

MEMORANDUM

Office of the City Attorney

Legistar No. 050159

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

DATE: November 28, 2005
SECOND READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-05-94; Petition 108TCH-05 PB
An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Development Code, relating to requirements for sidewalks in industrial areas; amending subsection 30-188(e), eliminating the requirement to provide sidewalks as a required subdivision improvement in an industrial area, except on arterial and collector streets; amending subsection 30-338(6), eliminating sidewalk requirements on land designated as industrial on the Future Land Use Map of the City of Gainesville; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

Based on the City's experience with the Airport Industrial Park and the existing condition of so many properties in the industrial parks with no sidewalks, City staff finds that the burden of providing sidewalks discourages development of the City's industrial parks, and for that reason, the requirement to provide sidewalks in industrial districts should be eliminated.

The City has industrial land use generally in concentrated areas, the Hugh-Edwards Industrial Park on Waldo Road, the Airport Industrial Park in the vicinity of Northeast 53rd Avenue and Waldo Road, South Main Street, the Cabot Carbon site, generally located between Northwest 16th Avenue, Northwest 39th Avenue, the T.J. Hawes Trust on North Main Street north of 39th Avenue and the Northwest Industrial Park(s) and industrial areas in the vicinity of SR 121 and US 441, and Northwest 6th Street Business Park. Most of these industrial parks have been significantly built out, without sidewalks at many properties. The City is attempting to encourage new industry. The potential sidewalks are perceived as having a high cost by most small industries, and the little amount of sidewalks that are added now would remain isolated for many years.

The proposed amendment language clarifies that, while the City does intend to have pedestrian activity throughout the City, the exception to that general intention would be those areas with industrial land use.

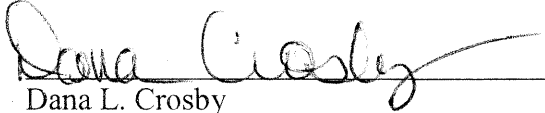
The Plan Board heard the petition and staff report. The City's Economic Development Department works to promote development within the Airport Industrial Park and other industrial districts, and the sidewalk expense is viewed by some businesses as a disincentive.

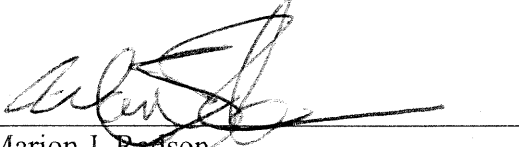
The Board accepted staff's recommendation with the exception that sidewalks should be installed along arterial roadways and major collectors.

Public notice was published in the Gainesville Sun on July 5, 2005 and August 26, 2005. The Plan Board held a public hearing July 21, 2005.

CITY ATTORNEY MEMORANDUM

The City Commission heard and approved this petition on September 26, 2005. This ordinance requires two public hearings. If adopted on first reading, the second and final reading will be held on Monday, November 28, 2005.

Prepared by: 
Dana L. Crosby
Assistant City Attorney II

Approved and
Submitted by: 
Marion J. Radson,
City Attorney

MJR:DLC:sw

PASSED ON FIRST READING BY A VOTE OF 6-0.

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ORDINANCE NO. _____
0-05-94

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Development Code, relating to requirements for sidewalks in industrial areas; amending subsection 30-188(e), eliminating the requirement to provide sidewalks as a required subdivision improvement in an industrial area, except on arterial and collector streets; amending subsection 30-338(6), eliminating sidewalk requirements on land designated as industrial on the Future Land Use Map of the City of Gainesville; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, the City Plan Board authorized the publication of notice of a Public Hearing that the text of the Land Development Code of the City of Gainesville, Florida, be amended; and

WHEREAS, notice was given and publication made as required by law and a Public Hearing was then held by the City Plan Board on July 21, 2005; and

WHEREAS, notice was given and publication was made as required by law of the City Commission’s public hearing on this petition on September 26, 2005; and

WHEREAS, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing to be held in the City Commission Auditorium, City Hall, City of Gainesville; and

WHEREAS, the Public Hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard;

1 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION
2 OF THE CITY OF GAINESVILLE, FLORIDA:

3 Section 1. Paragraph (1) of subsection (e) of section 30-188, City of Gainesville
4 Land Development Code, is amended to read as follows:

5 **Sec. 30-188. Required improvements.**

6 (e) *Sidewalks and shared use bicycle paths.*

7 (1) Sidewalks are required on both sides of all streets at least five feet in
8 width, except that subdivisions in the industrial, agriculture, conservation, airport services
9 and public services zoning districts are only required to provide sidewalks on arterial and
10 collector streets, as designated by the city manager. However, land designated as
11 industrial on the City's Future Land Use Map shall not be required to provide sidewalks
12 as a required subdivision improvement nor shall a no sidewalk ~~be~~ is required on a cul-de-
13 sac or dead end or loop street(s) if the cul-de-sac, dead end or loop street(s) is less than
14 100 feet long. A sidewalk is required on at least one side of the street on a cul-de-sac or
15 dead end or loop street(s) that is between 100 and 250 feet long. Illustrations are shown
16 below. ~~Where required, sidewalks~~ Sidewalks shall be at least five feet in width and
17 maintain a clear width of at least five feet. Whenever a sidewalk intersects with a curbed
18 street, ramps shall be installed to facilitate access to the sidewalks by wheelchairs. Ramps
19 and sidewalks shall be constructed in accordance with the design manual. For a project in
20 which the closest lots to a connecting street on a cul-de-sac or dead end are at least 1,000
21 feet from the street it stems from, sidewalks are required on at least one side of the street
22 up to the lot nearest to the connecting street.

1 Section 2. Paragraph (a) and paragraph (b) of subsection (6) of section 30-388,
2 City of Gainesville Land Development Code, are amended to read as follows:

3 **Sec. 30-338. General lot and building requirements.**

4 The following lot and building requirements shall apply in all zoning districts:

5 (6) Sidewalks.

6 a. Intent. The intent of this section is to enable pedestrian activity throughout
7 the city, especially as a means to promote pedestrian and bus trips, pedestrian
8 safety and accessibility. Sidewalks are required in conjunction with development
9 orders in every zoning district except zoning districts which implement the
10 industrial land use category or as otherwise provided herein. This shall apply to all
11 development orders issued after September 11, 2000, in every zoning district
12 (except as otherwise provided herein), and on any parcel or lot where a roadway is
13 existing adjacent to the proposed development or where there is a reasonable
14 likelihood of mass transit service or a pedestrian need for sidewalks. Sidewalk(s)
15 are required on all public and private streets, on both sides, except as specifically
16 excluded or modified by this section.

17 b. General requirements. Where sidewalks are continuous, except for isolated
18 lots or plots, in connection with the issuance of building permits, the city shall
19 require an owner of an isolated lot or plot to provide sidewalks, except as
20 provided below.

21 Sidewalks shall be constructed, if not already existing, along the street frontage of
22 a lot which is being developed for a permitted use, except no sidewalks are
23 required for:

1 1. Additions or renovations to, or new construction of single family
2 homes on lots platted prior to January 1, 2003, unless a new single family
3 home is proposed to be built on a lot where there is a sidewalk on the
4 adjacent lot frontages.

5 2. The addition or new construction of 500 square feet or less of gross
6 floor area on any property or any paving of fewer than five parking spaces
7 or equivalent area.

8 3. On alleys providing a secondary access to a lot of record.

9 4. Any lot on land designated as industrial on the Future Land Use
10 Map of the City of Gainesville.

11 **Section 3.** It is the intention of the City Commission that the provisions of
12 Sections 1 and 2 of this ordinance shall become and be made a part of the Code of
13 Ordinances of the City of Gainesville, Florida, and that the Sections and Paragraphs of
14 this Ordinance may be renumbered or relettered in order to accomplish such intentions.

15 **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to be
16 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall
17 in no way affect the validity of the remaining portions of this ordinance.

18 **Section 5.** All ordinances, or parts of ordinances, in conflict herewith are to the
19 extent of such conflict hereby repealed.

20 **Section 6.** This ordinance shall become effective immediately upon final
21 adoption.

DRAFT

10-6-05

1 PASSED AND ADOPTED this ____ day of _____, 2005.

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PEGEEN HANRAHAN
MAYOR

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ATTEST:

Approved as to form and legality

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KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

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15 This Ordinance passed on first reading this ____ day of _____, 2005.

16 This Ordinance passed on second reading this ____ day of _____, 2005.