

ARTICLE XIV RECREATIONAL FACILITIES AND OPEN SPACE

Section 1. Neighborhood Parks Required

In order to implement the Open Space and Recreation objectives for Elkton, all residential subdivisions shall provide recreation opportunities according to the following subsections:

1. Subject to Subsection 3., all residential developments in the Town shall provide, at a minimum, (through dedication; see Sections 3 and 4 of this Article) recreational areas in the form of neighborhood parks (as described in Section 2 of this Article) in an amount equal to the standards set forth in Subsection 2. Such recreational areas shall be provided in addition to the open space areas required by Section 3 of this Article.
2. For purposes of this section, neighborhood park areas shall be 0.005 acres per residential unit and shall not be less than 5,000 square feet.
3. The Town Commissioners may permit payment of a fee in-lieu, dedication or a combination whenever the requirements in Subsections 1. and 2. cannot adequately meet the open space and recreation responsibilities of the development or if the development is less than 30 homes or within 1,500 feet from another park or playground. The fee in-lieu shall be on a per-dwelling-unit basis as established by the Town of Elkton. The fee shall be listed with the annual schedule of fees for the Town and may change from time to time. Fees will be collected upon application for a building permit. The fee shall be deposited only in a designated account with funds expended only for planned park and recreation facilities.
4. In the case of large proposed developments, which are hereafter defined as any developments over 100 dwelling units, the Planning Commission may require a combination of improved park and recreational property and playgrounds, at the minimum rate of 0.015 acre per dwelling unit, and an impact fee in order to meet the planned Town open space and recreation objectives.
5. When park or recreational facilities approved for dedication are completed and accepted, a deed shall be conveyed to the Town of Elkton, after which the supervision and maintenance shall be the responsibility of the Town. In the case of apartments, when park or recreational facilities are reserved, the developer shall establish conditions as to ownership, maintenance, and use of such areas as deemed necessary by the Planning Commission to assure preservation of its intended purposes.

Section 2. Neighborhood Parks: Purpose and Standards

1. The purpose of the neighborhood park is to provide adequate active recreational facilities to serve the residents of the immediately surrounding neighborhood within the development. The following are illustrative of the types of facilities that shall be deemed to serve active recreational needs and therefore to count toward satisfaction of the neighborhood park requirements of this article: tennis courts, racquetball courts, swimming pools, sauna and exercise rooms, meeting or activity rooms within clubhouses, basketball courts, swings, slides, and play apparatus.
2. Each development shall satisfy its neighborhood park requirement by installing the types of recreational facilities that are most likely to be suited to and used by the age bracket of

persons likely to reside in that development. However, unless it appears that less than 5 percent of the residents of any development are likely to be children under 12, then at least 15 percent of the neighborhood park must be satisfied by the construction of "tot lots" (i.e., areas equipped with imaginative play apparatus oriented to younger children as well as seating accommodations for parents).

3. Neighborhood parks shall be attractively landscaped and shall be provided with sufficient natural or man-made screening or buffer areas to minimize any negative impacts upon adjacent residences.
4. Each neighborhood park shall be centrally located and easily accessible so that it can be conveniently and safely reached and used by those persons in the surrounding neighborhood it is designed to serve.
5. Each neighborhood park shall be constructed on land, the final grade of which shall not exceed a five percent (5%) slope, that is free of nontidal wetlands, and capable of serving the purposes intended by this article.

Section 3. Provision of Common Open Space

The minimum common open space that shall be provided is as specified in Article XIII, Section 9. Open space (spaces designed and intended for the use and enjoyment of all residents of the development) may contain such complimentary structures, improvements as are necessary and appropriate for the use, benefit and enjoyment of residents of the development. Common open space areas shall meet the following requirements:

1. Common open space areas shall:
 - a. be exclusive of tidal wetlands and road rights-of-ways/parking areas;
 - b. equal or exceed remaining percentages of the gross site area (maintenance of areas of productive farmland may serve to meet open space requirements);
 - c. none of the open space required shall consist of those areas designated as nontidal wetlands.
2. Common open space may serve recreational purposes, preserve significant site features, and preserve open space. The uses authorized shall be appropriate to the purposes intended to be served. Open space designed to serve recreational purposes shall be appropriate to the scale and character of the cluster development, considering its size, density, expected population, and the number and type of dwelling units proposed.
3. Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of protection may be left unimproved. The buildings, structures, and improvements to be permitted in the common open space must be appropriate to the uses which are authorized for the common space.

Section 4. Open Space Requirement - Ownership

1. Private Ownership. For apartments, if joint use facilities are not dedicated to public use, they shall be protected by legal arrangements, satisfactory to the Planning Commission,

sufficient to assure their maintenance and preservation for whatever purpose they are intended. All other forms of residential development shall dedicate open space to the Town for public ownership.

Section 5. Management of Common Open Space Property

1. In the case of apartments, the developer shall insure that the common open space and improvements not dedicated and accepted for public ownership are maintained and cared for.
2. Areas set aside to meet the open space requirements shall be adequately described. In the case of apartments, instruments in the form of deed restrictions and/or covenants shall be provided to insure the purpose for which the open space is provided will be achieved. Said instruments shall be approved by the Planning Commission, and Public Works Department prior to recordation among the Land Records of Cecil County.

Section 6. Bond for Improvements

Prior to the issuance of a building permit, there shall be delivered by the owner or developer some form of surety acceptable to the Town in an amount as specified by the Town, which shall be submitted with the final subdivision plat, as described in the Elkton Subdivision Regulations, which surety shall secure an agreement to construct such required physical improvements as identified in the Proposed Plan of Development.

Section 7. Flexibility in Administration Authorized

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 residential developments are established by the Town 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 Town recognizes, however, that due to the particular nature of a tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying objectives of this article may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the permit-issuing body is authorized to permit minor deviations from these standards whenever it determines that: (1) the objectives underlying these standards can be met without strict adherence to them; and (2) 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.
2. Whenever the permit-issuing board authorizes some deviation from the standards set forth in this article pursuant to Subsection 1., the official record of action taken on the development shall contain a statement of reasons for allowing the deviation.

Section 8. Reserved