

ORDINANCE NO. 6054

PROPOSED ORDINANCE NO. 24-038

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO ZONING; PROVIDING FOR TEXT AMENDMENT LDC24-006 TO ARTICLE 4 (GENERAL SITE DEVELOPMENT STANDARDS), SECTION 4.7 (PEDESTRIAN, BICYCLE AND TRANSIT FACILITIES) OF THE LAND DEVELOPMENT CODE TO REVISE THE PAYMENT IN LIEU OF CONSTRUCTION REQUIREMENT WHERE A SIDEWALK NETWORK DOES NOT EXIST ON LOCAL STREETS AND WHERE A SIDEWALK WOULD NOT BE FEASIBLE DUE TO SITE CONSTRAINTS; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, by Ordinance 5425, adopted on December 16, 2013, the City Commission of the City of Lakeland, Florida adopted the Land Development Code for the City of Lakeland; and

WHEREAS, the Planning and Zoning Board held a public hearing on July 16, 2024, to consider Text Amendment LDC24-006 to Article 4 (General Site Development Standards), Section 4.7 (Pedestrian, Bicycle and Transit Facilities) of the Land Development Code to revise the payment in lieu of construction requirement where a sidewalk network does not exist on local streets and where a sidewalk would not be feasible due to site constraints ; and

WHEREAS, the Planning and Zoning Board, at the conclusion of its regular meeting on August 20, 2024, approved and recommended to the City Commission that Text Amendment LDC24-006 to the Land Development Code be adopted; and

WHEREAS, the City Commission, after conducting a duly-advertised public hearing at which all interested persons were afforded the opportunity to be heard, finds that it is in furtherance of the public health, safety and welfare of the citizens of the City of Lakeland to adopt Text Amendment LDC24-006 as described above;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA:

SECTION 1. The foregoing findings are true and correct and are incorporated herein by reference and made a part hereof.

SECTION 2. Text Amendment LDC24-006 to the Land Development Code, as set forth in Attachments "A," attached hereto and made a part hereof, is hereby adopted and made a part of the City's Land Development Code.

SECTION 3. The City Commission does hereby expressly find that the provisions of this Ordinance are in conformity with the Comprehensive Plan of the City of Lakeland adopted by Ordinance 5885, and that all procedures for the enactment of this Ordinance have been complied with.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. If any word, sentence, clause, phrase or provision of this Ordinance, for any reason, is held to be unconstitutional, void or invalid, the validity of the remainder of this Ordinance shall not be affected thereby.

SECTION 6. This Ordinance shall take effect immediately upon its passage.

PASSED AND CERTIFIED AS TO PASSAGE this 16th day of
September, A.D. 2024.



H. William Mutz

H. WILLIAM MUTZ, MAYOR

ATTEST: *Heather S. Bradman*
for _____
KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: *Palmer C. Davis*

PALMER C. DAVIS
CITY ATTORNEY

ATTACHMENT "A"

ARTICLE 4: - GENERAL SITE DEVELOPMENT STANDARDS

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4.7 – PEDESTRIAN, BICYCLE AND TRANSIT FACILITIES

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4.7.2 SIDEWALKS**4.7.2.1 Applicability****a. Principal Structure on Lot or Parcel**

Prior to the issuance of a Certificate of Occupancy for any residential or non-residential principal structure, the developer or property owner shall construct sidewalks along roadways adjacent to all front and street side lot lines where sidewalks do not presently exist, except for any new single-family or two-family structure on any local street where a sidewalk presently exists directly on the opposite side of the street. Such sidewalks shall not be required for the enlargement, alteration or reconstruction of existing single-family or two-family structures, provided that a building permit for reconstruction is pulled within 12 months of the demolition of the existing single-family or two-family principal structure. In the case of new principal structures in existing multi-building complexes, such sidewalks shall only be required when the aggregate cost of the improvements exceeds 50 percent of the total assessed value of all structures located on the same lot or parcel.

b. Enlargement, Altered or Reconstructed Multi-Family or Non-Residential Principal Structure on Lot or Parcel

Prior to the issuance of a Certificate of Occupancy for any enlarged, altered or reconstructed multi-family or non-residential principal structure on a lot or parcel, the developer or property owner shall construct sidewalks along roadways adjacent to all front and street side lot lines where sidewalks do not presently exist when the aggregate cost of the improvements exceeds 50 percent of the total assessed value of all structures located on the same parcel.

c. Subdivisions (including Mobile Home Subdivisions)

1. **Abutting Streets:** Upon the construction of roadways for any new subdivision or resubdivision, the developer shall construct sidewalks along the subdivision side of each roadway abutting the subdivision where sidewalks along roadways adjacent to all front and street side lot lines where sidewalks do not presently exist when the aggregate cost of the improvements exceed 50 percent of the total assessed value of all structures located on the same parcel.

2. **Internal Streets:** Upon the construction of roadways for any new subdivision or resubdivision, the developer shall construct sidewalks along both sides of arterial and collector roadways internal to the subdivision, and along at least one side of local streets internal to the subdivision. As an alternative, required sidewalks on internal local streets adjacent to building sites may be constructed on a lot by lot basis prior to the issuance of a Certificate of Occupancy for a structure on each respective lot. If this alternative is used, the developer shall construct sidewalks on arterial roadways, collector roadways, and on local streets adjacent to common areas that are not building sites at the time of roadway construction. If the developer elects to have sidewalks on only one side of any internal local street, he shall indicate on the plat

the side of the street on which the sidewalk will be constructed. Such sidewalks shall be continuous on one side of the street within the same block but may cross to the other side on the next block. In the case of through lots, the Director of Community Development shall determine which yards function as rear yards and which functions as front yards and the developer shall construct sidewalks adjacent to any yards that function as rear yards at the time of roadway construction. Sidewalks adjacent to through lot yards that function as front yards may be constructed on a lot by lot basis as above.

d. Multi-family Developments

Prior to the issuance of a Certificate of Occupancy for the first unit in any new multi-family residential development, the developer or property owner shall construct sidewalks along the development side of each roadway abutting the development where sidewalks do not presently exist, except on any local street where a sidewalk presently exists directly on the opposite side of the street, and along at least one side of all internal roadways. Internal sidewalks shall connect all buildings, on-site amenities and any existing or planned external sidewalks along the project frontage.

e. Mobile Home Parks

Prior to the issuance of a Certificate of Occupancy for any new mobile home park, the developer or property owner shall construct sidewalks along the development side of each roadway abutting the development where sidewalks do not presently exist, except on any local street where a sidewalk presently exists directly on the opposite side of the street, and along at least one side of all entrance roadways.

f. Shopping Centers

Prior to the issuance of a Certificate of Occupancy for the first unit in any new shopping center, the developer or property owner shall construct sidewalks along the development side of each roadway abutting the shopping center where sidewalks do not presently exist.

g. Multi-Unit Industrial or Office Park Developments

Prior to the issuance of a Certificate of Occupancy for the first unit in any new multi-unit industrial or office park development, the developer or property owner shall construct sidewalks along the development side of each roadway abutting the development where sidewalks do not presently exist, except on any local street where a sidewalk presently exists directly on the opposite side of the street, and along at least one side of the principal entrance roadway. Sidewalks shall be constructed between the principal customer entrances of each building entrance within an office park campus.

h. On Designated Main Streets within Urban Neighborhood (UNH), Center (UCT), Corridor (UCO) and Special Purpose (USP) Context Districts

For new or reconstructed multi-family or non-residential principal structures, the developer or property owner shall construct six- to twelve-foot wide sidewalks along frontages of designated Main streets as illustrated in Figure 3.3-1 (Street Types), with right-of-way or easements being dedicated to the City for any portions of required sidewalks that would otherwise extend outside of public right-of-way. The final sidewalk width shall be determined by the City Engineer prior to engineered site or construction plan approval.

a. Payment in Lieu of Construction

1. Local Streets, Where Sidewalk Network Does Not Exist on Local Streets: In the case of new single-family and two-family infill development or infill redevelopment on a local street where there is no existing sidewalk ~~to tie into~~ on the same side of the street and no existing sidewalk directly on the opposite side of the street, the developer or property owner shall make a payment into the Sidewalk Construction Fund in lieu of constructing sidewalks along local streets. Such payment shall be equivalent to ~~twenty~~ one-hundred percent of the per linear foot cost to the City for installing the sidewalk based upon the current market price as determined by the City Engineer. In those instances where sidewalk segments exist on both sides of a street, then the City Engineer shall determine the preferred side of the street where sidewalk construction will be required by new development or redevelopment based on such factors as amount of existing sidewalk, physical impediments and right-of-way restrictions that cannot be mitigated. Payment shall be made prior to the issuance of a building permit for the structure. This exception shall not apply in the case of lots in subdivisions where the developer has chosen to construct sidewalks on a lot-by-lot basis in accordance with Sub-Section 4.7.2.1.c.2.
2. Any Street, Regardless of Classification, Where Sidewalk Not Feasible, Regardless of Street Classification: The City Engineer shall be authorized to determine if the construction of sidewalks required by this section is infeasible, impractical, unsafe or otherwise undesirable in a particular case due to topographic conditions, right-of-way restrictions that cannot be mitigated, the presence of existing physical impediments including trees, impending roadway or utility construction, or other circumstances that the City Engineer shall deem appropriate. In such case, the developer or property owner shall make a payment into the City of Lakeland Sidewalk Construction Fund in lieu of constructing the required sidewalks. Such payment shall be equivalent to ~~eight-five~~ one-hundred percent of the ~~per linear foot~~ cost to the city for installing the sidewalk, including design, earthwork and drainage costs, based upon the current market price as determined by the City Engineer. Payment shall be made prior to the issuance of any building permit for the development, or in the case of a subdivision, prior to final plat approval.