

**LEGISLATIVE #**

**200728A**



1 to Section 163.3174, Florida Statutes, held a public hearing on May 27, 2021, and voted to  
2 recommend the City Commission approve this text change to the Land Development Code; and  
3 **WHEREAS**, at least ten days' notice has been given once by publication in a newspaper of  
4 general circulation notifying the public of this proposed ordinance and of public hearings in the  
5 City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and  
6 **WHEREAS**, public hearings were held pursuant to the notice described above at which hearings  
7 the parties in interest and all others had an opportunity to be and were, in fact, heard; and  
8 **WHEREAS**, the City Commission finds that the Land Development Code text amendment  
9 described herein is consistent with the City of Gainesville Comprehensive Plan.

10 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**

11 **FLORIDA:**

12 **SECTION 1.** Section 30-6.18 of the Land Development Code is amended as follows.

13 **Section 30-6.18. Sidewalks and Shared-Use Bicycle Paths.**

- 14 A. *Intent.* The intent of this section is to enable pedestrian activity throughout the city, especially as a  
15 means to promote pedestrian and transit trips, pedestrian safety and accessibility. Sidewalks are  
16 required in conjunction with development orders in every zoning district. This shall apply on any  
17 parcel or lot where a roadway is existing adjacent to the proposed development or where there is a  
18 reasonable likelihood of mass transit service or a pedestrian need for sidewalks. Sidewalk(s) are  
19 required on both sides of all public and private streets.
- 20 B. *Schools.* Public and private schools shall meet the design guidelines of Safe Routes to School.  
21 Sidewalks and bikeways adjacent to the site shall be extended to appropriate walkways around  
22 buildings and bicycle storage areas.
- 23 C. Sidewalks are required on both sides of all streets at least five feet in width. Whenever a sidewalk  
24 intersects with a curbed street, ramps shall be installed to facilitate access to the sidewalks by  
25 wheelchairs.
  - 26 1. A shared-use bicycle path shall be provided in a subdivision wherever designated on the  
27 officially adopted trail network plan for the city. Also, subdivisions containing a proposed trail  
28 network corridor shall provide a shared-use bicycle path and sidewalk system that integrates or  
29 links the subdivision with the trail network.

- 1 D. *Responsibility for construction.* The installation of sidewalks is the responsibility of the  
2 developer/owner and the sidewalks shall be installed prior to the issuance of a certificate of  
3 occupancy by the city. For a phased development, sidewalk(s) shall be completed to serve any area  
4 for which a certificate of occupancy or any temporary occupancy is required. The developer/owner  
5 shall only be responsible for the sidewalk on the same side of the street(s) on which the approved  
6 plan is adjacent, except as specifically modified in this section.
- 7 E. *Design standard.* Sidewalk(s) and ramp(s) shall be constructed in accordance with the Design  
8 Manual.
- 9 F. *Dedication.* In conjunction with the owner/developer’s installation of any required sidewalk(s) along  
10 a street, the sidewalk shall be constructed within existing right-of-way or, if insufficient space exists  
11 within the right-of-way, the sidewalk area shall be dedicated to public use in a form acceptable to  
12 the City Attorney.
- 13 G. *Modifications.* The appropriate reviewing authority may approve modifications from the terms of  
14 this section as follows:
- 15 1. The appropriate reviewing authority shall require the petitioner to provide information in the  
16 form of reports, maps, diagrams, and similar material to support their request for modification.
- 17 2. The appropriate reviewing authority may determine the appropriate location or termination of  
18 sidewalks, or determine that a portion of a sidewalk may be narrowed to the minimum extent  
19 necessary to meet the requirements of this section.
- 20 3. The applicant shall demonstrate that conditions and circumstances, which do not result from  
21 the actions of the developer, warrant modification of the sidewalk requirements. In reaching its  
22 decision, the appropriate reviewing authority shall consider the following:
- 23 a. Protection of heritage trees; and  
24 b. Excessive slope or other topographic or geological features.
- 25 H. *Single-family dwelling infill development.* The appropriate reviewing authority may waive the  
26 requirement for sidewalks to be constructed at the time of single-family dwelling infill development  
27 and as an alternative allow for owner/developer payment into a designated fund if the reviewing  
28 authority determines that sidewalk construction is not practical or feasible based on one or more of  
29 the following criteria:
- 30 1. Construction would result in an isolated sidewalk segment disconnected from the existing or  
31 proposed sidewalk system;
- 32 2. Significant environmental impacts, including to heritage trees, wetlands, or required buffers,  
33 would be caused by construction;
- 34 3. Construction would require extensive alterations to existing drainage systems or extensive soil  
35 removal or fill; or
- 36 4. Construction would require removal or relocation of utilities or other significant physical  
37 obstructions.
- 38 Payments under this subsection must be collected, administered, and used as part of the city’s  
39 Transportation Mobility Program Area (TMPA) for the applicable TMPA zone of the subject property,

1 and must be used for sidewalk-related improvements nearest to the subject property to the extent  
2 practical or feasible.

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5 **SECTION 2.** It is the intent of the City Commission that the provisions of Section 1 of this  
6 ordinance become and be made a part of the Code of Ordinances of the City of Gainesville,  
7 Florida, and that the sections and paragraphs of the Code of Ordinances may be renumbered or  
8 relettered in order to accomplish such intent.

9 **SECTION 3.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or  
10 the application hereof to any person or circumstance is held invalid or unconstitutional, such  
11 finding will not affect the other provisions or applications of this ordinance that can be given  
12 effect without the invalid or unconstitutional provision or application, and to this end the  
13 provisions of this ordinance are declared severable.

14 **SECTION 4.** All ordinances or parts of ordinances in conflict herewith are to the extent of such  
15 conflict hereby repealed.

16 **SECTION 5.** This ordinance will become effective immediately upon adoption.

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18 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

19  
20 \_\_\_\_\_  
21 LAUREN POE  
22 MAYOR

23  
24 Attest:

Approved as to form and legality:

25  
26 \_\_\_\_\_  
27 OMICHELE D. GAINEY  
28 CITY CLERK

\_\_\_\_\_

DANIEL M. NEE  
INTERIM CITY ATTORNEY

1 This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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3 This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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