

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

ORDINANCE 2022-221-E

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

BE IT ORDAINED by the Council of the City of Jacksonville:

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

CHAPTER 654 - CODE OF SUBDIVISION REGULATIONS

* * *

Sec. 654.106. Definitions.

As used in this Chapter:

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

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

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

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

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

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

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

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

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

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

1 cultural participation.

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

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

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

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

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

reserve capacity as to the public facilities listed in Section 655.112, Ordinance Code.

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

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

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

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

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

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

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

~~(u)~~ *Improvements, public* means any of the following, which are listed only for the purpose of illustration and emphasis: street pavement, with or without curbs and gutters; sidewalks;

1 alley pavement; water mains; sanitary sewers, storm sewers or
2 storm drainage; and street name signs or other traffic control
3 devices.

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

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

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

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

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

document. A "conforming lot" is of sufficient size to meet the minimum requirements of the Zoning Code as to use, coverage and area and to provide the yards and open spaces required by the Zoning Code. A lot is also identified as a single unit in a subdivision.

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

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

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

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

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

~~(dd)~~ *Non-access easement or vehicular non-access easement* means an easement used to restrict vehicular access to a property. This may be from a lot to a street or between uncomplimentary uses (i.e. incompatible zoning districts). The owner of land subject to the easement may use the land for all other purposes that rare not inconsistent with the easement, such as signs,

landscaping, fences, etc. Public non-access easements may be vacated in the same manner provided for vacation of public rights-of-way.

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

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

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

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

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

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

Roadway Design Classification System means the context sensitive approach to the construction of new and reconstructed roadways and streets considering the roadway's land use context and incorporating all modes of transportation. The Design Classifications are as follows. Each Classification has the "sub-classifications" of "Urban," "Suburban," and "Rural." The Classifications of Boulevard, Avenue and Limited Avenue also have a sub-classification of

1 "Downtown." (See the Land Development Procedures Manual,
2 Section 3, for a more detailed explanation.)

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

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

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

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

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

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

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

30 (4) *Local street* means a street designed and maintained to
31 provide access to abutting property. A local street is of
32

limited continuity and not for through traffic.

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

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

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

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

(9) *Reconstructed street* means a rebuilt existing street such that its estimated life was lengthened, by means other

1 than resurfacing, its vehicular carrying capacity by weight
2 or volume of traffic was increased, or the curb to curb
3 pavement width was increased to include bicycle facilities,
4 raised medians or additional roadway elements.

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

- 19 (1) The combination or recombination of portions of previously
20 platted lots where the total number of lots is not
21 increased and the resultant lots comply with the standards
22 of this Chapter and the Zoning Code;
- 23 (2) The public acquisition of strips of land for the widening
24 or opening of streets;
- 25 (3) The subdivision of a tract of land where each lot has
26 adequate frontage on an existing City maintained, paved
27 public right-of-way or approved private road and all
28 required public utilities are present and available within
29 the public right-of-way or approved private road; provided,
30 however, that plans for such subdivision are submitted for

review and approval by the Director or his or her designee;

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

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

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

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

(8) Land previously approved for sale by the Division of Florida Land Sales, Condominiums, and Mobile Homes of the State of Florida Department of Business and Professional Regulation pursuant to the requirements of Chapter 718, Florida Statutes; and

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

~~(oo)~~ Surveyor means a land surveyor who is currently registered in accordance with F.S. Ch. 472. Surveyor of Record means the

surveyor designated to prepare the plat of record.

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

~~(cc)~~ *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 ($\frac{1}{4}$) 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 measures shall be taken by the developer as required by the Director.

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

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

(1) 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 (5) feet.

(2) Safe and exclusive pedestrian access shall be provided

between existing bus stops and identified future bus stops 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 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.~~

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

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

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

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

(B) Cul-de sac streets and minor roads that serve between fifteen (15) and thirty (30) lots may provide a five-

foot (5') wide sidewalk on one side of the street.

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

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

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

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

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

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

CHAPTER 654 - CODE OF SUBDIVISION REGULATIONS

* * *

Sec. 654.137. Deviations.

(a) Where the Department finds that compliance with the regulations set forth in this Chapter would cause unusual or extraordinary difficulties because of exceptional and unique conditions of topography, access, location, shape, size, drainage, right-of-way constraints, or other physical features of the site, it may grant a deviation from this Chapter so that substantial justice may be done and the public interest secured; provided that the public interest is protected and the development is in keeping with the general spirit and intent of these regulations. A deviation may take the form of a construction waiver, a deferral, or a variance.

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

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

(c) The Director may grant a deviation of these standards for good cause in writing for developments that qualify as

1 industrial in nature. ~~The deviations may include waiver of~~
2 ~~sidewalk installation and installation of curb and gutter.~~

3 (d) Sidewalk deviations. The Director may require a
4 transportation study to substantiate deviations from the
5 general requirements.

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

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

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

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

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

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

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

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

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

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

(vi) Whether the neighborhood was designed such that the sidewalks were allowed to be on only one side

1 of the street.

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

5 **Section 4. Effective Date.** This ordinance shall become
6 effective upon signature by the Mayor or upon becoming effective
7 without the Mayor's signature.
8

9 Form Approved:

10
11 _____/s/ Susan C. Grandin_____
12

13 Office of General Counsel

14 Legislation prepared by: Susan C. Grandin

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