



## **RESOLUTION 2017-16**

### **APPROVING THE USE OF PAYMENTS THAT ARE MADE IN LIEU OF PROVIDING OPEN SPACE IN THE RURAL AREA PLAN STUDY AREA**

**WHEREAS**, in 2010, the Town Board of Commissioners adopted the 2010 Davidson Comprehensive Plan;

**WHEREAS**, the goals and implementation strategy of the 2010 Davidson Comprehensive Plan recommend that the Town of Davidson continue to require open space preservation in the rural area;

**WHEREAS**, in 2015, the Town Board of Commissioners adopted a new Planning Ordinance that is consistent with the 2010 Davidson Comprehensive Plan and requires preservation of open space;

**WHEREAS**, in 2016, the Town Board of Commissioners approved the Rural Area Plan that, consistent with the 2010 Comprehensive Plan and 2015 Planning Ordinance, recommended significant open space preservation in the rural area;

**WHEREAS**, in March 2017, the Town Board of Commissioners approved text amendments, effective July 11, 2017, to the Planning Ordinance that increased the open space requirement for all properties in the Rural Planning Area and provided a payment in lieu option ("Option B open space fees") for 20% of the required open space;

**WHEREAS**, payments in lieu of providing open space as permitted by Section 7 of the Planning Ordinance, shall be in accordance with the fee schedule adopted by the Board of Commissioners;

**WHEREAS**, the Board of Commissioners desires to approve the uses of the open space payment in lieu fees made pursuant to Option B.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Board of Commissioners, do hereby declare that

1. Option B open space fees shall be in accordance with the fee schedule adopted by the Board of Commissioners and paid in full prior to the issuance of a certificate of occupancy.
2. Option B open space fees shall be placed in an Open Space Fee Fund and be used by the Town for any of the following activities:
  - Town's purchase of open space within the Rural Area Plan Study Area

- Costs associated with the Town's purchase of open space including, but not limited to, a land survey, real estate appraisal, agent and broker fees, legal fees, insurance, conservation easement, plat and/or deed recordation, and any other land acquisition fees.
- Other activities that are directly related to the assessment, purchase, or maintenance of open space.

3. This Resolution shall become effective immediately upon adoption.

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**Adopted on the 11th of July 2017.**

Attest:

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Carmen Clemsic  
Town Clerk

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John M. Woods  
Mayor