

## **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.

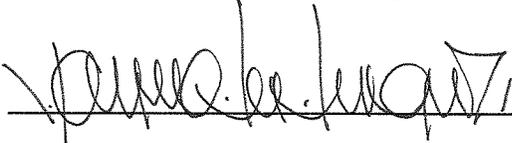
**Establishment of Facilities** The installation of neighborhood parks and/or other recreational or open space areas must be done by the Parks and Recreation District at the time of installation of other public infrastructure, prior to development on the lots within the subdivision plat, unless otherwise 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