

## **Section 5.4 Sidewalks and Trails-**

### **5.4.1 Intent.**

The intent of the following sidewalk requirements is to implement the goals of the Comprehensive Master Plan and create an accessible sidewalk network which improves pedestrian safety and creates complete streets with opportunities for pedestrians, cyclists, and automobiles.

### **5.4.2 Applicability.**

This section applies to properties located within the Seguin City Limits and to all properties within the Extraterritorial Jurisdiction (ETJ) of Seguin that are subject to the subdivision platting or site plan requirements of the City of Seguin.

### **5.4.3 General Requirements**

#### A. Location

1. Sidewalks must be constructed along all public streets including new streets constructed within a development and existing streets abutting or bordering a development.
2. Sidewalks shall be located along all sides of lots where there is frontage on a public street, regardless of where access is taken.
3. Sidewalks shall be located within the right-of-way, with the exact location determined by the public entity that maintains the abutting street. Sidewalks may be placed in an access easement on private property only when existing right-of-way is limited.
4. Sidewalks may meander to avoid trees, utility poles and utility boxes, and other obstacles; and for aesthetics.
45. Where trails are identified on a City adopted master plan the developer shall construct improvements as per the Seguin Comprehensive Master Plan and/or Parks, Recreation, Open Space and Trails Master Plan.

#### B. Timing of Construction

1. New Construction- Construction of sidewalks and trails must take place at the time of development and all required sidewalks and trails must be built before a certificate of occupancy is issued for a new residential and nonresidential development.
2. Existing Sites/Structures- Modification of an existing site and/or structure, other than a single-family residential site, must be brought into conformance with these requirements to the maximum extent practicable if the extent of the proposed modifications is 50% or more of the site's assessed value over a 5 year time period. For the purposes of the code the assessed value of a structure shall be the value cited by the Guadalupe County Appraisal District.
3. Perimeter Sidewalks and Trails – At the time of platting, prior to the recording of a subdivision plat, the developer must construct sidewalks and trails along new and existing streets on lots where no building permit will be issued. This includes but is not limited to streets adjacent to amenity centers, open space, detention ponds, land dedicated for public and/or private parks, and on the rear lot lines of double-frontage lots.

#### C. Connectivity

Sidewalks must connect to existing adjacent sidewalks or be designed and placed to allow connection to future adjacent sidewalks. Required sidewalks serving non-residential lots must connect to parking in the lot and to primary building entrances (connections may include street crosswalks, crush granite pathways, other methods may be approved by the City Engineer and Planning Director).

#### D. Minimum Size and Design

~~Sidewalks in residential developments shall be a minimum of four feet in width and ADA compliant. The width of the sidewalk required varies depending on the street classification. Sidewalks in nonresidential and multi-family developments, sidewalks abutting the street curb or pavement and sidewalks located along new and existing arterials, collector streets, and state rights-of-way shall be a minimum of five feet in width and ADA compliant. Trails shall be twelve feet in width and ADA compliant.~~ Please see technical manual for construction specifications.

#### **5.4.4 Specific Requirements.**

##### **A. Development within the City Limits.**

1. Single or Two-Family Development- New Street Construction. The developer shall be responsible for construction of a sidewalk in conformance with the general requirements outlined above.
2. Single or Two-Family Development- No New Street Construction.
  - o The developer of a single family or two-family lot whose lot is within 300' feet of an existing sidewalk (on the same side of the street, measured property line to property line) shall be responsible for construction of a sidewalk in conformance with the general requirements outlined above.
  - o The developer of a single family or two-family lot created prior to July 5, 2011 that is more than 300' feet from an existing sidewalk (on the same side of the street) shall have the option of either constructing the sidewalk in conformance with the general requirements outlined above or paying a fee-in-lieu of construction (see below for specifics on fee-in-lieu).
3. All Other Development. The developer shall be responsible for construction of a sidewalk in conformance with the general requirements outlined above.

##### **B. Development within the ETJ**

1. Sidewalks are required in subdivisions involving five or more lots.
2. Subdivisions with four or fewer lots fronting on an existing street and not requiring the creation of a new street shall not be required to install sidewalks.
3. When sidewalks are required, a plat note shall be placed on the final plat indicating that sidewalks are required, upon which streets they are required, and who is responsible for installation.

#### **5.4.5 Fee-in-Lieu/ Alternative Sidewalk Plan**

A. In situations where sidewalk or trail installation is impractical, as described below, a property owner may request a cash fee-in-lieu of sidewalk or trail installation or an alternative sidewalk plan with the approval of the Planning Director and the City Engineer.

1. Fee-in-lieu - A cash fee for the installation of off-site sidewalks or trail may be paid in lieu of all or part of the sidewalks or trails when the option is outlined above or when the Planning Director and City Engineer have approved the request.
2. Alternative Sidewalk or Trail Plan- An alternative sidewalk or trail plan may be requested when the developer would like to use alternative materials, construct the sidewalk or trail in an alternative location or seek to vary (as opposed to waive) one of the above requirements. All elements of an alternative sidewalk or trail plan must meet ADA requirements.

B. All fees-in-lieu of installation or alternative sidewalk or trail plan requests shall be approved prior to the issuance of a building permit or construction permit. In evaluating the request, the Planning Director and City Engineer shall consider the following.

1. Proximity to the nearest existing sidewalk;
2. Topographic or drainage issues;
3. Proximity to pedestrian generators, such as schools, libraries, shopping centers,

4. parks and other government buildings;
4. The master plan guidance for an existing rural area;
  5. For a single-family home being constructed on a lot larger than one acre on an existing public street, the fee-in-lieu of construction shall be based on a maximum of 100' of frontage;
  6. Whether any public sidewalk improvements are planned or contemplated in the area; and
  7. Any other information deemed appropriate in the professional judgment of the Planning Director and City Engineer.

The actual amount of the fee-in-lieu of installation shall be adopted annually by the City Council as part of the adopted fee schedule.

#### **5.4.6 Waivers from Required Sidewalk Construction**

~~Waivers from sidewalk construction should be the last resort and shall be done so after reviewing the site for alternatives. The Planning and Zoning Commission shall review each request for a sidewalk waiver along a street in the context that the public safety and welfare make it desirable to encourage pedestrian movement by providing safe walkways and sidewalks away from automobile traffic. Requests shall not be based solely on financial gain from not having to construct a sidewalk. A waiver may only be requested and approved if the request is based on a unique topographical or other physical condition unique to this particular site and which the stated reason for seeking a variance is not based exclusively on financial gain.~~