

ORDINANCE NO. 3320

“AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF STILLWATER BY AMENDING CHAPTER 23, LAND DEVELOPMENT CODE, ARTICLE XVII, REQUIRED IMPROVEMENTS, DIVISION 3, IMPROVEMENTS, SECTION 23-356, SIDEWALKS.

(AMENDMENTS HIGHLIGHTED BY STRIKETHROUGH AND UNDERLINING)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STILLWATER, OKLAHOMA THAT:

SECTION 1: That the Stillwater City Code, Chapter 23, Land Development Code, Section 23.356 be amended to read as follows:

Sec. 23-356. Sidewalks.

- (a) *Required on both sides of the street.* Sidewalks shall be required on both sides of all arterial and collector four-lane and arterial two-lane streets except as provided herein. Sidewalks shall only be required on one side of all other streets as set forth herein. All sidewalks shall be constructed in accordance with applicable standard specifications of the city.
- (b) *Not required.* A sidewalk shall not be required:
 - (1) On collector or local streets in those areas zoned and used for industrial purposes;
 - (2) In any subdivision wherein the minimum lot size is 20,000 square feet; or
 - (3) Whenever a cul-de-sac is shorter than 500 feet in length.

Any request for relief from the requirements set forth in this section shall be through an application for a variance to the board of adjustment. The criteria for granting a variance herein shall be the same as set forth in 11 O.S. § 44-107. Denial of a request for relief under this section by the board of adjustment shall be immediately appealable to the district court of the county in accordance with section 23-69.

- (c) *Fee in lieu of construction if determined by director.* A developer or builder may pay a fee to the city in lieu of construction of a sidewalk required under this section whenever the development services director determines that existing conditions make construction impractical. The fee shall be based on the amount of linear feet of sidewalk required and sufficient to pay for the construction of the sidewalk. The city council shall have the authority to establish a schedule of any such fees by resolution and the fee schedule shall be reviewed at least annually. A fee collected under this section shall be placed in a separate escrow account and shall not be used to construct a sidewalk anywhere but on the property for which the fee was paid.

- (d) *Sidewalk requirements.* The following are the requirements for sidewalks:

Street Classification and Number of Lanes	Residential One- and Two-Family	All Others
Arterial or collector, three lanes or more	Both sides, six feet	Both sides, six feet
Arterial or collector, two-lane	One side, six feet	Both sides, six feet, unless the comprehensive arterial sidewalk map indicates that the sidewalk shall only be on one side of the street; sidewalks located on one side of an arterial shall be eight feet wide
Local	One side, four feet	Both sides, six feet

Whenever a sidewalk is required on one side of the street, the sidewalk shall be located on the north or east sides of the street; provided, that at such time the improvement plans are approved, the development services director may authorize an alternative sidewalk location to prevent any placement conflict. The sidewalk system within residential subdivisions shall be continuous, and the sidewalk termination ramp on one side of a street shall be located directly opposite of the beginning ramp on the other side of the street in a perpendicular direction to the street.

(e) *Two-lane arterial street impact fee; reimbursement.* A developer responsible for constructing a single eight-foot sidewalk along a two lane arterial street as set forth above shall be entitled to reimbursement for 50 percent of the cost of said construction from the developer of property across such street. The city shall be responsible for assessing and disbursing such cost reimbursement which shall be collected from the benefited developer in the form of a sidewalk impact fee. Said fee shall be determined by taking the total linear foot distance of the benefited property abutting the two lane arterial street, multiplying said amount by the per foot cost of constructing the sidewalk, and reducing the result by 50 percent. If no sidewalk has been built on the opposite side of the street but such is indicated by the comprehensive arterial sidewalk map, an estimate of the per foot construction cost shall be used instead. The city shall disburse any sidewalk impact fee payment tendered herein to the developer responsible for the sidewalk construction upon determination that said improvements meet the applicable city standards and acceptance by the city. If no sidewalk has been constructed as provided herein, then the city shall place any sidewalk impact fee received into an escrow account and shall disburse said amount to the developer responsible for construction of the sidewalk upon determination that said improvements meet the applicable city standards and acceptance by the city. The provisions of this section shall not apply to any sidewalk constructed before the effective date of the ordinance from which this chapter is derived.

(f) ~~*Abutting sidewalks are the responsibility of the homeowner; exceptions.*~~ With the exception of those sidewalks that do not directly abut the front or side lot line of any residential building lot within the subdivision, sidewalks shall be the responsibility of the homebuilder in residential subdivisions and not a part of the subdivider's improvements. ~~Those sidewalks that do not directly abut the front or side lot line of any residential building lot within a subdivision shall be considered to be a part of the subdivision improvements that are the responsibility of the subdivider. Prior to the issuance of a certificate of occupancy, a sidewalk that is the homebuilder's responsibility shall be constructed in accordance with city standards. If a sidewalk that is the homebuilder's responsibility is not constructed in accordance with city standards at the time that a certificate of occupancy is ready to be issued, the homebuilder may provide the city with a cash deposit in an amount that is 115 percent of the city's estimated cost to construct said sidewalk. Upon receipt of the cash deposit, a certificate of occupancy shall be issued. The homebuilder shall have 30 days from the date the certificate of occupancy issues to complete the construction of the sidewalk in accordance with city standards and upon completion thereof, the cash deposit will be returned. If the homebuilder does not complete the sidewalk construction in accordance with city standards within 30 days, the city may construct the sidewalk and the cash deposit will be forfeited to the city.~~

Sidewalk construction is the responsibility of the homebuilder or site developer. With the exception of those sidewalks that do not directly abut the front or side lot line of any building lot within the subdivision, sidewalks shall be the responsibility of:

1. The homebuilder in residential subdivisions,
2. The building developer on a commercially or industrially platted lot,
3. And the site developer for a development through the CUBR process.

All sidewalks that do not directly abut the front or side lot line of any residential, industrial, or commercial building lot shall be considered to be a part of the required improvements that are the responsibility of the owner/developer.

Prior to the issuance of a certificate of occupancy, a sidewalk that is the homebuilder's or site/building developer's responsibility shall be constructed in accordance with city standards.

- (g) *Approval of application for lot split or minor subdivision not conditioned upon construction of sidewalk.* The approval of an application for a minor subdivision or lot spit under this chapter shall not be conditioned upon the construction of a sidewalk in accordance with this section, it being the intention of the city council that such requirement not be imposed until such time as development actually occurs on any parcels created under either of these processes. Whenever such development does occur, the requirements for construction of sidewalks on such parcels shall be the same as set forth in subsection (d) of this section.

PASSED, APPROVED AND ADOPTED THIS 24TH DAY OF AUGUST, 2015.

GINA J. NOBLE, MAYOR

(SEAL)
ATTEST:

ELIZABETH CHRZ, CITY CLERK

APPROVED AS TO FORM AND LEGALITY, THIS 24TH DAY OF AUGUST, 2015.

JOHN E. DORMAN, CITY ATTORNEY

1ST READING: 8-3-15
2ND READING: 8-24-15