

AN ORDINANCE ADOPTING AMENDMENTS TO THE "CITY OF ABILENE SIDEWALK MASTER PLAN"; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That the "City of Abilene Sidewalk Master Plan", be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 20th day of December A.D. 2007.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 15th day of November, 2007, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 10th day of January, 2008, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 10th day of January, A.D. 2008.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

Revise C.3 as follows:

- C.3 In addition to sidewalks within the right-of-way, internal pedestrian circulation shall be provided in new development or redevelopment serving any commercial, retail, office, service or similar use and at any governmental facility, school, church, or other place of public assembly. Sidewalks, or other accessible pedestrian routes, shall be installed to connect all buildings to one another and to parking areas and to connect the development to the public street system. All such sidewalks or routes shall be protected from encroachment by parked vehicles.

Revise D.2 as follows:

- D.2 Sidewalks shall be provided at the time of road construction on all new expressway frontage roads, arterial streets, or collector streets, ~~except collector streets within a single family residential subdivision, where homes will front on the collector.~~

Revise E.3 as follows:

- E.3 No plat or subdivison of land along an existing collector street, arterial street, or expressway frontage road may be approved without provision for the installation of public sidewalks along such streets and roads unless the subdivision is subject to exceptions to requirements for infrastructure improvement. Any land development or subdivision that triggers a requirement for any street improvements along an existing collector street, arterial street, or expressway frontage road must include sidewalk improvements. The sidewalks must be provided concurrently with other street improvements except as otherwise provided in this Master Plan.

Revise F.1 and F.1(a) as follows:

- F.1 A complete waiver of the requirement for sidewalks should be rare and allowed only where there are unusual factors. The waiver ~~shall~~ must be approved by both the Planning Director and the City Engineer to be granted and their decision shall be documented with supporting data that ~~indicates~~ states the basis for the decision. However, in the event of a split decision, the City Manager or designee shall also make a determination as to whether or not the waiver should be granted, and document that determination with supporting data that states the basis for the decision. Unusual factors include:
- F.1(a) projects where the cost of establishing sidewalks or walkways would be unreasonably disproportionate to the cost of the associated roadway construction or

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overall project costs (however a partial waiver may be granted in lieu of a full waiver to reduce the cost of required sidewalks such that the costs will not be unreasonably disproportionate),

Add new G.17, and renumber accordingly:

G.17 “Project costs” means the following:

- a. If a sidewalk is triggered by the subdivision process, project costs include the other infrastructure improvements required in the platting process, such as road construction, water lines, sewer lines, drainage facilities, etc.
- b. If a sidewalk is triggered by the site plan process or any process other than through subdivision, project costs include all development costs associated with the site plan, including site development, buildings, parking lots, etc.

Revise G.24 as follows:

G.24 “Unreasonably Disproportionate” means exceeding twenty percent of the cost of the larger project project costs or exceeding three times the cost of a standard sidewalk with no topographic constraints or other unique issues that would raise the cost of a sidewalk. For transportation projects, right-of-way acquisition costs shall not be included in the calculation.