

ARTICLE 4

REQUIRED IMPROVEMENTS, DEDICATION, RESERVATION, AND MINIMUM STANDARDS OF DESIGN

Section 401. General

Each subdivision shall contain the improvements specified in this Article, which shall be installed in accordance with the requirements of this Ordinance and paid for by the subdivider. Land shall be dedicated and reserved in each subdivision as specified in this Article. Each subdivision shall adhere to the minimum standards of design established by this Article.

Section 402. Suitability of Land

- 402.1** Land which has been determined by the Town Council on the basis of engineering or other expert surveys to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed shall not be platted for that purpose, unless and until the subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers.
- 402.2** Areas that have been used for disposal of solid waste shall not be subdivided unless tests by a structural engineer and a soils expert determine that the land is suitable for the proposed development.
- 402.3** All subdivision proposals shall be consistent with the need to minimize flood damage.
- 402.4** All subdivision proposals shall have public utilities and facilities such as sewer, gas electrical and water systems, if available, located and constructed to minimize flood damage.

Section 403. Subdivision and Street Naming

The name of the subdivision and the names of the streets within the subdivision shall not duplicate nor closely approximate the name of neither an existing subdivision nor any existing streets within Union County.

Section 404. Subdivision Design

404.1 Blocks

- a) The lengths, widths, and shapes of blocks shall be determined with due regard to provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements; needs for vehicular and pedestrian circulation; control and safety of street traffic; limitations

and opportunities of topography; avoidance of permanent structures of any kind in floodplains or wetlands; and convenient access to water areas.

- b) In conventional subdivisions, blocks shall not be less than four hundred (400) feet nor more than fifteen hundred (1,500) feet in length. Where a longer block will reduce the number of railroad grade crossings, major stream crossings, or where blocks will result in less traffic through residential subdivisions from adjoining business areas, the Town Council may authorize block lengths in excess of fifteen hundred (1,500) feet.
- c) Blocks shall have sufficient width to allow two (2) rows of lots of minimum depth per applicable zoning regulations except where single row lots are required to separate residential development from through vehicular traffic or another type of use, in nonresidential subdivisions, or where abutting floodplain or wetlands, or a water area.

404.2 Lot Dimensions

- a) All lots in new subdivisions shall conform to the Town of Mineral Springs zoning requirements of the district in which the subdivision is located, Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all area and dimensional requirements of the Town of Mineral Springs Zoning Ordinance.
- b) Orientation of residential lot lines. Side lot lines shall be substantially at right angles or radial to street lines. Double frontage lots shall be avoided wherever possible, unless authorized by the Town Council.
- c) Panhandle lots and other irregular shaped lots may be approved in cases where such lots would (1) not be contrary to the purpose of this Ordinance, (2) heighten the desirability of the subdivision, and (3) where necessary, enable a lot to be served by water and/or a waste disposal system. All panhandle lots shall have a minimum road frontage width of thirty-five (35) feet thereby providing access to the lot. The length of said access shall not exceed two hundred (200) feet. Said access shall not be used to determine lot area or width or setback lines.
- d) All minimum lot dimensions shall be increased in order to comply with applicable requirements of the Union County Health Department.

404.3 Retention of Existing Vegetation

The Town of Mineral Springs encourages the retention of existing vegetation to help assure a future environment in keeping with the current character of the Town. In particular, the retention of mature trees and large shrubs throughout all proposed minor and major subdivisions may enhance the approval process and will increase the desirability of such attractively – developed properties.

The incorporation of mature trees in buffer zones may, at the sole discretion

of the Subdivision Administrator, be considered favorably in the event a waiver of the minimum requirements of Table 405.4(a) is requested as part of a subdivision preliminary plat submittal. The only acceptable basis for consideration of any such waiver shall be that large, existing trees are further apart than the specified spacing, but otherwise meeting the intent of this Ordinance's screening requirements.

The details of any such waiver approval shall be shown on the preliminary plat, and the subsequent removal of such existing vegetation before, during or after installation of subdivision improvements shall constitute sufficient reason for disapproval of the subdivision final plat application.

404.4 Easements

Easements shall be provided as follows:

a) Utility Easements

A utility easement of not less than ten (10) feet in width shall be provided to the side and rear of each lot and in other locations where deemed necessary. Lots in Minor Subdivisions are exempt from this requirement upon certification that they may be serviced by existing utilities along the public rights-of-way. Wider easement widths may be required if determined necessary by the Subdivision Administrator after consultation with all private and public utility company(ies) involved.

b) Drainage Easements

Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming with the lines of such a stream and shall be of sufficient width as will be adequate for the purpose. Other drainage easements may be required for the proper drainage of all lots.

Section 405. Road Standards and Buffering Along Thoroughfares

405.1 Public Roads

Except as noted in Section 408, all subdivision lots shall abut public roads. All public roads shall be built with a minimum of twenty (20) feet of pavement and built to construction standards of the North Carolina Department of Transportation (NCDOT) for subdivision roads. A written maintenance agreement with provision for maintenance of any and all streets until acceptance as part of the NCDOT System shall be included in the proposed preliminary plat.

405.2 Subdivision Street Disclosure Statement

All streets shown on the final plat shall be designated in accordance with G.S. 136-102.6 and designated as public streets, and shall be conclusively presumed to include an offer of dedication to the public. Where streets are

dedicated to the public but not accepted into the NCDOT System, and before any lots are sold, a statement explaining the status of the street shall be included with the final plat.

405.3 Marginal Access Street

Where a tract of land to be subdivided adjoins NC Highway 75, the subdivider shall provide a marginal access or collector street for the lots to be developed adjacent to the highway. In cases where it is not feasible or practical for the subdivider to provide a marginal access street, or when the Town Council determines that the installation of a marginal access would result in a less desirable subdivision design, the Town Council may grant an exception to the requirement for a marginal access street. In granting such an exception, the Town Council may require additional conditions such as increased buffering along the highway. Before granting said exception, the Town Council shall find that the spirit and intent of this Ordinance are preserved and that circumstances particular to the subject property, such as topography or shape of the tract, exist to warrant such an exception.

405.4 Frontage and Buffering Along Thoroughfares

- 1) Lots abutting thoroughfares shall meet the following standards.
 - a) Any lot created in a conventional major or minor subdivision which abuts one or more major, minor, or local thoroughfares as designated in the Town of Mineral Springs Thoroughfare Plan shall have the front yard abutting one of such thoroughfares and shall provide a driveway connection to that thoroughfare except as provided in Section 405.4 (1) (b), Section 405.4 (1) (e) and Section 405.4 (1) (g).
 - b) In the event that the North Carolina Department of Transportation, due to sight distances or other site-specific characteristics, refuses to approve driveway connections as required by Section 405.4 (1) (a), then the DOT, the zoning administrator, and the subdivider shall thoroughly review the application in an attempt to arrive at a driveway plan that satisfies both the DOT and Section 405.4 (1) (a) of this ordinance. If no such plan is possible, then the subdivision shall be platted under the requirements of Section 405.3, interpreted with the words "major, minor, or local thoroughfare" substituted for "NC Highway 75".
 - c) Any lots created under Section 405.3 that abut the marginal access street shall have the front yard abutting the marginal access street and shall provide a driveway connection to that street.
 - d) Lot widths for lots created under Section 405.4 (1) (a) and Section 405.4 (1) (e) shall be increased as required by Sections 5.1.3 (g), 5.2.3 (g), and 5.4.3 (g) of the Mineral Springs Zoning Ordinance.
 - e) A corner lot located at a subdivision entrance may, subject to approval

of the zoning administrator and the Mineral Springs Zoning Ordinance.

- 1) Front yard abutting the thoroughfare and driveway connected to either the thoroughfare or the subdivision street.
 - 2) Front yard abutting the subdivision street and driveway connected to the subdivision street, with side yard abutting the thoroughfare and with side yard buffer as specified in this section;
 - 3) "Catty-corner" configuration, with dwelling oriented at an angle to the intersection of the thoroughfare and the subdivision street and with driveway connected to either the thoroughfare or the subdivision street. In this case, any portion of the lot abutting either street is considered to be the "front yard" for purposes of setbacks and buffering.
- f) Where side or rear lot lines abut along a major, minor, or local thoroughfare as designated in the Town of Mineral Springs Thoroughfare Plan, the subdivider shall provide a natural buffer between the lot lines paralleling the thoroughfare and the thoroughfare road right-of-way. The natural buffer shall materially screen all principal and accessory uses from public view from thoroughfare. The buffer shall consist of a natural planting. Any walls, fences or other constructed devices allowed within the buffer area by this Ordinance and/or the Town of Mineral Springs Zoning Ordinance shall be approved by the Zoning Administrator.
 - g) Any lot created in a major or minor subdivision which abuts one or more major, minor, or local thoroughfares as designated in the Town of Mineral Springs Thoroughfare Plan and which is at least four (4) acres in size is not required to have the front yard abutting any of the thoroughfares provided that a natural buffer of at least one hundred (100) feet is maintained along the thoroughfare(s), and is not required to have a driveway connection to any of the thoroughfare(s).
- 2) The subdivider is encouraged to propose the use of existing natural vegetation and/or topography or a combination of existing features as prescribed in this Section when the purpose and intent of this Section can be fully or partially met by utilizing such methods.
 - 3) Such screening shall be located on the property with the use with which it is associated or required, and shall materially screen the subject use from the view of the adjoining properties. Screening shall be in the form of all natural material, including brick with no exposed cement block. When screening is in the form of natural vegetation, a buffer strip at least ten (10) feet wide shall be planted. This strip shall be free of all encroachments by building, parking areas or impervious coverage.
 - 4) Buffer requirements include a given minimum distance separation from the property line and required planting trees and shrubs within the buffer. The

Table 405.4(a)

ACRES	Less than 0.5	0.5	1.0	1.5	2.0	2.5	3.0	3.5	4.0	4.5	5.0	5.5	6.0	6.5	7.0	7.5	8.0	8.5	9.0	9.5	10 or more
BUFFER WIDTH*	10	12	14	16	18	20	22	24	26	28	30	32	34	36	38	40	42	44	46	48	50
TREES (per 100 ft)	3	3	3	4	4	4	5	5	5	6	6	6	7	7	7	7	8	8	8	8	9
SHRUBS (per 100 ft)	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20

ft = feet of buffer width.

- 5) Required trees and shrubs within the buffer shall meet the following standards:
 - a) Forty percent (40%) of the required trees within the buffer shall be large mature trees.
 - b) All trees shall have a minimum caliper of two and one-half (2 1/2) inches measured six (6) inches above ground, and the minimum height of all trees shall be eight (8) feet at the time of planting.
 - c) Shrubs shall be evergreen and at least three (3) feet tall when planted with the average height of six (6) feet in three (3) to four (4) years. However, twenty-five percent (25%) of the shrubs may vary from the above standard. The allowed variations are as follows:
 - 1) Shrubs may be deciduous; or
 - 2) Shrubs may be two (2) feet tall when planted, provided an average height of three (3) to four (4) feet is expected as normal growth within four (4) years
 - d) Shrubs and trees shall be on the approved plant list in Appendix 1; All specifications for the measurement, quality, and installation of trees and shrubs shall be in accordance with the "American Standards for Nursery Stock: published by the American Association of Nurserymen, and free of disease; and
 - e) Twenty-five percent (25%) of all trees shall be evergreen.
- 6) Landscaping buffers will have an arrangement of trees and shrubs in the buffer area, which shall be done in a manner that provides a visual separation between abutting land uses. Shrubs shall be massed in rows or groups to achieve the maximum screening effect.
- 7) In the event that it can be demonstrated that existing vegetation meets the intent of this Section, but the plant materials are not on the approved list, the Subdivision Administrator may waive the requirements for plant

materials. If a plant material is not on the approved list, the Subdivision Administrator may determine whether it is acceptable.

- 8) Berms are not suitable for screening.
- 9) Required buffers shall not be disturbed for any reason except for required driveways, sidewalks, or other pedestrian or bicycle paths, walls, fences, or required landscaping, landscaping maintenance or replacement, or maintenance and construction of utility lines. However, utility line construction must meet the following requirements:
 - a) The removal of any tree larger than six (6) inches caliper or any dogwood or redbud larger than two (2) inches in caliper shall require the approval of the Subdivision Administrator;
 - b) No utility easements shall run longitudinally within a buffer yard.
- 10) To the extent possible, the path cleared for the utility lines shall be replaced with plant materials which are consistent with those that existed prior to utility line construction in the buffer yard.
- 11) In no case shall the plant species of *Pueraria thmberfiana* ('Kudzu') be used for planting with the buffer.
- 12) All buffer screening materials shall be properly maintained in order to fulfill the purpose(s) for which it is established. The owner of the property and any tenants shall be jointly and severally responsible for maintenance of all required screening.
- 13) All buffers shall be constructed in a manner that shall allow for adequate sight distance where subdivision streets intersect with the thoroughfare.
- 14) If utilities are located within the buffer yard, then the right-of-way width must be added to the total buffer width, in addition to the required width in Table 405.4(a). This additional buffer width can be added into the calculated lot area.
- 15) If above ground utilities are to remain in the buffer yard, then all landscaping must be located outside the right-of-way for the utility (ies).
- 16) The area of the buffer shall be in addition to lot area as required by the Town of Mineral Springs Zoning Ordinance and setbacks as prescribed in said Zoning Ordinance shall be measured from the nearest edge of the buffer to any structure of the lot. The buffer area shall become part of the lot on which it is located, or in the case of commonly owned property, shall be deeded to the homeowner's association.
- 17) Preliminary plat proposals shall be accompanied by a statement providing for buffer area permanent maintenance via a method acceptable to the Town. Maintenance of the buffer by the Town shall not be an acceptable method.

405.5 Access to Adjacent Properties

Where it is deemed desirable by the Town Council, proposed streets shall be extended by dedication to the boundary of such property and a temporary turn-around provided. Any such turn-around shall comply with the standards for cul-de-sacs, and, upon further extension of street(s) the turn-around shall be removed and the adjacent property restored to its original state, to the maximum extent feasible.

405.6 Street Design and Standards

Right-of-Way/Pavement Widths: Minimum street right-of-way and pavement widths, as well as other engineering design standards shall be in accordance with the minimum design criteria for subdivision roads as established from time to time, by the Division of Highways, North Carolina Department of Transportation publication entitled Subdivision Roads - Minimum Construction Standards.

405.7 Cul-de-sacs

In conventional subdivisions, permanent dead end streets should not exceed six hundred (600) feet in length unless a modification is granted by the Town Council per Section 206. Said modification may be granted as part of the plat approval process. The length of the cul-de-sac shall be computed from the point where the centerline of the dead end street intersects with the center of a through street to the center of the turnaround of the cul-de-sac. Where one cul-de-sac intersects with another cul-de-sac, the end of each cul-de-sac shall be no more than 600 feet from a through street, measured as stated above, unless a modification is granted by the Town Council. The distance from the edge of pavement on the vehicular turnaround to the right-of-way line shall not be less than the distance from the edge of pavement to right-of-way line on the street approaching the turnaround. Cul-de-sacs must be terminated with a circular right-of-way not less than 90 feet in diameter for curb and gutter section with not less than 37 feet of pavement from center to face of curb, and not less than 100 feet in diameter for shoulder section with not less than 40 feet of pavement from center to outer edge of pavement. Cul-de-sacs should not be used to avoid the extension of an existing street, unless exception is granted by the Town Council.

405.8 Improvements Within the Town Limits

Approval of the final plat shall be subject to the subdivider having installed the improvements hereinafter designated or having guaranteed, to the satisfaction of the Town Council, the installation and maintenance of said improvements.

a) Street Improvements

The following requirements shall apply to all streets within the corporate Town

limits of the Town of Mineral Springs, or if annexation of the subdivision to the Town is desired or required by the subdivider.

- (1) Grading. All streets shall be graded to their full right-of-way width. Finished grade, cross section and profile shall be approved by the State of North Carolina DOT standards as established herein.
- (2) Paving. Road base and paving shall be installed in accordance with the State of North Carolina DOT standards as established herein.
- (3) Sidewalks. For subdivisions with a majority of the lots one (1) acre or smaller in size, four (4) foot sidewalks are required along one side of all residential streets. Sidewalks shall conform to Union County Standards and the installation and maintenance requirements set forth in Section 309.1 shall then apply.
- (4) Bikeways. Bikeways are encouraged, but not required, for major subdivisions. Where proposed, the requirements of Sub-section 405.9(a) (3) shall apply.
- (5) Multiple entrances. Major Subdivisions are encouraged, but not required to have more than one access to thoroughfares for emergency service purposes.

Natural Areas

Developers are highly encouraged, but not required, to provide natural areas for the mutual enjoyment of residents/children and the general public as a part of any proposed major subdivision.

405.9 Street Signs

Appropriate street name signs which meet the standards of Town/County specifications shall be placed at all street intersections at the subdivider's expense.

405.10 Street Layout

a) Conformity to Existing Maps or Plans

Streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, and to the proposed use of land to be served by such streets.

b) Continuation of Adjoining Streets

The proposed street layout shall be coordinated with the street system of the surrounding area. Where possible, existing principal streets shall be extended.

c) Large Tracts or Parcels

Where land is subdivided into parcels larger than ordinary building lots,

such parcels shall be arranged so as to allow for the opening of future streets and logical further resubdivision.

d) Through Traffic Discouraged on Residential Collector and Local Streets

Residential collector and local streets shall be laid out in such a way that their use by through traffic will be discouraged. Streets shall be designed or walkways offered for dedication to assure convenient access to parks, playgrounds, schools, or other places of public assembly.

e) Permits for Connection to State Roads

An approved permit is required for connection to any existing state system road. This permit is required prior to the start of construction on any street or road. The application is available at both the Charlotte and Monroe offices of the Division of Highways.

f) Reservation of Future Right-of-Way

Whenever a tract of land to be subdivided includes any part of a major or minor thoroughfare shown on the Union County Thoroughfare Plan adopted by the Town of Mineral Springs and whenever such right-of-way has been further defined by acceptable locational procedures sufficient to identify properties to be affected, a right-of-way for the major or minor thoroughfare must be platted in the location and to the width specified in the plan. The subdivider is responsible for the reservation of the right-of-way. All measurements involving minimum lot standards under this Ordinance shall be made at the edge of the full/future right-of-way thus reserved.

405.11 Utilities

All utility lines (electric, water, sewer, telephone, cable, gas, etc.) shall be located underground in all subdivisions.

405.12 Connection to Public Water, Sanitary and Sewer Lines

Subject to availability of public water and/or sanitary sewer service from Union County, if county or municipal water and/or sanitary sewer lines are located within one-half (1/2) mile of a subdivision of 10 – 39 lots, or within one (1) mile of a subdivision of 40 lots or more, where the distances are measured along the roadway to the nearest edge of the property, then the developer must connect to these lines to provide water service, fire protection, and sewer service for the subdivision.

Section 406 Dedication of Land for and/or Fees in Lieu of Park, Recreation, and Open Space Purposes

406.1 Dedication of Land

- a) General Provisions. Every subdivider who proposes a subdivision of land for residential purposes shall dedicate a portion of land or pay a fee in lieu thereof, in accordance with this Section, for public park, greenway, recreation, and open space sites to serve the recreational needs of the residents of the subdivision or development.
- b) Amount of Land to be Dedicated. At least one thirty-fifth (1/35) of an acre shall be dedicated for each dwelling unit planned or proposed in the subdivision plat or development.

The minimum amount of land which shall be dedicated for a public park, recreation, or open space site shall be no less than two acres in size. When the area to be provided is less than two acres, the subdivider shall be required to make payment in lieu of the dedication to be used for the acquisition or development of recreation, park, or open space sites which would serve the needs of the residents of the subdivision.

- c) Nature of Land to be Dedicated. Except as otherwise required by the Town Council at the time of preliminary plat approval, all dedications of land shall meet the following criteria:

Unity. The dedicated land shall form a single parcel of land, except where the Town Council determines that two or more parcels would be in the best interest of the public, given the type and distribution of open spaces needed to adequately serve the proposed development. In such cases, the Town Council may require that such parcels be connected by a dedicated strip of land at least thirty (30) feet in width.

Usability. Two-thirds (2/3) of the dedicated land shall be useable for active recreation. Furthermore, lakes and other bodies of water may not be included in computing any of the dedicated land area.

Shape. The shape of the portion of dedicated land which is deemed suitable for active recreation shall be sufficiently square or round to be usable for any or all recreational facilities and activities, such as athletic fields and tennis courts, when a sufficient amount of land is dedicated to accommodate such facilities. Land dedicated only for greenways need not follow the requirements of this sub-section.

Location. The dedicated land shall be located so as to reasonably serve the recreation and open space needs of residents of the subdivision.

Access. Public access to the dedicated land shall be provided either by adjoining public street frontage or by a dedicated public easement, at

least thirty (30) feet wide, which connects the dedicated land to a public street or right-of-way. Gradients adjacent to existing and proposed streets shall allow for reasonable access to the dedicated land. Where the dedicated land is located adjacent to a street, the developer or subdivider shall remain responsible for the installation of utilities, sidewalks, and other improvements required along that street segment. Public access or dedicated walkways to greenway dedications only shall be at least twenty (20) feet wide.

Topography. The average slope of the portion of dedicated land deemed usable for active recreation shall not exceed the average slope of the entire subdivision to be developed. In no case shall a slope on the usable portion of dedicated land exceed fifteen (15) percent.

Landscaping. Dedicated parks, recreation, and open space areas shall have a sufficient natural or manmade buffer or screen to minimize any negative impacts on adjacent residents.

406.2 Payments of Fees in Lieu of Land Dedication

- a) General. The payment of fees, in lieu of the dedication of land under Subsection 406.1 above, may occur at the request of the subdivider or developer. However, the decision to require the dedication of land for recreational purposes, or a payment of a fee in lieu, shall be made by the Town Council after having received a recommendation from the Planning Board and having evaluated the proposed dedication and the relationship such dedication would have with the Town's overall recreational needs.

The Planning Board shall have the right to approve any preliminary plat except for those plats that would require two acres or greater of land to be dedicated for recreational purposes. In those instances, preliminary plat approval and the decision to either accept land for recreational purposes or fee in lieu of shall rest with the Town Council.

- b) Time of payment. The fees in lieu of dedication shall be paid prior to final plat approval by the Town Council.
- c) Amount of payment. The amount of the payment shall be the product of:
- 1) The number of acres to be dedicated, as required by subsection 406.1 above;
 - 2) The assessed value for property tax purposed of the land being subdivided, adjusted to reflect its current fair market value at the time such payment is due to be paid.
 - a) Procedures for determining the amount is as follows:

- 1) An appraisal of the land in the development shall be performed by a professional land appraiser selected by the developer from an approved list maintained by the Town Council. The appraisal shall not be done prior to submission of the preliminary plat. The cost of the appraisal shall be borne by the developer.
- 2) Professional land appraiser refers to a land appraiser who, in the opinion of the Town Council, has the expertise and/ or certification to perform an adequate appraisal.

406.3 Procedures

- a) At the time of filing a preliminary plat, the subdivider shall designate thereon the area or areas to be dedicated pursuant to Section 406. If the subdivider desires to make a payment in lieu of the dedication of land, a letter to that effect shall be submitted with the preliminary plat. The Town Council reserves the right to refuse to accept dedication of parcels for public park, recreation, or open space.
- b) Where a dedication of land is required, such dedication shall be shown on the final plat when submitted, and such plat shall be accompanied by an executed general warranty deed conveying the dedicated land to the Town. Where a payment in lieu of dedication is approved by the Town Council, such payment will be made before the final plat is signed and recorded.

406.4 Provisions of Equivalent Facilities Under Neighborhood or Community Home Owners Association of Management.

The Town encourages neighborhood or homeowner associations or management to construct, operate, and maintain private parks and recreation. The construction, operation, or maintenance of such private facilities shall not, however, diminish or eliminate the responsibility and obligations of the subdivider under subsection 406.1, et seq.

406.5 Greenways

Greenways may be credited against the requirements of Section 406 provided that such greenways are part of the Town's greenway plan and dedicated to public use.

Section 407 Other Requirements

407.1 Lighting Requirements

- a) Submission Contents. The applicant for any permit required by this Ordinance with proposed work involving outdoor lighting fixtures shall

submit (as part of a final plat approval) evidence that the proposed work will comply with Section 4.10 of the Town of Mineral Springs Zoning Ordinance; Outdoor Lighting. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be in addition to the information required elsewhere in this Ordinance upon application for the required permit:

- Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;
 - Description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cuts by manufactures and drawings (including sections where required);
 - Photometric data, such as that furnished by manufacturers, or similar showing the angle of cut off or light emissions.
- b) Additional Submissions. The above required plans, descriptions and data shall be sufficiently complete to enable the plans examiner to readily determine whether compliance with the lighting provisions of the Zoning Ordinance will be secured. If such plans, descriptions and data cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall additionally submit as evidence of compliance to enable such determination such certified reports of tests as will do so provided that these tests shall have been performed and certified by a recognized testing laboratory.
- c) Subdivision Plat Certification. If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plat shall contain a statement certifying that the applicable provisions of Section 407.1 will be adhered to.
- d) Lamp or Fixture Substitution. Should any outdoor light fixture, or the type of light source therein, be changed after the permit has been issued, a change request must be approved by the zoning administrator, and any substitute fixtures must meet all applicable requirements of the Zoning Ordinance.

407.2 Placement of Monuments

Unless otherwise specified by this Ordinance, the Standards of Practice for Land Surveying as adopted by the NC State Board of Registration for Professional Engineers and Land Surveyors, under the provisions of Title 21 of the North Carolina Administrative Code, Chapter 56 (21 NCAC 56), shall apply when conducting surveys for subdivisions; to determine the accuracy for surveys and placement of monuments, control corners, markers, and

property corner ties; to determine the location, design and material of monuments, markers, control corners, and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.

Section 408 Lots to Abut a Public Street

Each lot shall have frontage on a street with the following exceptions:

- a) Existing lots meeting the requirements set forth in Section 4.4.1 of the Zoning Ordinance; or
- b) Proposed lots for use by one-family detached dwellings and which do not have frontage on a public street may be approved by the planning board after making the following findings:
 - 1) a) Such lot is a minimum of two acres in size; and
 - b) Such lot is provided with access to a public street by means of an easement at least 20 feet in width for the exclusive use of the dwelling to be established on such lot; and
 - c) Creation of such lot is made necessary by virtue of the fact that development of said property by conventional means (i.e., extension of public street) is impractical due to disproportionate costs of required improvements as compared to the relative value of lots created; and
 - d) Creation of such lots does not unduly restrict or impair future development or extension of an adequate system of public streets within the immediate area; and
 - e) Since the effective date of this Ordinance, not more than two lots served by an easement have been created out of that same tract; or

408.1 Private Roads

Unlike other developments in Mineral Springs, Large Lot subdivisions may be allowed to have private streets that are not owned and maintained by NCDOT. All such subdivisions must be developed in accordance with the regulations of this section, other applicable regulations of the Town of Mineral Springs Subdivision Ordinance, and the Mineral Springs Zoning Ordinance. In no case shall Large Lot subdivisions with private roads be gated.

- a) All private roads, traffic signs and markings shall meet all applicable minimum right-of-way, pavement, construction and design standards for public roads as established by the North Carolina Department of Transportation (NCDOT), except that a four-inch layer of crusher run rock is provided in lieu of paving. The Town of Mineral Springs reserves the right to have streets inspected during the construction phase to insure that they are being built in accordance with all applicable NCDOT standards.

The developer of the subdivision shall bear all costs borne by the Town in association with such inspections.

- b) Prior to the approval of a final plat, the subdivider shall submit to the Town evidence that the subdivider has created a homeowners' association whose responsibility it will be to maintain private streets within the subdivision. Such evidence shall include filed copies of the articles of incorporation, declarations, and homeowners' association bylaws.
- c) The maintenance and upkeep of internal streets, curb, gutter, and sidewalks shall be the sole responsibility of the subdivider and/or any duly incorporated and active homeowners' association. Accordingly, any maintenance bond accepted by the Town per Section 313.2 of the Town of Mineral Springs Subdivision Ordinance for a Large Lot subdivision shall be calculated using the construction costs of all facilities listed above (in addition to the cost of roads as provided in Section 313.2). The maintenance bond shall remain in place for two years following final plat approval of the Subdivision plat or until the Town Council is satisfied (in its own exclusive discretion) that the homeowners' association is controlled by individual lot owners other than the developer (one year, at a minimum, after a homeowners' association is incorporated and active), has made necessary assessments for payment of maintenance of the roads and facilities, and has otherwise taken over the full responsibility of maintenance of such facilities and the private roads within the subdivision. The decision to release the bond shall rest entirely with the Town Council and shall be made based upon the homeowners' association financial ability to properly maintain these roads and common facilities. After the maintenance bond is released by the Town Council, the homeowners' association shall be required to submit to the Town, by the 15th of January of each calendar year, the names, addresses, and telephone numbers of all duly elected members of their board of directors as well as a copy of their annual financial statement showing, at a minimum, the amount of funds budgeted to maintain such facilities. In the event the Town Council, in its discretion, believes the homeowners' association is not making necessary repairs to the roadways or facilities (amenities) or is not making assessments necessary to cover the cost of said repairs, it may after notice of hearing published as provided in this Ordinance, and notice provided to each lot owner within the subdivision, as shown on the tax scrolls of Union County as of January 1 of the prior year, require the homeowners' association to provide a maintenance bond as required in Section 313.2 of the Town of Mineral Springs Subdivision Ordinance. This maintenance bond may be eliminated or reinstated at the discretion of the Mineral Springs Town Council upon notice as set out above.
- d) The subdivider and homeowners' association shall guarantee immediate access to all private streets by emergency and law enforcement vehicles.

The subdivider and homeowners' association shall guarantee access to all private streets by the Town of Mineral Springs, Union County agencies, State of North Carolina agencies, and all public utility companies. Town of Mineral Springs, Union County, and State of North Carolina Officials and staff shall be permitted entry to the gated residential development to perform zoning, inspections and other governmental regulatory activities. Public Utility company vehicles and personnel shall be permitted entry to the gated residential development to perform installation and maintenance activities of public utility infrastructure. A statement to this effect shall appear on or accompany the final plat.