

OFFICIAL

TOWNSHIP OF MOON  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE TOWNSHIP OF MOON,  
ALLEGHENY COUNTY, PENNSYLVANIA,  
AMENDING CHAPTER 188 OF THE MOON  
TOWNSHIP CODE, SUBDIVISION AND LAND  
DEVELOPMENT, TO ESTABLISH IMPACT  
REGULATIONS, MANDATORY LAND DEDICATION  
REQUIREMENTS AND FEE IN LIEU THEREOF .

WHEREAS, The Township of Moon, on February 14, 2001, adopted a Comprehensive Plan, entitled “Moon Township Comprehensive Plan”; and

WHEREAS, The Township of Moon has adopted a Comprehensive Parks, Recreation and Open Space Plan which makes recommendations for future development of recreational facilities; and

WHEREAS, the Municipalities Planning Code (MPC), 53 P.S. §10101 *et seq.*, authorizes the Township of Moon (the “Township”) to regulate subdivision and land development in the Township; and

WHEREAS, Chapter 188 of the Moon Township Code, Subdivision and Land Development, regulates subdivision and development in the Township; and

WHEREAS, the Board of Supervisors of the Township desires to amend Chapter 188 of the Moon Township Code, Subdivision and Land Development, to establish impact regulations, mandatory land dedication requirements and fee in lieu thereof.

NOW, THEREFORE, the Board of Supervisors of the Township of Moon hereby ordains and enacts as follows, incorporating the above recitals by reference:

SECTION 1. Section 188-106.B. of Chapter 188 of the Moon Township Code, Subdivision and Land Development, is amended as follows by inserting the underlined text

ACTIVE RECREATION -- Baseball/Softball fields, tennis courts, basketball courts, play grounds, and other similar facilities which offer the ability to play an active sport and constructed in conformance with natural standards including those of the National Recreation and Parks Administration.

RECREATION CAPITOL IMPROVEMENTS PROGRAMS -- A capital improvement program used to guide the allocation of land to be developed or funds received in lieu of mandatory land dedication, said plan being included

in the Comprehensive Parks, Recreation, and Open Space Plan, as amended from time to time by the Township.

RECREATION SERVICE AREA -- The service radius of existing of proposed Township parks and recreation facilities as defined by National Recreation and Parks Administration Standards as outlined in Table 2 of this ordinance.

**SECTION 2.** A new Section 188-514 of Chapter 188 of the Moon Township Code, Subdivision and Land Development, is added by inserting the following ordinance language:

**§188-514. Impact Regulations, Mandatory Land Dedication Requirements and Fee in Lieu Thereof.**

- A. The provisions and requirements of this section shall apply to all Minor and Major Land Developments which would, upon build-out, result in the creation of three (3) or more dwelling units.
- B. The DEVELOPER shall dedicate land be to used for purposes of recreation and open space at a per unit amount as specified in §188-514 N. (1) of this ordinance.
- C. Land offered for dedication shall meet the following criteria:
  - (1). The land shall be physically and legally accessible to all residents of the proposed DEVELOPMENT. The land may be an integrated part of the DEVELOPMENT; within the recreational service area of the DEVELOPMENT. The land, with the approval of the Board of Supervisors, may be land provided for use by all residents of the Township. Said land shall be centrally located and dedicated for the purpose of a community center or similar centralized recreational function as recommended by the Comprehensive Parks, Recreation and Open Space Plan.
  - (2) No more than 25% of the land offered for dedication shall be a Sensitive Natural Resource, as listed in section 208-301 of the Zoning Ordinance.
  - (3) No more than 50% of the land offered for dedication may possess more than 5% slope.
  - (4) At least 50% of the land offered for dedication shall be developed as active recreation with at lease two types of active recreational opportunities offered. The active recreation areas must be graded to avoid any drainage problems. Additional facilities may be required by the Board of Supervisors. The Board shall apply national standards including those of the National Recreation and Parks Administration to determine the needs of the assumed population of new developments and shall require

corresponding facilities accordingly.

- (5) All playing fields and associated structures shall be set back at least 30 feet from all property lines.
  - (6) A trail system, if accepted by the Township Board of Supervisors, may substitute for one of the required active recreation types.
  - (7) Land offered for dedication shall, where possible be situated such that the parcel abuts adjacent open space and recreational facilities thus creating an integrated network of open space, trails, and recreational areas.
  - (8) Land offered for dedication shall possess the required FRONTAGE along a PUBLIC STREET, per the Zoning Ordinance, in the District in which the PLAN is located.
  - (9) The minimum total acreage of contiguous tracts of land to be offered shall be equal to the minimum lot size, per the Zoning Ordinance, in the District in which the PLAN is located
- D. The Township incorporates all rights granted in Section 705 (f) of the Municipalities Planning Code regarding the maintenance of common open space including the right of the Township to maintain property which the owner of homeowner's association fails to maintain and to file liens against all properties having an interest in said association.
- E. The dedication of land to the Township shall be a general warranty deed. In lieu thereof, the Township Board of Supervisors, at its discretion, may require the creation of a homeowners' association or similar entity charged with the maintenance of the facility. The Board of Supervisors may also grant the DEVELOPER permission to retain ownership. In all cases, ownership by any entity other than the Township shall require deed restrictions, requiring the maintenance of the approved facilities on the SITE. The Township shall be a party to an agreement providing for the enforcement of the aforesaid restrictions.
- F. The DEVELOPER may pay a fee in lieu of land dedication at a per unit amount as specified in §188-514 N. (2) of this ordinance.
- G. The fee in lieu paid by the DEVELOPER shall be offered in the form of cash, bond, cashier's or certified check, or held in an escrow account payable upon FINAL APPROVAL of a PLAN. Payment of said funds shall be a condition of FINAL APPROVAL of the PLAN and its release for recordation. In lieu of payment as a condition of FINAL APPROVAL, the DEVELOPER may elect to place a note on the PLAN which states that the issuance of a building permit for each LOT or dwelling unit is conditioned upon the payment of the

fee in lieu amount specified in this ordinance at the time of FINAL APPROVAL.

- H. All such fees collected shall, upon receipt by the Township, be deposited in an interest-bearing account, clearly identifying the specific recreation facilities for which the fee was received. Interest earned on such accounts shall become funds of that account. Funds from such accounts shall be expended only in properly allocable portions of the costs incurred to construct the specific recreational facilities for which the funds were collected.
- I. Upon request of any persons who paid any fees under this subsection, the Township shall refund such fee, plus interest accumulated thereon from the date of payment, if the Township had failed to utilize the fee paid for the purposes set forth in this section within three years from the date such fee was paid.
- J. Use of Fees Collected. The Township shall use fees collected within the recreation service area from which funds were collected for the purpose of purchasing land or constructing or purchasing any equipment, structures, courts, fields or other recreational facilities. All improvements or purchases shall be associated with facilities accessible to the residents of the DEVELOPMENT. Fees collected may also be used for facilities accessible and designed for use by all residents of the Township. Said facilities shall be centrally located and dedicated for the purpose of a community center or similar centralized recreational function as recommended by the Comprehensive Parks, Recreation and Open Space Plan.
- K. The allocation of all fees collected shall be based upon recommendations of the Comprehensive Parks, Recreation and Open Space Plan as well as the Recreational Capital Improvements Program.
- L. The DEVELOPER may offer, in lieu of both land dedication requirements and associated fees in lieu thereof, to pay for 75% of the required fee to be deposited in an interest bearing account for the purpose of repairing or upgrading existing equipment noted in the Comprehensive Parks, Recreation and Open Space Plan as in need of improvement. Said funds may only be used for equipment repair and upgrades in public parks in the recreational planning area in which the associated PLAN is proposed. The decision of accepting the offer of such funds rests solely with the Board of Supervisors based on current needs and recommendations from the Comprehensive Parks, Recreation and Open Space Plan as well as the Recreation Capitol Improvements Program.
- M. Exemptions. The following are exempt form the mandatory land dedication requirements of this section.

(1) Group Residence and Group Care Facilities as defined in the Zoning

Ordinance.

N. Calculation of Mandatory Land Dedication and Fee in Lieu Thereof:

- (1) Land dedication required by dwelling units shall be .024 acres per dwelling unit.
- (2) Fee in lieu of land required by dwelling units shall be calculated as follows: \$15,000 (estimated fair market value per acre) x .024 acres per unit + \$200.00 per unit (assessed for improvements to public park lands) = \$560.00 (fee per unit)

O. Recreation Service Areas. Table 2 shall define the radius of existing and proposed parks and recreation facilities based on their size and usage.

Table 2

Park Classification	Definition	Facilities	Min. Size	Service Area Radius	Acreage Req'mt per 1,000 Pop.
			acres	mile	acres
Neighborhood	walk to park; intense recreational activities; 100% developed	playfields, playgrounds, tot lots, multi-purpose handcourts, recreational center, picnicking	.25-5	0.5	2.0
Community	drive to park, intense recreational activities; max. 80% developed	same as neighborhood plus swimming pool, lit playfields and single-use handcourts, multipurpose building, community center	20	3	2.0
Metropolitan	drive to park; primarily resource based activities with some intense recreational activities; max. 40% developed	water resource-oriented, unlit playfields, playgrounds, picnicking, hiking/biking/walking trails, nature center, amphitheater, group camping, swimming beaches, boating areas	100	12	5.0
Regional	drive to park; natural areas with some resource based activities; max. 20% developed	water resource-oriented, conservation areas (flood control/management), beaches, nature study, group camping, rustic areas, bridal trails, picnicking	250	30	20.0
Preserve	lands dedicated to the preservation of natural resources and wildlife management	hunting areas and general open space	250	25	NA
Special Activity	specialized recreational facilities	arboreta, historical sites, sports complexes, golf courses and trails	NA	NA	NA

SECTION 3. Any and all prior Ordinances are hereby repealed in whole or in part to the extent inconsistent herewith.

SECTION 4. This Ordinance shall take effect in accordance with applicable law.

ORDAINED and ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by the Board of Supervisors of the Township of Moon in lawful session duly assembled.

ATTEST:

TOWNSHIP OF MOON

\_\_\_\_\_  
Gregory G. Smith  
Township Manager

By: \_\_\_\_\_  
Alexander J. Ropelewski  
Chairman, Board of Supervisors

(SEAL)