



TOWN OF BLACK MOUNTAIN

Town Hall, 160 Midland Avenue, Black Mountain, NC 28711

Date: November 9, 2020 Time: 6:00 p.m.

Regular Session Agenda

The agenda and all related documentation may be accessed electronically via Wi-Fi in Town Hall. From your laptop or smartphone, access the Town's website at www.townofblackmountain.org. Click on **Town Government** and select **Mayor and Board of Alderman** to download materials for all Town board meetings.

 **Conserve resources; print only when necessary.**

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the American with Disabilities Act (ADA). Hearing assistive devices are available at the door.

Should you need other assistance or accommodation for this meeting, please contact

Town Clerk at 419-9310, or by email at townclerk@townofblackmountain.org

(828) 419-9300 / TDD (800) 735-2962

1. CALL TO ORDER

- Welcome
- Pledge of Allegiance
- Invocation
- Announcements

2. PROCLAMATIONS, AWARDS & RECOGNITION

3. CITIZEN COMMENTS

Individuals wishing to address the Board are asked to sign in at the entrance to the board room, indicating the topic(s) or agenda item(s) you wish to discuss, so that the chair may group speakers according to topic. The chair will recognize individuals requesting to address the Board. **Comments by any one speaker shall be limited to three (3) minutes.**

To send comments **prior to the meeting**, please call Town Hall at 828-419-9310 or email comments to Comments@townofblackmountain.org. The Clerk will compile them and present them to the Mayor for consideration.

4. COMMUNICATIONS FROM STAFF, BOARDS, COMMISSIONS & AGENCIES

5. CONSENT AGENDA

All items on the consent agenda are considered routine, to be enacted by one motion without discussion. If a member of the governing body requests discussion of an item, the item will be removed from the consent agenda and considered separately.

A. Adoption of Minutes

Motion: To adopt the minutes of October 12, 2020 Regular Session Meeting and Closed Session Meeting.

TOWN OF BLACK MOUNTAIN- REGULAR SESSION AGENDA

November 9, 2020

B. Call for Public Hearing

Motion: *To call for Public Hearing to Close Portion of Unopened, Platted Portion of Right-of-Way Parallel and Between W. College Street and Goldmont Street.*

C. Budget Amendment for Police Vehicle

Motion: *To approve Budget Amendment #BA-FY-21-09 in the amount of \$15,000.*

Consent Motion: *To approve consent item A-C as presented.*

6. CITIZEN COMMENTS

The chair will recognize individuals requesting to address the Board regarding the specific **New Business or Unfinished Business items below**. Comments by any one **speaker shall be limited to three (3) minutes**.

If the topic you wish to discuss pertains to a **public hearing** scheduled for this meeting, please reserve your comment for the applicable public hearing.

To send comments **prior to the meeting**, please call Town Hall at 828-419-9310 or email comments to Comments@townofblackmountain.org. The Clerk will compile and present written comments to the Mayor for consideration.

7. UNFINISHED BUSINESS

8. NEW BUSINESS

A. Portman Villa Lien

Motion: *To approve or deny financial assistance for the lien placed on 204 Portman Villa Road.*

B. Adoption of Town of Black Mountain Standards and Details Manual #O-20-17

Motion: *To adopt the Standards and Details Manual as presented.*

C. Amendments Chapter 43 of the Code of Ordinances #O-20-18

Motion: *To approve and adopt **Ordinance #O-20-18** as presented [or as amended].*

D. Amendments to Chapter 48 of the Code of Ordinances #O-20-14

Motion: *To approve and adopt **Ordinance #O-20-14** as presented [or as amended].*

E. Update on solar projects for municipal buildings.

F. Sanitation Update

Motion: *To approve financing for sanitation trucks and hiring of additional employees.*

TOWN OF BLACK MOUNTAIN- REGULAR SESSION AGENDA

November 9, 2020

9. PUBLIC HEARING

Continued from October 12, 2020 Regular Session Meeting

- A. Rezone 324 N. Fork Road (PIN #0700-92-8001) from CR-1 to TR-4 on the west side of the property and from CR-1 to SR-2 on the east side of the property. **#Z-O-20-04**

Motion:

To open the public hearing to rezone 324 N. Fork Road from CR-1 to TR-4 on the west side of the property and from CR-1 to SR-2 on the east side of the property.

To close the public hearing.

To adopt the Statement of Consistency as presented [or as amended].

To adopt Zoning Ordinance #Z-O-20-04 to rezone 324 N. Fork Road from CR-1 to TR-4 on the west side of the property and from CR-1 to SR-2 on the east side of the property.

- B. Public Hearing to Rezone 134 Sunset Drive, 6 Vance Drive, and 99999 Vance Drive from TR-4 (town residential) to UR-8 (urban residential) **#Z-O-20-05**

Motion:

To open the public hearing to rezone 134 Sunset Drive, 6 Vance Drive, and 99999 Vance Drive from TR-4 to UR-8.

To close the public hearing.

To adopt the Statement of Consistency as presented [or as amended].

To adopt Zoning Ordinance #Z-O-20-05 to rezone 134 Sunset Drive, 6 Vance Drive, and 99999 Vance Drive from TR-4 to UR-8.

- C. Public Hearing for Text Amendments to Road Standards (Land Use Code) **# O-20-15**

Motion:

To open the public hearing for Ordinance #O-20-15 for amendments to road standards in the Land Use Code.

To close the public hearing.

*To adopt **Ordinance #O-20-15** as presented [or as amended].*

- D. Public Hearing for Text Amendments to Water Improvements **#O-20-16**

Motion:

*To open the public hearing for **Ordinance #O-20-16** for amendments to water*

TOWN OF BLACK MOUNTAIN- REGULAR SESSION AGENDA
November 9, 2020

improvements.

To close the public hearing.

*To adopt **Ordinance #O-20-16** as presented [or as amended].*

The chair will recognize individuals requesting to address the Board regarding the specific topic of the public hearing. Public hearing comments by any on speaker shall be limited to ten (10) minutes. The Mayor reserves the right to alter time limits and other rules of procedure at the beginning of each Public Hearing.

10. COMMUNICATION FROM STAFF

- A. Town Attorney – Ron Sneed
- B. Town Manager – Josh Harrold

11. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

12. ADJOURNMENT



Josh Harrold
Town Manager



PUBLIC NOTICE

In order to maintain the safety of Town residents, staff, and the Board of Aldermen, the Board of Aldermen **Agenda Work Session scheduled for Thursday, November 5, 2020 at 5:00 p.m. has been CANCELED.**

The Board of Aldermen Regular Session scheduled for **Monday, November 9, 2020 at 6:00 p.m. will be conducted electronically using YouTube Live software.** In order to comply with the State, County, and Town State of Emergency Declarations and social distancing requirements the only individuals that will be located at Town Hall will be the Mayor, Board of Aldermen, Town Manager, Town Clerk and one videographer. Other staff may participate remotely.

The meeting will be televised as normal on Charter Cable's Buncombe County Channel 192 at 8:00 p.m. on Sundays and posted on the website: <https://www.townofblackmountain.org>. To comply with NC § 143-318.13. Electronic meetings; written ballots; acting by reference, the meeting will also allow live audio and video feed via Zoom.

There are three ways the public can participate in the meeting:

1. **Join the meeting through YouTube Live on your computer or smart device. * Citizens will be able to comment at the appropriate time using the chat feature to enter their comments. *Citizen video feeds will not be enabled. There is no password.**

https://www.youtube.com/channel/UCWJmKy_6LVe7VFXUrHwpESA

There is no cost associated with the software or attending the meeting and there are toll free number options to dial in to listen live only.

2. **Join the meeting by telephone (listen only).**

Call toll free **877-853-5247** or **888-788-0099**

Meeting ID: 820 1752 1959

Passcode: 916686

3. **Email or call in your citizen comments or questions prior to the meeting.**

Call in comments prior to meeting: Town Clerk at 828-419-9310

Email comments to: Comments@townofblackmountain.org.

The Town is making every effort to ensure that the public is able to not only listen to the meeting, but also to participate in the public comment portion of the Board meeting, while still maintaining all of the Town's statutory requirements and keeping the public safe. **During the meeting, if at any time inappropriate content is detected the electronic meeting will be ended by the host.**

Savannah M. Parrish
Town Clerk

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Please visit www.townofblackmountain.org to obtain agenda packets and other meeting information.

Posted to the Town Bulletin Board 10/16/20



TOWN OF BLACK MOUNTAIN

Town Hall, 160 Midland Avenue, Black Mountain, NC 28711

Date: October 12, 2020

Time: 6:00 p.m.

Regular Session Minutes

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Town Clerk Savannah Parrish at 419-9310, or by email at townclerk@townofblackmountain.org
(828) 419-9300 / TDD (800) 735-2962*

1. CALL TO ORDER

Mayor Larry Harris called the meeting to order at 6:00 p.m. with the following members present:

Mayor Larry Harris
Alderman Tim Raines
Alderman Archie Pertiller
Alderman Maggie Tuttle
Alderman Ryan Stone
Alderman Jennifer Willet

The following staff members were present:

Josh Harrold - Town Manager
Ron Sneed – Town Attorney
Savannah Parrish - Town Clerk/Assistant to the Manager
Jamey Matthews – Public Works Director
Jessica Troutman – Planning Director
Jennifer Tipton – Senior Admin

Mayor Harris welcomed everyone and led the Pledge of Allegiance. Pastor Richard White of Christ Community Church offered the invocation.

2. PROCLAMATIONS, AWARDS & RECOGNITION

- A. Mayor Harris read resolutions awarding retiring Police Sergeant Stacy Ayers and Police Major Rob Austin their service sidearm and badge.

3. CITIZEN COMMENTS

Individuals wishing to address the Board are asked to sign in at the entrance to the board room, indicating the topic(s) or agenda item(s) you wish to discuss, so that the chair may group speakers according to topic. The chair will

recognize individuals requesting to address the Board. Comments by any one speaker shall be limited to three (3) minutes.

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4. COMMUNICATIONS FROM STAFF, BOARDS, COMMISSIONS & AGENCIES

- A. Annual Streets & Parks Report – Jamey Matthews, Public Works Director.
Public Works Director, Jamey Matthews presented the annual report to the Board which is attached to and included in these minutes. Director Matthews always gave a brief summary of the first weeks of sanitation. He stated that it was going well and would continue to improve

5. CONSENT AGENDA

All items on the consent agenda are considered routine, to be enacted by one motion without discussion. If a member of the governing body requests discussion of an item, the item will be removed from the consent agenda and considered separately.

- A. Adoption of Minutes

Motion: *To adopt the minutes of September 14, 2020 Regular Session Meeting and Closed Session Meeting.*

- B. Resolution to Award Badge & Service Weapon to Police Sergeant Stacy Ayers # R-20-07
Motion: *To adopt Resolution #R-20-07 awarding retiring Police Sergeant, Stacy Ayers his badge and service weapon as provided in NC G.S. 20-187.2.*

- C. Resolution to Award Badge & Service Weapon to Police Major Rob Austin # R-20-08
Motion: *To adopt Resolution #R-20-08 awarding retiring Police Major, Rob Austin, his badge and service weapon as provided in NC G.S. 20-187.2.*

- D. Budget Amendment for Governor's Crime Commission Grant.

Motion: *To approve Budget Amendment #BA-FY-21-07 as presented, increasing 10-10-5100-180 (Forfeiture Funds) by \$88,000 and increasing 10-00-3907-000 (Fund Balance Approp. - Police) by \$88,000.*

- E. Call for Public Hearing to Rezone 134 Sunset Drive, 6 Vance Drive, and 99999 Vance Drive from TR-4 (town residential) to UR-8 (urban residential).

Motion: *To call for a public hearing to rezone 134 Sunset Drive, 6 Vance Drive, and 99999 Vance Drive from TR-4 (town residential) to UR-8 (urban residential) to be held on Monday, November 9, 2020, at 6:00 p.m., or as soon thereafter as possible in the Board Room of Town Hall at 160 Midland Avenue.*

- F. Call for Public Hearing for Text Amendments to Road Standards (Land Use Code).
O-20-15

Motion: *To call for a public hearing for text amendments road standards in the Land Use Code to be held on Monday, November 9, 2020, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

G. Call for Public Hearing for Text Amendments to Water Improvements. #O-20-16

Motion: *To call for a public hearing for text amendments clarifying prohibited uses to be held on Monday, November 9, 2020, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

Consent Motion: *To approve consent item A-G as presented.*

Alderman Maggie Tuttle moved to approve the consent agenda as presented. The motion was approved by a vote of 5-0.

6. CITIZEN COMMENTS

*The chair will recognize individuals requesting to address the Board regarding the specific **New Business or Unfinished Business items below**. Comments by any one **speaker shall be limited to three (3) minutes.** If the topic you wish to discuss pertains to a **public hearing** scheduled for this meeting, please reserve your comment for the applicable public hearing.*

To send comments prior to the meeting, please call Town Hall at 828-419-9310 or email comments to Comments@townofblackmountain.org. The Clerk will compile and present written comments to the Mayor for consideration.

7. UNFINISHED BUSINESS - None

8. NEW BUSINESS - None

9. PUBLIC HEARING

A. Text amendments to the intents and purposes of the zoning districts.

Planning Director Jessica Trotman presented the purpose of the text amendments.

Alderman Jennifer Willet moved to open the public hearing. The motion was approved by a vote of 5-0.

There being no discussion or public comment, Alderman Maggie Tuttle moved to close the public hearing. The motion was approved by a vote of 5-0.

Alderman Ryan Stone made a motion to adopt Ordinance #O-20-12 as presented. The motion was approved by a vote of 5-0.

- B. Rezone 324 N. Fork Road (PIN #0700-92-8001) from CR-1 to TR-4 on the west side of the property and from CR-1 to SR-2 on the east side of the property.**

Planning director Jessica Trotman presented the information. This rezoning was requested by the property owner to increase the density level. The Planning Board heard this rezoning and has concerns. A motion was made by the Planning Board to do a split zoning, and that passed 5-1.

Alderman Ryan Stone moved to open the public hearing. The motion was approved by a vote of 5-0.

Town Manager Josh Harrold read a comment from the property owner.

Sam Decker, 324 N. Fork Road: I am requesting the town board rezone my entire property to TR-4. I voluntarily came into the Town with the understanding that it would be zoned how I wanted it. In 2010 without notifying me they changed it to CR-1. I didn't find this out till last year. I would like the entire property to be zoned TR-4 so I or my children can sell the property for the highest value someday.

Alderman Maggie Tuttle moved to close the public hearing. The motion was approved by a vote of 5-0.

Alderman Ryan Stone made a motion to deny the rezoning request. The motion failed by a vote of 1-4.

Alderman Maggie Tuttle moved to approve Sam Decker's request to zone the entire property to TR-4. After Manager Harrold read the Statement of Consistency, Alderman Tuttle withdrew her motion.

After some discussion, Alderman Tim Rained moved to continue this issue to the November 2020 meeting. The motion was approved by a vote of 5-0.

- C. Text amendments clarifying prohibited uses.**

Planning Director Jessica Trotman presented the text amendments and their purpose. The wording needed to be changed in order to align more closely with new case law.

Alderman Maggie Tuttle move to open the public hearing. The motion was approved by a vote of 5-0.

There being no comments or discussion, Alderman Archie Pertiller moved to close the public hearing. The motion was approved by a vote of 5-0.

Alderman Jennifer Willet moved to adopt Ordinance #O-20-11 as presented. The motion was approved by a vote of 5-0.

The chair will recognize individuals requesting to address the Board regarding the specific topic of the public hearing. Public hearing comments by any on speaker shall be limited to ten (10) minutes. The Mayor reserves the right to alter time limits and other rules of procedure at the beginning of each Public Hearing.

10. COMMUNICATION FROM STAFF

- A.** Town Attorney – Ron Sneed – The Town Attorney will begin working on the Watson Property matter as instructed by the Board of Aldermen.
- B.** Town Manager – Josh Harrold – Manager Harrold would like to hold a Greenway Workshop for the Board of Aldermen in order to provide a more thorough update.

The Manger would like to issue a stormwater survey to the citizens so that they can provide input.

The Chamber of Commerce canceled the Christmas Parade and Holly Jolly due to COVID-19 concerns. They will be working with businesses downtown on alternatives.

The Manager contacted WastePro about a potential emergency contract when Town of Black Mountain trucks are damaged or being repaired.

Sales tax from August 2020 increased 4% from August 2019.

11. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

Alderman Ryan Stone thanked the beautification committee for decorating the Town for autumn. He also encouraged citizens to vote.

Mayor Harris offered his appreciation to retiring members of BMPD, Stacy Ayers and Rob Austin.

12. CLOSED SESSION AGENDA

Alderman Maggie Tuttle moved to enter into closed session to discuss personnel matters, as permitted in NCGS § 143.318.11(a)(6) at 7:14 p.m.

Alderman Ryan Stone moved to exit the closed session meeting. The motion was approved by a vote of 5-0.

13. ADJOURNMENT

There being no further business, on a motion by Alderman Ryan Stone, with a vote of 5-0, Mayor Larry Harris adjourned the meeting at 7:33 p.m.

ATTEST:

Larry B. Harris, Mayor

Savannah Parrish, Town Clerk

Josh Harrold, Town Manager

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: November 9, 2020

SUBJECT: Call for Public Hearing to Close Portion of Unopened, Platted Portion of Right-of-Way Parallel and Between W. College Street and Goldmont Street

AGENDA INFORMATION

Agenda Location:	CONSENT AGENDA
Item Number:	5B
Department:	Planning
Contact:	Jessica Trotman, Planning Director
Presenter:	Jessica Trotman, Planning Director

BRIEF SUMMARY: David and Emily Carmona and Michael and Gretchen Glass have filed a petition to close a portion of a right-of-way between W. College Street and Goldmont Street. The properties that abut the right-of-way are 218 W. College Street and 74 Goldmont Street. The requested closure is approximately 50 feet in the length and 15 feet wide. The right-of-way is not identified in any adopted plans nor is part of a proposed greenway or roadway system. The right-of-way is not part of a stormwater system nor is it in any drainage area. The Planning Board did not recommend the closure with a vote of 5-0 at the October 26, 2020 meeting.

The Town has the authority to close dedicated but unopened streets within its jurisdiction on its own motion.

MOTION FOR CONSIDERATION: To call for the public hearing to close an unopened, platted portion of right-of-way parallel and between W. College Street and Goldmont Street to be held on Monday, January 11, 2021 at 6:00 p.m. or as soon thereafter as possible, in the Board Room of Town Hall at 160 Midland Avenue.

FUNDING SOURCE: N/A

ATTACHMENTS: Resolution of Intent **#R-20-09**, Map

MANAGER'S COMMENTS AND RECOMMENDATIONS: To call for the public hearing to be held at the next regularly scheduled meeting or as soon thereafter as possible.



LEGAL NOTICE

BLACK MOUNTAIN BOARD OF ALDERMEN

PUBLIC HEARING

Monday, January 11, 2021 at 6:00 p.m.

The Black Mountain Board of Aldermen will meet on **Monday, January 11, 2021 at 6:00 p.m.** in the Board Room in the Town Hall Building, 160 Midland Avenue, Black Mountain, NC. The purpose of this meeting is to hold a public hearing for a right-of-way closure parallel and between W. College Street and Goldmont Street.

The meeting is open to the public.

Savannah Parrish
Town Clerk

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Posted to the Town Bulletin Board 11/19/2020

Published in the Black Mountain News 12/03/2020, 12/10/2020, 12/17/2020 and 12/24/2020

www.townofblackmountain.org



TOWN OF BLACK MOUNTAIN

160 Midland Avenue
Black Mountain, NC 28711

BoA Regular Session
November 9, 2020
Agenda Item

RESOLUTION OF INTENT # R-20-09

**RESOLUTION DECLARING THE INTENT OF THE BOARD OF ALDERMEN OF
THE TOWN OF BLACK MOUNTAIN TO CONSIDER THE CLOSING OF AN
UNOPENED, PLATTED PORTION OF RIGHT-OF-WAY PARALLEL AND BETWEEN
W. COLLEGE STREET AND GOLDMONT STREET AND TO HOLD A PUBLIC
HEARING ON THIS ISSUE JANUARY 11, 2021**

WHEREAS, G.S. 160A-299 authorizes the Board of Aldermen of the Town of Black Mountain to permanently close public streets or alleys; and

WHEREAS, The Town of Black Mountain has received a request from two property owners to close that unopened, platted portion of right-of-way parallel and between W. College Street and Goldmont Street; and

WHEREAS, the Planning Board for the Town of Black Mountain, after reviewing petitioners' request, did not recommend that the unopened, platted portion of right-of-way parallel and between W. College Street and Goldmont Street be closed; and

WHEREAS, the Board of Aldermen of the Town of Black Mountain must set a public hearing to consider any comments concerning the above referenced request before taking any action; and

WHEREAS, in accordance therewith, the Board of Aldermen of the Town of Black Mountain desires to take the following actions:

DESCRIPTION:

LYING AND BEING in the Town of Black Mountain, Black Mountain Township, Buncombe County, North Carolina:

BEGINNING at a point in the northwest corner of Lot 92, Block G, Plat Book 198, Page 20, Buncombe County Registry; thence from said Beginning with western boundary of said Lot 92 South 2° 30' West 50 feet to the southwest corner of said lot; thence North 87° 30' West 15 feet to the southeast corner of Lot 97, Block G, Plat Book 198, page 20, Buncombe County Registry; thence with the eastern boundary of said Lot 97; thence South 87° 30' East 15 feet to the BEGINNING.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Black Mountain:

Section 1. Pursuant to G.S. 160A-299, the Board of Aldermen declares its intent to close the unopened, platted portion of right-of-way parallel and between W. College Street and Goldmont Street.

TOWN OF BLACK MOUNTAIN

160 Midland Avenue
Black Mountain, NC 28711

Section 2. A public hearing on the question of closing said street is hereby called at Town Hall, 160 Midland Avenue, Black Mountain, N.C. 28711 on Monday, January 11, 2021 at 6:00 p.m.

Section 3. Following the public hearing called hereby, the Board of Aldermen shall consider the passage of an order closing the street identified above.

Section 4. The Town of Black Mountain Town Clerk is hereby directed to publish this Resolution once a week for four successive weeks in the Black Mountain News, or other newspaper of general circulation in the area.

Section 5. The Town of Black Mountain Zoning Administrator is hereby directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of this Resolution.

Section 6. The Town of Black Mountain Zoning Administrator is further directed to cause adequate notices of the proposed closing and of the public hearing to be posted as required by G.S. 160A-299.

I move the adoption of the foregoing resolution:

Alderman

READ, APPROVED AND ADOPTED, by a vote of ____ to ____ this the 9th day of November, 2020.

ATTEST:

Larry B. Harris, Mayor

Savannah Parrish, Town Clerk

Josh Harrold, Town Manager

**TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION**

Meeting Date: November 9, 2020

SUBJECT: Budget Amendment for Police Vehicle

AGENDA INFORMATION

Agenda Location: CONSENT AGENDA
Item Number: 5C
Department: Administration
Contact: Kirk Medlin, Finance Director
Presenter: Josh Harrold, Town Manager

BRIEF SUMMARY: In September 2020 a patrol vehicle was in a pursuit involving a stolen vehicle. Damage was sustained to the patrol vehicle and the insurance company has totaled the vehicle. We were able to secure a Dodge Durango for \$44,000. A budget amendment in the amount of \$15,000 is needed to offset the cost of the new Durango.

MOTION FOR CONSIDERATION: To approve Budget Amendment #BA-FY-21-09 in the amount of \$15,000.

FUNDING SOURCE: General Fund

ATTACHMENTS: Budget Amendment

MANAGER'S COMMENTS AND RECOMMENDATIONS: To approve as presented.

Budget Amendment # 2021-9
Fiscal Year 2020-2021

Dept.	Account #	Account Name	Debit	Credit	Comments
	10-10-5300-730	Capital Outlay - Police	15,000.00		This entry is for the difference between the total cost of outfitting a new Durango, minus the insurance settlement received on the totaled Durango.
	10-00-3905-900	Fund Balance Appropriated		15,000.00	

Totals: 15,000.00 15,000.00

BD # _____

Entered By: _____

Journal # _____

Fiscal Yr _____

Approved By: _____

Date _____

Date _____

**TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION**

Meeting Date: November 9, 2020

SUBJECT: 204 Portman Villa Road Demolition Lien

AGENDA INFORMATION

Agenda Location: NEW BUSINESS
Item Number: 8A
Department: Administration
Contact: Josh Harrold, Town Manager
Presenter: Josh Harrold, Town Manager

BRIEF SUMMARY: In late 2015 the structure located at 204 Portman Villa Road went through the condemnation process for unsafe conditions and was ordered to be demolished. The property owner was given the opportunity to demolish the structure but was unable to do so. The Town paid to have the structure demolished and a lien in the amount of \$6,500 was placed on the property in April 2016. Interest accrues at 8% per year which brings the total to \$8,843.18. The property owner's son is now in charge of the affairs and is requesting any kind of financial assistance the Town can offer.

MOTION FOR CONSIDERATION: To approve or deny financial assistance for the lien placed on 204 Portman Villa Road.

FUNDING SOURCE: N/A

ATTACHMENTS: Filed Lien

MANAGER'S COMMENTS AND RECOMMENDATIONS: To approve/deny as presented.

16m 266

FILED

**RESOLUTION AND ORDINANCE AUTHORIZING DEMOLITION OF
204 PORTMAN VILLA ROAD (Single-Family Residence)
AND IMPOSITION OF LIEN TO RECOVER TOWN COSTS**

2016 APR 15 P 1:20

BUNCOMBE COUNTY, N.C.

BY

WHEREAS, the Town of Black Mountain ("the Town"), has received several complaints about life safety issues and potential code violations in the recent past regarding the structure located at 204 Portman Villa Road, Black Mountain, North Carolina, which property is owned by John Charles Favrot ("the Property Owner"), through Deed recorded in Book 1786, Page 209, Buncombe County, North Carolina Registry ("the subject property"); and

WHEREAS, the concerns identified have included electrical deficiencies, fire hazards, structural deficiencies, structural failure and other code violations that present clear life safety issues for occupants of the structure; and

WHEREAS, the Town staff first began communications with the Property Owner of the subject property as early as August, 2015 regarding the hazardous condition of the subject property; and

WHEREAS, in August, 2015, several complaints were received from citizens of the Town regarding fire hazards and other life safety issues pertaining to the subject property, and the Town staff inspected the property and structure located thereon, identified several deficiencies to be corrected, and notified the Property Owner by certified mail dated August 3, 2015 to correct all deficiencies. The Property Owner received said notification on August 7, 2015; and

WHEREAS, the Property Owner took no remedial actions between August, 2015 and November, 2015, and the structure remained unsafe and hazardous to the health and safety of the citizens of the Town; and

WHEREAS, due to the fact that the serious deficiencies had not been addressed, on October 30, 2015, the building inspector sent the Property Owner notice of hearing for a condemnation procedure pursuant N.C.G.S. §160A-428 to be held on November 16, 2015 and the Property Owner received this notice on November 3, 2015.

WHEREAS, the November 16, 2015 hearing was postponed and a second certified letter dated November 20, 2015 was sent to and served on the Property Owner on November 24, 2015 to give him notice of hearing for a condemnation proceeding pursuant to N.C.G.S. §160A-428; said hearing to be held on November 30, 2015; and

WHEREAS, the Town staff conducted a formal hearing with the Property Owner present on November 30, 2015. At said formal hearing, the Property Owner was present and advised that a formal order would be issued to repair or demolish the structure located on the Subject Property within sixty (60) days; and

WHEREAS, on December 1, 2015, the Town issued said formal order requiring the Property Owner to repair or demolish the structure within a sixty (60) day deadline after receipt of the formal Order. Said formal Order was received by the Property Owner via certified mail on December 3, 2015; and

WHEREAS, the Property Owner was informed of the opportunity to appeal the Town's decision to the Board of Aldermen of Black Mountain within ten (10) days following the issuance of the formal Order, but failed to do so; and

ORDINANCE NO. #O-16-07

WHEREAS, the Town has received no further communication from the Property Owner since his receipt of the December 1, 2015 order; and

WHEREAS, in the interest of the public health, safety, and welfare and, despite repeated and patient efforts by Town staff to work cooperatively with the Property to resolve the outstanding life safety issues; and, as a result of the Property Owner having failed to comply with the formal Order to repair or demolish within sixty (60) days from December 3, 2015, the Town has determined that it is now necessary for the Town to proceed with the demolition of the structure located on the Subject Property; and

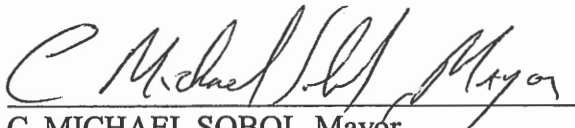
WHEREAS, the cost incurred by the Town shall be a lien against the Property Owner and the Subject Property and the Town shall sell any usable materials and any personal property, fixtures, and appurtenances found in or attached to the structure and credit the proceeds of the sale toward the costs and account to the Property Owner.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Board of Aldermen of the Town of Black Mountain, North Carolina that pursuant to N.C.G.S. §160A-432 and significant life safety concerns, the demolition of the structure located on the Subject Property located at 204 Portman Villa Road, Black Mountain, North Carolina, is hereby authorized and the Town staff shall contract for and carry out the demolition of the structure in accordance with the terms of this Ordinance;

BE IT FURTHER RESOLVED AND ORDAINED, pursuant to N.C.G.S. §160-432 and N.C.G.S. §160A-233, a lien equal to the amount of the Town's costs associated with the demolition authorized herein, less any credits due to the Property Owner, shall be imposed against the Subject Property located at 204 Portman Villa Road, Black Mountain, North Carolina, and upon any other real property owned by John Charles Favrot, the Property Owner, within the Town limits of Black Mountain or within one (1) mile of the Town limits of Black Mountain, except for his primary residence, pursuant to N.C.G.S. §160A-432(b)(1). If the Town does not receive payment for said costs within thirty (30) days, then all costs not paid to the Town within thirty (30) days shall accrue interest at the rate of eight (8%) percent per annum which interest shall be added to the amount of the lien imposed and the Town is authorized to foreclose its lien and recover all costs associated therewith, including attorney's fees and court costs;

BE IT FURTHER RESOLVED AND ORDAINED that a certified copy of this Resolution and Ordinance be recorded in the Office of the Buncombe County Register of Deeds.

ADOPTED this 14 day of March, 2016.


C. MICHAEL SOBOL, Mayor

ATTEST:


ANGELA L. REECE, Town Clerk

APPROVED AS TO FORM:


JOSEPH A. FERIKES, Acting Town Attorney

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: November 9, 2020

SUBJECT: Adoption of Town of Black Mountain Standards and Details Manual

AGENDA INFORMATION

Agenda Location: NEW BUSINESS
Item Number: 8B
Department: Planning and Development Department
Contact: Jessica Trotman, Planning Director
Presenter: Jessica Trotman, Planning Director

BRIEF SUMMARY: Currently, both the Code of Ordinance and the Land Use Code have road and construction standards interspersed throughout and not all are consistent with requirements from other rules and regulations. The Standards and Specifications Manual establishes development requirements that are consistent for all development, redevelopment, and subdividing, as well as providing necessary rights-of-way, transportation, and utility services. The Manual's requirements will apply to all properties within the Town of Black Mountain. The Manual will include requirements from NCDOT Subdivision Road Specifications, the NC Fire Code, ASHTO, and others.

MOTION FOR CONSIDERATION: To adopt the Standards and Details Manual as presented.

FUNDING SOURCE: N/A

ATTACHMENTS: Standards and Details Manual

MANAGER'S COMMENTS AND RECOMMENDATIONS: To adopt the Standards and Details Manual as presented.

ORDINANCE NO. #O-20-18

AN ORDINANCE TO AMEND CHAPTER 43, ARTICLE V TO ADD STANDARDS AND DETAILS MANUAL

WHEREAS, the Black Mountain Code of Ordinances was adopted by the Board of Aldermen on the 13th day of December, 1993; and

NOW, THEREFORE, BE IT RESOLVED Chapter 43, Article V is amended with the following (additions are underlined in bold italic and deletions are shown as red struck text):

Chapter 43 – Streets, Sidewalks and Other Public Places

Article V – Standards and Details Manual

Section 43.81 – Purpose.

The Standards and Specifications Manual establishes development requirements to protect the public health, safety, and welfare through the provision and maintenance of public or private infrastructure improvements related to developing, redeveloping, and subdividing land, as well as providing necessary rights-of-way, transportation, and utility services. The Manual's requirements apply to all properties within the Town of Black Mountain.

Section 43.82 - Authority and Jurisdiction.

The Town will review, approve, and inspect the design and construction of infrastructure improvements within the public or private right-of-way or easements and site developments to ensure compliance with this Manual in addition to standards contained in the Town of Black Mountain Land Use Code or any future Unified Development Ordinance which may be adopted. The Town has the authority for approving, accepting, or denying the design and construction of any improvement.

Section 43.83 - Minimum Standards.

The Standard Specifications and Details Manual establishes minimum requirements that shall be met or exceeded when designing and constructing all public or private infrastructure improvements described in the Manual. Whenever the requirements of this Manual are found to be inconsistent with any other adopted standards, regulations, or codes, the more restrictive requirements, standards, regulations, or codes shall control.

Reference to any code, regulation, standard, criterion, or manual of any technical society, organization, or association, or to any law or regulation of any governmental authority, whether such reference is specific or implied, shall mean the most recently adopted or current law, code, regulation, standard, criterion, or manual in effect at the time of Town review of any project. Other standards, regulations, or codes referenced herein may include, but are not limited to, the Town of Black Mountain Land Use Code or future Unified Development Ordinance, A Policy on

Geometric Design of Highways and Streets (Green Book), the Manual on Uniform Traffic Control Devices, the Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way, the North Carolina Erosion and Sediment Control Planning and Design Manual, the North Carolina Erosion and Sediment Control Field Manual, the North Carolina Erosion and Sediment Control Inspector's Guide, the North Carolina Stormwater BMP Manual, and the North Carolina Minimum Design Criteria for Stormwater Control Measures.

Section 43.84 - Other Standards and Requirements.

This Manual describes the minimum requirements and specifications for designing adequate and functional improvements. However, the design of the improvements also depends on the land use, zoning and comprehensive planning requirements for the Town, as well as the specific site geography of the land to be improved or developed. The Town's review for approval of public and private improvements occurs as part of the development review process that distributes design applications to staff in multiple departments to insure that all applicable standards are met.

Section 43.85 - Alternative Materials and Methods of Construction and Installation.

The provisions of this Manual are not intended to prevent the use of any materials or methods of construction and installation not specifically prescribed in the Manual, provided that the alternative materials or methods of construction and installation have been approved and their use authorized by the Public Works Director or his/her designee.

The Public Works Director or his/her designee may approve an alternate material or method of construction or installation, provided the proposed design is satisfactory and complies with the provisions of this Manual and that the material, method, or work offered is, for the purpose intended, at least the equivalent of applicable requirements described in this Manual in suitability, strength, effectiveness, durability, safety, and sanitation. The Public Works Director or his/her designee will require that sufficient evidence be submitted to substantiate any claims that may be made regarding an alternate material or method of construction. The details of any action granting approval of an alternate material or method will be recorded and entered in the files of the Town. A formal process is established for requesting, evaluating and approving any alteration, modification or waiver of the requirements of this Manual in the following section.

Section 43.86 - Alterations, Modifications and Waivers.

Alterations, modifications or waivers of the requirements of this Manual may be requested. Projects which are granted an alteration, modification or waiver under this process are deemed to be in compliance with the requirements of this Manual with respect to the provision(s) so altered, modified or waived. The following procedures shall be utilized in such requests.

Section 43.87 - Review Criteria.

No alteration, modification, or waiver of the strict application of any provision of this Manual shall be granted unless the applicant demonstrates and the Public Works Director or his/her designee finds that:

1. the alteration, modification, or waiver would result in a solution consistent with the goals of the Town of Black Mountain as established in adopted plans, policies and guidelines;
2. the alteration, modification, or waiver will not harm the adjacent land owners, the neighborhood, or the welfare of the public at large;
3. the alteration, modification, or waiver is consistent with sound engineering practices and will at least equal the suitability, strength, effectiveness, fire resistance, durability, safety, and other performance requirements prescribed in this Manual; and
4. the alteration, modification, or waiver will not create an additional maintenance or financial burden for the Town or the public.

Section 43.88 – Process.

A request for an alteration, modification, or waiver from this Manual shall be submitted in writing to the Public Works Director or his/her designee. The request shall state in detail the specific sections and subsections of this Manual requested to be altered, modified, or waived, and the request shall describe in detail why the requested waiver, alteration, or modification meets the above criteria. The Public Works Director or his/her designee may require additional documentation to support the request.

Section 43.89 – Decision

The Public Works Director or his/her designee will advise the applicant, in writing, of the decision of the requested alteration, modification, or waiver. In granting any alteration, modification, or waiver to the requirements of this Manual, the Public Works Director or his/her designee may impose specific conditions necessary to ensure that the criteria described above are, and will remain, satisfied.

Section 43.90 – Appeals

Appeals of decisions made by the Public Works Director or his/her designee in implementing the requirements of this Manual, including but not limited to alterations, modifications and waivers, shall be to the Board of Adjustment in accordance with the Land Use Code section 1.7.2 and any future Unified Development Ordinance adopted.

Section 43.91 – Violations

Violators of the provisions of the Standards and Specifications Manual may be subject to a civil penalty. The maximum civil penalty for a violation is \$10,000. A civil penalty may be assessed from the date of the violation. Each day of a continuing violation shall constitute a separate violation.

Any civil penalty assessed shall be recovered by the Town in a civil action in the nature of debt, to be brought in the courts of Buncombe County if the offender fails to give notice of timely appeal or fails to pay the penalty within the prescribed period of time after being cited for the violation.

Section 43.92 - Development Project Review

Development review involves many different departments of the Town, including, but not limited to, Planning, Fire Department, Building Inspections, and Public Works. Small projects are typically reviewed at the staff level as described in the Land Use Code, while larger projects bring together multiple departments for staff review for full technical review. All projects begin with basic review by Planning Department staff, and the methods of review for each project will be established at that time. All applicants should refer to the Town's Land Use Code for details on applications and procedures.

READ, APPROVED AND ADOPTED by a vote of _____ to _____ this the 12th day of October, 2020.

Larry B. Harris, Mayor

ATTEST:

Savannah Parrish, Town Clerk

Town of Black Mountain Standards & Details

Purpose

The Standards and Specifications Manual establishes development requirements to protect the public health, safety, and welfare through the provision and maintenance of public or private infrastructure improvements related to developing, redeveloping, and subdividing land, as well as providing necessary rights-of-way, transportation, and utility services. The Manual's requirements apply to all properties within the Town of Black Mountain.

Authority and Jurisdiction

The Town will review, approve, and inspect the design and construction of infrastructure improvements within the public or private right-of-way or easements and site developments to ensure compliance with this Manual in addition to standards contained in the Town of Black Mountain Land Use Code or any future Unified Development Ordinance which may be adopted. The Town has the authority for approving, accepting, or denying the design and construction of any improvement.

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The Standard Specifications and Details Manual establishes minimum requirements that shall be met or exceeded when designing and constructing all public or private infrastructure improvements described in the Manual. Whenever the requirements of this Manual are found to be inconsistent with any other adopted standards, regulations, or codes, the more restrictive requirements, standards, regulations, or codes shall control.

Reference to any code, regulation, standard, criterion, or manual of any technical society, organization, or association, or to any law or regulation of any governmental authority, whether such reference is specific or implied, shall mean the most recently adopted or current law, code, regulation, standard, criterion, or manual in effect at the time of Town review of any project. Other standards, regulations, or codes referenced herein may include, but are not limited to, the Town of Black Mountain Land Use Code or future Unified Development Ordinance, A Policy on Geometric Design of Highways and Streets (Green Book), the Manual on Uniform Traffic Control Devices, the Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way, the North Carolina Erosion and Sediment Control Planning and Design Manual, the North Carolina Erosion and Sediment Control Field Manual, the North Carolina Erosion and Sediment Control Inspector's Guide, the North Carolina Stormwater BMP Manual, and the North Carolina Minimum Design Criteria for Stormwater Control Measures.

Other Standards and Requirements

This Manual describes the minimum requirements and specifications for designing adequate and functional improvements. However, the design of the improvements also depends on the land use, zoning and comprehensive planning requirements for the Town, as well as the specific site geography of the land to be improved or developed. The Town's review for approval of public and private improvements occurs as part of the development review process that distributes

design applications to staff in multiple departments to insure that all applicable standards are met.

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The provisions of this Manual are not intended to prevent the use of any materials or methods of construction and installation not specifically prescribed in the Manual, provided that the alternative materials or methods of construction and installation have been approved and their use authorized by the Public Works Director or his/her designee.

The Public Works Director or his/her designee may approve an alternate material or method of construction or installation, provided the proposed design is satisfactory and complies with the provisions of this Manual and that the material, method, or work offered is, for the purpose intended, at least the equivalent of applicable requirements described in this Manual in suitability, strength, effectiveness, durability, safety, and sanitation. The Public Works Director or his/her designee will require that sufficient evidence be submitted to substantiate any claims that may be made regarding an alternate material or method of construction. The details of any action granting approval of an alternate material or method will be recorded and entered in the files of the Town. A formal process is established for requesting, evaluating and approving any alteration, modification or waiver of the requirements of this Manual in the following section.

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1. the alteration, modification, or waiver would result in a solution consistent with the goals of the Town of Black Mountain as established in adopted plans, policies and guidelines;
2. the alteration, modification, or waiver will not harm the adjacent land owners, the neighborhood, or the welfare of the public at large;
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4. the alteration, modification, or waiver will not create an additional maintenance or financial burden for the Town or the public.

Process

A request for an alteration, modification, or waiver from this Manual shall be submitted in writing to the Public Works Director or his/her designee. The request shall state in detail the specific sections and subsections of this Manual requested to be altered, modified, or waived, and the request shall describe in detail why the requested waiver, alteration, or modification meets the above criteria. The Public Works Director or his/her designee may require additional documentation to support the request.

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Appeals of decisions made by the Public Works Director or his/her designee in implementing the requirements of this Manual, including but not limited to alterations, modifications and waivers, shall be to the Board of Adjustment in accordance with the Land Use Code section 1.7.2 and any future Unified Development Ordinance adopted.

Violations

Violators of the provisions of the Standards and Specifications Manual may be subject to a civil penalty. The maximum civil penalty for a violation is \$10,000. A civil penalty may be assessed from the date of the violation. Each day of a continuing violation shall constitute a separate violation.

Any civil penalty assessed shall be recovered by the Town in a civil action in the nature of debt, to be brought in the courts of Buncombe County if the offender fails to give notice of timely appeal or fails to pay the penalty within the prescribed period of time after being cited for the violation.

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Development review involves many different departments of the Town, including, but not limited to, Planning, Fire Department, Building Inspections, and Public Works. Small projects are typically reviewed at the staff level as described in the Land Use Code, while larger projects bring together multiple departments for staff review for full technical review. All projects begin with basic review by Planning Department staff, and the methods of review for each project will be established at that time. All applicants should refer to the Town's Land Use Code for details on applications and procedures.

Standards and Details for Roads

Applicability

These standards are required for all roads developed in the town's jurisdiction. Private roads, public roads, or roads which may be added to the Town's transportation system in the future must meet or exceed these standards and details.

Adopted Standards

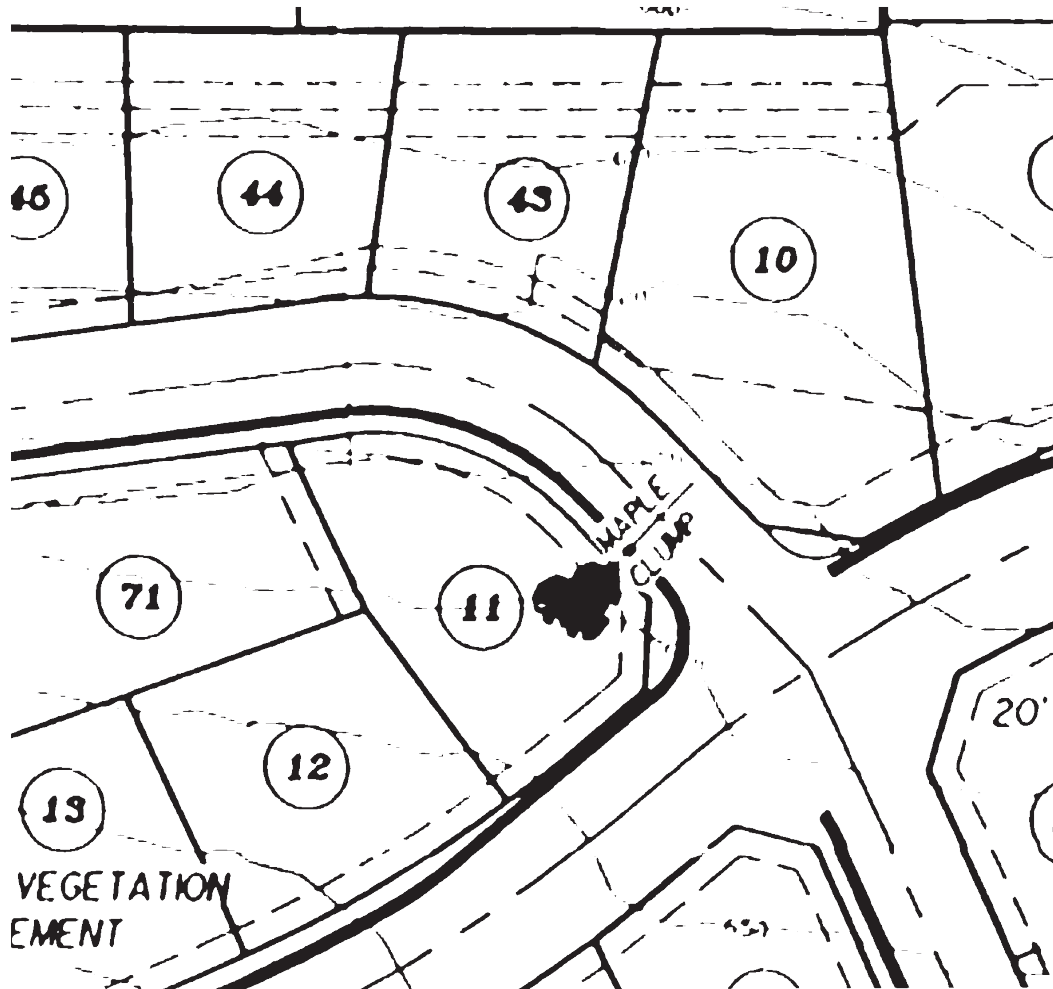
The Town of Black Mountain adopts the most current version of the following standards and all design criteria referenced there in:

- North Carolina Department of Transportation Subdivision Roads Minimum Construction Standards
- Appendix D of the North Carolina Code
- Town also enforces the North Carolina Fire Code, Chapter Five
- Complete Streets Policy

The Town has adopted a Complete Streets policy, which says that the Town of Black Mountain will plan for, design, construct, operate and maintain appropriate facilities for travel, and as appropriate, for resting or parking, for all users in all new construction and retrofit or reconstructions projects. The term "all users" includes pedestrians, bicyclists, transit vehicles and riders, children, the elderly, and people with disabilities. Complete Streets techniques shall be utilized whenever possible for roads intended to be included in the Town's transportation network.



North Carolina Department of Transportation
SUBDIVISION ROADS
MINIMUM CONSTRUCTION STANDARDS



J. ERIC BOYETTE
SECRETARY OF TRANSPORTATION
TELEPHONE (919) 707-2800
jeboyette@ncdot.gov
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JANUARY 2010
(Revised July 2020)

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DIVISION OF HIGHWAYS

<u>DIVISION</u>	<u>DISTRICT OFFICES</u>	<u>TELEPHONE</u>
1	District 1-	(252) 331-4737
	1929 North Road Street	(252) 331-4739 FAX
	Elizabeth City, N.C. 27909	
	Counties- Camden, Currituck, Dare, Gates, Pasquotank, Perquimans	
	District 2-	(252) 332-4021
	230 NC 42 West	(252) 332-3040 FAX
	Ahoskie, N.C. 27910	
	Counties- Bertie, Hertford, Northampton	
	District 3-	(252) 789-6150
	19210 US Hwy 64 East	(252) 789-0055 FAX
	Williamston, N.C. 27892	
	Counties- Chowan, Hyde, Martin, Tyrrell, Washington	
2	District 1-	(252) 623-5300
	1701 West 5th Street	(252) 946-7433 FAX
	Washington, N.C. 27889	
	Counties- Beaufort, Greene, Pitt	
	District 2-	(252) 649-6500
	209 South Glenburnie Road	(252) 514-4894 FAX
	New Bern, N.C. 28560	
	Counties- Carteret, Craven, Jones, Lenoir, Pamlico	

<u>DIVISION</u>	<u>DISTRICT OFFICES</u>	<u>TELEPHONE</u>
3	District 1- 295-A Wilmington Hwy Jacksonville, N.C. 28540	(910) 467-0505 (910) 346-8030 FAX
	Counties- Onslow, Pender	
	District 2- 220 North Boulevard Clinton, N.C. 28328	(910) 682-5100 (910) 592-8209 FAX
	Counties- Duplin, Sampson	
	District 3- 300 Division Drive Wilmington, N.C. 28401	(910) 398-9100
	Counties- Brunswick, New Hanover	
4	District 1- 14194 Hwy 903 Halifax, N.C. 27839	(252) 583-4230 (252) 583-1608 FAX
	Counties- Edgecombe, Halifax	
	District 2- 3013 US 64-A Nashville, N.C. 27856	(252) 462-2580 (252) 459-2401 FAX
	Counties- Nash, Wilson	
	District 3- 2671 US 70 West Goldsboro, N.C. 27530	(919) 739-5300 (919) 731-2017 FAX
	Counties- Johnston, Wayne	
5	District 1- 4009 District Drive Raleigh, N.C. 27607	(919) 733-3213 (919) 715-5778 FAX
	Counties- Wake	

<u>DIVISION</u>	<u>DISTRICT OFFICES</u>	<u>TELEPHONE</u>
5	District 2- 815 Stadium Drive Durham, N.C. 27704	(919) 220-4750 (919) 560-3357 FAX
	Counties- Durham, Granville, Person	
	District 3- 321 Gillburg Road Henderson, N.C. 27537	(252) 598-5100 (252) 492-0123 FAX
	Counties- Franklin, Vance, Warren	
6	District 1- 872 NC 711 Hwy Lumberton, N.C. 28360	(910) 618-5546 (910) 618-5586 FAX
	Counties- Robeson	
	District 2- 600 Southern Ave Fayetteville, N.C. 28306-1524	(910) 639-0601 (910) 437-2529 FAX
	Counties- Cumberland, Harnett	
	District 3- 1194 Prison Camp Road Whiteville, N.C. 28472	(910) 642-3760 (910) 642-2984 FAX
	Counties- Bladen, Columbus	
7	District 1- 127 E. Crescent Square Drive Graham, N.C. 27253-0766	(336) 520-6060 (336) 570-6873 FAX
	Counties- Alamance, Orange	
	District 2- 1584 Yanceyville Street Greensboro, N.C. 27415-4996	(336) 487-0100 (336) 318-4573 FAX
	Counties- Guilford	

<u>DIVISION</u>	<u>DISTRICT OFFICES</u>	<u>TELEPHONE</u>
7	District 3- 1226 N Scales St Reidsville, N.C. 27320 Counties- Caswell, Rockingham	(336) 634-5644 (336) 634-5656 FAX
8	District 1- 300 DOT Drive Asheboro, N.C. 27204 Counties- Chatham, Montgomery, Randolph District 2- 902 N. Sandhills Blvd. Aberdeen, N.C. 28315 Counties- Hoke, Lee, Moore, Richmond, Scotland	(336) 318-4025 (336) 625-1012 FAX (910) 944-7621 (910) 944-5623 FAX
9	District 1- 4770 South Main Street Salisbury, N.C. 28147 Counties- Davidson, Rowan District 2- 375 Silas Creek Parkway Winston-Salem, N.C. 27127 Counties- Davie, Forsyth, Stokes	(704) 630-3200 (704) 761-2004 FAX (336) 747-7900 (336) 703-6694 FAX
10	District 1- 615 Concord Road (NC 73) Albemarle, N.C. 28001 Counties- Cabarrus, Stanly	(704) 983-4360 (704) 982-9659 FAX

<u>DIVISION</u>	<u>DISTRICT OFFICES</u>	<u>TELEPHONE</u>
10	District 2- 7605 District Drive Charlotte, N.C. 28213	(980) 523-0000 (704) 598-1758 FAX
	Counties- Mecklenburg	
	District 3- 130 S. Sutherland Ave. Monroe, N.C. 28112	(704) 218-5100 (704) 292-1800 FAX
	Counties- Anson, Union	
11	District 1- P.O. Box 558 Elkin, N.C. 28621	(336) 530-6000 (336) 835-1615 FAX
	Counties- Alleghany, Surry, Yadkin	
	District 2- P.O. Box 1460 Boone, N.C. 28607	(828) 268-6022 (828) 265-5414 FAX
	Counties- Avery, Caldwell, Watauga	
	District 3- P.O. Box 250 North Wilkesboro, N.C. 28659	(336) 903-7170 (336) 903-9218 FAX
	Counties- Ashe, Wilkes	
12	District 1- 1702 E. Main Street P.O. Box 47 Shelby, N.C. 28151-0047	(980) 552-4100 (704) 480-5438 FAX
	Counties- Cleveland, Gaston	
	District 2- 124 Prison Camp Rd. Statesville, N.C. 28625	(704) 380-6040 (704) 876-0602 FAX
	Counties- Alexander, Iredell	

<u>DIVISION</u>	<u>DISTRICT OFFICES</u>	<u>TELEPHONE</u>
12	District 3- 1031 E Gaston St. Lincolnton, N.C. 28092 Counties – Catawba, Lincoln	(704) 748-2400 (704) 748-2403 FAX
13	District 1- 3931 NC 226 S Marion, N.C. 28752 Counties- Burke, McDowell, Mitchell, Rutherford	(828) 803-6100 (828) 652-8391 FAX
	District 2- 11 Old Charlotte Highway Asheville, N.C. 28803 Counties- Buncombe, Madison, Yancey	(828) 298-2741 (828) 299-3747 FAX
14	District 1- 4142 Haywood Road Mills River, N.C. 28759 Counties- Henderson, Polk, Transylvania	(828) 891-7911 (828) 891-5026 FAX
	District 2- 178 Henry Bird Rd Whittier, N.C. 28789 Counties- Haywood, Jackson, Swain	(828) 497-7333 (828) 497-6095 FAX
	District 3- 191 Robbinsville Road Andrews, N.C. 28901 Counties- Cherokee, Clay, Graham, Macon	(828) 321-4105 (828) 321-3228 FAX

APPLICATION REQUIREMENTS

Any person or corporation desiring to construct a new subdivision road which is to be dedicated as public, must submit the following information to the District Engineer for proper evaluation in order to obtain a certificate of approval as required by North Carolina General Statute 136-102.6. (See Page 29 of this document for Statute.)

If the new subdivision road (to be dedicated as public or private) will connect to a state system road, a driveway permit/encroachment agreement authorizing construction on State right-of-way must be obtained from the Division of Highways before beginning any construction. Applications should be made to the District Engineer having jurisdiction in the area.

The appropriate District Engineer's Office can be determined from the listings beginning on Page 2 of this manual or the following link:

<https://apps.dot.state.nc.us/srmu/directory/public/EngDirHandler.ashx>.

1. Three complete site layouts with vicinity map, including any future expansions anticipated. Additional copies may be required by the District Engineer's Office.
2. Horizontal alignment indicating general curve data on site layout plan.
3. Vertical alignment indicated by percent grade, P.I. station, vertical curve length, and k-value, on site layout plan. Existing ground profile along centerline should also be included.
4. Typical section indicating the pavement design and width of pavement. All slopes shown in accordance with drawings on Pages 40 and 41 of this manual.
5. Submission of hydraulics plans and drainage calculations are required. A copy of U.S. Geodetic Survey or other contour mapping showing drainage areas is also required. (NOTE: A sample standard pipe sizing chart is shown on Page 38 or any generally accepted industry standard containing the same information as shown in the example may be used.)
6. Two copies of the recorded plat are to be furnished to the District Engineer after certification or upon application for State Maintenance.
7. On new subdivision roads, lot lines should not extend into the right-of-way. *See North Carolina Transportation and Highway Laws*, chapter 136, article 7, section 136-102.6 for additional information on right-of-way width and lot lines. (See Page 29 of this document for statute).
8. When property is subdivided along existing state maintained roads, the lot lines may extend into the right of way subject to the property owners discretion.
9. A minimum of four separate site plans for driveway permits will be required prior to construction within NCDOT Right of Way. (See Pages 36 and 37 for permit).
10. Copy of erosion control plans and permit, approved by Department of Environment and Natural Resources or local government, may be required by the District Engineer. (See Page 35.)

11. Encroachment agreements (utility & non-utility) are required prior to addition of road to State System. (For agreement forms, please contact District Engineer.)

SUBDIVISION ROADS

A subdivision road is one that serves a parcel or tract of land that is subdivided into two or more lots, building sites or other divisions for sale or building development for residential purposes where such subdivisions include a new road or change in an existing road.

Subdivision roads shall be designated public or private. Public designations shall be designed and constructed to minimum construction standards of the North Carolina Department of Transportation as required under North Carolina General Statute 136-102.6. and are eligible to be added to the State system of roads. (See Page 29 of this document). Private roads are not eligible to be added to the state system of roads and need not meet minimum construction requirements.

Definitions

The following definitions shall apply in this manual:

1. Residential Local Subdivision Road - Either cul-de-sacs, loop roads, roads that do not connect thoroughfares or serve major traffic generators.
 - A. Dead End Roads - These are roads less than 2,500 feet in length, open at one end only without special provisions for turning around and have no collector characteristics.
 - B. Short Connecting Roads - These roads are normally one block long or extend on a block-by-block basis and have no collector characteristics.
 - C. Loop Roads - A road that has its beginning and ending points on the same route. It is less than one mile in length and has no collector characteristics.
 - D. Other Roads - These roads do not connect thoroughfares or serve major traffic generators and do not have "collector" characteristics.
 - E. Cul-De-Sacs - These are very short roads, open at one end only, with a special provision for turning around. They have a "bulb" end design with a specific turning radii and a limited number of lots.
2. Residential Collector Subdivision Road - A road which serves as the connecting street between local residential roads and the thoroughfare system.
 - A. Dead End Roads - These roads are more than 2,500 feet in length, open at one end only without special provisions for turning around, and have collector characteristics.
 - B. Connecting Roads - The roads which serve as the connecting road system between other roads within the subdivision and the thoroughfare system.
 - C. Loop Roads - A road that has its beginning and ending points on the same route. It is more than one mile in length and has collector characteristics.

- D. Other Roads - These are other roads having a "collector" type function in the thoroughfare system.
- E. Subdivision Access Road - This is a road built through vacant property to provide access to the property being developed. This road would not have lots platted along it.

Requirements for Addition of Subdivision Roads to the System:

1. The minimum construction standards and other requirements in this manual must be a part of the proposal to be reviewed for approval prior to development in order for a plat to be recorded by the County Register of Deeds.
2. A Petition for Addition (DOT Form SR-1) is required from the developer and/or property owners. (See Pages 33 and 34 of this document.)
3. Developers or property owners must dedicate right-of-way, as indicated in the minimum design and construction criteria section of this manual, free of charge and clear of all encumbrances, including structural stormwater control (SSC) devices. (See Page 16 of this document.)
4. Existing utilities may remain within the right-of-way of any subdivision road added to the Secondary Road System provided the location of same meets Division of Highways' approval and the utility owner executes an encroachment agreement on forms furnished by the Division of Highways. Should utility adjustments or relocation to conform to Division of Highways' requirements be required, (See *Policy and Procedures for Accommodating Utility on Highway Rights of Way*; <https://connect.ncdot.gov/municipalities/Utilities/Pages/UtilitiesManuals.aspx>) they shall be made at no expense to the Division of Highways. As per General Statute 136-102.6, "Utilities are defined as electric power, telephone, television, telegraph, water, sewage, gas, oil, petroleum products, steam, chemicals, drainage, irrigation and similar lines."

G. S. 136-102.6 dictates further that "The right of any utility placed or located on a proposed or existing subdivision public road right-of-way shall be subordinate to the road right-of-way, and the utility shall be subject to regulation by the Board of Transportation". NOTE: The developer and/or owners will be required to submit encroachment agreements for all utilities within a subdivision as dictated by G. S. 136-102.6. (See Page 29 of this document for Statute).
5. At least 20 percent of the lots bordering the road must be individually owned.
6. There must be at least two occupied residences for each one-tenth of a mile. A minimum of four occupied homes is required for the addition of roads less than two-tenths of a mile in length. If four occupied homes are not served, it will be treated as a private drive. An exception may be made if the cul-de-sac is fully developed, serves at least four platted lots, and has four occupied homes that abut the road. A minimum of two homes must have primary access to the cul-de-sacs.

7. Subdivision Access Roads must provide ingress and egress for at least five occupied residences for roads less than one mile in length and an average of five occupied residences per mile for roads over one mile in length.
8. The number of platted lots on each road will be reviewed to ensure that the minimum occupied housing requirements in this manual are served.
9. Connecting roads with less than the required occupied homes for the length involved may be reviewed as to traffic usage for addition purposes. Traffic usage equivalent to the traffic that would be generated by the correct number of occupied homes will be acceptable.
10. Any subdivision road with a right-of-way dedicated, recorded, or that has preliminary approval from a county planning board dated after September 30, 1975, will not be added to the State System unless the road is built to the minimum construction standards of the Division of Highways for subdivision roads.
11. Erosion and Sedimentation - All subdivision roads shall have an acceptable permanent vegetative cover established and other acceptable permanent erosion control measures installed in accordance with Division of Highways' specifications, prior to addition to the State maintained system.
12. Subdivision roads shall meet the minimum design and construction criteria contained herein prior to addition to the State system and shall be in an acceptable state of maintenance prior to addition to the State maintained road system.
13. All pipe culverts, storm sewers and appurtenances shall be free of all debris and silt build-up and shall be structurally and hydraulically sound, and functioning in a normal manner. All drainage structures shall be of sufficient length to accommodate appropriate roadway side slopes, as defined in the minimum construction standards in this manual, with standard height headwalls. Extended height headwalls intended to reduce drainage structure length or to reduce right of way requirements are not acceptable. All drainage ditches shall be of such a width and depth and with such a slope as to carry the anticipated discharges. Paved ditches or Rip Rap shall be required where necessary.
14. Where extenuating circumstances exist, the Division Engineer has the authority to allow deviations from this manual which are reasonable, and limited only to safety, environmental and maintenance factors. No deviation will be allowed from the typical section requirements except by written approval from the Chief Engineer-Operations.
15. Within a Municipal Extra Territorial Jurisdiction or within Counties having local ordinances affecting subdivisions, the more restrictive ordinance shall apply if maintenance responsibilities by the NCDOT are not increased beyond normal maintenance by applying the construction standards of this document.
16. Designs using walkable community concepts shall be reviewed by the Chief Engineer - Operations. Traditional Neighborhood Development Street Design Guidelines (walkable community) can be found at:
<https://connect.ncdot.gov/projects/Roadway/RoadwayDesignAdministrativeDocuments/Traditional%20Neighborhood%20Development%20Manual.pdf>
17. For the Policy on Roadway Bridges and Dams, see Page 17.

18. Roads being considered for addition must be clear of highway obstructions as defined in NCAC 2E.0404. (See Page 32.)
19. The Division of Highways will consider the addition of streets that serve developments with large lots or parcels that are of the size that the occupied housing requirement of two homes per tenth of a mile cannot be met. The number of occupied homes needed shall be a judgment factor based upon the length and the number of lots or parcels involved. The minimum requirement shall be four occupied homes.

UTILITY REQUIREMENTS

1. Poles and other above-ground utilities which are to remain inside the right-of-way under encroachment agreement shall be located at or as near as practical to the right-of-way line. As a minimum, above-ground utilities shall be located outside the clear roadside area for the highway section involved.

Where there are curbed sections, above-ground utilities should be located as far as practical behind sidewalks. There is no single minimum dimension for setback of poles, fire hydrants, etc., behind curbs; however, where there are curbed sections and no sidewalks, 6' will be used as a design safety concept guide.

2. Minimum Depth of Cover for Pipe Lines and Other Utilities

- a. Longitudinal pipe lines and electric power primary3'
- b. Longitudinal electric power secondary, and trenched communication lines.....2'
- c. Crossings under roadways3'
- d. Crossings under ditches2'
- e. Plowed-in communication lines except fiber optic.....18"
- f. Plowed-in fiber optic.....24"

3. For residential local subdivision streets, underground utilities may cross under or run longitudinally under the pavement provided future utility stub-outs are installed prior to paving. For all other streets and highways, underground utilities may cross under but not run longitudinally under the pavement except in unusual situations approved by the Division Engineer.

4. Acceptable Materials for Pipeline with Utilities Within the Rights of Way - Materials not listed shall be referred to the Field Operations Support - Utilities Section.

- a. Smooth Wall Steel Pipe meeting API 5L Grade B Specifications
- b. Spiral Welded Steel Pipe meeting ASTM Specification A-211
- c. Circular Black Steel Pipe meeting ASTM Specification A-120 or A-589
- d. Galvanized Steel Pipe Meeting ASTM A-120 Specifications
- e. Ductile Iron Pipe – class 50 Min. Strength
- f. Concrete Sewer Pipe – Plain and Reinforced Pipe meeting Department of Transportation Standard with Rubber Gasket Joints
- g. Reinforced Concrete Pressure Pipe, Steel Cylinder Type for Water and other Liquids meeting AWWA Specifications C-300, C-301, and C-303
- h. ABS (Acrylonitrile – Butadiene – Styrene) Composite Sewer Pipe shall meet ASTM D-2680 Specifications for Pipe sizes 8” thru 15” and ASTM D-2751 for pipe sizes 4” and 6” for Laterals. ABS Sewer Pipe shall be used for Domestic Sewage only; also, P.V.C. Truss Pipe meeting ASTM D-2321 which has to be specified by registered Professional Engineer.
- i. P.V.C. (Polyvinyl Chloride) Water Pipe (pressure only) – SDR 14 (C-900), SDR 18 (C-900) and SDR 21.
- j. P.V.C. (Polyvinyl Chloride) Sewer Pipe (Force Main) SDR 14 (C-900), SDR 18 (C-900) and SDR 21.

- k. P.V.C. (Polyvinyl Chloride) pipe (Gravity Sewer) SDR 14 (C-900), SDR 18 (C-900), SDR 21, SDR 26, SDR 35, ASTM F 794, ASTM F 949 (A-2000) and Schedule 40 and 80.
 - l. V.C. (Vitrified Clay) Sewer Pipe, Extra Strength meeting ASTM Specifications C-700 with Factory Fabricated Joints meeting ASTM Specifications C-425.
 - m. P.E. (Polyethylene) Plastic Pipe – SDR 7 meeting ASTM Specifications D-2239 and Plastic Tubing – SDR 9 meeting ASTM Specification D-2737 for sizes ¾” thru 2” only.
 - n. Polyethylene Plastic Pipe (High Molecular Weight) and (Medium Molecular Weight) SDR 11 meeting Plastic Pipe Institute Material Designation PE 3408 and PE 2406 in sizes up to 6.625” O.D. for gas with maximum operating pressure of 60 PSIG.
 - o. Type K Copper Pipe meeting ASTM Specification B-88 for sizes ¾” thru 2”.
5. Any utility to be installed within the right-of-way of a state maintained road will require an encroachment agreement with the North Carolina Board of Transportation in accordance with their publication entitled *Policies and Procedures for Accommodating Utilities on Highway Rights of Way*.
(<https://connect.ncdot.gov/municipalities/Utilities/Pages/UtilitiesManuals.aspx>)
 6. All non-ferrous pipelines shall be installed with a locating tape.
 7. All utility structures (i.e. vaults, manholes, and boxes) shall be load rated for the appropriate dead load plus an HL-93 live load. Such structures shall be designed and certified by a licensed professional engineer.
 8. Electrical power and communication facilities should conform to the currently applicable National Electrical Safety Code except vertical clearances shall be no less than 18 feet in any case.

MINIMUM DESIGN AND CONSTRUCTION CRITERIA FOR SUBDIVISION ROADS

CONSTRUCTION REQUIREMENTS

A. DRAINAGE

The Division of Highways shall review all drainage prior to acceptance of any facility to the State System. Drainage, utility, or public easements, are not considered a portion of the highway facility.

All storm drainage shall be adequate so that the road and rights of way may be maintained without excessive cost, and not cause flooding on private property from storm runoff of the design frequency. Permanent drainage easements may be established by the designer; however, the NCDOT does not accept maintenance responsibility for the easement outside of the roadway right-of-way. The minimum design frequency shall be as follows but may be increased at the recommendation of the State Hydraulics Engineer.

1. Storm sewer collector - 10 years
2. Cross drainage for Secondary Routes - 25 years
3. Cross drainage on primary and N.C. routes will be 50 years.
4. Minimum Cross Pipe diameter is 18", Minimum Driveway Pipes diameter is 15".
5. All drainage shall be consistent with criteria found in *NCDOT - Guidelines for Drainage Studies and Hydraulic Design*.
<https://connect.ncdot.gov/resources/hydro/Pages/Guidelines-Drainage-Studies.aspx>

Note: Use of hydraulic design forms found in *Guidelines for Drainage Studies and Hydraulic Design* will expedite the design review process.

In areas where ditch grades or quantities of flow deem it impracticable to establish and maintain vegetation, an erosive resistant lining such as paving, matting or rip rap may be required.

Subsurface drainage shall be adequate to maintain a stable subgrade.

When road crossings are within areas designated as flood hazard areas under the Federal Flood Insurance Program, the design must be approved by the responsible local governing agency for its consistency with local flood zoning ordinances. Structural stormwater controls shall be located outside the right-of-way.

Structural control devices shall be shown on plans. The DOT assumes no responsibility for maintenance nor liability of the stormwater control devices (see Page 17 for Structural Stormwater Controls).

Project Materials shall meet NCDOT Standards. Types of approved material shall be consistent with materials listed in "*Guidelines for Drainage Studies and Hydraulic Design*".

Structural Stormwater Controls

The Department of Environment and Natural Resources (DENR) or the local governing agency may require the design and installation of structural stormwater controls (SSC's) as part of a stormwater management plan for the subdivision. Alternatively, the developer/land-owner may voluntarily install SSC's. All SSC's shall be constructed and maintained in accordance with applicable laws, ordinances, regulations, rules and directives of governmental authorities having jurisdiction over stormwater management activities.

All SSC's, and any associated drainage easements, shall be located outside of the NCDOT right-of-way. The NCDOT assumes no responsibility for operation, maintenance, or liability of the SSC's.

A North Carolina licensed professional engineer shall sign and seal a certification on the plan that all SSC's meet the stormwater management requirements of the governmental authorities having jurisdiction over stormwater management activities. In addition, the Engineer must provide a certification of completion and verify that all SSC's are constructed in accordance with applicable regulations.

Prior to addition of the subdivision road to the State system, the property owner must execute an operation and maintenance agreement for the SSC's that shall be binding on all subsequent owners of the property, portions of the property, and lots or parcels served by the SSC's. The operation and maintenance agreement shall ensure that the SSC's are operated and maintained so as to preserve and continue their function in controlling stormwater at the degree and amount of function for which the SSC's were designed; shall require the owner (or homeowners' association or similar entity) to maintain, repair and, if necessary, reconstruct the SSC's; and shall state the terms, conditions, and schedule of maintenance for the SSC's. For SSC's that are or are to be owned by a homeowners' association or similar entity, the operation and maintenance agreement shall acknowledge that the association shall continuously operate and maintain SSC's **at no cost to Division of Highways**.

All SSC's and associated access/maintenance easement(s) shall be depicted on a final subdivision plat which is recorded with the county Register of Deeds. The operation and maintenance agreement shall be referenced on the final plat and shall be recorded with the county Register of Deeds upon final plat approval.

B. STRUCTURES (BRIDGES, CULVERTS, DAMS AND RETAINING WALLS)

Bridges

Minimum criteria for bridges to be built by private interest for future acceptance by the Division of Highways.

1. Bridges which are to span streams shall be designed for hydraulic requirements in accordance with Division of Highways criteria, and plans shall be submitted to the Hydraulics Unit for review and approval. Bridge submittals shall include alternate structures considered and reasonable justification for selection of bridge structure and length. Generally, avoidance of individual environmental permits would not

be considered reasonable justification for use of excessive hydraulic structures or bridge lengths. Deck drains discharging into open water should be avoided.

Rip Rap will be required as recommended by the Hydraulics Unit.

2. Bridges shall be designed for minimum live load of HL-93 as specified in the *AASHTO LRFD Bridge Design Specifications*, and the current edition of the Structure Design Unit *Design Manual*.

Bridges shall be rated in accordance with the *AASHTO Manual for Bridge Evaluation* and the current edition of the Structure Design Unit *Design Manual*. All design load ratings and legal load ratings shall be greater than 1.0.

Plans shall be submitted for review and approval by the Structure Design Unit.

3. Bridge deck widths and clearances shall be in accordance with the North Carolina Department of Transportation "Bridge Policy." For bridges with curb and gutter approaches, the clear bridge width shall be the same as the face to face approach width except where bikeways or sidewalks are carried across the structure. Curb and gutter will be transitioned out in 50 feet to line up the face of curb and bridge rail. For shoulder section roadways, the bridge width should be a minimum of 24'.
4. The following materials are acceptable for bridge construction:
 - a. For substructures - reinforced concrete, structural steel, pre-stressed concrete, or steel piles or combination of these materials.
 - b. For superstructures - pre-stressed concrete, reinforced concrete deck slab, or structural steel I-beams with reinforced concrete deck.
 - c. The type and design of bridge rails shall be as approved by the Structure Design Unit of the Division of Highways.
5. Guardrail shall be installed at the bridge approaches in accordance with *North Carolina Roadway Standard Drawings*.
6. All material and workmanship used in construction of the structure shall be in accordance with *North Carolina Standard Specifications for Roads and Structures* and *North Carolina Roadway Standard Drawings*.

Culverts

A culvert is a conduit that conveys flow through the embankment. Culvert shapes may include circular, rectangular, elliptical, pipe-arch, and arches. They range in size from large multiple barrel culverts to single 18" pipes.

1. The minimum pipe size for cross pipe drainage is 18".
2. Culverts in a riverine environment must be designed for hydraulic conveyance needs in accordance with Division of Highways criteria. Use of oversized structures to circumvent environmental permit responsibility creates excessive cost for Division of Highways in perpetual inspection/maintenance and future replacement needs. Therefore, drainage structures that greatly exceed hydraulic requirements for highway purposes will not be accepted for future maintenance unless to refuse would create "considerable and real hardship" for the applicant. Environmental permitting under a Nationwide Permit to avoid Individual Permit does not constitute "considerable or real hardships." An example of a "considerable and real hardship" would be the presence of "Threatened or Endangered Species" as determined by USFW. Specific locations for use of oversized structures should be coordinated with Division of Highways personnel prior to design and construction of the subdivision.
3. Headwalls are generally used on the inlet end of culverts 36-inch and larger. Maximum height of headwalls shall be one foot above pipe structure. Neither Mechanically Stabilized Earth (MSE) nor Modular Block walls are considered appropriate for culvert headwall applications.
4. Allowable headwater elevation is established based on designers' evaluation of natural flow depths, potential flooding of upstream structures and land use, as well as proposed roadway elevations. Culverts should be analyzed for both inlet control and outlet control conditions. Where inlet control governs conveyance, headwater depth is also limited to the ratio of headwater depth divided by pipe diameter (rise for arches) equal to 1.2 or 1.5 feet below the shoulder point (at the sag in vertical alignment), whichever results in the lower headwater depth. Where outlet control governs conveyance, the allowable Head (H) should be limited to 2 feet maximum and provide 1.5 feet freeboard below the shoulder point.
5. The slope of a culvert should approximate that of the natural channel. The invert elevation should be slightly below the natural bed ranging from 0.1 +/- feet for small pipes to 1.0 +/- feet for large structures. The normal burial depth for pipes less than or equal to 48" is 20% of the diameter. Pipes larger than 48" are buried 1.0 foot. Where fish passage is a primary consideration, the invert should be a minimum of 1.0 feet below the natural bed. Baffles may be placed in the invert to promote retention of bed material and formation of a low flow channel. If non-erodible rock is found along the entire culvert length at a depth less than 5 feet, a bottomless structure may be constructed on footings which can minimize disturbance of the natural channel bed. NCDOT's Geotechnical Unit must review subsurface investigation reports provided by applicant to confirm acceptable foundation material prior to final selection of a "bottomless" culvert alternate.

6. Culverts must be long enough to accommodate the proposed typical roadway section and a 2:1 fill slope, or flatter, from shoulder point to the crown of structure or roof slab (not headwall).
7. Culverts must be designed to provide for minimum HL-93 live load.
8. Culverts shall be rated in accordance with the *AASHTO Manual for Bridge Evaluation* and the current edition of the *Structure Design Unit Design Manual*. All design load ratings and legal load ratings shall be greater than 1.0.

Roadway Dams

1. In those cases, where no other feasible alternatives exist, the utilization of a dam for a roadway may be considered.
2. Where it is determined that a dam will be utilized as a roadway, the following criteria must be met:
 - a. When applicable, the dam must have certification from the N. C. Department of Natural Resources and Community Development pursuant to the "Dam Safety Law of 1967," (as amended by the General Assembly of 1977).
 - b. All pertinent data regarding the design of the embankment as an impoundment structure must be presented to the Division of Highways for review.
 - c. The top cross section dimension must be the roadway width required (from shoulder point to shoulder point) for the facility plus a minimum of 4 feet.
 - d. Guardrail will be provided on the impoundment side of the roadway and installed in accordance with *North Carolina Roadway Standard Drawings*. For safety the District Engineer may require guardrail on both sides of the roadway.
 - e. Spillway will be designed to provide 2 feet of freeboard at the shoulder for an estimated 50-year design frequency outflow as a minimum.
 - f. A means of draining the lake completely will be provided.
3. Design acceptance or approval by the Division of Highways is limited to the use of the dam as a roadway and is in no way intended as approval of the embankment as an impoundment structure.
4. Responsibility incurred by the Division of Highways when a section of roadway crossing a dam is accepted as a part of the state maintenance system is limited to maintenance of the roadway for highway purposes from shoulder point to shoulder point only. Responsibility for the impoundment, any damage that may result there from, and maintenance of the dam or appurtenances as may be required to preserve its integrity as a water impoundment structure, shall remain with the owner of the impoundment. Any such maintenance work will be subject to the provisions of G.S. 136-93.
5. Impoundment of water on highway right-of-way may be allowed under the following criteria:

- a. The impoundment does not adversely affect the right-of-way for highway purpose.
 - b. Adjustment, as required, flattening slopes, installing rip rap, and any others, shall be the responsibility of the developer.
6. Structures under, over and/or on Dams shall be designed and plans prepared under the supervision of a Licensed Professional Engineer.

Retaining Walls

Rights of way and slope maintenance easements sufficient in width to accommodate appropriate roadway side slopes in accordance with the minimum construction standards in this manual shall be transferred to the Division of Highways. Retaining walls are roadside obstacles and will only be allowed where no other feasible alternatives exist. In the case an exception is warranted and approved by the Division Engineer, retaining wall design must be reviewed by Geotechnical Engineering Unit.

C. CURB AND GUTTER AND SIDEWALK

All curb and gutter and sidewalk sections shall meet Division of Highways standards.

1. The standard 2'-6" concrete curb and gutter is the preferred type to be used. Any other types of curb and gutter shall be subject to the approval of the District Engineer.
2. Curb inlet spacing and storm system design shall be consistent with criteria found in *NCDOT - Guidelines for Drainage Studies and Hydraulic Design*.
<https://connect.ncdot.gov/resources/hydro/Pages/Guidelines-Drainage-Studies.aspx>
3. NCDOT will allow sidewalks by encroachment and will not accept responsibility for maintenance. Maintenance responsibility of sidewalks shall be noted on plat. All sidewalks shall meet requirements of the "Americans With Disabilities Act".
4. Catch basins shall be NCDOT standard frame, grates and hood. Where other than standard 2' 6" curb is used, an approved transition section before and after the standard frames, grate and hood will be required.
5. Catch basins should be avoided in curb radii.
6. Allowable gutter spread is limited to gutter width plus ½ travel lane for outside lane. Median gutter spread is limited to gutter width plus 2 feet.
7. Standard minimum depth boxes shall be used when practical to eliminate excessively deep pipe drainage system.
8. Pipe drainage system is to be located beneath curb. Longitudinal runs beneath roadway should be avoided. Pipes connecting catch basins to trunk lines on the

opposite side of the roadway shall cross as near to perpendicular to the roadway as feasible.

D. WHEEL CHAIR RAMPS

In accordance with General Statute 136-44.14, all street curbs in North Carolina being constructed or reconstructed for maintenance procedures, traffic operations, repairs, correction of utilities or altered for any reason after September 1, 1973, shall provide wheel chair ramps for the physically handicapped at all intersections where curb and gutter is provided and at other major points of pedestrian flow.

Wheel chair ramps and depressed curbs shall be constructed in accordance with details contained in the Department of Transportation, Division of Highways' publication entitled, *Guidelines, Curb Cuts and Ramps for Handicapped Persons*. (North Carolina Roadway Standard Drawings No. 848.05 and 848.06)

E. PAVEMENT DESIGNS

Shown below are minimum thicknesses of base and surface course to be used. Design guidelines should be chosen from Group I or Group II depending on subgrade soil type. The District Engineer may require a subgrade soil test to determine the soil classification type and heavier pavement designs than the minimum designs depending on route classification (local/collector) and traffic loading impacts of planned subdivision phases. A prime coat may be required on ABC.

NOTE: For additional information on the design and construction of Concrete Pavement for Local Roads and Streets, see web link below:

<https://connect.ncdot.gov/resources/Asset-Management/Pages/subdivisions.aspx>

The following documents can be found at this link on the NCDOT Connect website:

Concrete Pavement for Local Roads & Streets

Specifications - Concrete Pavement for Local Roads & Streets

Design Guidance - Concrete Pavement for Local Roads & Streets

Detail Drawings - Concrete Pavement for Local Roads & Streets

Standard Notes - Concrete Pavement for Local Roads & Streets

GROUP I

Good to Excellent

<u>Subgrade Soil Types</u>	<u>Base Course</u>	<u>Pavement Surface</u>
A-1-a, A-1-b, A-3	7" STBC, Type A or C.....	2" SF9.5A (1 layer) or S9.5B
A-2-4, A-2-5, A-2-6,	9" STBC, Type A or C.....	1 ½" SF9.5A
A-2-7	8" ABC or STBC, Type B.....	AST
	6" ABC or STBC, Type B.....	1 ½" SF9.5A or S9.5B
	3" B25.0B.....	1 ½" SF9.5A or S9.5B
	4" ABC.....	5" Jointed Concrete

NOTE: For additional information on the design and construction of Concrete Pavement for Local Roads and Streets, see web link below:

<https://connect.ncdot.gov/resources/Asset-Management/Pages/subdivisions.aspx>

GROUP II

Poor to Fair

<u>Subgrade Soil Types</u>	<u>Base Course</u>	<u>Pavement Surface</u>
A-44, A-5, A-6,	9" STBC, Type A or C.....	2" SF9.5A (1 layer) or S9.5B
A-7-5, A-7-6	8" ABC or STBC, Type B.....	1 ½" SF9.5A or S9.5B
	10" ABC or STBC, Type B.....	AST
	4" B25.0B.....	1 ½" SF9.5A or S9.5B
	4" ABC.....	6" Jointed Concrete

NOTE: For additional information on the design and construction of Concrete Pavement for Local Roads and Streets, see web link below:

<https://connect.ncdot.gov/resources/Asset-Management/Pages/subdivisions.aspx>

Decorative pavers may be permitted by encroachment. However, maintenance of decorative pavers will not be performed by NCDOT.

NOTE:

Subgrade No base course shall be placed on muck, pipe clay, organic matter or other unsuitable material.

<u>ABC</u>	Aggregate Base Course
<u>STBC</u>	Soil Type Base Course
<u>AST</u>	Asphalt Surface Treatment – Mix design to be approved by District Engineer
<u>SF9.5A</u>	Asphalt Concrete Surface Course, Type SF9.5A
<u>S9.5B</u>	Asphalt Concrete Surface Course, Type S9.5B
<u>B25.0B</u>	Asphalt Concrete Base Course, Type B25.0B

Other base courses such as various cement-treated materials may be used in lieu of those shown above. These materials shall be of sufficient thickness to provide equivalent strength. However, any design other than those shown above must also be approved prior to use by the District Engineer

All materials shall meet the requirements set forth in the latest edition of the *North Carolina Standard Specifications for Roads and Structures*.

F. TRAFFIC CONTROL

The construction of all subdivision road intersections including those with existing state maintained roadways shall be constructed using traffic control standards as designated in the “*Manuals on Uniform Traffic Control Devices*”, “*North Carolina Supplement to the Manual on Uniform Traffic Control Devices*”, and the “*North Carolina Highway Design Branch Roadway Standard Drawings*,” prior to formal addition to the system. See G.S. 136-30.

G. GUARDRAIL

Guardrail may be required at locations meeting guardrail warrants in accordance with NCDOT Design Standards.

Warrant for guardrail may also warrant shoulder berm gutter.

H. ROAD INTERSECTIONS (See Figures 3 & 4 on Pages 41 & 42.)

1. The most desirable intersections are those with angles of 75 to 90 degrees. Intersections with angles from 60 to 75 degrees are acceptable where no other alternatives exist.
2. Minimum sight triangle for stop condition when connecting new local residential roads or residential collector roads to existing state maintained roads is 70 feet along the existing road right of way and 10 feet along the new road right of way.
3. All internal intersections shall have minimum 30’ radii. Radii less than 30’ must be approved by the District Engineer.

4. Non-standard design configurations will be reviewed on a case by case basis and must have approval of the District Engineer prior to formal addition to the state system.

I. ISLANDS OR SHORT MEDIANS AT SUBDIVISION ENTRANCES

The Division of Highways will review requests for the allowance of islands or short medians desired for aesthetics on State Highway System Secondary Roads at the entrance to a subdivision. Approval will be with the following understanding:

1. The District Engineer may allow the island or median sections after review on an individual basis and noted on plans (or encroachment agreement). This shall include all plantings.
2. The Division of Highways will not maintain the island or the median section.
3. The island or the median section will be removed if not properly maintained by someone involved with the subdivision, i.e. developer, homeowners, etc.
4. The minimum lane width at the entrances, excluding curb and gutter, will be 14 feet. Maximum width of island shall be 20 feet. (See Page 47 for detail).

J. SUBDIVISION NAME MARKERS

The Division of Highways will review requests to erect subdivision name markers on an individual basis. The name markers may be allowed to be located within the State Highway System Secondary Road rights-of-way at the beginning of a subdivision road provided the location of such is outside the line of sight and the normal maintenance limits. The name markers may be approved only at locations which will not sacrifice safety to the general traveling public. Approval to erect subdivision name markers will be with the following understanding:

1. All costs will be the responsibility of the requester.
2. The Division of Highways will not maintain the marker or the area around the marker.
3. The markers may be removed if not properly maintained.
4. The Division Engineer may allow the subdivision name markers on secondary road rights-of-way after review on an individual basis.
5. If non-breakaway design, a 30-foot set back from the edge of pavement of the existing state maintained road is required.

(See Page 47 for typical dimensions associated with marker installation.)

1. Residential Local Subdivision Roads include:

- | <u>TERRAIN CLASSIFICATION</u> | <u>LEVEL</u> | <u>ROLLING</u> | <u>MOUNTAINOUS</u> |
|---|--------------|----------------|--------------------|
| Terrain Classification Definition | | | |
| <u>Level</u> - Natural slope range of 0% to 8% | | | |
| <u>Rolling</u> - Natural slope range of 8.1% to 15% | | | |
| <u>Mountainous</u> - Natural slope over 15% | | | |

[L = KA]
 L = Length of vertical curve in feet
 K = Rate of vertical curvature in feet per percent of A
 A = Algebraic difference in grades in percent

26

2. Residential Collector Subdivision Roads include:

- a. Dead End Roads - More than 2500 feet in length
- b. Connecting roads between the local residential subdivision roads and the thoroughfare system
- c. Loop Roads - More than one (1) mile in length
- d. Other roads having a "collector" type function in the thoroughfare system

<u>TERRAIN CLASSIFICATION</u>	<u>LEVEL</u>	<u>ROLLING</u>	<u>MOUNTAINOUS</u>
Terrain Classification Definition			
<u>Level</u> - Natural slope range of 0% to 8%			
<u>Rolling</u> - Natural slope range of 8.1% to 15%			
<u>Mountainous</u> - Natural slope over 15%			
Right of Way Width			
Curb and Gutter Section	50'	50'	50'
Shoulder Section	50'	50'	50'
Pavement Width			
Curb and Gutter Section	34' F-F	34' F-F	34' F-F
Shoulder Section	20'	20'	20'
F-F refers to face to face of standard curb and gutter section. Other types will be reviewed by the Division Engineer with the F-F limits applicable.			
Minimum Shoulder Width			
Shoulder Section	6'	6'	6'
Maximum Cut and Fill Slopes	2:1	2:1	1 1/2:1
Design Speed	35 mph	30 mph	25 mph
Minimum Sight Distance on Vertical Curves	250'	200'	150'
Minimum Centerline Radius	310'	230'	150'
Minimum Superelevation Rate for Minimum Radius ** (See page 28)	.08 ft/ft	.06 ft/ft	.04 ft/ft
Maximum Grade	6%	9%	12%
Grades for 100' each way from intersection exceeding 5 percent (%) may be reviewed by District Engineers for consideration. Grades less than 0.5 percent should not be used unless reviewed individually by the District Engineer to determine potential maintenance problems.			
K = Rate of Vertical Curvature for minimum sight distance			
	CREST		
	45	30	20
	SAG	30	20
	STOP	14	9

Formula for determination of length of vertical curve required to provide minimum sight distance.

$$[L = KA]$$

L = Length of vertical curve in feet

K = Rate of vertical curvature in feet per percent of A

A = Algebraic difference in grades in percent

3. Thoroughfare Plan Roads

For subdivision developments resulting in the construction of a thoroughfare plan route by the developer, the subdivision plan will be forwarded through the District Engineer, to the Traffic Engineering Branch for review by appropriate personnel of the Division of Highways in Raleigh, North Carolina.

4. Industrial Access or Commercial Complex Roads

The minimum construction standards for industrial access road requests or for commercial centers and office complexes will be reviewed individually. The construction standards for pavement design will be in line with expected usage. Final pavement design will be approved by the District Engineer.

*NOTE: On cul-de-sacs, a maximum of two-tenths of a mile in length, 18 feet of pavement (excluding gutter) will be allowed. (See page 45)

Cul-de-sac designs other than the "Bulb" End Design will be subject to the approval of the Division Engineer after review on an individual basis.

**NOTE: The minimum superelevation rates shown for the varying design speeds are for the minimum radii shown. For radii different from these, use the appropriate table from the latest Edition of AASHTO's *Policy on Geometric Design of Highways and Streets* for a desirable design. For a minimum design, the superelevation rate can be calculated from the simplified curve formula:

$$e = \left(\frac{V^2}{15R} \right) - f$$

where

e = superelevation rate in foot per foot

V = design speed in miles per hour

R = Radius of curve in feet

f = side friction factor (see tables *Policy on Geometric Design of Highways and Streets*)

Short cul-de-sacs and dead end streets 1500 feet or less in length may be accepted without superelevation.

Transportation and Highway Laws of North Carolina

§136-102.6. Compliance of subdivision streets with minimum standards of the Board of Transportation required of developers

- (a) The owner of a tract or parcel of land which is subdivided from and after October 1, 1975, into two or more lots, building sites, or other divisions for sale or building development for residential purposes, where such subdivision includes a new street or the changing of an existing street, shall record a map or plat of the subdivision with the Register of Deeds of the county in which the land is located. The map or plat shall be recorded prior to any conveyance of a portion of said land, by reference to said map or plat.
- (b) The right-of-way of any new street or change in an existing street shall be delineated upon the map or plat with particularity and such streets shall be designated to be either public or private. Any street designated on the plat or map as public shall be conclusively presumed to be an offer of dedication to the public of such street.
- (c) The right-of-way and design of streets designated as public shall be in accordance with the minimum right-of-way and construction standards established by the Board of Transportation for acceptance on the State highway system. If a municipal or county subdivision control ordinance is in effect in the area proposed for subdivision, the map or plat required by this section shall not be recorded by the Register of Deeds until after it has received final plat approval by the municipality or county, and until after it has received a certificate of approval by the Division of Highways as herein provided as to those streets regulated in subsection (g). The certificate of approval may be issued by a District Engineer of the Division of Highways of the Department of Transportation.
- (d) The right-of-way and construction plans for such public streets in residential subdivisions, including plans for street drainage, shall be submitted to the Division of Highways for review and approval, prior to the recording of the subdivision plat in the office of the Register of Deeds. The plat or map required by this section shall not be recorded by the Register of Deeds without a certificate of approval by the Division of Highways of the plans for the public street as being in accordance with the minimum standards of the Board of Transportation for acceptance of the subdivision street on the State highway system for maintenance. The certificate of approval shall not be deemed an acceptance of the dedication of such streets on the subdivision plat or map. Final acceptance by the Division of Highways of such public streets and placing them on the State highway system for maintenance shall be conclusive proof that the streets have been constructed according to the minimum standards of the Board of Transportation.
- (e) No person or firm shall place or erect any utility in, over, or upon the existing or proposed right-of-way of any street in a subdivision to which this section applies, except in accordance with the Division of Highway's policies and procedures for accommodating utilities on highway rights-of-way, until the Division of Highways has given written approval of the location of such utilities. Written approval may be in the form of exchange of correspondence until such times as it is requested to add the street or streets to the State system, at which time an encroachment agreement furnished by the Division

§136-102.6 Continued

of Highways must be executed between the owner of the utility and the Division of Highways.

The right of any utility placed or located on a proposed or existing subdivision public street right-of-way shall be subordinate to the street right-of-way, and the utility shall be subject to regulation by the Department of Transportation. Utilities are defined as electric power, telephone, television, telegraph, water, sewage, gas, oil, petroleum products, steam, chemicals, drainage, irrigation, and similar lines. Any utility installed in a subdivision street not in accordance with the Division of Highways, accommodation policy, and without prior approval by the Division of Highways, shall be removed or relocated at no expense to the Division of Highways.

- (f) Prior to entering any agreement or any conveyance with any prospective buyer, the developer and seller shall prepare and sign, and the buyer of the subject real estate shall receive and sign an acknowledgment of receipt of a separate instrument known as the subdivision streets disclosure statement (hereinafter referred to as disclosure statement.) Said disclosure statement shall fully and completely disclose the status (whether public or private) of the street upon which the house or lot fronts. If the street is designated by the developer and seller as a public street, the developer and seller shall certify that the right-of-way and design of the street has been approved by the Division of Highways, and that the street has been or will be constructed by the developer and seller in accordance with the standards for subdivision streets adopted by the Board of Transportation for acceptance on the highway system. If the street is designated by the developer and seller as a private street, the developer and seller shall include in the disclosure statement an explanation of the consequences and responsibility as to maintenance of a private street, and shall fully and accurately disclose the party or parties upon whom responsibility for construction and maintenance of such street or streets shall rest, and shall further disclose that the street or streets will not be constructed to minimum standards, sufficient to allow their inclusion on the State highway system for maintenance. The disclosure statement shall contain a duplicate original which shall be given to the buyer. Written acknowledgment of receipt of the disclosure statement by the buyer shall be conclusive proof of the delivery thereof.
- (g) The provisions of this section shall apply to all subdivisions located outside municipal corporate limits. As to subdivisions inside municipalities, this section shall apply to all proposed streets or changes in existing streets on the State highway system as shown on the comprehensive plan for the future development of the street system made pursuant to G.S. 136-66.2, and in effect at the date of approval of the map or plat.
- (h) The provisions of this section shall not apply to any subdivision that consists only of lots located on Lakes Hickory, Norman, Mountain Island and Wylie which are lakes formed by the Catawba River which lots are leased upon October 1, 1975. No roads in any such subdivision shall be added to the State maintained road system without first having been brought up to standards established by the Board of Transportation for inclusion of roads in the system, without expense to the State. Prior to entering any agreement or any

§136-102.6 Continued

conveyance with any prospective buyer of a lot in any such subdivision, the seller shall prepare and sign, and the buyer shall receive and sign an acknowledgment of receipt of a

statement fully and completely disclosing the status of and the responsibility for construction and maintenance of the road upon which such lot is located.

- (i) The purpose of this section is to insure that new subdivision streets described herein to be dedicated to the public will comply with the State standards for placing subdivision streets on the State highway system for maintenance, or that full and accurate disclosure of the responsibility for construction and maintenance of private streets be made. This section shall be construed and applied in a manner which shall not inhibit the ability of public utilities to satisfy service requirements of subdivisions to which this section applies.
- (j) The Division of Highways and District Engineers of the Division of Highways of the Department of Transportation shall issue a certificate of approval for any subdivision affected by a roadway corridor official map established by the Board of Transportation only if the subdivision conforms to Article 2E of this Chapter or conforms to any variance issued in accordance with that Article.
- (k) A willful violation of any of the provisions of this section shall be a Class I misdemeanor.

NORTH CAROLINA ADMINISTRATIVE CODE
HIGHWAY OBSTRUCTIONS INTERFERING
WITH TRAFFIC MAINTENANCE
19A NCAC 2E.0404

Highway obstructions include driveway headwalls, fences, rural mailboxes, newspaper delivery boxes and other roadside obstructions interfering with traffic or maintenance.

- 1) It shall be unlawful to place any highway obstruction, including a driveway headwall, fence, rural mailbox, newspaper delivery box or other roadside obstruction, so as to interfere with the traffic or maintenance of the roads and highways of the state highway system.
- 2) If the department determines, that any highway obstruction, including a driveway headwall, fence, rural mailbox, newspaper delivery box, its supports or other roadside obstruction, constitutes an unreasonable roadside collision hazard, the highway obstruction shall be removed by the person responsible for placing the obstruction within the right-of-way within 30 days of receipt of a written notice from the department to the person responsible for placing the obstruction within the right-of-way.
- 3) Only mailboxes or newspaper delivery boxes with non-rigid type posts, such as a 4" x 4" wooden or a small diameter metal type, are permitted on road additions made to the state highway system after May 3, 1990. The location within the right of way of an addition to the system of any brick columns, mailboxes or newspaper delivery boxes on rigid stands such as block, stone or any other type determined to be a traffic hazard is prohibited.
- 4) The failure of the person responsible for placing the unlawful obstruction within the right of way, to remove the obstruction within 30 days after written notice by the Department of Transportation shall constitute a misdemeanor. Failure to remove or make safe any mailbox or newspaper delivery its supports or any other obstruction within the specified 30 days of this Rule shall be cause for the Department's Division Engineer to take action to remove the unacceptable mailbox or newspaper delivery box, its supports or other obstruction installation and also bill the responsible party for the expense of removal if appropriate. (See Page 13, No.18)

ROADWAY INFORMATION: (Please Print)

CONTACT PERSON: Name and Address of First Petitioner. (Please Print)

Mailing Address:

[illegible]

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

INSTRUCTIONS FOR COMPLETING PETITION:

1. Complete Information Section
2. Identify Contact Person (This person serves as spokesperson for petitioner(s)).
3. Attach Two (2) copies of recorded subdivision plat or property deeds, which refer to candidate road.
4. Adjoining property owners and/or the developer may submit a petition. Subdivision roads with prior NCDOT review and approval only require the developer's signature.
5. If submitted by the developer, encroachment agreements from all utilities located within the right of way shall be submitted with the petition for Road addition. However, construction plans may not be required at this time.
6. Submit to District Engineer's Office.

Form SR-1

FOR NCDOT USE ONLY: Please check the appropriate block☐ Rural Road☐ Subdivision established prior to October 1, 1975☐ Subdivision established after October 1, 1975**REQUIREMENTS FOR ADDITION**

If this road meets the requirements necessary for addition, we agree to grant the Department of Transportation a right-of-way of the necessary width to construct the road to the minimum construction standards of the NCDOT. This right-of-way will extend the entire length of the road that is requested to be added to the state maintained system and will include the necessary areas outside of the right-of-way for cut and fill slopes and drainage. Also, we agree to dedicate additional right-of-way at intersections for sight distance and design purposes and to execute said right-of-way agreement forms that will be submitted to us by representatives of the NCDOT. The right-of-way shall be cleared at no expense to the NCDOT, which includes the removal of utilities, fences, other obstructions, etc.

General Statute 136-102.6 states that any subdivision recorded on or after October 1, 1975, must be built in accordance with NCDOT standards in order to be eligible for addition to the State Road System.

<u>ROAD NAME</u>	<u>HOMES</u>	<u>LENGTH</u>	<u>ROAD NAME</u>	<u>HOMES</u>	<u>LENGTH</u>

VERIFICATION OF COMPLIANCE WITH
ENVIRONMENTAL REGULATIONS
(Check Appropriate Box)

☐ Permits from the N.C. Department of Environment and Natural Resources and the U.S. Army Corps of Engineers are not required for this project. However, all applicable federal regulations have been followed.

The ☐ required permits from the Department of Environment and Natural Resources and the U.S. Army Corps of Engineers have been obtained for this project. Copies of permits and Completion Certificates are attached.

All ☐ applicable NPDES Stormwater Permit requirements have been met for this project. (The applicant should contact the N.C. Division of Water Quality in Raleigh to determine if a stormwater permit is required)

☐ The project is in compliance with all applicable sedimentation and erosion control laws and regulations.

Project Name: _____

Township: _____ County: _____

Project Engineer: _____ Phone No.: _____

Project Contact: _____

Applicant's Name: _____

P.E. SEAL

Date Submitted : _____

(Reference Page 9, Item 10)

APPLICATION IDENTIFICATION		N.C. DEPARTMENT OF TRANSPORTATION	
Driveway Permit No.	Date of Application	STREET AND DRIVEWAY ACCESS PERMIT APPLICATION	
County:			
Development Name:			
LOCATION OF PROPERTY:			
Route/Road:			
Exact Distance	☐ Miles ☐ Feet	N ☐ S ☐ E ☐ W ☐ ☐ ☐ ☐	
From the Intersection of Route No. _____ and Route No. _____ Toward _____			
Property Will Be Used For: ☐ Residential /Subdivision ☐ Commercial ☐ Educational Facilities ☐ TND ☐ Emergency Services ☐ Other			
Property: ☐ is ☐ is not within _____ City Zoning Area.			
AGREEMENT			
- I, the undersigned property owner, request access and permission to construct driveway(s) or street(s) on public right-of-way at the above location. - I agree to construct and maintain driveway(s) or street entrance(s) in absolute conformance with the current "Policy on Street and Driveway Access to North Carolina Highways" as adopted by the North Carolina Department of Transportation. - I agree that no signs or objects will be placed on or over the public right-of-way other than those approved by NCDOT. - I agree that the driveway(s) or street(s) will be constructed as shown on the attached plans. - I agree that that driveway(s) or street(s) as used in this agreement include any approach tapers, storage lanes or speed change lanes as deemed necessary. - I agree that if any future improvements to the roadway become necessary, the portion of driveway(s) or street(s) located on public right-of-way will be considered the property of the North Carolina Department of Transportation, and I will not be entitled to reimbursement or have any claim for present expenditures for driveway or street construction. - I agree that this permit becomes void if construction of driveway(s) or street(s) is not completed within the time specified by the "Policy on Street and Driveway Access to North Carolina Highways". - I agree to pay a \$50 construction inspection fee. Make checks payable to NCDOT. This fee will be reimbursed if application is denied. - I agree to construct and maintain the driveway(s) or street(s) in a safe manner so as not to interfere with or endanger the public travel. - I agree to provide during and following construction proper signs, signal lights, flaggers and other warning devices for the protection of traffic in conformance with the current "Manual on Uniform Traffic Control Devices for Streets and Highways" and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the District Engineer. - I agree to indemnify and save harmless the North Carolina Department of Transportation from all damages and claims for damage that may arise by reason of this construction. - I agree that the North Carolina Department of Transportation will assume no responsibility for any damages that may be caused to such facilities, within the highway right-of-way limits, in carrying out its construction. - I agree to provide a Performance and Indemnity Bond in the amount specified by the Division of Highways for any construction proposed on the State Highway system. - The granting of this permit is subject to the regulatory powers of the NC Department of Transportation as provided by law and as set forth in the N.C. Policy on Driveways and shall not be construed as a contract access point. - I agree that the entire cost of constructing and maintaining an approved private street or driveway access connection and conditions of this permit will be borne by the property owner, the applicant, and their grantees, successors, and assignees. I AGREE TO NOTIFY THE DISTRICT ENGINEER WHEN THE PROPOSED WORK BEGINS AND WHEN IT IS COMPLETED.			
2004-07 NOTE: Submit Four Copies of Application to Local District Engineer, N.C. Department of Transportation 61-03419 TEB 65-04rev.			

SIGNATURES OF APPLICANT			
PROPERTY OWNER (APPLICANT)		WITNESS	
COMPANY	_____	NAME	_____
SIGNATURE	_____	SIGNATURE	_____
ADDRESS	_____	ADDRESS	_____
	_____ Phone No. _____		_____
AUTHORIZED AGENT		WITNESS	
COMPANY	_____	NAME	_____
SIGNATURE	_____	SIGNATURE	_____
ADDRESS	_____	ADDRESS	_____
	_____ Phone No. _____		_____
APPROVALS			
APPLICATION RECEIVED BY DISTRICT ENGINEER			
_____		_____	
SIGNATURE		DATE	
APPLICATION APPROVED BY LOCAL GOVERNMENTAL AUTHORITY (when required)			
_____		_____	
SIGNATURE		TITLE	DATE
APPLICATION APPROVED BY NCDOT			
_____		_____	
SIGNATURE		TITLE	DATE
INSPECTION BY NCDOT			
_____		_____	
SIGNATURE		TITLE	DATE
COMMENTS:			

DRAINAGE DATA

[illegible]

Any Industry Standard form may be submitted

(Reference Page 8, No. 5)

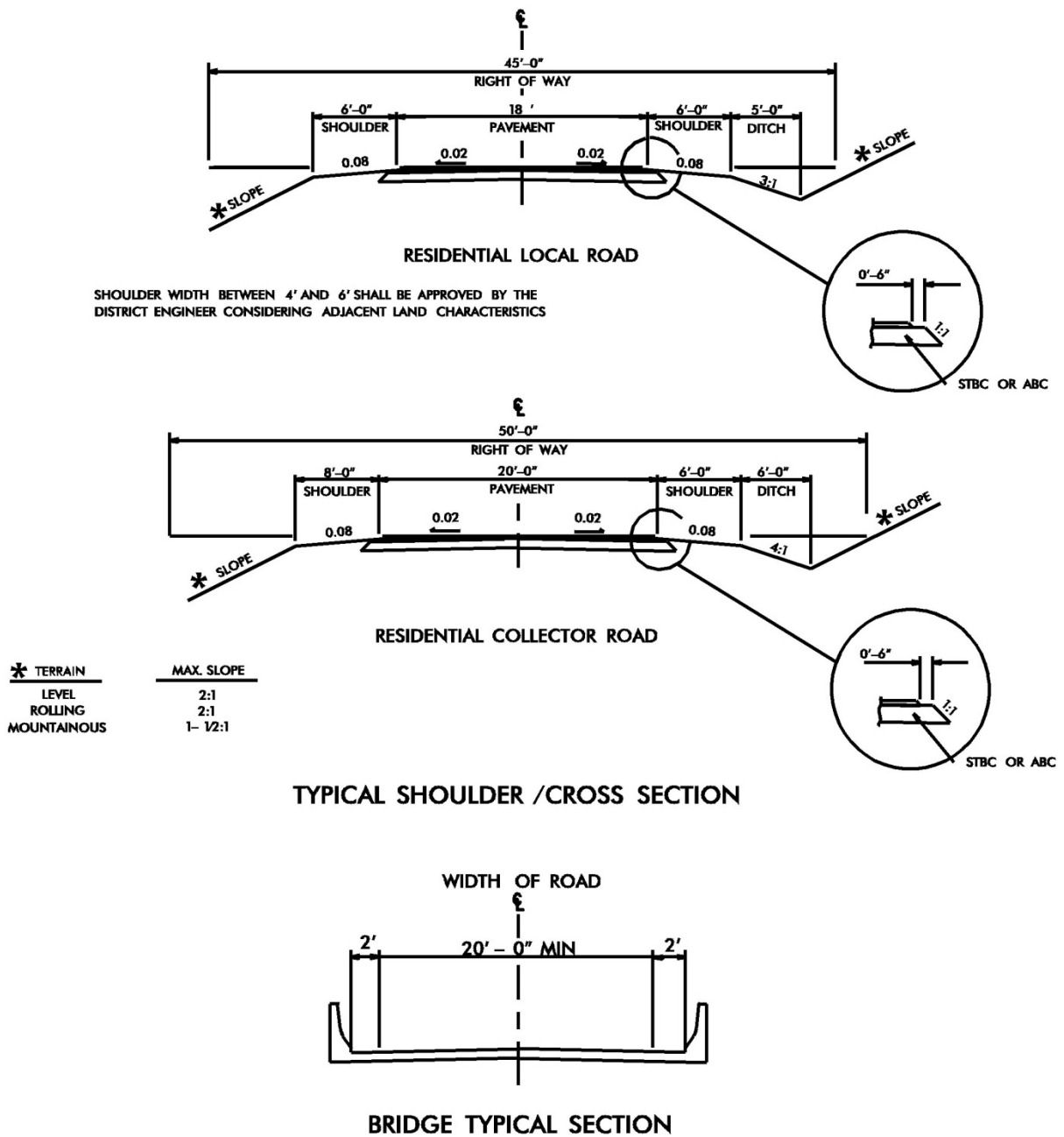


FIGURE 1

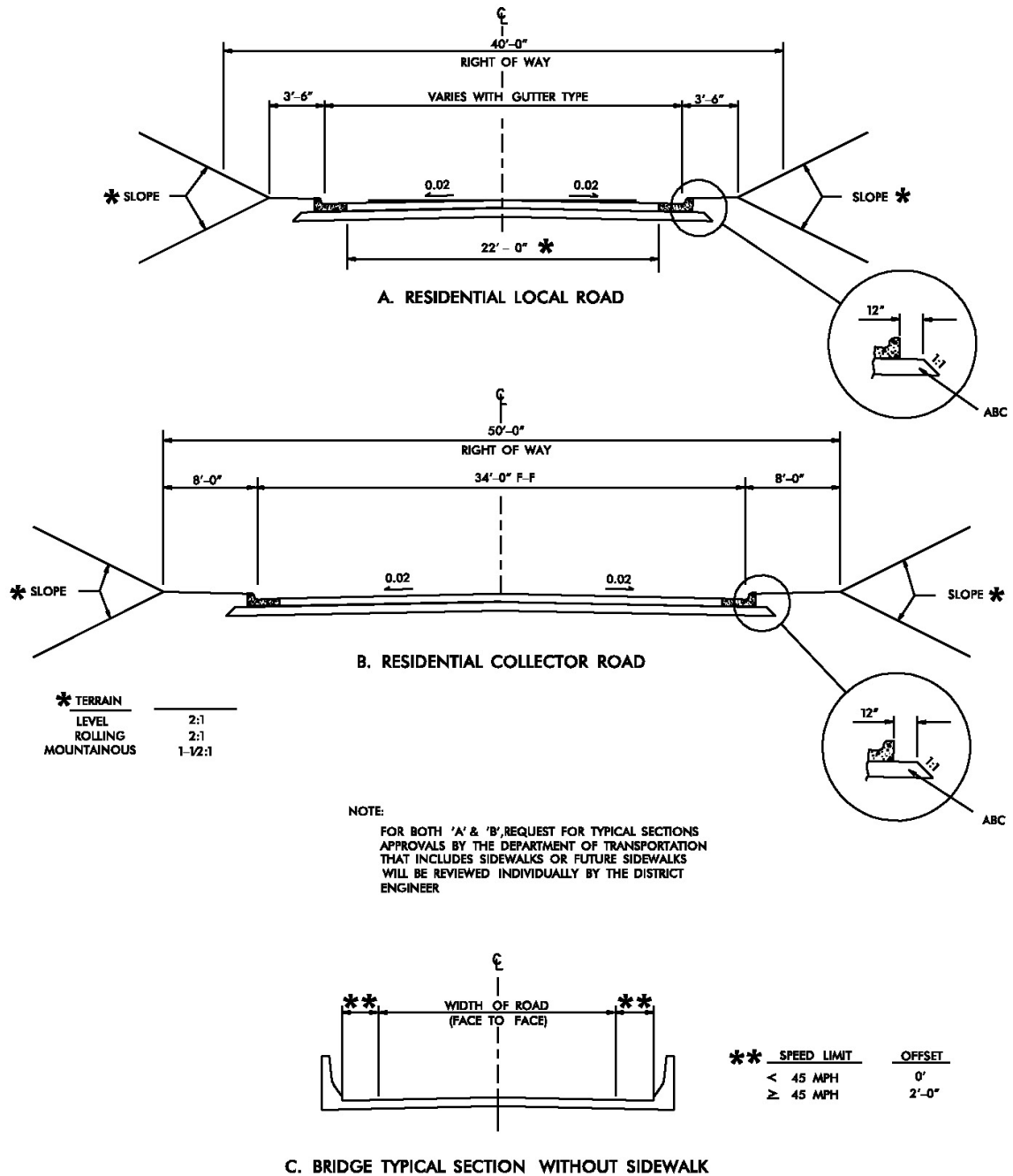
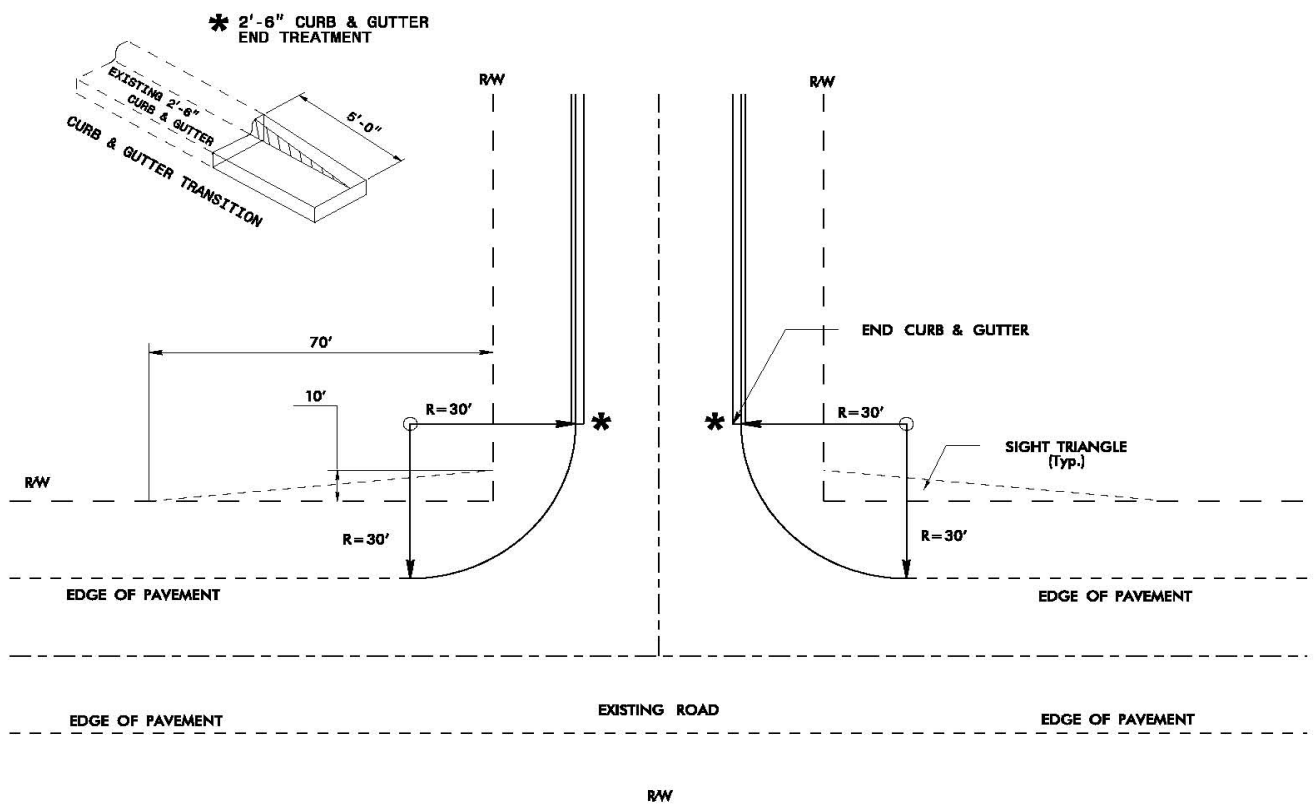


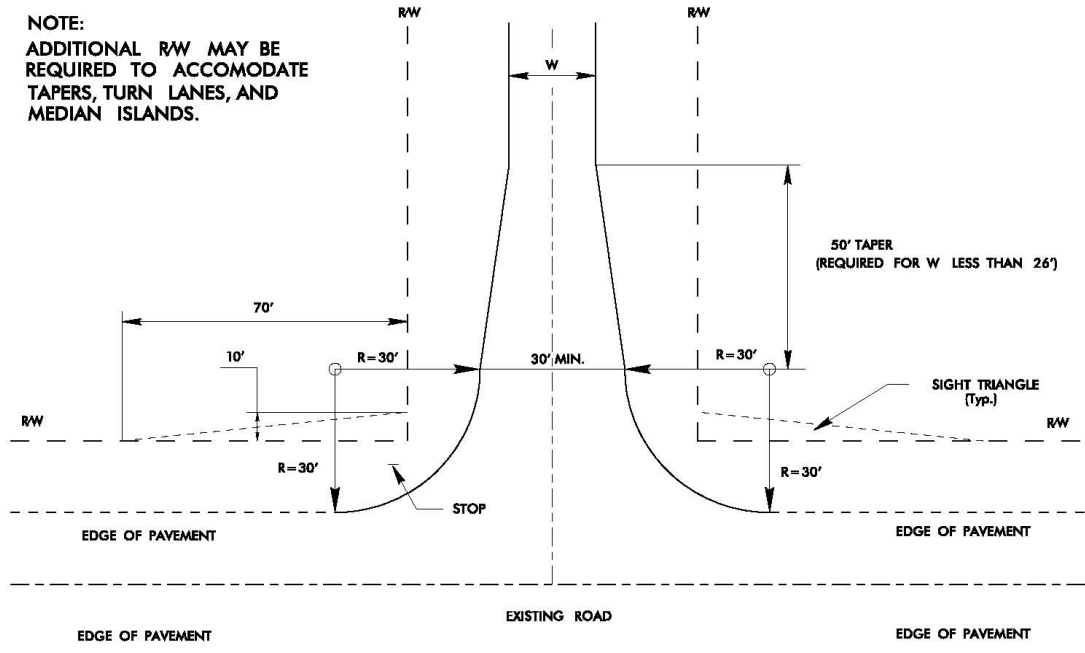
FIGURE 2: TYPICAL CURB & GUTTER CROSS SECTION



NOTE: Drainage easements may be required to accomodate drainage beyond the right-of-way.

FIGURE 3

RECOMMENDED ROAD CONNECTION TO STATE MAINTAINED SYSTEM
NEW RESIDENTIAL LOCAL ROAD OR RESIDENTIAL
COLLECTOR ROAD WITH CURB & GUTTER AND
EXISTING STATE MAINTAINED ROAD WITH
SHOULDER SECTION

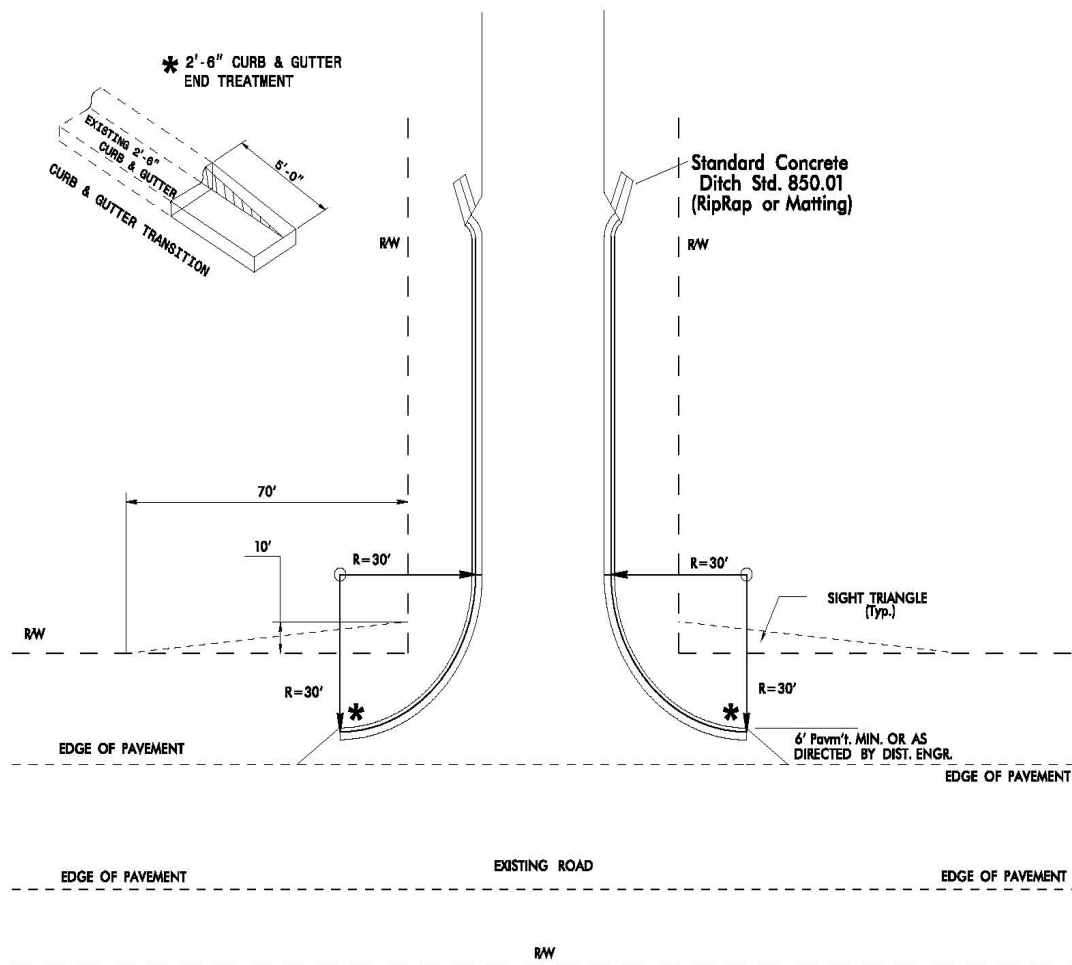


NOTE: Drainage easements may be required to accommodate drainage beyond the right-of-way.

FIGURE 4

RECOMMENDED ROAD CONNECTION
WITHOUT CURB & GUTTER
NEW RESIDENTIAL LOCAL ROAD OR RESIDENTIAL
COLLECTOR ROAD AND EXISTING STATE MAINTAINED
ROAD

STOP CONDITION

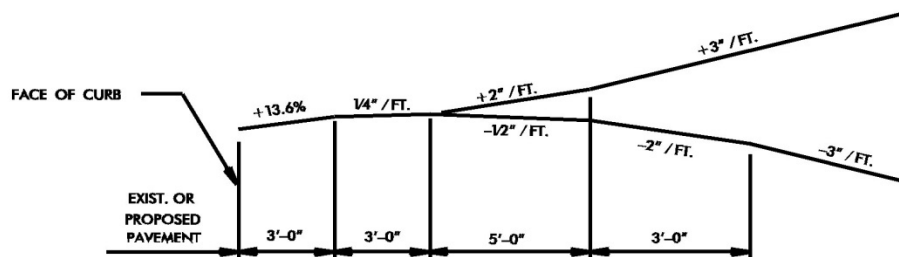


NOTE: Drainage easements may be required to accomodate drainage beyond the right-of-way.

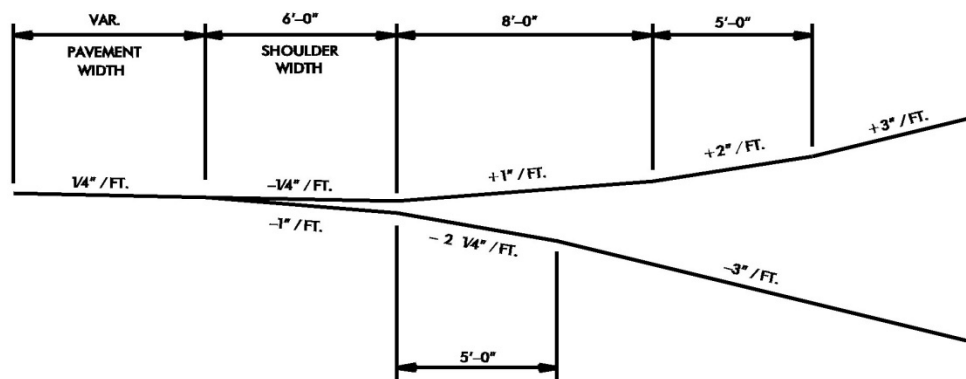
RECOMMENDED ROAD CONNECTION WITH CURB AND GUTTER

*** SEE ISLAND DETAIL IF AN INTERIOR
ISLAND IS TO BE INSTALLED**

FIGURE 5



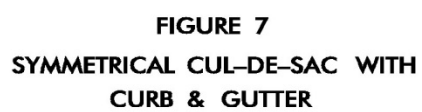
A. CURB & GUTTER SECTION

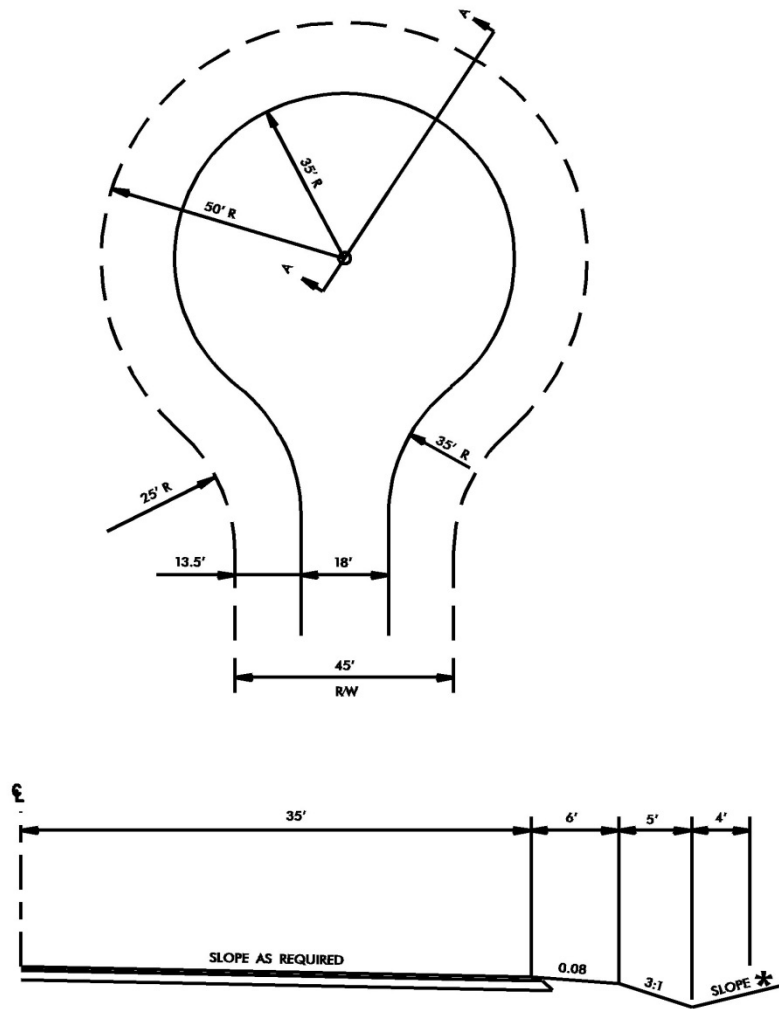


B. SHOULDER SECTION

FIGURE 6

DRIVEWAY TURNOUT GRADES





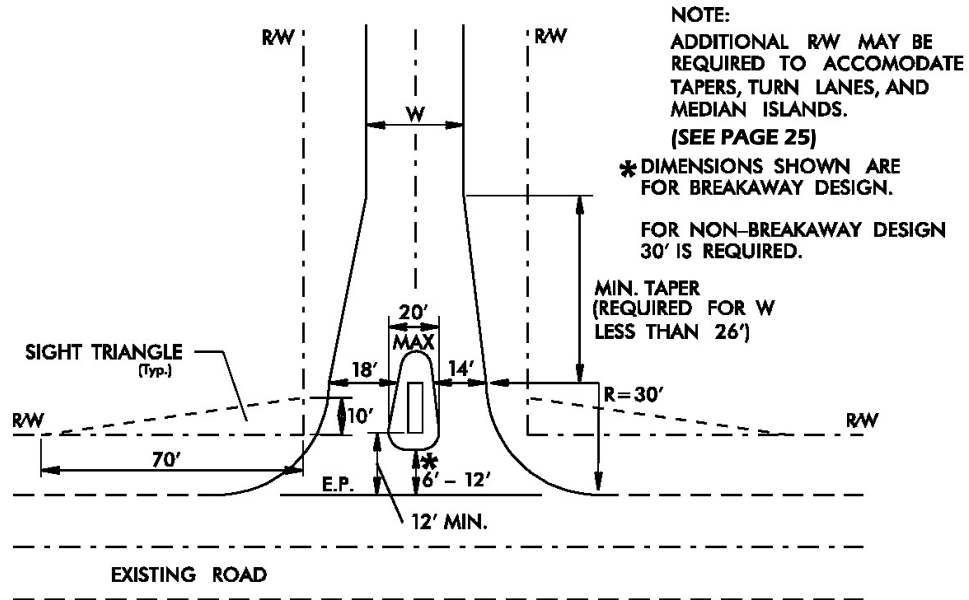
* TERRAIN	MAX. SLOPE
LEVEL	2:1
ROLLING	2:1
MOUNTAINOUS	1-1/2:1

SECTION AA

FIGURE 8

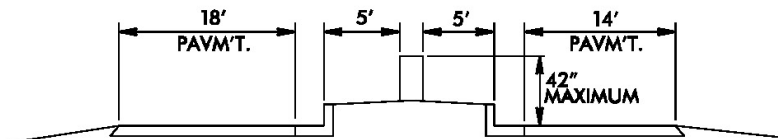
SYMMETRICAL CUL-DE-SAC

NO CURB & GUTTER



STOP CONDITION RECOMMENDED ROAD CONNECTION WITH INTERIOR ISLAND

NOTE: Drainage easements may be required to accommodate drainage beyond the right-of-way.



DETAIL SECTION VIEW OF INTERIOR ISLAND AND MARKER

FIGURE 9

**UPDATES TO JANUARY 2000 SUBDIVISION MANUAL
EFFECTIVE JANUARY 2010**

(Note: Page references are Jan 2000 Version)

	Description
1.	The date has been changed from January 1, 2000 to January 1, 2010.
2.	Title Page updated with names of Secretary, State Highway Administrator and Chief Engineer.
3.	Table of Contents updated.
4.	District Office locations and phone numbers displayed; weblink available on Page 8.
5.	Page 8 , Application Requirements: End of first paragraph – Added “of this document” following See Page 31.
6.	Page 8 . #4, changed pages to 42 and 43.
7.	Page 8 , Application Requirements, # 6: Change to “Two copies.....” instead of four.
8.	Page 9 , On new subdivision roads lot lines should not extend into the right-of-way. <i>See North Carolina Transportation and Highway Laws</i> , chapter 136, article 7, section 136-102.6 for additional information on right-of-way width and lot lines. (See page 31 of this document for statute).
9.	Page 9 , When property is subdivided along existing state maintained roads the lot lines may extend beyond into the right of way subject to the property owners discretion.
10.	Page 9 , Application Requirements, # 11: The following clarification has been added. “Encroachment agreements (utility & non-utility) are required.....”
11.	Page 10 . Second paragraph... Subdivision roads shall be designated public or private. Public designations shall be designed and constructed...
12.	Page 10 . Second paragraph... as required under General Statute 136-102.6 and are eligible to be added to the State system of roads.
13.	Page 10 . Second paragraph.... Private roads are not eligible to be added to the state system of roads and...
14.	Page 10 , Subdivision Roads, # 1, has been reworded to conform to # 2. “Residential local subdivision road” instead of “Local residential subdivision road,” and is updated throughout the document.

**UPDATES TO JANUARY 2000 SUBDIVISION MANUAL
EFFECTIVE JANUARY 2010**

(Note: Page references are Jan 2000 Version)

	Description
15.	Page 11 , Subdivision Roads, Requirements for Addition...to the System, # 3: Following phrase added, “including structural stormwater control (SSC) devices. (See Page 16 of this document)”
16.	Page 11 . #4 Existing and/or relocated utilities
17.	Page 11 . #4 2nd sentence, Added “should” utility adjustments...”be required, they” shall be made...
18.	Page 12 , Subdivision Roads, Requirements, continuation of # 4, last sentence. Added “of this document” following See page 31.
19.	Page 13 , Subdivision Roads, Requirements, # 13, added this statement: “All drainage structures shall be of sufficient length to accommodate appropriate roadway side slopes, as defined in the minimum construction standards in this manual, with standard height headwalls. Extended height headwalls intended to reduce drainage structure length or to reduce right of way requirements are not acceptable without prior approval of the Division Engineer.”
20.	Page 13 , Subdivision Roads, Requirements, # 15, added “...if maintenance responsibilities by the NCDOT are not increased beyond normal maintenance in applying the construction standards of this document.
21.	Page 13 , #18 Roads being considered for addition must be clear of highway obstructions as defined in NCAC 2E.0404. (See page 34).
22.	Page 14 , Utility Requirements, # 2.e.: added this phrase “except fiber optic.”
23.	Page 14 , Utility Requirements, # 2.f. added.
24.	Page 14 , Utility Requirements, # 4: Changed “Design Services Unit” to “Field Operations Support.”
25.	Page 16 , Minimum Design and Construction Criteria, Section A, second paragraph, first sentence, added the phrase “and rights of way” may be maintained.....
26.	Page 16 , Minimum Design and Construction Criteria, Section A, # 5, added the following: “Note: Use of hydraulic design forms found in <i>Guidelines for Drainage studies and Hydraulic Design</i> will expedite the design review process.”

**UPDATES TO JANUARY 2000 SUBDIVISION MANUAL
EFFECTIVE JANUARY 2010**

(Note: Page references are Jan 2000 Version)

	Description
27.	Page 16. Item A, 5: Provided website for contact information
28.	Page 16. Last paragraph Structural stormwater controls Retention/detention basin shall be located outside the right of way
29.	Page 17. First paragraph and Structural control devices shall be shown on plans where possible.
30.	Page 17. Second paragraph basins stormwater control devices (see Page 17 for Structural Stormwater Controls).
31.	Page 17, Minimum Design and Construction Criteria, Section A, added following sentences at end. "Project Materials shall meet NCDOT Standards. Types of approved material shall be considered with materials listed in " <i>Guidelines for Drainage Studies and Hydraulic Design</i> "."
32.	Page 17, Minimum Design and Construction Criteria, Section A, added new item: Structural Stormwater Controls (new section)
33.	Page 18, Structures (Bridges, Culverts, Dams and Retaining Walls), Bridges, # 1. Added the following sentences: "Bridge submittals shall include alternate structures considered and reasonable justification for selection of bridge structure and length. Generally, avoidance of individual environmental permits would not be considered reasonable justification for use of excessive hydraulic structures or bridge lengths. Deck drains discharging into open water should be avoided."
34.	Page 18, #2 - Clarification of change from HS-25 to HL-93.
35.	Page 18. #3, 2nd sentence.same as the face to face curb to curb approach...
36.	Page 19. #4, b. For superstructures - pre-stressed concrete, reinforced concrete deck slab structural steel I-beams with reinforced concrete deck or corrugated metal deck with asphaltic wearing surface.
37.	Page 19, Structures (Bridges, Culverts, Dams and Retaining Walls), Bridges, #5, changed "where required" to "in accordance with <i>North Carolina Roadway Standard Drawings</i> ."
38.	Page 19, Structures (Bridges, Culverts, Dams and Retaining Walls), Bridges, #6, added "and <i>North Carolina Roadway Standard Drawings</i> ."

**UPDATES TO JANUARY 2000 SUBDIVISION MANUAL
EFFECTIVE JANUARY 2010**

(Note: Page references are Jan 2000 Version)

	Description
39.	Page 19 , Structures (Bridges, Culverts, Dams and Retaining Walls): added new section “Culverts”.
40.	Page 19-20, #3 Headwalls are generally used on the inlet end of culverts 36-inch and larger. Maximum height of headwalls shall be one foot above pipe structure.
41.	Page 20 , Structures (Bridges, Culverts, Dams, and Retaining Walls), Roadway Dams, # 1, changed to read: “In those cases, where no other feasible alternatives exist may be considered , the utilization of a dam for a roadway may be favorably considered.”
42.	Page 21 , Structures (Bridges, Culverts, Dams, and Retaining Walls), Roadway Dams, # 2.d. The phrase “and installed in accordance with <i>North Carolina Roadway Standard Drawings</i> ” has been added to the first sentence.
43.	Page 22 , Structures (Bridges, Culverts, Dams, and Retaining Walls), Retaining Walls: This is a new section.
44.	Page 22 , Minimum Design and Construction Criteria, Section C. Curb and Gutter and Sidewalk: # C.1. Following sentence has been added: “Any other types of curb and gutter shall be subject to the approval of the District Engineer.”
45.	Page 22 . Item C-#2 Curb inlet spacing and storm system design shall be consistent with criteria found in <i>NCDOT - Guidelines for Drainage Studies and Hydraulic Design</i> . https://connect.ncdot.gov/resources/hydro/Pages/Guidelines-Drainage-Studies.aspx
46.	Page 22 , Item C, #3 NCDOT will allow sidewalks by encroachment and will not accept responsibility for maintenance. Maintenance responsibility of sidewalks shall be noted on plat.
47.	Page 22-23 , Minimum Design and Construction Criteria, Curb and Gutter and Sidewalk: # 4 through 9 are new.
48.	Page 23 , Minimum Design and Construction Criteria, Wheel Chair Ramps, Second paragraph. The standard drawing is specified: (North Carolina Roadway Standard Drawings No. 848.05 and 848.06)

**UPDATES TO JANUARY 2000 SUBDIVISION MANUAL
EFFECTIVE JANUARY 2010**

(Note: Page references are Jan 2000 Version)

	Description
49.	Page 23, E. Pavement Design - Reword from: “The District Engineer may require a subgrade soil test to determine the soil classification type. Heavier pavement designs may be required based on traffic, truck volumes, etc. and prime coat may be required on ABC.” TO: “The District Engineer may require a subgrade soil test to determine the soil classification type and heavier pavement designs than the minimum designs depending on route classification (local/collector) and traffic loading impacts of planned subdivision phases. A prime coat may be required on ABC.”
50.	Page 25, Minimum Design and Construction Criteria, Item G, Guardrail: Added new first paragraph: “Guardrail may be required at locations meeting guardrail warrants in accordance with NCDOT Design Standards.
51.	Page 25, Minimum Design and Construction Criteria, Item G, Guardrail: Added second paragraph: “Warrant for guardrail may also warrant shoulder berm gutter.”
52.	Page 26. Item H, #1.are acceptable where no other alternatives exist. under extreme conditions.
53.	Page 26. Item H, #3 All internal intersections shall have minimum 30’ radii. Radii less than 30’ must be approved by the District Engineer.
54.	Page 26, Minimum Design and Construction Criteria, Item H, Road Intersections: #4 has been changed to read: “Non-standard design configurations will be reviewed on a case by case basis and must have approval of the District Engineer prior to formal addition to the state system.”
55.	Page 26. Item I. Islands or Short Medians at Subdivision Entrances, #1: The District Engineer may allow the island or median sections under an encroachment permit after review on an individual basis and noted on plans (or encroachment agreement). This shall include all plantings.
56.	Page 26, Minimum Design and Construction Criteria, Item I, Islands or Short Medians at Subdivision Entrances, #4: Sentence added: “Maximum width of island shall be 20 feet.”
57.	Page 27, Minimum Design and Construction Criteria, Item J, Subdivision Name Markers, #5: “recovery area is desirable” has been changed to “a 30-foot set back from edge of pavement of the existing state maintained road is required.”
58.	Page 28, Minimum Design and Construction Criteria, Terrain Classification: Changed “Hilly” to “Mountainous”

**UPDATES TO JANUARY 2000 SUBDIVISION MANUAL
EFFECTIVE JANUARY 2010**

(Note: Page references are Jan 2000 Version)

	Description
59.	Page 28 , Minimum Design and Construction Criteria, Terrain Classification: Changed “Cross” slope to “Natural” slope
60.	Page 28 , Minimum Design and Construction Criteria, Terrain Classification, Right of Way Width: Changed Level from 45’ to 50’; changed Rolling from 45’ to 50’.
61.	Page 28 , Minimum Design and Construction Criteria, Terrain Classification, Pavement Width: Changed “G-G” to “F-F” in all references under this section.
62.	Page 28 . Minimum Cul-De-Sac Radius....curb and gutter section....37’ to F (not G)
63.	Page 29 , Minimum Design and Construction Criteria, #2. Residential Collector Roads, Terrain Classification. Changed “Hilly” to “Mountainous.”
64.	Page 29 , Minimum Design and Construction Criteria, #2. Residential Collector Roads, Terrain Classification, Pavement Width: Changed “G-G” to “F-F” wherever it appears.
65.	Page 30 , Minimum Design and Construction Criteria, # 4. “commercial centers and apartment complexes” changed to “commercial centers and office complexes.”
66.	Page 30 , Minimum Design and Construction Criteria, # 4. *NOTE: Second paragraph, last sentence deleted. (“See Page ## for several examples of minor residential cul-de-sac designs.”)
67.	Page 30 . In **NOTE, 1994 2004 Edition of AASHTO’s Policy....formula legend...f = side...(See page 143 147 of the 1994 2004 Policy)
68.	Page 34 , North Carolina Administrative Code. Highway Obstructions Interfering with Traffic Maintenance. 19A NCAC 2E.0404. This item added at this location.
69.	Page 41 , Revised Figure 1 Standard Drawings for Shoulder Section
70.	Page 42 , Revised Figure 2 Standard Drawings for Curb and Gutter Section
71.	Page 43 , Revised Figure 3 for Road Connection to State Maintained System (Removed “Permanent” from Drainage Easements)
72.	Page 44 , Revised Figure 4 for Road Connection to State Maintained System (Removed “Permanent” from Drainage Easements)

**UPDATES TO JANUARY 2000 SUBDIVISION MANUAL
EFFECTIVE JANUARY 2010**

(Note: Page references are Jan 2000 Version)

	Description
73.	Page 45 , Revised Figure 5 Line types, (Removed “Permanent” from Drainage Easement)
74.	Page 48 , Made corrections to 1/8” RAD and 1/2” RAD on Curb and Gutter Drawing
75.	Page 46 , Removed 2’-0” Valley Curb Gutter Drawing (See Page 22 C.1 for Committee recommendation)
76.	Deleted Figures 9, 10, 11
77.	Page 49 , Added “20’ max” dimension to match Driveway Manual and “*Dimensions Shown are for Breakaway Design”

**REVISIONS TO JANUARY 2010 SUBDIVISION MANUAL
EFFECTIVE MAY 2016**

(Note: Page references are Jan 2010 Version)

	Description
1.	May 2016 revision date added to Title Page
2.	Title Page updated with names & contact info of Secretary, previous title of State Highway Administrator changed to Chief Engineer with name & contact info updated, previous title of Chief Engineer changed to Deputy Chief Engineer with name & contact info updated
3.	Updated Table of Contents
4.	District Office locations and phone numbers updated.
5.	Page 22 , Section E, Pavement Design – added note for additional information on the design and construction of Concrete Pavement for Local Roads and Streets; provided web link: https://connect.ncdot.gov/resources/Asset-Management/Pages/subdivisions.aspx List documents available via the link, i.e. Specifications, Design Guidance, Detail Drawings, and Standard Notes
6.	Page 23 , Group I - added note for additional information on the design and construction of Concrete Pavement for Local Roads and Streets; provided web link: https://connect.ncdot.gov/resources/Asset-Management/Pages/subdivisions.aspx
7.	Page 23 , Group II - added note for additional information on the design and construction of Concrete Pavement for Local Roads and Streets; provided web link: https://connect.ncdot.gov/resources/Asset-Management/Pages/subdivisions.aspx
8.	Appendix A-2 , update web links

**REVISIONS TO JANUARY 2010 SUBDIVISION MANUAL
EFFECTIVE July 2020**

(Note: Page references are Jan 2010 Version)

	Description
1.	July 2020 revision date added to Title Page
2.	Title Page updated with names & contact info of Secretary, Chief Engineer and Deputy Chief Engineer
3.	Updated Table of Contents
4.	District Office locations and phone numbers updated.
5.	Page 10 , updated bullet #1 subtitle to “Residential Local Subdivision Road”; updated bullet #2 subtitle to “Residential Collector Subdivision Road”
6.	Page 27 , Added “Subdivision” to subtitle
7.	Page 28 , Changed “See Pages 45 and 46” to “See Page 45”
8.	Update all web links throughout document
9.	Appendix A-2 , Revise and update web links

USEFUL WEB LINKS

Link	Description	Use
https://connect.ncdot.gov/municipalities/Utilities/Pages/UtilitiesManuals.aspx	NCDOT Utility Manuals	
https://connect.ncdot.gov/resources/hydro/Pages/Guidelines-Drainage-Studies.aspx	NCDOT Hydraulic Unit	Access Drainage Manual
https://connect.ncdot.gov/resources/safety/Teppl/TEPPL%20All%20Documents%20Library/MN-45.pdf	Guide for Erecting Mailboxes on Highways	
https://connect.ncdot.gov/projects/Roadway/RoadwayDesignAdministrativeDocuments/Policy%20on%20Street%20and%20Driveway%20Access.pdf	Policy on Street & Driveway Access	Access Driveway Manual
https://connect.ncdot.gov/resources/Structures/Pages/Structure-Standards.aspx	Standard Drawing Library	NCDOT Standard Drawings
https://connect.ncdot.gov/resources/roadside/AestheticEngineeringDocuments/PlantingGuidelines.pdf	Guidelines for Planting within Highway Right-of-Way	
https://connect.ncdot.gov/resources/safety/Teppl/TEPPL%20All%20Documents%20Library/T11_GTC_SMR.pdf	Guidance --Traffic Calming on State-Maintained Roadways	Traffic Calming Devices
https://connect.ncdot.gov/resources/safety/Teppl/TEPPL%20All%20Documents%20Library/M01_CBU.pdf	Policy for Placement of Mail Cluster Box Units (CBU) on Maintained Subdivision Streets	Mail Cluster Box Units (CBUs)

APPENDIX D

FIRE APPARATUS ACCESS ROADS

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

SECTION D101 GENERAL

D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the *International Fire Code*.

SECTION D102 REQUIRED ACCESS

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other *approved* driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg).

SECTION D103 MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders (see Figure D103.1).

D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.

Exception: Grades steeper than 10 percent as *approved* by the fire chief.

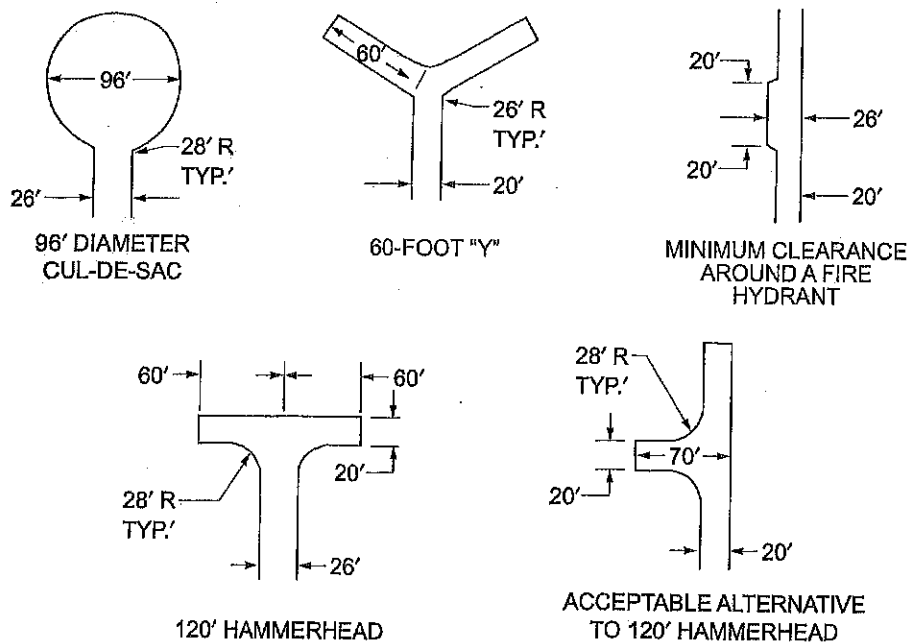
D103.3 Turning radius. The minimum turning radius shall be determined by the *fire code official*.

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

**TABLE D103.4
REQUIREMENTS FOR DEAD-END
FIRE APPARATUS ACCESS ROADS**

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750		Special approval required

For SI: 1 foot = 304.8 mm.



For SI: 1 foot = 304.8 mm.

**FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND**

D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. Where a single gate is provided, the gate width shall be not less than 20 feet (6096 mm). Where a fire apparatus road consists of a divided roadway, the gate width shall be not less than 12 feet (3658 mm).
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
6. Methods of locking shall be submitted for approval by the fire code official.
7. Electric gate operators, where provided, shall be listed in accordance with UL 325.
8. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.

D103.6 Signs. Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING—FIRE LANE signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

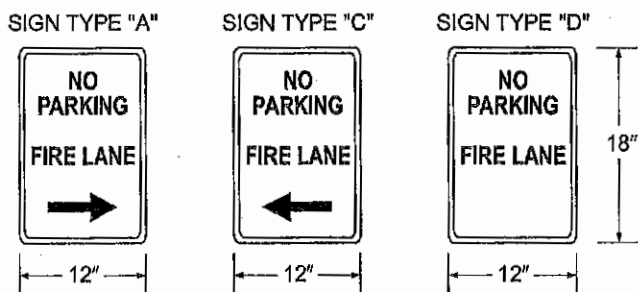


FIGURE D103.6
FIRE LANE SIGNS

D103.6.1 Roads 20 to 26 feet in width. Fire lane signs as specified in Section D103.6 shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide (6096 to 7925 mm).

D103.6.2 Roads more than 26 feet in width. Fire lane signs as specified in Section D103.6 shall be posted on one

side of fire apparatus access roads more than 26 feet wide (7925 mm) and less than 32 feet wide (9754 mm).

SECTION D104

COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

D104.1 Buildings exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have at least two means of fire apparatus access for each structure.

D104.2 Buildings exceeding 62,000 square feet in area. Buildings or facilities having a gross building area of more than 62,000 square feet (5760 m²) shall be provided with two separate and approved fire apparatus access roads.

Exception: Projects having a gross building area of up to 124,000 square feet (11 520 m²) that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems.

D104.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

SECTION D105

AERIAL FIRE APPARATUS ACCESS ROADS

D105.1 Where required. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet (9144 mm), approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

D105.2 Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm), exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.

D105.4 Obstructions. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the fire code official.

SECTION D106 MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 *dwelling units* shall be equipped throughout with two separate and *approved* fire apparatus access roads.

Exception: Projects having up to 200 *dwelling units* may have a single *approved* fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with *approved automatic sprinkler systems* installed in accordance with Section 903.3.1.1 or 903.3.1.2.

D106.2 Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 *dwelling units* shall be provided with two separate and *approved* fire apparatus access roads regardless of whether they are equipped with an *approved automatic sprinkler system*.

D106.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

SECTION D107 ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of *dwelling units* exceeds 30 shall be provided with two separate and *approved* fire apparatus access roads.

Exceptions:

1. Where there are more than 30 *dwelling units* on a single public or private fire apparatus access road and all *dwelling units* are equipped throughout with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the *International Fire Code*, access from two directions shall not be required.
2. The number of *dwelling units* on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the *fire code official*.

D107.2 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

SECTION D108 REFERENCED STANDARDS

ASTM	F2200—13	Standard Specification for Automated Vehicular Gate Construction	D103.5
ICC	IFC—15	International Fire Code	D101.1, D107.1
UL	325—02	Door, Drapery, Gate, Louver, and Window Operators and Systems, with Revisions through June 2013	D103.5



TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 12, 2020

SUBJECT: Amendments Chapter 43 of the Code of Ordinances

#O-20-18

AGENDA INFORMATION

Agenda Location: NEW BUSINESS
Item Number: 8C
Department: Planning
Contact: Jessica Trotman, Planning Director
Presenter: Jessica Trotman, Planning Director

BRIEF SUMMARY: The Town at this time does not have a Standards and Details Manual that lists all of the requirements for constructing roads and driveways. The current ordinance has different standards throughout the code of ordinances and they do not all align with one another. The proposed amendments remove any listed standards and instead make reference to a Standards and Details Manual that will be available in the Planning Department and will include all regulations from the Town, NCDOT, and the Fire Code.

MOTION FOR CONSIDERATION: To approve and adopt ***Ordinance #O-20-18*** as presented [or as amended].

FUNDING SOURCE: N/A

ATTACHMENTS: ***Ordinance #O-20-18***

MANAGER'S COMMENTS AND RECOMMENDATIONS: To approve ***Ordinance #O-20-18*** as presented.

ORDINANCE NO. #O-20-18

AN ORDINANCE TO AMEND CHAPTER 21, SECTION 21.19 AND SECTION 21-30; CHAPTER 43, ARTICLE III, SECTION 43-47 AND SECTION 43-48 TO ADD REFERENCE TO STANDARDS AND DETAILS MANUAL

WHEREAS, the Black Mountain Code of Ordinances was adopted by the Board of Aldermen on the 13th day of December, 1993; and

NOW, THEREFORE, BE IT RESOLVED Chapter 21, Section 21.19 and Section 21-30 and Chapter 43, Section 43-47 and 43-48 are amended with the following (additions are underlined in bold italic and deletions are shown as red struck text):

Chapter 21 – Fire Prevention

Section 21.19 – Adopted.

(a) A certain document, not less than one copy of which shall be on file at the fire inspections office, and not less than one copy of which shall be on file at the building inspections office, being marked and designated as the ~~2006~~ **current** North Carolina Edition of the ~~2006~~ **current** International Fire Code, including the appendix chapters as amended, is hereby adopted as the fire code of the town for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises and providing for the issuance of permits for hazardous uses or operations. Each and all of the regulations, provisions, conditions and terms of such International Fire Code are hereby referred to, adopted and made a part hereof as if fully set out in this article.

(b) In the event of conflicts between the ~~2006~~ **current** North Carolina Edition of the **current** ~~2006~~ International Fire Code and this article, the more restrictive provisions shall prevail.

Section 21-30 – Permits.

Permits shall be in accordance with section 105 of the ~~2006~~ **current** North Carolina Edition of the ~~2006~~ **current** International Fire Code.

Chapter 43 – Streets, Sidewalks and Other Public Places

Article III – Driveways

Section 43-47 – Business establishments.

(a) No driveway shall exceed 30 feet in width at the outer or street edge of the driveway, **as indicated in the Town of Black Mountain Standards and Details Manual** ~~as illustrated in plates 1 through 7 of the ordinance from which this article is derived, which~~

~~are on file in the office of the town clerk and shall be considered a part of this section as if included herein.~~

- (b) All radii of curves of driveways at the point where driveways meet the curb shall be as specified for business and commercial buildings as indicated in **the Town of Black Mountain Standards and Details Manual** ~~plates 1 through 7 of the ordinance from which this article is derived.~~
- (c) Not more than two driveways shall be permitted to service one business or commercial installation from one street, and then only if the two driveways are at least 30 feet apart, as indicated **in the Town of Black Mountain Standards and Details Manual** ~~on plates 3 and 4 of the ordinance from which this article is derived.~~
- (d) Any business or commercial establishment located at the intersection of two or more streets and which desires a driveway into two intersecting streets shall construct said driveways so as to comply with the minimum requirements as indicated in the **Town of Black Mountain Standards and Details Manual** ~~shown on plates 5 and 6 of the ordinance from which this article is derived.~~
- (e) No driveway apron shall extend out into the street farther than the face of the curb, and under no circumstances shall such driveway apron extend into the gutter area.
- (f) At all business or commercial driveway entrances, a white line not less than 2½ inches in width shall be maintained along the entire width of the driveway or ramp to clearly define the sidewalk area on the property side of the sidewalk.

Section 43-48 – Residential dwellings.

- (a) No driveway for a residence shall exceed 20 feet at the outer or street edge of the driveway.
- (b) Residences shall not have more than two driveways. If two driveways are installed, there shall be no less than ten linear feet separating the two driveways.
- (c) Driveways for residences shall also comply with [section 43-47\(e\)](#).
- (d) All radii of curves of driveways where the same meets the curb shall comply with the requirements **as indicated in the Town of Black Mountain Standards and Details Manual.**

READ, APPROVED AND ADOPTED by a vote of _____ to _____ this the 12th day of October, 2020.

Larry B. Harris, Mayor

ATTEST:

Savannah Parrish, Town Clerk

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 12, 2020

SUBJECT: Amendments to Chapter 48 of the Code of Ordinances

#O-20-14

AGENDA INFORMATION

Agenda Location: NEW BUSINESS
Item Number: 8D
Department: Town Manager
Contact: Josh Harrold, Town Manager
Presenter: Josh Harrold, Town Manager

BRIEF SUMMARY: The current ordinance still speaks to impact fees, which are prohibited by general statutes. The proposed amendment just removes the section regarding impact fees. The ordinance also requires that anyone outside of city limits who is contiguous has to make an application for annexation to receive water service, which is also prohibited by general statutes. The proposed amendment just removes the section regarding making an application for annexation.

MOTION FOR CONSIDERATION: To approve and adopt ***Ordinance #O-20-14*** as presented [or as amended].

FUNDING SOURCE: N/A

ATTACHMENTS: ***Ordinance #O-20-14***

MANAGER'S COMMENTS AND RECOMMENDATIONS: To approve ***Ordinance #O-20-14*** as presented.

ORDINANCE NO. #O-20-14

**AN ORDINANCE TO AMEND CHAPTER 48, SECTION 48-159 AND SECTION 48-164
TO REMOVE LANGUAGE REGARDING IMPACT FEES AND ANNEXATION
PETITIONS FOR WATER SERVICE**

WHEREAS, the Black Mountain Code of Ordinances was adopted by the Board of Aldermen on the 13th day of December, 1993; and

NOW, THEREFORE, BE IT RESOLVED Chapter 48, Section 48-159 and Section 48-164 are amended with the following (additions are underlined in bold italic and deletions are shown as red struck text):

Sec. 48-159. - Rate schedule and tap-on fees.

(a) *Rate schedule.*

- (1) Water rates for the town shall be as set forth in section 48-217.
- (2) Multiresidential users, such as trailer courts and duplex apartments, served through one meter will be billed at the town's regular published rates.

(b) *Tap-on fees.* Prior to construction and after completion of the facility, a tap-on fee will be assessed. Current tap-on fees are listed in the schedule of fees and rates in the Town of Black Mountain adopted budget.

(c) *Partial tap-on fees.*

- (1) Partial tap-on fees shall equal 30 percent of the full tap-on fee.
- (2) A partial tap-on fee shall be offered only in cases where a property owner has an existing water tap supplying multiple dwellings when new taps are required to supply each dwelling with separate meters.

(d) *Water availability cost reimbursement fee.* In cases where the town must incur additional costs in order to provide water service for water taps of two inches or larger, a water availability cost reimbursement fee will be charged (in addition to the regular tap fee) in the amount necessary to reimburse the town for the actual cost of the additional work that had to be completed in order to provide the service. This fee will be due and payable after the water tap has been made.

~~(e) — *Water service impact fee.*~~

- ~~(1) — Each new applicant for residential water service from the town shall pay, at the time of application for water service and in addition to tap fees and other charges, an initial impact fee in the amount of \$700.00, which may be adjusted by the board of aldermen without further amendment of this division.~~
- ~~(2) — New commercial or business users shall be assessed an impact fee equal to \$700.00 for each 12,000 gallons or any portion thereof of anticipated monthly water usage, payable at the time application is made for water service, and such base amount may be adjusted by the board of aldermen without further amendment of this~~

~~division. For commercial and business users, the impact fee shall be based upon the anticipated monthly water usage as estimated by the applicant but shall be subject to review after 12 full months of water service, at which time an additional assessment will be imposed if the actual monthly water usage exceeds the estimate provided by the applicant.~~

~~(3) The term "new applicant or user," when used in this section, means an applicant for water service to a property, home or business which requires a new connection to the public water system that does not replace a previous connection.~~

Sec. 48-164. - Extensions to mains and services.

- (a) *Water distribution lines.* Water distribution lines to serve proposed subdivisions within the town limits will be handled as follows:
- (1) The developer will submit plans for review and approval by the town, its engineer and the state department of environment and natural resources.
 - (2) Lines will be installed by the developer in accordance with the approved plans.
 - (3) The developer will be responsible for the operation and maintenance of such systems for a period of one year following the acceptance of the system by the town.
 - (4) The town will not accept or maintain any water system which does not contain a pressure of 30 psi base upon the existing main tank level.
 - (5) All water taps shall be made by the town, and the town shall collect all fees for the installation of all water taps. Any unauthorized tap made to the town water system shall result in the termination of services.
 - (6) The town may require the installation of increased line sizes if it is determined that such increase is necessary to serve adjacent property.
 - (7) The town will not assume ownership of or responsibility for any additional equipment deemed necessary by the town to provide adequate water pressure from the tap, but may elect to enter into written maintenance with the owner/developer for the maintenance of such equipment.
- (b) *Extension.* Extension of water lines within the service areas inside the town limits will be handled as follows:
- (1) The plans for the extension will be submitted for review and approval by the town, its engineer and the state department of environment and natural resources.
 - (2) The lines will be installed in accordance with the approved plans.
- (c) *Limitations of service.*
- (1) Water service will not be provided at any location where a minimum of 30 psi at the meter cannot be maintained under normal conditions. Property above the service line may be provided a tap according to the town's fees, but the property owner must provide any additional equipment that is deemed necessary by the town to provide adequate water pressure from the tap.

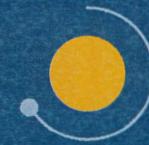
- (2) Any natural or manmade obstruction that impedes the extension of water lines, such as creeks, rivers, railroads, interstates, etc., will not be crossed.
- (d) *Water service outside corporate limits of town.*
- (1) Requests for water service to a single-family residence where water service is available may be granted upon the approval of the public works director.
- ~~(2) Any developer or property owner wishing to make application for water service to property that is contiguous to the corporate limits of the town, excluding single-family residences under subsection (d)(1) of this section, must petition for voluntary annexation into the town limits before being considered for water service. The town has the option to accept or reject the annexation petition based on what is in the best interest of the town. If rejected for annexation by the town, the developer or property owner may request service under the terms outlined for noncontiguous property.~~
- ~~(3) Any developer or property owner wishing to make application for water service to property that is not contiguous to the corporate limits of the town, excluding single-family residences under subsection (d)(1) of this section, must agree to comply with all the restrictions and requirements of town zoning and subdivision regulations by placing deed/land covenants on the property.~~
- (4) Before any area outside the town limits can be considered for water service, it must be determined by the public works director that the town's current 12-hour water pumping capacity meets or exceeds $1\frac{1}{4}$ times the water system's average daily usage.

READ, APPROVED AND ADOPTED by a vote of _____ to _____ this the 12th day of October, 2020.

Larry B. Harris, Mayor

ATTEST:

Savannah Parrish, Town Clerk



PISGAH ENERGY

DESIGN & DEVELOPMENT

PROJECT BUDGET/ FINANCIAL ANALYSIS SUMMARY

- Financial Analysis based on current Duke rates, 3% annual escalator, Duke Rebate, Demand Charge savings are excluded.
- Estimated Operation and Maintenance Costs are included in analysis.
- The detailed financial analysis previously provided annual cash flow analysis.

Facility/ Project	Project Budget	YR 1- Electric Bill Savings	30 YR - Electric Bill Savings	Payback Period (YR)	30 YR - IRR%	30 YR Levelized Cost of Electricity	2020 Cost of Electricity
Public Works - 86kWdc	\$ 176,003	\$ 6,100	\$ 266,423	20.9	3.30%	\$0.044	\$0.057
Public Safety - 59kWdc	\$ 133,633	\$ 4,197	\$ 183,037	21.6	2.80%	\$0.050	\$0.057
Carver Community Center - 32kWdc	\$ 79,443	\$ 4,003	\$ 174,551	14	6.30%	\$0.054	\$0.093
Total	\$ 389,079	\$ 14,300	\$ 449,460	18.8333	4.13%	\$0.049	\$0.069

**TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION**

Meeting Date: November 9, 2020

SUBJECT: Sanitation Truck Financing and Additional Employees

AGENDA INFORMATION

Agenda Location: NEW BUSINESS
Item Number: 8F
Department: Administration
Contact: Josh Harrold, Town Manager
Presenter: Josh Harrold, Town Manager

BRIEF SUMMARY: After operating the Town's new sanitation department for 30 days, we've determined a need for additional trucks and employees. Staff is requesting 1 additional rear loader at \$180,000 in order to have a reserve truck in the fleet, 1 additional scout truck at \$65,000 to assist in garbage and recycling pick up in steep terrain, and 2 additional employees with an annual salary of \$55,000.

MOTION FOR CONSIDERATION: To approve financing for 1 rear loader and 1 scout truck. To approve the addition of 2 sanitation employees.

FUNDING SOURCE: Debt & General Fund

ATTACHMENTS:

MANAGER'S COMMENTS AND RECOMMENDATIONS: To approve as presented.

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: November 9, 2020

SUBJECT: Continued Public Hearing to Rezone 324 N Fork Road from CR-1 to TR-4 from N. Fork Road to the Middle of the Creek (West Side) and from CR-1 to SR-2 on the East Side
#Z-O-20-04

AGENDA INFORMATION

Agenda Location:	PUBLIC HEARING
Item Number:	9A
Department:	Planning and Development Department
Contact:	Jessica Trotman, Planning Director
Presenter:	Jessica Trotman, Planning Director

BRIEF SUMMARY: At the October 12, 2020 Board of Alderman meeting the public hearing considering the rezoning of 324 N Fork Road was continued. The original information for this application has been included, as well as the following additional information for the Boards consideration.

- Intent of the CR-1 zoning district from the land use code.
- Topography map illustrating the amount of slope on the parcel.
- Estimated acreage related to the TR-4/SR-2 split zone recommendation made by the Planning Board.
- Additional land use information for your review

The property is as follows:
324 N Fork Road – PIN # 0700-92-8001

MOTION FOR CONSIDERATION:

1. To open the public hearing to rezone 324 N. Fork Road from CR-1 to TR-4 on the west side of the property and from CR-1 to SR-2 on the east side of the property.
2. To close the public hearing.
3. To adopt the Statement of Consistency as presented [or as amended].
4. To adopt ***Zoning Ordinance #Z-O-20-04*** to rezone 324 N. Fork Road from CR-1 to TR-4 on the west side of the property and from CR-1 to SR-2 on the east side of the property.

FUNDING SOURCE: N/A

ATTACHMENTS:

MANAGER'S COMMENTS AND RECOMMENDATIONS: To adopt or deny *Zoning Ordinance #Z-O-20-04* to rezone the properties as presented and to adopt the Statement of Consistency as presented.

Topography

Maximum Elevation: 2590.00

Percent Slope: 18.72

Property does experience rise on the Northeast side but not enough to factor in steep slope requirements.



Acres Per Purposed Zoning District

4.5 acres would be TR-4 – West side of stream

12 acres would be SR-2 – East side of stream

Intent of CR-1

Purpose: The Conservation Residential District is established to protect areas in which the principal use of the land is residential or agricultural and where steep slopes or other environmental features make it

more suitable for large lot development, conservation development and the preservation of open space.

Summary of Nearby Lots

Most lots off of Walker Cove Rd and Daniel Ln are nonconforming as they are less than the 1 acre minimum lot size of CR-1. Many lots off Greene Dr and Dogwood Dr are also smaller than 1 acre. A large part of this area is the golf course which takes up most of the space in the middle of the district. There are some larger conforming lots but they almost all abut smaller nonconforming lots. For this part of town and the CR-1 zoning district it is nonconforming.

Additional land use information

One acre lots are not often used inside of town limits with the exception of highly sensitive environmental areas such as steep slopes and ridges where it may be difficult to provide utilities, establish or maintain infrastructure. One acre lots, if used within a jurisdiction are more likely to be found in the very edge of the municipality, where the densities transition to more rural areas in the county and/or an ETJ. Using extremely low densities in urbanized areas promotes sprawl and does not maximize the use of existing public infrastructure. Black Mountain is not a large city, but it is not rural or agricultural in nature.

Along North Fork Road there is a lack of transition zoning utilized in the base zoning districts. You will see on the zoning map exhibit that the districts go from UR-8 to CR-1 without use of TR-4 or SR-2 between them. There is no rule requiring this, but transition zoning areas is a very common practice. On a practical level a split zoning on the same parcel isn't always easy to work with. It may cause difficulty financing a project or property sale, and it ultimately influences the way the property will be divided in the future. Depending on what other ways a parcel is encumbered, lots may not nearly fall within the split areas.

APPLICANT:	Sam Decker
HEARING TYPE:	Rezoning Request (Spot Zoning)
REQUEST:	CR-1 (Conservation Residential District) to UR-8 (Urban Residential District)
CONDITIONS:	N/A
LOCATION:	324 North Fork Road
PARCEL ID NUMBER(S):	0700-92-8001
PUBLIC NOTIFICATION:	The notification for this public meeting was 200 feet (Chapter 1, Section 1.5.4 F of the Land Use Code requires notification of the owner of that parcel of land and the owners of all parcels within 200' of the property boundary of the proposed amendment). 16 notices were mailed to those property owners in the mailing area.
TRACT SIZE:	16.45 acres
TOPOGRAPHY:	18.72% slope

VEGETATION:
SITE DATA

Residential

EXISTING USE

Residential

ADJACENT PROPERTY

ADJACENT ZONING

ADJACENT LAND USE

324 North Fork Road	CR-1	Single-Family Residential
99999 North Fork Road	N/A	N/A
100 Temple Road	N/A	N/A
99999 Hi View Drive	CR-1	Empty Lot
55 Hi View Drive	CR-1	Single-Family Residential
45 Hi View Drive	CR-1	Multiple Residences
26 Hi View Drive	CR-1	Single-Family Residential
99999 Hi View Drive	CR-1	Empty Lot
15 Hi View Drive	CR-1	Single-Family Residential
23 Walker Cove Road	CR-1	Single-Family Residential
19 Walker Cove Road	CR-1	Single-Family Residential
28 Walker Cove Road	CR-1	Single-Family Residential
99999 Walker Cove Road	N/A	N/A
99999 Walker Cove Road	N/A	N/A
16 Walker Cove Road	CR-1	Single-Family Residential
13 Daniel Lane	CR-1	Single-Family Residential
10 Walker Cove Road	CR-1	Single-Family Residential
6 Walker Cove Road	CR-1	Single-Family Residential
10 Daniel Lane	CR-1	Single-Family Residential
4 Daniel Lane	CR-1	Single-Family Residential
1 Ross Drive	CR-1	Town Golf Course
320 North Fork Road	CR-1	Single-Family Residential

N/A- Properties are not located within the town's boundaries.

SUMMARY OF DISTRICT PURPOSES

CR-1 (Conservation Residential District)	Purpose: The Conservation Residential District is established to protect areas in which the principal use of the land is residential or agricultural and where steep slopes or other environmental features make it more suitable for large lot development, conservation development and the preservation of open space.
UR-8 (Urban Residential District)	Purpose: The Mixed Residential District is established to provide a variety of housing types, promote density in the more urbanized and developable areas of Town, and structure the orderly development of residential neighborhoods.

ZONING DISTRICT STANDARDS

District Summary

	<u>Existing</u>	<u>Requested</u>
Zoning District Designation:	CR-1	UR-8
Max. Density:	1 units/acre	8 units/acre
Front Setback:	30'	20'
Side Setback:	10'	10'
Rear Setback:	30'	15'
Min. Lot Size:	1 acre (43,560 sf)	1/8 acre (5,446 sf)
Max. Height:	35'	35'
Min. Width:	80'	15'
Min. Depth:	100'	None

Permitted Uses:

- | | |
|--|--|
| <ul style="list-style-type: none">• Government facilities• Public Utilities• Single-Family Residences• Two-Family Residences (duplex) | <ul style="list-style-type: none">• Community Living Facilities• Government facilities• Places of worship• Public utilities• Single-Family Residences• Two-Family Residences (duplex) |
|--|--|

Additional Requirements:

- | | |
|---|--|
| <ul style="list-style-type: none">• Accessory structures• Agribusiness• Agriculture• Boarding House• Camps, summer• Conference Centers• Family Care Homes• Home Occupations• Park Model Housing• Manufactured Home on individual lots• Market Gardens• Secondary Dwellings | <ul style="list-style-type: none">• Accessory structures• Agriculture• Bed & Breakfast Homes• Boarding House• Camps, summer• Conference Centers• Family Care Homes• Home Occupations• Manufactured Home (on individual lots)• Market Gardens• Multi-family Residential• Secondary Dwellings |
|---|--|

Conditional Uses:

- | | |
|--|--|
| <ul style="list-style-type: none">• Bed & Breakfast Homes & Inns• Cultural, Community Facilities• Educational facilities | <ul style="list-style-type: none">• Bed & Breakfast Homes & Inns• Cultural, Community Facilities• Educational facilities |
|--|--|

	• Multi-family residential • Places of worship	
Special Uses:	• Residential Special Use Developments: • Conservation Subdivisions • Cottage Housing (CHD) • Residential Planned Unit Development (PUD)	• Residential Special Use Developments: • Conservation Subdivisions • Cottage Housing (CHD) • Residential Planned Unit Development (PUD) • Manufactured Home Parks
Exclusions:	• Correctional institutions • Manufactured Home Parks • All uses not specifically enumerated.	• Correctional institutions • All uses not specifically enumerated

SPECIAL INFORMATION

Overlay Districts

Historic District Overlay	N/A
Flood Damage Prevention Overlay	N/A
US 70 Corridor Overlay	N/A
Fire District Overlay	N/A
Pedestrian Master Plan Overlay	N/A
Wellness Protection Overlay	N/A

Environmental

Floodplain	N/A
Floodway	N/A
Stream	A stream runs through the lower half of the property near North Fork Road

Utilities

Water	City of Asheville water lines
Sewer	A 8" sewer line runs through the property

Landscaping

There are no landscaping requirements for residential property

Transportation

Street Classification	NCDOT Road – North Fork Road
-----------------------	------------------------------

Site Access	Access is available from North Fork Road
Traffic Counts	There are no sidewalks on North Fork Road. None Not required by Land Use Code
Sidewalks	N/A
Transit in Vicinity	N/A
Traffic Impact Analysis (TIA)	
Street Connectivity	
Other	

IMPACT/POLICY ANALYSIS

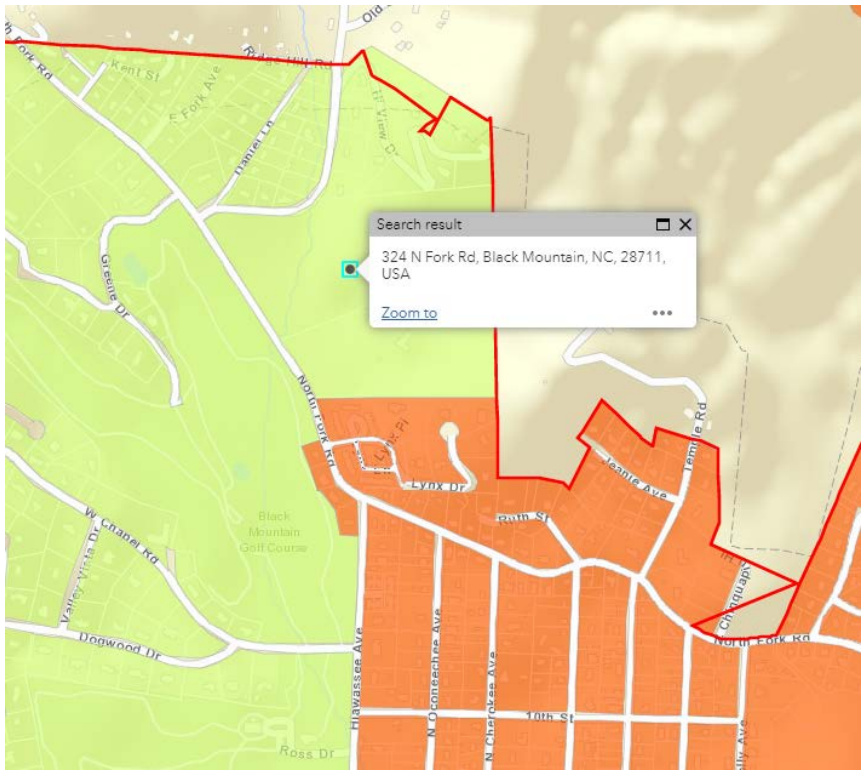
The UR-8 district would allow for more residential uses.

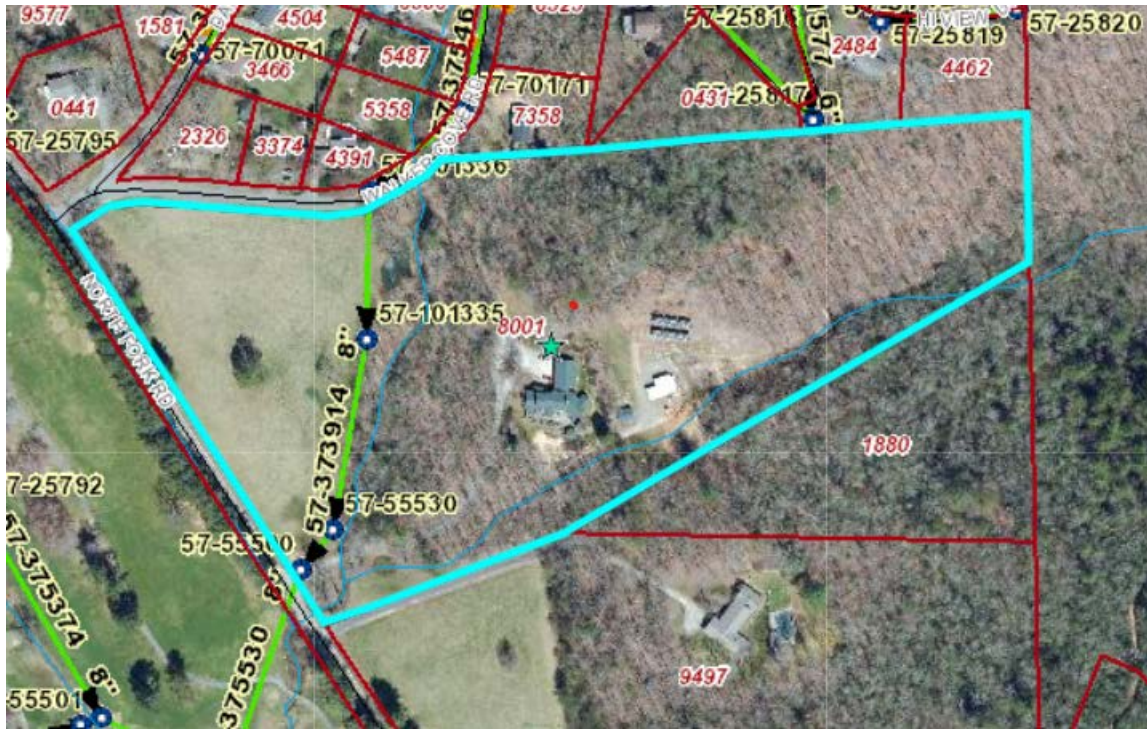
CONFORMITY WITH OTHER PLANS

MISC COMMENTS

This rezoning request will be a spot zoning. Spot zoning is the application of zoning to a specific parcel or parcels of land within a larger zoned area.

Mr. Decker is currently in the CR-1 zoning district and does not touch up against UR-8. He is one property away from UR-8 as you can see by the image below.





TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 12, 2020

SUBJECT: Public Hearing to Rezone 134 Sunset Drive, 6 Vance Drive, and 99999 Vance Drive from TR-4 (town residential) to UR-8 (urban residential)

#Z-O-20-05

AGENDA INFORMATION

Agenda Location:	PUBLIC HEARING
Item Number:	9B
Department:	Planning and Development Department
Contact:	Jessica Trotman, Planning Director
Presenter:	Jessica Trotman, Planning Director

BRIEF SUMMARY: Ruby Begley submitted a rezoning application to rezone her properties at 134 Sunset Drive, 6 Vance Drive, and 99999 Vance Drive from TR-4 to UR-8. The property consists of 11.26 acres combined. The property is located across from I-40. The difference in uses between the differing residential districts is comparable but the UR-8 district would allow a greater amount of density.

The properties are as follows:

134 Sunset Drive – PIN # 0619-44-9731.00000

6 Vance Drive – PIN #0619-54-3923.00000

99999 Vance Drive – PIN #0619-54-6910.00000

MOTION FOR CONSIDERATION:

1. To open the public hearing to rezone 134 Sunset Drive, 6 Vance Drive, and 99999 Vance Drive from TR-4 to UR-8.
2. To close the public hearing.
3. To adopt the Statement of Consistency as presented [or as amended].
4. To adopt ***Zoning Ordinance #Z-O-20-05*** to rezone 134 Sunset Drive, 6 Vance Drive, and 99999 Vance Drive from TR-4 to UR-8.

FUNDING SOURCE: N/A

ATTACHMENTS: Zoning Ordinance ***#Z-O-20-05***, Statement of Consistency, Zoning Map, Aerial Map

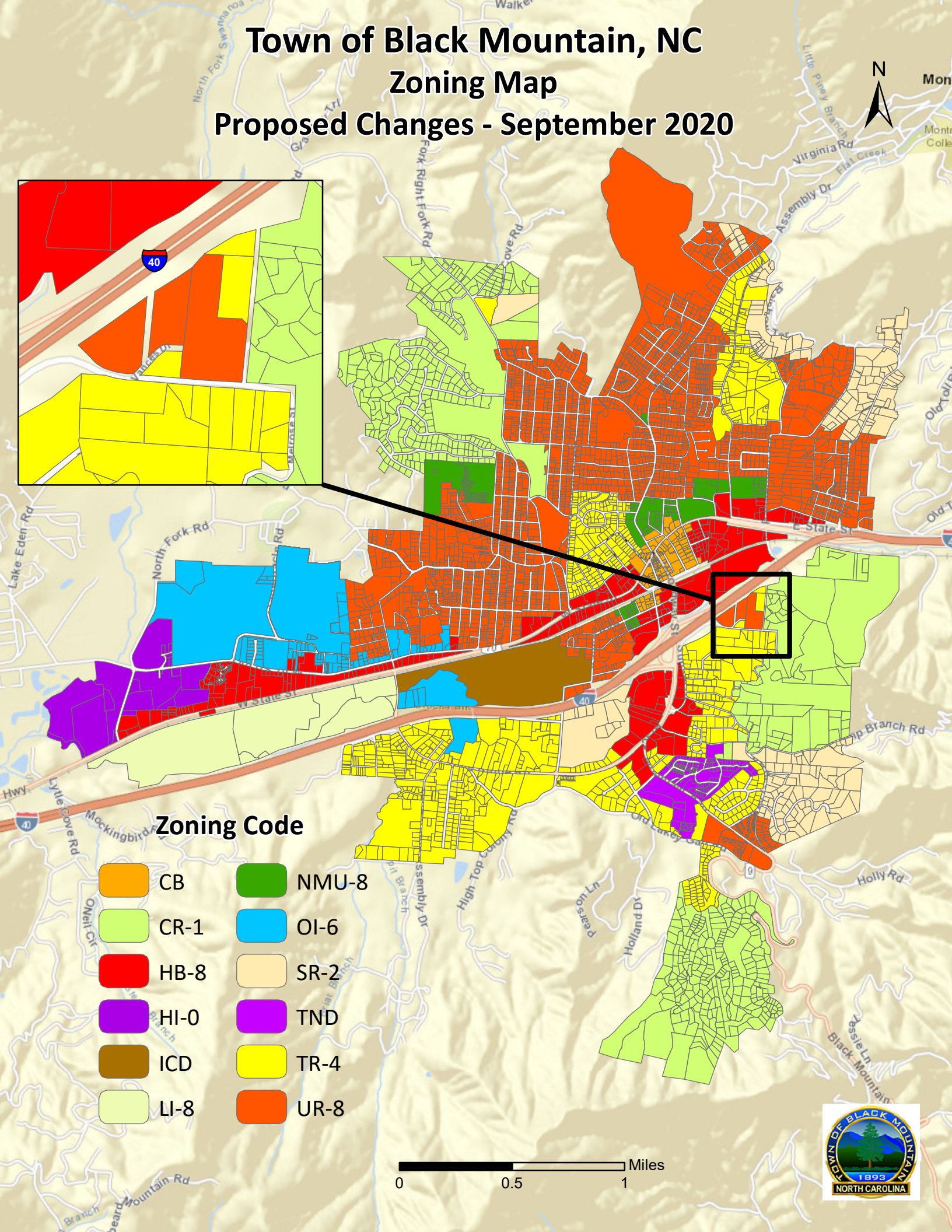
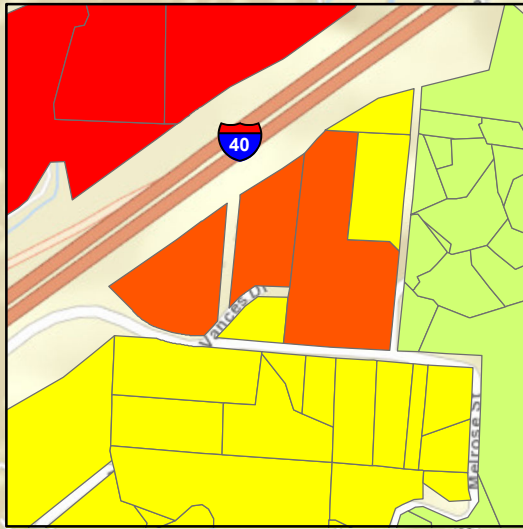
MANAGER'S COMMENTS AND RECOMMENDATIONS: To adopt or deny ***Zoning Ordinance***

#Z-O-20-05 to rezone the properties as presented and to adopt the Statement of Consistency as presented.

Town of Black Mountain, NC

Zoning Map

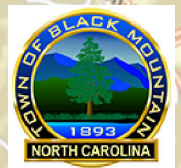
Proposed Changes - September 2020



Zoning Code

	CB		NMU-8
	CR-1		OI-6
	HB-8		SR-2
	HI-0		TND
	ICD		TR-4
	LI-8		UR-8

0 0.5 1 Miles



ORDINANCE NO. #Z-O-20-05

**AN ORDINANCE AMENDING THE ZONING MAP FOR PROPERTY LOCATED AT
134 SUNSET DRIVE, 6 VANCE DRIVE, AND 99999 VANCE DRIVE**

WHEREAS, the Town of Black Mountain has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the Town's zoning regulations was adopted on January 11, 2010, (Ordinance No. #O-10-01) and is codified in Appendix A of the Town of Black Mountain Code of Ordinances (herein "Zoning Ordinance"), and maps dividing and classifying the property within the Town's zoning jurisdiction were adopted on January 11, 2010, Ordinance No. #O-10-01) and are on file and maintained in the Offices of the Town of Black Mountain Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the Town of Black Mountain Comprehensive Plan and other official plans of the Town and is determined to be reasonable and in the public interest for the following reasons:

- a. The overall size of the tract of land proposed for the rezoning is reasonable compared to the size of the zoning district in which the subject property is located.
- b. The proposed rezoning is consistent with the comprehensive plan or elements thereof.
- c. The impact to the adjacent property owners and surrounding community is reasonable and the benefits of the zoning shall outweigh any potential inconveniences or harm to the community.
- d. The allowed uses within the proposed zoning district are similar or comparable to the permitted uses as currently zoned.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF BLACK MOUNTAIN
BOARD OF ALDERMEN THAT:**

The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on the Buncombe County tax maps as PIN 0619-44-9731, recorded in Deed Book 0713, Page 0432, PIN 0619-54-3923, recorded in Deed Book 0713, Page 0432, and PIN 0619-54-6910, recorded in Deed Book 1014, Page 0149 and currently owned by Ruby B. Begley, from Town Residential (TR-4) to Urban Residential (UR-8). A copy of the official zoning map showing said lot is attached hereto as Exhibit "A" and made a part thereof.

This ordinance shall be in full force and effective on the date of adoption.

READ, APPROVED AND ADOPTED, this the 9th day of November, 2020.

Savannah Parrish, Town Clerk

Larry B. Harris, Mayor

Approved as to form

A STATEMENT OF CONSISTENCY TO REZONE 134 SUNSET DRIVE, 6 VANCE DRIVE, AND 99999 VANCE DRIVE FROM TOWN RESIDENTIAL TO URBAN RESIDENTIAL

BE IT ORDAINED by the Board of Aldermen for the Town of Black Mountain, North Carolina, that they adopt the following STATEMENT OF CONSISTENCY;

WHEREAS, when the Board of Aldermen adopted the Town of Black Mountain Code of Ordinances, the Planning Board committed to reviewing these regulations in order to improve their application to our community and context; and

WHEREAS, in accordance with the provisions of North Carolina General Statute §160A-383, it is determined that the adoption of the recommended rezoning is consistent with vision statement seven and vision statement nine of the adopted 2014 Comprehensive Plan and the adopted 2008 Comprehensive Pedestrian Plan; and

WHEREAS, the Board of Aldermen find that the proposed rezoning is consistent with current state regulations and find that this recommendation promotes the general welfare and is in keeping with good practice; and

WHEREAS, the Board of Aldermen find that the proposed rezoning is reasonable as the changes in zoning will not be incongruous with the surrounding character of the neighborhood and that there are minor differences in the three zoning districts

BE IT ORDAINED by the Board of Aldermen for the Town of Black Mountain, North Carolina, that the rezoning for 134 Sunset Drive, 6 Vance Drive, and 99999 Vance Drive from town residential to urban residential is consistent with the Town's 2014 Comprehensive Plan and 2008 Comprehensive Pedestrian Plan.

READ, APPROVED AND ADOPTED this 9th day of November, 2020, by a vote of _____ to _____.

Larry B. Harris, Mayor

Josh Harrold, Town Manager

ATTEST:

Savannah Parris, Town Clerk

TOWN OF BLACK MOUNTAIN
PLANNING BOARD
CONSISTENCY STATEMENT

To: Town of Black Mountain Planning Board

From: Jennifer Tipton, Senior Admin

Date: September 28, 2020

Subject: Rezoning Request

Description: Request to Rezone 139 Sunset Drive, 6 Vance Drive, and 99999 Vance Drive from TR-4 to UR-8

The Planning Board hereby adopts and recommends to the Board of Aldermen the following statements:

_____ The zoning amendment **is approved and is consistent with the Town's comprehensive plan and is reasonable and in the public interest** because:

How consistent with plan: _____

Why is it reasonable and in the public interest: _____

✓_____ The zoning amendment **is rejected because it is inconsistent with the Town's comprehensive plan and/or is not reasonable and in the public interest** because:

How inconsistent with the plan: Planning Board decided the rezoning request is consistent with the comprehensive plan because most of the town's higher density zoning is in proximity to Interstate 40

Why is it not reasonable and in the public interest: because of the possible negative impacts on community features such as traffic and property values

_____ In addition to approving this zoning amendment, this approval is **also deemed an amendment to the Town's comprehensive plan**. The change in conditions taken into account amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public interest are as follows:



**Town of Black Mountain
Building, Planning and Zoning**

160 Midland Avenue ♦ Black Mountain ♦ North Carolina ♦ 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-2962

STAFF REPORT

Planning Board Meeting Date: September 28, 2020

GENERAL INFORMATION

APPLICANT:	Ruby B. Begley
HEARING TYPE:	Rezoning Request (Spot Zoning)
REQUEST:	TR-4 (Town Residential District) to UR-8 (Urban Residential District)
CONDITIONS:	This is a rezoning request for 3 adjacent properties owned by Ruby Begley, all currently zoned TR-4.
LOCATION:	134 Sunset Drive, 6 Vance Drive, 99999 Vance Drive
PARCEL ID NUMBER(S):	0619-44-9731, 0619-54-3923, 0619-54-6910
PUBLIC NOTIFICATION:	The notification for this public meeting was 200 feet (Chapter 1, Section 1.5.4 F of the Land Use Code requires notification of the owner of that parcel of land and the owners of all parcels within 200' of the property boundary of the proposed amendment). 22 notices were mailed to those property owners in the mailing area.
TRACT SIZES:	3.03 acres, 2.43 acres, 5.8 acres
TOPOGRAPHY:	13.03% slope, 19.65% slope, 19.65% slope
VEGETATION:	Residential

SITE DATA

EXISTING USE

Residential

ADJACENT PROPERTY

134 Sunset Drive
6 Vance Drive
99999 Vance Drive
99999 Sunset Drive
178 Sunset Drive
196 Sunset Drive
212 Sunset Drive
99999 Sunset Drive
99999 Sunset Drive
180 Sunset Drive
179 Sunset Drive
99999 Sunset Drive
4 Hall Family Drive
6 Hall Family Drive
8 Hall Family Drive
153 Sunset Drive
147 Sunset Drive
141 Sunset Drive
137 Sunset Drive
135 Sunset Drive
34 Western View Street
9 Vance Drive

ADJACENT ZONING

TR-4
TR-4
TR-4
TR-4
TR-4
CR-1
CR-1
CR-1
CR-1
CR-1
CR-1
CR-1
TR-4
TR-4
TR-4
TR-4
TR-4
TR-4
TR-4
TR-4
TR-4
TR-4

ADJACENT LAND USE

Single-Family Residential
Single-Family Residential
Empty Lot
Empty Lot
Single-Family Residential
Single-Family Residential
Single-Family Residential
Empty Lot
Empty Lot
Single-Family Residential
Single-Family Residential
Empty Lot
Single-Family Residential
Single-Family Residential
Single-Family Residential
Single-Family Residential
Single-Family Residential
Single-Family Residential
Single-Family Residential
Single-Family Residential
Single-Family Residential

SUMMARY OF DISTRICT PURPOSES

TR-4 (Town Residential District)	Purpose: The Town Residential District is established to allow for a variety of housing types while maintaining an overall residential character with medium density. Any use which, because of its characteristics, would interfere with the residential nature of the area is excluded.
UR-8 (Urban Residential District)	Purpose: The Mixed Residential District is established to provide a variety of housing types, promote density in the more urbanized and developable areas of Town, and structure the orderly development of residential neighborhoods.

ZONING DISTRICT STANDARDS

District Summary

	<u>Existing</u>	<u>Requested</u>
Zoning District Designation:	TR-4	UR-8
Max. Density:	4 units/acre	8 units/acre
Front Setback:	20'	20'
Side Setback:	10'	10'
Rear Setback:	15'	15'
Min. Lot Size:	1/4 acre (10,890 sf)	1/8 acre (5,446 sf)
Max. Height:	35'	35'
Min. Width:	40'	15'
Min. Depth:	80'	None

Permitted Uses:

- | | |
|---|--|
| <ul style="list-style-type: none">• Government facilities• Parks and open space areas• Places of Worship• Public Utilities• Single-Family Residences• Two-Family Residences (duplex) | <ul style="list-style-type: none">• Community Living Facilities• Government facilities• Places of worship• Public utilities• Single-Family Residences• Two-Family Residences (duplex) |
|---|--|

Additional Requirements:

- | | |
|--|--|
| <ul style="list-style-type: none">• Accessory structures• Agriculture• Bed & Breakfast Homes• Boarding House• Camps, summer• Conference Centers• Family Care Homes• Home Occupations• Manufactured Home on individual lots• Market Gardens• Recreational Services, outdoor• Secondary Dwellings | <ul style="list-style-type: none">• Accessory structures• Agriculture• Bed & Breakfast Homes• Boarding House• Camps, summer• Conference Centers• Family Care Homes• Home Occupations• Manufactured Home (on individual lots)• Market Gardens• Multi-family Residential• Secondary Dwellings |
|--|--|

Conditional Uses:

- | | |
|---|---|
| <ul style="list-style-type: none">• Bed & Breakfast Inns• Cultural, Community Facilities | <ul style="list-style-type: none">• Bed & Breakfast Homes & Inns• Cultural, Community Facilities |
|---|---|

	• Educational facilities • Multi-family residential	• Educational facilities
Special Uses:	• Residential Special Use Developments: • Conservation Subdivisions • Cottage Housing (CHD) • Residential Planned Unit Development (PUD) • Manufactured Home Parks	• Residential Special Use Developments: • Conservation Subdivisions • Cottage Housing (CHD) • Residential Planned Unit Development (PUD) • Manufactured Home Parks
Exclusions:	• Correctional institutions • All uses not specifically enumerated.	• Correctional institutions • All uses not specifically enumerated

SPECIAL INFORMATION

Overlay Districts

Historic District Overlay	N/A
Flood Damage Prevention Overlay	N/A
US 70 Corridor Overlay	N/A
Fire District Overlay	N/A
Pedestrian Master Plan Overlay	N/A
Wellness Protection Overlay	N/A

Environmental

Floodplain	N/A
Floodway	N/A
Stream	A stream runs through the lower half of 134 Sunset Dr.

Utilities

Water	City of Asheville water lines
Sewer	An 8" sewer line runs through 134 Sunset Dr. and a 6" line runs through both Vance Dr. properties.

Landscaping

There are no landscaping requirements for residential property.

Transportation

Street Classification	Town Roads – Sunset Drive and Vance Drive.
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Site Access	Access is available from Sunset Drive off NC HWY 9.
Traffic Counts	N/A
Sidewalks	There are no sidewalks on Sunset or Vance Drive.
Transit in Vicinity	None
Traffic Impact Analysis (TIA)	Not required by Land Use Code
Street Connectivity	N/A
Other	N/A

IMPACT/POLICY ANALYSIS

The UR-8 district would allow for more dwelling units per acre as the minimum lot size would be cut in half.

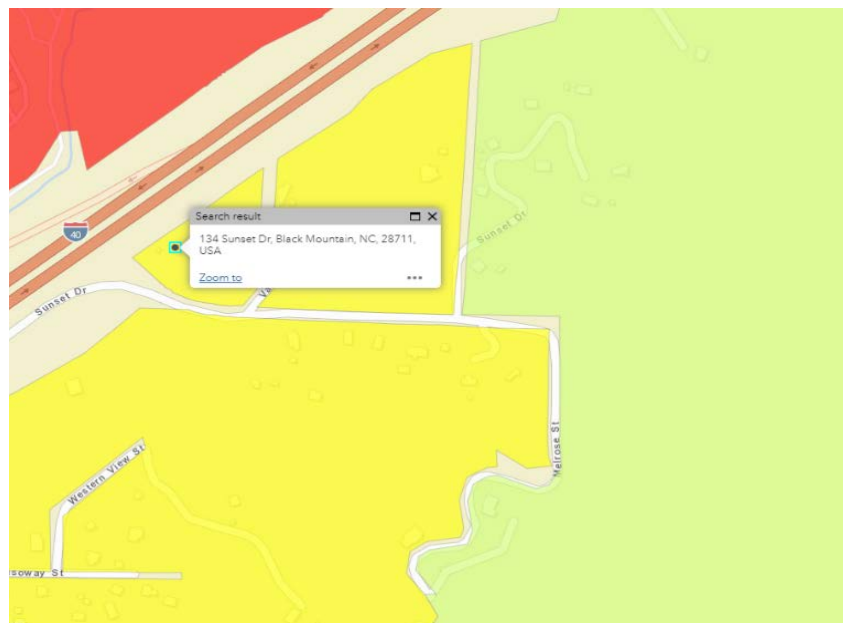
CONFORMITY WITH OTHER PLANS

N/A

MISC COMMENTS

This rezoning request will be a spot zoning. Spot zoning is the application of zoning to a specific parcel or parcels of land within a larger zoned area.

Ruby Begley is currently in the TR-4 zoning district and does not touch up against UR-8. She is surrounded by TR-4 and CR-1 and is blocked from touching HB-8 by Interstate 40 as you can see in the image below.



REZONING WORKSHEET

Address: 134 Sunset Drive, 6 Vance Drive, 99999 Vance Drive

PIN #: 0619-44-9731, 0619-54-3923, 0619-54-6910

Current Zoning District: TR-4 Requested Zoning District: UR-8

The rezoning was granted based on the following reasonable findings of fact:

1. The overall size of the tract of land proposed for rezoning () is / () is not reasonable compared to the size of the zoning district in which the subject property is located.
2. The proposed rezoning () is / () is not consistent with the comprehensive plan or elements thereof.
3. The impact to the adjacent property owners and the surrounding community () is / () is not reasonable, and the benefits of the rezoning shall outweigh any potential inconveniences or harm to the community.
4. The allowed uses with the proposed zoning district () are / () are not similar or comparable to the permitted uses as currently zoned.

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: November 9, 2020

SUBJECT: Public Hearing for Text Amendments to Road Standards (Land Use Code)
O-20-15

AGENDA INFORMATION

Agenda Location: PUBLIC HEARING
Item Number: 9C
Department: Planning and Development Department
Contact: Jessica Trotman, Planning Director
Presenter: Jessica Trotman, Planning Director

BRIEF SUMMARY: The collection of amendments reflect edits for consistent language and references for the Standards & Details Manual. This manual includes the construction methods from the NCDOT Subdivision Manual, NC Fire Code, and NC Fire Code Appendix D. There are no new standards proposed. The edits in the Land Use Code are limited to word choice, clarity, and consistency. The Planning Board voted 5-0 to recommend the text amendments as presented.

MOTION FOR CONSIDERATION:

1. To open the public hearing for Ordinance #O-20-15 for amendments to road standards in the Land Use Code.
2. To close the public hearing.
3. To adopt ***Ordinance #O-20-15*** as presented [or as amended].

FUNDING SOURCE: N/A

ATTACHMENTS: Ordinance # O-20-15

MANAGER'S COMMENTS AND RECOMMENDATIONS: To approve ***Ordinance #O-20-15*** as presented.

ORDINANCE #0-20-15

**AN ORDINANCE TO AMEND SEVERAL SECTIONS OF THE LAND USE CODE
REGARDING ROAD STANDARDS**

WHEREAS, the Town of Black Mountain Planning Board is charged with reviewing and updating land use planning, zoning and subdivision regulations; and

WHEREAS, the Planning Board made a commitment to the Board of Aldermen to review the text of the Land Use Code in the years since its adoption to address any residual inconsistencies in the text and to look for opportunities to clarify or improve text; and

WHEREAS, upon recommendation of the Planning Board, the following text amendment is required in order to carry out vision statement twelve: public utilities and road infrastructure of the 2014 Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED that Chapter 1, Section 1.2.3; Chapter 3, Sections 3.3.2, 3.3.3, 3.4.1, 3.5.2, 3.6.1, 3.6.2.1, 3.6.2.2; Chapter 4, Sections 4.3.2, 4.6.11.5, 4.6.12.3, Chapter 7, Sections 7.5.5, 7.7.1, 7.8.5.2; Chapter 8, Section 8.1.5; and Chapter 11, Section 11.1.1, be amended with the following (additions are underlined in bold and deletions are shown as red struck text):

Section 1.2.3 – Definitions.

Fire apparatus access road: A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane and access roadway.

Chapter 3 – Subdivisions

Section 3.2.2 – No subdivision without approval.

D. No street shall be accepted and maintained by the town nor shall any street lighting, water or sewer be extended to or connected with any subdivision of land, nor shall any permit be issued by an administrative agent or department of the town for the construction of any building or other improvement requiring a permit, upon any land concerning which a plat is required to be approved unless and until the requirements set forth in this article **and the Town of Black Mountain Standards and Details Manual** have been complied with and the same has been approved by the board of aldermen.

Section 3.3.3 – Major subdivision

Step 4: Applicant submits construction drawings and supporting documentation.

Subdivider shall submit engineer sealed construction drawings and supporting documentation for each individual phase or phases of development. The public works director and

fire **inspector** ~~chief~~ shall review and approve the construction drawings for all public roads, **private roads** and water infrastructure.

Step 5: Infrastructure/improvements installed or guaranteed

C. Following the completion of the improvements and infrastructure, the subdivider shall provide as-built construction drawings to the public works director **and the fire inspector**.

Step 7: Subdivision administrator review and approval of final plat

A. The subdivision administrator shall review the final plat for compliance with the approved preliminary plat and ensure that the final plat meets the requirements of [section 3.4](#). The town shall verify that all required infrastructure improvements have been completed by conducting an on-site visual inspection of such improvements. Otherwise the improvements shall be guaranteed in accordance with [section 3.5.7](#).

Section 3.4.1 – Sketch plans.

A. Minor subdivision sketch plans.

9. Proposed new lot layout and dimensions and any rights-of-way or driveways to be built. Minimum driveway right-of-way shall **meet the requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~be 12 feet~~.

B. Major subdivision sketch plans.

10. Proposed new lot layout and dimensions and any rights-of-way or driveways to be built. Road specifications **are indicated in the Town of Black Mountain Standards and Details Manual** ~~may vary according to the type of development and zoning district~~.

Section 3.5 – Subdivision Design Standards

Section 3.5.2 – Streets

- A. Unless a lot is set aside for conservation in perpetuity, all lots to be platted shall have access to a street and all proposed streets shall be installed or financially guaranteed prior to final plat approval. Access roads for both major and minor subdivisions shall traverse a surveyed right-of-way centerline showing calls and distances and its beginning and ending points in relation to adjoining properties.
- B. No more than three lots may be served with a single driveway. The minimum width of deeded and recorded driveway or right-of-way shall be **as indicated in the Town of Black Mountain Standards and Details Manual** ~~15 feet~~. All lots served by shared driveways must have parking provided for a minimum of two cars on the lot itself and off of the driveway.
- C. Any access serving more than three lots shall be considered a road. Roads providing access to more than four lots must be constructed to **requirements as indicated in the**

Town of Black Mountain Standards and Details Manual ~~town standards for a public street~~ and ~~may~~ **shall** be dedicated to the town **upon a written street dedication request** ~~or unless as part of a conservation subdivision or special or conditional use approval (see also conservation subdivisions and 4.3.2 lot access).~~

- D. ~~All streets shall be dedicated with a minimum 40-foot right-of-way and shall meet the minimum design standards for drainage and roadways of the town. Streets must have a graded travel surface of at least 20 feet or have two separated travel surfaces of 14 feet in width as part of a bifurcated roadway and shall be in compliance with the current North Carolina Fire Code including Appendix D.~~
 - E. One-way roads shall **meet the requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~be dedicated within a minimum 20-foot right-of-way and must have a graded travel surface of at least 14 feet. The graded travel surface shall be in compliance with the current North Carolina Fire Code including Appendix D.~~
 - F. The fire ~~inspector~~ ~~department~~ and public works ~~director~~ ~~staff~~ may authorize a variance up to 20 percent (up to eight feet variation on right-of-way, and up to four-foot variation on total travel surface), based on topography, landscape context, traffic and public safety needs.
 - G. Every street shall be designed to accommodate ~~a 25-year, hour~~ storm drainage **standards as indicated in the Town of Black Mountain Standards and Details Manual.**
 - H. The grade of streets shall be in compliance with the **requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~current North Carolina Fire Code including Appendix D.~~
 - I. The town ~~may~~ ~~shall~~ accept streets for ownership and maintenance one year after the completion date of the final road surfacing **upon a written street dedication request** and upon approval by the public works director **and fire inspector** ~~upon written request.~~
 - J. All roads, including **private** streets, cul-de-sacs and T-turnarounds within a major subdivision shall **meet the requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~be paved in accordance with NCDOT "Subdivision Road Minimum Construction Standards" Pavement Design 1 (E), current edition and the current North Carolina Fire Code including Appendix D. Subdivision plans must specify soil conditions and which combination of base and pavement design (see DOT guidance) will be used.~~ Final plans will include statement by licensed professional engineer that road is in compliance with **the Town of Black Mountain Standards and Details Manual** ~~DOT and local standards.~~
-
- 1. In a conservation subdivision, rights-of-way that cannot meet the road standards **as indicated in the Town of Black Mountain Standards and Details Manual** ~~for a subdivision~~ without compromising performance goals of the conservation subdivision requirements (see [7.5.4](#)) and which access more than three lots must meet the approval of the public services director and fire inspector for the purpose of waste collection, snow removal and maintenance, as well as emergency vehicle access.
 - 2. In a special ~~or conditional~~ use permit, the design of any shared parking and loading areas which are also serving to access more than three residential units must be in compliance with the **Town of Black Mountain Standards and Detail Manual** ~~current North Carolina Fire Code including Appendix D.~~

- K. No base course shall be placed on muck, pipe clay, organic matter or other unsuitable matter, and a minimum compaction rate of subgrade prior to paving shall **be as indicated in the Town of Black Mountain Standards and Details Manual** ~~not be less than 95 percent by standard proctor method, as appropriate,~~ and certified by a licensed engineer.
- ~~L. Roadways shall comply with the current North Carolina Fire Code including Appendix D.~~
- M. Traffic impact studies may be required for subdivision roads connecting to the town or NCDOT system per **Section 3.5.8** ~~title IX: 100~~ of the Town of Black **Land Use Code** ~~Mountain's Code of Ordinances~~ or NCDOT guidelines.
- N. Where curbs are provided on streets or where curbs and sidewalks are constructed within a subdivision, any construction shall be in full compliance with the provisions of G.S. 163-44.14 which sets forth standards for providing curb ramps or curb cuts for handicapped persons.
- O. Entrances into subdivisions which intersect with a major thoroughfare shall **meet the requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~be at least 800 feet apart along the thoroughfare measured from center line to center line.~~
- P. Property lines at street intersections shall **meet the requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~be rounded with a minimum radius of 15 feet.~~
- Q. Pre-existing roads which do not meet these standards may be incorporated into a subdivision plat only upon approval of the fire department and public works director. Where pre-existing roads do not have a designated right-of-way, right-of-way shall be established to cover at least the maintenance area of the roadway (back of ditch to back of ditch).

Section 3.6 – Dedication and Closures of Rights-of-Way or Easements to the Town

3.6.1 – Rights-of-way and easements.

- A. The approval and recordation of a final plat constitutes an offering to the town and the public of the right-of-way of each public street, alley, greenway or utility or drainage easement shown on such plat.
- B. The approval and recordation of a plat does not constitute acceptance of the right-of-way or easement or responsibility for its maintenance by the town, unless the town requires it as part of the development approval, or accepts any such offer of dedication by resolution of the board of aldermen at the time of final plat approval, by a separate, express action at a later time, or by actually exercising control over and maintaining such facilities.
- C. Rights-of-way which are intended to remain private or which are not accepted by the town at the time of approval of the final plat, must be accompanied by a dedication to a neighborhood association and include a maintenance agreement for the right-of-way.

3.6.2 – Dedication and closures of rights-of-way or land to the town.

3.6.2.1 – Closures of Rights-of-Way

~~A. Improvements within rights-of-way, open space or easements, such as utility lines, street paving, drainage facilities or stormwater BMPs, sidewalks or trails may be accepted for maintenance by the town upon approval by the town board of aldermen.~~

B. Property owners or other parties of interest may petition for the closure of a right-of-way offering through the planning department. The planning board, planning department, or other government or utility agency may also request the closure of a right-of-way. Rights-of-way closures shall follow these procedures:

1. A right-of-way closure petition is filed with the planning department. Owners of property abutting the right-of-way or portion of the right-of-way requested for closure must sign the petition and pay a fee as established by the board of aldermen. If all owners of the abutting properties does not sign the petition, notice to abutting property owners shall be given as required by G.S. 160A-299. If the request is generated from town staff or a board or commission, the fee shall not apply.
2. The planning director or his/her designee will prepare a staff report that includes a map that shows the length of the right-of-way from terminus to terminus, an inventory of uses within the right-of-way (if any utilities, etc.), information on possible future uses from any of the town's adopted plans, and comments from the fire department and place the issue on the next planning board agenda, if the petition is filed two weeks before the date of the next meeting, or otherwise at the next meeting.
3. Notice of the request and pursuant review by the planning board shall be sent to all abutting property owners, and the notice may be sent to owners of property adjoining any portion or all of the street affected by a partial right-of-way closure, at the discretion of the planning board or staff.
4. The planning board will review the request and make recommendation to the board of aldermen to accept the petition for closure, to accept the right-of-way into town control or maintenance, to close any additional area of right-of-way in addition to the petition, or to not accept the petition and leave the right-of-way as an offering.
5. The planning board shall consider any or all of the following criteria in making their recommendation for closure of a right-of-way:
 - (a) Right-of-way identified is not part of adopted town plans.
 - (b) Right-of-way is not necessary for current or future utilities.
 - (c) Right-of-way in its current condition poses a hazard to public health, safety or welfare.
 - (d) Right-of-way is along a drainage that is part of a stormwater management plan.
 - (e) Right-of-way provides a current or future corridor for a greenway, alley, or roadway that would meet a specific transportation need.
 - (f) Abutting property owners have signed the petition in favor of the closure.
 - (g) The planning board shall have 35 days from the date of the first regular meeting of the planning board held after receipt of the request within which to submit a recommendation to the board of aldermen. If the planning board fails to act within the required 30-day period, it shall be deemed to support and recommend the requested closure and the petition shall proceed to the board of aldermen.

The planning board may also amend the scope or length of the right-of-way closure petition as a complimentary petition to the board of aldermen.

6. Planning board recommendation is forwarded to board of aldermen who shall establish a date for a public hearing by adopting a resolution of intent to close. The town attorney shall prepare a description of the right-of-way in question for use in setting the public hearing.
7. Staff shall place the resolution of intent stating the date of the public hearing in a newspaper of general circulation within the Town of Black Mountain once a week for four successive calendar weeks. Staff shall prominently post the area for closure at two locations with a visible sign indicating the scope of the petition, the date for the public hearing and the phone number of the staff person to contact for information. Staff shall also provide notice by first class mail to all abutting property owners, and may, at the discretion and direction of the aldermen, mail such notice to all owners of property adjoining any portion or all of the street affected by a partial right-of-way closure. Notice shall also be posted to the town website indicating the date and time of the hearing.
8. Board of aldermen holds the public hearing and accepts or rejects the petition for closure.

3.2.6.2 – Dedication of Streets, Right-of-Way or Land to the Town

- A. **Improvements within rights-of-way, open space or easements, such as utility lines, street paving, drainage facilities or stormwater BMPs, sidewalks or trails may be accepted for maintenance by the town upon approval by the town board of aldermen.**
- B. **The Board of Aldermen shall not accept as a public street, any street extension, new street or part thereof until preliminary plans have been approved by the Planning and Development Department, Public Works Director and Fire Inspector, and unless the street or part thereof has met the following requirements:**
 - a. **A street dedication petition is filed with the Planning Department and must be signed by all property owners.**
 - b. **The road must meet all requirements as indicated in the Town of Black Mountain Standards and Details Manual.**
 - c. **Where necessary, property owners must be willing to purchase approved culverts to install under new constructed driveways.**
 - d. **The road must be approved by the Public Works Director and the Fire Inspector upon inspection.**
 - e. **The Planning Department shall forward the street dedication request to the Board of Aldermen for approval.**

Chapter 4 – Zoning District Requirements

Section 4.3 – Provisions Governing All Lots

4.3.2 – Lot access.

- A. No building, structure or use of land for other than conservation purposes shall be established on a lot which does not have access to a ~~dedicated and accepted public~~ street directly or by means of an easement. Access shall meet the requirements as indicated in the Town of Black Mountain Standards and Details Manual ~~be a strip of land with a minimum width of 15 feet and~~ connecting any lot that does not abut a street with the nearest reasonable accessible street to said lot. The strip shall be under the same ownership as the lot to which it provides access, or shall be an easement of record and appurtenant to the lot for which it provides access.
- B. Up to three lots may share access of one right-of-way so long as each lot has off-street parking for two cars available in addition to and from the right-of-way. In cases where four or more lots share access through a common right-of-way, the right-of-way shall be considered and designed as a named roadway and meet the requirements of the Town of black Mountain Standards and Details Manual ~~a town street in accordance with the subdivision regulations.~~
1. In a conservation subdivision, rights-of-way that cannot meet the road standards for a subdivision without compromising performance goals of the conservation subdivision requirements (see [7.5.4](#)) and which access more than three lots must meet the approval of the public works director and fire inspector for the purpose of waste collection, snow removal and maintenance, as well as emergency vehicle access.
 2. In a special use ~~or conditional use~~ permit, the design of any shared parking and loading areas which are also serving to access more than three residential units must meet the requirements of the Town of Black Mountain Standards and Details Manual and be approved by the fire inspector.
- C. If the street or road serving the proposed development does not meet the town street standards, the developer shall make the necessary improvements to bring the street or road up to the requirements as indicated in the Town of Black Mountain Standards and Details Manual ~~town standards~~ or provide other improvements as determined by the board of aldermen as a result of a traffic impact analysis, or shall make a payment to the town to cover the cost of such improvements. The town board of aldermen may waive this requirement for street or road improvements if the town determines that the improvement will cause more community disruption than justified by the increased traffic from the proposed development.

4.6.11 – TND traditional neighborhood development (master planned)

4.6.11.5 – Design Standards

D. Streets, alleys and pathways:

1. Designs shall permit comfortable use of the street by motorists, pedestrians and bicyclists. Pavement widths, design speeds, and number of motor travel lanes should be minimized to enhance safety for motorists and non-motorists alike. The specific design of any given street must consider the building types which front on the street and the relationship of the street to the overall town street network. All roads shall be in

compliance with the **requirements as indicated in the Town of Black Mountain Standards and Detail Manual** ~~current North Carolina Fire Code including Appendix D.~~

2. Public **or private** streets shall provide access to all tracts and lots and shall be in compliance with the **requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~current North Carolina Fire Code including Appendix D.~~
3. Streets and alleys shall, wherever practical, terminate at other streets within the neighborhood and connect to existing and projected streets outside the development. Culs-de-sac and dead-end streets are discouraged and should only occur where absolutely necessary due to natural conditions and shall be in compliance with the **requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~current North Carolina Fire Code including Appendix D.~~
4. No block face should have a length greater than 500 feet without dedicated alley or pathway providing through access.
5. To prevent the build-up of vehicular speed, disperse traffic flow, and create a sense of visual enclosure, long uninterrupted segments of straight streets should be avoided.
6. A continuous network of rear alleys is recommended for all lots in a TND.
7. Utilities shall be underground and shall run along alleys wherever possible.
8. Streets shall be organized according to a hierarchy based on function, size, capacity and design speed. Streets and rights-of-ways are therefore expected to differ in dimension. The proposed hierarchy of streets shall be indicated on the submitted master plan and each street type shall be separately detailed in the master plan.
9. Every street, except alleys, shall have a sidewalk on at least one side that is at least five feet wide. In shop front areas, sidewalks shall be at least ten feet wide.

4.6.12 – ICD institutional campus development (master planned)

4.6.12.3 – General requirements.

K. Street design standard. All campuses or institutions shall have two points of connection to a town maintained street. If the street accessing the campus or institution shall be private, **the street shall meet the requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~such street shall be a minimum of 12 feet wide with a four-foot shoulder on each side and meet standards suitable for emergency service access. It shall also be the option of the school or institution to pave the streets which access the school or institution. Such unpaved streets that serve as the primary access to buildings or parking facilities shall have an approved surface treatment such as gravel. If the street is to be made public, such street shall be required to be 18 feet wide with a one-foot shoulder on each side, a 30-foot right-of-way, and developed to the Town of Black Mountain standards as outlined in section 3.5.2 of the Town of Black Mountain Subdivision Regulations [chapter 3 of the land use code].~~ However, such streets may, at the discretion of the planning staff in consultation with public works staff **and the fire inspector**, be allowed to remain unpaved with use of an approved surface treatment (gravel or other).

Chapter 7 – Special Use Permits

Section 7.5 – Special Use: Conservation Subdivisions

7.5.5 – General design requirements.

E. The subdivision development, including roads and buildings, shall be designed to meet the standards of the town's insurance rating as determined by the town's fire inspector.

F. All roads must follow pre-disturbance land contours in order to minimize cut and fill to the greatest extent possible. Designs with bifurcated, one-way, or variable travel widths may be included within the plan if periodic turnouts, one-way loops, bifurcations, or other designs are applied that allow for staging and passing of public vehicles.

G. Dead-end streets or cul-de sacs are allowed as long as turn-around areas are provided and **meet the requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~approved by the town fire inspector.~~

H. All rights-of-way must be established to allow for adequate drainage of road surface run-off **as indicated in the Town of Black Mountain Standards and Details Manual.**

Section 7.7 – Special Use: Manufactured Home Parks (MHP)

7.7.1 – Special Use: Manufactured home parks (MHP)

C. Manufactured home parks must meet the following requirements:

7. Must provide vehicle access that will accommodate emergency vehicle to all units within the park. Internal road system must be paved according to **the requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~town specifications.~~

Section 7.8 – Special Use: Planned Unit Developments (PUD)

7.8.5 – PUD design.

7.8.5.2 – Access and streets.

A. Points of access and egress shall be located to maximize safety and minimize traffic hazards, inconvenience and congestion and may require additional traffic control devices if recommended in a traffic impact analysis.

B. The minimum amount of right-of-way necessary in order for the Town of Black Mountain to consider the dedication of streets within a PUD **must meet the requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~is 30 feet with a minimum paved surface of 20 feet.~~ Streets and parking areas to remain private must **meet the requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~be designed and approved by the public safety and public works directors or their designees.~~

C. Streets and alleys shall, wherever practical, terminate at other streets within the neighborhood and connect to existing and projected streets outside the development. Cul-de-sacs and dead-end streets should only occur where absolutely necessary due to natural conditions.

D. Designs shall permit comfortable use of the street by motorists, pedestrians, and bicyclists. Pavement widths, design speeds and the number of motor travel lanes should be minimized to enhance safety for motorists and non-motorists alike. The specific design of any given street must consider the relationship of the street to the overall project and town street network **and meet the requirements as indicated in the Town of Black Mountain Standards and Details Manual.**

E. If the street or road serving the proposed development does not meet **the requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~town-street standards~~ or the recommendations of the traffic impact analysis, the developer shall make the necessary improvements to the street or road, or shall make a payment to the town to cover the cost of such improvements. The town may waive this requirement for street or road improvements if the town determines that the improvement will cause more community disruption than justified by the increased traffic from the proposed development.

F. Traffic and truck egress/ingress must be designed **per the requirements as indicated in the Town of Black Mountain Standards and details manual and** ~~se-as~~ to minimize traffic hazards on public streets. All requirements for traffic safety improvements as identified in a traffic impact study or as recommended by staff as part of technical review shall be met. The proposed pattern of internal circulation and parking areas shall be provided.

G. The plan shall provide for internal pedestrian circulation with sidewalks or greenway trails. Sidewalks shall form a logical, safe and convenient system for pedestrian access to all dwelling units, appropriate project facilities and connections to off-site pedestrian destinations such as sidewalks, greenways, or bus-stops external to the development. PUDs adjacent to transit routes must provide a pedestrian connection to, and a provision for, a public bus stop.

H. In addition to internal pedestrian consideration, the plan shall allow for the provision that the developer will provide the town with a minimum eight-foot sidewalk right-of-way along any adjoining or abutting town dedicated street.

Section 7.9 – Special Use: Industrial Park Development (IPD)

Chapter 8 – Land Development and Environmental Regulations

Section 8.1 – Erosion Prevention and Slope Protection Ordinance

8.1.5 – Designation of steep slopes and hillside requirements.

D. In addition to the application requirements submitted for review, proposed projects which meet the standards of the hillside area definition must include the following information:

11. Streets, right-of-ways, pedestrian facilities and setbacks shall be designed to minimize impact on steep slope areas of the particular site without compromising the town's ability to provide connectivity, street maintenance, waste management, or fire protection, and must be designed **per the requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~to the approval of the town's fire marshall and public works director~~. Street standards may be allowed a staff variance of up to 20 percent (up to eight feet variation on right-of-way requirements, and up to 4.8 feet variation on total travel surface requirements), based on topography, traffic and public safety needs. Subdivisions complying with the conservation subdivision plan requirements (chapter 13) do not have to meet the setback requirements for the zoning district. However, the location and lay-out of streets, lots buildings, and pedestrian facilities should minimize environmental impact.

Chapter 11 – Infrastructure

Section 11.1 – Streets, Driveways and Alleys

11.1.1 – Streets, driveways and alleys.

- A. Streets proposed for construction as part of new development must **meet the requirements as indicated in the Town of Black Mountain Standards and Details Manual and** be approved by the town public works director and fire inspector.
- B. Streets and driveways connecting to town roads must complete a driveway permit and meet the **requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~specifications of section 3.5.2~~ for approval. All streets must be designed and constructed in conformance with **the requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~town and NCDOT standards for subdivision roads, including NCDOT stormwater requirements~~ unless otherwise approved as part of a special use permit or conservation subdivision and with approval by the public works director and fire inspector.
 1. Consideration of allowing narrower residential streets as part of new development shall be contingent upon special conditions which are beneficial to traffic flow and connectivity, minimize cut and fill slopes, or which preserve natural features, while still meeting the access needs for town emergency service vehicles. (See chapter 3 subdivision regulations and [chapter 7](#) for information on conservation subdivisions).
 2. As a condition for variation from **the Town of Black Mountain Standards and Details Manual** ~~NCDOT subdivision road standards~~, the town may require additional shoulder, or paved staging locations for traffic management and emergency vehicle maneuvering.
- C. Streets and driveways connecting to NCDOT maintained roads must complete an NCDOT driveway permit and get NCDOT approval prior to construction:

District 2, Highways Division 13, Operations, Division of Highways

11 Old Charlotte Highway

Asheville, NC 28803

(828)298-2741

- D. Roads shall be designed in accordance with the **requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~current North Carolina Fire Code and to provide fire apparatus access per Appendix D for Fire Apparatus Access Roads.~~
- E. Arrangement of driveways should be related to adjacent driveways and street intersections. Driveways close to street intersections shall **meet the requirements as indicated in the Town of Black Mountain Standards and Details Manual** ~~be at least 40 feet from corner of the nearest intersecting street unless otherwise specified in district regulations or special use permit.~~
- F. Alleys may be utilized in commercial and residential zoning districts. The purpose of an alley is to provide utility and vehicular access to developments that cannot be adequately served by existing streets or as a means of reducing or eliminating individual driveway accesses. All alleys are to be privately maintained with measures to ensure the travel-way is not obstructed in any manner, including parking, and should connect on both ends to public roads. Only three homes or less may also use an alleyway as a shared driveway **and must meet the requirements as indicated in the Town of Black Mountain Standards and Details Manual.**
- G. See [chapter 3.6](#) for information regarding the dedication or closure of **streets**, easements, alleys and driveways.

READ, APPROVED AND ADOPTED, by a vote of _____ to _____ on this the 9th day of November, 2020.

Larry B. Harris, Mayor

ATTEST:

Savannah Parrish, Town Clerk

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: November 9, 2020

SUBJECT: Public Hearing for Text Amendments to Water Improvements
#O-20-16

AGENDA INFORMATION

Agenda Location:	PUBLIC HEARING
Item Number:	9D
Department:	Planning and Development Department
Contact:	Jessica Trotman, Planning Director
Presenter:	Jessica Trotman, Planning Director

BRIEF SUMMARY: The Town of Black Mountain does not have extra territorial jurisdiction (ETJ) and therefore cannot apply any zoning regulations to parcels outside of the city limits and cannot require that compliance be met before granting access to water. Any water improvements will be addressed in the Code of Ordinances under utilities. The Planning Board voted 5-0 to recommend the text amendment as presented.

MOTION FOR CONSIDERATION:

1. To open the public hearing for ***Ordinance #O-20-16*** for amendments to water improvements.
2. To close the public hearing.
3. To adopt ***Ordinance #O-20-16*** as presented [or as amended].

FUNDING SOURCE: N/A

ATTACHMENTS: ***Ordinance #O-20-16***

MANAGER'S COMMENTS AND RECOMMENDATIONS: To approve ***Ordinance #O-20-16*** as presented.

ORDINANCE #0-20-16

**AN ORDINANCE TO AMEND CHAPTER 3, SECTION 3.2.3 OF THE LAND USE
CODE FOR WATER IMPROVEMENTS**

WHEREAS, the Town of Black Mountain Planning Board is charged with reviewing and updating land use planning, zoning and subdivision regulations; and

WHEREAS, the Planning Board made a commitment to the Board of Aldermen to review the text of the Land Use Code in the years since its adoption to address any residual inconsistencies in the text and to look for opportunities to clarify or improve text; and

WHEREAS, upon recommendation of the Planning Board, the following text amendment is required in order to carry out vision statement twelve: public utilities and road infrastructure of the 2014 Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED that Chapter 3, Section 3.2.3, be amended with the following (additions are underlined in bold and deletions are shown as red struck text):

~~**3.2.3—Improvements beyond town limits.**~~

~~**Subdivisions located beyond town jurisdiction shall not have access to town public services or water unless such developments comply with town zoning regulations or unless part of an approved annexation or development agreement. (Ord., passed 9-11-85)**~~

READ, APPROVED AND ADOPTED, by a vote of _____ to _____ on this the 9th day of November, 2020.

Larry B. Harris, Mayor

ATTEST:

Savannah Parrish, Town Clerk