



Memo

To: Planning Commission
From: Jon James, Director of Planning & Development Services
Date: November 1, 2021
Re: Proposed ordinance changes regarding sidewalks

As you know, staff has been working on an update to the *Land Development and Subdivision Ordinance* to clarify and update the provisions regarding when and where sidewalks will be required in new development.

Over the past couple of years, staff has reviewed the state of best practices for sidewalks, including reviewing other cities ordinances. In addition, we have met with the Development Task Force, a voluntary group from the development community with whom we have regular meetings every other month. The topic of sidewalks has been discussed by that group at least 5 times over the past 2 years. Staff has also reached out to other citizens and community groups who have expressed interest in the sidewalk ordinance. Although we have not held formal meetings with them, we have a contact list and have shared a draft of the ordinance, as well as background information.

The current draft of the ordinance has substantial agreement on many items, including standards for sidewalks along major streets and in non-residential areas. The major area where there is not consensus is whether to require sidewalks on minor streets within new single-family residential development. Staff will be presenting two options for your consideration, one that would require sidewalks in new residential developments and one that would exempt those areas. The summary at the end of this memo will also identify a few other areas where staff needs direction from the Commission.

Staff is seeking direction, and possible action, on the proposed sidewalk ordinance. If the Commission is not ready to take action at this meeting, the item can be tabled to the next meeting, but staff would request direction so that appropriate changes can be made to the draft ordinance.

Background

The City of San Angelo currently has street standards that are often substantially wider than those of our peer cities. The rationale for this is that in previous years when more comprehensive sidewalk requirements were discussed, the City Council at that time, rather than adopting a sidewalk requirement, instead adopted an alternative, which allows EITHER a narrower street with sidewalks OR a wider street without sidewalks. The idea being that wider streets would allow for pedestrians to use the outer edge of the roadway in lieu of a sidewalk. In most cases, developers chose to build the wider streets without sidewalks. Although this may work for some low-speed residential streets, this solution has proven ineffective for other streets in the community. This has resulted in development over recent decades that is often unfriendly to pedestrians and effectively discourages all but the most committed citizens from traveling by foot in large parts of the community.

Therefore, staff is proposing a combination of changes to development regulations to both reduce street widths in most cases, while at the same time instituting a more comprehensive sidewalk requirement. While this would result in increased costs for sidewalk construction, developers would also see cost savings in street construction reducing the overall impact. In addition, these narrower street standards would benefit the City by reducing long-term street maintenance costs. *This item today is the proposed revision to the sidewalk requirements. After this item is resolved, staff will return with proposed changes to the City's street standards.*

Sidewalks

Currently, the provision in the ordinance regarding sidewalks is very general and says that the City "may require" sidewalks in some circumstances, but largely leaves that discretion up to the Planning Commission for subdivision plats and to the City staff for development plan review. Staff shares the concern of the development community that it would be better if the ordinance more clearly defined when and where sidewalks are required with less case-by-case discretion by staff and the Planning Commission.

The City's adopted Comprehensive Plan establishes objectives related to improving the pedestrian system in the City for both recreation and transportation purposes. To follow up on this commitment to improving walkability in the City, an updated sidewalk ordinance is a necessary requirement to achieve this goal.

A survey prepared by Angelo State University for the San Angelo Metropolitan Planning Organization (MPO) in 2013 found that citizens are generally very supportive of improvements to the pedestrian system in the community, including 86% who believe that the City should establish sidewalk standards for future development. Another survey performed by the MPO in 2015 found that 75% believed that San Angelo would benefit from more sidewalks throughout the city.

Most of our closest comparable cities (Abilene, Amarillo, Killeen, Lubbock, Midland, Odessa, and Wichita Falls) all require sidewalks in most new development, including in new residential areas. San Angelo and Waco are the only ones that do not. Similar to these other cities, this draft ordinance includes a number of exceptions in areas where sidewalks would not be required, such as rural development, industrial areas, and already developed neighborhoods.

Summary of proposed sidewalk standards

- Sidewalks will continue to be triggered by plats, replats, and site plans, but may be deferred to construction.
- Sidewalks will be required on all major collectors and arterial streets.
- On local streets, there are exceptions for rural and industrial areas and already developed residential properties.
- Sidewalks will be required outward from commercial, parks, schools, churches, and similar properties extending to the next street intersection, up to a maximum of 500 feet, even into adjacent residential areas that would otherwise not require sidewalks.
- Waivers or deviations can be approved by staff (most now require Planning Commission approval) but can be appealed to PC and City Council.

- As noted above, the major area where there is not consensus among stakeholders is whether to require sidewalks on local streets and minor collector streets in new single-family residential development. The current draft ordinance includes two options:
 - #1 – Sidewalks required within new single-family home developments (a new development is newly subdivided property, even if a new phase of an existing neighborhood)
 - #2 – Sidewalks NOT required within new single-family home developments.

- Other areas where staff needs direction from the Commission are on the following:
 - Whether these standards should apply to streets in the Extra-territorial Jurisdiction (ETJ). The current draft would exempt large-lot development (over 1 acre lots), including within the ETJ, but would require smaller lot development, that typically builds to the City's "urban" street standards, to also include sidewalks.
 - Even if streets within neighborhoods are exempt, should major streets, like major collectors and arterials, be required to include sidewalks even in the ETJ?
 - Should the City's ordinance require greater connectivity within a site to ensure adequate mobility for pedestrians, particularly those with disabilities?
 - Should barriers, like a curb stop, be required to keep parked vehicles from encroaching into the sidewalk space?
 - Should a sidewalk be required in an area that otherwise would not require it when there are existing sidewalks on adjacent or nearby properties?
 - Should a sidewalk be required in an area that otherwise would not require a sidewalk if recommended in an adopted City plan, like a Safe Routes to School Plan?
 - Should sidewalks be required on minor streets (local streets and minor collectors) in non-residential areas, such as for shopping centers, restaurants, hotels, etc., or in areas with apartments?

Sidewalk Ordinance Background and Facts

Plans & Policies – Why is a sidewalk ordinance being considered?

- The City’s Comprehensive Plan, adopted by City Council as the guidance for future growth and development of the City, recommends exploring ways of making walking more convenient and safer, including updating development regulations and street standards regarding sidewalks.
- In the 2019 San Angelo Housing Study, consultants said they found no evidence that buyers would prefer not to have sidewalks and that survey respondents “actually said they prefer more dense, walkable housing and development.”
- The report goes on to recommend that the drafting of a sidewalk ordinance should be supported to ensure implementation.

Safety – Do sidewalks make a community safer?

- Per the Federal Highway Administration:
 - The currently recommended best practice is to “require sidewalks be included whenever a road is constructed or reconstructed in a public right-of-way in an urban area.”
 - “Roadways without sidewalks are more than twice as likely to have pedestrian-related crashes as sites with sidewalks on both sides of the street.”
 - “Sidewalks separated from the roadway are the preferred accommodation for pedestrians.”
 - “Sidewalks provide many benefits, including safety, mobility and healthier communities.”

Citizen Surveys – What does the community think about sidewalks?

- A survey performed by Angelo State and the San Angelo Metropolitan Planning Organization in 2013 indicated that 60% of respondents traveled as a pedestrian at least once per week and a **“large majority strongly agree that pedestrian and bicycle infrastructure should be prioritized.”** In addition, the survey found that respondents do not currently have a positive view of the City’s performance in developing and promoting pedestrian infrastructure.
- In that same survey, **86% supported establishing sidewalk standards for development projects.**
- From another survey by the San Angelo Metropolitan Planning Organization in 2016, respondents were asked where sidewalks are needed. The top answers:
 - “Everywhere”
 - Neighborhoods and Residential Areas
 - Major/Busy Streets
 - Knickerbocker/Sherwood/Beauregard

Sidewalk Ordinance Background and Facts

- A national survey by the American Association of Retired Persons (AARP) found:
 - **8 in 10 Americans prefer being in a community that offers sidewalks and good places to walk.**
 - People in neighborhoods with sidewalks are 47 percent more likely to be active.
 - Where two houses are nearly identical, the one with a sidewalk sells for more.
- A survey by the National Association of Realtors in 2013 found that there is a “higher preference among those under age 40 for walkable communities.”

Safe Routes to Schools – Do kids still walk to school?

- SAISD estimates that, depending on the school, between 10% to 35% of students walk or bike to school. A 2011 poll by the Surface Transportation Policy Project found that 55% of Americans would prefer to walk more. Having a safe place to walk is the number one reason they don't.

Other cities – Do other Texas cities require sidewalks?

- In a survey of 47 Texas cities through the Texas Chapter of the American Planning Association, only two do not require sidewalks in new neighborhoods (Cleburne and Waco). Four more only require sidewalks on one side of the street in neighborhoods (Lockhart, McKinney, Georgetown, and Buda). The remaining 41 require sidewalks in new neighborhoods for most new developments.

Staff Recommended Ordinance

Exhibit B:

**Amendments to Chapter 12. Planning and Development,
Exhibit C. Land Development and Subdivision Ordinance, Chapter 3. Definitions
and
Chapter 9. Subdivision Design Policies**

**Amend to rename Chapter 9 as “Chapter 9. Land Development and Subdivision
Design Policies”**

Restate in its entirety Chapter 9, Section V. Sidewalks to read as follows:

“

A. Purpose

1. The purpose of these sidewalk standards is to promote the health, safety, and welfare of residents, property owners, and visitors to the City of San Angelo and to implement the vision and strategies of the San Angelo Comprehensive Plan.
2. These standards 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

1. Where this document is silent, the design of pedestrian facilities shall follow the City's Sidewalk Design Standards and standards applicable under State and Federal laws and regulations, including but not limited to Texas Accessibility Standards and the Americans with Disabilities Act of 1990, as amended.
2. These requirements are intended to apply within the City and its Extraterritorial Jurisdiction (ETJ).
3. These requirements are intended to apply to both public and private streets.

C. General Requirements

1. Except for permitted waivers and deviations as provided under Part F of this Section V, sidewalks shall have a minimum clear path width of four feet on local streets in districts zoned for primarily single-family residential purposes and a minimum clear path width of five feet in all other zoning districts.
2. The timing of sidewalk construction shall be as required by this Ordinance, or as approved by the Planning Commission and pursuant to a written performance guarantee by and between the property owner or developer and the City.
3. Except for permitted waivers and deviations as provided under Part F of this Section V, at any time an existing sidewalk is removed, the property owner shall

contemporaneously construct a new sidewalk to standards required under this ordinance, unless such removal is authorized in writing by both the City Engineer and Planning Director.

4. Except as otherwise provided under this Section V or adopted City policy, the property owners shall be responsible for maintenance of the sidewalks within the parkway adjacent to their property, or within a public sidewalk easement on their property, in a safe, functional condition consistent with applicable sidewalk design standards, unless such maintenance is explicitly performed by another entity, such as on roadways maintained by the Texas Department of Transportation.
5. In addition to sidewalks within the right-of-way, internal pedestrian circulation shall be provided by sidewalk or other like approved improvement in any new development or redevelopment serving commercial, retail, office, service or similar use and at any publicly accessible governmental facility, school, church, or other place of public assembly. On these sites, sidewalks, or other accessible pedestrian routes, shall be designed and installed to connect all buildings to one another and to parking areas, and to connect the development to the public street system as depicted on an approved site plan. All such sidewalks or routes shall be protected from encroachment by parked vehicles so that a minimum clear path width of four feet is maintained.

D. Sidewalk Requirements

1. Sidewalks shall be required to be constructed with new development on both sides of major collector streets, arterial streets, and the external sides of the frontage roads of freeways. The property owner or developer is only responsible for the required sidewalk on the side of the street or streets adjacent to their property.
2. Sidewalks shall be required along block faces of local streets or minor collector streets in any of the following areas:
 - a. The Central Business District designated by the San Angelo Comprehensive Plan or the City's Zoning Ordinance.
 - b. Designated pedestrian routes in a neighborhood plan, corridor plan, or Safe Routes to School Plan adopted by the City Council of the City of San Angelo.
 - c. Locations that would connect existing or otherwise required sidewalks by closing, or partially closing, gaps of less than 250 feet.
 - d. Locations in which a property has a public sidewalk along the same block face.
 - e. Locations extending from commercial developments, schools, parks, and churches along all nearby streets to the next nearest streets intersection, up to a maximum of 500 feet.
 - f. Street frontages in all land use zones except the following:
 - (1) **OPTION 1**
Properties within existing subdivisions in an RS (Residential) or MH (Manufactured Housing) zoning district.

OPTION 2

Properties within an RS (Residential) or MH (Manufactured Housing) zoning district.

- (2) Properties within the CH (Heavy Commercial), OW (Office-Warehouse), ML (Light Manufacturing), MH (Heavy Manufacturing) zoning districts.
 - (3) Properties within the R&E (Ranch & Estate) zoning district.
 - (4) Residential subdivisions on a rural street where lots are over 1 acre in size.
3. Sidewalks shall be constructed concurrently at the time of road construction on streets where the street abuts non-development areas such as common areas, drainage features, utility rights-of-way, or publicly owned areas. Otherwise, sidewalks may be deferred by the Planning Commission, through a performance guarantee, until such time as the property is developed.

E. When Sidewalk Requirement is Triggered

1. No plat or subdivision of land along an existing collector street, arterial street, or freeway frontage road may be approved without provision for the installation of public sidewalks along such streets and roads, where required.
2. No new or amended site plan, including a residential site plan, may be approved for development on any property unless applicable provisions for sidewalks are included in the site plan, where required.
3. A certificate of occupancy, or final inspection approval for 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 major site plan or a site plan for a new residence, except as per an approved deferral guaranteed by a performance agreement or financial guarantee.

F. Waivers & Deviations

1. A complete waiver of the requirement for sidewalks should be allowed only where there are unusual factors or circumstances. The waiver must be defined in writing, include data supporting the basis for granting the waiver, and be approved by both the Planning Director and the City Engineer. Unusual factors or circumstances may include:
 - a. projects where the cost of establishing sidewalks or walkways would be unreasonably disproportionate to the cost of the associated roadway construction or overall project costs (however a partial waiver may be granted in lieu of a full waiver to reduce the cost of required sidewalks such that the costs will not be unreasonably disproportionate);
 - b. areas with severe topography or other natural constraints that make proper implementation of this ordinance impractical;

- c. situations inherently adverse to pedestrian traffic, such as substantial truck traffic or other circumstances that present health and safety concerns, more prone in agricultural, heavy commercial, and industrial developments; or
 - d. other factors or circumstances constituting reasonably justifiable good cause to support such waiver.
2. Deviations from the requirements of this Section V or from 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, or in situations where an applicant can show other factors or circumstances amounting to reasonably justifiable good cause to support such a deviation.
 - a. The specific nature and justification for permitting a deviation must be described in writing, include data supporting the basis for granting the described deviation, and approved 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.
3. A denial in whole or part of a request for a waiver or deviation of these requirements may be appealed to the Planning Commission.
 - a. A written appeal must be filed with the Planning Director within 30 days of service upon the property owner or developer of a written notice of the denial of the requested waiver or deviation.
 - b. The written notice of appeal must provide justification for the requested waiver or deviations based on the criteria described in F.1. and F.2. above. The Commission shall make findings based on these criteria. The Commission may sustain the denial or grant the application for waiver or deviation in whole or part.
4. The applicant or Planning Director may appeal the decision of the Planning Commission to the City Council.
 - a. A written appeal must be filed with the Planning Director within 30 days of service of the Planning Commission decision on the property owner or developer.
 - b. The appeal must provide justification based on the criteria described in F.1. and F.2. of this Section V. The Council may sustain the decision of the Planning Commission or deny or grant the application for waiver or deviation in whole or part. The Council shall make findings based on criteria described in F.1. and F.2. of this Section V.

Amend Chapter 3. Definitions by adding or restating the following definitions:

Block face – one side of a street between major intersecting features, such as a road, railroad, stream, etc., but not an alley right-of-way.

Clear path – an unobstructed way free from obstacles or overhanging projections to a height of 7½ feet above the ground, sidewalk, or surface.

Common area – 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.

Drainage feature – 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.

Parkway – 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.

Obstacles – fixed or portable obstructions to the safe passage of pedestrians including, but not limited to signs, street lights, mailboxes, landscaping, utility poles, trash cans, parked vehicles, merchandise, furniture, junk, and debris.

Project costs means the following:

- a. If a sidewalk is triggered by the subdivision process, project costs include the other infrastructure improvements required in the platting process, such as road construction, water lines, sewer lines, drainage facilities, etc.
- b. If a sidewalk is triggered by the site plan process or any process other than through subdivision, project costs include all development costs associated with the site plan, including site development, buildings, parking lots, etc.

Property – any platted lot or other parcel of land.

Right-of-Way – a strip of land occupied or intended to be occupied by a street, **sidewalk**, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, **sidewalks**, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Road construction – as used in the context of this Chapter shall mean any new construction, widening of roadways, or adding curb and gutter.

Roadway – 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.

Sidewalk – an improved facility intended to provide for pedestrian movement; often located in the public right-of-way adjacent to a roadway.

Unreasonably Disproportionate – exceeding twenty percent of the project costs or exceeding three times the cost of a standard sidewalk with no topographic constraints or other unique issues that would raise the cost of a sidewalk. For transportation projects, right-of-way acquisition costs shall not be included in the calculation.

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**Ordinance revisions recommended
by the Development Task Force &
Home Builders Association**

Exhibit B:

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A. Purpose

1. The purpose of these sidewalk standards is to promote the health, safety, and welfare of residents, property owners, and visitors to the City of San Angelo and to implement the vision and strategies of the San Angelo Comprehensive Plan.
2. **The City guarantees that** these standards 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 ~~limits. and its extraterritorial jurisdiction (ETJ).~~

B. Policy Statements

1. Where this document is silent, the design of pedestrian facilities shall follow the City's Sidewalk Design Standards and standards applicable under State and Federal laws and regulations, including but not limited to Texas Accessibility Standards and the Americans with Disabilities Act of 1990, as amended.

The Sidewalk Design Standards needs to be reviewed and approved concurrent with this ordinance.

2. These requirements are intended to apply within the City ~~limits. and its Extraterritorial Jurisdiction (ETJ).~~
3. These requirements are intended to apply to both public and private streets.

C. General Requirements

1. Sidewalks, **where required by this ordinance,** shall have a minimum clear path width of four feet on ~~local~~ **streets** in districts zoned for primarily single-family residential purposes and a minimum clear path width of five feet in all other zoning districts, except for permitted waivers and deviations as provided under Part F of this Section V.
2. The timing of sidewalk construction shall be as required by this Ordinance, or as approved by the Planning Commission. ~~and pursuant to a written development agreement by and between the property owner or developer and the City.~~

3. Except for permitted waivers and deviations as provided under Part F of this Section V, at any time an existing sidewalk is removed ~~from a location that would be required to have a sidewalk per this ordinance~~, the property owner shall contemporaneously construct a new sidewalk to standards required under this ordinance, unless such removal is authorized in writing by both the City Engineer and Planning Director.
4. Except as otherwise provided under this Section V or adopted City policy, the property owners shall be responsible for maintenance of the sidewalks within the parkway adjacent to their property, or within a public sidewalk easement on their property, in a safe, functional condition consistent with applicable sidewalk design standards, unless such maintenance is explicitly performed by another entity, such as on roadways maintained by the Texas Department of Transportation.
5. In addition to sidewalks within the right-of-way, internal pedestrian circulation shall be provided by sidewalk or other like approved improvement in any new development or redevelopment serving commercial, retail, office, service or similar use and at any publicly accessible governmental facility, school, church, or other place of public assembly. On these sites, sidewalks, or other accessible pedestrian routes, shall be designed and installed to connect all buildings to one another and to ~~handicap accessible parking areas spaces~~, and to connect the development to the public street system as depicted on an approved site plan. ~~All such sidewalks or routes shall be protected from encroachment by parked vehicles so that a minimum clear path width of four feet is maintained.~~

D. Sidewalk Requirements

1. Sidewalks shall be required to be constructed with new development on both sides of major collector streets, arterial streets, and the external sides of the frontage roads of freeways. The property owner or developer is only responsible for the required sidewalk on the side of the street or streets adjacent to their property.
2. Sidewalks shall be required along block faces of local streets or minor collector streets in any of the following areas:
 - a. The Central Business District designated by the San Angelo Comprehensive Plan or the City's Zoning Ordinance.
 - ~~b. Designated pedestrian routes in a neighborhood plan, corridor plan, or Safe Routes to School Plan adopted by the City Council of the City of San Angelo.~~
 - ~~c. Locations that would connect existing or otherwise required sidewalks by closing, or partially closing, gaps of less than 250 feet.~~
 - ~~d. Locations in which a property has a public sidewalk along the same block face.~~
 - e. Locations extending from ~~commercial developments~~, schools, parks, and churches along ~~all nearby~~ fronting street to the next nearest street intersection ~~within the same block face~~, up to a maximum of 500 feet.
 - ~~f. Street frontages in all land use zones except the following:~~
 - (1) **OPTION 1**
~~Properties within existing subdivisions in an RS (Residential) or MH (Manufactured Housing) zoning district.~~

OPTION 2

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- ~~(2) Properties within the CH (Heavy Commercial, OW (Office Warehouse), ML (Light Manufacturing), MH (Heavy Manufacturing) zoning districts.~~
- ~~(3) Properties within the R&E (Ranch & Estate) zoning district.~~
- ~~(4) Residential subdivisions on a rural street where lots are over 1 acre in size.~~

3. Sidewalks shall be constructed concurrently at the time of road construction on streets where the street abuts non-development areas such as common areas, drainage features, utility rights-of-way, or publicly owned areas. Otherwise, sidewalks may be deferred by the Planning Commission, through a performance guarantee, until such time as the property is developed.

E. When Sidewalk Requirement is Triggered

- ~~1. No plat or subdivision of land along an existing collector street, arterial street, or freeway frontage road may be approved without provision for the installation of public sidewalks along such streets and roads, where required.~~
2. No new ~~or amended~~ commercial site plan, ~~including a residential site plan~~, may be approved for development on any property unless applicable provisions for sidewalks are included in the site plan, where required **by this ordinance**.
3. A certificate of occupancy, or final inspection approval for 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 major site plan ~~or a site plan for a new residence~~, except as per an approved deferral guaranteed by a performance agreement or financial guarantee.

F. Waivers & Deviations

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 - a. projects where the cost of establishing sidewalks or walkways would be unreasonably disproportionate to the cost of the associated roadway construction or overall project costs (however a partial waiver may be granted in lieu of a full waiver to reduce the cost of required sidewalks such that the costs will not be unreasonably disproportionate);
 - b. areas with **severe topography** or other natural constraints that make proper implementation of this ordinance impractical;

- c. situations inherently adverse to pedestrian traffic, such as substantial truck traffic or other circumstances that present health and safety concerns, more prone in agricultural, heavy commercial, and industrial developments; or
 - d. other factors or circumstances constituting reasonably justifiable good cause to support such waiver.
2. Deviations from the requirements of this Section V or from 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, or in situations where an applicant can show other factors or circumstances amounting to reasonably justifiable good cause to support such a deviation.
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 - 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.
3. A denial in whole or part of a request for a waiver or deviation of these requirements may be appealed to the Planning Commission.
 - a. A written appeal must be filed with the Planning Director within 30 days of service upon the property owner or developer of a written notice of the denial of the requested waiver or deviation.
 - b. The written notice of appeal must provide justification for the requested waiver or deviations based on the criteria described in F.1. and F.2. above. The Commission shall make findings based on these criteria. The Commission may sustain the denial or grant the application for waiver or deviation in whole or part.
4. The applicant or Planning Director may appeal the decision of the Planning Commission to the City Council.
 - a. A written appeal must be filed with the Planning ~~Director~~ Department within 30 days of service of the Planning Commission decision on the property owner or developer.
 - b. The appeal must provide justification based on the criteria described in F.1. and F.2. of this Section V. The Council may sustain the decision of the Planning Commission or deny or grant the application for waiver or deviation in whole or part. The Council shall make findings based on criteria described in F.1. and F.2. of this Section V.

Amend Chapter 3. Definitions by adding or restating the following definitions:

Block face – one side of a street between major intersecting features, such as a road, railroad, stream, etc., but not an alley right-of-way.

Clear path – an unobstructed way free from obstacles or overhanging projections to a height of 7½ feet above the ground, sidewalk, or surface.

Common area – 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.

Drainage feature – 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.

Parkway – 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.

Obstacles – fixed or portable obstructions to the safe passage of pedestrians including, but not limited to signs, street lights, mailboxes, landscaping, utility poles, trash cans, parked vehicles, merchandise, furniture, junk, and debris.

Project costs means the following:

- a. If a sidewalk is triggered by the subdivision process, project costs include the other infrastructure improvements required in the platting process, such as road construction, water lines, sewer lines, drainage facilities, etc.
- b. If a sidewalk is triggered by the site plan process or any process other than through subdivision, project costs include all development costs associated with the site plan, including site development, buildings, parking lots, etc.

Property – any platted lot or other parcel of land.

Right-of-Way – a strip of land occupied or intended to be occupied by a street, **sidewalk**, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, **sidewalks**, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Road construction – as used in the context of this Chapter shall mean any new construction, widening of roadways, or adding curb and gutter.

Roadway – 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.

Sidewalk – an improved facility intended to provide for pedestrian movement; often located in the public right-of-way adjacent to a roadway.

Unreasonably Disproportionate – exceeding twenty percent of the project costs or exceeding three times the cost of a standard sidewalk with no topographic constraints or other unique issues that would raise the cost of a sidewalk. For transportation projects, right-of-way acquisition costs shall not be included in the calculation.



2809 Southwest Blvd. San Angelo Texas 76904 (325) 227-6624

Regarding: Public Hearing, November 1, 2021 – City of San Angelo Sidewalk Ordinance

While sidewalks are a benefit to everyone, they are particularly important to those with disabilities who have limited travel choices. For example, older adults, persons with vision impairments, and individuals who do not have accessible means of transportation frequently rely on sidewalks to travel independently within their community for shopping, recreation, exercise, and access to informal supports in their neighborhood. With safety and accessibility as guiding principles, sidewalks provide greater access for those who use mobility aids such as wheelchairs and walkers.

- ❖ Approximately 20 percent of all Americans have a disability, and that percentage is increasing.
- ❖ By the year 2030, one in five Americans will be 65 or older and have some sort of mobility limitation.

Navigating our neighborhoods and community without accessible sidewalks is not just challenging, for many, it is impossible. The outcome is isolation, loss of independence, loss of mobility, and issues with self-care and wellness. Without accessible sidewalks, we lack access to build connections with our neighbors and systems of support, and our homes quickly become a prison. This is happening in our community right now! Disability Connections works with people with all disabilities in our Community every day who cannot leave their homes because there is no accessible pathway beyond their front porch.

Something as simple as a sidewalk can change everything for individuals with disabilities. It can mean independence, freedom, wellness, inclusion, and safety.

You may be thinking these issues do not impact you, but the disability population is the only minority population that anyone can join at any time and the fact is that most of us will, at some point, be a part of this group.

On behalf of the present and future individuals with disabilities in our community, Disability Connections is in support of the sidewalk ordinance at the highest level. We would like to see sidewalks for everyone.

Sincerely,

Anita Guy, Center Coordinator
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