
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 216 Session of
1997

INTRODUCED BY ROEBUCK, BELARDI, DALEY, BATTISTO, PESCI, JAROLIN,
CURRY AND RAMOS, FEBRUARY 4, 1997

REFERRED TO COMMITTEE ON URBAN AFFAIRS, FEBRUARY 4, 1997

AN ACT

1 Requiring cities to adopt open-space plans; and making an
2 appropriation.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Open-Space
7 Land Act.

8 Section 2. Legislative findings.

9 The General Assembly finds and declares as follows:

10 (1) The preservation of open-space land in urban areas
11 is necessary for the enjoyment of scenic beauty, for
12 recreation and for the use of natural resources.

13 (2) Discouraging premature and unnecessary conversion of
14 open-space land to urban uses is a matter of public interest
15 and will be of benefit to urban dwellers because it will
16 discourage noncontiguous development patterns which
17 unnecessarily increase the costs of community services to

community residents.

(3) In order to assure that the interests of all its people are met in the orderly growth and development of cities in this Commonwealth, it is necessary to provide for coordinated plans for the conservation and preservation of open-space lands.

(4) For these reasons this act is necessary for the promotion of the general welfare and for the protection of the public interest in open-space land.

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"City." A city in this Commonwealth regardless of class.

"Department." The Department of Community and Economic Development of the Commonwealth.

"Open-space land." A parcel or area of land which is essentially unimproved and devoted to an open-space use and which is designated as any of the following:

(1) Open space for the preservation of natural resources, including, but not limited, areas required for the preservation of plant and animal life.

(2) Open space for outdoor recreation, including, but not limited to:

(i) Areas of outstanding scenic, historic and cultural value.

(ii) Areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, rivers and streams.

(iii) Areas which serve as links between major

recreation and open-space reservations, including utility easements, banks of rivers and streams, trails and scenic highway corridors.

(3) Open space for public health and safety, including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs and areas required for the protection and enhancement of air quality.

"Open-space plan." Provisions of a zoning ordinance or independent ordinance that provide for acquisition of open-space land.

Section 4. Open-space plan.

Every city shall prepare, adopt and submit to the department an open-space plan for the comprehensive and long-range preservation and conservation of open-space land within its jurisdiction.

Section 5. Eminent domain.

A city may exercise the right of eminent domain under the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the Eminent Domain Code, in order to acquire open-space land.

Section 6. Application by city.

A city may apply to the department for funds to acquire open-space land.

Section 7. Allocation of funds.

The department shall consider a number of factors when allocating funds to cities for the acquisition of open-space land such as:

(1) The ratio of open-space land to total land in the

1 city.

2 (2) The density of the population of the city.

3 (3) The location of the proposed open-space land.

4 Section 8. Limits.

5 A city shall not receive more than 25% of the total amount of
6 funds allowed by the department.

7 Section 9. Action program.

8 Every open-space plan shall contain an action program
9 consisting of specific programs which the city intends to pursue
10 in implementing its open-space plan.

11 Section 10. Consistency of action with local plan.

12 Any action by a city by which open-space land or any interest
13 therein is acquired or disposed of or its use restricted or
14 regulated must be consistent with the open-space plan.

15 Section 11. Consistency with plan.

16 No building permit may be issued, no subdivision map approved
17 and no open-space zoning ordinance adopted unless the proposed
18 construction, subdivision or ordinance is consistent with the
19 open-space plan.

20 Section 12. Appropriation.

21 The sum of \$4,700,000, or as much thereof as may be
22 necessary, is hereby appropriated to the Department of Community
23 and Economic Development for the fiscal year July 1, 1997, to
24 June 30, 1998, to carry out the provisions of this act.

25 Section 13. Repeals.

26 All acts and parts of acts are repealed insofar as they are
27 inconsistent with this act.

28 Section 14. Effective date.

29 This act shall take effect July 1, 1997.