

# ARTICLE I

## SUBDIVISION REGULATIONS

### Subpart A. General Subdivision Regulations

#### §157-1. Purpose

The purpose of this Article I (Subdivision Regulations) is to promote, through proper planning, health, safety and general welfare by providing for the orderly *subdivision* of land in Alexander County. This Article I (Subdivision Regulations) is deemed necessary to:

- A. Establish procedures and standards for the *subdivision* of land;
- B. Provide for orderly growth and development;
- C. Protect and enhance property ownership and land values;
- D. Provide for dedication or reservation of *road right-of-way*;
- E. Assure the proper design and installation of *roads* and utilities;
- F. Assure proper legal description, identification and recordation of property boundaries to maintain an accurate, up-to-date land records management system;
- G. Promote environmental quality;
- H. Preserve areas of the County with productive soils for continued agricultural and *forestry use* by preserving blocks of land large enough to allow for efficient operation;
- I. Encourage the maintenance and enhancement of habitat for various forms of wildlife and to create new woodlands through natural succession and reforestation where appropriate;
- J. Minimize site disturbance and *erosion* through retention of existing vegetation and avoiding development on *steep slopes*; and
- K. Preserve open land, including those lands that contain *unique* (and sensitive) *natural areas*.

#### §157-2. Comprehensive Plan

This Article I (Subdivision Regulations) is based on *Comprehensive Plan* goals and objectives. All land may not be suitable to be subdivided for the purpose of dense development due to:

- A. Severe topographic conditions;
- B. Inadequate *road* access;
- C. Distance from services;
- D. *Unique natural areas*;
- E. Soils that do not easily support soil drainage systems; and/or
- F. The proximity to existing and incompatible land *uses/zoning*

The reviewing agency should consider *Comprehensive Plan* goals and objectives when reviewing *subdivisions*.

**§157-3. Approval for Subdivision Plats**

A *final plat* must be prepared and approved when a *subdivision* of land occurs (See §157-94). *Final plats* must be recorded within 18 months of approval or they become null and void and must be re-approved by the appropriate authority.

**§157-4. Land Disturbing and Construction Activity**

No land disturbing or construction activity carried out in conjunction with the development of a *subdivision* shall begin until a development plan has been approved.

**§157-5. Subdivision Types**

*Subdivisions* shall be either: special, *minor*, *nonstandard* or *major*. Each type of *subdivision* includes subtypes:

- A. Nonstandard Subdivision Subtypes. Public utility (pump station, water tank, etc.), auxiliary lot (*sign lot*, *common area*, etc.) or cemetery *lot* (specifically excluding residential, commercial, office institutional, industrial or mixed-use).
- B. Special Subdivision Subtypes. Residential.
- C. Minor Subdivision Subtypes. Residential.
- D. Major Subdivision Subtypes. Residential, commercial, office institutional, industrial or mixed-use.

**§157-6. Aggregation**

Two or more developments may be aggregated and treated as a single development under the Land Development Code when they are determined to be part of a unified plan of development and are physically proximate to one another. Each of the criteria listed below is indicative of a unified plan of development. Whenever one or more are found to exist, the reviewing authority may determine that two or more projects are part of a unified plan of development:

- A. There is a reasonable closeness in time between the completion of some or all of one development and the submission of an application for authorization of other development which is indicative of a common developmental effort;
- B. A master plan or series of plans or drawings exists covering the development sought to be aggregated;
- C. There is a voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the developments sought to be aggregated;
- D. There is a common advertising scheme or promotional plan in effect for the developments sought to be aggregated.

**§157-7. Reserved**

**§157-8. Reserved**

## **Subpart B. Regulations Applicable to All Subdivision Types and Subtypes**

### **§157-9. Road Frontage and Existing Off-Site Access**

*Tracts* to be *subdivided* must have a minimum of: (1) 30 feet of frontage on an existing public road, or (2) private *rights-of-way* no less than 30 feet in width to a public road. *Applicants* shall have the burden to prove private *right-of-way* and existing off-site access is legal, permissible and permanent (evidence may include property deed, title search, recorded *plat*, or other documentation provided by the *applicant*).

Where the minimum frontage and off-site access requirements cannot be met the maximum number of *lots* into which a *tract* may be divided shall be no more than one (1) lot per acre.

Where the minimum road frontage and existing off-site access requirements can be met but the grade of the *road* at any point in the existing off-site access exceeds 18 percent (paved) or 15 percent (gravel), and the *applicant* is proposing more than five (5) *lots*, the approving agency will review the application on a case-by-case basis.

### **§157-10. Lot Designs**

New subdivision *lots* shall:

- A. Abut on an approved *road* or driveway easement (See §157-36, Residential Private Road Standards by Road Classification);
- B. Be no narrower than 30 feet in width where abutting the *right-of-way* or for purposes of the driveway easement;
- C. Be calculated excluding new or existing *road right-of-way* to determine size;
- D. Be of a size, width, depth, shape and orientation reasonable for the type of development;
- E. Where possible, have side *lot* lines at right angles or radial to the *roads* faced; and
- F. Provide the approved E911 identification.

### **§157-11. Certificate of Understanding**

The certificate shall:

- A. Be signed by the property owner(s) and provided at the time of subdivision application submittal;
- B. Acknowledge that all *lots* created from a parent tract will count toward the total number of *lots* permitted under density regulations.
- C. Acknowledge that upgrading existing improvements (including roads) may be necessary in order to expand.

### **§157-12. Subdivision Names and Name Signs**

The name of a *subdivision* shall not be substantially identical or similar as to likely cause confusion among prospective purchasers to any other *subdivision* or named community in the County. A community identification/subdivision sign: (1) may be provided at the primary entrance, (2) shall be in conformance with the *County sign* regulations, and (3) should be located in dedicated *sign easements*.

### §157-13. Cemeteries

Existing cemeteries shall be deeded as a separate lot in the subdivision and shall be accessed by a minimum twenty (20) foot wide private or public easement. Major subdivisions shall provide access with a minimum twenty (20) foot wide *right-of-way* (road construction is not required).

### §157-14. Advisory Provisions

- A. Soils Map. *Applicants* for *subdivisions* with *lots* smaller than one (1) acre in size should consult a soils map of the property and be knowledgeable of the suitability of ground absorption systems on the property.
- B. Utility Easements. Utility *easements* should be:
  - (1) Centered on rear or side *lot* lines,
  - (2) At least 20 feet in total width, and
  - (3) Identified following discussion with the appropriate utility agency.

### §157-15. Conservation Subdivision Standards

Conservation subdivision standards shall apply to all subdivisions proposing 35 lots or more.

- A. *Open space* shall:
  - (1) Comprise a minimum of 25 percent of the project area. Subdivisions proposing 100 or more lots may not use the floodway area to determine the overall density calculation but may count the floodway area for open space requirements. Floodplain areas are allowed to be calculated for both density and open space requirements.
  - (2) Be composed of (in order of which lands should be designated as open space first): *primary conservation area*, *secondary conservation area*, and any remaining lands necessary.
  - (3) Be designated so that a minimum of 50 percent of the proposed open space is contiguous and, where possible, adjoins *open space* or other *protected areas* (including protected forests or wildlife areas) outside the project area.
  - (4) Be designated so that, where possible, a majority of the lots directly abut *open space* to provide residents with direct views and access.
  - (5) Be accessible by safe and convenient pedestrian access from all adjoining *lots* (except in the case of farmland or other resources areas vulnerable to trampling damage or human disturbance).
  - (6) Be used as follows:
    - a. Conservation of natural resources, archeological resources or historical resources;
    - b. *Agriculture*, horticulture, or silviculture, provided all applicable *best management practices* are used to minimize environmental impacts;
    - c. Passive recreation;

- d. Active recreation provided *impervious surfaces* are limited to a maximum of 12 percent of the total *open space* area;
- e. Nonstructural stormwater management practices;
- f. *Easements* for drainage, access, and underground utility lines; and
- g. Water, septic, and sewer systems.

(7) Not be used as follows:

- a. For motor vehicles (except for maintenance purposes as provided for in the Open Space Management Plan); and
- b. Roads, parking lots and impervious surfaces (except when accessory to active recreational uses).

B. Open Space Ownership. The *applicant* must identify the current and future owner(s) of *open space* responsible for maintaining the area/facilities. The responsibility for maintaining the *open space* and its facilities shall be borne by the owner. If a homeowners' association is the owner:

- a. Membership in the association shall be mandatory and automatic for all homeowners in the *subdivision* and their successors; and
- b. The association shall have lien authority to ensure the collection of dues from all members.

C. Open Space Management. The *applicant* shall submit "Open Space Management Plan" which includes:

- (1) A statement allocating maintenance responsibilities and establishing guidelines for the upkeep of *open space* and its facilities;
- (2) Cost estimates for maintenance, operation and insurance needs for the *open space*;
- (3) A means by which funds will be obtained for all management expenses;
- (4) A provision allowing the *Subdivision Administrator* to approve plan change; and
- (5) Criteria for plan enforcement.

D. Legal Instrument for Permanent Protection. *Open space* shall be protected in perpetuity by a binding legal document recorded with the deed. The document shall be one of the following:

- (1) Permanent conservation *easement* in favor of either:
  - a. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such *easements*. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
  - b. A governmental entity with an interest in pursuing goals consistent with the intentions of this Section.

(2) Permanent restrictive covenant for conservation purposes.

- (3) Equivalent legal tool providing permanent protection, subject to approval by the County Attorney.

The instrument shall include all restrictions contained in §157-15 (Conservation Subdivision Standards), and any further restrictions the *applicant* chooses to place on the use of the *open space*.

- E. Open Space Density Bonus. Base density is determined by the zoning district in which the *subdivision* is located. Conservation subdivisions proposing more than the minimum required *open space* may be eligible for increased densities. Table 3.1 outlines the criteria for density bonuses. Lands under conservation easement shall not be counted when determining density bonuses. Permitted housing densities shall not exceed the maximum allowances of any applicable *water supply watershed* requirements.

<b>Table 3.1. Open Space Density Bonuses</b>				
<b>Percent <i>Open Space</i> (%)</b>	<b>25-30</b>	<b>31-40</b>	<b>41-50</b>	<b>&gt;51</b>
<b>Percent Housing Density Increase (%)</b>	<b>N/A</b>	<b>10</b>	<b>15</b>	<b>20</b>

- F. Agricultural Preservation Density Bonus. Base density is determined by the zoning district in which the *subdivision* is located. Conservation subdivisions proposed for sustaining existing on-site bona fide agricultural operations are entitled to a five (5) percent increase in permitted density. Residential *lots* in these *subdivisions* should be located in areas less suitable for agricultural production with prime farmland being preserved as *open space*. *Lots* should be located where agricultural operations do not interfere with the safety and well-being of future residents. The reviewing agency may require vegetative buffering and/or additional *setbacks* between agricultural operations and *lots* to mitigate potential impacts of noise, vibration, light, and/or odor. This five (5) percent bonus may be used in conjunction and in addition to any applicable *open space* density bonus. Permitted housing densities shall not exceed the maximum allowances of any applicable *water supply watershed* requirements.
- G. Structure Placement. Structures should be placed as closely to *internal roads* as permitted. The reviewing agency may reduce the front yard setback to a minimum of five (5) feet; taking into consideration sound engineering, public safety concerns and community character when applying the standards. *Structures* may be: (1) located in the *side yard* setback required by the zoning district regulations; and (2) placed as closely together as permitted by the North Carolina State Building Code.
- H. Exemption. Conservation subdivision standards can be applied to any subdivision type, but are not required by this Chapter.

§157-16. Reserved

§157-17. Reserved

§157-18. Reserved

## Subpart C. Subdivision Standards by Type.

### §157-19. Nonstandard Subdivisions

Nonstandard subdivision *lots* shall:

- A. Be exempt from the density requirements of this Chapter.
- B. Include auxiliary *lots* (the *structures* located thereon must meet any applicable zoning or *water supply watershed* requirements) clearly identified for a designated use.
- C. Be identified and encumbered to its specified use on a *final plat*.
- D. Be provided with a platted or deeded right-of-way that connects each proposed *lot* and remainder parcel to a public *road*.
- E. Not be counted in the number of *lots* in a *subdivision* for administrative purposes.

### §157-20. Special Subdivisions

Special subdivisions shall be permitted under the following conditions:

- A. For lots of record prior to January 1, 2024 where there is insufficient acreage to meet the density regulations of the zoning districts, up to ten (10) lots may be created where each lot is at least one half (1/2) acre (21,780 square feet) in size. No more than ten (10) lots in a five (5) year time period shall be allowed unless the subdivision complies with the major subdivision standards.
- B. The special subdivision procedure may not be used in conjunction with an application for a minor subdivision or a major subdivision.

### §157-21. Minor Subdivisions (Ten (10) or Fewer Lots)

Minor subdivisions shall adhere to all applicable requirements of this Chapter. No more than ten (10) lots in a five (5) year time period shall be allowed unless the subdivision complies with the major subdivision standards.

### §157-22. Major Subdivisions (Eleven (11) or more Lots or Commercial, Office Institutional, or Industrial)

- A. Subdivisions of 35 or More Lots.
  1. Shall provide a minimum of two (2) entrance *roads*. (The second entrance requirement must be specifically waived by the approving authority, and only where unique circumstances (including severe topographic conditions, the presence of *unique natural areas*, existing development patterns, or other limiting site conditions) would prevent the addition of a second entrance.)
  2. No more than 35 *lots* within a *subdivision* shall be accessed by a dead-end *road*, cul-de-sac or turnaround or a series of dead-end *roads*, cul-de-sacs or turnarounds to access the main entrance(s)/exit(s) for the *subdivision* (except where a stub *road* is proposed as a future connection (however, stub *road* proposals do not entitle adjoining property owners access to the *subdivision*)).
  3. No more than 10 lots within a subdivision shall be accessed by an unpaved road.

B. Soil Erosion and Sedimentation Control Plan. The applicant must provide written notice from:

- (1) The appropriate state and/or local agencies verifying an Erosion and Sedimentation Control Plan has been received, or
- (2) A professional land surveyor, engineer, landscape architect, architect, or professional planner certifying no plan is required.

Developers should not disturb and clear more land than needed for infrastructure and other *subdivision* related improvements.

C. Water Supply System and Sewage Disposal System Required. Every *lot* shall be served by a *water supply system* and *sewage disposal system* adequate to accommodate the reasonable needs of the proposed *use* and comply with all applicable health regulations. The *applicant* must provide evidence that *water supply system* and *sewage disposal system* plans have received final approvals by the appropriate agency prior to *final plat* approval (except as noted in item C(1) below).

(1) Individual Water Supply and Sewer Systems (Well and Septic Tanks). Where the *water supply system* and/or *sewage disposal system* to be installed is an individual system for each *lot*, the installation of said systems will not be required prior to *final plat* approval.

(2) Municipal Water Supply Systems and Municipal and Approved Public or Community Sewage Disposal System Requirements. Where a *municipal water supply system* or *municipal sewage disposal system* is/are proposed, a letter from the respective agency/agencies stating there is sufficient capacity to a make connection to the system(s), must accompany the *subdivision* application.

*All public water supply systems, municipal sewage disposal systems, and approved public or community sewage disposal systems* shall be installed and shall meet the requirements of the local or State authorities having jurisdiction thereof.

(3) Required Connection to a Municipal Water Supply System and Municipal Sewage Disposal System. The approving authority may require a *subdivision* of 300 or more units connect to a *municipal water supply system* if located within two (2) miles of an existing *municipal water supply system*. If a subdivision is within 5,000 feet of an existing *municipal water supply system* and the distance is equal to or less than the product of 100 feet multiplied by the number of proposed *lots*; the subdivision shall be required to connect to the municipal water supply system.

The Approving Authority may require a *subdivision* of 300 or more units connect to a *municipal sewage disposal system* if the *subdivision* is located within one (1) mile of an existing *municipal sewage disposal system*. If a subdivision is within 2,500 feet of an existing *municipal sewage disposal system* and the distance is equal to or less than the product of 50 feet multiplied by the number of proposed *lots*, the subdivision shall be required to connect to the *municipal sewage disposal system*.



Required connections may be provided exception on the basis of terrain, availability of acquiring *easements*, denial of allocation by the public utility, insufficient capacity of the municipal system or other circumstances unusual or unique to the site. Requests for exceptions must be made, in writing, to the *Subdivision Administrator* who may require that such requests be supported by a professional engineer's review of the *subdivision* plans and planned route of the utility extension. If the *Subdivision Administrator* determines that it would not be economically feasible for a *subdivision* to be connected to a *municipal water supply system* or *municipal sewage disposal system*, another system may be used, subject to approval by the appropriate agencies.

D. Fire Protection Requirements. Either:

- (1) Install a minimum of one (1) hydrant per 1000 feet of linear *road* distance (if served by a *public water supply system* who may impose more stringent *fire protection* requirements where necessary): or
- (2) Install a dry fire hydrant system ( the type and location of which is to be determined by the County Fire Marshal) and all-weather access *road* for fire-fighting equipment to a permanent surface water supply (minimum 100,000 gallon storage in a 50 year drought).
- (3) If the *subdivision* is neither served by a *public water supply system* nor has or is adjacent to an adequate permanent surface water supply it shall be thoroughly reviewed by the reviewing agency and *applicant* to determine if alternative measures to ensure adequacy of *fire protection* exist. Where deemed necessary and without creating an undue hardship on the *applicant*, the reviewing agency may require the *applicant* to install alternative *fire protection* measures.

E. Stormwater Drainage. Drainage systems (swales, ditches, pipes, culverts, detention ponds, lakes or similar devices) shall be designed to minimize adverse effects on the proposed *subdivision* and on adjacent and downstream properties. Drainage improvements shall be designed and constructed in accordance with applicable *State Road Standards* and to:

- (1) Follow natural drainage (where possible),
- (2) Contain points of stormwater discharge onsite (unless offsite discharge is approved by the reviewing agency and adjoining property owners),
- (3) Maintain desirable groundwater conditions,
- (4) Minimize *erosion*, downstream *sedimentation*, flooding or standing water conditions,
- (5) Filter pollutants before stormwater reaches surface water, and
- (6) Avoid excessive stormwater discharge.

F. Farmland Preservation District Setback. A minimum 100 foot *setback* for all *buildings* or *structures* is required from any Farmland Preservation District (marked on official maps maintained by the Alexander County Soil and Water Conservation District). *Subdivisions* located adjacent to a Farmland Preservation District should be developed using §157-15

Conservation Subdivision Standards. This setback may be waived with the provision of a Farmland Preservation District Certificate of Understanding signed by the property owner.

G. Reasonable pedestrian access shall be provided to promote healthy and safe walking environments.

(1) Pedestrian facilities (sidewalks and/or walking trails) shall be required for:

- a. 100 or more *lots* or
- b. A *density* equal to or greater than two (2) units per acre

(2) Provide one (1) linear foot of sidewalk or walking trail for every linear foot of improved or newly proposed roadway within the tract.

(3) Located in a *road right-of-way*, pedestrian access *easement*, or other dedicated *open space*.

(4) Five (5) feet in width or more.

(5) Constructed (sidewalks only) with concrete, asphalt, or other permanent all-weather surface such as gravel.

The location and design of such facilities shall be approved by the reviewing agency. The maintenance and expansion of pedestrian facilities will fall under the authority of the homeowners' association, which must be established where pedestrian facilities are required.

### **§157-23. Affordable Housing Subdivisions (Reserved)**

### **Subpart D. Subdivision Road Standards Applicable to All Subdivision Types and Subtypes**

#### **§157-24. Road Disclosure**

North Carolina General Statute (NCGS) §136-102.6 requires a developer disclose to each buyer of property the following:

- A. The ownership (public or private) of the *road* serving the *lot*,
- B. How the *road* will be maintained, and
- C. Who shall be responsible for such maintenance.

The law further requires certain *road* maintenance agreements be executed.

#### **§157-25. Right-of-Way**

*Right-of-way* standards apply within the property being developed. *Rights-of-way* shall be capable of supporting a *road* by meeting the minimum width specified by this Chapter (See Table 3.3). Any portion of an existing recorded *right-of-way* which does not meet minimum width requirements of this Chapter shall be upgraded to:

- 1. Meet the full *right-of-way* requirement when the right-of-way is surrounded by or abutting the tract; or

2. Provide one-half (1/2) of the required *right-of-way* (measured from the centerline of the existing *right-of-way*) when the *right-of-way* is not completely contained by the tract to be subdivided.

#### **§157-26. Out of County Access**

Access to a proposed *subdivision* through another County shall meet or exceed all *right-of-way* and road requirements herein.

#### **§157-27. Existing Private Roads**

Any portion of an existing private *road* located in an existing recorded private *right-of-way* and surrounded by the *tract* to be subdivided shall be upgraded to meet the *road* standards of this Subpart C (Subdivision Road Standards Applicable to All Subdivision Types and Subtypes) in major subdivisions. Upgrades shall only be required on parcels owned by the applicant or their agent.

#### **§157-28. Road Construction**

*Roads* should be constructed (1) along the contour of the land because of the difficulty of operating *vehicles* on steep grades and high potential for *erosion*, and (2) so that water will drain from the *road* surface into side ditches.

*Roads* shall:

- A. Be constructed with suitable stone and compacted properly,
- B. Be constructed on a subbase of suitable soil capable of supporting it, and
- C. Not be constructed on used asphalt (an unacceptable base course).

The *Subdivision Administrator* may require a professional engineer or professional surveyor to certify, or provide applicable proof, that the roads were constructed to standards prescribed in this Subpart D (Subdivision Road Standards Applicable to All Subdivision Types and Subtypes) and approved development plan. This may be accomplished by on-site supervision by the engineer or his designee during the construction of the *road*, or through a series of core sample tests at appropriate key areas or as requested by the *Subdivision Administrator*. The core samples should be spaced accordingly and the location and number of core samples should be agreed upon by the engineer and *Subdivision Administrator* prior to testing. *NCDOT* certification is not required.

#### **§157-29. Shoulder Stabilization**

Permanent stabilization of soils to prevent erosion shall be achieved by seeding areas disturbed by the construction of a *road* (including cut and fill slopes, shoulders, ditch banks, etc.) as soon as feasible after *road* construction. The *Subdivision Administrator*, where seasonal weather prevents seeding, may require:

- A. An improvement guarantee be posted with the County to ensure the installation of permanent stabilization; and
- B. Other materials (straw, mulch, etc.) be applied temporarily until seed can be sewn.

#### **§157-30. Road Names**

Road names are required for all public and private roads (including alleys and *driveway easements*) that access more than two (2) lots. Proposed names for *roads* shall:

- A. Be pre-approved by Alexander County in accordance with Chapter 94 of the Alexander County Code, Road Naming Ordinance.

A proposed *road* in alignment with an existing named *road* shall bear the name of the existing *road*.

#### **§157-31. Road Name Signs and Regulatory Signs**

*Road name signs* and *regulatory signs* (speed limit signs, stop signs, etc.) shall be provided in accordance with Chapter 94 of the Alexander County Code, *Road Naming Ordinance* and with applicable local, state and federal laws, rules and regulations. *Road name signs* and *regulatory signs* must be acquired and installed prior to *final plat* approval.

#### **§157-32. Road Drainage and Culverts**

*Road drainage structures*, ditches, and culverts shall be designed and constructed in accordance with *State Road Standards* and with sufficient depth and width to carry the expected volume of *stormwater runoff*. Culverts may be required where the *road* crosses streams or minor *watercourses*. *Best Management Practices* should be utilized for road swales (turf matting and vegetation, etc.) to control *erosion* and transport of *sediment* and to filter pollutants from *stormwater runoff*.

#### **§157-33. Stub Roads**

*Stub roads* shall be designed in locations which will permit the future extension of *subdivision roads*.

#### **§157-34. Road Type Designation**

*Applicants* shall indicate if *roads* are to be public or private on applications, plans and plats. Where private *roads* are proposed as extensions of existing *public roads*, the developer must clearly justify why proposed *roads* should not be extended for public use. Private *roads* may become public if accepted into the *public road* system by *NCDOT*.

- A. *Public Roads*. Public roads (and their associated public bridges) shall:
  - 1. Be designed and constructed in accordance with *State Road Standards*.
  - 2. Be offered dedication to the public (though this does not guarantee *NCDOT* will accept or agree to assume the maintenance responsibility of the proposed *public road*).
- B. *Private Roads*. Private roads shall be the standards of this Subpart D (Subdivision Road Standards Applicable to All Subdivision Types and Subtypes).

#### **§157-35. Private Road Standards for Commercial, Office Institutional, Industrial, and Mixed-Use Subdivisions**

Private roads and bridges shall be built to State Road Standards for commercial, office institutional, industrial or mixed-use subdivisions.

#### **§157-36. Residential Private Road Standards by Road Classification**

If not specified in Article I (Subdivision Regulations) Subpart D (Subdivision Road Standards Applicable to All Subdivision Types and Subtypes), the design and construction of private roads shall be reviewed using NCDOT standards and requirements which reflect local NCDOT District Engineer policy modifications.

Private roads shall: (1) Be designated based on the number of lots served (See Table 3.2); (2) be designed and constructed in accordance with the standards of this Article I (Subdivision Regulations) (see Table 3.3); and (3) be designed to provide, at all times, adequate and unobstructed access for emergency response.

<b>Table 3.2 Subdivision Private Road Classification by Number of Residential Lots Served</b>					
<b>Road Classification</b>	<b>Subdivision Collector</b>	<b>Subdivision Local</b>	<b>Limited Local</b>	<b>Private Driveway Easement</b>	<b>Alley</b>
<b>Number of Residential Lots Served</b>	50+	11 to 49	1-10	1-5	1-49

Private roads shall meet the minimum design and construction standards according to the following road classifications:

- A. Private Subdivision Collector Road. A “*private subdivision collector road*” shall be required where the road serves:
  - 1. 50 or more units (existing or proposed) within the proposed subdivision or as an aggregate of the proposed subdivision and any other development to which it connects,
  - 2. As a through-road connecting lots within a subdivision to more than one (1) public thoroughfare, or
  - 3. A nonresidential facility within a residential development, (i.e. clubhouse, golf course, etc.)
- B. Private Subdivision Local Road. A “*private subdivision local road*” shall be required where a *private subdivision collector road* is not required and a *private subdivision limited local road* is not permitted.
- C. Private Subdivision Limited Local Road. A “*private subdivision limited local road*” shall be permitted where the road serves:
  - 1. No more than five (5) lots or principal units.
  - 2. Only as a maintenance and/or emergency access (regardless of the number of lots it adjoins provided the road shall not be used to access lots and appropriate signage is provided).
- D. Private Driveway Easements. A private “*driveway easement*” shall be permitted where the driveway serves no more than five (5) lots (the lots served by the easement shall be identified on all plans and plats). *Final plats* must contain a note conveying maintenance responsibility of the *easement* to the homeowners’ utilizing it to access their property. The note shall state *easement(s)* must be maintained to allow clear passage for emergency response vehicles. Private *driveway easements* are not allowed in major subdivisions

unless 2/3 of lot owners (1 vote per lot owner(s), not one vote per lot) approves the request.

Where private driveway easements are used, the surveyor or engineer shall place prominently on the plat clarification that a private driveway easement is being created.

- E. Alley. An alley shall be permitted where the residential *lot* is also accessible by another public or private road and the alley serves as primary access for the future homeowner and for utility services (i.e. trash collection). Visitors to the residential *lot* will use the principal access road to the property.

Table 3.3. Subdivision Private Road Standards						
Requirements		Private Road Classification				
		Subdivision Collector	Subdivision Local	Limited Local	Private Driveway Easement	Alley
Number of Residential <i>Lots</i> Served		50+	11 to 49	1-10	1-5	1-49
<i>Right-of-Way</i> Width (ft.)	<i>Roads</i> (feet)	50	45	30	-	20
	Cul-de-sac (radius)	-	50	50	-	-
Easement Width (ft.)		-	-	-	30	-
Sight Distance on Vertical Curves (ft.)		150	110	110	-	-
Center Line <i>Curve Radius</i> (ft.) – See section F. below		90	90	90	-	-
Maximum Grade %	Stone Only	-	15	15	-	-
	Paved Surface	16	18	18	-	-
Minimum <i>Travelway</i> Width (ft.) (two-way road)		18	16	16	-	12
Minimum <i>Travelway</i> Width (ft.) (one-way road)		12	12	12	-	12
Shoulder Width (each side, two-way road) (ft.)		6	4	2	-	-
Shoulder Width (each side, one-way road) (ft.)		2	2	2	-	-
Stone Base ( <i>ABC</i> ) Compacted (in.)		8	6	6	-	-
Asphalt		(1½ of <i>S-9.5B</i> or <i>BST</i> )				
Cut and Fill Slope		2:1	1.5:1	1.5:1	-	-
Ditch Slope		4:1	3:1	3:1	-	-
<i>Vertical Clearance</i> (ft.)		13.5	13.5	13.5	13.5	13.5

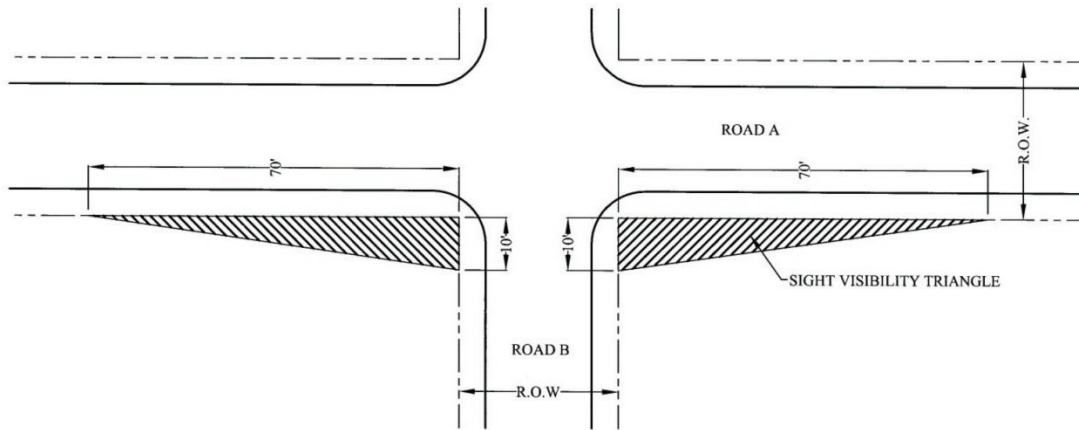
- F. Center Line Curve Radius. The pavement width and stone base indicated in Table 3.3 shall be increased within the curve where the road centerline is less than a 90-foot radius. If the radius is 70 to 90 feet, increase pavement and stone base width by 25 percent. If the radius is 60 to 70 feet, increase the pavement and stone base width by 35 percent. If the radius is 50 to 60 feet, increase the pavement and stone base width by 45 percent. If the radius is 40 to 50 feet, increase the pavement and stone base width by 50 percent. No turn radius shall be less than 40 feet.

**§157-37. Additional Road Design Standards Applicable to all Road Classifications.**

- A. Intersections. Acceptable angles of intersection are:
1. 90 to 75 degrees (preferred)

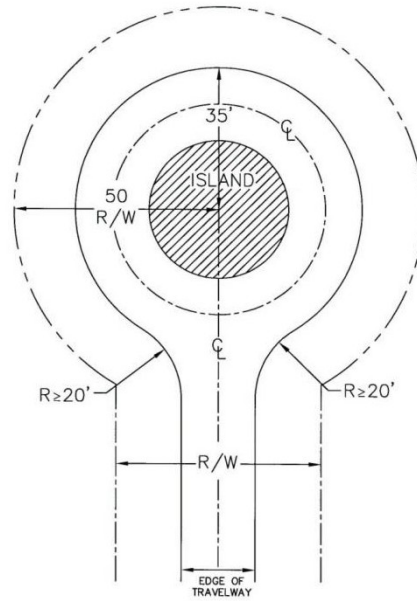
2. 75 to 60 degrees (acceptable under extreme conditions as determined by the reviewing agency).
- B. Adequate Sight Distances. Adequate sight distances (see Figure 3B. Sight Visibility Triangle) along a proposed *road* shall be provided by:
1. Choosing a good location for the *right-of-way* and clearing *sight visibility triangles* when constructing the *road* (the minimum sight distance is 70 feet along the “existing” *road right-of-way* and ten (10) feet along the “new” *road right-of-way*).
  2. Providing an adequate place for *vehicles* to stop before entering the *road*.
  3. Providing an apron design at proposed intersections to permit a *vehicle* to enter when another *vehicle* is waiting to turn.

**Figure 3B. Sight Visibility Triangle**  
Not to Scale



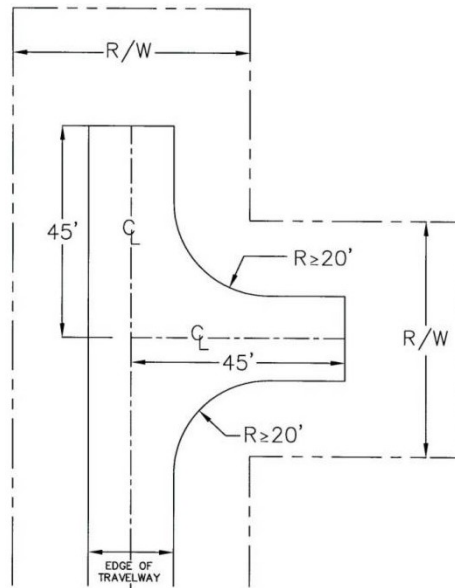
- C. Gates. *Entry gates* shall be constructed and maintained as required by and in accordance with SR 3.7 (Gates and/or Guardhouses).
- D. Dead Ends, Cul-de-sacs and Turnarounds. *Vehicle* turnaround areas shall be provided at the end of all dead-end *roads* (excluding private driveway *easements*) that exceed 300 feet. Loop *roads* should be encouraged where possible in lieu of cul-de-sac or turnarounds. The reviewing agency may also require installation of turnarounds at:
1. Intermediate locations along dead end *roads* with a centerline length of greater than 2,500 feet.
  2. The end of a *phase* of a project.
  3. An intermediate location along any *road* that exceeds 1,500 feet in length.

Acceptable alternative turnaround designs for residential *subdivisions* are shown in Figures 3C, 3D, and 3E. Turnaround areas of a dead-end *road* cul-de-sac shall have a radius of not less than 35 feet. Designs shown below are examples only, and alternative designs may be approved.



**Figure 3C. Alternative Turnaround Design – Island**  
Not to Scale

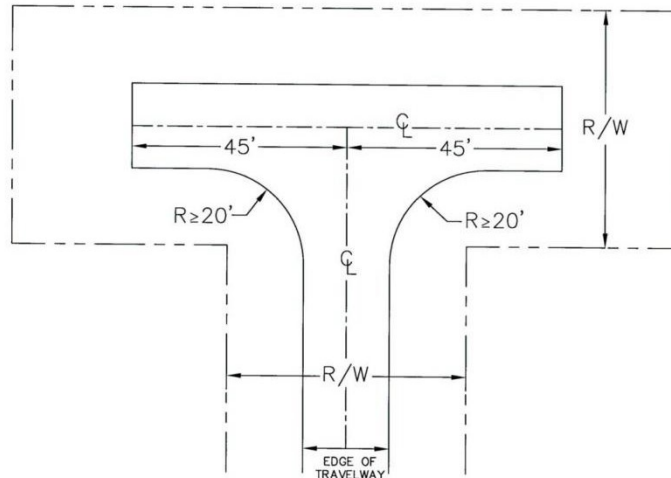
**Figure 3D. Alternative Turnaround Design – Branch Turnaround**  
Not to Scale





**Figure 3E. Alternative Turnaround Design – T Turnaround**

Not to Scale



F. Bridges. Bridges shall:

- (1) Be engineered to a minimum weight capacity of 50,000 pounds (For purposes of emergency management *vehicle* access) and documentation shall be provided to indicate such (the 50,000 pound weight capacity requirement shall not apply to *driveways*);
- (2) Adhere to *State Road Standards* for drainage, hydraulics and minimum live load;
- (3) Adhere to standards for *vertical clearance* for roads (See Table 3.3);
- (4) Provide a *travelway* width not less than the *travelway* width of the *road* on either side of the bridge, and in no case less than 12 feet in width;
- (5) Include a paved or gravel turnout on each end of the bridge to provide space for at least one (1) vehicle to safely pull over and allow an oncoming vehicle to traverse the bridge where the *travelway* width is less than 18 feet and is proposed to accommodate two-way traffic; and
- (6) Provide adequate line-of-sight distances for safe operation of two-way traffic.

**§157-38. Private Road Standard Reductions**

- A. Right-of-way Width Reduction. Right-of-way width requirements may be reduced to 30 feet in width where no more than five (5) lots are proposed and it is unlikely (due to design, topographic conditions or existing development) that any road contained therein would be extended to serve more than five (5) lots.

- B. Centerline Curve Radius Reductions. Centerline curve radius reductions may be reduced to:
- (1) 80 feet where the existing cross slope on *private subdivision collector roads* is 15 percent or greater, or
  - (2) 60 feet where the existing cross slope on *private subdivision limited local residential subdivision roads* or *private subdivision local residential subdivision roads* is 15 percent or greater.
- C. Shoulder Width Reduction. Shoulder width shall be reduced for:
- (1) *Private subdivision local roads* and *private subdivision collector roads* to a minimum of two (2) feet in cases where the existing cross slope is 20 percent or greater; and
  - (2) *Private subdivision collector roads* to a minimum of four (4) feet in cases where the existing cross slope is greater than ten (10) but less than 20 percent or greater.
- D. Cut and Fill Slopes. Cut and fill slopes shall be reduced to 1:1 where the existing cross slope is 20 percent or greater. Additional erosion control measures are required in areas where cut and fill slopes utilize this reduction. Enforced by the Erosion Control Administrator.

**§157-39. Reserved**

**§157-40. Reserved**

**§157-41. Reserved**

### **Subpart E. Subdivision Improvement Guarantees**

**§157-42. General**

Where the required improvements have not been completed, prior to the submission of the *final plat* for approval, the approval of said *plat* shall be subject to the *applicant* guaranteeing the installation of the improvements within thirty (30) months provided the following:

- A. A minimum of twenty-five (25) percent of the required on-site improvements (based on total project cost that the applicant is guaranteeing) is in place. The required improvements shall include rough grading for all proposed roads that are part of said *improvement guarantee*.
- B. All required Federal, State and Local permits for the development must be issued with copies provided to the Subdivision Administrator (includes any required U.S. Army Corps of Engineers permits, NCDENR permits, water supply and distribution system permits, wastewater collection and treatment system permits, approvals for the extension of electrical power service and other necessary utilities, and all applicable Federal and State permits).
- C. All associated design plans and construction specifications for the required improvements (i.e. roads, bridges, water and sewer infrastructure, stormwater infrastructure, pedestrian

infrastructure, etc.) including the design engineer's release of such approved plans are submitted to the *Subdivision Administrator*.

**§157-43. Cost Estimate Standards**

Plans, specifications, quantities, unit costs and estimated total costs shall be provided by the *applicant* to the *Subdivision Administrator*. Cost estimates shall:

- A. Be prepared by a professional engineer licensed in N.C., or certified by a professional land surveyor or landscape architect who is routinely engaged in cost estimates and licensed in N.C., at the *applicant's* expense. Water and sewer system infrastructure improvements shall be prepared by a professional engineer licensed in N.C. at the *applicant's* expense.
- B. Provide a schedule for initiation and completion of work.
- C. Include separate estimates for roads, bridges, water and sewer infrastructure, stormwater infrastructure, pedestrian infrastructure, utilities (including electrical power, natural gas and communication lines), etc. consistent with the approved design plans construction specifications.
- D. Include separate estimates for any off-site infrastructure improvements such as roadways, stormwater system, water system, sanitary sewer system, etc are required to be included in the improvement guarantee.
- E. Include all Federal and/or State mitigation fees due but not paid at the time of the execution of the improvement guarantee. Proof of payment for remediation fees shall be provided to the Subdivision Administrator.
- F. Include all professional engineering and land surveying fees associated with the bidding and award, construction contract administration and engineering certifications associated with the development of the infrastructure for the proposed development.

**§157-44. Improvement Guarantee Instrument**

- A. Amount of Guarantee. The improvement guarantee shall be in the amount of one hundred twenty-five (125) percent of the cost to complete the work as determined by cost estimates.
- B. Guarantee. The applicant shall guarantee the installation of such improvements in an amount equal to the improvement guarantee cost to complete the work as determined by cost estimates amount by either of the methods described below.
  - 1. Filing a performance or surety *bond* or an irrevocable standby letter of credit.
  - 2. Depositing a certified check or cash.
- C. Release of Funds. Portions of the improvement guarantee may be released as work progresses, provided the following:
  - 1. The applicant submits a new cost estimate as described in §157-45 (Amount of Guarantee) detailing the work that has been completed and the work that is remaining. The amount remaining under the improvement guarantee shall meet or exceed the cost of the remaining improvements.

2. Funds shall not be released if the property is in violation of any laws until the violations are remedied to the satisfaction of the charging party.
3. A total of not more than four (4) requests for release of funds shall be allowed. The first request for release is eligible when twenty-five (25) percent of the work is completed. The second and third request for release is eligible when fifty (50) percent and seventy-five (75) percent of the work is completed. The fourth and final release is eligible upon completion of all required improvements listed in the improvement guarantee. The release of funds must include a professional Engineer's statement certifying that the work has been satisfactorily completed.

**§157-45. Amount and Terms of Guarantee; Time Limits**

- A. Approval. All guarantees shall be accompanied by a written agreement (performance agreement) specifying the terms and the amount of the guarantee. The *Planning Director* shall have the authority to approve all improvement guarantee applications taking into consideration the amount and terms of the guarantees for improvements (including time of initiation and completion of the work).
- B. Temporary Access and Construction Easement. The applicant shall provide temporary access and permanent construction easements for all infrastructure improvements.
- C. Amount and Terms. The amount of the guarantee shall be sufficient to provide adequate funds to the County to ensure, in the case of default, the installation of all required improvements uncompleted at the time of default. All *improvement guarantees* shall comply with applicable statutory requirements and shall be satisfactory to the County Attorney or Staff Attorney as to form, sufficiency and manner of execution. Guarantees employing lending institutions shall require that those banking corporations be licensed to do business in North Carolina and be from a national association or FDIC registered group.

The following terms shall be stated in the performance agreement:

- (1) The applicant shall be provided 15 days to identify a new security provider or prove alternate security where the security provider is in default, bankruptcy, or otherwise determined to be insolvent by the County after which time the County may redeem the improvement guarantee.
  - (2) The applicant shall provide the County with specific benchmarks for completion of work and, as a term of the agreement, should the applicant fail to meet the self-imposed benchmarks the County may redeem the improvement guarantee.
  - (3) If in violation of any other provision of this Chapter 157, Alexander County Subdivision Ordinance, where the applicant has been notified of the violation, and the applicant has been provided the period for remediation authorized by the approving agency, and where applicant is in continued violation, the County may consider this to be a breach of the agreement and call the improvement guarantee to prevent further violation of Chapter 157, Subdivision Ordinance.
- D. Time Limits. The *improvement guarantee* is valid for a period of eighteen (18) months from the date of execution.

- E. Extensions. The *Planning Director*, upon proof of difficulty, may grant an extension for a maximum of one (1) additional year. Improvements not completed within thirty (30) months shall be in breach with the requirements of this section and the *improvement guarantee* and any and all monies and accrued interest shall be forfeited by the *applicant*.
- F. Second Improvement Guarantee. If the *Planning Director* has found that the *applicant* has made a good faith effort in completing the required improvements within the thirty (30) months the County may allow the *applicant* to execute a second *improvement guarantee*. Said agreement must be in the form of cash on deposit equal to the cost as described in §157-45 (Amount of Guarantee) of the remaining improvements. The County shall assess an administrative fee equal to ten (10) percent of the new *improvement guarantee* monies.

**§157-46. Violations and Penalties**

If an *applicant* of a *subdivision* is in *violation* of any County regulations (including Soil Sedimentation and Erosion Control Permits) the County will not release the *improvement guarantee* prior to the expiration date unless the violations are corrected.

The County may charge for the cost for construction and project administration for any *improvement guarantee* that is executed.

**§157-47. Reserved**

**§157-48. Reserved**

**§157-49. Reserved**

**§157-50. Reserved**

**Subpart F. Application, Enforcement and Legal Status Provisions**

**§157-51. Designation of Agent**

The *applicant* for any *subdivision* review or approval procedure may submit, along with any initial application, an affidavit specifying an agent who may represent the *owner* in all matters.

**§157-52. Approval Prerequisite to Plat Recordation**

Pursuant to *NCGS* §160D-801, and except where otherwise provided in this Chapter, no *final plat* of a *subdivision* within the jurisdiction of this Chapter shall be recorded by the Register of Deeds of Alexander County until it has been approved by the *Subdivision Administrator*, Technical Review Committee, or Planning Board as provided herein. The Register of Deeds shall not file or record a *plat* of the *subdivision* of land, any part of which is located within the jurisdiction of this Chapter that has not been approved in accordance with these provisions. In addition to meeting the requirements of this Chapter, *subdivisions* proposed within designated *water supply watershed* areas shall be subject to the provisions of the *Water Supply Watershed Protection* requirements of this Chapter, and the *Water Quality Administrator* or his designee shall certify on such *plats* that the *subdivision* complies with the provisions of the *Water Supply Watershed Protection* requirements of this Chapter.

**§157-53. Certification of Exemptions**

Any *plat* of property exempted from the regulations of this Chapter shall be certified by the *Subdivision Administrator* or a professional land surveyor as exempt, prior to such *plat* being recorded. Such *plat* is not exempt from the other requirements set forth in this Chapter or any other local ordinances. Pursuant to *NCGS* §47-30 (f) 11 (Duty of the Surveyor), a professional land surveyor may certify that such a *plat* represents an exception to the definition of *subdivision* and is not subject to the provisions of this Article III (Subdivision Regulations). Such *plat* may be recorded without being certified by the *Subdivision Administrator*. Any exemption from the regulations of this Chapter shall not be deemed an exemption from any other applicable ordinance. Any court-ordered *subdivision* should comply, to the maximum extent possible, with the provisions of this Chapter.

**§157-54. Plat Approval Required for Building Permit**

No building permit may be issued for any construction on any proposed *lot* shown on a development plan until a *final plat* has been approved and recorded, except that a building permit may be issued for one (1) *structure* on one (1) *lot* shown on any approved development plan prior to recordation of a *final plat*. The Building Inspections Department shall deny building permits for *subdivision lots* created in *violation* with the terms and conditions of this Chapter.

**§157-55. Land Auctions**

Where application for *major* or *minor subdivisions* is made with the intent that such divided property will be sold at land auction, the *final plat* shall clearly state the following: "The property herein is to be sold by auction. Any further *subdivisions* must meet applicable standards set forth in the Alexander County Land Development Code." In addition, restrictive covenants regarding *road* maintenance for any dedicated *rights-of-way* must be approved in advance by the appropriate reviewing agency and recorded prior to such auction.

**§157-56. Limitation on Applications Pending**

Only one (1) application for a *subdivision* may be reviewed by any reviewing agency at any one (1) time on any of the original property boundaries. An application is only valid for up to one (1) year after its submission to the Planning Department. Applications submitted over one (1) year prior must be updated and resubmitted.

**§157-57. Violations and Penalties**

If an *applicant* of a *phased minor* is in *violation* of any regulation in Article III (Subdivision Regulations) for the first *phase* of the *subdivision* then the *applicant* will not be allowed to continue developing future *phases* of the *subdivision* and any County issued permits may be revoked or suspended by the County. Upon verification by Alexander County Planning Staff that the *subdivision* no longer violates the provisions of Article III (Subdivision Regulations), *subdivision* approval and any suspended permits will become valid. The *applicant* may reapply pursuant to applicable provisions of the Land Development Code to have any revoked permits reinstated.

**§157-58. Reserved**

**§157-59. Reserved**

**§157-60. Reserved**

**§157-61. Reserved**

**§157-62. Reserved**

## Article II

### DECISION-MAKING, ADMINISTRATIVE AND ADVISORY BODIES

#### §157-63. Alexander County Board of Commissioners

- A. Powers and Duties Pursuant to This Chapter. Without limiting any authority granted to the Alexander County Board of Commissioners by law or by regulations, The Board of Commissioners shall have the following powers and duties with respect to this Chapter, to be carried out in accordance with the terms of this Chapter:
- (1) Land Use Plans. To adopt a *Comprehensive Plan* and other land use plans for the County and to amend such plans as appropriate.
  - (2) Administrative Amendments. To initiate *administrative amendments* to the *Comprehensive Plan* by submittal to the *Planning Director*; and to adopt *administrative amendments* proposed by any individual or agency as appropriate.
  - (3) Substantive Amendments. To initiate *substantive amendments* to the *Comprehensive Plan*; and to adopt *substantive amendments* proposed by any individual or agency as appropriate and following review by the Planning Board.
  - (4) Text Amendments. To initiate *text amendments* to this Chapter by adopted motion and submittal to the *Planning Director*; and to adopt any *text amendment* proposed by any individual or agency as appropriate.
  - (5) Map Amendments. To initiate *map amendments* to the Official Zoning Map by adoption of a motion; and to adopt any *map amendment* proposed by any individual or agency as appropriate.
  - (6) Plan Review. To approve, approve conditionally or deny any plan for a *subdivision* for which it is the reviewing agency and any plan referred to it by another reviewing agency.
  - (7) Water Supply Watershed Regulation Text and Map Amendments. To initiate *text amendments* related to the *water supply watershed* regulations of this Chapter; to initiate *map amendments* related to the *water supply watershed* on the Official Zoning Map; and to adopt any text or *map amendment* related to the *water supply watershed* as appropriate.
  - (8) Special Fill Permits. To grant *special fill permits* as authorized by this Chapter.
  - (9) Fees. To establish fees for permits and approvals related to the administration of this Chapter.
  - (10) Additional Powers and Duties. Such additional powers and duties as may be set forth for the Board of Commissioners elsewhere in this Chapter and in other laws and regulations.

#### §157-64. Alexander County Planning Board

- A. Powers and Duties Pursuant to This Chapter. Without limiting any authority granted to the Alexander County Planning Board by law or by regulations, the Planning Board shall



have the following powers and duties with respect to this Chapter, to be carried out in accordance with the terms of this Chapter:

- (1) Studies and Surveys. To perform studies and surveys of the present conditions and probable future development of the County and its environs.
  - (2) Administrative Amendments. To initiate *administrative amendments* to the *Comprehensive Plan* by adopted motion and submittal to the *Planning Director*.
  - (3) Substantive Amendments. To initiate and review *substantive amendments* to the *Comprehensive Plan* and make recommendations to the Board of Commissioners for final action thereon.
  - (4) Text Amendments. To initiate *text amendments* to this Chapter by adopted motion and submittal to the *Planning Director*; and to review any proposed *text amendment* and make recommendations to the Board of Commissioners for final action thereon.
  - (5) Map Amendments. To initiate *map amendments* to the Official Zoning Map by adopted motion; and to review any proposed *map amendment* and make recommendations to the Board of Commissioners for final action thereon.
  - (6) Plan Review. To approve, approve conditionally or deny any plan for a *subdivision* for which it is the reviewing agency and any plan referred to it by another reviewing agency.
  - (7) Special Fill Permits. To review *special fill permit* applications and make recommendations to the Flood Damage Prevention Board for final action thereon.
  - (8) Additional Powers and Duties. Such additional powers and duties as may be set forth for the Planning Board elsewhere in this Chapter and in other laws and regulations.
- B. Membership. Five (5) members appointed by the Board of Commissioners, and two (2) members appointed by the Taylorsville Town Council.
- C. Terms. Overlapping terms of three (3) years.
- D. Vacancies. Any vacancy shall be filled for the unexpired term in the same manner as the initial appointment.
- E. Officers. The Planning Board shall elect a Chair, Vice-Chair, and Secretary from its members, who shall serve for one (1) year or until reelected or until their successors are elected.
- F. Rules. The Planning Board shall adopt rules and bylaws in accordance with the provisions of this Chapter, NCGS §160D-301 and the *Alexander County Planning Board Rules of Procedure*.
- G. Meetings. Meetings of the Planning Board shall be held at the call of the Chair (or in his/her absence, the Vice-Chair), or the *Planning Director* and at such other times as the Planning Board may determine. The Chair (or in his/her absence, the Vice-Chair) may administer oaths and compel the attendance of witnesses by subpoena. All meetings or hearings of the Planning Board shall be open to the public.

H. Records. The Planning Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact.

**§157-65. Alexander County Zoning Board of Adjustment**

A. Powers and Duties Pursuant to This Chapter. Without limiting any authority granted to the Zoning Board of Adjustment by law or by regulations, the Zoning Board of Adjustment shall have the following powers and duties with respect to this Chapter, to be carried out in accordance with the terms of this Chapter:

- (1) Text Amendments. To initiate *text amendments* to this Chapter by adopted motion and submittal to the *Planning Director*.
- (2) Map Amendments. To initiate *map amendments* to the Official Zoning Map by adopted motion.
- (3) Flood Damage Prevention Board. To serve as the Flood Damage Prevention Board.
- (4) Water Quality Board. To serve as the Water Quality Board.
- (5) Administrative Review. To hear and decide *appeals* where it is alleged there is error in an order, requirement, decision, *determination* or interpretation made by an Administrator in the enforcement of this Chapter.
- (6) Communication Facility Permits. To review and approve the granting of a *communication facility permit* by the *Communication Facilities Administrator* for any *category three (3) communication facility*;
- (7) *Special Use Permits*. To grant *Special Use Permits* as authorized by this Chapter;
- (8) Temporary Use Permits. To grant *temporary use* permits referred by the *Zoning Administrator* and as authorized by this Chapter.
- (9) Variances. To hear and decide applications for approval of zoning variances from the terms of this Chapter, in accordance with the procedures and standards set forth in §154 (Variances).
- (10) Vested Rights. To grant vested rights as authorized by this Chapter.
- (11) Additional Powers and Duties. Such additional powers and duties as may be set forth for the Zoning Board of Adjustment elsewhere in this Article and in other laws and regulations.

B. Membership. Five (5) members appointed by the Board of Commissioners, and two (2) members appointed by the Taylorsville Town Council. Members shall be citizens of Alexander County and shall serve without pay. Alternative members may serve on individual matters based on a regular member's temporary disqualification. Vacant seats and disqualified members are not considered in calculating a 4/5 vote or majority vote if there are no qualified alternates.

C. Terms. Overlapping terms of three (3) years.

D. Vacancies. Any vacancy shall be filled for the unexpired term in the same manner as the initial appointment.

- E. Officers. The Zoning Board of Adjustment shall elect a Chair and Vice-Chair from its members, who shall serve for one (1) year or until reelected or until their successors are elected. The Zoning Board of Adjustment shall appoint a secretary, who may be a County officer, an employee of the County or a member of the Zoning Board of Adjustment.
- F. Rules. The Zoning Board of Adjustment shall adopt rules and bylaws in accordance with the provisions of this Chapter, *NCGS* §160D-302 and the *Zoning Board of Adjustment Rules of Procedure*.
- G. Meetings. Meetings of the Zoning Board of Adjustment shall be held at the call of the Chair (or in his/her absence, the Vice-Chair) and at such other times as the Zoning Board of Adjustment may determine. The Chair (or in his/her absence, the Vice-Chair) may administer oaths and compel the attendance of witnesses by subpoena. All meetings or hearings of the Zoning Board of Adjustment shall be open to the public.
- H. Decisions. The concurring vote of at least four of the five members (or four-fifths (4/5)) of the panel of the Zoning Board of Adjustment (ZBA) hearing the matter shall be necessary to grant a variance. A majority of the panel of ZBA shall be required to decide any other quasi-judicial matter which it is required to pass under this Chapter. On all *appeals*, applications and other matters brought before the ZBA, said Board shall inform those making *appeal* or application of its decisions and the reasons therefore. Such notification shall be in writing.
- I. Records. The Zoning Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact. Final disposition of *appeals* shall be by order indicating the reasons of the Zoning Board of Adjustment therefore, all of which shall be a public record.

**§157-66. Alexander County Water Quality Board**

- A. Powers and Duties Pursuant to This Chapter. Without limiting any authority granted to the Water Quality Board by law or by regulations, the Water Quality Board shall have the following powers and duties with respect to this Chapter, to be carried out in accordance with the terms of this Chapter:
  - (1) Text Amendments. To initiate *text amendments* to this Chapter by adopted motion and submittal to the *Planning Director*.
  - (2) Map Amendments. To initiate *map amendments* to the Official Zoning Map by adopted motion.
  - (3) Watershed Map Review. To interpret the official *watershed* maps and pass decisions upon disputed questions of *lot* lines or district boundary lines.
  - (4) Administrative Review. To hear and decide *appeals* from any decision or *determination* made by the *Water Quality Administrator* in the enforcement of any sections of this Chapter which relate to *water supply watershed* protection and *stormwater* management.
  - (5) Water Supply Watershed Use Permits. To grant *water supply watershed use* permits as authorized by this Chapter.

- (6) Watershed Protection Compliance Permits. To grant *watershed* protection compliance permits as authorized by this Chapter.
  - (7) Watershed High-Density Development Permits. To grant *watershed* high-density development permits as authorized by this Chapter.
  - (8) Variances. To grant, in specific cases, *Watershed Local Variances* from the terms of this Chapter which relate to *water supply watershed* protection.
  - (9) Additional Powers and Duties. Such additional powers and duties as may be set forth for the Water Quality Board elsewhere in this Chapter and in other laws and regulations.
- B. Membership. The Zoning Board of Adjustment shall serve as the Water Quality Board.
  - C. Rules. The Water Quality Board shall carry out all powers and duties stated in the rules of procedure adopted by the Board of Commissioners for the Water Quality Board. Any changes (other than to the meeting time and place) to such rules of procedure must be approved by the Board of Commissioners.
  - D. Meetings. All meetings or hearings of the Water Quality Board shall be open to the public.
  - E. Decisions. The concurring vote of the majority of the members of the Water Quality Board shall be necessary to reverse any order, requirement or decision of the *Water Quality Administrator*. The same majority vote shall be necessary to decide in favor of the *applicant* on any matter upon which the Water Quality Board is required to pass under any sections of this Chapter which relate to *water supply watershed* protection or to affect any variation of those sections of this Chapter which relate to *water supply watershed* protection. On all *appeals*, applications and other matters brought before the Water Quality Board, said board shall inform in writing all parties involved of its decisions and the reasons therefore.
  - F. Records. The Water Quality Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact. Final disposition of *appeals* shall be by recorded order indicating the reasons of the Water Quality Board therefore, all of which shall be public record.

**§157-67. Alexander County Flood Damage Prevention Board**

- A. Powers and Duties Pursuant to This Chapter. Without limiting any authority granted to the Flood Damage Prevention Board by law or by regulations, the Flood Damage Prevention Board shall have the following powers and duties with respect to this Chapter, to be carried out in accordance with the terms of this Chapter:
  - (1) Administrative Review. To hear and decide *appeals* from any decision or *determination* made by the *Floodplain Administrator* in the enforcement of any sections of this Chapter which relate to flood damage prevention.
  - (2) Text Amendments. To initiate *text amendments* to this Chapter by adopted motion and submittal to the *Planning Director*.
  - (3) Map Amendments. To initiate *map amendments* to the Official Zoning Map by adopted motion.

- (4) Variances. To grant, in specific cases, *variances* from the terms of any sections of this Chapter which relate to flood damage prevention.
  - (5) Additional Powers and Duties. Such additional powers and duties as may be set forth for the Flood Damage Prevention Board elsewhere in this Chapter and in other laws and regulations.
- B. Membership. Zoning Board of Adjustment shall serve as the Flood Damage Prevention Board.
  - C. Rules. The Flood Damage Prevention Board shall carry out all powers and duties stated in the rules of procedure adopted by the Board of Commissioners for the Flood Damage Prevention Board. Any changes other than to the meeting time and place to such rules of procedure must be approved by the Board of Commissioners.
  - D. Meetings. All meetings or hearings of the Flood Damage Prevention Board shall be open to the public.
  - E. Decisions. The concurring vote of the majority of the members of the Flood Damage Prevention Board shall be necessary to reverse any order, requirement or decision of the *Floodplain Administrator*. The same majority vote shall be necessary to decide in favor of the *applicant* on any matter upon which the Flood Damage Prevention Board is required to pass under any sections of this Chapter which relate to flood damage prevention or to affect any variation of any sections of this Chapter which relate to flood damage prevention. On all *appeals*, applications and other matters brought before the Flood Damage Prevention Board, said board shall inform in writing all parties involved of its decisions and the reasons therefore.
  - F. Records. The Flood Damage Prevention Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact. Final disposition of *appeals* shall be by order indicating the reasons of the Flood Damage Prevention Board therefore, all of which shall be public record.

**§157-68. Alexander County Technical Review Committee**

- A. Established. A Technical Review Committee is hereby established pursuant to *NCGS* §160D-961.
- B. Powers and Duties Pursuant to This Chapter. Without limiting any authority granted to the Technical Review Committee by law or by regulations, the Technical Review Committee shall have the following powers and duties with respect to this Chapter, to be carried out in accordance with the terms of this Chapter:
  - (1) Manufactured Home Park Site Plan Review. To approve, approve conditionally or deny all *manufactured home park site plans*.
  - (2) Site Plan Review. To approve, approve conditionally or deny all major *site plans*.
  - (3) Commercial Compliance Review. To approve, approve conditionally, or deny applications for new commercial uses depending on the technical aspects of this Chapter and all other regulatory requirements.
  - (4) Plan Review. To approve, approve conditionally or deny any plan for a *subdivision* for which it is the reviewing agency; and to review and make

recommendations to the Planning Board on any plan for a *subdivision* for which the Planning Board is the reviewing agency. The Technical Review Committee shall reserve the right to refer any *subdivision* to the Planning Board for approval.

- (5) Text Amendments. To review *text amendments* to this Chapter and make recommendations to the Planning Board for recommendation thereon.
  - (6) Map Amendments. To review *map amendments* to the Official Zoning Map and to make recommendations to the Planning Board for recommendation thereon.
  - (7) Technical Review. To provide for a continuing, coordinated and comprehensive review of the technical aspects of this Chapter.
  - (8) *Special Use Permits*. To review *Special Use Permit* applications and make recommendations to the Zoning Board of Adjustment for final action thereon.
  - (9) Additional Powers and Duties. Such additional powers and duties as may be set forth for the Alexander County Technical Review Committee elsewhere in this Chapter and in other laws and regulations.
- C. Membership. The Technical Review Committee may consist of up to seven (7) regular members. Department heads, or their designated representative(s), from the following County offices shall be appointed as regular members of the Technical Review Committee: Building Inspections, Environmental Health, Fire Marshal, Planning, Public Utilities, EMS Director, and Zoning. The Board of Commissioners may choose to appoint an ex officio member to the Technical Review Committee as a citizen representative. The Technical Review Committee also may request, at the discretion of the Chair, participation from the following department heads and staff, or their designated representatives: County Attorney, Soil Erosion and Sedimentation Control/*Stormwater*, Alexander County School Superintendent, *NCDOT* Representative, Parks and Recreation Director, Sheriff, Soil and Water Conservationist, Utilities Provider Representative, and/or other department heads/staff/representatives.
- D. Officers. The *Planning Director* shall chair the Technical Review Committee. The Chair shall be in charge of all proceedings before the *TRC* and shall take such action as shall be necessary to procure order and the integrity of these proceedings.
- E. Rules. The Technical Review Committee shall adopt rules and regulations governing procedure, as necessary or advisable, and in accordance with the provisions of this Chapter and of *NCGS* §160D-961.
- F. Decisions. The Technical Review Committee may approve, approve conditionally or deny any application in accordance with this Chapter. On all applications brought before the Technical Review Committee, said Committee shall inform those making application of its decisions and recommendations and the reasons therefore. Such notification shall be in writing.
- G. Records. The Technical Review Committee shall keep record of its proceedings including written comments issued to *applicants* by permanent and advisory members.

**§157-69. Alexander County Zoning Administrator**

- A. Powers and Duties Pursuant to This Chapter. The *Zoning Administrator* shall have the following duties with respect to this Chapter, to be carried out in accordance with the terms of this Chapter:
- (1) Interpretation. To interpret the terms and provisions of this Chapter.
  - (2) Enforcement. To enforce the provisions of this Chapter related to zoning regulations including properly investigating complaints from *persons* who allege that *violations* of this Chapter have occurred and initiating appropriate action as necessary to prevent, enjoin, abate or remove any *violations* found. The *Zoning Administrator*, or his/her duly authorized representative, may enter any *building, structure* or premises, as provided by law, to perform any duty imposed upon him/her by this Chapter.
  - (3) Staff Support. To provide staff support to the Zoning Board of Adjustment.
  - (4) Membership on the Technical Review Committee. To serve as a member of the Technical Review Committee.
  - (5) Communication Facilities Administrator. To serve as the *Communication Facilities Administrator*.
  - (6) Manufactured Home Park Administrator. To serve as the *Manufactured Home Park Administrator*.
  - (7) Site Plan Review. To approve, approve conditionally or deny all minor *site plans*;
  - (8) Text Amendments. To initiate *text amendments* to this Chapter by submittal to the *Planning Director*.
  - (9) Map Amendments. To initiate *map amendments* to the Official Zoning Map.
  - (10) Sign Permits. To grant *sign permits* as authorized by this Chapter.
  - (11) Temporary Use Permits. To grant *temporary use permits*, administer the provisions of this Chapter related to *temporary use permits* and, at the discretion of the *Zoning Administrator*, refer applications for *temporary use permits* to the Zoning Board of Adjustment for approval.
  - (12) Zoning Permits. To grant *zoning permits* as authorized by this Chapter.
  - (13) Zoning Compliance Inspections. To administer the provisions of this Chapter relating to *zoning compliance inspections*.
  - (14) Variances. To review *variance* requests and make recommendations to the Zoning Board of Adjustment for final action thereon.
  - (15) Accommodative Temporary Variances. To grant *accommodative temporary variances* as authorized by this Chapter.
  - (16) Statutory Vested Rights. To administer the provisions of this Chapter relating to Vested Rights for which he/she is the approving official.

- (17) Additional Powers and Duties. Such additional powers and duties as may be set forth for the *Zoning Administrator* elsewhere in this Chapter and in other laws and regulations.

**§157-70. Alexander County Communication Facilities Administrator**

- A. Powers and Duties Pursuant to This Chapter. The *Communication Facilities Administrator* shall have the following duties with respect to this Chapter, to be carried out in accordance with the terms of this Chapter:
- (1) Communication Facility Site Plan Review. To approve or deny all communication facility *site plans*.
  - (2) Communication Facility Permits. To grant *communication facility permits* as authorized by this Chapter.
  - (3) Additional Powers and Duties. Such additional powers and duties as may be set forth for the *Communication Facilities Administrator* elsewhere in this Chapter and in other laws and regulations.
- B. Appointment. The *Zoning Administrator* shall serve as the *Communication Facilities Administrator*.

**§157-71. Alexander County Floodplain Administrator**

- A. Powers and Duties Pursuant to This Chapter. The *Floodplain Administrator* shall have the following duties with respect to this Chapter, to be carried out in accordance with the terms of this Chapter:
- (1) Administer. To administer and implement the provisions of Article VIII (Natural Resources) Subpart A (Flood Damage Prevention).
  - (2) Interpretation. To interpret the terms and provisions of this Article VIII (Natural Resources) Subpart A (Flood Damage Prevention).
  - (3) Enforcement. To enforce the provisions of this Article VIII (Natural Resources) Subpart A (Flood Damage Prevention) including properly investigating complaints from *persons* who allege that *violations* of this Chapter have occurred and initiating appropriate action as necessary to prevent, enjoin, abate or remove any *violations* found. The *Floodplain Administrator*, or his/her duly authorized representative, may enter any *building, structure* or premises, as provided by law, to perform any duty imposed upon him/her by this Chapter.
  - (4) Staff Support. To provide staff support to the Flood Damage Prevention Board.
  - (5) Maintenance of Maps, LOMAs and Records.
    - a. Maintain a current map repository to include, but not limited to, the FIS Report, *FIRM* and/or other official flood maps/studies adopted in accordance with Article VIII (Natural Resources) Subpart A (Flood Damage Prevention), including any revisions thereto including Letters of Map Amendment (LOMA), issued by State and/or *FEMA*. Notify State and *FEMA* of mapping needs.



- b. Maintain, in the Floodplain Development Permit file, a copy of all Letters of Map Amendment (LOMAs) issued from *FEMA*.
  - c. Maintain, permanently, all records that pertain to the administration of Article VIII (Natural Resources) Subpart A (Flood Damage Prevention) and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- (6) Coordinate Revisions to FIS Reports and FIRMs. Coordinate revisions to FIS reports and *FIRMs*, including Letters of Map Revision on Fill (LOMR-F) and Letters of Map Revision (LOMR).
- (7) Alteration/Relocation of Watercourses.
  - a. Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a *watercourse*, and submit evidence of such notification to *FEMA*.
  - b. Assure that maintenance is provided within the altered or relocated portion of said *watercourse* so that the flood-carrying capacity is maintained.
- (8) Interpret Boundaries. Interpret, as needed, the exact location of boundaries of the *Special Flood Hazard Areas*, *floodways*, or *non-encroachment areas* (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The *person* contesting the location of the boundary shall be given a reasonable opportunity to *appeal* the interpretation as provided by §159.
- (9) Inspections of the Special Flood Hazard Area. Make periodic inspections throughout the *Special Flood Hazard Areas* within the jurisdiction of Alexander County. In exercising this power, the *Floodplain Administrator* (or his/her designee) has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of Alexander County at any reasonable hour for the purposes of inspection or other enforcement action.
- (10) Prevent Encroachments. Prevent *encroachments* within *floodways* and *non-encroachment areas* unless the certification and flood hazard reduction provisions of §159 are met.
- (11) Consider Effects of Proposed Artificial Obstructions. Consider the effects of a proposed artificial *obstruction* in a *floodplain* in creating danger to life and property, prior to the issuance of any permit, by: (1) water which may be backed up or diverted by such obstruction; (2) the danger that the obstruction will be swept downstream to the injury of others; and (3) the injury or damage to the site of the obstruction itself. For this purpose, the *Floodplain Administrator* may take into account anticipated development in the foreseeable future which may be adversely affected by the *obstruction*, as well as *existing development*.
- (12) Review Applications and Issue Permits. Review all floodplain development applications and issue permits (floodplain development and special

fill permits) for all proposed development within *Special Flood Hazard Areas* to assure that the requirements of Article VIII (Natural Resources) Subpart A (Flood Damage Prevention) have been satisfied.

- (13) Advise of Other Permits. Advise permittee that additional Federal or State permits (i.e., *Wetlands*, *Endangered Species*, *Riparian Buffers*, *Mining*, etc.) may be required, and if specific Federal or State permits are known, require that copies of such permits be provided and maintained on file with the Floodplain Development Permit (see §159).
- (14) Advise of LOMA Option. Advise the property *owner* of the option to apply for a Letter of Map Amendment (LOMA) from FEMA, when the *lowest floor* and the *lowest adjacent grade* of a *structure* or the lowest ground elevation of a *parcel* in the *Special Flood Hazard Area* are above the *Base Flood Elevation (BFE)*.
- (15) Obtain Actual Elevations. In accordance with the provisions of §159 obtain actual elevation (in relation to *mean sea level*):
  - a. Of the *reference level* (including *basement*) and all attendant utilities of all new or substantially improved *structures*;
  - b. To which all new and substantially improved *structures* and all utilities have been floodproofed; and
  - c. Of all new public utilities (also in accordance with the provisions §159).
- (16) Obtain Certifications. Obtain certifications from a registered professional engineer or architect in accordance with the provisions of §159 when *floodproofing* is utilized for a particular *structure*.
- (17) Obtain, Review and Utilize BFE Data. Obtain, review, and reasonably utilize any *Base Flood Elevation (BFE)* data, along with *floodway* data and/or *non-encroachment area* data available from a Federal, State, or other source, including data developed when *BFE* data have not been provided in accordance with §159, in order to administer the provisions of said chapter.
- (18) Obtain, Review and Utilize Floodway/Non-Encroachment Area Data. Obtain, review and reasonably utilize any *floodway* data, or *non-encroachment area* data available from a Federal, State, or other source, when *Base Flood Elevation (BFE)* data are provided but no *floodway* nor *non-encroachment area* data have been provided, in accordance with §159.
- (19) Inspection of Work In-Progress. Make on-site inspections of work in progress, or of any location for which a permit under this Subpart A has been either been applied or granted. As the work pursuant to a Floodplain Development Permit progresses, the *Floodplain Administrator* shall make as many inspections of the work as necessary to ensure that the work is being done according to provisions of Subpart A and the terms of the permit. In exercising this power, the *Floodplain Administrator* (or his/her designee) has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of Alexander

County at any reasonable hour for the purposes of inspection or other enforcement action.

- (20) Stop-Work Orders. Whenever a *structure* or part thereof is being constructed, reconstructed, altered, or repaired in *violation* of Chapter 159, the *Floodplain Administrator* may order the work to be immediately stopped. The *stop-work order* shall be in writing and directed to the *person* doing or in charge of the work. The *stop-work order* shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- (21) Revoke Floodplain Development Permits. The *Floodplain Administrator* may revoke and require the return of the Floodplain Development Permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any Floodplain Development Permit mistakenly issued in *violation* of an applicable State or local law may also be revoked.
- (22) Certificates of Compliance. Issue certificates of compliance for permitted projects once as-built certifications have been received and approved and once final inspections have been completed.
- (23) Variances. Review flood damage prevention variance requests and make recommendations to the Flood Damage Prevention Board for final action thereon and to report any flood damage prevention variances to *FEMA* and the State of North Carolina upon request.
- (24) Corrective Procedures. Follow through with corrective procedures of §159.
- (25) Require Statements, Certificates, and Certifications. Require written statements, certificates and certifications or the filing of reports under oath, with respect to pertinent questions relating to complaints or alleged *violations* of Chapter 159.
- (26) Records of Appeals. To maintain records of all *appeal* actions.
- (27) Additional Powers and Duties. Perform such additional powers and duties as may be set forth for the *Floodplain Administrator* elsewhere in this Chapter and in other laws and regulations.

#### **§157-72. Alexander County Manufactured Home Park Administrator**

A. Powers and Duties Pursuant to This Chapter. The *Manufactured Home Park Administrator* shall have the following duties with respect to this Chapter, to be carried out in accordance with the terms of this Chapter:

- (1) Interpretation. To interpret the terms and provisions of Chapter 154 related to *manufactured home parks*.

- (2) Enforcement. To enforce the provisions of this Chapter including properly investigating complaints from *persons* who allege that *violations* of this Chapter have occurred and initiating appropriate action as necessary to prevent, enjoin, abate or remove any *violations* found. The *Manufactured Home Park Administrator*, or his/her duly authorized representative, may enter any *building, structure* or premises, as provided by law, to perform any duty imposed upon him/her by this Chapter.
  - (3) Manufactured Home Park Site Plan Review. To review *manufactured home park site plans* and make recommendations to the Technical Review Committee for final action thereon;
  - (4) Manufactured Home Park Construction Permits. To grant *manufactured home park construction permits* as authorized by this Chapter.
  - (5) Manufactured Home Park Completion of Improvements Permits. To grant *manufactured home park completion of improvements permit* as authorized by this Chapter.
  - (6) Additional Powers and Duties. Such additional powers and duties as may be set forth for the *Manufactured Home Park Administrator* elsewhere in this Chapter and in other laws and regulations.
- B. Appointment. The *Zoning Administrator* shall serve as the *Manufactured Home Park Administrator*.

**§157-73. Alexander County Water Quality Administrator**

- A. Powers and Duties Pursuant to This Chapter. The *Water Quality Administrator* shall have the following duties with respect to Chapter 151, to be carried out in accordance with the terms of this Chapter:
- (1) Interpretation. To interpret the terms and provisions of Chapter 151 related to *water supply watershed* protection and *stormwater* management. Any *person* may request a *stormwater* management interpretation by submitting a written request to the *Water Quality Administrator*, who shall respond in writing within 30 days.
  - (2) Enforcement. To enforce the provisions of Chapter 151 related to *water supply watershed* protection and *stormwater* management regulations including properly investigating complaints from *persons* who allege that *violations* of this Chapter have occurred and initiating appropriate action as necessary to prevent, enjoin, abate or remove any *violations* found. The *Water Quality Administrator*, or his/her duly authorized representative, may enter any *building, structure* or premises, as provided by law, to perform any duty imposed upon him/her by this Chapter.
  - (3) Record of Written Interpretation. To keep on file a record of all written interpretations of provisions of Chapter 151 related to *stormwater* management.
  - (4) Staff Support. To provide staff support to the Water Quality Board.

- (5) Application Requirements. To establish requirements for the content and form of all applications; amend and update application requirements from time to time; establish schedules for submittal and review of applications and appeals; review and make recommendations to the Water Quality Board.
- (6) Submission Schedule. To establish a submission schedule with deadlines by which complete applications must be submitted for the purpose of ensuring there is adequate time to review applications, and that the various stages in the review process are accommodated.
- (7) Watershed Permits. To administer the provisions of this Chapter relating to *water supply watershed* and grant *water supply watershed use* permits, *watershed* protection compliance permits, and watershed high-density development permits.
- (8) Record of Watershed Permits. To keep a record of all permits on file and available for public inspection during regular office hours of the *Water Quality Administrator*.
- (9) Watershed Compliance Inspections. To administer the provisions of this Chapter relating to *watershed* compliance inspections.
- (10) Plan Review. To review and approve, approve with conditions, or disapprove applications for approval of plans pursuant to the *stormwater* management regulations of this Chapter.
- (11) Stormwater Management Inspections. To enter and inspect any land, *building, structure*, or premises to ensure compliance with the *stormwater* management regulations of this Chapter, upon presentation of proper credentials.
- (12) Amendments to Water Supply Watershed Protection Regulations. To provide copies of all amendments to the *water supply watershed* protection regulations of this Chapter (upon adoption) to the North Carolina Division of Environment and Natural Resources (NCDENR) Division of Water Quality (DWQ).
- (13) Record of Water Supply Watershed Protection Amendments. To keep records of all amendments pertaining to *water supply watershed* protection.
- (14) Variance. To administer the provisions of Chapter 151 relating to *Watershed Variances*.
- (15) Record of Variances. To keep a record of *variances* to the sections of this Chapter dealing with *water supply watershed* protection. This record shall be submitted for each calendar year to the NCDENR DWQ on or before January 1 of the following calendar year and shall provide a description of each project receiving a *variance* and the reasons for granting the *variance*.
- (16) Monitoring Land Use Activities. The *Water Quality Administrator* shall monitor land *use* activities within the *watershed* areas to identify situations that may pose a threat to water quality. Where such activities are found, the *Water Quality Administrator* shall take any appropriate action or proceeding to restrain, correct or abate the condition and/or *violation*.

- (17) Stormwater Management Administrative Manual. To compile the application requirements, submission, schedule, fee schedule, a copy of the regulations, and information on how and where to obtain the *Stormwater BMP Manual* in a Stormwater Management Administrative Manual, which shall be made available to the public and *persons* filing applications required under the *stormwater* management regulations of this Chapter.
- (18) Maintenance. To maintain records, maps, forms and other official materials as relate to the adoption, amendment, enforcement, and administration of the *stormwater* management regulations of this Chapter.
- (19) Additional Powers and Duties. Such additional powers and duties as may be set forth for the *Water Quality Administrator* elsewhere in this Chapter and in other laws and regulations.

**§157-74. Reserved**

**§157-75. Reserved**

**§157-76. Reserved**

**§157-77. Reserved**

**§157-78. Reserved**

**§157-79. Alexander County Planning Director**

A. Powers and Duties Pursuant to This Chapter. The *Planning Director* shall have the following duties with respect to this Chapter, to be carried out in accordance with the terms of this Chapter:

- (1) Administrative Amendments. To initiate *administrative amendments* to the *Comprehensive Plan* and draft any *administrative amendment* proposed by any individual or agency.
- (2) Substantive Amendments. To initiate *substantive amendments* to the *Comprehensive Plan*.
- (3) Text Amendments. To initiate *text amendments* to this Chapter.
- (4) Map Amendments. To initiate *map amendments* to the Official Zoning Map.
- (5) Statutory Vested Rights. To administer the provisions of this Chapter relating to Vested Rights for which he/she is the approving official.
- (6) Staff Support. To provide staff support, reports and recommendations to the Planning Board and to the Board of Commissioners on planning and land development issues.
- (7) Membership on the Technical Review Committee. To serve as a member and Chair of the Technical Review Committee.
- (8) Subdivision Administrator. To serve as the *Subdivision Administrator*.
- (9) Maintenance of Official Copies. To maintain the official copy of the land development code, *zoning map*, *watershed* map and other such records and

official materials as may relate to the adoption, amendment, enforcement or administration of this Chapter.

- (10) Additional Powers and Duties. Such additional powers and duties as may be set forth for the *Planning Director* elsewhere in this Chapter and in other laws and regulations.

#### **§157-80. Alexander County Subdivision Administrator**

A. Powers and Duties Pursuant to This Chapter. The *Subdivision Administrator* shall have the following duties with respect to this Chapter, to be carried out in accordance with the terms of this Chapter:

- (1) Subdivision Applications. To review and process *subdivision* applications; and to approve, approve conditionally or deny applications for *subdivisions* for which he/she is the approving official.
- (2) Enforcement. To enforce the provisions of this Chapter related to subdivision regulations including properly investigating complaints from *persons* who allege that *violations* of this Chapter have occurred and initiating appropriate action as necessary to prevent, enjoin, abate or remove any *violations* found. The *Subdivision Administrator*, or his/her duly authorized representative, may enter any premises, as provided by law, to perform any duty imposed upon him/her by this Chapter. The *Subdivision Administrator*, or his/her duly authorized representative, may enter any premises, as provided by law, to inspect any improvements made in relation to a *subdivision* application.
- (3) Site Plan Review. To review major *site plans* and make recommendations to the Technical Review Committee for final action thereon.
- (4) Plat Review. To review *plats* and make recommendations to the appropriate reviewing agency for final action thereon.
- (5) Additional Powers and Duties. Such additional powers and duties as may be set forth for the *Subdivision Administrator* elsewhere in this Chapter and in other laws and regulations.

B. Appointment. The *Planning Director* and or designees shall serve as the *Subdivision Administrator*.

#### **§157-81. Conflicts of Interest**

A. Alexander County Board of Commissioners. A Board of Commissioner member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Board of Commissioner member shall not vote on any zoning amendment if the landowner of the property subject to a *map amendment* petition or the applicant for a *text amendment* is a person with whom the member has a close familial, business, or other associated relationship.

- B. Appointed Boards. Members of appointed boards shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a *map amendment* or the applicant for a *text amendment* is a person with whom the member has a close familial, business, or other associational relationship.
- C. Administrative Staff. No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associated relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.
- D. Quasi-Judicial Decisions. A member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to a hearing the matter that is not susceptible to change, undisclosed ex-parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.
- E. Resolution of Objection. In an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.
- F. Familial Relationship. For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

**§157-82. Determinations and Notice of Determinations.** The officer making the *determination* shall give written notice to the owner of the property that is the subject of the *determination* and to the party who sought the *determination*, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. The notice shall be delivered to the last address listed from the owner of the affected property on the county tax abstract and to the address provided in the application or request for a *determination* if the party seeking the *determination* is different from the owner.

**§157-83. Reserved**



**§157-84. Reserved**

**§157-85. Reserved**

## ARTICLE III

### REVIEW PROCESSES AND PROCEDURES

#### §157-87. 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.

#### §157-88. Review for Minor, Special, and Nonstandard Subdivisions

A. Approval Authority. *Subdivision Administrator*.

B. Application.

1. Application. Each *applicant* shall submit an application to the *Subdivision Administrator*. Applications may be modified by the *Subdivision Administrator* as necessary, who may require the *applicant* to supply additional information. Development plans are required for *minor* or *phased minor subdivisions* where up to ten (10) *lots* and new *right-of-way* are proposed. Development plans must be submitted to the *Subdivision Administrator* pursuant to §157-21 (Minor Subdivisions). Where development plan review is not required the *applicant* shall submit a *final plat* in mylar form and a paper copy of the *final plat* along with all application materials (see Article I (Subdivision Regulations)). The *final plat* must be prepared in conformance with the *final plat* requirements provided by the Planning Department, (§157-94 (Final Plat Review)) and provisions of this Chapter.
2. Fees. Any application fee established by the Board of Commissioners shall be submitted with the application.

C. Staff Review. The *Subdivision Administrator* shall review all *minor subdivisions* and *nonstandard subdivisions* and development plans (when applicable) in conformance with Article I (Subdivision Regulations). The *Subdivision Administrator* may refer any *minor subdivision* or *nonstandard subdivision* for review by the Planning Board in accordance with this Chapter.

#### §157-89. Review for Major Residential Subdivisions and Conservation Subdivisions of Eleven (11) to Thirty-Four (34) Lots and any Commercial, Office Institutional, Industrial or Mixed-Use Subdivisions of Thirty-Four (34) or Fewer Lots

A. Approval Authority. Technical Review Committee (*TRC*).

B. Application.

1. Pre-application Conference. Each *applicant* shall meet with the *Subdivision Administrator* in a pre-application conference at least 15 days prior to the submission of any *subdivision* reviewed in accordance with this section. The purposes of the conference are to: (1) acquaint the *applicant* with the application process, (2) review the sketch of the proposed development, (3) allow for the free

exchange of information between the *applicant* and the *Subdivision Administrator*, (4) explore how the *applicant* intends to design the development, and (5) identify contemplated density levels, areas proposed for preservation and existing nature features on the property to be subdivided. The *applicant* should be prepared to discuss the development plans for the entire *tract* and any adjacent property under the same ownership. Each *applicant* shall bring to the pre-application conference a site analysis sketch which shall:

- a. Be prepared based on aerial photography, visual observations and an on-site inspection of the *tract* and which may be prepared (at the *applicant's* request) with the general guidance of Planning Staff or professionally (although neither is required);
- b. Be at a scale which is clearly legible and provides sufficient detail to describe the general location of proposed development and the stated features for discussion purposes; and
- c. Identify (for the entire *tract*) the following features: streams, creeks, ponds, reservoirs, *floodplains*, *wetlands*, *steep slopes* (those greater than 60 percent), *unique natural areas*, rock outcroppings, farmland, pastureland and wooded/forested areas.

2. Applications. Applications, including all application materials, master plan(s) (see §157-92 (Master Plans)) and/or development plan(s) (see §157-93 (Development Plans)) shall be submitted on or before the deadline date required by the Planning Department for review at the *TRC* meeting. In the opinion of the *Subdivision Administrator*, if an application is incomplete, the *Subdivision Administrator* may return the application to the *applicant* identifying the specific omissions, without invoking the review time requirement. The *applicant* shall have the automatic right to withdraw the application at any time until the *applicant* has concluded comments regarding the project before the *TRC*.
  3. Fees. Any review fee established by the Board of Commissioners shall be submitted with the application.
- C. Staff Review. The *Subdivision Administrator* shall preliminarily review the application and schedule the matter for consideration by the *TRC* and notify (in writing) the *applicant* of that time. Formal review of the *subdivision* shall not begin until the *Subdivision Administrator* has verified that the application is complete. Such verification should, when possible, be made within three (3) business days of its receipt.
- D. Formal Review. The *Subdivision Administrator* shall prepare a recommendation on the application and supply a copy of the recommendation to the *applicant* before review by the *TRC*. All members of the *TRC* shall sign off on the application for approval. Any approval or denial of the request must be in writing and be permanently filed in the office of the *TRC* as a public record. The *TRC* shall take action within 30 days of reviewing the application. The *Subdivision Administrator* shall notify the *applicant* (in writing) of the decision by the *TRC* and any conditions imposed on the development within ten (10) business days of the decision. The *TRC* may refer any *subdivision* reviewed in

accordance with this section for review by the Planning Board in accordance with this Chapter. The *TRC* may take the following action when reviewing an application:

1. Approval. The proposal meets all requirements of this Chapter and other statutes, ordinances and regulations of the County as submitted and is approved.
2. Conditional Approval. The proposal exhibits only minor deficiencies with regard to County regulations and other statutes, and is approved subject to the completion of certain conditions. If the plan is approved with conditions the Planning Staff is given administrative responsibility to grant formal approval upon satisfaction of imposed conditions. The *Subdivision Administrator* has the right to resubmit any revised master plan and/or development plan and subdivision application to the *TRC* for complete review if deemed necessary. If the application is granted conditional approval by the *TRC*, then said conditions must be met before a *final plat* can be approved, unless specified otherwise. If the master plan and/or development plan is not revised to meet the approval conditions, or the *applicant* notified the Planning Department of unwillingness to meet the conditions, it shall be deemed denied and a *final plat* cannot be approved.
3. Denial. The proposal cannot be approved as it exhibits deficiencies and/or is not in compliance with this Chapter or other statutes, ordinances and regulations of the County. If the *TRC* denies the application, reasons for the denial shall be provided (in writing) to the *applicant*.

**§157-90. Review for Major Subdivisions and Conservation Subdivisions of Thirty-Five (35) to Two Hundred Ninety-Nine (299) Lots**

A. Approval Authority. Planning Board.

B. Application.

1. Pre-application Conference. Each *applicant* shall meet with the *Subdivision Administrator* in a pre-application conference at least 15 days prior to the submission of any *major subdivision* application of 35 to 299 lots. The purposes of the conference are to: (1) acquaint the *applicant* with the application process, (2) review the sketch of the proposed development, (3) allow for the free exchange of information between the *applicant* and the *Subdivision Administrator*, (4) explore how the *applicant* intends to design the development, and (5) identify contemplated density levels, areas proposed for preservation and existing nature features on the property to be subdivided. The *applicant* should be prepared to discuss the development plans for the entire *tract* and any adjacent property under the same ownership. Each *applicant* shall bring to the pre-application conference a site analysis sketch which shall:
  - a. Be prepared based on aerial photography, visual observations and an on-site inspection of the *tract* and which may be prepared (at the *applicant's* request) with the general guidance of Planning Staff or professionally (although neither is required);

- b. Be at a scale which is clearly legible and provides sufficient detail to describe the general location of proposed development and the stated features for discussion purposes; and
    - c. Identify (for the entire *tract*) the following features: streams, creeks, ponds, reservoirs, *floodplains*, *wetlands*, *steep slopes* (those greater than 60 percent), *unique natural areas*, rock outcroppings, farmland, pastureland and wooded/forested areas.
  - 2. Application. Applications, including all application materials, master plan(s) (see §157-89 (Master Plans)) and/or development plan(s) (see §157-90 (Development Plans)) shall be submitted on or before the date required by the Planning Department for review at the next Planning Board meeting. In the opinion of the *Subdivision Administrator* if an application is incomplete, the *Subdivision Administrator* may return the application to the *applicant* identifying the specific omissions, without invoking the review time requirement.
  - 3. Fees. Any review fee established by the Board of Commissioners shall be submitted with the application.
- C. Staff Review. The *Subdivision Administrator* shall preliminarily review all application materials, master plan and/or development plan(s) and schedule the matter for consideration by the Planning Board and notify the *applicant* (in writing) of that time. The *Subdivision Administrator* shall schedule the matter for consideration by the *TRC* and notify (in writing) the *applicant* of that time. Formal review of the *subdivision* shall not begin until the *Subdivision Administrator* has verified that the application is complete. Such verification should, when possible, be made within three (3) business days of its receipt.
- D. Formal Review. Major *subdivisions* of 35 to 299 *lots* that do not meet the conservation subdivision standards (see §157-15 Conservation Subdivision Standards) shall follow the procedures of §157-91 (Review for Major Subdivisions and Conservation Subdivisions of Three Hundred (300) or More Lots) or seek *development agreement* approval through the Board of Commissioners.

The *Subdivision Administrator* shall prepare a recommendation on the application and supply a copy of this recommendation and the recommendation of the *TRC* to the *applicant* before review by the Planning Board. The Planning Board shall take action within 90 days from the date of its first consideration of the application. The *Subdivision Administrator* shall notify the *applicant* (in writing) of the decision by the Planning Board and any conditions imposed on the development within ten (10) business days of the decision. The *Planning Board* may refer any *subdivision* to the Board of Commissioners for review after giving due notice to the applicant. Reasons for such referral may include, but are not limited to, the size of the subdivision, location within the County, impact on the community, impact on infrastructure, or particular environmental features that make this subdivision substantially unique from other proposed subdivisions. The Planning Board may take the following action when reviewing an application:

1. Approval. The proposal meets all requirements of this Chapter and other statutes, ordinances and regulations of the County as submitted and is approved.
  2. Conditional Approval. The proposal exhibits only minor deficiencies with regard to County regulations and other statutes, and is approved subject to the completion of certain conditions. If the plan is approved with conditions the Planning Staff is given administrative responsibility to grant formal approval upon satisfaction of imposed conditions. The *Subdivision Administrator* has the right to resubmit the revised plan(s) to the Planning Board for complete review if deemed necessary. If the application is granted conditional approval by the Planning Board, then said conditions must be met before a *final plat* can be approved, unless specified otherwise. If the master plan and/or development plan are not revised to meet the approval conditions or the *applicant* notified the Planning Department of unwillingness to meet the conditions, it shall be deemed denied and a *final plat* cannot be approved.
  3. Denial. The proposal cannot be approved as it exhibits deficiencies and/or is not in compliance with this Chapter or other statutes, ordinances and regulations of the County.
- E. Public Notification. Public notification of the Planning Board meeting shall comply with the provisions outlined in NCGS §160D for posted notices. Planning Staff shall be responsible for all necessary public notifications.

**§157-91. Review for Major Subdivisions and Conservation Subdivisions of Three Hundred (300) or More Lots**

- A. Approval Authority. Board of Commissioners.
- B. Approval Type. Map Amendment approval as a Conditional Zoning District.
- C. Application.
  1. Pre-application Conference. Each *applicant* shall meet with the *Planning Director* in a pre-application conference at least 15 days prior to the submission of any application for a major subdivision of 300 or more lots and accompanying map amendment application. The purposes of the conference are to: (1) acquaint the *applicant* with the application process, (2) review the sketch of the proposed development, (3) allow for the free exchange of information between the *applicant* and the *Planning Director*, (4) explore how the *applicant* intends to design the development, and (5) identify contemplated density levels, areas proposed for preservation and existing nature features on the property to be subdivided. The *applicant* should be prepared to discuss the development plans for the entire *tract* and any adjacent property under the same ownership. Each *applicant* shall bring to the pre-application conference a site analysis sketch which shall:
    2. Be prepared based on aerial photography, visual observations and an on-site inspection of the *tract* and which may be prepared (at the *applicant's* request) with the general guidance of Planning Staff or professionally (although neither is required);

3. Be at a scale which is clearly legible and provides sufficient detail to describe the general location of proposed development and the stated features for discussion purposes; and
  4. Identify (for the entire *tract*) the following features: streams, creeks, ponds, reservoirs, *floodplains*, *wetlands*, *steep slopes* (those greater than 60 percent), *unique natural areas*, rock outcroppings, farmland, pastureland, and wooded/forested areas.
- D. Application. Applications, including all application materials (subdivision and map amendment), master plan(s) (see §157-92 (Master Plans)) and/or development plan(s) (see §157-93 (Development Plans)) shall be submitted on or before the date required by the Planning Department for review at the next Planning Board meeting. The map amendment application shall also include: (1) the name(s) and address(es) of the *owner(s)* of the property in question; (2) the location of the property; (3) the *PIN* as shown on the County tax listing; (4) a description/statement of the present and proposed district; (5) a description of the property in question sufficient to unequivocally describe and identify said property (such description may take the form of a property survey, a legal description or a legible copy of a County cadastral or composite tax map clearly annotated with district lines which follow political boundaries, geographical features or property lines); and where an *applicant* chooses to appoint an agent to speak on their behalf, (6) an agent form. In the opinion of the *Planning Director* if an application is incomplete, the *Planning Director* may return the application to the *applicant* identifying the specific omissions, without invoking the review time requirement. The *Planning Director* may modify applications as necessary. Incomplete applications must be resubmitted on or before the date required by the Planning Department for review at the next Planning Board meeting.
- E. Review Schedule. Applications for major subdivisions of 300 or more lots shall have a minimum 45 day processing period for review by the *Planning Director* before the first consideration by the Planning Board. Applications involving more than one (1) parcel not under common ownership by the *applicant* shall be forwarded to the Board of Commissioners at its first regularly scheduled monthly meeting. (The Board of Commissioners will review the application and determine if it should proceed or, due to the size of the area, number of parcels or number of property *owners*, if the scope of the application will require a *Small Area Zoning Study*. If the Board of Commissioners agrees that the application calls for a *Small Area Zoning Study*, a directive for such will be issued by the Commissioners and direction will be provided as to how to proceed with the amendment application).
- F. Withdrawal of Application. Each application for a major subdivision of 300 or more lots which is withdrawn by the *applicant* after the first newspaper notice appears, shall not be considered for a *map amendment* within the following six (6) months.
- G. Application Resubmittal. The Planning Board and the Board of Commissioners will not consider an application (by a property *owner* or *owner's* agent) when, within the previous 12 months, the *map amendment* request was denied by the Commissioners.
- H. Fees. Any review fee established by the Board of Commissioners shall be submitted with the application.

- I. Staff Review. The *Planning Director* shall: (1) process and review the subdivision application, master plan and/or development plan(s), and map amendment request; (2) present the application to the *TRC* for its comments and recommendations; (3) schedule the matter for consideration by the Planning Board and notify the *applicant* (in writing) of that time; (4) forward a copy to any review agency for information purposes or for comment; and (5) prepare a recommendation on the proposed amendment. Formal review of the major subdivision of 300 or more lots shall not begin until the *Planning Director* has verified that the application is complete. Such verification should, when possible, be made within three (3) business days of its receipt.
- J. Formal Review. The *Planning Director* shall prepare a recommendation on the application and supply a copy of the recommendation to the *applicant* before review by the Planning Board. Prior to amending the Official Zoning Map, the Commissioners shall consider the Planning Board's recommendation which must be in writing and must address consistency with the *Comprehensive Plan* and any applicable adopted plan. The Planning Board shall have 45 days after the first consideration of an application for a major subdivision of 300 or more lots to submit its written recommendation to the Commissioners. Failure of the Planning Board to submit a written recommendation within the 45 day period shall constitute a favorable recommendation, except that, if by agreement of the Planning Board and the *applicant* that 45 days is insufficient due to the size of the area, the complexity of the request or similar circumstances, the Planning Board shall have 60 days to submit its written recommendations.
- K. Public Hearing. Prior to amending the *zoning map* the Commissioners shall hold a public hearing on the amendment in accordance with *NCGS* §160D-601, as amended.).
- L. Public Notification. Public notification of the Planning Board meeting shall comply with the provisions outlined in *NCGS* §160D, for posted notices. Public notification of the Commissioners public hearing shall comply with the provisions of *NCGS* §160D-602, as amended.). Planning Staff shall be responsible for all necessary public notifications.
- M. Amendment Validity. The amendment is effective immediately following the decision of the Commissioners. The Commissioners shall issue a written statement on all *map amendment* decisions (both adoptions and rejections) addressing reasonableness, consistency with the *Comprehensive Plan*, and public interests furthered. Subsequent development plans shall be reviewed and approved by the Board of Commissioners. However, the *Commissioners* may delegate this approval authority, on a project-by-project basis, to the *Planning Board* or *Subdivision Administrator* provided all conditions of approval are met and the development plan is consistent with the approved master plan. Development plans shall meet all requirements of this Chapter. *Final plats* shall be reviewed following the processes and procedures outlined in §157-75 (Approval for Subdivision Plats) and §157-94 (Final Plat Review).

## **§157-92. Master Plans**

- A. Plan Preparation. Master 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 §157-93 (Development Plans).

- B. 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.
- 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.
- D. 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 I (Subdivision Regulations) and Article III (Review Processes and Procedures)) 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 (Review Process and Procedures).
- E. 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 §157-93 (Development Plans)).
- F. 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 had been submitted for a period of four (4) years, the applicant must reapply under the current applicable requirements for the remainder of the project.

### **§157-93. Development Plans**

- A. 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.

- B. 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.
- C. Review of the Plan. 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 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. Land Disturbing and Improvement Activities. The *applicant* may, only upon receipt of approval of the development plan proceed with the establishment of *erosion* and *sedimentation* control measures, clearing and other *land-disturbing activities* and improvement activities associated with the project.
- E. Approval Validity. Development plan approval is valid for two (2) years and shall be annotated on the plan. The approving agency may, for just cause, grant up to two (2) one-year extensions for development plan approval. If, at the completion of the first one-year extension period, less than 50 percent of improvements are complete, the *applicant* must reapply under the current applicable requirements. If more than 50 percent of improvements are complete after the one-year extension period, the *applicant* may apply for a single additional one-year extension and thereafter must reapply under current applicable requirements.

#### **§157-94. 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) 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.

## ARTICLE IV

### LEGAL STATUS

#### **§154-266. Conflict with Other Laws**

When sections of this Chapter impose higher standards than required in any other statute, local ordinance or regulation, this Chapter shall govern. When the provisions of any other statute, local ordinance or regulation imposes higher standards than are required by this Chapter, the provision of that statute, local ordinance or regulation shall govern.

#### **§154-267. Severability of Parts of Code**

It is hereby declared to be the intention of the Board of Commissioners that the sections, paragraphs, sentences, clauses and phrases of this Chapter are severable, and if any phrase, clause, sentence, paragraph or section of this Chapter shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Chapter, since the same would have been enacted by the Board of Commissioners without the incorporation in this Chapter of any such unconstitutional phrase, clause, sentence, paragraph or section.

#### **§154-268. Repeal of Existing Subdivision.**

All ordinances, or portions thereof, of the Code of Ordinances of Alexander County, North Carolina which are related to zoning, subdivision and land use which are inconsistent with the provisions of the Chapter are hereby repealed to the extent of such inconsistency.

#### **§154-269. References to Statutes, Regulations, and Documents.**

Whenever reference is made to a resolution, ordinance, statute, regulation, manual (including the *Stormwater BMP Manual*), or document, it shall be construed as a reference to the most recent edition of such that has been finalized and published with due provision for notice and comment, unless otherwise specifically stated.

#### **§154-270. Reserved**

#### **§154-271. Reserved**

#### **§154-272. Reserved**

#### **§154-273. Reserved**