

## ***7.0 OPEN SPACE***

The intent of these requirements is to allow for the usage of centrally located unencumbered land as neighborhood open spaces and not to permit the use of leftover or otherwise unusable land to fulfill the requirements of this Chapter. Open space as defined by this Chapter is also distinct from those areas that are environmentally significant and must be protected in their pristine state as dedicated open space is designed to supplement the human habitat through its use and enjoyment.

### ***7.1 OPEN SPACE DEDICATION***

All residential developments with more than 8 total units shall be required to dedicate open space. To encourage development of residential units in the Downtown District, all such residential development shall be exempt from these provisions. The amount of useable open space required for dedication shall be determined using the Open Space Dedication Matrix. These figures are based upon similar dedication requirements throughout the State of North Carolina with three minor adaptations:

- First, the matrix was designed to base open space requirements on the number of bedrooms in a given development rather than the usual dedication based upon the dwelling unit. This more accurately reflects the needs of the residents, as the number of bedrooms within a given development is a better representation of the actual number of residents who would use open space.
- Second, the matrix is established to encourage the preservation of land. By allowing for an increase in densities, the matrix provides for an increasing requirement in open space dedication. For example, a 50-acre subdivision of 100 lots developed at a density of 2 units per acre would generally require 3.44 acres or 7% of dedicated open space. In contrast, this same tract of land subdivided into 400 lots (or condos) at a density of 8 units per acre would require 15.15 acres or 30% of dedicated open space. These figures are based upon an average of 3 bedrooms per unit.
- Third and final, this matrix has been developed with regard to the availability of accessible open space in close proximity to the proposed development. Developments within a ½ mile (10 minute) walk (along sidewalks or other pedestrian access) to existing publicly dedicated open space (parks, greenbelts, etc.) are granted a reduction in required open space dedication of 25%. Similarly, developments that are adjacent to existing publicly dedicated open space are granted a 50% reduction in required dedication.

Because the open space dedication requirements are based upon preliminary estimations of bedroom units in a given development, changing market conditions and final build-out of a project may yield a different bedroom count. In order to accommodate for variations, this code will permit variations to the estimated number of bedrooms up to 10%. Variations in excess of 10% may allow a payment in lieu of additional dedication. Variations in excess of 25% will require the dedication of additional open space.

For the purposes of good faith estimation, all single family developments will dedicate open space at a rate of 3.5 bedrooms per unit unless otherwise stipulated. Attached homes and apartments will dedicate open space at a rate of 2-4 bedrooms in accordance with building specifications.

**OPEN SPACE DEDICATION MATRIX**

	Gross Dwelling Units per Acre				Proximity to Parks
	0-2	2-6	6-10	+10	
<b>Estimated Number of Bedrooms X</b>	500	520	550	580	Base
	375	390	413	435	Within ½ Mile
	250	260	275	290	Adjacent
All figures are in square feet					

**How to use this matrix:**

1. Determine average density for proposed development (Gross Dwelling Units per Acre).
2. Determine average number of bedrooms per dwelling unit (good faith estimate).
3. Multiply number of bedrooms by the number of units to get to the estimated number of bedrooms.
4. Multiply the estimated number of bedrooms by figures shown in the matrix which relate to the density of the site and its proximity to existing open space.

**EXAMPLE:**

A developer wants to subdivide a 50 acre tract of land into 120 lots. The average number of bedrooms per lot is 3.5 (some 3 bedroom, some 4 bedroom). The tract is not within ¼ mile walking distance to any publicly dedicated open space. How much open space is required for dedication?

The density (in dwelling units per acre) is 2.4. There are an estimated 420 bedrooms. Using the multiplier of 520 as shown in the matrix, the required amount of useable open space to be required is 218,400 square feet or 5.01 acres or 10% of the total area.

**SECTION 7.2 PAYMENT IN LIEU OF OPEN SPACE DEDICATION**

If open space within a development is physically impractical due to unusual topographic conditions then the City Council may, at its discretion, accept either an equitable amount of land in another location or a fee paid to the City in lieu of dedication. The following formula shall be used to determine the fee:

$$\frac{\text{(Assessed Value of On-Site Property)}}{\text{X ((Yearly Adjusted Inflation Rate) (\# of Years Since Last Revaluation)+1)}} = \text{Payment in Lieu of Open Space Dedication Fee}$$

- **Assessed Value of On-Site Property** equals the value of the required amount of land to be dedicated as a percentage of the assessed valuation of the site prior to subdivision. (i.e. If the total acreage is 100 and the total assessed value equals \$500,000 and the required open space dedication is 15 acres, then the Assessed Value of the Open Space Dedication would be 15% of \$500,000 or \$75,000.
- **Yearly Adjusted Inflation Rate** is based upon prevailing inflation rates as reported annually in the Wall Street Journal or other reliable financial reporting medium. (i.e. 3%)
- **Number of Years Since Last Revaluation** is the total number of years since the last revaluation was conducted by the taxing authority.

**Example:**

Assessed Valuation: \$75,000  
 Inflation Rate: 3%  
 Yrs Since Last Revaluation: 6  
 Cost of Off-Site Open Space: \$88,500

$$\frac{(75,000)}{\text{X } ((.03 \text{ X } 6)+1)} = \text{\$ 88,500}$$

Payments in lieu of dedication shall be approved as part of the Schematic. Any disagreement in the amount of required payment shall be resolved by conducting a professional appraisal of the fair market value of the property. The professional appraiser shall be mutually agreed upon by the City or appointed by the City should an agreement not be reached. All payments made in lieu of dedication shall be made at the time of Construction Document approval. Failure to submit the required fee along with such applications will delay approval of such submissions until payment is rendered. All funds received for payment in lieu of dedication shall be used for the acquisition, development, or redevelopment of public open space within the same general area of the new development; within the City .

**SECTION 7.3 OPEN SPACE GENERAL PROVISIONS**

1. Open space is defined as all areas not covered by building or parking lots, dry detention structures, streets, required setbacks, or golf courses.
2. 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 improvements: landscaping, walls, fences, walks, statues, utilities, irrigation, fountains, ball fields, and/or playground equipment.
3. Significant stands of trees, stream bed areas, and other valuable topographic features shall be preserved within the required open space areas where practical. Areas noted on any adopted Master Plan as open space shall be preserved and dedicated where practical and feasible and may be left unimproved in accordance with the Plan.
4. Playground equipment, statues, and fountains 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.
5. Walls and fences shall be made of brick, stone, wrought iron, or wood and shall not exceed 4 feet in height. (Exception: Fences used in conjunction with ball fields.) Watershed District development shall allocate required open space in the form of one or more of the types listed in this Chapter.
6. Waterfront development shall provide 50% of the required open space as waterfront parks along its shoreline. This requirement may be reduced to a minimum of 25% if off-water open space is dedicated with an area equal to 1 ½ times the required waterfront dedication. The design shall be such as to form a central public space or esplanade for the neighborhood to provide waterfront access and views to residents. A minimum of 30% of the perimeter of the park shall be bordered by the water.
7. Open space should provide focal points for the neighborhood and City. A central square or green, for example, may comprise a majority of the area required for dedication.
8. Dedicated open space shall be separately deeded to either a homeowner's association, a non-profit land trust or conservancy, Gaston County, or to the City of Belmont (upon approval by the City Council) or it may be held in private ownership with conservation easements recorded in the Gaston County Register of Deeds in a form approved by the City.
9. Required buffers provided in accordance with Section 11.2.A (Type A Opaque Screen/Buffer) for the edge of all yards abutting a right-of-way for Interstate 85 or an active rail corridor shall be credited at a rate equal to a maximum of 50% of their area towards the required open space dedication, not to exceed 25% of the total open space dedication. In order to qualify for such credit, the buffer area shall be separately deeded and shall remain undisturbed except for any required supplemental plantings.

**SECTION 7.4 OPEN SPACE TYPES**

All required open space shall be classified in accordance with this Section. Open space, which is not classified under these types, shall not be counted toward the dedication requirement of this Code. Variations to street frontage requirements for certain open space types shall be permitted upon approval of the City Council with a recommendation from the Planning Board as part of a Preliminary Plat.

**TYPE I - COMMON AREA OPEN SPACE**

Common area open spaces are designed to serve the residents of the immediate block or neighborhood. Ownership and maintenance of such common areas shall be in fee simple title to a homeowners association or similar organization.

Common Area Open Space

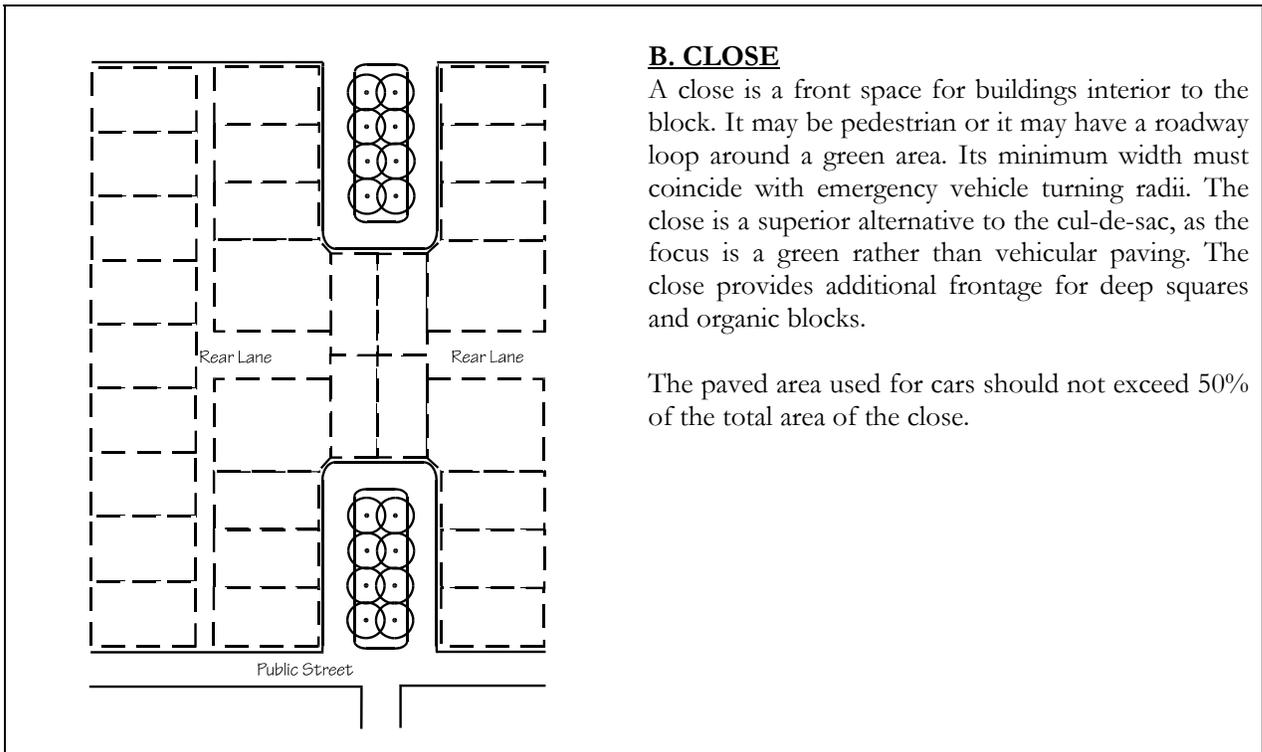
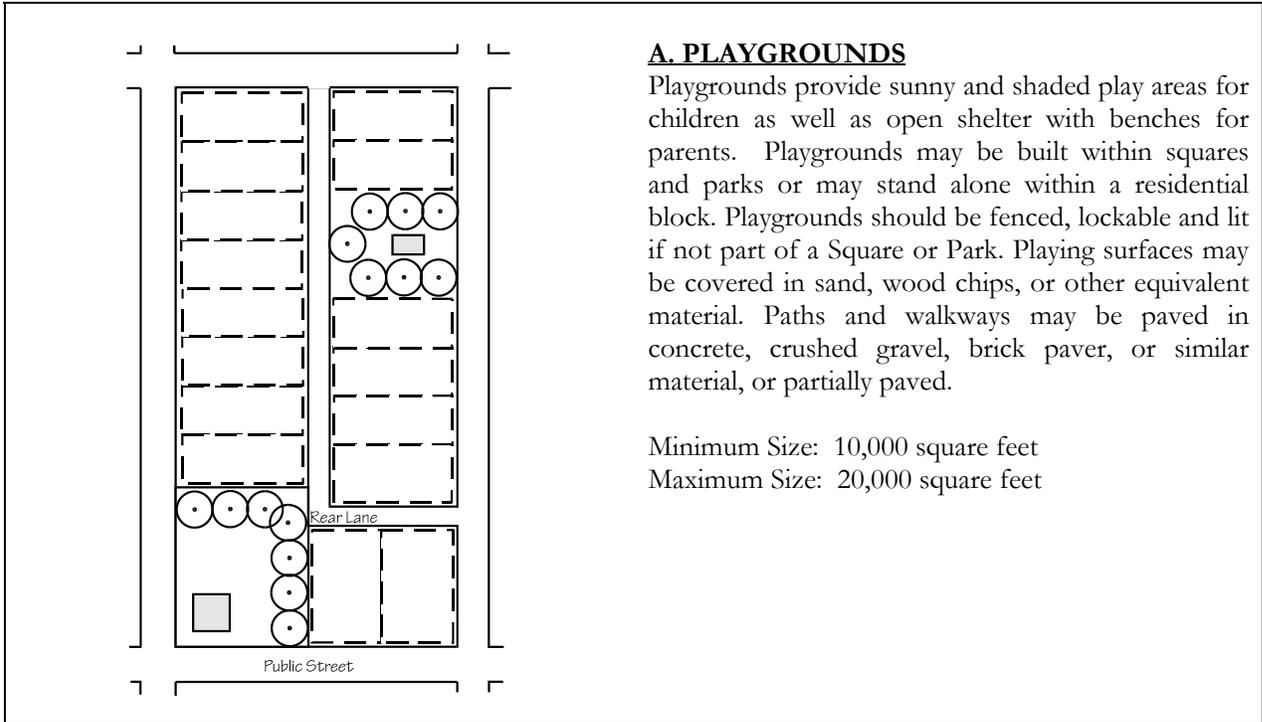
- Playgrounds
- Close
- Attached Squares
- Plazas
- Forecourts
- Detached Squares
- Greens
- Parks
- Parkways/Greenways

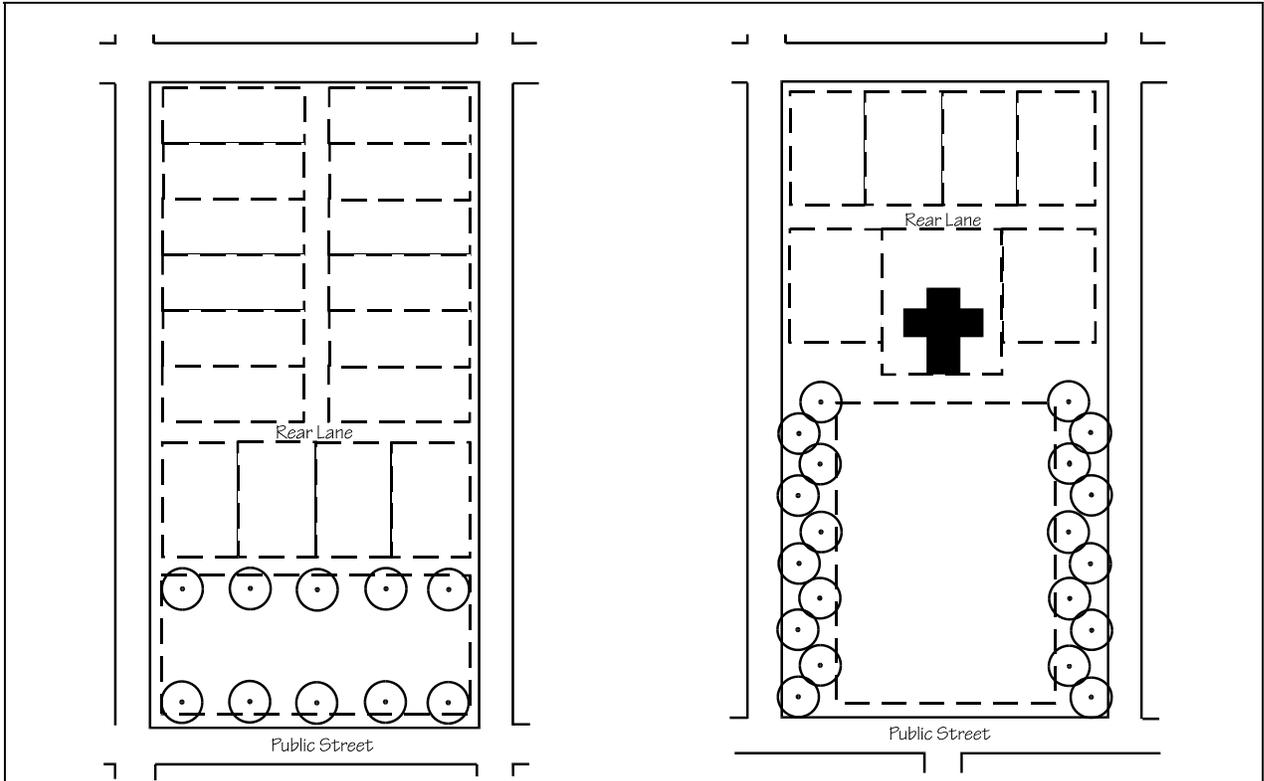
**TYPE II - PUBLIC OPEN SPACE**

Public open spaces shall be dedicated to a local government or non-profit conservancy organization for ownership and maintenance. Public open spaces shall maintain free and public access. Hours of access may be restricted in accordance with health and safety guidelines.

Public Open Space

- Attached Squares (Civic Only)
- Plazas (Civic Only)
- Detached Squares (Downtown District or NC-C Only)
- Greens
- Parks
- Parkways/Greenways

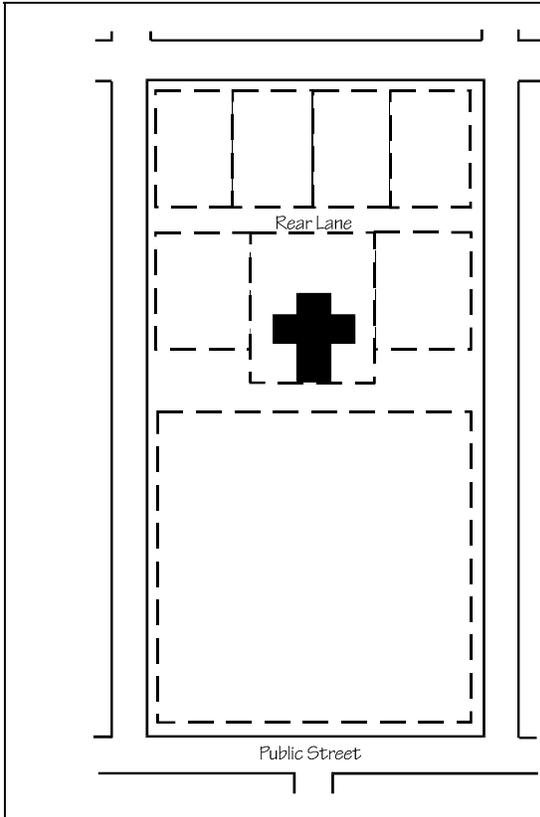




**C. ATTACHED SQUARES**

Squares are areas for passive recreational use. Squares shall be bounded by streets or pedestrian rights-of-way on a minimum of three sides or 60% of their perimeter. Squares are encouraged to be entirely bounded by streets and/or lanes. Squares may be bounded by buildings on a maximum of 60% of their perimeter (maximum of 2 sides) if through design, a central gathering area is formed. Squares shall be planted parallel to all R-O-Ws with one tree species based on the tree type. All internal tree plantings (if provided) shall be in geometrical layouts.

Minimum size: 2000 square feet  
 Maximum size: 1 acre



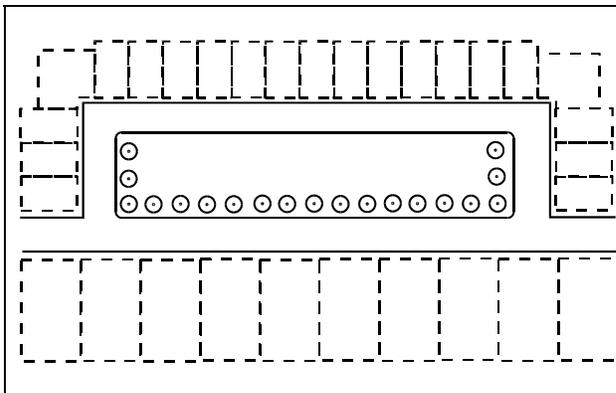
**D. PLAZA**

A plaza is an open area adjacent to, or part of, a civic building or facility. Plazas function as gathering places and may incorporate a variety of non-permanent activities such as vendors and display stands. Limited parking is also permitted. Plazas are always paved in brick or other type of paver, or crushed stone. Plazas shall be level, stepped, or gently sloping (less than 5% grade).

The following sizes are recommended but may be larger or smaller depending on the building or facility design. At no time shall a plaza’s horizontal length or width be greater than 3 times the height of the surrounding building(s).

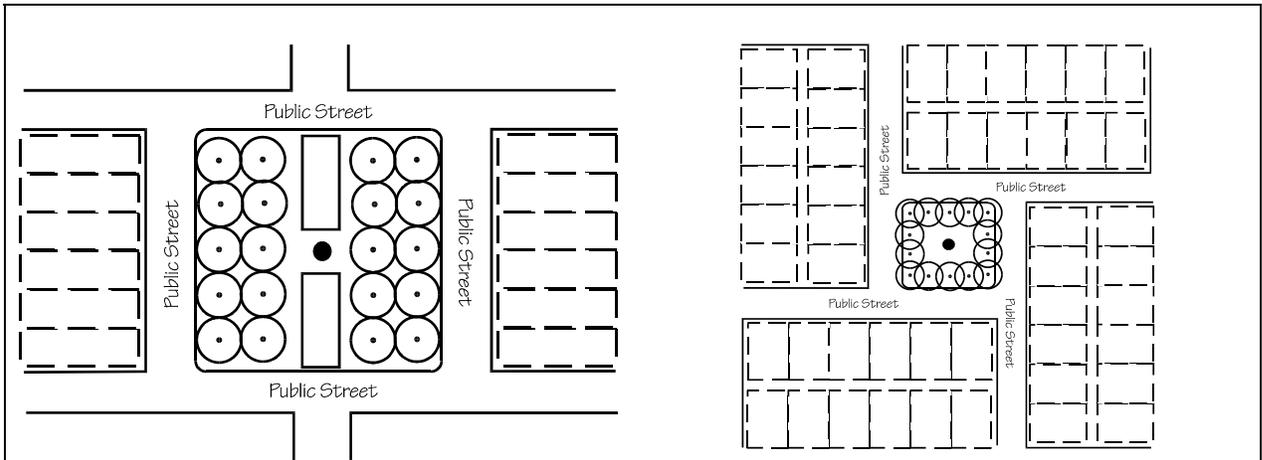
- Minimum size: 2,000 sq ft
- Maximum size: 30,000 sq ft

Plazas may be left unplanted. If planted, the trees should form a frame to the plaza space or for the structure which the plaza services.



**E. FORECOURTS**

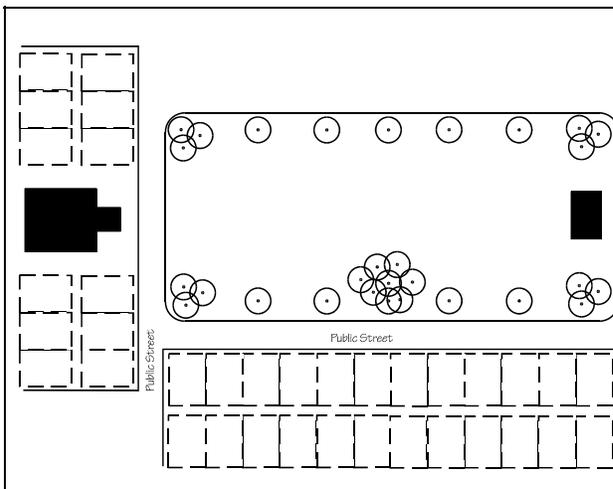
Forecourts are open space areas which act as buffers between residential and non-residential buildings or streets. Forecourts are entirely bounded by streets. It is recommended that forecourts be planted parallel to all street right-of-ways with one tree species.



**F. DETACHED SQUARE**

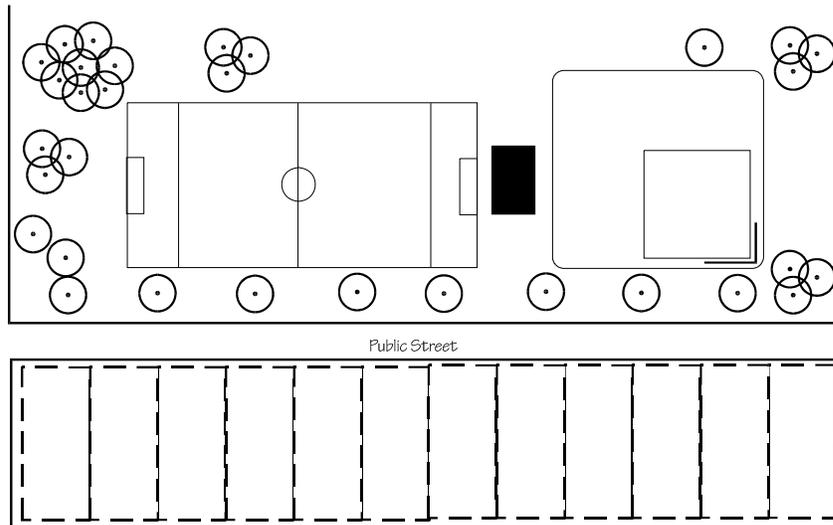
Detached squares bordered on all sides by roads are particularly formal. Since adjacent buildings provide much of the population using any public space, detached squares are less likely to be used than other types though it remains appropriate as a means to symbolically enhance important places, intersections, or centers. Detached Squares shall be planted along the perimeter of the square or may be used to preserve a specimen tree or small stand of trees.

Minimum Size: 200 sq ft  
 Maximum Size: 1 acre



**G. GREEN**

The green is an urban open space which is naturalistic in its details. Like the square, it is small, civic, and surrounded by buildings. Unlike the square, it is informally planted and may have irregular topography. Greens are usually landscaped with trees at the edges and open lawns at the center. Greens should contain no structures other than benches, pavilions, and memorials; paths are optional.



**H. PARKS**

Parks may be designed for passive and/or active recreational use. Parks shall be bounded by streets on a minimum of 50% of their perimeter (subject to lot line configurations). Parks are encouraged to be entirely bounded by streets.

Minimum size: 1 acre

Large parks should create a central open space which services an entire neighborhood or group of neighborhoods; or incorporates physical features which are an asset to the community (i.e. lake or river frontage, high ground, significant stands of trees).

Trees shall be planted parallel to all perimeter R-O-Ws with one species type, a minimum of 15 ft to a maximum of 30 ft on center. Trees shall limb up a minimum of 15 ft at maturity.

Promenades and Esplanades within a park may be formally planted with trees parallel to the walkway. Areas under dense tree plantings shall be paved with crushed gravel. Interior portions of parks are encouraged to be kept free of tree plantings. Areas for active recreational use and any facilities which accompany such use shall have a tree planting design which integrates the structures into the park and defines the areas set aside for active use from areas of passive use. Plantings in interior portions of parks are encouraged to follow topographical lines.

There shall be no areas within a park of undergrowth or limbs lower than 12 ft from the ground.

Parks may be combined with parkways and greenbelts.

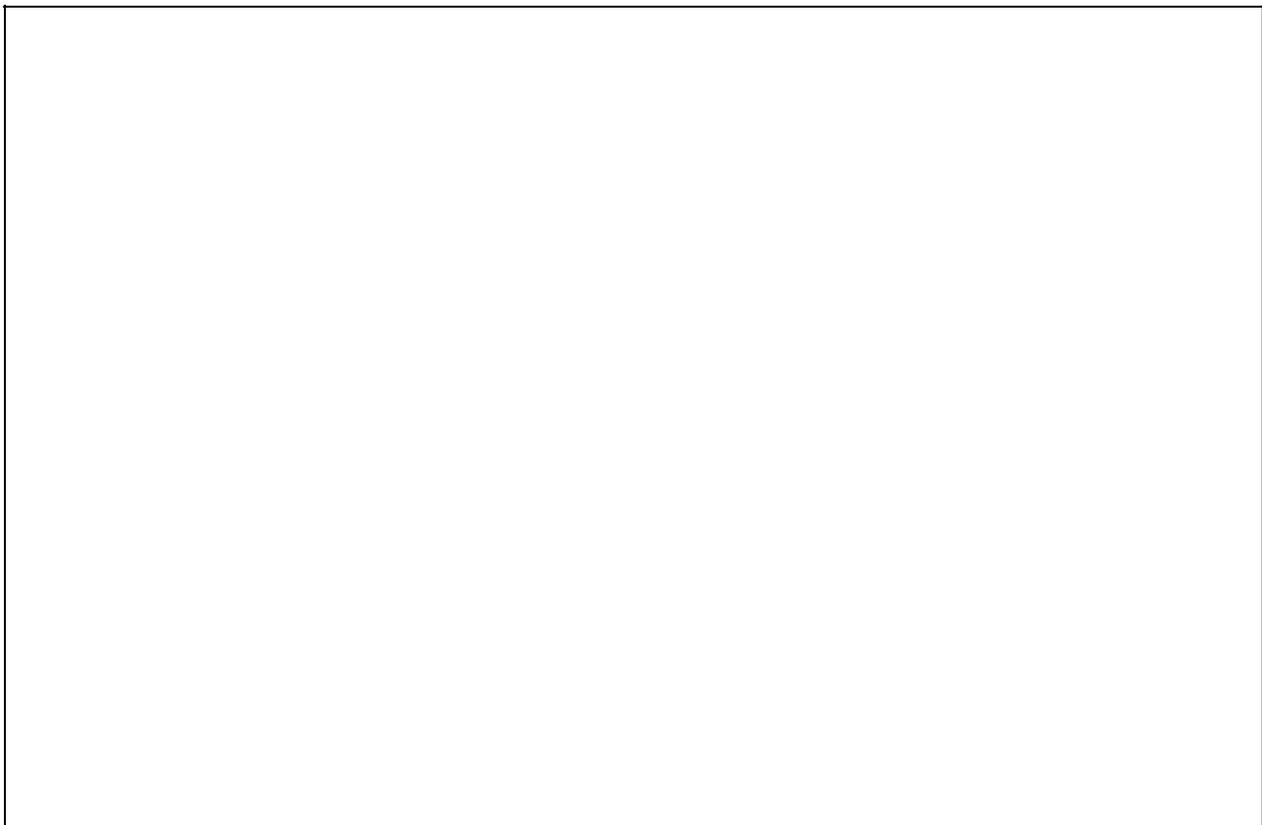
The diagram illustrates a parkway or greenway layout. It features a central area with several clusters of trees, represented by overlapping circles with a central dot. A winding path or stream flows through the middle of these clusters. The entire area is bounded by two horizontal lines, each labeled 'Public Street'. Above and below these street lines are dashed lines representing curbs or sidewalks.

**I. PARKWAYS / GREENWAYS**

Parkways and greenways are large, irregular open spaces designed to incorporate natural settings such as creeks and significant stands of trees within neighborhoods. Parkway are to be entirely bounded by streets or pedestrian R-O-Ws within developed areas. Greenways are exempt from this requirement.

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

Interior areas shall remain natural and any additional plantings shall be informal in design.



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