

§ 183-20. Curbs, gutters and sidewalks.

A. Definition of new construction when applied to curbs, gutters and sidewalks. "New construction" is the improvement of a vacant parcel with a primary permitted structure, or if, in the opinion of the Code Officer, there is over 50% of alterations done on the existing primary structure or addition to the existing floor space of the primary structure equal to or greater than 25%, or the change of use of the property from a low- to no-volume pedestrian use to a higher volume pedestrian use (i.e., office to a coin-operated laundry mat, a single business in a structure to multiple businesses in the same structure).

B. Subdivisions and new construction. As a condition of approval or issuance of a building permit, all subdivisions and new construction shall be required to install curbs, gutters and sidewalks where no such improvements exist or where such improvements are in need of repair.

C. Specifications. Installation of curb, gutter and sidewalk improvements shall be in accordance with specifications as determined by the Town Council.

D. Repair. It shall be the responsibility of the owner to repair all sidewalks within, adjacent to or approximately parallel to the owners' property line although it may be situated wholly or partially in the Town right-of-way. The Town of Milton shall have oversight responsibilities, but not financial responsibilities for all curbs and gutters wherever situated within the Town limits.

E. Exceptions. Waiver of the requirement for installation of curbs, gutters and sidewalks may be granted by the Town Council upon the property owner's showing that strict compliance with the requirements of this article or Article II of this chapter would result in extraordinary hardship to the owner because of unusual topography, drainage, lot size or shape, street width, right of way width, or other conditions that are not self-imposed, provided substantial justice may be done and the public interest secured. In no case shall any waiver be more than a minimum easing of the requirements, and in no instance shall it result in any conflict with Chapter 220, Zoning. Application shall be made on the prescribed form to the Town of Milton and submitted with supporting documentation, subject to any fee established in the currently effective Town Fee Schedule. Waiver may be conditioned on the requirement of future construction of the improvements when deemed appropriate by the Town Council.