

RESOLUTION NO. 2020-78

A RESOLUTION OF THE RADNOR TOWNSHIP BOARD OF COMMISSIONERS, ESTABLISHING A POLICY FOR GRANTING OR DENYING MODIFICATIONS UNDER THE RADNOR TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AND CREATING A CAPITAL IMPROVEMENT FUND TO ACCEPT FEES AND CONTRIBUTIONS

WHEREAS, the Radnor Township Subdivision and Land Development Ordinance (SLDO) requires infrastructure improvements, engineering studies and other public improvements to be constructed in connection with subdivisions and/or land developments of real estate within Radnor Township; and

WHEREAS, SLDO improvements include, but are not limited to, improvements along existing public roads, including widening, curbs, sidewalks, stormwater drainage improvements, street trees, streetlights, and the construction of new roads within a subdivision or land development; and

WHEREAS, Sections 503 (8) and 512.1 of the Municipalities Planning Code (MPC) permit modifications to SLDO requirements provided that such modification will not be contrary to the public interest or when an alternative standard can provide equal or better results; and

WHEREAS, the Board of Commissioners has determined that it is the Township's best interest to establish a dedicated capital improvement fund to accept contributions and fees in lieu of compliance where a developer or landowner is seeking modifications to the SLDO.

NOW, THEREFORE, it is hereby *RESOLVED* by the Radnor Township Board of Commissioners, as follows:

1. All subdivision and land development applicants should submit plans in full compliance with the Township zoning and subdivision regulations, unless the applicant intends to file a request for modification of some or all of the required SLDO requirements in accordance with the Pennsylvania Municipalities Planning Code.

2. Applicant should not assume that any SLDO modification request would be approved, and approval of modifications in prior projects does not guarantee or establish a precedent of similar modifications in that each development property is unique and the need for new public improvements is dependent on existing conditions at or near the development property.

3. In the event that the applicant has requested a modification of any provision of the Subdivision and Land Development Ordinance, the township engineer shall make a good faith estimate of the value of the requested modification and shall communicate that estimated cost to the applicant and/or owner. The decision as to the approval of the requested modification or the payment of a fee in lieu thereof shall be made by the Board of Commissioners after recommendation by the Township staff.

4. All fees in lieu of strict compliance with SLDO requirements shall be communicated to the owner/applicant who shall have the option to pay the recommended fees or to strictly comply with the requirements of the Radnor Township Subdivision and Land Development Ordinance.

5. There is hereby created a SLDO Capital Improvement Fund into which all contributions and fees in lieu of improvements/compliance shall be paid and which shall be dedicated to the following purposes unless approved otherwise by the Board of Commissioners:

- a) Capital Improvement including, streets, curbs, sidewalks, trails, or other public works.
- b) Emergency Services capital improvements.

6. Nothing contained herein shall require the Commissioners to accept or approve a contribution in lieu of improvements or SLDO compliance for any development or to grant any SLDO waivers unless in conformance with the MPC or this Resolution.

SO RESOLVED, at a duly convened meeting of the Board of Commissioners conducted on this _____ day of _____, 2020.

RADNOR TOWNSHIP BOARD OF COMMISSIONERS

By: 
Name: Jack Larkin, Esq.
Title: President

ATTEST: 