

**TOWN OF SILER CITY
ORDINANCE 01-18-2022 UDO REC. & OPEN SPACE**

AN ORDINANCE AMENDING ARTICLE XIII (RECREATIONAL FACILITIES & OPEN SPACE) OF THE TOWN OF SILER CITY UNIFIED DEVELOPMENT ORDINANCE (UDO)

NOW THEREFORE, be it ordained by the Board of Commissioners of the Town of Siler City, in the State of North Carolina, as follows:

SECTION 1: AMENDMENT “180 Miniparks Required” of the Town of Siler City Unified Development Ordinance (UDO) is hereby *amended* as follows:

AMENDMENT

180 Miniparks Required

- (a) Subject to §180(b), all residential developments shall provide recreational areas in the form of miniparks in an amount equal to:

| Number of Bedroom(s) Within Dwelling Unit | Square feet of Recreational Area Required per Dwelling Unit |
|---|---|
| One (1) | 153 |
| Two (2) | 240 |
| Three (3) | 349 |
| Four (4) or more | 436 |

Such recreational areas shall be provided in addition to the open space areas required by §182.

- (b) **Exemptions.**

(1) The board recognizes that miniparks must be of a certain minimum size to be usable and that such miniparks will not serve the intended purpose unless properly maintained. Therefore, residential developments that are small enough so that the amount of required minipark space does not exceed two thousand (2,000) square feet are exempt from the provisions of this section. However, as used in the foregoing sentence, the term development refers to the entire project developed on a single tract or contiguous multiple tracts under common ownership, regardless of whether the development is constructed in phases or stages.

(2) ~~In addition,~~ Residential developments of less than thirteen (13) dwelling units shall also be exempt from the provisions of this section.

(3) Any residential development located within the Downtown Siler City District (DSCD) shall also be exempt from the provisions of this section.

- (c) Payment in Lieu. As an alternative to satisfying the minipark requirements (reserving land and providing active recreational facilities to serve the development), the developer may be allowed to pay a fee-in-lieu to satisfy the minipark requirements (reserving land and constructing active recreational facilities to serve the development) upon the approval of the permit issuing authority.
- (d) Computation of Payment in Lieu. Where a fee is to be paid in-lieu with respect to a development, the amount of such fee shall be per the published Town of Siler City Fee Schedule for the fee-in-lieu amount for required construction of active recreational facilities.
- (e) Fees collected in lieu and any proceeds from such transactions or sales shall be held in a special fund by the Town, and the funds shall be used by the Town for the purpose of acquiring, developing, and rehabilitating public recreation areas (both land and capital improvements) to Town-owned recreational facilities and for no other purpose. The depository for such funds may be the same as permitted for other funds of the Town. Collected fees shall be appropriated by the Town Board for a specific project to serve the residents within the immediate area of the subject development. The immediate area shall be defined as the nearest existing community/neighborhood/mini park (Boling Lane Park, W.F. Collins Park, Earl B. Fitts Community Center, Ernest Ramsey Gym, Landrus Siler Park, Loves Creek Greenway, Paul Braxton Park/Gym, or Washington Avenue Park) and/or any district park (Bray Park Sports Complex/Swimming Pool). The nearest community/neighborhood/mini park shall be determined by measuring a straight line from the subject development property boundary to the community/neighborhood/mini park property boundary. The district park is a park that serves all of the residents in the community. The Town may, at its discretion, add additional monies to the fund for the purposes of purchasing, developing, and rehabilitating public recreational land to be used for public recreational purposes.
- (f) The developer shall indicate on the permit application whether land reservation and providing active recreational facilities are proposed or whether to pay a fee in lieu. The permit issuing authority shall determine which option as part of the permit approval. The reservation of land and construction of the minipark shall be completed prior to final plat approval or final zoning permit inspection approval. The payment in lieu fees shall be paid prior to final plat or zoning permit approval. Covenants for the minipark shall be submitted to the Town for review and recorded prior to final plat or zoning permit approval (see §183).
- (g) The permit issuing authority has the option to require:
 - (1) reserving land and providing active recreational facilities to serve the development; or
 - (2) a fee-in-lieu be paid to satisfy the minipark requirements (reserving land and constructing active recreational facilities to serve the development); or
 - (3) any combination of the two (2) options listed above.

Amended April 2, 2018, November 19, 2018

SECTION 2: **AMENDMENT** “182 Usable Open Space” of the Town of Siler City Unified Development Ordinance (UDO) is hereby *amended* as follows:

AMENDMENT

182 Usable Open Space

- (a) Purpose. Open spaces preserve natural resources and provide areas for active and passive recreation in developed areas and protect property values, public health, safety, environmentally sensitive areas, and water quality.
- (b) Except as provided in §182(c), every residential development shall be developed so that at least five (5) percent of the total area of the development remains permanently as usable open space. Such open space shall be provided in addition to the recreation areas required by §180.
- (c) For purposes of this section, usable open space means an area that:
 - (1) Is not encumbered with any substantial structure,
 - (2) Is not devoted to use as a roadway, parking area, or sidewalk,
 - (3) Is left (as of the date development began) in its natural or undisturbed state if wooded, except for the cutting of trails for walking or jogging, or, if not wooded at the time of development, is landscaped for ball fields, picnic areas, or similar facilities, or is properly vegetated and landscaped with the objective of creating a wooded area or other area that is consistent with the objective set forth in §182(b)(4),
 - (4) Is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation, and
 - (5) Is legally and practicably accessible to the residents of the development out of which the required open space is taken, or to the public if dedication of the open space is required pursuant to §184.
- (d) **Exemptions.**
 - (1) Residential developments of less than thirteen (13) dwelling units are exempt from the requirements of this section unless the town agrees that it will accept an offer of dedication of such open space, and in that case the offer of dedication shall be made in accordance with §184.
 - (2) **Residential developments located within the Downtown Siler City District (DSCD) shall also be exempt from the requirements of this section.**
- (e) Payment in Lieu. As an alternative to satisfying the useable open space requirements (reserving land to serve the development), the developer may be allowed to pay a fee-in-lieu to satisfying the useable open space requirements (reserving land to serve the development) upon the approval of the permit issuing authority. However, no more than fifty (50) percent of the required amount of open space shall be satisfied by

payment in lieu.

- (f) Computation of Payment in Lieu. Where a fee is to be paid in-lieu with respect to a development, the amount of such fee shall be the highest appraised tax value (at the time of final plat or zoning permit approval) or most recent sale price, whichever is greater, for the amount of reserved land from the parcel for which the open space is being reserved.
- (g) Fee collected in lieu and any proceeds from such transactions or sales shall be held in a special fund by the Town, and the funds shall be used by the Town for the purpose of acquiring, developing, and rehabilitating public recreation areas (both land and capital improvements) to Town-owned recreational facilities and for no other purpose. The depository for such funds may be the same as permitted for other funds of the Town. Collected fees shall be appropriated by the Town Board for a specific project to serve residents within the immediate area of the subject development. The immediate area shall be defined as the nearest existing community/neighborhood/mini park (Boling Lane Park, W.F. Collins Park, Earl B. Fitts Community Center, Ernest Ramsey Gym, Landrus Siler Park, Loves Creek Greenway, Paul Braxton Park/Gym, or Washington Avenue Park) and/or any district park (Bray Park Sports Complex/Swimming Pool). The nearest community/neighborhood/mini park shall be determined by measuring a straight line from the subject development property boundary to the community/neighborhood/mini park property boundary. The district park is a park that serves all of the residents in the community. The Town may, at its discretion, add additional monies to the fund for the purposes of purchasing, developing, and rehabilitating public recreational land to be used for public recreational purposes.
- (h) The developer shall indicate on the permit application whether land reservation is proposed or whether to pay a fee in lieu. The permit issuing authority shall determine which option as part of the permit approval. The reservation of land shall be completed prior to final plat approval or final zoning permit inspection approval. The payment in lieu fees shall be paid prior to final plat approval or zoning permit approval. Covenants for the open space shall be submitted to the Town for review and recorded prior to final plat approval (see §183).
- (i) The permit issuing authority has the option to require:
 - (1) reserving land as open space to serve the development; or
 - (2) a fee-in-lieu be paid to satisfy the useable open space requirements (reserving land to serve the development); or
 - (3) any combination of the two (2) options listed above.

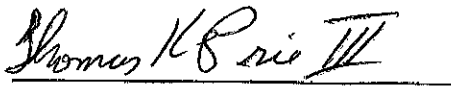
Amended April 2, 2018, November 19, 2018

REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

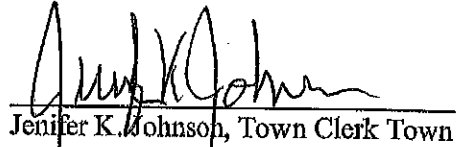
PASSED AND ADOPTED BY THE TOWN OF SILER CITY BOARD OF COMMISSIONERS February 21, 2022.

Presiding Officer



Thomas K. Price III, Mayor Pro Tempore, Town of Siler City

Attest



Jennifer K. Johnson, Town Clerk Town of Siler City

