

ARTICLE 3

PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

Section 301. Plat Shall be Required on Any Subdivision of Land

Pursuant to G.S. 160A-372, a final plat shall be prepared, approved, and recorded in accordance with the provisions of this Ordinance as a condition precedent to the subdivision of any land with the Town.

Section 302. Approval Prerequisite to Plat Recordation

Pursuant to G.S. 160A-373, no plat of a subdivision within the jurisdiction of the Town of Mineral Springs as established in Section 104 of this Ordinance shall be recorded by the Union County Register of Deeds until it has been finally approved as provided herein. To secure such approval of a proposed subdivision plat, the subdivider shall follow the procedures established in this Article, as well as all applicable procedures found in the Town of Mineral Springs Zoning Ordinance.

Section 303. Preliminary Conference

Any person contemplating the subdivision of property is encouraged to have a preliminary conference with the Subdivision Administrator in order that questions may be answered and that the subdivider may gain a better understanding of the requirements of this Ordinance, and any other applicable requirements.

Section 304. Procedure for Administrative Subdivisions

The Zoning Administrator shall approve or disapprove administrative subdivision final plats in accordance with the provisions of this section.

Prior to submission of a final plat, the subdivider is encouraged to submit to the Subdivision Administrator a sketch plan of the proposed subdivision. The purpose of the sketch plan is to familiarize the Subdivision Administrator with the proposed development and to ensure that it is in compliance with all applicable regulations. The sketch plan should contain the information in Section 307.1.

The final plat shall be prepared in accordance with Section 305.3

The Subdivision Administrator shall make a decision within fourteen (14) working days after receipt of the complete application.

The Subdivision Administrator shall approve the proposed subdivision unless the subdivision is not an administrative subdivision as defined herein or the proposed subdivision fails to comply with any other applicable requirement of this Ordinance or the Mineral Springs Zoning Ordinance.

If the subdivision is disapproved, the Subdivision Administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval.

The subdivider shall file the approved final plat with the County Deeds Office within ninety (90) days of approval; otherwise such approval shall be null and void.

The subdivider shall submit a copy of the recorded plat to the Town of Mineral Springs within thirty (30) days of recording.

Section 305. Procedure for Review of Minor Subdivisions

305.1 “Minor Subdivision” Defined

A minor subdivision is defined as set forth in Section 111. This referenced section also provides certain limitations which shall be considered an integral part of this Section 305.

305.2 Preliminary Plat Review for Minor Subdivisions

Prior to submission of a final plat, the Subdivider shall submit to the Subdivision Administrator a preliminary plat of the proposed subdivision, along with the fee required by this Ordinance containing at least the information specified below:

- a) A sketch vicinity map, including north arrow, and showing the location of the proposed subdivision in relation to neighboring tracts, existing and/or platted subdivisions, roads, floodplains, wetlands and waterways;
- b) The boundaries of the tracts;
- c) The total acreage to be subdivided;
- d) The existing and proposed uses of the land within the proposed subdivision and the existing uses of land adjoining it with any proposed use of floodplains or wetlands whatsoever in or adjacent to the proposed subdivision clearly set forth and accompanied by a statement to the effect that no prohibited infringement on such areas will result.
- e) The name, address and telephone number of the property owner;
- f) The name of the proposed subdivision;
- g) Streets and lots of adjacent developed or platted properties;
- h) The zoning classification of the tract and of adjacent properties;
- i) For proposed subdivisions where individual septic tanks are the proposed method for wastewater treatment, the preliminary plat shall be based on the physical characteristics of the site. The applicant shall conduct at least two (2) soil core borings for every one (1) acre of land in the tract to be subdivided and the borings shall be an average of a least four (4) feet

in depth. Each boring shall be assigned a separate number and the report shall present the findings of each boring. The subdivider shall show the location of each boring (by number assigned) on the preliminary plat. The report shall contain a written finding stating that each lot contains an adequate building site (meeting all setbacks required by the Town), a septic tank drainfield, drainfield repair area, and area for well site; thereby complying with all applicable State of North Carolina and Union County regulations.

- j) The preliminary plat of the proposed subdivision shall show the following:
 - o All streets and property lines;
 - o Proposed building area for each lot;
 - o Septic tank and drainfield locations for each lot;
 - o Site and repair area for each lot;
 - o Proposed area for well site for each lot;
 - o A separate map drawn at the same scale as the final plat showing streets and lot lines, topography with contour intervals of no greater than ten (10) feet (at the discretion of the Subdivision Administrator contour intervals of five (5) feet may be required), and an accurate mapping of all soil classifications found on the site and general depths thereof; and
 - o A statement provided by a Registered Land Surveyor or Professional Engineer currently licensed by the State of North Carolina to the effect that no part of the proposed minor subdivision is within any delineated floodplain and/or wetland, or any special flood hazard area.
- k) A certificate for future use, in the following form:

Preliminary Plat Approval Certificate

I hereby certify that the minor preliminary plat shown hereon has been found to comply with the subdivision regulations of the Town of Mineral Springs, North Carolina on this _____day of _____, 20_____.

Subdivision Administrator
Town of Mineral Springs, N. C.

A report shall be prepared by a qualified soil scientist and the qualifications and references of the soil scientist shall be documented in the report. Lots to be served by public water shall not be subject to the well site area requirements and lots to be served by public sewer shall not be subject to the septic tank drainfield designation requirements. Written evidence of approval of the proposed lots by the Union County Health Department for septic tanks

shall be acceptable in lieu of the soils test requirements, but all other requirements of this subsection regarding the use of septic tanks must still be met in order for further consideration to take place of any such proposed subdivision.

The preliminary plat shall be prepared by a Registered Land Surveyor currently licensed by the State of North Carolina by the North Carolina Board of Registration for Professional Engineers and Land Surveyors.

The Subdivision Administrator shall review the preliminary plat within thirty (30) calendar days of its submission and fee(s) payment for general compliance with the requirements of this Ordinance, and the Town of Mineral Springs Zoning Ordinance, and shall advise the subdivider or his authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the final plat, and shall approve, or conditionally approve, pending satisfaction of certain conditions, or disapprove the preliminary plat.

One copy of the preliminary plat along with the Subdivision Administrator's comments, recommendations and/or conditions shall be returned to the subdivider and one copy of the same shall be retained by the Subdivision Administrator.

In the event the subdivider disagrees with the written comments, conditional approval conditions and/or recommendations of the Subdivision Administrator, he may appeal the Subdivision Administrator's decision to the Planning Board. Such appeal shall be in writing, detailing in full the basis of the appeal.

In the event of an appeal of the Subdivision Administrator's decision, one copy of the preliminary plat along with the Subdivision Administrator's comments, recommendations, and/or conditional approval comments, or his reasons for disapproval and the appeal itself shall be forwarded to the Planning Board within fifteen (15) days of receipt of the appeal. The Planning Board shall consider all information thus provided, and shall review and approve or disapprove the preliminary plat at its next regular meeting that follows at least fifteen (15) days after the Subdivision Administrator's submittal, or at such other meeting as may be called by the Chairman of the Planning Board to consider same.

If the preliminary plat is not approved by the Planning Board, a written statement of reasons for denial shall be provided to the subdivider, with a copy being returned to the Subdivision Administrator within five (5) days of disapproval. Upon making necessary changes, but not later than one hundred eighty (180) calendar days from receipt of disapproved plat by the subdivider, the subdivider may revise and resubmit the preliminary plat to the Planning

Board for approval.

Preliminary plat approval of a Minor Subdivision shall constitute a vested right as defined in North Carolina General Statute 160A-385.1. Said approval shall be documented by the Subdivision Administrator by completing the certificate required as part of the preliminary plat – (see Subsection 305.2.k (a).

305.3 Final Plat for Minor Subdivisions

Upon approval of a preliminary plat by the Subdivision Administrator or the Planning Board, or in the event of a successful appeal from the Subdivision Administrator's decision, the subdivider may proceed with preparation of the final plat in accordance with the requirements of this Ordinance.

In the event that the subdivider fails to submit a proposed final plat within one (1) year of approval of the preliminary plat, the approval of the preliminary plat becomes null and void, and the subdivider must begin the procedure as if no preliminary plat had been initially submitted for consideration by the Subdivision Administrator, including the payment of another filing fee as required under this Ordinance.

The proposed final plat shall be prepared by a Registered Land Surveyor currently licensed and registered by the North Carolina Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in North Carolina General Statute 47-30 and the Manual of Practice for Land Surveying in North Carolina.

The proposed final plat shall be of a size suitable for recording with the Union County Register of Deeds, and shall be of a scale of not less than one (1) inch equals two hundred (200) feet. Maps may be placed on more than one sheet with appropriate match lines.

Prior to review of the proposed final plat by the Planning Board, the subdivider shall submit a copy of the plat to the Union County Health Department for review and comment. The plat must be returned to the Subdivision Administrator by the subdivider, accompanied by written recommendations from the Health Department for sewage disposal and water supply before any Planning Board consideration shall commence.

Each proposed final plat of a minor subdivision shall also be sent by the subdivider to the District Conservationist of the Natural Resources Conservation Service for review and comment before Planning Board review. The plat must be returned to the Subdivision Administrator by the subdivider, accompanied by written recommendations from the District Conservationist before any Planning Board consideration shall commence.

The proposed final plat shall meet the specifications established in Section 310, and the Subdivision Administrator shall review each proposed final plat submittal to ensure that all applicable requirements of this Ordinance have been fully satisfied. Any errors or omissions discovered shall be identified to the subdivider for correction before proceeding in accordance with the subsection 305.4 approval procedure. The following certificates shall appear on all copies of the minor subdivision final plat. Certificates (a), (b), (c) and (d) shall be completed and signed prior to submittal.

a) Certificate of Ownership and Dedication

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Mineral Springs and that I hereby adopt this plan of subdivision with my free consent and hereby establish minimum building setback lines as noted.

Owner(s)

Date

b) Certificate of Survey and Accuracy in Accordance With the Standards and Practice for Land Surveying in North Carolina:

On the face of each map prepared for recordation there shall appear a certificate acknowledged before an officer authorized to take acknowledgments and executed by the person making the survey or map including deeds and any recorded data shown thereon. The Certificate shall include a statement of error of closure calculated by latitudes and departures. Any lines on the map which are not actually surveyed must be clearly indicated of the map and a statement included in the certificate revealing the source of the information.

The certificate shall take the following general form:

State of North Carolina, _____ County

I, _____ certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book _____, Page _____, etc.) (Other); that the ratio of precision as calculated by latitudes and departures is 1:_____, (that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____); that this map was prepared in accordance with G.S. 47-30, as amended.

Witness my original signature, registration number and seal this _____

day of _____, 20_____.

Registered Land Surveyor

Official Seal

Registration Number

I, (officer authorized to take acknowledgments) do hereby certify that (name of registered surveyor) personally appeared before me this day and acknowledged the due execution of this certificate. Witness my hand and (where an official seal is required by law) official seal this the _____ day of _____, 20_____.

Signature of Officer

Official Seal

c) Certificate of Septic Tank Suitability (if applicable)

The Union County Health Department has evaluated each lot shown for its own septic tank system. As of _____ based on conditions noted in soil evaluation ASE# _____, each lot is suitable for a system. This statement does not guarantee that an improvement permit will be issued.

Signature_____

Date_____

d) Certificate of Approval of the Design and Installation of Utilities and other Required Improvements

I hereby certify that any and all required improvements have been installed in an acceptable manner and according to the Town of Mineral Springs specifications and standards in the Mineral Springs Subdivision Ordinance, or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the Town of Mineral Springs have been given and received.

Mayor, Town of Mineral Springs, North Carolina

Date

e) Certificate of Approval for Recording

I hereby certify that the final subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Mineral Springs, North Carolina and that this plat has been approved by the Subdivision Administrator and Planning Board for recording in the Office of the Register of Deeds of Union County this _____ day of _____, 20____.

Chairman of the Planning Board
Town of Mineral Springs, North Carolina

f) Certificate for Recording

STATE OF NORTH CAROLINA, UNION COUNTY

The foregoing certificate (s) of _____

is (are) certified to be correct. This instrument was presented for registration this day and hour and duly recorded in the office of the Register of Deeds of Union County, N. C. in Book _____, page_____. This _____ day of _____, 20_____ at _____ o'clock A. M., P. M.

Register of Deeds By: _____

305.4 Approval of Final Plat by the Planning Board and Recording

Following approval of the preliminary plat by the Subdivision Administrator, or the Planning Board on appeal, the subdivider may submit a proposed final plat as specified in subsection 305.3 above, for consideration by the Planning Board as follows:

The final plat shall be submitted to the Subdivision Administrator, who within fifteen (15) days of receipt of said plats shall review same, and shall submit same to the Planning Board along with his comments and recommendations, unless the proposed final plat contains errors or omissions that require further action on the part of the subdivider, as provided for in subsection 305.3. The Subdivision Administrator shall recommend approval, approval conditional upon certain modifications to bring the plat into compliance, or disapproval of the final plat along with his reasons for recommending disapproval.

During review of the proposed final plat, the Subdivision Administrator may appoint an engineer or surveyor to confirm the accuracy of the proposed final plat. If an error greater than five percent (5%) is found, the costs of such additional engineering or surveying shall be charged to the subdivider, and

the proposed final plat shall not be further considered until such errors are corrected, and all associated costs reimbursed by the subdivider.

Following review and recommendation by the Subdivision Administrator, the Planning Board shall review the proposed final plat at or before its next regularly scheduled meeting which follows at least fifteen (15) days after the Subdivision Administrator's report, or such other time as the Planning Board by majority vote decides.

If the Planning Board approves the proposed final plat without comment, it shall transmit one (1) Mylar and two (2) copies of the plat and its certification thereof to the subdivider through the Subdivision Administrator.

If the Planning Board renders a decision of conditional approval of the proposed final plat with modifications to bring the plat into compliance, it shall retain one (1) copy of the proposed final plat for its minutes, and return its written recommendations and a copy of the plat to the subdivider, and shall remit a copy of the plat and its written recommendations to the Subdivision Administrator, and upon the subdivider complying with the recommendations of the Planning Board, the plat may be resubmitted for consideration by the Planning Board at its next meeting following fifteen (15) days from time of receipt of the evidence by the Planning Board and the Subdivision Administrator of subdivider compliance with the Planning Board's recommendations.

If the Planning Board disapproves the final plat, it shall submit in writing to the subdivider, one copy of the plat, and the reasons for such disapproval, specifying the provisions of this Ordinance with which the final plat does not comply, and instruct the subdivider concerning resubmission of a revised plat and the subdivider may make such changes as will bring the plat into compliance with the provisions of this Ordinance, and resubmit same for consideration by the Planning Board; in which case the procedures set forth in subsections 305.3 and 305.4 shall be repeated.

If the Planning Board approves the final plat, either initially or subsequently as provided for herein, such approval shall be shown on each copy of the plat, including the reproducible Mylar copy, by completion of certificate (e).

Once the final plat is recorded, certificate (f) on the final plat shall be completed signed by the Register of Deeds and a copy sent by the applicant to the Subdivision Administrator. The reproducible Mylar copy shall be recorded with the Union County Register of Deeds Office by the subdivider within ninety (90) calendar days of approval; otherwise such approval shall become null and void.

Section 306. Major Subdivision Plat Approval

A major subdivision is defined as set forth in Section 112. Prior to the start of construction or installation of any subdivision improvements, all conventional or large lot major subdivisions shall be submitted and approved in accordance with Sections 307, 308, and 310 of this Ordinance. Conservation subdivisions shall be approved according to Section 314 of this Ordinance.

Section 307. Sketch Plan for Major Subdivisions

A sketch plan as provided in subsection 307.1 shall be prepared by a Registered Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors.

307.1 Contents

Prior to the initiation of an application for approval consideration of a preliminary plat, the subdivider shall submit to the Subdivision Administrator a sketch plan of the proposed subdivision containing the following information:

- a) A sketch vicinity map, including a north arrow, and showing the location of the proposed subdivision in relation to neighboring tracts, existing and/or platted subdivisions, roads, floodplains, wetlands and waterways;
- b) The boundaries of the tract and the portion of the tract to be subdivided;
- c) The total acreage to be subdivided;
- d) The existing and proposed uses of land within the proposed subdivision and the existing uses of land adjoining it with any proposed use of floodplains or wetlands whatsoever in or adjacent to the proposed subdivision clearly set forth and accompanied by a statement to the effect that no infringement on such areas will result;
- e) The proposed street layout with approximate pavement and right-of-way width, lot layout and size of lots;
- f) The name address and phone number of the property owner;
- g) The name of the proposed subdivision;
- h) Streets and lots of adjacent developed or platted properties;
- i) The zoning classification of the tract and of adjacent properties;
- j) For proposed subdivisions where individual septic tanks are the proposed method for wastewater treatment, the subdivider shall submit a report evaluating the suitability of the site for septic tank drainfields. The report shall be based of the physical characteristics of the site. The applicant shall conduct at least two (2) soil core borings for every one (1) acre of land in the tract to be subdivided and the borings shall be an average of at least four (4) feet in depth. Each boring shall be assigned a separate number and the report shall present the findings of each boring, the

subdivider shall show the location of each boring (by number assigned) on the sketch plan. The report shall include the description of soils in accordance with: North Carolina Administrative Code, Title 10, Department of Human Resources, Chapter 10, Health Services; Environmental Health, Subchapter 10A, Sanitation and the U. S. Department of Agriculture Handbook Number 18, Soil Survey Manual.

The report shall also include a description of soil color, using the Munsell Soil Color Charts, Published Munsell Color, and Macbeth Division of Kollmorgen Corporation.

The report shall further draw conclusions as to the suitability of the number and type of septic systems proposed as derived from the testing, color and type of soil for each sample of soil taken.

k) The sketch plan shall also show the following:

- All streets and property lines;
- Proposed building area for each lot;
- Septic tank and drainfield location for each lot;
- Site and repair area for each lot;
- Proposed area for well site for each lot;
- A separate map drawn at the same scale as the final plat showing streets and lot lines, topography with contour intervals of no greater than ten (10) feet (at the discretion of the Subdivision Administrator contour intervals of five (5) feet may be required), and an accurate mapping of all soil classifications found on the site and general depths thereof; and
- A discussion of how any floodplains and/or wetlands are protected.

The report shall be prepared by a qualified soil scientist and the qualifications and references of the soil scientist shall be documented in the report. Lots to be served by public water shall not be subject to the well site area requirements and lots to be served by public sewer shall not be subject to the septic tank drainfield designation requirements. Written evidence of approval of the proposed lots by the Union County Health Department for septic tanks shall be acceptable in lieu of the soils test requirement, but all other requirements of this subsection regarding the use of septic tanks must still be met in order for further consideration to take place of any such proposed subdivision.

307.2 Submission and Review Procedure for Major Subdivisions

The Subdivision Administrator shall, within thirty (30) calendar days of receipt of the requisite number of copies of the sketch plan and associated

information required in Section 307.1 for any major subdivision and the specified fee, review the sketch plan and accompanying information to ensure general compliance with the requirements of this Ordinance and the Town of Mineral Springs Zoning Ordinance.

The Subdivision Administrator shall then advise the subdivider or his authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the preliminary and final plats. One copy of the sketch plan and associated information shall be retained as a part of the record of the Subdivision Administrator with another copy being returned to the subdivider or his authorized agent along with any notations of non-compliance made by the Subdivision Administrator.

Section 308. Major Subdivision Preliminary Plat Submission and Review

308.1 Submission Procedure

Following receipt of Subdivision Administrator notations, the subdivider may submit a preliminary plat, accompanied by the fee required by this Ordinance, which shall be submitted to the Subdivision Administrator, who shall review the preliminary plat within thirty (30) calendar days of receipt thereof. The number of lots on the preliminary plat shall not exceed by five percent (5%) the number of lots on the sketch plan. Should they exceed five percent (5%), a new sketch plan and accompanying information shall be filed with the Subdivision Administrator before further consideration and the original submission shall become null and void.

The preliminary plat shall be submitted to the Subdivision Administrator at least sixty (60) calendar days prior to the meeting at which the subdivider desires the Planning Board to review the preliminary plat.

The preliminary plat shall be of a size suitable for recording with the Union County Register of Deeds and shall be at a scale of not less than one (1) inch equals two hundred (200) feet. The preliminary plat shall be prepared by a Registered Land Surveyor currently licensed and registered by the North Carolina State Board for Professional Engineers and Land Surveyors. Maps may be placed on more than one sheet with appropriate match lines.

Preliminary plats shall meet all specifications set forth in Section 310, plus the certificates found in Section 305.3 (a), (b), and (c) shall be completed and included on the plat as well as the following certificates:

d) Certificate of NCDOT Approval

DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

PROPOSED SUBDIVISION ROAD
CONSTRUCTION STANDARDS CERTIFICATION
APPROVED _____
District Engineer

DATE _____

e) Preliminary Plat Approval Certificate

I hereby certify that the preliminary plat shown hereon has been found to comply with the subdivision regulations of the Town of Mineral Springs, North Carolina on this _____ day of _____, 20_____.

Mayor, Town of Mineral Springs, N. C.

For proposed subdivisions where individual septic tank are the proposed method for wastewater treatment the preliminary plat shall be accompanied by a report of site suitability for individual wells and septic tanks and soil suitability for septic tank drainfields. The report shall contain all of the information required in Section 307.1 with respect to soil suitability for septic tank drainfields including the results of any findings of any subsequent borings made. The report shall contain a written finding stating that each lot contains, separate from an adequate building site (meeting all setbacks required by the Town), a septic tank drainfield, drainfield repair area, and well site; meeting all applicable State of North Carolina regulations. The report shall contain a map of the proposed subdivision showing the following:

- o All streets and property lines;
- o Proposed building area for each lot;
- o Septic tank and drainfield locations for each lot;
- o Site and repair area for each lot;
- o Proposed well site for each lot;
- o A separate map drawn at the same scale as the final plat showing streets and lot lines, topography with contour intervals of no greater than ten (10) feet (at the discretion of the Subdivision Administrator contour intervals of five (5) feet may be required), an accurate mapping of all soil classification found on the site and general depths thereof;

- Intention, if any, to submit the proposed final plat in segments as allowed (and limited) in Section 309.3 of this Ordinance; and
- A discussion of how any floodplains and/or wetlands are protected.

The report shall be prepared by a qualified soil scientist and the qualifications of the soil scientist shall be documented in the report. The report shall include the description of soils in accordance with: North Carolina Administrative Code, Title 10, Department of Human Resources, Chapter 10, Health Services; Environmental Health, Subchapter 10A, Sanitation and the U. S. Department of Agriculture Handbook Number 18, Soil Survey Manual.

The report shall also include a description of soil color, using the Munsell Soil Color Charts, Published Munsell Color, Macbeth Division of Kollmorgen Corporation.

The report shall further draw conclusions as to the suitability of the number and type of septic systems proposed as derived from the testing, color and type of soil for each sample of soil taken.

Written evidence of approval of the proposed lots by the Union County Health Department for septic tanks shall be acceptable in lieu of the soils test requirement, but all other requirements of this subsection regarding the use of septic tanks must still be met in order for further consideration of any such proposed subdivision.

The above preliminary plat shall be prepared by a Registered Land Surveyor currently licensed by the State of North Carolina by the North Carolina Board of Registration for Professional Engineers and Land Surveyors.

308.2 Review by Health Department and Other Agencies

Once the preliminary plat and all associated information has been received by the Subdivision Administrator, he shall determine the agencies to which the preliminary plat shall be submitted for review and recommendation. The Subdivision Administrator shall prepare a form cover letter for each agency to which the preliminary plat shall be submitted for use by the subdivider. The letter shall state the date of the Planning Board meeting at which the preliminary plat shall first be considered. All preliminary plats and soils information shall be submitted to the Union County Health Department and Natural Resource Conservation Service for review of suitability of the land for septic tanks and wells and for other considerations as appropriate. All preliminary plats and accompanying streets information shall be submitted to the Office of the District Engineer of the State of North Carolina Department of Transportation. The Subdivision Administrator shall determine other agencies for preliminary plat review, as appropriate, including but not limited to the State of North Carolina Department of Natural Resources and Community Development (including appropriate individual, agencies within

said Department), the Union County Public Works Department, and the Union County Board of Education.

The subdivider shall deliver preliminary plat copies along with the form cover letter to the agencies which are determined by the Subdivision Administrator to be appropriate for review at least thirty (30) calendar days prior to the desired Planning Board meeting. Upon receipt of all replies, the subdivider shall submit the agencies' reviews to the Subdivision Administrator at least fifteen (15) days prior to the Planning Board meeting at which the Preliminary Plat is to be considered. No proposed subdivision shall be considered by the Planning Board until the subdivider has fully complied with this requirement.

The Subdivision Administrator shall submit a written report including comments of the review agencies and his comments on the proposed subdivision to the Planning Board at least five (5) days in advance of its meeting. Said written report shall include a recommendation to the Planning Board to either approve, or conditionally approve, pending satisfaction of certain conditions, or disapprove the proposed subdivision preliminary plot.

If the Subdivision Administrator recommends disapproval of the preliminary plat, the reasons for such disapproval shall be specified in writing. One (1) copy of the plat and the reasons thereof shall be forwarded to the Planning Board, one copy shall be retained by the Subdivision Administrator and one (1) copy shall be returned to the subdivider. The subdivider may request an extension of time to respond, in such instance the procedures set forth in subsections 308.1 and 308.2 shall be repeated. If no such action is initiated by the subdivider, the procedure of subsection 308.3 shall be followed.

308.3 Review Procedure

Following review of the Preliminary Plat by the Subdivision Administrator, the Preliminary Plat shall be submitted to the Planning Board for action, unless the subdivider requests time to consider the reasons for a recommendation for disapproval, and to resubmit.

The Planning Board shall review the preliminary plat at or before its next regularly scheduled meeting which follows at least fifteen (15) days after the Subdivision Administrator receives comments on the preliminary plat from the appropriate agencies.

The Planning Board shall, in writing, recommend approval, conditional approval with recommended changes to bring the plat into compliance, or disapproval with reasons within thirty (30) calendar days of its first consideration of the plat or at its next regularly scheduled meeting following the meeting at which the plat was first considered, whichever occurs later.

If the Planning Board recommends Town Council approval of the preliminary

plat, it shall retain one (1) copy of the plat for its minutes and transmit two (2) copies of the plat, to the Town Council with its written recommendation.

If the Planning Board recommends conditional approval of the preliminary plat, it shall keep one (1) copy of the plat for its minutes, transmit one (1) copy of the plat and its recommendation to the Town Council, and return the remaining copy along with its comments to the subdivider.

If the Planning Board recommends disapproval of the preliminary plat, it shall retain one (1) copy of the plat for its minutes, transmit one (1) copy of the plat and its recommendation to the Town Council, and return the remaining copy of the plat and its reasons for disapproval to the subdivider.

If disapproval of the preliminary plat is recommended by the Planning Board, the subdivider may make changes necessary to resolve the forwarded reasons for disapproval and submit a revised preliminary plat, or appeal the recommendation to the Town Council. The subdivider may, in the case of conditional approval action by the Planning Board, make the recommended changes or appeal the Planning Board's recommendation.

If the Planning Board does not make a written recommendation within the time set forth herein for its consideration of the plat, the subdivider may apply directly to the Town Council for approval or disapproval.

If the Town Council approves the preliminary plat, such approval shall be noted on two (2) copies of the plat by completion of Certificate (e) – (see Section 308.1). One (1) copy of the plat shall be filed by the Subdivision Administrator and one (1) copy shall be returned to the subdivider. If the Town Council conditionally approves the preliminary plat, approval shall be noted on two copies of the plat along with a reference to the conditions. One (1) copy of the plat along with the conditions shall be retained by the Town Council, and one (1) copy of the plat along with the conditions shall be returned to the subdivider.

Once these conditions are satisfied, the plat may be resubmitted by the subdivider to the Subdivision Administrator for consideration by the Town Council. If the Town Council disapproves the preliminary plat, the reasons for such disapproval shall be specified in writing. One (1) copy of the plat and the reasons shall be retained by the Town Council and one (1) copy shall be returned to the subdivider. If the preliminary plat is disapproved, the subdivider may make such changes as will bring the preliminary plat into compliance and resubmit the same to the Subdivision Administrator for reconsideration by the Planning Board and Town Council.

Section 309. Final Major Subdivision Plat Submission and Review

309.1 Preparation of Final Plat and Installation of Improvements

Upon approval of a preliminary plat by the Town Council, the subdivider may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and all applicable requirements of this Ordinance and the Town of Mineral Springs Zoning Ordinance. Prior to initiation of any construction of utility and street improvements, plans shall have all necessary approvals from state agencies and Union County, and one (1) folded copy of all such approved plans shall be filed with the Subdivision Administrator. Prior to any consideration of a final plat, the subdivider shall have installed and dedicated the improvements specified in this Ordinance and on the approved preliminary plat, or guaranteed their installation and maintenance as provided herein. No final plat will be considered by the Town Council unless accompanied by written notice by the Subdivision Administrator acknowledging compliance with the improvement and guarantee standards of this Ordinance. If the street improvements are completed prior to preparation of the final plat, Section 313.2, shall be complied with before submission of the final plat to the Town Council for consideration. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time; nevertheless such portion shall conform to all requirements of this Ordinance as if the entire subdivision were developed

309.2 Improvement and Guarantee Standards

a) Improvement and Guarantee Standards

In lieu of requiring the completion and dedication of all improvements prior to final plat approval, the Town of Mineral Springs may enter into an agreement with the subdivider whereby the subdivider shall guarantee completion of all required improvements. Once said agreement is signed by both parties and the surety required herein is provided, work may proceed and the final plat may subsequently be considered for approval by the Town Council, if all other requirements of this Ordinance are met, including the additional survey requirements of Section 313. To secure this agreement, the subdivider shall provide either one, or a combination of the following guarantees equal to one and one-half (1.5) times the entire estimated cost as provided herein. The type of surety shall be chosen by the subdivider. The amount shall be subject to the approval of the Town Council:

- 1) Surety Performance Bond(s)** The subdivider shall obtain a performance bond(s) from a surety bonding company licensed to do business in North Carolina. The bond(s) shall be payable to the Town of Mineral Springs and shall be made in or total an amount equal to one and one-half (1.5) times the entire cost, as estimated by the subdivider, verified by the Town

Engineer (or Office of the District Engineer, State of North Carolina Department of Transportation, Division of Highways, for street improvements) and thereafter accepted by the Town Council, for the installation of all required improvements. The duration of the bond(s) shall be for not more than two (2) years, or until such time as the improvements are accepted by the Town Council or otherwise dedicated, whichever is less. Any expenses associated with cost verifications incurred by the Town shall be borne entirely by the subdivider.

- 2) Cash or Equivalent Surety** The subdivider shall deposit cash, an irrevocable letter of credit from a bank doing business in North Carolina where deposits are insured by the Federal Deposit Insurance Corporation (FDIC), or Savings and Loan doing business in the State of North Carolina, where deposits are insured by the Federal Savings and Loan Insurance Corporation (FSLIC), or certified check drawn in favor of the Town of Mineral Springs with the Town Clerk before any work commences. The use of any instrument other than cash shall be subject to the approval of the Town Council. The amount of deposit or letter of credit shall be equal to one and one-half (1.5) times the cost as estimated by the subdivider, verified by the Town Engineer and thereafter accepted by the Town Council, for the installation of all required improvements.

Interest derived on any such cash or equivalent security deposit(s) shall inure to the provisional credit of the subdivider, and shall be delivered to him upon completion, acceptance and dedication of all required improvements, less any reasonable administrative expenses.

b) Default

Upon default, meaning the failure on the part of the subdivider to complete the required improvements within two (2) years as spelled out in the performance bond, then the surety, shall, if requested by the Town Council, pay all or any portion of the bond to the Town of Mineral Springs up to the amount needed to complete the improvements based on an updated engineering estimate. Upon payment, the Town Council, at its sole discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements, or restore the property to its pre-development state to the maximum extent feasible. The Town Council shall return to the subdivider, or guarantor in the event the guarantor is called upon to pay for improvements, any funds not so spent, less any reasonable administrative expenses. Any cash or equivalent surety held by the Town may be used likewise, in event of default.

c) Release of Guarantee Surety

The Town Council may release a portion of any surety posted as the

improvements are completed and recommended for approval by the Subdivision Administrator. Within thirty (30) calendar days after receiving the Subdivision Administrator's recommendation, the Town Council shall approve or disapprove said improvements. When the Town Council approves said improvements, it shall immediately release such amount of surety posted, as it deems appropriate; provided however, the balance remaining as surety shall continue to equal one and one-half (1.5) times the estimated cost of the remaining improvements, as verified by the Town Engineer.

Whenever a surety bond or letter of credit has been submitted, the Subdivision Administrator shall notify the subdivider at least ninety (90) calendar days prior to the time said guarantee is about to expire. If the subdivider does not extend or replace said guarantee within sixty (60) calendar days of said notification, the Subdivision Administrator shall, through the Town Attorney's Office, and after notifying the Town Clerk's Office, begin proceedings for calling upon the guarantee. Any extension or replacement shall be in the same amount as the guarantee. Any extension or replacement shall be in the same amount as the guarantee being extended or replaced unless a portion of the improvements have been completed and a reduction in amount is appropriate as provided for in the subsection 309.2.c).

The period within which required improvements must be completed shall not in any event exceed two (2) years from the date of preliminary or final plat approval, or the Town shall begin the process of calling upon the guarantee as specified herein.

If the subdivider indicates that the final plat will be completed in sections as herein provided, he may post such guarantee separately but before the time each respective section is submitted and considered for final plat approval.

309.3 Final Plat Submission Procedure

Within two (2) years following the approval of the preliminary plat, but not less than sixty (60) calendar days beforehand, the subdivider may submit a proposed final plat as set forth below:

The final plat, accompanied by the fee required by this Ordinance, shall be submitted to the Subdivision Administrator at least thirty (30) calendar days prior to the meeting at which subdivider desires the Planning Board reviews the final plat. One (1) additional copy of the final plat shall be on reproducible Mylar material. Materials and drawing medium for the original shall be in accordance with the Standards of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Union County Register of Deeds.

The proposed final plat shall be prepared by a Registered Land Surveyor currently licensed by the State of North Carolina by the North Carolina Board

of Registration for Professional Engineers and Land Surveyors, and shall be of a scale of not less than one (1) inch equals two hundred (200) feet. Maps may be placed on more than one (1) sheet with appropriate match lines.

The final plat may be submitted in segments, at the discretion of the subdivider, provided that prior notification has been given, as required in Section 308.1 of this Ordinance. In such case, at least one (1) final plat segment proposal shall be submitted per year, on or before the anniversary date of preliminary plat approval. In no case shall preliminary plat approval for any segment extend beyond five (5) years from the original date of preliminary plat approval.

The proposed final plat shall conform substantially to the preliminary plat as approved, and if desired by the owner or subdivider, it may refer to that portion of the approved preliminary plat which he proposes to record as a final plat.

Failure to submit a proposed final plat within two (2) years after preliminary plat approval, in whole or in part, shall render the preliminary plat approval null and void.

The proposed final plat shall meet all applicable specifications established in Section 310 and the Subdivision Administrator shall review each proposed final plat submittal to ensure all applicable requirements have been fully satisfied. Any errors or omissions discovered shall be identified to the subdivider for correction before proceeding in accordance with the subsection 309.4 approval procedure. The following certificates shall appear on each copy of the plat. Certificates (a), (b), (c), (d), (e), and (f) shall be completed and signed prior to submittal.

a) Certificate of Ownership and Dedication

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Mineral Springs and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted.

Owner

Date

b) Certificate of Survey and Accuracy in Accordance With the Standards and Practice for Land Surveying in North Carolina:

On the face of each map prepared for recordation there shall appear a certificate acknowledged before an officer authorized to take acknowledgments and executed by the person making the survey or map including deeds and any recorded data shown thereon. The Certificate shall include a statement of error of closure calculated by latitudes and departures. Any lines on the map which were not actually surveyed must be clearly indicated of the map and a statement included in the certificate revealing the source of the information.

The certificate shall take the following general form:

State of North Carolina, Union County

I, _____ certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book _____, Page _____, etc.) (Other); that the ratio of precision as calculated by latitudes and departures is 1:_____, (that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____); that this map was prepared in accordance with G.S. 47-30, as amended. Witness my original signature, registration number and seal this _____ day of _____, 20 _____.

Registered Land Surveyor

Official Seal

Registration Number

I, (officer authorized to take acknowledgments) do hereby certify that (name of registered surveyor) personally appeared before me this day and acknowledged the due execution of this certificate. Witness my hand and (where an official seal is required by law) official seal this the _____ day of _____, 20 _____.

Signature of Officer

Official Seal

c) Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements

I hereby certify that all streets and other required improvements have been installed in an acceptable manner and according to NC Department of Transportation and/or Town of Mineral Springs specifications and standards in the Mineral Springs Subdivision Ordinance, or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the Town of Mineral Springs have been given and received.

Mayor, Town of Mineral Springs, North Carolina

Date

d) NCDOT Construction Standards Approval

I hereby certify that the streets on this plat designated as public are or will be in accordance with the minimum right-of-way and construction standards established by the Board of Transportation for acceptance into the state highway system.

or

I hereby certify that the streets on this plat designated as private do not satisfy the minimum right-of-way and construction standards established by the Board of Transportation and will not be accepted into the state highway system.

District Engineer

Date

e) Certificate of Septic Tank Suitability (if applicable)

The Union County Health Department has evaluated each lot shown for its own septic tank system. As of _____ based on conditions noted in soil evaluation ASE# _____, each lot is suitable for a system. This statement does not guarantee that an improvement permit will be issued.

Signature_____

Date_____

f) Certificate of Subdivision Type

It is the duty of the surveyor, by signed certificate, to certify to one of the following on the face of the plat:

- 1) That the survey creates a subdivision of land within the area of Mineral Springs that is regulated by the Mineral Springs Subdivision

be charged to the subdivider and the proposed final plat shall not be further considered until such errors are corrected, and all associated costs reimbursed by the subdivider. The Subdivision Administrator may recommend approval, approval conditional upon certain modifications to bring the plat into compliance, or disapproval of the final plat with reasons for disapproval.

Following review by the Subdivision Administrator, the Planning Board shall recommend approval, conditional approval with modifications to bring the plat into compliance, or disapproval of the proposed final plat with reasons within thirty (30) calendar days of its first consideration of the proposed final plat.

If the Planning Board recommends Town Council approval of the final plat, it shall transmit all copies of the plat and its written recommendations to the Town Council, through the Subdivision Administrator.

If the Planning Board recommends conditional approval of the proposed final plat with modifications, to bring the plat into compliance, it shall retain one print of the plat for its minutes, and return its recommendations and one copy of the plat to the subdivider, and transmit one copy of the plat and its written recommendations to the Town Council through the Subdivision Administrator. The Town Council may consider the proposed final plat on its own motion or at the specific written request of the subdivider, at which time, Council may consider the proposed final plat, and the modifications recommended by the Planning Board.

If the Planning Board recommends disapproval of the final plat, it shall instruct the subdivider concerning the resubmission of a revised plat and the subdivider may make such changes as will bring the plat into compliance with the provisions of this Ordinance, and resubmit same for reconsideration by the Planning Board, or the subdivider may appeal the decision directly to the Town Council.

In the event the Planning Board fails to make a written recommendation to Town Council within the time set forth herein, the subdivider may apply directly to Town Council for approval of the proposed final plat.

If the Planning Board recommends approval or conditional approval with modifications to bring the proposed final plat into compliance, or the subdivider appeals to the Town Council, Town Council shall review and approve or disapprove the proposed final plat within thirty (30) calendar days after the proposed final plat is considered by the Town Council at a Town Council meeting.

Thereafter, if the Town Council approves the final plat, such approval shall be shown on the original Mylar reproducible and each copy of the plat by

completion of Certificate (g) – (see subsection 309.3).

If the Town Council conditionally approves the proposed final plat, such approval, along with the conditions noted shall be forwarded to the subdivider. Once those conditions are met, the plat may be resubmitted to the Subdivision Administrator for further consideration by the Town Council.

In the event the proposed final plat is disapproved by the Town Council, the reasons for such denial, shall be stated in writing, specifying the provisions of this Ordinance with which the final plat does not comply. One (1) copy of such reasons and one (1) print of the plat shall be retained by the Town Clerk, as part of the Town Council proceedings, and one (1) copy of the plat and a copy of the reasons shall be forwarded to the subdivider.

If the proposed final plat is disapproved, the subdivider may make such changes as will bring the proposed final plat into compliance, and resubmit same for reconsideration by the Town Council, provided such resubmission is made within one hundred eighty (180) calendar days from the date of disapproval. Otherwise, the subdivider must begin the subdivision plat approval process as though no plat had been previously submitted for consideration by the Town.

Subdivider shall submit to the Subdivision Administrator an original Mylar reproducible of the final plat as approved by the Town Council within five (5) days of Council approval. The Subdivision Administrator will have fifteen (15) days thereafter to review the Mylar to be signed by the Mayor and promptly returned to the subdivider for recording at the Union County Register of Deeds.

The Mayor shall not sign any Mylar reproducibles without first obtaining written certification from the Subdivision Administrator that the Mylar is identical to the proposed final plat approved by the Town Council.

In the event any Mylars submitted are not identical to the final plat approved by the Town Council, the Subdivision Administrator shall report same to the Mayor, who shall place the matter on the agenda for next Town Meeting for Town Council review.

Upon receipt of the report of the Subdivision Administrator, Council may, in its absolute discretion:

- 1) Request review of the Mylars by the Town of Mineral Springs Planning Board and resubmittal to Council for review and approval or
- 2) Review the Mylars and determine they are in substantial conformity with the final plat previously approved by Council and that the lots reflect on

the Mylars are in full compliance with the Town of Mineral Springs Zoning Ordinance.

In the event Council elects to proceed in accordance with subsection 2) above, the Mylars as reviewed by the Subdivision Administrator shall constitute the final plat of the proposed subdivision.

The subdivider shall file the approved final plat with the Union County Register of Deeds within thirty (30) calendar days of Certificate (g) completion; otherwise such approval shall be null and void, and the subdivider must begin the procedure for approval from the sketch plan stage, in accordance with all provisions of Section 307 and including payment of the required fee. Once the final plat is recorded, Certificate (h) – (see Subsection 309.3) – shall be completed and signed by the Register of Deeds. Two (2) copies of this original Mylar reproducible shall be provided by the subdivider to the Subdivision Administrator. One copy shall be retained by the Subdivision Administrator and one by the Town Clerk.

Section 310. Information to be Contained in or Depicted on Preliminary and Final Plats.

All proposed preliminary and final plats shall depict or contain the information indicated in the following table, plus any and all information otherwise required by this Ordinance. An x indicates that the information is required. Preliminary plat information is only required for major subdivisions, unless otherwise specified for minor subdivisions elsewhere in this Ordinance.

Table 310-1

INFORMATION	PRELIMINARY PLAT	FINAL PLAT
Title block containing the subdivision name and the name of the owner	X	X
Location (including address, township, county and state)	X	X
Date or dates survey was conducted and plat prepared	X	X
A scale of drawing in feet per inch listed in words and figures (drawing shall not be at a scale less than 1" equals 200')	X	X
Bar graph scale	X	X
The name, address and phone # of the subdivider/preparer of plat	X	X
A sketch vicinity map with north arrow showing the relationship between the proposed subdivision and surrounding area at a scale of 1" = 2000'	X	X

INFORMATION	PRELIMINARY PLAT	FINAL PLAT
The names, addresses and telephone number of all owners, mortgages, registered land surveyors, developers, land planners, architects, landscape architects, and professional engineers responsible for the subdivision.	X	X
Date of plat preparation	X	X
The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands		X
The names of owners of adjoining properties (and/or deed book references)	X	X
Minimum building setback lines for all lots	X	X
The zoning classifications of the tract to be subdivided and on adjoining properties	X	X
Existing property lines on the tract to be subdivided and on adjoining properties	X	X
Existing buildings or other structures, water courses, wetlands, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining plus dimensions and distances to property lines of buildings to remain on final plat.	X	X
Proposed lot lines, lot and block numbers, and approximate dimensions, show bearings and distances on final plat.	X	X
The lots numbered consecutively throughout the subdivision	X	X
Marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds and any other natural features affecting the site	X	X
The exact location of the flood hazard, floodway and floodway fringe areas from the Town's FEMA maps if applicable	X	X
Septic tank suitability data furnished by the appropriate County Health Department	X	
Proposed roads with horizontal and vertical alignment	X	X
Existing and platted roads on adjoining properties and in the proposed subdivision	X	X
Rights of way, location and dimensions	X	X

INFORMATION	PRELIMINARY PLAT	FINAL PLAT
Pavement widths	X	X
Cul-de-sac radius from centerpoint	X	X
Design engineering data for all corners and curves	X	X
Road names	X	X
If any road is proposed to intersect with a state maintained road, the subdivider shall apply for driveway approval as required by the NCDOT, Division of Highways' Manual on Driveway Regulations. Evidence that the subdivider has obtained such approval	X	X
The location and dimensions of all utility and other easements	X	X
The location and dimensions of all buffer strips	X	X
The location and dimensions of all pedestrian or bicycle paths	X	X
The location and dimensions of all school sites, both existing and proposed	X	X
The location and dimension of all parks and recreation areas with specific type indicated	X	X
The location and dimensions of areas to be used for purposes other than residential with the purpose of each stated	X	X
The future ownership (dedication or reservation for public use to governmental body, homeowners' association, or for tenants remaining in subdivider's ownership) of recreational and open space lands	X	X
Acreage in total tract to be subdivided	X	
Acreage in parks and recreation areas and other nonresidential uses	X	
Total number of parcels created	X	
Acreage in the smallest lot in the subdivision, square footage of all lots under one (1) acre in size, acreage for all lots over one acre	X	X
Linear feet in streets	X	
The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is listed on the US Department of Interior's National Register of Historic Places or is designated as a Local Historic Property by Union County	X	X

INFORMATION	PRELIMINARY PLAT	FINAL PLAT
The accurate locations and descriptions of all monuments, markers and control points		X
A copy of the approved erosion control plan submitted to the appropriate field office of the Department of Natural Resources and Community Development in for any major subdivision	X	X
A copy of any proposed deed restrictions or similar covenants	X	X
A separate map drawn at the same scale as the preliminary plat showing only proposed streets and lot lines, topography with contour intervals of no greater than 10 feet (at the discretion of the Subdivision Administrator contour intervals of 5 feet may be required), and an accurate mapping of soil classifications found on the site and general depths thereof	X	
Existing and proposed streets showing pavement or curb lines, pavement width dimensions (face to face), cul-de-sac pavement radius from centerpoint	X	
A disk or tape copy of the final plat to be submitted in a format compatible to the Town of Mineral Springs's GIS system.		X
A copy of the approved roadway plan submitted to the appropriate office of the North Carolina Department of Transportation for any major subdivision	X	
A copy of permits from Army Corps of Engineers, pursuant to Section 14.14 of the Town of Mineral Springs Zoning Ordinance	X	
The location and dimensions of all drainage easements as defined in Article 14 of the Zoning Ordinance, including P.E. certification when required.	X	X
Compliance with Section 14.9, "Setbacks from Streams" of the Zoning Ordinance.	X	X
Establishment of Flood Protection Elevation (FPE) in accordance with Section 14.9 of the Zoning Ordinance.	X	X
Name of plat (preliminary or final)	X	X
Existing land use within the property and adjacent properties	X	

INFORMATION	PRELIMINARY PLAT	FINAL PLAT
Plat book or deed book references	X	X
Tax map, block, parcel (s) numbers of property and adjacent property	X	X
Corporate limits, county lines, and other jurisdictional lines if any, on the tract	X	X
North Arrow and orientation (North arrow shall be oriented to the top of the plat where applicable)	X	X
Acreage in public green ways or other open space	X	X
Letter of acceptance by Union County 911 system (Attach to plat)	X	
Letter of acceptance of subdivision name by Union County (attach to plat)	X	

Section 311. Vacation of Plats

- 311.1** Any plat or any part of any plat may be vacated by the owner at any time before the sale of any lot in the subdivision by filing a written instrument with the Subdivision Administrator to which statement a copy of such plat shall be attached, declaring the same to be vacated.
- 311.2** Such an instrument shall be approved by the Town Council which may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets or alleys.
- 311.3** Such an instrument shall be executed, either acknowledged or approved by the Town Council, and thereafter recorded and filed in the same manner as a final plat; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.
- 311.4** When lots have been sold, the plat may be vacated in the manner provided in subsections 311.1 through 311.3 if, and only if all owners of the lots in such plat join the execution of such writing.

Section 312. Resubdivision Procedures

For any replatting or resubdivision of land, the same procedures, rules and regulations shall apply as prescribed herein for an original subdivision, as approved.

Section 313. Maintenance of Dedicated Areas Until Acceptance

- 313.1** Subject to subsection 309.1 requirements, all facilities and improvements with respect to which the owner makes an offer of dedication to public use shall be maintained by the owner until such offer of dedication is accepted by the appropriate public authority.
- 313.2** The owner of any development containing streets intended for public dedication shall post a performance bond or other sufficient surety to guarantee that such streets will be properly maintained until the offer of dedication is accepted by the North Carolina Department of Transportation or by formal acceptance by resolution of the Town of Mineral Springs. The amount of the security shall constitute fifteen percent (15%) of the cost of the improvements (road base and pavement). The owner shall provide information sufficient for the Town of Mineral Springs Subdivision Administrator to determine the actual cost of improvements. This surety is in addition to those required in subsection 309.2(a). If the surety/bond described herein is not provided, the Town of Mineral Springs shall not issue Zoning Permits to any properties on the said street(s).
- 313.3** The Town Council may relieve the owner of the requirements of this section, if it determines that a property owners' association has been established for the development, and that this association has requested responsibility for the subject improvements, and has satisfied the obligations set forth herein. The Council, at its discretion, may require any such property owners' association to post the bond referred to in subsection 313.2.
- 313.4** The above bond/surety shall be posted with the Town of Mineral Springs prior to the release of any Guarantee Surety in accordance with subsection 309.2(c).
- 313.5** Whenever a surety bond or letter of credit has been submitted, the Subdivision Administrator shall notify the owner or the property owners' association at least ninety (90) days prior to the time said guarantee is about to expire. If the owner or the property owners' association does not extend or replace said guarantee within sixty (60) calendar days of said notification, the Subdivision Administrator shall through the Town Attorney's Office, and after notifying the Town Clerk's office, begin proceedings for calling upon the guarantee. In such case, no further zoning permits on the affected street(s) shall be issued without specific Town Council approval.

Section 314 Conservation Subdivisions

314.1 Pre-planning site visit.

The applicant shall schedule a pre-planning site visit to obtain advice and assistance prior to preparing layouts or designs for the proposed subdivision.

This consultation shall occur at the site of the proposed subdivision, and shall be attended by applicant, applicant's designer, planning department staff, a certified arborist, and at least two but no more than four members of the planning board. Town Council members shall also be notified of the date, time and location for the pre-planning site visit. A representative from each qualified land trust of the applicant's choosing that is active in the protection of land in the Town of Mineral Springs shall also be invited to attend the pre-planning site visit.

The purpose of this visit is to discuss the applicant's objectives, review the applicant's documentation and analysis of existing conditions, and discuss optional concepts for subdivision layout and location of open space. The applicant shall prepare and bring to this meeting the information listed below:

- a) A "Yield Plan" showing the number of lots that could occur on the tract if it were developed in accordance with all applicable subdivision requirements as a conventional subdivision using lots of a minimum size of 80,000 square feet in the A-R district or 60,000 square feet in the R-R district. Conservation subdivisions are designed to be "density neutral"—i.e., allow for the same number of lots as that which could be platted under applicable subdivision requirements with a minimum lot size of 80,000 square feet in the A-R district or 60,000 square feet in the R-R district. A yield plan shall incorporate the following:
 - 1) Yield Plans must be prepared with the sketch plan in accordance with the standards of the Mineral Springs Subdivision Ordinance, and must show all proposed lots, streets, rights-of-way, and other pertinent features that would be required for a sketch plan for major conventional subdivisions as identified in Section 307.1. Although the Yield Plan must be drawn to scale, it need not be based on a field survey. However, the Yield Plan must be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of wetlands, floodplains, steep slopes, existing easements or encumbrances and, if unsewered, the suitability of soils for subsurface sewage disposal.
 - 2) Yield Plans shall also reflect that each lot in the subdivision contains a minimum area of 80,000 square feet in the A-R district or 60,000 square feet in the R-R district. The Yield Plan must identify the site's primary and secondary conservation lands, as identified in the Existing Resources/Site Analysis Plan, and demonstrate that the primary conservation lands could be successfully absorbed in the development process without disturbance, by allocating this area to proposed single-family dwelling lots.
 - 3) On sites not served by central sewage disposal, lot yield shall be further determined by evaluating septic tank drainfield suitability reports as identified in Section 307.1.(j).

- b) Site context map: Map shall show location of subdivision within its neighborhood context. For sites under 100 acres, map shall be at a scale not less than 1 inch = 200 feet, and shall show the relationship of the subject property to existing natural and human-made features within 1,000 feet of the site, including all existing structures, topography, streams, wetlands, woodlands over one-half acre in area, ridge lines, land protected by conservation easements, public rights-of-way and roads, and public land including existing greenway facilities and lands identified in the greenway network plan. Maps of sites 100 acres or more in area shall be drawn at a scale of 1 inch = 400 feet and shall show the relationships listed above within 2,000 feet of the site. The date that the site context map was prepared shall be included on the map.
- c) Existing resources and site analysis map. Map shall identify and provide a comprehensive analysis of existing conditions on the development site, and within 500 feet of site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies and from aerial photography. This map typically may be prepared at a scale of 1 inch = 100 feet or a scale that allows a map size of 24 inches x 36 inches. Existing resources and site analysis map shall be prepared by a registered architect, registered landscape architect, and/or registered engineer, and shall depict the following information:
- 1) Aerial photograph at a scale not less than 1 inch = 400 feet, with site boundaries clearly marked;
 - 2) Topography with five-foot contour intervals, unless a smaller interval is required by the planning director following the pre-planning site visit. Slopes between 15 and 25 percent and those exceeding 25 percent shall be clearly indicated. For major subdivisions (four or more lots), topography shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography coordinated with official USGS benchmarks or may be obtained from the planning department.
 - 3) Ponds, streams, ditches, drainage swales, 100-year flood hazard zone, 100-year floodplain, springs and wetlands. Additional areas of wetlands on the subdivision parcel also shall be indicated as evident from visual inspection, testing, or the presence of wetland vegetation.
 - 4) Vegetative cover such as cultivated land, grasslands, meadows, pastures, old cropfields, woodlands, hedgerows, and the actual canopy line of trees and woodlands. Describe vegetative types by plant community, and condition.
 - 5) Stands of trees that comprise a contiguous area of one-half acre or greater shall be delineated and identified. For each stand, a stand table shall be prepared by a registered landscape architect or a

- 6) Soil series, types and phases as mapped by US Department of Agriculture, Natural Resources Conservation Service in the published soil survey for the county, and accompanying data published for each soil relating to its suitability for construction and, in unsewered areas, for septic suitability.
- 7) Ridgelines and watershed boundaries.
- 8) View corridors showing location and extent of views into the property from public roads.
- 9) Geologic formations including rock outcroppings, cliffs.
- 10) All existing human-made features such as streets, driveways, farm roads, forest trails, buildings, foundations, walls, wells, drainage fields, dumps, utilities and utility easements, fire hydrants, storm and sanitary sewers.
- 11) All public lands or easements, including existing greenway facilities and lands identified in the greenway network plan.
- 12) Locations of all historically significant sites or structures such as stone walls, earthworks, burial graves, barns, and farmhouses.
- 13) Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
- 14) Existing zoning classification of the subdivision land and all land within 500 feet of property.
- 15) Name and address of owners of adjoining parcels as appears on current tax records.
- 16) Easements and other encumbrances of the property.
- 17) Total acreage of the tract.
- 18) The date that the existing resources and site analysis map was prepared shall be included on the map.

314.2 Pre-planning site conference.

Following the pre-planning site visit, the applicant shall schedule a pre-planning site conference to obtain advice and assistance prior to preparing layouts or designs for the proposed subdivision. This consultation shall be attended by the applicant, applicant's designer, planning department staff and at least two but no more than four members of the planning board. Town Council members shall also be notified of the date, time and location of the

meeting. Owners of adjoining properties shall be invited to attend the pre-planning site conference. A representative from each qualified land trust of the applicant's choosing active in the protection of land in Union County shall also be invited to attend the pre-planning site conference.

The applicant shall provide to the planning department the names and addresses on stamped envelopes of all adjoining property owners to the subject property. The owners of record shall be as shown on the Union County Tax Assessor's records. The planning department shall use the addressed and stamped envelopes to send a letter by regular mail giving notice of the pre-planning site conference. Notification shall be mailed by the planning department to the neighboring property owners no later than 14 days prior to the pre-planning site conference.

The purpose of this conference is to discuss the Applicant's objectives, review the applicant's documentation and analysis of existing conditions, and discuss optional concepts for subdivision layout and location of open space. The applicant shall prepare and bring to this meeting the information listed below:

- a) The yield plan as described in Section 314.1(a).
- b) Site context map. Map shall show location of subdivision within its neighborhood context. For sites under 100 acres, map shall be at a scale not less than 1 inch = 200 feet, and shall show the relationship of the subject property to existing natural and human-made features within 1,000 feet of the site, including all existing structures, topography, streams, wetlands, woodlands over one-half acre in area, ridge lines, land protected by conservation easements, public rights-of-way and roads, and all public lands including existing greenway facilities and lands identified in the greenway network plan. Maps of sites 100 acres or more in area shall be drawn at a scale of 1 inch = 400 feet and shall show the relationships listed above within 2,000 feet of the site. If the applicant prepares an amended site context map following the pre-planning site visit, the most recent amended site context map shall be used.
- c) Existing resources and site analysis map. Map shall identify and provide a comprehensive analysis of existing conditions on the development site, and within 500 feet of site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies and from aerial photography. Existing resources and site analysis map shall be prepared by a registered architect, registered landscape architect, and/or registered engineer, in accordance with the criteria set forth in Section 314.1(b). This map typically may be prepared at a scale of 1 inch = 100 feet or a scale that allows a map size of 24 inches x 36 inches. If the applicant prepares an amended existing resources and site analysis map following the pre-planning site visit, the most recent amended existing resources and site analysis map shall be used.

314.3 Sketch Plan.

Following the completion of the pre-planning site visit and the pre-planning site conference, the applicant shall submit a sketch plan for review by the planning board. The sketch plan shall be prepared by a registered architect, registered landscape architect, and/or registered engineer, and shall depict the following information. The sketch plan shall be designed following the four-step design process described in Section 314.3(a). The applicant is strongly encouraged to review the sketch plan with abutting property owners prior to its submittal to the planning board.

- a) The four phase design process: All sketch plans shall be prepared using a four-phase design process when determining the layout of the proposed open space, house sites, streets and lot lines, as described below. Applicants shall submit four separate maps, drawn at a consistent scale, indicating the findings of each of the following steps of the design process.
 - 1) Delineation of open space: Percentages and acreages shall be calculated in accordance with these regulations, and shall be designated using the existing resources and site analysis map as a base map and complying with Section 4.22 of the Town of Mineral Springs Zoning Ordinance.
 - 2) Alignment of streets: Upon designating house sites, following topography and other natural features, design a street plan that minimizes impacts on proposed open space.
 - 3) Location of house sites: Using proposed open space lands as a base map, as well as other relevant data from the site analysis map such as topography and soils, locate potential house sites. House sites should generally be located no closer than 100 feet from primary conservation areas and 50 feet from secondary conservation areas, and should be located in a manner that reduces any negative impact on adjacent properties.
 - 4) Drawing in lot lines: Draw lot lines delineating boundaries of individual residential lots. Lots shall be drawn to satisfy the general development regulations associated with the underlying zone.
- b) The sketch plan shall include the following:
 - 1) Name and address of landowner and applicant.
 - 2) Name and address of the professional land planner, architect, landscape architect, or engineer responsible for preparing the plan.
 - 3) Graphic scale not greater than 1 inch = 200 feet (although dimensions on this plan need not be exact), north arrow and date.
 - 4) Approximate tract boundaries, acreage of land to be subdivided, zoning district, utilities, easements, streets on and adjacent to tract both existing and proposed.

- 5) Location map.
- 6) Existing natural features shown on the "Existing Resources and Site Analysis Map," highlighting notable features of natural or cultural significance.
- 7) Schematic layout of open spaces, house lots, streets, and other improvements.
- 8) All public lands or easements, including existing greenway facilities and lands identified in the greenway network plan, general description of proposed method of water supply, sewage disposal and stormwater management.
- 9) The date that the sketch plan was prepared.

314.4 Preliminary and Final Plat.

Procedures for the preparation of preliminary and final plat shall comply with Section 308 and 309.

In addition to the requirements found in Section 308, preliminary plat shall contain the following information:

- 1) Yield plan findings.
- 2) Final site context map, and existing conditions and site analysis map.
- 3) All primary and secondary conservation areas labeled by type, as described in Section 4.22 of the Town of Mineral Springs Zoning Ordinance.
- 4) Tree and soil protection areas.
- 5) General vegetation characteristics
- 6) General soil types.
- 7) Limits of clearing and grubbing of vegetation.
- 8) Potential connections with existing greenspace and trails on adjoining parcels.
- 9) If the project is to be built in phases, the areas contained in each phase shall be indicated on the plan.
- 10) If requested by the planning director, up to two cross-section drawings shall be prepared indicating the existing contours of the property, and the resulting grading of the property if developed as proposed.
- 11) Preliminary open space ownership and management plan as described in Section 4.22 of the Town of Mineral Springs Zoning Ordinance.

12) Certification by the registered landscape architect, architect, surveyor, or engineer responsible for the subdivision design.