

City of
Gainesville

PB-21-03 TCH
Text Amendment
Legistar #200728

Department of Sustainable Development
Juan Castillo
1/28/2021

200728E

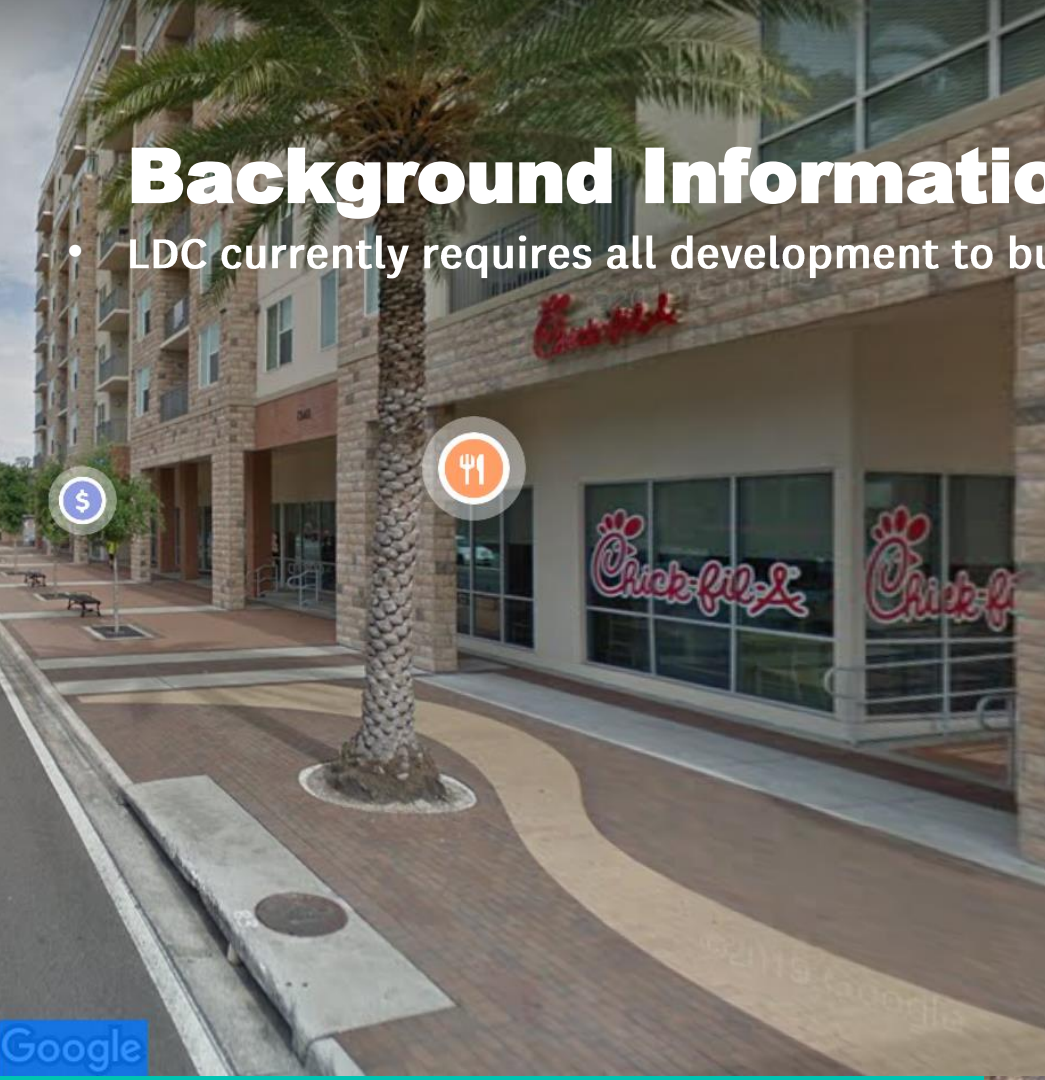


200728E

Text Change Request: To add sidewalk exemption provisions for infill single family dwelling development.

Background Information

- LDC currently requires all development to build sidewalks



200728E





Single Family Constructions within neighborhoods that characteristically lack sidewalks are not exempt



Safety hazard via uneven surfaces



Urban Logic Disconnect

A suburban street scene featuring a concrete sidewalk on the left, a white sedan parked on the grass, a black mailbox on a post, and a road leading into a wooded area with trees and a utility pole.

Urban Logic Disconnect

A photograph of a residential street. On the left, there is a large tree and a white house with a porch. A utility truck is parked on the road, and two orange traffic cones are placed on the sidewalk. The street is lined with trees and houses. The text "Aesthetic Impact" is overlaid on the right side of the image.

Aesthetic Impact



Imagine a sidewalk here

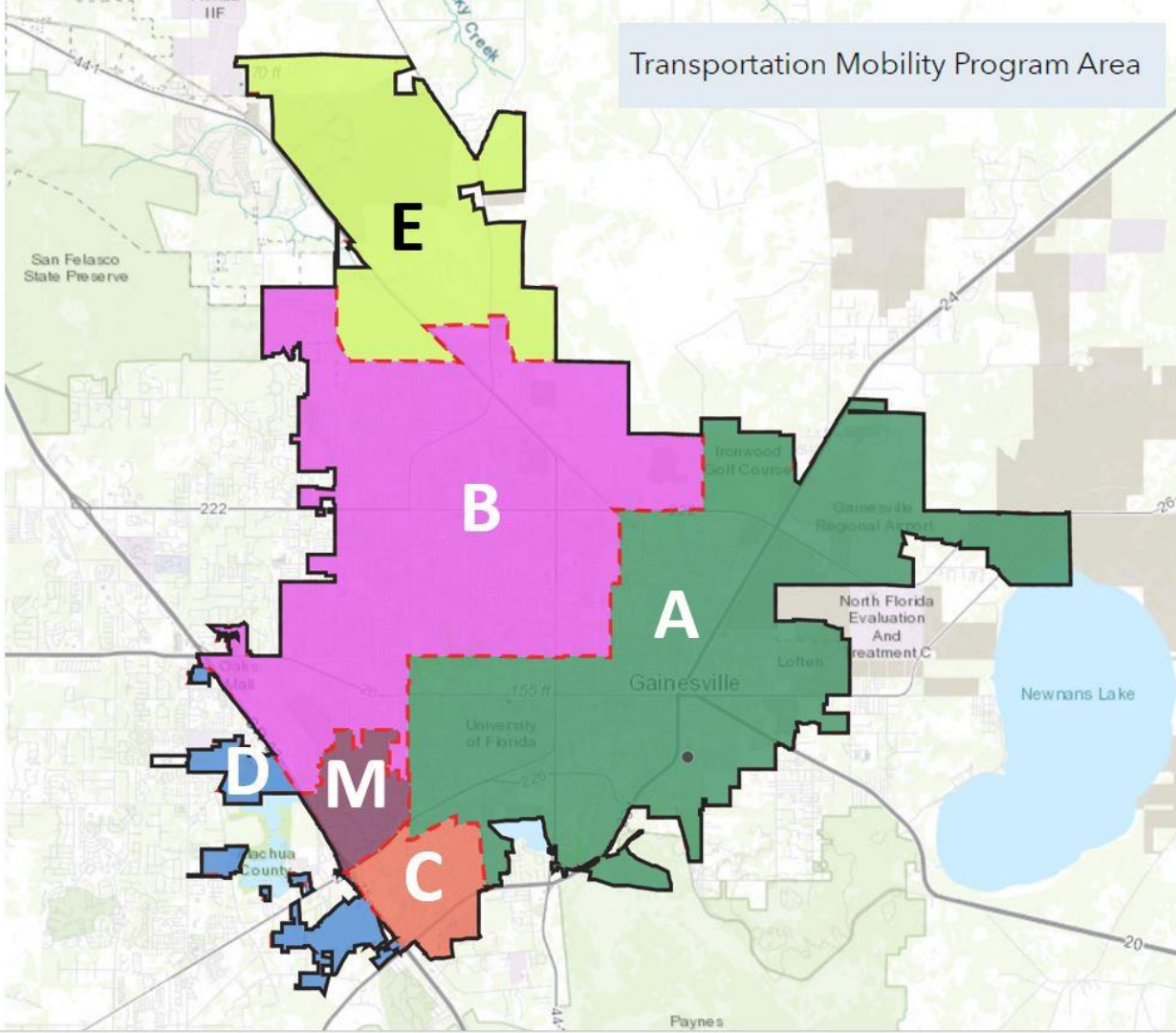
Aesthetic Impact

Option 1 - Fee in lieu of

- Option to pay a fee in lieu of the sidewalk construction requirement
- Fee calculated based on market cost per Sq. Ft.
- Fee collected would be used in a defined area on and/or near the paying development
- Homeowner would assign sidewalk easement if needed
- Fee in lieu of option is a last resort option and applicant would have to demonstrate they can't meet other sidewalk mitigation requirements or are located in a neighborhood without sidewalks.
- Problems with this option includes a lack of capacity for staff to collect and disseminate funds. Also, a standard operating procedures for such process currently does not exist and would have to be created prior to the enforcement of this modification
- TMPA use, large zone areas where it would be difficult to allocate funds to nearby area.
- The potential for legal challenges for funds collected.

Transportation Mobility Program Area

- A
- B
- C
- D
- E
- M
- TBD



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- The potential for legal challenges for funds collected.

Proposed changes for discussion (Sec. 30-6.18.G)

G. Modifications. The appropriate reviewing authority may approve modifications from the terms of this section as follows:

1. The appropriate reviewing authority shall require the petitioner to provide information in the form of reports, maps, diagrams, and similar material to support their request for modification.
2. The appropriate reviewing authority may determine the appropriate location or termination of sidewalks, or determine that a portion of a sidewalk may be narrowed to the minimum extent necessary to meet the requirements of this section.
3. The applicant shall demonstrate that conditions and circumstances, which do not result from the actions of the developer, warrant modification of the sidewalk requirements. In reaching its decision, the appropriate reviewing authority shall consider the following:
 - a. Protection of heritage trees; and
 - b. Excessive slope or other topographic or geological features.

F. Payment to sidewalk fund in lieu of construction of single-family residential infill development. The appropriate reviewing authority, in certain instances, may waive the requirement for sidewalks to be constructed at the time of development, and as an alternative allow for payment into a designated sidewalk fund. This payment in lieu of construction is only permitted where it is determined, at the discretion of the city manager or designee, that construction of a sidewalk is not practical or feasible based on one or more of the following criteria.

- a. Construction 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 or fill;
- d. Construction would require removal or relocation of utilities or other significant physical obstructions.

1. Payments to the sidewalk fund in lieu of construction shall relate to the development site and a radius zone equal to one mile from the development site and/or citywide for criteria that benefit the overall sidewalk infrastructure.
2. Fee in lieu of sidewalk approval shall require the dedication of a perpetual sidewalk easement recorded in the public records of Alachua County on the development site. The easement shall provide the minimum sidewalk width regulated by sidewalk requirements within the Land Development Code. Additional width may be required depending on site conditions.

Thank You

Option 2 - Complete Waiver

- This option would allow applicants to waive sidewalk requirements where specific requirements are met.
- Construction would result in an isolated sidewalk segment, disconnected from the existing or proposed sidewalk system
- Significant environmental impacts (to heritage trees, wetlands or required buffers) would be caused by construction
- Construction would require extensive alterations to existing drainage systems, or extensive soil removal or fill
- Construction would require removal or relocation of utilities or other significant physical obstructions.
- City has the option to assess fee for a neighborhood in order to construct cohesive, safe, sidewalk network.
- Fee assessment would may be viewed negatively by neighborhood residents.
- Option 2 would however be able to be implemented while research is conducted as to procedures for fee assessments.

OPTION 2: Proposed amendment to sidewalk regulations – sidewalk waiver

G.Modifications. The appropriate reviewing authority may approve modifications from the terms of this section as follows:

- 1.The appropriate reviewing authority shall require the petitioner to provide information in the form of reports, maps, diagrams, and similar material to support their request for modification.
- 2.The appropriate reviewing authority may determine the appropriate location or termination of sidewalks, or determine that a portion of a sidewalk may be narrowed to the minimum extent necessary to meet the requirements of this section.
- 3.The applicant shall demonstrate that conditions and circumstances, which do not result from the actions of the developer, warrant modification of the sidewalk requirements. In reaching its decision, the appropriate reviewing authority shall consider the following:
 - a. Protection of heritage trees; and
 - b. Excessive slope or other topographic or geological features.

4.The appropriate reviewing authority may waive sidewalk requirements for a single family residence construction if it's determined that the construction of a sidewalk is not practical or feasible based on one or more of the following criteria:

- a. Construction 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 or fill;.
- d. Construction would require removal or relocation of utilities or other significant physical obstructions.

5.Single family development subject to waiving of sidewalk requirements shall provide a perpetual sidewalk easement recorded in the public records of Alachua County on the development site. The easement shall provide the minimum sidewalk width regulated by sidewalk requirements within the Land Development Code. Additional width may be required depending on site conditions.