

File #: ORD-17-027 **Version 7** **Name:** Amend Code Section 117-330 regarding sidewalks

Type: Ordinance **Status:** Third Reading

File Created: 5/10/2017 **In Control:** Public Works Council Committee

On agenda: **Final action:**

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

Sponsors:

Indexes: Code of Ordinances amendment

Attachments: 1. Current sidewalk code, 2. Sidewalks_1.mp4, 3. JonesboroCoC_Sidewalk Approval.pdf, 4. Sidewalks_Williams 031920.18.pdf, 5. NEA Homebuilders Association Presentation on Sidewalks 04032018.pdf, 6 NEA Homebuilder's Association Ordinance Redline.pdf, 7 NEA Homebuilders Association Ordinance.pdf

AN ORDINANCE AMENDING THE JONESBORO CODE OF ORDINANCES, SECTION 117-300, 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

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 The current language in section 117-330 shall be repealed in its entirety and replaced with the following: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 **at least one** side of all new public streets in residential developments, **with placement determined at the time of plan review.**

3. Sidewalks shall be constructed whenever an existing industrial or commercial building is renovated or expanded to increase its total building square footage by 20% or more in any one 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 sidewalks or to contribute money in lieu of construction in approved circumstances as covered in section (b).
 - 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, 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 (Defined as a tree species that is healthy and greater than 18" diameter at a height of 48" from the ground) or other major obstruction within the right-of-way;
2. A storm water drainage ditch or similar public facility prevents the installation of the sidewalk, and neither the sidewalks nor the facility can be reasonable 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 lots approved prior to the date of the passage of this ordinance;
2. a multi-phased residential subdivision that is already 50% or more complete when the 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 the time of final plat approval for residential developments or the issuance of the building permit for industrial and/or commercial projects under the provisions in section (b) of the 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 Department of Transportation 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 account dedicated for sidewalk construction until such time the money is used by the city.
5. For single-family residential developments, the fee shall be paid in full for all platted lots with 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.
6. Each contribution in lieu of payment collected shall be used to construct, improve, or maintain a sidewalk or other pedestrian infrastructure improvements that furthers the intent of this Ordinance as determined by the City Engineer with the primary consideration being connectivity between new and existing sidewalks.

(e) 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 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.