

Applicable Garden City Code

8-4E-2 **APPLICABILITY:**

- A. This Article provides design standards that shall apply to any new construction, addition, expansion, grading, alteration, or any new or more intense use of property.*
- B. Nothing in the provision of this chapter shall alter or negate the responsibilities of the Transportation Authority.*

8-4E-6 SIDEWALKS STANDARDS: *All sidewalks shall be designed and constructed to the following standards.*

- A. Sidewalks shall be required along public rights of way intended for vehicular travel.*
- B. All sidewalks shall be a minimum of five feet (5') except if detached sidewalks are provided on local streets in residential subdivisions, the minimum sidewalk width may be reduced to four feet (4') .*
- C. Detached sidewalks shall be required unless in conflict with a street plan adopted by the Transit Authority and/or the City or there is existing attached sidewalk on both sides adjacent to the property.*
- D. Sidewalks shall be designed to flare around mail boxes, utility boxes and other impediments to pedestrian circulation to maintain a minimum five feet (5') of travel width.*

8-7A-2 **DEFINITIONS OF TERMS:**

SIGNIFICANT IMPROVEMENT:	<i>Any repair, reconstruction or improvement to property the cost of which equals or exceeds twenty five percent (25%) of the tax assessed value either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, significant improvement is the value of all combined improvements within a five (5) year time frame</i>
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SUBSTANTIAL IMPROVEMENT: *Any repair, reconstruction or improvement to property the cost of which equals or exceeds fifty percent (50%) of the tax assessed value either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition substantial improvement is the value of all combined improvements within a five (5) year time frame.*

Sidewalk Policy

Garden City Code requires that properties adjacent to roadways utilized by motor vehicles provide sidewalks. This is not an impact fee. This is a required on-site improvement for properties in Garden City. Properties without sidewalk contain an existing deficiency that may pose a threat to the health, safety and welfare of pedestrians. This document is a guideline to assist in the interpretation and application of **Garden City Code 8-4E**. Following code, if there is *any new construction, addition, expansion, grading, alteration, or any new or more intense use of property* Garden City staff will note that sidewalk is required. However, at times, the requirement of curb, gutter, and concrete sidewalk may not be reasonable in relation to the requested project. This policy identifies possible thresholds and options for the construction of sidewalks. The deciding body will make the determination of the required improvements on a case by case basis. Decisions will consider the unique circumstances of each proposal and therefore they may not strictly adhere to the guidelines as described by this policy.

Improvement Thresholds

Per **Garden City Code 8-4E-2 A**, sidewalks are required for projects that entail any of the below:

- New construction
- Addition
- Expansion
- Grading
- Alteration
- New use
- More intense use

The thresholds identified do not preclude the installation of curb, gutter, and concrete sidewalk but rather set the minimum requirements.

Full Curb, Gutter, and Concrete Sidewalk installation

In all instances, prior to Certificate of Occupancy, curb, gutter, and concrete sidewalk is required to be ***installed for the entire project site*** when:

- The site is newly constructed; or
- The site is redeveloped in its entirety.

Waiver or Alternative to Curb, Gutter, and Concrete Sidewalk

It is Garden City's preference that curb, gutter, and concrete sidewalk are installed in most instances. However, the applicant may request a waiver of curb, gutter, and concrete sidewalk concurrent with the submittal of their application. The deciding body may require installation of sidewalk improvements for the entire site, a portion of the site, or no sidewalk based on an analysis of the proposal and site specific considerations. If the installation of curb, gutter, and concrete sidewalk, is found to create undue hardship the deciding body may also authorize a pathway as an alternate method for pedestrians to safely transverse the property. Approval of a waiver or alternative to curb, gutter, and concrete sidewalk shall not be considered a binding precedent to grant relief to other properties.

In order to request a waiver or alternative treatment, the applicant shall provide documentation that:

1. The lack of sidewalk will not constitute a grant of special privilege inconsistent with the requirements on other properties within Garden City; and
2. The requirement of sidewalk creates an undue hardship beyond that of the requirement of sidewalk elsewhere in Garden City; and
3. The waiver will not unreasonably diminish the health, safety or welfare of the community neighborhood; and
4. The waiver or alternative of a sidewalk is the only reasonable manner to overcome an undue hardship to the subject property; and
5. The waiver or alternative treatment is the minimum relief necessary to allow reasonable use of the subject property.

Acceptable documentation may include but is not limited to:

- Current Ada County Highway District (ACHD) Five Year Work Plan
- Letter from the transportation authority
- Signed engineering design plans
- Technical safety analysis
- Documentation from the current trip generation standard that ACHD utilizes
- Bids (if bids are utilized the applicant shall provide 3 from local contractors that are verifiable businesses)

- Ada County Assessor data
- The most current International Code Council *Building Valuation Data*

The decision making body may consider the following in making their determination:

- Facts, including costs, demonstrating that construction of a pathway or alternative pedestrian facility is more appropriate.
- The curb, gutter, and concrete sidewalk improvements are already designed and scheduled by the transportation authority, City of Garden City, or Garden City Urban Renewal Agency to be constructed within the next five years.
- The transportation authority is not requiring any improvements.
- The transportation authority has requested that improvements not be constructed.
- The only plausible location for the construction of a sidewalk would create an unsafe situation for the pedestrian or motorist due to the specific physical characteristics of the property.
- The existing adjacent street is of such poor quality that the installation of a sidewalk is infeasible.
- The burden of installation would be disproportionate (see *Determination of Proportionality* below).
- The improvements would include extraordinary costs above and beyond the installation of the same improvements elsewhere in the city for the following reasons:
 - There is an existing structure that will not be removed that impedes the installation; or
 - Drainage would need to be redesigned and reconstructed (substantially more so than in the typical installation of greenfield or infill sidewalk); or
 - There is a public or irrigation structure that impedes the installation.

The decision making body will not consider the following in making their determination of and undue hardship:

- Lack of sidewalk on adjacent properties
- Loss of parking
- Ownership of property
- The installation of sidewalk constitutes an unexpected expense to applicant
- Cost of improvement vs. anticipated revenue of project
- The desire of the applicant or property owner to not have a sidewalk

Exempt

No new sidewalk or pathway will be required by the City when:

- There is an existing **attached or detached** concrete sidewalk that is ≥5' in width (≥ 7' if attached on an arterial roadway) , is in good repair, and ADA compliant; or
- The property is at a 'dead end' where there is no possibility for a future extension of a roadway and is not a part of an existing or planned connection to the Greenbelt, a pathway, part of a cul-de-sac, or other amenity that may be utilized by the public.

Or

When project entails:	And
<ul style="list-style-type: none"> • The change of use is to a permitted zoning use and there is no change in building occupancy, or • The property has most recently been utilized by a legal existing use (must have a Certificate of Occupancy for current use, or demonstrate legal grandfather rights) and there is no change of zoning use or building occupancy 	<ul style="list-style-type: none"> • There is no change to the site design; and proposed improvements, including changes interior to a building are less than a significant improvement as defined by Garden City Code 8-7A-2; and • There is no expansion of the site; and • There is no intensification of use at the site.

Location Standards

All sidewalks or pathways should be installed in the public right of way when permitted by the transportation agency that controls the roadway. If the transportation agency who oversees the roadway will not permit detached sidewalk or pathway in right of way, the applicant must provide an easement for the use of the public for an onsite sidewalk or pathway.

The sidewalk or pathway shall connect to sidewalks or pathways on adjacent properties.

If there is no adjacent sidewalk or pathway, the sidewalk or pathway shall be installed to the property lines of adjacent properties so that adjacent properties may install connecting sidewalk or pathway at the time that they develop or redevelop.

The sidewalk or pathway shall be detached as required by **Garden City Code 8-4E-6 E** and provide for a 6' with root barrier/ 8' without root barrier landscape buffer prescribed by ACHD's policy for Class II or III trees unless:

- Impeded by an existing structure that will not be removed; or
 - Contrary to an adopted street or master plan, or
 - There is existing attached sidewalk or pathway on **both** adjacent sides of the property;
- or

- In some instances the buffer may need to be greater or on both sides of the sidewalk to accommodate power lines. In such situations the sidewalk shall still be detached by a minimum of a 2.5' and the street trees may be accommodated at the back of sidewalk.

Construction Standards

Sidewalk

All sidewalks shall be constructed to the standards of the transportation authority of the road that sidewalk is on or adjacent to (ACHD or ITD) and be:

- At least 5' in width if on a local or collector road and be free of obstructions. If the sidewalk is adjacent to curb on an arterial roadway the sidewalk shall be at least 7' in width and be free of obstructions.
- *On site* drainage shall be designed to accommodate the curb, gutter, and concrete sidewalk and in conformance with the transportation authority's and City's requirements.
- Right of way or an easement must be granted for the entire sidewalk to edge of property; and
- If curb, gutter, and concrete sidewalk is not provided to the entire site, a pathway for the entire site shall connect to the existing sidewalk or provide for connection to an adjacent future sidewalk.
- The area between the sidewalk and curb or travel way may be landscaped or hardscaped. A landscape buffer may be more appropriate to residential or low intensity uses; while the hardscape buffer may be more appropriate to commercial or high intensity uses.

Pathway

A pathway for the safe access of pedestrians may be constructed as a temporary sidewalk in lieu of curb, gutter, and concrete sidewalk. The pathways shall adhere to the following standards:

1. Shall be clearly defined.
2. Outside of a vehicular travel way.
3. The path shall be 5' wide adjacent to local and collector streets; 7' wide adjacent to arterials.
4. May be identified with paint, pavers or otherwise approved appropriate material.
5. Adhere to location standards as identified above.

Right-of-way necessary to provide future curb, gutter, and sidewalk shall be dedicated.



Examples of paint or pavement color to delineate and pedestrian zones including HWY 20/26 in Boise (middle picture)

Determination of Proportionality

The below identifies three potential ways that proportionality may be determined.

Flex Spaces

Where there are multiple units, suites, buildings, etc. on a site that are intended to be utilized by multiple tenants, proportionality shall be determined based on the proportion of the use of the units, suites, buildings, etc. utilized. For example if there is a facility with five suites, and the use will be occupying two suites, $2/5$ of the required improvements would be proportional to the use.

Intensification of Use

Existing uses increasing the use of their site will be required 10' of improvement for every new parking space or every additional vehicle trip/ day anticipated (whichever is greater). Garden City will use the same standard that ACHD utilizes, which is currently the *Transportation Engineers Trip Generation Manual, 9th Edition*.

Expansion of Site

The property that the use will expand into will be required to meet required improvements as determined by the thresholds defined in this policy. Also, if the existing site prior to expansion contains deficiencies in sidewalk, a sidewalk or pathway shall be required on the existing site based on the intensification of the area of the expansion.

For example, *Site A* does not contain sidewalk. The use of *Site A* expands into *Site B*. *Site B* is vacant, thus requiring full curb, gutter and sidewalk on *Site B*. The use on *Site B* will generate 20 vehicle trips/ day. Up to 200' of sidewalk shall be provided on *Site A*.