

**COLLEGE TOWNSHIP
CENTRE COUNTY, PENNSYLVANIA**

ORDINANCE NO. O-22-04

PROPOSED ORDINANCE TO IMPLEMENT THE RECOMMENDATIONS SET FORTH IN THE PEDESTRIAN FACILITIES MASTER PLAN BY AMENDING CHAPTER 180 – SUBDIVISION AND LAND DEVELOPMENT TO UPDATE: 1) SECTION 180-16.F. SPECIAL STREETS TO INCLUDE CUL-DE-SAC CONNECTIONS; 2) SECTION 180.16.1. SIDEWALKS REGULATIONS PERTAINING TO WAIVERS, DEFERRALS, AND FEE-IN-LIEU OF PEDESTRIAN FACILITIES; AND 3) CHAPTER A203 SCHEDULE OF FEES TO ESTABLISH APPROPRIATE FEES AS A PAYMENT IN LIEU OF PEDESTRIAN FACILITIES.

Bold Italics = addition

BE IT RESOLVED AND ORDAINED, by the College Township Council, Centre County, Pennsylvania and the authority of the same, does hereby adopt, made this 15th day of December, 2022, by amending the Code of the Township of College, Pennsylvania with the amendment of Chapter 180 Subdivision and Land Development as follows:

SECTION 1 – SPECIAL STREETS

Amend §180-16.F.(2) to include:

- (f) *Cul-de-sac connections that link to a park, school, adjacent neighborhood, pedestrian or bicycle facility, shall be a priority for future connection in the Township, therefore, when a cul-de-sac is proposed as part of a subdivision of land development plan, said cul-de-sac shall have a right-of-way, linkage, and/or cut-through easement at the terminus of the cul-de-sac.*

SECTION 2 – SIDEWALKS

Repeal and replace section 180.16.1 with the following:

§180.16.1 Sidewalks:

It is the intent of College Township to provide an interconnected, continuous, and well-maintained network of sidewalks, shared-use paths, and other related facilities that provide all users, regardless of age and ability, with safe and efficient access to numerous key destinations throughout College Township and the Centre Region.

A. *General. Sidewalks shall be required to be included in a subdivision or land development plan as follows:*

- (1) *All new streets proposed in a land development or subdivision plan shall include sidewalks along both sides of the streets.*

- (2) *All new subdivisions or land developments located adjacent to an existing street(s). A sidewalk shall be required along the side(s) of the street(s) which the proposed subdivision or land development abuts where there currently is no sidewalk(s).*
- (3) *All nonresidential, townhome and multifamily residential uses shall provide a separate system of sidewalks connecting the primary building entrance(s) to other primary buildings' entrance(s) and to the nearest public sidewalk abutting the development.*

B. Exemptions. The following shall be exempt from the provisions of § 180-16.1A:

- (1) *Development reviewed pursuant to § 200-50, Residential site plan review, shall be exempt from the requirements contained herein unless required as part of a subdivision or land development approved pursuant to Chapter 180, Subdivision of Land, prior to the adoption of this section.*
- (2) *Development within the Village Center District shall provide sidewalks pursuant to § 200-40E, Sidewalks and parking lot requirements for Village Center District.*
- (3) *Development reviewed pursuant to § 200-38.4.B.f is eligible for a reduction of sidewalks as an incentive for development of workforce housing.*

C. Alternatives. Where a land development or subdivision plan is requesting a waiver from the requirements contained within this section, alternatives shall be considered, such as alternate pedestrian routes, different widths or building material before Council can consider granting a waiver pursuant to above.

D. Fee-in-lieu of Pedestrian Facilities. In instances where pedestrian facilities are not proposed, but are required by the Ordinance, payment of a pedestrian facility fee-in-lieu is an option if a facility meets the following criteria:

- (1) *The construction of pedestrian facilities is proven to be a hardship on the developer, and;*
- (2) *All reasonable alternatives for inclusion of the required pedestrian facilities are exhausted, and;*
- (3) *The Township Engineer has determined that the project is cost prohibitive.*
- (4) *The following criteria shall be submitted for review:*
 - (a) *Engineered drawing(s);*
 - (b) *Estimated pedestrian facility construction costs and;*
 - (c) *A map indicating the distance to nearest existing/planned facility.*

E. Deferral. *A deferral offers an option to delay construction of a required pedestrian facility for a set amount of time, or until some other factor triggers the need for construction. In order to request a deferral of a sidewalk, the following four (4) shall apply:*

- (1) Sidewalks are required under the SALDO;*
- (2) Justification is provided as to why the installation of pedestrian facilities may be a hardship at the time of initial land development;*
- (3) No alternatives are acceptable;*
- (4) Cost prohibitive formula is applied, but the project is deemed not cost prohibitive;*

In the case where a deferral is warranted, recommended by the Planning Commission and approved by Council, the following three (3) shall apply:

- (5) Unless otherwise recommended, a deferral shall not be more than two (2) years;*
- (6) Final conditions of deferral are determined by staff, recommended by the Planning Commission and approved by Council;*
- (7) Notes outlining the final deferral conditions are added to the proposed land development/subdivision plan and recorded upon approval.*

F. Waiver. *Upon request by a developer, Council may consider waiving the requirements for construction, whether immediate or deferred, of a required pedestrian facility or the payment of a fee-in-lieu of pedestrian facilities. Council will only consider granting a waiver when one or more of the following conditions apply:*

- (1) The subdivision or land development is outside of the Regional Growth Boundary/Sewer Service Area (RGB/SSA) as shown in the 2000 Centre Region Comprehensive Plan as subsequently amended.*
- (2) The subdivision or land development is within a single-family residential neighborhood where no other sidewalks exist.*
- (3) The facility has been determined to be Technically Infeasible by the Township Engineer pursuant to the process described in Section §180.16.1.G.*
- (4) The provisions of sidewalks will create an undue hardship pursuant to Section §180-15.*
- (5) The proposed facility scores seven (7) or less on the Project Prioritization Matrix.*

G. Technically Infeasible Facility. *If options for alternatives as described in Section §180.16.1.C have been exhausted, a developer may request that the Township declare a proposed facility technically infeasible for considerations including, but not limited to, the following:*

- (1) Adverse topography.*
- (2) Environmentally sensitive features such as existing vegetation, bodies of water, wetlands and/or floodplains.*

- (3) *Man-made limitations such as overhead utilities, street lighting, traffic signal poles, underground utilities, conflicting structures, and stormwater facilities.*

To request a technically infeasible determination, the developer must submit a Technically Infeasible Waiver Request (TIWR) including the following elements:

- (1) *Cover letter addressed to Township Council;*
- (2) *Waiver request justification report signed and sealed by a Professional Engineer or Architect;*
- (3) *Cost estimate of modifications required to construct the facility per ordinance requirements;*
- (4) *Hardship justification pursuant to Section 180-15.*

Determination of technical infeasibility will be made by the College Township Engineer upon review of proposed alternative options, the completed TIWR and completion of a site inspection, if required.

SECTION 3 - FEES AND PENALTIES

Amend Chapter A203 Fees and Penalties to include:

§A203-26: Pursuant to §180.16.1.A the consideration of a fee-in-lieu of pedestrian facilities must represent a reasonable return that would cover the true costs for the Township to develop a comparable facility. The fee schedule, set forth by resolution may be reviewed and revised periodically. The following fees shall be applied when calculating costs:

- A. *\$80 per square yard – facility construction*
- B. *\$10 per square yard – incidentals (drainage, tree root guards)*
- C. *\$1,000 per ADA ramp, in addition to the square yard cost*

SECTION 4 – REFERENCES

Add the following references to Chapter 200 Zoning and 200–38.4.B.f. Workforce Housing:
Chapter 180 – Subdivision and Land Development (Reference to 180-16.F.(2), 180.16, 180.16.1)

SECTION 5 – SEVERABILITY

If any sentence or clause, section, or part of this ordinance is found to be unconstitutional, illegal or invalid, such findings shall not affect or impair any of the remaining parts of this ordinance. It is hereby declared to be the intent that this ordinance would have been adopted had such part not been included.

SECTION 6 – EFFECTIVE DATE

This ordinance shall take effect five (5) days after enactment.

ENACTED AND ORDAINED, this 15th day of December, 2022, by the College Township Council, Centre County, Pennsylvania.

ATTEST:

COLLEGE TOWNSHIP COUNCIL:

D. Richard Francke

D. Richard Francke, Council Chair

Adam T. Brumbaugh

Adam T. Brumbaugh, Manager/Secretary