

RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON

STATE OF OHIO

ORDINANCE NO. 48-2015

TO AMEND C.O. §901.05 – SIDEWALK CONSTRUCTION ABUTTING NEW BUILDINGS, PERMIT; RELATIVE TO THE STREETS AND SERVICES CODE

WHEREAS, on October 22, 1956 City Council adopted Ordinance No. 160-56 which required the property owner to install sidewalks whenever a new building was built on a street that had been improved with curb and gutters, provided that the curb and gutters were installed after August 27, 1956 and the land was part of a subdivision plat recorded after that date; and

WHEREAS, the requirement to install sidewalks adopted in Ordinance No. 160-56 were codified as C.O. §901.05; and

WHEREAS, on April 9, 2012 City Council adopted Ordinance No. 11-2012 which amended C.O. §901.05 to authorized the City Manager to grant a waiver if the required sidewalk would create a threat to the public health, safety, or welfare or an undue hardship to the property; and

WHEREAS, Ordinance No. 11-2012 also removed the limitation that the curb and gutters had to be installed after August 27, 1956 and the land had to be part of a subdivision plat recorded after that date; and

WHEREAS, City Council has decided to amend C.O. §901.05 by reinstating the limitation that was removed in Ordinance No. 11-2012, removing the waiver provisions, and requiring the installation of sidewalks whenever the property is located on a street where a sidewalk has already been installed, on the same side of the street as the property and between the property and the next intersecting street on either side of the property;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Upper Arlington, Ohio:

SECTION 1. That C.O. §901.05 is hereby amended to read, as follows:

§901.05 SIDEWALK CONSTRUCTION ABUTTING NEW BUILDINGS, PERMIT

(A) Whenever a building is about to be constructed on a lot or parcel of land ~~which that~~ comprises a part of a subdivision plat filed for record after August 27, 1956 and abuts any street which that has been improved by the installation of curbs and gutters, the owner shall apply for and obtain, simultaneously with the issuance of the building permit for such construction, a permit for the construction of sidewalks abutting such land, and shall

construct the sidewalks per City code prior to the final inspection and approval of the building construction.

(B) (1) Whenever a building is about to be constructed on a lot or parcel of land that comprises a part of a subdivision plat filed for record on or before August 27, 1956, abuts any street that has been improved by the installation of curbs and gutters, and where sidewalk has been installed on the same block and the same side of the street as the lot or parcel, the owner shall apply for and obtain, simultaneously with the issuance of the building permit for such construction, a permit for the construction of sidewalks abutting such land, and shall construct the sidewalks per City code prior to the final inspection and approval of the building construction.

(2) Corner lots or parcels required to install sidewalks by this section shall only be required to install sidewalks abutting the lot on the frontage that has a preexisting sidewalk between the lot or parcel and the next intersecting street on the non-corner side of the lot or parcel. If both streets fronting the corner lot or parcel have such preexisting sidewalk, then the corner lot or parcel will be required to install sidewalk on both frontages.
~~The City Manager is authorized to waive the required sidewalk if (1) there is a threat to public health, safety, or welfare or the property owner establishes that the required sidewalk would result in undue hardship and (2) the owner remits to the City the cost of said sidewalk installation to support future City sidewalk construction.~~

~~(C) Undue hardship or threats to public safety may include but are not limited to: insufficient right of way, significant utility conflicts, extreme topography, creeks or other incompatible natural features, complete absence of existing or planned sidewalk on a residential street, or an unsafe pedestrian environment caused by vehicle proximity and speed.~~

~~(D) In the event that a waiver is granted, the cost of sidewalk installation shall be calculated per lineal foot by the City Engineer based on the three most recent City bids received for concrete sidewalk installation on a City construction project, exclusive of retaining walls. The cost of ADA ramps shall be omitted from cost calculations for residential parcels, but shall be included in calculations for commercial or mixed use parcels. All revenue derived from the granting of sidewalk waivers shall be deposited in the General Fund to be used for City initiated installation, replacement, or maintenance of sidewalks within the public right of way.~~

SECTION 2.

The amendments to C.O. §901.05 in Section 1 of this Ordinance shall be applied retroactively to not require the construction of a sidewalk by any property owner that constructed a building after April 9, 2012 on a lot or parcel that comprises a part of a subdivision plat filed for record on or before August 27, 1956 where no sidewalk has been installed on the same block and the same side of the street as the lot or parcel, regardless of whether the approved plans for the building included the construction of a sidewalk.

SECTION 3.

That this Ordinance shall take effect at the earliest date allowed by law.