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SHARON RIMMER

Faulkner County Circuit Clerk

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by

278140

D.C.

ORDINANCE NO. 0-06-119

AN ORDINANCE AMENDING THE CONWAY SUBDIVISION ORDINANCE TO REQUIRE SIDEWALKS ALONG RESIDENTIAL AND MINOR RESIDENTIAL STREETS:

Whereas, the City of Conway wishes to encourage multi-modal transportation,
Whereas, the City of Conway wishes to promote a pedestrian friendly environment:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

Section 1: That ARTICLE V – IMPROVEMENTS, SECTION 9, SIDEWALKS (6) of the Conway Subdivision Ordinance as adopted by Ordinance O-00-03 on March 25, 2000 is hereby amended as follows:

(6) Sidewalks along streets classified as residential shall be constructed by the homeowner/builder. The sidewalk shall be installed prior to the final inspection and issuance of a certificate of occupancy. Sidewalks on lots that are not built out within three (3) years of final platting shall be the responsibility of the developer. A separate assurance for this completion shall be required prior to the filing of the final plat. This assurance shall be equal to the amount necessary to complete all sidewalks required within the subdivision at the end of the three year bonding period. This amount shall be determined by the City Engineer. These funds shall be in the form of a letter of credit, performance bond, or cash deposit. The amount of sidewalk build out will be reviewed on an annual basis and this assurance shall be adjusted according to the percent of sidewalk completion.

Section 2: That ARTICLE V – IMPROVEMENTS, SECTION 9, SIDEWALKS (11) of the Conway Subdivision Ordinance as adopted by Ordinance O-00-03 on March 25, 2000 is hereby amended as follows:

SECTION 9. SIDEWALKS

(11) The property owner/developer may request a waiver from the required sidewalk construction. The Planning Commission shall review the following factors to determine whether or not to grant this waiver:

- Pedestrian traffic generators such as parks and schools in the area.
- The existence of a sidewalk network in the area.
- The density of current and future development in the area. The amount of pedestrian traffic likely to be generated by the proposed development.
- Whether the terrain is such that a sidewalk is physically practical and feasible, and the extent to which trees, ground cover, and natural areas would be adversely impacted by the construction of the sidewalk.
- The design of the subdivision such that utilities, the location of structures, rights of way, easements, etc. create conditions making sidewalks impractical.
- The overall need for a sidewalk to be constructed on the lot.

If a waiver is granted, the owner/developer shall contribute an amount of money in lieu of construction equal to \$15 per linear foot of the required sidewalk. This money shall be

deposited into a general sidewalk fund to be used solely for the addition of new sidewalks and maintenance of the existing sidewalk network. The dispersal of money from this sidewalk fund shall be at the discretion of the Conway City Council. Contributions to this fund are to be

expended within two (2) years to serve a sidewalk project. This per linear foot in-lieu fee shall be reviewed by the City Council at least every five (5) years.

The Planning Commission may also grant a waiver to construct an internal pedestrian trail system in lieu of the required sidewalks. The pedestrian trail right of way shall be clearly noted on the final plat. Specifications for the right of way width, trail pavement, and other specifications shall be determined by the City Engineer and Planning Director.

An owner / developer may appeal the sidewalk construction requirement / in-lieu fee to the City Council. The City Council shall use the above waiver factors to determine if an exception may be made. If the Council makes an exception, the owner / developer may construct an equivalent amount of sidewalk in a location designated by the City Council.

Section 2: That any ordinances or parts of ordinances in effect at the time of the passage of this ordinance that are in conflict with this ordinance are repealed to the extent of the conflict.

PASSED this 12th day of September, 2006.

APPROVED:



Mayor Tab Townsell

ATTEST:



Michael O. Garrett
City Clerk/Treasurer