



## **MEMORANDUM**

To: Ryan Eggleston, City Manager

From: Sandi Watkins, Planning & Inspections Director

Date: July 9, 2020

Subject: Current Sidewalk Requirements

During the July Council Workshop, Councilman Horton raised a question as to whether the same sidewalk restrictions apply to a property being annexed as apply for new development of property currently in the corporate limits. Based upon historical interpretation of the existing sidewalk ordinance, sidewalk installation or fees in lieu of installation have not been required for properties with existing structures that are requesting annexation. For individual lots, sidewalks (or fees in lieu of) have been required when a structure on property in the corporate limits has been constructed or improved and the value of the improvements meets or exceeds 50% of the listed tax value of the property. Please find attached to this memorandum a copy of the existing sidewalk ordinance. If it is the desire of Council to modify the sidewalk ordinance, planning staff will add this item to the list of necessary modifications to the Town's Unified Development Ordinance for further evaluation and research and prepare a draft amendment for Council consideration.

## **PART III. - SIDEWALKS**

### **16-13 - Sidewalks, Pedestrian Crosswalks, Wheelchair Ramps**

16-13.1 *Sidewalk defined.* Sidewalks shall be defined to include bikeways, greenways, ramps, multipurpose trails and related routes.

16-13.2 *Streets in Proposed Subdivisions.* Streets in proposed residential subdivisions shall be required to include sidewalks, pedestrian crosswalks and wheelchair ramps on one (1) side of all proposed streets, including the street upon which the subdivision gains access, except as follows: If any street in a proposed residential subdivision is an extension of a major or minor subdivision or the street upon which the subdivision gains access is a minor or major thoroughfare, sidewalks shall be required in accordance with subsection 16-13.3.

16-13.3 *Subdivisions abutting major/minor thoroughfares and other streets as identified by the city.* Subdivisions that have frontage on a major thoroughfare, minor thoroughfare as identified in the City's most current Thoroughfare Plan or other street as identified by the City shall be required to submit a sidewalk fee in accordance with subsection 16-13.4 or install the sidewalk in accordance with subsection 16-13.5 prior to recordation, at the discretion of Council.

16-13.4 *Sidewalk fees.*

(A) Sidewalk fees shall be collected when new construction or improvements exceeding fifty (50) percent of the ad valorem tax value of existing development occurs.

(B) Properties adjacent to existing sidewalks are exempt from sidewalk fees if sidewalks meet City standards and specifications (excluding normal wear and tear) and were constructed prior to October 1998.

(C) Single-family residential lots with existing sidewalks are exempt from sidewalk fees.

(D) The full payment of the sidewalk fees shall be made to the town [City] prior to the issuance of a building permit. Failure of the payment being paid at that time or being paid in less than the full fees will not relieve the necessity of payment in full. Failure of the City to properly assess the correct fee does not relieve the applicant from being assessed the correct fee in the future.

(E) Fees shall be based upon a lineal foot rate for sidewalks as determined by the Town's Engineer. Unusual or extreme expenses for sidewalk construction shall not be included in determining the fee.

(F) Lots fronting on major thoroughfares will be assessed based upon the total front footage of the lot. Lots fronting on minor thoroughfares or other streets as identified by the City will be assessed based upon one-half (1/2) of the total front footage of the lot.

(G) The cost for sidewalk construction shall be determined by the front footage for the lot multiplied by the lineal foot rate.

(H) Fees shall be set aside in a sidewalk fund and shall only be used by the City to construct sidewalks along thoroughfares and other streets as identified by the City as it determines to be in the public's best interest.

(I) The City Manager may waive the fee and require sidewalks be installed when determined to be in the City's best interest.

16-13.5 *Sidewalk construction.*

- (A) Sidewalks shall be required on both sides of the street along major thoroughfares unless otherwise prohibited. Sidewalks shall be required along one (1) side of the street along minor thoroughfares and other identified streets.
- (B) Sidewalks shall be constructed in accordance with town standards with a minimum width of five (5) feet and in accordance with Appendix III.
- (C) All sidewalks shall be placed in the street right-of-way unless the development is platted as a planned unit or group development. In the event the sidewalk cannot be located within the right-of-way, the sidewalk shall be located parallel and immediately adjacent to the right-of-way. When necessary, the property owner shall grant the town a sidewalk easement. In locations where sidewalks have been installed on private property, easements must be granted prior to issuance of a Certificate of Occupancy.
- (D) Any sidewalk extended or installed under the provisions of this section shall be required to submit engineered plans and specifications for review.
- (E) Construction shall be in accordance with approved engineered plans, specifications and other requirements of the City. When required encroachment agreements shall be secured before construction begins.

16-13.6 [*Wheelchair ramps.*] In accordance with Chapter 136, Article 2A of the North Carolina General Statutes (NCGS) 136-44-14), all street curbs being constructed or reconstructed for maintenance procedures, traffic operations, repairs, correction of utilities, or altered for any reason, shall be provided with wheelchair ramps for the physically handicapped at all intersections where both curb and gutter and sidewalks are provided and at other major points of pedestrian flow.