

ORDINANCE NO. 39-2006

AN ORDINANCE ADOPTING 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 adopted 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 27th day of July A.D. 2006.

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 1st day of July, 2006, 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 August, 2006, 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 August, A.D. 2006.

ATTEST:

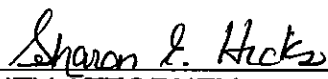


CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

Exhibit “A”

**City of Abilene
Sidewalk Master Plan**

Draft: July 19, 2006

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A. Purpose

- A.1. The purpose of this Sidewalk Master Plan is to promote the health, safety, and welfare of residents, property owners, and visitors to the City of Abilene and to implement objectives and strategies of the Abilene Comprehensive Plan.
- A.2. The Sidewalk Master Plan will:
 - a. Improve the safety of walking by providing separation from motorized transportation and improving travel surfaces for pedestrians.
 - b. Improve public welfare by providing an alternate means of access to transportation and social interaction, especially for children, other citizens without personal vehicles, or those with disabilities.
 - c. Facilitate walking as a means of physical activity recognized as an important provider of health benefits.
 - d. Establish minimum criteria for the development of sidewalks as a part of the pedestrian element of the transportation system within the City and its extraterritorial jurisdiction (ETJ).

B. Policy Statements

- B.1. Walking is a primary form of transportation that should be accommodated in the design of public roadways and transportation systems. In addition, sidewalks are an integral part of the street system and should not be of secondary consideration.
- B.2. A continuous pedestrian system is critical to achieve the benefits of a functional multi-modal transportation system.
- B.3. Where this document is silent, the design of pedestrian facilities shall follow the City's Sidewalk Design Standards and applicable State and Federal laws and regulations.
- B.4. All sidewalks, sidewalk amenities, and landscaping in the external right-of-way shall be maintained by the adjoining property owner unless otherwise specifically provided for by public policy.
- B.5. These requirements are intended to apply within the City and its ETJ, but is not intended to apply to existing single-family residential neighborhoods where sidewalks are not present and have not historically been provided. These requirements are intended to apply to both public and private streets.

C. General Requirements

- C.1. Unless noted otherwise, sidewalks shall have a minimum clear path width of four feet on local streets in a district zoned for primarily single-family residential purposes and a minimum clear path width of five feet in all other locations.
- C.2. The timing of sidewalk construction shall be as required by this Master Plan, unless a development agreement between the property owner and the City provides for alternative timing for construction.
- 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 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 shall be protected from encroachment by parked vehicles.

D. Sidewalk Requirements for New Streets

- D.1. Sidewalks shall be required on both sides of all new streets except local streets in a single-family residential subdivision where all lots are 1 acre or greater or expressways where frontage roads are not provided.
- 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.
- D.3. Sidewalks shall be installed concurrently with other street improvements on local streets where streets abut non-development areas such as common areas, drainage features, utility rights-of-way, or publicly owned areas.
- D.4. A developer of a new subdivision may contribute the projected cost of the sidewalk construction into an escrow fund or through other form of financial guarantee to delay the time of construction of the sidewalk according to procedures that may be promulgated by the City.
- D.5. All required sidewalks in new subdivisions must be constructed within 5 years of plat approval unless a different schedule is specifically authorized in writing by the City Engineer for the purpose of coordination with other capital improvement activities.

E. Sidewalk Requirements for Existing Streets

- E.1. Sidewalks shall be required on both sides of existing collector streets, arterial streets, and the external sides of the frontage roads of expressways.
- E.2. Sidewalks shall be required along block faces of existing local streets in any of the following categories or combinations of categories:
- a. The Central Business District designated by the Abilene Comprehensive Plan.
 - b. Designated pedestrian routes in a neighborhood plan, corridor plan, or other small area plan adopted by the City of Abilene.
 - c. Locations that would connect existing or otherwise required sidewalks by closing gaps of less than 250 feet.
 - d. Locations in which an adjacent property has a public sidewalk along the same block face.
 - e. Street frontages in all land use zones except the following:
 - (1) Zones intended primarily for single-family residential purposes and where sidewalks are not present. (Example: RS and MH subdivisions).
 - (2) Zones intended primarily for multi-family residential purposes where the current or proposed use of the property is for single-family residential (Examples: RM-3, RM-2, RM-1).
 - (3) Zones intended primarily for warehousing, manufacturing, and industrial uses (Examples: HI, LI, PI).
 - (4) Zones intended to preserve agricultural activities and open space (Example: AO).
- E.3. 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.
- E.4. No new or amended site plan may be approved for development on any property in a location unless applicable provisions for required sidewalks are included in the site plan.
- E.5. A certificate of occupancy, or building final approval for residential development that does not require a certificate of occupancy, may not be issued until required sidewalks are installed or brought up to applicable standards when there is development activity requiring:
- a. a permit for new construction of a structure other than an accessory structure,
 - b. a permit for a major addition to a structure other than an accessory structure, or
 - c. a permit for major alterations or repairs to a structure other than an accessory structure.
- E.6. An existing sidewalk may not be removed unless a replacement sidewalk is constructed to standards current at the time of removal.

F. Exceptions & Waivers

- F.1. A complete waiver of the requirement for sidewalks should be rare and allowed only where there are extreme factors. The waiver shall be approved by both the Planning Director and the City Engineer and shall be documented with supporting data that indicates the basis for the decision. Extreme factors include:
- a. projects where the cost of establishing sidewalks or walkways would be excessively disproportionate to the cost of the associated roadway construction,
 - b. areas with severe topography or other natural constraints that will constrain proper implementation of this plan, or
 - c. situations inherently adverse to pedestrian activity, such as harmful noise, dust creation, and high volume truck traffic, in certain areas, such as agricultural, heavy commercial, and industrial developments.
- F.2. Deviations from these requirements and the city's Sidewalk Design Standards may be allowed when necessary due to the physical circumstance of the street or when necessary to accomplish adopted development goals of the City.
- a. The specific nature and justification for any deviation must be documented and authorized in writing by both the Planning Director and the City Engineer.
 - b. Deviations should be minimal and consist primarily of changes to required width of clear path or alignment within the right-of-way.
 - c. Deviations shall not allow a minimum clear path width of less than 3 feet.

G. Definitions

- G.1. "Alley" means a minor public right-of-way not intended for general traffic circulation that is primarily used for secondary access to the rear or side entrances of abutting property.
- G.2. "Arterial street" shall mean any route designated as arterial, planned arterial, or planned expressway by the Thoroughfare Plan.
- G.3. "Block face" refers to one side of a street between major intersecting features.
- G.4. "Change in use" means any change of occupancy as defined by the building code adopted by the City of Abilene.
- G.5. "Clear path" means an unobstructed way free from obstacles or overhanging projections to a height of 8 feet above the ground, sidewalk, or surface.
- G.6. "Collector street" shall mean all routes designated as collectors or planned collectors by the Thoroughfare Plan.
- G.7. "Common area" means a portion of a real estate development that is held for the common use or benefit of multiple owners or tenants: such as parking lots, malls, common recreational areas, landscaping lots, group detention facilities, etc.

- G.8. "Drainage feature" means a natural or man-made feature that collects, conveys, or stores surface water or storm water runoff: such as a channel, stream, detention area, wetland, or lake.
- G.9. "Excessively disproportionate" means exceeding twenty percent of the cost of the larger transportation project. Right-of-way acquisition costs shall not be included in the calculation.
- G.10. "Existing street" means a street existing at the time that a sidewalk requirement is triggered, including, but not limited to, all streets existing on the ground on August 10, 2006.
- G.11. "Expressway" means an arterial street where access from abutting land is not permitted adjacent to the main travel lanes of the roadway except along a separate frontage road.
- G.12. "External right-of-way" means the area located within the public right-of-way between the curb line of a street, or edge of roadway, and the property line at the edge of right-of-way; sidewalk easements shall be considered a part of the external right-of-way.
- G.13. "Frontage road" means a roadway within the right-of-way of an expressway corridor that provides access to abutting land.
- G.14. "Local street" shall mean a minor street or subcollector street as defined by the City's Subdivision Ordinance.
- G.15. "Major addition" shall mean:
- a. Any addition to a structure in excess of fifty percent of the existing floor area or 10,000 square feet, whichever is less; or
 - b. Any addition that increases the value of the structure in excess of fifty percent or \$1,000,000, whichever is less.
- G.16. "Major alterations or repairs" shall mean any alterations, repairs, or combination thereof to a structure in excess of fifty percent of the value of said structure.
- G.17. "Obstacles" means fixed or portable obstructions to the safe passage of pedestrians including, but not limited to: signs, street lights, mailboxes, landscaping, utility poles, trashcans, parked vehicles, merchandise, furniture, junk, and debris.
- G.18. "Property" means any platted lot or other parcel of land.
- G.19. "Road construction" as used in the context of this Master Plan shall mean any new construction, widening of roadways, or adding curb and gutter.
- G.20. "Roadway" means that portion of a street or highway between the regularly established curb lines or that part, exclusive of shoulders, improved and intended to be used for vehicular traffic.

- G.21. "Sidewalk" means an improved facility intended to provide for pedestrian movement; often located in the public right-of-way adjacent to a roadway.
- G.22. "Sidewalk amenities" means accessory features such as sidewalk furniture, planters, railings, bicycle racks, canopies, and specialized lighting.
- G.23. "Street" means the entire width between property lines of every way open to the use of the public for purposes of travel with the exception of alleys.