

Chapter Ten

Open Space Inventory and Plan



Organization of Chapter

Inventory of Open Space Resources	page 10-2
Municipal and Regional Open Space Policy and Regulations	page 10-5
Plan for Network of Protected Open Space in the Region	page 10-8
Municipal and Regional Open Space Committee Activities	page 10-11
Municipal and Regional Open Space Plan Recommendations	page 10-12

Introduction and Goal and Objectives

Municipal leaders recognize the importance of open undeveloped land in the Region and the grass roots desire to protect these lands from future development. Thus the focus of this chapter is not to simply evaluate open space, but rather evaluate how open space is now protected, and can be protected in the future. The need to provide recreational opportunities in growth areas in order to improve the local economy and the public health of the Region's residents is recognized in the open space resources goal:

Permanently protect, provide appropriate access, and maintain or restore open space lands through conservation easement and regulation to provide economic, ecological, public health, and quality-of-life benefits.

Plan Objectives

This Plan Chapter focuses on how best to achieve the following Objectives:

- 10-A** Identify priority parcels with significant cultural or natural resources to permanently protect as open space.
- 10-B** Encourage landowners, developers, non-profit groups, and public entities to pursue and fund open space conservation.
- 10-C** Investigate options for open space preservation during the development process.
- 10-D** Balance the protection of resources on open space with the desire for public access and recreation.
- 10-E** Educate residents of the Region on the importance and benefits of open space preservation.
- 10-F** Establish a Regional open space network.
- 10-G** Ensure that open space protection efforts include planning and funding for the long-term maintenance of the property and, if needed, the restoration of the property.

Inventory of Open Space Resources

There is no one accepted definition for “open space” in either the planning or the legal profession. When talking to your neighbor, the term open space might be used to refer to anything from a soccer field to a nature preserve. To prevent confusion, it is important to be clear what type of open space is being referred to in the discussion of municipal and regional open space planning.

Open space can be defined very broadly as any land that is not covered by buildings or pavement. For the purposes of this Plan, open space is primarily discussed in terms of being either “protected” or “unprotected” open space.

Communities that retain areas of undeveloped open space reap benefits in terms of real estate values, reduced cost of municipal services, public health, quality-of-life, and an improved ecology.

Economic benefits of open space include the improvement of property values and the ability to attract both employers and employees to the Region. In 2011, the Delaware Valley Regional Planning Commission published *Return on Environment: The Economic Value of Protected Open Space in Southeastern Pennsylvania*, which found that open space adds \$16.3 billion to the value of southeastern

Pennsylvania’s housing stock while generating \$240 million annually in property tax revenues. In Chester County, open space is closely linked to the vitality of the agricultural and equine industry. Tourism, from taking a scenic drive or visiting historic sites to more active pursuits

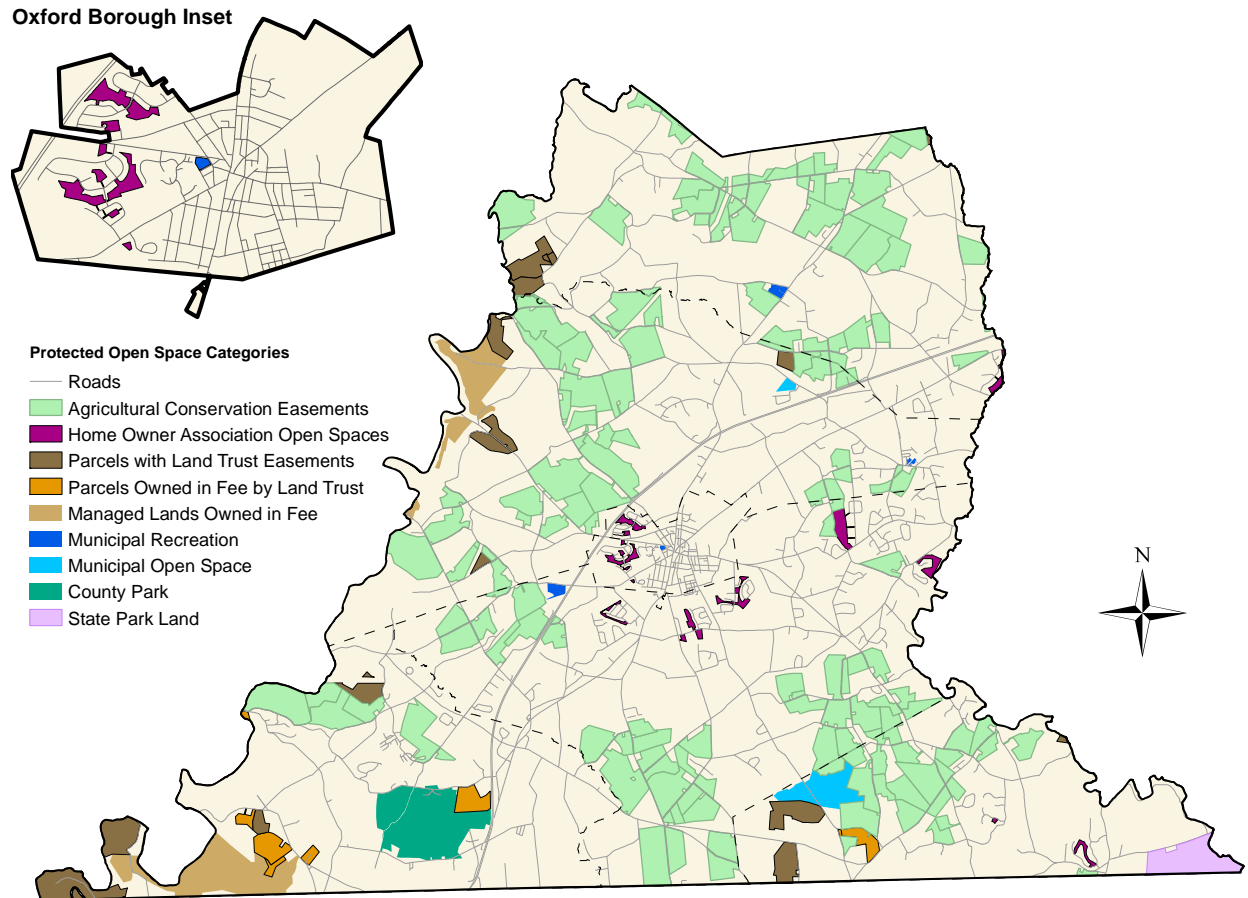


such as bicycling, is another important element of the county economy that depends on open space.

Protected Open Space in the Region

As of February 2012, approximately 11,730 acres (or about 23% of the Oxford Region) was protected open space, as shown in Figure 10-A. Of this, roughly 8,350 acres were farmland protected by an agricultural conservation easement (See Figure 11-J). The remaining 3,380 acres of protected open space is largely located in forested areas on steep slopes, near waterways, or on serpentine soils. These non-farm open spaces are often fringed by large areas of woodlands, as shown in Figure 10-B, that have a higher potential for ecological restoration than the more isolated areas of woodlands in the Region where agriculture is the dominant land use.

Figure 10-A: Protected Open Space in the Oxford Region



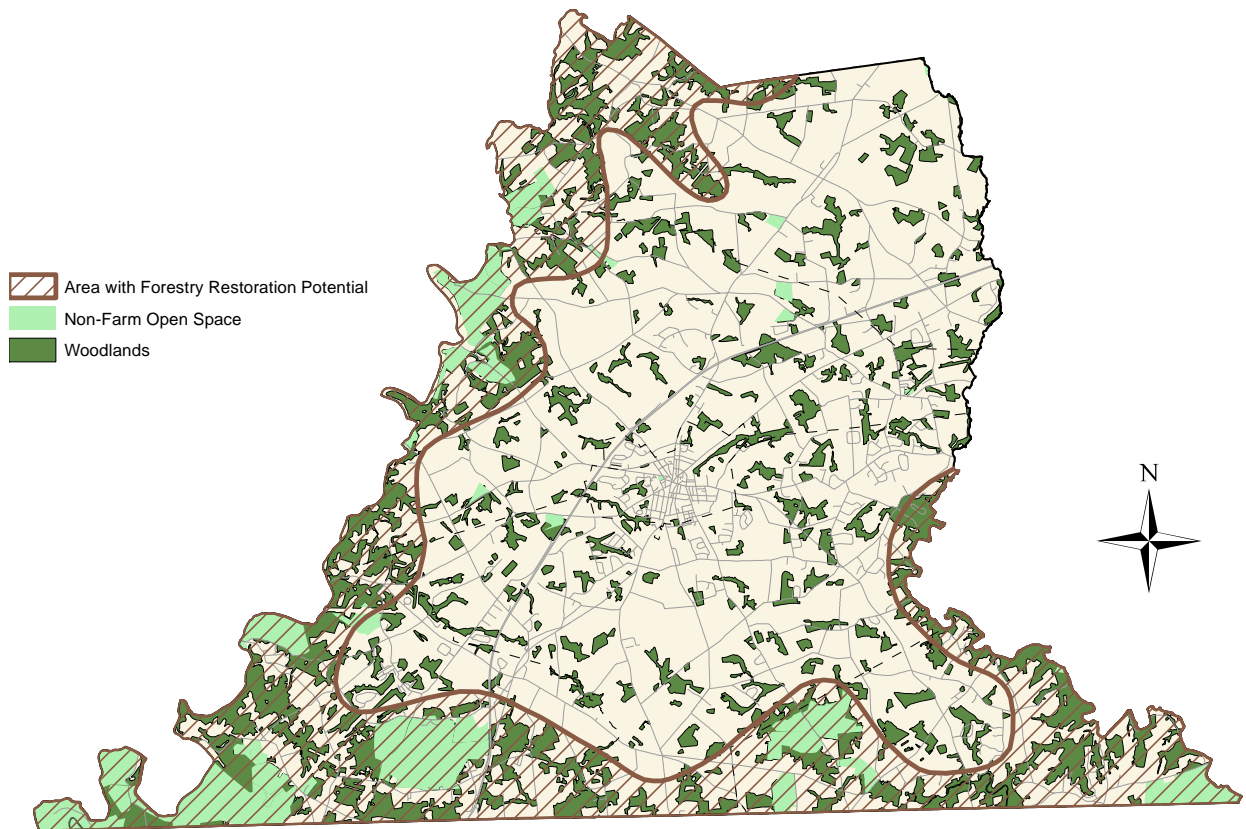
Protected Farmland

There is an extensive amount of protected farmland in the Oxford Region. Many farmers protect their land through the state and County funded agricultural conservation easements program as a tool to protect their farm in the face of development pressure and rising land costs (See Chapter 11: Agricultural Resources Inventory and Plan). The community as a

whole also benefits from agricultural preservation because farmers maintain the land by themselves in-perpetuity without requiring ongoing public maintenance funds.

Much of the existing protected farmland is clustered together as shown in Figure 10-A. Large clusters are located north and west of US Route 1, along Barnsley Road in East Nottingham, and in the Hickory Hill area in East Nottingham and Elk. Figure 10-C shows all the undeveloped parcels of 10 acres or more (potential protected open space), along with all existing protected open space in the Oxford Region. The current state and county funded agricultural conservation easement program targets parcels of 10 acres or larger in size and assigns higher scores (ranking) to parcels that are adjacent to already protected open spaces.

Figure 10-B: Protected Open Space and Woodlands in the Oxford Region

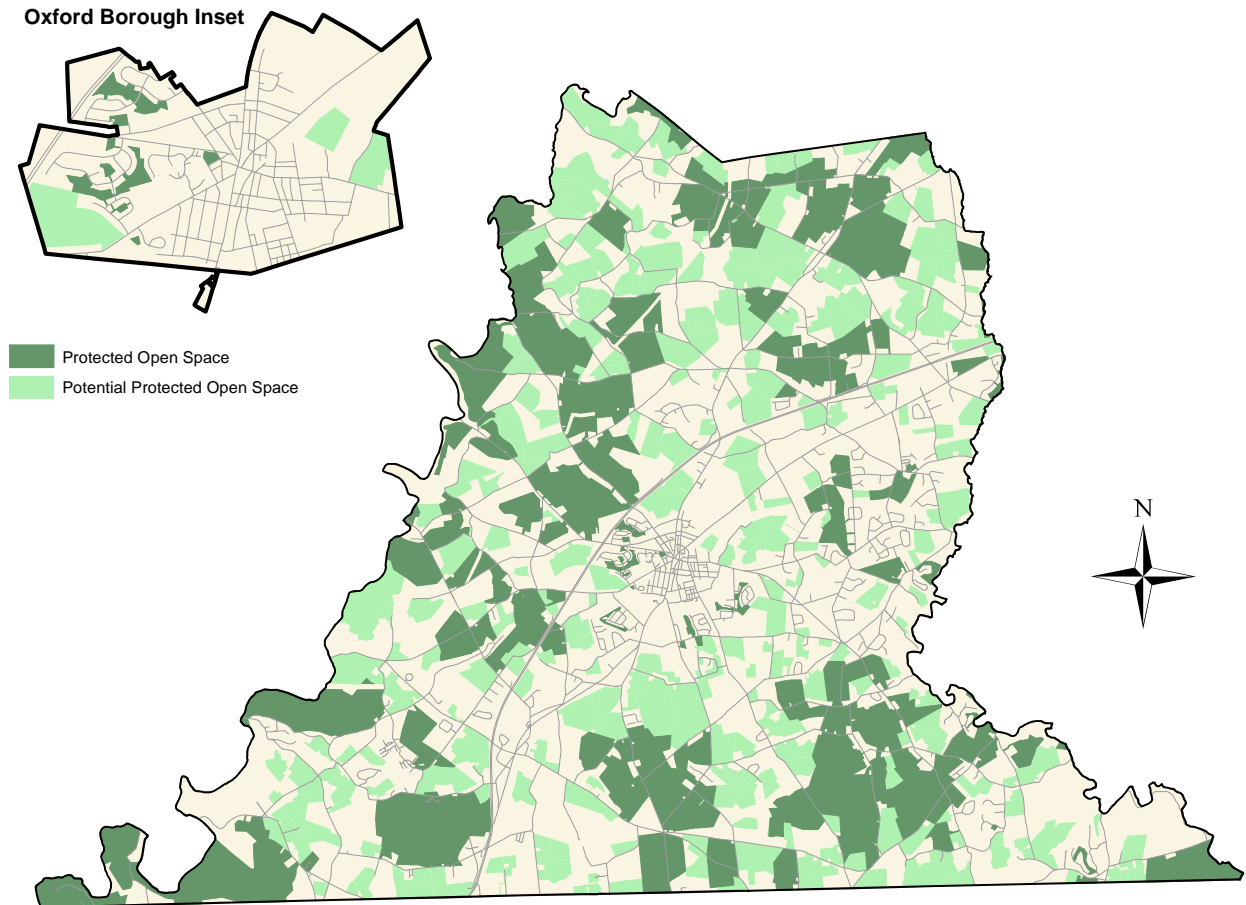


Potential Protected Open Space

Looking at Figure 10-C, the far southern part of the Oxford Region and the corridors along the Octoraro and Big Elk Creeks also have the potential for future open space protection. These areas do not have extensive clusters of land, but they do possess unique natural features that have been protected, namely serpentine barrens and steep wooded valleys along streams (forested riparian buffers). The serpentine barrens are isolated patches that roughly follow the Mason-Dixon Line. These natural areas are well suited to receive funding for open space protection. Furthermore these serpentine barrens would be much more likely to receive funding for their preservation, if their preservation was part of a

future greenway planning effort for the Mason-Dixon Line. In general, large natural resources projects that link resource areas are more likely to receive competitive grants than smaller isolated projects.

Figure 10-C: Existing and Potential Protected Open Space in the Oxford Region



Municipal and Regional Open Space Policy and Regulations

Municipal Open Space Planning

All of the Oxford Region municipalities adopted some level of open space planning policy and related regulations during the 1990s and early 2000s.

East Nottingham Township - The 2002 Open Space, Recreation, and Environmental Resources Plan (OSRER) documents clusters of protected farmland in the southern, eastern, and northwestern part of the township, with the potential for more agricultural easements on Agricultural Security Areas in the south-central region (See Figure 10-1). The recreation recommendation map in the OSRER calls for “neighborhood park development” in the areas south and east of Oxford Borough. The township zoning ordinance includes minimum requirements for protected open space, and a transfer of development rights (TDR) article. The SLDO addresses open space mostly from a common open space perspective.

Elk Township - The Township’s 1987 comprehensive plan includes a “Development Plan” map that shows proposed recreation areas at Hickory Hill and Lewisville. The 1995 OSRER designated Hickory Hill and Lewisville as “appropriate areas” for parks and playgrounds. The 1995 plan also shows nearly the entire township as an area to “encourage private land conservation,” with the serpentine barrens identified as a unique designation. The 2007 official map includes parcel-based potential areas for protection in the serpentine barrens area and adjacent to Franklin Township. The zoning ordinance includes open space standards, and the SLDO includes fee-in-lieu provisions.

Figure 10-D: Municipal Open Space Funding in the Oxford Region

Municipality	Park, Open Space, or Conservation Board	Date of Open Space Plan Adoption or Update	Detailed Open Space Provisions Addressed in:	Tax Rate Dedicated for Open Space Funding
East Nottingham	Open Space Committee	OSRER, 2002	Zoning	0.25% in 2003 0.50% in 2004
Elk	Open Space Committee	OSRER, 1991	Zoning, SLDO, and Official Map	0.50% in 2006
Lower Oxford	Park Board, Open Space Committee	OSRER, 1993	Not Addressed	0.50% in 2003
Upper Oxford	Park Development Board	OSRER, 1994	Not Addressed	0.50% in 2003

Source: ORPC, 2010

Lower Oxford Township - The 1993 OSRER supports open space protection, but does not target specific areas for preservation. The zoning ordinance and SLDO address open space mostly from a natural resource and recreation perspective.

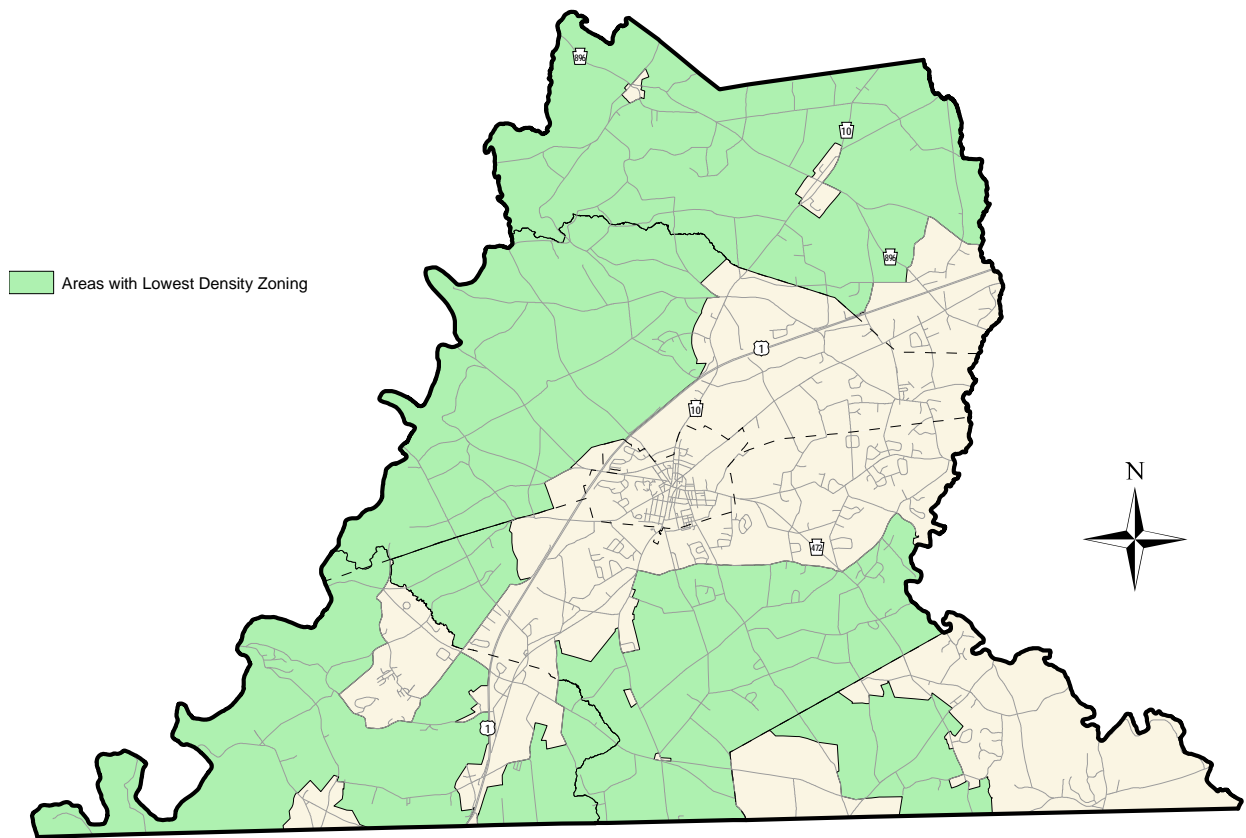
Oxford Borough - The 2002 OSRER focused primarily on recreational open space, with a plan for linking the Borough’s sidewalk grid to a trail that would extend southwest to the Grey Tract, and southeast to the public schools in that area. This proposal is also presented in the Borough’s 2003 revitalization plan. The zoning ordinance includes open space standards, and the SLDO addresses open space mostly from a common open space perspective.

Upper Oxford Township - The Future Land Use Map from the Township’s 1982 comprehensive plan designates most of the Township’s forested and riparian corridors as “open/environmental constrained.” The 1994 OSRER does not designate specific target areas for open space preservation, but it does include an extensive discussion and recommendations dealing with agricultural conservation easements and TDR. The township zoning ordinance and SLDO addresses open space mostly from a “common open space” perspective.

West Nottingham Township - The Township’s 2006 comprehensive plan discusses TDR, agricultural easements and municipally generated open space funding. It also includes an open space, parks, and recreation objective. The 1996 OSRER does not designate specific target areas for open space preservation, but it does include an extensive discussion and recommendations dealing with conservation easements, including easements by the township. The township zoning ordinance and SLDO addresses open space mostly from a “common open space” perspective.

Oxford Regional Comprehensive Plan - The Future Land Use Map for the Region’s 1969 comprehensive plan includes an “open space-floodplain” area along the Octoraro Creek.

Figure 10-E: Lowest Density Zoning Districts in the Oxford Region



Township	District	Density
East Nottingham	R-1	1 unit per 1 acre
Elk	AP	1 unit per 10 acres
Lower Oxford	R-1	1 unit per 1 acre
Upper Oxford	AR-1	1 unit per 10 acres
West Nottingham	R-1	1 unit per 2 acres

Source: Municipal Zoning Ordinances

Municipal Zoning Districts and Mapping

When the zoning maps for all of the Oxford Region municipalities are viewed together, a regional pattern forms as shown on the map and table in Figure 10-E. Most of the higher density zones are located along the US Route 1 corridor and in eastern Elk Township. The lower density zones generally correspond with areas that have parcels that are protected by agricultural conservation easements. This finding suggests that previous planning has been successful in regard to the preservation of agricultural lands.

Overall, the Oxford Region's municipalities are well-suited to pursue updating their open space planning on a regional basis. There are a range of open space preservation tools that are currently in place in the individual ordinances and regulations of the Oxford Region municipalities. However, there is inconsistency from municipality to municipality and ordinance to ordinance. Some ordinances have innovative open space provisions, while others do not have the term "open space" included in their definitions. As a result, some municipalities may be missing out on opportunities to protect open space, while their neighboring municipalities are having success by taking advantage of the same opportunities.

Given that the Oxford Region's municipalities are similar in regard to land use and economy, open space initiatives that have proven effective in one municipality may have a high likelihood of succeeding in others. Such a process would involve updating the open space related provisions in all ordinances in the Region to the level of those that are currently up-to-date. In most cases such an update would involve only modest revisions.

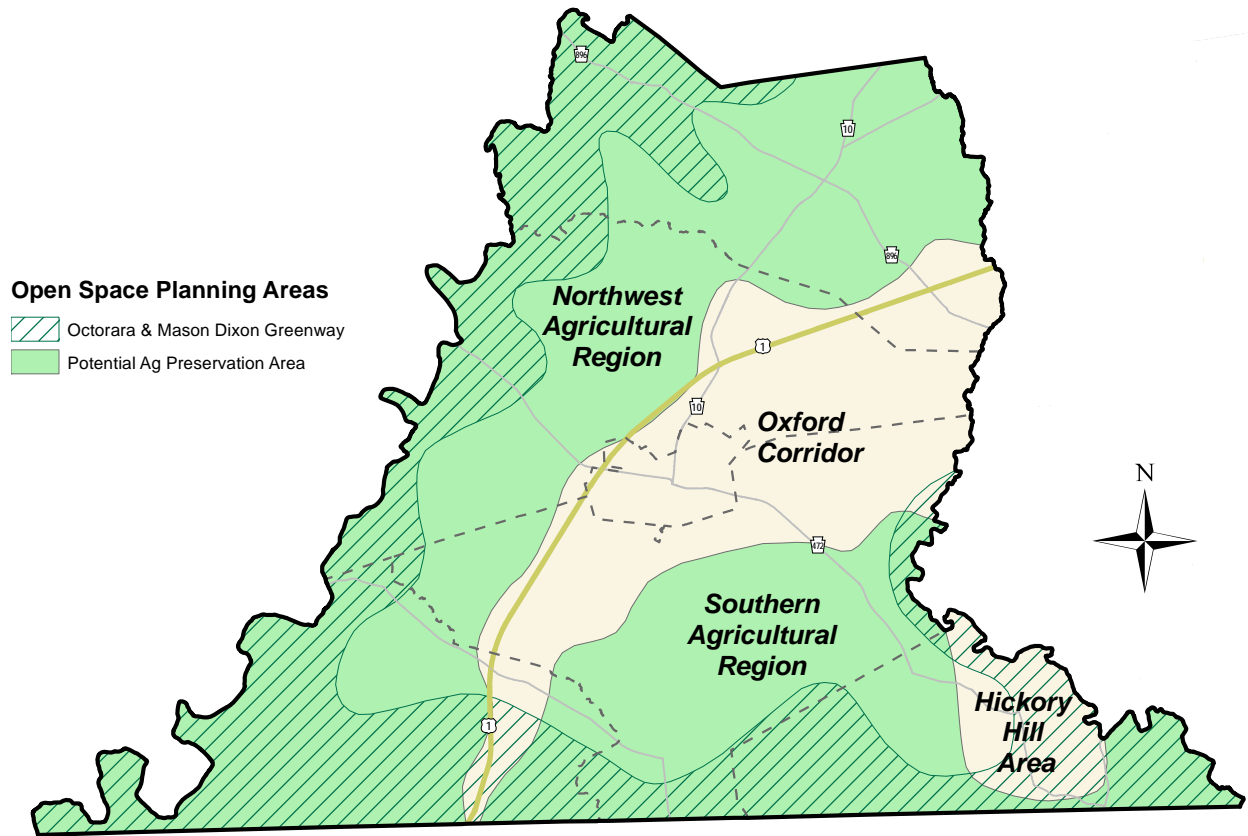
Plan for Network of Protected Open Space in the Region

The open space plan for the Oxford Region calls for open space to be protected and maintained based on Actions 10-1 through 10-21 in conjunction with the Plan for a network of protected open space presented in Figure 10-F. The Plan recommends that open space of any kind should be protected in all parts of the Oxford Region, whenever it is feasible. The criteria for each Open Space Planning Area differs slightly in different parts of the Region and is as follows:

Oxford Corridor - In the area south of US Route 1 and around Oxford Borough, the protection of open space for public recreation should be a priority. This protected open space should be easily accessible and open to the general public for active and passive recreation (See Chapter 15: Recreation).

Hickory Hill Area - The area around Hickory Hill should have this same recreational open space priority as the Oxford Corridor.

Figure 10-F: Open Space Planning Areas in Oxford Region



Northwest Agricultural Preserve - In the area north of US Route 1 and the area between Oxford Borough and the Lancaster County line, agricultural preservation should be a priority (See Chapter 11: Agricultural Resources Inventory and Plan). This area should be dominated by protected open space that is used for farming and has limited public access. Parks and trails would be appropriate in this area, but they should be designed to separate the public from active farms as noted in Chapter 15: Recreation Resources Inventory and Plan. Such separation would serve to protect crops and livestock from unintentional damage or infection from recreational users and their pets.

Farmland, production crop land, and pasture was the top answer when the planning committee was asked what was highest priority to be protected as open space.
Open Space Survey

Southern Agricultural Preserve – In the area between Oxford Borough and the Maryland State line, agricultural preservation should be a priority. It should have the same preservation goals and initiatives as the Northwest Agricultural Preserve.

Octoraro & Mason-Dixon (OMD) Greenway - The area along the Octoraro Creek, the Big Elk Creek, and the wooded landscapes along the Mason-Dixon Line should be designated as the Octoraro Mason-Dixon (OMD) Greenway. This Greenway should be targeted for open

space protection focusing on natural resources such as forests, serpentine barrens, riparian buffers, wetlands, and wildlife habitat as noted in Chapter 12: Natural Resources. Open spaces in this area could include recreation parks, nature preserves, water resource protection areas, protected farmland, and trails and trailheads such as the Springlawn Trail in Elk Township.

Open spaces within the OMD Greenway, including protected farms, should be recognized and promoted as part of the Greenway. Such an approach can raise public awareness of the greenway, and also improve the likelihood that open space protection will receive funding from the various “greenway” grants available from, county, state, federal, and private sources.



Those open spaces that are protected to preserve natural areas should be open to the public for passive recreation and education purposes, but should only permit access at levels that will not damage the resources.

A key component of the OMD Greenway will be that it will serve as a trail destination. By giving the Oxford Region residents an outdoor open space destination, it will balance the limitations on access to protected farmland. Thus the OMD Greenway could serve a secondary function of diverting recreational users away from protected farmland which is unsuitable for recreational use.

Overlap of Open Space Planning Areas - As shown in Figure 10-F, the lines that mark the boundaries on this map do not follow specific property or parcel lines. Simply put, Figure 10-F is presented as a general guideline for where open space protection should occur, and not a strict demarcation. This approach is needed since unpredictable real estate values, or future farming trends, could easily change the environment for open space protection in the coming years.

RECOMMENDATIONS FOR THE ESTABLISHMENT AND PROTECTION OF GREENWAYS

Action 10-1 Consider the development of a master plan for the Mason-Dixon Greenway as presented in Figure 10-F.

Action 10-2 Extend the network of protected open space into suburban and residential areas via greenways.

✓This action addresses Objectives 10-A, 10-D, and 10-F.

Municipal and Regional Open Space Committee Activities

While the six municipalities of the Region have been successful in protecting open space, as shown on Figure 10-A, not all of them have taken the step to organize the future protection of these resources by establishing an open space committee. Open space committees can work directly with landowners and potential grant applicants to monitor the following potential open space resources:

- Large parcels.
- Parcels, including small parcels, that link to existing protected open spaces.
- Parcels with significant cultural or natural resources well-suited to be protected as open space.
- Undeveloped parcels near Nottingham County Park and public serpentine barren preserves which could be used to enlarge these existing protected open spaces.
- Undeveloped parcels along the Octoraro Creek, Elk Creek and their major tributaries to determine if there is an opportunity to protect these parcels as open space to improve water resources.
- Unique locally significant areas that are well-suited for protection as open space such as, but not limited to, historic farmsteads, scenic vistas, serpentine barren habitat, and the restoration of wildlife habitat.

RECOMMENDATIONS FOR ESTABLISHMENT OF OPEN SPACE COMMITTEES

Action 10-3 In each municipality, establish or continue the work of an open space committee to identify and prioritize opportunities to protect open space, and establish a regional open space committee to coordinate open space protection throughout the Region.

Action 10-4 Establish a Region-wide program for mapping that assists the regional open space committee in measuring changes to the acreage of protected open space and undeveloped unprotected open space at least every five years based on the availability of updated aerial photography.

Action 10-5 Consider implementing a coordinated long term, region-wide open space protection effort which may include:

- Multimunicipal efforts that fund and acquire easements of parcels of land, which are not likely to be a priority for protection by major non-profit land trusts or government programs.
- Establishing a non-governmental organization that could hold easements only within the region, or coordinating with a non-profit land trust to pursue an open space protection effort specifically targeted on the region.

✓This action addresses Objectives 10-A, 10-B, 10-F, and 10-G.

Municipal and Regional Open Space Plan Recommendations

Municipalities have a number of opportunities to promote and facilitate the protection of open space, such as the Official Map, establishment of greenways, private and public land trusts, open space preservation through development, public outreach, and amendments to and implementation of ordinance provisions.

Municipal Official Map and Ordinance

The Official Map and Ordinance is a tool available to municipalities for planning open space and recreational facilities, especially trails and wildlife corridors. The Pennsylvania Municipalities Planning Code (MPC) grants municipalities the authority to create an Official Map in order to identify both private and public lands for which the public has a current or future need. The original intention of the Official Map was to legally establish the location of proposed streets, waterways, parks and other public lands and facilities. The table below gives a breakdown of what the Official Map is and, perhaps more importantly, what it isn't.

What an Official Map *is*:

- It is a way to notify landowners and developers and of long-term municipal goals for parks, roads, and other public facilities.
- It is a tool for implementing the municipal comprehensive plan and other planning goals.
- It is a mechanism for protecting a wide range of features.
- It can be used to reserve land for future facilities without immediate purchase.
- It provides officially adopted documentation that can be use when applying for grants.
- It can be linked to municipal land use ordinances. Zoning and subdivision ordinances can include regulations that refer to the Official Map, such as the layout of future roadways.

What an Official Map *is not*:

- It is **not** a Zoning Map.
- It is **not** a surveyed map, but must clearly present the location of features.
- It does **not** have to cover the entire municipality.
- It is **not** a "taking of land." If a municipality wishes to acquire sites indicated on the Official Map, it must do so using normal purchase, condemnation or other types of legal acquisition.

The Official Map has proven to be a powerful tool in some Chester County municipalities, but many elected officials and residents are unfamiliar with its uses. Municipal officials should therefore be careful to educate their constituents about the Official Map to ensure that it is not mistaken as a precursor for condemnation. In general terms, the Official Map lets the municipality have the right of first refusal to acquire the parcel or an easement, such as trail right-of-way. This right of first refusal will last for a period of one year, after which the landowner can sell the property just like any other.

Municipalities should **coordinate** with landowners that own a property being considered for inclusion on an Official Map. Local planners should be especially sensitive to landowners concerns when designating a potential trail corridor that crosses on or near private property. However, when the landowner is brought into the process, the Official Map can provide landowners with a tool that they can use to manage their overall financial estate or retirement plan.

Elk Township: Among other proposed features, the 2007 *Elk Township Official Map and Ordinance* identifies parcel-based potential areas for protection in the serpentine barrens area and adjacent to Franklin Township (The Strawbridge Property).

Other Municipalities: The following municipalities in southern Chester County have also adopted Official Maps: Kennett Township, London Britain Township, and Londonderry Township.

See **Action 5-16** of Chapter 5: Land Use Inventory and Plan

Land Trust Activities

Land trusts are organizations that acquire easements on private property owned by someone else. They rarely purchase property in-fee. In past decades, land trusts purchased development rights from landowners, but now most easements are donated as charitable gifts. Land trusts often use a combination of private funding, landowner donations and state or county grants to finance a preservation project. In *Linking Landscapes*, land trusts are regarded as “regional” if they are active in more than one municipality. Most of the regional land trusts hold easements in more than one county. These land trusts usually have paid staff and some kind of endowment. Local land trusts are volunteer organizations active within only one municipality. They usually acquire easements only through donations, but some have been awarded grants in order to pay landowners for some or all of their development rights.

A conservation easement cannot be ignored because the land trust monitors and enforces provisions of the deed restriction in-perpetuity.

Land trusts protect property from development through a deed restriction known as a “conservation easement.” A simple “deed restriction” is a covenant that is written into a deed which restricts how a piece of land may be used. When a property is sold, the buyer agrees to abide by the deed restriction. It is not unusual for some decades-old deed restrictions to become so outdated and impractical to implement that they are forgotten or ignored. If the buyer fails to abide by the provisions of a conservation easement, the land trust can pursue legal action to enforce the deed’s provisions.

RECOMMENDATIONS FOR OPEN SPACE PROTECTED BY NON-PROFIT LAND TRUSTS

Action 10-6 Support efforts to ensure that properties eased, or owned in-fee, by land trusts or other easement-holding entities are properly and regularly monitored.

Action 10-7 Support efforts in which a parcel in close proximity to an existing publicly protected open space is acquired by a non-profit land trust then donated to a state forest, municipal park system, or other government entity.

Action 10-8 Encourage land trusts to accept donated easements that protect a wide range of properties including but not limited to farmlands, forests, institutional lands, homeowner association open spaces, utility corridors, and golf courses.

Action 10-9 Request that land trusts accept easements of linear greenway corridors that link protected open space.

✓These actions address all Objectives

Public Outreach

Residents, whether they own large or small properties, can benefit from learning the importance of open space preservation and what efforts the Region’s municipalities are making to implement open space preservation goals. A description of the protected open space network plan will allow citizens to see the “big picture” for open space preservation in the Region.

Providing specific information on the options open to landowners who wish to preserve their land may provide an opportunity for additional dialogue between these property owners and the local land trust. This information can be provided through the township website, newsletter, targeted mailings, and press releases to local newspapers.

Besides the rising cost of land, the Planning Committee identified the need to “make the public aware of open space benefits and protection options” a priority.
Open Space Survey

RECOMMENDATIONS FOR PUBLIC OUTREACH AND OPEN SPACE FUNDING

Action 10-10 Conduct voter referendums as needed to determine public support for a tax or a dedication of public funds to be used for the easing of, or in-fee acquisition of, protected open space parcels.

Action 10-11 Encourage the distribution of open space protection funds to meet the funding needs of both rural and residential communities.

✓This action addresses Objectives 10-C, 10-D, and 10-E

Open Space Management and Access

Maintenance

Local governments and land trusts should always consider the costs required to monitor and maintain open spaces protected from development. Monitoring involves conducting regular field views to ensure that the agreed upon limits to development are being followed. For property that is eased by a land trust, but owned by a private landowner, it is essential that land trust staff walk the property annually, to ensure that it has remained undeveloped as agreed. Farms protected with state and county easements are also monitored in this way. Open spaces like parks are usually monitored informally by maintenance crews who notice inappropriate activities like neighbors building sheds that extend onto park property.

Maintaining open space over the long term is necessary on natural areas as well as public facilities like parks and playgrounds. Forested and floodplain open spaces must be maintained to ensure that they do not become overgrown with invasive exotic species like multi-flora rose. The serpentine barrens of southern Chester County are especially susceptible to invasive species. Natural lands must be maintained so that they do not become centers for the illegal dumping of yard waste and other garbage. Ongoing maintenance costs are needed to maintain the health of a natural area, but also to ensure that they are safe, which reduces the likelihood of lawsuits.

Access

Public access is a key aspect of the maintenance of protected open space. Active recreational open space should have parking facilities and other amenities that encourage public access.

However, natural areas, such as woodland with a hiking trail, should place some limitations on public access so that the natural resources are not damaged by over use. For these areas it may be appropriate to have limited parking on an unpaved area and plans for closing erosion-prone trails to let them “recover” for a few months each year to re-grow vegetation. Some publicly funded open space properties should be off limits to the general public such as wetlands and farm fields. Although, these lands could be damaged by heavy use, trails can, in some instances, be installed around them so that the public can benefit from seeing them as part of an open view shed.



RECOMMENDATIONS FOR OPEN SPACE MANAGEMENT AND ACCESS

Action 10-12 Encourage land development plans, open space protection studies, and municipal, ordinances and regulations which clearly state whether or not public access should be permitted on a protected open space property, or cluster of properties

Action 10-13 Encourage developers and homeowners associations (HOAs) to properly manage existing and newly constructed HOA open spaces according to a management plan that takes into account issues such as, but not limited to, funding for in-perpetuity maintenance, ecological sustainability, public access, recreation use, and if needed, reforestation, invasive plant removal, or stream bank restoration.

✓These actions address Objective 10-D

Updating Municipal Ordinances to Promote Open Space Protection

One of the most immediate and effective tools in the preservation of open space on a municipal level is the use of the municipal zoning and/or subdivision and land development ordinances.

Zoning Ordinance

The zoning ordinance can be a valuable tool for municipal open space planning. The MPC designates the zoning ordinance as a tool for regulating residential land uses, and also non-residential land uses including protected open space and recreational facilities. The MPC also notes that the zoning ordinance should reference a statement of community objectives, which is a kind of documented overall philosophy that can be included in the comprehensive plan and Zoning Ordinance. Protecting open space is a valid community objective, and it is appropriate to address it in municipal zoning. There is no one technique or checklist that can be used to address open space preservation in municipal zoning. The following open space preservation techniques should be considered:

***Consistent Definition of Open Space:** As was stated earlier, there is inconsistency in regard to the definition of open space in the Region’s municipalities. The adopted open space plan for Chester County defines “protected open space” as:*

Land and water areas that have little or no development; are used for recreation or preserving cultural or natural resources, including productive agricultural soils; and are protected either permanently or on a long term basis.

***Fee-in Lieu:** Fee-in-Lieu provisions can be included in the zoning ordinance or the SLDO, or both. Fee-in-lieu provisions call for a proposed open space network map to be a factor in determining either: 1) the best location for the dedicated open space in the development, or 2) whether a fee-in-lieu of dedication is a better option for the development. Accepting a fee-in-lieu of open space is often a better choice in those cases where the open space would not contribute to the expansion of or access to, the open space network, or would not be of significant recreational benefit to residents of the development. When money is paid in lieu of open space, that funding can then be used to acquire or improve park or recreational facilities consistent with the goals for the protected open space*

The Planning Committee indicated that they would be willing to implement or enhance municipal regulations to further protect open space in their municipalities.
Open Space Survey

network and the recreation plan. The fee-in-lieu fee should be reviewed and adjusted at least every five years to account for rising land costs.

Transferable Development Rights (TDR): Permits a landowner with an undeveloped parcel to transfer his or her development rights to another parcel, upon which the land will be developed at a somewhat higher density than would otherwise be permitted. This permits rural landowners in a designated “sending zone” to retain their open space while selling their development rights to a developer building on a parcel in a “receiving zone.”

Cluster Development: Permits residential units to be grouped together, usually on less than half of the property, leaving the majority of it permanently protected as open space. This preserved area of open space is managed by a Homeowner’s Association (HOA).

Other Space Open Preservation Techniques worth considering: Act 167 Historic District (Chapter 13), Effective Agricultural Zoning (Chapter 11), Historic Overlay District (Chapter 13), Lot Averaging, Performance Zoning, Rural Center Zoning, Scenic River Overlay District (Chapter 14), Scenic Road Overlay District (Chapter 14), Village Protection Program (Chapter 13).

Subdivision and Land Development Ordinance (SLDO)

While zoning determines the type of land use permitted on a property, the SLDO regulates the subdivision and development of land. The MPC provides detailed definitions of “subdivision” and “land development.”

Subdivision (MPC) - The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, or parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, That the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Land Development (MPC) – Any of the following activities:

1. The improvement of one lot or two or more contiguous lots, tracts, or parcels or land for any purpose involving:
 - (a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure, or
 - (b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

2. A subdivision of land.
3. Development in accordance with section 503(1.1) of the MPC.

Open Space Preservation Techniques worth considering in the SLDO: historic preservation design guidelines, locating individual sewage systems in open space, parkland mandatory dedication/fee-in-lieu, pedestrian and bicycle facilities design, and stormwater management best management practices (BMPs).

RECOMMENDATIONS FOR UPDATING ORDINANCES TO PROMOTE OPEN SPACE PROTECTION

Action 10-14 Consider carrying forth to municipal ordinances the definition of “Open Space” as defined in this plan to establish open space policy in the Region, and other definitions for open space terms.

Action 10-15 Encourage landowners to place conservation easements on lands that have been protected as open space through a Transfer of Development Rights (TDR) program. With this approach, an easement initially established by a municipal government is transferred to a land trust. This technique [permits the land trust to monitor the easement, which can be more economical than having the township monitor it. This approach may require zoning ordinance updates.

Action 10-16 Consider adopting a fee-in-lieu provision that will permit municipalities to budget fee-in-lieu funds for open space projects, which may include, but not be limited to, the acquisition of recreational parks, trails, greenways or natural resource preserves with limited-access.

Action 10-17 Support efforts to uphold existing open space protection easements from unwarranted condemnations, or major modifications that are counter to the preservation objectives of the easement..

Action 10-18 Pursue funding, in developed areas, that will permit the demolition of abandoned or unused structures of no historic value whose removal could create areas of open space.

Action 10-19 Promote the creation of large contiguous areas of Homeowner’s Association (HOA) open space that encompass natural features such as wetlands, woodlands, steep slopes, or wide floodplains, to prevent subdividing these natural features and creating multiple landowners.

Action 10-20 Consider the option of open space design (cluster) provisions, in municipal regulations, in which the HOA open space is permitted to be located on a separate property away from the constructed development site, perhaps in an adjacent municipality. Such provisions would also need to designate specific zoning districts as the receiving zones for such open space.

Action 10-21 Promote the use of HOA open space as naturally vegetated greenway corridors, and adopt ordinances that require that vegetated greenways within new developments are demarcated and restored or re-vegetated.

✓These actions address all Objectives

Figure (Map) Sources:

Figure 10-A: Protected Open Space in the Oxford Region

Data Sources: Municipal Borders, Roads - Chester County GIS; Agricultural Conservation Easements - Chester County ALPB; State Parks – DCNR; All other protected open space – CCPC.

Figure 10-B: Protected Open Space and Woodlands in the Oxford Region

Data Sources: Municipal Borders, Roads - Chester County GIS; State Parks – DCNR; All other protected open space – CCPC; Woodlands - Delaware Valley Regional Planning Commission, 1997

Figure 10-C: Existing and Potential Protected Open Space in the Oxford Region

Data Sources: Municipal Borders, Roads - Chester County GIS; Agricultural Conservation Easements - Chester County ALPB; State Parks – DCNR; All other protected open space – CCPC; Potential Protected Open Space – CCPC and ORPC.

Figure 10-E: Lowest Density Zoning Districts in the Oxford Region

Data Sources: Municipal borders, roads - Chester County GIS; Lowest density zoning districts - municipal zoning ordinances.

Figure 10-F: Potential Preservation Areas in the Oxford Region

Data Sources: Municipal borders, roads - Chester County GIS; All other layers – CCPC, ORPC.

THIS PAGE INTENTIONALLY LEFT BLANK