
ORDINANCE 789

BE IT ENACTED AND ORDAINED by the Board of Commissioners of Upper Allen Township, Cumberland County, Pennsylvania, and it is hereby enacted and ordained by authority of the same as follows:

SECTION 1: The Code of Upper Allen Township, Chapter 220 (Subdivision Land Development), Section 220-16 (Curbs, sidewalks and vehicular parking facilities), Subsection A. shall be and is hereby amended as follows:

(2) Curbs shall be provided along all existing Township and/or state roads that adjoin any portion of any subdivision and/or land development. Lot add-on subdivision plans, as set forth in § 220-5.A(1) of this chapter, shall be exempt from this section if no curbs exist adjacent to the lots to be subdivided or are not logical extensions of or links to other existing or proposed curbs.

SECTION 2: The Code of Upper Allen Township, Chapter 220 (Subdivision Land Development), Section 220-16 (Curbs, sidewalks and vehicular parking facilities), Subsection B.(3) shall be and is hereby amended as follows:

(3) Sidewalks shall be provided along all existing Township and/or state roads that adjoin any portion of any subdivision and/or land development, except for the following:

(a) Lot add-on subdivisions as set forth in § 220-5.A(1) of this chapter, if no sidewalks or trails exist adjacent to the lots to be subdivided or are not logical extensions of or links to other existing or proposed pedestrian facilities.

(b) Residential single-family detached lots with a required minimum lot frontage of 125 feet or greater as set forth in Chapter 245.1

(c) The subdivision of land into three lots or less, provided sidewalks or trails are not proposed, deferred, planned or existing along adjacent properties.

(d) A planned or existing trail in a greenway area as part of an approved Conservation Design Subdivision plan may satisfy this requirement.2

SECTION 3: The Code of Upper Allen Township, Chapter 220 (Subdivision Land Development), Section 220-16 (Curbs, sidewalks and vehicular parking facilities), Subsections B.(9) shall be and is hereby added as follows:

(9) Fee in lieu of installation of sidewalks.

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1 Editor’s Note: See Ch. 245, Zoning.
2 Editor’s Note: See Ch. 245, Zoning.
(a) The applicant may offer a fee in lieu of installation of required sidewalks when the Township determines that one or more of the following conditions exist:

[1] Sidewalks are scheduled to be installed as part of a Township, County, or State project that has been funded for construction.
[2] Where the District Executive of PennDOT recommends in writing that no sidewalk be constructed, and the Township agrees.
[3] The sidewalks are not logical extensions of or links to other existing or proposed pedestrian facilities.
[4] Where a combination of conditions exists (such as, but not limited to, topography, hazardous conditions, impacts in environmentally sensitive areas, or other conditions warranting same upon the recommendation of the Township Engineer) which make it impractical or not feasible to construct a sidewalk.
[5] The sidewalks are not a proposed feature as depicted in the Township's Comprehensive Plan or any Official Map as may have been adopted by the Township.

(b) Fees. The fee in lieu of the sidewalks shall not exceed 110% of the current cost of construction for said sidewalk. Construction cost estimates shall be submitted by an engineer and reviewed and approved by the Township.

(c) Payment of fees. The fee paid and contributed to the fund shall be paid upon approval of the subdivision or land development plan or any phase of section thereof. Payment of the required contribution shall be included as a condition of approval of such subdivision and land development plans.

(d) Use of Fees. All fees collected by the Township pursuant to these provisions shall be accounted for separately from other monies and placed in an interest-bearing account and shall be accounted for separately from the other Township funds. Interest earned on this account shall likewise be the funds of the Township. The Township shall maintain records indicating the source of the funds and the projects where the funds are expended. Such fees shall only be used in the following manner:

[1] For construction or expansion of sidewalks, trails, pedestrian accesses, or other facilities that are available to the public or located in a public right-of-way or easement.
[2] For design, engineering, acquisition of rights-of-way or easements and utility relocation associated with installation of facilities described above.

SECTION 4: All other ordinances and parts of ordinances inconsistent herewith are hereby repealed.
SECTION 5: The provisions of this Ordinance are severable and if any of its sections, clauses or sentences shall be held illegal, invalid or unconstitutional, such provision shall not affect or impair any other remaining sections, clauses or sentences of the same.

SECTION 6: This Ordinance shall take effect and be in force immediately upon enactment.

ENACTED AND ORDAINED, into an Ordinance this 6th day of November, 2019, by the Board of Commissioners of Upper Allen Township.

ENACTED AND ORDAINED this 6th day of November, 2019.

ATTEST:

[Signature]
(Assistant) Secretary

UPPER ALLEN TOWNSHIP

By: [Signature]
Kenneth M. Martin, President
Board of Commissioners