



# **SUBDIVISION & INFRASTRUCTURE STANDARDS**

# Chapter 6. Subdivision & Infrastructure Standards

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# CHAPTER 6. SUBDIVISION AND INFRASTRUCTURE STANDARDS

## 6.1. SUBDIVISION STANDARDS

### 6.1.1. Purpose and Intent

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The purpose of this section is to establish procedures and standards for the subdivision of land within the county. More specifically, this section is intended to:

- A.** Provide for the orderly growth and development of the county;
- B.** Foster the distribution of population and traffic in a manner that will avoid congestion and overcrowding;
- C.** Maintain conditions essential to the public's health, safety, and general welfare;
- D.** Facilitate adequate provision of public services; and
- E.** Facilitate the further re-subdivision of larger tracts into smaller parcels of land.

### 6.1.2. Applicability

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#### **A. General**

The standards in this section are the minimum standards applied to all subdivisions of land in the county.

#### **B. Abrogation**

These standards shall not repeal, impair, abrogate, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued in accordance with the law.

#### **C. Installation of Required Public Improvements**

Unless subject to a performance guarantee (see Section 6.3, Performance Guarantees), all required public improvements shall be installed prior to the approval of a final plat (see Section 2.4.8.E.4, Final Plat), in accordance with the standards in this Ordinance.

### 6.1.3. Subdivision Standards

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Subdivisions of land subject to the procedures in Section 2.4.8, Subdivision, and the following standards and other requirements:

#### **A. Timing**

The Board of Commissioners, may in its sole discretion, allocate the total number of lots that may be included on a final plat, based upon adequate public facilities in accordance with Section 6.6, Adequate Public Facility Standards.

**B. Local, State, or Federal Agency Permits Required**

- (1) Applicants proposing a subdivision that will connect to existing public water or sewer systems shall obtain all necessary county, State, and Federal agency permits prior to the approval of the subdivision.
- (2) Land-disturbing activities associated with a subdivision shall not take place until all permits required from state agencies are obtained, including but not limited to those required by the Division of Water Quality (sewer and stormwater), Division of Land Resources (soil erosion and sedimentation control), Division of Environmental Health (potable water), NCDOT (encroachment agreement), U.S. Army Corps of Engineers (wetlands), and Division of Coastal Management (CAMA).

**C. School Site Reservation**

- (1) If a proposed subdivision includes a school site that is designated in the Land Use Plan (in accordance with Section 153A-331 of the North Carolina General Statutes) or some other long range document adopted by the Board of Commissioners, the county shall immediately notify the Currituck County Board of Education.
- (2) If the Board of Education determines the school site does not need to be reserved, it shall not be required as part of the subdivision.
- (3) If the Board of Education determines the school site needs to be reserved to accommodate a new school, the subdivision shall not be approved without reservation of the school site. If the school site is reserved, the Board of Education must acquire the site within 18 months after the date the site is reserved, or the subdivider may treat the reservation as null and void as authorized by Section 153A-331 of the North Carolina General Statutes.

**D. Water Access**

- (1) A subdivider shall not usurp, abolish, or restrict public access to the waters of the Currituck Sound or other local bays, sounds, creeks, rivers, or canals which public access has been historically provided.
- (2) Subdivisions of 20 or more lots or dwelling units abutting public trust or estuarine waters shall provide an area at least 20,000 square feet in area and at least 100 feet in width that provides visual and physical access to the water for landowners in the subdivision. If required water access area occupies more than 50 percent of the subdivision's linear water frontage length, then it may be reduced to at least 10,000 square feet in area and at least 50 feet in width.

**E. Recreational Equipment Storage**

- (1) Subdivisions of 20 or more lots with an average lot size less than 20,000 square feet shall provide a central location for the shared outdoor storage or temporary parking of boats, boat trailers, or similar recreational equipment (see Figure 6.1.3.E, Recreational Equipment Storage). Such locations shall be large enough to accommodate two 20-foot by 40-foot spaces for every 20 lots or dwelling units.

**SECTION 6.1: SUBDIVISION STANDARDS**

**Subsection 6.1.4: Homeowners or Property Owners Association Requirements**

**Figure 6.1.3.E, Recreational Equipment Storage**



- (2) Recreational equipment storage spaces shall be paved with gravel or other hard surface, and shall provide for safe and efficient vehicular ingress and egress. In no instance shall designated recreational equipment storage areas consist of grass or compacted earth.

**F. Protection of Cultural and Historic Resources**

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

**6.1.4. Homeowners or Property Owners Association Requirements**

**A. Purpose**

The purpose of this section is to set out the requirements for establishment of a homeowners or property owners association (hereinafter “association”) that shall be responsible for the long-term maintenance of common areas, common features, and private infrastructure in a subdivision. This section also sets out the requirements associated with transfer of subdivision control and maintenance responsibility from the subdivider to the association.

**B. Applicability**

The standards in this section shall apply to major subdivisions.

**C. Establishment of Association**

- (1) Documents for the creation of the association shall be submitted to the county for review and approval prior to approval of the final plat (see Section 2.4.8, Subdivision). Documentation shall include, but not be limited to the information in Section 6.1.4.D, Documentation Requirements.

**SECTION 6.1: SUBDIVISION STANDARDS**

**Subsection 6.1.4: Homeowners or Property Owners Association Requirements**

- (2)** The association shall be established by the subdivider prior to the sale of the first lot in the subdivision.
- (3)** The structure and operating provisions of the association shall be in accordance with the county-approved documentation (see Section 6.1.4.C) recorded prior to approval of the final plat.
- (4)** The association documents shall establish that the subdivider shall maintain the common area, common facilities, and infrastructure until 75 percent of the lots are sold; and
- (5)** Responsibility for maintaining the subdivision's common areas, common facilities, and private infrastructure shall be transferred in accordance with the standards in Section 6.1.4.F, Transfer of Maintenance Responsibility.

**D. Documentation Requirements**

The association documents submitted to the county for review and approval shall include, but not be limited to, the following:

- (1)** A declaration of all restrictive covenants;
- (2)** A declaration of all deed restrictions;
- (3)** A declaration that the association is responsible for liability insurance and all applicable taxes;
- (4)** A declaration of common ownership and maintenance responsibilities of all on-site improvements not dedicated to a local or state agency, including but not limited to streets, drainage systems, wastewater systems, open space areas, recreational facilities, and private infrastructure;
- (5)** A description of the structural organization and operating procedures of the association;
- (6)** Association by-laws;
- (7)** A legal description of all open space set-asides and other lands owned in common;
- (8)** Provisions establishing the legal authority of the association to maintain control over all common areas, common features, and private infrastructure in the subdivision, following transfer of control by the subdivider;
- (9)** Provisions authorizing the association to compel contributions from owners in the development to cover their proportionate share of maintenance costs associated with common areas, common features, and private infrastructure;
- (10)** Provisions authorizing the association to increase the amount of mandatory fees or assessments, when necessary, for the continued maintenance of common areas, common features, or private infrastructure;
- (11)** Provisions authorizing the association to convert any member's unpaid assessments into a lien on the real property; and
- (12)** Evidence related to the establishment of a reserve fund to support the continued maintenance and upkeep of common areas, common features, and private infrastructure.

**SECTION 6.1: SUBDIVISION STANDARDS**

**Subsection 6.1.4: Homeowners or Property Owners Association Requirements**

Following approval of the required documentation by the County Attorney, the subdivider shall record all required documentation with the Currituck County Register of Deeds.

**E. Membership Requirements**

- (1)** Following establishment of the association by the subdivider, membership in the association shall be automatic and mandatory for all purchasers of land within the subdivision and their successors in title.
- (2)** All members of an association shall be responsible for contributions to the association's reserve fund to cover their proportionate share of maintenance costs associated with common areas, common features, and private infrastructure.

**F. Transfer of Maintenance Responsibility**

- (1)** The subdivider shall be responsible for maintenance of all common areas, common features, and private infrastructure until maintenance responsibility is transferred to the association in accordance with the standards in this subsection.
- (2)** The subdivider shall cede maintenance responsibility for common areas, common features, regulatory permits (e.g., stormwater permits), and private infrastructure to the association upon sale of 75 percent of the lots in a subdivision.
- (3)** Maintenance responsibility is not transferred from the subdivider to the association until all of the following occur:
  - (a)** At least 75 percent of the total number of lots in the subdivision are sold; and
  - (b)** The subdivider commissions a report prepared by a registered engineer indicating that all common areas, common features, and infrastructure elements comply with the minimum standards in this Ordinance and the County Code of Ordinances. The report shall also include verification of the reserve fund balance in accordance with the standards in this section; and
  - (c)** County staff reviews and approves the report prepared by a registered engineer; and
  - (d)** A reserve fund dedicated to the continued maintenance and upkeep of common areas, common features, and private infrastructure is established with a banking institution acceptable to the county in the name of the association that contains a minimum balance that includes the following:
    - (i)** Ten percent of the road construction costs for streets not maintained by NCDOT at the time of transfer (gravel base and asphalt only);
    - (ii)** Except for sidewalks and street trees, ten percent of the construction costs of common features and private infrastructure;
    - (iii)** Liability insurance and taxes for two years; and,

**SECTION 6.2: REQUIRED INFRASTRUCTURE**

**Subsection 6.2.1: Street Standards**

- (iv) Facilities, stormwater, and landscaping maintenance costs for two years.

In the event the association has not collected sufficient assessment funds from the lot owners in the subdivision to meet the minimum balance requirements of the reserve fund, the subdivider shall be responsible for the difference needed to meet the minimum balance requirements.

- (4) Applications to turn over maintenance responsibility to the association for common areas, common features, or private infrastructure prior to conveyance of 75 percent of the lots in the subdivision may be reviewed by the Board of Commissioners. The Board of Commissioners, at the request of the subdivider, shall waive the requirement upon a finding that the association has sufficient financial capacity to assume maintenance responsibility for common areas, common facilities, and private infrastructure.

**G. Failure to Maintain is a Violation**

Failure to maintain common areas, common features, or infrastructure is a violation of this Ordinance and is subject to the penalties and remedies in Chapter 9: Enforcement.

**6.2. REQUIRED INFRASTRUCTURE**

Unless exempted, all development in the county shall comply with the standards in this section.

**6.2.1. Street Standards**

**A. Applicability**

Unless exempted in accordance with Section 6.2.1.B, Exemptions, the street standards shall apply to all streets serving three or more lots.

**B. Exemptions**

**(1) Private Access Streets**

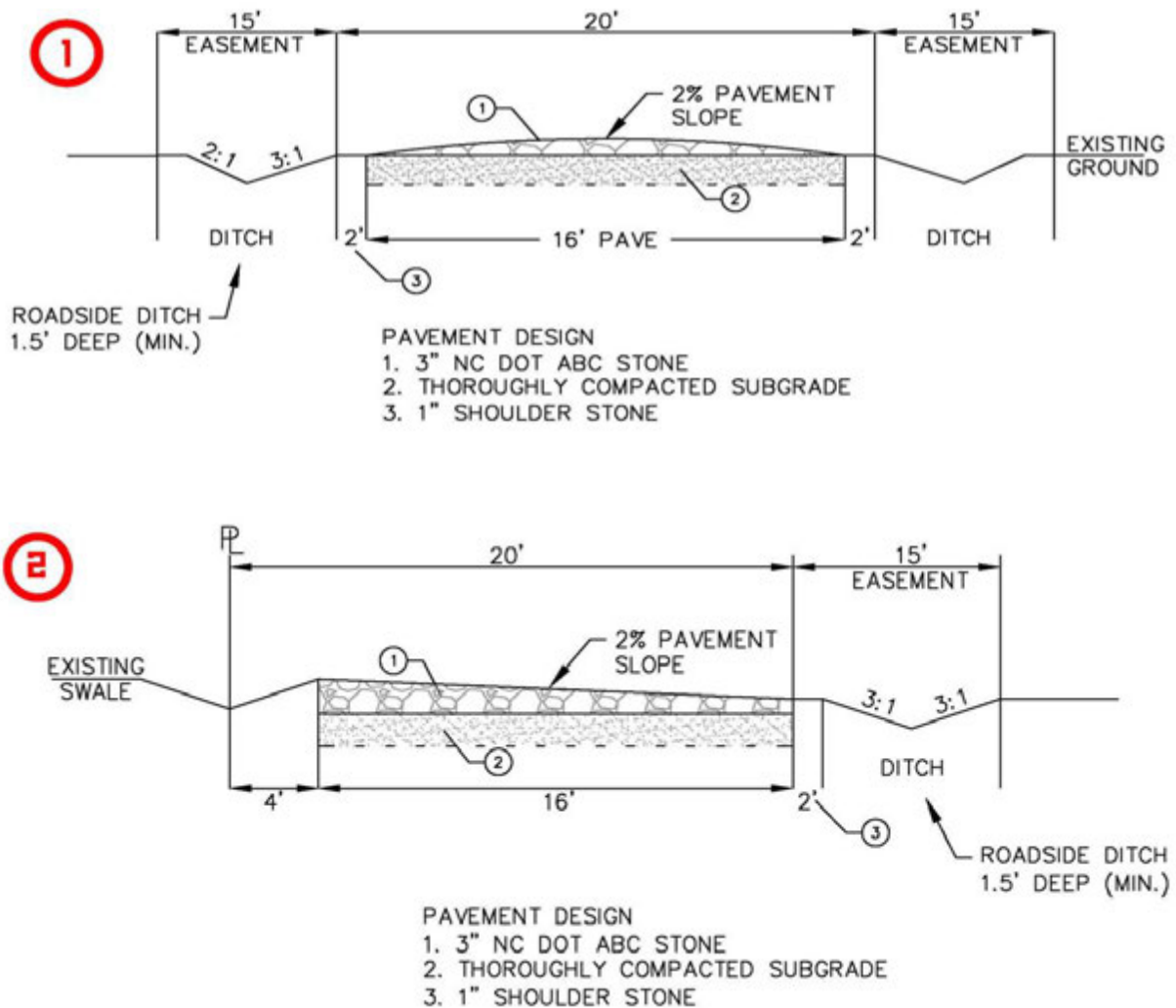
- (a) Streets within a family subdivision or serving a subdivision of two or fewer lots are exempted from the standards in this section, provided they are configured in accordance with Figure 6.2.1.B, Private Access Street Standards, and Section 6.2.1.C.4, Connection with State Streets.

- (b) All subdivision plats served by private access streets shall bear the following notation:

“Private access streets do not meet the NCDOT’s minimum standards for the assumption of maintenance. Currituck County does not construct or maintain streets. Further subdivision of any lot shown on this plat may be prohibited by the Currituck County UDO unless the private access street is improved consistent with minimum NCDOT standards.”



**Figure 6.2.1.B: Private Access Street Standards**



**(2) Streets Serving Planned Unit and Planned Developments**

Streets within planned unit and planned developments shall comply with NCDOT street construction standards but shall be exempt from NCDOT street design standards in regards to allowable road curvature, right-of-way and pavement widths, and drainage requirements.

**(3) Streets within a Conservation Subdivision**

Streets within a conservation subdivision shall comply with NCDOT street construction standards but shall be exempt from NCDOT street design standards in regards to allowable road curvature, right-of-way and pavement widths, and drainage requirements.

**(4) Streets in the SFR District**

Streets within the SFR district are exempted from the standards in this section, provided they comply with the standards in Section 6.2.1.I, Streets in the SFR District.

**C. Street Design Standards**

Streets in development subject to these standards shall comply with the following:

**(1) Conformance with Existing Maps or Plans**

- (a)** The street layout shall conform to the arrangement, width, and location indicated on any official adopted plans or maps for Currituck County. In areas where plans have not been completed, the streets shall be designed and located in proper relation to existing and proposed streets, to the topography, natural features such as streams and tree growth, to public convenience and safety, and to the proposed land use to be served by such streets;
- (b)** In cases where a proposed subdivision fronts an existing street that does not comply with the minimum standards of this Ordinance, the subdivider shall be responsible for upgrading the portion of the existing street abutting the subdivision, in accordance with the standards of this Ordinance.

**(2) Conformance with NCDOT Standards**

The current edition of *Subdivision Roads Minimum Construction Standards*, established for the particular type of street in question, by the NCDOT Division of Highways, unless this Ordinance establishes a stricter standard.

**(3) Conformance with Community Form Standards**

The applicable street standards in Section 5.6, Community Form Standards.

**(4) Connection with State Streets**

Provide direct access to an improved street that meets NCDOT design and construction standards or one that has been accepted for maintenance by NCDOT, to the maximum extent practicable.

**(5) Street Intersections**

**(a) Design**

- (i)** Streets shall intersect as nearly as possible at right angles and not intersect any other street at an angle less than 70 degrees (see Figure 6.2.1.C, Street Intersections).
- (ii)** No more than two streets shall intersect at any one point unless the NCDOT certifies that such an intersection can be constructed with no extraordinary danger to public safety.

**(b) Minimum Separation**

- (i)** New streets shall maintain minimum separation distances between intersections in accordance with Table 6.2.1.C, Minimum Intersection Separation.

<b>TABLE 6.2.1.C: MINIMUM INTERSECTION SEPARATION (FT<sup>[1]</sup>)</b>			
<b>TYPE OF STREET</b>	<b>STREET DESIGN SPEED (MPH)</b>		
	<b>UP TO 35</b>	<b>36-54</b>	<b>55+</b>
Local	125	125	200
Collector	125	200	200
Major Arterial	230	800	1,000

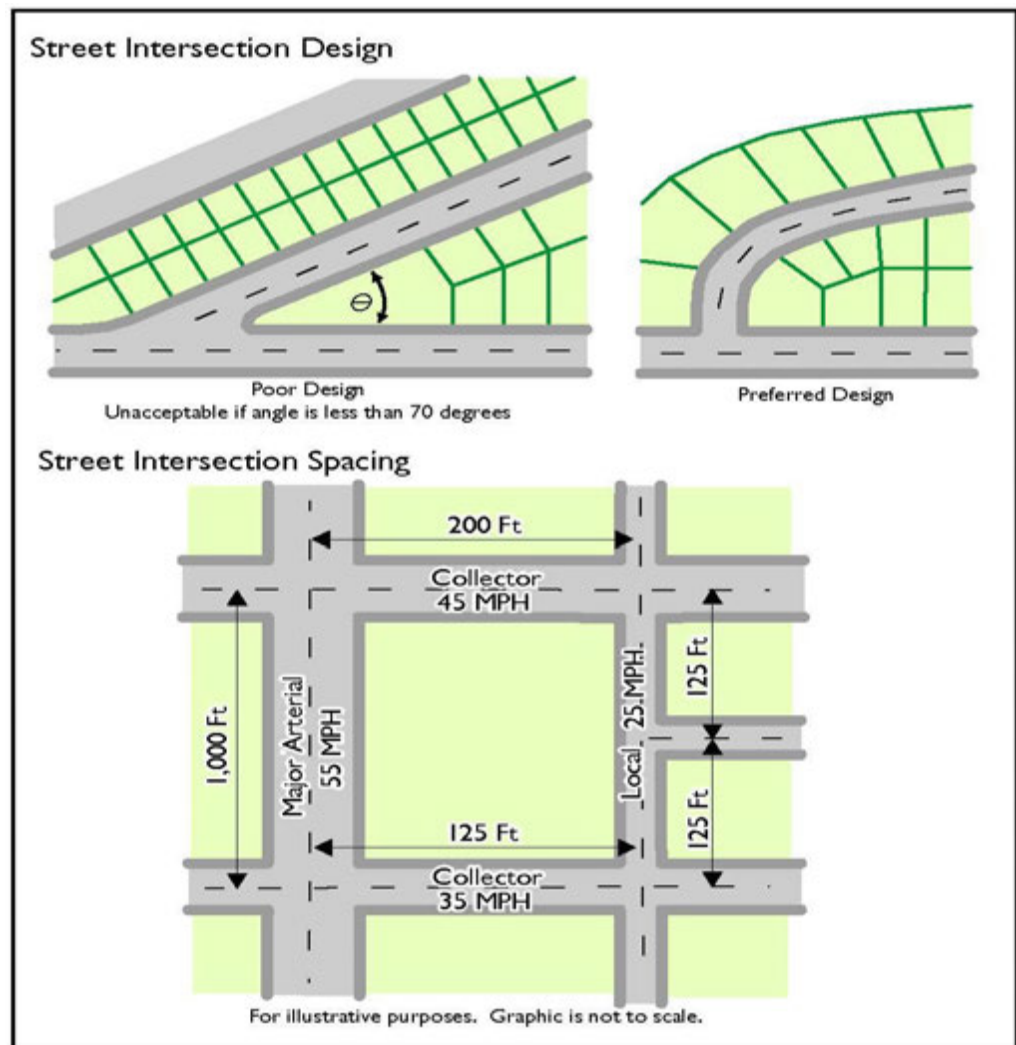
[1] Measurements shall be taken from the centerline of each intersecting street.

- (ii)** The Planning Director, upon advice of NCDOT, may authorize a reduction in minimum separation distance due to lot width, presence of existing streets or curb cuts, or other physical features that make compliance with these standards impractical.

**(6) Street Lengths**

- (a)** Streets shall be longer than 150 feet in length.
- (b)** Streets longer than 2,000 feet shall contain an intersection unless the subdivider demonstrates the standards cannot be met because:
  - (i)** Environmental or topographic constraints;
  - (ii)** The site has an irregular shape; or,
  - (iii)** The number of railroad grade or major stream crossings can be reduced;

**Figure 6.2.1.C, Street Intersections**



- (7) Double Frontage**  
 Streets shall be arranged to avoid double frontage lots except where no other alternative is reasonably practicable or when it is necessary to avoid direct access of lots onto major arterial streets.
- (8) New Street Grades**
  - (a)** New street grades shall conform as closely as practicable to the original topography of the land, subject to all applicable NCDOT requirements.
  - (b)** New street grades shall comply with the drainage and stormwater runoff standards in Section 7.3, Stormwater Management.
- (9) Deceleration Lanes**  
 Developments with new streets shall:
  - (a)** Install a deceleration lane in accordance with NCDOT standards if the subdivision is for nonresidential development or includes 40 or more

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**Subsection 6.2.1: Street Standards**

residential lots and includes access onto major arterial streets (US 158, NC 168, NC 34, NC 136, NC 615, and NC 12).

- (b) Install left turn and deceleration lanes in accordance with NCDOT standards if the subdivision includes 40 or more residential lots and includes access onto Tulls Creek Road (SR 1222) or Poplar Branch Road (SR 1131).
- (c) Provide at least one deceleration lane per street front in accordance with NCDOT standards if located along a major arterial and the use is capable of generating more than 60 trips per peak hour, as estimated in the ITE *Trip Generation Manual*.

**(10) Dedication and Maintenance**

Be designated for dedication to NCDOT or for maintenance by an established homeowners or property owners association.

**D. Minimum Street Width**

All streets in a subdivision subject to these standards shall comply with the minimum street width standards in Table 6.2.1.D, Minimum Street Width Standards.

**TABLE 6.2.1.D: MINIMUM STREET WIDTH STANDARDS**

Subdivision Type	Minimum Right of Way Width (feet)	Local Street		Collector Street		NCDOT Design Standards Applicable?	NCDOT Construction Standards Applicable?
		Minimum Pavement Width (feet)	Minimum Shoulder Width (feet)	Minimum Pavement Width (feet)	Minimum Shoulder Width (feet)		
Family Subdivision	20	16	2	N/A	N/A	No	No
Residential Subdivision	See NCDOT <i>Subdivision Roads Minimum Construction Standards Manual</i>					Yes	Yes
Nonresidential Subdivision						Yes	Yes
Conservation Subdivision	30	20 [1]	N/A	N/A	N/A	No	Yes
Planned Unit and Planned Development	30	20 [1]	N/A	N/A	N/A	No	Yes

NOTES:

[1] See Section 6.2.1.G for one-way street pavement width requirements

**E. Cul-de-Sacs and Dead End Streets**

All cul-de-sacs and dead end streets shall comply with the following standards:

- (1) A cul-de-sac shall not be less than 150 feet in length, as measured from the closest street intersection centerline.
- (2) The entrance into a cul-de-sac shall be flared by sufficient width to ensure proper turning radius for emergency vehicles entering and exiting the cul-de-sac.
- (3) Cul-de-sacs shall not be used to avoid required street connections.
- (4) All permanent dead-end streets shall terminate with one of the following:
  - (a) A “hammer-head” turnaround with a width of 120 feet;

- (b) A “Y” turnaround with a minimum depth of 60 feet; or
- (c) A cul-de-sac head with a minimum diameter of 96 feet.

**F. One Way Streets**

- (1) One-way streets shall only be developed in situations where the applicant can demonstrate public safety will not be jeopardized.
- (2) The travel way for a one-way street shall not be less than 14 feet, excluding parallel parking spaces.

**G. Alleys**

- (1) Alleys shall not be dead-end streets, and shall only intersect with streets.
- (2) Alleys shall not include pavement widths of less than 14 feet or more than 16 feet.
- (3) Alleys with a pavement width exceeding 14 feet shall:
  - (a) Include a curb cut, driveway apron, and sidewalk crossing at the intersection with a street and be configured to appear as a driveway; or
  - (b) Be screened by primary or accessory structures or trees located to minimize views down the alley corridor from adjacent streets.

**H. Private Streets**

Private streets shall be constructed in accordance with minimum NCDOT design and construction requirements.

**I. Streets in the SFR District**

- (1) Streets in the SFR district are exempt from NCDOT design and construction standards, but shall be graded, drained, and stabilized in accordance with the provisions of this section.
- (2) If access to the beach requires crossing a dune line, the subdivider shall obtain all required CAMA permits prior to final plat approval and if legally possible, establish a graded beach access.
- (3) The subdivider shall stabilize and maintain the rights-of-way adjoining and along the street through establishment of vegetation, or other means, to the extent reasonably possible.
- (4) Tracts or parcels which are proposed for subdivision and are within the alignment of Ocean Pearl Road shall:
  - (a) Establish a 100-foot-wide right-of-way that connects to and follows the alignment of the street(s) identified above; and
  - (b) Orient or design all streets to connect with existing or proposed streets shown on previously recorded plats in order to provide a continuous right-of-way to adjoining lots;

No subdivider shall be required to maintain more than one major access street with a 100-foot-wide right-of-way to connect with adjoining lots. Streets that are not necessary for continuous access through the subdivision may be abandoned or deleted.

- (5)** When a private street is created in the SFR district, the subdivider shall establish a homeowners association in accordance with Section 6.1.4, Homeowners or Property Owners Association Requirements, to maintain such streets.
- (6)** Prior to final plat approval (see Section 2.4.8) the subdivider shall demonstrate that all private streets proposed in the subdivision will be properly maintained by submitting a plan that explains who will maintain the streets, how they will be stabilized and maintained, and how maintenance of the streets will be financed.
- (7)** The amount of a performance guarantee (see Section 6.3) for streets shall be determined on a case-by-case basis by the Planning Director, in consideration of all of the surrounding conditions and circumstances.
- (8)** A final plat that shows lots served by streets authorized in this section shall not be recorded unless the final plat contains the following notation:  
"Further subdivision of any lot shown on this plat as served by a road or street may be prohibited by the Currituck County Unified Development Ordinance unless the roads or streets shown on this plat are improved to state standards. These roads do not meet state standards for the assumption of maintenance due to inadequate right-of-way and/or construction or lack of public dedication. It is not the function of county government in the State of North Carolina to construct or maintain roads. There may be areas of standing water on the street(s) after ocean overwash or periods of heavy rains that may impede access to the individual homesites. It is the sole responsibility of the owners to provide an improved access to their properties."
- (9)** A subdivider shall furnish any initial purchaser of a lot in the SFR district a disclosure statement outlining the maintenance responsibilities for the street(s) as provided in Section 136-102.6(f) of the North Carolina General Statutes. The disclosure statement shall fully and completely disclose the status (whether public or private) of the street(s) upon which the house or lot fronts. If the street is designated by the subdivider as a private street, the subdivider 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(s) shall rest, and shall further disclose that the street(s) will not be constructed to minimum standards, sufficient to allow their inclusion on the State highway system for maintenance.
- (10)** In order to minimize the flooding of streets and to assure proper drainage within the SFR district, all major and minor subdivision plats, shall have a drainage plan approved by the county prior to final plat approval.
- (11)** All proposed street rights-of-way used to cross the primary frontal sand dunes within the SFR district shall be at least 30-feet-wide.

**J. Other Street Standards**

- (1) Curb and Gutter**

  - (a)** Curb and gutter is not required, but if installed, shall be in accordance with NCDOT standards.

- (b) As provided in Section 136-44.14 of the North Carolina General Statutes, whenever curb and gutter construction is provided on public streets, wheelchair ramps and depressed curbs for the disabled shall be provided in accordance with NCDOT standards.

**(2) Vehicular Gates**

- (a) For the purposes of preserving access to public and private lands by citizens, utility companies, and emergency service providers, vehicular gates, barriers, or other devices intended to obstruct vehicular traffic along a public street right-of-way are prohibited.
- (b) Vehicular gates are allowed on private streets platted after January 1, 2013, provided the gate is equipped with county-approved devices that allow emergency services to gain access to the street and it meets all requirements set forth in the currently adopted version of the North Carolina Fire Code.

**(3) Traffic Control Devices**

- (a) If NCDOT determines traffic control signs and signals are necessary, they shall be erected and maintained by the subdivider at each street intersection within the subdivision.
- (b) Traffic control signs shall also be installed where subdivision streets intersect with an improved or state maintained street.
- (c) Traffic control signs shall comply with county and NCDOT standards related to size, shape, color, location, and information contained thereon.
- (d) At least two or more traffic control signs shall be placed at each four-way street intersection and at least one traffic control sign shall be placed at each "T" intersection.
- (e) Traffic control signs shall be installed free of visual obstruction.

**(4) Bridges**

Bridges shall be constructed in accordance with the standards and specifications of the NCDOT, except that bridges on roads not intended for public dedication may be approved by the county even if they do not comply with NCDOT standards, if designed by a North Carolina licensed architect or engineer and certified to be safe for travel.

**(5) Street Names**

- (a) Street names shall be assigned by the subdivider subject to the approval of the Planning Director. Proposed streets that are in alignment with existing streets shall bear the same street name.
- (b) Newly created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within the county, regardless of the use of different suffixes.
- (c) Street names shall include one of the following suffixes:
  - (i) Street or road - public streets not designated by another suffix;
  - (ii) Circle - a short street that returns to itself;
  - (iii) Court or place - a cul-de-sac or dead-end street;



- (iv) Loop - a street that begins at the intersection with one street and circles back to end at another intersection with the same street; or
- (v) Other common suffix used by NCDOT (e.g., way, close, boulevard, avenue, drive, lane, parkway, etc.).
- (d) Appropriate street name signs that comply with NCDOT and county specifications shall be placed at all intersections by and at the expense of the developer or subdivider.
- (e) Building numbers shall be assigned by the county, where appropriate.

**K. Street Trees**

Street trees shall be required to serve all development in the county in accordance with the following standards:

**(1) Where Required**

Except along alleys, street trees shall be required along both sides of all streets constructed after January 1, 2013.

**(2) Location**

Street trees shall be located within 50 feet of the centerline of the street they serve, and may be located within front and corner side setbacks when there is insufficient space within the right-of-way.

**(3) Timing**

Installation of required street trees on individual building lots may be delayed until after issuance of the building permit. In no instance shall a development subject to these standards be occupied before street trees are installed or a performance guarantee (see Section 6.3) for street trees has been posted with the county.

**(4) Configuration**

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

**(5) Maximum On-Center Spacing**

- (a) Understory trees shall be spaced between 20 and 30 feet on center.
- (b) Canopy trees shall be spaced 50 feet on center.
- (c) Spacing may be reduced to avoid driveways or sight distance triangles.
- (d) Alternative spacing or placement (e.g., as major arterial screening, within open space set-asides, or as a development entry feature) may be considered through the Alternative Landscape Plan procedure in Section 5.2.9.

**6.2.2. Reserved**

**6.2.3. Utility Standards**

All utilities shall be installed in accordance with the following standards:

**A. General Standards**

- (1) All utilities (including, but not limited to: electric power, telephone, gas distribution, cable television, potable water, sewer, etc.) located outside an existing street right-of-way and intended to serve new development shall be underground.
- (2) The requirement for underground electricity, telephone, or cable television utilities shall not be applied to lateral service lines intended to serve an individual single-family dwelling that must extend over 200 feet from an overhead source.
- (3) Unless attached to a bridge, no utilities may be installed over the waters of the Currituck Sound or over areas of environmental concern, and no utility poles shall be erected within the waters of Currituck Sound or areas of environmental concern.
- (4) All utility providers installing service lines for their respective utilities in the public right-of-way are required to separate utility lines in trenches specific to that utility.
- (5) All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

**B. Utility Easements**

- (1) Each subdivision shall provide utility easements in accordance with the following standards:
  - (a) Ten-foot-wide easements shall be provided along all rear and side lot lines.
  - (b) Fifteen-foot-wide easements shall be provided along all front lot lines.
  - (c) Alternative easement locations may be considered by the Planning Director as part of a planned development, conservation subdivision, or zero lot line development.
- (2) Whenever a subdivision includes water, sewer, electrical power, telephone, or cable television utilities intended for operation by a public utility or entity other than the subdivider, the subdivider shall transfer all necessary ownership or easement rights to enable the public utility or other entity to operate and maintain the utilities.

**C. As-built Drawings Required**

- (1) Whenever a subdivider installs or causes to be installed any utility line in any public right-of-way, the subdivider shall, as soon as practicable after installation is complete, and before acceptance of any water or sewer line, furnish the county with a copy of a drawing that shows the exact location of such utility lines (prior to approval of a final plat).

- (2) As-built drawings shall be verified as accurate by the utility service provider's professional engineer. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing the development.
- (3) As-built drawings are required for all water and /or sewer treatment plants as well as after any changes made to such systems in the future.

**D. Water Supply Standards**

**(1) Water Supply System Required**

- (a) Every principal use and every buildable lot in a subdivision shall be serviced by a means of water supply that is adequate to accommodate the reasonable needs of such use or lot and that complies with all applicable health regulations.
- (b) All buildable lots within a planned unit development, planned development, or multi-family development shall be connected and serviced by the county water supply system.
- (c) Except for family subdivisions, lots in the Fruitville and Moyock-Gibbs Woods Townships, and lots located in the Agriculture (AG) zoning district, all new subdivisions and nonresidential development shall be connected and serviced by the county water supply
- (d) All new subdivisions located in the AG zoning district shall be connected and serviced by the county water system if the distance between the closest existing county water main and the proposed development is within the following formula distance: 100 feet for each of the first ten units plus 20 feet for each additional unit. In determining the number of units proposed in a phased development, the number of units for water services relates to the total number of proposed units for the entire tract rather than a single phase of the proposed development.

*Example: a proposed subdivision with 30 single-family dwelling units located 1,400 feet or less from an existing water main shall connect (10 units x 100) + (20 units x 20).*

Where the distance to the closest existing county water main exceeds the formula above, the developer shall meet the minimum dimensional standards in Chapter 3 for lots not served by the county water supply system located in the AG zoning district.

- (e) Water lines owned by the Ocean Sands Water and Sewer District shall be considered part of the county's water supply system for the purposes of this section.

**(2) Connection to Public Water Supply System**

- (a) The developer shall install the water mains and accessories necessary so that all lots and uses to be developed are able to connect to the county water supply system.
- (b) The minimum water main size shall be adequate to service the potable water and fire suppression demand of the proposed development at full build out. Fire suppression demand shall be based upon guidance from the Insurance Services Office and existing fire-fighting capacity.

In no instance shall a water main serving a fire hydrant be less than eight inches in diameter.

- (c)** Water mains shall be installed within street right-of-ways or dedicated utility easements.
  - (d)** The developer shall be responsible for modeling and sizing water mains to service the proposed development. Modeling inputs shall include the proposed development at full build-out and the anticipated development density of adjacent undeveloped tracts of land as specified in county-adopted plans.
  - (e)** If the county determines that oversized facilities are in the interest of future development, the county or a developer may elect to pay for that portion of water main improvement that exceeds the diameter required to service the proposed development at full build-out.
  - (f)** Installation of water mains and accessories shall meet the most recent version of the Standard Specifications and Details for the Currituck County Water Department and the Southern Outer Banks Water System, as appropriate.
  - (g)** The developer shall be required to submit detail drawings with the construction drawings associated with a proposed development, prepared and certified by a registered engineer, showing the installation of the required water mains.
  - (h)** The developer may apply for a Water Main Reimbursement Contract for partial repayment of the cost of the extension of a water main necessary to service a proposed development. The general provisions for partial repayment are specified in the Water Main Reimbursement Contract and an attested and executed copy of the agreement between the developer and county must be filed with the Currituck County Public Utilities Department.
- (3) Connection Fees**
- (a)** All connection fees shall be paid for each lot or use that is required to be connected to the county water supply system at the time of issuance of the building permit authorizing construction to begin.

**E. Sewage Disposal Standards****(1) Sewage System Required**

- (a)** Every principal use and every buildable lot in a subdivision shall be served by a wastewater system that complies with all Albemarle Regional Health Services and State standards.
- (b)** All principal uses and buildable lots within a multi-family development, planned unit development, or planned development shall be connected and serviced by a centralized wastewater system. The County Engineer may approve a decentralized wastewater system upon finding that the proposed development:
  - (i)** Is not located within the service area of an existing centralized wastewater system;
  - (ii)** Is subject to a wastewater operation and maintenance plan prepared by a registered engineer that establishes siting standards, performance and monitoring requirements, and a routine maintenance program; and
  - (iii)** Provides tertiary treatment of sewage if cumulative wastewater flows exceed 3,000 gallons per day.

**(2) Sewage System Requirements**

- (a)** No wastewater system shall discharge into surface waters.
- (b)** No centralized wastewater system shall be located within an Area of Environmental Concern (AEC).
- (c)** When lots in a major subdivision are to be served by on-site or clustered wastewater systems, no preliminary plat shall be approved until Albemarle Regional Health Services has certified that each lot on the preliminary plat has been inspected and found provisionally suitable or suitable for a wastewater system capable of dispersing at least 360 gallons per day per lot.
- (d)** Development permits issued for a development using a wastewater system not subject to the regulatory jurisdiction of Albemarle Regional Health Services shall be contingent upon:
  - (i)** The ability to obtain all necessary approvals for the wastewater system from the appropriate regulatory agencies;
  - (ii)** Proper installation of the system;
  - (iii)** Operation of the system to the satisfaction of the County Engineer; and
  - (iv)** Tertiary treatment of sewage.
- (e)** Except for conservation subdivisions or other developments employing a clustered or centralized wastewater system, all required on-site wastewater system improvements and requirements including, but not limited to the septic tank, drain lines, repair area, and pumps shall be located on the individual lot they are designed to serve.

**(3) Reserve Area Required**

- (a)** Subdivisions of 20 or more lots or dwelling units served by on-site wastewater systems shall reserve an area, suitable in terms of size,

location, soil type, topography, and other relevant factors to accommodate a clustered or centralized wastewater system if one becomes necessary in the future due to septic tank failure or other health or safety reasons.

- (b)** This area is referred to as reserve utility open space, and shall be encumbered by a reserve area easement.
- (c)** Lots classified by Albemarle Regional Health Services as suitable for an on-site wastewater system are not required to be included in the reserve area calculation.
- (d)** The developer shall provide plans and specifications, prepared by a qualified professional, including a soil analysis and an analysis of loading rate, depending on the disposal method for an adequate reserve utility open space to the satisfaction of the County Engineer and Board of Commissioners.

**(4) Sewage Treatment System**

- (a)** Proposed development seeking to utilize an existing centralized wastewater system shall furnish a letter from the utility owner and the Division of Water Quality indicating the plant has sufficient capacity to serve the development at the time of preliminary plat or site plan, as appropriate.
- (b)** When a development proposes a new centralized wastewater system, the following information shall be provided:
  - (i)** State approval of the proposed wastewater system; and
  - (ii)** A wastewater operation and maintenance plan prepared by a registered engineer that establishes performance and monitoring requirements, a routine maintenance program, and a detailed explanation of who shall be responsible for the perpetual maintenance and upkeep of the facility;
  - (iii)** The expected life of the wastewater system and the establishment of a reserve fund to support the continued maintenance, upkeep and replacement of the system.

**F. Water/Sewer Districts Required**

Whenever a private water and/or wastewater system is utilized to service a development, a water and/or sewer district shall be established in accordance with state law encompassing the boundaries of the development. The district shall be established prior to the first final plat approval and shall be structured in a manner that will ensure the long term viability of the water and /or wastewater system.

**G. Backwash or Discharge into Water Bodies**

Except discharges performed by a governmental agency or approved under a state stormwater permit or in emergency situations, no discharge of water, chemicals, treated water, backwash from reverse osmosis systems, or other wastewater discharge shall be deposited directly or indirectly into the waters of Currituck Sound, Albemarle Sound, or their adjoining tributaries, rivers, streams, creeks, canals or other connecting water ways.

## 6.2.4. Fire Protection Standards

### A. General Provisions

#### (1) Fire Lanes

Where streets or rights-of-way provide insufficient access for firefighting, unobstructed fire lanes with a minimum width complying with the current adopted version of the North Carolina State Fire Code shall be provided. In no instance shall this standard waive the requirement for primary drive aisles constructed in accordance with Section 5.6.8, Primary Drive Aisles, when required by this Ordinance.

#### (2) Fire Hydrants Required

All development serviced by the county water supply system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within the development. Fire hydrants shall be located in a manner that ensures hydrants are spaced a maximum of 1,000 linear feet apart and every portion of lot frontage is within 500 linear feet of a hydrant. The Fire Marshal may authorize or require a deviation from this standard if, in the opinion of the Fire Marshal, another arrangement more satisfactorily complies with the intent or standards in this Ordinance.

#### (3) Fire Hydrant Location

Unless an alternative placement is specified by the State Building Code or the Planning Director, in consultation with the Fire Marshal, fire hydrants shall be placed six feet behind the curb or within ten feet of the pavement edge of a street without curbing.

#### (4) Required Hose Connections

Unless otherwise specified, all fire hydrants shall have the following hose connections:

- (a) Two two-and-one-half-inch hose connections at least 21½ inches above ground level; and
- (b) One four-and-one-half-inch connection.

All hose connections shall be sized in accordance with national standards.

#### (5) Water Service Main Size

Water mains serving fire hydrants shall be at least eight inches in diameter.

#### (6) Water Supply Source Location

Water supply sources shall be clearly marked for location purposes with a marker of suitable size and reflective characteristics for daylight, nighttime, and inclement weather operations.

### B. Water Supply for Fire Protection when not Serviced by County Water Supply System

Development not serviced by the county water system shall provide a supply of water for fire-fighting purposes in accordance with the following standards:

#### (1) Allowable Sources

**SECTION 6.2: REQUIRED INFRASTRUCTURE**

**Subsection 6.2.5: Payments-In-Lieu of Construction**

The developer may provide the required water supply from fire ponds, canals, wells, cisterns, above ground storage tanks, water lines (where a community water supply system is installed), or any combination of these features.

**(2) Location**

- (a)** Water supply facilities shall be within 2,500 linear feet of every anticipated building in a development.
- (b)** Water supply facilities may be located on or off-site, however the developer shall demonstrate a sufficient legal interest in off-site facilities to ensure they will remain available to serve the development.
- (c)** Water supply sources shall be so located so that fire-fighting vehicles have ready access to such sources at all times.

**(3) Capacity**

- (a)** A sufficient volume of water shall be available at all times to supply the needed fire flow for the proposed structures based upon guidance from the Insurance Services Office and existing fire-fighting capacity.
- (b)** Water mains serving a community water supply system shall be sized to allow the future installation of fire hydrants should the development be connected to the county water supply system.

**(4) Configuration**

- (a)** Water supply sources shall be provided with the necessary equipment and connections (e.g., dry hydrants in ponds) to ensure that fire-fighting equipment can draw water in a safe and efficient manner, as determined by the Fire Marshal.
- (b)** Except within the SFR district, a hard-surfaced roadway shall be provided to the water source as well as a hard-surfaced turnaround area of sufficient dimensions to facilitate access by fire-fighting vehicles.

**(5) Maintenance Required**

The developer, or any successor in interest, shall be responsible for ensuring that all water supply sources, access roadways, and other facilities or equipment required by these standards, are maintained.

**6.2.5. Payments-In-Lieu of Construction**

**A. General**

In the event subdivision infrastructure construction (transportation and utilities) does not extend to the property boundary due to a drainage swale, ditch, topography, or other natural condition, a payment-in-lieu shall be provided instead of infrastructure improvements in accordance with the provisions of this subsection.

**B. Amount of Payment**

The payment-in-lieu shall be in an amount equal to 115 percent of the estimated full cost of completing the installation of the required improvements, including the costs of materials, labor, and project management. The estimated costs for completing the infrastructure shall be itemized by improvement type and certified by the owner's or developer's registered engineer.



**C. Use of Funds**

Payments-in-lieu received in accordance with this subsection shall be used for transportation construction consistent with the requirements of the North Carolina General Statutes Section 153A-331.

**6.3. PERFORMANCE GUARANTEES**

**6.3.1. Performance Guarantees**

**A. General**

A performance guarantee, in accordance with the standards in this section, shall be required in the following circumstances:

- (1)** To ensure the completion of public infrastructure improvements that are required as part of an approved subdivision (e.g., streets, sidewalks, street lights, drainage infrastructure associated with a street, etc.), but are not approved by the Planning Director or County Engineer as complete before application for approval of a final plat (see Section 2.4.8);
- (2)** To ensure completion of public infrastructure improvements that are required as part of a site plan (e.g., streets, sidewalks, street lights, etc.), but are not installed before occupancy of the development; and
- (3)** To ensure completion of private site improvements that are required as part of a site plan (e.g., landscaping, tree protection measures, parking, screening, etc.), but are not installed before occupancy (see Section 2.4.7), provided the Planning Director determines that the property may be safely occupied and used in spite of the delayed installation of the improvements.

**B. Term of Performance Guarantees**

The term of a performance guarantee shall reflect any time limit for completing installation of required improvements that is included in approval of the final plat, building permit, or zoning compliance permit, as appropriate, but in any case, the term shall not exceed two years. The Planning Director may, for good cause shown and with approval of the provider of the guarantee, grant up to one extension of the term, for a time period not exceeding one year.

**C. Form of Performance Guarantee**

- (1)** Where required, the owner or developer shall furnish a performance guarantee in any of the following acceptable forms:
  - (a)** Cash deposit with the county;
  - (b)** Certified check from a North Carolina lender based upon a cash deposit, in a form acceptable to the County Attorney; or
  - (c)** Irrevocable letter of credit, valid for at least three years, from a North Carolina banking institution in a form acceptable to the County Attorney.

The performance guarantee shall be conditioned on the performance of all work necessary to complete the installation of the required improvements within the term of the performance guarantee. Performance guarantees shall provide that in case of the owner's or developer's failure to complete the

guaranteed improvements, the county shall be able to immediately obtain the funds necessary to complete installation of the improvements.

**D. Amount of Performance Guarantee**

- (1)** Performance guarantees for required improvements shall be in an amount equal to 115 percent of the estimated full cost of completing the installation of the required improvements, including the costs of materials, labor, and project management.
- (2)** Estimated costs for completing installation of required public infrastructure improvements shall be itemized by improvement type and certified by the owner's or developer's registered engineer, and are subject to approval by the Planning Director. Estimated costs for completing installation of required landscaping or other private site improvements shall be itemized and certified by the owner's or developer's contractor, and are subject to approval by the Planning Director.
- (3)** If the guarantee is renewed, the Planning Director may require the amount of the performance guarantee be updated to reflect cost increases over time.

**E. Release or Reduction of Performance Guarantees**

**(1) Requirements for Release or Reduction**

The Planning Director shall release or reduce a performance guarantee only after:

- (a)** The owner or developer has submitted to the Planning Director a written request for a release or reduction of the performance guarantee that includes certification by the owner's or developer's engineer or contractor, whichever is appropriate, that installation of the guaranteed improvements has been completed in accordance with approved plans and specifications;
- (b)** County staff has performed an inspection of the improvements and certified in writing that installation of the guaranteed improvements has been completed in accordance with approved plans and specifications;
- (c)** The owner or developer has reimbursed the county for all costs associated with conducting any inspection that finds the guaranteed improvements have not been installed in accordance with approved plans and specifications; and
- (d)** No release or reduction in performance guarantee amounts will be considered until more than 25 percent of the work is in place and approved.

**(2) Limits on Reductions**

No performance guarantee for public infrastructure improvements (including street trees planted within a public ROW) shall be reduced to less than 50 percent of the full amount of the performance guarantee until all guaranteed public infrastructure improvements have been completed by the owner or developer. No performance guarantee for required landscaping or private site improvements shall be reduced to less than 75 percent of the full amount of the performance guarantee until all guaranteed private site improvements have been completed by the owner or developer.

**(3) Acceptance Shall be Documented**

The county shall provide written notice of the county's final acceptance of the improvements subject to a performance guarantee.

**F. Default and Forfeiture of Performance Guarantee**

**(1) Notice of Failure to Install or Complete Improvements**

If the owner or developer fails to complete installation of the guaranteed improvements within the term of the performance guarantee (as may be extended), the Planning Director shall give the owner or developer 30 days written notice of the default by certified mail.

**(2) County Completion of Improvements**

After the 30-day notice period expires, the county may draw on the guarantee and use the funds to perform work necessary to complete installation of the guaranteed improvements. After completing such work, the county shall provide a complete accounting of the expenditures to the owner or developer and, as applicable, refund all unused funds, without interest.

**6.4. CONSERVATION SUBDIVISION**

**6.4.1. Purpose and Intent**

The purpose and intent of this section is to provide landowners in the AG and SFM zoning districts a development option that provides additional development flexibility to build on smaller lots when additional open space set-asides are provided, and the development is designed and located in a way that protects the agricultural activities or natural and historic features on the site. This is done in order to:

**A. Conserve Open Land**

Conserve open land, including those areas containing productive agricultural soils, unique and sensitive natural features such as floodplains, wetlands, river and stream corridors, area with mature hardwood trees or maritime forests, and watersheds;

**B. Retain and Protect Natural Resources**

Retain and protect existing environmental, natural, and cultural resources;

**C. Link Open Spaces**

Create a linked network of open lands;

**D. Promote Rural Character**

Promote existing rural character within the agricultural portions of the county; and

**E. Provide Reasonable Use of Property**

Provide reasonable economic use of the property.

**6.4.2. Applicability**

This conservation subdivision option shall be used for single-family detached subdivisions of six or more lots in the Agriculture (AG) zoning district, and may be used for single-family detached subdivisions in the Single-Family Mainland (SFM) zoning district.

### 6.4.3. Procedure

Development utilizing the conservation subdivision option shall be approved as a major subdivision in accordance with the procedures and standards in Section 2.4.8.E, Major Subdivision, after approval of a conservation and development plan in accordance with this section.

#### A. Conservation and Development Plan

Prior to review of an application for preliminary plat approval for a conservation subdivision, an applicant shall have a conservation and development plan for the land reviewed and approved, or approved with conditions by the Planning Director in accordance with this section and the standards of Section 6.4.4, Conservation Subdivision Standards, and Section 6.4.5, Delineation of Conservation Areas and Development Areas.

#### B. Conservation and Development Plan Requirements

##### (1) Step 1—Site Analysis Map

The applicant shall prepare a site analysis map that provides information about existing site conditions and context, and that comprehensively analyzes existing conditions both on the land proposed for the development site and on land within 500 feet of the site, and submit the site analysis map to the Planning Director. It is the intent of this section that the information required to be presented in the site analysis map be produced primarily from existing sources, maps, and data.

##### (2) Step 2—Site Inspection

After receipt of the site analysis map, the Planning Director shall schedule a site inspection of the land with the applicant. The applicant or the applicant's representative shall attend the site inspection with a county staff member. The purpose of this site visit is to:

- (a) Familiarize the county staff with the existing site conditions and natural and historic features of the site;
- (b) Identify potential site development issues; and
- (c) Provide an opportunity to discuss site development concepts, including the general layout of conservation areas and potential locations for proposed structures, utilities, streets, and other development features. Comments made by the Planning Director or other county staff during the site inspection shall be interpreted as being only suggestive. No official decision on the conservation and development plan shall be made during the site inspection.

##### (3) Step 3—Conservation and Development Areas Map

Based on the site analysis map and the information obtained during the site inspection, the applicant shall prepare a conservation and development areas map that depicts proposed primary conservation areas, secondary conservation areas, and development areas, in accordance with Section 6.4.5, Delineation of Conservation Areas and Development Areas.

##### (4) Step 4—Conservation and Development Plan

Based on the site analysis map, the information obtained during the site inspection, and the conservation and development areas map, the applicant

**SECTION 6.4: CONSERVATION SUBDIVISION**

**Subsection 6.4.4: Conservation Subdivision Standards**

shall prepare and submit to the Planning Director a conservation and development plan. The conservation and development plan shall include the following:

- (a) A site analysis map;
- (b) A conservation and development areas map and theme; and
- (c) A preliminary site improvements plan, showing proposed site development, including utilities, streets, other development features, buffers (if applicable), and lot lines located in the proposed development area(s).

**C. Review of Conservation and Development Plan**

The Planning Director shall review and make a decision on the conservation and development plan in accordance with the procedures and requirements of Section 2.3.5 Staff Review and Action, the standards of Section 6.4.4, Conservation Subdivision Standards, and Section 6.4.5, Delineation of Conservation Areas and Development Areas.

**D. Review and Approval of Conservation Subdivision**

Following review and approval or approval with conditions of the conservation and development plan by the Planning Director, the application for a preliminary plat of the conservation subdivision shall be submitted and approved, approved with conditions, or denied by the Board of Commissioners in accordance with Section 2.4.8.E, Preliminary Plat.

**6.4.4. Conservation Subdivision Standards**

A conservation subdivision shall comply with the following standards:

**A. Location**

Conservation subdivisions shall be limited to the Agriculture (AG) or Single-Family Residential Mainland (SFM) districts.

**B. Minimum Project Size**

Conservations subdivisions shall be at least ten acres in area;

**C. Required Conservation Area**

**(1) Agriculture District**

The amount of the conservation area may vary in the Agricultural district in accordance with the dimensional standards in Section 3.3.3.F, but in no instance shall the area occupy less than 50 percent of the total acreage of the conservation subdivision site.

**(2) Single-Family Residential-Mainland District**

The conservation area shall occupy a minimum of 40 percent of the total acreage of the conservation subdivision site.

**D. Maximum Residential Density**

**(1) Agriculture District**

Conservations subdivisions shall be limited to the maximum density that corresponds with the following open space set-aside amounts:

**SECTION 6.4: CONSERVATION SUBDIVISION**

**Subsection 6.4.4: Conservation Subdivision Standards**

- (a) Fifty percent open space set-aside: 0.33 dwelling units per acre; and,
- (b) Sixty percent open space set-aside: 0.4 dwelling units per acre.

**(2) Single-Family Residential-Mainland District**

Conservation subdivisions shall be limited to the following maximum densities, based upon the following locations:

- (a) Full Service Areas: 1.0 dwelling units per acre;
- (b) Limited Service Areas: 0.75 dwelling units per acre; or
- (c) Rural/Conservation Areas: 0.33 dwelling units per acre.

**E. Lots**

Lots in a conservation subdivision shall:

- (1) Meet the minimum dimensional standards in Chapter 3: Zoning Districts; and,
- (2) Access internal streets. Lots along existing external streets shall be avoided to the maximum extent practicable.

**F. Setbacks**

Lots in a conservation subdivision shall not be subject to minimum yard setback standards, except as required from major arterial streets, agricultural uses, needed fire flow, or wetlands/surface waters.

**G. Maximum Lot Coverage**

Conservation subdivisions shall ensure that development on a lot does not exceed a maximum lot coverage of 30 percent.

**H. Low Impact Development**

Conservation subdivisions shall incorporate low impact development features, to the maximum extent practicable.

**I. Depiction on Final Plat**

To assist in the issuance of building permits, lot configurations shall be indicated on the final plat, including, but not limited to:

- (1) Lot area;
- (2) Lot width;
- (3) Setbacks; and
- (4) Lot coverage.

**J. Maintain Compatibility**

Conservation subdivisions shall comply with the standards in Section 5.11, Farmland Compatibility Standards, in cases when the residential lots abut land used for agricultural purposes that is not included within the conservation subdivision.

**K. Screening from Major Arterials and Collector Streets**

Conservation subdivisions shall incorporate a twenty-five foot vegetated buffer comprised of new or existing trees and shrubs in a manner that provides an opaque screen of the development to a height of ten feet or more as seen from major arterial streets within 1,000 feet of the development. Conservation subdivisions located along collector streets shall incorporate a twenty-five foot vegetated buffer between the

collector street right-of-way and the boundary of the individual platted lots comprised of 6 ACI canopy trees, 3 ACI understory trees, and 5 shrubs per 100 linear feet.

**6.4.5. Delineation of Conservation Areas and Development Areas**

Conservation subdivisions shall identify a conservation theme to be preserved. The theme should be based on elements or features of the property that are unique, irreplaceable, environmentally valuable, historic, or scenic. The conservation areas and development areas on the conservation and development areas map and within the conservation subdivision shall comply with the following standards:

**A. Primary Conservation Areas**

**(1) Features to be Preserved**

The following features shall be located and delineated on the conservation and development areas map, and shall be preserved in the following priority order as primary conservation areas:

- (a)** CAMA wetlands;
- (b)** U.S. Army Corps of Engineers designated 404 wetlands;
- (c)** Riparian buffers and other lands within 30 feet of estuarine or other surface waters;
- (d)** Areas of maritime forest;
- (e)** Areas within the root zone of all significant trees; and
- (f)** Habitat utilized by endangered or threatened species or designated Natural Heritage Areas.

**(2) Amount to be Preserved**

All areas occupied by features comprising a primary conservation area shall be set aside and reserved for conservation purposes in accordance with the following standards:

**(a) Primary Conservation Area is Less than Minimum Required**

In cases where the geographic area occupied by all features comprising the primary conservation area is less than the minimum required conservation area, then all lands comprising the primary conservation area shall be set aside.

**(b) Primary Conservation Area Exceeds the Minimum Required**

- (i)** In the event the geographic area of all features identified and prioritized as the primary conservation area results in a primary conservation area exceeding the conservation area requirement (for example, conservation of the first type of prioritized features constitute 47 percent of a site, and the next prioritized feature consists of five percent and the minimum required conservation area is 50 percent of the site area, the applicant may identify which portions of the features exceeding the 50 percent conservation area requirement will be designated for conversion to development area) (see Figure 6.4.5, Conservation and Development Areas). To the maximum extent practicable, priority for retention shall be

given to the highest quality portion of the features to be conserved.

- (ii) Development on lands made available for conversion to development area shall be in accordance with the standards in this Ordinance.

**(3) Allowable Uses**

Uses located within a primary conservation area shall be limited to:

- (a) Unpaved pedestrian trails, walkways, and boardwalks;
- (b) Docks and other water-dependent features, as allowed in this Ordinance;
- (c) Above ground and below ground public utilities and associated easements, provided no feasible alternative exists;
- (d) Street or driveway crossings, provided such crossings do not violate this Ordinance, or other State or Federal laws; and,
- (e) Minor vegetative drainage conveyance connections to existing drainage outlets where no feasible alternative exists.

**B. Secondary Conservation Areas**

**(1) Features to be Preserved**

In addition to primary conservation areas, the conservation and development areas map shall also identify secondary conservation areas, which shall be preserved in the following priority order:

- (a) Historic, archeological, and cultural resources;
- (b) Prime agricultural lands, including existing pastures (whether in use or otherwise);
- (c) Existing and mature woodland forests, natural fields, and meadows (especially those greater than five acres);
- (d) Scenic corridors and views; and
- (e) Areas that could serve to extend existing greenways, trails, parks, or recreation areas.
- (f) Special flood hazard areas designated on the Flood Insurance Rate Maps (FIRM).

**(2) Amount to be Preserved**

All areas occupied by features comprising a secondary conservation area shall be set aside and reserved as a part of the conservation area in accordance with the following standards (see Figure 6.4.5, Conservation and Development Areas):



**(a) Primary Conservation Area Occupies More than that Required**

In the event that the geographic area set aside as the primary conservation area is more of the required conservation area, no additional lands occupied by secondary conservation features shall be required to be included in the conservation area.

**(b) Primary Conservation Area Occupies Less than that Required**

In the event the geographic area set aside as the primary conservation area is less than the required conservation area, then lands containing secondary conservation features shall also be set aside as part of the conservation area in priority order based upon the following:

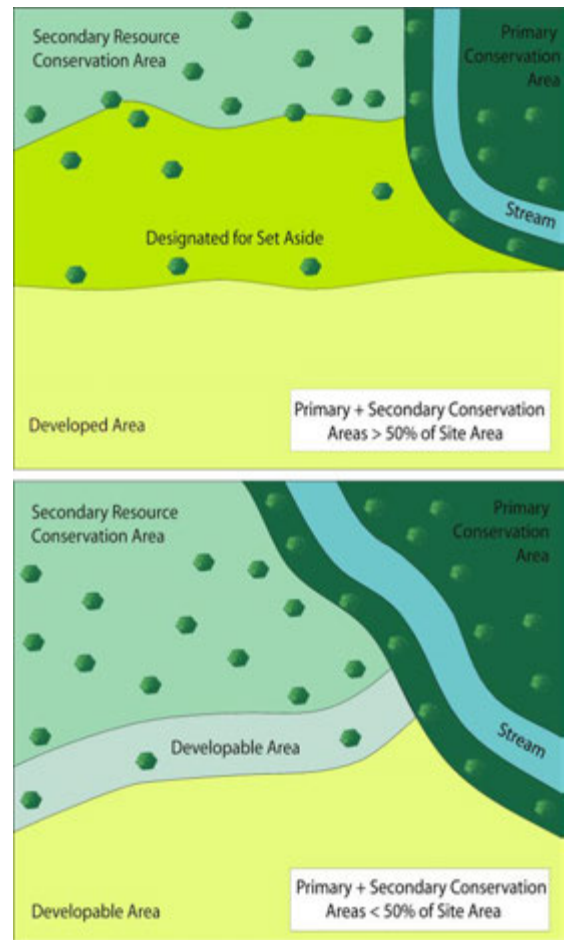
**(i) Connect Primary Resource Areas**

To the maximum extent practicable, the geographic area containing secondary conservation features shall be set aside so as to connect and surround the primary resource areas.

**(ii) Primary and Secondary Conservation Areas Do Not Equal 50 Percent of Site Area**

In the event the combined area occupied by the primary conservation area and geographic area occupied by all secondary resource conservation features does not equal the minimum requirements, then additional lands necessary to meet the requirements for the conservation area shall be designated for set-aside. Such lands may be selected by the applicant and shall be designated for inclusion within the conservation area.

**Figure 6.4.5 Conservation and Development Areas**



**(iii) Primary and Secondary Conservation Areas Exceed Required Area**

In the event the area occupied by the primary conservation area and the geographic area of all features identified and prioritized as the secondary conservation area results in a combined conservation area exceeding the conservation area requirements, the applicant may identify which portions of the secondary conservation feature(s) will be designated for conversion to development area. To the maximum extent practicable, priority for retention shall be given to the highest quality portion of the feature(s) to be conserved. In no instance shall any portion of the primary conservation area be designated for conversion to development area.

**(3) Allowable Uses**

Uses located within a secondary conservation area shall be limited to:

- (a)** All uses allowed in a primary conservation area;
- (b)** All uses allowed in open space set-asides (see Section 7.1.3.D, Allowable Uses in Open Space Set-Asides);
- (c)** Uses allowed in the Agricultural Use Classification in Table 4.1.1, Summary Use Table;
- (d)** Individual or community water supply and septic systems (see Section 6.2.3.E.2, Sewage System Requirements);
- (e)** Stormwater management systems;
- (f)** Required drainage or other utility easements;
- (g)** Mitigation of development activities, including restoration of disturbed or degraded areas to enhance habitat and scenic value.

**C. Ownership**

The conservation area shall be considered as an open space set-aside, and it shall comply with the ownership requirements in Section 7.1.3.E, Ownership of Open Space Set-Asides.

**D. Development Areas**

After identifying the primary and secondary conservation areas, the development area shall be identified. It is the area within which development may occur, and shall include the area within the site where:

- (1)** Any clearing or grading activities will take place;
- (2)** Ingress and egress will be located;
- (3)** Individual or community wells and septic systems may be located (if not located within the secondary conservation area);
- (4)** Streets, utilities, and other similar structures will be located; and
- (5)** All allowable uses may be located.

**6.5. RECREATION AND PARK AREA DEDICATION**

Except for minor subdivisions, subdivisions of land for residential or mixed-use development of six or more residential dwelling units shall be required to dedicate a portion of land, or pay a fee-in-lieu thereof, for recreation and park areas, in accordance with the standards of this section.

**6.5.1. Recreation and Park Area Dedication**

New residential development of six or more units shall dedicate land to the county for use in the development of recreation and park areas to serve the recreational needs of the residents of the subdivision and development within the immediate area. Table 6.5.1, Recreation and Park Area Dedication Requirements, sets out the minimum parkland dedication requirements per new dwelling unit.

<b>TABLE 6.5.1: RECREATION AND PARK AREA DEDICATION REQUIREMENTS</b>	
<b>TYPE OF AREA TO BE DEDICATED [1]</b>	<b>MINIMUM DEDICATION AMOUNT PER DWELLING (ACRES)</b>
Upland	0.0255
Water feature (e.g., public access, pond, riparian area) [2]	0.0275

**NOTES:**

[1] No credit towards parkland dedication is given for CAMA wetlands, 404 wetlands, lands forward of the first frontal line of vegetation on sand dunes, or other lands mandated for preservation by Federal or State requirements

[2] No more than 50 percent of the total dedication requirement may be met through dedication of water areas

*Example: A 100-lot subdivision within the SFM zoning district occupies 120 acres of land and includes a two-acre pond. The owner is required to dedicate a minimum of 2.55 acres of land to the county for recreation and park area (100 units x 0.0255 acres per unit = 2.55 acres). Since the subdivision includes a pond, the owner may request to dedicate it as recreation and park area, but credit for the pond is limited to a maximum of 50 percent of the total dedication area (2.55 acres to be dedicated x 0.5 = 1.275 acres).*

**6.5.2. Procedure for Dedication of Recreation and Park Area**

**A. Designation of Land to be Dedicated**

The developer, concurrent with submission of a subdivision application (see Section 2.4.8) shall identify land proposed for dedication in accordance with Section 6.5.3, Nature of Recreation and Park Area to be Dedicated, or propose payment of an in-lieu fee if the conditions in Section 6.5.4, Payments-in-lieu of Dedication, apply.

**B. Review of Land to be Dedicated**

The Technical Review Committee, as appropriate, shall review the proposed application and determine if it complies with the standards in Section 6.5.3, Nature of Recreation and Park Area to be Dedicated, and Section 6.5.4, Payment-in-lieu of Dedication, as appropriate, and whether to accept the land for dedication or payment-in-lieu of dedication.

**SECTION 6.5: RECREATION AND PARK AREA DEDICATION**

**Subsection 6.5.3: Nature of Recreation and Park Area to be Dedicated**

**C. Appeal**

The Technical Review Committee’s decision on the application may be appealed by an applicant to the Board of Commissioners, in accordance with Section 2.4.17, Appeal.

**D. Timing**

- (1) Land shall be dedicated prior to recording the first final plat for the subdivision.
- (2) The payment-in-lieu shall be paid prior to recording the first final plat for the subdivision for which the payment-in-lieu is paid.

**6.5.3. Nature of Recreation and Park Area to be Dedicated**

All lands proposed for dedication as recreation and park areas shall meet the following standards:

**A. Unity**

The dedicated land shall be a single parcel of land, whether the subdivision is developed in phases or sections, except where it is determined by the Technical Review Committee that multiple parcels would better serve the residents of the subdivision and the residents of the county.

**B. Usability**

A maximum of one-half of the dedicated recreation and park area may be a water feature. When one-half of the dedicated area is a water feature, the remaining land must be flat, well-drained, usable land for a recreation and park area. The usability of a dedicated recreation and park area shall be determined by the Technical Review Committee. Public access to all portions of a water feature shall be provided and maintained, regardless of the amount of water feature area credited towards recreation and park dedication requirements.

**C. Shape**

The dedicated land shall be of a size and configuration that can be used for recreation facilities, including, but not limited to, trail systems, tennis courts, swimming pools, clubhouses, athletic fields, basketball courts, swings, slides, play apparatus, open play areas, and picnicking.

**D. Location**

- (1) The dedicated land shall be located so it can reasonably serve the recreation and park needs of the residents of the subdivision and immediate area.
- (2) Public access to public waterways and surface waters shall be a priority for park and recreation areas.
- (3) The Technical Review Committee may require that the land dedicated be located on the periphery of the development in order to allow enlargement by combining the recreation and park area with adjacent development or park facilities, existing or planned.

**E. Access**

- (1) All dwelling units in the subdivision and residents in the immediate area shall have access to and from the dedicated land provided by means of streets and public walkways or trails.
- (2) Rights-of-way for this access shall be shown on the preliminary and final plats.
- (3) All dedicated lands shall have access by way of a street. Such access can be provided when the dedicated land is adjacent to existing or proposed public parkland with street access.

**6.5.4. Payments-In-Lieu of Dedication**

**A. General**

If any of the following conditions apply to the proposed subdivision, a payment-in-lieu shall be provided instead of land dedication, in accordance with the provisions of this section:

- (1) The topography or other natural conditions of the site do not provide adequate opportunities for on-site recreation and park areas;
- (2) The amount of recreation and park area to be dedicated is too small to provide adequate recreation and park opportunities or to be efficiently maintained;
- (3) The intended location of the recreation and park area is too far from existing recreation and park areas to be efficiently maintained;
- (4) Adequate access is not available to the proposed land to be dedicated; or
- (5) The recreation and park needs of the subdivision can be better met by acquisition or development of recreation and park sites outside the subdivision but within the immediate area of the subdivision.

**B. Amount of Payment**

The payment-in-lieu shall be calculated based upon the acreage of land required for dedication, consistent with the requirements of Table 6.5.1, Recreation and Park Area Dedication Requirements. The land's assessed value (as determined by the Currituck County Property Appraiser) shall be used to arrive at the required payment-in-lieu amount.

**C. Use of Funds**

Payments-in-lieu received in accordance with this subsection shall be used only for the acquisition or development of recreation and park areas, and open space sites that serve residents living in the immediate area of the development making the payment-in-lieu, consistent with the requirements of North Carolina General Statutes Section 153A-331.

**6.6. ADEQUATE PUBLIC FACILITIES STANDARDS**

No development authorized by a use permit (see Section 2.4.6) shall exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. All required public facilities shall be in place or programmed to be in place within two years after the initial approval of the use permit.