

1 Introduced by Council Member White & Co-Sponsored by Council Members
2 Gaffney, Dennis, Carrico, Boylan, Diamond & Ferraro and substituted
3 by the Neighborhoods, Community Services, Public Health and Safety
4 Committee:

7 **ORDINANCE 2022-221-E**

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

16
17 **BE IT ORDAINED** by the Council of the City of Jacksonville:

18 **Section 1. Amending Section 654.106 (Definitions), Chapter**
19 **654 (Code of Subdivision Regulations), Ordinance Code.** Section
20 654.106 (Definitions), Chapter 654 (Code of Subdivision Regulations),
21 *Ordinance Code*, is hereby amended to read as follows:

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

23 * * *

24 **Sec. 654.106. Definitions.**

25 As used in this Chapter:

26 ~~(a)~~ *Abutting property* means property that is immediately adjacent
27 to property that is subject to review under these regulations
28 or property that is located immediately across a road or public
29 right-of-way from the property that is subject to review under
30 these regulations.

31 ~~(b)~~ *Alley* means a right-of-way which affords only a secondary means

1 of access to property abutting thereon.

2 ~~(e)~~ *Bikeway* means a roadway which is specifically designated as
3 being open to bicycle travel, regardless of whether such
4 facilities are designated for the exclusive use of bicyclists,
5 or are to be shared with other vehicles.

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

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

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

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

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

22 *Civil Plans* means a set of engineered drawings of a
23 development, previously referred to as the "10-set" plans, for
24 submittal to the Development Services Division for review. They
25 are engineered plans prepared by a civil engineer (or any
26 engineer qualified in the subject matter) as dictated by the
27 Florida Board of Professional Engineers.

28 ~~(i)~~ *Community* means a development offering eventually all social
29 and physical aspects of a full living environment. A full
30 living environment includes not only housing in a variety of
31 types and size ranges but also opportunities for employment as

1 well as facilities for educational, recreational and cultural
2 participation.

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

8 ~~(k)~~ *Concurrency* means that the necessary public facilities and
9 services to maintain the adopted level of service standards of
10 the Comprehensive Plan are available when the impacts of
11 development occur.

12 ~~(l)~~ *Concurrency and Mobility Management System Office (CMMSO)*
13 means the office within the Planning and Development
14 Department that is responsible for the coordination of all
15 concurrency and mobility reviews and requirements.

16 ~~(m)~~ *Concurrency Reservation Certificate (CRC)* means the official
17 document issued by the City of Jacksonville through the
18 Concurrency and Mobility Management System Office (CMMSO)
19 pursuant to Chapter 655, Ordinance Code, upon finding that an
20 application for the certificate in reference to a specific
21 final development order or final development permit for a
22 particular development will not result in the reduction of the
23 adopted level of service standards for impacted potable water,
24 sanitary sewer, recreation, public schools, drainage and solid
25 waste facilities and services as set forth in the 2030
26 Comprehensive Plan.

27 ~~(n)~~ *Conditional Capacity Availability Statement (CCAS)* means the
28 official document issued by the City through the Concurrency
29 and Mobility Management System Office (CMMSO) which precedes
30 the review of an application for a CRC and which constitutes
31 the issuance of reserve capacity or a statement of those

1 conditions which must be fulfilled prior to the issuance of
2 reserve capacity as to the public facilities listed in Section
3 655.112, Ordinance Code.

4 ~~(e)~~ *Department* means the Planning and Development Department.

5 ~~(f)~~ *Developer* means a person or his duly authorized agent who
6 undertakes the subdivision of land as defined herein. The term
7 *developer* includes the term *subdivider*.

8 *Development* has the same meaning as described in Sec. 656.1601,
9 Ordinance Code, which is "any proposed material change in the
10 use or character of the land, including, but not limited to,
11 land clearing associated with new construction, the placement
12 of any structure or site improvement on the land, or expansion
13 of existing buildings.

14 ~~(g)~~ *Director* means the Director of Planning and Development or his
15 designee.

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

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

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

30 ~~(u)~~ *Improvements, public* means any of the following, which are
31 listed only for the purpose of illustration and emphasis:

1 street pavement, with or without curbs and gutters; sidewalks;
2 alley pavement; water mains; sanitary sewers, storm sewers or
3 storm drainage; and street name signs or other traffic control
4 devices.

5 Infill development means, pursuant to the Comprehensive Plan,
6 development or redevelopment of land that is/has been vacant,
7 bypassed, and underutilized but is located within areas that
8 already have infrastructure, utilities, and public facilities.

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

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

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

29 ~~(x)~~ Lot includes plot, tract, or parcel under one ownership
30 undivided by street, railroad rights-of-way or navigable
31 waters that is a separate, distinct parcel of land with defined

1 boundaries, whether established by a plat or other a recorded
2 document. A "conforming lot" is of sufficient size to meet the
3 minimum requirements of the Zoning Code as to use, coverage
4 and area and to provide the yards and open spaces required by
5 the Zoning Code. A lot is also identified as a single unit in
6 a subdivision.

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

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

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

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

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

27 ~~(dd)~~ *Non-access easement or vehicular non-access easement* means an
28 easement used to restrict vehicular access to a property. This
29 may be from a lot to a street or between uncomplimentary uses
30 (i.e. incompatible zoning districts). The owner of land
31 subject to the easement may use the land for all other purposes

1 that rare not inconsistent with the easement, such as signs,
2 landscaping, fences, etc. Public non-access easements may be
3 vacated in the same manner provided for vacation of public
4 rights-of-way.

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

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

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

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

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

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

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

1 Avenue and Limited Avenue also have a sub-classification of
2 "Downtown." (See the Land Development Procedures Manual,
3 Section 3, for a more detailed explanation.)

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

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

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

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

16 (1) *Collector street* means a surface street providing land
17 access and traffic circulation service within residential,
18 commercial and industrial areas. Collector streets serve
19 to connect local roadway networks to the larger City-wide
20 arterial roadway network.

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

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

31 (4) *Local street* means a street designed and maintained to

1 provide access to abutting property. A local street is of
2 limited continuity and not for through traffic.

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

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

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

24 (8) *Public street* means a vehicular right-of-way, that is open
25 to the public and under the control and jurisdiction of
26 the City of Jacksonville pursuant to a deed of conveyance,
27 deed of dedication, plat dedication, or other device
28 accepted by the City, which provides the primary means of
29 vehicular ingress and egress to two or more dwelling units,
30 lots, parcels, tracts, or principal buildings.

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

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

21 (1) The combination or recombination of portions of previously
22 platted lots where the total number of lots is not
23 increased and the resultant lots comply with the standards
24 of this Chapter and the Zoning Code;

25 (2) The public acquisition of strips of land for the widening
26 or opening of streets;

27 (3) The subdivision of a tract of land where each lot has
28 adequate frontage on an existing City maintained, paved
29 public right-of-way or approved private road and all
30 required public utilities are present and available within
31 the public right-of-way or approved private road; provided,

- 1 however, that plans for such subdivision are submitted for
2 review and approval by the Director or his or her designee;
- 3 (4) The subdivision of any tract of land into parcels each of
4 which are greater than ten acres or larger or any land
5 which is divided or proposed to be divided into parcels of
6 ten acres or larger;
- 7 (5) The subdivision of land whose FLUM designation is Heavy
8 Industrial or Light Industrial, however such commercial
9 development shall be subject to design and engineering
10 review;
- 11 (6) The subdivision of land by transfer of land to a
12 governmental agency or to a nonprofit, tax-exempt nature
13 conservation organization qualifying under the United
14 States Internal Revenue Code, Section 501(c)(3);
- 15 (7) Development of commercial centers where no new streets are
16 being established, provided however, that such commercial
17 development shall be subject to design and engineering
18 review and subject to review and approval, in writing, by
19 the Director that such commercial development is not
20 subject to the platting provisions contained in this
21 Chapter;
- 22 (8) Land previously approved for sale by the Division of
23 Florida Land Sales, Condominiums, and Mobile Homes of the
24 State of Florida Department of Business and Professional
25 Regulation pursuant to the requirements of Chapter 718,
26 Florida Statutes; and
- 27 (9) Any lands which, in the opinion of the Director of Public
28 Works, should not be subject to the terms of this Chapter.

29 ~~(ee)~~ *Surveyor* means a land surveyor who is currently registered in
30 accordance with F.S. Ch. 472. *Surveyor of Record* means the
31 surveyor designated to prepare the plat of record.

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

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

Walkshed means an area within a one-quarter (¼) mile radius of a destination such as a school, library, transit stop, shopping center, park, etc.

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

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

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

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

CHAPTER 654 - CODE OF SUBDIVISION REGULATIONS

*** * ***

Sec. 654.133. Required improvements: streets; curbs and gutters; sidewalks; and bikeway requirements.

(a) Streets and public ways shall be cleared and graded, including side slopes to the specified grade. If required to prevent erosion or excessive washing of the shoulders, protective

1 measures shall be taken by the developer as required by the
2 Director.

3 (b) Streets shall be paved and standard curb and gutter installed
4 to meet the specifications of the Land Development Procedures
5 Manual.

6 (c) Sidewalks shall be provided ~~in~~ for all developments,
7 including residential or non-residential infill lots, and
8 along all new, reconstructed, and existing streets, to
9 provide safe pedestrian travel. The ~~following table~~ Land
10 Development Procedures Manual outlines general sidewalk
11 requirements based upon the Development Area of the proposed
12 development, and the impacted roadway type identified on the
13 City of Jacksonville Context Classification map. ~~Deviations~~
14 ~~from the general requirements may be granted by the~~
15 ~~Department. The Department may require a transportation study~~
16 ~~to substantiate deviations from the general requirements.~~
17 ~~Sidewalks shall be constructed in accordance with the Land~~
18 ~~Development Procedures Manual. Should the City Engineer grant~~
19 ~~an applicant the option of depositing monies into the sidewalk~~
20 ~~fund referenced under the provisions of Section 2.2 of the~~
21 ~~Land Development Procedures Manual, the City shall deposit~~
22 ~~said funds into the Sidewalk Construction Special Revenue~~
23 ~~Fund created in Section 111.550, Ordinance Code. Also, the~~
24 following shall be observed:

25 (1) When standard sidewalk width cannot be attained due to
26 demonstrated right-of-way constraints, provide the
27 greatest sidewalk width possible, but not less than five
28 (5) feet.

29 (2) Safe and exclusive pedestrian access shall be provided
30 between existing bus stops and identified future bus stops
31 and individual building lots.

(3) 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 continuous, unobstructed path of travel.~~

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 |

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~~

1 ~~and individual building lots.~~

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

5 ~~Sidewalks shall be required on new, reconstructed and~~
6 ~~existing streets adjacent to proposed developments when the~~
7 ~~development is within reasonable pedestrian access of public~~
8 ~~facilities (i.e., schools, parks, shopping centers, etc.), as~~
9 ~~determined by the Planning and Development Department or~~
10 ~~where an existing sidewalk could be joined. This requirement~~
11 ~~may only be waived by the Department when developers are~~
12 ~~approved to pay into the Sidewalk Construction Special~~
13 ~~Revenue Fund pursuant to Section 111.550, Ordinance Code.~~

14 (e) There are two options for providing sidewalks Sidewalks along
15 residential local subdivision streets. ~~have two sidewalk~~
16 ~~options.~~ Residential local subdivision streets are local
17 streets within platted subdivisions that provide access to
18 residential lots and that do not provide connectivity to major
19 arterials, minor arterials, collector streets or serve major
20 traffic generators.

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

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

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

29 ~~ii.~~ (2) Option B: Provide a six-foot wide unobstructed sidewalk on
30 one side of the street for all local streets, as long as
31 the sidewalk establishes good interconnections, and is

1 located on the side of the street that will serve the most
2 residential lots.

3 ~~iii. Sidewalks are not required on a cul-de-sac with less than
4 15 lots (Note: corner lots shall be included in the lot
5 count).~~

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

8 (f) ~~The~~ A subdivision entrance street or streets in a platted
9 subdivision which provides a connection to a collector
10 street, major arterial or otherwise serve as the entrance or
11 exist point(s) to the subdivision, shall provide a six-foot
12 sidewalk on both sides of the subdivision entrance street
13 (s), and shall connect to external sidewalks, if the same
14 exist. If external sidewalks adjacent to the subdivision do
15 not exist, ~~connecting six feet sidewalks~~ a minimum six-foot
16 wide sidewalk shall be installed at least along the frontage
17 of the subdivision, and perhaps further pursuant to staff
18 review and the LDPM. ~~subject to staff review.~~

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

21 **Section 3. Amending Section 654.137 (Deviations), Chapter**
22 **654 (Code of Subdivision Regulations), Ordinance Code.** Section
23 654.137 (Deviations), Chapter 654 (Code of Subdivision Regulations),
24 *Ordinance Code*, is hereby amended to read as follows:

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

26 * * *

27 **Sec. 654.137. Deviations.**

28 (a) Where the Department finds that compliance with the
29 regulations set forth in this Chapter would cause unusual or
30 extraordinary difficulties because of exceptional and unique
31 conditions of topography, access, location, shape, size,

1 drainage, right-of-way constraints, or other physical
2 features of the site, it may grant a deviation from this
3 Chapter so that substantial justice may be done and the public
4 interest secured; provided that the public interest is
5 protected and the development is in keeping with the general
6 spirit and intent of these regulations. A deviation may take
7 the form of a construction waiver, a deferral, or a variance.

8 The deviation may be granted upon written request of the
9 developer setting forth the reasons for each deviation and
10 subject to any conditions the Department may impose. No
11 deviation may be granted solely on the basis of economic
12 hardship or if it would have the effect of nullifying the
13 intent and purpose of these regulations.

14 (b) The standards and requirements of this Chapter may be modified
15 by the Department in the case of a plan and program for an
16 urban village, a complete community or a neighborhood unit,
17 which, in the judgment of the Department, provides adequate
18 public spaces and improvements for the traffic and pedestrian
19 circulations, recreation, light, air, or will
20 encourage/assist the provision of affordable housing and
21 service needs of the tract when fully developed and populated
22 and which will provide the covenants or other legal provisions
23 as will ensure that the development will not constitute an
24 economic and tax burden on the City.

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

29 (d) Sidewalk deviations. The Director may require a
30 transportation study to substantiate deviations from the
31 general requirements.

1 (1) Construction waiver and payment into Sidewalk Fund. For
2 good cause, the Director may grant a waiver, in areas
3 other than Downtown as defined in Sec. 656.301, Subpart
4 H, Ordinance Code, from the requirement to construct a
5 sidewalk at the lot to be developed if an application is
6 made, and approved, for payment into the In-Lieu Sidewalk
7 Program as outlined in the LDPM. This Program is not to
8 be used if the construction of a sidewalk in that location
9 is merely more expensive than a typical sidewalk. An
10 application should only be approved if construction of a
11 sidewalk in that location is not feasible due to
12 unforeseen or uncontrollable situations as outlined in
13 the LDPM. If the application is approved, the developer
14 shall contribute the calculated amount of the sidewalk
15 into the Sidewalk Construction Special Revenue Fund (the
16 "Sidewalk Fund") pursuant to Sec. 111.550, Ordinance
17 Code. If construction of the sidewalk is not feasible at
18 that time, or the need is not immediately foreseeable,
19 then a deferral may be explored.

20 (2) Deferrals. For residential infill lots only, the Director
21 may grant a deferral, in areas other than Downtown as
22 defined in Sec. 656.301, Subpart H, Ordinance Code, for
23 the construction of a required sidewalk until such time
24 as sidewalks are needed for the lot (or lots) that are
25 being developed or redeveloped.

26 (A) The Director shall determine when sidewalks are needed
27 based on the growth of the area surrounding the
28 development.

29 (B) A deferral granted pursuant to this subsection
30 requires the developer to execute an Agreement for
31 Sidewalk Deferral (the "Agreement") prepared by the

1 Office of General Counsel, which shall identify the
2 property that is the subject of the deferral. The
3 developer shall record the Agreement in the official
4 records of Duval County and shall forward a recorded
5 copy to the Department, the Office of General Counsel,
6 and the Department of Public Works. No Certificate
7 of Occupancy shall be issued until the Department
8 receives the recorded Agreement.

9 (C) Deferrals shall be considered by the Director based
10 upon the following non-exclusive list of criteria:

11 (i) Whether the lot is within the Walkshed of a
12 destination attraction such as a park, school, bus
13 stop, shopping center, etc.;

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

17 (iii) Whether the subject property is on a City
18 maintained roadway;

19 (iv) Whether sidewalks were shown on the approved Civil
20 Plans for the development or subdivision
21 containing the subject property;

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

24 (vi) Whether the neighborhood was designed such that
25 the sidewalks were allowed to be on only one side
26 of the street.

27 (3) Variance. A variance may be granted by the Department
28 for sidewalk width or sidewalk location for good cause
29 shown.

30 **Section 4. Effective Date.** This ordinance shall become
31 effective upon signature by the Mayor or upon becoming effective

1 without the Mayor's signature.

2

3 Form Approved:

4

5 _____ /s/ Susan C. Grandin

6 Office of General Counsel

7 Legislation prepared by: Susan C. Grandin

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