

Published in the Daily Record on October 12, 1979

ORDINANCE NO. 36-327

AN ORDINANCE SETTING FOR THE POLICY OF THE CITY OF WICHITA AS TO THE LOCATION OF SIDEWALK IMPROVEMENTS WITHIN THE CITY AND THE UNINCORPORATED AREA WITHIN THREE (3) MILES OF THE CORPORATE BOUNDARIES OF WICHITA; PROVIDING FOR ALTERNATE METHODS OF FINANCING THE COST OF SIDEWALK IMPROVEMENTS; REQUIRING FISCAL GUARANTEES FOR SUCH IMPROVEMENTS AT THE TIME OF ISSUANCE OF BUILDING PERMITS; AND ESTABLISHING TIME LIMITATIONS FOR SIDEWALK INSTALLATION AND AUTHORIZING EXTENSION, DEFERRALS OR WAIVERS THEREOF.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF WICHITA, KANSAS.

SECTION 1. This ordinance shall be known as and may be referred to as the sidewalk ordinance of the City of Wichita. The purpose of this ordinance is to provide for a system of sidewalk improvements appropriate and convenient for pedestrian and handicapped person traffic within the city and the unincorporated area within three (3) miles of its corporate boundaries. It is intended to enhance the safety, convenience and general welfare of the community as a whole; to provide for the special sidewalk needs in individual neighborhoods and to establish minimum requirements and standards in new subdivisions.

SECTION 2. The provisions of this ordinance shall be cumulative and are not intended to abrogate or limit in any way to the Kansas statutory authority conferred upon cities within the State as to alternate means and methods of developing and financing sidewalk improvements, nor is it intended to supersede other City of Wichita code provisions relating to sidewalk construction, licensing, traffic or use regulation.

SECTION 3. Sidewalks shall be located and installed as herein specified in the manner and at the time prescribed.

- A. At-Large Improvements -- Sidewalk improvements shall be installed by the City abutting both sides of all Arterial Streets. Priority for the installation of such sidewalks shall be determined by the Governing Body upon recommendation of the Traffic Commission after an appropriate public hearing. Sidewalks shall be installed at the time of construction of all Arterial Streets unless deferred by the Governing Body. Financing for such improvements shall be provided by the city-at-large, State, or Federal funds.
- B. Petitioned Improvements -- Sidewalk improvements shall be installed on one or both sides of any street or trafficway upon approval by the City of a petition submitted by a majority (51% or more) of the owners of the property abutting the proposed improvements. Financing for such improvements shall be by assessments levied against benefiting properties.
- C. New Subdivisions -- Sidewalk improvements shall be determined at the time of preliminary platting and shall be required and installed at the time of street construction in any new subdivision within the City or within three (3) miles of its corporate boundaries, as follows:

- 1. On both sides of Collector Streets which are so designated at the time of platting.
- 2. On one side of a continuous street (irrespective of name, resulting in a pattern of through traffic) which is platted to permit 48 or more dwelling units abutting both sides of such street and which street intersects with a designated Collector or Arterial: except

Residential Streets (single-family detached and two-family dwelling units) with the majority of lots having frontages over 100 feet or with the majority of lots having an area greater than 20,000 square feet.

3. On either side of a cul-de-sac street or a loop street when either of which intersects with a designated Collector or Arterial and when there are more than 48 dwelling units abutting each such cul-de-sac or loop street. In determining the number of dwelling units on such loop streets outletting on the same street within 800 feet, the total number of dwelling units abutting such loop street shall be multiplied by .6 and the product used to determine if it is greater than 48.
4. On all lots zoned or used for commercial, office or multi-family (not including single-family detached or two-family dwelling units) when such lots are not adjacent to an Arterial Street. When the application of this rule creates a stub extension, such as along a side lot line into a side street, or when complete access control is granted, the Metropolitan Area Planning Commission may exempt such requirement.
5. On such streets, easements or open space as may be agreed to by the Metropolitan Area Planning Commission and the subdivider at the time of approval of Community Unit Plan (CUP).
6. Along pedestrian easements when connecting existing sidewalks, or sidewalks approved for installation.
7. Adjacent to one side of the street if the sidewalk would connect a required sidewalk on a designated Collector or Arterial Street directly to a publicly owned pedestrian generator, such as a park, elementary school, or similar use. Such extension shall not exceed 800 feet in length.
8. Guarantees -- Where plats requiring sidewalks are located on streets already built, sidewalks shall be built at the time development occurs on the lot. A certificate indicating that sidewalks shall be required as a condition to the issuance of a building permit or development shall be made by the subdivider and filed with the Register of Deeds. Upon completion of the sidewalk, the City Engineer is hereby directed to file with the Register of Deeds a release of such certificate indicating such condition has been met for the individual properties specified. For those uses (i.e., commercial, office and multi-family) requiring an occupancy permit, the plans approval and building permit shall clearly indicate the sidewalk requirement and the fact that the occupancy permit will not be issued until the sidewalk is completed. For uses not requiring an occupancy permit, a six (6) month fiscal guarantee shall be required. The amount of the fiscal guarantee shall be the length of the segment of the sidewalk located on the building site, less the width of drive(s), times the rate per lineal foot of the then-current bid construction costs, plus administrative and engineering fees, plus an inflation factor. Such rate shall be computed and reviewed every six (6) months by the City Engineer and shall be filed with the City Commission. Such fiscal guarantee may consist of a corporate surety bond, a bank letter of credit, a cashier's check, an escrow account, or other like security. The intent is for the builder to install the sidewalk as part of the construction process.

Failure to do so will require the proceeds of the fiscal guarantee to be turned over to the City Engineer, who is to proceed immediately to build the required sidewalks.

SECTION 4. Exceptions -- Nothing in this policy shall be construed as requiring the installation of sidewalk improvements when there is a design constraint or impediment which would render such installation impractical, the determination of which shall be made by the Governing Body. Sidewalks need not be built along streets adjacent to large, non-pedestrian generating uses as may be determined by the Metropolitan Area Planning Commission or along streets adjacent to parks that are developed with walks and trails. Further, where sidewalks might be required on both sides of a street and said street is

adjacent to a drainageway, freeway or similar design constraint, sidewalks shall be required on only one side of such street.

SECTION 5. All sidewalks to be constructed under the provisions of this ordinance shall be constructed in accordance with the provisions of Ch. 10.12 of the Code of the City of Wichita.

SECTION 6. Appeal -- Any persons or organization aggrieved by any determination or order made under any provision of the ordinance may appeal such determination or order to the Board of City Commissioners. Such appeal shall be in writing, setting forth with sufficient particularity the determination or order appealed from and the reasons why the same should be reviewed. An aggrieved party shall have right to be heard and to present evidence at the hearing set for such purpose.

SECTION 7. Severability -- If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision.

SECTION 8. This ordinance shall take effect and be in force from and after its passage and publication once in the official City paper.

Adopted at Wichita, Kansas, this 9th day of October, 1979.

TONY CASADO
Mayor

ATTEST: (Seal)
DONALD C. GISICK
City Clerk

Approved as to Form:
JOHN DEKKER
Director of Law