

## **Bill Sponsor Angie Henderson's Letter to the Metro Council**

Members of Council –

On the evening of July 14th, WSMV Channel 4 aired a story detailing the experience of Ms. Jennifer Jones, a constituent of Councilman Freddie O'Connell's, who recently requested a permit from the Metro Codes Department for the construction of a detached accessory dwelling unit (DADU) at 1031 15th Avenue South. According to the newscast, Ms. Jones' building contractor had been informed that – as a result of the recent sidewalk legislation adopted by the Metro Council – Ms. Jones would be required to replace all existing sidewalks adjoining her property, relocate utilities, and include four feet of green space, all at the builder's estimated cost in excess of \$70,000.

While it is true the Metro Council recently adopted BL2016-493 on April 18, 2017, amending Title 17 pertaining to sidewalks, and that the ordinance took effect July 1st, the remaining details of the story are inaccurate. Therefore, I am writing to provide a more accurate accounting of what transpired so that you may provide this information as needed to constituents with questions and concerns.

Ms. Jones' intent is to construct a DADU behind her existing residence. Under section 17.20.120.A.2 of the recently amended Code, sidewalk requirements apply to “single-family or two-family construction” and more specifically to a “new single-family or attached or detached two-family structure.” Sidewalks are not required for a DADU, which is a separate, permitted accessory use.

Sidewalks were not originally tracked/added on Ms. Jones' permit application. There appears to have been an administrative error at some later point when a sidewalk requirement was inadvertently added in the online permitting system, but that error has been corrected; sidewalks have been deleted from the permit application (#T2017041171); Ms. Jones and Councilman O'Connell have been duly notified, and WSMV has been alerted. Additionally, while the bill's lead sponsor and Planning Department staff had met with the Zoning Administrator and his examiners proactively with guidance for successful implementation of the bill, Codes staffs' familiarity with the new sidewalk legislation will be reconfirmed to prevent similar miscommunication with applicants in the future.

I understand that several Council members have been contacted via social media and email regarding this WSMV story and with further questions about the implications of the sidewalk bill when someone is renovating or adding on to a home.

In sum, regarding this particular matter:

- DADU permits do not trigger sidewalk requirements;
- This was a clerical error on Metro's part;
- A call by WSMV to the Zoning Administrator or the bill's lead sponsor prior to running this story would have clarified this.

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In general:

- The sidewalk bill has a strategic, geographic framework. Sidewalks are not required everywhere;
  - Renovations & additions for single-family and two-family construction DO NOT trigger sidewalk construction;
  - Within the applicable geography of the bill, under section 17.20.120.A.2.b., "for an addition or any renovation with a cost equal to or greater than 25% of the assessed value of all the structures on the lot," right-of-way dedication (ONLY) is required for possible future sidewalk construction by the city;
- Per BL2017-684, a companion to BL2016-493, right-of-way dedication does not reduce the buildable area of a parcel;
- All property owners have the right to appeal sidewalk requirements to the BZA.

Additionally, Planning has developed a new online mapping tool specifically for sidewalk requirements that will be very helpful to Council members as well as constituents. That should be live in the next few days, and we will email you separately with a link when it is.

With thanks,  
Angie Emery Henderson