



MOUNT JOY TOWNSHIP

• Lancaster County, Pennsylvania •

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TO: Mount Joy Township Planning Commission
 FROM: Justin Evans, Assistant Zoning Officer
 COPY: Brandon Conrad, Vistablock
 DATE: May 19, 2026
 RE: Westmount Residential Development (#24-19-PLDP) – Recreation Land Dedication/Fee-In-Lieu

The Preliminary Plan for Westmount was conditionally approved at the January 29, 2026 meeting of the Mount Joy Township Planning Commission. Condition #4 addresses the requirement for recreation land dedication as set forth in §119-61 of the Subdivision and Land Development Ordinance (SALDO):

Applicant shall pay a fee-in-lieu of dedication of recreation land in accordance with §119-61 prior to the release of the Final Plan for recording, unless otherwise modified by the Mount Joy Township Board of Supervisors. Applicant shall waive any right to request any refund of such fee is not expended within any required time period. This fee shall be calculated at the time of Final Plan submission.

§119-61.C requires that residential developments dedicate a minimum of 0.054 acres of recreation land per lot or dwelling unit for public use. §119-61.H enables the applicant to pay a fee-in-lieu of dedication based on the fair market value of the land as determined by the above ratio. As an alternative, the applicant may pay the per unit fee established by resolution on an annual basis. The 2026 fee as set forth by Resolution #03-2026 is \$3,497.00. The following table identifies the requirements for each of the three phases:

	Dwelling Units	Dedication Requirement (acres)	Fee Per Resolution #03-2026
Phase 1	86	4.644	\$300,742
Phase 2	114	6.156	\$398,658
Phase 3	89	4.806	\$311,233
TOTAL	289	15.606	\$1,010,633

Enclosure: SALDO §119-61

§ 119-61. Mandatory recreation dedication.

- A. Legislative intent. All residential subdivisions or land development plans submitted after the effective date of this chapter shall provide for suitable and adequate recreation in order to:
- (1) Ensure adequate recreational areas and facilities to serve the future residents of the Township.
 - (2) Maintain compliance with recreation, park and open space standards, as developed by the National Recreation and Park Association.
 - (3) Reduce increasing usage pressure on existing recreational areas and facilities.
 - (4) Comply with the Comprehensive Park and Open Space Plan for Mount Joy Township with regard to size and distribution of recreation areas.
 - (5) Allow for acquisition and development of additional recreation areas as outlined by the Comprehensive Park and Open Space Plan.
 - (6) Ensure that all present and future residents have the opportunity to engage in many and varied leisure pursuits.
 - (7) Reduce the possibility of the Township becoming overburdened with the development and maintenance of many very small, randomly planned and widely separated recreation areas.
 - (8) Protect sensitive areas and facilities of significant historical, cultural, aesthetics or environmental value.
 - (9) Provide for the opportunity of combining small plots of dedicated land from several subdivisions into larger, more usable tracts.
- B. Exempted subdivisions. The provisions of this section shall apply only to residential subdivisions or land developments. The following residential subdivisions or land developments are exempted from the requirements of this section:
- (1) Any residential subdivision or land development plan for which a preliminary plan has been submitted prior to the effective date of this section.
 - (2) Any residential subdivision or land development plan that will total no more than four dwelling units or lots.
- C. Land requirements for proposed recreation areas. The amount of land required to be provided for recreational purposes for residential subdivisions or land development plans not exempted from the provisions of this section shall be as follows:
- (1) The minimum lot area which shall be dedicated shall be 0.054 acre per lot or dwelling unit.
 - (2) Such land set aside shall be suitable to serve the purpose of active and/or passive recreation by reason of its size, shape, location and topography and shall be subject to the approval of the Planning Commission. The Planning Commission shall request

comments from the Park and Recreation Board and the Board of Supervisors.

- (3) In no event will the amount of land to be dedicated for recreation be less than the minimum lot size for the zoning district in which the subdivision is located.
 - (4) 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, computed in accordance with the regulations under Subsection H, an offer to construct recreation facilities and/or an offer to privately reserve land for park or recreation purposes.
- D. Criteria for proposed recreation areas. Whether publicly dedicated or privately reserved, proposed recreation areas shall:
- (1) Be easily and safely accessible from all areas of the development to be served, have good ingress and egress and have direct access to a public roadway. However, no public vehicular roadways shall traverse the recreation area.
 - (2) Be contiguous and regular in shape.
 - (3) Have suitable topography and soil conditions for use and development as a recreation area.
 - (4) Have a minimum of 75% of the required area with a maximum slope of 7%.
 - (5) Have a maximum of 25% of the required area be within floodplain or wetland areas, as defined by the United States Department of Housing and Urban Development Flood Insurance Rate Map, the United States Army Corps of Engineers, the Township Engineer and/or the DEP.
 - (6) Be easily accessible to all essential utilities contained within the subdivision such as public water, power and sewer. However, no utility easements or rights-of-way shall traverse the recreation area. Stormwater management structures and facilities shall not be included within any recreational or open space area.
 - (7) Not contain any materials which would be termed "hazardous wastes" under applicable state and federal statutes, not contain any petroleum products and not contain any underground storage tanks or locations from which underground storage tanks were removed.
 - (8) Be suitable for development as a particular type of park, as categorized by the National Recreation and Park Association's National Park, Recreation and Open Space Standards and Guidelines, 1983, and updates.
 - (9) When the developer agrees, be designed and developed according to the standards cited in Subsection D(8) above, and Appendix No. 19¹ of this chapter.
 - (10) Be compatible with the objectives, guidelines and recommendations as set forth in the Township Comprehensive Park and Open Space Plan and updates.

1. Editor's Note: Appendix No. 19 is included at the end of this chapter.

- E. Dedication of recreation to the Township. All recreation and open space land required by this section shall be irrevocably dedicated to the Township unless the Township shall waive such required dedication. The recording of a subdivision or land development plan upon which recreation and open space land is indicated shall constitute an offer of dedication to the Township. The Board of Supervisors, in its sole discretion, has the power to accept dedication of such land. The developer shall present evidence of clear title to the recreation and open space land and a deed of dedication which shall be in a form acceptable to the Township Solicitor. The developer shall reimburse the Township for all costs associated with the acceptance of dedication.
- (1) The developer may request that the Township waive the requirement to dedicate land set forth herein. Any request for such a waiver shall include whether the developer proposes to privately reserve such recreation and open space land or proposes payment of a fee in lieu of land dedication or proposes to dedicate a portion of the required recreation and open space land and in lieu of the remaining portion make improvements to the dedicated land in accordance with Appendix No. 19² of this chapter.
 - (2) All approved recreation areas shall be completed and dedicated or reserved before fifty-percent occupancy has been reached in any applicable subdivision. The Township may avail itself of all remedies provided by the Municipalities Planning Code, including but not limited to the withholding of permits, to ensure compliance with this provision.
- F. Private reservation of land. The developer may request a waiver from the mandatory dedication requirement imposed by this section to permit the recreation and open space land to be privately reserved. A written agreement between the developer and the Township, which specifies the developer's obligations, must be executed prior to or concurrent with final plat approval. Such agreement must be in a form and have specific content that is acceptable to the Township Solicitor.
- (1) The agreement shall stipulate whether the developer, a homeowners' association or a condominium unit owners' association shall be responsible for construction and maintenance of the designated recreation facilities; whether such private facilities will be available to nonresidents of the development; and how the private reservation may be revoked under a set of future circumstances.
 - (2) If such lands and facilities are to become common elements of a homeowners' or unit owners' association of any type, then such association's organizational bylaws must conform to the Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. § 3101 et seq. Such documentation shall be recorded, shall provide that the land cannot be further developed for other than recreation purposes and shall give the Township 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 maintenance in planned residential developments.
 - (3) The deed of conveyance of such recreation areas shall contain a restrictive covenant limiting such land and improvements to the common use of the property owners within the development for the purposes initially approved by the Township. Said deed shall

2. Editor's Note: Appendix No. 19 is included at the end of this chapter.

also contain a restriction that said lands and improvements may not be sold or disposed of by the association, except to another organization formed to own and maintain said recreation areas, without first offering to dedicate the land and improvements to the Township. Such covenants shall be in a form acceptable to the Township Solicitor.

- (4) If acceptable to the Township, the recreation land may be transferred to a not-for-profit corporation established for the conservation or preservation of land or for providing recreational facilities. The documents relating to the transfer of the land shall be in a form acceptable to the Township Solicitor, shall be recorded and shall provide that the land is permanently restricted from further development. Arrangements acceptable to the Township shall be made for the maintenance of the recreation land.

G. Recreation facility development. Developers required to dedicate land for recreation shall also be requested to develop the recreation areas according to the National Park, Recreation and Open Space Standards and Guidelines published by the National Recreation and Park Association in 1983 and any succeeding updates or revisions.

- (1) Specific facilities to be constructed shall conform to the previously referenced specifications (Appendix No. 19³) based upon the size and service area of the recreation area being dedicated.
- (2) In cases where the opportunity exists to combine dedicated recreation area with another recreation area, either presently existing or planned, any developers who have agreed to construct facilities shall be required to escrow funds that will pay for later construction of facilities on a combined recreation area according to the subdivisions' percentage contribution to the ultimate combined recreation area. The Township will then develop the combined recreation area with the escrowed funds when all portions thereof have been deeded over to the Township.
- (3) The actual size, number, placement and other specifications of recreation facilities to be developed shall be recommended by the Park and Recreation Board to the Planning Commission and Board of Supervisors after negotiations with the developer(s).
- (4) Final subdivision and/or development plans shall indicate the location and specifications of all recreation facilities to be constructed and metes, bounds and acreage of the recreation area(s). An engineer's estimate of the cost of development of the recreation area(s) shall also be submitted by the developer for improvement guaranty purposes.
- (5) The developer who has agreed to construct facilities shall install, as a minimum, the following recreation facilities, or the equivalent if approved by the Township, on the land which has been set aside for this purpose:

Dwelling Units	Play Areas	BB/VB ¹ Courts	Tennis Courts	Ball ² Diamonds	Pavilions	Soccer/FB ³ Fields
24 or fewer	—	—	—	—	—	—
25 to 49	1	1	—	—	—	—

3. Editor's Note: Appendix No. 19 is included at the end of this chapter.

Dwelling Units	Play Areas	BB/VB ¹ Courts	Tennis Courts	Ball ² Diamonds	Pavilions	Soccer/FB ³ Fields
50 to 99	1	1	—	—	1	—
100 to 199	2	2	1	1	1	—
200 to 299	2	2	2	1	1	1
399 to 399	2	2	2	2	2	1
400 and over	3	2	2	2	2	2

NOTES:

The mix of facilities shall be determined by the Township.

¹ Basketball and/or volleyball court.

² Softball and/or baseball diamond.

³ Soccer and/or football field.

(6) Designs of recreation areas shall be reviewed by the Park and Recreation Board and shall conform to the specifications outlined in Appendix No. 19, Recreations Facility Standards.⁴ This appendix will change along with changes in equipment technology and construction practices and methods.

H. Fee in lieu of dedication. When requested by the applicant, the Township may accept a fee in lieu of dedication. The applicant shall pay the total amount of the fee prior to the recording of the final plan, and the final plan shall not be executed until the fee in lieu of dedication is paid. The Township will hold such funds in accordance with the requirement of the Municipalities Planning Code. If the applicant chooses to record final plans for an approved preliminary plan in phases, the applicant shall pay the fee in lieu of dedication applicable to the number of dwelling units in each phase prior to the release of the final plan for such phase for recording.

(1) The amount of a fee-in-lieu payment shall be the fair market value of the land required to be dedicated under Subsection C above. The developer shall provide the Planning Commission with all information necessary to determine the fair market value of the land, including but not limited to a copy of the agreement of sale or real estate transfer tax affidavit of value if the developer is the equitable owner or has purchased the land within the past two years or an appraisal of the property by an MAI appraiser acceptable to the Township. Fair market value shall be computed by dividing the total price for the tract by the number of acres within the tract and then multiplying that number by the amount of land required to be dedicated.

(2) Any developer who feels aggrieved by the price established by the Township shall have the right to secure a second appraisal of the property by a MAI appraiser acceptable to the Township. The two prices shall be averaged, with the result being the amount being what the developer shall be required to pay.

I. Fee-in-lieu funds disposition. Moneys received from developers shall be placed in a capital reserve fund. Funds may be spent for recreational facility acquisition, development, or maintenance of a community park or other centralized recreation facility designed to serve

4. Editor's Note: Appendix No. 19 is included at the end of this chapter.

all Township residents. **[Amended 2-19-2024 by Ord. No. 342-2024⁵]**

5. **Editor's Note: This ordinance also repealed former Subsection J, Recreation planning districts, which immediately followed this subsection.**