. ~~No alteration of the principal building that changes the character thereof as a dwelling.~~
4. ~~No illuminated sign is used, and no sign other than one giving the name and occupation, not more than one square foot in area, is displayed.~~
5. ~~No more than twenty-five percent (25%) of the area of one story of the building shall be devoted to the home occupation.~~
6. The following are hereby declared to be customary home occupations as intended by this section:
   a. Dressmaker, seamstress.
   b. Music teacher.
   c. Artist, sculptor.
   d. Author.
   e. Emergency treatment only of patients by physicians, dentists, or licensed drugless physicians.
   f. Emergency interview only of clients by lawyers, architects, engineers and similar professions.

g. Minister.

Section 3 Minor Home Occupations.

Allowed in RR zoning districts as permitted by right. A minor home occupation is any home occupation that meets all of the following standards:

1. The home occupation is conducted on premises by one (1) or more residential occupants of the dwelling and no more than one (1) additional employee, business partner, independent contractor or any person affiliated with the home occupation that does not reside on-premises.

2. Up to fifty percent (50%) of the floor area of the principal structure and up to one hundred percent (100%) of one (1) accessory structure is utilized by the home occupation, including storage of associated goods, provided that customary residential amenities, such as a kitchen and bathroom, are not removed such that the structure would no longer meet building code standards as a dwelling unit.

3. There exists no outward visual evidence to indicate the presence of the home occupation to an uninformed person, such as alterations of the dwelling from a customary residential appearance, overnight storage of products or materials outside.

4. No more than one (1) non-illuminated commercial on premise wall sign is placed on the property of no greater than one (1) square foot, attached to a primary or accessory structure on the lot, subject to all requirements of Burleigh County.

5. There exists no noise, odor, vibration, or electrical interference associated with the home occupation that is noticeable at the property line.

6. Visits from customers, clients, or patients are by appointment only and limited to no more than one (1) party, or up to four (4) students for group lessons, at any time. Notwithstanding, multiple said parties may be present on the property during not more than four (4) events per year, with each event not to exceed four (4) days and no events occurring consecutively. At no time may a home occupation generate traffic significantly greater than that of a conventional residential use.

7. Visits from customers, clients, patients, or deliveries occur only during the hours of 7 AM to 11 PM.

8. Not more than two (2) vehicles and/or two (2) trailers associated with the home occupation may park or stand on the property or street, if permitted, at any time, and any on-street parking shall meet requirements of Burleigh County, as applicable.

9. Any vehicles, including trailers and equipment, associated with the home occupation must be parked in an orderly manner on surface suitable for parking, devoid of tall grass or other potential fire hazards, and debris from vehicles may not enter a public right-of-way, in accordance with Burleigh County, as applicable.

    a. No vehicles associated with the home occupation which require a Commercial Driver License (CDL) to operate in North Dakota may park overnight on the property or the street.
    b. There is no storage of any flammable, toxic, explosive, or otherwise hazardous materials to a greater extent than stored in a typical residential household, and no hazardous material is discharged into any sewer, storm drain, or the ground.
    c. The use is not an adult entertainment center, adult bookstore, or registered in North Dakota as a compassion center to dispense or produce medical marijuana.

Section 4. Major Home Occupations

Allowed in all zoning districts as permitted by SUP A major home occupation is any home occupation that meets all of the following standards:

1. The home occupation does not meet all standards required of a minor home occupation.

2. The home occupation is conducted on-premises by one (1) or more residential occupant of the dwelling and no more than three (3) additional employees, business partners, independent contractors or any person affiliated with the home occupation that do not reside on-premises.

3. Up to fifty percent (50%) of the floor area of the principal structure, one hundred percent (100%) of accessory structures, is utilized for the home occupation, provided that customary residential amenities, such as a kitchen and bathroom, are not removed such that the structure would no longer meet building code standards as a dwelling unit.

4. The home occupation may utilize one (1) contiguous outdoor area of up to five (5) percent of the total lot area or 10,000 square feet, whichever is less, including storage of associated goods, vehicles, equipment, and trailers. Notwithstanding, no limit on area of outdoor area shall apply in the A – Agricultural zoning district.

5. The principal residential dwelling is not altered from a customary residential appearance.

6. Outdoor and overnight storage of products or materials associated with the home occupation may not be in a front yard and must be screened by fencing, buildings, or landscaping buffer yards, such that materials are not clearly visible from a public right-of-way and adjoining properties during all seasons. Trailers may be loaded with items.

7. No more than one (1) non-illuminated commercial on premise sign is placed on the property of no greater than one (1)square foot, plus one (1) square foot per acre in the lot, of sign area, subject to all requirements of Burleigh County.

8. Noise ordinance requirements contained in NDCC. Ordinance are met at all times, and there exists no objectionable odor, vibration, or electrical interference associated with the home occupation and above typical residential levels that is noticeable at the property line.

9. Visits from customers, clients, patients, employees, or deliveries do not create an undue burden on traffic safety and congestion or on-street parking availability in the neighborhood. At no time may a home occupation generate traffic significantly greater than that of a conventional residential use.

   a. Visits from customers, clients, patients, employees, or deliveries occur only during the hours of 7 AM to 11 PM.

   b. Any vehicles, including trailers and equipment, associated with the home occupation must be parked in an orderly manner on surface suitable for parking, devoid of tall grass or other potential fire hazards, and debris from vehicles may not enter a public right-of-way, in accordance with all requirements of Burleigh County.

   c. Any on-street parking of vehicles associated with the home occupation shall meet requirements of Burleigh County, as applicable.

10. No more than one (1) vehicle associated with the home occupation which requires a Commercial Driver License (CDL) to operate in North Dakota may park on the property at any time. At no time may said vehicle exceed the load restrictions in place for any time of the year on the adjoining street or park on the street.

11. There is no storage of any flammable, toxic, explosive, or otherwise hazardous materials to a greater extent than stored in a typical residential household, and no hazardous material is discharged into any sewer, storm drain, or the ground.

12. The use is not an adult entertainment center, adult bookstore, or registered in North Dakota as a compassion center to dispense or produce medical marijuana.

STAFF REPORT Ex. 7.1.3

Article 8 Special Uses Zoning District Ordinance Summary

Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For Public Hearing

ARTICLE 8 - SPECIAL USES

Section 28. Childcare Center

Also known as a Daycare Center, a childcare center is a free-standing facility offering care, maintenance, and supervision for hire or compensation, for less than twenty-four (24) hours per day, for more than twelve (12) children under the age of twelve (12) years and licensed by the North Dakota Department of Human Services as an early childhood program.

1. Childcare centers are required to have a special use permit in all zoning districts provided:
    a. Each building shall provide not less than thirty-five (35) square feet of interior recreation area per child. Work areas, office areas, and other areas not designed for use of the children may not be counted in this computation.
    b. Each lot shall provide an outdoor recreation area of not less than seventy-five (75) square feet per child. The recreation area shall be fenced, have a minimum width of twenty (20) feet, a minimum depth of twenty (20) feet, be located on the same lot or parcel of land as the facility it is intended to serve, and must be located behind the building setback lines.
    c. Adequate off street parking shall be provided at the following ratio: One space for each employee and one space for each ten (10) children.
2. Childcare centers shall conform to all applicable requirements of the International Building Code as adopted by Burleigh County, The International Fire Code as adopted by the State of North Dakota and all requirements of the North Dakota Department of Human Services.

3. Childcare centers shall comply with all applicable requirements relating to health and sanitation of the North Dakota Department of Health.

Section 29. Major Home Occupations

Allowed in all district as permitted by SUP. A major home occupation is any home occupation that meets all of the following standards:

1. The home occupation does not meet all standards required of a minor home occupation.

2. The home occupation is conducted on-premises by one (1) or more residential occupant of the dwelling and no more than three (3) additional employees, business partners, independent contractors or any person affiliated with the home occupation that do not reside on premises.

3. Up to fifty percent (50%) of the floor area of the principal structure, one hundred percent (100%) of accessory structures, is utilized for the home occupation, provided that customary residential amenities, such as a kitchen and bathroom, are not removed such that the structure would no longer meet building code standards as a dwelling unit.

4. The home occupation may utilize one (1) contiguous outdoor, fenced-in area of up to five (5) percent of the total lot area or 10,000 square feet, whichever is less, including storage of associated goods, vehicles, equipment, and trailers. Notwithstanding, no limit on area of outdoor area shall apply in the A – Agricultural zoning district.

5. The principal residential dwelling is not altered from a customary residential appearance.

6. Outdoor and overnight storage of products or materials associated with the home occupation may not be in a front yard and must be screened by fencing, buildings, or landscaping buffer yards, such that materials are not clearly visible from a public right-of-way and adjoining properties during all seasons. Trailers may be loaded with items.

7. No more than one (1) non-illuminated commercial on premise sign is placed on the property of no greater than one (1)square foot, plus one (1) square foot per acre in the lot, of sign area, subject to all requirements of Burleigh County.

8. Noise ordinance requirements contained in NDCC are met at all times, and there exists no objectionable odor, vibration, or electrical interference associated with the home occupation and above typical residential levels that is noticeable at the property line.

9. Visits from customers, clients, patients, employees, or deliveries do not create an undue burden on traffic safety and congestion or on-street parking availability in the neighborhood. At no time may a home occupation generate traffic significantly greater than that of a conventional residential use.
    a. Visits from customers, clients, patients, employees, or deliveries occur only during the hours of 7 AM to 11 PM.
    b. Any vehicles, including trailers and equipment, associated with the home occupation must be parked in an orderly manner on surface suitable for parking, devoid of tall grass or other potential fire hazards, and debris from vehicles may not enter a public right-of-way, in accordance with all requirements of Burleigh County.
    c. Any on-street parking of vehicles associated with the home occupation shall meet requirements of Burleigh County, as applicable.

10. No more than one (1) vehicle associated with the home occupation which requires a Commercial Driver License (CDL) to operate in North Dakota may park on the property at any time. At no time may said vehicle exceed the load restrictions in place for any time of the year on the adjoining street or park on the street.

11. There is no storage of any flammable, toxic, explosive, or otherwise hazardous materials to a greater extent than stored in a typical residential household, and no hazardous material is discharged into any sewer, storm drain, or the ground.

12. The use is not an adult entertainment center, adult bookstore, or registered in North Dakota as a compassion center to dispense or produce medical marijuana.

Section 30. Personal Storage Unit

Allowed in Residential Districts with a SUP. A non-habitable, non-commercial building used or owned by an individual or household for personal storage, hobbies, craftwork, or private recreation, and not open to the public. Personal storage uses are intended for use by residents of an adjacent neighborhood.

1. Personal storage uses may only be permitted on a lot that includes four or more independent personal storage units.

2. Personal storage structures shall not be occupied as a residence, temporarily or permanently.

3. Personal storage uses are for private use only. Any commercial activity is prohibited, including storage of commercial goods or public assembly.

4. Personal storage uses shall not be considered an extension of a residence that would allow a home occupation activity.

5. A landscaped buffer shall be planted where personal storage units are adjacent to residential uses,.

6. Personal storage uses may be supplied with water and sewer service to each unit.

7. The maximum building height of a personal storage structure is 25 feet.

8. The personal storage structure shall not be used for residential occupancy.

9. Personal storage units are for private use only. Any commercial activity is prohibited, including storage of commercial goods or public assembly.

10. If multiple buildings are planned- garage doors shall face each other.

11. Buildings shall be located with a minimum width of 60 feet of hard surfaced

area when two garage fronts face each other.

Section 31. Communication Tower

STAFF REPORT Ex. 7.1.4

Article 11 Agriculture Zoning District Ordinance Summary

Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For Public Hearing

ARTICLE 11-A - AGRICULTURAL DISTRICT REGULATIONS

Section 1. Description

The A - Agricultural District is established as a district in which the principal use of land is for general agricultural uses. The regulations are intended to prohibit commercial and industrial usage of the land and to prohibit any other use which would interfere with the development or continuation of the agricultural use of the land; and to discourage any use, which because of its character or size, would create requirements and costs for public services such as police and fire protection, water supply, and sewerage before such services can be systematically and adequately provided.

Section 2. Definition of “Farm”

For the purpose of the administration of this ordinance, a "farm" shall mean a single tract, or contiguous tract, of agricultural land containing a minimum of ten (10) acres and which normally provides a farmer, who is actually farming the land or engaged in the raising of livestock or other similar operations normally associated with farming and ranching, with not less than fifty percent (50%) of his annual net income; and the term "farmer" means an individual who normally devotes the major portion of his time to the activities of producing products of the soil, poultry, livestock, or dairy farming in such products' un-manufactured state and who normally receives not less than fifty percent (50%) of his annual net income from any one or more of the foregoing activities; and the term also includes an individual who is retired because of illness or age and who at the time of retirement owned and occupied, as a farmer, the premises.

Section 3. Permitted Uses

The following uses are allowed by-right in the Agricultural District:

1. Agricultural structures and activities
2. General farming group
3. Truck farming group
4. Livestock sales pavilion
5. Public recreation group
6. Utility service group
7. Radio or television transmitting station
8. Sand or gravel extraction
9. Oil or gas well
10. Railroad line trackage
11. Single-family dwelling
12. Manufactured home dwelling, when located on a permanent perimeter foundation in accordance with County codes governing construction
13. Private golf course, and customary accessory uses
14. Temporary sales of certain items
15. Greenhouse-Commercial
16. Portable Storage Containers.- to be discussed.
17. Accessory Solar Energy Systems.
18. Temporary sales of certain items
19. Minor Home occupation

Section 4. Special Uses

The following special uses are allowed in the A-Agricultural District, in accordance with Article 8:

1. Airport or heliport
2. Cemetery

3. Drive-in theater
4. Golf driving range, not accessory to a golf course
5. Recreational vehicle park
6. Salvage yard
7. Junkyard
8. Veterinary/animal clinic
9. Animal hospital/kennel
10. Solid waste disposal facility
11. Vehicular race tracks
12. Rodeo or rodeo events
13. Trap or skeet shooting range
14. Animal feeding operations, as defined herein
15. Asphalt plants and concrete batch plants
16. Wind turbine facilities
17. Roadway maintenance facilities
18. Temporary worker housing
19. Meat packing facilities, limited
20. Medical Marijuana Manufacturing Center or Distribution
21. Wind Turbines
22. Solar Farms
23. Accessory Dwelling Units
24. Agricultural Recreation
25. Temporary sales of fireworks

Section 5. Accessory Uses

Customary accessory uses are allowed in the A-Agricultural District, in accordance with Article 6.

Section 6. Development Standards (Non-agricultural Uses)

1. Lot Area. Each permitted residential structure, together with its accessory buildings, shall be located on a lot or tract of land as follows:

Property Description	**Minimum Lot/Tract Size**
Metes and Bounds, Auditor's Plat or Deed	40 acres
Aliquot part of a Section of land	Intended to comprise 40 acres
Government Lot	35 acres

2. Lot Width. Each lot shall have a width of not less than six hundred-forty (640) feet, measured along the front property line.

3. Front Yard. Each lot shall have a front yard as follows, measured from the property line:

Roadway Classifications	**Minimum Front Yard (ft) Residential Buildings**	**Minimum Front Yard (ft) Commercial Buildings**
Arterial Road	175	225
Collector Road	65	115
Local Road	40	140

4. Side Yard. Each lot shall have two (2) side yards, one on each side of all principal and accessory buildings. Each side yard shall not be less than fifteen (15) feet. No building on a corner lot shall have a side yard on the side street less than the front yard requirements specified in this section.

5. Rear Yard. Each lot shall have a rear yard not less than fifty (50) feet in depth. If such rear yard abuts an arterial or collector road right-of- way, building locations shall also conform to the front yard requirements specified in this section.

6. Height Limits. No principal building for any permitted use shall exceed thirty-five (35) feet in height. No accessory building shall exceed twenty-five (25) feet in height.

7. Residential Building Permit. A building permit to construct or improve a single family or manufactured home dwelling and allowed accessory buildings shall be issued only after the following conditions have been met:

    a. An auditor's plat or a deed describing the property has been prepared and recorded at the Register of Deed's Office.
    b. A road approach permit has been granted by the County Engineer.

8. Non-residential Building Permit. A building permit to construct or improve any other non-agricultural building shall be issued only if such building is located in a platted subdivision.

Section 7. Additional Development Standards for Land Abutting the Missouri River (Non-agricultural uses)

In order to preserve and enhance the environmental and recreational qualities of the Missouri River, conserve the scenic and historic values of the Missouri River shoreland, protect shoreland development from river bank erosion, and provide for the wise use of the river and related land resources, the following additional development standard for non-agricultural uses is hereby established for land abutting the Missouri River:

1. Structure Setbacks. All structures on lots or parcels with un-stabilized banks shall be set back a minimum of one hundred (100) feet from the ordinary high-water mark of the Missouri River. All structures on lots or parcels with stabilized banks, either by an existing Corps of Engineers' stabilized structure or as permitted and approved by the Corps of Engineers, shall be set back a minimum of seventy-five (75) feet from the ordinary high-water mark of the Missouri River.

STAFF REPORT Ex. 7.1.5

Article 12 R1 Residential Zoning District Ordinance Summary

Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For Public Hearing

ARTICLE 12 - R1 COUNTRY HOMES RESIDENTIAL DISTRICT REGULATIONS

Section 1. General Description

The R1 County Homes Residential District is established as a district in which the predominant use of land is for low-density residential and limited agricultural use. For the R1 District, in promoting the general purposes of this Ordinance, the specific intent of this Article is to encourage the continued use of the land for low-density residential and limited agricultural uses; prohibit commercial and industrial uses of the land; discourage any use, which because of its character or size, would create unusual requirements and costs for public services; and provide special standards for residential development abutting the Missouri River.

Section 2. Uses Permitted

The following uses are allowed by-right in the R1 Country Homes Residential District:

1. Single-family dwellings
2. Education group
3. Church
4. Utility service group
5. Public recreation group
6. Truck-farming group
7. Animal husbandry activity or project conducted primarily for educational purposes or

school credits, provided such activities are not conducted for commercial purposes, and premises are maintained in a sanitary manner.

8. Chicken Hens and Coops are allowed provided that the animals are kept for private use only; that no male chickens (roosters) are kept; all hens are kept in a fenced area; all coops and structures meet applicable setbacks and size limitations for allowable accessory structures and are not located less than one hundred and fifty(150) feet of any neighboring residence or structure; and that no more than ten (10) chickens shall be permitted.

9. Private riding stables provided that animals shall be used for private use only; that no animal, animal stable, barn or shelter shall be located within one hundred (100) feet of any neighboring residence or structure; that two (2) horses shall be permitted on any premises which contains at least two (2) acres and additional horses shall be allowed at the rate of one (1) horse for every additional three (3) acres of property owned

10. Golf course.

11. Accessory Dwelling Units – Allowed with a Special Use Permit

12. Minor Home Occupation

13. Family foster home for adults

14. Childcare centers– Allowed with a Special Use Permit.

15. Portable Storage Containers. –Maximum 1 unit per 5 acres. to be discussed

16. Accessory Solar Energy Systems.

17. Personal Storage Units Allowed with a Special Use Permit

Section 3. Density

The maximum allowable density is one (1) family per net acre.

Section 4. Lot Area

Each single-family dwelling, together with its accessory buildings, hereafter erected shall be located on a lot having a minimum lot area of 65,000 square feet, a minimum lot width of one hundred (150) feet and a minimum lot depth of two hundred (200) feet. For lots platted prior to April 5, 2004, a single-family dwelling and accessory buildings may be erected on a lot having a minimum lot area of 40,000 square feet and a minimum lot width of one hundred (100) feet, provided said lot was designed in accordance with “slight” soil limitations at the time of platting.

Section 5. Front Yard

Each lot shall have a front yard not less than forty (40) feet in depth on interior subdivision streets or local roads. Except when fronting a highway or collector road then the setbacks shall not be less than the following distance outlined below from the centerline of such roadways fronting the property:

Primary Highway	Secondary Highway	Collector Road
250 feet	200 feet	115 feet

Section 6. Side Yard

Each lot shall have two (2) side yards, one on each side of the principal and accessory buildings. The sum of the widths of the two side yards shall not be less than twenty percent (20%) of the average width of the lot, and in no case less than fifteen (15) feet per yard.

Section 7. Rear Yard

Each lot or premises shall have a rear yard depth of not less than fifty (50) feet.

Section 8. Height Limits

No single-family dwelling shall exceed two and one-half (2½) stories, nor shall it exceed thirty-five (35) feet in height. No principal building for any other permitted use shall exceed four (4) stories, nor shall it exceed fifty (50) feet in height. For each one (1) foot, or fraction thereof, that a building exceeds thirty-five (35) feet in height, there shall be added four (4) feet to the minimum width of each side yard and two (2) feet to the minimum depth of the rear yard required by this section. No accessory building shall exceed two (2) stories, nor shall it exceed twenty-five (25) feet in height.

Section 9. Automobile Parking

Adequate automobile parking shall be provided as set forth in Article 10 of this Ordinance.

Section 10. Minimum Road Standards

Unless otherwise shown on the master plan, right-of-way and roadway widths shall conform to the standards set forth by Section 6, Subsection 1(m) of Article 33 hereof.

1. Sufficient temporary construction easements shall be given to allow for proper road construction.

2. All streets to be used for on-street parking shall be forty (40) feet in roadway width.

Section 11. Allowable Accessory Buildings

Customary accessory uses are allowed in the R1 Residential District in accordance with Article 6.

Section 12. Additional Development Standards for Land Abutting the Missouri River

In order to preserve and enhance the environmental and recreational qualities of the Missouri River, conserve the scenic and historic values of the Missouri River shoreland, protect shoreland development from river bank erosion, and provide for the wise use of the river and related land resources, the following additional development standards are hereby established for land abutting the Missouri River platted after January 1, 2003:

1. Structure Setbacks. All structures on lots with un-stabilized banks shall be set back a minimum of one hundred (100) feet from the ordinary high-water mark of the Missouri River. All structures on lots with stabilized banks, either by an existing Corps of Engineers' stabilized structure or as permitted and approved by the Corps of Engineers, shall be set back a minimum of seventy-five (75) feet from the ordinary high-water mark of the Missouri River.

2. Impervious Surface Coverage. The percentage of the lot covered by impervious surfaces (structures, paved surfaces, etc.) shall not exceed 25 percent (25%).

3. Steep Slopes. For structures and/or facilities to be placed on steep slopes, the County Building Official may attach conditions on the building permit to prevent erosion and preserve existing vegetation.

4. Topographic Alterations Above the Ordinary High-Water Mark. Grading, filling and excavation necessary for the construction of structures, sewage treatment systems or driveways under validly issued permits shall be allowed. Notwithstanding any other applicable regulations, any other topographic alterations must meet the following standards:

    a. Alterations shall not adversely affect adjacent or nearby properties,
    b. Alterations must be designed and constructed in a manner that minimizes soil erosion, including the installation of erosion control measures as needed.

5. Topographic Alterations Below the Ordinary High-Water Mark. All topographic alterations below the ordinary high-water mark must be approved by the Corps of Engineers.

6. Variances. It is not the intent of this ordinance to make an existing parcel or lot, which is developable under the regulations in place prior to the adoption of this ordinance, not developable. Variances from the strict application of these development standards shall be subject to the requirements of Article 28.

STAFF REPORT Ex. 7.1.6

Article 12 R2 Residential Zoning District Ordinance Summary

Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For Public Hearing

ARTICLE 13 - R2 SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS

Section 1. General Description

The R2 Residential District is established as a district in which the principal use of the land is for medium density single-family dwellings on rural lots, provided said lots are not located abutting the Missouri River. The regulations are intended to prohibit commercial or industrial use of the land and to prohibit any other use which would substantially interfere with the development or continuation of single-family residential neighborhoods; and to discourage any use which because of its character or size would create requirements and costs for public services, such as police and fire protection, water supply, and sewerage, before such services can be systematically and adequately provided.

Section 2. Permitted Uses

The following uses are allowed by right in the R2 Residential District:

1. Single-family dwellings
2. Education group
3. Utility service group
4. Public recreation group
5. Golf course

6. Minor Home Occupation

Section 3. Special Uses

The following special uses are allowed in the R2 Residential District, in accordance with Article 8:

1. Airport
2. Cemetery
3. Childcare Center
4. Major Home Occupations

STAFF REPORT Ex. 7.1.7

Article 15 R5 Zoning District Ordinance Summary

Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For Public Hearing

ARTICLE 15 – R5 MH MANUFACTURED HOME DISTRICT

Section 1. General Description

The R5 Residential District is established as a district in which the principal use of the land is for single-family mobile home dwellings located within mobile home parks, provided said parks are not located abutting the Missouri River. For the R5 Residential District, the specific intent of this Article is:

1. To encourage the placement of, and the continued use of the and for single-family mobile home dwellings located within mobile home parks,

2. To prohibit commercial and industrial use of the land; and

3. To encourage suitable and proper development of mobile home parks.

Section 2. Definition

For the purpose of this section, "Mobile Home Park" shall also mean "Mobile Home Court".

Section 3. Uses Permitted

The following uses are allowed by right in the R5 Residential District:

1. Single-family mobile home dwellings or manufactured homes not located on a permanent foundation located within mobile/manufactured home parks.

2. Home occupations as defined, but not limited to:
   a. Dressmaker

b. Artist
c. Sculptor
d. Author
e. Minister

~~Section 9.~~ Section 4. Mobile Home Park Restrictions

1. No business shall be conducted in any mobile home park.
   a. Ex. Minor Home Occ.

2. Existing mobile home parks shall not be enlarged or extensively altered unless such alteration complies with the provisions of this article.

~~Section 10.~~ Section 5. Mobile Home Parks, Plans and Layout

All layouts for mobile home parks shall be submitted to the Planning Commission for approval prior to consideration of a zoning change request for R5 District uses. All changes thereto must be approved in like manner.

Section 6. Density

The maximum allowable density of all mobile home parks shall be seven (7) families per net acre.

1. The minimum total area of a mobile home park shall be at least four (4) acres.

Section 7. ~~Lot Dimensions~~ Development Standards.

1. All mobile home parks shall have near their main entrance a park office in which there shall be an up-to-date list of all park residents along with their addresses and a diagram of the park layout.

2. For single-wide mobile home dwelling units, minimum lot dimensions shall be fifty (50) feet wide and one hundred (100) feet deep with a minimum lot area of five thousand (5,000) square feet.

3. For double-wide mobile home dwelling units, minimum lot dimensions shall be sixty (60) feet wide and one hundred (100) feet deep with a minimum lot area of six thousand (6,000) square feet.

4. All mobile homes shall be equipped with compatible skirts to completely enclose the underside of the mobile home.

5. Each mobile home shall be anchored to the ground for purposes of withstanding wind pressures specified for single-family dwellings by the County Building Inspection Department prior to occupying the unit.

6. All clotheslines shall be placed in the rear yard.

~~**Section 7. Lot Restrictions**~~

~~All clotheslines shall be placed in the rear yard.~~

Section 8. Mobile Home Park Requirements

1. The minimum total area of a mobile home park shall be at least four (4) acres.

2. For single-wide mobile home dwelling units, minimum lot dimensions shall be fifty (50) feet wide and one hundred (100) feet deep with a minimum lot area of five thousand (5,000) square feet.

3. For double-wide mobile home dwelling units, minimum lot dimensions shall be sixty (60) feet wide and one hundred (100) feet deep with a minimum lot area of six thousand (6,000) square feet

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

5. Setbacks. Lot development shall observe the following setbacks:

    a. Front Yard. No manufactured home or any other legal attachments to said dwelling or any accessory structures shall be located less than twenty (20) feet from the front lot line, measured back from the sidewalk or walkway, provided, however, that on a record lot corresponding to a plat recorded prior to 1979, the following setback standards apply:

        i. of lots or parcels are selected on the opposite side of the proposed activity, so that a total number of six (6) reference lots are selected.

    b. Side Yard and Spacing. No manufactured home or any other legal attachments to said dwelling or accessory structure shall be located less than six (6) feet from the side lot line measured back from the walkway or sidewalk. Manufactured homes on corner lots shall follow front yard setbacks from all streets. Side yard measurements are to be taken at right angles to the building at the closest points to a property line. Detached accessory buildings shall be located not less than five (5) feet from the side or rear lot lines. The ends of the manufactured homes shall be at least twelve (12) feet apart.

6. All entrances, exits and driveways between rows of mobile homes shall be lighted to provide an intensity of 0.3 foot-candles. Mobile home parks shall be provided with walkways at least three and one-half (3½) feet wide between each mobile home lot and service building and other parts of said park. Roadways within the parks shall be hard surfaced, either concrete or bituminized asphalt.

7. All provisions of water supply, laundry, sewage and fire protection to be provided in any mobile home park shall have been approved by the appropriate County and State Departments.

8. Off-street parking areas shall be provided in all mobile home parks at a ratio of at least two (2) car spaces per mobile space. The area for one (1) car space shall be at least ten (10) feet wide and twenty (20) feet deep, plus ingress and egress.

9. Recreation Areas. There shall be provided within each mobile home park an adequate site or sites for recreation for the exclusive use of the park occupants. Such recreation site or sites shall have a minimum area in the aggregate of four thousand (4,000) square feet plus one hundred (100) feet for each mobile home space in said park. The recreation sites shall be of appropriate design and provided with adequate and permanent equipment.

10. All mobile home parks must provide a completely and permanently landscaped setback area of at least thirty (30) feet in width around those portions of the park perimeter which border public right-of-way. Such areas may contain trees, shrubbery, grass, benches, fences, landscaped water resources and the like.

11. Setback areas not bordering public right-of-way may be used to fulfill the recreation area requirements of the preceding paragraph.

12. All mobile home parks shall have near their main entrance a park office in which there shall be an up-to-date list of all park residents along with their addresses and a diagram of the park layout.

13. All mobile home park lots shall be served by an approved central water and sewer system.

Section 9. Mobile Home Park Restrictions

4. No business shall be conducted in any mobile home park.

5. Existing mobile home parks shall not be enlarged or extensively altered unless such alteration complies with the provisions of this article

Section 10. Mobile Home Parks, Plans and Layout

All layouts for mobile home parks shall be submitted to the Planning Commission for approval prior to consideration of a zoning change request for R5 District uses. All changes thereto must be approved in like manner.

Section 11. Mobile Home Requirements

1. All mobile homes shall be equipped with compatible skirts to completely enclose the underside of the mobile home.

2. Each mobile home shall be anchored to the ground for purposes of withstanding wind pressures specified for single-family dwellings by the County Building Inspection Department prior to occupying the unit.

Section 12. Lot Coverage

1. The ground area occupied by a mobile home, attached storm shed, patio, storage building and required off-street parking spaces shall not exceed ~~50~~ 40 ~~-~~percent ~~(50%)~~ (40%) of the total area of the lot. In computing the ground coverage, four hundred (400) square feet shall be added to the actual area of the mobile home and the accessory buildings for the two (2) required off-street parking spaces. ~~This provision limits a lot to one (1) storm shed, not over ten (10) feet by twelve (12) feet, or one hundred twenty (120) square feet, in area per lot.~~ Each lot shall be limited to one attached utility structure of no more than one hundred twenty (120) square feet. Each lot may also have a detached accessory building(s) in accordance with Article 6, provided the lot coverage requirement is not exceeded, and said building shall be placed on a proper foundation.

    a. Enlargement or Alteration. Any enlargement or alteration of a manufactured home park that exceeds ten (10) per cent of the total number of lots or spaces shall comply with the provisions of Subsection 3 of this Section. The remaining portion of a manufactured home park not being enlarged or altered will not be required to comply with the provisions of Subsection 3.

    b. Business Uses. No business shall be conducted in any manufactured home park except manufactured home sales.

    c. Public Right-of-Way. If public right-of-way bisects a manufactured home park, all lots located adjacent to such public right-of-way shall conform to the standards and setbacks as specified in the R5-Residential District.

Section 13. Community Storage Buildings.

Private garages or storage buildings located within manufactured home parks but not located on individual lots may be allowed, provided:

a. Height Limits. No community storage building sidewall shall exceed fourteen (14) feet in height. The maximum roof pitch of such buildings shall not exceed 3:12.

b. Activities. No activities other than storage of vehicles and household goods by residents of the manufactured home park shall be allowed.

c. Dimensions. No single building dimension shall exceed one hundred-twenty (120) feet and no individual building shall exceed a total of three thousand (3,000) square feet in size. All such buildings must be separated by a minimum of twelve (12) feet. No more than four (4) storage buildings may be grouped together in one location within a manufactured home park. All such groups of buildings must be separated by a minimum of five hundred (500) feet.

d. Accessways. Accessways to community storage buildings shall be hard surfaced, either concrete or bituminized.

e. Floors. All floors in community storage buildings shall be hard surfaced.

f. Site Plan. No community storage building or buildings shall be constructed until a site plan has been approved by the ~~Zoning Administrator~~. Planning Department.

STAFF REPORT Ex. 7.1.8

Article 16 C-Commercial Zoning District Ordinance Summary

Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For Public Hearing

ARTICLE 16 - C - COMMERCIAL DISTRICT REGULATIONS

Section 1. General Description

The C - Commercial District is established as a district in which the principal use of land is for commercial and service uses to serve the residential districts in the area, provided said uses are not located abutting the Missouri River, and in which traffic and parking congestion can be kept to a minimum in order to preserve residential values, and promote the general welfare of the surrounding residential district. The specific intent of this Article is:

1. To encourage the continued use of the land for neighborhood commercial and services uses,

2. To prohibit industrial uses of the land, and to prohibit any other use which would substantially depreciate the values of residential districts surrounding the C - Commercial District,

3. To encourage the discontinuance of mixed uses and uses that would not be permitted as new uses under the provisions of this article,

4. To discourage any use, which because of its character or size, would create requirements and costs for public services, such as police and fire protection, water supply and sewerage substantially in excess if the district were developed solely for neighborhood commercial and service uses.

Section 2 Buffer Yards.

1. Applicability:
    a. Buffer yards are required between a R1 and AG zoning, for commercial and or industrial zoning districts.

Section ~~2.~~ 3. Uses Permitted

The following uses are allowed by-right in the C - Commercial District:

1. Retail Group A
2. Service Group A
3. Gasoline Filling Station
4. Office-bank Group
5. Church
6. Education Group
7. Fire Station
8. Utility Service Group
9. Retail Group B
10. Service Group B
11. Commercial Recreation Group
12. Wholesale Group
13. Health Medical Group
14. Public Recreation Group
15. Railroad Line Trackage
16. Railroad or Bus Passenger Station
17. Animal Hospital
18. Commercial Parking Lot
19. Temporary Christmas tree sales.
20. Temporary sales of certain items

21. Portable Storage Containers.- Limited to one per lot.

22. Accessory Solar Energy Systems.

Section 4. Special Use

1. Medical Marijuana Manufacturing Center or Distribution Center
2. Temp. farm and garden produce sales.
3. Childcare center.
4. Communication Tower
5. Drive-in bank.
6. Temporary sales of fireworks
7. Retail liquor sales
8. Microbrew pub
9. Domestic distillery.

Section ~~3.~~ 5. District Area

No C - Commercial District shall be less than five (5) acres in size.

Section ~~4.~~ 6. Lot Area

Each principal building or structure plus its accessory buildings shall be located on a lot having an area as specified in Article 33, Section 6 (4) of the Zoning Ordinance. In no case shall a lot be less than twenty thousand (20,000) square feet in size. Premises without a central sanitary sewer system approved by the North Dakota State Department of Health shall comply with lot area requirements of the R1 Residential District.

Section ~~5.~~ 7. District Width

Each C District shall have an average width of not less than two hundred (200) feet and shall have no boundary less than one hundred (100) feet in length.

Section ~~6.~~ 8. Floor Area Ratio

The floor area ratio of the principal building and all accessory buildings shall not exceed 0.25 for a single-story building, nor shall it exceed 0.35 for buildings of more than one story. The ground area

occupied by the principal building and accessory buildings shall not exceed twenty-five percent (25%) of the total area of the lot.

Section ~~7.~~ 9. Yard

No building shall be less than fifty (50) feet in distance from any lot line or twenty (20) feet in distance from any side or back yard line.

Section ~~8.~~ 10. Height Limits

No building or structure shall exceed two (2) stories or thirty-five (35) feet in height.

Section ~~9.~~ 11. Divided District

For the purposes of calculating the minimum area, lot width, lot dimensions, floor area ratio, percentage of lot covered by building, and yard requirements established by this Article, a single C - Commercial District cannot lie on two (2) sides of a public street or alley. Any area designated as being zoned C - Commercial and lying on both sides of a public street or alley shall be deemed to be two (2) C Commercial Districts, and all minimum requirements shall be met by buildings on each side of said public street or alley as separate districts.

Section ~~10.~~ 12. Non-Conforming Uses

It is the intent of this Article and this Section to designate no area as a C Commercial District in which there is at the date of adoption of this Article any residential or other non-conforming use. It is the further intent of this Article and this section that insofar as possible all neighborhood commercial and service areas in newly developed portions of the County shall take place in a C Commercial District, in order to decrease traffic and parking congestion and to preserve the residential values of the County. The County Planning and Zoning Commission shall refuse to approve any request for an amendment re-zoning any portion of the County to a C - Commercial District if there is in that district any use which would be a non-conforming use upon the passage by the Board of County Commissioners of the proposed amendment.

Section ~~11.~~ 13. Automobile Parking

Adequate automobile parking shall be provided as set forth in Article 10 of this Ordinance.

STAFF REPORT Ex. 7.1.9

Article 18 I-Industrial Zoning District Ordinance Summary

Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For Public Hearing

ARTICLE 18 - I - INDUSTRIAL DISTRICT REGULATIONS

Section 1. General Description

The I-Industrial District is established as a district in which the principal use of land is for heavy commercial, manufacturing and industrial establishments, provided said uses are not located abutting the Missouri River, which may create some nuisance, and which are not properly associated with, nor compatible with, residential, institutional, neighborhood commercial, and service establishments. For the Industrial District, in promoting the general purposes of this Ordinance, the specific intent of this Article is:

1. To encourage the construction of and the continued use of the land for heavy commercial, manufacturing and industrial purposes,

2. To prohibit residential and neighborhood commercial use of the land and to prohibit any other use which would substantially interfere with the development, continuation or expansion of commercial and industrial uses in the district; and

3. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this article.

Section 2 Buffer Yards.

1. Applicability:
    a. Buffer yards are required between a R1 and AG zoning, for Commercial or Industrial zoning districts.

Section ~~2.~~ 3. Uses Permitted

The following uses are allowed by-right in the I Industrial District:

1. Gasoline filling station
2. Retail group B
3. Service group B
4. Wholesale group
5. Fire Station
6. Truck terminal
7. Railroad line trackage
8. Railroad spur trackage
9. Railroad freight station
10. Railroad freight classification yard
11. Utility service group
12. Industrial use group
13. Livestock sales pavilion
14. Oil or gas well
15. Radio or television transmitting station
16. Sand or gravel extraction
17. Sewage treatment plant
18. Manufacturing Group
19. Religious institution.
20. Microbrew pub.
21. Domestic distillery
22. Brewer Taproom.

23. Animal services, non-veterinary

24. Shop Condos

Section ~~3.~~ 4. Special Uses

The following special uses are allowed in the I - Industrial District, in accordance with Article 8:

1. Meat packing facilities
2. Medical Marijuana Manufacturing Center or Distribution Center
3. Data Centers:
   -Any change of use within an existing permitted Data Center i.e.: AI Conversion Center, shall require a new special use permit review and approval.
4. Retail liquor sales.
5. Childcare center.
6. Communication Tower.
7. Asphalt production facilities, both permanent and temporary.
8. Hazardous material bulk storage plant.

Section 5. Industrial Use Group

A use in the Industrial Group is one involving the manufacturing or the storage and sale of heavy building materials or equipment, and which conforms to the following requirements:

1. Manufacture, compounding, processing, packaging, treatment of:
   a. Bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, and food products except fish and meat products, sauerkraut vinegar, yeast and the rendering or refining of fats and oils.
   b. Products from the previously prepared materials: Bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, metals, stones, fur, glass, hair, horn, leather, paper, plastics, shell, textiles, wood and yarns.
   c. Pottery and other ceramic products using only previously pulverized clay, and kilns
   d. Electric and neon signs, outdoor advertising signs, commercial advertising structures, and light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves, and similar products.
   e. Musical instruments, toys, novelties and rubber and metal stamps.
   f. Welding and machine shop.
   g. Laundry, cleaning and dyeing works, and carpet and rug cleaning.
   h. Ice manufacturing
   i. Assembly of electric appliances, electronic instruments and devices, radios, phonographs, and television sets, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders, and similar products.
   j. Soft drink bottling plant.

2. The following uses when conducted wholly within a completely enclosed building, or behind a 8’ privacy fence.
    a. Contractors' equip. storage yard.
    b. Building materials sales yard
    c. Pipe storage yard, including sales.
    d. Feed/fuel storage yard w/sales.
    e. Public utility service yard.
    f. Sale of oil and gas well drilling equipment.
    g. Concrete products
    h. Petroleum bulk
    i. Manufacturing and storage of alcoholic beverages, including brewery.

3. Manufacture, compounding, processing, refining or treatment of the following materials and products:
    a. Acetylene.
    b. Alcohol.
    c. Asphalt and bituminous products.
    d. Brick, tile or terra-cotta.
    e. Oilcloth or linoleum.
    f. Paint, shellac, turpentine, lacquer or varnish.
    g. Paper or pulp.
    h. Petroleum products.
    i. Plastics.
    j. Slaughter and packing of animals and meat products.
    k. Tannery, curing or storing of raw hides.

4. Any of the following uses provided that they shall not be located closer than five hundred (500) feet from any zone in which they are prohibited:
    a. Cement, lime, gypsum, or plaster of paris manufacture.
    b. Drop forge industry, manufacturing forgings with power hammer.
    c. Fertilizer manufacturing.
    d. Garbage, offal, bone or dead animal reduction.
    e. Gas manufacture or utility regulating stations.
    f. Electric generating plant.
    g. Smelting of tin, copper, zinc or iron ores.
    h. Soap manufacture.
    i. Stockyards, feeding pens or livestock sale facilities.

5. The following uses when conducted wholly within a completely enclosed building, or within an area enclosed on all sides with a solid wall, compact hedge or security fence, not less than six feet in height:

    i. Building material sales yard, including the sale of rock, sand, gravel and the like as an incidental part of the principal use.
    ii. Contractors' equipment, storage yard or plant, or rental of equipment commonly

used by contractors.
iii. Retail lumber yard, including only incidental mill work.
iv. Feed and fuel yard.
v. Public utility service yard, or electrical receiving or transforming station.
vi. Pipe yard, or storage, sale or rental of oil and gas well drilling equipment.

6. Concrete products and mixing.

7. Petroleum bulk plants, ~~if in compliance with the Revised Ordinances of City of Bismarck~~

8. Manufacture, compounding, processing, refining, and treatment of the following materials and products:

i. Acetylene
ii. Alcohol
iii. Asphalt
iv. Tannery or curing or storage of raw hides
v. Manufacturing and storage of alcoholic beverages, including brewery.

Section ~~4.~~ 6. Lot Area

Each principal building or structure plus its accessory buildings, shall be located on a lot having an area as specified in Article 33, Section 6(4) of the Zoning Ordinance. In no case shall a lot be less than twenty thousand (20,000) square feet in size. Premises without a central sanitary sewer system approved by the North Dakota State Department of Health shall comply with lot area requirements of the R1 Residential District.

Section ~~5.~~ 7. Lot Width

Each lot shall have a width of not less than one hundred (100) feet, measured along the front building line.

Section ~~6.~~ 8. Floor Area Ratio

Floor area ratio of the principal buildings or building and all accessory buildings shall not exceed 0.30 for single-story buildings, nor shall it exceed 0.60 for buildings of more than one story. The ground area occupied by the principal building or buildings and accessory buildings shall not exceed thirty percent (30%) of the total area of the lot.

Section ~~7.~~ 9. Front Yards

Each building shall have a front yard not less than fifty (50) feet in depth.

Section ~~8.~~ 10. Side Yards

Each lot shall have two (2) side yards, one on each side of any principal building. The sum of the widths of the two (2) side yards shall be not less than twenty percent (20%) of the average width of the lot; and in no case shall a side yard be less than fifteen (15) feet in width. On any lot having an average width greater than seventy-five (75) feet, neither side yard shall be less than fifteen (15) feet in width and no side yard need be greater than fifty (50) feet in width. On a lot containing two (2) principal buildings located side by side, there are no minimum requirements for the side yards between the two (2) buildings.

Section ~~9.~~ 11. Rear Yards

Each lot shall have a rear yard not less than twenty-five (25) feet in depth.

Section ~~10.~~ 12. Height Limits

No principal buildings shall exceed four (4) stories, nor shall it exceed fifty (50) feet in height. No accessory buildings shall exceed two (2) stories, nor shall it exceed twenty-five (25) feet in height.

Section ~~11.~~ 13. Automobile Parking

Adequate automobile parking shall be provided as set forth in Article 10 of this Ordinance.

Section ~~12.~~ 14. Landscaping

All front- side and rear yards shall be permanently landscaped.

Burleigh County Planning and Zoning Commission Meeting Agenda

Tom Baker Meeting Room, City/County Building, 221 5th Street N, Bismarck, ND

5:15pm

Attend in Person || Watch Live on Government Access Channels 2 or 602 || Stream on DakotaMediaAccess.org or Dakota Media Access Facebook Live || Replay Later from DakotaMediaAccess.org

AGENDA - AMENDED
MAY 13, 2026

1. Pledge of Allegiance
2. Roll Call
3. Approval of April 8, 2026, Minutes
4. Public Comments: (*Restricted to Burleigh County residents and landowners)*
5. Consent Agenda: *(The following item(s) are request(s) for a public hearing)*

   5-1 Arcadia Lite Estates Subdivision
   - *Requests approval of the preliminary plat and call for a public hearing*
     Staff Recommendation: Approval

   5-2 Ponderosa Riverside Village 9
   - Requests approval of the preliminary plat and call for a public hearing.
     Staff Recommendation: Approval

   5-3 Norbs Subdivision
   - Request approval of the preliminary plat and call for a public hearing.
     Staff Recommendation: Approval

   5-4 Klatte Subdivision and Zoning Change
   - Request approval of the preliminary plat and zoning change and call for a public hearing
     Staff Recommendation: Approval

   5-5 Strong Farms Zoning Change and Preliminary Plat
   - Request approval of the PUD zoning change and preliminary plat. Call for a public hearing
     Staff Recommendation: Approval

6. Public Hearing Agenda:

   6-1 Ponderosa Riverside Village 8 Subdivision
   - Requests approval of a two (2) lot Subdivision
     Staff recommendation: Approval

   6-2 Sarkilahti Variance
   - Requests approval of a variance to setbacks to build accessory building
     Staff recommendation: Approval

7. Agenda Items:

   Revise and up date ordinances:
   7-1 Ex. Zoning District Article 3 Definitions
   7-2 Ex. Zoning District Article 6 Incidental Uses
   7-3 Ex. Zoning District Article 8 Sec 4 Childcare Center, Sec Home Occ.

7-4 Ex. Zoning District Article 11 Ag Agricultural
7-5 Ex. Zoning District Article 12 R1 Residential
7-6 Ex. Zoning District Article 13 R2 Residential District
7-7 Ex. Zoning District Article 15 R5 MH
7-8 Ex. Zoning District Article 16 C Commercial
7-9 Ex. Zoning District Article 18 I Industrial

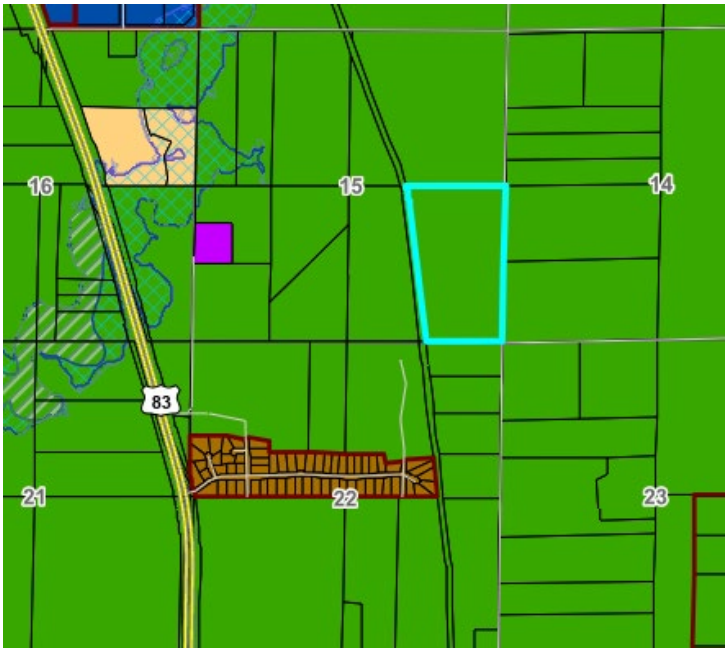
7 Other Business

8 Adjourn

Next Meeting: June 10, 2026

Agenda Item 5-1

Arcadia Lite Estates Subdivision

Project Summary	
Status:	Consent Agenda
Petitioner/Developer	Primecore Development LLC
Engineer	Swenson Hagen & Company
Location:  5-1-1 Location Map	SE ¼, Section 15, Township140, Range 80W
Project Size:	Five (5) lots on 90 acres more or less
Zoning:	A-Agricultural
Petitioners Request	Approve preliminary plat Call for a Public Hearing.

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

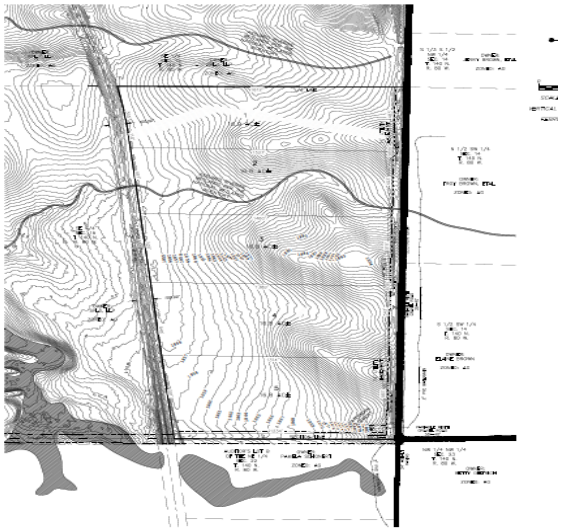
History/Description

Burleigh County was approached regarding development of a five (5) lot subdivision and zoning change from A-Agricultural to R1-Country Homes Residential. Several pre-application reviews were held regarding the requirements for a large-lot subdivision.

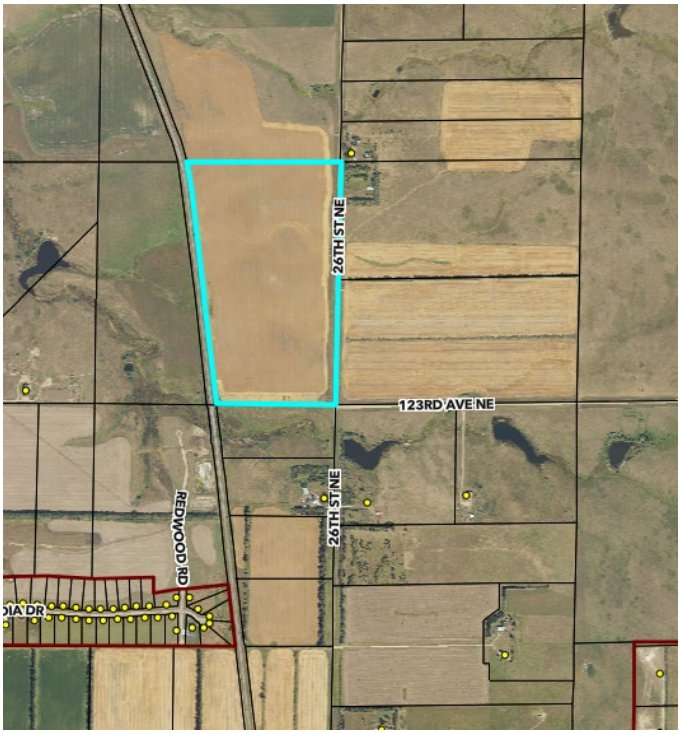
Arcadia Lite Estates will contain five (5) lots, each lot being 16 acres more or less. Access will be on the east side of parcel on 26th Street NE. Four (4) lots will have shared access points, one (1) will be allowed access from 123rd Ave. A Paving Waiver was granted on October 10, 2025.

Zoning is A-Agricultural. Zoning on the surrounding parcels is A-Agricultural.

The review committee did not have any concerns.



Attachment 5-1-2
Preliminary Plat



Attachment 5-1-3 Site Map

Staff Findings – Preliminary Plat

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This preliminary plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Zoning is A-Agricultural. A zoning change has been requested.
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.
5. A Stormwater Management Plan will be submitted.
6. A paving waiver was granted October 10, 2025

Planning Staff Recommendation

The petition for a preliminary plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the preliminary plat and calling for a public hearing.

Planning Commission Action

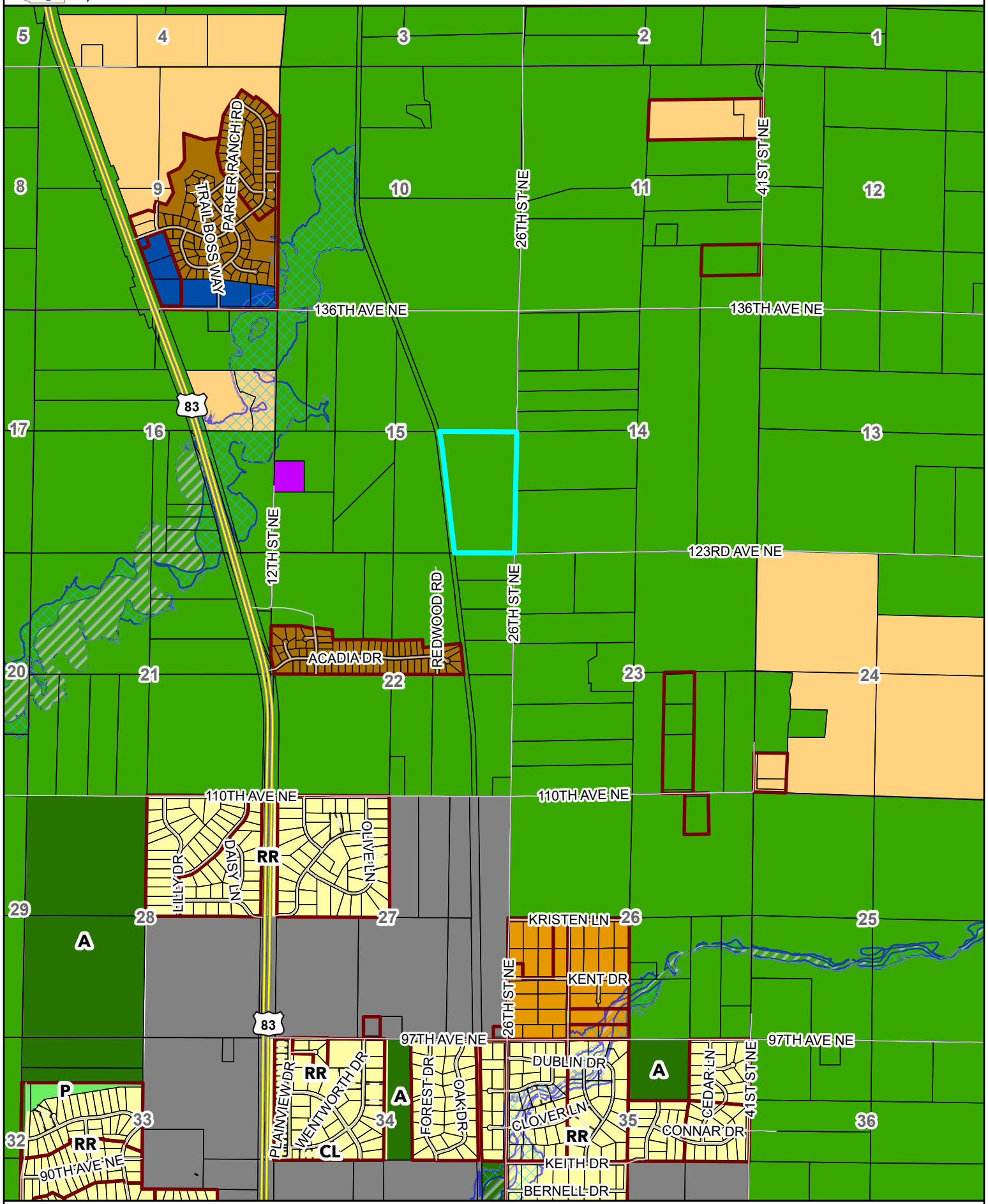
The Burleigh County Planning and Zoning Commission can:

1. Approve the preliminary plat. Calling for a public hearing.
2. Approve the preliminary plat with conditions. Calling for a public hearing after all condition have been completed.
3. Deny the preliminary plat with reason.
4. Table the preliminary plat for more information.

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

3/26/2026

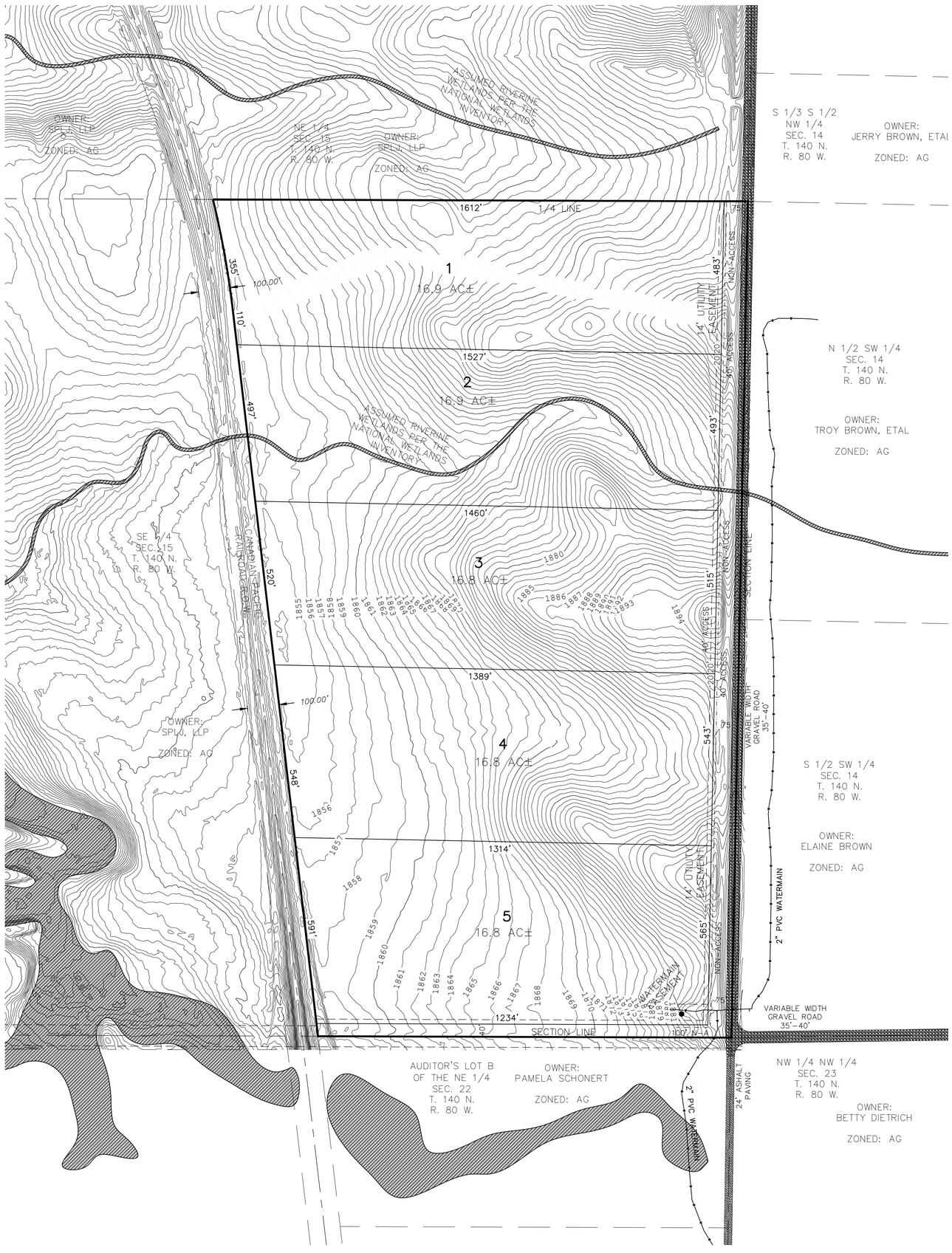


Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

ARCADIA LITE ESTATES SUBDIVISION

PART OF THE SE 1/4 OF
SECTION 15 TOWNSHIP 140 NORTH, RANGE 80 WEST

BURLEIGH COUNTY, NORTH DAKOTA
PRELIMINARY PLAT



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W E

S

0 200' 400'

SCALE – 1" = 100"

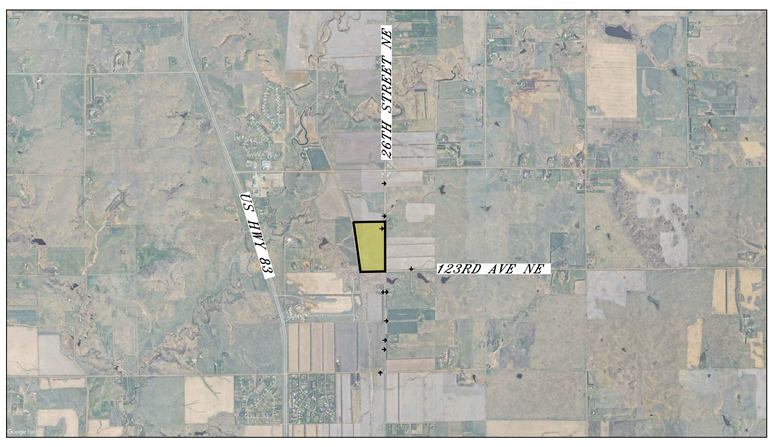
VERTICAL DATUM: NAVD 88

FEBRUARY 18, 2026

90.0 ACRES
EXISTING ZONING: A
PROPOSED ZONING: R1
5LOTS, 1 BLOCK

OWNER: SPLJ, LLP
ADDRESS: 825 N 1ST ST
BISMARCK, ND 58501

SURVEYOR: SWENSON HAGEN & CO
3002 AIRWAY AVE
BISMARCK, ND 58504



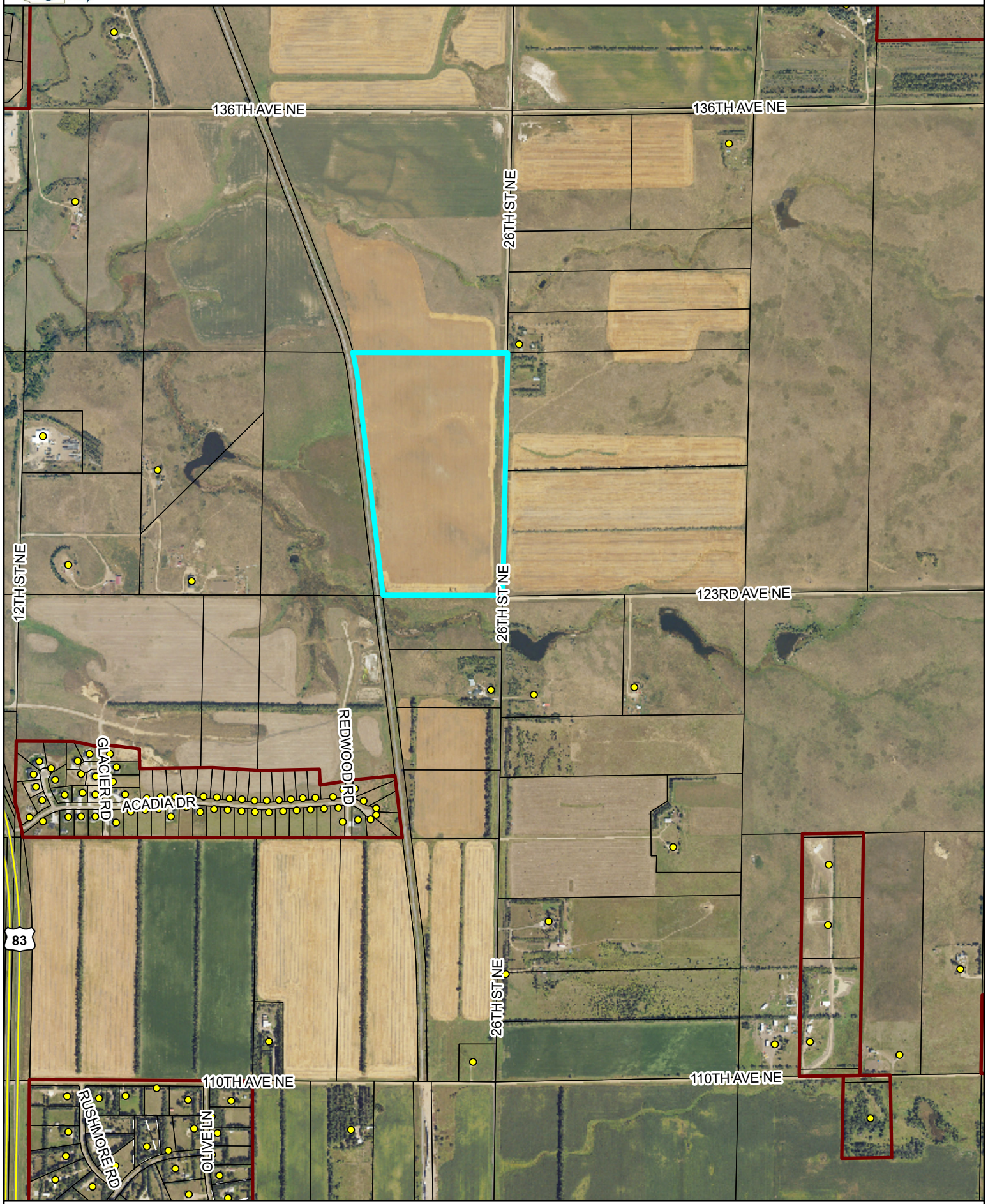
LOCATION MAP

SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
3002 Airway Avenue
Bismarck, North Dakota 58504
sheng@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

3/26/2026



Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

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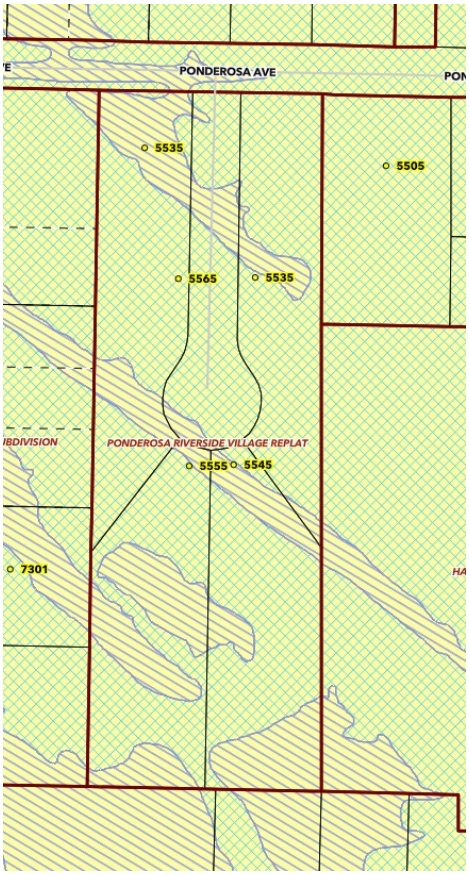
Agenda Item 5-2

Ponderosa Riverside Village 9th Subdivision

Project Summary	
Status:	Consent Agenda
Petitioner/Developer	Jeffery & Kimberly Eslinger
Engineer	Toman Engineering Company
Location:  	All of the Replat of Part of Ponderosa Riverside Village Section 3, Township 139N, Range 81W, Burleigh County, ND Addressed as: 5535 Ponderosa Ave. 5555 Buckboard Lane 5545 Buckboard Lane 5565 Ponderosa Ave. 5-2-1 Location Map
Project Size:	One (1) Lot Containing 10 Acres More or Less
Zoning:	R1- Country Home Residential

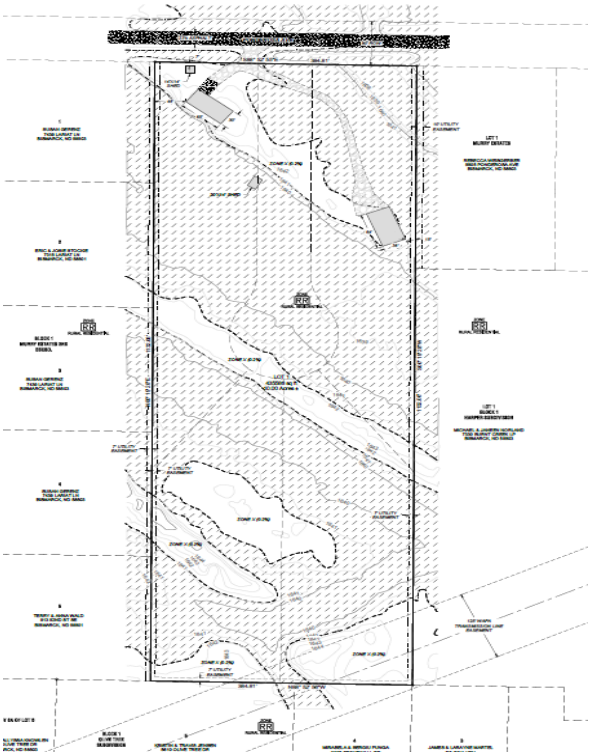
As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

Petitioners Request	Approve preliminary plat. Call for a Public Hearing.

History/Description

Burleigh County was approached regarding combining four (4) lots into a one (1) lot subdivision. The zoning is R1-Country Home Residential. A pre-application review was held regarding the requirements for the subdivision.

The review committee did not see any concerns in combining the lots, however, there is a County Owned cul-de-sac in the middle of the four lots. Because the petitioners wanted to combine the four lots into one lot, they were advised to apply for a vacation of the cul-de-sac. Petitioners applied for the vacation. The vacation will be on the May 4 agenda of the Board of Burleigh County Commissioners. The petitioners would like to start building on this lot in the summer of 2026. They requested to be placed on the May 13th Consent Agenda so the subdivision could start the platting process before the June 10, 2026 Planning and Zoning Commission meeting.



Attachment 5-2-2 Preliminary Plat



Attachment 5-2-3 Site Map

Staff Findings – Preliminary Plat

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This preliminary plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Zoning isR1-Country Home Residential
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.
5. A vacation of Buck Board Lane is in the process. It will be on the May 4 on the Board of Burleigh County Commissioners' Agenda.

Planning Staff Recommendation

The petition for a preliminary plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the preliminary plat and calling for a public hearing. The vacation of Buck Board Lane must be approved.

Planning Commission Action

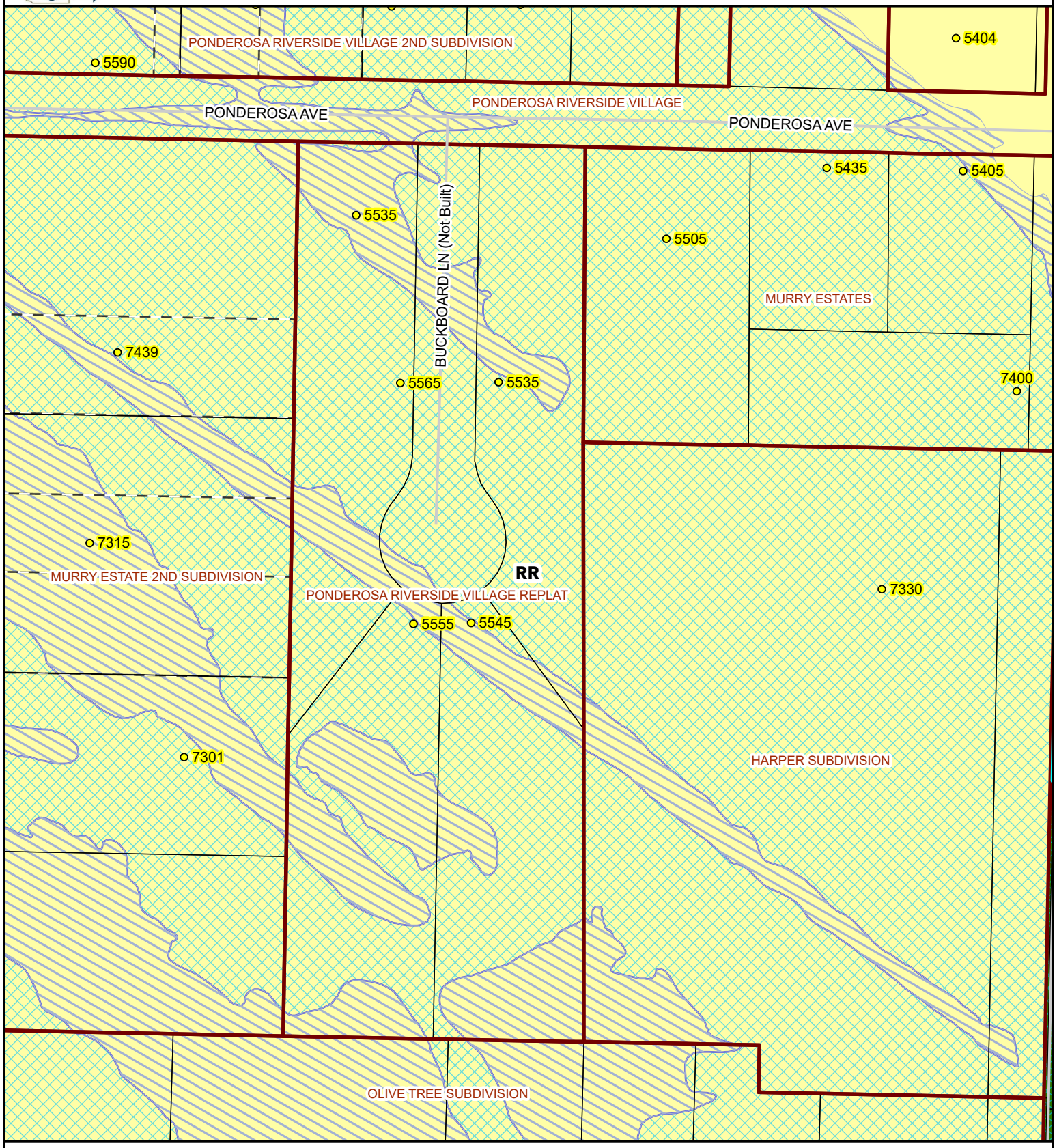
The Burleigh County Planning and Zoning Commission can:

1. Approve the preliminary plat. Calling for a public hearing.
2. Approve the preliminary plat with conditions. Calling for a public hearing after all condition have been completed.
3. Deny the preliminary plat with reason.
4. Table the preliminary plat for more information.

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

4/27/2026



PARCEL ID: 31-139-81-00-02-600 **OWNER:** TYLER LIMITED PARTNERSHIP **ACRES:** 148

SITE ADDRESS:

MAIL ADDRESS: %GARY H DIETRICH FAM TR 5302 123RD AVE NE, BISMARCK, ND 58503-9115

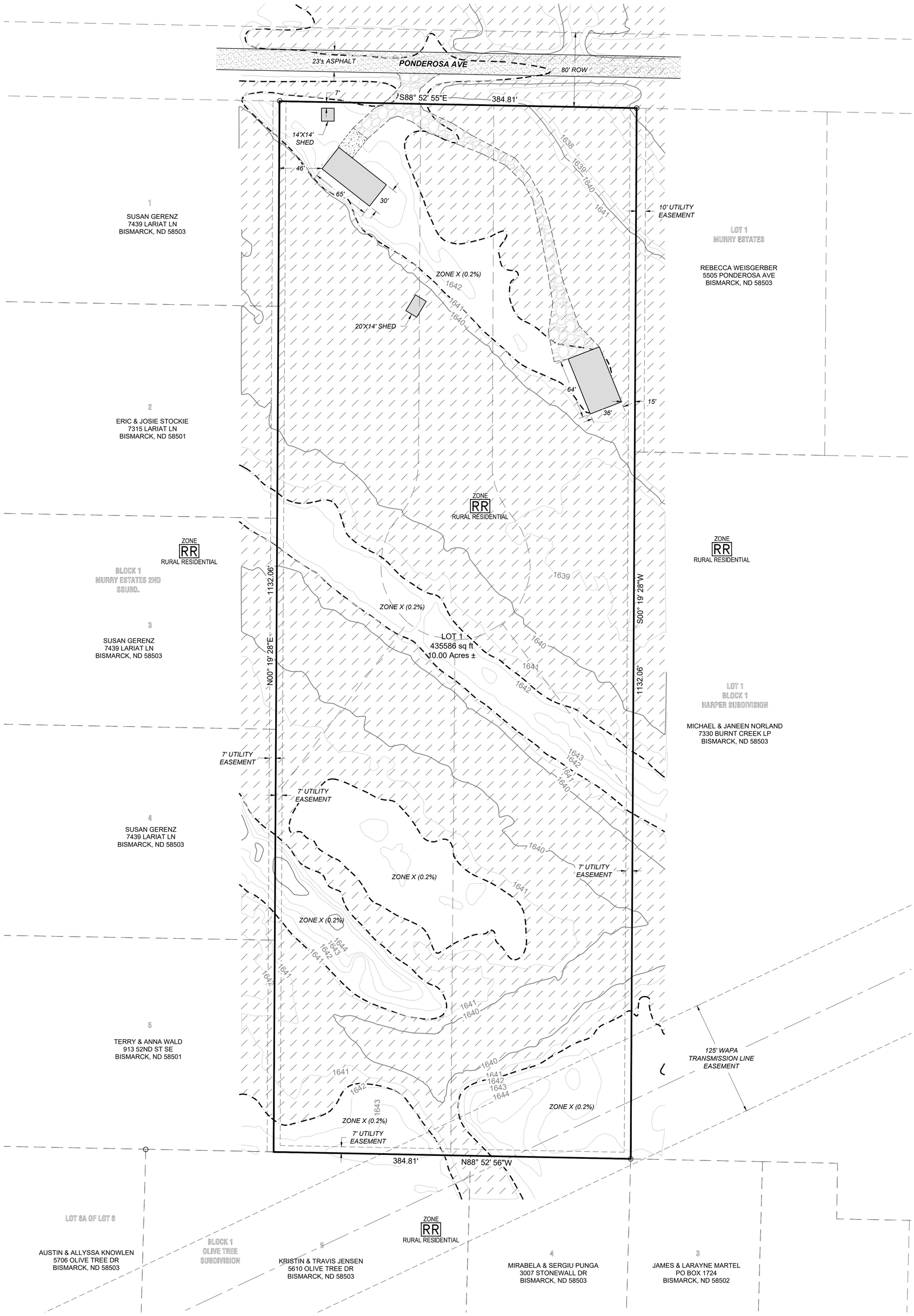
LEGAL: HAY CREEK TOWNSHIP Section 02 SW1/4 LESS 12 ACRES 357732 431550 672256 02-139-81

Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

PRELIMINARY PLAT OF

PONDEROSA RIVERSIDE VILLAGE 9TH SUBDIVISION

ALL OF THE REPLAT OF PART OF PONDEROSA RIVERSIDE VILLAGE OF
SECTION 3, T139N-R81W, BURLEIGH COUNTY, NORTH DAKOTA



N

W E

S

APRIL, 2026

50 0 50 100

Scale 1" = 50 ft
VERT. DATUM: NAVD88
HORIZ. DATUM: 1983 ST. PLANE, ND SOUTH (3302)

LEGEND

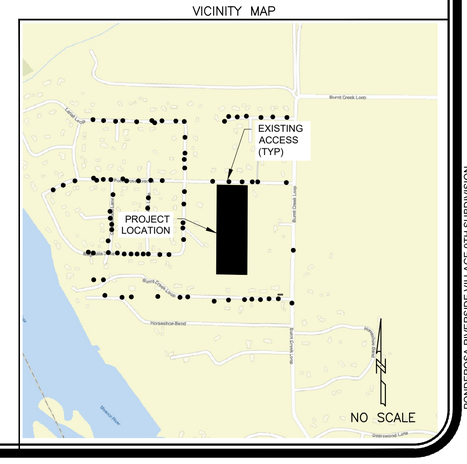
- FOUND REBAR MONUMENT
- BUILDING
- ASPHALT
- GRAVEL
- CONCRETE
- 100-YEAR FLOODPLAIN

OWNERS:
JEFFREY & KIMBERLY ESLINGER
5535 PONDEROSA AVE
BISMARCK, ND 58503

BASIS OF BEARING:
BASIS OF BEARING: NORTH BOUNDARY LINE SOUTH 88°52'55" EAST.

NOTES:
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
2. WATER IS PROVIDED BY SOUTH CENTRAL REGIONAL WATER DISTRICT.
3. PARTS OF THE PROPERTY LIES WITHIN THE 100-YEAR FLOODPLAIN (ZONE AE) PER FEMA FIRM PANEL MAP NO. 38015C0570E, EFFECTIVE DATE 06/06/2024. BFE: 1641.2 (NAVD88).
4. CONTOURS PROVIDED BY BISMARCK-MANDAN MPO. DATA COMPILED ON AUGUST, 2020.

VICINITY MAP



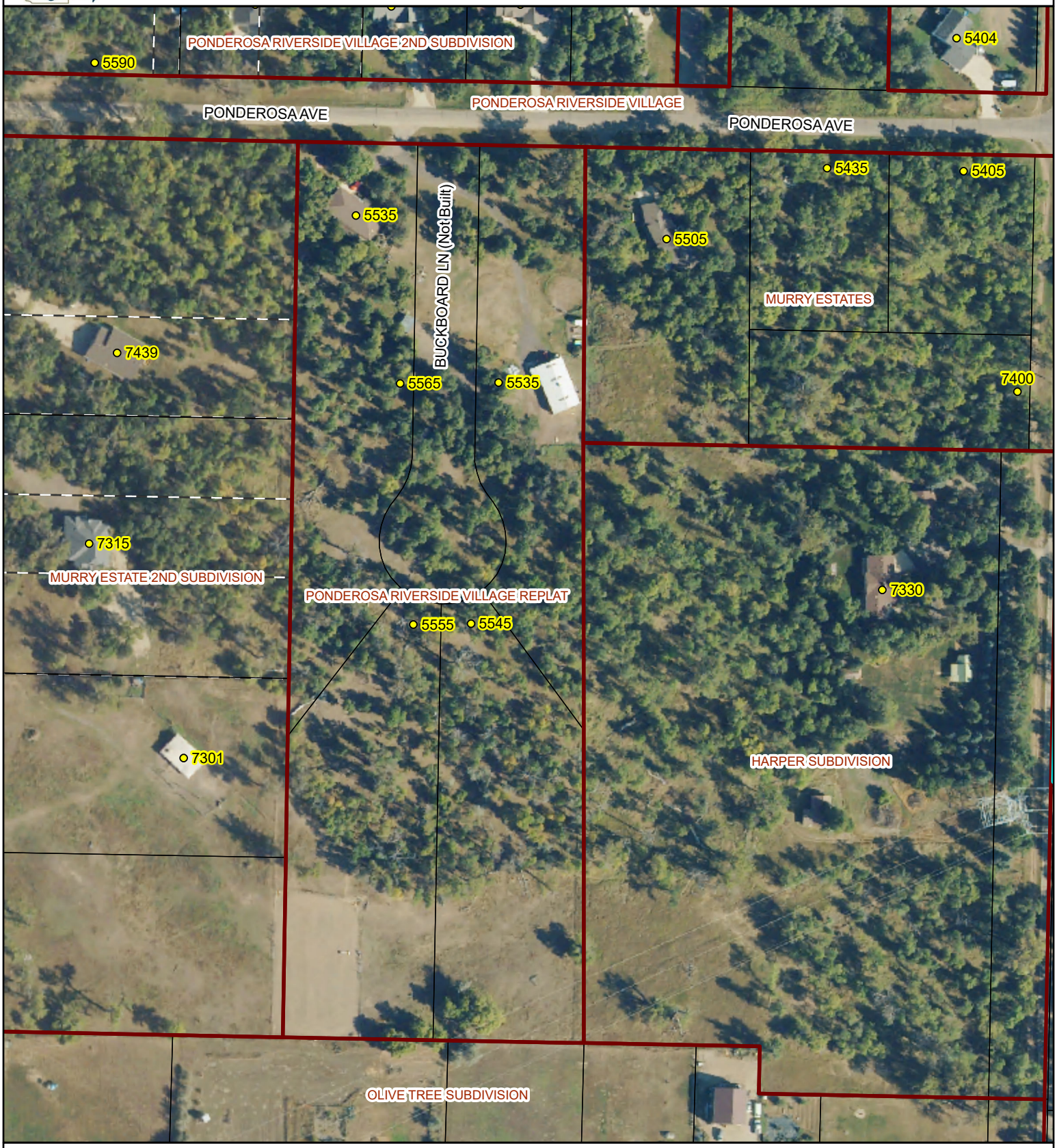
TOMAN ENGINEERING
501 1st Street NW, Mandan, ND 58554
701-663-6483 * www.tomanengineering.com
SURVEYOR: ANDRA L. MARQUARDT, RLS-4623
4632

PONDEROSA RIVERSIDE VILLAGE 9TH SUBDIVISION

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

4/27/2026



PARCEL ID: 31-139-81-00-02-600 **OWNER:** TYLER LIMITED PARTNERSHIP **ACRES:** 148

SITE ADDRESS:

MAIL ADDRESS: %GARY H DIETRICH FAM TR 5302 123RD AVE NE, BISMARCK, ND 58503-9115

LEGAL: HAY CREEK TOWNSHIP Section 02 SW1/4 LESS 12 ACRES 357732 431550 672256 02-139-81

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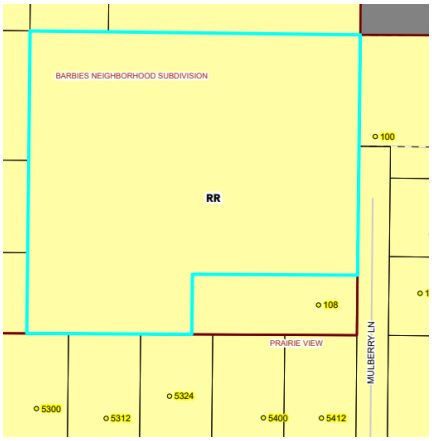
Agenda Item 5-3

Norbs Subdivision

Project Summary	
Status:	Consent Agenda
Petitioner/Developer	GKNG Properties LLC
Engineer	Swenson, Hagen & Company
Location:  	Being Part of Lot 11, Block 1, Barbie's Neighborhood Subdivision and Part of Mulberry Lane Right-of-Way of the SW ¼ of Section 6, Township 138 N, Range 79W 5-3-1 Location Map
Project Size:	Three (3) lot subdivision containing 9 acres more or less
Zoning:	R1- Country Home Residential
Petitioners Request	Approve preliminary plat. Call for a Public Hearing.

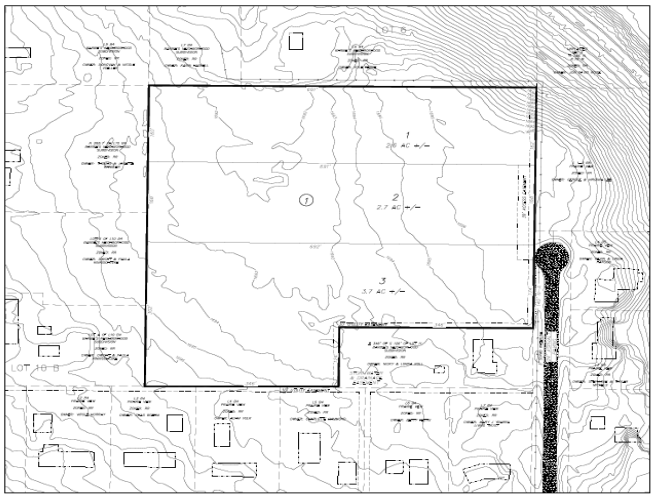
History/Description

Burleigh County was approached regarding subdividing Lot 11 of Barbies Neighborhood Subdivision. Staff work with the petitioner on the number of lots and what would be required to plat the parcel. The zoning is R1-Country Home Residential.

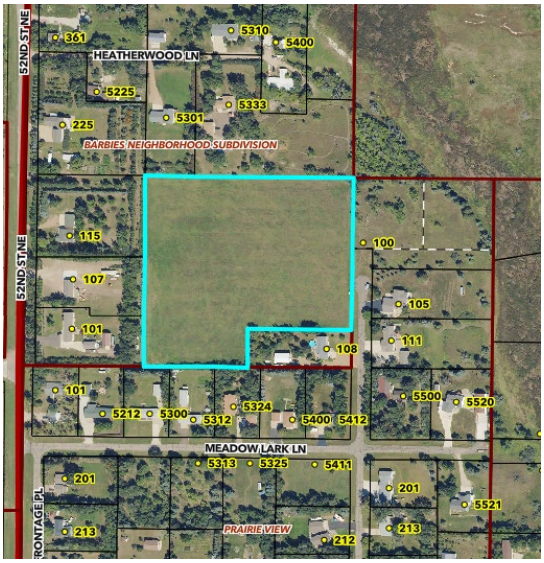
As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

The petitioner decided to divide the lot into a three (3) lot subdivision.

Staff reviewed the preliminary plat and did not have any concerns. Minor corrections are being made and will be completed before the May 13, 2026 meeting.



Attachment 5-3-2 Preliminary Plat



Attachment 5-3-3 Site Map

Staff Findings – Preliminary Plat

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This preliminary plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Zoning is R1-Country Home Residential
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.

Planning Staff Recommendation

The petition for a preliminary plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the preliminary plat and calling for a public hearing.

Planning Commission Action

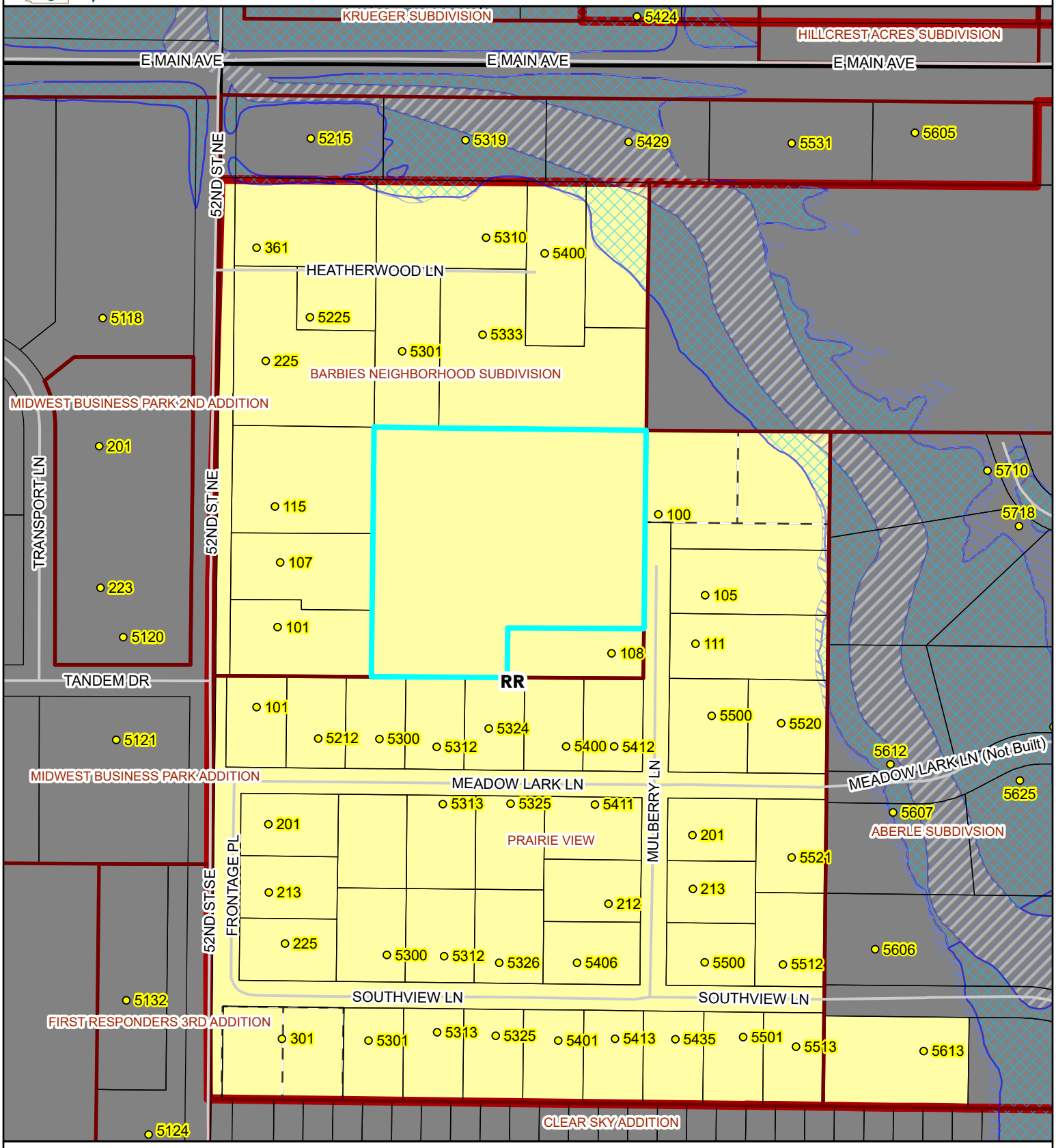
The Burleigh County Planning and Zoning Commission can:

1. Approve the preliminary plat. Calling for a public hearing.
2. Approve the preliminary plat with conditions. Calling for a public hearing after all condition have been completed.
3. Deny the preliminary plat with reason.
4. Table the preliminary plat for more information.

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

4/28/2026



PARCEL ID: 39-138-79-15-00-110 **OWNER:** GKNG PROPERTIES LLC **ACRES:** 9

SITE ADDRESS:

MAIL ADDRESS: 14179 52ND ST NE, BALDWIN, ND 58521

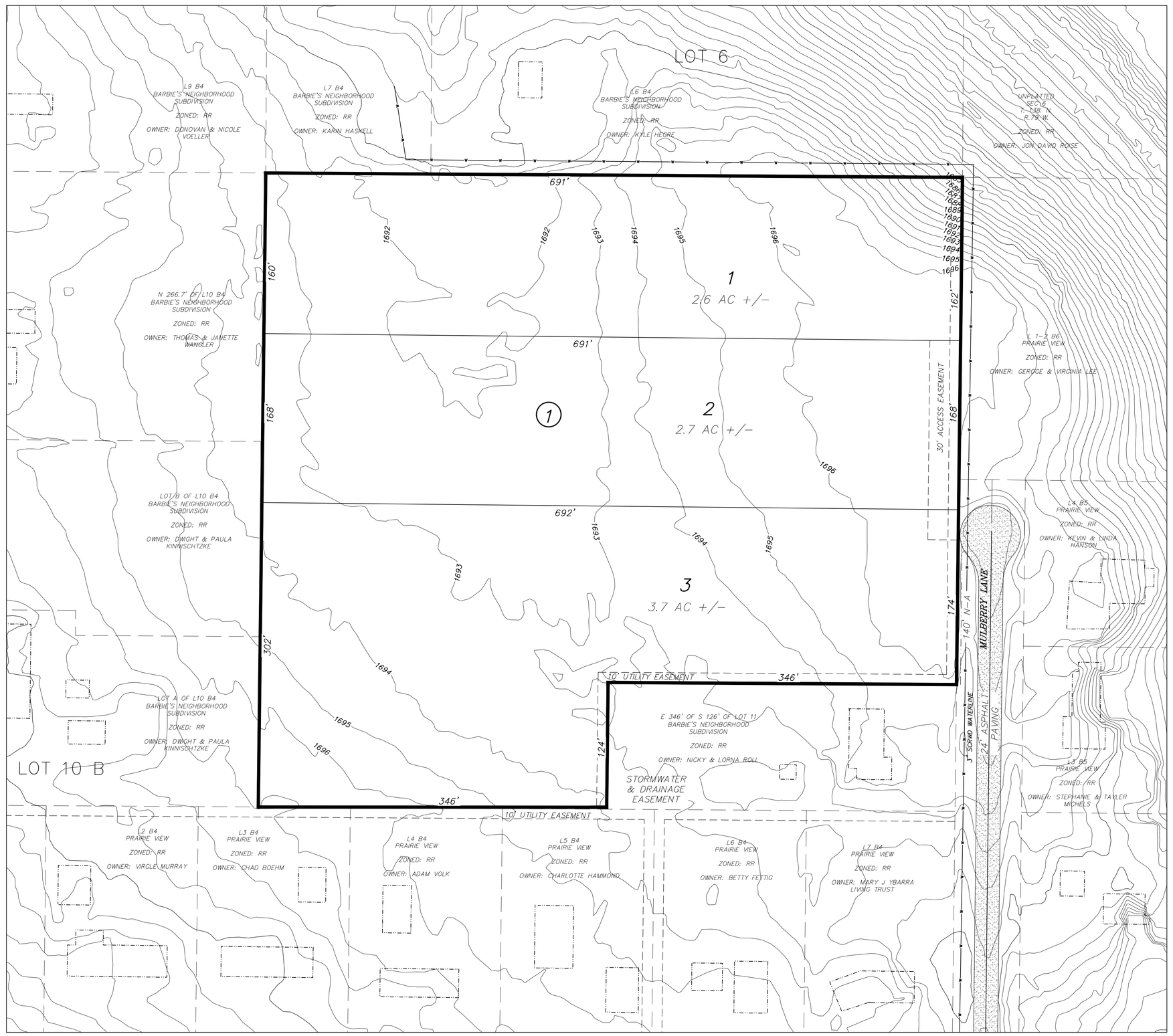
LEGAL: BARBIE'S NEIGHBORHOOD Block 00 LOT 11 LESS E346' OF THE S126' 796069

Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

NORBS SUBDIVISION

BEING PART OF LOT 11 BLOCK 1
BARBIE'S NEIGHBORHOOD SUBDIVISION AND
PART OF MULBERRY LANE RIGHT-OF-WAY OF
THE SW 1/4 OF
SECTION 6 T. 138 N. R. 79 W.

BURLEIGH COUNTY, NORTH DAKOTA





LOCATION MAP

3 LOTS
1 BLOCK
9.0 ACRES
EXISTING ZONING: RR
PROPOSED ZONING: RR/R1

OWNER: GKNG PROPERTIES, LLC

ADDRESS: 14170 52ND ST NE
BALDWIN, ND 58521

N
W E
S

0 60' 120'

SCALE – 1" = 60'

VERTICAL DATUM: NAVD 88

APRIL 22, 2025

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

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

4/27/2026



PARCEL ID: 39-138-79-15-00-110 **OWNER:** GKNG PROPERTIES LLC **ACRES:** 9

SITE ADDRESS:

MAIL ADDRESS: 14179 52ND ST NE, BALDWIN, ND 58521

LEGAL: BARBIE'S NEIGHBORHOOD Block 00 LOT 11 LESS E346' OF THE S126' 796069

Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

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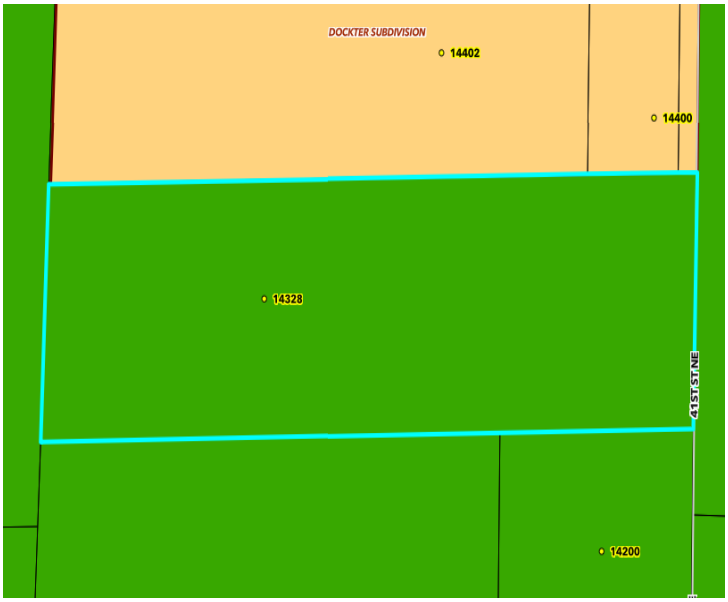
Agenda Item 5-4

Klatte Subdivision & Zoning Change

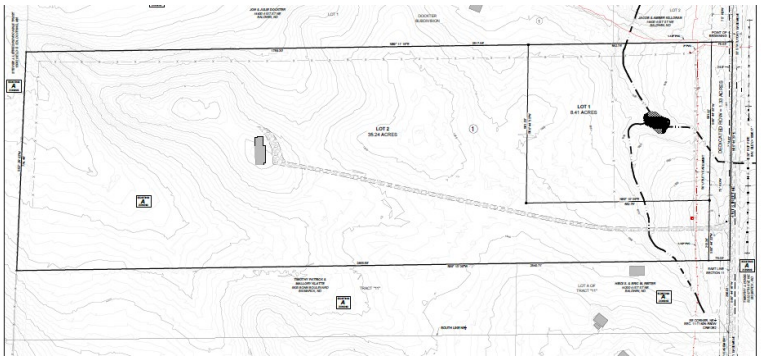
Project Summary	
Status:	Consent Agenda
Petitioner/Developer	Timothy & Mallory Klatte
Engineer	ILSE, Inc
Location: 	All of Tract 10 in the Northeast 1/4 Section 11, Township 140N, Range 80W 5-4-1 Location Map Site Address: 5100 NE 136TH AVE
Project Size:	Two (2) lot subdivision containing 44 acres more or less
Zoning Change:	A-Agricultural to R1-Country Home Residential on 8.41 acre lot
Petitioners Request	Approve preliminary plat and zoning change. Call for a Public Hearing.

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

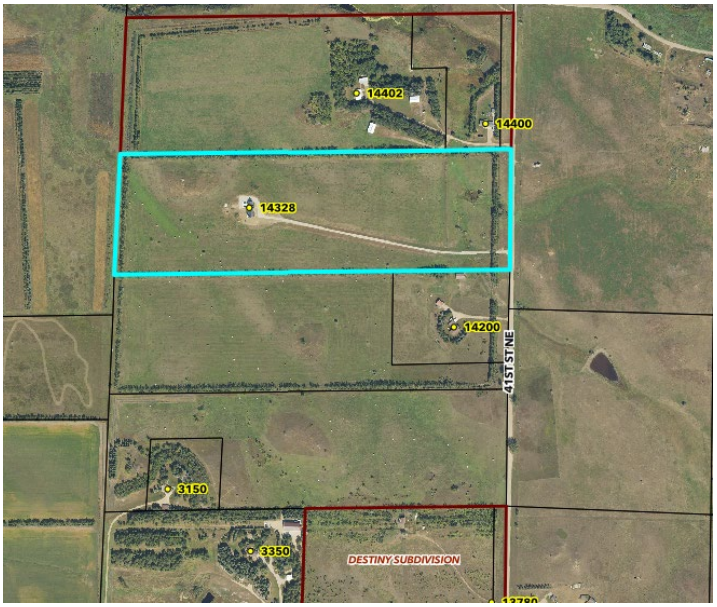
History/Description

Burleigh County was approached regarding subdividing a 44 acre lot into a two (2) lot subdivision. One lot will contact 35 acres more or less and retain it's a-Agricultural Zoning. One lot will contain 8.41 acres and will require a zoning change. The petitioner would like to build a Pre-K Educational Center containing 15 up to 30 pre-K to Kindergarten aged children. The education will have an emphasis on outdoor learning on the 35 acres. Educational groups are an allowed use in R-1 zoning.

Staff reviewed the preliminary plat and did not have any concerns. Minor corrections are being made and will be completed before the May 13, 2026, meeting.



Attachment 5-4-2 Preliminary Plat



Attachment 5-4-3 Site Map

Staff Findings – Preliminary Plat

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This preliminary plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Zoning is A-Agricultural.
4. Lot 1 containing 8.41 acres The petitioners have requested a zoning change to R1-Country Home Residential
5. Surrounding properties are zoned are zoned A-Agricultural with the exception being the subdivision to the North which is zoned R1-Country Home Residential
6. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.

Planning Staff Recommendation

The petition for a preliminary plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the preliminary plat and calling for a public hearing.

The petition for a zoning change on Lot 1 meets all the requirements of Article 12 of the Burleigh County Zoning Ordinances.

Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

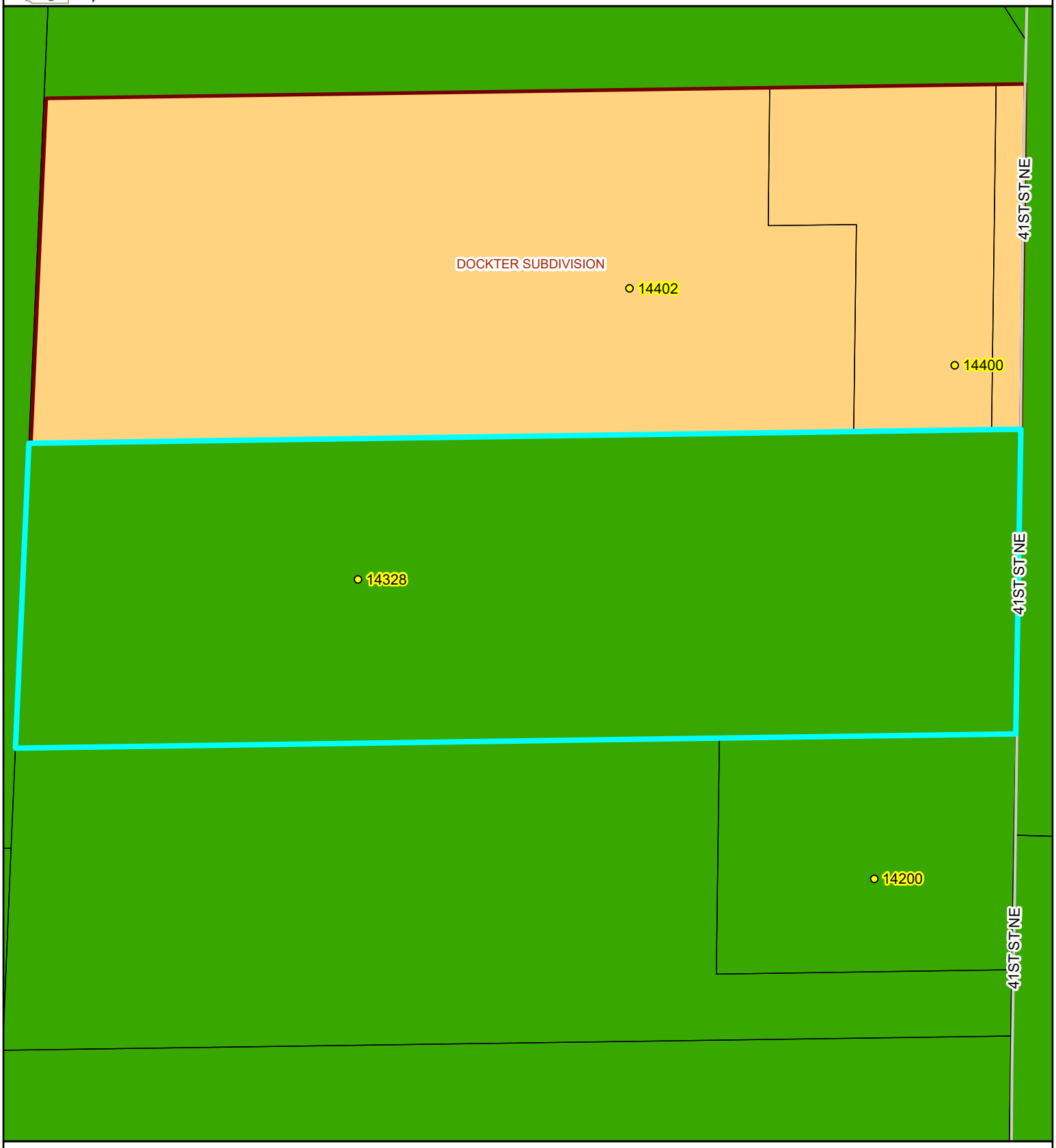
1. Approve the preliminary plat and/or zoning change. Calling for a public hearing.

2. Approve the preliminary plat and/or zoning change with conditions. Calling for a public hearing after all condition have been completed.
3. Deny the preliminary plat and/or zoning change with reason.
4. Table the preliminary plat and/or zoning change for more information.

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

4/28/2026



PARCEL ID: 24-140-80-00-11-230 **OWNER:** KLATTE, TIMOTHY PATRICK & MALLORY **ACRES:** 45

SITE ADDRESS: 14328 NE 41ST ST

MAIL ADDRESS: 1805 BONN BLVD, BISMARCK, ND 58504

LEGAL: BURNT CREEK TOWNSHIP Section 11 TRACT 10 IN NE1/4 328495 683030 11-140-80

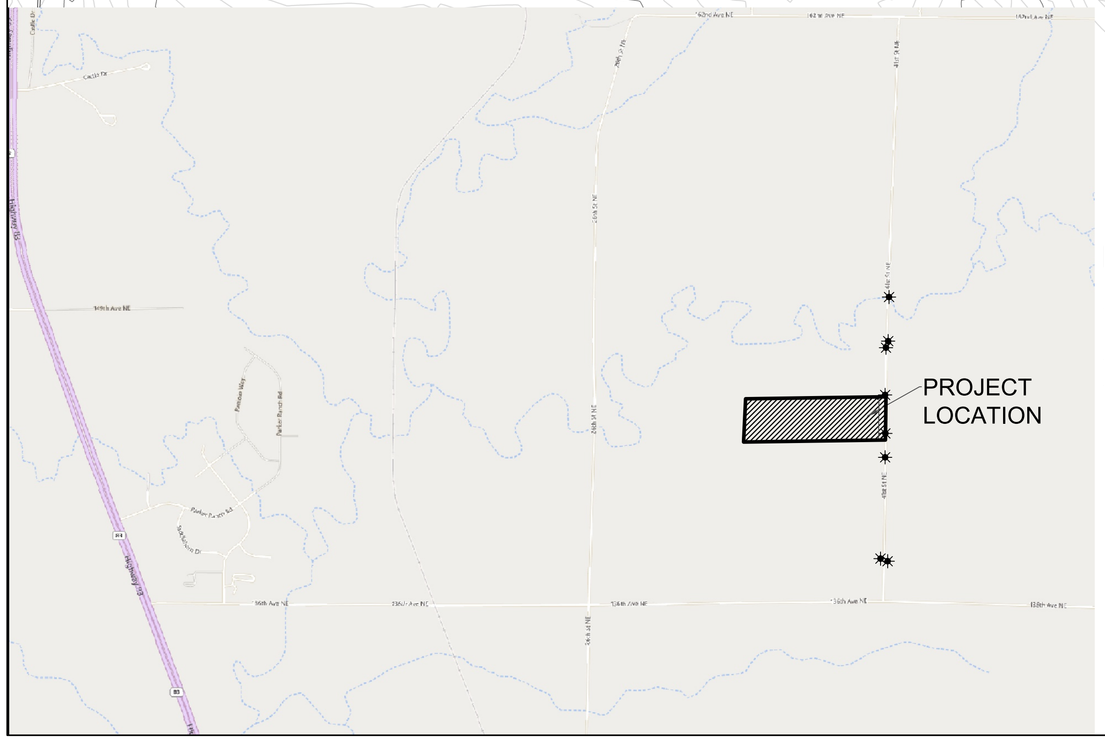
Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

PRELIMINARY PLAT

KLATTE SUBDIVISION

ALL OF TRACT 10 IN THE NORTHEAST QUARTER
SECTION 11, T140N, R80W
BURLEIGH COUNTY, NORTH DAKOTA





LEGEND

○	FOUND SURVEY MONUMENT
●	SET CAPPED REBAR - LS9628
ROW	RIGHT OF WAY
	EXISTING BUILDING
	EXISTING GRAVEL
	EXISTING DRIVE APPROACH
X	EXISTING FENCE
W	EXISTING PVC WATER LINE
OH OH	EXISTING OVERHEAD POWER LINE
OH OH	EXISTING STORM SEWER PIPE
	FRESH WATER POND WETLAND NATIONAL WETLANDS INVENTORY PER THE NWI MAPPER
	BLUE LINE STREAM NATIONAL WETLANDS INVENTORY PER THE NWI MAPPER

ACREAGE TABLE

LOT 1	8.41 ACRES
LOT 2	35.24 ACRES
DEDICATED ROW	1.33 ACRES
TOTAL	44.98 ACRES

LAND DESCRIPTION

ALL OF TRACT 10 IN THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 140 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 11; THENCE SOUTH 00° 44' 33" WEST ON THE EAST LINE OF SAID SECTION 11 A DISTANCE OF 1608.20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00° 44' 33" WEST ON SAID EAST LINE A DISTANCE OF 774.63 FEET; THENCE SOUTH 89° 10' 09" WEST A DISTANCE OF 2540.71 FEET; THENCE NORTH 02° 29' 03" EAST A DISTANCE OF 776.46 FEET; THENCE NORTH 89° 11' 16" EAST A DISTANCE OF 2517.08 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 44.98 ACRES MORE OR LESS; AND SUBJECT TO ALL LEGAL RIGHTS OF WAY AND EASEMENTS.

OWNERS:

TIMOTHY PATRICK & MALLORY KLATTE
1805 BONN BOULEVARD
BISMARCK, ND 58504

NOTES:

1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENTS.
2. SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.
3. EXISTING ZONING AS SHOWN, PROPOSED ZONING FOR PROPOSED PLAT AREA = R1 & AG.

NORTH

SCALE: 1" = 80'

0 40 80

DATE: APRIL 22ND 2026

VERTICAL DATUM - NAVD 1988.

BASED ON NORTH DAKOTA SOUTH ZONE-NAD83 (2011), INTERNATIONAL FEET.

MEASUREMENTS HAVE BEEN ESTABLISHED BY RTK FROM THE "NDBK" CORS STATION AND ARE REPORTED IN GRID.

PROFESSIONAL LAND SURVEYOR
MARK R. ISAACS, LS-9628

KLATTE SUBDIVISION
ALL OF TRACT 10 IN THE NE 1/4
SECTION 11, T140N, R80W
BURLEIGH, NORTH DAKOTA

SHEET: 1 OF 1	JOB NUMBER: 26060		
SCALE: 1"= 80'	DWG REVISION DATES		
DRAWN BY: LCM	–	–	
DWG DATE: 4/17/26	–	–	
DWG NAME:26060 Survey.dwg			

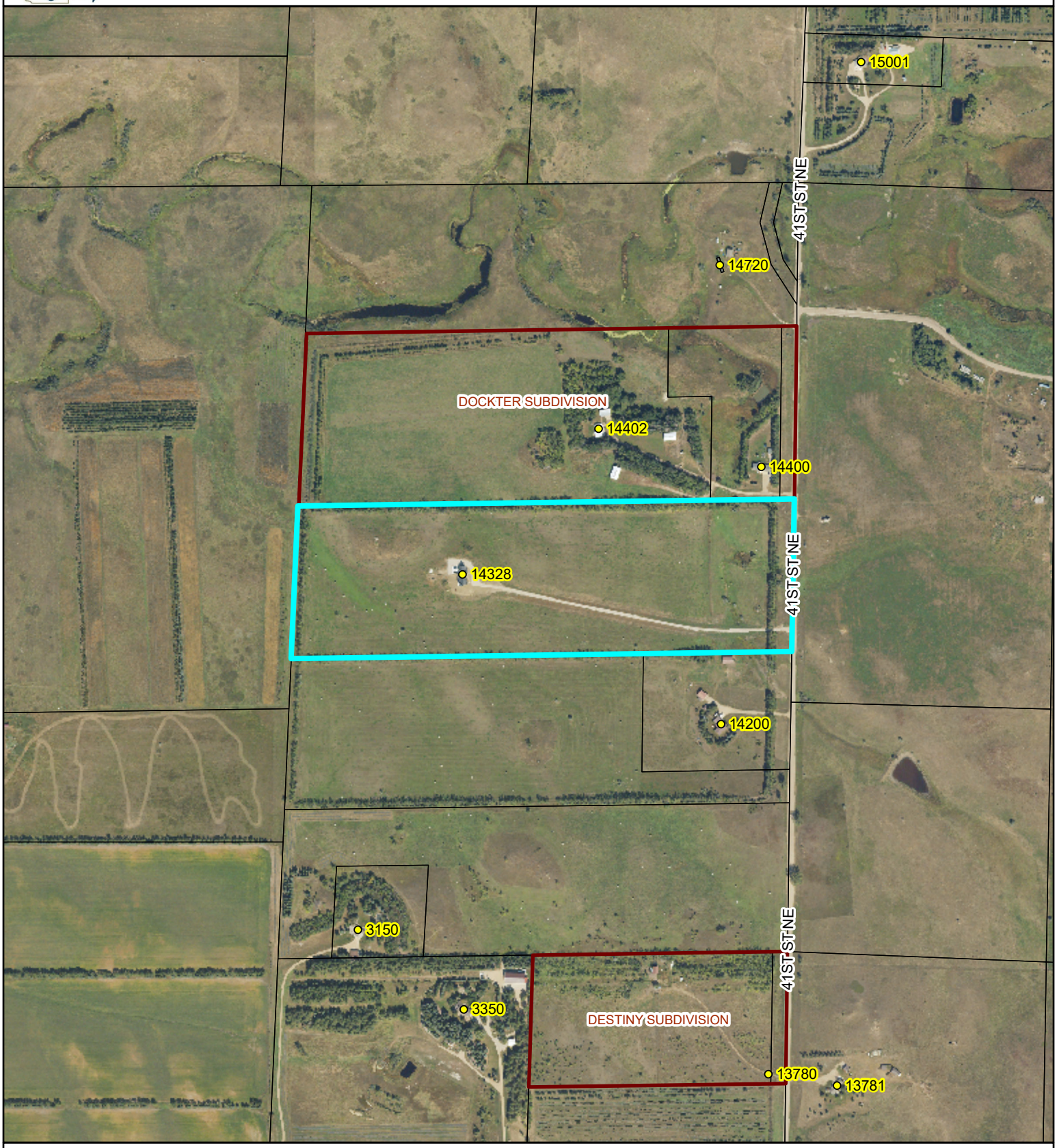
Independent Land and Surveying & Engineering

4215 Old Red Trail NW
Mandan, ND 58554
Phone: 701-663-5184
Cell: 701-595-2079
mark@ilsurveynd.com

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

4/28/2026



PARCEL ID: 24-140-80-00-11-230 **OWNER:** KLATTE, TIMOTHY PATRICK & MALLORY **ACRES:** 45

SITE ADDRESS: 14328 NE 41ST ST

MAIL ADDRESS: 1805 BONN BLVD, BISMARCK, ND 58504

LEGAL: BURNT CREEK TOWNSHIP Section 11 TRACT 10 IN NE1/4 328495 683030 11-140-80

Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

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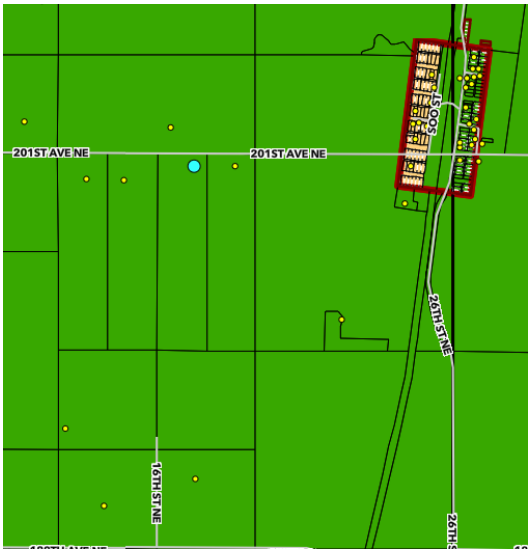
Agenda Item 5-5

Strong Farms PUD
Baldwin Greenhouse Subdivision

Project Summary	
Status:	Consent Agenda
Petitioner/Developer	Strengthen ND Stoll Holdings LLP
Engineer	Ackerman Surveying & Associates
Location: 	Being the W1/2 E1/2 NW1/4 Section 24, Township 141 N, Range 80W Addressed as: 1725 201st Ave. NE Baldwin, ND Attachment 5-5-1 Location Map
Project Size:	One (1) Lot Subdivision on 40.04 Acres
Zoning Change:	A-Agricultural to PUD – Planned Unit Development
Petitioners Request:	Approve the preliminary plat and zoning change. Call for a public hearing

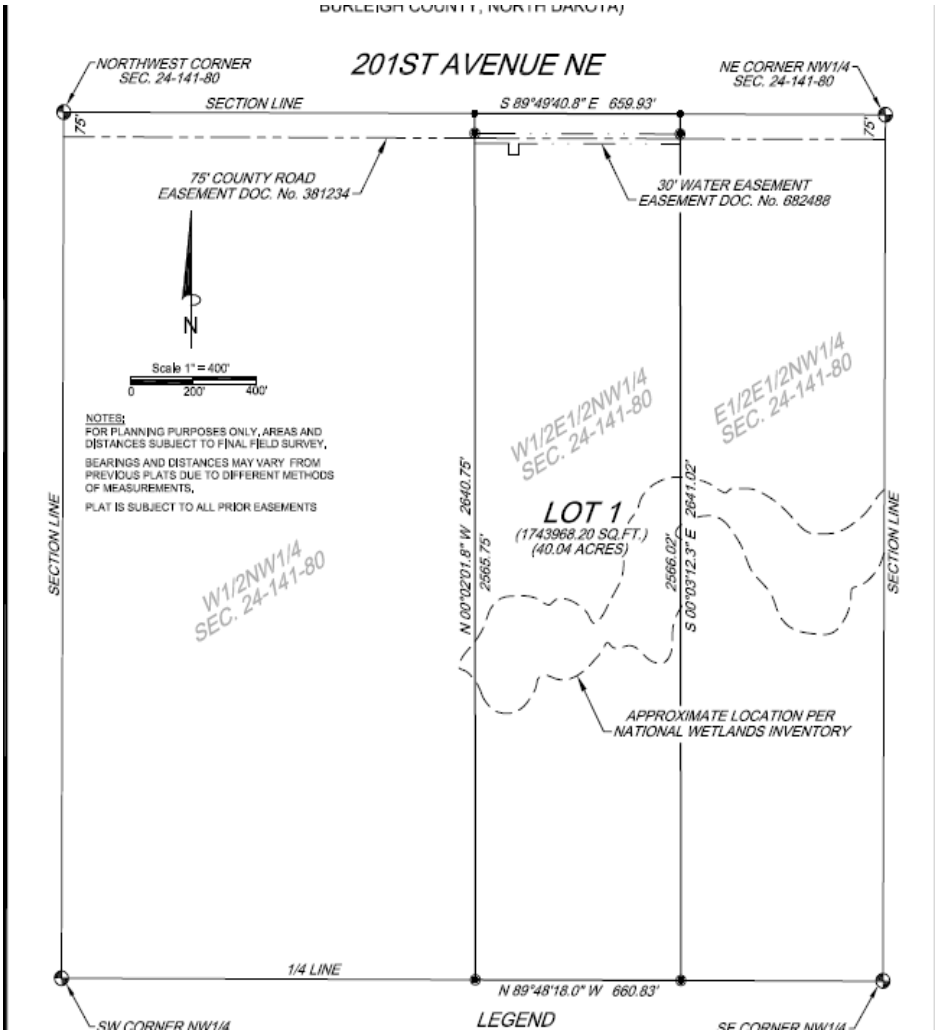
As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

History/Description

Burleigh County Staff received an application for a zoning change from A-Agricultural to PUD-Planned Unit Development from Strengthen ND. The request was to develop a Strengthen ND facility to be used for limited retail and classroom space. The intention is to train farmers how to properly package and sell their goods. The PUD request also includes the Stoll Farms (Baldwin Greenhouse & Nursery). Stoll farms also plan to grow their business by adding several seasonal high tunnels, use seasonal food trucks and intends to have educational tours for schools and community groups. Strengthen ND submitted an action plan and summary of what the parcel will be used for in addition to the greenhouse which is operating on the property. (Attachment 5-5-2)

Burleigh County staff met with Strengthen ND and a representative from the engineering firm on April 17, 2026 to discuss some general requirements for the PUD. Staff advised the participants platting the property will be required because of past concerns regarding where the property line location is and the activities being conducted on the parcel. Several complaints have been filed due to the activity's participants causing livestock injury and death on the neighboring property. Second access to the parcel is not on the parcel, so an access easement will be required from the property owners located to on the east property line. This would need to be recorded and identified on the preliminary plat.

Several e-mail discussions were held concerning the need to plat the property. After much consideration it was decided to plat the property. A preliminary plat was not submitted however a certificate of survey was submitted.



Attachment 5-5-3 Preliminary Plat



Attachment 5-5-4 Site Map

Staff Findings – Preliminary Plat & PUD Zoning

1. The preliminary plat needs to be submitted in accordance to Article 33 of the Burleigh County Zoning Ordinances.
2. The PUD zoning was advised for this property.

Planning Staff Recommendation Preliminary Plat

The petition for a Preliminary plat meets all administrative requirements of the Burleigh County Zoning Ordinance – Article 33, with the exception of the preliminary plat submittal. Staff recommends approval of the preliminary plat with conditions:

1. Preliminary Plat must be submitted and approved by all reviewing entities before a final plat is submitted.
2. The final plat must be approved by all reviewing entities before a public hearing is scheduled.

Planning Staff Recommendation PUD Zoning

The petition for a PUD Zoning meets all the administrative requirements of the Burleigh County Zoning Ordinances. Staff recommends approval and calling for a public hearing

Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

Preliminary Plat:

1. Approve the preliminary plat and call for a public hearing.
2. Approve the preliminary plat with conditions and call for a public hearing after all conditions have been completed.
3. Deny the preliminary plat with reason.
4. Table the preliminary plat for more information.

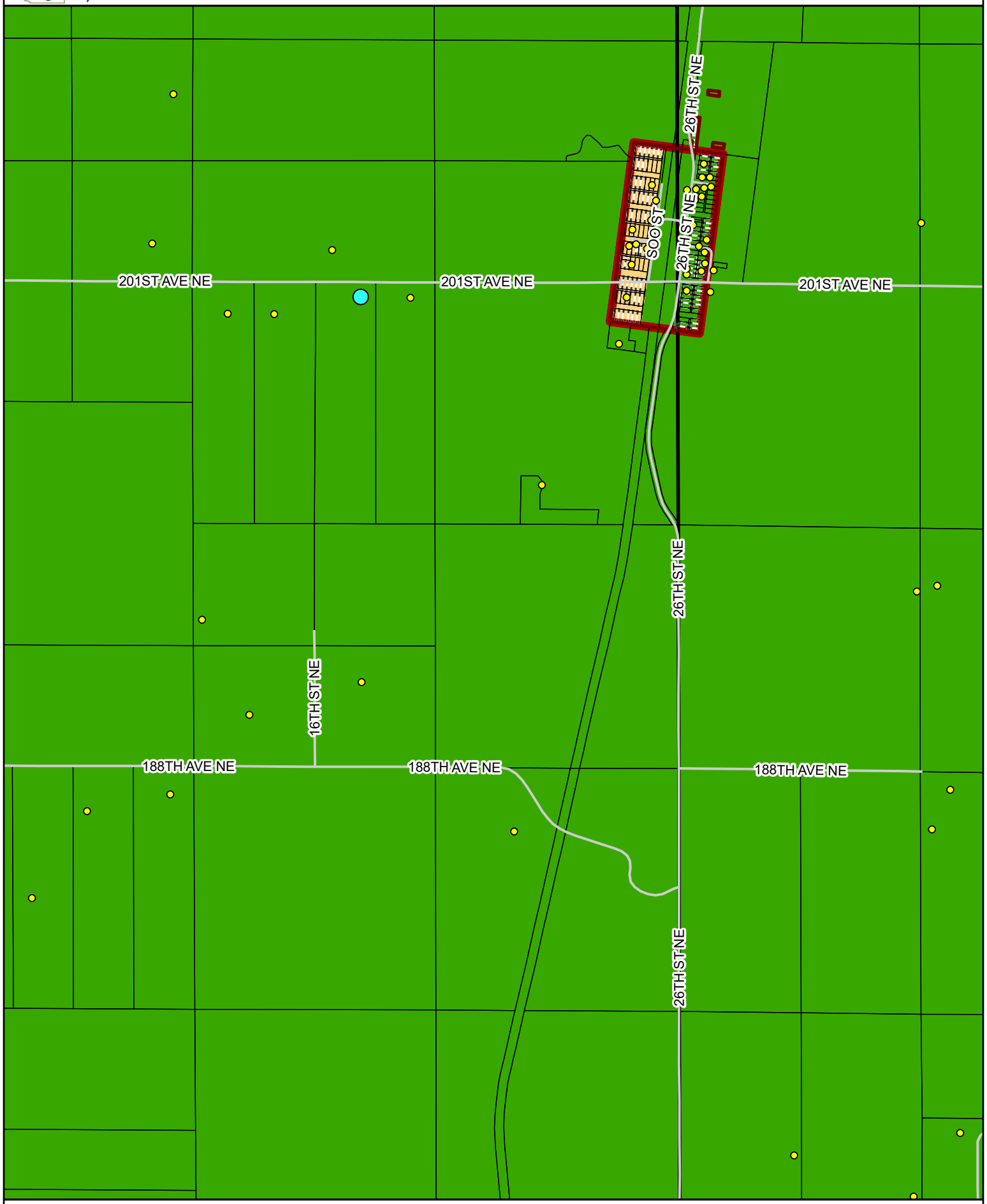
PUD Zoning Change:

1. Approve the PUD and call for a public hearing
2. Approve the preliminary plat with conditions and call for a public hearing after all conditions have been completed.
3. Deny the PUD with reason.
4. Table the PUD for more information.

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

5/4/2026



Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

Strong Farm Incubator - A Launchpoint for Small Farmers & Local Foods Communities | Strengthen ND PUD Activities Listing | 10.8.2025

Programmatic Action Plan - 2025 to 2030 by Deliverable

1. On-Site Incubator Farm Participants Growing

- Annually, Strengthen ND will accept up to 5 on-site interns to utilize a small plot of land on the incubator farm site. The Strong Farm Incubator curriculum spans a 3-year period of time. **This means, at any given time, NO MORE than 15 small farmers will be utilizing their 50' x 50' plots.** This totals less than 1 acre of land. Their activities will include garden planning, planting, weeding/watering/maintenance, harvesting, and cleaning.
- Typical growing seasons, dependent on weather, are anticipated to be April - October, which is when the Strong Farm interns will be accessing their plots.

2. Technical Assistance & On-Farm Education/Tours

- From time to time, the Strong Farm Incubator team may provide on-site tours of the farm, including plots and the future regional processing facility. These tours will support long-term fundraising and sustainability for the program, while also sharing more about small farming practices. **It is anticipated that up to 1 annual tour will be completed with this intention, with approximately 20-25 people in attendance.**
- From time to time, the Strong Farm Incubator team may provide on-site educational activities, such as building/creating rain barrel classes, weed prevention and mitigation classes, garden planning classes, enhanced conservation practices classes, and other associated small farming-related topics. **It is anticipated that up to 3 on-site classes (primarily outdoors) will be completed annually, with approximately 20-25 people in attendance.**
- **To celebrate the groundbreaking of the regional processing facility and the progress of the Strong Farm interns, 1 on-site farm dinner may be held annually every fall, with an estimated attendance of between 50 and 60 people.**

3. Value-Added Agriculture & Infrastructure Development

- The regional processing facility remains on track for completion by year-end 2026, with wash/pack, commercial kitchen, and instructional space under phased development.
- The space will be offered to and utilized by individual farmers and related value-added ag manufacturers (those making jellies, salsas, baking breads, etc.) on a first-come, first-served basis. No more than 1 group (of up to 5) will be allowed to utilize the commercial kitchen space at any given time.
- The space will be offered to and utilized by the Strong Farm Incubator team, individual farmers, and related value-added ag manufacturers to hold workshops, such as canning, baking, local foods marketing and photography, local foods business planning, and other related topics. **It is anticipated that up to 4 on-site workshops (located indoors**

in the regional processing facility) will be held annually, with approximately 20 people in attendance (the classroom space has limited seating).

- The space will be offered to and utilized by the Strong Farm Incubator team, individual farmers, and related value-added ag manufacturers to hold local foods-based "get to know your farmer" demonstrations and connection events to support enhanced local foods procurement by government entities, hospitals/clinics/care facilities, schools, and retailers to support the local foods economy. **It is anticipated that up to 2 on-site works"get to know your farmer events" (located indoors in the regional processing facility) may be held annually, with approximately 20 people in attendance.**
- From time to time, participating Strong Farm Incubator interns may find it beneficial to set up a modified farm stand under the awning of the regional processing facility when it is built in 2026 to sell their produce/products to the foot traffic generated by the Baldwin Greenhouse & Nursery. **These pop-up farm stands may be held during the typical harvest season (July - October) and will not be a special event themselves.**

4. Mobile Market Truck

- Housed at the regional processing facility will be the Strong Farm Veggie Van, which will support distribution of local foods to area retailers, hospitals/clinics/care facilities, government entities, and schools. **This truck will be staffed by 1 Strong Farm Incubator team member (to be named) with a typical weekly route.**

Stoll Farms LLC/Baldwin Greenhouse & Nursery
1725 201st Ave NE Baldwin, ND 58521
In partnership with StrengthenND
Strong Farm Incubator Project

The Baldwin Greenhouse & Nursery have been in operation for over 30 years. As new owners December 2023, Jared and Ashley continue the greenhouse & nursery business. Existing Structures will be maintained and improved for adequate flower and plant growth.

Stoll Farms is the growing leg of the business. They have been in the business of growing produce since 2017. There is adequate land base to continue to grow a variety of vegetables for sales.

There are plans to add several seasonal high tunnels. There are three tunnels on sight ready for putting up, and an additional 1-2 high tunnels planned through an NRCS conservation plan. High Tunnels are generally considered to not be permanent structure. They grow plants in the ground or on raised beds. These will be on the south side of the greenhouse structures.

Bismarck schools have been on-site for an education event for soil health, plant growth, and other conservation, agricultural and produce topics. This has included as many as three hundred students over a 3-day period. We also like to have community groups come out for informal tours.

Also, because the location is not near a town or city that has food services, we will be providing drinks and on occasion food options. This is from the end of April until October 31.

In summary, in addition to Strengthen ND and the Strong Farm Project:

1. Plans for continued improvement to buildings
2. Additional High Tunnels
3. Use of Cropland for growing and harvesting produce
4. Seasonal use of food trucks
5. Tours for school and community agriculture education.

Lastly, there will be a USDA-NRCS conservation plan that includes wind row planting along the west side of the property to provide wind and sound protection; tree row renovation, low tunnels, irrigation management and other agriculture conservation will be completed over the next 5 years.

Baldwin Greenhouse/Strengthen ND site

Burleigh County PUD Application

a. The property included in the PUD is the single parcel at: W1/2 E1/2 NW1/4, Section 24, T141N, R80W. The parcel is owned by Stoll Holdings LLP.
b. The objectives of the planned unit are found in the attached Programmatic Action Plan, and the Stoll Farms business summary.
c. The PUD will have one ownership, so no association agreements are planned for common areas.



N

150 75 0 150 300

Graphic Scale:

Attention is Drawn to the Fact That Drawing Scales May be Altered During Reproduction Processes. Scales Shown Hereon are Based on a Full Scale Sheet Size of 11" x 17"

Scale: 1" = 300'

ACKERMAN ESTVOLD

1907 17th St SE Minot, ND 58701
701.837.8737 www.ackermanestvold.com

STRENGTHEN ND
STRONG FARM INCUBATOR
BALDWIN, NORTH DAKOTA
PROPERTY OVERVIEW MAP

Project No.
Drawing Name
Permitting

C1 of 2

EXHIBIT ONLY

Residence (15.5' peak height)



Existing Shop (22' peak height)



South Greenhouses (14.5' peak height)



Existing Retail Sales (18.5' peak height)



North Greenhouses (18.5' peak height)



Strawberry House (14.5' peak height)



Proposed Strengthen ND Facility (20'11" peak height)





PUD Development Standards:

Location: **1725 201st Ave. NE Baldwin**
Use: **Geen House and Education center**
Lot size: **40 Acres**
Lot Area Coverage: 3% of lot principal and accessory building.

Accessory buildings: Allowed per county standards.

Building Height: Two story maximum, not to exceed-35' in height for principal building.

Foundations: All structures shall be built with frost protected foundations. In determining soil conditions for this lot, a site-specific design by a Registered Design Professional for the foundation system will be acceptable.

Architectural Drawings: Following approval of this PUD, the owners will begin detailed architectural design. Architectural drawings may be submitted and will provide sufficient detail to obtain all necessary building permits per Burleigh County standards.

Buffer Zones: A 50' buffer zone must be established on the west property line to include:

1. A six (6) foot fence (chain link or similar) installed along the west property line for a distance of 1,600 feet.
2. Trees, bushes and shrubs planted along property line and fence a distance of 1600 feet.

This PUD shall:

1. Outdoor lighting fixtures directed so direct light is visible above a height of 5 feet. lighting fixtures near adjacent properties must have special shielding to help eliminate light pollution on adjacent properties.
2. Outdoor lighting must be five (5) feet from the adjacent properties.
3. Proper restroom facilities (porta potties) must be provided in addition to restroom facilities in structures.
4. Parking must be provided. No road side parking. All parking areas must be mowed or graveled to prevent fire hazards.
5. Maintain a singular and site-specific sewer system.
6. Maintain retention/detention ponds if required by the stormwater management plan.
7. Overnight stays are not allowed.
8. Site design and building(s) must conform to all applicable requirements of the International Building Code (IBC) and the International Fire Code (IFC) as adopted by Burleigh County– Building Regulations and NDCC.

DRAFT

9. All parking areas shall be gravel or compacted dirt with grass cut low, and designed to prevent debris from the site entering the public right-of-way, and be arranged to provide for orderly and safe loading or unloading and parking.
10. Sound generated by outdoor amplification of music or voice must not exceed 55 decibels between the hours of 9:00 am and 9:00pm.
11. Events that do not require a Special Use Permit shall be held between the hours of 9:00 am to 9:00 pm, with one-hour before and after event for set-up and clean up only. All outdoor light fixtures shall be installed in a manner intended to limit the amount of off-site impacts. Light fixtures located near adjacent properties may require special shielding devices to prevent light trespass.
12. The use is setback a minimum of 50' adjacent to properties with a differing land use classification.
13. A site plan, and if necessary, a stormwater management plan study is submitted for review and approval prior to the issuance of a building permit

Sewer System: An individual septic system shall be allowed on this lot separate from any existing sewer systems present. PUD Developers shall install and maintain by the owners per Burleigh County Building Department regulations.

a. Private Sewage System:
   i: Individual septic system: This individual private septic system shall be designed by a registered design professional.
   ii. Register with NDDEQ the Class V Injection Wells as part of the septic system permit review.

Lot Access: Fixed approaches, as per initial design, may only be modified and/or moved with the special approval of the Burleigh County Engineer and Highway Department. The driveway approach shall be permitted as issued by Burleigh County Highway Department.

1. The approach shall be a fixed single approach driveway.
2. U.S. Post Office approved mail receptacle shall be provided in predetermined location.

Platting: Any development shall be platted to ensure future conformity with the PUD and to give Burleigh County assurance this PUD shall only be amended in accordance with Article 20 Section 5 (Planned Unit Developments). Major changes require a public hearing and a majority vote of the Burleigh County Planning & Zoning Commission.

Flood Plains and SFHA: Not applicable

Lot Modifications: Any subsequent significant modification of lots shall be subject to the requirements of Article 33 of Burleigh County Zoning Ordinance of Ordinances.

Issuance of Building Permits: Building permits shall not be issued until all development standards are approved and completed to current Burleigh County standards.

DRAFT

Zoning: After PUD approval, the identified parcel shall be zoned as a PUD per Burleigh County zoning regulations.

Site Plan: A site plan shall be provided that contains the following minimum information:

a. Site information -

1. Name of PUD facility
2. Name and address of the PUD applicant and owner
3. Name, address, and registration of professional surveyor involved in preparing the site plan
4. Scale, which shall be 1 inch equals 100 feet or less and shown graphically.
5. Location of all existing and proposed structures with distances from property lines
6. Date site plan was prepared

b. Driving Surfaces

1. Entry to property, entry to building and turnaround for 1st responders required to be paved.
2. Req' width of entry road to be County standard

c. Parking

1. Off street parking required
2. Parking lot or parking area can be compacted dirt with grass cut low.
3. Fire break around parking area- 30' wide,
4. Provide adequate drainage,
5. Provide adequate lighting.

d. Building Life Safety

Fire and Building Safety:

1. Life Safety Inspection is required prior to rezoning
2. Fire inspections required annually,
3. Fire extinguishers tested annually,
4. All temporary tents req' fire resistant material,
5. Designated smoking areas: 20' from entry of buildings, req' proper disposal,
6. No fuel loads near buildings or parking lot.

Infrastructure Installation: Developer shall install an individual septic system and water facilities per the Burleigh County Zoning Ordinance. The driveway shall be built to Burleigh County standards. The Developer shall submit all necessary design documents for the approval of the storm water plans.

DRAFT

a. A utility service plan shall be provided showing existing utilities in place and all existing and proposed easements.

Infrastructure Funding: Any development shall fund the cost of initial engineering design, sanitary sewer, grading, water, and road installation.

Infrastructure Maintenance and Repair: The landowner shall be responsible for future repairs and maintenance of the private driveway and parking area. The owner shall be responsible for future repairs and maintenance of sanitary sewer facility, storm water management and for mowing of detention/retention pond and common areas.

a. A site plan will detail proposing driveway, parking and building locations.

Parking and Traffic Rules and Regulation: Parking and enforcement shall conform to Article 10, Burleigh County Zoning Ordinance.

Snow Removal: Snow removal is the responsibility of the owner.

Garbage Collection: Garbage collection shall be the responsibility of property owner.

Monument Signs: No monument signs will be required to be installed but may be at the discretion of the developer.

Easements: All easements shall be shown on the plat.

Capital Improvement & Maintenance Fund: All future repairs and maintenance of property shall be the responsibility of the owner.

Grantor/Grantee of Easements: The only easement constructed will be at the approval of the Highway Engineer and the Burleigh County Zoning and Planning committee.

Examples of Activities requiring a Special Use Permit:

1. Corn Mazes
2. You pick vegetables
3. Carnivals and farmer's markets
4. Social events for individuals or organizations i.e. Weddings, graduations, company picnics.

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

Section 3. **Effective Date.** This ordinance shall be in full force and effect from and after its final passage and adoption.

DRAFT

Section 4. **Severability.** If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Final Passage and Adoption:

I, Mark Splonkowski, do hereby certify that I am the duly elected auditor, of the County of Burleigh, State of North Dakota, and that the foregoing is a full, true and correct copy of an ordinance adopted by the Board of Burleigh County Commissioners at its regular meeting on to be determined.
____day of _____

IN WITNESS WHEREOF, I have hereto set my hand and seal of Burleigh County

this _____day of _____, 2024.

_____
Mark Splonkowski
Burleigh County Auditor/Treasurer

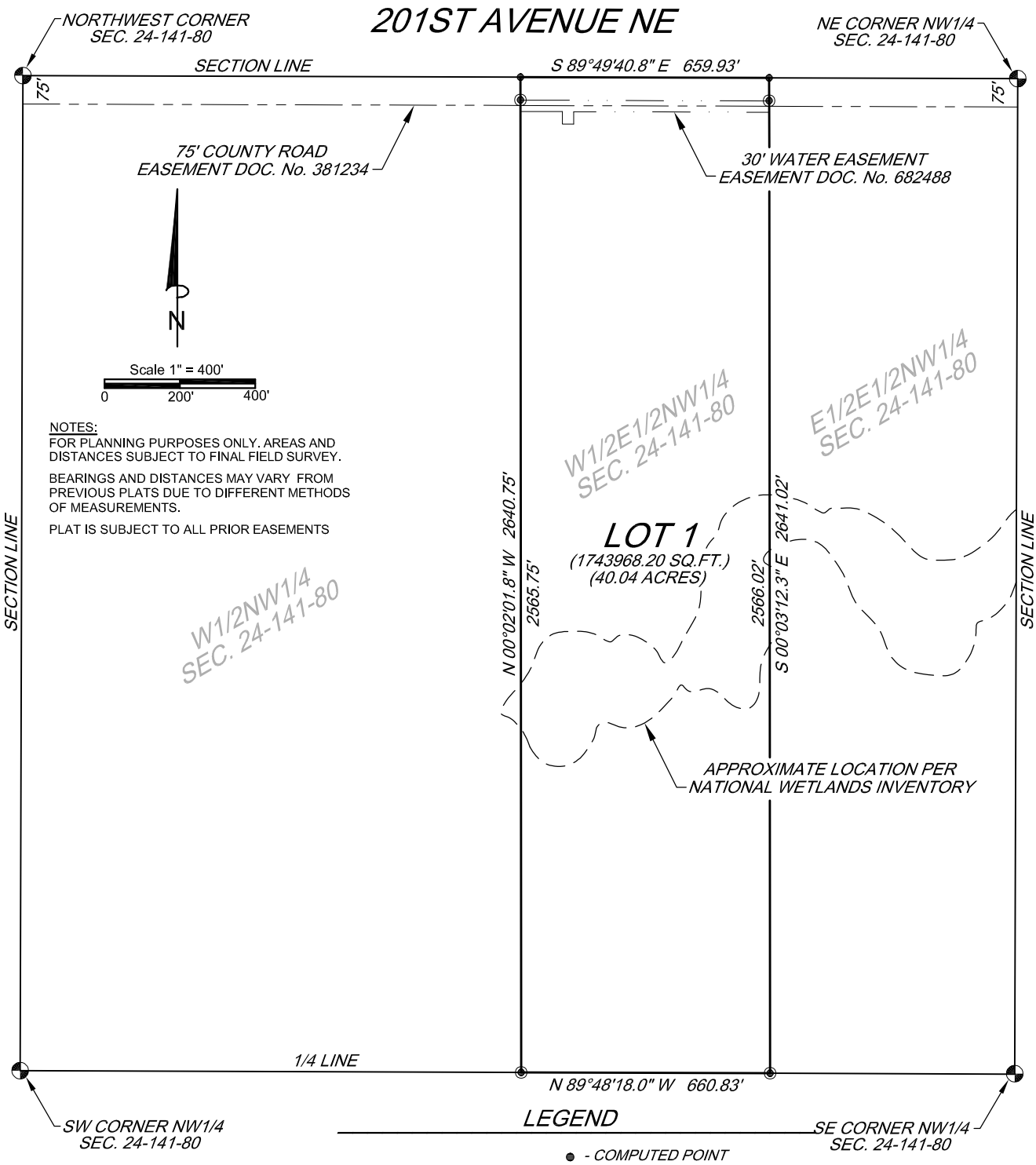
DRAFT

PRELIMINARY PLAT OF

BALDWIN GREENHOUSE ADDITION

TO BURLEIGH COUNTY, NORTH DAKOTA

(BEING THE W1/2E1/2NW1/4 SECTION 24, TOWNSHIP 141 NORTH, RANGE 80 WEST, BURLEIGH COUNTY, NORTH DAKOTA)



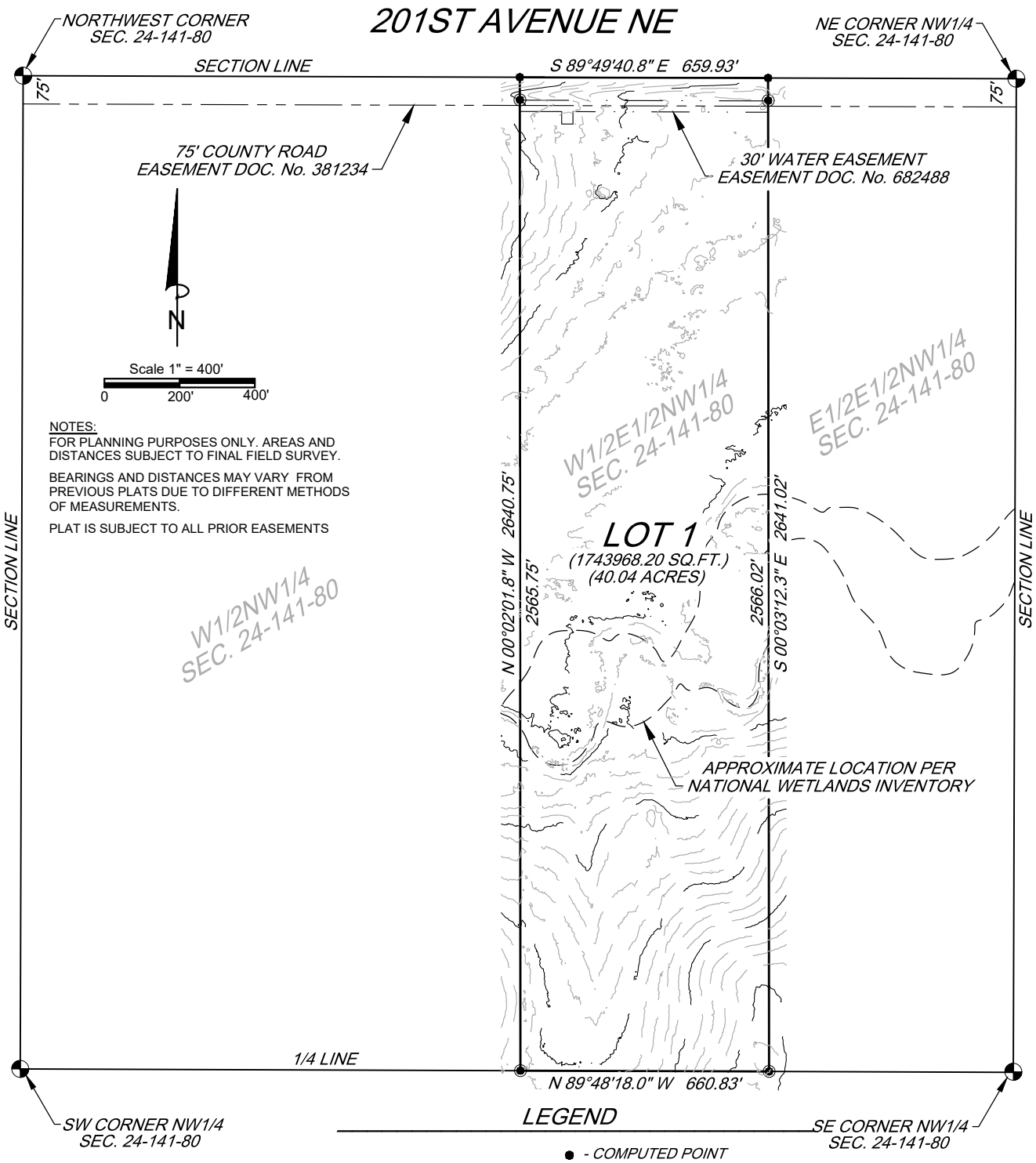
ACKERMAN SURVEYING & ASSOCIATES
(701) 838-0786
1907 17TH ST SE, MINOT, N.D. 58701

PRELIMINARY PLAT OF

BALDWIN GREENHOUSE ADDITION

TO BURLEIGH COUNTY, NORTH DAKOTA

(BEING THE W1/2E1/2NW1/4 SECTION 24, TOWNSHIP 141 NORTH, RANGE 80 WEST, BURLEIGH COUNTY, NORTH DAKOTA)



ACKERMAN SURVEYING & ASSOCIATES
(701) 838-0786
1907 17TH ST SE, MINOT, N.D. 58701

BURLEIGH COUNTY, NORTH DAKOTA

LOCATION MAP

N

5/4/2026



Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

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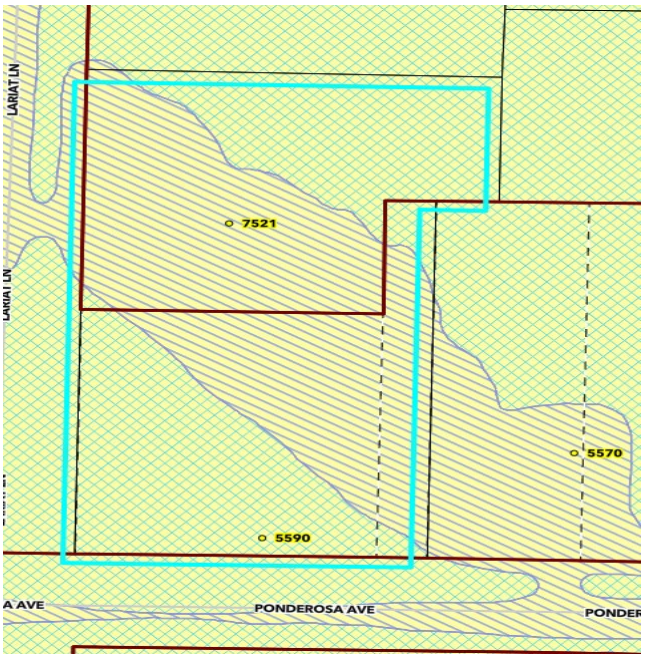
Agenda Item 6-1

Ponderosa Riverside Village 8th Subdivision

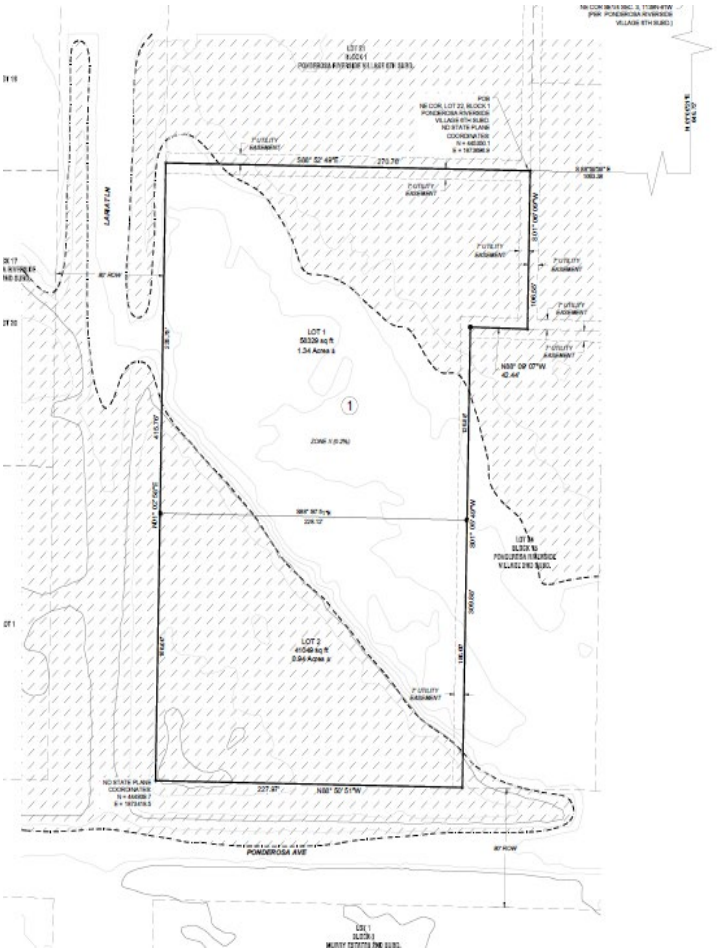
Project Summary	
Status:	Public Hearing
Petitioner/Developer	Dan Stephenson
Engineer	Toman Engineering Company
Location: 	All of Lot 22, Block 1, Ponderosa Riverside Village 8th Subdivision, All of Lot 23 and the West 33' of Lot 24, Block 16, Ponderosa Riverside Village 2nd Subdivision of the SE 1/4 of Section 3, Township 139N, Range 81W, Burleigh County ND Addressed as: - 7521 Lariat Road - 5590 Ponderosa Ave. Attachment 6-1-1 Location Map
Project Size:	Two (2) Lot Subdivision on 2.28 Acres
Zoning	RR-Rural Residential
Petitioners Request:	Approve final plat. Give a "Do Pass" recommendation to the Board of Burleigh County Commissioners (BCC)
Posted:	Bis. Tribune: 4/28 & 5/5/2026 Surrounding Properties: 5/1/2026 Burleigh Co. Website: 5/1/2026

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

History/Description

Burleigh County Staff was contacted by the petitioner regarding combining 33' he had purchased on the east side of his two (2) existing lots. Staff advised the petitioner to combine his lots into a short plat subdivision.

The short plat was submitted to the pre-application review committee; no concerns were found.



Attachment 6-1-2 Final Plat



Attachment 6-1-3 Site Map

Staff Findings – Final Plat

1. This subdivision fulfills the requirements of Article 33, Section 12 of the Burleigh County Zoning Ordinance.
2. This final plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.

Planning Staff Recommendation
Final Plat

The petition for a final plat meets all administrative requirements of the Burleigh County Zoning Ordinance – Article 33. Staff recommends approval of the final plat and giving a "Do Pass" recommendation to the BCC.

Planning Commission Action

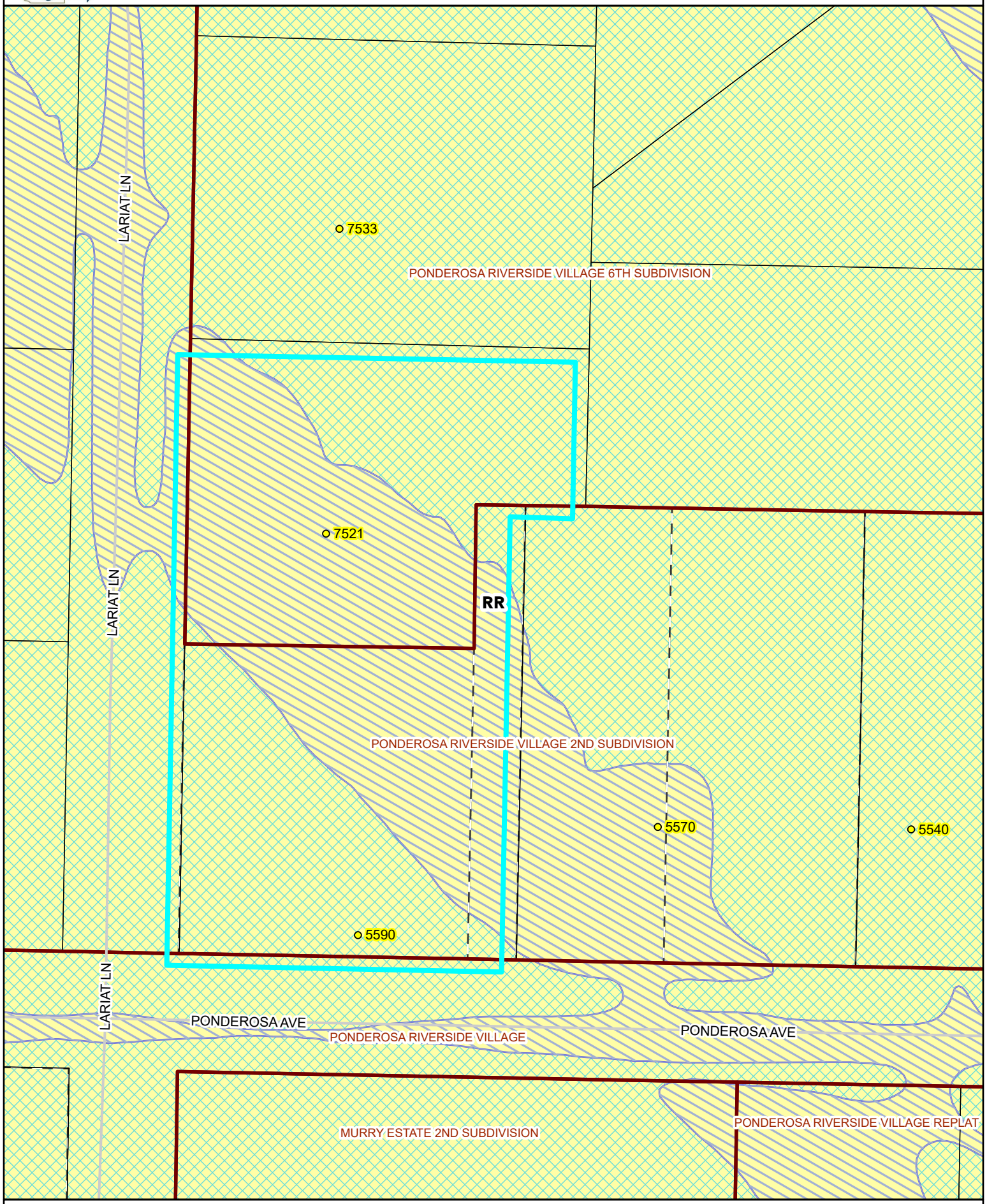
The Burleigh County Planning and Zoning Commission can:

1. Approve the final plat and give a "Do Pass" recommendation to the BCC.
2. Approve the final plat with conditions and give a "Do Pass" recommendation to the BCC after all condition have been completed.
3. Deny the final plat with reason.
4. Table the final plat for more information.

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

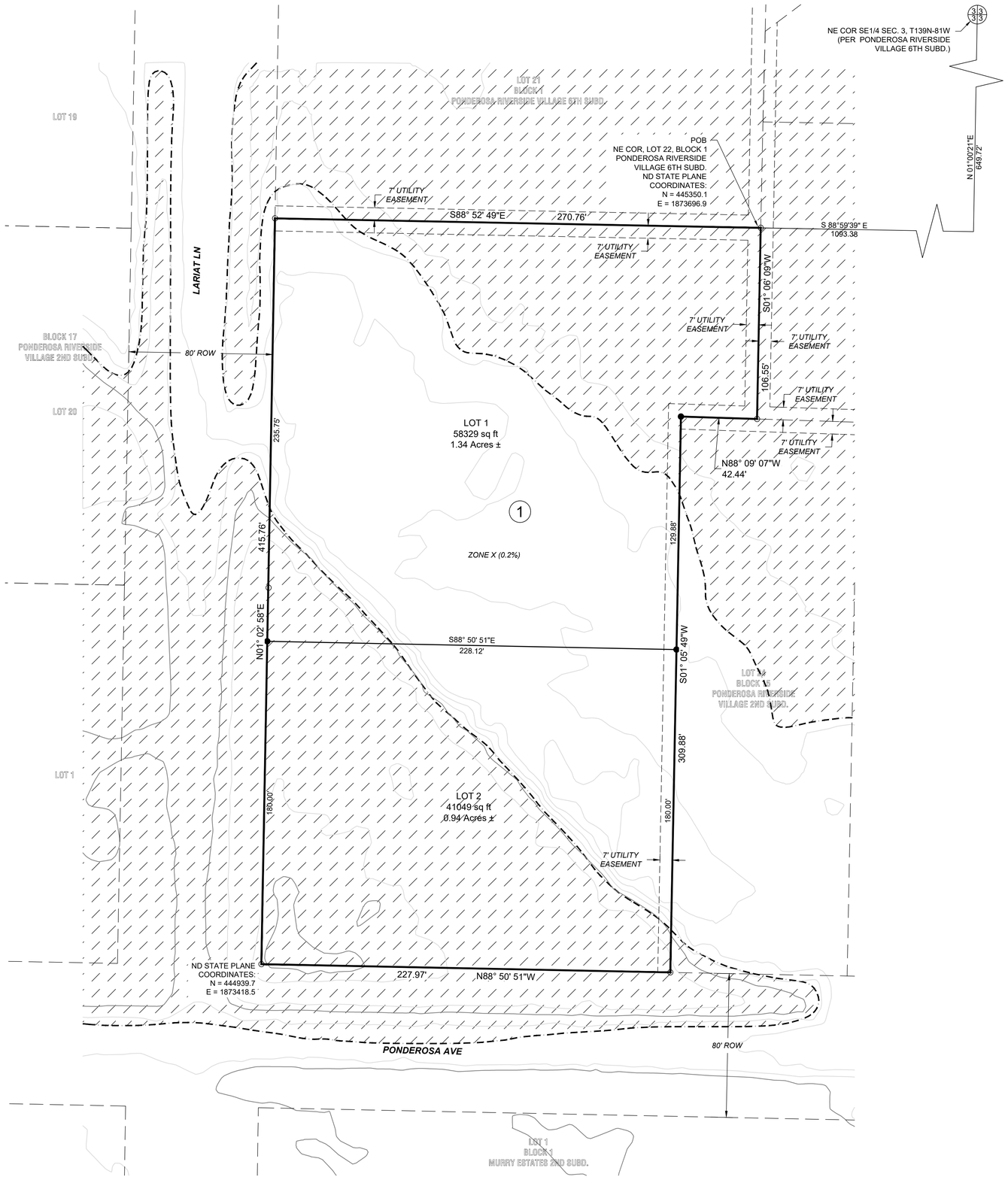
4/28/2026



Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

PONDEROSA RIVERSIDE VILLAGE 8TH SUBDIVISION

ALL OF LOT 22, BLOCK 1, PONDEROSA RIVERSIDE VILLAGE 6TH SUBDIVISION, ALL OF LOT 23 AND THE WEST 33 FEET OF LOT 24, BLOCK 15, PONDEROSA RIVERSIDE VILLAGE 2ND SUBDIVISION OF THE SE1/4 OF SECTION 3, T139N-R81W, BURLEIGH COUNTY, NORTH DAKOTA



N

W E

S

APRIL, 2026

30 0 30 60

Scale 1" = 30 ft

VERT. DATUM: NAVD88

HORIZ. DATUM: 1983 ST. PLANE, ND SOUTH (3302)

BENCHMARK: SE COR. LOT 2.

ELEV: 1639.66

LEGEND

- FOUND REBAR MONUMENT
- SET REBAR MONUMENT
- BOUNDARY LINE
- ADJACENT LOT LINE
- SECTION LINE
- EASEMENT LINE
- 100-YEAR FLOODPLAIN

OWNERS:
DAN W & SANDRA E STEPHENSON
7521 LARIAT LN
BISMARCK, ND 58503

BASIS OF BEARING:
BASIS OF BEARING: EAST BOUNDARY LINE
NORTH 01°02'58" EAST

NOTES:
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
2. WATER IS PROVIDED BY SOUTH CENTRAL REGIONAL WATER DISTRICT.
3. PARTS OF THE PROPERTY LIES WITHIN THE 100-YEAR FLOODPLAIN (ZONE AE) PER FEMA FIRM PANEL MAP NO. 38015C0570E, EFFECTIVE DATE 06/06/2024. BFE: 1641.2 (NAVD88).
4. CONTOURS PROVIDED BY BISMARCK-MANDAN MPO. DATA COMPILED ON AUGUST, 2020.

DESCRIPTION OF PROPERTY

A TRACT OF LAND BEING ALL OF LOT 22, BLOCK 1, PONDEROSA RIVERSIDE VILLAGE 6TH SUBDIVISION, ALL OF LOTS 23 AND THE WEST 33 FEET OF LOT 24, BLOCK 15, PONDEROSA RIVERSIDE VILLAGE 2ND SUBDIVISION OF THE SE1/4 OF SECTION 3, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 22, BLOCK 1, PONDEROSA RIVERSIDE VILLAGE 6TH SUBDIVISION; THENCE SOUTH 01°06'09" WEST ALONG THE EAST BOUNDARY LINE OF SAID LOT 22 FOR 106.55 FEET TO A POINT ON THE NORTH BOUNDARY LINE OF LOT 24, BLOCK 15, PONDEROSA RIVERSIDE VILLAGE 6TH SUBDIVISION OF BURLEIGH COUNTY, NORTH DAKOTA; THENCE NORTH 88°09'07" WEST ALONG SAID NORTH BOUNDARY LINE FOR 42.44 FEET; THENCE SOUTH 01°05'49" WEST ALONG A LINE 33 FEET EAST OF AND PARALLEL TO THE WEST BOUNDARY LINE OF SAID LOT 24 FOR 309.88 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF PONDEROSA AVENUE; THENCE NORTH 88°50'51" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 227 97 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF LARIAT LANE; THENCE NORTH 01°02'58" EAST ALONG SAID EAST RIGHT-OF-WAY LINE FOR 415.75 FEET TO THE NORTHWEST CORNER OF SAID LOT 22; THENCE SOUTH 88°52'49" EAST ALONG THE NORTH BOUNDARY LINE OF SAID LOT 22 FOR 270.76 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 2.28 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, ANDRA L. MARQUARDT, NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 4623, HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED BY MY FORCES UNDER MY SUPERVISION THE PROPERTY DESCRIBED HEREON AND I HAVE PREPARED THE ACCOMPANYING PLAT; FURTHER, THAT DISTANCES INDICATED HEREON ARE IN FEET AND HUNDREDTHS THEREOF, AND BEARINGS ARE INDICATED IN QUADRANTS AND DEGREES, MINUTES, AND SECONDS THEREOF, AND ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT; FURTHER, THAT SAID PLAT DOES TRULY SHOW THE SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

ANDRA L. MARQUARDT, RLS-4623

OWNER'S CERTIFICATE OF DEDICATION

WE, THE UNDERSIGNED, BEING SOLE OWNERS OF THE LAND PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AND DO DEDICATE ALL THE RIGHT OF WAY IDENTIFIED HEREIN TO BURLEIGH COUNTY FOREVER. WE ALSO DEDICATE EASEMENTS TO RUN WITH THE LAND FOR GAS, ELECTRIC, TELEPHONE, WATER OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS "UTILITY EASEMENT".

DAN W. STEPHENSON

SANDRA E. STEPHENSON

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS _____DAY OF _____, 2026.

_____NOTARY PUBLIC
_____ COUNTY, _____
MY COMMISSION EXPIRES: _____

APPROVAL OF COUNTY PLANNING AND ZONING COMMISSION

THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, HEREBY APPROVES PONDEROSA RIVERSIDE VILLAGE 8TH SUBDIVISION AS SHOWN ON THIS PLAT. THIS PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND THE ORDINANCES OF THE COUNTY OF BURLEIGH AND REGULATIONS ADOPTED BY SAID PLANNING AND ZONING COMMISSION.

THE FOREGOING ACTION OF THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE _____DAY OF _____, 2026.

DENNIS AGNEW - CHAIRMAN

MITCH FLANAGAN - SECRETARY

APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THIS PLAT.

THE PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND ORDINANCES OF THE COUNTY OF BURLEIGH.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSION OF BURELIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE ____ DAY OF _____, 2026.

BRIAN BITNER - CHAIRMAN

ATTEST: MARK SPLONSKOSKI
COUNTY AUDITOR

APPROVAL OF THE COUNTY ENGINEER

I, DAN SCHRIOCK, COUNTY ENGINEER OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HEREBY APPROVES THIS PLAT OF PONDEROSA RIVERSIDE VILLAGE 8TH SUBDIVISION, AS SHOWN ON THIS PLAT.

DATED THIS _____ DAY OF _____, 2026

DAN SCHRIOCK, PE
COUNTY ENGINEER

4634

TOMAN ENGINEERING
501 1st Street NW, Mandan, ND 58554
701-663-6483 * www.tomanengineering.com
SURVEYOR: ANDRA L. MARQUARDT, RLS-4623

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

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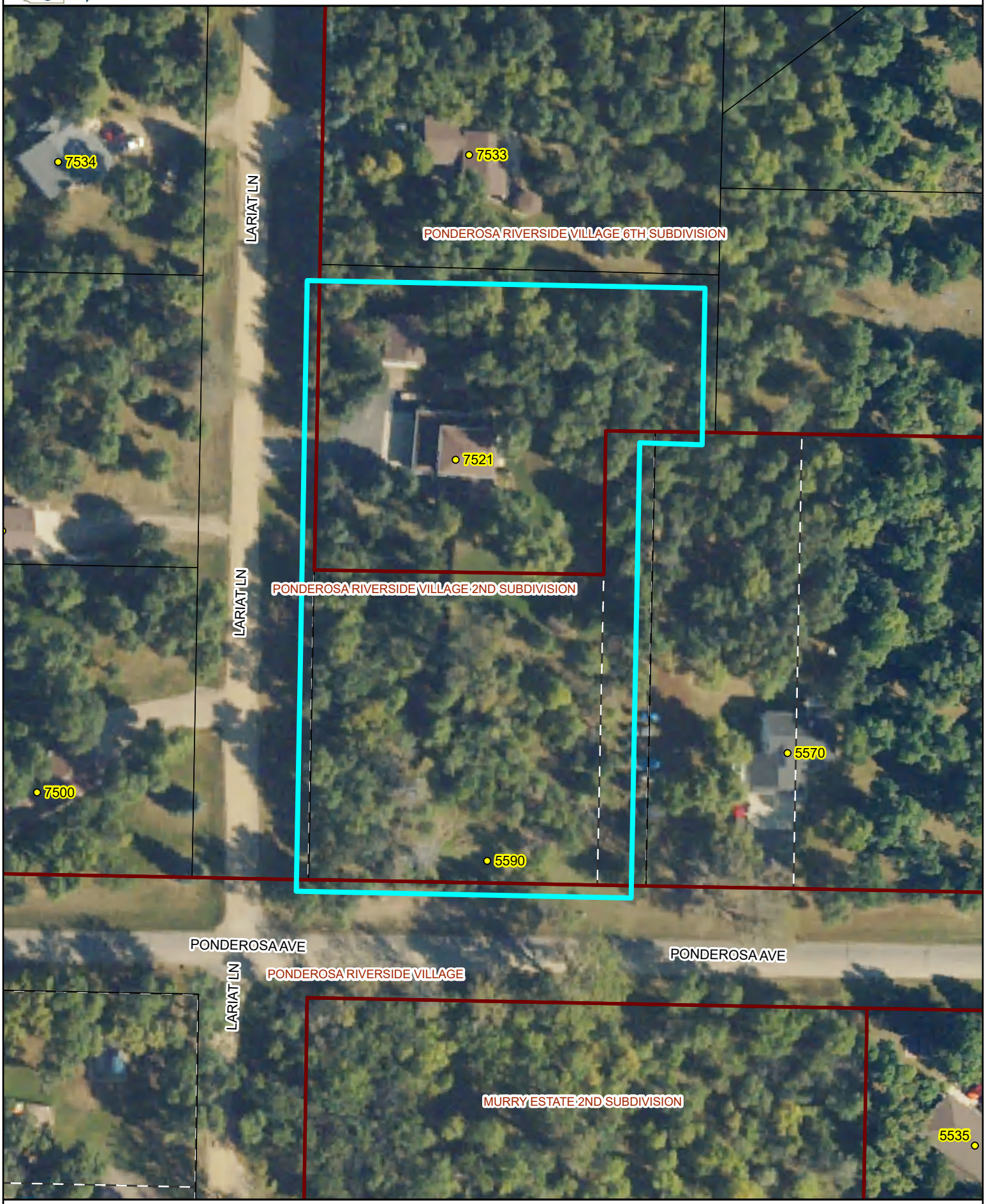
4/28/2026



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PLANNING AND ZONING COMMISSION

April 8, 2026

Agenda Item 6-2

Application for a Variance

Project Summary	
Public Hearing Agenda:	Variance to building set back distance
Status:	Planning and Zoning Commission – Consideration
Property Owner	Mark Sarkilahti
Applicant	KV Builders LLC
Location:  	Imperial Valley, Bock 7, Lot 16 Addressed as: 3727 E. Regent Drive *6-2-1 Location Map*
Lot Size:	.505 Acres
Zoning:	R1- Rural Single Family Residential

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

Petitioners Request	Approval of the variance. Give a "Do Pass" recommendation to the Board of Burleigh County Commissioners
Public Hearing Notifications	Bismarck Tribune 4/28 & 5/5/2026 Burleigh County Website 5/1/2026 Surrounding Property Owners 5/1/2026

History/Description

KV Builders, LLC contacted Burleigh County Staff regarding building a 1200sf accessory on 3727 E. Regent Drive. Because of the required setbacks, the building would be extremely close to the house. He would like to set the building closer to the property lines than what is allowed. The petitioner was advised to seek a variance to the setbacks.

The petitioner would like to change the 20' setback on the east side of the property to 8'. This will allow the builder to set the accessory building away from the house and allow for a larger green space for outside activities. There is a row of lilac brush between the petitioner's property and the property to the east. This tree row will act as a buffer between the accessory building and the neighboring property.

A review of the property shows utility lines running across the property. The accessory building was to be built over the utility line. This is not allowed in Burleigh County. The property owner has agreed to move the utility lines. The utility companies have been contacted and will move the lines if the variance is granted.

The petitioner has applied for a variance (*See Exhibit 6-2-4 Variance Statement)* and a building permit.

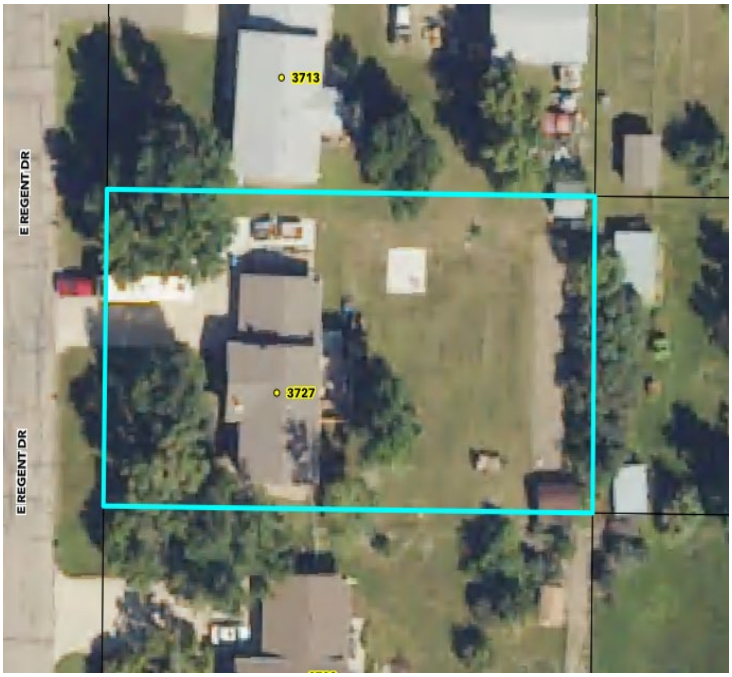


Exhibit 6-2-2 Site Map



Exhibit 6-2-3 Site Drawings

Staff Findings:

The variance request is reasonable and would allow the property owner to use more of the property. The placement of the accessory building 8′ on the E side of the property would not encumber the surrounding property owners. nor hinder sight on the corner.

1. This variance request fulfills the requirements of Article 28 Variances of the Burleigh County Zoning Ordinance.
2. The Burleigh County Ordinances require 50′ of setback on the east lot line.
3. An 8′ or 9′ foot setback will not incumber the neighboring property
4. The tree line along the east side of the property will not be removed and will act as a buffer between the neighboring property and the accessory building.
5. Utility lines must be rerouted.
6. Strict applications of the ordinances would deprive the applicant of reasonable use of the land and buildings.
7. Granting of the variance does not conflict with the Burleigh County Ordinances.

Planning Staff Recommendation

The petition for a variance meets all administrative requirements of the Burleigh County Zoning Ordinance Article 28. Staff recommends approval of the variance request with a "Do Pass" recommendation to the Board of Burleigh County Commissioners.

Planning Commission Action

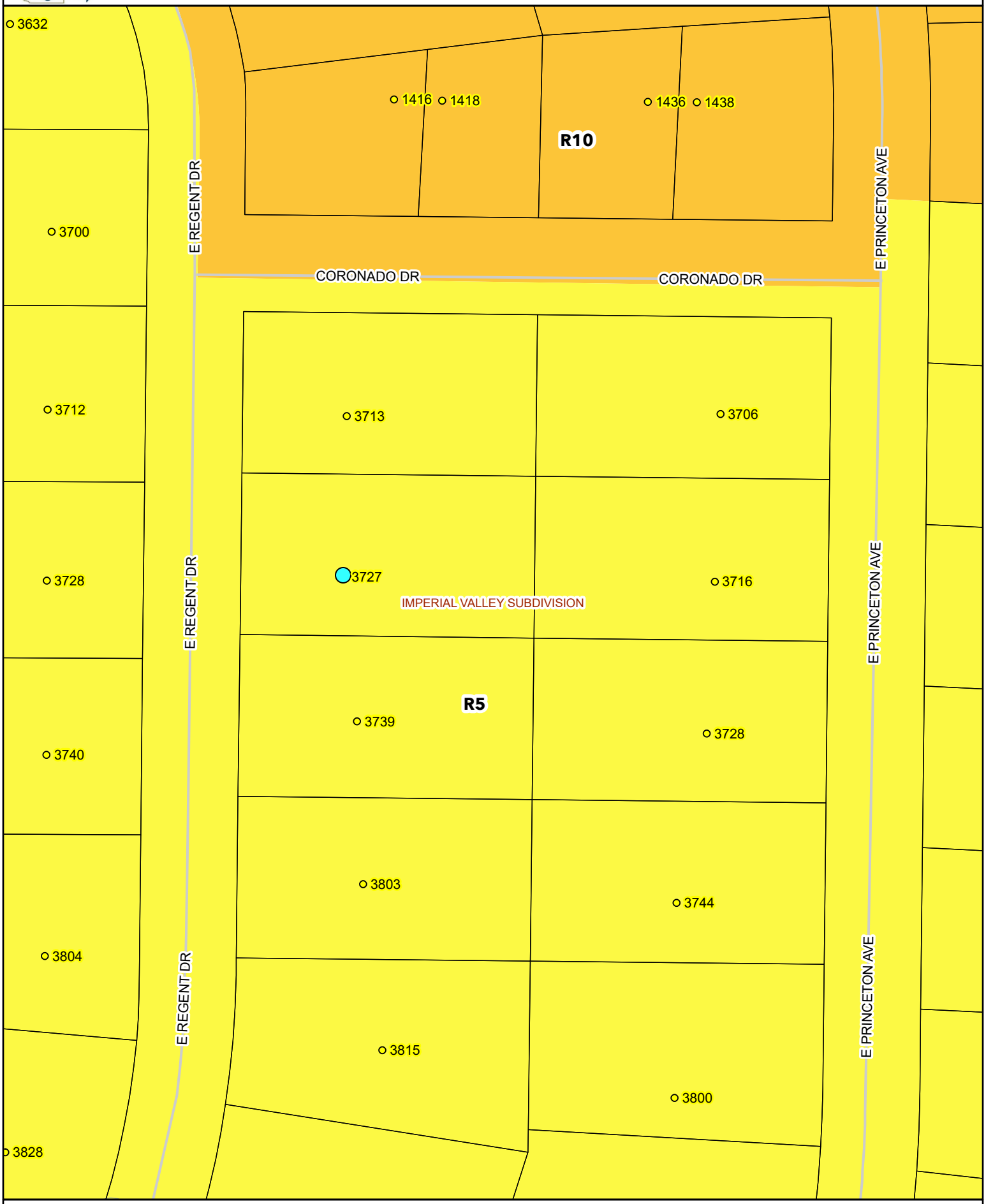
The Burleigh County Planning and Zoning Commission can:

1. Approve the variance with a "Do Pass" recommendation
2. Approve the variance with conditions and give a "Do Pass" recommendation after all condition have been completed.
3. Deny the variance with reason.
4. Table the variance for more information.

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

4/28/2026



Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

4/28/2026



PARCEL ID: 38-138-80-48-07-160 **OWNER:** SARKILAHTI, MARK A & DARLITA J **ACRES:** 0.505

SITE ADDRESS: 3727 E REGENT DR

MAIL ADDRESS: 3727 E REGENT DR, BISMARCK, ND 58504-7578

LEGAL: IMPERIAL VALLEY Block 07 L16 #414393

Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

4/29/2026



PARCEL ID: 38-138-80-48-07-160 **OWNER:** SARKILAHTI, MARK A & DARLITA J **ACRES:** 0.505

SITE ADDRESS: 3727 E REGENT DR

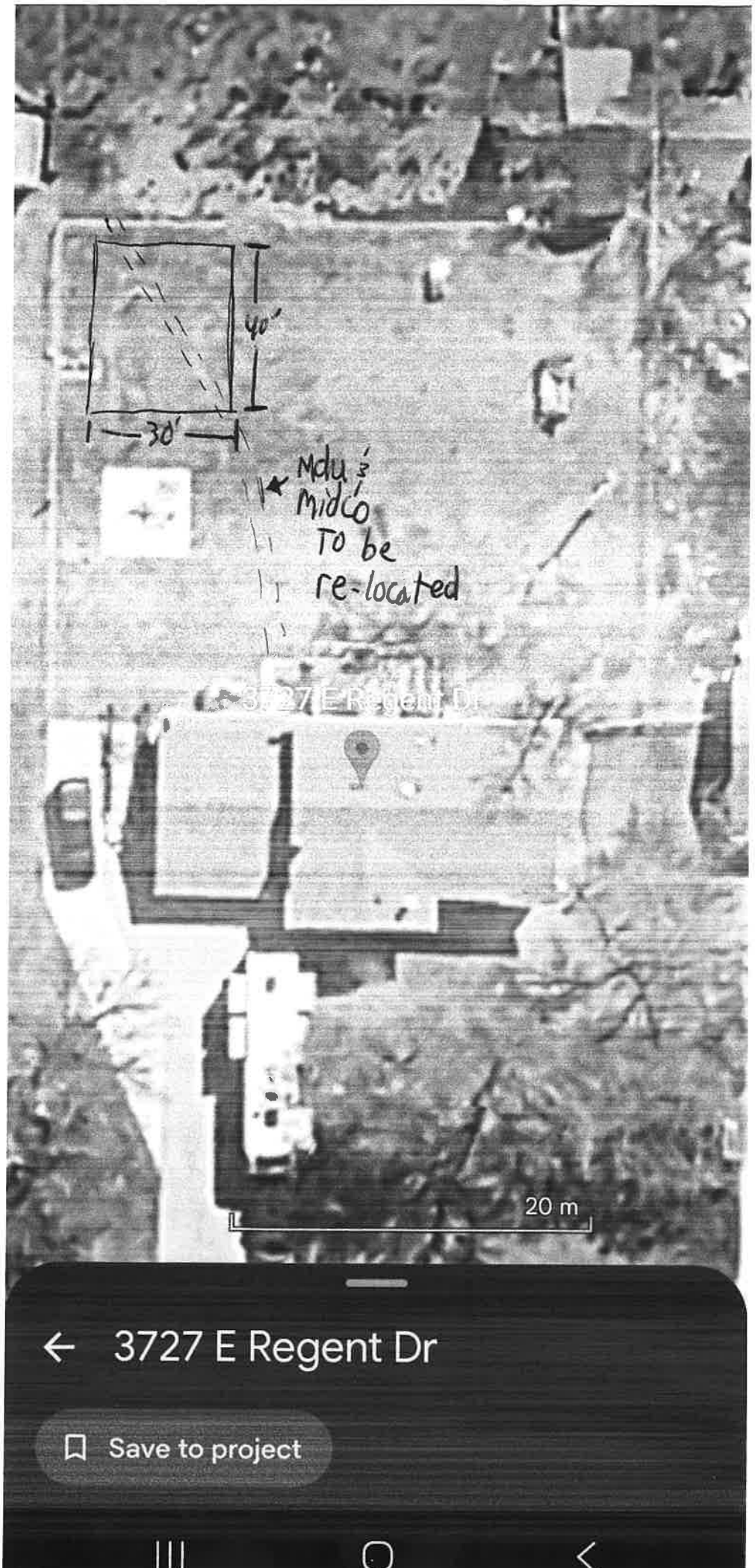
MAIL ADDRESS: 3727 E REGENT DR, BISMARCK, ND 58504-7578

LEGAL: IMPERIAL VALLEY Block 07 L16 #414393

Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

01/20/2026

This is for an application for a variance to the setbacks from the rear and side property lines at 3727 E regent dr. The current variance along with the size of the lot would cause the building to be unnecessarily close to the house. Currently with a 50 foot rear setback and a 15 foot side setback the structure would end up too close to the house and render certain parts of the yard useless. We are requesting an 8 foot setback from the rear of the property and from the side of the property. We believe that moving the building to the back corner of the lot would make the property more usable.The proposed 30x40 structure would be used for personal storage and or a heated workspace. The structure is not for any commercial business or financial gain. The building will be nestled in the back corner of the property ideally to leave the back yard as big as possible for activities. The building will not be a nuisance to the neighboring properties, and it will be finished to match the house as close as possible as to not be an eye sore. There is a midco cable and an mdu cable currently running through where the building would go and have already spoken to those utilities and can have the lines moved from under the building in case of future maintenance to these lines. The structure will have a concrete foundation, 2x6 wall framing, engineered roof trusses, osb sheathing on exterior followed by tyvek vapor barrier, then steel siding, aluminum soffit, steel fascia cover and then asphalt shingles, all color matched to the house. The building also will have electricity and natural gas run to it for lights and heat. The interior of the building will have an r-19 batt insulation in the walls and an r-40 blow in cellulose in the attic space. Thank you for your consideration.


40'
30'
Mdu & Midco To be re-located
3727 E Regent Dr
20 m
3727 E Regent Dr
Save to project

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7. Agenda Items

Review the following Staff Reports Exhibits:

Introduction Staff Report

7.1 Ex. Zoning District Article 3 Definitions
7.2 Ex. Zoning District Article 6 Incidental Uses
7.3 Ex. Zoning District Article 8 Sec. 4. Childcare Center, Sec. 8 Home Occ.
7.4 Ex. Zoning District Article 11 Ag Agricultural
7.5 Ex. Zoning District Article 12 R1 Residential
7.6 Ex. Zoning District Article 13 R2 Residential District
7.7 Ex. Zoning District Article 15 R5 MH
7.8 Ex. Zoning District Article 16 C Commercial
7.9 Ex Zoning District Article 18 I Industrial

STAFF REPORT Introduction

Zoning Ordinance Summary

Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For Public Hearing

The following proposed changes to Burleigh County Zoning Ordinances are based on suggestions made from previous Planning Commission meetings.

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STAFF REPORT 7.1 Ex.1

Article 3 Definitions Ordinance Summary

Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For Public Hearing

ARTICLE 3 - DEFINITIONS

Buffer Yard- A strip of land, identified in the zoning ordinance, established to protect one type of land use from another of an incompatible land use. An appropriate buffer may vary depending on uses, districts etc. For PUD or Special Use Permits, the size and width shall be determined by the Burleigh County Board.

Buffer Yards.

Purpose. The buffer yard requirements are intended to provide separation between land uses of differing intensity. Buffer yards utilize a combination of distance and plantings to form a dense landscaping screen to mitigate the undesirable impacts associated with incompatible land uses on adjacent properties.

a. Applicability. Buffer yards shall be required between a single- or two-family residential use zoning and any other non-agricultural land use.

b. Location of Buffer Yards. Buffer yards shall be located along the entire length of any lot line where two (2) land uses of differing intensity abut, excluding areas adjacent to access points and sight triangles. Such buffer yards may be located within required yards, but not within any portion of the public right-of-way or access easement.

c. Responsibility for Buffer Yard Installation. Installation of all required buffer yards shall be the responsibility of the proposed higher intensity use and shall be located on the lot of the higher intensity use.

d. Standards. Buffer yards shall be installed in accordance with the following table:

i. Screening Fence. A screening fence may be made of solid wood, composite material with the appearance of solid wood, vinyl

with the appearance of solid wood, masonry, or a combination of masonry and any of the other materials listed.

Area Where Buffer Yards Are Required	Minimum Width of Buffer Yard	Landscape Materials Required-100 Lineal Feet
Side or rear yard of any expanding higher intensity land use adjacent to single and two-family residential uses or zoning	10 feet w/6-foot screening fence As determined by the Burleigh County Board	4 shade trees and 2 ornamental trees

Building, Height of - The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between the eaves and ridge of gable, hip and gambrel roofs.

Building Official - The Building Official of the County of Burleigh, North Dakota, or his authorized representative.

Building Line - A line established, in general parallel to the front street line beyond which no part of a building shall project, except as otherwise provided by this resolution.

Building, The Principal - A building in which is conducted the principal use of the lot on which it is located.

Ceiling - (Article 31): Shall mean the interior overhead surface of a room.

Cellar - (Article 31): Shall mean a story of a building located partly or wholly underground and
having more than two-thirds (2/3) of its clear floor to ceiling height below outside grade.

Childcare Center- Also known as a Daycare Center, is a free-standing facility offering care, maintenance, and supervision for hire or compensation, for less than twenty-four (24) hours per day, for more than twelve (12) children under the age of twelve (12) years and licensed by the North Dakota Department of Human Services as an early childhood program.

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STAFF REPORT 7.2 Ex.1

Article 6 Zoning District Ordinance Summary

Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For Public Hearing

ARTICLE 6- INCIDENTAL USES

Section 1. Accessory Uses

1. Dwelling Premises
    a. Private garages or off-street parking spaces incidental to a dwelling.
    b. Private greenhouse, vegetable, fruit, or flower garden, from which no products are sold or offered for sale.
    c. Children's playhouse, and playground equipment.
    d. Shed, tool room for storage of equipment used in grounds or building maintenance but not including stable, chicken house, or other buildings to house agricultural livestock.
    e. Private swimming pool and bath house.
    f. Statuary, trellises, barbecue stove or similar ornamental or landscaping features.
    g. No more than three (3) dogs four months of age or older.
    h. All allowable accessory buildings to a residence shall be limited to a maximum of ~~four percent (4%) of the area of the parcel,~~ square footage according to the size of the parcel, as follows:

Accessory Buildings Sq./Ft.	Computation Allowance
2 Acres	5% x 87’120.= 4,356 sq./ft
3 Acres	5% x 130,600.= 6,530 sq./ft
4 Acres	5% x 174,240.= 8,712 sq./ft
5 Acres	5% x 217,800.= 10,890 sq./ft
6 Acres	4% x 261,360.= 10,454 sq./ft

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7 Acres and Greater	4%

And a maximum wall height of sixteen and one-half (16½) feet and a maximum building height of twenty-five (25) feet.

Section 2. Home Occupation

There is permitted in a dwelling, any occupation customarily incidental to the principal use as a dwelling, subject to the following limitations:

~~1. No person, other than a member of the immediate family, occupying a dwelling is there employed; except domestic help.~~
~~2. No stock in trade is displayed or sold upon the premises.~~
~~3. No alteration of the principal building that changes the character thereof as a dwelling.~~
~~4. No illuminated sign is used, and no sign other than one giving the name and occupation, not more than one square foot in area, is displayed.~~
~~5. No more than twenty-five percent (25%) of the area of one story of the building shall be devoted to the home occupation.~~

1. The following are hereby declared, but not limited to, ~~to be~~ customary home occupations as intended by this section:
   a. Dressmaker, seamstress.
   b. Music teacher.
   c. Artist, sculptor.
   d. Author.
   e. Emergency treatment only of patients by physicians, dentists, or licensed drugless physicians.
   f. Emergency interview only of clients by lawyers, architects, engineers and similar professions.
   g. Minister.

Section 3 Minor Home Occupations.

Allowed in RR and AG zoning districts as permitted by right. A minor home occupation is any home occupation that meets all of the following standards:

1. The home occupation is conducted on premises by one (1) or more residential occupants of the dwelling and no more than one (1) additional employee, business partner, independent contractor or any person affiliated with the home occupation that does not reside on premises.

2. Up to fifty percent (50%) of the floor area of the principal structure and up to one hundred percent (100%) of one (1) accessory structure is utilized by the home

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occupation, including storage of associated goods, provided that customary residential amenities, such as a kitchen and bathroom, are not removed such that the structure would no longer meet building code standards as a dwelling unit.

3. There exists no outward visual evidence to indicate the presence of the home occupation to an uninformed person, such as alterations of the dwelling from a customary residential appearance, overnight storage of products or materials outside.

4. No more than one (1) non-illuminated commercial on premise wall sign is placed on the property of no greater than one (1) square foot, attached to a primary or accessory structure on the lot, subject to all requirements of Burleigh County.

5. There exists no noise, odor, vibration, or electrical interference associated with the home occupation that is noticeable at the property line.

6. Visits from customers, clients, or patients are by appointment only and limited to no more than one (1) party, or up to four (4) students for group lessons, at any time. Notwithstanding, multiple said parties may be present on the property during not more than four (4) events per year, with each event not to exceed four (4) days and no events occurring consecutively. At no time may a home occupation generate traffic significantly greater than that of a conventional residential use.

7. Visits from customers, clients, patients, or deliveries occur only during the hours of 7 AM to 11 PM.

8. Not more than two (2) vehicles and/or two (2) trailers associated with the home occupation may park or stand on the property or street, if permitted, at any time, and any on-street parking shall meet requirements of Burleigh County, as applicable.

9. Any vehicles, including trailers and equipment, associated with the home occupation must be parked in an orderly manner on surface suitable for parking, devoid of tall grass or other potential fire hazards, and debris from vehicles may not enter a public right-of-way, in accordance with Burleigh County, as applicable.

    a. No vehicles associated with the home occupation which require a Commercial Driver License (CDL) to operate in North Dakota may park overnight on the property or the street.

b. There is no storage of any flammable, toxic, explosive, or otherwise hazardous materials to a greater extent than stored in a typical residential household, and no hazardous material is discharged into any sewer, storm drain, or the ground.

c. The use is not an adult entertainment center, adult bookstore, or registered in North Dakota as a compassion center to dispense or produce medical marijuana.

Section 4. Major Home Occupations

Allowed in all district as permitted by SUP. A major home occupation is any home occupation that meets all of the following standards:

1. The home occupation does not meet all standards required of a minor home occupation.

2. The home occupation is conducted on-premises by one (1) or more residential occupant of the dwelling and no more than three (3) additional employees, business partners, independent contractors or any person affiliated with the home occupation that do not reside on-premises.

3. Up to fifty percent (50%) of the floor area of the principal structure, one hundred percent (100%) of accessory structures, is utilized for the home occupation, provided that customary residential amenities, such as a kitchen and bathroom, are not removed such that the structure would no longer meet building code standards as a dwelling unit.

4. The home occupation may utilize one (1) contiguous outdoor, fenced-in area of up to five (5) percent of the total lot area or 10,000 square feet, whichever is less, including storage of associated goods, vehicles, equipment, and trailers. Notwithstanding, no limit on area of outdoor area shall apply in the A – Agricultural zoning district.

5. The principal residential dwelling is not altered from a customary residential appearance.

6. Outdoor and overnight storage of products or materials associated with the home occupation may not be in a front yard and must be screened by fencing, buildings, or landscaping buffer yards, such that materials are not clearly visible from a public right-of-way and adjoining properties during all seasons. Trailers may be loaded with items.

7. No more than one (1) non-illuminated commercial on premise sign is placed on the property of no greater than one (1)square foot, plus one (1) square foot per acre in the lot, of sign area, subject to all requirements of Burleigh County.

8. Noise ordinance requirements contained in NDCC are met at all times, and there exists no objectionable odor, vibration, or electrical interference associated with the home occupation and above typical residential levels that is noticeable at the property line.

9. Visits from customers, clients, patients, employees, or deliveries do not create an undue burden on traffic safety and congestion or on-street parking availability in the neighborhood. At no time may a home occupation generate traffic significantly greater than that of a conventional residential use.
    a. Visits from customers, clients, patients, employees, or deliveries occur only during the hours of 7 AM to 11 PM.
    b. Any vehicles, including trailers and equipment, associated with the home occupation must be parked in an orderly manner on surface suitable for parking, devoid of tall grass or other potential fire hazards, and debris from vehicles may not enter a public right-of-way, in accordance with all requirements of Burleigh County.
    c. Any on-street parking of vehicles associated with the home occupation shall meet requirements of Burleigh County, as applicable.

10. No more than one (1) vehicle associated with the home occupation which requires a Commercial Driver License (CDL) to operate in North Dakota may park on the property at any time. At no time may said vehicle exceed the load restrictions in place for any time of the year on the adjoining street or park on the street.

11. There is no storage of any flammable, toxic, explosive, or otherwise hazardous materials to a greater extent than stored in a typical residential household, and no hazardous material is discharged into any sewer, storm drain, or the ground.

12. The use is not an adult entertainment center, adult bookstore, or registered in North Dakota as a compassion center to dispense or produce medical marijuana.

STAFF REPORT 7.3 Ex. 1

Article 8 Special Uses Zoning District Ordinance Summary

Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For Public Hearing

ARTICLE 8 - SPECIAL USES

Section 4. Childcare Center

Also known as a Daycare Center, a childcare center is a free-standing facility offering care, maintenance, and supervision for hire or compensation, for less than twenty-four (24) hours per day, for more than twelve (12) children under the age of twelve (12) years and licensed by the North Dakota Department of Human Services as an early childhood program.

1. Childcare centers are required to have a special use permit in all zoning districts provided:
    a. Each building shall provide not less than thirty-five (35) square feet of interior recreation area per child. Work areas, office areas, and other areas not designed for use of the children may not be counted in this computation.
    b. Each lot shall provide an outdoor recreation area of not less than seventy-five (75) square feet per child. The recreation area shall be fenced, have a minimum width of twenty (20) feet, a minimum depth of twenty (20) feet, be located on the same lot or parcel of land as the facility it is intended to serve, and must be located behind the building setback lines.
    c. Adequate off street parking shall be provided at the following ratio: One space for each employee and one space for each ten (10) children.
2. Childcare centers shall conform to all applicable requirements of the International Building Code as adopted by Burleigh County, The International Fire Code as adopted by the State of North Dakota and all requirements of the North Dakota Department of Human Services.
3. Childcare centers shall comply with all applicable requirements relating to health and sanitation of the North Dakota Department of Health.

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Section 8. Major Home Occupations

Allowed in all district as permitted by SUP. A major home occupation is any home occupation that meets all of the following standards:

1. The home occupation does not meet all standards required of a minor home occupation.

2. The home occupation is conducted on-premises by one (1) or more residential occupant of the dwelling and no more than three (3) additional employees, business partners, independent contractors or any person affiliated with the home occupation that do not reside on premises.

3. Up to fifty percent (50%) of the floor area of the principal structure, one hundred percent (100%) of accessory structures, is utilized for the home occupation, provided that customary residential amenities, such as a kitchen and bathroom, are not removed such that the structure would no longer meet building code standards as a dwelling unit.

4. The home occupation may utilize one (1) contiguous outdoor, fenced-in area of up to five (5) percent of the total lot area or 10,000 square feet, whichever is less, including storage of associated goods, vehicles, equipment, and trailers. Notwithstanding, no limit on area of outdoor area shall apply in the A – Agricultural zoning district.

5. The principal residential dwelling is not altered from a customary residential appearance.

6. Outdoor and overnight storage of products or materials associated with the home occupation may not be in a front yard and must be screened by fencing, buildings, or landscaping buffer yards, such that materials are not clearly visible from a public right-of-way and adjoining properties during all seasons. Trailers may be loaded with items.

7. No more than one (1) non-illuminated commercial on premise sign is placed on the property of no greater than one (1)square foot, plus one (1) square foot per acre in the lot, of sign area, subject to all requirements of Burleigh County.

8. Noise ordinance requirements contained in NDCC are met at all times, and there exists no objectionable odor, vibration, or electrical interference associated with the home occupation and above typical residential levels that is noticeable at the property line.

9. Visits from customers, clients, patients, employees, or deliveries do not create an undue burden on traffic safety and congestion or on-street parking availability in the

neighborhood. At no time may a home occupation generate traffic significantly greater than that of a conventional residential use.

a. Visits from customers, clients, patients, employees, or deliveries occur only during the hours of 7 AM to 11 PM.
b. Any vehicles, including trailers and equipment, associated with the home occupation must be parked in an orderly manner on surface suitable for parking, devoid of tall grass or other potential fire hazards, and debris from vehicles may not enter a public right-of-way, in accordance with all requirements of Burleigh County.
c. Any on-street parking of vehicles associated with the home occupation shall meet requirements of Burleigh County, as applicable.

10. No more than one (1) vehicle associated with the home occupation which requires a Commercial Driver License (CDL) to operate in North Dakota may park on the property at any time. At no time may said vehicle exceed the load restrictions in place for any time of the year on the adjoining street or park on the street.

11. There is no storage of any flammable, toxic, explosive, or otherwise hazardous materials to a greater extent than stored in a typical residential household, and no hazardous material is discharged into any sewer, storm drain, or the ground.

12. The use is not an adult entertainment center, adult bookstore, or registered in North Dakota as a compassion center to dispense or produce medical marijuana.

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STAFF REPORT 7.4 Ex. 1

Article 11 Agriculture Zoning District Ordinance Summary

Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For Public Hearing

ARTICLE 11-A - AGRICULTURAL DISTRICT REGULATIONS

Section 1. Description

The A - Agricultural District is established as a district in which the principal use of land is for general agricultural uses. The regulations are intended to prohibit commercial and industrial usage of the land and to prohibit any other use which would interfere with the development or continuation of the agricultural use of the land; and to discourage any use, which because of its character or size, would create requirements and costs for public services such as police and fire protection, water supply, and sewerage before such services can be systematically and adequately provided.

Section 2. Definition of “Farm”

For the purpose of the administration of this ordinance, a "farm" shall mean a single tract, or contiguous tract, of agricultural land containing a minimum of ten (10) acres and which normally provides a farmer, who is actually farming the land or engaged in the raising of livestock or other similar operations normally associated with farming and ranching, with not less than fifty percent (50%) of his annual net income; and the term "farmer" means an individual who normally devotes the major portion of his time to the activities of producing products of the soil, poultry, livestock, or dairy farming in such products' un-manufactured state and who normally receives not less than fifty percent (50%) of his annual net income from any one or more of the foregoing activities; and the term also includes an individual who is retired because of illness or age and who at the time of retirement owned and occupied, as a farmer, the premises.

Section 3. Permitted Uses

The following uses are allowed by-right in the A - Agricultural District:

1. Agricultural structures and activities

2. General farming group

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3. Truck farming group
4. Livestock sales pavilion
5. Public recreation group
6. Utility service group
7. Radio or television transmitting stations
8. Sand or gravel extraction
9. Oil or gas well
10. Railroad line trackage
11. Single-family dwelling
12. Manufactured home dwelling, when located on a permanent perimeter foundation in accordance with Burleigh County codes governing construction
13. Private golf course, and customary accessory uses
14. Temporary sales of certain items
15. Portable Storage Containers.
16. Accessory Solar Energy Systems.
17. Minor Home Occupations.

Section 4. Special Uses

The following special uses are allowed in the A-Agricultural District, in accordance with Article 8:

1. Airport or heliport
2. Cemetery
3. Drive-in theater
4. Golf driving range, not accessory to a golf course
5. Recreational vehicle park

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6. Salvage yard
7. Junkyard
8. Veterinary/animal clinic
9. Animal hospital/kennel
10. Solid waste disposal facility
11. Vehicular race tracks
12. Rodeo or rodeo events
13. Trap or skeet shooting range
14. Animal feeding operations, as defined herein
15. Asphalt plants and concrete batch plants
16. Wind turbine facilities
17. Roadway maintenance facilities
18. Temporary worker housing
19. Meat packing facilities, limited
20. Medical Marijuana Manufacturing Center or Distribution
21. Wind Turbines
22. Solar Farms
23. Accessory Dwelling Units
24. Agricultural Recreation
25. Major Home Occupations: 1 external employees; up to 50% of primary home and 100% accessory buildings, and no more than three (3) additional employees, business partners, independent contractors or any person affiliated with the home occupation that do not reside on-premises.; Sign of 1+ SF; Sales allowed unless traffic problem.

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Section 5. Accessory Uses

Customary accessory uses are allowed in the A-Agricultural District, in accordance with Article 6.

Section 6. Development Standards (Non-agricultural Uses)

1. Lot Area. Each permitted residential structure, together with its accessory buildings, shall be located on a lot or tract of land as follows:

Property Description	**Minimum Lot/Tract Size**
Metes and Bounds, Auditor's Plat or Deed	40 acres
Aliquot part of a Section of land	Intended to comprise 40 acres
Government Lot	35 acres

2. Lot Width. Each lot shall have a width of not less than six hundred-forty (640) feet, measured along the front property line.

3. Front Yard. Each lot shall have a front yard as follows, measured from the property line:

Roadway Classifications	**Minimum Front Yard (ft) Residential Buildings**	**Minimum Front Yard (ft) Commercial Buildings**
Arterial Road	175	225
Collector Road	65	115
Local Road	40	140

4. Side Yard. Each lot shall have two (2) side yards, one on each side of all principal and accessory buildings. Each side yard shall not be less than fifteen (15) feet. No building on a corner lot shall have a side yard on the side street less than the front yard requirements specified in this section.

5. Rear Yard. Each lot shall have a rear yard not less than fifty (50) feet in depth. If such rear yard abuts an arterial or collector road right-of- way, building locations shall also conform to the front yard requirements specified in this section.

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6. Height Limits. No principal building for any permitted use shall exceed thirty-five (35) feet in height. No accessory building shall exceed twenty-five (25) feet in height.

7. Residential Building Permit. A building permit to construct or improve a single family or manufactured home dwelling and allowed accessory buildings shall be issued only after the following conditions have been met:

    a. An auditor's plat or a deed describing the property has been prepared and recorded at the Register of Deed's Office.
    b. A road approach permit has been granted by the County Engineer.

8. Non-residential Building Permit. A building permit to construct or improve any other non-agricultural building shall be issued only if such building is located in a platted subdivision.

Section 7. Additional Development Standards for Land Abutting the Missouri River (Non-agricultural uses)

In order to preserve and enhance the environmental and recreational qualities of the Missouri River, conserve the scenic and historic values of the Missouri River shoreland, protect shoreland development from river bank erosion, and provide for the wise use of the river and related land resources, the following additional development standard for non-agricultural uses is hereby established for land abutting the Missouri River:

1. Structure Setbacks. All structures on lots or parcels with un-stabilized banks shall be set back a minimum of one hundred (100) feet from the ordinary high-water mark of the Missouri River. All structures on lots or parcels with stabilized banks, either by an existing Corps of Engineers' stabilized structure or as permitted and approved by the Corps of Engineers, shall be set back a minimum of seventy-five (75) feet from the ordinary high-water mark of the Missouri River.

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STAFF REPORT 7.5 Ex. 1

Article 12- R1 Residential Zoning District Ordinance Summary

Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For Public Hearing

ARTICLE 12 - R1 COUNTRY HOMES RESIDENTIAL DISTRICT REGULATIONS

Section 1. General Description

The R1 County Homes Residential District is established as a district in which the predominant use of land is for low-density residential and limited agricultural use. For the R1 District, in promoting the general purposes of this Ordinance, the specific intent of this Article is to encourage the continued use of the land for low-density residential and limited agricultural uses; prohibit commercial and industrial uses of the land; discourage any use, which because of its character or size, would create unusual requirements and costs for public services; and provide special standards for residential development abutting the Missouri River.

Section 2. Uses Permitted

The following uses are allowed by-right in the R1 Country Homes Residential District:

1. Single-family dwellings
2. Education group
3. Church
4. Utility service group
5. Public recreation group
6. Truck-farming group
7. Animal husbandry activity or project conducted primarily for educational purposes or school credits, provided such activities are not conducted for commercial purposes, and premises are maintained in a sanitary manner.

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8. Chicken Hens and Coops are allowed provided that the animals are kept for private use only; that no male chickens (roosters) are kept; all hens are kept in a fenced area; all coops and structures meet applicable setbacks and size limitations for allowable accessory structures and are not located less than one hundred and fifty(150) feet of any neighboring residence or structure; and that no more than ten (10) chickens shall be permitted.

9. Private riding stables provided that animals shall be used for private use only; that no animal, animal stable, barn or shelter shall be located within one hundred (100) feet of any neighboring residence or structure; that two (2) horses shall be permitted on any premises which contains at least two (2) acres and additional horses shall be allowed at the rate of one (1) horse for every additional three (3) acres of property owned

10. Golf course.

11. Accessory Dwelling Units – Allowed with a Special Use Permit

12. Private Storage Units- Allowed with a Special Use Permit.

13. Home Occupations- Minor. Up to 1 external employees; up to 50% of primary home and 100% accessory buildings; Sign of 1'+ SF; Sales allowed unless traffic problem.

14. Family foster home for adults

15. Childcare centers– Allowed with a Special Use Permit.

16. Portable Storage Containers.

17. Accessory Solar Energy Systems.

Section 3. Density

The maximum allowable density is one (1) family per net acre.

Section 4. Lot Area

Each single-family dwelling, together with its accessory buildings, hereafter erected shall be located on a lot having a minimum lot area of 65,000 square feet, a minimum lot width of one hundred (150) feet and a minimum lot depth of two hundred (200) feet. For lots platted prior to April 5, 2004, a single-family dwelling and accessory buildings may be erected on a lot having a minimum lot area of 40,000 square feet and a minimum lot width of one hundred (100) feet, provided said lot was designed in accordance with "slight" soil limitations at the time of

platting.

Section 5. Front Yard

Each lot shall have a front yard not less than forty (40) feet in depth on interior subdivision streets or local roads. Except when fronting a highway or collector road then the setbacks shall not be less than the following distance outlined below from the centerline of such roadways fronting the property:

Primary Highway	Secondary Highway	Collector Road
250 feet	200 feet	115 feet

Section 6. Side Yard

Each lot shall have two (2) side yards, one on each side of the principal and accessory buildings. The sum of the widths of the two side yards shall not be less than twenty percent (20%) of the average width of the lot, and in no case less than fifteen (15) feet per yard.

Section 7. Rear Yard

Each lot or premises shall have a rear yard depth of not less than fifty (50) feet.

Section 8. Height Limits

No single-family dwelling shall exceed two and one-half (2½) stories, nor shall it exceed thirty-five (35) feet in height. No principal building for any other permitted use shall exceed four (4) stories, nor shall it exceed fifty (50) feet in height. For each one (1) foot, or fraction thereof, that a building exceeds thirty-five (35) feet in height, there shall be added four (4) feet to the minimum width of each side yard and two (2) feet to the minimum depth of the rear yard required by this section. No accessory building shall exceed two (2) stories, nor shall it exceed twenty-five (25) feet in height.

Section 9. Automobile Parking

Adequate automobile parking shall be provided as set forth in Article 10 of this Ordinance.

Section 10. Minimum Road Standards

Unless otherwise shown on the master plan, right-of-way and roadway widths shall conform to the standards set forth by Section 6, Subsection 1(m) of Article 33 hereof.

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1. Sufficient temporary construction easements shall be given to allow for proper road construction.

2. All streets to be used for on-street parking shall be forty (40) feet in roadway width.

Section 11. Allowable Accessory Buildings

Customary accessory uses are allowed in the R1 Residential District in accordance with Article 6.

Section 12. Additional Development Standards for Land Abutting the Missouri River

In order to preserve and enhance the environmental and recreational qualities of the Missouri River, conserve the scenic and historic values of the Missouri River shoreland, protect shoreland development from river bank erosion, and provide for the wise use of the river and related land resources, the following additional development standards are hereby established for land abutting the Missouri River platted after January 1, 2003:

1. Structure Setbacks. All structures on lots with un-stabilized banks shall be set back a minimum of one hundred (100) feet from the ordinary high-water mark of the Missouri River. All structures on lots with stabilized banks, either by an existing Corps of Engineers' stabilized structure or as permitted and approved by the Corps of Engineers, shall be set back a minimum of seventy-five (75) feet from the ordinary high-water mark of the Missouri River.

2. Impervious Surface Coverage. The percentage of the lot covered by impervious surfaces (structures, paved surfaces, etc.) shall not exceed 25 percent (25%).

3. Steep Slopes. For structures and/or facilities to be placed on steep slopes, the County Building Official may attach conditions on the building permit to prevent erosion and preserve existing vegetation.

4. Topographic Alterations Above the Ordinary High-Water Mark. Grading, filling and excavation necessary for the construction of structures, sewage treatment systems or driveways under validly issued permits shall be allowed. Notwithstanding any other applicable regulations, any other topographic alterations must meet the following standards:

    a. Alterations shall not adversely affect adjacent or nearby properties,
    b. Alterations must be designed and constructed in a manner that minimizes soil erosion, including the installation of erosion control measures as needed.

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5. Topographic Alterations Below the Ordinary High-Water Mark. All topographic alterations below the ordinary high-water mark must be approved by the Corps of Engineers.

6. Variances. It is not the intent of this ordinance to make an existing parcel or lot, which is developable under the regulations in place prior to the adoption of this ordinance, not developable. Variances from the strict application of these development standards shall be subject to the requirements of Article 28.

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STAFF REPORT 7.6 Ex.1

Article 13- R2 Zoning District Ordinance Summary

Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For Public Hearing

ARTICLE 13 - R2 SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS

Section 1. General Description

The R2 Residential District is established as a district in which the principal use of the land is for medium density single-family dwellings on rural lots, provided said lots are not located abutting the Missouri River. The regulations are intended to prohibit commercial or industrial use of the land and to prohibit any other use which would substantially interfere with the development or continuation of single-family residential neighborhoods; and to discourage any use which because of its character or size would create requirements and costs for public services, such as police and fire protection, water supply, and sewerage, before such services can be systematically and adequately provided.

Section 2. Permitted Uses

The following uses are allowed by right in the R2 Residential District:

1. Single-family dwellings
1. Education group
2. Utility service group
3. Public recreation group
4. Golf course
5. Minor Home Occupations

Section 3. Special Uses

The following special uses are allowed in the R2 Residential District, in accordance with Article 8:

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1. Airport
2. Cemetery
3. Childcare Center
4. Major Home Occupations

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STAFF REPORT 7.7 Ex.1

Article 15 – R5 MH Manufactured Home Zoning District Ordinance Summary

Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For Public Hearing

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ARTICLE 15 – R5 MH MANUFACTURED HOME DISTRICT

Section 1. General Description

The R5 Residential District is established as a district in which the principal use of the land is for single-family mobile home dwellings located within mobile home parks, provided said parks are not located abutting the Missouri River. For the R5 Residential District, the specific intent of this Article is:

1. To encourage the placement of, and the continued use of the and for single-family mobile home dwellings located within mobile home parks,

2. To prohibit commercial and industrial use of the land; and

3. To encourage suitable and proper development of mobile home parks.

Section 2. Definition

For the purpose of this section, "Mobile Home Park" shall also mean "Mobile Home Court".

Section 3. Uses Permitted

The following uses are allowed by right in the R5 Residential District:

1. Single-family mobile home dwellings or manufactured homes not located on a permanent foundation located within mobile/manufactured home parks.

2. Home occupations as defined, but not limited to, of:
   a. Dressmaker

b. Artist
c. Sculptor
d. Author
e. Minister

~~Section 9.~~ Section 4. Mobile Home Park Restrictions

1. No business shall be conducted in any mobile home park.

2. Existing mobile home parks shall not be enlarged or extensively altered unless such alteration complies with the provisions of this article.

~~Section 10.~~ Section 5. Mobile Home Parks, Plans and Layout

All layouts for mobile home parks shall be submitted to the Planning Commission for approval prior to consideration of a zoning change request for R5 District uses. All changes thereto must be approved in like manner.

Section 6. Density

The maximum allowable density of all mobile home parks shall be seven (7) families per net acre.

1. The minimum total area of a mobile home park shall be at least four (4) acres.

Section 7. ~~Lot Dimensions~~ Development Standards.

1. All mobile home parks shall have near their main entrance a park office in which there shall be an up-to-date list of all park residents along with their addresses and a diagram of the park layout.

2. For single-wide mobile home dwelling units, minimum lot dimensions shall be fifty (50) feet wide and one hundred (100) feet deep with a minimum lot area of five thousand (5,000) square feet.

3. For double-wide mobile home dwelling units, minimum lot dimensions shall be sixty (60) feet wide and one hundred (100) feet deep with a minimum lot area of six thousand (6,000) square feet.

4. All mobile homes shall be equipped with compatible skirts to completely enclose the underside of the mobile home.

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5. Each mobile home shall be anchored to the ground for purposes of withstanding wind pressures specified for single-family dwellings by the County Building Inspection Department prior to occupying the unit.

6. All clotheslines shall be placed in the rear yard.

~~**Section 7. Lot Restrictions**~~

~~All clotheslines shall be placed in the rear yard.~~

Section 8. Mobile Home Park Requirements

1. The minimum total area of a mobile home park shall be at least four (4) acres.

2. For single-wide mobile home dwelling units, minimum lot dimensions shall be fifty (50) feet wide and one hundred (100) feet deep with a minimum lot area of five thousand (5,000) square feet.

3. For double-wide mobile home dwelling units, minimum lot dimensions shall be sixty (60) feet wide and one hundred (100) feet deep with a minimum lot area of six thousand (6,000) square feet

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

5. Setbacks. Lot development shall observe the following setbacks:

    a. Front Yard. No manufactured home or any other legal attachments to said dwelling or any accessory structures shall be located less than twenty (20) feet from the front lot line, measured back from the sidewalk or walkway, provided, however, that on a record lot corresponding to a plat recorded prior to 1979, the following setback standards apply:

        i. of lots or parcels are selected on the opposite side of the proposed activity, so that a total number of six (6) reference lots are selected.

    b. Side Yard and Spacing. No manufactured home or any other legal attachments to said dwelling or accessory structure shall be located less than six (6) feet from the side lot line measured back from the walkway or sidewalk. Manufactured homes on corner lots shall follow front yard setbacks from all streets. Side yard measurements are to be taken at right angles to the

building at the closest points to a property line. Detached accessory buildings shall be located not less than five (5) feet from the side or rear lot lines. The ends of the manufactured homes shall be at least twelve (12) feet apart.

6. All entrances, exits and driveways between rows of mobile homes shall be lighted to provide an intensity of 0.3 foot-candles. Mobile home parks shall be provided with walkways at least three and one-half (3½) feet wide between each mobile home lot and service building and other parts of said park. Roadways within the parks shall be hard surfaced, either concrete or bituminized asphalt.

7. All provisions of water supply, laundry, sewage and fire protection to be provided in any mobile home park shall have been approved by the appropriate County and State Departments.

8. Off-street parking areas shall be provided in all mobile home parks at a ratio of at least two (2) car spaces per mobile space. The area for one (1) car space shall be at least ten (10) feet wide and twenty (20) feet deep, plus ingress and egress.

9. Recreation Areas. There shall be provided within each mobile home park an adequate site or sites for recreation for the exclusive use of the park occupants. Such recreation site or sites shall have a minimum area in the aggregate of four thousand (4,000) square feet plus one hundred (100) feet for each mobile home space in said park. The recreation sites shall be of appropriate design and provided with adequate and permanent equipment.

10. All mobile home parks must provide a completely and permanently landscaped setback area of at least thirty (30) feet in width around those portions of the park perimeter which border public right-of-way. Such areas may contain trees, shrubbery, grass, benches, fences, landscaped water resources and the like.

11. Setback areas not bordering public right-of-way may be used to fulfill the recreation area requirements of the preceding paragraph.

12. All mobile home parks shall have near their main entrance a park office in which there shall be an up-to-date list of all park residents along with their addresses and a diagram of the park layout.

13. All mobile home park lots shall be served by an approved central water and sewer system.

Section 9. Mobile Home Park Restrictions

4. No business shall be conducted in any mobile home park.

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5. Existing mobile home parks shall not be enlarged or extensively altered unless such alteration complies with the provisions of this article.

Section 10. Mobile Home Parks, Plans and Layout

All layouts for mobile home parks shall be submitted to the Planning Commission for approval prior to consideration of a zoning change request for R5 District uses. All changes thereto must be approved in like manner.

Section 11. Mobile Home Requirements

1. All mobile homes shall be equipped with compatible skirts to completely enclose the underside of the mobile home.
2. Each mobile home shall be anchored to the ground for purposes of withstanding wind pressures specified for single-family dwellings by the County Building Inspection Department prior to occupying the unit.

Section 12. Lot Coverage

1. The ground area occupied by a mobile home, attached storm shed, patio, storage building and required off-street parking spaces shall not exceed ~~50~~ 40 ~~-~~percent ~~(50%)~~ (40%) of the total area of the lot. In computing the ground coverage, four hundred (400) square feet shall be added to the actual area of the mobile home and the accessory buildings for the two (2) required off-street parking spaces. ~~This provision limits a lot to one (1) storm shed, not over ten (10) feet by twelve (12) feet, or one hundred twenty (120) square feet, in area per lot,~~ Each lot shall be limited to one attached utility structure of no more than one hundred twenty (120) square feet. Each lot may also have a detached accessory building(s) in accordance with Article 6, provided the lot coverage requirement is not exceeded, and said building shall be placed on a proper foundation.

   a. Enlargement or Alteration. Any enlargement or alteration of a manufactured home park that exceeds ten (10) per cent of the total number of lots or spaces shall comply with the provisions of Subsection 3 of this Section. The remaining portion of a manufactured home park not being enlarged or altered will not be required to comply with the provisions of Subsection 3.

   b. Business Uses. No business shall be conducted in any manufactured home park except manufactured home sales.

   c. Public Right-of-Way. If public right-of-way bisects a manufactured home park, all lots located adjacent to such public right-of-way shall conform to the standards and setbacks as specified in the R5-Residential District.

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Section 13. Community Storage Buildings.

Private garages or storage buildings located within manufactured home parks but not located on individual lots may be allowed, provided:

a. Height Limits. No community storage building sidewall shall exceed fourteen (14) feet in height. The maximum roof pitch of such buildings shall not exceed 3:12.

b. Activities. No activities other than storage of vehicles and household goods by residents of the manufactured home park shall be allowed.

c. Dimensions. No single building dimension shall exceed one hundred-twenty (120) feet and no individual building shall exceed a total of three thousand (3,000) square feet in size. All such buildings must be separated by a minimum of twelve (12) feet. No more than four (4) storage buildings may be grouped together in one location within a manufactured home park. All such groups of buildings must be separated by a minimum of five hundred (500) feet.

d. Accessways. Accessways to community storage buildings shall be hard surfaced, either concrete or bituminized.

e. Floors. All floors in community storage buildings shall be hard surfaced.

f. Site Plan. No community storage building or buildings shall be constructed until a site plan has been approved by the ~~Zoning Administrator~~. Planning Department.

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STAFF REPORT 7.8 Ex.1

Article 16 – Commercial Zoning District Ordinance Summary

Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For Public Hearing

ARTICLE 16 - C - COMMERCIAL DISTRICT REGULATIONS

Section 1. General Description

The C - Commercial District is established as a district in which the principal use of land is for commercial and service uses to serve the residential districts in the area, provided said uses are not located abutting the Missouri River, and in which traffic and parking congestion can be kept to a minimum in order to preserve residential values, and promote the general welfare of the surrounding residential district. The specific intent of this Article is:

1. To encourage the continued use of the land for neighborhood commercial and services uses,

2. To prohibit industrial uses of the land, and to prohibit any other use which would substantially depreciate the values of residential districts surrounding the C - Commercial District,

3. To encourage the discontinuance of mixed uses and uses that would not be permitted as new uses under the provisions of this article,

4. To discourage any use, which because of its character or size, would create requirements and costs for public services, such as police and fire protection, water supply and sewerage substantially in excess if the district were developed solely for neighborhood commercial and service uses.

5. **Section 2 Buffer Yards.**

Purpose. The buffer yard requirements are intended to provide separation between land uses of differing intensity.

1. Applicability:
    a. Buffer yards shall be required between a R1 and AG zoning, for commercial and or industrial zoning districts.

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2. Definition.
    a. Buffer: A strip of land, identified in the zoning ordinance, established to protect one type of land use from another of an incompatible land use. An appropriate buffer may vary depending on uses, districts etc. For PUD or Special Use Permits, size and width shall be determined by the Burleigh County Board.
3. Standards
    a. Buffer yards shall be installed and maintained in accordance with the following table.

Area Where Buffer Yard Required	**Minimum Width of Buffer Yard**	**Landscape Materials Required- 100 Linear Feet**
Side or rear yard of any expanding higher intensity land use adjacent to single and two-family residential uses or zoning	10 feet w/6-foot screening fence As determined by the Burleigh County Board	4 shade trees and 2 ornamental trees

Section ~~2.~~ 3. Uses Permitted

The following uses are allowed by-right in the C - Commercial District:

1. Retail Group A
2. Service Group A
3. Gasoline Filling Station
4. Office-bank Group
5. Church
6. Education Group
7. Fire Station
8. Utility Service Group
9. Retail Group B
10. Service Group B

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11. Commercial Recreation Group

12. Wholesale Group

13. Health Medical Group

14. Public Recreation Group

15. Railroad Line Trackage

16. Railroad or Bus Passenger Station

17. Animal Hospital

18. Commercial Parking Lot

19. Temporary Christmas tree sales.

20. Temporary sales of certain items

21. Portable Storage Containers.

22. Accessory Solar Energy Systems.

Section ~~3~~ 4. Special Use

1. Medical Marijuana Manufacturing Center of Distribution Center

2. Temp. farm and garden produce sales.

3. Filling station.

4. Seasonal nursery/ bedding stock sales.

5. Commercial greenhouse w/nursery

6. Childcare center.

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7. Drive-in bank.

8. Retail liquor sales

9. Microbrew pub

10. Domestic distillery.

Section ~~3.~~ 5. District Area

No C - Commercial District shall be less than five (5) acres in size.

Section ~~4.~~ 6. Lot Area

Each principal building or structure plus its accessory buildings shall be located on a lot having an area as specified in Article 33, Section 6 (4) of the Zoning Ordinance. In no case shall a lot be less than twenty thousand (20,000) square feet in size. Premises without a central sanitary sewer system approved by the North Dakota State Department of Health shall comply with lot area requirements of the R1 Residential District.

Section ~~5.~~ 7. District Width

Each C District shall have an average width of not less than two hundred (200) feet and shall have no boundary less than one hundred (100) feet in length.

Section ~~6.~~ 8. Floor Area Ratio

The floor area ratio of the principal building and all accessory buildings shall not exceed 0.25 for a single-story building, nor shall it exceed 0.35 for buildings of more than one story. The ground area occupied by the principal building and accessory buildings shall not exceed twenty-five percent (25%) of the total area of the lot.

Section ~~7.~~ 9. Yard

No building shall be less than fifty (50) feet in distance from any lot line or twenty (20) feet in distance from any side or back yard line.

Section ~~8.~~ 10. Height Limits

No building or structure shall exceed two (2) stories or thirty-five (35) feet in height.

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Section ~~9.~~ 11. Divided District

For the purposes of calculating the minimum area, lot width, lot dimensions, floor area ratio, percentage of lot covered by building, and yard requirements established by this Article, a single C - Commercial District cannot lie on two (2) sides of a public street or alley. Any area designated as being zoned C - Commercial and lying on both sides of a public street or alley shall be deemed to be two (2) C Commercial Districts, and all minimum requirements shall be met by buildings on each side of said public street or alley as separate districts.

Section ~~10.~~ 12. Non-Conforming Uses

It is the intent of this Article and this Section to designate no area as a C Commercial District in which there is at the date of adoption of this Article any residential or other non-conforming use. It is the further intent of this Article and this section that insofar as possible all neighborhood commercial and service areas in newly developed portions of the County shall take place in a C Commercial District, in order to decrease traffic and parking congestion and to preserve the residential values of the County. The County Planning and Zoning Commission shall refuse to approve any request for an amendment re-zoning any portion of the County to a C - Commercial District if there is in that district any use which would be a non-conforming use upon the passage by the Board of County Commissioners of the proposed amendment.

Section ~~11.~~ 13. Automobile Parking

Adequate automobile parking shall be provided as set forth in Article 10 of this Ordinance.

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STAFF REPORT 7.9 Ex.1

Article 18 – I- Industrial Zoning District Ordinance Summary

Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For Public Hearing

ARTICLE 18 - I - INDUSTRIAL DISTRICT REGULATIONS

Section 1. General Description

The I-Industrial District is established as a district in which the principal use of land is for heavy commercial, manufacturing and industrial establishments, provided said uses are not located abutting the Missouri River, which may create some nuisance, and which are not properly associated with, nor compatible with, residential, institutional, neighborhood commercial, and service establishments. For the Industrial District, in promoting the general purposes of this Ordinance, the specific intent of this Article is:

1. To encourage the construction of and the continued use of the land for heavy commercial, manufacturing and industrial purposes,

2. To prohibit residential and neighborhood commercial use of the land and to prohibit any other use which would substantially interfere with the development, continuation or expansion of commercial and industrial uses in the district; and

3. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this article.

Section 2 Buffer Yards.

Purpose. The buffer yard requirements are intended to provide separation between land uses of differing intensity.

1. Applicability:
    a. Buffer yards shall be required between a R1 and AG zoning, for Commercial or Industrial zoning districts.
2. Definition.
    a. Buffer: A strip of land, identified in the zoning ordinance, established to protect one type of land use from another of an incompatible land use. An appropriate

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buffer may vary depending on uses, districts etc. For PUD or Special Use Permits, size and width shall be determined by the Burleigh County Board.

3. Standards
   a. Buffer yards shall be installed and maintained in accordance with the following table:

Area Where Buffer Yard Required	**Minimum Width of Buffer Yard**	**Landscape Materials Required-100 Linear Feet**
Side or rear yard of any expanding higher intensity land use adjacent to single and two-family residential uses or zoning	10 feet w/6-foot screening fence- Or as determined by the Burleigh County Board	4 shade trees and 2 ornamental trees

Section ~~2.~~ 3. Uses Permitted

The following uses are allowed by-right in the I Industrial District:

1. Gasoline filling station
2. Retail group B
3. Service group B
4. Wholesale group
5. Fire Station
6. Truck terminal
7. Railroad line trackage
8. Railroad spur trackage
9. Railroad freight station
10. Railroad freight classification yard
11. Utility service group
12. Industrial use group
13. Livestock sales pavilion
14. Oil or gas well

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15. Radio or television transmitting station

16. Sand or gravel extraction

17. Sewage treatment plant

18. Manufacturing Group

19. Religious institution.

20. Microbrew pub.

21. Domestic distillery

22. Brewer Taproom

23. Animal services, non-veterinary

24. Private Storage Units

Section ~~3.~~ 4. Special Uses

The following special uses are allowed in the I - Industrial District, in accordance with Article 8:

1. Meat packing facilities
2. Medical Marijuana Manufacturing Center or Distribution Center
3. Data Centers:
   -Any change of use within an existing permitted Data Center i.e.: AI Conversion Center, shall require a new special use permit review and approval.
4. Temporary Christmas tree sales.
5. Temporary religious meetings.
6. Temporary circus/fair/carnival.
7. Temporary farm and garden produce sales.
8. Temporary fireworks sales.
9. Seasonal nursery and bedding stock sales.
10. Retail liquor sales.
11. Childcare center.
12. Asphalt production facilities, both permanent and temporary.
13. Hazardous material bulk storage plant, including:
    a. Petroleum products bulk storage- propane, gasoline, etc.

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Section 5. Industrial Use Group

A use in the Industrial Group is one involving the manufacturing or the storage and sale of heavy building materials or equipment, and which conforms to the following requirements:

1. Manufacture, compounding, processing, packaging, treatment of:
    a. Bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, and food products except:
        i. fish and meat products, sauerkraut vinegar, yeast and the rendering or refining of fats and oils.
    b. Products from the previously prepared materials: Bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, metals, stones, fur, glass, hair, horn, leather, paper, plastics, shell, textiles, wood and yarns.
    c. Pottery and other ceramic products using only previously pulverized clay, and kilns
    d. Electric and neon signs, outdoor advertising signs, commercial advertising structures, and light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves, and similar products.
    e. Musical instruments, toys, novelties and rubber and metal stamps.
    f. Welding and machine shop.
    g. Laundry, cleaning and dyeing works, and carpet and rug cleaning.
    h. Ice manufacturing
    i. Assembly of electric appliances, electronic instruments and devices, radios, phonographs, and television sets, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders, and similar products.
    j. Soft drink bottling plant.

2. The following uses when conducted wholly within a completely enclosed building-
    a. Contractors' equipment storage yard- or behind an 8’ fence.
    b. Building materials sales yard
    c. Pipe storage yard, including sales.
    d. Feed/fuel storage yard w/sales.
    e. Public utility service yard.
    f. Sale of oil and gas well drilling equipment.
    g. Concrete products
    h. Petroleum bulk storage
    i. Manufacturing and storage of alcoholic beverages, including brewery.

3. Manufacture, compounding, processing, refining or treatment of the following materials and products:
    a. Acetylene.

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b. Alcohol.
c. Asphalt and bituminous products.
d. Brick, tile or terra-cotta.
e. Oilcloth or linoleum.
f. Paint, shellac, turpentine, lacquer or varnish.
g. Paper or pulp.
h. Petroleum products.
i. Plastics.
j. Slaughter and packing of animals and meat products.
k. Tannery, curing or storing of raw hides.

4. Any of the following uses provided that they shall not be located closer than five hundred (500) feet from any zone in which they are prohibited:
   a. Cement, lime, gypsum, or plaster of paris manufacture.
   b. Drop forge industry, manufacturing forgings with power hammer.
   c. Fertilizer manufacturing.
   d. Garbage, offal, bone or dead animal reduction.
   e. Gas manufacture or utility regulating stations.
   f. Electric generating plant.
   g. Smelting of tin, copper, zinc or iron ores.
   h. Soap manufacture.
   i. Stockyards, feeding pens or livestock sale facilities.

5. The following uses when conducted wholly within a completely enclosed building, or within an area enclosed on all sides with a solid wall, compact hedge or security fence, not less than six feet in height:

   i. Building material sales yard, including the sale of rock, sand, gravel and the like as an incidental part of the principal use.
   ii. Contractors' equipment, storage yard or plant, or rental of equipment commonly used by contractors.
   iii. Retail lumber yard, including only incidental mill work.
   iv. Feed and fuel yard.
   v. Public utility service yard, or electrical receiving or transforming station.
   vi. Pipe yard, or storage, sale or rental of oil and gas well drilling equipment.

6. Concrete products and mixing.

7. Petroleum bulk plants.

8. Manufacture, compounding, processing, refining, and treatment of the following materials and products:

i. Acetylene
ii. Alcohol
iii. Asphalt
iv. Tannery or curing or storage of raw hides
v. Manufacturing and storage of alcoholic beverages, including brewery.

Section ~~4.~~ 6. Lot Area

Each principal building or structure plus its accessory buildings, shall be located on a lot having an area as specified in Article 33, Section 6(4) of the Zoning Ordinance. In no case shall a lot be less than twenty thousand (20,000) square feet in size. Premises without a central sanitary sewer system approved by the North Dakota State Department of Health shall comply with lot area requirements of the R1 Residential District.

Section ~~5.~~ 7. Lot Width

Each lot shall have a width of not less than one hundred (100) feet, measured along the front building line.

Section ~~6.~~ 8. Floor Area Ratio

Floor area ratio of the principal buildings or building and all accessory buildings shall not exceed 0.30 for single-story buildings, nor shall it exceed 0.60 for buildings of more than one story. The ground area occupied by the principal building or buildings and accessory buildings shall not exceed thirty percent (30%) of the total area of the lot.

Section ~~7.~~ 9. Front Yards

Each building shall have a front yard not less than fifty (50) feet in depth.

Section ~~8.~~ 10. Side Yards

Each lot shall have two (2) side yards, one on each side of any principal building. The sum of the widths of the two (2) side yards shall be not less than twenty percent (20%) of the average width of the lot; and in no case shall a side yard be less than fifteen (15) feet in width. On any lot having an average width greater than seventy-five (75) feet, neither side yard shall be less than fifteen (15) feet in width and no side yard need be greater than fifty (50) feet in width. On a lot containing two (2) principal buildings located side by side, there are no minimum requirements for the side yards between the two (2) buildings.

DRAFT

Section ~~9.~~ 11. Rear Yards

Each lot shall have a rear yard not less than twenty-five (25) feet in depth.

Section ~~10.~~ 12. Height Limits

No principal buildings shall exceed four (4) stories, nor shall it exceed fifty (50) feet in height. No accessory buildings shall exceed two (2) stories, nor shall it exceed twenty-five (25) feet in height.

Section ~~11.~~ 13. Automobile Parking

Adequate automobile parking shall be provided as set forth in Article 10 of this Ordinance.

Section ~~12.~~ 14. Landscaping

All front- side and rear yards shall be permanently landscaped.

DRAFT

Burleigh County Planning and Zoning Commission Meeting Agenda

Tom Baker Meeting Room, City/County Building, 221 5th Street N, Bismarck, ND

5:15pm

Attend in Person || Watch Live on Government Access Channels 2 or 602 || Stream on DakotaMediaAccess.org or Dakota Media Access Facebook Live || Replay Later from DakotaMediaAccess.org

AGENDA
April 8, 2026

1. Pledge of Allegiance
2. Roll Call
3. Approval of March 11, 2026 Minutes
4. Public Comments: (*Restricted to Burleigh County residents and landowners)*
5. Consent Agenda: *(The following item(s) are request(s) for a public hearing)*

   5-1 Arcadia Lite Estates Subdivision
   - *Requests approval of the preliminary plat and call for a public hearing*
     Staff Recommendation: Approval

   5-2 Meadows End Subdivision
   - Requests approval of the preliminary plat and call for a public hearing.
     Staff Recommendation: Approval

6. Public Hearing Agenda:

   6-1 EAH Subdivision
   - Requests approval of a two (2) lot Subdivision and a zoning change call for a public hearing.
     Staff recommendation: Approval

   6-2 CJB Subdivision
   - Requests approval of one (1) lot Subdivision and call for a public hearing.
     Staff recommendation: Approval

   6-3 Rohrich Variance
   - Requests approval of a variance to setbacks to build accessory building.
     Staff recommendation: Approval

   6-4 Humann Variance
   - Requests approval of a variance to setbacks to build accessory building.
     Staff recommendation: Denial

7. Draft Amendments to Certain Districts .

   7-1 Introduction- Draft Amendments to the Following Districts
   Review the following Staff Report Exhibits:

   - Ex. 7.1.1. Zoning District Article 21 FP
   - Ex. 7.1.2. Zoning District Article 11 Ag
   - Ex. 7.1.3. Zoning District Article 12 R1

- Ex. 7.1.4. Zoning District Article 15 R5
- Ex. 7.1.5. Zoning District Article 16 C
- Ex. 7.1.6. Zoning District Article 18 I
- Ex. 7.1.7. Zoning District Article 20 PUD
- Ex. 7.1.8. Zoning District Article 20-1 P-Public
- Ex. 7.1.9. Zoning District Article 8- Section 2. Home Occupation

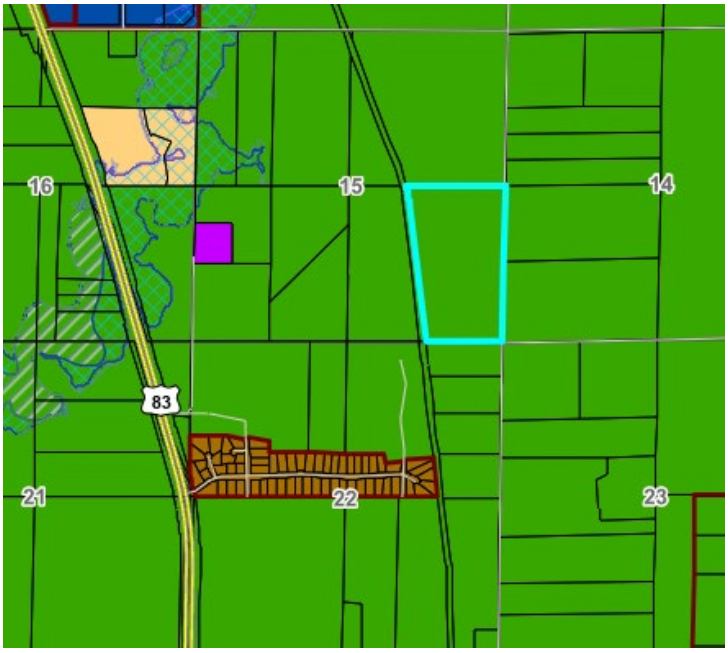
8. Other Business:

9. Adjourn

Next Meeting: May 13, 2026

Agenda Item 5-1

Arcadia Lite Estates Subdivision & Zoning Change A – R1

Project Summary	
Status:	Consent Agenda
Petitioner/Developer	Primecore Development LLC
Engineer	Swenson Hagen & Company
Location:  	SE ¼, Section 15, Township140, Range 80W 5-1-1 Location Map
Project Size:	Five (5) lots on 90 acres more or less
Zoning Change:	A-Agricultural to R1 Country Homes Residential
Petitioners Request	Approve preliminary plat and zoning change. Call for a Public Hearing.

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

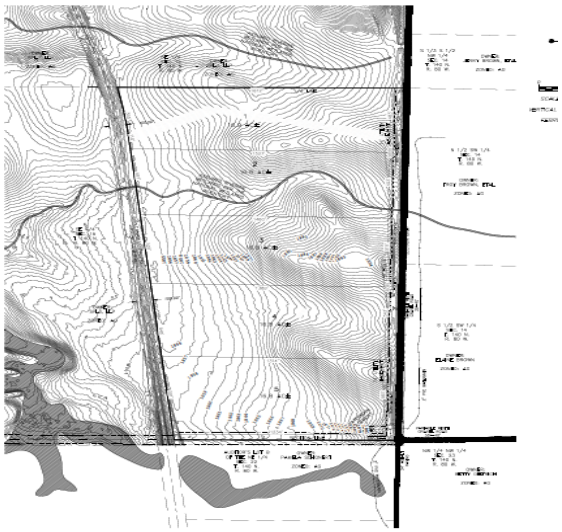
History/Description

Burleigh County was approached regarding development of a five (5) lot subdivision and zoning change from A-Agricultural to R1-Country Homes Residential. Several pre-application reviews were held regarding the requirements for a large-lot subdivision.

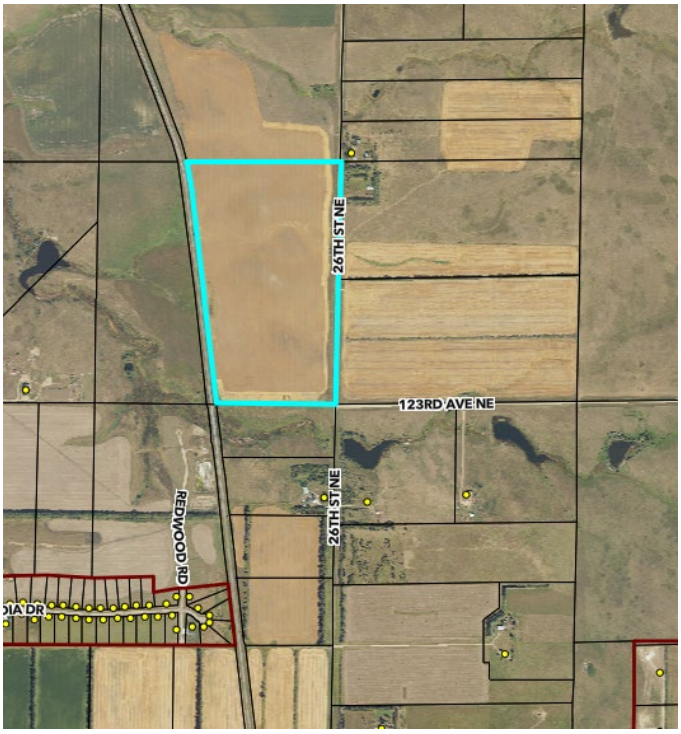
Arcadia Lite Estates will contain five (5) lots, each lot being 16 acres more or less. Access will be on the east side of parcel on 26th Street NE. Four (4) lots will have shared access points, one (1) will be allowed access from 123rd Ave. A Paving Waiver was granted on October 10, 2025.

Zoning on the surrounding parcels is A-Agricultural. A zoning change to R1-Country Homes Residential has been requested. R1 zoning on this large-lot subdivision will not affect the surrounding property owners.

The review committee did not have any concerns.



Attachment 5-1-2
Preliminary Plat



Attachment 5-1-3 Site Map

Staff Findings – Preliminary Plat

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This preliminary plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Zoning is A-Agricultural. A zoning change has been requested.
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.
5. A Stormwater Management Plan will be submitted.
6. A paving waiver was granted October 10, 2025

Staff Findings – Zoning Change

1. The proposed parcel meets the requirements of Article 12 – R1 – Country Homes Residential District Regulations.
2. The parcel is in agricultural area. The surrounding properties are zoned A-Agricultural.
4. This is a large lot subdivision with lots containing 16 acres more or less. The zoning change to R1-Country Home Residential will not adversely affect the neighboring properties.

Planning Staff Recommendation

The petition for a preliminary plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the preliminary plat and calling for a public hearing.

The petition for a zoning changes meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval and calling for a public hearing.

Planning Commission Action

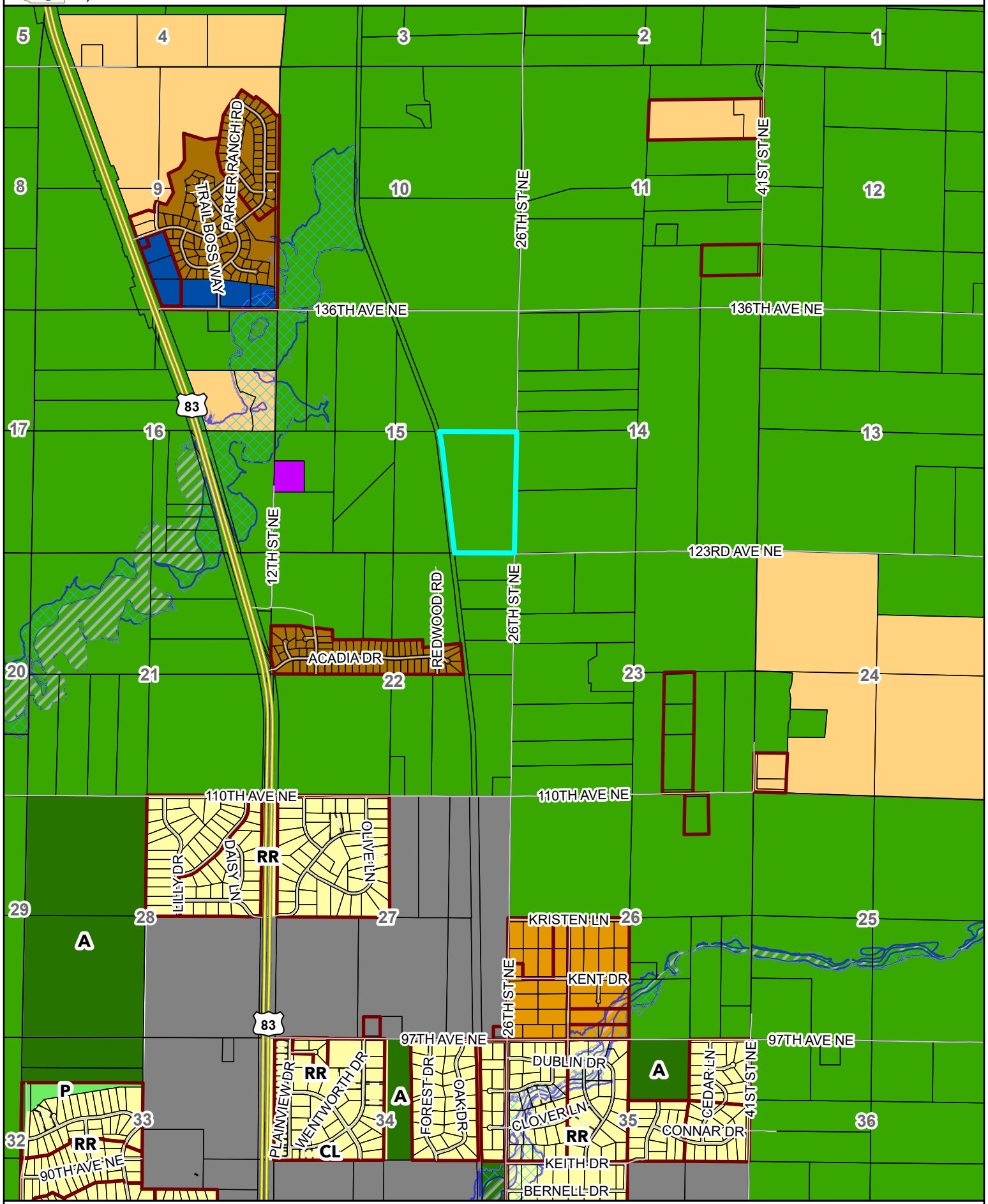
The Burleigh County Planning and Zoning Commission can:

1. Approve the preliminary plat and zoning change. Calling for a public hearing.
2. Approve the preliminary plat and zoning change with conditions. Calling for a public hearing after all condition have been completed.
3. Deny the preliminary plat and zoning change with reason.
4. Table the preliminary plat and zoning change for more information.

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

3/26/2026

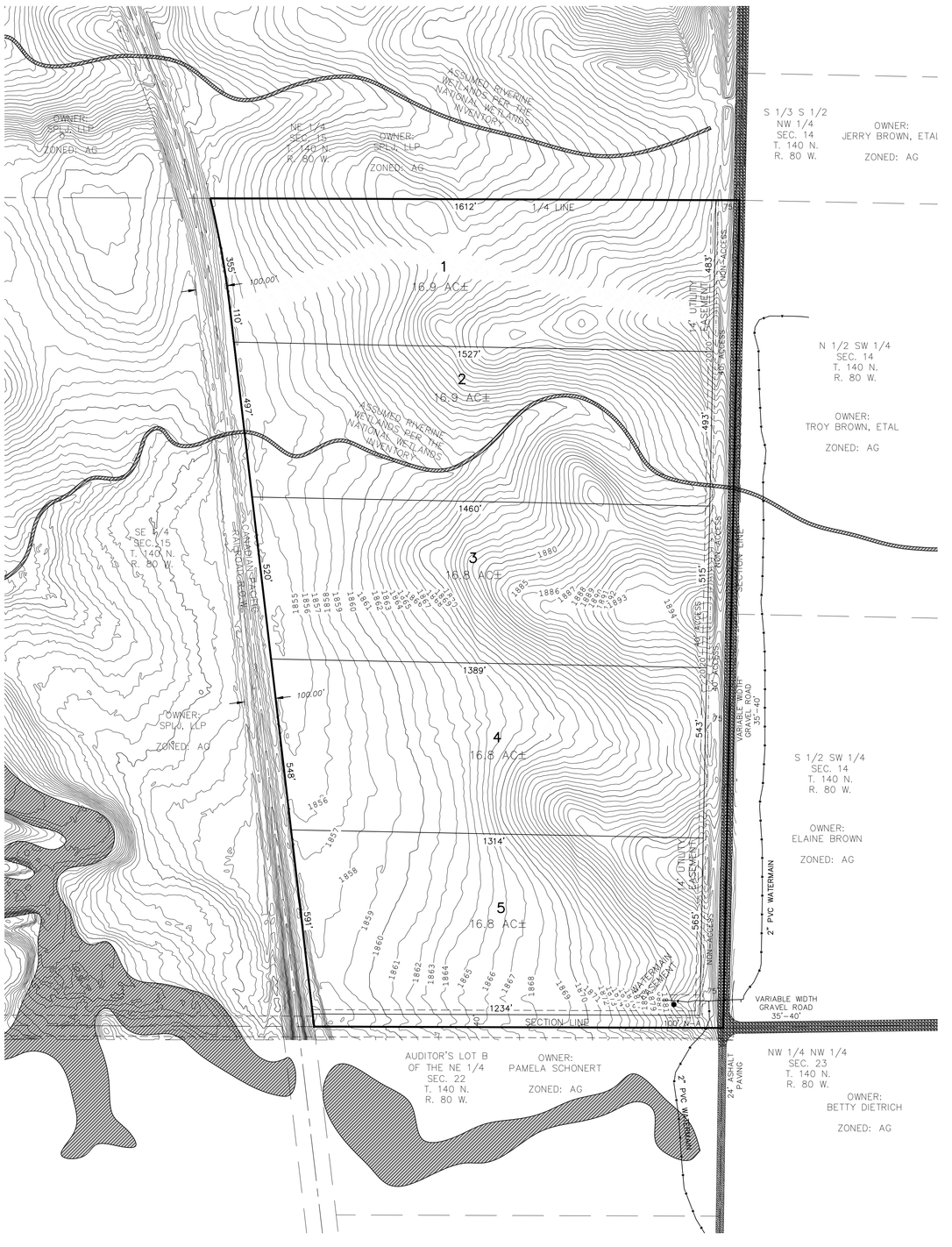


Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

ARCADIA LITE ESTATES SUBDIVISION

PART OF THE SE 1/4 OF
SECTION 15 TOWNSHIP 140 NORTH, RANGE 80 WEST

BURLEIGH COUNTY, NORTH DAKOTA
PRELIMINARY PLAT



N

W E

S

0 200' 400'

SCALE – 1" = 100"

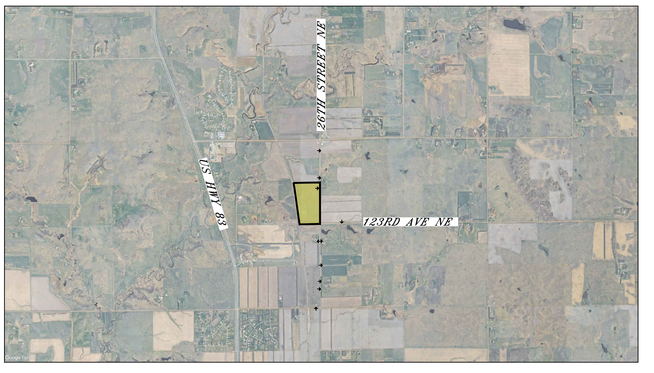
VERTICAL DATUM: NAVD 88

FEBRUARY 18, 2026

90.0 ACRES
EXISTING ZONING: A
PROPOSED ZONING: R1
5LOTS, 1 BLOCK

OWNER: SPLJ, LLP
ADDRESS: 825 N 1ST ST
BISMARCK, ND 58501

SURVEYOR: SWENSON HAGEN & CO
3002 AIRWAY AVE
BISMARCK, ND 58504



LOCATION MAP

SWENSON, HAGEN & COMPANY P.C.

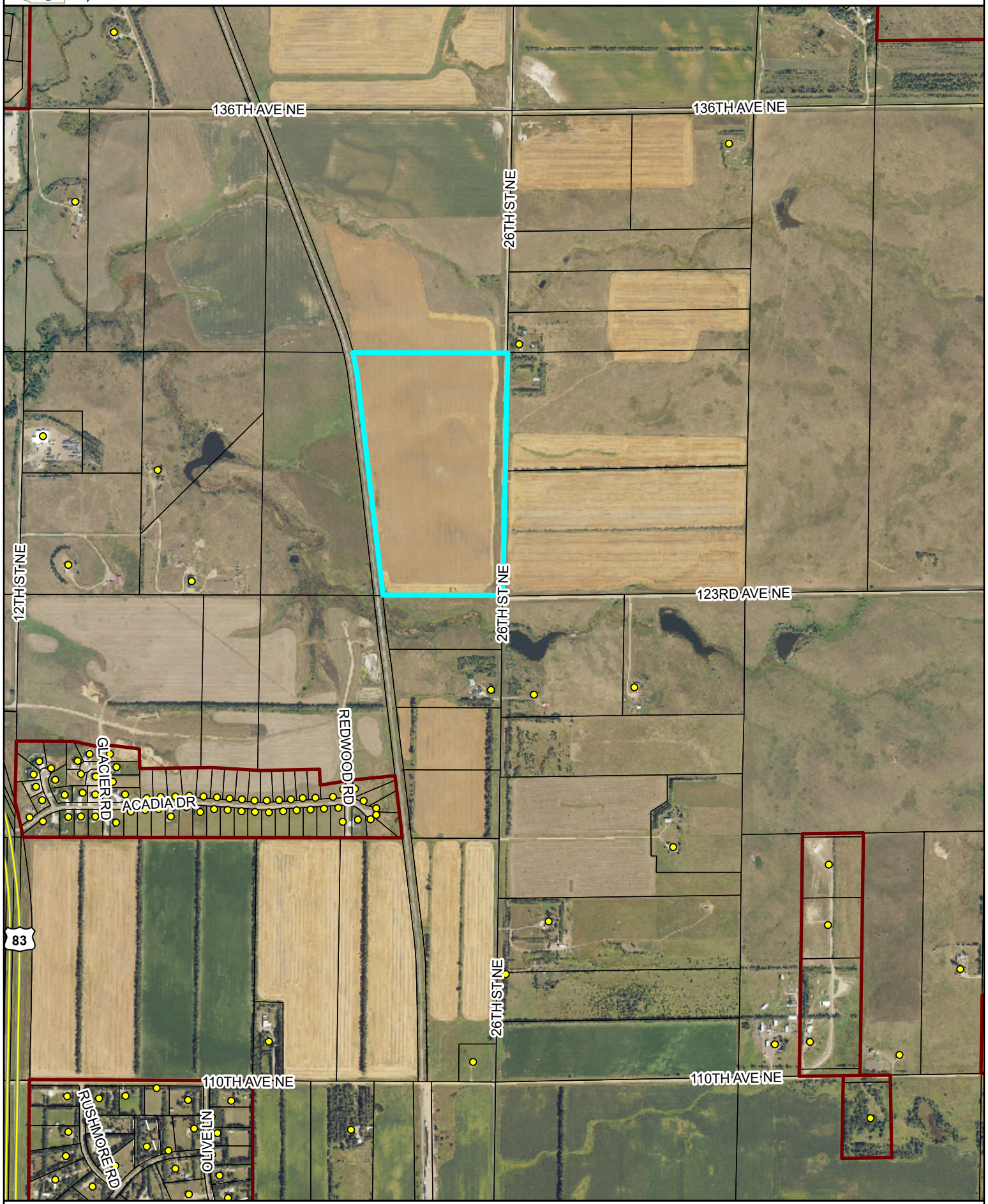
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

3002 Airway Avenue
Bismarck, North Dakota 58504
sheng@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

3/26/2026



Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

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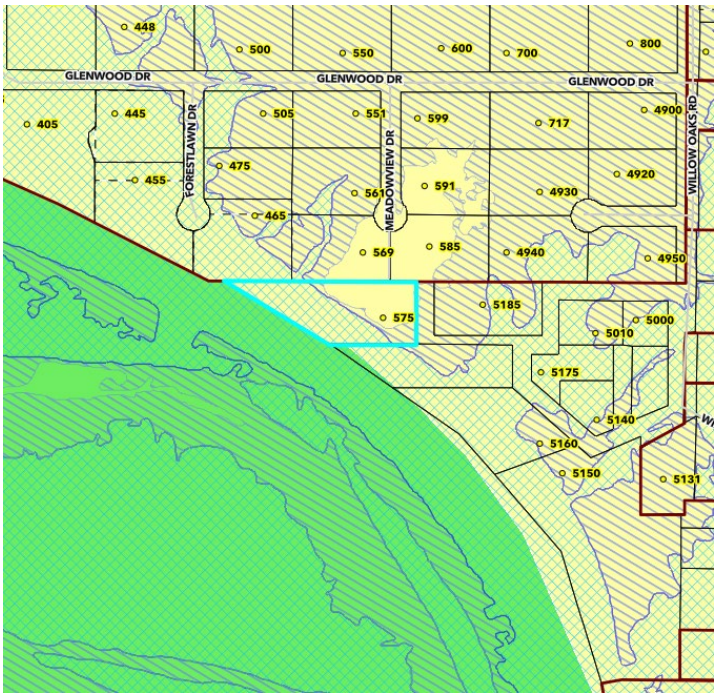
Agenda Item 5-2

Meadow End Subdivision

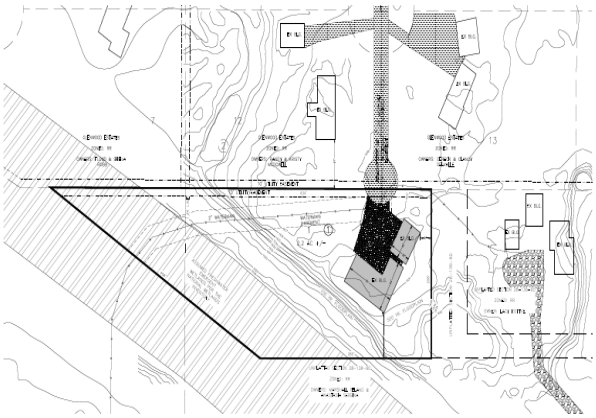
Project Summary	
Status:	Consent Agenda
Petitioner/Developer	Lois & Todd Ihle
Engineer	Swenson Hagen & Company
Location:  5-2-1 Location Map	North ½ Section 28, Township 138, Range 80W Addressed as: 575 Meadowview Drive
Project Size:	One (1) lot comprised of 2.2 acres more or less
Zoning:	R1 Country Homes Residential
Petitioners Request	Approve preliminary plat and call for a Public Hearing.

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

History/Description

Burleigh County was approached regarding property owners wanting to remodel or add additions to their home. The property was never platted so the homeowners were advised they needed to plat the property in order to build.

The review committee did not have any concerns.



Attachment 5-2-2
Preliminary Plat



Attachment 5-2-3 Site Map

Staff Findings – Preliminary Plat

1. This subdivision meets the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This preliminary plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Zoning is R1- Country Homes Residential.
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.

Staff Findings – Zoning Change

1. The proposed parcel meets the requirements of Article 12 – R1 – Country Homes Residential District Regulations.
2. The subdivision is an existing established lot. The subdivision does not affect the neighbors or area.

Planning Staff Recommendation

The petition for a preliminary plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the preliminary plat and calling for a public hearing.

Planning Commission Action

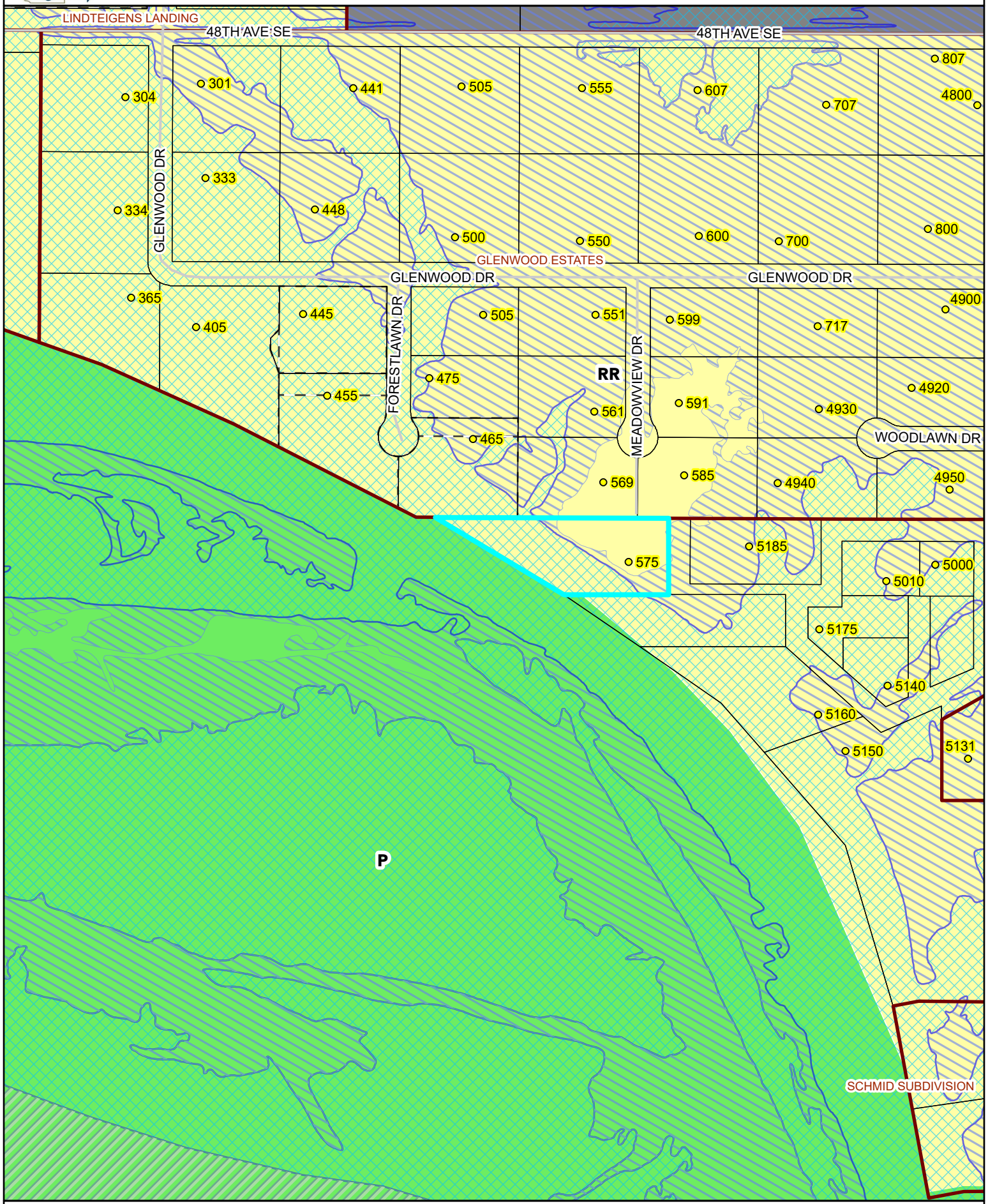
The Burleigh County Planning and Zoning Commission can:

1. Approve the preliminary plat. Call for a public hearing.
2. Approve the preliminary plat with conditions. Call for a public hearing after all conditions have been completed.
3. Deny the preliminary plat with reason.
4. Table the preliminary plat for more information.

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

3/26/2026

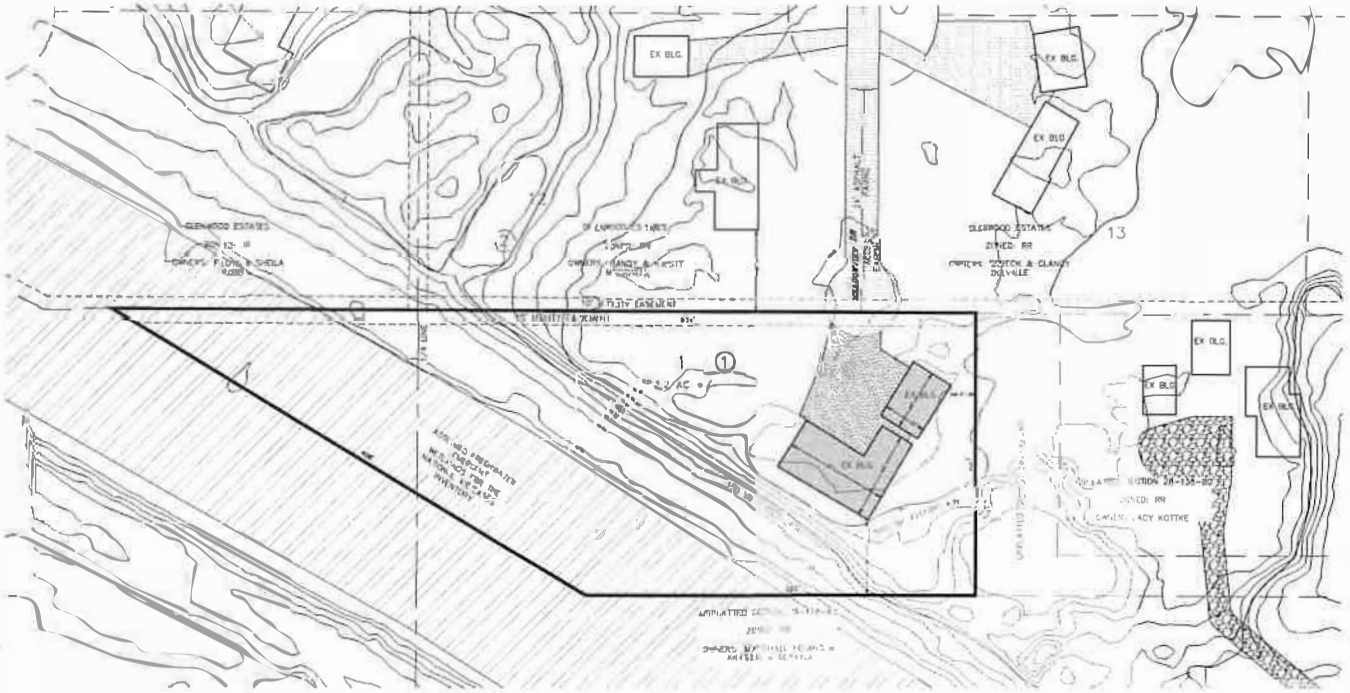


Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

MEADOWS END SUBDIVISION

PART OF THE NORTH 1/2
OF SECTION 28, TOWNSHIP 138 NORTH, RANGE 80 WEST
OF THE 5TH PRINCIPAL MERIDIAN

BURLEIGH COUNTY, NORTH DAKOTA



2.2 ACRES ±
EXISTING ZONING: RR
1 LOT
1 BLOCK

OWNER: TODD & LOIS IHLE
575 MEADOWVIEW DR
BISMARCK, ND 58504

SURVEYOR: TERRY BALTZER
SWENSON HAGEN & CO
3002 AIRWAY AVE
BISMARCK, ND 58504

N

0 20' 40' 80'

MARCH 18, 2026
SCALE - 1"=40'
VERTICAL DATUM: NAVD 88



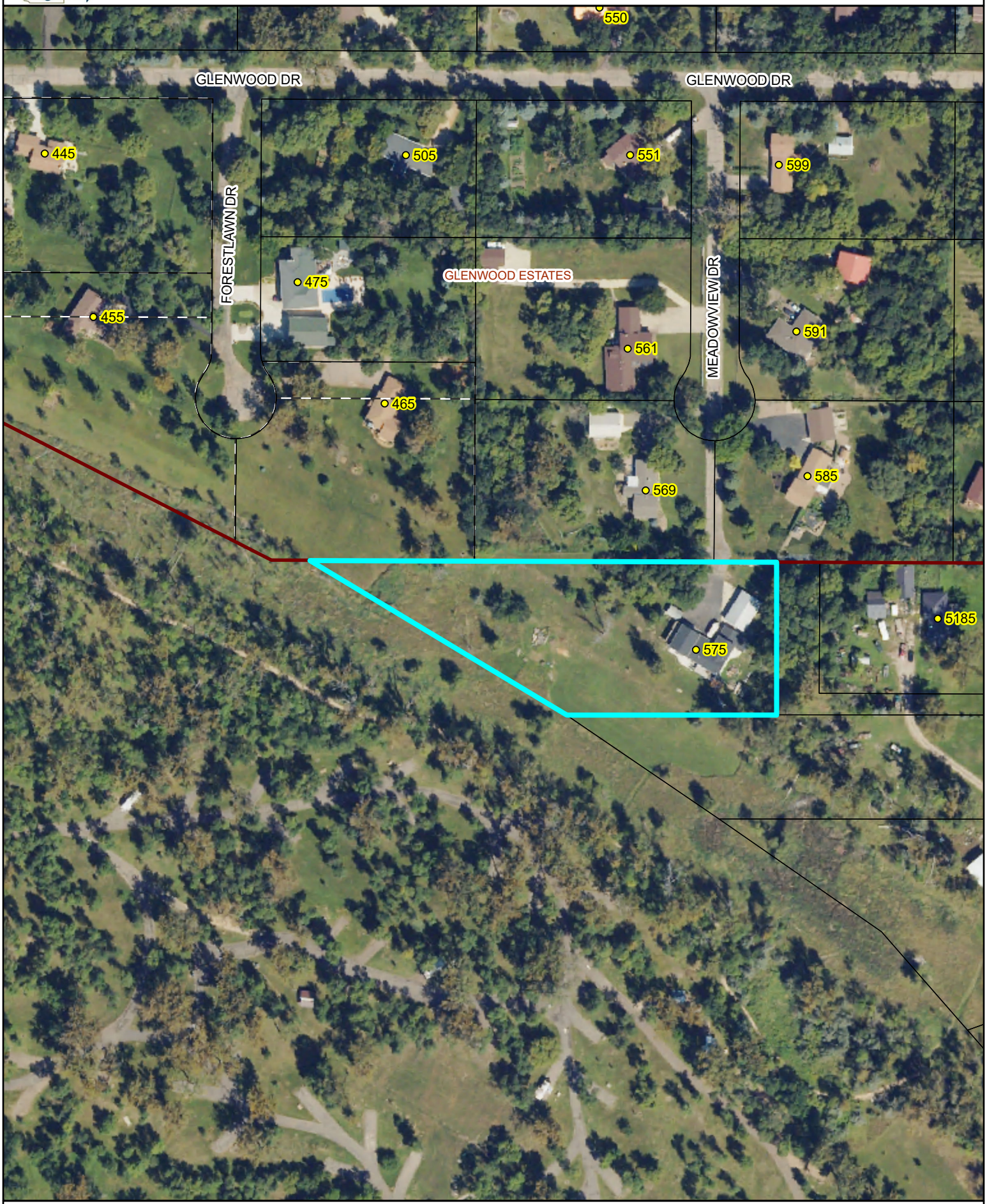
LOCATION MAP

SWENSON, HAGEN & COMPANY P.C.

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

3/26/2026



Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

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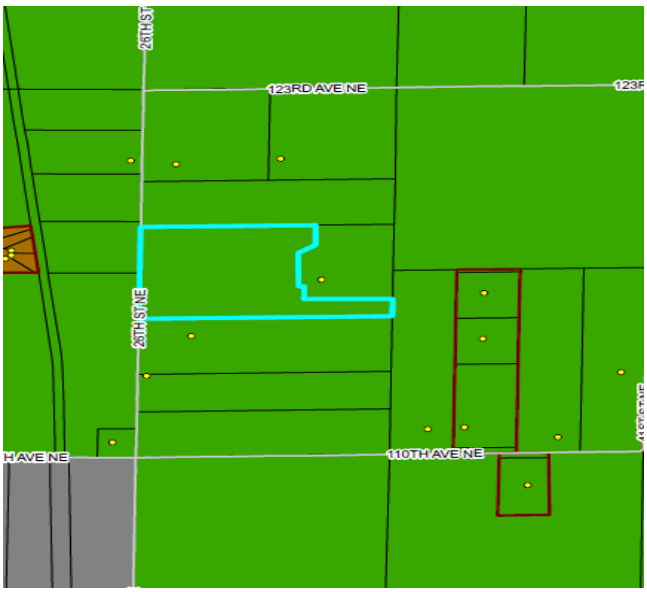
Agenda Item 6-1

EAH Subdivision & Zoning Change

Project Summary	
Status:	Public Hearing
Petitioner/Developer	LGO Trust
Engineer	Swenson Hagen & Company Landon Niemiller
Location:  	Part of Auditor's Lots a & B, Section 23, Township 140, Range 80 W Exhibit 6-1-1 Location Map
Project Size:	2-lots containing 57 acres more or less
Zoning Change:	A-Agricultural to R1-Rural Single Family Residential
Petitioners Request:	Approve final plat and zoning change. Give a "Do Pass" Recommendation to the BCC
Notification:	Bismarck Tribune 3/24 – 4/4/2026 Burleigh Co. Website 3/27/2026 Surrounding Properties 3/27/2026

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

History/Description

The petitioner approached Burleigh County regarding platting a two (2) lot subdivision and zoning change from A-Agricultural to R1-Rural Single Family residential.

A pre-application meeting was held, and the preliminary plat was approved to continue. Burleigh County Planning and Zoning Commission approved the public hearing for the plat and zoning change on March 11, 2026. The SWMP Waiver was approved on 3/24/2026.

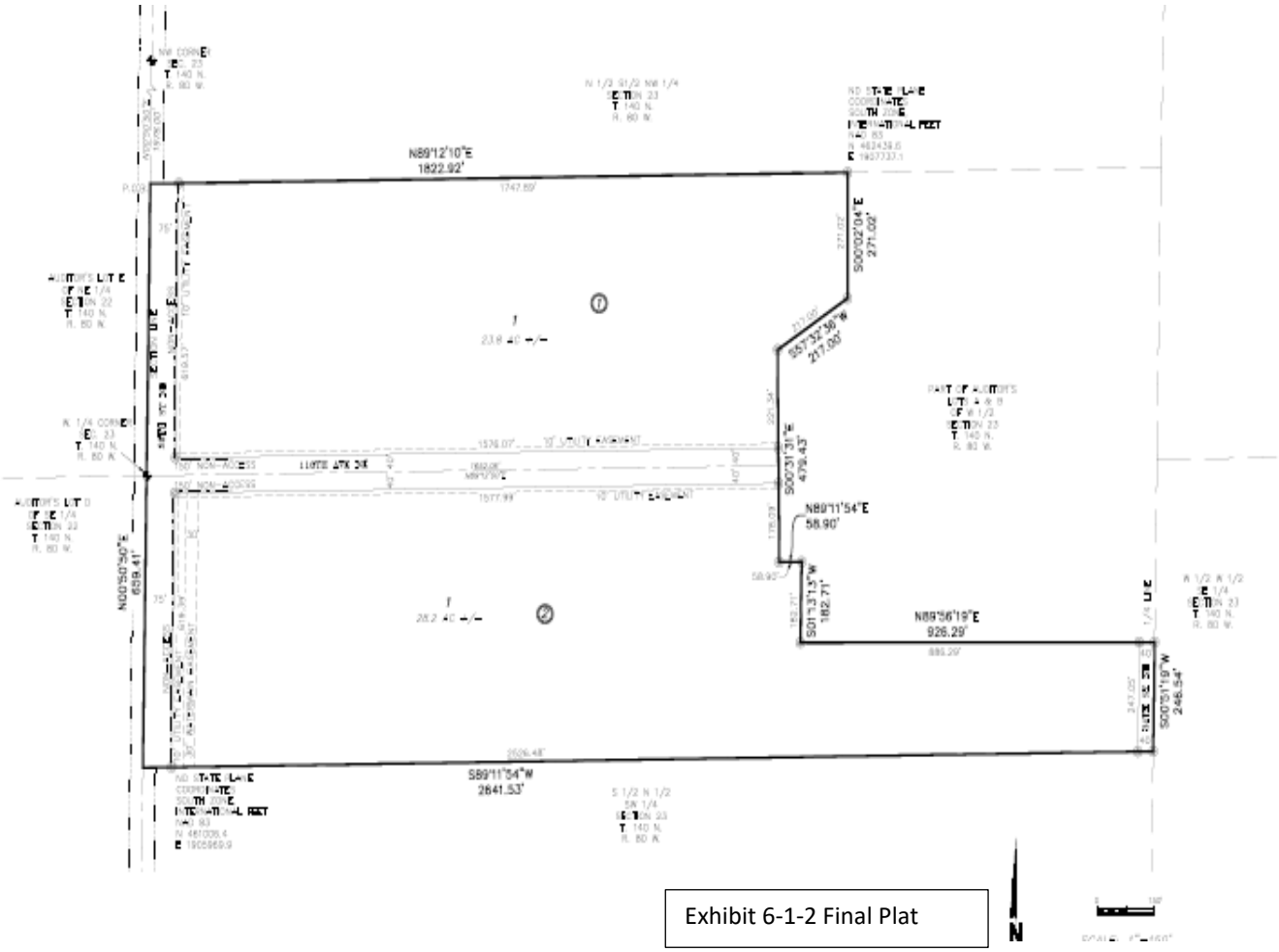


Exhibit 6-1-2 Final Plat

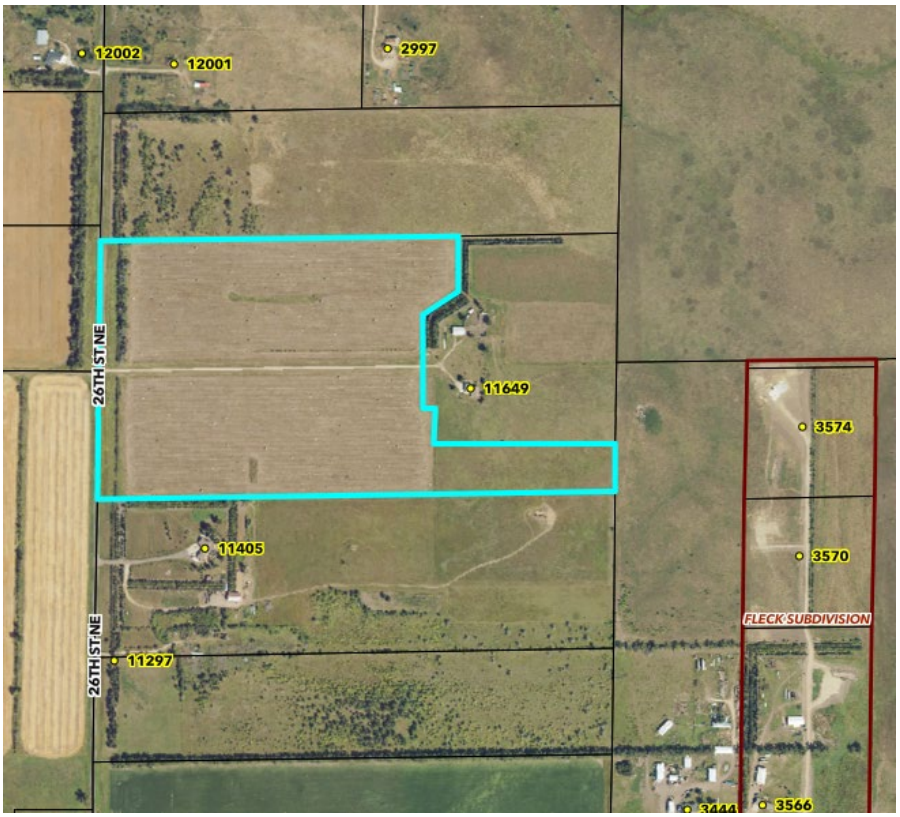


Exhibit 6-1-3 Site Map

Staff Findings – Final Plat

1. This subdivision fulfills the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This final plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Zoning change from A-Agricultural to R1 Rural Single Family Residential.
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.
5. A Stormwater Management plan waiver has been approved.
6. A paving waiver has been granted.

Planning Staff Recommendation

The petition for a final plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the final plat give a "Do Pass" Recommendation to the BCC

Planning Commission Action

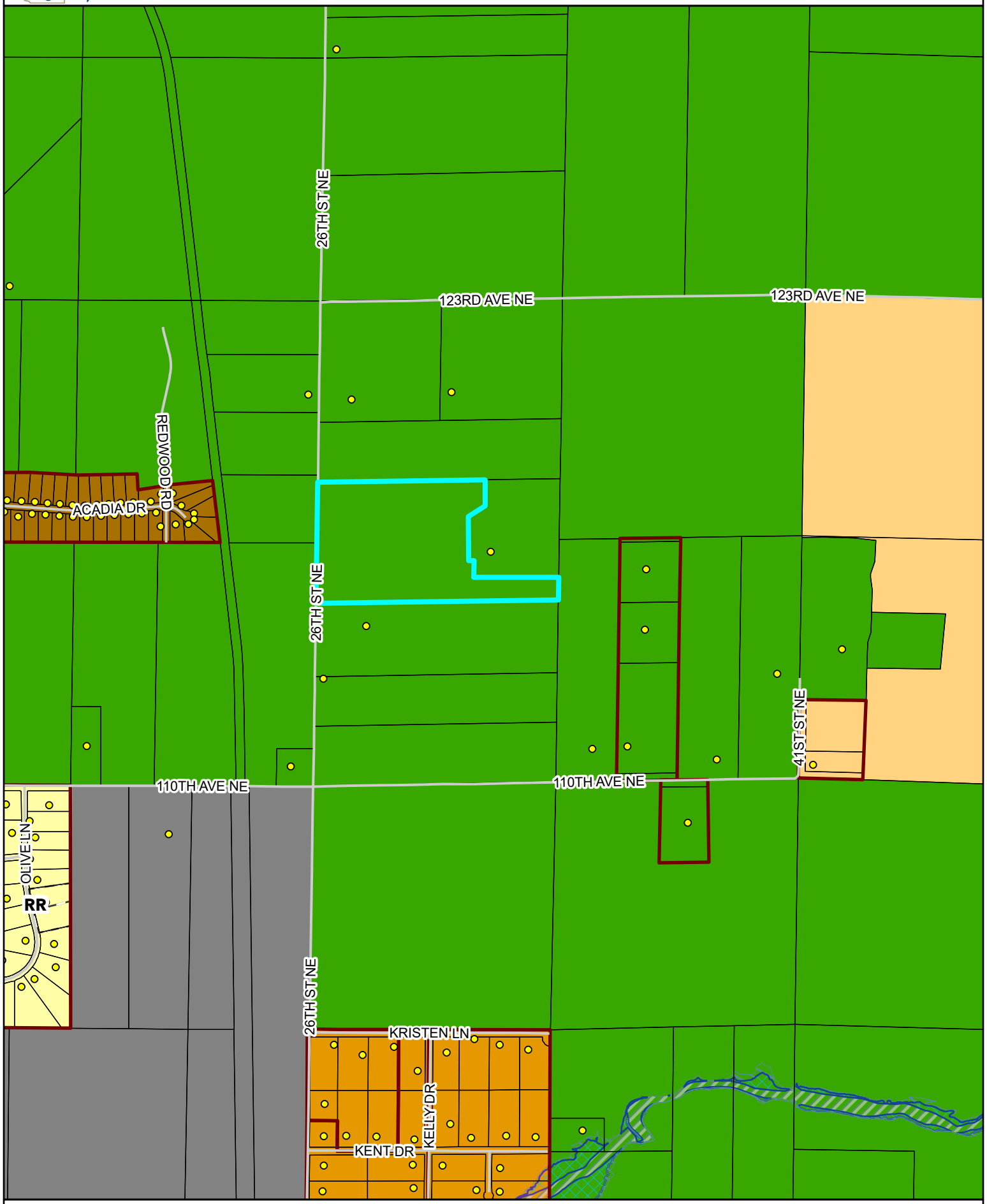
The Burleigh County Planning and Zoning Commission can:

1. Approve the final plat and zoning change give a "Do Pass" Recommendation to the BCC.
2. Approve the final plat and zoning change with conditions and give a "Do Pass" Recommendation to the BCC after all conditions have been completed.
3. Deny the final plat and zoning change with reason.
4. Table the final plat and zoning change for more information.

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

3/24/2026



Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

EAH SUBDIVISION

ALL THAT PART OF AUDITOR'S LOT A AND AUDITOR'S LOT B OF THE W 1/2 OF SECTION 23, TOWNSHIP 140 NORTH, RANGE 80 WEST, OF THE 5TH P.M.

BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

ALL THAT PART OF AUDITOR'S LOT A AND AUDITOR'S LOT B OF THE W 1/2 OF SECTION 23, TOWNSHIP 140 NORTH, RANGE 80 WEST, OF THE 5TH P.M., BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF AUDITOR'S LOT A; THENCE NORTH 89 DEGREES 12 MINUTES 10 SECONDS EAST, ALONG THE BOUNDARY LINE OF AUDITOR'S LOT A, A DISTANCE OF 1822.92 FEET; THENCE SOUTH 00 DEGREES 02 MINUTES 04 SECONDS EAST, A DISTANCE OF 271.02 FEET, TO THE BOUNDARY LINE OF AUDITOR'S LOT B; THENCE SOUTH 00 DEGREES 12 MINUTES 12 SECONDS WEST, A DISTANCE OF 13.00 FEET; THENCE SOUTH 57 DEGREES 32 MINUTES 36 SECONDS WEST, A DISTANCE OF 217.00 FEET; THENCE SOUTH 00 DEGREES 31 MINUTES 31 SECONDS EAST, A DISTANCE OF 479.43 FEET TO THE BOUNDARY LINE OF SAID AUDITOR'S LOT B; THENCE NORTH 89 DEGREES 11 MINUTES 54 SECONDS EAST, ALONG SAID BOUNDARY LINE, A DISTANCE OF 58.90 FEET; THENCE SOUTH 01 DEGREE 13 MINUTES 13 SECONDS WEST, A DISTANCE OF 182.71 FEET; THENCE NORTH 89 DEGREES 56 MINUTES 19 SECONDS EAST, A DISTANCE OF 926.29 FEET, TO THE BOUNDARY LINE OF SAID AUDITOR'S LOT A; THENCE SOUTH 00 DEGREES 51 MINUTES 19 SECONDS WEST, ALONG SAID BOUNDARY LINE, A DISTANCE OF 246.54 FEET; THENCE SOUTH 89 DEGREES 11 MINUTES 54 SECONDS WEST, CONTINUING ON SAID BOUNDARY LINE, A DISTANCE OF 2641.53 FEET; THENCE NORTH 00 DEGREES 50 MINUTES 50 SECONDS EAST, CONTINUING ON SAID BOUNDARY LINE, A DISTANCE OF 1319.00 FEET, TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 57.35 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE SHOWN PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON _____, 2026; THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT; THAT ALL REQUIRED MONUMENTS HAVE BEEN SET; AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA
58504

TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3595

APPROVAL OF COUNTY PLANNING AND ZONING COMMISSION

THE COUNTY PLANNING AND ZONING COMMISSION HEREBY APPROVES EAH SUBDIVISION, AS SHOWN ON THE PLAT. THIS PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND ORDINANCES OF THE COUNTY OF BURLEIGH AND REGULATIONS ADOPTED BY SAID PLANNING AND ZONING COMMISSION.

THE FOREGOING ACTION OF THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE ___ DAY OF _____, 2026

DERRAS AGNEW – CHAIRMAN MITCH PLANAGAN – SECRETARY

APPROVAL OF BOARD OF COUNTY COMMISSION

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE PLAT AS AN AMENDMENT TO THE MASTER PLAN OF BURLEIGH COUNTY, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE PLAT.

THIS PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND ORDINANCES OF THE COUNTY OF BURLEIGH.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE ___ DAY OF _____, 2026.

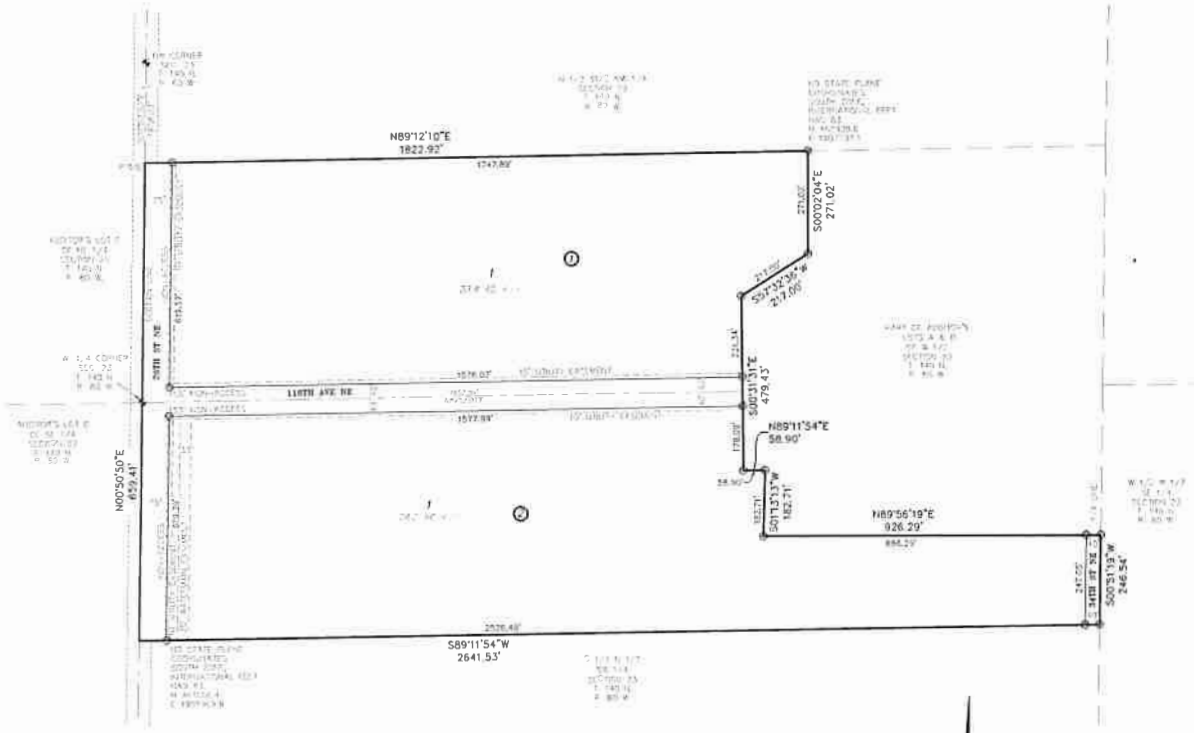
BRIAN BITNER – CHAIRMAN ATTEST: MARK SPLONSKOWSKI
BURLEIGH COUNTY AUDITOR

APPROVAL OF COUNTY ENGINEER

I, DANIEL L. SCHROCK, COUNTY ENGINEER OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HEREBY APPROVE THIS PLAT OF EAH SUBDIVISION, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THIS PLAT.

DATED this_____ DAY OF _____, 2026.

DANIEL SCHROCK, P.E.
COUNTY ENGINEER



N

0 150'

SCALE: 1"=150'

FEBRUARY 17, 2026

○ MONUMENT IN PLACE

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT LGO TRUST, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "EAH SUBDIVISION", BURLEIGH COUNTY, NORTH DAKOTA AND DOES SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO BURLEIGH COUNTY.

THEY ALSO DEDICATE EASEMENTS TO BURLEIGH COUNTY TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY EASEMENTS.

THEY FURTHERMORE GRANT A 30' WATERMAIN EASEMENT TO SOUTH CENTRAL REGIONAL WATER DISTRICT TO CONSTRUCT, OPERATE, MAINTAIN, AND REPAIR WATERMAIN FACILITIES UNDER OR UPON THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS WATERMAIN EASEMENTS.

STATE OF NORTH DAKOTA)
COUNTY OF_____)

LINDA O'SHEA, TRUSTEE
LGO TRUST
2200 KOCH DR
APT 123
BISMARCK, ND 58503

ON THIS ___ DAY OF _____, 2026, BEFORE ME PERSONALLY APPEARED LINDA O'SHEA, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND _HE ACKNOWLEDGED TO ME THAT _HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

NOTES

BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE

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

COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 2011
UNITS ARE INTERNATIONAL FEET
NAVD 88 VERTICAL DATUM

AREA DATA

NW 1/4	5,147,111 SF	9.47 ACRES
NE 1/4	5,990,021 SF	13.82 ACRES

AREA DATA

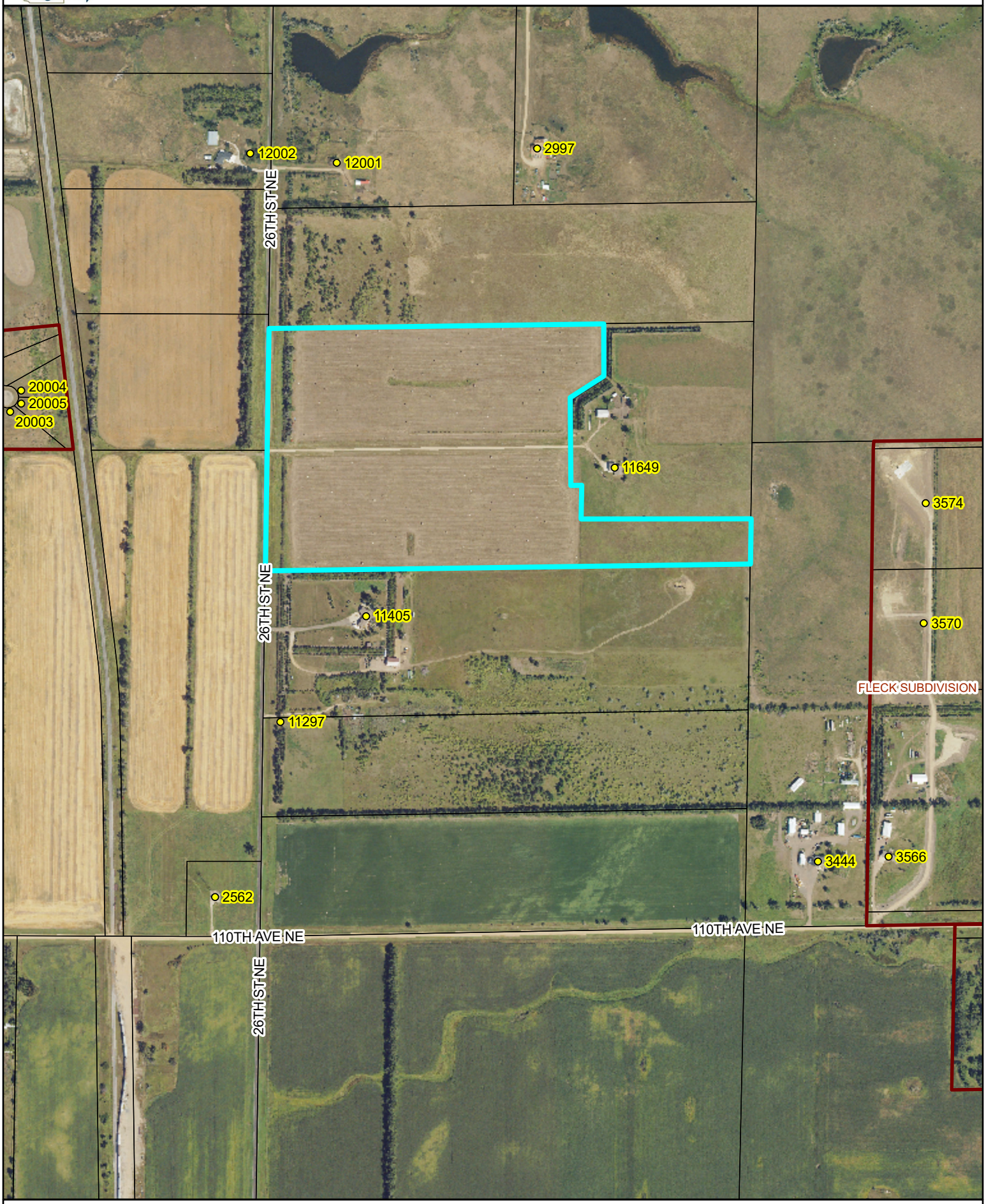
LOTS	2,243,334 SF	51.49 ACRES
STREETS	774,976 SF	5.70 ACRES
TOTAL	3,018,310 SF	57.35 ACRES

SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
2602 Ascent Avenue
Bismarck, North Dakota 58504
Phone (701) 223-3620
Fax (701) 223-3636

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

3/24/2026



Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

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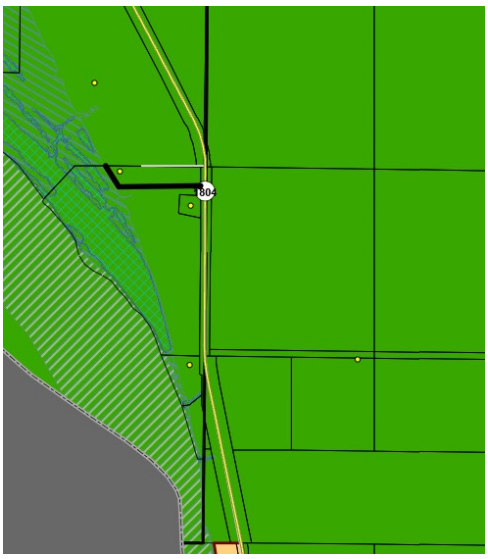
Agenda Item 6-2

CJB Subdivision

Project Summary	
Status:	Public Hearing
Petitioner/Developer	Carman Biesterfeld
Engineer	Toman Engineering Andra Marquardt
Location:  	Part of Government Lots 1 & 2, Section 12, Township 141N, Range 81W Attachment 6-2-1 Location Map
Project Size:	1 lot subdivision containing 5.46 acres
Zoning:	A-Agricultural – Painted Woods Township
Petitioners Request	Approve final plat. Give a "Do Pass" recommendation to the BCC
Notifications:	Bismarck Tribune 3/24 & 4/4/2026 Burleigh Co Website 3/27/2026 Surrounding Properties 3/27/2026

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

History/Description

The petitioner approached Burleigh County regarding platting a one (1) lot subdivision. A pre-application meeting was held, and the preliminary plat was approved to continue. Zoning is A-Agricultural and is under the Painted Woods Township jurisdiction. Painted Woods Township has approved the development of this lot. See attachment 6-2-4.

The preliminary plat was approved on March 11 with approval for a public hearing. A paving waiver and SWMP Waiver have been approved.

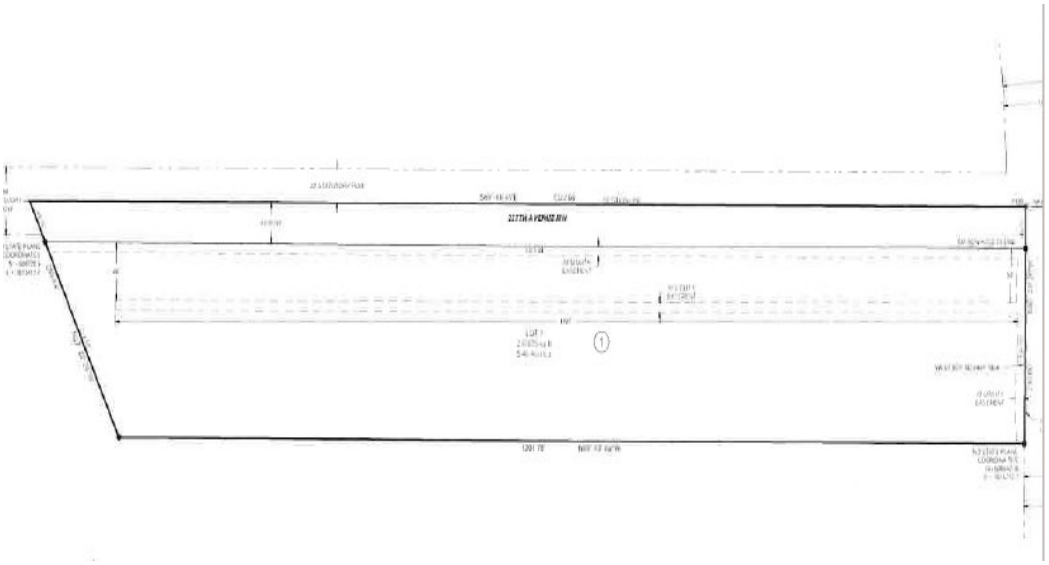


Exhibit 6-2-2 Final Plat



Exhibit 6-2-3 Site Map

Staff Findings – Final Plat

1. This subdivision fulfills the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This final plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Zoning is A-Agricultural and under Painted Woods Township jurisdiction
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.
5. A Stormwater Management Plan or Waiver is needed.
6. A paving waiver is needed.

Planning Staff Recommendation

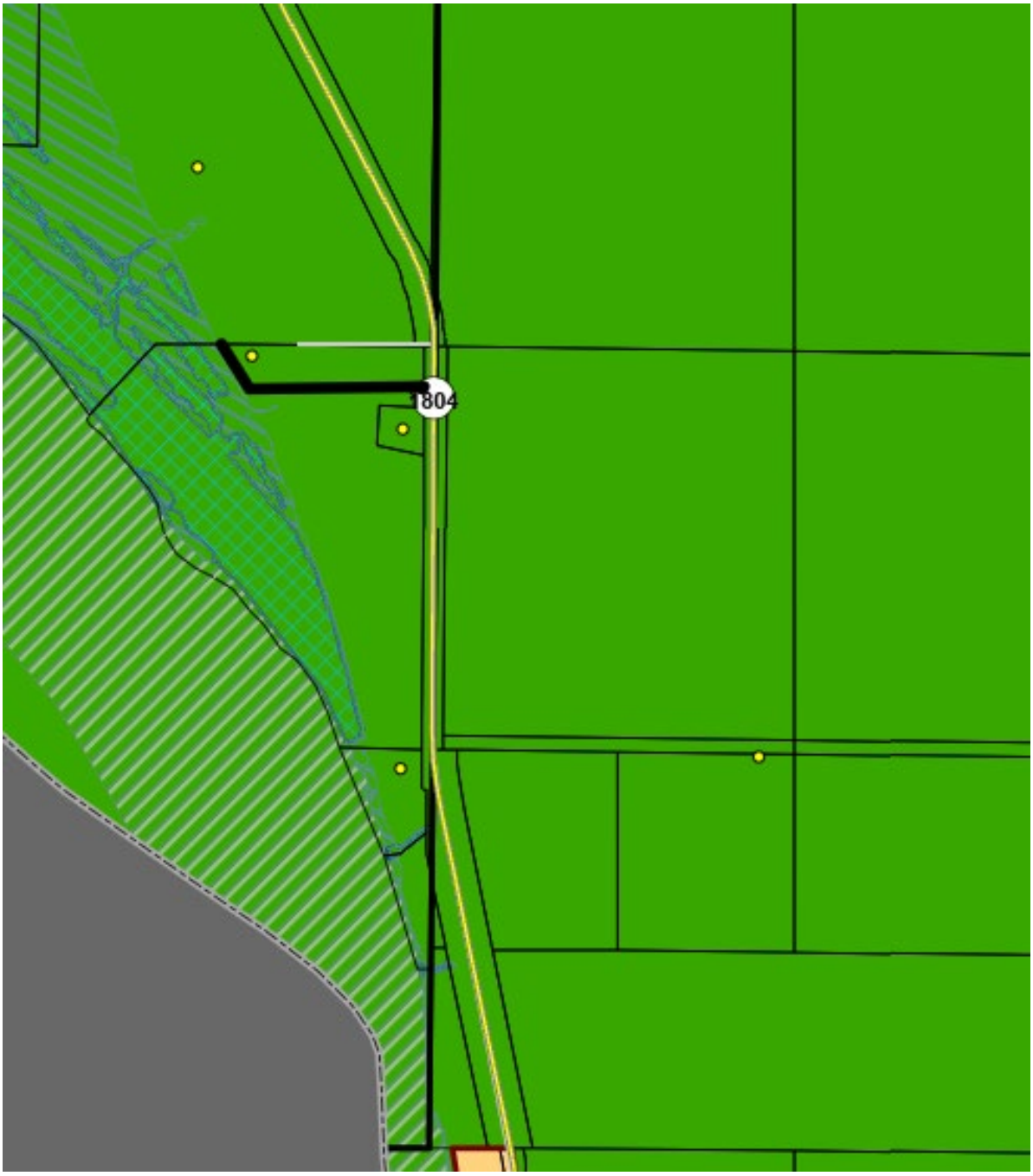
The petition for a final plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the final plat and give a "Do Pass" Recommendation to the BCC.

Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

1. Approve the final plat and give a "Do Pass" Recommendation to the BCC.
2. Approve the final plat with conditions and give a "Do Pass" Recommendation to the BCC after all conditions have been completed.
3. Deny the final plat with reason.
4. Table the final plat for more information.

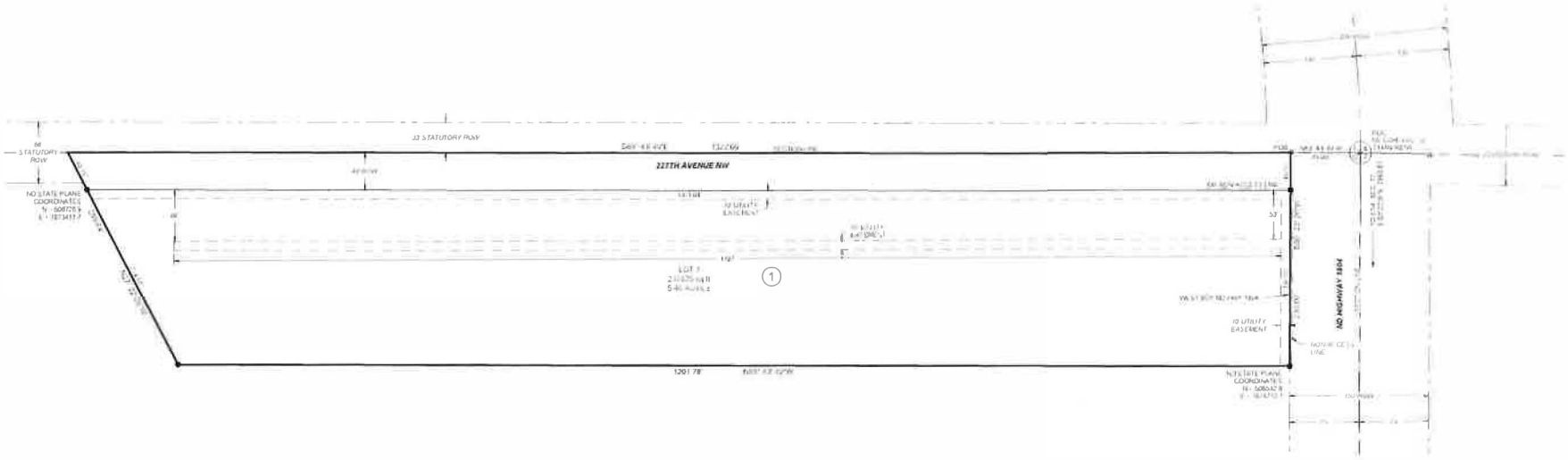
6-2-1 Location Map CJB Subdivision



CJB SUBDIVISION

OF BURLEIGH COUNTY, NORTH DAKOTA

PART OF GOVERNMENT LOTS 1 & 2 OF SECTION 12, T141N-R81W, PAINTED WOODS TOWNSHIP





MARCH, 2026

50 0 50 100

Scale 1" = 50 ft

VERT DATUM NAVD88

HORIZ DATUM 1983 ST PLANE ND SOUTH (3302)

LEGEND

- FOUND SECTION CORNER
- ROW MARKER
- SET REBAR W/CAP MLS#
- BOUNDARY LINE
- ADJACENT LOT LINE
- SECTION LINE
- ROW LINE
- EASEMENT LINE
- NON ACCESS LINE

OWNERS

CARMEN M. BIESTERFELD
22700 HIGHWAY 1804
BALDWIN, ND 58521

LAURA TOMAN
1604 PLAINS BEND SE
MANDAN, ND 58554

EVANGELINE LATKA
3521 HACKBERRY ST
BISMARCK, ND 58503

BASIS OF BEARING

BASIS OF BEARING NORTH BOUNDARY LINE SOUTH 89° 47' 49" EAST

NOTES

1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT
2. WATER TO BE PROVIDED BY SOUTH CENTRAL REGIONAL WATER DISTRICT
3. TOTAL LOTS 5.46 AC±
   TOTAL ROW 1.20 AC±
   TOTAL ACREAGE 6.66 AC±

LEGAL DESCRIPTION

A TRACT OF LAND BEING A PART OF GOVERNMENT LOTS 1 AND 2 OF SECTION 12 TOWNSHIP 141 NORTH RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN PAINTED WOODS TOWNSHIP BURLEIGH COUNTY NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHEAST CORNER OF SECTION 12 T141N R81W THENCE NORTH 89° 47' 49" WEST ALONG THE NORTH BOUNDARY LINE OF SAID SECTION 12 FOR 75.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF ND HIGHWAY 1804 THENCE SOUTH 00° 27' 28" WEST ALONG SAID WEST RIGHT-OF-WAY LINE FOR 230.00 FEET THENCE NORTH 89° 47' 49" WEST FOR 1201.78 FEET THENCE NORTH 27° 27' 28" WEST FOR 259.64 FEET TO A POINT ON THE NORTH BOUNDARY LINE OF SAID SECTION 12 THENCE SOUTH 89° 47' 49" EAST ALONG SAID NORTH BOUNDARY LINE FOR 1327.68 FEET TO THE POINT OF BEGINNING SAID TRACT OF LAND CONTAINING 6.66 ACRES MORE OR LESS

SURVEYORS CERTIFICATE

I ANDRA L. MARQUARDT NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 4623 HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED BY MY FORCES UNDER MY SUPERVISION THE PROPERTY DESCRIBED HEREON AND I HAVE PREPARED THE ACCOMPANYING PLAT FURTHER THAT DISTANCES INDICATED HEREON ARE IN FEET AND HUNDREDTHS THEREOF AND BEARINGS ARE INDICATED IN QUADRANTS AND DEGREES MINUTES AND SECONDS THEREOF AND ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT. FURTHER THAT SAID PLAT DOES TRULY SHOW THE SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF

ANDRA L. MARQUARDT RLS 4623

OWNER'S CERTIFICATE OF DEDICATION

WE, THE UNDERSIGNED BEING SOLE OWNERS OF THE LAND PLATTED HEREIN DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AND DO DEDICATE ALL THE RIGHT OF WAY IDENTIFIED HEREIN TO BURLEIGH COUNTY FOREVER. WE ALSO DEDICATE EASEMENTS TO RUN WITH THE LAND FOR GAS, ELECTRIC, TELEPHONE, WATER OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN [illegible] AS SHOWN ON THIS PLAT.

CARMEN M. BIESTERFELD
22700 HIGHWAY 1804
BALDWIN, ND 58521

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS ____ DAY OF _____, 2026.

_____ NOTARY PUBLIC
_____ COUNTY
MY COMMISSION EXPIRES _____

LAURA TOMAN
1604 PLAINS BEND SE
MANDAN, ND 58554

SUBSCRIBED AND SWORN BEFORE ME A NOTARY PUBLIC THIS ____ DAY OF _____, 2026

_____ NOTARY PUBLIC
_____ COUNTY
MY COMMISSION EXPIRES _____

EVANGELINE LATKA
3521 HACKBERRY ST
BISMARCK, ND 58503

SUBSCRIBED AND SWORN BEFORE ME A NOTARY PUBLIC THIS ____ DAY OF _____, 2026

_____ NOTARY PUBLIC
_____ COUNTY
MY COMMISSION EXPIRES _____

APPROVAL OF COUNTY PLANNING AND ZONING COMMISSION

THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY NORTH DAKOTA, HEREBY APPROVES CJB SUBDIVISION AS SHOWN ON THIS PLAT. THIS PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA THE COMPREHENSIVE PLAN AND THE ORDINANCES OF THE COUNTY OF BURLEIGH AND REGULATIONS ADOPTED BY SAID PLANNING AND ZONING COMMISSION.

THE FOREGOING ACTION OF THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY NORTH DAKOTA WAS TAKEN BY RESOLUTION APPROVED ON THE ____ DAY OF _____, 2026.

DENNIS AGNEW, CHAIRMAN MITCH FLANAGAN, SECRETARY

[illegible] BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BURLEIGH NORTH DAKOTA HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT. HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON AND DOES HEREBY VACATE AND PRELIMINARY PLATTING WITHIN THE BOUNDARY OF THIS PLAT.

THE PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA THE COMPREHENSIVE PLAN AND ORDINANCES OF THE COUNTY OF BURLEIGH.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSION OF BURLEIGH COUNTY NORTH DAKOTA WAS TAKEN BY RESOLUTION APPROVED ON THE ____ DAY OF _____, 2026.

[illegible] CHAIRMAN [illegible]

[illegible] OF THE COUNTY [illegible]

I DANIEL SCHWIDOK, COUNTY ENGINEER OF THE COUNTY OF BURLEIGH NORTH DAKOTA HEREBY APPROVES THIS PLAT OF CJB SUBDIVISION AS SHOWN ON THIS PLAT.

[illegible] DAY OF _____, 2026

DANIEL SCHWIDOK PE
COUNTY ENGINEER

TOMAN ENGINEERING
501 1st Street NW, Mandan, ND 58554
701-663-6483 * www.tomanengineering.com
SURVEYOR ANDRA L. MARQUARDT RLS 4623

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

3/24/2026



Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

4-2-4 PW Approval

PAINTED WOODS TOWNSHIP
Burleigh County, North Dakota

Date: February 17, 2026

Burleigh County Planning & Zoning Department
221 N 5th Street
Bismarck, ND 58501

Re: Township Approval — Preliminary Plat of CJB Subdivision
Part of Government Lots 1 & 2, Section 12, Township 141 North, Range 81 West
Painted Woods Township, Burleigh County, North Dakota

To Whom It May Concern:

At a meeting held on February 17, 2026, the Painted Woods Township Board met with Jack and Carmen Biesterfeld regarding the proposed Preliminary Plat of CJB Subdivision located within Government Lots 1 and 2 of Section 12, Township 141 North, Range 81 West, Painted Woods Township, Burleigh County, North Dakota.

The Board reviewed the submitted survey and preliminary plat consisting of approximately 5.46 acres, showing property boundaries, applicable setbacks, and zoning classification as Agricultural. The Board understands the intent is to replace the existing residence with a new home on the property.

Following review, the Painted Woods Township Board hereby supports and approves the preliminary plat as submitted for consideration by Burleigh County Planning & Zoning.

Sincerely,

Abigail Franklund

Abigail Franklund
Secretary/Treasurer

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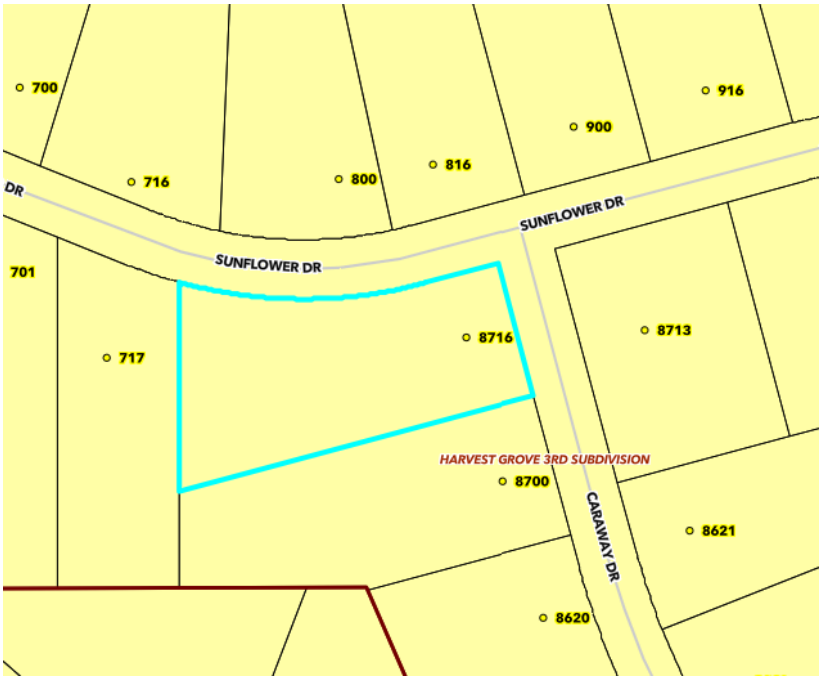
PLANNING AND ZONING COMMISSION

April 8, 2026

Agenda Item 6-3

Application for a Variance

Project Summary	
Public Hearing Agenda:	Variance to building set back distance
Status:	Planning and Zoning Commission – Consideration
Property Owner	Jayden Rohrich
Location: 	Harvest Grove Third Subdivision, Block 2, Lot 3 Addressed as: 8716 Caraway Drive *6-3-1 Location Map*

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

Lot Size:	2.23 Acres
Zoning:	R1- Rural Single Family Residential
Petitioners Request	Approval of the variance. Give a "Do Pass" recommendation to the Board of Burleigh County Commissioners
Public Hearing Notifications	Bismarck Tribune 3/24 & 4/4/2026 Burleigh County Website 3/27/2026 Surrounding Property Owners 3/27/2026

History/Description

Jayden Rohrich approached the Burleigh County Building Department wanting to build an accessory building on his property.

The petitioner would like to change the 40' setback on the north side of the property to 15'. This will allow the builder to set the accessory building away from the house, and off the septic systems drain field. His property is a corner lot. The house faces Caraway Drive. The proposed accessory building will also face Caraway Drive. Because of the property it is a corner lot it contains 2 front yard- 40' setbacks.

The petitioner has applied for a variance (*See Exhibit 6-3-4 Variance Statement)* and an accessory building permit.



Exhibit 6-3-2 Site Map



Exhibit 6-3-3 Site Drawings

Staff Findings:

The variance request is reasonable and would allow the property owner to use more of the property. The placement of the accessory building 15' on the N side of the property would not encumber the surrounding property owners nor hinder sight on the corner.

1. This variance request fulfills the requirements of Article 28 Variances of the Burleigh County Zoning Ordinance.
2. The Burleigh County Ordinances require 40' of setback on the north lot line.
3. The lot has a WAPA easement running north to south in the middle of the lot, making that area partially unbuildable
4. Strict applications of the ordinances would deprive the applicant of reasonable use of the land and buildings.
5. Granting the variance does not affect traffic
6. Granting of the variance does not conflict with the Burleigh County Ordinances.

Planning Staff Recommendation

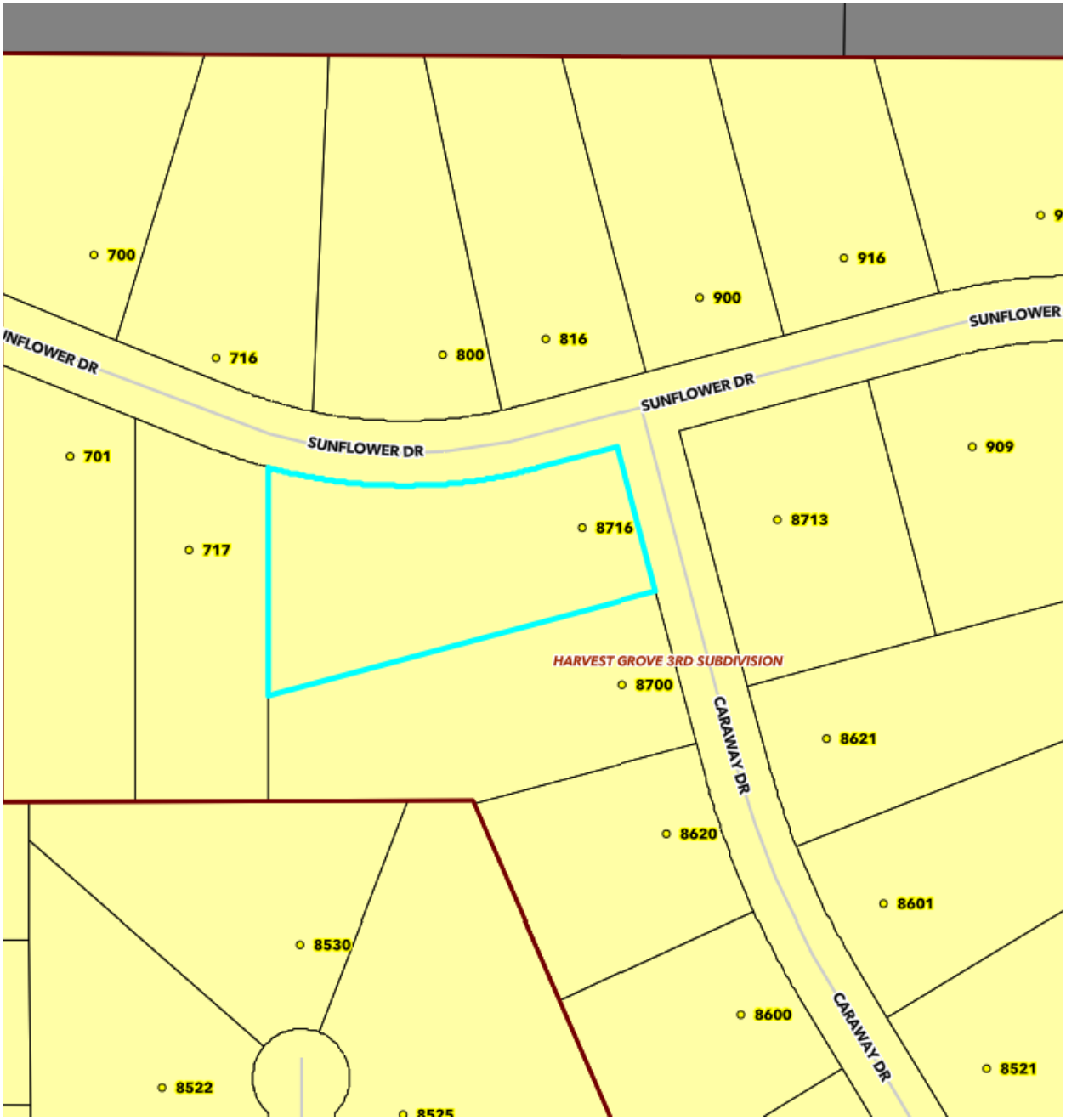
The petition for a variance meets all administrative requirements of the Burleigh County Zoning Ordinance Article 28. Staff recommends approval of the variance request with a "Do Pass" recommendation to the Board of Burleigh County Commissioners.

Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

1. Approve the variance with a "Do Pass" recommendation
2. Approve the variance with conditions and give a "Do Pass" recommendation after all condition have been completed.
3. Deny the variance with reason.
4. Table the variance for more information.

8716 Caraway Drive Site Map



BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

3/25/2026



PARCEL ID: 24-140-80-47-02-030 **OWNER:** ROHRICH, JAYDEN S **ACRES:** 2.23

SITE ADDRESS: 8716 CARAWAY DR

MAIL ADDRESS: 8716 CARAWAY DR, BISMARCK, ND 58503

LEGAL: HARVEST GROVE THIRD Block 02 LOT 3 771128

Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

8716 Caraway Drive – Variance Request – Site Drawing



I am proposing to construct a **40 ft × 60 ft detached accessory shop building** on my residential property in Burleigh County. The building will be used for personal storage, maintenance of vehicles and equipment, and hobby use associated with the property.

Under current zoning regulations, the required setback from the ~~south~~ North **property line is 40 feet.** I am respectfully requesting a variance to allow the structure to be located **approximately 15–20 feet from the** ~~south~~ North **property line**.

i. Physical surroundings / hardship

Due to the existing layout of the property, including the location of the house, **attached garage**, driveway, and septic drain field, placing the structure at the required 40-foot setback would push the building significantly **closer to the septic system and directly behind the house**.

Positioning the shop closer to the ~~south~~ north property line at approximately **15–20 feet** allows the building to be located in a more appropriate and functional area of the property. This placement maintains better spacing between structures, protects the septic drain field area, and allows safer access and maneuverability around the building.

ii. Not based solely on economic gain

This variance request is not based on economic gain. The shop will be used strictly for personal residential purposes including storage, vehicle maintenance, and hobby use. The request simply allows reasonable use of the property while working within the physical constraints created by the existing layout of the lot.

iii. Hardship created by zoning requirements

The hardship is created by the current setback requirement in combination with the existing placement of structures and the septic drain field on the property. The requested variance allows the shop to be placed in a logical and practical location without interfering with existing infrastructure on the property.

iv. No negative impact on public welfare

Granting this variance will **not create blind corners, blind spots, traffic concerns, or safety issues.** The proposed building location will not obstruct visibility for vehicles or neighboring properties. The structure will be positioned in a way that maintains clear sight lines and safe access throughout the property and surrounding area.

v. Consistent with zoning intent

Granting this variance will not be contrary to the intent of the Burleigh County Zoning Ordinance.

Detached accessory buildings are common in the area and the proposed shop will remain consistent with the residential character of the neighborhood. The building will be well maintained and appropriately located on the property.

I respectfully request consideration of this variance so the proposed shop can be placed in the most practical and safe location on the property while maintaining appropriate separation from neighboring properties and existing infrastructure. I am committed to ensuring the structure is well maintained and consistent with the character of the surrounding area, and I appreciate the board's time and consideration of this request.

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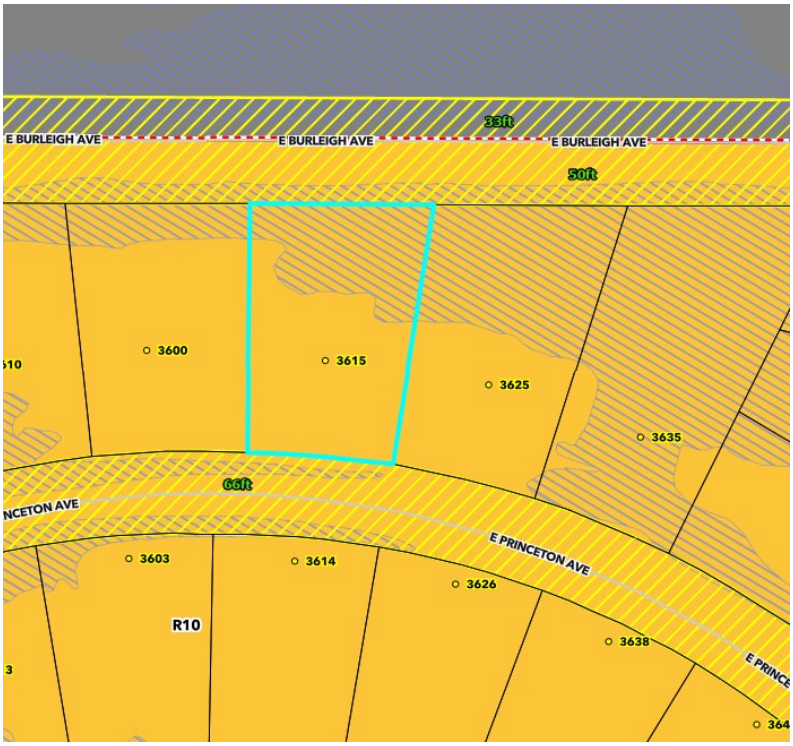
PLANNING AND ZONING COMMISSION

April 8, 2026

Agenda Item 6-4

Application for a Variance

Project Summary	
Public Hearing Agenda:	Variance to building set back distance
Status:	Planning and Zoning Commission – Consideration
Property Owner	Cody Humann
Location: 	Imperial Valley Subdivision Block 2, Lot 4 Addressed as: 3615 E. Princeton Ave *6-4-1 Location Map*

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

Lot Size:	0.56Acres
Zoning:	R1- Rural Single Family Residential
Petitioners Request	Approval of the variance. Give a "Do Pass" recommendation to the Board of Burleigh County Commissioners
Public Hearing Notifications	Bismarck Tribune 3/24 & 4/4/2026 Burleigh County Website 3/27/2026 Surrounding Property Owners 3/27/2026

History/Description

Cody Humann approached the Burleigh County Building Department wanting to build a 960 sf accessory building on his property.

The petitioner would like to change the 15' setback on the west side of the property to 1' to 6' from the property line. This will allow the petitioner to set the accessory building on his property which has floodplain and utilities. He would like to use the accessory building wall to replace a fence which was blown down during a recent storm. He would also like a variance to the setback on the northside of his property. The 40' setback on the northside is due to the overhead utilities which are now underground utilities located in the 15' setback on the north side. The underground utilities to his residence run north and south 36' from the east property line.

The petitioner has applied for a variance (*See Exhibit 6-4-5 Variance Statement)* and an accessory building permit.

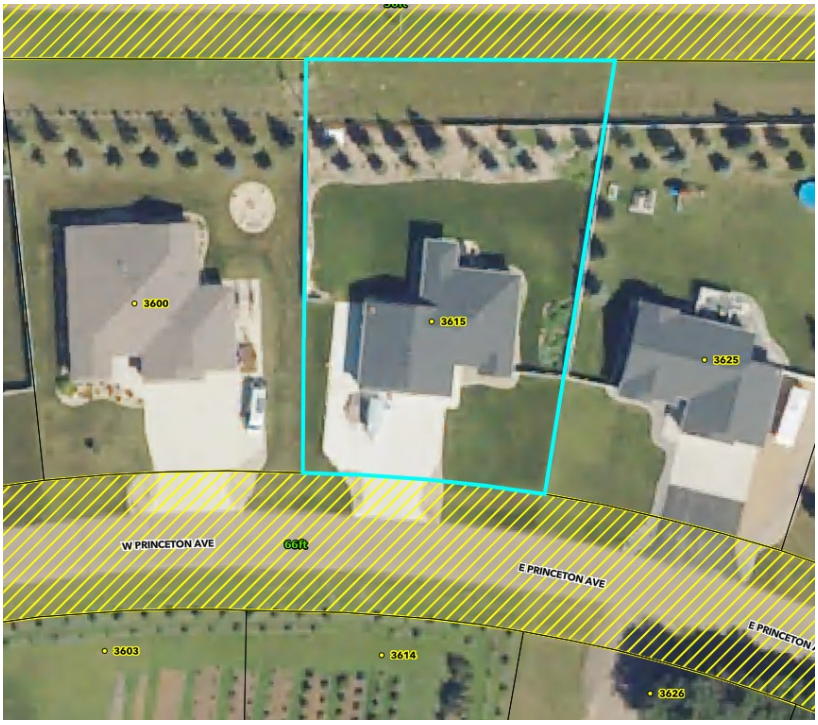


Exhibit 6-4-2 Site Map

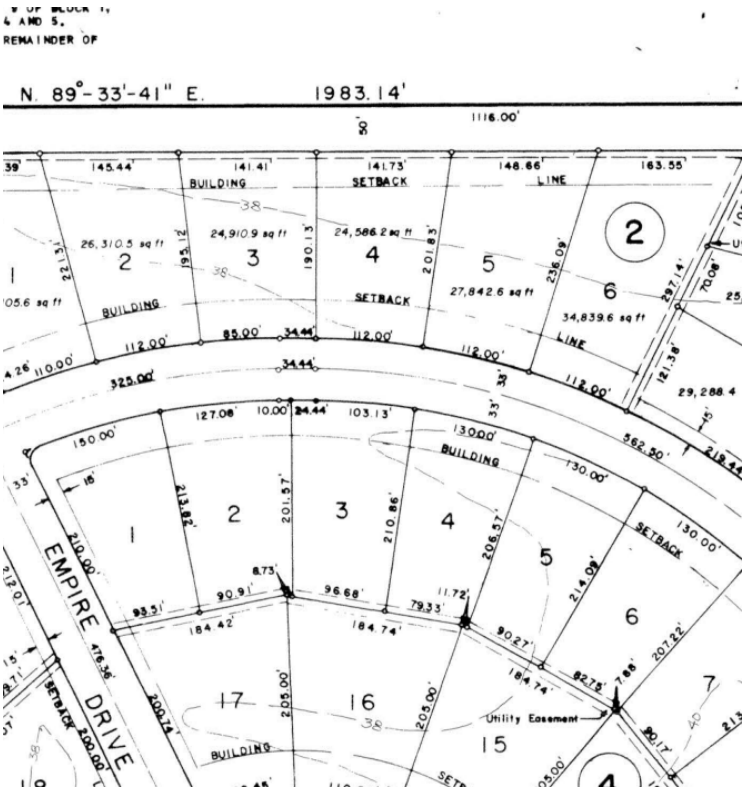


Exhibit 6-4-3 Final Plat

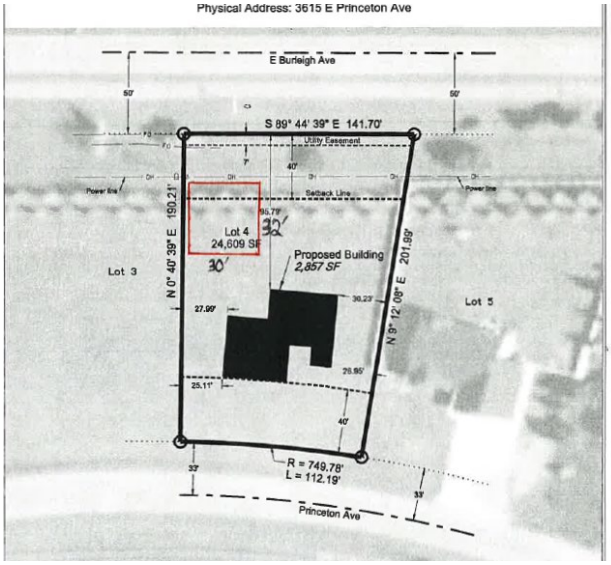


Exhibit 6-4-4 Lot Survey

Staff Findings:

The variance request is reasonable and would allow the property owner to use more area of the property, however, the placement of the accessory building 6' or less on the W side of the property may encumber the neighboring property owner.

1. This variance request fulfills the requirements of Article 28 Variances of the Burleigh County Zoning Ordinance.
2. The lot has electric, gas and data utility lines running north to south in the middle of the lot, the location of each these lines has not been verified.
3. The request for a 1' to 6' setback from the property line on the west property line is not in compliance with the Burleigh County Zoning Ordinances which require a 15' side setback
4. Strict applications of the ordinances would deprive the applicant of reasonable use of the land and buildings.
5. Granting the variance would conflict with the Burleigh County Zoning Ordinances.

Planning Staff Recommendation

The petition for a variance meets all administrative requirements of the Burleigh County Zoning Ordinance Article 28. Staff recommends denial of the variance request

Planning Commission Action

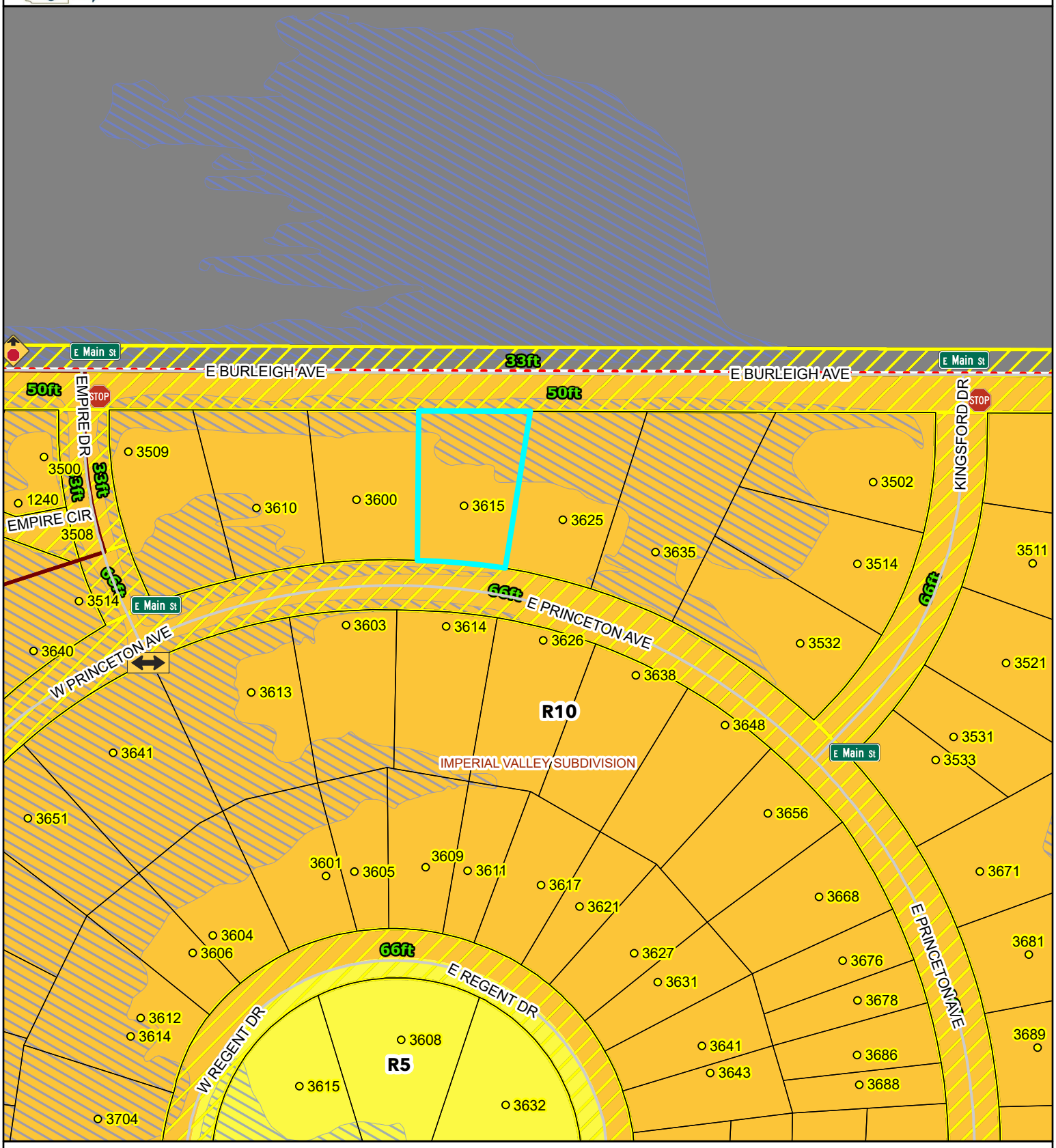
The Burleigh County Planning and Zoning Commission can:

1. Approve the variance with a "Do Pass" recommendation
2. Approve the variance with conditions and give a "Do Pass" recommendation after all condition have been completed.
3. Deny the variance with reason.
4. Table the variance for more information.

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

3/26/2026



PARCEL ID: 38-138-80-48-02-040 **OWNER:** HUMANN, MACY A & CODY R **ACRES:** 0.56

SITE ADDRESS: 3615 E PRINCETON AVE

MAIL ADDRESS: 3615 E PRINCETONE AVE, BISMARCK, ND 58504

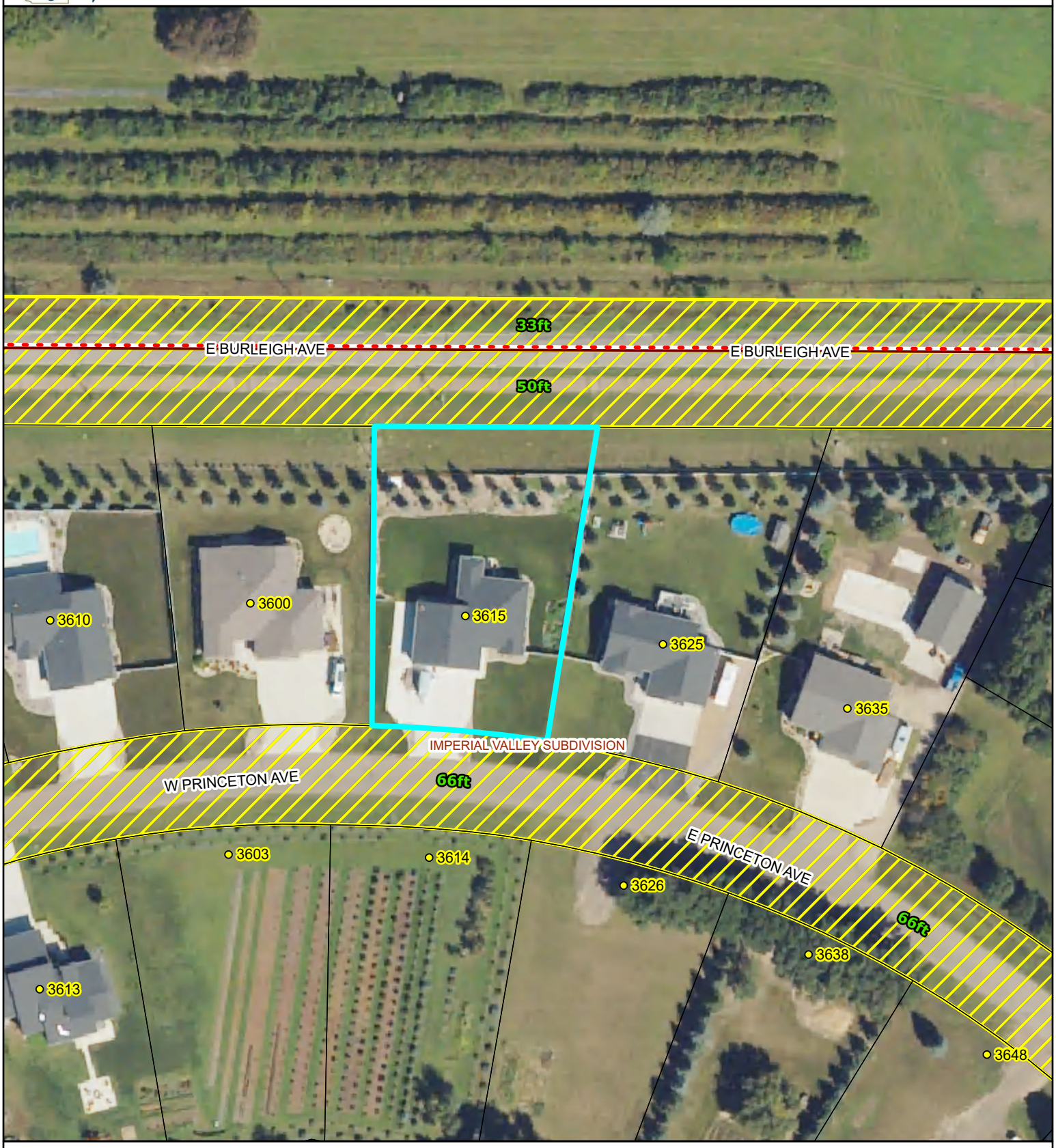
LEGAL: IMPERIAL VALLEY Block 02 LOT 4 820194

Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

BURLEIGH COUNTY, NORTH DAKOTA
LOCATION MAP

N

3/26/2026



PARCEL ID: 38-138-80-48-02-040 **OWNER:** HUMANN, MACY A & CODY R **ACRES:** 0.56

SITE ADDRESS: 3615 E PRINCETON AVE

MAIL ADDRESS: 3615 E PRINCETONE AVE, BISMARCK, ND 58504

LEGAL: IMPERIAL VALLEY Block 02 LOT 4 820194

Map created from Burleigh County's web mapping application. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

38 138 80 48

IMPERIAL VALLEY SUBDIVISION

BURLEIGH COUNTY NORTH DAKOTA

CURVE DATA

	Δ	R	D	L	T	Ext
A	26°-00'-00"	521.67'	11°-00'-00"	236.36'	120.44'	13.72'
B	45°-00'-00"	521.67'	11°-00'-00"	409.09'	216.08'	42.98'
C D	90°-00'-00"	716.78'	8°-00'-00"	1125.00'	716.78'	296.90'
E	180°00'-00"	268.00'	21°-30'-18"	837.01'		
F	31°-30'-00"	955.37'	6°-00'-00"	525.00'	269.44'	37.27'
G	28°-30'-00"	478.34'	12°-00'-00"	237.50'	121.48'	15.19'
H	31°30'-00"	573.69'	10°-00'-00"	315.00'	161.80'	22.38'
I	31°-30'-00"	819.02'	7°-00'-00"	450.00'	230.99'	31.95'

APPROVAL OF COUNTY ENGINEER

I, W.F. GILLEN, COUNTY ENGINEER FOR THE COUNTY OF BURLEIGH, NORTH DAKOTA, HEREBY APPROVE SAID SUBDIVISION AS SHOWN ON THE ANNEXED PLAT.

W.F. GILLEN, COUNTY ENGINEER

DESCRIPTION

THE WEST HALF OF THE NORTHWEST QUARTER (W 1/2 NW 1/4) AND THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER (W 1/2 E 1/2 NW 1/4) OF SECTION TWENTY-TWO (22), TOWNSHIP ONE HUNDRED THIRTY-EIGHT NORTH (T. 138 N.), RANGE EIGHTY WEST (R. 80 W.) OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.) BURLEIGH COUNTY, NORTH DAKOTA.

SURVEYOR'S CERTIFICATE

I, HARLEY SWENSON, A REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR IN THE STATE OF NORTH DAKOTA HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON SEPTEMBER 6, 1973, AND THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

HARLEY SWENSON
REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR, REG NO. 951

STATE OF NORTH DAKOTA)
)SS
COUNTY OF BURLEIGH)

ON THIS 7th DAY OF October 1973, BEFORE ME PERSONALLY APPEARED HARLEY SWENSON, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE, AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME OF HIS OWN FREE WILL AND DEED.

EDWARD W. HAGEN, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES JULY 9, 1975

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT DANIEL J. MCDONALD BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN ON THE ANNEXED PLAT HAS CAUSED THIS PORTION DESCRIBED ABOVE AND SHOWN ON THE ANNEXED PLAT TO BE PLATTED AS "IMPERIAL VALLEY" AND DO SO DEDICATE STREETS, INCLUDING ALL SEWERS AND CULVERTS AND OTHER PUBLIC UTILITIES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

IT ALSO DEDICATES EASEMENTS, TO RUN WITH THE LAND, FOR WATER, GAS, SEWER, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS "UTILITY EASEMENTS".

STATE OF NORTH DAKOTA)
)SS
COUNTY OF BURLEIGH)

DANIEL J. MCDONALD

ON THIS 1st DAY OF Nov., 1973, BEFORE ME PERSONALLY APPEARED DANIEL J. MCDONALD AND ACKNOWLEDGED THE EXECUTION AND SIGNING OF THE FOREGOING PLAT TO BE HIS VOLUNTARY ACT AND DEED. IN TESTIMONY WHEREOF, I HAVE SET MY HAND AND NOTARY SEAL.

EDWARD W. HAGEN, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES JULY 9, 1975

CITY PLANNING COMMISSION APPROVAL

THE SUBDIVISION OF LAND SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK ON THE 6th DAY OF August, 1973, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

JOHN A. ZUGER, VICE CHAIRMAN — TOM BAKER, SECRETARY

COUNTY PLANNING COMMISSION APPROVAL

THE SUBDIVISION OF LAND SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE COUNTY OF BURLEIGH, STATE OF NORTH DAKOTA, ON THE 16th DAY OF October, 1973, IN ACCORDANCE WITH THE LAWS OF NORTH DAKOTA, ORDINANCES OF BURLEIGH COUNTY, AND THE REGULATIONS ADOPTED BY SAID PLANNING COMMISSION IN WITNESS THEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA.

PETER VOLK, CHAIRMAN — KENNETH HARLOW, COUNTY AUDITOR

BOARD OF COUNTY COMMISSIONERS APPROVAL

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

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA WAS TAKEN BY RESOLUTION APPROVED ON THE 30th DAY OF October, 1973.

ELMER ELIPSTEIN, CHAIRMAN — KENNETH HARLOW, COUNTY AUDITOR

RESTRICTIVE COVENANTS

1. NO BUILDING OR STRUCTURE SHALL BE ERECTED OR USED FOR ANY PURPOSE ON THE ABOVE DESCRIBED REAL PROPERTY EXCEPT FOR RESIDENTIAL USE. EACH SINGLE FAMILY UNIT SHALL HAVE A MINIMUM AREA OF 1100 SQUARE FEET AND GARAGE.
2. WATER AND SEWER FACILITIES SHALL BE PROVIDED BY THE OWNERS AND DEVELOPERS AND ALL LAVATORIES AND TOILETS SHALL BE BUILT INDOORS AND CONNECTED TO THE SANITARY SEWER SYSTEM PROVIDED.
3. NO ANIMAL SHALL BE KEPT OR MAINTAINED ON THE ABOVE MENTIONED PROPERTY EXCEPT CATS OR DOGS AS PETS.
4. ALL PLANS, BUILDING LOCATION AND SPECIFICATIONS MUST BE SUBMITTED TO AND APPROVED BY THE OFFICERS OF GLOBE DEVELOPMENT CORPORATION.
5. ALL BUILDINGS OR STRUCTURES ON THE ABOVE DESCRIBED PROPERTY SHALL BE NEW CONSTRUCTION HEREON AND NO BUILDING, TRAILER, TENT OR SHACK SHALL BE MOVED ON SAID PROPERTY.
6. NONE OF THE ABOVE PROPERTY SHALL BE USED FOR SUCH STORAGE, NOR SHALL ANY ACTIVITY OR USE BE MADE OF THE SAME WHICH WILL INJURIOUSLY AFFECT THE USE, OCCUPATION OR VALUE OF OTHER TRACTS OR LOTS IN SAID IMPERIAL VALLEY FOR RESIDENCE PURPOSES.
7. THE PROPERTY HEREIN CONVEYED SHALL NOT BE RESUBDIVIDED INTO BUILDING LOTS, NOR SHALL ANY BUILDING BE ERECTED ON A LOT OTHER THAN AS CONVEYED BY GLOBE DEVELOPMENT CORPORATION.
8. WHEN ANY DWELLING SHALL HAVE BEEN CONSTRUCTED ON ANY PORTION OF THE PROPERTY CONVEYED TO THE PARTIES OF THE SECOND PART, THEY SHALL KEEP SAID PREMISES CLEAN, ATTRACTIVE AND LANDSCAPED.
9. NO IMPROVEMENTS SHALL BE ERECTED AND NO GRADING OR EXCAVATION OR CHANGES IN THE PROPERTY SHALL BE MADE WHICH WILL CHANGE THE NATURAL SURFACE DRAINAGE OF THE LOT.
10. DISPOSAL OF SOLID MATERIALS SHALL BE THE RESPONSIBILITY OF INDIVIDUAL PROPERTY OWNERS, GARBAGE SHALL BE DISPOSED OF IN THE CITY SANITARY LANDFILL, COUNTY LANDFILL, OR BY ANY OTHER METHOD COMPLYING AND IN ACCORDANCE WITH COUNTY ORDINANCES.
11. THESE COVENANTS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES AND ALL PERSONS CLAIMING UNDER THEM FOR A PERIOD OF TEN YEARS FROM THE DATE THESE COVENANTS ARE RECORDED, AFTER WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN YEARS UNLESS AN INSTRUMENT SIGNED BY A MAJORITY OF THE THEN OWNERS OF THE LOTS HAS BEEN RECORDED, AGREEING TO CHANGE SAID COVENANTS IN WHOLE OR IN PART.
12. NO MAIN FLOOR ELEVATION SHALL BE BELOW ELEVATION 1830.0' ABOVE SEA LEVEL.
13. THE PURCHASERS OF PROPERTY IN IMPERIAL VALLEY SUBDIVISION SHALL HOLD HARMLESS THE CITY OF BISMARCK FOR ANY NOISE CREATED BY AIRCRAFT IN THE AREA OF THE MUNICIPAL AIRPORT.

GENERAL NOTES

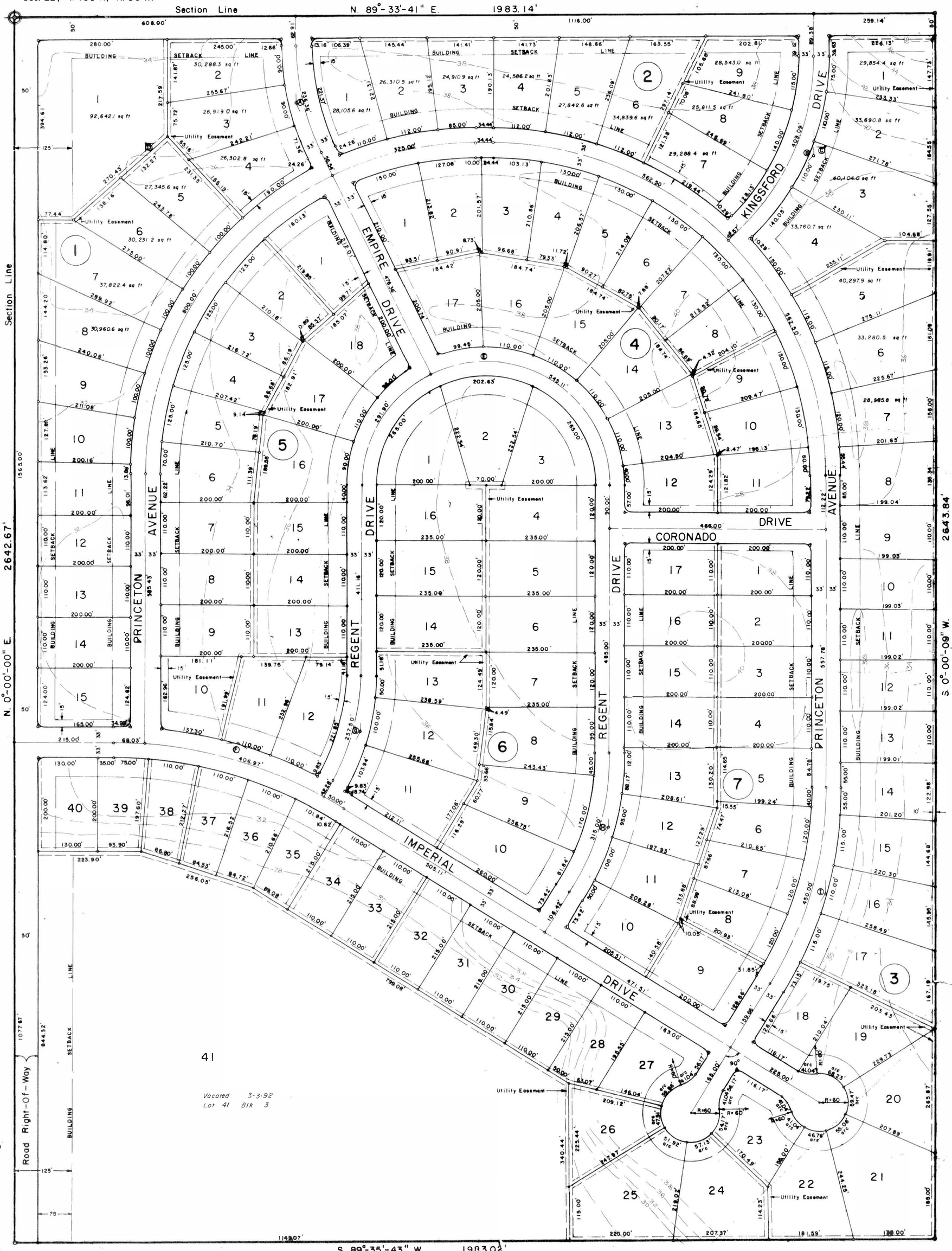
1. ALL BUILDING SETBACK LINES ARE 50' SETBACK UNLESS OTHERWISE NOTED.
2. ALL UTILITY EASEMENTS ARE 7' FROM LOT LINE UNLESS OTHERWISE NOTED.
3. ALL LOT CORNERS AT STREET INTERSECTIONS ARE ROUNDED TO A 15' RADIUS.
4. ○ DENOTES IRON PIPE MONUMENT TO BE SET.
5. ALL CURVES ARE BY CHORD DEFINITION UNLESS NOTED OTHERWISE.

SCALE · 1" = 100'
DATE · SEPTEMBER 20, 1973

SPECIAL NOTE

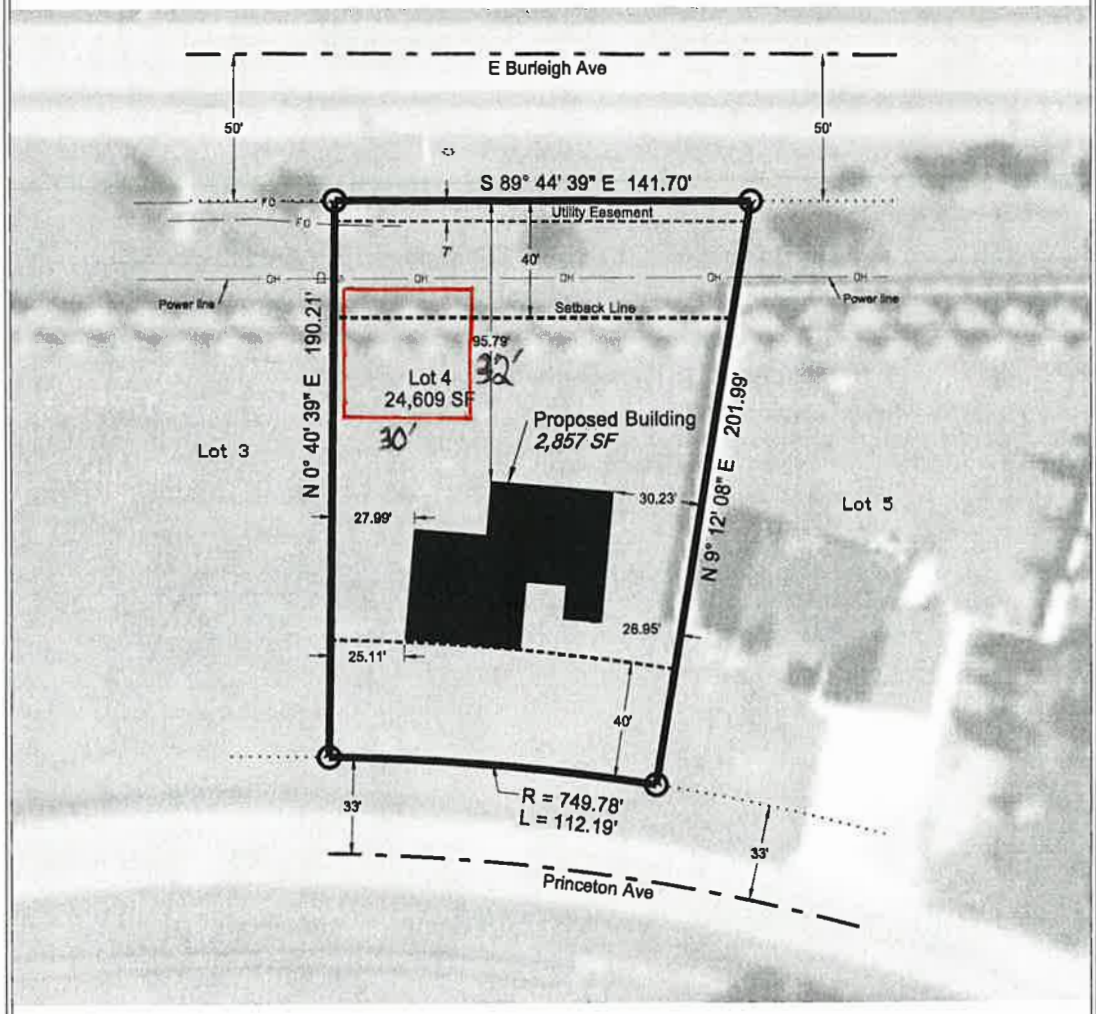
REVISED DENSITIES OF "IMPERIAL VALLEY SUBDIVISION" AS A PLANNED UNIT DEVELOPMENT WAS APPROVED ON 3 JUNE 1974, AS FOLLOWS;
MULTIPLE FAMILY RESIDENTIAL (NOT TO EXCEED 30 DWELLING UNITS PER ACRE) ON LOTS 1 THROUGH 8 OF BLOCK 1 (7 ACRES); BLOCK 2 (5.7 ACRES); AND LOTS 1 THROUGH 7 OF BLOCK 3 (5.5 ACRES).
TWO-FAMILY RESIDENTIAL ON LOT 9 OF BLOCK 1; LOT 8 OF BLOCK 3; AND BLOCKS 4 AND 5.
SINGLE FAMILY RESIDENTIAL ON REMAINDER OF DEVELOPMENT.

NW Corner
Sec. 22, T. 138 N., R. 80 W.



LOT SURVEY EXHIBIT

Lot 4, Block 2 of Imperial Valley Subdivision
of the NW 1/4 of Section 22, Township 138 North, Range 80 West,
Burleigh County, North Dakota
Physical Address: 3615 E Princeton Ave



This document is preliminary and not for recording or implementation purposes.

PRELIMINARY

***** Background Image is for Reference Only *****

NOTES:

Zoning: Bismarck ETA - R10

HORIZONTAL DATUM:
Burleigh County Ground Coordinates
North Dakota Coordinate System of 1983, South Zone
NAD83(2011). International Foot definition
Combination Factor: 0.9998515

SCALE: 1" = 50'

0' 50' 100'

LEGEND

- SECTION CORNER
- QUARTER CORNER
- SET MONUMENT
- FOUND MONUMENT

HOLLYBECK
SURVEYING ■ ENGINEERING, INC

Date Issued: 4/15/21
Project No: 21-735

BURLEIGH COUNTY BUILDING, PLANNING, ZONING
221 N 5th Street, Bismarck, ND
701-221-3727
burleighcobuilding@nd.gov

VARIANCE APPLICATION

This application is used to apply for a zoning variance. It is the developers burden to prove that because of topographic conditions or other unique circumstances related to the property, the strict application of the zoning ordinance would result in an undue hardship.

Date: 03/25/2026

APPLICANT/DEVELOPER:

Name of Applicant: Cody Humann

Phone: [redacted] E-Mail Address: [redacted]

Address: 3615 E Princeton Ave Bismarck, ND 58504

PROPERTY INFORMATION:

Property Owner (If different than Applicant/Developer): _____

Address: 3615 E Princeton Ave Bismarck, ND 58504

Legal Description of property (lot, block, addition): Lot 4, Block 2 of Imperial Valley Subdivision of the NW 1/4 of Section 22, Township 138 North, Range 80 West, Burleigh County, ND

Street Address: _____

Existing Zoning: Bismarck. ETA- R10 Acreage: 0.56

CONTACT PERSON/AGENT:

Name: _____ Firm: _____

Mailing Address: _____

Phone: _____ E-Mail Address: _____

☐ Site plan (one or more sheets) including the following: scale, site boundaries, setbacks, all easements, structures, utilities, road specifications, parking, surface waters, landscaping, fences, signage, and any other information that is pertinent to and will aid in evaluating a variance request.

☐ A narrative describing the proposed land use and unique property conditions that make the variance necessary. Address the following:

i. How due to the particular physical surroundings, lot characteristics, or topographical conditions of the property, strict compliance would impose an unnecessary hardship on the developer:

ii. How the purpose of the variance is not based solely on a desire for economic or other gains:

iii. How the alleged difficulty or hardship is caused by the zoning and/or development requirements and has been created by any person presently having an interest in the property:

iv. How the variance will not be detrimental to the public welfare or injurious to other properties in the area: and

v. How the variance will not be contrary to the intent and purpose of the Burleigh County Zoning Ordinance and Subdivision Regulations.

☐ A check for the amount of $300.00 for the variance application fee

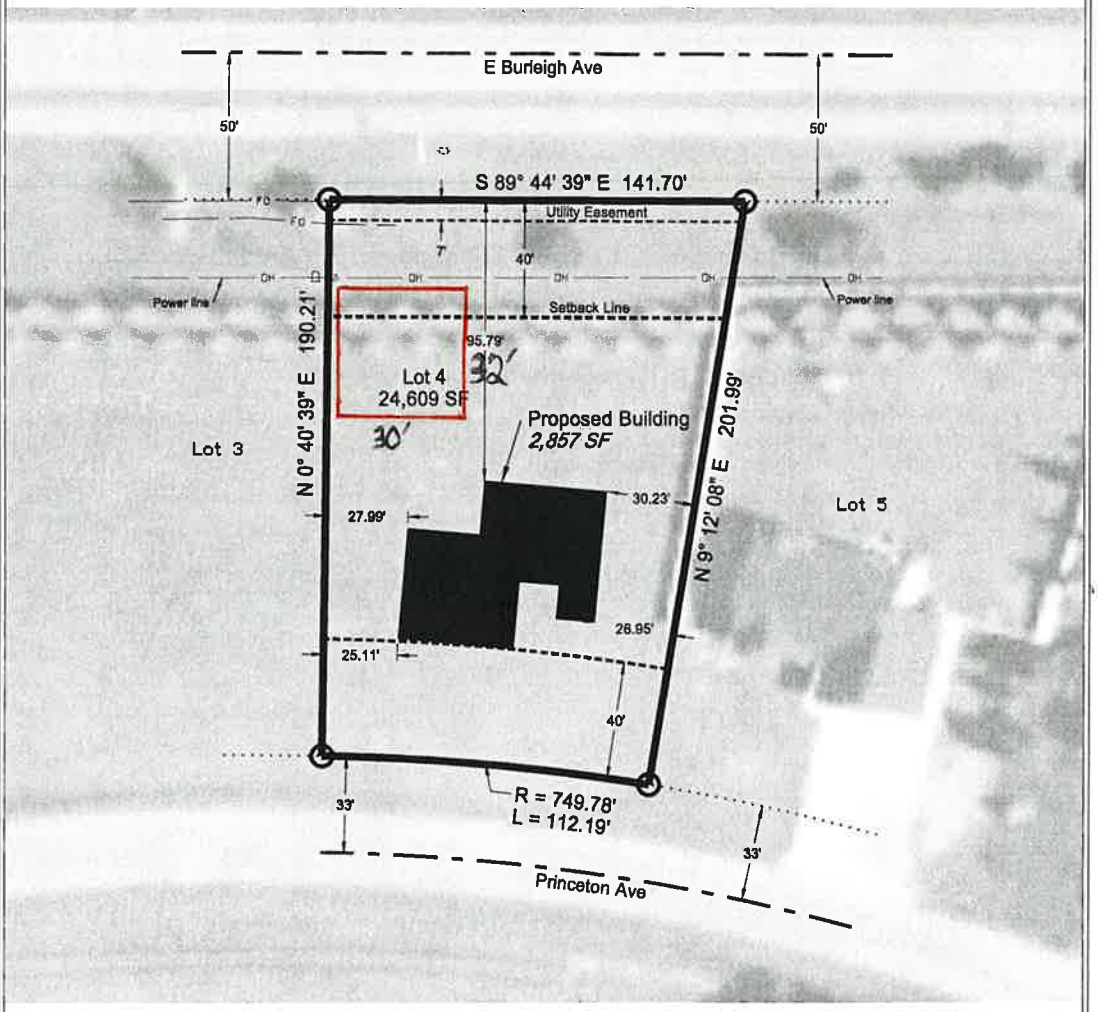
I hereby certify under penalty of perjury and the laws of the State of North Dakota that the information submitted herein, on all other forms, documents, plans or any other information submitted as a part of this application to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand any approval based thereon may be rescinded and other appropriate action taken. The signing of this application signifies approval for representatives of Burleigh County to be present on the property for routine monitoring and inspection during the approval and development process.

Signature of Applicant: Cody Hamm Date: 03/05/2026

***In addition to hardcopy submissions to the Building/Planning/Zoning Department, please submit all necessary items as an application package via e-mail to: burleighcobuilding@nd.gov

LOT SURVEY EXHIBIT

Lot 4, Block 2 of Imperial Valley Subdivision
of the NW 1/4 of Section 22, Township 138 North, Range 80 West,
Burleigh County, North Dakota
Physical Address: 3615 E Princeton Ave



This document is preliminary and not for recording or implementation purposes.

PRELIMINARY

SCALE: 1" = 50'

0' 50' 100'

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NOTES:

Zoning: Bismarck ETA - R10

HORIZONTAL DATUM:
Burleigh County Ground Coordinates
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NAD83(2011). International Foot definition
Combination Factor: 0.9998515

LEGEND

- SECTION CORNER
- QUARTER CORNER
- SET MONUMENT
- FOUND MONUMENT

HOLLYBECK
SURVEYING ■ ENGINEERING, INC

Date Issued: 4/15/21
Project No: 21-735

Variance Application

I want to build a 30'X32' (960 SF) accessory building on my lot. I want to build within 1 to 2 feet of the west property line, Lot 3/Lot 4, due to the utilities running about 36' from that property line to the east. I want to use the buildings outside walls as my fence because a recent storm blew down the fence and I would just extend the fence to each corner. If I use the building walls as a fence, I will need to be over the 40' setback that is currently in place. The existing fence is approximately 6' over the setback. On the attached lot survey, the OH Power line has been taken down, and all power is currently underground.

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7.1 Revise and Updates to Ordinances

Review the following Staff Reports Exhibits:
Introduction Staff Report

- Ex. 7.1.1 Zoning District Article 3 Definitions
- Ex. 7.1.2 Zoning District Article 6 Incidental Uses
- Ex. 7.1.3 Zoning District Article 11 Ag Agricultural
- Ex. 7.1.4. Zoning District Article 12 R1 Residential
- Ex. 7.1.5. Zoning District Article 15 R5 MH
- Ex. 7.1.6 Zoning District Article 16 C Commercial
- Ex. 7.1.7 Zoning District Article 18 I Industrial

STAFF REPORT Introduction

Zoning Ordinance Summary

Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For Public Hearing

The following proposed changes to Burleigh County Zoning Ordinances are from suggestions made from previous Planning Commission meetings.

STAFF REPORT Ex. 7.1.1

Article 3 Definitions Ordinance Summary

Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For Public Hearing

Buffer Yard: A strip of land, identified in the zoning ordinance, established to protect one type of land use from another of an incompatible land use. An appropriate buffer may vary depending on uses, districts etc. For PUD or Special Use Permits, the size and width shall be determined by the Burleigh County Board,

Buffer Yards.

a. Purpose. The buffer yard requirements are intended to provide separation between land uses of differing intensity. Buffer yards utilize a combination of distance and plantings to form a dense landscaping screen to mitigate the undesirable impacts associated with incompatible land uses on adjacent properties.

b. Applicability. Buffer yards shall be required between a single- or two-family residential use zoning and any other non-agricultural land use.

c. Location of Buffer Yards. Buffer yards shall be located along the entire length of any lot line where two (2) land uses of differing intensity abut, excluding areas adjacent to access points and sight triangles. Such buffer yards may be located within required yards, but not within any portion of the public right-of-way or access easement.

d. Responsibility for Buffer Yard Installation. Installation of all required buffer yards shall be the responsibility of the proposed higher intensity use and shall be located on the lot of the higher intensity use.

e. Standards. Buffer yards shall be installed in accordance with the following table:

f. Screening Fence. A screening fence may be made of solid wood, composite material with the appearance of solid wood, vinyl with the appearance of solid wood, masonry, or a combination of masonry and any of the other materials listed.

Area Where Buffer Yards Are Required	Minimum Width of Buffer Yard	Landscape Materials Required- 100 Lineal Feet
Side or rear yard of any expanding higher intensity land use adjacent to single and two-family residential uses or zoning	10 feet w/6-foot screening fence As determined by the Burleigh County Board	4 shade trees and 2 ornamental trees

STAFF REPORT Ex. 7.1.2

Article 6 Zoning District Ordinance Summary

Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For Public Hearing

ARTICLE 6 INCIDENTAL USES

Section 2. Home Occupation

There is permitted in a dwelling, any occupation customarily incidental to the principal use as a dwelling, subject to the following limitations:

1. ~~No person, other than a member of the immediate family, occupying a dwelling is there employed, except domestic help.~~
2. ~~No stock in trade is displayed or sold upon the premises.~~
3. ~~No alteration of the principal building that changes the character thereof as a dwelling.~~
4. ~~No illuminated sign is used, and no sign other than one giving the name and occupation, not more than one square foot in area, is displayed.~~
5. ~~No more than twenty-five percent (25%) of the area of one story of the building shall be devoted to the home occupation.~~
6. The following are hereby declared to be customary home occupations as intended by this section:
    a. Dressmaker, seamstress.
    b. Music teacher.
    c. Artist, sculptor.
    d. Author.
    e. Emergency treatment only of patients by physicians, dentists, or licensed drugless physicians.
    f. Emergency interview only of clients by lawyers, architects, engineers and similar professions.
    g. Minister.

Section 3 Minor Home Occupations.

Allowed in RR and AG zoning districts as permitted by right. A minor home occupation is any home occupation that meets all of the following standards:

1. The home occupation is conducted on-premises by one(1) or more residential occupants of the dwelling and no more than one (1) additional employee, business partner, independent contractor or any person affiliated with the home occupation that does not reside on-premises.

2. Up to fifty percent (50%) of the floor area of the principal structure and up to one hundred percent (100%) of one (1) accessory structure is utilized by the home occupation, including storage of associated goods, provided that customary residential amenities, such as a kitchen and bathroom, are not removed such that the structure would no longer meet building code standards as a dwelling unit.

3. There exists no outward visual evidence to indicate the presence of the home occupation to an uninformed person, such as alterations of the dwelling from a customary residential appearance, overnight storage of products or materials outside.

4. No more than one (1) non-illuminated commercial on premise wall sign is placed on the property of no greater than one (1) square foot, attached to a primary or accessory structure on the lot, subject to all requirements of Burleigh County.

5. There exists no noise, odor, vibration, or electrical interference associated with the home occupation that is noticeable at the property line.

6. Visits from customers, clients, or patients are by appointment only and limited to no more than one (1) party, or up to four (4) students for group lessons, at any time. Notwithstanding, multiple said parties may be present on the property during not more than four (4) events per year, with each event not to exceed four (4) days and no events occurring consecutively. At no time may a home occupation generate traffic significantly greater than that of a conventional residential use.

7. Visits from customers, clients, patients, or deliveries occur only during the hours of 7 AM to 11 PM.

8. Not more than two (2) vehicles and/or two (2) trailers associated with the home occupation may park or stand on the property or street, if permitted, at any time, and any on-street parking shall meet requirements of Burleigh County, as applicable.

9. Any vehicles, including trailers and equipment, associated with the home occupation must be parked in an orderly manner on surface suitable for parking,

devoid of tall grass or other potential fire hazards, and debris from vehicles may not enter a public right-of-way, in accordance with Burleigh County, as applicable.

a. No vehicles associated with the home occupation which require a Commercial Driver License (CDL) to operate in North Dakota may park overnight on the property or the street.
b. There is no storage of any flammable, toxic, explosive, or otherwise hazardous materials to a greater extent than stored in a typical residential household, and no hazardous material is discharged into any sewer, storm drain, or the ground.
c. The use is not an adult entertainment center, adult bookstore, or registered in North Dakota as a compassion center to dispense or produce medical marijuana.

Section 4. Major Home Occupations

Allowed in RR and AG zoning districts as permitted by right. All other district as permitted by SUP. A major home occupation is any home occupation that meets all of the following standards:

1. The home occupation does not meet all standards required of a minor home occupation.

2. The home occupation is conducted on-premises by one (1) or more residential occupant of the dwelling and no more than three (3) additional employees, business partners, independent contractors or any person affiliated with the home occupation that do not reside on-premises.

3. Up to fifty percent (50%) of the floor area of the principal structure, one hundred percent (100%) of accessory structures, is utilized for the home occupation, provided that customary residential amenities, such as a kitchen and bathroom, are not removed such that the structure would no longer meet building code standards as a dwelling unit.

4. The home occupation may utilize one (1) contiguous outdoor area of up to five (5) percent of the total lot area or 10,000 square feet, whichever is less, including storage of associated goods, vehicles, equipment, and trailers. Notwithstanding, no limit on area of outdoor area shall apply in the A – Agricultural zoning district.

5. The principal residential dwelling is not altered from a customary residential appearance.

6. Outdoor and overnight storage of products or materials associated with the home occupation may not be in a front yard and must be screened by fencing, buildings, or landscaping buffer yards, such that materials are not clearly visible from a public right-of-way and adjoining properties during all seasons. Trailers may be loaded with items.

7. No more than one (1) non-illuminated commercial on premise sign is placed on the property of no greater than one (1)square foot, plus one (1) square foot per acre in the lot, of sign area, subject to all requirements of Burleigh County.

8. Noise ordinance requirements contained in NDCC. Ordinance are met at all times, and there exists no objectionable odor, vibration, or electrical interference associated with the home occupation and above typical residential levels that is noticeable at the property line.

9. Visits from customers, clients, patients, employees, or deliveries do not create an undue burden on traffic safety and congestion or on-street parking availability in the neighborhood. At no time may a home occupation generate traffic significantly greater than that of a conventional residential use.

   a. Visits from customers, clients, patients, employees, or deliveries occur only during the hours of 7 AM to 11 PM.

   b. Any vehicles, including trailers and equipment, associated with the home occupation must be parked in an orderly manner on surface suitable for parking, devoid of tall grass or other potential fire hazards, and debris from vehicles may not enter a public right-of-way, in accordance with all requirements of Burleigh County.

   c. Any on-street parking of vehicles associated with the home occupation shall meet requirements of Burleigh County, as applicable.

10. No more than one (1) vehicle associated with the home occupation which requires a Commercial Driver License (CDL) to operate in North Dakota may park on the property at any time. At no time may said vehicle exceed the load restrictions in place for any time of the year on the adjoining street or park on the street.

11. There is no storage of any flammable, toxic, explosive, or otherwise hazardous materials to a greater extent than stored in a typical residential household, and no hazardous material is discharged into any sewer, storm drain, or the ground.

12. The use is not an adult entertainment center, adult bookstore, or registered in North Dakota as a compassion center to dispense or produce medical marijuana.

STAFF REPORT Ex. 7.1.3

Article 11 Agriculture Zoning District Ordinance Summary

Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For Public Hearing

ARTICLE 11-A - AGRICULTURAL DISTRICT REGULATIONS

Section 1. Description

The A - Agricultural District is established as a district in which the principal use of land is for general agricultural uses. The regulations are intended to prohibit commercial and industrial usage of the land and to prohibit any other use which would interfere with the development or continuation of the agricultural use of the land; and to discourage any use, which because of its character or size, would create requirements and costs for public services such as police and fire protection, water supply, and sewerage before such services can be systematically and adequately provided.

Section 2. Definition of “Farm”

For the purpose of the administration of this ordinance, a "farm" shall mean a single tract, or contiguous tract, of agricultural land containing a minimum of ten (10) acres and which normally provides a farmer, who is actually farming the land or engaged in the raising of livestock or other similar operations normally associated with farming and ranching, with not less than fifty percent (50%) of his annual net income; and the term "farmer" means an individual who normally devotes the major portion of his time to the activities of producing products of the soil, poultry, livestock, or dairy farming in such products' un-manufactured state and who normally receives not less than fifty percent (50%) of his annual net income from any one or more of the foregoing activities; and the term also includes an individual who is retired because of illness or age and who at the time of retirement owned and occupied, as a farmer, the premises.

Section 3. Permitted Uses

The following uses are allowed by-right in the Agricultural District:

1. Agricultural structures and activities
2. General farming group
3. Truck farming group

4. Livestock sales pavilion
5. Public recreation group
6. Utility service group
7. Radio or television transmitting station
8. Sand or gravel extraction
9. Oil or gas well
10. Railroad line trackage
11. Single-family dwelling
12. Manufactured home dwelling, when located on a permanent perimeter foundation in accordance with County codes governing construction
13. Private golf course, and customary accessory uses
14. Temporary sales of certain items
15. Portable Storage Containers.
16. Accessory Solar Energy Systems.
17. Temporary sales of certain items
18. Major/ Minor Home occupations up to 3 external employees; up to 50% of primary home and 100% accessory buildings; Sign of 1+ SF; Sales allowed unless traffic problem.

Section 4. Special Uses

The following special uses are allowed in the A-Agricultural District, in accordance with Article 8:

1. Airport or heliport
2. Cemetery
3. Drive-in theater
4. Golf driving range, not accessory to a golf course

5. Recreational vehicle park
6. Salvage yard
7. Junkyard
8. Veterinary/animal clinic
9. Animal hospital/kennel
10. Solid waste disposal facility
11. Vehicular race tracks
12. Rodeo or rodeo events
13. Trap or skeet shooting range
14. Animal feeding operations, as defined herein
15. Asphalt plants and concrete batch plants
16. Wind turbine facilities
17. Roadway maintenance facilities
18. Temporary worker housing
19. Meat packing facilities, limited
20. Medical Marijuana Manufacturing Center or Distribution
21. Wind Turbines
22. Solar Farms
23. Accessory Dwelling Units
24. Agricultural Recreation

Section 5. Accessory Uses

Customary accessory uses are allowed in the A-Agricultural District, in accordance with Article 6.

Section 6. Development Standards (Non-agricultural Uses)

1. Lot Area. Each permitted residential structure, together with its accessory buildings, shall be located on a lot or tract of land as follows:

Property Description	**Minimum Lot/Tract Size**
Metes and Bounds, Auditor's Plat or Deed	40 acres
Aliquot part of a Section of land	Intended to comprise 40 acres
Government Lot	35 acres

2. Lot Width. Each lot shall have a width of not less than six hundred-forty (640) feet, measured along the front property line.

3. Front Yard. Each lot shall have a front yard as follows, measured from the property line:

Roadway Classifications	**Minimum Front Yard (ft) Residential Buildings**	**Minimum Front Yard (ft) Commercial Buildings**
Arterial Road	175	225
Collector Road	65	115
Local Road	40	140

4. Side Yard. Each lot shall have two (2) side yards, one on each side of all principal and accessory buildings. Each side yard shall not be less than fifteen (15) feet. No building on a corner lot shall have a side yard on the side street less than the front yard requirements specified in this section.

5. Rear Yard. Each lot shall have a rear yard not less than fifty (50) feet in depth. If such rear yard abuts an arterial or collector road right-of- way, building locations shall also conform to the front yard requirements specified in this section.

6. Height Limits. No principal building for any permitted use shall exceed thirty-five (35) feet in height. No accessory building shall exceed twenty-five (25) feet in height.

7. Residential Building Permit. A building permit to construct or improve a single family or manufactured home dwelling and allowed accessory buildings shall be issued only after the following conditions have been met:

a. An auditor's plat or a deed describing the property has been prepared and recorded at the Register of Deed's Office.
b. A road approach permit has been granted by the County Engineer.

8. Non-residential Building Permit. A building permit to construct or improve any other non-agricultural building shall be issued only if such building is located in a platted subdivision.

Section 7. Additional Development Standards for Land Abutting the Missouri River (Non-agricultural uses)

In order to preserve and enhance the environmental and recreational qualities of the Missouri River, conserve the scenic and historic values of the Missouri River shoreland, protect shoreland development from river bank erosion, and provide for the wise use of the river and related land resources, the following additional development standard for non-agricultural uses is hereby established for land abutting the Missouri River:

1. Structure Setbacks. All structures on lots or parcels with un-stabilized banks shall be set back a minimum of one hundred (100) feet from the ordinary high-water mark of the Missouri River. All structures on lots or parcels with stabilized banks, either by an existing Corps of Engineers' stabilized structure or as permitted and approved by the Corps of Engineers, shall be set back a minimum of seventy-five (75) feet from the ordinary high-water mark of the Missouri River.

STAFF REPORT Ex. 7.1.4

Article 12 R1 Residential Zoning District Ordinance Summary

Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For Public Hearing

ARTICLE 12 - R1 COUNTRY HOMES RESIDENTIAL DISTRICT REGULATIONS

Section 1. General Description

The R1 County Homes Residential District is established as a district in which the predominant use of land is for low-density residential and limited agricultural use. For the R1 District, in promoting the general purposes of this Ordinance, the specific intent of this Article is to encourage the continued use of the land for low-density residential and limited agricultural uses; prohibit commercial and industrial uses of the land; discourage any use, which because of its character or size, would create unusual requirements and costs for public services; and provide special standards for residential development abutting the Missouri River.

Section 2. Uses Permitted

The following uses are allowed by-right in the R1 Country Homes Residential District:

1. Single-family dwellings
2. Education group
3. Church
4. Utility service group
5. Public recreation group
6. Truck-farming group
7. Animal husbandry activity or project conducted primarily for educational purposes or school credits, provided such activities are not conducted for commercial purposes, and premises are maintained in a sanitary manner.

8. Chicken Hens and Coops are allowed provided that the animals are kept for private use only; that no male chickens (roosters) are kept; all hens are kept in a fenced area; all coops and structures meet applicable setbacks and size limitations for allowable accessory structures and are not located less than one hundred and fifty(150) feet of any neighboring residence or structure; and that no more than ten (10) chickens shall be permitted.

9. Private riding stables provided that animals shall be used for private use only; that no animal, animal stable, barn or shelter shall be located within one hundred (100) feet of any neighboring residence or structure; that two (2) horses shall be permitted on any premises which contains at least two (2) acres and additional horses shall be allowed at the rate of one (1) horse for every additional three (3) acres of property owned

10. Golf course.

11. Accessory Dwelling Units – Allowed with a Special Use Permit

12. Home Occupations- Major/Minor. Up to 3 external employees; up to 50% of primary home and 100% accessory buildings; Sign of 1'+ SF; Sales allowed unless traffic problem.

13. Family foster home for adults

14. Childcare centers– Allowed with a Special Use Permit.

15. Portable Storage Containers.

16. Accessory Solar Energy Systems.

Section 3. Density

The maximum allowable density is one (1) family per net acre.

Section 4. Lot Area

Each single-family dwelling, together with its accessory buildings, hereafter erected shall be located on a lot having a minimum lot area of 65,000 square feet, a minimum lot width of one hundred (150) feet and a minimum lot depth of two hundred (200) feet. For lots platted prior to April 5, 2004, a single-family dwelling and accessory buildings may be erected on a lot having a minimum lot area of 40,000 square feet and a minimum lot width of one hundred (100) feet, provided said lot was designed in accordance with "slight" soil limitations at the time of platting.

Section 5. Front Yard

Each lot shall have a front yard not less than forty (40) feet in depth on interior subdivision streets or local roads. Except when fronting a highway or collector road then the setbacks shall not be less than the following distance outlined below from the centerline of such roadways fronting the property:

Primary Highway	Secondary Highway	Collector Road
250 feet	200 feet	115 feet

Section 6. Side Yard

Each lot shall have two (2) side yards, one on each side of the principal and accessory buildings. The sum of the widths of the two side yards shall not be less than twenty percent (20%) of the average width of the lot, and in no case less than fifteen (15) feet per yard.

Section 7. Rear Yard

Each lot or premises shall have a rear yard depth of not less than fifty (50) feet.

Section 8. Height Limits

No single-family dwelling shall exceed two and one-half (2½) stories, nor shall it exceed thirty-five (35) feet in height. No principal building for any other permitted use shall exceed four (4) stories, nor shall it exceed fifty (50) feet in height. For each one (1) foot, or fraction thereof, that a building exceeds thirty-five (35) feet in height, there shall be added four (4) feet to the minimum width of each side yard and two (2) feet to the minimum depth of the rear yard required by this section. No accessory building shall exceed two (2) stories, nor shall it exceed twenty-five (25) feet in height.

Section 9. Automobile Parking

Adequate automobile parking shall be provided as set forth in Article 10 of this Ordinance.

Section 10. Minimum Road Standards

Unless otherwise shown on the master plan, right-of-way and roadway widths shall conform to the standards set forth by Section 6, Subsection 1(m) of Article 33 hereof.

1. Sufficient temporary construction easements shall be given to allow for proper road construction.

2. All streets to be used for on-street parking shall be forty (40) feet in roadway width.

Section 11. Allowable Accessory Buildings

Customary accessory uses are allowed in the R1 Residential District in accordance with Article 6.

Section 12. Additional Development Standards for Land Abutting the Missouri River

In order to preserve and enhance the environmental and recreational qualities of the Missouri River, conserve the scenic and historic values of the Missouri River shoreland, protect shoreland development from river bank erosion, and provide for the wise use of the river and related land resources, the following additional development standards are hereby established for land abutting the Missouri River platted after January 1, 2003:

1. Structure Setbacks. All structures on lots with un-stabilized banks shall be set back a minimum of one hundred (100) feet from the ordinary high-water mark of the Missouri River. All structures on lots with stabilized banks, either by an existing Corps of Engineers' stabilized structure or as permitted and approved by the Corps of Engineers, shall be set back a minimum of seventy-five (75) feet from the ordinary high-water mark of the Missouri River.

2. Impervious Surface Coverage. The percentage of the lot covered by impervious surfaces (structures, paved surfaces, etc.) shall not exceed 25 percent (25%).

3. Steep Slopes. For structures and/or facilities to be placed on steep slopes, the County Building Official may attach conditions on the building permit to prevent erosion and preserve existing vegetation.

4. Topographic Alterations Above the Ordinary High-Water Mark. Grading, filling and excavation necessary for the construction of structures, sewage treatment systems or driveways under validly issued permits shall be allowed. Notwithstanding any other applicable regulations, any other topographic alterations must meet the following standards:

    a. Alterations shall not adversely affect adjacent or nearby properties,
    b. Alterations must be designed and constructed in a manner that minimizes soil erosion, including the installation of erosion control measures as needed.

5. Topographic Alterations Below the Ordinary High-Water Mark. All topographic alterations below the ordinary high-water mark must be approved by the Corps of Engineers.

6. Variances. It is not the intent of this ordinance to make an existing parcel or lot, which is developable under the regulations in place prior to the adoption of this

ordinance, not developable. Variances from the strict application of these development standards shall be subject to the requirements of Article 28.

STAFF REPORT Ex. 7.1.5

Article 15 R5 Zoning District Ordinance Summary

Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For Public Hearing

ARTICLE 15 – R5 MH MANUFACTURED HOME DISTRICT

Section 1. General Description

The R5 Residential District is established as a district in which the principal use of the land is for single-family mobile home dwellings located within mobile home parks, provided said parks are not located abutting the Missouri River. For the R5 Residential District, the specific intent of this Article is:

1. To encourage the placement of, and the continued use of the and for single-family mobile home dwellings located within mobile home parks,

2. To prohibit commercial and industrial use of the land; and

3. To encourage suitable and proper development of mobile home parks.

Section 2. Definition

For the purpose of this section, "Mobile Home Park" shall also mean "Mobile Home Court".

Section 3. Uses Permitted

The following uses are allowed by right in the R5 Residential District:

1. Single-family mobile home dwellings or manufactured homes not located on a permanent foundation located within mobile/manufactured home parks.

2. Home occupations of:
   a. Dressmaker
   b. Artist
   c. Sculptor
   d. Author
   e. Minister

~~Section 9.~~ Section 4. Mobile Home Park Restrictions

1. No business shall be conducted in any mobile home park.

2. Existing mobile home parks shall not be enlarged or extensively altered unless such alteration complies with the provisions of this article.

~~Section 10.~~ Section 5. Mobile Home Parks, Plans and Layout

All layouts for mobile home parks shall be submitted to the Planning Commission for approval prior to consideration of a zoning change request for R5 District uses. All changes thereto must be approved in like manner.

Section 6. Density

The maximum allowable density of all mobile home parks shall be seven (7) families per net acre.

1. The minimum total area of a mobile home park shall be at least four (4) acres.

Section 7. ~~Lot Dimensions~~ Development Standards.

1. All mobile home parks shall have near their main entrance a park office in which there shall be an up-to-date list of all park residents along with their addresses and a diagram of the park layout.

2. For single-wide mobile home dwelling units, minimum lot dimensions shall be fifty (50) feet wide and one hundred (100) feet deep with a minimum lot area of five thousand (5,000) square feet.

3. For double-wide mobile home dwelling units, minimum lot dimensions shall be sixty (60) feet wide and one hundred (100) feet deep with a minimum lot area of six thousand (6,000) square feet.

4. All mobile homes shall be equipped with compatible skirts to completely enclose the underside of the mobile home.

5. Each mobile home shall be anchored to the ground for purposes of withstanding wind pressures specified for single-family dwellings by the County Building Inspection Department prior to occupying the unit.

6. All clotheslines shall be placed in the rear yard.

~~**Section 7. Lot Restrictions**~~

~~All clotheslines shall be placed in the rear yard.~~

Section 8. Mobile Home Park Requirements

1. The minimum total area of a mobile home park shall be at least four (4) acres.

2. For single-wide mobile home dwelling units, minimum lot dimensions shall be fifty (50) feet wide and one hundred (100) feet deep with a minimum lot area of five thousand (5,000) square feet.

3. For double-wide mobile home dwelling units, minimum lot dimensions shall be sixty (60) feet wide and one hundred (100) feet deep with a minimum lot area of six thousand (6,000) square feet

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

5. Setbacks. Lot development shall observe the following setbacks:

    a. Front Yard. No manufactured home or any other legal attachments to said dwelling or any accessory structures shall be located less than twenty (20) feet from the front lot line, measured back from the sidewalk or walkway, provided, however, that on a record lot corresponding to a plat recorded prior to 1979, the following setback standards apply:

        i. of lots or parcels are selected on the opposite side of the proposed activity, so that a total number of six (6) reference lots are selected.

    b. Side Yard and Spacing. No manufactured home or any other legal attachments to said dwelling or accessory structure shall be located less than six (6) feet from the side lot line measured back from the walkway or sidewalk. Manufactured homes on corner lots shall follow front yard setbacks from all streets. Side yard measurements are to be taken at right angles to the building at the closest points to a property line. Detached accessory buildings shall be located not less than five (5) feet from the side or rear lot lines. The ends of the manufactured homes shall be at least twelve (12) feet apart.

6. All entrances, exits and driveways between rows of mobile homes shall be lighted to provide an intensity of 0.3 foot-candles. Mobile home parks shall be provided with walkways at least three and one-half (3½) feet wide between each mobile home lot and service building and other parts of said park.

Roadways within the parks shall be hard surfaced, either concrete or bituminized asphalt.

7. All provisions of water supply, laundry, sewage and fire protection to be provided in any mobile home park shall have been approved by the appropriate County and State Departments.

8. Off-street parking areas shall be provided in all mobile home parks at a ratio of at least two (2) car spaces per mobile space. The area for one (1) car space shall be at least ten (10) feet wide and twenty (20) feet deep, plus ingress and egress.

9. Recreation Areas. There shall be provided within each mobile home park an adequate site or sites for recreation for the exclusive use of the park occupants. Such recreation site or sites shall have a minimum area in the aggregate of four thousand (4,000) square feet plus one hundred (100) feet for each mobile home space in said park. The recreation sites shall be of appropriate design and provided with adequate and permanent equipment.

10. All mobile home parks must provide a completely and permanently landscaped setback area of at least thirty (30) feet in width around those portions of the park perimeter which border public right-of-way. Such areas may contain trees, shrubbery, grass, benches, fences, landscaped water resources and the like.

11. Setback areas not bordering public right-of-way may be used to fulfill the recreation area requirements of the preceding paragraph.

12. All mobile home parks shall have near their main entrance a park office in which there shall be an up-to-date list of all park residents along with their addresses and a diagram of the park layout.

13. All mobile home park lots shall be served by an approved central water and sewer system.

Section 9. Mobile Home Park Restrictions

4. No business shall be conducted in any mobile home park.

5. Existing mobile home parks shall not be enlarged or extensively altered unless such alteration complies with the provisions of this article.

Section 10. Mobile Home Parks, Plans and Layout

All layouts for mobile home parks shall be submitted to the Planning Commission for approval prior to consideration of a zoning change request for R5 District uses. All changes thereto must be approved in like manner.

Section 11. Mobile Home Requirements

1. All mobile homes shall be equipped with compatible skirts to completely enclose the underside of the mobile home.
2. Each mobile home shall be anchored to the ground for purposes of withstanding wind pressures specified for single-family dwellings by the County Building Inspection Department prior to occupying the unit.

Section 8. Lot Coverage

1. The ground area occupied by a mobile home, attached storm shed, patio, storage building and required off-street parking spaces shall not exceed ~~50~~ 40 percent ~~(50%)~~ (40%) of the total area of the lot. In computing the ground coverage, four hundred (400) square feet shall be added to the actual area of the mobile home and the accessory buildings for the two (2) required off-street parking spaces. ~~This provision limits a lot to one (1) storm shed, not over ten (10) feet by twelve (12) feet, or one hundred twenty (120) square feet, in area per lot,~~ Each lot shall be limited to one attached utility structure of no more than one hundred twenty (120) square feet. Each lot may also have a detached accessory building(s) in accordance with Article 6, provided the lot coverage requirement is not exceeded, and said building shall be placed on a proper foundation.

    a. Enlargement or Alteration. Any enlargement or alteration of a manufactured home park that exceeds ten (10) per cent of the total number of lots or spaces shall comply with the provisions of Subsection 3 of this Section. The remaining portion of a manufactured home park not being enlarged or altered will not be required to comply with the provisions of Subsection 3.

    b. Business Uses. No business shall be conducted in any manufactured home park except manufactured home sales.

    c. Public Right-of-Way. If public right-of-way bisects a manufactured home park, all lots located adjacent to such public right-of-way shall conform to the standards and setbacks as specified in the R5-Residential District.

Section 9. Community Storage Buildings.

Private garages or storage buildings located within manufactured home parks but not located on individual lots may be allowed, provided:

a. Height Limits. No community storage building sidewall shall exceed fourteen (14) feet in height. The maximum roof pitch of such buildings shall not exceed 3:12.

b. Activities. No activities other than storage of vehicles and household goods by residents of the manufactured home park shall be allowed.

c. Dimensions. No single building dimension shall exceed one hundred-twenty (120) feet and no individual building shall exceed a total of three thousand (3,000) square feet in size. All such buildings must be separated by a minimum of twelve (12) feet. No more than four (4) storage buildings may be grouped together in one location within a manufactured home park. All such groups of buildings must be separated by a minimum of five hundred (500) feet.

d. Accessways. Accessways to community storage buildings shall be hard surfaced, either concrete or bituminized.

e. Floors. All floors in community storage buildings shall be hard surfaced.

f. Site Plan. No community storage building or buildings shall be constructed until a site plan has been approved by the ~~Zoning Administrator~~. Planning Department.

STAFF REPORT Ex. 7.1.6

Article 16 C-Commercial Zoning District Ordinance Summary

Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For Public Hearing

ARTICLE 16 - C - COMMERCIAL DISTRICT REGULATIONS

Section 1. General Description

The C - Commercial District is established as a district in which the principal use of land is for commercial and service uses to serve the residential districts in the area, provided said uses are not located abutting the Missouri River, and in which traffic and parking congestion can be kept to a minimum in order to preserve residential values, and promote the general welfare of the surrounding residential district. The specific intent of this Article is:

1. To encourage the continued use of the land for neighborhood commercial and services uses,

2. To prohibit industrial uses of the land, and to prohibit any other use which would substantially depreciate the values of residential districts surrounding the C - Commercial District,

3. To encourage the discontinuance of mixed uses and uses that would not be permitted as new uses under the provisions of this article,

4. To discourage any use, which because of its character or size, would create requirements and costs for public services, such as police and fire protection, water supply and sewerage substantially in excess if the district were developed solely for neighborhood commercial and service uses.

Section 2 Buffer Yards.

Purpose. The buffer yard requirements are intended to provide separation between land uses of differing intensity.

1. Applicability:
    a. Buffer yards shall be required between a R1 and AG zoning, for commercial and or industrial zoning districts.
2. Definition.
    a. Buffer: A strip of land, identified in the zoning ordinance, established to protect one type of land use from another of an incompatible land use. An appropriate

buffer may vary depending on uses, districts etc. For PUD or Special Use Permits, size and width shall be determined by the Burleigh County Board.

3. Standards
   a. Buffer yards shall be installed in accordance with the following table:

Area Where Buffer Yard Required	Minimum Width of Buffer Yard	Landscape Materials Required- 100 Linear Feet
Side or rear yard of any expanding higher intensity land use adjacent to single and two-family residential uses or zoning	10 feet w/6-foot screening fence As determined by the Burleigh County Board	4 shade trees and 2 ornamental trees

Section ~~2.~~ 3. Uses Permitted

The following uses are allowed by-right in the C - Commercial District:

1. Retail Group A
2. Service Group A
3. Gasoline Filling Station
4. Office-bank Group
5. Church
6. Education Group
7. Fire Station
8. Utility Service Group
9. Retail Group B
10. Service Group B
11. Commercial Recreation Group
12. Wholesale Group
13. Health Medical Group

14. Public Recreation Group

15. Railroad Line Trackage

16. Railroad or Bus Passenger Station

17. Animal Hospital

18. Commercial Parking Lot

19. Temporary Christmas tree sales.

20. Temporary sales of certain items

21. Portable Storage Containers.

22. Accessory Solar Energy Systems.

Section 4. Special Use

1. Medical Marijuana Manufacturing Center of Distribution Center

2. Temp. farm and garden produce sales.

3. Filling station.

4. Seasonal nursery/ bedding stock sales.

5. Childcare center.

6. Drive-in bank.

7. Retail liquor sales

8. Microbrew pub

9. Domestic distillery.

Section ~~3.~~ 5. District Area

No C - Commercial District shall be less than five (5) acres in size.

Section ~~4.~~ 6. Lot Area

Each principal building or structure plus its accessory buildings shall be located on a lot having an area as specified in Article 33, Section 6 (4) of the Zoning Ordinance. In no case shall a lot be less than twenty thousand (20,000) square feet in size. Premises without a central sanitary sewer system approved by the North Dakota State Department of Health shall comply with lot area requirements of the R1 Residential District.

Section ~~5.~~ 7. District Width

Each C District shall have an average width of not less than two hundred (200) feet and shall have no boundary less than one hundred (100) feet in length.

Section ~~6.~~ 8. Floor Area Ratio

The floor area ratio of the principal building and all accessory buildings shall not exceed 0.25 for a single-story building, nor shall it exceed 0.35 for buildings of more than one story. The ground area occupied by the principal building and accessory buildings shall not exceed twenty-five percent (25%) of the total area of the lot.

Section ~~7.~~ 9. Yard

No building shall be less than fifty (50) feet in distance from any lot line or twenty (20) feet in distance from any side or back yard line.

Section ~~8.~~ 10. Height Limits

No building or structure shall exceed two (2) stories or thirty-five (35) feet in height.

Section ~~9.~~ 11. Divided District

For the purposes of calculating the minimum area, lot width, lot dimensions, floor area ratio, percentage of lot covered by building, and yard requirements established by this Article, a single C - Commercial District cannot lie on two (2) sides of a public street or alley. Any area designated as being zoned C - Commercial and lying on both sides of a public street or alley shall be deemed to be two (2) C Commercial Districts, and all minimum requirements shall be met by buildings on each side of said public street or alley as separate districts.

Section ~~10.~~ 12. Non-Conforming Uses

It is the intent of this Article and this Section to designate no area as a C Commercial District in

which there is at the date of adoption of this Article any residential or other non-conforming use. It is the further intent of this Article and this section that insofar as possible all neighborhood commercial and service areas in newly developed portions of the County shall take place in a C Commercial District, in order to decrease traffic and parking congestion and to preserve the residential values of the County. The County Planning and Zoning Commission shall refuse to approve any request for an amendment re-zoning any portion of the County to a C - Commercial District if there is in that district any use which would be a non-conforming use upon the passage by the Board of County Commissioners of the proposed amendment.

Section ~~11.~~ 13. Automobile Parking

Adequate automobile parking shall be provided as set forth in Article 10 of this Ordinance.

STAFF REPORT Ex. 7.1.7

Article 18 I-Industrial Zoning District Ordinance Summary

Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Revise and Updates to Ordinances
Staff Recommendation:	Review For Public Hearing

ARTICLE 18 - I - INDUSTRIAL DISTRICT REGULATIONS

Section 1. General Description

The I-Industrial District is established as a district in which the principal use of land is for heavy commercial, manufacturing and industrial establishments, provided said uses are not located abutting the Missouri River, which may create some nuisance, and which are not properly associated with, nor compatible with, residential, institutional, neighborhood commercial, and service establishments. For the Industrial District, in promoting the general purposes of this Ordinance, the specific intent of this Article is:

1. To encourage the construction of and the continued use of the land for heavy commercial, manufacturing and industrial purposes,

2. To prohibit residential and neighborhood commercial use of the land and to prohibit any other use which would substantially interfere with the development, continuation or expansion of commercial and industrial uses in the district; and

3. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this article.

Section 2 Buffer Yards.

Purpose. The buffer yard requirements are intended to provide separation between land uses of differing intensity.

1. Applicability:
    a. Buffer yards shall be required between a R1 and AG zoning, for Commercial or Industrial zoning districts.
2. Definition.
    a. Buffer: A strip of land, identified in the zoning ordinance, established to protect one type of land use from another of an incompatible land use. An appropriate buffer may vary depending on uses, districts etc. For PUD or Special Use Permits, size and width shall be determined by the Burleigh County Board.
3. Standards

a. Buffer yards shall be installed in accordance with the following table:

Area Where Buffer Yard Required	Minimum Width of Buffer Yard	Landscape Materials Required- 100 Linear Feet
Side or rear yard of any expanding higher intensity land use adjacent to single and two-family residential uses or zoning	10 feet w/6-foot screening fence- Or as determined by the Burleigh County Board	4 shade trees and 2 ornamental trees

Section ~~2.~~ 3. Uses Permitted

The following uses are allowed by-right in the I Industrial District:

1. Gasoline filling station
2. Retail group B
3. Service group B
4. Wholesale group
5. Fire Station
6. Truck terminal
7. Railroad line trackage
8. Railroad spur trackage
9. Railroad freight station
10. Railroad freight classification yard
11. Utility service group
12. Industrial use group
13. Livestock sales pavilion
14. Oil or gas well
15. Radio or television transmitting station
16. Sand or gravel extraction

17. Sewage treatment plant

18. Manufacturing Group

19. Religious institution.

20. Microbrew pub.

21. Domestic distillery

22. Brewer Taproom.

23. Animal services, non-veterinary

Section ~~3.~~ 4. Special Uses

The following special uses are allowed in the I - Industrial District, in accordance with Article 8:

1. Meat packing facilities
2. Medical Marijuana Manufacturing Center or Distribution Center
3. Data Centers:
   -Any change of use within an existing permitted Data Center i.e.: AI Conversion Center, shall require a new special use permit review and approval.
4. Temporary Christmas tree sales.
5. Temporary religious meetings.
6. Temporary circus/fair/carnival.
7. Temporary farm and garden produce sales.
8. Temporary fireworks sales.
9. Seasonal nursery and bedding stock sales
10. Retail liquor sales.
11. Childcare center.
12. Asphalt production facilities, both permanent and temporary.
13. Hazardous material bulk storage plant

Section 5. Industrial Use Group

A use in the Industrial Group is one involving the manufacturing or the storage and sale of heavy building materials or equipment, and which conforms to the following requirements:

1. Manufacture, compounding, processing, packaging, treatment of:
   a. Bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, and food products except fish and meat products, sauerkraut vinegar, yeast and the rendering or refining of fats and oils.

b. Products from the previously prepared materials: Bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, metals, stones, fur, glass, hair, horn, leather, paper, plastics, shell, textiles, wood and yarns.
c. Pottery and other ceramic products using only previously pulverized clay, and kilns
d. Electric and neon signs, outdoor advertising signs, commercial advertising structures, and light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves, and similar products.
e. Musical instruments, toys, novelties and rubber and metal stamps.
f. Welding and machine shop.
g. Laundry, cleaning and dyeing works, and carpet and rug cleaning.
h. Ice manufacturing
i. Assembly of electric appliances, electronic instruments and devices, radios, phonographs, and television sets, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders, and similar products.
j. Soft drink bottling plant.

2. The following uses when conducted wholly within a completely enclosed building-
   a. Contractors' equip. storage yard.
   b. Building materials sales yard
   c. Pipe storage yard, including sales.
   d. Feed/fuel storage yard w/sales.
   e. Public utility service yard.
   f. Sale of oil and gas well drilling equipment.
   g. Concrete products
   h. Petroleum bulk
   i. Manufacturing and storage of alcoholic beverages, including brewery.

3. Manufacture, compounding, processing, refining or treatment of the following materials and products:
   a. Acetylene.
   b. Alcohol.
   c. Asphalt and bituminous products.
   d. Brick, tile or terra-cotta.
   e. Oilcloth or linoleum.
   f. Paint, shellac, turpentine, lacquer or varnish.
   g. Paper or pulp.
   h. Petroleum products.
   i. Plastics.
   j. Slaughter and packing of animals and meat products.
   k. Tannery, curing or storing of raw hides.

4. Any of the following uses provided that they shall not be located closer than five hundred (500) feet from any zone in which they are prohibited:

a. Cement, lime, gypsum, or plaster of paris manufacture.
b. Drop forge industry, manufacturing forgings with power hammer.
c. Fertilizer manufacturing.
d. Garbage, offal, bone or dead animal reduction.
e. Gas manufacture or utility regulating stations.
f. Electric generating plant.
g. Smelting of tin, copper, zinc or iron ores.
h. Soap manufacture.
i. Stockyards, feeding pens or livestock sale facilities.

5. The following uses when conducted wholly within a completely enclosed building, or within an area enclosed on all sides with a solid wall, compact hedge or security fence, not less than six feet in height:

    i. Building material sales yard, including the sale of rock, sand, gravel and the like as an incidental part of the principal use.
    ii. Contractors' equipment, storage yard or plant, or rental of equipment commonly used by contractors.
    iii. Retail lumber yard, including only incidental mill work.
    iv. Feed and fuel yard.
    v. Public utility service yard, or electrical receiving or transforming station.
    vi. Pipe yard, or storage, sale or rental of oil and gas well drilling equipment.

6. Concrete products and mixing.

7. Petroleum bulk plants, ~~if in compliance with the Revised Ordinances of City of Bismarck~~

8. Manufacture, compounding, processing, refining, and treatment of the following materials and products:

    i. Acetylene
    ii. Alcohol
    iii. Asphalt
    iv. Tannery or curing or storage of raw hides
    v. Manufacturing and storage of alcoholic beverages, including brewery.

Section ~~4.~~ 6. Lot Area

Each principal building or structure plus its accessory buildings, shall be located on a lot having an area as specified in Article 33, Section 6(4) of the Zoning Ordinance. In no case shall a lot be less than twenty thousand (20,000) square feet in size. Premises without a central sanitary sewer system approved by the North Dakota State Department of Health shall comply with lot area requirements of the R1 Residential District.

Section ~~5.~~ 7. Lot Width

Each lot shall have a width of not less than one hundred (100) feet, measured along the front building line.

Section ~~6.~~ 8. Floor Area Ratio

Floor area ratio of the principal buildings or building and all accessory buildings shall not exceed 0.30 for single-story buildings, nor shall it exceed 0.60 for buildings of more than one story. The ground area occupied by the principal building or buildings and accessory buildings shall not exceed thirty percent (30%) of the total area of the lot.

Section ~~7.~~ 9. Front Yards

Each building shall have a front yard not less than fifty (50) feet in depth.

Section ~~8.~~ 10. Side Yards

Each lot shall have two (2) side yards, one on each side of any principal building. The sum of the widths of the two (2) side yards shall be not less than twenty percent (20%) of the average width of the lot; and in no case shall a side yard be less than fifteen (15) feet in width. On any lot having an average width greater than seventy-five (75) feet, neither side yard shall be less than fifteen (15) feet in width and no side yard need be greater than fifty (50) feet in width. On a lot containing two (2) principal buildings located side by side, there are no minimum requirements for the side yards between the two (2) buildings.

Section ~~9.~~ 11. Rear Yards

Each lot shall have a rear yard not less than twenty-five (25) feet in depth.

Section ~~10.~~ 12. Height Limits

No principal buildings shall exceed four (4) stories, nor shall it exceed fifty (50) feet in height. No accessory buildings shall exceed two (2) stories, nor shall it exceed twenty-five (25) feet in height.

Section ~~11.~~ 13. Automobile Parking

Adequate automobile parking shall be provided as set forth in Article 10 of this Ordinance.

Section ~~12.~~ 14. Landscaping

All front- side and rear yards shall be permanently landscaped.

Burleigh County Planning and Zoning Commission Meeting Agenda

Tom Baker Meeting Room, City/County Building, 221 5th Street N, Bismarck, ND

5:15pm

Attend in Person || Watch Live on Government Access Channels 2 or 602 || Stream on Freetv.org or Dakota Media Access Facebook Live || Replay Later from Freetv.org

AGENDA
March 11, 2026

1. Roll Call

2. Approval of February 11, 2026 Minutes

3. Public Comments: (*Restricted to Burleigh County residents and landowners)*

4. Consent Agenda: *(The following item(s) are request(s) for a public hearing)*

   4-1 EAH Subdivision
   Requests approval of a two (2) lot Subdivision and a zoning change and call for a public hearing.
   Staff recommendation: Approval

   4-2 CJB Subdivision
   Requests approval of one (1) lot Subdivision and call for a public hearing.
   Staff recommendation: Approval

5. Public Hearing Agenda:

   5-1 All American Subdivision
   -Requests approval of a one (1) lot Subdivision.
   Staff recommendation: Approval

   5-2 Apple Creek Ridge 2nd Subdivision
   -Requests approval of a one (1) lot Subdivision.
   Staff recommendation: Approval

   5-3 Aberle 5th Subdivision
   -Requests approval of a five (5) lot Subdivision.
   Staff recommendation: Approval

   5-4 Riverside 2nd Subdivision Replat.
   -Requests approval of a one (1) lot Subdivision.
   Staff recommendation: Approval

   5-5 Holly's Horses Addition
   -Requests approval of a one (1) lot subdivision
   Staff recommendation: Approval

   5-6 Ansley Special Use
   -Requests approval of a special use permit to build on a unattended lot
   Staff recommendation: Approval

6. Other Business:
Review the following Staff Reports:

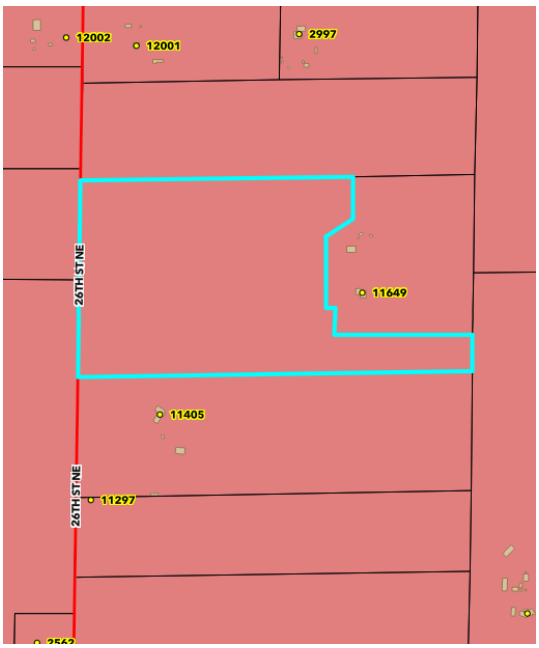
Ex. 6.1.1. Zoning Comparison Art. 21-14-04-19
Ex. 6.1.2. Zoning Comparison Ag-Ag.
Ex. 6.1.3. Zoning Comparison R1 – RR
Ex. 6.1.4. Zoning Comparison R5- RMH
Ex. 6.1.5. Zoning Comparison C -CA
Ex. 6.1.6. Zoning Comparison I-MB
Ex. 6.1.7. Zoning Comparison PUD- PUD
Ex. 6.1.8. Zoning Comparison P-Public- P-Public

7. Adjourn

Next Meeting: April 8, 2026

Agenda Item 4-1

EAH Subdivision & Zoning Change

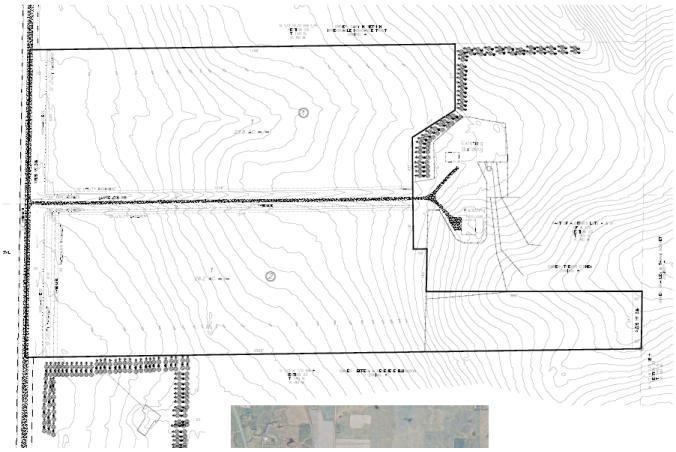
Project Summary	
Status:	Consent Agenda
Petitioner/Developer	LGO Trust
Engineer	Swenson Hagen & Company Landon Niemiller
Location:  	Part of Auditor's Lots a & B, Section 23, Township 140, Range 80 W
Project Size:	2-lots containing 57 acres more or less
Zoning Change:	A-Agricultural to R1-Rural Single Family Residential
Petitioners Request	Approve preliminary plat and zoning change. Call for a public hearing.

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

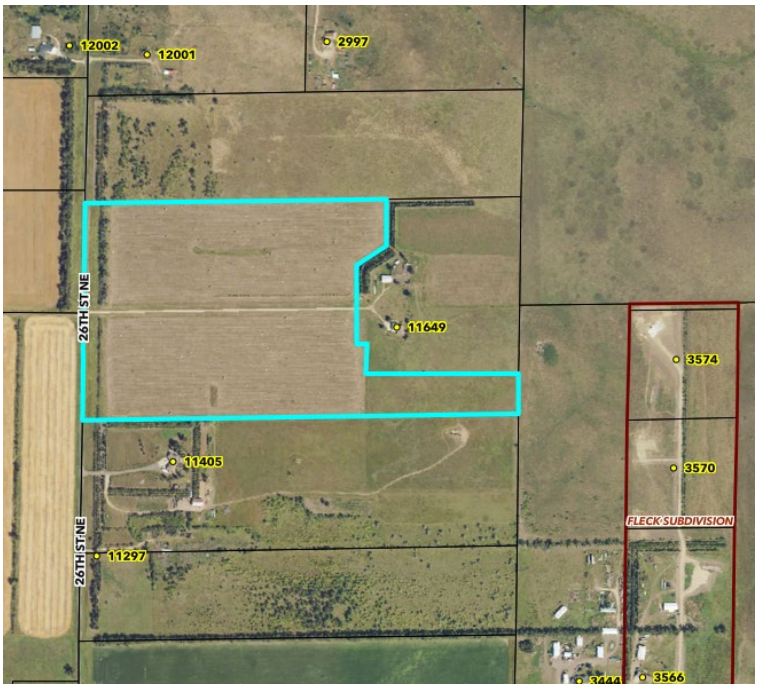
History/Description

The petitioner approached Burleigh County regarding platting a two (2) lot subdivision and zoning change from A-Agricultural to R1-Rural Single Family residential.

A pre-application meeting was held, and the preliminary plat was approved to continue.



Attachment 4-1-2 Preliminary Plat



Attachment 4-1-3 Site Map

Staff Findings – Preliminary Plat

1. This subdivision fulfills the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This preliminary plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Zoning change from A-Agricultural to R1 Rural Single Family Residential.
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.
5. A Stormwater Management Plan or Waiver is needed.
6. A paving waiver has been granted.

Planning Staff Recommendation

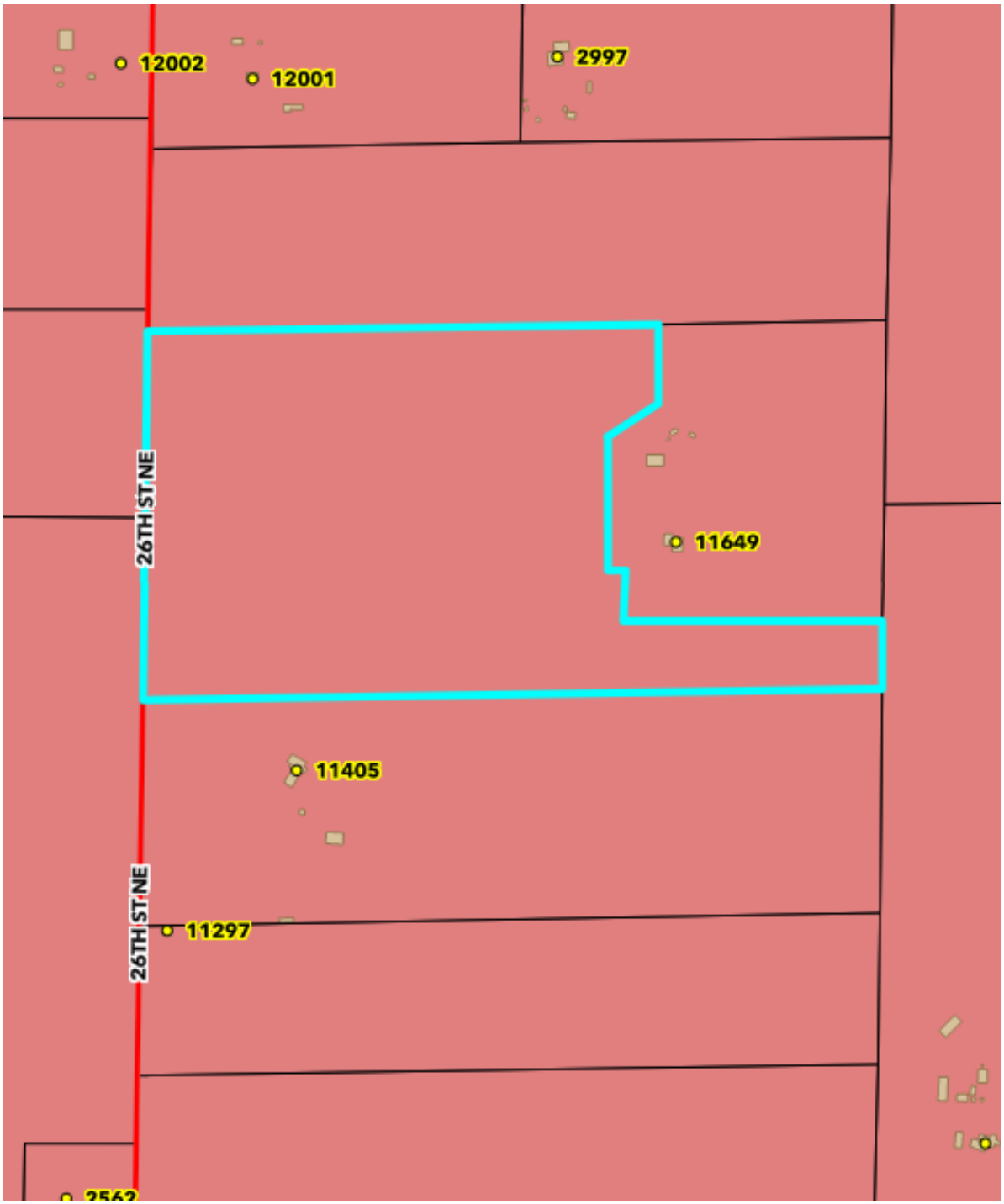
The petition for a preliminary plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the preliminary plat and calling for a public hearing.

Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

1. Approve the preliminary plat and zoning change call for a public hearing.
2. Approve the preliminary plat and zoning change with conditions and call for a public hearing after all conditions have been completed.
3. Deny the preliminary plat and zoning change with reason.
4. Table the preliminary plat and zoning change for more information.

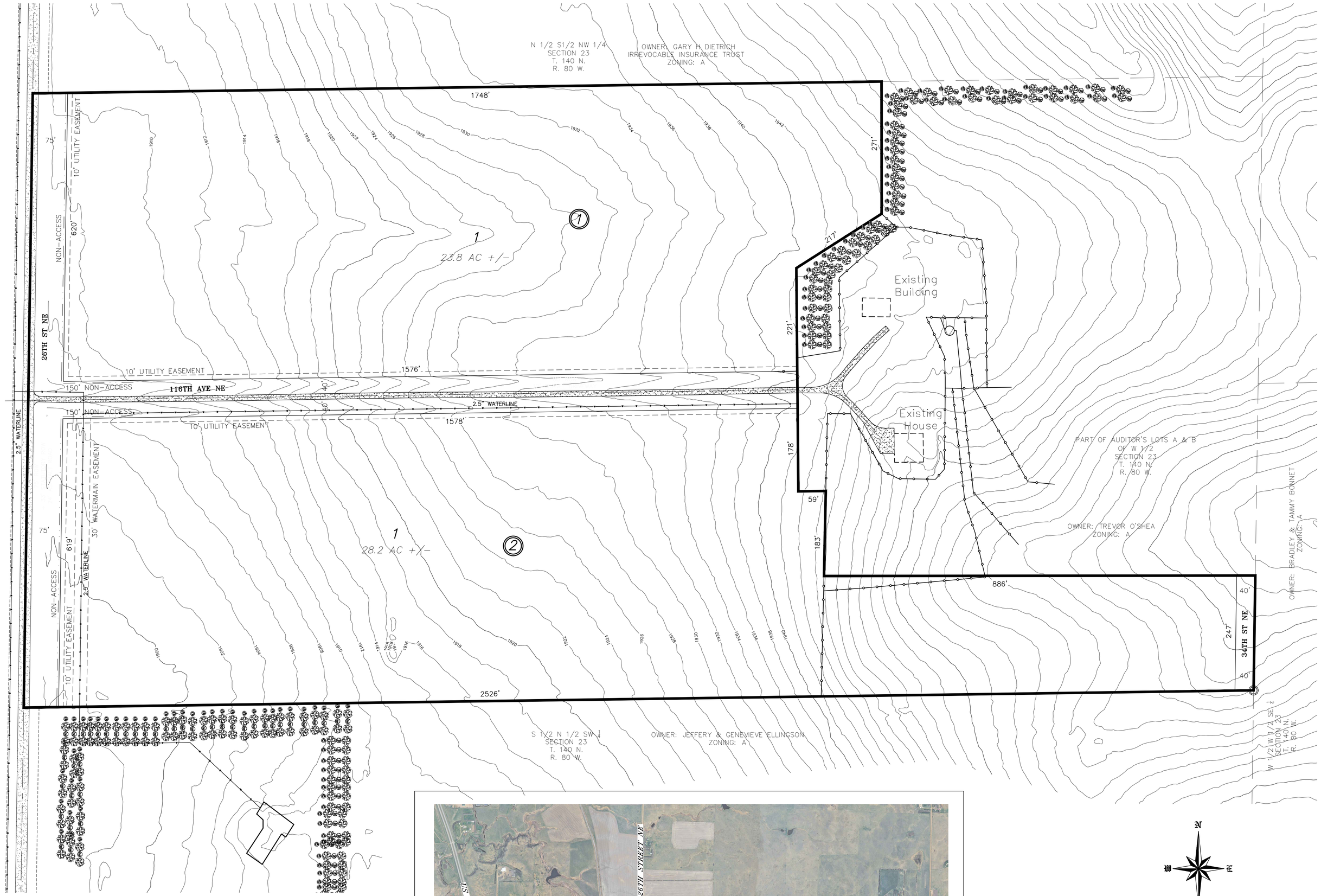
4-1-1 Location Map - EAH Subdivision



EAH SUBDIVISION

PART OF AUDITOR'S LOTS A & B OF THE W 1/2 OF SECTION 23 TOWNSHIP 140 NORTH, RANGE 80 WEST

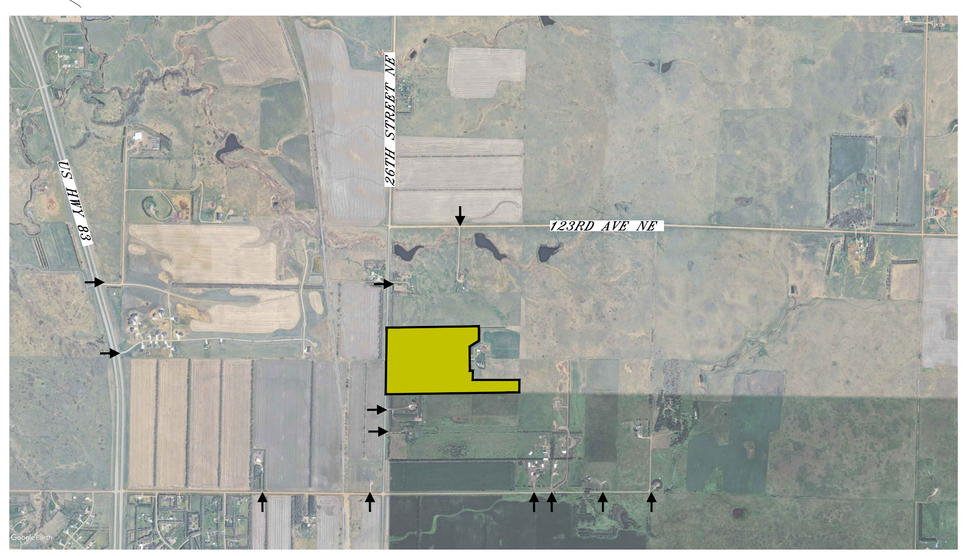
BURLEIGH COUNTY, NORTH DAKOTA
PRELIMINARY PLAT



57.4 ACRES
EXISTING ZONING: A
PROPOSED ZONING: R1
2 LOTS, 2 BLOCKS

OWNER: LGO TRUST
ADDRESS: 2200 KOCH DR., APT. 123
BISMARCK, ND 58503

SURVEYOR: SWENSON HAGEN & CO
3002 AIRWAY AVE
BISMARCK, ND 58504



LOCATION MAP

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0 100' 200'

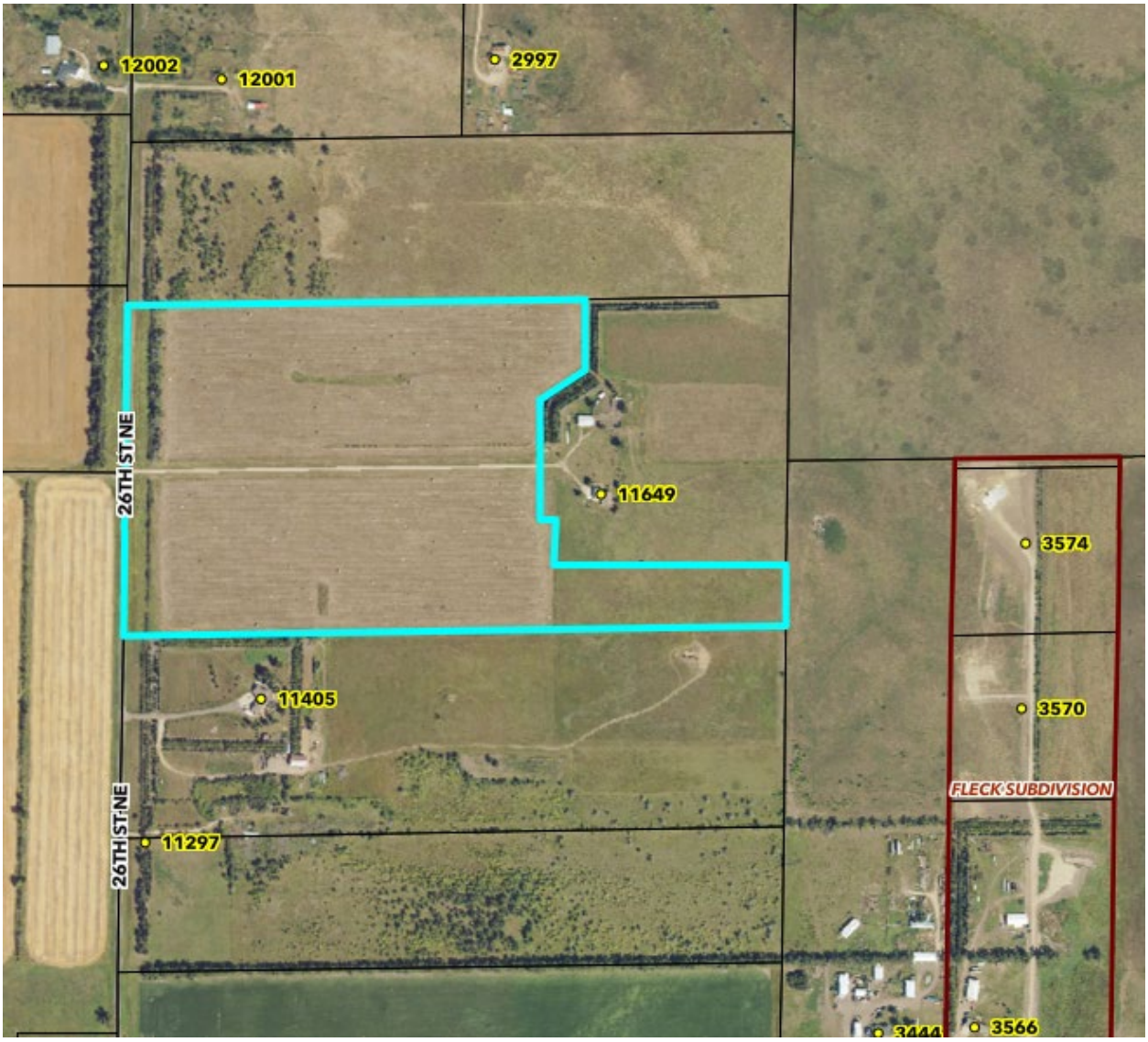
SCALE – 1" = 100"

VERTICAL DATUM: NAVD 88

FEBRUARY 18, 2026

SWENSON, HAGEN & COMPANY P.C.
3002 Airway Avenue
Bismarck, North Dakota 58504
sheng@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

4-1-3 Site Map – EAH Subdivision



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Agenda Item 4-2

CJB Subdivision

Project Summary	
Status:	Consent Agenda
Petitioner/Developer	Carman Biesterfeld
Engineer	Toman Engineering Andra Marquardt
Location:  	Part of Government Lots 1 & 2, Section 12, Township 141N, Range 81W Attachment 4-2-1 Location Map
Project Size:	1 lot subdivision containing 5.46 acres
Zoning:	A-Agricultural – Painted Woods Township
Petitioners Request	Approve preliminary plat. Call for a public hearing.

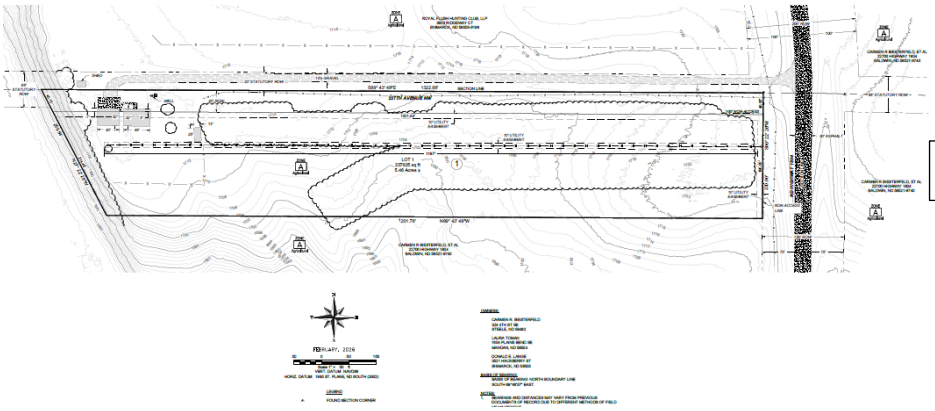
As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

History/Description

The petitioner approached Burleigh County regarding platting a one (1) lot subdivision.

A pre-application meeting was held, and the preliminary plat was approved to continue.

Zoning is A-Agricultural and is under the Painted Woods Township jurisdiction. Painted Woods Township has approved the development of this lot. See attachment 4-2-4.



Attachment 4-2-2 Preliminary Plat



Attachment 4-2-3 Site Map

Staff Findings – Preliminary Plat

1. This subdivision fulfills the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This preliminary plat has been submitted to all reviewing entities. All concerns and corrections have been addressed.
3. Zoning is A-Agricultural and under Painted Woods Township jurisdiction
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.
5. A Stormwater Management Plan or Waiver is needed.
6. A paving waiver is needed.

Planning Staff Recommendation

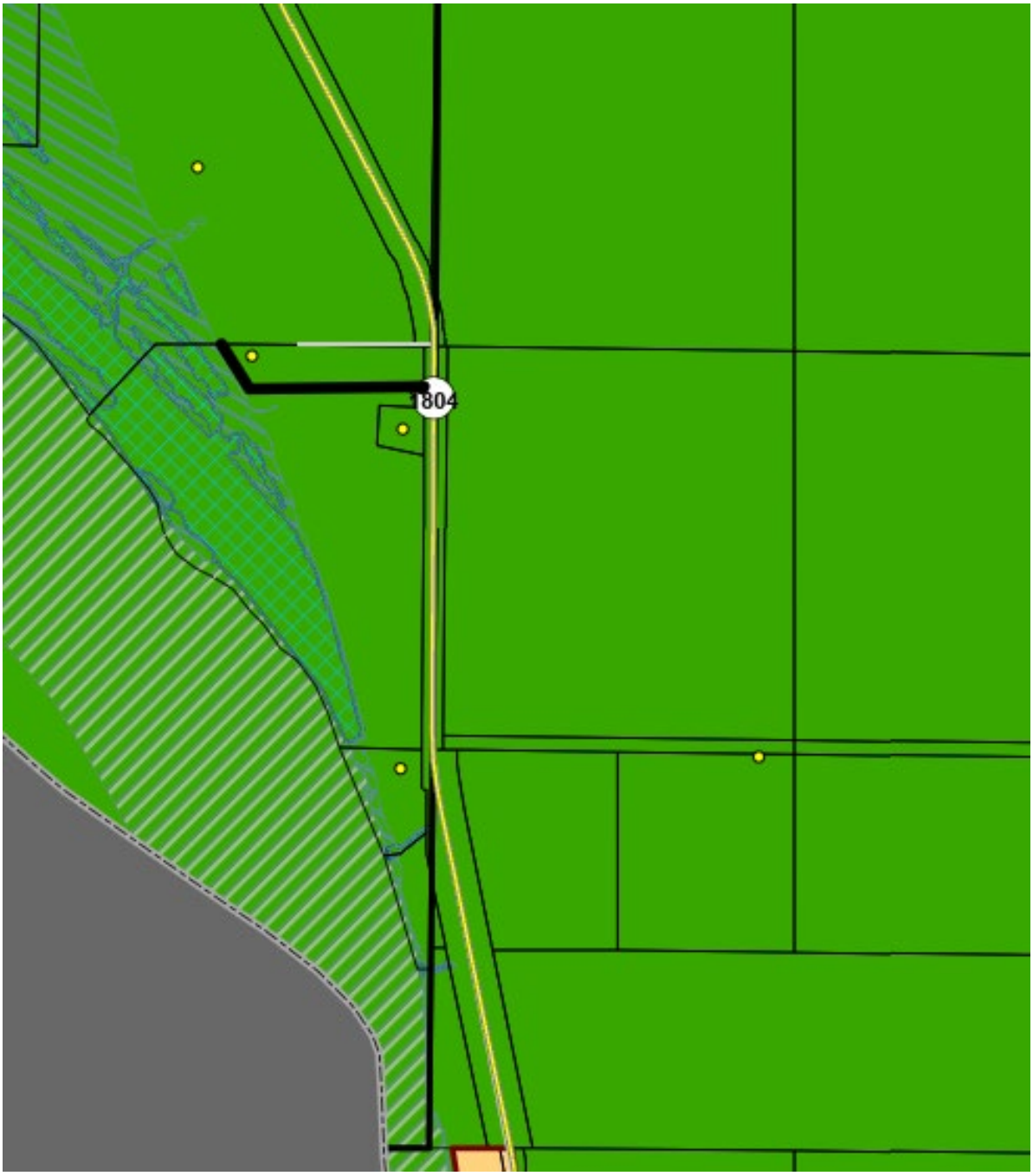
The petition for a preliminary plat meets all administrative requirements of the Burleigh County Zoning Ordinance. Staff recommends approval of the preliminary plat and calling for a public hearing.

Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

1. Approve the preliminary plat and call for a public hearing.
2. Approve the preliminary plat with conditions and call for a public hearing after all conditions have been completed.
3. Deny the preliminary plat with reason.
4. Table the preliminary plat for more information.

4-2-1 Location Map CJB Subdivision

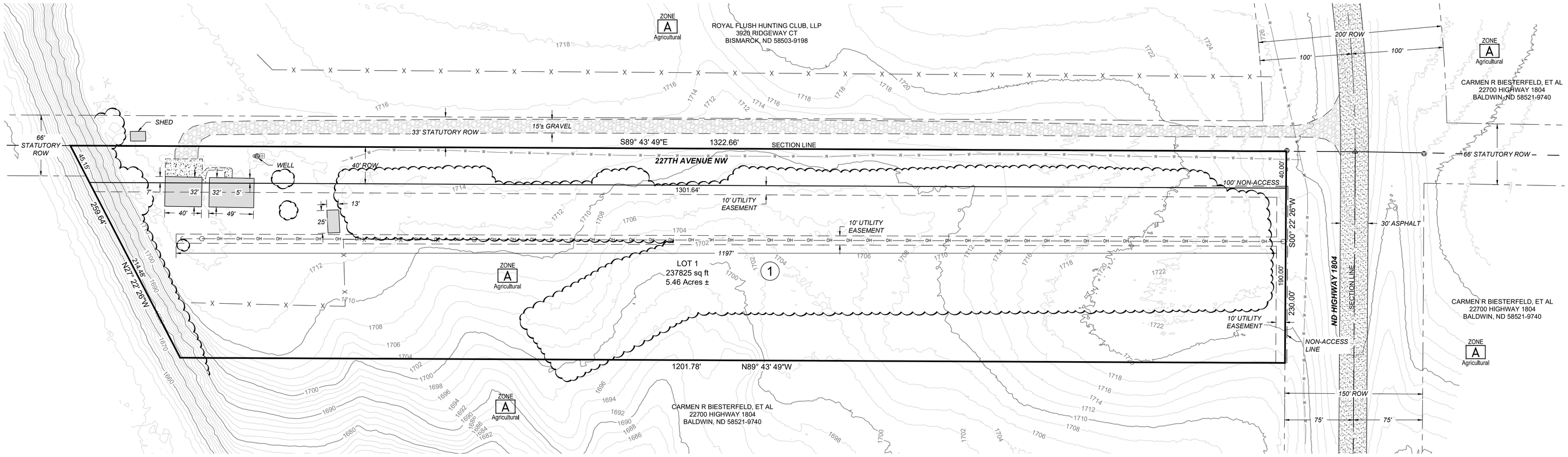


PRELIMINARY PLAT OF

CJB SUBDIVISION

OF BURLEIGH COUNTY, NORTH DAKOTA

PART OF GOVERNMENT LOTS 1 & 2 OF SECTION 12, T141N-R81W, PAINTED WOODS TOWNSHIP



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FEBRUARY, 2026

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Scale 1" = 50 ft

VERT. DATUM: NAVD88

HORIZ. DATUM: 1983 ST. PLANE, ND SOUTH (3302)

LEGEND

- FOUND SECTION CORNER
- ROW MARKER
- SANITARY CLEANOUT
- WATER METER
- POWER POLE
- GUY WIRE
- OVERHEAD POWER
- RURAL WATER LINE
- FENCE LINE
- ASPHALT
- CONCRETE
- GRAVEL
- BUILDING
- TREE/TREE ROW

OWNERS:

CARMEN R. BIESTERFELD
324 4TH ST SE
STEELE, ND 58482

LAURA TOMAN
1604 PLAINS BEND SE
MANDAN, ND 58554

DONALD E. LANGE
3521 HACKBERRY ST
BISMARCK, ND 58503

BASIS OF BEARING:

BASIS OF BEARING: NORTH BOUNDARY LINE
SOUTH 89°46'37" EAST.

NOTES:

1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
2. CONTOURS PROVIDED BY THE STATE OF NORTH DAKOTA LiDAR PROGRAM. DATA COLLECTED IN THE SPRING OF 2015.
3. TOTAL LOTS: 5.46 AC±
   TOTAL ROW: 1.20 AC±
   TOTAL ACREAGE: 6.66 AC±

VICINITY MAP



4628

TOMAN ENGINEERING

501 1st Street NW, Mandan, ND 58554

701-663-6483 * www.tomanengineering.com

SURVEYOR: ANDRA L. MARQUARDT, RLS-4623

H:\Projects\4000\4628 Carmen Biesterfeld\4628 Survey.dwg, 2/24/2026 7:48:58 AM, 1:1

4-2-3 Site Map – CJB Subdivision



4-2-4 PW Approval

PAINTED WOODS TOWNSHIP
Burleigh County, North Dakota

Date: February 17, 2026

Burleigh County Planning & Zoning Department
221 N 5th Street
Bismarck, ND 58501

Re: Township Approval — Preliminary Plat of CJB Subdivision
Part of Government Lots 1 & 2, Section 12, Township 141 North, Range 81 West
Painted Woods Township, Burleigh County, North Dakota

To Whom It May Concern:

At a meeting held on February 17, 2026, the Painted Woods Township Board met with Jack and Carmen Biesterfeld regarding the proposed Preliminary Plat of CJB Subdivision located within Government Lots 1 and 2 of Section 12, Township 141 North, Range 81 West, Painted Woods Township, Burleigh County, North Dakota.

The Board reviewed the submitted survey and preliminary plat consisting of approximately 5.46 acres, showing property boundaries, applicable setbacks, and zoning classification as Agricultural. The Board understands the intent is to replace the existing residence with a new home on the property.

Following review, the Painted Woods Township Board hereby supports and approves the preliminary plat as submitted for consideration by Burleigh County Planning & Zoning.

Sincerely,

Abigail Franklund

Abigail Franklund
Secretary/Treasurer

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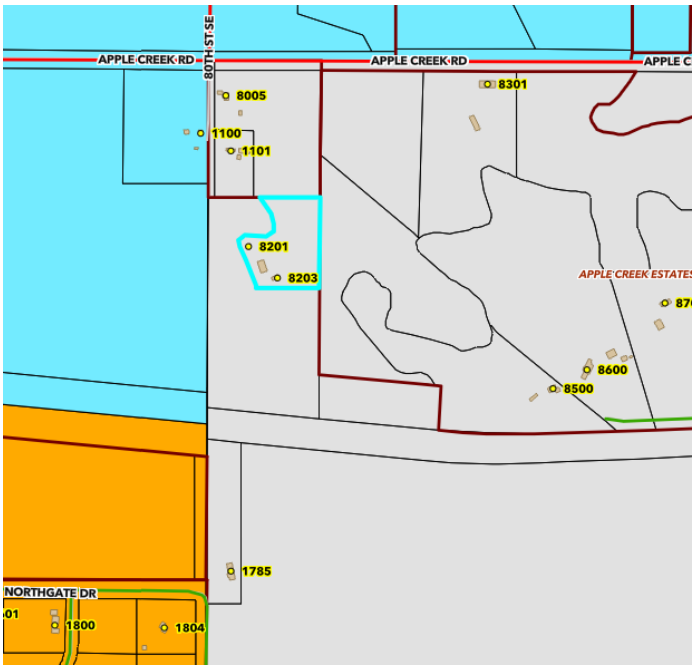
Agenda Item 5-1

All-American Subdivision

Project Summary	
Status:	Public Hearing
Petitioner/Developer	Nathan Jensen
Engineer	Toman Engineering Andra Marquardt
Location:	Part of the NW 1/4 of Section 9, Township 139N, Range 79 W Addressed: 8203 Apple Creek Road
Project Size:	1-Lot containing 5 acres more or less
Zoning Change:	A-Agricultural Apple Creek Township has Zoning Jurisdiction.
Petitioners Request:	Approve final plat. Give a "Do Pass" recommendation to the Board of Burleigh County Commissioners (BCC)
Posted:	Bis. Tribune: 2/25 & 3/4/2026 Surrounding Properties: 2/27/2026 Burleigh Co. Website: 2/27/2026



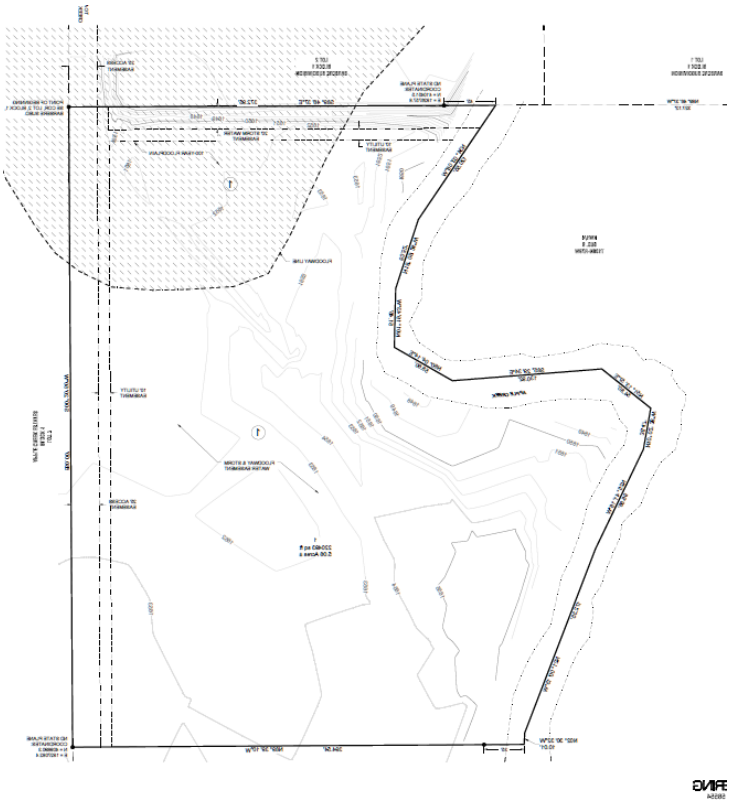
5-1-1 Location Map

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

History/Description

Burleigh County was approached about constructing a shop building on a five (5) acre lot on a parcel containing 21 acres. Because the lot is less than 40 acres, the petitioner was advised to plat the parcel into a subdivision. Toman Engineering met with county staff regarding the preliminary plat. Staff had concerns regarding the floodplain and adjoining floodway on the west side of the property.

The Burleigh County Planning and Zoning Commission approved the preliminary plat on February 11, 2026.



5-1-2 Final Plat



Attachment 5-1-3 Site Map

Staff Findings – Final Plat

1. This subdivision fulfills the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This final plat has been submitted to all reviewing entities. All concerns and corrections will be addressed.
3. Zoning is A-Agricultural.
4. Apple Creek Township has approved the subdivision
5. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.
6. A Stormwater Management Waiver was approved on 2/16/2026.
7. A paving waiver is not required.

Planning Staff Recommendation

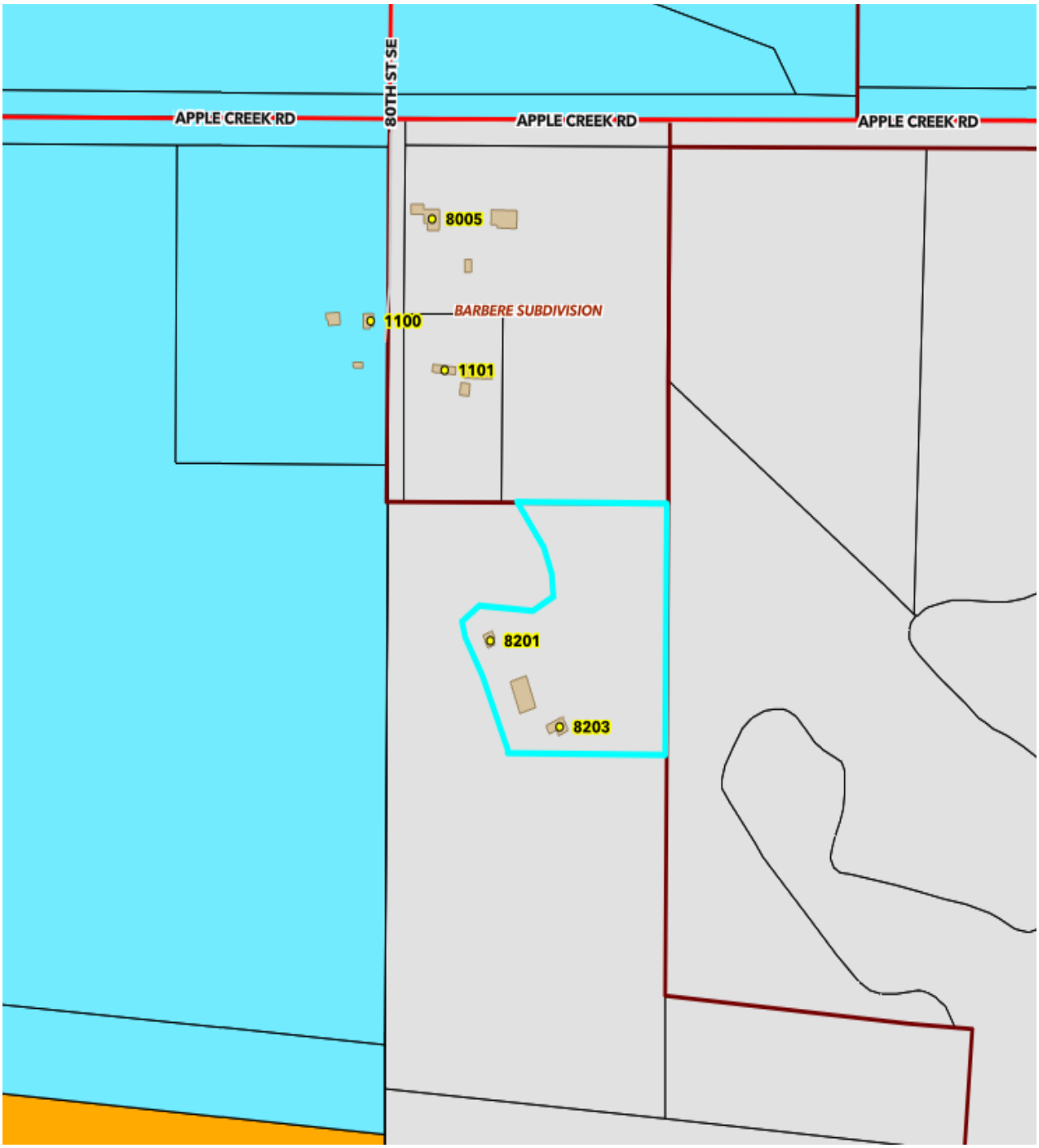
The petition for a final plat meets all administrative requirements of the Burleigh County Zoning Ordinance – Article 33. Staff recommends approval of the final plat and giving a "Do Pass" recommendation to the BCC.

Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

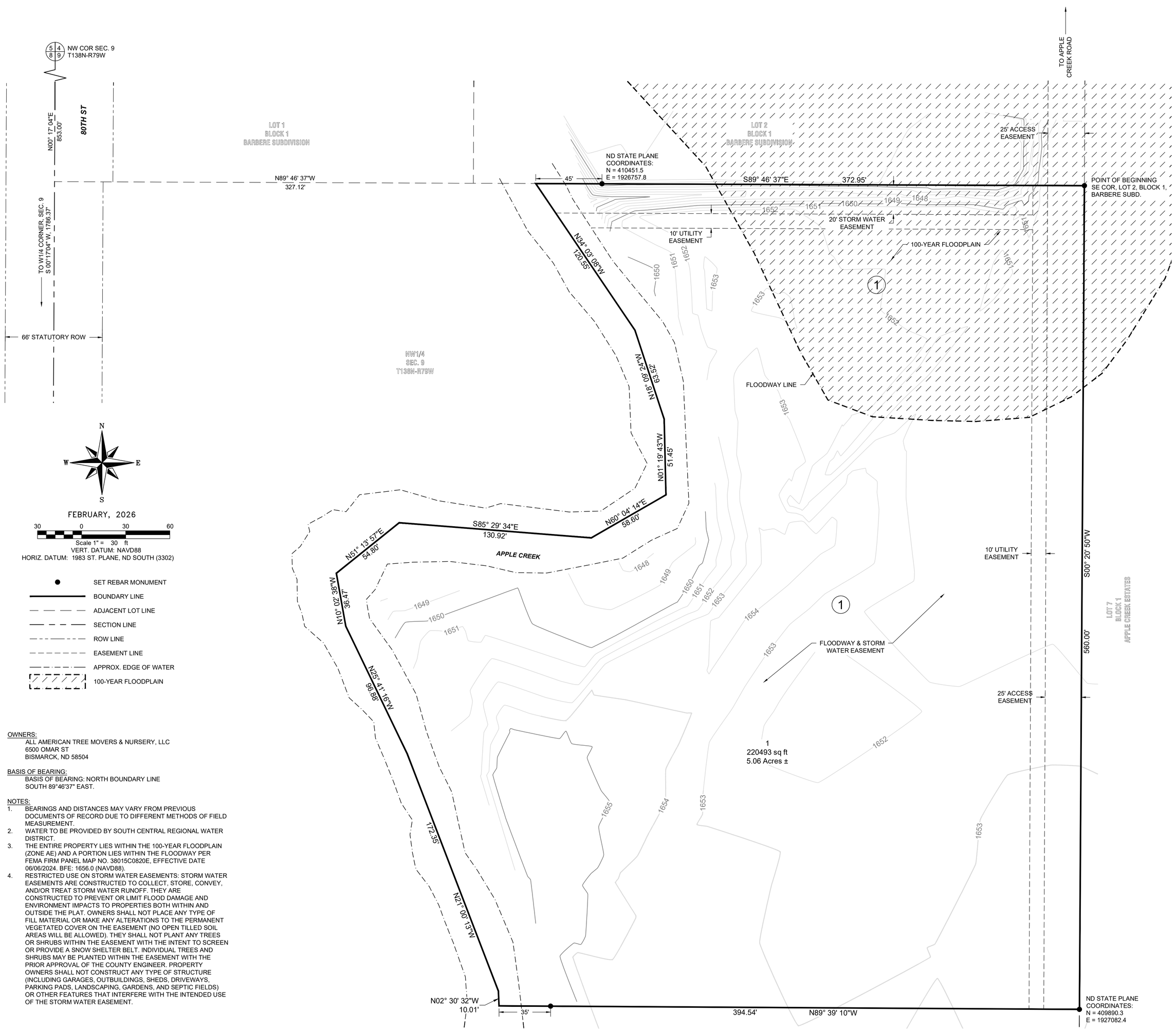
1. Approve the final plat and give a "Do Pass" recommendation to the BCC.
2. Approve the final plat with conditions and give a "Do Pass" recommendation to the BCC. after all condition have been completed.
3. Deny the final plat with reason.
4. Table the final plat for more information.

5-1-1 Location Map - All-American Subdivision



ALL AMERICAN SUBDIVISION

PART OF THE NW1/4 OF SECTION 9, T138N-R79W,
BURLEIGH COUNTY, NORTH DAKOTA



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FEBRUARY, 2026

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Scale 1" = 30 ft

VERT. DATUM: NAVD88

HORIZ. DATUM: 1983 ST. PLANE, ND SOUTH (3302)

- SET REBAR MONUMENT
- BOUNDARY LINE
- ADJACENT LOT LINE
- SECTION LINE
- ROW LINE
- EASEMENT LINE
- APPROX. EDGE OF WATER
- 100-YEAR FLOODPLAIN

OWNERS:
ALL AMERICAN TREE MOVERS & NURSERY, LLC
6500 OMAR ST
BISMARCK, ND 58504

BASIS OF BEARING:
BASIS OF BEARING: NORTH BOUNDARY LINE
SOUTH 89°46'37" EAST.

NOTES:

1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
2. WATER TO BE PROVIDED BY SOUTH CENTRAL REGIONAL WATER DISTRICT.
3. THE ENTIRE PROPERTY LIES WITHIN THE 100-YEAR FLOODPLAIN (ZONE AE) AND A PORTION LIES WITHIN THE FLOODWAY PER FEMA FIRM PANEL MAP NO. 38015C0820E, EFFECTIVE DATE 06/06/2024. BFE: 1656.0 (NAVD88).
4. RESTRICTED USE ON STORM WATER EASEMENTS: STORM WATER EASEMENTS ARE CONSTRUCTED TO COLLECT, STORE, CONVEY, AND/OR TREAT STORM WATER RUNOFF. THEY ARE CONSTRUCTED TO PREVENT OR LIMIT FLOOD DAMAGE AND ENVIRONMENT IMPACTS TO PROPERTIES BOTH WITHIN AND OUTSIDE THE PLAT. OWNERS SHALL NOT PLACE ANY TYPE OF FILL MATERIAL OR MAKE ANY ALTERATIONS TO THE PERMANENT VEGETATED COVER ON THE EASEMENT (NO OPEN TILLED SOIL AREAS WILL BE ALLOWED). THEY SHALL NOT PLANT ANY TREES OR SHRUBS WITHIN THE EASEMENT WITH THE INTENT TO SCREEN OR PROVIDE A SNOW SHELTER BELT. INDIVIDUAL TREES AND SHRUBS MAY BE PLANTED WITHIN THE EASEMENT WITH THE PRIOR APPROVAL OF THE COUNTY ENGINEER. PROPERTY OWNERS SHALL NOT CONSTRUCT ANY TYPE OF STRUCTURE (INCLUDING GARAGES, OUTBUILDINGS, SHEDS, DRIVEWAYS, PARKING PADS, LANDSCAPING, GARDENS, AND SEPTIC FIELDS) OR OTHER FEATURES THAT INTERFERE WITH THE INTENDED USE OF THE STORM WATER EASEMENT.

TOMAN ENGINEERING
501 1st Street NW, Mandan, ND 58554
701-663-6483 * www.tomanengineering.com
SURVEYOR: ANDRA L. MARQUARDT, RLS-4623

DESCRIPTION OF PROPERTY

A TRACT OF LAND BEING A PART OF THE NW1/4 OF SECTION 9, TOWNSHIP 138 NORTH, RANGE 79 WEST OF THE 5TH PRINCIPAL MERIDIAN, APPLE CREEK TOWNSHIP OF BURLEIGH COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 2, BLOCK 1, BARBERE SUBDIVISION OF BURLEIGH COUNTY, NORTH DAKOTA, SAID POINT ALSO BEING ON THE WEST BOUNDARY LINE OF APPLE CREEK ESTATES OF BURLEIGH COUNTY, NORTH DAKOTA; THENCE SOUTH 00°20'50" WEST ALONG SAID WEST BOUNDARY LINE FOR 560.00 FEET; THENCE NORTH 89°39'10" WEST FOR 394.54 FEET TO A POINT ON THE APPROXIMATE CENTERLINE OF APPLE CREEK; THENCE ALONG SAID APPROXIMATE CENTERLINE THE FOLLOWING TEN (10) COURSES; THENCE NORTH 2°30'32" WEST FOR 10.01 FEET; THENCE NORTH 21°00'13" WEST FOR 172.35 FEET; THENCE NORTH 25°41'16" WEST FOR 96.88 FEET; THENCE NORTH 10°02'38" WEST FOR 36.47 FEET; THENCE NORTH 51°13'57" EAST FOR 54.80 FEET; THENCE SOUTH 85°29'34" EAST FOR 130.92 FEET; THENCE NORTH 60°04'14" EAST FOR 58.60 FEET; THENCE NORTH 1°19'43" WEST FOR 51.45 FEET; THENCE NORTH 18°09'24" WEST FOR 63.52 FEET; THENCE NORTH 34°03'08" WEST FOR 120.55 FEET TO A POINT ON THE SOUTH BOUNDARY LINE OF SAID BARBERE SUBDIVISION; THENCE SOUTH 89°46'37" EAST ALONG SAID SOUTH BOUNDARY LINE FOR 372.95 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 5.06 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, ANDRA L. MARQUARDT, NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 4623, HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED BY MY FORCES UNDER MY SUPERVISION THE PROPERTY DESCRIBED HEREON AND I HAVE PREPARED THE ACCOMPANYING PLAT; FURTHER, THAT DISTANCES INDICATED HEREON ARE IN FEET AND HUNDREDTHS THEREOF, AND BEARINGS ARE INDICATED IN QUADRANTS AND DEGREES, MINUTES, AND SECONDS THEREOF, AND ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT; FURTHER, THAT SAID PLAT DOES TRULY SHOW THE SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

ANDRA L. MARQUARDT, RLS-4623

OWNER'S CERTIFICATE OF DEDICATION

WE, THE UNDERSIGNED, BEING SOLE OWNERS OF THE LAND PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AND DO DEDICATE ALL THE RIGHT OF WAY IDENTIFIED HEREIN TO THE PUBLIC FOREVER. WE ALSO DEDICATE EASEMENTS TO RUN WITH THE LAND FOR GAS, ELECTRIC, TELEPHONE, WATER OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS "UTILITY EASEMENT".

NATHAN JENSEN
ALL AMERICAN TREE MOVERS
& NURSERY, LLC

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS _____DAY OF _____, 2026.

_____NOTARY PUBLIC
_____ COUNTY, _____
MY COMMISSION EXPIRES: _____

APPROVAL OF COUNTY PLANNING AND ZONING COMMISSION

THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, HEREBY APPROVES ALL AMERICAN SUBDIVISION AS SHOWN ON THIS PLAT. THIS PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND THE ORDINANCES OF THE COUNTY OF BURLEIGH AND REGULATIONS ADOPTED BY SAID PLANNING AND ZONING COMMISSION.

THE FOREGOING ACTION OF THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE _____DAY OF _____, 2026.

DENNIS AGNEW - CHAIRMAN

MITCH FLANAGAN - SECRETARY

APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THIS PLAT.

THE PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND ORDINANCES OF THE COUNTY OF BURLEIGH.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSION OF BURELIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE ____ DAY OF _____, 2026.

BRIAN BITNER - CHAIRMAN

ATTEST: MARK SPLONSKOSKI
COUNTY AUDITOR/TREASURER

APPROVAL OF THE COUNTY ENGINEER

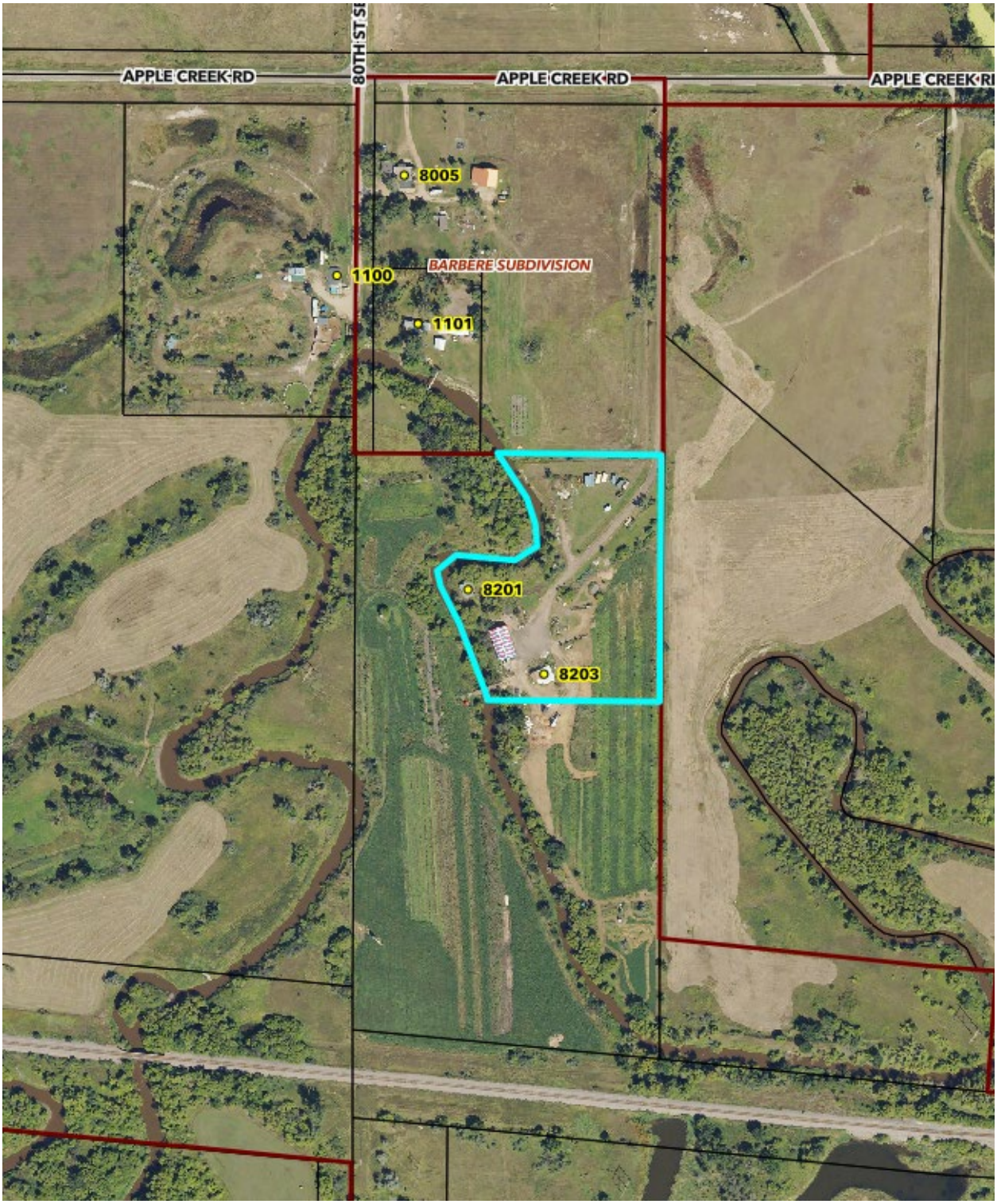
I, _____, COUNTY ENGINEER OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HEREBY APPROVES THIS PLAT OF DESTINY SUBDIVISION, AS SHOWN ON THIS PLAT.

DATED THIS _____ DAY OF _____, 2026

_____, PE
COUNTY ENGINEER

H:\Projects\4000\4619 All American Subdivision\4619 Final Plat.dwg, 2/23/2026 4:20:32 PM, 1:1

5-1-3 Site Map All American Subdivision



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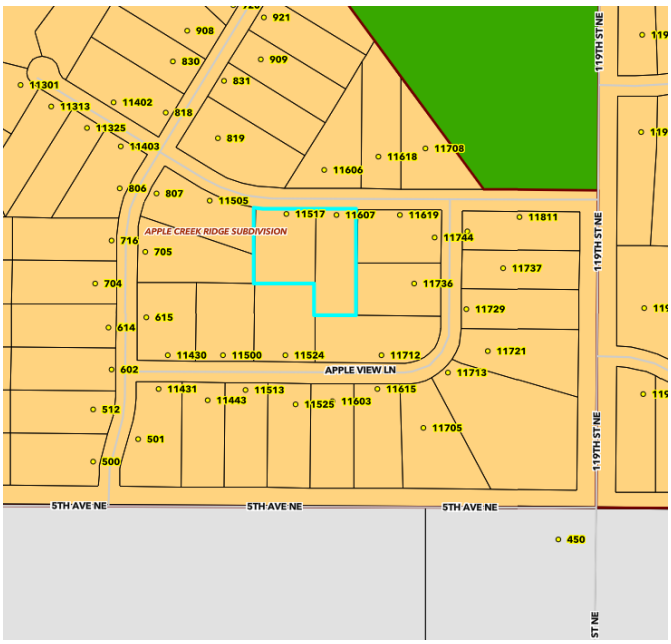
Agenda Item 5-2

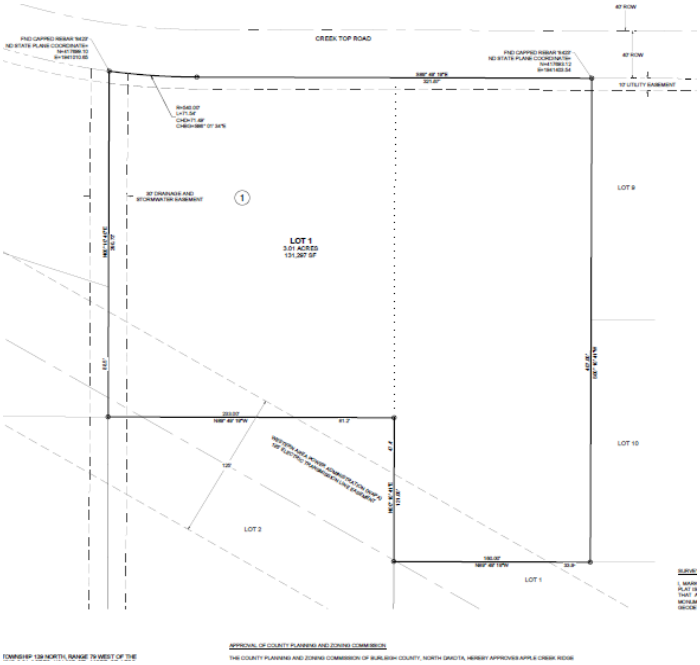
Apple Creek Ridge 2nd Subdivision

Project Summary	
Status:	Public Hearing
Petitioner/Developer	Russel & Jennifer Heaton
Engineer	Independent Land Surveying Mark Isaacs
Location: 	Lots 7 & 8, Block 3, Section 35, Township 139, Range 79W Addressed: 11517 Creektop Road 5-2-1 Location Map
Project Size:	1-Lot containing 3 acres more or less
Zoning Change:	R1-Rural Single Family REsidential
Petitioners Request:	Approve final plat. Give a "Do Pass" recommendation to the Board of Burleigh County Commissioners (BCC)
Posted:	Bis. Tribune: 2/25 & 3/4/2026 Surrounding Properties: 2/27/2026 Burleigh Co. Website: 2/27/2026

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

History/Description

Burleigh County was contracted with a proposed lot combination for 2 lots located in Apple Creek Ridge Subdivision. The owners were advised to do a short plat subdivision.



5-2-2 Final Plat



Attachment 5-2-3 Site Map

Staff Findings – Final Plat

1. This subdivision fulfills the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This final plat has been submitted to all reviewing entities. All concerns and corrections will be addressed.
3. Zoning is R1-Rural Single Family Residential.
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.
5. A Stormwater Management Waiver was not required.
6. A paving waiver is not required.

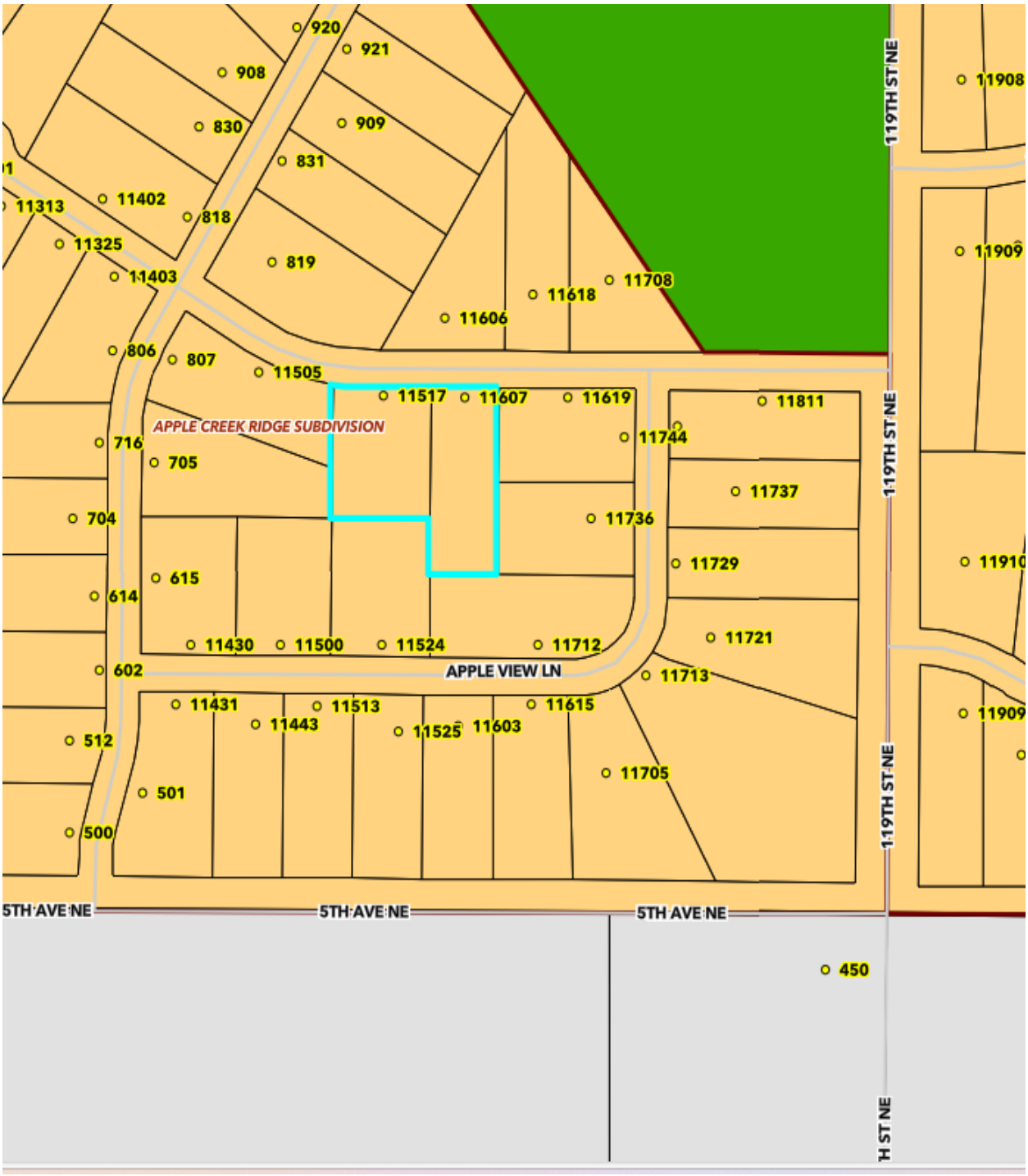
Planning Staff Recommendation

The petition for a final plat meets all administrative requirements of the Burleigh County Zoning Ordinance – Article 33. Staff recommends approval of the final plat and giving a "Do Pass" recommendation to the BCC.

Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

1. Approve the final plat and give a "Do Pass" recommendation to the BCC.
2. Approve the final plat with conditions and give a "Do Pass" recommendation to the BCC. after all condition have been completed.
3. Deny the final plat with reason.
4. Table the final plat for more information.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11708
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807
11505
11517
11607
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11811
APPLE CREEK RIDGE SUBDIVISION
716
705
11744
704
11737
11736
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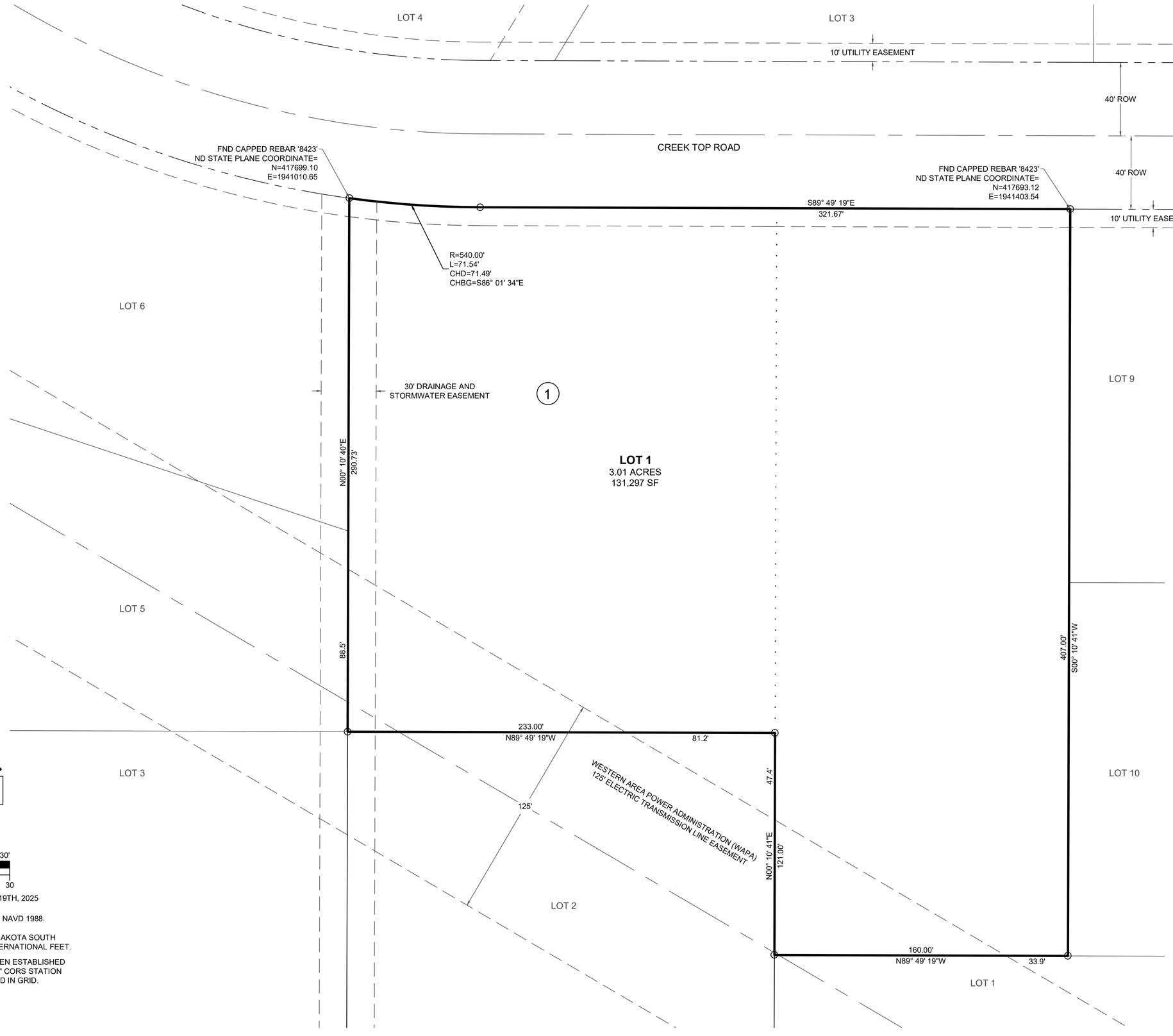
11729
614
11430
11500
11524
11712
11721
602
APPLE VIEW LN
11713
11431
11513
11615
11443
11525
11603
512
11705
501
500
5TH AVE NE
5TH AVE NE
5TH AVE NE
450
119TH ST NE
119TH ST NE
119TH ST NE
11908
11909
11910
11909

APPLE CREEK RIDGE SECOND SUBDIVISION

LOTS 7 & 8, BLOCK 3 IN APPLE CREEK RIDGE SUBDIVISION
SECTION 35, T139N, R79W
BURLEIGH COUNTY, NORTH DAKOTA



NORTH

SCALE: 1" = 30'

0 15 30

DATE: DECEMBER 19TH, 2025

VERTICAL DATUM - NAVD 1988.

BASED ON NORTH DAKOTA SOUTH ZONE-NAD83 (2011), INTERNATIONAL FEET.

MEASUREMENTS HAVE BEEN ESTABLISHED BY RTK FROM THE "NDBK" CORS STATION AND ARE REPORTED IN GRID.

LEGEND

○	FOUND SURVEY MONUMENT
. . . . .	VACATED LOT LINE

AREA TABLE

LOT 1	3.01 ACRES
TOTAL	3.01 ACRES

RESTRICTED USE ON STORMWATER & DRAINAGE EASEMENT

STORMWATER & DRAINAGE EASEMENTS ARE CONSTRUCTED TO COLLECT, STORE, CONVEY, AND/OR TREAT STORMWATER RUNOFF. THEY ARE CONSTRUCTED TO PREVENT OR LIMIT FLOOD DAMAGE AND ENVIRONMENTAL IMPACTS TO PROPERTIES BOTH WITHIN AND OUTSIDE OF THE PLAT.

PROPERTY OWNERS SHALL NOT PLACE ANY TYPE OF FILL MATERIAL OR MAKE ANY ALTERATIONS TO THE PERMANENT VEGETATED COVER ON THE STORMWATER & DRAINAGE EASEMENT (NO OPEN TILL SOIL IS ALLOWED). THEY SHALL NOT PLANT ANY TREES OR SHRUBS WITHIN THE EASEMENT WITH THE INTENT TO SCREEN OR PROVIDE A SNOW SHELTER BELT. INDIVIDUAL TREES AND SHRUBS MAY BE PLANTED WITHIN THE EASEMENT WITH THE PRIOR APPROVAL OF THE COUNTY ENGINEER. PROPERTY OWNERS SHALL NOT CONSTRUCT ANY TYPE OF STRUCTURE (INCLUDING FENCES, GARAGES, OUTBUILDINGS, SHEDS, DRIVEWAYS, PARKING PADS, LANDSCAPING, GARDENS, AND SEPTIC FIELDS) OR OTHER FEATURES THAT INTERFERE WITH THE INTENDED USE OF THE STORMWATER & DRAINAGE EASEMENT.

SURVEYOR'S CERTIFICATE

I, MARK R. ISAACS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE APPROVED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON DECEMBER 15, 2025. THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

MARK R. ISAACS, RLS 9628

LAND DESCRIPTION

LOTS 7 & 8, BLOCK 3 IN APPLE CREEK RIDGE SUBDIVISION IN SECTION 35, TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, CONTAINING 3.01 ACRES (131,297 SF), MORE OR LESS, AND SUBJECT TO ALL LEGAL RIGHTS OF WAY AND EASEMENTS.

OWNER'S CERTIFICATE OF DEDICATION

WE, THE UNDERSIGNED, BEING SOLE OWNERS OF THE LAND PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AND DO DEDICATE ALL THE RIGHT OF WAY IDENTIFIED HEREIN TO BURLEIGH COUNTY. WE ALSO DEDICATE EASEMENTS TO RUN WITH THE LAND FOR GAS, ELECTRIC, TELEPHONE, WATER, OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS "UTILITY EASEMENT".

THEY ALSO DEDICATE ACCESS EASEMENTS TO ALL LAND OWNING PARTIES, TO RUN WITH THE LAND FOR THE PURPOSE OF CONSTRUCTING, OPERATING, AND MAINTAINING THE ACCESS UNDER OR UPON THE REAL PROPERTY OF THOSE CERTAIN STRIPS OF LAND SO DESIGNATED.

RUSSELL HEATON
LOT 1; BLOCK 1

JENNIFER HEATON
LOT 1, BLOCK 1

STATE OF _____)
) SS
COUNTY OF _____)

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC. THIS___DAY OF _____, 20___.

NOTARY PUBLIC _____

APPROVAL OF COUNTY PLANNING AND ZONING COMMISSION

THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, HEREBY APPROVES APPLE CREEK RIDGE 2ND SUBDIVISION AS SHOWN ON THIS PLAT, THIS PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND THE ORDINANCES OF THE COUNTY OF BURLEIGH AND REGULATIONS ADOPTED BY SAID PLANNING AND ZONING COMMISSION.

THE FOREGOING ACTION OF THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE_____DAY OF_____, 20___.

DENNIS AGNEW - CHAIRMAN

ATTEST: MITCH FLANAGAN - SECRETARY

APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE PLAT AS AN AMENDMENT TO THE MASTER PLAN OF BURLEIGH COUNTY, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THIS PLAT.

THE PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND ORDINANCES OF THE COUNTY OF BURLEIGH.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE_____DAY OF_____, 20__.

BRIAN BITNER - CHAIRMAN

ATTEST: MARK SPLONSKOWSKI,
COUNTY AUDITOR

APPROVAL OF THE COUNTY ENGINEER

I, MARCUS J. HALL, COUNTY ENGINEER FOR THE COUNTY OF BURLEIGH, NORTH DAKOTA, HEREBY APPROVES THIS PLAT OF "APPLE CREEK RIDGE SECOND SUBDIVISION" AS SHOWN ON THE PLAT, DATED THIS _____ DAY OF _____, 20___.

MARCUS J. HALL, PE
COUNTY ENGINEER

BENCHMARK - NORTHWEST CORNER OF LOT 1, BLOCK 1, A CAPPED REBAR FOUND FLUSH WITH THE GROUND. ELEVATION = 1685.62

PROFESSIONAL LAND SURVEYOR
MARK R. ISAACS, LS-9628

OWNERS:

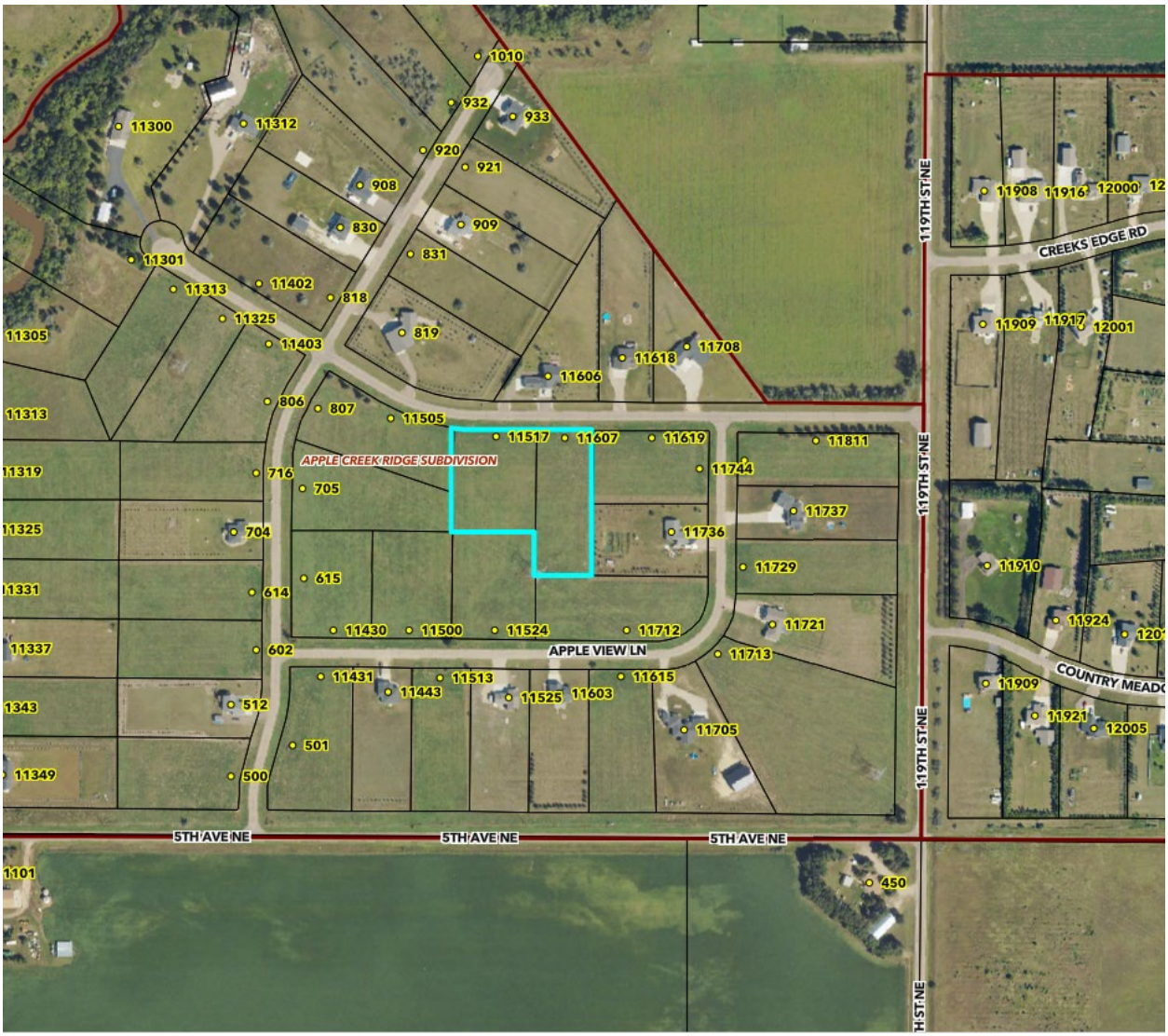
RUSSELL & JENNIFER HEATON
6260 28TH AVENUE SE
LINCOLN, ND 58504

NOTES:
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENTS.
2. SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.

APPLE CREEK RIDGE
2ND SUBDIVISION
LOTS 7 & 8, BLOCK 3 IN APPLE CREEK RIDGE SUBDIVISION
SECTION 35, T139N, R79W
BURLEIGH, NORTH DAKOTA

SHEET: 1 OF 1	JOB NUMBER: 25251
SCALE: 1"= 30'	DWG REVISION DATES
DRAWN BY: LCM	– –
DWG DATE: 12/19/25	– –
DWG NAME:25251 Survey.dwg	

Independent Land Surveying & Engineering
4215 Old Red Trail NW
Mandan, ND 58554
Phone: 701-663-5184
Cell: 701-595-2079
mark@ilsurveynd.com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11811
APPLE CREEK RIDGE SUBDIVISION
716
705
11744
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704
11736
615
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11910
11430
11500
11524
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11721
602
APPLE VIEW LN
11713
11431
11513
11615
11443
11525
11603
512
11705
501
500
11349
5TH AVE NE
5TH AVE NE
5TH AVE NE
450
119TH ST NE
CREEKS EDGE RD
11908
11916
12000
11909
11917
12001
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11924
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11921
12005
COUNTRY MEADO

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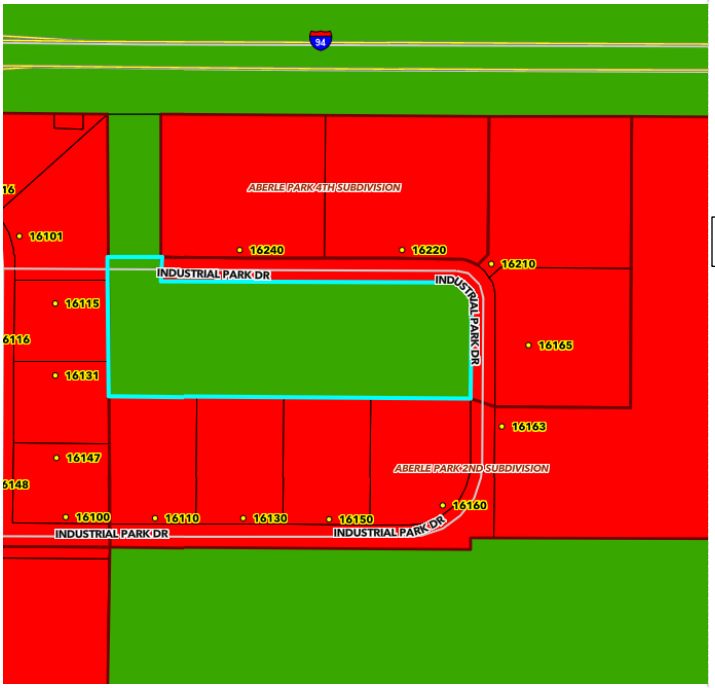
Agenda Item 5-3

Aberle Park 5th Subdivision & Zoning Change

Project Summary	
Status:	Public Hearing
Petitioner/Developer	Aberle Land, LLP
Engineer	Swenson, Hagen & Company Landon Niemiller
Location:  	Part of Auditor's Lot 3, Section 28, Township 139, Range 78W Attachment 5-3-1 Location Map
Project Size:	5-Lot Subdivision containing 11 acres more or less
Zoning Change:	A-Agricultural to I-Industrial
Petitioners Request:	Approve final plat and zoning change. Give a "Do Pass" recommendation to the Board of Burleigh County Commissioners (BCC)

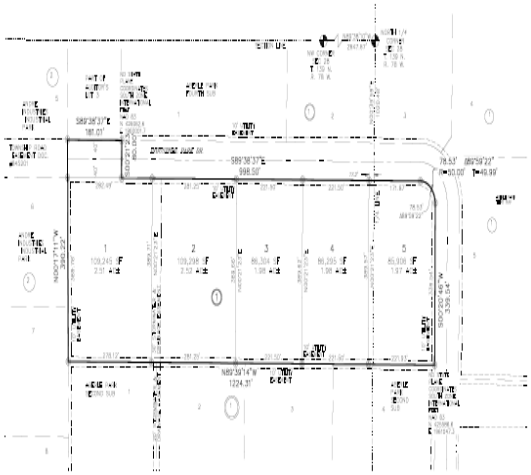
As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

Posted:	Bis. Tribune: 2/25 & 3/4/2026 Surrounding Properties: 2/27/2026 Burleigh Co. Website: 2/27/2026

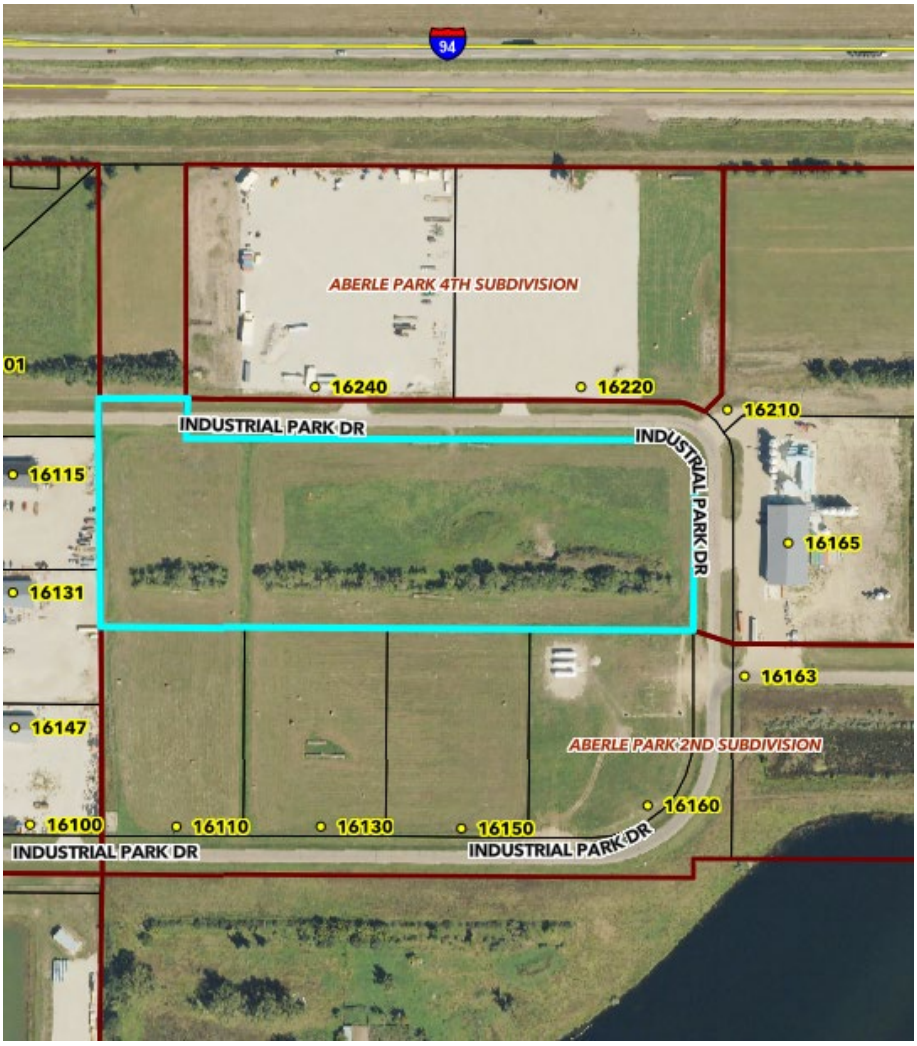
History/Description

Burleigh County was contacted with a proposed five (5) subdivision on 11 acres. The petitioner also requests a zoning change from A-Agricultural to I-Industrial. This is the final phase of the Aberle Park Industrial Parcels. County staff has reviewed the subdivision and have no concerns.

Burleigh County Planning and Zoning Commission approved the preliminary plat and zoning change on February 11, 2026.



Attachment 5-3-2 Final Plat



Attachment 5-3-3 Site Map

Staff Findings – Final Plat

1. This subdivision fulfills the requirements of Article 33 of the Burleigh County Zoning Ordinance.

2. This final plat has been submitted to all reviewing entities. All concerns and corrections will be addressed.
3. A zoning change has been requested.
4. Stormwater Management has been completed.

STAFF FINDINGS – ZONING CHANGE

1. This zoning change fulfills the requirements of Article 18 I-Industrial District of the Burleigh County Zoning Ordinances.
2. This zoning change fulfills the requirements of the Burleigh County Comprehensive Plan:

   VI: Business and Industry, Objectives 1, 3 & 3

   VIII: Growth Within Burleigh County

   Goal: Encourage orderly Development in Burleigh County

Planning Staff Recommendation Final Plat

The petition for a final plat meets all administrative requirements of the Burleigh County Zoning Ordinance – Article 33. Staff recommends approval of the final plat and giving a "Do Pass" recommendation to the BCC.

Planning Staff Recommendation Zoning Change

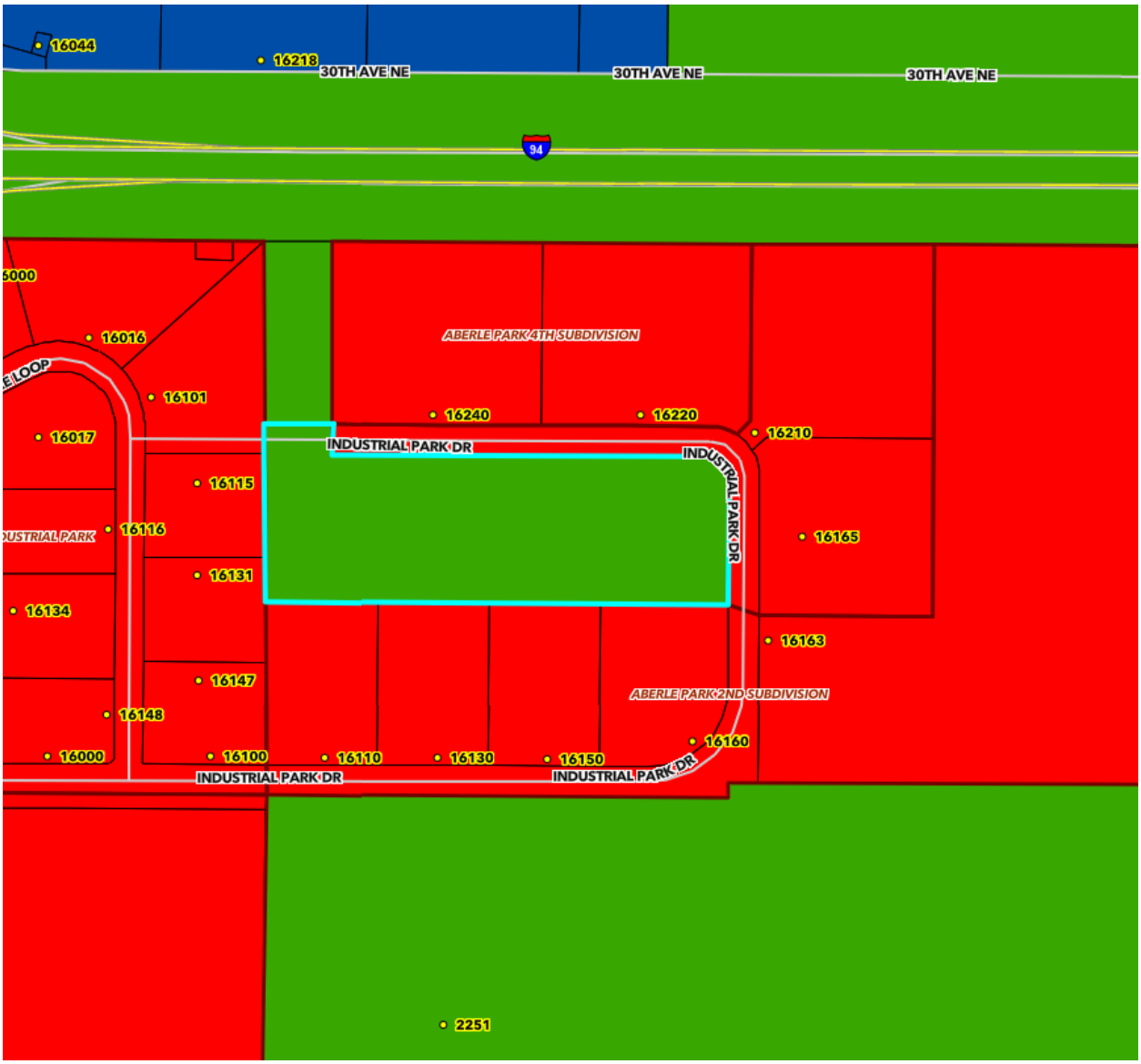
The petition for a zoning change meets all the administrative requirements of the Burleigh County Zoning Ordinances – Article 18

Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

1. Approve the final plat and/or zoning change and give a "Do Pass" recommendation to the BCC.

2. Approve the final plat and/or zoning change with conditions and give a “Do Pass” recommendation to the BCC. after all condition have been completed.
3. Deny the final plat and/or zoning change with reason.
4. Table the final plat and/or zoning change for more information.


16044
16218
30TH AVE NE
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ABERLE PARK 4TH SUBDIVISION
E LOOP
16101
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16220
16210
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INDUSTRIAL PARK DR
INDUSTRIAL PARK DR
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USTRIAL PARK
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ABERLE PARK 2ND SUBDIVISION
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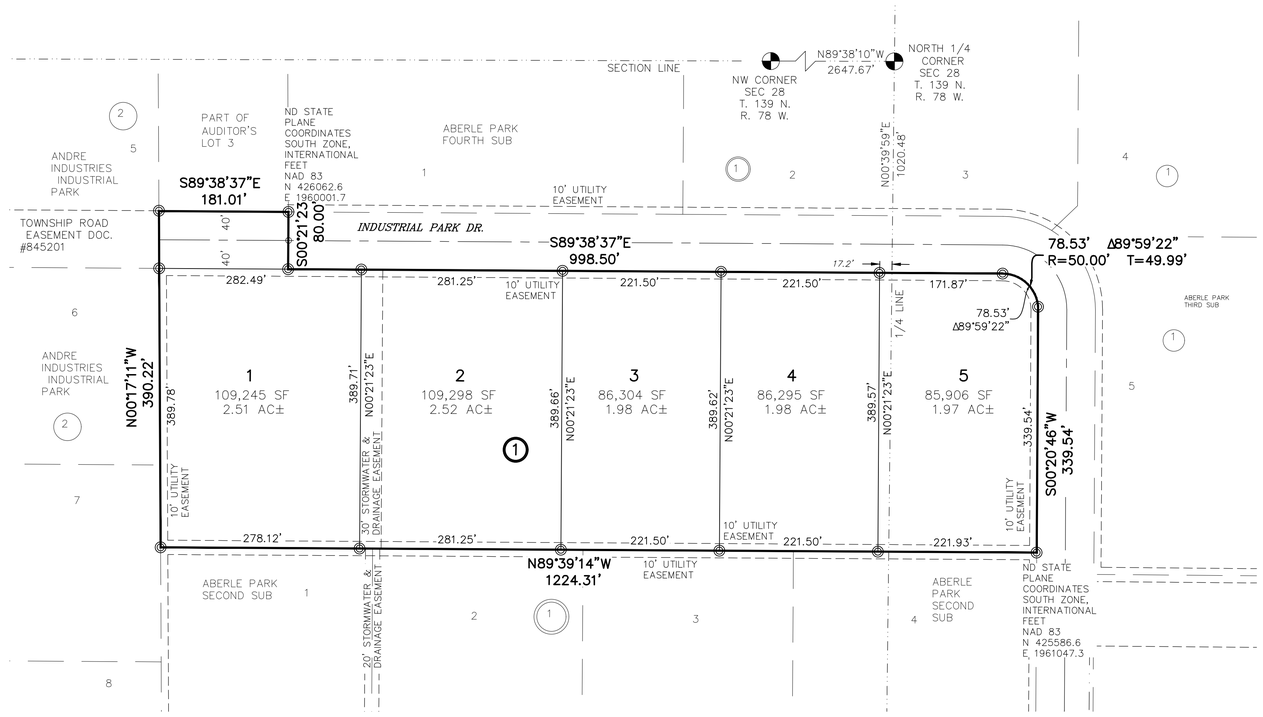
16110
16130
16150
INDUSTRIAL PARK DR
INDUSTRIAL PARK DR
2251

ABERLE PARK FIFTH SUBDIVISION

BEING PART OF AUDITOR'S LOT 3 OF THE NORTH 1/2 OF SECTION 28, TOWNSHIP 139 NORTH, RANGE 78 WEST OF THE FIFTH PRINCIPAL MERIDIAN

BURLEIGH COUNTY, NORTH DAKOTA



0 50' 100' 150'

SCALE: 1"=100'

FEBRUARY 17, 2026

◎ MONUMENT IN PLACE

NOTES

BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE

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

COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 2011
UNITS ARE INTERNATIONAL FEET
NAVD 88 VERTICAL DATUM

BENCHMARK:
NE CORNER ABERLE PARK THIRD SUBDIVISION
ELEV = 1725.3 (NAVD 1988)

AREA DATA

NW 1/4	412,188 S.F	9.46 ACRES
NE 1/4	79,604 S.F.	1.83 ACRES

DESCRIPTION

PART OF AUDITOR'S LOT 3 OF THE NORTH 1/2 OF SECTION 28, TOWNSHIP 139 NORTH, RANGE 78 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF ABERLE PARK SECOND SUBDIVISION; THENCE NORTH 00 DEGREES 17 MINUTES 11 SECONDS WEST, ON THE EAST LINE OF ANDRE INDUSTRIES INDUSTRIAL PARK, A DISTANCE OF 390.22 FEET TO THE SOUTH LINE OF THE NORTH 481.16' OF THE WEST 181' OF SAID AUDITOR'S LOT 3; THENCE SOUTH 89 DEGREES 38 MINUTES 37 SECONDS EAST, ON SAID SOUTH LINE, A DISTANCE OF 181.01 FEET TO THE BOUNDARY LINE OF ABERLE PARK THIRD SUBDIVISION; THENCE SOUTH 00 DEGREES 21 MINUTES 23 SECONDS WEST, ON SAID BOUNDARY LINE, A DISTANCE OF 80.00 FEET; THENCE SOUTH 89 DEGREES 38 MINUTES 37 SECONDS EAST, CONTINUING ON SAID BOUNDARY LINE, A DISTANCE OF 998.50 FEET; THENCE EASTERLY AND TO THE RIGHT, ON A 50.00 FOOT RADIUS CURVE, CONTINUING ON SAID BOUNDARY LINE, AN ARC LENGTH OF 78.53 FEET; THENCE SOUTH 00 DEGREES 20 MINUTES 46 SECONDS WEST, CONTINUING ON SAID BOUNDARY LINE, A DISTANCE OF 339.54 FEET TO THE NORTH LINE OF ABERLE PARK SECOND SUBDIVISION; THENCE NORTH 89 DEGREES 39 MINUTES 14 SECONDS WEST, ON SAID NORTH LINE, A DISTANCE OF 1224.31 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 11.29 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE SHOWN PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON _____, 2026, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA
58504

_____
TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3595

APPROVAL OF COUNTY PLANNING AND ZONING COMMISSION

THE COUNTY PLANNING AND ZONING COMMISSION HEREBY APPROVES ABERLE PARK FIFTH SUBDIVISION, AS SHOWN ON THE PLAT. THIS PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND ORDINANCES OF THE COUNTY OF BURLEIGH AND REGULATIONS ADOPTED BY SAID PLANNING AND ZONING COMMISSION.

THE FOREGOING ACTION OF THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE ___ DAY OF _____, 2026

_____ _____
DENNIS AGNEW – CHAIRMAN MITCH FLANAGAN – SECRETARY

APPROVAL OF BOARD OF COUNTY COMMISSION

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE PLAT AS AN AMENDMENT TO THE MASTER PLAN OF BURLEIGH COUNTY, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE PLAT.

THIS PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND ORDINANCES OF THE COUNTY OF BURLEIGH.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE ___ DAY OF _____, 2026.

_____ _____
BRIAN BITNER-– CHAIRMAN ATTEST: MARK SPLONSKOWSKI
BURLEIGH COUNTY AUDITOR/TREASURER

APPROVAL OF COUNTY ENGINEER

I, DANIEL L. SCHRIOCK, COUNTY ENGINEER OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HEREBY APPROVE THIS PLAT OF ABERLE PARK FIFTH SUBDIVISION, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THIS PLAT.

DATED THIS_____ DAY OF _____, 2026.

_____
DANIEL SCHRIOCK, P.E.
COUNTY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT ABERLE LAND, LLP, THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "ABERLE PARK FIFTH SUBDIVISION", BURLEIGH COUNTY, NORTH DAKOTA AND DOES SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO BURLEIGH COUNTY.

THEY ALSO DEDICATE EASEMENTS TO BURLEIGH COUNTY TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY EASEMENTS.

THEY FURTHERMORE DEDICATE UNTO BURLEIGH COUNTY "STORM WATER AND DRAINAGE EASEMENTS" TO RUNWITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DEDICATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THERETO FOR STORM WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

STATE OF NORTH DAKOTA)
)
COUNTY OF_____)

_____
RON ABERLE
ABERLE LAND, LLP
2300 158TH ST NE
MENOKEN, ND 58558

ON THIS ____ DAY OF _____, 2026, BEFORE ME PERSONALLY APPEARED RON ABERLE, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND _HE ACKNOWLEDGED TO ME THAT _HE EXECUTED THE SAME.

_____
NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

SWENSON, HAGEN & COMPANY P.C.
3002 Airway Avenue
Bismarck, North Dakota 58504
sheng@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management


30TH AVE NE
30TH AVE NE
30TH AVE NE
94
ABERLE PARK 4TH SUBDIVISION
16016
16101
16240
16220
16210
INDUSTRIAL PARK DR
INDUSTRIAL PARK DR
16115
16116
16165
16131
16163
16147
ABERLE PARK 2ND SUBDIVISION
16148
16160
16100
16110
16130
16150
INDUSTRIAL PARK DR
INDUSTRIAL PARK DR
2251

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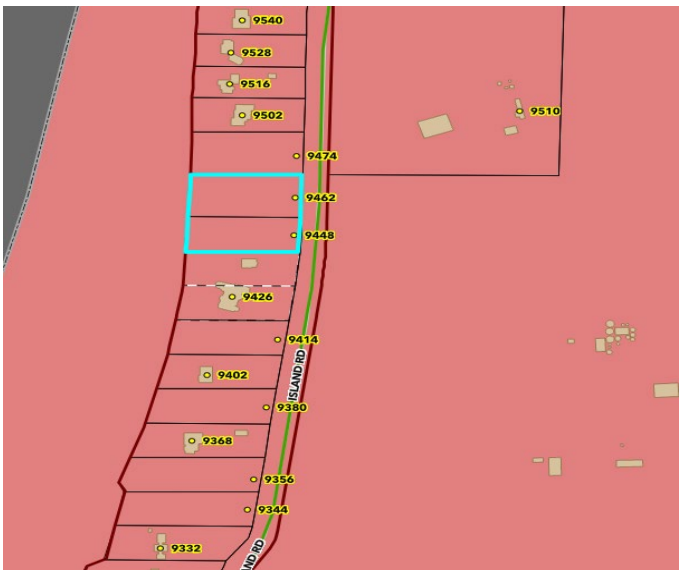
Agenda Item 5-4

Riverside 3rd Subdivision

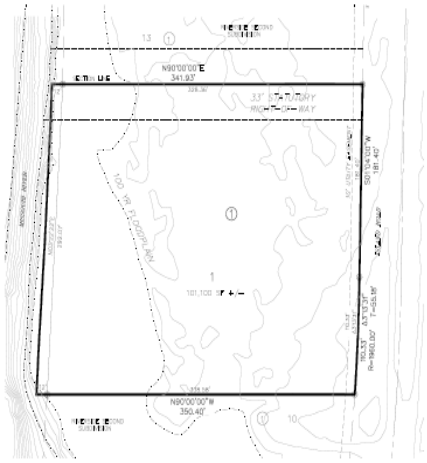
Project Summary	
Status:	Public Hearing
Petitioner/Developer	Dustin & Ashley Masset
Engineer	Swenson, Hagen & Company Landon Niemiller
Location:  	Lots 11 & 12 Block 1 Riverside Second Subdivision, Section 33, Township 140 North, Range 81W Addressed: 9448 Island Road
Project Size:	1-Lot containing 2 acres more or less
Zoning Change:	R1-Rural Single Family Residential
Petitioners Request:	Approve final plat. Give a "Do Pass" recommendation to the Board of Burleigh County Commissioners (BCC)
Posted:	Bis. Tribune: 2/25 & 3/4/2026 Surrounding Properties: 2/27/2026 Burleigh Co. Website: 2/27/2026

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

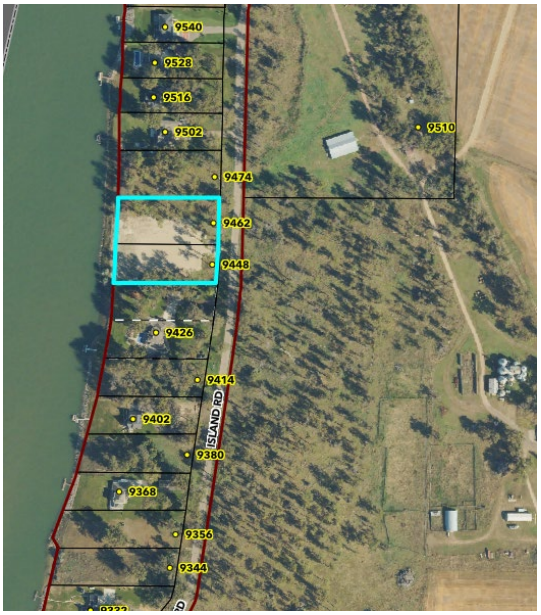
History/Description

Burleigh County was contracted with a proposed lot combination for 2 lots located in River. The owners were advised to do a short plat subdivision to combine them into 1 lot.

Zoning is R1-Rural Single Residential.



Attachment 5-4-2 Final Plat



Attachment 5-4-3 Site Map

Staff Findings – Final Plat

1. This subdivision fulfills the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This final plat has been submitted to all reviewing entities. All concerns and corrections will be addressed.
3. Zoning is R1-Rural Single Family Residential.
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.
5. A Stormwater Management Waiver was not required.
6. A paving waiver is not required.

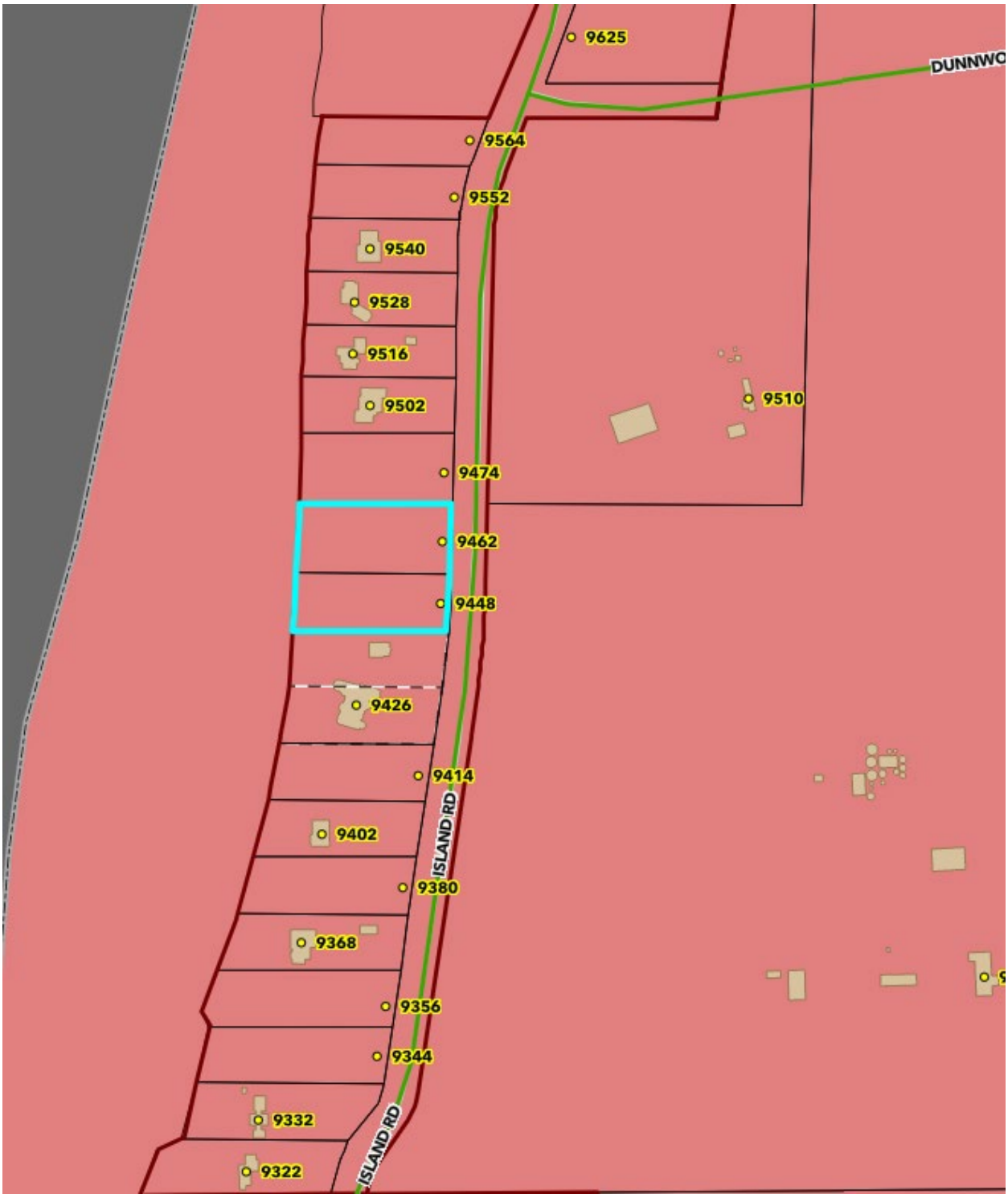
Planning Staff Recommendation

The petition for a final plat meets all administrative requirements of the Burleigh County Zoning Ordinance – Article 33. Staff recommends approval of the final plat and giving a "Do Pass" recommendation to the BCC.

Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

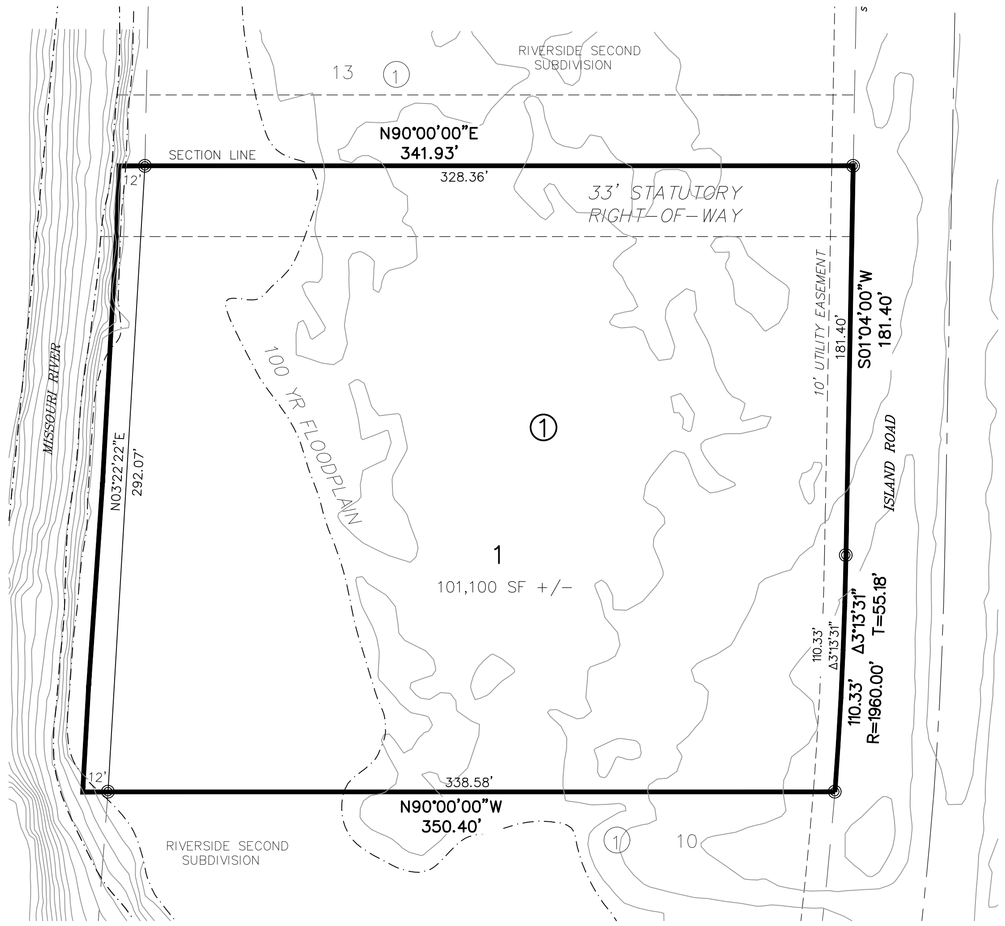
1. Approve the final plat and give a "Do Pass" recommendation to the BCC.
2. Approve the final plat with conditions and give a "Do Pass" recommendation to the BCC. after all condition have been completed.
3. Deny the final plat with reason.
4. Table the final plat for more information.


9625
DUNNWO
9564
9552
9540
9528
9516
9502
9510
9474
9462
9448
9426
9414
9402
ISLAND RD
9380
9368
9356
9344
9332
ISLAND RD
9322

RIVERSIDE THIRD SUBDIVISION

LOTS 11 & 12 BLOCK 1 RIVERSIDE SECOND SUBDIVISION
OF SECTION 33, TOWNSHIP 140 NORTH, RANGE 81 WEST

BURLEIGH COUNTY, NORTH DAKOTA



DESCRIPTION

LOTS 11 & 12 BLOCK 1 RIVERSIDE SECOND SUBDIVISION OF SECTION 33, TOWNSHIP 140 NORTH, RANGE 81 WEST, BURLEIGH COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 13 BLOCK 1 RIVERSIDE SECOND SUBDIVISION; THENCE SOUTH 01 DEGREE 04 MINUTES 00 SECONDS WEST, ON THE WEST LINE OF ISLAND ROAD RIGHT-OF-WAY, A DISTANCE OF 181.40 FEET; THENCE SOUTHERLY AND TO THE RIGHT, CONTINUING ON SAID WEST LINE, ON A 1960.00' FOOT RADIUS CURVE, AN ARC LENGTH OF 110.33 FEET TO THE NORTH LINE OF LOT 10 BLOCK 1 RIVERSIDE SECOND SUBDIVISION; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, ON SAID NORTH LINE, A DISTANCE OF 338.58 FEET TO A SURVEY LINE THAT IS APPROXIMATELY 12' EAST OF THE HIGH BANK OF THE MISSOURI RIVER; THENCE NORTH 03 DEGREES 22 MINUTES 22 SECONDS EAST, ON SAID LINE, A DISTANCE OF 292.07 FEET TO THE SOUTH LINE OF LOT 13 BLOCK 1 RIVERSIDE SECOND SUBDIVISION; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, ON SAID SOUTH LINE, A DISTANCE OF 328.36 FEET TO THE POINT OF BEGINNING;

THE ABOVE DESCRIBED TRACT CONTAINS 101,100 SF, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE SHOWN PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON _____2025, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA
58504

_____
TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3595

APPROVAL OF COUNTY PLANNING AND ZONING COMMISSION

THE COUNTY PLANNING AND ZONING COMMISSION HEREBY APPROVES SPRING COULEE SUBDIVISION REPLAT, AS SHOWN ON THE PLAT. THIS PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND ORDINANCES OF THE COUNTY OF BURLEIGH AND REGULATIONS ADOPTED BY SAID PLANNING AND ZONING COMMISSION.

THE FOREGOING ACTION OF THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE ___ DAY OF _____, 2026

_____ _____
DENNIS AGNEW – CHAIRMAN MITCH FLANAGAN – SECRETARY

APPROVAL OF BOARD OF COUNTY COMMISSION

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE PLAT AS AN AMENDMENT TO THE MASTER PLAN OF BURLEIGH COUNTY, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE PLAT.

THIS PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND ORDINANCES OF THE COUNTY OF BURLEIGH.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE ___ DAY OF _____, 2026.

_____ _____
BRIAN BITNER-- CHAIRMAN ATTEST: MARK SPLONSKOWSKI
BURLEIGH COUNTY AUDITOR

APPROVAL OF COUNTY ENGINEER

I, _____, COUNTY ENGINEER OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HEREBY APPROVE THIS PLAT OF RIVERSIDE THIRD SUBDIVISION, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THIS PLAT.

DATED THIS_____ DAY OF _____, 2026.

_____
DANIEL L. SHRIOCK, P.E.
COUNTY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT DUSTIN MASSET & ASHLEY MASSET, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "RIVERSIDE THIRD SUBDIVISION", BURLEIGH COUNTY, NORTH DAKOTA, AND DO SO RE-DEDICATE RIGHT-OF-WAY AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO RE-DEDICATE EASEMENTS TO BURLEIGH COUNTY TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY EASEMENTS.

_____
DUSTIN MASSET
2613 LANGER LN
BISMARCK, ND 58504

STATE OF _____)
)
COUNTY OF _____)

ON THIS ____ DAY OF _____, 2026, BEFORE ME PERSONALLY APPEARED DUSTIN MASSET, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

_____
NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

STATE OF _____)
)
COUNTY OF _____)

_____
ASHLEY MASSET
2613 LANGER LN
BISMARCK, ND 58504

ON THIS ____ DAY OF _____, 2026, BEFORE ME PERSONALLY APPEARED ASHLEY MASSET, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

_____
NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____



SCALE: 1"=40'

JANUARY 9, 2026

◎ MONUMENT IN PLACE

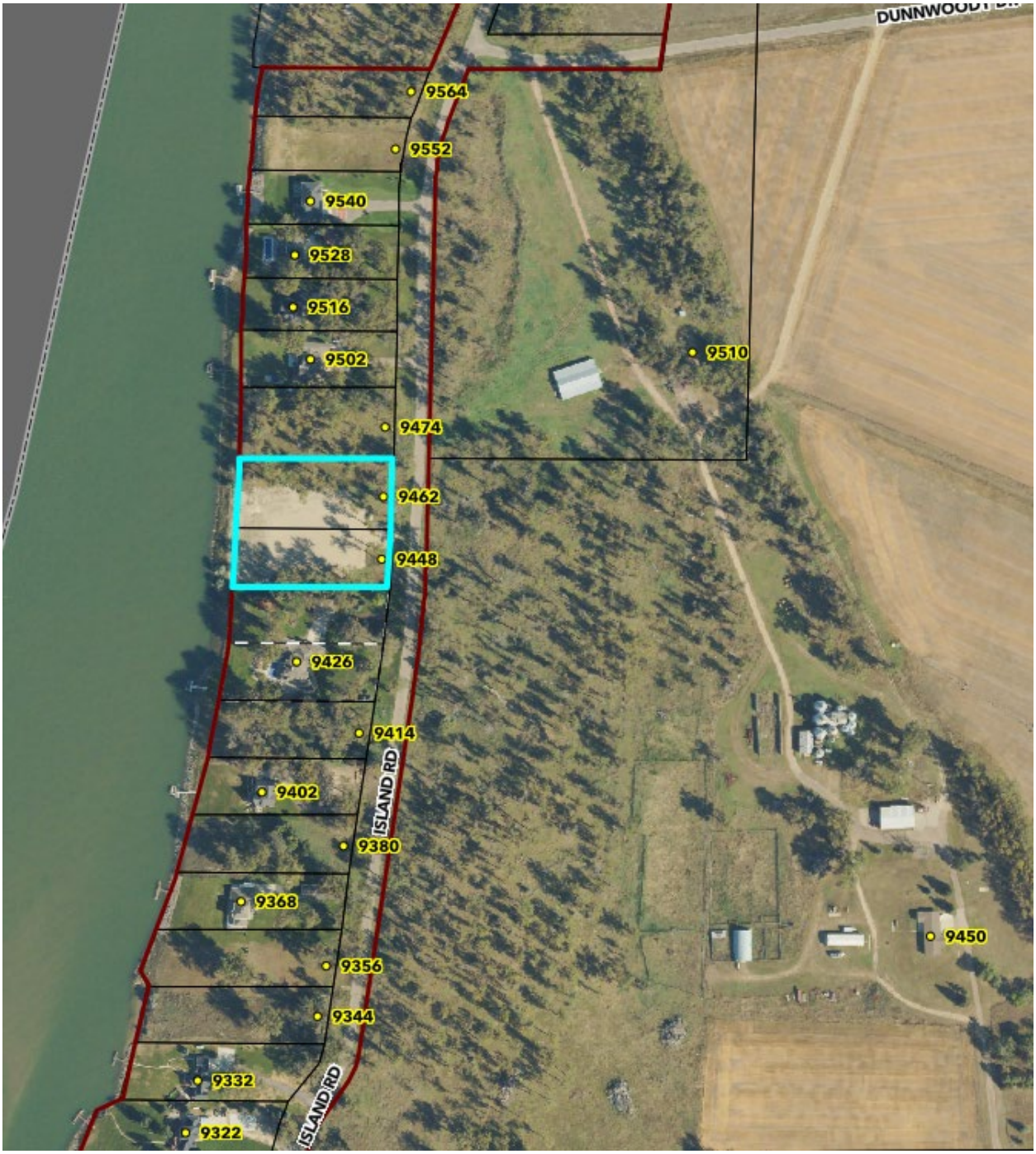
NOTES

BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE

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

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

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


DUNNWOODY
9564
9552
9540
9528
9516
9502
9510
9474
9462
9448
9426
9414
9402
ISLAND RD
9380
9368
9450
9356
9344
9332
ISLAND RD
9322

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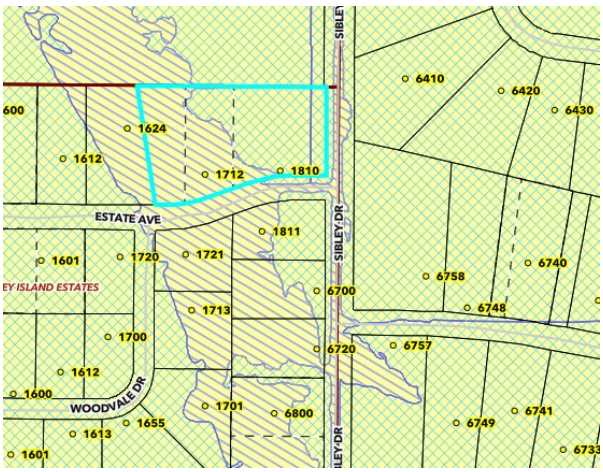
Agenda Item 5-5

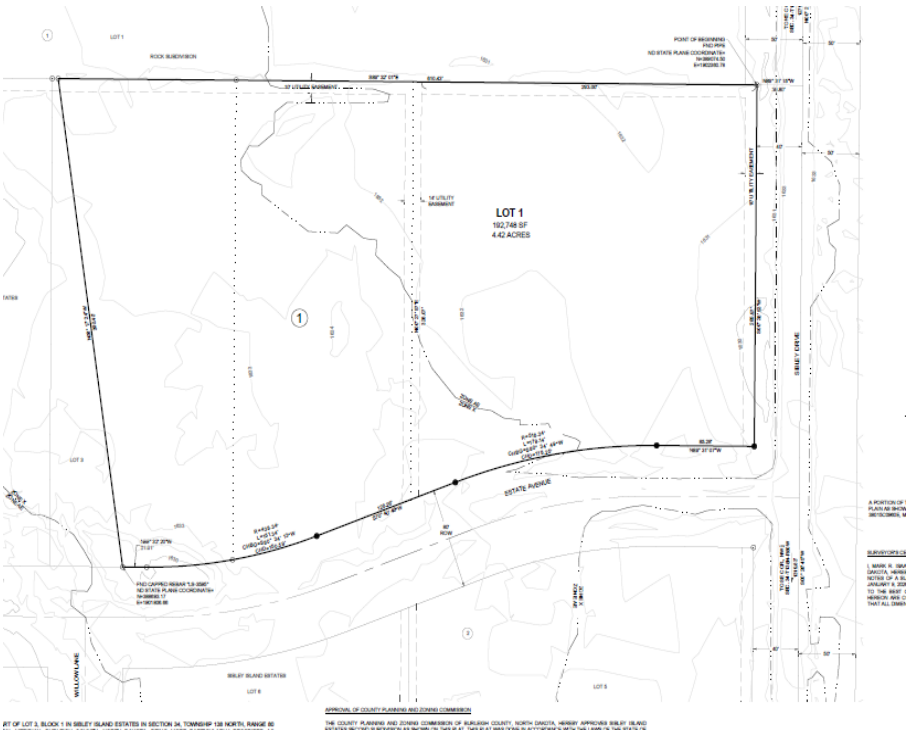
Holly's Horses Addition

Project Summary	
Status:	Public Hearing
Petitioner/Developer	Bruce & Holly Gaugler
Engineer	Independent Land Surveying Mark Isaacs
Location:  	Lots 1, 2, & Part of 3, Block 1, Sibley Island Estates, Section 34, Township 138N Range 80W Addressed: 1712 Estate Avenue 5-2-2 Location Map
Project Size:	1-Lot containing 4 acres more or less
Zoning Change:	R1-Rural Single Family Residential
Petitioners Request:	Approve final plat. Give a "Do Pass" recommendation to the Board of Burleigh County Commissioners (BCC)
Posted:	Bis. Tribune: 2/25 & 3/4/2026 Surrounding Properties: 2/27/2026 Burleigh Co. Website: 2/27/2026

History/Description

As set forth under Chapter 11, Section 33 of the North Dakota Century Code and Article 33 of the Burleigh County Ordinances, the Planning Commission shall approve or disapprove the subdivision of all lands within its jurisdiction and recommend the same to the Board of Burleigh County Commissioners

Burleigh County was contracted with a proposed lot combination for 3 lots located in Sibley Island Estates Subdivision. The owners were advised to do a short plat subdivision.



5-5-2 Final Plat



Attachment 5-5-3 Site Map

Staff Findings – Final Plat

1. This subdivision fulfills the requirements of Article 33 of the Burleigh County Zoning Ordinance.
2. This final plat has been submitted to all reviewing entities. All concerns and corrections will be addressed.
3. Zoning is R1-Rural Single Family Residential.
4. This subdivision meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.
5. A Stormwater Management Waiver was not required.
6. A paving waiver is not required.

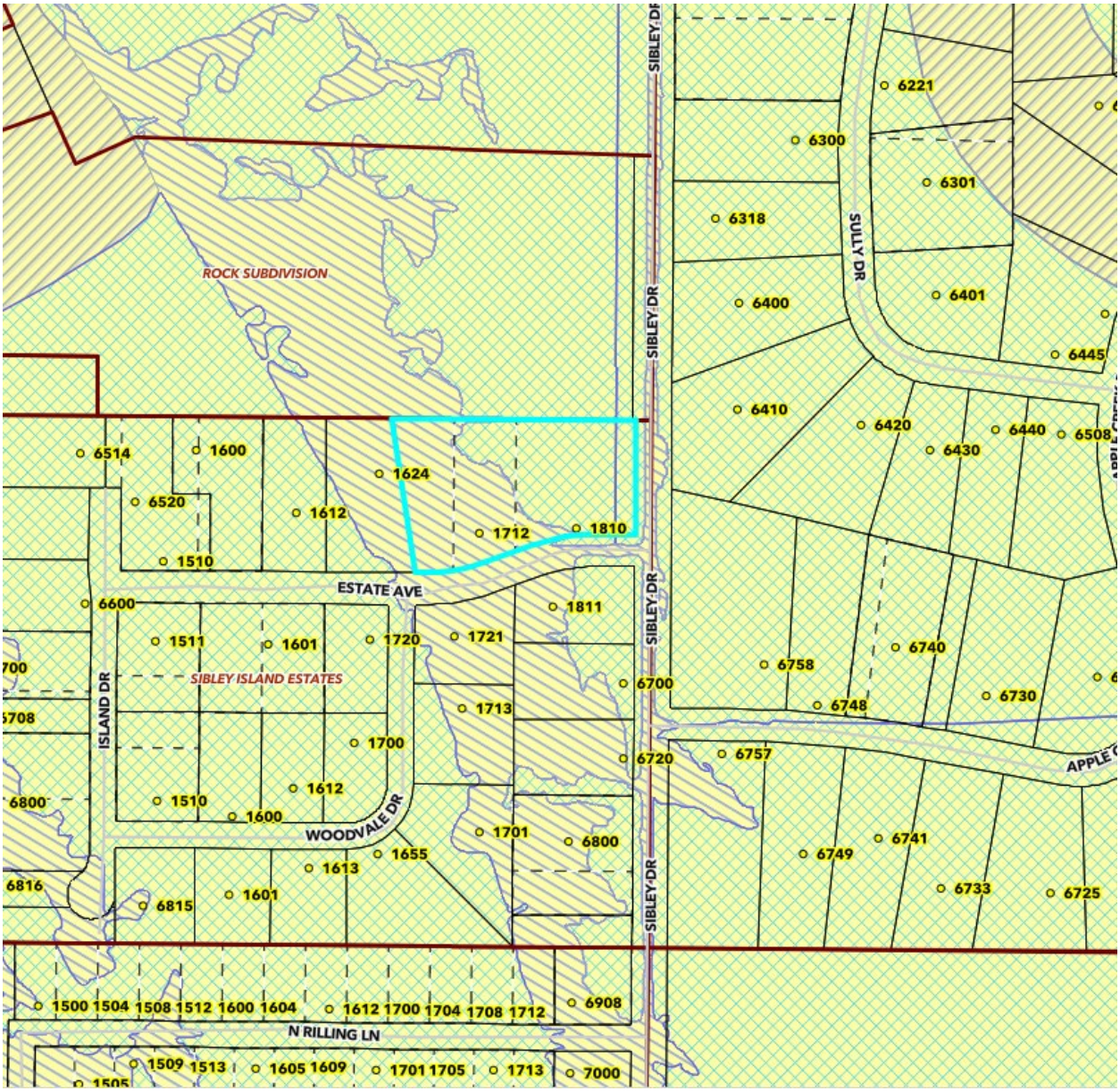
Planning Staff Recommendation

The petition for a final plat meets all administrative requirements of the Burleigh County Zoning Ordinance – Article 33. Staff recommends approval of the final plat and giving a "Do Pass" recommendation to the BCC.

Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

1. Approve the final plat and give a "Do Pass" recommendation to the BCC.
2. Approve the final plat with conditions and give a "Do Pass" recommendation to the BCC. after all condition have been completed.
3. Deny the final plat with reason.
4. Table the final plat for more information.


ROCK SUBDIVISION
SIBLEY DR
SULLY DR
ESTATE AVE
SIBLEY ISLAND ESTATES
ISLAND DR
WOODVALE DR
N RILLING LN
APPLE
6221
6300
6301
6318
6400
6401
6445
6410
6420
6440
6508
6430
6514
1600
1624
6520
1612
1712
1810
1510
6600
1811
1511
1601
1720
1721
6740
6758
6700
6748
6730
1713
1700
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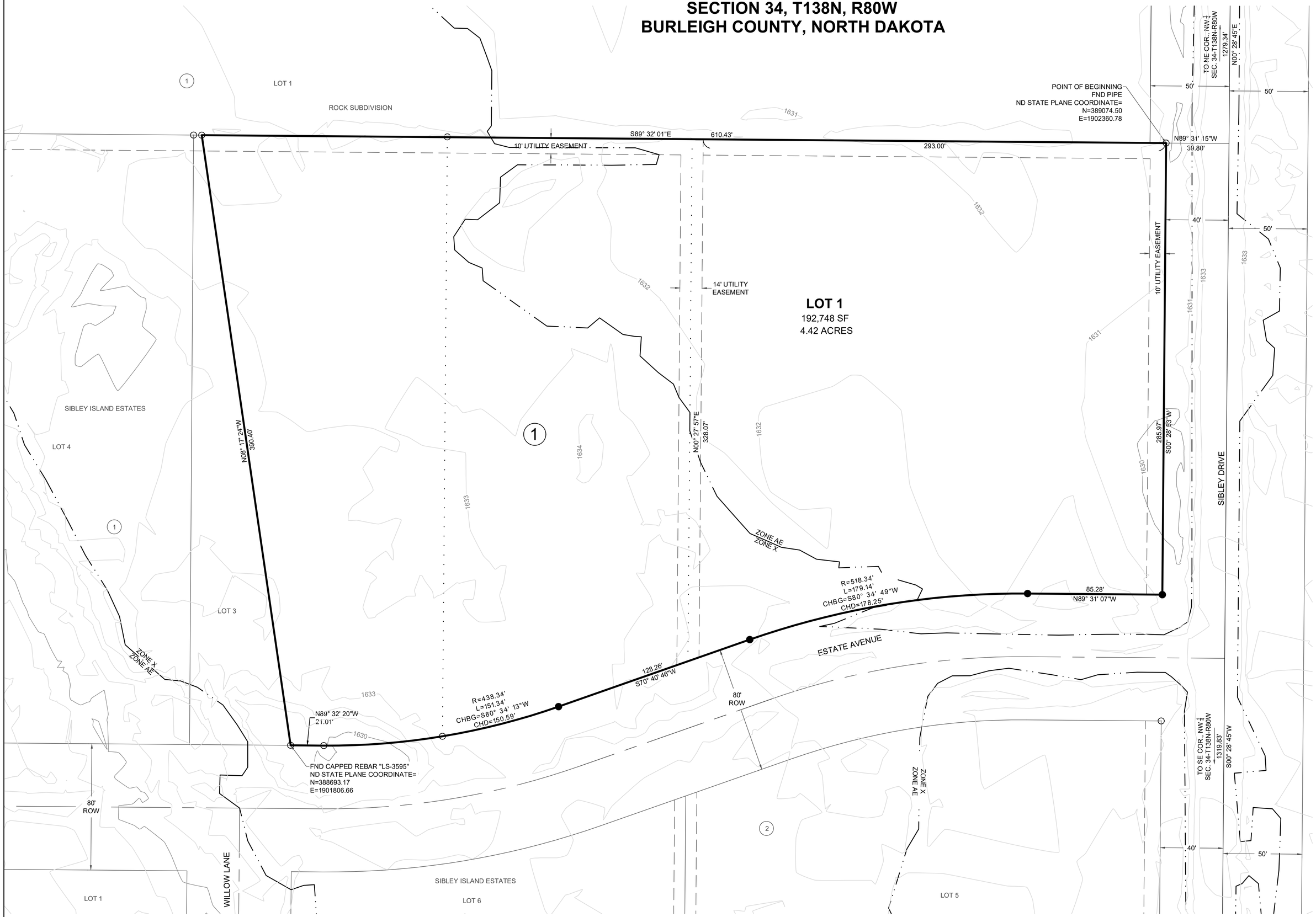
6757
6800
1510
1612
1600
1701
6800
6741
6749
1655
1613
6733
6725
6816
6815
1601
1500 1504 1508 1512 1600 1604
1612 1700 1704 1708 1712
6908
1509 1513
1605 1609
1701 1705
1713
7000
1505

HOLLY'S HORSES ADDITION

LOTS 1, 2, & PART OF LOT 3; BLOCK 1 IN SIBLEY ISLAND ESTATES
SECTION 34, T138N, R80W
BURLEIGH COUNTY, NORTH DAKOTA



NORTH

SCALE: 1" = 30'

0 15 30

DATE: FEBRUARY 24TH, 2026

VERTICAL DATUM - NAVD 1988.

BASED ON NORTH DAKOTA SOUTH ZONE-NAD83 (2011), INTERNATIONAL FEET.

MEASUREMENTS HAVE BEEN ESTABLISHED BY RTK FROM THE "NDBK" CORS STATION AND ARE REPORTED IN GRID.

AREA TABLE

LOT 1	192,748 SF	4.42 ACRES
TOTAL		4.42 ACRES

LEGEND

- ○ FOUND SURVEY MONUMENT
- ● SET CAPPED REBAR - LS-9628
- · · · · · · VACATED LOT LINE

FLOOD ZONE AE

A PORTION OF THIS PROPERTY IS SITUATED WITHIN "ZONE AE" - THE 100 YEAR FLOOD PLAIN AS SHOWN ON THE NATIONAL FLOOD HAZARD FEMA MAP PANEL NUMBER 38015C0960E, MAP REVISED JUNE 6, 2024. BASE FLOOD ELEVATION = 1632.0' ±.

SURVEYOR'S CERTIFICATE

I, MARK R. ISAACS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE APPROVED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON JANUARY 9, 2026. THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

MARK R. ISAACS, RLS 9628

LAND DESCRIPTION

ALL OF LOTS 1, 2, AND A PART OF LOT 3, BLOCK 1 IN SIBLEY ISLAND ESTATES IN SECTION 34, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 1, SIBLEY ISLAND ESTATES; THENCE SOUTH 00° 28' 53" WEST ON THE WEST RIGHT OF WAY LINE OF SIBLEY DRIVE A DISTANCE OF 285.97 FEET TO THE NORTH RIGHT OF WAY LINE OF ESTATE AVENUE; THENCE NORTH 89° 31' 07" WEST ON SAID RIGHT OF WAY LINE A DISTANCE OF 85.28 FEET TO THE PC OF A CURVE TO THE LEFT; THENCE SOUTHWESTERLY ON SAID CURVE AND RIGHT OF WAY LINE FOR AN ARC DISTANCE OF 179.14 FEET AND HAVING A RADIUS OF 518.34 FEET, SAID CURVE HAS A CHORD BEARING SOUTH 80° 34' 49" WEST A DISTANCE OF 178.25 FEET TO THE PT THEREOF; THENCE SOUTH 70° 40' 46" WEST ON SAID RIGHT OF WAY LINE A DISTANCE OF 128.26 FEET TO THE PC OF A CURVE TO THE RIGHT; THENCE SOUTHWESTERLY ON SAID CURVE AND RIGHT OF WAY LINE FOR AN ARC DISTANCE OF 151.34 FEET AND HAVING A RADIUS OF 438.34 FEET, SAID CURVE HAS A CHORD BEARING SOUTH 80° 34' 13" WEST A DISTANCE OF 150.59 FEET TO THE PT THEREOF; THENCE NORTH 89° 32' 20" WEST A DISTANCE OF 21.01 FEET; THENCE NORTH 08° 17' 24" WEST A DISTANCE OF 390.40 FEET TO THE NORTH LINE OF SIBLEY ISLAND ESTATES; THENCE SOUTH 89° 32' 01" EAST ON SAID NORTH LINE A DISTANCE OF 610.43 FEET TO THE POINT OF BEGINNING, CONTAINING 4.42 ACRES, MORE OR LESS, AND SUBJECT TO ALL LEGAL RIGHTS OF WAY AND EASEMENTS.

OWNER'S CERTIFICATE OF DEDICATION

WE, THE UNDERSIGNED, BEING SOLE OWNERS OF THE LAND PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AND DO DEDICATE ALL THE RIGHT OF WAY IDENTIFIED HEREIN TO BURLEIGH COUNTY. WE ALSO DEDICATE EASEMENTS TO RUN WITH THE LAND FOR GAS, ELECTRIC, TELEPHONE, WATER, OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS "UTILITY EASEMENT".

BRUCE A. GAUGLER
LOT 1; BLOCK 1

HOLLY GAUGLER
LOT 1, BLOCK 1

STATE OF _____)
) SS
COUNTY OF _____)

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC. THIS___DAY OF _____, 20___.

NOTARY PUBLIC _____

APPROVAL OF COUNTY PLANNING AND ZONING COMMISSION

THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, HEREBY APPROVES SIBLEY ISLAND ESTATES SECOND SUBDIVISION AS SHOWN ON THIS PLAT, THIS PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND THE ORDINANCES OF THE COUNTY OF BURLEIGH AND REGULATIONS ADOPTED BY SAID PLANNING AND ZONING COMMISSION.

THE FOREGOING ACTION OF THE COUNTY PLANNING AND ZONING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE_____DAY OF_____, 20___.

DENNIS AGNEW - CHAIRMAN

ATTEST: MITCH FLANAGAN - SECRETARY

APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE PLAT AS AN AMENDMENT TO THE MASTER PLAN OF BURLEIGH COUNTY, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THIS PLAT.

THE PLAT WAS DONE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, THE COMPREHENSIVE PLAN AND ORDINANCES OF THE COUNTY OF BURLEIGH.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE_____DAY OF_____, 20__.

BRIAN BITNER - CHAIRMAN

ATTEST: MARK SPLONSKOWSKI,
COUNTY AUDITOR

APPROVAL OF THE COUNTY ENGINEER

I, DANIEL L. SCHRIOCK, COUNTY ENGINEER FOR THE COUNTY OF BURLEIGH, NORTH DAKOTA, HEREBY APPROVES THIS PLAT OF "HOLLY'S HORSES ADDITION" AS SHOWN ON THE PLAT, DATED THIS _____ DAY OF _____, 20___.

DANIEL L. SCHRIOCK, PE
COUNTY ENGINEER

BENCHMARK - SOUTHWEST CORNER OF LOT 1, BLOCK 1, A CAPPED REBAR FOUND FLUSH WITH THE GROUND. ELEVATION = 1630.69

PROFESSIONAL LAND SURVEYOR
MARK R. ISAACS, LS-9628

OWNERS:

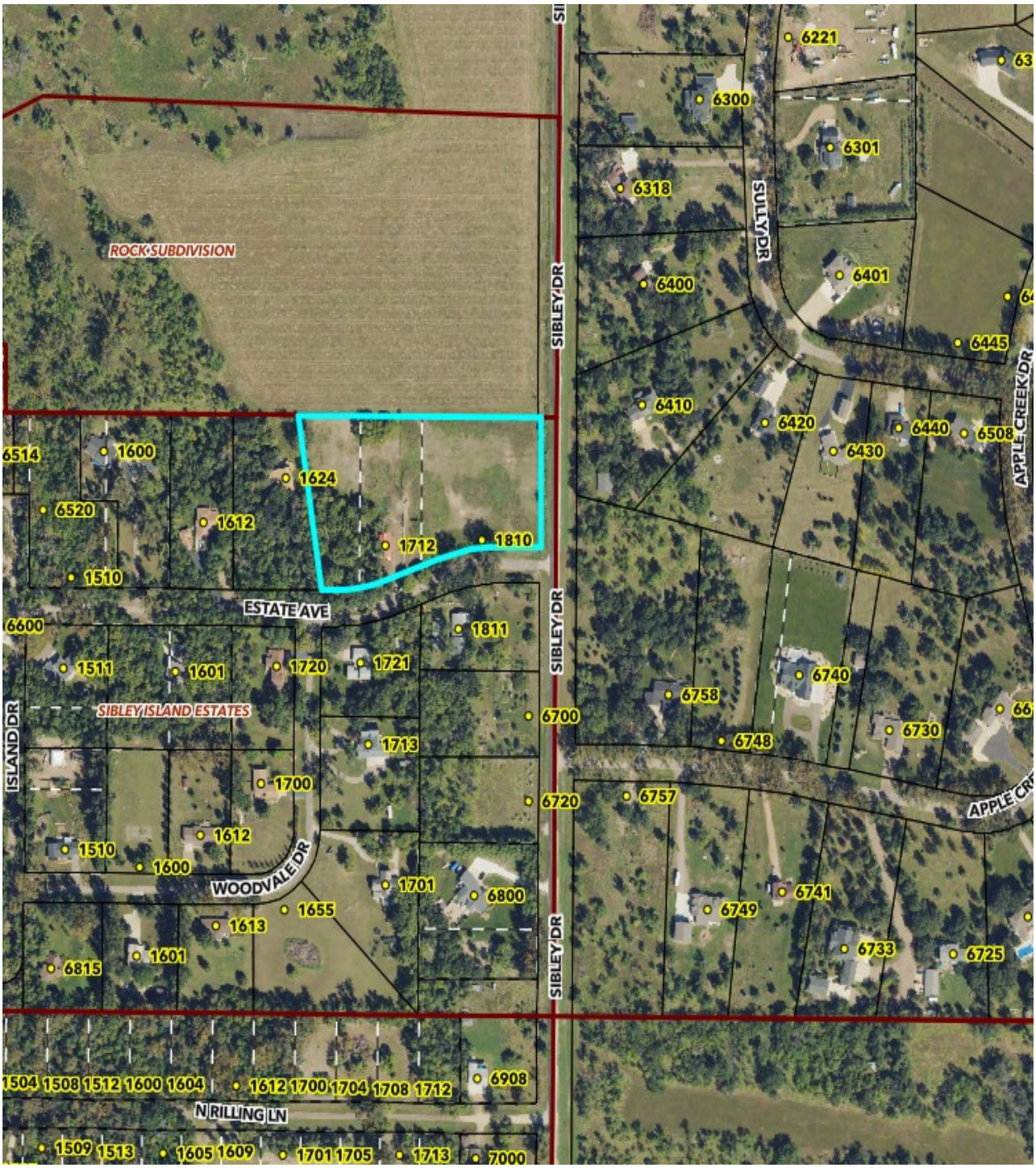
BRUCE A. & HOLLY GAUGLER
6816 ISLAND DRIVE
BISMARCK, ND 58504

NOTES:
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENTS.
2. SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.

HOLLY'S HORSES ADDITION
LOTS 1, 2, AND PART OF LOT 3 IN SIBLEY ISLAND ESTATES
SECTION 34, T138N, R80W
BURLEIGH, NORTH DAKOTA

SHEET: 1 OF 1	JOB NUMBER: 26005		
SCALE: 1"= 30'	DWG REVISION DATES		
DRAWN BY: LCM	–	–	
DWG DATE: 1/12/26	–	–	
DWG NAME:26005 Survey.dwg			

Independent Land Surveying & Engineering
4215 Old Red Trail NW
Mandan, ND 58554
Phone: 701-663-5184
Cell: 701-595-2079
mark@ilsurveynd.com


ROCK SUBDIVISION
SIBLEY DR
SULLY DR
APPLE CREEK DR
ESTATE AVE
SIBLEY ISLAND ESTATES
ISLAND DR
WOODVALE DR
N RILLING LN
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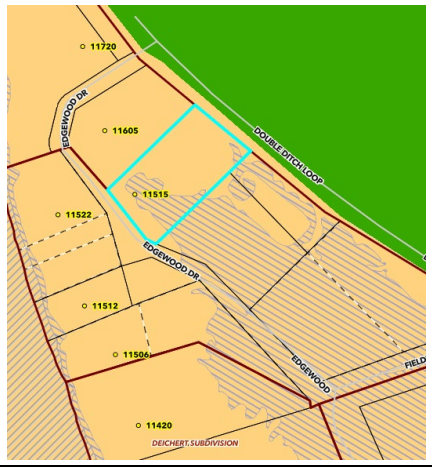
Agenda Item 5-6

Project Summary

Public Hearing Agenda:	Special Use Permit to build an oversize accessory building on unattended lot
Status:	Public Hearing
Petitioner/Developer	Hopfauf Custom Builders Robert & Lisa Ansley
Location:  5-6-1 Location Map	Auditor's Lot 5, Block 2 Bates R Indian Mound City, Section 23, Township 140, Range 81W Addressed: 11515 Edgewood Drive
Lot Size:	1.05 acres more or less
Zoning:	R1-Rural Single Family Residential
Petitioners Request	"Do Pass" recommendation to the Board of Burleigh County Commissioners for a Special Use Permit to build an oversized accessory building on an unattended lot

Posted Dates	Bismarck Tribune: 2/25 & 3/4/2026 Surrounding Properties: 2/27/2026 Burleigh County Website: 2/27/2026

History/Description

Hopfauf Custom Builders applied to build a 3,000sf accessory building for the Ansley's to store their RV, boat, pontoon and other equipment. The lot does not contain a residence. The property contains 1.05 acres (45,738 sf), the allowable square footage for an unattended lot in Burleigh County is 1,200sf. Hopfauf Custom Builders was advised to seek a special use permit. The Burleigh County Zoning Ordinances – Article 8 – Special Use states "…*the Board of County Commissioners finds it necessary to require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons …..and that the Planning and Zoning Commission and the Board of County Commissioners be, and are herby given limited discretionary powers relating to the granting of such permit or certificate*.



5-6-2 Site Map

Staff Findings:

1. The lot has 45,738 sf and is zoned R1-Rural Single Family Residential.
2. The 3,000-sf accessory building will leave 42,738 sf of non-covered lot.
3. The Burleigh County Ordinances allow 4% lot coverage for lot containing a residence. (1,829.52 sf). A 3,000sf accessory building would cover 6.5%
4. The Ansley's reside on the west side of Edgewood Drive. The accessory building will be located on the east side of Edgewood Drive.
5. Any structures on the property will be removed.
6. The accessory building will conform to the style and design of the surrounding area.
7. The application fulfills all the requirements for a special use permit.

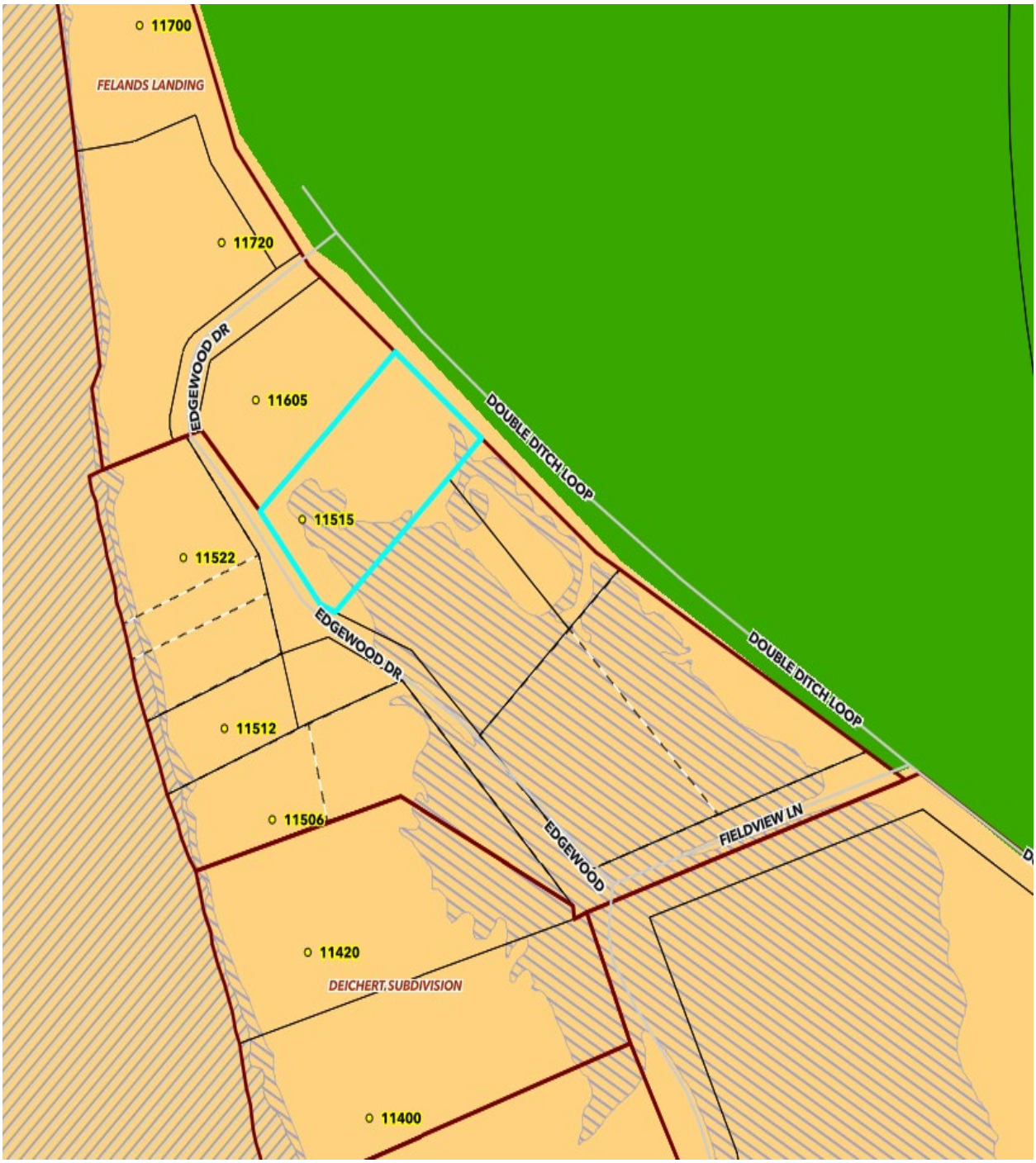
Planning Staff Recommendation

The request for a special use permit fulfils the administrative requirements of Article 8, of the Burleigh County Zoning Ordinances. Planning Staff recommends a "Do Pass" recommendation to the Board of Burleigh County Commissioners.

Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

1. Approve the special use permit and give a "Do Pass" Recommendation
2. Approve special use permit with conditions and give a "Do Pass" recommendation after all conditions required are approved by the Planning and Zoning Commission.
3. Deny the special use permit with reason.
4. Table the special use permit for more information.


11700
FELANDS LANDING
11720
EDGEWOOD DR
11605
DOUBLE DITCH LOOP
11515
11522
EDGEWOOD DR
DOUBLE DITCH LOOP
11512
11506
EDGEWOOD
FIELDVIEW LN
11420
DEICHERT SUBDIVISION
11400


40 FT
50'
80'
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FELANDS LANDING
11720
EDGEWOOD DR
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EDGEWOOD
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AGENDA

March 11, 2026

Consider Zoning Comparison of Bismarck and Burleigh County Ordinance
Zoning Districts Exhibit Number of Parcels in the Transfer Area of the ETA (TAETA)

Review the following Staff Reports Exhibits:

i. Introduction Staff Report
ii. Ex. 6.1.1. Zoning Comparison Art. 21- 14-04-19
iii. Ex. 6.1.2. Zoning Comparison Ag-Ag.
iv. Ex. 6.1.3. Zoning Comparison R1 – RR
v. Ex. 6.1.4. Zoning Comparison R5- RMH
vi. Ex. 6.1.5. Zoning Comparison C -CA
vii. Ex. 6.1.6. Zoning Comparison I-MB
viii. Ex. 6.1.7. Zoning Comparison PUD - PUD
ix. Ex. 6.1.8. Zoning Comparison P-Public - P-Public

STAFF REPORT Introduction

Zoning Ordinance Summary

	City of Bismarck Zoning Districts
Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Review Ordinance Comparisons
Staff Recommendation:	Consider differences in Art. 21, Ag, R1, R5, C,I, PUD & Public Use

City of Bismarck will be transitioning 4,529 parcels into Burleigh County jurisdiction on March 1st. This area contains 95% the population in the Transfer Area of the former ETA, approximately 12-14,000 residents.

Because of the jurisdictional transfer, consideration is to:

1. Reduce all districts in TA-ETA to: Ag. FP, R1, R5, C- Commercial, I-Industrial, P-Public, PUD, Or:
2. Review and compare Burleigh County Ordinances to the City of Bismarck

Total Population:

1. Burleigh County minus the 5 cities populations* (98,458 - 78,234) = 20,224 people
2. Former ETA: 12,000-14,000

* Lincoln, Regan, Wilton, Sterling and Wing.

Population Density:

1. Former ETA is .60 people per acre (60%) 19,461 acres
2. County is 0.02 people per acre. (2%) 1,041,323 acres

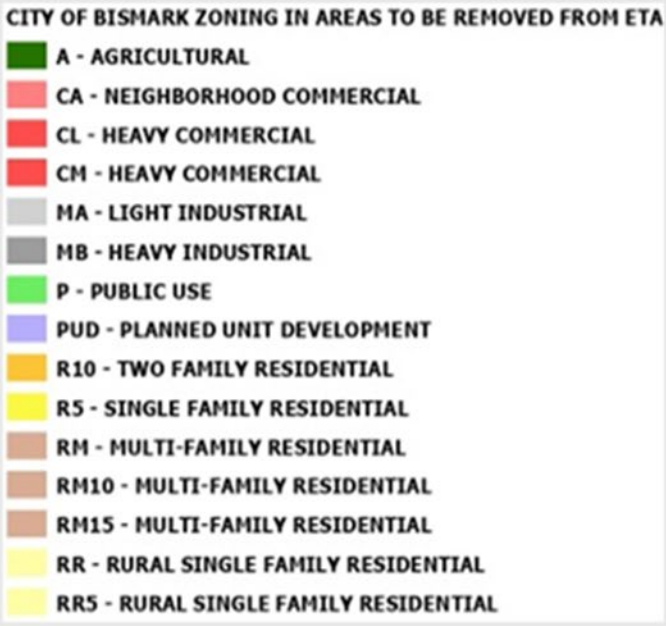
Zoning Districts

1. Agenda will focus on comparing Zoning Districts- AG, FP, R1, R5, C, I, PUD, P-Public

BURLEIGH COUNTY ZONING DISTRICTS



BISMARCK ZONING DISTRICTS



EXISTING ZONING AND # OF PARCELS IN THE FORMER ETA TRANSFER AREA

1. A - AGRICULTURAL = 160
2. CA - NEIGHBORHOOD COMMERCIAL = 3
3. CL - HEAVY COMMERCIAL = 2
4. CM - HEAVY COMMERCIAL = 4
5. MA - LIGHT INDUSTRIAL = 1
6. MB - HEAVY INDUSTRIAL = 4
7. P - PUBLIC USE = 24
8. PUD - PLANNED UNIT DEVELOPMENT = 244
9. R5 - SINGLE FAMILY RESIDENTIAL = 208
10. R10 - TWO FAMILY RESIDENTIAL = 138
11. RM - MULTI-FAMILY RESIDENTIAL = 2
12. RM10 - MULTI-FAMILY RESIDENTIAL = 8
13. RM15 - MULTI-FAMILY RESIDENTIAL = 12
14. RR - RURAL SINGLE FAMILY RESIDENTIAL = 3,692
15. RR5 - RURAL SINGLE FAMILY RESIDENTIAL = 23
16. FP- FLOODPLAIN DISTRICT= 1,440 structures within the SFHA.

17. TOTAL OF 4,529 PARCELS

ZONING DISTRICTS IN THE TRANSFER AREA OF THE ETA

AG District

The agricultural district is established as a district in which the predominant use of land is for general agricultural uses.

- Minimum lot area: 40 acres to 10 acres
- 160 Parcels (Located in the TA-ETA)

FP District

It is the purpose of this article to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed

- Bismarck's Floodplain regulations do not recognize the 500 year floodplain as a Special Flood Hazard Area- SFHA.
- 1,540 Parcels

RR District- Single Family Residential

The RR residential district is established as a district in which the principal use of the land shall be for low density, large lot single-family dwellings:

- Minimum lot area: 65,000 square feet
- 3,692 Parcels

C-Commercial District

The C - Commercial District is established as a district in which the principal use of land is for commercial and service uses to serve the residential districts in the area.

I- Industrial District

The I- Industrial District is established as a district in which the principal use of land is for heavy commercial, manufacturing and industrial establishments.

PUD- Planned Unit Development

It is the intent of the PUD Article 20 to encourage flexibility in development of land in order to promote its most appropriate use and to improve the design, character and quality of new development.

P- Public Use District

The P Public Use District is established as a district in which the principal use of the land is for governmental, civic or institutional uses, including major public facilities.

STAFF REPORT Ex. 6.1.1

Zoning Ordinance Summary

	Ordinance Comparison and Review for Floodplain Districts:
Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Zoning Comparisons of Burleigh County and City of Bismarck
Staff Recommendation:	Review

Burleigh FP – Article 21 Floodplain District- Bismarck Floodplain District 1,540 Parcels

	Burleigh FP	Bismarck FP
SFHA Definition / Regulatory Standard	Definition of SFHA: an area of land that would be inundated by a flood having two tenths of one percent (.02%) or greater chance of being equaled or exceeded in any given year (500-year flood) *all regulations are based on this definition and are a higher regulatory standard than Bismarck	Definition of SFHA: an area of land that would be inundated by a flood having a one percent (1%) chance of being equaled or exceeded in any given year (100-year flood) *all regulations are based on this definition
Alteration of Water Courses	Does not require notification of the appropriate water resource district prior to removal or replacement of fill within 200 feet of the ordinary highwater mark of a body of water during normal flow or stage.	Requires notification of the appropriate water resource district prior to removal or replacement of fill within 200 feet of the ordinary highwater mark of a body of water during normal flow or stage.
Variance	Includes finding for approval: “any other factor deemed relevant by Board of Appeals”	Does not include this finding.

Variance	Includes condition for approval of variances for new construction and substantial improvements on lots less than 1.5 acres in size contagious to and surrounded by lots with existing structures constructed below the BFE to be constructed below the BFE. This condition references CFR 44 60.6 (although not specifically noted in ordinance)	Does not include this condition
Additional Development Standards Adjacent to Missouri River	R1- Applies to properties platted after 2003. Requires structure setback of 100 feet from ordinary high-water mark, and 75 feet from ordinary high-water mark for a USAC stabilized bank	RR & RR5- Applies to properties platted after 2003. Requires structure setback of 100 feet from the ordinary high-water mark

STAFF REPORT Ex. 6.1.2

Zoning Ordinance Summary

	Comparison and Review of Ag. to Ag. Districts
Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Zoning Comparisons of Burleigh County and City of Bismarck
Staff Recommendation:	Review

Burleigh County AG Agricultural to Bismarck A. – Agricultural 160 Parcels

	Burleigh AG	**Bismarck AG**
Allowed Uses (by-right)	Farming, Single family homes, livestock sales, gravel extraction, oil and gas, golf course, etc.	Farming, Single family homes, livestock sales, gravel extraction, ag recreation, oil and gas, golf course, etc.
Allowed Uses (special)	Veterinary, airport, cemetery, asphalt and concrete, rodeo, shooting range, junkyard, racetrack, wind turbines, asphalt and concrete, meatpacking, animal feeding operations etc.	Temporary sales of certain items, solid waste disposal, veterinary, airport, junkyard cemetery, religious, asphalt and concrete, private riding arena, etc. Home Occ.
Animal Feeding Operations	Defined as 1,000+ AU. SUP req' Bond required for larger operations. Setbacks to wells, residences, odor. Prohibited from any ETA.	Defined as 300+ AU. Not addressed in ordinance, which likely means not permitted.
Definition of Farm	10 Acres or more and generating more than 50% of income.	10 Acres or more and generating more than 50% of income
Lot Area, minimum	40 acres or aliquot part intended to be 40 acres, or 35 acre government lot. Applies to non-agricultural uses.	40 acres or aliquot part intended to be 40 acres, down to 35 acres. Applies to single-family homes only.
Lot Width, minimum	640 feet	660 feet

Front Setback	40 feet residential, 140 feet comm. from property line	40 feet from property line
Front Setback Collector Road	65 feet residential, 115 feet comm. from property line.	125 measured from property line
Front Setback Arterial Road	175 feet residential, 225 feet comm. from property line.	175 measured from property line.
Side Setback	Not less than 20% of average width or 15 feet, whichever is less.	15 feet. Corner lots have 2 sides considered front yards.
Rear Setback	50 feet	50 feet
Building Height Principal	2 ½ stories or 35 feet max for single family. 4 stories or 50 feet for other. Side and rear setbacks adjusted by height.	40 feet max for single family dwelling; 50 feet for other. Side and rear setbacks adjusted by height.
Accessory Building Height	2 stories or 25 feet max, and max wall height of 16 ½ feet.	25 feet max
Accessory Building Area	4% of the lot area max. Attached garages over 150% of area counted.	1% of the total lot area up to 5,000 SF. With a special use permit: if 35 Acres+, 8,000 SF. For 70 Acres+, 15,000 SF.
Accessory Dwellings	Special use permit req'.	Permitted with special use permit
Home Occupations	No external employees; no more than 25% of primary home; 1 SF sign. No on-premise sales;	Up to 3 external employees; up to 50% of primary home and 100% accessory buildings; Sign of 3+ SF; Sales allowed unless traffic problem Major/ Minor
Utility Services	Allowed by-right with landscaping and fencing requirements.	Allowed by-right with landscaping and fencing requirements.
Accumulation of Certain items	Keeping certain "junk" is prohibited	Keeping certain "junk" is prohibited

STAFF REPORT Ex. 6.1.3

Zoning Ordinance Summary

	Ordinance Comparison and Review of R1 to RR
Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Zoning Comparisons of Burleigh County and City of Bismarck
Staff Recommendation:	Review The differences between these 2 districts are minimal

Burleigh County R1 Residential – Bismarck Zoning RR District- 3,692 Parcels

	Burleigh R1	**Bismarck**
Allowed Uses (by-right)	Single-family dwellings Education group Church Utility service group Public recreation group Truck-farming group Animal husbandry Private riding stables Golf Course	Single-family dwellings Education group Church Utility service group Public recreation group Truck-farming group Animal husbandry Private riding stables Golf Course Chicken Hens (10) Coops Family foster home adults. Family childcare
Allowed Uses (special)	Customary accessory uses as allowed in Art. 6 Accessory dwelling unit	Childcare centers. Religious institution. Acc. dwelling unit
Horses	2 per 2 acres with additional horse per 3 acres. Barn 100 feet from neighbor structure	2 per 2 acres with additional horse per 3 acres. Barn 100 feet from neighbor structure
Chickens	Prohibited, generally.	Chicken Hens (10) Coops

Dogs and Cats	No more than three (3) dogs four months of age or older.	Three (3) dogs four months of age or older.
General Animals	Any animals for educational purposes allowed.	Allowed for Educational purposes
Lot Area	65,000 sq./ft. minimum or 40,000 sq./ft if platted prior to 4/5/2004	65,000 sq./ft. 40,000 sq./ft if platted prior to 4/5/2004
Lot Width/Depth	150 feet minimum width, 200 feet min depth	150'/w/200' minimum depth
Front Setback	40 feet from property line, unless on major road. Then between 115 – 250' from centerline.	40
Side Setback	Not less than 20% of average width or 15' whichever is less.	15'
Rear Setback	50'	50'
Building Height Principal	2 ½ stories or 35' max for single family. 4 stories or 50' for other. Side and rear setbacks adjusted by height.	40' Side and rear setbacks adjusted by height.
Accessory Building Height	2 stories or 25' max, and wall height of 16 ½ feet.	25'
Accessory Building Area	4% of the lot area max. Attached garages over 150% of area counted.	Proposed 4%
Accessory Dwellings	Allowed- See Article 8	Allowed
Home Occupations	No external employees; no more than 25% of	Up to 3 external employees; up to 50% of primary home and 100% accessory buildings; Sign of 3+ SF;

	primary home; 1 SF sign. No on-premise sales;	Sales allowed unless traffic problem
Utility Services	Allowed by-right with landscaping and fencing requirements.	Allowed by-right with landscaping and fencing req's.
Accumulation of Certain items	Keeping certain "junk" is prohibited	Junk accumulation is not allowed.

STAFF REPORT Ex. 6.1.4

Zoning Ordinance Summary

	Comparison and Review of MH Districts
Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Zoning Comparisons of Burleigh County and City of Bismarck
Staff Recommendation:	Review

Burleigh County R5 District –Bismarck RMH Zoning District

	Burleigh R5 District	**Bismarck RMH District**
Allowed Uses (by-right)	Single-family mobile home dwellings or manufactured homes Home occupations of: a. Dressmaker b. Artist c. Sculptor d. Author e. Minister	Single-family mobile home dwellings or manufactured homes Minor home occupations, i.e.: a. In-Home Child Care- up 12 children under age of 12 b. 1 employee c. 50% of floor area of house, - 100% floor area of Acc. Bldg..
Allowed Uses (special)	No business shall be conducted in any mobile home park	No businesses shall be conducted in any mobile home park
Horses	N/A in MH Park	
Chickens	N/A in MH Park	
Density	7 Families per net acre	
Lot Width/Depth	50’ width min. 100’ length min. 5,000 sq./ft. min. lot size	Lot dimensions minimum 50’
Lot Cover	All buildings and req’ parking spaces shall not exceed 50 percent (50%) of the total area of the lot	All buildings and req’ parking spaces shall not exceed 40 percent (40%) of the total area of the lot
Front Setback	15’	20’

Side Setback	7’ min.	6’
Rear Setback	10’ to 15’ end separation between MH.	12’ end separation between MH.
Building Height Principal	Not listed	Primary building not listed Accessory bldg.- 15’ max.
Accessory Uses	All clotheslines shall be placed in the rear yard.	
Accessory Building Height	Not listed	15’
Accessory Building Area	All buildings and req’ parking spaces shall not exceed 50 percent (50%) of the total area of the lot	All buildings and req’ parking spaces shall not exceed 40 percent (40%) of the total area of the lot. Face of a garage or shall not be closer than twenty (20) feet from a ROW.
Accessory Dwellings	N/A	
Home Occupations	Home occupations of: Dressmaker Artist Sculptor Author Minister	Not stated.
Landscaped Setback Area	N/A	A permanently landscaped setback area min. thirty (30) feet in width around the park perimeter
Recreation Area.	N/A	4,000 sq./ft. plus 100 sq/ft. square feet for each manufactured home provided in MH park.
Parking		Off-street parking req’.
Utility Services	All mobile home park lots shall be served by an approved central water and sewer system.	All services and fire protection provided in MH park
Community Storage Buildings	N/A	Allowed
Mobile Home Requirements	a. Mobile home shall be anchored to the ground b. Mobile homes shall be equipped with	

	compatible skirts to completely enclose the underside of the mobile home. c. Mobile homes shall be on a permanent foundation	

STAFF REPORT Ex. 6.1.5

Zoning Ordinance Summary

	Comparison and Review of Zoning Districts C to CA
Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Zoning Comparisons of Burleigh County and City of Bismarck
Staff Recommendation:	Review

Burleigh County C District –Bismarck Zoning – CA District

	Burleigh C District	**Bismarck CA District**
Allowed Uses (by-right)	Retail Group A Retail Group B Sale at Retail of merchandise Service Group A Serving of food for consumption on the premises Service Group B Gasoline Filling Station Office-bank Group Church Education Group Fire Station Utility Service Group Public Recreation Group Commercial Recreation Group Wholesale Group Health Medical Group Railroad Line Trackage Railroad or Bus Passenger Station Trailer Sales Auto and truck sales Animal Hospital Commercial Parking Lot	Retail group A. Service group A. 1 or 2- SFD when used in conjunction with commercial use Religious institution. Education group. Multifamily dwelling.(RM) Group dwelling. Row houses/townhouses Public recreation group. Office-bank group. Commercial recreation group, max. 10,000 sq./ft. Animal svcs., non-veterinary –class Health-medical group Onsite and Offsite Parking Req’
	Veterinary/Animal Clinic	Temp. Christmas tree sales.

Allowed By Special Use Permit	Veterinary/Animal Hospital/Enclosed Kennel	Temp. farm and garden produce sales. Filling station. Seasonal nursery/ bedding stock sales Childcare center. Drive-in bank. Retail liquor sales. Microbrew pub. Domestic distillery. Animal services, non-veterinary
District Area	Minimum 5 acres	Not listed
Density	20,000 sq./ft. min.	7,000 sq./ft. min.
Lot Coverage		70% max.
Lot Width/Depth	Width 200' Length 100'	Not Listed
Front Setback	50' front	Not Listed
Side Setback	20' side	10'
Rear Setback	20' rear	10'
Building Ht. Principal	35' max.	40' max.
Accessory Uses	Not listed	Not listed
Accessory Building Height	Same as principle	
Accessory Building Area	Not listed	Not listed
Accessory Dwellings	Not listed	Not listed
Home Occupations	Not listed	Not listed
Utility Services	Not listed	Not listed
Accumulation of Certain items	Same in all Districts	Same

STAFF REPORT Ex. 6.1.6

Zoning Ordinance Summary

	Comparison and Review of I Districts
Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Zoning Comparisons of Burleigh County and City of Bismarck
Staff Recommendation:	Review

Burleigh County I District –Bismarck MA Zoning – District

	Burleigh County I- District	**Bismarck MA- District**
Allowed Uses (by-right)	Gasoline filling station Retail group B Service group B Wholesale group Manufacturing Group Utility service group Industrial use group Fire Station Truck terminal Railroad line trackage Railroad spur trackage Railroad freight station Railroad freight classification yard Livestock sales pavilion Oil or gas well Radio or television transmitting station Sand or gravel extraction Sewage treatment plant	Hotel-motel. Retail group A. Retail group B. Service group A. Service group B. Industrial group A- only. Wholesale group. Commercial recreation group. Truck terminal. Railroad or bus passenger statior Railroad freight station. Radio or television transmitting station. Office-bank group. Religious institution. Microbrew pub. Domestic distillery. Brewer Taproom. Animal services, non-veterinary
Allowed Uses (special)	Meat packing facilities Data Centers Drive-in Theater Golf Driving Range Tourist Campgrounds Salvage Yards	Temporary Christmas tree sales. Temporary religious meetings. Temporary circus/fair/carnival. Temporary farm and garden produce sales.

	Junkyards Veterinary/Animal Clinic Adult Entertainment Centers Vehicular Racetracks Trap or Skeet or Sporting Clays Shooting Range Meat Packing Facilities	Temporary fireworks sales. Seasonal nursery and bedding stock sales. Solid waste disposal facility. Racetracks. Airport. Recreational vehicle park. Filling station. Drive-in retail or service establishment. Motor vehicle parts salvage yard. Veterinary services – small animals. Veterinary services – large animals. Golf driving range. Junkyard. Retail liquor sales. Childcare center. Asphalt production facilities, both permanent and temporary. Data center. Animal services, non-veterinary
Density	Min. size lot 20,000 Max. lot coverage 30%	Min. lot size: 10,000 Max. lot coverage- 80%
Lot Width/Depth	Width 100’ min.	60’
Front Setback	50’	15’ in an I- District Except on a Major Hwy-50’
Side Setback	15’ minimum	15’
Rear Setback	25’	10’ except by alleyway
Building Height Principal	4 stories max. Max. 50’	75’
Parking Req’	Off-Street Req’ – See Article 10	
Accessory Building Height	25’ maximum	50’

Accessory Building Area	Max. lot coverage- 30% for all buildings	Max. lot coverage- 80% for all buildings
Industrial Use Group	Manufacture, compounding, processing, packaging, treatment of: a) Bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, and food products except fish and meat products, sauerkraut vinegar, yeast, and the rendering or refining of fats and oils. b) Products from the previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, fiber, precious metals or stones, fur, glass, hair, horn, leather, paper, plastics, shell, textiles, wood and yarns. c) Pottery and other ceramic products using only previously pulverized clay, and kilns d) Electric and neon signs, outdoor advertising signs, commercial advertising structures, and light sheet metal products, including heating and ventilating. e) Musical instruments, toys, novelties and	Manufacture, compounding, processing, packaging, treatment of: a) Bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, and food products except fish and meat products, sauerkraut vinegar, yeast and the rendering or refining of fats and oils. b) Products from the previously prepared materials: Bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, metals, stones, fur, glass, hair, horn, leather, paper, plastics, shell, textiles, wood and yarns. c) Pottery and other ceramic products using only previously pulverized clay, and kilns d) Electric and neon signs, outdoor advertising signs, commercial advertising structures, and light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves, and similar products. e) Musical instruments, toys, novelties and rubber and metal stamps. f) Welding and machine shop.

	rubber and metal stamps. f) Blacksmith shop and machine shop. g) Laundry, cleaning and dyeing works, and carpet h) Ice manufacturing, soft drink bottling plant. i) Assembly of electric appliances, electronic instruments. The following uses when conducted wholly within a completely enclosed building, a) Building material sales yard, including the sale of rock, sand, gravel. b) Contractors' equipment, storage yard or plant, or rental of equipment c) Retail lumber yard, d) Feed and fuel yard. e) Public utility service yard f) Pipe yard, or storage, sale or rental of oil and gas well drilling equipment	g) Laundry, cleaning and dyeing works, and carpet and rug cleaning. h) Ice manufacturing i) Soft drink bottling plant. The following uses when conducted wholly within a completely enclosed building- a) Contractors' equip. storage yard. b) Building materials sales yard c) Pipe storage yard, including sales. d) Feed/fuel storage yard w/sales. e) Public utility service yard. f) Sale of oil and gas well drilling equipment. g) Concrete products h) Petroleum bulk i) Manufacturing and storage of alcoholic beverages, including brewery. Manufacture, compounding, processing, refining or treatment of the following materials and products: a) Acetylene. b) Alcohol. c) Asphalt and bituminous products. d) Brick, tile or terra-cotta. e) Oilcloth or linoleum. f) Paint, shellac, turpentine, lacquer or varnish. g) Paper or pulp. h) Petroleum products. i) Plastics.

		j) Slaughter and packing of animals and meat products. k) Tannery, curing or storing of raw hides. Any of the following uses provided that they shall not be located closer than five hundred (500) feet from any zone in which they are prohibited: a) Cement, lime, gypsum, or plaster of paris manufacture. b) Drop forge industry, manufacturing forgings with power hammer. c) Fertilizer manufacturing. d) Garbage, offal, bone or dead animal reduction. e) Gas manufacture or utility regulating stations. f) Electric generating plant. g) Smelting of tin, copper, zinc or iron ores. h) Soap manufacture. i) Stockyards, feeding pens or livestock sale facilities. The following uses when conducted wholly within a completely enclosed building, or within an area enclosed on all sides with a solid wall, compact hedge or security fence, not less than six feet in height: a) Building materials sales yard, including the sale of rock, sand and gravel. b) Contractors' equipment storage yard. c) Pipe storage yard, including sales.

		d) Feed or fuel storage yard including sales. e) Public utility service yard. f) Sale, rental or storage of oil and gas well drilling equipment. g) Concrete products, material storage and mixing. h) Petroleum bulk plants, i) Manufacturing and storage of alcoholic beverages, including brewery.
Utility Service Group	Allowed	Allowed
Wholesale Group	Merchandise offered for sale is stored wholly within a completely enclosed building a) Newspaper, magazine distributor b) Wholesale food and grocery sales. c) Wholesale drug sales. d) Other wholesale distribution facilities. e) Warehouses.	The merchandise offered for sale is stored wholly within a completely enclosed building. a) Newspaper, magazine distributor. b) Wholesale food/ grocery sales. c) Wholesale material sales.
Manufacturing Group		

STAFF REPORT Ex. 6.1.7.

Zoning Ordinance Summary

	Comparison and Review of PUD Districts
Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Zoning Comparisons of Burleigh County and City of Bismarck
Staff Recommendation:	Review

Burleigh County PUD District –Bismarck PUD Zoning – District

	Burleigh PUD District	**Bismarck PUD District**
Application	a) Requires application and consent of all owners	The application must be accompanied a site plan, a written statement and architectural drawings
Site Plan.	a) A site plan showing the major details of the proposed PUD b) A complete site plan of scale of not less than one (1) inch to 100' c) Existing topographic character of the land d) Existing and proposed land uses e) The location of all existing and proposed buildings f) The max. ht. of all buildings g) The density and type of dwelling h) The internal traffic and circulation systems, off-street parking areas, and major points of ROW	a) A complete site plan of scale of not less than one (1) inch to 100' b) Existing topographic character of the land c) Existing and proposed land uses d) The location of all existing and proposed buildings, structures and improvements e) The maximum height of all buildings f) The density and type of dwelling g) The internal traffic and circulation systems, off-street parking areas, and major points of access to public ROW h) Areas which are to be conveyed, dedicated or reserved as common park areas, including public parks and recreational areas i) Proposed interior buffer areas between uses

	i) Areas which are to be conveyed, dedicated or reserved as common park areas, including public parks and recreational areas j) Proposed interior buffer areas between uses k) Acreage of PUD l) Utility service plan showing existing utilities in place and all existing and proposed easements m) Landscape plan n) Surrounding land uses, zoning and ownership.	j) Acreage of PUD k) Utility service plan showing existing utilities in place and all existing and proposed easements l) Landscape plan m) Surrounding land uses, zoning and ownership.
Written Statement	a) A statement of present ownership w/ legal description b) An explanation of the objectives c) All proposed association agreements for common areas	a) A statement of present ownership w/ legal description b) An explanation of the objectives c) All proposed association agreements for common areas
Architectural Drawings	a) Elevations of the front and one side b) Perspective of a typical structure (may we waived)	a) Elevations of the front and one side b) Perspective of a typical structure (may we waived
Review and Approval	a) Planning commission b) County Commission	a) Planning commission b) County Commission
Standards	a) Conforms to the comprehensive plan. b) Relationship to the surrounding area c) 30’ Buffer d) Preservation of natural features	a) Conforms to the comprehensive plan. b) Relationship to the surrounding area c) Buffer area may be req’. d) Preservation of natural features e) Design for internal street circulation system f) Pedestrian travel routes

	e) Design for internal street circulation system f) Pedestrian travel routes Maximum allowable density shall not exceed twelve (12) families per net acre	g) Maximum allowable density shall not exceed twelve (12) families per net acre
Changes	a) Minor changes are allowed for location, setting, or character of buildings	a) Minor changes are allowed for location, setting, or character of buildings
Subdivision and Resale	a) A planned unit may be subdivided or re-subdivided for purposes of sale	N/A

STAFF REPORT Ex. 6.1.8.

Zoning Ordinance Summary

	Comparison and Review of P-Public Districts
Status:	Planning and Zoning Commission – Consideration
Project Contact:	Mitch Flanagan
Request:	Zoning Comparisons of Burleigh County and City of Bismarck
Staff Recommendation:	Review

Burleigh County P-Public Use District –Bismarck P-Public Use Zoning – District

	Burleigh P District	**Bismarck P District**
Allowed Uses (by-right)	a) Education group b) Public recreation group c) Water treatment plant d) Buildings and necessary on-site facilities required for the conduct of government, including roadway maintenance facilities e) Commercial recreation group occupying public owned land f) Sewerage treatment plant g) Parking lots h) Utility service groups i) Private golf course, and customary accessory uses	a) Education group. b) Public recreation group. c) Water treatment plant. d) Buildings and necessary on-site facilities required for conduct of government. e) Commercial recreation group occupying public owned lands. f) Sewerage treatment plant. g) Municipal landfill. h) Parking lots. i) Gift shop occupying public owned lands. j) Food service establishment
Allowed Uses (special)	a) Airport b) Cemetery	a) Airport. b) Cemetery.

	c) Golf driving range, not accessory to a golf course d) Solid waste disposal facility e) Vehicle racetrack f) Rodeos or rodeo events	
Density	30% of lot	30% of the lot
Lot Area	65,000 sq./ft. minimum 40,000 sq./ft if platted prior to 4/5/2004	No Minimum
Lot Width/Depth	150 feet minimum width, 200 feet min depth	Not stated
Front Setback	40 feet from property line, unless on major road. Then between 115 – 250' from C/L	25' minimum
Side Setback	Not less than 20% of average width or 15' whichever is less.	5' minimum
Rear Setback	50'	20' minimum
Building Height Principal	2 ½ stories or 35' max for single family. 4 stories or 50' for other. Side and rear setbacks adjusted by height.	75' feet
Accessory Building Height	2 stories or 25' max, and wall height of 16 ½ feet	N/A
Accessory Building Area	4% of the lot area max.	N/A

Burleigh County Planning and Zoning Commission Meeting Agenda

Tom Baker Meeting Room, City/County Building, 221 5th Street N, Bismarck, ND

5:15pm

Attend in Person || Watch Live on Government Access Channels 2 or 602 || Stream on Freetv.org or Dakota Media Access Facebook Live || Replay Later from Freetv.org

AGENDA

January 14, 2026

1. Introduction of new Planning and Zoning Commission Member
   Mitch Flanagan – Director

2. Roll Call

3. Election of Officers
   Mitch Flanagan – Director

4. Approval of December 10, 2025, Minutes

5. Public Comments: (*Restricted to Burleigh County residents and landowners)*

6. Consent Agenda: *(The following item(s) are request(s) for a public hearing)*
   6-1 Kummer Ranch Subdivision:
   -Requests approval of a one (1) lot Subdivision and call for a public hearing.
   Staff recommendation: Approval

7. Public Hearing Agenda:
   7-1 Amendment 21 – FP Floodplain District *(First Hearing)*
   Staff recommendation: Approval
   7-2 Amendments: *(First Hearing)*
   - Amendment Article 3 – Definitions
   - Amendment Article 5 – General Provisions and Guidance
   - Amendment Article 7 – Use Groups
   - Amendment Article 10 – Automobile Parking
   - Amendment Article 13 – RR Residential District – New

- Amendment Article 19 – MH – Manufactured Home
  Staff recommendations: Approval

5. Other Business: Next Meeting is on February 11, 2026

6. Adjourn

Burleigh County Planning and Zoning Meeting Minutes

December 10, 2025

PRESENT: Chairman Dennis Agnew, Commissioners Mike Connelly, Alvie Jarratt, Dale Patrick, Wayne Munson, John Risch, Bea Streifel, and Brian Zuroff. Commissioner Brian Bitner was absent.

OTHERS: Casey Einrem, County Engineering, Mitch Flanagan and Marla McMonagle, County Planning Department and Members of the Public (see sign in sheet)

Chairman Agnew opened the meeting and called for the roll call. There was a quorum present

Chairman Agnew called for a motion to approve the November 12, 2025, minutes. The minutes were approved unanimously.

There were no public comments

CONSENT AGENDA		
There were no items on the consent agenda		
PUBLIC HEARING AGENDA		
4-1 Huez Subdivision - Continuation A one (1) lot subdivision containing 13 acres more or less.	Would like to approval of the Final Plat	Approval of the final plat Give a "Do Pass Recommendation to the Board of Burleigh County Commissioners.
Mitch Flanagan - Director	Gave a summary of the proposed subdivision, why it was continued from the November 12th meeting. He explained we had not received an opinion from the State Attorney's office regarding whether a lot can be removed from a subdivision and included in another subdivision. He submitted a petition from his neighbors that approve of the building. The property is privately owned. He recommended tabling the item until we receive an attorney's opinion.	
Commissioner Zuroff	Asked if the developers of the surrounding property decided to drop their concern? When this is developed in the future, the petitioners have the obligation to build half the road?	
Director	That will be decided in the future.	
Chairman Agnew re-opened the public hearing		
No one approached with comments opened the floor to the Commissioners to discuss the petition		
Commissioner Connelly	Asked if they could approve the petition with the contingency of getting a opinion from the State Attorney	
Director	He recommends tabling it for the State Attorney's opinion, but lot combinations are created all the time.	
Commissioner Zuroff	Recommended to table it.	

Director	We could also ask for a different attorney's opinion too.	
Chairman Agnew closed the public hearing.		
Commission Patrick	Made a motion to approve the plat with the condition of obtaining an attorney's opinion regarding the century code	
Commission Risch	Seconded the motion	
Director	Can not guarantee we will get an State Attorney's opinion	
Chairman	Asked if Commissioners would like to change the motion to obtain a legal opinion not just the State's Attorney's opinion.	
Commissioner Risch	Pulled his motion stating he would like to approve the petition and be done with it since we haven't heard from the State Attorney's office.	
Commissioner Patrick	Made a motion to approve the petition without a condition.	
Commissioner Risch	Seconded the motion	
MOTION	RESPONSIBLE PARTY	RESULTS
Approve the Final Plat and give a "Do Pass" recommendation	1st Commissioner Patrick 2nd Commissioner Risch	Approved 8 - 0
4-2 Kuntz Subdivision Burnt Creek Township Section 7, Lot A of the NE 1/4	Create a two (2) lot subdivision containing 40 acres more or less	Approve the final plat and give a "Do Pass" recommendation to the Board of Burleigh County Commissioners
Staff McMonagle	Gave a summary of the petition and the buildings located on the property. She gave a history of the first petition for an Accessory Dwelling Unit Special Use and how the decision to plat the property into a subdivision instead to build a larger house.	
Chairman Agnew opened the public hearing		
No one spoke on the Kuntz Subdivision, so Chairman Agnew closed the public hearing		
Commissioner Connelly	Made a motion to approve the final plat and give a "Do Pass" recommendation the Board of Burleigh County Commissioners.	
Commissioner Zuroff	Seconded the motion	
MOTION	RESPONSIBLE PARTY	RESULTS
Approve the Final Plat and give a "Do Pass" recommendation	1st Commissioner Connelly 2nd Commissioner Zuroff	Approved 8 - 0
4-3 Spring Coulee Subdivision – Short Plat Lot 1, Block 1, Spring Coulee Subdivision	Combine a two (2) lot subdivision into a one (1) lot subdivision to build an accessory building	Approve the final plat and give a "Do Pass" recommendation to the Board of Burleigh County Commissioners.
Staff	Gave a description of the request to combine the lots into a one (1)	Approve the final plat and give a "Do Pass"

	lot subdivision. The petitioner had split the lot into two (2) lots in 2007	recommendation to the Board of Burleigh County Commissioners.
Chairman Agnew opened the public hearing		
Hearing no comments, Chairman Agnew closed the public hearing		
Commissioner Risch	Made a motion to approve the replat and give a "Do Pass" recommendation to the Board of Burleigh County Commissioners	
Commissioner Patrick	Seconded the motion	
MOTION	RESPONSIBLE PARTY	RESULTS
Approve the Final Plat and give a "Do Pass" recommendation	1st Commissioner Connelly 2nd Commissioner Zuroff	Approved 8 - 0
OTHER BUSINESS		
5-1 Amendment Article 21 – FP - Floodplain District Regulations	Add authorization to the introduction of Article 21 FP-Floodplain District Regulations	Approve and call for a public hearing
Director	Explained the addition to Article 21 to be in compliance with State and Federal requirements.	
Chairman Agnew	Asked The Director to explain what the floodplain district was	
County Engineering – Casey Einrem	This happens every ten years, a study is done to assess the impacts of the floodplain areas and FEMA decides what the floodplains are. If the owners disagree, they are able to be removed from the map.	
Chairman Agnew	Is there a map that is just the County?	
County Engineering	We are very careful in deciding what is in the floodplain because once an area is included in the floodplain it is hard to remove it.	
Director	There will be a meeting on the 17th. It helps to have this information, so townships don't issue building permits in the floodplain. NDRAM is a map that was created to show where the unmapped floodplain/floodway areas are.	
Chairman Agnew	It helps to have something for the townships since they do not have the staff to do the research.	
County Engineering	We do more in-depth research when we start projects.	
Commissioner Connelly	There were a lot of reviews when the new maps came out because of newer technology.	
County Engineering	We did the Missouri River and Apple Creek recently	
Director	The DWR wants our ordinances to be the same as theirs.	
5.2 2026 Planning and Zoning Commission Meeting Calendar	2026 Calendar	Notification of the new calendar and the November date TBD
Staff	Explain the November date is on a holiday, so staff is working on a different date with the City of Bismarck which schedules the Tom Baker Meeting Room	
MOTION	RESPONSIBLE PARTY	RESULTS

Approve the 2026 Planning and Zoning Commission Calendar.	1st Commissioner Zuroff 2nd Commissioner Patrick	Approved 8 - 0
No other items were on the agenda, meeting was closed.		

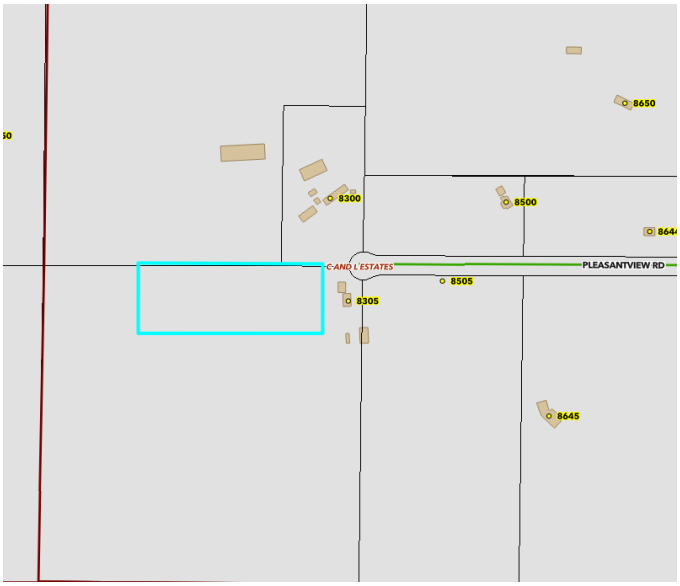
Meeting was closed at 6:15pm.

Dennis Agnew
Chairman

Marla McMonagle
Staff

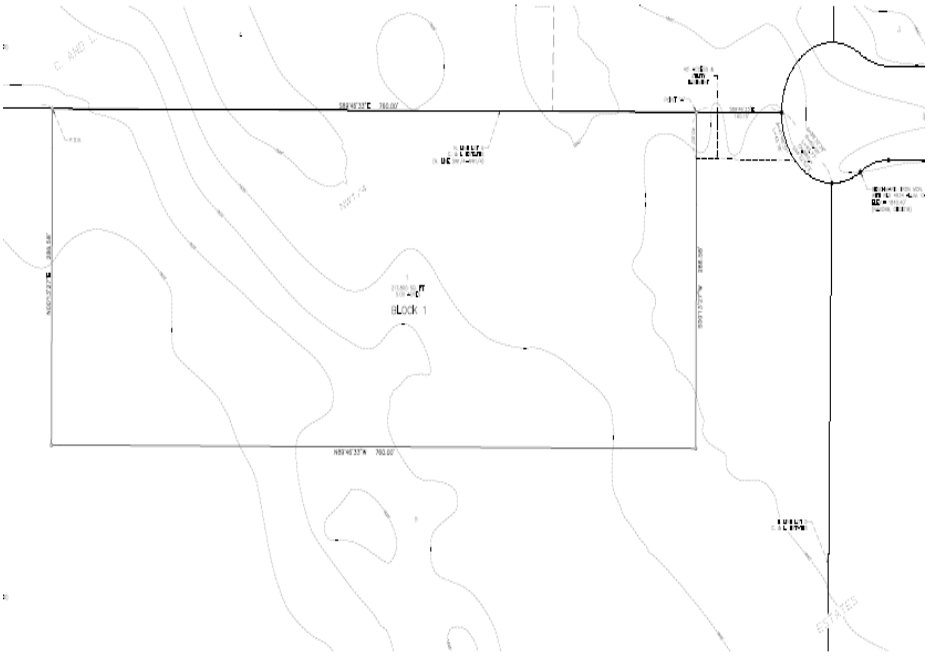
Agenda Item 6.1 Kummer Ranch Subdivision

Application for a Subdivision

Project Summary	
Consent Agenda:	Approval of Preliminary Plat and call for a Public Hearing
Status:	Preliminary Plat
Petitioner/Developer:	Patrick & Gail Lengenfelder
Engineer:	Tom Weigel – Moore Engineering
Location: 	8305 Pleasantview Road Lot C, Block 00, C and L Estates Subdivision Part of the N ½ of Section 28, Township 138 N, Range 79W Exhibit 6-1-1 Location Map
Parcel Size:	40 acres A-Agricultural
Subdivision:	One (1) lot containing 5 acres

History/Description

Burleigh County Planning and Building Staff met with Moore Engineering on November 6th for a pre-application meeting. The petition is interested in making a five (5) acre subdivision on his property containing 40 acres more or less. The review team did not post any concerns. The petitioner was requested to apply for a SWMP waiver and a paving waiver



6-1-2 Preliminary Plat



6-1-3 Site Map

Staff Findings:

1. The application has fulfilled all the requirements of Article 33 Subdivision Regulations.
2. Zoning for the property is A-Agricultural and is in Apple Creek Township Jurisdiction
3. The petitioner will apply for a SWMP Waiver.
4. The petitioner will apply for a Paving Waiver.
5. The subdivision has been reviewed by all reviewing entities. Minor corrections are being made and submitted.
6. This preliminary subdivision plat meets the requirements of the Burleigh County Comprehensive Plan Article 3 Residential Neighborhoods – Objectives 1 and 2.

Planning Staff Recommendation

The request for a preliminary plat approval fulfills the administrative requirements of the Burleigh County Zoning Ordinances – Article 33 & Article 11.

Planning Commission Action

The Burleigh County Planning and Zoning Commission can:

1. Approve the preliminary plat and call for a public hearing.
2. Approve the preliminary plat with conditions and call for a public hearing.
3. Deny the preliminary plat with reason.
4. Table the preliminary plat for more information.

Agenda Item 7-1 Amendment 21 – FP Floodplain District (2nd Hearing)

DRAFT- ORDINANCE 26-002 ZO

AN ORDINANCE TO AMEND AND RE-ENACT ARTICLE 21 OF THE 1972 AMENDED ZONING ORDINANCE OF BURLEIGH COUNTY, NORTH DAKOTA RELATING TO STATUTORY AUTHORIZATION OF FLOODPLAIN DISTRICT REGULATIONS.
BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA.

Section 1.

Amendment Article 21 of the Zoning Ordinance is hereby amended and re-enacted as follows:

The Legislature of the State of North Dakota has in North Dakota Century Code, Chapters 40-05, 11-11 and 58-06, delegated responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry

In any FP-Floodplain District the following regulations shall apply:

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

Section 3. Severability If any section provision or part of this ordinance shall be adjudged invalid or unconstitutional such as adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date This ordinance shall take effect after final passage, adoption and publication as provided by law

Passed and adopted this _____ day of _____, 2026

_____

Brian Bitner Chairperson

Final passage and adoption:

I, Mark Splonskowski, do hereby certify that I am the duly elected auditor of the County of Burleigh, State of North Dakota, and that the foregoing is a full, true and correct copy of an ordinance adopted by the Board of Burleigh County Commissioners at its regular meeting of

IN WITNESS WHEREOF: I have hereto set my hand and seal of Burleigh County this _____ day of _____, 2026

_____

Mark Splonskowski, Burleigh County Auditor

Agenda Item 7-2 Amendments: *(1st Hearing)*

DRAFT- ORDINANCE 26-003 ZO

AN ORDINANCE TO AMEND AND RE-ENACT ARTICLE 3 OF THE 1972 AMENDED ZONING ORDINANCE OF BURLEIGH COUNTY, NORTH DAKOTA RELATING TO ARTICLE 3 - DEFINITIONS BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA.

ARTICLE 3 - DEFINITIONS

Definitions. The following definitions represent the meanings of terms as they are used in these regulations:

All words used in the present tense include the future tense. All words in the plural number include the singular number, and all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The word "building" includes the word "structure". The word "shall" is mandatory and not directory. The word "used" shall be deemed also to include "designed, intended or arranged to be used". Unless otherwise specified, all distances shall be measured horizontally. The word "county" means Burleigh County, North Dakota; the term "Board of County Commissioners" means the Board of Burleigh County Commissioners, the term "county planning commission" means the Burleigh County planning and zoning commission; all officials referred to herein refer to the current appointed officials of Burleigh County or their authorized representatives.

Accessory Building: A subordinate building, the use of which is customarily incidental to that of the principal building on the same lot.

Accessory Dwelling Unit: A separate and complete dwelling unit established in conjunction with, and ancillary to, the principal single-family dwelling unit, whether within the same structure as the principal unit or within a detached accessory structure on the same lot or parcel. An accessory dwelling unit contains one bedroom, kitchen and bathroom facilities, and a separate exterior entrance.

Accessory Use: A use or structure that is clearly incidental to and customarily found in connection with a principal structure or use; is ancillary in purpose to the principal building or uses; contributes to the comfort, convenience or necessity of occupants of the principal use; and is located on the same lot and in the same zoning district as the principal use.

Adult Bookstore: An enclosed building having a substantial or significant portion of its stock in trade, books, magazines, or other periodicals which are distinguished or characterized by the emphasis on matter depicting or describing specified sexual activities or specified anatomical

areas, for observation by patrons therein in return for payment of a consideration, irrespective of the numbers of patrons who may be able to view the presentation at one time.

Adult Care Facility: A free-standing facility providing care for more than twelve (12) frail, physically, cognitively and/or functionally impaired adults in a protective setting for less than twenty-four (24) hours per day. An adult care facility may also be located within a hospital, care center or nursing home as an accessory use. Educational and training programs for cognitively and/or functionally impaired adults in a protective setting for less than twenty-four (24) hours per day is not defined as an adult care facility.

Adult Cinema: An enclosed building used on a regular basis for presenting pictorial materials or other visual images by way of direct or indirect projection, which materials are distinguished or characterized by an emphasis on the depiction of specified sexual activities or specified anatomical areas, for observation by patrons therein in return for payment of a consideration, irrespective of the number of patrons who may be able to view the presentation at one time.

Adult Entertainment Center: An adult bookstore or adult cinema, or any establishment allowing any performance, entertainment or appearance, live or otherwise, of any specified anatomical areas or specified sexual activities on the premises, excluding licensed liquor premises.

(For the purposes of this ordinance, the following definitions shall apply to the foregoing terms:

1. *"Specified anatomical areas":*
    a. Less than completely and opaquely covered:
    b. Human genitals, pubic region.
    c. Buttocks.
        i. Female breast below a point immediately above the top of the areola; and
        ii. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

2. *"Specified sexual activities":*
    a. Human genitals in a state of sexual stimulation or arousal.
    b. Acts of human masturbation, sexual intercourse or sodomy.
    c. Fondling of human genitals, pubic region, buttock or female breast.)

Agency Foster Home For Adults: A residential home in which foster care for adults is regularly provided by professional staff trained to provide services to older adults or adults with a disability, to four or fewer adults wo are not related by blood or marriage to the owner or lessee, for hire or compensation that is licensed by the State of North Dakota.

Agriculture District - Shall include any lands or areas so designated A-Agricultural by the Board of County Commissioners under authority of this Ordinance.

Alley: A strip of land, dedicated to public use, primarily to provide vehicular service access to the side or rear of properties otherwise abutting on a street.

Animal Clinic - See "Veterinary".

Animal Feeding Operation: A place where:

1. livestock have been, are, or will be confined, concentrated and fed for forty-five (45) or more days in any twelve (12) month period and
2. pasture, crops, or other vegetation are not normally managed or sustained for grazing during the normal growing season; and
3. animal waste or manure accumulates.

All such operations containing more than three hundred (300) animal units, including an animal wintering operation, shall be defined as an animal feeding operation. Adjoining animal feeding operations under the common ownership are considered to be one animal feeding operation if they use common areas or systems for manure handling. An animal feeding operation in place and operating on the date this ordinance amendment is effective shall be considered an existing animal feeding operation and shall not be allowed to expand by any number of animal units.

The following table outlines the maximum number of livestock allowed before the operation is considered an animal feeding operation, based on animal unit equivalents (AUE) for various types of livestock:

Livestock Type	AUE	Maximum Number Allowed (300 AUE)
Horse	2.00	150
Dairy Cow	1.33	225
Mature Beef	1.00	300
Beef Feeder-Finishing	1.00	300
Beef Feeder-Backgrounding	0.75	400
Mature Bison	1.00	300
Bison Feeder	1.00	300
Elk	1.00	300
Swine, >55 lbs.	0.40	750
Swine, Nursery	0.10	3,000
Sheep	0.10	3,000
Goose or Duck	0.20	1,500
Turkey	0.0182	16,500
Chicken	0.01	30,000

~~*Animal Unit Equivalent* A unit less number developed from the nutrient and volume characteristics of manure for a specific livestock type. The term is used to normalize the number~~

~~of animals (e.g., head) for each specific livestock type that produce comparable bulk quantities of manure. The animal unit equivalents (AUE) for types of livestock and numbers of livestock for facility size thresholds are listed in the following table:~~

Animal Feeding Operation Operator - An individual or group of individuals, a partnership, a corporation, a joint venture, or any other entity owning or controlling one or more animal feeding operations or animal wintering operations.

Animal Wintering Operation: The confinement of cattle or sheep used or kept for breeding purposes in a feedlot or sheltered area at any time between October 15 and May 15 of each production cycle under circumstances in which these animals do not obtain a majority of their feed and nutrients from grazing. The term includes the weaned offspring of cattle and sheep, but it does not include:

1. breeding operations of more than three hundred (300) animal units or
2. weaned offspring which are kept longer than one hundred-twenty (120) days and that are not retained for breeding purposes.
3. ~~Animal wintering operations are not subject to the requirements of this Ordinance~~.

Apartment - A room, or suite of rooms, in a multi-family dwelling intended to be designated for use as a residence of a single family.

Appeal - A request for review of an administrative official's interpretation of any provision of this ordinance.

Assisted Living Facility- An assisted living facility (ALF) is a residential community designed for those who may need assistance with day-to-day tasks, personal care such as bathing, dressing, eating, or taking medication but not constant or intensive medical care.

Auto Wrecking - See "Junk Yard".

Auditor's Plat: See *"Plat-Auditor's".*

Basement: That portion of a building below the first story joists, the floor of which is more than one-half clear ceiling height below the adjacent finished grade level.

~~*Basement* - A story having part but not more than one-half (1/2) its height below grade. A basement is counted as a story for the purpose of height regulations if subdivided and used for business or dwelling purposes other than by a janitor employed on the premises. (Article 31): It shall mean a story of a building located partly underground, but having not more than two-thirds (2/3) of its clear floor to ceiling height below outside grade.~~

~~*Billboard* - See "Sign - Outdoor Advertising".~~

Bio Swale. Landscape elements designed to concentrate or remove silt and pollution from surface water runoff.

Block: A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, undivided acreage, river or live stream; or between any of the foregoing waterways or any other barrier to the continuity of development.

Bluff: A topographic feature such as a hill, cliff or embankment having the following characteristics:

1. Part or all of the feature is located adjacent to the Missouri River; The slope rises at least 25 feet above the ordinary high water mark of the Missouri River.
2. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water mark of the Missouri River averages 30 percent or greater; and
3. The slope drains towards the Missouri River. An area with an average slope of less than 18 percent over a horizontal distance of 50 feet or more shall not be considered part of a bluff.

Bluff, Toe Of The: The lower point of a 50-foot horizontal segment with an average slope exceeding 18 percent.

Bluff, Top Of The: The higher point of a 50-foot horizontal segment with an average slope exceeding 18 percent.

Board of Appeals – Board of County Commissioners of Burleigh County, North Dakota.

Board of Commissioners - Board of County Commissioners of Burleigh County, North Dakota.

Building, Height of - The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between the eaves and ridge of gable, hip and gambrel roofs.

Building - Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property. When a structure is divided into separate parts by unpierced walls extending from the ground up, each part is deemed a separate building.

Building-Accessory: A permanent, or semi-permanent, ancillary building or structure, the use of which is customarily incidental to that of a principal building on the same lot, including, without limitation, garages, storage sheds, playhouses, kennels, residential greenhouses, tent-like structures, or similar structures, storm or civil defense shelter, radio towers, satellite receiving or transmitting stations or antennas, and other structures, towers, antenna, ornaments or devices.

Building-Integrated Solar Energy System: Any active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

Building Official: The Building Official of the County of Burleigh, North Dakota, or his authorized representative.

Building Line: A line established in general, parallel to the front street line over which no part of a building shall project, except as otherwise provided by this ordinance.

Building-Principal: A building occupied by the principal use of the lot on which it is situated.

~~*Building, The Principal* - A building in which is conducted the principal use of the lot on which it is located.~~

Brewery: A facility that manufactures over 10,000 barrels (31 gallons/barrel = 310,000 gallons) of fermented malt beverages per year for wholesale with no direct sales to the general public.

Brewer Taproom: A facility that manufactures no more than 25,000 barrels of fermented malt beverage per year for wholesale, sale directly to consumer or for consumption on the premises. A brewer taproom may be co-located within a restaurant or a separate stand-alone facility.

Buffer Zone: A strip of land, identified in the zoning ordinance, established to protect one type of land use from another with which it is incompatible.

Carnival: Any entertainment activity utilizing rides, side shows, games of skill, or any combination thereof, designed for participation by the public.

~~*Ceiling* - (Article 31): Shall mean the interior overhead surface of a room.~~

~~*Cellar* - (Article 31): Shall mean a story of a building located partly or wholly underground and having more than two-thirds (2/3) of its clear floor to ceiling height below outside grade.~~

Central Sewer System: A system designed and constructed to allow for the disposal of sewage from more than one user. Each system must be approved by the North Dakota State Health Department and the Burleigh County Board of Commissioner. Central sewer systems are intended for use on rural or urban lots.

Child Care Center: Also known as a day care center, a childcare center is a free-standing facility offering care, maintenance, and supervision for hire or compensation, for less than twenty-four (24) hours per day, for more than twelve (12) children under the age of twelve (12) years and licensed by the North Dakota Department of Human Services as an early childhood program. The following shall not be considered a childcare center:

1. childcare provided in any educational facility, whether public or private, in grade one or above.

2. childcare, preschool, kindergarten, and pre-kindergarten services provided to children under six (6) years of age in any educational facility through a program approved by the North Dakota Superintendent of Public Instruction;
3. childcare provided in facilities operated in connection with a religious facility, business, or organization where children are cared for during periods of time not exceeding four (4) continuous hours while the child's parent, guardian or custodian is attending religious services or is engaged in other activities on the premises;
4. schools or classes for religious instruction conducted by religious orders, Sunday schools, weekly catechism or other classes for religious instruction;
5. sporting events, practices for sporting events, or sporting or physical activities conducted under the supervision of an adult, and;
6. childcare provided in a medical facility by medical personnel to children who are ill.

Circus: Any traveling entertainment event to be held in an open area or temporary structure involving acrobats, wild animals, events of skill, or any combination thereof, and designed for participation of the public as spectators.

Commercial School: Any educational facility owned and operated by a nonpublic sponsor and designed to provide occupational training in a job-related skill or craft.

Commercial Parking Lot: Any parking facility in which charges are made for vehicular parking privileges.

Comprehensive plan: A statement in documented text setting forth explicit goals, objectives, policies and standards of the jurisdiction to guide public and private development.

Data Center: Any facility that primarily contains electronic equipment used to process, store, and transmit digital information. Uses that include data processing as ancillary to the principal use on the property shall not be considered a Data Center.

Decibel – A unit of sound measurement, abbreviated dB.

dB(A) - A frequency weighting that relates to the response of the human ear. The weighted sound pressure level by the use of the A metering characteristic and weighting specified in American National Standards Institute (ANSI) Specification of Sound Level Meters.

Density- The number of families residing on, or dwelling units developed on, an acre of land. As used in this article all densities are stated in families per net acre, that is, per acre of land devoted to residential use, exclusively of land in streets, alleys, parks, playgrounds, school yards, or other public lands and open spaces.

District- A section or sections of unincorporated area of Burleigh County, North Dakota, for which the regulations governing the use of buildings and premises or the height and area of buildings are uniform.

Division - The division of a lot, tract or parcel of land, into lots or parcels of land for the purpose, whether immediate or future, of sale or of building development, including any plat or plan which includes the creation of any part of one or more streets, public easements, or other rights-of-way whether public or private, for access to or from such lots or parcels of land, and/or including the creation of new or enlarged parks, playgrounds, plaza or open spaces. "Subdivision" includes the re-subdivision of one or more lots as parcels of land in a subdivision made and recorded prior to or after the date these resolutions are adopted. However, the division of land for agricultural purposes into parcels of 40 or more acres, not involving any new street or easement of access, shall be exempted from this ordinance.

Dwelling - A building or portion thereof arranged or designed to provide living facilities for one or more families. ~~The term "dwelling" shall not be deemed to include a motel, hotel or tourist home. (Article 31): Shall mean any building, structure, mobile home, house trailer, or parts thereof used and occupied for human habitation, or intended to be so used, and includes appurtenances and utilities thereto or usually enjoyed therewith.~~ The term "dwelling" shall not be deemed to include transient housing facilities.

Dwelling Group - In general, a building in which several unrelated individuals or families permanently reside, but in which individual cooking facilities are not provided for the individual persons or families. Specifically, "group-dwelling" shall include rooming house, fraternity house, sorority house and private club in which one or more members have a permanent residence. "*Group dwelling*" shall not be deemed to include a hotel, motel, tourist home, mobile home park or any use included in the "health-medical group".

Dwelling-Multi-Family - A building containing two (2), three (3) or four (4) dwelling units.

~~*Dwelling Single-Family* - A building containing only one dwelling unit designed to be located on a permanent perimeter foundation and, if site built, constructed in accordance with the provisions of the applicable County codes governing construction; or, if manufactured off site, constructed in accordance with either the County codes governing construction or the HUD Manufactured Home Construction and Safety Standards Act of 1974 (24 CFR 3280).~~

~~1. All single-family dwellings shall be considered and taxed as real property, as provided by law. Each single family dwelling shall have a minimum overall front width of twenty four (24) feet, minimum overall depth of twenty (20) feet, a minimum main floor living space square footage of nine hundred (900) square feet, and a minimum ceiling height of seven (7) feet, six (6) inches. A manufactured home that meets all of the requirements herein is classified as a single-family dwelling~~.

Dwelling-Single-Family: A building containing only one dwelling unit designed to be located on a permanent perimeter foundation and, if site built, constructed in accordance with the provisions of the applicable County codes governing construction; or, if manufactured off site, constructed in accordance with either the County codes governing construction or the HUD Manufactured Home Construction and Safety Standards Act of 1974 (24 CFR 3280). All single-family dwellings shall be considered and taxed as real property, as provided by law:

1. Each single-family dwelling shall have a minimum width of twenty (20) feet,
2. a minimum depth of twenty (20) feet, and
3. a minimum ceiling height of seven (7) feet, six (6) inches.

A Manufactured home that meets all of the requirements herein is classified as a single family dwelling.

Dwelling-Two-Family - A building containing only two (2) dwelling units.

~~*Dwelling Unit* - A building, or portion thereof, providing complete housekeeping facilities for one (1) family. (Article 31): Shall mean any room or group of rooms located within a building arranged for the use of one (1) or more individuals living together as a single housekeeping unit with facilities which are used or intended to be used for living, sleeping, cooking and eating purposes.~~

Domestic Distillery: A facility that manufactures less than 25,000 gallons of spirits per year produced on-site and available for wholesale, for sale directly to consumers on-site, or sale to other domestic distilleries on-site. A domestic distillery may be co-located within a restaurant or a separate stand-alone facility.

Drive-in Restaurant: Any establishment dispensing food or drink where the customers are served in their cars, pick up such food or drink by driving by a pass-out window, or where they step out of the automobile briefly to pick up food or drink.

Dwelling-Multifamily High Rise: A building containing over three dwelling units with a height of over sixty feet.

Dwelling Unit: A building or portion thereof providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement: A grant by the property owner of the use of land by the public, or by one or more persons or corporations for a specific purpose or purposes.

Extermination - Shall mean the control and elimination of insects, rodents, or other pests by eliminating their harboring places; by depriving or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or any other recognized and legal pest elimination methods approved by the County Health Officer.

Extraterritorial Jurisdiction: The territorial zoning and subdivision authority of the City of Bismarck, which extends to all unincorporated land located within of up to four (4) miles of the corporate limits of a City as authorized by the North Dakota Century Code.

Fair: See *"Carnival".*

Family: One or more persons related by blood, adoption, marriage, or foster care for children, living and cooking together as a single housekeeping unit; or, a number of persons, but not exceeding four, living together as a single housekeeping unit, though not related by blood, adoption, marriage, or foster care for children. In accordance with the provisions of NDCC 25-16-13, a group home serving six or fewer developmentally disabled persons is classified as a family in all single-family residential districts (RR, RR5, and R5), and a group home serving eight or fewer developmentally disabled persons is classified as a family in all other residential zoning districts.

~~*Family* - A group of one (1) or more persons occupying a premise and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house or hotel, as herein defined. (Article 31): Shall mean one or more persons occupying a dwelling or dwelling unit and living as a single nonprofit unit~~.

Family Child Care: A detached single family dwelling, which also serves as the primary residence of the operator/provider, offering care, maintenance and supervision for hire or compensation, for less than twenty-four (24) hours per day, for no more than twelve (12) children under the age of twelve (12) years, including any children of the operator/provider on the premises that are under the age of twelve (12) years, and generally licensed by the North Dakota Department of Human Services as an early childhood program. Family Child Care is considered an accessory use to the principal use of the property as single family detached residential dwelling.

Family Foster Home For Adults: An occupied private residence in which foster care for adults is regularly provided by the owner or lessee of the residence, to four or fewer adults who are not related by blood or marriage to the owner or lessee, for hire or compensation that is licensed by the State of North Dakota.

Family Foster Home For Children: An occupied private residence in which foster care for children is regularly provided by the owner or lessee thereof to no more than four children, unless all children in foster care are related to each other by blood or marriage, in which case such limitation does not apply.

Farm - A zoned area of Burleigh County containing at least forty (40) acres, which is used for the growing of the usual farm products such as vegetables, fruit trees, and grain, and their storage on the area, as well as for raising thereon the usual farm poultry and farm animals, such as horses, cattle, sheep and swine. The term "farming" includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided however, that the operation of any accessory uses shall be secondary to that of the normal farming activities, and provided further that farming does not include the commercial feeding of garbage or offal to swine or other animals.

Filling Station: A building or lot having pumps and storage tanks where fuels, oils and/or accessories for motor vehicles are dispensed, sold or offered for sale at retail only; repair service is incidental; and no storage or parking space is offered for rent.

~~*Filling Station* - Any building or premises used for the dispensing, sale or offering for sale at retail of any automobile fuels or oils. When the dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.~~

Floodplain: The channel and the relatively flat area adjoining the channel of a natural stream or river which has been or may be covered by floodwater.

Floodway: The channel of a natural stream or river and portions of the floodplain adjoining the channel, which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream or river.

Floor Area Ratio - The floor area of a building, or buildings, on a zoning lot. A floor area of a building or buildings is the sum of the gross horizontal areas of the several floors of all buildings on the lot, measured from the exterior faces of exterior walls, or from the center line of walls separating two (2) buildings. Floor area shall include the area of basements when used for residential, commercial or industrial purposes, but need not include a basement or portion of a basement used for storage or the housing of mechanical or central heating or the basement apartment of a custodian in a multi-family dwelling, except that portion of said custodian's dwelling unit which is in excess of fifty percent (50%) of the total basement floor area. In calculating floor area, the following need not be included:

a. Attic space providing structural head room of less than 7 feet, 6 inches.
b. Uncovered steps.
c. Terraces, breezeways and open porches; and
d. Automobile parking space in basement or private garage, but not to exceed six hundred (600) square feet for single-family dwellings; eight hundred (800) square feet for a two-family dwelling; and two hundred (200) square feet per car space required by the provisions of this resolution for any other use.

Foster Care For Adults: The provision of food, shelter, security and safety, guidance, and comfort on a twenty-four hour per day basis, in the residential home of a caregiver or agency, to an individual age eighteen or older, who is unable, neglects, or refuses to provide for the individual's own care.

Foster Care For Children: The provision of substitute parental child care for those children who are in need of care for which the child's parent, guardian, or custodian is unable, neglects, or refuses to provide, and includes the provision of food, shelter, security, and safety guidance and comfort on a twenty-four hour basis, to one or more children under twenty-one years of age to safeguard the child's growth and development and to minimize and counteract hazards to the child's emotional health inherent in the separation from the child's family. Foster care may be provided in a family foster home, group home, or residential childcare facility.

Funeral Home: A facility used for pre-burial preparations of human cadavers including but not limited to a mortuary, crematorium, chapel, viewing area, vehicular storage, parking, but not including burial facilities.

Functional Classification: The process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide.

Garbage - (Article 31): Shall mean the animal and vegetable wastes resulting from handling, preparation, cooking and consumption of food.

Garage-Private: An accessory building or part of a principal building used primarily for the storage of motor vehicles customarily accessory to the principal use.

~~An accessory building housing not more than three (3) motor-driven vehicles, the property of and for the use of the occupants of the lot on which the private garage is located.~~

Garage-Public: A building or premises which is operated for commercial purposes and used for the storage, care or repair of motor vehicles, but a "public garage" shall not be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

~~Any building or premises used for equipment, repairing, hiring, selling or storing motor-driven vehicles.~~

Group-Use: See *"Use Group".*

Group dwelling: See *"Dwelling-Group".*

Habitable Room - (Article 31): Shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes.

Height of Building: The vertical distance measured from ~~highest of the following three (3) levels:~~ the average finished ground level adjoining the building at all exterior walls (measured at fixed intervals around the base of the structure) to:

1. the level of the highest point at the roof beams of flat roofs,
2. or roofs including not more than one (1) inch of vertical rise to one (1) foot of horizontal travel,
3. the deck line of mansard roofs,
4. or the mean height level of the top of the main plate and highest ridge for other roofs.
5. And when a building has multiple roofs, use the roof with the tallest ridge/height to calculate total building height.

Height (of Turbine) - The vertical distance from the grade of the property as existed prior to construction to the highest point of a turbine rotor blade when in the upright position.

Highway Primary - Any Designated Interstate or Federal Route, such as I-94 or US 83. Primary

highways provide for rapid movements of relatively large traffic volumes between large land areas, major traffic generators and other arterials. Primary highways should have controlled access and are usually multi-lane roads with no parking.

Highway Secondary - Any Designated State or County arterial route, such as Highway 1804 or County Highway 10. Secondary highways provide through traffic movements between areas and links collectors with other arterials. Secondary highways usually have two to four lanes and may be divided or undivided roads, preferably with little or no parking, and limited access.

Home Occupation - Any occupation or profession carried on by a member of the immediate family, residing on the premises; in connection with which there is used no sign other than a name plate not more than one (1) square foot in area or no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; in which no person is employed other than a domestic servant; and in which no mechanical equipment is used except such as is permissible for purely domestic or household purposes.

Hotel- A building in which lodging, with or without meals, is provided and offered to the public for compensation, and which is open to transient guests. Hotels include motels and automobile courts, but do not include group dwellings as defined herein.

Improvements- Street grading and surfacing, with or without curbs and gutters, sidewalks, crosswalks, watermains, sanitary and storm sewers, culverts, bridges and street trees and other improvements as required by this Ordinance.

Industrial District - Any Industrial District

Interstate- Roadway which provides rapid movement of large traffic volumes between major population centers and other arterials. Interstates are multi-lane divided highways with grade separations at all crossroads, full access control and no parking. The locations of roadways classified as interstates shall be as designated on the most recent edition of the North Dakota Department of Transportation functional classification map.

Junkyard- The use of any part of any premises whether inside or outside of a building for the storage of, keeping or abandonment of junk, including scrap metals, rags, paper or other scrap material, used lumber, salvage house wrecking and used structural steel material, and equipment or for dismantling. Demolition or storage of unlicensed or abandoned automobiles or other vehicles, or machinery or parts thereof, is included in this definition.

Kennel - Any building or lot on which three (3) or more dogs and cats at least four (4) months of age are kept, boarded or trained whether in special buildings or runways or not.

Livestock - Any animal raised for food, raw materials or pleasure, including, but not limited to, beef and dairy cattle, bison, sheep, swine, poultry and horses. Livestock also include animals raised for pelts.

Lot- The word "lot" when used alone shall mean, unless the context of the article clearly indicates otherwise, a "zoning lot" as defined herein.

Lot-Auditor's- Land designated as a separate and distinct lot, parcel or tract on a legally recorded plat of irregular description.

Lot-Corner- A zoning lot at the junction of and abutting on two or more intersecting streets or a curved street when the interior angle of the intersection does not exceed one hundred thirty-five degrees.

~~*Lot, Corner* - A lot abutting upon two (2) or more streets at their intersection.~~

Lot Depth- The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

Lot, Double-Frontage - A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

Lot-Interior- A zoning lot other than a corner lot.

Lot Line-Rear- The lot line is generally opposite or parallel to the front street line. If a rear lot line is less than ten feet long, or the lot comes to a point at the rear, said rear lot line is assumed to be a line at least ten feet long, lying wholly within the lot, parallel to the front street line, or if the front street line is curbed, parallel to the chord of the arc of said front street line.

~~*Lot Line, Rear* - The lot line generally opposite or parallel to the front street line.~~

Lot-Rural- All lots not meeting criteria for urban lots as defined herein:

Lot areas may be readjusted in size when, on building sites, the soil classification can be shown to be other than that shown by the soil survey manual. Proof of such differing classification shall be furnished by a qualified soils engineer who has taken soil samples on the site in question. All changes in soil classification must be approved by the Building Official. In no case shall a lot area of less than forty thousand square feet be allowed.

Lot-Urban- All lots serviced by a central sewer system and a water system which equals municipal water system fire flow capacities.

Lot Width: The mean width of a lot measured at right angles to its depth.

Lot-Zoning- A tract of land occupied or to be occupied by a principal building and its accessory buildings, together with such open spaces and yards as are required under the provisions of this article, having not less than the minimum area required by this ordinance for a zoning lot in the district in which such land is situated and having its principal frontage on a dedicated public right-of-way or a permanent, exclusive, non-obstructed access easement to a dedicated public right-of-

way, not less than twenty feet wide. A "zoning lot" need not necessarily coincide with a "record lot" and may consist of:

1. a single record lot; or
2. a portion of a record lot; or
3. a combination of complete record lots, or complete record lots and portions of record lots, or portions of record lots.

Low and Moderate Income Multi-family housing- Multi-family housing for persons who are income qualified is usually supported by state and federal funding programs.

Manufactured Home: A factory built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with the HUD Manufactured Home Construction and Safety Standards Act of 1974 (24 CFR 3280).

Manufactured Home Park- A plat of ground under single ownership or management which has been planned and improved for the placement of at least twenty mobile or manufactured homes which are used for dwelling purposes.

Master Plan- Any plan meeting the requirements of Section 40-48 of the North Dakota Century Code.

~~*Master Plan* - The comprehensive plan, or any portion thereof, made and adopted by the Planning Commission in accordance with the laws of the State of North Dakota and the regulations of the County of Burleigh indicating the general or specific locations recommended for streets, parks, public buildings, zoning districts and all other public improvements.~~

~~*Meaning of Certain Words* - (Article 31): Whenever the words "dwelling", "dwelling unit", "rooming house", "rooming unit" or "premises" are used in this Ordinance, they shall be construed as though they were followed by the words "or any part thereof". Whenever the masculine pronoun is used, it shall also mean the feminine pronoun.~~

Meat Packing Facility - A facility for the slaughtering and processing of animals and the refining of their byproducts. A meat packing facility includes the preparation of meat products for intrastate or interstate commerce and retail sale but does not include custom processing of an animal or meat products for the owner of the animal or of the meat products, provided all meat products derived from the custom operation are returned to the owner of the animal or of the meat products.

Meat Packing Facility, Limited - A facility for the slaughtering and processing of animals and the refining of their byproducts, limited to 100 animal units per week. A limited meat packing facility includes the preparation of meat products for intrastate or interstate commerce and retail sale, but does not include custom processing of an animal or meat products for the owner of the animal or of the meat products, provided all meat products derived from the custom operation are returned to the owner of the animal or of the meat products.

Microbrew Pub- A facility that manufactures up to 10,000 barrels (31 gallons/barrel = 310,000 gallons) of fermented malt beverages per year for wholesale or sale directly to the consumer or for consumption on the premises. A microbrew pub may be co-located within a restaurant or a separate stand-alone facility.

Mobile Home- A transportable, factory built home, designed to be used as a year-round residential dwelling and built prior to enactment of the HUD Manufactured Home Construction and Safety Standards Act of 1974 (24 CFR 3280).

Mortuary: See *"Funeral home".*

Motor Vehicle Parts Salvage Yard- The use of a premises for the storage of motor vehicles for dismantling and sale of used parts thereof.

Nonconforming Use- The use of a building or other structure or of a tract of land which does not conform to the use or regulations of this title for the district in which it is located, either at the effective date of this title, or as a result of subsequent amendments which may be incorporated into this title.

Nonconforming Structure- A structure which does not conform to the regulations of this title for the district in which it is located, either at the effective date of this title or as a result of subsequent amendments which may be incorporated into this ordinance.

Off-Street Parking Space- An off-street area for the parking of one (1) motor vehicle having all-weather surface, a width of not than ten (10) feet and a length of not less than twenty (20) feet and shall have an easy access to a street or alley by a driveway having all-weather surface.

Operator - (Article 31)- Shall mean any person who has charge, care or control of a building or parts thereof, in which dwelling units or rooming units are let.

Ordinary High Water Mark- The elevation of the Missouri River at a flow rate of 33,000 cubic feet per second. In areas where there are multiple channels, the ordinary high water mark is the landward extent of the floodway, as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps for Burleigh County.

Owner - (Article 31): Shall mean any person who is alone, jointly or severally with others:

a. Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

b. Shall have charge, care, or control of any dwelling or dwelling unit, as owner or agent as an executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions

of this ordinance, and of the rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

Overlay Zone- A district that contains a set of zoning requirements that is imposed in addition to those of the underlying district. Development within the overlay zone must conform to the requirements of both zones, or if in conflict, the more restrictive of the two.

Parcel- A tract of land created by any means other than a subdivision platted pursuant to Chapter 40-50 NDCC.

Parcel of Record- A parcel that existed as a separate and unique legal description prior to October 4, 2010. For property not under the County's jurisdiction on October 4, 2010, a parcel that existed as a separate and unique legal description prior to coming under the County's jurisdiction.

Parking lot, on-site- An on-site parking lot shall mean any land legally used for the parking of motor vehicles that is located on the same lot or parcel as the use it is intended to serve.

Parking lot, off-site- An off-site parking lot shall mean any land legally used for the parking of motor vehicles that is located on a different lot or parcel as the use it is intended to serve.

Participating Dwelling - A dwelling on a participating parcel.

Participating Parcel - A parcel of real estate on which any turbine of the wind turbine facility will be constructed, or for which a participation agreement has been executed.

Person - (Article 31): Shall mean and include any individual, firm, corporation, association, or partnership.

Planned Unit Development (PUD)- A form of development usually characterized by a unified site design for a number of housing units, clustered buildings and providing common space, density increases, and a mix of building types and land acres.

Planning and Zoning Commission - The Planning and Zoning Commission of the County of Burleigh, North Dakota.

Plat- Any subdivision platted pursuant to Chapter 40-50 NDCC.

Plat of Irregular Description- A plat made for taxation purposes at the request of the County Auditor in accordance with Section 57-02-39 NDCC. Such a County Auditor's plat is not platting pursuant to Chapter 40-50 NDCC but rather is made for the convenience of tax officials in describing property on the tax rolls. A plat of irregular description may also be referred to as an Auditor's Plat.

Plumbing - (Article 31): Shall mean and include all of the following supplied facilities and

equipment:

1. Gas pipes, gas-burning equipment, water pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

Portable Storage Containers- Containers that are used for storage purposes and are also known as shipping containers, cargo containers, cargo-trailer containers, metal freight containers, metal containers designed for freight and cargo. This definition also includes semi-trailers, buses, vans, and other types of non-permanent containers used for storage purposes hereafter referred to as "container(s)." This definition does not include the following: dumpsters actively used for solid waste or recycling collections, contractors' construction trailers or containers being used at active job sites, or trailers normally associated with private use such as stock car trailers, boat trailers, utility trailers, campers or other similar equipment.

Principal building- See *"Building-Principal".*

Racetrack- A course in which vehicular races, either competitive or non-competitive, are run. Such courses shall include racetracks, drag strips, go-cart tracks and other similar facilities.

Rain Garden- A planted depression or hole that allows rainwater runoff from impervious urban areas the opportunity to be absorbed prior to entering municipal stormwater facilities.
Record Lot: Land designated as a separate and distinct lot on a legally recorded subdivision platted pursuant to Chapter 40-50 NDCC.

Recreation Facility - Personal: A place designed and equipped for the conduct of sports and leisure-time activities provided as an accessory use on the same parcel as the principal permitted use and designed to be used by the occupants of the principal use and their guests.

Recreational Vehicle- A unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power, is mounted on, stored in or drawn by another vehicle.

Recreational Vehicle Park- A plat of ground of at least ninety thousand square feet under single ownership or management which has been planned and improved for the parking of recreational vehicles and tents regardless of whether or not a charge is made for such accommodation. May also be known as a “RV Park”.

Religious Institution- A building that primarily provides a meeting area for religious activities and related social events. Examples include churches, chapels, temples, synagogues, mosques or any other building or portion of a building used for this purpose.

Repair - (Article 31): Shall mean to restore to good condition.

~~*Residential District* - Any R1 Residential District.~~

Road-Local - Roadway whose primary function is to provide access to abutting property. Local roads are usually two-lane roads with parking and direct access to adjacent lands.

Road-Collector - Roadway which provides traffic movements between local roads and arterial roads and highways and also provides direct access to abutting property. Collector roads are usually two-lane roads that should be designed to minimize on-street parking and direct driveway access.

~~*Rooming House* - A dwelling in which rooms are let for hire or persons are given lodging for compensation.~~

Row House- A building which has dwelling units erected in a row as a single building on adjoining lots, each being separated from the adjoining unit or units by an approved two-hour or equivalent fire-rated wall extending from the footing to and through the roof and where each dwelling unit is located upon a separate parcel. Each unit in a row house has private front and rear entrances and its own front and rear yards. Row houses are constructed side-by-side and the line(s)dividing the parcel(s) is a straight line from the front property line to the back property line along the common wall.

~~*Row Housing* - A building which has not less than three (3) or more than six (6) one family units and erected in a row as a single building on adjoining lots, each being separated from the adjoining unit or units by an approved masonry party wall or walls extended from the basement or cellar floor to the roof along the dividing lot line; and each such building being separated from any other building by space on all sides.~~

Rubbish - (Article 31): Shall mean combustible and non-combustible materials, except garbage, and the terms shall include the residue from the burning of wood, coke, and other combustible materials, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, glass, crockery and dust.

Rural Lot- See *"Lot-Rural."*

RV Park: A RV Park or recreational vehicle park is a privately owned facility where RVs can park and stay for a temporary period, ranging from a single night to an extended stay.

Salvage Yards- See *"Motor vehicle parts salvage yards."*

~~*Salvage Yard* - A place where used parts of automobiles or other equipment are collected and processed for resale.~~

Senior Citizen Housing- Multi-family housing designed specifically for occupancy by senior citizens in separate dwelling units within a single building or multiple buildings, including assisted living facilities. Facilities providing a higher degree of care (such as nursing homes and Alzheimer's facilities) are not considered senior citizen housing.

Setback Line- See *"Building line."*

Short Impact Zone- The land located between the ordinary high water mark of the Missouri River and a line parallel to it at a setback of 50 feet.

Sign - Any device for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any governmental agency, or of any civic, charitable, religious, patriotic, fraternal, or similar organization.

Sign-Outdoor Advertising - Sign, including billboard, which directs attention to a business, commodity, service, entertainment or other activity conducted, sold or offered elsewhere than on the premises upon which the sign is located.

Sight Triangle-URBAN- An area of unobstructed vision at the intersections of streets, alleys and driveways. The purpose of the sight triangle is to ensure visibility for operators of motor vehicles, bicycles and pedestrians on intersecting streets, driveways and alleys.
For any use on a corner lot, the sight triangle is the triangle formed by measuring from the point of intersection of the two (2) property lines a distance of twenty-five (25) feet in both directions along the street right-of-way lines and connecting the points to form a sight triangle on the area of the lot adjacent to the street intersection.

1. For a commercial, industrial, institutional or multi-family use on a lot at the intersection of a street and an alley, the sight triangle is the triangle formed by measuring from the point of intersection of the two (2) property lines a distance of fifteen (15) feet along the street right-of-way line and a distance of fifteen (15) feet along the alley right-of-way line and connecting the points to form a sight triangle on the area of the lot adjacent to the intersection of the street and alley.

2. For a commercial, industrial, institutional or multi-family use with a driveway, the sight triangle is the triangle formed by measuring from the point of intersection of the property line adjacent to a street and the edge of the driveway a distance of fifteen (15) feet in along the street right-of-way line and a distance of fifteen (15) feet along the edge of the driveway and connecting the points to form a sight triangle on the area of the lot adjacent to the intersection of the street and the driveway.

3. For commercial, industrial, institutional or multi-family uses, the County Engineer may require a greater sight triangle than indicated above on a case-by-case basis when it is warranted based on the posted speed and traffic volumes on the adjacent roadway, topography, sight distances or any other engineering concern.

Sight Triangle- RURAL- A mandatory clear area at intersections, driveways, or alleys, defined by the property/road lines and an imaginary diagonal line, kept free of obstructions like buildings, fences, or tall plants to ensure drivers, pedestrians, and cyclists have clear, unobstructed views for safe movement and to prevent accidents. These triangles are crucial for adequate sight distance, allowing users to see approaching traffic from other directions before entering the intersection.

1. Key Components
    a. Formation: Formed by the property lines (or edge of pavement/curb) on two sides and a diagonal line connecting points on those lines on the third side.
    b. Location: Applies at street/street corners, street/driveway/alley intersections, and sometimes parking lot entrances.
    c. Dimensions: Varies by jurisdiction, but often involves measuring a set distance (e.g., 25 feet) along each property line from the corner intersection point. We do no less than 60' non-access lines at intersections for driveway to meet the sight triangle and we prefer a minimum of 100' non-access lines at all intersections.
    d. Clearance: Must be free of any objects that obstruct vision, including structures, signs (except street signs), and vegetation (including trees and bushes). If the mature tree has the bottom of the foliage above 12' then a tree has been considered/reviewed to be allowed due to the driver being able to still see adequately under the mature foliage, but there are issues from a young tree to a mature tree. Bushes are allowed if they are under 3' in mature height as this will not obstruct the vision from a vehicle.
2. Purpose
    a. To provide adequate sight distance for drivers to perceive and react to other vehicles or pedestrians.
    b. To enhance safety and reduce collisions at conflict points.

Site plan- A plan, to scale, showing uses, structures and associated amenities proposed for a parcel of land.

Sign-Outdoor Advertising - Sign, including billboard, which directs attention to a business, commodity, service, entertainment or other activity conducted, sold or offered elsewhere than on the premises upon which the sign is located.

Small Animal Veterinary Clinic- A facility in which the veterinary practice conducted is essentially an out-patient type of practice with an occasional confinement limited to domestic household pets.

Small Wind Energy System (SWES)- A wind turbine of less than 25 kilowatts maximum output capacity and all appurtenant structures and equipment.

Solar Collector- A solar photovoltaic cell, panel, or array, or solar hot water collection device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

Solar Energy System- Any active mechanical or passive thermal device or feature of a structure designed to collect, distribute, and/or store the sun's radiant energy. A system may consist of a solar collector, battery, and/or any appurtenant features. Passive solar collecting architectural features, such as windows and skylights, are not included in this definition.

Sound Pressure Level (SPL) - The physical intensity of sound.

Special Use- A use permitted in a particular zoning district only upon showing that such in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in a zoning ordinance and authorized by the Burleigh County Commission or the Zoning Administrator (where allowed).

Stabilized Bank - A riverbank that has been stabilized by the Corps of Engineers or under a Corps of Engineers' permit for bank stabilization. If the plans and specifications for the permitted structure were not approved by the Corps of Engineers, or if the structure was not built in accordance with the Corps approved plans and specifications, certification from a registered professional engineer will be required.

Stable-Private - A detached accessory building for the housing of horses, ponies or mules owned by the occupants of the premises and not kept for remuneration, exhibition, hire or sale.

Stable-Riding - A structure in which horses, ponies or mules used exclusively for pleasure riding or driving are housed, boarded, or kept for hire, including riding tracks or academies.

Steep Slope - Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in the Burleigh County Soil Survey or other technical report. Where specific information is not available, steep slopes are defined as lands having an average slope over 12 percent (12%), as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

Storage Unit Building (Personal Self-Serve) – A storage building that houses individual storage units for personal affects that are either rented or individually owned.

Storm Water Management - An implemented set of public policies and/or activities undertaken to regulate the impacts and/or benefits associated with storm water runoff under various specified conditions. Storm water management is primarily concerned with preventing and/or limiting flood damages and environmental impacts associated with rural property development.

Storm Water Management Plan - A plan developed by a registered professional engineer employed by the owner/developer to manage storm water runoff for a particular project, subdivision development and/or drainage area.

Storm Water Management System - Natural and/or constructed facilities that collect, store, convey, and/or treat storm water runoff. These facilities normally include detention and/or retention facilities, streets, roadway ditches, storm sewers, inlets and open channels.

Story - That portion of a building, other than a cellar included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

Story-Half - A space under a sloping roof which has the line of intersection of the roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.

Street- A public thoroughfare which affords principal means of access to abutting property.

~~*Street Line* - A dividing line between a lot, tract or parcel of land and a contiguous street~~.

Street-Collector- Roadway which provides traffic movements between local roads and arterial roads and also provides direct access to abutting property. Collectors are often only two-lane roads but should be planned and designed to minimize on-street parking and direct driveway access.

Street-Local Commercial- Roadway whose primary function is to provide access to abutting commercial, industrial, or multi-family residential property. Local Commercial roads are typically two-lane roads with parking and direct access to adjacent lands within all districts other than R5-Residential and R10-Residential.

Street-Local Residential- Roadway whose primary function is to provide access to abutting residential property. Local Residential roads are typically two-lane roads with parking and direct access to adjacent lands within the R5-Residential and R10-Residential zoning districts.

Street-Parkway- A multi-modal roadway designed according to complete street principles to operate at moderate speeds. Parkways typically include one drive lane and one bike lane in each direction, raised and landscaped median, and landscaped boulevards and sidewalks on both sides of the street.

Street-Minor Arterial- Roadway which provides through traffic movements between areas and links collectors with other arterials. Minor arterials usually have two to four lanes and may be divided or undivided roads, preferably with little or no parking, and limited access. The locations of roadways classified as minor arterials shall be as designated on the most recent edition of the North Dakota Department of Transportation functional classification map.

Street-Principal Arterial- Roadway which provides for rapid movements of relatively large traffic volumes between large land areas, major traffic generators and other arterials. Principal arterials should have controlled access and are usually multi-lane roads with no parking. The locations of roadways classified as principal arterials shall be as designated on the most recent edition of the North Dakota Department of Transportation functional classification map.

Structural Alteration- Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any structural change in the roof, or in the exterior walls. or dimension of the rooms therein.

Structure- Anything constructed or erected, which requires location on the ground or is attached to something having a location on the ground; including but not limited to buildings, advertising signs, billboards and poster panels; but not including customary fences or boundary or retaining walls.

~~*Structure* - Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground.~~

Structural Alterations - Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Subdivision - (Article 30): The division of a lot, tract or parcel of land into lots for the purpose, whether immediate or future, of sales or building development, including any plat or plan which includes the creation of any part or one or more streets, public easements, or other rights-of-way, whether public or private, for access to or from such lots, and/or including the creation of new or enlarged parks, playgrounds, plazas or open spaces. "Subdivision" includes the re-subdivision of one or more lots in a subdivision made and recorded prior to or after the date these regulations are adopted. However, the division of land for agricultural purposes into parcels of forty (40) or more acres, not involving any new street or easement of access, shall be exempted from these regulations.

Substandard - (Article 31): Shall mean any dwelling, dwelling unit, or premises violating any provisions of this Ordinance.

Supplied - (Article 31): Shall mean paid for, furnished, or provided by or under the control of the owner or operator.

Surface Water - Waters of the state located on the ground surface, such as lakes, reservoirs, rivers and creeks.

Temporary Housing - (Article 31): Shall mean any tent, trailer, or other structure used for human shelter which is designed to be transportable, and which is not attached to the ground, to another structure, or to any utilities system and located on the same premises for more than thirty (30) consecutive days.

Temporary Structure - A structure such as a tent or a building of sectional construction whose design and construction is such that it will be used only for a short period of time or that it can be readily moved to another location.

Temporary Worker Housing – A group dwelling facility located in one or more buildings that are occupied on a temporary basis by workers that are not from the immediate area but are employed in the area for a specific purpose (such as oil exploration/drilling and related activities, construction projects or similar activities) and for a defined period of time. Temporary worker housing does not include a mobile home, a mobile home park, a manufactured home, a tourist camp, a tourist campground, ~~a tourist home, a trailer or a trailer camp~~ RV Park as defined and regulated herein. Temporary worker housing is also referred to as crew camp housing, temporary modular housing and man camps.

Temporary Limited Worker Housing, – Temporary worker housing for twenty (20) or fewer workers and for a time period of six (6) months or less that is located on the same property as the activity at which the workers are employed. Limited temporary worker housing may include the use of recreational vehicles/trailers.

~~*Tourist Camp* - An area containing one (1) or more structures designed or intended primarily for automobile transients or provided spaces where two (2) or more tents can be erected.~~

~~*Tourist Home* - A dwelling in which sleeping accommodations in less than ten (10) rooms are provided or offered for transient guests for compensation. Any dwelling in which such accommodations for transient guests are offered in ten (10) or more rooms shall be deemed to be a "hotel" as defined herein. The use of a dwelling as a tourist home shall not be considered an accessory use nor a customary home occupation.~~

~~*Trailer* - Any vehicle or structure, including but not limited to an automobile trailer and trailer coach, mounted on wheels for use on highways and streets; propelled or drawn by its own or other motor power; and designed and constructed to provide for living or sleeping quarters for one (1) or more persons or for the conduct of a business, profession, trade or occupation, or use as a selling or advertising device. If wheels of a trailer are removed, except for repair it is deemed to be a building subject to all the regulations therefore.~~

~~*Trailer Camp* - A tract of land, together with open spaces required by this or any other regulation, used, designed, maintained, or held out to accommodate ten (10) or more trailers, including all buildings, structures, tents, vehicles, accessories, appurtenances used or intended as equipment for such trailer camp, whether or not a charge is made for the use of the camp or its facilities. A trailer camp does not include automobile or trailer sales lots on which unoccupied trailers are parked for inspection or sale.~~

Townhouse- A building which has dwelling units erected together as a single building on adjoining lots, each being separated from the adjoining unit or units by an approved two-hour or equivalent fire-rated wall extending from the footing to and through the roof and where each dwelling unit is

located upon a separate parcel. Each unit in a townhouse has a private front entrance. Townhouses are constructed side-by-side and back-to-back and the lines dividing the parcels are straight lines from the front property line to the back property line along the common walls.

Urban Lot- See *"Lot-Urban."*

Use- The term referring to:
Any purpose for which buildings, other structures or land may be arranged, designed, intended, maintained or occupied; and

1. Any occupation, business, activity or operation carried on (or intended to be carried on) in a building or other structure or on land; or
2. A name of a building, other structure or tract of land which indicates the purpose for which it is arranged, designed, intended, maintained or occupied.

Used - Designed, intended or arranged to be used.

Use Group- Two or more uses similar in physical characteristics, traffic generation, locational, utility or municipal service requirements, or generally compatible with other uses in the use group. Members of the several use groups herein established are specifically listed in this article.

Uses Permitted- Any use permitted by the regulations of this article. The term "permitted" or its equivalent shall not be deemed to include any nonconforming use.

Variance- A device which grants a property owner relief from certain provisions of a zoning ordinance when, because of the particular physical surroundings, shape or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to increase the financial return.

~~*Variance* - A grant of relief from the literal provisions of this Ordinance in situations where strict adherence would cause practical difficulty or unnecessary hardship because of circumstances unique to the property.~~

~~*Vegetative Clearing, Intense:* The complete removal of trees, shrubs or natural vegetation in a contiguous patch, strip, row or block.~~

Veterinary clinic- See "Small animal veterinary clinic".

~~*Veterinary/Animal Clinic* - A facility in which the practice conducted is essentially an out-patient type of practice for animals performed by licensed veterinarians.~~

Veterinary/Animal Hospital - A facility in which the practice conducted includes the confinement as well as the treatment of animal patients by licensed veterinarians.

Waiver - A minimum easing of the literal provisions of the subdivision regulations in situations where strict adherence would result in practical difficulty or unnecessary hardship because of circumstances unique to the property being subdivided.

Waters of the State - All waters within the jurisdiction of the State of North Dakota, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, and all other bodies or accumulations of water on or under the surface of the earth, natural or artificial, public or private, situated wholly or partly within or bordering upon the state, except those private waters that do not combine or effect a junction with natural surface or underground waters defined.

Wind Turbine Facility - One or more wind turbines, including appurtenant structures and facilities, rated at an individual or combined nameplate capacity of 150 kilowatts or greater.

Yard- An open space of uniform width or depth on the same zoning lot with a building or group of buildings, which open space lies between the buildings or group of buildings and the nearest lot line and is unoccupied and unobstructed, from the ground upward except as may be specifically provided in this article. In measuring a yard, the line of a building shall be deemed to mean a line parallel to the nearest lot line drawn through the point of a building or group of buildings nearest to such lot line, exclusive of such features specified as not to be considered in measuring yard dimensions or as being permitted to extend into a yard and said measurements shall be taken at right angles from the line of the building to the nearest lot line. When a private roadway easement or access easement is located along a lot line, the yard width or depth shall be measured from the interior edge of said easement rather than the actual lot line.

~~*Yard* - An open space of uniform width or depth on the same zoning lot with a building or group of buildings, which open space lies between the buildings or group of buildings and the nearest lot line and is unoccupied and unobstructed, from the ground upward except as may be specifically provided in this article. In measuring a yard, the line of a building shall be deemed to mean a line parallel to the nearest lot line drawn through the point of a building or group of buildings nearest to such lot line, exclusive of such features specified as not to be considered in measuring yard dimension or as being permitted to extend into a yard, and said measurements shall be taken at right angles from the line of the building to the nearest lot line.~~

Yard-Front- A yard extending across the full width of the lot ~~side yard lines and being the minimum horizontal distance between the street line and any building or any projection thereof, other than the projection of the usual steps or entranceway.~~ and lying between the front line of the lot and the nearest line of the principal building. When a private roadway easement or access easement is located along a front lot line, the front yard width shall be measured from the interior edge of said easement rather than the actual lot line.

Yard-Rear - A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot and the rear of any building or any projection other than steps. On corner lots the rear yard shall be considered as parallel to the street upon

which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard-Side- A yard ~~extending from the front lot line to the rear yard line, and being the minimum horizontal distance between the side lot and the side of any building or any projections thereof.~~ between the sideline of the lot and the nearest line of the principal building and extending from the front yard to the rear yard, or, in the absence of either side yards, is a front or rear lot line, respectively, no case being closer than four feet. The first two feet of the overhang shall not be subtracted from the allowable side yard spacing provided that the overhang is not closer than four feet to the property line. When a private roadway easement or access easement is located along a side lot line, the side yard width shall be measured from the interior edge of said easement rather than the actual lot line.

Zoning Administrator- The person or persons designated by the Burleigh County Board of Commissioners to administer and enforce the County's zoning and subdivision regulations.

DRAFT- ORDINANCE 26-004 ZO

AN ORDINANCE TO AMEND AND RE-ENACT ARTICLE 6 OF THE 1972 AMENDED ZONING ORDINANCE OF BURLEIGH COUNTY, NORTH DAKOTA RELATING TO ARTICLE 6 INCIDENTAL USES. BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA.

ARTICLE ~~6 INCIDENTAL USES~~ 5 – GENERAL PROVISIONS AND USES

The uses of land and buildings permitted in the several districts established by this Article are designated by listing the principal uses permitted. In addition to such principal uses, it is the intent of this Ordinance, and this Article, to permit in each district those uses customarily incidental to any principal use permitted in the district. Such permitted incidental uses are specifically listed as follows, and any listed use is permitted on the same lot with the principal use to which it is incidental.

Section 1. Accessory Uses and Buildings.

1. Dwelling Premises
    a. Private garages or off-street parking spaces are incidental to a dwelling.
    b. Private greenhouse, vegetable, fruit, or flower garden, from which no products are sold or offered for sale.
    c. Children's playhouse, and playground equipment.
    d. Shed, tool room for storage of equipment used in grounds or building maintenance but not including stable, chicken house, or other buildings to house agricultural livestock.
    e. Private swimming pool and bath house.
    f. Statuary, trellises, barbecue stove or similar ornamental or landscaping features.
    g. Customary domestic pets are allowed in accordance with the provisions of this article.
        i. No more than three (3) dogs or cats four months of age or older.
    ~~h. All allowable accessory buildings to a residence shall be limited to a maximum of four percent (4%) of the area of the parcel, a maximum wall height of sixteen and one-half (16½) feet and a maximum building height of twenty-five (25) feet.~~
    ~~i. Accessory buildings for the above computations shall include the following:~~
        ~~i. Buildings: barns, stables, storage buildings, and detached garages~~
        ~~ii. Attached garages are not included in the above computations, provided the area occupied by an attached garage does not exceed one and one-half times the area of the footprint of the dwelling portion of the principal structure to which it is attached.~~
    ~~j. Construction of a garage or storage building in any R1 or A district is allowed prior to the construction of the principal dwelling provided the following conditions are met:~~
        ~~i. petition waving any objection to the proposed outbuilding is signed by percent (60%) of all owners of land within one-quarter (1/4) mile of the request~~
        ~~ii. Limitation of the garage or shed constructed pursuant to this section to one structure of no more than one thousand-two hundred (1,200) square feet for lots less than ten (10) acres in size, one thousand eight hundred (1,800) square feet~~

~~for lots between ten (10) and thirty-four (34) acres, and two-thousand four hundred (2,400) square feet for lots over thirty-four (34) acres in size.~~

2. Church
    a. Parish house, together with any use accessory to a dwelling as herein listed.
    b. Religious education building
    c. Bulletin board not to exceed twenty (20) square feet in area.
    d. Off-street parking lot for the use without charge of members and visitors to the church

3. Health-Medical Group
    a. Any use accessory to a dwelling
    b. Off-street parking lot for the use without charge of staff members or visitors.
    c. Private garage.
    d. Private garage.
    e. Nun's home, nurses' quarters.
    f. Laundry incidental to hospital.

4. Office-bank, Retail, Commercial Recreation Groups
    a. Storage of customer, client, or operator-owned vehicles.
    b. Storage of supplies, stock and merchandise within a fully enclosed building.

5. Manufacturing and repair facilities incidental to principal use subject to the following limitations:
    a Floor space so used shall not exceed twenty-five percent (25%) of total space devoted to the principal use.
    b No motive power other than electricity shall be used.
    c No motor used on any machine for manufacturing and repair shall exceed one horsepower.
    d All operations shall be conducted so that no dust, odor, smoke, noise, vibration, heat or glare created by such operation is perceptible from any boundary line of the lot on which the principal use is located.

6. Service Group
    a. Garage, or parking lot for the storage of employee, customer, client, or operator-owned vehicles. MOVE TO HOME OCCUPATION Section 2 Item 6

Section 2 General Requirements.

1. Accessory uses and buildings shall comply with the following standards and all other applicable regulations of this chapter:

a. The accessory use or building shall be incidental and customarily associated with the principal use or structure.
b. The accessory use or building shall be located on the same zoning lot as the principal use or building.
c. The accessory use or building shall not be injurious to the use and enjoyment of surrounding properties.
d. No accessory building shall be located within any recorded public easement or over any known public utility.

~~**Section 2. Home Occupation**~~ Moved to Item 6

~~There is permitted in a dwelling, any occupation customarily incidental to the principal use as a dwelling, subject to the following limitations:~~

~~c. No person, other than a member of the immediate family, occupying a dwelling is there employed, except domestic help.~~
~~d. No stock in trade is displayed or sold upon the premises.~~
~~e. No alteration of the principal building that changes the character thereof as a dwelling.~~
~~f. No illuminated sign is used, and no sign other than one giving the name and occupation, not more than one square foot in area, is displayed.~~
~~g. No more than twenty-five percent (25%) of the area of one story of the building shall be devoted to the home occupation.~~
~~h. The following are hereby declared to be customary home occupations as intended by this section:~~
~~(a) Dressmaker, seamstress.~~
~~(b) Music teacher.~~
~~(c) Artist, sculptor.~~
~~(d) Author.~~
~~(e) Emergency treatment only of patients by physicians, dentists, or licensed drugless physicians.~~
~~(f) Emergency interview only of clients by lawyers, architects, engineers and similar professions.~~
~~(g) Minister.~~

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

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

b. Private swimming pools are allowed in accordance with this chapter.

c. All allowable accessory buildings to a residence shall be limited to a maximum of four percent (4%) of the area of the parcel, a maximum wall height of sixteen and one-half (16.5') feet and a maximum building height of twenty-five (25) feet.

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

e. Construction of a garage or storage building in any R1 or A district is allowed prior to the construction of the principal dwelling provided the following conditions are met:
   i. petition waving any objection to the proposed outbuilding is signed by percent (60%) of all owners of land within one-quarter (1/4) mile of the request
   ii. Limitation of the garage or shed constructed pursuant to this section to one structure of no more than one thousand-two hundred (1,200) square feet for lots less than ten (10) acres in size, one thousand-eight hundred
   iii. (1,800) square feet for lots between ten (10) and thirty-four (34) acres, and two-thousand four hundred (2,400) square feet for lots over thirty-four (34) acres in size.

f. The allowable sq./ft. of accessory buildings for all residential and agricultural districts may be increased provided a special use permit is approved by the Planning Commission in accordance with the provisions of Article 8

g. A private riding arena up to 22,000 square feet, in addition to the accessory buildings allowed in this section for a single-family rural residence, may be located on a lot in the A – Agriculture zoning district with at least thirty-five (35) acres area as a special use in accordance with the provisions of Article 8.

3. Multi-family accessory uses and structures.

a. Accessory uses and buildings commonly associated with multi-family residential uses include recreational activities management offices, and parking of occupants' vehicles.

b. Customary domestic pets are allowed in accordance with the provisions of Article 6, but not including horses, poultry or agricultural livestock except as allowed in this ordinance. No more than three (3) dogs or cats, four months of age or older are allowed per dwelling unit. **TBD**

c. Swimming pools for the use of residents and their guests are allowed.

d. Accessory buildings shall be located on the side or rear of the principal building and are not permitted within any required front yard.

e. The design and construction of any accessory building shall be similar to or compatible with the design and construction of the principal building.

f. All allowable accessory buildings shall comply with the applicable provisions of Article 5.

4. Non-residential accessory buildings or uses in residential zoning district.

a. Accessory uses and buildings commonly associated with non-residential uses in residential zoning districts, such as schools and religious facilities, include offices, athletic and recreation facilities, and maintenance facilities.

b. A parish house or similar residential facility is allowed as an accessory use to a religious facility, along with any accessory use and buildings commonly associated with a residential use.

c. Signage shall be subject to the provisions of Article 6

d. All non-residential accessory buildings in residential zoning districts shall be subject to the applicable provisions of Section ~~14-03-05.~~

e. The design and construction of any accessory building shall be similar to or compatible with the design and construction of the principal building.

5. Non-residential accessory uses and buildings in all other zoning districts.

a. Health and Medical Uses. Accessory uses and buildings commonly associated with health and medical uses (health care facilities, not including free-standing medical clinics) include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, housing for staff or trainees and maintenance facilities.

b. Office Uses. Accessory uses and buildings commonly associated with office uses, including medical clinics and financial institutions, include cafeterias, health facilities, maintenance facilities and other amenities primarily for the use of the employees in the building.

c. Institutional Uses. Accessory uses and buildings commonly associated with non-residential uses in residential zoning districts, such as schools and religious facilities, include offices, athletic and recreation facilities, and maintenance facilities.

d. Commercial Uses. Accessory uses and buildings commonly associated with commercial uses include offices, storage of goods for sale on the premises and maintenance facilities.

e. Industrial Uses. Accessory uses and buildings commonly associated with industrial uses include offices, cafeterias, health facilities, maintenance facilities and other amenities primarily for the use of the employees in the building.

f. Gate houses, guard shelters, and structures for parking attendants may be located in a front or side yard at least five (5) feet from the property line and outside of any required sight triangle.

~~g. All other accessory buildings and structures, including mechanical equipment and electrical transformers, shall comply with the applicable setbacks (front, side and rear) and lot coverage requirements for principal buildings within the underlying zoning district. The provisions of Section 14-03-05 of the City Code of Ordinances do not apply to non-residential accessory buildings in non-residential zoning districts.~~

h. The design and construction of any accessory building shall be similar to or compatible with the design and construction of the principal building.

i. Manufacturing and repair facilities incidental to the principal use subject to the following limitations:
    i. Floor space so used shall not exceed twenty-five percent of the total floor space devoted to the principal use.
    ii. No motive power other than electricity shall be used.
    iii. No motor used on any machine for manufacturing and repair shall exceed one horsepower.
    iv. All operations shall be conducted so that no dust, odor, smoke, noise, vibration, heat or glare created by such operation is perceptible from any boundary line of the lot on which the principal use is located.

6. Home Occupations**:** A home occupation is permitted as an accessory use on any residential property in any zoning district, subject to the following provisions:

    a. Permitting Process. Home occupations are further divided into major and minor types based on standards contained in this section and subject to a separate approval process for each type:
        i. Minor home occupations are permitted by right. A property owner may choose to request a letter to verify compliance with provisions of this section, and the Zoning Administrator will issue a letter of compliance based on information provided by the property owner and in accordance with a process set by the Zoning Administrator.
        ii. Permitting for major home occupations shall vary by zoning district:
            a) In the RR – Residential, RR5 – Residential, or A Agricultural zoning districts, major home occupations are permitted by right.

7. In all other zoning districts, major home occupations may be permitted by a special use permit, according to procedures set in Article 8:

i. Home occupations that do not meet either major or minor standards may be permitted only in RR – Residential, RR5 – Residential, or A – Agricultural zoning districts by a special use permit, according to procedures in Article 8 upon a finding that:

1. The issuance of the permit would conform to the intent of that zoning district and the goals and objectives of the Comprehensive Plan

2. Requirements of the International Building Code (IBC) would be met, as applicable.

3. The proposed home occupation remains clearly subordinate to the principal residential use.

ii. More than one (1) home occupation may be permitted on any residential property. In such cases, all standards and permits of this section apply to the cumulative total of all home occupations on the property.

8. Minor home occupations. A minor home occupation is any home occupation that meets all of the following standards:

a. The home occupation is conducted on premises by one (1) or more residential occupants of the dwelling and no more than one (1) additional employee, business partner, independent contractor or any person affiliated with the home occupation that does not reside on premises.

b. Up to fifty percent (50%) of the floor area of the principal structure and up to one hundred percent (100%) of one (1) accessory structure is utilized by the home occupation, including storage of associated goods, provided that customary residential amenities, such as a kitchen and bathroom, are not removed such that the structure would no longer meet building code standards as a dwelling unit.

c. There exists no outward visual evidence to indicate the presence of the home occupation to an uninformed person, such as alterations of the dwelling from a customary residential appearance, overnight storage of products or materials outside.

d. No more than one (1) non-illuminated commercial on premise wall sign is placed on the property of no greater than three (3) square feet, attached to a primary or accessory structure on the lot, subject to all requirements of Article 6.

e. There exists no noise, odor, vibration, or electrical interference associated with the home occupation that is noticeable at the property line.

f. Visits from customers, clients, or patients are by appointment only and limited to no more than one (1) party, or up to four (4) students for group lessons, at any time. Notwithstanding, multiple said parties may be present on the property during not more than four (4) events per year, with each event not to exceed four (4) days and no events occurring consecutively. At no time may a home occupation generate traffic significantly greater than that of a conventional residential use.

g. Visits from customers, clients, patients, or deliveries occur only during the hours of 7 AM to 11 PM.

h. Not more than two (2) vehicles and/or two (2) trailers associated with the home occupation may park or stand on the property or street, if permitted, at any time, and any on-street parking shall meet requirements of Burleigh County, as applicable.

i. Any vehicles, including trailers and equipment, associated with the home occupation must be parked in an orderly manner on surface suitable for parking, devoid of tall grass or other potential fire hazards. Debris from vehicles may not enter a public right-of-way.

j. No vehicles associated with the home occupation which require a Commercial Driver License (CDL) to operate in North Dakota may park overnight on the property or the street.

k. There is no storage of any flammable, toxic, explosive, or otherwise hazardous materials to a greater extent than stored in a typical residential household, and no hazardous material is discharged into any sewer, storm drain, or the ground.

l. The use is not an adult entertainment center, adult bookstore, or registered in North Dakota as a compassion center to dispense or produce medical marijuana.

m. In-Home Child Care. Notwithstanding provisions of Article 6 Section 1, in-home childcare may be permitted as a minor home occupation, subject to the following standards:

i. In any single-family or two-family dwelling, the in-home childcare is licensed by the State of North Dakota as a Family Child Care or a Group Child Care for no more than twelve (12) children under the age of twelve (12) years, including any children of the operator/provider on the premises that are under the age of twelve (12) years.

ii. In any dwelling unit, the in-home childcare is classified by the State of North Dakota as a Self-Declaration Provider for no more than five (5) children under the age of twelve (12) years, including any children of the operator/provider on the premises that are under the age of twelve (12) years.

9. Major home occupations. A major home occupation is any home occupation that meets all of the following standards:

i. The home occupation does not meet all standards required of a minor home occupation.

ii. The home occupation is conducted on premises by (1) one or more residential occupant of the dwelling and no more than three (3) additional employees, business partners, independent contractors or any person affiliated with the home occupation that do not reside on premises.

iii. Up to fifty percent (50%) of the floor area of the principal structure, one hundred percent (100%) of accessory structures, is utilized for the home occupation, provided that customary residential amenities, such as a kitchen and bathroom, are not removed such that the structure would no longer meet building code standards as a dwelling unit.

iv. The home occupation may utilize one (1) contiguous outdoor area of up to five (5) percent of the total lot area or 10,000 square feet, whichever is less, including storage of associated goods, vehicles, equipment, and trailers. Notwithstanding, no limit on area of outdoor area shall apply in the A – Agricultural zoning district.

v. The principal residential dwelling is not altered from a customary residential appearance.

vi. Outdoor and overnight storage of products or materials associated with the home occupation may not be in a front yard and must be screened by fencing, buildings, or landscaping buffer yards, such that materials are

not clearly visible from a public right-of-way and adjoining properties during all seasons. Trailers may be loaded with items.

vii. No more than one (1) non-illuminated commercial on premise sign is placed on the property of no greater than three (3) square feet, plus one (1) square foot per acre in the lot, of sign area, subject to all requirements of Article 6 of Burleigh County Ordinances.

viii. Noise ordinance requirements contained in are met at all times, and there exists no objectionable odor, vibration, or electrical interference associated with the home occupation and above typical residential levels that is noticeable at the property line.

ix. Visits from customers, clients, patients, employees, or

a) deliveries do not create an undue burden on traffic safety and congestion or on-street parking availability in the neighborhood. At no time may a home occupation generate traffic significantly greater than that of a conventional residential use.

x. Visits from customers, clients, patients, employees, or deliveries occur only during the hours of 7 AM to 11 PM.

xi. Any vehicles, including trailers and equipment, associated with the home occupation must be parked in an orderly manner on surface suitable for parking, devoid of tall grass or other potential fire hazards, and debris from vehicles may not enter a public right-of-way, in accordance with Article 10 Burleigh County Ordinances.

xii. Any on-street parking of vehicles associated with the home occupation shall meet requirements of Article 10 Burleigh County Ordinances

xiii. No more than one (1) vehicle associated with the home occupation which requires a Commercial Driver License (CDL) to operate in North Dakota may park on the property at any time. At no time may said vehicle exceed the load restrictions in place for any time of the year on the adjoining street or park on the street.

xiv. There is no storage of any flammable, toxic, explosive, or otherwise hazardous materials to a greater extent than stored in a typical residential household, and no hazardous material is discharged into any sewer, storm drain, or the ground.

xv. The use is not an adult entertainment center, adult bookstore, or registered in North Dakota as a compassion center to dispense or produce medical marijuana.

10. Model Homes. A model home is permitted on any residential property in any zoning district, subject to the following provisions:

    a. Model homes are subject to all sign requirements for Non-Residential Uses in a residential zoning district.

    b. Model homes shall be converted to residential use or removed upon complete development of the subdivision or site.

    c. Model homes may contain ancillary office or indoor storage use provided the principal use of the property remains sales or leasing of homes in the subdivision or site and all building and fire codes of the International Building Code (IBC) are met.

11. Portable Storage Containers.

    a. General Requirements. Container usage in all zoning districts as allowed in this section is subject to the following requirements.

        i. Containers shall not occupy any required building setback area, landscaped area or buffer yard.
        ii. Containers shall not be placed within a sight triangle as defined in Article 3.
        iii. Containers shall be included in lot coverage computations.
        iv. Containers shall be subject to the provisions of the Fire Code concerning fire department access and hydrant blockage.
        v. Portable storage containers in industrial zoning districts.

12. Portage storage containers are allowed in the MA and MB Industrial Zoning Districts.

    a. A container that is not temporary in nature may only be used in a manner that would result in the container being subject to taxation as real property and subject to all applicable provisions of the Building Code and Zoning Ordinance.

13. Portable storage containers are allowed in the CA and CG Commercial Zoning Districts for the purpose of storage of seasonal merchandise during the following time periods: November 1 through January 15, and April 1 through June 15.

    a. Portable storage containers – other requirements in non-industrial zoning districts. Container usage in any non-industrial zoning district is allowed only as follows:

i. Residential moving. Containers may be used for a period not to exceed 30 days for the purpose of loading or unloading furniture and other household goods associated with a residential relocation.

ii. Loading & unloading. Semi-trailers in the process of transferring goods may occupy a site for up to 48 hours for loading and unloading purposes.

iii. Parking lot truckload sales, fund raising activities or similar promotional or charitable events which utilize containers are permitted for a period not to exceed 30 days within any 90-day period.

14. Accessory Solar Energy Systems:

a. Intent: Encourage investment in solar energy generation on all parcels in the city, both residential and non-residential, while providing that all such systems are safe and harmonious with the surrounding area.

b. Solar Access: an applicant may obtain solar easements from the adjoining property owners to preserve direct access to sunlight, as per NDCC 47-05-01.2. A permit granted by Burleigh County to install a solar energy system does not guarantee solar access.

c. Accessory Use: Solar energy systems are permitted in all zoning districts as an accessory use, subject to all requirements of this Section 14-03-06 and building code requirements of Title 4 of the Code of Ordinances.

i. An accessory solar energy system must be located on the same lot or parcel of land as the primary use it is intended to serve.

ii. An accessory solar energy system is intended to produce energy primarily for on-site consumption, but excess electrical power may be transferred to a power supply grid pursuant to utility company interconnection agreements.

d. Permits Required: The following permits shall be required prior to installation of an accessory solar energy system:

i. A building-integrated accessory solar energy system requires no additional permits beyond the building permit required for the structure.

ii. A building permit must be obtained prior to installation of any building-mounted or freestanding accessory solar energy system. A building permit will be granted by the Building Official to any applicant who has demonstrated that all requirements of this section and other applicable sections of the Code of Ordinances have been met.

15. Building-mounted Solar Energy Systems: Any system that is mounted to the roof or attached to the wall of a principal or accessory structure shall meet the following requirements:

    a. The building-mounted system shall not render the structure to which it is attached non-compliant with the height or setback requirements of the underlying zoning district.

    b. No roof-mounted system may extend beyond the edge of a roof, and no wall-mounted system may extend beyond the façade of a wall.

        i. A system mounted to a residential roof shall have a pitch oriented in the same direction as and no more than twenty percent (20%) steeper than the pitch of the roof on which the system is mounted, and no part of the system shall be higher than two (2) feet above the surface of the roof. Measurements are made from any position of an adjustable system.
        ii. A system mounted to a non-residential roof shall be no higher than twelve (12) feet above the surface of the roof, measured from any position of an adjustable system.
        iii. A system mounted to a wall of a structure shall not project more than five (5) feet from the structure.

16. Freestanding Solar Energy Systems: Any accessory solar energy system that is ground-mounted or pole-mounted and not attached to a structure shall meet the following requirements:

    a. Freestanding accessory systems shall be counted toward lot coverage requirements of the underlying zoning district.

    b. No freestanding accessory solar energy system on a residential property may exceed eight hundred (800) square feet in area per dwelling unit, except that such systems on lots or parcels zoned A - Agricultural, RR - Rural Residential, or RR5 – Rural Residential are permitted to be up to an additional two hundred (200) square feet in area per acre of land in the lot or parcel.

        i. No freestanding accessory solar energy system on a non-residential property may exceed one-half (1/2) the area of the building footprint of the principal use on the lot or parcel, except that any system collocated with and above a required off-street parking lot shall not be counted toward total allowable area.
        ii. A freestanding accessory solar energy system must meet all setback restrictions that apply to accessory buildings in the zoning district in

which it is located, setbacks must be met for all positions of an adjustable system.

iii. No freestanding accessory solar energy system may exceed twelve (12) feet in height, measured from any position of an adjustable system to the ground adjacent to the base of the system.

iv. No freestanding accessory solar energy system may extend into or over a legally recorded easement.

v. All abandoned or unused freestanding accessory solar energy systems in a state of disrepair shall be removed by the property owner within twelve (12) months of the cessation of operations. Removal of any foundation is not required.

vi. Interconnection: The property owner of any solar energy system that will be connected to the electrical power grid shall receive authorization to enter into an interconnection agreement with the applicable utility company prior to applying for permits from Burleigh County.

17. Appearance: The following provisions apply when any part of an accessory solar energy system may be visible from any public right-of-way of any adjacent street frontage, except for alleys.

a. All electrical and plumbing lines serving a freestanding accessory solar energy system shall be buried.

b. All exterior electrical and plumbing lines, batteries, and other appurtenant features serving a building-mounted accessory solar energy system shall be either screened or painted/coated to match the color of adjacent roofing or siding materials. This provision does not apply to a solar collector.

c. The non-collecting side of a solar collector and other appurtenant features of any freestanding accessory solar energy system shall be screened from view of said public right-of-way with vegetation and/or fencing.

18. Information Requirements: Prior to the issuance of a permit, the Zoning Administrator shall be provided with any requested information necessary to prove compliance with this subsection, including but not limited to:

a. For freestanding accessory solar energy systems, a scaled and dimensioned site plan of the lot or parcel, including existing structures on the lot, location and orientation of proposed system, property lines, required setbacks, easements, rights-of-way, and a utility diagram applicable to the proposed system.

b. Specifications and/or drawings of the system and any component parts provided by the manufacturer, including heights and lengths at various positions for adjustable systems.

c. Acknowledgement from the applicable utility company that an interconnection agreement has been requested, if applicable.

19. Short-Term Rental. A short-term rental is permitted as an accessory use on any residential property in any district, subject to the following provisions:

a. Residential unit utilized for a short-term rental shall not be altered in a way that changes their general residential appearance.

b. A short-term rental may be allowed in an accessory dwelling unit.

c. A recreational vehicle or other vehicle or structure not classified as a permanent residential dwelling unit may not be used as a short-term rental.

d. Short-term rentals are subject to parking requirements in accordance with Article 10

e. No noise, odor, vibration, or electrical interference associated with the short-term rental beyond what is typically permitted for residential uses is restricted in accordance with NDCC 42-01-03

f. Requirements of the International Building Code (IBC) would be met, as applicable.

DRAFT- ORDINANCE 26-005 ZO

AN ORDINANCE TO AMEND AND RE-ENACT ARTICLE 7OF THE 1972 AMENDED ZONING ORDINANCE OF BURLEIGH COUNTY, NORTH DAKOTA RELATING TO ARTICLE 7 - USE GROUPS. BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA.

ARTICLE 7 - USE GROUPS

Section 1. Purpose

In order to carry out the purposes of this Ordinance, 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 Article 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 Article to prohibit each and every member of that use group from locating within that district. These use groups shall apply to all zoning districts

Section 2. Retail Group A

A use in Retail Group A is one in which the principal activity is the sale at retail of merchandise, and which:

i. Depends to some extent on the proximity of other retail and service establishments.

j. Merchandise is not of such a nature as to be customarily taken away by the customer in a truck.

k. Includes no incidental manufacturing or processing carried on in such a manner as to produce offensive noise, odor, dust, glare, heat or vibration perceptible or measurable from outside the building in which the use is located.

1. The following uses are declared to be in Retail Group A:
   a. Antique store
   b. Appliance, radio, television store
   c. Auto accessory store
   d. Book, magazine, newspaper store
   e. Butcher shop
   f. Camera store, art supply store
   g. Candy store
   h. Clothing, clothing accessories store
   i. Delicatessen
   j. Department store

k. Drug store
l. Five and ten cent stores
m. Flower shop
n. Furniture, office equipment store
o. Gift shop
p. Grocery store
q. Hardware store
r. Hobby, toy store
s. Ice cream parlor
t. Jewelry store
u. Music store
v. Notion, variety store
w. Office supply, stationery store
x. Photographic studio
y. Shoe store
z. Sporting goods store
aa. Bakery, in which nothing is baked except for retail sale on the premises

Section 3. Retail Group B

A use in Retail Group B is one in which the principal activity is the sale at retail of merchandise, and in which one or more of the following factors is present:

a. Merchandise is of such nature as to be customarily taken away by the customer in a motorized truck.

b. Merchandise is of such nature as to require fifty percent (50%) or more of the space within the building for storage of the merchandise.

c. Merchandise is of such nature as to be stored or customarily displayed outside a building.

d. The success of the activity is not dependent upon the proximity of uses in Retail Group A.

The following uses are declared to be in Retail Group B:

i. Auto and truck sales
ii. Farm implement sales and related agribusiness establishments
iii. Feed, grain and farm supply sales and related agri-business establishments.
iv. Trailer Sales
v. Commercial greenhouse for retail sales
vi. Lumberyard provided all building materials are stored within a building or fenced area.

Section 4. Service Group A

A use in Service Group A is one in which the principal activity is the serving of food for consumption on the premises, personal service, household or clothing service, or the repair of small equipment, and which:

1. Depends to some extent on the proximity of other retail and service establishments.

2. Operations are carried on in such a manner as to produce no offensive noise, dust, odor, glare, heat or vibration perceptible or measurable from outside the building in which the use is located.

3. The following uses are declared to be in Service Group A:

    a. Barber shop
    b. Beauty shop
    c. Cold storage locker
    d. Dressmaker, tailor shop
    e. Dry cleaning and pick-up establishment
    f. Furniture repair and upholstering shop
    g. Laundry and pick-up establishment
    h. Laundromat (self-service)
    i. Milliner
    j. Radio and appliance repair
    k. Restaurant
    l. Shoe repair
    m. Soda Fountain
    n. Watch, jewelry, camera repair
    o. Dry cleaning plants, providing service for wearing apparel only, and complying with all provisions of the International Building and fire Coe (IBC, IFC).
    p. Mortuary or funeral home.
    q. Commercial childcare facility for childcare not in excess of four (4) hours in any twenty-four (24) hour period. Facilities shall provide at least thirty-five (35) square feet of play area per child and one (1) parking space per employee as well as one (1) space per ten (10) children.

Section 5. Service Group B

A 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 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:

1. Its success is not dependent upon the proximity of Retail Group A uses.

2. 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.

3. 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.

4. The following uses are declared to be in Service Group B:

   ~~1. Auto laundry~~
   2. Auto repair garage
   3. Commercial school, including business, secretarial, dancing, music, physical culture, technical or trade school
   4. Garage, commercial parking lot
   5. Steam cleaning establishment
   6. Tire, battery repair establishment
   7. Undertaking establishment
   8. Outdoor advertising signs
   9. Parcel delivery establishments
   10. Storage Unit Building (Personal Self-Serve)

Section 6. Office-Bank Group

A use in the office-bank group is one in which the principal activity is the conduct of commercial, governmental, financial, professional, or management activities.

1. The following uses are declared to be typical uses in the Office-Bank Group:

   a. Bank
   b. General office
   c. Governmental office
   d. Medical office, including doctor, dentist and chiropractor office, where patients are not kept overnight.
   e. Insurance office
   f. Personal loan agency
   g. Professional office
   h. Real estate office
   i. Taxi-cab office
   j. Telephone exchange
   k. Utility office

Section 7. Commercial Recreation Group

A use in the commercial recreation group is one in which the principal activity is the furnishing of recreation for a profit, and for which the following factor is present:

1. The activity is not operated by a governmental agency.

2. The following uses are declared to be in the Commercial Recreation Group:

    a. Bowling alley
    b. Dance hall
    c. Pool or billiard parlor
    e. Roller skating rink
    f. Sports arena
    g. Theater
    h. Bar, saloon or tavern where alcoholic beverages are offered for sale for consumption on the premises
    i. Miniature golf course

Section 8. Wholesale Group

A use in the Wholesale Group is one in which the principal activity is the sale of merchandise to individuals and corporations for resale to the public, and for which:

1. The merchandise offered for sale is stored wholly within a completely enclosed building.

2. No unusual fire or safety hazard is caused by the storage of the merchandise.

3. No live animals are sold.

4. No junk, wrecked automobiles, secondhand equipment or other salvaged materials or dead animals are stored or sold on the premises.

5. The following uses are declared to be typical uses in the Wholesale Group:

    4. Newspaper, magazine distributor
    5. Wholesale food and grocery sales
    6. Wholesale drug sales
    7. Other wholesale distribution facilities
    8. Warehouses

Section 9. Health-Medical Group

A use in the Health-Medical Group is one in which the principal activity is related to the care and medical treatment of human beings.

1. The following uses are declared to be typical uses in the Health-Medical group:

    a. Hospital for human beings
    b. Medical clinic
    c. Medical schools.
    d. Nursing~~, Convalescent~~ Home, Assisted Living Facility
    e. Old People's Home
    f. Orphan's Home
    g. Sanitarium

Section 10. Educational Group

A use in the Education group is one in which the principal activity is the education of children or adults by a public or private non-profit agency.

1. The following uses are declared to be typical uses in the Education Group:

    a. College or Junior College
    b. ~~Grade~~ Elementary school
    c. High school or Junior high school
    d. Kindergarten
    e. Private or Parochial school offering a curriculum substantially equivalent to that offered by public schools
    f. Student or faculty dormitory on college campus
    g. Stadium, gymnasium, field house, as an accessory building on same lot as principal building
    h. Power or heating plant as accessory building and use on same lot as principal building

Section 11. Group dwelling.

A group dwelling is a building used for residential purposes, and in which:

    a. The occupants are unrelated.
    b. Separate cooking facilities are not provided for individuals or groups of individuals.
    c. Persons residing in the building are domiciled more or less permanently, in contrast to transient residents' characteristic of hotels.
    d. The following uses are declared to be typical group dwelling uses:

        i. Boardinghouse.

ii. Convent, monastery.
iii. Fraternity, sorority house.
iv. Rooming house or dormitory.
v. Halfway house.
vi. Assisted living facility, convalescent or orphan's home.

Section ~~11.~~12 Public Recreation Group

A use in the Public Recreation Group is one in which the principal activity is public recreation and which is carried on by a governmental agency.

1. The following uses are declared to typical uses be in the Public Recreation Group:

   a. Community center
   b. Museum, public
   c. Park, public
   d. Playground, public
   e. Golf course
   f. Swimming pool.
   g. Ice arena.
   h. Zoo.

Section ~~12~~. 13. Industrial Group A

A use in the Industrial Group is one involving the manufacturing or the storage and sale of ~~heavy building materials or equipment,~~ products and material, and in which the operations create a greater degree of hazard or more annoyance than the operations of uses in industrial group A, but and which conforms to the following requirements:

1. There is no unusual fire, explosion or safety hazard.

2. There is no production of noise at any boundary of this district in which such use is located in excess of the average intensity of street and traffic noise at that point.

3. There is no emission of smoke in excess of any density described as No. 1, as measured by the standard Ringlemann Chart prepared by the United States Bureau of Mines; provided, however, that smoke of a density not in excess of No. 2 on a Ringelmann Chart will be permitted for a period not in excess of four (4) minutes in any thirty (30) minute period.

4. There is no emission of dust, dirt, or toxic or offensive odors or gas.

5. There is no production of heat or glare perceptible from any lot line of the premises on which the use is located.

6. The following uses are declared to be typical uses in the Industrial Group; provided, however, that if any of the following uses, being established subsequent to the adoption of this Article, is operated or changed so that the use does not comply with the standards for the Industrial Group that use as operated or changed would not be permitted as a new use in the district in which it is located, and then such use shall be declared in violation of this Article:

   a. Manufacture, compounding, processing, packaging, treatment or assembly of the following materials and products, but excluding the use in any operation of a punch press over twenty (20) tons rated capacity, a drop hammer, or an automatic screw machine:
      i. Bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, and food products except fish and meat products, sauerkraut vinegar, yeast, and the rendering or refining of fats and oils.
      ii. Products from the previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, precious metals or stones, fur, glass, hair, horn, leather, paper, plastics, shell, textiles, wood and yarns.
      iii. Pottery and other ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
      iv. Electric and neon signs, outdoor advertising signs, commercial advertising structures, and light sheet metal products, including heating and ventilating ducts and equipment, cornices, coves, and similar products.
      v. Musical instruments, toys, novelties and rubber and metal stamps.
      vi. Blacksmith shop, welding and machine shop.
      vii. Laundry, cleaning and dyeing works, and carpet and rug cleaning.
      viii. Ice manufacturing, soft drink bottling plant.
      ix. Assembly of electric appliances, electronic instruments and devices, radios, phonographs, and television sets, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders, and similar products.
      x. Soft drink bottling plant.

   b. Storage building and warehouses.

   c. Experimental laboratories.

d. The following uses when conducted wholly within a completely enclosed building, or within an area enclosed on all sides with a solid wall, compact hedge or uniformly painted board fence, not less than six (6) feet in height and not be located closer than five hundred (500) feet from any zone in which they are prohibited:

i. Building material sales yard, including the sale of rock, sand, gravel and the like as an incidental part of the principal use.
ii. Contractors' equipment, storage yard or plant, or rental of equipment commonly used by contractors.
iii. Concrete products, material storage and mixing
iv. Retail lumber yard, including only incidental mill work.
v. Feed and fuel yard.
vi. Manufacturing and storage of alcoholic beverages, including brewery.
vii. Public utility service yard, or electrical receiving or transforming station.
viii. Pipe yard, or storage, sale or rental of oil and gas well drilling equipment.

Section 14. Industrial group B.

A use in industrial group B is one involving manufacturing or the storage, sale of products and material, and in which the operations create a greater degree of hazard or more annoyance than the operations of uses in industrial group A, but which conforms to the following requirements:

a. The design and the operation of the building, and design and use of the premises fully comply with all special requirements established by this paragraph and this article.

b. There is no emission of smoke in excess of a density described as No. Two as measured by a standard Ringelmann Chart as prepared by the United States Bureau of Mines; provided, however, that smoke of a density not in excess of No. Three on a Ringelmann Chart will be permitted for a period not in excess of four minutes in any thirty minute period.

c. There is no emission of toxic gases or fumes.

d. There is no production of heat or glare perceptible from any lot line of the premises on which the use is located.

e. The following uses are declared to be typical uses in the industrial group B:
i. Any use listed in industrial group A, provided that all other requirements of industrial group B uses are complied with.
ii. Manufacture, compounding, processing, refining or treatment of the following materials and products:
a) Acetylene.
b) Alcohol.
c) Asphalt and bituminous products.
d) Brick, tile or terra-cotta.

e) Oilcloth or linoleum.
f) Paint, shellac, turpentine, lacquer or varnish.
g) Paper or pulp.
h) Petroleum products.
i) Plastics.

f. Any of the following uses provided that they shall not be located closer than five hundred (500) feet from any zone in which they are prohibited:

i. Cement, lime, gypsum, or plaster of paris manufacture.
ii. Drop forge industry, manufacturing forgings with power hammer.
iii. Fertilizer manufacturing.
iv. Garbage, offal, bone or dead animal reduction.
v. Gas manufacture or utility regulating stations.
vi. Propane storage.
vii. Electric generating plant.
viii. Smelting of tin, copper, zinc or iron ores.
ix. Soap manufacture.
x. Stockyards, feeding pens or livestock sale facilities.
xi. Slaughter and packing of animals and meat products.
xii. Tannery, curing or storing raw hides.
xiii. Petroleum bulk plants,
xiv. Truck Terminals.

Section ~~13.~~ 15. Utility Service Group

A use in the Utility Service Group is one necessary for the safe or efficient operation of a gas, water, communication or electric utility or sewage system for the benefit of the public, and is one for which the following factors are present:

1. The structure or use is necessary for the safe or efficient operation of the utility.

2. The utility which the structure or use serves is one available to the general public.

3. The design and location of the premises and structures are in full compliance with all requirements of this section and of this ordinance.

4. The use is located on a lot no smaller area than the minimum area specified in the district in which it is located for any principal use.

5. The use complies with all height and yard regulations for the district in which it is located.

~~6. Wherever the lot on which the use is located adjoins in a lot in a residential district, there is planted and maintained a landscaped screened planting strip no less than five (5) feet in width adjacent to all lot boundaries so adjoining a lot in a residential district.~~

7. Wherever the lot on which the use is located adjoins a lot in any residential zoning district, a landscaped buffer yard no less than fifteen (15) feet in width is required along the entire length of any side or rear lot line adjacent to the residential zoning district. Said buffer yard shall be planted with two (2) shade trees, two (2) ornamental trees, and two (2) large upright coniferous trees per 100 linear feet in conjunction with site development. Alternative material types and numbers may be allowed in situations where there are concerns with site security. Minimum material size at the time of planting shall be in accordance with the provisions of this Article.

8. Proper security fencing with lot entrances shall be erected at least six (6) feet high around the perimeter of the site and maintained around all installations and structures in which there is any safety hazard whatsoever for children, provided that all structures shall be so located that such safety fence shall be placed as not to encroach on any front yard required in the district in which the use is located.

9. For the proper operation of the utility, it is necessary that the proposed use be located on, or within a short distance of, the site on which it is proposed to be located.

10. The following typical uses are declared to be in the Utility Service Group:

    a. Electric transformer station, but not a stream generating plant
    b. Electric transmission line
    c. Sewage pumping station
    d. Water pumping station
    e. Water reservoir
    f. Radio and/or television transmitting stations
    g. Buildings, structures, radio towers, and related facilities for communication purposes
    h. Natural gas facilities and structures
    i. Gas regulator stations, excluding stations emitting noise of more than fifty (50) decibels at any property line adjacent to any residentially zoned area.
    j. Radio or cellular communication tower.

11. Fire station. Fire stations are permitted as a principal use in any district as a necessity for the protection and safety of the public, subject to district requirements in which it is located. The design of the structure shall be compatible with surrounding structures in the district.

Section ~~14.~~ 16. Truck Farming Group

A use in the Truck Farming Group is an agricultural use normally found in suburban or rural areas, but on which poultry and livestock rearing is prohibited.

1. The following uses are declared to be typical uses in the Truck Farming Group:

a. Flower growing, commercial
b. Fruit growing
c. Tree, shrub, plant nursery
d. Truck gardening
e. Greenhouse, commercial with no retail sales allowed.

Section ~~15.~~ 17. General Farming Group

A use in the General Farming Group is one which is customarily carried on in non-urban areas. It is the intent of this article to permit as an integral part of any particular use in the General Farming Group all customary accessory buildings for breeding and rearing poultry and livestock and for the storage of feed and farm crops. All of the livestock related uses in the following list refer to activities that are not defined as animal feeding operations as specified in the Zoning Ordinance.

1. The following uses are declared to be typical uses in the General Farming Group:

a. Dairy farming
b. Fur animal farming
c. Livestock raising and feeding
d. Pig farrowing and feeding
e. Poultry hatchery
f. Riding stable
g. Poultry farming and feeding
h. Roadside stand for the sale of products grown on the premises
i. Field crop farming
j. Apiary.
k. Tree, shrub or plant nursery.
l. Grain elevators
m. General animal husbandry
n. All customary farming and ranching activities and operations

Section ~~16.~~ 18 Manufacturing Group

A use in the Manufacturing Group is one involving the manufacturing or the storage and sale of heavy building materials or equipment, and which conforms to the following requirements:

1. There is no unusual fire, explosion or safety hazard.

2. There is no production of noise at any boundary of this district in which such use is located in excess of the average intensity of street and traffic noise at this point.

3. There is no emission of smoke.

4. There is no emission of dust, dirt, or toxic or offensive odors or gas.

5. There is no production of heat or glare perceptible from any lot line of the premises on which the use is located.

6. The following uses are declared to be in the Manufacturing Group provided however, that if any of the following uses, being established subsequent to the adoption of this Article, is operated or changed so that the use does not comply with the standards for the manufacturing group that use as operated or changed would not be permitted as a new use in the district in which it is located, and then such use shall be declared in violation of this Article:

    a. Manufacture, compounding, processing, packaging, treatment or assembly of the following materials and products but excluding the use in any operation of a punch press over 20 tons rated capacity, a drop hammer, or an automatic screw machine:
        i. Pottery and other ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
        ii. Electric and neon signs, outdoor advertising signs, commercial advertising structures, and light sheet metal products, including heating and ventilation products and equipment, cornices, coves, and similar products.
        iii. Musical instruments, toys, novelties and rubber or metal stamps.
        iv. Laundry, cleaning and dyeing works, and carpet and rug cleaning.
        v. Assembly of electric appliances, electronic instruments and devices, radios, phonographs and television sets, including the manufacture of small parts only, such as coil, condensers, transformers, crystal holders and similar products.
    b. Storage buildings and warehouses.

    c. Experimental laboratories.
    d. The following uses when conducted wholly within a completely enclosed building, or within an area enclosed on all sides with a solid wall, compact hedge or uniformly painted board fence, not less than 6 feet in height:

        i. Building material sales yard, including the sale of rock, sand, gravel and the like as an incidental part of the principal use.
        ii. Contractor's equipment, storage yard or plant or rental of equipment commonly used by contractors.
        iii. Retail lumber yard, including only incidental mill work
        iv. Feed and fuel yard
        v. Public utility service yard, or electrical receiving or transforming station.
        vi. Pipe yard or storage, sale or rental of oil gas well drilling equipment
        vii. Prefabrication of dwelling units and building components.

DRAFT- ORDINANCE 26-006 ZO

AN ORDINANCE TO AMEND AND RE-ENACT ARTICLE 10 OF THE 1972 AMENDED ZONING ORDINANCE OF BURLEIGH COUNTY, NORTH DAKOTA RELATING TO ARTICLE 10 AUTOMOBILE PARKING
BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA.

Article 10 Off-Street Parking and Loading.

Section 1. Purpose.

The provisions of this section are intended to provide accessible, attractive, secure and well-maintained off-street parking and loading areas with the appropriate number of spaces in proportion to the needs of proposed and future uses and to prevent overflow parking into adjacent properties. The provisions of this section are also intended to help protect the public health, safety and general welfare by:

a. Helping to avoid and mitigate traffic congestion,

b. Encouraging multi-modal transportation options and enhanced pedestrian safety; and

c. Providing flexible methods for responding to the transportation and access demands of various land uses.

Section 2. Applicability.

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

a. New Development. The 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 parking, stacking and loading requirements of this section shall apply when an existing structure or use is expanded or enlarged. Additional parking and loading spaces will be required only to serve the enlarged or expanded area. The parking, stacking and loading space provided for the existing use prior to the expansion or alteration may not be reduced below what is required.

c. Change of Use. The 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 only be required in proportion to the extent of the change, not for the entire building or use.

i. In the case of a change of use where the current use does not meet the minimum parking requirements and the proposed change of use would require less 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 parking, stacking and loading spaces for the new use is no less conforming than the current use.

Section 3. Reductions and Exemptions.

a. Mixed Use Parking Reductions. Parking requirements may be reduced by an additional ten (10) percent for mixed use developments including a combination of residential, or a hotel or motel in combination with office and/or commercial uses.

b. Bicycle Parking Reductions. The following reductions may be used to provide relief from off-street parking requirements:

i. The number of vehicle parking spaces may be reduced by one (1) for five (5) bicycle parking spaces provided on the parcel, up to ten (10) percent of the total required vehicle parking spaces.

ii. A fixed bicycle rack shall be installed with the following design guidelines:

a. Support the bicycle at two points above its center of gravity.

b. Accommodate high security U-shaped bike locks.

c. Accommodate locks securing the frame and one or both wheels, preferably without removing the front wheel from the bicycle.

d. Provide adequate distance between spaces so that bicycles do not interfere with each other.

e. Do not contain protruding elements or sharp edges.

f. Do not bend wheels or damage other bicycle parts.

g. Do not require the user to lift the bicycle off the ground in order to place it into the rack.

iii. The bicycle rack is provided with an aisle on one side of the bicycle parking space to allow for adequate access and maneuvering.
iv. The bicycle rack is connected to an Americans with Disabilities Act (ADA) accessible sidewalk or corridor.
v. The bicycle rack is placed on a dustless all-weather hard surface material.
vi. The bicycle rack is located so as to not interfere with pedestrian or motor vehicle traffic.
vii. Bicycle parking may be provided within a building, but the location must be easily accessible.

c. Parking Exemption. Health Medical zoning districts are not subject to the off-street parking and loading requirements of this section.

Section 4. Required 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 required parking is 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.

When the installation of required parking cannot be completed in conjunction with site development due to seasonal constraints, the Zoning Administrator may issue a temporary certificate of occupancy with the understanding that the installation of the required parking be completed by a date agreed upon by the Zoning Administrator and property owner(s).

Section 5. Design Standards for Required Off-Street Parking and Loading Spaces.

All applications for a building permit or certificate of occupancy shall include a site plan, drawn to scale, that depicts the location and arrangement of required parking and loading spaces, driveways, and walkways as provided for in this section.

a. Parking Spaces. Each required off-street 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.

b. Compact Parking Spaces. A compact parking space shall be of an area at least eight (8) feet wide and sixteen (16) feet in length in addition to the ingress and egress driveways required. Compact parking spaces may count for up to 10 percent of required parking spaces and must be marked or signed as compact parking.

c. For each parking space, not under a roof, there shall be provided, additional area for access lanes, aisles and drives necessary for safe and adequate parking maneuvering. Access lanes, aisles and drives must be designed according to acceptable professional industry design standards.

d. Accessible Parking Spaces and Aisles. The size, number and location of stalls reserved for ADA parking shall be provided and identified as required by applicable ADA regulations. These spaces are included in the calculation for the total required parking.

e. Electric Vehicle Charging Stations. Charging station stalls must meet local, state and federal requirements. These spaces are included in the calculation for the total required parking.

f. Surfacing. All applications for required off-street parking and loading spaces 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, crushed asphalt, crushed concrete, or gravel shall not be considered an acceptable surfacing material.

g. Turnarounds. All off-street parking areas shall be designed so that vehicles do not have to back into the public right-of-way to exit parking areas.

h. Encroachment. No parking space may block access to another parking space. No open area in an off-street parking area shall be encroached upon by buildings, storage or any other use.

i. Pedestrian Facilities. Off-street parking areas for fifty (50) or more vehicles shall have walkways separated from the parking area and surfaced with a dustless all-weather hard surface material to provide safe access from parking areas, bicycle storage areas, public rights-of-way and existing pedestrian facilities to building entrances.

j. Striping. All off-street parking areas containing four (4) or more spaces or containing angled parking shall have the parking spaces and aisles clearly marked on the pavement.

k. All required parking, stacking and loading spaces, 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 other use not authorized by the provisions of this Title.

l. Loading Facilities. 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 public street or out of them into a public street; however, off-street loading spaces may utilize adjacent local streets as needed for ingress and egress when specifically approved in writing by the City Engineer or designee, based upon a submitted drawing using truck turning radius templates that demonstrates how the loading spaces will be utilized.

m. Maintenance. All off-street parking and loading 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 County Engineer.

n. Reductions. Required off-street parking spaces may not be reduced except upon the approval of the Zoning Administrator and then only after proof that, because of a decrease 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.

2. Calculation of Required Parking.

a. When the determination of the number of parking, stacking, bicycle parking or loading spaces results in a requirement of a fractional space, any fraction up to and including one-fourth shall be disregarded and fractions over one-fourth shall require one additional parking, stacking, bicycle parking or loading space.

b. When there are multiple structures on a lot or multiple uses within a structure, parking shall be calculated separately for each different use area within a building or site, including all accessory uses, unless a plan for shared parking or joint-use parking is approved by the Zoning Administrator.

c. One parking space for each twenty-five (25) uninterrupted linear feet of available street frontage of a local roadway useable for on-street parking directly adjacent to a parcel may be deducted from the total off-street parking spaces required for a site. The width of drive accesses, designated

non-parking areas, sight triangles, and similar circumstances may not be considered as available for the purpose of on-street parking space. Parking on roadways classified as an arterial roadway or a collector roadway will not be considered.

d. Parking spaces required on a per-employee basis shall be based on the maximum number of employees on the largest shift.

e. When parking is required based on seating as a unit of measurement, all calculations shall be based on the number of fixed seats. If fixed seats are not provided, then parking shall be determined at a rate of one space per five (5) occupants.

f. The number of parking spaces shall be provided on the basis of the following minimum requirements:

USE	REQUIRED NUMBER OF OFF-STREET PARKING SPACES
Residential Uses	
Single-family	Two (2) spaces for each dwelling unit.
Two-family	Two (2) spaces for each dwelling unit.
Accessory dwelling unit	One (1) space for accessory dwelling unit.
Low and moderate income multi-family housing	0.65 spaces for each dwelling unit.
Multi-family	One (1) space for each efficiency unit or each one-bedroom unit; and Two (2) spaces for each two-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	0.65 spaces for each living unit.
Dormitories	One (1) space for each sleeping room.
Adult or disabled care centers, convalescent homes and nursing homes	One (1) space for each four (4) patient beds, plus one additional space for each employee on the largest shift.

Institutional Uses	
Elementary and middle schools	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.
Schools including colleges, and high schools	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 and one space for every three (3) students.
Libraries and museums	One (1) space for each three hundred sixty (360) square feet of gross floor area.
Places of public assembly including exhibition halls, convention halls, auditoriums, sports arenas, athletic fields and theaters	One (1) space for each five (5) seats provided. If fixed seats are not provided, then parking shall be determined at a rate of one space per five (5) occupants.
Religious institutions	One space for each five (5) seats provided in an assembly area. If fixed seats are not provided, then parking shall be determined at a rate of one space per five (5) occupants.
Commercial Uses	
Childcare centers	One (1) space for each employee and one (1) space for each ten (10) children.
Motor fueling stations/	Four (4) spaces plus two (2) spaces for each service stall or bay. Facilities designed for sale of other items
Convenience stores	Shall be required to provide additional parking in accordance with other applicable provisions of this Section.
Motor vehicle repair garages	Two (2) spaces for each repair stall, plus additional spaces as needed to store vehicles waiting to be repaired or picked up after repair.
Hospitals	One (1) space for each two (2) patient beds plus one (1) additional space for each two (2) employees.
Hotels and motels	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 those uses.
Funeral homes and mortuaries	One (1) space for each four (4)seats or one (1) space for each seventy-five (75) gross square feet of building area, whichever is greater.

Office buildings	One (1) space for each three hundred sixty(360) square feet of gross floor area.
Medical, chiropractic and dental clinics	One (1) space for each three hundred (300)square feet of gross floor area.
Veterinary clinics	One (1) space for each three hundred (300) square feet of gross floor area.
Sports and fitness clubs	One (1) space for each three hundred sixty(360) square feet of gross floor area.
Retail sales and service	One (1) space for each three hundred (300) square feet of gross floor area.
Multi-tenant shopping center	One (1) space for each three hundred (300) 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 seven hundred twenty (720) square feet of gross floor area.
Bar, tavern or lounge	One (1) space for each sixty (60) square feet of gross floor area, plus one (1) space for each employee on the largest shift. Outdoor patio areas shall not be included when calculating floor area.
Full service restaurant	One (1) space for each seventy-five (75) square feet of gross floor dining area, plus one (1) space for each employee. Outdoor patio areas shall not be included when calculating gross floor area. If the restaurant includes designated bar areas, off-street parking shall be provided for that area at a ratio of one (1) space for each sixty (60) 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 dining area. Outdoor patio areas shall not be included when calculating gross floor area. If a drive-though 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 forty (240) square feet of gross floor area.
Amusement uses	One (1) space for each three hundred sixty (360) square feet of gross floor area.

Industrial Uses	
Service businesses located within the MA - Industrial or MB – Industrial zoning districts 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	One (1) space for each four hundred (400) square feet of each unit 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. These provisions shall apply on a per unit basis for multi-tenant or multi-owner buildings such as shop condos.
Self-service storage facilities	A dedicated parking lane with a minimum width of nine (9) feet shall be provided adjacent to each storage unit opening in the building. 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 three hundred (300) gross square feet of office area must be provided.
Manufacturing and industrial plants, public utility buildings, fabricating plants and all other similar structures	One (1) space for each manufacturing employee on the largest shift, plus one (1) space for each three hundred (300) gross 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.
Warehousing and distribution	One (1) space for each employee on the largest shift or one (1) space for each two thousand four hundred (2,400) square feet of gross floor area, whichever is greater, plus one (1) space for each three hundred (300) gross 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.

I. Interpretation. For uses not specifically listed in this Section, 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 parking reference materials including, but not limited to, manuals prepared by the American Planning Association and the Institute of Transportation Engineers.

3. Location of Required Parking Facilities. The off-street parking facilities required by this section shall be on the same parcel of land as the structure they are intending to serve. When practical difficulties prevent the establishment of such facilities upon the same parcel, off-site parking shall be furnished within four hundred (400) feet of the premises to which they are appurtenant. In addition, adequate and safe pedestrian access shall be provided to and from the off-site parking facility.

4. 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, crushed asphalt, crushed concrete 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

a. Interpretation. For uses not specifically listed above, stacking requirements shall be determined by the Planning and Zoning Commission, in conjunction with approval of a special use permit, on the same basis as required for the most similar listed uses.

5. Special Use Permit for a Drive–in/Drive-through Retail or Service Establishment. Drive–in/drive-through for retail or service establishments are subject to the requirements of Article 8. 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.

6. Administrative Approval of Parking and Stacking Alternatives. The Zoning Administrator, where appropriate, may approve a reduction of required parking, provided a parking study prepared by the applicant or their consultant is submitted for review. Such study shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers, the American Planning Association, Urban Land Institute, or other acceptable estimates as approved by the zoning administrator. The study should also include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by development type, density, size and scale, and location. Additional considerations will be given to adaptive re-uses surrounding land uses, anticipated users, seasonal uses, low and moderate housing, availability of transportation choices, walkability index score and existing or proposed pedestrian infrastructure. The study shall document the source of data used to develop the recommendations. Any subsequent change in use or dimensions of a site approved utilizing this Section of the ordinance will require a review to determine if adequate parking exists for any new use.

a. Shared Parking. The Zoning Administrator, where appropriate, may approve shared or simultaneous use of parking provided a parking study prepared by the applicant or their consultant is submitted for review. Such study shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers, the American Planning Association,

Urban Land Institute, or other acceptable estimates as approved by the Zoning Administrator. Such study must provide the following requirements are met:

I. It can be demonstrated that the location and design requirements of this section are met.
II. Adequate and safe pedestrian access is provided from and to parking areas.
III. In the event that an off-site parking area is not under the same ownership as the principal use served, a written shared parking agreement, for heirs and assigns of the properties will be required. An attested copy of the agreement between the owners of record must be submitted to the Zoning Administrator for review and approval. The agreement must be recorded with the Burleigh County Recorder prior to the issuance of a building permit for any use served by the off-site parking area.
IV. Any subsequent change in use or dimensions by either party will require proof that the minimum parking requirements of the approved shared parking agreement are met.

b. Parking Determination. The Zoning Administrator may apply to the Board of Adjustment for an interpretation of the provisions of this article for required parking, stacking and loading requirements and the Board of Adjustment shall render a decision in writing in the manner provided for in this section for such action.

7. 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 site plan showing the required loading 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.

a. the number of off-street stacking spaces shall be provided on the basis of the following minimum requirements:

I. Each department store, freight terminal or railroad yard, medical facility, 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:

I. Square feet of Aggregate Gross Floor Area Devoted to Such Use	II. Required Number of Berths
III. 25,000 but less than 40,000	IV. 1
V. 40,000 but less than 100,000	VI. 2
VII. 100,000 but less than 160,000	VIII. 2
IX. 160,000 but less than 240,000	X. 4
XI. 240,000 up to and including 320,000	XII. 5
XIII. For each additional 90,000	XIV. 1 additional berth

II. Each auditorium, convention hall, exhibition hall, funeral home, hotel, office building, restaurant, sports arena, or medical facility 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 shall provide off-street truck loading or unloading berths in accordance with the following table:

XV. Square feet of Aggregate Gross Floor Area Devoted to Such Use	XVI. Required Number of Berths
XVII. 50,000 up to and including 250,000	XVIII. 1
XIX. For each additional 250,000	XX. 1 additional berth

8. 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 Section.

9. Special Use Permit for Off-Site Parking Lots. Off-site parking lots within residential areas are subject to the requirements of Article 8. 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 Section. 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.

10. 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.

~~**ARTICLE 10 - AUTOMOBILE PARKING**~~

~~**Section 1. Off-Street Parking**~~

~~Except as provided elsewhere in this Article, 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 plot plan showing the required open space designated as being reserved for off-street parking 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 parking space shall be provided on the basis of the following minimum requirements:~~

~~1. Dwellings~~

~~a. Single-family and two-family dwellings - two (2) spaces for each dwelling unit.~~

~~2. Room Houses~~

~~a. One (1) space for each two (2) sleeping rooms rented, plus one (1) additional space for the owner or operator of the rooming house.~~

~~3. Hotels, including clubs~~

~~a. One (1) space for each two (2) guest rooms. If, in addition to sleeping rooms, patrons or residents are provided with assembly halls, bars, restaurants, nightclubs, retail shops, service establishments or other business, additional off-street parking spaces will be required for such other uses in accordance with the regulations of this section for such uses.~~

~~4. Tourist Homes, Motels, Trailer Courts~~

~~a. One (1) space for each guest room or cabin. Off-street parking for auxiliary use in the same building or on the same lot shall be provided in accordance with the regulations set forth in this section for such uses. For tourist homes, there must be provided in addition to off-street parking space for guests, one (1) additional space for each family permanently residing in the building.~~

~~5. Hospitals:~~

a. *including sanitariums, asylums, orphanages, convalescent homes, homes for the aged and infirm and similar institutions*
b. One (1) space for each two (2) patient beds, plus one (1) additional space for each staff doctor plus one (1) additional space for each two (2) regular employees.

6. Restaurants:
   a. *including bars, taverns, nightclubs, lunch counters, diners and all other similar dining and drinking establishments.*
   b. One (1) space for each four (4) seats provided for patron use, or one (1) space for each (one hundred (100) square feet of floor area used for patron use whichever requirement is greater.

7. Theaters
   a. One (1) space for each five (5) seats provided for patron use.

8. Place of Public Assembly:
   a. *including private clubs, lodges and fraternal buildings not providing overnight accommodations, assembly halls, exhibition halls, convention halls, auditoriums, skating rinks, dance hall, bowling alleys, sport arenas, stadiums, gymnasiums, amusement parks, racetracks, fairgrounds, circus grounds, churches, funeral homes and mortuaries, community centers, museums and all other similar places of relatively infrequent public assembly.*
   b. One (1) space for each ten (10) seats provided for patron use, or one (1) space for four hundred (400) square feet of gross floor area used or intended to be used for service to the public as customers, patrons or clients whichever requires the greater number of parking spaces.

9. Medical Clinics:
   a. *including offices of doctors, dentists and drug physicians*
   b. Three (3) spaces for each doctor using the office of clinic, plus one (1) additional space for each two (2) regular employees.

10. Retail Establishments:
    a. *including personal device shops and equipment or repair shops*
    b. In a Major Commercial District: one (1) space for each two hundred (200) square feet of floor area on the ground floors plus one (1) space for each four hundred
       i. (400) square feet of floor area in a basement or any story above the ground floor,
       ii. In a Limited Commercial District: one (1) space for each one hundred (100) square feet of floor area.

11. Office Building:
    a. *including commercial building, governmental building, professional building except as otherwise provided for in this section*

b. One (1) space for each four hundred (400) square feet of floor area

12. Wholesale, Manufacturing and Industrial Plants:

a. *including warehouse and storage buildings/yards; public utility buildings; contractor equipment and lumber yards; research laboratories; business service establishments such as blueprinting, printing and engraving; soft drink bottling establishments; fabricating plants; and all other structures devoted to similar mercantile or industrial pursuits*

b. One (1) space for each two (2) employees, plus sufficient space to park all company-owned or leased vehicles including passenger automobiles, trucks, tractors, trailers, and similar company-owned motor vehicles.

13. Terminal Facilities:

a. *including airports, railroads, passenger and freight stations, bus depots, truck terminals and other similar personal or material terminal facilities*

b. Off-street parking space in an amount determined by the Board of County Commissioners to be adequate to serve the public as customers, patrons, and visitors plus space to provide one (1) off-street parking space for each two (2) regular employees, plus space to provide off-street parking for all owned, leased or operated commercial vehicles, buses and similar motor vehicles.

14. Schools:

a. *including colleges, elementary schools, junior and senior high schools, and public, private, and parochial schools*

b. One (1) space for each two (2) staff members or employees, plus one (1) space for each classroom, plus additional space for any place of public assembly in accordance with the requirements set forth in this section for such uses.

Section 2. Off-Street Loading

Except as provided elsewhere in this Article, 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 improvements or use, a plot plan showing the required space of 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:

1. 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 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	**Require 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	3
160,000 but less than 240,000	4
240,000 up to and including 320,000	5
For each additional 90,000	1 additional

e. 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 50,000 square feet or more arranged, intended or designed for such use shall provide one (1) off street loading berth for 50,000 square feet up to and including 250,000 square feet and one (1) additional berth for each additional 200,000 square feet of floor space.

f. In computing the ground coverage of the principal building and all accessory buildings or any non-residential use, two hundred (200) square feet shall be added to the actual area of the principal building and all accessory buildings to provide off-street parking as required by Section 1 of this Article.

Section 3. 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 Article to discontinue, change or dispense with, or to cause the discontinuance or change of the required vehicle parking or loading space 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 Article. 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.~~

~~Section 4. Fractional Measurements~~

~~When units or measurements determining number of required off-street parking and off-street loading spaces result in the requirement of a fractional space, any fraction up to and including one-fourth (1/4) shall require one (1) off-street parking or off-street loading space.~~

~~Section 5. 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, however, when practical difficulties, as determined by the Board of Adjustment, prevent the establishment of such facilities upon the same lot or parcel, they shall be furnished within four hundred (400) feet of the premises to which they are appurtenant. The off-street loading facilities required by this Article 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.~~

~~Section 6. Plan of Required Off-Street Parking or Loading~~

~~For the purpose of converting parking or loading spaces into the required parking or loading area, plans must be submitted to the Building Official to show how the required parking or loading space shall be arranged in the area supplied for that purpose and to indicate sufficient space for parking maneuvers, as well as adequate ingress and egress to the parking or loading area. For each parking space, not under roof, there shall be provided two hundred (200) square feet in addition to all 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 (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.~~

~~Section 7. 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 Article 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.~~

~~Section 8. Maintenance of Public Off-Street Parking Places~~

~~All off-street parking facilities for the use of the public required pursuant to the provisions of this Article shall be paved, drained, lighted and periodically maintained by the owner in accordance with specifications of the County 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 Commissioners and then only after proof~~

~~that, by reason of diminution in 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 Article.~~

~~Section 9. Collective Action Relative to Off-Street Parking and Loading~~

~~Nothing in this article shall be construed to prevent the joint use of off-street parking or off-street loading space for two (2) 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 Article.~~

~~Section 10. Mixed Uses~~

~~In the case of mixed uses, the total requirements for off-street parking and off-street loading space shall be the sum of the requirements of the various uses computed separately as specified in Sections 1 and 2 of this Article, 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.~~

~~Section 11. Non-Conforming 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 requirement of this Article, so far as they apply to the use to which such building is devoted, shall be fully provided for.~~

DRAFT- ORDINANCE 26-007 ZO

AN ORDINANCE TO AMEND AND RE-ENACT ARTICLE 13 OF THE 1972 AMENDED ZONING ORDINANCE OF BURLEIGH COUNTY, NORTH DAKOTA RELATING TO ARTICLE 14 "RR" RURAL RESIDENTIAL DISTRICT.
BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA.

ARTICLE 14 - "RR" RURAL RESIDENTIAL DISTRICT.

Section 1. General Description.

The RR rural residential district is established as a district in which the principal use of the land shall be for low density, large lot single-family dwellings, limited agriculture, and limited equine husbandry. For the RR residential district, in promoting the general purposes of this title, the specific intent of this section is:

a. To encourage the construction or placement of and use of land for single-family dwellings on large rural lots that are no less than five acres in size and for limited agricultural uses.

b. To protect the quiet enjoyment of residential property and discourage all uses or activities that interfere with or detract from these principal uses of this zoning district.

c. To encourage the discontinuation of existing uses that would not be permitted as new uses under the provisions of this title.

i. To discourage any use which would generate traffic on the streets of the district other than normal traffic to serve the single-family residences of the area.

ii. To provide a zoning classification for existing single-family dwellings on large rural lots that are no less than five acres in size.

Section 2. Uses Permitted.

The following uses are permitted.

1. Single-family dwellings.

2. Education group.

3. Public recreational group.

4. Private riding stables in areas outside of the corporate limits, provided that animals shall be used for private use only; that no animal, animal stable, barn or shelter shall be located within one hundred (100) feet of any neighboring residence or structure, that three (3) horses shall be permitted on any premises which contain at least five (5) acres and additional horses shall be allowed at the rate of one (1) horse for every additional three (3) acres of property owned. For the purposes of this ordinance the definition of a horse will be only those horses that are one calendar year of age or older and a miniature horse shall be defined as a horse less than 50 inches high measured at the withers. For the purpose of calculating the number of horses allowed under this section, a miniature horse shall be deemed to be the equivalent of .66 of a horse.

5. Chicken Hens and Coops are allowed provided that the animals are kept for private use only; that no male chickens (roosters) are kept; all hens are kept in a fenced area; all coops and structures meet applicable setbacks and size limitations for allowable accessory structures and are not located less than one hundred and fifty(150) feet of any neighboring residence or structure; and that no more than ten (10) chickens shall be permitted.

6. Animal husbandry activity or project in areas outside of the corporate limits, conducted primarily for educational purposes or school credits, provided such activities are not conducted for commercial purposes and the premises are maintained in a sanitary manner.

7. Family foster home for adults.

The following special uses are permitted as per Article 8 hereof:

a. Childcare centers.

b. Religious institution.

c. Accessory dwelling unit.

Section 3. Density.

Maximum density shall be one dwelling unit per five acres.

Section 4. Lot Area.

Each principal building erected, together with its accessory buildings, shall be located on a lot containing a minimum area of 5.0 acres with a minimum lot width of 300 feet and a minimum lot depth of 400 feet.

Section 5. Front Yard.

Each platted lot shall have a front yard of not less than forty (40) feet in depth as measured from the front property line. or local roads. Except when fronting a highway or collector road then the setbacks shall not be less than the following distance outlined below from the centerline of such roadways fronting the property:

Primary Highway	Secondary Highway	Collector Road
250 feet	200 feet	115 feet

Section 6. Side Yard.

Each lot shall have two (2) side yards, one on each side of the principal and accessory buildings. Each side yard shall be no less than fifteen (15) feet in width. No building on a corner lot shall have a side yard on the side street less than forty (40) feet in width.

Section 7. Rear Yard.

Each lot or premises shall have a rear yard depth of not less than fifty (50) feet.

Section 8. Height limits.

No single-family dwelling shall exceed forty (40) feet in height, nor shall any other principal structure exceed fifty (50) feet in height, nor shall any accessory structure exceed twenty-five (25) feet in height. For each foot or fraction thereof, that a building exceeds thirty-five (35) feet in height there shall be added four (4) feet to the minimum depth of each rear yard required by this section.

Section 9. Automobile Parking.

Adequate automobile parking shall be provided for each dwelling as set forth by Article 10 hereof.

Section 10. Minimum Road Standards

Unless otherwise shown on the master plan, right-of-way and roadway widths shall conform to the standards set forth by Section 6, Subsection 1(m) of Article 33 hereof.

1. Sufficient temporary construction easements shall be given to allow for proper road construction.
2. All streets to be used for on-street parking shall be forty (40) feet in roadway width.

Section 11. Allowable Accessory Buildings

Customary accessory uses are allowed in the RR Residential District in accordance with Article 6.

Section 12. Additional Development Standards for Land Abutting the Missouri River

Additional Development Standards for Land Abutting the Missouri River. In order to preserve and enhance the environmental and recreational qualities of the Missouri River, conserve the scenic and historic values of the Missouri River shoreland, protect shoreland development from riverbank erosion, and provide for the wise use of the river and related land resources, the following additional development standards are hereby established for land abutting the Missouri River platted after November 25, 2003:

1. Structure Setbacks. All structures shall be setback a minimum of 100 feet from the ordinary high-water mark of the Missouri River. All structures on lots with stabilized banks, either by an existing Corps of Engineers' stabilized structure or as permitted and approved by the Corps of Engineers, shall be set back a minimum of seventy-five (75) feet from the ordinary high-water mark of the Missouri River.

2. Design Criteria. Structures should be placed and designed in a manner to reduce visibility as viewed from the river and adjacent shoreland by vegetation, topography or the color of the structure, assuming summer, leaf-on conditions.

3. Impervious Surface Coverage. The percentage of lot covered by impervious surfaces (structures, paved surfaces, etc.) shall not exceed 25 percent of the lot area.

4. Steep Slopes. For structures and/or facilities to be placed on steep slopes, the County Building Official may attach conditions on the building permit to prevent erosion and preserve existing vegetation.

5. On-Site Sewage Treatment Facility Setbacks. All sewage treatment facilities, including drainfields, shall be setback a minimum of 100 feet from the ordinary high-water mark of the Missouri River.

6. Stairways, Lifts and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements: 1) stairways and lifts shall not exceed four feet in width; 2) landings for stairways and lifts shall not exceed 32 square feet in area; 3) canopies or roofs are not allowed on stairways, lifts or landings; 4) stairways, lifts and landings may be constructed on

posts/pilings or placed in the ground, provided they are designed and built in a manner than controls soil erosion, meets building code requirements, and does not affect the integrity of bank stabilization projects.

7. Boat Docks. The placement of boat docks shall be allowed in accordance with the requirements of the North Dakota Century Code and any other applicable regulations.

8. Shore Impact Zone. Structures and accessory facilities, except stairways and landings, shall not be placed within a shore impact zone.

9. Vegetation Alterations. Intensive vegetative clearing within the shore impact zone and on steep slopes is prohibited. Limited clearing of vegetation is permitted to provide a view of the river from the principal dwelling site and to accommodate the placement of permitted stairways, lifts or landings. Removal of vegetation that is dead, diseased or that poses a safety hazard is allowed.

10. Topographic Alterations Above the Ordinary High-Water Mark. Grading, filling and excavation necessary for the construction of structures, sewage treatment systems or driveways under validly issued permits shall be allowed. Notwithstanding any other applicable regulations, any other topographic alterations must meet the following standards:

    a. alterations shall not adversely affect adjacent or nearby properties; and,
    b. alterations must be designed and conducted in a manner that minimizes soil erosion, including the installation of erosion control measures as needed.

11. Topographic Alterations Below the Ordinary High-Water Mark. All topographic alterations below the ordinary high-water mark must be approved by the United States Army Corps of Engineers On-Site Sewage Treatment Facility Setbacks. All sewage treatment facilities, including drainfields, shall be setback a minimum of 100 feet from the ordinary high-water mark of the Missouri River.

    a. Stairways, Lifts and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements: 1) stairways and lifts shall not exceed four feet in width; 2) landings for stairways and lifts shall not exceed 32 square feet in area; 3) canopies or roofs are not allowed on stairways, lifts or landings; 4) stairways, lifts and landings may be constructed on posts/pilings or placed in the ground, provided they are designed and built in a manner than controls soil erosion, meets building code requirements, and does not affect the integrity of bank stabilization projects.

b. Boat Docks. The placement of boat docks shall be allowed in accordance with the requirements of the North Dakota Century Code and any other applicable regulations.

c. Shore Impact Zone. Structures and accessory facilities, except stairways and landings, shall not be placed within a shore impact zone.

d. Vegetation Alterations. Intensive vegetative clearing within the shore impact zone and on steep slopes is prohibited. Limited clearing of vegetation is permitted in order to provide a view of the river from the principal dwelling site and to accommodate the placement of permitted stairways, lifts or landings. Removal of vegetation that is dead, diseased or that poses a safety hazard is allowed.

e. Topographic Alterations Above the Ordinary High-Water Mark. Grading, filling and excavation necessary for the construction of structures, sewage treatment systems or driveways under validly issued permits shall be allowed. Notwithstanding any other applicable regulations, any other topographic alterations must meet the following standards: 1) alterations shall not adversely affect adjacent or nearby properties; and 2) alterations must be designed and conducted in a manner that minimizes soil erosion, including the installation of erosion control measures as needed.

f. Topographic Alterations Below the Ordinary High-Water Mark. All topographic alterations below the ordinary high-water mark must be approved by the United States Army Corps of Engineers.

DRAFT- ORDINANCE 26-008 ZO

AN ORDINANCE TO AMEND AND RE-ENACT ARTICLE 15 OF THE 1972 AMENDED ZONING ORDINANCE OF BURLEIGH COUNTY, NORTH DAKOTA RELATING TO ARTICLE 15 - R5 MOBILE HOME PARK RESIDENTIAL DISTRICT REGULATIONS
BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA.

~~**ARTICLE 15 - R5 MOBILE HOME PARK RESIDENTIAL DISTRICT REGULATIONS**~~

ARTICLE 19 - MH MANUFACTURED HOME DISTRICT

Section 1. General Description

The MH Residential District is established as a district in which the principal use of the land is for single-family mobile home dwellings located within mobile home parks, provided said parks are not located abutting the Missouri River. For the MH Residential District, the specific intent of this Article is:

1. To encourage the placement of, and the continued use of the and for single-family mobile home dwellings located within mobile home parks,

2. To prohibit commercial and industrial use of the land; and

3. To encourage suitable and proper development of mobile home parks.

Section 2. Definition

For the purpose of this section, "Mobile Home Park" shall also mean "Mobile Home Court".

Section 3. Uses Permitted

The following uses are allowed by right in the MH Residential District:

1. Single-family mobile home dwellings or manufactured homes not located on a permanent foundation located within mobile/manufactured home parks.

2. Home occupations of:
   a. Dressmaker
   b. Artist
   c. Sculptor
   d. Author
   e. Minister

Section 4. Mobile Home Park Restrictions

1. No business shall be conducted in any mobile home park.

2. Existing mobile home parks shall not be enlarged or extensively altered unless such alteration complies with the provisions of this article.

Section 5. Mobile Home Parks, Plans and Layout

All layouts for mobile home parks shall be submitted to the Planning Commission for approval prior to consideration of a zoning change request for R5 District uses. All changes thereto must be approved in like manner.

Section 6. Density

The maximum allowable density of all mobile home parks shall be seven (7) families per net acre.

1. The minimum total area of a mobile home park shall be at least four (4) acres.

Section 7. ~~Lot Dimensions~~ Development Standards.

1. All entrances, exits and driveways between rows of mobile homes shall be lighted to provide an intensity of 0.3 foot-candles. Mobile home parks shall be provided with walkways at least three and one-half (3½) feet wide between each mobile home lot and service building and other parts of said park. Roadways within the parks shall be hard surfaced, either concrete or bituminized asphalt.

2. All provisions of water supply, laundry, sewage and fire protection to be provided in any mobile home park shall have been approved by the appropriate County and State Departments.

3. All mobile home parks shall have near their main entrance a park office in which there shall be an up-to-date list of all park residents along with their addresses and a diagram of the park layout.

4. All mobile home park lots shall be served by an approved central water and sewer system.

5. For single-wide mobile home dwelling units, minimum lot dimensions shall be fifty (50) feet wide and one hundred (100) feet deep with a minimum lot area of five thousand (5,000) square feet.

6. For double-wide mobile home dwelling units, minimum lot dimensions shall be sixty (60) feet wide and one hundred (100) feet deep with a minimum lot area of six thousand (6,000) square feet.

7. All mobile homes shall be equipped with compatible skirts to completely enclose the underside of the mobile home.

8. Each mobile home shall be anchored to the ground for purposes of withstanding wind pressures specified for single-family dwellings by the County Building Inspection Department prior to occupying the unit.

9. All clotheslines shall be placed in the rear yard.

Section 8. Lot Coverage

1. The ground area occupied by a mobile home, attached storm shed, patio, storage building and required off-street parking spaces shall not exceed ~~50~~ 40-percent ~~(50%)~~ (40%) of the total area of the lot. In computing the ground coverage, four hundred (400) square feet shall be added to the actual area of the mobile home and the accessory buildings for the two (2) required off-street parking spaces. ~~This provision limits a lot to one (1) storm shed, not over ten (10) feet by twelve (12) feet, or one hundred twenty (120) square feet, in area per lot,~~ Each lot shall be limited to one attached utility structure of no more than one hundred twenty (120) square feet. Each lot may also have a detached accessory building(s) in accordance with Article 5, provided the lot coverage requirement is not exceeded, and said building shall be placed on a proper foundation.

2. For single-wide mobile home dwelling units, minimum lot dimensions shall be fifty (50) feet wide and one hundred (100) feet deep with a minimum lot area of five thousand (5,000) square feet.

3. For double-wide mobile home dwelling units, minimum lot dimensions shall be sixty (60) feet wide and one hundred (100) feet deep with a minimum lot area of six thousand (6,000) square feet

4. No mobile home, storm shed, or other legal attachments to said mobile home shall be located less than seven (7) feet six (6) inches from a side lot line. Detached toolsheds shall be located not less than five (5) feet from side or rear lot lines. The ends of a mobile home shall be at least ten (10) feet apart when opposing rear walls are staggered, otherwise fifteen (15) feet apart.

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

6. Setbacks. Lot development shall observe the following setbacks:

a. Front Yard. No manufactured home or any other legal attachments to said dwelling or any accessory structures shall be located less than twenty (20) feet from the front lot line, measured back from the sidewalk or walkway, provided, however, that on a record lot corresponding to a plat recorded prior to 1979, the following setback standards apply:

b. Reference Lots. A sample of reference lots in the vicinity of the proposed activity are used as the basis for front yard setbacks. Reference lots shall be selected as follows:

c. Reference lots are the three (3) closest adjacent manufactured homes on either side of the proposed activity, for a total of six (6) reference lots.

d. Reference lots are on the same side of the same street.

e. Vacant lots or lots with non-residential structures are skipped over for the next closest lot or parcel.

f. Reference lots may be selected across local streets, but may not be selected across collector or arterial streets.

g. Reference lots must be in the same zoning district as the proposed activity.

h. If three (3) lots or parcels that comply with the rules of this section are not available on any side, a corresponding number of lots or parcels are selected on the opposite side of the proposed activity, so that a total number of six (6) reference lots are selected.

i. The zoning administrator may adjust the number of reference lots, if necessary to determine a sample representative of the context.

j. Contextual Setback. The required front yard for principal or accessory structures shall be the median of all existing front yards measured from reference lots, plus or minus three (3) feet, but no less than the shortest front yard setback or more than the longest front yard setback measured from all reference lots.

k. Garage Exception. Notwithstanding the requirements of this section, no front face of a garage or vehicle storage unit shall be closer than twenty

(20) feet from a right-of-way line to allow an additional parking spot in front of the garage without encroaching into the right-of-way.

l. Side Yard and Spacing. No manufactured home or any other legal attachments to said dwelling or accessory structure shall be located less than six (6) feet from the side lot line measured back from the walkway or sidewalk. Manufactured homes on corner lots shall follow front yard setbacks from all streets. Side yard measurements are to be taken at right angles to the building at the closest points to a property line. Detached accessory buildings shall be located not less than five (5) feet from the side or rear lot lines. The ends of the manufactured homes shall be at least twelve (12) feet apart.

m. Landscaped setback area. All manufactured home parks must provide a completely and permanently landscaped setback area of at least thirty (30) feet in width around those portions of the park perimeter which border public rights-of-way. The primary landscaping materials used in the setback areas shall be trees, shrubbery, ground cover, hedges, lawn and other live planting materials. The landowners shall be responsible for providing, protecting and maintaining all landscaping materials in healthy growing condition. Fences shall not be permitted within landscaped setback areas, nor shall any structures or accessory uses be installed within such areas by park residents.

n. Parking. Off-street parking shall be provided in accordance with Article 10 of this ordinance.

o. Streets. The minimum street or accessway on which each manufactured home fronts shall be at least thirty-six (36) feet from curb to curb in width. Dead-end streets shall terminate in a cul-de-sac with a turning diameter of at least forty (40) feet. All streets shall be hard surfaced, either concrete or bituminized.

p. Walkways. Manufactured home parks shall be provided with walkways at least four (4) feet wide adjacent to streets or accessways.

q. Lighting. All entrances, exits, lanes and driveways between rows of manufactured homes shall be lighted to provide an intensity of at least five (5) footcandles, measured at ground level.

r. Services. All provisions for water supply, sewage and fire protection to be provided in any manufactured home park shall have been approved by the appropriate city department and shall meet urban service standards.

s. Recreation Area. There shall be provided within each manufactured home park an adequate site or sites for recreation for the exclusive use of the park occupants. Such recreation site or sites shall have a minimum area in the aggregate of four thousand (4,000) square feet plus one hundred (100) square feet for each manufactured home space in said park. The recreation sites shall be approved by the planning commission and provided with adequate equipment.

t. Enlargement or Alteration. Any enlargement or alteration of a manufactured home park that exceeds ten (10) per cent of the total number of lots or spaces shall comply with the provisions of Subsection 3 of this Section. The remaining portion of a manufactured home park not being enlarged or altered will not be required to comply with the provisions of Subsection 3.

u. Business Uses. No business shall be conducted in any manufactured home park except manufactured home sales.

v. Public Right-of-Way. If public right-of-way bisects a manufactured home park, all lots located adjacent to such public right-of-way shall conform to the standards and setbacks as specified in the R5-Residential District.

Section 9. Community Storage Buildings.

Private garages or storage buildings located within manufactured home parks but not located on individual lots may be allowed, provided:

a. Height Limits. No community storage building sidewall shall exceed fourteen (14) feet in height. The maximum roof pitch of such buildings shall not exceed 3:12.

b. Activities. No activities other than storage of vehicles and household goods by residents of the manufactured home park shall be allowed.

c. Dimensions. No single building dimension shall exceed one hundred-twenty (120) feet, and no individual building shall exceed a total of three thousand (3,000) square feet in size. All such buildings must be separated by a minimum of twelve (12) feet. No more than four (4) storage buildings may be grouped together in one location within a manufactured home park. All such groups of buildings must be separated by a minimum of five hundred (500) feet.

d. Accessways. Accessways to community storage buildings shall be hard surfaced, either concrete or bituminized.

e. Floors. All floors in community storage buildings shall be hard surfaced.

f. Site Plan. No community storage building or buildings shall be constructed until a site plan has been approved by the Zoning Administrator.

Section 10. Community Storage Buildings

Additional Manufactured Home Requirements. All mobile and manufactured homes shall be installed in conformance with the requirements of Article 19.

~~**Section 7. Lot Restrictions**~~

~~All clotheslines shall be placed in the rear yard.~~

~~**Section 8. Mobile Home Park Requirements**~~

~~1. The minimum total area of a mobile home park shall be at least four (4) acres.~~

~~2. The minimum street or roadway on which each mobile home fronts shall be at least thirty (30) feet from curb-to-curb in width, if automobile parking is limited to one side; and forty (40) feet from curb-to-curb if automobile parking is allowed on both sides. Dead end streets shall not exceed one hundred seventy-five (175) feet in length. Turning circles shall be at least eighty (80) feet in diameter.~~

~~3. All entrances, exits and driveways between rows of mobile homes shall be lighted to provide an intensity of 0.3 foot-candles. Mobile home parks shall be provided with walkways at least three and one-half (3½) feet wide between each mobile home lot and service building and other parts of said park. Roadways within the parks shall be hard surfaced, either concrete or bituminized asphalt.~~

~~4. All provisions of water supply, laundry, sewage and fire protection to be provided in any mobile home park shall have been approved by the appropriate County and State Departments.~~

~~5. Off-street parking areas shall be provided in all mobile home parks at a ratio of at least two (2) car spaces per mobile space. The area for one (1) car space shall be at least ten (10) feet wide and twenty (20) feet deep, plus ingress and egress.~~

~~6. Recreation Areas. There shall be provided within each mobile home park an adequate site or sites for recreation for the exclusive use of the park occupants. Such recreation site or sites shall have a minimum area in the aggregate of four~~

~~thousand (4,000) square feet plus one hundred (100) feet for each mobile home space in said park. The recreation sites shall be of appropriate design and provided with adequate and permanent equipment.~~

7. ~~All mobile home parks must provide a completely and permanently landscaped setback area of at least thirty (30) feet in width around those portions of the park perimeter which border public right-of-way. Such areas may contain trees, shrubbery, grass, benches, fences, landscaped water resources and the like.~~

8. ~~Setback areas not bordering public right-of-way may be used to fulfill the recreation area requirements of the preceding paragraph.~~

9. ~~All mobile home parks shall have near their main entrance a park office in which there shall be an up-to-date list of all park residents along with their addresses and a diagram of the park layout.~~

10. ~~All mobile home park lots shall be served by an approved central water and sewer system.~~

~~Section 9. Mobile Home Park Restrictions~~

1. ~~No business shall be conducted in any mobile home park.~~

2. ~~Existing mobile home parks shall not be enlarged or extensively altered unless such alteration complies with the provisions of this article.~~

~~Section 10. Mobile Home Parks, Plans and Layout~~

~~All layouts for mobile home parks shall be submitted to the Planning Commission for approval prior to consideration of a zoning change request for R5 District uses. All changes thereto must be approved in like manner.~~

~~Section 11. Mobile Home Requirements~~

1. ~~All mobile homes shall be equipped with compatible skirts to completely enclose the underside of the mobile home.~~
2. ~~Each mobile home shall be anchored to the ground for purposes of withstanding wind pressures specified for single-family dwellings by the County Building Inspection Department prior to occupying the unit.~~