



6. If any remnants of land (other than rights-of-way) would exist after subdividing, those remnants shall be incorporated into existing or proposed lots.

(Ordinance 240, May 23, 1994, Section 1005)

Section 1006. Open Space and Recreation Areas and Fees.

1. Intent.

A. To provide adequate open spaces, recreational lands and recreational facilities to serve new residents of new developments, for both active and passive recreation.

B. To recognize and work to carry out the officially adopted Spring Township "Parks, Recreation and Open Space Plan."

C. To recognize the rationale for these common open space and fee-in-lieu of land requirements, as described in a June 12, 1990, memorandum to the Township from the Township's professional recreation planning consultants.

2. Applicability.

A. This subsection shall apply to any subdivision or land development for which a preliminary plan or a combined preliminary/final plan is submitted after the enactment date of this amendment.

B. This subsection shall not apply to plans that the Board of Supervisors determines only involve clearly minor adjustments or corrections to an approved preliminary plan or clearly minor adjustments or corrections to a preliminary plan that was before the Township for consideration at the date of the adoption of this amendment.

3. Limitations on Use of Fees.

A. Any fees collected under this subsection shall be placed within an interest-bearing account and shall be accounted for separately from other Township funds.

B. To ensure that the lands and facilities are accessible to the residents and employees of the developments that paid fees towards their

cost, the attached "Recreation Fee District Map" designates two (2) overlapping "Recreation Fee Districts." These districts are the "Northern Recreation Fee District" and the "Southern Recreation Fee District." Any such fees collected under this Section shall only be expended within the same recreation fee district as the subdivision or land development that contributed the fees.

C. Such fees shall only be used for the following: acquisition of public open space, development of public recreational facilities, landscaping of public open space and closely related engineering and design work.

D. Unless the Township identifies fees for a particular set of facilities or particular recreation area, then the fees shall be used for the further development of the Cacoosing Creek Recreation Area as a generally centrally located recreation area providing programs and facilities for the entire Township.

4. Land Dedication. Any subdivision or land development regulated under this Section shall be required to dedicate the specified amount of common open space, unless the Board of Supervisors determines that such land in that location would not serve a valid public purpose, in which case recreation fees-in-lieu of land shall be required.

A. Generally, it is the intent of this subsection that developments of five or fewer dwelling units that do not include land that is adjacent to existing publicly-owned land shall be required to pay a recreation and open space fee in lieu of dedicating land. However, if the applicant does not agree to pay such fees, then land shall be required to be dedicated.

B. The land and fee requirements of this subsection shall be based upon the number of new dwelling units that would be permitted on the lots of a subdivision or land development after approval.

C. Prime Open Space. For the purposes of this subsection, the term "prime open space" shall mean land proposed to be dedicated as common open space that would meet all of the following standards:

- (1) Less than six (6) percent slope.
- (2) Not a "wetland" under Federal and/or State regulations.
- (3) Be part of a contiguous tract of at least two (2) acres (which may include existing adjacent common open space).
- (4) Not be within the "one hundred (100) year floodplain" as defined by official floodplain maps of the Township.

D. Amount of Common Open Space. A subdivision or land development shall be required to dedicate the following amounts of common open space for each permitted new dwelling unit, unless the governing body determines that recreation fees in lieu of the open space would be more in the public interest.

Percentage of the Total Required Common Open Space that Would Meet the Definition of "Prime Open Space":	Minimum Required Common Open Space Per Permitted Dwelling Unit
0% to 39.9%	1,280 square feet
40% to 74.9%	1,175 square feet
75% to 100%	1,070 square feet

[Ord. 286]

5. Fees for Residential Development. If the governing body determines that a land dedication within a proposed subdivision or land development would not be in the public interest, the applicant shall be required to pay fees-in-lieu of dedicating open space. This fee shall be one thousand two hundred dollars (\$1,200.00) per permitted dwelling unit, or as set by resolution, from time to time, by the governing body. [Ord. 286]

6. Fees for Business Development.

A. Intent. To recognize that the development of employers in the Township creates significant demand for local recreational facilities, such as athletic fields, volleyball courts and picnic areas.

B. Any new business subdivision or land development shall be required to pay a recreation fee of one thousand five hundred dollars (\$1,500.00) for each acre within such subdivision or land development that is intended for new business uses. This amount of the fee may be amended by resolution, from time to time, by the governing body. [Ord. 286]

C. The fee shall be based upon the nearest one-quarter (1/4) acre. (For example, if a fee of one thousand five hundred dollars (\$1,500.00) per acre is currently in place, a two and one-quarter (2.25) acre business use would pay a fee of three thousand three hundred seventy-five dollars (\$3,375.00). No fee shall be required for business subdivisions or land developments involving less than one-quarter (1/4) acre of land for new business uses. [Ord. 286]

D. See possible modifications of fees in §1007(11).

7. Decision on Land vs. Fees. The Board of Supervisors shall determine whether a land dedication or the payment of fees shall be required. This determination should, but is not required to, be made at the time of sketch plan review. The Township should, at a minimum, consider the following in this decision:

A. Whether the land in that location would serve a valid public purpose.

B. Whether there is potential to make a desirable addition to an existing recreation area.

C. Whether the proposed land would meet the objectives and requirements of this Section.

D. Whether the area surrounding the proposed development has sufficient existing recreation and open space land, and whether it is possible for pedestrians and bicyclists to reach those lands.

E. Any recommendations that may be received from the Planning Commission, the Township Engineer, the local School Board or School District staff and the Township Parks and Recreation Board.

F. Any relevant policies of the Township Parks, Recreation and Open Space Plan.

8. Land to be Dedicated.

A. Land required to be dedicated shall be suitable for its intended purpose, in the determination of the Board of Supervisors. The applicant shall state what improvements, if any, that he/she intends to make to the land to make it suitable for its intended purpose, such as grading, landscaping or development of trails. Such land shall be free of construction debris at the time of dedication.

B. Required common open space shall be dedicated to the Township, unless the Board of Supervisors agrees to accept a dedication to any of the following: the Wilson School District, Berks County, a homeowner association or an environmental organization acceptable to the Board of Supervisors. In the case of a rental development, the Township may permit the common open space be retained by the owner of the adjacent residential buildings.

C. If required common open space is to be owned by a homeowner association, the developer shall be required to establish such association in a form that requires all property-owners with the development to annually contribute to the maintenance of the common open space. Any homeowner association agreements regarding required common open space shall be subject to acceptance by the Board of Supervisors, based upon review by the Township Solicitor. The provisions of §703(f) of the Pennsylvania Municipalities Planning Code should serve as a model for such agreement.

D. Any required common open space dedication shall include deed restrictions to permanently prevent its development for buildings, except buildings for noncommercial recreation or to support maintenance of the land.

E. Priority shall be given to dedication of land that would be suitable for:

(1) A new community park in the south-central portion of the Township.

(2) Preserving woods, steep slopes or other important natural features or land along a creek.

(3) Adding needed land onto an existing public recreation area.

F. Land that is not suitable for active or passive recreation shall not be accepted as part of a required dedication, including areas within a stormwater detention basin that could not serve recreation purposes. Portions intended for active recreation shall be well-drained, of less than six (6) percent average slope and not require filling in of a wetland for use.

G. Common open space within a subdivision or land development shall be contiguous, except as may be specifically exempted by the Board of Supervisors, and shall have adequate access for maintenance and for pedestrians.

H. Other Ordinances. Any required land dedication under this subsection shall be in addition to any land dedication or improvement requirements of any other Township ordinance or resolution.

I. Lands Close to Buildings.

(1) For the purposes of this subsection, no land shall be used to meet the minimum common open space requirements of this Section if such land is within:

(a) Fifteen (15) feet of any building.

(b) Within fifteen (15) feet of a parking area of more than six (6) parking spaces (other than parking areas specifically developed to serve the open space).

(2) This specifically includes, but is not limited to, open space surrounding buildings in a development of apartments or townhouses.

J. Residual Lands. If only a portion of a larger tract of land is currently proposed to be subdivided, or the applicant owns one (1) or more adjacent tracts that are not currently proposed to be subdivided, the applicant shall provide a sketch of a possible future land dedication on these adjacent lands in case they would be developed in the future.

K. Coordination With Future Adjacent Dedication. The Board of Supervisors may require that a required land dedication within a property currently being subdivided be placed along an edge of the property so that it may, in the future, be combined with an open space dedication on the edge of an adjoining property when that adjoining property is subdivided or developed.

9. Combination of Land and Fees. Upon mutual agreement of the Board of Supervisors and the applicant, the Township may accept a combination of common open space and fees-in-lieu of land to meet the requirements of this Section for a residential subdivision or land development. This combination shall be based upon the common open space requirement applying for a certain