

Proposed Walkability Ordinance for City of Knoxville and Knox County (4/26/17)

Section 1: Purpose

The purpose of this ordinance is to set requirements for walkability and pedestrian facilities associated with new development and redevelopment within the City of Knoxville and Knox County. All new development and redevelopment as described herein will provide walkability and pedestrian facilities with the exception of some types of development outside of the Urbanized Area.

Walkability is important to our community for several reasons:

Transportation Choices: Walking is a low-cost transportation option for short trips, and is the most common transportation choice for people accessing public transit.

Health: People living in walkable neighborhoods are more likely to walk, and have lower risk of developing diabetes and other serious illnesses. For this reason, the Knox County Community Health Council has identified increasing walkability as one of the four priorities in its Community Health Improvement Plan.

Safety: Pedestrians are less likely to be struck by a car.

Community: People living in walkable places are more likely to know their neighbors and be socially connected. This contributes to greater levels of community involvement and trust, and improved health for individuals.

Section 2: Definitions

Major Road Plan for the City of Knoxville and Knox County, TN. Classifies all streets within Knox County and assigns right-of-way requirements.

Parental Responsibility Zone (PRZ). In Knox County, the area around a public school where busing is not provided. The PRZ is 1 mile for elementary and intermediate schools, 1.5 miles for middle and high schools. The distance from the school is based on following the street network. Location within a PRZ shall be determined based on maps produced by MPC.

Redevelopment. The improvement of fifty (50) percent of the assessed value of the lot, building, or lot use. The City of Knoxville Department of Engineering or the Knox County Codes Administration will determine whether or not improvements meet this criterion.

Urbanized Area. The Urbanized Area of Knoxville and Knox County, as determined by the U.S. Census and adopted by the Knoxville Regional TPO.

Section 3: Applicability

3.1 New subdivision

For all new residential and nonresidential subdivisions, continuous sidewalks (or fee in lieu [FIL] of sidewalks, where applicable) shall be required as follows:

- On at least one side of all new streets constructed as local roads;
- On both sides of all new streets constructed as major arterials, minor arterials, major collectors, or minor collectors;
- Along adjacent street frontages where the adjacent street is classified as a minor collector or higher in the Major Road Plan;
- Along adjacent streets frontages located in a PRZ.

3.2 New construction not related to a new subdivision

All new construction not specifically addressed in the section above shall provide sidewalks (or FIL, where applicable) along all adjacent streets regardless of street classification. Construction of new detached dwelling units or duplexes is exempt from this requirement, unless either adjacent parcel along the same street has sidewalks. The construction of an internal pedestrian circulation system that directly connects to the public pedestrian infrastructure may also be required.

3.3 Redevelopment

Sidewalks (or FIL, where applicable) shall be required along all adjacent streets with all site redevelopment. Renovation or construction of detached dwelling units or duplexes is exempt from this requirement, unless either adjacent parcel along the same street has sidewalks.

3.4 Existing substandard sidewalks

In cases where sidewalks are already present on property being developed or redeveloped, or there are sidewalks in the right of way immediately adjacent along the frontage of the property being developed or redeveloped, but their width or condition renders them substandard, they shall be reconstructed by the developer following the guidelines of this ordinance.

3.5 New public facilities

The City of Knoxville and Knox County shall construct sidewalks along all public streets adjacent to new public facilities, including but not limited to parks, libraries, recreation centers and senior centers. Facilities not intended for public access are exempt from this requirement.

3.6 New public schools

Knox County shall construct sidewalks along all public streets adjacent to new public schools. Sidewalks shall connect via a pedestrian circulation system to all public entrances to the school and to all outdoor amenities on the school grounds, including but not limited to playgrounds, ball fields, tracks and courts.

Section 4: Paved greenways as an alternative to sidewalks

The City of Knoxville Department of Engineering or the Knox County Engineering and Public Works Department may approve a paved greenway trail or network of paved greenway trails as an alternative to part or all of the sidewalks required by this ordinance within a new subdivision, if the greenway meets all of the following requirements:

- Typical 12 feet of paved width, within a typical 30-foot-wide public easement, or as approved by the City of Knoxville Department of Engineering or the Knox County Engineering and Public Works Department.
- Provides the same or greater connectivity to individual parcels within the development and to external streets as the sidewalk system would.
- At least part of the greenway is shown in the Knoxville-Knox County Park, Recreation and Greenway Plan; the City of Knoxville Greenway Corridor Feasibility & Assessment Study; or another adopted greenway plan; or the greenway location is approved by City of Knoxville or Knox County staff.

Section 5: Design standards and Specifications

All sidewalks shall be constructed or reconstructed in accordance with the design standards and specifications set forth in the most current TDOT Design Standards [for County version of ordinance] City of Knoxville standard details for concrete sidewalks [for City version].

All greenways built in accordance with this ordinance shall be constructed to standards and specifications provided by the City of Knoxville Department of Engineering [for City version of ordinance] OR the Knox County Engineering and Public Works Department [for County version of ordinance].

All sidewalks and greenways built in accordance with this ordinance shall conform to the most recent published version of the Public Rights-of-Way Accessibility Guidelines (PROWAG) or 2010 ADA Standards as appropriate.

Sidewalks shall have a minimum width of five (5) feet and shall be designed to support the weight of vehicles at all driveway crossings.

The site grading plan for the subdivision shall be designed to allow for the driveway transition from the street to the sidewalk, the design of the sidewalk, and the driveway transition from the sidewalk to the parking area/garage for the house.

Sidewalks shall be installed at the time that the street improvements are installed for the subdivision.

The developer or home builder shall be responsible for the costs associated with sidewalk replacement or repair during the construction of a house on a lot, or any amenity area within the subdivision.

5.1 Subdivisions with a Single Builder

The City of Knoxville Department of Engineering or the Knox County Engineering and Public Works Department may allow the sidewalks for the subdivision to be installed with the construction of the individual houses within the subdivision, or approved phase of the subdivision, when the houses are being built by a single home builder subject to the following:

- The bonds posted for the sidewalks within the subdivision may be adjusted to address costs associated with the delayed sidewalk construction and the increase in the number of inspections;
- All forms for the sidewalk and driveway shall be properly set and inspected prior to the sidewalk and driveway being paved; and
- All sidewalks within the subdivision, or approved phase of the subdivision, shall be completed within two years of the first certificate of occupancy for a house within the subdivision or approved phase.

5.2 Transit Shelter Pads

Where sidewalks are being constructed or reconstructed under the requirements of this ordinance along an existing Knoxville Area Transit (KAT) route, the developer may be required to coordinate with City of Knoxville or Knox County and KAT staff to determine the necessity of shelter pads. If needed, the developer will install the shelter pad in accordance with KAT's most recent specification.

Section 6: Enforcement

For residential subdivisions, no building permits will be issued by the City of Knoxville or Knox County until the pedestrian facilities in ROW have been constructed and approved by the City of Knoxville Department of Engineering or the Knox County Engineering and Public Works Department or FIL is approved and paid. Subdivisions with a single builder that have been approved to install sidewalks when the houses are being built are exempt from this provision.

Section 7: Fee in lieu

7.1 Fee-in-Lieu as an Option

While construction of sidewalks is desired with all new development, in some locations there are conditions that make construction of sidewalks unreasonable. In recognition of these conditions, and to assure fairness to all, a fee-in-lieu of sidewalk construction is provided as an option. The following establishes the conditions under which a FIL of sidewalk construction is an option, the approval process for the FIL, and the amount of the fee.

7.2 Approval of Fee-in-Lieu

The following process for obtaining approval of a FIL of sidewalk construction is established:

- The person(s) requesting the FIL option shall submit the request to the City of Knoxville Department of Engineering or the Knox County Engineering and Public Works Department, as appropriate.
- The request shall provide the following information:
 - Location of the potential sidewalk for which the FIL is requested;
 - Length of sidewalk segment(s) for which the FIL is requested;
 - Site plan showing project location with detail of area in which sidewalk segment(s) for which the FIL payment is requested;
 - Aerial photo of area in which the project is located;
 - Detailed written justification for the FIL of the sidewalk construction. The written justification should be supplemented by additional information such as topo surveys, site plans, etc., that provide support for the request.
- Upon receipt the request shall be reviewed and evaluated by the City of Knoxville Engineering Director or the Knox County Director of Engineering and Public Works, as appropriate, in consultation with the Executive Director of the MPC.
- The City of Knoxville Engineering Director or the Knox County Director of Engineering and Public Works shall approve or deny the request for FIL of constructing the identified segment(s) of sidewalk based on consideration of the conditions in 7.3 (below). The approval may be for the entire segment(s) requested or for any portion of the segment(s).
- Upon agreement by the applicant with the decision rendered, the applicant shall provide the funds necessary for the FIL to the City of Knoxville or Knox County as appropriate.
- The entire amount of the FIL payment shall be provided to the City of Knoxville or Knox County, as appropriate, prior to the final approval of subdivision plats, issuance of building and/or construction permits, or rendering of any other approval required for the project. In the case of an appeal, the final decision on the appeal shall be rendered prior to the final approval of subdivision plats, issuance of building and/or construction permits, or rendering of any other approval required for the project.

7.3 Conditions for Fee-in-Lieu Option

The factors to be considered in determining whether to allow FIL of constructing a sidewalk are:

- The development will not be large enough to generate adequate pedestrian traffic to warrant construction of a sidewalk (residential development with 12 or fewer lots/units accessing the street for which the FIL is requested and the length of the street is not more than 400 feet). This option may also be applied on a street on which there are no more than 12 lots/dwelling units proposed, which has a length of not more than 400 feet, and on which traffic from other streets will not travel, located within a larger development.
- There are no existing or currently funded pedestrian facilities (such as sidewalks or trails) within 1,320 feet (measured along the street network) of the development.

- There are no pedestrian trip generators, such as parks, libraries, community centers, or places of worship, within 1,320 feet (measured along the street network) of the development.
- The proposed development is not located within the Parental Responsibility Zone of a school.
- There are topographical features of the property/site being developed that make it unfeasible to construct a sidewalk. Topographical features include:
 - Grades steeper than 2-1/2:1
 - Crossing of a waterway with a width of greater than 20 feet, measured at the top of the bank
 - Wetlands and other environmental features
 - Existing deep (greater than 2 feet) drainage swales
 - Other topographical features that increase the cost of constructing the sidewalk 1.5 times the cost of constructing the sidewalk absent the topographical features
- Future road/street improvements are approved and budgeted for the area in which the sidewalk would be constructed and these improvements include sidewalk construction.
- The development is located outside of the Urbanized Area.

7.4 Fee-in-Lieu Amount

The amount of the FIL payment shall be based upon the length of the sidewalk segment(s) for which the FIL is requested. This length shall be multiplied by the current estimated per linear foot cost for sidewalk construction. The minimum fee is \$100 per linear foot. The fee may be reviewed annually by the City of Knoxville Engineering Director [for City version] OR Knox County Director of Engineering and Public Works [for County version] to assure it accurately reflects the cost of constructing sidewalks. The director shall have authority to adjust the fee based on that review.

7.5 Use of Funds

Funds provided to the City of Knoxville or Knox County through the payment of FIL of sidewalk construction shall be placed in the appropriate jurisdiction's sidewalk fund. The funds shall be spent on costs directly related to the maintenance or construction of public pedestrian facilities, including land acquisition, design, and construction.

Section 8: Appeals

An appeal of any action or decision rendered pursuant to these regulations shall be to any court of competent jurisdiction.