

CHAPTER 25 Parks, Open Space Land, and Recreation Facility Fees

25.1 Purpose And Intent

It is the intent of this chapter is to require that each new development contribute to the necessary range of parks and opens space critical to the quality of life for each resident and visitor. It is expected that all new residential development provides centrally-located, unencumbered land as neighborhood park space for human use and/or unimproved open space in addition to contributing to the construction and expansion of community facilities. The required neighborhood park or open space is intended to compliment the community facilities that are supported by the required Recreation Facility Fees.

25.2 Applicability

Any person developing and/or subdividing property for residential purposes subject to this ordinance shall be subject to the open space standards and Recreation Facility Fee levied by the town.

25.3 Recreation Facility Fee

Pursuant to the authority granted to the town by the State of North Carolina in Chapter 502, Senate Bill 576 (1989), the town shall impose a Recreation Facility Fee for each new single-family or multifamily dwelling unit (including, but not limited to, condominiums, town homes, apartments, and duplexes) built in the corporate limits or the within the town's extraterritorial planning area.

25.4 Applicability

- A. All residential subdivisions, multi-family developments, planned unit developments and manufactured home parks for which town approval or permitting is required, or real property improvement which results in the creation of residential dwelling units shall be subject to payment of the Recreation Facility Fee.
- B. No building permit shall be issued for any new residential dwelling unit until the Recreation Facility Fee has been paid to the town in full.

25.5 Exceptions

- A. The Recreation Facility Fee shall not apply to fences, billboards, poles, pipelines, transmission lines, advertising signs or similar structures and improvements, renovations and repairs which do not generate the need for additional or expanded recreational facilities.
- B. The Recreation Facility Fee shall not apply to residential subdivisions, multi-family developments, planned unit developments and manufactured home parks, which have received master plan approval and are still valid and active or an established zoning vested right prior to 6 January 2025.

25.6 Credits

The required Recreation Facility Fee may be credited, subject to approval by the Board of Commissioners, by an equivalent amount of land dedication and/or construction of greenway trails noted on an adopted plan.

25.7 Fee Amounts

The Recreation Facility Fee shall be paid to the town in the amounts as determined by the Board of Commissioners.

25.8 Appeals

Any person who feels aggrieved by any action of the town in imposing the facilities fee on a development or the town's classification for the purpose of establishing the rate, must first pay the amount of the facilities fee so charged to him/her, with such amount clearly marked as paid under protest, and thereafter give notice of appeal within a period of 30 days after such payment. Such notice should be delivered by personal service (as defined in Section 1A-1, Rule 4 of the N. C. General Statutes) or registered or certified mail, return receipt requested, directed to the Town Manager. A public hearing shall be held by the Board of Commissioners to review said matter within a period of 35 days following receipt of notice of appeal; the decision upon said appeal shall then be subject to review by the Superior Court by proceedings in the nature of certiorari; any petition for review by the Superior Court shall be filed with the clerk of Superior Court of Nash County within a period of 30 days following the date the decision of the Board of Commissioners is delivered in writing to the appealing party, said delivery to be either by personal service or by registered mail or certified mail, return receipt requested.

25.9 Neighborhood Parks And Open Space Dedication Requirements

In addition to the required Recreation Facility Fees note in 25.3, all new development shall provide neighborhood parks and undisturbed open space (as applicable). The intent is to ensure that each new home has a range of parks and open spaces within a typical walking or biking distance of $\frac{1}{4}$ to $\frac{1}{2}$ mile.

INTENTIONALLY BLANK

25.10 Required Open Space Conservation/Recreation Space Table

The amount of open space and recreation space required (measured as a percentage of the gross area of development) shall be as follows:

Context	Category	Required Park Space (Improved) – See Standards in Section 25.10	Required Open Space (Unimproved) – See Standards in Section 25.5	Total Dedicated Space
Rural	RA	Exempt	Exempt	Exempt
	R-30	2.5%	10%	12.5%
Suburban	R-15, R-MH	2.5%	10%	12.5%
	GB	Exempt	Exempt	Exempt
	IC	Exempt	15%	15%
	LI/HI	Exempt	Exempt	Exempt
Urban	R-MF	2%	5%	7%
	R-8	2.5%	12.5%	15%
	CB	2% for projects 2 acres or greater	Exempt	2% for projects 2 acres or greater

25.11 Open Space Types

Developments required to provide open space may use the following types to meet the requirements of this Section.

A. Unimproved Open Space:

1. Standards:

Pursuant to Section 25.4, development in certain districts may only require simple open space. Public accessibility is not required or expected but is permitted. Where practical, the following priority list shall be used to prioritize the conservation of unimproved open space areas:

- a. Primary Conservation Areas (riparian corridors (up to 300ft from perennial or intermittent blue line streams), special flood hazard areas, unique geological formations, rock outcroppings, rare plants, rare plant communities,

- rare habitats, wetlands, and prime agricultural areas/farmland);
- b. Unbuildable Areas (areas that have highly erodible soils or slopes in excess of 25%);
- c. Perimeter buffers;
- d. Tree save areas;
- e. Environmentally sensitive areas including but not limited to: drainage areas, floodways, riparian buffers, wetlands; and
- f. Public utility easements.

25.12 Reserved

25.13 Exemptions

- A. **Very Low Density Developments:** Neighborhood parks are not required in any residential development with an overall density of 1 unit/acre or less.
- B. **Conditional Districts:** Exemptions may be permitted on a case-by-case basis through the use of a Conditional District rezoning but shall have a minimum of 50% of the total required open space.
- C. **Developments With 8 Or Fewer Lots:** Developments with 8 or fewer lots shall not be required to provide park or open space when located within ¼ mile of a public park. If future phases are added that increase the number of lots to exceed 8, this exemption shall not apply.

25.14. Neighborhood Park Design Standards

25.14.1 Required Neighborhood Park Types

Neighborhood parks, as required by the district provisions, shall conform to one or more of the typologies defined below.

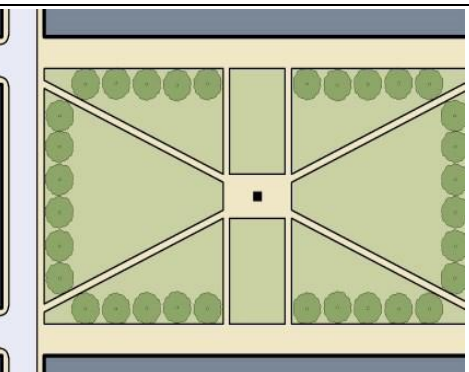
A. Park/Greenway: A natural preserve available for unstructured recreation. Its landscape shall consist of paths and trails, meadows, waterbodies, woodland, and open shelters, all naturalistically disposed. Parks may be linear, following the trajectories of natural corridors (greenways). The size shall generally be 1/2-5 acres (except Greenways where there is no minimum).



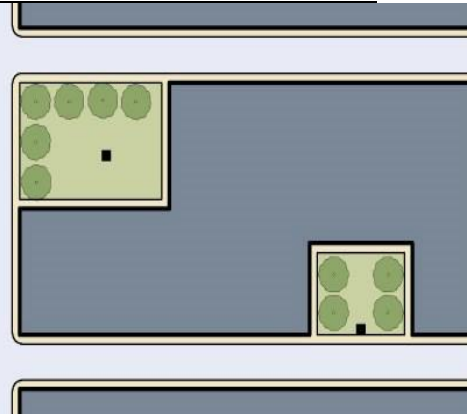
B. Green: An open space available for unstructured recreation. A Green may be spatially defined by landscaping rather than building frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. For the purposes of this section, standalone dog parks shall be considered a variation of the Green park type. The minimum size shall be 1/2 acre.



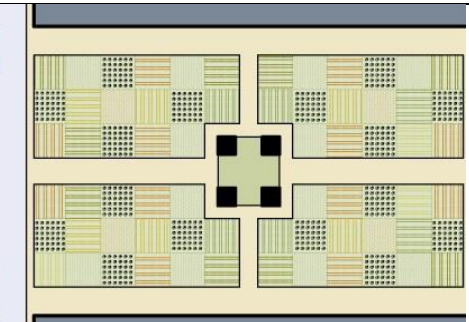
C. Square: An open space available for unstructured recreation and civic purposes. A Square is spatially defined by building frontages. Its landscape shall consist of paths, lawns, and trees, formally disposed. Squares shall be located at intersections. The minimum size shall be 1/4 acre and the maximum shall be 2 acres.



D. Playground: An open space designed and equipped for the recreation of children. A playground may include an open shelter. Playgrounds shall be interspersed within Residential areas and may be placed within a block. Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.



E. Community Garden: A grouping of garden plots available for small-scale cultivation, generally to residents of apartments and other dwelling types without private gardens. Community gardens should accommodate individual storage sheds.



Alternative park spaces, e.g. dog parks, hard courts, may be approved by a vote Town Board of Commissioners.

25.14.2 Location

- A. Land for neighborhood park spaces shall be centrally and internally located so as to serve the needs of the residents of the neighborhood.
- B. Required neighborhood parks shall provide focal points for developments.
- C. Areas described in any adopted plan as park, recreation, and open space land or greenways shall be preserved and dedicated where practical and feasible. All such dedication and improvement shall also be in conformance with all applicable federal and state rules and/or interlocal agreements. For developments that abut or include areas designated as future greenways on an adopted plan, the Administrator shall require a dedicated 20-foot minimum width public pedestrian and non-motorized vehicle easement be dedicated along all such areas.

25.14.3 Accessibility / Visibility

- A. All recreation spaces shall be conveniently accessible to all residents of the development and shall have at least 20 feet of frontage on at least one public street within the development.
- B. No residential unit within a development shall be further than ¼ mile (1320 feet), as measured along a road or pedestrian path, from a recreation space as defined above or other publicly-accessible park facility.
- C. All recreation spaces shall be visible from dwelling units that are adjacent to the neighborhood park. This includes dwelling units on properties that share a property boundary with the neighborhood park or front the neighborhood park from directly across a street.

25.14.4 Usability

- A. At least one-quarter of the total land dedicated shall be located outside special flood hazard areas, watercourses, and watershed buffers. All land dedicated shall be outside of wetlands and waters subject to State or Federal regulatory jurisdiction. Within the area proposed for dedication, sufficient engineering data and/or detail shall be indicated to ensure compliance with this section.
- B. Areas including ponds, lakes, wetlands, or easements for public utility transmission lines shall not exceed more than 50% of the required neighborhood park space.

25.14.5 Minimum Amenities Within Parks

- A. Minimum Amenities (All Neighborhood Park Types):
- B. Required recreation space shall be planned, improved, and usable by persons living nearby. Improved shall mean cleared of underbrush and debris and shall contain 2 or more of the following amenities: landscaping, walls or pathways, fences, walks, lighting and electricity, fountains, ball

fields, and/or playground equipment.

1. Public Seating: Provide seating areas appropriate to the intended use of the space (e.g., park benches and durable theft/vandalism-resistant chairs in formal/active spaces and garden wall seats in informal/passive spaces).
2. Supplement Tree Planting/Significant Species Preservation: A minimum of 1 tree (2 inch caliper minimum measured 6" above the ground at installation) to be planted in at least 350 square feet of soil or 1 preserved existing canopy tree a minimum of 12" caliper for every 2,500 square feet of required park space.
3. Trash Receptacle: Garbage receptacles shall be required for each park space.
4. Bicycle Parking: At least 4 short-term bicycle parking spaces shall be required for every neighborhood park space and every ½ mile of greenway. Bicycle parking shall be designed according to the bicycle parking standards in Section 9.6.

C. Minimum Amenities (Parks per 25.10): At least 25% of the park space land shall be required to be designated for active recreation purposes such as playgrounds, tennis courts, ball fields, volleyball courts, etc. The remainder of the park may be designed for passive recreation purposes such as walking, jogging, cycling, disc golf, relaxation, etc. Preservation of natural or cultural resources such as steep slopes, rock outcroppings, mature woodlands or water resources may also be counted towards passive recreation provided there is some method for public enjoyment and appreciation of such resources.

D. Minimum Amenities (Playground per 25.10): Playground equipment shall be equivalent to the standards established by the Consumer Products Safety Commission and ASTM for playgrounds.

E. Minimum Amenities (Greenway per 25.10): A greenway path is credited toward the minimum park space dedication requirement at a rate equal to the length of the path times 20 feet in width. The minimum width of the paved path shall be 10 feet.

25.15 Credit For Constructed Neighborhood Amenities

- A. Developments that provide neighborhood amenity facilities will receive a credit of 50% of the required total, subject to the provisions below.
- B. The facilities are open to all residents of the neighborhood and are not subject to a private membership separate from any related HOA dues.
- C. Such facilities shall, at a minimum, include a clubhouse a minimum of 1,000 square feet and either tennis court(s) or a pool/waterpark/sprayground.

25.16 Ownership & Maintenance

Neighborhood Parks or open space land shall be held and maintained by a homeowner's association. A metes and bounds description of the space to be preserved and limits on its use shall be recorded on the development plan, in homeowner covenants, and on individual deeds when open space lands are not held entirely in common. Alternative means of permanent open space preservation may include acceptance by a land conservation trust or a unit of government. Private management alternatives will also be permitted. Such open space shall perpetually run with the project and shall not be developed or separated from the project at a later date (unless no development of any portion of the project which is benefited by or required to provide such open space has occurred and the entire area of the project is presented for a new construction drawing approval, final plat approval, or rezoning, the effect of which will be to nullify the prior approval).