

## **ARTICLE 5**

### **DEDICATION OR RESERVATION OF PUBLIC SITES AND OPEN SPACE**

**Sections:**

- 5-1 Dedication or Reservation of Public Sites and Open Spaces**
- 5-2 Action by Governing Body**
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#### **SECTION 5-1 DEDICATION OR RESERVATION OF PUBLIC SITES AND OPEN SPACES**

**5-101.** In subdividing land or re-subdividing an existing plat, due consideration should be given by the subdivider to the dedication or reservation of suitable sites for schools, parks, playgrounds, or other public recreational areas or open spaces. In its consideration of any such subdividing or resubdividing of the Planning Commission shall make recommendations as to dedications and reservations. Any area so dedicated or reserved shall conform as nearly as possible to the recommendations of the Planning Commission and the Board of Education. All areas to be reserved for, or dedicated to, public use shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated to or acquired.

#### **SECTION 5-2 ACTION BY GOVERNING BODY**

**5-201.** Upon receiving the recommendations of the Planning Commission, the Governing Body may:

- a. Accept such dedication.
- b. Accept, in lieu of the dedication of land, a fee equal to seven (7) percent of the fair market value of the subdivided land.
- c. Waive the requirement if the Governing Body finds that there are sufficient schools, parks, playgrounds or other publicly-owned or operated recreational areas or open spaces in the area of the subdivision.

#### **SECTION 5-3 USE OF LAND AND FEES**

**5-301.** Land or fees obtained pursuant to this Article shall only be used to obtain public open space, public recreational land or facilities for public use. The Governing Body shall make appropriate findings as to the relationship between the subdivision from which the fees were obtained and such open space, recreational land or facilities for public use.