

ARTICLE 8: OPEN SPACE AND PARK STANDARDS

Section 8.1 Open Space Standards

Section 8.1.1 General Purpose

The purpose of open space is to provide a variety of active and passive recreation opportunities and to preserve valuable natural areas for the enjoyment of the residents of the Town of Elm City. Open space standards foster assembling of undeveloped natural land areas that may or may not include significant environmental features, such as wetlands or pristine forest areas, into suitable park lands for the Town of Elm City or residential and other developed areas. Linked open space lands are ideal for “greenways” whereby residents can walk along natural corridors that connect with other open space areas. Open space areas can include lake or pond areas or corridors along streams or water courses. Open spaces combined with recreational opportunities, such as linked greenways for pleasurable walking help enhance the quality of life for all Elm City residents.

Section 8.1.2 General Requirements

A. General requirement

1. Every residential development involving subdivision of land into ten (10) or more lots shall include consideration for the adequate provision of park, recreation and open space needs of persons expected to reside in the subdivision through the dedication of land for purposes of open space and/or park development as allowed under NC GS 160A.372. Under these provisions the subdivider may, as an alternative and with approval of the Board of Commissioners, elect to pay a fee-in-lieu-of such land dedication or provide a combination of land dedication and fees-in-lieu-of dedication.
2. Every non-residential development consisting of five (5) acres or more shall include consideration for open space in their development plan that can be combined with adjacent properties to provide open space corridors for connectivity of greenway development and/or in addition serve the needs of employees for recreational activity.

B. Land dedication formula requirement

1. Residential development
Sixteen (16) acres per 1,000 persons is a National Recreation and Park Association recommendation for open space/park land. This amounts to .016 acres per person. With the current average household in the Town of

Elm City estimated to be 2.4 persons per household, 0384 acres per house hold would be consistent with this national standard for required open space/park land (2.4 multiplied by .016). In keeping with this recommended open space/park land availability, an amount of .0384 acres shall be dedicated for each dwelling unit to be situated on any lot shown on the preliminary plat. This formula constant shall be applied to each and every proposed or planned housing unit for the subdivision, including single-family homes, mobile homes, and attaching housing units or multi-family units (such as a duplex with two (2) units or a triplex with three (3) units, etc.). Where the number of units is unknown then the maximum number of units allowed under the zoning density standards shall be utilized.

2. Non residential development

For non residential development a minimum of five (5) percent of the total acreage (.05) shall be donated or set aside for private open space.

C. Criteria for land dedication

Land dedicated for recreation, park or open space development shall substantially meet the following criteria:

1. Unity

The dedicated land shall form a single parcel, except where the Board of Commissioners determine that two (2) parcels or more would be in the public interest; and in such case the Board of Commissioners may require that such parcels be connected by a dedicated strip of land at least thirty (30) feet in width.

2. Location.

The dedicated land shall be located so as to reasonably serve the park, recreation and open space needs of the development for which the dedication is made, including corridor linkages for greenway development.

3. Usableness

At least one-half of the dedicated land shall be useable for active recreation. Lakes may not be included in computing the one-half of the dedicated area deemed useable for active recreation. Active recreation is defined as active play areas for softball, tennis, soccer, and other active sports or recreational activities.

4. Shape

The shape of the portion of the dedicated land deemed useable for active recreation shall be sufficiently square or round to be useable for recreational activities such as softball, tennis, soccer, or other active sports or active recreational-type activities.

5. Access
Public access to the dedicated land shall be provided either by adjoining street frontage or public easement at least thirty (30) feet in width.
6. Topography
Slope on areas dedicated for recreation shall not exceed ten (10) percent.
7. Plans
Town of Elm City and/or Wilson County plans, particularly any park and open space comprehensive plans, or plans from any county-wide or local Elm City recreation committee (if available) may be considered when evaluating proposals for dedication.
8. Environmentally sensitive areas
Areas that are environmentally sensitive are those that constitute valuable natural resources. These areas should be included in open space dedication and include the following:
 - a. Forested area with numerous hardwoods
 - b. Wetlands as defined pursuant to Section 404 of the Clean Water Act
 - d. Floodplains areas and areas subject to flooding
 - e. Areas within fifty (50) feet of Intermittent and perennial streams, lakes, ponds, and estuarine waters that are protected under the Tar-Pamlico Buffer Protection Rules

D. Dedication for private park or recreational purposes

1. Except where dedicated open space, or portions thereof, would promote a public greenway corridor linking to other areas as determined by the Board of Commissioners, land or a portion of such land that is dedicated may be set aside for private recreation or community open space for the private use of residents or other interests of the subdivision or development, so long as such open space meets the above criteria and fulfills the requirements of this section in whole or in a combination of public and private portions. (To be counted as private open space, it shall be an area that excludes buildings, required yards and lot acreage, parking, drives and streets.) Use of such private open space areas is restricted to park, recreation or conservation purposes.
2. If dedicated for private use, such recreation or open space area is to be privately owned and maintained by all the owners, residents or interests of the subdivision or development, and shall be held by a homeowners' association, owner of the property or recreation association for the use by all residents or persons in the subdivision or development. The owner of the property shall be responsible for maintenance until such time a homeowners' association is established and dues are collected for

maintenance purposes. All such dedications shall be recorded on the final plat; and maintenance shall be adequately provided for by written agreement.

E. Fee-in-lieu-of dedication

Where the developer elects to pay a fee in lieu of land dedication and such fee-in-lieu-of is approved by the Board of Commissioners, the fee shall be determined by first, identifying the amount of dedicated land in acres that would be required for dedication as set forth in Section 8.1.2.B above and second, multiplying this quantity by the current assessed per acre value of land based on the most current value of the development or subdivision for Wilson County property tax purposes.

F. Fee and acreage evaluation

The formula for the amount of land dedication is subject to annual review by the Board of Commissioners. The per-unit fee or land dedication amount in effect at the time of final plat approval shall be used in computing the total fee.

Section 8.1.3 Application and Dedication of Land

- A. Land dedication may not be required for residential subdivision involving nine (9) or fewer lots, provided those lots comprise the entire tract. Regardless of whether the lots are created at one time or over an extended period of time, residential subdivisions involving ten (10) or more lots require land dedication. However, where land donation from such subdivision would allow interconnectivity of a greenway corridor to link with another area, donation of sufficient size to provide buffer from residential development, but not less than fifty (50) feet wide, shall be required to accommodate a trail system. Such land donation may be in the form of a public easement.
- B. In determining the acceptability of land offered for dedication, the following factors shall be considered:
1. Developer's proposal for meeting recreation requirements.
 2. County-wide or local parks and recreation committee recommendation (if available).
 3. Any park and open space master plan(s).
 4. Topography, access, size, shape and location of subdivision and land available for dedication.
- C. The Board of Commissioner's determination is final and conclusive. Provisions for private, neighborhood-owned park area(s) are encouraged as well as public corridors that support the development of linked greenways.

- D. Land dedicated to meet the requirements shall be shown on the final plat submitted for approval. Where fees are agreed upon, they shall be deposited with the town prior to the recording of the final plat.
- E. Where a subdivision is to be recorded in phases, acreage and/or fees sufficient to at least meet the requirements for those lots in the phase under final plat consideration shall be dedicated and/or deposited as under Section 8.1.3.D above.

Section 8.1.4 Authority to Sell and Use of Fee-in-lieu of

The Board of Commissioners shall have the authority to sell land dedicated pursuant to this section, upon recommendation of a local or county-wide recreation committee (if available), Planning Board, Subdivision Administrator or other governmental agency. Proceeds of such sale and fees collected in-lieu-of dedication shall be used only for the acquisition and development of neighborhood recreation areas and shall be held in a special fund by the Town of Elm City for such purposes.

Section 8.1.5 Review procedures

- A. The developer/subdivider shall indicate, both on the preliminary plat and the application, whether land dedication or a fee-in-lieu-of is proposed. If land dedication is desired, the area(s) to be dedicated shall be so indicated on the plat.
- B. The subdivision administrator may forward a copy of the plat to a county-wide or local recreation committee (if available) for consideration. Any such committee comments or recommendations concerning the preliminary plat shall be submitted prior to or during consideration of the plat by the planning board. The planning board's role is to review any master parks and open space plans or interests the town processes and make appropriate recommendations based upon these plans or interests. In addition, the Planning Board shall evaluate the proposed land dedication in light of the criteria for land dedication set forth in Section 8.1.2.C above and make appropriate recommendations to the Board of Commissioners.
- C. The Board of Commissioners shall consider any recommendation from a county-wide or local recreation committee (if available), Planning Board, Subdivision Administrator's comments, other governmental agency evaluations and the requirements of this section in making their determination. Absence of a county-wide or local recreation committee recommendation shall not prevent the board from taking action on a plat.

Section 8.2 Park Land Facility Development

Section 8.2.1 Purposes of Park Facilities

The purpose of park facilities is to provide a variety of active and passive recreation opportunities for the residents of the Town of Elm City and within areas where they reside or work. Town parks and recreation facilities can greatly contribute to the social fabric and quality of life in Elm City. Quality parks and recreation facilities are vital to the growth and development of the community and also provide the community with substantial health and economic benefits. For example, studies show that residents are willing to pay more for property located close to parks and open space areas than for a property that does not offer this amenity. Higher property values mean higher property-tax income for the town.

Section 8.2.2 Park Land Facility Standards

A. Park facilities vary depending upon the type of residential development and/or community needs. The National Recreation and Park Association (NRPA) classifies various recreations facility needs that are most appropriate for the Town of Elm City:

1. Mini-park

A mini-park is used to address limited, isolated, or unique recreational needs. Many school and church playgrounds often serve as de facto mini-parks. NRPA recommends that mini-parks be between 2,500 square feet and one acre in size, although technically, any park smaller than five acres would be considered a mini-park. Mini parks are usually within residential areas and serve specific residential areas.

2. Neighborhood Park

This category serves as the recreational and social focus of a neighborhood, permitting both active and passive uses. NRPA recommends that neighborhood parks should be a minimum of five acres, with five to ten acres optimal. Basketball courts, benches, children play units, walking paths, shelters, picnic units, trees, and sand volleyball courts are typically provided. These parks are centrally located within $\frac{1}{4}$ to $\frac{1}{2}$ mile radius of residential populations.

3. Community Park

Community parks focus on meeting community-based recreation needs, as well as preserving unique landscapes and open spaces. In serving multiple neighborhoods, they provide many of the same types of facilities as neighborhood parks with the possible addition of swimming pools and community centers. Basketball courts, tennis courts, restrooms, group pavilions, parking areas, trails, trees, and competition athletic fields are included in Community Parks. These type parks are within 1 to 2 miles of residential populations and consist of more than fifteen (15) acres.

4. Greenways

Greenways tie park system components together to form a continuous park environment. As such, their size varies considerably depending on the terrain and distance between park segments. The National Recreation and Park Association recommend .4 miles of trails per 1,000 persons, suggesting that the Town of Elm City with approximately 1,113 needs approximately .45 miles of trails for the existing population.

5. Special park areas

Special park areas are smaller areas that offer limited or special play opportunities. For example, a children's play area is an example of special area. A small flat playing field area for active recreation would be another example. Size and location vary depending upon the need. These areas are usually connected with specific residential areas or developments.

B. Use of Land Dedication and fees-in-lieu-of

By applying the land dedication or fees-in-lieu of the Town of Elm City can plan for and realize the creation of various park land development. As subdivisions and development occur land dedication can help in the assembling of larger contiguous tracks of open space land that can be developed to meet the needs of the recreational facilities set forth in Section 8.2.2.A above.

Section 8.2.3 Park Facilities Requirements

A. Unless exempted in Section 8.1.3.A the subdivider of a residential development shall be required to provide the following recreational facilities

1. In every residential or non residential subdivision where the open space is determined by the Board of Commissioners to contribute to a linked greenway corridor or where the open space abuts another open space area or property that could be or is used as a greenway corridor, every residential development shall include a constructed trail system within the open space land suitable for walking and/or biking. The following minimum standards shall be met for the construction of an improved woodland or open walking area trail consisting of:
 - a. Soft surface materials with minimal improvements along the trail
 - b. Trail width generally between five (5) and ten (10) feet and located no closer than twenty five (25) feet to a perennial stream
 - c. Surface typically natural, but may have gravel or boardwalk sections to address erosion problems and wet areas.
 - d. Soft surface materials suitable to safely accommodate bicycles.
 - e. Access for the handicapped and meet current Americans with Disabilities Act (ADA) standards where feasible and possible
 - f. Trail clearly marked and delineated

- g. Trails generally located as far from residential structures as is reasonable in order to preserve privacy of nearby residents and the experience of trail users.
 - h. Specific trail design that addresses erosion problems likely to result from bicycle and pedestrian use with overall design that fosters ease of maintenance programs, including removal of litter, fallen tree limbs and trees, and repair of erosion damage
 - i. Bridging over of wet or wet land areas.
 - j. The total outside dimensional width of the greenway should be at least fifty (50) feet with additional width desirable to provide a buffer to protect adjacent residential areas.
 - k. Existing natural vegetation, especially trees and large vegetation, should be maintained along the trail where practical and appropriate and additional vegetation added to provide buffer areas and natural appearance
2. Within multi-family residential developments special play areas with recreational equipment suitable for children under 12 shall be provided by the subdivider for eight (8) or more units in a development and for each additional eight (8) units or portion thereof within the development. Play equipment shall include at a minimum various children play apparatus that meet the Handbook for Public Playground Safety in US Consumer Product Safety Commission Publication 325 and consist of swings, slide, climber or seesaw and sandbox facilities installed in a designated area containing soft ground cover suitable for a children's play area. Within or near the designated area benches, cooking pit or facility and a picnic table shall be provided for adult supervision and family enjoyment. The designated area with play equipment shall be located within the open space land areas such that the facilities are spaced throughout the open space within the development and be reached safely and easily by their anticipated users. The designated area and related equipment shall be on land that is suitable for the intended use, contain a minimum of 1,200 square, and be sufficiently screened or buffered with fencing and/or vegetation to help minimize the impacts on adjacent residences, provided the designated area is directly viewable from numerous locations around the development as well as from housing units. Where approved by the Board of Commissioners other types of recreational facilities may be substituted for one or more of the children's play area to reflect the recreational needs of the residential development.
3. Every residential development containing at least 25 lots or more dwelling units shall contain, as part of its required open space, one or more areas that are relatively flat, well drained, grassed, and otherwise well suited for use as a open play field that meets the following standards:
 - a. Each such area shall contain a minimum of 20,000 square feet configured in such a manner as to be useful as a play field.

- b. Every development covered by this subsection shall set aside in one or more play fields meeting the criteria of this subsection a minimum of 400 square feet of area per lot or dwelling unit within the development.
 - c. Play fields provided under this section shall be located with due regard for the safety and convenience of those using such facilities as well as the welfare of residents living nearby. The play fields required by this subsection shall be located such that 90% of the lots or dwelling units within any development that is required to install such play field are within 1,500 feet of a play field installed to meet the requirements of this subsection, unless the developer demonstrates by clear and convincing evidence that adherence to this requirement would not be feasible.
- B. In applying the above minimal recreational facility standards and requiring that the subdivider provide the facilities to appropriately meet the recreational needs of anticipated residents of the subdivision, the Board of Commissioners shall also consider other community needs. Due to the location of a particular open space land area in conjunction with adjacent open space land or other properties, the Board of Commissioners may require and participate in the development of a larger recreational facility with additional equipments and area space to accommodate a mini-park, neighborhood or community park to meet the needs of the larger Elm City community.
- C. Based upon the particular recreational needs of a residential development, as demonstrated by the subdivider through plans and other evidence, the above recreational requirements may be varied or modified by the Board of Commissioners to allow flexibility for the subdivider to provide appropriate recreational opportunities that meet the needs of the development's residents or future residents. With approval of the Board of Commissioners, the development of recreational facilities may also be delayed until such time a sufficient number of residents reside in the subdivision as determined by the Board of Commissioners.
- D. Nothing in this section prevents the Town of Elm City from seeking and receiving donations of land for recreational or park purposes or acquiring and assembling land for such purposes.
- E. Whether land is dedicated, donated or acquired, it is the intention of this section that such land is for the ultimate development as recreational areas, including greenways and open space areas for recreational opportunities. In addition to the funds available from fees collected in-lieu-of land dedication, the Town of Elm City may use available financial resources, including grants, if and when available, to develop and maintain the recreational areas, develop greenways in nonresidential areas, as well as provide amenities within the greenway areas, including benches to accommodate the elderly or

impaired, interpretative educational signage, appropriately positions bollards to prevent go-carts, picnic facilities, and informational and directional signage.