



## Legislation Text

File #: PCWS20-054, Version: 1

### Subject:

Work session on proposed revision to sidewalk ordinance, Section 17-67.2

### Background

Currently Section 17-67.2 of the Town Code requires the developer of any infill lot (a single lot that is being developed that is not part of a subdivision) that fronts an existing street and where any adjacent property on either side has an existing sidewalk, to dedicate land (if necessary) and construct a sidewalk and connect the sidewalk to existing adjacent sidewalks.

Accordingly, if sidewalk does not exist on either side of the infill lot, the developer does not have to build sidewalk.

The ability of the Town to require the construction of such sidewalks comes from the Code of Virginia, specifically Section 15.2-2242.9.

In July 2019, the Virginia General Assembly revised Section 15.2-2242.9 to allow for jurisdictions to require construction of sidewalk fronting an infill lot regardless of whether or not there is existing sidewalk on either side of the infill lot. Section 15.2-2242.9 was revised as follows:

Provisions requiring that where a lot being subdivided or developed fronts on an existing street, and adjacent property on either side has an existing sidewalk *or when the provision of a sidewalk, the need for which is substantially generated and reasonably required by the proposed development, is in accordance with the locality's adopted comprehensive plan*, a locality may require the dedication of land for, and construction of, a sidewalk on the property being subdivided or developed, ~~to connect to the existing sidewalk~~. Nothing in this paragraph shall alter in any way any authority of localities or the Department of Transportation to require sidewalks on any newly constructed street or highway.

With changes to the enabling legislation from the Commonwealth of Virginia, the Town Council has directed the Planning Commission to review and recommend revisions to Section 17-67.2 of the Town Code to require that developers construct sidewalk on infill lots, regardless of whether or not there are existing adjacent sidewalks.

The Town Attorney has drafted the following proposed revisions to Section 17-67.2:

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

- (a) *In accordance with the adopted Town Pedestrian Plan* ~~the developer of any lot that fronts an existing street and where adjacent property on either side has an existing sidewalk,~~ shall dedicate *the necessary* land, construct a sidewalk, *curb and gutter*, and connect such new sidewalk to the existing

adjacent sidewalks *if necessary*. 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 ~~Council~~, the ~~Town Council~~ *Director of Public Works* may, in ~~its~~ *his or her* discretion, waive the construction of such new sidewalk, *curb and gutter*, and permit the deposit of designated funds for such construction ~~in accordance with sections 17-65 and 17-65.1~~. *With a written consent of the developer, the director of Public Works may fund other like projects with designated escrow.*