

## Sidewalk Deferral

### 6-6(P)(3) Review and Decision Criteria

#### 6-6(P)(3)(a) General

An application for a Waiver – DHO shall be approved if it complies with all of the following criteria.

1. Any of the following criteria applies.
  - a. There are pre-existing obstructions that cannot be easily or economically relocated or should not be altered, such as grades, fills, water courses, natural topographic features, man-made obstructions, or utility lines.
  - b. The area or site has been recognized as having historical, archeological, and/or architectural significance by the City, State, or federal government, and a Waiver is needed and appropriate to maintain such historical, archeological, and/or architectural significance.
  - c. The established neighborhood character or landscaping on the site would be damaged to a degree that outweighs the public interest in the City's normal technical standards in that location.
  - d. Varying from the normal requirements and standards will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning.

**1.d applies per the DPM Part 2-3(C) Construction Agreements. The Sidewalk Deferral Agreement allows the developer to delay construction of sidewalks within a subdivision until lot development.**

**The deferred sidewalk does not/will not adversely affect Items 2, 3, 4, 5 below.**

2. The Waiver will not be materially contrary to the public safety, health, or welfare.
3. The Waiver does not cause significant material adverse impacts on surrounding properties.
4. The Waiver will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements.
5. The Waiver will not conflict significantly with the goals and provisions of any City, County, or AMAFCA adopted plan or policy, this IDO, or any other City code or ordinance.
6. The Waiver will not allow, encourage, or make possible undesired development in the 100-year Floodplain.

**Criteria does not apply as there is not a floodplain in the area after a LOMR is complete.**

**The deferred sidewalk does not/will not adversely affect Items 7, 8, 9, below.**

7. The Waiver will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone.
8. The Waiver does not allow a lot or type of development that does not meet the applicable Development Standards for the zone district where the lot is located, unless a deviation to such standards is within the thresholds established by Subsection 14-16-6-4(P) (Deviations) and is granted by the DHO as part of this approval.

9. The Waiver approved is the minimum necessary to provide redress without being inconsistent with the provisions of this Subsection 14-16-6-6(P).
10. If the request is for a Waiver to IDO sidewalk requirements, the area is of low-intensity land use to an extent that the normal installation of sidewalks will not contribute to the public welfare, and the absence of a sidewalk will not create a gap in an existing sidewalk system extended to 1 or more sides of the subject property.

**Criteria does not apply as this is not a sidewalk waiver.**