

## Proposed Text Change

### Section 6.H – Pedestrian/Bicycle Accessibility

#### **Make the following changes to 6.H.5**

New text is underlined. Removed text has a ~~strikethrough~~.

#### **6.H.5 Exemptions and Modifications**

1. In accordance with the provisions of this subsection, the Commission may grant a waiver of a sidewalk requirement by a two-thirds (2/3) vote. The provisions of this section shall not apply to proposed developments located within the legal walking distance of a school access zone as established or determined by the Board of Education nor within the Business Overlay zone.
2. Such a waiver may be granted if one or more of the following criteria is determined by the Commission to exist:
  - ~~a. Where proposed road reconstruction or alignment would make immediate installation impractical; the Commission must specifically set forth the basis for its findings that the road project will be completed within twelve months if located within a school access area, or in twenty four months if located outside such an area.~~
  - ~~b. Where unusual physical or topographical conditions make immediate installation impractical.~~
  - c. Where there are pre-existing obstructions that cannot be readily relocated or should not be altered, such as grades, fills, wetlands, watercourses, natural topographic features or manmade obstructions, or other natural features protected by environmental regulations or as a matter of law.
  - ~~d. Where the area or site has been recognized as having historical, archaeological, and/or architectural significance by the Town, the State, or the United States and the waiver will help maintain such historical, archaeological, and/or architectural significance.~~
  - e. Where the proposed development or site is located in an area of a street or road that is at least seventy-five percent (75%) developed and where the practicality or feasibility of sidewalks being connected to the site does not exist.
    - Area shall mean within two thousand (2,000) linear feet from both sides of the proposed development or site on both sides of the road,
    - Property shall be considered developed if said property is used for residential, commercial or industrial purposes; regardless of development intensity.
    - Property shall not be considered developed if said property is used for farming purposes.
  - f. The property is located in Industrial Zones, I-1 and I-2, where street sidewalks are optional.

#### **Create New 6.H.6**

#### **6.H.6 Payment in Lieu of Sidewalk Construction**

1. Where these regulations otherwise require the construction of a sidewalk along an existing public street as part of an application for a Site Plan, Special Permit, or similar application in accordance with Section 6.H.2 above, upon written request by the applicant and by a 2/3 majority vote, the Commission may authorize the submission of a payment in lieu of construction of the required sidewalk when certain site conditions or other circumstances justify such an action. The Commission

may consider requests for payment in lieu of construction for all of the required sidewalk length, or portions thereof where appropriate.

2. At least one of the following conditions shall be present in order for the Commission to consider such a request:
  - A. At time of application, no sidewalk is constructed or is planned to be constructed within 500 linear feet of the end of what would be the required sidewalk;
  - B. At time of application, no crosswalk to an existing sidewalk on the opposite side of the street exists within 500 feet of what would be the end of the required sidewalk;
  - C. No on-street parking is available on the same side or opposite side of the frontage road or any adjacent side street; or
  - D. The construction of a sidewalk would eliminate or diminish an existing natural vegetated buffer, or require significant regrading of natural topography where it is not preferred.
3. In determining whether to approve the request for payment in lieu of sidewalk construction, the Commission shall consider the following:
  - A. Potential to connect to existing or planned sidewalks;
  - B. Evidence of existing pedestrian traffic (e.g. dirt paths)
  - C. Opportunity to provide for pedestrian access to community buildings, schools, parks, or to connect residential areas to non-residential areas;
  - D. Recommendations from other relevant plans or studies endorsed by the Commission; and
  - E. Recommendations of the POCD.
4. The amount to be paid shall be based upon prevailing costs and determined by the Southington Engineering Department. The amount shall be based upon the true site construction costs, including, but not limited to grading, filling, land clearing, etc. The amount submitted shall be placed in a dedicated non-lapsing fund established to fund new construction of sidewalks to be used at the Town's discretion.
5. Payment of the full amount shall be submitted prior to the issuance of a Certificate of Occupancy.