

File #: Ord-17:027 Version 2 Name: Amend Code Section 117-330
Regarding sidewalks
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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 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 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SECTION 1, The current language in section 117-330 shall be repealed in its entirety and replaced with the following: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 new industrial, commercial, single-family and multi-family residential

developments.

2. Sidewalks shall be constructed on ~~one both~~ sides of all new streets in single family 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 (~~be~~).
 - 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 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;
3. the topography would require construction of a retaining wall ~~more than three feet high~~ to accommodate the sidewalk; or
4. other unusual circumstances make the sidewalk installation requirement unreasonable or inappropriate.

(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 ~~5075~~% or more complete when total number of phases is considered and sidewalks were not required on the prior phases;
3. Properties for which public sanitary sewer system is not available and the provision of such service is not planned within the next (12) months.
4. Sidewalks shall not be required on cul-de-sac or dead-end turnaround streets. ~~less than 250 feet in length.~~

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 property owner of industrial or commercial projects or the residential subdivision developer may request this option subject to approval of the Metropolitan Area Planning Commission at time of final plat approval for residential developments or the issuance of the building permit for industrial and/or commercial projects under the provisions shown in section (be) of this ordinance.
 - b. An owner/developer 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 calculated as a fixed amount per linear foot. 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. 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.
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 a sidewalk or other pedestrian infrastructure improvement that benefits the development for which the payment was collected.
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 or to provide the local match portion of grants for new 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 prior to the sale of the first lot or issuance of the first building permit (residential) 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 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 within ninety (90) days of the final plat being recorded or before the first building permit is issued 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 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.