

**AN ORDINANCE
NO. _____**

AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 135, Subdivision And Land Development Article XI Entitled “Impact Fees”; To Provide For The Creation Of A City Avenue Transportation Service Area And To Provide An Impact Fee for the City Avenue Transportation Service Area.

WHEREAS, the Township of Lower Merion (the “Township”) has experienced considerable growth in the form of residential and commercial development in recent years; and

WHEREAS, it is anticipated that such development will continue; and

WHEREAS, it is anticipated that such future development will create an impact upon the transportation facilities within certain districts of the Township; and

WHEREAS, the Township Board of Commissioners is required to keep all roads open, in repair and usable for the safe and convenient travel by the public, and

WHEREAS, fulfillment of the above duty by the Township Board of Commissioners will entail a cost directly attributable to the impact of new development; and

WHEREAS, the Township Board of Commissioners is empowered by law to impose all or a portion of said cost upon new development in the form of an “impact fee” and finds it to be in the public interest to do so; and

WHEREAS, the amount of the “impact fee” to be imposed shall be determined, as authorized by the Pennsylvania Municipalities Planning Code, Article V-A, by allocating the cost of the additional transportation improvements needed to meet such minimum safety and capacity standards, which improvements shall be identified in a capital improvements program, considering the projected growth and development in this transportation service area; and

WHEREAS, the Township has previously adopted the Trip Generation Manual published by the Institute of Transportation Engineers, ~~which generally establishes the afternoon commuter peak-hour as the highest generator of traffic associated with new development,~~ and the traffic engineer has confirmed that due to the uses in this area an afternoon commuter peak-hour is appropriate to use for calculating the traffic impact fee; and

WHEREAS, the Township hereby finds and declares that an “impact fee” shall be imposed upon new trips generated in the afternoon commuter peak-hour for residential and non-residential development in order to assist in the financing of specified major transportation capacity improvements in the designated transportation service area, the demand for which is uniquely created by such development. is in the best interest of the

Township and its residents, is equitable, and does not impose an unfair burden on such development.

WHEREAS, on March 17, 2010 the Board of Commissioners adopted a resolution creating a Transportation Services Area Advisory Committee (“TSAAC”) and described the geographical area for which the TSAAC developed the land use assumptions report and conducted the roadway sufficiency analysis; and

WHEREAS, the Township gave notice of its intention to adopt an impact fee ordinance by publishing a statement of such intention on April 1, 2010 and April 8, 2010 in the Main Line Times, so that the impact fee ordinance may have retroactive application for a period not to exceed 18 months after the adoption of the resolution creating the TSAAC;

NOW, THEREFORE, in consideration of the foregoing, the Board of Commissioners of the Township of Lower Merion hereby ordains:

Section 1. The Code of the Township of Lower Merion, Chapter 135, Subdivision and Land Development, Article XI, Impact Fees, §135-64, Establishment of transportation service areas, subsection A shall be amended by the addition of a new City Avenue Transportation Service Area as follows:

Article XI. Impact Fees

§135-64 Establishment of transportation service areas

- A. Transportation service areas as established herein are shown on the Transportation Service Area Map to be maintained by the Building and Planning Department and described as follows: ~~The Rock Hill Road Transportation Service Area is hereby established, to include the following properties: All properties fronting on Rock Hill Road from Conshohocken State Road to Belmont Avenue; all properties fronting on Belmont Avenue from Rock Hill Road to the Schuylkill Expressway; all properties fronting on Old Belmont Avenue from Belmont Avenue to Jefferson Street.~~

(1) The Rock Hill Road Transportation Service Area is hereby established, to include the following properties: All properties fronting on Rock Hill Road from Conshohocken State Road to Belmont Avenue; all properties fronting on Belmont Avenue from Rock Hill Road to the Schuylkill Expressway; all properties fronting on Old Belmont Avenue from Belmont Avenue to Jefferson Street.

(2) The City Avenue Transportation Service Area is hereby established, to include the following properties: All properties fronting on City Avenue from Orchard Way to the Schuylkill

Expressway, Bala Avenue from City Avenue to Montgomery Avenue, St. Asaphs Road, Belmont Avenue from City Avenue to Righters Ferry Road, Righters Ferry Road from Belmont Avenue to Monument Road, Monument Road from City Avenue to Righters Ferry Road, and Presidential Boulevard from Monument Road to City Avenue.

Section 2. The Code of the Township of Lower Merion, Chapter 135, Subdivision and Land Development, Article XI, Impact Fees, §135-74, Establishment of per trip cost, shall be amended by the addition of a new subsection B establishing a per trip cost for the City Avenue Transportation Service Area as follows:

Article XI. Impact Fees

§135-74 Establishment of per trip cost.

The per trip cost for transportation service areas shall be as follows:

B. City Avenue Transportation Service Area:

(1) ~~\$1,544~~~~\$1,400~~—\$1,800 per afternoon peak hour trip.

(2) \$1,000 per afternoon peak hour trip for any land development or subdivision application submitted between April 1, 2010 and the effective date of this ordinance.

Approved by the Board of Commissioners of the Township of Lower Merion this ____ day of ~~July~~~~September~~ 2011.

TOWNSHIP OF LOWER MERION

By: _____
Elizabeth S. Rogan, President

Attest:

Eileen Trainer, Secretary