ORDINANCE NO. 2628-2011

AN ORDINANCE OF THE TOWNSHIP OF HAVERFORD, COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA, AMENDING AND SUPPLEMENTING ORDINANCE NO. 1960, KNOWN AS THE "GENERAL LAWS OF THE TOWNSHIP OF HAVERFORD", ADOPTED JUNE 30, 1986, BY DELETING CERTAIN PROVISIONS FROM CHAPTER 182 (ZONING) AND ADDING PROVISIONS TO CHAPTER 160 (SUBDIVISION AND LAND DEVELOPMENT) REGARDING THE MANDATORY RESERVATION OF LAND FOR OPEN SPACE IN CONNECTION WITH A LAND DEVELOPMENT.

BE IT ENACTED AND ORDAINED by the Board of Commissioners of the Township of Haverford, County of Delaware, Commonwealth of Pennsylvania, and it is hereby enacted and ordained by the authority of the same that the General Laws of the Township of Haverford (the "General Laws"), is hereby amended as follows:

ARTICLE I. DEFINITION

Chapter 160, Section 160-2, *Subdivision and Land Development*, is hereby amended by that addition of the following:

WETLAND

Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, fens and similar areas.

ARTICLE II. TEXT AMENDMENT

Chapter 182, Section 182-716, *Dedication of land for park and recreation facilities*, is hereby deleted in its entirety and, in lieu thereof, the following added to Chapter 160-5, *Required improvements and design standards*:

C. Dedication of land for recreation.

(1) Intent. The intent of this section is to provide for adequate recreational lands to serve residents and persons employed in the township. This section recognizes that residential, commercial, and industrial uses create demand for local recreational lands and facilities and enables the creation and maintenance of such recreational lands to meet this demand.

(2) Applicability. In each residential district involving the creation of two or more new building lots and for any new nonresidential development involving one acre or more land shall be required to be set aside for open space and/or parks and recreational facilities as provided herein. If the tract or parcel being considered for development represents a portion of the applicant's holdings

of contiguous lands, whether acquired as a single parcel or cumulatively, the provisions for reservation of land shall apply over applicant's entire holdings.

(3) Reservation of land. The Township Board of Commissioners shall reserve the right of requiring the reservation of land for open space and/or for use as park and recreation facilities in each residential district involving the creation of two or more new lots and for any new nonresidential development involving one acre or more. If the tract or parcel being considered for development represents a portion of the applicant's holdings of contiguous lands, whether acquired as a single parcel or cumulatively, the provisions for reservation of land shall apply over applicant's entire holdings.

(a) It shall be hereafter required that mandatory open space provisions shall be made for all uses in accordance with the following requirements for each district:

District	Minimum Percent of Site Area to be Reserved for Open Space
R-1 through R-4 Residential	20%
R-5 through R-9 Residential	30%
O-1 through O-2 Office	20%
C-1 through C-4 Commercial	25%
C-5 Shopping Center	30%
OL Office Laboratory	25%
INS Institutional	30%
LIN Light Industrial	30%

(b) Not more than 50% of required open space may be comprised of floodplain area, steep slope area, areas with high water tables, wetlands, areas with bedrock within three (3) feet of the surface or areas of erodible or poorly drained soils.

(c) Site or sites should be easily and safely accessible from all areas of the development to be served, have good ingress and egress and have access to a public road; however, no public road shall traverse the site or sites. Further, the site or sites shall, to the greatest extent practical, be easily accessible to essential utilities (water, sewer and power.)

(d) Site or sites should be compatible with the objectives, guidelines and recommendations as set forth in the Haverford Township Comprehensive Plan.

(e) The lands to be reserved as recreational use areas may be conveyed to the Township if acceptable to the Township, conveyed to a legally constituted

homeowners' association or retained by and managed by private ownership. Satisfactory written arrangements acceptable to the Township Solicitor in all cases shall be made for the perpetual preservation and maintenance of all recreational use areas to be set aside and reserved for private use. Deeds conveying the recreational use areas to a party (a party other than Haverford Township) shall contain appropriate provisions for title to revert to the Township in the event that the third party becomes unable or unwilling to continue to perform its functions.

(f) The acceptance of the reservation of recreation use area by the Township will relieve the developer of condominium townhouse units and apartments of the recreations facilities provision of § 182-719A(13) of these General Laws.

(4). Fees in lieu of recreational use area. Applicants seeking to pay the a fee-in-lieu-of the requisite recreational use area shall submit a sketch depicting the development both with and without the required open space. If the Board of Commissioners determines that recreation land suitable in size, shape, slope and accessibility is not available in a particular subdivision and/or land development, the Board of Commissioners shall require that the applicant deposit with the Township, prior to issuance of any building permit, a cash payment in lieu of land reservation.

(a) Such deposit shall be placed in a Neighborhood Park and Recreation Improvement Fund to be established by the Board of Commissioners. Such deposit shall be used by the Township for the acquisition of open space, park and/or recreation land or for the improvement of existing recreation land that will actually be available to and benefit the persons in said subdivision or land development and located in the general neighborhood of said subdivision or land development.

(b) If the Board of Commissioners determines that usable park and recreation land is available in a particular subdivision and/or land development but is inadequate in size [i.e., less than the standard established in Subsection C.(3) hereof], the Board may require a combination of fees and land reservation.

(c) The fee-in-lieu of providing the recreational land areas on the same tract as the proposed subdivision or development shall be based upon the proportionate area of the following schedule of open space impact cost factors per acre, which may be adjusted by the Board of Commissioners from time-to-time:

Impact Cost by Zoning District	**Per acre fee**
R-1, R1-A	$160,000
R-2, R-3, R-4	$80,000
All other residential districts	$40,000
LIN	$120,000
All districts not specified above	$160,000

ARTICLE III. NUMERIC CORRECTION

Chapter 160, Section 160-4.E.(5)(i)[6], *Preliminary plan submission requirements for major subdivision and land development plans,* is hereby renumbered to 160-4.E.(6).

ARTICLE IV. SEVERABILITY

Should any section, sentence, word or provision of this ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole.

ARTICLE V. REPEALER

Any ordinance or part of ordinance to the extent that it is inconsistent herewith is hereby repealed.

ADOPTED this 11th day of July, A.D., 2011.

TOWNSHIP OF HAVERFORD

BY: WILLIAM F. WECHSLER
President
Board of Commissioners

ATTEST:
Lawrence J. Gentile
Township Manager/Secretary