

# ARTICLE 8. SUBDIVISION: STREETS, OPEN SPACE, AND UTILITIES



## 8.1. SUBDIVISION DEDICATION

### 8.1.1. Purpose

In order to promote orderly land development patterns, the Town regulates the subdivision of land, the subsequent installation of infrastructure, and other features necessary to ensure adequate provision of public and private services. These regulations help ensure harmonious developments that are connected, attractive, and well-served by infrastructure.

### 8.1.2. Applicability

- A. No land within the Town’s planning jurisdiction shall be subdivided except in accordance with the standards of this UDO.
- B. These standards apply to all development within the Town's planning jurisdiction, unless otherwise expressly exempted by this UDO or state law.
- C. Prior to approval of a final plat for the subdivision of land, the applicant shall have installed improvements required by this UDO or guaranteed their installation.

### 8.1.3. Street Names, Street Markers, and House Numbers

- A. Street names shall be assigned by the developer subject to the approval of the permit-issuing authority.
- B. Proposed streets that are obviously in alignment with existing streets shall be given the same name.
- C. Newly created streets shall be given names that neither duplicate nor are phonetically similar to other streets within Wake County.
- D. The developer shall bear the costs of the fabrication and installation of street markers on all streets within or intersecting the development in accordance with the standards of the Town.
- E. Building numbers shall be assigned by the Town.
- F. All street markers shall be in accordance with the Town of Garner standard street number installation. The use of alternative street markers is subject to the approval of the Town Engineer, and all such markers shall be maintained by the development’s owners or owners’ association.

### 8.1.4. Acceptance of Dedication Offers

- A. The Town Council may accept dedication of public facilities to the Town of Garner by either:

1. Approving a formal resolution; or
  2. Assuming responsibility for management and maintenance of the facility.
- B. Neither preliminary plat nor final plat approval shall constitute acceptance of any public facilities shown on a plat.

#### **8.1.5. Maintenance**

Owners shall be responsible for all facilities and improvements offered for dedication until the appropriate public authority accepts the offer. This may include an extended warranty, inspection, or certification period, depending on the facility.

#### **8.1.6. Performance Guarantees**

- A. Pursuant to G.S. § 160D-804.1, if weather conditions or extenuating circumstances (excluding financial hardship) delay a permit recipient's ability to comply with the requirements of this Ordinance in a reasonable timeframe, the Town of Garner may authorize permit recipients to occupy, use, or sell the property prior to full compliance. To receive authorization, a permit recipient shall furnish all of the following:
1. A performance guarantee equal to 125 percent of the reasonably estimated remaining cost of completing the required improvements at the time the performance guarantee is issued. The Town may determine the amount of the performance guarantee or use a cost estimate determined by the developer. The term performance guarantee means any of the following forms of guarantee:
    - a. Surety bond issued by any company authorized to do business in North Carolina.
    - b. Letter of credit issued by any financial institution licensed to do business in North Carolina.
    - c. Other form of guarantee that provides equivalent security to a surety bond or letter of credit.
  2. Written assurance that all outstanding work shall be completed within 12 months.
- B. If the Town of Garner imposes requirements beyond those established in this Ordinance or the permit recipient offers extra amenities, the Town of Garner may authorize the occupancy, use, or sale of the property prior to completion. To receive authorization, a permit recipient must meet the following requirements:
1. Establish a date or schedule for completion.

2. Fulfill at least one of the following provisions:
  - a. Provide a performance guarantee; and/or
  - b. Agree to an automatic permit expiration date with the Town, at which time the Town will review project progress, and require permit renewal for the outstanding work.
- C. In addition, where the enforcement provisions of this Ordinance sufficiently assure completion, the Town may choose not to require additional protection measures.
- D. In subdivisions where a permit recipient is selling only undeveloped lots, the Planning Director may approve the final plat prior to the fulfillment of all UDO obligations. To receive authorization, the permit recipient must provide a performance guarantee to ensure that outstanding work will be completed within 12 months after final plat approval.

#### **8.1.7. Streets Proposed for NCDOT Dedication**

All streets offered for acceptance by NCDOT shall meet the following requirements:

- A. No more than 25 percent of lots in a subdivision phase under construction shall be permitted prior to the developer's procurement of an encroachment agreement with NCDOT for all utilities.
- B. The Town of Garner shall not issue a building permit for more than 70 percent of the lots in a subdivision phase under construction until NCDOT has accepted the street.
- C. See Section 8.3.6. for sight triangle requirements.

#### **8.1.8. Major or Minor Thoroughfare Dedication**

- A. Proposed public right-of-way shall be dedicated in accordance with the CAMPO Transportation Plan or Garner Transportation Plan, along with construction easements anticipated for full build-out of the final cross-section. The developer shall construct within such right-of-way a street meeting the specifications set forth in this section for a minor collector street. Engineering drawings may be required to determine the extent of public improvements and easements.
- B. Whenever a subdivision or new development fronts along an existing major or minor thoroughfare, the development shall dedicate one-half of the right-of-way required for the appropriate street type and build at least one-half of the recommended cross-section as shown in the CAMPO Transportation Plan or the Garner Transportation Plan unless the subdivision or development does not propose street or driveway access to said thoroughfare. When the total peak hour trip

generation according to the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual does not exceed a total of 50 trips for a project, the permit issuing authority may require only that a deceleration lane without curb-and-gutter construction be installed in lieu of full widening.

#### **8.1.9. As-Built Construction Surveys and Engineer’s Certifications**

Projects involving the construction of infrastructure or stormwater control measures (SCM) shall require as-built surveys and engineer's certification of the improvements. See Town of Garner Engineering Manual for required schedule of certifications.

#### **8.1.10. Protection against Defects**

Where the Town of Garner authorizes occupancy, use, or sale prior to completion of all publicly-dedicated facilities and improvements, the developer shall post a performance guarantee, pursuant to Section 8.1.1., guaranteeing that the developer shall correct any defects appearing within one year of the initial date of occupancy, use, or sale. For details see Town of Garner Engineering Manual.

**Commentary:**  
An as-built survey is a map documenting the finished construction product on a site to demonstrate that the structure has been built according to the approved plans and complies with applicable codes and ordinances.

## 8.2. OPEN SPACE AND RECREATIONAL FACILITIES

### 8.2.1. Purpose

- A. Residential development best promotes the public health, safety, and welfare if a portion of the land remains as common open space for purposes including recreational enjoyment, community character, environmental conservation, and aesthetics.
- B. The regulations in this section seek to benefit the general public by:
  - 1. Preserving open vistas;
  - 2. Providing relief from an urban landscape;
  - 3. Preserving environmentally sensitive lands vulnerable to encroaching development;
  - 4. Preserving wildlife habitats;
  - 5. Preserving historically or archaeologically significant areas; and
  - 6. Providing areas for active and passive recreation.

### 8.2.2. Applicability

- A. For purposes of this section, “open space” refers to an area or areas that meets all of the following requirements:
  - 1. Is not encumbered with any substantial structure;
  - 2. Is not exclusively devoted to use as a roadway, parking area, or sidewalk;
  - 3. Is not part of any privately owned lot that is used or intended for use for residential purposes;
  - 4. If private, is legally and practicably accessible to the residents of the subdivision and/or development it is designed to serve; and
  - 5. If publicly dedicated, is legally and practicably accessible to the general public.
- B. Narrow strips of common area that separate lots within a development from other lots, streets, or adjoining tracts shall generally not be regarded as open space, unless these areas meet one of the following requirements:
  - 1. Are at least 50 feet in width and are capable of functioning as a substantial visual buffer meeting or exceeding the requirements of a Type A buffer as described in Article 10, Lighting and Landscaping.
  - 2. Are configured and improved in ways conducive to actual use for passive recreational purposes (e.g., walking, jogging, gathering, pet exercise) by the residents of the development.

- C. The following areas shall be regarded as open space where such areas satisfy the criteria in this section:
1. Utility easements located outside of street rights-of-way;
  2. Cemeteries located on a tract prior to its development;
  3. Areas used for the growing of crops and under the control of a homeowners association; and
  4. Golf courses as private open space.
- D. The term "primary conservation areas" shall mean any of the following:
1. Areas shown as greenways on the adopted Garner Open Space and Greenways Plan or other applicable policies or plans;
  2. Neuse River buffers; or
  3. Areas containing slopes greater than 25 percent.
- E. The term "secondary conservation areas" shall mean any of the following:
1. Lakes and ponds;
  2. Wetlands as defined pursuant to Section 404 of the Clean Water Act;
  3. Areas containing slopes greater than 15 percent but not more than 25 percent;
  4. Other areas containing unique vistas or unusual natural features (such as major rock formations); or
  5. Other unique areas of documented environmental, historical, or archaeological significance.
- F. Except as otherwise provided herein, every proposed residential land use or development with residential uses shall be developed so that at least 10 percent of the total area of the development remains permanently as open space.
1. Smaller developments may need less open space. Therefore, developments of less than one acre shall be exempt from the open space provisions of this section.
  2. For purposes of this section, the term "development" refers to the entire project developed on a single tract or multiple, contiguous tracts under common ownership or control, regardless of whether the development is phased or subdivided.
- G. If a tract where a residential land use or residentially zoned development is proposed and contains any areas defined above as primary or secondary conservation areas, then such areas shall be designated as open space, subject to the following:

1. In no case shall the developer be required to set aside more than the minimum required percentage of open space specified herein;
  2. If the tract contains primary or secondary conservation areas, then the specific areas to be set aside as open space shall be determined by the permit issuing authority, with priority given to primary conservation areas over secondary conservation areas; and
  3. If the total of primary and secondary conservation areas on a development tract is less than the minimum required percentage of open space specified, then the choice of additional open space areas to be set aside to satisfy this minimum percentage shall remain with the developer, provided the location is acceptable to the permit-issuing authority.
- H. Notwithstanding the other provisions of this section, where a developer agrees to dedicate land to the Town that is intended to be used by the Town for open space purposes such dedication shall be credited to the developer in satisfaction of the open space requirements.

### 8.2.3. Private Open Space Structure

Provided private open space shall meet the following requirements for passive and active space:

- A. Required tree preservation and/or conservation buffers area may account for up to 30 percent of a development's required open space and shall be considered passive open space.
- B. Passive Open Space  
Up to 75 percent of the required open space shall be provided for passive recreation purposes such as walking, jogging, relaxation, etc. Preservation of cultural or natural resources such as steep slopes, rock outcroppings, mature woodlands, or water resources may also be counted towards passive recreation provided there is access for the public to these resources.
- C. Active Space  
At least 25 percent of the required open space shall be provided as improved park space. Improved park space must be primarily grassed and properly maintained, and contain the minimum amenities described below. Additionally, one-third of the required active space must be completely designed for active recreation purposes such as playgrounds, tennis courts, ball fields, volleyball courts, etc. Constructed private multi-use paths (paved and 8 feet wide) which could reasonably connect to a planned public greenway

Commentary:  
The Town of Garner encourages the practice of using tree preservation and conversation buffers to count toward required open space.

shown in an adopted plan, while passive in nature, shall be credited as active recreational open space for an area equivalent to a 20-foot corridor along the path. Indoor recreational facilities, including but not limited to indoor pools and fitness centers, as well as permitted rooftop amenities may also count towards active space requirements.

D. Supplemental active space requirements include:

1. Public Seating

Provide seating areas appropriate to the intended use of the space (e.g., park benches and durable theft/vandalism-resistant chairs in formal/active spaces and garden wall seats in informal spaces). Seating must be provided at a minimum rate of one seating area per 10,000 square feet.

2. Tree Requirement

A minimum of one tree (two-inch caliper minimum) or one preserved existing canopy tree a minimum of 12 inches DBH for every 2,500 square feet of required park space.

3. Trash Receptacles

Garbage receptacles and recycling receptacles shall be required for each park space at a minimum rate of one per 20,000 square feet of space. Receptacles shall use a metal, decorative design and shall be placed in close proximity to gathering spaces. Park spaces less than 10,000 square feet, where no more than two public seating areas are provided, are exempt from this requirement.

4. Bicycle Parking

At least two bicycle parking spaces shall be required for every one-quarter acre of park space (minimum 0.25 acre).

5. Paved Walkways

All park spaces shall incorporate hard-surface (non-gravel), 6-foot-wide walkways into the overall design so that they are accessible from adjacent sidewalks, streets, and parkings areas.

#### **8.2.4. Private Ownership and Maintenance**

- A. Private recreational facilities or open space shall remain under the ownership and control of the developer, their successor, or a homeowners' association or similar organization.
- B. Recreational facilities and open space shall be available to all residents of the development. The responsible party shall establish reasonable rules and regulations to govern the use of facilities and open space by the residents. There shall be no separate fees or



optional fees for use, other than homeowners' association membership fees.

- C. Persons not residing in the development may be allowed access to the facilities and open space on a limited basis, as long as this practice does not render the facility or open space a principal use. Access fees may be instituted.
- D. Maintenance of the facilities and open space shall be the owner's responsibility.
- E. Homeowners' associations or similar legal entities responsible for the maintenance and control of common areas shall be established as follows:
  - 1. The association or similar legal entity shall be established prior to the sale or occupancy of any lot or building in the development.
  - 2. The association or similar legal entity shall have the authority to compel residents to contribute funds to cover their shares of costs associated with the maintenance and upkeep.
  - 3. The association shall establish a capital fund for the maintenance and upkeep of common areas and devise a funding method to spread maintenance and upkeep costs to the residents over a number of years.

#### **8.2.5. Public Park Land Dedication and Fee-in-lieu Requirements**

- A. Purpose
  - 1. New residential land use or residentially zoned development increases demand for Town park and recreation facilities and leads to the need for new facilities and facility expansion.
  - 2. This demand is directly related to the number of persons expected to reside in a new development and the availability of private amenities in the new development.
  - 3. It is appropriate for new developments to contribute to the cost of new facilities and expansions in a manner roughly proportional to the need generated by new developments through public dedication of land or by payment of fees-in-lieu.
- B. Use of Fees
  - 1. The Town Council hereby establishes a park and recreational facilities capital improvement fund that is distinct from the Town's general fund to accumulate the fees generated by this Section.
  - 2. The park and recreational facilities capital improvement fund shall contain only those funds collected pursuant to this Section and any interest which may accrue.

3. The capital improvement fund monies shall be used solely for acquisition of park land or for construction of new recreational facilities in areas benefiting the residents of the contributing development. The Town Council may grant a credit against required fee-in-lieu of parkland dedication if a developer constructs and dedicates public recreation facilities as part of an approved residential development, provided such facilities comply with the standards of this Ordinance.
4. The Town Council may establish more than one fund and divide the Town into districts served by separate funds.

#### **8.2.6. Dedication or Fee-in-lieu**

The procedure for determining if a subdivider is to dedicate park land or pay a fee in-lieu of dedication shall be as follows:

##### **A. Subdivider**

With the subdivision plan submittal, the subdivider shall indicate whether the subdivider desires to dedicate park land or pay a fee-in-lieu. If proposing to dedicate park land, the subdivider shall indicate all areas proposed for dedication on the subdivision plan.

##### **B. Action of Town**

Regardless of subdivider desire, the Parks, Recreation and Cultural Resources Advisory Committee (PRCRAC), during subdivision plan review, shall make a recommendation regarding dedication, acceptance of fee-in-lieu or combination thereof. Should the subdivider and PRCRAC be in disagreement, and the subdivision is not otherwise required to be approved by Special Use Permit, the preliminary subdivision plan shall be elevated to the Town Council as such and subject to the review process of Section 4.7.4.: Special Use Permit.

- C. Where required, parties responsible for residential developments shall pay a fee-in-lieu to the Town in an amount equal to that amount indicated in the Town's fee schedule, to be calculated and collected at the time of building permit issuance.

### 8.2.7. Public Park Land Dedication

#### A. Amount

The amount of any requisite public dedicated park land shall be as follows:

| Housing Type           | Acres/Unit |
|------------------------|------------|
| Single-family detached | 0.0354     |
| All other residential  | 0.0287     |

#### B. Review

The PRCRAC shall have the opportunity to review the proposed public park land dedication and make recommendations regarding consistency with adopted Town plans and acceptability as an alternative to fee-in-lieu as outlined in Section 8.2.6.

#### C. Standards

All park land proposed for dedication to the public shall meet the following criteria:

##### 1. Unity

The dedicated park land shall be comprised of a single parcel of land unless the Town Council finds that two parcels or more would better serve the public welfare. Where two or more parcels exist, any connecting path or strip of land shall not be less than 50 feet in width.

##### 2. Shape

The shape of the dedicated parcel of land shall be sufficient for recreational activities.

##### 3. Location

The dedicated park land shall be located in a manner that reasonably serves the needs of the development and surrounding area.

##### 4. Access

Public access to the dedicated park land shall be provided either by adjoining street frontage or public easement at least 30 feet in width.

##### 5. Topography

Slope on areas dedicated for parks shall not exceed five percent.

##### 6. Utility

a. The dedicated land shall be suitable for active recreation or suitable for future improvements not exceeding the amount

of the fee-in-lieu.

- b. When the dedicated land exceeds one acre in size, at least 10 percent of the land shall be dedicated to active recreation, which includes playgrounds, sport courts, disc golf, and similar facilities.
- c. Dog parks do not count as active recreation.

7. Consistency with Adopted Plans

The dedicated park land shall comply with all officially adopted Town plans and policies.

**8.2.8. Prerequisites for Approval of Final Plats**

- A. When park land dedication is required, the dedication shall be delineated on the final subdivision plat.
- B. When a fee-in-lieu is required, the applicant shall furnish the funds, and the Town shall deposit the funds prior to the issuance of each building permit.
- C. Covenants for private open space areas shall be submitted to the Town Attorney prior to final subdivision plat approval and shall be recorded with the final subdivision plat.

## **8.3. STREETS**

### **8.3.1. Street Classification**

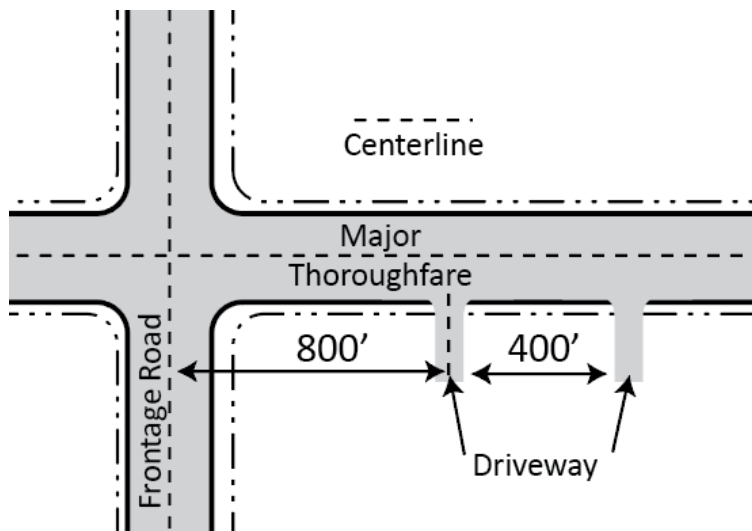
- A. In all new subdivisions, streets that are dedicated to public use shall be classified according to the Town of Garner Engineering Manual’s Section 1.2.: Street Classifications/Types, generally as follows:
  - 1. Street classification shall be determined by projected traffic volume, number of trips per day, or number of peak hour trips.
  - 2. Calculations may incorporate the proposed number of dwelling units to be served by the street, but this alone will not determine the projected traffic volume.
  - 3. If a proposed-subdivision street continues an existing street or is anticipated to continue beyond the subdivision in the future, the classification of the street will be based upon the street in its entirety within and outside of the subdivision.
- B. Street Classification/Types Defined  
See Section 1.2. of the Town of Garner Engineering Manual.

### **8.3.2. Access and Driveway Standards**

- A. In General
  - 1. Access refers to vehicular entrances to a property. Frontage refers to the portion of the lot line that runs along a public right-of-way.
  - 2. Every lot shall have either direct or indirect access to a public street.
    - a. Direct Access  
A lot has direct access to a public street if a sufficient portion of a boundary of the lot abuts the public street right-of-way so that an access, as defined herein, can be established.
    - b. Indirect Access  
A lot has indirect access if it connects to a public street by means of one or more private drives that are of sufficient size to meet the criteria for a public access easement. A sufficient portion of a boundary is 20 feet; however, this is a presumptive standard, and greater or lesser frontage may be necessary to meet the criteria of specified in subsection B. below and the entirety of this Ordinance.

3. Access must provide a reasonable means of ingress and egress for emergency vehicles and anyone likely to need access to the property for its intended use.
  4. Driveways must meet fire code access standards, including utility uses such as cell towers.
- B. Access to Major and Minor Thoroughfares
1. Where subdivisions contain an existing or proposed street bordering on an existing or proposed major or minor thoroughfare, direct driveway access shall not be provided from lots within the subdivision onto the existing or proposed thoroughfare.
  2. When a lot or development borders on or contains an existing or proposed major or minor thoroughfare, as delineated by the Transportation Plan, access to the thoroughfare may be limited by one of the following means:
    - a. Driveway access between the lot and the major or minor thoroughfare shall not be located closer than 400 feet to the nearest centerline of any other proposed or existing driveway access along the same side of the thoroughfare.
    - b. Lots shall be subdivided to provide access onto a frontage road. The centerline of the frontage road where it intersects the major thoroughfare shall be no closer than 800 feet to the centerline of the nearest proposed or existing driveway access or road.

*Major/Minor Thoroughfare Access (typical)*



- c. Approval of driveway access between a lot and the major or minor thoroughfare at an interval less than those specified herein may be granted only by review and recommendation of the Town Engineer and/or the Division

of Highways of the NCDOT as applicable.

- d. Driveway access closure may be required for any change in use of a lot based upon review and recommendation of the Town Engineer and/or the Division of Highways of the North Carolina Department of Transportation as applicable.
  - e. Road widening and right-of-way dedication shall be required to be consistent with the recommendations of the adopted plans.
  - f. Notwithstanding any other provisions of this section, the driveway access provisions shall not be applicable to any subdivision lot where either:
    - i. The effect of such application would be to deprive the lot of reasonable access.
    - ii. The size of the tract being subdivided, or lack of frontage on the thoroughfare makes the alternatives above not feasible.
3. No building permit shall be issued until submitted site development plans have met the major and minor thoroughfare access requirements of this Ordinance and have been approved.
  4. No certificate of compliance may be issued until the major and minor thoroughfare access requirements of this Ordinance have been met.

### 8.3.3. Layout and Coordination

#### A. Layout

1. Cul-de-sac streets shall be laid out only in limited instances where they are required to provide access to land which cannot be served by a loop or other street design solution.
2. Traffic calming measures, including improved street network design and other technical solutions such as traffic circles and other natural calming measures, may be used to limit cut-through traffic if approved by the Town Engineer and Fire Code Official. See Garner Traffic Calming Program.
3. To the extent practical, driveway access to collector streets shall be minimized to facilitate the free flow of traffic and avoid traffic hazards.
4. Half streets (i.e., streets of less than the full required right-of-way and pavement width) shall not be permitted on streets that do not have medians.

- a. Half streets having a minimum right-of-way or easement width of one-half of the required design width may be permitted when placed adjacent to adjoining property so long as there is no physical obstruction or development constraint prohibiting the completion of the road on such adjoining property; and provided further, that no more than five actual parcels or units may be served by a half-width public street.
  - b. Half streets shall not be permitted as the primary access to a development.
  - c. Collector and arterial half-streets must be flared at all arterial street intersections to provide one lane in each direction and a left-turn lane. The in-bound lane on a half-street, at an arterial or collector street intersections should be a minimum of 18 feet in width.
  - d. A culvert provided in conjunction with half-street construction must extend beyond the edge of the traveled way a minimum of 10 feet into the area where the other half of the street will be constructed in the future. The 10-foot distance is measured perpendicular to the street alignment. The culvert capacity, flow line slope, and alignment must be based upon the ultimate design requirements for the culvert if it were to be built under the full cross-section where it could be considerably longer.
5. Streets shall intersect as nearly as possible at right angles, and no two streets may intersect at an angle of less than 80 degrees. Not more than two streets shall intersect at any one point, unless the permit-issuing authority concludes, based on engineering review, that such an intersection can be constructed with no extraordinary danger to public safety.
  6. Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. Where a centerline offset (jog) is unavoidable at an intersection, the distance between centerlines of the intersecting streets shall be not less than 150 feet unless the Town Engineer concludes that a shorter distance will not adversely affect public safety.
  7. No two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline of the intersecting street. When the intersected street is a major thoroughfare, the distance between intersecting streets shall be at least 1,000 feet wherever practicable.

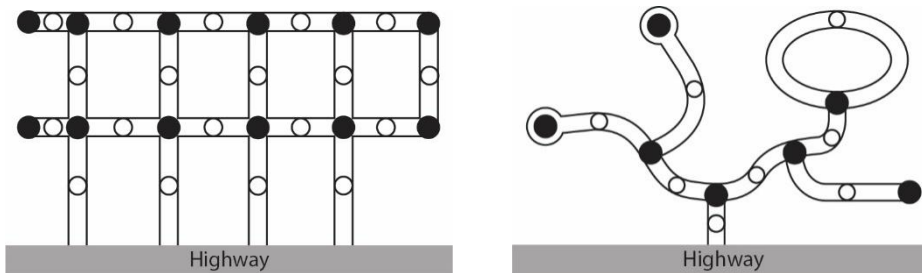


8. If uncertainty exists, the Town shall be the final authority in the determination of street design.

B. Connectivity Index

1. A connectivity index shall be used to determine the street layout adequacy. The connectivity index shall be calculated as the ratio of street links to street nodes.
2. For purposes of this Section, the following definitions shall apply:
  - a. Links are defined as road sections between intersections, street stub-outs, and cul-de-sac heads.
  - b. Nodes are defined as intersections and cul-de-sac heads.

*Connectivity Index*



- Nodes
- Links

*The graphic above illustrates a high-connectivity grid (left) with a connectivity index of approximately 1.6 and a low-connectivity curvilinear layout (right) of approximately 1.1. A perfect grid network has a connectivity index of 2.0.*

3. Developments shall be required to achieve the following minimum connectivity indices based on their zoning district classifications.

| District                            | RA, R2, RMH, I-2 | NC, MF-1, R4, I-1 | CMU, TBD, MF-2, R8 | AC  |
|-------------------------------------|------------------|-------------------|--------------------|-----|
| Minimum Connectivity Index required | 1.2              | 1.3               | 1.4                | 1.5 |

4. Administrative Modifications

- a. If more than 60 percent of any side of a development faces impracticalities for connectivity to adjacent properties due to the presence of controlled-access highways, railroad rights-of-way, water bodies or wetlands (not including riparian buffers) greater than 30 feet wide, or existing developments that have not provided appropriate stubouts; the Planning Director may reduce the required

minimum connectivity index by 0.1.

- b. If the development provides pedestrian greenway links between two or more cul-de-sacs or between cul-de-sacs and other streets in the development, the Planning Director may reduce the required minimum connectivity index by 0.05 for each pedestrian green way link.

#### 8.3.4. Coordination with Surrounding Streets

##### A. Purpose and Intent

1. The street system of a subdivision shall be coordinated with existing, proposed, and anticipated streets outside the subdivision (surrounding streets) as provided in this section.
2. Collector streets shall intersect with surrounding collector or thoroughfare streets at safe and convenient locations, per the Town's Engineering Manual.

##### B. Construction Standards and Specifications

1. Construction standards and specifications shall be determined by the Town Engineer. The geometric layout of all streets shall meet or exceed NCDOT requirements.
2. In order to accommodate emergency and service vehicles, the following standards shall apply:
  - a. Any subdivision of greater than 75 lots shall include at least two points of access to the collector and thoroughfare network via public or private rights-of-way improved to public street standards.
  - b. No more than 75 certificates of occupancy may be issued within the subdivision until the required secondary access has been constructed or bonded for construction.
  - c. Subdivisions of 200 or more lots shall provide three separate points of access. Where three or more points of access are required, the Town Engineer may waive the requirement for immediate construction of more than two points of access, provided that subdivision phasing and design illustrates the additional required connections, or that temporary emergency access is provided until the additional connections are constructed.
  - d. An additional point of access is required for every 200 lots after the first 200. Notwithstanding other requirements of this section, no more than half may be stub-outs intended for future connection.
  - e. For those subdivisions large enough to require more than

two points of access, a stub-out street may be credited as a required access if the two functioning access roads are both connected to a collector road or a higher classification.

- f. Extension of and connection to stub-out streets on adjacent tracts is required unless otherwise exempted by adopted Town policy. This includes expected connection beyond the immediate property line and directly adjacent parcels.
  - g. With approval from the Town of Garner Fire Official, access points on private drives may be gated.
  - h. A temporary modification of these standards is allowed during approval of the preliminary subdivision plat or site plan only in extreme cases where limited frontage, natural features (slope, topography), or similar circumstances preclude the required connections and there is no substantial impact noted regarding emergency service delivery (as determined by the emergency services providers). At such point in the future where this temporary modification can be rectified, it shall be. To that purpose, if temporary modification requires a stub street connection or other connection to be completed at a future date, the applicant shall provide fee-in-lieu for their portion of the improvement, as determined by an engineer's estimate, reviewed by the Town Engineer.
3. Local residential streets shall connect with surrounding streets where necessary to permit the convenient movement of traffic, or to facilitate access to neighborhoods by emergency service vehicles or for other sufficient reasons.
  4. Whenever connections to anticipated or proposed surrounding streets are required by this section, the right-of-way shall be extended and the street constructed to the property line of the subdivided property or to the edge of the remaining undeveloped portion of a single tract, including any adjacent open space, at the point where the connection to the anticipated or proposed street is expected.
    - a. The permit-issuing authority may also require temporary turn-arounds to be constructed at the end of such streets pending their extension when such turn-arounds appear necessary to facilitate the flow of traffic or accommodate emergency or service vehicles.
    - b. A sign at the end of the street stub describing the street extension and Type III barriers may be required by the

Commentary:  
Connections shall be designed to avoid the use of such streets by substantial through traffic.

Town Engineer. See typical in the Town’s Street and Stormwater Design Manual.

5. Notwithstanding the other provisions of this subsection, no temporary dead-end street in excess of 1,000 feet may be created.

C. Industrial Subdivision

The street system of the industrial subdivision shall be designed to connect into existing, proposed, or anticipated streets outside the subdivision. In cases where the connections to an anticipated or proposed surrounding street are required, but the streets are not designated for immediate construction, then the right-of-way shall be extended to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of the tract) at the point where the connection to the anticipated or proposed street is expected. In lieu of the actual construction of the connection street, the Planning Director may require temporary turn-arounds to be constructed at a location which facilitates the flow of traffic inside the subdivision and accommodates emergency and service vehicles. No temporary dead-end streets in excess of 1,000 feet may be created unless no other practical alternative is available.

D. Local Streets

1. Local streets shall be designed to provide parking unless an alley is provided. See Town’s Engineering Manual.
2. Streets in the following districts shall adhere to the following block length maximums. These maximum block lengths refer to the length of the street segment that the majority of lots front on.

| Zoning District | Block Length Maximum (aka Max. Distance From or Between Intersection) |
|-----------------|---|
| I-2             | 1,500 feet  |
| I-1, RMH, RA    | 1,000 feet  |
| NC, R2          | 800 feet  |
| R4              | 600 feet  |
| CMU, R8, TBD    | 500 feet  |
| AC              | 400 feet  |

**8.3.5. Cul-de-sac Streets**

- A. All permanent dead-end streets shall be developed as cul-de-sac in accordance with the standards set forth in the table below.

- B. The permit-issuing authority may require a pedestrian or bikeway connection through a cul-de-sac when the cul-de-sac helps provide a connection to a pedestrian traffic generator such as a school, public park or open space, library or recreation facility, a shopping center, office, or governmental facility.
- C. Pedestrian walkways may be used to meet block standards in the AC district. Such walkways must be at least 30 feet wide and conform to pedestrian lighting requirements.
- D. Cul-de-sac requirements are set forth in the following table. The permit-issuing authority may allow cul-de-sac lengths in residential developments to exceed the maximum length allowable, when there is no other practical alternative available due to steep slopes or other environmental restrictions (floodplains, buffer areas, etc.). In no case shall the length exceed 500 feet.
- E. Cul-de-sacs or streets with only one entrance shall not serve more than 100 dwelling units.

| Type Subdivision                 | Type Street   | Max. Length Cul-de-Sac | R/W Width Turn-Around | Pavement Width      | Curb Type                |
|----------------------------------|---------------|------------------------|-----------------------|---------------------|--------------------------|
| Industrial                       | Curb & Gutter | 500 ft.                | 100 ft.               | 80 ft. back to back | 90 degrees               |
|                                  | Ditch Section |                        | 120 ft.               |                     | 8 ft. shoulders & swales |
| Conventional                     | Curb & Gutter | 200 ft.                | 100 ft.               | 80 ft. back to back | 90 degrees               |
|                                  | Ditch Section |                        | 120 ft.               |                     | 8 ft. shoulders & swales |
| Lake Benson Conservation Overlay | Curb & Gutter | 200 ft.                | 100 ft.               | 80 ft. back to back | 8 ft. shoulders & swales |
|                                  | Ditch Section |                        | 120 ft.               |                     |                          |

**8.3.6. Street Construction Details**

- A. Right-of-way standards can be found in the Town of Garner Engineering Manual.
- B. Access Easment Standards
  - A recorded access easement option is available for existing landlocked lots only. Easement design standards can be found in the Town of Garner Engineering Manual.
- C. Curb-and-gutter
  - 1. All public streets within the Town or its ETJ shall be constructed with curb-and-gutter section as provided for in this Ordinance and the Town of Garner Engineering Manual.

2. The Town Council may allow non-curb-and-gutter street construction in single-family residential projects developed at rural densities of one dwelling unit per acre or greater without the provision of sidewalks or in non-residential projects under the conditions outlined in the Town of Garner Engineering Manual.

D. Sight Triangles

1. Sight triangles must be established at intersections per the Town of Garner Engineering Manual.
2. These sight triangles shall be kept clear of any such visual obstructions between 2.5 feet and 10 feet in height and are limited to one canopy tree within the triangle.

### 8.3.7. Sidewalks

- A. The developer of any subdivision with frontage on any street identified as meeting the criteria set in this Section shall provide for the construction of public sidewalks in accordance with the Town standards across the entirety of such frontages. Fee-in-lieu may be substituted for actual construction. Subdivision exemptions are excluded from this requirement.
- B. Sidewalk criteria can be found in the Town of Garner Engineering Manual.
- C. Fee-in-lieu of Sidewalk Construction

For streets requiring sidewalks, the developer may propose to pay a fee-in-lieu of sidewalk construction, per Town Charter Section 6.7, if a particular street frontage qualifies under one or more of the following:

1. Extenuating circumstances, documented by the developer and mutually acceptable to the Town which makes sidewalk construction along a particular frontage impractical or unreasonable at the time of the development's construction;
2. A capital improvements program schedule that calls for the installation of sidewalk improvements by the Town along a particular frontage; or
3. The Town Council has made a decision that sidewalks are only to be provided along the opposite side of the street. Such fees shall be held by the Town in a restricted sidewalk construction account.

D. Existing Sidewalks

Where the sidewalk which a developer would otherwise be required to construct, or pay a fee-in-lieu of constructing pursuant

to other sections in this UDO, has previously been constructed by the Town, the permitting authority shall determine during site plan review whether the developer's compliance with this subsection shall be accomplished by a re-design and reconstruction of said sidewalk, or by the payment of a fee-in-lieu in accordance with the then current Town schedule of fees.

### **8.3.8. Road and Sidewalk Requirements in Unsubdivided Developments**

Within unsubdivided developments, all private roads and access ways shall be designed and constructed to facilitate the safe and convenient movement of vehicular and pedestrian traffic. See Town of Garner Engineering Manual for additional requirements. Where the Manual does not specify, the following may be relied upon:

- A. Whenever a development fronts along an existing major or minor thoroughfare, the development shall dedicate half of the right-of-way required for the appropriate street type and build at least half of the recommended cross-section as shown in the CAMPO Transportation Plan or the Garner Transportation Plan unless the development does not possess street or driveway access to said thoroughfare.
- B. The developer of any land in a location which meets the criteria established in this section shall provide for the construction of sidewalks or, pay a fee in lieu of construction, in accordance with Town standards across the entirety of such frontages and along any new streets within the development. The residential development of one duplex or single-family dwelling on an existing lot is excluded from this requirement, unless sidewalks abut the property line, in which case, sidewalks shall be required.
- C. In all unsubdivided multifamily residential developments, private walkways shall be provided linking dwelling units with other dwelling units with the public street frontage and with on-site activity centers such as parking areas, laundry facilities, and recreational areas and facilities. Such walkways shall not be required for developments of 25 or fewer units in which all units have direct access to an interior private drive or public street.
- D. Whenever the permit-issuing authority finds that a means of pedestrian access is necessary from an unsubdivided development to schools, parks, play-grounds, or other facilities or roads and that such access is not conveniently provided by sidewalks adjacent to the roads, the developer shall be required to provide an unobstructed easement of at least 10 feet to provide such access.

### 8.3.9. Exceptions to Street Standards

In age-restricted developments (age 55 and older communities), roll curb is permitted.

### 8.3.10. Private Drives and Rights-of-Way

- A. Except as provided below, all streets in subdivisions shall be constructed according to Town of Garner public street standards and shall be offered as a public street dedication to the Town. Unless the recorded plat of a subdivision clearly indicates a street to be private, the recording of such plat shall constitute an offer of dedication of such streets.
- B. Vehicle access paths built within an access easement shall be considered private drives.
- C. A private drive may be used to serve three or fewer lots in a new subdivision. A private street serving greater than three lots shall be built within a private right-of-way in accordance with public street standards. The Town shall have the discretion to require a public street connection for safety or access purposes.
- D. No final plat that shows lots served by private drives may be recorded unless the final plat contains the following notation:
  - “Further subdivision of any lot shown on this plat as served by a private drive may be prohibited by the Town of Garner UDO.”
- E. The recorded plat of any subdivision that includes a private drive or right-of-way shall clearly state that such drive or right-of-way is a private street. Further, the initial purchasers of a newly-created lot served by a private drive or right-of-way shall be furnished by the seller with a disclosure statement outlining the maintenance responsibilities for the drive or right-of-way, in accordance with the requirements set forth in G.S. § 136-102.6. The intention of this subsection is to afford the same protection to purchasers of lots on private drives or rights-of-way within the Town as is provided to purchasers of lots outside the Town by G.S. § 136-102.6.
- F. Where private drives or rights-of-way are later made public through dedication to the Town, such facilities shall be brought up to public standards, including maintenance, prior to their acceptance by the Town.

### 8.3.11. Fee-in-lieu of Street Construction

In lieu of required street construction, a developer may be required to provide funds that the Town will use solely for the construction of roads to serve the occupants, residents, or invitees of the subdivision or development



and these funds may be used for roads which serve more than one subdivision or development within the area. “Required street construction” as used in this section means either street construction required by existing provisions of the UDO or improvements required by a TIA where a consensus between the developer, the developer’s traffic consultant, and the Town Planning Department that said improvements are necessary to mitigate adverse traffic conditions resulting from the proposed development as reflected in a development agreement.

A. Capital Fund

The Town will establish a capital fund or funds dedicated to roadway improvements. All monies in said capital fund or funds shall be used only for the development of roads, including design, land acquisition, and construction, which serve the occupants, residents, or invitees of the subdivision or development being created by the entity providing the funds and/or for roads in the vicinity which serve more than one subdivision or development within the area.

1. All monies received by the Town pursuant to this subsection shall be deposited in the capital fund created herein.
2. All monies to be paid into the aforesaid capital fund shall be paid prior to issuance of building permits relating to the proposed development.
3. The Town may require a combination of partial payment of money and partial dedication of constructed streets when the Town Council determines that a combination is in the best interests of the citizens of the area to be served.

B. Fee Amount Determination

The amount of any fee-in-lieu shall be determined as follows:

1. The amount of any fee-in-lieu of completing roadway construction otherwise required by existing provisions of the UDO shall be established as a condition in the applicable permit. The developer shall initially provide an engineering estimate for staff review and discussion with the developer.
2. Such engineering estimates shall at a minimum reflect the consideration of design and permitting costs, land acquisition costs, and construction costs.
3. The amount of any fee-in-lieu established in a Development Agreement shall be in an amount resulting from consensus involving the developer, the developer’s traffic and other consultants, and the Town Engineering and Planning departments, and shall be reflected by an executed Development Agreement between the developer and the

Town.

4. Any formula which may be adopted in a future ordinance to determine the amount of funds the developer should pay in lieu of required street construction shall be based on the trips generated from the subdivision or development.

C. Use of Capital Funds

The Town may undertake such design, land acquisition, and construction by itself or in conjunction with the NCDOT.

## **8.4. UTILITIES**

### **8.4.1. Utility Ownership and Easement Rights**

In any case in which a developer installs or causes the installation of water, sewer, electric power, telephone, internet, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

### **8.4.2. Public Utility Easements**

- A. All public utility easements shall meet the requirements of the City of Raleigh as set forth in the Raleigh Water Public Utilities Handbook.
- B. The City of Raleigh may allow deviations from the standards outlined above that may be less or more restrictive whenever it finds that such deviations are more likely to satisfy the public utility needs of the Town of Garner.

### **8.4.3. Lots Served by Publicly-Owned Water and Sewer Lines**

- A. Whenever a property is developed that is located within 300 feet of a publicly owned water or sewer line it shall provide a connection to such lines where legally possible through existing or new public utility easements.
- B. Water or sewer service shall not be provided to any property outside of the municipal limits of the Town, except upon condition that the property owners immediately petition for and obtain annexation of the property into the municipal limits of the Town. Any exceptions shall be at the discretion of the Town Council and the utility provider and shall be subject to higher utility rates.
- C. Connection is not legally possible if it is necessary to run the connecting line over property not owned by the owner of the property to be served by the connection, and after diligent effort, the easement necessary to run the connecting line cannot reasonably be obtained.
- D. A lot is served by public water or sewer system if connection is required by this section.
- E. No requirements or provisions of this section are intended to supersede the requirements for utility extensions for a new development as provided for in the Town of Garner Utility Extension Policy.

#### **8.4.4. Certification Required Prior to Certificate of Occupancy**

The developer shall provide a professional engineer's certification to determine that the water and/or sewer system has been constructed according to plans and specifications approved by the Town or utility provider prior to receipt of any certificate of occupancy.

#### **8.4.5. Sewage Disposal Facilities**

Every principal use and every lot within a subdivision or development shall be served by a sewage disposal system that:

- A. Is adequate to accommodate the reasonable needs of such use or lot; and
- B. Complies with applicable health regulations.

#### **8.4.6. Determining Compliance**

- A. The primary responsibility for determining compliance with the applicable utility standards often lies with agencies other than the Town, and the developer must comply with the standards and specifications of such applicable agencies. These agencies are listed in the subsection below. Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed sewage disposal system, the Town may rely upon a preliminary review by such agency of the basic design elements of the proposed sewage disposal system to determine compliance with the standards below; however, construction of such system may not be commenced until the detailed plans and specifications provided in this ordinance have been reviewed and any appropriate permits issued or approvals given by such agency.
- B. In the following table, the column on the left describes the type of development and the column on the right indicates the agency that must certify to the permit-issuing authority whether the proposed sewage disposal system complies with the standard set forth above.

| Type of Development  | Permit-Issuing Authority Action  |
|--|--|
| <p>(1) The use is located on a lot that is served by the public sewer system or a previously approved, privately owned package treatment plant, and the use can be served by a simple connection to the system (as in the case of a single-family dwelling) rather than the construction of an internal collection system (as in the case of a shopping center or multi-family development.)</p>   | <p>No further certification is necessary.</p>  |
| <p>(2) The development or use (other than a subdivision) is located on a lot that is served by the public sewer system but service to the development or use necessitates construction of an internal collection system (as in the case of a shopping center or multi-family development), and the internal collection system is to be transferred to and maintained by the public utility provider. The internal collection system is to be privately maintained.</p> | <p>The Town Engineer must determine that the proposed collection system is adequate and conforms to the Town of Garner Utility Extension Policy.</p>   |
| <p>(3) The development or use (other than a subdivision) is not served by the public system, but is to be served by a privately operated sewage treatment system (that has not previously been approved) with 3,000 gallons or less design capacity, effluent from which does not discharge into surface waters.</p>   | <p>The applicable Wake County Departments must certify to the Town that the proposed system complies with all applicable state regulations. If the proposed use is a single-family dwelling other than a manufactured or mobile home, the developer must present to the Town a certificate of completion from the applicable Wake County Department.</p> |
| <p>(4) The development or use (other than a subdivision) is to be served by a privately operated sewage treatment system (not previously approved) that has a design capacity of more than 3,000 gallons or that discharges effluent into surface waters.</p>  | <p>The City of Raleigh must certify to the Town that the proposed system complies with all applicable state regulations. A "Permit to Construct" and a "Permit to Discharge" must be obtained from the City of Raleigh. The Town Engineer must also approve the system for future addition to the public system.</p>                                     |
| <p>(5)(a) The proposed development is a subdivision, and lots within the subdivision are to be served by simple connection to existing public lines or lines of a previously approved private water supply system.</p>   | <p>No further certification is necessary.</p>  |
| <p>(5)(b) Lots within the subdivision are to be served by the public system, but the developer will be responsible for installing the necessary additions to the public system.</p>  | <p>The Town Engineer must determine that the proposed collection system is adequate and conforms to the Town of Garner Utility Extension Policy.</p>   |

| Type of Development  | Permit-Issuing Authority Action  |
|--|--|
| (5)(c) Lots within the subdivision are to be served by a sewage treatment system that has not been approved that has a capacity of 3,000 gallons or less, and that does not discharge into surface waters.                           | The applicable Wake County Departments must certify that the proposed system complies with applicable state and local health regulations. If each lot within the subdivision is to be served by a separate on-site disposal system, the applicable Wake County Departments must certify that each lot shown on a major subdivision preliminary plat can be properly served, and each lot on a major or minor subdivision final plat can be served by an on-site disposal system. |
| (5)(d) Lots within the subdivision are to be served by a privately operated sewage treatment system (not previously approved) that has a design capacity in excess of 3,000 gallons or that discharges effluent into surface waters. | The City of Raleigh must certify that proposed system complies with all applicable state regulations. A permit to Discharge must be obtained from the City of Raleigh. The Town Engineer must also approve the system for future addition to the Town system   |

**8.4.7. Water Supply**

Water supply system required. Every principal development or use and every lot within a subdivision shall be served by a water supply system that:

- A. Is adequate to accommodate the reasonable needs of such development, use or lot; and
- B. Complies with all applicable local, county, and state health regulations.

**8.4.8. Determining Compliance**

- A. The primary responsibility for determining compliance with the applicable utility standards above, often lies with agencies other than the Town, and the developer must comply with the standards and specifications of such applicable agencies. These agencies are listed in the table below. Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed water supply system, the Town may rely upon a preliminary review by such agency of the basic design elements of the proposed water supply system to determine compliance. However, construction of such system may not be commenced until the detailed plans and specifications provided in this ordinance have been reviewed and any appropriate permits issued by such agency.
- B. In the following table, the column on the left describes the type of development and the column on the right indicates the agency that must certify to the Town whether the proposed water supply system complies with the standard set forth above.

| Type of Development   | Permit-Issuing Authority Action   |
|---|---|
| (1) The development or use is located on a lot that is served by the public water system or a previously approved, privately owned water system and the use can be served by a simple connection to the system (as in the case of a single-family dwelling unit) rather than the construction of an internal distribution system (as in the case of a shopping center or apartment complex).          | No further certification is necessary.  |
| (2) The development or use (other than a subdivision) is located on a lot that is served by the public water system but service to the development or use necessitates construction of an internal distribution system (as in the case of a shopping center or multi-family development); and the internal distribution system is to be transferred to and maintained by the public utility provider. | The Town Engineer must determine that the proposed collection system is adequate and conforms to the Town of Garner Utility Extension Policy.   |
| (2)(a) The internal distribution system is to be privately maintained.  | The Town Engineer must certify that the proposed distribution system is adequate. A Permit to Construct must also be obtained from the NC Department of Health and Human Services (NCDHHS).   |
| (3) The development or use (other than a subdivision) is located on a lot not served by the public system or a previously approved, privately owned public water supply system; and the use is to be served by a privately owned public water supply system that has not previously been approved.  | The NCDHHS must certify that the proposed system complies with all applicable state and federal regulations. A Permit to Construct must be obtained from NCDHHS. The City of Raleigh must also approve the plans if the water source is a well and the system has a design capacity of 100,000 gallons per day or greater or is located in certain areas designated by the City of Raleigh. The Town Engineer must also approve the system for possible future addition to the public system. |
| (3)(a) The development or use is to be served by some other source (such as an individual well).  | The applicable Wake County Departments must certify that the proposed system meets all applicable state and local regulations.  |
| (4) The proposed development is a subdivision; and lots within the subdivision are to be served by simple connection to existing public lines or lines of a previously approved public water supply system.   | No further certification is necessary.  |
| (4)(a) Lots within the subdivision are to be served by the public system but the developer will be responsible for installing the necessary additions to the public systems.  | The Town Engineer must certify that the proposed system meets the necessary additions to the Town's standards and will be accepted by the Town. A Permit to Construct must also be obtained from the NCDHHS.  |

| Type of Development  | Permit-Issuing Authority Action  |
|--|--|
| (4)(b) Lots within the subdivision are to be served by a privately owned public water supply system that has not been previously approved. | The NCDHHS must certify that the proposed system complies with all applicable state and federal regulations. A Permit to Construct must be obtained from NCDHHS. The City of Raleigh must also approve the plans if the water source is a well and the design capacity of 100,000 gallons per day or greater or is located within certain areas designated by the City of Raleigh. The Town Engineer must also approve the system for possible future addition to the public system. |
| (4)(c) Lots within the subdivision are to be served by individual wells.   | The applicable Wake County Departments must certify to the Town that each lot intended to be served by a well can be served in accordance with applicable health regulations.  |

**8.4.9. Fire Hydrants**

- A. All public or private hydrant and underground fire protection line installations shall be built in accordance with City of Raleigh design and installation standards.
- B. All private hydrants shall be painted red.

**8.4.10. Electric Power**

- A. Every principal development or use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such development or subdivision. Compliance with this requirement shall be determined as follows:
  - 1. If the development or use is not a subdivision and is located on a lot served by an existing power line, and the development or use can be served by a simple connection (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is needed; and
  - 2. If the development is for a subdivision or is not located on a lot served by an existing power line or a substantial internal distribution system, then the electric utility company must review the proposed plans and certify to the Town that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.
- B. Site and Street Lighting Standards  
See Article 10: Lighting and Landscaping.



#### **8.4.11. Telephone Service**

Every principal use and every lot within a subdivision must have available to it a telephone service cable adequate to accommodate the reasonable needs of such use or lot. Compliance with this requirement shall be determined as follows:

- A. If the use is not a subdivision and is located on a lot that is served by an existing telephone line and the use can be served by a simple connection to such line, then no further certification is necessary.
- B. If the use is a subdivision, or is not located on a lot served by an existing telephone line, or will require a substantial internal distribution system, then the telephone company must review the proposed plans and certify to the Town that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

#### **8.4.12. Underground Utilities**

- A. All electric power lines, (not to include transformers or enclosures containing electrical equipment such as switches, meters, and capacitors, which may be pad mounted), telephone, gas distribution, and cable television lines in subdivisions developed after October 1, 2003, shall be placed underground in accordance with the specifications and policies of the respective utility companies and located in accordance with Town of Garner Standard Construction Details.
- B. Whenever a development is hereafter constructed on a lot that was undeveloped on October 1, 2003, then all electric power, telephone, gas distribution, and cable television lines shall run underground from the point of connection with the main lines to any structures on the lot served by those lines. Such lines shall be placed underground in accordance with the specifications and policies of the respective utility companies.

#### **8.4.13. Utilities to be Consistent with Internal and External Development**

- A. Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, such utility facilities (e.g., water or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue expense or service duplication.
- B. All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicle traffic and to

facilitate maintenance without undue damage to improvements or facilities located within the development.

#### **8.4.14. As-built Drawings Required**

- A. Whenever a developer installs or causes to be installed a utility line in any public right-of-way or easement, the developer shall, as soon as practical after complete installation furnish the Town with a permanent copy of a drawing that shows the exact location of such utility lines. Such drawings must be verified as accurate by an appropriately licensed designer and shall bear a certificate on the drawing to that effect. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing such development.
- B. If any utility line in any right-of-way is installed by a utility company, the company shall maintain accurate as-built drawings and shall make these available to the Town upon request. The Town will maintain as-built drawings furnished by the developer of all other utilities.