

## Chapter 7. RECREATIONAL OPEN SPACE

### 7.1 Purpose and Intent

The intent of this Chapter is to provide for centrally located, unencumbered land as neighborhood recreational open space and not to permit the use of leftover or otherwise unusable land to fulfill the requirements herein. Recreational open space as defined by this Chapter is distinct from those areas that are environmentally significant and must be protected.

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7.1 Purpose and Intent
7.2 Applicability
7.3 General Provisions
7.4 Recreational Open Space Ownership
7.5 Recreational Open Space Allocation
7.6 Payment in Lieu of Allocation

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### 7.2 Applicability

All residential and mixed-use residential developments greater than 12 total dwelling units shall be required to allocate recreational open space. Recreational open space shall be allocated at the Preliminary Plat (or Final Plat for Minor Subdivisions) phase for the GR, UR, HR, and RMX districts; and it shall be allocated at the Master Plan phase for a Conditional District (CD) and a Traditional Neighborhood Development (TND). Allocation shall not be required until determination of use for the NMX, CMX, and HB districts. Residential development in the Downtown Mixed-Use (DMX) district shall be exempt from these provisions.

### 7.3 General Provisions

- A. Recreational open space is defined as all areas not covered by building lots or parking lots, dry detention structures, perimeter buffers, streets, or required setbacks.
- B. Recreational open space shall be planned and improved, accessible and usable by persons living nearby. Improved shall mean cleared of underbrush and debris and may contain one or more of the following enhancements: landscaping, walls, fences, walks, statues, park benches, utilities, irrigation, fountains, ball fields, tennis courts, swimming pools, and/or playground equipment.
- C. Playground equipment should be located toward the interior of squares and parks away from the public right-of-way to provide for adequate safety of the user.
- D. Recreational open space should provide focal points for the neighborhood and City.
- E. A metes and bounds description of the space to be preserved and limits on its use shall be recorded on the subdivision 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 shall also be permitted.

## **7.4 Recreational Open Space Ownership**

All required recreational open space shall be classified as follows. Other undeveloped spaces shall not count toward the allocation requirement of this Ordinance.

### **A. Common Area Recreational Space**

Common area recreational open spaces are designed to serve the residents of the immediate block or neighborhood. Ownership of such common areas shall be in common ownership by a homeowners' association, similar organization, or held in private ownership with conservation easements recorded in the Rowan County Register of Deeds in a form approved by the City. The owner shall assume full responsibility for maintenance. In the event the association or private owner fails to maintain the common area according to the standards of this Ordinance, the City may, following reasonable notice:

1. Demand that the deficiency of maintenance be corrected, or
2. Enter the common area open space to perform the required maintenance. The cost of such maintenance shall be charged to the owning association.

### **B. Publicly-Owned Recreational Space**

Public recreational open spaces shall be dedicated to a local government or non-profit conservancy organization for ownership and maintenance. Public recreational spaces shall maintain free and public access. Hours of access may be restricted in accordance with health and safety guidelines. Recreational open space dedicated to the City of Salisbury shall be in accordance with the Parks and Recreation Master Plan and approved by the City Council for ownership and maintenance prior to approval of a master plan or preliminary plat. Lakes, ponds, creeks, and similar areas within the city shall be accepted for maintenance only if sufficient land is dedicated as a neighborhood recreation area or park.

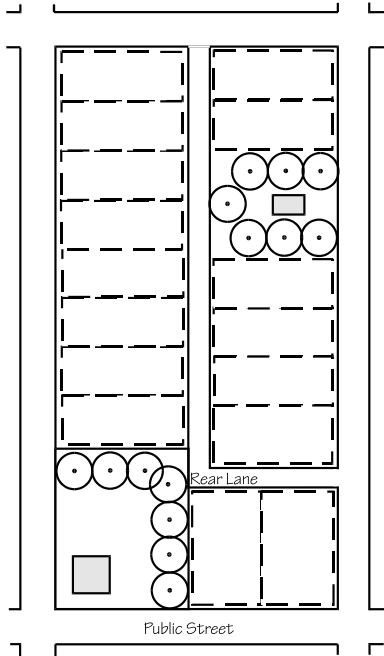
7.5 Recreational Open Space Allocation

The amount of open space required for allocation shall be determined using the Recreational Open Space allocation matrix below when residential uses are proposed based on the following matrices: Zoning Type, Recreational Open Space Type, and Amenity Type

Zoning Type	Total Recreation Space Required
GR-3 (3 u/ac.)	3%
GR-6 (6 u/ac.)	6%
HR/UR-8 (8 u/ac.)	8%
UR-12 (12 u/ac.)	12%
RMX (18 u/ac.) NMX (no max.) CMX (no max.) HB (no max.) TND (variable)	18%
OSP RR DMX	Exempt

Recreational Open Space Type	Notes
1. Playgrounds	Buildable lots within a development shall be within a 1/4-mile radius of one of these open space types
2. Mini-Park	
3. Neighborhood Park	
4. Greenway or Linear Park (Access Point)	
5. Golf Course	This category may not exceed 75% of the total required open space
6. Unique or Special Area	This category may not exceed 50% of the total required open space

Amenity Type	Bonus %	Notes
Playground Equipment	100%	Shall meet the Parks & Recreation Product & Safety standards, and the bonus applies to the footprint of the “safety fall zone”
Multi-Purpose Playfield	50%	Shall be a minimum 200’ x 200’ and gently sloping for drainage (two percent desirable) with a five percent maximum
Public Ownership	25%	Shall meet the standards of Publicly-Owned Recreational Space, and the bonus applies to the entire property

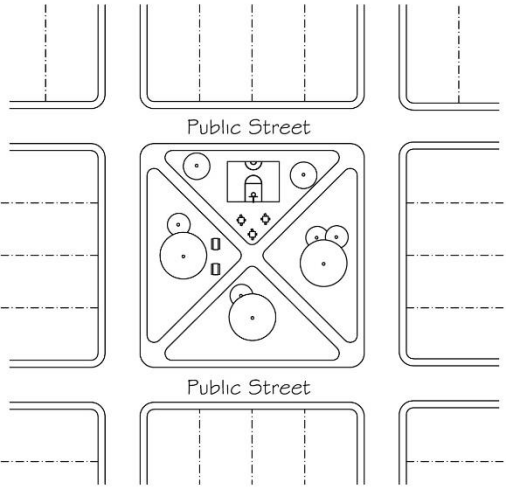


**1. PLAYGROUNDS**

Playgrounds provide sunny and shaded play areas for children as well as open shelter with benches for parents. Playgrounds may be built within other parks types or may stand alone within a residential block. Playgrounds shall provide playground equipment. Playing surfaces may be covered in material that meets current playground standards for accessibility and safety. Paths and walkways may be paved in concrete, crushed gravel, brick pavers, or similar material, or partially paved.

Minimum Size: 2,000 square feet  
Maximum Size: 20,000 square feet

Minimum access frontage for Playgrounds shall be 25% of perimeter or 100 feet, whichever is less.



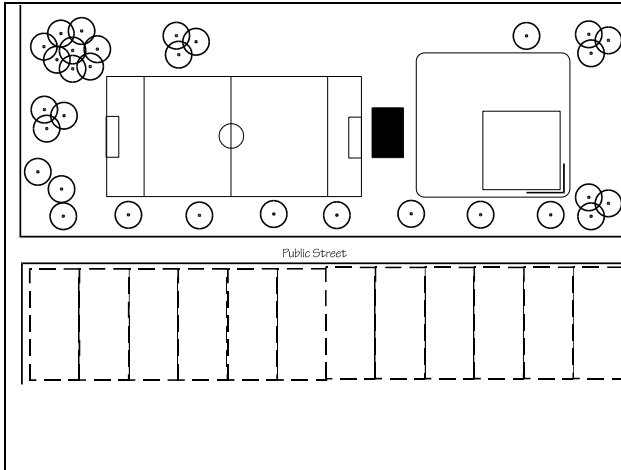
**2. MINI-PARK**

A mini-park is characterized by its relatively small size (20,000 square feet up to 5 acres) and its specialized facilities, which could be planned to serve a specific segment of the population (i.e. small children or senior citizens). The service area for a mini-park is less than ¼ mile.

Mini-parks may be formal such as an attached squares, plazas, forecourts, or detached squares, or informal such as a green.

At a minimum, mini-parks shall include seating areas, pathways, lighting, landscaping, and irrigation and/or water taps.

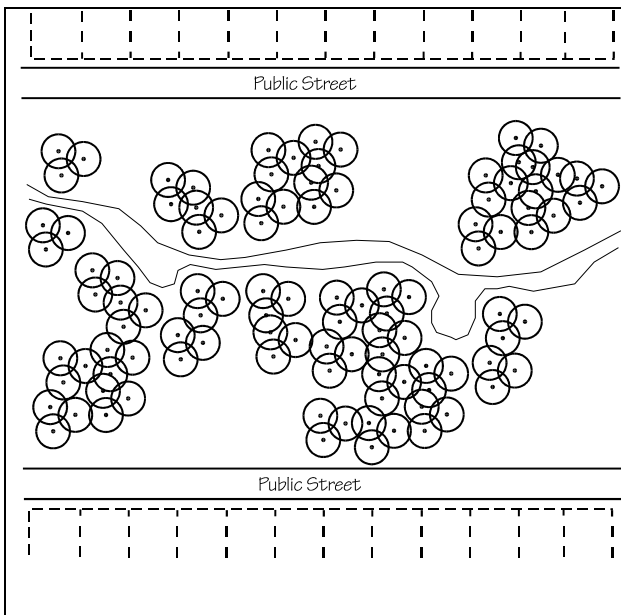
Minimum access frontage for Mini-Parks shall be 25% of perimeter or 200 feet, whichever is less.



**3. NEIGHBORHOOD PARK**

A neighborhood park is designed to serve a population of up to 5,000 people and should be a minimum of 5 acres. The neighborhood park is typically characterized by recreational activities for each family including courts, crafts, playground apparatus, pools, clubhouses, picnic shelters and space for quiet/passive activities.

Minimum access frontage for Neighborhood Parks shall be 25% of perimeter or 300 feet, whichever is less.



**4. GREENWAY/LINEAR PARK**

Greenways and linear parks are large, irregular open spaces designed to incorporate natural settings such as creeks and significant stands of trees within neighborhoods.

Greenways and linear parks differ from mini-parks and parks in that their detailing is natural (i.e. informally planted) except along rights-of-way, and may contain irregular topography. Parkways and greenways may be used for certain active recreational uses and shall provide at a minimum, recreation trails approved by the Parks and Recreation Department for walking, jogging, or bicycling.

Minimum access frontage for Greenways & Linear Parks shall be a minimum width of 20 feet.

**5. UNIQUE OR SPECIAL AREAS**

The unique or special areas are park types which accommodate special man-made or natural features in a pristine state; however, this may also include utility easement areas. They can include significant stands of hardwood trees, stream bed and floodplain areas, and other valuable topographic features, historical sites and buildings, cemeteries, sites of archeological significance, arboretums, conservation easements, etc. The size of the area should be sufficient to protect and interpret the resource.

**7.6 Payment in Lieu of Allocation**

Development that meets all of the following criteria shall be eligible for payment in lieu of allocation of recreational open space:

- Contains less than 50 proposed dwelling units, and
  - Is located less than ¼-mile radius from an existing or planned public park (or public school with recreational facilities accessible to the general public), and
  - Includes a proposed connection to the park or school by sidewalk or greenway trail.
- A.** The value of such payment shall be 300% of the predevelopment tax value of the required recreational open space area. A combination of recreational open space allocation and payment in lieu of allocation shall be permitted.
- B.** All payments shall be made prior to Final Plat approval. Failure to submit the required payment prior to Final Plat approval will delay approval until payment is rendered.
- C.** All funds received for payment in lieu shall be deposited into a special Parks & Recreation Development fund. Collected payments, including accrued interest, shall be expended solely for the acquisition, development, or rehabilitation of the existing or planned public park that was employed for payment in lieu eligibility.
- D.** An amount of land, equivalent to the payment in lieu value, located elsewhere within the City's Parks & Recreation Master Plan planning area may be accepted subject to City Council approval.