

## **Article 7. RECREATION AREAS**

### **7.1 Purpose and Intent**

The intent of these requirements is to allow for the usage of centrally located, unencumbered land as neighborhood recreation areas and not to permit the use of leftover or otherwise unusable land to fulfill the requirements of this Article. Recreation areas, as defined by this Article, are for the purpose of active and passive recreation. Recreation areas are distinct from those areas that are environmentally significant and must be protected in their natural state in accordance with Article 6.

### **7.2 General Provisions**

- A.** Recreation areas shall not include land covered by buildings or parking lots, detention structures (except dry detention areas), streets, required setbacks and transition yards, golf courses.
- B.** Recreation Areas 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 enhancements: landscaping, walls, fences, walks, statues, utilities, irrigation, fountains, ball fields, and/or playground equipment.
- C.** Significant stands of trees, stream bed areas, and other valuable topographic features shall be preserved within the required recreation areas where practical. Areas noted on any adopted Park and Recreation Master Plan as a recreation area shall be preserved and dedicated where practical and feasible and may be left unimproved in accordance with the Plan.
- D.** 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.
- E.** Recreation Areas should provide focal points for the neighborhood and Town. A central square or green, for example, may comprise a majority of the area required for dedication.
- F.** Dedicated recreation areas shall be separately deeded to either a homeowner's association, a non-profit land trust or conservancy, Henderson County, to the Town of Fletcher (upon approval by the Town Council), or may be held in private ownership with conservation easements recorded in the Henderson County Register of Deeds in a form approved by the Town.

### **7.3 Open Space Dedication**

- A.** All residential and mixed-use residential developments with more than 8 total units shall be required to dedicate recreation areas.
- B.** To encourage development of residential units in the Central Business District (CBD), all such residential development shall be exempt from these provisions.

- C. In Single Family Subdivisions, 500 square feet of useable recreation area per residential unit shall be required for dedication.

In Planned Residential Developments (consisting of townhomes, condos, or apartments), 600 square feet per unit **OR** 10% of the project area (whichever greater) shall be required for dedication

- D. **Nature of Land to be Dedicated:** Except as otherwise required by the Town Council at the time of preliminary plat approval, all dedications of land shall meet the following criteria:

1. **Unity:** The dedicated land shall form a single parcel of land, except where the Town Council 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 Town Council may require that such parcels be connected by a dedicated strip of land at least 30 feet in width.
2. **Location:** All recreation areas shall be conveniently accessible to all residents of the subdivision and/or the residents of the immediate area within which the subdivision is located and have frontage on at least one public street within the subdivision. Active recreation areas shall be centrally located.
3. **Topography:** The average slope of land for active recreation shall not exceed seven and one-half percent (7 1/2 %). The average slope of land for passive recreation shall not exceed the average slope of the entire subdivision or development, and in no case shall the average slope exceed fifteen percent (15%).
4. **Usability:** Areas including ponds, lakes, wetlands, or easements for public utility transmission lines shall not receive credit in the computation for the amount of recreation area required. Land dedicated only for greenways need not follow the requirements of this subsection.
5. **Shape:** The shape of the portion of the dedicated land which is deemed suitable for active recreation shall be sufficiently square or round to be usable for any or all recreational facilities and activities, such as athletic fields and tennis courts, when a sufficient amount of land is dedicated to accommodate such facilities. Land dedicated only for greenways need not follow the requirements of this subsection.
6. **Access:** Access to the dedicated land shall be provided either by adjoining public street frontage or by a dedicated 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 dedicated land is located adjacent to a street, the developer or subdivider shall remain responsible for installation of utilities and other improvements required along that street segment. Public access to greenway dedications or recreation areas that connect to the greenway system (only) shall be required and shall be at least 20 feet wide.

- E. Procedure for Dedication of Land:** The dedication of land shall be reviewed and approved as part of the preliminary plat. The subdivider shall designate on the preliminary plat the area or areas of land to be dedicated pursuant to this section. Where wetlands falling under the jurisdiction of Federal or State agencies have been certified to exist on the property, the preliminary plat shall identify the boundaries of such wetlands.
- F. Submission of Deed and Survey:** An executed general warranty deed conveying the dedicated land to the Town of Fletcher, and a reproducible Mylar boundary survey, shall be submitted no later than two years after approval of the preliminary plat, or by the time that 50 percent of the certificates of occupancy have been issued, whichever is earlier. The Town Council may accept, by ordinance and at its discretion, any land dedications made to the Town. A legally constituted homeowner's association will be responsible for maintenance of the dedicated land unless or until the Town accepts the dedication.

This page intentionally left blank