

Chapter 90

PARKS AND RECREATION

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Brush, grass and weeds — See Ch. 50.
Outdoor burning — See Ch. 59.
Dogs — See Ch. 70.
Subdivision and land development — See Ch. 130.

ARTICLE I

Public Dedication of Parks and Open Space

[Adopted 9-15-2008 by Ord. No. 147 (Ch. 65, Art. I, of the 1991 Code)]

§ 90-1. Dedication of land or payment of fee required.

Each subdivision and land development shall include the mandatory dedication of park and open space land or the payment of a fee in lieu thereof, consistent with the provisions of this article. The plan shall include notes which explain the calculation of the amount of land or the fee in lieu thereof, and the applicant's intention to offer same, or pay same, whichever may be appropriate, to the Township at the time of recording of the approved plan.

§ 90-2. Certification and dedication statement.

The owner's certification and dedication statement shall include mandatory dedication of park and open space land or the payment of a fee in lieu thereof consistent with and as required by this article.

§ 90-3. General requirements.

The land reserved and dedicated to the Township for park and open space usage shall be a single lot which shall comply with the requirements of this article, Chapter 150, Zoning, of the Code of the Township of North Londonderry, and the following specific requirements:

- A. The land, where feasible, must be a minimum of five (5) acres in size, unless the intended use is for a special use park or linear park development.
- B. The land, where feasible, shall be in such a location that additional adjacent land abutting two (2) or more boundary lines shall be undeveloped and available for purchase by the Township for expansion of the recreation area, and of such character (terrain, topography, physical features, etc.) that the adjacent land can reasonably be developed into a park or recreational land, which assessment and determination shall be made by the Township Supervisors.
- C. The land shall be easily and safely accessible for vehicles, pedestrians, and/or bicycles.

- D. A maximum of fifteen percent (15%) of the tract may consist of floodplain, wetland, steep slopes, utility easements or rights-of-way, or other features that otherwise render the lots undevelopable for its intended recreation use. The fifteen percent (15%) does not include greenway/linear development.
- E. The tract shall have accessibility to utilities, including water, sewer, and power, unless deemed unnecessary by the Township for the intended park facility development, such as a greenway/linear park development.
- F. The tract shall not contain stormwater facilities designed to detain or retain stormwater for the parent tract or another site.

§ 90-4. Amount of land to be dedicated.

Consistent with the standards of North Londonderry Township's Recreation, Park and Open Space Plan, the amount of park and open space land required to be dedicated shall equal at least fifteen (15) acres of park land per one thousand (1,000) residents, or twenty-five thousandths (0.025) acre of land per residential lot or equivalent dwelling unit shall be dedicated under this article.

§ 90-5. Fee in lieu of dedication.

- A. Where the Township Supervisors determine that, because of shape, location, access, topography, or other physical features of the land, it is impractical to dedicate land to the Township or set aside recreation area as required herein, the Township Supervisors shall require payment of a fee in lieu of such land which shall be payable to the Township prior to recording each final plan and shall be in an amount equal to the percentage of the total number of dwelling units for each phase.
- B. The developer may request that the Township not require the dedication of land, and any such request shall be accompanied by an offer to pay a fee in lieu of dedication of the land.
- C. The initial fee in lieu of land shall be set at two thousand dollars (\$2,000) per residential lot or equivalent dwelling unit. This fee may be adjusted from time to time by resolution of the Township Supervisors. The fees collected hereunder shall be utilized by the Township for recreational purposes and shall be administered in accordance with Section 503(11) of the Pennsylvania Municipalities Planning Code.¹
- D. A fee authorized under this section shall, upon its receipt by the Township, be deposited in an interest-bearing account. Interest earned on such an account shall become funds in that account. Funds from such account shall be identified as reserved for providing, acquiring, operating or maintaining park or recreational facilities and/or pay for recreational planning and planned development. Interest earned on such accounts shall become funds of that account. [Amended 5-18-2015 by Ord. No. 175]

§ 90-6. Alternatives to requirements.

1. Editor's Note: See 53 P.S. § 10503(11).

- A. Upon agreement by the developer, the Township may accept the construction of recreational facilities, the payment of fees in lieu thereof, the private reservation of land for recreational purposes, the dedication of land in other areas of the Township, or a combination of the above.
- B. If the developer proposes the private reservation of land, through either the inclusion of such land as common elements of a condominium or planned community as contained in the Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. § 3103 et seq., or the Pennsylvania Uniform Planned Community Act, 68 Pa.C.S.A. § 5101 et seq., then such documentation shall be recorded and shall provide that the land cannot be further developed. Furthermore, the Township shall be granted the rights to maintain the land as set forth in Article VII of the Municipalities Planning Code² dealing with the maintenance of common open space in planned residential developments. Notwithstanding the foregoing, the developer may request that the Township Supervisors approve transfer of the land to an organization dedicated to the conservation of natural resources with deed restrictions preventing further development acceptable to the Township Solicitor.

§ 90-7. Agreement required.

The landowner shall enter into an agreement with the Township setting forth the fees to be paid, the facilities to be constructed, or the land to be privately reserved and the method of its maintenance. All such agreements shall be executed prior to final plan approval.

2. Editor's Note: See 53 P.S. § 10701 et seq.