
DRAFT TEXT AMENDMENT FOR COMMON OPEN SPACE REQUIREMENTS

Sec. 2.7 - Terms defined in this ordinance.

Common Open Space	Land and/or water areas within the site designated for a particular development, not individually owned, which are designed and intended for the common use or enjoyment of the residents of the development but not including any lands occupied by streets, street rights-of-way, or off-street parking.
Common Open Space, Improved	An area of open space within a development site designed and intended for the use and enjoyment of residents within the development. Uses in improved open spaces may be passive or active.

REPEAL AND REPLACE SECTION 11.7 WITH THE FOLLOWING:

Sec. 11.7 Common Open space, general requirements.

- A. The provisions of this Section shall apply to all subdivisions of land including traditional neighborhood developments, planned residential developments, planned unit developments, infill residential developments and multi-family developments.
- B. When a subdivision or development is located on a tract of land where a future greenway or greenway connection has been specifically identified on the Carolina Thread Trails' master plan, open space shall be dedicated in accordance with the adopted plan. The greenway and trail access shall be developed in a way that allows public access. Planning and Zoning staff may require additional off-street parking at greenway or trailhead entrances.
- C. Any open space dedicated in association with a subdivision or development shall be owned and maintained by one or more of the following entities or organizations:
 - 1. A duly created Homeowners Association that, among other things, is responsible for maintaining common areas within the subdivision; or
 - 2. A Conservation Organization or private entity; or
 - 3. The State of North Carolina; or
 - 4. Any incorporated municipality located within Gaston County; or
 - 5. Any other organization or entity approved by the Planning and Zoning Staff.
- D. Any Common Open Space dedicated herein shall be irrevocably dedicated to public recreational and/or conservational use, regardless of the owner of the Common Open Space, (unless a higher and better use is approved by the Board of Commissioners), and such restrictions shall be set forth in the deed.
- E. A reduction in the required open space may be allowed up to 30 percent if the common open space is within one-half mile of a public garden, park, greenway, or blueway.

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- F. Required landscaped and screening areas (per Chapter 11) shall not count towards common open space requirements.

Sec. 11.7.1 Amount of land to be dedicated.

The amount of land to be dedicated to common open space shall be dependent upon the number of lots being proposed along with the minimum size of the proposed lots.

Any subdivision or development proposing five (5) lots or less, regardless of the size of the proposed lots, shall not be required to dedicate common open space.

Any subdivision or development proposing more than six (6) lots shall be required to dedicate a percentage of the total or gross acreage of the development area as common open space.

TABLE 11.7.1(A)	
Number of Lots Being Proposed	Open Space Requirement
5 lots or less	Open space NOT required
6 lots or more	
Min. Lot Size Proposed	
Under 12,000 sqft.	20%
Under 20,000 sqft.	15%
20,000 – 29,999 sqft.	10%
30,000 sqft to an acre	5%
Anything over an acre	0%

Rounding statement: Any calculated value resulting in a fraction or decimal that does not correspond exactly to a value shown on the chart above shall be rounded up to the nearest whole number.

Sec. 11.7.2 Nature of land to be dedicated.

Except as otherwise required, all dedications of land for common open space shall meet the following criteria:

- A. *Unity.* The dedicated land shall form a single parcel of land, except where staff determines that two or more parcels would be in the best interest of the public, given the type and distribution of open spaces needed to adequately serve the proposed development. In such cases, the Planning and Zoning staff, in approving the preliminary or final plat, may require that such parcels be connected by a dedicated strip of land at least 30 feet in width. The strip shall be placed in the subdivision to enable persons to walk between the two open space areas.
- B. *Usability.* Two-thirds of the dedicated land shall be developed for active recreation.
- C. *Water/Ponds.* Wet detention ponds may be counted towards meeting the open space requirement if: (i) the facility is designed to hold water throughout the year, and (ii) if the facility is surrounded by a path or walkway and contains benches or similar improvements for enjoyment by residents or users of the development. Public and private bodies of water may be included in the open space calculation as long as they are safely accessible and intended to be used by residents and/or visitors of the development. Examples include the installation or development of fishing piers or docks.

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- D. *Location.* The dedicated land shall be located to reasonably serve the recreation and open space needs of residents of the subdivision.
 - E. *Access.* Access to the dedicated common open space areas shall be provided either by adjoining public street frontage or by a dedicated public easement, at least 30 feet wide, which connects the dedicated land to a public street or right-of-way. Gradients adjacent to existing and proposed streets shall allow for reasonable access to the dedicated land. Where the dedicated land is located adjacent to a street, the developer or subdivider shall remain responsible for the installation of utilities, sidewalks, and other improvements required along that street segment. Public access or dedicated walkways to greenway dedications only shall be at least 20 feet wide.
 - F. *Landscaping.* Dedicated parks, active open space, and general open space areas shall have a minimum Type A Buffer between the open area and any adjacent lots proposed for private ownership. If located along a public or private access easement of right-of-way, street trees shall be required.

Note – Sections 11.7.3 through 11.7.6 – Repeal/Reserve