

Subject Matter: Sidewalk Regulation Ordinance
Date First Presented and Read by Council at
Public Meeting: September 18, 2006
Date of Adoption and Second Reading at a
Public Meeting: October 2, 2006

TOWN OF SHARPSBURG
COUNTY OF COWETA
STATE OF GEORGIA

ORDINANCE NUMBER 06-13

TOWN OF SHARPSBURG, GEORGIA

PREAMBLE & FINDINGS

WHEREAS, the Town of Sharpsburg desires to create and adopt a Sidewalk Regulation Ordinance; and

WHEREAS, the Town of Sharpsburg finds sidewalks encourage pedestrian traffic which, in turn, helps to alleviate automotive pollution and road congestion;

WHEREAS, sidewalks provide a safer alternative to pedestrians than walking along right of ways;

WHEREAS, it is the desire of the Town of Sharpsburg to promote and to provide for the health, safety and general welfare of its citizens, it is the desire of the town to enact this Sidewalk Ordinance.

WHEREFORE, THE TOWN OF SHARPSBURG HEREBY ADOPTS, ORDAINS AND ENACTS THE FORGOING SIDEWALK REGULATION ORDINANCE AS FOLLOWS:

ARTICLE ONE

The Town hereby enacts and ordains the following ordinance regulating Sidewalks in the Town of Sharpsburg:

**ARTICLE TWO
GENERAL PROVISIONS**

Sec. 23-400 Purpose and Intent.

This Section of the Sidewalk Regulations is intended to provide consistent requirements for the provision of sidewalks and associated improvements in the Town of Sharpsburg and further it is the purpose of this Section to secure the following objectives:

1. To provide safe, convenient, and unobstructed paths for all pedestrians.
2. To provide for the necessary separation between pedestrians, vehicles, utilities, and street furniture.
3. To provide for safe and efficient driveways and street drainage.
4. To establish a clear delineation and protection of the public right-of-way.
5. To recognize that walking as a physical fitness activity is becoming more popular.
6. To establish and maintain pedestrian linkages within and between neighborhoods, all commercial uses, schools, and community facilities such as libraries, churches, post offices, government offices, and other similar facilities.
7. To provide alternative transportation options to reduce motor vehicle traffic thereby relieving traffic congestion, improving air quality, and improving the overall health of the Town of Sharpsburg citizens.
8. To establish and/or maintain an active street life which the benefits may include crime reduction, critical social interaction, sense of community.

These regulations shall apply to all new development approved after the adoption of these regulations.

Sec. 23-401 Pedestrian Sidewalks, Driveway Crossing, and Curb and Guttering Required.

All properties hereafter developed or improved more than fifty (50) percent of assessed value in the Town of Sharpsburg shall have sidewalk, driveway crossing, curb and gutter and curb ramps in accordance with the standards set forth by these regulations. The exceptions include receiving a variance from these standards which are allowed through the procedures established by these regulations. Previously constructed facilities shall be considered non-conforming and as such may be repaired and maintained but if and when replacement becomes necessary shall be replaced according to the standards or variance procedures of this article. Compliance with the provisions of this ordinance shall be the responsibility of the property owner or the sub-divider of all subdivision developments.

1. Timing of Sidewalk Installation

a. Individual Sites

- i. Sidewalks and other required improvements shall be installed on individual sites prior to the issuance of a certificate of opportunity.

b. Subdivision Projects

- i. Sidewalks shall be installed on streets abutting the proposed subdivision during the construction of the required site improvements (streets, stormwater utilities management structures, etc.). Sidewalks along interior streets shall be installed as the individual lots and developed and must be installed prior to the issuance of a certificate of occupancy for that lot.
- ii. Sidewalks which connect the subdivision to the multi-use trail system or which connect different neighbors, units or phases shall be installed when the other required site improvements are installed.

2. Bond Required

- a. A permit may be granted for sidewalk, driveway crossing, and/or curb and gutter construction to a licensed contractor provided that the appropriate forms have been completed and fees paid to the Town of Sharpsburg.
- b. The Town of Sharpsburg may require a maintenance bond in the amount of at least \$5000.00 which bond guarantees the completed project against defects or improper construction for one (1) year from the date of completion.
- c. A permit may be granted for sidewalk and/or driveway crossing but not curb and gutter construction to any property owner wishing to lay, construct, or build their own sidewalk or driveway crossing.

3. Duty to Repair and Replace

Upon detection of any defective sidewalk within one (1) year from the date of construction, the Town of Sharpsburg shall cause a notice to be served upon the bonded contractor or bonded property owner directing that repairs and/or replacement shall be accomplished within a designated period of time. Failure to comply with the terms of this notice shall cause forfeiture of bond.

Sec. 23-402 Sidewalk Special Provision Criteria.

See Table A for specific sidewalk classifications. Special requirements are as follows:

1. Residential Areas (R1, R2, TND, PCD & TMF)

Apartment complexes or other similar residential developments with private internal drives shall also provide sidewalks or pedestrian paths which meet all local, state, and federal requirements for handicap access. Such sidewalks or paths shall be located along all major access drives which shall be connected via a dedicated pedestrian path to all buildings,

amenity areas, and other high use facilities such as mailbox, laundry, etc. Where a walkway crosses an internal drive, a well defined crosswalk of equal width to the walkway shall be provided.

2. Commercial Areas (TC, TNC & THC)

Walkways shall be provided internally from primary entrances out to the street to meet existing or future public sidewalks in the right-of-way. Such internal walkways shall meet all local, state, and federal requirements for handicap access. Where a walkway crosses an internal drive, a well defined crosswalk of equal width to the walkway shall be provided.

3. Light Industry/Technology Areas (LI)

Walkways shall be provided internally from primary entrances out to the street to meet existing or future public sidewalks in the right-of-way. Such internal walkways shall meet all local, state, and federal requirements for handicap access. Where a walkway crosses an internal drive, a well defined crosswalk of equal width to the walkway shall be provided.

4. Other Areas

Areas characterized by mixed uses or any other configuration not provided in subsections 1 through 3 above shall comply with either the regulations provided specifically for that development type, by a use of application, or if neither of these methods is pertinent, by the analysis and recommendation of the Town of Sharpsburg.

Sec. 23-403 Design and Construction.

1. Permit Required

- a. It is unlawful for any person to lay, construct, or build any sidewalk, driveway crossing, curb ramps or curb and gutter within the Town of Sharpsburg without securing a permit from the Town Clerk.
- b. If the proposed sidewalk, curb and gutter and/or driveway is to be installed as a requirement to convert a residential structure or use into a non-residential use, then the building permit issued shall also constitute approval to install the sidewalk, curb and gutter or driveway improvements.
- c. If the sidewalk, curb and gutter and/or driveway is to be installed as a part of an individual lot development or a subdivision, then the land disturbance permit issued, after procedures have been followed in Article 12 of the Development Regulations have been satisfied, shall constitute permission to install the sidewalk, curb and gutter and/or driveways.
- d. If a person, entity, developer or other agency wishes to install a sidewalk to connect to an existing sidewalk section, then the Town Administrator shall confer with the Town Engineer to determine the appropriate permit to be issued and the level of plans or other information needed to process the permit.

2. Design Required

- a. Sidewalks, curb and gutter and or driveways to be installed as a component of an individual site development or a subdivision project shall be included on the construction plans required under Articles 11 and 12 of the Development Regulations.
- b. Sidewalks, curb and gutter and or driveways to be installed as a part of the conversion of a residential structure or use into a non-residential use shall provide design plans for these improvements when the building plans are submitted for review by the Town's Engineer.

3. Grade Establishment Required for Curb and Gutter

No permit for construction of curb and/or gutter shall be issued until required grades have been established or approved by the Town of Sharpsburg.

4. Inspection and Grade Stake Procedures

- a. No inspections shall be performed until the sidewalk construction permit fees or other fees outlined in the Development Regulations have been paid.
- b. The request for an inspection shall be given to the Building Inspector three (3) working days prior to placing of concrete or otherwise constructing the sidewalk in order that necessary sub-grade and form inspections, etc. can be made.

5. Use Standards

- a. When required, all sidewalk design plans submitted must show provision for the mobility, safety, and comfort of all pedestrian.
- b. When required, all sidewalk design plans submitted must show provision for adequate pedestrian access to abutting properties and shall show how the connection to the abutting sidewalk will be accomplished.

6. Sub-Grade Preparation

Where a fill condition exists, all topsoil and unsuitable material shall be removed. Subgrade shall be rolled or tamped before granular fill is placed. Fill shall be placed in six (6) inch layers to the proper subgrade elevation. Side slopes of fill material shall not exceed one (1) foot vertical to two (2) feet horizontal. Where a cut condition exists, all topsoil and unsuitable material shall be removed. Subgrade shall be removed to the proper, elevation to allow sufficient width to accommodate the forms.

7. Forms

Side forms shall be of lumber of not less than two (2) inches nominal thickness or steel of equal rigidity. The minimum depth of the side forms shall be equal to the sidewalk thickness. No two (2) inch by four (4) inch lumber forms shall be permitted. Forms shall be held securely in place by stakes or braces with the top edge true to line and grade. The forms for the sidewalk shall pre-set so that the slab will have a fall of one (1) inch vertical to four (4) feet

horizontal from the edge nearest the property line toward the edge farthest from the property line, except as may be otherwise directed by the Building Inspector.

8. Expansion Joints

Expansion joints of the thickness specified below shall consist of a premolded filler strip with the top strip placed one-fourth (1/4) inch below the surface of the sidewalk or driveway apron.

Expansion joints one half (1/2) inches thick shall be placed between sidewalks and all structures which extend through sidewalks, such as light standards, traffic light standards, and traffic poles. One-half (1/2) inch thick expansion joints shall also be provided at the junction of the driveway apron and the sidewalk and at the junction of the driveway apron and the curb.

Expansion joints three-eighths (3/8) inches thick shall be placed at maximum intervals of thirty (30) feet in sidewalks and where specified by the Building Inspector. Where sidewalks are constructed adjacent to pavement or curbs that have expansion joints, the expansion joints in the sidewalk shall be placed opposite the existing expansion joints as nearly as practicable. Expansion joints shall also be placed where the sidewalk abuts existing sidewalks, between driveway pavement and sidewalk, and between sidewalk and curbs where the sidewalk abuts a curb.

9. Design and Construction Standards and Procedures

a. Land Use Classification

Sidewalk designs are generally set by land use classification. This classification system is set by the definitions contained within the Zoning Ordinance.

b. Sidewalk and Right of Way Planting Strip Width

Requirements for sidewalk and planting strip width are provided in Table A below.

c. Sidewalk Location

On all streets, sidewalk location is to be determined using the sidewalk classifications on Table A.

d. Right-of-Way Constraints

1. Where sufficient right-of-way is not available, the Town of Sharpsburg may set a special sidewalk location standard within the right-of-way.
2. Where sufficient right-of-way is not available or is only large enough to accommodate utilities in their most efficient placement, sidewalk easements may be established provided that sufficient front yard setback area exists. Sidewalk easements are granted in perpetuity for public access. Such easements shall be wide enough to accommodate the required sidewalk width plus one additional foot on each side of the facility. Such easements

shall be clearly indicated on all plats and protected via the use of covenants clearly stated on the plat and each relevant property deed stating the right to unimpeded public access in perpetuity. Sidewalks in easements shall match with sidewalks in adjacent developments and right-of-way cross sections must show match lines. The Town of Sharpsburg must definitively determine that within the established right-of-way, that sidewalks cannot be accommodated even if the road were narrowed from curb to curb to the minimum required.

e. Slope and Transverse Slope

The sidewalk slope shall be no greater than five (5) percent. The transverse slope of the walk and planting strip shall be 0.25 inch per foot, sloping toward the street.

f. Materials

1. All materials shall comply with the following standards of quality:
2. Portland Cement: ASTM C150 Type I, Normal ASTM C150 Type II, High-Early-Strength
3. Fine Aggregate: ASTM C33, clean sand graded between #100 and #4 sieve limits.
4. Coarse Aggregate: ASTM C33, uncoated crushed stone or washed gravel. Slag shall not be permitted.
5. Water: Potable and fit to drink.
6. Water-Reducing Admixture: ASTM C494 Type A (normal) or Type D (retarder).
7. Air Entraining Agent: ASTM C260
8. Pre-molded Filler Strips: ASTM D994
9. Curing Compound: ASTM C309, Type 2 (white, pigmented)
10. Reinforcement: ASTM A615, Grade 40

g. Concrete Quality

1. Ready-mixed concrete that complies with ASTM C94 shall be used for sidewalks, driveways, and driveway aprons. The concrete shall be supplied by a ready-mixed source, which is inspected yearly by the Georgia Department of Transportation (GDOT).
2. Concrete mix shall be designed using the following data:

- a) Minimum compressive strength of three thousand (3000) psi at twenty-eight (28) days.
- b) Minimum of six (6) sacks of cement per cubic yard.
- c) Maximum size aggregate of one (1) inch.
- d) Air entrainment of six (6) percent $\pm 1\%$.
- e) Maximum slump of four (4) inches.
- f) Maximum water content including moisture in the aggregate of six (6) gallons per sack of cement.
- g) All concrete shall contain a water-reducing admixture with no reduction in cement Content permitted.

h. Site Preparation and Inspection.

The Building Inspector shall be given three (3) working days notice before any material is placed in order that an inspection may be made of the sub-grade, the forms, and the spacing for expansion-contraction joints. The excavating and grading shall be smoothly and neatly done, and to the proper depth, all large stones, boulders, roots, other vegetation, and rubbish of every description being removed from the sub-grade and the entire work made to conform to the profile and grade of the walk when finished. Soft, spongy, or loamy areas in the sub-grade must be removed, and the space refilled with stable material thoroughly compacted.

i. Placing and Finishing Concrete.

- 1) The Building Inspector shall be notified when the subgrade has been finished. A minimum of twenty-four (24) hours notice shall be given prior to placing concrete. No concrete shall be placed until the subgrade has been inspected and approved by the Building Inspector.
- 2) Materials should not be placed on ice or frozen subgrade.
- 3) The subgrade shall be moistened just before the concrete is placed. The concrete shall be placed in successive batches for the entire width of the slab, struck-off from one-half ($\frac{1}{2}$) to three-fourths ($\frac{3}{4}$) inch higher than the finished slab, tamped until all voids are removed and free mortar appears on the surface, thoroughly spaded along the edges, struck off to the true grade, and finished to a true and even surface with floats and trowels. The final troweling shall be done with a steel trowel, leaving a smooth, even surface. After the water sheen has disappeared, the surface shall be given final finish by brushing with a fine-hair broom. The broom shall be drawn across the sidewalk or driveway apron at right-angles to the edges of the slab, with adjacent strokes slightly overlapping, producing a uniform, slightly roughened surface with parallel marks.

4) Control Joints

1. Sidewalks – Control joints shall be constructed at right angles to the center line of the sidewalk and shall extend one-fourth (0.25) the depth of the sidewalk. They shall not be less than one-eighth (0.125) inch nor more than one-fourth (0.25) inch in width, and shall be edged with an edging tool having a one-fourth (0.25) inch radius. All slabs shall be six (6) feet long on any one side, unless otherwise ordered by the Town Engineer.
2. Driveway Aprons – Control joints shall be constructed so as to divide the driveway apron into sections which are approximately square, with no side longer than fifteen (15) feet. The control joints shall be not less than one-eighth (0.125) inch nor more than one-fourth (0.25) inch in width and shall be edged with an edging tool having a one-fourth (0.25) inch radius. The minimum depth shall be one and one-fourth (1.25) inch.

j. Curing

Sidewalks and driveway aprons shall be cured by one of the following methods:

1. Burlap shall be placed on the finished surface saturated with water and covered with an impermeable covering.
2. Polyethylene sheeting shall be placed as soon as the concrete has sufficiently hardened to prevent marring of the surface. The surface of the concrete shall be wet immediately before the sheeting is placed. The edges of the sheeting shall be weighted securely with a continuous windrow of earth or any other means satisfactory to the Town of Sharpsburg to provide an air tight cover.
3. Specified curing compound shall be applied with brush, roller, or spray at the rate of one (1) gallon for every two hundred fifty (250) square feet of surface. Any of the above curing methods must remain in place for not less than six (6) days.

k. Backfill

After the concrete has been cured, forms shall be removed and the space near the edges of the sidewalk or driveway apron shall be backfilled, stabilized, and sodded 24 inches beyond the sidewalks width and to the required elevation with material approved by the Town of Sharpsburg. The material shall then be compacted until firm and the surface evenly graded.

l. Disposal of Surplus Material

Surplus or waste material resulting from the sidewalk or driveway apron

construction shall be disposed of by the developer according to applicable local, state, and/or federal regulations regarding construction waste and debris.

m. Control of Materials

The developer shall, when requested by the Town and at his expense, have a commercial testing laboratory prepare and test samples of delivered concrete. One (1) set of tests shall be taken for the first twenty-five (25) cubic yards, or fraction thereof, and one (1) set of tests shall be taken for each additional fifty (50) cubic yards. A set of tests shall consist of four (4) standard cylinders, two (2) shall be broken at seven (7) days, two (2) shall be broken at twenty-eight (28) days, one (1) slump test and one (1) air content test. The laboratory shall perform tests in accordance with recognized ASTM standards and shall submit written reports of such test to the Town Engineer for review.

n. The Town of Sharpsburg shall establish and promulgate other appropriate design and construction standards and regulations for sidewalks, Driveway Crossings, and curb and gutter not inconsistent herewith or other applicable ordinances.

o. Handicapped Provisions

All new sidewalks shall meet or exceed standards for handicapped access set by the Americans with Disabilities Act and any other applicable federal, state, or local standards.

10. Projects within the Georgia DOT Right-of-Way.

Sidewalks located in the right-of-way of roads under the jurisdiction of the Georgia DOT shall be constructed in accordance with Georgia DOT design and construction standards.

Sec. 23-404 Variances and Exceptions.

1. Variances

Upon application by the owner or agent of the property, the Town of Sharpsburg, based on recommendations from the Building Inspector and Town Administrator, may choose to grant a variance from any requirements of this Section if it is found that:

- a. The area has been recognized as having historical, archaeological, and/or architectural significance by the Town of Sharpsburg, the State of Georgia, or the United States of America and in order to maintain such significance, a variance is appropriate.
- b. The Town's right-of-way is insufficient in width to permit the construction of a sidewalk of standard dimension and placement.
- c. A variance would preserve or protect specimen trees.

- d. There are pre-existing obstructions that cannot be easily or economically relocated and should not be altered, such as grades, fills, water courses, natural topographic features, or significant man made obstructions.
- e. The adjoining sidewalks are non-standard as to width and/or location and there are no plans to make them standard.
- f. The established neighborhood character or mature landscaping on the site would be damaged to a degree that outweighs the public utility of the normal sidewalk requirement.

2. Exceptions

If a sidewalk must be provided for a road that shall be widened in the next five (5) years according to GDOT, the contractor or owner shall place funds for a sidewalk construction in escrow with the Town Clerk.

Sec. 23-405 Sidewalk Repair and Maintenance.

- 1. All sidewalks shall be kept clean from rocks and other obstructions including ice and in a good state of repair by the owner, occupants, or agents in charge of the adjoining property. A sidewalk in good repair shall be free of cracks, floats, obstructions, depressions, and all other defects and shall have a uniform longitudinal and transverse gradient.
- 2. All areas directly over sidewalks to a height of eight (8) feet shall be maintained free of vegetative or other obstructions by the owner, occupants, or agents in charge of the adjoining property.
- 3. The sidewalk planting strip and all plantings therein shall be well maintained by the owners, occupants, or agents in charge of the adjoining property.
- 4. No item of street furniture, pole, grate, or other item which would obstruct pedestrians or effectively reduce the width of a sidewalk below the dimensions established in this section may be placed in, on, over, or under the sidewalk unless a waiver allowing such item is obtained from the Building Inspector.
- 5. Any owner, occupant, or agent in charge of adjoining property or street furniture shall be liable to the Town for any claim or demand made upon the Town which arises from a direct or indirect violation of this Section and shall hold the Town harmless and indemnify the Town for any such claim or demand. When the Building Inspector determines that there is a violation of this Section, he may cause a notice to be served upon the owners, occupants, or agents in charge of the property or street furniture adjoining such sidewalk or sidewalk planting strip directing that repair or maintenance or removal of obstructions be made at the cost and expense of such owners, occupants, or agents in charge of the property or street furniture and the cost of such repairs and maintenance or removal of obstruction shall constitute a lien against such property and shall be foreclosed in the same manner provided by law for the foreclosure of municipal liens.

Sec. 23-406 Retrofitting Sidewalks to Existing Neighborhoods.

The Town of Sharpsburg allows and encourages individuals and business to self-finance and construct sidewalks adjacent to their property. Prospective applicants shall contact the Town Administrator for additional information.

Sec. 23-407 Curb and Gutters.

All new streets, Project Access Improvements and non-single family residential parking lots shall be provided with curb and gutter. All gutters shall drain smoothly with no areas of ponding.

1. Residential Curbing - Residential curbing shall meet the following requirements:
 - a. Concrete shall be Class "A" (as defined by Georgia D.O.T.) and have a minimum strength of 3,000 PSI at 28 days.
 - b. Typical minimum section shall be 6" x 24" X 12".
 - c. Vertical curbing only.
2. Industrial or Commercial Curbing - Industrial or commercial curbing shall meet the following requirements:
 - a. Concrete shall be Class "A" (as defined by Georgia D.O.T.) and have a minimum strength of 3,000 PSI at 28 days.
 - b. Typical minimum section shall be 8" X 24" X 14".
 - c. Vertical curbing only.
3. Principal Arterial and Major Arterial Curbing - Principal Arterial and Major Arterial curbing shall meet the following requirements:
 - a. Concrete shall be Class "A" (as defined by Georgia D.O.T.) and have a minimum strength of 3,000 PSI at 28 days.
 - b. Typical minimum section shall be 8" X 30" X 14".
 - c. Vertical curbing only.

Construction Methods:

- a. Curb and gutter shall be set true to line and grade, horizontal be field staked, and finished to the section shown on the plans. Along the Project Access Improvements of a road which the Town Maintenance Department has identified for resurfacing within 1 year of the new construction, the grade of the new gutter shall be placed 1" above the Project Access Improvement pavement grade in areas where drainage will not be adversely affected.
- b. Line and grade shall be set by developer's engineer or surveyor on grades less than 2% and over 12%, and within 100 feet in both directions from all low points.
- c. One-half inch expansion joints or premolded bituminous expansion joint material shall be provided at all structures and radius points and at intervals not to exceed 250 feet in the remainder of the curb and gutter.
- d. Inferior workmanship or unprofessional construction methods resulting in unacceptable curb and gutter will be cause for rejection of the finished work.
- e. Disturbed areas along all curbing shall be backfilled, stabilized, and grassed.

Sec. 23-408 Driveway Crossings.

Driveway crossings with level landings and returned curb on sidewalk with a planting strip.

1. Specifications
 - a. Landing slope - 2.0 percent
 - b. Changes in level - none
 - c. Landing width - 36 inches minimum

2. Crossing of Sidewalks

Driveway crossings shall cross the sidewalk on the sidewalk grade line without depression of the sidewalk where feasible.

3. Abandoned Driveway Crossings

All driveway crossings abandoned or no longer being used shall have the curb and gutter replaced and the sidewalk installed at the grade of the adjacent sidewalk.

4. Location and Width

The location and width of curb cuts for driveway crossings shall be approved by the Building Inspector prior to issuance of a construction permit.

Sec. 23-409 Curb Ramps, Ramp Grades, Ramp Cross Slope, Ramp Length, Ramp Width, Gutter Slope and Change of Grade.

Curb Ramps, Ramp Grades, Ramp Cross Slope, Ramp Length, Ramp Width, Gutter Slope and Change of Grade shall be done in conformance with the provisions set forth by this ordinance and the Town of Sharpsburg Development Regulations.

Sec. 23-410 Crosswalks.

Crosswalks shall be provided at all intersections where a sidewalk or pedestrian path crosses a public or private street. Developers will only be responsible for providing crosswalks where a sidewalk or pedestrian path has been provided across a street entirely within the limits of that particular development. Intersections where a traffic signal is warranted and required to be provided by a developer, and such intersection contains sidewalks or pedestrian paths, the developer will also provide pedestrian signalization. Crosswalks shall be of equal or greater width than the sidewalks or pedestrian paths leading to them and may be provided in the following formats:

1. Painted and meeting AASHTO standards. Such crosswalks may substitute solid yellow or solid green paint for white in the interior portion of the crosswalk surrounded by white defining lines of a minimum four (4) inches.
2. Brick or concrete pavers either flush with the road surface or constructed to create a traffic calming device. Developers selecting this option shall consult with the Town Engineer and Town Administrator to determine minimum standards and approved materials for such installations.

Sec. 23-411 Planting Strip Use.

The planting strip may be used for the following public purposes so long as such uses are not in conflict with the provisions of these Regulations, the Town of Sharpsburg Tree Protection & Landscape Ordinance or any other applicable ordinance:

1. Permitted Uses

- a. Public and private utility distribution systems.
- b. Planting of trees and/or suitable types of vegetation which meet the requirements of the Town of Sharpsburg Tree Protection and Landscape Ordinance provided that alternative utility distribution placement can be worked out with utility providers. See Site Development Regulations for a diagram of utility placement.
- c. Driveway crossing and/or driveway.
- d. Bicycle paths or trails approved by the Town.

2. Special Exception Uses

- a. Street furniture.
- b. Fences and walls which complement pre-existing fences or walls.
- c. Sidewalk extension which matches pre-existing adjacent sidewalks or provides some other public purpose.
- d. Decorative paving or ground cover other than sod where pre-existing adjacent area has the same or similar materials.

[Table A - Sidewalk Classifications next page]

Table A – Sidewalk Classifications				
No.	Land Use	Zoning District	Width	Planting strip

1	Detached House	R1, R2, TND* & TC	4'0"	2'
2	Attached House	TND & TMF	5'0"	2'
3	Apartment Building	TMF	5'0"	4'
4	Live-Work Flex Unit	TND, TC & TNC	12'0"	4'
5	Shop-Front/Office Workplace	TND, TC & TNC	12'0"	N/A
6	Civic	TC & TND	12'0"	N/A
7	Traditional Highway Commercial	THC	7'0"	6'
8	Light Industry/Technology Park	LI	5'0"	6'
9	Multi-Purpose Trails	TND & PCD	9'0"	N/A

* TND in residential areas requires a 4' sidewalk with a 4' planting strip with street trees.

ARTICLE THREE

The Sidewalk Regulation Ordinance shall be codified and Chapter 23 of The Town of Sharpsburg's Code of Ordinances.

ARTICLE FOUR

This Ordinance shall become immediately effective upon its second reading and adoption by the Town Council.

ARTICLE FIVE

The Preamble of this Ordinance shall be construed to be, and is hereby incorporated by reference as is fully set out herein.

ARTICLE SIX

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, sentence, paragraph, or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such an illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

ARTICLE SEVEN

The repeal of any stricken, deleted or repealed language of this ordinance of the now Sidewalk Regulation Ordinance
 Adopted: October 2, 2006

former language of the Town of Sharpsburg (" Former Language") shall not be construed or held to repeal the Former Language as to any offense committed against such Former Language or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the Former Language, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the herein newly enacted language ("New Language") takes effect, save only that proceedings thereafter shall conform to the New Language, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of the New Language, such provision may be, by the consent of the party affected, applied to any judgment announced after the New Language takes effect.

ARTICLE EIGHT

Chapter 45 of the Town's Code of Ordinances is hereby repealed and all ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

[signatures next page]

APPROVED BY THE MAYOR AND COUNCIL OF THE TOWN OF SHARPSBURG at a regular meeting of the Mayor and Council on the _____ day of October, 2006, by the following voting for adoption:

Wendell L. Staley, Mayor

J. Clay Cole, Council Member

Larry W. Hyde, Council Member

Derrick G. McElwaney, Council Member

Standly D. Parten, Council Member

Attest:

Donna M. Camp, Town Clerk

Robin L. Spradlin, Town Administrator