



City of Gainesville

Department of Sustainable
Development

TO: City Plan Board
FROM: Department of Sustainable Development

DATE: January 28, 2021

SUBJECT: Petition PB-21-03 TCH City Plan Board. Request to amend the City of Gainesville Land Development Code in order to introduce exemption provisions for sidewalk requirement pertaining to single family residential properties. Sec. 30-6.18.G.

Applicant: City of Gainesville.

Recommendation: Item for Discussion

Discussion

This petition is initiated by the City of Gainesville and proposes to introduce an amendment to the sidewalk regulations found in the City of Gainesville LDC Sec. 30-6.18.G to include language that would exempt single-family home construction from sidewalk requirements. The exemption is only intended to apply to the construction of one new single-family residence at a time and does not apply to multi-family developments, non-residential developments, or the development of new single-family subdivisions.. The waiving of sidewalk requirements for a single-family residential construction is subject to the existence of these constraints: a. Construction of sidewalk would result in an isolated sidewalk segment disconnected from the existing or proposed sidewalk system. b. Significant environmental impacts (to heritage trees, wetlands or required buffers, etc.) would be caused by construction. c. Construction would require extensive alterations to existing drainage systems, or extensive soil removal of fill. d. Construction would require removal or relocation of utilities or other significant physical obstructions.

Currently, the LDC requires that public sidewalks be provided for all new construction with limited exceptions for tree protection and topography. Sidewalk requirements apply to all forms of new construction. Some infill single-family residential projects within fully developed areas that may have limited frontage and a lack of an existing network of sidewalks may not meet the outlined exceptions currently found in the LDC. However, the LDC does not provide enough flexibility to allow for the mitigation of sidewalk requirements when faced with the circumstances mentioned above. This lack of flexibility



City of Gainesville

Department of Sustainable
Development

often results in the construction of an incoherent, hazardous and aesthetically inconsistent sidewalk segments that are foreign to older neighborhoods that characteristically lack sidewalks.

The introduction of LDC language allowing for sidewalk requirement waivers could be beneficial, especially in areas where it may not be feasible to develop a network of sidewalks.

Previous Code Language in Land Development Code (LDC)

Previous versions of the LDC stated:

where a sidewalk pattern as to materials and width has been adopted, the appropriate reviewing board, City Manager or designee may allow the pattern to be continued by each new development. If the sidewalks installed are less than the minimums provided above, sufficient space shall be provided in order for these minimum sidewalk widths to be added in the future,

however, this statement was removed when the code was updated. Based on the language above, the code allowed for the continuation of existing sidewalk widths or allowed the dedication of areas for the future construction of sidewalks, which provided more options for the continuity of sidewalk widths and materials.

Current Language in Land Development Code (LDC)

There are three different areas of the LDC that determine sidewalk width:

- Urban Street Types, Article IV. Zoning. Building Form Standards – widths are based on the designated street types located within the transect zones; widths are five (5) feet, six (6) feet, and ten (10) feet
- Traditional Zoning Districts, Article IV. Zoning. Design Standards– width is based on use; widths are seven (7) feet for multi-family and industrial uses and eight (8) feet for commercial, institutional, office and mixed-uses
- Lastly, new construction of sidewalks must adhere to Article VI. Development Standards. As stated in the code, *the intent of this section is to enable pedestrian activity throughout the city, especially as a means to promote pedestrian and transit*



City of Gainesville

Department of Sustainable
Development

trips, pedestrian safety and accessibility. This code section also allows for modifications or exceptions based on:

- The protection of heritage trees and
- Excessive slope or other topographic geological features.

Based on the code sections above, there are inconsistencies within the code and the development of a complete and comprehensive sidewalk network are contingent upon addressing the inconsistencies. While the code allows for exceptions in sidewalk construction, it also states that sidewalk requirements: *shall apply on any parcel or lot where a roadway is existing adjacent to the proposed development or where there is a reasonable likelihood of mass transit service or pedestrian need for sidewalks.* This is rarely an issue for larger developments that front large sections of road thus can create large sections of sidewalk that are connected to or can create an effective sidewalk network. However, in the event of a single-family house, staff has consistently been confronted with a situation where a single-family homeowner has had to develop a sidewalk that is not connected to a sidewalk network. This results in an isolated piece of concrete in front of a house that is an aesthetic eyesore in a neighborhood and creates a hazard for pedestrians. This is inconsistent with the LDC language of *promote pedestrian and transit trips, pedestrian safety and accessibility.*

In order to mitigate this inconsistency, staff proposes to add language to the LDC that would allow the flexibility for single-family homeowners and developers to potentially waive sidewalk requirements if warranted by site conditions. Two options are presented in this report.

OPTION 1 – Fee in lieu of

The first option is to allow for payment of a fee in lieu of constructing a sidewalk based on the market rate of construction calculated via the cost per Sq. Ft. The fee would be equal to the cost of the actual construction of a sidewalk to avoid the potential of incentivizing the lack of sidewalk construction. The fee collected from the applicant would then be used for future sidewalk projects within the Transportation Mobility Program Area (TMPA) in which the fee was collected. Alternatively, a predetermined buffer radius around the paying property may also be used in order to assign the applicability of the collected sidewalk fee. If the proposed language is approved, staff would add a separate fee category within the TMPAs that only pertains to sidewalk funds, so that sidewalk fees



City of Gainesville

Department of Sustainable Development

would only be applied to the construction of new sidewalks and not the construction of other transportation facilities. Furthermore, there would be a requirement for an easement to be dedicated on the property to allow for the potential future construction of a sidewalk.

However, staff has identified some potential problems with this option:

1. Currently, staff lacks the capacity to capture and disseminate the collected sidewalk funds within specified areas. This includes a lack of staff and a lack of an established standard operating procedure with a supporting fund capturing mechanism. To address this short-coming staff explored the option of using the already existing TMPA areas to allocate collected funds. However, TMPA zones vary significantly in size and would make the restriction of collected use within specific neighborhood areas difficult.
2. Staff also explored an option where the collected sidewalk fee would apply to an area equal to a one-mile radius from the paying property. However, and again, there is not currently a mechanism in place to track separate payments as part of a building permit applications. Additionally, the result would be a disorderly grid of one-mile radii with floating payment credits potentially staying in a suspended status for an indeterminate amount of time.
3. Requiring a payment from a property owner for public improvements that are not closely related to their property poses legal challenges.

OPTION 2 – Complete Waiver

The second option involves the complete waiving of sidewalk requirements if a single-family home construction meets the outlined criteria:

1. Construction would result in an isolated sidewalk segment, disconnected from the existing or proposed sidewalk system
2. Significant environmental impacts (to heritage trees, wetlands or required buffers) would be caused by construction
3. Construction would require extensive alterations to existing drainage systems, or extensive soil removal or fill
4. Construction would require removal or relocation of utilities or other significant physical obstructions.



City of Gainesville

Department of Sustainable
Development

Similar to option one, this option would only pertain to single-family home constructions. In the event that it's determined that a single-family home construction is eligible for a sidewalk waiver, the homeowner would have to provide a perpetual sidewalk easement on the property in the event that means to construct a sidewalk on the property is identified in the future.

To mitigate for the absence of sidewalks in neighborhoods, staff has identified the process of fee assessment. The City may have the option to assess a fee for homeowners living in a neighborhood at which time the fee would be collected and used specifically for the construction of a consistent, safe, and connected sidewalk network.

However, this fee would be may be viewed negatively by homeowners in the neighborhood. If adopted, option 2 can go into effect immediately while staff explore options for future fee assessments within neighborhoods.

Respectfully submitted,

Juan Castillo
Planner

Exhibit A: Option 1: Proposed amendment to sidewalk regulations – fee in lieu of
Exhibit B: Option 2: Proposed amendment to sidewalk regulations – sidewalk waiver
Exhibit C: TMPA zones map