

STAFF REPORT



SUBJECT: Discussion of the Sidewalk, Curb and Gutter Waiver Process of the Subdivision Ordinance

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

BACKGROUND:

Section 155, known as the Subdivision Ordinance, provides specific design standards and regulations for subdivisions, including the requirements for sidewalks, curbs and gutters. The Subdivision Ordinance also provides for a waiver process for relief from such requirements. Waivers are reviewed by the Planning and Zoning Commission and the recommendation of the Commission is reviewed by City Council.

City Council requested review of the waiver process. The following discussion points are for consideration:

1. Consider mechanisms for a cost share program.
2. Consider an overlay district where these standards are required/not required.
3. Require the standards only for certain city owned streets.
4. Either fully require the standards or repeal the standards.
5. Establish a policy that will serve as a guiding document for the Planning and Zoning Commission, possibly including components such as:
 - A. Sidewalks, curbs and gutters will be required for new subdivision developments that are, or will be as a result of the development, served by City Streets and public utilities (subdivision development as in multiple lots, for example, Elk Ridge).
 - B. For City owned streets – infill lots
 1. Will not be required if existing street/development, built before ordinance was put into effect, has less than X% of sidewalks, curb and gutters in place.
 2. Will not be required if existing street/development has fewer than X% of the total parcels available for construction.
 3. Will not be required if the infill lot is for a residential area built before the ordinance was adopted AND i).the parcel is isolated in a manner that the contiguous lots with structures are without sidewalks, curbs and gutters, and ii). the construction of the sidewalk, curbs and gutters would not correlate with the predominant “feel” or “vibe” of the neighborhood.
 - C. Newly annexed properties – post ordinance – mandate sidewalks, curbs and gutters if public utilities will be provided.
 - D. Sidewalks, curbs and gutters will not be required for State or County owned roads unless so governed by the respective entity.