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HUDSON

COMMUNITY DEVELOPMENT • 115 Executive Parkway, Suite 400 • Hudson, Ohio 44236 • (330) 342-1790

DATE: June 3, 2015: Staff Report issued

TO: City of Hudson Planning Commission for
June 8, 2015 Planning Commission Meeting

FROM: Greg Hannan, City Planner
Mark Richardson, Community Development Director

SUBJECT: LDC Text Amendment
Pedestrian Sidewalk Fund
Ordinance No. 15-61

PC Case No: 2015-11

Introduction

This case concerns the amendment of Chapter 1205, “Zoning Districts” and Chapter 1207, “Zoning Development and Site Plan Standards,” of the Land Development Code to Provide for Fund-in-Lieu of the Construction of Public Sidewalks and Other Pedestrian and Non-Vehicular Circulation Systems”. On March 3, 2015 Council conducted its first reading and referred the ordinance to Planning Commission for public hearing and recommendation.

Please find attached to this report the following:

1. Comparison of Proposals dated June 8, 2015
2. Draft Ordinance 15-33
3. Comments from Mr. Tom King dated May 6, 2015
4. Staff report to Council from its March 3, 2015 meeting
5. Email from City Engineer Thom Sheridan dated October 10, 2012
6. PC Decision dated March 11, 2013

Planning Commission conducted its public hearing on the proposed legislation at its meeting of May 11, 2015. At the meeting Mr. Tom King presented a list of comments for the Commission to consider. The Commission continued the case to the June meeting so that staff could analyze Mr. King’s comments. Staff has analyzed the comments and conducted further analysis of its own. Staff has compared the existing code text, the proposed text as of May 11, Mr. King’s suggestions, and staff recommendations in a chart attached to this report. Staff maintains that the proposal of May 11 is sound except in the following five ways:

1. Staff endorses Mr. King’s suggestion that developments in District 4 and 5 not be allowed the option of paying funds-in-lieu of sidewalks. As Mr. King notes, there is such a prevalence of sidewalks that any property without sidewalks should have them.

Further staff recommends that developments in Districts 6 and 8 not be allowed the funds-in-lieu option. Staff is recommending that the possibility of a waiver from sidewalk requirements be maintained in these zoning districts, a possibility that does not exist in other zoning districts. Therefore PC will determine if sidewalks should actually be installed with a development in these districts or not. If sidewalks are not required funds-in-lieu of sidewalks should not be required.

2. Staff endorses Mr. King’s suggestion that development would not need to conform to the City’s Connectivity Plan. The plan was developed as a tool to guide Council’s

prioritization and budgeting for paths and trails. The plan could be used by PC to refuse an offer of funds-in-lieu of sidewalks.

3. Staff maintains that the May 11 proposal is sound concerning requiring sidewalks on only one side of most streets. Staff recommends that PC consider requiring sidewalks on both sides of the street in Districts 1 and 3, in addition to Districts 4 and 5 and along Darrow Road. Districts 1 and 3 have minimum lot widths of 100 and 150 feet respectively resulting in enough homes fronting a street to justify sidewalks on both sides.
4. Mr. King's suggestion that sidewalks should be required on cul-de-sacs longer than 250 feet prompted staff to examine this issue. Staff is recommending that the existing text, which does not exempt cul-de-sacs should be maintained. The length of these sidewalks would be minor and eligible for the funds-in-lieu option.
5. Mr. King's suggestions concerning determining the amount of payment in lieu of sidewalks prompted staff to examine this issue. Staff is recommending revised text that removes discretion from this determination by establishing a percentage of the City's cost to install sidewalk as the requirement. City Engineer Thom Sheridan found that a private developer's cost to install sidewalk is about 60% of the City's. Staff is suggesting that the City require 70% of this amount if funds-in-lieu of sidewalks is offered and accepted. We believe that 70% will encourage the actual installation of sidewalk, but not make an offer of funds-in-lieu unreasonable.

This legislation was first proposed in 2013 and tabled then in order for the City to address the following four concerns of Planning Commission as listed in its decision of March 11, 2013. Following is a list of those concerns and how the legislation and staff's recommendations address these concerns.

1. Whether or not sidewalks should be required City-wide or only in certain areas or districts. *The legislation as proposed requires sidewalks City-wide, but not to the extent presently required. The proposed legislation contains the following provisions:*
 - a. *The general non-vehicular circulation requirement is made applicable to Districts 5 – 10 in addition to District 1 - 4.*
 - b. *The funds-in-lieu option is added to the general non-vehicular circulation requirement.*
 - c. *Sidewalks are generally required on one side of the street, except in Districts 4 and 5, and possibly 1 and 3, where they are required on both, but not on permanent cul-de-sacs less than 250 feet in length or on which six lots or less front.*
 - d. *The sidewalk requirement text was made consistent among all zoning districts.*
2. Should funds-in-lieu of sidewalk be permitted at all? *The premise of the legislation is that they should be permitted.*
3. If funds-in-lieu are permitted, where or in what districts should this option be permitted. *Staff recommends that the option should only be allowed in Districts 1, 2, 3, 7, 9, and 10.*
4. What is the method by which the amount of funds-in-lieu would be calculated? *Staff recommends that Draft Ordinance No. 15-33 be revised at Section 1207.13(e)(2) to read: "For purposes of determining the value of public sidewalks and other pedestrian and non-vehicular circulation systems for funds paid in-lieu of providing the same, the Planning Commission shall establish the payment to be seventy (70) percent of the cost the City would pay to install the system as approved by the City Engineer."*

Findings: Section 1204.01 Text Amendments

Staff finds the text amendment meets all applicable sections of Section 1204.01 and therefore recommends its approval.

Required PC Action, Section 1203.03(c)(1)(B)

PC must make specific recommendations to the City Council, and transmit the application to City Council, together with the text amendment pertaining thereto within 120 days from receipt of the City Council's referral.

Recommendation

The Planning Commission recommends City Council adopt Ordinance No. 15-33, An Ordinance Amending Chapter 1205, "Zoning Districts" and Chapter 1207, "Zoning Development and Site Plan Standards," of the Land Development Code to Provide for Fund-in-Lieu of the Construction of Public Sidewalks and Other Pedestrian and Non-Vehicular Circulation Systems as amended according to the recommendations listed on "Comparison of Proposals Concerning the Pedestrian Sidewalk Fund Legislation" chart dated June 8, 2015.

**Comparison of Proposals Concerning the Pedestrian Sidewalk Fund Legislation
June 8, 2015**

		Existing	Proposed as of May 11, 2015 Meeting	King Proposal	Recommendation
1	General provision Non-vehicular circulations systems	Provision shall be made in the design of all developments for non-vehicular circulations systems, including but not limited to sidewalks, pathways, and bikeways. (D 1, 2, 3, 4)	Provision shall be made in the design of all developments for non-vehicular circulations systems, including but not limited to sidewalks, pathways, and bikeways. (D 1, 2, 3, 4, 5, 6, 7, 8, 9, 10)	No comment.	May 11 proposal
2	General provision Funds-in-lieu option	No provision allowing funds-in-lieu of sidewalks	<u>Funds-in-lieu of public sidewalks and other non-vehicular circulation systems may be provided as set forth in Section 1207.13(e) of this Code.</u> (D 1, 2, 3, 4, 5, 6, 7, 8, 9, 10)	Do not allow this option in Districts 4 and 5. (D 1, 2, 3, 4, 5, 6, 7, 8, 9, 10)	King proposal and do not allow the option in Districts 6 and 8; therefore the option would be available in Districts 1, 3, 7, 9, and 10.
3	Sidewalk requirements: Connectivity Plan	No provisions concerning the Connectivity Plan	Sidewalks and other non-vehicular circulation systems shall be provided as set forth in an adopted Connectivity Plan.	Remove May 11 proposal, leaving the existing text unchanged.	King proposal
4	Sidewalk requirements: Side of the street, width, planting strips	Sidewalks at least five feet wide shall be provided on both sides of all streets in District __, shall run parallel to the street within the right-of-way, and shall be separated from the curb by a planting strip of a least seven feet wide. (D 1, 3, 4, 5 (7, 9))	Sidewalks at least five feet wide shall be provided on both <u>one</u> side of all streets in District __ (except D 4 and 5 where they shall be provided on both sides), shall run parallel to the street within the right-of-way, and shall be separated from the curb by a planting strip of at least (5 or 7)' wide. D 1, 3, 4, 5, 7, 9, 10)	No comment	May 11 proposal. Recommend requiring sidewalks on both sides of the street in Districts 1 and 3.
5	Sidewalk requirements: D 6 and 8 waiver	Sidewalks or paved paths at least 5' wide shall be provided on one side of an abutting public street unless the PC, based upon the prior approval of an industrial park or for environmental reasons, determines to waive this requirement.	No change.	Sidewalks or paved paths at least 5' wide shall be provided on one side of an abutting public street unless the PC, based upon the prior approval of an industrial park or for environmental reasons, determines to waive this requirement.	May 11 proposal
6	Sidewalk requirements: Cul-de-sacs in all but D 6 and 8	No provision exempting sidewalks on cul-de-sacs.	<u>... except sidewalks shall not be required along permanent cul-de-sacs.</u> (D 1, 3, 4, 5, 7, 9, 10)	<u>... except sidewalks shall not be required along permanent cul-de-sacs less than 250 feet in length nor at the circumference of the end turnaround.</u>	Maintain existing
7	Sidewalk requirements: Cul-de-sacs in D 6 and 8	No provision exempting sidewalks on cul-de-sacs.	<u>... except sidewalks shall not be required along permanent cul-de-sacs.</u> (D 6 and 8) (this intended change is erroneously not included in the proposed legislation)	<u>... except sidewalks shall not be required along permanent cul-de-sacs less than 250 feet in length nor at the circumference of the end turnaround</u>	Maintain existing
8	Sidewalk requirements: Minor development	Staff does not require sidewalks for single family detached homes that are not in subdivisions	No change.	Impose the sidewalk requirement for single family detached homes not in subdivisions and allow funds-in-lieu of sidewalks.	May 11 proposal
9	1207.13(e) Funds-in-lieu of Sidewalks (2) Amount of payment	No provision allowing funds-in-lieu of sidewalks.	<u>... the cost for the City to construct such improvements as are required by the Code, and shall have the sole discretion to alter that amount for good cause shown, but in no case shall the amount be more than 60% of the City Engineer's estimate.</u>	<u>... the cost for the City to construct such improvements as are required by the Code, and shall have the sole discretion to alter that amount for good cause shown, but in no case shall the amount be more than 80% of the City Engineer's estimate.</u>	Rewrite the section to read: <u>For purposes of determining the value of public sidewalks and other pedestrian and non-vehicular circulation systems for funds paid in-lieu of providing the same, the Planning Commission shall establish the payment to be seventy (70) percent of the cost the City would pay to install the system as approved by the City Engineer.</u>
10	1207.13(e) Funds-in-lieu of Sidewalks One side of the street	No provision allowing funds-in-lieu of sidewalks.	No provision concerning sidewalks required on only one side of the street.	<u>Where a property is not located on the side of the street where a sidewalk is designated and therefore required, the development shall either install a sidewalk on such property being developed or pay 80% of the cost of installation of the sidewalk which would be required on the opposite side of the street.</u>	May 11 proposal

AN ORDINANCE AMENDING CHAPTER 1205, "ZONING DISTRICTS" AND CHAPTER 1207, "ZONING DEVELOPMENT AND SITE PLAN STANDARDS," OF THE LAND DEVELOPMENT CODE TO PROVIDE FOR FUNDS-IN-LIEU OF THE CONSTRUCTION OF PUBLIC SIDEWALKS AND OTHER PEDESTRIAN AND NON-VEHICULAR CIRCULATION SYSTEMS.

WHEREAS, an issue has arisen during the approvals for land development in the City regarding the appropriate timing to implement the Land Development Code requirement to install non-vehicular circulation systems, such as public sidewalks and other pedestrian/bike "linkages" when such improvements do not presently exist in the immediate vicinity; and

WHEREAS, this Council has introduced the within Ordinance and referred it to the Planning Commission pursuant to its obligation under Land Development Code Section 1203.03 to follow said procedure; and

WHEREAS, this Council introduced Ordinance No. 13-22 in 2013 and upon receiving a recommendation on the ordinance from the Planning Commission, this Council tabled that Ordinance, which is similar in most respects to this Ordinance, and proceeded with the "Connect Hudson Plan" and the "Safe routes Hudson" initiative to assist with recommended revisions to proposed Ordinance No. 13-22 that are reflected herein.

NOW, THEREFORE, BE IT ORDAINED by the Council of Hudson, Summit County, State of Ohio, that:

Section 1: Chapter 1205, "Zoning Districts," and Chapter 1207, "Zoning Development and Site Plan Standards", of the City's Land Development Code are amended to read as follows:

CHAPTER 1205
ZONING DISTRICTS

1205.04 DISTRICT 1: SUBURBAN RESIDENTIAL NEIGHBORHOOD

(d) Property Development/Design Standards

(11) Pedestrian/Bicycle Pathways and Linkages:

- (A) Provision shall be made in the design of all developments for non-vehicular circulation systems, including but not limited to sidewalks, pathways, and bikeways. Funds-in-lieu of public sidewalks and other non-vehicular circulation systems may be provided as set forth in Section 1207.13(e) of this Code.

- (C) Sidewalks and other non-vehicular circulation systems shall be provided as set forth in an adopted Connectivity Plan. Sidewalks at least five (5) feet wide shall be provided on ~~both sides~~ one side of all streets in District 1, shall run parallel to the street within the right-of-way, and shall be separated from the curb by a planting strip of at least seven (7) feet width, except sidewalks shall not be required along permanent cul-de-sacs.

1205.05 DISTRICT 2: RURAL RESIDENTIAL CONSERVATION

- (d) Property Development/Design Standards

- (12) Pedestrian/Bicycle Pathways and Linkages:

- (A) Provision shall be made in the design of all developments for non-vehicular circulation systems, including but not limited to sidewalks, pathways, and bikeways. Funds-in-lieu of public sidewalks and other non-vehicular circulation systems may be provided as set forth in Section 1207.13(e) of this Code.

1205.06 DISTRICT 3: OUTER VILLAGE RESIDENTIAL NEIGHBORHOOD

- (d) Property Development/Design Standards

- (10) Pedestrian/Bicycle Pathways and Linkages:

- (A) Provision shall be made in the design of all developments for non-vehicular circulation systems, including but not limited to sidewalks, pathways, and bikeways. Funds-in-lieu of public sidewalks and other non-vehicular circulation systems may be provided as set forth in Section 1207.13(e) of this Code.

- (C) Sidewalks and other non-vehicular circulation systems shall be provided as set forth in an adopted Connectivity Plan. Sidewalks at least five (5) feet wide shall be provided on both sides one side of all streets in District 1, shall run parallel to the street within the right-of-way, and shall be separated from the curb by a planting strip of at least seven (7) feet width, except sidewalks shall not be required along permanent cul-de-sacs.

1205.07 DISTRICT 4: HISTORIC RESIDENTIAL NEIGHBORHOOD

- (d) Property Development/Design Standards

(16) Pedestrian/Bicycle Pathways and Linkages:

- (A) Provision shall be made in the design of all developments for non-vehicular circulation systems, including but not limited to sidewalks, pathways, and bikeways. Funds-in-lieu of public sidewalks and other non-vehicular circulation systems may be provided as set forth in Section 1207.13(e) of this Code.

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1205.08 DISTRICT 5: VILLAGE CORE DISTRICT

- (d) Property Development/Design Standards

(19) Pedestrian Amenities:

(A) Sidewalks:

- (i) Sidewalks at least five (5) feet wide shall be provided on all sides of a lot that abuts a public street, way, or open space.
- (ii) Sidewalks at least five (5) feet wide shall be provided along the full length of a building façade that features a customer entrance and along any building façade abutting a public parking area.
- (iii) All internal pedestrian walkways shall be designed to be visually attractive and distinguishable from driving surfaces through use of durable, low-maintenance surface minerals such as pavers, brick, or scored concrete to enhance pedestrian safety and comfort.

(B) Linkages: To the maximum extent feasible, provision shall be made in the design of developments for connections with existing or future pedestrian systems on adjoining properties, including but not limited to connections to existing or future sidewalks, bikeways, walkways, and any existing or planned trail systems along Brandywine Creek.

remax?

(C) Funds-in-lieu of public sidewalks and other non-vehicular circulation systems may be provided as set forth in Section 1207.13(e) of this Code.

1205.09 DISTRICT 6: WESTERN HUDSON GATEWAY

(e) Property Development/Design Standards

(11) Pedestrian Amenities/Linkages:

(A) Sidewalks:

- (i) Sidewalks or paved paths at least five (5) feet wide shall be provided on one side of an abutting public street unless the Planning Commission, based upon the prior approval of an industrial park or for environmental reasons, determines to waive this requirement.

- (ii) Sidewalks at least five (5) feet wide shall be provided along the full length of a building façade that features a customer entrance and along any building façade abutting a public parking area.
 - (iii) All internal pedestrian walkways shall be designed to be visually attractive and distinguishable from driving surfaces through use of durable, low-maintenance surface materials such as pavers, brick, or scored concrete to enhance pedestrian safety and comfort.
 - (iv) The Planning Commission, based upon site specific circumstances including but not limited to, topography, storm water management, and the effect on utility systems may waive these requirements.
- (B) Linkages: To the maximum extent feasible, provision shall be made in the design of developments for connections with existing or future pedestrian systems on adjoining properties, including but not limited to connections to existing or planned future sidewalks, bikeways, walkways, or trail systems. To the maximum extent practicable, a multi-purpose trail connector shall provide north-south access south of Boston Mills Road.
- (C) Funds-in-lieu of public sidewalks and other non-vehicular circulation systems may be provided as set forth in Section 1207.13(e) of this Code.

1205.10 DISTRICT 7: OUTER VILLAGE COMMERCIAL CORRIDOR AND OFFICE OVERLAY ZONE

(e) Property Development/Design Standards

(13) Pedestrian Amenities:

(A) Sidewalks:

- (i) Sidewalks at least five (5) feet wide shall be provided on all sides of a lot that abuts a public street, way, or open space.
- (ii) Sidewalks at least five (5) feet wide shall be provided along the full length of a building façade

that features a customer entrance and along any building façade abutting a public parking area.

- (iii) All internal pedestrian walkways shall be designed to be visually attractive and distinguishable from driving surfaces through use of durable, low-maintenance surface materials such as pavers, brick, or scored concrete to enhance pedestrian safety and comfort.
- (B) Compliance with Access Management Plan: All development shall comply with the pedestrian access standards and requirements set forth in any adopted comprehensive access management plans for the State Route 91 corridor.
- (C) Linkages: To the maximum extent feasible, provision shall be made in the design of developments for connections with existing or future pedestrian systems on adjoining properties, including but not limited to connections to existing or planned future sidewalks, bikeways, walkways, or trail systems.
- (D) Funds-in-lieu of public sidewalks and other non-vehicular circulation systems may be provided as set forth in Section 1207.13(e) of this Code.

1205.11 DISTRICT 8: INDUSTRIAL/BUSINESS PARK

(e) Property Development/Design Standards

- (9) Pedestrian Amenities/Linkages:
 - (A) Sidewalks:
 - (i) Sidewalks or paved paths at least five (5) feet wide shall be provided on one side of an abutting public street, except on Darrow Road where they shall be provided on both sides of the street.
 - (ii) Sidewalks at least five (5) feet wide shall be provided along the full length of a building façade that features a customer entrance and along any building façade abutting a public parking area.
 - (iii) All internal pedestrian walkways shall be designed to be visually attractive and distinguishable from driving surfaces through use of durable, low-

maintenance surface materials such as pavers, brick, or scored concrete to enhance pedestrian safety and comfort.

- (iv) The Planning Commission, based upon site specific circumstances including but not limited to, topography, storm water management, and effect on utility systems may waive these requirements.
- (B) Compliance with Access Management Plan: As applicable, all development with frontage on State Route 91 shall comply with the pedestrian access standards and requirements set forth in any adopted comprehensive access management plans for the State Route 91 corridor.
- (C) Linkages: To the maximum extent feasible, provision shall be made in the design of developments for connections with existing or future pedestrian systems on adjoining properties, including but not limited to connections to existing or planned future sidewalks, bikeways, walkways, or trail systems.
- (D) Funds-in-lieu of public sidewalks and other non-vehicular circulation systems may be provided as set forth in Section 1207.13(e) of this Code.

(f) HikeBike (HB) Senior Housing Overlay Zoning District 8

(4) Property Development/Design/Standards

- (R) Pedestrian/bicycle Pathways and Linkages:
 - (i) Provision shall be made in the design of all developments for non-vehicular circulation systems, including but not limited to sidewalks, pathways and bikeways.
 - (ii) Any amount of land set aside for trails in a development shall be credited toward either the public or private open space requirements set forth in this section and in Section 1207.05 of this Code.
 - (iii) Sidewalks or multi-use paths shall be ~~prided~~ provided on both sides of all streets, shall run parallel to the street within the right-of-way, and shall be separated from the curb by a planting strip at least five (5) feet in width. Sidewalks shall be at least five (5) feet wide.

- (iv) Provision shall be made in the design of developments to feature interconnection with existing or planned streets and pedestrian or bikeway systems on adjoining in properties with multi-use paths eight (8) feet in width, and sidewalks.
- (v) Funds-in-lieu of public sidewalks and other non-vehicular circulation systems may be provided as set forth in Section 1207.13(e) of this Code.

1205.12 DISTRICT 9: DARROWVILLE COMMERCIAL CORRIDOR

(d) Property Development/Design Standards

(11) Pedestrian Amenities:

(A) Sidewalks.

- (i) Sidewalks at least five (5) feet wide shall be provided on all sides of a lot that abuts a public street, way, or open space.
- (ii) Sidewalks at least five (5) feet wide shall be provided along the full length of a building façade that features a customer entrance, and along any building façade abutting a public parking area.
- (iii) All internal pedestrian walkways shall be designed to be visually attractive and distinguishable from driving surfaces through use of durable, low-maintenance surface materials such as pavers, brick, or scored concrete to enhance pedestrian safety and comfort.

(B) Funds-in-lieu of public sidewalks may and other non-vehicular circulation systems be provided as set forth in Section 1207.13(e) of this Code.

CHAPTER 1207
ZONING DEVELOPMENT AND SITE PLAN STANDARDS

(d) Pedestrian and Bicycle Paths

- (1) To the maximum extent feasible, all residential, commercial, and industrial subdivisions shall provide pedestrian linkages, including bikeways, to existing trail system, parks, schools, adjacent developments, and to the Village Core where applicable. (See Figures 27a & 27b.)

[FIGURES OMITTED]

- (2) Bicycle Paths. Where linkages are provided through the development of dedicated off-road bicycle paths, the minimum right-of-way shall be eighteen (18) feet, and the pavement width shall be ten (10) feet. All bicycle paths shall be constructed in accordance to design standards approved by the City Engineer and illustrated in Figures 28a & 28b and in conformance with any Trail Plan adopted by the City of Hudson Park Board. Bike lanes constructed as part of roadway improvements will be designed and constructed in accordance with Figures 29a & 29b, and 29c.

[FIGURES OMITTED]

(e) Payment of Funds-In-Lieu of Providing Public Sidewalks and Other Pedestrian and Non-Vehicular Circulation Systems.

- (1) When adjacent or abutting properties do not have public sidewalks and other pedestrian non-vehicular circulation systems with which to connect or link, the owner or developer may, with the approval of the Planning Commission, at the owner's or developer's option, provide monetary funds in-lieu of providing public sidewalks and other pedestrian or non-vehicular circulation systems.

- (2) For purposes of determining the value of public sidewalks and other pedestrian and non-vehicular circulation systems for funds paid in-lieu of providing the same, the Planning Commission shall consider the City Engineer's estimate of the cost to construct such improvements as are required by this Code, but shall have the sole discretion to alter that amount for good cause shown. Such value shall be determined as of the date of the filing of the subdivision or development plan with the Planning Commission.

(f) Fund. All amounts paid by the owner or developer in-lieu of providing the improvements as set forth in subsection (e) shall be made payable to the City of Hudson and upon receipt shall be deposited in a separate fund

kept specifically for funding the construction of public sidewalks and other pedestrian and non-vehicular circulation system linkages in the City.

Section 2: Existing Chapter 1205, "Zoning Districts," and Chapter 1207, "Zoning Development and Site Plan Standards," of the City's Land Development Code to the extent not amended by this Ordinance, shall remain in full force and effect.

Section 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____

William A. Currin, Mayor

ATTEST:

Elizabeth Slagle, Clerk of Council

I certify that the foregoing Ordinance was duly passed by the Council of said Municipality on _____, 2015.

Elizabeth Slagle, Clerk of Council

5/6/15

Comments on Proposed Ordinance 15-33 and Staff Report dated 3/3/15

The concept of allowing the payment in lieu of the installation of sidewalks in certain instances is a good one. Such a provision and fund should result in the increase or no reduction in the amount of sidewalks provided by and serving new development and sidewalks located in a manner to increase the usefulness of the sidewalk system serving both existing and new development. I propose changes so that ALL properties being developed have an obligation to provide for sidewalks and would do so on their property at the time of development or upon both the developers and the Planning Commission's/City Manager designee's agreement that the walk would be of greater benefit in a location consistent with the Connectivity Plan.

I propose these recommendations:

1) Issue

All sidewalks would be required only as called for by an adopted Connectivity Plan, but Ordinance 14-12 only adopted a Connectivity Plan "in concept". Would there be public hearings and referral to Planning Commission of future Connectivity Plans? Would the result be a reduction in the extent of new sidewalks required? Would new sidewalks not be required on new streets as they would not be so specified in the Connectivity Plan?

Recommendations

A. Eliminate the proposed first sentence of each District's Property Development/Design Standards section, "Sidewalks and other non-vehicular circulation systems shall be provided as set forth in an adopted Connectivity Plan."

B. New street cul-de-sacs can be as long as 600' and sidewalks would be useful if such a cul-de-sac is of more than one or two lots long. I propose the sentence of each District be modified as follows: "...except sidewalks shall not be required along permanent cul-de-sacs LESS THAN 250 FEET IN LENGTH NOR AT THE CIRCUMFERENCE OF THE END TURNAROUND."

C. Eliminate the ability of allow contribution to the Funds-in-Lieu within Districts 4 & 5. There is such a prevalence of sidewalks in Districts 4 & 5 that any property without walks at the street should have them add. Were it not for this requirement the walk in front of the Rosewood Grill and Turners Mill redevelopment may not have been installed.

2) Issue

District 6 as is provides for the PC to waive sidewalks based on a prior approved industrial park "or for environmental reasons". With the proposed transfer of the sidewalk requirement to a more suitable location this waiver should be eliminated. Why should one land owner be relieved from a development requirement and another not due to the presence of environmental constraints. Each has employees who may need or desire to walk to the place of business and the transfer of the Funds in Lieu abrogates the environmental impact of placing sidewalks in wetland and sensitive areas.

Recommendation

At District 6 1205.09(e)(11)(A)(i) amend as "Sidewalks or paved paths at least five (5) feet wide shall be

provided on one side of an abutting public street, ~~unless the Planning Commission, based upon the prior approval of an industrial park or for environmental reasons, determines to waive this requirement."~~

3) Issues

A. The Funds-In-Lieu provision should be used to transfer the obligation to install sidewalks where both the Planning Commission/City Manager AND the developer designee agree the walk provides greater benefit. The cost factor should not encourage or facilitate an appreciable reduction in the expansion of new sidewalk. I believe it better to err on the side of installing walk where the development occurs rather than create a motivation to pay into a fund because its less expensive, and all things equal the developer would not object to the sidewalk at the development. What engineers estimate would be used with the proposal: the estimate if the walk were bid out as part of a large concrete program or an engineer's estimate for doing one small walk installation by itself?

B. With the requirement that sidewalks be installed on only one side of the street, the property owner/developer depending on which side of the street is designated for walks either has to pay for a walk or does not. While there is some benefit derived by having the sidewalk on your property there is a responsibility to maintain the walk while the owner across the street does not have to pay for the walk yet benefits by its presence and has no responsibility to maintain it.

C. I believe there is lack of clarity on the obligation of a developer of a single family lot within an existing subdivision or otherwise to comply with the requirements of Code that all development shall provide sidewalks as specified. So scattered site house development I believe is excused from the sidewalk installation requirement and has been for over 15 years. All property development should be equally obligated to expand the sidewalk system and thereby benefit from such. Minor development includes development of a single family home and the site plan is approved by designees of the City Manager.

Recommendations

A. The Staff Report recommends that amount of funds-in-lieu "in no case shall the amount be more than sixty (60) percent of the City Engineer's estimate..." This should be changed to 80% of the engineers estimate.

B. In Chapter 1207.13 new section (13) about Payment of Funds-In-Lieu add a provision:

"Where a property is not located on the side of the street where a sidewalk is designated and therefore required, the development shall either install a sidewalk on such property being developed or pay 80% of the cost of installation of the sidewalk which would be required on the opposite side of the street."

C. With adoption of the Funds-In-Lieu program the administrative interpretation of code should include defined "minor development" of single family homes site plan approval the requirement that sidewalks be provided in accordance with code and these changes. Therefore all new development would require sidewalks with the added allowance of off-site provision.

Submitted by Tom King
12 Hudson Common Drive



City of Hudson, Ohio

Staff Report

File Number: 15-33

Meeting Date: 3/3/2015

Version: 1

Status: Second Reading

In Control: City Council

File Type: Ordinance

AN ORDINANCE AMENDING CHAPTER 1205, "ZONING DISTRICTS" AND CHAPTER 1207, "ZONING DEVELOPMENT AND SITE PLAN STANDARDS," OF THE LAND DEVELOPMENT CODE TO PROVIDE FOR FUNDS-IN-LIEU OF THE CONSTRUCTION OF PUBLIC SIDEWALKS AND OTHER PEDESTRIAN AND NON-VEHICULAR CIRCULATION SYSTEMS.

Executive Summary: This legislation would create a Pedestrian Linkages Fund as recommended by the Connect Hudson Plan that came out of the Safe Routes Hudson initiative.

Legislative History

This legislation was first discussed by Council in the fall of 2012. Council conducted its first reading of the legislation and referred the matter to Planning Commission for public hearing and recommendation on February 20, 2013. Planning Commission conducted its public hearing on March 11. After public comment and discussion the Commission recommended that Council disapprove the legislation. At its second reading on April 3, 2013, Council voted to remove the item from its regular meeting agenda and send it to a Council workshop meeting for further review and discussion. Those discussions lead to the creation of the Ad Hoc Connectivity Committee on September 4, 2013 and the adoption in concept of the committee's proposed Connectivity Plan on February 19, 2014.

Purpose & Explanation

The Connect Hudson Plan that came out of the Safe Routes Hudson initiative recommended the creation of a sidewalk fund created by contributions from builders and developers where sidewalks could be required, but there are no existing walks with which to connect. The new fund would be used to fill the sidewalk "gaps" throughout the City.

This legislation would implement the recommendation and enable discretion regarding the Land Development Code requirement to install sidewalks. Instead of requiring sidewalks that don't connect to an existing network, payment in lieu of installing sidewalks would be placed into a Pedestrian Linkages Fund instead, which would then be used to complete sidewalk connections in the community. When a sidewalk was needed at the original location, it would be at the City's expense, possibly through this same funding source.

In making its recommendation to disapprove the legislation in 2013, Planning Commission identified four concerns as listed here. We comment on each of them in *italics*.

1. Whether or not sidewalks should be required City-wide or only in certain areas or districts. *The legislation as proposed requires sidewalks City-wide, but not to the extent presently required. Staff recommends that Draft Ordinance No. 13-22 be revised as follows and as shown on the attached table, in addition to allowing the funds in lieu option listed at item (b) below:*
 - a. *The general non-vehicular circulation requirement is made applicable to Districts 5 - 10 in addition to District 1 -4.*
 - b. *The funds-in-lieu option is added to the general non-vehicular circulation requirement.*
 - c. *Sidewalks are required according to the City's Connectivity Plan.*
 - d. *Sidewalks are generally required on one side of the street, except in Districts 4 and 5 where they are required on both, but not on permanent cul-de-sacs.*
 - e. *The sidewalk requirement text was made consistent among all zoning districts.*
2. Should funds-in-lieu of sidewalk be permitted at all. *The premise of the legislation is that they*

should be permitted.

3. If funds-in-lieu are permitted, where or in what districts should they be permitted. *Funds-in-lieu would be permitted City-wide.*
4. What is the method by which the amount of funds-in-lieu would be calculated. *Staff recommends that Draft Ordinance No. 13-22 be revised at Section 1207.13(e)(2) to read: "... the Planning Commission shall consider the City Engineer's estimate of the cost for the City to construct such improvements as are required by this Code, ~~but~~ and shall have the sole discretion to alter that amount for good cause shown, but in no case shall the amount be more than sixty (60) percent of the City Engineer's estimate. ..."*

Timing Considerations

If Council conducts its first reading on March 4, Planning Commission would hold its public hearing on April 13 and could make a recommendation to Council at that time. Council would then take its final actions in May.

Fiscal Impact

Currently Budgeted
Supplemental Appropriation Required

Appropriation Not Required.

Suggested Action

.. Recommendation

Staff recommends that the legislation be revised and that Council conduct its first reading and refer the legislation to Planning Commission for public hearing and recommendation.

Submitted by,

Jane Howington, City Manager
Mark Richardson, Community Development Director

Richardson, Mark

From: Sheridan, Thomas
Sent: Wednesday, October 10, 2012 8:48 PM
To: Bales, Anthony
Cc: Richardson, Mark; Hunt, Todd; Schroyer, Scott
Subject: Re: Private vs. Public Sidewalk Costs

Tony.

My staff received bids from two public sector contractors (prevailing wage contractors) and two private sector contractors for a typical sidewalk installation in the City, as requested.

The private sector developer would pay **approximately 60%** less than the City will pay for the same work. (Note: Based on 750 Lineal Feet of new sidewalk, complete)

Average Public sector cost = \$24,250

Average Private sector cost = \$14,800

Public Sector Quotes: Vito Gironda
Perrin Asphalt Contractors

Private Sector Quotes: JBL
Whited Concrete

I hope this is the information you were looking for on this subject and if you have any questions, please contact me.

Thank you.

Thomas J. Sheridan, P.E., P.S.

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**CITY OF HUDSON
PLANNING
COMMISSION**

**CASE NO. 2013-05
ORDINANCE 13-22
LAND DEVELOPMENT CODE AMENDMENT
FUNDS IN LIEU OF SIDEWALK CONSTRUCTION**

RECOMMENDATION TO CITY COUNCIL

Based on the evidence and representations to the Commission by affected property owners, consultants, City staff and other interested parties, at a public hearing of the Planning Commission held at its Regular Meeting on March 11, 2013, the Planning Commission recommended City Council disapprove Ordinance 13-22, "An Ordinance Amending Chapter 1205, "Zoning Districts" and Chapter 1207, "Zoning Development and Site Plan Standards", of the Land Development Code to Provide for Funds-in-Lieu of the Construction of Public Sidewalks and Other Pedestrian and Non-Vehicular Circulation Systems", with the suggestion that Council address the following issues:

1. Whether or not sidewalks should be required City-wide or only in certain areas or districts.
2. Should funds-in-lieu of sidewalks be permitted at all.
3. If funds-in-lieu are permitted, where or in what districts should they be permitted.
4. What is the method by which the amount of funds-in-lieu would be calculated.

Dated: March 11, 2013

**CITY OF HUDSON
PLANNING COMMISSION**

By 

Joseph Mulligan, Chair