

## NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of Supervisors of the Township of Derry, Dauphin County, Pennsylvania, will conduct a public hearing on Tuesday, September 8, 2015, at 6:00 p.m., in the meeting room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA. The purpose of the hearing is to receive public comment regarding proposed Ordinance No. 669, which would amend Chapter 185 (Subdivision and Land Development), Article IV (Design and Construction Standards) §185-34 (Sidewalks, Walkways and Bicycle Paths) of the Code of the Township of Derry to make general revisions and to add a provision for a fee to be offered in lieu of sidewalk installation.

The proposed ordinance may be viewed at the Derry Township Department of Community Development, 600 Clearwater Road, Hershey, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, or online at [www.derrytownship.org](http://www.derrytownship.org) under 'Public Notices.' **(SEE BELOW)**

All interested parties are invited to attend.

Charles W. Emerick, Jr., Director of Community Development

**ORDINANCE NO. 669**

**AN ORDINANCE OF THE TOWNSHIP OF DERRY, DAUPHIN COUNTY, PENNSYLVANIA, AMENDING CHAPTER 185 (SUBDIVISION AND LAND DEVELOPMENT), ARTICLE IV (DESIGN AND CONSTRUCTION STANDARDS), §185-34 (SIDEWALKS, WALKWAYS AND BICYCLE PATHS) OF THE CODE OF THE TOWNSHIP OF DERRY TO MAKE GENERAL REVISIONS AND TO ADD A PROVISION FOR A FEE TO BE OFFERED IN LIEU OF SIDEWALK INSTALLATION**

**BE IT ENACTED AND ORDAINED** by the Board of Supervisors of the Township of Derry, Dauphin County, Pennsylvania, as follows:

**SECTION 1:** Chapter 185, Article IV, §185-34 of the Code of the Township of Derry is hereby amended and restated in its entirety as follows:

**§185-34. Sidewalks, pedestrian walkways, and bicycle paths.**

- A. Sidewalks. Sidewalks shall be constructed on both sides of new streets and on the adjacent sides of abutting streets.
- (1) Sidewalks shall be installed within the right-of-way of new and abutting streets, and shall be located 4 inches from the right-of-way line, except that sidewalk placement may be adjusted along existing abutting streets to maintain continuity with existing sidewalk, if deemed appropriate by the Township.
  - (2) All sidewalk construction shall be in accordance with the sidewalk specifications set forth in the Appendices of this chapter.
  - (3) Handicapped access curb cuts and ramps shall be provided at pedestrian crosswalks. These facilities shall be designed and installed in accordance with the Pennsylvania Department of Transportation Design Manual Part 2, Chapter 6, "Pedestrian Facilities," 2009, or as may be amended.
  - (4) Fee in lieu of installation of sidewalks.
    - (a) The applicant may propose (or 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] The potential impact to sensitive environmental features if sidewalks are installed outweighs the need for the sidewalks in that particular location.
  - [3] The sidewalks are not logical extensions of or links to other existing or proposed pedestrian facilities.
  - [4] The sidewalks are not a proposed feature as depicted within the Township's Comprehensive Plan or any Official Map as may be adopted by the Township.
- (b) The fee amount shall be determined by using RSMeans' Construction Cost Data, current quarter, regionally adjusted to Hershey, PA, Division 32, line item 320610100310 (Sidewalks, driveways, and patios, sidewalk, concrete, cast-in-place with 6 x 6 - W1.4 x W1.4 mesh, broomed finish, 3000 psi, 4" thick, excludes base) and line item 320610100450 (Sidewalks, driveways, and patios, sidewalks, concrete, excludes base, for 4" thick bank run gravel base) at standard union rates, based on bare costs without O&P or equivalent cost data information.
  - (c) The fee authorized under this article shall, upon its receipt by the Township, be deposited in an interest bearing account. The Township shall maintain records indicating the source of the funds and the projects where the funds are expended. Interest earned on the account shall become funds of that account. All fees collected by the Township pursuant to these provisions shall be utilized for Township sidewalks, pedestrian walkways, and other related pedestrian access purposes in a time period as determined by the Township.

B. Pedestrian walkways.

- (1) The Board of Supervisors may grant a waiver to allow pedestrian walkways as an alternative to sidewalks located within the street right-of-way, if the applicant can demonstrate that the alternate system of pedestrian walkways located outside the street right-of-way will provide for:
  - (a) Planned pedestrian systems or bicycle paths as depicted within the Township's Comprehensive Plan or any Official Map as may be adopted by the Township;
  - (b) Increased safety from vehicle conflicts;
  - (c) A more efficient path of pedestrian circulation;

- (d) Extensions or links to an existing pedestrian walkway or bicycle system; and/or
  - (e) Less disturbance of sensitive environmental features.
- (2) The pedestrian walkway system shall be constructed of concrete with a minimum width of 5 feet, or of asphalt with a minimum width of 8 feet. Concrete pedestrian walkways shall be constructed to the same specifications as set forth in this chapter for concrete sidewalks, and asphalt pedestrian walkways shall be constructed in accordance with the specifications for bicycle paths as set forth in §185-34.C of this article.
  - (3) Pedestrian walkway systems shall be located within a right-of-way having a minimum width of 20 feet. The right-of-way shall be recorded and shall state that it is for the purposes of ensuring the right of use of the pedestrian walkway by the general public and providing an adequate area for maintenance. The applicant shall also provide a recorded covenant that the property owner shall maintain the pedestrian walkway system in the same manner as prescribed for sidewalks in Chapter 179 (Streets and Sidewalks) of the Code of the Township of Derry.
  - (4) A pedestrian walkway system shall provide access to properties on the opposite side of the street. Access shall be provided at street intersections; however, if street intersections occur at intervals in excess of 800 feet, additional points of access may be provided so that pedestrian walkway intersections with streets occur at intervals not exceeding 800 feet.
  - (5) Handicapped access curb cuts and ramps shall be provided at pedestrian crosswalks to make the transition from street to pedestrian walkway easily negotiable for handicapped persons in wheelchairs and for other persons who may have difficulty in making the step up or down from curb level to street level. These facilities shall be designed and installed in accordance with the Pennsylvania Department of Transportation Design Manual, Part 2, Chapter 6, "Pedestrian Facilities," 2009, or as may be amended.
  - (6) The applicant shall propose and guarantee implementation of a reliable program acceptable to the Township for maintaining the pedestrian walkway system, including providing for ice and snow removal.
- C. Bicycle paths. The Township may also require the installation of bicycle paths where a development tract is located in such a manner that it can provide a connection to an existing bicycle path or will supplement a bicycle path that has been indicated on an Official Map; or in other circumstances

where available evidence indicates that such facilities would contribute to public safety.

- (1) Bicycle paths shall have a minimum width of 8 feet and shall be located within a right-of-way having a minimum width of 20 feet. The right-of-way shall state that it is for the purposes of ensuring the right of use of the bicycle path by the general public and providing an adequate area for the maintenance of the path. The right-of-way shall indicate the party responsible for such maintenance and shall be recorded in the Office of the Recorder of Deeds of Dauphin County.
- (2) Bicycle paths shall be constructed in accordance with the following minimum standards:
  - (a) All topsoil and all unsuitable materials shall be stripped to a minimum width of 8 feet and a minimum depth of 9 inches.
  - (b) The subgrade, if not undisturbed soil, shall be compacted to 95% density.
  - (c) The subbase shall consist of 6 inches of PennDOT 2A stone, compacted to 95% density.
  - (d) The binder course shall be Superpave Mix 19mm having a compacted depth of 2 inches for 'Good' and 'Medium' subgrade classes, and a compacted depth of 4 inches for aggregate base and 2 inches for base for 'Poor' subgrade class.
  - (e) The wearing surface shall be Superpave Mix 9.5mm having a compacted depth of 1 inch for 'Good' subgrade class, and 1.5 inches compacted depth for both 'Medium' and 'Poor' subgrade classes.
  - (f) The surface of the bicycle path shall be graded to provide for the positive drainage of water from the bicycle path by providing a transverse slope of 1/4 inch per foot on the surface of the bicycle path. If it is necessary to slope the bicycle path in two directions, the slope change shall occur on the centerline so as to have a crown along the centerline.
  - (g) A 2-foot-wide grassed shoulder area shall be provided immediately adjacent to each edge of the asphalt paving. The grassed shoulder shall be level with the edge of the asphalt and shall have the same slope as the adjacent asphalt bicycle path measured from the centerline of the bicycle path. The grassed shoulder shall be seeded on a minimum of 4 inches of topsoil.

**SECTION 2:** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 3:** If any section, subsection, or clause of this ordinance is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance.

**SECTION 4:** The Board of Supervisors finds that this ordinance is consistent with the overall goals of the Comprehensive Plan of Derry Township.