ARTICLE B

MINIMUM DESIGN STANDARDS

9-6-16 SUBDIVISION STANDARDS

(a) GENERAL

(1) Design: All proposed subdivisions, including group developments, shall comply with this Article, and shall be designed to promote beneficial development of the community, and shall bear a reasonable relationship to the approved plans of the City.

(2) Development Name: In no case shall the name of a proposed development duplicate or be phonetically similar to an existing development name in the jurisdiction unless the proposed development lies adjacent or in proximity to the existing development.

(3) Reasonable Relationship: All required improvements, easements, and rights-of-way (other than required reservations) shall substantially benefit the development or bear a reasonable relationship to the need for public facilities attributable to the new development.

(4) Off-Site Connections: When in the opinion of the Technical Review Committee, it is necessary to connect streets and/or utilities off-site to adjoining streets and/or utilities, said improvements may be required in accordance with city policy.

(b) LOT DIMENSIONS AND STANDARDS

The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated and shall conform to the following (except as provided in Section 9-4-11 (Dimensional Requirements)):

(1) Conformance to Other Regulations: 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;

(2) Minimum Building Area: Every lot shall have at least forty percent (40%) of its total area, or three thousand (3,000) square feet, whichever is less, of contiguous buildable area of a shape sufficient to hold a principal building. Said area shall lie at or be filled to an elevation at least one (1) foot above the one hundred year flood elevation. (Caution: Chapter 7 or federal wetlands regulations will prohibit or restrict fill placement in certain locations.)

(3) Lot Depth to Width Ratio: No lot shall have a depth greater than four (4) times the width at the minimum front street setback.

(4) Side Lot Line Configuration: Side lines of lots should be at or near right angles or radial to street lines.

(5) Lot Lines and Drainage: Lot boundaries shall coincide with natural and pre-existing manmade drainageways to the extent practicable to avoid lots that can be built upon only by altering such drainageways.

(6) Lots on Thoroughfares: Major subdivisions shall not be approved that permit individual residential lots to access major and minor thoroughfares.

(7) Access Requirements: All lots must have public street access and frontage meeting the requirements set forth in Chapter 4 (Zoning), or as follows:

a. Flag lots approved by the Technical Review Committee meeting the following requirements:

1. A flag lot shall contain only one (1) single family dwelling and its uninhabited accessory structures;

2. The maximum flagpole length shall be three hundred (300) feet;

3. The minimum flagpole width shall be twenty-five (25) feet;

4. The maximum lot size in areas with public sewer shall be one (1) acre;

5. The maximum lot size without public sewer shall be three (3) acres. (Note: The flagpole portion of the lot is not used to calculate area, width, depth, coverage, and setbacks of the lot or to provide off-street parking);

6. Where public water is available, any building on the flag lot must be within five hundred (500) feet of a fire hydrant. This distance shall be measured along the street, then along the flagpole, then in a straight line to the building location;

7. Where public sewer is available, occupied buildings on the flag lot shall have a gravity service line, or the sewer pump requirement shall be noted on the plat; and

8. Use of a single driveway to serve adjoining flag lots or to serve a flag lot and an adjoining conventional lot is permitted and encouraged. In the latter case, the preferred location for the driveway is on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole; or

b. Lots and units located in cluster developments, planned unit developments, integrated multiple use developments, and group developments with Owners' Associations in which permanent access is guaranteed by means of approved

private streets and/or drives. The development as a whole shall have public street access and frontage in accordance with Chapter 4 (Zoning).

(c) STREETS

(1) Dedication of Right-of-Way: Right-of-way for public streets shall be dedicated to the City pursuant to NCGS 160A, Article 19, Part 2 and other applicable state laws. When dedication cannot be required, any future street right-of-way indicated on adopted thoroughfare plans or collector street plans shall be shown on the plat.

(2) Conformance with Thoroughfare Plans and Collector Street Plans: The location and design of streets shall be in conformance with applicable thoroughfare plans and collector street plans. Where conditions warrant, right-of-way widths and pavement widths in excess of the minimum street standards may be required.

(3) Conformance with Adjoining Street Systems: The planned street layout of a proposed subdivision shall be compatible with existing or proposed streets and their classifications on adjoining or nearby tracts.

(4) Access to Adjoining Property: Where in the opinion of the Technical Review Committee, it is desirable to provide for street access to adjoining property, proposed streets shall be extended to the boundary of such property.

The minimum number of points of street access shall be based on the number of dwelling units in the proposed development as set forth below.

a. Residential developments with more than fifty (50) lots or dwelling units shall have at least two (2) separate points of public road access.

b. Residential developments with more than one hundred fifty (150) lots or dwelling units shall have at least three (3) separate points of public road access.

(5) Reserve Strips: Reserve strips adjoining street rights-of-way for the purpose of preventing access to adjacent property shall not be permitted under any condition.

(6) Street Classification: The final determination of the classification of streets in a proposed subdivision shall be made by the City. Street classifications are defined in Chapter 2 (Definitions).

(7) Public Street Design Criteria: The minimum street design standards for the street classifications are attached herewith as Table 6-16-1. Right-of-way dedication and paving of streets in and adjacent to the subdivision shall be in conformance with the right-of-way and pavement width requirements of Table 6-16-1. Exceptions to the minimum street design standards may be approved by the Director of Transportation due to special physical constraints. These streets shall be designed in accordance with the City's Standard Specifications and Details for Roads -

Structures Utilities, or the NCDOT Subdivision Roads: Minimum Construction Standards, whichever is applicable. Ribbon pavement streets may be allowed for local residential cul-de-sac streets in accordance with the general public street design standards found in Appendix 7 (General Street/Design Policy).

(8) Private Street Design Criteria:

a. Where Permitted: Private streets shall be permitted in single family detached cluster developments, single family and twin home sections in planned unit developments, townhouses developments, in integrated multiple use developments and in residential developments that are gated or otherwise secured self-contained developments that have their access to public street(s) at one or more secured points.

b. Minimum Design and Construction: The minimum street design standards are found in Tables 6-16-2 and 6-16-3. The pavement construction design for all private streets will be equivalent to the minimum construction design for local residential streets of the City, unless the developer supplies an alternate pavement design (supported by an engineering study) approved by the City. Exceptions to the minimum street standards may be approved by the Director of Transportation due to special physical constraints. The developer must furnish an engineer's seal and certification that the private streets have been tested and certified for the subgrade, base and asphalt. Common area may need to be widened to include the side ditch section. All cul-de-sacs shall have a minimum forty-foot (40') pavement radius.

c. Cul-de-sac Maximum Length: The maximum distance from an intersecting through street to the end of a cul-de-sac shall be twelve hundred (1,200) feet, except that a distance up to sixteen hundred (1,600) feet may be approved in the Watershed Critical Area. Exceptions to these maximum distance standards may be approved by the Director of Transportation due to special physical constraints.

d. Owners' Association Required: An Owners' Association shall be required to own and maintain all private streets allowed under this Ordinance.

e. Plats: All private streets shall be shown as such on all plats.

f. Through Streets: No through street in a residential area connecting two public streets can be designated as a private street unless approved by the Technical Review Committee.

g. Connections to Public Streets: All private streets connecting with public streets require approved driveway applications from the City (or NCDOT if applicable). Where street returns are permitted, the developer shall construct a concrete band running parallel with the public street. The width of this band shall extend from the gutter line to the right-of-way line of the public street.

h. Sidewalks: Where sidewalks are installed, the minimum width shall be four (4) feet.

(9) Street Intersections: Street intersections shall be as nearly at right angles as possible. Property lines at street intersections shall be a tangent connecting points on each right-of-way line, which are located a minimum distance of twenty (20) feet back from the intersection of the two (2) right-of-way lines in residentially zoned areas and fifty (50) feet in nonresidentially zoned areas.

(10) Streets Crossing Natural Areas: All streets crossing natural areas, wetlands, or stream buffers shall cross at or as near to ninety (90) degrees as possible within topographic limits.

(11) Spacing Between Intersections: Offset intersections are not desirable and should be avoided. Intersections that cannot be aligned should be separated in accordance with the design standards established by street classification. The higher classification street involved shall determine the distance between intersections along that street. In the event of unusual topography, a distance less than the design standard, but in no case less than one hundred fifty (150) feet, may be approved by the Technical Review Committee. Cul-de-sac Maximum Length: The maximum distance from an intersecting through street to the end of a cul-de-sac shall be twelve hundred (1,200) feet, except that a distance up to one thousand six hundred (1,600) feet may be approved in the Watershed Critical Area. Exceptions to these maximum distance standards may be approved by the Director of Transportation due to special physical constraints.

(12) Temporary Turnarounds: Streets stubbed to adjoining property or to phase lines may be required to have temporary turnarounds at the end of the street sufficient to permit sanitation vehicles to turn around.

(13) Grades at Intersections: The grade on stop streets approaching an intersection shall not exceed five percent (5%) for a distance of one hundred (100) feet from the centerline of the intersection.

(14) Street Names: Streets that will be in alignment shall bear the same name. Street names shall not duplicate or closely approximate phonetically the names of existing streets in Guilford County. Street suffixes and addresses shall conform to the standards set forth in Appendix 9 (Street Name and Address Assignment Standards).

TABLE 6-16-1
MINIMUM PUBLIC STREET DESIGN STANDARDS

CLASSIFICATION	ROW (a) (ft)	PAVEMENT WIDTH (ft) (a), (b)	STOPPING SIGHT DISTANCE (ft)	CENTERLINE RADIUS (ft)	TURNAROUND RADIUS ROW/PAVE (ft)
MAJOR THOROUGHFARE	90-100	64-68	650	1530	-
MINOR THOROUGH FARE					
five-lane	80	60	550	1240	-
four-lane	68	48	475	955	-
COLLECTOR	60	40	400	765	NA
SUB COLLECTOR	56	36	250	440	NA
LOCAL RESIDENTIAL					
w/ribbon (c)	50	22	200	300	NA
w/curb and gutter	50	30	200	300	NA
RESIDENTIAL CUL-DE-SAC					
w/ribbon (c)	50	22	200	300	50/40
w/curb and gutter	50	30 (d)	200	300	50/40
LOCAL INDUSTRIAL	60	40	325	575	60/50 (d)
INDUSTRIAL CUL-DE-SAC	60	40	325	575	60/50

(a) Additional width may be required under Subsection 9-6-16(c)(2), (Conformance with Thoroughfare and Collector Street Plans.
(b) Dimensions in this column are from face-of-curb to face-of-curb, except for ribbon pavement.
(c) Ribbon pavement allowed subject to the provisions of Appendix 7 (General Street Design Policy).
(d) With twenty (20) dwelling units or less on the cul-de-sac street: pavement width of 26 feet.

TABLE 6-16-2
MINIMUM PRIVATE STREET DESIGN STANDARDS

COMMON AREA WIDTH (ft)	PAVEMENT WIDTH (ft)	STOPPING SIGHT DISTANCE (ft)	CENTERLINE RADIUS (ft)	TURNAROUND RADIUS ROW/PAVE(ft)
34(a)	24(b)	150	215	50/40

(a) Common area shall extend a minimum of five (5) feet beyond face-of-curb and shall be free of obstructions. Common area may need to be wider when using ribbon pavement in the WCA.
(b) Pavement width is measured from face-of-curb for curb and gutter streets. Pavement width may be reduced to a minimum of twenty-two (22) feet for ribbon paved streets.

TABLE 6-16-3
MINIMUM PRIVATE STREET DESIGN STANDARDS
FOR MANUFACTURED DWELLING AND RECREATIONAL VEHICLE PARKS

PAVEMENT/ROW WIDTH (ft)	PAVEMENT WIDTH (ft)	STOPPING SIGHT DISTANCE (ft)	CENTERLINE RADIUS (ft)	TURNAROUND RADIUS ROW/PAVE (ft)
30(a)	20	150	150	50/40

(a) This right-of-way is not dedicated but shall be free of obstructions.

(15) Private Street or Drive Signs:

a. Street Signs: At each intersection of a named private street or drive with a public street, the City shall erect a street name sign. The developer shall pay a fee to the City for each such sign required. At each intersection between private streets or drives, the developer shall be required to erect and maintain reflectorized signs with green lettering on a white background.

b. Traffic Control Signs: The developer shall provide traffic control signs in locations designated by the City.

c. Maintenance: Maintenance of signs on private streets or drives shall be the responsibility of the owner or Owners' Association, as appropriate.

(d) **BLOCK LENGTH**

Blocks shall not exceed a perimeter length of six thousand (6,000) feet, except that a perimeter length of up to twelve thousand (12,000) feet may be approved in the Watershed Critical Area. Perimeter length is the shortest perimeter measurement along the abutting street right-of-way lines.

(e) **SIDEWALKS**

The installation of sidewalks shall be at the option of the developer. Where sidewalks are installed, they shall have a minimum width of five (5) feet and located as determined by the Technical Review Committee.

(f) **UTILITIES**

(1) Public Water and Sewer Construction Requirements: Water and sewer lines, connections, and equipment shall be constructed in accordance with the City's Standard Specifications and Details for Roads - Structures - Utilities, or the

NCDOT Subdivision Roads: Minimum Construction Standards, whichever is applicable.

(2) Water and Sewer Connections: Connection of each lot to public water and sewer utilities shall be required if the proposed subdivision is within three hundred (300) feet of the nearest adequate line of a public system, provided that no geographic or topographic factors would make such connection infeasible. Where public sewer is not available, lots shall meet applicable County Environmental Health Division regulations. Approval of the Environmental Health Division shall be obtained after Preliminary Plat approval. The Final Plat shall show the Certificate of Approval from the Environmental Health Division as shown in Appendix 2 (Map Standards).

(3) Underground Utilities: Electrical, community antenna, television, and telephone utility lines installed within major subdivisions shall be underground unless the Technical Review Committee determines underground installation is inappropriate.

(4) Utility Easements:

a. Widths: To provide for electric, telephone, gas, and community antenna television services; conduits; and water and sewer lines within a subdivision, appropriate utility easements not to exceed thirty (30) feet in width shall be provided. The location of such easements shall be reviewed and approved by the Technical Review Committee, with advice from utility providers, before Final Plat approval.

b. No Buildings or Improvements: Utility easements shall be kept free and clear of any buildings or other improvements that would interfere with the proper maintenance or replacement of utilities. The City shall not be liable for damages to any improvement located within the utility easement area caused by maintenance or replacement of utilities located therein.

(5) Electric Utilities:

a. Street Lights: All subdivisions and developments involving public streets within the corporate limits shall have public street lights provided and be maintained by the City or the City's agent.

b. Electric Service: For subdivisions and developments outside the corporate limits, electric service will be provided by the agency having jurisdiction in the area.

(g) DRAINAGE

(1) General Requirements:

a. This section shall apply to all watercourses that have a drainage basin greater than one and one-half (1.5) acres. In addition, watercourses which are

contained in areas of special flood hazard as shown on the FEMA panels are subject to the requirements contained in the Flood Prevention Damage regulations found in Section 9-7-16. In case of a conflict between this Section and Section 9-7-16, the stricter regulation will apply.

b. Drainage within all developments affected by this section must be designed using standard engineering practices including those described in the City of High Point Storm Drainage System Design Manual.

c. No fill, buildings or structures, except for water dependent structures, greenways, utility substations, utilities, roads or other related public improvements, shall be placed or constructed within the protected drainage areas specified in this Section. Parking areas and associated drives may be constructed over enclosed subsurface drains.

d. Drainage within all developments affected by this section must be handled in any of three systems. The acceptable systems are: enclosed subsurface, open channel on private property, or open channel in a drainageway dedicated to the city.

(2) Determination of Drainage System:

a. The developer shall determine the drainage system to be used for projects unless the drainage areas meet the criteria in Subsection b. below.

b. The determination of the drainage system to be used shall be made by the Technical Review Committee if:

1. The area is identified on the Greenway/Open Space Plan; or

2. The drainage basin is greater than 50 acres; or

3. The site is located within the Watershed Critical Area Overlay District; or

4. The watercourse is depicted as a perennial stream on the City of High Point Water Supply Watershed Map.

c. In determining the drainage system to be used the following factors shall be considered:

1. The type of development;

2. The drainage system(s) employed by nearby developments;

3. The probability of creating a lengthy greenway or open space area to advance the purposes of the adopted Greenway/Open Space Plan;

4. The probability of creating future maintenance problems;

5. The probability of erosion or flooding problems and;

6. The pipe size necessary to handle drainage.

(3) Drainage Systems:

a. Enclosed Subsurface Drains (Storm Sewers):

1. Enclosed subsurface drainage systems shall be designed and constructed using standard engineering practices including those described in the City of High Point Storm Drainage System Design Manual.

2. Enclosed subsurface drainage systems on private property shall be protected as provided in Section 9-6-16(g)(3)d. and Table 6-16-4.

b. Open Channel on Private Property:

1. If open channels on private property are used as a drainage system, they shall be designed using standard engineering practices including those described in the City of High Point Storm Drainage System Design Manual.

2. Open channel drainage systems on private property shall be protected as provided in Section 9-6-16(g)(3)d. and Table 6-16-4.

c. Open Channels in Drainageway and Open Space Areas Dedicated to the City of High Point:

1. The Technical Review Committee may require that the drainageways which are identified on the Greenway/ Open Space Plan be dedicated to the City of High Point.

2. Drainageway and open space shall be dedicated by a recorded plat and shall be labeled "Dedicated to the City of High Point and the public for Drainageway, Greenway and Open Space."

3. The dedicated drainageway and open space area along any stream shall include the land between the natural one-hundred-year flood contours.

4. The area to be dedicated may be reduced in width if the applicant demonstrates to the Enforcement Officer that sound engineering practices are being employed.

5. The dedicated drainageway and open space area shall have a minimum width of sixty (60) feet.

6. In cases of topographic or other obstacles, additional width may be required to assure reasonable ease of maintenance.

7. Dedicated drainageway and open space shall have sufficient access to a publicly maintained street. If the Technical Review Committee determines that suitable access is not provided, access shall be provided by a suitably located access easement not less than twenty (20) feet in width.

8. Dedicated drainageway and open space may also be used for drainage, open space, greenways, bikeways, trails, other similar recreation activities, public utilities, and street crossings.

9. Drainageway and open space shall be left in its natural condition or graded to a cross section and stabilized with permanent vegetative cover approved by the City.

10. Single family lots abutting property dedicated to the City as drainageway and open space may be reduced in size in accordance with the provisions in Subsection 9-4-11(a)(4) (Lots Adjoining Public Open Space).

d. Protected Drainage Areas:

1. Open channels and enclosed subsurface drains on private property used for drainage shall be located within a protected drainage area and in no case shall be minimum width of the protected area for drainage on private property be less than specified below:

TABLE 6-16-4
WATERCOURSE PROTECTED AREA WIDTHS

Area of the drainage basin (acres)	Protected area width (feet, centered)
1.5-23	20
>23-50	30
> 50	100-year flood contour line with a minimum of 35

2. The following restrictions shall apply to all protected drainage areas.

i. No fill, buildings or structures, except for water dependent structures, greenways, utility substations, utilities, roads or other related public improvements, shall be placed or constructed within protected drainage areas as provided in Table 6-16-4.

ii. Drives, parking areas, or other improvements shall be constructed no closer than two (2) feet horizontally from the top of any back slope along any open watercourse. Parking areas and associated drives may be constructed over enclosed subsurface drains.

iii. It shall be the owner's responsibility to maintain all watercourses on private property whether enclosed as subsurface drains or remaining as open channels.

3. Protected drainage areas required by the section shall be depicted on the preliminary and final subdivision plat for residential subdivisions. For non-residential subdivisions, protected drainage areas shall be depicted on the preliminary plat. If there is a change in the drainageway due to the proposed grading of the site, the drainage area may be shifted, as long as the revision is depicted on a site plan submitted for Technical Review Committee review and approval is received prior to actual site grading.

(h) **FLOOD DAMAGE PREVENTION**

(1) Minimize Flood Damage: All subdivision proposals shall be consistent with the need to minimize flood damage;

(2) Public Utilities: All subdivision proposals shall have public utilities and facilities such as sanitary sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(3) Drainage: All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

(4) Base Flood Elevation Data Required:

a. Base flood elevation data shall be provided for all subdivision proposals unless a licensed engineer certifies that the one- hundred-year storm flow for streams in or near the subdivision is less than five hundred (500) cubic feet per second.

b. In special flood hazard areas designated by Federal Emergency Management Agency (FEMA) maps, base flood elevation data shall be provided by the owner or designated agent for subdivision proposals and other proposed developments which contain more than fifty (50) lots or five (5) acres. (See Section 9-7-16 for further Flood Damage Protection Regulations.)

CHAPTER I - GENERAL PROVISIONS AND ZONING
ARTICLE 7 - DIVISION OF LAND REGULATIONS (Added by Ord. No. 122,064, Eff. 6/14/62.)
SEC. 17.05. DESIGN STANDARDS

In all portions of a Tract Map area classified in the A, R or C zones, all such utility lines shall be installed underground, provided, however, that incidental, appurtenant equipment such as transformers, terminal boxes and meter cabinets may be placed above ground but shall conform with regard to placement and height with those standards adopted by the Commission as it determines are necessary to safeguard the public against hazards created by said equipment and to further the purposes of this article. The Subdivision Committee shall make its report and recommendation of the Commission prior to the adoption of said standards. **(Amended by Ord. No. 146,985, Eff. 4/11/75.)**

The subdivider shall make the necessary Cost and other arrangements for such underground installation and for relocation of existing facilities with each of the persons, firms, or corporations furnishing utility services involved.

O. Sites for Models. (Amended by Ord. No. 172,839, Eff. 11/1/99.)
Not more than 15% of the lots and in no case more than 20 lots at any one time in a subdivision may be designated as sites for the construction of models, and, with respect to multiple unit structures, not more than 15% of the units and in no case more than 20 units at any one time in a proposed building designated as a model site, may be designated as models.

Each of the sites shall be located in a manner as to not adversely affect existing developed residential properties. Further, each of the sites shall be easily accessible and provision for the accessibility shall be assured at the time that the tentative map is conditionally approved.

P. Park And Recreation Sites.
Park and recreation sites to serve the future inhabitants of each new subdivision shall be provided and located in conformance with the standards contained in the Recreation Element of the General Plan. **(Amended by Ord. No. 141,422, Eff. 2/11/71.)**

Q. Where Subdivision Includes Land Within Drainage District.
Whenever a Subdivision or a portion thereof includes land which is within a Local Drainage District, the provisions and requirements of the ordinance establishing such District shall be complied with. **(Added by Ord. No. 142,862, Eff. 2/13/72.)**

(i) SITES FOR PUBLIC USES

In subdividing property, due consideration shall be given by the subdivider to the reservation of suitable sites for schools and other public uses in accordance with NCGS 160 A-372.

(j) PLACEMENT OF MONUMENTS

The Standards of Practice for Land Surveying in North Carolina, as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, shall apply when installing permanent monuments.

(Ord. No. 93-113, Pt. 2(§ 1), 9-16-93; Ord. No. 93-113, Pt. 1(§ 1), 12-12-93; Ord. No. 94-57, § 1, 12-16-93; Ord. No. 95-55, § 1, 5-18-95)

Sec. 9-35. Undergrounding of cable.

The placement of cables underground is encouraged. In any event, cables passing under any street shall be installed in underground conduit. Previously installed aerial cable shall be placed underground in concert with all other utilities, when all other utilities may convert from aerial to underground construction. Grantee shall place cable underground in newly platted areas where all other utilities are underground as soon as practicable. When cable is undergrounded, it shall be buried to a depth of at least twenty-four (24) inches on City right-of-way and to a depth of at least twelve (12) inches on private property and shall be adequately convered and compacted upon completion and shall be subject to inspection and approval by the City. City shall notify Grantee of all pending changes from aerial to underground utility installations.

CHAPTER I - GENERAL PROVISIONS AND ZONING
ARTICLE 7 - DIVISION OF LAND REGULATIONS (Added by Ord. No. 122,064, Eff. 6/14/62.)
SEC. 17.05. DESIGN STANDARDS

Failure to furnish such a grading plan (where necessary to complete the investigation of the Tentative Map within the time specified in the written notice requesting its submission) shall be cause for the disapproval of the Tentative Map unless an extension of the time for acting on said map is mutually agreed upon between the subdivider and the Advisory Agency.

If changes in the design of the lots or street system can be made to correct the conditions set forth in Subsection J of this section, either by increased lot sizes or changes in grades, such modifications shall be made.

M. Storm Drains. (Amended by Ord. No. 139,199, Eff. 10/10/69.) Storm drains shall be designed in conformance with standards approved by the City Engineer. Storm drain facilities to intercept and convey all runoff to a suitable point of disposal shall be required when runoff from the entire area tributary to and including the subdivision exceeds the limiting depth of street flow as determined by the City Engineer. These storm drain requirements shall also include the following:

1. In areas without sumps, storm drains shall be designed to remove all runoff from a storm of 10-year frequency.

2. In sump areas, storm drains shall be designed to remove all runoff from a storm of 50-year frequency.

3. Storm drains shall be of sufficient capacity in all cases to prevent flooding of building sites from a storm of 50-year frequency.

4. On sidehill streets, the maximum depth of water as determined by the City Engineer shall be based on a storm of 50-year frequency.

N. Installation Of Utilities. (Added by Ord. No. 131,820, Eff. 3/28/66.) Utility lines, including but not limited to those required for electricity, communication, street lighting and cable television services necessary for the general use of the lot owners in the subdivision, shall be installed or guaranteed to be installed in the same manner as other required improvements.

Seattle Municipal Code

Information retrieved October 16, 2000 8:06 AM

SMC 21.60.390 Erection of poles and wires -- Undergrounding.

All poles, cables, wires, antennae, conduits or appurtenances shall be constructed and erected in a neat, workmanlike manner and shall be of such height and occupy such position as the Board of Public Works shall direct. Whenever it is practicable to make use of poles already in the streets of the City, the grantee shall make use of such poles as provided in Ordinance 90047,(Note 1) provided that in any district in which telephone, telegraph and electric power wires and cables have been placed underground, the grantee shall not be permitted to erect poles or to run or suspend wires, cables or other conductors thereon but shall lay such wires, cables or conductors undergroundin such manner as is require passage of any ordinance creating a local improvement district or utility local improvement district which involves placing overhead utilities underground grantee shall have erected poles and suspended wires, cables and other conductors thereon, grantee shall participate in such underground project and shall remove poles, cables and wires from the surface of the streets within such district and shall place the same underground in conformity with the requirements of the Board of Public Works.

(Ord. 107614 Section 5(part), 1978: Ord. 107025 Section 3(part), 1977: Ord. 105427 Section 15 (b), 1976.)

1. Editor's Note: Ord. 90047 is codified in Title 15 of this Code.

Link to Recent ordinances passed since 3/31/00 which may amend this section. (Note: this feature is provided as an aid to users, but is not guaranteed to provide comprehensive information about related recent ordinances. For more information, contact the Seattle City Clerk's Office at 206-684-5707, or by e-mail at clerk@ci.seattle.wa.us)

Seattle Municipal Code

Information retrieved November 2, 2000 4:51 PM

SMC 21.60.400 Undergrounding requirements.

If in any part of the cable district for which the grantee has been awarded a franchise and where no cable facilities have been installed, the City or a local improvement district proposes to place telephone, telegraph and electric power wires and cables underground, or to require the same, grantee may place facilities in the underground project, but if grantee does not do so and subsequently enters the area to serve the same, grantee shall place its facilities underground. In areas where all other utilities have their facilities underground the grantee shall underground its facilities within a reasonable period of time, as directed by the City Council.

(Ord. 107614 Section 5(part), 1978: Ord. 107025 Section 3(part), 1977: Ord. 105427 Section 15 (c), 1976.)

Link to Recent ordinances passed since 6/31/00 which may amend this section. (Note: this feature is provided as an aid to users, but is not guaranteed to provide comprehensive information about related recent ordinances. For more information, contact the Seattle City Clerk's Office at 206-684-5707, or by e-mail at clerk@ci.seattle.wa.us)

S.C. Code Ann. § 58-12-10

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TITLE 58. PUBLIC UTILITIES, SERVICES AND CARRIERS
CHAPTER 12. CABLE TELEVISION

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

S.C. Code Ann. § 58-12-10 (1999)

§ 58-12-10. Installation of cable over or beneath public lands, highways, roads or waters.

Any cable television company may, upon the approval of the governing body of the city or county, construct, maintain, and operate its cable over or beneath any of the public lands of this State, over, beneath, or along any of the highways or public roads of the State, or over or beneath any of the waters of the State; provided, that cable television companies shall, unless heretofore covered by court decree, where possible and practicable, enter into an agreement with a telephone company or electric power company whereby the cable television company has the right to attach its cables to the poles owned by the telephone company or electric power company, or to bury its cable beneath the ground in conduits owned by the telephone company or electric power company; provided, further, that such cable is constructed so as not to endanger the safety of persons or to interfere with the use of these public lands, highways, or public roads, or the navigation of these waters; provided, further, that the agency charged with the maintenance of these public lands, highways, or public roads, or waters of the State shall require that the cable television company obtain a permit prior to placing its cable over, under, or along these public lands, highways, or public roads, or waters; and, provided, further, that if both electrical and telephone facilities in an area are underground then the cable television lines in that area shall also be placed underground. This proviso does not give any additional rights to public utilities to grant an easement. Provided, further, that if the cable is located in such a manner so as to constitute an interference with the right of ingress or egress to land that is subject to the easement, the cable television companies shall obtain the consent of the landowner, his heirs, or assigns, from which the original easement was obtained.

HISTORY: 1976 Act No. 688 § 1; 1983 Act No. 134 § 1, eff June 17, 1983.

NOTES:

EFFECT OF AMENDMENT--

The 1983 amendment rewrote this section.

CROSS REFERENCES--

Construction, maintenance, and operation of telephone and telegraph lines, see § 58-9-2020.

Underground installations on private property, see § 58-12-70.

Extension of electric service, see §§ 58-27-1210 et seq.

Electric wires erected near public roads, see § 58-27-1530.

Utility facility siting and environmental protection, see §§ 58-33-10 et seq.

RESEARCH AND PRACTICE REFERENCES--

74 Am Jur 2d, Telecommunications §§ 184-190.

86 CJS, Telegraphs, Telephones, Radio and Television §§ 316.1, 316.2.

18 S.C. Juris. Emin Dom § 18.

17 Am Jur Legal Forms 2d, Telecommunications, §§ 245:83 (contract between television company and telephone company for use of poles), 245:84 (performance bond accompanying contract for use of poles).

ANNOTATIONS--

Legal aspects of television. 15 ALR2d 785.

Validity and construction of municipal ordinances regulating community antenna television service (CATV). 41 ALR3d 384.

Community antenna television systems (CATV) as subject to jurisdiction of state public utility or service commission. 61 ALR3d 1150.

CASE NOTES

1. In General

The appellate court properly ruled that any cable television company may construct, maintain, and operate its cable along publicly dedicated roads in accordance with § 58-12-10 through § 58-12-30 because even lands dedicated for a specific, limited, and defined purpose are public easements. Timberlake Plantation Co. v. County of Lexington (S.C. 1993) 314 S.C. 556, 431 S.E.2d 573.

Service: **LEXSTAT®**
Citation: **SC Code ann 58-12-10**
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SECTION 807. CONDITIONS ON USE OF PUBLIC WAYS

A. All transmission and distribution structures, lines and equipment erected by Grantee within the Service Area shall be located so as not to obstruct or interfere with the proper use of the Public Ways and other public places, and to cause minimum interference with the rights of property owners who abut any of the Public Ways and places, and not to interfere with existing public utility installments. In all areas of the Service Area where all cables, wires or other like facilities of public utilities are placed underground, Grantee shall place its cables, wires, or other like facilities underground to the maximum extent existing technology reasonably permits and shall mark such facilities, indicating their location by a method approved by City's Department of Public Works. Upon request, Grantee shall furnish to and file with City maps, plats and permanent records of the location and character of all facilities constructed, including underground facilities. Such maps, plats, and permanent records shall be updated as required by City.

B. In case of any disturbance of pavement, sidewalk, driveway or other surfacing, Grantee shall, at its own expense, replace and restore all paving, sidewalk, driveway or other surface of any Public Way disturbed in accordance with the standards and specifications of the City.

C. If at any time during the period of this Permit City shall elect to alter or change the grade or location of any water line, sewer line, street, alley or other Public Way, Grantee shall, upon reasonable notice by City, remove and relocate its poles, wires, cables, conduits, manholes and other fixtures at its own expense, and in each instance comply with the standards and specifications of the City.

D. Grantee shall not place poles, conduits, or other fixtures above or below ground where the same will interfere with any gas, electric, telephone fixtures, water hydrant or other utility, and all such poles, conduits or other fixtures placed in any Public Way shall be so placed as to comply with all requirements of the City.

E. Grantee shall, on request of any Person holding a house moving permit issued by City, temporarily move its cables, equipment or fixtures to permit the moving of buildings with the expense of such temporary removal to be paid by the Person requesting the same. Grantee shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary changes.

F. Grantee shall have the authority to trim any trees upon and overhanging the Public Ways of City so as to prevent the branches of trees from coming in contact with the equipment and cables of Grantee, except that at the option of City such trimming may be done by City, or under its supervision and direction, at the expense and liability of Grantee and other franchise and permit grantees.

G. City shall not be liable to Grantee for any injury to Grantee's Cable Television System caused by any City employee while performing emergency repairs within the Public Ways. In all other circumstances when City employees negligently injure Grantee's Cable System, City shall only be liable to Grantee for the Grantee's actual cost of materials, equipment and labor necessary to effect repairs, with no allowance for interruptions to service or loss of revenues, subject to any applicable limits of liability established by the Oklahoma Governmental Tort Liability Act. Grantee, no later than January 1 of each year, shall file with the City Clerk a schedule of the current cost of materials, equipment and labor necessary to make repairs.

Ord. No. 17996

Vermont Public Service Board

Cable Television

Section 8.360 - Construction

8.360 Construction.

8.361 Information filing. After receiving a certificate of public good for a new service territory, the company shall submit the following to the Board and the Department, as available:

(A) A map of the service area, showing the planned phases of construction for the entire cable system. Such map and description shall also indicate those parts of the service area which the applicant anticipates would receive service only through application of the proposed line extension policy.

(B) A statement that the applicant has obtained all licenses and other forms of permission required by state and local government bodies prior to commencement of construction.

(C) A statement that pole attachment, conduit occupancy, and right-of-way agreements have been consummated.

(D) Any corrections, updates or amplifications, to items filed at the time of application for a certificate of public good.

8.362 Compliance with design standards; waivers.

(A) All cable systems constructed and operated within this state shall conform to the minimum design criteria set forth in this rule.

(B) Waivers of specific provisions of the design criteria may be granted by the Board only upon a showing that strict compliance would endanger the viability of the system.

8.363 System requirements.

(A) The technical standards contained in Subpart K of Part 76 of the Rules and Regulations of the Federal Communications Commission, as amended, are hereby incorporated into these rules, and made a part of all certificates of public good issued by the Board for cable systems.

(B) All systems shall be designed and built so that closed caption data can pass through.

(C) All systems shall be designed and built so that they may provide the PEG access capabilities required by section 8.410 et seq. of this rule, or so that those capabilities may be later added without major reconstruction of the system.

(D) Preliminary Performance Tests. Prior to the commencement of service to cable subscribers on any portion of a new cable system or on any substantially reconstructed portion of a cable system, the operator will ensure that the system provides acceptable picture quality by "rough balancing" the active equipment to within plus or minus 5db of equipment specification for peak-to-valley signal performance. These tests may be performed by qualified system personnel or by qualified contractors, and copies of the preliminary test results shall be made available to the Department of Public Service upon request for a period of up to one year after completion of the new or reconstructed cable system.

(E) Final Performance Tests. Within 120 days of completion of a new cable system or any substantially reconstructed portion of a cable system, the operator shall conduct system proof of performance tests to determine the extent to which the system complies with the standards required in Section 8.363(A) of this Rule.

1. All such tests shall be performed by or under the supervision of qualified system personnel or qualified contractors using equipment and procedures necessary to achieve reasonable precision of measurement.
2. In the event that the measured performance at any end of the trunk test point fails to comply with the technical standards required, the operator shall immediately take steps to insure compliance.
3. Copies of the report of the final performance test shall be provided to the Department of Public Service upon request and shall be kept available for inspection at the operator's office for a period of five (5) years after completion of the test.

8.364 Timetable.

(A) Application for pole attachment license shall be made to the relevant utilities within fifteen (15) days of receipt of a certificate, and application for make-ready work shall be made within 120 days of receipt of the license. Construction of a cable system shall begin within ninety (90) days of completion of make-ready work for the first phase of cable construction, or as soon thereafter as weather permits.

(B) The operator shall maintain current as-built design maps for its system at its business offices, and shall produce photocopies of such portions of the maps as may be requested by the Department of Public Service.

(C) The operator's complaint department shall begin operation at the same time as service commences.

(D) Unless the Board shall have waived the requirement, within four years from the receipt of the certificate the holder thereof shall have made service available to all potential residential subscribers in those portions of its franchise area meeting the density tests described in its line extension tariff for no-charge construction. In cases where the operator is unable to extend service because of a lack of right of way or other access problem, the operator shall be moving with due diligence to acquire such access to potential subscribers.

8.365 Safety codes and standards.

(A) All construction of cable systems shall be with the use of materials of good and durable quality.

(B) All work involved in construction, installation, maintenance and repair of cable systems shall be performed in a safe, thorough, and reliable manner, and in compliance with:

1. the "Safety Rules for the Installation and Maintenance of Electric Supply and Communication Lines" of the National Bureau of Standards, U.S. Department of Commerce;
2. the latest edition of the National Electric Safety Code, as from time to time amended and revised; and
3. all applicable federal, state, and municipal laws, ordinances, and regulations.

8.366 Placement of cables.

(A) Wherever practical, a holder of a certificate shall install its system using existing poles, conduits, rights-of-way, and other facilities of utility companies.

(B) If at any time a municipality shall require all utilities to be placed underground, the certificate holder shall, upon reasonable notice by such municipality, conform with such requirement. This provision shall not be taken as determinative of who must bear the costs of placing such plant underground.

8.367 Subscriber drops.

(A) Each company provides a standard, fixed-price installation from its distribution cable to the subscriber's premises. Installations up to three hundred (300) feet in length (aerial construction) shall be made without additional charge to the subscriber. Drops in excess of this length, any concealed wiring or other custom installation work, and all underground drops, shall be charged at the rates set forth in the company's rules and regulations, which shall provide for a credit equal to the cost of the standard installation.

(B) In areas where existing utility drop cables are located underground, cable subscriber drop cables shall also be located underground where practical. In other areas, the drop cables shall be aerial unless the subscriber elects to pay the costs of underground installation as set forth in the company's rules and regulations.

8.368 Installation of drops.

(A) When a cable operator receives an application for service, and the only outdoor installation work required is to drop a line from the feeder cable to the subscriber's building, it will make the installation promptly and in no event later than ten (10) days following receipt of the application unless good and sufficient reason exists. Good and sufficient reason may include scheduling conflicts, system emergency, severe weather, and lack of access or right of way.

(B) Cable installers shall be trained to connect closed caption decoders to work with the cable connection. The decoder (provided by the subscriber) shall be connected without extra charge to the subscriber.

☞ Vermont Public Service Board - Rules and General Orders

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Rev. Code Wash. (ARCW) § 36.88.410

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*** CURRENT THROUGH CHAPTER 1 OF THE 2000 REGULAR SESSION ***
(ANNOTATIONS CURRENT THROUGH AUGUST 2000 ACS)

TITLE 36. COUNTIES
CHAPTER 36.88. COUNTY ROAD IMPROVEMENT DISTRICTS

GO TO THE CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

Rev. Code Wash. (ARCW) § **36.88.410** (2000)

§ **36.88.410.** Underground electric and communication facilities, installation or conversion to -- Declaration of public interest and purpose

It is hereby found and declared that the conversion of overhead electric and communication facilities to underground facilities and the initial underground installation of such facilities is substantially beneficial to the public safety and welfare, is in the public interest and is a public purpose, notwithstanding any resulting incidental private benefit to any electric or communication utility affected by such conversion or installation.

HISTORY: 1971 ex.s. c 103 § 1; 1967 c 194 § 1.

NOTES:
SEVERABILITY -- 1967 C 194: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1967 c 194 § 9.]

CROSS REFERENCES.
Cities and towns, conversion of overhead electric and communication facilities to underground facilities: Chapter 35.96 RCW.

USER NOTE: For more generally applicable notes, see notes under the first section of this heading, part, article, chapter or title.

Source: All Sources : States Legal - U.S. : Washington : Statutes & Legislative Materials : **WA - Annotated Revised Code of Washington**
Terms: "36.88.410" (Edit Search)
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2-1.6 OVERLAY AND SPECIAL PURPOSE ZONING DISTRICTS - PURPOSE STATEMENTS AND REGULATIONS

The following overlay and special purpose zoning districts are established:

Table 2.5

Overlay and Special Purpose Zoning Districts

Symbol	District Name
NCO	Neighborhood Conservation Overlay
TO	Thoroughfare Overlay
AO	Airport Overlay
H	Historic
HO	Historic Overlay
LUTO	Land Use Transition Overlay (K)

The purpose of establishing these districts is to assist the community in meeting the recommendations of *Vision 2005* and to meet requirements of State and federal law. When a rezoning proposal for one of these districts is considered, historic preservation, watershed protection, and other applicable goals and recommendations contained in *Vision 2005*, the *Clemmons Area Development Guide* (C), the Kernersville *Development Plan and its Land Use Plan* (K), and the *Lewisville Comprehensive Plan* (L) shall be used as guides, in conjunction with other factors, in determining the appropriateness of the proposed district.

(A) NCO Neighborhood Conservation Overlay District

(1) Purpose. The NCO District is intended:

(a) To preserve and enhance the appearance and special character of certain older neighborhoods by encouraging reuse of existing buildings and new infill development which respects the context of the existing built and natural characteristics;

(b) To recognize these characteristics as a major part of the community's identity and positive image, and thereby enhance the visual quality of the community;

(c) To stabilize and improve property values; and,

(d) To reduce conflicts between new construction and existing development.

(2) NCO District Requirements.

(a) Applicability

(i) New Development. The regulations of the NCO District shall apply to all new development within the boundaries of the NCO District except as specifically exempted by the provision of this section.

(ii) Existing Development. A structure existing at the time a NCO District is approved shall not be deemed a nonconformity because of the NCO District regulations.

(iii) Work by Local Governments and Utility Companies. The regulations of the NCO District shall apply to changes in appearance made by local governments or utility companies to street paving, sidewalks, trees, utility installations, walls, lighting, fences, structures and buildings on public property, easements, or streets.

(b) Exemptions. The following types of activities are exempt from the provisions of this section:

(i) Replacement of existing structures with a like structure.

(ii) Interior alterations.

(iii) Remodeling or other alterations which do not create additional building floor area, and/or to which the conservation standards are not applicable.

(iv) Routine maintenance or repair of any structure or site feature.

(v) Routine maintenance or repair of streets, sidewalks, pavement markings, utility service lines, street signs, traffic signals, and/or replacement of street light fixtures.

(vi) The construction, reconstruction, alteration, restoration, moving, or demolition of any structure or site feature which the Zoning Officer determines is required to protect the public safety because of an unsafe or dangerous condition.

(c) Development Review Process

(i) Site Plan Requirement. Except for projects as specifically exempted herein, no building, grading, or demolition permit shall be issued within the NCO District prior to the submittal and approval of plans by the Director of Planning. The plans shall meet the requirements of Article VII.

(ii) Compliance Required. No site plan or subdivision plat shall be approved which does not demonstrate compliance with the provisions of this section and the conservation standards of the applicable design study.

(iii) Appeals. Any aggrieved party may take an appeal from the actions of the Director of Planning to the Board of Adjustment, whether the site plan was approved or disapproved.

(d) Standards for Development Within the NCO District.

(i) Conservation Standards. All development within the NCO District shall be subject to the conservation standards contained in the applicable Neighborhood Design Study. These conservation standards may be more stringent or less stringent than the regulations of the underlying zone; in the event of any conflict, the neighborhood conservation standard shall apply. However, the conservation standards shall be objective standards and may regulate only the following: Dimensional requirements, natural and constructed landscape and bufferyard features, parking requirements, signage, lighting, vehicular access, location of exterior entrances and stairways, roof shape, building orientation and scale, outdoor storage, location and screening of utilities.

(ii) Demolition. A demolition permit may not be denied within a NCO District; however, the effective date of such certificate may be delayed not more than ninety (90) calendar days from the date of approval. During the period of delay, the Zoning Officer, in consultation with the Director of Planning, may conduct efforts to preserve the building. If the Zoning Officer, in consultation with the Director of Planning, finds that the building has no particular significant value toward maintaining the character of the district, he/she may waive all or part of such period and authorize earlier demolition or removal.

(3) Zoning Applications

Except for applications filed by the City or County, the Planning Board shall not accept applications for zoning property to a NCO District unless the application meets all of the following criteria:

(a) The area to be zoned shall contain at least fifteen (15) contiguous acres or shall be an expansion of an existing NCO District.

(b) The area to be zoned is an area whose development began at least twenty-five (25) years prior to the application for zoning to the NCO District.

(c) A Neighborhood Design Study which outlines the conservation standards for the area has been adopted by the Elected Body.

(4) Neighborhood Design Study

(a) The Neighborhood Design Study shall include at least the following elements:

(i) A determination that the area meets the size and age of development criteria.

(ii) An inventory and description of the distinctive natural and built features of the area.

(iii) listing of the conservation standards to be met within the area if NCO District zoning is adopted.

(iv) A listing of voluntary conservation guidelines for the area.

(b) The Neighborhood Design Study shall be submitted to the Planning Board for review and recommendation prior to submission to the Elected Body for adoption.

(c) When a NCO District is approved, the conservation standards contained in the applicable Neighborhood Design Study are adopted by reference and become a part of the *Zoning Ordinance*, and are included as an appendix item to the *Zonin Ordinance*.

(B) TO Thoroughfare Overlay District.

(1) Purpose. The TO District is intended to:

(a) Encourage development and redevelopment which preserves the visual quality and functional operation of major roadways;

(b) Enhance the visual image of the community;

(c) Promote traffic safety;

(d) Preserve property values; and,

(e) Implement the goals, policies, and objectives of *Vision 2005*.

(2) Overlay District Requirements.

(a) Applicability. Within a TO District, every use of a building or land hereafter established, including demolition and reconstruction of new uses, shall meet the requirements of this section unless otherwise exempted below.

(b) Exemptions.

(i) New Residential Development. New single family, duplex, or twin home development shall be exempt from all of the provisions of this section.

(ii) Reuse or Redevelopment. Reuse, remodeling, repairs, or other redevelopment which do not create additional building floor area or parking spaces shall be exempt from the provisions of this section.

(iii) Expansions. Building additions, parking lot expansions or other redevelopment that creates additional building floor area or parking spaces not exceeding twenty-five percent (25%) of the floor area or parking spaces existing on the site on the effective date of this Ordinance shall be exempt from the provisions of this section, except no expansion may occur within a required setback area. There shall be only one such expansion.

(iv) Shallow Lots. Vacant lots of record existing as of the effective date of this Ordinance in Growth Management Areas 1, 2, 3 or 4A with less than one hundred fifty (150) feet of depth, or in Growth Management Areas 4B, 5 or 6 with less than two hundred (200) feet of depth shall be exempt from the provisions of this section, except that these lots are required to meet the ten (10) foot setback for parking off right-of-way and streetyard planting.

(v) Streetyard. If existing structures or parking areas are located within a landscaped streetyard area required pursuant to this section on the effective date of this Ordinance, reduction in streetyard width is permitted as provided in Section 3-4.3(A)(3)(b).

(c) Applicable Roads and Boundaries. The TO District shall consist of the public right-of-way and those lands within one hundred (100) feet of either side of the right-of-way, including access ramps of all freeways and expressways and roads in the Interstate System. Additional roads may be included in a TO District pursuant to Section 2-1.6(B)(3). The TO District does not include land lying underneath bridges or elevated portions of roadways.

(d) Development Review. No building or zoning permit or subdivision plat shall be approved which does not demonstrate compliance with the provisions of this section.

(e) Standards for Development Within the TO District. All development within the TO District shall be subject to the site development standards of the underlying district, in addition to the following:

(i) Enclosed Facilities. All manufacturing, storage, offices, wholesale, retail sales, or similar uses, other than display areas for motor vehicle sales and plant nurseries, shall be conducted within an enclosed building, except as otherwise provided below.

(ii) Outside Storage. Outside storage shall be permitted only if screened from view from the thoroughfare. The outside storage shall not occupy an area larger than one-half of the area covered by the principal building.

(iii) Loading and Garage Bays. All loading areas and entrances to motor vehicle repair bays shall be screened from view from the thoroughfare.

(iv) Shielding On-Site Utilities. All public utilities and related facilities, heating, ventilation and air conditioning (HVAC) units, including on-ground and rooftop mechanical systems, and dumpsters, shall be so located and/or shielded so as to not be visible from the public right-of-way.

(v) Utilities. All utilities providing direct service to individual buildings shall be placed *underground*. All distribution lines running parallel to the roadway within the TO District and installed or relocated in conjunction with construction of a new thoroughfare or widening of an existing thoroughfare which involves the relocation of power lines and poles shall be located *underground*, unless required to be placed above ground by the applicable utility provider.

(vi) Setback. Any new structure or vehicular use area, including parking lots, loading areas, and driveways, and any addition to an existing structure or vehicular use area shall be set back a minimum distance from the right-of-way line as indicated below:

4. MAJOR SUBDIVISIONS

(A) Definition

A major subdivision of land whether in single or multiple ownership shall mean all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of a gift, sale, or building development where new public streets will be constructed. All lots must comply with the size and area requirements of the *Zoning Ordinance* or any other applicable local or state land regulatory ordinances. Preliminary subdivision approval of a plat in accordance with Section 4(C) is required by the Planning Board (F,W)/Elected Body (C,K,L). Final plats must be recorded in the office of the Register of Deeds in accordance with Section 4(H) when all the requirements of these regulations have been met for the subdivision.

(B) Development Standards and Requirements for Preliminary Subdivision Approval

This section lists development standards and requirements for preliminary subdivision approval. However, subdividers are invited to discuss ideas and special development problems with Planning staff before preparing and submitting proposals for preliminary subdivision approval.

(1) Streets or Roads

(a) All streets or roads shall be designed to become parts of the major street or road system of the jurisdiction and County, as shown on adopted plans. These streets or roads shall be coterminous with adjoining links in said system.

(b) All subdivisions shall be accessed by public streets. No subdivision will be permitted access via private streets. All streets inside preliminary subdivisions and subdivisions with final plats shall be public streets. No private streets shall be allowed inside the subdivision except those developments where private streets have been approved in accordance with the *Unified Development Ordinances*.

(c) Dedication of additional rights-of-way, widenings, or other improvements to existing public streets upon which the property fronts or which provide access to new subdivisions may be required of the developer.

(d) All streets within the corporate limits of Winston-Salem, or areas being considered for annexation, or areas identified for City street construction as shown on the "City Street Construction Areas" map as adopted by the Planning Board (F,W)/Elected Body (C,L) and on file in the office of the Planning Board, shall be in accordance with the standards of the Engineering Division. All other streets in applicable areas of Forsyth County shall be in accordance with the standards of the North Carolina Department of Transportation. Greater street widths may be required for residential or non-resider.tial collector streets where deemed by the Planning Board to be necessary to the public safety, welfare, health or convenience. (F,W,C,L)

Street standards within the corporate limits of Lewisville shall permit narrower widths with slower design speeds than are conventionally required. Design speeds may be reduced to 20 mph on local residential streets. Local residential street widths may be reduced to twenty (20) feet in width without parking, twenty-six (26) feet in width with one side parking and thirty-two (32) feet in width with two-side parking. Residential collector streets may be reduced to thirty-two (32) feet in width, with a design speed of 25 mph. Wider widths than the minimums may be permitted with the inclusion of adequate traffic calming designs to control speeds. Site plan or subdivision review will consider and adjust roadway alignments where sight distance problems occur. Roadway width and geometry may be revised by the Elected Board to promote public health, safety and general welfare. Utilities may be placed

under the roadway. (L)

All new public residential streets within the zoning jurisdiction of the Town of Lewisville shall require either valley or conventional curb and gutter. (L)

(e) All streets within the zoning jurisdiction of the Town of Kernersville shall meet the following standards: (K)

(i) In any new subdivision the street layout shall conform to the arrangement, width and location indicated by official plans or maps for Kernersville. In areas for which the plans have not been completed, the streets shall be designed and located in proper relation to existing and proposed streets; to the topography; to the natural features as streams and tree growth; to public convenience and safety; and to the proposed use of land to be served by the streets.

(ii) The arrangements of streets in new subdivisions shall make provision for the continuation of the principal existing streets in adjoining subdivisions or, when adjoining property is not subdivided, their proper protection insofar as they may be necessary for public requirements, by providing new streets of a width deemed necessary by the Planning Board. In general, the streets shall be at least as wide as the existing streets, and in no case shall the width be less than the minimum specified in this Chapter. The street and alley arrangement must also be such as to cause no hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it, and must provide for continuing a reasonable number of through utility lines. When a new subdivision adjoins unsubdivided land, or is to be built in sections, the new streets shall be carried to the boundaries of the tract proposed to be subdivided, and all stub streets shall be constructed to the boundaries of the property prior to the recording of any plat, except where it is determined by the Planning Board that certain streets are not required to be extended and constructed.

(iii) Intersections of local streets with major streets are to be kept to a minimum and shall be at least six hundred (600) feet apart measured from centerline to centerline.

(iv) The minimum acceptable width of street right-of-way within the corporate limits shall be sixty (60) feet; provided that in appropriate cases the Board may approve a lesser width for minor access streets such as culs-de-sac. In the area outside the town limits the minimum of all streets shall be sixty (60) feet. Greater street widths may be required for arterial and connector streets where deemed by the Board to be necessary to the public safety, welfare, health or convenience.

(v) Except in unusual circumstances, culs-de-sac or other dead-end streets, designed to be so permanently, shall not be longer than six hundred (600) feet and shall have at the closed end a circular turn-around having an outside roadway diameter of at least eighty (80) feet and a right-of-way line diameter of at least one hundred ten (110) feet; provided, however, that where existing terrain or other condition is deemed by the Board to warrant a departure from this standard, the Board may approve a T-shaped turn-around having a roadway at least twenty (20) feet in width and seventy-six (76) feet in length perpendicular to the main roadway and with arcs of twenty-five (25) foot radius or with equivalent chords.

(vi) Except in unusual circumstances, street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be approved. See Illustration IVB in Appendix.

(vii) Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any street at less than sixty (60) degrees. See Illustration IVA in Appendix.

(viii) Except in unusual circumstances, street grades shall not exceed six (6) percent on arterial or collector streets or ten (10) percent on minor residential or access streets. Grades of proposed streets shall not exceed plus three (3) percent or minus three (3) percent for the first one hundred (100) feet from the centerline of any state maintained road. See Illustration IVC in Appendix.

(ix) Vertical (crest) curves. All changes in vertical grade shall be connected by vertical (crest) curves of minimum length equal to twenty (20) times the algebraic difference in rates of grade for marginal access or residential service streets and thirty-five (35) times the algebraic grade difference for arterial or collector streets.

(x) Curves. Where a deflection angle of more than ten (10) degrees in the alignment of the street occurs, the right-of-way shall be curved. The minimum horizontal radius of curvature at the centerline of proposed street rights-of-way shall not be less than the following: See Illustration VI in Appendix.

[A] Residential service and cul-de-sac streets, two hundred (200) feet;

[B] Collector streets, four hundred (400) feet;

[C] Arterial streets, eight hundred (800) feet. See Illustration V in Appendix.

(xi) Half-streets, i.e. right-of-way one-half the standard or required width, shall not be approved except where essential to the reasonable development of the subdivision or of adjacent land. Any half-street approved shall be dedicated as an easement for half of a future street and so noted on the final plat.

(xii) Street names. Proposed streets, which are obviously in alignment with others existing and named, shall bear the assigned name of the existing streets. In no case shall the name for a proposed street duplicate or be phonetically similar to an existing street name, irrespective of the use of the suffix *street, avenue, boulevard, drive, place, court*, etc. Street names for all new subdivisions shall be subject to approval by the Board of Aldermen.

(xiii) Permanent street name markers shall be installed by the developer in accordance with town specifications.

(xiv) Clearing and grubbing. Before grading is started the entire right-of-way area shall be cleared of all trees, stumps, roots, brush and other objectionable materials.

(xv) Grading. All tree stumps, boulders, and other obstructions shall be removed to a depth of two (2) feet below the subgrade. Rocks, when encountered, shall be scorified to a depth of twelve (12) inches below subgrade. The entire right-of-way shall be graded.

(xvi) ;Drainage. An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, deep inlets, bridges, etc., shall be provided for the proper drainage of all surface water. Cross drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit a full width roadway and required slopes. The size of openings to be provided shall be determined by Talbot's formula, but in no case shall the pipe diameter be less than fifteen (15) inches. Cross drains shall be built on straight line and grade, and shall be laid on a firm base but not rock. Pipes shall be laid with spigot end pointing in the direction of the flow and with the ends fitted and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact and in no case shall the top of the pipe be less than one foot below the roadbed.

(xvii) Sidewalks. Sidewalks, where required, shall be four (4) feet wide and four (4) inches deep of Portland Cement concrete.

(xviii) Shoulders. The shoulders and slopes shall be shaped, trimmed and compacted in proper sequence for the type of base or surfacing being constructed. The construction shall be so performed that the shoulders, adjacent ditches and slopes will at all times be adequately drained.

(xix) Roadway base. Roadway base shall be topsoil, gravel, etc., and applied as shown on illustrations for Street Improvements Standards I. See Illustration VII in Appendix.

(xx) Roadway surface. Roadway surface shall be hot laid asphaltic concrete compacted to one and one-half (1.5) inches as shown on illustrations for Street Improvements Standards I. See Illustration VII in Appendix.

(xxi) Curb and gutter.

[A] Street Improvement Standards. Curb and gutter shall be installed as shown on Street Improvements Standards I. See Illustration VII in Appendix.

[B] Valley Curb. Valley curb may be used for internal streets and cul-de-sacs within residential single family subdivisions and for single family planned residential development (PRD) streets following approval of the Elected Body, provided that:

[1] Sidewalks running parallel to such valley curb shall be placed a minimum of three (3) feet from the back side of said valley curb; and,

[2] Driveways located on cul-de-sacs and/or in low lying areas shall be properly ramped to prevent off-site flow of water. Plans for the use of such valley curb shall be submitted to the Public Works Director for review and recommendation (s) to the Elected Body as to ramping, trench drains, or other methods of water control which may be required.

The use of valley curb is specifically prohibited:

[i] In Industrial, Business, and Office districts;

[ii] In multifamily collector streets;

[iii] Along major or minor thoroughfares, collector streets, or stub streets; and,

[iv] Along streets where standard curb and gutter is in use.

(xxii) Where public water and sewer are not available, Sections 4.(B)(1)(e) (xix) and (xxi) as applicable to residential streets shall be waived. Paving shall be constructed to a width of twenty-two (22) feet and in all other respects the construction shall meet the standards of the North Carolina Department of Transportation (Code of 1963, Section 14-50; Ordinance of June 1, 1976).

(f) All subdivisions shall be designed to have interconnecting streets for a consistent development pattern. In cases where major streams or other physical barriers must be crossed to provide for inter-connecting streets, exemptions from this regulation shall be based on the length, cost, and construction difficulties of connecting streets and shall be decided by the Planning Board (F,W)/Elected Body (C,K,L).

(g) All subdivisions shall dedicate right-of-way and construct stub streets to any adjoining properties to facilitate traffic circulation within the context of the overall transportation network. All stub streets shall meet the design and construction criteria required by each governmental jurisdiction and shall be constructed to the property line or bonded before final plats are approved for the sections of the subdivision where said streets are located. All stub streets shall be designed, constructed, and placed in locations which will permit the future extension of these streets. Any developments proposed adjacent to recorded but unbuilt stub streets shall construct the stub street through to the nearest public street inside the adjacent development. Any exemption from this regulation shall be based on the length, cost, and construction difficulties of connecting stub streets to adjacent developments resulting from natural topographic features, constructed improvements, or existing or future location of streets or lots; such exemption shall be decided by the Planning Board (F,W)/Elected Body (C,K,L). Said exemption shall pertain to the dedication of right-of-way and/or construction of the stub street.

(h) Blocks, or the distance between street intersections, shall not be less than six hundred (600) feet nor more than twelve hundred (1,200) feet in length except when the Planning Board (F,W)/Elected Body (C,K,L) may deem that existing conditions or special plan provisions warrant a variation from this requirement.

(i) Except in unusual circumstances, culs-de-sac or other dead-end streets, designed to be so permanently, shall not be longer than twelve hundred (1,200) feet and shall have either a cul-de-sac or a T-shaped turnaround installed at the end. Culs-de-sac shall have an improved circular turnaround with a minimum radius of forty (40) feet with a minimum public right-of-way radius of fifty (50) feet centered on the improved street area. T-shaped turnarounds shall have an improved street area of twenty-six (26) feet by sixty (60) feet with twenty-five (25) foot radii perpendicular and symmetrically located at the end of the street. The public right-of-way for these turnarounds shall be a minimum of forty-five (45) feet by seventy-five (75) feet centered on the improved street area. In cases where streets are built to adjoining property lines and are to be extended in the future, the board may grant a temporary T-shaped turnaround having a paved roadway area of not less than forty (40) feet in width and forty-eight (48) feet in length perpendicular to the main roadway with curve radii of not less than ten (10) feet. Said temporary T-shaped turnaround shall have a right-of-way of not less than fifty (50) feet as an extension of the main roadway with the paved roadway area centered in the right-of-way. There shall be a ten (10) foot by sixty (60) foot temporary construction and maintenance easement at the end and on both sides of the temporary T-shaped turnaround. Said easements shall be removed when the street is extended and the temporary T-shaped turnaround removed.

INSET: SUBREG.101

(j) Sidewalks shall be required in all residential subdivisions where curb and gutter streets are required. Sidewalks shall be placed three (3) feet back of curb and shall be four (4) feet in width, four (4) inches thick, and shall be constructed of three thousand five hundred (3,500) PSI Portland Cement Concrete. Sidewalks shall have a lateral slope toward the street of one-quarter inch to one-half inch per foot for drainage. Sidewalks shall be placed on both sides of all residential streets with curb and gutter. Additional sidewalks may be required by Planning Board or Board of Aldermen where circumstances warrant. All curbing and sidewalks shall meet Americans with Disabilities Act (ADA) requirements. The developer/landowner is responsible for meeting the ADA requirements. (K)

All new conventional residential subdivisions shall provide sidewalks, geenways or bikeways at a ratio of one (1) linear foot of sidewalk, greenway or bikeway per linear, centerline foot of public streets when considering the PRD or Subdivision as a whole. Alleys and private drives associated with minor subdivisions are exempt from linear foot calculations. The exact location and type of pedestrian connection shall be determined during the site plan and subdivision review process with an emphasis on the functional relationship of the required connection to destination points and other existing or planned pedestrian segments. All pedestrian segments shall meet or exceed ADA standards and shall otherwise be constructed of concrete, asphalt or other allweather surface. (L)

(k) Half-streets, i.e., rights-of-way one-half the standard or required width, shall not be approved except where essential to the reasonable development of the subdivision or of adjacent land. Any half-street approved shall be dedicated as an easement for half of a future public street and so noted on the final plat. Also noted on the final plat will be a statement that the owner of the half an easement for a future public street shall dedicate the easement as public right-of-way once the adjoining property owner has received preliminary subdivision approval and is ready to construct the new public street.

(l) No subdivision showing reserved strips of land shall be recorded, except for subdivisions for which, because of the depth of the land or the layout of streets, a new street must be constructed linearly along another person's property line (stub streets are excluded from this provision). In these cases, a one foot strip of land may be recorded on the final plat between the street and the adjoining property line provided that a document for the sale of all or part of said strip of land to the adjoining property owner shall be recorded in the office of the Register of Deeds. This document must provide for the sale of this land or any part of this land if the adjoining property owner pays one-half the cost of constructing the street per linear foot. The cost of the street must be approved by Planning staff and may include engineering, grading, construction, and public utilities for the affected street only. No provision can be made in the document for the resale of this land or any part of this land at an inflated price. The resale price must be the original cost of the improvements. The deed book and page number of this recorded resale document must be shown on the final plat for this one foot strip of land.

INSET: SUBREG.102

(m) Except in unusual circumstances, street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be approved.

INSET: SUBREG.103

(n) Streets shall be designed so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees.

INSET: SUBREG.104

(o) All new subdivisions will have triangular sight distance easements shown in dashed lines at all street intersections and so noted on the final plat map. These easements will remain free of all structures, trees, shrubbery, driveways, and signs, except utility poles, fire hydrants, and traffic control signs. Sight easements shall be ten (10) feet by seventy (70) feet running from the intersection along the right-of-way of the pertinent street.

INSET: SUBREG.105

(p) All new public streets shall include a ten (10) foot utility easement on both sides of the street reserved for the installation and maintenance of water, sewer, power, telephone, gas, *cable*, or any other public utility, unless adequate right-of-way is available for utilities.

INSET: SUBREG.106

(q) Street names will be approved by the Planning staff and shall be shown on the preliminary subdivision plat.

(r) Street trees, planted to define a street canopy, shall be provided at a rate of one (1) tree per twenty-five (25) linear feet of frontage plus one additional tree per lot in all conventional subdivisions. (L)

(2) Lots

(a) Lots shall conform to the *Zoning Ordinance* and any other applicable local or state land regulatory ordinances.

(b) Subdivisions shall be designed to exclude any road frontage lots on major or minor thoroughfares as shown on the adopted *Transportation Plan*. Said lots shall be served internally within the subdivision and shall have no access to the major roads. This requirement is consistent with the driveway policy of both the City of Winston-Salem and the North Carolina Department of Transportation. Any exemption from this regulation shall be based on hardships which arise from irregular shapes of property and/or any construction difficulties arising from providing internal access to these lots. Said exemptions shall be decided by the Planning Board (F,W)/Elected Body (C,K,L).

INSET: SUBREG.107

(c) Along major/minor thoroughfares or at thoroughfare intersections into or within the subdivision, negative access easements will prohibit access onto thoroughfares from corner lots. Access must instead be provided to the lot on the nonthoroughfare street at the intersection. These negative access easement shall be shown on the final plat. See illustration for acceptable example in 4.(B)(2)(b) above.

(d) In all rectangular lots, and so far as possible in all other lots, side lot lines shall be at right angles or radial to the streets on which the lots face. Flag lots or lots which only have a narrow strip of land fronting the lot on a public street will only be approved under unusual circumstances (see Section 4.(B)(2)(e) below). If such lots are approved, the minimum frontage of the lot on the public street will be twenty-five (25) feet.

INSET: SUBREG.108

(e) Flag lots may be created with the following stipulations:

(i) Twenty-five (25) feet of the width of the "pole" or driveway access to the flag lot may not be used in the calculation of the lot area of the flag lot;

(ii) The pole may not be used for either lot area or yard calculation of any other lot; and,

(iii) If more than one flag lot is proposed to the rear of another lot or stacked off the street, a special use permit from the Board of Adjustment is required.

(3) Public or Private Utilities

(a) Water.

(i) All subdivisions of land within one thousand (1,000) feet of public water shall be required to provide public water to the subdivision and install fire hydrants in accordance with the Fire Department of the applicable jurisdiction. The preliminary subdivision plat shall indicate that public water is to be used.

(ii) If public water is not available or required, the preliminary subdivision plat shall indicate the private water system to be used.

(iii) If fire hydrants are installed as part of a private water system, the system and fire hydrants shall be approved by the Fire Department of the applicable jurisdiction.

(b) Sewerage.

(i) The preliminary subdivision plat shall indicate if public sewer is to be used.

(ii) If public sewer is not available or required, the preliminary subdivision plat shall indicate the private sewer systems to be used.

(c) Drainage.

(i) The preliminary subdivision plat should consider any areas with special drainage requirements. Drainage easements shall be shown on the final plat.

(ii) If a stormwater retention or detention system is required by local or State ordinance, the preliminary location of the devices to be used in the system shall be shown on the preliminary subdivision plat.

(d) Electricity, Telephone, *Cable* Television and Natural Gas. All distribution lines and lines providing direct service to individual properties for electricity, telephone and *cable* television shall be installed underground, unless required by the utility provider to be placed aboveground.

(4) Other

(a) The preliminary subdivision plat shall conform to such plan or plans for the jurisdiction or portions thereof, as shall have been prepared and adopted by the Planning Board (F,W)/Elected Body (C,K,L).