# SUBDIVISION & INFRASTRUCTURE STANDARDS

# 6

## 6.1 PURPOSE & INTENTION

The purpose of this section is to establish criteria for the subdivision and development of real property within the jurisdiction of the Town of Davidson. These regulations are intended to:

- Provide for the protection of the public health, safety and welfare;
- Provide for the orderly growth and development of the Town of Davidson;
- Promote an environment built to human scale that accommodates pedestrians as the first priority and promotes physical, mental and emotional health;
- Provide a network streets that equitably accommodates pedestrians, bicyclists, automobiles and public transportation;
- Establish a pattern of development that provides access and mobility for all population groups including children, the elderly, low-income residents and people with disabilities;
- Require the development of a network of interconnecting streets that reduce traffic congestion while connecting and integrating neighborhoods with the existing fabric of town;
- Require the development of a network of sidewalks, bicycle lanes, greenways and other pedestrian/bicycle facilities that provide an attractive and safe mode of travel for cyclists and pedestrians;
- Provide for adequate improvements on all development sites, including streets, greenways; utilities and drainage; and
- Coordinate proposed development with existing or planned streets and with other public facilities.

## SECTIONS

# 6.2 APPLICABILITY

## 6.2.1 APPLICABILITY

The provisions of this section shall be applicable to all development within the jurisdiction of the Town of Davidson. In addition, after the effective date of this section, no site plan shall be approved and no plat for the subdivision of land shall be certified for recording until it has been submitted and approved in accordance with the provisions of this chapter.

## 6.2.2 EXEMPT SUBDIVISIONS

A. **Exemptions:** Certain types of subdivisions are not subject to the regulations of this ordinance. Such exemptions are included in the definition for "Subdivisions" in Section 16. Any document or plat to be recorded pursuant to any such exemption shall bear the notation: "Exempt pursuant to the Town of Davidson Planning Ordinance," and the signature of the Planning Director before being presented for recordation.

B. **Review of Exempt Subdivisions:** When a subdivision of property is exempt from the provisions of this ordinance, the subdivider may still present the subdivision plat to the Planning Director for review and comment. If appropriate, the Planning Director may attach a statement qualifying the use of the lots.

## 6.2.3 ATTRIBUTION RULES

Parcels may not be subdivided in such a manner as to avoid compliance with any regulations of this ordinance. The Planning Director has the authority to interpret this provision in a reasonable manner in order to accomplish its intent.

## 6.2.4 MECKLENBURG COUNTY LAND DEVELOPMENT STANDARDS MANUAL

The Mecklenburg County Land Development Standards Manual (MCLDSM) as amended from time to time, is herein incorporated by reference. Conformance to the MCLDSM is required in addition to the standards in this ordinance. In the event of a conflict between the MCLDSM and this ordinance, the permissions of this ordinance shall control.

# 6.3 REQUIRED IMPROVEMENTS

## 6.3.1 REQUIRED IMPROVEMENTS FOR ALL DEVELOPMENT

New development shall be required to install or construct the improvements specified in the list below. The developer shall be responsible for the installation and construction of required improvements according to the provisions of this ordinance and the Mecklenburg County Land Development Standards Manual, except as may otherwise be specifically provided herein or by town policy or agreement.

- Greenways, per Section 6.8 , the Active Transportation Master Plan, the Parks & Recreation Master Plan, and the Greenway Master Plan.
- Stormwater management, per Section 20.
- Public water supply distribution and fire hydrants per CMUD and Mecklenburg County Fire Marshall requirements.
- Public sewer in accordance with Charlotte Water policy and requirements.
- Public streets (paved) and other public rights-of-way and improvements to adjacent existing streets, per Section 6.
- Easements (as required).
- Sidewalks, per Section 6.8.
- Curb and gutter, per Section 6.7.
- Street lights, per Section 10.
- Pedestrian crossings, as applicable, per the Active Transportation Plan.
- Underground utilities, per Section 4.
- Landscaping, per Section 9.
- Affordable housing, per Section 5.
- Neighborhood parks, per Section 7.
- Transit shelters, as required.
- Reservation of school sites, per Section 6.13.2.
- Solid waste containers, recycling containers, and solid waste and recycling handling areas, per Section 3.

A. Master Plans in the Rural Planning Area are subject to the following standards:

- Street Lights: See Section 10.
- Public Sewer: If the project is within 1,000 feet of an existing sewer line or planned sewer line funded within a Charlotte Water Capital Improvement Plan.
- Public Water: If the project is within 1,000 feet of an existing water line or planned water line funded within a Charlotte Water Capital Improvement Plan.
- Sidewalks: See Section 6.
- Curb & Gutter: If the development features a sewer connection then curb and gutter shall be required.
- Landscaping: See Section 9.
- Neighborhood Park: See Section 7.

### 6.3.2 DEVELOPMENT PROHIBITIONS

The following elements shall be prohibited from all types of development:

A. Gates, guardhouses, or other impediments to public accessibility on any streets or driveways, whether publicly or privately maintained;

B. Entry monuments, structures, fences, landscaping, or other architectural features which define the entrance to a development, subdivision, neighborhood, or dwelling unit;

C. Private community water systems; and

D. Private wastewater treatment plants.

E. Individual mailboxes.

## 6.4 SUBDIVISION STANDARDS

Land subject to flooding, improper drainage, and/or erosion; land that has been used for the disposal of solid waste and not adequately mitigated; and any other land deemed by the Planning Director to be uninhabitable shall not be subdivided and platted for residential or commercial occupancy, nor for such other uses as may increase danger to health, life or property or aggravate a flood hazard. Such land shall be set aside for uses that are not endangered by periodic or occasional inundation or that do not produce unsatisfactory living conditions.

## 6.5 CONNECTIVITY

Davidson's streetscape environments, from building face to building face are the primary public spaces of the town. A well-connected street network improves mobility for town residents and allows for convenient changes between different modes of transportation. The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets. Development shall be designed to provide attractive street fronts and ample pedestrian, bicycle and vehicular connections in order to facilitate traffic movement, improve access/egress for Davidson's residents, provide faster response time for emergency vehicles, and improve the connections between neighborhoods.

### 6.5.1 STREET NETWORK

Streets shall interconnect within a development and with adjoining development according to the following standards:

A. **Minimum Access:** A minimum of one means of vehicular access via a public right-of-way shall be required for development sites and subdivided properties. Such right-of-way shall conform to the minimum standards established in Section 6.7. Additionally, all master-planned development fronting on a state- or town-maintained right-of-way must provide an internal street within the development.

B. **Block Length:** Blocks shall not be less than 150 feet nor more than 600 feet in length except where topographic conditions and/or unique lot configurations offer no practical alternatives. Such blocks shall be approved by the Planning Director prior to final approval.

C. **Cul-De-Sacs:** Generally, cul-de-sacs are prohibited. Cul-de-sacs may be permitted

only where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Cul-de-sacs, if permitted, shall not exceed 250 feet in length from the nearest intersection with a street providing through access (not a cul-de-sac). The closed end of a cul-de-sac shall not exceed 80 feet in diameter. A close (See Section 7) is preferred over a cul-de-sac.

D. **Reserve Strips Prohibited:** Reserve strips and non-access easements adjoining street rights-of-way for the purpose of preventing access to or from adjacent property shall not be permitted.

E. **External Connections:** Streets within a new development shall provide external connections to existing streets and/or adjacent properties including adjacent future phases at the rate of at least one connection/stub street per 600 feet of property boundary. In addition, the following connections/stub streets shall be required:

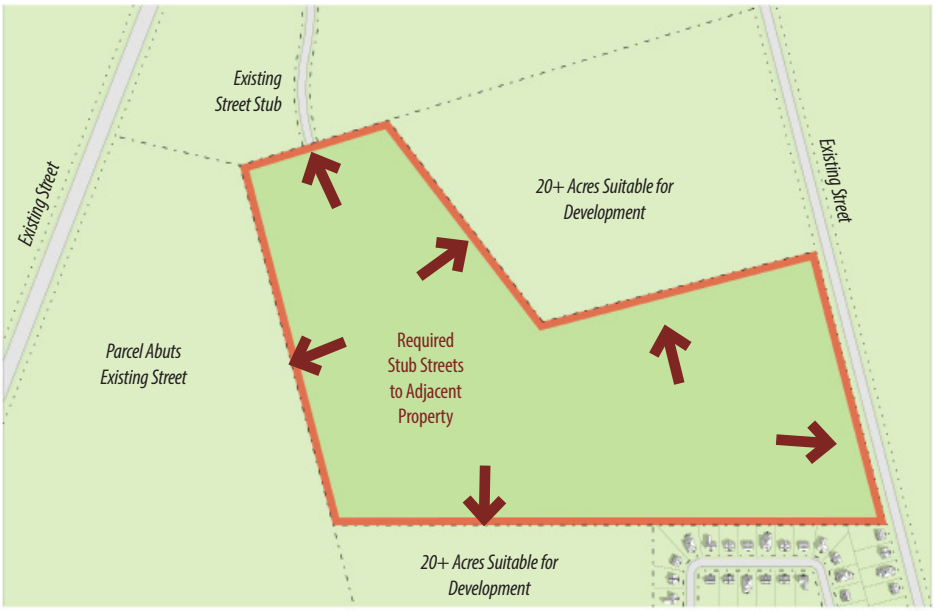
1. Any connection to an existing stub street on an adjacent property;
2. Any connection/street stub, including water crossings, represented on a town-accepted transportation or land use plan;
3. Street stub to an adjacent developable parcel of 20 acres or greater; and
4. Street stub to an adjacent parcel that abuts or is traversed by an existing or proposed street.

F. **Alternate Compliance**

1. When the Planning Director deems a required external street connection is impractical due to severe topography, existing development, or other natural features, the town may require an easement or a non-vehicular connection in lieu of the required street connection(s).
2. Funds in lieu of construction may be accepted for stub streets that would cross over a water course located at the boundary of the development or a phase of the development in accordance with the provisions of Section 6.12.1.C.

G. **Future Street Connection Signage:** All dead-end streets and stub streets that have the potential to connect to adjacent property or with nearby streets must be signed with the following language: "The street will be extended when the adjacent property develops."

EXAMPLE 6-1: EXTERNAL STREET CONNECTIONS




***Required Connections/Street Stubs:*** *External connections are required at the rate of one stub street per 600 feet of property boundary. Certain types of connections shall be required as illustrated above. All street stubs shall be built to the property line.*

## 6.5.2 INTERSECTIONS

A. **Angle:** All streets shall intersect as nearly as possible at right angles and no street shall intersect at less than 60 degrees.

B. **Minimum Separation:** All street intersections shall be at least 150 feet apart measured from centerline to centerline.

C. **Centerline Offsets:** Street jogs with centerline offsets may be permitted only where topographic conditions and/or exterior lot line configurations offer no practical alternatives for through connections. Where a centerline offset occurs at an intersection, the distance between centerlines of the intersecting streets shall not be less than 80 feet.

D. **Curb Radii:** Curb radii at all intersections shall be rounded with a minimum radius of 15 feet. At an angle of intersection of less than 90 degrees, a greater radius may be required. Curb radii shall be designed to reduce pedestrian crossing times along all streets. In general, curb radii should not exceed 25 feet. Street trees and on-street parking shall be held 20 feet from all intersections to allow for the turning radius of emergency vehicles.

E. **Sight Distance:** Appropriate size sight lines shall be maintained at all intersections to maintain clear sightlines for pedestrians and motorists. Within the sight distance triangle no fence, wall, sign (except regulatory and street name signs), embankment, landscaping,or structure shall be placed, erected or maintained which will obstruct visibility. The sight triangle may be modified by the Planning Director during the review process.

F. **Roundabout:** Roundabouts are encouraged at intersections to allow a smooth and continuous flow of traffic.

EXAMPLE 6-2: ROUNDABOUT

*Roundabouts allow for a continuous and regular flow of traffic through intersections and calm traffic by requiring motorists to yield to pedestrians and motorists already within the roundabout.*

### 6.5.3 PEDESTRIAN, BICYCLE & TRANSIT CONNECTIONS

A. **Pedestrian Routes:** In addition to sidewalks, paths through squares and parks and mid-block pedestrian alleys (for blocks in excess of 300') shall provide pedestrian routes throughout proposed developments.

B. **Greenway, Park and Open Space Access:** When a development abuts greenways, parks and/or public open space areas, public access to such features must be provided at a minimum of every 600 feet when feasible, as determined by the Planning Director. Such access shall be provided through greenway connectors a minimum of six feet wide or multi-use paths, and paved in accordance with the standards of Section 6.8.2..

C. **Bicycle Facilities:** All development shall provide facilities for bicycles as recommended in the Active Transportation Master Plan as determined by the Planning Director. Facilities include, but are not limited to, sharrows, dedicated bicycle lanes, cycle tracks, and multi-use paths.

D. **Transit Stop:** Projects with 100 or more residential units, or 100,000 square feet of non-residential space, shall be reviewed by the Charlotte Area Transit System for the provision of well-located space per CATS standards for a transit stop.

## 6.6 IMPLEMENTATION OF STREET STANDARDS

### 6.6.1 COMPREHENSIVE & TRANSPORTATION PLAN CONFORMITY

Streets shall be planned with due regard to the circulation system designated on the official Comprehensive Plan Map adopted by the town, the Charlotte Regional Transportation Planning Organization (CRTPO), or as part of any transportation plan adopted by the Town of Davidson.

### 6.6.2 PROPOSED NEW STREETS

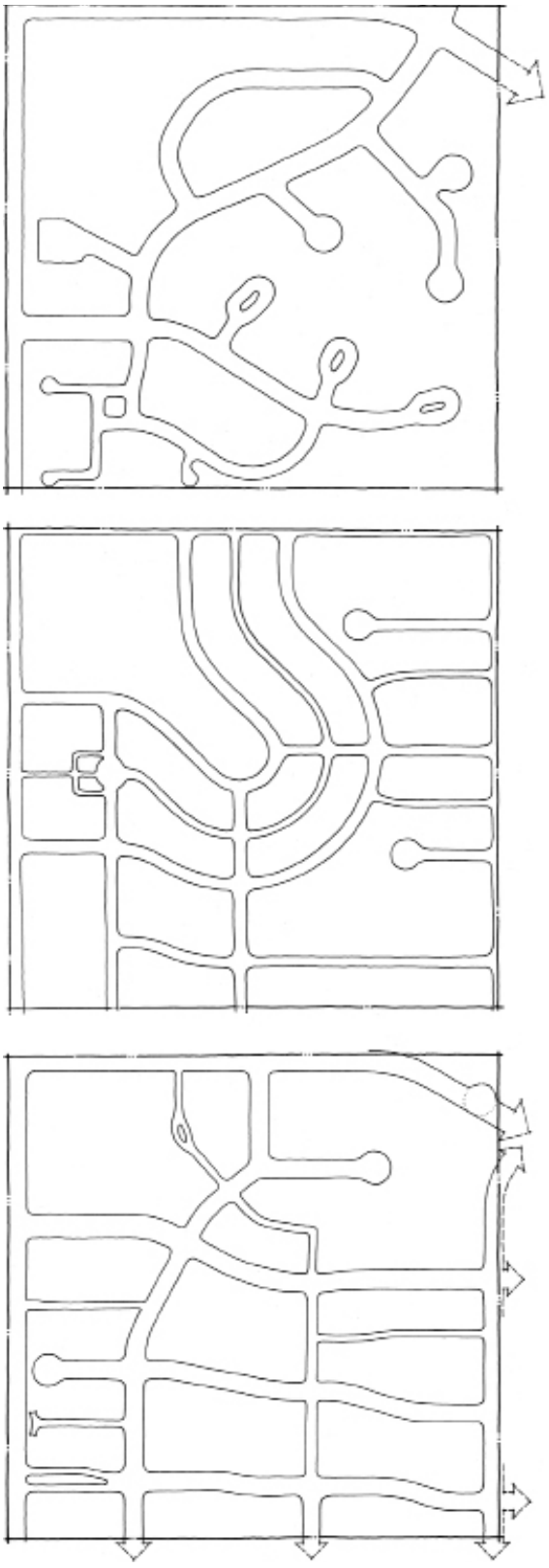
A. **New Streets Designated on an Adopted Plan:** Where a proposed subdivision or development includes any part of a street which has been designated on an adopted plan, the developer shall plat, dedicate and construct the street in accordance with the intent of the plan, including the specific location and/or cross section of specified in the plan.

B. **New Streets Not Designated on an Adopted Plan:** Where a proposed subdivision or development includes a new street which is not included on an adopted plan, the developer shall plat, dedicate and construct the street in accordance with the designated street section outlined in Section 6.7.

C. **Street Width Transition:** Where a proposed street extends an existing street of a different width than what is required by this section, the width transition shall be made within the first block of the proposed development.

### 6.6.3 EXISTING SUBSTANDARD STREETS

Development fronting existing streets of inadequate right-of-way shall be required to dedicate additional right-of-way and construct street cross sections per Section 6.7.3 and/or as shown on a town-accepted long range plan, as determined by the Planning Director.

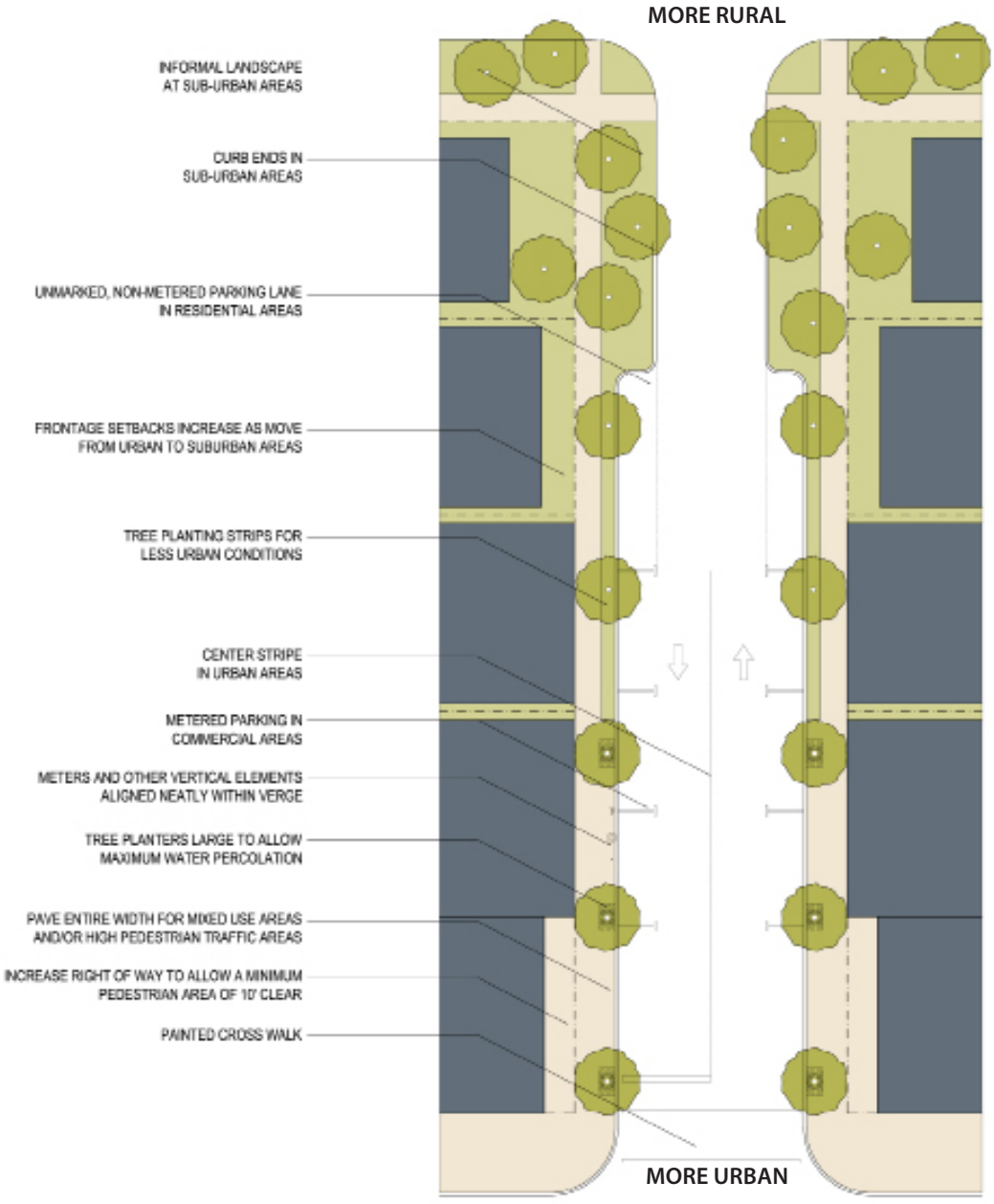


***Development Connectivity:*** *The images above illustrate three conceptual subdivision layouts. The top image is an example of a poor layout with too few connections and many dead ends. The lower two images show improved street layouts with more connections and a robust network of streets.*

# 6.7 STREET DESIGN & CLASSIFICATION

## 6.7.1 ASSIGNMENT OF STREET DETAILS

The illustration below is a simplified diagram of the many different details that go into the design of each street type established in Section 6.7.3. In choosing between the different street classifications in this chapter and assigning various street details, the specific context shall be a primary consideration.



### 6.7.2 GENERAL DESIGN STANDARDS

All streets in Davidson shall be designed as Complete Streets; they shall be sized and detailed to serve equitably the needs of bicyclists, pedestrians, motorists, and transit users. Streets shall be designed and constructed at a pedestrian scale by minimizing design speeds, street width, and the number of vehicular travel lanes, as well as incorporating bicycle and pedestrian facilities as a primary mode type.

A. **Minimum Standards:** All streets, whether publicly or privately maintained, shall be constructed in accordance with the design and construction standards in this ordinance and the Mecklenburg County Land Development Standards Manual.

B. **Public Access:** All streets shall be maintained for public access whether by easement or by public dedication.

C. **Topography:** Streets, sidewalks, greenways and other pedestrian/bicycle facilities shall be designed to fit the contours of the land to minimize grading and the use of retaining walls, and shall minimize the removal of significant trees.

D. **On-Street Parking:** On-street parking shall be provided in accordance with the applicable street type as specified in Section 6.7.3 - Town Street Classifications. If angled parking is proposed, back-in angled parking configurations are preferred.

E. **Centerline Radius:** A 90-foot minimum radius and minimum 50-foot tangent shall be provided between reverse curves on all streets.

F. **Street Materials:** Street and alley/lane materials shall conform to the provisions of the Mecklenburg County Land Development Standards Manual. Exceptions may be made by the Planning Director for pedestrian crosswalks in order to provide for a safer crossing environment.

G. **Curb Extensions:** Curb Extensions (bulbouts) may be required by the Planning Director where the crossing distance (pavement width) of a street is greater than 20 feet.

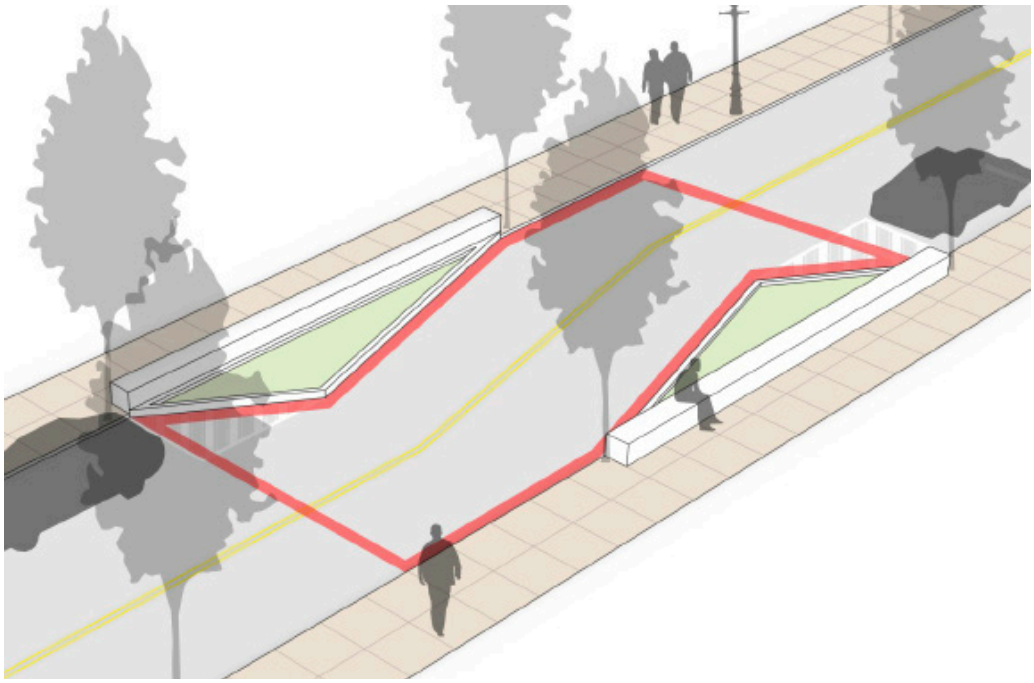
H. **Street Signs and Traffic Control Signs**

1. All street and traffic control signs shall be posted in accordance with the FHWA - Manual on Uniform Traffic Control Devices (MUTCD) and installed by the developer prior to the issuance of any certificates of occupancy for any building on that street.
2. Additional wayfinding, pedestrian crossing, bicycle route, "Share the Road", and/or similar street signs may be required by the Planning Director as necessary, as recommended in the Active Transportation Master Plan.
3. The text size and location of street signs shall provide for sufficient visibility in accordance with the FHWA - Manual on Uniform Traffic Control Devices (MUTCD) and the Mecklenburg County Land Development Standards Manual.

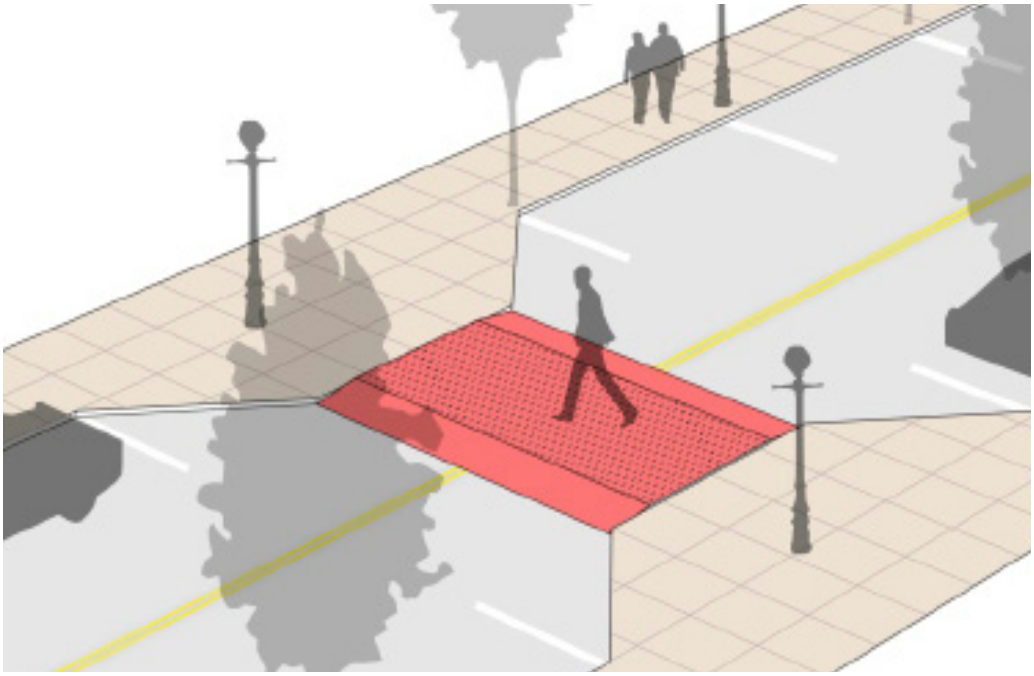
I. **Traffic Calming Techniques:** The use of traffic calming devices such as raised intersections (speed tables), chicanes (lateral shifts), and roundabouts may be required by the Planning Director depending on the nature of the street or intersection. At all intersections requiring traffic calming, raised pavement or roundabouts shall generally be used.

J. **Posted Speed Limits:** All streets, except alleys and state roads, shall be posted with a 25 mile per hour speed limit unless otherwise posted by the town or NCDOT.

EXAMPLE 6-3: TRAFFIC CALMING TECHNIQUES



***Chicane:*** *Chicanes calm traffic by requiring motorists to negotiate a slight lateral shift in the roadway. This is also an ideal technique for alternating an on-street parking lane from one side of the road to the other.*



***Raised Intersection:*** *Raised intersections or speed tables are elongated speed bumps used at intersections or for midblock crossings (as illustrated above). They slow traffic and allow pedestrians to cross the street at the same grade as the sidewalk.*

*Image Credit: Miami 21 Code*

K. **Utility Location:** Utilities shall be located in accordance with the Mecklenburg County Land Development Standards Manual. To the extent practical utilities shall also be located as follows:

1. "Wet Utilities" (i.e., water, wastewater and stormwater) shall be located under the vehicular travel lanes, near the street centerline.
2. Natural gas lines shall be located outside (i.e., further from the street centerline than) the wet utilities, and may be located under the sidewalk as necessary.
3. Electric and cable conduit (i.e., phone and internet) shall be located outside natural gas lines. In alley-loaded development, such utilities shall be located in the alley. If no alley is provided, then such utilities shall be located behind the sidewalk (if possible). Such utilities shall be located within the right-of-way or a 5-foot (minimum) public utility easement.
4. All utilities must be buried on site to the closest existing utility connection in the right-of-way. No new utility poles may be installed.

L. **Curb and Gutter**

1. Drainage shall be provided using standard (two-foot) closed curb and gutter systems along all streets with the exception of rural roads and alleys. Parkways may use open swales on the park/greenway side upon approval of the Planning Director. Valley curb and gutter are prohibited. Alleys shall use ribbon curb.
2. Standard curbing is also required along any side of a street with marked on-street parking.

M. **Drainage Grates:** All drainage grates must be safe for bicyclists. Bicycle-safe drainage grates are Types E, F, and G as approved by NCDOT. Nonconforming drainage grates must be replaced by the fronting development.

### 6.7.3 TOWN STREET CLASSIFICATIONS

The street sections established in this section are intended to provided typical street sections for the purposes of identifying required improvements by fronting property owners in development applications. All streets, public or private, shall comply with one of the street sections established in this section.

Certain corridors feature special characteristics and warrant the application of specific infrastructure standards. Many of these corridors lie within the Town's rural areas. All new development fronting Grey Rd., Davidson-Concord Rd., East Rocky River Rd., and Shearer Rd., shall conform to the street cross-sections as specified in the Rural Area Plan.

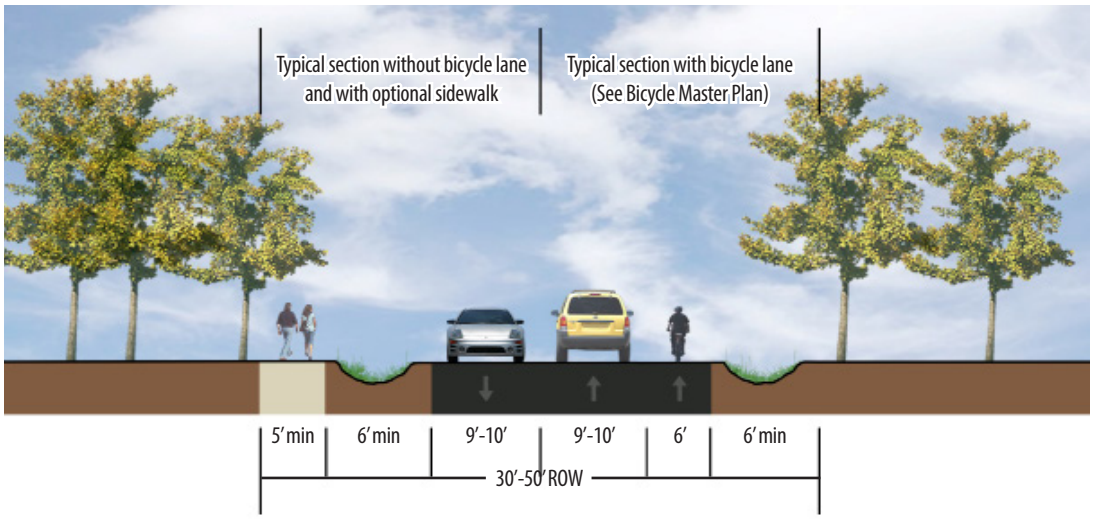
In choosing between the different permitted street types for any given street segment, the applicant and Planning Director shall consider the building types which front on the street and the relationship of the street to the town's street network, and shall mutually agree upon the most appropriate section.

A. **Measurement of Street Section Details**

1. The dimensions established in the street sections below for traffic lane widths, sidewalks, bike lanes, medians, planting strips and parking lanes indicate the required edge-of-curb measurement, or edge-of-pavement where no curb is present.

2. Where an overall pavement width dimension is given, it indicates the total back-of-curb to back-of-curb width within the street, or edge-of-pavement where no curb is present.

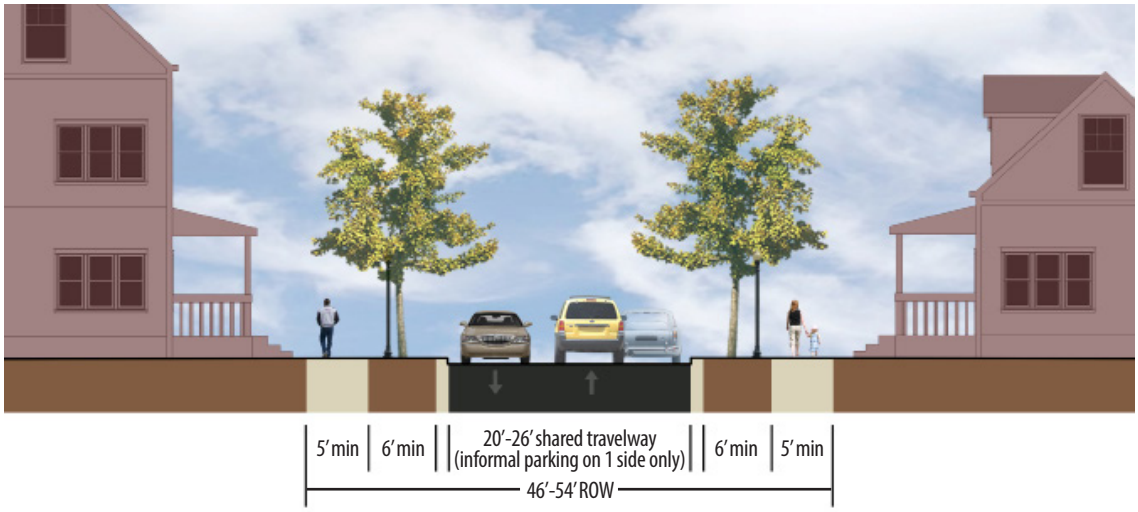
B. **Dimension Ranges:** Where ranges are given, the project designer should use the minimum width necessary to accommodate the street, median, planting strips, sidewalks, utilities and maintenance considerations.




**Rural Road**

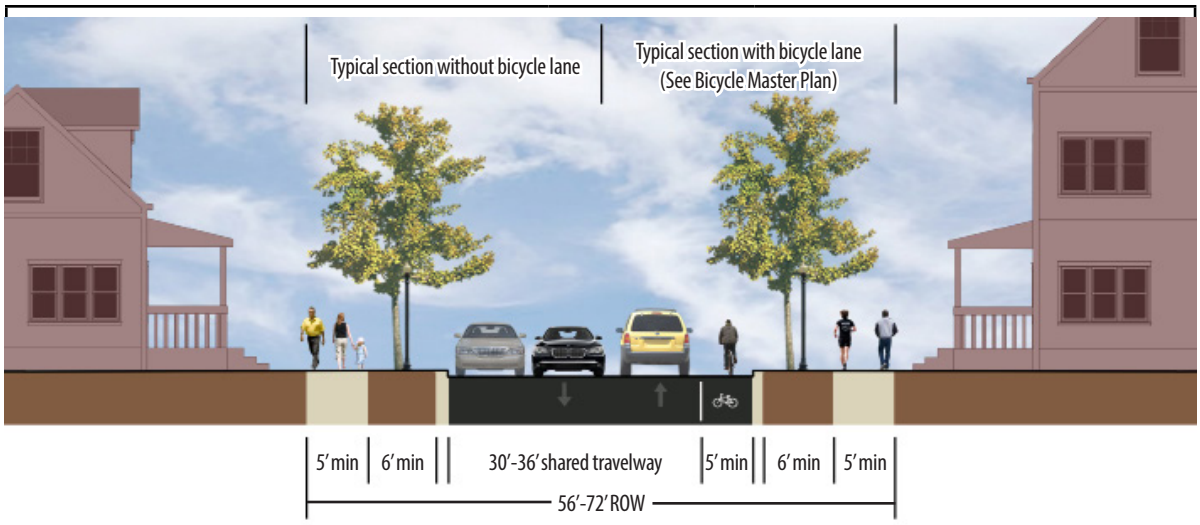
Rural Roads are intended to maintain the character of Davidson's rural areas. Curb and gutter is not required. Drainage swales shall be on one or both sides of road, with either a cross slope or center crown, respectively. Rural Roads are permitted in the Rural Planning Area.

| | |
|---|---|
| 1. Right-of-Way Width | 30-50 ft |
| 2. Pavement Width | 18-20 ft - up to 32 ft with bike lanes (edge-of-pavement to edge-of-pavement) |
| 3. Traffic Lanes | 2 lanes at 9-10 ft each |
| 4. Median Width | None |
| 5. Design Speed | 30-35 mph |
| 6. Parking Lanes | None |
| 7. Sidewalk | 1 side (optional) - 5 ft min if provided; side path recommended |
| 8. Planter Type | 6 ft min open swale |
| 9. Bicycle Facilities | 6 ft Bicycle Lanes OR separated Multi-Use Path (as indicated on Active Transportation Master Plan) |
| 10. Curb Type | None - Open swale |



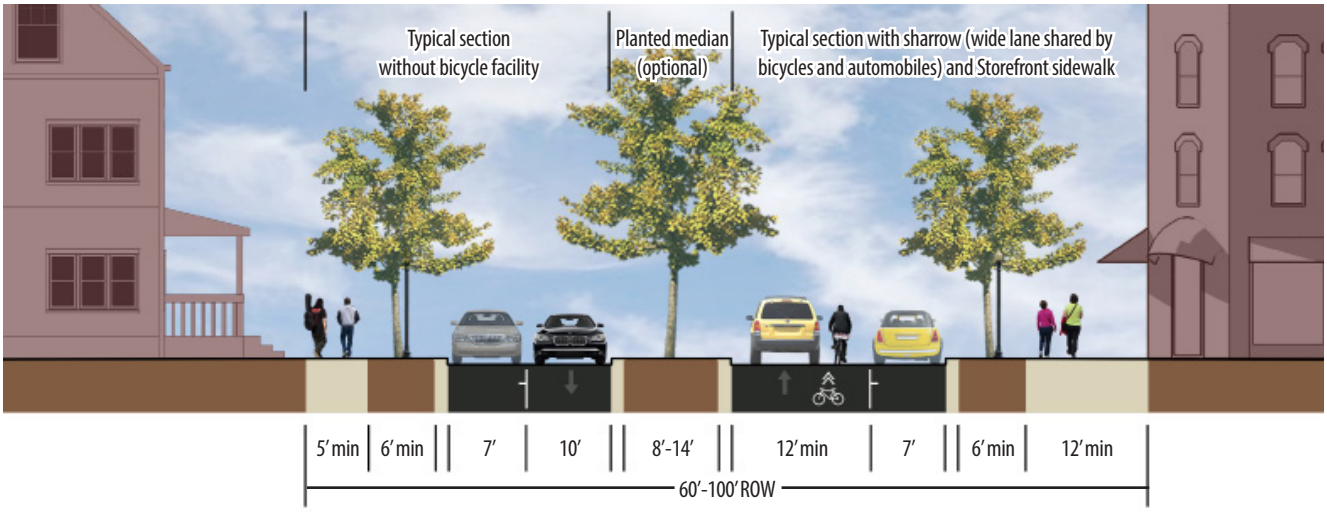

**Neighborhood Yield Street:** Neighborhood Yield Streets are pedestrian-oriented and residential in character, functioning primarily to provide connections within neighborhoods. The traveled way for cars is unmarked and narrow, allowing for a yield flow of traffic around vehicles parked on one side of the street only.

| | |
|---|---|
| 1. Right-of-Way Width | 46-54 ft |
| 2. Pavement Width | 24-30 ft (back-of-curb to back-of-curb) |
| 3. Traffic Lanes | 2 lanes - Unmarked within shared travelway |
| 4. Median Width | None |
| 5. Design Speed | 15-20 mph - Yield flow movement |
| 6. Parking Lanes | 1 side only - Unmarked within shared traveled way |
| 7. Sidewalk | Both sides - 5 ft min |
| 8. Planter Type | 6 ft min planting strip |
| 9. Bicycle Facilities | Informal - Sharrows recommended |
| 10. Curb Type | Vertical curb and gutter (2 ft width for curb and gutter pan) |



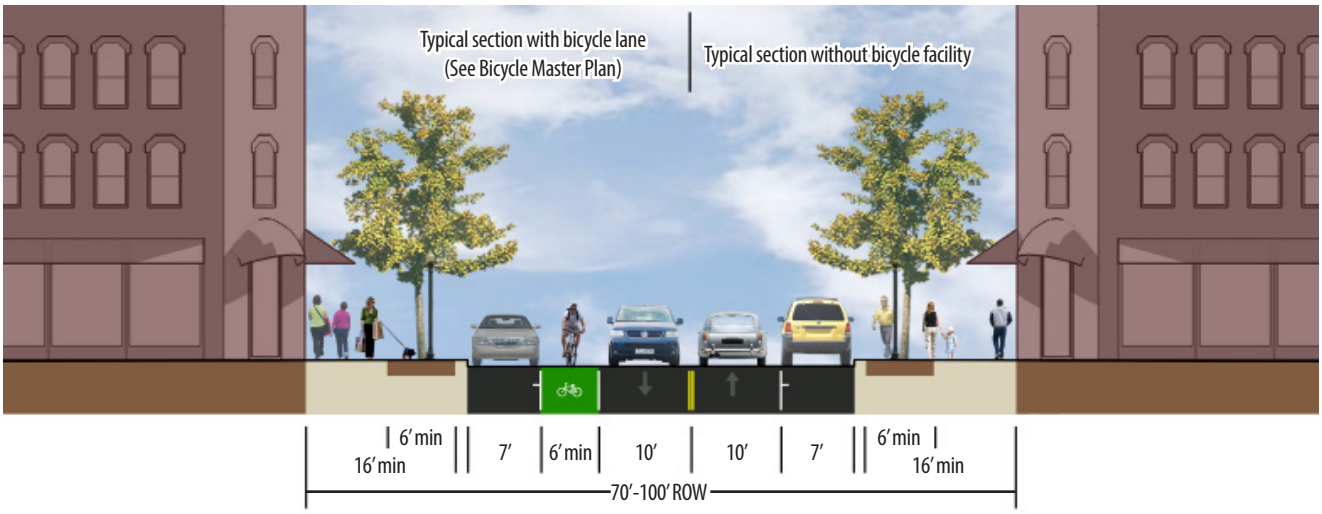

**Neighborhood General Street:** Neighborhood General Streets are the most common street type in Davidson. These versatile streets are typically unmarked in residential neighborhoods to allow for informal parking, but can be striped with bike lanes and/or a lane of on-street parking as necessary in more urban situations.

| | |
|---|---|
| 1. Right-of-Way Width | 56-72 ft |
| 2. Pavement Width | 34-40 ft - up to 48 with bike lanes (back-of-curb to back-of-curb) |
| 3. Traffic Lanes | 2 lanes - Unmarked or marked as necessary |
| 4. Median Width | None |
| 5. Design Speed | 20-25 mph |
| 6. Parking Lanes | Both sides - 1 side only with inclusion of bike lane(s) |
| 7. Sidewalk | Both sides - 5 ft min |
| 8. Planter Type | 6 ft min planting strip |
| 9. Bicycle Facilities | Signed route, Bicycle lanes, or Cycle Tracks - 5 ft min (as indicated on Active Transportation Master Plan) |
| 10. Curb Type | Vertical curb and gutter (2 ft width for curb and gutter pan) |



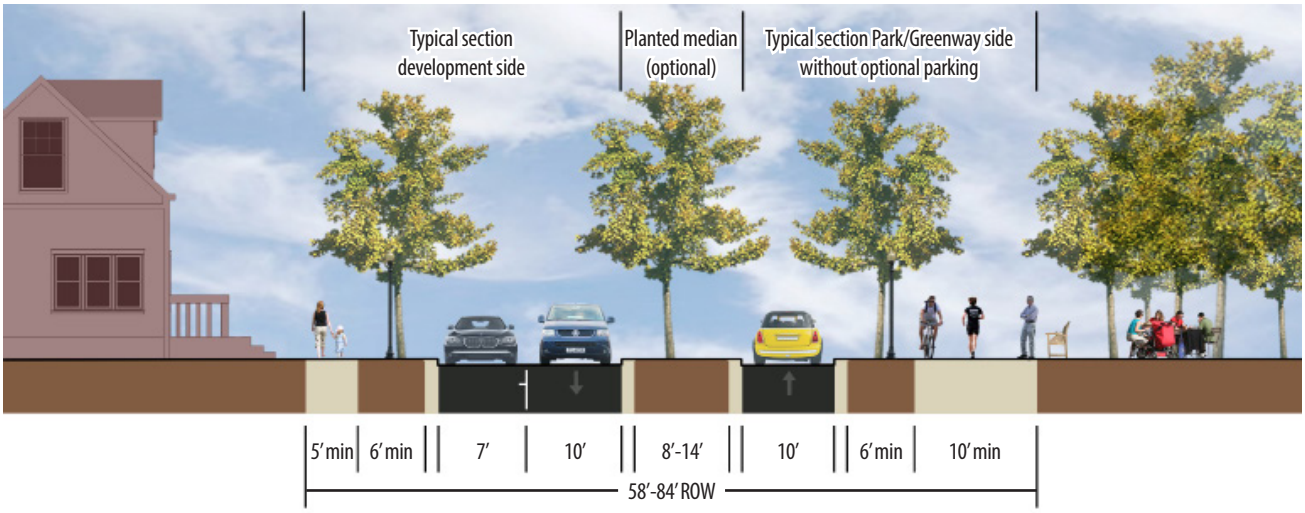

**Urban Avenue/Boulevard:** Urban Avenues/ Boulevards are urban in character and provide low-speed, pedestrian-friendly access to neighborhoods and mixed-use areas. They serve as a primary neighborhood connector, often terminating at prominent buildings or plazas. On-street parking is provided on both sides of the street.

| | |
|---|---|
| 1. Right-of-Way Width | 60-100 ft |
| 2. Pavement Width | 34-64 ft - including optional median (back-of-curb to back-of-curb) |
| 3. Traffic Lanes | 2 lanes at 10 ft each (or up to 14 ft with sharrow) - Marked |
| 4. Median Width | 8-14 ft (optional - where provided, must be planted with street trees at least 40' on-center) |
| 5. Design Speed | 20-25 mph |
| 6. Parking Lanes | Both sides, Parallel (7 ft) or back-in angle (16 ft) parking - pervious pavement preferred |
| 7. Sidewalk | Both sides - 5 ft min (12 ft min if located next to Mixed-Use/Storefront building) |
| 8. Planter Type | 6 ft min planting strip |
| 9. Bicycle Facilities | Bicycle lanes - 6 ft min , Sharrows - 12 ft min shared lane, or Separated Bike Lane |
| 10. Curb Type | Vertical curb and gutter (2 ft width for curb and gutter pan) |



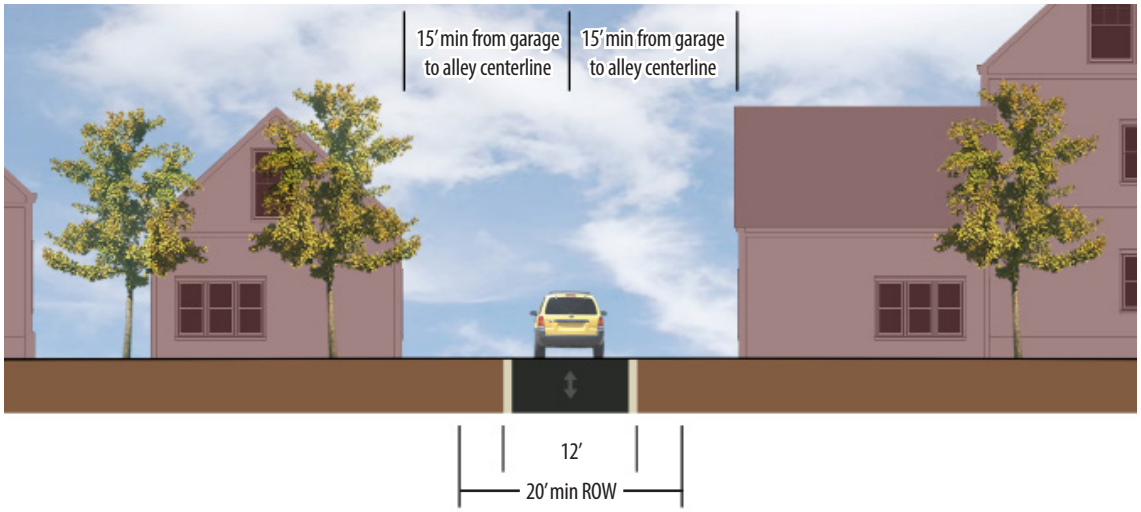

**Town Center Street:** Town Center Streets are designed to accommodate the highest density of residential and commercial uses and the greatest concentration of pedestrian activity. They are urban in character and carry diverse traffic volumes at low to moderate speeds. Sidewalks are wide to support vibrant pedestrian environments, outdoor displays and/or cafe seating. On-street parking enables convenient access to storefronts.

| | |
|---|---|
| 1. Right-of-Way Width | 70-100 ft |
| 2. Pavement Width | 36-50 ft (back-of-curb to back-of-curb) |
| 3. Traffic Lanes | 2 lanes at 10 ft each (or up to 14 ft with sharrow) - Marked |
| 4. Median Width | None |
| 5. Design Speed | 15-20 mph |
| 6. Parking Lanes | Both sides, Parallel (7 ft) or back-in angle (16 ft) parking - pervious pavement preferred |
| 7. Sidewalk | Both sides - 16 ft min |
| 8. Planter Type | Tree wells (6 ft by 6 ft) within sidewalk |
| 9. Bicycle Facilities | Bicycle lanes - 6 ft min OR Sharrows - 12 ft min (as indicated on Active Transp. Master Plan) |
| 10. Curb Type | Vertical curb and gutter (2 ft width for curb and gutter pan) |




**I. Parkway:** Parkways are fronted on one side by a park, square, plaza, wetland or other open space area. Parkways are suitable to support a broad range of development types on the opposite side, including residential, commercial, mixed-use and civic buildings. Parkways accommodate pedestrians and bicyclists through a greenway located on the park/open space side. On-street parallel parking is required on the side of the street with fronting development, but may be provided on both sides.

| | |
|---|---|
| 1. Right-of-Way Width | 58-84 ft |
| 2. Pavement Width | 29-54 ft - including optional median (back-of-curb to back-of-curb) |
| 3. Traffic Lanes | 2 lanes at 10 ft each - Marked |
| 4. Median Width | 8-14 ft (optional - where provided, must be planted with street trees at least 40' on-center) |
| 5. Design Speed | 25-35 mph |
| 6. Parking Lanes | Required on development side, optional on park side - 7 ft (pervious pavement preferred) |
| 7. Sidewalk | 5 ft min on development side, 10-12 ft multi-use path on park/open space side |
| 8. Planter Type | 6 ft min planting strip |
| 9. Bicycle Facilities | Greenway on park/open space side - 10-12 ft |
| 10. Curb Type | Vertical curb and gutter (2 ft width for curb and gutter pan) |




**J. Alley:** Alleys are low-speed public rights-of-way providing rear access to garages and residences. Garages must be set back 15 feet from the centerline. Parking pads must be set back 5 feet from the right-of-way. Alleys are required where lot widths are 60 feet wide or less, unless topography is prohibitive. (See Section 8) The radius at the street/alley connection must be navigable by garbage trucks and emergency vehicles.

| | |
|---|---|
| 1. Right-of-Way Width | 20 ft min |
| 2. Pavement Width | 12 ft (10 ft asphalt with 1 ft concrete edge on each side) |
| 3. Traffic Lanes | 1 lane at 10 ft |
| 4. Median Width | None |
| 5. Design Speed | 10 mph |
| 6. Parking Lanes | None |
| 7. Sidewalk | None |
| 8. Planter Type | None |
| 9. Bicycle Facilities | None |
| 10. Curb Type | Ribbon |

### 6.7.4 MODIFICATIONS TO STREET DESIGN STANDARDS

Minor modifications to the standards and street classifications in this section may be permitted with the approval of the Planning Director. Such modifications include variations to the pavement and planting strip width, street grade, sight distances, and centerline radii in accordance with principles of this ordinance.

## 6.8 SIDEWALKS & GREENWAYS

### 6.8.1 SIDEWALK STANDARDS

A. **Reqiured Construction:** Except as provided for in this ordinance, all development requiring building permit approval shall provide sidewalk facilities along the property frontage in accordance with this ordinance. This does not apply to the following:

- Existing residential or non-residential development construction affecting less than 50% of the building;
- Permits for: Accessory structures; detached garages; demolition work; residential or non-residential interior work; pools; or, retaining walls.

B. **Required Location:** Sidewalks shall be constructed as follows:

1. Along both sides of all streets except alleys, lanes, parkways, and rural roads as specified in the Town Street Classifications in Section 6.7.3.
2. In all locations specified by the Town of Davidson Pedestrian Master Plan and

any other applicable adopted plan;

C. **Minimum Width:** The minimum width for sidewalks shall be as specified by the applicable street type in Section 6.8.3, except that sidewalks in front of Storefront building types, as specified in Section 2, shall be a minimum of 12 feet. Where cafe seating is provided, a minimum of six feet of horizontal clearance for pedestrians is required. For sidewalks in front of Detached House and Live/Work commercial buildings in the Neighborhood Services node at the East Rocky River Rd. and Shearer Rd. intersection, sidewalks along primary street frontages shall be a minimum of eight feet.

D. **Planting Strip:** Sidewalks shall adjoin a planting strip with a minimum width of eight feet unless otherwise specified in the Town Street Classifications in Section 6.8.3. The width of the planting strip and location of the sidewalk in relation to the street may be adjusted as necessary to allow for the preservation of mature trees.

E. **Street Trees:** Sidewalks shall be designed with street trees planted in accordance with the requirements of Section 9 - Street Tree Plantings and the applicable street type as specified in Section 6.8.3 - Town Street Classifications.

F. **Interior Sidewalks:** Multi-family and planned developments shall provide sidewalks for interior movement of pedestrians and connect to the public sidewalk system.

G. **Sidewalk Materials:** All new sidewalks in the block bounded by Main Street, Depot Street, and Jackson Street shall be paved in brick pavers. All other sidewalks may be concrete, pavers, or similar material according to the overall design and character of the development.

H. **Pedestrian Crosswalks:** A place designated for a pedestrian to cross a road. Pedestrian Crosswalks will be at least 10 feet in width and allow pedestrians to be easily seen by vehicles.

I. **Rural Planning Area Exceptions:** All development shall provide sidewalk facilities on both sides of the street unless otherwise determined by the Planning Director. In select cases sidewalks may be provided on only one side of each minor street and ADA-compliant paths meeting the minimum DPO standards for sidewalk width may be provided on one side of each street. All walkways shall be publicly-accessible.

### 6.8.2 MULTI-USE PATHS

For the purposes of this chapter, multi-use paths shall be classified in accordance with their relation to designated floodplain areas. Additional restrictions may apply within the Streamside, Managed Use and Upland Zones of required Stream Buffers in accordance with the requirements established in Section 21.

A. **Upland Trails:** Upland multi-use trails are positioned completely outside designated floodplains. The existing vegetation in the Streamside and Managed Use Zones shall remain intact. Upland trails are preferred over other greenway types because they provide the most habitat and water quality benefits.

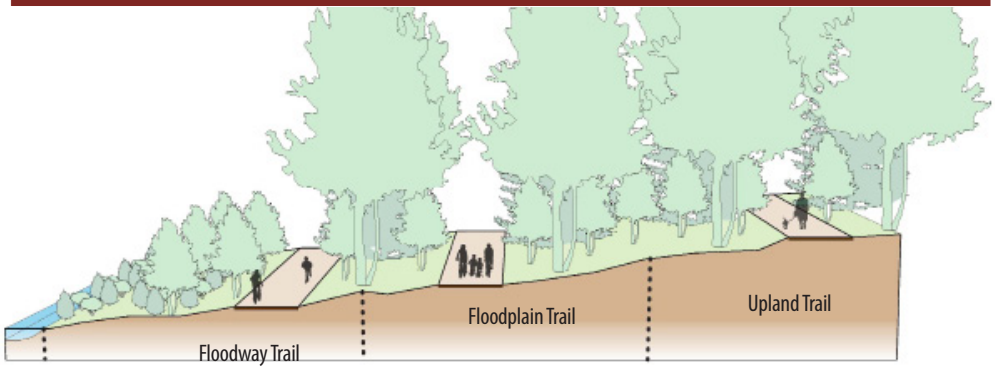
B. **Floodplain Trails:** These multi-use trails are positioned outside of the floodway, within the floodplain. A significant vegetative buffer between the stream and trail should be left intact. Such trails should only be utilized where site conditions prohibit the use of Upland Trails.

C. **Floodway Trails:** These multi-use trails are positioned within the floodway. A

minimum 30-foot vegetative buffer between the stream and trail should be left intact unless constructed as a Boardwalk Trail. Such trails should only be utilized where site conditions prohibit the use of Upland Trails and Floodplain Trails.

D. **Boardwalk Trails:** Boardwalks, or wood surface trails, are required when crossing wetlands or other poorly drained areas. Boardwalk trails are composed of lumber or synthetic wood.

EXAMPLE 6-4: GREENWAY TYPE LOCATIONS

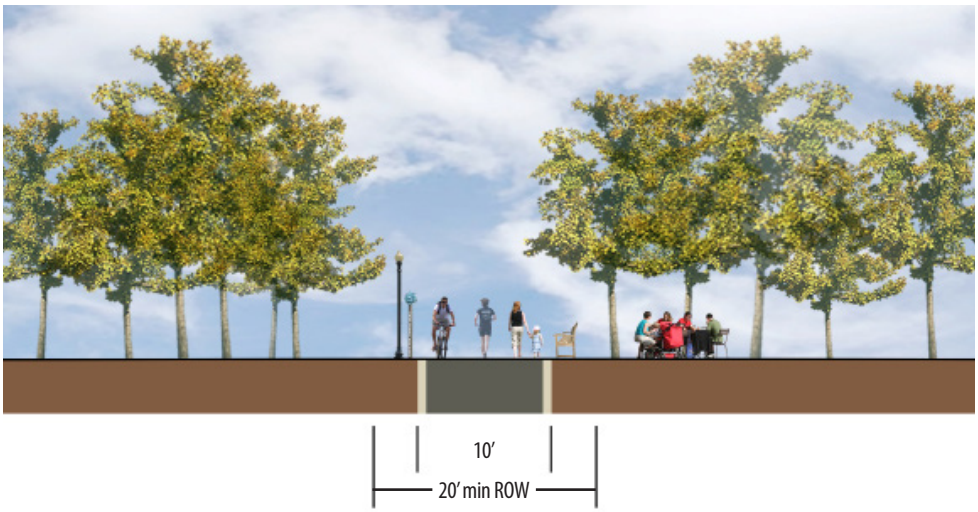



*For the purposes of this chapter, greenways are classified according to their relation to designated floodplains. Greenways can be an ideal use of otherwise undevelopable land near streams and wetlands. However, greenways classified as Upland Trails should be utilized whenever possible in order to preserve vegetation within Streamside and Managed Use Zones, as established in Section 21. Regardless of location, all greenways shall be a minimum of 10 feet in width. All greenways, other than boardwalk trails, shall be paved with 2 inches of machine-laid asphaltic concrete with a 4 inch aggregate base.*

## 6.8.3 GREENWAY STANDARDS

This ordinance requires the development of a network of greenways that connect active and passive parks, schools, cultural sites, neighborhoods, and commuter destinations. All developments shall include greenways and/or connections to greenways in accordance with the design and construction standards of this ordinance.

EXAMPLE 6-5: TYPICAL GREENWAY SECTION



A. **Adopted Plans:** Greenways and greenway connectors shall be constructed in accordance with the designated circulation system shown on the Davidson Walks & Rolls Active Transportation Master Plan, the Parks and Recreation Master Plan, the CRTPO Comprehensive Transportation Plan, and/or any other adopted plan. The Mecklenburg County Greenway Master Plan will be enforced on properties not addressed by a town-adopted plan. All new developments on or adjacent to an identified greenway corridor must provide and construct greenway access within a designated public easement. Where adjacent properties prohibit construction of off-street connector trails, on-street connector facilities shall be required to connect to the nearest connector facility.

B. **Minimum Width:** All greenways shall be a minimum of 10 feet wide within a dedicated right-of-way or public easement of at least 20 feet. Greenway connectors shall be a minimum of 6 feet wide.

C. **Paving Standards:** All greenways and greenway connectors (except Boardwalk Trails) shall be paved with 2 inches of machine-laid asphaltic concrete surface with a 4-inch aggregate base over compacted soil.

D. **Greenway Stubs:** Greenway stubs must extend to the neighboring property line in locations that are easily accessible for future connectivity through adjacent parcels.

E. **Topography:** Greenways and connectors should be designed to fit the contours of the land and should minimize removal of significant trees.

F. **Accessibility:** All greenways shall be designed to accommodate a variety of users including walkers, joggers, cyclists, and rollerbladers.

G. **Public Access:** All greenways, greenway connectors and neighborhood trails shall be maintained for public access whether by easement or by public dedication.

H. **Amenities:** Greenways shall provide amenities, such as drinking fountain(s), trash receptacles, bike rack(s), and pet station(s), as defined in the Davidson Walks & Rolls Active Transportation Master Plan and the Parks and Recreation Master Plan. Way station facilities should be considered for select greenway corridors, intersections, and amenities/attractions. These facilities may range from sheltered kiosks and/or benches to small buildings containing exhibits, restrooms, or minor food provisions.

I. **Drainage and Erosion Control:** Greenways must have a minimum cross slope of 2 percent to adequately provide for drainage. Slope should be in one direction instead of crowning. On curves, the cross slope should be towards the inside of the curve. In addition, to ensure proper stormwater runoff and trail longevity, catch basins with drains and underground culverts may be required. Natural ground cover should be preserved on each side of the path for erosion control.

J. **Bridges:** Railings or barriers shall be provided on both sides of a greenway bridge and must be a minimum of 54 inches high. The ends of railings must be offset away from the adjoining path to minimize the danger of cyclists running into them. Bridge decks shall be designed for a live load of 85 pounds per square foot (psf). Concrete decks must have bicycle-safe expansion joints. Wood decks must have smooth joints and be laid at least 45 degrees to the direction of travel.

K. **Clearance:** The vertical clearance from obstructions (e.g., tree limbs, street overpasses, etc.) shall be a minimum of eight feet. A minimum clearance of 10 feet shall be required-where the passage of maintenance vehicles is expected.

L. **Grades:** Long downhill grades should be avoided. A five percent grade is the maximum grade-permitted. Sustained grades should be limited to two percent.

M. **Modifications:** Minor modifications to greenway cross-sections may be permitted with approval of the Planning Director and the Parks and Recreation Director.

# 6.9 BICYCLE FACILITIES

## 6.9.1 REQUIRED BICYCLE FACILITIES

Bicycle facilities shall be provided for the applicable street type as specified in the Town Street Classifications in Section 6.8.3 and in accordance with the Town of Davidson Bicycle Transportation Plan, the Davidson Walks & Rolls Active Transportation Master Plan, and any other adopted plan. Where a proposed development does not include new streets or the widening of existing streets, the developer shall reserve right-of-way sufficient to accommodate the appropriate bikeway facility in the future.

## 6.9.2 DESIGN

A. **Design Guidelines:** All bike lanes and bike paths shall be designed according to the North Carolina Bicycle Facilities Planning and Design Guidelines, published by NCDOT, and shall include all appropriate signage and pavement markings.

B. **Separated Bike Paths:** Where separated (off-street) bike paths are required, these may be provided in addition to required sidewalks, or a multi-use path of sufficient width to accommodate both pedestrians and cyclists may be used.

C. **Painted Bike Lanes:** In mixed-use/commercial areas with high vehicular traffic, required bike lanes should be painted green to enhance their visibility and delineate them from on-street parking lanes and vehicular travel lanes.

# 6.10 TRANSPORTATION IMPACT ANALYSIS

A Transportation Impact Analysis (TIA) is a specialized study that evaluates the effects of a development's traffic on the surrounding transportation infrastructure. The TIA helps identify where the development may have a significant impact on safety, traffic and transportation operations, and provides a means for the developer and government agencies to mitigate these impacts. Ultimately, the TIA can be used to evaluate whether the scale of development is appropriate for a particular site and what improvements may be necessary, on and off the site, to provide safe and efficient access and traffic flow.

## 6.10.1 APPLICABILITY

**Development Threshold:** A Transportation Impact Analysis (TIA) is required for all development applications that meet or exceed any of the following thresholds:

| SINGLE FAMILY RESIDENTIAL LOTS* | MULTIFAMILY RESIDENTIAL UNITS** | SCHOOLS | COMMERCIAL |
|---|---|---|---|
| 50 units | 50 units | All new and expansions of existing facilities | 10,000 square feet |

** Applies to detached house building types (See Section 2)*
*** Applies to all residential units in buildings other than detached house building types (See Section 2)*

A Transportation Impact Analysis (TIA) will also be required if:

- The proposed development would increase the town's population by one percent or greater (based upon current US Census data and average household size);
- The proposed development expects to create one hundred (100) or more peak hour vehicle trips and/or five hundred (500) or more daily vehicle trips;
- The proposed development includes driveways connecting to existing roadways with a level of service of E or F.

All other developments may be required by the Planning Director to provide a TIA.

A draft TIA must be completed and submitted to the town thirty (30) days prior to any public input session and/or required public meeting.

### A. TRANSPORTATION REVIEW MEETING

All projects of twenty (20) or more lots and/or twenty (20) dwelling units and/or all nonresidential projects of any size are required to attend a transportation review meeting with the Planning Director. The applicant shall assemble the following information (pre-scoping package) and submit it to the Town a minimum of ten (10) business days prior to the scheduled transportation review meeting. If necessary, NCDOT will be included in the transportation review meeting.

All pre-review submittal packages shall include the following items (as applicable):

1. Site Plan (to scale) shall include:
    a. Parking count and any carpool or rideshare parking spaces
    b. Location and number of bicycle parking spaces
    c. Location of any transit stops (within 500ft of project site)
    d. Sidewalks, greenways, and/or multi-use paths
    e. Adjoining parcels (listing their parcel ID and planning areas)
    f. Location of any existing stub outs and/or ROW preserved for connections (Including roads, greenways, multi-use paths, and sidewalks) on site and on all adjoining parcels
    g. Proposed driveway locations and dimensions
2. Vicinity map (See Section 14)
3. Construction timeline
4. List/Map of study area intersections in accordance with Section 6 of the Davidson Planning Ordinance
5. Location of existing and proposed bicycle and pedestrian facilities
6. Location of existing and proposed transit facilities and routes
7. Location and count of parking (vehicular and bicycle) within ¼ mile of project site.

8. Transportation Demand Management (TDM) policies to be included as part of project.

Ref: (https://ops.fhwa.dot.gov/tdm/)

9. Draft trip generation table for the proposed land uses and intensities.
    a. The Planning Director may require the inclusion of internal capture, transit capture (if any), and pass-by calculations. The applicant will be notified no later than 48 hours before the scheduled scoping meeting if this information is required.
    b. The Planning Director may require a draft trip distribution and assignment (separate trip distributions are needed for each land use proposed) The applicant will be notified no later than 48 hours before scheduled scoping meeting if this information is required.
    * The Town has a list of approved vendors that are able to provide trip generation calculations by request. All work must be paid for by the applicant.
10. Development phasing plan

The Town shall provide the applicant a list of approved developments within the study area, and any approved/funded (but not yet constructed) transportation facility projects to be included in the TIA.

### B. TIA DETERMINATION

Upon completion of a review meeting, Town staff will provide the applicant a transportation review determination in writing. Additional information may be required.

a. If the review determines that a TIA is required, preparation of the draft TIA will begin. A transportation consultant shall be selected from the Town's pre-approved list of on-call consultants. The town, TIA consultant, and applicant will confirm the TIA scope through a Memorandum of Understanding.

### C. ALTERNATIVES TO TIA

If the proposed development schematic design produces between one and 50 lots and/or between one and 50 dwelling units, and/or a new commercial structure of less than 10,000 square feet, the developer shall choose one of the following:

1. A Transportation Impact Analysis as described in this section; or
2. A contribution to the implementation of the Connectivity and Traffic Calming Plan. The contribution will directly correlate with the number of proposed units/lots/square footage/daily trips. All developments will pay the same price for dwelling units in each range.
    a. For example, if a development is 21 units, then you would pay $500 for 20 units and $400 for the next 1 unit making the total contribution $10,400 for a 21-unit development.

| Dwelling Units (du) | Fee |
|---|---|
| < 20 du | $ 500 |
| 21 - 40 du | $ 400 |
| 41 - 50 du | $300 |

New commercial developments less than 10,000 square feet and/or expansions of existing structures shall pay $1 per additional/new conditioned square footage towards the implementation of the Connectivity and Traffic Calming Plan.

## 6.10.2 TRANSPORTATION IMPACT ANALYSIS REQUIREMENTS

**A. TIA Expense:** All required traffic studies shall be conducted at the expense of the developer by an engineer retained by the town.

**B. Requirements:** A transportation impact analysis includes, at a minimum, the following:

1. The background traffic level for vehicles, bicycles, and pedestrians that is presumed to exist prior to the application, including the following:
    a. Existing traffic conditions (intersection level of service), records of which are maintained by the Planning Director.
    b. Updates to the existing traffic conditions assessment to reflect traffic generated by projects approved, but not yet constructed.
2. The new traffic level of vehicles, bicycles, and pedestrians associated with the development proposed in the application.
3. Intersection service volumes calculated at the adopted level of service, based upon the Highway Capacity Manual. The calculation of street level of service shall take into consideration lane width; number of lanes; restricted lateral clearance; service volume-to-capacity ratio; percentage of site passing distance greater than 1,500 feet; percentage of trucks; grade; and operating and average street speeds. The calculation for each street link shall be based upon ideal conditions.

C. **Other Standards:** The Transportation Impact Analysis shall also meet the following standards:

1. The analysis shall be consistent with the assumptions established by the most recent edition of the Institute of Transportation Engineers: Trip Generation Manual. Where a trip generation rate has not been established by the manual, the applicant may use an alternative trip generation rate established by another source in accordance with the following:
    a. Trip generation counts shall be made at a similar building or intersection within the Charlotte-Gastonia-Rock Hill, North Carolina Metropolitan Statistical Area;
    b. The trip generation counts shall be taken between 6 to 9 AM and 4 to 7 PM to verify a local, more accurate trip rate. If a school is within one quarter mile (.25) of the project site, then the PM counts shall be taken from 2 to 7pm; and

c. The applicant shall demonstrate that the methodology conforms to the most recent edition of the Development and Application of Trip Generation Rates, Federal Highway Administration (HHP-22).

2. Trip distribution shall be based upon a gravity model in conformity with accepted traffic engineering principles, taking into consideration the land uses included within the proposed development; the area from which the proposed development will attract traffic; competing developments (if applicable); the size of the proposed development; development phasing; surrounding land uses, population and employment; and existing traffic conditions. The trip distribution from the proposed development shall be determined by applying one of the following methods:

   a. Trip distributions based on previous studies, i.e., the percentage of generated site trips using each site approach corridor, as documented in previous studies for nearby sites or, if no such studies are available, the Charlotte Regional Transportation Planning Organization, Congestion Management System, Davidson Area (prepared by Charlotte Department of Transportation, Transportation Planning Division, October 15, 1996), as may be amended from time to time.

   b. Experienced judgment and knowledge of local conditions.

   c. A combination of "a" and "b".

   d. Using a special zip code analysis for a representative land use.

   e. Item "d" and a housing analysis if a 20-year study period will change the trip distribution pattern significantly.

   f. Area wide travel model results including trip tables by trip purpose.

   g. A gravity model. ("Quick Response System (QRS) Software Documentation"; Federal Highway Administration (HHP-22), January 1984. See also: Quick Response Travel Estimation, (NCHRP 187), Transportation Research Board, Washington DC, 1978.)

   *[Reference: R. Keller & J. Mehra, Site Impact Traffic Evaluation Handbook (Federal Highway Administration, 1985); Institute of Transportation Engineers, Traffic Access and Impact Studies for Site Development: A Recommended Practice, Chapter 6 (Draft Final Report, September 1989)]*

3. The intersection analysis shall take into consideration lane geometry; traffic volume; percentage of right-hand turns; percentage of left-hand turns; percentage of trucks; intersection width; number of lanes; signal progression; ratio of signal green time to cycle time (G/C ratio); street grades; pedestrian flows; and peak hour factor.

4. Traffic Counts Timeframe: Traffic counts must be conducted when Davidson College and CMS schools are in session. Traffic counts conducted during holidays, school breaks, or during inclement weather will not be considered as valid counts and will be rejected by Town Staff.

### 6.10.3 REQUIRED TRANSPORTATION IMPROVEMENTS

Based on the findings of the analysis, if a proposed development is shown to reduce the level of service for vehicles, pedestrian, and bicyclists, the applicant shall be required to upgrade the facilities to meet the minimum acceptable level of service. Mitigation measures may involve strategies other than roadway construction or other physical improvements such as changes to traffic signal timing or phasing, and transportation management strategies. Any traffic signalization required shall be a mast arm signal. Mitigation may also include a payment in-lieu to the Town for transportation. Improvements required by the TIA as determined by the Planning Director.

### 6.10.4 TRANSPORTATION IMPACT ANALYSIS REVIEW

**A. Planning Director Review:** When a TIA is required as part of a development application, the Planning Director shall submit a recommendation on the TIA to the appropriate decision-making body, as established in Chapter 14. Such recommendation shall include, at a minimum:

1. The number of dwelling units proposed by the applicant;
2. The timing and phasing of the proposed development;
3. The specific public facilities within the impact area of the proposed development;
4. The demand generated by the proposed development for each public facility; and
5. The available capacity for each public facility affected by the proposed development.

**B. Planning Director Recommendation**

1. If the Planning Director concludes that each public facility is adequate, he/she shall make a positive recommendation.
2. If the Planning Director determines that any public facility is inadequate, he/she shall either make a negative recommendation or a positive recommendation with appropriate conditions. Such recommended conditions may involve the size of the proposed development, the timing and phasing of the proposed development, the construction of road improvements by the applicant or any other reasonable conditions to ensure that all public facilities will be adequate and available concurrent with the impacts of the proposed development.

### 6.10.5 PAYMENTS IN LIEU OF IMPROVEMENTS

The town may, at its discretion, accept a fee paid to the town in lieu of mitigation measures completed by the developer. The fee shall be equal to the costs of the required mitigation measures, as determined by the Planning Director. A combination of mitigation measures and payments-in-lieu of dedication may be permitted. Payments-in-lieu of dedication shall be approved as part of the Subdivision or Site Master Plan.

## 6.11 IMPROVEMENT GUARANTEES

### 6.11.1 ALTERNATIVES TO COMPLETION OF INFRASTRUCTURE

In lieu of meeting the requirement for the completion, installation and dedication of any and all public infrastructure improvements (e.g., water, sewer, streets, sidewalks, storm drainage, trees, supplemental buffer plantings, street lights, etc.) prior to final plat approval for subdivisions or Certificate of Occupancy for site plans, the Town of Davidson or its authorized agent may enter into a written agreement with the developer whereby the developer shall agree to complete all required improvements. Once this agreement is signed by both parties and the financial security required herein is provided, the final plat or Certificate of Occupancy may be approved by the Planning Director, if all other requirements of this ordinance are met. To secure this agreement, the developer shall provide either one, or a combination of the following guarantees:

A. **Surety Performance Bond(s):** The developer shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina, and approved by the Board of Commissioners or its designee. The bond shall be payable to the Town of Davidson (or its authorized agent) and shall be in an amount equal to 1.5 times the entire cost, as estimated by the developer and verified by Mecklenburg County, of installing all required improvements. The duration of the bond(s) shall be until such time as the improvements are built according to applicable standards and a roadway maintenance bond is posted, although portions of the bond may be released according to Mecklenburg County procedures. Any expenses associated with the cost verification by the town shall be paid entirely by the developer.

B. **Cash or Equivalent Security:** The developer shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the town (or its authorized agent) or in escrow with a financial institution designated as an official depository of the town. The amount of deposit shall be equal to 1.5 times the entire cost, as estimated by the developer, and verified by Mecklenburg County, of installing all required improvements. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the developer shall file with the Town of Davidson (or its authorized agent) an agreement between the financial institution and the developer guaranteeing the following:

    1. That said escrow amount will be held in trust until released by the Town of Davidson and may not be used or pledged by the developer in any other transaction during the term of the escrow; and

    2. That in case of a failure on the part of the developer to complete said improvements, the financial institution shall, upon notification of the town to the financial institution of an estimate of the amount needed to complete the

improvements, immediately pay to the town the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the town any other instruments fully endorsed or otherwise made payable in full to the town.

C. **Funds in Lieu of Construction:** At the option of the developer and with the consent of the Board of Commissioners, a developer may, in lieu of the construction of the portion of a street which crosses over a water course located at the boundary of the development, deposit with the town the sum sufficient (in the town's determination) to construct such portion of the street. If the actual cost of the bridge exceeds the town's determination, the developer will not be required to provide additional funds nor will a refund be made if the actual cost is less than the original determination. This option shall not be available when such street connects to an existing street at the boundary of the development or serves as a necessary means of access to a lot within the new development. Funds may be paid in lieu of construction of improvements for Minor Subdivisions, as established in Section 14, upon approval of the Planning Director.

### 6.11.2 DEFAULT

Upon default, meaning failure on the part of the developer to complete the required improvements in the time required by this ordinance, if any, or as specified in the performance bond or escrow agreement, then the surety, or financial institution holding the escrow account, shall, if requested by the town, pay all or any portion of the bond or escrow fund to the Town of Davidson up to the amount needed to complete the improvements or make emergency repairs based on an estimate by the town. Upon payment, the town, at its discretion, may expend such portion of said funds, as it deems necessary to complete and maintain all or any portion of the required improvements. The town may also use said funds to make emergency repairs. The town has not accepted the improvements for maintenance by completing the work or making emergency repairs. Upon final completion of the improvements and acceptance by resolution of the improvements by the town for maintenance, the town shall return to the developer any funds not spent in completing and maintaining the improvements. In the event the bond, letter of credit, or other financial security is insufficient to pay for the completion and maintenance of the improvements, the developer shall pay to the town the total amount of the insufficiency and, if the town is not paid, the amount of the insufficiency shall constitute a lien of the property in favor of the town. Failure of the developer to maintain the performance bond, letter of credit, or other instrument readily convertible into cash at face value, and any required increases thereto, as mandated by this ordinance, is a default and the town may, in addition to the above remedy, withhold building permits until such time as the developer is in compliance.

# 6.12 EASEMENTS & DEDICATIONS

## 6.12.1 EASEMENTS

Easements shall be conveyed to the town or other appropriate agency for underground and overhead utility installation, stormwater drainage, pedestrian/bicycle access, and other purposes as required by the town and the Mecklenburg County Land Development Standards Manual. Easements shall be centered along front, rear or side lot lines, except that easements for watercourses and drainage channels shall conform to the lines of such watercourse. The minimum width for easements shall be determined by the Planning Director according to the number of utilities placed within an easement area, the depth of utilities, the requirements for access, and other related factors, in order to ensure enough space for their future maintenance.

## 6.12.2 RESERVATION OF SCHOOL SITES & OTHER PUBLIC BUILDINGS

A. **Previously Designated School/Public Building Sites:** If the Mecklenburg County Board of Commissioners or the Charlotte-Mecklenburg Board of Education have determined the specific location and size of any school site or other public building to be reserved, and if this information appears in any Comprehensive Plan over which other local governments have jurisdiction, the Planning Director shall immediately notify the appropriate authority if all or part of the reserved location is included in a proposed subdivision. The responsible authority shall promptly decide whether it still wishes the site to be reserved. The responsible authority shall then have 18 months, beginning upon the date of master plan approval, within which to acquire the site by purchase or by condemnation as provided in NCGS 160A-372. If the Town Board of Commissioners, the Board of Education, or any other local government having jurisdiction has not purchased or begun proceedings to condemn the site within 18 months, the developer may treat the land as freed from reservation.

B. **New School/Public Building Sites for Large Developments:** If the total size of a proposed development exceeds 200 acres or 500 housing units, the developer shall reserve for future purchase a minimum of 5 usable acres in prominent sites for the location and schools and other public buildings. A minimum of two usable acre sites for the location of local government facilities

# 6.13 STREET & GREENWAY ACCEPTANCE REQUIREMENTS

Before streets or greenways will be accepted for maintenance by the Town of Davidson, the following conditions must be met:

A. At least 75% of the buildings fronting a street are occupied.

B. The developer must contact the Town by letter requesting the Public Works Director, with a Mecklenburg County inspector, to inspect the condition of the streets and greenways.

C. If the street or greenway meets Town standards, a one-year waiting period will commence. The Town or its designated agent will release the performance bond at that time only if a roadway maintenance bond is posted.

D. If the street or greenway does not meet standards, the developer must perform repairs which bring them up to standards. Upon completion of repairs, the developer must request another inspection of the street or greenway; if repairs are satisfactory, the one-year waiting period begins.

E. After the one-year waiting period has expired, the Public Works Director and a Mecklenburg County inspector will inspect the street or greenway. If standards are still met, the 1" final overlay will be applied and the Town will accept the street and notify the developer that the street has been accepted for maintenance purposes. If substandard conditions exist, repairs must be performed.