

As Amended Through June 21, 2021

**TOWN OF
PEACHLAND**

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SUBDIVISION ORDINANCE



TOWN OF PEACHLAND
SUBDIVISION ORDINANCE

ADOPTION OF ORDINANCES April 28, 2007

UPDATED 160D SUBDIVISION PROCEDURES AND GUARANTEE REQUIREMENTS May 1, 2021

TABLE OF CONTENTS

Last Revision

<u>Article 1</u> Introductory Provisions	1
<u>Article 2</u> Legal Provisions	8
<u>Article 3</u> Procedure For Review And Approval Of Subdivision Plats	11
<u>Article 4</u> Required Improvements, Dedication, Reservation, And Minimum Standards Of Design	40
<u>Article 5</u> Legal Status Provisions	62
<u>Article 6</u> Appendices	63

ARTICLE 1

Introductory Provisions

Section 113. 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 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 Anson 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.

Gated Residential Development. A residential subdivision with a gate placed across the

entrance street(s) at the outer periphery of the development in order to restrict access. Internal streets of such a development shall be private streets maintained by the homeowners' association.

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 Anson 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 Anson 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.

INTRODUCTORY PROVISIONS

Section 101. Title

This ordinance shall be known and may be cited as the Subdivision Ordinance of the Town of Peachland, 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 and Extraterritorial Zoning Jurisdiction of the Town of Peachland. It is further designed to provide for the orderly growth and development of the Town, for the coordination of streets and highways 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 essential to 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 Peachland.

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 Anson 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.

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 Peachland 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 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 Peachland 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 Peachland 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 Anson 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 Peachland Subdivision ordinance, and may be recorded with the Anson 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 Peachland Subdivision Ordinance.

Section 111. "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 three (3) or fewer lots will result 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 112. "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 three (3) lots will result after the subdivision is completed,

Where floodplains or wetlands do exist.

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 Peachland, North Carolina.

Town Council. Town Council of the Town of Peachland, North Carolina.

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

Section 113 (Reserved)

Section 114. 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", "Town" and the like denote the incorporated Town of Peachland. All words not specifically defined herein shall be assigned their customary definitions.

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

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 Anson Thoroughfare Plan and adopted by the Town of Peachland, as amended from time to time. Additionally, any other routes as designated by the Town of Peachland.

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 Anson Thoroughfare Plan and adopted by the Town of Peachland, as amended from time to time. Additionally, any other routes as designated by the Town of Peachland.

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.

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 Anson County Register of Deeds until it has been submitted and approved as set forth in Article III of this Ordinance.

The Anson 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 Anson County Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with this Ordinance.

Section 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 Peachland.

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 Anson County Register of Deeds Office and, where applicable, an Improvements Permit has been issued by the Anson 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 Anson 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 material man'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. Variances

206.1 The Town Council may authorize a variance from these regulations when, in its opinion, undue hardship may result from verbatim compliance with these regulations. Such a variance 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 variance shall be submitted in writing by the subdivider to the Subdivision Administrator. The petition shall include:

1. The precise nature of the proposed variance from this Ordinance.
2. The reason(s) that the need for the variance 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 variance requested, and
4. The grounds for the variance and all facts relied upon by the subdivider, and
5. Any other factual information pertinent to the proposed variance.

206.2.1 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 variance, 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 variance 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 variance 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 variance 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 variance 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 variance will not vary the provisions of the Town of Peachland Zoning Ordinance applicable to the property.

In approving variances, 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 Peachland 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 Peachland as established in Section 104 of this Ordinance shall be recorded by the Anson 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 Peachland Zoning Ordinance.

Section 303. Procedures for Review of Major and Minor Subdivisions

Major subdivision proposals shall be reviewed in accordance with the procedures set forth in Sections 306-310. Minor subdivision proposals shall be reviewed in accordance with Section 305.

Section 304. 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 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 and 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 three (3) folded copies of 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 Anson County regulations.

j) The preliminary plat of the proposed subdivision shall show the following:

All streets and property lines;

- Proposed building area for each lot;
- Septic tank and drainfield locations 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 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 Peachland, North Carolina on this _____ day of _____, 20_____.

Subdivision Administrator
Town of Peachland, 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 Anson County Health Department for septic tanks shall be acceptable in lieu of the soils test requirements, but all other requirements of this sub-section 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 Peachland 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 Sub-section 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.

The subdivider shall submit at least fifteen (15) folded copies of the proposed final plat so marked and one (1) Mylar reproducible copy, to the Subdivision Administrator at least fifteen (15) days prior to the Planning Board meeting at which it is to be reviewed, along with the required fee.

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 Anson 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 Anson 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 Sub-Section 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 Peachland 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 Anson 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 Peachland specifications and standards in the Peachland Subdivision Ordinance, or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the Town of Peachland have been given and received.

Mayor, Town of Peachland, 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 Peachland, 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 Anson County this _____ day of _____, 20____.

Chairman of the Planning Board
Town of Peachland, North Carolina

f) Certificate for Recording

STATE OF NORTH CAROLINA, ANSON 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 Anson County, N. C. in Book _____, page_____. This _____ day of _____, 20_____ at _____ o'clock A. M., P. M.

By: _____
Register of Deeds

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 Sub-section 305.3 above, for consideration by the Planning Board as follows:

Eighteen (18) copies and one reproducible Mylar copy of the proposed 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 Sub-section 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 Sub-sections 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 Anson 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 major subdivisions shall be submitted and approved in accordance with Sections 307, 308, 310, 407, and 408 of this Ordinance.

Section 307. Sketch Plan for Major Subdivisions

A sketch plan as provided in Sub-section 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.

Section 307.1 Number of Copies and Contents

Prior to the initiation of an application for approval consideration of a preliminary plat, the subdivider shall submit to the Subdivision Administrator three (3) folded copies of 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, 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 Anson County Health Department for Septic tanks shall be acceptable in lieu of the soils test requirement, but all other requirements of this sub-section 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 Peachland 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. The Subdivision Administrator, at his discretion, may request review of the sketch plan by the Town Engineer if there are floodplain, drainage, stormwater management, transportations, or other engineering concerns. Any expenses associated with plan reviews by the Town Engineer shall be borne entirely by the

subdivider.

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 or Town Engineer.

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.

At least fifteen (15) folded copies of 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. One (1) additional copy of the preliminary plat shall be on reproducible Mylar material.

The preliminary plat shall be of a size suitable for recording with the Anson 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 Peachland, North Carolina on this _____ day of _____, 20_____.

Mayor, Town of Peachland, 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:

- All streets and property lines;
- Proposed building area for each lot;
- Septic tank and drainfield locations for each lot;
- Site and repair area for each lot;
- Proposed 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), 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 Anson County Health Department for septic tanks shall be acceptable in lieu of the soils test requirement, but all other requirements of this Sub-section 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 Anson 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 Anson County Public Works Department, and the Anson County Board of Education.

The Subdivision Administrator, at his discretion, may request review of the preliminary plat by the Town Engineer if there are floodplain, drainage, stormwater management, transportation, or other engineering concerns. The subdivider shall respond to all comments by the Town Engineer, make all necessary revisions to the preliminary plat and associated plans, and submit revised copies to the Subdivision Administrator at least fifteen (15) days prior to the Planning Board meeting at which the Preliminary Plat is to be considered. Any expenses associated with plan reviews by the Town Engineer shall be borne entirely by the subdivider.

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 plat.

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 Sub-sections 308.1 and 308.2 shall be repeated. If no such action is initiated by the subdivider, the procedure of Sub-section 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 Peachland Zoning Ordinance. Prior to initiation of any construction of utility and street improvements, plans shall have all necessary approvals from state agencies and Anson 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 and other required improvements are completed prior to preparation of the final plat, Section 313.2, shall be complied with, and the Town Engineer shall inspect all required improvements before submission of the final plat to the Town Council for consideration.

Any expenses associated with inspection of required improvements and cost verifications incurred by the Town Engineer shall be borne entirely by the subdivider. 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 Peachland 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, subject to the approval of the Town Council either one, or a combination of the following guarantees equal to, one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued, as provided herein:

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 Peachland and shall be made in or total an amount equal to one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued, 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 performance guarantee shall initially be one year, unless the subdivider determines that the scope of work for the required improvements necessitates a longer duration, or until such time as the improvements are accepted by the Town Council or otherwise dedicated, whichever is less. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued. 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 Peachland 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 hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued 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 one year, unless the subdivider determines that the scope of work for the required improvements necessitates a longer duration, 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 Peachland 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 hundred twenty-five percent (125%) of the reasonably 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 Sub-section 309.2.c).

The period within which required improvements must be completed shall not in any event exceed one year, unless the subdivider determines that the scope of work for the required improvements necessitates a longer duration, 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 one year (unless the subdivider determines that the scope of work for the required improvements necessitates a longer duration) 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:

At least fifteen (15) folded copies of the proposed final plat (additional copies may be required by the Subdivision Administrator to send to various agencies), 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 Anson 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 one year (unless the subdivider determines that the scope of work for the required improvements necessitates a longer duration) 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 Sub-section 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 Peachland 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, Anson 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 Peachland specifications and standards in the Peachland Subdivision Ordinance, or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the Town of Peachland have been given and received.

Mayor, Town of Peachland, 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 Anson 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 Peachland that is regulated by the Peachland Subdivision Ordinance, that regulates the subdivision of

parcels of land; or

(2) That the survey is of an existing parcel or parcels of land; or

(3) That the survey is of another category, such as recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision; or

(4) That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of his/her professional ability as to the provisions contained in (1) through (3) above.

g) Certificate of Final Major Subdivision Plat Approval by the Peachland Town Council

This subdivision plat has been found to comply with the provisions of the Peachland Subdivision Ordinance and is approved this date by the Peachland Town Council for recording in the Anson County Office of the Register of Deeds. The plat shall be recorded within thirty (30) calendar days of this date.

Mayor, Town of Peachland Date

h) Certificate of Registration

The foregoing certificates of _____, a Notary (or Notaries) Public of Anson County, are certified to be correct. Filed for registration on the _____ day of _____, and duly recorded in the Office of the Register of Deeds in Book _____ of Deeds Number _____, Page _____.

_____ By _____
Register of Deeds Deputy

309.4 Review and Approval of Final Plat

Pursuant to NCGS 160D-806, the proposed final plat shall be submitted in number and kind as specified in Sub-section 309.3 to the Subdivision Administrator for review and comment not less than thirty (30) calendar days prior to the meeting of the Planning Board, at which the subdivider desires the proposed final plat be reviewed by said Board. A disk or tape copy of the proposed final plat shall be submitted in a format compatible to the Town of Peachland's GIS system. If this can not be supplied, the reasonable cost for so doing in the time available will be charged to the developer for the service to be completed by the Town plus fifteen percent (15%). During his review of the proposed final plat, the Subdivision

Administrator may appoint a Registered Land Surveyor to confirm the accuracy of the plat. If any error is found which exceeds five percent (5%) of the figures shown on the proposed final plat, the costs of the review 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. 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 the 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 Sub-section 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 Anson 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 Peachland 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 Peachland 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 Anson 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 Sub-section 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

Title block containing the subdivision name and the name of the owner	PRELIMINARY PLAT	FINAL PLAT
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
A 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
The names, addresses and telephone number of all owners, mortgagees, registered land surveyors, developers, land planners, architects, landscape architects, and professional engineers responsible for the subdivision.	X	X
The registration numbers and seals of the professional engineers and land surveyors	X	X
Date of plat preparation	X	X
The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown	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		X

book references		
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
INFORMATION	X	X
The lots numbered consecutively throughout the subdivision	PRELIMINARY PLAT	FINAL PLAT
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	X
Proposed roads with horizontal and vertical alignment	X	
Existing and platted roads on adjoining properties and in the proposed subdivision	X	X
Rights of way, location and dimensions	X	X
Pavement widths	X	X
Cul-de-sac radius from center point	X	X
Proposed grades (re: roads)	X	X
Design engineering data for all corners and curves	X	X
Typical road cross sections	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	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	
Linear feet in streets	X	X
	X	

INFORMATION

	PRELIMIN ARY PLAT	FINAL PLAT
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 Anson County		
The accurate locations and descriptions of all monuments, markers and control points	X	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
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	X
Existing and proposed streets showing pavement or curb lines, pavement width dimensions (face to face), cul-de-sac pavement radius from center point	X	
A disk or tape copy of the final plat to be submitted in a format	X	

compatible to the Town of Peachland's GIS system.		
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 Peachland 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	
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	X
Plat book or deed book references	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 Anson County 911 system (Attach to plat)	X	X
Letter of acceptance of subdivision name by Anson County (attach to plat)	X	
	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 Sub-sections 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 Sub-section 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 Peachland. 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 Peachland Subdivision Administrator to determine the actual cost of improvements. This surety is in addition to those required in Sub-Section 309.2(a). If the surety/bond described herein is not provided, the Town of Peachland 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 Sub-section 313.2.

313.4 The above bond/surety shall be posted with the Town of Peachland prior to the release of any Guarantee Surety in accordance with Sub-section 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.

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 an existing subdivision nor any existing streets within Anson 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) 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 Peachland 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 Peachland 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 Anson County Health Department.

Section 404.3 Retention of Existing Vegetation

The Town of Peachland 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.

Section 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

Section 405.1 Public Roads

All subdivision lots, except as provided for in Section 409, shall abut public roads.

All public and private 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. Streets which are not eligible to be placed in the NCDOT System because there are too few lots or residences shall, nevertheless, be offered for dedication to the public and shall be designed and constructed in accordance with the above referenced standards. 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 or private streets. All designated public streets shall be conclusively presumed to include an offer of dedication to the public.

Where streets are dedicated to the public but not accepted into a municipal or 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 a major or minor thoroughfare as designated on the Town of Peachland Zoning Map, the subdivider shall provide a marginal access street parallel to the major thoroughfare or reverse frontage on a minor street for the lots to be developed adjacent to the major thoroughfare. Where reverse frontage is established, private driveways shall be prevented from having direct access to the thoroughfare. 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. 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 Buffering Along Thoroughfares

1. Where side and rear lot lines abut along a major or minor thoroughfare as designated on the Town of Peachland Zoning map, 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 or a berm with natural planting.

Any walls, fences or other constructed devices allowed within the buffer area by this Ordinance and/or the Town of Peachland Zoning Ordinance shall be approved by the Zoning Administrator.

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 minimum buffer requirements, which are based on the size of the tract to be subdivided, shall be in accordance with Table 405.4(a).

Table 405.4(a)

ACRES	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
-------	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-------

BUFFER	12	14	16	18	20	22	24	26	28	30	32	34	36	38	40	42	44	46	48	more
WIDTH*	3	3	4	4	4	5	5	5	6	6	6	7	7	7	7	8	8	8	8	50
TREES (per 100 ft)	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	9
SHRUBS (per 100 ft)	1																			20

* The minimum width of a buffer may be reduced by an additional 20% if a fence or wall is constructed in accordance with these regulations.

ft = feet of buffer width.

5. The width of the buffer may be reduced by twenty percent (20%) if a wall or fence is provided that meets the following standards:

(a) Any fence or wall shall be constructed in a durable fashion of brick, stone or other masonry materials, or any combination thereof as may be approved by the Subdivision Administrator. No more than twenty-five percent (25%) of the fence surface shall be left open and the finished side of the fence shall face the abutting property.

(b) Walls and fences shall be a minimum height of six (6) feet.

6. 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:

(i) Shrubs may be deciduous; or

(ii) 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. Shrubs planted on a berm may be of lesser height, provided the combined height of the berm and plantings is at least eight (8) feet after four (4) years.

(d) Shrubs and trees shall be on the approved plant list in Appendix 1;

(e) 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

(f) Twenty-five percent (25%) of all trees shall be evergreen.

7. Landscaping buffers will have an arrangement of trees and shrubs in the buffer area shall, which 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.

8. 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.

9. Berms may be used as screening provided such berms are at least six (6) feet in height with a maximum slope of 4:1 as measured from the exterior property line.

(a) Berms shall be stabilized to prevent erosion and landscaped; and

(b) If a berm is constructed, shrubs are required but the number may be reduced by twenty-five percent (25%). However, constructing a berm does not

modify the number of trees required.

10. 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 berms, or 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.

11. 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.

12. In no case shall the plant species of *Pueraria thumberfiana* ('Kudzu') be used for planting with the buffer.

13. 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.

14. All buffers shall be constructed in a manner that shall allow for adequate sight distance where subdivision streets intersect with the thoroughfare.

15. 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.

16. If above ground utilities are to remain in the buffer yard, then all landscaping, including the location of a berm, must be located outside the right-of-way for the utility (ies).

17. The area of the buffer shall be in addition to lot area as required by the Town of Peachland 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.

18. 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

- a) The homeowners' association shall be responsible for the payment of premiums for liability insurance, local taxes, maintenance of recreational and other facilities located on the common areas, and payment of assessments for public and private capital improvements made to or for the benefit of the common areas. It shall be further provided that:
- 1) upon default by the homeowners' association in the payment to the governmental authority of an ad valorem tax levied against the common areas or assessments for public improvements to the common areas; and,
 - 2) should such default continue for a period of six (6) months; then, each owner of a residential lot in the development shall become obligated to pay to the taxing or assessing governmental authority a portion of such taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the governmental authority by the total number of residential lots in the development. If the sum is not paid by the owner within thirty (30) days following receipt of notice of the amount due, then the sum shall become a continuing lien on the real property of the then owner, his heirs, devisees, personal representatives and assigns of such lot, and the taxing or assessing governmental authority may either bring an action at law against the owner obligated to pay the same or may elect to foreclose the lien against the real property of the owner.
- b) The homeowners' association shall be empowered to levy assessments against the owners of residential lots within the development for the payment of expenditures made by the homeowners' association for the items set forth in the preceding subparagraph and any such assessments not paid by the owner against whom such are assessed shall constitute a lien on the residential lot of the owner.
- c) As a part of the final plat approval process, the developer shall submit to the Town the following documents for review:
1. Proposed Articles of Incorporation for the association. Such Articles of Incorporation shall provide for homeowners control when over 50% of the lots are sold.
 2. Proposed bylaws of the association. Such bylaws shall provide for annual meetings of the association, election of officers and distribution of an annual financial accounting to members.
 3. Proposed annual budget of the association showing monthly assessments. The monthly assessments must be set at a sufficient level to insure success of the association and necessary capital expenses.
 4. Proposed restrictions and covenants for the common areas.

d) All proposed common areas shall be designated on the subdivision plat as common areas to be held in separate ownership for the use and benefit of residents occupying residential lots in the subdivision. Approval of these common areas by the Town Council as part of the final plat approval process requires submission by the developer of restrictions and covenants that will govern the ownership, management, and maintenance of the common areas. The Town Council reserves the right to conditionally deny approval of final subdivision plats if it finds that the restrictions and covenants do not properly address issues of ownership, management and maintenance of common areas.

ARTICLE 5

LEGAL STATUS PROVISIONS

Section 501 Abrogation

This Ordinance shall neither repeal, abrogate, annul, impair, nor interfere with any existing subdivisions, the plats of which are properly recorded in the Anson County Office of the Register of Deeds prior to the effective date of this Ordinance nor with existing easements, covenants, deed restrictions, agreements, or permits previously adopted or issued pursuant to law prior to the effective date of this Ordinance.

Section 502 Separability

Should any section or provisions of this Ordinance declared by the courts to be unconstitutional or invalid, such declaration shall not effect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 503 Effective Date

This Ordinance shall take effect and be in force as of the

Section 504 Adoption

Duly adopted by the Town Council of the Town of Peachland, North Carolina, this the 21st day of August 2000.

ATTEST: /S/

Town Clerk Mayor

I hereby certify that this Subdivision Ordinance is a true and correct copy and adopted by the Town Council of the Town of Peachland, North Carolina, the 21st day of August 2007.

(SEAL)

ARTICLE 6

APPENDICES

Appendices that follow are listed in the Table of Contents.

1 List of Acceptable Plant Species A-1 to A-6

APPENDIX 1: LIST OF ACCEPTABLE PLANT SPECIES

Large Maturing Trees

Botanical Name Common Name

Abies firma Japanese fir
Acer saccharinum Norway Maple
Acer rubrum Red Maple
Acer saccharinum Silver Maple
Saccharum Sugar Maple
Alnus incana Sugar Hackberry
Amelanchier canadensis Serviceberry
Betula nigra River Birch
Carya illinoensis Pecan
Carya glabra Shagbark hickory
Carya cordiformis Pignut hickory
Cedrus deodara Deodar cedar
Celtis occidentalis Hackberry
Cryptomeria japonica Japanese cryptomeria
Cupressocyparis leylandii Leyland cypress
Diospyros virginiana Persimmon
Fagus grandiflora American beech
Fraxinus americana White ash
Fraxinus pennsylvanica Green ash
Ginkgo biloba Ginkgo
Gleditsia triacanthos inermis Thornless honeylocust
Gymnocladus dioica Kentucky coffee tree
Juniperus virginiana Eastern red cedar
Liquidambar styraciflua Sweetgum
Liriodendron tulipifera Tulip poplar
Magnolia acuminata Cucumber tree
Magnolia grandiflora Southern Magnolia
Nyssa sylvatica Black gum
Picea abies Norway spruce
Picea orientalis Oriental spruce
Picea pungens Colorado spruce

Pinus bungeana Lacebark pine
Pinus echinata Short leaf pine
Pinus nigra Austrian pine
Pinus sylvestris Scotch pine
Pinus thunbergi Japanese black pine
Pinus taeda Loblolly pine
Pinus virginiana Virginia pine
Platanus acerifolia London planetree
Platanus occidentalis Sycamore
Pseudotsuga menziesii Douglas Fir
Quercus acutissima Sawtooth oak
Quercus alba White oak
Quercus bicolor Swamp white oak
Quercus borealis Northern red oak
Quercus coccinea Scarlet oak
Quercus falcata Southern red oak
Quercus laurifolia Laurel oak
Quercus macrocarpa Bur oak
Quercus nigra Water oak
Quercus phellos Willow oak
Quercus rubra maxima Eastern red oak
Quercus shumardi Shumard oak
Quercus velutina Black oak
Quercus virginiana Live oak
Salix babylonica Weeping willow
Sophora japonica regent Japanese pagoda tree
Taxodium distichum Bald cypress
Tilia cordata Littleleaf linden
Tsuga caroliniana Carolina hemlock
Tsuga canadensis Eastern hemlock
Ulmus alata Winged elm
Ulmus americana American elm
Ulmus parvifolia Lacebark elm
Zelkova serrata Japanese zelkova

Small Maturing Trees

Botanical Name Common Name

Acer buergeranum Trident maple
Acer campestre Hedge maple
Acer ginnala Amur maple
Acer griseum Paperbark maple
Amelanchier arborea Service berry
Betula platyphylla japonica Japanese white birch
Carpinus betulus European hornbeam

Carpinus carolinana American hornbeam
Catalpa bignonioides Southern catalpa
Cornus florida Flowering dogwood
Cornus Kousa Kousa dogwood
Cornus mas Cornelian-cherry dogwood
Cercis candensis Eastern redbud
Crataegus phaenopyrum Washington hawthorne
Cupressus arizonica Arizona cypress
Eleganus angustifolia Russian olive
Eriobotrya japonica Loquat
Halesia carolina Carolina silver bell
Hammamelis mollis Chinese witch-hazel Ilex
Fagus sylvatica European beech
Fosteri Foster holly
Ilex opaca American holly
Ilex opaca hume Hume holly
Ilex x attenuata 'Fosteri' Foster hybrid holly
Ilex x attenuata savannah Savannah holly
Kowlrwuteria bipinnata Chinese flame tree
Koelreutraria paniculata Golden raintree
Lagerstroemia indica Crape myrtle
Magnolia soulangeana Saucer magnolia
Magnolia stellata Star magnolia
Malus floribunda Flowering crabapple
Malus hybirda Flowering crab apple
Morus alba White mulberry
Morus alba 'Pendula' Weeping white mulberry
Osmanthus americanus Devilwood
Ostrya virginiana Ironwood
Oxydendrum arboreum Sourwood
Paulownia tomentosa Empress tree
Prunus carolinana Carolina cherry laurel
Prunus cerasifera 'Atropurpurea' Pissard plum
Prunus cerasifera pissardii Purpleleaf plum
Prunus cerasus Sour cherry
Prunus serrulata kwanzan Kwanzan cherry
Prunus subhirtella pendula Weeping cherry
Prunus yedoensis Yoshino cherry
Pyrus calleryana Callery pear
Pyrus calleryana Bradfordi Bradford pear
Pyrus calleryana 'Redspire' Redspire pear
Pyrus calleryana 'Capital' Capital pear
Quercus acuta Japanese evergreen oak

Quercus glauca Ring cupped oak
Ulmus parvifolia Chinese elm
Viburnum rufidulum Southern Blackhaw

Shrubs

Botanical Name Common Name

Abelia grandiflora Glossy Abelia
Aucuba japonica Japanese Aucuba
Azalea hybrida Glendale azalea
Azalea Indica Indian azalea
Azalea Obtusum Kaempferi Kaempferi azalea
Bambusa multiplex Hedge bamboo
Berberis julianae Wintergreen barberry
Berberis thunbergii Japanese barberry
Camellia japonica Camellia
Camellia sasanqua Sasanqua camellia
Chaenomeles speciosa Flowering quince
Cleyera japonica Cleyera
Euonymus alatus Winged euonymus
Euonymus japonicus Evergreen euonymus
Eleagnus pungens Eleagnus
Forsythia intermedia Forsythia
Hammamelis virginiana Witch-hazel
Hydrangea quercifolia Oakleaf hydrangea
Ilex aquifolium English holly
Ilex cornuta Chinese holly
Ilex cornuta burfordi Burford holly
Ilex cornuta burfordi nana Dwarf burford holly
Ilex crenata 'convexa' Convex japanese holly
Ilex crenata 'hetzi' Hetzi japanese holly
Ilex crenata 'roundifolia' Roundleaf japanese holly
Ilex 'Emily Brunner' Emily brunner holly
Ilex glabra Inkberry holly
Ilex latifolia Lusterleaf holly
Ilex pernyi Perny holly
Ilex vomitoria Yaupon holly
Jumperus chinensis pfitzeriana Pfitzer jumper
Jumperus chinensis hetzi Hetzi jumper
Laurus nobilis Laurel
Ligustrum japonicum Japanese privet
Ligustrum lucidum Glossy privet
Ligustrum vicaryi Vicary goldern privet
Loropetalum chinense Loropetalum
Mahonia lealei Leatherleaf mahonia

Myrica cerifera Wax myrtle
Nandina domestica Nandina
Osmanthus fortunei Fortune tea olive
Osmanthus fragrans Fragrant tea olive
Osmanthus heterophyllus Holly osmanthus
Osmanthus heterophyllus roundifolius Curly leaf tea olive
Photinia fraseri Fraser photinia
Photinia serrulata Chinese photinia
Pieris floribunda Mountain andromeda
Pieris japonica Japanese andromeda
Pittosporum tobira Pittosporum
Prunus laurocerasus English laurel
Prunus laurocerasus angustifolia Narrow leaf english laurel
Podocarpus macrophyllus maki Podocarpus
Pyracantha coccinea Scarlet firethorn
Raphiolepis umbellata Yeddo-hawthorn
Spirea cantoniensis Reves spirea
Spirea thunbergi Thunberg spirea
Spirea prunifolia plena Bridalwreath spirea
Spirea vanhouttei Vanhoutte spirea
Taxus cuspidata Japanese yew
Viburnum prunifolium Blackhaw viburnum
Viburnum rhytidophyllum Leatherleaf viburnum
Viburnum tinus Laurestinus viburnum