

DRAFT ORDINANCE # ZA-22-01
AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ARTICLE 10, SECTION 10.114 RECREATION.

WHEREAS, the Smithfield Town Council wishes to amend certain provisions in the Town of Smithfield Unified Development Ordinance by making changes to Unified Development Ordinance Section 10.114 as it pertains to Recreation.

WHEREAS, it is the objective of the Smithfield Town Council to have the UDO promote regulatory efficiency and consistency and the health, safety, and general welfare of the community;

NOW, THEREFORE, be it ordained that the following Articles are amended to make the following changes set forth in the deletions (strikethroughs) and additions (double underlining) below:

[Revise Article 10, Section 10.114. Makes required 160D changes, amends exceptions, Eliminates Park dedication credit for private recreation, removes park dedication for commercial subdivisions, amends the time fee in lieu is paid and other minor changes.]

PART 1

That the Unified Development Ordinance shall be page numbered and revision dated as necessary to accommodate these changes.

SECTION 10.114 RECREATION.

10.114.1. Applicability.

Every person, firm, or corporation who subdivides land for residential ~~and/or nonresidential~~ purposes shall be required to dedicate a portion of such land for the purpose of public recreation/open space, including the preservation of natural and cultural resources, serving residents of the development or subdivision or more than one subdivision or development within the immediate area. ~~to serve the leisure needs of the residents of the subdivision and the Town of Smithfield (if recreation area is publicly dedicated).~~

10.114.2. Exceptions.

10.114.2.1. ~~If dedicated land is to be less than 2,000 square feet, and where that area cannot be combined with an existing or planned recreation area, then provision or dedication of that area will not be required. and a fee in lieu of land dedication will be required in accordance with~~ Section 10.114.8.

10.114.2.2. If the Town Council determines that assembling a piece of land to meet the requirements of this section, either (a) would create undue hardships, or (b) is not necessary because the needs of the subdivision are already being met by dedicated land, or the proposed land dedication does not meet the recreational needs of the area, it may ~~waive any~~

~~requirements of that subsection. require fee in lieu of land dedication in accordance with Section 10.114.8.~~

10.114.2.3. If the site abuts designated greenways or future greenways on the Town's Land Use Plan, ~~then provision or dedication of land will not be required.~~ The Planning Board may recommend, and the Town Council may require, the dedication of a connecting path to the designated or future greenway. ~~Where a connection path is necessary, a path of up to 50 feet may be required, but in no case shall the path be less than 30 feet in length.~~ Also, the path must connect with an existing street that is accessible to all residents of the subdivision.

10.114.3. Dimensional Requirements.

At least ~~one fifty seventh~~ seven percent of an acre (~~1/57~~) (.07%) shall be dedicated for each dwelling unit planned or provided for in the subdivision plan, except where land is located in the flood plain of a stream or river as indicated by the flood plain maps of the Federal Insurance Administration and/or is characterized by steep slopes (15% or greater), then at least ten percent ~~one twentieth (1/20)~~ (10%) of an acre of such land shall be dedicated for each dwelling unit.

~~The total land area dedicated as part of a nonresidential subdivision shall be determined by an analysis of the site, the use(s) to be located thereon, and the designation of recreation and/or open space sites as shown on the adopted Land Use Plan. The site analysis shall be prepared by the applicant and shall identify in written and graphic form those areas characterized by steep slopes (15% or greater), flood plains and wetlands, rock outcroppings, mature woodlands (trees of 18 inches or greater in diameter), existing structures and cemeteries, and lakes, ponds, rivers and other water sources. A written and graphic description shall also be submitted by the applicant which identifies the proposed use of each lot in the subdivision, the approximate amount of building and parking coverage for each lot, and the approximate number of employees associated with each use.~~

10.114.4. Site Suitability.

Land provided or dedicated for active recreational purposes shall be of a character, slope, and location suitable for use as play areas, tennis courts, multi-purpose courts, picnic areas, ball fields, and other similar recreation uses. Active recreation areas shall be located on land that is relatively flat (0 to 7-1/2% slopes), free of wetlands and/or flood plains, free of easements for public utility transmission lines, and is otherwise capable of accommodating active recreation uses.

Land provided or dedicated for passive recreation and open space purposes shall be of a character, slope, and location suitable for use for walking, jogging, reading, and similar quiet activities, and the preservation of natural features and cultural resources such as steep slopes, rock outcrops, native plant life and wildlife cover, mature woodlands, and water resources.

In all cases, active and passive recreation sites as well as open space areas designated on the adopted Land Use Plan shall be incorporated into the design of the subdivision. Criteria for evaluating the suitability of proposed recreation areas shall include, but not be limited to, the following:

10.114.4.1. Location. Land dedicated for recreation purposes shall be located so as to serve the needs of the residents of the subdivision and the residents of the immediate neighborhood within which the subdivision is located. Recreation areas shall be located where more land better suited for recreational purposes due to shape, level slopes, and/or dry soil conditions is present. Where proposed park sites are shown on the adopted Land Use Plan, and a subdivision contains a portion of the park site, then the developer may be required to locate the recreation area in accordance with the park site as shown thereon.

10.114.4.2. Unity. Land dedicated for recreation purposes shall be a single parcel except where it is determined that two or more parcels are suited to the needs of a particular subdivision. The Planning Board may recommend, and the Town Council may require, the dedication of a connecting path in addition to other land as may be required by this Ordinance. Where a connecting path is necessary, a path of up to 50 feet in width may be required, but in no case shall the path be less than 30 feet in width.

10.114.4.3. Accessibility. Land dedicated for recreational purposes shall have at least 50 feet of frontage on at least one street within the subdivision. Where a recreation area is not accessible due to lot arrangement, the Planning Board may recommend, and the Town Council may require, the dedication of connecting paths which link the recreation area with other streets within the subdivision. Connecting paths so required shall be in addition to other land as may be required by this Ordinance. Connecting paths of up to 50 feet in width may be required, but in no case shall the paths be less than 30 feet in width.

10.114.4.4. Usability. The dedicated land shall be usable for recreation. Lakes may not be included in computing dedicated land area unless acceptable to the Planning Board. Where the Planning Board determines that recreation needs are being adequately met, either by other dedicated parcels or existing recreation facilities, then land that is not used for recreation may be dedicated as open space.

10.114.5. Recreation Facilities.

Private recreation facilities, either required or provided at the option of the applicant, shall meet the standards for site improvements contained herein. When choosing improvements for a recreational area, the anticipated characteristics and needs of the residents shall be considered in conjunction with the size of the development, any physical constraints posed by the site, and the availability of other improvements within the same general area as the subdivision. As an example, the existence of a public multi-purpose court in an adjacent, existing subdivision and the availability of the facility for use by residents of the proposed subdivision may indicate to the applicant that another facility, such as a tennis court, would be more appropriate. Recreation facilities which are suitable for various age groups include, but are not limited to, those shown on the following pages. Trash receptacles shall be provided for all recreational areas regardless of the number and type of other improvements located thereon. The owner/developer may choose from the following recreational facilities. Other recreational facilities

such as disk golf may be approved by the UDO Administrator. Dedicated public recreational facilities shall adhere to these standards.

RESIDENTIAL RECREATION FACILITY DEVELOPMENT STANDARDS

FACILITY REQUIREMENTS PER DWELLING UNIT

Facility	Recommended Space Requirements	Recommended Size and Dimensions	Recommend Orientation
<p>Tot Lot.</p> <p>1. Enclosed play area with play apparatus and sand box.</p> <p>2. Open, turfed area for active play.</p> <p>3. Shaded area for quiet activity.</p>	2,000 - 4,000 sq. ft.	Enclosed play area of 21 sq. ft. per family. Turfed area and shaded area of at least 40 sq. ft. each.	None specified.
Basketball Court	4,400 - 8,000 sq. ft.	46' x 74' to 50' x 94' Court dimensions with 5' unobstructed space on all sides.	Long axis north - south.
Badminton Court	1,500 -2,600 sq. ft.	Singles-17' x 44' Doubles-20' x 44' with 5' unobstructed space on all sides.	Long axis north - south.
Tennis Courts	6,200 -8,400 sq. ft.	36' x 78' with 12' clearance on both sides; 21' at both ends.	Long axis north - south.
Volleyball Court	2,800 - 4,000 sq. ft.	30' x 60' with 10' clearance on all sides.	Long axis north-south.
Softball Field	1.5 - 2.0 acres.	Baselines-65'. Pitching distance 40'-46'. Field radius from plate 275' between foul lines.	Locate home plate so pitcher throwing across sun and batter not facing it. Line from home plate through pitchers mound runs east-north-east.
Soccer Field	1.7-2.1 acres		

Facility	Recommended Space Requirements	Recommended Size and Dimensions	Recommend Orientation
		195' to 225' x 300' to 360' with 10' minimum clearance on all sides.	Fall season-long axis northwest to southeast; for longer periods, north to south.
Handball Court (3-Wall)	1,000 sq. ft.	20' x 40'- Minimum of 10' to rear. Minimum 20' overhead clearance.	Long axis north south. Front wall at north end.
Swimming Pool	0.5-2.0	Minimum of 27 sq. ft. of water surface per swimmer. Ratio of 2:1 deck vs. water.	None-although care must be taken in siting of lifeguard stands in relation to afternoon sun.
Pedestrian Paths	None	Well defined head room with maximum 10' width. Maximum average grade 5%, not to exceed 15%. Path width 6'-8'.	None
Shuffleboard	570 sq. ft.	10' x 52' with 2.5' clearance at both ends. 2' clearance on both sides.	Long axis north-south.
Horseshoes	240 sq. ft.	6' square pitchers box. Steel stakes 1" diameter, 14" above ground, spaced 40' apart.	Long axis north-south.
Croquet Court	1,800 sq. ft.	25' x 55' playing area with 2.5' clearance on all sides.	Long axis north-south.
Park bench, picnic tables and grills, and trash receptacles.	One picnic table per 50 residents 50 sq. ft. of land per table.	Minimum table dimensions- 36"W x 72"L x 30"H. Tables, benches, and other similar facilities securely anchored to ground.	None other than provision of shading for picnic tables and benches.
Picnic shelter structure.	One open shelter per 60 residents.	Minimum shelter dimensions - 20' x 30' with minimum of 10 picnic	None.

Facility	Recommended Space Requirements	Recommended Size and Dimensions	Recommend Orientation
		tables and accompanying benches located therein and securely anchored to ground. Fire place shall be installed at one end.	

In addition to land provided or dedicated for active recreation purposes, sufficient area shall be provided to make available a minimum of five off-street parking spaces for the first two acres of each recreation site and one space for each additional acre thereafter.

Where any of the following facilities are also provided, off-street parking as required shall be provided in addition to the general standard above.

Swimming pool	One space for each five patrons
Soccer and ball fields	Eight spaces per acre
Tennis/handball courts	Two spaces per court
Picnic Shelter area	One space for each ten patrons
Basketball courts	Five spaces per court

Off-street parking shall comply with UDO Part I.

~~Each off-street parking space shall be a minimum of nine feet in width and 18 feet in length. A minimum back-up aisle of 24 feet in width shall be provided for access to and from each space. Bay parking is prohibited, and entrance to and exit from each parking area shall be by forward motion of the vehicle. One of the parking spaces provided must be barrier free and identified for use by individuals with physical disabilities. Handicapped spaces shall be at least 12 feet in width and shall be designed as follows:~~

~~**10.114.5.1.** So that handicapped individuals are not compelled to wheel or walk behind parked cars;~~

~~**10.114.5.2.** So that handicapped individuals can get into and out of an automobile onto a level surface, suitable for wheeling and walking; and~~

~~**10.114.5.3.** In conjunction with sidewalk cut ways and/or ramps, not exceeding 5% slope.~~

10.114.6. Flexibility in Administration Authorized.

~~**10.114.6.1.** The requirements set forth in this article concerning the amount, size, location and nature of recreational facilities and open space to be provided in connection with multi-family residential, manufactured home park developments, and subdivisions are established by the Council as standards that presumptively will result in the provision of that amount of~~

~~recreational facilities and open space that is consistent with officially adopted Town plans. The Council recognizes, however, that due to the may be deviated from due to the particular nature of a tract of land, or the nature of the facilities proposed for installation, or other factors, if: ~~the underlying objectives of this article may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the Town Council may permit minor deviations from these standards whenever it determines that:~~ (i) the objectives underlying these standards can be met without strict adherence to them; and (ii) because of peculiarities in the developer's tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.~~

10.114.6.2. Whenever the permit issuing board authorizes some deviation from the standards set forth in this section pursuant to subsection 10.114.6.1, the official record of action taken on the development application shall contain a statement of the reasons for allowing the deviation.

10.114.7. Method of Provision or Dedication.

Land dedicated for public recreation area as required by this Ordinance shall be designated on both the preliminary and final plat(s) of the subdivision and must be dedicated to an appropriate unit of local government. Determination of the appropriate unit of local government shall be made by the Town Council, ~~upon recommendation from the Recreation and Parks Advisory Council and the Planning Board.~~ Acceptance of the dedication may be one in trust if deemed appropriate by the Town Council.

~~Land provided for private recreation purposes must be conveyed to the trustees provided in an indenture establishing an association of homeowners. The recreation area must be conveyed to the trustees subject to covenants and easements to be approved by the Planning Board and Town Council and which provide for the continued maintenance and control of the recreation area in a manner which assures its continuing use for its intended purpose. Where the recreation area is conveyed to a homeowners' association, the subdivider shall file a declaration of covenants and restrictions in accordance with the provisions of Section 5.8 Subdivision Procedures of this Ordinance.~~

10.114.8. Payments in Lieu of Dedication.

Any subdivider required to dedicate recreation area pursuant to this Ordinance may, with the approval of the Town Council, make a payment in lieu of dedication or make a combination of land dedicated and payment. Before approving a payment in lieu of dedication, the Town Council shall find that no recreation and/or open space sites have been designated on the adopted Land Use Plan for the property in question.

The payment in lieu of dedication shall be equal to the appraised tax value of the required acreage of land within the subdivision. ~~based on an appraisal prepared by a licensed appraiser and submitted by the developer. If the Town disagrees with the submitted appraisal, it may have a second appraisal prepared. If the appraisals are within 15% of each other, the developer's appraisal will be utilized to~~

~~establish value. If the appraisals differ by more than 15%, the value will be based on the average of the two appraisals.~~

Where a combination of land dedication and payments in lieu are approved, the subdivider shall be given a credit equivalent to the appraised tax value per acre of land dedicated for recreation purposes. The credit amount shall be determined by multiplying the number of acres to be dedicated by the appraised tax value per acre. If the total payment in lieu as determined above is larger than the credit amount, the subdivider shall pay the difference between the two amounts. If the credit amount is larger than the total payment in lieu as determined above, no additional payment in lieu is required. However, the subdivider may not transfer the excess credit from one subdivision to another.

Upon approval by the Town Council, payment in lieu of dedication shall be made at the time of final subdivision plan approval ~~or within one year of approval of the preliminary subdivision plan, whichever occurs first.~~ All monies received by the Town of Smithfield pursuant to these requirements shall be used only for the acquisition and development of recreation, park, and open space sites to serve the residents of the development and the residents of other developments in the immediate area ~~neighborhood~~ within which the development is located. The Town Council shall also have the authority to sell land dedicated pursuant to these provisions with the proceeds of any such sale used solely for the acquisition of other recreation, park, or open space sites within the immediate area ~~neighborhood~~ within which the development is located.

PART 2

That the Unified Development Ordinance shall be page numbered and revision dated as necessary to accommodate these changes.

PART 3

That these amendments of the Unified Development Ordinance shall become effective upon adoption.

That these amendments of the Unified Development Ordinance shall become effective upon adoption.

Duly adopted this the _____ day of November 1, 2022.

M. Andy Moore, Mayor

ATTEST

Shannan L. Parrish, Town Clerk