

STAFF REPORT



SUBJECT: Subdivision Ordinance – Waivers Relating to Sidewalks, Curbs and Gutters

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen, Director

RECOMMENDATION:

Consider the alternatives provided below and provide staff direction.

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 a review of the waiver process and directed staff to provide proposed revisions that would incorporate the following components:

1. Provide mechanisms for a cost share program.
2. Correlate the waiver requests with the use of 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.

ALTERNATIVES

The following options are being presented for consideration.

Option A – Maintain the existing waiver process with the following revisions to the applicable sections of the Subdivision Ordinance:

1. Waiver requests will not be considered for new developments or newly platted or replatted properties after an established future date.
2. Waiver requests will not be considered for properties that lie within the areas previously accepted as part of the Sidewalk Improvement Program adopted by Resolution No. 2019- R05. This action was taken in February 2019.
3. Require a sidewalk dedication payment equal to 15% of the total improvement cost of the requested waiver (based on calculations derived from the most current bid tabulation sheet for sidewalk, curb and gutter improvements) of persons granted waivers for properties that do not fall within items 1 or item 2 above. Appropriate the funds to develop sidewalk, curb and gutter in other areas.

Option B – Incorporate a staff review component in an effort to reduce waiver cases requiring Council action.

1. Create a minor waiver application for staff review.

2. Establish a decision workflow for staff use.
3. Establish an appeal process to City Council.
4. Require a dedication payment equal to 15% of the total improvement cost of the requested waiver (based on calculations derived from the most current bid tabulation sheet for sidewalk, curb and gutter improvements) to persons granted waivers for properties that do not fall within items 1 or item 2 above.

Option C – Add/Remove or combine Items from Option A and/or Option B.

Option D – Take no action and continue with the existing waiver process.

Option E – Revise the applicable sections of the Subdivision Ordinance to require these improvements in all circumstances.

Option F - Repeal the applicable sections of the Subdivision Ordinance to remove the requirements for sidewalk, curbs and gutters.