

ARTICLE 11 – OPEN SPACE AND PARKS

TABLE OF CONTENTS		Page
11.1	Purpose and Findings	11-1
11.2	Applicability	11-2
11.2.1	Types of Applications	11-2
11.2.2	Exempt Applications.....	11-2
11.2.3	Waivers	11-2
11.3	Minimum Requirements	11-2
11.3.1	Amount of Open Space Required.....	11-2
11.3.2	Type of Open Space Required.....	11-3
11.4	Proximity of Open Space	11-7
11.4.1	Location	11-7
11.4.2	Proximity	11-7
11.5	Improvement of Open Space Parcels	11-7
11.5.1	Improvements Required	11-7
11.5.2	Dedication Option.....	11-7
11.6	Fee in Lieu of Open Space	11-8
11.6.1	Applicability	11-8
11.6.2	Market Value Determination	11-8
11.6.3	Time of Payment	11-8
11.6.4	Administration and Use of Funds	11-8
11.6.5	Required Expenditure	11-9
11.7	Deed Restrictions	11-9
11.7.1	Covenants and Restrictions	11-9
11.7.2	Maintenance of Conservation Easements	11-9
11.8	Open Space Ownership	11-9
11.8.1	Type of Ownership	11-9
11.8.2	Association Ownership.....	11-9
11.8.3	Maintenance	11-10

TABLES		Page
11-1	Open Space Required for Nonresidential Uses.....	11-3
11-2	Open Space Categories and Improvement and Maintenance Requirements	11-4
11-3	Open Space Credit Adjustment Ratio	11-7

FORMULAS		Page
11-1	Fee in Lieu Calculation	11-8

11.1 PURPOSE AND FINDINGS

The purpose of the open space and parks requirements provided in this Article is to provide standards for the creation and maintenance of open space and park areas in conjunction with new development that will protect the health, safety and general welfare of the public, enhance property values, improve the appearance of the community and preserve natural areas. The requirements will be applied to all new development and redevelopment.

ARTICLE 11 – OPEN SPACE AND PARKS

These minimum requirements will:

- a. Provide open space, park land and Greenway access within a reasonable distance of all new neighborhoods in the city;
- b. Maintain a minimal amount of open space in the community to assist in the mitigation of air, dust, noise, heat and chemical pollution;
- c. Preserve existing open space, environmentally sensitive areas, wildlife habitats and native vegetation as an integral part of the community;
- d. Promote water and energy conservation;
- e. Screen neighborhoods from incompatible land uses;
- f. Maintain and increase property values by requiring park areas, Greenways and open space to be incorporated into new development; and
- g. Promote passive recreation and walkability in neighborhood design.

11.2 APPLICABILITY

11.2.1 Types of Applications

This Article applies to all applications for general development plans, major subdivision plans, minor plats, major site plans and minor site plans unless otherwise indicated below.

11.2.2 Exempt Applications

The following applications are exempt from the requirements of this Article:

- a. A single-family or multi-family residential development or subdivision that involves less than four (4) acres and less than ten (10) dwelling units;
- b. A non-residential development or subdivision that proposes less than ten thousand (10,000) square feet of gross floor area;
- c. A renovation, redevelopment or expansion of any existing use or development that does not exceed the limits established above;
- d. A renovation, redevelopment or expansion of any existing use or development that exceeds the limits established above and does not utilize any vacant and previously undeveloped land or existing open space; and
- e. The D, Downtown District, including the Georgia Avenue Overlay District.

11.2.3 Waivers

The Planning Commission may permit minor deviations from open space standards as waivers if it renders findings, based on substantially competent evidence, that:

- a. The objectives underlying these standards can be met without strict adherence to them; and
- b. Because of peculiarities in the tract of land, it would be unreasonable to require strict adherence to these standards.

11.3 MINIMUM REQUIREMENTS

11.3.1 Amount of Open Space Required

11.3.1.1 Open space shall be reserved at a ratio of one thousand twenty-four (1,024) square feet per dwelling unit for residential development, or that portion of mixed use development containing dwelling units; and

ARTICLE 11 – OPEN SPACE AND PARKS

11.3.1.2 Open space shall be reserved at the number of square feet per one-thousand (1,000) square feet of non-residential space developed as provided for in Table 11-1, Open Space Required for Nonresidential Uses, for the land use category specified.

Comment: This figure is derived from a Level of Service standard of ten (10) acres per one thousand (1,000) persons, and Census 2000 data of 2.35 persons per household.

TABLE 11-1 OPEN SPACE REQUIRED FOR NONRESIDENTIAL USES

	A	B
	Land Use Category	Square Feet of Open Space Required per 1,000 Square Feet of Nonresidential Space Developed
1.	Education	114
2.	Food Sales	89
3.	Food Service	151
4.	Health Care	168
5.	Lodging	66
6.	Retail and Service	92
7.	Office	225
8.	Public Assembly	66
9.	Religious Worship	60
10.	Warehouse and Storage	50
11.	All Other	160

Comment: These figures are based on a Level of Service of two (2) acres of open space per worker. Data for the number of workers per square feet are based on Table BC1 of U.S. Department of Energy, Energy Information Administration, A Look at Commercial Buildings in 1995: Characteristics, Energy Consumption, and Energy Expenditures (October 1998).

11.3.1.3 An applicant for development approval may pay a fee in lieu of providing open space required in this Article as provided in §11.6.

11.3.2 Type of Open Space Provided

Open space shall be provided in the categories enumerated in Table 11-2, Open Space Categories and Improvement and Maintenance Requirements.

For residential development, open space shall be restricted to natural areas, greenbelts, Greeneways, greens, parks, playgrounds, rotaries, roundabouts and closes.

For non-residential development, open space shall be restricted to greenbelts, Greeneways, greens, plazas, traffic circles, roundabouts, rotaries and closes.

ARTICLE 11 – OPEN SPACE AND PARKS

TABLE 11-2 OPEN SPACE CATEGORIES AND IMPROVEMENT AND MAINTENANCE REQUIREMENTS

	A	B	C
	Category	Improvement Requirements	Maintenance Requirements
1. Natural Area	Environmentally sensitive areas left undisturbed as an amenity for the development. Natural areas often include severe topography or environmentally sensitive areas. The size and shape of a natural area is determined by the land characteristics. They may be combined with stormwater management requirements.	Improvements are minimal and include removal of hazards; removal of solid waste, trash and debris; minor clearing of understory plant material to provide views; and construction of trails.	Maintenance is limited to maintaining the natural character of the open space. Natural water courses shall be maintained as free-flowing and devoid of debris. Natural areas may be privately owned or deeded to the city if accepted by the City Council.
2. Greenbelt	Greenbelts are located on the edge of a subdivision or development and provide a distinct separation between the development and adjacent developments or land uses. Greenbelts are linear, not less than 50 feet wide at any point and may include a stream or other water feature.	Greenbelts are similar to Natural Areas and require minimal improvements. Greenbelts may include a Greenway or other passive recreation amenities including benches and viewing areas.	Greenbelts are maintained in the same manner as natural areas. Greenbelts may be privately owned or deeded to the city if accepted by the City Council.
3. Greenway	Greenways are pedestrian/bicycle trails that connect with the city's Greenway system. The Greenway system links subdivisions to other neighborhoods and to activity centers. Greenways are linear, not less than 20 feet wide at any point, and may follow a streambed or other topographical or environmental feature.	Greenways shall be improved to the standards established and amended from time to time by the city for the Greenway system. Improvement standards vary by the designation of the proposed Greenway as an extension of the main Greenway, a Greenway connector, or a pedestrian trail. Greenways are graded and paved, include stormwater improvements and, to the extent practicable, meet ADA standards.	Greenways are maintained in the same manner as natural areas and greenbelts but include repair and replacement of paving as needed, maintenance of stormwater improvements and regular removal of barriers and hazards including fallen trees and branches. Greenways may be privately owned but are frequently deeded to the city if accepted by the City Council. If privately owned, Greenways approved as open space shall permit public access.

ARTICLE 11 – OPEN SPACE AND PARKS

	A	B	C
	Category	Improvement Requirements	Maintenance Requirements
4. Green	A green is a type of park. It is an improved, passive open space, often called a square, surrounded by streets or buildings or both. It is limited to a maximum of 1 block in size and a minimum of 5,000 square feet. Greens should connect to the Greenway system via a Greenway connector, pedestrian trail or sidewalk.	Greens shall be landscaped with large trees on the perimeter on no more than 50 foot centers and shall include an open lawn area at the center. Greens may include sidewalks and shall contain no structures other than benches, gazebos and memorials.	Greens are maintained as improved landscaped areas as prescribed in §11.8 and require the periodic repair and replacement of any installed fixtures. Greens are most often privately owned but may be deeded to the city if accepted by the City Council.
5. Park	A park is a public space that meets the requirement of a city neighborhood park. The minimum size of a park is 1 acre. Parks should connect to the Greenway system via a Greenway connector, pedestrian trail or sidewalk.	Parks shall be bounded by streets on a minimum of 50% of the perimeter. Large trees shall be planted parallel to all perimeter rights of way on no more than 50 foot centers and include open lawn area in the center and Natural Areas on no more than 20% of the park area. A park may include a fence, benches, gazebos and a Playground.	Parks are maintained as improved landscaped areas as prescribed in §11.8 and require the periodic repair and replacement of fixtures and equipment. Parks are frequently dedicated to the city for ownership and maintenance if accepted by the City Council but may be privately owned.
6. Playground	A playground is an open space area improved with playground equipment or other active open space improvements. A playground may be bordered by street frontages on no more than 2 sides. The minimum size is 5,000 square feet. The maximum size is 20,000 square feet. Playgrounds should connect to the Greenway system via a Greenway connector, pedestrian trail or sidewalk.	Playgrounds shall include playground equipment approved by the Department of Parks, Recreation and Leisure Services and shall include playing surfaces covered with sand, wood chips or other approved material. Basketball or tennis courts, if included, may be paved with asphalt or concrete. Paths and walkways may be paved in concrete, crushed gravel, brick pavers or similar material.	Playgrounds are maintained as improved landscaped areas as prescribed in §11.8 and require regular repair and replacement of surfaces, fixtures and equipment. Playgrounds may be dedicated to the city for ownership and maintenance if accepted by the City Council.

ARTICLE 11 – OPEN SPACE AND PARKS

	A	B	C
	Category	Improvement Requirements	Maintenance Requirements
7. Plaza	<p>A plaza is a hard-surfaced area adjoining the front of larger buildings, usually commercial, multifamily or civic buildings. A plaza may be bordered on only one side by street frontage. Building frontages directly abut the plaza, rather than facing it across a street. The minimum size of a plaza is 2,000 square feet and the maximum size is 30,000 square feet. The dimension of a plaza may not exceed 3 times the height of the adjacent building(s).</p>	<p>Plazas shall be paved in a combination of concrete, brick or other type of pavers. Plazas shall not be paved with asphalt. Plazas shall be level, terraced or gently sloping at less than a 3% grade. Plazas shall include large or small trees that frame the plaza space or the structure which the plaza serves. Plazas may include other planting areas and fixtures including benches, walls and outdoor eating areas.</p>	<p>Plazas are highly improved public spaces that require a higher level of maintenance than most open spaces. Plazas are maintained as improved landscaped areas as prescribed in §11.8. Plazas are retained in private ownership and maintained by the property owner or homeowners association.</p>
8. Traffic Circle, Roundabout, Rotary or Close	<p>A traffic circle, roundabout or rotary is a relatively small circular open space area which organizes through traffic movement around a center. A traffic circle is larger than a rotary and roundabout. A close is a circular or oval open space that serves the same function as a paved cul-de-sac but most often provides for access to more lots. All are generally located within a road right of way. The minimum size is 2,000 square feet and the maximum size is 7,000 square feet.</p>	<p>A traffic circle, roundabout, rotary or close shall be improved as part of the street within which it is located and landscaped in compliance with the requirements established for subdivision entryways in this Article. Traffic circles, roundabouts, rotaries and closes less than 500 square feet and portions of traffic circles, roundabouts, rotaries and closes where landscaping may interfere with vehicular lines of sight (vision triangles), may be improved with sod or vegetative ground cover.</p>	<p>Traffic circles, roundabouts, rotaries and closes are maintained as improved landscaped areas as prescribed in §11.8. They may be dedicated to the city in conjunction with public streets and other infrastructure. The city may require that maintenance is provided by the property owner or homeowners association.</p>

11.3.2.1 The amount of open space required pursuant to this section may be satisfied by providing a combination of types of open space for residential and nonresidential as specified in §11.3.2. Different types of open space require different levels of improvement, serve different functions and provide different levels of service. The total required amount of open space may be adjusted by the type of open space provided. Table 11-3 provides adjustment ratios for the amount of open space required.

ARTICLE 11 – OPEN SPACE AND PARKS

TABLE 11-3 OPEN SPACE CREDIT ADJUSTMENT RATIO

A		B
Type of Open Space Provided		Adjustment Ratio (Open Space Credit: Open Space Required)
1.	Natural Area	1 : 1
2.	Greenbelt	1 : 1
3.	Greenway	2.5 : 1
4.	Green	2 : 1
5.	Park	2 : 1
6.	Playground	3 : 1
7.	Plaza	3 : 1
8.	Traffic Circle, Roundabout, Rotary or Close	1.5 : 1

Examples of Open Space Credit Adjustment Ratios:

- a. A one thousand (1,000) square foot Playground improved to the standards in Table 11-2 will satisfy an open space requirement of three thousand (3,000) square feet calculated in accordance with §11.3.
- b. A fifteen thousand (15,000) square foot Green improved to the standards in Table 11-2 will satisfy an open space requirement of thirty thousand (30,000) square feet calculated in accordance with §11.3.

11.4 PROXIMITY OF OPEN SPACE

11.4.1 Location

Open space or spaces provided pursuant to this Article shall be located adjacent to or within the development and within one-quarter ($\frac{1}{4}$) mile (1,320 feet) of every lot or parcel created or, if the proposed development does not involve a subdivision, every primary building. The distance shall be measured in a straight line provided that the distance shall not be interrupted by an arterial street or freeway.

11.4.2 Proximity

The proximity requirement specified in §11.4.1 shall be measured from open space provided pursuant to this Article or may be measured from preexisting public open space areas not provided by the applicant. This provision shall not reduce the total area of open space required for a development pursuant to this Article.

11.5 IMPROVEMENT OF OPEN SPACE PARCELS

11.5.1 Improvements Required

Open space shall be improved as required in Table 11-2. Improved open space shall not include heated spaces, garages, carports or accessory buildings. Open space areas may be used to preserve specimen trees and may include existing tree cover areas.

11.5.2 Dedication Option

Unimproved open space may be dedicated to the city when the property to be dedicated has been identified as necessary to implement a public park, open space, stormwater management or Greenway project. The Open Space Credit Ratio for such unimproved land dedicated to the city shall be one to one (1:1). The property dedicated pursuant to

ARTICLE 11 – OPEN SPACE AND PARKS

this section need not be located adjacent to or within the development as required by §11.4 but shall be within the distance limit specified in §11.4.1.

11.6 FEE IN LIEU OF OPEN SPACE

11.6.1 Applicability

In lieu of designating and improving open space lands as required by this Article, the applicant may pay a fee in lieu of open space for all or any portion of the open space land required. The fee shall be in the form of cash payment to the city. The Director shall determine the amount to be deposited, based on the following formula:

FORMULA 11-1 FEE IN LIEU CALCULATION

A x V = M		
1.	A=	The amount of land, in square feet, required for dedication as determined in §11.3.
2.	V =	The fair market value of the property, in square feet, to be developed as determined in §11.6.2.1 or 11.6.2.2.
3.	M =	The amount to be paid in lieu of dedication of land.

11.6.2 Market Value Determination

For purposes of computing fair market value of property, or “V” in the equation established in Formula 11-1, the applicant may select one of the following fair market value determinations:

11.6.2.1 The actual purchase price of the property to be developed as evidenced by a purchase contract, or a closing statement dated within one (1) year of the date of application; or

11.6.2.2 The current fair market value of the property to be developed as determined by a qualified real estate appraiser retained by the city at the applicant's expense.

11.6.3 Time of Payment

Fees in lieu of open space shall be assessed at the time of application or during the period of project application review and paid prior to final approval of the application for the development.

11.6.4 Administration and Use of Funds

All fees in lieu of open space collected shall be deposited in an appropriate fund and account by the city and shall be used for the acquisition and development of land for open space or parks or for the development or construction of improvements on existing open space land, within one (1) mile of the periphery of the proposed development.

However, if:

- a. Such acquisition opportunities are not available; or
- b. Existing open space is already developed or improved within one (1) mile of the proposed subdivision development, then areas within three (3) miles of the periphery of the proposed subdivision development may be considered for the acquisition of open space land and/or construction of improvements to existing open space land within such periphery.

ARTICLE 11 – OPEN SPACE AND PARKS

11.6.5 Required Expenditure

All fees in lieu of required open space or park land paid must be expended within ten (10) years from the date of receipt for open space or park facilities benefiting the development project for which the fees were paid. Fees shall be considered expended if they are spent for acquisition or development of open space or parks located within the areas described in §11.6.4 for which the fees were paid. If fees are not expended within such period, the then-current owner shall be entitled to a refund of the principal deposited by the applicant in such fund, together with accrued interest. The owner must request such refund in writing within three hundred sixty-five (365) days of entitlement or such right shall be waived. All interest accruing funds received pursuant to the fee in lieu of open space shall be expended on acquisition or development of open space or parks.

11.7 DEED RESTRICTIONS

11.7.1 Covenants and Restrictions

Any lands reserved for open space purposes shall contain appropriate covenants and deed restrictions approved by the City Attorney ensuring that:

- a. The open space area will not be further subdivided in the future;
- b. The use of the open space will continue in perpetuity for the purpose specified; and
- c. Appropriate provisions will be made for the maintenance of the open space.

11.7.2 Maintenance of Conservation Easements

A conservation easement on unimproved natural area or Greenbelt open space will meet the requirements of this section provided that adequate provisions for continuing upkeep and proper maintenance are provided and approved by the City Attorney.

11.8 OPEN SPACE OWNERSHIP

11.8.1 Type of Ownership

The type of ownership of land reserved for open space or park purposes shall be selected by the owner or developer, subject to the approval of the Director and City Attorney.

The type of ownership may include, but is not necessarily limited to, the following:

- a. The City of North Augusta, subject to acceptance by the City Council;
- b. Homeowner, condominium, or cooperative association or organization;
- c. Shared, undivided interest by all property owners in a subdivision; and
- d. An individual, partnership or corporation.

11.8.2 Association Ownership

If the open space is to be owned and maintained by a homeowner or condominium association, the developer shall file with the city a copy of the covenants and restrictions that will govern the association with the application. The provisions shall include, but are not limited to, the following:

- a. The homeowners association must be established before any lots are sold;
- b. Association membership must be mandatory for every lot buyer and any successive buyer;
- c. The open space restrictions must be permanent;
- d. The association must be responsible for adequate liability insurance, taxes and the maintenance of open space, parks and recreational and other facilities;

ARTICLE 11 – OPEN SPACE AND PARKS

- e. Lot owners must pay a pro rata share of the cost of insurance, taxes and maintenance, and the assessment for such costs levied on lots by the association can become a lien on the property and shall be specified in the master deed establishing the homeowners association; and
- f. The association must be able to adjust the assessment to meet changing needs.

11.8.3 Maintenance

The person or entity identified in §11.8.1 shall be responsible for its continuing upkeep and proper maintenance.