

ORDINANCE NO. 110-20

AN ORDINANCE TO AMEND AVON CODIFIED ORDINANCE SECTION 1246.05(a)(2)(A), SECTION 1248.04(f) AND THE CITY OF AVON STANDARD CONSTRUCTION DRAWINGS TO INCREASE THE WIDTH OF RESIDENTIAL SIDEWALKS FROM FOUR TO FIVE FEET IN R-1, SINGLE FAMILY AND R-2 TWO-FAMILY RESIDENTIAL DISTRICTS

WHEREAS, the City Engineer and the Planning Coordinator, after reviewing various documents, studies and other related matters, concluded that the safety and functionality of the City's residential sidewalks could be improved if widened to five (5') feet; and

WHEREAS, sections 1246.05(a)(2)(A) and 1248.04(f) of the Avon Codified Ordinances deal with sidewalk widths in R-1 and R-2 Residential Districts; and

WHEREAS, the Standard Construction Drawings for the City of Avon Council (Ord. No. 28-20 passed on April 13, 2020) establish specifications for all four (4') foot sidewalks installed in the City; and

WHEREAS, the City Engineer and the Planning Coordinator presented their findings to the Planning Commission on November 18, 2020. Planning Commission authorized a Public Hearing on said amendments to 1246.05(a)(2)(A), 1248.04(f) and the City of Avon Construction Standards and Specifications, Standard Construction Drawing P-12 (Concrete Driveway & Sidewalk Construction Detail) which was duly publicized according to law and held on November 18, 2020; and

WHEREAS, on November 18, 2020, by a vote of five (5) to zero (0), Planning Commission recommended approval of amendments to Sections 1246.05(a)(2)(A) and 1248.04(f) and replacement of the City of Avon Construction Standards and Specifications, Standard Construction Drawing P-12 (Concrete Driveway & Sidewalk Construction Detail); and

WHEREAS, Council, on December 14, 2020 authorized a Public Hearing; and

WHEREAS, said Public Hearing was duly publicized according to law and was held on January 11, 2021 at 7:10 PM; and

WHEREAS, Council in considering the recommendation of Planning Commission, finds that amending Sections 1246.05(a)(2)(A), 1248.04(f) and the City of Avon Construction Standards and Specifications, Standard Construction Drawing P-12 (Concrete Driveway & Sidewalk Construction Detail) to increase the size of residential sidewalks from four (4') feet to five (5') feet are reasonable and in the best interests of the safety, health and welfare of the citizens of Avon.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - That Section 1246.05(a)(2)(A) of the Codified Ordinances which currently reads:

1246.05 SIDEWALKS, WALKING PATHS, TRAILS AND BICYCLE PATHS.

(a) Sidewalks. All sidewalks shall comply with the following regulations:

(1) Sidewalks are required to be constructed on both sides of a street in all subdivisions. Sidewalks are also required in front of all structures built in a residential, office, commercial or industrial zoning district.

(2) The following sidewalk pavement design standards are required;

A. Four feet for a subdivision/development in an R-1 or R-2 Single-Family Residential District and in an industrial district.

(Ord. 58-01. Passed 5-29-01; Ord. 52-09. Passed 5-26-09.)

Shall be amended to read as follows: (New language in bold print)

1246.05 SIDEWALKS, WALKING PATHS, TRAILS AND BICYCLE PATHS.

(a) Sidewalks. All sidewalks shall comply with the following regulations:

(1) Sidewalks are required to be constructed on both sides of a street in all subdivisions. Sidewalks are also required in front of all structures built in a residential, office, commercial or industrial zoning district.

(2) The following sidewalk pavement design standards are required;

A. ~~Four~~ **Five** feet for a subdivision/development in an R-1 or R-2 Single-Family Residential District and in an industrial district.

(Ord. 58-01. Passed 5-29-01; Ord. 52-09. Passed 5-26-09.)

Section 2 - That Section 1248.04(f) of the Codified Ordinances which currently reads:

1248.04 STREET AND SIDEWALK CONSTRUCTION.

(f) Upon recommendation of the Planning Commission, and with the approval of Council, a six foot concrete bikeway and/or walking path may be installed and constructed in the right-of-way in front of newly constructed homes to maintain consistency between the surface of the driveway and the surface of the bikeway and/or walking path. Said installation and construction shall conform to the construction standards of a four foot concrete sidewalk as set forth in the City's Standard Construction Drawings. (See Sidewalk Details, "Standard Construction Drawing" P-11.)

(Ord. 58-01. Passed 5-29-01; Ord. 193-04. Passed 12-13-04.)

Shall be amended to read as follows: (New language in bold print)

1248.04 STREET AND SIDEWALK CONSTRUCTION.

(f) Upon recommendation of the Planning Commission, and with the approval of Council, a six foot concrete bikeway and/or walking path may be installed and constructed in the right-of-way in front of newly constructed homes to maintain consistency between the surface of the driveway and the surface of the bikeway and/or walking path. Said installation and construction shall conform to the construction standards of a ~~four~~ **five** foot concrete sidewalk as set forth in the City's Standard Construction Drawings. (See Sidewalk Details, "Standard Construction Drawing" ~~P-11~~ **P-12**.)
(Ord. 58-01. Passed 5-29-01; Ord. 193-04. Passed 12-13-04.)

Section 3 - That the City of Avon Construction Standards and Specifications, Standard Construction Drawing P-12 (Concrete Driveway & Sidewalk Construction Detail) shall be replaced with Exhibit A, which is attached hereto and incorporated herein.

Section 4 - That all language contained in Sections 1246.05(a)(2)(A) and 1248.04(f) not specifically amended herein shall remain in full force and effect.

Section 5 - That the Codifier is hereby instructed to replace any references in the Codified Ordinances not consistent with these amendments.

Section 6 - That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 7 - That this Ordinance shall take effect and be in force at the earliest date allowed by law.

First Reading _____
Second Reading _____
Third Reading _____

PASSED: _____ DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

Prepared by:
John A. Gasior, Esq.
Law Director