

ORDINANCE NO. 06-03

AN ORDINANCE AMENDING ORDINANCE NO. 590, "LAND SUBDIVISION AND DEVELOPMENT CODE", CREATING REQUIREMENTS FOR GREENSPACE IN SUBDIVISIONS AND LARGE-SCALE DEVELOPMENTS WITHIN THE PLANNING JURISDICTION OF THE CITY OF GREENWOOD, AND FOR OTHER PURPOSES.

WHEREAS, the City of Greenwood recognizes the healthful benefits of recreation and greenspace, and

WHEREAS, the City of Greenwood believes greenspace has a positive impact on the community and promotes good civic design.

WHEREAS, new development drives the need for additional recreation and greenspace,

NOW, THEREFORE BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, ARKANSAS:

SECTION 1: DEFINITIONS

- 1) Caliper. A standard measuring term for young trees. The caliper is the diameter of the cross section of the trunk. For trees up to and including 4" caliper, the measurement is taken 6" above ground line. For trees larger than 4" caliper, the measurement is taken 12" above ground line.
- 2) Developer. A person, firm or corporation undertaking to develop a subdivision or large-scale development as set forth in the Greenwood Land Subdivision and Development Regulations.
- 3) Greenspace. Greenwood's interconnected network of waterways, wetlands, woodlands, wildlife habitats, and other natural areas: greenways, parks and other conservation lands; forests; wilderness and other open spaces that support native species, maintain natural ecological processes, sustain air and water resources and contribute to the health and quality of life for Greenwood communities.
- 4) Large-scale Development. The development of a lot or parcel larger than one acre. The term "development" shall include, but shall not be limited to, the construction of a new improvement, the construction of an addition to an existing improvement, or a parceling which results in the need for access and utilities.
- 5) Passive Recreation. Generally an undeveloped space or environmentally sensitive area that requires minimal development. Entities such as a parks department may maintain passive recreation areas for the health and well-being of the public and for the preservation of wildlife and the environment. The quality of the environment and "naturalness" of an area is the the focus of the recreational experience in a passive recreation area.
- 6) Greenwood Recommended Tree List (attachment). Those tree species and cultivars that are currently recommended for planting within the City in an effort to promote diversity and health of the urban forest.
- 7) Subdivision. The subdividing of land into lots and blocks, the parceling of land resulting in the need for access or utilities, or the dividing of an existing lot or parcel into two or more lots or parcels.

SECTION 2: SUBDIVISION OR LARGE-SCALE DEVELOPMENT.

- 1) Process. In addition to the procedure provided herein and other requirements found in the City of Greenwood Land Subdivision and Development Code and the City of Greenwood

Zoning Regulations, a developer of a subdivision or large-scale development shall include on his/her concept plan, preliminary plat and final plat proposed greenspace for the development.

- 2) Planning Commission. Along with the concept plan, or prior to the submittal of a preliminary plat, the developer shall submit to the City of Greenwood Department of Planning and Development, a concept plat or plan for greenspace.
- 3) The Planning Department shall review the submitted plans and make recommendations to the Planning Commission.
- 4) Decision. The Planning Commission shall determine if the developer will dedicate land or contribute money in lieu of greenspace. No land dedication will be accepted as a public greenspace unless it is determined by the Planning Commission, after consultation with the Planning and Development Department, that the physical characteristics of the site and its surroundings make the site suitable for greenspace purposes.
- 5) Approval. The Planning Commission's decision must be incorporated into the developer's preliminary plat prior to plat or plan approval.

SECTION 3: DEDICATION RATIOS.

- 1) Land shall be dedicated at a ratio of .017 acre of land for each single-family dwelling unit and .017 acre of land for each multi-family dwelling unit.

SECTION 4: GREENSPACE REQUIREMENTS.

- 1) The Planning and Development Department shall ensure that dedicated greenspace meets the following requirements.
 - a) The physical characteristics of the designated land are suitable for greenspace purposes, including passive recreation and / or trails development.
 - b) The proposed greenspace areas are sufficient to adequately serve the residents of the development / neighborhood.
 - c) Adequate sidewalks, trails, and / or bikeways shall provide access for all residents of the subdivision / neighborhood to adjacent neighborhoods or other connecting sidewalks, trails or bikeways.

SECTION 5: GREENSPACE ELIGIBILITY.

- 1) The Planning and Development Department shall ensure that one-third of dedicated greenspace meets these requirements:
 - a) Be usable land for passive recreation purposes.
 - b) May not lie within the 100 - year floodplain.
 - c) May not be located in any wetland areas as defined by the Federal Government.
 - d) May not be located in areas with slopes greater than 25%, except where approved by the Greenwood Planning Commission.
 - e) Not include any rights-of-way or utility easements.
 - f) Not include any retention, detention or similar holding basins, except where approved by the Greenwood Planning Commission (see SECTION 5, Item 3)).
- 2) The remaining two-thirds of dedicated greenspace are not subject to the eligibility requirements of SECTION 5, 1) Items b), c), d) and f).
- 3) Retention / Detention or Similar Holding basins may be counted as greenspace for purposes of SECTION 5, Item 1) if either of the following criteria are met:
 - a) Retention / Detention or Similar Holding basins will be tree lined, with one tree planted for every 1,000 square feet of detention area.
 - i) Developers shall select trees from the City of Greenwood "Recommended Tree List" to ensure an appropriate mix of native trees.

- ii) Trees planted around retention / detention or similar holding basins shall have a minimum caliper of 2".
- iii) Trees planted around *retention / detention or similar holding basins* shall be warranted by the developer or builder for one year.
 - (1) Voluntary, recommended tree protection guidelines are available through the City of Greenwood Planning Department.
- b) Wet basins must be landscaped or considered sufficiently landscaped in its natural state.
- c) Dry basins must serve more than one purpose, (i.e., park space, playground, ball fields), except where approved by the Greenwood Planning Commission.
 - i) Where multiple uses are proposed, the basin must be determined to be of sufficient size to accommodate such uses.
 - ii) The developer shall not be responsible for providing equipment or facilities for such additional uses.
- 4) All eligible greenspace shall conform to the following design requirements:
 - a) Maximize public exposure and public access to greenspace.
 - b) Contiguous greenspace land may be bisected by local streets sidewalks, and pedestrian paths.
 - c) Greenspace shall not be located adjacent to an arterial street.
 - d) Due regard shall be shown for all natural features such as lakes, ponds, water courses, historic sites and other similar features which, if preserved, will add attractiveness and value to the property.
- 5) Residential Lots
 - a) Where possible, healthy, mature trees (6" caliper or greater) shall be preserved. Where a mature tree is able to be preserved on a lot, no planting of new trees will be required.
 - b) Healthy, mature trees that have been selected to be preserved shall be warranted by the developer or builder for one year, regardless of property ownership.
 - i) Voluntary, recommended tree protection guidelines are available through the City of Greenwood Planning Department.
 - c) If no trees meeting the criteria in Section 5, 5) a) can be preserved, or if no trees exist on a lot, the developer shall plant a minimum of two trees in each residential lot.
 - d) Developers shall select trees from the City of Greenwood "Recommended Tree List" to ensure an appropriate mix of native trees.
 - e) Trees planted in residential lots shall have a minimum caliper of 2".
 - f) Trees planted in residential lots shall be warranted by the developer or builder for one year or until the property is purchased by the homeowner, whichever occurs first.

SECTION 6: FEE-IN-LIEU

- 1) Fee-in-lieu. The developer alone does not have the discretion to pay a cash contribution in lieu of land for the establishment of greenspace.
- 2) If the Planning and Development Department determines that greenspace is neither feasible nor advisable, it may recommend to the Planning Commission that a cash contribution be accepted in lieu of land dedication.
- 3) The Planning Commission will either accept the recommendation for a cash contribution or return the subdivision plat the Planning and Development Department with instruction or for further study.

SECTION 7: PROCEDURE FOR DEDICATION OR FEE-IN-LIEU

- 1) Dedication or fee-in-lieu. If the Planning Commission agrees with the Planning and Development Department that a proposed subdivision does not provide a suitable area or areas for a public greenspace, the developer shall be required to make a reasonable dedication of land for greenspace, or to make a reasonable equivalent contribution in lieu of dedication of land for greenspace.
 - a) The City of Greenwood will make every effort to provide acquisition and development of greenspace that serves the subdivision or development.
 - b) When suitable land for greenspace acquisition serving the development cannot be identified, the City will look for other available acquisition of greenspace within the City.
- 2) Fee-in-lieu formulas. A contribution in lieu of land dedication shall be made according to the following formula:
 - a) \$275 for each single-family unit.
 - b) \$300 for each multi-family unit.
 - c) The Planning Department shall review the contribution formula every two (2) years and make recommendations to the Planning Commission following such review.
- 3) Less than maximum density. If the developer legally restricts the number of dwelling units to be constructed to less than the maximum density permitted by zoning, required land dedication or cash contribution in lieu thereof shall be based upon actual density.

SECTION 8: TIMING OF DEDICATION AND / OR CONTRIBUTION.

- 1) All dedications of land must be made before final plat approval or large-scale development approval. A final plat shall not be released for recordation until the deed for a land dedication is received.
- 2) Deeded land is dedicated public greenspace and not subject to any right of reversion or refund.
- 3) A cash contribution in lieu of required land development shall be payable within 30 days of final plat approval or large-scale development approval. With the approval of the Planning Commission a developer may pay such contribution in three equal installments to be paid in full within one year of final plat approval.
- 4) If a developer makes a cash contribution in lieu of land dedication, the developer shall be entitled to a pro rata refund, together with the accrued interest there from, in the event actual density is less than the density used as the basis for the developer's contribution; provided, no refund shall be made unless application therefore is made in writing to the Department of Planning and Development within one year from the date of final plat approval.
- 5) In the event actual density is more than the density used as the basis for a dedication of land or cash contribution the developer must make an additional land dedication or contribution in lieu of dedication.

SECTION 9: APPLICABILITY.

- 1) The requirements of this ordinance shall apply to lot splits, subdivisions and replats of subdivisions, large-scale developments and applications for the construction of parking lots with five or more spaces; provided, said requirements shall not apply to a lot split or replat which does not create one or more vacant lots on which a structure could be erected under the city's zoning regulations.

SECTION 10: ZONING REQUIREMENTS.

1) Lots created for the purpose of greenspace dedication shall not be required to meet the standards for lot size, bulk and are within any zoning district.

SECTION 11: FEE-IN-LIEU ALLOCATION.

1) All money received under this subsection shall be deposited in the Greenspace Fund bank account.

SECTION 12: EXEMPTION.

1) The requirements of this subsection shall not apply to any development where the subdivision plat was filed of record before the date of passage of this ordinance.

PASSED BY A 2/3 MAJORITY OF THE CITY COUNCIL OF THE CITY OF GREENWOOD, ARKANSAS ON THIS 6th DAY OF February, 2006.

APPROVED:

Garry Campbell
Mayor Garry Campbell

ATTEST:

Wanda J. Cave
City Clerk



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