

**An Ordinance to Amend Article 4.3.B.9 of the Town Code entitled:
Flexibility Specific to Commercial Corridor Overlay (CCO).**

Article 4.3.B.9 is written as follows:

- a. Landscaping
- b. Parking

The ordinance is now after discussion and affirmative vote amended to state the following:

Article 4.3.B.9 is written as follows:

- a. Landscaping
- b. Parking
- c. Fee-in-Lieu of Sidewalks

This section applies to properties impacted by the NC 107/R-5600 project.

(1) Streetscape Improvements.

The location and dimensions of any sidewalks, curb and gutters to be installed along public street frontages, and other required street improvements within this ordinance, or on any other relevant transportation plan prepared by the NCDOT, Town, County, or Regional or State Organization. The required right-of-way (see section 5.k.(4)) shall be shown on the plan at the width specified in this ordinance. Where public rights-of-way are not defined, the property owner shall provide a 10' wide public pedestrian easement along the frontage of any public roadway allowing for the future construction of public sidewalks or pathways.

Where construction of sidewalks would be inconsistent or unreasonable based on surrounding conditions or pending NCDOT, Town, County, Regional or State Organization projects, the applicant has the option to make a payment in lieu of constructing the required sidewalks. The payment shall be 100% of the licensed engineer's current estimated cost to construct the sidewalk. Such funds shall be used at the discretion of the Town within a priority sidewalk area, or priority greenway corridor as identified by the Town of Sylva Pedestrian Plan. The Town Manager, upon review and receiving guidance from the Town Zoning Administrator, shall render the final decision.

(2) Pedestrian Zone and Requirement to Construct Sidewalks.

Sidewalks shall be constructed along the full length of a parcel along thoroughfares, one side of access streets, and both sides of internal streets throughout the development. If appropriate to the design, greenway paths may be substituted for sidewalks in residential areas to provide connections. The sidewalk shall be a minimum of five (5) feet in width. Where institutional and public uses have an increased setback, a sidewalk, per the Town of Sylva Zoning and Subdivision Ordinance, pages 7-8, Development Standards, shall connect the building façade entrance with the street. The sidewalk may be as wide as the entire pedestrian area.

Where construction of sidewalks would be inconsistent or unreasonable based on surrounding conditions or pending NCDOT, Town, County, Regional or State Organization construction projects, the applicant has the option to make a payment in lieu of constructing the required sidewalks. The payment shall be 100% of the licensed engineer's current estimated cost to construct the sidewalk. Such funds shall be used at the discretion of the Town within a priority sidewalk area, or priority greenway corridor as identified by the Town of Sylva Pedestrian Plan. The Town Manager, upon review and receiving guidance from the Town Zoning

Administrator, shall render the final decision. Pursuant to the Town's development standards for sidewalk construction, site development shall not commence until plans are approved, appropriate permits are issued and all fees for permits or a certified cashier's check for the fees in lieu have been collected by the Town or agency with jurisdiction. No variances shall be permitted for the NC 107/Business 23 corridors.

This ordinance shall be in full force and effect upon its adoption on April 13, 2023.

David Nestler, Mayor

Attest:

Approved as to form:

Amanda W. Murajda, Town Clerk

Eric Ridenour, Town Attorney