

# **REGULATING PLAN for the MLK TOD Station Area Plan (SAP)**



**Approved: March 12, 2009  
Effective: March 23, 2009**

**Revised: May 24, 2012**

**ORDINANCE NO. 20120524-128**

## **4.11. PUBLIC PARKS AND TRAILS**

### **4.11.1. Applicability**

<b>Article 4 Site Development Standards</b>	<b>Applies to:</b>
<b>Section 4.11 Public Parks and Trails</b>	Development subject to the Parkland Dedication Ordinance (LDC Article 14 Section 25-2-601)

### **4.11.2. Purpose**

Because of the higher density development envisioned for the MLK TOD Station Area, it is important to provide public open space and parks facilities for local residents. Some development sites will be better suited than others to provide on-site parkland for reasons including, but not limited to, the location of the site within the TOD and to core activity areas, site constraints, and size of site. This section broadly identifies some of the areas that would be ideal for a public park according to the MLK Open Space Concept Plan.

### **4.11.3. Recommended Location of Parks and Trails**

The MLK Open Space Concept Plan (Figure 4-20) shows areas indicated as “Potential Open Space”. Development within these parts of the TOD is encouraged to meet private common open space and/or parkland dedication requirements in these approximate areas. The locations shown were chosen for the ability of these general locations to properly serve MLK TOD residents. Optimal locations for future parks and trails include:

- A.** Pocket park with a minimum area of 0.5 acre, located between MLK Jr. Boulevard and Manor Road.
- B.** Pocket park with a minimum area of 0.5 acre, located south of MLK Jr. Boulevard.
- C.** Boggy Creek flood plain and wetland areas.
- D.** Trail system along the CMTA Red Line tracks, in rail right-of-way if feasible, or on adjacent properties.

### **4.11.4. On-site Parkland Dedication Requirement**

For a property/site where public parkland is recommended as established in Subsection 4.11.3, a minimum of 50% of a parkland dedication requirement shall be met with an on-

site dedication of land. The land to be dedicated must be approved by the director of the Parks and Recreation Department. The dedicated land is eligible for the allowance described in Subsection 4.11.5.

#### **4.11.5. On-site Parkland Dedication Allowance**

If, as part of a development project, the parkland dedication requirement is met in part or in full with a dedication of public parkland on site, FAR and density calculations for the non-dedicated portion of the site shall be made based on the total site area prior to the dedication.

#### **4.11.6. Fee In Lieu**

- A.** Instead of, or in combination with, meeting parkland dedication requirements on site, a property owner may request approval to deposit with the City a nonrefundable cash payment, based on a formula established by the City Council. The Director of the PARD shall review the request and accept or deny the request.
- B.** Any parkland dedication fees collected in the TOD must be spent within the Station Area unless a waiver is granted to City Staff by the City Council.

### **4.12. DRIVE-THROUGH FACILITY STANDARDS**

A drive-through facility for any use shall be subject to the standards of this section. The standards shall apply to new drive-through facilities added to existing development and new development, including the relocation of a drive-through facility. Drive-through facilities provide services where the motorist generally waits in the car before and while the service is performed. A drive-through facility may not be permitted for a specific property if the standards in this section cannot be met given the site's size, dimensions, and/or location within the MLK TOD District

#### **4.12.1. Applicability**

Article 4 Site Development Standards	Applies to:
Section 4.12 Drive-through Facility Standards	Development in the Corridor Mixed Use Subdistrict as specified in Subection 2.3.8