

ORDINANCE NO. 3541

AN ORDINANCE AMENDING MIDWEST CITY CODE, CHAPTER 38, SUBDIVISION REGULATIONS, ARTICLE VI, SUBDIVISION STANDARDS, ARTICLE VI, SUBDIVISION STANDARDS, SECTION 38-47, SIDEWALKS; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA:

ORDINANCE

SECTION 1. That Midwest City Code, Chapter 38, Subdivision Standards, Article VI, Subdivision Standards, Section 38-47, Sidewalks, is hereby amended to read as follows:

Sec. 38-47.1. Purpose statement.

As a critical component to the city's transportation system, sidewalks serve to provide for the health, safety, and welfare of the city. Sidewalks provide safe pathways for people to move about the city and reduce the potential for pedestrian-automobile collisions. Furthermore, sidewalks can serve both residential and nonresidential uses by increasing connectivity (i.e., points and types of access to an area) and providing an additional means of travel.

Sec. 38-47.2. Sidewalks and trail land dedications required for all development.

(a). Requirement.

- (1). Sidewalks shall be constructed on both sides of all streets except as approved by a major subdivision waiver by the planning commission.
- (2). Within all residential developments, sidewalks shall be at least five (5) feet in width.
- (3). All subdivisions, site developments, or sections thereof shall have installed in them sidewalks and trails to serve each lot or parcel therein.
- (4). Land for the trails system shall be dedicated in accordance with areas shown on the trails master plan.
- (5). All sidewalks and trails built on City right of way or easement shall be built to meet or exceed the American with Disabilities Act (ADA) and the current standards outlined by the United States Access Board.

(b). Responsibility. The developer shall install sidewalks within the development along street rights-of-way and along the existing streets fronting the development.

(c). Construction materials. Sidewalks shall have a hard, improved surface constructed of materials and to standards established by the city depending on type of street construction, anticipated permanence of sidewalk, and land uses being served.

(d). Location. Sidewalks and trails shall be located in the right-of-way of the street or as close to the right-of-way line as possible, and shall extend across the entire dimension of each lot or parcel side adjacent to a public street.

(e). Timing of completion. All required sidewalks and trail dedications shall be completed prior to occupancy and before any public utility connection occurs.

(f). Agreement with trails master plan. Trails shall be located and configured according to the trails master plan and include separate shared-use paths, bike lanes and signed and marked shared bike routes.

(g). Sidewalk fee in lieu of construction.

- (1). It is the desire of the city to have required sidewalks built at the time of and congruent with development. However, there may be circumstances regarding safety, economic waste and geographical features that preclude such construction. In such cases, a fee in-lieu shall be paid in accordance with section 38-62.
- (2). The director of community development has the authority to approve construction exemptions and collect a fee in lieu according to section 38-62.
- (3). A private or public entity shall pay a fee in lieu of sidewalk or trail construction for development along unimproved road.
- (4). Along improved roads, with no geographical constraints, or circumstances regarding safety or economic waste, sidewalks shall be constructed at the time of and congruent with development. In rare instances where a listed bond project or other city

1 project is scheduled to start construction within twelve (12) months from the ap-
2 proval of a plat application, a fee in lieu may be accepted subject to the approval of
3 the city engineer or community development director.

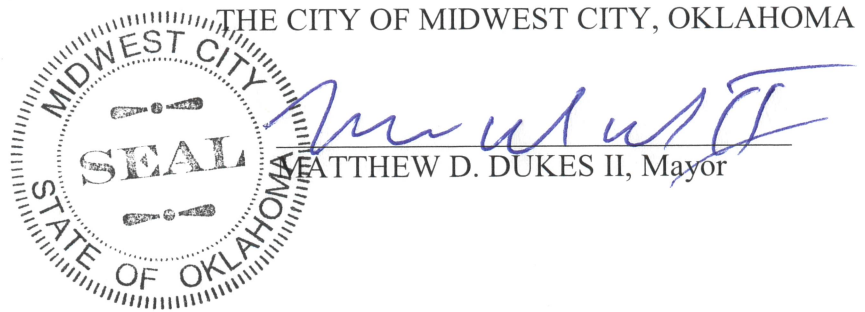
4 Sec. 38-47.3. Chapter 37 of the Code of Ordinances.

5 For standards not listed within this section 38-47, Sidewalks, sidewalks (and any necessary
6 sidewalk easements on private property) shall be provided according to the standards in chap-
7 ter 37 of the Code of Ordinances.

8 SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict herewith are
9 hereby repealed.

10 SECTION 3. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is
11 for any reason held to be invalid, such decision shall not affect the validity of the remaining por-
12 tions of the ordinance.

13 PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma,
14 on the 14 day of November, 2023.



17 ATTEST:

18 Sara Hancock
19 SARA HANCOCK, City Clerk

20 APPROVED as to form and legality this 14 day of November, 2023.

21 Donald Maisch
22 DONALD MAISCH, City Attorney

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