

ORDINANCE NO. 2024-07

**AN ORDINANCE TO AMEND AND ENACT MODIFICATIONS TO THE CITY'S REGULATIONS OF RR-1 RURAL RESIDENTIAL DISTRICT.**

WHEREAS, the City of Lincoln seeks to modify the regulations governing RR-1, Rural Residential District to decrease the minimum lot size requirements and to permit the use of shop houses.

NOW, THEREFORE, BE IT RESOLVED by the City of Lincoln, North Dakota that the following changes be made to the City of Lincoln Code:

**9-04-06. - RR-1 Rural Residential District.**

In any RR-1 Rural Residential District, the following regulations shall apply:

1. *General Description.* The RR-1 Rural Residential District is established as a district in which the predominant use of land is for low-density rural single family residential use. The City will not be responsible for the creation or maintenance of any interior or exterior roadways within this district. The City will not be responsible to provide any public services or utility services within this district. For the RR-1 Rural Residential District, in promoting the general purposes of this title, the specific intent of this section is:
  - a. To encourage the continued use of the land for low-density rural single-family residential use;
  - b. To strictly prohibit commercial and industrial uses of the land; and
  - c. To discourage any use, which because of its character or size, would create unusual requirements and costs for public services.
2. *Uses permitted.* All other uses not listed are prohibited with the exception of those identified as a special use.
  - a. Single-family dwelling, including shop houses. Building codes and inspections shall be applied to stick framed houses and shop houses uniformly.
  - b. Utility service group.
  - c. Public recreation group.
3. *Density.* The maximum allowable density is one (1) family per lot.
4. *Lot area.* Each single-family dwelling hereafter erected shall be located on a lot having a minimum area of ~~sixty-five thousand (65,000)~~ forty-three thousand five hundred and sixty (43,560) square feet.
5. *Lot width.* Each lot shall have a minimum width of one hundred fifty (150) feet. Each lot located on a cul-de-sac shall have a minimum width of sixty (60) feet, measured at the front property line.
6. *Lot depth.* Each lot shall have a minimum lot depth of two hundred (200) feet except when circumstances such as physical environmental constraints (steep slopes, waterways, etc.) prevent

such lot depths. The City shall determine the extent of the constraint when such circumstances arise and recommend a reasonable lot depth.

7. *Front yard.* Each lot shall have a front yard with a minimum of forty (40) feet in depth.
8. *Side yards.* Each lot shall have two (2) side yards, one (1) on each side of the principal and accessory buildings. The sum of the widths of the two (2) side yards shall not be less than twenty (20) percent of the average width of the lot, and in no case less than fifteen (15) feet per yard.
9. *Rear yard.* Each lot shall have a rear yard depth with a minimum of fifty (50) feet or twenty (20) percent of the depth of the lot whichever is the larger, but in any case need not exceed seventy-five (75) feet.
10. *Height limits.* No single-family dwelling shall exceed forty (40) feet in height. No principal building for any other permitted use shall 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 twenty-five (25) feet in height.
11. *Off-street parking.* Off-street parking shall be provided as set forth in Section 9-03-10.
12. *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 9-08-05.

All streets to be used for on-street parking shall be forty (40) feet back of curb to back of curb in roadway width; all others shall be a minimum of twenty-four (24) feet back of curb to back of curb in roadway width.

13. *Allowable accessory buildings.* Accessory structures shall be limited to a maximum of four (4) percent 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.

Accessory buildings for the above computations shall include the following buildings; barns, stables, storage buildings, and detached garages. Attached garages are not included in the above computations, provided the area occupied by an attached garage does not exceed ~~one and one-half (1½)~~ two (2) times the area of the footprint of the dwelling portion of the principal structure to which it is attached.

\* \* \* \*

COUNCIL FIRST READING: ON THE \_\_\_\_\_ day of \_\_\_\_\_, 2024.

COUNCIL SECOND READING AND FINAL PASSAGE: on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

CITY OF LINCOLN, NORTH DAKOTA

\_\_\_\_\_  
City Auditor

\_\_\_\_\_  
Mayor or Council President

ORDINANCE NO. 2024-\_\_

**AN ORDINANCE TO ENACT ZONING DISTRICT RR-2 RURAL RESIDENTIAL USE DISTRICT.**

WHEREAS, the City of Lincoln seeks to modify the regulations governing RR-1, Rural Residential District to decrease the minimum lot size requirements and to permit the use of shop houses without impacting current RR-1 zoned areas by creating a new zoning classification RR-2 Rural Residential Use District.

NOW, THEREFORE, BE IT RESOLVED by the City of Lincoln, North Dakota that the following changes be made to the City of Lincoln Code:

**9-04-06. - RR-1 Rural Residential District.**

In any RR-1 Rural Residential District, the following regulations shall apply:

1. *General Description.* The RR-1 Rural Residential District is established as a district in which the predominant use of land is for low-density rural single family residential use. The City will not be responsible for the creation or maintenance of any interior or exterior roadways within this district. The City will not be responsible to provide any public services or utility services within this district. For the RR-1 Rural Residential District, in promoting the general purposes of this title, the specific intent of this section is:
  - a. To encourage the continued use of the land for low-density rural single-family residential use;
  - b. To strictly prohibit commercial and industrial uses of the land; and
  - c. To discourage any use, which because of its character or size, would create unusual requirements and costs for public services.
2. *Uses permitted.* All other uses not listed are prohibited with the exception of those identified as a special use.
  - a. Single-family dwelling, ~~including shop houses. Building codes and inspections shall be applied to stick framed houses and shop houses uniformly.~~
  - b. Utility service group.
  - c. Public recreation group.
3. *Density.* The maximum allowable density is one (1) family per lot.
4. *Lot area.* Each single-family dwelling hereafter erected shall be located on a lot having a minimum area of sixty-five thousand (65,000) ~~forty-three thousand five hundred and sixty (43,560)~~ square feet.
5. *Lot width.* Each lot shall have a minimum width of one hundred fifty (150) feet. Each lot located on a cul-de-sac shall have a minimum width of sixty (60) feet, measured at the front property line.

6. *Lot depth.* Each lot shall have a minimum lot depth of two hundred (200) feet except when circumstances such as physical environmental constraints (steep slopes, waterways, etc.) prevent such lot depths. The City shall determine the extent of the constraint when such circumstances arise and recommend a reasonable lot depth.
7. *Front yard.* Each lot shall have a front yard with a minimum of forty (40) feet in depth.
8. *Side yards.* Each lot shall have two (2) side yards, one (1) on each side of the principal and accessory buildings. The sum of the widths of the two (2) side yards shall not be less than twenty (20) percent of the average width of the lot, and in no case less than fifteen (15) feet per yard.
9. *Rear yard.* Each lot shall have a rear yard depth with a minimum of fifty (50) feet or twenty (20) percent of the depth of the lot whichever is the larger, but in any case need not exceed seventy-five (75) feet.
10. *Height limits.* No single-family dwelling shall exceed forty (40) feet in height. No principal building for any other permitted use shall 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 twenty-five (25) feet in height.
11. *Off-street parking.* Off-street parking shall be provided as set forth in Section 9-03-10.
12. *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 9-08-05.

All streets to be used for on-street parking shall be forty (40) feet back of curb to back of curb in roadway width; all others shall be a minimum of twenty-four (24) feet back of curb to back of curb in roadway width.

13. *Allowable accessory buildings.* Accessory structures shall be limited to a maximum of four (4) percent 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.

Accessory buildings for the above computations shall include the following buildings; barns, stables, storage buildings, and detached garages. Attached garages are not included in the above computations, provided the area occupied by an attached garage does not exceed one and one-half (1½) ~~two (2)~~ times the area of the footprint of the dwelling portion of the principal structure to which it is attached.

#### **9-04-06.1 - RR-2 Rural Residential Use District.**

In any RR-2 Rural Residential Use District, the following regulations shall apply:

1. *General Description.* The RR-2 Rural Residential Use District is established as a district in which the predominant use of land is for low-density rural single family residential use. The City will not be responsible for the creation or maintenance of any interior or exterior roadways within this district. The City will not be responsible to provide any public services or utility services within this district. For the RR-2 Rural Residential Use District, in promoting the general purposes of this title, the specific intent of this section is:

- a. To encourage the continued use of the land for low-density rural single-family residential use;
  - b. To strictly prohibit commercial and industrial uses of the land; and
  - c. To discourage any use, which because of its character or size, would create unusual requirements and costs for public services.
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  - b. Utility service group.
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6. Lot depth. Each lot shall have a minimum lot depth of two hundred (200) feet except when circumstances such as physical environmental constraints (steep slopes, waterways, etc.) prevent such lot depths. The City shall determine the extent of the constraint when such circumstances arise and recommend a reasonable lot depth.
7. Front yard. Each lot shall have a front yard with a minimum of forty (40) feet in depth.
8. Side yards. Each lot shall have two (2) side yards, one (1) on each side of the principal and accessory buildings. The sum of the widths of the two (2) side yards shall not be less than twenty (20) percent of the average width of the lot, and in no case less than fifteen (15) feet per yard.
9. Rear yard. Each lot shall have a rear yard depth with a minimum of fifty (50) feet or twenty (20) percent of the depth of the lot whichever is the larger, but in any case need not exceed seventy-five (75) feet.
10. Height limits. No single-family dwelling shall exceed forty (40) feet in height. No principal building for any other permitted use shall 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 twenty-five (25) feet in height.
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COUNCIL FIRST READING: ON THE \_\_\_\_\_ day of \_\_\_\_\_, 2024.

COUNCIL SECOND READING AND FINAL PASSAGE: on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

CITY OF LINCOLN, NORTH DAKOTA

\_\_\_\_\_  
City Auditor

\_\_\_\_\_  
Mayor or Council President

# MEETING OF THE LINCOLN CITY COUNCIL

MAY 9, 2024 - MINUTES

## CALL TO ORDER

The Lincoln City Council members met on May 9, 2024, at 6:00 PM at Lincoln City Hall, 74 Santee Road, Lincoln, ND. Councilmembers Glass, Leingang, Davis, and Praska, and Mayor Berglund were present.

### 1. PUBLIC WORKS PRESENTATION

Mayor Berglund presented Director Terry Schutt with the ND Department of Environmental Quality's Safe Drinking Water Act certificate.

### 2. AGENDA

- a. Glass motioned to add the Lincoln Ridge development agreement to the agenda, seconded by Leingang. Davis - NO. MC
- b. Praska motioned to accept the agenda as amended, seconded by Glass. MCU

### 3. CONSENT AGENDA

- a. Minutes 4.18.24
- b. Special Meeting Minutes 4.22.24
- c. Employee Proposal: Praska motioned to amend the agenda to move the employee proposal to new business, seconded by Glass. MCU
- d. Davis motioned to approve the consent agenda as is, seconded by Praska. MCU

### 4. PUBLIC COMMENT

- a. Moon Ridge water/flooding issues
- b. Lincoln Ridge Developers Agreement, developing 22<sup>nd</sup> Avenue,
- c. Sand and gravel ordinance and utilization of Planning and Zoning Committee

### 5. OLD BUSINESS

- a. Landis Shoemaker - Moon Ridge drainage issues and fence in the easement.
- b. Ordinance 9-04-13 Agriculture District 2<sup>nd</sup> reading. Public notice will be advertised in the Bismarck Tribune. Leingang called for a public meeting, seconded by Glass. **MCU Roll Call**-Glass-yes, Praska-yes, Davis-yes, Leingang-yes.
- c. Parking ticket ordinance – no update
- d. Apple Creek Mobile Home Community – no update
- e. First reading – Ordinance to Amend and Enact Modification of RR-1 residential district 9-04-06. Glass motioned to accept the 1<sup>st</sup> reading, seconded by Davis. MCU. Leingang called for a public hearing, seconded by Davis. MCU **Roll Call**-Leingang-yes, Davis-yes, Praska-yes, Glass-yes.
- f. Ordinance to Amend and Reenact the City of Lincoln EDC 1<sup>st</sup> reading. Davis motioned to approve the 1<sup>st</sup> reading, seconded by Glass. MCU **Roll Call**-Leingang-yes, Davis-yes, Praska-yes, Glass-yes.
- g. Resolution 2024-03 Amend City Compensation for Commissions and Boards. Motion by Davis, seconded by Praska. MCU **Roll Call**-Leingang-yes, Davis-yes, Praska-yes, Glass-yes.
- h. Lincoln Ridge Development – Attorney Jack Dwyer and Engineer John Lowry spoke on changes to be made, specifically 3 6, 7, and 11. City engineer and attorney to continue tandem discussions.
- i. Pending Executive Session meeting regarding the agreement.

### 6. NEW BUSINESS

- a. Glass sent a letter to the Attorney General's Office and Vogel Law Firm regarding the mayor's comments made at the special meeting dated 4-22-24. The Attorney General asked this to be deferred to the city attorney. Glass addressed his request

for a resolution to censure the mayor. Attorney Rogneby discussed the points regarding the special meeting and no laws were broken. The mayor did not change the agenda despite what the meeting agenda was. Further discussion was held.

- b. Praska motioned to amend the 4.22.24 special meeting minutes to state 'The mayor had a discussion' versus 'amended' the agenda, seconded by Davis. MCU
  - c. Mayor Berglund appointed Anna Heinen to the EDC. Glass motioned to approve Heinen for the EDC, seconded by Davis. MCU
  - d. Citizen Interest Forms for the Comprehensive Plan Committee were submitted by Ervin Fischer and Jack McLean. They will be put on the EDC email list.
  - e. Planning and Zoning has an open seat to replace Reubon Panchol.
  - f. Police Chief resignation / Interim police chief discussion.
  - g. Police Chief office location - Praska discussed the email sent from the auditor asking the sergeant to move back to the police department with the rearranging of the city admin offices. Davis motioned to table this until the next meeting, seconded by Praska. MCU
  - h. Mountain Plains Report - Engineer Greg Feser went over the engineer report.
    - 1) Meetings attended include City Council, MPO/TAC as well as Planning and Zoning.
    - 2) Application reviews, Moon Ridge Drainage, easement fence, water reservoir, and water main.
    - 3) Moore Engineering is pleased with Tand Construction. There are four change orders. The overall project has a cost saving of \$120,000.00. A pay application for approval for Tand and Preload, and an invoice for Moore Engineering. Glass motioned to approve the payment, seconded by Leingang. **MCU Roll Call**-Glass-yes, Praska-yes, Davis-yes, Leingang-yes.
    - 4) Feser discussed the sanitary sewer regionalization project and the FEMA Building Resilient Infrastructure and Communities (BRIC) grant. Davis motioned to approve the agreement with Burleigh County as presented, seconded by Councilwoman Praska. **MCU Roll Call**- Leingang-yes, Davis-yes, Praska-yes, Glass-yes.
    - 5) Feser and Director Schutt are working on the street signs. Leingang would like to look at the numbers and cost. Glass motioned this is contingent on the budget, seconded by Praska. **MCU Roll Call**- Galls-yes, Praska-yes, Davis-yes, Leingang-yes.
  - i. Employee proposal presented by Davis regarding Stephanie Sheets, Clerk of Courts. Davis motioned to approve this request to go part time, seconded Leingang. MCU
7. PORTFOLIO UPDATE
- a. Davis reported on activities in the administrative office including utility billings, open records requests, webinars, beautification letters, and meetings.
  - b. Councilman Glass had no report.
  - c. Leingang reported on activities of Public Works including the water tower agenda, patching, sweeping and fire hydrant. Director Schutt discussed the closing of 66<sup>th</sup> and Humbert. On May 14, 2024, the towers will shut off and run on pumps.
  - d. Praska reported that training to stay current with the peace officer license continues.
  - e. Mayor Berglund declared May 2024 as bike month signed May 9, 2024, discussed dandelions, upcoming budget, and possible committee.
8. AUDITOR REPORT
- a. Wilson reported on April financials, the east parking lot, and ARPA fund designation by December 2024, and discussed the two Certificates of Deposits that have come due. Praska motioned to approve rolling over the CDs, seconded by Davis. MCU

Adjournment at 9:41 pm.

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Mayor Keli Berglund

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Auditor Tonya Wilson

# MEETING OF THE LINCOLN CITY COUNCIL

JUNE 20, 2024 - MINUTES

## CALL TO ORDER

The Lincoln City Council members met on June 20, 2024, at 6:00 PM at Lincoln City Hall, 74 Santee Road, Lincoln, ND. Councilmembers Glass, Praska, Leingang, Davis, and Mayor Berglund were present.

### 1. AGENDA

- a. Glass motioned to approve the agenda, seconded by Praska. MCU

### 2. CONSENT AGENDA

- a. Glass motioned to approve the consent agenda, seconded by Praska. MCU

### 3. PUBLIC COMMENT

- a. Lincoln Ridge discussion was held.

### 4. OLD BUSINESS

- a. Parking Ticket Draft Ordinance 1<sup>st</sup> reading. Glass motioned to approve, seconded by Praska. Roll Call: Davis- yes; Leingang-yes; Praska- yes; Glass- yes.
- b. Annexation Agreement update – Attorney Rogneby
- c. Annexation Resolution starts the process for the city to annex property into the city. August 8, 2024, is the meeting date for hearing any protests against the resolution. Glass motioned to adopt the resolution, seconded by Praska. Roll Call: Glass- yes; Praska- yes; Leingang- yes; Davis- no.
- d. Sewer Regionalization easement requests. Landowners have been contacted via email with hopes of providing an update next week.
- e. Ordinance to Amend and Reenact Permitted Uses in Agricultural Districts 2<sup>nd</sup> Reading. There has been a public hearing. Glass motioned to approve, seconded by Praska. Roll Call: Glass- yes; Praska- yes; Leingang- yes; Davis- no.
- f. Ordinance to Amend and Reenact Modifications to the City's Regulations of RR-1 Rural Residential District 2<sup>nd</sup> Reading. There has been a public hearing. Glass motioned to amend the proposed ordinance change to reflect adding RR-2, seconded by Praska. Roll Call: Davis- yes; Praska- yes; Leingang- yes; Glass- yes. Motion to approve the second reading by Glass, seconded by Praska. Roll Call: Glass- yes; Praska-yes; Leingang- yes; Davis- yes.
- g. Ordinance Draft on Zoning changes regarding nonconforming use (amending 9-03-19) to seasonal to be presented at the next council meeting.
- h. Overview of the permit process for connecting to City infrastructure – no update.
- i. Bismarck Tribune Publishing – no update.
- j. Council room for public use
- k. Water tower logo (Preload White) and color (Preload Light Gray) with the approximate \$5000 cost savings. Motion to have the Lincoln logo on the water tower by Davis, seconded by Glass. Roll Call: Davis- yes; Leingang- yes; Praska- yes; Glass- yes.
- l. Tree Board to Park Board discussion. Tabled by Glass. Praska will attend the next Park Board meeting.
- m. Flood Mitigation public hearing opened at 6:40 pm. No public comments.
- n. Flood Mitigation 2<sup>nd</sup> Reading. Delay the second reading to allow coordinator Tyler Spomer to review.

- a. Bis-Man MPO 2024 Functional Class Update by Executive Director Rachel Lukaszewski. Motion to approve by Praska, seconded by Glass. Roll Call: Glass, yes; Praska, yes; Leingang, yes; Davis, yes.
  - b. Samuel Roy Hay of Rivers Liquor applied for a class A retail alcohol beverage license. Discussion was had concerning the number of liquor licenses issued in Lincoln. Motion to approve by Glass, second by Praska. Roll Call: Davis-no Leingang-yes; Praska-yes, Glass- yes. MC
5. PORTFOLIO UPDATE
- a. Davis reported on activities in the administrative office
  - b. Glass no report
  - c. Leingang no report
  - d. Praska reported Chief of Police position has been posted
  - e. Mayor Berglund relayed Lincoln Days will be August 16<sup>th</sup> and 17<sup>th</sup>. Sharon Kaiser was appointed to Planning & Zoning. MPO Bike Ped subcommittee looking for 2 community members. July 1<sup>st</sup> @ 7 pm for Lincoln Days committee.
6. AUDITOR REPORT
- a. Motion to approve payables by Praska, seconded by Davis. MCU  
Bills Paid: Acme Tools \$272.11, Advanced Business \$457.03, Aire Master \$91.50  
Banyon Data Systems \$990.00, Bismarck Tribune \$412.80, Burleigh County Detention Center \$150.00, Butler Machinery \$23033.66, City of Bismarck \$190.70, Electronic Communications \$3495.00, Tyler Graham \$5294.88, Just for Pets \$109.00, Kramer Agency \$5430.00, Lincoln Park Board \$5787.51, Missouri Valley FOP \$60.00, Moore Engineering \$39664.96, Mountain Plains \$25956.25, ND Dept of Health \$125.00, Nelson Auto Center \$67749.66, NRG \$1648.25, Northwest Tire \$5673.20, One Call Concepts \$45.85, Rough Rider Industries \$35.72, Running Supply Inc \$192.36, SHE 54220.15, Tri-Energy \$910.13, Waterworth \$7260.00, Vogel Law Firm \$11539.58.  
Total \$260795.30.

Adjournment at 7:18 pm.

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Mayor Keli Berglund

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Auditor Tonya Wilson