



MEMORANDUM

Office of the City Attorney

Registrar No. 002471

Phone: 334-5011/Fax 334-2229
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TO: Mayor and City Commission

DATE: December 9, 2002
SECOND READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-02-23

An ordinance of the City of Gainesville, Florida, amending the Land Development Code, relating to sidewalk requirements along public and private streets; amending Section 30-23, adding a definition; amending Section 30-160(d)(34) and Section 30-160(e)(18), providing that sidewalks meet the requirements of the Land Development Code; amending Section 30-188(e)(1), requiring new subdivisions in the Industrial, Agriculture, Airport Services, Conservation and Public Services districts to provide sidewalk only on arterial and collector streets; amending Section 30-188(e)(5), clarifying the effective date; amending Section 30-338, by requiring sidewalks for all lots and buildings except as provided or modified; providing for the dedication of property for sidewalks, and the criteria for modifications; 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

Currently, the Code does not authorize staff or the reviewing board to make modifications to the requirement to provide sidewalks along all abutting streets, public or private. Current Planning Staff has encountered a number of situations where the provision of sidewalks under the present regulation has become an issue due to the complications that one would encounter installing sidewalks in a particular situation. The reviewing board has relieved some petitioners of the code requirements, and some petitioners have occupied new development with a temporary certificate of occupancy with the hope of relief from the requirements of the sidewalk ordinance. The sidewalk regulations currently apply to arterial, collector and local streets.

The City of Gainesville Land Development Code regarding the sidewalk ordinance should be amended to address the following:

1. The submittal requirement, Sec. 30-160, was amended to require sidewalks subject to Sec. 30-338.

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2. Sec. 30-338 was amended to create a new subparagraph addressing sidewalks, including a purpose clause, explanation of where sidewalks are required and criteria that the reviewing board or staff could use to make modifications.
3. The code would be amended so that new subdivisions in the industrial, agriculture, airport services, conservation and public services districts would be required to provide sidewalks only on arterial and collector streets.

The City Plan Board reviewed the petition and recommended approval.

Public notice was published in the Gainesville Sun on April 2, 2002. The Plan Board held a public hearing April 18, 2002. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 23TCH-02 PB. Plan Board vote 5-0.

Fiscal Note: None

Prepared and
Submitted by:



Marion J. Radson,
City Attorney

MJR:WM:sw

PASSED ON FIRST READING BY A VOTE OF 4-0.