

TOWN OF DAYTON

NOTICE OF JOINT PUBLIC HEARING

Please take notice that on Monday, March 13, 2023, at 6:00 p.m., the Dayton Town Council and the Planning Commission will conduct a joint public hearing to receive comments from citizens regarding proposed amendments to the Subdivision and Zoning Ordinances related to sidewalks, driveways, and stormwater.

The proposed amendments to the Subdivision Ordinance would require installation of sidewalks under certain circumstances and add provisions relating to storm drainage.

The proposed amendments to the Zoning Ordinance would require that front and side driveways be constructed of asphalt, concrete, or permeable pavers. Existing driveways would be grandfathered in.

This hearing will take place in the Council Chambers of the Dayton Town Hall, 125-B Eastview Street, Dayton, VA. Copies of the proposed amendments are available for inspection during normal business hours in the Dayton Town Hall and on the Town's website at www.daytonva.us. For more information, call 540-879-2241 or send an email to chall@daytonva.us.

**A RESOLUTION RECOMMENDING CERTAIN
CHANGES TO THE SUBDIVISION AND ZONING ORDINANCES
RELATED TO SIDEWALKS, DRIVEWAYS, AND STORMWATER**

WHEREAS, the Town of Dayton, Virginia (the “Town”) has a Subdivision Ordinance that regulates the division of land within the Town; and

WHEREAS, the Subdivision Ordinance requires the construction of certain improvements as a condition of subdivision; and

WHEREAS, the Town also regulates the use of land within the Town through its Zoning Ordinance, and the Zoning Ordinance contains certain development requirements that are distinct from, and in addition to, those contained within the Subdivision Ordinance; and

WHEREAS, the Planning Commission of the Town desires to recommend that the Town Council (i) amend the Subdivision Ordinance to require installation of sidewalks under certain circumstances and to add provisions relating to storm drainage, and (ii) amend the Zoning Ordinance to require, after the date of adoption of such amendment, that front and side driveways be constructed of asphalt, concrete, or permeable pavers.

NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE TOWN OF DAYTON, VIRGINIA THAT THE FOLLOWING CHANGES TO THE SUBDIVISION ORDINANCE AND ZONING ORDINANCE ARE RECOMMENDED:

1. That Section 20-135 of the Town’s subdivision ordinance be amended and re-enacted as follows¹:

Sec. 20-135. - Standards for street construction.

(a) *Design.* All streets must be designed to meet the specifications in the latest edition of the state department of transportation's subdivision street requirements, except the town requires curb, ~~and~~ guttering, and sidewalks on all subdivision streets. On streets with speed limits less than or equal to 40 miles per hour, the curb and guttering shall be of type CG-6, as specified in the department of transportation requirements. On streets with speed limits greater than 40 miles per hour, the curb and guttering shall be of the type specified as CG-7. The subdivision street requirements make use of certain categories of streets, traffic volume, and terrain. The town shall determine which categories apply.

(b) *Sidewalk Specifications.* Concrete sidewalks shall be provided on both sides of all new streets. Furthermore, when a new lot is created that fronts on an existing street, and adjacent property on either side has an existing sidewalk, the applicant shall construct a sidewalk that connects to the existing sidewalk. All sidewalks shall be constructed to the standards specified in the Virginia Department of Transportation’s Road Design Manual.

¹ Propose additions to the ordinance are identified by underline. Proposed deletions from the ordinance are identified by strikethrough.

Commented [JB1]: VDOT’s width and buffer requirements are the same as those discussed by the planning commission (5 feet width, ADA accessible, 3-foot buffer w/out tree, 6-foot with tree).

One distinction is that Planning Commission had proposed measuring the buffer distance from the front of the curb, whereas VDOT measures the buffer distance from the back of the curb. My suggestion is to be consistent with VDOT.

~~(b)~~(c) Installation. Subdividers shall be required to install all streets in the subdivision. Installation of all required street signs shall also be the responsibility of the subdivider.

2. That Section 20-138 of the Town's Subdivision Ordinance be amended and re-enacted as follows:

Sec. 20-138. - Standards for drainage.

(a) *General requirement.* Subdivisions shall be designed in compliance with all Rockingham County stormwater management regulations and requirements, and so as not to cause or permit unreasonable drainage of surface water onto adjoining properties, whether public or private. For purposes of this subsection, the term "unreasonable drainage" means drainage which could potentially cause harm or significant inconvenience and is materially greater than would occur if the subdivided property were left in its undeveloped state. This subsection applies in addition to any other applicable law concerning surface water drainage.

(b) *Regional drainage systems; designation of land for drainage facilities.* The town will not approve any such drainage facilities unless adequate provisions are made for the maintenance thereof. Where existing storm sewers are reasonably accessible, the proposed subdivision shall connect with such storm sewers. Unless an areawide storm sewer system has been established under section 20-6 and is reasonably available, the subdivider may be required to designate certain areas of the subdivision or other land for detention ponds of other drainage facilities designate land and install reasonable and necessary drainage facilities, located on or outside the property limits of the land owned or controlled by the subdivider or developer but necessitated or required, at least in part, by the utility needs of the development or subdivision, including reasonably anticipated capacity, extensions, or maintenance considerations of a utility service plan for the service area. Such subdivider or developer shall be entitled to reimbursement of a portion of its costs by any subsequent subdivider or developer that utilizes the installed facilities. The subdivision agent is authorized to adopt and implement reasonable policies and procedures relating to connection and required reimbursement. The town will not approve any such drainage facilities unless adequate provisions are made for the maintenance thereof.

Commented [JB2]: This language is from VA Code 15.2-2243. It authorizes the Town to adopt policies that require connection to existing facilities and reimbursement of costs.

(c) *General standards.* All drainage facilities shall be designed to drain foreseeable quantities of water from the streets and lots of the subdivision, and to be durable and reasonably maintenance-free town.

3. That Section 20-172 of the Town's Subdivision Ordinance be amended and re-enacted as follows:

Sec. 20-171. – Maintenance of Improvements.

The town has no obligation to improve, maintain, or take any action with respect to streets or other improvements not constructed, inspected, and accepted in accordance with this article. Whenever any proposed subdivision that will contain more than two residential lots includes dedicated common areas, private easements, private streets, or private stormwater facilities, the subdivider or developer shall be responsible for the management and maintenance of all such areas, easements, and improvements in the approved subdivision until the improvements are taken over by a property owners' association or condominium association formed in compliance with Subtitle

IV of Title 55.1 of the Virginia Code. Prior to the sale of the lot constituting 75% of all approved buildable lots, all common areas, easements, and improvements shall be transferred from the subdivider to the property owners' association.

4. That Section 30-817 of the Town's Zoning Ordinance be amended and re-enacted as follows:

Sec. 30-817. — Parking and driveway standards.

- (a) All parking spaces required by this article shall be located on the same lot with the building or use served, provided that required parking may be located on another lot if the parking spaces are not more than 500 feet from the building served (measured along lines of public access) and the parking spaces are dedicated to the use of the business served through a lease, license, or easement requiring that the town be notified at least 30 days prior to termination. Upon the termination of any lease, license, or easement for required parking spaces, the entity served by the parking must either cease doing business or obtain alternative parking conforming to this article.
- (b) Unenclosed parking spaces may be located within the required yard around buildings as herein specified.
- (c) Parking spaces must be at least nine feet wide and 18 feet in length. In addition, there shall be sufficient area for maneuvering.
- ~~(e)~~(d) Unenclosed parking spaces and driveways shall be constructed of concrete, asphalt, or permeable pavers with a suitable base, except that gravel shall be a permissible surface for the following: (i) parking or driveways, or portions thereof, that are located to the rear of the building served, and (ii) parking or driveways, or portions thereof, that existed prior to _____, 2023.²
- ~~(d)~~(e) All parking spaces shall be designed to prevent parked vehicles from extending beyond the limits of the parking area and to prevent damaging effects to adjoining or nearby properties from surface drainage from the parking facility. Lighting facilities shall be so arranged that light is reflected away from adjacent properties.
- ~~(e)~~(f) All loading spaces required under section 30-819 must be at least 12 feet wide by 25 feet in length. In addition, there shall be sufficient area for maneuvering.

Commented [JB3]: The County requires maintenance provisions as part of their stormwater program. County Code 6C-13.

In my opinion, the Town can be more strict than the County on this point, but we would not want to conflict with the County or be more lax. We should check to confirm that the County does not have a more-restrictive requirement.

² The date of adoption would be inserted in lieu of these blanks.