

AN ORDINANCE OF THE TOWNSHIP OF NORTH NEWTON, CUMBERLAND COUNTY, PENNSYLVANIA. AMENDING ARTICLE 7 AND ARTICLE 9 OF THE NORTH NEWTON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, AS AMENDED, PERTAINING TO THE DEDICATION OF PARK AND RECREATION AREAS AND FEES IN LIEU THEREOF.

WHEREAS, the Board of Supervisors for North Newton Township has determined that it is in the best interest of the general public of the Township of North Newton (the "Township") to provide and ensure adequate park and recreation areas and facilities to serve the general public of North Newton Township; and

WHEREAS, the Pennsylvania Municipalities Planning Code allows the adoption of provisions in a subdivision and land development ordinance requiring public dedication of land, the construction of recreational facilities and, inter alia, the payment of fees in lieu thereof for park and recreation purposes; and

WHEREAS, the Board of Supervisors has formally adopted the North Newton Park and Recreation Plan 2006 necessary for the exercise of said authority hereunder;

NOW THEREFORE, BE IT HEREBY ENACTED AND ORDAINED, AND IT IS HEREBY ENACTED AND ORDAINED BY the Board of Township Supervisors for the Township of North Newton, Cumberland County, as follows:

Article 7 and 9 of the North Newton Township Subdivision and Land Development Ordinance, as amended, are hereby amended in their entirety as follows:

1. Section 700 – Add the following as item N:

Where the developer/applicant proposes the construction and dedication of recreational facilities or payment of fee in lieu thereof as set forth herein, plan notations shall be provided clearly identifying the selected alternative to comply with the applicable recreational requirements.

2. Add the following as Section 912:

912. Recreational Requirements

Each subdivision and land development shall construct and dedicate recreational facilities and land, or pay a fee-in-lieu of such construction and dedication to the Township in accordance with the following requirements:

A. Construction and Dedication of Recreational Facilities

1. Recreation Study: Where a subdivider/developer proposes to construct and dedicate recreational facilities and land to the Township, a Recreation Study shall be submitted along with the Plan Submission, prepared by a professional with demonstrated experience in the planning and design of recreational facilities and amenities which addresses the following:
 - a.) Demographic Analysis: Identify the anticipated composition and characteristics of the occupants of the proposed subdivision or land development; the expected types of recreational amenities to be provided; and why the land where the recreational facilities are proposed adequately accommodates the recreational function including attendant off street parking facilities.
 - b.) Land Area Requirements for Dedication:
 - (1.) A minimum of 1,500 square feet of suitable recreation land shall be dedicated for each dwelling unit within a residential subdivision or land development.
 - (2.) A minimum of 10% of the net land area in any non-residential subdivision or land development shall be established for recreation.
 - (3.) Land offered for dedication shall be contiguous and shall not be less than ten (10) acres.
 - c.) Criteria for determining location and suitability.
 - (1.) The proposed recreation area to be dedicated shall comply with and be subject to the following criteria:
 - (a) Be easily and safely accessible, have good ingress and egress and have direct access to a public roadway.
 - (b) Be contiguous and regular in shape.
 - (c) Have suitable topography and soil conditions for use and development as a park or recreation area.
 - (d) A minimum of seventy-five percent (75%) of the required area shall not exceed a slope of seven percent (7%).

- (e) No more than twenty-five (25%) of the required area may be within flood plain or wetland areas.
- (f) Be served by all available utilities, such as water, sewer and electric.
- (g) Be compatible with the objectives, guidelines and recommendations as set forth in the North Newton Township Park and Recreation Plan, as amended.

d.) Land that is subject to one or more of the following features will disqualify it for acceptance for dedication as recreational land:

1. Park land dedication sites abutted by existing residences where in the judgment of the Board of Supervisors the character of the proposed recreation facility would not be compatible with the existing residential neighborhood.
2. Areas encumbered by overhead utility lines or easements of any type that might limit the opportunity for park and recreation development.
3. Land used or otherwise encumbered by hazardous and/or municipal waste materials or dumpsites.
4. Land used for stormwater management structures.

e.) **EXEMPTIONS:** The following subdivisions or land developments shall be exempt from the provisions of this Section:

- (1) Subdivision of land into two (2) or more lots appropriately restricted to agricultural purposes.
- (2) Subdivision of land into two (2) or more lots for the purpose of reconciling adjoining property lines or lot additions not involving additional development.
- (3) Subdivision or land development of the Township, municipal authority, or school district.

- (4) Expansion of an existing developed non-residential building and/or structures which is required to prepare a Land Development Plan.

f.) Construction and Dedication of Recreational Facilities

Where the subdivider/developer proposes to construct and dedicate recreational facilities to the Township, the improvements shall be secured in accordance with the applicable provisions of Article 14 herein. Additionally, all land to be dedicated shall be free and clear of all liens, encumbrances and easements excepting however existing building restrictions, easements of roads; rights of public utility companies, if any. Otherwise the title to the land shall be good and marketable as will be insured by a reputable Title Insurance Company at the regular rates.

B. Payment of fee in lieu of dedication.

1. As an alternative to dedication of land, the developer or subdivider may agree to pay a fee-in-lieu of dedication.
2. The cash payment in-lieu of land dedication shall be met by the payment as determined by resolution of the Board of Supervisors as duly amended from time to time based upon a per dwelling fee for residential units and a per acreage fee for non-residential subdivisions or land developments.
3. All fees paid hereunder shall be due and payable in full upon approval of the final subdivision or land development plan or phase or section thereof and shall be paid prior to the release of any plan for recording.
4. All monies paid to the Township pursuant to this section shall be deposited and utilized in accordance with the provisions and requirements of the Pennsylvania Municipalities Planning Code.

This ordinance shall become effective in accordance with applicable law.

ENACTED AND ORDAINED this 5th day of December, 2006.

TOWNSHIP OF NORTH NEWTON

By: David R. Guttenore
Chairman, Board of Township Supervisors

By: J. Glenn Glenn

By: Beaully W Spel

ATTEST:

Bernie S. Myers
Township Secretary

(Township Seal)