

**ORDINANCE NO. 2013-01**

**AN ORDINANCE OF RADNOR TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 255, ARTICLE V, DESIGN STANDARDS, OF THE RADNOR TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE BY PROVIDING FOR DEDICATION OF PARK AND RECREATION LAND, ESTABLISHING FACTORS REGARDING SITE SUITABILITY FOR PARK AND RECREATION LAND AND ESTABLISHING FEES-IN-LIEU-OF DEDICATION.**

**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:*

**Section 1.** Article V, Design Standards, is hereby amended, adding the following new Section:

**§ 255-43.1. Park and recreational land and fee requirements.**

- A. Purpose. All residential subdivisions of four (4) or more lots/dwelling units and nonresidential subdivisions or land development plans regulated under this ordinance shall provide for suitable and adequate recreation land and/or fees in order to:
- (1) Insure adequate park and recreational areas and facilities to serve the future residents of the Township.
  - (2) Maintain compliance with recreational standards as recommended by the Radnor Township Comprehensive Plan, and Radnor Township Parks, Recreation and Open Space Plan of 1991, or as may be amended.
  - (3) Allow for orderly acquisition and development of park and recreation areas needed to serve new residents.
  - (4) Ensure that dedicated park and recreation land is suitable for the intended use.
- B. Park and recreational land dedication requirements.
- (1) For all residential subdivisions or land developments of four (4) or more lots/dwelling units, a minimum of 1,440 square feet of suitable park and recreation land shall be provided per dwelling unit within all residential subdivisions or land developments, unless the developer agrees to a fee-in-lieu-of \$3,307 per dwelling unit.

- (2) For all nonresidential subdivisions and/or land developments, the amount of land to be dedicated for park and recreational area shall be 2,500 square feet per 4,000 square feet of building area (herein defined as the area occupied by buildings to the extremities of all roof lines).

C. Criteria for location and suitability of park and recreation land dedication.

- (1) The Radnor Township Planning Commission and Park and Recreation Board will advise the Board of Commissioners on land offered for dedication for park and recreational purposes.
- (2) The intended use must meet the goals and objectives as outlined in the Radnor Township Parks, Recreation and Open Space Plan of 1991, or as may be amended.
- (3) Factors to be considered in determining park and recreation land locations and suitability shall include but not be limited to:
  - (a) Site(s) should be easily and safely accessible, have good ingress and egress and have access to a public road or to a road to be dedicated as a public road, or to a road which the residents of the development in which the site is located can use to reach the park and recreation site.
  - (b) Site(s) should have suitable topography for the development as a particular type of active or passive recreation area. Suitability shall be determined upon recommendation by the Township Engineer and shall be judged on the basis of the type of recreation area proposed.
  - (c) Size and shape of the site(s) should be suitable for the development as a recreation area. The configuration of the recreation area must be able to accommodate recreation activities proposed by the development plans. The required area shall not include narrow or irregular pieces which are remnants from lotting or left over after street and parking areas have been laid out.
  - (d) Site(s) should meet the minimum size with respect to usable acreage as recommended by the Radnor Township Parks, Recreation and Open Space Plan of 1991 for Radnor Township.
  - (e) Sites designated for active recreation land shall not contain lands with natural resources restrictions, as defined by the Township Zoning Ordinance, stormwater detention facilities, or lands designated for any other purpose. Site(s) designated for passive recreation may contain lands with natural resource restrictions provided that the site(s) can be used by residents of the Township for passive recreational activities.

- (f) The recreational activities and/or facilities for which the area is intended must be specified on the approved record plan.
- (g) Recreation areas shall not be traversed by utility easements unless said utilities are placed underground. Recreational areas shall not contain or be traversed by any underground gas pipelines.
- (h) On-site improvements on the dedicated park and recreation land shall be commensurate with the adjacent on-site development improvements, including but not limited to, grading, curbing and utilities.
- (i) Land shall comply with any other applicable requirements of the Township Zoning and Subdivision/Land Development Ordinances.

D. Ownership and dedication to the township.

- (1) If the Board of Commissioners determines that a park and recreation land dedication would be in the public interest, such park and recreation land shall first be offered for dedication to Radnor Township. If the Township does not accept dedication, the land may be owned and maintained by an entity that the Board of Commissioners determines is acceptable to ensure proper long-term oversight and maintenance of the land and which agrees to accept such land for permanent park and recreation purposes:
  - (a) Retention by the owner of the development, if the dwellings are to be rented, with proper documentation to ensure that the land will be used in perpetuity for park and recreational purposes.
  - (b) Dedication to a formal homeowner or condominium association, with such agreement subject to approval of the Board of Commissioners. If any entity responsible for such park and recreation land should dissolve or become inactive or decide that it no longer wishes to be responsible for such land, it shall offer such land at no cost to the Township.
  - (c) Dedication to a State or County government, or other approved entity.
- (2) If the Board of Commissioners deems it to be in the public interest to accept dedicated land for park and recreational purposes, such acceptance shall be by adoption of a Resolution of the Board of Commissioners and acceptance of a Deed of Dedication from the developer.
- (3) Park and recreation land shall include deed restrictions to permanently restrict its use for park and recreation and to prohibit the construction of buildings on the land, except buildings for non-commercial recreation or to support maintenance of the land.

E. Fee-in-lieu-of dedication. Where, upon agreement with the applicant or developer, it is determined that the dedication of all or any portion of the land area required for park and recreation purposes is not feasible under the criteria set forth in Subsection C., the applicant or developer shall pay a fee-in-lieu of dedication of any such land to the Township as follows.

- (1) The fee for residential subdivisions or land developments shall be \$3,307 per dwelling unit, which is based upon the estimated value of the land that would have to be dedicated under subsection C. for each dwelling unit. The fee may be updated from time-to-time by separate Resolution of the Board of Commissioners.
- (2) The fee for nonresidential subdivisions or land developments shall be \$3,307 per 4,000 square feet of building 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.
  - (b) To ensure that the lands and facilities are accessible to the residents of the developments that paid fees towards their cost, any such fees shall only be expended within the applicable park planning district as set forth on Map 3 of the Radnor Township Parks, Recreation and Open Space Plan of 1991, or as may be amended except that fees from any district may be used for township-wide community parks and recreation areas.
  - (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) If such fees are paid in installments or prior to the issuance of each building permit, then for the purposes of determining limits for the time within such funds are required to be expended under 53 P.S. 10503(11) of the MPC, such time limit shall begin when the total fees related to the final approval are paid in full, and not from the date of payment of any portion of such fees. Upon request, the Township shall refund such fee, plus interest accumulated thereon from the date of payment as aforesaid, if the Township has failed to utilize the fee paid for the purposes set forth in this Section within three years unless the applicant has waived this requirement.

## **Section 2.**

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

**Section 3.**

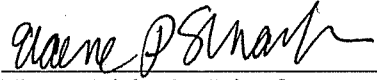
Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or part of this Ordinance. 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.

**Section 4.**

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

*ENACTED* and *ORDAINED* this 25<sup>th</sup> day of February, 2013.

RADNOR TOWNSHIP

By:   
Name: Elaine P. Schaefer  
Title: President

ATTEST:   
Robert A. Zienkowski, Secretary