

## Article I. Bikeways, Sidewalks, and Greenways

### Section 1.01 Purpose

- (a) The regulations in this chapter are designed to promote efficient traffic circulation; protect public health, safety, and the general welfare of pedestrians and cyclists in residential neighborhoods, shopping districts, parks and recreational facilities.
- (b) It is the intention of the [JURISDICTION] to implement the general planning policies expressed in the [JURISDICTION] land use plan, [JURISDICTION] comprehensive plan, corridor plans, special area plans, bicycle plans, and pedestrian plans.

### Section 1.02 Applicability

- (a) This Article applies to all development within the [JURISDICTION] or within the [JURISDICTION] jurisdiction.
- (b) No construction shall commence until all required plans and designs have been reviewed and approved by the [JURISDICTION] or other governmental approving agency.
- (c) No city services or utilities shall be extended to any development until the applicant has installed the infrastructure specified in this chapter.

### Section 1.03 Easements

- (a) Easements shall be provided in locations and dimensions required by the City in order to:
  - (i) *Allow for adequate pedestrian access.*
  - (ii) *Allow for adequate bicycle access.*
  - (iii) *Allow for adequate right-of-way for street types.*
  - (iv) *Allow for adequate storm drainage facilities.*
  - (v) *Allow for adequate access to service bicycle and pedestrian infrastructure Allow for adequate access to service bicycle and pedestrian infrastructure.*
  - (vi) *Allow for adequate right-of-way for construction of bicycle and pedestrian infrastructure.*
- (b) Whenever a tract of land in a proposed site plan includes any part of a greenway designated in the comprehensive plan, bicycle plan, or pedestrian plan, the greenway shall be platted and dedicated as a greenway easement.

### Section 1.04 Exemptions

- (a) Fee-in-Lieu
  - (i) *Where the TRC determines that construction of public improvements would not be feasible, a fee in lieu may be permitted.*
  - (ii) *Right-of-way and easements may still be dedicated to the [JURISDICTION] to allow access.*
- (b) Surety
  - (i) *Required improvements identified in this chapter that are not completed prior to the issuance of a building permit will be bonded in accordance with [JURISDICTION] development standards in an amount of 125% of the estimated construction cost.*
  - (ii) *All required improvements secured by a surety shall be installed prior to the issuance of the first certificate of occupancy.*

(c) Board of Adjustments

- (i) Right of appeal: any person affected by any decision, requirement, or determination related to the contents of this chapter may file an appeal to the [JURISDICTION] board of adjustment within 30 days of the decision, order, or requirement.*
- (ii) Review by superior court: The board shall determine the contested resolution and make a decision in a reasonable time.*

Section 1.05 Zoning

- (a) Sustainable Incentives: For the purpose of reducing energy consumption, any new development that meet any of the following criteria that result in a significant contribution to the reduction of energy consumption, shall be granted [reduced building permit fees, high density zoning allowances, or building permit rebates]. Up to jurisdiction
  - (i) Construct an amount of Greenway connecting to an existing or planned route, that is of greater value than the proposed open space requirement.*
  - (ii) Where transit routes coincide with proposed development; provide transit infrastructure with bicycle and pedestrian access greater than the proposed open space requirement.*

Section 1.06 Overlay District

(a) Greenway Overlay District

- (i) The purpose of the Greenway Overlay District is to promote health, safety, convenience, and general welfare by providing increased connectivity and infrastructure to surrounding parks, neighborhoods, businesses, and bicycle and pedestrian networks.*
- (ii) A multi-use path shall be installed by the developer in accordance with the comprehensive plan.*
- (iii) Where sidewalks, MUP's, or other pedestrian ways meet the street ADA compliant ramps shall be installed.*
- (iv) Bicycle and pedestrian infrastructures shall be installed in accordance with [JURISDICTION] design standards.*
- (v) Establish guidelines and design controls for parcels adjacent to greenways planned in the comprehensive plan, bicycle plan, and pedestrian plan.*

(b) Pedestrian Benefit Zone

- (i) The purpose of the pedestrian benefit zone is to promote safe and convenient pedestrian infrastructure in designated zones with high density.*
- (ii) Concrete sidewalks shall be constructed along the entire frontage of all commercial, residential, industrial, and park sites within the pedestrian benefit zone.*
- (iii) If concrete sidewalks currently exist but are in poor deteriorated condition, the sidewalk shall be replaced to [JURISDICTION] design standards.*
- (iv) If the [JURISDICTION Board] determines that that a sidewalk is not necessary a contribution shall be made to the [JURISDICTION] at a rate determined by [JURISDICTION Board] per linear foot of frontage.*

Section 1.07 Development Standards

(a) New Streets

- (i) Where a proposed street attaches to an existing street the proposed street must provide connectivity to the existing sidewalk, greenway, or bike lane, regardless of minimum standards.*
- (b) General Access
  - (i) All existing and proposed developments must provide pedestrian and bicycles ingress and egress to and from a street or adjacent site*
- (c) Pedestrian Access
  - (i) All proposed developments must provide ADA compliant access connecting all main entrances of buildings with other public entrances.*
  - (ii) Pedestrian accesses between building and public right of way, shall be separated from vehicular surface areas.*
- (d) Open Space Requirements
  - (i) Consistency with existing plans: if any portion of a proposed plan is part of a parks plan, bicycle, or pedestrian plan adopted by [Jurisdiction] such area shall be set aside to satisfy the requirements of this section*
  - (ii) Greenways: Open space dedicated as a greenway shall be a continuous parcel of at least 30 feet in width*

## Section 1.08 Site Plan Review

- (a) Procedure
  - (i) Preapplication Process*
  - (ii) Application*
  - (iii) Application Completeness*
  - (iv) Review: Site plans shall be reviewed by the technical review committee, which may approve or reject the site plan. Rejection may be made with one or more of the following findings related to bicycle and pedestrian infrastructure with respect to the proposed development*
    - 1) The proposed development is not consistent with the comprehensive plan, bicycle plan, or pedestrian plan;
    - 2) The proposed development does not accommodate pedestrians access to ROW;
    - 3) The proposed development does not have ADA accessible access to ROW;
    - 4) The proposed development does not have proper easement dedications per section 1.03;
    - 5) The proposed development does not meet overlay requirements per section 1.04;
    - 6) The proposed development does not meet Bikeway, Sidewalk, and Greenway requirements per section 1.07;
  - (v) Upon approval of the site plan, the building inspector may issue a building permit;*

## Section 1.09 Bikeway, Sidewalk, and Greenways

### (a) Bicycle and Pedestrian Connections

- (i) accommodations shall be provided in all new developments to facilitate the use of bicycle and pedestrian travel through the integration of sidewalks, multi-use paths, and bicycle lanes that connect to parks, schools, transit, and shopping areas.*
- (ii) In new residential subdivisions bicycle and pedestrian paths, trails, and bicycle lanes shall also connect to collector and minor arterial streets.*
- (iii) In Easements or rights-of-way shall be provided for bicycle /pedestrian paths between and within developments*
- (iv) A continues bicycle/pedestrian path shall be provided from the perimeter infrastructure to each of the following: entrances to each building on site, public sidewalks, walkways, trails, adjacent public parks, adjacent transit areas.*

### (b) Required locations

- (i) Sidewalks, crosswalks, and multi-use paths shall be constructed by the developer conforming to facility types identified in adopted plans or as follows below.*
  - 1) Freeways, expressways, arterials, collector streets, local streets: a minimum of one side of the right of way on adjacent properties.
  - 2) Throughfares to be developed to access the proposed development: both sides of the right-of-way adjacent to the proposed development.
  - 3) Local and collector streets: both sides of the right-of-way to be developed.
  - 4) Cul-de-sac: both sides of the right-of-way to be developed.
- (ii) The Technical Review committee may exempt sidewalk installation in cases to avoid impacting wetlands.*

### (c) Mid-block crossing locations

- (i) Local streets and new streets greater than 600 feet between intersections shall have mid-block crossings with accessible pedestrian ramps on both sides of the street when any of the following conditions are met:*
  - 1) There are two destinations on either side of the street with sidewalk or greenway within the right-of-way.
  - 2) An existing or proposed greenway crosses the street between two intersections;
  - 3) A mid-block crossing is recommended by the TRC.
- (ii) Mid-block crossings shall*
  - 1) Be equidistant from either intersection;
  - 2) Be constructed at 90 degrees to the roadway;
  - 3) Connect both ends to a sidewalk or greenway;
  - 4) Provide easements if not within public right-of way.
- (iii) The TRC may waive the mid-block crossing requirement as they see fit.*

### Section 1.10 Enforcement

- (a) The [JURISDICTION] shall not issue a building permit unless the plans, specifications and intended uses of building or structures conform in all respects to the provisions of this chapter.
- (b) The [JURISDICTION] may withhold or deny certificate of occupancy all permits or other forms of authorization on any development for which there is a violation of a provision in this chapter.
- (c) A violation of any of the provisions in this chapter shall result in a civil penalty of \$50 for the initial violation and a civil penalty of \$100 for each additional violation.

### Section 1.11 Design Standards

- (a) Construction within the public ROW shall comply with NCDOT and [JURISDICTION] standards
- (b) Sidewalks, bikeways, and greenways shall comply with [JURISDICTION] design standards set forth in the [JURISDICTION design standards]