

Sec. 10-7.529. - General requirements for sidewalks with new development; fee in-lieu of sidewalk construction.

- (1) *Purpose and intent.* 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) *Objective.* New development shall be designed to implement a pedestrian mobility system that facilitates access to residential development, business establishments, community facilities and other nonresidential land uses, and, provides safe and convenient linkage between developments and between the public and private street system.
- (3) *Specific requirements for sidewalks.*
 - (a) *Along adjacent streets and rights-of-way.* Within the urban services area, all new development, as well as reconstruction, expansion, and extension, as defined in article VI, division 3, shall provide sidewalks along all public and private streets adjoining the development. The sidewalk shall be located as follows: when sufficient right-of-way is exists, the sidewalk shall be located within the public right-of-way; when sufficient right-of-way does not exist, the sidewalk shall be located at an alternative location parallel to the right-of-way or 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.
 - (b) *Linking pedestrian on-site destinations and adjacent rights-of-way.* Within the urban services area, nonresidential 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.
 - (c) *Linking adjacent development.* 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: (i) where the building entrance is located within 30 feet of a sidewalk along an adjacent right-of-way serving both developments, (ii) where the length of the common property boundary of the two adjacent developments is less than 50 feet, (iii) where construction or use of the sidewalk would have an adverse impact upon a preservation area, as defined in article VI, or (iv) where a sidewalk would create a safety hazard.
 - (d) *Along new streets.* Within the urban services area, sidewalks shall be constructed on both sides of all new arterial and collector streets. Sidewalks shall be constructed on at least one side of all other new streets within residential and nonresidential subdivisions.
 - (e) *Design and construction standard.* Sidewalks shall be installed and constructed in accordance with the requirements and specifications of the county engineer.
 - (f) *Exemptions.* Sidewalks shall not be required in association with new residential development within the Lake Protection zoning district.
- (4) *Fee in-lieu of sidewalk construction authorized.* In those instances where the development review committee determines, pursuant to the satisfaction of applicable criteria set out herein, that the construction of a sidewalk required by section 10-7.502(b)(2) and (6) is inappropriate or unnecessary, the applicant for the development or subdivision shall be required to pay, into the applicable sidewalk area trust fund, a fee in-lieu of providing the sidewalk.
- (5) *Fee in-lieu of sidewalk construction - process and criteria for approval.* 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 approve the request if it finds that one or more of the following criteria have been met:
 - (a) The location of the sidewalk would likely create a significant safety hazard; or
 - (b) Construction or subsequent use of the sidewalk would have an adverse impact upon a preservation area, as defined in article X; or
 - (c) 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; or
 - (d) The construction of sidewalks is not warranted at the time of development due the presence of safety hazard or environmental limitations off-site that would likely preclude the extension of sidewalks to the affected development site; or
 - (e) the affected development site lies within a subdivision recorded prior to August 1, 2006, that does not presently have sidewalks; or

- (f) The construction of a sidewalk from the interior of the site connecting to the public sidewalk system along and parallel to street frontage, when the site is located within a the M-1, I, or PUD zoning district and principal use is proposed to be industrial or warehousing, and such sidewalk would not be warranted at the time of development due to projected low pedestrian accessibility demand.
- (6) *Payment of fee in-lieu.* In those instances where the entity with authority to approve a proposed development or subdivision authorizes payment of a fee in-lieu of sidewalk construction, the following provisions shall apply:
- (a) 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;
- (b) The fee shall be adopted by resolution of the Board of County Commissioners.
- (7) *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.
- (8) *Interpretation.* The directors of the departments of growth and environmental management and public works or their designees shall be authorized to administer and provide interpretations regarding the implementation and administration of this section.

(Ord. No. 07-20, § 2, 7-10-07; Ord. No. 08-03, § 20, 1-29-08)