

Northeast Arkansas Home Builders Association

P.O. Box 17237
Jonesboro, AR 72403

To: The City of Jonesboro, Arkansas,
Re: Proposed Ordinance 17:027 amending Code Section 117-330

Members of the Council:

The Northeast Arkansas Home Builders Association is a non-profit local affiliate of the Arkansas Home Builders Association and National Association of Home Builders. Its goal is to protect the American dream of housing opportunities for all. The members of the NEAHBA build communities, create jobs, and strengthen our economy through their efforts to ensure that housing is priority, and that all residents of Northeast Arkansas have access to safe, decent and affordable housing.

The NEAHBA is in favor of sidewalks wherever they are feasible. We endorse the goals of pedestrian safety, opportunities for recreational walking and running, improved connectivity and more cohesive neighborhoods. But proposed Ordinance 17:027 does not fulfill those goals. If passed, the Ordinance will impede residential home building in Jonesboro and may force developers outside the city limits for new projects. It will also create an additional and enormous burden on the City of Jonesboro to maintain thousands of feet of new sidewalks and retaining walls, while the City cannot maintain the sidewalks that currently exist.

Proposed Ordinance 17:027 does not solve the problem. The NEAHBA has proposed amendments to 17:027 *will* solve the problem by providing for the following:

- * raising approximately \$800,000 each year (not including matching grants) for sidewalk repair and construction, drastically reducing the time required to achieve connectivity and allowing the City to fulfill its existing obligations for compliance with the Americans with Disabilities Act;
- * addressing new sidewalks in much-needed areas such as North Patrick, South Caraway Road, Lawson Road, Peachtree Road, Ridge Road, South Culberhouse, and all arterial and collector streets to and from Arkansas State University;
- * sidewalks will be constructed on one side of the street in single-family developments that tie in to streets with higher traffic count (collector streets) which have existing sidewalks or a proposed plan for sidewalks within 24 months;
- * if a collector street is within a proposed single-family development, sidewalks will be constructed on both sides of the collector street;
- * sidewalks may be installed in all other single-family developments or the fee in lieu of construction will be paid;
- * the MAPC may waive the sidewalk requirement for industrial, commercial, and multi-family developments, but the fee in lieu of construction is still collected;
- * the fee in lieu of sidewalks is tied to the Arkansas Department of Transportation's Weighted Average Unit Price for sidewalk construction, allowing the price to vary with the market;

The Northeast Arkansas Home Builders Association urges the City of Jonesboro to incorporate its proposed amendments to 17:027 so the City can continue to grow, with more sidewalks, connectivity between those sidewalks, and the resources to take care of the sidewalks that already exist.

In-Lieu Fee for Sidewalk Ordinance

Step 1. Obtain the weighted average of concrete sidewalk walks as determined by the Arkansas Department of Transportation.

e.g. Weighted average for concrete walks for 2017 is **\$35.02/ SQYD** (square yards)

Step 2. Convert the SQYD unit price into SQFT

e.g. [$\$35.02 \text{ SQYD} / 9 \text{ (SQFT/SQYD)}$] = **\$3.89 SQFT**

Step 3. Multiply the SQFT price by 2.5

e.g. [$\$3.89 \text{ SQFT} \times 2.5 \text{ (1/FT)}$] = **\$9.72/FT**

Step 4. Obtain the ROW length of the lot(s) in question & multiply by the amount from **Step 3**

e.g. $\$9.72/\text{FT} \times 100 \text{ LF of ROW frontage} = \mathbf{\$972.50}$ (In-Lieu Fee)

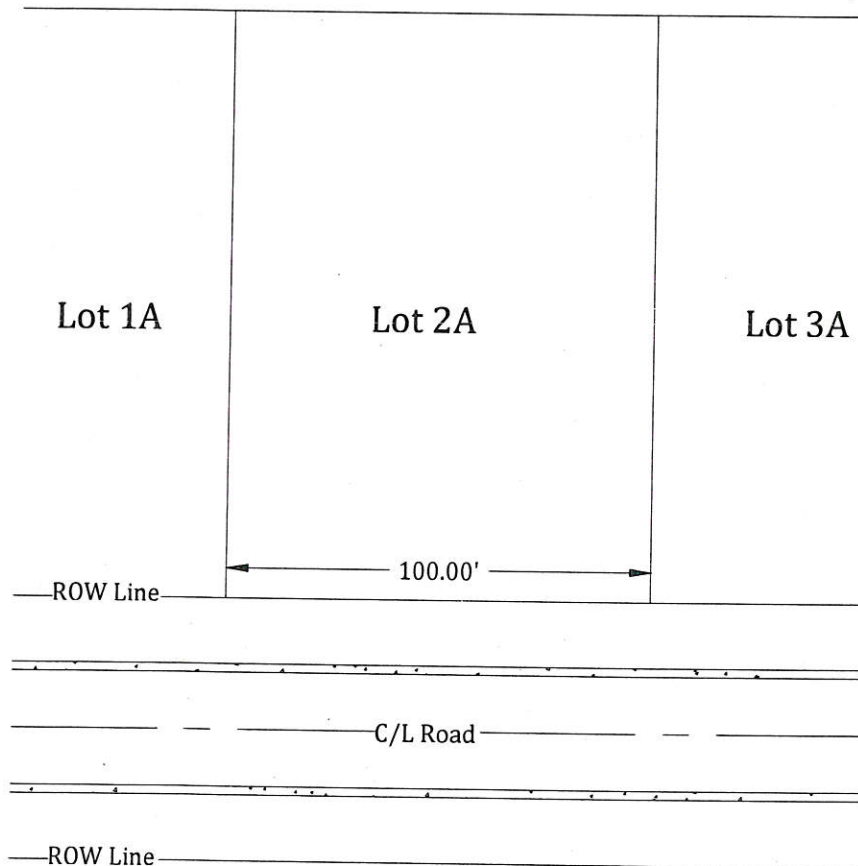


Figure 1 (shown above) illustrates the example used in **Steps 1 – 4**

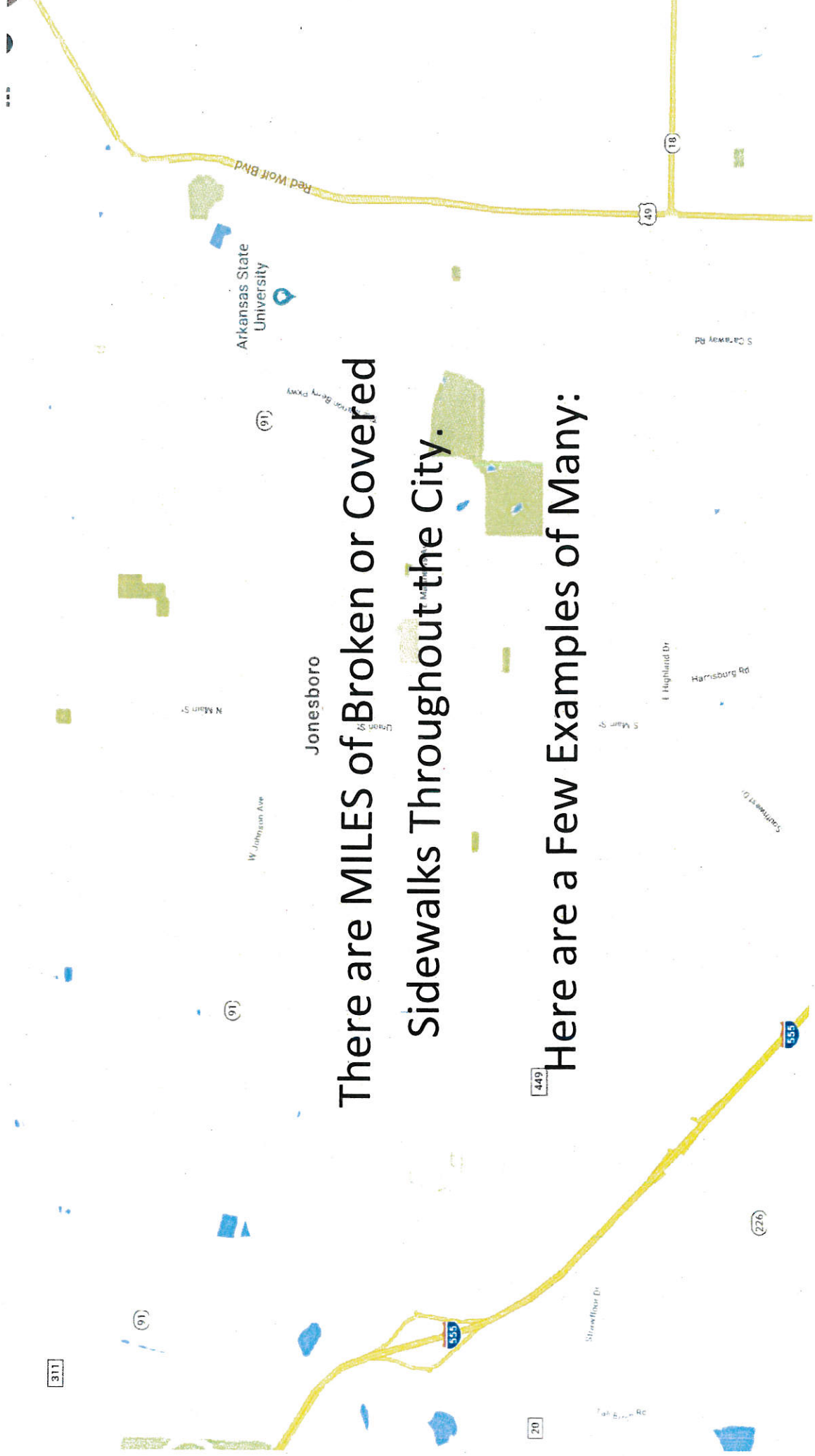
Note: multiplier of 2.5 in **Step 3** equates the cost of placing sidewalks on 1 side of the street.

Annual Projection: 500 Lots x 100' x 9.72\$/ft = \$486,000.00 (Residential)
+ \$200,000.00 (Multi-Family)
+ \$150,000.00 (Commercial)
= \$836,000.00 (Total Annual Projection)

City of Jonesboro Sidewalk Issues

- Broken Sidewalks
- ADA Compliance
- Sidewalks on One Side Near Schools
- Our Proposed Ordinance





There are MILES of Broken or Covered Sidewalks Throughout the City.

Here are a Few Examples of Many:

Broken Sidewalks

311



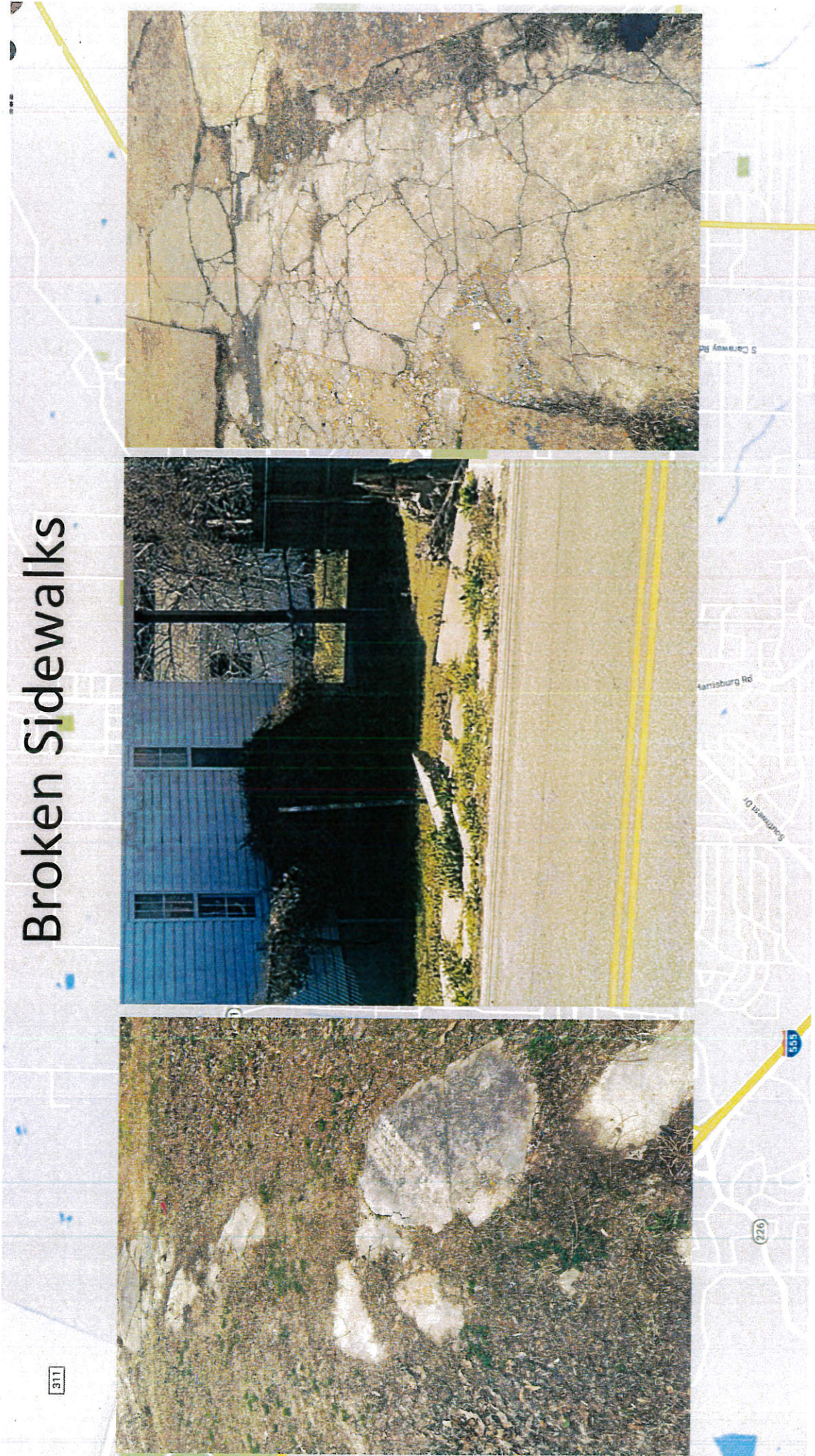
Broken Sidewalks

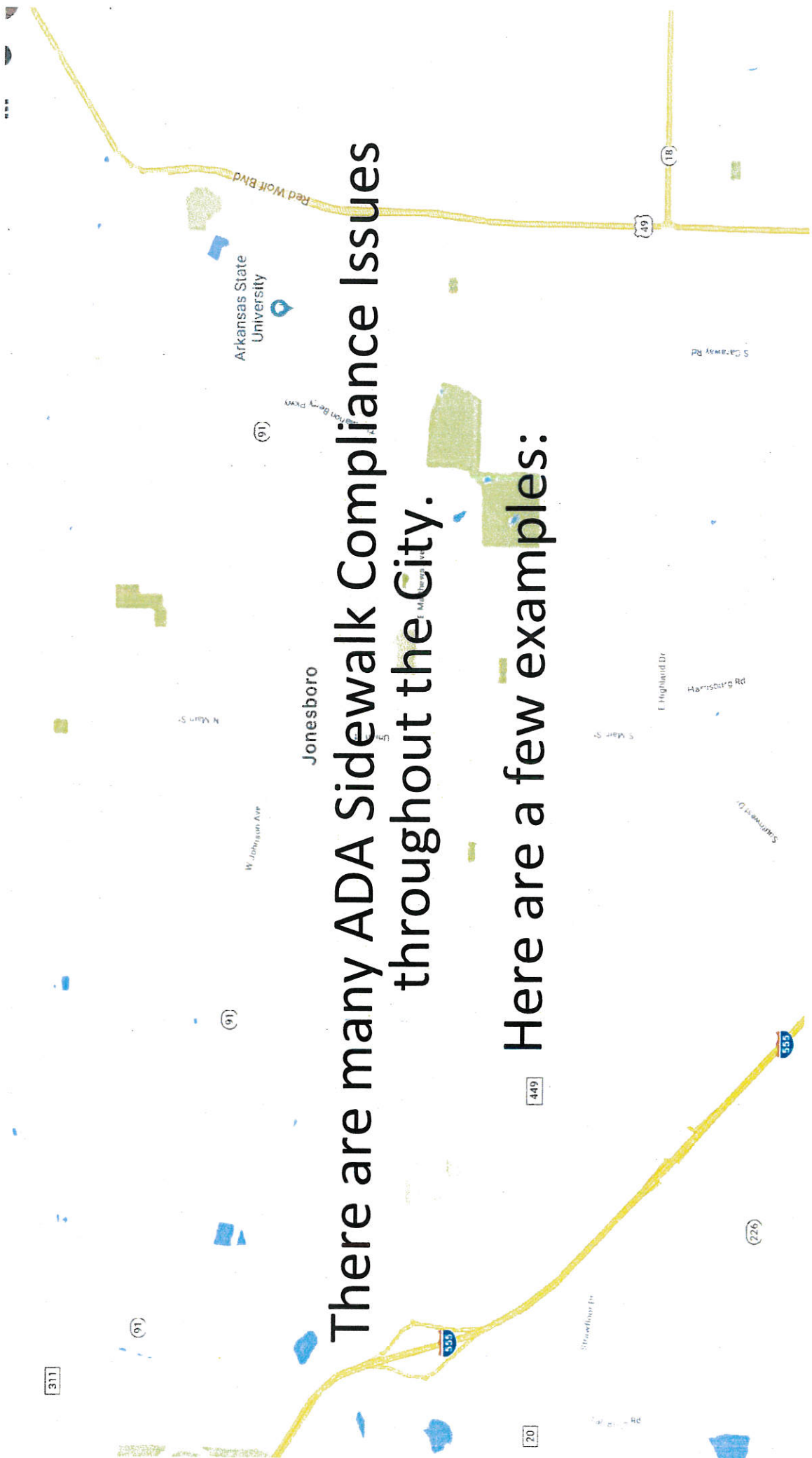
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Broken Sidewalks

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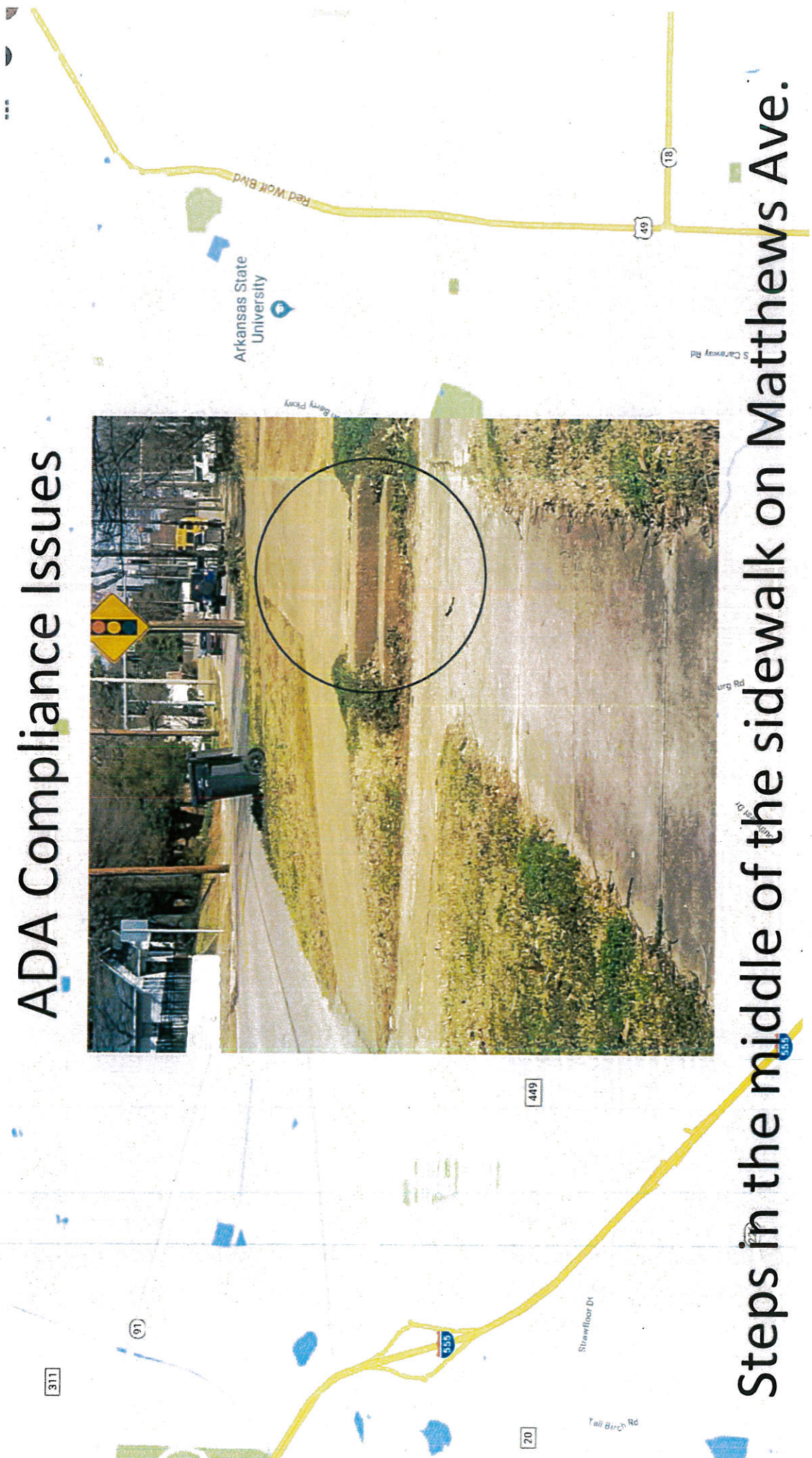




There are many ADA Sidewalk Compliance Issues throughout the City.

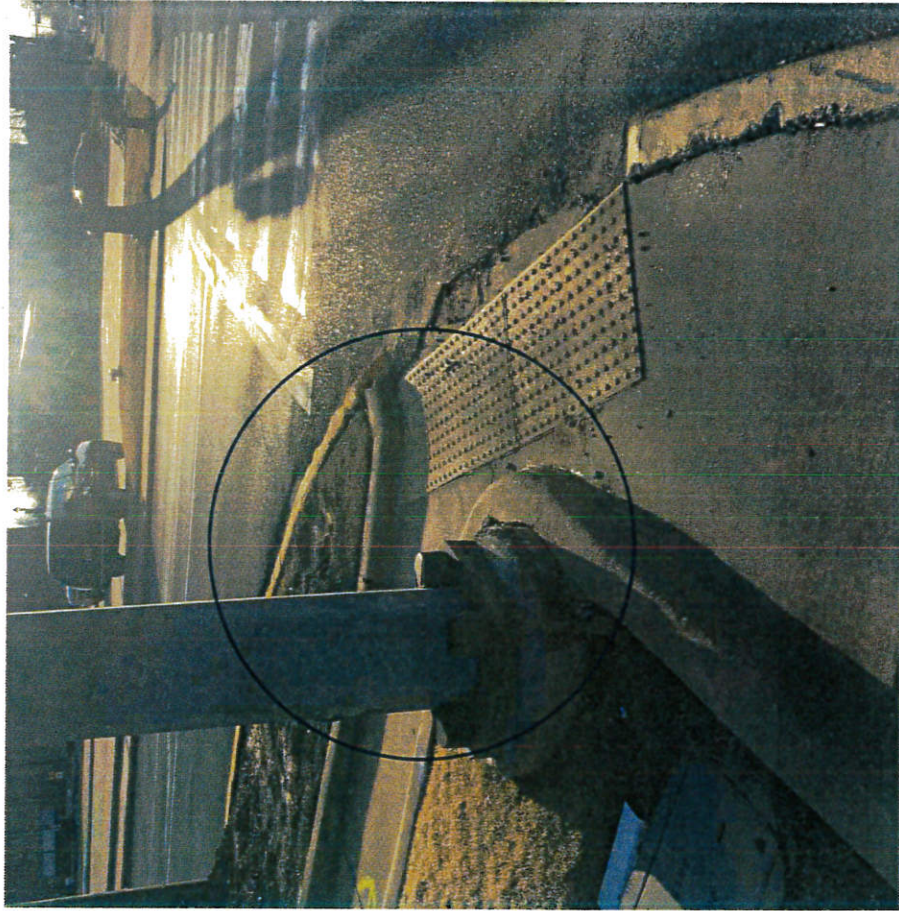
Here are a few examples:

ADA Compliance Issues

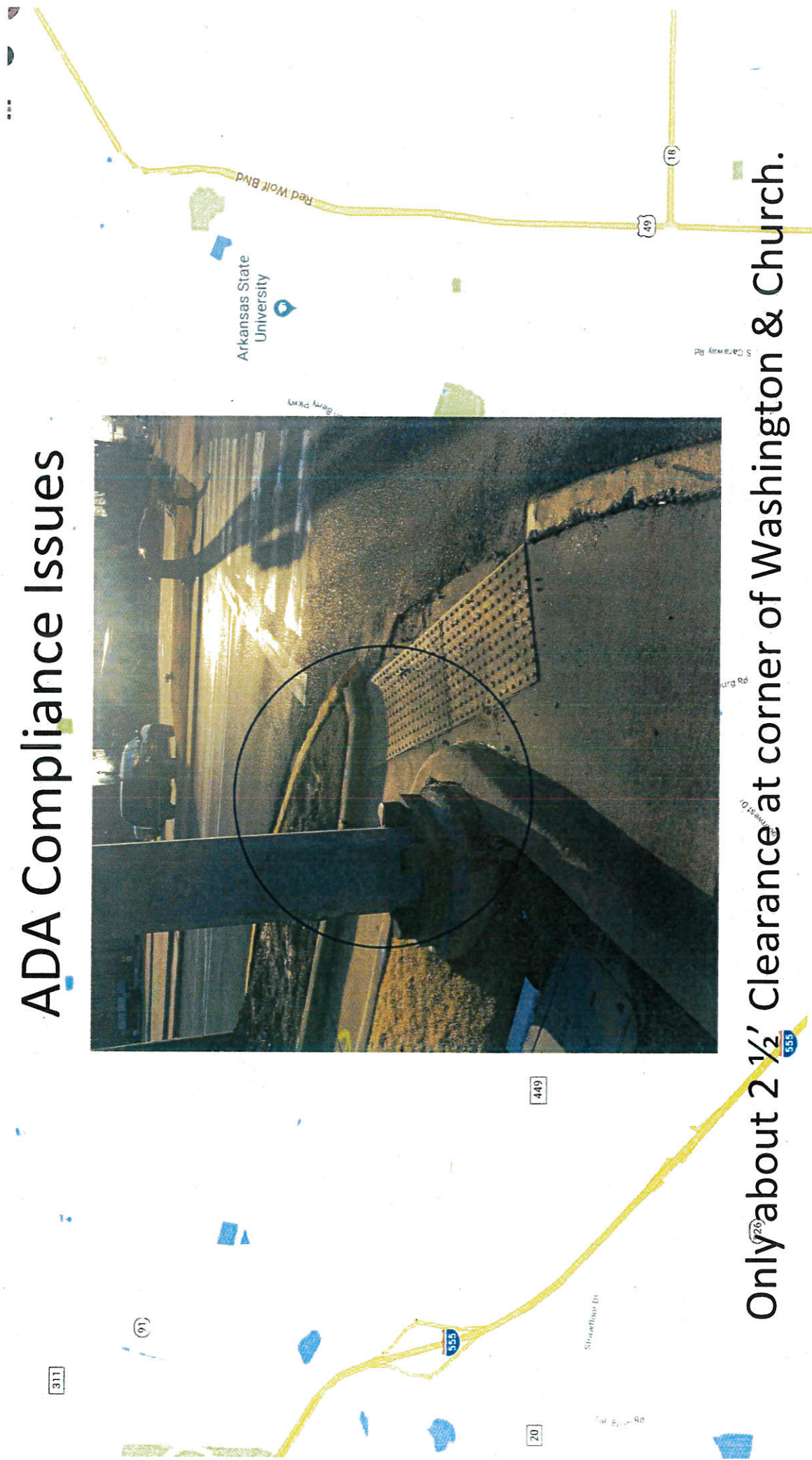


Steps in the middle of the sidewalk on Matthews Ave.

ADA Compliance Issues



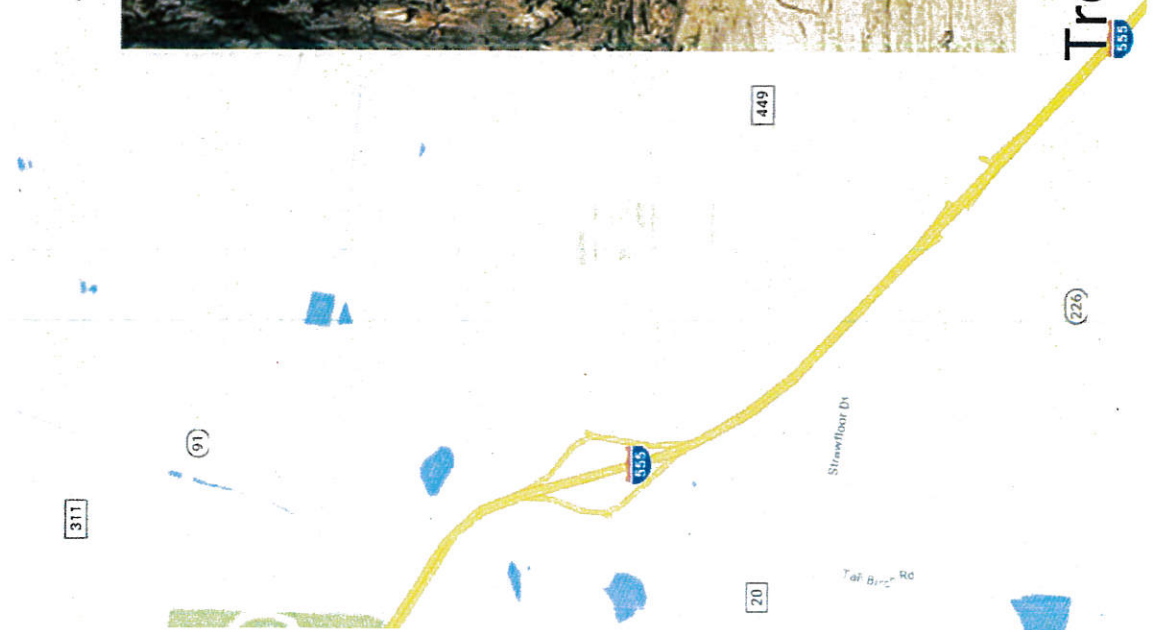
Only about 2 1/2' Clearance at corner of Washington & Church.



ADA Compliance Issues



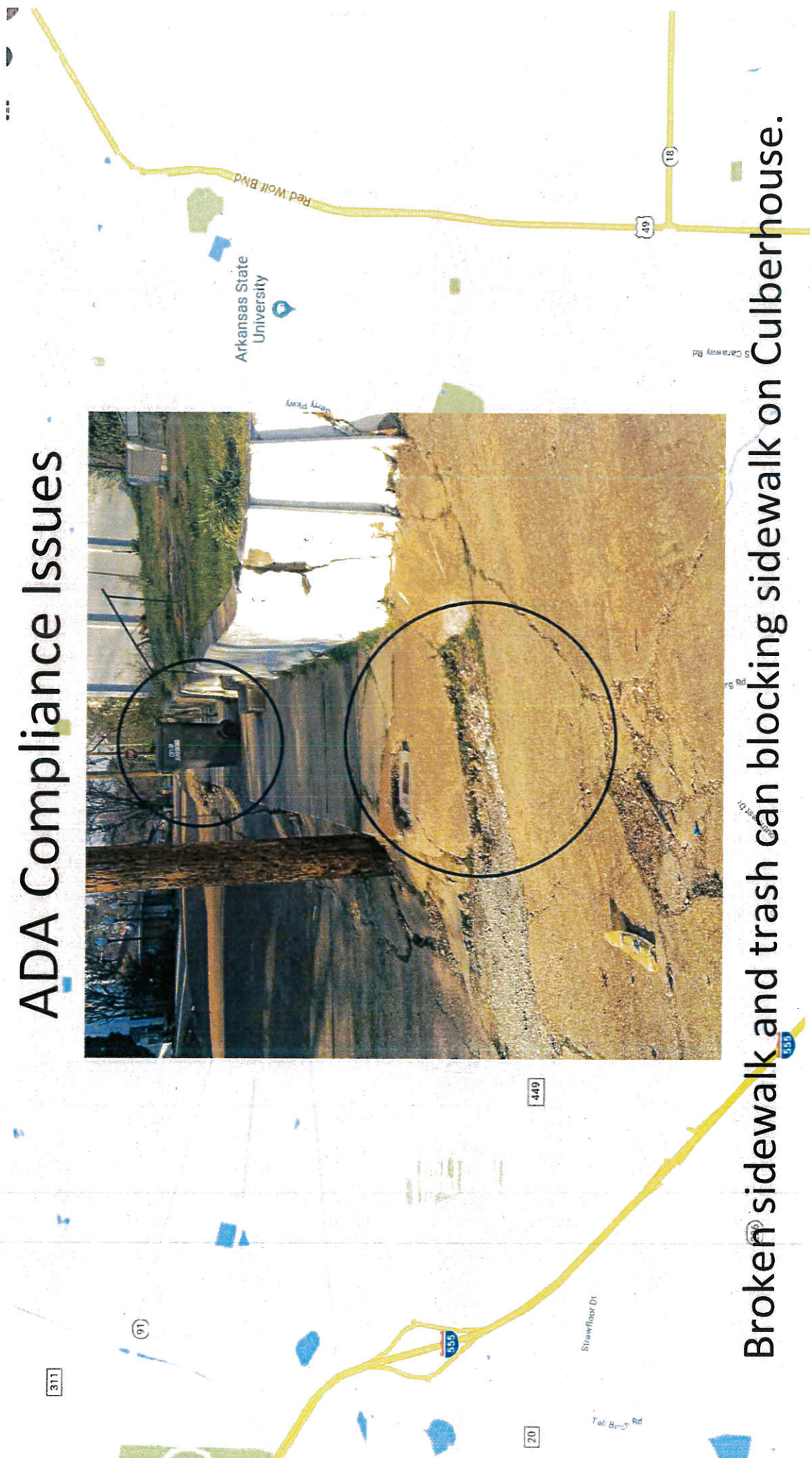
Tree blocking sidewalk on Strawn.



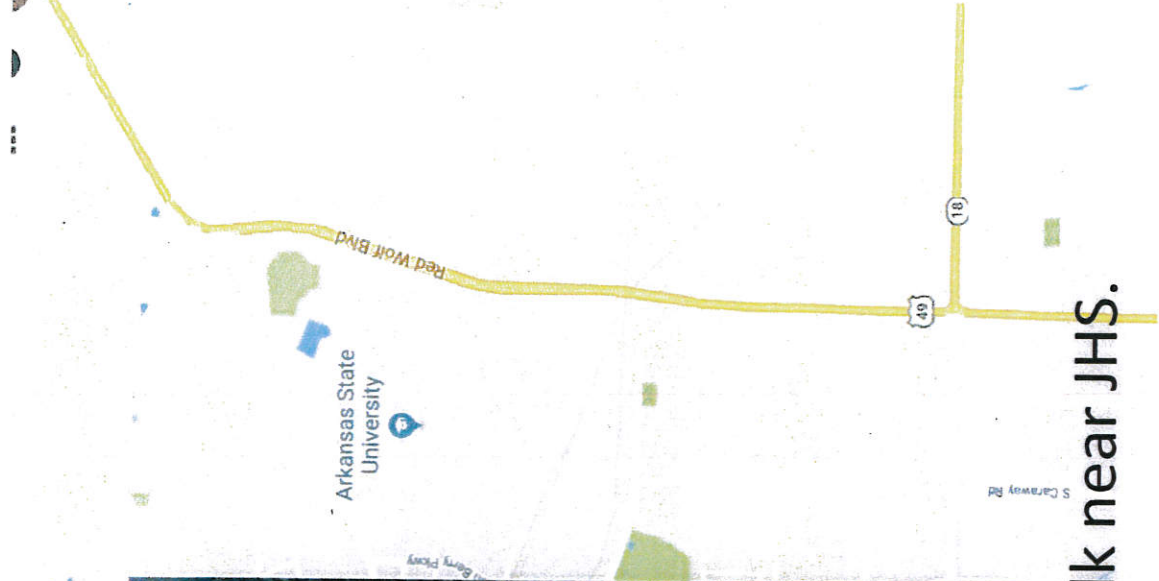
ADA Compliance Issues



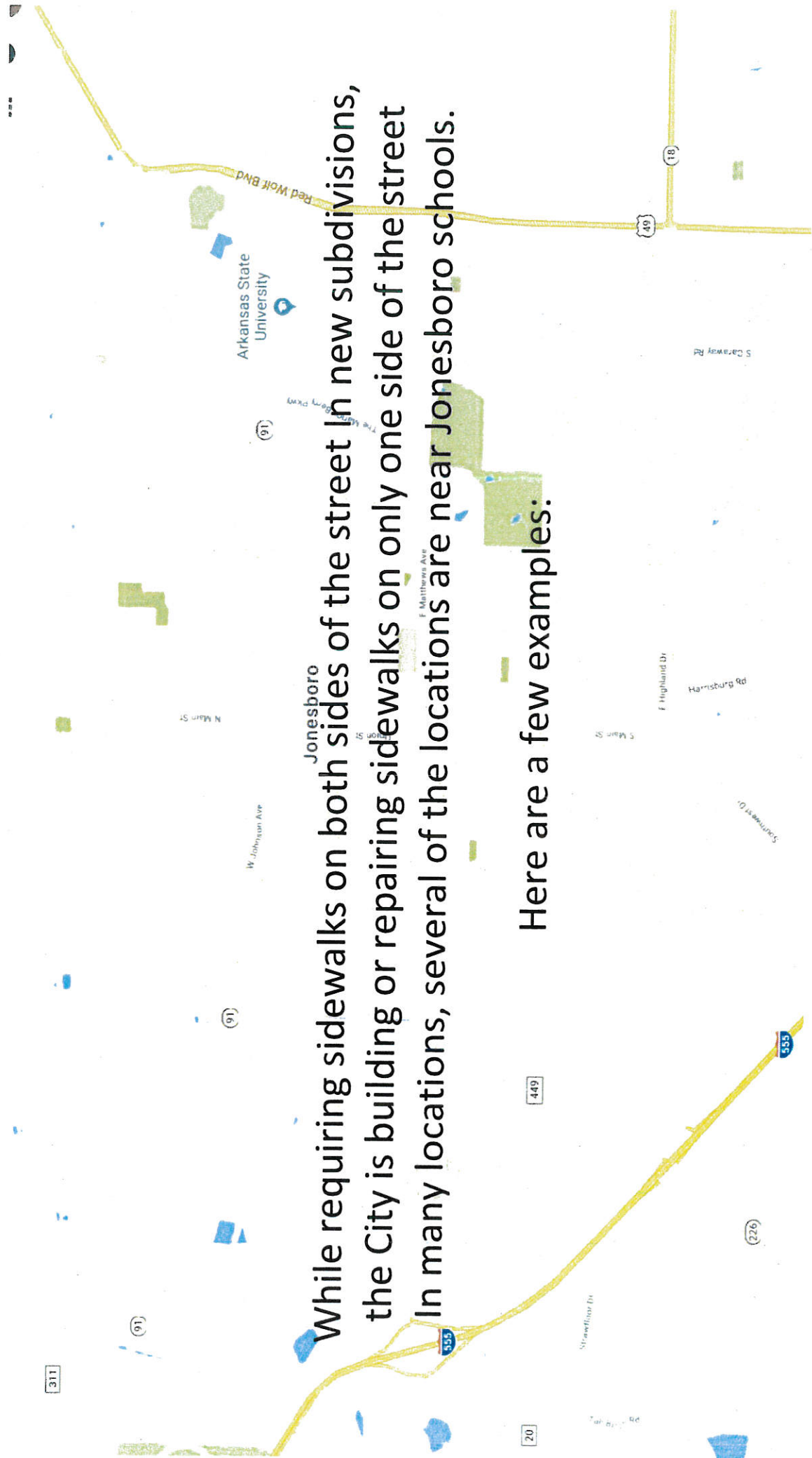
Broken sidewalk and trash can blocking sidewalk on Culberhouse.



ADA Compliance Issues



Retaining wall leaned over, impeding sidewalk near JHS.



While requiring sidewalks on both sides of the street in new subdivisions, the City is building or repairing sidewalks on only one side of the street. In many locations, several of the locations are near Jonesboro schools.

Here are a few examples:

Sidewalks on one side of the street near schools

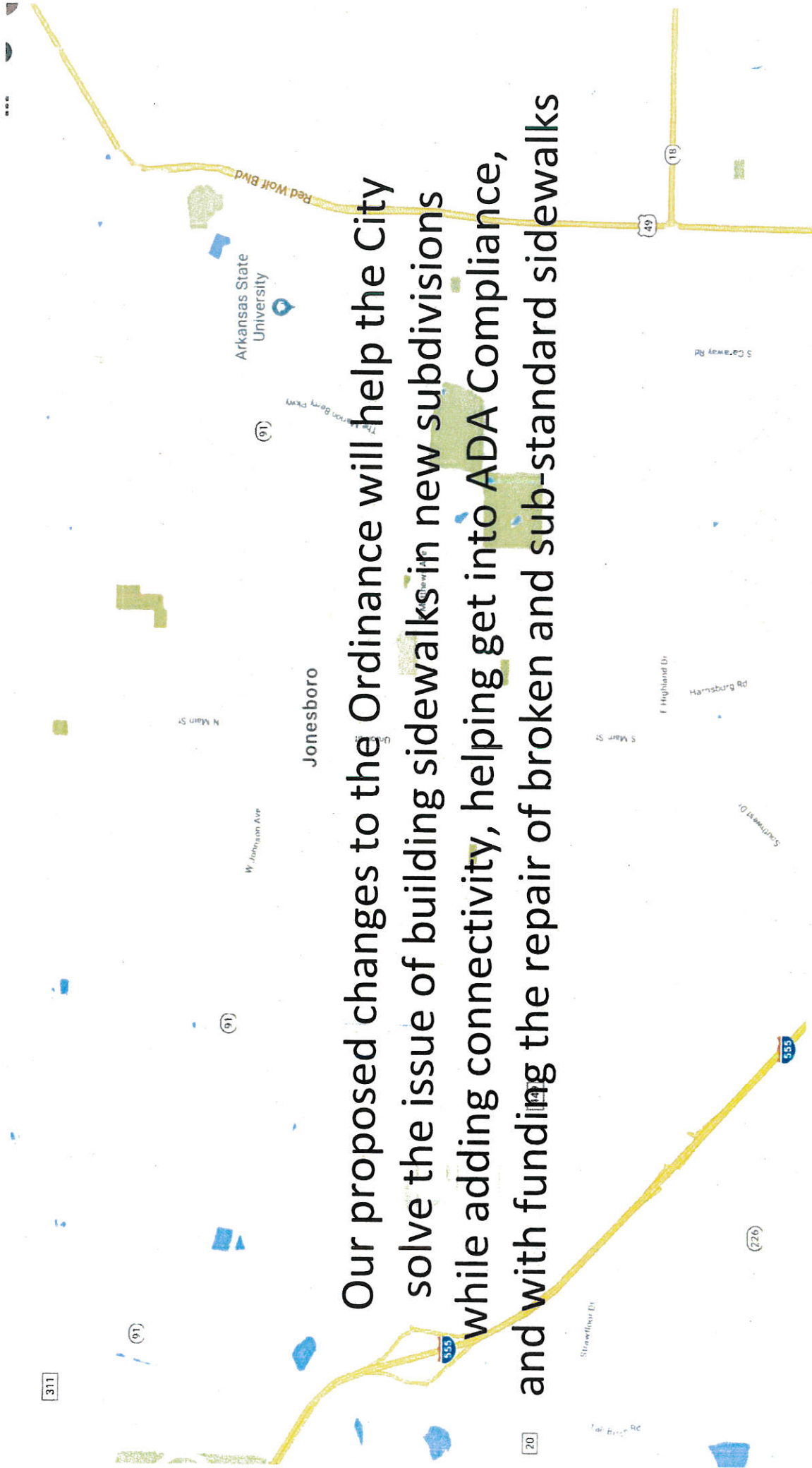
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Micro Society ^{527A} ⁵⁵⁵

Health & Wellness

J.H.S



Our proposed changes to the Ordinance will help the City solve the issue of building sidewalks in new subdivisions while adding connectivity, helping get into ADA Compliance, and with funding the repair of broken and sub-standard sidewalks

File #: Ord-17:027 Version 2 Name: Amend Code Section 117-330
Regarding sidewalks
Type: Ordinance Status: First Reading
File created: 5/10/2017 In control: Public Works Council Committee

On agenda:

Title: AN ORDINANCE AMENDING THE JONESBORO CODE OF ORDINANCES, SECTION 117-330, FOR THE PURPOSE OF PROVIDING MINIMUM STANDARDS FOR THE PROVISION OF SIDEWALKS WITHIN THE CITY OF JONESBORO, ARKANSAS, WITH THE INTENT TO PROMOTE IMPROVED CONNECTIVITY, PEDESTRIAN SAFETY, EXPANDED OPPORTUNITY OF RECREATIONAL WALKING AND RUNNING ACTIVITIES, MORE COHESIVE NEIGHBORHOODS AND EASIER ACCESS TO SHOPPING AND OTHER COMMERCIALY RELATED PURSUITS.

Indexes: Code of Ordinances amendment

Code sections: Chapter 117 – Zoning

Attachments: 1. Current sidewalk code, 2. Sidewalks _ 1.mp4

History (1) Text

title
AN ORDINANCE AMENDING THE JONESBORO CODE OF ORDINANCES, SECTION 117-330, FOR THE PURPOSE OF PROVIDING MINIMUM STANDARDS FOR THE PROVISION OF SIDEWALKS WITHIN THE CITY OF JONESBORO, ARKANSAS, WITH THE INTENT TO PROMOTE IMPROVED CONNECTIVITY, PEDESTRIAN SAFETY, EXPANDED OPPORTUNITY OF RECREATIONAL WALKING AND RUNNING ACTIVITIES, MORE COHESIVE NEIGHBORHOODS AND EASIER ACCESS TO SHOPPING AND OTHER COMMERCIALY RELATED PURSUITS.

body
BE IT THEREFORE ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS that:

SECTION 1, The current language in section 117-330 shall be repealed in its entirety and replaced with the following:

Sec 117-330. – Sidewalks

(a) General Requirements

The following general requirements shall apply for the construction of sidewalks within the City of Jonesboro.

1. Sidewalks shall be constructed along the public street frontage, (excluding limited access highway frontage), of all industrial, commercial, single-family and multi-family residential developments.
2. Sidewalks shall be constructed on ~~both sides~~ at least one side of all new streets in residential developments.
3. Sidewalks shall be constructed whenever an existing industrial or commercial building is renovated or expanded to increase its total building square footage by 25% or more in any one expansion or the total building square footage of multiple expansions during any five-year period is over 40% or more of the total building square footage of all improvements on the lot prior to expansion.
4. The construction of required sidewalks shall be completed before a Certificate of Occupancy is issued.
 - a. The owner/developer has the option to construct the sidewalk or to contribute money in lieu of construction in approved circumstances as covered in section (eb).
 - b. The decision to construct sidewalks or pay the fee in lieu of construction shall be made before receiving final plat approval for residential subdivisions or the issuance of the building permit for industrial or commercial projects.
 - c. This timing is done to insure uniformity of the development and to provide a mechanism for notification to be placed in the subdivision's bill of assurance.
 - d. Depending upon the size of the project, situations could exist where a combination of actual sidewalk construction and payment of contributions in lieu of construction occur.
5. All sidewalks and related improvements shall be designed and constructed in accordance with Chapter 58 of the Jonesboro Code of Ordinances.
6. Sidewalks shall be located as shown on the street typical sections for the various roadway classifications of the Master Street Plan.
7. Sidewalks shall be constructed in accordance with the Americans with Disabilities Act. Handicapped curb ramps shall be provided whenever a sidewalk crosses a curb at crosswalks, driveways, and street intersections.

(b) Exceptions

If one or more of the following conditions below exist, then the Metropolitan Area Planning Commission ~~may~~ shall approve payment of the contribution in lieu of construction fee instead of installation of a sidewalk ~~if it is determined that installation is impractical~~:

1. installation of the sidewalk would require the removal of a protected tree or other major obstruction within the right-of-way;
2. a storm water drainage ditch or similar public utility facility prevents the installation of the sidewalk, and neither the sidewalk nor the facility can be reasonably relocated to accommodate both the sidewalk and the facility; or
- ~~3. the topography would require construction of a retaining wall more than three feet high to accommodate the sidewalk; or~~
- ~~4. The owner/developer of a single-family residential development determines that other unusual circumstances make the sidewalk installation requirement is unreasonable or inappropriate; provided, however, that this exception shall not apply under the following circumstances:~~

- a. if the development connects to a street which is a collector street (or higher order than collector) which has existing sidewalks or for which sidewalk construction is planned within twenty-four months, the owner/developer shall construct sidewalks as provided in section (a)(2) of this Ordinance, and no fee in lieu of construction shall be due;
- b. if a collector street (or higher order than collector) is within the subdivision plat, the owner/developer shall construct sidewalks on both sides of the collector (or higher order) street, and no fee in lieu of construction shall be due.

The owner/developer shall notify the Metropolitan Area Planning Commission in writing of such determination before receiving final plat approval.

(c) Exemptions

The following situations would be exempt from the standards of this ordinance and would not require in lieu of fees to be paid or sidewalks installed:

1. Individual single-family and two-family developments;
2. a multi-phased residential subdivision that is already 75% or more complete when total number of phases is considered and sidewalks were not required on the prior phases for which preliminary approval has been granted for any phase prior to the effective date of this Ordinance;
3. Properties for which public sanitary sewer system is not available and the provision of such service is not planned within the next twelve (12) months.
4. Sidewalks shall not be required on cul-de-sac or dead-end streets less than 250 feet in length;
5. A Planned Development District as set forth in Article IV, Division 2 of the Code of Ordinances;
6. Single-family residential tracts of land or lots of one (1) acre or more.

If the owner should choose to install sidewalks in the exempted areas shown above, the design and construction of said sidewalks and related improvements shall be designed and constructed in accordance with Chapter 58 of the Jonesboro Code of Ordinances.

(d) Contribution in Lieu of Construction Fee

1. A contribution in lieu of construction fee shall be paid to the City of Jonesboro under the following circumstances:
 - a. The owner/developer of a single-family residential development notifies the Metropolitan Area Planning Commission of their intent to pay the fee in lieu as set forth in section (b)(4);
 - b. The property owner of industrial or commercial projects ~~or the residential subdivision~~ developer or multi-family residential development may request this option subject to approval of the Metropolitan Area Planning Commission at the time of final plat approval

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~~for residential developments or the issuance of the building permit for industrial and/or commercial projects or final plat approval for multi-family residential development under the provisions shown in section (e) of this ordinance or if the MAPC determines that other unusual circumstances make the sidewalk installation requirement unreasonable or inappropriate.~~

bc. An owner/developer subject to subsection 1(b) of this section may appeal the Metropolitan Area Planning Commission's refusal to grant a waiver or to approve the contribution in lieu of construction fee to the City Council.

2. The contribution in lieu of construction fee shall be 2.5 times the Arkansas Department of Transportation Weighted Average Unit Price for sidewalks converted to square feet and multiplied by 2.5, which number shall be the price per linear foot of right-of-way street frontage, calculated as a fixed amount per linear foot. The rate shall be adjusted yearly. The City Council will establish the rate by resolution upon the recommendation of the City Engineer and the rate will be tied to the current weighted average to build sidewalks according to the most current Arkansas Highway Traffic Department pricing list for sidewalk construction. The approved rate will be reviewed periodically.
- ~~3. The fee shall be the amount of the sidewalk installation at a value determined by the design engineer and agreed to by the City Engineer or his/her designated representative.~~
- ~~3. For single-family residential developments, the fee shall be paid in full for all platted lots within ninety (90) days of the final plat being recorded or before the first building permit is issued. No building permit shall be issued until the fee is paid.~~
4. The city shall deposit said money into an interest-bearing escrow account until such time the money is used by the city.
5. Each contribution in lieu of payment collected shall be used solely to construct, or improve, or maintain a sidewalk or other pedestrian infrastructure improvement that benefits the development for which the payment was collected furthers the intent of this Ordinance as determined by the Metropolitan Area Planning Commission with the primary consideration being connectivity between new and existing sidewalks.
- ~~6. Contributions must be expended within a five (5) year period or the money may be returned to the applicant.~~
- ~~7. If the owner/developer voluntarily consents in writing, the contributions may be used to construct sidewalk projects where most needed as determined by the City Engineer.~~

(e) Guarantees and Payments for Sidewalks and Contributions in Lieu of Fees

1. For residential developments and industrial/commercial construction projects that will construct sidewalks, the developer/owner has the option during the time of final plat approval (residential) or issuance of building permit (industrial/commercial) to provide the City of Jonesboro with a Letter of Credit or Bond for the amount of the sidewalks for a period of five years. Sidewalks will then be built by the builder prior to issuance of a certificate of occupancy for the structure. During this time, the developer may request to draw down the bond or letter of credit, by providing the City Planner or City Engineer with a letter from the professional engineer of record certifying the amount of sidewalk that has been installed.

2. For ~~residential, commercial, multi-family and industrial developments and industrial/commercial~~ construction projects that will be paying contributions in lieu of construction fees, the entire amount of the agreed upon fees will be paid ~~by the owner at the time of~~ before receiving final ~~plat approval (residential) or~~ the issuance of the building permit ~~(industrial/commercial)~~.

(f) Maintenance of Sidewalks

The City of Jonesboro shall be responsible for the maintenance of sidewalks and retaining walls that are constructed in the public right-of-way or in an easement that has been dedicated and accepted by the City of Jonesboro for the purpose of a sidewalk. Sidewalks and retaining walls located outside the public right-of-way or not in a dedicated easement shall be the responsibility of the owner of said property to maintain. Repair of non-routine sidewalk or retaining wall damage caused by others may be assessed to those who are responsible for such damage. Property owners are responsible for maintenance of grass strips or landscaping on either side of the sidewalk.