

AN ORDINANCE TO AMEND CHAPTER 14, LAND DEVELOPMENT & SUBDIVISIONS, SECTION 14-677, SIDEWALKS AND BICYCLE LANES OF THE CODE OF THE CITY OF BROOKHAVEN

WHEREAS, Section 1.03(b)(25) of the Charter of the City of Brookhaven grants the City of Brookhaven the power to provide comprehensive planning and regulation through zoning and subdivision requirements to ensure a safe, healthy, and aesthetically pleasing community; and

WHEREAS, the Mayor and City Council find that amendments to certain sections of the land development ordinance are necessary to implement the City's sidewalk program.

BE IT ORDAINED by the Mayor and Council of the City of Brookhaven, Georgia and it is hereby ordained by the authority of same:

SECTION I:

Chapter 14, Land Development & Subdivisions, Section 14-677, Sidewalks and Bicycle Lanes, is amended to read as shown in the attached mark-up.

SECTION II:

Severability: Should any section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION III:

Repeal of Conflicting Provisions: All ordinances, part of ordinances, maps, or regulations in conflict herewith are repealed.

SECTION IV:

Effective Date: This ordinance shall be effective immediately upon adoption.

SO ORDAINED, this 23RD day of July, 2019.

Approved by:

Approved as to Form and Content

John Arthur Ernst Jr., Mayor

Christopher Balch, City Attorney

Attest:

Sandra Bryant, Deputy City Clerk

SEAL

TA19-19 MARK-UP An Ord to Amend Sec. 14-677 Sidewalks & Bicycle Lanes

Sec. 14-677. - Sidewalks and bicycle lanes.

- (a) Sidewalks shall be required on all sides of street frontage on all new and improved local residential streets in all subdivisions and along the street frontage of all new and improved developments and as set forth in section 14-353 or Future Sidewalk/Trail/Path map adopted by the city council. Where sidewalks are determined to be required, if there is existing noncompliant sidewalk, the existing sidewalk shall be replaced as necessary. These noncompliant conditions include sidewalk/trail widths and longitudinal and cross-sectional slopes to meet ADA standards. At a minimum, however, continuous sidewalks shall be required on at least one side of all new and improved local residential streets on all new and improved sites. The official sidewalk map shall be located in the office of the public works departments and city website.
- (b) Sidewalks and trails shall be shown on drawings attached to all development and building permits as set forth in section 14-353 and Future Sidewalk/Trail/Path map adopted by council. No development or building permits will be approved unless sidewalks are shown on the plans.
- (c) If sidewalk is not shown on the Council adopted map or required as set forth in section 14-353, developers and builders shall contribute to the sidewalk fund in-lieu of sidewalk construction in an amount equal to the length of the property frontage. For corner lots, payment in lieu shall be based on the length of the front of the lot as defined by chapter 27. The future sidewalk location shall be graded in such a manner that city should be able to construct the sidewalk without acquiring additional easements and minimal grading.
- (d) Payment in-lieu of sidewalk construction shall be in accordance with a schedule recommended by the public works department and adopted by the city council in January of each year and based on city sidewalk construction cost during the previous calendar year.
- (e) The community development department may require that sidewalks required pursuant to subsection (a) of this section be continued to the nearest major or minor arterial or collector street.
- (f) A grassed, planted or landscaped strip, as set forth in section 14-353, shall separate all sidewalks from adjacent curbs, bridges excepted. Where sidewalks currently exist, new sidewalk construction or re-construction shall be continuous with existing sidewalks.
- (g) Sidewalks shall be concrete and a minimum of five feet wide and four inches thick. In nonresidential districts, where the public works director or designee may approve sidewalks to be located immediately behind the curb, such sidewalks shall be six feet in width. Concrete shall be Class B, as defined by the state department of transportation, and have a minimum strength of 2,500 psi at 28 days. Disturbed areas along sidewalks shall be backfilled, stabilized, and grassed.
- (h) Sidewalks shall be installed at the same time as the building construction, unless an alternative method is approved by the community development department. All sidewalks shall be shown on the final plat and recorded prior to obtaining building permits. Sidewalks shall be completed prior to the issuance of certificate of occupancy for property on which the sidewalk fronts.
- (i) Sidewalks shall not be cut, removed or closed temporarily without a permit from the public works department. Such permit shall not be issued unless safe, adequate, and convenient provision is made for pedestrian travel through the area that is disrupted. Damage to sidewalks caused during construction or development activity shall be repaired at no cost to the city within 30 days or prior to issuance of a certificate of occupancy, whichever is earlier.
- (j) All sidewalk construction and repairs shall conform to federal Americans with Disabilities Act (ADA) standards and provide for wheelchair ramps to and from sidewalks at the intersection of each street corner and crosswalk. Access ramps shall be constructed pursuant to standards approved by the public works department.
- (k) No person shall construct a sidewalk on any street in the city without first having obtained a permit to do so from the public works department. Any person constructing a sidewalk on a street, without first obtaining a permit, shall be in violation of this Code, and the public works department

TA19-19 MARK-UP An Ord to Amend Sec. 14-677 Sidewalks & Bicycle Lanes

shall be authorized to condemn the sidewalk and have it removed and replaced at no cost to the city.

- (l) Bicycle lanes shall be required and constructed pursuant to the City Bicycle, Pedestrian, and Trail Plan and/or other planning documents and as follows:
 - (1) Bicycle lanes, where required, shall be placed in the outside lane of a roadway, adjacent to the curb or shoulder. When on-street parking is permitted, the bicycle lane shall be located between the parking lane and the outer lane of moving vehicles. Bicycle pavement widths shall be in addition to the minimum pavement width required for the road.
 - (2) Bicycle lanes shall be delineated with signs and striping consistent with the latest edition of the manual for uniform traffic control devices, and approved by the public works director.
 - (3) Bikeways and bicycle lanes shall be constructed according to the most recent specifications set forth in American Association of State Highway and Transportation Officials (AASHTO) guidelines.
 - (4) The design, striping and sign system for bicycle lanes shall be coordinated with that of the vehicular road system to provide a safe and continuous route for bicycles. Deceleration lanes shall be striped so that bicycles can safely remain in a lane marked between the deceleration lane and the through traffic lane.
- (m) No wall, fence, sign or other structure shall obstruct passage along a sidewalk or bicycle lane.
- (n) The community development director or designee may approve a variable location, width, and construction material for sidewalks and planted strips subject to the following considerations:
 - (1) Existing site conditions that would require significant encroachment onto existing single family lots.
 - (2) Future road expansions proposed in the city capital improvement program.
 - (3) Impact to existing trees including:
 - a. Critical root zone encroachments by existing improvements or proposed sidewalk installation that exceed the percentage permitted by the tree ordinance.
 - b. The current health of the trees within the path of a required sidewalk.
 - c. Ability to pore the required sidewalk on grade to lessen impact to critical root zones if other standards (e.g. ADA) can be met.
 - (4) Ability for alternative compliance measures to meet ADA requirements, such as width and slope of required sidewalks.
 - (5) Should it be determined by the community development director or designee that alternative compliance measures are insufficient to provide adequate tree protection, payment into the sidewalk fund may be accepted pursuant to the rate adopted by the city council.

(Ord. No. 2014-12-06, § 1(14-383), 12-16-2014; Ord. No. 2017-07-04, § 1, 7-25-2017; Ord. No. 2018-04-03, § 1, 4-24-2018; Ord. No. 2018-06-01, § 1, 6-12-2018)