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Policy Number: 102



Fee in Lieu of Sidewalk Construction Policy

ARTICLE 1. GENERAL PROVISIONS

Section 1. Purpose of the Policy

In general, the Wendell Board of Commissioners supports the installation of sidewalk by the development community at the time of development. However, there are circumstances when current site conditions or other considerations justify the acceptance of a fee in lieu of sidewalk construction.

It is the purpose of this policy, and the rules and regulations set forth, to establish clear, equitable, and consistent standards for carrying out the fee in lieu of construction alternative provided for in Section 9.3 of the UDO, as it pertains to sidewalks and related pedestrian facilities. This objective shall be achieved by establishing defined standards related to project eligibility, prioritization, and implementation.

Section 2. Discretionary Power

Nothing in this policy shall be construed to limit the Board of Commissioners' authority to deny a fee in lieu of sidewalk construction request. The standards and material contained herein are meant to guide and support any decision made by the Board regarding fee in lieu of sidewalk construction.

ARTICLE 2. PROJECT ELIGIBILITY

Section 1. Fee in lieu of Sidewalk Construction Requests

Any project required to install sidewalk per the standards of the Wendell Unified Development Ordinance (UDO) may request to pay a fee in lieu of said physical improvements. All requests to pay a fee in lieu of sidewalk construction shall be reviewed and decided upon by the Wendell Board of Commissioners.

Section 2. Evaluation Criteria

While any project may submit a request to pay a fee in lieu of sidewalk construction, it is the Board's intention to limit the approval of such requests to those projects which merit serious consideration. The following list of criteria shall be used by the Board of Commissioners for the purpose of evaluating a payment in lieu of construction request. A request is not required to meet all of the following criteria to be considered eligible:

- The applicable property will be developed for residential purposes with a density of less than 1 dwelling unit per acre.
- There are no sidewalks in the vicinity of the project, and it is unlikely that there will be development nearby that would require the installation of sidewalks in the future.
- A stormwater drainage ditch or similar public utility facility prevents the installation of the sidewalk, and neither the sidewalk nor the facility can be reasonably relocated to accommodate both the sidewalk and the facility.
- The topography would require the construction of a retaining wall more than 6 feet in height to accommodate the sidewalk.
- There is a planned roadway or infrastructure improvement scheduled to be implemented within the next 5 years which would require the removal or relocation of the required sidewalk.
- Other unusual circumstances make the sidewalk installation requirement unreasonable or inappropriate.

ARTICLE 3. FEE CALCULATION

The fee calculation for approved payments in lieu of sidewalk shall be based on the adopted Town of Wendell Fee Schedule and shall be due prior to:

- Final plat approval for applicable residential projects
- Building permit issuance for applicable commercial projects
- Issuance of a Zoning Compliance letter for any other projects requiring sidewalk in which final plat approval or building permit issuance would not apply

ARTICLE 4. CREDITS

A fee in lieu of sidewalk construction may be credited by an equivalent amount of sidewalk construction in another location, subject to review and approval of the Town of Wendell Planning Department. The selected location for off-site sidewalk construction must be approved by the Zoning Administrator, as well as inspected by the Public Works department prior to pouring. Additionally, the developer must obtain all necessary encroachments and/or easements and provide copies of said agreements to the Town of Wendell prior to commencement of work. Unless otherwise approved by the Zoning Administrator, off-site sidewalk construction permitted by this policy shall be due prior to:

- Final plat approval for applicable residential projects
- Building permit issuance for applicable commercial projects
- Issuance of a Zoning Compliance letter for any other projects requiring sidewalk in which final plat approval or building permit issuance would not apply or has been previously granted



ARTICLE 5. TOWN USE OF SIDEWALK FEE IN LIEU OF CONSTRUCTION FUNDS

Section 1. Use Types

There is hereby established a special fund for the deposit of all sums paid in lieu of sidewalk installation per this policy (hereafter referred to as the 'Sidewalk Fund'). These funds shall only be used to install new sidewalks or new pedestrian facilities (such as curb ramps or crosswalks). Costs associated with sidewalk repairs shall be otherwise budgeted for by the town, and shall not come out of the Sidewalk Fund.

The Town shall create a Sidewalk Prioritization List for the purpose of identifying those areas in which new sidewalks can be installed by the Town using the Sidewalk Fund. Criteria for establishing the Sidewalk Prioritization List are included in Article 5.

Section 2. Period of Use

As set forth by this policy, payments collected through fees in lieu of sidewalk construction shall be used by the Town within one year of collection, unless said funds are insufficient to cover the cost of any project identified on the approved Sidewalk Prioritization List.

In the event that a Sidewalk Prioritization List is not available or that collected fees are insufficient to cover any projects on the Sidewalk Prioritization List, the Town Board may elect to reserve these funds until additional fees are collected. Alternatively, the Town Board may use the funds to build a new sidewalk segment not specifically listed on a prioritization list, if said sidewalk completely fills a gap between two existing sidewalk segments.

ARTICLE 6. PRIORITIZATION OF NEW SIDEWALK INSTALLATION

The Town shall periodically compile a priority listing for the installation of paved sidewalk improvements, giving full consideration to the following criteria:

- Paved sidewalks along one side of the streets that constitute major walking routes to a public school shall normally be given first priority in an order established by the town after consideration of the service area.
- Sidewalks along one side of the streets that constitute a major walking route to some public facility or along streets designated as a major or minor thoroughfare on the town transportation plan shall normally be given second priority in an order established by the town.
- Sidewalks along a second side of the streets that constitute a major walking route to public schools, other public facilities, or along major or minor thoroughfares, where sidewalks already exist on one side, shall be given third priority.
- Paved sidewalks in locations other than those described above shall normally be given fourth priority in an order established by the town.



ARTICLE 7. FUTURE SITE IMPROVEMENTS OR CHANGES

Any fee in lieu of sidewalk installation request approved by the board shall only apply to those requirements in place at the time of development. This policy shall not be construed to grant exceptions to sidewalk installation related to any future building or parking lot expansions, redevelopment, or changes in use which would require sidewalk installation per the standards of the Unified Development Ordinance.

