

AN ORDINANCE TO CODIFY THE STREET AND SIDEWALK IMPROVEMENT POLICY OF THE CITY OF RALEIGH - ORDINANCE NO. (1979)-197, (FORMERLY RESOLUTION NO 280 - AS AMENDED)

WHEREAS, the City Council is committed to the preservation of existing neighborhoods by maintaining their character and aesthetic qualities; and

WHEREAS, the City Council is concerned with efficient use of tax revenues for street maintenance and improvements; and

WHEREAS, Section 105 of the City Charter and Article 10 of Chapter 160A of the General Statutes authorize the improvement of streets and sidewalks and assessments thereto; and

WHEREAS, the City Council recognizes that conservation of energy and other resources is essential to the present and future well-being of Raleigh's citizens and their corporate government, as well as the nation; and

WHEREAS, the City Council has adopted policies related to land and soil erosion, water quality, and storm water runoff; and

WHEREAS, the City Council desires more effective use of staff, Council and citizen time; and

WHEREAS, the City Council finds that the current street and sidewalk improvement policy does not meet the above requirements; and

WHEREAS, that there is a need:

- (1) to vary the design and construction of residential streets and sidewalks in established neighborhoods;
- (2) to adopt appropriate procedures for initiation, design, and approval of street improvement projects for existing residential streets.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA THAT:

Section 1. The Raleigh City Code is hereby amended to add a new chapter to Part 6, Chapter 2, said new chapter shall follow Part 6, Chapter 1, and shall read as follows:

CHAPTER 2

GENERAL PROVISIONS

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Procedure

- Section 6-2001 Statement of authority
- Section 6-2002 City Council initiative
- Section 6-2003 Property owner initiative
- Section 6-2004 Limitation of petitions
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- Section 6-2013 Street widths
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CHAPTER 2

STREET AND SIDEWALK IMPROVEMENTS

ARTICLE A

Procedure

Section 6-2001 Statement of Authority

The procedure of improving any street or sidewalk financed by special assessments shall follow that prescribed in Article 10 of Chapter 160A of the General Statutes as amended and all applicable local acts enacted by the General Assembly. Street and sidewalk improvements may be initiated by the City Council or by a statutory petition of property owners.

Section 6-2002 City Council Initiative

- (a) Whenever the City Council decides to finance a proposed street and sidewalk project by special assessments, it shall first adopt a preliminary resolution (resolution of intent) pursuant to Article 10 of Chapter 160A of the General Statutes. The Council may adopt a preliminary resolution without a petition and assess the costs against the property.
- (b)
 - (1) Upon the adoption of a preliminary resolution, an information meeting will be held in the neighborhood in conjunction with the local Citizens Advisory Council to inform the public about existing City street and sidewalk standards and the availability of variances in these standards. At this meeting, the public will be given the opportunity to express their concerns and desires related to the public improvements.
 - (2) Efforts reasonably calculated to notify interested parties of the proposed public improvements and scheduled information meetings shall be made by the City. Such notice shall be made at least three (3) weeks prior to the meeting and may include without limitation; first class mailings, Citizens Advisory Council newsletters, and the posting of notice on the street.
 - (3) Further deliberations including review of the proposed variances to be recommended to the City Council, will be held with groups or individuals as warranted.
 - (4) The informational meeting, notice and deliberations required in subdivisions (b)(1) through (3) shall not apply to repairs, resurfacing or to reconstruction of existing facilities.
- (c) Following these deliberations, a hearing on the preliminary resolution (assessment resolution) and a hearing on the preliminary assessment roll (confirmation hearing) will be held in accordance with Article 10 of Chapter 160A of the General Statutes.

Section 6-2003 Property Owner Initiative

- (a)
 - (1) All requests for street and sidewalk improvements shall be made by petition to the City Council on petition forms prepared and furnished by the Design Construction Division of the Public Works Department. This petition shall state the location of the proposed improvement, the names of the property owners affected by the petition as accurately as possible, the street and sidewalk improvement standards of the City and the conditions for granting variances.

- (2) A map shall also be prepared to accompany the petition showing the names of property owners, location and frontage of each parcel of land or lot abutting on both sides of the proposed street or streets to be improved, and delineation of any lots which comply with the requirements of Section 6-2021(d).
- (b) After the petition is signed by all property owners who wish to have improvements made, it is then returned to the Department of Public Works. The petition is then sent to the City Clerk and Treasurer to determine whether the petition conforms to the requirements of Section 160A-217 of the General Statutes. According to this statute, the sufficiency of the petition is determined by the number of property owners who sign the petition and the amount of lineal feet of frontage of the lands represented by the signatories, in most cases at least a majority in number of the owners of property to be assessed, who represent at least a majority of all the lineal feet of frontage of the lands abutting on the street or portion thereof to be improved is required by the General Statutes of North Carolina; however, Statute 160A-217 makes exception to this standard. If a valid petition is submitted, the City Clerk and Treasurer will notify the City Council that it may adopt a preliminary resolution (resolution of intent).
- (c) The following considerations will be factors in the decision of the City Council to adopt a preliminary resolution:
 - (1) Availability of funds;
 - (2) Classification of street or streets proposed to be improved;
 - (3) Estimated unit cost of the proposed improvement;
 - (4) Impact on land use, soil erosion, water quality, and stormwater management;
 - (5) Percentage of development of lots on street or streets proposed to be improved;
 - (6) Percentage of owners and footage represented by the petition;
 - (7) Priority of the need for improvement of this street relative to the need for improvement of other streets; and
 - (8) Time of filing petition with the Department of Public Works.
- (d) If a preliminary resolution is adopted by the City Council, then the public shall be notified and informed as provided in Subsection 6-2002(b) and (c) of this chapter.
- (e) Notwithstanding any provisions herein, the City Council, pursuant to Section 6-2002 may adopt a preliminary resolution of intent and assess the costs against property owners without a petition that conforms to the requirements of Section 160A-217 of the General Statutes.

Section 6-2004 Limitation of Petitions

No petition shall be considered by the City Council for the proposed improvement of less than one block of a street and in multiples of less than full blocks except in instances when the petition proposes the improvement to:

- (a) The end of a dead-end street;
- (b) The end or beginning of existing paving or sidewalk and it is requested to complete the sidewalk or paving in that block; or

- (c) A street the remaining portion of which can be completed in its entirety and improved fully at City expense because the improvement complies with the standards of Section 6-2021(d), and it is requested to complete the paving in that block.

Section 6-2005 Preliminary Assessment Roll

When the total cost of a project has been determined, the Department of Public Works shall prepare a preliminary assessment roll. The preliminary roll shall contain a brief description of each lot, parcel or tract of land assessed, the basis for the assessment, the amount assessed against each, the terms of payment, and the names of the owner of each parcel of land as far as this can be ascertained from the county tax records. A map of the project on which is shown each parcel assessed with the basis of its assessment, the amount assessed against it, and the name of the owner, as far as can be ascertained from the county tax records shall be a sufficient assessment roll. All completed preliminary assessment rolls shall be filed in the City Clerk and Treasurer's office, where it shall be available for public inspection. Notice of the preliminary assessment roll shall be published by the City Clerk and Treasurer as required by state law.

ARTICLE B

STREET AND SIDEWALK STANDARDS

Section 6-2011 Specifications for Construction

The City Council shall determine the character and type of construction and materials to be used in the construction of any street or sidewalk improvement, and it shall determine whether any or all of the work shall be done by contract or by City forces. All street and sidewalk improvements shall be constructed in accordance with the standards of this Code and the specifications of the Department of Public Works as approved by the City Council.

Section 6-2012 Classification of Streets

The streets of Raleigh, other than state highways, are classified as principal thoroughfares and residential streets. The designation or re-designation and classification or re-classification of the streets of the City shall from time to time be made by the City Council.

(a) A principal thoroughfare is a street, which because of the traffic it carries or will carry, is or should be wider or of more substantial construction than is necessary to provide access and service to residential property. Principal thoroughfares shall consist of:

- (1) Major Thoroughfares: Roadways with considerable city-wide continuity. These roadways are designed to accommodate large volumes of traffic from one area of the City to another.
- (2) Minor Thoroughfares: Roadways leading to or connecting to arterials and major thoroughfares. These roadways are designed to accommodate large volumes of traffic, but not of major thoroughfare importance.
- (3) Collector Streets: Streets which collect traffic from three hundred and fifty-one (351) or more dwelling units, schools, libraries, art galleries, or other residential institutions with similar vehicle trip generation and peak loading characteristics. Collector streets have continuity of more than one-half (1/2) mile in length, or they provide a connection either between thoroughfare system roads or between major traffic generators which would encourage through traffic on any street not classified as a thoroughfare system

roadway. Other streets can be regarded as a collector street if the roadway is so illustrated on the City's Comprehensive Plan.

- (4) Commercial Streets: A street, the predominant use of which is to provide access for abutting commercial, industrial or other nonresidential properties.

In lieu of the above definitions, principal thoroughfares may also consist of collector streets as they appear on the "Thoroughfare Plan - Raleigh, Cary, Garner". A copy of this map is on file in the office of the City Clerk and Treasurer.

(b) Residential streets shall consist of:

- (1) Residential Collector Streets: Streets which collect traffic from more than one hundred and fifty (150) dwelling units, but less than three hundred and fifty-one (351) dwelling units or from day care facilities of more than seventy (70) enrollees; or streets which collect traffic from schools, museums, libraries, art galleries, or other residential institutions that generate traffic volumes or peak loading characteristics equivalent to less than three hundred and fifty-one (351) dwelling units. Residential collector streets have continuity of more than one-half (1/2) mile in length, or they provide connection between either thoroughfare system roadways or major traffic generators which would encourage through traffic on any street not classified as a thoroughfare system roadway.
- (2) Residential Streets: Streets which collect traffic from no more than one hundred and fifty (150) dwelling units or from day care facilities with no more than seventy (70) enrollees; or streets which collect traffic from schools, museums, libraries, art galleries or other residential institutions that generate traffic volumes or peak loading characteristics equivalent to one hundred and fifty (150) dwelling units. Residential streets are not more than one-half (1/2) mile in length; nor do they provide a connection between thoroughfare system roadways, nor do they provide a connection between major traffic generators, which would encourage through traffic movements.
- (3) Minor Residential Streets: Streets which collect traffic from no more than forty (40) dwelling units. Minor residential streets have continuity of less than one-half (1/2) miles in length, and they do not provide a connection either between thoroughfare system roadways or between major traffic generators that would encourage through traffic on any street not classified as a thoroughfare system roadway.

Section 6-2013 Street Widths

Street widths, from back of curbs, and paving widths on streets without curbs shall be as follows:

- (a) Major and Minor Thoroughfares 53 feet (16.6 meters) or more;
- (b) Collector Street 41 feet (12.50 meters);
- (c) Commercial Street 41 feet (12.50 meters);
- (d) Residential Collector Street 36 feet (10.97 meters);
(but required to be 41 feet within 300 feet of a collector street or thoroughfare system roadway intersection)
- (e) Residential Street 31 feet (9.45 meters);
- (f) Minor Residential Street 26 feet (7.92 meters).

Section 6-2014 Sidewalks

Street improvements made pursuant to this chapter shall contain sidewalks in accordance with provisions contained in Street, Sidewalk and Driveway Access Handbook on file with the City Clerk. The City Council may authorize the construction of sidewalks on both sides of a street improvement if pedestrian generators (churches, schools, bus routes, shopping and office areas, etc.) create public need for additional sidewalks. The Council may also vary this standard and authorize the construction of no sidewalks pursuant to Section 6-2015 or asphalt sidewalks pursuant to Section 6-2016.

(Section 3.4 Sidewalk - Table 3 - from the Street, Sidewalk and Driveway Access Handbook)

	Sidewalk located on:	
	One Side	Both Sides
Thoroughfare System		
Major Thoroughfares		X
Minor Thoroughfares		X
Collector Street System		
Collector Street	X	
Residential Collector Street	X	
Local Access System		
Commercial Street	X	
Residential Street	X	
Minor Residential Street	X	

Sidewalk shall not be required on the following streets:

- (1) Minor residential streets serving no more than ten (10) dwelling units. Corner lots which have frontage on both a connective street or loop street shall not be included in determining the number of dwelling units served by the street.
- (2) Commercial dead-end streets which are less than one hundred fifty (150) feet in length.
- (3) Sensitive area thoroughfares or roadways located within a Reservoir Watershed Protection Area Overlay District unless the development is connected to City water or sewer and is located within one-half (1/2) mile of a school, shopping center or shopping area, or a connection to a greenway or public park, in which case a sidewalk shall be constructed to standards compatible with a non-curb and gutter street section.

Section-2015 Variances

(a) It is recognized that the construction and design standards and specifications provided in this article may not safely and sensitively handle all situations in an area as diverse as the City. Therefore, the City Council, for existing residential streets may vary the standards and specifications for street and sidewalk improvements, including but not limited to width of paving; horizontal and vertical alignment; shoulder design and treatment; pavement edge; drainage structures; grading; and elimination of sidewalks, if in the opinion of the Council, application of the standard is substantially injurious to the character or the environment of the neighborhood, and if all of the following conditions exist:

- (1) The street must be classified as a residential street;
- (2) The street is existing and abutting property is substantially developed;

- (3) The street must serve a predominantly single family area; and
- (4) The street by actual count does not carry more than approximately fifteen hundred (1,500) vehicles per day.

(b) When variances are requested, the Council shall consider the following:

- (1) Safety to pedestrians, vehicular movement, and abutting properties;
- (2) Collection of significant amounts of water from other streets;
- (3) Availability of off-street parking; and
- (4) Pedestrian generators (schools, office and shopping areas, bus routes, churches, etc.) and the availability of pedestrian walkways outside the public rights-of-way.

In no event shall the traveled portion of the street be less than eighteen (18) feet (5.49 meters) in width.

(c) Design and construction variances may include but are not limited to the following:

- (1) Curb and gutter on one side and shoulder on the other side;
- (2) Header curbs;
- (3) Shoulder and swale design; and
- (4) Pedestrian walkways on public property outside the street right-of-way.

Section 6-2016 Asphalt Sidewalks

(a) Installation. Installation of asphalt sidewalks shall be permitted by the City Council only where all of the following are present:

- (1) No curb and gutter exists on the street immediately parallel to the proposed sidewalk.
- (2) Prior to construction sufficient right-of-way, existing or dedicated, is available to place the sidewalk in a safe location.
- (3) There are no existing or projected stormwater deficiencies.
- (4) No part of the proposed sidewalk extends into or over a proposed street or utility improvement as shown on the amended five-year capital improvements program of any governmental authority.
- (5) The proposed sidewalk is either within an area that meets the linear distances established in section 10-3051 (a) of this Code or the City Council finds that there is substantial pedestrian demand to make sidewalks beneficial.

(b) Construction Standards. All asphalt sidewalks shall be constructed in accordance with all of the following standards:

- (1) The minimum stone base shall be four (4) inches.
- (2) The asphalt shall be a minimum thickness of one and one-half (1 1/2) inches.

- (3) The asphalt sidewalk is designed and installed in accordance with the standards of the engineering department.

ARTICLE C

ASSESSMENT CHARGES

Section 6-2021 Street Assessment Charges

General street improvements for which assessments are levied include grading of the street right-of-way, paving and constructing bases and surfaces of the street, drainage structures, curb and gutters, swales, storm sewers, inlets, junctions, etc. In addition to general street improvements, assessment charges may include the cost of incidentals applicable to a particular piece of property and not the project as a whole.

- (a) Principal thoroughfares in areas zoned residential districts by the zoning ordinances of the City of Raleigh:
 - (1) Grading: The entire cost of grading up to and including the width required for an improvement thirty one (31) feet (9.45 meters) or less in width shall be paid for by the abutting property. The cost of grading in excess of street widths greater than thirty one (31) feet (9.45 meters) shall be paid by the City.
 - (2) Street Widths: The entire cost of the base and surface course up to and including the width required for an improvement thirty one (31) feet (9.45 meters) or less shall be paid for by the abutting property. The cost of the base and surface course in excess of street widths greater than thirty one (31) feet (9.45 meters) shall be paid for by the City.
 - (3) Surface Thickness: The entire cost of the surface thickness up to and including the width required for an improvement thirty one (31) feet (9.45 meters) or less shall be paid for by the abutting property. The cost of surface thickness in excess of street widths greater than thirty one (31) feet (9.45 meters) shall be paid for by the City.
 - (4) Base Thickness: The entire cost of the base thickness up to and including the width required for an improvement thirty one (31) feet (9.45 meters) or less in width shall be paid for by the abutting property. The cost of base thickness in excess of street widths greater than thirty one (31) feet (9.45 meters) shall be paid for by the City.
 - (5) Notwithstanding the provisions of subsections (a)(1) through (a)(4) the maximum total cost of improvements to be paid for by any abutting property which is zoned a residential district by the zoning ordinances of the City shall be thirty-two dollars (\$32.00) per abutting property front foot. The maximum unit cost stated herein do not include sidewalk improvements or other particular items of cost ordinarily assessed against the property such as utility improvements, removal of encroachments, driveway improvements in excess of one twelve foot driveway, and other incidentals applicable to a particular piece of property and not to the project as a whole.
- (b) Principal thoroughfares in areas zoned any district other than a residential district by the zoning ordinance of the City of Raleigh:
 - (1) Grading: The entire cost of grading up to and including the width required for an improvement forty one (41) feet (12.50 meters) in width shall be paid for by the abutting property. The cost of grading in excess of street widths greater than forty one (41) feet (12.50 meters) shall be paid for by the City.

- (2) Street Widths: The entire cost of the base and surface course up to and including the width required for an improvement forty one (41) feet (12.50 meters) in width shall be paid for by the abutting property. The cost of base and surface course in excess of street widths greater than forty one (41) feet (12.50 meters) shall be paid for by the City.
- (3) Surface Thickness: The entire cost of the surface thickness up to and including the width required for an improvement forty one (41) feet (12.50 meters) in width shall be paid for by the abutting property. The cost of base and surface course in excess of street widths greater than forty one (41) feet (12.50 meters) shall be paid for by the City.
- (4) Base Thickness: The entire cost of the base thickness up to and including the width required for an improvement forty one (41) feet (12.50 meters) in width shall be paid for by the abutting property. The cost of base thickness in excess of street widths greater than forty one (41) feet (12.50 meters) shall be paid for by the City.
- (5) Notwithstanding the provisions of subsection (b)(1) through (b)(4), the maximum total cost of improvements to be paid for by any abutting property which is zoned for a district other than a residential district by the zoning ordinances of the City of Raleigh shall be sixty-four dollars (\$64.00) per abutting property front foot. The maximum unit cost stated herein does not include the sidewalk improvements or other particular items of cost ordinarily assessed against the property such as utility improvements, removal of encroachments, driveway improvements in excess of one twelve foot driveway, and other incidentals applicable to a particular piece of property and not to the project as a whole.

(c) Residential Streets

- (1) The maximum total cost of residential street improvements to be paid for by any abutting property shall be thirty-two dollars (\$32.00) per abutting property front foot. The maximum unit costs stated herein do not include sidewalk improvements or other particular items of cost ordinarily assessed against the property such as utility improvements, removal of encroachments, driveway improvements in excess of one twelve foot driveway, and other incidentals applicable to a particular piece of property and not to the project as a whole.
- (2) In addition to any other costs borne by the City of Raleigh, the City shall bear the following costs:
 - (a) The cost of regrading an already improved residential street, when the City has determined that regrading of an already improved residential street is necessary or desirable; or
 - (b) The cost of replacing that portion of a residential street, already improved, when in widening a residential street, it becomes necessary to replace the existing improved portion of the street.
- (d) Street improvements in residential areas undertaken by the City without assessments. Notwithstanding the charges established in Subsections 6-2021 (a)(5), (b)(5), and (c)(1) the City shall make the following street improvements in residential areas without assessment:
 - (1) If street improvements are made simultaneously to both streets on which a lot abuts, assessment of the costs of the installation shall be based upon the entire frontage of one street (short side) plus the frontage of the other street in excess of one hundred fifty (150) feet.
 - (2) If the lot is already served by a street, which meets all City standards, any improvements to another abutting street shall be assessed against the lot owner to the extent that the frontage to be assessed exceeds one hundred fifty (150) feet in length.

- (3) If a lot fronts on an existing street which meets City standards and abuts at the rear on another street to be built or improved, no assessment shall be made if it shall appear that no reasonable subdivision of the lot can be made by which the new arrangement of lots will benefit from the new or improved street.
- (4) If a lot abuts on a street or road to be built or improved but physical or topographic restrictions prevent reasonable access thereto from the lot, then no assessment shall be made. In the event that such a lot later gains access formerly thought impossible to the street which was improved, no driveway permit shall be issued until the lot owner has paid a fee equivalent to the amount the lot would have been previously assessed.
- (5) Street improvements within redevelopment areas as delineated pursuant to Chapter 160A-500 et seq. of the General Statutes of North Carolina, provided the cost of such work is exclusively paid from community development funds.

Section 6-2022 Sidewalk Assessments for Construction or Extending New Sidewalks

*** Per policy change by City Council action adopted on 4/19/2011, new sidewalk construction or extensions will no longer be assessed to the abutting property owners.**

- (a) ~~The cost of new sidewalk construction or extensions shall be assessed at six dollars (\$6.00) per front foot against the property abutting on both sides of the street. If there already exists a sidewalk on the other side of the street, the total cost of which was assessed against the abutting property, the owner of the property requiring the new sidewalk shall pay an assessment of six dollars (\$6.00) per front foot, the remaining cost of the sidewalk to be borne by the City. If the City Council decides pursuant to Section 6-2014 that there is a public need for a sidewalk on both sides of the street, and no sidewalk assessment has been previously levied, the full cost of the second sidewalk shall be borne by the City.~~
- (b) ~~Notwithstanding the charges established in Subsection 6-2022 (a) the City shall make the following sidewalk improvements without assessment:~~
 - (1) ~~If sidewalk improvements are made simultaneously to both streets on which a lot abuts, assessment of the costs of the installations shall be based upon the entire frontage of one street (short side) plus the frontage of the other street in excess of one hundred fifty (150) feet.~~
 - (2) ~~If the lot is already served by a sidewalk which meets all City standards, any improvements to another abutting sidewalk shall be assessed against the lot owner to the extent that the frontage to be assessed exceeds one hundred fifty (150) feet in length.~~
 - (3) ~~If a lot fronts on an existing sidewalk which meets City standards and abuts at the rear on another sidewalk to be built or improved, no assessment shall be made if it shall appear that no reasonable subdivision of the lot can be made by which the new arrangement of lots will benefit from the new or improved sidewalk.~~
 - (4) ~~If a lot abuts on a sidewalk to be built or improved but physical or topographic restrictions prevent reasonable access thereto from the lot, then no assessment shall be made. In the event that such a lot later gains access formerly thought impossible to the sidewalk which was improved, no driveway permit shall be issued until the lot owner has paid a fee equivalent to the amount the lot would have been previously assessed.~~
 - (5) ~~Sidewalk improvements within redevelopment areas as delineated pursuant to Chapter 160A-500 et seq. of the General Statutes of North Carolina, provided the cost of such work is exclusively paid from community development funds.~~

Section 6-2024 Assessment for Resurfacing Existing Paved Streets

The cost of resurfacing an existing paved street which does not otherwise meet or exceed the standards of either Chapter Three, Part 10, or Chapter Two, Part 6, of this Code, shall be assessed at eight dollars and fifty cents (\$8.50) per front foot against the property abutting on both sides of the street. No assessment project will be initiated unless all of the following conditions are met:

- (a) The base of the street meets or exceeds the standards of the City.
- (b) The stormwater does not damage properties adjoining the street or undermine the street.
- (c) The abutting properties are substantially developed.
- (d) The street must serve a predominately single-family area.
- (e) The street by actual count does not carry more than five thousand (5,000) vehicles per day.
- (f) The abutting properties have driveways and available off-street parking.
- (g) The travel portion of the street shall be eighteen (18) feet (5.49 meters) in width.

Notwithstanding the charge established above, the City shall resurface streets as described in this section without assessment:

- (1) If resurfacing is done simultaneously to both streets on which a lot abuts, assessment of the costs of the resurfacing shall be based upon the entire frontage of one street (short side) plus the frontage of the other street in excess of one hundred fifty (150) feet.
- (2) If the lot is already served by a street, which meets all City standards, any resurfacing to another abutting street shall be assessed against the lot owner to the extent that the frontage to be assessed exceeds one hundred fifty (150) feet in length.
- (3) If the lot is already served by a street that has been previously assessed a full prevailing assessment for street resurfacing, resurfacing to another abutting street shall be assessed against the lot owner to the extent that the frontage to be assessed exceeds one hundred fifty (150) feet in length.
- (4) If a lot abuts on a street or road to be resurfaced but physical or topographic restrictions prevent reasonable access thereto from the lot, then no assessment shall be made. In the event that such a lot later gains access formerly thought impossible to the street which was resurfaced, no driveway permits shall be issued until the lot owner has paid a fee equivalent to the amount the lot would have been previously assessed.
- (5) Resurfacing within redevelopment areas as delineated pursuant to G.S. 160A-500 et seq. provided the cost of such work is exclusively paid from community development funds.

Streets resurfaced under this section which are later improved, resurfaced again pursuant to the provisions of this section, rebuilt, or reconstructed to the standard of either Chapter 3, Part 10 or Chapter 2, Part 6 of this Code shall be assessed the full prevailing assessment for such subsequent improvements.

Section 6-2025 Payment of Assessments

Assessments shall be payable in cash, or, if any property owner should so elect and give notice of the fact in writing to the City of Raleigh, in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessment in ten (10) equal installments, such installments to bear interest at the rate of six (6) per cent per annum from the date of confirmation of the assessment roll.

Section 6-2032 Dedicated Streets Not Open

Dedicated streets not opened shall not be opened or maintained unless first improved by the owners of the property abutting thereon by the installation of improvements in conformity with City standards. Submission of a sufficient petition as provided in this chapter by abutting property owners requesting the improvement of the street on an assessment basis shall be considered as compliance with the provisions of this section.

Section 2. This ordinance is not intended nor shall it in any way affect the provisions of Part 10, Chapter 3 of the City Code of the City of Raleigh.

Section 3. That provisions of this ordinance shall be retroactive and shall apply to all street improvements made under the street improvement bond program.

Section 4. That this ordinance shall become effective upon its adoption.

This policy is in effect as of February 1, 1989 and reflects changes and amendments to the City Code and City Policies for street and sidewalk improvements through April 19, 2011.