

AN ORDINANCE ADAPTING A POLICY AND PROCEDURE FOR THE REQUIREMENT OF SIDEWALKS ON ALL NEW DEVELOPMENT

Sidewalks Required:

(a) Multi-family and Commercial Development. Sidewalks shall be required for all multi-family developments that contain five (5) units or more, and Sidewalks may be required through the site plan approval process for commercial developments. ***(Should Institutional uses be included?)***

(b) Construction Standards. Sidewalks shall be constructed in accordance with all applicable City standards and specifications, and with all applicable ADA (Americans with Disabilities Act) requirements. If detached and set back at least five feet (5') from the back of the curb, such sidewalks shall have a minimum width of four feet (4'). If attached to the curb or located closer than five feet (5') to the curb, such sidewalks shall have a minimum width of five feet (5').

(c) Timing of Installation. Required sidewalks shall be installed prior to occupancy of any structure.

~~(a) No permit shall be issued for the construction of a new building on property located on an arterial or collector street and zoned for a commercial, office or multi-family use unless a sidewalk exists adjacent to the property along the arterial or collector street or unless the plans for the building provide for the construction of such a sidewalk. The requirements of this section shall not apply to construction of accessory buildings.~~

(d) No certificate of occupancy shall be issued for any building described in subsection (a) if the building plans provide for construction of a sidewalk along an arterial or collector street unless the sidewalk has been constructed or the property owner has provided a bond, or other instrument acceptable to the director of public works guaranteeing construction of the sidewalk within six (6) months of issuance of the certificate of occupancy.

Waiver Process:

(a) Upon application of the property owner, the city council shall waive the requirement of this section to provide plans for and construct a sidewalk if the council determines that the sidewalk is not needed or that the impact of the proposed development does not justify the requirement that the sidewalk be constructed or that there is a reasonable likelihood that the sidewalk would have to be removed and reconstructed in the near future. The granting of a waiver shall not affect the power of the city council to later install sidewalks adjacent to the property and levy special assessments against the property for construction of the sidewalks.

(b) In determining the need for the sidewalk and whether the impact of the proposed development justifies the requirement that the sidewalk be built, the City Council shall consider all relevant factors such as:

- (1) Pedestrian traffic generators such as parks and schools in the area,
- (2) the existence of a sidewalk network in the area,
- (3) the density of current and future development in the area,
- (4) the amount of pedestrian traffic likely to be generated by the proposed development,
- (5) the cost of constructing the sidewalk,
- (6) whether the terrain is such that a sidewalk is physically feasible, and
- (7) the extent to which trees, ground cover and natural areas would be impacted by the sidewalk.

***[Option for Waiver: Appeal to the Board of Zoning Adjustments???*]**