

SOUTH LEBANON TOWNSHIP
ORDINANCE NO.# 270

AN ORDINANCE TO AMEND AND TO BE INCORPORATED INTO THE EXISTING SOUTH LEBANON TOWNSHIP SUBDIVISION LAND USE ORDINANCE, ORDINANCE NO. 164, AMENDING CHAPTER 5 "REQUIRED IMPROVEMENTS AND DESIGN STANDARDS", BY ADDING A NEW SECTION 5.02.O, PUBLIC DEDICATION OF PARK AND OPEN SPACE LAND; AND BY AMENDING CHAPTER 4, "PLANS AND PLATS: REQUIRED INFORMATION", SECTIONS 4.02.D AND 4.02.E.

WHEREAS, the South Lebanon Township Supervisors have adopted a Recreation, Parks and Open Space Plan which contains recommendations for the mandatory dedication of park and open space land; and,

WHEREAS, South Lebanon Township has previously adopted a Subdivision Land Use Ordinance, Ordinance No. 164, as South Lebanon Township's ordinance governing subdivision and land development; and,

WHEREAS, South Lebanon Township does not currently provide for such dedication as a requirement of the Subdivision and Land Development Ordinance; and

WHEREAS, the South Lebanon Township Supervisors have deemed it necessary for the protection, health, and welfare of the residents of South Lebanon Township to adopt an ordinance, which mandates and regulates the dedication of park and open space land.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the South Lebanon Township Supervisors, as follows:

"SOUTH LEBANON TOWNSHIP ORDINANCE NUMBER 164, THE SUBDIVISION LAND USE ORDINANCE" is hereby amended for all subdivision and land development in South Lebanon Township in the following manner:

SECTION 1: Chapter 4, Section 4.02, Minor Subdivisions, is hereby amended by adding new subsection D-(6), as follows:

"D (6). 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 ordinance. 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 recording of the approved plan."

SECTION 2: Chapter 4, Section 4.02, Minor Subdivisions, is hereby amended by adding new subsection E-(5), as follows:

"E(5). 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 ordinance."

SECTION 3: Chapter 5, Section 5.02, Required Improvements and Design Standards, is hereby amended by adding new subsection O., as follows:

O. Parkland and Open Space Requirements:

1. 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 ordinance, the South Lebanon Township Zoning Ordinance, and the following specific requirements:
 - a. The land, where feasible, must be a minimum of 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 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 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.

- 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.
2. Consistent with the standards of the South Lebanon Township Recreation, Park and Open Space Plan, the amount of park and open space land required to be dedicated shall equal at least 10 acres of park land per 1,000 residents, or 0.025 acres of land per residential lot or equivalent residential dwelling shall be dedicated under this part.
 3. Where the Township Supervisors determine that because shape, location, access, topography, or other physical features of the land, that it is impractical to dedicate land to the Township or set aside recreation area as required by Section 5.02(O)(2) above, 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.

The initial fee in lieu of land shall be set at \$750 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.

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 accounts shall be expended to acquire land and/or design and construct recreation facilities, and/or pay for recreational planning and plan development.

4. 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.

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. ss 3103 et seq. or the Pennsylvania Uniform Planned Community Act, 68 Pa. C. S. ss 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 Code 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.

5. 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.

SECTION 4: All ordinances or part of ordinances conflicting with the Provisions of this ordinance are hereby repealed.

SECTION 5: Except as modified herein, the South Lebanon Township Subdivision Land Use Ordinance as presently enacted shall remain in full force and effect.

SECTION 6: This Ordinance shall become effective upon its enactment.

ORDAINED and ENACTED this 25th day of March, 2003

SOUTH LEBANON TOWNSHIP SUPERVISORS
Lebanon County, Pennsylvania

Robert J. Amore
Darin M. Egan
Stephen Krause

ATTEST:

Curtis E. Kulp