

COUNCIL WORKSHOP ITEM

ITEM: Amend Section 19.14.1 of the Village Code Relating to Sidewalk Fees
DATE: August 10, 2004
PREPARED BY: David H. Barber, PE, Director of Public Works
PURPOSE: Payment of Sidewalk Fees for New and Reconstruction

DISCUSSION:

During the review of the current Village programs involving sidewalk construction staff identified that property owners involved in building or rebuilding on properties that have had sidewalks constructed in the past through Village program are exempt from paying fees for new sidewalks. The current section 19.14.1 of the Village Code addressed areas where sidewalks did not exist when addressing the need for installation of new walks of payment of fees in-lieu of installation of the new walks. If the Village had previously installed the sidewalk adjacent to the property being developed through either the Gap Program or the Matrix Program no fees were collected as the sidewalk was existing at the time of the new construction activity.

The change presented for consideration provides (Section 19.14.1 (c) (3) the if the sidewalk abutting the property was installed under a Village program for which the property owner did not pay a fee then the property owner will still be obligated to pay a fee when redeveloping the adjacent property.

Staff was requested to bring this change forward to close this hole in our current Code for the collection of fees for sidewalks.

ATTACHMENT:

A Proposed ordinance is attached for consideration.

RECOMMENDATION:

Approval of Ordinance.

ORDINANCE NO. _____

**AN ORDINANCE CONCERNING
SIDEWALK CONSTRUCTION AND IMPROVEMENTS**

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by ~~shading~~/underline; deletions by ~~strikeout~~):

Section 1. That Section 19.14.1. is hereby amended to read as follows:

19.14.1. Certain construction activities; sidewalk improvements required.

(a) No person shall improve any parcel within the Village, except for accessory buildings and reconstruction or remodeling of or additions to existing buildings in any single-family or two-family residential zoning district, without first obtaining a sidewalk permit from the Director of Public Works.

(b) No person shall construct any building, except for accessory buildings and reconstruction or remodeling of existing buildings, or additions to existing buildings which amount to less than twenty-five percent of the gross floor area of such building, in any zoning district in the Village other than single-family and two-family districts, without first obtaining a sidewalk permit from the Director of Public Works.

(c) The permits required by paragraphs (a) and (b) hereof may be issued if one of the following requirements are met:

(1) If any street abutting the property on which such improvement or construction is to occur does not currently have an existing sidewalk and is depicted on the map or schedule on file in the Public Works Department of the Village as a street on which sidewalk construction is to be required, sidewalks shall be constructed along the entire street frontage of such parcel; ~~in the case of a corner lot, the sidewalk shall be constructed~~ shall be constructed along the access side or the property owner shall pay a fee equal to the cost to the Village per square foot for construction of the sidewalk abutting the property, as such fee is determined annually by the Director of Public Works.

(2) If any street abutting the property on which such improvement or construction is to occur does not currently have an existing sidewalk and is not depicted on the map or schedule on file in the Public Works Department of the Village as a street on which sidewalk construction is required, the property owner shall pay a fee equal to the cost to the Village per square foot for construction of the sidewalk abutting the property, as such fee is determined annually by the Director of Public Works. ~~Such fees shall be utilized by the Village for construction of sidewalks as provided in paragraph (d) hereof.~~

(3) If any street abutting the property on which such improvement or construction is to occur does currently have an existing sidewalk that was constructed in the past as part of a Village construction program for which the adjacent current or previous property owner did not pay a fee for the sidewalk, the property owner shall pay a fee equal to the cost to the Village per square foot for construction of the sidewalk abutting the property, as such fee is determined annually by the Director of Public Works.

(4) In the case of a corner lot, the new sidewalk or fee paid for new sidewalk shall be for sidewalk along the access side of the property.

(5) Any fees collected as required under the previous paragraphs (1), (2) or (3) shall be utilized by the Village for construction of sidewalks as provided in paragraph (d) hereof.

(d) The Village shall establish four accounts for sidewalk construction to be utilized only for construction of new sidewalks in the Village. One account shall be for construction of new sidewalks in the northwest quadrant of the Village, west of Main Street and of Highland Avenue, north of 39th Street, and north of the Burlington-Northern Santa Fe railroad tracks; one account shall be for construction of new sidewalks in the northeast quadrant of the Village, east of Main Street and of Highland Avenue, north of 39th Street, and north of the Burlington-Northern Santa Fe railroad tracks; one account shall be used for

Sidewalks

construction of new sidewalks in the southwest quadrant of the Village west of Main Street, and south of the Burlington-Northern Santa Fe railroad tracks; and, one account shall be for construction of new sidewalks in the southeast quadrant of the Village, east of Main Street, and south of the Burlington-Northern railroad tracks.

(e) The Director of Public Works shall prepare and update annually a map or schedule of streets or portions of streets on which construction of sidewalks is to be required. In addition, the Director of Public Works shall administer the requirements of this ordinance and determine the streets or portions thereof on which sidewalk construction is to be required, pursuant to Village Council policy with respect thereto. Such policy shall be on file in the office of the Village Clerk and, together with the annually revised map or schedule, shall also be on file for public inspection in the Public Works Department of the Village.

(f) Any person aggrieved by any decision of the Director of Public Works regarding construction of sidewalks abutting such person's property may appeal the decision within thirty days of the date thereof to the Plan Commission which shall hear and decide such appeal. Application for such appeal shall be in writing, accompanied by a one hundred dollar (\$100.00) application fee. The Plan Commission may either affirm the decision of the Director of Public Works, or may reverse such decision. The procedure set forth in this paragraph shall constitute the only available administrative remedy for any person aggrieved by any decision of the Director of Public Works with respect to sidewalk construction and the determination of the Plan Commission on an appeal shall be the final administrative decision of the Village, from which any further appeals shall be to a court of competent jurisdiction. (Ord. No. 3288, § 2.)

Section #2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section #3 That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____

Village Clerk