

COMMISSION ACTION FORM

**SUBJECT: SUBDIVISION ORDINANCE TEXT AMENDMENTS REGARDING  
SIDEWALKS, IMPROVEMENT GUARANTEES, AND STREET LIGHTS**

**BACKGROUND:**

The City Council directed staff to review right-of-way improvement requirements and received a staff report on February 24<sup>th</sup> for options to pursue text amendments. Council then directed staff to prepare text amendments to the Subdivision Code and prepare a separate ordinance for right-of-way improvements related to site development, regardless of whether there is an associated subdivision. The issue being considered by the Planning and Zoning Commission are subdivision text amendments limited to requirements for sidewalks on both sides of all streets, widening the width of sidewalks to five feet, related issues for the timing of sidewalk installation and improvement guarantees, and installation of street lights along abutting rights-of-way.

The City's current subdivision regulations require sidewalks to be installed on both sides of streets in commercial and residential zoning districts. **Industrial zoning districts currently require sidewalks at a minimum of one side of the street only.** There are two concerns with these limited expectations in industrial areas. First, staff believes there is value to a more inclusive approach to transportation modes that would benefit by having sidewalks on both sides of the street. This would further an effort for more "complete streets," better safety of pedestrian circulation, convenience of access to nearby business and services, and access to transit.

Secondly, administering ADA compliance requirements based upon the 2010 standards for accessible design that went into effect in 2012 has been challenging. Zoning requirements to connect building entrances to the street with a walkway and a requirement for there to be an accessible route in the right-of-way or to cross the street have made it confusing for applicants and for staff management of right-of-way.

The City's subdivision regulations require public sidewalks in the right-of-way to be 4 feet in width. Yet, the Zoning Ordinance requires private sidewalks to the main entrance of a building to be 5 feet. Staff has found that in some instances, due to ADA requirements, a 5-foot public sidewalk is needed in some locations depending on the overall length of a sidewalk and cross slope. A 5-foot walk meets all ADA width requirements without the need for turn out areas. A 5-foot walk width also provides more pedestrian comfort when walking with other people or passing other people. Typically the right-of-way has 13 feet beyond the curb to the property line to accommodate a sidewalk, sidewalk buffer, and a planter strip for street trees. Staff does not propose increasing the right-of-way width for the wider sidewalk, but instead to lessen the planting area for street trees to 7 feet. Five-foot sidewalks would apply to all types of subdivisions.

The current City standard has been to require street lights within new subdivision, but to not consider abutting existing streets as being within a subdivision. Often street lights have not been required which sometimes result in later installation at city costs in response to demands by new occupants of an area. This issue applies to most areas that have existing roadways that have not intensified with development. Examples would be SE 16<sup>th</sup> Street, State Avenue, George Washington Carver, Mortenson Road, and 190<sup>th</sup> Street (See attached). Staff believes that strengthening the language on when street lights are required will clarify the expectations that new development will provide the same infrastructure adjacent to a development that serves the development as within a subdivision. This change would apply to all types of subdivisions, including single-family residential.

The City's regulations on the installation of required public improvements state that all infrastructure shall be installed at the time of final plat approval. Alternatively, financial security and an installation agreement can be provided to ensure that the improvements are installed within two years of final plat approval. In practice, though, sidewalks and street trees have not been secured with financial security or held to the two-year installation window. Their installation has been tied to the occupancy of the building on an individual lot. This sometimes results in gaps in the sidewalk system that may last several years. Staff recommends changes to clarify the expectations for installation are tied to the subdivision improvements more than the building permits for each lot.

### Proposed Amendments

Staff recommends that the following four text amendments apply to any final plat filed for preliminary plat approved after January 1, 2015. Staff does not recommend extending the requirements retroactively to preliminary plats approved prior to this year as investments and expectation have already been set. However, no Preliminary Plat have been approved yet this year and no one has made infrastructure investments for new plats that could not accommodate these changes. The first subdivision likely to be affected by the amendments is the pending Quarry Estates Subdivision in the North Growth Area.

The amendments below address the issues identified above. The amendment to Section 23.403 (13) explicitly requires the installation of street lights on interior as well as adjacent streets.

The amendment to Section 23.403 (14) requires five-foot sidewalks on both sides of the streets—there is no special dispensation for industrial zones. The amendment also requires sidewalks greater than five feet if needed to match adjoining sidewalks. This is important in commercial areas where wider sidewalks have been planned or installed.

And the amendment to Section 23.409 (4) will require sidewalks to be installed the earliest of 1) two years following final plat approval, 2) when occupancy of a principle structure is sought, or 3) when 50 percent of the lots on a block face have sidewalks installed.

### **Section 23.403. STREETS**

...

(13) Street Lights: Street lights shall be installed at the subdivider's expense and according to design and specification standards approved by the City Council and after approval of the municipal utility. Street lights shall be installed along any streets within the subdivision and along any abutting street frontage.

(14) Sidewalks and Walkways:

(a) Sidewalks and walkways shall be designed to provide convenient access to all properties and shall connect to the City-wide sidewalk system. A minimum of a five ~~four~~-foot wide concrete sidewalk shall be installed in the public right-of-way along each side of any street ~~within residentially and commercially zoned areas and along at least one side of any street within industrially zoned areas.~~ If sidewalks on adjacent property are greater than five feet, the subdivider shall install sidewalks to match. If constraints exist that preclude installation of a sidewalk within the public right-of-way, the subdivider shall install the required sidewalk on adjacent land within a sidewalk easement. All required sidewalks ~~Such sidewalk shall connect with any sidewalk within the area to be subdivided and with any existing or proposed sidewalk in any adjacent area. Any required sidewalk shall be constructed of concrete and be at least four feet wide.~~

### **Sec. 23.409. IMPROVEMENT GUARANTEES.**

(1) The subdivider shall file a bond with the City Clerk in an amount not less than the certified estimate of the Director of Public Works for the cost of constructing or completing any improvement required under this section that has not been installed and accepted by the City prior to final plat approval. Such bond shall be retained by the City Clerk until any such improvement is completed and accepted by the City, as a guarantee that the work will be completed in an acceptable manner within the time specified in any agreement between the subdivider and the City. The time frame for installing improvements required for the approval of the subdivision shall not exceed 2 years from the date of approval of the Final Plat. Additionally, the term of the bond shall be for a period of time equal to or longer than the time specified in the Improvement Agreement.

(2) The subdivider shall apply in writing to the City Council for any extension of time for completing any improvements and the City Council shall provide notice and an opportunity for comment from any purchaser of any lot in the area subdivided before acting on the subdivider's application. The City Council shall grant such extensions in increments of not more than two years but in any event only if there shall be no unreasonably adverse effect on persons who purchased lots in the area subdivided in reliance on timely completion of any improvement.

(3) The subdivider shall file a new bond upon the granting of an extension of time in an amount based on any revised estimate of the cost of completing any improvement.

(4) Notwithstanding the two year time frame for the installation of required infrastructure (and any subsequent extensions granted by the City Council), the subdivider shall install any sidewalk adjacent to a property on which a principle structure has been built and prior to occupancy of said structure. In addition, all remaining sidewalks shall be installed by the subdivider when 50 percent of the lots on a block face have been installed. A block face consists of one side of a street between two intersecting streets or between an intersecting street and the end of a cul-de-sac.

### **ALTERNATIVES:**

1. The Planning & Zoning Commission can recommend that the City Council adopt the proposed amendment to Chapter 23 Subdivision Regulations.
2. The Planning & Zoning Commission can recommend that the City Council deny the proposed amendments.
3. The Planning & Zoning Commission can refer the proposed amendments to the zoning ordinance back to staff for specific further information or for further options.

### **RECOMMENDED ACTION:**

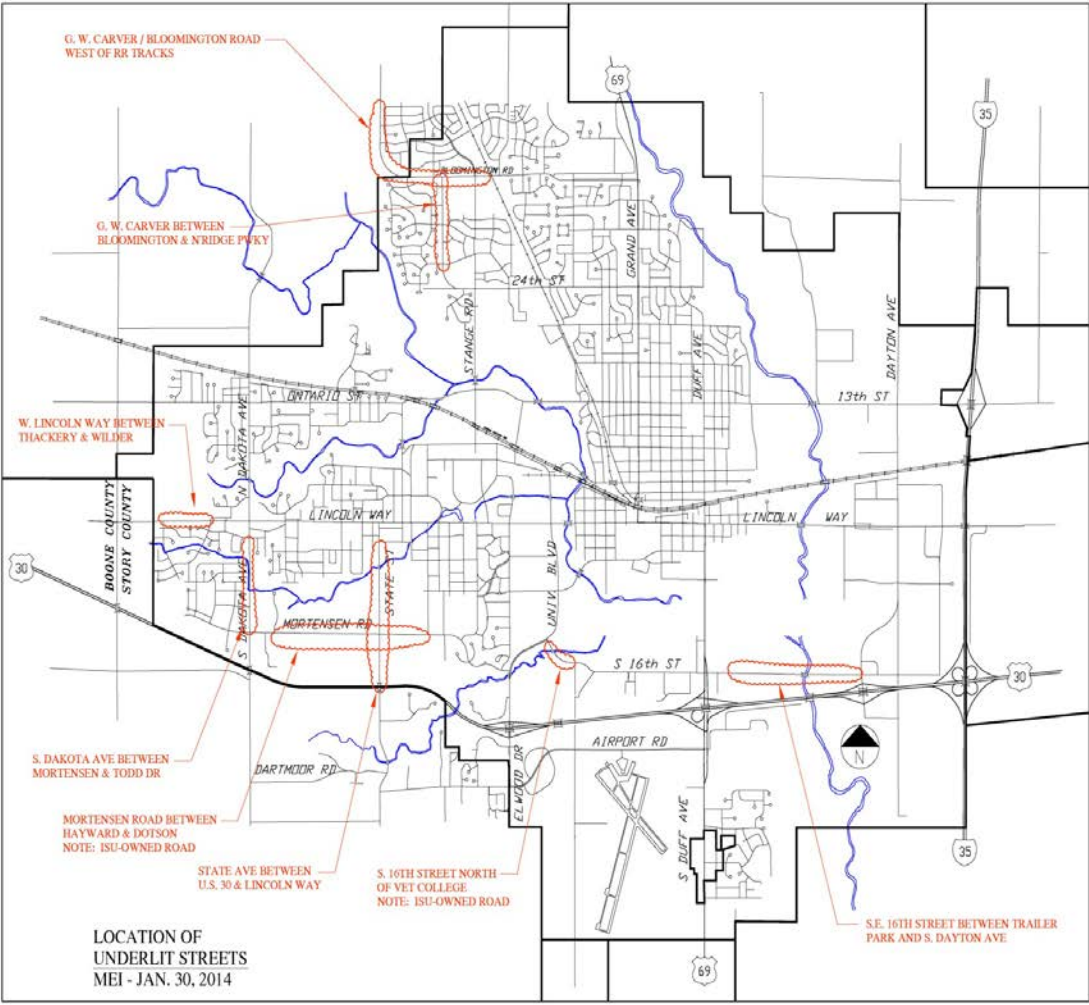
The proposed amendments improve accessibility and safety of the public by requiring sidewalks on both sides of the streets in all zoning districts. They also improve compliance with ADA accessibility by increasing sidewalk widths to 5 feet. They also clarify the requirements for the placement of sidewalks on streets adjacent to new subdivisions and not just within the subdivision.

The amendment requiring the installation of sidewalks within two years is significant in that it returns the City to the requirements of the subdivision regulations. While past practice has allowed the developer to forego posting security for sidewalks, the subdivision regulations require any infrastructure not installed by the time of the final plat to have financial security posted. Those regulations also require that the missing infrastructure be installed within two years. The only new piece that this amendment proposes is that once sidewalks are installed on 50 percent of the block face, then the subdivider needs to finish the sidewalk installation on that block face.

An interested parties list was formed prior to the Council meeting on February 24<sup>th</sup>. Staff has posted Council's direction with updates on the "What's New" section of the Planning Division's webpage and provided email updates of new information. No comment has been provided on the draft Subdivision Amendments at this time.

**Therefore, it is the recommendation of the Department of Planning and Housing that the Planning and Zoning Commission act in accordance with Alternative #1, which is to recommend that the City Council amend Sections 23.403 and 23.409 as shown above.**

Map of Underlit Streets 2014



### Summary of Infrastructure Requirements with Subdivision

	Sidewalks	Street Trees	Bike/Shared Use Path*	Bike Lanes	Street Lights	Street Capacity/Access	Bus Stop	Water/Sewer/ Drainage
<b>Residential</b>	Yes	Yes	If shown on adopted plan of LRTP	None	Internal to development (no arterials)	Yes	No	Yes
<b>Commercial</b>	Yes	No	If shown on adopted plan of LRTP	None	Internal to development (no arterials)	Yes	No	Yes
<b>Industrial</b>	One side of street	No	If shown on adopted plan of LRTP	None	Internal to development (no arterials)	Yes	No	Yes

\*References to bike facilities are inconsistent with current terminology and includes references to an adopted bicycle plan that is no longer in place, making requirements ambiguous at times.

### INFRASTRUCTURE COST ESTIMATE RANGE

Item	Private cost	City cost
<b>4' sidewalk per linear foot</b>	<b>\$25</b>	<b>\$40</b>
<b>8' asphalt shared use path per linear foot</b>	<b>\$25</b>	<b>\$50</b>
<b>Street tree</b>	<b>\$200</b>	<b>same</b>
<b>Standard street light</b>	<b>\$2,000</b>	<b>same</b>
<b>LED street light</b>	<b>\$2,500</b>	<b>same</b>
<b>35 sq ft bus stop pad</b>	<b>\$200</b>	<b>\$400</b>
<b>30" curb and gutter</b>	<b>\$15</b>	<b>\$30</b>
<b>One lane of pavement per linear foot (HMA)</b>	<b>\$65</b>	<b>\$100</b>
<b>Sidewalk detectable warning per square foot</b>	<b>\$25</b>	<b>\$40</b>