

ARTICLE IV. STANDARDS OF DESIGN

Sec. 4-1. General.

4-1.1. Design. All proposed subdivisions (residential, commercial, or other) shall comply with this article, be designed to promote beneficial development of the community, and bear a reasonable relationship to the approved plans of the county. The design of all utility, stormwater, street, recreation, and park improvements shall be reviewed and approved by the county staff, NCDOT, NCDENR, or the applicable service provider. (Amended 7-18-11)

4-1.2. Development name. In no case shall the name of a proposed development duplicate or be phonetically similar to an existing development name in Carteret County unless the proposed development lies adjacent or in proximity to the existing development.

4-1.3. Reasonable relationship. All required improvements, easements, and rights-of-way (other than required reservations) shall substantially benefit the development or bear a reasonable connection to the need for public facilities attributable to the new development.

Whenever a tract to be subdivided includes or adjoins any part of a thoroughfare or collector road as designated by an officially adopted county thoroughfare plan, that part of such proposed public right-of-way shall be dedicated as public right-of-way within the subdivision plat in the location and to the width recommended by the thoroughfare plan or this article.

Sec. 4-2. Suitability of the land. (Amended 7-18-11)

Land that the planning commission has determined, either through its own investigations or the investigations of other public agencies, to be unsuitable for development because of flooding, poor drainage, steep slopes, poor soil conditions and other such physical features that may endanger health, life, or property or necessitate the excessive expenditure of public funds for the provision and/or maintenance of public services shall not be approved for subdivision unless methods are formulated by the developer for mitigating the problems created by the subdivision of such land.

Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Carteret County Environmental Health Department, a structural engineer, and a soils expert determine that the land is suitable for the type of construction proposed.

All subdivisions shall be consistent with the provisions of the Carteret County Flood Damage Prevention and Protection Ordinance. Required public utilities and facilities in all subdivisions shall be installed so as to minimize flood damage.

Where areas of environmental concern have been identified, the suitability of the land in those areas will be based upon the guidelines and standards developed in accordance with the Coastal Area Management Act of 1974.

Sec. 4-3. Lots. The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated and shall conform to the following standards.

4-3.1. Minimum lot dimensional requirements. (Amended 7-18-11)

- (A) **Lots within zoned areas.** Every lot shall have sufficient lot area, lot dimensions, and building setbacks to permit a principal structure to be erected thereon in compliance with the applicable requirements of the Carteret County Zoning Ordinance. Lots not served by public water and/or sewer service shall comply with the specifications and standards of the Carteret County Environmental Health Department, but in no case shall the lot size be less than the minimum lot size required in the underlying zoning district.
- (B) **Lots within unzoned areas.** Every lot shall have sufficient lot area, lot dimensions, and building setbacks to permit a principal structure to be erected thereon in compliance with the requirements delineated in the tables below. Lots not served by public water and/or sewer service shall comply with the specifications and standards of the Carteret County Environmental Health Department, but in no case shall the lot size be less than the minimum lot size required in the table below.

Minimum Lot Area and Lot Dimensions:

Improvements	Lot Area (sq. feet)	Lot Width* (feet)	Lot Width (feet) on cul-de-sac bulb	Lot Frontage* (feet)
Public water and sewer	10,000	60	40	25
Public water, or public sewer	15,000	70	50	25
No public water or public sewer	20,000	80	60	25

* = Lot width is measured at the building setback line ... Lot frontage is measured at the front lot line.

Minimum Building Setbacks:

From the front property line	20 feet
From the front property line on a lot abutting a major thoroughfare street	40 feet
From the side property line	10 feet
From the side property line on a corner lot	15 feet
From the rear property line	30 feet

Non-conforming structures damaged or destroyed by a state-or federally-declared natural disaster may be repaired or rebuilt in the existing footprint. At such time, the structure must comply with the Carteret County Flood Damage Prevention and Protection Ordinance and FEMA requirements. This shall include elevating the structure in the existing footprint to meet the required base flood elevation. Any construction outside the existing footprint must meet the required setbacks.

Substantially-damaged structures, as defined by the County Flood Damage Prevention Ordinance (damaged more than 50% structural value), could be rebuilt in existing building footprint. At the time the structure(s) is rebuilt, the landowner(s) is encouraged to comply with this Ordinance to protect the existing areas of environmental concern. In order to rebuild on the existing building footprint, a complete application must be submitted within 2 years from the date the structure was damaged or destroyed. If deemed incomplete due to the need for additional technical information, the applicant shall have no longer than 90 days to supply that information to the Planning Department or the application will be null and void.

(C) In addition to the requirements of this ordinance, lots within planned unit developments, townhouse developments, and group housing projects shall comply with the applicable requirements of all other Carteret County Ordinances.

(D) Detached garages, carports, and accessory buildings may be constructed a minimum of five feet from a side or rear property line. Such buildings shall, however, be set back fifteen feet from a side property line that abuts a street on a corner lot and set back from a front property line a minimum of 20 feet. In zoned areas, the minimum front, rear, and side yard setbacks shall be the same as required by the Carteret County Zoning Ordinance.

4-3.2. Lot line configuration. (Amended 7-18-11) Sidelines of lots should be at or near right angles or radial to street lines. No intersecting lot lines shall have an angle of less than 60 (sixty) degrees.

4-3.3. Lot lines and drainage. Lot boundaries shall coincide with natural and pre-existing man-made drainageways to the extent practicable to avoid lots that can be built upon only by altering such drainageways (see also section 4-6.5, utility and drainage easements).

4-3.4. Access requirements. (Amended 7-18-11)

4-3.4.1. General access requirements and alternative means of access. All lots shall abut and have direct access to a publicly maintained street, except as provided for in this section or in the Carteret County Zoning Ordinance, if applicable. It is the intention of this section that newly created lots and parcels have access to a public street to ensure:

- (A) Legal ingress and egress for the owner/user of the lot, emergency vehicles, and public service vehicles;
- (B) Adequate provision of an all-weather travel surface; and
- (C) Sufficient means for the long-term maintenance of the roadway.

The alternative means of access options do not apply to lots in a non-residential subdivision. All non-residential lots shall be located on a public street, unless the Planning Commission specifically permits the use of private streets.

As an alternative, access may be permitted from a private street meeting the standards delineated in section 4-4.7. If, after thoroughly investigating the feasibility of utilizing a public or private street for access and evaluating the site features and characteristics which make their use infeasible, the subdivider may propose an alternative means of access authorized in this section.

For all major subdivisions, the planning commission may approve such alternative means of access if, in its opinion, the alternative means of access proposed will sufficiently meet the intention of this section and comply with the conditions delineated herein. For all minor subdivisions, the administrator may approve such alternative means of access if, in his/her opinion, the alternative means of access proposed will sufficiently meet the intention of this section and comply with the conditions delineated herein. (Amended 2-18-08)

- (A) Lots and units located in developments with owners' associations or in group housing developments in which permanent access is guaranteed by means of approved private streets

and/or drives designed in accordance with the requirements of section 4-4.7 may be approved by the planning commission as an alternative means of access to a public street.

(B) **Flag Lots:** Flag lots may be approved by the administrator for all minor subdivisions or by the planning commission for all major subdivisions as an alternative means of access, provided that the following requirements are met: (Amended 2-18-08 and 7-18-11)

- (1) Flag lots shall be approved only where the configuration of the parcel or site features warrant such a lot design. Authorizing a flag lot design is intended to accommodate a particular extenuating circumstance which makes traditional lot design infeasible. Therefore, flag lots should be judiciously approved.
- (2) A flag lot shall serve only one single-family dwelling and its uninhabited accessory structures, except as otherwise allowed by the Carteret County Manufactured Housing Ordinance for manufactured homes on individual areas in unzoned areas, however, 2 (two) adjoining lots may use the same flagpole for access (see subsection 9 below);
- (3) Generally, the maximum flagpole length shall not exceed 300 feet. However, the planning commission may authorize a length in excess of 300 feet if, in the opinion of the planning commission, extenuating site conditions warrant a greater flagpole length;
- (4) The flagpole of each flag lot shall begin at a public or private street, only. The minimum flagpole width shall be 25 feet;
- (5) The maximum lot size in areas with public sewer shall be one acre. The maximum lot size without public sewer shall be three acres. (Note: The "flagpole" portion of the lot is not used to calculate area, width, depth, and setbacks of the lot or to provide off-street parking.);
- (6) The minimum separation between the flagpole portion of the lot and that of another flag lot shall be 150 feet, however, 2 (two) adjoining lots may use the same flagpole for access (see subsection 9 below);
- (7) Where public water is available, any building on the flag lot must be within 1,000 feet of a hydrant. This distance shall be measured along the street, then along the flagpole, then in a straight line to the building location;
- (8) Where public sewer is available, occupied buildings on the flag lot shall have a gravity service line, or the sewer pump requirements shall be noted on the plat;
- (9) Use of a single driveway to serve a flag lot and an adjoining lot is permitted and encouraged; the location for the driveway is on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole;
- (10) No resubdivision of a flag lot shall be permitted unless access to the proposed new lot(s) can be provided from an approved public or private street; and

(C) **Private Lane:** For all major subdivisions, the planning commission may approve lots served by a private lane as an alternative means of access and, for all minor subdivisions, the administrator may approve lots served by a private lane, provided that the following requirements are met: (Amended 2-18-08, 10-19-09, and 7-18-11)

- (1) Authorization for the creation of lots on a private lane shall be given only after all other alternatives for providing access (public street or private street) have been considered and determined not to be practicable;
- (2) A private lane shall serve no more than ten residential parcels. A private lane may not be used within a non-residential subdivision or to provide access to one;
- (3) The minimum easement width shall be 50 feet;
- (4) A minimum travelway of 18 feet in width, with a minimum height clearance of 14 feet, shall be provided;
- (5) The travelway shall have a base course constructed to NCDOT standards and shall be certified by a licensed engineer that it meets those standards. No paving of the travelway is required;
- (6) The private lane shall intersect with an approved public or private street;
- (7) Once the maximum ten lots have been created, no resubdivision of lots located on a private lane shall be permitted unless access can be upgraded to a private street or public street. A notation shall be placed on the face of the plat that states: "No more than ten lots, including the resubdivision of the lots served by the private lane, shall be permitted unless the private lane is upgraded by the property owner(s) to a private street or public street that meets or exceeds the standards of the NCDOT";

- (8) A disclosure statement (see appendix B) stating that maintenance of the private lane is the responsibility of the property owner(s) shall be placed on the plat;
 - (9) A property owners association shall be established in accordance with article VI to ensure maintenance of the private lane;
 - (10) A 24" x 30" sign with two-inch letters shall be posted at all entrances of the private lane and shall state, "Private Lane Maintained by Property Owners."
 - (11) The location of the easement must be recorded on a plat; and
 - (12) The private lane shall permit ingress, egress, and regress and necessary utilities required to serve the lot(s).
- (D) **Access Easement:** If the following requirements are met, lots served by an access easement may be approved by the administrator as an alternative means of access: (Amended 2-18-08, 10-19-09, and 7-18-11))
- (1) Authorization for the creation of lots on an access easement shall be given only after all other alternatives for providing access (public street, private street, or private lane) have been considered and determined not to be practicable;
 - (2) An access easement shall serve no more than three residential parcels. An access easement lane may not be used within a non-residential subdivision or to provide access to one;
 - (3) The minimum easement width shall be 50 feet;
 - (4) A minimum travelway of 12 feet in width with a minimum height clearance of 14 feet shall be provided;
 - (5) The travelway shall have a base course constructed to NCDOT standards and shall be certified by a licensed engineer that it meets those standards. No paving of the travelway is required;
 - (6) The access easement shall intersect with an approved public street;
 - (7) The creation of lots on an access easement shall be limited to a one-time occurrence for any one parcel or tract existing before this section was adopted on October 8, 2001;
 - (8) No resubdivision of lots located on an access easement shall be permitted unless access can be upgraded to a private lane, private street, or public street. A notation shall be placed on the face of the plat that states: "No additional lots, including the resubdivision of the lots served by the access easement, shall be permitted unless the access easement is upgraded by the property owner(s) to a private lane, private street, or public street that meets or exceeds the standards of the NCDOT";
 - (9) A disclosure statement (see appendix B) shall be placed on the plat stating that maintenance of the access easement is the responsibility of the property owner(s);
 - (10) A recorded maintenance agreement shall be required in cases where more than one lot is served by the access easement;
 - (11) If the access easement serves more than one parcel, a 24" x 30" sign with two-inch letters shall be posted at the entrance of the access easement that states, "Access Easement Maintained by Property Owners.";
 - (12) The location of the easement must be recorded on a plat; and
 - (13) The access easement shall permit ingress, egress, and regress and necessary utilities required to serve the lot(s).
- (E) **Family Subdivision:** If the following requirements are met, lots within a family subdivision may be approved by the administrator with an easement: (Amended 2-18-08 and 7-18-11)
- (1) To qualify as a family subdivision, the property owner must provide proof that ownership of the tract to be subdivided has been in continuous ownership for a minimum of 15 (fifteen) years;
 - (2) No more than three new lots may be created with access via an easement;
 - (3) The creation of a lot or lots on an easement shall be limited to a one-time occurrence for any one parcel or tract existing before this section was adopted on October 8, 2001;
 - (4) The easement must be at least 20 (twenty) feet wide and shall front on a public road, private road, or historical access.
 - (5) Historical access is defined as an access way that is referenced in a deed or is shown on a recorded survey. The property owner must provide proof that the historical access has been in use for a minimum of 20 (twenty) years;
 - (6) The easement must be a deeded access to the newly-created lots and must be recorded on a plat;

- (7) The newly-created lot or lots must meet the minimum lot requirements of this ordinance or the Carteret County Zoning Ordinance, whichever is greater or more restrictive;
- (8) The newly-created lot or lots may not be further resubdivided unless access can be upgraded to a private lane, private street, or public street. A notation shall be placed on the face of the plat that states: "No additional lots, including the resubdivision of the lots served by the easement, shall be permitted unless the easement is upgraded by the property owner(s) to meet or exceed the standards of the Carteret County Subdivision Regulations. The lot(s) shown on this plat has (have) been created for the purpose of a family subdivision.";
- (9) A disclosure statement (see appendix B) stating that maintenance of the easement is the responsibility of the property owner(s) shall be placed on the plat;
- (10) A recorded maintenance agreement shall be required in cases where more than one lot is served by the easement; and
- (11) The access easement shall permit ingress, egress, and regress and necessary utilities required to serve the lot(s).

4-3.4.2. *Special access requirements for subdivisions located adjacent to thoroughfares with capacity deficiencies and for non-residential subdivisions.*

- (A) Major and minor subdivisions shall not be approved that propose individual residential lots with direct vehicular access to roads that have, in the opinion of the NCDOT and the technical review committee, capacity deficiencies that warrant the prohibition of the platting of lots with direct vehicular access.
- (B) Whenever a proposed major or minor subdivision abuts any principal arterial, minor arterial, major collector, or minor collector (as delineated on the latest adopted thoroughfare plan), the planning commission, or the administrator in the case of a minor subdivision, may prohibit the platting of lots with direct vehicular access to such roads. The planning commission's or administrator's decision to require suitable access shall be based upon the need to provide safe access to proposed lots, reduce interference with the existing traffic pattern and flow, and provide buffering of the proposed lots from adverse effects from traffic noise.
- (C) In order to reduce traffic congestion, commercial and industrial subdivisions may be required to provide a frontage road or other suitable means of access along major thoroughfares, as shown on the adopted thoroughfare plan, unless the planning commission determines that no practicable alternative for access exists. Where a frontage road is required, intersections with public streets shall be spaced no closer than 800 feet. Frontage roads may be permitted within the rights-of-way of existing streets subject to the approval of the NCDOT.

4-3.5. *Water and sewage disposal.* (Amended 7-18-11) Every lot in a subdivision shall be served by a well or water supply system and a sewage disposal system (including septic and package treatment systems) that:

- (A) Is adequate to accommodate the reasonable needs of the proposed use of the lot and
- (B) Complies with all applicable health regulations and/or the County of Carteret's specifications and standards for water and sewer facilities.

(Amd. of 10-18-04; Amd. of 4-17-06(1))

Sec. 4-4. Streets.

4-4.1. *Conformance with thoroughfare plans.* (Amended 7-18-11) The location and design of streets and roads shall be in conformance with any applicable, adopted thoroughfare plan. Where conditions warrant, right-of-way and pavement widths in excess of the minimum street standards may be required.

4-4.2. *Conformance with adjoining road systems.* The planned street layout of a proposed subdivision shall be compatible with existing or proposed streets and their classifications on adjoining or nearby tracts.

4-4.3. *Access to adjoining property.* (Amended 7-18-11) Where, in the opinion of the planning commission, or the administrator in the case of a minor subdivision, it is desirable to provide for street access to adjoining property, proposed streets shall be extended, dedicated, and, where appropriate, constructed to the boundary of such property. It is the intention of this section to promote the orderly development of a local street system that provides interconnection between developed or developing properties.

Factors that should be evaluated when considering requiring the extension of streets or street rights-of-way to adjoining property include:

- (A) The development potential of the adjoining land;
- (B) The physiographical and man-made characteristics of the adjoining property, and
- (C) The existing and proposed local street system and traffic flow of the entire area surrounding the subdivided tract and adjoining properties.

Generally, "stub streets" shall be required:

- (A) Where the zoning and/or land use on the adjoining property are compatible with the proposed subdivision,
- (B) Where there are no natural or man-made barriers that make the street extension impracticable,
- (C) Where the street extension will result in desirable traffic flows and patterns and where inappropriate levels of through traffic are avoided, and
- (D) Where the street extension will promote the overall orderly development of the area.

All stub streets shall be designed and, where required to be built, constructed in accordance with the appropriate standards as delineated in these subdivision regulations.

4-4.4. Reserve strips. (Amended 7-18-11) Reserve strips adjoining streets rights-of-way for the purposes of preventing access to adjacent property shall not be permitted under any condition. Reserve strips are also known as "spike strips" and "spite strips".

4-4.5. Street classification. The final determination of the classification of streets in a proposed subdivision shall be made by the county.

4-4.6. Public street design criteria. (Amended 7-18-11) Public streets shall be designed in accordance with the North Carolina Department of Transportation (NCDOT) standards. In the case where a municipality providing the proposed subdivision with utility service(s) requires that its public road standards be adhered to and where those standards exceed the NCDOT road standards, the municipality's road standards shall be complied with.

4-4.7. Private street design criteria. (Amended 7-18-11)

- (A) Private streets shall be permitted in developments with owners' associations.
- (B) Private streets shall be designed in accordance with the North Carolina Department of Transportation (NCDOT) Standards. Certification from a registered, professional engineer that private streets have been constructed in accordance with minimum NCDOT standards and specifications shall be provided to the administrator prior to final plat approval or, in the case of an improvements guarantee, prior to the release of the bond.
- (C) An owners' association is required to own and maintain all private streets allowed under this ordinance. All private streets will be indicated as such on the plat.
- (D) No through street in a residential area connecting two public streets can be designated as a private street, unless approved by the planning commission.
- (E) All private streets, connecting with state-maintained streets, require an approved driveway application from the NCDOT.
- (F) In the event sidewalks are constructed, the minimum width shall be four feet.
- (G) A disclosure statement in accordance with NCGS 136-102.6 shall be recorded simultaneously with the plat and referenced on the final plat. The disclosure statement must contain the provision(s) for construction and/or maintenance of the private street (see appendix B).
- (H) A 24" x 30" sign with two-inch letters shall be posted at all entrances of the private street and shall state, "Private Street Maintained by Property Owners."

4-4.8. Intersecting street angle.

- (A) All streets shall intersect at or as near to 90 degrees as possible within topographic limits, and no street shall intersect any other street at an angle less than 75 degrees.
- (B) All streets crossing natural areas, wetlands, or stream buffers must cross at or as near to 90 degrees as possible within topographic limits.

4-4.9. Cul-de-sac. (Amended 7-18-11) The maximum distance from an intersecting through street to the end of a cul-de-sac shall be 900 feet, except where, upon the approval of the planning commission, existing conditions warrant a modification of this requirement. The radius of the paved portion of a cul-de-sac shall be a minimum of 35 feet. The diameter of a cul-de-sac shall be a minimum of 96 feet.

4-4.10. Minimum street offset. (Amended 7-18-11)

- (A) Where streets are offset on both sides of the street, the centerlines shall be offset no less than 150 feet.
- (B) Where streets are on the same side of the street, intersecting streets must be at least 400 (four hundred feet apart, measured centerline to centerline, except where no other alternative is practicable or legally possible. When any of the intersecting streets is a major thoroughfare, the distance between intersecting streets shall be at least 1,000 feet.

4-4.11. Curb and gutter. (Amended 7-18-11)

- (A) Curbs and gutters, if provided, shall be constructed in conformance with the NCDOT standards.
- (B) As provided in NCGS 136-44.14, whenever curb and gutter construction is used on public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of

pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with published standards of the NCDOT.

4-4.12. *Temporary turnarounds.* (Amended 7-18-11) Streets stubbed to adjoining property or phase lines may be required to have a temporary turnaround at the end of the street that will be sufficient to permit emergency and service vehicles to turn around. The radius of the temporary turn around shall be a minimum of 35 feet.

4-4.13. *Grades at intersections.* The grade on stop streets approaching an intersection shall not exceed five percent for a distance of not less than 100 feet from the centerline of the intersection

4-4.14. *Sight distance easements.* Triangular sight distance easements shall be shown in dashed lines at all street intersections and so noted on the subdivision plat. These easements will remain free of all structures, trees, shrubbery, and signs, except utility poles, fire hydrants, and traffic control signs. The location and extent of sight distance easements will be in conformance with the NCDOT requirements for public roads.

4-4.15. *Street names and property addresses.* Streets that are obviously in alignment with existing streets shall generally bear the name of the existing street. Street names shall not duplicate or closely approximate phonetically the names of existing streets in Carteret County. Street suffixes and addresses shall conform to the standards established by the county.

4-4.16. *Street name and traffic control signs.* Street name and traffic control signs that meet the county and NCDOT specifications shall be placed at all public and private street intersections. The developer shall be responsible for installing all street name and traffic control signs. The maintenance of signs on private streets and drives shall be the responsibility of the owner or of an owners' association, as applicable.

4-4.17. *Street construction plans.* Construction plans for all subdivision streets that are proposed for state maintenance shall be submitted to the NCDOT following preliminary plat approval. No public street improvements shall be constructed until street construction plans have been reviewed and approved by the NCDOT.

4-4.18. *Street inspection.* Work performed pursuant to approved street construction plans shall be inspected and approved by the NCDOT.

4-4.19. *Bridges.* (Amended 7-18-11) All bridges shall be constructed in accordance with the standards and specifications of the NCDOT.