

Chapter 1 - General Provisions

Sec. 1-2. Definitions and Rules of Construction.

In the construction of this Code, and of all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the council:

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

Chapter 24 - Streets and Sidewalks

Sec. 24-14. Specifications for Construction of Sidewalks.

It shall be unlawful to lay or construct any sidewalk on any street or public highway in the city unless and until specifications therefor, including level and grade, shall have been issued by the city engineer, which specifications shall be in accordance with a comprehensive plan designed to secure uniformity of sidewalks in the municipality.

Sec. 24-19. Sidewalks To Be Kept in Repair; Removal of Grass, Weeds, Etc.

It shall be the duty of every person owning or occupying property abutting upon any street to keep the sidewalks adjoining such property, whether paved or not, in good repair so as to afford easy and safe passage to pedestrians using the sidewalk, and keep the sidewalk clear and free of grass, weeds and other rank growth.

Sec. 24-101. Permit to Construct Required.

- a. No person shall construct a driveway across any public sidewalk, walkway, parkway or into any street, or cut any curb for such purpose, without having first applied for and obtained a driveway permit from the city traffic engineer, which application shall show, among other things, the location, grade, dimensions, and the construction or reconstruction in those areas designated in the city's adopted sidewalk plan of the curbs and the purpose for which the driveway is desired. If the application complies with provisions of this section, the permit shall be issued.
- b. Where any new driveway is constructed or an existing driveway reconstructed that requires a driveway permit, a city standard sidewalk shall be constructed along the entire length(s) of the property served by such driveway that abut(s) a public street. This requirement is to include all developments except single or duplex family dwelling units.

30-5.F. Community Form Standards

30-5.F.2. Applicability

- a. Unless exempted in accordance with Section 30-5.F.3, Exemptions, or except where otherwise expressly stated, the standards in this section apply to all development on lots in the City, as well as to all street right-of-way.
- b. Compliance with these standards, to the maximum extent practicable, shall also apply to redevelopment of an existing structure, building, or use when it is expanded, enlarged, or otherwise increased in intensity in an amount equivalent to or beyond 50 percent.
- c. In the event of conflict or overlap with the standards in this section and the standards in Article 30-6: Subdivisions, the standards in Article 30-6 shall control.

30-5.F.9. Sidewalks

a. Location

Sidewalks shall be required on both sides of all streets, except:

1. On lots or sites engaged in active agricultural uses in the AR district (in these instances, no sidewalks are required);
2. In residential subdivisions where the average lot size is greater than 35,000 square feet in area (in these instances, sidewalks are required on one side of the street);
3. Along alleys;
4. On frontages adjacent to NCDOT full control access roadways; and
5. When an in-lieu fee consistent with the City's fee schedule is determined to be appropriate by the City.

b. Configuration

1. Except within the DT-1 district, sidewalks shall be at least five feet wide, and may be required to match the width of a connecting sidewalk that exceeds five feet in width;
2. Sidewalks in the DT-1 district shall be at least eight feet wide, or wider depending upon sidewalk widths on adjacent properties or as established in an adopted plan or streetscape design for that area;
3. Sidewalks shall be constructed of concrete, brick, textured pavers or a combination of these materials, consistent with an approved Site Plan, or with the established sidewalk patterns in the general area of the development;

4. Except where brick or pavers are used, all public sidewalks shall maintain a brushed concrete finish for safety;
5. Sidewalks shall be raised above the adjacent street level;
6. Pedestrian street crossings at all intersections may be raised above the adjacent street level as a traffic-calming measure. Mid-block pedestrian crossings shall be raised above the pavement, and shall be a different material, or be striped for safety;
7. Sidewalks shall connect with existing or planned sidewalks at property boundaries;
8. New nonresidential, mixed-use, and multi-family development shall provide at least one on-site improved connection between the development and the adjacent public sidewalk system (planned or existing); and
9. Multi-family development shall provide sidewalks as required by applicable State and Federal law.

c. Payment-In-Lieu

In accordance with procedures and appeals specified in Article 30-6.A.3.e, *Payment In Lieu of Sidewalks*, an applicant or developer may request the ability to provide payment-in-lieu for all or a portion of the required sidewalks when the following situations exist. The City Manager may approve or disapprove the request and may require a comparable amount of on-site pedestrian or multi-purpose facilities elsewhere on site instead of approving an in-lieu payment. Fees received in accordance with this subsection shall be used only for the development of new sidewalks and multi-use paths.

1. The street is designated as a state highway or route subject to widening or improvement in the foreseeable future;
2. The street is planned for improvement in accordance with the City's transportation plan(s);
3. Alternative on-site pedestrian facilities, such as trails, greenway, or multiuse paths, are adequate; or
4. The right-of-way, developing lot, or lot abutting a proposed sidewalk is not suitable for sidewalks due to floodplains, wetlands, riparian buffers, required tree canopy retention areas, slopes exceeding 25 percent, or other unique site conditions.

30-6.A. Subdivision Standards

30-6.A.3. Required Public Improvements

e. Sidewalks

1. General Standards

- a. Sidewalks shall be installed within in any subdivision located in the City's planning jurisdiction, and shall be constructed of concrete or other approved surface in accordance with the standards for sidewalks in Section 30-5.F.9, Sidewalks. All sidewalks shall be installed in accordance with the City's specification manual, this Ordinance, and good engineering practice.
- b. When paved sidewalks are installed adjacent to parking areas, the sidewalks shall accommodate a vehicular bumper overhang and continue to be functional. All sidewalk construction shall conform with standards specified by the City in order to meet the American Disabilities Act (ADA) standards.
- c. Sidewalks outside the Downtown 1 (DT-1) district shall be at least five feet in width. Sidewalks within the DT district shall be at least eight feet in width, or wider depending upon sidewalk widths on adjacent lands.
- d. The developer shall be responsible for the entire cost of sidewalks within the development. Payment in-lieu of sidewalk construction may be considered by the City Manager in accordance with Section 30-6.A.3, Payment in-lieu of Sidewalks.

2. Payment In-Lieu of Sidewalks

a. General

The payment of fees, in-lieu of installing a required public sidewalk, may occur at the request of the developer with approval of the City Manager, upon finding that one or more of the conditions listed in 30-5.F.9(c) exist and agreement that there are no on-site alternatives.

b. Procedure for Approval

1. The payment of such fees in-lieu shall be reviewed and approved as part of the Site Plan (Section 30-2.C.5) or Final Plat (Section 30-2.C.6.e), as appropriate. Any applicant proposing to make such payment shall attach a letter to the City Manager requesting the payment of fees in-lieu of installing the sidewalk. Upon receipt of the application, the City Manager shall review the request.

2. Appeals of the decision of the City Manager or the Technical Review Committee on the provision of sidewalks shall be decided by the City Council in accordance with Section 30-2.C.18, Appeal.

- c. *Time of Payment*

The fees in-lieu of sidewalks shall be paid prior to recording the Final Plat, and if no Final Plat is required, prior to the issuance of a Building Permit (see Section [@@9372]).

- d. *Amount of Payment*

Where the payment of fees to the City is to be made in-lieu of installing a sidewalk as permitted by this subsection, the City Manager shall verify the cost estimate for installing the sidewalk in accordance with the adopted fee schedule, as amended.

- e. *Disagreements as to Amount*

In the case of disagreement between the City and the applicant regarding the cost for installing the sidewalk, the City Council shall make the final determination of the acceptable in-lieu fee.

- f. *Use of Funds*

Fees received in accordance with this subsection shall be used only for the development of new sidewalks and multi-use paths.