

**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. 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.

**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.
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 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.
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 spaces, and to connect the development to the public street system as depicted on an approved site plan.

#### **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. Locations extending from schools, parks, and churches along fronting street to the next nearest street intersection, within the same block face, up to a maximum of 500 feet.
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 agreement, until such time as the property is developed.

### **E. When Sidewalk Requirement is Triggered**

1. No new commercial 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.
2. 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 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 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 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, streetlights, 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.