

DATE April 27, 1998

Revised: 4/27/98

AMENDING CHAPTER 20

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 20, (SUBDIVISION REGULATIONS) OF THE CODE OF THE CITY OF CHARLOTTE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA:

Section 1. Chapter 20, "SUBDIVISION" of the Code of the City of Charlotte is hereby amended as follows:

1. Amend section 8.110. Improvement responsibility, Class III-C (Commercial Arterial), Improvements; Class III (Major Arterial), Improvements; Class IV (Minor Arterial), Improvements, by making the following changes to each "improvements" paragraph:

Delete the first sentence which reads:

Improvements -- installed by the public in accordance with a schedule of public street improvements, except on existing streets where specific improvements are required to meet the traffic demands of the particular development in which case the developer must install the necessary improvements at the time of development..

and replace with the following:

Improvements -- installed by the public in accordance with a schedule of public street improvements, except that the developer is responsible for sidewalk construction along his project frontage on existing thoroughfares at the time of his development. Other specific improvements may be required to the thoroughfare to meet traffic demands of the particular development in which case the developer must install the necessary improvements at the time of development.

2. Amend Section 8.140. SIDEWALK by deleting the existing wording which reads as follows:

Sidewalks are required in all subdivisions as follows:

1. Nonresidential subdivisions. Sidewalks are required on both sides of new or existing arterial streets and extensions thereof and on one side of collector streets.
2. Residential subdivisions. Sidewalks must be constructed on both sides of new or existing arterial streets and extensions thereof if the developer is installing the street. Sidewalks must be constructed on one side of the following classes of streets.
  1. Collector streets.
  2. All streets on a 50' right-of-way.
  3. Streets providing direct access to existing elementary schools, junior or senior high schools, colleges, and official sites for such schools; and streets that provide access to existing or proposed places of public assembly, including public or private parks, recreation facilities, and/or green ways.
  4. Location. Approval of sidewalk construction plans must be obtained from the City Engineering Department as part of the subdivision review process. When sidewalk facilities are required, the City Engineer will review and comment on the location of the required facilities at the time of plan review. Except in unusual circumstances, sidewalk may not be located less than 4 feet from the back of the curb or edge of pavement when no curb and gutter is required. If existing public street right-of-way is not available, the developer will be required to construct the sidewalk outside the street right-of-way on a permanent easement. An easement may be required for the sidewalk.

and replace with the following:

Sidewalks are required in all subdivisions as follows:

1. Sidewalks are required on both sides of all new or existing Class III and IV streets in accordance with other improvement requirements of this ordinance.
2. Sidewalks are required on both sides of all new or existing Class V (Collector) streets in accordance with other improvement requirements of this ordinance.

3. Sidewalks are required on both sides of all new or existing Class VI (Local Residential) streets in accordance with other improvement requirements of this ordinance.
4. Sidewalks are required on both sides of all new or existing Class VI-L (Local Limited Residential) streets in accordance with other improvement requirements of this ordinance, except that for streets accessing less than ten (10) lots or less than 250 feet in length sidewalk will only be required on one side of the street and not along the cul-de-sac "bulb".
5. Location. Approval of sidewalk construction plans must be obtained as part of the subdivision review process. Except in unusual circumstances, sidewalk must be located a minimum of 4 feet from the back of the curb or at the back of the right-of-way when no curb and gutter is required. If existing public street right-of-way is not available, the developer will be required to construct the sidewalk outside the street right-of-way on a permanent easement.

Section 2. This ordinance shall become effective 90 days after adoption.

Approved as to form:

  
City Attorney

I, \_\_\_\_\_, \_\_\_\_\_ City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 27th day of April, 1998, the reference having been made in Minute Book \_\_\_\_\_, and recorded in full in Ordinance Book \_\_\_\_\_, Page(s) \_\_\_\_\_.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the \_\_\_\_\_ day of \_\_\_\_\_, 1998.

