

**ORDINANCE NO. 2015-11**

**AN ORDINANCE OF RADNOR TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 255, RADNOR TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, ARTICLE V, DESIGN STANDARDS, SECTION 255-43.1, PARK AND RECREATIONAL LAND AND FEE REQUIREMENTS BY REDEFINING THE BASIS FOR CALCULATING THE FEES-IN-LIEU-OF DEDICATION AND REVISING OTHER RECREATION LAND REQUIREMENTS IN ACCORDANCE WITH ACT 135 OF 2014**

**PREAMBLE**

*Upon recommendation of the Radnor Township Park and Recreation Board, the Radnor Township Planning Commission and the Delaware County Planning Commission, the Radnor Township Board of Commissioners hereby ENACT and ORDAIN the following:*

**ARTICLE I      Park and Recreational Land and Fee Requirements**

Section 225-43.1.B, Park and Recreational Land and Fee Requirements, is hereby amended as follows:

**B. Park and recreational land dedication requirements.**

- (1) For all residential subdivisions or land developments involving a total of four (4) or more lots and/or dwelling units, a minimum of 1,440 square feet of suitable park and recreation land shall be provided per dwelling unit within such subdivision/land development, unless the developer agrees to a fee-in-lieu-of \$3,307.00 per dwelling unit (existing or proposed).
- (2) For all nonresidential or institutional subdivisions and/or land developments involving more than 5,000 square feet of floor area, the amount of land to be dedicated for park and recreational area shall be 2,500 square feet per 6,400 square feet of floor area (existing or proposed), or portion thereof, unless the developer agrees to a fee-in-lieu-of \$3,307.00 per 6,400 square feet of floor area (existing or proposed).
- (3) For the purpose of this Section, floor area is defined as the sum of all horizontal floor area(s) of a building or group of buildings on a lot, measured from the exterior faces of the building or from the center line of party walls separating two buildings.
- (4) This recreation land dedication requirement shall in no way diminish, supersede, or be satisfied by any other requirement for recreation lands, open space, or buffers set forth in

this Chapter or any other Chapter of the Township Code, including, but not limited to, Chapter 280, the Township Zoning Ordinance.

## **ARTICLE II Park and Recreational Land and Fee Requirements**

Section 225-43.1.E, Park and Recreational Land and Fee Requirements, is hereby amended as follows:

- E. Fee-in-lieu-of dedication. Where the Township determines that the dedication of the land required for recreation purposes is not feasible under the criteria set forth in this Section, and upon agreement with the applicant or developer, the applicant or developer shall pay a fee-in-lieu of dedication of any such land to the Township in compliance with the following:
- (1) The fee for residential subdivisions or land developments shall be \$3,307 per dwelling unit (existing or proposed), which is based upon the estimated value of the land that would have to be dedicated for each dwelling unit.
  - (2) The fee for nonresidential subdivisions or land developments shall be \$3,307 per 6,400 square feet of floor area (existing or proposed), or portion thereof, which is based upon the estimated value of the land that would have to be dedicated for that amount of floor area.
  - (3) Limitations on Use of Fees.
    - (a) Any recreation fees collected under this Section shall be placed within an interest bearing "Recreation Fee Account" which shall function as a capital reserve fund and shall be accounted for separately from other Township funds. The funds may be used for the purpose of providing, acquiring, operating, or maintaining park or recreational facilities reasonably accessible to the contributing development.
    - (b) The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by future inhabitants of the residential, non-residential or institutional development or subdivision.
    - (c) Fees required under this Section shall be paid prior to the recording of the applicable final plan or as determined by the Commissioners.
  - (4) Upon request by the party who paid the fee, the Township shall refund such fee, plus interest accumulated thereon from the date of payment if the Township has utilized the fee paid for purposes other than as set forth in this Section.
  - (5) The above-listed fees-in-lieu-of dedication may be revised from time-to-time by separate Resolution of the Board of Commissioners.

**ARTICLE III Repealer.**

All ordinance or parts of ordinances which are inconsistent herewith are hereby repealed.

**ARTICLE IV Severability.**

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or part of this Ordinance. It is hereby declared as the intent of the Board of Commissioners of Radnor Township, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

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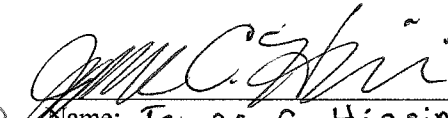
**ARTICLE V Effective Date.**

This Ordinance shall become effective in accordance with the Home Rule Charter of Radnor Township.


**ENACTED** and **ORDAINED** this 26 day of October, 2015.

**RADNOR TOWNSHIP**

By:

  
Name: James C. Higgins  
Title: President

ATTEST:

  
Robert A. Zienkowski, Secretary