

## ORDINANCE #09-XX

*The following ordinance was adopted by the City Council of the City of Greensboro on the 16th day of June 2009 and will become effective upon the date of adoption.*

### AMENDING CHAPTER 30

#### AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

(Editor's Note: Added text shown with underlines and deleted text shown with strikethroughs.)

Section 1. That Subsection (I) of Section 30-4-3.3, Development Standards, is hereby amended to read as follows:

#### (I) Open Space and Common Recreational Facilities:

~~(1) In a planned unit development district, open space is only that land dedicated to the public or designated by the development plan for the use, benefit, and enjoyment of all residents of the planned unit development. Open space may be common elements owned by an owners' association or parkland or drainage way and open space dedicated to the public.~~

~~(2) To qualify as open space, land shall be usable for recreation purposes or provide visual, aesthetic, or environmental amenities, and may not be occupied by streets, drives, parking areas, or structures other than recreational structures.~~

~~(3) Common elements open space shall conform to the location requirements of Section 30-4-6.1(B) (4) (d) and (e).~~

~~(4) Land within a Floodway or Floodway Fringe may be used to provide not more than fifty percent (50%) of the open space required in a planned unit development.~~

~~(5) All property owners in the planned unit development shall have access to the open space by means of a public or private street or all-weather walkway in an easement a minimum of twenty (20) feet in width.~~

~~(6) The following amounts of open space are required:~~

~~(a) Two and one half (2 1/2) acres per one hundred (100) dwelling units; and~~

~~(b) Ten percent (10%) of the gross land area for office, commercial, and industrial uses.~~

~~(7) The Technical Review Committee/Planning Board may reduce the required open space in any CD-PD District, depending upon the nature and extent of active recreational facilities provided.~~

~~(8) Open space shall be provided within each phase of the planned unit development in sufficient amounts to serve the expected population of that phase.~~

(1) Purpose: In a planned unit development district, open space is to provide visual, aesthetic, or environmental amenities and is that land dedicated to the public or designated by the development plan for the use, benefit, and enjoyment of all residents of the planned unit development. Open space needs for residential units in a planned unit development district are similar to those in other districts for multifamily developments and should have similar open space requirements. In general, on-site open space needs in higher density urban settings are less than that for lower density developments, both because there is often more open space and related amenities provided along sidewalks, and in courtyards, plazas and parks in urban areas, and because there is less space available on-site for open space. Open space shall be located within the development to:

- (a) Preserve stands of trees, lakes, steep slopes, historic sites, or other significant features;
- (b) Provide common space in the development for aesthetic purposes and pedestrian use;
- (c) Provide space for common recreation facilities and meeting places; and
- (d) Provide buffering from adjacent land uses of higher intensity.

(2) Required Amount: The following amounts of open space are required unless reduced (via a modification in accordance with Section 30-9-11) when the Technical Review Committee finds that equal or better performance, with regard to the nature and extent of active recreational facilities provided, will result from the alternate standards portrayed on the plan:

(a) In the CD-PDM and CD-PDR districts, open space shall be provided at the following rates:

- (i) 1,090 square feet per dwelling unit; plus
- (ii) 10 percent of the gross floor area for office, commercial, and industrial uses.

(b) In the CD-PDI district, open space shall be provided at the rate of 10 percent of the gross floor area for the office, commercial, and industrial uses plus an area based on the density of the development for the residential uses, as per the following:

<u>Density (Dwelling Units/Acre)</u>	<u>Open Space Required (% of Zone Lot)</u>
<u>&lt;5</u>	<u>20%</u>
<u>5 to 17</u>	<u>15%</u>
<u>&gt;17 to 35</u>	<u>10%</u>
<u>&gt;35</u>	<u>5%</u>

(3) Open Space Characteristics: To qualify as open space, land shall be usable and accessible as follows:

- (a) Usable: A minimum of 75 percent of the provided open space shall be usable and not occupied by streets, drives, parking areas, or structures other than recreational structures. Land within a Floodway or Floodway Fringe may be used to provide not more than 50 percent of the open space required in a planned unit development.
- (d) Accessible: All property owners in the planned unit development shall have access to the open space by means of a public street, a private street, a private drive, or an all-weather walkway in an easement a minimum of 20 feet in width.
- (e) Phasing: Open space shall be provided for each phase of the planned unit development in a cumulative amount sufficient to serve the expected population of that phase and the previous phases, but in no case shall it be less than the required rates contained within subsection (2) above.

(4) Types of Open Space: Open space is to be open to the air and not enclosed within a building or structure. In addition to common elements owned by an owners' association, parkland, and drainageway and open space dedicated to the public, open space may also be:

- (a) Courtyards, rooftop gardens, plazas, pocket parks, and similar areas with a minimum area of 300 square feet and enhanced with seating and plantings;
- (b) Paths and trails at least six feet wide and associated pedestrian areas; and
- (c) Public sidewalks and associated public pedestrian areas at least 10 feet wide with the streetscape enhanced with pedestrian amenities and landscaping. Pedestrian amenities include decorative, commercial quality street furniture, benches and seats, fountains, planters with vegetation, and street trees.

(5) Alternate Methods of Compliance: A portion of the required open space can be provided as follows:

(a) Off-Site Option:

- (i) Up to 50 percent of the required open space may be contained within a public park with active recreational facilities or other public recreational opportunities available such that the usable portion of said park is located within 1,320 feet of the planned unit development, as measured along a system of public sidewalks and crosswalks.

- (aa) The Technical Review Committee may grant a modification in accordance with Section 30-9-11 for off-site opportunities located within 1,600 feet when they find that equal or better performance will result.

with regard to nature and extent of either existing or proposed sidewalk enhancements or other pedestrian amenities located along said route.

(bb) If a portion of the route does not contain a sidewalk, the Technical Review Committee may grant a modification in accordance with Section 30-9-11 when they find that equal or better performance will result, with regard to the pedestrian's ability to safely traverse the non-sidewalk portion of the route.

(b) Fee in Lieu of Required Open Space: Where the Director of the Department of Parks and Recreation determines that there is either the need for or an opportunity to purchase property for park purposes or enhance existing City property for public park or usable public open space purposes within two miles of the planned unit development, the developer may submit a fee in lieu of providing up to 50 percent of the required open space. Fees submitted in lieu of required open space shall be in an amount equal to that of the average market value for actual City property purchased within the past three years for generally comparable property located within five miles of the planned unit development. Property values may be adjusted based on generally accepted appraisal practices. All fees collected by the City pursuant to this subsection shall be deposited in an appropriate account and used only for the purchase of property for park purposes, or enhancing the existing City property for park purposes. Use of submitted funds shall be coordinated with other park projects. In cases where the use of the fee in lieu option is determined to not be appropriate, this option shall not be permitted and said planned unit development shall provide the required amount of open space by other means.

Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 3. This ordinance shall become effective upon adoption.