

7 PARKS & OPEN SPACE

7.1 PURPOSE AND INTENT

It is the intent of this ordinance to require that new development provide centrally-located, unencumbered land as neighborhood parks for human use as well as cohesive and viable natural habitats as preserved open space. Parks, as defined by this chapter, are distinct from those areas that are environmentally significant and must be otherwise protected from human transgression as noted in Chapter 12.

7.2 PARK DEDICATION AND OPEN SPACE CONSERVATION REQUIREMENTS

Any person developing and/or subdividing property for residential purposes subject to this ordinance shall be subject to the dedication requirements as follows:

7.2.1 REQUIRED PARK DEDICATION/OPEN SPACE CONSERVATION TABLE

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

Context	Districts	Required Parks (Improved) – 7.4	Required Open Space (Unimproved) – 7.5
Rural	R/A	Exempt	Exempt or 40%*
	OS	Exempt	Exempt
	MHR	5%	5%
Suburban	SR4, SR6	5%	5%
	NC, GC, HC	5%	Exempt
	ICD	Exempt	25%
	LI, HI	Exempt	Exempt
Urban	GR6, UR, RMX	5%	Exempt
	NMX, IMX, CCMX	2% for projects 2 acres or greater	Exempt

* Any development/subdivision in the R/A District which is connected to both public water and sewer shall utilize the 40% alternate standard for cluster development.

7.2.2 CREDIT FOR PROXIMITY TO EXISTING PARK

- A. Developments that are proximate to an existing city-owned, publicly-accessible park, which meets the park standards in Section 7.4, shall count all such lands in their park dedication requirement, as follows:
 1. Adjacent (sharing a property boundary): Credit of area of adjacent park up to 50% of required park dedication.
 2. Within ¼ mile: Credit of area of park area or shared park use up to 25% of required park dedication.

7.2.3 EXEMPTIONS

- A. **Non-Residential & Mixed-Use Development:** Park space is required only for those areas that are exclusively residential. Commercial and vertically mixed-use buildings and associated areas are exempt from these standards.
- B. **Designated Greenway Connections Not Exempt:** The above exemptions shall not apply to any areas designated as future greenways on an adopted plan. All

developments shall provide a 15-foot minimum width public pedestrian and non-motorized vehicle easement along all such areas.

7.2.4 LOCATION OF DEDICATED LAND

- A. Land dedicated to satisfy the requirements of this section shall be within or adjacent to (sharing a property boundary) the proposed development except as follows:
1. Upon approval of City Council, an applicant may dedicate an equitable amount of land in another location.
 2. Such satellite dedications shall be reviewed and recommended to City Council by the Administrator and the Parks and Recreation Director.
 3. A combination of satellite dedication and a payment-in-lieu of dedication may be permitted.

7.3 PAYMENT IN LIEU OF PARK SPACE DEDICATION

Any person developing and/or subdividing property subject to this chapter may, upon approval of the Administrator, make a payment in lieu of any required dedication of public recreational space, except that the dedication requirement for any areas designated as future greenways on an adopted plan are not eligible to be met by payments in lieu of dedication.

7.3.1 FEE DETERMINATION AND DISBURSEMENT

- A. **Determination of Payment In Lieu:** Payment in lieu of dedication shall be the product of the post-development appraised value of the land (per gross acre) to be developed multiplied by the number of acres to be dedicated. The following formula shall be used to determine the fee:

$\begin{aligned} &\text{Post Development Appraised Value of Entire Development (per gross acre)} \\ &\quad \times \text{Required Park space Dedication (acres)} \\ &= \text{Payment in Lieu Dedication Fee} \end{aligned}$
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- B. **Determination of Post Development Appraised Value:** The Post Development Appraised Value of the Entire Development shall be established prior to Preliminary Plat approval by an Appraiser who is a Member of the Appraisal Institute (MAI) or a North Carolina General Certified Appraiser.
- C. **Credit for Park and Greenway Connections:** Credit toward a payment in lieu shall be given for the cost of constructing pedestrian/bicycle accessways that connect to existing parks or greenways, up to a maximum of 50% of the required payment in lieu. Such pedestrian/bicycle accessways shall meet the standards of Section 6.7.2 and the City of Wilson Manual of Specifications, Standards and Design.
- D. **Disagreements Regarding Payments In Lieu:** 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 developer and city. An appraiser shall be appointed by the city, at the developer's expense, should an agreement not be reached.
- E. **Disbursement of Payments In Lieu:** All payments made in lieu of dedication shall be made at the time of Final Plat approval or prior to the issuance of the first Certificate of Occupancy (whichever comes first as appropriate). 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 deposited in a special fund or line item to be used only for the acquisition, development, or redevelopment of public recreation space by the city.

7.3.2 REQUIRED PAYMENTS IN LIEU

A payment in lieu of dedication may be required by the Administrator. Reasons for requiring payments in lieu of dedication may include, but are not limited to, sufficient proximity to existing public parks as determined by the Director of Parks and Recreation and/or existing topographic or geographic conditions as determined by the Administrator.

7.4 PARK STANDARDS

All land dedicated for required parks shall meet the criteria below and be approved by the Administrator:

7.4.1 REQUIRED PARK TYPES

Park, as required by the district provisions, shall conform to one or more of the following typologies.

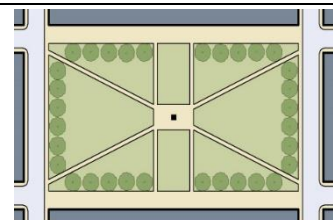
A. Park/Greenway: A natural preserve available for unstructured recreation. Its landscape shall consist of paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Parks may be linear, following the trajectories of natural corridors. The minimum size shall be 4 acres, except that greenways shall have no minimum size.



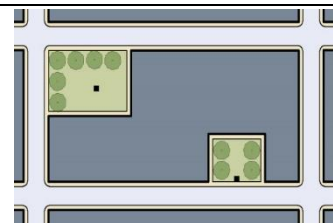
B. Green: An open space available for unstructured recreation. A Green may be spatially defined by landscaping rather than building frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. The minimum size shall be 1/2 acre and the maximum shall be 4 acres.



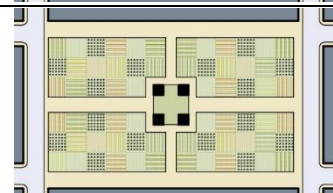
C. Square: An open space available for unstructured recreation and civic purposes. A Square is spatially defined by building frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important streets. The minimum size shall be 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 shall be fenced and 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. There shall be no minimum or maximum size.



7.4.2 LOCATION

- A. Land for parks shall be centrally and internally located so as to serve the needs of the residents of the neighborhood or the residents of the immediate area within which the development is located.
- B. Required parks shall provide focal points for developments and the city.
- C. For developments which abut or include areas described in the Wilson 2030 Comprehensive Plan or any other adopted plan as park, recreation, or open space land, the city may require that the park be located in accordance with the proposed site or portion of an existing site as shown.
- D. For developments that abut or include areas designated as future greenways on an adopted plan, the Administrator shall require a 20-foot minimum width public pedestrian and non-motorized vehicle easement be dedicated along all such areas.

7.4.3 TOPOGRAPHY

- A. The average slope of land for active recreation shall not exceed 7 ½%
- B. The average slope of land for passive recreation shall not exceed the average slope of the entire neighborhood or development, and in no case shall the average slope exceed 15%.

7.4.4 SHAPE & DIMENSIONS

- A. The shape and dimensions of the dedicated land shall be such as to be deemed usable for the recreational activities proposed, as determined by the Administrator. Any area or segment of an open space less than 60 feet in width shall not be calculated as usable open space unless it is clearly part of an overall open space system, such as a pedestrian walkway, in which case a minimum of 20 feet in width shall be required. *[From Z-3.31.A.4.b]*
- B. All parks shall have at least 60 feet of frontage on at least one public street within the development.

7.4.5 UNITY

The land dedicated shall form a single parcel of land except where two or more parcels are necessary to meet the ¼ mile accessibility requirement in Section 7.4.6, or where it is determined by the Planning Board, upon the recommendation of the Director of Parks and Recreation, that two or more parcels would be in the public interest. *[From Z-3.31.D.1]*

7.4.6 ACCESSIBILITY

- A. All parks shall be conveniently accessible to all residents of the development, and
- B. No residential unit within a development shall be further than 1,320 feet (or ¼ mile) from a park as defined above or other publicly-accessible park facility.

7.4.7 USABILITY

- A. **Usability of Required Park Space (Improved):**
 1. All required park space shall be located outside Special Flood Hazard Conservation Areas, floodways or any wetlands subject to State or Federal regulatory jurisdiction.
 2. At least 1/3 of the total land dedicated shall be located outside Special Flood Hazard Areas.

3. Up to ½ of required park space in a Park/Greenway typology (7.4.1.A) may be comprised of lakes, ponds or man-made stormwater features provided that these areas meet the following criteria to establish them as a useable park space as determined by the Administrator.
 - a. Such areas must be designed as a focal point of the development, and must be part of a larger park area that meets all of the park standards contained in Section 7.4.
 - b. Such areas must be designed explicitly for recreational use through the inclusion of a dock, pier, boardwalk or other structure or feature that permits users direct access to the water feature.
 - c. The perimeters of such areas must be improved with native plantings and landscaping or a vertical retaining wall constructed of brick, stone or other natural material. Rip rap, shot rock, rock armor or other typical large aggregate reinforcement mechanisms shall not be used as a visible finishing material.
- B. Usability of Required Open Space (Unimproved):** All required open space (unimproved) area may lie within a Special Flood Hazard Area, but none shall be located within a Special Flood Hazard Conservation Area, floodway or any wetlands subject to State or Federal regulatory jurisdiction.
- C. Utility Easements Shall Not Satisfy Dedication Requirements for Park Space:** Easements for public utility transmission lines shall not receive credit in the computation for the amount of park space required, but may be used in the computation for required open space (unimproved). *[Adapted from Z-3.31.D.6]*
- D. Sufficient Engineering Data Required with Development Applications:** Within the area proposed for dedication, sufficient engineering data and/or detail shall be indicated to insure compliance with this section. *[From Z-3.31.D.6]*

7.4.8 MINIMUM AMENITIES

Required park shall be planned, improved, and usable by persons living nearby. Improved shall mean cleared of underbrush and debris and shall contain two or more of the following enhancements: landscaping, walls or pathways, fences, walks, utilities, irrigation, fountains, ball fields, and/or playground equipment.

A. Minimum Amenities (All Park Types – as defined in Section 7.4.1):

1. **Public Seating:** Provide seating areas appropriate to the intended use of the space (e.g., park benches and moveable chairs in formal/active spaces and garden wall seats in informal/passive spaces). A minimum of 2.5 linear feet of seating shall be provided for every 10,000 square feet of open space (up to 4 acres) with a minimum of 10 linear feet of seating. Seating should be more than 12 inches and less than 30 inches in height and not less than 16 inches in depth. Seating more than 28 inches in depth and accessible from two sides will count double. Moveable chairs are encouraged and each count as 2 ½ linear feet of suggested seating.
2. **Supplement Tree Planting/Significant Species Preservation:** A minimum of 1 tree 3” caliper measured 6” above the ground at installation to be planted or 1 preserved existing canopy tree a minimum of 12” caliper for every 2,500 square feet of required park.
3. **Water:** 1 water tap for each 5,000 square feet of each landscaped park.

4. **Trash Receptacle:** 1 garbage receptacle and 1 recycling receptacle for each 5,000 square feet of each physically separated park.
- B. Additional Provisions for Parks (as defined in Section 7.4.1.A):** At least 25% of the park land shall be dedicated to 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, 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.
- C. Additional Provisions for Greenways (as defined in Section 7.4.1.A):** A greenway path is credited toward the minimum park 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. A greenway may include a utility corridor with a paved path material approved by the Department of Parks and Recreation Director.
- D. Additional Provisions for Playgrounds (as defined in Section 7.4.1.D):** Playground equipment shall be equivalent to the standards established by the city for playgrounds. Playgrounds shall include playground equipment approved by the Department of Parks and Recreation Director and shall include playing surfaces covered with sand, wood chips, or other approved materials. Basketball or tennis courts, if included, may be paved with asphalt or concrete, crushed gravel, brick pavers or similar material.

7.5 UNIMPROVED OPEN SPACE DESIGN STANDARDS

In lieu of required park space that is expected for active or passive use, some development in certain districts may only require simple open space. Open space, for the purposes of this section, shall be defined as those areas set aside and protected from development and may be left in a generally unimproved state. Public accessibility is not required or expected but is permitted. If open space is dedicated to Wilson County a City of Wilson public accessibility easement or dedicated right-of-way is required. Where practical, the following priority list shall be used for the conservation of such areas:

- Primary Conservation Areas (riparian corridors, special flood hazard areas, unique geological formations, rock outcroppings, rare plants, rare plant communities, rare habitats, wetlands, & prime agricultural areas/farmland)
- Unbuildable Areas (areas that have highly erodible soils or slopes in excess of 60%)

7.6 OWNERSHIP & MAINTENANCE

Dedicated park land shall be separately deeded to either a homeowner's association, a non-profit land trust or conservancy, Wilson County, to the City of Wilson (upon approval by the City Council), or may be held in private ownership with conservation easements recorded in the Wilson County Register of Deeds in a form approved by the city. 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. Non-public ownership strategies must be accompanied by a long-term maintenance plan. Ownership by a non-profit land trust or conservancy must be recorded by contract in a form approved by the city.