

# Initial Sidewalk Policy Discussion with Planning and Zoning Commission 1-20-2016

## Background:

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While Garden City Code provides sidewalk standards, the Planning and Zoning Commission and Garden City Development Services staff have discussed the need to either refine Garden City Code or the interpretation of the code to be better able to consistently apply sidewalk standards. The below proposed policy, is a working draft document to aid discussions on this matter.

## Proposed Policy:

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Garden City Code requires that properties adjacent to roadways utilized by motor vehicles provide sidewalks. This is not an impact fee. This is a required on-site improvement for properties in Garden City. Properties that do not have sidewalk contain an existing deficiency that poses a threat to the health, safety and welfare of pedestrians. This policy identifies thresholds and options for the construction of sidewalk.

### Applicable Garden City Code

#### 8-4E-2 **APPLICABILITY:**

- A. *This Article provides design standards that shall apply to any new construction, addition, expansion, grading, alteration, or any new or more intense use of property.*
- B. *Nothing in the provision of this chapter shall alter or negate the responsibilities of the Transportation Authority.*

#### 8-4E-6 **SIDEWALKS STANDARDS:** *All sidewalks shall be designed and constructed to the following standards.*

- A. *Sidewalks shall be required along public rights of way intended for vehicular travel.*
- B. *All sidewalks shall be a minimum of five feet (5'), except if detached sidewalks are provided on local streets in residential subdivisions, the minimum sidewalk width may be reduced to four feet (4') .*
- C. *Detached sidewalks shall be required unless in conflict with a street plan adopted by the Transit Authority and/or the City or there is existing attached sidewalk on both sides adjacent to the property.*
- D. *Sidewalks shall be designed to flare around mail boxes, utility boxes and other impediments to pedestrian circulation to maintain a minimum five feet (5') of travel width.*

## Improvement Thresholds

It is Garden City's preference that curb, gutter, and concrete sidewalk are installed in most instances. The below identifies thresholds that may not necessitate the installation of curb, gutter, and concrete sidewalk. The thresholds identified do not preclude the installation of curb, gutter, and concrete sidewalk but rather set the minimum requirements.

### **Full Curb, Gutter, and Concrete Sidewalk installation required**

Prior to Certificate of Occupancy, curb, gutter, and concrete sidewalk is required to be *installed for the entire project site* when:

- The site is newly constructed; or
- The site is redeveloped in its entirety; or
- All costs related to the improvements of the site and building are > 75% the cost of the installation of the sidewalk

### **Pathway and Proportional Curb, Gutter, and Concrete Sidewalk installation required**

Prior to Certificate of Occupancy, curb, gutter, and concrete sidewalk *proportional* to the area of the site changing is required to be *installed* when:

The project entails:

- A change to the site design or assessed value, including changes interior to a building >25% <75%; or
- There is an expansion of the site; or
- There is an intensification of the site

#### **And**

If the property is adjacent to:

- A property with a sidewalk; or
- A property with an agreement with City to install sidewalk

Additional requirements:

- *On site* drainage shall be designed to accommodate the future curb, gutter, and concrete sidewalk.
- Right of way or easement must be granted for the entire (including future) sidewalk to edge of property; and
- If curb, gutter, and concrete sidewalk is not provided to the entire site, a pathway for the entire site shall connect to the sidewalk.

### **Pathway and Agreement for Proportional Curb, Gutter, and Concrete Sidewalk required**

The applicant may receive a Certificate of Occupancy prior to the installation of sidewalk provided that the applicant enter into an agreement with Garden City for the installation of concrete sidewalk, curb, and gutter provided:

The project entails:

- A change to the site design or assessed value, including changes interior to a building >25% <75%; or
- There is an expansion of the site; or

- There is an intensification of the site

**And**

- There is sidewalk **scheduled** for construction by a public agency (i.e. in ACHD's Five Year Work Plan); or
- There is no adjacent sidewalk; or
- There is an existing principle structure that will not be removed that impedes installation of a sidewalk; or
- There is a public or irrigation structure that impedes installation of a sidewalk; or
- The transportation authority is not requiring curb, gutter, and concrete sidewalk

Additional requirements:

- *On site* drainage shall be designed to accommodate the future curb, gutter, and concrete sidewalk.
- Right of Way or easement must be granted for the entire (including future) sidewalk to edge of property; and
- A pathway is installed prior to Certificate of Occupancy.

**Pathway Required**

A pathway will be required, however a curb, gutter, and concrete sidewalk will not be required when:

The project entails:

- A change of use to a conditionally permitted use; or
- The addition of a conditionally permitted use on a site with multiple uses; or
- Intensification of a legally nonconforming site (either conditionally permitted or with legal grandfather rights)

**And**

If the property is adjacent to:

- A change to the site design or assessed value, including changes interior to a building <25%; or
- There is no expansion of the site; and
- There is no intensification of the site

**No Sidewalk or Pathway Requirement**

No sidewalk or pathway will be required when there is an existing **attached or detached** sidewalk that is in good repair.

**Or**

When project entails:

- The change of use is to a permitted use, or
- The property has most recently been utilized by a legal existing use (must have a Certificate of Occupancy for current use, or demonstrate legal grandfather rights) and there is no change of use; or
- The property is at a 'dead end' and is not a part of an existing or planned connection to the Greenbelt, a pathway, or other amenity that may be utilized by the public.

**And**

If the property is adjacent to:

- A change to the site design or assessed value, including changes interior to a building <25%; or
- There is no expansion of the site; and
- There is no intensification of the site; and
- Design Review Committee approval is not required.

## **Location Standards**

All sidewalks or pathway should be installed in the public right of way when permitted by the transportation agency who controls the roadway. If the transportation agency who oversees the road will not permit detached sidewalk or pathway in right of way, the applicant must provide easement for the public for an onsite sidewalk or pathway .

The sidewalk or pathway shall connect to adjacent sidewalks or pathways.

If there is no adjacent sidewalk or pathway, the sidewalk or pathway shall be installed to the property lines of adjacent properties so that adjacent properties may install connecting sidewalk or pathway at the time that they develop or redevelop.

The sidewalk or pathway shall be detached and provide for a landscape buffer prescribed by ACHD's policy for Class II or III trees unless:

- Impeded by an existing principle structure that will not be removed; or
- Contrary to an adopted street or master plan, or
- There is existing attached sidewalk or pathway on **both** adjacent sides of the property

## **Proportionality**

Determination of proportionality of sidewalk requirements are as defined below:

### **Flex Spaces**

Where there are multiple units, suites, buildings, etc. on a site that are intended to be utilized by multiple tenants, proportionality shall be determined based on the proportion of the use of the units, suites, buildings, etc. utilized. For example if there is a facility with five suites, and the use will be occupying two suites, 2/5 of the required improvements of the site will be required.

### **Intensification of Use**

Existing uses that will be increasing the use on the existing site will be required 10' of improvement for every new parking space or every additional vehicle trip/ day anticipated (whichever is greater). Garden City shall use the same standard that ACHD utilizes, currently the *Transportation Engineers Trip Generation Manual, 9<sup>th</sup> Edition*.

### **Expansion of Site**

The property that the use will expand into will be required to meet thresholds as herein identified. Also, if the existing site prior to expansion contains deficiencies in sidewalk, a sidewalk or pathway shall be

required on the existing site. The intensification of the existing site will be based on the area of expansion.

For example, Site A does not contain sidewalk. The use of Site A expands into site B. Site B is vacant, thus requiring full curb, gutter and sidewalk on Site B. The use on Site B will generate 20 vehicle trips/day. Up to 200' of sidewalk shall be provided on Site A.

## Construction Standards

### Sidewalk

All sidewalks shall be constructed to the standards of the Transportation Agency of the road that sidewalk is on or adjacent to (ACHD, or ITD), be at least 5' in width, and be free of obstructions.

### Pathway

A pathway for the safe access of pedestrians may be constructed as a temporary sidewalk in lieu of a concrete sidewalk with curb, gutter, and concrete. The pathways shall adhere to the following standards:

1. Shall be clearly defined.
2. Outside of a vehicular travel way.
3. The path shall be 5' wide.
4. May be identified with paint, pavers or otherwise approved appropriate material.
5. Adhere to location standards as identified above.

Right-of-way necessary to provide future curb, gutter, and sidewalk shall be dedicated.



**Examples of paint or pavement color to delineate and pedestrian zones including HWY 20/26 in Boise (middle picture)**

## Agreement

The project may receive a Certificate of Occupancy prior to the installation of curb, gutter, and concrete sidewalk provided that the applicant enter into an agreement with Garden City :

### Terms of Agreement:

- The agreement will be with Garden City; and
- Agreement will run with the property; and
- Payment for the curb, gutter, and concrete sidewalk will be required; and
- The funds will be utilized for the installation of curb, gutter, and concrete sidewalk. To allow for the potential assembly of projects which would provide efficiencies in expenditures, the funds

paid by a project may be utilized for another section of noncompliant roadway within the same zone. The zones are:

- Local roads east of Kent not including Chinden or State Street
- Local roads west of Kent not including Chinden or State Street
- Chinden
- State Street

**The payment will be:**

- Made to Garden City; and
- Will be determined by the City and shall be equal to the estimated cost to the City, ACHD, or ITD for installing curb, gutter, and concrete sidewalk at the subject project location; and
- The fee will also include administration and oversight of the agreement and the installation of the sidewalk; and
- Will be in the form of cash; and
- May be made in installments as determined by the agreement