AN ORDINANCE PERTAINING TO SIDEWALKS; AMENDING SECTION 50-181 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES FOR THE PURPOSE OF AMENDING EXCEPTIONS TO THE SIDEWALK REQUIREMENTS AND AMENDING DEVELOPER OPTIONS FOR SIDEWALK INSTALLATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER PROVISION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 50-181 of the Code of Ordinances of the City of Naples requires new construction in commercial and in multi-family zoned areas to provide for sidewalks; and

WHEREAS, Section 50-181 exempts certain single family areas within commercial and multi-family zoned areas from the requirement to provide sidewalks; and

WHEREAS, Section 50-181 allows developers of projects within commercial and multi-family zoned property to decide whether to build new sidewalks or to pay into a City fund for City construction of sidewalks; and

WHEREAS, it is in the City's best interest to amend Section 50-181 to consistently apply sidewalk requirements within commercial and multi-family zoned property by eliminating exceptions to providing sidewalks for single family and duplex developments and eliminating the option of developers determining if sidewalks are needed at the time of redevelopment;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. That Section 50-181 of the Code of Ordinances of the City of Naples, Florida, pertaining to sidewalks is hereby amended, as follows (with strikethrough indicating deletions and underline indicating additions):

ARTICLE VII.

SIDEWALKS

Sec. 50-181. Required; exceptions.

In all districts except single-family residential districts and except for certain concentrations of single-family and duplex developments in multifamily zone districts, sidewalks shall be constructed, if not already existing, along the street frontage of a lot which is being developed for a permitted use. In cases where no other sidewalks exist in the block or the required sidewalk will make no viable connection, the developer may, at the developer's option, the City Manager shall determine whether construction or reconstruction of a sidewalk is required, or whether the property owner shall pay to the City an amount equivalent to the standard cost of such sidewalk. Such payments shall be used for sidewalk construction within the City. Pay into the City's sidewalk/bikeway street fund an amount equivalent to the standard cost of such a sidewalk, as determined by council contracts found in the city offices. Such funds may then be used for sidewalk construction anywhere within the city.
Ordinance 08-12082

Section 2. That it is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Naples, Florida.

Section 3. If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 4. That all sections or parts of sections of the Code of Ordinance, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict therewith, be and the same, are hereby repealed to the extent of such conflict.

Section 5. This ordinance shall take effect immediately upon adoption at the second reading.

APPROVED AT FIRST READING THIS 21ST DAY OF MAY, 2008


Attest: Tara A. Norman, City Clerk

Approved as to form and legality: Robert D. Pritt, City Attorney

Date filed with City Clerk: 6/17/08