



Many homeowners construct accessory buildings on their property, either for a garage, shed, or shop. This guide provides an outline of requirements for accessory buildings to single or two-family residences within the urban zoning districts City of Bismarck and its extraterritorial area. A separate guide is available for rural zoning districts.

Most requirements for accessory buildings may be found in Section 14-03-05 (Supplementary Provisions) and 14-03-06 (Incidental Uses) of the Bismarck Code of Ordinances. Single- & two-family dwellings, and their accessory structures, in RM districts shall follow R10 regulations.

Size of Accessory Buildings

In all urban zoning districts, including R5, R10, and RM, accessory structures are limited to 1,200 square feet in size. If there are multiple accessory buildings on a lot, the maximum size applies to the sum area of all accessory buildings.

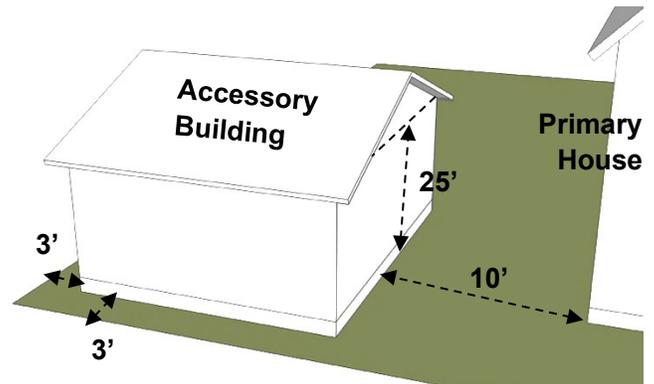
In addition, lot coverage cannot exceed 30% of the total lot area in the R5 – Residential Zoning District, or 40% in the R10 District. This does not apply to rural areas.

$$\text{Lot Coverage} = \frac{\text{Footprint of house} + \text{Footprint of all accessory buildings} + \text{Outdoor required parking (if any)}}{\text{Total Lot Area}}$$

Setback and Height of Accessory Buildings

Accessory buildings, except garages, are only allowed in the rear yard or side of a lot, and may not extend into the front yard. Accessory buildings cannot be built within an easement. They must be placed at least 3 feet from side and rear lot lines, measured from the walls (or the outermost exterior structurally supporting features, such as columns), though structures less than 5 feet from the side or rear lot lines may require fire separation features in accordance with City of Bismarck Building Code. On corner lots, whatever setbacks would apply for the primary buildings along both street fronts should be used.

If the building is closer than 10 feet from the house on the lot, the same standard setbacks for primary buildings apply, and it must be reviewed by Building Inspections staff to determine if fire protection features are required by City of Bismarck Building Code.



Accessory buildings may not exceed 25 feet in height, as defined by “Height of Building” in Section 14-02-03 (Definitions). See the ‘Calculating Heights for Building’ guide for more details on how these are measured.

If front door of a garage is perpendicular to an alley or street, it must be setback at least 20 feet. This is to allow a standard parking spot(s) in front of the garage without obstructing the public right-of-way. If a garage door is approached parallel to an alley, and there is

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room for a car to maneuver in and out on private property, the garage may be 3 feet from the alley.

When is a Building Permit Required?

Building permits are required for all accessory buildings greater than 120 Square Feet in area. If a permit is required, additional building code standards, such as required foundation types, apply. However, all zoning requirements, such as setbacks and heights, apply even to smaller buildings that do not require a building permit.

Uses within Accessory Buildings

Residential accessory buildings are intended to be used by the homeowner or tenants on the lot. Hobbies or recreational activity is acceptable, but accessory buildings should not be utilized for commercial activity in residential areas. Home occupation permits only apply to work within the primary house, not an accessory building.

Accessory buildings that include a residential dwelling may be allowed but must follow special requirements for Accessory Dwelling Units and receive a special use permit from the Planning and Zoning Commission. See guide on Accessory Dwelling Units for more information.

Accessory Building on Same Lot

An accessory building must be located on the same lot as the primary house. If adjoining lots are in common ownership, the owner may apply with the Planning Division for a lot modification to combine the lots.

Private Covenants

Private covenants for a neighborhood may impose additional restrictions, such as design standards or outright prohibition of accessory buildings. The City does not enforce private covenants or maintain records of which lots have private covenants.

How to Apply

Building Permit

If a building permit is required, you or your contractor may submit a building permit with the Building Inspections Division of the City of Bismarck's Community Development Department.

For additional information, contact the City of Bismarck Planning Division at 355-1840 or visit the City-County Office Building 221 N. 5th Street during standard office hours.