



The following example is from Wake County's Subdivision Ordinance, which describes dedication requirements:

SECTION 3-4-14 CONTRIBUTION TO NEIGHBORHOOD RECREATION AREA

(A) **PURPOSE**

Residential development generates demands for recreation space and facilities, just as it generates demands for roads, utilities, and other community facilities. Whereas the County bears the responsibility for meeting most of the demand for regional recreation space and facilities, residential developments should themselves contribute something to providing at least the neighborhood recreation space their residents need. This Section is intended to ensure that each subdivision at least contributes toward providing recreation area that can be developed and used to meet the neighborhood recreational needs expected to be generated by the subdivision's future residents.

(B) **CONTRIBUTION REQUIRED; AMOUNT AND FORM**

A subdivision shall contribute to providing recreation area to meet the neighborhood recreational needs of its future residents. The minimum amount of recreation area deemed sufficient to meet the neighborhood recreational needs of a subdivision's residents, and thus required to meet this contribution requirement, shall be one thirty-fifth (1/35) acre of land per lot. A subdivider may meet this contribution requirement by (1) dedicating the required acreage of land for public recreational use, (2) reserving the required acreage of land for recreational use by subdivision residents, (3) paying the County funds equal to the value of the required acreage (to be used to acquire land for public recreational use), or (4) a combination of dedication, reservation, and payment - provided, however, that the form of contribution used shall be in accord with the requirements and limitations in Subsection (C) below. A potential subdivider is encouraged to use the pre-application conference with County staff to discuss and decide the appropriate form(s) of contribution to be used.

(C) **FORMS OF CONTRIBUTION - WHERE REQUIRED OR ALLOWED**

(1) **Dedication of Land**

Where the subdivision site contains land that could be used to establish, expand, or extend a public park, greenway, or other recreation area identified in an adopted County or municipal plan, the subdivision shall include dedication of such land for public recreational use, at least to the extent necessary to meet the minimum recreation area contribution requirement set forth in Subsection (B). Subdividers are encouraged to use Cluster or Open Space Subdivision regulations to dedicate any additional land on the site planned for public recreational use. Dedication of off-site land planned as public recreation area may also be used to meet the minimum contribution requirement, provided such land is located so as to be conveniently accessible to subdivision residents and has not been reserved to meet the recreation area contribution requirement for another subdivision. *[Added "Open Space" 1/18/05 (OA 04/11)]*



(2) Reservation of Land

To the extent that the minimum recreation area contribution requirement set forth in Subsection (B) will not be met through dedication of land in accord with Paragraph (1) above, a subdivision may meet the requirement, in whole or in part, by reserving land within the subdivision site for recreational use by subdivision residents - but only if, and to the extent that, the County determines that doing so would contribute more to meeting the neighborhood recreational needs of subdivision residents than the County's use of funds paid in accord with Paragraph (3) below. Such determination shall be based on the following factors:

- (a) What types of recreation facilities subdivision residents will need, considered in the context of what public recreation areas and facilities exist or are planned in the vicinity;
- (b) Whether there is a planned or existing public recreation area in the vicinity that could be established, expanded, or extended so as to provide a site for the types of recreation facilities needed by subdivision residents;
- (c) How conveniently accessible any such planned or existing public recreation areas are to the subdivision;
- (d) Whether the proposed reserved recreation area would be suitable (in size, shape, and physical characteristics) as a site for the types of recreation facilities needed by subdivision residents; and
- (e) The extent to which the subdivision proposes to improve the proposed reserved recreation area with the types of recreation facilities needed by subdivision residents.

(3) Payment of Funds to County

To the extent that the minimum recreation area contribution requirement set forth in Subsection (B) will not be met through required dedication of land per Paragraph (1) above, a subdivision may meet the requirement, in whole or in part, by paying funds to the County for its use in acquiring public recreation area that can meet the neighborhood recreational needs of subdivision residents. The amount of the payment shall be equal to the value of the portion of required acreage (as set forth in Subsection (B)) that is proposed to be contributed via a payment, based on the average per-acre assessed land value of the parcel being subdivided (from the County tax rolls). The subdivider shall make the payment before approval of a record plat for the subdivision, provided, however, that payments may be phased in accord with the approved phasing of the subdivision.



(D) OWNERSHIP AND MAINTENANCE OF DEDICATED OR RESERVED RECREATION AREA

- (1) Land required to be dedicated as recreation area shall be conveyed to the County or other public agency or nonprofit organization that is organized for, capable of, and willing to accept responsibility for managing the recreation area to serve the neighborhood recreational needs of residents of the subdivision and other developments in the immediate area. Land required to be reserved as recreation area shall be conveyed to such organizations as listed above, or to a homeowners association, property owners association, or similar legal entity meeting the provisions of Section 3-3-17, or to any agency, organization, person, or other legal entity that is organized for, capable of, and willing to accept responsibility for managing the recreation area to serve the neighborhood recreational needs of residents of the subdivision - provided such conveyance is restricted to ensure continued recreational use and maintenance.
- (2) The owner of the recreation area shall be responsible for maintaining the recreation area so that it continues to effectively function to serve neighborhood recreational needs of residents of the subdivision and other developments in the immediate area, and any dedication or conveyance of an open space parcel shall provide for such responsibility. Where the recreation area is located within a Residential-40W, Residential-80W, Water Supply II Overlay, Watershed Critical Area Overlay, Watershed Management Area Overlay, Watershed Protected Area Overlay, or Watershed Protected Area Overlay-2 District, any undeveloped part of it shall be retained in a vegetated or natural state, and such retention shall be ensured by maintenance provisions filed with the Wake County Register of Deeds, either as part of recorded documentation providing for establishment of a homeowners association or similar legal entity that is to be responsible for maintenance and control of open space (as provided for in Section 3-3-17), or in a maintenance agreement recorded with the property deeds.
- (2) Each dedicated or reserved recreation area parcel shall be shown on all subdivision plans and on a record plat recorded with the Wake County Register of Deeds, with a notation of its area and its use to serve neighborhood recreational needs.

(E) COUNTY USE OF RECREATION AREA FUNDS

The County shall ensure that any funds a subdivision pays the County to meet the recreation area contribution requirement will be used only to acquire land for the establishment, expansion, or extension of public parks, greenways, or other recreation areas that will serve the neighborhood recreational needs of residents of the subdivision. It shall do so by assigning funds paid by a subdivision to an account that may be used only to acquire neighborhood recreation area in a defined geographic area that includes the subdivision and an area conveniently accessible to subdivision residents - that is, an area defined such that any subdividable parcel within it would generally be no more than approximately three (3) miles from any other parcel within it that could be developed as a public recreation area.



Albemarle Comprehensive Pedestrian Plan

The County may transfer funds paid by one or more subdivisions to a municipality or make arrangements for the joint County/municipal expenditure of the funds where the County determines that such transfer or arrangements would better ensure the funds will be used to acquire public recreation area that will serve the neighborhood recreational needs of subdivision residents, as specified in the paragraph above.

[Section added 5/20/2002 (O-7-02)- effective 7/19/2002 except as to development pursuant to an application for preliminary plan, construction plat, record plat, or minor subdivision approval that was approved before 7/19/2002 or that was accepted as complete before 3/18/2002 and was still pending on 7/19/2002]