

ORDINANCE NO. 2012-3435

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," SECTION 8.2.K "SIDEWALKS," OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING THE SECTION AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

- PART 1: That Chapter 12, "Unified Development Ordinance," Section 8.2.K, "Sidewalks," of the Code of Ordinances of the City of College Station, Texas, 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 provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect 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 punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this 9th day of August, 2012.

APPROVED:



MAYOR

ATTEST:



City Secretary

APPROVED:



City Attorney

EXHIBIT "A"

That Chapter 12, "Unified Development Ordinance," Section 8.2.K, "Sidewalks," of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

K. Sidewalks**1. Policy**

Sidewalks should be located and constructed so as to provide a safe and effective means of transportation for non-vehicular traffic.

2. Required Sidewalks

- a. Sidewalks shall be required on both sides of all streets except as follows or as provided elsewhere in this UDO.
- b. Where a multi-use path is shown along a street on the Bicycle, Pedestrian, and Greenways Master Plan, the sidewalk may be incorporated as part of the multi-use path.

3. Sidewalk Exceptions

Sidewalks are not required:

- a. Around the bulb of a cul-de-sac unless an Access Way is provided through the cul-de-sac;
- b. Along a street classified on the Thoroughfare Plan as a Freeway/Expressway;
- c. Along streets identified on the Thoroughfare Plan with an Estate/Rural context;
- d. Along new or existing streets within a Rural Residential subdivision constructed to the rural section; or
- e. Along existing local/residential streets unless sidewalks have been identified in the Bicycle, Pedestrian, and Greenways Master Plan or in the applicable neighborhood, district, or corridor plan.

4. Standards

Sidewalks shall be constructed in accordance with the following criteria:

- a. The *B/CS Unified Design Guidelines* and all applicable state and federal requirements;
- b. Consistent with the minimum standards necessary to meet the projected non-vehicular traffic demand in the area;
- c. Sidewalks shall maintain a minimum clear width as set forth in the *B/CS Unified Design Guidelines*; and
- d. All sidewalks shall terminate into streets or driveways with ambulatory ramps.

5. Timing of Construction

Except as set forth below, all required sidewalks must be constructed concurrently with the street, or if the street is already constructed prior to acceptance of all public improvements.

a. Residential Subdivisions

At the time of final plat application, the subdivider may opt to defer the construction of sidewalks on residential streets along single-family, duplex, or townhouse lots for up to one year from approval of the final plat when the subdivider provides a bond or surety in accordance with Section 8.6 Construction, Guarantee of Performance, and Acceptance of Public Infrastructure. The subdivider shall provide a sidewalk plan with the final plat construction documents and installation of the sidewalks shall comply with this plan. Notwithstanding the foregoing, this provision does not allow the deferment of the construction of sidewalks along thoroughfares, sidewalk ramps at all street intersections, and sidewalks along residential streets that are not adjacent to a residential lot such as along a common area, creek crossing, or park. Other pedestrian facilities such as Access Ways and multi-use paths shall be constructed at the same time as the public infrastructure of the plat.

b. Fee in Lieu of Construction**1) Fee in Lieu**

Except for development located within the Northgate zoning districts, a developer may request to pay a fee in lieu of constructing the required sidewalk(s) or multi-use path upon approval by the Planning and Zoning Commission as set forth below.

2) Amount of Fee

The amount of fee in lieu of sidewalk construction shall be a unit cost determined by the City Engineer based upon current estimated costs. The unit cost fee shall be kept on file in the Office of Planning and Development Services and made available to the public upon request. The unit cost fee calculation shall be reviewed at least annually by the City Engineer and adjusted as necessary.

3) Criteria to Allow Fee in Lieu

The Planning and Zoning Commission may authorize a fee in lieu of sidewalk or multi-use path construction when it determines that one or more of the following conditions exists:

- (a)** An alternative pedestrian way or multi-use path has been or will be provided;
- (b)** The presence of unique or unusual topographic, vegetative, or other natural conditions exist so that strict adherence to the sidewalk requirements contained herein is not physically feasible or is not in keeping with the purposes and goals of this UDO or the City's Comprehensive Plan;
- (c)** A capital improvement project is imminent that will include construction of the required sidewalk. Imminent shall mean the project is funded or projected to commence within twelve (12) months;
- (d)** Existing streets constructed to rural section that are not identified on the Thoroughfare Plan with an Estate/Rural context;
- (e)** When a sidewalk is required along a street where a multi-use path is shown on the Bicycle, Pedestrian, Greenways Master Plan;
- (f)** The proposed development is within an older residential subdivision meeting the criteria in Section 8.2.H.2 Platting and Replatting within Older Residential Subdivisions of this UDO; or

(g) The proposed development contains frontage on a Freeway/ Expressway as designated by Map 6.6, Thoroughfare Plan-Functional Classification, in the City's Comprehensive Plan.

4) Use of Fee

The City Council hereby establishes sidewalk zones as show in the map attached as Figure 1 of this section and which map shall be kept in the Office of Planning and Development Services and made available to the public upon request. Fees collected in lieu of sidewalk or multi-use path construction shall be expended in the sidewalk zone within which the proposed development is located. Fees collected in lieu of sidewalk construction shall be used only for construction, reconstruction, or land acquisition costs associated with sidewalks, multi-use paths, and other non-vehicular ways.

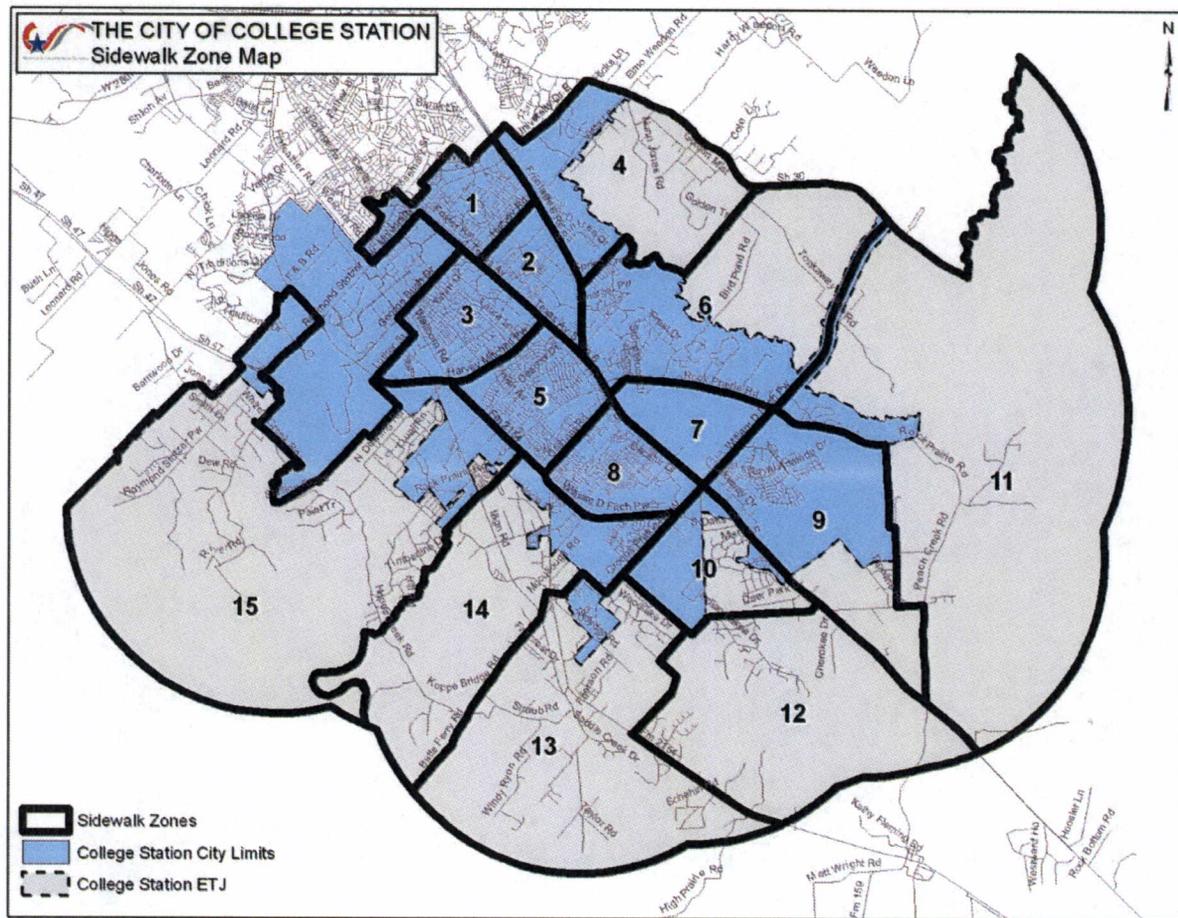


Figure 1 – Sidewalk Zone Map

5) Reimbursement

The City may, from time-to-time, acquire land for sidewalks or make sidewalk improvements related to actual or potential development. If this occurs, the City may require subsequent sidewalk obligations to be a fee rather than construction in order to reimburse the City for the cost associated with acquisitions or construction.

6) Fee Due

Fees paid pursuant to this Section shall be remitted to the City when the guarantee of construction of public improvements for the proposed development is due or upon commencement of construction, whichever occurs first.

7) Special Fund; Right to Refund

All fees received by the City in lieu of sidewalk or multi-use path construction shall be deposited in a fund referenced to the sidewalk zone to which it relates. The City shall account for all fees in lieu of sidewalk construction paid under this Section with reference to the individual development involved. Any fee paid for such purposes must be expended by the City within seven (7) years from the date received by the City. Such funds shall be considered to be spent on a first-in, first-out basis. If not so expended, the landowners of the property on the expiration of such period shall be entitled to a prorated refund of such sum. The owners of such property must request a refund within one (1) year of entitlement, in writing, or such refund will be barred.