

## Article XIV Streets and Sidewalks

### Section 231. Street Classification

**[a]** In all new subdivisions, streets that are dedicated to public use shall be classified as provided in Subsection [b].

- [1] 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;
- [2] 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;
- [3] 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.

**[b]** The classification of streets dedicated to public use shall be as follows:

- [1] *Minor*: A street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than nine dwelling units and is expected to or does handle up to seventy five (75) trips per day.
- [2] *Local*: A street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least ten (10) but no more than twenty five (25) dwelling units and is expected to or does handle between seventy five (75) and two hundred (200) trips per day.
- [3] *Cul-de-sac*: A street that terminates in a vehicular turnaround.

- [4] *Subcollector*: A street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial streets. Including residences indirectly served through connecting streets, it serves or is designed to serve at least twenty six (26) but not more than one hundred (100) dwelling units and is expected to or does handle between two hundred (200) and eight hundred (800) trips per day.
- [5] *Collector*: A street whose principal function is to carry traffic between minor, local, and subcollector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than one hundred (100) dwelling units and is designed to be used or is used to carry more than eight hundred (800) trips per day.
- [6] *Arterial*: A major street in the town's street system that serves as an avenue for the circulation of traffic into, out, or around the town and carries high volumes of traffic.
- [7] *Marginal Access Street*: A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

**[c]** Private streets will be permitted to serve as access within residential developments, however, the dedication of public streets and other rights-of-way or easements may be required if they are indicated in official plans adopted by the Town Council. Public streets and or other rights-of-way or easements of public access over private streets will be required where the North Carolina Department of Transportation, or Public Works Commission determines that such access is necessary for promotion of public health, safety and welfare.

**[d]** The developer shall reserve a minimum thirty (30) feet right-of-way width along all private streets. The reserved area may not be used to satisfy lot area requirements or be included in any required yard space. Private streets may be utilized under the following conditions.

- [1] The developer shall record with the Watauga County Register of Deeds an instrument setting forth provisions for the establishment of a property owners association for the purpose of assessing dues for maintenance of the roads by the purchasers of the property which will be served by the roads within the development. The developer shall maintain the road at least until such time that the property owners association assumes maintenance.

- [2] A subdivision disclosure statement is provided as required by G.S. 136-102.6, which fully discloses the status, whether public or private, of the road upon which the lots front.

### **Section 232. Access to Lots**

**[a]** Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.

**[b]** A driveway that meets the requirements of sub-section [a] above may provide access to no more than two (2) lots. When a single driveway provides access to more than one lot, easement rights in favor of each of the lots that rely upon the driveway for access shall be provided. These rights may be by means of a document recorded in the public records of Watauga County or by means of a notation on the plat of the subdivision that is recorded. Every lot will be required to meet the minimum street frontage widths as required in Section 203.

### **Section 233. Access to Arterial Streets**

**[a]** Whenever a major subdivision that involves the creation of one or more new streets borders on or contains an existing proposed arterial street, no direct driveway access may be provided from the lots within this subdivision onto this street.

### **Section 234. Entrances to Streets**

**[a]** All driveway entrances and other openings onto streets within the town's planning jurisdiction shall be constructed so that:

- [1] Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling in abutting streets, and
- [2] Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.

**[b]** All driveways shall conform to the Town of Boone Code, Chapter 98, or the North Carolina Department of Transportation Manual on Driveway Entrance Requirements, whichever is most restrictive.

**[c]** If a traffic impact analysis is performed and that analysis concludes that improvements are required to the transportation system; the applicant may be required to complete those improvements in connection with the project as a condition of issuing a permit. Unless an agreement is executed by the town in which the time for the improvement is specified the improvement shall be completed prior to issuance of a certificate of occupancy. The fact that the obligation to construct lies with the applicant does not preclude the town from entering into an agreement to participate if that will be in the interest of the town.

### **Section 235. Coordination with Surrounding Streets**

**[a]** The street system of a subdivision shall be coordinated with existing, proposed, and anticipated streets outside the subdivision or outside the portion of a single tract that is being divided into lots (hereinafter, “surrounding streets”) as provided in this section.

**[b]** Collector streets shall intersect with surrounding collector or arterial streets at safe and convenient locations.

**[c]** Subcollector, local, and minor residential streets shall connect with surrounding streets where necessary to permit the convenient movement of traffic between residential neighborhoods or to facilitate access to neighborhoods by emergency service vehicles or for other sufficient reasons, but connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.

**[d]** Whenever connections to anticipated or proposed surrounding streets are required by this section, the street right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connections to the anticipated or proposed street is expected. In addition, the permit issuing authority may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles. Notwithstanding the other provisions of this subsection, no temporary dead end street in excess of one thousand (1000) feet maybe created unless no other practicable alternative is available.

### **Section 236. Relationship of Streets to Topography**

**[a]** Streets shall be related appropriately to the topography. In particular, streets shall be designed to facilitate the drainage and storm water runoff objectives set forth in Article XVII, and street grades shall conform as closely as practicable to the original topography.

**[b]** As indicated in Section 237, the maximum grade at any one point on a street constructed without curb and gutter shall be fifteen percent (15%). On streets constructed with curb and gutter, the grades shall not exceed fifteen percent (15%) unless no other practicable alternative is available.

**Section 237. Street Width and Drainage Requirements in Subdivisions**

**[a]** Street rights-of-way are designed and developed to serve several functions: (i) to carry motor vehicle traffic, and in some cases allow on street parking; (ii) to provide a safe and convenient passageway for pedestrian traffic; and (iii) to serve as an important link in the town’s drainage system. In order to fulfill these objectives, all public streets shall be constructed to meet either the standards set forth in Subsection [b] or Subsection [c].

**[b]** The following classifications of streets may be constructed with four foot wide shoulders and drainage swales on either side in lieu of curb and gutter, so long as the street grade does not exceed a grade of fifteen percent (15%). Such streets shall be constructed to meet the criteria indicated in the table that follows as well as specifications referenced in Section 240.

Street Type	Minimum Right-of-Way Width (in feet)	Minimum Pavement Width (in feet)
Minor	45	18
Local	45	18
Private	30	18
Subcollector	50	20

**[c]** Except as otherwise provided in Subsection [b], all streets shall be constructed with curb and gutter and shall conform to the other requirements of this subsection. Only standard ninety (90) degree curb may be used, except that roll type curb shall be permitted along minor and local streets within residential subdivisions. Street pavement width shall be measured from curb face to curb face where ninety (90) degree curb is used, and from the center of the curb where roll type curb is used. The minimum paving width for local, subcollector and collector streets may be increased if deemed necessary by the permit issuing authority.

Street Type	Minimum Right-of-Way Width (in feet)	Minimum Pavement Width (in feet)
Minor	40	20
Local	40	20
Private	30	18
Subcollector	50	20
Collector	50	20

### Section 238. General Layout of Streets

**[a]** Subcollector, local and minor residential streets shall be curved whenever practicable to the extent necessary to avoid conformity of lot appearance.

**[b]** Cul-de-sacs and loop streets are encouraged so that through traffic on residential streets is minimized. Similarly, to the extent practicable, driveway access to collector streets shall be minimized to facilitate the free flow of traffic and avoid traffic hazards.

**[c]** All permanent dead end streets (as opposed to temporary dead end streets, see Subsection 235 [d]) shall be developed as cul-de-sacs in accordance with the standards set forth in Subsection [d]. Except where no other practicable alternative is available, such streets may not extend more than five hundred fifty (550) feet (measured to the center of the turnaround).

**[d]** The right-of-way of a cul-de-sac shall have a radius of fifty (50) feet. The radius of the paved portion of the turnaround (measured to the outer edge of the pavement) shall be thirty five (35) feet. Alternative cul-de-sac designs published in NCDOT's "Subdivision Roads - Minimum Construction Standards" will be considered by the permit issuing authority only in situations where, because of the physical characteristics of the site, the construction of a symmetrical "bulb" end design may not be in the public's best interest.

**[e]** Half streets (i.e., streets of less than the full required right-of-way and pavement width) shall not be permitted except where such streets, when combined with a similar street (developed previously or simultaneously) on property adjacent to the subdivision, creates or comprises a street that meets the right-of-way and pavement requirements of this ordinance.

**[f]** Streets shall be laid out so that residential blocks do not exceed eighteen hundred (1800) feet, unless no other practicable alternative is available.

**Section 239. Street Intersections**

**[a]** Streets shall intersect as nearly as possible at right angles, and no two streets may intersect at less than sixty (60) degrees. Not more than two streets shall intersect at any one point, unless the public works director certifies to the permit issuing authority that such an intersection can be constructed with no extraordinary danger to public safety.

**[b]** Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a centerline offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall not be less than one hundred fifty feet.

**[c]** Except when no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than four hundred (400) feet measured from centerline to centerline of the intersecting street. When the intersected street is an arterial, the distance between intersecting streets shall be at least one thousand (1000) feet.

**Section 240. Construction Standards and Specifications**

**[a]** All public streets shall be constructed in accordance with the design construction standards promulgated by the North Carolina Department of Transportation (NCDOT), unless a more restrictive standard is herein, in which case the more restrictive standard shall apply. A copy of the NCDOT standards shall be available for inspection in the Planning and Inspections Department.

**Section 241. Public Streets and Private Roads in Subdivisions**

**[a]** Except as otherwise provided in this section, all lots created after the effective date of this section shall abut a public street at least to the extent necessary to comply with the access requirement set forth in Section 232. For purposes of this subsection, the term "public street" includes a preexisting public street as well as a street created by the subdivider that meets the public street standards of this ordinance and is dedicated for public use. Unless the recorded plat of a subdivision clearly shows a street to be private, the recording of such a plat shall constitute an offer of dedication of such street.

**[b]** Architecturally integrated residential subdivisions containing twenty five (25) or more dwelling units may be developed with private roads that do not meet the public street standards of this ordinance as long as:

- [1] The proposed development will have direct access onto a public street or, if the tract has access to a public street only via a private road, such private road is improved to public street standards,
- [2] No road intended to be private is planned to be extended to serve property outside that development, and

- [3] The standards applicable to unsubdivided developments set forth in Sections 242 and 243 are complied with.

**[c]** Architecturally integrated subdivisions containing any number of dwelling units may be developed with private roads that do not meet the public street and sidewalk standards of this ordinance but that are not intended for dedication to the public so long as:

- [1] The proposed development will have direct access onto a public street or, if the tract has access to a public street only via a private road, such private road is improved to public street standards,
- [2] No road intended to be private is planned or expected to be extended to serve property outside the development, and
- [3] The subdivider demonstrates to the reasonable satisfaction of the council that the private roads will be properly maintained.

**[d]** No final plat that shows lots served by private roads may be recorded unless the final plat contains the following notations:

- [1] "Further subdivision of any lot shown on this plat as served by a private road may be prohibited by the Town of Boone Unified Development Ordinance."

**[e]** The recorded plat of any subdivision that includes a private road shall clearly state that such road is a private road. Further, the initial purchaser of a newly created lot served by a private road shall be furnished by the seller with a disclosure statement outlining the maintenance responsibilities for the road.

#### **Section 242. Road Requirements in Unsubdivided Developments**

**[a]** Within unsubdivided developments, all private roads and access ways shall be designed and constructed to facilitate the safe and convenient movement of motor vehicle and pedestrian traffic. Widths of roads, use of curb and gutter, and paving specifications shall be determined by the provisions of this ordinance dealing with parking (Article XIX) and drainage (Article XVII). To the extent not otherwise covered in the foregoing articles, and to the extent that the requirements set forth in this article for subdivision streets may be relevant to the roads in unsubdivided developments, the requirements of this article may be applied to satisfy the standard set forth in the first sentence of this subsection.

**[b]** Whenever a road in an unsubdivided development connects two or more subcollector, collector, or arterial streets in such a manner that any substantial volume of through traffic is likely to make use of this road, such road shall be constructed in accordance with the standards applicable to subdivision streets and shall be dedicated. In other cases when roads in unsubdivided developments within the town are constructed in accordance with the specifications for subdivision streets, the town may accept an offer of dedication of such streets.

### **Section 243. Pedestrian Circulation and Sidewalk Requirements.**

**[a]** Purpose. The purpose of this section is to provide minimum standards for the provision of sidewalks within the Town of Boone and the Town of Boone extraterritorial planning jurisdiction. The construction of sidewalks promotes public health, safety and welfare by providing improved pedestrian safety, expanded opportunities for recreational walking, easier access to goods and services, and reduces automobile dependency.

**[b]** When Sidewalks Must Be Constructed. Sidewalks shall be required for all new construction and in connection with improvements, renovations, additions or expansions to existing structures which fall into one of the following categories:

- [1] All new major subdivisions;
- [2] All new multi-family residential development;
- [3] All new office, institutional, commercial and industrial development;
- [4] Any combination of the uses as listed above;
- [5] All office, institutional, commercial, and industrial development improvements, renovations, additions or expansions if the cost of such improvements, renovations, additions or expansions exceeds fifty percent (50%) of the appraised valuation of the structure.
  - [a] The “appraised valuation” shall mean either the appraised valuation for property tax purposes, updated as necessary by the increase in the consumer price index since the date of the last valuation, or the valuation of a professionally recognized property appraiser.

**[c]** Design Requirements.

- [1] Sidewalks shall be required along the entire length of any portions of public streets which abut the development parcel.

- [2] Sidewalks will be constructed in accordance with the Roadway & Sidewalk Program Handbook for the Town of Boone. Any deviation from the requirements must be approved by the Administrator. Deviations may only be allowed when strict compliance with the Roadway & Sidewalk Program Handbook for the Town of Boone is impractical due to topography or because there exists site conditions beyond the applicant's control and not of the applicant's making.
- [3] Whenever curb and gutter construction is used on public streets, wheelchair ramps for persons with disabilities shall be provided at intersections and other major points of pedestrian flow. Sidewalks, wheelchair ramps, and depressed curbs shall be constructed in accordance with the published standards of the North Carolina Building Code, Volume I-C, Accessibility.
- [4] Sidewalk construction must be approved by the Director of Public Works or his designee prior to the issuance of a Certificate of Occupancy.
- [5] In all multi-family residential development, sidewalks shall be provided linking dwelling units with other dwelling units, the public street, and on site activity centers such as parking areas, laundry facilities, and recreational areas and facilities.

**[d]** Alternative Methods for Pedestrian Circulation: In circumstances when an alternative method of public pedestrian circulation has been identified in a duly adopted governmental alternative transportation plan, or where a proposed public greenway will connect to an existing public greenway the permit issuing authority may allow the installation of a public greenway instead of sidewalks. The following provisions shall apply for the approval of alternative methods for the provision of pedestrian circulation:

- [1] The developer with written authorization from the property owner shall submit a written request for an alternative method for pedestrian circulation to the administrator. The request shall specify the method proposed as a substitute for sidewalk installation. A site plan depicting the location and dimensions of the alternative method of pedestrian circulation and any other information deemed necessary by the administrator shall be included with the request.
- [2] All alternative methods will be constructed to meet Town of Boone standards and will require the dedication of an assignable permanent easement to the Town of Boone.

**[e]** Fee in Lieu

- [1] Except for development along a Primary Sidewalk Priority Route where there is contiguous sidewalk infrastructure in place (as shown on the Sidewalk Priorities Plan duly adopted by the Town), when a developer is required under Section 243(b) to construct a sidewalk, the developer may in lieu of such construction deposit funds into a sidewalk fund maintained by the Town of Boone. Fee-in-lieu is not an option when existing sidewalks are removed during the course of construction; in this case sidewalks must be replaced.
- [2] Procedures for Payment of Fee in Lieu
  - [a] The developer, with written authorization from the property owner, shall submit a written notification to the Administrator of the developer's intent to pay a fee in lieu of construction.
  - [b] The developer shall pay the fee prior to the issuance of a Certificate of Occupancy. The fee shall be a fixed amount per linear foot based on the rate calculated and published on a quarterly basis by the Town. The applicable fee shall be determined by the rate in effect on the date the development plan is approved.
  - [c] All funds collected in lieu of construction shall be in addition to all other sidewalk funding and shall be placed in a separate account to be used only for costs associated with new sidewalk construction as shown on the Sidewalk Priorities Plan duly adopted by the Town.

**[f]** Whenever the permit issuing authority finds that a means of pedestrian access is necessary from the subdivision to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the streets, the developer may be required to reserve an unobstructed easement of at least ten (10) feet in width to provide such access.

**Section 244. Street Names and House Numbers**

**[a]** Street names shall be assigned by the developer subject to the approval of the permit issuing authority. Proposed streets that are obviously in alignment with existing streets shall be given the same name. Newly created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within the town's planning jurisdiction, regardless of the use of different suffixes (such as those set forth in Subsection [b]).

**[b]** Building numbers shall be assigned by the town.

**Section 245. Bridges**

**[a]** All bridges shall be constructed in accordance with the standards and specifications of the North Carolina Department of Transportation, except that bridges on roads not intended for public dedication may be approved if designed by a licensed architect or engineer.

**Section 246. Utilities**

**[a]** Utilities installed in public rights-of-way or along private roads shall conform to the requirements set forth in Article XV, Utilities.

**Section 247. Reserved****Section 248. Reserved****Section 249. Reserved****Section 250. Reserved****Section 251. Reserved****Section 252. Reserved****Section 253. Reserved****Section 254. Reserved**