

**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 17<sup>th</sup> day of November, 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 § 200-28.4.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 grant 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, 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 pedestrian facility, 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;*
- (3) No alternatives are acceptable;*
- (4) Cost prohibitive formula is applied, but the project is deemed not cost prohibitive;*

*In the case 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 a 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:** *Council may waive the requirements for sidewalks contained above if it determines in the following circumstances that the amount of pedestrian traffic will be minimal, the provisions of sidewalks will create an undue hardship and/or the provisions of sidewalks will change the rural character of the area proposed for development:*

- (1) A subdivision or land development is outside of the Regional Growth Boundary 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 subdivision or land development has topographic, environmentally sensitive features, such as existing vegetation, wetlands, or floodplains and/or man-made limitations.*
- (4) Waivers shall only be considered if fee-in-lieu and deferral options exhausted. At least one of the following factors shall apply:*
  - (a) The College Township Engineer concurs that the construction of the proposed facility is technically infeasible and all alternate alignment options have been exhausted. Submit a Technically Infeasible Waiver Request to the Township for consideration; conditions considered include adverse topology, overhead utilities, street lighting, traffic signal poles, underground utilities, conflicting structures,*

*bodies of water and storm water facilities. Requirements of the Technically Infeasible Waiver Request (TIWR) shall include:*

- (i) Cover letter addressed to Township Council;*
  - (ii) Waiver request justification report signed and sealed by a Professional Engineer or Architect;*
  - (iii) Cost estimate of modifications required to construct the facility per ordinance requirements;*
  - (iv) Hardship justification pursuant to Section 180-15.*
- (b) The proposed facility scores seven (7) or less on the Project Prioritization Matrix.*
- (c) The proposed facility is on a parcel located outside of the Regional Growth Boundary/Sewer Service Area (RGB/SSA) and provides no or redundant connectivity to the existing or proposed network within the RGB/SSA.*

### **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 17<sup>th</sup> day of November, 2022, by the College Township Council, Centre County, Pennsylvania.

**ATTEST:**

**COLLEGE TOWNSHIP COUNCIL:**

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Adam T. Brumbaugh, Manager/Secretary

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D. Richard Franke, Council Chair