

Proposed amendment to sidewalk regulations – fee in lieu of

G.Modifications. The appropriate reviewing authority may approve modifications from the terms of this section as follows:

- 1.The appropriate reviewing authority shall require the petitioner to provide information in the form of reports, maps, diagrams, and similar material to support their request for modification.
- 2.The appropriate reviewing authority may determine the appropriate location or termination of sidewalks, or determine that a portion of a sidewalk may be narrowed to the minimum extent necessary to meet the requirements of this section.
- 3.The applicant shall demonstrate that conditions and circumstances, which do not result from the actions of the developer, warrant modification of the sidewalk requirements. In reaching its decision, the appropriate reviewing authority shall consider the following:
 - a.Protection of heritage trees; and
 - b.Excessive slope or other topographic or geological features.

F. Payment to sidewalk fund in lieu of construction for single-family residential infill development. The appropriate reviewing authority, in certain instances, may waive the requirement for sidewalks to be constructed at the time of development, and as an alternative allow for payment in lieu of construction to a designated sidewalk mitigation fund. Payment in lieu of construction is only permitted where it is determined, at the discretion of the city manager or designee, that construction of a sidewalk is not practical or feasible based on one or more of the following criteria.

- a. Construction would result in an isolated sidewalk segment, disconnected from the existing or proposed sidewalk system;
- b. Significant environmental impacts (to heritage trees, wetlands or required buffers, etc.) would be caused by construction;
- c. Construction would require extensive alterations to existing drainage systems, or extensive soil removal or fill;
- d. Construction would require removal or relocation of utilities or other significant physical obstructions.

1. Payments to the sidewalk mitigation fund shall be part of and subject to the city's Transportation Mobility Program Area (TMPA) and shall be used to connect gaps in existing sidewalk segments within the neighborhood or local street from which the fee originates.
2. If the appropriate reviewing authority determines that construction of sidewalks within the immediate neighborhood or local street from which the funds originate is

not practical or feasible, the funds may be used to improve sidewalk connections on the perimeter of the neighborhood from which the funds originate.

3. If the appropriate reviewing authority determines that construction and or improvements of sidewalks on the perimeter of the neighborhood from which the fund originates is not practical or feasible, the funds may be used for the construction or improvement of sidewalks connections of neighborhoods with nearby activity centers.