

## CHAPTER 7: STREETS AND SIDEWALKS

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## CHAPTER 7: STREETS AND SIDEWALKS

### 7.01 Miscellaneous Provisions

(A) *Rules and regulations governing street improvements.* Planning Commission is hereby authorized to prepare such rules and regulations in connection with the standardization of the design, construction, and maintenance of street and alley paving, including driveways, sidewalks, storm sewers, culverts and bridges, material, and construction methods, including approval of all such work, and for other matters and things in connection with the construction and maintenance of such work, which lie within the jurisdiction of the city, as to him/her shall deem proper, necessary, or expedient. Upon the preparation of such rules and regulations, they shall be submitted to the City Council and upon approval by the City Council, either by motion or resolution, such rules and regulations shall govern the design, construction and maintenance of street improvements as stated in this section. Such rules and regulations, when approved by the City Council, shall have the same force and effect as law.

(B) *Retaining walls near sidewalk or right-of-way.*

It shall be unlawful for any person to construct any retaining wall within two (2) feet of any sidewalk in the city or, if there is no sidewalk, within two (2) feet of the platted line of the city right-of-way, without first obtaining approval from the Planning Commission.

(C) Gated streets not allowed in residential subdivisions.

No residential subdivision or apartment complex shall be constructed with a gate across a street without prior express approval by resolution of the City Council that finds that security considerations favoring a gate outweigh aesthetic considerations and the city's policies in favor of connectivity, openness and neighborliness.

### 7.02 Intersections

(A) Streets shall be planned and designed to provide a safe system for present and prospective traffic.

(B) Proposed streets shall be planned in such a manner as to provide safe access to proposed lots.

### 7.03 Procedure For Closing Utility Easements And Street Rights-Of-Way

The procedure for closing of streets and alleys shall hereafter be as follows:

(A) *Information to City Clerk.* Petitioners shall present to the City Clerk in duplicate the following information before processing shall begin:

(1) *Petition/plat.* Petition to close and vacate street or alley, including a certified or copy of the plat on record in the Circuit Clerk's office.

(2) *Abstractor's certificate.* Abstractor's certificate of ownership.

(3) *Utilities comments.* Comments from owners or agents, of all utility companies concerning streets or alleys to be closed and its relationship to existing or planned utilities, with recommendations, as to what action should be taken.

(B) *Information to Planning Commission.* One copy of the above shall be presented by the City Clerk for review and recommendation of the Planning Commission.

(C) *Recommendation to City Council.* The recommendation of the Planning Commission shall be forwarded to the City Council.

(D) *Record with Circuit Clerk.* If an ordinance is adopted closing or vacating the street or alley, it shall be published and reported in the Circuit Clerk's office.

### 7.04 Occupation Of Streets And Highways By Public Utilities

Any public utility, as defined by state law, which occupies the streets, highways or other public places of the city under a franchise granted by the city or the state shall occupy said streets, highways or other public places subject to the following terms and conditions:

(A) *Written approval.* A public utility shall not erect or place any facility more than seven (7) feet inside the right-of-way line for any street without the prior written approval of the Mayor, who shall grant such approval only if he determines that the facility will not impair or obstruct present or future vehicular and pedestrian traffic.

(B) *Relocation.* Whenever public utility facilities which are located within a public right-of-way must be relocated in order not to impair or obstruct vehicular or pedestrian traffic on any new or existing street, highway, road, or sidewalk, the public utility shall be required to relocate its facilities within a reasonable time from receipt of written notice from the Mayor, and shall bear its own relocation costs; provided, where any project is funded with federal or state

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funds and said funds are received by the city for the purpose of reimbursing utility relocation expenses, the utility shall receive such reimbursement. This division shall not be construed as requiring a utility to relocate its facilities within or from a private easement without payment of just compensation.

(C) *Policies.* The following policies approved by Arkansas State Highway Commission, Minute Order 70-300 updated to the latest revision, shall apply to the accommodation and adjustment of utilities on street and alley right-of-ways within the city:

(1) *General criteria:*

- (a) *Underground utility construction.* Underground utility construction shall conform to all applicable codes, standards, and specifications.
- (b) *Depth.* The depth of bury for new or replacement utility installations shall be established by the utility on the basis of engineering and safety factors for the area; and in keeping with the degree of hazard or protection required for the line involved; provided, however, that the normal minimum depth of bury on all cross lines shall be 2 ½ feet below the low points of roadway cross section, or 3 ½ feet below the bottom of surfacing (top of subgrade), whichever gives the greater depth; and the normal minimum depth of bury on all parallel (longitudinal) lines shall be two (2) feet.
- (c) *Aboveground appurtenances.* Pedestals or other aboveground utility appurtenances shall be located at or near the right-of-way line well outside of the street maintenance operation area.
- (d) *City approval.* All proposed locations and utility designs shall be reviewed and subject to approval by the City to ensure that the proposed construction will not cause avoidable interference with existing or planned street facilities, or with street operation or maintenance.
- (e) *Expansion of underground utilities.* On both cased and uncased installations, particularly on crossings installed in advance of new street construction, consideration should be given by the utility for placing a spare conduit or duct to accommodate known or planned expansion of underground lines.

(f) *Underground installations.* The controls for pipelines as apply to encasements, conduits, appurtenances, installations, trenched and untrenched construction, and adjustments shall be followed, as applicable, on underground installation of electric power and communication lines.

(2) *Location and alignment:*

- (a) *Crossings.* Crossings should be located as near normal to the street alignment as practical.
- (b) *Underground crossings.* Conditions which are generally unsuitable or undesirable for underground crossings should be avoided. These include locations such as deep cuts; near footings of bridges retaining walls; across intersections at grade or ramp terminals; at cross drains where flow of water, drift, or stream bedload may be obstructed; within basins of an underpass drained by a pump; land in wet or rocky terrain where it would be difficult to attain minimum bury.

(3) *Cased and uncased construction:*

- (a) *Without protective conduit.* Where acceptable to both the utility and the City on minor streets, underground crossings may be installed without protective conduit or duct. Normally, such installations should be limited to open-trenched construction or to small bores for pipe, wire or cable facilities where soil conditions permit installation by boring a hole about the same diameter as the pipe or cable and pushing the pipe or pulling the cable through.
- (b) *Encased in protective conduit.* Where crossings of underground lines are encased in protective conduit or duct, the encasement shall extend a suitable distance (minimum where practical equal to the depth of bury) beyond the slope or ditch lines. On curbed sections, it should extend outside the outer curbs or sidewalk. Where appropriate, the encasement shall extend to the access control lines, to the outside of frontage roads, or to an indicated line that allows for future widening of the street.
- (c) *Other.* Consideration should be given to encasement or other suitable protection

for any pipe, wire or cable facilities with less than minimum bury, near the footings of bridges or other street structures, or near other locations where there may be hazard.

- (4) *Street design.* When plans for street improvement and development are formulated, utility line locations should be recognized and the street designed so as to minimize conflict with existing utilities.

### **7.05 Maintenance And Construction Policies**

The city's policies concerning and regarding the maintenance and construction of streets, curbs, gutters, and sidewalks shall be as follows:

- (A) *Maintenance.* The city shall maintain roadways in the city which have been accepted by the city as city streets, or which have come under the jurisdiction of the city by or through annexation.
- (B) *Priorities.* The following factors shall be considered in establishing priorities for roadway resurfacing and rebuilding:
  - (1) *Function.* The function of the street, that is, the streets which carry or are expected to carry heavy amounts of traffic shall have priority over lesser streets.
  - (2) *Condition.* The condition of the pavement, in general, roadways which are more deteriorated shall have priority over those streets of lesser deterioration. However those streets of lesser deterioration may have priority when it is determined that the benefits of resurfacing the roadways of lesser deterioration may be greater.
- (C) *Sidewalks.*
  - (1) *Repair/replacement.* Existing city sidewalks shall be repaired and replaced by the city, as needed.
  - (2) *Priorities.* In establishing priorities for sidewalk repair or replacement, the factors to be considered shall include, but not be limited to the following:
    - (a) The conditions of the sidewalk;
    - (b) The expected level of pedestrian traffic; and,
    - (c) The use of the sidewalk by school children.

### **7.06 Order Of City Council Or Permit Required**

No person shall begin to construct, reconstruct, repair, alter or grade any sidewalk, curb, curb-cut, driveway or street on the public streets, unless the same has been properly ordered by the City Council, or plans for such have been approved by the city as site improvements for a development, or a permit has been issued by the city's official charged with the administration of this chapter.

### **7.07 Application For Permit**

An applicant for a permit hereunder shall file with the city official an application showing:

- (A) Name and address of the owner, or agent in charge, of the property abutting the proposed work area;
- (B) Name and address of the party doing the work;
- (C) Location of the work area;
- (D) A plan or clear description of the work to be done;
- (E) Such other information as the city official shall find reasonably necessary to the determination of whether a permit should be issued hereunder.

### **7.8 Standards For Issuance Of Permit; Expiration And Removal**

- (A) The city official shall issue a permit hereunder when he/she finds:
  - (1) That the plans have been approved.
  - (2) That the work shall be done according to the specifications contained herein.
  - (3) That the operation will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of ingress to and egress from the property affected and adjacent properties.
  - (4) That the health, safety, and welfare of the public will not be unreasonably impaired.
- (B) Any permit issued shall expire three (3) months from the date of issue and may be renewed upon application.

### **7.09 Inspection Of Work; Replacement Of Rejected Work**

- (A) The city official shall make all necessary inspections before, during and after the

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construction of all sidewalks, paving, curbing and guttering to insure the work is being done in accordance with the plans and specifications. In the event any or part of any work is not done in a satisfactory manner or not in conformity with the plans and specifications, the city official shall notify the contractor and owner in writing of his/her nonacceptance of the work. All such rejected work shall be removed and replaced within 30 days of this notification.

- (B) Advance notification must be given the city official for inspections under this section.

**7.10 Property Owner To Construct Sidewalk**

- (A) *Requirement.* The owner of any property abutting a public street or highway for which a sidewalk is required by the final plat of the development, shall construct a sidewalk in accordance with §7.11 of this code, along said street or highway upon the receipt of notice issued at the time a building or parking lot permit is issued.

**7.11 Sidewalk and Driveway Specifications**

- (A) *Sidewalks.*

- (1) *Grades; establishment of property lines.* All sidewalks, access ramps, and driveway approaches shall be constructed in grades as approved by the City. It shall be the responsibility of the owner to establish property lines by competent survey at his/her own expense.
- (2) *Minimum width of sidewalks.* The minimum width of sidewalks shall follow the guidelines of the Master Street Plan, of the Comprehensive Land Use Plan. In all cases, the effective width of the sidewalk shall be a minimum of 4 feet. Effective sidewalk width is the actual sidewalk width, less:  
  
A shy distance of 2 feet where vertical barriers (walls, fences, signs, etc) greater than 3.5 feet in height are adjacent to the sidewalk and extend more than 4 feet in length parallel to the sidewalk. A shy distance of 1 foot is required for all other fixed obstacles.
- (3) *Sidewalk distances from the curb.* The sidewalk setback distance from the curb shall follow the guidelines of the Master Street Plan.

- (4) *Minimum distance between sidewalk and slopes.* There shall be a minimum of one (1) foot between the sidewalk and the beginning of a slope as shown on the typical section detail.
- (5) *Cement-concrete requirements.* All sidewalks, access ramps, and concrete driveway approaches shall be constructed of a portland cement concrete mixture that includes at least 5.5 bags of cement per cubic yard and contains 4 to 7 percent air entrainment and that will produce a concrete of a compressive strength of 3,500 pounds per square inch after 28 days set under standard laboratory methods.
- (6) *Minimum thickness of sidewalks and driveway approaches.*
  - (a) *Sidewalks.* The minimum thickness of sidewalks shall be four (4) inches with six-inch by six-inch 10-gauge reinforcing steel mesh. Any fill materials required for residential or commercial sidewalks shall consist of approved compacted material.
  - (b) *Residential driveway approaches.* The minimum thickness of residential driveway approaches shall be six (6) inches with four inches of compacted base material or six-inch by six-inch 10-gauge reinforcing steel mesh.
  - (c) *Commercial driveway approaches.* The minimum thickness of commercial driveway approaches shall be six (6) inches with six (6) inches of compacted base material or six-inch by six-inch 10-gauge reinforcing steel mesh.
- (7) *ADA guidelines.* Sidewalks shall conform to ADA guidelines.
- (8) *Continuous through driveway approach.* Sidewalks shall be continuous through driveways with an expansion joint at the edge of the sidewalk opposite the street.
- (9) *Edge adjacent to street.* The sidewalk edge adjacent to the street shall have at least one (1) inch deep grooved joint mark (cannot be a saw cut, however it can be a cold joint) to clearly define the sidewalk through the driveway and approach.
- (10) *Sidewalk elevation.* The back of sidewalk elevation shall be such that the slope from the back of sidewalk to the top of curb is 2%, unless otherwise approved by the City

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Engineer. This elevation shall be continuous through the driveway approach.

- (11) *Cross Slope.* Sidewalk cross slopes shall be a minimum of one (1) percent and a maximum of two (2) percent. Sidewalks that are to be constructed adjacent to the curb shall be so located at their intersection with the driveway approach the ADA requirement of the two (2) percent maximum cross slope is met.
  - (12) *Joint material.* Wood shall not be acceptable in sidewalks for expansion joints. The joint material shall be asphalt impregnated fiberboard meeting the requirements of AASHTO M213, or other joint material meeting the requirements of the latest version of the Arkansas State Highway and Transportation Department Standard Specifications.
  - (13) *Expansion joint.* Full depth expansion joints (four inches) shall be provided at intervals not greater than 50 feet, and where sidewalks abut drainage structures, retaining walls, building faces, and all other fixed objects. One-quarter depth (one inch) weakened plane joints, or saw-cut joints, shall be placed in sidewalk at regular intervals not greater than the width of the sidewalk. Maximum joint spacing shall not be greater than two times the thickness of the sidewalk. Saw joints shall be filled with self leveling sealant such as Sonneborn SL1 or equivalent.
  - (15) *Materials.* The material used for sidewalk construction shall be Portland cement concrete having a broom finish.
  - (16) *Edges.* All sidewalks shall have one-half (1/2) inch rolled edges.
  - (17) *Removal/replacement.* Removal and replacement of broken sidewalks require vertical saw-cuts on both ends of the sidewalk being replaced.
  - (18) *Curing compound.* All sidewalks and driveway approaches require the application of a concrete curing compound or the concrete is to be kept moist for seven (7) days.
- (B) *Driveway approaches.*
- (1) *Curb removal.* Curb, if existing, shall be removed for full width of the drive approach.
  - (2) *Vertical curb cut.* Vertical curb cutting along the flow-line of the gutter is allowed.
  - (3) *No vertical curb cut.* If no vertical curb cut is made, complete curb and gutter removal is required.
  - (4) *Concrete removal.* All concrete to be removed shall be saw-cut.
  - (5) *Driveway approach.* The area remaining between the sidewalk and the flow-line of the gutter, called the approach to the driveway, shall slope up to the elevation of the sidewalk.
  - (6) *Broken edges of saw-cuts.* Broken edges of saw-cuts caused by demolition require a new saw-cut.
  - (7) *Driveway culverts.* Driveway culverts shall be a minimum of 18" in diameter and shall have concrete surrounding the ends of the pipe to prevent crushing and erosion.
- (C) *Access ramps.*
- (1) *ADA requirements.* Access ramps shall conform to ADA requirements, including detectable warning devices such as truncated domes.
  - (2) *Sidewalk intersections.* Access ramps shall be installed at all sidewalk intersections with the street.
  - (3) *Raised crosswalk.* The raised or built-up access ramp shall not be installed on public streets without the approval of the City.
  - (4) *Minimum width.* The minimum width of a curb ramp shall be Forty-eight (48) inches. Sixty (60) inches is recommended, exclusive of flared sides.
  - (5) *Slope.* The slope of the ramp shall not be greater than 8.33% (1:12).
  - (6) *Slope of flared sides.* The slope of the flared sides shall not be greater than 10% (1:10).
  - (7) *Broom finish.* Access ramps shall have a broom finish.

### 7.12 Excavations and Bores

- (A) *Permit required.* It shall be unlawful for any person to make any excavation in **or bore** any street, alley, sidewalk, road, highway, or other public way in the city without first obtaining a permit to do so from the Mayor, or his/her duly authorized representative. Such permit shall be granted only after written application has been

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filed. The fee for each permit shall be paid in advance.

(B) *Lights and guards.* Every person making an excavation **or bore** as provided for in this chapter shall place and maintain lights and guards around the same for the protection of the public. Such lights and guards shall be subject to the approval of the Mayor.

(C) *Repairs of public property.*

(1) *Cost.* Each person making an excavation under this chapter shall repair the street or other public way at his own expense, and under the direction and supervision of the Mayor or his/her duly authorized representative.

(2) *Guarantee.* A guarantee in the form of cash deposit, bond or letter of credit shall be submitted to the City for the estimated amount of repair to the excavation. The guarantee will be released upon acceptance of the repair work.

(3) *Warranty.* The permittee shall warranty the materials and workmanship of the repairs for a period of one year.

(4) *Standards.* Repair of the street or other public way shall be made to the following standards:

(a) *Backfill.* All excavations shall be back filled with SB-2 material applied in eight (8) inch lifts.

(b) *Lift.* Each lift shall be individually compacted.

(c) *Asphaltic surface streets.* In the case of asphaltic surface streets, six inches (6") of Portland concrete shall be placed an allowed to cure. The concrete shall have a layer of prime coat applied and followed by a minimum of three inches (3") of hot-mixed, hot-land asphaltic concrete placed to an elevation matching the existing finished grade.

(d) *Portland concrete surface streets.* In the case of Portland concrete streets, all excavations shall be resurfaced with nine inches (9") of Portland concrete. Joint sealer shall be placed in the area between the repaired surface and the original surface.

(e) *Asphaltic sealed streets/unpaved streets.* Asphaltic sealed streets or unpaved streets shall be resurfaced with

a surface similar to that which existed before excavation.

**(f) Greenspace. All grassed areas disturbed by the excavation or bore shall be restored to original condition or better. The disturbed area shall be sodded or seeded and mulched.**

(5) *Notice.* The permittee shall notify the City, prior to beginning such repair, of the time and manner of repair and obtain the approval of the City prior to beginning of such repair and afford the City the opportunity of being present during the progress of such repair until completed.

(D) *Street closings for excavations.*

(1) *Prohibited without approval of Mayor.* It shall be unlawful for any person to cause a street to be closed due to the making of an excavation without the prior written approval of the Mayor. In granting such approval, the Mayor shall impose time limits and such other reasonable conditions as are necessary to minimize any inconvenience or danger to the public.

(2) *Exception.* This section shall not apply to emergency repairs.