

## ARTICLE XI: SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS

### Section 1101. Subdivisions of Land

Lot division or boundary line realignment is defined as the division of land into two (2) but not more than three (3) lots, parcels or other division of land for sale, development or other use. Parcels receiving approval of division yet unrecorded are not considered legal divisions, unless the land owner can demonstrate a legal basis for lack of recordation.

A parcel may be divided no more than twice, and into no more than three (3) total parcels without subdividing, in accordance with the remaining provisions of this Section. A parcel of record is a parcel that is twenty (20) acres or larger as a unit or as contiguous units on the current tax roll.

Parcels which are adjacent to platted, but not accepted for maintenance, roads, may be approved administratively in accordance with the provisions of this Ordinance. No land use or building permits shall be issued until a Certificate of Survey (COS) has been filed with the Beltrami County Recorder, and a new parcel identification number has been issued for each new parcel created. No lot may be created that would require the issuance of a variance in order to obtain a building/land use permit.

No new lot shall be created that does not meet the minimum dimensional standards of the encompassing zoning district and any applicable overlay districts. Except in the case of a planned unit development, each lot shall have access directly onto an abutting public street. All new lots being created in the R-1 through R-3 zoning districts shall not only meet the minimum dimensional standards, but shall contain a minimum of sixty-six percent (66%) of contiguous land that is not a Type 1-8 wetland. New lots being created in all other zoning districts shall meet the minimum dimensional standards on contiguous land that is not a Type 1-8 wetland.

All new lots being created shall meet the minimum dimensional standards on contiguous land that is not a Type 1-8 wetland.

An exception to this access requirement may be allowed where the parcel without direct street access, and the adjacent parcel which affords access, both contain a minimum of two (2) acres and a minimum lot width of two hundred (200) feet. In such cases, a permanent minimum thirty-three (33) foot wide private access easement shall be recorded against the adjacent parcel in favor of the restricted access parcel; which shall not be included in the calculation of the minimum lot width requirement (must be over and above minimum). Properties seeking lot division approvals which cannot meet these standards may only be approved by variance.

Each new subdivision becomes a permanent unit in the basic physical structure of the community, a unit to which the future community will of necessity be forced to adhere. Piecemeal planning of such subdivisions, without correlation to a Plan, will bring a disconnected patchwork of plats and poor circulation of traffic. In order that new subdivisions will contribute toward an attractive, orderly, stable and wholesome community environment, adequate services and efficient movement of traffic, all subdivisions hereafter platted within the jurisdiction of the Greater Bemidji Area, shall, in all respects, fully comply with the regulations hereinafter set forth in these Regulations.

In their interpretation and application the provisions of these Regulations shall be the minimum requirements adopted for the protection of the public health, safety and general welfare. No subdivision of a lot, tract or parcel into two or more lots may be undertaken, except in compliance with the following provisions. No lot may be created that would require the issuance of a variance in order to obtain a building/land use permit. No subdivision of a lot, tract, or parcel into two or more lots, and no Planned Unit Development (PUD) or Common Interest Community (CIC) may be established, except in compliance with the following provisions.

A. Simple Subdivision

The division of a parcel into up to and involving no more than four lots after a twenty (20) acre parcel of record has been subdivided, with a COS indicating necessary easements.

1. A Simple Subdivision may be approved which includes the realignment of existing parcels of record or the creation of up to three (3) new parcels, including the remainder, assuming one or more of the following conditions exist:
  - a. The parcel being subdivided has direct access to a public road. Each new parcel not abutting a public road must contain a minimum thirty-three (33) foot wide easement for ingress, egress and utilities subject to the provisions outlined in Section 401 (A) of this Ordinance regarding private roads and driveways.
  - b. Aside from the remainder parcel, which shall retain direct access to a public road, the new parcel(s) being created do not have the potential to be further subdivided and the creation of any new parcel does not compromise the orderly development of the remaining property or adjoining property. Each new parcel not abutting a public road must contain a minimum thirty-three (33) foot wide easement for ingress, egress and utilities subject to the provisions outlined in Section 401 (A) regarding private roads and driveways.
  - c. If a new parcel has the potential of being further subdivided, the parcel shall be benefited by one of the following:
    - i. A sixty-six (66) foot wide easement for ingress, egress and utilities granted with the authority to enable the future sub divider to unilaterally dedicate the easement as a public way if deemed necessary at the time of future development. The cost of developing the public way shall be the sole responsibility of the future sub divider. Until the time of future development, the parcel shall be subject to the provisions outlined in Section 401 (A) regarding private roads and driveways.
    - ii. A portion of the new parcel shall contain at minimum a sixty-six (66) foot wide strip of land providing direct access to a public way. This strip would be for the sole purpose of being donated or dedicated as a public way in the event of future development. Care should be taken to ensure that said strip of land does not compromise the orderly development of the remaining property or adjoining property.

2. The Planning Administrator reserves the discretion to request additional information for any Simple Subdivision.
3. To accomplish a Simple Subdivision, a Certificate of Survey (COS) or Plat of the entire original parcel shall be prepared including identification of all structures and facilities, public or private easements, wells and septic systems on such parcels, and legal descriptions of the parcels and their components, shall be filed with the Planning Administrator. A lot division shall be approved for such division provided that all requirements of this Ordinance are met. Parcels which are adjacent to platted but unaccepted roads may be approved only IAW Section 1204 of this Ordinance. No land use or building permits shall be issued until said COS has been filed with the Beltrami County Recorder, and a new parcel identification number has been issued for each new parcel created. Approvals issued shall expire one (1) year after approval unless such approval and the COS are recorded. An extension of approval may only be considered by the Planning Administrator in the case of exceptional circumstances.

B. Minor Subdivisions

Real estate parcels that are platted in accordance with Minnesota Statutes 505. A minor subdivision plat does not create more than eight (8) parcels. Roadways created under the minor subdivision process will be constructed as public roads; adhering to all requirements of the road authority of the local government unit in which it is created. Minor Subdivisions shall comply with the requirements for platting and obtain approval through the Greater Bemidji Area Joint Planning Board.

A minor subdivision may be approved by the Joint Planning Board without the need for a prior preliminary plat, subject to the following standards:

1. The plat delineates existing parcels or complies with the Simple or Minor Subdivision Procedures outlined herein.
2. The plat does not include the dedication or donation of any new public ways; however, existing public streets or utilities shall dedicate easements and Right-of-Way on said plat in accordance with the appropriate road standards of this Ordinance, the JPB Transportation Plan, and applicable LGU or Road Authority requirements.
3. New drainage and utility easements shall be created if the review engineer deems needed.
4. The land shall be properly zoned and suitable in its natural state for the intended purpose.
5. Lot areas and dimensions shall conform to the requirements of this Ordinance, except as may otherwise be approved by a variance.
6. Lot layouts shall be compatible with the existing layout of adjoining properties, and/or shall not constrain the future development of any remainder parcel or adjacent properties.
7. All lots to be created shall have legal access to a public road, or be in full conformity with the provisions of Section 401 (A) of this Ordinance.

8. The Road Authority reviews the plat for consideration of access and active transportation connections to the public way or trails and provides written comments regarding accessibility of each proposed lot to the public way within thirty (30) days of the request by the Planning Administrator.
9. The plat shall be reviewed and approved by the Beltrami County Surveyor or another independent Licensed Land Survey in accordance with Minnesota Statutes 505.021, Subd. 9(c) for compliance with Minnesota Statutes 505.

C. Major Subdivisions

Real estate parcels that cannot be divided through the simple or minor subdivision process. Major Subdivisions shall comply with the requirements for platting and obtain approval through the Greater Bemidji Area Joint Planning Board.

- D. Replat of an existing subdivision / conversion of existing development to a CIC / Condo  
In certain cases, including but not limited to, historical errors, additional land purchases, rerouting of a road and other similar situations arise. An applicant can apply for a replat of an existing platted area through a simplified process. A replat application includes minor changes and is reviewed by the planning administrator and approved through by consent of the JPB.

For existing development where ownership is proposed by multiple parties of one (1) building or one (1) parcel, a conversion replat may be required. A replat application including the new CIC or condominium conversion documents will be reviewed by the planning administrator and approved through by consent of the JPB.

E. Planned Unit Developments (PUDs)

In order to permit the use of more flexible land use regulations, and to facilitate use of the most advantageous techniques of land development, planned unit developments are authorized under the provisions of this Article. Planned unit developments shall be created in harmony with the general purpose and intent of this Article and with the Greater Bemidji Area Land Use Plan, but may differ in one or more respects from the zoning regulations applicable within the districts in which they are located.

No PUDs may be allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land except in those zoning districts where specifically identified in Article III of this Ordinance. No PUDs are allowed without the issuance of a conditional use permit by the Joint Planning Board, with the following exception:

In shoreland areas, the expansion of an existing commercial PUD involving six (6) or fewer new dwelling units or sites after the effective date of this Ordinance shall be allowed one (1) time only as a permitted use, with the issuance of a land use or building permit, provided that the total project density does not exceed the allowable densities prescribed in this Ordinance. Additional expansions will require a Conditional Use Permit.

F. Tiny House Subdivision

Tiny house subdivisions will consist of individual dwelling structures one hundred and fifty (150) to eight hundred(800) square feet. The purpose of small lot subdivision is to encourage affordable housing, infill development and sustainable practices. All PUD and subdivision standards shall apply to Tiny Home Subdivisions. Additional standards are required as follows:

- a. Tiny House subdivisions may only be approved with the review and approval of a PUD / CUP.
- b. Tiny house subdivisions can occur in R-1, R-2, R-3, R-4, R-5 zoning districts.
- c. The density of a Tiny House Subdivision will be no more than one and one-half (1.5) times the underlying zoning.
- d. Small lot subdivisions are not condominiums, multi-family, mobile homes or recreational vehicles. Properties are titled in fee simple.
- e. Small lot homes must be structurally independent, with no shared foundations or common walls.
- f. Small lots may be irregularly shaped, a minimum area of six hundred (600) square feet, and at least sixteen (16) feet wide.
- g. There are no yard or setback requirements along alleys, streets, or between lots within the approved subdivision.
- h. Fifty percent (50%) open space is required.
- i. Design of structures must be approved by the GBAJPB.
- j. Appropriate water, waste water and other utilities will be provided. These standards will fall in line with MN Building Code and the Greater Bemidji Area SSTS Zoning Ordinance.

#### **Section 1102. Land Suitability**

- A. Each lot created through the subdivision process must be suitable in its natural state for the proposed use. Suitability analysis by the Joint Planning Board will consider susceptibility to flooding, existence of wetlands, soil or rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of the Greater Bemidji Area. In shoreland areas, land suitability will also consider near-shore aquatic conditions, suitability for water-based recreation, and the presence of important fish and wildlife habitat.

- B. Sufficient information must be submitted by the applicant to enable The Joint Planning Board to make a determination of land suitability. The information shall include at least the following:
1. Topographic contours at two (2) foot intervals showing limiting site characteristics.
  2. The surface water features required by Minnesota Statutes, Section 505.02, subdivision 1, to be shown on plats, obtained from the United States Geological Survey quadrangle topographic maps or more accurate sources.
  3. Information regarding adequacy of domestic water supply.
  4. Extent of anticipated vegetation and topographic alterations.
  5. Near-shore aquatic conditions including depths, types of bottom sediments, and aquatic vegetation.
  6. Proposed methods for controlling storm water runoff and erosion both during, and after, construction activities.
  7. Location of one hundred (100) year floodplain areas and floodway districts from existing adopted maps or data;
  8. A delineation of all wetlands;
  9. A line or contour representing the ordinary high water level, the toe and the top of bluffs, and the minimum building setback distances from the top of bluff, and from the public waters.
  10. Location with respect to Airport Safety Zones.
- C. The JPB shall make its decision, in writing, specifying the facts upon which the suitability determination is made. If a determination is made that the land is not suitable for development the applicant will be notified, in writing, regarding the particular facts leading to such determination. The applicant will be afforded the opportunity to appeal such determination in accordance with the procedure for appeal specified in Section 1207 of this Ordinance.
- D. Preliminary Plat/Pre-application Advisory Meeting
1. If the parcel cannot be divided through the lot division process described in Section 1106 A above, a sketch map shall be prepared and submitted for staff review. A pre-application advisory meeting shall be required for all plats, CIC's or PUDs which include public improvements or contain more than 5 new lots. The sketch map shall not constitute filing of a preliminary plat with the JPB, but will serve as the basis for preliminary discussion between the sub divider and staff. This discussion will help the sub divider by providing

information regarding the extent to which the proposed subdivision conforms to the requirements of this Ordinance, and possible modifications necessary to secure approval of the plan. The sketch map shall include at least the following information:

- a. A site location map showing the boundaries of all parcels, the location of existing and proposed streets within and adjacent to the property, the location of existing and proposed structures, and other significant development;
  - b. A North arrow and scale;
  - c. The topography and physical features, including wetlands and public waters;
  - d. The proposed lot size and orientation; and
  - e. A vicinity map.
2. Before dividing any tract of land into two (2) or more lots or parcels, with the exception of lot divisions authorized under Section 1106 A of this Ordinance, an owner or sub divider shall file with the Joint Planning Board:
- a. Fifteen (15) full size copies, folded to 8 ½ x 11, of the Preliminary Plat, and twenty (20) 11 x 17 copies;
  - b. A cash payment as established by the Joint Planning Board. This fee will be used for public expenses in connection with approval or disapproval of said plat and final plat which may be submitted thereafter. Each plat filed in addition to the preliminary plat must be accompanied by an additional fee as designated by the Joint Planning Board;
  - c. If the sub divider requests or the Joint Planning Board requires that any existing special assessments which have been levied against the premises described in the subdivision be divided and allocated to the respective lots in the subdivision plat, the City Assessor or Township Clerk shall estimate the clerical cost of preparing the revised assessment roll, filing the same with the County Auditor, and making such division and allocation, and upon approval by the appropriate jurisdiction of such estimated cost the same shall be paid to the respective jurisdiction, to cover the cost of preparing and filing such revised assessment; and
  - d. The sub divider shall fill out a "Request for Subdivision" form or other application form provided by the Joint Planning Board.
3. The Planning Commission shall consider the preliminary plat officially filed after the Planning Administrator has examined it and advised the Commission that it is in the proper form, and the appropriate fee has been paid.
4. On the same date that the Planning Administrator places the preliminary plat on file, the Planning Administrator shall:

- a. Set a date for a public hearing on the preliminary plat, subject to Item 5 below. The Planning Administrator shall cause notice of said hearing to be sent by mail to all property owners of record within five hundred (500) feet of the proposed subdivision boundaries at least ten days prior to the hearing. The Planning Commission shall hold the public hearing at a regular meeting, or at a special meeting called for that purpose.
  - b. Refer a copy of the preliminary plat to the appropriate persons based on the distribution policy of the Joint Planning Board.
5. The Planning Commission shall make its report to the Joint Planning Board.
  6. The Joint Planning Board shall act on the preliminary plat within sixty (60) days of the date on which it was received and verified as complete by the Planning Commission.
  7. If the preliminary plat is not approved by the Joint Planning Board, the reasons for such action shall be recorded in the proceedings of the JPB and transmitted to the applicant. If the preliminary plat is approved, such approval shall not constitute final acceptance of the subdivision until approval of the final plat.
- E. Necessary Data for Preliminary Plat

The preliminary plat shall be clearly and legibly drawn. The size of the map shall not be less than 11 x 17. All subdivision maps shall be drawn at a scale not smaller than a scale of one (1) inch equals one hundred (100) feet, unless otherwise required by the Joint Planning Board. The preliminary plat of the proposed subdivision shall contain or have attached thereto information in accordance with the data and submission requirements for the Preliminary Plat and CIC/PUD Submission Checklist approved by the Joint Planning Board.

F. Qualifications Governing Approval of Preliminary Plat

The Planning Commission may return a conditional report to the Joint Planning Board. The JPB may require such changes or revisions as it deems necessary for the health, safety, general welfare and convenience of the community. The approval of a preliminary plat by the Planning Commission and JPB is tentative only, involving merely the general acceptability of the layout as submitted. Subsequent approval will be required of the engineering proposals pertaining to water supply, storm drainage, sewerage and sewage disposal, sidewalks, gas and electric service, grading, gradients and roadway widths and the surfacing of streets and by other public officials having jurisdiction, including airport zoning approval, prior to the approval of the final plat by the JPB. No plat will be approved that includes an area subject to periodic flooding, or that lacks adequate drainage, unless the sub divider agrees to make improvements to the property as are needed and, in the opinion of a Registered Engineer, are sufficient to allow for development of the property and to provide adequate drainage of the lots, streets, and other areas within the plat. No plat will be accepted that cannot be adequately serviced with sanitary sewer or other approved disposal system.

G. Final Plat.



1. The owner or sub divider shall file a minimum of twenty five (25) copies of the Final Plat to the Planning Administrator for the Planning Commission not later than six months after the date of approval of the preliminary plat by the Joint Planning Board, otherwise, the preliminary plat and final plat will be considered void unless an extension is requested in writing by the sub divider and, for good cause, granted by the Joint Planning Board. The owner or sub divider shall also submit at this time either an up-to-date certified Abstract of Title or Torrens Certificate of Title and/or evidence of Title Insurance Commitment as the JPB Attorney may require showing title or control in the property by the applicant;
2. The final plat will have incorporated all changes or modifications approved in the preliminary plat; in all other respects it shall conform to the preliminary plat. It may constitute only that portion of the approved preliminary plat which the sub divider proposed to record and develop at the time, provided that such portion conforms to all of the requirements of this Article;
3. Prior to submitting the final plat to the Joint Planning Board, the sub divider shall submit a copy of the final plat to the City or township, the office of the Beltrami County Surveyor and the County Planning Commission for review and comment;
4. The Planning Commission shall consider the final plat officially filed after the Planning Administrator has examined it and advised the Planning Commission that it is in proper form;
5. As soon as the final plat is placed on file the Planning Administrator shall distribute copies of the final plat to the Planning Commission, and the remainder of the distribution list as approved by the Joint Planning Board. The Abstract of Title or Torrens Certificate of Title and/or Title Insurance Commitment shall be referred to the JPB Attorney for examination and report. The Attorney's report shall be given to the Planning Commission within fifteen days. Following preliminary approval the applicant may request final approval by the JPB, and upon such request the JPB shall certify final approval within sixty (60) days if the applicant has complied with all conditions and requirements of applicable regulations and all conditions and requirements upon which the preliminary approval is expressly conditioned either through performance or the execution of appropriate agreements assuring performance. If the JPB fails to certify final approval as so required, and if the applicant has complied with all conditions and requirements, the application shall be deemed finally approved, and upon demand the JPB shall execute a certificate to that effect;
6. If the final plat is approved by the Joint Planning Board, the sub divider shall record it with the County Recorder within six (6) months after the date of approval; otherwise, the approval of the final plat shall be considered void;
7. The sub divider shall, immediately upon recording, furnish the JPB and appropriate Engineer's Office with one transparent reproducible Mylar of the final plat showing evidence of the recording and paper prints of the plat for the Planning Administrator, Assessor's Office, and Building Inspector's Office, as applicable;
8. The sub divider shall furnish the required type and number of final plat drawings for review and approval, including the necessary plat data, according to the approved Final Plat Application Checklist provided and approved by the Joint Planning Board.

### **Section 1103. Necessary Data for Final Plat**

The final plat shall be prepared by a land surveyor who is registered in the State of Minnesota, shall conform to all State and County requirements and shall include the following:

- A. Accurate angular and lineal dimensions for all lines, angles, and curvatures used to describe boundaries, streets, alley, easements, area reserved for public use, and other important features. Dimensions of lot lines shall be shown in feet and hundredths of a foot;
- B. Names and right-of-way width of each street, highway, easement, or other right-of-way as required by state law;
- C. An identification of all lots and blocks, including lot lines and dimensions;
- D. Accurate location of all monuments as required by state law;
- E. Names and location of adjoining subdivision, streets and unplatted properties;
- F. Municipal, townships, county or section lines accurately tied to the lines of the subdivision by distance and angles;
- G. Radii, internal angles, points and curvatures, tangent bearings, and lengths of all areas.
- H. Certification on plat of title showing that the applicant is the owner and a statement by that owner dedicating streets, rights-of-way and any other sites for public use;
- I. Accurate outlines and legal description of any areas to be dedicated or reserved for public use, or for the exclusive use of property owners within the subdivision with the purposes indicated therein;
- J. Public drainage and utility easements along the entire internal and external boundary lines of every lot in the plat;
- K. Certification by a registered surveyor in the form required by Section 505.03 Minnesota Statutes;
- L. Execution by all owners of any interest in the land any holders of a mortgage thereon of the certificate required by Section 505.03 Minnesota Statutes, and which certificate shall include a dedication of the utility easements and any other public areas in such form as shall be approved by the JPB Attorney;
- M. Certification showing that all taxes and special assessments currently due on the property to be subdivided have been paid in full;
- N. Location of public waters as required by state law;

- O. Letters of approval of highway access points and service roads from the Commissioner of the Department of Transportation and County Engineer, as applicable, shall be submitted with the final plat;
- P. Form of approval by local authorities, either by the JPB and/or the governing body of the jurisdiction(s) where the plat is located, as may be required under Minnesota Statutes Chapter 505, may be worded substantially as follows:

Approved by the Greater Bemidji Area  
 Joint Planning Board, Minnesota  
 this 9th day of April, 2014.  
 JPB Chair

- Q. Form for approval by County authorities as required by law.

**Section 1104. Absence of Utilities and Land Suitability**

Where sewer and water are not available and individual wells and disposal systems are to be utilized, the sub divider may be required to submit a showing of land suitability pursuant to Section 1102 of this Ordinance, including the results of tests to ascertain subsurface soil, rock, and ground water conditions. The results of such tests may make it necessary, at a minimum, to vary the required lot size.

**Section 1105. General Provisions for PUDs**

- A. A PUD is a type of development where the JPB allows greater flexibility than otherwise allowed under the zoning or subdivision code in return for a coordinated development that provides public benefits not otherwise part of the development process. Flexibility in the regulations and standards of this Ordinance is only granted to the extent it is expressly set out the flexibility expressly granted in the approval of the PUD shall apply and the PUD is otherwise subject to all applicable regulations and requirements.
- B. A PUD may be established as a residential planned unit development, a commercial planned unit development, or a general planned unit development as permitted under Article III of this Ordinance.
- C. Minimum area. A planned unit development shall contain a minimum contiguous area of one (1) acre.
- D. The PUD review process consists of three (3) phases
  - a. Concept Review. Due to the nature of a PUD there are many details and questions which need answers that arise in the planning and analysis phase. Applicants have expressed an interest in having a clear picture of the JPB's opinions, specifically if they are choosing not to support a project. In creating a concept approval process, the JPB is answering two (2) questions. 1.) Does this project's density and sample layout work within the confines of its location? 2.) What pieces of information would we require in order to make a final recommendation to the applicant? The concept approval of density and layout is in no

way an approval of the project, the final layout, the preliminary or final plat, the roadway access, the utilities or any other change to the underlying property.

- i. Site plan
- ii. Traffic patterns
- iii. Utilities needed and proposed
- iv. Landscaping layout
- v. Any and all plans and studies required by the JPB staff to support approval.  
Examples include traffic study, wetland evaluation, tree removal approval etc.

- b. Preliminary Review. Upon approval of the Concept Plan, an applicant is then allowed to submit for a preliminary / final approval. The preliminary approval of density and layout is in no way an approval of the project, the final layout, the preliminary or final plat, the roadway access, the utilities or any other change to the underlying property. Preliminary and Final approval can be combined if the Joint Planning Board Staff recommends. The applicant will be required to provide all preliminary and final plans. Items required with preliminary application:

- i. Site plan
- ii. Preliminary Plat
- iii. Traffic patterns
- iv. Utilities layout
- v. Landscaping layout
- vi. Preliminary elevations of buildings
- vii. Preliminary drainage
- viii. Any and all plans and studies required by the JPB staff to support approval.  
Examples include traffic study, wetland evaluation, tree removal approval etc.

- c. Final Approval. At this stage in the PUD process the JPB will make a determination of denial or approval. Finalized plans are required as part of this final application.

- i. Site plan
- ii. Final Plat
- iii. Traffic plan
- iv. Utilities layout
- v. Landscaping layout
- vi. Elevations of buildings
- vii. Post development drainage
- viii. Any and all plans and studies required by the JPB staff to support approval.  
Examples include traffic study, wetland evaluation, tree removal approval etc.

- D. Flexibility options will be provided upon the applicants' agreement to provide a selection of amenities including but not limited to the following items:

<u>Amenity</u>	<u>Standards</u>
Active uses as part of a parking garage	Include housing, office, or other active uses around the perimeter of all floors of a parking garage that face a public street, sidewalk, or pathway.
Green roof	Installation of a green roof system that covers a minimum of fifty (50) percent of the total roof area proposed for the development.
Historic preservation	Preservation, rehabilitation or restoration of designated historic landmarks as a part of the development.
Public right-of-way dedication & construction	Dedication of land and construction of a public road, alley, pathway, or greenway that is part of an approved LGU capital improvements plan. Points shall not be awarded for the reconstruction or relocation of an alley to facilitate an alley vacation.
Underground parking	All parking shall be located underground.
Conservation of the built environment	Significant renovation, rehabilitation and adaptive reuse of an existing building(s), rather than demolition.
Garden(s) or on-site food production	Permanent and viable growing space and/or facilities such as a greenhouse or a garden conservatory at a minimum of sixty (60) square feet per dwelling unit to a maximum required area of five thousand (5,000) square feet, which provide fencing, watering systems, soil, secured storage space for tools, solar access, and pedestrian access as applicable. The facility shall be designed to be architecturally compatible with the development and to minimize the visibility of mechanical equipment.
On-site renewable energy	Use of a photovoltaic or wind electrical system, solar thermal system and/or geothermal heating and cooling system for at least seven percent (7%) of the annual energy costs in new and existing buildings.
Open space	For commercial PUDs open space that is related to and proportional with the bulk of the building and landscaped with trees and shrubs. Rain gardens, where appropriate, are encouraged. For residential developments minimum of fifty percent (50%) of the site not occupied by buildings shall be landscaped outdoor open space. Minimum of fifty percent (50%) of the provided open space shall be contiguous.
Outdoor children's play area	An active, outdoor children's play area with a minimum of fifty (50) square feet for each unit containing three (3) or more bedrooms but not less than five hundred (500) square feet of play area to a maximum required area office five thousand (5,000) square feet.

Art feature	Provision of art. The art shall be maintained in good order for the life of the principal structure. The art shall be located where it's highly visible to the public. The art shall be valued at not less than one-fourth (1/4) of one percent (1%) of the capital cost of the principal structure.
Energy efficiency	Utilization of energy design assistance programs or commissioning to ensure that building systems are designed to operate efficiently and exceed the Minnesota State Energy Code by at least thirty percent (30) of the annual energy costs. The developer must submit documentation to the city including a letter signed by the owner or a licensed design professional that shows the project will comply with this standard.
Natural features	Site planning that preserves significant natural features or restores ecological functions of a previously damaged natural environment.
Pedestrian improvements	A site and building design that allows for exceptional and accessible pedestrian and/or bicycle access through and/or around a site that exceeds the requirements.
Enhanced exterior lighting	Lighting plan that highlights significant areas of the site or architectural features of the building(s)
Enhanced landscaping	A landscaping plan of exceptional design that has a variety of native tree, shrub, and plant types that provide seasonal interest and that exceed the requirements. The landscaped areas shall have a resource efficient irrigation system. The landscaping plan shall be prepared by a licensed landscape architect.
Enhanced storm water management	Provide capacity for infiltrating storm water generated onsite with artful rain garden design that serves as a visible amenity. Rain garden designs shall be visually compatible with the form and function of the space and shall include for long-term maintenance of the design. The design shall conform to requirements of the storm water management plan approved by public works.
Heated drives or	Heated drives or sidewalks that are designed to provide snow and ice free
Tree islands	The inclusion of additional or larger tree islands in the interior of parking lots that exceed the requirements of Chapter 530, Site Plan Review. Larger tree islands shall have a minimum width of ten (10) feet in any direction and shall provide shrubs, plant materials, and/or rain garden plantings in addition to the trees.
Water feature	A water feature, including but not limited to a reflecting pond, a children's play feature or a drinking fountain shall be located where it is highly visible to and useable by the public.
Amenities proposed by the applicant or others	The Joint Planning Board may consider other amenities not listed.

E. Residential PUDs and flexibility Option.

In non-shoreland areas, a development plan may provide for a greater number of dwelling units per acre than would be permitted by the zoning regulations otherwise applicable to the site.

In no case may a PUD exceed by more than fifty percent (50%) the number of dwelling units per acre permitted by the zoning regulations otherwise applicable to the site. The Planning Commission, in determining the reasonableness of a proposed increase in the number of dwelling units per acre, shall recognize that increased density may be compensated for by additional private amenities and by increased efficiency in public services to be achieved by the amount, location and proposed use of common open space, and the location, design and type of dwelling units.

The Planning Commission shall, in its determination, also consider that the physical characteristics of the site may make increased densities appropriate in the particular location.

The Planning Commission shall recommend to and, in its final determination the JPB may also authorize an additional use other than residential in a residentially zoned PUD.

F. General PUDs and flexibility Option.

Within the B-1, B-2, LC, OM, U, LD, UR districts, also known as the downtown business district, developers are encouraged to provide a mixed use, residential and commercial, development when replacing former high density, industrial and commercial uses.

G. Upon approval of qualifying amenities the Planning Commission may, in its determination allow flexibility in the following standards:

<u>Zoning code standard</u>	<u>Alternative</u>
Setback standards	Allow a change in the setbacks required by the underlying zoning.
Lot sizes and density (commercial)	1) To increase the maximum impervious area 2) To increase the maximum height of structures.
Lot sizes and density (residential)	1) To allow reductions in lot sized, including square footage, width and length 2) To allow a density bonus to increase the maximum number of dwelling units by not more than twenty percent (20%).
Yards	To allow a reduction or elimination of required yards within the planned unit development.
Signs	To allow alternatives to the sign standards.

Off-street parking and loading	To allow alternatives to the following: 1) Minimum and maximum amount of required off-street parking and loading. 2) Minimum width of parking aisles. 3) Minimum and maximum width of driveways.
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H. PUD in Shoreland Overlay

Density is determined by allowable impervious surface area and height. In lieu of dividing a proposed development parcel into tiers to calculate base density, a proposed general development may be approved at a minimum setback of one hundred and fifty (150) feet from the ordinary high water mark (OHWM) from public water if the structures involve a minimum of twenty percent (20%) of commercial uses. Whenever individual structures do not contain twenty percent (20%) commercial uses a minimum two hundred (200) foot setback from the OHWM is required to exercise the flexibility density calculations.

The entire parcel may then be developed as one General PUD with the following standards applied accordingly;

1. If flexibility is elected, a proposed General PUD project shall not exceed allowable impervious surface area as defined in the underlying zoning district.
2. The maximum height for a General Development is forty-five (45) feet. That height may be increased according to the formulas in 3 & 4 below. In no case shall the maximum height exceed sixty-five (65) feet.
3. For each one percent (1%) of additional pervious surface preserved beyond the minimum required in the underlying zoning district the developer may add an additional two (2) feet of height not to exceed the maximum sixty-five (65) feet.
4. For each additional five (5) feet of setback beyond the required two hundred (200) foot setback, the proposed development may add an additional two (2) feet of height not to exceed the maximum sixty-five (65) feet.
5. A combination of 3 & 4 above may be used to calculate the maximum allowable height not to exceed a total height of sixty-five (65) feet.
6. Structures within the General PUD that do not contain a minimum of twenty percent (20%) proposed commercial are limited to a maximum height of forty-five (45) feet.
7. All land identified as part of the General PUD shall be zoned as one zoning district prior to application for a general PUD.
8. Structures that exceed forty-five (45) feet in height shall exhibit an uneven horizontal façade approximately parallel to the OHWM wherein the area of the building that exceeds the maximum height of forty-five (45) feet shall have an equal amount of building façade parallel to the OHWM that is below the forty-five (45) feet mark.



I. Shoreland Commercial PUDs

1. Flexibility Option.

Within the Urban Renaissance (UR) and Lakeshore Development (LD) districts prescribed in Article III, in lieu of dividing a proposed commercial planned unit development parcel into tiers to calculate base density, a proposed development may be developed at a minimum setback of one hundred and fifty (150) feet from the Ordinary High Water Mark from a public water, provided such use is allowed pursuant to Article III of this Ordinance. If the increased setback of one hundred and fifty (150) feet is elected, the proposed development shall not be subject to the density evaluation prescribed in Section 914, but shall comply with all other requirements of this Ordinance with the exception of the following modified performance based zoning criteria:

- a. If flexibility is elected, a proposed Commercial PUD project shall not exceed allowable impervious surface as defined in the underlying zoning district.
- b. The maximum height for a Commercial PUD is forty-five (45) feet. That height may be increased in accordance with the formulas in 3 & 4 below. In no case shall the maximum height exceed sixty-five (65) feet.
- c. For each one percent (1%) of additional pervious surface preserved beyond the minimum required in the underlying zoning district the developer may add an additional two (2) feet of height not to exceed the maximum sixty-five (65) feet.
- d. For each additional five (5) feet of setback beyond the required one hundred and fifty (150) foot setback, the proposed development may add an additional two (2) feet of height not to exceed the maximum sixty-five (65) feet.
- e. A combination of 3 & 4 above may be used to calculate the maximum allowable height not to exceed a total height of sixty-five (65) feet.
- f. Structures that exceed forty-five (45) feet in height shall exhibit an uneven horizontal façade approximately parallel to the OHWM wherein the area of the building that exceeds the maximum height of forty-five (45) feet shall have an equal amount of building façade parallel to the OHWM that is below the forty-five (45) feet mark

2. Redevelopment.

A commercial planned unit development may be redeveloped as a new commercial planned unit development with a Conditional Use Permit under the following conditions:

- a. The proposed redevelopment will be evaluated using the criteria specified in Section 913 or 914 of this Ordinance, as applicable. Inconsistencies between existing features of the development and the minimum standards shall be identified.
- b. Deficiencies involving impervious surface coverage, storm water management vegetation, screening, setbacks, open space, and shore recreation facilities must be

corrected or evaluated and reasonable improvements made as part of the redevelopment proposal.

- c. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the redevelopment. These improvements must include, where applicable, the following:
  - i. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
  - ii. Remedial measures to correct erosion sites and improve the vegetative cover and screening of buildings and other facilities as viewed from the water; and,
  - iii. If existing dwelling units are located in shore or bluff impact zones, conditions that preclude exterior expansions in any dimension or substantial alteration are attached to approvals of all redevelopment. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations meeting all setback and elevation requirements when they are rebuilt or replaced.
- d. Existing dwelling site densities (square footage of habitable rental space as measured by using interior walls of habitable dwelling space) that exceed standards prescribed in this Ordinance may be allowed to continue but shall not be increased, either at the time of the redevelopment or in the future. Efforts shall be made during any such redevelopment to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, developing storm water management plans, or other means deemed necessary by the Joint Planning Board.

**Section 1106. Design and Maintenance Standards and Criteria for PUDs**

- A. For all PUDs, a development plan shall be submitted to the JPB or its agent consistent with the following general standards for use of land, and the use, type, bulk, design, and location of buildings, the density of use, the common open space, the public facilities and the development by geographic division of the site. The development plan, which may be submitted and evaluated simultaneously with the preliminary plat, shall demonstrate compliance with the following criteria:
  - 1. The application for a planned unit development shall be filed jointly by all owners;
  - 2. A PUD which meets the definition of a Common Interest Community (CIC) may be approved in accordance with Minnesota Statutes 515(B), including the articles of incorporation. A PUD development which meets the definition of a Subdivision (Plat) in accordance with Minnesota Statutes 505 may also be approved. When a Plat or Re-plat creates one or more parcels consisting of private common property improvements including, drives, parking, roads, stormwater areas, green space, utilities, etc., proof of the creation of an Association, including the articles of incorporation, consistent with Minnesota Statutes 317(A), may also be approved. All PUD's not under single ownership

must have a Property Owners Association. Association articles of incorporation shall be approved by the JPB prior to approval and the release of documents for recording.

Any easements, restrictions or other provisions, if part of an approved PUD may only be modified, removed or released upon consent of the Joint Planning Board. The association shall, at a minimum, include restrictive covenants and bylaws that identify individual and joint ownership properties, rights and responsibilities consistent with approval requirements of the PUD. The association documents shall specifically provide for enforcement by the landowners within the development;

3. The planned development can be substantially completed within the period of time specified in the schedule of development submitted by the developer;
4. The planned development will not substantially injure or damage the use, value and enjoyment of surrounding property, nor hinder or prevent the development of surrounding property in accordance with the Greater Bemidji Area Land Use Plan;
5. The site will be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development, and will be adequate to serve the residents, occupants, or users of the proposed development. An appropriate traffic control plan will be required by the road authority responsible for accepting and maintaining public roads. The Minnesota Manual on Uniform Traffic Control Devices will be used to justify when signals are needed in order to prevent traffic hazards or congestion in adjacent streets;
6. Public streets and roads shall meet all requirements of the respective road authority. Private streets and roads shall be constructed to meet and all requirements of the respective road authority;
7. The development will not impose an undue burden on public services and facilities, such as fire and police protection;
8. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a planned unit development not used for structures, parking and loading areas, or access ways, shall be landscaped or otherwise improved, unless said open space would accomplish the intent of this Article if left in its natural state;
9. There shall be a minimum of ten (10) feet between all buildings;
10. Nonresidential uses of an educational or recreational nature shall be designed or intended primarily for the use of the residents of the planned unit development;
11. Wetlands shall be managed in accordance with the Wetland Conservation Act;
12. Maintenance and grounds keeping shall be undertaken consistent with statute;

13. A complete set of plans shall be submitted which shall include the projected cost of the project, location and design of roads, septic system design if applicable, and any other information deemed necessary by the JPB at the time of application;
  14. A complete and adequate drainage system for the development shall be designed by a professional engineer. The plan shall include a storm sewer system or a system of open ditches, culverts, pipes, and catch basins, or both systems. Such system or systems shall be designed in conformity with the adopted Policy Guidelines of the "Surface Water Management Plan and Storm water Design Guide Report Dated January 2008, as may be amended; and/or other applicable standards and policies of the Joint Planning Board. Storm water management and Erosion Control Plans shall conform to all required local, state and federal permit and ordinance provisions as they may apply to land development in a specific location.
- B. In unsewered areas, the development plan shall demonstrate compliance with the following additional criteria:
1. A managed, self-contained, collective well and septic system shall be provided for all planned unit developments including more than four (4) dwelling units, except where the individual units exceed one (1) acre with a minimum one hundred (100) feet in width and the soils analysis demonstrates an ability to support an SSTS and a well on each unit so designated. No more than forty percent (40%) of the total possible number of lots allowed may be so developed.
- C. In shoreland areas, with the exception of zoning districts LD and UR, the development plan shall demonstrate compliance with the following additional criteria:
1. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means shall be provided to ensure the following protections:
    - a. Commercial uses shall be prohibited in residential planned unit developments;
    - b. Vegetative and topographic alterations, except for routine maintenance, shall be prohibited;
    - c. Construction of additional buildings or the storage of vehicles and/or other materials is prohibited;
    - d. Uncontrolled beaching of watercraft shall be prohibited.
  2. All planned unit developments must contain open space meeting all of the following criteria:
    - a. Dwelling units or sites, road rights-of-way, land covered by road surfaces, parking areas, structures, and any impervious surfaces are developed areas and shall not be included in the computation of open space;

- b. Open space must include those areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
  - c. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
  - d. Open space may include subsurface sewage treatment systems provided the use of the space is restricted to avoid adverse impacts on such systems; Open space must not include commercial facilities or uses;
  - e. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and,
  - f. The shore impact zone, based upon normal structure setbacks, must be included as open space. For residential planned unit developments, at least fifty percent (50%) of the shore impact zone of existing developments and at least seventy percent (70%) of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial planned unit developments, at least fifty percent (50%) of the shore impact zone must be preserved in its natural state.
3. As part of Storm Water Management Plan, Erosion Control Plans completed by a registered engineer and approved under the terms of a NPDES permit shall be required. The PUD must:
- a. Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetative buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features.
  - b. Be designed and constructed to effectively manage reasonably expected quantities of storm water runoff. Impervious surface coverage within any tier must not exceed twenty-five (25%) percent of the tier area, except if permitted under exercise of flexibility option.
4. Centralization and design of facilities and structures must be done according to the following standards:
- a. Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Pollution Control Agency, Minnesota Department of Health and Article VIII of this Ordinance. On-site sewage treatment systems must be located on

the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;

- b. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the applicable shoreland classification: setback from the ordinary high water level; elevations above the surface water features; and maximum height;
  - c. Shore recreation facilities, including but not limited to swimming areas, docks and watercraft mooring areas and launching ramps must be centralized and located in suitable areas. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (not withstanding existing mooring sites in an existing commercially used harbor). A small dock for loading and unloading equipment may be provided for use by occupants of dwelling units or sites located in other tiers;
  - d. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shore lands by vegetation, topography, increased setbacks, color, or other means, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided;
  - e. Accessory structures and facilities, with the exception of one water-oriented accessory structure, must meet the required principal structure setback, and must be centralized.
5. Where a building or development contains multiple businesses and/or occupants, a Master Sign Plan shall be created by the land owner and provided to the JPB prior to issuance of sign permits. The plan shall identify, within the standards of this article, how multiple wall and/or freestanding signs shall be allocated for the property or development.

#### **Section 1107. Conversion to PUDs**

Land uses and/or facilities may be converted to PUDs, with the issuance of a Conditional Use Permit, provided all of the following standards are met.

- A. Proposed conversions must be initially evaluated using the same procedures as for planned unit developments involving all new construction. Inconsistencies between existing features of the development and the PUD standards shall be identified.
- B. Deficiencies involving water supply and sewage treatment, structure color, impervious surface coverage, open space and shore recreation facilities must be corrected as part of the conversion, or as specified in the Conditional Use Permit.

- C. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
  - 1. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
  - 2. Remedial measures to correct erosion sites and improve the vegetative cover and screening of buildings and other facilities as viewed from the water; and,
  - 3. If existing dwelling units are located in shore or bluff impact zones, conditions that preclude exterior expansions in any dimension or substantial alteration are attached to approvals of all conversions. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations meeting all setback and elevation requirements when they are rebuilt or replaced.
  
- D. Existing dwelling unit or dwelling site densities that exceed standards prescribed in Section 914 of this Ordinance may be allowed to continue but shall not be increased, either at the time of conversion or in the future. Efforts must be made during any such conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

**Section 1108. Procedures for Approval of Subdivisions and PUDs.**

No subdivision of a lot, tract, or parcel into two or more lots, and no Planned Unit Development (PUD) or Common Interest Community (CIC) may be established, except in compliance with the following provisions.

- A. Lot Division  
In any case where the division of a parcel of land for the purpose of transfer of ownership or building development, and where no creation of a new street or way is required, does not come within the definition of subdivision as defined by this Ordinance, but shall not be exempt from the dedication requirements of Section 1109 of this Ordinance where a new parcel is created for the purpose of establishing a new buildable parcel(s) a Certificate of Survey (COS) of the entire original parcel shall be prepared including identification of all structures and facilities, public or private easements, wells and septic systems on such parcels, and legal descriptions of the parcels and their components, shall be filed with the Planning Administrator. A lot division shall be approved for such division provided that all requirements of this Ordinance are met.

A parcel of record may be divided no more than twice, and into no more than three total parcels without subdividing, in accordance with the remaining provisions of this Section. Parcels which are adjacent to platted but unaccepted roads may be approved only IAW Section 1113 of this Ordinance. No land use or building permits shall be issued until said COS has been filed with the Beltrami County Recorder, and a new parcel identification number has been issued for each new parcel created.

**Section 1109. Minimum Subdivision Design Standards**

- A. The proposed subdivision shall conform to the Greater Bemidji Area Transportation Plan.
- B. The arrangement, character, extent, width, grade, and location of all streets shall conform to the Greater Bemidji Area Transportation Plan and to these regulations, and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
  - 1. Continuation of Existing Streets.  
The arrangement of streets in any new subdivision shall make provision for the appropriate continuation of the existing streets in adjoining areas.
  - 2. Future Projection of Streets.  
Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at the appropriate locations.
- C. Streets.
  - 1. Residential Road Widths. All residential right-of-way widths and pavement widths (face to face of curb or total surface width) shall conform to the following minimum dimensions, in addition to any requirements of the road authority that will be asked to accept the particular street:

<u>Classification</u>	<u>Right of Way/Pavement Width</u>
Urban Street with Curb and Gutter (R-3, R-4, R-5, R-6 districts)	60 feet / 32 feet
Suburban Street with Curb and Gutter (R-3 district)	60 feet / 32 feet
Suburban Street without Curb and Gutter (R-3 district)	66 feet / 24 feet
Rural Streets without Curb and Gutter (R-1 and R-2 districts)	66 feet / 24 feet

Additional width may be required at discretion of the road authority to provide for parking, turn lanes or high traffic projections. Two (2) foot shoulders are required for all roads built without curb and gutter. Platted roadways designated to be arterials or major collectors and roadways in plats in non-residential zoning districts shall be built to standards based on estimated twenty (20) year average daily traffic and meet geometric standards as prescribed by Chapter 8820 of Minnesota Rules. Additional street right-of-way width shall be required for designated arterials and major collectors in the Future Functional Classification System of the Greater Bemidji Area Transportation Plan, according to the minimum planned design right-of-way of the road authority. The road authority may also approve a decrease the above minimum standards when a specific compact development plan concept



supports a smaller standard. In such cases, a full or partial on-street parking restriction shall be required for such approval.

2. Deflections. When connecting street lines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius of not less than that allowed for in the current version of the Minnesota Department of Transportation Road Design Manual for the appropriate design speed of the roadway. In no case shall the design speed be less than thirty (30) mph.
3. Grades. Minimum grade for curb and gutter streets shall be two-tenths of a percent (0.2%).
4. Vertical Curves. Different connecting street gradients shall be connected with vertical curves. The minimum length of these curves shall conform to the standards specified in the current version of the MN DOT Road Design Manual.
5. Minor Streets. Minor streets shall be so aligned that their use by through traffic will be discouraged.
6. Cul-de-sacs, dead-ends, or a one (1) inlet or outlet street. Maximum length shall be five hundred (500) feet measured along the centerline from the intersection of origin to end of right-of-way. Cul-de-sacs shall have a minimum permanent turn-around area radius of fifty-three (53) feet to the edge of the finished street or curb line, and a minimum right-of-way radius of sixty (60) feet.
7. Marginal Access Streets. Where a subdivision abuts or contains an existing or planned major thoroughfare or a railroad right-of-way, the JPB may require a street approximately parallel to and on each side of such right-of-way for adequate protection of residential properties and to afford separation of through and local traffic. Such marginal access streets shall be located at a distance from the major thoroughfare or railroad right-of-way suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations. For platted, unimproved streets see Section 1113.
8. Half Streets. Half streets shall be prohibited, except where essential to the reasonable development of subdivision in conformity with the other requirements of these regulations; and except where the Joint Planning Board finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever there is a half street adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. For platted, unimproved streets see Section 1113.
9. Reserve Strips. Reserve strips controlling access to streets shall be prohibited, except that a lot frontage below minimum lot width requirements may be created via the administrative lot division procedure for purposes of future access to property. This shall only be permitted where future subdivision of land is feasible according to the zoning classification of a parcel. Such statement shall be recorded on the Certificate of Survey and recorded against the property with approval.

10. Private Streets. Private streets shall not be approved unless part of an approved planned unit development, nor shall public improvements be approved for any private street.

11. Hardship to Owners of Adjoining Property Avoided. The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

D. Intersections.

1. Angle of Intersection. The angle formed by the intersecting of streets shall not be less than eighty-five degrees (85°).

2. Size of Intersection. Intersections of more than four (4) corners shall be prohibited.

3. Corner Radii. Roadways of street intersections at the curb shall be rounded by a radius of not less than twenty (20) feet. Roadways of alley-street intersections shall be constructed according to appropriate MN DOT Standard Plates. Corners at the entrance to the turn-around portions of cul-de-sacs shall be rounded by a radius of not less than fifteen (15) feet.

E. Drainage.

A complete and adequate drainage system for the subdivision shall be designed by a professional engineer. The plan shall include a storm sewer system or a system of open ditches, culverts, pipes, and catch basins, or both systems. Such system or systems shall be designed in conformity with the adopted Policy Guidelines of the “Surface Water Management Plan and Storm Water Design Guide Report Dated January 2008, as may be amended; and/or other applicable standards and policies of the Joint Planning Board. Storm water management and Erosion Control Plans shall conform to all required local, state and federal permit and ordinance provisions as they may apply to land development in a specific location.

F. Curb and Gutter.

In areas served by storm sewer, concrete curb and gutter shall be included as a part of the required street surface improvements and shall thus be designed for installation along both sides of all roadways in accordance with the standards of the JPB.

G. Ditches.

In areas without storm sewer the right of way shall be grubbed to a minimum of twenty (20) feet on either side of a center line in an embankment section; or such addition as may be required in a ditch section. (Except, see Section 1111 A.2.a.) The width between shoulder lines shall be uniform and shall be a minimum of fourteen (14) feet either side of center line. In slopes and back slopes shall not be steeper than three (3) feet on the horizontal to one (1) foot on the vertical. The ditch separation shall be a minimum of two (2) feet with a ditch bottom of three (3) feet minimum.

H. Sidewalks and Shared Use Paths.

In all major subdivisions that include paved roads: sidewalks or paved shared-use paths at not less than five (5) feet on both sides of the road. Active Transportation requirements outlined in Section 1010 also apply with respect to connections to adjacent development.

I. Water Supply.

Extensions of the municipal water supply system shall be designed so as to provide water service to each lot. The design of said extension shall be in accordance with the design standards proposed to and approved by the Joint Planning Board.

J. Sewage Disposal.

Extensions of the municipal sanitary system shall be designed so as to provide sewer service to each lot. The design of said extensions shall be in accordance with the design standards proposed to and approved by the Joint Planning Board, and shall meet all requirements of Article VIII of this Ordinance.

K. Street Names.

Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of or in alignment with the existing or platted street, in which event it shall bear the same name of the existing or platted street so in alignment. Street names and numbers shall conform to the established pattern in the Greater Bemidji Area and shall be subject to the approval of the Planning Commission.

L. Blocks.

Block length and width or acreage within bounding streets shall be such as to accommodate the size of residential lot required in the area by the zoning provisions and to provide for convenient access, circulation control, and safety of street traffic.

M. Lots.

1. Location. All lots shall abut on a publicly dedicated street or a street that has received legal status as such with the exception of Common Interest Communities meeting all other requirements of this Ordinance.
2. Size. The lot dimensions in subdivisions designed for single family detached dwelling use shall not be less than the minimum dimensions required to secure the minimum lot area specified in this Ordinance.
3. Side Lot Lines. Side lines of lots shall be substantially at right angles to the street line, with the exception of lots in cul-de-sacs.
4. Natural Features. In the subdividing of any land, due regard shall be shown for all natural features such as tree growth, water courses, historic spots or similar conditions, which if preserved will add attractiveness and stability to the proposed development.
5. Lot Remnants. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.

## **Section 1110. Required Improvements on the Site**

### **A. Improvements Listed and Described.**

Prior to the approval of a final plat by the Joint Planning Board, the sub divider shall have agreed, in the manner set forth in this Section, to install or pay for the installation in conformity with construction plans approved by the Registered Engineer and in conformity with all applicable standards and Code provisions, the following improvements on the site:

#### **1. Monuments.**

Monuments of a permanent character, as required by MS Chapter 505, shall be placed in locations on the boundary of the subdivision and within it as required;

#### **2. Street and Alley Improvements.**

- a. **Grading.** The full width of the right-of-way of each street dedicated in the plat shall be graded with due regard to prominent trees, historic spots and appropriate aesthetic considerations.
- b. **Pavements.** All streets shall have an adequate sub-base and shall be improved with all-weather, permanent surface approved by the appropriate road authority.
- c. For platted, unimproved streets see Section 1113.

#### **3. Curb and Gutter.**

Permanent curb and gutter shall be installed in all areas proposed to be developed with lot widths of one hundred (100) feet or less.

#### **4. Water Supply.**

The developer shall be required to install water mains and lines to all residential lots in the subdivision where it is within three hundred (300) feet of an existing municipal water line, unless such lots are outside of the Phased Annexation Areas adopted by the JPB where such services are not available. All installation and connection costs shall be borne by the developer. Where connection to the municipal water system is not required, individual water systems shall be installed according to the requirements of this Ordinance.

#### **5. Sewage Disposal.**

The developer shall be required to install sanitary sewer mains and service connections to all residential lots on the subdivision where it is within three hundred (300) feet of an existing sewer line, unless the property is located in an area outside of the Phased Annexation Areas adopted by the JPB. All installation and connection costs shall be borne by the developer. Where connection to the municipal sewage system is not required,

individual disposal systems shall be installed according to the requirements of this Ordinance.

6. Drainage.

A system that will adequately take care of the water runoff within the subdivision shall be provided, based on a storm water runoff plan prepared by a Registered Engineer and approved by the JPB. If the Joint Planning Board, upon the recommendation of the Registered Engineer, determines that it is feasible for the sub divider to install storm sewers connected to the existing storm system of the community within or adjacent to the subdivision, or an extension of the community system which will be extended to the boundary of the subdivision within eighteen months of the filing of the final plat, the appropriate governing body shall require installation of a storm sewer system to provide drainage. If a storm system is installed and connections to the community system are not immediately available, the storm sewers shall be capped and temporary provisions made for drainage by other means. The cost of storm sewers shall be assessed against the benefiting properties, based on the assessment policy of the governing body, including those which may lie outside the boundaries of the proposed subdivision.

7. Street Sign.

Street signs shall be installed in all new subdivisions by the appropriate governing body at the expense of the developer.

8. Underground Electric, Telephone and Cable TV Service.

All electric, telephone, and cable TV service shall be installed underground in new subdivisions.

B. Optional Community Construction Permitted.

In lieu of doing actual construction work in improvements required to be made by the sub divider under this Section, the sub divider may petition the appropriate governing body to do the construction work required. Such petition shall include a request that the benefited property be assessed for the cost of such improvements where appropriate. Such petition shall be presented to the governing body by September 1<sup>st</sup> for construction during the next season. This option shall apply to streets, alleys, curb and gutters, water and sanitary sewer facilities. In no event shall such design and construction result in a cost to be borne by tax payers of the community generally except in those instances where part of the benefit of the construction is deemed by the appropriate governing body to extend beyond the properties contained in the proposed subdivision.

C. Payment for Installation of Improvements.

The costs of the required improvements, which are listed and described in Subdivision A above, are to be furnished and installed at the sole expense of the sub divider and at no expense to the community, unless otherwise stated. In the case of an improvement, the cost of which would by

general policy of the governing body be assessed only in part to the improved property and the remaining cost paid out of general tax levy or other funds, the governing body may make provisions for payment of a portion of the cost by the sub divider and the remaining portion of the cost by the governing body, and provided further, that if any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, the governing body may make provision for causing a portion of the cost of the improvement, representing the benefit to such lands to be assessed against the same and in such case the sub divider will be required only to pay for such portion of the whole cost of said improvement as will represent the benefit to the property within the subdivision.

D. Required Developer's Agreement Providing for Proper Installation of Improvements.

Prior to installation of any required improvements and prior to approval of the final plat, the sub divider shall enter into a contract in writing with the governing body requiring the sub divider to furnish and construct said improvements at his sole cost and in accordance with plans and specifications and usual contract conditions all approved by the governing body, which shall include provision for supervision of details of construction by the Registered Engineer and grant to the Registered Engineer authority to correlate the work with any other work being done or contracted by the governing body in the vicinity. The agreement shall require the sub divider to make an escrow deposit or in lieu thereof, to furnish the performance bond as specified in Subsection E. hereof, the amount of the deposit and the penal amount of the bond to be equal to the Registered Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection by the governing body. On request of the sub divider, the contract may provide for completion of part of all of the improvements covered thereby prior to acceptance of the plat, and in such event the amount of the deposit or bond shall be reduced in a sum equal to the estimated cost of the improvements to be furnished after the acceptance of the plat only. The time for completion of the work and the several parts thereof shall be determined by the governing body upon recommendation of the Registered Engineer after consultation with the sub divider and shall be reasonable in relation to the work to be done, the seasons of the year, and proper correlation with construction activities in the subdivision. The provisions of this Subsection shall be waived or amended as deemed appropriate by the governing body upon advice of the Registered Engineer on those improvements which the governing body has agreed to install under the provisions of Subsection B. hereof.

E. Construction Plans.

Construction plans for the required improvements conforming in all respects with the standards of the Registered Engineer and local Code provisions shall be prepared at the sub divider's expense by a professional engineer who is registered in the State of Minnesota, and said plans shall contain his seal. Such plans together with the quantities of construction items, shall be submitted to the Registered Engineer for his estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required in Subsection D. hereof. The original plans approved by the Registered Engineer plus two (2) prints and a copy in electronic format shall be furnished to the appropriate jurisdiction to be filed by the Registered Engineer as a record in the Engineering Department. Following construction, the sub divider shall furnish to the appropriate road authority a reproducible Mylar "Record

Drawings" plus two (2) sets of prints showing the actual field dimensions as measured during construction.

F. Inspection.

All required improvements on the site that are to be installed under the provisions of this Article shall be inspected during the course of construction by the Registered Engineer at the sub divider's expense, and acceptance shall be subject to the Registered Engineer's certificate of compliance with the contract.

G. Improvements Completed Prior to Approval of Final Plat.

Improvements within a subdivision which have been completed prior to application for approval of the final plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements of Subsection A hereof only if the Registered Engineer shall certify that he is satisfied that the existing improvements conform to applicable to appropriate community standards.

**Section 1111. Variances**

In accordance with Section 1206 of this Ordinance, the Board of Adjustment may grant a variance in any particular case where the sub divider can show that by reason of exceptional topography or other physical conditions the strict compliance with these regulations could cause practical difficulties for the enjoyment of a substantial property right provided such relief may be granted without detriment to the public welfare and without impairing the intent and purpose of the regulations.

In support of a variance application under Section 1206, the sub divider/applicant shall, for consideration by the Board of Adjustment, supplement the application with maps, plans or other additional data which may aid the Board of Adjustment in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan. Any variance or modification thus granted shall be recorded in resolution form and entered in the minutes of the Board of Adjustment setting forth the findings of fact which justified the action.

**Section 1112. Land Use or Building Permits**

No land use or building permits shall be issued for construction on any lot until all requirements of this Article have been fully complied with. All lots or parcels must have a parcel identification number prior to the issuance of any permit.

A building or land use permit shall not be issued for a platted lot whose only access is a street that is not part of the road authority's system of publicly maintained streets, unless the developer has entered into an agreement with the road authority which set out the specific improvements required before the road authority will accept maintenance of the streets, including a timeline for making the improvements, and provides for the private maintenance of the street until it is accepted for public maintenance. A copy of the executed agreement with the road authority must be provided to the JPB before any permits will be

issued. A road authority is not responsible for maintaining or improving a platted street until it acts to expressly take over such maintenance. Furthermore, a decision of the road authority to not take over the maintenance of a platted street shall not be deemed an abandonment of the street.

**Section 1113. Copies of Plat**

Copies of all of such plats or subdivisions, after the same have been submitted, approved and recorded as provided in this Article, shall be filed and kept by the Joint Planning Board at a place designated as the official repository of the records of the Greater Bemidji Area, and with the appropriate road authority.

**Section 1114. Enforcement and Penalty**

Unless approved as a final plat as provided herein, no subdivision shall be entitled to record in the County Recorder's Office or have any validity; and neither the Building Official nor Planning Administrator shall cause to be issued building permits or land use permits for any structure on a lot in any proposed subdivision, with the exception of permits that may have been granted without approval of such subdivision. The Joint Planning Board shall not permit any public improvements to be installed unless the preliminary plat is approved and shall not permit any services until approval of the final plat and recording of same. It is unlawful for any person to violate, omit, neglect or refuse to comply with or to resist the enforcement of any of the provisions of these regulations, or to sell or offer for sale or lease any lot or block of land herewith regulated before all the requirements of these regulations have been complied with; and each day that a violation is permitted to exist shall constitute a separate offense. Every person violates a Section, subdivision, paragraph or provision of this Article when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof. The Joint Planning Board may enjoin such conveyance by action for injunction or may recover such penalty by a civil action in any court of competent jurisdiction.

**Section 1115. Dedication of Parks, Open Spaces, Trails and Public Sites**

A. Purpose.

The Greater Bemidji Area continues to grow while the amount of parkland, open space and trails for active and passive recreational opportunities remains almost unchanged. The community's growth includes increases in population, employment, new dwellings, and square footage of floor space for business uses, all of which directly or indirectly use and place burdens upon the community's park and trail system. In our modern day society and culture, people continue not only to seek recreational opportunities but to demand that adequate park, open space and trail resources be an integral component incorporated into the fabric of their community, be it their neighborhood or the workplace. This Ordinance requirement is enacted to equitably meet park, open space and trail needs of the community as land is developed, and to fulfill the needs, plans and policy of the community and its people as expressed in the City of Bemidji's prior Nexus Study, the Comprehensive Plan, as well as the City's 2001 Parks, Open Space and Trail System Plan. The City has previously implemented Parkland Dedication requirements, and meeting these continued park, open space and trail needs protects the health, safety and welfare of community residents and is in the best interests of the community.



B. Findings.

The Joint Planning Board finds that:

1. Minnesota Statutes, Section 462.358 enables cities to require dedication of parks, open spaces and trails as part of the platting and subdivision process.
2. Pursuant to that enabling authority, for several decades cities have enacted parkland dedication ordinances such that it is common practice in most communities around the State to require the dedication of park, open space and trail lands as part of the platting and subdivision process.
3. Requiring dedication of lands for park, open space and trail needs, based on the use and density of development, will help ensure adequate park, open space and trail facilities at suitable locations throughout the community.
4. There is a nexus or close relationship between the need for more parkland, open space and trails and the conversion of unplatted land, often rural land, to urban or suburban development. As a general rule, a core system of parkland requires a minimum of six and one-quarter (6.25) to as much as twenty (20) acres per 1000 population. Furthermore, many communities have found it reasonable to require an amount of lands equal to ten percent (10%) of the land proposed to be subdivided for parks, open space, trails and other recreational purposes, exclusive of public streets, alleys, drainage, easements and pedestrian ways.
5. The City previously completed a Nexus Report which demonstrated the need and basis for dedication as the community grows and new development and subdivision occurs as a result of that growth.
6. Requiring park and trail dedication is consistent with Bemidji's previously adopted Comprehensive Plan, particularly the Public Facilities/Parks Plan and the policy which recommended that the City require dedication of parkland or cash in lieu of land in conjunction with subdivision of all property.
7. The City currently implements and administers Parkland Dedication requirements, and requiring continued dedication for parks, open space and trails is also consistent with and in furtherance of the City's Parks, Open Space and Trail System Plan, as well as the City's local sales tax legislative initiative passed by a majority of voters in the 2002 general election.
8. Accordingly, the Joint Planning Board finds it in the best interest of the community to protect the public health, welfare and safety by continued assurance of adequate parks, trails and open space through dedication of land, or cash in lieu of land, in conjunction with the subdivision of property within the City of Bemidji.

C. Land Dedication Required.

As allowed by Minnesota Statutes, §462.358, Subd. 2b, the Joint Planning Board shall require all subdivides of property within the City limits of Bemidji to dedicate a reasonable portion of the land being platted or subdivided, or established as a new CIC which creates one or more new tax parcels. CIC applications for existing buildings which were constructed more than five (5) years prior to the application are exempt. Dedication and/or payment to the City shall be for public use, park, playground, trails, public sites, open space, conservation purposes, and storm water holding areas and ponds.

D. Adaptability-Suitability of Dedication.

Land to be dedicated shall be in a location and of a character consistent with and reasonably adaptable for the above public purposes. Factors the JPB will use in evaluating the adequacy of proposed dedications shall include size, shape, topography, tree cover, drainage, geology, access and location. Lands not reasonably adaptable (wetlands, lands within flood plains or already protected lands) may be dedicated but such dedication shall not count or be credited toward meeting the minimum park land dedication requirements of this Ordinance.

E. Minimum Areas of Dedication

1. Residential: A minimum of at least the rate of one (1) acre per twenty-five (25) dwelling units within the subdivision.
2. Non-Residential: A minimum of at least four percent (4%) of the gross area, excluding wetlands, shall be dedicated.
3. Mixed Residential and Non-Residential: For that portion in non-residential uses, a minimum of at least four percent (4%) of the gross area, excluding wetlands, shall be dedicated. For that portion in residential use, a minimum of at least the rate of one (1) acre per twenty (25) residential units in the subdivision shall be dedicated.
4. Multiple Family Residential: The rate of one (1) acre per twenty (25) residential units shall be dedicated based upon actual number of dwelling units in the development. The Parkland dedication shall be calculated at the time of permit application.

F. Trails (and Sidewalks).

Trails shall be included in the plat and dedicated to provide a suitable circulation system within the plat and with links to the community's system consistent with the City's Comprehensive Plan, Bemidji Parks, Open Spaces and Trails Plan and any similar plan of the community or Beltrami County. At the discretion of the City, trails dedicated by the sub divider within a public park having at least thirty (30) feet of width throughout its length, may be eligible for park dedication under provisions of this chapter.

G. Dedicated Land not counted in Meeting Density or Open Space Requirements.

Land conveyed or dedicated for the above public purposes and/or its equivalent as a cash contribution may not be used by a sub divider or owner as an allowance for purposes of calculating the density requirements of the development as set out in this Ordinance and shall be in addition to and not in lieu of open space requirements for planned unit developments, open space easements for roads, utilities, drainage, conservation, and open space.

An incentive to dedicate additional parkland over and above that required as a minimum in Para E above may be used to calculate additional density for the development in an amount equal to the percentage of the amount of additional land dedicated. Additional land to be dedicated shall be located on the property to be developed. Maximum density increases cannot exceed the maximum calculated for the entire parcel without parkland dedication. Monetary remuneration shall not be substituted for additional land dedication.

#### H. Private Open Space.

If private open space for park and recreation purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, at the discretion of the Joint Planning Board, and upon recommendation of the City, such area may be used for credit toward the park dedication requirement provided the JPB finds it is in the public interest to do so and that the following standards are met:

1. That where such credit is granted, the amount of credit shall not exceed twenty percent (20%) of the amount of land dedication required to be dedicated by this Article.
2. That yards, court areas, setbacks and other open space required to be maintained by this Ordinance shall not be included in the computation of such private open space.
3. That the private ownership and maintenance of the open space is adequately provided for by written agreement.
4. That the private open space is restricted for park and recreation purposes by recorded covenants which run with the land in favor of the future owners of property within the tract and which cannot be eliminated without the consent of the City.
5. That the proposed private open space is reasonably adaptable for use for park and recreation purposes, taking into consideration such factors as size, shape, topography, geology, drainage, access, and location of the private open space land.
6. That facilities proposed for such open space are in substantial accordance with the provisions of the recreational element of the land use plan, and are approved by the Joint Planning Board.

#### I. Contribution of Equivalent Market Value in Lieu of Land.

The sub divider is required to dedicate land or the equivalent market value of suitable land in cash to meet the land dedication requirement. When, upon recommendation of the City, in the opinion of the Joint Planning Board, the subdivision is too small for practical dedication of

public land, or if no land in the subdivision is suitable for such use, or if, in the opinion of the JPB, there is no need for publicly dedicated recreation land, school sites or public use, within the subdivision, the JPB may direct that the City accept the equivalent market value in cash of suitable land from the sub divider in lieu of land dedication. Equivalent market value of suitable land shall be calculated using an average fair market value for one acre of land having the same zoning classification(s) and development potential as the property being developed, and having a character consistent with and reasonably adaptable for park, open space and/or trail purposes. Fees based on equivalent fair market values for residential and non-residential (commercial/industrial) properties shall be determined by the Bemidji City Council and reviewed annually and, if necessary, recalculated based upon current land sales comparisons. The fee values shall be reported to the JPB and current fees shall be set forth in both the City's and JPB's Fee Schedule Ordinances. Upon City recommendation, the JPB may consider and allow a combination of land dedication and a cash contribution in lieu of land dedications. Dedication of parkland or cash-in- lieu of land dedication for Multiple Family Residential shall be required at the time of building permit application and prior to any issuance of such permit.

J. Dedication Requirements Presumptively Appropriate.

The dedication requirements based on the development's proportional share of the community's park system are presumptively appropriate. A sub divider may request a deviation from the presumptive requirements based upon the anticipated impact of that particular subdivision. That request must be made to the Joint Planning Board as part of an application before final plat approval.

K. Previously Platted Property.

Property being subdivided without an increase in the number of lots shall be exempt from park and trail dedication requirements if similar requirements were satisfied in conjunction within an earlier subdivision. If the number of lots is increased, then the dedication shall be based on additional lots created.

L. Out Lots.

In plats that include out lots for future development, the sub divider may pay to the City;

1. The development's proportional share for the entire subdivision, including the out lots, or;
2. The development's proportional share, excluding such out lots, provided that the dedication requirement shall be satisfied when such out lots are developed or re-platted.

M. Administration and Accounting.

The Joint Planning Board shall establish administrative procedures deemed necessary or required to implement land dedication requirements. The City already has an established fund into which cash contributions received in lieu of conveyance or dedication is placed. In the future, should all participating jurisdictions together implement parkland dedication

requirements, the JPB may be authorized to establish a separate fund into which shall be placed all cash contributions received in lieu of conveyance or dedication of land.

N. City Nexus Report: A Brief Explanation.

**Background:** If the city is to require park and trail dedications in new plats, a rationale and justification for such dedication strengthens the basis for such an ordinance. The rationale and justification can be based on:

1. The purpose clause in the subdivision ordinance which contains the following phrases:

“Each new subdivision becomes a permanent unit in the basic physical structure of the community, a unit to which the future community will of necessity be forced to adhere.”  
And “In their interpretation and application, provisions of these Regulations shall be the minimum requirements adopted for the protection of the public health, safety and general welfare.”

2. Minnesota statues allow such dedication.
3. Many cities require dedication.
4. Nexus- There is a strong relationship between requiring park dedication and the need for and use of the park (benefit) by the population and uses, which will occupy the site being subdivided.

The first three are well established. The fourth item, Nexus, is the subject of this report.

**Nexus:**

Nexus involves essentially two tests:

*Test 1* – Does a relationship exist between the dedication requirement and the benefit derived from the dedication? For example, the dedicated park allows active and/or passive recreation by the people who will live and/or work etc. within the subdivision.

*Test 2* – Is there a **rough proportionality** shown/demonstrated between the amount of dedication required and the use and benefits to the property. For example, the sub divider of a few residential lots could not be expected to dedicate an entire community park serving a large population.

**City Demographics:**

The following statistical information was compiled to show the relationship between park acres and population/dwellings.

**Demographics- Parks**

	Park Acres			Dwelling Units	Population	% Increase		Acres per 1000 People	
	Natural	Dev.	Total			Dwell	Pop.	Nat. & Dev.	Dev. Only
1990				4,412	11,245			17.6	
1996			289 193.44						
2000			205	4,948	11,917	12%	6%	17.2	
2001	119.5	85.7	205.2						
June 2004	119	86	205	5,100	12,200			16.8	7.0
2020	119	86	205	6,000	14,400	18%	18%	14.24	6.0
If No New Park									
Year	119	126	245	6,000	14,400	18%	18%	17	8.7

**Notes:**

- 1 - U.S. Census used for 1990 and 2000 population and dwellings.
- 2 - Population other years based on census plus the number of new dwellings units x number of persons per dwelling unit from closest last census.
- 3 - Dwelling units for other years based on census plus new units added from city’s Building Permit Records.
- 4 - June 2004 population and dwellings are estimated from partial city information.
- 5 - Park acres for 1996 from the City’s Comprehensive Plan see pg. 28, pg.33 and pg. 36. (Total of all parks).
- 6 - Park acres for 2000 from the Bemidji Parks, Open Space and Trail System Plan.
- 7 - Park acres for 2001 and June 2004 based on no new acres added. Source: the City Parks Director.
- 8 - 2020 is a projected year matched with orderly annexation.

**Future Expansions of Bemidji: (Orderly Annexation)**

Currently, the city has about 205 acres of parks, equal to about 2.6 percent of the land in the city (205 park acres/7981 total city acres. [P.28 Comp. Plan] =2.6%). This percent (2.6%) can be considered a low percent for park land.

The parks serve a city population of about 12,000 equal to 16.8 acres per 1000 persons. If the park acres are judged to be approximately reasonable in terms of acres per person and percent of total land, then when the city expands, Bemidji’s future needs can be calculated by projecting the size and population of the city. If the city expands by 1000 acres by 2020, then

park acres need to be expanded by 40 acres to serve the expanded population and city. The Nexus Principle is based on the determination that the new need for park comes from the new subdivisions in the proportion each new subdivision contributes to the population and increases in the square footage of commercial and business development. See the table below.

**PARK NEED: BASED ON PROJECTED POPULATION**

Year	City Acres	Acres per 1000 People	Acres of Park Provided or Needed
2004	7981	17	205
2020	8981	17	245
Difference	1000	-	40

The need can also be based on a percent of the land in the community. A figure of 10 percent is often used as a standard. Bemidji’s percent is about 2.6 percent. The table below shows the park land needed based on the city’s projected annexation and 2.6 percent.

**PARK NEED: BASED ON CITY’S ANNEXATION PROJECTION\***

Year	City Acres	Acres per 100 people	Acres of Park Provided or Needed
2004	7,981	17	205
2010 (5 years)	1,391 New Annex 9372 Total	**	253**
2015 (10 years)	<b>2,145 New Annex</b> 11,517 Total	**	310**
2020 (15 years)	<b>1,624 New Annex</b> 13,141 Total	1) **	2) 342**
3) Difference 4) Between 2004 5) And 2020	6) 5,160	7) _	8) 137**

\*Information received August 26, 2004 from City on possible/projected annexation in Northern Township and Bemidji Township.

\*\*Projection of park land needed is not based on population in this scenario. Instead park land needed is projected based on the percent of park land to total city acres in 2004 (2.6%) and 2020 (2.6%). Total city acres times 2.6 percent gives the projected needed park land. For example, if the city has 13,141 acres in 2020, the projected park land needed at 2.6 percent is 342 acres or 137 acres more than the 205 acres which exist today. The calculation is 13,141 x .026=342 acres.

**Section 1116. Lot Combinations**

The combination of two (2) or more contiguous tax parcels into one (1) lot of record. In order to allow for a lot combination to occur, all parcels shall be owned under the same common ownership as well as the same zoning classification defined on the Greater Bemidji Area zoning map, per Section 203 of this

Ordinance. The combination of two (2) or more parcels shall be accomplished by the submittal of a lot combination application to JPB Staff followed by the recording of a deed and plat in the public deed records of the county and filing with Beltrami County property tax authorities. The combined lot shall not thereafter be subdivided in a manner that reduces the area of the lot on which it is located below the applicable minimum lot size. All property taxes for the parcels shall be up-to-date and paid in full at Beltrami County before lot combination can be finalized.