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Public Improvements within the Windover Heights Historic District

(Rev. 11/29/2023)

The Town Code requires that parties redeveloping single lots in Vienna must install required public improvements along all rights-of-way adjacent to the property. Public improvements may be required, including right-of-way dedication and the installation of sidewalks that meet the American Disabilities Act (ADA).

Requirements and guidance on public improvements are found in the Town Code, the Town of Vienna Comprehensive Plan, the Town Pedestrian Master Plan, and the Town Public Infrastructure Manual. Some improvements, such as sidewalks, are required in almost all developments. In contrast, others are specific to site-specific and/or area-specific conditions.

Sidewalks & Public Improvements

The following Town Code sections require all single lot redevelopment in the Town of Vienna to construct sidewalks:

Sec. 17-67.1. - Dedication of sidewalks for single-lot development.

The developer of any lot shall dedicate land along the lot frontage for sidewalk, curb, and gutter improvements as shown on the adopted Town Pedestrian Plan. Dedication of such improvements shall be in accordance with the standards set forth in this Code.

(*Ord. of 3-16-2015(2)*)

Sec. 17-67.2. - Completion and construction of sidewalks for single-lot development.

- (a) The developer of any lot that fronts an existing street shall dedicate land, construct a sidewalk and connect such new sidewalk to the existing adjacent sidewalks, if any. Such new sidewalk shall be constructed in accordance with the standards set forth in this Code.
- (b) Upon application by the developer to the Town, the Town Council designates the Director of Public Works to waive in exceptional circumstances, in consultation with the Town Attorney and Town Manager, in his or her discretion, the construction of such new sidewalk and permit

the deposit of designated funds for such construction in accordance with sections [17-65](#) and [17-65.1](#).

(Code 1969, § 17-67.1; Ord. of 9-24-2007; [Ord. of 3-16-2015\(2\)](#); [Ord. No. 002-2021](#), § 1, 2-22-2021)

Sidewalks cannot be constructed without the addition of curbs and gutters if they are not currently built. The Town of Vienna is required to construct the curb, gutter, and storm, or “*frontage improvements*,” before the completion of the sidewalk. The state code does not allow the Town to require the developer of single lots to construct these improvements as it does sidewalks. Public improvements constructed by the Town are subject to the same review within Windover Heights as the improvements required of the developer.

Before the project's completion and issuing a Certificate of Occupancy, the developer must construct the sidewalk per the approved site plan. The Department of Public Works will inspect the sidewalk for conformance with the approved plan.

Sidewalks & Public Improvements within the Windover Heights Historic District

The Town of Vienna requires an extra key step to be completed before public improvements may be approved for construction within the Windover Heights Historic District. The Town Code requires that any proposed public improvements within the Windover Heights Historic District be reviewed and approved by the Town Council after holding a public hearing and receiving any Windover Heights Board of Review (WHBR) recommendations. Therefore, The WHBR is responsible for reviewing such proposals and providing the Town Council its point of view.

The following code section states the WHBR and Town Council's responsibilities regarding public improvements within the historic district:

Sec. 18-280.3. - Same – Public improvements.

- A. No new construction projects, the purpose of which shall be the installation of new public improvements and publicly-owned utilities not in existence at the time of the adoption of the ordinance from which sections [18-280.1](#) to [18-280.13](#) are derived shall be commenced in the Windover Heights Historic District until the Town Council shall first conduct an advertised public hearing concerning the necessity of the improvement, at which hearing the recommendations of the Windover Heights Board of Review, if available, shall be included in the record.
- B. The provisions of this section shall not be applicable to maintenance or repair of existing public improvements or utilities.

(Code 1969, § 18-280.3; Ord. of 4-1979; Ord. of 6-1984; Ord. of 7-6-1992)

Process for Review of Public Improvements within Windover Heights

The below process must be completed prior to site plan approval within Windover Heights per **Sec. 18-280.3. - Same – Public improvements.**:

1. **Public Improvements application to Windover Heights.** An application requesting a determination on the required public improvements is submitted as a Windover Heights application through GeoCivix, the Town’s online permit portal. A complete site plan for the proposed structure and final site conditions is not required at this time; however, staff may request additional information about existing conditions or the desired house location(s) to complete a preliminary assessment of the proposal.
2. **Staff reviews the application.** Staff will review for compliance with Town Codes and policies and for completeness of the application. Staff may recommend edits to the application based on the Town Code or request additional information to assist the Windover Heights Board of Review and/or Town Council in reviewing the application.
3. **Application is determined complete.** When an application is determined to be complete by staff, the application is scheduled for a meeting with the Windover Heights Board of Review.
4. **Windover Heights Board of Review agenda.** Town staff will draft a memo on the Town policies and requirements and provide the complete application to the Windover Heights Board of Review. The agenda and attachments will be published on the Town’s website as required by the Code.
5. **Windover Heights Board of Review recommendation.** The Windover Heights Board of Review reviews the application at a regular public meeting. During the meeting, the Board develops a recommendation about the public improvements to forward to the Town Council. The chair may work with staff to develop a memorandum explaining the Board’s thoughts on the recommendations.
6. **Town Council agenda.** The application is placed on the agenda of the Town Council for a public hearing. Town staff will provide the application materials and recommendations from the Windover Heights Board of Review to Town Council. All required advertising for a public hearing must take place.
7. **Town Council decision.** The Town Council decides on the necessity for public improvements after holding a public hearing.

8. **Site Plan submission.** Integrating the decision of the Town Council, the applicant submits a complete site plan application through the Town’s online permit portal as a Large-Scale Residential Permit application.
9. **Site Plan review.** Staff reviews the site plan to provide comments for revisions if required. Staff will notify the applicant when they may submit to Windover Heights Board of Review to review and approve the proposed structure.
10. **Windover Heights building permit submission.** The application for review of the structure by the Windover Heights Board of Review is submitted through the application previously initiated for the property. Staff will review the application for completeness.
11. **Windover Heights Board of Review approval.** The Windover Heights Board of Review reviews the proposed structure based on the criteria within the Town Code.
12. **Final Site Plan approval by staff.** The site plan and final building plans are resubmitted to staff for final approval through the Large-Scale Residential Permit application.
13. **Building permit.** The final building permits are issued by Fairfax County.

Questions?

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