



Legislation Text

File #: 21-0124, **Version:** 1

Summary

To: Planning and Zoning Board
From: Town Staff
Date: 5/6/2021

Subject:

Discussion of Driveway and Sidewalk Paver Interface

Summary:

The Town Commission discussed this item at the April 20th regular meeting and it was their consensus to have the Planning and Zoning Board review.

The Town received a request from Ms. Carroll of 9 DeSoto Place to run driveway pavers continuously to the street. Currently this is not allowed per code due to ADA concerns and maintenance.

In March of 2019, the Commission, on the recommendation of staff and the Town attorney, prohibited the installation of pavers in sidewalk paths. The primary reason of course was to address ADA concerns, as maintenance of sidewalks is the town's responsibility per code. Due to the nature of the bricks, multiple lifts and hazards can arise from the installation of the pavers. Repair and maintenance of traditional concrete panels is easier and more cost effective to inspect, level and ultimately replace than brick pavers. Due to the increased costs, particularly during road construction, staff recommended that moving forward the town enforce the previously required indemnification agreements with residents and ensure that increased costs for replacement were born by the homeowners of improved drive aisles.

If the Commission wishes to reverse this decision, I would recommend that it does so by ordinance and carefully examine the responsibility for maintenance of the sidewalks. Staff's largest concern is first liability and second on-going maintenance expense. Staff's opinion is that the town should take on neither more risk nor more expense of maintenance due to improvements of an individual homeowner.

A number of different remedies possibly exist:

1. Change the code, make maintenance and responsibility to ensure the sidewalk is safe, the responsibility of the owner of the affected parcel
2. Modify the current indemnification agreement, have the parcel owner agree to assume all liabilities and risk. Include specific time frame for repair, and penalties for breach. The exact terms would need to be explored by the Town Attorney
3. In addition to 2 above require a mitigation bond
4. Consider code modification that doesn't wholesale change all sidewalk maintenance responsibility but may amend language similar to:

“ Pavers, if installed in accordance with Pinellas County Standard Detail 1345 and subject to the following:
a. Paver driveways shall be installed and at all times maintained in compliance with

Americans with Disabilities Act (ADA) requirements, if applicable.

- b. The owner of the property served by or upon which a paver driveway is or was previously installed is solely responsible for all maintenance and repair of the paver driveway within the town right-of-way. The town shall not be liable for the costs of any maintenance, repair, or replacement including re-bordering, cleaning, re-sanding, replacing, resetting, and washing of the paver driveway or sidewalk regardless of the reason(s) requiring the maintenance or repair.
- c. In the event any property owner fails to maintain and repair the paver materials within the town right-of-way, the town may, without prior notice to the property owner, perform the necessary maintenance, repair, or replace any portion of the driveway or sidewalk within the town right-of-way, using any materials approved by this Code. In no circumstances shall the town be obligated to replace pavers. Alternatively, if the building official deems appropriate, the property owner may be given notice and an opportunity to bring the driveway into compliance with this Code. The property owner is responsible for the costs of any restoration or repairs made by the town pursuant to this chapter;
- d. A property owner, occupant, or agent shall regularly inspect a driveway or sidewalk composed of pavers. Where a driveway or sidewalk composed of pavers is in the public right-of-way and in violation of this Code, the owner, occupant, or agent thereof, must repair or replace the damage in the manner provided in this chapter for the construction of new driveway or sidewalk at their own cost. If the owner, occupant, or third party does not repair or replace the noncompliant pavers, the town may perform any repairs or replacement the town deems is warranted at the expense of the owner;
- e. No owner, occupant, or agent of any property may allow sidewalks composed of pavers to be in violation of this section
- f. The town shall not be responsible for cleaning, or repairing any damage due to trash, oils, or other debris or damage as a result of solid waste collections ;
- g. A permit shall not be issued for the installation of a paver sidewalk if the town has not been fully compensated for prior expenses incurred in removing, repairing, or replacing a noncompliant paver sidewalk on the subject property.”

Brick pavers can have a positive impact, they are generally aesthetically pleasing, are less impervious than concrete, absorbing water and vehicular pollutants and raise property value. They are however more costly to install, maintain, and replace and present some hazard to pedestrians if not properly maintained. If the Commission wishes to reconsider, staff will work with the Town Attorney to draft changes possibly to the

ordinances and the Indemnification agreement.

Previous Commission Action: N/A

Background/Problem Discussion: N/A

Expenditure Challenges N/A

Financial Implications: N/A

Recommendation: N/A

Proposed Motion No proposed motion.