

ORDINANCE NO. 317

## EAST NORRITON TOWNSHIP

## MONTGOMERY COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE CODE OF EAST NORRITON TOWNSHIP, SPECIFICALLY, THE EAST NORRITON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, CHAPTER 175, BY ADDING PROVISIONS REQUIRING THE PUBLIC DEDICATION OF LAND SUITABLE FOR USE AS PARK OR RECREATION LAND OR, ALTERNATIVELY, UPON AGREEMENT OF THE TOWNSHIP AND THE APPLICANT, THE CONSTRUCTION OF RECREATIONAL FACILITIES OR, PAYMENT OF FEES IN LIEU THEREOF, OR A COMBINATION OF BOTH AS A CONDITION PRECEDENT TO FINAL PLAN APPROVAL.

The Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania under and by virtue of authority granted by the Second Class Township Code, does hereby enact and ordain:

**SECTION 1.**

The Code of East Norriton Township, Chapter 175, being the East Norriton Township Subdivision and Land Development Ordinance, is hereby amended as follows:

Article III Improvement Construction Requirements shall be amended by adding a new subsection 175-12-A to read as follows:

**§175-12-A Recreational Facilities.**

The applicant shall be responsible to dedicate land suitable for use as park and recreational facilities in a manner agreed to by the Board. Whenever the applicant is providing a fee in lieu of otherwise required facilities and land dedication, applicant shall agree in writing to the amount of fee and the method to be used to secure and pay that amount as a condition precedent to final plan approval.

Article V Design Standards. Section 175-16L. shall be amended by adding the words "recreational facilities" after the word "monuments".

Existing Section 175-23.B. is deleted and a new section is created to read as follows:

§175-23.B. Dedication of Land Suitable for Park and Recreational Use to the Township or Payment of Fees in Lieu Thereof.

(1) The applicant shall dedicate land suitable for park or recreational use to East Norriton Township, unless one of the alternatives set forth in Section 175-23B(5) is agreed to by the Township and the applicant. The land shall be dedicated to the Township as a condition of final plan approval and no lots shall be sold or built upon until and unless the actual transfer of title has been completed or guaranteed to the satisfaction of the Board.

(2) The amount and location of land to be dedicated to the Township shall be ten percent (10%) of the total lot area of a proposed subdivision or land development.

(a) The land dedicated to the Township for park and recreation purposes need not be a part of the land development or subdivision. It may be located on a separate parcel of land, provided that in the sole discretion of the Board of Supervisors, it is convenient to the future inhabitants of the subdivision or land development. In addition, the applicant, with the approval of the Township, may dedicate land or construct park and recreation facilities at the Township facilities, a public school situated within East Norriton Township, county owned park land, or the facilities of another developer to satisfy the requirements of this Section.

(b) No more than twenty-five percent (25%) of the minimum land area required for park and recreation land may consist of floodplain areas, wetlands or areas with slopes in excess of eight percent (8%). Floodplains, wetlands and steep slopes may not be used for active recreation.

(c) The minimum land area required for park and recreation shall not include land designed for retention/detention basins in connection with required stormwater management; or contain fuel, power or other transmission lines, whether underground or overhead.

(d) The land to be dedicated must be suitable for active or passive recreation by reason of its size, shape, location and topography; and shall be provided with safe and direct access either by adjoining public road frontage or public easements which shall be no less than twenty-five (25) feet in width.

(e) Areas shall comprise a single parcel of land except where the Board shall determine that two (2) or more parcels would be in the public interest.

(f) The area dedicated may not be used in calculating density.

(3) Any land dedicated to the Township shall be used only for the purpose of providing park and recreational facilities.

(4) When land is dedicated, acceptance by the Township shall be by means of a signed resolution to which a property description of the dedicated recreational area shall be attached. All changes and agreements should eventually be listed directly on the signed drawing linens of the final plans. A fee simple warranty deed conveying the property shall be delivered to the Township with title free and clear of all liens and encumbrances excepting public utility easements. In no event shall the Township be required to accept dedication of park and recreational areas.

(5) Alternatives to Dedication of Land.

(a) Fee in Lieu of Dedication.

[1] The Board of Supervisors and the applicant may agree to the payment of a fee in lieu of dedication of land.

[2] Where the Board and the applicant agree that a fee is to be contributed in lieu of the dedication of land, the amount of the fee shall be equal to the fair market value of the raw undeveloped land that otherwise would have been required to be dedicated.

[3] Fair market value of the land in lieu of which the fee is paid shall be determined by agreement of the Board and the applicant. In the event that the Board and applicant cannot agree upon the fair market value of the land then an appraisal shall be supplied and paid for by the applicant and reviewed by the Board. The appraisal required by this subsection shall be prepared by a recognized, competent real estate appraiser with no interest, financial or otherwise, in the affected property or application.

[4] The Board shall reserve the right to obtain its own appraisal and in the event the Township appraisal is valued at less than ten percent (10%) greater than the applicant's appraisal, the value shall be the difference between the two appraisals; in the event the Township appraisal is valued ten percent (10%) greater than that of the applicant, then a third appraiser shall be selected by agreement of both the Board and applicant to be paid for by the applicant to resolve the difference.

[5] Any fee in lieu of dedication which is collected by the Township shall be used only for the purpose of providing park and recreational facilities within East Norriton Township.

[6] A fee authorized under this subsection shall, upon its receipt by the Township, be deposited in an interest bearing account, designated the East Norriton Township Parks and

Recreation Fund. Interest earned on such accounts shall become funds of that account. Funds from such accounts shall be expended only on the design, construction or acquisition of specific recreation facilities approved by the Board of Supervisors.

[7] Upon request of any person who paid fees under this subsection, the Township shall refund such fee, plus interest accumulated thereon from the date of payment, if the Township had failed to utilize the fee paid for recreation purposes within three (3) years from the date such fee was paid unless return of the fee has been waived by agreement between the applicant and the Township.

(b) Use of Land and Fees.

The types of recreational facilities shall be designed and constructed as provided in the Township Park and Recreation Plan and be deemed to include but not be limited to:

- [1] Playground equipment and surfaces.
- [2] Playfields (baseball field, football field, soccer field or the like, designed for active recreation).
- [3] Tennis courts.
- [4] Tot lots (small playground especially designed for young children).
- [5] Basketball courts.
- [6] Paddle tennis courts.
- [7] Jogging paths with exercise stations.
- [8] Bicycle and walking trails.
- [9] Parking lot facilities.
- [10] Utility services (electric water fountains, and toilet facilities).
- [11] Landscaping, earth shaping and plant materials.
- [12] Picnic facilities and benches.
- [13] Swimming pools.
- [14] Lighting facilities related to park and recreation facilities.

(c) Combination.

[1] Where the applicant and the Township agree, the applicant may utilize any combination of the aforementioned techniques to satisfy the applicant's park and recreation obligation.

[2] Credit for the cost of construction of any park and recreation facility shall be subject to the review and approval of the Township Engineer as determined by prevailing costs for labor, structures and materials associated with the facility.

(6) Parks and Recreation Plan.

The Board of Supervisors shall adopt a formal Park and Recreation Plan for East Norriton Township by Resolution. Future park and recreational facilities proposed within East Norriton Township shall be in accordance with principles and standards contained in the plan. The plan may be amended from time to time by resolution of the Board of Supervisors.

Article VI Subdivision and Land Development Plans, subsections 175-35 and 175-36 shall be amended by adding new subsections to read as follows:

§175-35.I. Proposed Recreational Open Space.

(1) The shape, size and dimensions of all land areas offered for dedication or proposed to be preserved for active or passive recreational facilities shall be delineated. The type and nature of all recreational improvements shall be detailed, including proposed grading, paving, structures, fences, utilities, landscaping and significant natural features to be saved.

(2) The method of dedication to the Township shall be stated as well as any deed restrictions or easements that may apply.

(3) Phasing of the construction of recreational facilities, if proposed, shall be identified.

(4) Whenever the Board of Supervisors and applicant agree to payment of a fee in lieu of otherwise required land dedication, a note shall be placed on the plan specifying the amount of the fee and the method used to determine the fee as well as the manner to be used to secure and pay that amount.

§175-36.B.(2)(i).

(1) The shape, size and dimensions of all land areas offered for dedication or proposed to be preserved for active or passive recreational facilities shall be delineated. The type and nature

of all recreational improvements shall be detailed, including proposed grading, paving, structures, fences, utilities, landscaping and significant natural features to be saved.

(2) The method of dedication to the Township shall be stated as well as any deed restrictions or easements that may apply.

(3) Phasing of the construction of recreational facilities, if proposed, shall be identified.

(4) Whenever the Board of Supervisors and applicant agree to payment of a fee in lieu of otherwise required land dedication, a note shall be placed on the plan specifying the amount of the fee and the method used to determine the fee as well as the manner to be used to secure and pay that amount.

SECTION 2. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be separate, distinct, and independent and such holding shall not affect the validity of the remaining portions of this Ordinance.

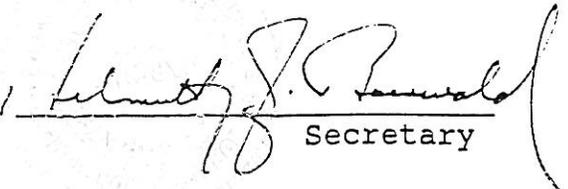
SECTION 3. Ratification.

This Ordinance shall in no other way affect, amend or modify the said Subdivision and Land Development Ordinance contained in Chapter 175 of the Code of East Norriton Township.

ENACTED AND ORDAINED by the Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania this 29th day of June , 19 92.

ATTEST:

BOARD OF SUPERVISORS OF  
EAST NORRITON TOWNSHIP:

  
Secretary

By:   
Chairman