

- **Sec. 61.225. - Sidewalks.**

(A)

*Sidewalks Required.* Except as provided otherwise herein, sidewalks shall be provided on both sides of all streets in accordance with the requirements of Figure 4, Figure 6, and the following:

(1)

*Modification of Sidewalk Location.* The City Engineer shall be authorized to approve or require modifications in sidewalk locations to accommodate unique design or to protect existing trees. When there is a conflict between the Typical Cross-Section, shown in Figure 4, and Figure 6, the City Engineer shall be authorized to modify the requirements.

(2)

*Sidewalk-Bikeway Trade-Offs.* The City Engineer shall be authorized to allow construction of a single paved sidewalk-bikeway in Attached Dwelling development, Special Plan Areas, Multiplex Development, and Mobile Home Developments in lieu of the required sidewalks on local streets only, when the sidewalk-bikeway forms part of an integrated bicycle and pedestrian system in common or dedicated open space. The sidewalk-bikeway shall be ten (10) feet in width, or such other appropriate dimension determined by the City Engineer after consideration of site conditions, pedestrian and bicyclist needs, and the requirements of this section.

(3)

*Sidewalks a Priority Near Schools.* Sidewalks shall be constructed on both sides of all streets within a one-mile radius of any elementary, middle, or high school.

(4)

*Substantial Enlargements and Improvements.* Sidewalks shall be required at the time of any substantial enlargement or substantial improvement, as those terms are defined in [Chapter 66](#) of this Code. Notwithstanding the foregoing requirement, no sidewalks shall be required to be constructed at the time of a substantial improvement when the substantial improvement is necessitated by damage sustained as the result of a hurricane, tornado, flood, sinkhole, fire, natural disaster or other act of God, and the permit applicant does not have property insurance which will cover the cost of constructing the sidewalk.

(B)

*Payment in Lieu of Construction.*

(1)

*When Not Practical.* Upon request of a building permit applicant, the City Engineer shall be authorized to determine that construction of sidewalks is not practical. Examples of factors that may make sidewalk construction not practical include but are not limited to the following:

(a)

Existing physical impediments;

(b)

Substantial grade changes;

(c)

Trees;

(d)

Impending road/right-of-way construction; and/or

(e)

Any other situation where the City Engineer determines that sidewalk construction is not practical.

(2)

*Sidewalk Construction Fund.* If the City Engineer determines that sidewalk construction is not practical, the permit applicant shall not be required to construct sidewalks. Instead, the permit applicant shall make a payment into the Sidewalk Construction Fund prior to issuance of any permit for the development. Such payment shall be the equivalent of the per linear foot cost to the City for installing the sidewalk, based upon the City's Annual Sidewalk Contract in effect at the time of permit issuance. The City shall spend the proceeds from the Sidewalk Construction Fund for sidewalk construction only, and Fund expenditures shall be spent in each Transportation Area in proportion to the amount of Fund payments collected within such Transportation Area.

(3)

*Appeals.* Appeals of any determination issued by the City Engineer under this section shall be made in writing to the City Clerk within five (5) business days of the date of the determination. The City Council shall consider the appeal at its next regularly scheduled meeting.

*(Ord. of 9-16-1991, Doc. #25098; Ord. of 7-26-1993, Doc. #26770; Ord. Of 2-17-2003, § 1, Doc. #0302117705; Ord. of 5-1-2006, § 1, Doc. #0605011001)*