

Conservation by Design

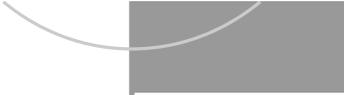
*Helping to preserve our rural
community*

**Subdivision Administrator /
Town Clerk
P O Box 600
Mineral Springs, NC 28108
Phone: 704-289-5331
Fax: 704-243-1705**

**Visit our website at:
www.mineralspringsnc.com**



Town of Mineral Springs



Subdivision Ordinance

©-2001-03

Effective date July 1, 2002

As Amended through December 2007

TOWN OF MINERAL SPRINGS
UNION COUNTY, NORTH CAROLINA

SUBDIVISION ORDINANCE

Effective date July 1, 2002
As Amended through December 2007

TOWN COUNCIL

Frederick Becker III, Mayor
Valerie Coffey, Mayor Pro Tem
Jerry Countryman
Janet Critz
Lundeen Cureton
Melody LaMonica
Peggy Neill

PLANNING BOARD

Robert Neill, Chairman
Valerie Coffey, Vice Chairman
James Collins
Wanda Glenn
Bettylyn Krafft
Melody LaMonica
Steve Miner
Jack Moore
Maureen Norman

BOARD OF ADJUSTMENT

William Southerland, Chairman
Vacant Seat, Vice Chairman
Marty Connell
Michael LaMonica
Bob Neill

Alternates

Sharon Carter
Jimmy Critz

TOWN OF MINERAL SPRINGS PLANNING STAFF

Vicky Brooks, Zoning Administrator/Town Clerk

**TOWN OF MINERAL SPRINGS
SUBDIVISION ORDINANCE
RECORD OF AMENDMENT**

REVISION NO.	AFFECTED PAGES or ARTICLE SECTION	AMENDMENT DESCRIPTION	DATE OF INCORPORATION
∅	All	Initial Issue, Sections 1 through 6, Inclusive	April 1, 2002
1	1-2	Additional wording in Section 110 "Subdivision"	July 12, 2002
1	1-3	Deletion of words under Section 111 "Minor Subdivision"	July 12, 2002
1	4-7	Rewording of 405.7 Cul-de-sacs	July 12, 2002
1	4-14 & 4-15	Addition of Section 408 Lots to Abut a Public Street	July 12, 2002
2	4-4 – 4-5	Changed wording in Section 405.3, Title change to Section 405.4, added Sections 405.4 (1) (a), (b), (c), (d), (e), (g), and changed Section 405.4 (1) to Section 405.4 (1) (f)	February 13, 2004
3	1-1	Minor change to the purpose statement	January 13, 2006
3	1-1 & 1-2	To allow a subdivider to enter into a contract to sell or lease lots	January 13, 2006
3	1-3 & 1-4	Wording changes to 'Subdivision Defined' and deletion of Section 110 (5)	January 13, 2006
3	1-4	Added "Administrative Subdivision" Defined	January 13, 2006
3	1-5	Changed wording under "Minor Subdivision" Defined	January 13, 2006
3	1-5	Changed wording under "Major Subdivision" Defined	January 13, 2006
3	2-3 & 2-4	Change the word 'variance' to 'modification'	January 13, 2006

REVISION NO.	AFFECTED PAGES or ARTICLE SECTION	AMENDMENT DESCRIPTION	DATE OF INCORPORATION
3	3-16	Allows the developer to choose what type of surety they will use.	January 13, 2006
3	3-1 – 3-21	Eliminating all references to the number of plats to be submitted	January 13, 2006
3	3-1	Changed “Procedures for Review of Major and Minor Subdivisions Preliminary Conference” to “Preliminary Conference” and altered the wording	January 13, 2006
3	3-1 – 3-2	Changed “ Preliminary Conference” to “Procedure for Administrative Subdivisions” and altered the existing wording/added additional language	January 13, 2006
4	306	Related to Conservation Subdivisions	February 27, 2007
4	314	Conservation Subdivision Language	February 27, 2007
4	405.1	Public Roads/reference to private road section	February 27, 2007
4	405.4	Changed to exempt new subdivisions	February 27, 2007
4	408	Private Roads	February 27, 2007
5	405.7	Insert “In conventional subdivisions” at the beginning of the paragraph	December 13, 2007
5	404.1	Insert “In conventional subdivisions” at the beginning of the paragraph	December 13, 2007
5	Article 6	Replace the current Appendix 1 with the new tree list	December 13, 2007

**Town of Mineral Springs
Subdivision Ordinance
Table of Contents**

ARTICLE	SECTION	TITLE	PAGE(S)
		TITLE PAGE	I
		RECORD OF AMENDMENT PAGE	II to III
		TABLE OF CONTENTS	IV to V
1		INTRODUCTORY PROVISIONS	1-1 to 1-9
	101	Title	1-1
	102	Purpose	1-1
	103	Authority	1-1
	104	Jurisdiction	1-1
	105	Compliance With Ordinance Required	1-1
	106	Plats to be Approved	1-1 to 1-2
	107	Subdivision Administrator	1-2 – 1-3
	108	Streets and Public Utilities	1-3
	109	Zoning and Other Plans	1-3
	110	“Subdivision” Defined	1-3 – 1-4
	111	“Administrative Subdivision” Defined	1-4
	112	“Minor Subdivision” Defined	1-4 – 1-5
	113	“Major Subdivision” Defined	1-5
	114	Other Definitions	1-5 to 1-8
	115	Word Interpretation	1-8
2		LEGAL PROVISIONS	2-1 to 2-5
	201	General Procedure for Plat Approval	2-1
	202	Fees for Filing, Review and Approval	2-1
	203	Issuance of Building Permits on Subdivision Lots	2-1
	204	Enforcement and Penalties for Violation	2-1 to 2-3
	205	Separability	2-3
	206	Modifications	2-3 to 2-4
	207	Amendments	2-4 to 2-5
3		PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS	3-1 to 3-38
	301	Plat Shall Be Required on Any Subdivision of Land	3-1
	302	Approval Prerequisite to Plat Recordation	3-1

ARTICLE	SECTION	TITLE	PAGE(S)
3	303	Preliminary Conference	3-1
	304	Procedure for Administrative Subdivisions	3-1 to 3-2
	305	Procedure for Review of Minor Subdivisions	3-2 to 3-9
	306	Major Subdivision Plat Approval	3-10
	307	Sketch Plan for Major Subdivisions	3-10 to 3-12
	308	Major Subdivision Preliminary Plat Submission and Review	3-12 to 3-16
	309	Final Major Subdivision Plat Submission and Review	3-17 to 3-26
	310	Information to be Contained in or Depicted on Preliminary and Final Plats	3-26 to 3-30
	311	Vacation of Plats	3-30
	312	Resubdivision Procedures	3-30
	313	Maintenance of Dedicated Areas Until Acceptance	3-31
	314	Conservation Subdivisions	3-31 to 3-38
4		REQUIRED IMPROVEMENTS, DEDICATION, RESERVATION, AND MINIMUM STANDARDS OF DESIGN	4-1 to 4-17
	401	General	4-1
	402	Suitability of Land	4-1
	403	Subdivision and Street Naming	4-1
	404	Subdivision Design	4-1 to 4-3
	405	Road Standards and Buffering Along Thoroughfares	4-3 to 4-10
	406	Dedication of Land and/or Fees in Lieu of Park, Recreation, and Open Space Purposes	4-11 to 4-13
	407	Other Requirements	4-13 to 4-15
	408	Lots to Abut a Public Street	4-15 to 4-17
5		LEGAL STATUS PROVISIONS	5-1
	501	Abrogation	5-1
	502	Separability	5-1
	503	Effective Date	5-1
	504	Adoption	5-1
6		APPENDICES	6-1 to 6-8
	Appendix 1	List of Acceptable Plant Species	6-2 to 6-8

ARTICLE 1

INTRODUCTORY PROVISIONS

Section 101. Title

This ordinance shall be known and may be cited as the Subdivision Ordinance of the Town of Mineral Springs, North Carolina, and may be referred to as the Subdivision Ordinance or herein as 'this Ordinance'.

Section 102. Purpose

The purpose of this Subdivision Ordinance is to establish procedures and standards for the development and subdivision of land within the corporate limits of the Town of Mineral Springs. It is further designed to provide for the orderly growth and development of the Town, for the coordination of transportation networks and utilities within proposed subdivisions, with existing or planned streets and highways, and with other public facilities; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes; to protect floodplains and wetlands; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will assure conditions that substantially promote the public's health, safety and general welfare. This Ordinance is designed to further facilitate adequate provision of water, sewer, parks, schools, and playgrounds, and also to facilitate the further resubdivision of larger tracts into smaller parcels of land.

Section 103. Authority

This Ordinance is hereby adopted under the authority and provisions of the General Statutes of North Carolina, Chapter 160A, Article 19, Part 2.

Section 104. Jurisdiction

The regulations contained herein, as provided in G.S. 160A, Article 19, Part 2 shall govern each and every subdivision of land within the Town of Mineral Springs.

Section 105. Compliance With Ordinance Required

All plats for the subdivision of land shall conform to the requirements of this Ordinance, and shall be submitted in accordance with the procedures and specifications established herein.

Section 106. Plats to be Approved

After the effective date of this Ordinance, no subdivision plat of land within the Town's Subdivision Ordinance jurisdiction shall be filed or recorded with Union County Register

of Deeds until it shall have been submitted to and approved by the Town as provided hereinafter in this Ordinance and no land shall be sold or transferred by reference to a plat that has not been approved and recorded in accordance with the provisions of this Ordinance.

Notwithstanding, the provisions of this Ordinance shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved or recorded with the Register of Deeds, provided the contract does all the following:

- 1) Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the recorded plat prior to closing and conveyance.
- 2) Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat.
- 3) Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than five days after the delivery of a copy of the final recorded plat.
- 4) Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than 15 days after the delivery of the final recorded plat, during which 15-day period the buyer or lessee may terminate the contract without breach or any further obligation and may received a refund of all earnest money or prepaid purchase price.

The provisions of this Ordinance shall not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved or recorded with the Register of Deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the Subdivision Ordinance and recorded with the Register of Deeds.

Section 107. Subdivision Administrator

The Town Council shall appoint a Subdivision Administrator to administer this

Ordinance and to undertake other duties as provided for under this Ordinance.

Section 108. Streets and Public Utilities

No street shall be maintained by the Town, nor shall any street dedication be accepted for ownership and maintenance in any subdivision by virtue of enactment of this Ordinance. Pursuant to North Carolina General Statute 160A-374, approval of a plat required under this Ordinance shall not be deemed to constitute or effect acceptance by the Town of the dedication of any street or other ground, public utility or other public facility shown on the plat. Rather such acceptance, if and when granted, will be by separate Ordinance or similar action on the part of the Town Council.

Section 109. Zoning and Other Plans

All proposed subdivisions must also comply in all respects with the requirements of the Town of Mineral Springs Zoning Ordinance in the area proposed to be subdivided, and any other officially adopted plans in effect for the area proposed to be subdivided.

Section 110. “Subdivision Defined”

For purposes of this Ordinance, “subdivision” means all division of a tract or parcel of land into two or more lots, building sites, or the divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to any regulations enacted pursuant to this Ordinance.

- 1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town of Mineral Springs as shown in this Ordinance;
- 2) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
- 3) The public acquisition by purchase of strips of land for the express purpose of widening or opening of streets;
- 4) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the Town of Mineral Springs as shown in this Subdivision Ordinance and the Zoning Ordinance.

However, all exempt subdivisions shall be approved via issuance of the following Exemption Certificate by the Subdivision Administrator prior to the recording of same with Union County, but only after submittal of a Certificate of Submittal Type by Surveyor to the Subdivision Administrator.

- a) Exemption Certificate

I hereby certify that this subdivision of land is exempt from the Mineral Springs Subdivision Ordinance, and may be recorded with the Union County Register of Deeds Office.

Subdivision Administrator

Date

b) Certificate of Subdivision Type by Surveyor

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

This survey is of another category of subdivision such as recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision found in the Town of Mineral Springs Subdivision Ordinance.

Section 111. “Administrative Subdivision” Defined

An administrative subdivision is defined as a subdivision where:

- No public or private streets are proposed or necessary, and
- No rights-of-way are dedicated, no easements are dedicated, and
- The parcel of land is not within an existing major subdivision or a part thereof, and
- Where three (3) or fewer lots are created after the subdivision is completed, and
- Where no floodplains or wetlands exist, and
- Where no public water or sewer systems are proposed

However, if the subdivider owns, leases, holds an option on, or holds any legal or equitable interest in any property adjacent to or located directly across a street, easement, road, or right-of-way, from the property to be subdivided, the proposed subdivision shall not qualify for consideration under the abbreviated Procedure for Review of Administrative Subdivisions, see Section 304.

Additionally, the Procedure for Review of Administrative Subdivisions shall not be used for an additional time within three (3) years on any property less than fifteen hundred (1,500) feet from the original property boundaries, by anyone, who owned, had an option on, or any legal or beneficial interest in the original subdivision at the time the original subdivision received preliminary or final plat approval.

Section 112. “Minor Subdivision” Defined

A minor subdivision is defined as a subdivision where:

- No public or private streets are proposed or necessary, and
- No rights-of-way are dedicated, no easements are dedicated, and

- The parcel of land is not within an existing major subdivision or a part thereof, and
- Where four (4) to ten (10) lots are created after the subdivision is completed, and
- Where no floodplains or wetlands exist, and
- Where no public water or sewer systems are proposed

However, if the subdivider owns, leases, holds an option on, or holds any legal or equitable interest in any property adjacent to or located directly across a street, easement, road, or right-of-way, from the property to be subdivided, the proposed subdivision shall not qualify for consideration under the abbreviated Procedure for Review of Minor Subdivisions, see Section 305.

Additionally, the Procedure for Review of Minor Subdivisions shall not be used for an additional time within three (3) years on any property less than fifteen hundred (1,500) feet from the original property boundaries, by anyone, who owned, had an option on, or any legal or beneficial interest in the original subdivision at the time the original subdivision received preliminary or final plat approval.

Section 113. “Major Subdivision” Defined

A major subdivision is defined as a subdivision where one or more of the following exist:

- New public or private streets or roads are proposed or necessary,
- More than ten (10) lots will result after the subdivision is completed,
- Where floodplains or wetlands do exist.

Section 114. Other Definitions

For the purpose of this Ordinance, certain words or terms used herein shall be defined as follows:

Administrator, Subdivision. The person designated by the Town Council of the Town of Mineral Springs to administer this Ordinance and to undertake other duties as called for in this Ordinance.

Block. A piece of land bounded by streets or roads.

Deeds Office. Office of the Register of Deeds of Union County, North Carolina.

Dedication. A grant, by the owner, of a right to use land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and shall be completed with a written, complimentary acceptance, both in a form acceptable for recording.

Easement. The right to use a specified portion of a tract or tracts of land for a specified purpose. All easements must be made in writing, and in a form suitable for recording as part of a plat.

Lot. A parcel or tract of land or a contiguous combination of several parcels of land in single ownership, and of sufficient area and dimension to comply with all minimum requirements for the uses permitted in the zoning district in which such lot is located.

Lot of Record. A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Union County prior to the adoption of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the date of adoption of this Ordinance which lot is not in violation of the then-existing Union County Subdivision Regulations.

Lot Types:

- **Corner Lot.** A lot located at the intersection of two or more streets. A lot abutting on a curved street or street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
- **Double Frontage Lot.** Any lot having access to two street rights-of-way.
- **Interior Lot.** A lot other than a corner lot with frontage on only one street.
- **Panhandle Lot.** A lot which contains a narrow strip providing access under lot type.
- **Single-Tier Lot.** A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.

Official Maps or Plans. Any maps or plans officially adopted by the Town Council of the Town of Mineral Springs.

Open Space. An area (land and/or water) generally lacking in man-made structures and reserved for enjoyment in its unaltered state. Common areas, when so designated on plats shall be considered as open space and subject to the limitations thereof.

Plat. A map or plan of a parcel of land which is proposed to be, or has been, subdivided.

Private Driveway. A roadway serving two (2) or fewer lots, building sites, or other division of land not intended to be public ingress or egress.

Private Road. An undedicated private right-of-way which affords access to abutting properties and requires a Subdivision Streets' Disclosure Statement in accordance with G.S. 136-102.6.

Recreation Area or Park. An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various man-made features that accommodate such activities.

Reservation. A designation of land that does not involve any transfer of property rights,

but constitutes an obligation to keep the property free from developments for a stated period of time.

Sanitary Sewer System. A complete system of sewage collection, treatment and disposal including approved privies, septic tank systems, connection to public or community sewage systems, or other such systems, any of which shall be approved by the appropriate State Agency.

Sewage. The waste water, and its contents from kitchen, bathroom, toilet, lavatory and laundry of any residence, business establishment, institution, or any public building.

Street. A dedicated and accepted public right-of-way for vehicular traffic (or a private road when permitted by this Ordinance). The word “street” includes, but is not limited to, “road, freeway, highway, expressway and thoroughfare”. The following classifications shall apply:

Classification of Streets:

- **Collector Streets.** Streets which carry traffic from minor streets to the system of major streets.
- **Cul-de-sac.** A short street having but one end open to traffic and the other end being permanently terminated and a vehicular turnaround provided.
- **Frontage Road.** A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.
- **Local Residential Road.** Cul-de-sac dead end streets, as limited by Section 405.7 of this Ordinance, loop streets less than 2,500 feet in length, or streets less than one mile in length that do not connect thoroughfares, or serve major traffic generators, and do not collect traffic from more than 100 dwelling units.
- **Major Thoroughfares.** A major thoroughfare as designated by the Union Thoroughfare Plan and adopted by the Town of Mineral Springs, as amended from time to time. Additionally, any other routes as designated by the Town of Mineral Springs.
- **Marginal Access Streets.** Minor streets which are parallel to and adjacent to major streets and highways and which provide access to abutting properties and protection from through traffic.
- **Minor (Residential) Streets.** Streets which are used primarily for access to the abutting properties.
- **Minor Thoroughfare.** A minor thoroughfare as designated by the Union Thoroughfare Plan and adopted by the Town of Mineral Springs, as amended from time to time. Additionally, any other routes as designated by the Town of Mineral Springs.
- **Residential Collector Road.** A local access street which serves as a connector street between local residential streets and the thoroughfare system. Residential collector streets typically collect traffic from 100 to 400 dwelling units.

- **Structure.** Any building, sign, wall, fence, or similar physical obstruction placed or erected on the property.
- **Structure Setback Line.** A line establishing the minimum allowable distance between the nearest portion of any structure including porches and the nearest street right-of-way line when measured perpendicular thereto.
- **Subdivider.** Any person, firm, or corporation who proposes to, subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision. Refer to Section 110 of this Ordinance.

Subdivision, Major. Refer to Section 112 of this Ordinance.

Subdivision, Minor. Refer to Section 111 of this Ordinance.

Town. Town of Mineral Springs, North Carolina.

Town Council. Town Council of the Town of Mineral Springs, North Carolina.

Town Engineer. The consulting engineering firm chosen by the Town of Mineral Springs to provide engineering services to the Town.

Section 115. Word Interpretation

For the purpose of this Ordinance, certain words shall be interpreted as follows:

- Words used in the present tense include the future tense.
- Words used in the singular number include the plural and words used in the plural number include the singular, unless the natural construction of the wording clearly indicates otherwise.
- The word “person” includes a firm, association, organization, partnership, corporation, trust, and company as well as an individual.
- The word “used for” shall include the meaning “designed for”.
- The word “structure” shall include the word “building”.
- The word “lot” shall include the words “plot”, “parcel” and “tract”.
- The words “shall”, “must”, or “will” are always mandatory and not merely directory.
- The word “he” shall include the word “she”.
- The word “may” is directory and not mandatory.
- The work "day" shall mean a normal business day unless otherwise specified.
- The words "Town", "Village" and the like denote the incorporated Town of Mineral Springs.
- All words not specifically defined herein shall be assigned their customary definitions.

ARTICLE 2

LEGAL PROVISIONS

Section 201. General Procedure for Plat Approval

After the Effective Date of this Ordinance, no subdivision plat of land within the Town's jurisdiction shall be filed or recorded in the Office of the Union County Register of Deeds until it has been submitted and approved as set forth in Article III of this Ordinance.

The Union County Register of Deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of the Town that has not been first approved in accordance with these provisions, nor shall the Union County Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with this Ordinance.

201.1 Statement by Owner

The owner of land within the jurisdiction of this Ordinance, which land is shown on a subdivision plat submitted for recording, shall himself, or through his authorized agent, sign a notarized statement on that plat stating that the land shown thereon is within the subdivision regulation jurisdiction of the Town of Mineral Springs.

Section 202. Fees for Filing, Review and Approval

From time to time the Town Council shall establish a schedule of fees for plat filing, review, and approval, which fees must be paid upon plat submission.

Section 203. Issuance of Building Permits on Subdivision Lots

No zoning permit, building permit or certificate of occupancy shall be issued for any lot which was created by subdivision after the Effective Date of this Subdivision Ordinance without having first been approved in accordance with this Ordinance and recorded at the Union County Register of Deeds Office and, where applicable, an Improvements Permit has been issued by the Union County Health Department.

Section 204. Enforcement and Penalties for Violation

204.1 After the Effective Date of this Ordinance, any person who, being the owner or authorized agent of the owner of any land located within the territorial jurisdiction of this Ordinance, thereafter subdivides his land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this Ordinance and recorded in the Union County Register of Deeds Office, shall be guilty of a misdemeanor.

Violators of this Ordinance shall be subject, upon conviction, to a fine of not more than fifty dollars (\$50.00) or imprisonment of not more than thirty (30) calendar days, as provided by G.S. 14-4.

- 204.2** The violation of any provision of this Ordinance shall subject the offender to a civil penalty in the amount of fifty dollars (\$50.00) per day for each calendar day a violation exists, which may be recovered by the Town in a civil action in the nature of a debt if the offender does not pay the penalty within five (5) days after he has been cited for violation of this Ordinance.
- 204.3** Any provision of this Ordinance may also be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the General Court of Justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be an acceptable defense to the application of the Town for equitable relief that there is an adequate remedy at law.
- 204.4** Any provision of this Ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement, and the General Court of Justice shall have jurisdiction to issue such orders. When a violation of such provision occurs, the Town may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; that fixtures, furniture or other movable property be removed from buildings on the property; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this Ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the Town may execute the order of abatement.

The Town shall have a lien on the property for the cost of executing the order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the appropriate Clerk of Superior Court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

- 204.5** The provisions of this Ordinance may be enforced by any one, all or a combination of the remedies authorized and prescribed by this Section.
- 204.6** Except as otherwise specifically provided, each and every calendar day of continuing violation of any provision of this Ordinance shall be a separate and distinct offense.
- 204.7** The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this Section.
- 204.8** The Zoning Administrator shall not issue zoning permits for property in violation of this Ordinance.

Section 205. Separability

Should any section or provision of this Ordinance be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the Ordinance as a whole or any part thereof other than that part of the Ordinance so declared to be unconstitutional or invalid.

Section 206. Modifications

- 206.1** The Town Council may authorize a modification of these regulations when, in its opinion, undue hardship may result from verbatim compliance with these regulations. Such a modification shall be granted only to the extent that is absolutely necessary and not to an extent, which would violate the intent of this Ordinance.
- 206.2** **Procedure.** A petition for any such modification shall be submitted in writing by the subdivider to the Subdivision Administrator. The petition shall include:
- 1) The precise nature of the proposed modification of this Ordinance.
 - 2) The reason(s) that the need for the modification exist.
 - 3) A plat of the subject property drawn to a scale, suitable for recordation in the office of the appropriate County Register of Deeds, in which the property is located, indicating:
 - a) North arrow, and
 - b) Dimensions of the subject property, and
 - c) The precise dimensions of the modification requested, and
 - 4) The grounds for the modification and all facts relied upon by the subdivider, and
 - 5) Any other factual information pertinent to the proposed modification.

206.2 The Subdivision Administrator shall review the petition and submit his written comments and recommendations with the petition to Town Council within ten (10) days of receipt of said petition.

206.3 In granting any modification, the Town Council shall make findings required below, taking into account the nature of the proposed subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No modification shall be granted unless the Town Council finds:

- a) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land, and
- b) That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner, and
- c) That the circumstances giving rise to the need for the modification are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this Ordinance, and
- d) That the granting of the modification will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which said property is situated, and
- e) That the modification will not vary the provisions of the Town of Mineral Springs Zoning Ordinance applicable to the property.

In approving modifications, the Town Council may also require such additional conditions as will, in its sole judgment, secure substantially the objectives and standards or requirements of this Ordinance.

Section 207. Amendments

For the purpose of providing for public health, safety, and general welfare, the Town Council may from time to time amend the provisions of this Ordinance (but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review). The proposed amendment must be submitted to the Planning Board at least fifteen (15) calendar days in advance of the meeting at which the Planning Board considers said amendment, unless this requirement is waived by majority vote of the Planning Board members at the meeting the amendment is considered. The Planning Board shall have thirty (30) calendar days from the meeting the proposed amendment is considered, within which to submit its report. If the Planning Board fails to submit a report within the time specified above, the proposed amendment will be forwarded to the Town Council without recommendation of the Planning Board.

No amendment shall be adopted by the Town Council until it has held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general

circulation in the Town of Mineral Springs at least once a week for two (2) successive weeks prior to the hearing. The initial notice shall appear not more than twenty-five (25) calendar days nor not less than ten (10) calendar days prior to hearing date. In computing the ten (10) to twenty-five (25) calendar day periods, the date of publication shall not be counted, but the date of the hearing shall be counted.

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.

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.

ARTICLE 6
APPENDICES

Appendices that follow are listed in the Table of Contents

1. List of Acceptable Plant Species

APPENDIX 1: LIST OF ACCEPTABLE PLANT SPECIES

LARGE CANOPY TREES	Tree Type	* At Maturity		Growt h Rate	Site Condition s	Benefits	Possible Problems	Remarks
		Height	Spread					
* <i>Acer Buergeuanum</i> TRIDENT MAPLE	Deciduous	12-35 ft	15-25 ft	Medium	Full sun, well drained soils	Drought resistant	Non serious	Nice street tree for under power lines
* <i>Acer Rubrum</i> RED MAPLE	Deciduous Shade	40-60 ft	30-50 ft	Fast	Adaptable	Spring flowers fall colors	Leaf hoppers, borers	Many cultivars with brilliant fall color., Does not tolerate heavy pollution, shade tolerant
* <i>Acer Saccharum</i> SUGAR MAPLE	Deciduous Shade	65-75 ft	40-60 ft	Moderate	Well drained slightly moist	Excellent fall colors	Leaf scorch	Beautiful fall color, resents heat, shade tolerant, cultivars: "Green Mountain", "Legacy"
* <i>Betula Nigra</i> RIVER BIRCH	Deciduous	40-70 ft	40-60 ft	Fast	Moist preferred but widely adaptable	Handsome form and bark	Leaf spot	Multi or single stem, handsome bark, "heritage", excellent selection, "Duraheat", more heat tolerant
* <i>Carpinus Carolina</i> HORNBEAM, IRONWOOD	Deciduous Shade	20-50 ft	30-50 ft	Slow to Moderate	Rich, moist well drained, acid, adaptable	Fall color, smooth bark	Canker, leaf spot	Very adaptable small shade tree, unique smooth sinewy trunk, shade tolerant
<i>Cedrus Deodora</i> DEODAR CEDAR	Evergreen	40-70 ft	50-90 ft	Moderate	Well drained, somewhat dry	Foliage texture and color	Cold damage, top dieback	Excellent graceful specimen with soft blue-green color
<i>Cercidiphyllum Japonicum</i> KATURSA TREE	Deciduous Shade	40-60 ft	30-60 ft	Moderate	Rich, moist well drained, full sun	Beautiful foliage spring and fall	None serious, sun scale	Extremely handsome, but underused, beautiful spring foliage
<i>Cladrastis Lutea</i> YELLOWWOOD	Deciduous Shade	30-50 ft	40-55 ft	Moderate	Well drained, full sun	Fragrant spring flowers, bright foliage	Very few, can not take wet soils	Beautiful fragrant flowers on older trees, slow develop strong form, under used.
<i>Cryptomeria Japonica</i> JAPANESE CEDAR	Evergreen	50-60 ft	20-30 ft	Moderate	Rich, moist, acid, full sun	Soft texture, beautiful bark	Leaf blight, branches die back	Graceful, stately specimen. Excellent screen.
* <i>Fagus Grandiflora</i> AMERICAN BEECH	Deciduous Shade	50-70 ft	50-70 ft	Slow	Moist, well drained, acid	Handsome form, bark, fall foliage	None serious, surface root	Beautiful and grand native for large area, shallow roots inhibit grass.
* <i>Fraxinus Pennsylvanica</i> GREEN ASH	Deciduous Shade	50-60 ft	25-35 ft	Fast	Very adaptable, full sun	Adaptability	Bores, scale	Plant cultivars to prevent reseeding, easily transplanted, variable growth habit.
* <i>Ginkgo Biloba</i> GINKGO	Deciduous Shade	50-80 ft	30-60 ft	Moderate	Adaptable full sun	Unique foliage, rich yellow fall color	None serious	Gangly when young, spectacular when mature, bright fall color, plant male only!
<i>Gymnocladus Dioicus</i> KENTUCKY COFFEETREE	Deciduous Shade	65-75 ft	40-50 ft	Slow to Moderate	Adaptable	Bold and unique form	None serious	Interesting tree for large area, bold winter habit, handsome bark, pods persistent through winter.
* <i>Iglandambar Rotundiloba</i> SWEETUM (fruitless)	Deciduous Shade	65-75 ft	40-50 ft	Moderate	Adaptable, needs large root zone	Rich fall color	Numerous pest when under stress	Fruitless variety, but some reversion possible, rich fall color.
* <i>Liriodendron Tulipifera</i> TULIP POPLAR	Deciduous Shade	70-90 ft	35-50 ft	Fast	Mostly well drained, loamy, full sun	Beautiful spring flowers, fall foliage	Numerous when poorly sited	Majestic tree only for large sites, needs well drained, loamy soil to stay healthy.
* <i>Magnolia Grandiflora</i> SOUTHERN MAGNOLIA	Evergreen	60-80 ft	30-50 ft	Moderate	Rich, well drained, shade tolerant	Beautiful fragrant flowers, handsome leaf	Messy leaves, surface roots	Formal specimen as screen or large hedge, use cultivars: "Little Gem or Margaret Davis" etc.
<i>Metasequoia Glyptostroboides</i> DAWN REDWOOD	Deciduous	70-100 ft	24-45 ft	Fast	Moist well drained, slightly acid	Bright green, fine textured leaf	None serious, Japanese beetles	Tall but somewhat narrow, makes effective screen.
<i>Nyssa Sylvatica</i> BLACK GUM	Deciduous	30-50 ft	20-30 ft	Moderate	Moist well drained acid	Fall color	None serious	Beautiful native tree but hard to find in nurseries, striking early fall colors.
* <i>Oxidendrum Arboreum</i> SOURWOOD	Deciduous	25-30 ft	20-25 ft	Slow	Moist acid soil, well drained, full sun	Multiple seasons of interest	Leaf spot, twig blight, difficult to transplant	Good leaf, blooms in summer, excellent fall color, an all around performer
<i>Pinus Thumbergia</i> JAPANESE BLACK PINE	Evergreen	15-25 ft	20-30 ft	Medium	Well drained soils, full sun	Screen planting, hedge, and grouping	None serious	Interesting screening plant
* <i>Pinus Taeda</i> LOBLOLLY PINE	Evergreen	40-60 ft	20-30 ft	Fast	Adaptable to poor drained acid soils	Good fast screen, adaptability	Pine beetles	Fast screen when young, higher canopy when aged, beetles, frequent in landscape setting.
<i>Pinus Virginiana</i> VIRGINIA PINE	Evergreen	15-40 ft	10-30 ft	Medium	Poor soils to dry sites, full sun	Nice fall color	None serious	Underused, good for screens where other plants perish

LARGE CANOPY TREES	Tree Type	* At Maturity		Growt h Rate	Site Condition s	Benefits	Possible Problems	Remarks
		Height	Spread					
* <i>Quercus Acutissima</i> SAWTOOTH OAK	Deciduous	35-45 ft	35-45 ft	Medium to fast	Acid, well drained soils, full sun	Very adaptable, glossy leaves	None serious	A nice well rounded tree that is under used
* <i>Quercus Alba</i> WHITE OAK	Deciduous Shade	50-80 ft	60-90 ft	Slow	Deep, moist, well drained, acid	Stateliness, fall color	Numerous, but tree is a survivor	Probably the most majestic of trees, slow grow, transplant problems make planting rare.
* <i>Quercus Coccinea</i> SCARLET OAK	Deciduous Shade	70-75 ft	40-50 ft	Moderate	Adaptable	Excellent glossy foliage, fall color	None serious	Excellent foliage, attractive form makes this oak increasingly popular.
* <i>Quercus Falcata</i> SOUTHERN RED OAK	Deciduous	70-80 ft	60-70 ft	Medium	Very adaptable, full sun	Nice large shade tree	Striped oak caterpillar, non serious	Large stately native tree
<i>Quercus Lyrata</i> OVERCUP OAK	Deciduous	30-45 ft	30-45 ft	Medium to fast	Withstand wet soils, full sun or part shade	Takes to difficult site	None serious	Smaller shade, acorn, underused
<i>Quercus Macrocarpa</i> BUR OAK	Deciduous	70-80 ft	30-40 ft	Slow	Drought Tolerant	Stately tree	None serious	Large acorns, very shady as older specimen
<i>Quercus Palustris</i> PIN OAK	Deciduous	60-70 ft	30-40 ft	Fast	Will tolerate wet sites, full sun	Bronze to red fall color	Gulls, iron chlorosis	Used extensively as a street tree in North Carolina
* <i>Quercus Phellos</i> WILLOW OAK	Deciduous Shade	40-60 ft	30-60 ft	Moderate	Adaptable	Good form, fine texture	None serious	Highly adaptable and obtainable oak tree, perhaps over used
* <i>Quercus Rubra</i> RED OAK	Deciduous	60-75 ft	40-50 ft	Fast	Well drain moist soils, full sun	Nice fall color	None serious	Withstands air pollution
* <i>Quercus Shumardii</i> SHUMARD OAK	Deciduous Shade	40-60 ft	40-60 ft	Moderate	Adaptable	Reliability, fall color	None serious	Reliable and adaptable, becoming more available in the treade
* <i>Stewartia Monodelpha</i> TALL STEWARTIA	Deciduous	20-25 ft	10-15 ft	Medium	Pt sun to shade, moist well drained soils	Good bark color, fall foliage, summer blooms	Pest free, difficult to transplant	An excellent tree for small spaces, creates an interesting specimen
<i>Styrax Japonicus</i> JAPANESE SNOWBALL	Deciduous	20-30 ft	20-25 ft	Slow to medium	Moist acid soils well drained, full sun	Excellent bark and flowers	Few problems	Excellent foliage and bark texture, fragrant yellow flowers in May
<i>Taxodium Ascendens</i> POND CYPRESS	Deciduous	70-80 ft	12-20 ft	Slow to medium	Takes to wet sites, adaptable	Nice specimen tree, burnt orange fall color	None serious	Good for parks, large areas and wet areas
<i>Taxodium Distichum</i> BALD CYPRESS	Deciduous	50-70 ft	20-30 ft	Moderate	Adaptable, full sun	Fine texture, attractive bark	Twig blight, cypress moth, mites	Stately tree with finger like textures, looks at home near water but is adaptable to most cities
* <i>Tilia Cordata</i> LITTLELEAF LINDEN	Deciduous Shade	60-70 ft	40-60 ft	Moderate	Moist well drained fertile	Good foliage, fall color, pollutant tolerant	Scale, linden mite, aphids, J. beetles	Handsome tree for large sites, not as adaptable in warm climate
<i>Tsuga Canadensis</i> CANADIAN HEMLOCK	Evergreen	40-70 ft	25-35 ft	Moderate	Moist well drained, acid, sun or shade	Fine texture, hedge, screen, groupings	Numerous if not properly located	Excellent for naturalizing, screening, or large hedge, reliable if given proper care and not allowed to dry
<i>Ulmus Crassifolia</i> CEDAR ELM	Deciduous	50-70 ft	40-60 ft	Medium	Adaptable	Medium fine texture, rough leaves	Dutch elm disease, Elm leaf, beetles	Difficult to find in many nurseries
* <i>Unus Paviflora</i> LACEBARK ELM	Deciduous Shade	40-50 ft	40-50 ft	Moderate	Adaptable	Med. Fine texture, beautiful mottled bark	None serious	Tough and durable for urban sites, easily grown and transplanted

*indicated desired species

ORNAMENTAL TREES	Tree Type	* At Maturity		Growt h Rate	Site Conditions	Benefits	Possible	Remarks
		Height	Spread				Problems	
* <i>AcreGinnala</i> AMUR MAPLE	Deciduous	15-20 ft	15-20 ft	Moderate	Adaptable, sun or light shade	Fragrant flowers, fall colors, early leaves	Relatively few	Excellent small tree because of its form, can be used as a specimen, screen, background or understory tree
<i>Acre Griseum</i> PAPERBARK MAPLE	Deciduous	20-30 ft	12-20 ft	Slow	Well drained soils, adaptable	Excellent fall color	None serious	Excellent bark, cinnamon color and exfoliating, great center piece in landscaping
* <i>Acer Palmatum</i> JAPANESE MAPLE	Deciduous	15-20 ft	15-20 ft	Slow to moderate	Moist well drained soils, Sun or part shade	Excellent foliage, fall color, bark	Few, leaf scorch	Outstanding tree for formal gardens, one of the most spectacular trees, many varieties
* <i>Mmelanchier Aborea</i> SERVICEBERRY	Deciduous	15-25 ft	10-30 ft	Moderate	Moist well drained soils, Sun or part shade	Spring flowers, fall color, bark, wildlife	Numerous, rust, leaf blight, mildews	Snowflake like modified hairs cover the leaves, stems, and buds giving a silvery look, great screen
* <i>Cercis Canadensis</i> REDBUD	Deciduous	20-30 ft	25-35 ft	Moderate	Adaptable if not wet, sun part shade	Spring flowers, fall color, fruit	Canker, leaf spot, verticillium wilt	Comes in many varieties with lustrous leaves and is less susceptible to leaf rollers, has oblong seed pods
<i>Chionanthus Vitginious</i> FRING TREE	Deciduous	12-20 ft	12-20 ft	Slow	Moist well drained soils, full sun	White fingerlike bloom in spring	Leaf spot and scale, hard to transplant	Excellent specimen for small landscapes
* <i>Cornus Kousa</i> FLOWERING DOGWOOD	Deciduous	20-30 ft	20-30 ft	Moderate	Well drained, acid organic, moist	Spring flowers, fall color	Borer, Fungus, leaf spot	Long lasting flowers, bark is easily bruised, very attractive tree in the spring, good for landscaping
* <i>Cornus Mas</i> CORNELIAN CHERRY DOGWOOD	Deciduous	20-25 ft	15-20 ft	Medium	Adaptable, well drained soil, sun to partial shade	Yellow flowers in March	Non serious	Exfoliating gray bark, large round multi stemmed tree. Excellent understory tree for landscapes and parking lots
<i>Cotinus Coggygria</i> SMOKE TREE	Deciduous	10-15 ft	10-15 ft	Medium	Well drained soil, full sun to part shade	Yellowish fingerlike blooms	Rust, leaf spot, leaf volleus, none serious	Drought resistant, well adapted to abused urban soils, will survive in infertile rocky soils
* <i>Crataegus Phaenopyrum</i> WASHINGTON HAWTHORN	Deciduous	25-30 ft	20-25 ft	Moderate	Well drained full sun	Spring flowers, fall fruit	Numerous, rust, leaf spot, mildews	Has an attractive fruit makes a good landscaping tree
* <i>Halesia Carolina</i> CAROLINA SILVER BELL	Deciduous	30-40 ft	20-35 ft	Moderate	Well drained, acid organic, moist	Spring flowers, fall fruit	Very pest resistant	A subtly beautiful native when used as a shrub or woodland border
<i>Hamamalis Hybrids</i> WITCH HAZEL	Deciduous	15-20 ft	15-20 ft	Medium	Moist well drained soil, adaptable, sun or shade	Good yellow to orange blooms	Non serious	Winter bloomer when most other trees don't
<i>Ilex Decidua</i> POSSOMHAW	Deciduous	10-15 ft	10-15 ft	Slow to medium	Well drained soil, full sun to part shade	Good red berries in winter	Leaf spot, powdery mildew, non serious	Many nice cultivars with attractive berries, good for wildlife
* <i>Ilex Opaca</i> AMERICAN HOLLY	Evergreen	20-40 ft	18-40 ft	Slow	Well drained, moist, acid, sun	Evergreen leaves, red berries	Numerous, leaf miner, scale, bud moth	Picturesque specimen, many superior cultivars available, make an excellent screen
* <i>Koelreuteria Paniculata</i> GOLDEN RAIN TREE	Deciduous	30-40 ft	30-40 ft	Moderate to fast	Adaptable, full sun	Spring leaves, fall flowers	None serious	Lawn or patio tree, unique for yellow summer flowers
* <i>Lagerstroemia Indica</i> CRAPE MYRTLE	Deciduous	18 + ft	Varies	Fast	Well drained, full sun, warm	Bark, form, showy summer flowers	Powdery mildew, black spot, sooty mold	May be grown as a shrub using dwarf cultivars, occasionally grown as a multi stemmed small tree
* <i>Magnolia Species</i> MAGNOLIA	Deciduous	20-30 ft	24-35 ft	Moderate	Well drained, acid organic, moist	Fragrant spring blooms, form	Numerous possible, but seldom	Spectacular early flowers, makes for a good screen when mature
* <i>Magnolia Soulangiana</i> SAUCER MAGNOLIA	Deciduous	20-30 ft	15-25 ft	Moderate	Well drained, acid organic, moist	Fragrant spring blooms, form	Numerous possible, but seldom	Spectacular early flowers, makes for a good screen when mature
* <i>Magnolia Virginiana</i> SWEETBAY MAGNOLIA	Semi Evergreen	20-30 ft	25-35 ft	Moderate	Adaptable, tolerant wet, shade	Fragrant summer blooms, fall fruit	None serious	Versatile tree with nice foliage, fragrant flowers, good specimen for entrances and streetscapes
* <i>Malus Hybrid</i> FLOWERING CRABAPPLE	Deciduous	Varies	Varies	Varies	Well drained, moist soil, acid, sun	Showy spring blooms, fall fruit	Numerous, use only resistant varieties	Many of the cultivars are disease resistant. Very showy in the spring. Good for interior landscaping

ORNAMENTAL TREES	Tree Type	* At Maturity		Growt h Rate	Site Conditions	Benefits	Possible Problems	Remarks
		Height	Spread					
<i>Parrotia Persica</i> PERSIAN PARROTTIA	Deciduous	20-40 ft	15-30 ft	Moderate	Well drained, sun or light shade	Spring flowers, exfoliating bark	None except Japanese beetles	Exceptional specimen, accent, small lawn or street tree
* <i>Pistachia Chinensis</i> CHINESE PISTACHE	Deciduous	30-35 ft	25-35 ft	Moderate	Adaptable, full sun	Fall color, bark	None	Highly adaptable lawn, park. Or street tree with outstanding fall color
<i>Prunus Mume</i> JAPANESE APRICOT	Deciduous	15-20 ft	15-20 ft	Medium	Adaptable, sun to part shade	Winter Bloom, pink to white	None serious	Rounded tree that blooms in February, many good cultivars, underused
* <i>Prunus Specios</i> FLOWERING CHERRY	Deciduous	Varies	Varies	Varies	Well drained, moist, sun	Spring flowers, tree form, (some weeping)	Numerous if in poor conditions	Popular ornamental despite problems,
* <i>Stewartia Pseudocamellia</i> JAPANESE STEWARTIA	Deciduous	20-40 ft	15-30 ft	Moderate	Well drained, moist, organic	Excellent fall color	None serious	Magnificent specimen with camellia like flowers and beautiful bark
* <i>Styrax Japonica</i> JAPANESE SNOWBALL	Deciduous	20-30 ft	20-30 ft	Moderate	Well drained, moist, organic	Late spring flowers, fruit, form	Leaf spot, scale, none serious, difficult to transplant	Lovely graceful tree all season, cultivars are available, underused

*indicated desired species

SHRUBS	Tree Type	* At Maturity		Growth Rate	Site Conditions	Benefits	Possible Problems	Remarks
		Height	Spread					
* <i>Abelia Grandiflora</i> GLOSSY ABELIA	Evergreen	3-6 ft	3-6 ft	Moderate to fast	Easily grown, sun, moist, well drained soils	Flowers June – frost	None Serious	For mass or hedge, "Sherwood" more dense and compact, "Edward Goucher" darker pink flower
* <i>Aesculus Parviflora</i> BOTTLEBUSH BUCKEYE	Deciduous	8-12 ft	10-15 ft	Slow	Acid, moist, well drained, full sun part shade	Excellent white flowers	None serious, drops leaves early fall	Deep taproot makes difficult to transplant, very handsome shrub for both flower and foliage
<i>Aronia Arbutifolia</i> RED CHOKEBERRY	Deciduous	6-10 ft	4-6 ft	Moderate	Adaptable, sun part shade	Spring Flowers and foliage effects	Non serious, leaf spot, powdery mold	Border, massing, groups, naturalizing, brilliant fruit, superior cultivars
* <i>Berberis Julianae</i> WINTERGREEN BARBERRY	Evergreen	6-10 ft	6-10 ft	Moderate	Adaptable, full sun	Yellow spring flowers, fall color, fruit	Thorns	Impenetrable hedge, improper pruning can ruin form, "Nana" & "Glory" good but hard to find cultivars
* <i>Berberis Thumbergii</i> JAPANESE BARBERRY	Deciduous	3-6 ft	4-7 ft	Moderate	Adaptable, sun, not too wet	Leaf color, winter fruit	Numerous possible but not prevalent	Many cultivars "Crimson Pigmy & Rose Glow" burgundy foliage, "Aurea" yellow/green foliage
* <i>Buddleia Davidii</i> BUTTERFLY BUSH	Deciduous	5-15 ft	8-12 ft	Fast	Adaptable, sun, not too wet	Foliage, color, profuse summer blooms	None serious	Many cultivars with varied sizes, foliage, bloom, and color
<i>Callicarpa</i> BEAUTYBERRY	Deciduous	3-5 ft	4-6 ft	Moderate	Adaptable, well drained, sun to part shade	Graceful form, spectacular fall berries	None Serious	Used in mass, few can compete with effect of this shrub In fruit, Purple/white fruit types available
* <i>Calycanthus Floridus</i> SWEETSHRUB	Deciduous	6-9 ft	6-10 ft	Slow	Sun to shade, well drained, organic soils	Fragrant dark red bloom in June / July	Trouble free	Can be a suckering or clumping plant, fragrant, underused
* <i>Camellia Japonica Sasanqua</i> CAMELLIA	Evergreen	6-15 ft	5-10 ft	Slow to moderate	Moist well drained, organic, partial shade	Handsome foliage, fall, winter, or spring blooms	None serious	Many cultivars, cold hardiness, bloom time and color, for accent, screening, and espalier
* <i>Caryopteris Specios</i> BLUEBEARD	Deciduous	2 ft	2 ft	Slow	Full sun, loose loamy soils	Nice small mound, blue flowers late summer	None serious	May die back to ground in winter, many cultivars,
<i>Chamaecyparis Pisifera Cultivar</i> JAPANESE FALSE CYPRESS	Evergreen	4-15	4-10	Moderate	Moist well drained soil, humid, sun	Fine texture, foliage, colors in cultivars	Leaf scorch, none serious	Accent or specimen conifer, cultivars with gold or bluish leaf.
<i>Clethra Alnifolia</i> SUMMERSWEET CLETHRA	Deciduous	3-8 ft	4-6 ft	Moderate	Acid, organic soils, tolerates wet,	Summer blooms very fragrant, fall colors	None	Under used plant for massing, naturalizing. Extremely fragrant bloom, tolerates wet, shady

SHRUBS	Tree Type	* At Maturity		Growth Rate	Site Conditions	Benefits	Possible Problems	Remarks
		Height	Spread					
					sun/shade			sites
* <i>Cornus Sericea</i> RED OSIER DOGWOOD	Deciduous	7-9 ft	5-6 ft	Medium to fast	Moist well drained soils, full sun part shade	Bright red and yellow stems in winter	Canker, bagworm	A fair mount of cultivars, variegated foliage, best for winter interest
<i>Cyrill Racimiflora</i> LEATHERWOOD	Semi evergreen	10-15 ft	8-10 ft	Medium	Moist, acid soils, tolerant to moisture	White flowers June & July	None serious	Underused native shrub from coastal plain and nice evergreen for hedge or screen
* <i>Cytisrus Scoparius</i> SCOTCH BROOM	Evergreen	5-6 ft	6-8 ft	Medium	Well drained soil, full sun	Yellow and red flowers	None serious	Good for poor dry sites, quite adaptable
<i>Deutzia Gucillis</i> SMOOTH DEUTZA	Deciduous	2-4 ft	3-4 ft	Slow to moderate	Full sun to light shade, adaptable	Nice white flowers in spring	Problem free	Used best in hedge border or in masses
<i>Exochorda Racemosa</i> PEARLBUSH	Deciduous	10-15 ft	10-15 ft	Medium	Moist well drained acidic soils full sun	Nice white flowers in March-April	None serious	Underused for shrub border, attractive bark colors range from brown to brown orange, very adaptable
<i>Forsythia Intermedia</i> BORDER FORSYTHIA	Deciduous	8-12 ft	10-12 ft	Fast	Adaptable, Sun or part shade	Early spring flowers	Several but none serious	Accent groups, all species showy flower, color varies, "Oak Leaf" has good form & fall color
<i>Hydrangea Species</i> HYDRANGAEA	Deciduous	4-15 ft	4-15 ft	Fast	Moist well drained, salt tolerant	Large summer blooms, fall color, Oak Leaf	Several possible, none serious	Accent groups, all species have showy flower, color varies, fall color and winter form
<i>Hypericum Frondosum</i> ST. JOHNS WORT	Deciduous	3-4 ft	3-4 ft	Slow	Does well in dry sites, full sun to part shade	Nice foliage and yellow flowers in summer	None serious possible snow/ice damage	Good for borders, handsome blue/green foliage, brilliant yellow flowers in June, underused native
<i>Illicium Parviflorum</i> SMALL ANISE TREE	Evergreen	8-15 ft	10-15 ft	Moderate	Adaptable, wet or dry, sun or shade	Handsome olive green foliage	None serious	Large foliage mass or screen, prune for specimen small tree. Nice color contrast
* <i>Ilex Crenata Cultivars</i> JAPANESE HOLLY	Evergreen	4-12 ft	4-12 ft	Moderate	Adaptable, sun, drought tolerant	Broad glossy leaf, berries on some	Numerous possible, scale, varies w/ cultivars	Accent, foundation, screen, hedge, many cultivars, widely used
* <i>Ilex Glabra</i> INKBERRY HOLLY	Evergreen	5-10 ft	5-10 ft	Moderate	Moist acid, sun or shade	Lustrous leaves, adaptability	None serious	Accent, foundation, screen, hedge, mass, select named cultivars for size and form
* <i>Ilex Vomitoria</i> YAUPON HOLLY	Evergreen	3-20 ft	5-15 ft	Moderate to fast	Adaptable, wet or dry, salt tolerant	Great adaptability, varied forms, bark	None serious	Accent, foundation, screen, hedge, mass, some small trees, some dwarf & compact, some weeping
* <i>Ilex Verticillata</i> WINTERBERRY HOLLY	Deciduous	6-10 ft	6-10 ft	Slow to moderate	Adaptable, tolerates wet, sun/partial shade	Red fall, winter fruit	None serious	Mass border bank planting, wet soils, needs male to set fruit, spectacular in winter
<i>Itea Virginica</i> VIRGINIA SWEETSPIRE	Deciduous	3-7 ft	5-10 ft	Moderate	Adaptable, prefers moist, sun or shade	Fragrant, May blooms, good foliage	None serious	Massive, banks, naturalizing, highly adaptable native
<i>Lespedeza Thunbergii</i> SHRUB LESPEDEZA	Deciduous	4-8 ft	4-8 ft	Fast	Full sun, very adaptable	Nice flower and foliage	None serious	Very handsome fountain like effect, rosy purple blossom, blooms in September
* <i>Juniperus Cultivars</i> JUNIPER	Evergreen	Varies	Varies	Moderate	Tolerant of poor soils, no wet soils	Consistent needle like foliage, fine texture	Twig blight, rust, wilt, bagworm, mites	Ground cover, foundation, bank, hedge, screen, specimen, sizes, shapes, colors vary w/ cultivar
<i>Mahonia Bealei</i> LEATHERLEAF MAHONIA	Evergreen	4-6 ft	3-4 ft	Slow to medium	Shade to part sun	Fragrant yellow flowers in winter	None serious	Coarsely clumped shrub with growth habit similar to nandina
* <i>Myrica Cerifera</i> WAX MYRTLE	Evergreen	2-8 ft	2-8 ft	Fast	Adaptable, sun/shade, salt tolerant	Adaptability, fragrant stems & leaves	Anthraxnose, none serious	Versatile as a screen, mass, hedge, small tree specimen, ice may break limbs
* <i>Nandina Domestica</i> NANDINA	Evergreen	2-8 ft	3-8 ft	Moderate	Adaptable, sun / shade	Spectacular fruit & winter color	None serious	Species are effective in groups as a hedge, cultivars are mostly dwarf types
* <i>Osmanthus Fortunei</i> "ZABEL" SKIP LAUREL	Evergreen	15-20 ft	15-20 ft	Slow to moderate	Moist, well drained, sun or shade	Fragrant flowers, handsome foliage	None serious	Border, screen, hedge, formal specimen, fall fragrance
* <i>Osmanthus Species</i> FRAGRANT TEA OLIVER	Evergreen	6-20 ft	6-20 ft	Slow to medium	Moist well drained soils, full sun part shade	Fragrant flowers in fall	Problem free	Dense upright oval shrub for layer plantings, very fragrant flower in fall

SHRUBS	Tree Type	* At Maturity		Growth Rate	Site Conditions	Benefits	Possible Problems	Remarks
		Height	Spread					
<i>Philadelphus Species</i> MOCK ORANGE	Deciduous	12-12 ft	8-10 ft	Fast	Full sun to light shade, moist rich soil	Fragrant spring blooms	Powdery mildew, leaf spot, canker, not serious	Used mostly as hedge, some cultivars have more fragrant bloom
<i>Pieris Japonica</i> JAPANESE ANDROMEDIA	Evergreen	6-8 ft	4-6 ft	Slow	Part shade to shade, rich organic acidic soils	White flowers in spring, good color in shade	Lace bug, leaf spot, root rot	Good evergreen for shade area, foundation, hedges
* <i>Prunus Lauroceracus "Zabel"</i> "ZABEB" SKIP LAUREL	Evergreen	3-6 ft	5-10 ft	Moderate	Moist, well drained, organic, sun / shade	Lustrous evergreen foliage	Root rot, bacterium and insect damage	Foundation, hedge, accent, ground cover in shade, Elegant plant
* <i>Pseudocdonia Sinensis</i> Quince	Deciduous	8-10 ft	10-15 ft	Slow to medium	Full sun, moist well drained soil	Nice red to pink flowers	Fire blight, none serious	Good in the shrub border, excellent flowers in early spring
* <i>Pyacantha Species</i> FIRETHORN	Evergreen	8-12 ft	8-12 ft	Fast	Full sun well drained soils	Excellent winter fruit	Fire blight, mites, lace bugs, scales	Used for hedges, foundation plantings, screens, masses, good for large scale landscaping
* <i>Rosmarinus Officinalis</i> ROSEMARY	Evergreen	2-4 ft	3-4 ft	Slow to medium	Full sun, moist well drained soils	Fine texture, small evergreen, fragrant	None serious	Nice evergreen for sun, fragrant foliage,
* <i>Rhododendron Species</i> RHODODENDRON & AZALEA	Evergreen	2-20 ft	3-20 ft	Slow to medium	Shade to part shade	Excellent flowers	Lace bug, root rot, mites,	Many cultivars and varieties, should not be put in sun as a lot of problems with poor sighting
* <i>Sacococca Hookavana</i> SWEET BOX	Evergreen	2-20 ft	3-20 ft	Slow to medium	Shade to part shade, rich well drained soils	Fragrant flower in late winter	None serious	Nice evergreen for shade, does not tolerate wet sites
* <i>Spiea Species</i> SPIREA	Deciduous	2-8 ft	3-8 ft	Moderate to fast	Adaptable, not too wet, sun	Spring to summer flowers	Numerous possible, but very resilient	Filler or massing, bank cover, Many species / cultivars
* <i>Viburnum Species</i> VIBURNUM	Deciduous	5-20 ft	5-20 ft	Slow to moderate	Moist well drained, sun to part shade	Flowers, fragrance, fall color, fruit	Numerous possible but relatively few	Many species and cultivars
<i>Loropetalum Chinese</i> LORPETALUM	Evergreen	6-10 ft	12-15 ft	Medium to fast	Prefers moist acidic soil, sun to shade	Nice spring flowers white to pink	None serious	Borders, screens, foundation and specimen planting, many new cultivars have nicer foliage and flowers

*indicated desired species

a) Large canopy trees serve the following functions:

- a) Create green space in the community.
- b) Establish a unifying element in the streetscape.
- c) Soften architectural elements.
- d) Provide tall buffers between incompatible uses.
- e) Mitigate urban micro-climates by providing shade and windbreaks and by filtering pollution.
- f) Reduce soil erosion and excessive storm water runoff.
- g) Contribute a living legacy to the community.

b) Ornamental Trees

- a) Provide an understory to the overhead canopy trees
- b) Create a screen or buffer for less desirable visual elements.
- c) Define or accent a focal space such as an entry area to a building, park, or plaza

- d) Add dynamic visual interest to the environment in ways such as attractive bark, flowers, fragrance, and sculptural form.
- e) Mitigate urban micro-climates by providing shade and windbreaks, and by filtering sound and pollution.
- f) Reduce soil erosion and excessive storm run-off.