

§ 320-53. Community facilities, park land and open space.**A. Community facilities.**

- (1) In reviewing Subdivision or Land Development Plans, the Township shall consider the adequacy of existing or proposed community facilities to serve the additional dwellings proposed by the subdivision or land development.
- (2) The applicant or applicant's agent shall consider providing or reserving areas for community facilities normally required in residential neighborhoods, including churches, libraries, schools and other public buildings.
- (3) Areas provided or reserved for community facilities should adequately accommodate building sites, landscaping and off-street parking as appropriate to the use proposed. Such areas should be located in a manner to best serve the public likely to use the same.

B. Park, recreation land and open space.

- (1) All subdivisions and land development proposals shall be required to meet the provisions of this article for providing suitable land for public recreation, trails and open space. **[Amended 3-12-2007]**
- (2) In reviewing the Subdivision or Land Development Plans, the Township shall consider the park, recreation land and open space needs of the additional residents or employees that will result from the subdivision or land development and how they relate to the needs identified in the North Coventry Township Open Space, Recreation and Environmental Resources Plan.
- (3) Subdivisions and land developments that use the RC-1, RR-1, or R1-1 Design Options of Chapter 370, Zoning, are excluded from the open space requirements of this article. With respect to park, recreation land and open space, these subdivisions and land developments shall comply with the applicable provisions of Articles X, XI and XIV of Chapter 370, Zoning. **[Amended 3-12-2007]**
- (4) The applicant or applicant's agent shall offer for public dedication an amount of land for recreation or open space in accordance with the requirements of this article. The Board of Supervisors, at its discretion, may require that the land remain as private property and be reserved and restricted in perpetuity under other forms of ownership as provided in § 370-81B(2). **[Amended 3-12-2007]**
- (5) The Preliminary and Final Subdivision and Land Development Plan submitted by the applicant or applicant's agent shall contain a separate sheet depicting and describing the land and facilities proposed to be dedicated or reserved in compliance with the requirements of this section.
- (6) The dedications or reservations shall be consistent with the North Coventry Township Open Space, Recreation and Environmental Resources Plan for future parks, recreational facilities and open space needs.
- (7) The amount of land to be dedicated or reserved shall be in accordance with the following table. The applicant or applicant's agent shall not be permitted to dedicate or reserve land that is deemed by the Township inadequate to be used as recreation or open space. If the Township chooses a fee-in-lieu-of land dedication to satisfy the requirement of this section, the amount of any fee shall be in accordance with § 320-53G. **[Amended 3-12-2007]**

Type of Development	Average Net Lot Area Per Dwelling Unit	Minimum Required Percentage of Gross Tract Area Which Must be Dedicated or Reserved
Residential uses	More than 1.1 acres	12%
Residential uses	0.5 to 1.1 acres	15%
Residential uses	Less than 0.5 acre	20%
Commercial uses	Not applicable	15%
Industrial uses		20%
Institutional uses		25%

- (8) The provisions of this section are minimum standards and shall not be construed as prohibiting a developer, with the approval of the Township, from dedicating or reserving other land for park land or open space, in addition to the requirements of this section.

C. Park, recreation land and open space designation.

- (1) The Subdivision or Land Development Plan shall contain the following statement for land designated as open space: "Open space land may not be separately sold, nor shall such land be further developed or subdivided."
- (2) All Subdivision Plans shall designate the use of park land and open space and the type of maintenance to be provided. Use of the common open space area may include those uses listed in § 370-81A(1) of the Zoning Chapter. **[Amended 3-12-2007]**

D. Park and open space design standards. The land dedicated for park land and open space shall meet the requirements of § 320-59, Open space/protection land review standards, of this chapter and § 370-81A, Open space requirements, of the Zoning Chapter. **[Amended 3-12-2007]**

E. Park and open space ownership. The terms and arrangement for ownership of any park land or open space created under the requirements of this section shall be in accordance with § 370-81B(2), Ownership options for open space and common facilities, of the Zoning Chapter. The terms and arrangement of the ownership shall be established at the time of Final Plan approval and incorporated into the development agreement. Where land is to be deed restricted in perpetuity as park land or open space, the Township shall be named as a third party. **[Amended 3-12-2007]**

F. Management and maintenance of park, recreation land and open space.

- (1) A subdivision or land development application that includes permanent park land or open space shall include a plan for the long term management and maintenance of such land, in accordance with the requirements contained in § 370-81B(3), Maintenance of open space and common facilities, of the Zoning Chapter. **[Amended 3-12-2007]**
- (2) The Township shall be responsible for maintenance of all lands dedicated to the Township under the provisions of this section. This function may be delegated to a homeowners' association or other entity at the discretion of the Township Supervisors. Maintenance may entail leaving the parcel in its natural condition.

G. Fee-in-lieu dedication.

- (1) If the Township requires a fee-in-lieu of dedication or reserving park land or open space to satisfy the requirements of this article, as authorized by Section 503(11) of the Pennsylvania Municipalities Planning Code, **Editor's Note: See 53 P.S. § 10503(11).** as amended, the amount of the fee shall reflect the fair undeveloped market value of the required land dedication or reservation. **[Amended 3-12-2007]**
- (2) The fee shall be equal to the average fair market value per acre of the land being developed (determined at the time of filing of the application for subdivision approval), multiplied by the acreage of land that would have been required for dedication or reservation.
- (3) Determination of the total fair market value of the land shall be the responsibility of the applicant or applicant's agent and shall result in a reasonable value acceptable to the Township.
- (4) In the event the Township selects a combination of payment of fee-in-lieu and the dedication or reservation of park land or open space, the amount of the fee-in-lieu shall be prorated with the value of land provided. The applicant or applicant's agent shall not, however, be permitted to dedicate or reserve land that is deemed by the Township inadequate to be used as park land or open space. **[Amended 3-12-2007]**
- (5) Any such fees received by the Township in lieu of park and open space lands shall be deposited in a special account to be maintained by the Township and to be used for obtaining future park or open space lands. Fees deposited to this account shall be administered as required by Section 503(11) the Pennsylvania Municipalities Planning Code, as amended. **Editor's Note: See 53 P.S. § 10503(11).**

H. Subdivisions that use the RC-1, RR-1, or R1-1 Design Options of Chapter 370, Zoning, are not eligible to use the fee-in-lieu provisions of this section. In terms of park, recreation land and open space, these subdivisions and land developments shall comply with the applicable provisions of Article XIV, Residential Design Options, and § 370-81, Open space design, management and ownership, of the North Coventry Township Zoning Chapter. **[Amended 3-12-2007]**