

1 Introduced by Council Member White:
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4 **ORDINANCE 2022-221**

5 AN ORDINANCE AMENDING CHAPTER 654, CODE OF
6 SUBDIVISION REGULATIONS, SPECIFICALLY SECTION
7 654.106 TO ADD AND REVISE DEFINITIONS, SECTION
8 654.133 TO CLARIFY WHEN AND HOW SIDEWALKS ARE
9 TO BE PROVIDED, AND SECTION 654.137 TO PROVIDE
10 DEVIATIONS FROM THE IMMEDIATE CONSTRUCTION OF
11 SIDEWALKS IN CERTAIN CIRCUMSTANCES; PROVIDING
12 AN EFFECTIVE DATE.
13

14 **Section 1.** Section 654.106 (Definitions), Chapter 654
15 (Code of Subdivision Regulations), *Ordinance Code*, is hereby
16 amended to read as follows:

17 **CHAPTER 654 - CODE OF SUBDIVISION REGULATIONS**

18 * * *

19 **Sec. 654.106. Definitions.**

20 As used in this Chapter:

21 ~~(a)~~ *Abutting property* means property that is immediately
22 adjacent to property that is subject to review under these
23 regulations or property that is located immediately across a
24 road or public right-of-way from the property that is
25 subject to review under these regulations.

26 ~~(b)~~ *Alley* means a right-of-way which affords only a secondary
27 means of access to property abutting thereon.

28 ~~(c)~~ *Bikeway* means a roadway which is specifically designated as
29 being open to bicycle travel, regardless of whether such
30 facilities are designated for the exclusive use of
31 bicyclists, or are to be shared with other vehicles.

1
2 ~~(d)~~ *Bicycle path* means land that has been treated, prepared or
3 constructed in such a way as to permit the continuous
4 passage of persons riding bicycles.

5 ~~(e)~~ *Block* includes a tier or group of lots existing within well-
6 defined and fixed boundaries, usually being an area
7 surrounded by streets or other physical barriers and having
8 an assigned number, letter or other name through which it
9 may be identified.

10 ~~(f)~~ *Block corner* or *lot corner* means an angle point in the
11 boundary of a block or lot.

12 ~~(g)~~ *Building* includes the word *structure* and shall be construed
13 as if followed by the phrase or part thereof.

14 ~~(h)~~ *Cash* or *cash deposit* means cash, cashier's and certified
15 checks for immediate payment to the City, cash deposited in
16 accounts subject to the control of the City and certificates
17 of cash deposited, assigned and delivered to the City.

18 ~~(i)~~ *Community* means a development offering eventually all social
19 and physical aspects of a full living environment. A full
20 living environment includes not only housing in a variety of
21 types and size ranges but also opportunities for employment
22 as well as facilities for educational, recreational and
23 cultural participation.

24 ~~(j)~~ *Comprehensive plan* means the City of Jacksonville's 2030
25 Comprehensive Plan adopted pursuant to Ordinance 2009-791-E
26 on November 10, 2009 by the City Council, with an effective
27 date of February 4, 2010, as such plan may be amended from
28 time to time.

29 ~~(k)~~ *Concurrency* means that the necessary public facilities and
30 services to maintain the adopted level of service standards
31 of the Comprehensive Plan are available when the impacts of

1 development occur.

2 ~~(l)~~ *Concurrency and Mobility Management System Office (CMMSO)*
3 means the office within the Planning and Development
4 Department that is responsible for the coordination of all
5 concurrency and mobility reviews and requirements.

6 ~~(m)~~ *Concurrency Reservation Certificate (CRC)* means the official
7 document issued by the City of Jacksonville through the
8 Concurrency and Mobility Management System Office (CMMSO)
9 pursuant to Chapter 655, Ordinance Code, upon finding that
10 an application for the certificate in reference to a
11 specific final development order or final development permit
12 for a particular development will not result in the
13 reduction of the adopted level of service standards for
14 impacted potable water, sanitary sewer, recreation, public
15 schools, drainage and solid waste facilities and services as
16 set forth in the 2030 Comprehensive Plan. A CRC is not a
17 development order within the meaning of Chapter 163, Part
18 II, Florida Statutes.

19 ~~(n)~~ *Conditional Capacity Availability Statement (CCAS)* means the
20 official document issued by the City through the Concurrency
21 and Mobility Management System Office (CMMSO) which precedes
22 the review of an application for a CRC and which constitutes
23 the issuance of reserve capacity or a statement of those
24 conditions which must be fulfilled prior to the issuance of
25 reserve capacity as to the public facilities listed in
26 Section 655.112, Ordinance Code. A CCAS is not a
27 development order within the meaning of Chapter 163, Part
28 II, Florida Statutes.

29 ~~(o)~~ *Department* means the Planning and Development Department.

30 ~~(p)~~ *Developer* means a person or his duly authorized agent who
31 undertakes the subdivision of land as defined herein. The

1 term *developer* includes the term *subdivider*.
2 Development has the same meaning as described in Sec.
3 656.1601, Ordinance Code, which is "any proposed material
4 change in the use or character of the land, including, but
5 not limited to, land clearing associated with new
6 construction, the placement of any structure or site
7 improvement on the land, or expansion of existing buildings.

8 ~~(q)~~ *Director* means the Director of Planning and Development or
9 his designee.

10 ~~(r)~~ *Drainage Easement* means an easement designed for conveyance
11 or management of surface or storm water, including but not
12 limited to "Surface Water or Stormwater Management Systems"
13 as defined, regulated and permitted by the St. Johns River
14 Water Management District.

15 ~~(s)~~ *Easement* means a grant by the owner of land to a third
16 party, such as another person or group of persons, or an
17 entity, or a public agency, that allows the owner's land to
18 be used for a specific use or purpose. The land subject to
19 an easement remains owned by the owner and can be used by
20 the owner for other purposes that are not inconsistent with
21 the easement, unless otherwise expressly provided in the
22 easement.

23 ~~(t)~~ *Engineer* means an engineer who is currently registered in
24 accordance with F.S. Ch. 471.

25 ~~(u)~~ *Improvements, public* means any of the following, which are
26 listed only for the purpose of illustration and emphasis:
27 street pavement, with or without curbs and gutters;
28 sidewalks; alley pavement; water mains; sanitary sewers,
29 storm sewers or storm drainage; and street name signs or
30 other traffic control devices.

31 Infill development means, pursuant to the Comprehensive

1 Plan, development or redevelopment of land that is/has been
2 vacant, bypassed, and underutilized but is located within
3 areas that already have infrastructure, utilities, and
4 public facilities.

5 Infill lot means a parcel that is undeveloped or
6 underdeveloped, and is generally bypassed and underutilized
7 land within areas that already have infrastructure,
8 utilities, and public facilities. Typically the same type
9 and scale as adjacent uses.

10 ~~(v)~~ Land includes water, marsh or swamp.

11 ~~(w)~~ Land Development Procedures Manual means the procedures and
12 criteria contained in the document sometimes referred to as
13 the "Redbook" produced by the Subdivision Standards and
14 Policy Advisory Committee in conjunction with the Planning
15 and Development Department, the Public Works Department, the
16 JEA, the Office of the General Counsel and the private
17 sector in order to assist in the development of land within
18 the City of Jacksonville. These procedures and criteria,
19 including the design specifications quoted, are adopted and
20 approved as provided in Chapter 654 of the Jacksonville
21 Ordinance Code to be used by the Planning and Development
22 Department, the Engineering Division of the Public Works
23 Department, and the JEA in review and approval of permit
24 applications and development construction plans.

25 ~~(x)~~ Lot includes plot, tract, or parcel under one ownership
26 undivided by street, railroad rights-of-way or navigable
27 waters that is a separate, distinct parcel of land with
28 defined boundaries, whether established by a plat or other a
29 recorded document. A "conforming lot" is of sufficient size
30 to meet the minimum requirements of the Zoning Code as to
31 use, coverage and area and to provide the yards and open

1 spaces required by the Zoning Code. A lot is also identified
2 as a single unit in a subdivision.

3 ~~(y)~~ *Lot depth* has the same meaning as in the Zoning Code.

4 ~~(z)~~ *Lot width* has the same meaning as in the Zoning Code.

5 ~~(aa)~~ *Natural vegetation* means vegetation which occurs by the
6 ordinary course of nature which may include accidental (by
7 man but not through cultivation) or seed dispersal by wind,
8 animals, etc. There may also be a change of vegetation
9 naturally occurring due to succession.

10 ~~(bb)~~ *Native vegetation and habitat* means those areas found in
11 nature where the plants in one part of the country may be
12 slightly different from the same plant species in another
13 part of the country. Native vegetation is considered to be
14 original or an indigenous inhabitant of particular area.

15 ~~(cc)~~ *Neighborhood* means a geographic area within which
16 residents may all conveniently share common services and
17 facilities required in the vicinity of their dwellings.
18 Neighborhood boundaries are generally set either by natural
19 features, such as topography, stream valleys or terrain; by
20 major streets including freeways; by artificial features
21 such as railroads, power lines or other development
22 obstruction; or by recreational, open space uses, or
23 community facilities.

24 ~~(dd)~~ *Non-access easement or vehicular non-access easement*
25 means an easement used to restrict vehicular access to a
26 property. This may be from a lot to a street or between
27 uncomplimentary uses (i.e. incompatible zoning districts).
28 The owner of land subject to the easement may use the land
29 for all other purposes that rare not inconsistent with the
30 easement, such as signs, landscaping, fences, etc. Public
31 non-access easements may be vacated in the same manner

1 provided for vacation of public rights-of-way.

2 ~~(ee)~~ *Paving width* means the horizontal width of a paved
3 surface, excluding curb and gutter.

4 ~~(ff)~~ *Permanent reference monument (PRM) and permanent control*
5 *point (PCP)* shall have meanings as defined in F.S. Ch. 177.

6 ~~(gg)~~ *Plat* means a map or delineated representation of the
7 subdivision of lands, being a complete exact representation
8 of the subdivision and other information in compliance with
9 the requirements of this Chapter, the Land Development
10 Procedures Manual, and F.S. Ch. 177, and may include the
11 terms *replat, amended plat, or revised plat.*

12 ~~(hh)~~ *Preliminary plat* means a preliminary drawing of a
13 proposed land subdivision showing the character and proposed
14 layout of the tract in sufficient detail to indicate the
15 suitability of the proposed subdivision of land.

16 *Required improvement* means streets, sidewalks, curbs and
17 *gutters, water systems, sanitary sewer systems, storm*
18 *drainage systems and other improvements as may be required*
19 *by the City.*

20 ~~(ii)~~ *Right-of-way* means land used or to be used for a public
21 street, alley, walkway, water, sewer or drainage facility or
22 other public purpose.

23 *Roadway Design Classification System* means the context
24 *sensitive approach to the construction of new and*
25 *reconstructed roadways and streets considering the roadway's*
26 *land use context and incorporating all modes of*
27 *transportation. The Design Classifications are as follows.*
28 *Each Classification has the "sub-classifications" of"*
29 *Urban," "Suburban," and "Rural."* *The Classifications of*
30 *Boulevard, Avenue and Limited Avenue also have a sub-*
31 *classification of "Downtown."* (See the Land Development

1 Procedures Manual, Section 3, for a more detailed
2 explanation.)

3 Thoroughfare

4 Boulevard

5 Avenue

6 Limited Avenue

7 Industrial

8 Neighborhood Commercial Street

9 Business Park Street

10 Neighborhood Residential Street

11 Residential Subdivision

12 Roadway Functional Classification System means the process
13 by which streets and highways are grouped into classes or
14 systems according to the character of the service they are
15 intended to provide. The Functional Classifications are as
16 follows. (See the Land Development Procedures Manual,
17 Section 3, for a more detailed explanation of the
18 relationship between the Functional Classification and
19 Design Classification of roadways.)

20 Principal (or Major) Arterial means a highway that serves
21 major through movements of traffic between important centers
22 of activity and a substantial portion of trips entering and
23 leaving the area. It also connects freeways with major
24 traffic generators. Service to abutting land is very
25 subordinate to the function of moving through traffic.

26 Minor Arterial means a facility that connects and augments
27 the major arterial system. Although its main function is
28 still traffic mobility, it performs this function at a lower
29 level and places more emphasis on land access than does the
30 major arterial.

31 Collector means a surface street providing land access and

1 traffic circulation service within residential, commercial
2 and industrial areas. Collector streets serve to connect
3 local roadway networks to the larger City-wide arterial
4 roadway network.

5 Local means a street designed and maintained to provide
6 access to abutting property. A local street is of limited
7 continuity and not for through traffic.

8 ~~(jj)~~ *Rural area.* The rural boundaries established for Duval
9 County for its planning and funding purposes, as well as the
10 rural area boundary established in the 2030 Comprehensive
11 Plan or Capital Improvements Element.

12 ~~(kk)~~ *Sidewalk* means a paved area intended primarily for
13 pedestrian use.

14 ~~(ll)~~ *Sight distance* means the maximum extent of unobstructed
15 vision in a horizontal plane along a street located at a
16 given point on the street.

17 ~~(mm)~~ *Street* means a travel way which affords the principal
18 means of vehicular access to abutting property regardless of
19 the term, such as *lane* or *way*, used to describe it.

20 ~~(1) Collector street means a surface street providing land~~
21 ~~access and traffic circulation service within~~
22 ~~residential, commercial and industrial areas. Collector~~
23 ~~streets serve to connect local roadway networks to the~~
24 ~~larger City-wide arterial roadway network.~~

25 ~~(2) Cul-de-sac~~ means a street ending in a dead-end with a
26 vehicular turnaround. These streets are limited to 1,000
27 feet in length; however, the Department may approve a
28 cul-de-sac of greater length, where, due to topographical
29 conditions, design considerations or the number of lots
30 to be located on the street, a greater length may be
31 deemed necessary.

1 ~~(3) Freeway~~ means a multi-lane divided highway having a
2 minimum of two lanes for exclusive use of traffic in each
3 direction and full control of access and egress.

4 ~~(4) Local street~~ means a street designed and maintained to
5 provide access to abutting property. A local street is of
6 limited continuity and not for through traffic.

7 ~~(5) Major arterial~~ means a highway that serves major through
8 movements of traffic between important centers of
9 activity and a substantial portion of trips entering and
10 leaving the area. It also connects freeways with major
11 traffic generators. Service to abutting land is very
12 subordinate to the function of moving through traffic.

13 ~~(6) Minor arterial~~ means a facility that connects and
14 augments the major arterial system. Although its main
15 function is still traffic mobility, it performs this
16 function at a lower level and places more emphasis on
17 land access than does the major arterial.

18 ~~(7) Private street~~ means a privately owned or controlled and
19 maintained drive, street, road, lane, not accepted by the
20 City of Jacksonville as a public road, which provides the
21 primary means of vehicular ingress and egress from a
22 public road to two or more dwelling units, lots, parcels,
23 tracts, or principal buildings, whether created by a
24 private right-of-way, easement, plat, or other device and
25 which has been approved by the Director and appears on
26 the Approved Private Streets List kept by the Director of
27 Public Works as an approved private street.

28 ~~(8) Public street~~ means a vehicular right-of-way, that is
29 open to the public and under the control and jurisdiction
30 of the City of Jacksonville pursuant to a deed of
31 conveyance, deed of dedication, plat dedication, or other

1 device accepted by the City, which provides the primary
2 means of vehicular ingress and egress to two or more
3 dwelling units, lots, parcels, tracts, or principal
4 buildings.

5 ~~(9)~~ *Reconstructed street* means a rebuilt existing street such
6 that its estimated life was lengthened, by means other
7 than resurfacing, its vehicular carrying capacity by
8 weight or volume of traffic was increased, or the curb to
9 curb pavement width was increased to include bicycle
10 facilities, raised medians or additional roadway
11 elements.

12 ~~(nn)~~ *Subdivision* means, pursuant to Sec. 177.031, F.S. (2021),
13 the division of land into three or more lots, parcels,
14 tracts, tiers, blocks, sites, units, or any other division
15 of land; and includes establishment of new streets and
16 alleys, additions, and resubdivisions; and, when appropriate
17 to the context, relates to the process of subdividing or to
18 the lands or area subdivided. However, the act of dividing
19 a tract or parcel of land into three or more lots, building
20 sites or other divisions for the purpose, whether immediate
21 or future, of sale or building development according to a
22 plat of record and includes the dedication of a new street,
23 the approval of private streets, or a change in existing
24 streets; provided, however, that the following shall not be
25 subject to the platting requirements contained in this
26 Chapter:

27 (1) The combination or recombination of portions of
28 previously platted lots where the total number of lots is
29 not increased and the resultant lots comply with the
30 standards of this Chapter and the Zoning Code;

31 (2) The public acquisition of strips of land for the widening

1 or opening of streets;

2 (3) The subdivision of a tract of land where each lot has
3 adequate frontage on an existing City maintained, paved
4 public right-of-way or approved private road and all
5 required public utilities are present and available
6 within the public right-of-way or approved private road;
7 provided, however, that plans for such subdivision are
8 submitted for review and approval by the Director or his
9 or her designee;

10 (4) The subdivision of any tract of land into parcels each of
11 which are greater than ten acres or larger or any land
12 which is divided or proposed to be divided into parcels
13 of ten acres or larger;

14 (5) The subdivision of land whose FLUM designation is Heavy
15 Industrial or Light Industrial, however such commercial
16 development shall be subject to design and engineering
17 review;

18 (6) The subdivision of land by transfer of land to a
19 governmental agency or to a nonprofit, tax-exempt nature
20 conservation organization qualifying under the United
21 States Internal Revenue Code, Section 501(c)(3);

22 (7) Development of commercial centers where no new streets
23 are being established, provided however, that such
24 commercial development shall be subject to design and
25 engineering review and subject to review and approval, in
26 writing, by the Director that such commercial development
27 is not subject to the platting provisions contained in
28 this Chapter;

29 (8) Land previously approved for sale by the Division of
30 Florida Land Sales, Condominiums, and Mobile Homes of the
31 State of Florida Department of Business and Professional

1 Regulation pursuant to the requirements of Chapter 718,
2 Florida Statutes; and

3 (9) Any lands which, in the opinion of the Director of Public
4 Works, should not be subject to the terms of this
5 Chapter.

6 ~~(oo)~~ Surveyor means a land surveyor who is currently
7 registered in accordance with F.S. Ch. 472. Surveyor of
8 Record means the surveyor designated to prepare the plat of
9 record.

10 ~~(pp)~~ Used or occupied includes the words *intended, designed or*
11 *arranged to be used or occupied.*

12 ~~(qq)~~ Vested Property Affirmation Certificate (VPAC) means the
13 official document issued by the City through the CMMSO which
14 waives all concurrency and mobility fee requirements for a
15 final development permit or final development order issued
16 prior to the effective date of the 2030 Comprehensive Plan.

17 ~~(rr)~~ Walkway means a right-of-way intended primarily for
18 pedestrians, excluding self-propelled vehicles.

19 ~~(ss)~~ Work includes required construction shown on approved
20 plans and specifications for all facilities and features of
21 any kind.

22 All terms not defined herein, or otherwise by common usage,
23 shall have meanings as provided in ~~F.S.~~ Ch. 177, F.S., or ~~F.A.C.~~
24 Ch. 21-HH, F.A.C..

25 **Section 2.** Sec. 654.133 (Required improvements; street;
26 curbs and gutters; sidewalks; and bikeway requirements) Chapter 654
27 (Code of Subdivision Regulations), *Ordinance Code*, is hereby
28 amended to read as follows:

29 **CHAPTER 654 - CODE OF SUBDIVISION REGULATIONS**

30 * * *

31 **Sec. 654.133. Required improvements: streets; curbs and gutters;**

1 **sidewalks; and bikeway requirements.**

2 (a) Streets and public ways shall be cleared and graded, including
3 side slopes to the specified grade. If required to prevent
4 erosion or excessive washing of the shoulders, protective
5 measures shall be taken by the developer as required by the
6 Director.

7 (b) Streets shall be paved and standard curb and gutter installed to
8 meet the specifications of the Land Development Procedures
9 Manual.

10 (c) Sidewalks shall be provided ~~in~~ for all developments, including
11 residential or non-residential infill lots, and along all new,
12 reconstructed, and existing streets, to provide safe pedestrian
13 travel. The following table (Table 1. Sidewalk Requirements by
14 Development Area) outlines general sidewalk requirements based
15 upon the proposed development's Development Area. Development
16 Areas are as described and shown in the Future Land Use Element
17 of the Comprehensive Plan. Deviations from the general
18 requirements may be granted by the Department. The Department
19 may require a transportation study to substantiate deviations
20 from the general requirements. Sidewalks shall be constructed in
21 accordance with the Land Development Procedures Manual. Should
22 the City Engineer grant an applicant the option of depositing
23 monies into the sidewalk fund referenced under the provisions of
24 Section 2.2 of the Land Development Procedures Manual, the City
25 shall deposit said funds into the Sidewalk Construction Special
26 Revenue Fund created in Section 111.550, Ordinance Code.

Table 1. Sidewalk Requirements by Development Area

<u>Development Area</u>	<u>Sidewalk Location</u>	<u>Minimum Sidewalk Width (feet)</u>
Downtown	Both sides of street	8
Urban Priority Area	Both sides of street	6
Urban Area	Both sides of street	6
Suburban Area	Both sides of street	6
Rural Area	Both sides of street	5

NOTES:

i. When standard sidewalk width cannot be attained due to demonstrated right-of-way constraints, provide the greatest sidewalk width possible, but not less than five feet.

ii. Safe and exclusive pedestrian access shall be provided between existing bus stops and identified future bus stops and individual building lots.

iii. ADA standard curb ramps are required at all intersections where one or more of the rights-of-way of the intersecting streets contain sidewalks.

~~(d) The City shall require all new or reconstructed streets to include~~ As an alternative to providing sidewalks within the approved right-of-way, ~~or~~ a shared use/multi-use path may be provided subject to approval by the Department. A shared use/multi-use path may be approved by the Department based upon the presence of nearby paths, if the location is part of an established plan for shared use/multi-use paths, or if the location is an important link between existing bicycle and pedestrian facilities. Table 1 below outlines sidewalk requirements for each Development Area. Sidewalk design shall conform to the specifications outlined in the City Standard Details. All sidewalks shall maintain a minimum of four feet of

1 continuous, unobstructed path of travel.

2 **Table 1. Sidewalk Requirements by Development Area**

Development Area	Sidewalk Location	Minimum Sidewalk Width (feet)
Downtown	Both sides of street	8
Urban Priority Area	Both sides of street	8
Urban Area	Both sides of street	6
Suburban Area	Both sides of street	6
Rural Area	Both sides of street	5

3
4 NOTES:

5 i. When standard sidewalk width cannot be attained due to
6 demonstrated right-of-way constraints, provide the greatest
7 sidewalk width possible, but not less than five feet.

8 ii. Safe and exclusive pedestrian access shall be provided
9 between existing bus stops and identified future bus stops
10 and individual building lots.

11 iii. ADA standard curb ramps are required at all intersections
12 where one or more of the rights-of-way of the intersecting
13 streets contain sidewalks.

14 Sidewalks shall be required on new, reconstructed and existing
15 streets adjacent to proposed developments when the development is
16 within reasonable pedestrian access of public facilities (i.e.,
17 schools, parks, shopping centers, etc.), as determined by the
18 Planning and Development Department or where an existing sidewalk
19 could be joined. This requirement may only be waived by the
20 Department when developers are approved to pay into the Sidewalk
21 Construction Special Revenue Fund pursuant to Section 111.550,
22 Ordinance Code.

23 (e) There are two options for providing sidewalks ~~Sidewalks~~ along
24 residential local subdivision streets. ~~have two sidewalk~~

1 ~~options.~~ Residential local subdivision streets are local streets
2 within platted subdivisions that provide access to residential
3 lots and that do not provide connectivity to major arterials,
4 minor arterials, collector streets or serve major traffic
5 generators.

6 ~~i.~~ (1) Option A: Provide five-foot wide unobstructed sidewalks
7 on both sides of all streets, except as follows:

8 (A) Sidewalks are not required on a cul-de-sac with less than
9 15 lots (Note: corner lots shall be included in the lot
10 count).

11 (B) Cul-de sac streets and minor roads that serve between
12 fifteen (15) and thirty (30) lots may provide a five-foot
13 (5') wide sidewalk on one side of the street.

14 ~~ii.~~ (2) Option B: Provide a six-foot wide unobstructed sidewalk
15 on one side of the street for all local streets, as long as
16 the sidewalk establishes good interconnections, and is
17 located on the side of the street that will serve the most
18 residential lots.

19 ~~iii. Sidewalks are not required on a cul-de-sac with less than 15~~
20 ~~lots (Note: corner lots shall be included in the lot count).~~

21 ~~iv. A five-foot wide sidewalk is required on one side for culs-de-~~
22 ~~sac and minor roads that serve 15 and up to 30 lots.~~

23 (f) ~~The~~ A subdivision entrance street or streets in a platted
24 subdivision which provides a connection to a collector street,
25 major arterial or otherwise serve as the entrance or exist
26 point(s) to the subdivision, shall provide a six-foot sidewalk
27 on both sides of the subdivision entrance street (s), and shall
28 connect to external sidewalks, if the same exist. If external
29 sidewalks adjacent to the subdivision do not exist, ~~connecting~~
30 ~~six feet sidewalks~~ a minimum six-foot wide sidewalk shall be
31 installed at least along the frontage of the subdivision, and

1 perhaps further pursuant to staff review and the LDPM. subject
2 to staff review.

3 (g) Developments of large scale shall give consideration to on-site
4 provisions of bike lockers and showers.

5 (h) Sidewalks shall be constructed in accordance with the Land
6 Development Procedures Manual, the City Standard Details, the
7 City Standard Specifications, and the City Context
8 Classification Map.

9 **Section 3.** Sec. 654.137 (Deviations), Chapter 654 (Code
10 of Subdivision Regulations), *Ordinance Code*, is hereby amended to
11 read as follows:

12 **CHAPTER 654 - CODE OF SUBDIVISION REGULATIONS**

13 * * *

14 **Sec. 654.137. Deviations.**

15 (a) Where the Department finds that compliance with the regulations
16 set forth in this Chapter would cause unusual or extraordinary
17 difficulties because of exceptional and unique conditions of
18 topography, access, location, shape, size, drainage, right-of-
19 way constraints, or other physical features of the site, it may
20 grant a deviation from this Chapter so that substantial justice
21 may be done and the public interest secured; provided that the
22 public interest is protected and the development is in keeping
23 with the general spirit and intent of these regulations. A
24 deviation may take the form of a construction waiver, a
25 deferral, or a variance. The deviation may be granted upon
26 written request of the developer setting forth the reasons for
27 each deviation and subject to any conditions the Department may
28 impose. No deviation may be granted solely on the basis of
29 economic hardship or if it would have the effect of nullifying
30 the intent and purpose of these regulations.

31 (b) The standards and requirements of this Chapter may be modified

1 by the Department in the case of a plan and program for an urban
2 village, a complete community or a neighborhood unit, which, in
3 the judgment of the Department, provides adequate public spaces
4 and improvements for the traffic and pedestrian circulations,
5 recreation, light, air, or will encourage/assist the provision
6 of affordable housing and service needs of the tract when fully
7 developed and populated and which will provide the covenants or
8 other legal provisions as will ensure that the development will
9 not constitute an economic and tax burden on the City.

10 (c) The Director may grant a deviation of these standards for good
11 cause in writing for developments that qualify as industrial in
12 nature. ~~The deviations may include waiver of sidewalk~~
13 ~~installation and installation of curb and gutter.~~

14 (d) Sidewalk deviations.

15 (1) The Director may require a transportation study to
16 substantiate deviations from the general requirements.

17 (2) Construction waiver and payment into Sidewalk Fund. For
18 good cause, the Director may grant a waiver from the
19 requirement to construct a sidewalk at the lot to be
20 developed if an application is made, and approved, for
21 payment into the In-Lieu Sidewalk Program as outlined in
22 the LDPM. This Program is not to be used if the
23 construction of a sidewalk in that location is merely more
24 expensive than a typical sidewalk. An application should
25 only be approved if construction of a sidewalk in that
26 location is not feasible due to unforeseen or
27 uncontrollable situations as outlined in the LDPM. If the
28 application is approved, the developer shall contribute the
29 calculated amount of the sidewalk into the Sidewalk
30 Construction Special Revenue Fund (the "Sidewalk Fund")
31 pursuant to Sec. 111.550, Ordinance Code. If construction

1 of the sidewalk is not feasible at that time, or the need
2 is not immediately foreseeable, then a deferral may be
3 explored.

4 (3) Deferrals. The Director may grant a deferral for the
5 construction of a required sidewalk for residential infill
6 lots until such time as sidewalks are needed for the lot or
7 lots that are being developed or redeveloped.

8 (A) The Director shall determine when sidewalks are needed
9 based on the growth of the area surrounding the
10 development.

11 (B) A deferral granted pursuant to this subsection
12 requires the developer to execute an Agreement for
13 Sidewalk Deferral (the "Agreement") prepared by the
14 Office of General Counsel, which shall identify the
15 property that is the subject of the deferral. The
16 developer shall record the Agreement in the official
17 records of Duval County and shall forward a recorded
18 copy to the Department, the Office of General Counsel,
19 and the Department of Public Works. No Certificate of
20 Occupancy shall be issued until the Department
21 receives the recorded Agreement.

22 (C) Deferrals shall be considered by the Director based
23 upon the following criteria:

24 (i) Whether there is a destination attraction such
25 as a park, school, bus stop, shopping center,
26 etc. within a reasonable walking distance from
27 the subject property;

28 (ii) If the subject property is on a residential
29 street, whether there is a sidewalk within 100
30 linear feet on the same side of the street;

31 (iii) Whether the subject property is on a City

1 maintained roadway;

2 (iv) Whether sidewalks were shown on the approved
3 "10-set" for the development or subdivision
4 containing the subject property;

5 (v) Whether the subject property is on a dead end or
6 cul-de-sac with fewer than 15 houses; and

7 (vi) Whether the neighborhood was designed such that
8 the sidewalks were allowed to be on only one
9 side of the street.

10 (4) Variance. A variance may be granted by the Department for
11 sidewalk width or sidewalk location for good cause shown.

12
13 **Section 4. Effective Date.** This ordinance shall become
14 effective upon signature by the Mayor or upon becoming effective
15 without the Mayor's signature.

16
17 Form Approved:

18
19 /s/ Susan C. Grandin

20 Office of General Counsel

21 Legislation prepared by: Susan C. Grandin

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