

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT DEPARTMENT

### MEMORANDUM

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To: Mayor and Council

From: Russell Martin, AICP, Community Development Director

Date: October 14, 2019

CC: Tammi Saddler- Jones – City Administrator

RE: **Code Amendment – Chapter 90 of the Code of Ordinances – Sidewalk Bank**

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#### **BACKGROUND**

The Mayor and City Council recently asked the Community Development Department to study the feasibility of setting up a sidewalk bank to allow developers to pay a fee in lieu of installing required sidewalks where there is a lack of connectivity to existing sidewalks or the construction of the sidewalk is prohibitive due to site conditions. The City Council expressed support in establishing Sidewalk Bank for a means of alternative compliance for developers, as well as, a way to allocate resources to prioritized sidewalk projects.

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#### **ANALYSIS**

The installation of new sidewalks is required for all new developments under several different sections of the City's Code of Ordinances. Each of these sections provide different requirements for the provision of sidewalks for new development. These code sections are as follows:

##### **Section 1201(7) of Appendix A – Zoning Ordinance**

- “The developer shall be responsible for any traffic improvements (including additional right-of-way dedications) deemed necessary by either the city or the county during construction plan review. Sidewalks shall be provided by the developer inside the subdivision and outside the subdivision adjacent to any public right-of-way consistent with city's requirements for the extent of the development. A grass buffer with a minimum width of two feet shall be provided between the back of curb and sidewalk.”

##### **Section 1101.9 of the Appendix B – Subdivision Regulations**

- Sidewalks. When sidewalks are required, the subdivider shall furnish and install all required paving materials without cost to the city, and [such sidewalks shall] be constructed in accordance with city specifications. Sidewalks shall have a minimum width of four feet and shall be provided under the following conditions:
  - Sidewalks shall be installed in subdivisions located within 1½ miles from an existing or proposed school on one side of any subdivision street providing access

to such school when the planning commission determines that sidewalks are necessary to provide for safe pedestrian movement.

- The planning commission may require additional sidewalks and wider sidewalks within a distance of up to 1½ miles on streets leading to or passing through commercial areas, school sites, places of public assembly and other similar congested areas. Sidewalks in residential areas shall be not less than two feet from street curbs. All driveway aprons over sidewalk areas shall be paved with concrete by the developer or builder.

### **Section 2(k) of Appendix D – Design Specifications for Storm Drainage, Roads, Construction**

- Sidewalks. When a development abuts a public right-of-way, sidewalks shall be required along the entire road frontage. Sidewalks will be required to be constructed on both sides of the road (if the development abuts both sides of the road) when the road is classified as an arterial, major collector or minor collector roadway. Sidewalks shall be constructed on one side of all internal streets within a subdivision. Sidewalk location and orientation may be altered under site specific conditions at the discretion of the city engineer.

Amenity areas must be accessible by sidewalks from the nearest sidewalk in a subdivision. All sidewalks must be installed prior to the acceptance of the subdivision by the city unless a performance bond is in place at the time of acceptance.

Commercially zoned developments shall provide internal sidewalks and crosswalks to provide connectivity to sidewalks on abutting rights-of-way.

Sidewalks shall be located a minimum of two feet from the back of curb. Sidewalk location may be varied at the discretion of the city engineer with prior approval.

Sidewalks constructed within a subdivision along streets classified as local streets shall have a minimum width of four feet and all others shall have a minimum width of five feet.

The concrete shall have a minimum compressive strength of 3,000 psi at 28 days and a minimum depth of four inches.

Builders are required to install sidewalk prior to issuance of a certificate of occupancy by the city.

Sometimes the required sidewalks for these developments do not connect to existing sidewalks, or are in areas where no sidewalks exist, or are cost prohibitive to build due to site topography and/or other environmental constraints (i.e. mature trees, stream buffers, etc.). The Sidewalk Bank would provide an alternative means of compliance where the developer would pay a fee in lieu of installing the required sidewalk at the discretion of the Public Works Director. The funds would be set aside for future sidewalk construction or maintenance projects. These funds would be used solely for the construction of new sidewalks within the city limits or for the maintenance of existing sidewalks within the city limits. The fee amount would be based on a price per linear foot and would be established in the City's schedule of fees. Cobb County currently sets their fee at \$76 per linear foot of sidewalk. These funds would be administered by the Public Works Director

and a quarterly report would be submitted to the City Administrator showing amounts collected, amounts spent, and the locations of the sidewalk improvements.

Other local jurisdictions already have already established Sidewalk Banks where developers can pay fees in lieu of installing sidewalks. These jurisdictions include: Cobb County, Peachtree City and East Point.

The Planning and Zoning Board heard the proposed text amendments at the October 14, 2019 meeting and recommended **denial** of the proposed amendment by a vote of 5-0.

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## STAFF COMMENTS

Community Development has reviewed the City's Code of Ordinance with respect to sidewalks and is proposing a code amendment to create a Sidewalk Bank for alternative compliance to the City's sidewalk requirements. The proposed amendments include:

- 1) Creation of the Sidewalk Bank;
- 2) Establishment of fund administration; and
- 3) Establishment of the fee amount.

Community Development recommends **approval** of the following code amendments to Chapter 90 of the City's Code of Ordinances and the City's Fee Schedule:

**Add Article IV and Sections 90-60 and 90-61 to Chapter 90 of the Code of Ordinances. The proposed article and section shall read as follows (amended portions are highlighted).**

### ARTICLE IV. – Sidewalk Bank

#### Section 90-60. – Definitions.

Sidewalk Bank means an account, established and maintained by the Finance Department of the City of Smyrna, of funds contributed from developers as a form of alternative compliance to the City's sidewalk requirements. Funds from the Sidewalk Bank are to be used solely for the construction of new sidewalks within the city limits or for the maintenance of existing sidewalks within the city limits as authorized by the Public Works Director.

#### Section 90-61. – Sidewalk Bank Program.

- 1) Sidewalk Bank. As another method of compliance to the sidewalk requirements, the City will accept a fee in lieu of the installation of the sidewalk. These funds will be used for the sole purpose of construction of new sidewalks within the city limits or for the maintenance of existing sidewalks within the city limits. This alternative compliance method may only be used when the Public Works Director determines the construction of the required sidewalk implausible or the nearest connection to an existing sidewalk is greater than 1,500 feet.
- 2) Fund Administration. The Sidewalk Bank will be administered by the Public Works Director. A quarterly report shall be submitted to the City Administrator showing amounts collected, amounts spent, and the location of the sidewalk improvements.

- 3) Fee Amount. The fee shall be set annually by the City Council and shall be posted in the City's fee schedule. The fee shall be assessed on a per linear foot basis, equivalent to the linear footage of the sidewalk to be constructed.

**Add a new fee to the City of Smyrna Fee Schedule for Public Works for the Sidewalk Bank.**

Sidewalk Bank Fee - \$76 per linear foot of required sidewalk.