

## CHAPTER 16 - LAND USE ORDINANCE

### Article XIV - Streets and Sidewalks

#### *Section 16-210 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 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 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 but not more than twenty-five dwelling units and is expected to or does handle between seventy-five and two hundred trips per day.
- (3) **Cul-de-sac:** A street that terminates in a vehicular turn-around.
- (4) **Subcollector:** A street whose sole 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 but not more than one hundred dwelling units and is expected to or does handle between two hundred and eight hundred 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 dwelling units and is designed to be used or is used to carry more than eight hundred trips per day.
- (6) **Arterial:** A major street in the city's street system that serves as an avenue for the circulation of traffic into, out, or around the city 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.

***Section 16-211 Access to Public Streets in General.***

(A) Every lot shall have either direct or indirect access to a public street. A lot has direct access to a public street if a sufficient portion of a boundary of the lot abuts the public street right-of-way so that an access way meeting the criteria set forth in subsection (B) can be established. A lot has indirect access if it connects to a public street by means of one or more private roads that are of sufficient size to meet the criteria set forth in subsection (B).

(B) The access provided must be adequate 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.

***Section 16-212 Access to Arterial Streets.***

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

***Section 16-213 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) As provided in G.S. 136-93, no person may construct any driveway entrance or other opening onto a state-maintained street except in accordance with a permit issued by the North Carolina Department of Transportation. Issuance of this permit is prima facie evidence of compliance with the standard set forth in subsection (A).

(C) If driveway entrances and other openings onto town-maintained streets are constructed in accordance with the specifications and requirements set forth in Appendix B to this chapter, this shall be deemed prima facie evidence of compliance with the standard set forth in subsection (A).

(D) For purposes of this section, the term "prima facie evidence" means that the permit-issuing authority may (but is not required to) conclude from this evidence alone that the proposed development complies with subsection (A).

(E) Driveways that connect to Town streets shall not exceed 12% grade within the first 20 feet. The maximum grade shall be measured along the centerline of said driveway a distance 20 feet from the edge of the street. The remaining portion of driveways shall not exceed 20% grade, except where further limited to 18% on shared driveways. *[Amended January 11, 2006]*

***Section 16-214 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 connection 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 1,000 feet may be created unless no other practicable alternative is available.

***Section 16-215 Relationship of Streets Topography.***

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 XVI, and street grades shall conform as closely as practicable to the original topography. The maximum grade for all public streets and private roads shall not exceed fifteen percent (15 %). *[Amended March 8, 2005]*

***Section 16-216 Street Width, Sidewalk, 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. The Board finds that, when properly constructed, streets developed without curb and gutter but with shoulders and drainage swales may serve all these functions while lowering post development storm water runoff and minimizing development costs. Therefore, minor, local and subcollector streets where the grade does not exceed ten percent may be developed with a right-of-way width of thirty feet, pavement width of eighteen feet, two feet wide shoulders on either side, and drainage swales on either side, all constructed in accordance with the specifications referenced in Section 16-219. *[Amended October 13, 1987]*

(B) Except as otherwise provided in subsection (A), all streets shall be constructed with curb and gutter and shall conform to the other requirements of this subsection. Only standard 90° 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 90° curb is used, and from the center of the curb where roll-type curb is used.

<b>Type Street</b>	<b>Minimum Right-of-Way Width</b>	<b>Minimum Pavement Width</b>
Minor	30'	18'
Local	30'	18'
Subcollector	35'	20'
Collector	35'	20'

***Section 16-217 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 16-214(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 550 feet (measured to the center of the turn-around).

(D) The right-of-way of a cul-de-sac shall have a radius of thirty feet. The radius of the paved portion of the turn-around (measured to the outer edge of the pavement) shall be thirty feet. The entire cul-de-sac shall be paved. No parking shall be permitted on the cul-de-sac.

(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 chapter.

(F) Streets shall be laid out so that residential blocks do not exceed 1,000 feet, unless no other practicable alternative is available.

***Section 16-218 Street Intersections.***

(A) Streets shall intersect as nearly as possible at right angles, and no two streets may intersect at less than 60°. 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 center line offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than 150 feet.

(C) No two streets may intersect with any other street on the same side at a distance of less than 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 1,000 feet.

***Section 16-219 Construction Standards and Specifications.***

Construction and design standards and specifications for streets, sidewalks, and curbs and gutters are contained in Appendix C, and all such facilities shall be completed in accordance with these standards.

***Section 16-220 Private Roads in Subdivision and Access to Subdivisions By Private Roads.***

(A) If a tract proposed for subdivision borders a public street, then a subdivision of that tract in which a private road is established to satisfy the access requirements of Section 16-211 may be approved unless the effect of such subdivision would be that, since the effective date of this chapter, more than three lots served only by one or more private roads have been created out of that same tract.

(B) If a tract proposed for subdivision has access to a public street only via a private road, then:

(1) Subject to the provisions in (2) below, a subdivision of that tract in which the lots have access to a public street only via one or more private roads may be approved unless the effect of such subdivision would be that, since the effective date of this chapter, more than three lots that have access to a public street only via one or more private roads have been created out of that same tract.

(2) If all the lots created in such subdivision will border a street constructed to the public street standards established by this article, then such subdivision may be approved (regardless of the number of lots created) if the private road that provides access from the existing public street to the tract to be subdivided is constructed (or improved) to the standards set forth in this article for public streets.

(C) The intent of subsections (A) and (B) is primarily to allow the creation of not more than three lots developed for single-family residential purposes. Therefore, the permit-issuing authority may not approve any subdivision served by a private road in which one or more of the lots thereby created is intended for (i) duplex or multi-family residential use or (ii) any non-residential use that would tend to generate more traffic than that customarily generated by three single-family residences. To ensure that the intent of this subsection is not subverted, the permit-issuing authority may, among other possible options, require that the approved plans show the types and locations of buildings on each lot or that the lots in a residential subdivision served by a private road be smaller than the permissible size of lots on which duplex or multi-family developments could be located or that restrictive covenants limiting the use of the subdivided property in accordance with this subsection be recorded before final plat approval.

(D) Except as provided in subsections (A), (B)(1) and (C), all subdivision streets shall be constructed in accordance with the public street standards set forth in this article and an offer of dedication to the public shall be made. Unless the recorded plat of a subdivision clearly shows a street to be private, the recording of such plat shall constitute an offer of dedication of such streets.

(E) No final plat that shows lots served by private roads may be recorded unless the final plat contains the following notation:

"Further subdivision of any lot shown on this plat as served by a private road may be prohibited by the Blowing Rock Land Use Ordinance"

(F) 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, in accordance with the requirements set forth in G.S. 136-102.6. The intention of this subsection is to afford the same protection to purchasers of lots on private roads within the town as is provided to purchasers of lots outside the town by G.S. 136-102.6.

***Section 16-221 Road and Sidewalk 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. Width of roads, use of curb and gutter, and paving specifications shall be determined by the provisions of this chapter dealing with parking (Article XVIII) and drainage (Article XVI). 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.

(C) In all unsubdivided multi-family residential developments, 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. Notwithstanding the foregoing, sidewalks shall not be required where pedestrians have access to a road that serves not more than nine dwelling units.

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

(E) In unsubdivided nonresidential developments that abut a public street, sidewalks shall be constructed adjacent to such street if a sidewalk in that location is necessary to continue a pre-existing sidewalk. Whenever possible, such sidewalk shall be constructed within the public right-of-way.

(F) The sidewalks required by this section shall be at least four feet wide and constructed according to the specifications set forth in Appendix C, except that the permit issuing authority may permit the installation of walkways constructed with other suitable materials when it concludes that:

- (1) Such walkways would serve the residents of the development as adequately as concrete sidewalks; and
- (2) Such walkways could be more environmentally desirable or more in keeping with the overall design of the development.

***Section 16-222 Attention to Handicapped in Street and Sidewalk Construction.***

(A) As provided in G.S. 136-44.14, whenever curb and gutter construction is used on public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with published standards of the N.C. Department of Transportation, Division of Highways.

(B) In unsubdivided developments, sidewalk construction for the handicapped shall conform to the requirements of Section (11X) of the North Carolina State Building Code.

***Section 16-223 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) Street names shall include a suffix such as the following:

(1) Circle: A short street that returns to itself.

(2) Court or Place: A cul-de-sac or dead-end street.

(3) Loop: A street that begins at the intersection with one street and circles back to end at another intersection with the same street.

(4) Street: All public streets not designated by another suffix.

(C) Building numbers shall be assigned by the town.

***Section 16-224 Bridges.***

All bridges in subdivided and unsubdivided developments 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 in unsubdivided developments may be approved if designed by a licensed architect or engineer.

***Section 16-225 Utilities.***

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

***Section 16-226 Sidewalk Requirements.***

(A) Any new development in the R-10, R-6, R-MH, CB, GB, OI and HMC zoning districts shall have sidewalks, with curb and gutter and necessary storm sewer, along each public street abutting the

development. The construction and design standards for the sidewalks, curb and gutter, and storm sewer are contained in Appendix C, and all such facilities shall be completed in accordance with those standards. *[Amended July 14, 1998; October 13, 1998]*

(B) All costs associated with the sidewalk, curb and gutter, and storm sewer shall be borne by the developer.

(C) All sidewalk, curb and gutter, and storm sewer shall be dedicated to the Town for perpetual maintenance. All such dedicated improvements shall be guaranteed for one year following the date of acceptance by the Town. Any defects in material and/or workmanship during the one-year period shall be immediately corrected by the developer. *[Adopted July 9, 1996.]*  
*Sections 16-227 through 16-235 Reserved.*