

Ord. No. 13-22 was formally removed from further Council consideration on March 3, 2015 (with introduction of Ord. No. 15-33).

ORDINANCE NO. 13-22

OFFERED BY: MR. KELEMEN

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.

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, except that funds-in-lieu of such systems may be provided as set forth in Section 1207.13(e) of this Code.

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, except that funds-in-lieu of such 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, except that funds-in-lieu of such systems may be provided as set forth in Section 1207.13(e) of this Code.

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, except that

funds-in-lieu of such systems may be provided as set forth in Section 1207.13(e) of this Code.

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.

(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 be provided as set forth in Section 1207.13(e) of this Code.

CHAPTER 1207
ZONING DEVELOPMENT AND SITE PLAN STANDARDS

1207.13 TRANSPORTATION/CIRCULATION/PEDESTRIAN LINKAGE

(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, 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 _____, 2013.

Elizabeth Slagle, Clerk of Council