

## **CITY OF BISMARCK**

### **NEIGHBORHOOD PARKS AND OPEN SPACE POLICY**

**Purpose** The purpose of the neighborhood parks and open space policy is to maintain and enhance the high quality visual aesthetic of the community and to ensure that adequate usable neighborhood parks, open space and recreational facilities are provided for existing and future residents of the City of Bismarck. Because new development within the City, or intended to be in the City, increases population and the demand for public services, it shall be the policy of the City of Bismarck that the owner and/or developer of major urban residential subdivision plats provide for neighborhood parks, playgrounds, open space and natural areas, and trails. The provision of such facilities in newly developed areas maintains the high quality of life enjoyed by the citizens of the community by permitting the City to identify, obtain, continue, maintain and enhance its recreation and open space system.

**Zoning Ordinance Provisions** The following policies shall be in accordance with the relevant provisions contained in Chapter 14-09 of the Code of Ordinances (Zoning Ordinance) – Regulations Governing the Subdivision of Land.

**Application** The provisions of this policy shall apply as a condition on the approval of all major urban subdivision plats with residential zoning districts. If a plat is submitted that is deemed by the Parks and Recreation District to be of insufficient size or number of lots to provide a neighborhood park, the requirement may be waived in writing. If adjacent land is under the same ownership, such facilities may be provided in conjunction with subsequent submittals of subdivision plats. In those cases, a Park Concept Development Plan shall be required for the surrounding property. Such Concept Development Plans shall be approved in the same manner as specified for Park Development Agreements.

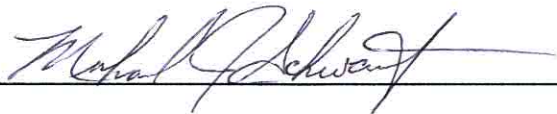
**Procedure** The provision of neighborhood parks and open space shall generally be accomplished through the approval of subdivision plats and further described in a Park Development Agreement or Park Concept Development Plan signed by all parties, following approval by the Bismarck Parks and Recreation District. Final approval of such an agreement by the Board of City Commissioners shall be required in conjunction with approval of the subdivision plat. Park Development Agreements shall be recorded in conjunction with the subdivision plat. The recording of Park Concept Development Plans is not required. The requirement for a Park Development Agreement or Park Concept Development Plan may be waived in writing for good reason by the Director of Parks and Recreation. If an agreement to provide park and open space is not reached, the Bismarck Board of City Commissioners shall be the final arbiter.

**Transfer of Property** The transfer of property for the purposes of parks and open space may be accomplished either by voluntary dedication or by sale of the land to the Bismarck Parks and Recreation District. The costs of the sale of the land may be financed through the City's special assessment process.


**Establishment of Facilities** The installation of neighborhood parks and/or other recreational or open space areas must be done by the Parks and Recreation District at the time of installation of other public infrastructure, prior to development on the lots within the subdivision plat, unless otherwise approved by the Board of City Commissioners. The costs of the installation of neighborhood parks and open space areas may be financed through the City's special assessment process. Any costs financed through the City's special assessment process must be approved by the Board of City Commissioners. Any required utility and access easements within the subdivision plat shall be provided by the owner/developer.

**Maintenance** Maintenance of the park, trails, or other open space areas will be provided by the Bismarck Parks and Recreation District.


**Bismarck Board of Park Commissioners approval**

 Date Sept. 19, 2013

**Bismarck Planning and Zoning Commission approval**

 Date SEPTEMBER 25, 2013

**Bismarck Board of City Commissioners approval**

 Date Oct 8, 2013



## ORDINANCE NO. 6015

<i>First Reading</i>	<u>October 8, 2013</u>
<i>Second Reading</i>	<u>October 22, 2013</u>
<i>Final Passage and Adoption</i>	<u>October 22, 2013</u>
<i>Publication Date</i>	<u>October 12 &amp; 18, 2013</u>

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-09-03 AND 14-09-04 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO DEFINITIONS, PROCEDURE AND THE REGULATIONS GOVERNING THE SUBDIVISION OF LAND.

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

Section 1. Amendment. Section 14-09-03 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Definitions and the Regulations Governing the Subdivision of Land is hereby amended and re-enacted to read as follows:

14-09-03. Definitions. The following definitions represent the meanings of terms as they are used in these regulations:

\* \* \* \* \*

Park Concept Development Plan: a conceptual plan of development of park and open space facilities for a particular property. Such plans may be developed for a subdivision plat or as part of a larger property that may be developed in phases and form the basis for subsequent subdivision plats.

Neighborhood Park: a park that typically serves the immediate residential areas within walking distance. Both passive and active park uses may be provided. Neighborhood parks do not typically have amenities that citizens would be drawn to drive to, but may include such features as part of a Park Development Agreement.

Park Development Agreement: a written agreement between the Bismarck Parks and Recreation District and an owner and/or developer of land within the planning and zoning jurisdiction of the City of Bismarck. Such agreements shall be in accordance with the latest adopted City policy and shall include provisions for the transfer of property to the Park District for the purpose of development of park and open space facilities and the obligations of all parties pursuant to the provisions of the agreement.

Section 2. Amendment. Section 14-09-04 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Procedure and the Regulations Governing the Subdivision of Land is hereby amended and re-enacted to read as follows:

14-09-04. Procedure.

1. Preliminary steps:
  - a. Prior to preparing a subdivision plat for submittal, the applicant shall meet with ~~planning and engineering~~ City and Park District staff to discuss the proposed plat, consistency of the plat with City and Park District policies and plans, the overall concept plan for the area, extension of municipal utilities to service the plat, compliance with the fringe area road master plan, the development of park and open spaces within the plat, and storm water management issues.

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4. Tentative approval - Major Subdivision Plat:

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- b. The number of prints of the preliminary plat as indicated in the current application form shall be filed with the Director of Community Development at the time application for tentative approval is made. The plat shall comply with the provisions of Section 14-09-07(1) of these regulations and shall be accompanied by:
  - i. The applicable fee;
  - ii. An 8½ x 11 reduction of the plat;
  - iii. A digital copy of the plat;
  - iv. A concept development plan showing the proposed location of roadways and a generalized lot layout for all adjacent land within ½ mile of the proposed plat that is owned by the applicant.
  - v. A preliminary storm water management plan that includes:
    - a. The proposed preliminary grading plan shown at contours as required to clearly indicate the relationship of the proposed changes to existing topography and remaining features;



- b. A preliminary drainage plan of the developed site delineating the direction and at what rate storm water runoff will be conveyed from the site and setting forth the areas of the site where storm water will be collected; and
  - c. Any other information pertinent to the particular project which, in the opinion of the applicant, is necessary for the preliminary review of the project.
- vi. A statement of intent to provide neighborhood park and open space, as shown on the plat, unless waived in writing by the Director of Parks and Recreation.

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5. Final approval - Major Subdivision Plats:

- a. The subdivider shall apply in writing to the Director of Community Development for final approval of a major subdivision plat by the specified application deadline and on the proper form. All current owners of property within the plat shall sign or ratify the application form.
- b. The number of prints of the final major subdivision plat as indicated in the current application form shall accompany the application for final approval. The final plat shall comply with the provisions of Section 14-09-07(2), of these regulations, and shall be accompanied by:
  - i. Either a copy of a current title insurance policy or a current attorney's opinion of ownership, running to the benefit of the City of Bismarck;
  - ii. An 8½ x 11 reduction of the plat;
  - iii. A digital copy of the plat, if required; and
  - iv. A storm water management plan in accordance with Title 14.1 of the Zoning Ordinance.
- v. A Park Development Agreement or Park Concept Development Plan in accordance with the latest adopted City policy, unless waived in writing by the Director of Parks and Recreation.

\* \* \* \* \*

- i. A final major subdivision plat that is approved by the Planning and Zoning Commission will be recommended for approval to the Board of City Commissioners. Following final approval of the major subdivision plat and the Park Development Agreement or Park Concept Development Plan (if required) by the Board of City Commissioners, a plat in recordable form shall be furnished to the Director of Community Development within one hundred eighty (180) days following approval. The director of Community Development may grant extensions of thirty (30) days for good cause shown in writing. Upon review and obtaining required signatures, the Director of Community Development shall file and record the original signed final major subdivision plat with the Burleigh County Recorder. A signed Park Development Agreement (if required) shall be recorded in conjunction with the final major subdivision plat. The recording of Park Concept Development Plans is not required. All final plats shall be provided digitally formatted to the City of Bismarck's current computer-aided drafting and geographic system software and policy, including coordinate system ties as defined within this zoning ordinance.

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Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This ordinance shall take effect on January 1, 2014 following final passage, and adoption and publication after the required comment period under Section 40-47-01.1 of the North Dakota Century Code.

STATE OF NORTH DAKOTA     )  
  )  
COUNTY OF BURLEIGH        )

I, Keith J. Hunke, do hereby certify that I am the duly appointed, qualified Assistant City Administrator of the City of Bismarck, North Dakota and that the foregoing is a full, true and correct copy of an ordinance adopted by the Board of City Commissioners at its regular meeting of October 22, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Bismarck, North Dakota, this 24<sup>th</sup> day of October, 2013.

(SEAL)

  
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Keith J. Hunke, Assistant City Administrator