

APPENDIX C – MODEL SIDEWALK ORDINANCES

- Model Regulations: Pedestrian Facilities, from *Planning and Policy Models for Pedestrian and Bicycle Friendly Communities in New York State*, Institute for Healthy Infrastructure, SUNY Albany, June 2007.
- Model Sidewalk Regulations – Zoning & Subdivision, prepared by the Pioneer Valley Planning Commission
- Town of Penfield, Monroe County, Sidewalk Policy, adopted April 23, 1979

Note: these models are presented solely to present municipalities with alternatives to their existing ordinances, as they relate to pedestrian facilities. The SMTC does not guarantee the legality of these examples.

Model Regulations: Pedestrian Facilities

Purpose:

Many communities include sidewalks in their master plans and zoning laws, but few provide a comprehensive framework for all aspects of pedestrian infrastructure. The following text addresses the major issues, including sidewalks, crossings, accessibility and maintenance.

Proposed Policy:

The community is a pedestrian – friendly community, and will provide and maintain facilities for pedestrians as an integrated part of their new development and redevelopment projects. Property owners and agencies are responsible to construct and maintain facilities in accordance with this policy. Pedestrian facilities include sidewalks, traffic calming features, crossings and accessibility features such as signals, curb ramps and signage.

1. **Sidewalks:** sidewalks will be installed in accordance with the community Pedestrian Plan. Minimum width of all walks shall be five (5') feet with a five (5') planting strip (or 10' wide sidewalks in Central Business Districts) unless prohibited by documented environmental constraints. Sidewalks must be constructed continuously across all driveways.
2. **Crossings:** safe crossings shall be provided at all locations identified in the Pedestrian Plan. All crosswalk, signal and curb ramp features shall comply with the minimum guidelines established in the *NYSDOT Highway Design Manual* and the *Manual of Uniform Traffic Control Devices (MUTCD)*. Traffic calming features shall be provided where necessary to balance pedestrian safety with vehicular speeds and volumes.
3. **Accessibility:** all pedestrian facilities will comply with the Americans with Disability Act (ADA) guidelines.
4. **Maintenance:** Each owner or occupant of any house or other building, and any owner or person entitled to possession of any vacant lot, and any person having charge of any facility or public building shall be responsible for maintaining the pedestrian facilities adjacent to their property. During the winter season, this shall include keeping the sidewalk free of snow or ice and at all other times shall keep the sidewalk in good and safe repair in a clean condition, free from obstructions or encumbrances.

MODEL SIDEWALK REGULATIONS – ZONING & SUBDIVISION

*Prepared by the Pioneer Valley Planning Commission**

ZONING BYLAWS

1.0 – SIDEWALK REGULATIONS

1.1 – PURPOSE

The purpose of this bylaw is to promote the health, safety and general welfare of the Town, and to ensure compliance with the following goals:

1. Promoting the safety of pedestrian access, movement, and protection for the physically able, physically challenged, children or seniors (or variously-abled) within the community;
2. Insuring that the ADA guidelines are met for all sidewalk or pathway installations, existing and proposed;
3. Promoting attractive and well-constructed sidewalks or pathways that correspond to the character, aesthetic qualities, natural, environmental, and historical features of developing or existing neighborhoods;
4. Connecting to existing and projected sidewalks or pathways whenever the opportunity arises to insure an interconnected pedestrian system;
5. Insuring that all development actively implements the building of sidewalks for new construction, reconstruction, or rehabilitation.

1.2 – DEFINITIONS

Crosswalk: Any portion of a roadway at an intersection or elsewhere that is distinctly indicated for pedestrian crossing. If there is no marking, a sidewalk crossing is implied at each leg of every intersection by the extension of the lateral lines of the sidewalk on each side, or where the sidewalk would be if there is none.

Driveway: A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

* These model regulations were originally prepared for municipalities in Massachusetts, but have been modified to reflect conditions in New York State. For more information, see:
http://www.pvpc.org/val_vision/html/toolbox/Part%20III%20Strategies/Model%20Bylaws/Model%20Sidewalk%20Regulations.rtf

Infrastructure: Any public facility, system, or improvement including, without limitation, water and sewer mains and appurtenances, storm drains and structures, streets and sidewalks, trees and landscaping in public right-of-way, utilities, and public safety equipment.

Pedestrian Friendly: The presence of facilities and design features that make an environment safe and attractive to pedestrians. These include: walkable distances between uses, (i.e. under ¼ mile); sidewalks, paths and walkways; continuous visual interest (i.e. uninterrupted line of buildings, attractive barrier in front of parking lots, murals on blank walls, infill development, pocket parks, etc.); consumer uses (i.e. restaurants, shops, cinemas, housing); trees for shade; awnings for shelter; buildings and landscaping elements sited to avoid wind tunnel effect, and to provide sheltered areas; visual texture in the streetscape (i.e. interesting storefronts, public art, plantings, pavement patterns, etc.); people presence (i.e. sidewalk cafes, street vendors, late business hours, residents using front porches and yards); good maintenance and inclusion of site amenities; buffers between cars and pedestrians (i.e. planted medians, on-street parking, grade separation); paths connecting adjacent uses; crosswalks and ramps; traffic calming devices; traffic lights; over- and underpasses.

Sidewalk: The area between the curb or edge of the street and the property line, whether or not it is improved.

1.3 - REGULATIONS

1.31 Sidewalks. Sidewalks shall be constructed in any area of the community where:

- a. Sidewalks are necessary to provide adequate and safe routes for school children to and from their dwellings and to and from educational facilities;
- b. Pedestrian traffic is not adequately accommodated by existing sidewalks;
- c. No sidewalks are in existence;
- d. There is an opportunity to make connections between existing or proposed sidewalks;
- e. The health, welfare, and safety of the public require that adequate sidewalks be provided for the public convenience; and
- f. All new development or redevelopment, construction or reconstruction.

1.32 Pedestrian Circulation Plan. The Planning Board requires inclusion of a pedestrian circulation plan and sidewalk profiles for all proposed subdivisions, site plan reviews and special permits. It shall include:

- a. The location of streets and roads adjacent to the site and proposed roads within the site;
- b. The location of existing walkways and paths on and off the site; the location of bus stops, parking lots, parking spaces, and driveways; the location of recreation facilities, religious structures, schools, industries, retail establishments, offices, and any other destination facilities; the location of residences; and any other structures or uses that may be requested by the Planning Board, DPW or other government body;

- c. Links between sidewalks and pathways within the development, and to neighborhood destinations and existing or projected sidewalks or pathways in the surrounding area.
- d. A description of estimated daily and peak-hour pedestrian trips to be generated by the site and flow patterns for pedestrians showing adequate access to and from the site and adequate circulation within the site; and
- e. An interior traffic and pedestrian circulation plan designed to minimize conflicts and safety problems.

1.33 Standards

- a. Sidewalks shall be at least 4 feet in width and shall meet the requirements set forth in the Americans with Disabilities Act of 1990.
- b. Changes in level up to 1/4 in (6 mm) may be vertical and without edge treatment. Changes in level between 1/4 in and 1/2 in (6 mm and 13 mm) shall be beveled with a slope no greater than 1:2. Changes in level greater than 1/2 in (13 mm) shall be accomplished by means of a ramp that complies with these regulations.
- c. Gratings. If gratings are located in walking surfaces, then they shall have spaces no greater than 1/2 in (13 mm) wide in one direction. If gratings have elongated openings, then they shall be placed so that the long dimension is perpendicular to the dominant direction of travel.

1.34 Curb and Intersection Corner Ramps

- a. Engineer shall have included, either within the corner or within the curb area immediately adjacent thereto, ramps allowing access to the sidewalk and street by variously-abled persons.
- b. The ramps referred to in Subsection A shall be constructed in a good and substantial manner and in accordance with the plans and specifications established by the Engineer. The particular plan to be used at a given intersection corner shall be appropriate to the location as determined by the City/Town Engineer.

1.35 Driveways. A driveway shall be considered part of the sidewalk:

- a. After a driveway has been constructed, it shall be deemed a part of the sidewalk whether or not there is a sidewalk improvement extending along the balance of the frontage property, for all purposes of repair or reconstruction. Requirements relating to construction or reconstruction of a sidewalk as provided in this Chapter shall be applicable to reconstruction of a driveway which portion is in the sidewalk area of the right-of-way.
- b. Wherever possible driveway aprons should not intrude into the pedestrian way. The sidewalk cross slope of 1:50 should be maintained across the entire driveway. The driveway apron should be located in the tree belt between the pedestrian way and the roadway.

1.36 Locations for Curb Extensions:

- a. Curb extensions may be used at any corner location, or at any mid-block location where there is a marked crosswalk, provided there is a parking lane into which the curb may be extended. They may include transit stops.
- b. Curb extensions are not generally used where there is no parking lane because of the potential hazard to bicycle travel.
- c. Curbs may be extended into one or both streets at a corner. No obstructions or private use should occur in the curb extension.

1.37 Crosswalks

- a. Crosswalks are a critical element of the pedestrian network to enable sidewalk transportation users to safely and conveniently cross intervening streets. Safe crosswalks support other transportation modes as well; transit riders, motorists, and bicyclists all may need to cross the street as pedestrians at some point in their trip.
- b. Parking is prohibited within a crosswalk.

1.38 Shared Use Pathways

- a. Sidewalks shall be constructed to form connections to and from public schools. These sidewalks or pathways shall be designated for bicycle and other non-motorized transportation use for students in all school grades.
- b. When desirable for public convenience, a pedestrian or bicycle way may be required to connect to a cul-de-sac or to pass through an unusually long or oddly shaped block or otherwise provide appropriate circulation or continuity to a pedestrian or bicycle circulation system.

2.0 SUBDIVISION RULES AND REGULATIONS

2.1 - SIDEWALKS

2.11 Sidewalk requirements:

- a. Sidewalks shall be required on both sides of all new public streets.
- b. Exceptions will be considered under the following conditions:
 - i. Sidewalks shall be required on one side of the street if the right-of-way has severe topographic or natural resource constraints, or the street is a cul-de sac with four or fewer dwelling units.

- ii. In such cases where the sidewalk is excepted to one side of the street, the developer may install an equal number of feet of sidewalk in another area of the community as deemed by the DPW Director, Municipal Engineer, and Planning Board. The developer may as an alternative devote that amount of work to the repair of sidewalk as deemed by the DPW Director, Municipal Engineer, and the Planning Board.
- d. A buffer strip of four feet width between the pedestrian way and the road shall be required for all sidewalks to further provide a safe pedestrian environment. Shade trees shall be planted at thirty-foot intervals in a tree belt established in the buffer strip.
- e. Pedestrian and bicycle ways: When desirable for public convenience, a pedestrian or bicycle way may be required to connect to a cul-de-sac or to pass through an unusually long or oddly shaped block or otherwise provide appropriate circulation or continuity to a pedestrian or bicycle circulation system.
- f. Additional Right-of-Way Improvements: The Planning Board may require right-of-way improvements in excess of the right-of-way improvement requirements set forth in this section, if public right-of-way improvements that directly benefit and are necessary to serve the subject property or development require additional right-of-way improvements.

Adopted: 4/23/79

Amended: 9/21/81, 6/6/83, 9/6/88
7/17/96 and 5/3/00

TOWN OF PENFIELD SIDEWALK POLICY

Purpose

It is the intent of the Town of Penfield to install sidewalks along all Minor Arterial, Major Collector and Minor Collector roads to develop safe pedestrian mobility and enjoyment. This policy encourages the installation of sidewalks along all local streets, including but not limited to new subdivisions. This network of sidewalks is intended to provide a safe linkage of major residential developments to commercial, civic, recreational, educational and employment centers for residents and visitors.

Primary Sidewalk System

The primary goal of this policy is to install sidewalks along Minor Arterials, Major Collectors, and Minor Collector roadways in the Town of Penfield. These are further defined as follows and are shown in Exhibit 1:

Urban Minor Arterials are highways that move high volumes of traffic from intermediate to long distances within the town and connect the town with other major arterial highways in the metropolitan area. They provide a lower level of travel mobility than principal arterials. The highways that meet this classification and are to be developed with sidewalks along one or both sides include the following:

- ☐ Bay Road
- ☐ Browncroft Boulevard/Atlantic Avenue (NY Route 286)
- ☐ Carter Road
- ☐ Empire Boulevard (NY Route 404)
- ☐ Five Mile Line Road (County Road 18)
- ☐ Nine Mile Point Road (NYS Route 250)
- ☐ Panorama Trail (Route 441 to Pittsford Town Line)
- ☐ Penfield Road (East of NYS Route 441)
- ☐ Plank Road

Rural Major Collectors are roads that serve to link areas of major development with the arterial highway system. They generally carry medium to low traffic volumes within the town and connect the town with adjacent communities. The highways that meet this classification and are to be developed with sidewalks along one or both sides include the following:

- ☐ Salt Road

Rural Minor Collectors are roadways that connect major residential developments to the major collector and arterial highway system via short vehicle trips. They may also connect Penfield with minor collectors and local streets in other towns. The highways

that meet this classification and are to be developed with sidewalks along one or both sides include the following:

- ☐ Baird Road
- ☐ Blossom Road
- ☐ Creek Street
- ☐ Jackson Road
- ☐ Jackson Road Ext.
- ☐ Panorama Trail (Route 441 to Route 286)
- ☐ Penfield Road (West of NYS Route 441)
- ☐ State Road
- ☐ Whalen Road
- ☐ Watson Road

Local Roads are roadways that primarily provide direct access to abutting land and provide access to the higher order systems. They provide a lower level of mobility. The highways that meet this classification and are to be developed with sidewalks along one or both sides include the following:

- ☐ Allen Road
- ☐ Beacon Hills Drive
- ☐ Carter Road
- ☐ Clark Road
- ☐ Daytona Avenue
- ☐ Dublin Road
- ☐ Embury Road
- ☐ Fellows Road
- ☐ Gebhardt Road
- ☐ Gloria Drive
- ☐ Huntington Meadow
- ☐ Harris Road
- ☐ Hatch Road
- ☐ Hermance Road
- ☐ Hogan Road
- ☐ Huber Road
- ☐ Kennedy Road
- ☐ Liberty Street
- ☐ Linden Avenue
- ☐ Marchner Road
- ☐ Northrup Road
- ☐ Penfield Center Road
- ☐ Qualtrough Road
- ☐ Scribner Road
- ☐ Shoecraft Road
- ☐ Sweets Corners
- ☐ Watson – Hulburt Road

Secondary Sidewalk System

The secondary goal of this policy is to require the installation of sidewalks along all residential subdivision roadways and other areas of concentration of residential and commercial development. All new development approved by the Town of Penfield is required to install sidewalks along both sides of all local roads not previously noted.

Annual Sidewalk Program

The Town of Penfield supports the installation of sidewalks along the Primary Sidewalk System through its annual program of sidewalk construction. This program is funded by the Town Board through the allocation of funds from the town's General Fund, grants, and development sidewalk fees collected in accordance with this policy and the plan provided in Exhibit 1, as well as other priorities established by the Town Board.

Sidewalk Policy

The Town of Penfield anticipates full compliance with this policy by all new development and redevelopment. However, the Town Board may grant a waiver to the Sidewalk Policy where the installation of sidewalks is not prudent at this time, their installation may interfere with other pending projects, or other factors as determined by the Town Board. The developer must request a waiver from this policy, in writing, for consideration by the Town Board. These waivers must be requested prior to final site plan or subdivision approval is granted by the Planning Board and/or any other authorized town official. In lieu of the installation of sidewalks, the developer shall submit the unit fees to the Town of Penfield prior to receipt of any Building Permit, as defined herein. A sidewalk easement is required for all projects, whether a waiver is granted or not, as determined by the Town Sidewalk Coordinator. All earthwork required for the future installation of sidewalks shall be completed, with or without the sidewalk installation, and provided for in the letter of credit.

All definitions and land uses shall comply with the descriptions provided in the Town of Penfield Zoning Ordinances.

Residential Development in Residential Districts: \$500.00 per dwelling unit

Where a new lot(s) has been created and no site plan approvals is granted, this policy shall require the granting of sidewalk easements across the frontage of public dedicated roads. The above fees apply only to the number of new units granted site plan approval.

Non-Residential Development in Residential Districts: \$4,000.00 per lot

The determination of non-residential development shall be established by the board granting approval or other authorized official in the Town of Penfield.

Commercial and Industrial Districts:

Fees shall be equal to the cost to install sidewalks along all roadway frontages for the lands owned by the developer for projects where sidewalks do not currently exist. For projects where sidewalks are already in place, either partially or in their entirety, the Sidewalk Coordinator shall determine the extent of sidewalk repair or replacement that shall be completed by the developer, in addition to filling in any missing sidewalk links along the roadway frontages in the vicinity of the development.

The determination of fees for significant redevelopment or renovation shall be at the discretion of the board having jurisdiction or other authorized town official. Whenever the square footage of the redevelopment or renovation work exceeds more than 20% of the current square footage of the property, the redevelopment or renovation would be considered significant and sidewalks would be required in accordance with this Policy.

All fees collected pursuant to any waivers granted by the Town Board shall be placed in the Sidewalk Capital Account specifically for the installation of sidewalks in locations identified by the Town Board.

Waiver Procedures

The waiver procedure shall be as follows:

- Applicant or individual requesting a waiver shall submit a letter to the Director of Building & Planning Services, prior to receiving final site plan or subdivision approval.
- The Director of Building & Planning Services shall consult with the Project Review Committee (PRC) and the Penfield Sidewalk Coordinator for a recommendation to the Penfield Town Board.
- The waiver request, along with any staff recommendations, shall be forwarded to the Penfield Town Board for review in a Town Board worksession.
- Upon review of all information, the Town Board shall determine if a waiver is appropriate and establish the associated fees and/or sidewalk installation that are necessary to comply with this policy.

Easements

The Town of Penfield shall require a minimum seven (7) foot wide easement along all roadways for the construction, replacement, and maintenance of sidewalks along publicly dedicated roads. The Sidewalk Coordinator shall determine where additional easement widths may be required. The easement shall be in a format acceptable to the Town Attorney and shall be recorded at the Monroe County Clerk's Office.

Maintenance

The Town of Penfield shall be responsible for the maintenance, replacement, and snowplowing of all sidewalks constructed along publicly dedicated roads classified as Minor Arterial, Major Collector, and Minor Collector within the Town of Penfield. Those classifications have been previously identified in this policy and are shown on Exhibit 1.

The Town of Penfield encourages the installation of sidewalks within residential subdivisions or other roadways not designated in Exhibit 1. Along these roadways, the costs associated with the installation, maintenance, replacement and/or repair of sidewalks shall be borne solely by those residents directly benefiting from the sidewalks installed within their particular subdivision. These costs shall be assessed through an additional tax levy to the parcels located in an Intensified Sidewalk District encompassing the properties benefited. The required annual levy shall be based on a recommendation by the Town Sidewalk Coordinator and the Director of Finance to the Town Board.

Where an Intensified Sidewalk District has been formed, the town's policy is to install, maintain, replace and/or repair sidewalks as required. However, at this time, the Town of Penfield will not provide snow plowing service to sidewalks within the Secondary Sidewalk System. If this practice should change in the future, the cost of plowing will be charged to those properties located in the Intensified Sidewalk District.

Intensified Sidewalk Districts

General

The Town Board shall require the formation of an Intensified Sidewalk District for the following reasons:

- Installation, replacement, and/or maintenance of sidewalks in an existing subdivision.
- Maintenance and/or replacement of sidewalks located in subdivisions or along local-residential roadways that were installed by others.
- Other projects or sidewalk installations as recommended by the town staff, Planning Board, or other advisory agencies.

The developer or a neighborhood representative must petition the Town Board to create an Intensified Sidewalk District. The property owners within the Intensified District that directly benefit from the sidewalks shall bear the cost of the improvement, replacement, and/or maintenance of the sidewalks.

The Town Board has established the annual charge, for the year 2000, for sidewalk maintenance and/or replacement to be \$25.00 per residential unit. The Town Board reserves the right to periodically update this charge as part of their annual budget process.

Non-residential development rates shall be determined by the Town of Penfield Sidewalk Coordinator and approved by the Town Board.

Process

NEW SUBDIVISION DEVELOPMENT

Prior to final Planning Board approval, the Town Board shall determine if an Intensified Sidewalk District is required for a development. If desired, the developer shall prepare a map, plan, and report showing the proposed Intensified Sidewalk District.

The cost to install sidewalks, handicap ramps, and crosswalks shall be borne by the developer and shall be covered in the Letter of Credit for the project.

Sidewalks installed along Arterials, Collectors, and Local Roads, as determined by the Town of Penfield Sidewalk Policy and shown in Exhibit 1, shall not be required to form an Intensified Sidewalk District. The installation and maintenance costs for these sidewalks will be funded through the General Fund.

EXISTING SUBDIVISION DEVELOPMENT

An existing neighborhood may petition the Town Board to install sidewalks along local-residential roadways not designated for sidewalk installations. The Town Sidewalk Coordinator will develop a report and preliminary layout of proposed intensified sidewalk facilities, including, but not limited to:

- Location of sidewalks
- Need for easements
- Relocation or replacement of utilities
- Relocation or replacement of landscaping
- Location and number of cross-walks
- Location and number of handicap accessible ramps
- Preliminary cost estimates
- District financing options

All sidewalk construction will be completed in conformance with the requirements contained in *Town of Penfield Design and Construction Specifications*, latest version.

The Town Board shall require that a minimum of 75% of all resident owners and 75% of assessed valuation within the proposed district shall be in agreement with the conditions set forth in this policy for the formation of the proposed district.