

TOWNSHIP OF LOWER MERION

Building & Planning Committee

Issue Briefing

Topic: Ordinance amending the Dedication of Land for Recreation or Fees in Lieu

Prepared by: Christopher Leswing, Building & Planning Department Director

Date: December 8, 2017

I. Action To Be Considered By The Board:

Consider for recommendation to the Board of Commissioners authorization to advertise and hold a public hearing on January 17, 2018, to consider adoption of an ordinance amending the Subdivision and Land Development Code to revise criteria for land dedicated for recreational purposes, and to add criteria for the recreation facilities that a developer can construct in lieu of the dedication of land for recreational purpose. The ordinance also amends Chapter A167 to increase the recreation fee in-lieu of providing recreational facilities from \$2,500 to up to \$3,000.

II. Why This Issue Requires Board Consideration:

The Board of Commissioners must adopt amendments to the Township's Subdivision and Land Development Code, and the Township's Fees.

III. Current Policy Or Practice (If Applicable):

Not applicable.

Other Relevant Background Information:

Earlier this spring the code was amended to clarify that land area for recreation must be provided outdoors and not within a building. These additional changes reflect recent amendments to the Pennsylvania Municipalities Planning Code (MPC) to provide in part:

1. The escrow funds can now be used not just to provide park and recreation facilities, but also to acquire, operate and maintain park and recreation facilities.
2. When the fees are placed in escrow, they no longer need to identify the specific facilities for which the fees will be used.
3. The three-year time limit within which the fees must be used has been removed – now there is no time limit.

The amendments are less restrictive and allow for a broader use of the fees. The Township Solicitor prepared this ordinance to reflect the changes to the MPC.

At the Building & Planning Committee meeting on December 6th the Committee discussed the possibility of increasing the recreation fee. The Finance Department has confirmed that based on the Consumer Price Index for Urban Consumers in the Philadelphia Metropolitan Statistical Areas (MSA)

inflation has increased 17.15% which averages about 1.4% annually since the recreation fee was established in 2006. A fee of \$2,500 in 2006 equates to \$2,928.68 in 2017. The ordinance provides the Board the option of increasing the fee up to \$3,000 based on inflation.

While staff recommends proceeding with the immediate change to address inflation, broader policy questions may be at hand. The current fee-in-lieu policy promotes higher density multifamily development as most developers elect to pay the fee instead of setting aside 15 percent of the land for recreational facilities. Staff will conduct a review of how the fees have been used, how they are anticipated to be used in the future, how other communities have assessed the fee, and local recreational impacts/needs to determine if fees should be increased even higher. Staff will complete the review and pass it along to DPZ for incorporation into the commercial area/multi-family district sections of the updated zoning. Staff will update the Building & Planning Committee on our findings.

IV. Impact on Township Finances:

This ordinance proposes an increase to the fee-in-lieu of providing 15 percent of land for recreational facilities for developments comprising more than three building lots or residential units. The ordinance could result in additional fees dedicated to providing recreational facilities in the Township.

V. Staff Recommendation

Staff recommends the Board of Commissioners authorize advertisement of a public hearing on January 17, 2018 to consider adoption of an ordinance amending the Subdivision and Land Development Code to revise criteria for land dedicated for recreational purposes, and to add criteria for the recreation facilities that a developer can construct in lieu of the dedication of land for recreational purposes. Staff also recommends that the Board of Commissioners consider increasing the recreation fee in-lieu of providing recreational facilities from \$2,500 to up to \$3,000 based on inflation.