



Legislation Text

File #: 21-2030, **Version:** 1

Subject:

Public hearing on proposed text amendment to Sidewalk Ordinance, Section 17-67.2 of Chapter 17 of the Town Code

EXPLANATION AND SUMMARY :

Currently Section 17-67.2 of the Town Code requires a developer of any infill lot (a single lot that is being developed and 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 to connect 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 Code of Virginia, specifically Section 15.2-2242.9, provides the Town with the authority to require construction of such sidewalks. In July 2019, the Virginia General Assembly revised Section 15.2-2242.9 to allow 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 these changes to the Commonwealth of Virginia enabling legislation, 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 adjacent sidewalks exist.

The Planning Commission held a work session on the proposed changes to Section 17-67.2 on December 9, 2020. The Planning Commission discussed changes and revisions recommended by the Department of Public Works. After discussion with the Town Attorney, it was determined that only sidewalks, and not curb and gutter, can be required for infill lots. At the suggestion of the Department of Public Works, the Town Attorney has revised the draft language to allow the Director of Public Works to waive the required construction of new sidewalks when funds being held in escrow may be

more beneficial to the Town.

At its public hearing on January 13, the Planning Commission also recommended revising the waiver text to include language stating that waivers should only be allowed in exceptional circumstances. The Planning Commission voted 9-0 in favor of recommending approval of the text amendments with revisions to the waiver text.

The proposed revisions to Section 17-67.2 are attached to this item. The red text includes changes recommended by the Planning Commission at its January 13, 2021 public hearing.

Strategic Plan Initiative: *Vienna is an efficiently mobile community.*

Departmental Recommendation : The Planning and Zoning Department recommends approval of text amendments as recommended by the Planning Commission.

Finance Recommendation :

Purchasing Recommendation :

Town Attorney Recommendation : Town Council may consider, in its discretion, recommendations of the Planning Commission and hold a public hearing to consider the proposed amendments to Chapter 17 of the Town Code.

Town Manager's Recommendation : I recommend the Town Council approve the Planning Commission-recommended proposed text amendments to Section 17-67.2 of the Vienna Town Code related to sidewalks for single-lot development, as presented.

Cost and Financing: N/A

Account Number: N/A

Decision Needed by This date: N/A

PROPOSED/SUGGESTED MOTION

"I move to close the public hearing."

And

"I move to approve the Planning Commission-recommended proposed text amendments to Section 17-67.2 of the Vienna Town Code related to sidewalks for single-lot development. I further move to direct the Town Clerk to advertise a Notice of Intent to Adopt the ordinance changes."

Or

Other action deemed necessary by the Town Council.