

## 6 SUBDIVISION AND INFRASTRUCTURE STANDARDS

### 6.1 PURPOSE AND INTENT *[Revises S-2; S(draft)-1.4]*

The purpose of this chapter is to establish criteria for the site development and subdivision of real property within the jurisdiction of the City of Wilson. These standards are set forth to:

- Provide for the protection of the public health, safety and welfare; and
- Promote the orderly growth and development of the City of Wilson; and
- Provide for suitable residential and nonresidential development with adequate streets, utilities and appropriate building sites; and
- Coordinate streets within proposed subdivisions with existing or planned streets and with other public facilities.

### 6.2 SCOPE AND APPLICABILITY *[Revises S-3, 9.A, 9.F.5, 14; S(draft)-1.3, 1.5, 5.1 and 5.4.E]*

#### 6.2.1 SCOPE

The provisions of this chapter shall be applicable to all land within the city and city's extraterritorial jurisdiction area.

#### 6.2.2 SITE PLAN & SUBDIVISION APPLICABILITY

- A. Subdivision Defined:** For the purposes of this chapter, “subdivision” shall mean all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of new streets or a change in existing streets.
- B. Statutory Exemptions:** The following are not included within the definition above, nor are they subject to the regulations of this ordinance, provided however, that any document or plat to be recorded pursuant to any such exclusion shall bear the notation: “Exempt pursuant to the City of Wilson Unified Development Ordinance,” and the signature of the Administrator before being presented for recordation.
1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the Unified Development Ordinance requirements of the city.
  2. The division of land into parcels greater than 10 acres in size where no street right-of-way dedication is involved.
  3. The public acquisition by purchase of strips of land for the widening or opening of streets.
  4. The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than 3 lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the Unified Development Ordinance requirements of the City of Wilson.
  5. The conveyance to lineal descendants for the purpose of dividing real estate among said lineal descendants. At such time that any lineal descendants or

their successors in interest develop or build upon their respective property, the property must conform in all respects to the regulations of the City of Wilson.

- C. Site Plans Defined:** A site plan is an architectural and/or engineering drawing of proposed improvements for a specific lot that depicts such elements as building footprints, driveways, parking areas, drainage, utilities, lighting, and landscaping.
- D. Conformity Required:** From and after the adoption of this chapter, no real property lying within the jurisdiction of the City of Wilson shall be developed or subdivided except in conformance with all applicable provisions of this ordinance. In addition, after the effective date of this chapter, no plat for subdivision of land within the jurisdiction of this chapter shall be certified for recording by the Administrator until it has been submitted and approved in accordance with the provisions of this section.
- E. Permits Subsequent to Plat Approval and Recording**
  - 1. Building Permits:** The building inspector shall not issue building or repair permits for any structure on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed herein.
  - 2. Well and Septic Tank Permits:** The health officer shall not issue a permit for the installation of wells and septic tanks upon any lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed herein.

### 6.2.3 LAND SUITABILITY

Land subject to flooding, improper drainage, and/or erosion; land that has been used for the disposal of solid waste and not adequately mitigated; and any other land deemed by the Administrator to be uninhabitable shall not be platted for residential or commercial occupancy, nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard. Such land shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

### 6.2.4 REQUIRED CONFORMANCE TO THE WILSON SPECIFICATIONS MANUAL

The City of Wilson Manual of Specifications, Standards and Design (MSSD) is herein incorporated by reference. Conformance to the MSSD is required in addition to the standards in this ordinance.

### 6.2.5 OTHER RELEVANT STANDARDS FOR SITE PLANS AND SUBDIVISIONS

In addition to the standards found in this chapter, standards in the following may also apply:

- Chapter 7: Parks and Open Space
- Chapter 8: Tree Protection, Landscaping and Buffers
- Chapter 9: Parking and Driveways
- Chapter 10: Lighting
- Chapter 11: Signs
- Chapter 12: Erosion, Flood, Stormwater and Watershed Standards

**6.3 REQUIRED IMPROVEMENTS FOR ALL DEVELOPMENT [Revises S-10]**

All development which does not qualify as a Minor Subdivision according to the criteria in Section 15.9.1.A shall be required to install or construct the improvements specified in the table below. The developer shall be responsible for the installation and construction of required improvements according to the provisions of this ordinance and the MSSD, except as may otherwise be specifically provided herein or by city policy or agreement.

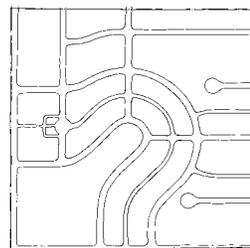
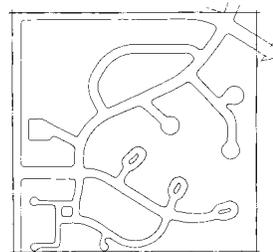
Required Improvements	Zoning Districts										
	R/A	MHR	SR4	SR6	NC	GC	HC	ICD	LI	HI	All Others
Underground Drainage*	-	-	X	X	X	X	X	X	X	X	X
Curb and Gutter*	-	X	X	X	X	X	X	X	X	X	X
Public Water and Hydrants	-	X	X	X	X	X	X	X	X	X	X
Public Sewer	-	X	X	X	X	X	X	X	X	X	X
Street Lights	-	X	X	X	X	X	X	X	X	X	X
Street Trees	-	X	X	X	X	X	X	X	X	X	X
Paved Streets	X	X	X	X	X	X	X	X	X	X	X
Street Signs (public streets)	X	X	X	X	X	X	X	X	X	X	X
Underground Wiring	X	X	X	X	X	X	X	X	X	X	X
Park/Open Space	X	X	X	X	-	-	-	X	-	-	X
Sidewalks (also see 6.7.1)*	-	-	X	X	X	X	X	X	-	-	X

\* Administrator may wave required improvements with use of approved Low Impact Development Infrastructure.

**6.4 CONNECTIVITY [Revises S-9.B, 9.E and S(draft)-5.2]**

**6.4.1 GENERAL**

The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets. The proposed street system shall be designed to provide vehicular interconnections in order to facilitate internal and external traffic movements in the area, improve access/egress for city neighborhoods, provide faster response time for emergency vehicles, and improve the connections between neighborhoods. Street arrangements shall not be such as to cause hardship to the owner of adjoining property in platting their own land and providing convenient access to it.



*The images at left illustrate three conceptual subdivision layouts. The top image is an example of a poor layout with too few connections and many dead ends. The lower two images show improved street layouts with the required connections and a network of streets. (Diagrams courtesy of Fort Collins Colorado)*

- A. Block Lengths:** Block lengths shall adhere to the standards in the following table:

	Minimum Block Length	Maximum Block Length
Rural & Suburban Districts*	240 feet	1,000 feet
Urban Districts*	240 feet	600 feet

*\*District classifications as urban vs. rural & suburban is outlined in Sections 2.3 and 2.4*

- B. Block Width:** Blocks shall have sufficient width to provide for 2 tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic.
- C. Through-Block Connections:** A pedestrian/bicycle accessway shall be required near the center and entirely across any block in excess of 800 feet in length where deemed essential by the Administrator to provide adequate access to any school, shopping center, church, park or transportation facility (such as a greenway, transit stop or bike lane). Such connections shall be owned and maintained by an approved homeowner's association.
- D. Culs-de-Sac:** In general, streets with one end permanently closed shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area clearly indicates that a through street is not essential at the location of the proposed cul-de-sac. In instances where permanent dead-end streets or cul-de-sacs are permitted, they must adhere to the following requirements:
1. **Maximum Length:** 800 feet, measured from the point of street centerline intersection to the center point of the cul-de-sac, and no more than 20 lots.
  2. **Turnaround Dimensions:** The closed end of such streets shall be designed with turnaround dimensions in accordance with the MSSD.
  3. **Cul-de-sac Connections:** For the purposes of meeting the connectivity index requirements in Section 6.4.3.A, credit for 1 additional segment shall be given when a pedestrian/bicycle accessway is provided between the following:
    - a. Two permanent culs-de-sac, or
    - b. A cul-de-sac and any school, shopping center, church, park or transportation facility (such as a greenway, transit stop or bike lane).
- E. Street Jogs Prohibited:** Street jogs with centerline offsets of less than 150 feet shall not be permitted.
- F. Reserve Strips Prohibited:** Reserve strips and non-access easements adjoining street rights-of-way for the purpose of preventing access to or from adjacent property, and half-streets, except those required to prevent access to thoroughfares, shall not be permitted.
- G. Street Width Transition:** Where a proposed street extends an existing street of a different width than what is required by this section, the width transition shall be made within the first block of the proposed development, but in no instance less than the distance specified by the Manual on Uniform Traffic Control Devices.
- H. Access to Major or Minor Thoroughfares:** Where a subdivision borders an existing or proposed Major or Minor Thoroughfare as designated on the Wilson Comprehensive Transportation Plan, no direct driveway access shall be permitted to such facilities from the lots within the subdivision.

## 6.4.2 EXTERNAL CONNECTIONS

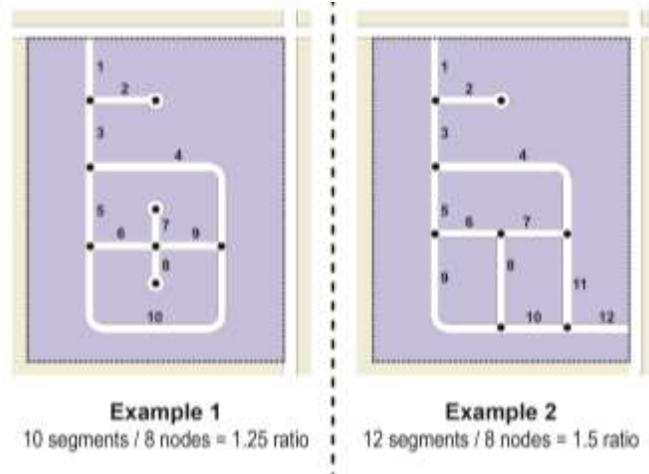
- A. Minimum Street Connections:** External street connections shall be provided at the rate of one for every 1,000 linear feet, or fraction thereof, of abutting property lines. Such connections shall be in the form of connections to existing public streets or street stubs to adjacent undeveloped properties.
- 1. New Street Stub Prioritization:** When street stubs to undeveloped properties are provided in order to satisfy the minimum external street connection requirement, the following connections shall be prioritized:
    - a. Adjacent parcels 20 acres or greater
    - b. Adjacent parcels that abut or are traversed by existing or proposed thoroughfares.
    - c. Where any adopted transportation or land use plan recommends a street connection.
  - 2. Permanent Barricades:** Permanent barricades shall be provided at the end of all street stubs.
  - 3. Alternate Compliance:** When the Administrator deems a required external street connection impractical due to severe topography, existing development, or other natural features, the city may require pedestrian/bicycle accessways in lieu of the required street connection(s).
- B. Continuation of Existing Street Stubs:** New development shall connect to and continue streets from any existing street stubs on adjacent properties.
- C. Additional Connections to Greenways and Parks:** When lots abut greenways, parks and open space areas, dedicated pedestrian/bicycle accessways must be provided to such features at a minimum of one accessway for every 900 linear feet, or fraction thereof, of abutting property lines.

## 6.4.3 INTERNAL CONNECTIONS

The internal connectivity of a subdivision or development shall be evaluated using the connectivity index requirements below. A connectivity index is a ratio of the number of street segments divided by the number of street nodes. Nodes exist at street intersections as well as cul-de-sac heads. Segments are the stretches of road that connect nodes. Stub outs shall also be considered as segments, but street segments on existing adjacent streets that are not part of the proposed subdivision are not included in the connectivity index calculation.

- A. Minimum Connectivity Index:** All development for which new streets are being constructed shall be required to achieve a minimum connectivity index of 1.3 unless the Administrator determines that compliance with this requirement is practically impossible due to topography, existing development, and/or natural features.
- B. Alternate Compliance:** In the event that this requirement is waived, as provided for in 6.4.3.A above, a 6-foot pedestrian trail and access easement shall be provided to link any cul-de-sac with the nearest adjacent street or pedestrian greenway.

- C. Illustration:** The illustration at right provides an example of how to calculate the index. Example 1 does not meet the minimum connectivity index requirement. Example 2 illustrates a subdivision design with the same number of nodes that is in compliance with the minimum connectivity index requirement.



#### 6.4.4 INTERSECTIONS

- A. Two Street Maximum:** The intersection of more than 2 streets at 1 point shall be avoided except where it is otherwise impracticable to secure a proper street system as determined by the Administrator.
- B. Angle of Intersection:** Streets shall intersect one another at an angle as near to a right angle as possible, and no intersections of streets at angles less than 75 degrees shall be permitted.
- C. Intersection Radii:** Except as otherwise provided, street intersections shall be rounded with a minimum radius of 25 feet measured at the back of curbs when the said intersection occurs at right angles. If an intersection occurs at an angle other than a right angle, it shall be rounded with a curve of a radius acceptable to the Technical Review Committee (TRC). In the NC, GC, HC, NMX, IMX and CCMX Districts, the TRC may permit comparable cut-offs or chords. Intersections in developments of 500 acres or more in the LI and HI Districts shall have a minimum radius of 50 feet.
- D. Sight Triangles:** A 25-foot by 25-foot sight visibility triangle shall be maintained at all street intersections. Within the sight visibility area no fence, wall, sign (except regulatory and street name signs), slope, embankment, parked vehicle, hedge, foliage, or other planting or structure shall be placed, erected or maintained which will obstruct visibility within the sight area. This sight triangle requirement may be reduced by the Administrator at fully controlled intersections only.

#### 6.4.5 PUBLIC TRANSIT CONNECTIONS

Projects with 100 or more residential units, or 100,000 square feet of non-residential space, shall be reviewed by the Transit Manager for the provision of well-located space for a transit shelter or bus drop-off area.

## 6.5 TRANSPORTATION PLAN CONFORMITY *[Revises MSSD-Municipal Street Design-2.2.1.9]*

The location and design of streets shall be in conformance with the officially adopted City of Wilson Comprehensive Transportation Plan (CTP), as provided for by NCGS 136-66, according to the provisions below.

### 6.5.1 PROPOSED NEW STREETS

- A. **New Streets Designated in the CTP:** Where a proposed subdivision or development includes any part of a thoroughfare which has been designated as such on the CTP, such part of such thoroughfare shall be reserved, platted, dedicated in the location shown on the plan and at the width specified in the CTP.
- B. **New Streets Not Designated in the CTP:** Where a proposed subdivision or development includes a new street which is not included in the CTP, the developer shall plat, dedicate and construct the street in accordance with one of the preferred street sections outlined in the City Street Classifications in the MSSD. The street classification chosen shall be approved by the Administrator and shall reflect the expected intensity of land uses fronting the proposed street and the needs of the surrounding street network.

### 6.5.2 EXISTING SUBSTANDARD STREETS

Development along existing streets of inadequate right-of-way shall provide additional right-of-way as follows:

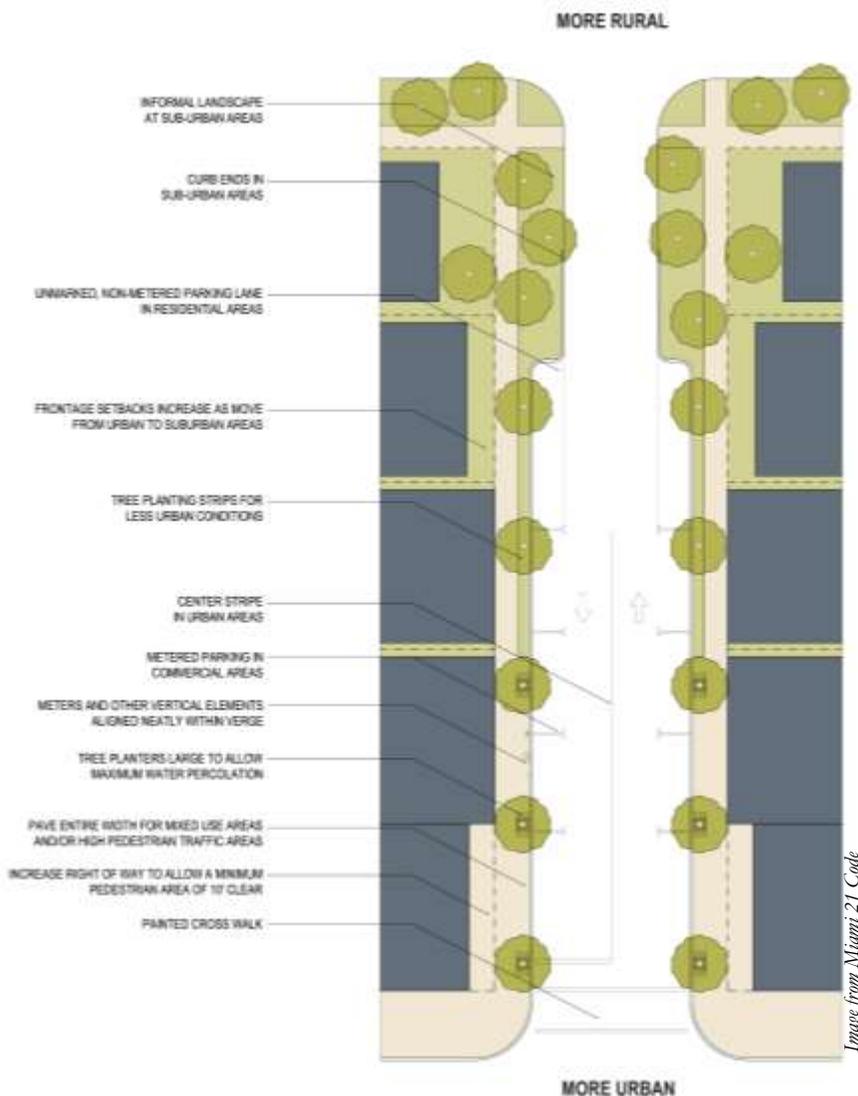
- A. **Improvements Specified in the CTP:** For streets that have specific improvements outlined in the CTP, additional right-of-way shall be dedicated as deemed necessary by the Administrator to meet the width specified in the CTP.
- B. **Improvements Specified in the City Street Classifications:** If the Transportation Plan does not outline specific improvements for a street, development along existing streets shall dedicate additional right-of-way where necessary to meet the minimum widths specified by the City Street Classifications in the MSSD.
- C. **Installation of Required Street Improvements:** In addition to the dedication required in 6.5.2. B and C above, the developer shall install all required street improvements that occur outside the planned vehicular travel lanes, including but not limited to, street trees, planting strips and/or tree wells, and sidewalks.

**6.6 CITY STREET CLASSIFICATION & DESIGN** [Revises Section S-5.2; MSSD-Municipal Street Design-Section 2.4 and MSSD Standard Detail 401.01]

The following standards are intended to provide general clarity for most conditions in Wilson. Deviations to these standards may be granted by the Administrator subject to generally accepted safety and engineering practices. For additional guidance, the city will use the “Designing Walkable Urban Thoroughfares: A Context Sensitive Approach” by the Institute of Transportation Engineers and the Congress for the New Urbanism.

**6.6.1 RULES FOR ASSIGNMENT OF APPROPRIATE STREET DETAILS**

The illustration below is a simplified diagram of the many different parts that go into the assemblage of each street. Care should be taken to ensure that context plays a primary role in the selection of the various right-of-way elements.



- A. Rights-of-Way:** The right-of-way should be the minimum required to accommodate the street, median, planting strips, sidewalks, utilities and maintenance consideration.
- B. Measurement of Pavement Area Details:** The dimensions established in the MSSD for lane widths, sidewalks, bike lanes and parking lanes indicate the required face-of-curb to face-of-curb measurement, or to the edge of pavement for roadways with open drainage.
- C. Turn Lanes:** Dedicated right turn lanes, where required, may be taken from the parking lane.
- D. Dimension Ranges:** Where ranges are given, the project designer should consult with the Administrator as to the appropriate detail.
- E. Street Signs:** The developer shall reimburse the City of Wilson for the placement of all regulatory and street name signs in the development. Proposed street names and number systems will be reviewed by the Administrator and Wilson County Emergency Services. No duplicate/similar names are allowed as determined by these agencies.

**6.6.2 CITY STREET CLASSIFICATIONS**

Unless otherwise indicated on the officially adopted Wilson Comprehensive Transportation Plan, all streets, public or private, shall comply with the preferred arrangement indicated on the street sections in the MSSD. Street sections may deviate from these standards where topographic and environmental conditions necessitate, as determined by the Administrator.

**A. Corresponding CTP Classification:** The table below indicates which of the MSSD street sections correspond to the classifications established in the Comprehensive Transportation Plan.

MSSD Street Type	Corresponding Comprehensive Transportation Plan Classification						
	Freeways	Expressways	Boulevards	Other Major Thoroughfares	Minor Thoroughfares	Local Streets*	
Urban Boulevard	None	None	•				
Avenue				•	•		
Commercial Street					•		
Large Residential Street							•
Residential Yield Street							•
Lane							•
Alley							•

\* All streets not mapped for specific improvements in the Comprehensive Transportation Plan are considered Local Streets

**6.7 SIDEWALKS AND OTHER PEDESTRIAN FACILITIES [Revises S-9.B.23 and MSSD-Municipal Street Design-2.6.1]**

**6.7.1 SIDEWALKS**

**A. General Standards/Location**

1. Where required by Section 6.3, sidewalks shall be provided according to the classification of the existing or proposed street as designated in the MSSD.
2. Sidewalks shall be required along all streets indicated for sidewalks in the Wilson Comprehensive Pedestrian Plan.
3. Alternative facilities or payments in lieu may be considered in accordance with C and D below.

**B. Design Standards**

1. Where existing sidewalk abuts an area where new sidewalk is to be developed, the new sidewalk shall be the same width as the existing sidewalk or meet the standards of the MSSD, whichever width is greater.
2. Multi-family and commercial developments shall provide sidewalks for the interior movement of pedestrians and to connect the public sidewalk system to building entrances and parking areas.
3. Within commercial areas and places with high pedestrian volumes, sidewalks should be designed to meet the anticipated pedestrian/traffic volume as well as accommodate outdoor seating areas.
4. Sidewalks shall be constructed of concrete or other approved materials (such as pavers) and built in accordance with the MSSD.

5. Where a planting strip cannot be provided due to right-of-way, topographic or existing building constraints, and therefore the sidewalk must be located immediately adjacent to the curb, the minimum required width of the sidewalk shall increase by one foot. Where, due to similar constraints, a sidewalk abuts a landscape or building wall of any kind, the minimum sidewalk width shall increase by one foot.
  6. Where a multi-use path or greenway is required by the Comprehensive Pedestrian Plan and is located within the street right-of-way, such facilities shall be constructed in lieu of a normal sidewalk.
  7. Installation and maintenance of brick sidewalks shall be permitted only as specified in the MSSD.
- C. Alternative Compliance:** Alternative provisions for pedestrian movement meeting the intent of this section may be used where unreasonable or impractical situations would result from application of these requirements. Such situations may result from significant street trees, impending road widening, topography, utility easements, lot configuration or other unusual site conditions. In such instances, the Administrator may approve an alternate plan that proposes different pedestrian amenities provided that the intent of this section is fulfilled.
- D. Payments in Lieu:** In lieu of alternative compliance outlined in Section 6.7.1.C, above, the Administrator may approve a payment in lieu (in accordance with an adopted annual fee schedule) where any one or a combination of the following factors render compliance impractical:
1. Steep slopes;
  2. Absence of existing sidewalks along the corridor and in the general neighborhood; and/or
  3. Where sidewalks aren't shown on the Wilson Comprehensive Pedestrian Plan.

### 6.7.2 PEDESTRIAN / BICYCLE ACCESSWAYS

Where pedestrian/bicycle accessways are required by this chapter, such facilities shall meet the following minimum requirements:

- A. Pavement Width:** 6 feet
- B. Easement Width:** 10 feet
- C. Surface Materials:** The surface of accessways shall be constructed of a smooth, compactable material that is accessible for wheelchairs and strollers. Acceptable materials include asphalt, concrete, and crushed stone.

### 6.7.3 GREENWAYS

Where greenways, are required by this ordinance, the Wilson Comprehensive Transportation Plan or any other adopted plans, such facilities shall meet the following minimum requirements:

- A. Pavement Width:** 10 feet
- B. Easement Width:** 15 feet



- C. **Connections:** Greenway stubs at property lines should be placed in areas that are easily accessible for future connectivity through adjacent parcels.
- D. **Surface Materials:** Compact gravel, concrete, or asphalt or other material approved by the Administrator.

#### 6.7.4 PEDESTRIAN CROSSWALKS

Mid-block crossings, bulb-outs, raised crosswalks and similar crossing techniques should be commonly used to accommodate pedestrians when appropriate for traffic conditions and site specific situations as directed by the Administrator. All designs shall be consistent with the city's adopted Pedestrian Plan.

- A. **Curb Ramps:** Wherever sidewalks, pedestrian/bicycle accessways, greenways, or other pedestrian facilities intersect streets with curb and gutter drainage, curb cuts and ramps commonly used to provide accessibility for persons with disabilities shall be provided. Where sidewalks are not required, the curb return shall be depressed to allow for the future connection of curb ramps.
- B. **Midblock Crosswalk:** A pedestrian crosswalk not less than 10 feet in width shall be required across any street segment in excess of 800 feet in length where deemed essential by the Administrator to provide adequate access to any school, shopping center, church, park or transportation facility. When required such crosswalks shall utilize ladder striping to enhance their visibility.

### 6.8 BICYCLE FACILITIES *[Revises S(draft)-5.3]*

#### 6.8.1 REQUIREMENT FOR INSTALLATION

- A. **Facilities Designated by Adopted Plans:** Bike lanes or separate off-street multi-use paths shall be installed on developer-built or modified roadways where designated for such by the Wilson Bicycle Plan, the Wilson Comprehensive Transportation Plan and any other adopted plan.
- B. **Reservation Required:** Where a proposed development is adjacent to required bikeway facilities as outlined in 6.8.1.A above, but does not include the construction of new streets, or the modification of existing streets the developer shall reserve right-of-way and/or easement sufficient to accommodate the appropriate bikeway facility.

#### 6.8.2 DESIGN STANDARDS

Bike lanes and bike paths shall be designed according to the North Carolina Bicycle Facilities Planning and Design Guidelines published by NCDOT and shall include all appropriate signage and pavement markings. Variations from the NCDOT standards may be allowed subject to approval from the Administrator based on the standards below.

### 6.9 TRANSPORTATION IMPACT ANALYSIS *[Revises MSSD-Municipal Street Design-Section 2.9]*

The Transportation Impact Analysis (TIA) is a specialized study that evaluates the effects of a development's traffic on the surrounding transportation infrastructure. It is an essential part of the development review process to assist developers and government agencies in making land use decisions involving annexations, subdivisions, rezonings, special land uses, and other development reviews. The TIA helps identify where the development may have a significant impact on safety, traffic and transportation operations, and provides a means for the developer and government agencies to mitigate

these impacts. Ultimately, the TIA can be used to evaluate whether the scale of development is appropriate for a particular site and what improvements may be necessary, on and off the site, to provide safe and efficient access and traffic flow.

**6.9.1 APPLICABILITY**

A. The following table identifies the level of analysis required, if any, for different types of proposed development.

Level of Study Required by Development Type	Residential	Office	Hotel	Industrial or Warehouse	Retail/Shopping Center	Other
None (unless located in area of special concern)	<200 units	<50,000 sf	<100 rooms	<150 employees	n/a	<100 peak hour trips
Standard TIA*	200 to 500 units	50,000 sf to 350,000 sf	100 to 500 rooms	150 to 1,000 employees	<100,000 sf	100 to 500 peak hour trips
Enhanced TIA*	>500 units	>350,000 sf	>500 rooms	>1,000 employees	>100,000 sf	>500 peak hour trips

*\*See the MSSD for specific requirements of Standard and Enhanced TIAs*

**B. Exemptions:**

1. The following projects shall not require the submission of a TIA:
  - a. Developments approved prior to the effective date of this ordinance that have maintained valid permit approval.
  - b. Redevelopment of any site on which the additional traffic at peak hour represents an increase of less than 100 trips from the previous development, where the redevelopment is initiated within 12 months of the completion of demolition of the previous development.
  - c. Minor Site Plans as outlined in Section 15.8.1.
2. When a waiver from the TIA requirements of this section is granted pursuant to Section 6.9.1.B above, the City Engineer shall include the reason for the waiver in the City Engineer’s decision or recommendation on the application.
3. An applicant who obtains a waiver under this section must mitigate adverse effects of the traffic generated from a proposed development.
4. The traffic generated from a proposed development for which the requirement to submit a TIA was waived may not endanger the public safety or increase traffic to level of service below the minimum required in Section 6.9.5.A.

C. **TIA Requirements:** The specific requirements for Standard and Enhanced TIAs are specified in the MSSD.

**6.9.2 REQUIRED TRANSPORTATION IMPROVEMENTS**

A. **Minimum Projected Level of Service:** Improvements shall be required if the minimum projected level of service (LOS) on any major or minor thoroughfare is less than minimum established in the table below. When required, improvements shall be made by the developer to ensure and/or maintain the minimum LOS of either the roadway or intersection where the TIA has determined the LOS would be diminished.

District	Minimum Acceptable Level of Service (LOS)
NMX, IMX, CCMX	<b>LOS E</b> – Road operation is at capacity. Traffic flow may be irregular and vary widely. This is a common standard in urban center areas where some traffic congestion is considered inevitable and acceptable.
GR6, UR, RMX, ICD	<b>LOS D</b> – Road is experiencing decreasing free-flow operation. Freedom to maneuver within the traffic stream can be limited. This is the typical target LOS for most urban streets during peak hours.
R/A, OS, MHR, SR4, SR6, NC, GC, HC, LI, HI	<b>LOS C</b> – Road is at or near free-flow operation. Roads remain efficiently below but close to capacity. This is the typical target LOS for most rural and some urban highways.

- B. Action on Development Applications:** The City Engineer may deny any development application for which a TIA is required if the results of the TIA demonstrate that the development as proposed will endanger the public safety or result in a LOS below those specified in Section 6.9.2.A. In such event, an applicant may modify and resubmit an application to minimize the traffic-related effects identified in the TIA. Such modifications may include:
1. A reduction in the projected vehicle trips per day;
  2. The dedication of additional right-of-way;
  3. The rerouting of traffic and proposed access and egress points;
  4. Participation in the funding of a traffic signal or intersection improvement; and
  5. Other modification determined to be necessary.
- C. Payments-in-lieu of Required Transportation Improvements:** At its discretion, the City Council may, by resolution, accept a fee paid to the city in lieu of required transportation improvements identified on the TIA. The fee shall be equal to the costs of the required improvements, as determined by the Administrator. A combination of improvements and payments-in-lieu of may also be permitted. Payments-in-lieu of required improvements shall be paid to the city prior to the final approval of the development plan.

**6.10 IMPROVEMENT GUARANTEES** [Revises S-7.D, 8.B and S(draft)-3.4, 4.6, 4.9 and MSSD Municipal Street Design Section 6]

**6.10.1 GENERAL**

- A.** Before recordation of a final plat of a subdivision, the Administrator must be satisfied that all improvements required by this ordinance have been constructed.
- B.** In lieu of the completion of the improvements required by this section, the city may enter into a financial guarantee agreement with the developer whereby the developer shall agree to complete all required improvements.
- C.** The financial guarantee or surety will be subject to the following conditions:
  1. The guarantee shall be in an amount equal to 125% of the cost of construction of the outstanding improvements based on an estimate by the City Engineer.
  2. The improvements will be completed within 12 months after approval of the financial guarantee and upon receipt of the corresponding security documents.

**6.10.2 GUARANTEES**

- A. Types of Guarantees:** To secure this agreement, the developer shall provide, subject to the approval of the Administrator and City Attorney, either one or a combination of the following guarantees
1. The deposit of a certified check ,
  2. A letter of credit duly executed by a local bank located in Wilson and payable to the city, or.
  3. Another form of surety, together with an assignment of such security payable to the City of Wilson, as approved by the Finance Director.
- B. Default by Developer:** In the event such improvements are not completed as required by the ordinance, the city shall proceed with the work and hold the owner and the guarantor jointly responsible for the costs thereof by redeeming such portion of the financial guarantee as may be necessary to complete the required improvements.
- C. Release of Financial Guarantee:** Upon completion of the improvements, the city shall release any assignment placed upon such account, certificate or other surety.

**6.10.3 WARRANTY AGAINST DEFECTS**

The developer shall be responsible for the maintenance and repair of all new streets, stormwater structures controls and other required utilities and warranty such improvements according to the provisions in the MSSD *Plan Review, Permitting, Construction & Acceptance*, Section 5.

- A. Significant Failures Reset Warranty Period:** If a significant failure of the warranted improvements occurs, including pavement, trench, or subgrade failure of streets, at any time during the warranty period specified in the MSSD, the Administrator shall suspend the warranty until the failure is repaired to an acceptable condition. Upon completion of the repair, a new warranty period shall commence on the entire project.
- B. Warranty Inspection:** At least 30 days prior to the expiration of the warranty period as outlined in the MSSD, the developer shall request a warranty inspection. Upon successful completion of all warranty items, the developer shall be released from maintenance responsibilities for the warranted construction.

**6.10.4 ACCEPTANCE BY CITY**

- A. Effect of Plat Approval on Dedications:** Pursuant to G.S. 160A-374, the approval of a plat shall not be deemed to constitute or affect the acceptance by the city of the dedication of any street or other ground, public utility line or other public facility shown on the plat. However, the City Council may, by resolution, accept any dedication made to the public of lands or facilities for streets, parks, greenways, trails, public utility lines or other public purposes when the lands or facilities are located within its corporate limits.
- B. Provision of Services:** The city will withhold all public improvements of whatsoever nature, including the maintenance of streets and the furnishing of sewerage facilities and water service, from all subdivisions which have not been approved, and from all areas dedicated to the public which have not been formally accepted by the city. Until streets have been formally accepted by the city, the

subdivider shall be responsible for keeping such streets barricaded and/or posted "closed to through traffic."

- C. **Maintenance of Accepted Improvements:** The city will assume all maintenance responsibility on all streets and other improvements formally accepted by the city.

## 6.11 EASEMENTS AND DEDICATIONS [Revises S-9.D, 9.G; S(draft)-2.2, 4.7, 5.5 and 5.6]

### 6.11.1 REQUIRED EASEMENTS

- A. **Easement Width:** Easements shall be conveyed to the city or other appropriate agency for underground and overhead utility installation, stormwater drainage, pedestrian/bicycle access, and other purposes as required by the city. Easements shall be centered along front, rear or side lot lines. The minimum width for easements shall be determined by the Administrator. Widths will vary based on the number of utilities placed within an easement area, the depth of utilities, and other related factors in order to ensure enough space for their future maintenance. The Administrator will set easement widths based on topography, on-site soils, number of utilities, etc., in accordance with the MSSD.
- B. **Surface Drainage Easements:** Easements for watercourses and drainage channels shall conform to the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose.
- C. **Utility Cuts:** An encroachment permit will be required for any entity wishing to excavate or place utilities in the city right-of-way (see the City of Wilson's Right of Way Regulations and Procedures.) Pavement cuts in streets made by the company or the city shall be repaired in accordance with the MSSD.

### 6.11.2 RESERVATION / DEDICATION OF PUBLIC SITES AND FACILITIES

- A. **School Sites:** If the City Council and the Wilson County Public Schools have jointly determined the specific location and size of any school sites to be reserved in accordance with the City of Wilson Comprehensive Plan, planning staff shall immediately notify the Board of Education in writing whenever a sketch plan for a subdivision is submitted which includes all or part of a school site to be reserved. The Board of Education shall promptly decide whether it still wishes the site to be reserved. If the Board of Education does wish to reserve the site, the subdivision shall not be approved without such reservation. The Board of Education shall then have 18 months, beginning on the date of final approval of the subdivision, within which to acquire the site by purchase or by initiating condemnation proceedings. If the Board of Education has not purchased or begun proceedings to condemn the site within this time period, the developer may treat the land as freed of the reservation.
- B. **Other Public Sites Indicated on Land Use Plan:** Where a proposed park, playground or other public use shown in a land use plan is located in whole or in part within a subdivision, the subdivision shall dedicate or reserve adequate space for such purpose in such area within the subdivision, according to the requirements of Chapter 7. All property shown on the plat as dedicated for public use shall be deemed to be dedicated for any other public use authorized by the City Charter or any general, local or special law pertaining to the city when such other use is approved by the City Council in the public interest.

- C. Common Areas Not Dedicated to the City:** Property owners' association covenants shall be established and recorded that guarantee the association's responsibility for the ongoing liability, taxes, and maintenance of recreational and other common facilities, including private streets, which are not dedicated to the city. Prior to approval of any final plat, the Administrator shall review the covenants of any property owners' association to ensure compliance with city requirements.