

Attachment #5.

Ordinance 07-20. Provisions Related to Sidewalks and Pedestrian Mobility

Sec. 10-7.502[10-1527 and 10-1412 into (h) and 10-1538 into (l)]. General layout design standards.

- (a) A subdivision and every lot therein, as well as each undivided site to be developed, shall have legal access to a publicly dedicated street. Except for use with subdivisions that are to be platted, legal access shall also include licenses of way which are held by property owners, on the condition that the license holder agrees to execute a license recognition agreement with Leon County as a condition for the issuance of the permit. The license recognition agreement shall be in a form approved by the county attorney, and shall include covenants which shall run with the land, acknowledging the existence of a terminable license agreement as the access basis for the issuance of the permit and agreeing that the licensee shall hold Leon County harmless for the issuance of such permit. Each permit granted pursuant to this license provision shall only be issued after the department has given notice of intent to issue such permit to the owners of all property that abut the license location, other than the licensor and any entity maintaining a public street adjoining the license area. The requirement for legal access for a lot of record as of January 1, 1984 shall be waived where the existing parcel does not have legal access at the time a permit application is filed for any residential use, provided that the existing parcel has at the time the permit

application is filed and has previously maintained actual access through one or more adjoining parcels, one of which is at least 1,000 acres in size; provided that as a condition for approval of such permit, the applicant acknowledges such lack of legal access in a form approved by the County Attorney, and records such form in the public records of Leon County, and agrees to hold Leon County harmless for the subsequent issuance of any such permits.

- (b) New development shall be designed to implement a pedestrian mobility system that facilitates access to residential development, business establishments, community facilities and non-residential land uses, and, provides safe and convenient linkage between developments and the public and private street system.

Design shall support the development of a network of interconnecting streets that work to disperse traffic while connecting and integrating neighborhoods with the existing fabric of the community. Such a network makes the following possible: provides choices for drivers, bicyclists, and pedestrians, connects neighborhoods to each other and to local destinations, reduces vehicle miles of travel and travel times, improves air quality, reduces emergency response times, increases effectiveness of municipal service delivery, and frees up arterial capacity to better serve regional long distance travel needs.

The following standards shall apply to all new development, including subdivisions, undivided sites proposed to be developed, and construction of new streets:

- (1) Within the urban services area, new development shall be designed and constructed to facilitate pedestrian mobility in and between residential developments; between residential development and nearby businesses, recreational opportunities, and community facilities; and, to connect places of business to one another and to residential developments.
- (2) Within the urban services area, all new development, as well as reconstruction, expansion, and extension, as defined in article ~~X~~ VI, division 3, shall provide sidewalks along all public and private streets adjoining the development. The order of preference in placing the sidewalk is as follows: (a) within the public right-of-way; (b) at an alternative location parallel to the right-of-way; or (c) elsewhere on the development property, if approved by the County Engineer. For those developments where sidewalks cannot be located within the public right-of-way, the developer must provide and record in the public records of Leon County, Florida, all easements necessary to guarantee public access to the sidewalk.
- (3) Within the urban services area, non-residential and multifamily residential development shall provide safe and efficient sidewalk linkages between building entrances and parking areas, adjacent portions of the development, and adjacent rights-of-way. At least one accessible route in accordance with the Florida Accessibility Code shall connect buildings to parking areas and adjacent rights-of-way.

- (4) In addition to the requirements of paragraph (2), within the urban services area, both commercial and office development shall provide internal sidewalk interconnection between adjacent commercial and office development. This requirement does not apply to the following development proposals: (a) where the building entrance is located within 30 feet of a sidewalk along an adjacent right-of-way serving both developments, (b) where the length of the common property boundary of the two adjacent developments is less than 50 feet, (c) where construction or use of the sidewalk would have an adverse impact upon a preservation area, as defined in article ~~X~~ VI, or (d) where a sidewalk would create a safety hazard.
- (5) Within the urban services area, nonresidential and multi-family development shall be designed to require vehicular and pedestrian cross access to adjacent commercial, office, multi-family, recreation, and community facility uses to reduce the necessity of using the public street system in order to move between adjacent and complementary land uses. The following shall apply:
- (a) If the adjacent site is developed, the developer shall design and build the appropriate cross-access to the property line of the adjacent parcel, unless found infeasible by the Development Review Committee based on the criteria listed in paragraph 9(e)(i) and 9(e)(ii) of this section.
 - (b) If the adjacent site is undeveloped or if the adjacent site is developed but cross-access is not possible at the time of application, the developer shall design and build the cross-access to the property line of the adjacent parcel in anticipation of future connection when that site is developed or redeveloped, unless found infeasible by the Development Review Committee based on the criteria listed in paragraph 9(e)(i) and 9(e)(ii) of this section.
 - (c) The minimum pavement width of a vehicular and pedestrian cross-access shall be determined by the County Engineer or designee and shall be designed to allow for vehicular and pedestrian cross access to adjacent commercial, office, multi-family, recreation, and community uses and to allow shared access points on public or private streets.
 - (d) Shared access points, rather than individual access points, on public or private streets shall be required where it is determined by the County Engineer or designee that such shared access points would protect capacity on adjoining roadways or be in the interest of public safety.
- (6) Within the urban services area, sidewalks shall be constructed on both sides of all new arterial and collector streets. Sidewalks are required on at least one side of all other new streets within residential and non-residential subdivisions.
- (7) A sidewalk is not required where it will result in an obstruction to planned improvements in the area by the Board of County Commissioners or other governmental entity.
- (8) Sidewalks shall be installed and constructed in accordance with the requirements and specifications of the County Engineer.
- (9) Streets shall interconnect within a development and with adjoining development, and

the street system of a proposed development shall be designed to coordinate with any existing or proposed streets outside of the development.

- a. The proposed development shall include street connections to existing or proposed streets or rights-of-way that abut, are adjacent to, or terminate at the development site, unless determined impractical by the County Engineer or designee. If the adjacent ROW is not paved, the new development shall construct that offsite portion of roadway necessary to complete the interconnection.
 - b. The proposed development shall dedicate right-of-way that extends to undeveloped or partially developed land that is adjacent to the development site or that is separated from the development site by a drainage channel, transmission easement, survey gap, or similar property condition. Right-of-way shall be provided to the property line to provide for future development, and shall be in locations that will not prevent the adjoining property from developing consistent with applicable standards, as determined by the Development Review Committee.
 - c. In cases where the creation of a new collector would significantly enhance the internal and external transportation network supporting the new subdivision, as determined by the Development Review Committee, such collector, built to standards of this Code, shall be incorporated into the design of the new subdivision.
 - d. Subdivisions with individual driveway cuts into new or existing arterial and collector streets shall not be allowed, unless approved by the Development Review Committee through the deviation process. This provision shall not apply if such application would completely remove ingress or egress from the parcel, as determined by the County Engineer.
 - e. The requirements of paragraph 9(a) and (b) above do not apply if it is demonstrated, as determined by the Development Review Committee, that a connection cannot be made because of the existence of one or more of the following conditions:
 - i. Physical conditions preclude development of the connecting street. Such conditions may include, but are not limited to, topography or likely impact to natural resource areas such as wetlands, ponds, streams, channels, rivers, lakes, wildlife habitat area, or other conservation or preservation features;
 - ii. Buildings or other existing development on adjacent land, including previously subdivided but vacant lots or parcels, physically preclude a connection now or in the future. The potential for redevelopment of adjacent lands shall be considered in evaluating whether or not a connection will be required.
- (10) Pedestrian, bicycle, and emergency access will be provided to any public building, public park, trail, bikeway, transit stop, or to any abutting public school where such connection is approved by the school system.
- (11) Where residential developments have cul-de-sac or dead-end streets, such streets shall be connected to the closest local or collector street or to cul-de-sac in adjoining subdivisions via a sidewalk or multi-use path, unless deemed impractical or unsafe by the Development Review Committee.
- (12) All paths shall connect to the street system in a safe and convenient manner, as

determined by the Development Review Committee, based on the following criteria:

- a. All path connections shall be signed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) or as directed by the County Engineer.
 - b. All paths shall be built in locations that are visible and easily accessible, for the personal safety of users.
 - c. All paths, including those where multiple uses are intended (i.e., shared pedestrian and bicycle traffic), shall be constructed of durable, low-maintenance materials, with sufficient width and clearance to allow users to proceed at reasonable speeds, as determined by the County Engineer or designee.
- (c) No direct driveway access shall be permitted to a canopy road or, inside the urban service area, to a major collector or arterial roadway from any newly created residential subdivision lot, unless a variance is granted by the county.
- (d) Access points for a development shall be designed to prevent avoidable interference with traffic flow.
- (e) Frontage roads when required shall separate commercial development from adjacent arterial and major connector roadways.
- (f) Bicycle lanes and bicycle paths are required in conjunction with planned minor collector and above roadways to provide access in and between developments.
- (g) The following apply to easements:
- (1) Off-road utility easements shall be at least 20 feet wide. Off-road utility easements may be reduced, if approved by the County Engineer or the utility provider, to minimum of 15 feet in width if it can be adequately demonstrated by the applicant that such width is sufficient for the effective operation and maintenance of said utility(ies). The county shall develop criteria to be utilized by the engineer of record in determining whether or not to allow an off-road utility easement width of less than 20 feet.
 - (2) Drainage easements shall conform substantially to the 100-year floodplain of watercourses, waterbodies and wetlands and shall be of sufficient width for construction and maintenance, unless a broader conservation easement is more appropriate.
- (h) The following apply to lots:
- (1) No lot shall have a buildable area of less than 35 feet between the front and rear yard setback lines nor shall it be less than the required minimum width and depth specified in article X, or subsequent land development regulations which supersede same. Depth and width of lots subdivided for nonresidential purposes shall be adequate for building area, off-street parking, and service facilities required by the type of use and development anticipated. No lot shall have a minimum frontage of less than 15 feet.

- (2) There shall be no double frontage residential lots access except to provide separation of development from arterial streets or canopy roads or to overcome specific disadvantages of topography, orientation and property size.
- (3) No development shall occur in areas where physical constraints or hazards exist as determined by Article ~~VII~~ IV.
In such areas, density or intensity of use shall be located in adjacent areas to reflect the constraint.
- (4) Flag lots are prohibited unless their use is specifically granted by a variance.
- (5) No new developments shall be permitted which would allow development to occur within 100 feet of the centerline of a canopy road except for legal access (provided no alternative exists) or for health, safety or welfare of the public and only within the written approval of the Board of County Commissioners.
- (6) Lot corners shall be marked with permanent monumentation by a land surveyor upon approval and recordation of the final plat.
- (7) The following apply to blocks in the urban services area only:
 - a. Residential blocks shall not be greater than 1,400 feet in length.
 - b. Through-block pedestrian rights-of-way or easements not less than 20 feet in width in residential blocks greater than 1,000 feet in length shall be required where necessary to provide access to schools, play grounds and other community facilities.
- (8) Preservation of existing protected trees is encouraged and is subject to the provisions of Article ~~VII~~ IV.
- (9) Notwithstanding vested status pursuant to ~~Division 3~~ of this article, in approved subdivisions which are recorded or unrecorded, no lot shall be developed as a road which is not dedicated to the public without the express approval of Leon County Commission and the owners of two-thirds of the other lots within that subdivision.
 - (i) Private streets providing sole access to one or more lots are permissible only if all the following requirements are met:
 - (1) The minimum width of the right-of-way shall comply with county requirements. Additional width may be required if necessary for drainage or utilities outside the area of the driving surface or on-street parking facilities if permitted. A lesser width may be granted to protect large trees or other environmental features.
 - (2) Design, location, and improvement shall provide for safe intersection with public streets, safe passage of public service and emergency vehicles, and protection of adjoining property, and adequate turnaround at the end of the dead-end.

- (3) Private streets shall be built to public construction standards; provided, however, that access to lots created pursuant to policy 2.1.9 of the comprehensive plan is not required to comply with this requirement.
- (4) The term "private street" shall not include driveway.
- (5) Agreements for the continuing common use of the private street by occupants of the property served, drainage, access easements for public service and emergency vehicles, and continuing private maintenance to keep the street in condition for safe passage of public service and emergency vehicles shall be reviewed and approved in advance by the county attorney.
- (6) For private streets, the final plat and any sales documents on their face, in boldface letters, shall contain the following language: The county does not have responsibility for maintenance of the streets and drainage easements serving this property, if any, and the purchaser may be responsible for such maintenance.
- (7) The land area within a private street, stormwater, conservation areas, and other such private facilities shall not be included in calculations for meeting design standards for individual lots as specified in Article ~~X~~ VI. Common ownership and maintenance of these private facilities shall be provided.
 - (j) Within developments created pursuant to this article, the applicant shall install, grade, and construct all new streets in accordance with the requirements and specifications of the county.
 - (k) Bikeways either along streets or through a separate system of recorded easements shall be provided in residential developments created inside the urban services area and approved pursuant to these regulations and shall be installed in accordance with the requirements and specifications of the county.

Sec. 10-7.529 [10-1527.1]. Fee-in-lieu of sidewalk construction.

(a) The development review committee is authorized to determine that the construction of a sidewalk required by section ~~10-1527~~ 10-7.502(b)(2) and ~~(5)~~ (6) is inappropriate or unnecessary, under the following circumstances, and require the developer to pay into the applicable sidewalk area trust fund, a fee-in-lieu of providing sidewalks.

(b) In order to approve payment of a fee-in-lieu of sidewalk construction, the developer shall submit a formal request with sufficient documentation to the development review committee, which shall determine that one or more of the following criteria has been met:

- (1) The location of the sidewalk would likely create a significant safety hazard; or
- (2) Construction or subsequent use of the sidewalk would have an adverse impact upon a preservation area, as defined in article X; or
- (3) Construction of the sidewalk has already been scheduled by its inclusion in the approved transportation improvement plan, the approved capital budget, a state- or federally-funded project, or a development agreement executed pursuant to F.S. § 163.3221.

(c) In those instances where the development review committee authorizes payment of a fee in-lieu of sidewalk construction, the following provisions shall apply:

- (1) The developer shall pay a fee in-lieu to the sidewalk area trust fund account, applicable based upon project location, prior to receiving final approval for the development;
- (2) The fee shall be adopted by resolution of the Board of County Commissioners.

(d) Appropriation of fees paid in-lieu of sidewalk construction. To facilitate the equitable and efficient expenditure of fee revenues for the exclusive purpose of improvements to the pedestrian mobility system within the area of affected development projects, there are hereby established the following Leon County Sidewalk Trust Fund Areas:

Trust fund area 1: That portion of county commission district 1, not including that area within the corporate limits of any municipality, located within the urban services area, as of July 31, 2004;

Trust fund area 2: That portion of county commission district 2, not including that area within the corporate limits of any municipality, located within the urban services area, as of July 31, 2004;

Trust fund area 3: That portion of county commission district 3, not including that area within the corporate limits of any municipality, located within the urban services area, as of July 31, 2004;

Trust fund area 4: That portion of county commission district 4, not including that area within the corporate limits of any municipality, located within the urban services area, as of July 31, 2004; and,

Trust fund area 5: That portion of county commission district 5, not including that area within the corporate limits of any municipality, located within the urban services area, as of July 31, 2004.

Fees collected pursuant to this section shall be held in an account for that trust fund area in which the affected development project is located; shall be expended only for the purpose of improvements to the pedestrian mobility system within that trust fund area; and, may not be combined with the assets of any other trust fund area account, except when used for improvements to the pedestrian mobility system facilities extending into two or more trust fund areas, in which case only those assets necessary for the improvements may be combined. Any fees paid in-lieu of sidewalk construction associated with an individual development project not expended within a period of seven years from the date of collection shall be refunded to the payer.

(e) The directors of the growth management division and Leon County Public Works Department or his designee shall be authorized to administer and provide interpretations regarding the implementation and administration of this section.