

ORDINANCE 2021-01

AN ORDINANCE OF THE TOWNSHIP OF HALFMOON, CENTRE COUNTY, PENNSYLVANIA, AMENDING THE PARKLAND DEDICATION/FEE-IN-LIEU ORDINANCE AND TO PROVIDE FOR FUTURE TOWNSHIP PARKLAND AN RECREATIONAL IMPROVEMENTS AND REGULATIONS FOR DEDICATIONS AND FEES.

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors as follows:

§166-1 Introduction

- A. This section shall apply to all subdivision and/or land development plans.
- B. It is the Township's option to require the public dedication of land suitable for the use intended or, upon agreement with the applicant or developer, the construction of recreational facilities, the payment of fee-in-lieu, the private reservation of the land, or a combination thereof, for park or recreational purposes as a condition precedent to final plan approval. The purpose of this section is to ensure that adequate parkland areas are provided to meet the needs of the present and future residents of Halfmoon Township.

§166-2 Amount of Land Dedication Required

- A. For any residential subdivision and/or land development plan, the amount of required parkland to be dedicated to Halfmoon Township as a condition of final plan approval shall be 0.05 acres (2,178 square feet) per dwelling unit proposed.
- B. For any non-residential subdivision and/or land development plan, the amount of required parkland to be dedicated to Halfmoon Township as a condition of final plan approval shall be TEN PERCENT (10%) of gross land area.

§166-3 Land Dedication Criteria

The Halfmoon Township Board of Supervisors, upon recommendation from the Halfmoon Township staff, the Township Engineer, Centre Region Planning Agency, and Halfmoon Township Planning Commission shall determine if the land is acceptable for dedication based on the adopted recreation plan and other relevant criteria, including but not limited to the following:

- A. GENERAL DESIGN. Areas shall generally be designed as neighborhood parks or natural areas which provide recreational opportunities for the residents within the subdivision or in close proximity.
- B. ACCESS. The dedicated land shall be accessible from a public street or shall adjoin and become a part of an already existing public park which is accessible from a public street and has a point of ingress and egress. The width of the frontage shall be a minimum length deemed necessary by the municipality for access, visibility of the site and public safety. Depending upon the dedicated land size or shape, it may be necessary to provide access from an additional public street, as deemed by the Board of Supervisors.

- C. SHAPE AND SLOPE. The majority (51% or greater) of the dedicated land shall have a lot length to width ratio no greater than 2.5 to 1. Steep slopes, floodplains and drainage ways may not be used for dedicated land unless approved in advance by the Halfmoon Township Board of Supervisors. Yards, court areas, setback and any other area required by zoning or other regulations are not to be included as a part of the land to be dedicated.
- D. FLOODPLAIN. Dedicated land may be located within a floodplain if its proposed use is acceptable to the Halfmoon Township Board of Supervisors. The developer must obtain certification that property to be dedicated does not include wetlands unless the proposed use is parkland with no proposed improvements. The developer must also provide sufficient justification for its proposed use to obtain Board of Supervisors approval.
- E. STORMWATER MANAGEMENT FACILITIES. Stormwater basins shall not be considered as acceptable parkland nor shall any credit be given for the stormwater basin land toward any required parkland requirement.
- F. PEDESTRIAN AND BICYCLE PATHS. Improved pedestrian and bicycle paths may be accepted as parkland, if they meet all of the following conditions:
1. The minimum width of the right-of-way or easement shall be 20 feet.
 2. The pedestrian and bicycle paths have a logical beginning and ending point, which provides an appropriate means of access to either a park or other facilities that residents are likely to use.
 3. The cost of improving the pedestrian or bicycle path is provided by the developer in order to accommodate its intended use. This shall not be considered as a credit towards a fee-in-lieu of land dedication. This requirement is necessary since the dedication of narrow strips of land has relatively little value compared to a larger parcel.
 4. The provisions of Section 166-3 (C), Shape and slope, are still met by the development.
- G. TRAILS OR LINEAR PARKS. The municipality may accept the dedication of linear trails or parks if they connect to existing trails and meet the following criteria:
1. Actual dedications of land shall have an average width of at least 75 feet.
 2. The trail or linear park shall conform to any applicable municipal master park, any county-wide or regional trail and recreation master plan, and appropriate Municipal and County Comprehensive Plans.
 3. The cost of improving a trail or walkway is provided by the developer in order to accommodate its intended use. This shall not be considered a credit towards a fee-in-

lieu of land dedication. This requirement is necessary since the dedication of narrow strips of land has relatively little value compared to a larger parcel.

- H. UTILITIES. The majority of dedicated land shall be accessible to electric, water and sewer utilities. No above ground utilities shall be placed on the parkland unless they are specific to the utilities of the parkland. If any of these facilities are placed underground, no part of them and their supportive equipment shall protrude above ground level.

§166-4 Unity

- A. It is desirable for the parkland to be in several well-placed, adequately sized areas within the Township, so that they can accommodate the anticipated uses. The adopted park plan shall have existing parks inventoried and categorized so that future park sites can be located to adequately meet the needs of future residents. The service areas of the existing and future park sites will be determined by amenities provided, access, population, and physical and man-made barriers. If it is determined that the land proposed for dedication is acceptable, the Township may officially accept the land at the time of final approval of the development plan or at the time the roads are offered for dedication. The Township or its designee shall be responsible for maintaining all dedicated and accepted areas.
- B. If it is determined that there is not land suitable for dedication or that the subdivision is too small to allow for a suitable amount of land for dedication or that it is not practical to dedicate land or that there already exists an adequate amount of parkland or the Board of Supervisors and developer agree prior to plan approval, then a fee-in-lieu of land dedication may be offered by the developer.

§166-5 Fee-in-lieu of land dedication.

After receiving the recommendations of the Township staff, Centre Region Planning Agency, and Halfmoon Township Planning Commission, the Halfmoon Township Board of Supervisors may determine that a fee-in-lieu would be more beneficial to the Township residents than a land dedicated for parkland. The following procedure shall be observed in determining the fee:

- A. Applicants or developers of residential properties shall pay NINETY PERCENT (90%) of the after-development fair market value of the amount of land which must be dedicated pursuant to the formula set forth in paragraph hereof. The after-development fair market value shall be the value of all lands included in the application. Said value shall be determined by a land appraisal from a certified appraiser. Said appraisal shall be at the expense of the applicant or developer and submitted as a requirement of preliminary plan approval. The governing body shall have the right to reject said appraisal and select another appraiser who shall then submit an appraisal determining the after-development fair market value and the fee to be paid. The cost of this appraisal shall be paid by the applicant or developer; or,

- B. The applicant or developer may, at their option, elect to not submit an appraisal as set forth in the preceding subparagraph. In such an event, the fee to be paid in lieu of land dedication shall be determined on the basis of the number of dwelling units proposed in the application for residential developments and disturbed acres for non-residential developments. The fee shall be in the amount of ONE THOUSAND (\$1,000.00) dollars per dwelling unit for residential developments or ONE THOUSAND (\$1,000.00) dollars per disturbed acre for non-residential plans. Minimum applicable fee in lieu is not to be less than ONE THOUSAND (\$1,000.00) dollars. This per dwelling and disturbed acre amount, may from time-to-time, be changed by resolution of the governing body.
- C. As part of the plan application and review process, the developer shall supply in writing to the Township Manager, a letter stating if a fee-in-lieu would be desired.
- D. The fee shall be deposited into a separate interest-bearing account identifying the specific development that contributed the funds. The funds may be used for the purpose of providing, acquiring, operating, or maintaining park or recreational facilities reasonably accessible to the contributing development. The fee shall be due from the developer upon Township approval of the final subdivision or land development plan for the initial phase of the development. The Township shall return the fee, upon request of any developer who paid the fee, if the Township has failed to utilize the fee for the purposes set forth above within a period of three years of the date the fee was paid.

§166-6 Note on Plan

If land is to be offered for public dedication, the subdivider or developer shall place a note on each subdivision or land development plan which is subject to the section as follows:

The land shown on this plan as "parkland" consisting of _____ acres, shall be deeded to Halfmoon Township by a deed of general warranty, free and clear of all liens and encumbrances, and at a date no later than the date of dedication of the streets shown on this land development/subdivision plan. Said land shall be available for Halfmoon Township use consistent with its ordinances and regulations with no restriction, except that the purpose of the conveyance shall be for the public park and recreation uses. It shall be used for such purposes, and Halfmoon Township may also, in its sole discretion, sell this land, provided that the proceeds of such sale are specifically restricted for use for public park and recreation purposes in connection with a continuing program for such purposes in Halfmoon Township or in connection with existing park facilities and obtain additional park facilities in Halfmoon Township.

§166-7 Severability

In the event that any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause,

or part of this Ordinance or other ordinances affected by this Ordinance, it being the intent of the Board of Supervisors that such remainder shall remain in full force and effect.

§166-8 Repealer


All other ordinances or parts of ordinances inconsistent with any of the provisions of this Ordinance, including but not limited to Ordinances No. 2009-03, are hereby repealed insofar as they are inconsistent with the powers, duties, and responsibilities enacted hereby.

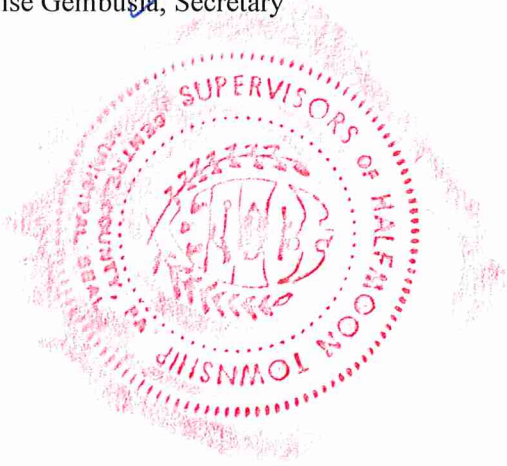
ENACTED AND ORDAINED by the Board of Supervisors of Halfmoon Township this 22nd day of April 2021, at a meeting duly and legally held at which a quorum was present.

**TOWNSHIP OF HALFMOON
BOARD OF SUPERVISORS:**

ATTEST:

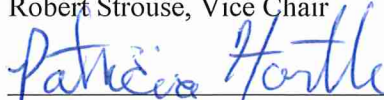
[SEAL]


Denise Gembusia, Secretary





Danelle Del Corso, Chair


Robert Strouse, Vice Chair


Patricia Hartle


David Piper


Charles Beck