

Com-09-078: Discussion Item: Ongoing

**City of Jonesboro Sidewalk Policy**

**Current Ordinance Text:**

**AN ORDINANCE ADOPTING A POLICY AND PROCEDURE FOR THE REQUIREMENT OF SIDEWALKS ON ALL NEW DEVELOPMENT**

Sidewalks Required:

(a) Multi-family and Commercial Development. Sidewalks shall be required for all multi-family developments that contain five (5) units or more, and Sidewalks may be required through the site plan approval process for commercial developments. ***(Should Institutional uses be included?)***

(b) Construction Standards. Sidewalks shall be constructed in accordance with all applicable City standards and specifications, and with all applicable ADA (Americans with Disabilities Act) requirements. If detached and set back at least five feet (5') from the back of the curb, such sidewalks shall have a minimum width of four feet (4'). If attached to the curb or located closer than five feet (5') to the curb, such sidewalks shall have a minimum width of five feet (5').

(c) Timing of Installation. Required sidewalks shall be installed prior to occupancy of any structure.

~~(a) No permit shall be issued for the construction of a new building on property located on an arterial or collector street and zoned for a commercial, office or multi-family use unless a sidewalk exists adjacent to the property along the arterial or collector street or unless the plans for the building provide for the construction of such a sidewalk. The requirements of this section shall not apply to construction of accessory buildings.~~

(d) No certificate of occupancy shall be issued for any building described in subsection (a) if the building plans provide for construction of a sidewalk along an arterial or collector street unless the sidewalk has been constructed or the property owner has provided a bond, or other instrument acceptable to the director of public works guaranteeing construction of the sidewalk within six (6) months of issuance of the certificate of occupancy.

**Waiver Process:**

(a) Upon application of the property owner, the city council shall waive the requirement of this section to provide plans for and construct a sidewalk if the council determines that the sidewalk is not needed or that the impact of the proposed development does not justify the requirement that the sidewalk be constructed or that there is a reasonable likelihood that the sidewalk would have to be removed and reconstructed in the near future. The granting of a waiver shall not affect the power of the city council to later install sidewalks adjacent to

the property and levy special assessments against the property for construction of the sidewalks.

(b) In determining the need for the sidewalk and whether the impact of the proposed development justifies the requirement that the sidewalk be built, the City Council shall consider all relevant factors such as:

- (1) Pedestrian traffic generators such as parks and schools in the area,
- (2) the existence of a sidewalk network in the area,
- (3) the density of current and future development in the area,
- (4) the amount of pedestrian traffic likely to be generated by the proposed development,
- (5) the cost of constructing the sidewalk,
- (6) whether the terrain is such that a sidewalk is physically feasible, and
- (7) the extent to which trees, ground cover and natural areas would be impacted by the sidewalk.

***[Option for Waiver: Appeal to the Board of Zoning Adjustments???*]**

# Examples of Sidewalk Policies- Various Cities

## City of Conway, AR- Subdivision Ordinance

### SIDEWALK DESIGN REQUIREMENTS

#### SECTION 9. SIDEWALKS

Sidewalks shall be constructed within any subdivision in accordance with these regulations. The minimum construction requirements for sidewalks are as follows:

1. Sidewalks shall be constructed on both sides of all streets within all zoning districts within Conway city limits and within the Conway Territorial Jurisdiction.

Exceptions:

A. A minor replat not creating any new lots shall not require the construction of sidewalks or payment of sidewalk in-lieu fees.

B. Subdivisions in the I-3 zoning district are not required to construct sidewalks or pay sidewalk in-lieu fees.

C. Large lot subdivisions outside the city limits and within Conway's Territorial Jurisdiction are not required to construct sidewalks. A large lot subdivision is defined as a subdivision having lots with greater than 150 feet of street frontage.

2. All sidewalks shall be handicapped accessible to public streets at street corners and at designated mid-block public service drives/alleyways. Sidewalks shall meet American Disability Act standards.

3. Sidewalks As Part of Commercial, Multi-Family, and Mixed Use Developments: Sidewalks along streets in commercial, multi-family, and mixed use subdivisions shall be constructed concurrently with building construction as part of site development review. Sidewalks shall be the responsibility of the builder/owner, not the subdivider. The sidewalk shall be installed prior to the final inspection and issuance of a certificate of occupancy. However, the subdivider/developer of commercial subdivisions/replats with pre-existing development shall be required to meet the sidewalk provisions of Article 1101 Development Review of the Conway Zoning Ordinance.

4. Sidewalks Along Residential Streets: Sidewalks along streets with residential lots shall be constructed by the homeowner/builder. The sidewalk shall be installed prior to the final inspection and issuance of a certificate of occupancy. Subdivisions which received preliminary plat approval prior to October 31, 2005 shall be exempt from the requirement to construct sidewalks on residential streets, however, these subdivisions with residential exemptions shall include sidewalks along both sides of streets classified as collector or above.

5. Sidewalks along streets on unbuildable, green space, and other permanently vacant lots will be the responsibility of the subdivider/developer.

6. When a subdivider/developer creates double frontage lots with one side along a street classified as a collector or above, the subdivider/developer shall construct sidewalks

along the collector or greater street frontage.

7. When a subdivider/developer creates a residential boundary street, the subdivider/developer shall construct sidewalks along previously developed lots.

8. Any subdivider/developer required sidewalk shall be constructed concurrently with other subdivision infrastructure. Such construction shall be completed or assurance for construction shall be required along with other infrastructure improvements prior to filing of the final plat.

9. All sidewalk construction, locations, and responsibility for construction shall be clearly identified on the final plat. Detailed sidewalk construction drawings coordinating sidewalks with other street/lot/easement infrastructure shall be shown on or included with the final plat.

10. The subdivider/developer may request a waiver from the required sidewalk construction. The Planning Commission should grant this money in-lieu of sidewalk construction only in extreme circumstances. The Planning Commission shall review the following factors to determine whether or not to grant this waiver:

- Pedestrian traffic generators such as parks and schools in the area.
- The existence of a sidewalk network in the area.
- The density of current and future development in the area.
- The amount of pedestrian traffic likely to be generated by the proposed development.
- Whether the terrain is such that a sidewalk is physically practical and feasible, and
- the extent to which trees, ground cover, and natural areas would be adversely impacted by the construction of the sidewalk.
- The design of the subdivision such that utilities, the location of structures, rights of way, easements, etc., create conditions making sidewalks impractical.
- The overall need for a sidewalk to be constructed on the lot.
  
- If a waiver is granted, the subdivider/developer shall contribute an amount of money in lieu of sidewalk construction equal to \$15 per linear foot of the required sidewalk. This in-lieu fee shall be subject to a maximum fee equivalent to one hundred twenty five (125) feet per street frontage. This maximum in-lieu fee will be retro-active to subdivisions filed after January 1, 2008. This money shall be deposited into a general sidewalk fund to be used solely for the addition of new sidewalks and maintenance of the existing sidewalk network. The dispersal of money from this sidewalk fund shall be at the discretion of the Conway City Council. Contributions to this fund are to be expended within two (2) years to serve a sidewalk project. This per linear foot in-lieu fee shall be reviewed by the City Council at least every five (5) years. The Planning Commission may also grant a waiver to construct an internal pedestrian trail system in lieu of the required sidewalks. The pedestrian trail right of way shall be clearly noted on the final plat. Specifications for the right of way width, trail pavement, and other specifications shall be determined by the City Engineer and Director of Planning and Development.
- A subdivider/developer may appeal the sidewalk construction requirement/in-lieu fee to the City Council. The City Council shall use the above waiver factors to determine if an exception may be made. If the Council makes an exception, the subdivider/developer

shall construct an equivalent amount of sidewalk in a location designated by the City Council.

11. Aside from the required sidewalks along collectors and arterials, an internalized pedestrian circulation system in the form of pathways, either along streets or not, may be constructed within subdivisions upon the request of the applicant and the approval of the Planning Commission. The system may be allowed to deviate from the construction requirements set out otherwise in this section, as long as the minimum dimensional requirements are met. *(Ordinance-08-94)*

*(12) Sidewalks are to be constructed as required within the Conway city limits and within the Conway Territorial Jurisdiction. Subdivisions developed with open ditch design standards as addressed in Table 2, "Street Classifications and Design Standards", are also required to construct sidewalks.*

***(13) Sidewalk Specifications***

*(A) Size. Sidewalks shall be a minimum of five (5) feet wide and four (4) inches thick with the cross section approved by the City Engineer.*

*(B) Grades; establishment of property lines. All sidewalks, streets curbing and guttering, and driveway approaches shall be constructed in grades as established by the city official. It shall be the responsibility of the owner to establish property lines by competent survey at his/her own expense.*

*(C) Sidewalk distances from the curb. The sidewalk shall be installed in the dedicated public right of way. The edge closest to the street shall generally be a minimum of five and one-half (5.5) feet from the back of the curb line unless specifically approved otherwise.*

*(D) Cement-concrete requirements. All sidewalks shall be constructed of a portland cement concrete mixture which will produce a concrete of a compressive strength of three thousand (3,000) pounds per square inch after 28 days set under standard laboratory methods.*

*(E) ADA guidelines. Sidewalks shall conform to the latest ADA guidelines.*

*(F) Sidewalk grade continuous through driveways. Driveways shall be constructed to conform to the slope and grade required to accommodate the sidewalk.*

*(G) Sidewalk elevation. The sidewalk elevation shall be two (2) percent above the top of the curb, sloping two percent towards the curb (one-fourth inch in each foot). This elevation shall be continuous through the driveway approach.*

*(H) Driveway approach. The area remaining between the sidewalk and the flow-line of the gutter, called the approach to the driveway, shall slope up to the elevation of the sidewalk.*

*(I) Joint material. Wood shall not be acceptable in sidewalks for expansion joints. The joint material shall be the same as approved for AHTD sidewalk construction (AASHTO M 213).*

*(J) Expansion joint. Full depth expansion joints (four inches) shall be provided at intervals not greater than 50 feet. One-quarter depth (one inch) weakened plane joints, or saw-cut joints, shall be placed in sidewalk at regular intervals not greater than 5 feet apart.*

*(K) Edges. All sidewalks shall have one-half (1/2) inch rolled edges.*

*(L) Removal/replacement. Removal and replacement of broken sidewalks require vertical saw-cuts on both ends of the sidewalk being replaced.*

*Design Variance. A variance from these design standards may be granted for topographical difficulties, tree preservation, aesthetics, etc. The Planning Commission must approve these variances. Field variances, for location only, may be granted upon agreement of the City Engineer and Planning Director, if special situations justify such variances. Special conditions may be required in order to grant the variances.  
(Ordinance No. O-05-122 for all of SECTION 9)*

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## **City of Rogers, AR**

### **ARTICLE V. SIDEWALKS\***

#### **Sec. 106-201. Subdivisions and new development generally.**

- (a) Sidewalks shall be installed according to city standards and specifications, as adopted by the city council, along both sides of all streets in all subdivisions platted after January 1, 1990; and along one or both sides of all streets, as is applicable, in all other new development which is required to submit a large-scale development plan.
- (b) All sidewalks shall be constructed to the following specifications:
  - (1) Sidewalks shall be located at the back of the curb or up to five feet from the back of the curb.
  - (2) Handicapped curb ramps shall be provided wherever a sidewalk crosses a curb at crosswalks, driveways and street intersections.
  - (3) Sidewalks shall be constructed on a compacted subgrade which is free from dust pockets, ruts and other defects.
  - (4) Sidewalks shall be constructed of Portland cement concrete with a minimum 28-day compressive strength of 3,000 pounds per square inch.
  - (5) Sidewalks shall be constructed with a minimum transverse slope of one-fourth inch per foot.
  - (6) Sidewalks shall be 48 inches wide.
  - (7) The concrete shall be four inches. The planning authority or street authority may require a four-inch base if the subgrade is not compacted.
  - (8) Expansion joints shall be 25 feet apart.
  - (9) Transverse joints between expansion joints shall be scored at five-foot intervals.
  - (10) Sidewalks shall be finished with a wood float to a smooth and even surface.
  - (11) Sidewalk subgrade shall be inspected prior to pouring the sidewalk.
  - (12) The city planning authority or street authority shall have the discretion and authority to grant exceptions in order to accomplish reasonable continuity in sidewalks.
  - (13) The property owner shall be responsible for repair and maintenance of the sidewalk, and this requirement shall be included in the protective covenants and on the face of the plat.
  - (14) In existing subdivisions that are covered by this section, the developer shall submit suggestions pertaining to sidewalk location to the city planner. The developer, city planner and city council committee chairman shall make the final decision on the location.
  - (15) In new subdivisions, sidewalks shall be laid out by the developer on the plat and presented to the planning commission for approval at the same time as the streets. The developer will have the flexibility to choose where the sidewalks are located and to design his sidewalk system based on the terrain, necessity, functional utility, etc. Final approval location cannot be changed without the approval of the planning commission.
- (c) If the sidewalk is not installed per the large-scale development plan as required above, the record owner of the land shall be subject to a fine not to exceed \$250.00; and each day that the

violation exists shall constitute a separate offense. In addition, the city shall have the right to install the sidewalk and charge the cost thereof to the owner; and the city shall have a lien against the land for such costs.

(Code 1982, § 51-13)

**Sec. 106-202. Residential subdivisions.**

In residential subdivisions, the sidewalk will be installed by the city. The developer at the time of final plat approval shall pay to the city the monies necessary to construct the sidewalk in the subdivision. The amount necessary shall be determined by the city planning authority.

(Code 1982, § 51-14)

**Sec. 106-203. Installation prior to issuance of certificate of occupancy.**

In all other development, the sidewalk shall be installed prior to issuance of a certificate of occupancy; provided, however, bond may be posted with the city for the estimated cost of construction of the sidewalk.

(Code 1982, § 51-15)

**Sec. 106-204. Grass strip.**

If there is a strip between the sidewalk and the curbing, it shall be set in grass and be graded to a level with both the sidewalk and the curb.

(Code 1982, § 51-21)

**Sec. 106-205. Trees.**

(a) *Location.* If a grass strip exists between the sidewalk and curb and shade trees are planted in the grass strip, they shall be set in rows in the center of the strip.

(b) *Trimming.* The owner of the abutting lot shall keep the trees trimmed so that no branches, limbs or leaves shall overhang the sidewalk or street lower than eight feet from the ground.

(Code 1982, §§ 51-22, 51-23)

**Sec. 106-206. Additional requirements.**

In addition to the above requirements of this article, sidewalks shall be constructed in accordance with the American National Standards Institutes' Accessibility Requirements (ANSIA 117.1).

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**Little Rock, AR**

FUNCTION: The Local Street function is to provide access to adjacent property. The movement of traffic is a secondary purpose. Residential street use by heavy trucks and buses should be minimized. The Local Street generally has a right-of-way of 50 feet. In suburban locations with large acreage single family tracts, Local Streets may be designed with paved shoulders and open space drainage. In the case of short residential Local Streets, a lesser standard is allowed.

Local Streets which are abutted by non-residential zoning or use are considered "Commercial Streets". In addition to non-residential zoning and use, if the adjoining land is more intense residential than duplex or two-unit residential, then the Local Street is a Commercial Street. **A**

**Commercial Street has a design standard (right-of-way, width, etc.) the same as a Collector except sidewalks are required on both sides on Commercial public streets.**

At the time of Subdivision approval by the Little Rock Planning Commission, the various types of Local Streets will be approved with the recommendation of the City Staff.

with the secondary function of providing access to adjoining property. The Collector system should not be continuous but should direct traffic to Arterials. This class of road is generally at a spacing of a quarter to a half-mile.

The spacing of Collectors may be decreased and/or the right-of-way and paving surface increased due to density of residential development and locations of commercial areas or other large traffic generators. At the time of the subdivision, the exact location and additional need for Collectors will be determined by the Little Rock Planning Commission upon advice of the City Staff. Certain Collectors have special design standards. For a list of these Collectors, see page.

#### DESIGN STANDARDS:

Sidewalks Required One side for residential land use. Both sides for publicly maintained commercial streets.

FUNCTION: A Collector street is the traffic connection from Local Streets to Arterials or to activity centers, with the secondary function of providing access to adjoining property. The Collector system should not be continuous but should direct traffic to Arterials. This class of road is generally at a spacing of a quarter to a half-mile.

DESIGN: The spacing of Collectors may be decreased and/or the right-of-way and paving surface increased due to density of residential development and locations of commercial areas or other large traffic generators. At the time of the subdivision, the exact location and additional need for Collectors will be determined by the Little Rock Planning Commission upon advice of the City Staff. **Sidewalks are required on one side of Collector streets, but are required on both sides of Commercial Streets.** Local public streets which are abutted by nonresidential zoning or use are considered "Commercial Streets". In addition to non-residential zoning and use, if the adjoining land is more intense residential than duplex or two-unit residential, then the Local Street is a Commercial Street. This type of street has a design standard (right-of-way, width, etc.) the same as a Collector. Certain Collectors have special design standards. For a list of these Collectors, see page 19.



R-09-43

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION EXPRESSING THE DESIRE OF THE CITY OF NORTH LITTLE ROCK TO ADOPT A "COMPLETE STREETS" POLICY; AND FOR OTHER PURPOSES.**

WHEREAS, increasing walking and bicycling offers the potential for cleaner air, improved health of the population, reduced traffic congestion, a more livable community, less reliance on fossil fuels and their foreign supply sources, and more efficient use of road space and resources; and

WHEREAS, the City of North Little ("the City") desires to advance a policy for "Complete Streets," the term given to streets that accommodate all forms of travel (automobiles, bicycles, pedestrians, transit, and freight) in a relatively safe environment on all City streets and highways; and

WHEREAS, the City adopted a Master Street Plan (Ordinance No. 7932) which proposes a network of streets and highways with design features to properly accommodate pedestrians and all types of vehicular movement, including a bicycle plan element that specifically defines proposed trails, on-street bike lanes and bike routes; and

WHEREAS, the guiding principle for a Complete Streets Policy for the City is to design, operate and maintain all City streets to promote safe and convenient access for all users (pedestrians, bicyclists, transit riders, motor vehicle drivers, etc.) in a manner consistent with, and supportive of, the surrounding community, with improvements to include an array of facilities and amenities recognized as contributing to Complete Streets (e.g. sidewalks to the Americans With Disabilities [ADA] standards, lighting, street trees, bicycle safety improvements, public transit facilities, drainage, and like features.).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That the City of North Little Rock supports the creation of "Complete Streets" and will implement policies and procedures in regard to the construction, reconstruction or other changes of transportation facilities on local streets and highways (including capital improvements, re-channelization projects and major maintenance) in keeping with the goals of proper accommodation of all forms of travel and in keeping with the design specification of the Master Street Plan, recognizing that all streets are different, and in each case, user needs must be balanced.

SECTION 3: That Complete Streets may be achieved through single projects or incrementally in a series of smaller improvements or maintenance activities over a period of time, utilizing maximum financial flexibility with the intent that all sources of transportation funding opportunities will be drawn upon to implement Complete Streets.

SECTION 4: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

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Mayor Patrick H. Hays

SPONSOR:

ATTEST:

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\_\_\_\_\_

Alderman Charlie Hight

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

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C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

**City of Jonesboro MAPC minutes: July 14, 2009:**

**Sidewalk Policy:**

Mr. Spriggs explained the agenda item, Sidewalk Policy which was initiated by our Public Works Council Committee. Our current code states that the sidewalks may be required on Commercial Developments and are required on multi-family developments.

We have reviewed other cities where waivers are considered under special circumstances in areas where there is no need for connectivity. Some have in-lieu of construction approaches where you may pay a certain dollar amount per linear feet, to offset the costs to place or repair sidewalks in areas that promote connectivity or near schools or areas underserved. We are asking you to consider developing a policy.

*Pamela Alexander/Beverly Parker addressed the MAPC:*

Beverly Parker: I represent the Center On Aging Northeast. We are working with a number of institutions. We are planning to study walkability of Jonesboro area. This connects in terms of livable of communities want people to walk to school and the grocery store and there are instances where that is not possible. We appreciate you looking at this. We do have suggestions of the written code.

Pam Alexander: We do endorse and are happy that you are considering this; we are in favor with institutions included. We are concern with setbacks from the curbs and having them be required for safety an comfortability when walking the standards; they do not allow for safety and comfort that is needed. It is the standard around the country. We are concerned if cars are parked and hanging over the sidewalks. In a lot of places 6 ft. widths for sidewalks is the standard. At ASU it is the minimum standards. Where it has to be next to the curb the mini8mum is 10 ft. People gravitate towards the middle and we are concerned with 4 or 5 ft. widths. It only allows for one person at a time; it is not enough for 2 people.

If we want to promote walkability; we are behind the curve to put these standards in place. Obstructions: I would ask that there be some design specifications around utility poles, fire hydrants.

We are interested in if there have been existing that any new construction connects to those sidewalks. Waivers: I am concerned about waivers; it is the developer to save their client money. I would be an advocate of the fee if a waiver is granted that funds can be used for further construction at a later date.

Beverly Parker: This group of collaborators, plan to do a walkability study in Jonesboro, AR with the AARP on October 8<sup>th</sup>. The City is involved with this event.

Ms. Alexander: We will be looking at the Caraway Stadium Drive area and will be going north, then going to ASU; we are concerned about Phillips Drive. The hotel visitors are

a concern. We will look at the corridors going West Matthews /Washington going towards downtown.

### **City of Jonesboro MAPC Minutes: June 9, 2009**

Policy and Procedure for sidewalk requirements for all new development within the City of Jonesboro. Article/Section 14.36.07 Sidewalks requirement-Multi-family and Commercial Developments.

Mr. Spriggs presented another item that he is taking before the Public Work's Council Committee, on behalf of some city council members and the Mayor, that may require sidewalks. In the ordinance under the sidewalk section it does give the Planning Commission the liberty to consider and require sidewalks on both multi-family and commercial developments. One gives the requirement and one gives the option. We are requesting you to look at that ordinance in consideration as well and make recommendation to the Council Committee once we place that on their agenda. As you recall there has been interest of the public and awareness in terms of safety in areas that surround school district and heavy traffic areas. We're hoping we will develop some type of sidewalk plan that'll address that pedestrian activity and we are requesting that you somehow forward a recommendation to the public works committee when they look at this. There will be other opportunities for the public to be involved with this in terms of developers and also the general public.

#### **Public Comments:**

Mr. Carter, stated he walks about the city, not all sections but most. The habits of not requiring sidewalks is not a good habit. Walking is becoming more common but there is no practical way for the City to go back and requiring it in all case. The property owners will be against it. You need to require it now across the board. It will not be impossible it is not satisfactory for the City and this Commission to be so considerate of what I consider the developer's desire not to require sidewalks; they were required in the past.

I request that you give some serious consideration for sidewalks in all of these areas and take it into consideration; no it is not practically impossible to start a sidewalk study. We let the situation go; we are going to go back and require it. The only way to do it is take it incrementally as the city grows- and do it incrementally. You will have people like me walking down the middle of the road and the side of the road. The back seat sidewalks have taken some a mile around here even where they are not in good repair; some vegetation over growing them. Building from scratch is a hopeless case. Thank you.