



## MEMORANDUM

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**MEETING OF:** July 25, 2017  
**COMMITTEE:** Brookhaven City Council  
**DEPARTMENT:** Community Development

**ISSUE/AGENDA ITEM TITLE:**

TA17-10 an Ordinance to Amend Section 14-677, Sidewalks and Bicycle Lanes, of the Code of the City of Brookhaven

**BACKGROUND/SUMMARY:**

The proposed amendment updates the City's regulations related to sidewalks and bicycle lanes to ensure implementation of the Bicycle, Pedestrian, & Trail Plan and other planning documents and regulations.

**STAFF RECOMMENDATION:**

Approval as presented.

**ATTACHMENTS:**

- TA17-10 MARK-UP An Ord to Amend Sec. 14-677 Sidewalks & Bicycle Lanes (PDF)

**STATE OF GEORGIA  
COUNTY OF DEKALB  
CITY OF BROOKHAVEN**

**ORDINANCE 2017 \_\_\_\_\_**

**AN ORDINANCE TO AMEND SECTION 14-677, SIDEWALKS AND BICYCLE LANES, OF THE CODE OF THE CITY OF BROOKHAVEN**

WHEREAS, Section 1.03(b)(34) of the Charter of the City of Brookhaven grants the City of Brookhaven the power to establish regulations related to roadways and sidewalks to ensure a safe, healthy, and aesthetically pleasing community; and

WHEREAS, the Mayor and City Council find that amendments to the sidewalks and bicycle lanes code are necessary to ensure implementation of the Bicycle, Pedestrian, & Trail Plan and other planning documents and regulations.

**BE IT ORDAINED** by the Mayor and Council of the City of Brookhaven, Georgia and it is hereby ordained by the authority of same:

**SECTION I:**

Section 14-677, Sidewalks and bicycle lanes, of the Code of the City of Brookhaven, is amended to read as follows:

Sec. 14-677. - Sidewalks and bicycle lanes.

- (a) Sidewalks shall be required on all sides of street frontage on all new and improved local residential streets in all subdivisions and along the street frontage of all new and improved nonresidential developments and as set forth in section 14-353 or as shown in the City Bicycle, Pedestrian, & Trail Plan and/or other planning documents, unless determined by the public works director to be infeasible only due to severe cross-slopes, shallow rock, soil or topographic conditions. At a minimum, however, continuous sidewalks shall be required on at least one side of all new and improved local residential streets on all new and improved sites. No other variances or exceptions are allowed.
- (b) The community development department may require that sidewalks required pursuant to subsection (a) of this section be continued to the nearest major or minor arterial or collector street.
- (c) A grassed, planted or landscaped strip, as set forth in section 14-353, shall separate all sidewalks from adjacent curbs, bridges excepted. The public works director or designee may approve a variable sidewalk location and landscape strip width based on site conditions and future road expansions. Where sidewalks currently exist, new sidewalk construction or re-construction shall be continuous with existing sidewalks.
- (d) Sidewalks shall be concrete and a minimum of five feet wide and four inches thick. In nonresidential districts, where the community development director or designee may approve sidewalks to be located immediately behind the curb, such sidewalks shall be six feet in width. Concrete shall be

Class "B," as defined by the state department of transportation, and have strength of 2,500 psi at 28 days. Disturbed areas along sidewalks shall be backfilled, stabilized, and grassed.

- (e) Sidewalks shall be installed at the same time as the building construction, unless an alternative method is approved by the community development department. All sidewalks shall be shown on the final plat and recorded prior to obtaining building permits. Sidewalks shall be completed prior to the issuance of certificate of occupancy for property on which the sidewalk fronts.
- (f) Sidewalks shall not be cut, removed or closed temporarily without a permit from the public works department. Such permit shall not be issued unless safe, adequate, and convenient provision is made for pedestrian travel through the area that is disrupted. Damage to sidewalks caused during construction or development activity shall be repaired at no cost to the city within 30 days or prior to issuance of a certificate of occupancy, whichever is earlier.
- (g) All sidewalk construction and repairs shall conform to federal Americans with Disabilities Act (ADA) standards and provide for wheelchair ramps to and from sidewalks at the intersection of each street corner and crosswalk. Access ramps shall be constructed pursuant to standards approved by the public works department.
- (h) No person shall construct a sidewalk on any street in the city without first having obtained a permit to do so from the public works department. Any person constructing a sidewalk on a street, without first obtaining a permit, shall be in violation of this Code, and the public works department shall be authorized to condemn the sidewalk and have it removed and replaced at no cost to the city.
- (i) Bicycle lanes shall be required and constructed pursuant to the City Bicycle, Pedestrian, & Trail Plan and/or other planning documents and as follows:
  - (1) Bicycle lanes, where required, shall be placed in the outside lane of a roadway, adjacent to the curb or shoulder. When on-street parking is permitted, the bicycle lane shall be located between the parking lane and the outer lane of moving vehicles. Bicycle pavement widths shall be in addition to the minimum pavement width required for the road.
  - (2) Bicycle lanes shall be delineated with signs and striping consistent with the latest edition of the manual for uniform traffic control devices, and approved by the public works director.
  - (3) Bikeways and bicycle lanes shall be constructed according to the most recent specifications set forth in American Association of State Highway and Transportation Officials (AASHTO) guidelines.
  - (4) The design, striping and sign system for bicycle lanes shall be coordinated with that of the vehicular road system to provide a safe and continuous route for bicycles. Deceleration lanes shall be striped so that bicycles can safely remain in a lane marked between the deceleration lane and the through traffic lane.
- (j) No wall, fence, sign or other structure shall obstruct passage along a sidewalk or bicycle lane. (Ord. No. 2014-12-06, § 1(14-383), 12-16-2014)

## **SECTION II:**

**Severability:** Should any section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

## **SECTION III:**

**Repeal of Conflicting Provisions:** All ordinances, part of ordinances, maps, or regulations in conflict herewith are repealed.

**SECTION IV:**

**Effective Date:** This ordinance shall be effective immediately upon adoption.

**SO ORDAINED,** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Approved by:

Approved as to Form and Content

\_\_\_\_\_  
John Arthur Ernst Jr., Mayor

\_\_\_\_\_  
Christopher Balch, City Attorney

Attest:

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Susan Hiott, City Clerk

SEAL