



# ALEXANDER COUNTY PLANNING DEPARTMENT

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## STAFF REPORT

**TA-26-01**

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## OVERVIEW

The 2024 Comprehensive Plan for Alexander County tasks staff with at least one annual review of the Land Development Code in order to avoid stagnation, noncompliance with state laws, and service gaps.

On October 20, 2025, the Alexander County Commission held a workshop meeting to discuss a series of potential updates to the Land Development Code. While many issues warranted further study and consideration, commissioners expressed a consensus agreement for three issues: feather flags, conditional zoning districts, and development approval. The text amendments considered in this staff report pertain to those issues.

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## 1) FEATHER FLAGS

### BACKGROUND

In the 2024 update to the Alexander County Land Development Code (LDC), the newly revised Sign Regulations chapter included a prohibition on feather flags. Feather flags are advertising banners supported by an individual pole and shaped like a feather. They are sometimes also referred to as sail flags, teardrop flags, flutter flags, or blade flags.

Although the prohibition became effective upon adoption of the LDC, the new regulations were not actively enforced. During this period, a growing number of businesses throughout the county began utilizing feather flags as part of their exterior advertising. The vast majority of business owners were unaware that the signs had been prohibited under the updated ordinance.

On August 8, 2025, the Planning Department issued a courtesy letter informing affected businesses of the existing prohibition. Many business owners contacted the department to express concerns about the rule, noting that feather flags are one of the few low-cost, attention-drawing methods available for advertising along major corridors. Several expressed that removing them would negatively affect their visibility and economic activity.

This issue is not unique to Alexander County. As can be seen in the below graphic, some surrounding counties also ban feather flags. In counties and municipalities in which they are prohibited, planners often point to concerns about their usage including the visual impact of their overuse and, primarily, traffic and safety concerns.

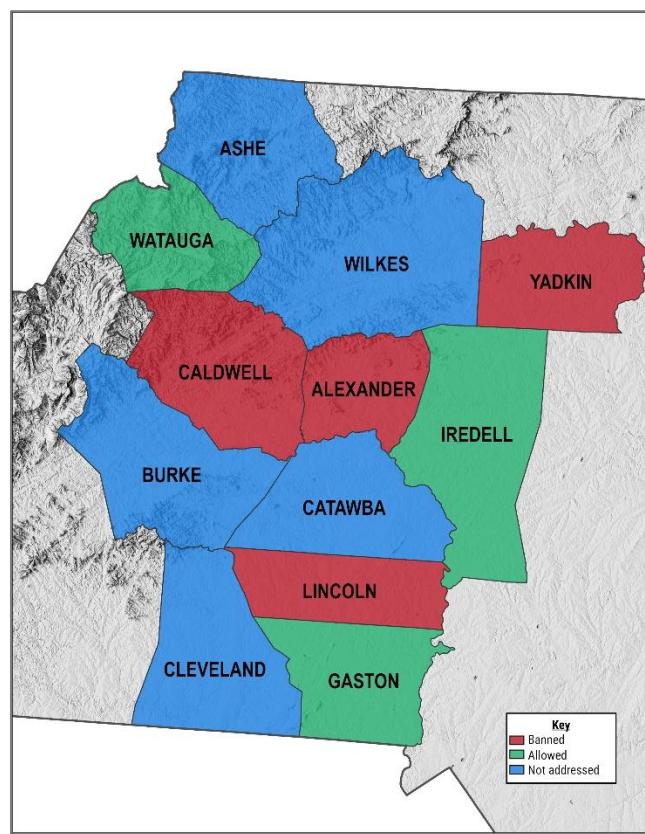
Given the volume of local concerns, the Alexander County Board of Commissioners held a workshop meeting on October 20, 2025, to discuss potential amendments to the LDC. During that meeting, the Board expressed a clear consensus in support of lifting the prohibition on feather flags and revisiting the temporary sign standards. As a result, staff prepared draft language consistent with the Board's policy direction.

### OVERVIEW OF PROPOSED CHANGES

Staff proposes an amendment that would make the following changes to the Alexander County Land Development Code.

- (1) Remove feather flags from the specific prohibitions listed in §154-204.
- (2) Add specific language in §154-216 (E) to allow for feather flags for temporary usage.

This would include some restrictions for number of flags and size based on restrictions found in



other jurisdictions. These restrictions include placement requirements (**20 ft from edge of pavement**), maximum height (**8 ft**), maximum size (**18 ft**), maximum number (**1 per 50 ft of road frontage**), and a list of zoned in which they would be permitted.

**(3) Add a definition of *Feather Flags* to Article XV: Definitions.**

The full text of the amendment can be found in **Appendix A** on page 9.

## **ANALYSIS OF CHANGES**

The proposed changes represent a compromise between the legitimate needs of Alexander County businesses and concerns about roadway safety and visual clutter. It provides clear, narrowly tailored standards that prevent the kind of unrestricted use that can lead to corridor blight or driver distraction. Notably, these changes would not allow for continual usage of feather flags. All other regulations related to signs (including placement out of sight triangles) would continue, as would duration limitations which already exist for temporary signs.

## **CONSISTENCY WITH THE COMPREHENSIVE PLAN**

The proposed amendment is consistent with the Alexander County Comprehensive Plan. The plan emphasizes the support of small businesses and encourages strengthening of the local economy. Economic development objectives contained with the plan direct the County to “expand the County’s small business support program to encourage the growth and success of local businesses.” The Plan further stresses that “small businesses are the backbone of the local economy. Alexander County must be committed to supporting entrepreneurship and cultivating a conducive environment for small business growth.”

Allowing feather flags as regulated temporary signs meets this objective. Temporary advertising tools are important to small businesses, which often lack the financial capacity for larger or permanent signage. This change will provide these businesses with a cost-effective means to increase visibility and attract customers in commercial areas.

## 2) CONDITIONAL ZONING DISTRICTS

### BACKGROUND

Conditional zoning districts are zoning classifications that combine the underlying standards of an existing base district with a set of site-specific conditions that apply only to a particular property, creating flexibility which help to promote economic development. These districts are used when a development proposal cannot fully comply with the requirements of a general-use zoning district but may still be appropriate for the location if tailored conditions are applied. Conditional zoning allows for the County and the applicant to agree to specific development standards, design features, or operational limitations that address compatibility, mitigate impacts, or accommodate unique site characteristics. Conditional zoning can be used to address issues such as building placement, buffering, access, architectural design, phasing, infrastructure improvements, or limits on permitted uses. It is especially useful when commercial or industrial projects require standards that differ from the defaults of a zoning district but still meet the County's goals for land use, safety, and community character.

The Alexander County Land Development Code currently references the use of conditional zoning only in narrow situations, primarily in relation to large planned developments, mixed-use projects, and residential development. The LDC does not include a comprehensive process for establishing conditional zoning districts for individual commercial or industrial projects. As a result, the County is limited in these situations to approving general-use rezonings, which may allow far more development than what the applicant proposes, or denying projects even when impacts could have been addressed through reasonable conditions.

This lack of a conditional zoning process for commercial and industrial rezonings can unintentionally limit economic development. Businesses that require nonstandard setbacks, alternative circulation patterns, specialized buffering, or unique structural configurations may be unable to pursue projects under the County's current zoning structure.

### OVERVIEW OF PROPOSED CHANGES

The proposed amendment would insert a new section into the Land Development Code establishing a framework for the establishment and administration of conditional zoning districts. This addition would:

- **Explain the nature of conditional zoning**, noting that it is a negotiated zoning district in which the applicant and the County mutually agree to a set of binding, site-specific conditions tailored to a particular development proposal. These districts are voluntary and differ from conventional rezoning because the development standards are tied directly to the commitments offered by the applicant and approved by the Board of Commissioners.
- **Define how conditional zoning districts relate to their underlying base districts**, establishing that a conditional zoning district would subject to all requirements of that base district unless the applicant proposes alternative standards. These alternatives may be accepted only when they are appropriate for the site, support the County's long-range planning objectives, and do not undermine public health, safety, or welfare.
- **Provide the required submittal materials for a conditional zoning request**. These include site plans, surveys, descriptions of proposed uses, access and circulation layouts, utility information, landscaping, floodplain data, proposed phasing, and any additional documentation needed to evaluate the development's impacts.

- **Require a community meeting** before the Planning Board hearing to help inform Commissioners regarding any potential community feedback and/or concerns. The applicant must participate in this meeting to hear concerns, answer questions, and explain the proposal to nearby residents. The outcomes of the meeting will be documented by staff and incorporated into the staff report for the Board of Commissioners, including issues raised, steps taken to address them, and any revisions made to the proposal as a result.
- **Describe the scope of conditions that may be applied to a conditional zoning district.** Conditions may address such matters as permitted uses, building placement, screening and buffering, access improvements, transportation impacts, phasing of development, utility extensions, open space, design elements, or other items reasonably related to the project. Only conditions agreed to in writing by the applicant and approved by the Board may be imposed. The text further clarifies that if any condition is found to be invalid or if the applicant fails to accept or comply with the conditions, the approval becomes null and void, and the County may initiate proceedings to revert the zoning to its previous district.
- **Explain what occurs if progress is not made toward developing the property** under the approved conditional zoning district. After three years, the Planning Board may review the status of the project. If the Board determines that substantial progress has not occurred, it may recommend that the property be rezoned back to its prior classification or another appropriate district. This provision ensures that conditional zoning districts are used for genuine development proposals and do not remain indefinitely in place without advancement.

The full text of the amendment can be found in **Appendix B** on page 14.

## ANALYSIS OF CHANGES

The creation of a conditional zoning process provides Alexander County with a practical and flexible tool for reviewing development that does not fit perfectly within existing zoning districts but could still be suitable for a site with appropriate safeguards. This amendment would benefit the County by giving it the ability to approve projects that would otherwise be difficult to accommodate under a conventional rezoning, while ensuring that the final development remains compatible with surrounding properties.

For example, a new industrial facility may need to construct exhaust stacks taller than what the underlying zoning district typically permits in order to meet environmental or operational requirements. While the added height may be necessary for the business to function, nearby residents may have concerns about noise, lighting, or visual impacts. Under a conditional zoning district, the County could approve the additional stack height while also requiring noise-mitigating equipment, enhanced buffering, limited hours for certain types of operations, additional landscaping, or directional lighting designed to reduce glare. The final result would allow the industrial project to proceed, but in a way that respects the character of the surrounding area and addresses community concerns.

Similar scenarios arise with commercial proposals that require modified setbacks, different access arrangements, site-specific parking layouts, or architectural standards that do not align neatly with base zoning requirements.

## CONSISTENCY WITH THE COMPREHENSIVE PLAN

The proposed text amendment is consistent with the Alexander County Comprehensive Plan because it directly supports several of the Plan's major economic development goals, including business retention and expansion, small business development, diversification of the local economy, and increased competitiveness when attracting industry. The amendment establishes a flexible zoning tool that enables the County to evaluate commercial and industrial projects on a site-specific basis, applying conditions that both support economic growth and ensure compatibility with surrounding land uses. This aligns with the Plan's direction to create an environment where businesses of all sizes can succeed while maintaining the character and safety of the community.

The Plan emphasizes that supporting local businesses and encouraging their growth is a priority. It states that small businesses are the backbone of the local economy and that the County must be committed to supporting entrepreneurship and cultivating a conducive environment for business success (Economic Development, Objective 1.2). Conditional zoning advances this goal by giving small and medium-sized businesses a pathway to develop or expand when strict adherence to base zoning standards would otherwise prevent them from locating or growing in the County. Through negotiated conditions, the County can allow unique configurations or performance standards while addressing potential impacts in a manner that protects surrounding properties.

Beyond small businesses, the amendment also supports the Plan's broader goal of attracting new industries and expanding job opportunities. The Comprehensive Plan calls for increasing the number of job opportunities in the county and attracting new businesses and industries. Many industrial and technology-based firms require specialized site layouts, equipment placements, building designs, or operational features that do not always align neatly with general-use zoning districts. Conditional zoning allows the County to approve these industry-specific needs while ensuring that issues like noise, lighting, access, screening, traffic, and building scale are adequately addressed. This added flexibility positions Alexander County as more competitive when seeking to attract employers who require tailored development standards.

### 3) DEVELOPMENT PLAN PROCESS

#### BACKGROUND

The Land Development Code passed in 2024 contains areas of ambiguity regarding the distinction between Master Plans and Development Plans for major subdivisions. Although both stages are required, the Code lacks clear distinctions of their respective purposes or the level of detail expected for each. This lack of specificity has created confusion for some applicants, particularly when determining what must be submitted at the conceptual stage versus the detailed engineering stage.

Often, when a subdivision is past the conceptual level, approval includes an iterative process, with review and feedback provided by the approval authority. Presently, with development plan approval resting with the Planning Board and the County Commissioners for certain subdivisions, this can be unnecessarily slow.

#### OVERVIEW OF PROPOSED CHANGES

The proposed amendment establishes a clearer, more structured process for reviewing Master Plans and Development Plans by defining their respective purposes, required submittals, approval authority, and procedures for amendments. Key elements of the revision include:

- **Clearly defining the purpose of each plan.** The Master Plan functions as a conceptual review and, once approved, grants vested rights for the project. The Development Plan serves as the detailed engineering phase and authorizes land clearing, grading, infrastructure installation, and other construction activities.
- **Establishing specific submission requirements.** Each plan has its own list of required materials. The Master Plan focuses on the overall development layout, existing conditions, subdivision patterns, and anticipated impacts. The Development Plan requires engineering plans, stormwater and grading designs, utility layouts, emergency service considerations, and documentation of applicable permits.
- **Clarifying approval authority.** The amendment delineates that the Planning Board and Board of Commissioners act on Master Plans, while Development Plan review is structured to allow staff to conduct iterative reviews of construction-level documents consistent with the approved Master Plan.
- **Defining how amendments are handled.** Minor amendments may be approved administratively when they do not alter the essential layout or character of the project. Major amendments, including changes to density, circulation, or subdivision configuration, must return to the original approval authority for review.

The full text of the amendment can be found in [Appendix C](#) on page 21.

#### ANALYSIS OF CHANGES

Adoption of this amendment would refine how the County reviews major subdivisions by more clearly separating conceptual approval from detailed engineering approval. By defining the specific purposes of the Master Plan and Development Plan, the Code will better align applicant submittals with the appropriate stage of review and should reduce confusion. The amendment also formalizes staff's role in conducting iterative review of Development Plans, allowing technical issues (such as grading, stormwater, and utility details) to be resolved at the staff level so long as they remain consistent with the approved Master Plan.

## **CONSISTENCY WITH THE COMPREHENSIVE PLAN**

The proposed amendment is consistent with the Alexander County Comprehensive Plan, which calls for adopting land use regulations that are clear, equitable, and reasonably focused on addressing the needs of the County. The Plan emphasizes the importance of maintaining ordinances that avoid stagnation and remain compliant with state laws, noting that staff should conduct routine reviews to identify emerging issues, legislative changes, and service gaps. This amendment directly supports that directive by clarifying the subdivision review process and resolving ambiguities between the Master Plan and Development Plan requirements.

The Comprehensive Plan also calls for the consolidation and clarification of land use regulations. By defining the distinct roles of the two plan types, specifying their submission requirements, and establishing clear approval pathways, the revision makes the Code more coherent and easier for applicants and staff to apply consistently.

## APPENDIX A – Updated Sign Regulations

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Text added to the ordinance is highlighted yellow.

Numbering is updated to reflect changes.

## ARTICLE VII

### SIGN REGULATIONS

#### §154-202. General

The requirements set forth in this Article shall be complied with in addition to any other general or specific requirements of this Chapter. The regulations of this section shall apply to all *signs* and *sign structures* erected, placed and/or maintained within the County, except as otherwise noted.

The standards set forth in this Article are established in order to: (1) allow for the legitimate needs for identification of activities and commerce within the County; (2) improve the aesthetic quality of the County; (3) reduce intrusions on adjacent property; (4) protect property values; and (5) minimize undue distraction to motorists. These requirements in no way relieve a *sign* of having to meet all local, state and federal laws pertaining to the erection of that *sign*.

#### Subpart A. General Sign Standards

#### §154-203. General

The *sign* standards of this subpart provide requirements and standards applicable to all other subparts and sections within this Article.

#### §-154-204. Prohibited Signs

The following are prohibited *signs*. *Signs*:

- A. Placed in the public *right-of-way* (except as erected for governmental purposes);
- B. Resembling and/or obscuring traffic signals;
- C. Obstructing access to drives, doors, walks, windows, fire escapes or fire escape routes;
- D. Which are animated and/or flashing (as defined by this Chapter);
- E. Which are used primarily for the purpose of garnering attention from traffic, such as feather flags, moving signs, or any such other type of sign.
- F. On the surface of lake/river water (except those navigational and warning signs);
- G. On *vehicles* parked and located for the purposes of displaying such a *sign*, where such *vehicle* is either a part of the *sign* or *sign structure*; and
- H. *Billboards* (an *outdoor advertising sign* 380 square feet in area or greater).

## §154-205. Permit Requirements

A sign permit shall be required for all nonexempt *signs* in accordance with the provisions of this Article (See §154-351 (Sign Permits)).

## §154-206. Sign Placement

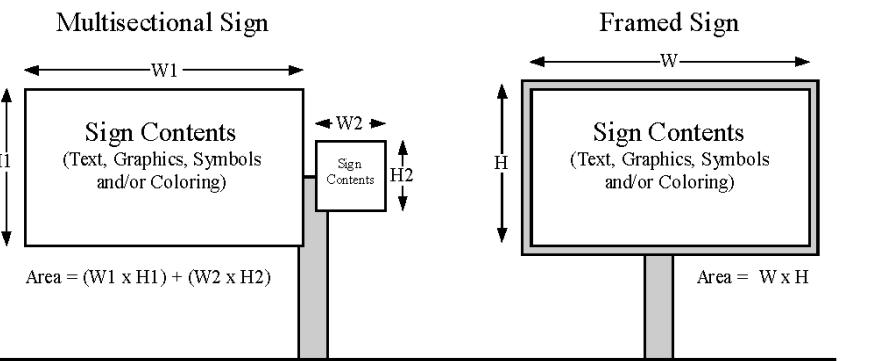
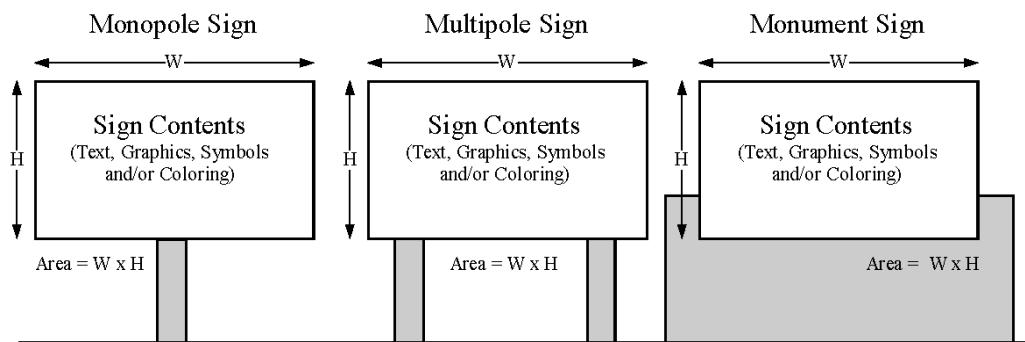
Signs shall be placed a minimum of 15 feet from edge of pavement or from back of curb (as applicable), and shall be located out of the *road right-of-way*. *Signs* are not permitted in a *sight visibility triangle* (See §154-110). *Signs* that are placed in the *road right-of-way* may be removed and disposed of, without notice, by authorized *County* personnel.

## §154-207. Sign Area Determination

*Sign* area shall be the product of the maximum vertical distance (from the highest point to the lowest point on the *sign* face) and the maximum horizontal distance (across the *sign* face) (see Article XIV (Definition) for the definition of “Sign”). *Sign* area shall be calculated by the *Zoning Administrator* in accordance with Figures 7A and 7B.

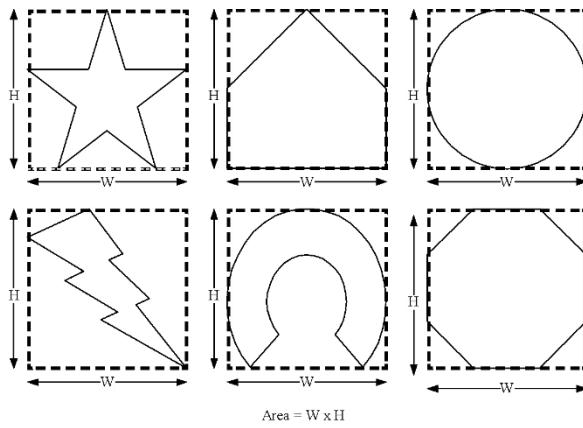
**Figure 7A. Sign Area Determination**

Not to Scale



**Figure 7B. Sign Area Determination for Non Rectangular Signs**

Not to Scale



## §154-208. Lighting Standards

*Lighting mitigation* shall be required as defined by this Chapter for all *signs*.

## §154-209. Property Address Signs

A *sign* indicating the address of a property shall be provided as required by and in accordance with Article 4, Subpart D, *Property Addressing*.

## §154-210. Removal of Nonconforming Signs.

Any sign installed or placed on public property, including a public right of way, except in compliance with the regulations of this ordinance, shall be subject to forfeiture to the public and subject to confiscation. In addition to other remedies and penalties of this section, the County shall have the right to recover from the sign owner or person who placed the sign, the full costs of sign removal and disposal.

## §154-211. Reserved

## §154-212. Reserved

## §154-213. Reserved

## §154-214. Reserved

## Subpart B. Exempt Sign Standards

### §154-215. General

The *sign* standards of this subpart identify exempt *signs* and provide requirements and standards for exemption.

### §154-216. Exempt Sign Standards

The following *signs* are permitted in all districts (unless otherwise indicated), and shall not require a *sign* permit as long as in conformance with the applicable standards. All exempt *signs* may have

one (1) or two (2) faces. Lighting of signs shall be installed in such a manner that the source of light (the bulb) is shielded and not visible from the adjacent roadway.

A. Flags/Insignia.

1. Maximum Area. Two hundred (200) square feet per face.

B. Off Premise Sign.

1. Maximum Area. Ten (10) square feet per face.
2. Maximum Height. Five (5) feet.
3. Permitted Districts. Permitted in all zoning districts.

C. On Premise Sign in Residential and Mixed Use Zoning Districts.

1. Maximum Area. Sixteen (16) square feet per face.
2. Maximum Height. Eight (8) feet.

D. On Premise Sign in Commercial, Office Institutional and Industrial Zoning Districts (excluding the Mixed Use zoning district).

1. Maximum Area. Thirty-six (36) square feet per face.
2. Maximum Height. Eight (8) feet.

E. Temporary Signs.

1. Maximum Area. Thirty-two (32) square feet per face (*residential and mixed use zoning district*); seventy-two (72) square feet per face (nonresidential zoning district excluding the mixed use zoning district). Banners up to two hundred (200) square feet per face.
2. Maximum Height. Ten (10) feet (*residential and mixed use zoning district*); eighteen (18) feet (*nonresidential zoning district excluding the mixed use zoning district*).
3. Removal. Such *signs* shall be temporary in nature, no longer than 30 days per occurrence and only once per calendar year per *lot of record*.
4. **Feather Flags.** *Feather flags* are allowed as temporary signs, subject to all applicable regulations contained within this chapter. In addition, feather flags shall comply with the following provisions:
  - a. Feather flags shall be placed a minimum of 20 from edge of pavement or from back of curb (as applicable), and shall be located out of the *road right-of-way*.
  - b. Feather flags are permitted in OI, MU, RC, CC, and I zones
  - c. Maximum number: 1 per 50 feet of road frontage
  - d. Maximum height: 8 feet
  - e. Maximum area: 18 feet

F. Signs relevant to the operation of non-profit charitable or government organizations that meet all other applicable standards.

G. Official governmental signs, such as traffic or similar regulatory devices, legal notices, identification or informational signs, erected and maintained pursuant to any federal, state, county or city governmental function.

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## ARTICLE XV

### DEFINITIONS

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**SIGN, FEATHER.** Also known as "teardrop," "blade," or "sail" signs; a form of temporary sign composed of durable lightweight fabric with a sturdy frame enclosing only a portion of the material's edge so that it can remain upright and still be flexible in the breeze, generally shaped to be tall and narrow when affixed into the ground or other bottom support, affixed to a pole which is located outdoors and contains language for advertisement, greeting or similar messaging purposes, which is activated by the wind and is used by businesses or organizations to promote events, products or services.

## APPENDIX B – Updated Conditional Zoning Language

Text struck from the ordinance is ~~struck through and highlighted blue~~.

Text added to the ordinance is highlighted yellow.

Numbering is updated to reflect changes.

## ARTICLE VII

...

*[To be inserted before the section on Planned Development Districts]*

### **Subpart B. Conditional Zoning Districts**

#### **§154-42 Conditional Zoning Districts**

- A. Purpose.** Conditional zoning is established to provide flexibility in the development of property while ensuring that a development is compatible with neighboring uses. Conditional zoning affords a degree of certainty in land use decisions not typically possible in conventional zoning. Conditional zoning is available only in response to a petition from all owners of property to be included in a conditional zoning district.
- B. Conditional Zoning District Designation.** Each conditional zoning district shall be designated on Zoning Map and other official documents by combining the designation of its parallel zoning district with the suffix, "-CD". For example, the conditional zoning district with a parallel zoning district of Regional Commercial would be identified as "RC-CD" on the Zoning Map.
- C. Relationship to Parallel Base Zoning District.** Development in a conditional zoning district shall be subject to the use and development standards of the parallel base zoning district, except where alternative standards are voluntarily proposed by the applicant and expressly approved by the Board of Commissioners as conditions of the rezoning. Such alternative standards may only be approved if the Board of Commissioners find that they are:
  - 1. Consistent with the goals, policies, and future land use designations of the County's Comprehensive Plan and other adopted land use or infrastructure plans;
  - 2. Reasonably related to the specific conditions of the site or surrounding area; and
  - 3. Not detrimental to the health, safety, or welfare of the surrounding community.

Conditions that result in standards less restrictive than those of the base zoning district may only be approved upon a finding that they support high-quality development outcomes and further the County's long-term land use objectives.

**D. Uses Permitted.** In order for a primary use to be allowed in a conditional zoning district, the use must be listed as either Permitted or Special Use in the associated commercial or industrial district.

**E. Application of Conditional Zoning to Entire Lot Required.** No application for a conditional zoning district may split an existing lot into a conditional zoning district and a conventional zoning district. Nothing in this subsection shall limit a conditional rezoning that splits a lot or site into two or more different conditional zoning district designations.

**F. Submittal Requirements.** Following are general submittal requirements for requesting to rezone to a conditional zoning district. The Planning Director may require the applicant to submit as many copies of the application and site plan in paper and/or electronic format as needed to circulate to the Planning Board and Board of Commissioners and to government departments and agencies for review and comment:

1. Property may be placed in a conditional zoning district only in response to a petition by all owners of the property to be included in the conditional district.
2. The applicant must clearly include in the application any uses proposed to be permitted on the subject property. No uses will be permitted except those enumerated in the enacting ordinance establishing the conditional district.
3. In addition to meeting the requirements of Subsection §154-42(F), staff, the Planning Board, or Board of Commissioners may request that an application for a request to rezone property to conditional district include a site plan, drawn to scale, with any necessary supporting documentation. In addition, the following may be requested by staff, the Planning Board, or Board of Commissioners in order to evaluate the proposed conditional zoning district:
4. A boundary survey and vicinity map showing the property's total acreage, the present zoning classification(s), the general location and orientation of the property in relation to adjacent properties, streets, railroads, and/or waterways, the date, and a north arrow;
5. The owners' names, addresses, and tax parcel numbers of all abutting properties as shown on the tax records;
6. Existing easements, reservations, and rights-of-way and setbacks as required based upon the corresponding parallel zoning district;

7. Approximate location on the site of existing and proposed buildings, structures and other improvements;
8. Approximate dimensions, including the height of proposed buildings, structures and other improvements;
9. Proposed use of all land and structures, including the proposed number and square footage of all units, residential and nonresidential;
10. Proposed type and location of signs;
11. All existing and proposed points of access to public streets;
12. Delineation of areas within the regulatory floodplain as shown on the official flood hazard boundary map;
13. Proposed phasing, if any;
14. Approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, pedestrian walkways or multimodal paths and open space;
15. Existing and general proposed topography, if available, at five-foot contour intervals or less;
16. A public hearing conducted pursuant to §154-42(G);
17. If required, a traffic impact study of the proposed development prepared by a qualified transportation or traffic engineer or planner. If requested, the traffic impact study should include information such as:
  - a. existing traffic conditions within the study area boundary;
  - b. traffic volumes generated by the existing and proposed development, including morning peak, afternoon or evening peak, and average annual traffic levels;
  - c. the distribution of existing and proposed trips through the street network;
  - d. analysis of capabilities of intersections located within the study area boundary;
  - e. recommendations for improvements designed to mitigate traffic impacts of the proposed development and to enhance pedestrian access to the development from the public right-of-way; and/or other pertinent information, including but not limited to, accidents, noise, and impacts on air quality and natural resources;
18. A landscaping plan prepared in accordance with the requirements contained in Article V or to show plantings and/or screening proposed over and above those required by Article V;
19. Description and/or copies of proposed deed restrictions to be placed on the property; and/or
20. Any other information needed to demonstrate compliance with these regulations or compatibility with the area surrounding the property proposed to be rezoned.

**21.** A site plan and/or any supporting text shall constitute part of the request for all purposes under this Article.

**G. Community Meeting Prior to Public Meeting Held Before Board of Commissioners.** Upon receipt of a complete application for conditional zoning, Planning Staff shall schedule a public meeting before the Alexander County Planning Board that shall be attended by representatives for the applicant. The meeting shall be presided over by the chair of the Planning Board with the purpose of allowing the public to opinions, relevant information, or ask questions concerning the application to the applicant and to inform the public on the approval process.

- 1.** The Planning Department will announce the public hearing with the publication of notice in a newspaper of general circulation in the County once a week for two (2) successive calendar weeks. The notice shall be published the first time not less than ten (10) days nor more than 25 days prior to the date fixed for the hearing. The notice shall include the time, place and date of the hearing and include a description of the property or the nature of the change or amendment to the map. In computing such a period, the day of publication is not to be included but the day of the hearing shall be included.
- 2.** In addition, an announcement of the public hearing shall be provided to the owner of that parcel of land as shown on the County tax listing, and the owners of all parcels within four hundred (400) feet of any property line of the proposed development as shown on the County tax listing, through a notice of a public hearing on the conditional-use district by first class mail at the last addresses listed for such owners on the County tax abstracts. This notice must be deposited in the mail at least ten (10) but not more than 25 days prior to the date of the public hearing. The person or persons mailing such notices shall certify to the Commissioners that fact, and such certificate shall be deemed conclusive in the absence of fraud.
- 3.** The County shall post one or more prominent signs on or immediately adjacent to the subject area reasonably calculated to give public notice of the hearing. In the event that more than one (1) parcel is involved, at least one (1) sign shall be posted in a central location; however, the *Zoning Administrator* may post multiple signs. Said sign(s) shall be posted no more than twenty-five (25) days and at least ten (10) days prior to the hearing.
- 4.** Alexander County Planning staff shall prepare a report that includes, among other things
  - a.** a listing of those persons and organizations contacted about the meeting and the manner and date of contact,

- b. a summary of issues discussed at the meeting, including potential objections raised by residents and how those objections were addressed by the applicant,
- c. and a description of any changes to the rezoning request that were made as a result of the meeting.

**H. Approval Procedures.** In addition to the specific procedures and requirements set forth in this section, all applications for Conditional Zoning Districts shall be subject to the procedures and standards established in §154-344 (Ordinance Amendments).

**I. Fair and Reasonable Conditions.** Specific conditions may be proposed by the petitioner or the Town or its agencies, but only those conditions approved by the Board of Commission and consented to by the petitioner in writing may be incorporated into the zoning regulations.

1. Conditions and site-specific standards imposed in a conditional zoning district shall be limited to those that address conformance of the development and use of the site to local ordinances, plans adopted pursuant to N.C.G.S. § 160D-501, or the impacts reasonably expected to be generated by the development or use of the site.
2. Such conditions to approval of the request may include, but are not limited to, dedication to Alexander County, Town of Taylorsville, or state, as appropriate, of any land, rights-of-way or easements for streets, water, sewer, drainage, recreational uses or other public utilities necessary to serve the proposed development. Conditions may relate to the relationship of the proposed use to surrounding property, size, scale, location and design of structures, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, preservation of protected trees, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the Board of Commissioners may find appropriate or the applicant may propose.
3. If for any reason any condition for approval is found to be illegal or invalid or if the applicant should fail to accept any condition following approval, the approval of the site plan for the district shall be null and void and of no effect. Proceedings shall be instituted to rezone the property to its previous zoning classification.

**J. Effect of Approval.** Approval of a Conditional Zoning District by the Board of Commissioners shall constitute approval of a Master Plan for the subject property. If a request for conditional zoning is approved by the Board of Commissioners, the development and use of the property shall be governed by the predetermined

ordinance requirements applicable to the district's classification, development plan approval, and any additional approved conditions, if applicable, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the Zoning Map.

1. If a request is approved, only those uses and structures indicated in the enacting ordinance or indicated on a site plan referenced by the enacting ordinance shall be allowed on the subject property.
2. No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved request and, if applicable, a site plan for the district.
3. Any violation of the approved conditional zoning district or associated conditions for the district shall be treated the same as any other violation of this development regulation and shall be subject to the same remedies and penalties as any such violation.

**K. Major Modifications to Approved Plan.** Major changes to approved plans and conditions of development may be authorized only by the Board of Commissioners after review and recommendation by the Planning Board in the same manner as applicable to Zoning Map amendments. Major changes include, but are not limited to:

1. Change in use(s);
2. Increase in intensity of the development; such as, increase in density of units, whether residential, office, commercial or industrial;
3. An increase of 10% or greater of overall ground coverage by structures, or any increase of ground coverage if the development exists in a Water Supply Watershed.
4. A reduction in approved open space or screening;
5. A change in vehicular access; or
6. A variation from an imposed condition.

**L. Minor Modifications to Approved Plan.** Minor changes, which are not deemed as major changes by the Planning Director or as set forth under §154-42(J), may, at his or her discretion, be authorized by the Planning Director in accordance with the following:

1. The Planning Director shall have the delegated authority to approve an administrative amendment to an approved site plan.
2. The standard for approving or denying such a requested change shall be that the change does not significantly alter the site plan and that the change does not have a significant impact upon abutting properties and does not qualify as a major change as set forth in §154-42(J).
3. Any decision must be in writing stating the grounds for approval or denial.
4. If the Planning Director declines to exercise the authority to approve an administrative amendment to an approved site plan, then the applicant must file a rezoning request for a public hearing and Board of Commissioners decision.

5. Any request for a minor change/administrative amendment shall be pursuant to a written letter, signed by the property owner, detailing the requested change. Upon request, the applicant must provide any additional information that is requested. Upon an approval of an administrative amendment, the applicant must file a sufficient number of copies of a revised site plan (if applicable) as deemed necessary by the Planning Director.

**M. Review of Approval of a Conditional Zoning District.** It is intended that property shall be reclassified to a conditional zoning district only in the event of firm plans to develop the property. Therefore, no sooner than three years after the date of approval of the request, the Planning Board may examine the progress made toward developing the property in accordance with the approved request and any conditions attached to the approval. If the Planning Board determines that progress has not been made in accordance with the approved request and conditions, the Planning Board shall forward to the City Council a report which may recommend that the property be rezoned to its previous zoning classification or to another district.

## APPENDIX C – Development Plan Approval

Text struck from the ordinance is ~~struck through and highlighted blue~~.

Text added to the ordinance is highlighted yellow.

Numbering is updated to reflect changes.

## ARTICLE XI

### REVIEW PROCESSES AND PROCEDURES

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#### Subpart C. Subdivision Review and Approval

##### §154-335. General

All *subdivision* applications, plans and *plats* shall contain all applicable information as required in this Subpart and shall adhere to the applicable review and approval process.

##### §154-339. Master Plans.

*[Note: the existing sections A and B have been reversed in order for this amendment]*

- A. Purpose of the Plan. The master plan is intended to provide general information about the proposed development to allow for an assessment of its impact on the orderly growth and development of the County, environmental quality, land values, natural features identified on the site analysis sketch and the County's *roads* and governmental services. Approval of a master plan grants vested rights of development for the parcel or parcels in the application which may be transferred.
- B. Plan Preparation. Master plans, also known as concept plans, preliminary plans, or sketch plans, must be prepared in conformance with this subpart and master plan requirements provided by the Planning Department. A master plan is required during review of all *major subdivisions*. The *applicant* shall submit two (2) full-sized copies, one (1) reduced-sized copy, and a digital copy of the master plan, at a scale appropriate to clearly depict the proposed project. Reduced size copies should be legible and reproducible. If a reduced size copy of the plan (no larger than 11 inches by 17 inches in size) cannot be provided, at least 4 large copies shall be submitted in its place. The master plan may consist of multiple sheets, if needed. ~~Applicants proposing single section or phased subdivisions may submit a combined master plan and development plan ("master/development plan") that shall be prepared in conformance with this subpart and the requirements of a development plan provided by the Planning Department and (§154-340. Development Plans).~~
- C. Review of the Plan. During review of the master plan for a *major subdivision* application, the reviewing agency shall take into consideration: (1) applicable recommendations of the *Comprehensive Plan*, (2) the potential *use* of the land to be subdivided, and (3) the impact of the *subdivision* and proposed *use* whether residential, commercial or industrial, (4) availability and adequacy of required public utilities and services necessary to serve the project, including, but not limited to, sanitary and storm sewers, water, electrical, police, fire, roads and pedestrian accessibility, (5) capacity or safety of the street network

influenced by the use; (6) adverse environmental impacts generated by the project; and (7) other applicable provisions of this Code.

D. Submissions. A complete application shall consist of the submittal of all documents and information listed in Table 11.1.

<b>Table 11.1 Master Plan Submittal Requirements</b>	
<b>Submittal</b>	<b>Information Included</b>
Complete <i>Subdivision Application</i>	<ul style="list-style-type: none"><li>• The name and contact information of property owner, designer, and developer</li><li>• A description of the existing conditions of the property, identifying:<ul style="list-style-type: none"><li>○ The existing uses of subject property, including natural areas (wooded areas, streams and wetlands)</li><li>○ The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the National Historic Register</li><li>○ The current zoning district of site</li><li>○ All applicable watershed and/or Phase II designations</li></ul></li><li>• A summary of the proposal for the subdivision that includes:<ul style="list-style-type: none"><li>○ The number of Units</li><li>○ The proposed use of subject property</li><li>○ The desired zoning district of site</li><li>○ The type of road dedication (all roads must be designated either “public” or “private”)</li><li>○ A survey of the infrastructure (roads, bridges, water and/or sewer systems, culverts, etc.) expected to be installed for the subdivision</li></ul></li><li>• Any phases over which the development may occur, including an approximate completion time for the project or phase and an acknowledgement that where a site plan is to be constructed in stages, either the infrastructure and improvements must be in place on the initial phase before subsequent phases are developed or a performance guarantee must be entered into with the county.</li></ul>

Preliminary Plans and Drawings	<ul style="list-style-type: none"> <li>• Proposed subdivision name</li> <li>• Names and addresses of all owners, surveyors, land planners, architects, landscape architects, utility planners, and professional engineers responsible for the subdivision</li> <li>• Date of which plan was prepared</li> <li>• Property boundaries, lot dimensions and calculated acreage</li> <li>• All easements located on the property</li> <li>• Rights-of-way, location and dimensions</li> <li>• Existing Conditions, including <ul style="list-style-type: none"> <li>○ All existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains</li> <li>○ The location of marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds and any other natural features affecting the site</li> <li>○ All existing and platted roads on adjoining properties and in the proposed subdivision</li> <li>○ All special flood hazard areas on the site</li> <li>○ The location of all existing overhead and underground utilities</li> <li>○ All existing pedestrian walkways, including sidewalks and trails</li> <li>○ The existing uses of subject property, including natural areas (wooded areas, streams and wetlands)</li> </ul> </li> <li>• Proposed development, including <ul style="list-style-type: none"> <li>○ The proposed lot lines</li> <li>○ Lot and block numbers</li> <li>○ Dimensions (including square footage and heights) of proposed structures</li> <li>○ Required setbacks and actual setbacks for existing and proposed buildings</li> <li>○ Dimensions of driveways</li> <li>○ Acreage of parcels created by subdivision</li> <li>○ A vegetative watershed buffer(s) along any <i>perennial streams</i></li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>• All open space designations, including the total acreage of the open space, its percentage of total acreage, the specific proposed usage of open space (conservation of natural resources, archeological resources or historical resources; agriculture, horticulture, or silviculture, provided all applicable best management practices are used to minimize environmental impacts; passive recreation; active recreation)</li> <li>• Draft nonstructural stormwater management practices; easements for drainage, access, and underground utility lines; and/or water, septic, and sewer systems)</li> <li>• (<i>if required</i>) Conservation subdivision standards, including open space categories (primary conservation area, secondary conservation area, remaining lands), percentage of contiguous open space, number of lots that directly abut the open space and/or with direct views and access, pedestrian accessibility</li> <li>• All proposed roads with specified road widths, road design standards, cross sections, pavement details, and engineering data for all corners and curves</li> <li>• All proposed pedestrian walkways, including sidewalks and trails and the engineering design standards thereof</li> <li>• The location, designation, materials, and design standards of any required buffer strips or screening</li> <li>• The location and dimensions of any loading, storage areas, or trash collection areas</li> <li>• The locations and dimensions of all proposed parking spaces</li> <li>• The location of all proposed overhead and underground utilities</li> <li>• The location of all proposed hydrants and fire suppression measures</li> </ul>
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( <i>if required</i> ) Traffic Impact Study	Must meet the standards in §154-135, and include any proposed traffic mitigation measures
( <i>if required</i> ) Emergency Services Impact Report	Must meet the standards in §154-136
( <i>if required</i> ) Open Space Management Plan	<ul style="list-style-type: none"> <li>• A map indicating the <i>primary conservation area, secondary conservation area</i>, and any remaining lands and the number of lots that directly abut the open space and/or with direct views and access, pedestrian accessibility</li> <li>• The percentage of contiguous open space of open space contiguous</li> <li>• A statement allocating maintenance responsibilities and establishing guidelines for the upkeep of open space and its facilities</li> <li>• Documentation verifying that the intended water supply and sewage disposal methods in the subdivision are available and adequate.</li> </ul>

E. Approval Authority. Master plans are subject to the approval authority designated by Article XI (C) of this Chapter.

F. Revisions to the Plan. ~~If during the development of the project, the master plan is revised to affect any of the following: increase the number of lots to be created or units to be constructed; create a substantive change in the subdivision configuration, road layout, etc.; substantially change the use of any portion of the tract; develop or build in areas that were identified as features in the site analysis sketch (see Article III (Subdivision Regulations) and Article XI (Review Processes and Procedures) Subpart C (Subdivision Review and Approval)) and that were identified in the master plan as open spaces or protected areas, the applicant shall then submit a revised master plan for the reviewing agency to review in accordance with Article III (Subdivision Regulations) and the applicable review process as outlined in this Article XI (Review Process and Procedures) Subpart C (Subdivision Review and Approval).~~ If during the development of the project, or after its approval, the master plan is revised to affect any of the following: an increase in the number of lots to be created or units to be constructed; a substantive change in the subdivision configuration, substantial changes to the road layout, etc., a change the use of any portion of the tract; plans to develop or build in areas that were identified as features in the site preliminary plat or plans (see §154-339 (F)) and that were identified in the concept plan as open spaces or protected areas, the applicant shall then submit a revised master plan for the reviewing agency to review in accordance with Article

III (Subdivision Regulations) and the applicable review process as outlined in this Article XI (Review Process and Procedures) Subpart C (Subdivision Review and Approval).

G. Land Disturbing and Improvement Activities. The *applicant* may only proceed with the establishment of *erosion* and *sedimentation* control measures, clearing and other *land-disturbing activities* and improvement activities associated with the project upon receipt of approval of the development plan (See §154-340. Development Plans).

H. Conditional Approval. The *Approval Authority* may attach conditions to the approval of a concept plan to address specific concerns with the development. Conditions must be related to the standards within this ordinance, proportionate, and reasonably related to mitigating identified impacts of the development.

I. Approval Validity. Master plan approval is valid for two (2) years and shall be annotated on the plan. If, at the completion of the two-year period, no development plan has been submitted, the applicant must reapply under the current applicable requirements. Upon completion of a development plan, where no new development plan has been submitted for a period of four (4) years, the applicant must reapply under the current applicable requirements for the remainder of the project.

## §154-340. Development Plans

*[Note: the existing sections A and B have been reversed in order for this amendment]*

A. Purpose of the Plan. ~~A development plan is a graphic representation or map of the tract of land to be developed indicating all proposed divisions of land, their uses, improvements and other information as may be required to fully disclose the applicant's intentions. The purpose of the plan is to provide general and specific information and is not intended to be a recordable document.~~ The development plan, including construction drawings, is intended to provide detailed design and engineering information sufficient to evaluate whether the subdivision, or a phase thereof, can be constructed in compliance with applicable County regulations and standards. Its purpose is to demonstrate that the proposed layout, infrastructure, grading, and erosion control measures can be implemented without creating adverse impacts to public health, safety, and welfare. Approval of a development plan authorizes the applicant to commence land-disturbing activities, including clearing, grading, and installation of required infrastructure improvements, in accordance with approved erosion and sedimentation control measures. The development plan is not intended to convey final plat approval, but to ensure that all roads, utilities, stormwater facilities, open space, and other required improvements are properly designed, coordinated with public service providers, and capable of supporting the proposed subdivision as presented in the master plan.

B. Plan Preparation. Development plans must be prepared in conformance with this subpart and development plan requirements provided by the Planning Department. Development plan(s) are required during review of all *major subdivisions*. The

development plan may be submitted for the entire *subdivision* or any section thereof. The *applicant* shall submit two (2) full-sized copies, one (1) reduced-sized copy, and a digital copy of the development plan, at a scale appropriate to clearly depict the proposed project. Reduced size copies should be legible and reproducible. If a reduced size copy of the plan (no larger than 11 inches by 17 inches in size) cannot be provided, at least 4 large copies shall be submitted in its place. The development plan may consist of multiple sheets, if needed.

C. **Review of the Plan.** During review of the development plan for a major subdivision application, the reviewing authority shall take into consideration: (1) the plan's conformance with the approved master plan, including the consistency of layout, density, phasing, and open space allocations; (2) compliance with applicable engineering standards for roads, stormwater facilities, utilities, pedestrian facilities, and other required infrastructure improvements; (3) the adequacy of proposed erosion and sedimentation control measures, grading plans, and stormwater management practices to protect downstream properties, water quality, and natural resources; (4) the availability, capacity, and timing of required public utilities and services necessary to serve the project, including, but not limited to, water supply, sanitary sewer, storm drainage, electrical, police, fire, schools, and solid waste management; (5) the safety, capacity, and design of the proposed street and pedestrian network, including intersections, connectivity, emergency access, and compliance with County and NCDOT standards; (6) the impact of the proposed improvements on adjacent properties, natural features, environmental resources, and any identified hazard areas such as floodplains or steep slopes; and (7) other applicable provisions of this Code, including landscaping, buffering, lighting, and open space requirements.

Upon approval of the master plan and the development plan of the first section of a *subdivision* by the reviewing agency, if successive sections are submitted for review (and (1) each substantially conforms with the *approved* master plan, (2) no new *lots* are created, and (3) all technical requirements and development standards have been met) the *Subdivision Administrator* may approve the development plans for all *major subdivisions* for successive sections administratively. Under such review, the action deadlines for the reviewing agency shall be the same for the *Subdivision Administrator*.

D. **Submissions.** A complete application shall consist of the submittal of all documents and information listed in Table 11.2.

**Table 11.2 Development Plan Submittal Requirements**

Submittal	Information Included
A summary of any minor or major changes to the Master Plan	Changes to: <ul style="list-style-type: none"> <li>• Lot lines</li> <li>• Dimensions (including square footage and heights) of proposed structures</li> <li>• Dimensions of driveways</li> <li>• Acreage of parcels created by subdivision</li> <li>• Open space dimensions or designations</li> </ul>

	<ul style="list-style-type: none"> <li>• Hydrant location</li> </ul>
Approved Soil & Erosion Control Plan	Documentation of submittal and acceptance by applicable local and state agencies.
Stormwater Control Plan	Demonstration of compliance with any stormwater and/or water supply watershed regulations from applicable local or state organizations
Construction Drawings	Engineered drawings of all applicable improvements, including (but not limited to) roads, water lines, sewer lines, pedestrian paths, BMPs and other stormwater control measures, and any required or voluntary traffic mitigation and documentation of DOT approval
Updated Open Space Management Plan	<ul style="list-style-type: none"> <li>• A copy of the original plan and a summary of any changes made to the document</li> <li>• A draft of the legal instrument for permanent protection</li> <li>• Cost estimates for maintenance, operation and insurance needs for the open space</li> <li>• A means by which funds will be obtained for all management expenses</li> <li>• A provision allowing the <i>Subdivision Administrator</i> to approve plan change</li> <li>• A criteria for plan enforcement</li> </ul>
(if required) Proposed Homeowners' Association documents and covenants	Measures and guarantees for sidewalk and open space maintenance and upkeep.
Documentation of all federal and state permits (such as NCDOT, NCDEQ, or the Army Corps of Engineers) required for driveways, encroachment, grading and leveling, soil erosion and sedimentation control, or infrastructure improvements to the lot.	
Documentation of applications to municipal and/or county agencies for water and sewer systems.	

**E. Approval Authority.** The Planning Director shall have the authority to approve development plans and construction drawings that conform to the approved Master Plan. Approval of proposals requiring major revisions to the Master Plan as defined in §154-399 revert to original approval authority.

F. Revisions. The *Planning Director* shall have the delegated authority to approve minor changes to the development plan provided they are in harmony with the approval and conditions provided by the *Approval Authority*. Changes must be submitted in writing and must be formally approved before implementation. Minor changes shall mean:

1. Changes in the location and type of landscaping and screening,
2. Redesign of open space that does not decrease its size, recreational, buffering, or environmental benefits, provided that the character and intent is maintained;
3. Decreases in the number of dwelling or lodging units by less than ten percent (10%)
4. Structural alterations not significantly affecting the basic size or character of the subdivision, as shown on the approved plan;

All other changes or modifications to the development plan require approval by the original *Approval Authority*.

## §154-341. Final Plat Review

### A. Final Plat Review for Minor, Special, and Nonstandard Subdivisions.

1. Approval Authority. *Subdivision Administrator*.
2. Purpose. A *final plat* must be prepared and approved pursuant to this subpart and *final plat* requirements provided by the Planning Department, whenever a *subdivision* of land occurs.
3. Staff Review. If the *subdivision* complies with the standards set forth herein the *Subdivision Administrator* shall provide approval in writing on the face of the *final plat* and shall retain a signed copy for departmental records. Once the *plat* has been approved, the *final plat* must be recorded within twelve (12) months from *Subdivision Administrator* approval.

### B. Final Plat Review for All Major Subdivisions.

1. Approval Authority. *Subdivision Administrator*.
2. Purpose. A *final plat* must be prepared and approved pursuant to this subpart and *final plat* requirements provided by the Planning Department, whenever a *subdivision* of land occurs.
3. Submissions. Final plat, recorded homeowners' association documents and covenants, and any additional documents required by the *Subdivision Administrator* to verify adherence to the approved master and development plans.
4. Staff Review. The *Subdivision Administrator* shall review the *final plat* and determine its completeness, finding that the regulations of this Chapter that set forth specific standards have been met for *final plats*. The *Subdivision Administrator* shall review the *final plat* for conformance with all applicable standards and conformance to any associated master plans and development

plans. The *final plat* may be approved administratively if the *plat* meets all requirements of the Chapter and satisfies all conditions imposed by the reviewing agency. Upon approval, and before any *lots* are transferred, the *applicant* shall record the *final plat* at the office of the Register of Deeds within twelve (12) months from Subdivision Administrator approval. Incidental changes to the *final plat*, which do not in any way affect the character of the development, may be submitted prior to, or after, recordation and may be approved for re-recordation by the *Subdivision Administrator*. No *lots* governed by this Chapter may be conveyed until a *final plat* is approved and recorded in the office of the Register of Deeds of Alexander County.