



**APPLICATION FOR SIDEWALK, CURB AND GUTTER EXCEPTION
(per Appendix C.1.8)**

Property Owner/Developer Name: _____

Applicant Name (if different from above): _____

Project Name: _____ Date: _____

Project Location: _____

Project Description: New Construction, Addition, or Other (Please explain)

Parcel Identification Number (PIN #): _____

Physical Address of Property (911 Address): _____

Sidewalk Exception requested for the following reason (check all that apply):

- Topography does not allow for the reasonable or practical installation of sidewalks, curb and gutter requirements.
- The right-of-way width has not been determined for the road on which the exception is requested.
- The state highway and/or local street is identified in the *Kannapolis Sidewalk Plan* as a project to be built as part of a larger sidewalk/street improvement project included within the Capital Improvement Program (CIP).
Note: In this case, an exception may be granted for the construction of the sidewalk; however, exceptions to curb and gutter will only be permitted if A and/or B also exist.
- The project is located along a State Road that are either funded and/or under study with NCDOT.
- Local streets or State roads that have not been identified by the State or City as an improvement or study project but that are deemed by the City Engineer and Public Works Director as possibly becoming a project or identified as being a street or road that may not warrant improvements to be installed at this time.
- Curb and gutter is not required for limited access and partial access highways not is a payment in lieu of construction of curb and gutter required for frontal areas along such highways. Sidewalks shall remain as a requirement along these highways.

Staff Use Only:

Date Received: _____

Staff Initials: _____

TRC Date: _____

Forwarded to City Manager's Office: _____

- Standard curb and gutter is not required on projects located in the watershed areas that allow additional density when these improvements are not installed. Sidewalks would remain as a requirement along these highways.

The exception, if granted, will be subject to the following conditions:

1. The developer will be required to pay a fee-in-lieu of the required installation.
2. The fee will be calculated annually, based on actual costs for typical construction during the previous fiscal year at a rate of 110% to cover administrative costs and the cost of inflation, with the following exceptions:
 - On streets identified in the *Kannapolis Sidewalk Plan* as requiring sidewalk on only one side of the street, the fee shall be calculated annually based on actual costs for typical construction during the previous fiscal year at a rate of 55% to cover administrative costs and the cost of inflation.
3. The fee will be put into a Sidewalk, Curb, and Gutter Reserve Account administered by the City of Kannapolis.
4. The Reserve Account will only be used for the construction of sidewalks, curbs, and gutters at locations within the same Sidewalk Maintenance Routes/ Zones as the project where the exception was granted. Funds collected may be used for the construction of a greenway if: 1) a greenway, as proposed in the *Livable Communities Blueprint*, abuts the property to be developed, and/or 2) it is determined that a proposed greenway will more adequately serve pedestrian traffic and better meet the intent of the sidewalk requirement.
5. Reserve Account funds will be expended within seven (7) years of the date collected.
6. Exceptions may be granted for sidewalks, and/or curb & gutter by the City Manager except in scenarios specified above.
7. Paying into the Reserve Account does not release a developer from providing any required rights-of-way and/or easement dedications.

Should a developer not agree to all of the above conditions; all sidewalks, curbs and gutters associated with development must be installed per the current requirements of the Unified Development Ordinance.

This exception may only be applied to existing public streets.

This application shall be submitted at the time of site plan review, or during the site plan review process. The application will be reviewed by the Sidewalk, Curb and Gutter Committee within seven (7) days of receipt, and forwarded to the City Manager for a final determination.

Appeals from the findings of the City Manager may be taken to the Board of Adjustment by any person aggrieved and must be submitted within seven (7) days after the date of the findings by the City Manager.

If approved, payment may be in the form of cash, check, or cashiers check.

Signature of Property Owner/Developer

Date