

To the Mayor and Members of the City Council**January 14, 2025**

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**SUBJECT: SIDEWALK WAIVERS**

This report is provided in response to City Council's inquiry regarding sidewalk waivers being granted as part of the development process. This report provides an overview of sidewalk requirements, the sidewalk waiver process and evaluation, and an overview of sidewalk waiver request submittals since 2020.

Sidewalk Requirements

All new development projects are required to construct sidewalks during development or redevelopment in accordance with City ordinances. The width of the sidewalk is determined by the City's Master Thoroughfare Plan and Zoning Ordinance. Other aspects regarding the design, engineering, and technical aspects are guided by the City's Transportation Engineering Manual and the U.S. Access Board's Public Right-of-Way Accessibility Guidelines.

Sidewalk Waiver Process

The sidewalk waiver is a single-page form, completed by an applicant, that is submitted to the Development Services Department's Transportation section for review and determination. Staff can: 1) approve, 2) approve with exceptions, or 3) deny an application. Waiver approval allows the applicant to not install sidewalks, while an approval with exceptions allows the installation of sidewalks that are inconsistent with defined city requirements (e.g. width or location). Waiver denial is a formal rejection of the request and requires the applicant to adhere to the City's ordinances. Staff's review and evaluation considers common issues, which may deem the installation of sidewalks impractical or infeasible, such as:

- 1) The presence of obstructions (e.g., trees, utilities, etc. in the right-of-way);
- 2) The need for infrastructure improvements beyond sidewalks (e.g. retaining walls needed, drainage infrastructure needed, etc.); and
- 3) The ability to construct the required infrastructure in accordance with the Americans with Disabilities Act (ADA) requirements (e.g. the sidewalk would be too steep).

If staff determines that sidewalk installation meets any of the above hardships, the sidewalk requirement may be waived. Other possible considerations for not installing sidewalks may apply, including the overall neighborhood character (e.g. no other properties in a well-established and non-evolving neighborhood have sidewalks).

Statistics

Since 2020, Development Services staff has processed 149 sidewalk waivers for an average of about 30 requests per year, or about 2 to 3 requests per month. Of the 149 waiver requests, 95 waivers were approved, 10 were approved with exceptions and 44 were denied. Of the 95 approved waiver requests, 84 were for residential properties (single-family and multi-family) and 11 were for non-residential properties. In the last five years, staff processed over 38,800 new construction building permits, which included 32,850 single family, 4,780 multi-family permits, and 1,170 non-residential permits. This equates to a yearly average of roughly 7,700 new construction building permits. In comparison, sidewalk waiver requests account for less than 2 percent of total new construction building permits issued each year.

If you have any questions, please contact Cannon Henry, Development Services Assistant Director, at 817-392-7909.

David Cooke
City Manager