

# ARTICLE 7: SUBDIVISION DESIGN CRITERIA

## 7.1. PURPOSE

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The purpose of this Section is to establish procedures and standards for the subdivision of land within Franklin County. More specifically, this Section is intended to

- A. Provide for the orderly growth and development of the County.
- B. Maintain conditions essential to the public's health, safety, and general welfare.
- C. Facilitate adequate provision of public services as required by County ordinances.
- D. Facilitate the further re-subdivision of larger tracts into smaller parcels of land.

## 7.2. APPLICABILITY

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### 7.2.1. General

- A. The standards in this UDO, specifically including Article 6, Design Criteria, are the minimum standards applied to all subdivisions of land in the unincorporated area of Franklin County.
- B. Per G.S. § 160D-802, subdivisions are defined as divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets. See Section 7.2.4 for those divisions of land not included within this definition nor subject to some of the regulations in this Article.

### 7.2.2. Installation of Improvements

- A. Unless subject to the performance guarantee process in this Article, all required public improvements shall be installed prior to the approval of a final plat, in accordance with the standards in this Ordinance.

### 7.2.3. Types of Subdivisions

- A. With regard for G.S. § 160D-801, the subdivision of land is regulated by this Ordinance and review is detailed in Article 4.5.8, Subdivisions.

### 7.2.4. Subdivision Standards

- A. Local, State or Federal Permits Required

1. Applicants proposing a subdivision that will connect to existing County/public water and sewer systems shall obtain all necessary County, State, and Federal agency permits prior to the final approval of the subdivision.
2. Land-disturbing activities associated with a subdivision shall not take place until all permits required from State agencies are obtained, including but not limited to those required by the NC Department of Environmental Quality, NC Department of Transportation, or the US Army Corps of Engineers. This prohibition on land disturbing activities shall not be construed to affect bona fide farming uses, including silviculture and tree harvesting, pursuant to G.S. § 160D-903.

#### B. School Site Reservation

1. If a proposed subdivision includes a school site that is designated in the County's Comprehensive Development Plan (in accordance with G.S. § 160D-806) or some other long-range document adopted by the Board of Commissioners, the County shall immediately notify the Franklin County Board of Education.
2. If the Board of Education determines the school site does not need to be reserved, it shall not be required as part of the subdivision.
3. If the Board of Education determines the school site needs to be reserved to accommodate a new school, the subdivision shall not be approved without reservation of the school site. If the school site is reserved, the Board of Education must acquire the site within 18 months after the date the site is reserved, or the subdivider/developer may treat the reservation as null and void as authorized by G.S. § 160D-806.

#### C. Protection of Cultural and Historical Resources

1. The subdivider/developer shall not destroy buildings, structures, archeological, or cultural features listed (or eligible to be listed) on national, state, or county registers or inventories of cultural or historic significance without preparation and acceptance by the county of an inventory or survey.
2. Plans shall be reviewed by the appropriate agency within the Department of Cultural Resources and/or the Franklin County Historic Preservation Commission as part of the subdivision review process, and the County may apply conditions of approval that require protection of significant cultural or historic resources.

### 7.2.5. Property Owners Associations (POA)

#### A. Purpose

1. The purpose of this Section is to set out the requirements for establishment of a property owners association (including and used interchangeably with “homeowner’s association”) that shall be responsible for the long-term maintenance of common areas, common features, and private infrastructure in a subdivision or development with property or assets in common ownership.
- B. Property Owners’ Associations are required to ensure maintenance of any common assets or property that are required for compliance with this UDO or any approval granted in accordance with this UDO.
- C. In addition to any other standards of this UDO, the Property Owners’ Association is responsible for the following items:
  1. Responsibilities

The Property Owners’ Association declaration shall is responsible for the following:

    - a. The payment of premiums for liability insurance and local taxes.
    - b. Maintenance of recreational and/or other facilities located on the common areas.
    - c. Payment of assessments for public and private improvements made to or for the benefit of the common areas.
  2. Defaults

Upon default by the Property Owners’ Association in the payment to the County entitled thereto of any assessments for public improvements or ad valorem taxes levied against the common areas, which default shall continue for a period of six (6) months, each Owner of a lot in the development shall become personally obligated to pay to the County a portion of the taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the County by the total number of lots in the development. If the sum is not paid by the Owner within thirty days following receipt of notice of the amount due; the sum shall become a continuing lien on the property of the Owner, his/her heirs, devisees, personal representatives and assigns. The taxing or assessing County may either bring an action at law against the Owner personally obligated to pay the same or may elect to foreclose the lien against the property of the Owner.
  3. Easements

Easements over the common areas for access, ingress, and egress from and to public streets and walkways and easements for

enjoyment of the common areas, and for parking, shall be granted to each lot Owner.

### **7.3. GENERAL DESIGN STANDARDS**

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#### **7.3.1. General**

Unless exempted by this Article, all development in the County shall comply with the standards in this Section. Each subdivision of land shall meet the minimum standards of design and contain the improvements required by this Article. Land may be dedicated and reserved in each subdivision and the required improvements shall be paid for by the subdivider/developer.

#### **7.3.2. Land Suitability**

- A. Land which has been determined by the Administrator on the basis of engineering or other expert surveys, to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed, shall not be platted for that purpose, unless and until the subdivider/developer has taken the necessary measures to correct said conditions and to eliminate said danger.
- B. Areas that have been used for disposal of solid waste shall not be subdivided unless tests by a structural engineer or a soils expert determine that the land is suitable for the purpose proposed and assurances for compliance with associated state requirements exist.
- C. All subdivision proposals shall be consistent with the need to minimize flood damage per Article 9, Natural Resources.
- D. Public utilities and facilities, such as gas, electrical, water, and sewer systems in all subdivision proposals, shall be located and constructed to minimize flood damage.
- E. Requirements for Soil Scientist Review of Proposed Subdivision
  1. All proposed major subdivisions in Franklin County must have a soil scientist report submitted as part of the application process. Soil Scientist review is optional for proposed minor subdivisions. Soil Scientist review is not necessary for developments proposed to be connected to public sewer service.
  2. Subdividers/developers proposing construction of Community Utility Systems to serve a proposed development are required to follow rules and procedures as set forth for such systems by the NC Department of Environmental Quality and provide to the Administrator documentation as to the type and capacity of any such system.
    - a. All reports must be submitted by a NC licensed soil scientist, and must bear his name, address, phone number, signature, and seal.

- b. All soils work is to be governed by criteria established in the “NC Rules for Sanitary Sewage Disposal Systems 15A NCAC 18A.1900,” in effect at date of the subdivision proposal.
- c. The Franklin County Environmental Health recognizes any and all systems approved by the State of North Carolina. Experimental and innovative systems may be approved subject to the criteria set forth in Rule .1969 at the “NC Rules for Sanitary Sewage Disposal Systems.”
- d. Soils reports shall include an overall description of the topography and soils conditions on the subject property, including:
  - i. Method used to do evaluations (auger, pits, etc.)
  - ii. Descriptions as to suitability of soils on the site for individual septic systems, including estimated LTAR, proposed system type (LLP, mound, at grade, etc.), required landscaping or other site works. Weather conditions, construction activities, or other operations that may affect the accuracy of the report should also be noted
  - iii. A map showing rough delineations of soils on property, with accompanying legend describing site suitability shall be prepared. Actual locations of individual systems are not required unless either directly requested by the Health Department or if in the professional opinion of the Soils Scientist soil conditions on the site dictate that individual systems be designed as a part of the report. An example of such being an area with large number of alternative systems<sup>1</sup>
  - iv. Soil series as indicated by Franklin County soil survey, available from local Farm Service Agency
  - v. Copies of soil reports shall be distributed to the Environmental Health Section of the Franklin County Health Department and to the Administrator.

### 7.3.3. Addressing and Naming

The Board of Commissioners recognizes a vital need to establish road naming and addressing procedures and authority, and to erect uniform signs throughout the County, to eliminate the duplication of road names and to promote the safety and well-being of citizens. This Section outlines policies and procedures for road naming and a uniform system of addressing for all properties and buildings throughout the County in order

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<sup>1</sup> Additionally, it is suggested that subdivider/developer coordinate soils work between soil scientists and surveyors to ensure that unusable lots are not included in preliminary maps and to reduce the need to redo surveys.

to facilitate provision of adequate public safety and emergency response services and to minimize difficulties in locating properties and buildings for public service agencies and the general public.

A. Jurisdiction

The Administrator shall be responsible for assigning uniform and proper street names within Franklin County's planning and development jurisdiction. These standards are adopted to maintain efficient emergency response service by the Franklin County Emergency Communications (9-1-1) Center.

B. Plan Requirements

All land subdivisions that create a new road or road section in any jurisdiction within the County must submit an application for road name approval. All developments consisting of either multiple floors/levels, multiple units, or multiple structures located within the unincorporated area of the County or within jurisdictions for which the Administrator, or designee supplies numbering service and control by agreement, shall submit the final site plan to the Administrator, or designee for unit numbering prior to occupancy.

C. Official Road Name and Address Database

The Administrator or designee shall maintain the Official Consolidated Road Name and Address Database in digital format for all jurisdictions served by the Franklin County EM and EMS Departments, which includes the entire County and all the municipal jurisdictions within the County.

D. Road Naming Procedures

1. All land subdivisions that create a new road or road section in any jurisdiction within the County must submit preliminary and final plats, prior to recordation, to the Administrator, or designee for road name approval.<sup>2</sup>
2. All roads, both public and private, shall be named, numbered, and have road name signs installed if 3 or more addressable structures are located on, and accessed by them. Where a private street has 5 or fewer lots, it may be addressed off of the primary road, at the discretion of staff. The Administrator or designee is hereby given the authority to refuse or accept any road name if it is deemed too similar to an existing road name such that it might conceivably cause confusion in the provision of emergency services.

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<sup>2</sup> In practice, the subdivider should submit twice as many road names as are needed, in case any are already in use or existing road names are so similar that it could potentially cause confusion in emergency services operations.

#### E. Road Naming Guidelines

1. Road names that are pleasant sounding, appropriate, easy to read, and relate to local history shall be promoted.
2. The Administrator or designee is authorized to add compass point directional names to a road name, example: East Davie Ave. Compass points may only be included in the body of a road name by writing as 1 word, example: Northpoint Boulevard.
3. Road names, including prefix and suffix, shall contain no more than 19 letters and spaces.
4. A continuous public road, running primarily in one direction should have only 1 name.
5. If a road jogs sharply for a substantial distance, the portion running in a different direction may be given another name provided that
  - a. The road jogs at an angle of at least 60 degrees.
  - b. The portion of the road which jogs is at least 500 feet in length.
  - c. The Administrator or designee shall maintain a list of Road Names expressly prohibited
6. The following road naming actions are expressly prohibited:
  - a. Use of initials
  - b. Use of numbers either ordinal or written
  - c. Use of suffixes as primary road name
  - d. Sound alike and deceptively similar names
  - e. Use of special characters such as hyphens, apostrophes, or dashes, Ole English spellings
  - f. Vanity names
7. Permitted Prefixes and Suffixes

The following is a list of approved suffixes and acceptable abbreviations. No approved suffix shall be allowed within the street name.

**Figure 7-1 Permitted Prefixes and Suffixes**

<b>Name</b>	<b>Two-Letter Abbreviation</b>	<b>3- or 4-Letter Abbreviation</b>
<b>Avenue</b>	AV	AVE
<b>Boulevard</b>	BL	BLVD
<b>Circle</b>	CR	CIR
<b>Court</b>	CT	
<b>Drive</b>	DR	
<b>Highway</b>	HW	HWY
<b>Lane</b>	LN	
<b>Loop</b>	LP	
<b>Parkway</b>	PK	PKY
<b>Place</b>	PL	
<b>Road</b>	RD	
<b>Street</b>	ST	
<b>Trail</b>	TR	
<b>Way</b>	WY	

**F. Structure Numbering Procedures**

All roads that are officially designated on the Consolidated Road Name and Address Database, whether public or private, located in the unincorporated areas of the County and the municipal jurisdictions for which the Administrator or designee supplies numbering service and control shall be numbered uniformly and consecutively along the roadway centerline. Numbers shall be assigned by the Administrator or designee along named thoroughfares as addressable structures are located on and accessed from them.

**G. Numbering System**

1. Each structure shall be assigned a structure number based on the number of the appropriate intervals of roadway centerline from the origin/axis point. The structure number shall be determined by a line perpendicular to the road centerline, which intersects the centerline of the house or driveway leading to the structure. The number at the point of perpendicular intersection shall be the number of the structure. In cases where a structure has a loop driveway or more than one driveway, the structure number shall be assigned to the driveway that best services the main access to the structure.
2. The lowest structure number possible is five. Numbers shall be assigned at intervals of 10.56' along a roadway centerline, with 250 intervals equaling one mile. Thus, structure number 500 is 1 mile from origin point, 1000 equals 2 miles, 1500 equals 3 miles, 2000 equals 4 miles, etc. Ascending numbers moving away from the axis/origin point shall be assigned odd numbers to the left side of the roadway.



Even numbers shall be assigned to the right side of the roadway in a like manner.

#### H. Addressing

##### 1. Special Lot or Street Design

###### a. Corner Lots

Number assignment for corner lots will be made according to its road section nearest to perpendicular to its front door. Structures located on corner lots shall display official numbers on the structure facing the street from which the official numbers are assigned. Address assignment to corner lots prior to adoption of these procedures may remain. Address assignments shall in no way interfere with zoning requirements.

###### b. Flag Lots

Buildings obtaining access through a panhandle to a public street to which they obtain access. If the lot contains more than five principal structures that share a common access, the access shall need to be named as a private street for addressing purposes. The Administrator is hereby given the flexibility to administer this standard in the best interest of providing the most efficient and effective emergency services provision.

###### c. Private Driveways or Unnamed/Unplatted Driveways

Three or more addressable structures obtaining access on an unnamed, unplatted common drive, will require the naming of that drive before number assignment, regardless of the length of the driveway. The street sign shall be the responsibility of the property owners served by the driveway and shall meet Franklin County sign standards and be erected by Franklin County.

##### 2. Multi-Unit Structures and/or Developments

Multi-level buildings shall have 3-digit floor/level indicator numbers, (100, 200, 300,) following the physical (street) number (ex. 4503-100, 4503-200 etc.). Individual units on each floor/level shall include the unit number into the floor identifier; example 4503-203 is unit number 3 on the 2nd floor. Basement units will be identified with "B" prefixes (ex. 4503-B103, [or 4502-B203 in a building with more than 1 basement level]). Capital (Arabic) letters (A, B, C,) or suite numbers (101, 103, 105) may be used for units in one level structures that are not separated by an anchor wall.

##### 3. Shopping Centers, Office Parks, Etc.

Such centers shall be assigned an address number for each anchor separation. The individual shops shall then be assigned a capital (Arabic) letter or suite unit number identifier. When there are more anchor separations than block numbers available, then one number will be assigned to the entire structure. The interior units will be assigned a unit or suite identifier by the owner/manager.

4. Mobile Home Parks

The owner of the mobile home park shall provide a detailed plan indicating requested road names and unit identifiers, either capital (Arabic) letter or numeric identifier to the Administrator who will approve unit numbers and final road names. It shall be the responsibility of mobile home park to display official numbers on an address post for each lot in accordance with Section 7.3.3.I. below.

5. Townhouses

Townhouse units shall be assigned a physical address number for each unit facing a named road. When developments create no internal access roads, these units may elect to number the buildings and then identify individual units with capital (Arabic) letters or numeric identifiers. The Administrator shall have the authority to treat townhouse developments on a case-by-case basis.

6. Accessory Dwelling Units

Accessory dwelling units shall be assigned an address independent of the primary dwelling.

I. Display of Official Address

1. Number Specifications

a. All structure numbers shall be constructed of a durable material. Official numbers must be Arabic numerals. The color shall contrast with the color scheme of the structure, and if mounted on glass, shall contrast with the background and be clearly visible. The minimum number size for residential structures or units shall be 4" in height. All other structure numbers shall be a minimum of 6" in height. In all cases, a number size larger than the minimum size may be required in any instance where the minimum size does not provide adequate identification from the access road.

b. Waterside addresses must be placed within 75' of 760' contour line and display the street address number and the street name so that they are clearly visible and legible from the water. Numbers must be a minimum of six inches in height.

2. Posting Locations

- a. For residential structures, the structure number shall be posted and maintained within a 3-foot perimeter of the front entrance of the structure, in a location visible and readable from the road.
- b. For all other structures, the structure number shall be posted on the building face most readily visible from the road which the number is assigned. Unit designators shall be posted at each unit within a 3- foot perimeter of the primary entrance of the unit.
- c. In the event that a structure, and therefore its posted number, is not visible from the road from which it is numbered, the assigned structure number shall also be posted adjacent to the driveway connection to the access road. Posting on the mailbox itself will not fulfill these requirements, however, structure numbers on the post supporting the mailbox are acceptable.
- d. Individual buildings on lots created facing an unnamed driveway shall be addressed off the public street from which it gains access. If the structure is more than 150 feet from the named road or is not visible from the named road, the address number shall be displayed on both the structure and at the end of the driveway or easement that provides access to the structures, and be visible and legible from all directions of travel.
- e. In all cases, the structure number shall be clearly displayed in such a way that the structure number can be identified easily from the street or road during both day and night.

#### J. Legal Status Provisions

It shall be unlawful for any person

1. To display a different address or portion thereof except as provided by this Ordinance or the "Consolidated Road and Address Data Base."
2. To name or designate the name of any private road except as provided by this Ordinance.
3. To establish or erect any road sign which does not comply with the standards set forth in this Ordinance.
4. To intentionally destroy, mar, or deface any County road sign.

#### K. Enforcement Procedures

When the Administrator, finds a violation of this Ordinance, it shall be his duty to notify the owner or occupant of the property of the violation in writing in person or by first class mail to the owner listed on the County tax records. The owner or occupant shall immediately remedy the

violation. Notification shall indicate the parcel and structure, the nature of the violation, and the measures necessary to remedy the violation.

## **7.4. SUBDIVISION DESIGN**

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### **7.4.1. Lot and Frontage Standards**

#### **A. Lot Configuration**

Every lot shall have sufficient area, dimensions, and street access to permit a principal building to be erected thereon in compliance with all zoning and other requirements of this Ordinance. No lot shall hereafter be so reduced in area as to cause any open space required by this Ordinance to be less in any dimension than is herein required by the minimum yard requirements of the zone in which the lot in question is situated.

#### **B. Minimum Building Area**

Every lot shall meet the minimum lot size requirements of this Ordinance and any other environmental requirements such as Health Department Approval.

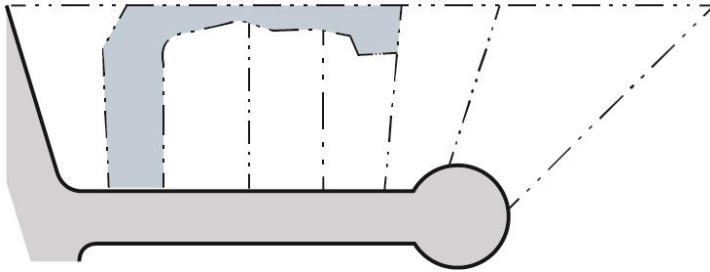
#### **C. Shape**

1. The shape and orientation of lots shall be appropriate to the location of the subdivision and the development intended. Interior lot lines extending from a street should be approximately perpendicular or radial to the street right-of-way line. Lot lines shall be located to permit efficient installation and maintenance of utility lines on utility easements, to maximize buildable area, and, where applicable, to provide a suitable area for septic systems. Commercial and industrial lots shall be of sufficient size to include off-street service facilities, and off-street parking of all vehicles used by all patrons and employees.
2. Where on-site septic systems are used to treat wastewater, lots and lot lines shall not be permitted to significantly deviate from other standards of this Ordinance just to capture suitable soils.<sup>3</sup>

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<sup>3</sup> The purpose of this standard is to prevent the establishment of winding and extremely irregularly shaped lots that would prevent the orderly development or redevelopment of the area in the future.

**Figure 7-2 Irregular Lots**



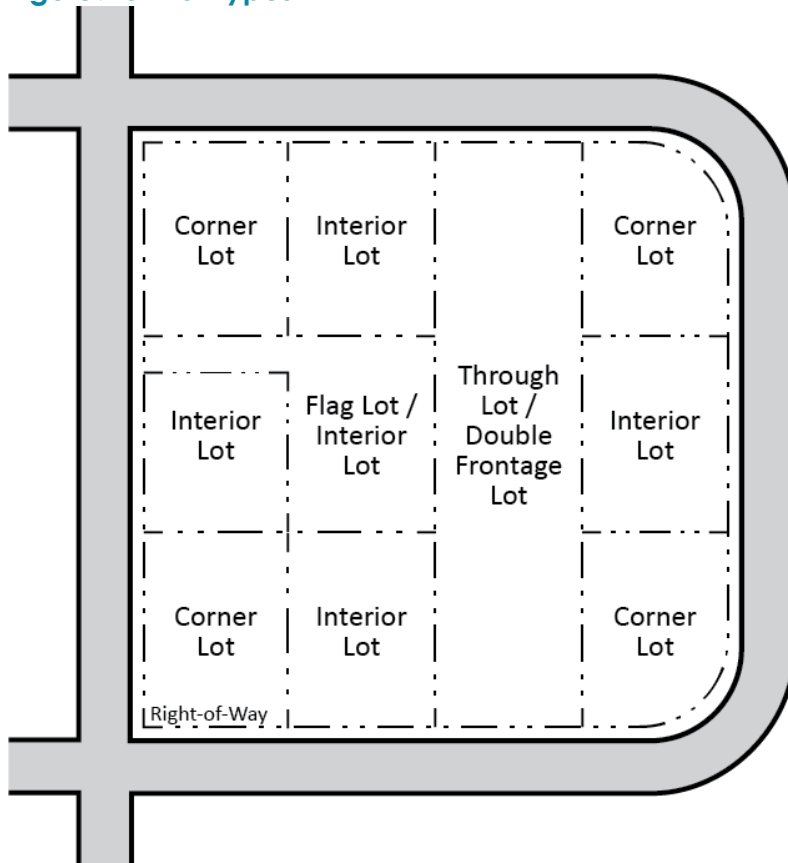
The shaded area shows an irregular, hooked lot shape. This configuration is prohibited.

3. Off-site Septic Systems for residential lots shall be located on common open space within the development that has access from a right-of-way in order to ensure access for needed repairs.

#### D. Frontage

Each lot shall abut a publicly dedicated street except in subdivision approved with private roads or approved access easement. In the latter situation, each lot must abut a private road or a state-maintained road which is shown on the approved plat and constructed pursuant to the standards set by Franklin County. Lots that abut or access any right-of-way, access easement, or road, and all lots within the subdivision, will be included in determining road standards.

Figure 7-3 Lot Types



#### E. Double Frontage

1. Streets shall be arranged to avoid double frontage lots except where no other alternative is reasonably practicable.
2. Residential subdivisions of greater than three lots shall not be allowed to directly access thoroughfares or arterial roadways unless no other alternative exists. Shared driveways are strongly encouraged in all other instances.
3. Where double frontage lots are necessary and unavoidable, then such lots shall incorporate a minimum 10' wide landscaping buffer and easement. The landscaping buffer will be planted with an additional canopy tree and five evergreen shrubs per 50 linear feet. An additional 10' setback shall also be required on that side.

#### F. Landscape Buffer

1. Any lot within a major subdivision that abuts NCDOT state-maintained roads shall be buffered with a landscaping buffer/easement. The landscaping buffer/easement must be a

minimum of 30 feet, measured from the edge of the right-of-way. Existing vegetation may count on a one-for-one basis or as otherwise permitted in this UDO.

2. The 30' wide landscaping buffer shall contain at least two canopy trees, 5 understory trees, and 20 shrubs per 100 linear feet.
3. The landscaping buffer may be reduced from 30' to 20' wide if an earthen berm is installed that meets the following requirements:
  - a. The slope of all berms shall not exceed a 2:1 ratio (horizontal to vertical), shall have a top width at least one-half the berm height, and a maximum height of 6 feet above the toe of the berm.
  - b. Berms shall be stabilized and vegetated as required by this Section.
  - c. Berms must be constructed to provide adequate sight distance at all road intersections.

#### G. Access

All lots must have public road access and frontage meeting the requirements set forth in Article 5, Zoning. The following exceptions may be approved.

1. Lots and units located in developments with Owners' Associations or in group developments in which permanent access is guaranteed by means of approved private roads and/or drives.
2. Lots served by an Access Easement meeting the following criteria and approved through the major subdivision process:
  - a. An Access Easement shall serve three or less residential lots
  - b. The minimum easement width shall be 45 feet and shall connect to a public road
  - c. There shall be, within the Access Easement, a minimum passable travel way of at least eighteen feet in width
  - d. The minimum separation between the proposed Access Easement and any other Access Easement on the same tract shall be 150 feet
  - e. The location of the easement must be recorded on the plat

- f. The Access Easement shall permit ingress, egress, and regress and necessary utilities required to serve the lot(s).
- g. A notation shall be placed on the face of the plat which states that no additional lots, including resubdivision of the lots served by the Access Easement, shall be permitted unless the Access Easement is upgraded by the property owner(s) to a private road or public road status and meets or exceeds the Franklin County private road standards or the NCDOT public road specifications, whichever is applicable
- h. The subdivision shall be approved in accordance with the major subdivision review and approval process, except that the preparation of a preliminary plat is not required.
- i. Maintenance of access easements is the responsibility of the property owner(s).

#### 7.4.2. Flag Lots

- A. A flag lot shall only be permitted (if necessary) on lots 5 acres or larger where no street right-of-way dedication is required to allow a property owner reasonable use and benefit from their land or to alleviate situations which would otherwise cause a hardship such as the following:
  - 1. Where necessary to eliminate access onto arterials
  - 2. To reasonably utilize irregularly shaped land
  - 3. To reasonably utilize land with extreme topography
  - 4. To reasonably utilize land with limited sites suitable for septic tank nitrification fields
  - 5. Where it is unlikely that a road created in lieu of a flag lot would ever be extended, or otherwise needed to provide access to adjoining parcels
  - 6. To provide for the protection of significant natural, or cultural resources.
- B. No flag lots will be allowed if it increases the number of access points onto an arterial or collector street.
- C. The length of a flag lot between the street onto which it has access and the point where a lot dimension parallels the street shall be based on the size of the proposed regular lot. The following table indicates the allowed length of the flag portion of the lot based on the required minimum width of the regular lot. See Figure 7-4 below.



**Figure 7-4 Flag Lot Standards**

Size of Regular Lot	Required Minimum Width of Regular Lot	Maximum Length of Flagpole
30,000 SF – 1 Acre	100 feet	300 feet
1 Acre – 3 Acres	130 feet	500 feet
Over 3 Acres	150 feet	700 feet

D. The maximum length allowed on any flag lot is 700 feet. The lot width and street frontage of a flag lot may be reduced to 35 feet. The Administrator may approve further reductions to a minimum of twenty feet where topographical conditions permit the construction of an adequate driveway within that width. The Administrator may also require greater widths where necessary to insure adequate access.

**7.4.3. Blocks**

- A. Block lengths shall not exceed 1,500 feet or be less than 500 feet.
  - 1. In R-8 and R-30 residential subdivisions, blocks shall not exceed 900 feet and 1,200 feet, respectively.
  - 2. In nonresidential or mixed-use districts, block lengths shall not exceed 800 feet. This requirement does not apply to industrial districts.
- B. Blocks shall have a sufficient width to accommodate at least two tiers of lots of minimum depth. Blocks may consist of single tier lots where such are required to separate residential development from vehicular through traffic or nonresidential uses. See Double Frontage Lots, Section 7.4.1(E).
- C. A pedestrian access easement at least fifteen feet in width with a minimum 6' wide hard surfaced pedestrian walkway (asphalt, concrete, pavers with appropriately prepared and compacted subgrade, pervious pavement, etc.) is required to provide convenient access to neighboring communities, recreational areas, schools, transportation system or other such community facilities or amenities, or where block lengths are less than 800' in non-industrial, nonresidential or mixed use developments or in residentially-zoned (excluding AR and R80) subdivisions.
- D. Block numbers shall conform to the county street numbering system, if applicable.

**7.4.4. Cluster Box Units (CBU's)**

Pursuant to USPS policy, all subdivisions and new phases of existing subdivisions are required to provide CBU's for regular mail service delivery.

The local postmaster will work with builders and subdivider/developer to determine the best mode for mail delivery for the area, prior to extending or establishing delivery service. If central mail delivery service is the option chosen by the postal manager in the form of Cluster Box Units (CBU) as evidenced by a letter of acknowledgement by the postmaster, then the arrangement and location of the CBU(s) shall be in accordance with the following:

A. Location

CBU's must be located on a lot or area dedicated for open space or public access easement obtained by the subdivider/developer. CBU's may not be placed in the right-of-way of any road. The location of the CBU within the subdivision shall be determined by the Administrator, local Postmaster, and subdivider/developer or builder.

B. Parking/Access

In addition to any requirements for parking specified in Article 6, Design and Landscaping. Off-Street Parking and Loading Requirements, or any accessibility guidelines pertaining to the Americans with Disabilities Act (ADA), the following riation table must be met:

Number of Lots	Number of Spaces Required
50 or less	2*
51-80	3*
80-110	4*
111 or more	4* plus 1 per additional 25 Lots

\*At least one parking space must be handicap accessible.

C. Maintenance

CBU's are to be maintained by the Property Owners Association (POA) or managing entity. The subdivider/developer shall be responsible for confirming the logistics of regular mail delivery to CBU's with the USPS. As such, CBU design shall be subject to final approval by the USPS.

D. Landscaping/Screening

CBU's must meet the requirements set forth in Article 6, Design and Landscaping.

E. Signs

Shall be permitted on CBUs for the sole purpose of official mail delivery to a subdivision. Signs must meet standards set forth in Article 8, Signage.

#### F. Lighting

Adequate lighting shall be provided by the POA or managing entity. Lighting shall be such that it is not directed onto any adjacent properties or rights-of-way.

#### 7.4.5. Easements

- A. Utility and drainage easements shall be provided for utilities where necessary and shall be at least 20' wide, except where utility easements abut the street right-of-way, the easement shall be at least 10'. Easements should be centered on rear or side lot lines to the maximum practical extent.
- B. Where a subdivision is traversed by a water course, drainageway, drainage tile, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.
- C. Lakes, ponds, creeks, and similar areas may be accepted by the county for maintenance only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the drainage control system. The acceptance of such dedicated areas must be reviewed by the Parks and Recreation Advisory Board before the Board of Commissioners will consider the dedication.
- D. The telephone or cable company and the power company shall be provided with copies of the plat by the subdivider/developer and are expected to work with the subdivider/developer in designing the utilities plan for the subdivision.

#### 7.4.6. Lighting

See Article 6 for lighting standards.

### 7.5. STREETS

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#### 7.5.1. General

- A. Unless exempted by this Article, all subdivision lots shall abut a street designated as either public or private. All public or private streets shall be built to the standards of this Ordinance and all other applicable standards of the County and the North Carolina Department of Transportation (NCDOT).

#### 7.5.2. Thoroughfare Plan

- A. Where a proposed subdivision includes any part of a thoroughfare which has been designated as such upon the officially adopted thoroughfare plan of any of the following organizations: Franklin

County, Capital Area Metropolitan Planning Organization (CAMPO) and the North Carolina Department of Transportation, such part of such thoroughfare shall be platted by the subdivider/developer in the location shown on the plan and at the width specified in this Ordinance.

### 7.5.3. Public Streets

- A. All public streets shall be built to the standards of this Ordinance and all other applicable standards of the County and the North Carolina Department of Transportation (NCDOT). Public streets which are eligible for acceptance into the State Highway System shall be constructed to the standards necessary to be put on the State Highway System or the standards in this Ordinance, whichever is stricter in regard to each particular item, and shall be put on such system.
- B. Streets which are not eligible to be put on the State Highway System because there are too few lots or residences shall, nevertheless, be dedicated to the public and shall be constructed in accordance with the standards in this Ordinance or the standards necessary to be put on the State Highway System, whichever is stricter in regard to each particular item, so as to be eligible to be put on the system at a later date. A written maintenance agreement with provisions for maintenance of the street until it is put on the State system shall be included with the final plat. Private streets shall require a maintenance covenant.

### 7.5.4. Private Streets

- A. Private streets may be specifically allowed in certain development types such as multifamily residential developments. Except as permitted below, all other developments proposing to have private streets are limited to neighborhoods with gated entrances and may be subject to further conditions regarding safety and/or connectivity in addition to the standards of NCDOT for such roadways. Additionally, all projects are subject to reasonable and appropriate safety measures deemed necessary by the TRC.
- B. Standards for development of Type I, II, and III private road or easement, accessing newly created lots shall meet N.C. Department of Transportation standards for road maintenance.<sup>4</sup>

#### 1. Type I

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<sup>4</sup> Note that lots created by previous exceptions are included when determining the standard of road needed for further subdivision.

Access easements serving 3 or fewer lots. Right-of-way must be a minimum of 45' in width and meet requirements for centerline radius. The surface must be constructed to support emergency vehicles.

2. Type II

Private road or easement serving no more than 5 lots, whether existing lots or new lots, or combination of the same, shall meet the following standards:

- a. Must comply with minimum N.C. Department of Transportation, right-of-way standards for width and centerline radius.
- b. Shall be recorded with the lots and dedicated for use by lot owners.
- c. Shall have a minimum of four inches of compacted stone.
- d. A copy of the road maintenance requirements shall be provided to the County and recorded with the plat.

3. Type III

Private road serving 6 or more lots in a gated community<sup>5</sup>, and meeting the following standard:

Shall be constructed and paved to N.C. Department of Transportation minimum standards for subdivision roads.

C. Private Path

The purpose of this Section is to provide for recordation of plats of existing paths and new access easements to Lot(s)-of-Record which are "landlocked" at the time of the adoption of this Section, and to provide for the recordation and naming of these paths and to provide for certain disclosure statements related thereto. Note: This Section is not intended to provide for access to any new parcels of land. All new divisions of land must continue to meet the public or private road standards of this Ordinance.

1. Two types of Private Paths may be recorded. New Private Paths may be created and recorded to serve as access to landlocked lots(s)-of-record only. An existing pathway, farm road, or "cartway" may be recorded as a Private Path to show the actual centerline location of any access already serving occupied dwellings on landlocked parcels. No new divisions of lots, tracts, or parcels of land may be created for any reason by using Private Paths for access purposes.

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<sup>5</sup> Non-gated communities with 6 or more lots are not permitted to utilize private roads

2. No public agency or staff is required to review suitability, design, or construction standard for Private Paths; however, for the purposes of this Section, all accesses must have a minimum width of eighteen feet.
3. Where a private path is established to gain access to a single landlocked parcel, the property owner of the benefitted parcel shall be responsible for the upkeep and maintenance of the private path absent a recorded agreement to the contrary. In the case of multiple landlocked parcels being benefitted by the private path, a Road Maintenance Agreement between the property owners of those parcels served by the Private Path shall first be prepared and recorded in the Franklin County Registry and the Book and Page of such an agreement must be shown on the plat to be approved.
4. This Section shall not be relied upon for the creation of any new lots, parcels, or tracts and any private path created pursuant to this Section shall be conveyed as an easement or right-of-way only. No instrument shall be prepared purporting to transfer title to path other than as part of the tract from which the private path originally was cut. Any conveyance describing the path shall identify the path as a means of access only for the parcel being served.
5. A map entitled a "Private Path Plat" shall be prepared for recording in the Franklin County Registry by a Registered Land Surveyor. Prior to recordation in the Franklin County Registry, the form of the map shall be reviewed by the Administrator or Planning Board. The Administrator may require any notations or explanations as considered necessary by the Administrator to be placed on the plat and shall include, but not be limited to, the following:
  - a. Private Path Disclosure Statement similar to that required by G.S. § 136-102.6 which shall be signed by the owner(s) of all properties shown on the plat with notarization of all such signatures.
  - b. The Private Path Disclosure Statement, at a minimum, must be headed by the word "NOTICE" in bold, conspicuous print and the statement must also contain the following information
    - i. No new divisions of lots, tracts, or parcels of land may be created for any reason by using Private Paths for access purposes
    - ii. That all parties acknowledge that the path is for private use only and is not intended to serve as public access

- iii. That the responsibility as to construction and maintenance of the path has been determined by the parties, and as related to the maintenance, shown on the plat as either
  - A) 1 parcel is served by the private path and the owner of the parcel being benefitted by the private path has agreed to be responsible for the maintenance of the private path
  - B) 1 parcel is served by the private path and the owners of the properties shown on the plat have agreed to maintain the private path according to that agreement recorded in Book \_\_\_\_\_, Page \_\_\_\_\_, Franklin County Registry
  - C) 2 or more parcels are benefitted by the private path and the parties have agreed to maintain the private path according to the terms of a Road Maintenance Agreement which is recorded in Book \_\_\_\_\_, Page \_\_\_\_\_, Franklin County Registry
  - D) That the path will not likely be constructed to meet the minimum standards necessary for inclusion on the State highway system for maintenance
  - E) That all parties shown on the plat acknowledge that no governmental authority, including the County of Franklin, has given an opinion as to the practicality, suitability, or feasibility of the private path as established by the parties

#### 7.5.5. Subdivision Street Disclosure Statement

All public streets shown on the final plat shall be designated in accordance with G.S. § 136-102.6 and designation as public shall be conclusively presumed an offer of dedication to the public. Where streets are dedicated to the public but not accepted into a municipal or the State system, before lots are sold, a statement explaining the status of the street shall be included with the final plat.

#### 7.5.6. Half-Streets

- A. The dedication of half-streets shall be prohibited. If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half of the street shall be furnished by the subdivider/developer.
- B. Where a half-street exists in an adjoining subdivision, the remaining half shall be provided by the proposed subdivision. However, in circumstances where more than 50' of right-of-way is required, a partial width right-of-way, not less than 50' in width, may be dedicated when adjoining undeveloped property is owned or controlled by the subdivider/developer; provided that the width of the partial dedication

is such as to permit the installation of such facilities as may be necessary to serve abutting lots.

- C. When the adjoining property is subdivided, the remainder of the full required right-of-way shall be dedicated.

#### 7.5.7. Marginal Access Streets

- A. It is the intent of this regulation to limit access onto principal arterial streets or thoroughfares where appropriate, in order to maintain the traffic flow.
- B. Where a tract of land to be subdivided adjoins a principal arterial street, the subdivider/developer may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the thoroughfare or arterial.
- C. Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial. Marginal access streets shall be built to the minimum requirements.

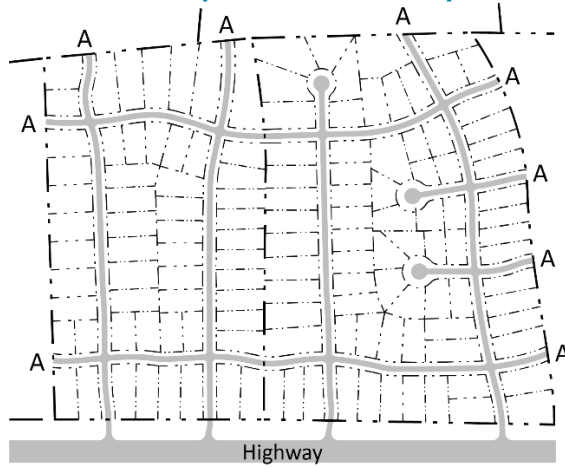
#### 7.5.8. Connectivity and Access to Adjacent Property

- A. It is the intention of this Section to promote the orderly development of a local street system that provides interconnection between developed or developing properties.
- B. Proposed streets and rights-of-way shall be extended, dedicated, and constructed (aka "stubbed") to the boundary with adjacent properties at intervals sufficient to continue or extend the block and street network.
- C. Connections are required where any of the following are met:
  - 1. Where the zoning and/or land use on the adjoining property are compatible with the proposed subdivision. For these purposes, compatible land use shall mean any residential-to-residential land use or nonresidential to nonresidential land use.
  - 2. Where there are no natural or man-made barriers that make the street extension impractical.
  - 3. Where the street extension will result in desirable traffic flows and patterns.
  - 4. Where the street extension will promote the overall orderly development of the area.
- D. All stub streets shall be designed and constructed in accordance with the appropriate standards as delineated in this Ordinance. In the event



that a physical feature prevents immediate construction, a financial security shall be provided to allow construction at a later date.

**Figure 7-5 Examples of Connectivity**  
**Adequate Connectivity**

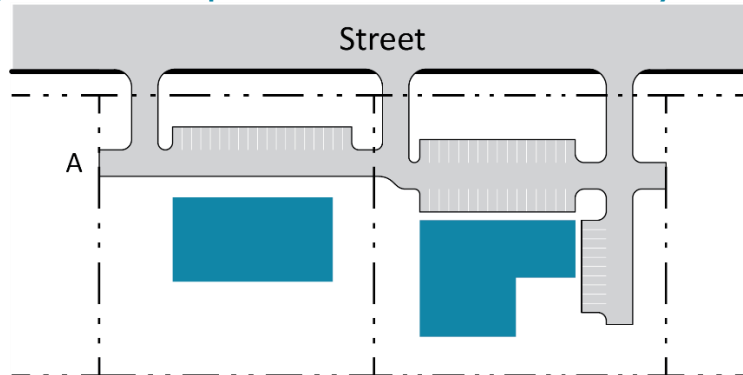


**Inadequate Connectivity**



**A = Extended (“stubbed”) street to adjacent properties**

**Figure 7-6 Example of Cross-access Connectivity**



**A = Cross access to adjacent parcel**

#### 7.5.9. Cul-de-Sacs and Dead End Streets

##### A. Cul-de-sacs

1. Stub out streets or intersecting cul-de-sacs shall not be points of measurement for dead-end streets.
2. Cul-de-sacs lengths shall not be longer than 800 feet in length and shall meet NCDOT standards for minimum number of lots or homes served.

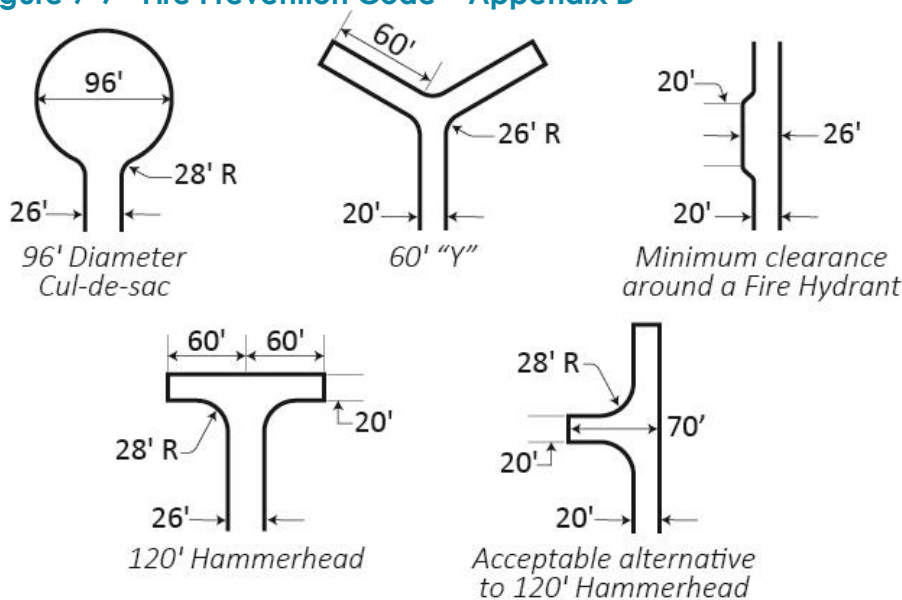
3. A cul-de-sac shall not be used to avoid connection with an existing street or to avoid the extension of a street.
4. Where the edge of pavement of a cul-de-sac terminates within 350' of another roadway, a minimum 15' wide pedestrian easement with minimum 6' wide hardened pedestrian walkway surface shall be extended through to the right-of-way of the roadway. This shall not apply to industrially-zoned lands or where the cul-de-sac and the roadway are separated by a jurisdictional stream, jurisdictional wetland, or conservation area greater than 350' in width. Creative design that achieves equal pedestrian connectivity is permitted, provided that it does not lengthen any individual pedestrian pathway to more than 500'.

#### B. Temporary Turnarounds

Temporary turnarounds are required when located at the dead-end of a street meant for future connection, stub-streets, or as required by the North Carolina State Building Code Fire Prevention Code – Appendix D (see Figure 7-7). Streets of less than 150 feet in length are exempt from this standard.

1. In cases where a temporary turn-around is permitted to facilitate future connections or development, the last lots on the proposed street shall be wide enough to accommodate the temporary turn-around entirely within the property being developed.
2. Temporary turnarounds may be removed in cases where additional public right(s)-of-way is dedicated at the termini of an existing public right(s)-of-way. In cases where private right(s)-of-way is continued at the termini of public right(s)-of-way, the required temporary turn-around shall remain in place.
3. In no case shall any area utilized for temporary turnarounds be used for vehicle parking.

**Figure 7-7 Fire Prevention Code – Appendix D**



### C. Alleys

1. Alleys shall be required to serve lots used for commercial and industrial purposes except that this requirement may be waived where other definite and assured provision is made for service access.
2. Alleys are required in residential subdivisions wherever lots are less than 45 feet in width.
3. Where alleys are permitted, they must comply with the design requirements of the North Carolina Department of Transportation's Traditional Neighborhood Development Street Design Guidelines.
4. Maintenance of alleyways will be the responsibility of the property owners' association, comparable individual, or group that has responsibility for other common areas. Maintenance of alleyways shall be addressed in the organizational papers and bylaws of the property owners' association.
5. The width of an alley shall be at least 20 feet.
6. Dead-end alleys are prohibited.

#### 7.5.10. Nonresidential Streets

Nonresidential subdivisions shall provide Type III streets, constructed and paved to N.C. Department of Transportation minimum standards for subdivision roads, in accordance with N. C. Department of Transportation,

Division of Highway's Subdivision Roads Minimum Construction Standards and all other applicable standards in this Ordinance.

**7.5.11. Design Standards**

A. The design of all public streets and roads within the jurisdiction of this Ordinance shall be in accordance with the accepted policies of the N. C. Department of Transportation (NCDOT), Division of Highways, as taken or modified from the American Association of State Highway Officials (AASHO) manuals. The N. C. Department of Transportation, Division of Highway's Subdivision Roads Minimum Construction Standards shall apply for any items not included in this Ordinance, or where stricter than this Ordinance. The County supports the construction of Complete Streets.

B. Right-of-way Widths

Right-of-way widths shall not be less than the following and shall apply except in those cases where right-of-way requirements have been specifically set out in the thoroughfare plan.

**Figure 7-8 Right-of-way Widths**

Street Type	Minimum Right-of-Way (Feet)
<b>Thoroughfare</b>	As designated by NCDOT or adopted thoroughfare plan
<b>Arterial</b>	100
<b>Collector</b>	100
<b>Sub-collector/Minor</b>	50
<b>Local</b>	45
<b>Cul-de-sac</b>	45

2. Dedication

The subdivider/developer will only be required to dedicate a maximum of 100 feet of right-of-way. In cases where over 100 feet of right-of-way is desired, the subdivider/developer will be required only to reserve the amount in excess of 100 feet in width. In all cases in which right-of-way is sought for an access-controlled facility, the subdivider/developer will only be required to make a reservation.

C. Street Classifications

1. In all new subdivisions, streets that are dedicated to public use shall be classified as provided in this Section.
  - a. The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day;
  - b. The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive;
  - c. Whenever a subdivision street continues an existing street that formerly terminated outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.
2. The classification of streets shall be as follows. (See Article 10, Definitions for additional explanation)
  - a. Minor Street

- b. Local Street
- c. Cul-de-sac
- d. Subcollector Street
- e. Arterial Street (Major Thoroughfare).
- f. Marginal Access Street

#### D. Intersections

1. Streets shall be laid out to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle less than 60 degrees.
2. Property lines at intersections should be set so that the distance from the edge of pavement, of the street turnout, to the property line will be at least as great as the distance from the edge of pavement to the property line along the intersecting streets. This property line can be established as a radius or as a sight triangle. Greater offsets from the edge of pavement to the property lines will be required to provide sight distance for the vehicle on the side street.
3. Offset intersections are to be avoided unless exception is granted by the NCDOT. Intersections which cannot be aligned should be separated by a minimum length of 150 feet between survey centerlines.
4. Intersection with arterials, collectors, and thoroughfares, shall be at least 1,000 feet from center line to center line, or more if required by the N.C. Department of Transportation.

#### E. Turning Lanes

1. Where a subdivision with a non-residential zoning, or a residential subdivision with greater than 50 dwelling units, is proposed adjacent to a major thoroughfare and access is proposed onto the major thoroughfare, the Administrator shall require left-turn storage and right-turn deceleration lanes on the major thoroughfare or intersection according to North Carolina Department of Transportation or Franklin County standards, whichever permits the freer and safer flow of traffic. An agreement for such turn lane installation may be made at time of lot building construction.
2. Any residential subdivision on US, NC highways, and State roadways that in subsequent phases will have over 80 lots or units shall be required to provide turning lanes into the subdivision. The turning lanes must meet minimum N.C. Department of Transportation standards.

7.5.12. Other Requirements

- A. Streets shall be designed, or walkways dedicated to assure convenient access to parks, playgrounds, schools, or other activity centers or places of public assembly.
- B. Sidewalks

Sidewalks shall be required on both sides of the street in developments with County/public water and County/public sewer. Sidewalks shall be required on one side of the street in developments with County/public water and private/individual septic systems. Sidewalks shall be required on one side of the street in developments with Community well/water and private/individual septic systems. Such sidewalks shall be constructed to a minimum width as described in Figure 7-9, Sidewalks, and shall consist of a minimum thickness of 4" of concrete. All sidewalks shall be placed in the right-of-way, or in a minimum 15' wide easement when not within a public roadway right-of-way, unless the development is platted as a planned unit or group development. Sidewalks shall consist of a minimum of 6" of concrete at driveway crossings.

**Figure 7-9 Sidewalks**

Street Type	Location	Minimum Width	Minimum Distance from back of curb/pavement
<b>Major Thoroughfare</b>	One side of street	6 feet	6.5 feet
<b>Arterial</b>	Both sides of street	6 feet	6.5 feet
<b>Collector</b>	Both sides of street	5 feet	3.5 feet
<b>Sub-collector/ Minor Thoroughfare</b>	Both sides of street	5 feet	3.5 feet
<b>Local</b>	One side of street	5 feet	3.5 feet
<b>Cul-de-sac</b>	N/A	N/A	N/A
<b>In any other location</b>	One side of street	5 feet	3.5 feet

- C. To comply with the Americans with Disabilities Act, sidewalks are a minimum of five feet wide and should be wider in commercial and higher intensity areas, when directly abutting curbs without a planting strip or parked cars, or when adjacent to walls or other built elements

which reduce usable width. Sidewalks should be on both sides of the street. Wherever possible, there should be a continuous pedestrian network adjacent to the streets. Curb cuts should be minimized to reduce conflicts with pedestrians.

D. Offsets to Utility Poles

Poles for overhead utilities should be located clear of roadway shoulders, preferably a minimum of at least 30' from the edge of pavement.

E. Wheelchair Ramps

In accordance with Chapter 136, Article 2A, Section 136.44.14, all street curbs in North Carolina being constructed or reconstructed for maintenance procedures, traffic operations, repairs, correction of utilities, or altered for reason after September 1, 1973, shall provide wheelchair ramps for the physically handicapped at all intersections where both curb and gutter and sidewalks are provided and at other major points of pedestrian flow.

F. Structures in the Right-of-Way

No permanent structures, such as brick or stone mailboxes, or brick or stone walls, shall be built in the right-of-way of any public or private street or road. Any structures in the right-of-way will require review and approval by NCDOT.

### 7.5.13. Street Signs and Markings

The following standards and specifications are to assist subdividers/developers in the layout and selection of streetlights, traffic control signs, and pavement markings. The street lighting and sign standards and specifications are intended as a guide for use on streets classified as local residential only. For information on lighting and signs for streets with a higher classification, contact the North Carolina Department of Transportation.

A. Placement

Where warranted by need to ensure motorist, bicyclist, or pedestrian safety, and/or to control vehicular, bicycle, and pedestrian traffic, traffic signals, signs, and markings shall be provided in accord with the standards set forth in the NCDOT Manual on Uniform Traffic Control Devices for Streets and Highways.

B. Installation

Installation of all traffic control devices shall be approved by the Administrator, and the North Carolina Department of Transportation, where applicable. The subdivider or developer is responsible to install



the required sign(s) at the appropriate time. The cost for such sign(s) will be the responsibility of the subdivider or developer. If the required sign(s) are deemed necessary prior to the acceptance of a street for State maintenance, and damage occurs to them in the interim, the subdivider or developer will also be responsible for such repairs and/or replacement.

C. Standards

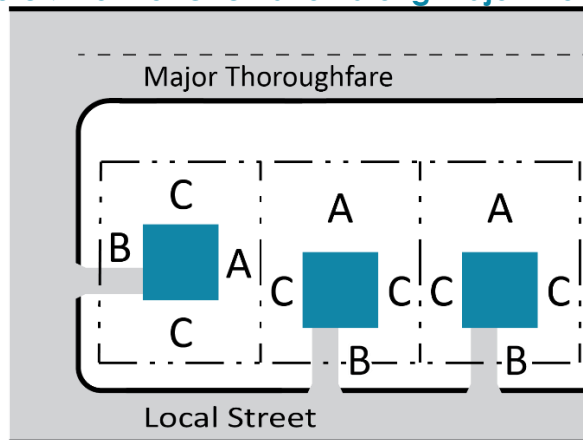
All traffic signs (stop sign, speed limit, etc.) shall be consistent with and approved by the North Carolina Department of Transportation. Street name sign posts shall be consistent with Franklin County street sign standards.

- D. All pavement markings shall be consistent with and approved by the North Carolina Department of Transportation. If such markings are necessary prior to the acceptance of the street for State maintenance and damage occurs to them in the interim, the subdivider or developer will be responsible for such repair and/or replacement.

7.5.14. Access to Major Thoroughfares

- A. It is the intent of this regulation to limit access onto a major thoroughfare where appropriate, in order to maintain the traffic capacity and encourage smooth traffic flow.
- B. In situations where strict compliance with this provision is impossible or impractical due to topographic conditions, configuration of the parcel to be subdivided, or other condition beyond the control of the subdivider/developer, the Administrator may permit other approaches or exempt the property owner from the certain requirements of the sections below.
- C. Where a tract of land to be subdivided borders on an existing NCDOT road, the Administrator, for major subdivisions, may regulate access from a subdivision or individual lot directly onto a major thoroughfare by requiring:
1. That rear or side yards abut the major thoroughfare, and the front or side yards abut an existing parallel local road.
  2. That a parallel local road be created and that roads internal to the subdivision access the local road at a right angle. The rear or side yards of terminal lots must abut the major thoroughfare.

**Figure 7-10 Lot Orientation along Major Thoroughfares**



A= Rear yard  
B= Front yard  
C= Side yard

3. That a marginal access or service road be constructed, parallel to, and separated by a grass strip from, the major thoroughfare. The access road may have access to the major thoroughfare at suitable points and shall serve as the principal access road to the subdivision. No direct access from the lots onto the major thoroughfare will be allowed.
4. That another access design, such as joint driveways, be used to achieve the intent of this regulation.
5. Where a tract of land to be subdivided borders on an existing or proposed major thoroughfare, the Administrator, for minor subdivisions, may regulate access from a subdivision or individual lot directly onto a major thoroughfare by requiring that another access design, such as joint driveways, be used to achieve the intent of this regulation.

#### 7.5.15. Major Thoroughfare Right-of-Way Dedication or Reservation

##### A. Applicability

Except as otherwise expressly indicated in this Ordinance, whenever a tract to be subdivided includes or abuts any part of a road that has a right-of-way of less width than required by the applicable State or County standards, the property owner is required to dedicate the additional right-of-way necessary to ensure the compliance with minimum right-of-way standards.

##### B. Dedication of Right-of-Way Abutting Existing Major Thoroughfares

1. If a subdivision site abuts an existing major thoroughfare with a right-of-way width less than that recommended in the Thoroughfare Plan of any of the following organizations: Franklin County, Capital Area Metropolitan Planning Organization (CAMPO) and the North Carolina Department of Transportation, and
2. Development in the proposed subdivision is expected to add a significant amount of traffic onto that major thoroughfare, then the subdivision shall include dedication of any additional right-of-way along the site's frontage on the major thoroughfare that is needed to widen the right-of-way.

C. Proposed New Thoroughfares

1. If the Thoroughfare Plan of any of the following organizations: Franklin County, Capital Area Metropolitan Planning Organization (CAMPO) and the North Carolina Department of Transportation, proposes a new major thoroughfare across part of a subdivision site, and
2. An alignment for the thoroughfare has been determined to a reasonable degree of certainty (for example, as a centerline alignment on a functional design plan), and
3. The thoroughfare could appropriately serve to provide direct access to the subdivision (for example, it would not be a freeway or other restricted-access road), then the subdivision shall incorporate the major thoroughfare into its internal road layout by having one of the subdivision roads run along the proposed thoroughfare alignment. Such road, however, need only be constructed to NCDOT standards for a residential collector road.

D. Reservation of Future Right-of-Way

1. If the Thoroughfare Plan of any of the following organizations: Franklin County, Capital Area Metropolitan Planning Organization (CAMPO) and the North Carolina Department of Transportation, proposes a new major thoroughfare - other than one defined in provision (a) - across part of a subdivision site, and
2. An alignment for the thoroughfare has been determined to a reasonable degree of certainty (for example, as a centerline alignment on a functional design plan), and
3. The County's development regulations reasonably allow the subdivider/developer to both realize the maximum lot density allowed by the site's zoning and physical characteristics and avoid developing that part of the site needed as future right-of-way for the proposed thoroughfare, then the subdivision shall include reservation of the thoroughfare's future right-of-way - that is, it shall not include

lots or other development within the land area needed as the thoroughfare's future right-of-way.

4. Land area needed as future right-of-way shall be determined from NCDOT plans where available, or otherwise by applying half the right-of-way width recommended in the Franklin County Thoroughfare Plan along each side of the thoroughfare's proposed centerline alignment.

## **7.6. TRAFFIC IMPACT STUDY**

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See Article 4, Review Procedures.

## **7.7. UTILITIES**

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Installation and specifications for utilities shall be in accordance with Franklin County Code of Ordinances Chapter 34, Utilities, Franklin County Public Utilities Standard Specifications, as well as other applicable portions of this Ordinance.

### **7.7.1. Storm Water Drainage System**

The subdivider/developer shall provide a surface water drainage system constructed to the standards of this Ordinance and, where applicable, the N.C. Department of Transportation and other state agencies.

- A. No surface water shall be channeled or directed into a sanitary sewer.
- B. Where feasible, the subdivider/developer shall connect to an existing storm drainage system.
- C. Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage.
- D. Surface drainage courses shall have side slopes of at least three feet of horizontal distance for each one foot of vertical distance, and courses shall be of sufficient size to accommodate the drainage area without flooding, and designed to comply with the standards and specifications for erosion control of the N.C. Sedimentation Pollution Control Act, G. S. § 143-34.12, Chapter 113A, Article 4, and N.C. Administrative Code, Title 15A, Chapter 4, and any locally adopted erosion and sedimentation control ordinances.
- E. Streambanks and channels downstream from any land-disturbing activity shall be protected from increased degradation by accelerated erosion caused by increase velocity of runoff from the land disturbing activity in accordance with the N.C. Sedimentation Pollution Control Act, G. S. § 143-34.12, § 113A, Article 4, and N.C. Administrative Code, Title 15A, Chapter 4.

- F. Anyone constructing a dam or impoundment within the subdivision must comply with the N. C. Dam Safety Law of 1967 and N. C. Administrative Code, Title 15A, Subchapter 2K.
- G. In all Special Flood Hazard Areas, all subdivisions proposals shall have adequate drainage provided to reduce exposure to flood damage.

#### 7.7.2. Electric Power

Every principal use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such subdivision. Compliance with this requirement shall be determined as follows:

- A. If the use is not a subdivision and is located on a lot that is served by an existing power line and the use can be served by a simple connection to such power line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is needed.
- B. If the use is a subdivision or is not located on a lot served by an existing power line or a substantial internal distribution system will be necessary, then the electric utility service provider must review the proposed plans and certify to the county that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

#### 7.7.3. Underground Wiring

All subdivisions in which the smallest lot is less than 40,000 square feet and contains 20 or more parcels shall have underground wiring. This requirement shall be waived by the Administrator if underlying rock is less than 4' from surface, in areas where soils have a high water table that would interfere with the wiring, or if there is pre-existing overhead wiring on the street in the immediate neighborhood of the subdivision that could accommodate the new installation. The subdivider/developer shall be required to pay the charges for installation of the underground service, which charges will be made in accordance with the then-effective underground electric service plan as filed with the N.C. Utilities Commission. These standards explicitly include electrical, broadband, telecommunication, and data transfer facilities.

#### 7.7.4. Broadband Conduit

- A. Reserved

#### 7.7.5. Communication Service

Every principal use and every lot within a subdivision must have available to it a telephone service cable adequate to accommodate the

reasonable needs of such use and every lot within such subdivision. Compliance with this requirement shall be determined as follows:

- A. If the use is not a subdivision and is located on a lot that is served by an existing telephone or cable line and the use can be served by a simple connection to such power line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is necessary.
- B. If the use is a subdivision or is not located on a lot served by an existing telephone or cable line or a substantial internal distribution system will be necessary, then the communications utility company must review the proposed plans and certify to the County that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

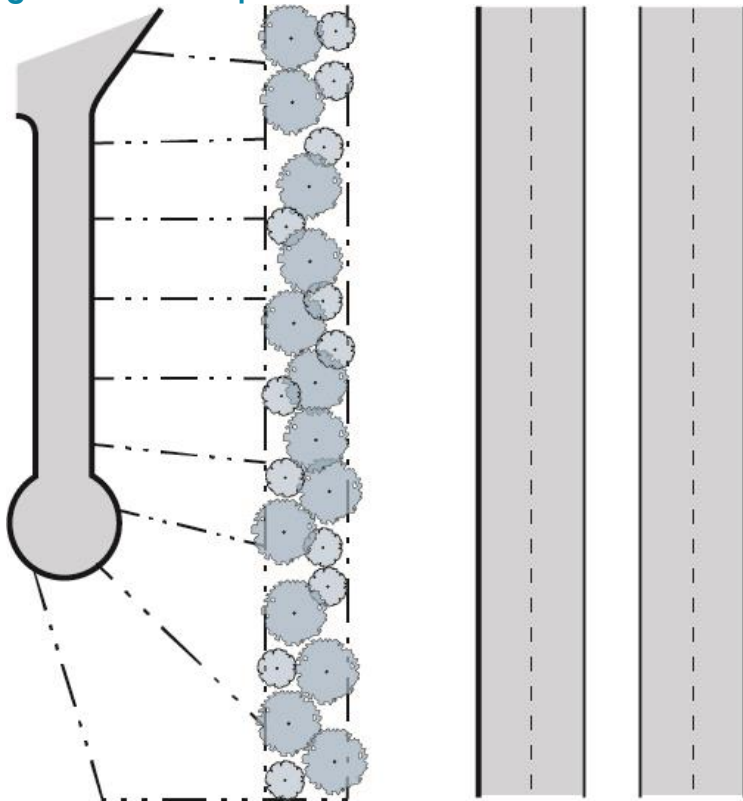
## **7.8. STREET TREES AND TRANSPORTATION FACILITIES BUFFERING**

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### **A. Transportation Facilities Buffers**

In addition to the landscaping and screen requirements in Article 6, Design and Landscaping, in residential subdivisions, a buffer strip at least 50' in depth in addition to the normal lot size and depth required shall be provided adjacent to all railroads, limited access highways, and major thoroughfares. This strip shall be a part of the platted lot but shall have the following restrictions lettered on the face of the plat: "This strip reserved for the planting of trees or shrubs by the owners; the building of structures hereon is prohibited."

**Figure 7-11 Transportation Facilities Buffer**



Landscaping buffer strip along limited access rights-of-way.

## B. Street Trees

Except along alleys, street trees shall be required along both sides of all streets.

### 1. Location

Street trees shall be located within five feet to 15' of the right-of-way line and may be located within front and corner side setbacks when there is insufficient space within the right-of-way and/or modifications must be made to ensure safe sight triangles at intersections.

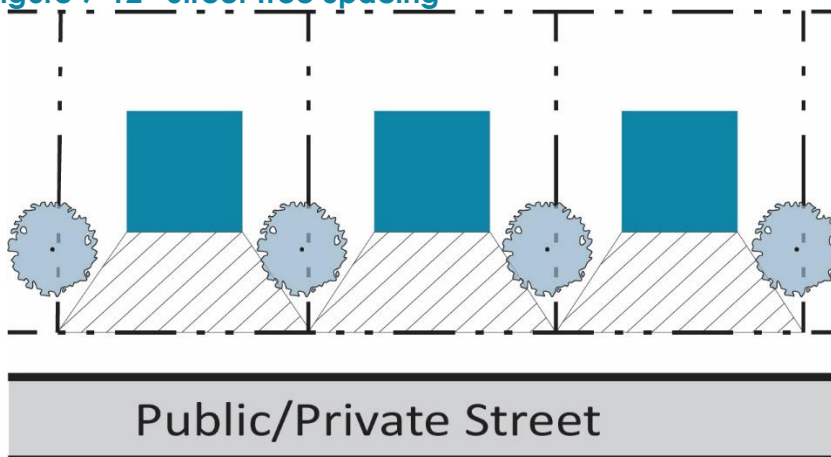
### 2. Configuration

Street trees shall be canopy trees except beneath overhead utilities or other projections into the public right-of-way, where understory trees shall be used instead. All trees planted along a NCDOT right-of-way shall conform to NCDOT guidelines.

### 3. Additional Materials Required

- a. Earthen berms are required in addition to the required plant material for the purposes of screening. In addition to the required street trees, two additional trees, and ten evergreen shrubs are required for every 100 linear feet of buffer.
  - b. These additional materials may be counted toward meeting any landscaping buffer standard as identified in Article 6.
  - c. The slope of all berms shall not exceed a 2:1 ratio (horizontal to vertical), shall have a top width at least one-half the berm height, and a maximum height of 6 feet above the top of the berm.
  - d. Berms shall be stabilized and vegetated as required by this Section.
  - e. Berms shall be constructed to provide adequate sight distance at all intersections.
4. Spacing
- a. Understory trees shall be spaced thirty feet on center.
  - b. Canopy trees shall be spaced forty feet on center.
  - c. Spacing may be reduced to avoid driveways or sight distance triangles or to avoid placement directly in front of a storefront or building entrance.

**Figure 7-12 Street Tree Spacing**



Street trees should not be placed directly in front of storefronts or in front of building entrances.

- d. Alternative spacing or placement (e.g., as major arterial screening, within open space set-asides, or as a development entry feature) may be considered.



## 7.9. RECREATION AND OPEN SPACE

### 7.9.1. Applicability

Except for minor subdivisions and those exempted from these requirements in Section 7.2.4, subdivisions of land for residential or mixed-use development of four or more residential dwelling units shall be required to dedicate portions of land, or pay a fee-in-lieu thereof, for recreation and open space areas, in accordance with the standards of this Section.

### 7.9.2. Recreation and Open Space Types

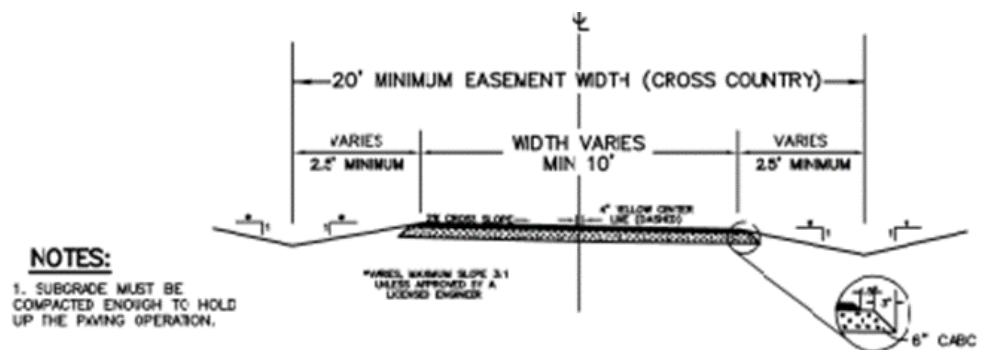
#### A. Active (Improved) Open Space

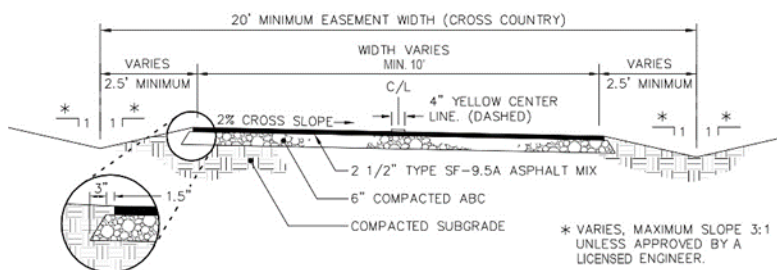
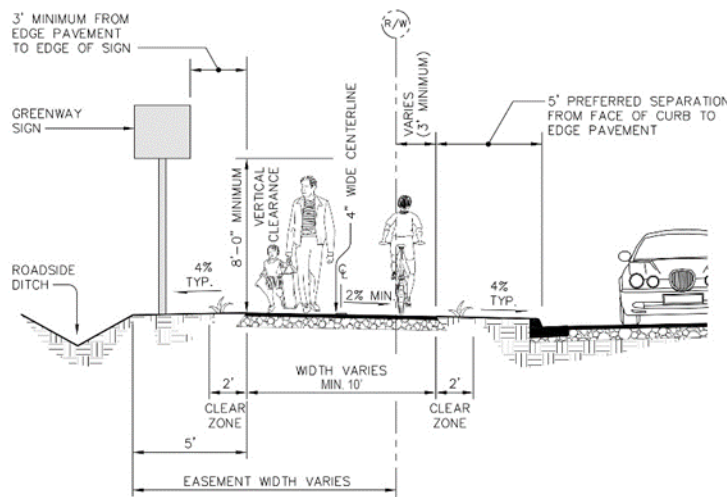
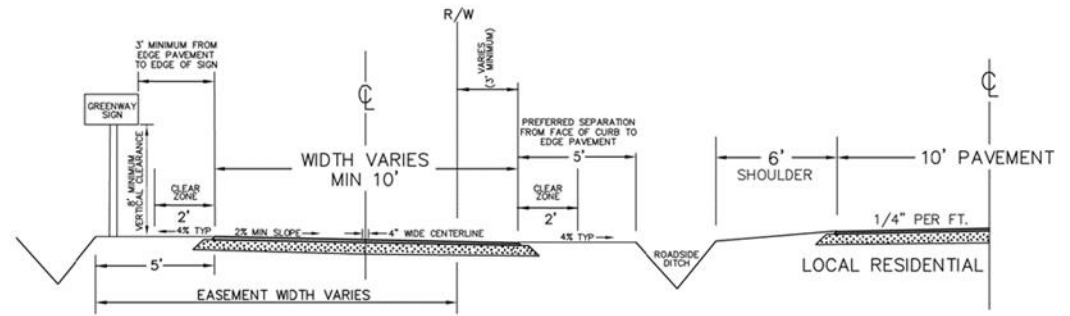
Outside activities that utilize constructed facilities such as a swimming pool, ball field or playground. Active Open Space may include, but is not limited to the following:

##### 1. Greenways

- a. A natural preserve available for unstructured recreation. Its landscape shall consist of paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Parks may be linear, following the trajectories of natural corridors.
- b. Pathways, areas, or connections identified in the adopted Bicycle and Pedestrian Plan shall be constructed and dedicated to the County.

**Figure 7.13 Typical Bikeway/Greenway Design and Specification Examples**





**NOTES:**

1. Subgrade must be compacted enough to hold up the paving operation.

c. Any residential subdivision adjacent to a planned or constructed public greenway shall provide adequate pedestrian connectivity to the facility.

2. Parks and Greens

An open space available for unstructured recreation. A green may be spatially defined by landscaping rather than building frontages. Its landscape shall consist of lawn and trees, naturalistically disposed.

Dog parks shall be considered a variation of the green park type. The minimum size shall be ½ acre.

3. Squares

An open space available for unstructured recreation and civic purposes. A square is spatially defined by building frontages. Its landscape shall consist of paths, lawns, and trees, formally disposed. squares shall be located at intersections. The minimum size shall be ¼ acre.

4. Playgrounds

Designed and equipped for the recreation of children. A playground may also include an open shelter. Playgrounds shall be interspersed within residential areas and may be placed within a block.

B. Passive (Unimproved) Open Space and Open Space or activities that are not programmed for active, facility-based recreation

Such uses may include outside activities that do not require constructed facilities such as walking, hiking, meditation arts, wildlife observation, or outdoor natural science classrooms for schoolchildren and used in a way that preserves the natural environment through accommodating passive recreation.

7.9.3. Area Dedicated

- A. If dedicated land is to be less than 2,000 square feet and where that area cannot be combined with an existing or planned recreation area, then provision or dedication of that area will not be required.
- B. If a proposed subdivision or site abuts a designated greenway, future greenway, or other linear park or recreational facility on the County's Comprehensive Development Plan, Bicycle and Pedestrian Plan, or other adopted plan, then provision or dedication of land is required. Subdivisions or sites adjacent to a designated or future greenway are required to provide a suitable pedestrian connection (min. 20-foot-wide easement or open space connection with improved, accessible, all-weather surface). The all-weather surface shall be at least ten feet in width, paved with asphalt or concrete that meets ADA guidelines for accessibility. Connections to designated or future greenways are required through cul-de-sacs, unless a stream or environmental feature blocks access. Any path connecting to a designated or future greenway must also connect with an existing or proposed street that is accessible to all residents of the subdivision. In cases where a greenway crosses a street, the pedestrian crossing area shall be demarcated and supplemented with signage that alerts drivers to the presence of pedestrians.

#### 7.9.4. Choices to Fulfill “Recreational and Open Space Types” Requirement

If a development does not coincide with any of the above exceptions and chooses not to provide private recreation and open space, then the applicant has two choices in order to fulfill the requirement of this Section. Dedicated areas that are part of the required open space are not eligible for public land dedication, unless included on an adopted plan.

##### A. Payment in Lieu of Dedication

This payment will assist with the ongoing efforts of Franklin County to create a greenway, open space, and recreational system for all citizens of the County to enjoy and benefit from.

##### B. Public Land Dedication

Dedication of land made to the County in order to expand recreational activity or add to existing greenways, parks or open-space areas within the “recreational boundaries” of the community that is being developed.

#### 7.9.5. Payment in Lieu of Dedication

- A. Any subdivider/developer required to dedicate a recreation area pursuant to this Article may choose to make a payment in lieu of dedication or make a combination of land dedication and payment. Before approving a payment in lieu of dedication, the Administrator shall find that no recreation and/or open space sites have been designated on the adopted Comprehensive Development Plan or other applicable adopted plans for the property in question.
- B. The payment in lieu of dedication shall be equal to the appraised value of the required acreage of land within the subdivision based on an appraisal prepared by a licensed appraiser and submitted by the subdivider/developer. The required acreage of land of at least 1/57 of an acre shall be dedicated for each dwelling unit planned or provided for in the subdivision plan. The County will do a general appraisal on the unimproved land and provide the applicant with a fee amount. It is at the subdivider's/developer's discretion to conduct a second appraisal and submit it to the County. If the appraisals are within 15% of each other, the subdivider's/developer's appraisal will be utilized to establish value. If the appraisals differ by more than 15%, the value will be based on the average of the two appraisals.
- C. Where a combination of land dedication and payments in lieu are approved, the subdivider/developer shall be given a credit equivalent to the appraised value per acre of land dedicated for recreation purposes. The credit amount shall be determined by multiplying the number of acres to be dedicated by the appraised value per acre. If

the total required payment in lieu is larger than the credit amount, the subdivider/developer shall pay the difference between the 2 amounts. If the credit amount is larger than the total required payment in lieu, no additional payment in lieu is required. However, the subdivider/developer may not transfer the excess credit from one subdivision to another.

- D. Upon approval, payment in lieu of dedication shall be made at the time of final subdivision plan approval. Pursuant to approval from the Administrator, all monies received by Franklin County pursuant to these requirements shall be placed in reserve accounts and used only for the acquisition and development of recreation, park, and open space sites to serve the residents of the development and the residents in the recreation district within which the development is located.

#### 7.9.6. Recreation Districts

- A. Franklin County shall be divided into recreation districts and all monies paid or property acquired from a specific district and received by Franklin County shall be placed into reserve accounts set up for each recreation district and all monies paid into each reserve account, or land received, shall only be used for recreational purposes benefiting that district. However, the County may elect to utilize monies from all districts for projects identified in the Parks and Recreation Master Plan or other such adopted plan provided that proportional amounts are withdrawn from each district.
- B. Recreation districts are hereby created identical to, and consistent with, the Franklin County High School Districts.
- C. As the high school districts are altered in the future pursuant to federal law or as otherwise altered by the Board of Education, these districts created pursuant to this Article shall automatically be amended to conform to those districts of the Franklin County High School Districts.

#### 7.9.7. Public Land Dedication

##### A. Dimensional Requirements

At least 1/15 of an acre shall be dedicated to the County for each dwelling unit planned or provided for in the subdivision plan, except where land is located in a regulatory floodplain (aka 1% annual flood chance) as indicated by the floodplain maps of the Federal Insurance Administration and/or is characterized by steep slopes (15% or greater) and/or is within a riparian buffer, then at least 1/10 of an acre of such land shall be dedicated for each dwelling unit.

##### B. Method of Dedication

1. The applicant must obtain documented information from a registered appraiser concerning the land in question. This information shall include location, size, and topography. Land dedication is then reviewed by the Parks and Recreation Council, who shall issue a recommendation as to the suitability of the land in question to serve the needs of the County. After reviewing any recommendations from staff or the Parks and Recreation Council regarding the land dedication, the County Commissioners may accept this dedication on behalf of the County.
2. The Board of Commissioners shall also have the authority to sell land dedicated pursuant to these provisions with the proceeds of any such sale used solely for the acquisition of other recreation, park, or open space sites within the immediate neighborhood within which the development is located.

#### C. Site Suitability

Land provided or dedicated must be an area that is adjacent to or located in the community or land that is within the boundaries of the recreational district in which the community is being developed. Also, this land must have characteristics similar to the land being developed – in that the land value is approximately equal to the land being developed. If land dedicated does not possess equal value, it will be required that the subdivider/developer supplement their land dedication with a monetary contribution that makes up for the difference in land values. Land dedicated must meet the requirements of the zoning district for road frontage. The only exception to this is when a piece of land dedicated abuts an existing or future greenway. In this case, the land does not require road frontage due to its passive nature and function as “open” or “green” space.

#### D. Dimensional Requirements

At least 1/57 of an acre shall be dedicated for active recreational sites and at least 1/33 of an acre shall be dedicated for passive recreational sites for each dwelling unit planned or provided for in the subdivision plan, except where land is located in a regulatory floodplain (aka 1% annual flood chance) as indicated by the floodplain maps of the Federal Insurance Administration and/or is characterized by steep slopes (fifteen percent or greater) and/or is within a riparian buffer, then at least 1/20 of an acre of such land shall be dedicated for each dwelling unit.

#### E. Method of Provision

Public or private recreation area as required by this Ordinance shall be designated on both the preliminary and final plat(s) of the subdivision.

Land used for private purposes must be conveyed to the property owner's association subject to covenants and easements which provide for the continued maintenance and control of the area in a manner which assures its continuing use for its intended purpose.

## **7.10. OTHER REQUIREMENTS**

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### **7.10.1. Placement of Monuments**

Unless otherwise specified by this Ordinance, the Standard of Practice for Land Surveying as adopted by the N.C. State Board of Registration for Professional Engineers and Land Surveyors, under the provisions of Title 21 of N.C. Administrative Code, Chapter 56 (21 NCAC 56), shall apply when conducting surveys; to determine the accuracy for surveys and placement of monuments, control corners, markers, and property corner ties; to determine the location, design, and material of monuments, markers, control corners, and the property corner ties; and to determine other standards and procedures governing the practice of land surveying, particularly for subdivisions.

### **7.10.2. Utilities to be Consistent with Internal and External Development**

- A. All utility easements and infrastructure shall be extended and constructed to the adjoining property line, with appropriate termination, capping, and/or blowoffs installed, as applicable.
- B. All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

### **7.10.3. Construction Procedures**

- A. No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved, and all plans and specifications have been approved by the appropriate authorities.
- B. No building, zoning, or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this Ordinance until the final plat has been approved and recorded. The subdivider/developer, prior to commencing any work within the subdivision, shall arrange with the Administrator of this Ordinance to provide for adequate inspection. The approving authorities having jurisdiction or their representatives, shall inspect and approve all completed work prior to release of the sureties.

#### 7.10.4. As-Built Drawings Required

Whenever a subdivider/developer installs or causes to be installed any utility line in any public right-of-way, the subdivider/developer shall, as soon as practicable after installation is complete, and before acceptance of any water or sewer line, furnish the County with a copy of an as-built drawing that shows the exact location of such utility lines. Such drawings must be verified as accurate by the utility service provider. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing such development.

### 7.11. PERFORMANCE GUARANTEES

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Pursuant to G.S. § 160D-804(g), performance guarantees may be required to secure the requirements of this Ordinance.

#### 7.11.1. General

##### A. When Required

1. Performance guarantees shall be required in the following circumstances:
  - a. To ensure the completion of public infrastructure improvements that are required as part of an approved subdivision.
  - b. To ensure completion of public infrastructure improvements or requirements that are required as part of this Ordinance (e.g., streets, sidewalks, landscaping, stormwater control, erosion control).
  - c. To ensure completion of private site improvements that are required (e.g., landscaping, parking, screening, etc.), but are not installed before occupancy, provided the Administrator determines that the property may be safely occupied and used regardless of the delayed installation of the improvements.

##### B. Terms of Performance Guarantees

1. The term of a performance guarantee shall state any time limit to complete installation of required improvements that is included in approval of the final plat or associated permit, as appropriate, but in no case shall the term exceed 2 years.
2. The Administrator may, for good cause shown and with approval of the provider of the guarantee, grant up to one extension of the term, for a time period not exceeding one year accompanied by an updated Opinion of Probable Cost (OPC).

##### C. Form of Performance Guarantees



1. The subdivider/developer shall furnish a performance guarantee in any of the following acceptable forms

- a. Letter of Credit

If the subdivider/developer provides a Letter of Credit, it must be valid for at least one year, be subject to autorenewal if not released, and be payable to Franklin County at any time upon presentation of:

- i. A sight draft drawn on the issuing bank.
- ii. An affidavit executed by an authorized County official stating that the subdivider/developer is in default under this agreement.

A) An authorized official for purpose of this Section shall include the Administrator, or their designees. The subdivider/developer shall automatically renew the Letter of Credit for successive one 1-year term until this Agreement is of no further effect.

B) The Original Letter of Credit

The Letter of Credit must be issued by a financial institution approved by the County and located within Franklin County, North Carolina, and must be irrevocable.

- b. Surety or Performance Bond

- i. If the subdivider/developer provides a performance bond, it must be valid for at least 1 year and payable to the County upon default of this Agreement. The bonding company must be licensed to do business in North Carolina. The bond also must detail the procedure for drawing funds once the subdivider/developer is determined to be in default under this Agreement. The subdivider/developer shall renew the performance bond for successive 1-year terms until this Agreement is of no further effect. If a performance bond is deemed to be perpetual in form the bonding company will be required to provide annual notice of the performance bond's continuance.
- ii. An authorized County official for purpose of this Section shall include the Administrator or their designee.

- c. Equivalent Security

- i. Cash deposits or equivalent security will be placed in a separate Franklin County account and designated for this purpose.

- ii. An Improvement Performance Guarantee Agreement shall accompany a cash deposit or equivalent security.
- iii. The performance guarantee and the Improvement Performance Guarantee Agreement be conditioned on the performance of all work necessary to complete the installation of the required improvements within the term of the performance guarantee. Performance guarantees shall provide that in case of the subdivider/developer failure to complete the guaranteed improvements, the County shall be able to immediately obtain the funds necessary to complete installation of the improvements.
- iv. An authorized official for purpose of this Section shall include the Administrator or their designee.

#### D. Improvements to be Completed

Upon recordation of 75% of the total lots approved within a subdivision, the subdivider/developer shall be required to complete all remaining public improvements (i.e., infrastructures, landscaping, and buffering) prior to consideration of extension of both the Performance Guarantee and Agreement, if applicable. If requested in writing, exceptions may be provided on a case-by-case basis, as approved by the Administrator.

#### E. Amount of Performance Guarantee

1. Performance guarantees for required improvements shall equal 125% of the estimated full cost of completing the installation of the required improvements, including the costs of materials, labor, and project management.
2. An Opinion of Probable Cost for completing installation of required public infrastructure improvements shall be itemized by improvement type and certified by the subdivider/developer registered engineer and are subject to approval by the Administrator. Estimated costs for completing installation of required landscaping or other private site improvements (non- infrastructure improvements) shall be itemized and certified by the subdivider/developer's contractor and are subject to approval by the Administrator. The Administrator may retain the services of a third-party reviewer to confirm the cost estimate or opinion of probable cost.

#### F. Reduction and Release of Performance Guarantee

1. The Administrator shall authorize the release of all or part (minimum of 33.3% or more per request) of any performance guarantee posted as the improvements are completed. Such completion shall be certified as completed by a North Carolina Registered Professional

Engineer or the subdivider/developer's contractor for non-infrastructure improvements. The County may reduce the total financial security by the ratio that the completed improvements compared to the total estimated cost of improvements required, provided that no more than one such reduction may be permitted prior to releasing the performance guarantee.

2. The County will release the security when all required Completion Certification Forms have been provided and any required maintenance guarantee and corresponding documents have been provided.

#### G. Extension of Performance Guarantee

If the Opinion of Probable Cost or contractor's estimate, as appropriate, is updated and the guarantee is renewed, the amount of the performance guarantee and agreement shall be updated to reflect cost increases and duration of the extension.

#### H. Default of Performance Guarantee

1. All developments whose improvements are not completed and accepted 14 days prior to the expiration of the performance guarantee shall be considered in default. Said guarantee may be extended with the consent of the County, if such extension takes place prior to default.
2. If the subdivider/developer fails to complete the installation of the guaranteed improvements within the term of the performance guarantee, the Administrator or his/her designee shall give the subdivider/developer a minimum 60 days written notice of the default by certified mail.
3. After the notice period expires, the County may draw on the guarantee and use the funds to perform work necessary to complete installation of the guaranteed improvements. After completing such work, the County shall provide a complete accounting of the expenditures to the subdivider/developer and, as applicable, refund all unused funds to the bank or developer, without interest.

## 7.12. CLUSTER (CONSERVATION) SUBDIVISIONS AND DEVELOPMENTS

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### 7.12.1. Purpose and Applicability

- A. The purpose and intent of this Section is to preserve agricultural and forestry lands, natural, environmental, and cultural features, and rural community character that might be lost through conventional development approaches. This option provides landowners in the AR,

R-80, R-30, and R-8 zoning districts a residential development option that provides additional flexibility to build on smaller lots when additional open space set-asides are provided, and the development is designed and located in a way that protects the agricultural activities or natural, environmental, and historic features on a site. This is done to:

1. Conserve land, including those areas containing productive agricultural soils, unique and sensitive natural features such as floodplains, wetlands, river and stream corridors, area with mature hardwood trees and watersheds.
2. Permit a less costly network of roads and utilities and reduce the amount of impervious surface and stormwater runoff.
3. Create opportunities for a linked network of open lands.
4. To encourage the preservation and improvement of habitat for various forms of wildlife and to create new woodlands through natural succession and reforestation where appropriate.
5. To preserve scenic views and elements of the county's rural character, and to minimize perceived density to minimizing views of new development from existing roads.
6. To preserve and maintain historic and archaeological sites and structures that serve as significant visible reminders of the county's social and architectural history.
7. To provide for the active and passive recreational needs of county residents, including implementation of related adopted plans.
8. Promote existing rural character within the agricultural portions of the county.

#### 7.12.2. Minimum Size

Clustering of lots shall not be allowed on any tract of land less than 20 acres in size.

#### 7.12.3. Maximum Number of Lots (Lot Density)

- A. Clustering shall not increase the gross density of the overall development.
- B. In water supply watersheds, all development must still comply with the built-upon restrictions and other relevant standards.
- C. The maximum number of lots allowed within a cluster subdivision shall be equal to the site's total land area (acreage), less the street rights-of-way, divided by the minimum lot size of the non-clustered subdivision.

#### 7.12.4. Lot Design Standards

Each lot shall be regularly shaped and have at least 40' of frontage on a private or public road meeting the standards of this Ordinance. Side lot lines extending from a road shall be approximately perpendicular or radial to the road or street.

#### 7.12.5. Connectivity

Cluster or Conservation Subdivisions shall meet all other connectivity standards of this UDO as modified by the following:

- A. A connection shall not be required to adjacent properties separated by a water body that is wider than 15' during typical conditions.
- B. The street connectivity standards (and stub out requirements) may be reduced to 60% of the required standard provided that at least 1 connection is made to per side of the Cluster Development and all health/safety requirements are met.<sup>6</sup>
- C. All stub out or existing or proposed right-of-way connections to the property shall be extended into the development.
- D. All planned arterials, thoroughfares, or right-of-way connections through the property, as shown on adopted transportation plan(s) shall be extended as shown on the associated plan(s).

#### 7.12.6. Open Space Required

- A. Land within the subdivision site not contained in lots, streets, primary septic fields (i.e. – repair fields may be counted, if commonly owned), or utility easements, shall be in one or more parcels dedicated or reserved as permanent open space.
- B. The total area of parcels dedicated or reserved as permanent open space shall make up at least 25% of the subdivision. Of that 25% at least one fifth of it shall be developed as active open space (or “active recreation area”), which means an improved recreational amenity, such as a paved greenway trail (min. 10' wide), playgrounds, community pool, etc. Areas designated for “active recreation area” shall not be located within designated floodway, jurisdictional wetland, stormwater control measure (and associated graded areas), or riparian buffer area.

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<sup>6</sup> For these purposes and in a typical situation, a tract of land has four sides and each side can be considered to be generally aligned with the four cardinal directions. So on any particular tract of land, a minimum of four connections would be required. However, if a tract is very narrow and connections already exist or are planned or proposed just outside of the tract's boundary and that meet the connectivity requirements of this section, it may be satisfactory to just require two connections that tie into that overall network.

C. Any open space areas used to meet the requirements of this section are prohibited from further subdivision, which shall be recorded on the plat.

D. Open Space Use, Location, and Design

Open space shall be dedicated or reserved for one or more of the following uses:

1. Conservation of any identifiable natural hazard areas, such as floodways or wetlands.
2. Conservation and protection of identified significant natural areas, such as rare plant communities, important wildlife habitat, or other environmentally sensitive areas where development might threaten water quality of ecosystems.
3. Conservation and protection of any identifiable important historic resources.
4. Provision of active and/or passive outdoor recreation opportunities, either for the general public or for the subdivision residents.
5. Retention of productive farmland or forestland for continued agricultural and/or forestry use.
6. Establish a conservation reservation on the remainder of the tract.

E. Highest priority for the location, design, and use of open space shall be given to conserving, and avoiding development in, any natural hazard areas on the site.

F. Open space shall contain such buildings, structures, accessways, and parking facilities as are necessary to its principal uses.

G. The location, size, character, and shape of the required open space shall be appropriate to its intended use; active recreation areas shall be located and designed so its users can easily access it.

H. Open Space Dedication or Reservation

Land within the subdivision site not contained in lots, streets, or utility easements, shall be in one or more contiguous parcels dedicated or reserved as permanent open space. The title to the open space shall be conveyed to a property owners' association, homeowners' association, or other legal entity (public agency or nonprofit organization) that is capable of and willing to accept responsibility for managing the open space for its intended purpose.

I. Because they represent sensitive environmental features and/or significant cultural resources, the following areas shall be the first type

of open space designated on a satisfy the minimum open space requirement until that requirement is achieved.

1. Wetlands, including but not limited to streams, creeks, ponds, reservoirs, stream and riparian buffers, and stormwater management facilities for watershed protection purposes, and adjoining land areas identified as part of:
  - a. The National Wetlands Inventory Maps for Franklin County, NC, prepared by the U.S. Fish and Wildlife Service.
  - b. The Franklin County, NC, Soil Survey prepared by the U.S.D.A. Soil Conservation Service.
  - c. Any area identified in an Environmental Assessment or Environmental Impact Statement as significant.
  - d. A site analysis conducted by a registered engineer, land surveyor, landscape architect, architect or land planner using data from the U.S. Army Corps of Engineers.
2. Floodplains (100-year or 1% annual flood chance) and alluvial soils identified as part of:
  - a. The Flood Insurance Study: Franklin County, NC, prepared by the Federal Emergency Management Agency (FEMA).
  - b. The Franklin County, NC, Soil Survey prepared by the U.S.D.A. Soil Conservation Service.
3. Steep slopes, defined as those greater than 25%, at least 5,000 square feet in area, and identified as part of:
  - a. The Franklin County, NC, Soil Survey prepared by the U.S.D.A. Soil Conservation Service.
  - b. A site analysis conducted by a registered engineer, land surveyor, landscape architect, architect or land planner using data from the U.S. Army Corps of Engineers.
4. Natural areas, and wildlife habitats and corridors identified as part of:
  - a. Natural Heritage Areas as identified by the North Carolina Natural Heritage Program.
  - b. Any required Environmental Assessment or Environmental Impact Statement.
  - c. An independent site study conducted by a trained botanist and/or biologist.
5. Historic and archaeological sites listed on the National Register of Historic Places or included on the State's National Register study list,

designated as a local historic landmark, designated as a local historic district, and/or identified as having a high potential for archaeological remains as part of:

- a. A required Environmental Assessment or Environmental Impact Statement
  - b. An independent site study conducted by a trained architectural historian or archaeologist
- J. Each dedicated or reserved open space parcel shall be shown on all subdivision plans and on record plat recorded with the Franklin County Register of Deeds, with a notation of its area and its intended open space use.
- K. Maintenance of Open Space

The owner of the open space shall be responsible for maintaining the open space so that it continues to effectively function for its intended use and any dedication or conveyance of an open space parcel shall provide for such responsibility.

#### 7.12.7. Configuration of Open Space

For any given site, resources may vary widely in importance, e.g., a natural area compared to a historic site. Likewise, for each type of resource, there may be examples of greater or lesser significance, e.g., a notable example of local vernacular building traditions compared to a much altered older home. Priorities for conserving such resources should therefore be based upon a thorough site analysis and an understanding of what is more special, unique, noteworthy, environmentally sensitive, and/or historic as compared with other similar features or different types of resources.

In evaluating the layout of lots and open space, the following criteria will be considered as indicating design appropriate to the site's features and meeting the intent of the standards. Whereas diversity and originality in lot layout are encouraged, it is recognized that not all objectives may be achieved on a given site. Each applicant must therefore achieve the best possible relationship between development and preservation objectives.

##### A. General Criteria

The following criteria apply to all projects:

1. The shape of the open space shall be reasonably contiguous, coherently configured, and shall abut existing or potential open space on adjacent properties. Long narrow segments must be avoided except in the case of trail or stream corridors, or landscape buffers adjoining street rights-of-way and/or neighborhood boundaries.



2. The pedestrian circulation system shall be designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails, and link with existing or potential open space on adjoining parcels.
3. Protect and preserve all wetlands, floodplains, and steep slopes from clearing, grading, filling, or construction except as may be approved by the Watershed Review Board.
4. Landscape common areas (neighborhood greens), cul-de-sac islands, and both sides of new streets with native species shade trees and flowering shrubs with high wildlife conservation value.

B. Forest Land/Natural Areas Conservation

Where the goal of the project is to conserve forest land and/or natural areas and wildlife habitats, the following criteria apply

1. Dwellings should be located in unwooded parts of the site away from mature forests, natural areas, and/or wildlife corridors.
2. When any woodland is developed, care shall be taken to locate buildings, streets, yards, and septic disposal fields to avoid mature forests, natural areas, and/or wildlife corridors.
3. To the greatest-extent practicable, development should be designed around existing hedgerows and tree lines between fields or meadows. The impact on larger woodlands (greater than five acres), especially those containing mature trees, natural areas, and/or wildlife corridors, should be minimized.

C. Farmland Conservation

Where the goal of the Flexible Development project is to conserve farmland, the following criteria apply:

1. Locate building lots in forested areas away from existing pastures, cropland, feedlots, and similar uses
2. If the development must be located on open fields or pastures because of greater constraints on other parts of the site, dwellings should be sited in locations at the far edge of a field, as seen from a public road.
3. Identify the most productive portions of existing fields, pastures, and cropland and locate building lots on less productive land

4. Provide buffers of at least 75 feet in width between building lots and cropland and pastures to reduce the potential for conflict between residents and farming activities.

#### D. Conservation of Scenic Views

Where the goal of the project is to conserve scenic views, the following criteria apply:

1. Leave scenic views and vistas unblocked or uninterrupted, particularly as seen from public roadways. Consider “no-build, no-plant” buffers along public roadways where views or vistas are prominent or locally significant. In wooded areas where enclosure is a feature to be maintained, consider a “no-build, no-cut” buffer created through the preservation of existing vegetation.
2. Where development is located in unwooded areas clearly visible from existing public roads, it should be buffered from direct view by a vegetative buffer or an earth berm constructed to reflect the topography of the surrounding areas.
3. Protect rural roadside character and vehicular carrying capacity by avoiding development fronting on existing public roads; e.g., limiting access to all lots from interior rather than exterior roads.
4. Unless buildings can be effectively screened or buffered with trees, avoid siting new construction on or close to prominent hilltops or ridges where rooflines are seen above the horizon.

#### E. Historic and Archaeological Features

Where the goal of the project is to conserve historic and archaeological sites, and structures, the following criteria apply:

1. Design around and preserve sites of historic, archaeological or cultural value so as to safeguard the character of the feature(s), including fences and walls, farm outbuildings, burial grounds, abandoned roads, and earthworks.
2. New streets, driveways, fences, and utilities must be sited so as not to intrude unnecessarily on rural, historic landscapes. Whenever possible, streets and driveways are to follow existing hedgerows, fence lines, and historic farm drives.
3. New developments must include plantings which incorporate native species and historic landscape materials so as to harmonize with the character of the area.
4. Building designs and styles used in new construction should be compatible with the architectural style of historic buildings located

on or adjacent to the site, especially in terms of scale, height, roof shape, and exterior materials.

F. Recreation Provision

Where the goal of the project is to provide recreation and parks facilities for neighborhood residents and/or the general public, the guidelines contained in this Ordinance shall apply.

7.12.8. Low Impact Development

Cluster subdivisions shall incorporate low impact development stormwater control design and features, to the maximum extent practicable.

7.12.9. Maximum Lot Coverage

Cluster subdivisions shall ensure that development on a lot does not exceed a maximum lot coverage of fifty percent.

7.12.10. Dimensional Standards

Lots in a cluster or conservation subdivision shall be subject to the following dimensional standards, except as required from major arterial streets, agricultural uses, needed fire flow, or wetlands/surface waters as listed below:

**Figure 7-14 Cluster Subdivision Setbacks**

Zoning District	Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	*Community Well/ Water Required	County/Public Water and County/Public Sewer Required	Minimum Front Setback (feet)	Minimum Side Setback (feet)	Minimum Rear Setback (feet)
AR	30,000	75			25	10	20
AR	20,000	75	X		25	10	20
AR	15,000	50		X	20	10	15
R-80	40,000	75			25	10	20
R-80	30,000	75	X		25	10	20
R-80	20,000	50		X	20	10	15
R-30	30,000	75			25	10	20
R-30	20,000	75	X		25	10	20
R-30	12,000	50		X	20	10	15
R-8	30,000	50			20	6	15
R-8	20,000	50	X		20	6	15
R-8	5,000	40		X	15	6	10

**Alley-loaded lots may reduce their front setback to 10 feet provided all dwelling units on that street are alley-loaded and formal on-street parking spaces are provided.**

**\*See Article 10. Definitions: Community Well/Water System**

#### 7.12.12. Perimeter Buffering

- A. Cluster Subdivisions shall provide a minimum 40' wide landscaping buffer along the development perimeter, which may consist of conserved areas that meet these landscaping standards. Existing vegetation may count on a one-for-one basis or as otherwise permitted in this UDO.
- B. The 40' wide landscaping buffer shall contain at least two canopy trees, 5 understory trees, and 20 shrubs per 100 linear feet.
- C. The landscaping buffer may be reduced from 40' to 20' wide if an earthen berm is installed that meets the following requirements:
  - 1. The slope of all berms shall not exceed a 2:1 ratio (horizontal to vertical), shall have a top width at least one-half the berm height, and a maximum height of 6 feet above the toe of the berm.
  - 2. Berms shall be stabilized and vegetated as required by this Section.
  - 3. Berms must be constructed to provide adequate sight distance at all road intersections.

#### 7.12.13. Cluster Subdivisions and Developments in Water Supply Watersheds

- A. Developments and subdivisions located in water supply watersheds shall be designed so that lots and development sites are concentrated in the upland areas and away from surface waters and drainageways, and the undeveloped areas (open space) shall remain in an ungraded and undisturbed, vegetated or natural state. Built-upon areas shall be sited and designed to minimize stormwater runoff impact to the watershed's receiving waters.
- B. Clustering of development is allowed in watershed areas under the following conditions:
  - 1. Cluster developments may be designed to meet either Density or Impervious Surface Ratio requirements. The Administrator or Board of Commissioners may require either or both development design strategies to maximize watershed protection and minimize the overall consumption of valuable land resources.
  - 2. The total number of dwelling units shall not exceed the number allowed for single-family detached developments in Article 9, Natural Resources. Built-upon area or stormwater control requirements of the project shall not exceed that allowed for the critical area or balance of watershed, whichever applies.

3. All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.
4. The remainder of the tract or open space shall remain in a vegetated or natural state. To ensure that the open space remains undeveloped in perpetuity, the developer shall do one of the following:
  - a. Deed the property to an incorporated homeowners' or property owners' association.
  - b. Record a conservation easement on the required open space areas.