Alamance County Unified Development Ordinance

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1.1 Title

The official title of this document is Alamance County Unified Development Ordinance and is referred to throughout as the "UDO" or "Ordinance."

1.2 Purpose

a) The purpose of this Ordinance is to establish unified requirements and procedures for the development, maintenance and subdivision of properties within Alamance County's jurisdiction. These standards are adopted in order to promote and protect citizen's health, safety and welfare.

b) This Ordinance also recognizes that the historic heritage of Alamance County is a valuable and important asset. By listing and regulating historic districts and landmarks, and acquiring historic properties, Alamance County seeks:

   i. To safeguard the heritage of the County, including its municipalities, by preserving districts and landmarks therein that embody important elements of its culture, history, architectural history, or prehistory; and

   ii. To promote the use and conservation of such districts and landmarks for the education, pleasure, and enrichment of the residents of the County and State as a whole.

1.3 ~~Exceptions to~~ Applicability

a) Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which this Ordinance specifically replaces. When other ordinances or statutes impose more restrictive standards than those contained in this Ordinance, the more restrictive ordinances or statutes shall govern.

b) It is not intended that this Ordinance shall be construed to preempt or supersede valid, existing restrictive covenants. ~~running with the land.~~ However, if the provisions of this Ordinance impose greater restrictions or higher standards for the use of a building or land, then the provisions of this Ordinance shall control.

c) In accordance with N.C. Gen. Stat. §160D-104, development approvals shall run with the land.

d) Except as hereinafter provided, no building or structure shall be erected, moved, altered, or extended, and no land, building, or structure or part thereof shall be occupied or used unless in conformity with the regulations specified in this ordinance.

e) This Ordinance shall in no way regulate, restrict, prohibit, or otherwise deter any use of property for a bona fide farm, and its related uses, except that any use of such property for non-farm purposes shall be subject to the provisions of this Ordinance or general statutes.

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1.4 Authority

a) For Floodplain Administration, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143 and Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare;

b) For Historic Properties Commission, by authority of N.C. Gen. Stat. § ~~Chapter~~ 160D-303~~,~~ and Chapter 160D, Article 9, Part 4, ~~of the North Carolina General Statutes~~ to preserve the heritage of the State as a valued and important asset, and to allow for the conservation and preservation of historic districts and landmarks to stabilize and increase property values and strengthen the overall economy of the county;

c) For Height Restrictions Standards, by authority of Chapter 63, Article 4, of the General Statutes of the State of North Carolina which authorize political subdivisions of the State of North Carolina to adopt, administer, and enforce under the police power airport zoning regulations;

d) For Farmland Preservation Standards ~~— I~~, in accordance with the authority conferred by Chapter 153A of the North Carolina General Statutes and North Carolina General Statutes §106-735 through 744 (the Agricultural Development and Farmland Preservation Enabling Act), and §121-34 through 42 (the Conservation and Historic Preservation Agreements Act);

e) ~~Solar Energy Systems Standards~~ – For other enabling authority, ~~T~~the Alamance County Board of Commissioners enacts this Ordinance pursuant to its police powers, as set forth in and authorized by N.C. Gen. Stat. § ~~Section~~ 153A-121(a) ~~of the North Carolina General Statutes~~; pursuant to its power to regulate businesses as set forth and authorized by ~~Section~~ N.C. Gen. Stat. §153A-134 ~~of the North Carolina General Statutes~~; pursuant to its power to regulate noise as set forth and authorized by ~~Section~~ N.C. Gen. Stat. §153A-133 ~~of the North Carolina General Statutes~~; pursuant to its power to regulate solid waste as set forth and authorized by ~~Section~~ N.C. Gen. Stat. §153A-134 ~~of the North Carolina General Statutes~~; pursuant to its power to regulate explosive, corrosive, inflammable, or radioactive substances as set forth and authorized by ~~Section~~ N.C. Gen. Stat. §153A-128 of the North Carolina General Statutes and pursuant to its planning and zoning powers, as set forth in and authorized by Chapter 160D of the North Carolina General Statutes upon its effective date~~;~~. Furthermore,

~~f)~~ ~~And~~ The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143 and in Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

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1.5 Jurisdiction

This Ordinance shall apply as specified herein to all unincorporated areas of Alamance County and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability. Some Ordinance provisions will apply to municipalities' Extra-Territorial Jurisdiction and will be noted herein.

a) For regulations pertaining to Floodplain, this Ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdiction (ETJs), if applicable, of Alamance County and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

b) For regulations pertaining to Historic Properties, this Ordinance shall apply to all areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs) if applicable, of Alamance County and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

1.6 Repeal of Existing Regulations

Upon Adoption, this Ordinance shall incorporate, rescind and replace the following Alamance County Ordinances:

Abandoned and Junk Motor Vehicles Ordinance
Adult Establishment Ordinance
Alcohol Plant Ordinance
Automobile Graveyards Ordinance
Dead Storage of Manufactured Homes Ordinance
Flood Damage Prevention Ordinance
Heavy Industrial Development Ordinance
Height Restriction Ordinance
Historic Properties Commission Ordinance
Insulation Contractors Ordinance
Manufactured Home Park Ordinance
Planning Board Ordinance
Redevelopment Ordinance
Sexually Oriented Business Ordinance
Solar Energy System Ordinance
Subdivision Ordinance
Watershed Protection Ordinance
Wireless Communications Facilities Ordinance

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1.7 Relationship to Adopted Plans

~~The provisions of this Ordinance and any amendment thereto shall be interpreted to be consistent with the goals of policies included in any adopted Comprehensive or other specialized study related to land development within the planning jurisdiction of Alamance County.~~

It shall be the goal that any amendment to this Ordinance be consistent with any adopted Comprehensive Plan or other specialized study related to land development within the planning jurisdiction of Alamance County. However, inconsistencies with adopted plans shall not necessarily preclude the adoption of amendments as long as such adoption procedures are in keeping with North Carolina General Statutes.

1.8 ~~Reserved for~~ Amendment Procedures

The Board of Commissioners may amend, supplement, or change the text of this Ordinance following review and recommendation of the Planning Board according to the procedures established in N.C. Gen. Stat. §160D, Article 6 and this Article.

A text amendment may be initiated by the Board of Commissioners or Planning Board on its own motion, or by any owner of a legal interest in a county property, anyone else authorized in writing to act on a property owner's behalf, or by any non-owner in accordance with the procedures set forth below.

A. Procedure for Submission and Consideration of Applications for Amendment.

i. Unless initiated by the Planning Board or Board of Commissioners, all applications for amendments to this Ordinance shall be in writing and signed and filed with the Planning Department.

ii. The Planning Director shall ensure that the application contains all the required information as specified in this Ordinance and on the application. Applications which are not complete, or otherwise do not comply with the provisions of this Ordinance shall be returned to the applicant with a notation of the deficiencies in the application.

iii. Completed applications shall be received at least 30 days prior to the Planning Board meeting at which the Planning Board will first consider the proposed amendment.

iv. The Planning Board shall have a maximum of 45 days from the date of Planning Board consideration to make a recommendation on the application. If a recommendation is not made during this time period, the application shall be forwarded to the Board of Commissioners without a recommendation from the Planning Board. A valid motion

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to continue consideration of an item shall not cause the Planning Board to make a recommendation within the 45-day window. Such time constraints shall only take effect once the Planning Board has closed debate on the item or failed to take any action.

v. If a recommendation is made to the Board of Commissioners by the Planning Board concerning an amendment to change the text of this Ordinance, the recommendation shall be as follows: (A) Adoption of the amendment as written; (B) Adoption of the amendment as revised by the Planning Board; or (C) Denial of the amendment.

vi. In accordance with N.C. Gen. Stat. §160D-604(d), the Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board. In making their determination, a comment by the Planning Board that the proposed amendment is inconsistent with the Comprehensive or Land Use Plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners.

B. Board of Commissioners' Action.

i. The Board of Commissioners shall not consider the adoption of any proposed application for amendment until after the Planning Board makes a recommendation or fails to make a recommendation within the time allowed. The Board of Commissioners shall receive public comments on applications for amendments to this Ordinance in a public hearing at a time and place to be announced by public notice advertised in accordance with N.C. Gen. Stat. 160D-601. A quorum of the Board is required for the hearing.

ii. The Board of Commissioners may render a decision on the application in the form of any of the following options: (A) Adoption of the amendment as written; (B) Adoption of the amendment as revised by the Planning Board; or (C) Denial of the amendment. Alternatively, the Board of Commissioners may send the application back to the Planning Board for further study and consideration.

iii. The Board of Commissioners shall have the authority to continue a public hearing throughout multiple meetings or to call for additional public hearings on any amended application brought before them.

iv. In accordance with N.C.G.S. 160D-605(a), when adopting or rejecting any

amendment, the Board of Commissioners shall approve a brief statement describing whether their action is consistent or inconsistent with an adopted Comprehensive or Land Use Plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the Commissioners that at the time of action on the amendment the Commissioners were aware of and considered the Planning Board's recommendations and any relevant portions of an adopted Comprehensive or Land Use Plan.

An applicant may withdraw his or her application at any time by written notice to the Planning Director and may resubmit at a subsequent date in compliance with the submittal schedule contained herein.

1.9 Interpretation

1.9.1 GENERAL

In the interpretation and application of this Ordinance, all provisions shall be:

- Considered as minimum requirements;
- Liberally construed in favor of the governing body; and
- Deemed neither to limit nor repeal any other powers granted under State statutes.

1.9.2. RESPONSIBILITY

The Planning Director, as designated by the Alamance County Manager, shall administer and enforce this ordinance.

In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria, or any other provision of the UDO, the Planning Director shall be responsible for interpretation and shall look to the Ordinance for guidance. Responsibility for interpretation by the Planning Director shall be limited to standards, regulations and requirements of the UDO, but shall not be construed to include interpretation of any technical codes adopted by reference in the UDO and shall not be construed as overriding the responsibilities given to any commission, board, building inspector, or county officials named in other sections or articles of the UDO.

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of public safety, health, convenience, prosperity, and general welfare. It is not intended by this Ordinance to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use

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of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, restrictive covenants, or agreements, the provisions of this Ordinance shall govern. Where one or more provisions of this UDO are in conflict with one another, the most restrictive shall apply.

If a use is not specifically listed in any of the provisions included in this Ordinance, then the Planning Director shall have the authority to interpret whether or not the use should be permitted. If the Planning Director rejects a proposal for a use that is not clearly disallowed in a particular district, then the UDO Administrator shall:

- Ensure that the citizen is provided with a copy of the interpretation in writing.
- Inform the citizen of the right to appeal the decision to the Board of Adjustment.
- Assist with the development of a proposed text amendment for consideration by the Planning Board and Board of Commissioners allowing policy-makers to determine whether the proposed use should be an allowable use or not. Financial responsibility for a proposed text change shall be on the applicant.

1.9.3. DELEGATION OF AUTHORITY

The Planning Director may delegate any appropriate authority and responsibility to any Planning Department staff in order to carry out the provisions of this ordinance. When carrying out such authority and responsibility, it is understood that the term "Planning Director" shall apply to any county staff person carrying out such delegated authority.

1.9.4. COMPUTATION OF TIME

Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. The default standard for computing time shall be by calendar days, unless otherwise specified by business days or other time period related to a particular regulation.

If the last day of a prescribed time period is a Saturday, Sunday, or legal holiday, that day shall be excluded from the computation. When the period of time prescribed is less than seven calendar or business days, intervening Saturdays, Sundays, and legal holidays shall be excluded.

Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice and the notice or paper is served by mail (Certified Mail/Return Receipt Requested), three days shall be added to the prescribed time period.

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Time parameters for public hearings and board procedures shall follow applicable state law or this Ordinance.

1.10 Effective Date

This Ordinance shall become effective and in full force on June 21, 2021. Specific provisions for pre-existing or nonconforming development is contained in the text of the Ordinance.

1.11 Severability

If any section or specific provision or standard of this Ordinance is found by a court of competent jurisdiction to be invalid, the decision of the court shall not affect the validity of any other section, provision, or standard of this Ordinance.

1.12 Choice of Law and Venue

The State Courts of the State of North Carolina shall have sole jurisdiction over any disputes which arise under this ordinance or otherwise regarding the parties or properties subjected thereto. Similarly, for any disputes or controversies arising out of this UDO, venue shall be proper and shall lie exclusively in the Superior Court of Alamance County North Carolina.

1.13 Fees

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for all permits issued under this Ordinance, subdivision plat approval, site plan approval, variances, changes to Ordinance text, and other administrative relief. The amount of the fees charged shall be as set forth in the county's budget or as established by resolution of the Board of Commissioners filed in the office of the Clerk to the Board.

The County shall provide notice to interested parties of the imposition of or increase in fees or charges applicable solely to the construction of development subject to subdivision regulations at least seven (7) days prior to the first meeting where the imposition of or increase in the fees or charges is on the agenda for consideration. The County shall employ at least two of the following means of communication in order to provide the notice required by NCGS 160D-805:

1. Notice of the meeting in a prominent location on a web site managed or maintained by the County.
2. Notice of the meeting in a prominent physical location, including, but not limited to, any government building, library, or courthouse within the planning and development jurisdiction of the County.

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3. Notice of the meeting by electronic mail or other reasonable means to a list of interested parties that are created by the County for the purpose of notification of public meetings.

During the consideration of the imposition of or increase in fees or charges as outlined above, the County shall permit a period of public comment. This section shall not apply if the imposition of or increase in fees or charges is contained in a budget filed in accordance with the requirements of N.C. Gen. Stat. §159-12.

Fees established in accordance with this subsection shall be paid upon submission of a signed application or notice of appeal.

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2.1 Purpose and Applicability

This section is intended to create and clarify levels of responsibility for the various permits and processes outlined in this Ordinance. The following bodies and County staff have powers and responsibilities in administering and reviewing applications for development and preservation under this Ordinance:

- Planning Board
- Historic Properties Commission (HPC)
- Board of Adjustment
- Planning Department
- Planning Director, or designee
- Technical Review Committee

2.2 Planning Board

2.2.1 ESTABLISHMENT AND RESPONSIBILITIES

~~There~~ The Alamance County Planning Board is hereby established~~,~~ by authority of ~~Chapter~~ N.C. Gen. Stat. §160D ~~Section~~ 301. ~~of the North Carolina General Statutes an Alamance County Planning Board, which said Board shall:~~ The Planning Board shall have the following duties:

- To prepare, review, maintain, monitor, and periodically update and recommend to the ~~governing board~~ Board of Commissioners a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis.
- To facilitate and coordinate resident engagement and participation in the planning process.
- To develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
- To advise the ~~governing board~~ Board of Commissioners concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by ~~G.S.~~ N.C. Gen. Stat. § 160D-604.
- To exercise any functions in the administration and enforcement of various means for carrying out plans that the ~~governing board~~ Board of Commissioners may direct.
- To provide a preliminary forum for review of quasi-judicial decisions, provided that no part of the forum or recommendation may be used as a basis for the deciding board.
- To perform any other related duties that the ~~governing board~~ Board of Commissioners may direct.

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2.2.2 MEMBERSHIP

The membership of the Planning Board shall be composed of nine (9) residents of Alamance County and:

i. Terms for members of the Planning Board shall last for three (3) years with a two (2) term limit. After two (2) full consecutive terms, outgoing members shall be ineligible for reappointment for a period of one (1) year.

ii. The Planning Board may offer a recommendation to the Board of Commissioners for board candidates, but such recommendations shall not be mandatory for appointment.

iii. Members of the Planning Board must reside full-time in Alamance County. Failure to be a full-time resident of Alamance County shall be grounds for removal from the Planning Board.

iv. In order to achieve participation from all areas of the County, no more than two (2) members of the Planning Board should reside in a single township. Residency will be based on members' primary place of residence. Any change of residence must be reported to the Clerk to the Planning Board within ninety (90) days.

v. A member of the Board of Commissioners shall be named as an ex-officio (without vote) member of the Board in order to provide liaison between the Planning Board and the Board of Commissioners.

vi. All members appointed to the Planning Board shall, before entering their duties, qualify by taking an oath of office as required by G.S. 160D-309.

2.2.3 PROCEDURES

i. Any vote shall be carried by a simple majority present at the meeting unless a different standard is required by statute.

ii. The Board shall adopt rules of procedure necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. The rules of procedure adopted by the Board shall at least provide for the selection of officers in the Board, the time and place of its regular meetings and the calling of special meetings, the procedures for the conduct of public hearings, and any other rule necessary for the operation of its meetings. Rules of Procedure should be amended when necessary to reflect changes in procedural requirements from ordinances or General Statutes. Such rules are subject to review and amendment as necessary by the Alamance County Board of Commissioners.

iii. As it deems appropriate, the Board may from time to time establish various subcommittees or specialized boards to advise the full Board on matters within its responsibilities.

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iv. The Planning Board shall provide for the keeping of a record of its members' attendance, and of its resolutions, discussions, findings, and recommendations, which shall all be public record.

2.2.4 MEETING REQUIREMENTS

Meetings of the Planning Board shall be held at least quarterly. At the first meeting in each calendar year, the Planning Board shall elect a Chair and Vice Chair, and the ~~Planner-in-Charge~~ Planning Director or designate shall serve as the Clerk to the Planning Board. Additionally, at the first meeting in each calendar year, the Planning Board shall adopt an annual meeting schedule which shall be properly posted outside of the meeting room and registered with the Clerk to the Board of County Commissioners.

2.3 Historic Properties Commission (HPC)

2.3.1 ESTABLISHMENT AND RESPONSIBILITIES

~~There~~ The Alamance County Historic Properties Commission, or "HPC," is hereby established by authority of ~~Chapter~~ N.C. Gen. Stat. §160D, ~~Section~~ 303. ~~of the North Carolina General Statutes, a joint historic properties commission to be known as the Alamance County Historic Properties Commission or "HPC."~~ The jurisdiction of the Commission shall include the unincorporated areas of the County and the planning jurisdictions of the municipalities that designate the Alamance County Historic Properties Commission as their municipality's historic properties commission.

The Historic Properties Commission is created in order to recognize that the historical heritage of Alamance County is a valuable and important asset. By listing and regulating historic districts and landmarks, and acquiring historic properties, Alamance County seeks:

a) To safeguard the heritage of the County, including its municipalities, by preserving districts and landmarks therein that embody important elements of its culture, history, architectural history, or prehistory; and
b) To promote the use and conservation of such districts and landmarks for the education, pleasure, and enrichment of the residents of the County and the State as a whole.

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2.3.2 MEMBERSHIP AND PROCEDURES

The Commission shall consist of at least nine (9) members, but no more than fifteen (15) members appointed by the Board of Commissioners of Alamance County. The Commission shall elect a Chair and Vice Chair annually. All members must reside within the Commission's jurisdiction. In making appointments to the Commission, the Board of Commissioners shall strive to appoint members that geographically represent all areas of the HPC's territorial jurisdiction, including but not limited to, participating municipalities. In making appointments to the Commission, the Board of Commissioners shall seek the advice of local governing bodies, such as State or local historical agencies, societies, or organizations it may deem necessary. The Commission may appoint advisory bodies and committees as appropriate.

All members of the Historic Property Commission shall, before entering their duties, qualify by taking an oath of office as required by N.C. Gen. Stat. §160D-309.

A) Qualifications of Members

A majority of the members shall have demonstrated special interest, experience or education in history, architecture, archaeology, or related fields.

B) Terms

The terms of office shall be for three (3) years for each member ~~of said Commission~~. Vacancies occurring for reasons other than expiration of term shall be filled as they occur for the period of the unexpired term. Active attendance at the meetings of the Commission is a prerequisite for membership of the Commission. Members are allowed up to three (3) unexcused absences annually before disciplinary action will be taken.

C) Rules of Procedure

The Commission shall adopt rules of procedure necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. The rules of procedure adopted by the Commission shall at least provide for the selection of officers in the Commission, the time and place of its regular meetings and the calling of special meetings, the procedures for the conduct of public hearings, the conduct of voting, the forms to be used in applying for and issuing or denying Certificates of Appropriateness, and a list of minor works for which staff may issue Certificates of Appropriateness.

D) Powers and Duties

The Commission is authorized and empowered to undertake such actions reasonably necessary to the discharge and conduct of its duties and responsibilities as outlined in this Ordinance and the N.C. General Statutes, including but not limited to the following:

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1. Undertake an inventory of properties of historical, prehistorical, architectural, and/or cultural significance.

2. Recommend to the ~~governing board~~ Board of Commissioners, or applicable governing boards, areas to be designated by ordinance as "Historic Districts" and individual structures, buildings, sites, areas, or objects to be designated by ordinance as "Landmarks."

3. Acquire by any lawful means the fee or any lesser included interest, including options to purchase, to properties within established districts or to any such properties designated as landmarks to hold, manage, preserve, restore, and improve such properties, and to exchange or dispose of the property by public or private sale, lease or otherwise, subject to covenants or other legally binding restrictions that will secure appropriate rights of public access and promote the preservation of the property.

4. Restore, preserve, and operate historic properties.

5. Recommend to the ~~governing board~~ Board of Commissioners or other governing boards that designation of any area as a historic district or part thereof, or designation of any building, structure, site, area, or object as a landmark, be revoked or removed for cause.

6. Conduct an educational program regarding historic properties and districts within its jurisdiction.

7. Cooperate with the State, federal, and local governments in pursuance of the purposes of this Part. The ~~governing board~~ Board of Commissioners, other applicable governing board, or the commission, when authorized by ~~the~~ a governing board, may contract with the State, or the United States of America, or any agency of either, or with any other organization provided the terms are not inconsistent with State or federal law.

8. Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee, or agent of the commission may enter any private building or structure without the express consent of the owner or occupant thereof.

9. Prepare and recommend the official adoption of a preservation element as part of the local government's comprehensive plan.

10. Review and act upon proposals for alterations, demolitions, or new construction within historic districts, or for the alteration or demolition of designated landmarks, pursuant to this Chapter 160D, Article 9, Part 4. ~~NC General Statutes - Chapter 160D 72~~

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11. Negotiate at any time with the owner of a building, structure, site, area, or object for its acquisition or its preservation, when such action is reasonably necessary or appropriate. ~~(2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)~~

2.3.3. DESIGNATING HISTORIC LANDMARKS

A) Adoption of an Ordinance of Designation

Upon Compliance with the procedures set out in Section 2.2.3d, the Board of Commissioners or other local governing board may adopt and, from time to time, amend or repeal an ordinance designating one or more historic landmarks. The ordinance shall include the following information:

1. List the name or names of the owner or owners of the property;
2. Describe each property designated in the ordinance, including the approximate area of the property so designated;
3. Describe those elements of the property that are integral to its historical, prehistoric, architectural, archaeological, and/or cultural significance;
4. Provide for each designated historic landmark, a suitable sign or plaque indicating that the landmark has been so designated, which the municipality, or the extraterritorial jurisdiction, where the sign is located is responsible for, and if none, the county; and
5. Any other information the local Board of Commissioners or applicable governing board deems necessary within the authority of this ordinance and the general statutes.

B) Criteria for Designation

In order for any building, structure, site, area, or object to be designated in an ordinance as a historic landmark, the Commission must find that the property is of special significance with regard to its history, prehistory, architecture, archaeology, and/or cultural importance, and that it possesses integrity of design, setting, workmanship, materials, feeling, and/or association.

C) Inventory

The Commission shall use an inventory of buildings, structures, sites, areas, or objects of historical, prehistoric, architectural, and archaeological significance in the county as a guide to the identification, assessment, and designation of historic landmarks. The Commission shall update the inventory from time to time.

D) Required Procedures for Designation

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The Board of Commissioners or applicable governing board may not adopt or amend an ordinance designating a historic building, structure, site, area, or object, or acquire any landmark, until the steps prescribed by this ordinance and its subsections have been taken, including rules of procedure and guidelines for the altering, restoring, moving, or demolishing properties designated as historic. Designation procedures may be initiated at the request of a property owner or the Commission may contact property owners to determine interest in designation.

E) Designation Reports

The Commission shall make, or cause to be made, an investigation and report that includes all the information contained in this Section. Applications prepared by owners will be judged by the same criteria as those prepared by the Commission.

1. The name of the property to be considered for designation – both common and historic names, if they can be determined;
2. The name and address of the current property owner;
3. The location of the property proposed to be designated historic, including the street address and parcel identification number (GPIN);
4. The date of construction and of any later alterations, if any;
5. An assessment of this significance of the site or structure pursuant to Section 4.2;
6. An architectural or archaeological description of the area of the site or structure proposed to be designated, the report shall contain a description of those features;
7. A historical discussion of the site or structure within its type, period, and locality;
8. A photograph that clearly depicts the property proposed to be designated and supplementary photographs showing facades, details and siting; and
9. A map showing the location of the property and area to be designated, including any outbuildings and appurtenant features.

F) Review by the Department of Natural and Cultural Resources

A report accepted by the Commission shall be submitted to the North Carolina Department of Natural and Cultural Resources, Office of Archives and History or its successor agency, for comments pursuant to N.C. Gen. Stat. §160D-946, as amended from time to time. The Department of Natural and Cultural Resources or its successor agency, acting through the State Historic Preservation Officer, shall either upon request of the Department or at the initiative of the Commission, be given an opportunity to review and comment upon the substance and effect of the designation of any landmark pursuant to this ordinance.

G) Consideration of the Report

Once the designation report has been prepared, either by the Commission or by the owner, and is deemed by the Commission staff to meet the provisions of subsection 4.4.1, the Commission shall consider the report. The Commission may accept it, amend it, or recommend further study.

Prior to final action on a designation report, the Commission shall indicate the extent to which the landmark meets the criteria for designation in Section 2.2.3b.

The Commission should consider any comments received in writing from the Department of Natural and Cultural Resources or its successor agency. If the Department does not submit its written comments or recommendations in connection with any proposed designation within thirty (30) days following receipt of the report, the Commission and the Board of Commissioners, or applicable governing board, shall be relieved of any responsibility to consider such comments. After the expiration of the thirty (30) day comment period given the Department of Natural and Cultural Resources, the Commission may recommend to the local governing board that the property be designated as a historic landmark.

H) Submission to the Board of Commissioners

The Commission shall forward its recommendation to the Board of Commissioners or other appropriate governing board. The Commission shall submit a copy of the designation report, any written comments received from the Department of Natural and Cultural Resources, and if the recommendation is for approval, a proposed ordinance of designation, to the applicable governing board.

I) Public Hearing

When a proposed ordinance of designation is submitted, the Commission and the applicable governing board shall hold a joint public hearing or separate public hearings on the proposed ordinance. Reasonable notice of the time and place thereof shall be given in accordance with North Carolina General Statutes.

J) Adoption of a Designation Ordinance

Following the required public hearing, the local governing board shall consider the designation report, the Commission's recommendation, the Department of Natural and Cultural Resource's comments, and the comments made at the public hearing, and may adopt the ordinance as proposed, adopt the ordinance with amendments, or reject the ordinance.

2.3.4 ACTIONS SUBSEQUENT TO APPROVAL

Upon adoption of the ordinance:

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a) Commission staff shall send the owner(s) of the landmark, as identified by current tax records, written notice of such designation within thirty (30) days of adoption of the ordinance by certified mail, return receipt requested.
b) The Commission shall file one copy of the ordinance and any subsequent amendments thereto, in the office of the Register of Deeds of Alamance County. The Register of Deeds shall index each historic landmark according to the name of the owner in the grantee and grantor indexes. The Commission shall pay a fee for filing and indexing.
c) A copy of the ordinance shall be given to the Alamance County Inspections Director.
d) In the case of a landmark lying within the zoning jurisdiction of a municipality, a copy of the ordinance shall be kept on file in the office of the municipal clerk and be made available for public inspection at any reasonable time. A copy shall also be given to the municipality's Inspections Director.
e) All tax maps maintained by Alamance County shall clearly indicate the designation of a building, structure, site, area, or object as a historic landmark for as long as the designation remains in effect.
f) The Commission staff shall notify the tax assessor of Alamance County of the landmark designation. The assessor shall consider the designation and any recorded restriction on the landmark in appraising it for tax purposes.

If the Board of Commissioners or applicable governing board denies a designation report, a copy of the meeting minutes at which the denial was rendered shall be mailed to the owner of the property proposed for designation.

2.3.5. HISTORIC DISTRICTS

A) Adoption of an Ordinance of Designation

No historic district may exist without an ordinance designating it as such. Upon compliance with the procedures contained in Section 2.2.3d, the local governing board, within its jurisdiction, may adopt, amend, or repeal an ordinance designating one or more historic districts.

B) Criteria for Designation

In order for any area to be designated in an ordinance as a historic district, the Commission must find that the area is of special significance in terms of its history, prehistory, architecture, archaeology, and/or cultural importance, and that it possesses integrity of design, setting, workmanship, materials, feeling, and/or association.

C) Inventory

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The Commission shall use an inventory of buildings, structures, sites, areas, or objects of historical, prehistoric, architectural, and archaeological significance in the county as a guide for the identification, assessment, and designation of historic districts. The Commission shall update the inventory from time to time.

D) Required Procedure for Designation

A local governing board may not adopt or amend an ordinance designating a historic district, nor may the local governing board or the Commission accept any district until the steps prescribed by this Section have been taken.

E) Designation Report

The Commission shall prepare or review an investigation and report describing the significance of the buildings, structure, features, sites, or surroundings included in any such proposed district, and the description of the boundaries of such district. Such report shall be referred to the local governing board or the local planning agency for its review and comment according to procedures set forth in the development ordinance of the corresponding jurisdiction.

F) Review by the Department of Natural and Cultural Resources

All designation reports shall be submitted to the North Carolina Department of Natural and Cultural Resources by the Commission. The Department of Natural and Cultural Resources or its successor agency, acting through the State Historic Preservation Officer, shall, either upon the request of the Department or at the initiative of the Commission be given an opportunity to review and comment upon the substance and effect of the designation of any district.

If the Department does not submit its written comments or recommendations in connection with any proposed designation within thirty (30) days following receipt of the report, the Commission and the applicable governing board shall be relieved of any responsibility to consider such comments. After the expiration of the thirty (30) day comment period given the Department, the Commission may recommend to the local governing board that the area be designated as a historic district.

G) Review by Other Groups

The local governing board may also, at its discretion, refer the designation report and proposed boundaries to any local preservation commission or other interested body for its recommendations prior to taking action to amend the development ordinance.

H) Adoption of a Designation Ordinance

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On receipt of these reports and recommendations, the local governing board may proceed in the same manner as would otherwise be required for the adoption or amendment of any appropriate development ordinance provisions.

I) Revisions to Districts

With respect to any changes in the boundaries of an adopted historic district subsequent to its initial establishment, the requirements and procedures contained in Section 2.2.5 shall apply.

2.3.6. CERTIFICATES OF APPROPRIATENESS

A) Requirements

From and after the designation of a historic landmark or district, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor above-ground utility structure, nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished on such landmark, or within such district until after an application for a Certificate of Appropriateness as to exterior features has been submitted to and approved by the Commission. In adopting an ordinance establishing a historic district, the Board of Commissioners or applicable governing board shall provide that no building permit or other permit granted for the purposes of constructing, altering, moving, or demolishing structures shall be issued unless the Commission has first issued a Certificate of Appropriateness authorizing the construction, alteration, moving, or demolition. Any building permit or such other permit not issued in conformity with this section shall be invalid. In approving the Certificate of Appropriateness, the Commission may attach reasonable conditions necessary to carry out the purposes of this ordinance. A Certificate of Appropriateness shall be required whether or not a building permit is required.

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For purposes of this ordinance, "exterior features" shall include the architectural style or character, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building or other structure, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, "exterior features" shall mean the style, material, size, and location of all such signs. In adopting an ordinance establishing a historic district, the Board of Commissioners or applicable governing board may provide that "exterior features" also include historic signs, color, and significant streetscape, landscape, archaeological, and natural features of the area. The Commission shall take no action under this moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features which would be incongruous with the special character of the landmark or district.

B) Review Guidelines

Prior to the designation of any historic landmark or district, the Commission shall prepare and adopt the guidelines, not inconsistent with N.C. Gen. Stat. 160D Article 9, Part 4 for altering, restoring, moving, or demolishing of property designated as historic. It is the intention of these guidelines to ensure, insofar as possible, that changes in designated landmarks or properties located within designated districts shall be in harmony with the reasons for designation. The Secretary of the Interior's Standards for Rehabilitation shall be used if no other design guidelines are adopted.

C) Limitations on Interior Review

Notwithstanding this ordinance, jurisdiction of the Commission over interior spaces shall be limited to specific interior features of architectural, artistic, or historical significance in publicly owned landmarks, and of privately-owned historic landmarks for which consent for interior review has been given by the owner. If an owner's consent for interior review has been filed in the office of the Alamance County Register of Deeds and indexed according to the name of the owner of the property in the grantee and grantor indexes, such consent shall bind future owners and/or successors in title. The ordinance establishing the historic designation shall specify the interior features to be reviewed and the specific nature of the Commission's jurisdiction over those features.

D) Certain Changes Not Prohibited

Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of a historic landmark or property located within a district that does not involve a change in design, material, or outer appearance thereof. Nor shall this ordinance be construed to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe or dangerous condition. Nothing herein shall be construed to prevent a property owner from making any use of his property not prohibited by other statutes, ordinances, or regulations. Nothing in this ordinance shall be construed to prevent the reasonable maintenance of or, in the event of an emergency, immediate restoration of any existing above-ground utility structure without approval by the Commission.

E) Administrative Approval for Minor Works Allowed

The Commission staff may issue a Certificate of Appropriateness for minor works, as listed in the Commission's Rules of Procedure. Minor works shall include and are defined as those exterior changes that do not involve substantial alterations, additions, or removals that could impair the integrity of the property and/or district as a whole.

No application for a minor works Certificate of Appropriateness may be denied without formal action by the Commission.

F) Delay in Demolition of Designated Properties

Except as provided below, the Commission may not deny an application for a Certificate of Appropriateness authorizing the demolition of a designated historic landmark or property located within a district. However, the Commission may delay the effective date of such a certificate for a period of up to 365 days from the date of approval. The Commission may reduce the period of delay where it finds that the owner would suffer undue hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period, the Commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the property~~, as provided in subsection 3.5(q)~~. Any such agreement must be reduced to writing, kept on file in the Planning Department, and acknowledged during the next available regular meeting.

The Commission may deny an application for a Certificate of Appropriateness authorizing the demolition or destruction of a building, site, or structure determined by the State Historic Preservation Office to have statewide significance, as defined in the criteria of the National Register of Historic Places, unless the Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

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If the Commission has voted to recommend designation of a property as a landmark or designation of an area as a district, and final designation has not been made by the Board of Commissioners or applicable governing board, the demolition or destruction of any building, site, or structure located on the property of the proposed landmark or in the proposed district may be delayed by the Commission for a period of up to 180 days or until the applicable governing board takes action on the designation, whichever occurs first. Should the Board of Commissioners or applicable governing board approve the designation prior to the expiration of the 180-day delay period, an application for a Certificate of Appropriateness for demolition must then be filed.

G) Demolition by Neglect

Demolition by neglect of any designated historic landmark or property located within a district shall constitute a violation of this ordinance. The Board of Commissioners or applicable governing board may take appropriate actions to prevent demolition by neglect, provided such actions include appropriate safeguards to protect the property owner from undue hardship.

2.3.7 REQUIRED PROCEDURES

A) Submittal for Application

An application for a Certificate of Appropriateness shall be obtained from and, when completed, filed with the Planning Department. Applications for Certificates of Appropriateness shall be considered by the Commission at its next regularly scheduled meeting, provided they have been filed, complete in form and content, at least 10 working days before the meeting; otherwise, consideration shall be deferred until the following meeting.

B) Contents of Application

The Commission shall, by uniform rule in its Rules of Procedure, require information as is reasonably necessary to determine the nature of the application. An application for a Certificate of Appropriateness shall not be considered complete until the required information is included. An incomplete application shall not be accepted. Nothing shall prevent the applicant from filing with the application additional relevant information bearing on the application.

C) Notification of Affected Property Owners

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Before considering an application for a Certificate of Appropriateness, the Commission shall notify by mail the owners of any adjacent property. The mailed notices are for the convenience of the property owners and occupants and any defect or their omission therein shall not impair the validity of issuing a Certificate of Appropriateness, or any following action.

D) Hearing

When considering an application, the Commission shall give the applicant and owners of any property likely to be materially affected by the application, an opportunity to be heard. Such opportunity shall appear as a business item on the agenda of a regular meeting.

E) Commission Action on Application

When considering the application, the Commission shall apply the review guidelines required by Section 2.2.6, and shall, before final action of the application, make findings of fact indicating the extent to which the application is or is not in compliance with the review criteria. The Commission's action on the application shall be approval, approval with conditions, deferral, or disapproval.

F) Reasons for Commission's Actions to Appear in Minutes

The commission shall ensure that the cause for their decision be entered into the minutes of its meeting, whether it be approval, approval with conditions, deferral, or denial. The minutes shall also contain a summary of any citation to the evidence, testimony, studies, or other authority upon which it based its decision.

G) Time Limits

If the Commission fails to take final action upon any application within ninety (90) days after the complete application is considered by the Commission, the application shall be deemed to be approved as submitted.

A Certificate of Appropriateness shall expire six months after the date of issuance, or in the case of a demolition Certificate of Appropriateness, the effective date, if the work authorized by the certificate has not been commenced. If the work has been discontinued for a period of twelve months after commencement, the permit shall immediately expire.

These time periods may be extended upon mutual agreement between the Commission and the applicant. However, such an extension must be defined and voted upon by the Commission and recorded in the meeting minutes.

H) Submission of New Application

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If the Commission denies a Certificate of Appropriateness, a new application affecting the same property may be submitted only if substantial change is made in plans for the proposed construction, reconstruction, alteration, restoration, or moving.

I) Appeals of the Commission's Decision

An appeal may be made to the Alamance County Board of Adjustment, or to the board designated for such appeals within the corresponding jurisdiction, regarding the Commission's action in approving or denying any application for a Certificate of Appropriateness. Written notice of intent to appeal must be sent to the Commission, postmarked within thirty (30) days following the Commission's decision. Appeals must be filed with the Planning Department or the corresponding jurisdiction within 30 days following the Commission's decision. Appeals shall be in the nature of certiorari. The Board of Adjustment's decision in any such case may be appealed to the Superior Court of Alamance County.

2.3.8 ORDINANCE TO APPLY TO PUBLICLY OWNED BUILDINGS AND STRUCTURES

Designated historic buildings, structures, sites, areas, or objects owned by State of North Carolina or any of its political subdivisions, agencies, or instrumentalities shall be subject to the regulations imposed by this ordinance, in accordance with N. C. Gen. Stat. 160D Article 9, Part 4.

2.3.9 REMEDIES

In case any building, structure, site, area, or object designated a historic landmark, or any property located within a historic district, is about to be demolished as the result of deliberate neglect or otherwise, materially altered, remodeled, or removed, except in compliance with this ordinance, the Board of Commissioners or applicable governing board, the Commission, or other party aggrieved by such action may institute any appropriate action or proceedings to prevent such unlawful demolition, material alteration, remodeling, or removal, to restrain, correct or abate such violation, or to prevent any illegal act or conduct with respect to such historic property.

2.3.10 CONFLICT WITH OTHER LAWS

Whenever the provisions of this ordinance are in conflict with any other statute, charter provision, ordinance, or regulation of any governing board, the more restrictive ordinance or regulation shall govern.

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2.4 Board of Adjustment (BOA)

2.4.1 ESTABLISHMENT AND RESPONSIBILITIES

~~There~~ The Alamance County Board of Adjustment is hereby established~~,~~ by authority of ~~Chapter~~ N.C. Gen. Stat. §160D~~, Section~~ 302. ~~of the North Carolina General Statutes, a Board of Adjustment~~. The Board of ~~County~~ Commissioners shall appoint residents of Alamance County to serve as the Board of Adjustment. The Board of Adjustment shall have and exercise the following powers:

A) To authorize, in specific cases, variances from the terms of this Ordinance when unnecessary hardships would result from carrying out the strict letter of the regulations. The Board shall vary any of the provisions of this ordinance upon a showing of all of the following:
   (i) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
   (ii) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
   (iii) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
   (iv) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

   No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

B) To hear and decide appeals from any order, requirement, decision, or determination made by the Planning Director or designee, Historic Properties Commission, Technical Review Committee or the Planning Board in the enforcement or application of this Ordinance.

   i) Pursuant to N.C. Gen Stat. § 160D-1402(c), appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer, department, Board, or Bureau of the political subdivision affected by any decision of the administrative agency.
   ii) All appeals hereunder N.C. Gen. Stat. § 160D-405 and -406 shall be heard and decided as required by Chapter 106D or any subsequent statute.

2.4.2 MEMBERSHIP

The Board of Adjustment shall be composed of five (5) members.

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i) Terms for members of the Board of Adjustment shall last for three (3) years. In appointing the original members or when filling vacancies, the Board of Commissioners may appoint certain members for less than three (3) years so that terms may not expire at the same time. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.

ii) The Board of Commissioners may appoint alternate members to serve on the Board of Adjustment in cases of an absence, temporary disqualification, recusal from voting in specific hearings, or to fill a vacancy pending appointment of a member. Alternate members should be appointed in the same member as regular members. When in service, alternate members shall have all the same powers and duties of regular members.

iii) All members appointed the Board of Adjustment shall, before entering their duties, qualify by taking an oath of office as required by N.C. Gen. Stat. §160D-309.

2.4.3 PROCEDURES

i) A quorum of the Board, necessary to take official action, shall consist of four (4) members. The concurring vote of four-fifths of the Board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter in accordance with N.C. Gen. Stat. §160D-109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

ii) Any vote shall be carried by a simple majority present at the meeting unless a different standard is required by statute.

iii) The Board shall adopt rules of procedure necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. The rules of procedure adopted by the Board shall at least provide for the selection of officers in the Board, the time and place of its regular meetings and the calling of special meetings, and any other rule necessary for the operation of its meetings. Rules of procedure are subject to review and amendment as necessary by the Alamance County Board of Commissioners.

iv) The Board of Adjustment shall keep a record of its members' attendance, and of its resolutions, discussions, findings, and recommendations, which shall be public record.

2.4.4 QUASI-JUDICIAL PROCEDURES

i) The Board of Adjustment shall follow the quasi-judicial procedures as outlined in N.C. Gen. Stat. § 160D in determining appeals of administrative decisions, special use permits, certificates of appropriateness, variances, or any other quasi-judicial decision.

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ii) An applicant may petition the Board of Adjustment for a quasi-judicial hearing only as allowed by the standards established by this Ordinance or applicable law.

iii) Any application for a quasi-judicial hearing required by this Ordinance shall be made to the Planning Department upon a form published for that purpose, accompanied by payment of the approved review fees.

iv) Prior to submittal to the Board, staff will complete an administrative review to verify that the application is complete and will forward the application to the Board of Adjustment for review.

v) Quasi-judicial hearings shall require Public Notification as outlined by applicable law or this Ordinance.

vi) Applicants for quasi-judicial hearings must submit a completed application at least thirty (30) days prior to the meeting in which the matter will be considered.

2.4.5 SPECIAL USE PERMIT PROCEDURES

This subsection provides the review procedure for certain uses that, because of their unique characteristics or potential impacts on adjacent land uses, are not permitted in land use districts as a matter of right but which may be approved under appropriate standards and factors set forth in this Ordinance.

2.4.5.1. Applicability

Only those uses listed as special uses in a land use district in the Table of Uses found in Section 5.7 of this Ordinance will be authorized. These uses may be permitted through the issuance of a special use permit by the Board of Adjustment if it determines that:

- the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved,
- the use meets all required conditions and specifications,
- the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and
- the location and character of the use, if developed according to the plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Alamance County Land Development Plan.

2.4.5.2. Review, Approval or Denial Processes

No inherent right exists to receive a special use permit. Such authorization must be approved under a specific set of circumstances and conditions. Each application and situation are unique. Every special use permit application, including amendments, must,

at a minimum, be required to comply with every applicable requirement contained in this Ordinance, as applicable. However, mere compliance with the generally applicable requirements may not be sufficient to ensure compatibility, and additional measures and conditions may be necessary to mitigate the impact of the proposed development.

A. Initiation

An owner of real property, or that owner's authorized representative, may apply for a special use permit for that property. Applications must be submitted to the Planning Director at least thirty (30) calendar days prior to a regularly scheduled meeting of the Board of Adjustment. Applications must include a certificate of agency or power of attorney, if the applicant is not the property owner and a site plan showing the proposed layout of the development for which the specific special use permit is being sought.

B. Planning Director Review

The application and supporting materials will be reviewed by the Planning Director prior to the meeting where the application is to be considered. Any written comments of the Planning Director will be reported to the Board, the applicant and property owner, prior to the hearing and become part of the hearing record. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.

C. Board of Adjustment Review

The Board of Adjustment must hold at least one quasi-judicial hearing to act on the special use permit request. Notice of the hearing must be given as required by N.C. Gen. Stat. 160D-406(b).

D. Approval Criteria

A special use permit will be issued unless the board concludes, based upon the information submitted at the hearing, that, if completed as proposed, the development will not comply with one or more requirements of this ordinance. However, even if the board finds the application complies with all provisions of this ordinance, it may still deny the permit if it concludes, based upon the information submitted at the hearing that, the use will not comply with findings 1 through 4 of paragraph (A) above.

E. Decision

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A majority vote of the board members is necessary to grant a special use permit. The board must determine contested facts and make its decision within a reasonable time. The decision must be based on competent, material and substantial evidence in the record as supplemented by arguments presented at the hearing. For the purposes of voting, vacant positions on the board and members who are disqualified from voting shall not be considered members for calculation of a majority if there are no qualified alternates available to take the place of such members.

F. Conditions of Approval

The Board may impose reasonable and appropriate conditions and safeguards in addition to, or that supersede any standard specified in this ordinance. Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public, and that provision be made for recreational space and facilities. Conditions and safeguards may not include requirements for which the county has no authority under statute to regulate nor requirements for which the courts have held to be unenforceable if directly imposed by a local government, including, without limitation: taxes, impact fees, building design elements within the scope of N.C. Gen. Stat. 160D-702(b), driveway-related improvements in excess of those allowed in N.C. Gen. Stat. 136-18(29) and N.C. Gen. Stat. 160A-307, or other unauthorized limitations on the development or use of land. Failure to comply with or maintain compliance with any imposed condition is a violation of this ordinance.

G. Form of Decision

The board's decision must be in writing, reflect the Board's determination of contested facts and their application to the applicable standards, be approved by the Board, and signed by the chair or other duly authorized board member.

H. Effective Date of Decision

The board's decision is effective upon filing of the written decision with the Planning Director. The decision must be delivered within ten (10) calendar days of the effective filing date. Delivery will be by personal delivery, electronic mail or first-class mail to the applicant, landowner and any person who submitted a written request for a copy prior to the date the decision becomes effective.

1. Appeals.

Appeals from decisions of the board may be made in certiorari to the clerk of Alamance County Superior Court. The appeal must be filed thirty (30) calendar days after the effective date of the decision, or after a written copy of the

effective decision is delivered as provided in paragraph (i) above, whichever is later. When first-class mail is used to deliver notice of the effective decision, three calendar days will be added to the time to file the appeal.

2. Scope of Approval

A special use permit is valid for a period of twelve (12) calendar months from its issuance date. Its issuance constitutes the development approval for the proposed land use and authorizes the applicant to pursue a county building permit and other approvals required to develop and establish the proposed use. Its issuance does not exempt the applicant from the need to obtain other required permits, or from the requirements of other local, state or federal permitting authorities.

I. Subsequent Applications

An application for a special use permit may be withdrawn at any time. If the application has been advertised in compliance with N.C. Gen. Stat. 160D-406(b), an application requesting substantially the same use on all or part of the same described land will not be reconsidered within six calendar months of withdrawal. The Board of Adjustment shall refuse to hear an application for a special use permit previously denied if it finds there have been no substantial changes in conditions or circumstances bearing on the application

J. Amendments

An amendment is a request for any enlargement, expansion, increase in intensity, relocation or modification of any condition of a previously approved and currently valid special use permit.

1. Amendments Affecting Multiple Parcels of Land.

If multiple parcels of land are subject to a special use permit, the owners of individual parcels may apply for permit amendment provided the amendment will not result in other properties failing to meet the terms of the special use permit or regulations. Any approved amendment applies only to those properties whose owners applied for the amendment.

2. Minor Amendments.

A minor amendment is any amendment not involving a change in permitted use or overall development density. The Planning Director may approve shifts in on-site location and changes in size, shape, intensity or configuration of less than ten (10) percent; or a five (5) percent or less increase in floor area over

what was originally approved, provided that such amendment complies with the following criteria:

a. No previous minor amendment has been granted pursuant to this paragraph;
b. Nothing in the currently valid special use permit precludes or otherwise limits such expansion or enlargement; and
c. The proposed minor amendment conforms to the requirements of this ordinance.

3. Major Amendments.
Any proposed amendment other than those considered a minor amendment are considered a major amendment and will be approved under the procedures applicable to the issuance of the original special use permit.

K. Expansion or Enlargement of Uses Subject to Special Use Permit
Once a special use permit is granted, the use may be enlarged, extended, increased in intensity or relocated in accordance with this section unless the Board of Adjustment, in approving the initial special use permit, specifically established alternative procedures for consideration of future expansion or enlargement.

L. Amendments to Nonconforming Special Uses
The Board of Adjustment may approve amendments to existing, valid special uses that are no longer allowed in the land use district in which they are located. Amendments allowing enlargement, expansion, increased intensity, relocation or continuance beyond the limitations of the existing special use permit are not permitted. Such approvals may not result in the enlargement or expansion of any nonconforming situation.

M. Recording Procedures
Copies of all issued special use permits will be maintained in the permanent files of the Board of Adjustment and Planning Director. Whenever possible, the particular aspects of the special use permit approvals shall be noted on the final site plan

2.5 Planning Department

2.5.1 ESTABLISHMENT AND RESPONSIBILITIES

The provisions of this Ordinance shall be administered by the Planning Department and its staff as the planning agency authorized by Chapter 160D for Alamance County. The Planning Department is established to perform the following duties described in said Chapter:

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a) Make studies of the County and surrounding areas;

b) Recommend to the Board of Commissioners objectives to be sought in the development of the study area;

c) Prepare and present to the Board of Commissioners plans for achieving these objectives;

d) Develop, recommend, and enforce policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;

e) To maintain all records that pertain to the administration of this Ordinance and make these records available for public inspection, pursuant to Chapter 132 of the North Carolina General Statutes.

f) Perform any other related duties that Chapter 160D of the North Carolina General Statutes or the Board of Commissioners may direct.

In accordance with N.C. Gen. Stat. §160D-109(c), no staff member shall make a final decision on an administrative decision required by this ordinance or state law 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 associational 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 applicable regulations unless the staff member is the owner of the 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 County, as determined by the County.

The Alamance County Planning Department is hereby granted and specifically charged with responsibility, under the direction and subject to final approval of the Board of Commissioners for the following:

i. Developing and proposing a community development plan;

ii. Carrying out responsibilities as the County's lead agency for transportation planning;

iii. Carrying out responsibilities as the County's lead agency for land development planning;

iv. Administration of County Ordinances as assigned;

v. Such other responsibilities as the Board of Commissioners may from time to time specifically assign to the Alamance County Planning Department.

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2.6 Planning Director

2.6.1 ESTABLISHMENT OF RESPONSIBILITIES

The Planning Director, under the direction of the County Manager or his/her designee, shall serve as the professional staff support to the Planning Board, Historic Properties Commission, Board of Adjustment, and the Technical Review Committee.

Duties assigned to staff may include, but are not limited to, drafting and implementing plans and development regulations to be adopted pursuant to Chapter 160D of the North Carolina General Statutes; determining whether applications for development approvals are complete; receiving and processing applications for development approvals; providing notices of applications and hearings; making decisions and determinations regarding development regulation implementation; determining whether applications for development approvals meet applicable standards as established by law and local ordinance; conducting inspections; issuing or denying certificates of compliance or occupancy; enforcing development regulations, including issuing notices of violation, orders to correct violations, and recommending bringing judicial actions against actual or threatened violations; keeping adequate records; and any other actions that may be required in order adequately to enforce the laws and development regulations under their jurisdiction.

The Planning Director shall be responsible for the administration and enforcement of this Ordinance unless otherwise assigned within the text of this Ordinance.
The Planning Director shall have the authority to appoint a designee to act in the place of the Planning Director at his/her discretion to assist in the administration and enforcement of this Ordinance. Nothing in this section is or shall be construed to limit the authority of any other officer of the County to observe and report violations of this ordinance during the course of conduct and within the scope of official duties.
This ordinance further establishes the Planning Director as Watershed Administrator, Floodplain Administrator, and Subdivision Administrator.

2.6.2 RESPONSIBILITIES AS WATERSHED ADMINISTRATOR

The duties of the Planning Director as Watershed Administrator are defined as, but not limited to, the following:

a) To issue Watershed Protection Permits and Watershed Occupancy Permits as prescribed herein. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours.

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b) To keep records of all amendments to the local water supply Watershed Protection Standards and ~~shall~~ provide copies of all amendments upon adoption to the ~~North Carolina Department of Environmental Quality.~~ Stormwater Branch of the Division of Energy, Mineral, and Land Resources.

c) ~~To keep records of the jurisdiction's utilization of the Special Non-Residential Intensity Allocation (SNIA) provision. Records for each watershed shall include the total acres of the balance of the watershed, total acres eligible to be developed under this option, total acres approved for this development option, and individual records for each project with the following information: location, acres, site plan, and use, as applicable.~~

To keep records of the jurisdiction's use of the Special Non-Residential Intensity Allocation (SNIA) provision that a maximum of ten percent (10%) of the non-critical area of WS-II, WS-III, and WS-IV watersheds may be developed with new development at a maximum of seventy percent (70%) built-upon surface area.

Records for each watershed shall include the total acres of non-critical watershed area, total acres eligible to be developed under this option, total acres approved for this development option, and individual records for each project with the following information: location, number of developed acres, type of land use and stormwater management plan (if applicable).

d) To administer and enforce the provisions of the Watershed Protection Standards, exercising in the fulfillment of their responsibility the full police power of the County except that no civil or criminal action can be taken without the expressed permission of the County Manager. The Planning Director, or their duly authorized representative, may enter any building, structure, or premises, as provided by law, to perform any duty imposed upon them by this Ordinance.

e) To serve as clerk to the Watershed Review Board and to keep a record of variances to the Watershed Protection Standards. This record shall be submitted for each calendar year to the Division of Water Quality; on or before January 1st of the following year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

In addition to the documentation provided above, a Hazardous Materials Inventory and a Spill Containment Plan, as applicable, shall be kept in the Alamance County Emergency Management Office.

2.6.3 RESPONSIBILITIES AS FLOODPLAIN ADMINISTRATOR

The duties of the Planning Director as Floodplain Administrator are defined as, but not limited to, the following:

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a) To review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this Ordinance have been satisfied.

b) To review all proposed development within Special Flood Hazard Areas to assure that all necessary local, state, and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

c) To notify adjacent communities and the North Carolina Department of 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 the Federal Emergency Management Agency (FEMA)

d) To assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.

e) To prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of this ordinance are met.

f) To obtain actual elevation (in relation to NAVD 1988) of the reference level, including basement, and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of ~~Article 4, Section B(3)~~ Article 6.4, Section 6.4.4 (c).

g) To obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been flood-proofed, in accordance with the provisions of ~~Article 4, Section B(3)~~ Article 6.4, Section 6.4.4 (c).

h) To obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of ~~Article 4, Section B(3)~~ Article 6.4, Section 6.4.4 (c).

i) To obtain certification from a registered professional engineer or architect when flood-proofing is utilized for a particular structure. This is to be in accordance with the provisions of ~~Article 4, Section B(3)~~ Article 6.4, Sections 6.4.4 (c) and ~~Article 5, Section B(2)~~ 6.4.6 for Non-Residential Construction.

j) To make the necessary interpretation when interpretation is needed as to 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 the actual field conditions).

k) When Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of ~~Article 3, Section B~~ Article 6.4, Section 6.4.1, the Administrator shall obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a federal, state, or other agency, including data developed pursuant to ~~Article 5, Section D(2)(c)~~ Article 6.4, Section 6.4.7 (2.c.), in order to administer the provisions of this Ordinance.

l) When BFE data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Article 3, Section B, the Administrator shall obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other agency in order to administer the provisions of this Ordinance.

m) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the BFE, the Administrator shall advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. The Administrator shall maintain a copy of the LOMA in the floodplain development permit file.

~~n) To permanently maintain all records that pertain to the administration of this Ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.~~

n) To make onsite inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local Ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

o) To issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, 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.

p) To revoke floodplain development permits as required. 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.

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g) To make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her Planning Department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

r) To follow through with corrective procedures of this ordinance.

s) To review, provide input, and make recommendations for variance requests.

t) To maintain a current map repository to include, but not limited to, historical and effective Flood Insurance Study (FIS) Report, historical and effective Flood Insurance Rate Maps (FIRM) and other official flood maps and studies adopted in accordance with the provisions of Article 3, Section B of this Ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. The Administrator shall also notify State and FEMA of mapping needs.

u) To coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

2.6.4 RESPONSIBILITIES AS SUBDIVISION ADMINISTRATOR

The duties of the Planning Director as Subdivision Administrator are defined as, but not limited to, the following:

A. To implement the provisions of ~~the~~ Article 6, Section 6.9 Subdivision Standards.

B. To act as staff support to the Technical Review Committee.

2.7 Technical Review Committee (TRC)

The Technical Review Committee is hereby established and authorized to review development plans. The TRC may perform necessary field work and investigation as required by this Ordinance.

The TRC shall serve as an advisory board for applicants and their authorized agents to ensure that development proposals comply with this ordinance and other applicable regulations. Development proposals which must undergo TRC review include the following:

- Major Residential Subdivisions (15 or more lots);
- Minor Subdivisions involving new Class II Private Roads;
- Subdivisions which trigger an upgrade in private or public road standards;
- Class I, II, and III uses as defined by the Heavy Industrial Development Ordinance;
- Adult Establishments/Sexually Oriented Businesses (Article 6, Part 2);
- Manufactured Home Parks (Article 6, Part 3);
- Automobile Graveyards (Article 6, Part 9);

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- Recreational Vehicle Parks (Article 6, Part 10);
- Business Operations (excluding Home-Based Businesses and Customary Home Occupations); or
- Any other developments for which State permitting approval may be required.

The Planning Director, or their designee, may recommend that an application for development approval undergo TRC review even if the proposal is not explicitly listed above. This may be the case when particularly technical developments are proposed or in instances when the approval of multiple agencies will be required for project completion. In these instances, the official recommending TRC review shall provide written justification to the applicant for such recommendation.

2.7.1 MEMBERSHIP

The TRC shall consist of the ~~Subdivision Administrator,~~ Planning Director, or their designee and representatives from the County Health Department, County Planning Board, County Soil and Water Conservation District, NC Department of Transportation, ~~NC Department of Environmental Quality~~, County Office of Emergency Management, ~~and the~~ County Building Inspections Department~~.~~, County Fire Marshal's Office, and County Geographic Information Systems Department.

Other agencies and specialists as deemed ~~necessary by the Administrator to properly implement the provisions and intent of this Ordinance~~ appropriate by the Planning Director may be ~~included from time to time.~~ invited to participate in TRC meetings and to provide an analysis of the proposed development.

2.7.2 MEETING REQUIREMENTS

The TRC shall meet the second and fourth Thursdays of each month as needed. The TRC calendar shall be agreed upon at the first meeting in January of each calendar year or the first meeting of each calendar year in which business is conducted. This calendar shall include the meeting time and location for the entire year's TRC meeting schedule.

The ~~subdivider~~ applicant or their authorized agent is to be included in the technical review meeting, though ~~subdivider~~ attendance is not required for the meeting to be held.

The first and third Mondays of each month should serve as cutoff points for receiving plans. The TRC shall review plans and plats for compliance with provisions and intent of this Ordinance. For the submission to be officially considered, the applicant must submit an application, a site plan of the proposal, and pay the TRC review fee by close of business on the corresponding Monday in advance of an upcoming meeting.

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2.7.3 DECISIONS

At the conclusion of TRC review, the Planning Department shall issue one of the following determinations for the proposed development:

A. APPROVED:
This approval grants the applicant to proceed with the project as presented. The developer is then authorized to submit Construction Drawings in accordance with Alamance County regulations. The applicant must substantially commence with permitting related to the project within one (1) year of this approval date to maintain this approved status. If the project has not substantially commenced within that one (1) year timeframe, the applicant must resubmit and be reviewed as a new project.

B. APPROVAL PENDING:
This approval grants the applicant the right to modify their application in order to conform with certain administrative requests. Such requests must be made in writing to the applicant, and such modifications must be submitted within one (1) year of this approval date in order to maintain this approval pending status. Once modifications have been approved, the developer is authorized to submit construction drawings in accordance with Alamance County regulations. Failure to submit modifications will result in a denied status as defined below.

C. DENIEAL PENDING:
This denial is given because the applicant must make substantial modifications to their application in order to conform with administrative requests and Alamance County regulations. The reasons for denial with conditions shall be made in writing to the applicant. Such modifications must be submitted within one (1) year of this denial date in order to seek approval. Failure to resubmit within the one (1) year timeline will result in automatic denial. Once modifications have been approved, developer is authorized to submit construction drawings in accordance with Alamance County regulations. If the application is denied, they applicant may resubmit an altered proposal and must pay for a new TRC review fee and any other applicable permit fees.

D. DENIED:
This denial is given because the proposed application is unable to comply with Alamance County regulations, even with substantial modifications. If the applicant wishes to resubmit a proposal for a different use or substantially different property configuration, nothing may prevent them from doing so though a new TRC Review Fee and other applicable permit fees must be paid.

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ARTICLE 3 | ADMINISTRATIVE PROCEDURES

Section 3.1 General Standards for Applications and Review p.45

Section 3.2 Grandfathering and Establishment of Nonconforming Situations ... p. 47

Section 3.3 Expiration and Revocation of Permits and Licenses..... p. 51

Section 3.4 Notification Procedures..... p.52

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3.1 General Standards for Applications and Review

All activities regulated by this Ordinance shall be required to apply for permits or licenses through the Alamance County Planning Department prior to engaging in or expanding any regulated activity, construction and/or operational activities. Applicants are strongly encouraged to meet with Planning staff to discuss the nature of their application prior to making a formal application or submitting a site plan.

The owner of the property or their authorized agent shall submit all applications. The Administrator may require reasonable proof of identity or responsibility from any person submitting an application.

The ~~Administrator or designated review officer~~ Planning Director, or their designee, may waive submission of required elements of information when ~~the review officer~~ they determine~~s~~ that such information is otherwise available or is not necessary.
All applications for permits shall be submitted, reviewed, and processed in accordance with the requirements specified in this Ordinance. No permit will be issued until a valid license, site plan or plat is approved as applicable. Any failure to review or make any determination shall not be deemed a waiver of the review or determination unless expressly stated in this Ordinance.

3.1.1 SPECIFICATIONS FOR PLANS AND SUBDIVISION PLATS

Site Plans

a) Any applications for permits or licenses required by this ordinance shall be complete upon submittal. No application will be considered complete until all fees required by the County's fee schedule have been paid in full.
b) Plans should be submitted in a generally acceptable format for the plan type submitted, should be clearly legible, and provide the information needed for the review body to determine conformance with this Ordinance.
c) Specific items required for the review of site plans shall include but not be limited to the items listed on the application provided for that purpose.

Subdivision Plats

a) Plats shall be standard sheet size of ~~18" x 24"~~ eighteen (18) by twenty-four (24) inches and shall meet the recording requirements established by the Alamance County Register of Deeds.
b) The scale shall be the largest that will fit the standard sheet but no smaller than one inch equals four hundred feet (~~1:4800~~ 1 inch = 400 feet).
c) Final plats shall conform to N.C. Gen. Stat. § 47-30, as amended, and any other requirements of this Ordinance. Final plats shall include but not be limited to items listed on the application provided for that purpose.

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3.1.2 ADMINISTRATIVE REVIEW AND APPROVALS

Any applications required by this Ordinance shall be submitted to the Planning Department upon a form published for that purpose. Upon receiving the complete application, the ~~Administrator~~ Planning Director or their designee will review the application for compliance with the relevant provisions of this ordinance and advise the applicant on the appropriate permitting procedure needed.

Upon determining if the application complies with this ordinance, the ~~Administrator~~ Planning Director or designee may issue an approval, ~~an approval with conditions~~, a denial, may request the applicant provide additional information, or may forward the application to the appropriate review body for review and approval. If the ~~Administrator denies~~ the application is denied, the denial must be in writing and provided to the applicant. The applicant may then make changes to the application and resubmit. Any denial may be appealed as detailed in Section 2.3.1(b) of this ordinance.

If the ~~Administrator~~ Planning Director or their designee issues an approval ~~or an approval with conditions~~, a permit shall be issued to the applicant in standard format developed by the Planning Department. This permit shall entitle the applicant to proceed with construction and operation in accordance with the approved permit or license.

3.1.3 BOARD REVIEW AND RECOMMENDATIONS – PLANNING BOARD, HISTORIC PROPERTIES COMMISSION, OR BOARD OF ADJUSTMENT

For any application requiring Board or Commission review as established by the Development Standards of this ordinance, the Planning Department will first ensure that the application is complete prior to forwarding the application to the appropriate review board. The appropriate review board will be specified in the Development Standards of this Ordinance. Review by the review board shall occur as required by law or this ordinance or within a reasonable time.

Following board review, the board may approve the application, deny the application, or approve the application with conditions. If the board denies the application or gives conditional approval, the reasons for its actions shall be documented and transmitted to the applicant as required by law or this ordinance. If the application is denied, the owner may resubmit the application after making corrective changes.

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3.2 Grandfathering and Establishment of Nonconforming ~~Uses and Structures~~ Situations

The purpose of this Article is to avoid undue hardship by permitting the continued use of any building, structure, or property that was lawful at the time of the enactment of this Ordinance or any applicable amendment thereof even though such use, structure or property does not conform to the provisions of this Ordinance.

3.2.1 ESTABLISHMENT OF LEGAL ~~NON-CONFORMANCES~~ NONCONFORMITIES

Any regulated land use or structure properly permitted as required under a previous ordinance shall constitute a legal ~~non-conformance~~ nonconformity. Such ~~non-conformances~~ nonconforming situations may continue, subject to ~~the~~ other applicable provisions of this Ordinance. In all cases, the burden shall be upon the property owner or operator of the ~~non-conforming use or structure~~ nonconformity to show clear, cogent, and convincing evidence that the use qualifies for such status.

~~NONCONFORMING USES.~~

(A) REGULATIONS NOT RETROACTIVE

The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other changes or alteration of any structure or ~~tree~~ site element not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of any non-conforming use. Nothing herein contained shall require change in the construction, alteration, or intended use of any structure, if the construction or alteration ~~if which~~ was begun prior to the effective date of this Ordinance, and ~~which is diligently prosecuted.~~ lawfully completed.

When amendments to this Ordinance render any structure or site element nonconforming, such new rules shall not be construed to require the alteration or discontinuance of the current use of the property in order to bring the property into compliance with the new regulations. Where ambiguity arises because of new rule adoption, a property owner or their authorized representative may submit documentation to the Planning Department in accordance with Section 3.2.9 below.

(B) MARKING AND LIGHTING

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Notwithstanding the preceding provision of this Section, the owner of any non-conforming structure or ~~tree~~ site element is hereby required to permit the installation, operation, and maintenance thereon so such markers and lights as shall be deemed necessary by the Planning Director to indicate to the operators of aircraft in the vicinity of the Burlington-Alamance Regional Airport, the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Burlington-Alamance Regional Authority.

3.2.2 DAMAGE TO LEGAL NONCONFORMING USES

In cases of damage to a legal nonconforming use or structure, repairs may be made and the non-conforming use or structure may be continued; provided that said damage was not caused by the intentional conduct of the owner or operator; provided further that in making repairs, the owner or operator ensures that the footprint(s) of the original building(s) is maintained. If in cases of expansion of the same, the expansion must meet the requirements established by this Ordinance. If a legal non-conforming structure is completely destroyed it may be allowed to rebuild in the same footprint and same size as the original structure ~~was~~. Alternatively, such legal nonconforming structures may be rebuilt in a way that reduces the degree of nonconformity or that comes into compliance with this Ordinance.

3.2.3 DISCONTINUATION OF NON-CONFORMING USE

Notwithstanding the provisions of Section 3.2.2 above, if a non-conforming use is, for any reason, discontinued for ~~one hundred eighty (180) or more consecutive days,~~ a period of one (1) year or more, such use may not resume until permits are obtained and all of the requirements of this Ordinance are met. For purposes of this Section, a regulated use shall not be deemed to be discontinued during such time as the owner or operator thereof has temporarily suspended operations solely due to the seasonal nature of the business.

3.2.4 TRANSFER OF PERMITS AND SALES OF NON-CONFORMING USES

A permit issued for any use of land regulated by this Ordinance runs with the land and may be transferred with the property, provided that all permits are legally obtained and maintained as required by this Ordinance.

3.2.5 RIGHTS ATTACHED TO ISSUED PERMITS

As established by Chapter 160D-108 of the North Carolina General Statutes, this ordinance recognizes and adheres to permit choice and vested rights as outlined therein.

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3.2.6 NONCONFORMING LOTS OF RECORD

When the owners of legally existing lots of record at the time of the adoption of or amendment to this Ordinance, or their successors thereto, do not own sufficient land to enable them to conform to the area or width requirements within this Ordinance, such lots may be used for development purposes provided that all other dimensional, and use requirements are met. This section applies only to undeveloped lots, which are understood to have no substantial structures on them.

Nonconforming lots of record located in Balance of Watershed or Watershed Critical areas shall not be required to first comply with minimum lot size requirements in order to be developed. However, the development of said lots cannot create new nonconforming situations as outlined in subsection 3.2.7 below or violate any provisions of the Alamance County Watershed Protection Standards.

3.2.7 NONCONFMRING STRUCTURES

Except as specifically provided in this Section, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming structure. A nonconforming use may not be extended to additional buildings or to land outside the original nonconforming building. A nonconforming use may not be extended to cover more land than was occupied, or manifestly designed and arranged to be occupied, by that use when it became nonconforming. The volume, intensity, or frequency of use of property where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this Article occur.

Physical alteration of nonconforming structures or structures containing a nonconforming use is unlawful if it results in:

i. An increase in the total amount of space devoted to the nonconformity;
ii. Greater nonconformity with respect to dimension restrictions such as yard requirements, height limitations, or density requirements;
iii. The enclosure of previously unenclosed areas, even though those areas are or were used in connection with the nonconforming activity.

Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted, subject to all applicable county regulations.

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Any structure used as a single-family dwelling unit and maintained as a nonconforming situation may be enlarged or replaced, as long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setbacks, height, density, road access or similar requirements. Nothing herein shall prevent the maintenance, repair, extension or construction of a residential accessory structure on a nonconforming lot, provided it is done in the conformance with the requirements of this Ordinance.

3.2.8 NONCONFMRING SITUATIONS ON SURVEY PLATS

Nonconforming situations which are known to exist on any new survey plat shall be noted prominently on the face of the plat. The boundary lines of a property which features a nonconforming situation may be altered as long as such alteration does not create a new nonconforming situation or exacerbate existing nonconformities. Existing lots of record which are smaller in size than the minimum standards of this Ordinance may not be decreased in size and may only be increased in size if the increase results in compliance with all current applicable requirements of this Ordinance.

Where property lines intersect with existing structures, or where structures encroach into setback areas, alterations to property lines may be approved administratively. However, such alterations must, at a minimum, reduce said encroachments or violations if they cannot remedy the nonconforming situation altogether. The Planning Director, or their designee, may request additional information to verify that such a remedy cannot be achieved.

3.2.9 SITUATIONS MADE NONCOMFORMING BY AMENDMENT

Any nonconformity created by an establishment or change in the land use districts or text of these regulations shall be regulated by the provisions of this section.

When such changes render a property nonconforming by no longer allowing that use type within a particular land use district, then the owner of that property, or their authorized representative, shall have the right to make the nonconformity known to the county for the purpose of establishing the protections outlined by this Article.

Where multiple structures of differing use types exist on a single property (ex: a home and a commercial business), and amendments to this Ordinance render one or more of the structures nonconforming, then the property owner may choose which of the structures is the primary structure for nonconforming designation, and which is the secondary structure. Secondary structures may not be afforded the same nonconforming protections as primary structures.

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Designations made under this section must be made in writing and delivered by the property owner, or their authorized representative, to the Planning Department within three (3) years of the adoption date of the amendment. Planning staff may request additional documentation, perform site visits, and take other necessary measures to determine whether or not nonconforming protection should be granted from the new regulations and which structures should be considered as primary, secondary, or accessory. There shall be no permit or review fees associate with this nonconforming determination.

3.3 Expiration and Revocation of Permits and Licenses

Any permit, license, preliminary plat, or site plan approved under the provisions of this Ordinance shall expire one (1) calendar year from the date of its issue unless:

1. Otherwise specified by the license, permit, or plat;
2. For approved site plans, if construction has commenced in accordance with the approved permit and has been continuous or near continuous since issuance of the permit, the approval remains valid; or
3. When otherwise provided by law.

Any application for a permit, plat, site plan, or license application that has not been approved within six (6) months of its filing will be considered expired. The ~~Administrator~~ Planning Director of their designee may, for good cause, extend the time:

1. If a request is made, before the original time or its extension expires; or
2. By request made after the time has expired if the party failed to act because of excusable neglect.

The issuing body may grant one (1) extension for a period of six (6) months or less upon request of the applicant if all applicable conditions of issuance are met. Any further continuance will require approval by the ~~Planning Board or Board of Commissioners~~ Board of Adjustment.

No permit or application shall expire on any day when the Alamance County Planning Office is closed for business, instead the permit shall be deemed to expire at 5:00 pm on the first business day following reopening. Any disputes regarding time shall be resolved by reference to Rule 6 of the North Carolina Rules of Civil Procedure.

~~3.4 Quasi-Judicial Procedure~~

~~The Alamance County Board of Adjustment, as established by Chapter 160D of the North Carolina General Statutes, shall hear all requests for a quasi-judicial hearing under this Ordinance.~~

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~~vii) Boards shall follow the quasi-judicial procedures as outlined in N.C. Gen. Stat. § 160D in determining appeals of administrative decisions, special use permits, certificates of appropriateness, variances, or any other quasi-judicial decision.~~

~~viii) An applicant may petition the Board of Adjustment for a quasi-judicial hearing only as allowed by the standards established by this Ordinance or applicable law.~~

~~ix) Any application for a quasi-judicial hearing required by this Ordinance shall be made to the Planning Department upon a form published for that purpose, accompanied by payment of the approved review fees.~~

~~x) Prior to submittal to the Board, staff will complete an administrative review to verify that the application is complete and will forward the application to the Board of Adjustment for review.~~

~~xi) Quasi-judicial hearings shall require Public Notification as outlined by applicable law or this Ordinance.~~

~~Applicants for quasi-judicial hearings must submit a completed application at least thirty (30) days prior to the Board of Adjustment meeting in which the matter will be considered.~~

~~3.5~~ 3.4 Notification Procedures

The purpose of this section is to establish a procedure for public notification if required by Chapter 160D or this Ordinance. In all cases, Planning Department staff shall notify applicable parties of a meeting or hearing within the parameters outlined in this Ordinance or by applicable state law. Such notification shall comply with Section 1.9.4 Computation of Time of this Ordinance. An applicant's failure to comply with ~~these~~ necessary instructions shall be due cause to cancel or reschedule any required hearing.

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ARTICLE 4 | ENFORCEMENT PROCEDURES

Section 4.1 Purpose and Applicability ..... p. 54

Section 4.2 Establishing Responsibility ..... p. 54

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4.1 Purpose and Applicability

The purpose of this section is to establish the requirements and procedures for the ~~management or~~ enforcement of the provisions of this ~~o~~Ordinance.

All establishments within the ~~O~~ordinance-making jurisdiction of Alamance County shall permit officials responsible for the enforcement of this Ordinance to enter upon and inspect the premises as necessary to ensure compliance with the provisions of this Ordinance.

This Ordinance may be enforced by any remedy provided by N.C. Gen. Stat. § 160D. If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used or developed in violation of this Ordinance or of any development regulation or other regulation made under authority of Chapter 160D of the North Carolina General Statutes, Alamance County, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, use, or development; to restrain, correct or abate the violation; to prevent occupancy of the building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about the premises.

In case any building, structure, site, area, or object designated as a historic landmark or located within a historic district designated pursuant to this Ordinance is about to be demolished whether as the result of deliberate neglect or otherwise, materially altered, remodeled, removed, or destroyed, except in compliance with the development regulation or other provisions of this Ordinance, Alamance County, the ~~h~~Historic ~~p~~Preservation ~~c~~Commission, or other party aggrieved by such action may institute any appropriate action or proceedings to prevent such unlawful demolition, destruction, material alteration, remodeling, or removal, to restrain, correct, or abate such violation, or to prevent any illegal act or conduct with respect to such building, structure, site, area, or object. Such remedies shall be in addition to any others authorized by this Ordinance for violation of ~~an~~ the ~~o~~Ordinance.

4.2 Establishing Responsibility

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance may be held jointly and severally liable for the violation as allowed by law.

4.3 Complaint, Inspection, and Determination of Violation

4.3.1 COMPLAINTS

Any individual may initiate a complaint to the Planning Department. Such complaints may be made verbally, in writing, or through an ~~generally accepted~~ electronic method by providing enough information to investigate the complaint. If complaints are made in writing, public records law may require disclosure of the written complaint.

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The Planning Director or designee will assign responsibility for investigation and documentation to an investigator for the purposes of enforcing this Ordinance. Complaints shall be investigated, unless the Planning Director determines that the complaint is frivolous, duplicative, or does not allege a violation of law or this Ordinance.

Wherever possible, photographic or videographic evidence shall be made in order to better verify the complaint and provide accurate documentation. Such evidence may be collected by staff in other Alamance County Departments and submitted to Planning Department for enforcement action as long as the evidence is no more than thirty (30) days old.

4.3.2 NOTICE OF VIOLATION

When staff determines work or activity has been undertaken in violation of a development regulation adopted pursuant to this Ordinance or any State law delegated to Alamance County for enforcement purposes in lieu of the State or in violation of the terms of a development approval, a written notice of violation may be issued. The notice of violation shall be delivered to the ~~holder of the development approval~~ party responsible for the violation and to the landowner of the property involved, if the landowner is not the ~~holder of the development approval~~ responsible party, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. When delivered, photographic evidence of such delivery shall be made.

The notice of violation may be posted on the property. When posted, photographic evidence of such posting shall be made.

The person providing the notice of violation shall certify that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud. Except as provided by ~~G.S.~~ N.C. Gen. Stat. § 160D-1123 or ~~G.S.~~ § 160D-1206 or otherwise provided by law, a notice of violation may be appealed to the ~~b~~Board of ~~a~~Adjustment pursuant to ~~G.S.~~ N.C. Gen. Stat. § 160D-405.

The Notice of Violation shall state specifically:

i. Which section(s) of this Ordinance has been violated,

ii. The date of the violation, and whether the violation is continuing in nature,

iii. The date of issuance of the Notice of Violation,

iv. The name and position of the person issuing the Notice of Violation,

v. The requirements of this Ordinance,

vi. A deadline of not more than thirty (30) ~~working~~ calendar days from the date of service of the Notice of Violation for compliance or presentation of a satisfactory course of action to remedy the violation, and

vii. The availability of the appeal process as set forth in this Ordinance or ~~G.S.~~ N.C. Gen. Stat. § 160D.

4.4 Remedies

Any or all of the following procedures may be employed to enforce the provisions of this Ordinance and to seek remedies for violations.

~~4.2.3~~

4.4.1. STOP WORK ORDERS

Whenever any work or activity subject to regulations ~~pursuant to~~ of this Ordinance or other applicable local development regulation or any State law delegated to Alamance County for enforcement purposes in lieu of the State is undertaken in ~~substantial~~ violation of any State or local law, or in a manner that endangers life or property, staff may order ~~the~~ such ~~specific part of the~~ work or activity ~~that is in violation or presents such a hazard~~ to be immediately stopped.

~~The~~ Such stop work orders shall be in writing, directed to the person doing the work or activity, and shall state the specific work or activity to be stopped, the reasons therefor, and the conditions under which the work or activity may be resumed. A copy of the order shall be delivered to the holder of the development approval and to the owner of the property involved (if that person is not the holder of the development approval) by personal delivery, electronic delivery, or first-class mail. The person or persons delivering the stop work order shall certify to the local government that the order was delivered and that certificate shall be deemed conclusive in the absence of fraud.

Except as provided by N.C. Gen. Stat. § 160D-1112 and § 160D-1208, a stop work order may be appealed pursuant to N.C. Gen. Stat § 160D-405. No further work or activity shall take place in violation of a stop work order pending a ruling on the appeal.

Violation of a stop work order shall constitute a Class 1 misdemeanor pursuant to N.C. Gen. Stat § 160D-404.

4.4.2 DENIAL OF PERMIT, APPLICATION, OR CERTIFICATE

The Planning Director or their designee shall withhold or deny any permit, application, certificate, or other authorization on any land, building, structure, or use in which there is an uncorrected violation of a provision of this Ordinance, or of a condition or qualification of a permit, certificate, or other authorization previously granted. This section shall not apply to legal nonconformities as defined in Article 3.

4.4.3 CONDITIONING PERMITS FOR CORRECTIVE ACTION

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The Planning Director or their designee may condition the authorization of any permit or certificate upon the correction of the deficiency, payment of civil penalties within a specified time, or the posting of a compliance security bond approved by the Planning Director.

4.4.4 REVOCATION OF PERMITS OR CERTIFICATES

The Planning Director or designee may revoke and require the return of a permit or certificate by notifying the permit holder in writing, stating the reason for the revocation. Permits or certificates shall be revoked for any of the following: substantial departure from the approved application, plans, or specifications; refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit or certificate. Any permit or certificate mistakenly issued in violation of an applicable state or local law may also be revoked.

4.5 Correction of Violations

Those found in violation shall be given thirty (30) days to remedy the violation. At the end of the thirty (30) day period, the Planning Director, or their designee, will conduct a follow-up inspection and may, at their discretion, grant additional time to obtain compliance provided that the violator has made a good faith effort to bring the property into compliance. Any secondary determination or continuation of time shall be made in writing and define the new time period for which compliance is required.

If the violation has not been corrected by the date given and in the manner outlined within the notice, the Planning Director may act to impose one or more of the remedies and penalties specified ~~herein.~~ in this Article.

4.6 Imposition of Penalties

In addition to other remedies cited herein or otherwise provided by state law, this Ordinance may be enforced by the issuance of civil or criminal citations to the responsible party found to be in violation of this Ordinance.

4.6.1 Civil Penalties

Any violation not addressed as outlined in ~~Section 4.3~~ this Article shall result in the imposition of a civil citation ~~in the amount of $500.00 per violation unless otherwise specified in this Ordinance.~~ as outlined below. ~~Each day's violation shall be considered a separate and distinct offense that is subject to the ascribed fine. Failure to pay a civil penalty may subject the owner to a civil action if the penalty is not paid in the prescribed time.~~

A) $50.00 for the first violation;

B) $100.00 for the second violation;
C) $200.00 for the third violation;
D) $300.00 for the fourth and each succeeding violation.

~~Criminal Penalties~~

~~Pursuant to N.C. Gen. Stat. § 14-4, any person violating any provision of this Ordinance — other than those specifically excluded from criminal punishment under §153A-123 — shall be guilty of a Class III misdemeanor and, upon conviction, shall be punished in accordance with imprisonment or by fine of not more than $500.00 or both.~~

Each day that the violation continues shall constitute a separate offense. The payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve the person of the liability for any taxes, fees, costs, or penalties otherwise imposed under this Ordinance.

4.7 Annual Notice for Chronic Violations

The Planning Director, or their designee, may notify a chronic violator of this Ordinance that, if the violator's property is found to be in violation of the nuisance sections of this Ordinance, the county shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the county gave notice of violation at least three times under any provision of the public nuisance sections of this Ordinance.

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ARTICLE 5 | RURAL PRESERVATION ORDINANCE

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5.1 Establishment of Authority

This Ordinance shall be known as "The Alamance County Rural Preservation Ordinance."

In accordance with the requirements of N.C. Gen. Stat. §160D-703 that such regulation be by districts, Alamance County, as shown on the Alamance County Land Use District Map, is hereby divided into districts which shall be governed by all the uniform use and dimensional requirements of this Ordinance.

The purposes of establishing this ordinance and land use districts are:

- To implement the vision, purpose, goals, and recommendations of the adopted Alamance County 2020 Land Use Plan and similar adopted plans;
- To preserve the county's unique character, culture, landscape, rural setting, and way of life for future generations;
- To promote public health, safety, and general welfare;
- To provide for orderly growth and development;
- To provide for the efficient use of natural and public resources;
- To facilitate the adequate provision of services.

5.2 Jurisdiction

The regulations set forth in this Ordinance shall apply within the districts designated on the Official Land Use Map of Alamance County as established by the County Commissioners on (DATE), Alamance County, North Carolina.

These areas shall not include the properties within the municipal boundaries of any incorporated city, town, or village nor their extraterritorial jurisdictions, unless otherwise authorized by resolution of that city, town, or village.

5.3 Bona Fide Farm Exemption

This Ordinance shall in no way regulate, restrict, prohibit or otherwise deter or affect property used for bona fide farm purposes, but any use of farm property for non-farm purposes shall be subject to the regulations of this Ordinance, per N.C. Gen. Stat. §160D-903.

For purposes of determining whether a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

- A farm sales tax exemption certificate issued by the Department of Revenue.

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- A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to N.C. Gen. Stat. §105-277.3.
- A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
- A forestry management plan.

A building or structure that is used for agritourism is a bona fide farm use if the building or structure is located on a property that (i) is owned by a person who holds a qualifying farmer sales tax exemption certificate from the Department of Revenue pursuant to N.C. Gen. Stat. §105-164.13E(a) or (ii) is enrolled in the present-use value program pursuant to N.C. Gen. Stat. §105-277.3.

Failure to maintain the requirements of this subsection for a period of three years after the date the building or structure was originally classified as a bona fide use pursuant to this subdivision shall subject the building or structure to applicable land use and development regulation ordinances adopted by the county pursuant to subsection (a) of this section in effect on the date the property no longer meets the requirements of this subsection.

For purposes of this section, "agritourism" means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

Agricultural Food Operations, as defined by this ordinance, shall be interpreted as having the same exemptions as bona fide farm operations unless otherwise regulated by local, state, or federal building inspection and food safety regulations.

Section 5.4 Official Map Adopted - District Boundaries Established

5.4.1. LAND USE DISTRICT MAP

The location and boundaries of land use districts shall be as kept in spatial databases entitled "Land Use Districts" or "District Overlays" that are maintained as part of the County's geographic information system (GIS). This depiction of land use district boundaries along with additional reference data in the GIS shall constitute the Official

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Land Use District Map for the County's regulated jurisdiction and is adopted into this Ordinance by reference.

The County Clerk, as applicable, may upon validation by the Planning Director, or designee, certify a paper copy of the Official Land Use District Map, or portions of the map, as a true and accurate copy of the Official Land Use District Map, or a portion thereof, under the authority of N.C. Gen. Stat. §160A- 79(b) and §153A-50.

The Planning Director, or designee, shall direct the county's GIS Department to revise the Official Land Use District Map when amendments are passed by the governing body in accordance with this section. The Planning Director, or designee, shall also cause a correction of errors in the map as they are discovered.

Errors in the Official Land Use District Map shall be corrected as they are discovered, and the corrected information shown on the GIS system. The Planning Director, or designee, may authorize printed copies of the Official Land Use District Map to be produced, and shall maintain digital or printed copies of superseded versions of the Official Land Use District Map for historical reference.

No unauthorized person may alter or modify the Official Land Use District Map.

5.4.2. INTERPRETATION OF BOUNDARIES

The Planning Director, or designee, may authorize periodic changes to the boundaries of the Official Land Use District Map in conformance with this section. Interpretations of zone boundaries may be appealed to the Board of Adjustment.

5.4.2.1. Boundaries Following Lot Lines

A boundary shown on the Official Land Use District Map as following a lot line or parcel boundary shall be construed as following the lot line or parcel boundary as it actually existed at the time the district boundary was established, as shown on maps submitted or used when the boundary was established. If, subsequent to the establishment of the district boundary, a minor property line adjustment is made, such as from settlement of a boundary dispute, the district boundary shall be construed to move with the lot line or parcel boundary if the adjustment is less than ten feet.

5.4.2.2. Boundaries That Do Not Follow Lot Lines

Where the ordinance establishing a land use district boundary identifies the boundary as following a particular natural feature such as a ridgeline, contour line, a river, stream, lake or other water course, or reflects a clear intent that the boundary follows the feature, the boundary shall be construed as following that

feature as it actually exists. If, subsequent to the establishment of the boundary, such natural feature should move as a result of natural processes (slippage, subsidence, erosion, flooding, sedimentation, etc.), the boundary shall be construed as moving with the natural feature.

A boundary shown on the Official Land Use District Map as approximately following a street or railroad line shall be construed as following the centerline of the street or railroad right-of-way. If, subsequent to the establishment of the boundary, the centerline of the street or railroad right-of-way should be moved as a result of its widening or a minor realignment (such as at an intersection), the boundary shall be construed with moving with the centerline only if the centerline is moved no more than twenty-five (25) feet.

A boundary shown on the Official Land Use District Map as approximately parallel to, or as an apparent extension of, a feature described above shall be construed as being actually parallel to, or an extension of, the feature.

If a district boundary splits an existing lot or parcel, the metes and bounds description, if one was submitted at the time the district boundary was established, shall be used to establish the boundary.

If the specific location of the boundary cannot be determined from application of the above rules to the Official Land Use District Map, it shall be determined by scaling the mapped boundary's distance from other features shown on the map.

5.4.3. AMENDMENTS TO THE LAND USE DISTRICT MAP

Any person with an ownership or development stake in a property under the jurisdiction of this Ordinance may initiate or request to change the land use designation of that property in accordance with Article 1, Section 8 of this Ordinance and of N.C. Gen. Stat. §160D, Article 6. An amendment to the Official Land Use District Map may also be initiated by the Planning Director, the Planning Board, or the Board of County Commissioners as long as it is also in line with applicable law.

Section 5.5 Land Use Districts and Regulations

5.5.1 LAND USE DISTRICTS

For the purposes of this Ordinance, Alamance County, North Carolina is hereby divided into the following land use districts, represented by the corresponding abbreviations:

- Agricultural (AG)

- Rural Residential (RR)
- Rural Community (RC)
- Employment Center (EC)
- Suburban Transition (ST)
- Mill Village (MV)
- Parks and Open Space (PO)

These districts may be understood to generally accommodate the following types of development and design features:

Agricultural Districts (AG): refers generally to the properties primarily used for structures regulated under the North Carolina Residential Code, bona fide farms, agricultural operations, and uses that are supplemental to agricultural operations. Such uses might include feed and seed shops, rural fire stations, and churches. Larger lot sizes are established in order to promote a low-density development pattern.

Rural Residential Districts (RR): refers generally to properties primarily used for single-family, low-density housing. This area features a larger lot size for residential lots and allows only certain non-residential uses which are both compatible with low-density development pattern and common to rural areas like childcare facilities, convenience stores, and cell towers.

Rural Community Districts (RC): refers to rural crossroad communities which feature single family and mid-density residential developments; as well as small scale commercial, institutional, general business operations, and similar uses. These communities will have an emphasis on walkable small-town features like sidewalks, parks, playgrounds, and community centers.

Employment Centers (EC): refers to the properties designed to contain employment-generating, higher intensity commercial and industrial uses like warehouses, manufacturing, and multi-tenant flex spaces with easy access to interstate and highway connections.

Suburban Transition District (ST): refers generally to areas in close proximity to municipalities where high-density residential development, multifamily dwellings, condos, and apartment complexes are encouraged. This area will also feature low-intensity commercial and industrial uses with an emphasis on expanding public amenities like utilities and sidewalks. These areas are most likely to be annexed by one of the county's municipalities in the coming years.

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Mill Village Districts (MV): refers to communities which feature existing, and often historic, industrial structures currently or formerly used for the purposes of industrial manufacturing or agricultural processing. These districts are meant to accommodate a wide variety of residential and low-intensity non-residential uses. The regulations here will aim to ensure that future non-residential developments match the historic and/or industrial nature of existing structures. These communities will have an emphasis on walkable small-town features like sidewalks, parks, playgrounds, and community centers. A mixture of use types and mid- to high-density development is encouraged.

Parks and Open Space (PO): refers to land restricted from development that includes county parks, conservation easements, and similar features. The Park and Open Space district will serve more as an undeveloped area on the map and not a district in which new land uses will be placed unless they are planned features of continued park operations or are recreational in nature.

5.5.2 LOT SIZE AND DIMENSIONAL STANDARDS

MINIMUM LOT SIZE STANDARDS

Agricultural Districts (AG)	2 acres
Rural Residential Districts (RR):	65,000 square feet
Rural Community Districts (RC):	30,000 square feet
Employment Center Districts (EC):	30,000 square feet
Suburban Transition Districts (ST):	30,000 square feet
Mill Village Districts (MV):	(based on facility type below)
Individual Well and Septic System:	30,000 square feet
Community/Public Well and Septic System:	20,000 square feet
Individual Well and Community/Public Sewer:	10,000 square feet
Community/Public Water and Sewer:	8,000 square feet

Watershed Areas*

Watershed Critical Area (WCA)	2 acres**
Balance of Watershed (BOW)	1 Acre**

*Watershed lot size minimums shall be governed by the Watershed Protection Standards unless otherwise required by the land use district lot size standards above.
**Additional land area may be required by the Alamance County Health Department based on soil evaluations.

MINIMUM LOT WIDTH STANDARDS*

Agricultural Districts (AG)	100 feet

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Rural Residential Districts (RR):	80 feet
Rural Community Districts (RC):	60 feet
Employment Center Districts (EC):	100 feet
Suburban Transition Districts (ST):	60 feet
Mill Village Districts (MV):	60 feet

*Street frontage for cul-de-sac lots may be reduced to 26 feet per subsection 6.7.11.3 of this Ordinance.

5.5.3 GENERAL PERMITTING REQUIREMENTS

Prior to any development within these districts, applicants shall submit documentation verifying that the proposed use and development is in compliance with land use district requirements.

If the proposed development is not found to be consistent with the land use district requirements, applicants may petition for a change to the Alamance County Land Use District Map in accordance with Article 1 of this Ordinance and N.C. Gen. Stat. §160D, Article 6.

5.5.3.1 Site Plans

The application for development within any land use district shall include a site plan, drawn to scale, with supporting documents, information, and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to the predetermined ordinance requirements, will govern the development and use of the property. The following information must be provided for any non-residential development, if applicable:

1. Information showing the boundaries of the proposed property, including survey map and parcel identification number for the subject property;
2. If only a portion of the parcel is within a district, or if the parcel is split by land use districts, a boundary survey and vicinity map showing the property's total acreage, parcel number, current district classification(s) and the general location in relation to major streets, railroads, and/or waterways;
3. Notation of the applicable land use district;
4. All existing and proposed easements, reservations, and rights-of-way;
5. Proposed number and general location of all buildings, building sites, and their dimensions;
6. Proposed use of all land and structures, including the number of residential units and the total square footage of any nonresidential development;
7. All applicable setbacks, yards, buffers, screening, and landscaping required by these regulations or proposed by the applicant;
8. All existing and proposed points of access to public and/or private streets;

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9. Stream buffers required through this or other Alamance County Ordinances or Regulations, and other Local, State, or Federal regulatory agencies. Delineation of areas within the regulatory floodplain as shown on the Official Flood Insurance Rate Maps for Alamance County
10. Proposed phasing, if any;
11. Generalized traffic, parking, and circulation plans;
12. Proposed provision of utilities;
13. The location of known sites of historic or cultural significance within or adjacent to the project area, including any structure over fifty (50) years old;
14. The approximate location of any cemetery,
15. Proposed number, location, and size of signs;
16. Location and description of any proposed lighting on the project site;
17. The location of existing and/or proposed storm drainage patterns and facilities intended to serve the proposed development, and impervious surface calculations; and
18. Any additional information that the Planning Director may request in order to properly process the permit application or prepare the plans for any appointed or elected board, if their approval is required.

The Planning Director, or their designee, shall have the authority to waive any application requirement where the type of use or scale of the proposal makes providing that information unnecessary or impractical.

The site plan and any supporting text shall constitute part of the application for all purposes under this section.

Section 5.6 Mill Village Districts

This section is meant to provide guidance only for developments within the land use areas defined as the "Mill Village Districts" as they appear on the Alamance County Land Use District Map.

For the purposes of this Ordinance, the Mill Village Districts are defined as:

"Communities which feature existing, and often historic, industrial structures currently or formerly used for the purposes of industrial manufacturing or agricultural processing. These districts are meant to accommodate a wide variety of residential and low-intensity non-residential uses. The regulations here will aim to ensure that future non-residential developments match the historic and/or industrial nature of existing structures. These communities will have an emphasis on walkable small-town features like sidewalks, parks,

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playgrounds, and community centers. A mixture of use types and mid- to high-density development is encouraged."

5.6.1 PURPOSE

The regulations within these districts are designed to preserve the historic and industrial character of the areas, to promote the unique culture of the communities, and to ensure that future non-residential development matches the existing characteristics of these areas.

Additionally, these regulations are intended to accommodate a variety of residential, commercial, office, institutional, and similar uses that serve to enhance and strengthen the existing architectural and cultural elements of the communities.

5.6.2 APPLICABILITY

These design standards apply to all proposed uses for which a building permit is required and that are not subject to the North Carolina Residential Code.

5.6.3 DESIGN ELEMENTS

This section shall apply to all proposed uses for which a Building Permit is required and which are not regulated by the North Carolina Residential Code or an accessory structure to a building regulated by the North Carolina Residential Code. This section shall also not apply to the development of parks, greenways, playgrounds, walking paths, sidewalks, and similar recreational areas for which no substantial structure is involved.

All proposed construction, unless exempted above, shall be designed to substantially match the aesthetic features of existing structures. Such elements shall include exterior wall cladding; window shape, placement, and framing; exposed steel and metal supports, rails, and awnings; wooden rails and awnings; signage; and similar exterior elements.

The images below shall reflect the desired elements for building appearance and design:





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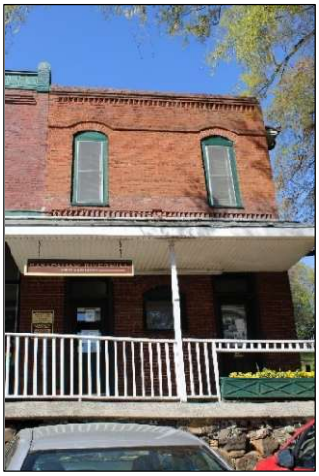








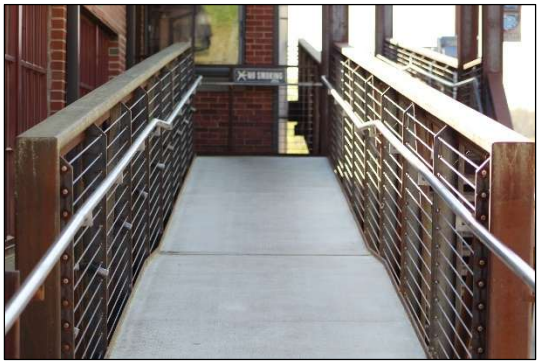






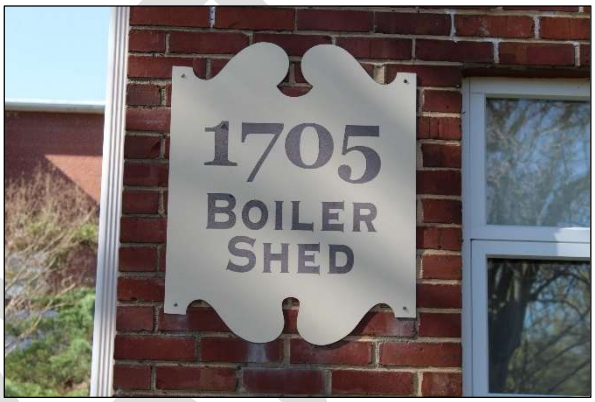






The images below shall reflect the desired elements for sign materials and design:













The images below reflect the desired appearance of miscellaneous exterior features:





Figures 1 and 2: Cornice features at the top of exterior walls on existing historic buildings.





Figures 3 and 4: Exterior courtyards between buildings. Vegetation should include plant species native to the Piedmont Triad region of North Carolina.





Figures 5: Parking garage with original exposed brick wall.
Figure 6: Industrial style vent pipe to match building exterior.

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5.6.4 APPLICATION PROCEDURES

Prior to any development within these districts, applicants shall submit documentation verifying that the proposed use and development is in compliance with district requirements and other applicable regulations. Prior to final approval, the proposed development shall also receive Recommendation of Approval from the Alamance County Appearance Commission.

5.6.4.1 Site Plan Requirements

The application shall include a site plan, drawn to scale by a licensed engineer or surveyor, with supporting drawings, information, and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to the predetermined ordinance requirements, will govern the development and use of the property. The following information must be provided, if applicable:

1. All information as required by Section 5.4.2.1 above;
2. All proposed exterior material features of buildings including cladding, doors, windows, roofing, porches or decks, awnings, shutters, trim, chimneys, dormers, columns, railings, gables, dormers, and any similar elements;
3. All proposed exterior features of the property including yards, courtyards, driveways, parking areas, sidewalks, walkways, greenways, trails, landscaping, fencing, recreational uses, and any similar elements;
4. Any proposed signs, including construction materials, height, dimensions, colors, location on the property, and any similar important elements;
5. Any additional information that the Planning Director may request in order to properly process the permit application or prepare the plans for the Appearance Commission's consideration.

5.6.4.2 Development Layout Standards

For properties which are developed or subdivided within a Mill Village District and which abut a sidewalk section as depicted in the Pedestrian Recommendations Map of the Burlington/Graham Metropolitan Planning Organization's 2050 Metropolitan Transportation Plan, the following shall apply:

1. A five (5) foot easement shall be dedicated at the right of way in order to accommodate future sidewalk development.
2. The setbacks for permanent structures shall be as follows:

Configuration	**Distance in Feet (Min. to Max.)***
From a front sidewalk easement:	35 to 70
From a side sidewalk easement:	15 to 35
From a side property line:	10 to no max

From a rear property Line: 20 to no max

*Where setback from sidewalk easements conflict or cause an impractical building design or placement, priority shall be given to the distance siting from the front sidewalk easement. Where such conflicts lead to these circumstances, the cause for the conflicting building placement shall be noted on the site plans submitted with the other official documents related to the project.

5.6.4.3 Technical Review Committee Submission

Once the application, site plan, and any other relevant information are deemed complete by the Planning Director, or their designee, the application shall be prepared for review by the Alamance County Technical Review Committee in accordance with Section 2.7 of this Ordinance.

If the application is approved by Technical Review Committee or approved with conditions, it may then proceed to the Appearance Commission in accordance with Section 5.6.3.4. below. If the application is denied by the Technical Review Committee, the applicant may resubmit the application in accordance with Section 2.7 of this Ordinance.

5.6.4.4 Recommendation of Approval

Upon receiving a completed application and site plan with the information outlined above and a favorable approval by the Technical Review Committee, the Planning Director, or their designee, shall certify that all necessary application requirements have been met. After certification, the application shall be prepared for review at the next available Planning Board meeting within the timeframe of the Planning Board's agenda submittal deadline and agenda posting date.

For the purposes of reviewing the application, the Planning Board will then sit as the Alamance County Appearance Commission in accordance with N.C. Gen. Stat. §160D-304 and -960. The Appearance Commission shall grant or deny a Recommendation of Approval. Such recommendation shall be based upon whether the applicable features of the proposed development substantially match the prescribed design guidelines of the district, as outlined by this Ordinance. The decision to approve or deny shall be recorded in the minutes of the meeting in which the application was considered and transmitted to the Planning Director.

If approved, the Recommendation of Approval will be signed by the Planning Director, or their designee, who shall also note the date of Appearance Commission approval. Such approval shall authorize the applicant to commence with development in accordance with other regulations and permitting requirements. Alternatively, if the

Appearance Commission finds that certain elements should be addressed and amended in order to approve the certificate, the applicant shall have the opportunity to amend the application and resubmit it for secondary review.

If approved, the applicant shall have one (1) year from the date of approval to substantially commence with the project. If work has not substantially commenced within one (1) year, the approval will be considered expired and permitting for the project will have to begin anew.

If denied, the applicant may resubmit an application within a period of three (3) months from the initial meeting, however, such resubmissions are not required to be fully prepared for an upcoming agenda within three (3) months. Upon denial and resubmission, applicants are strongly encouraged to revise the application and address any items which led to the decision to deny the certificate.

Upon completion of the constructed project, the applicant shall notify the Planning Department prior to receiving a Certificate of Occupancy. The Planning Director, or their designee, shall then conduct an inspection of the property and project to ensure that it was built in accordance with the previously submitted site plan and Appearance Commission's Recommendation of Approval. If the project complies with such plans, then the Planning Director shall issue a Certificate of Completion. If the project does not comply with the previously submitted site plans and Certificate of Approval, the Planning Director shall note such deficiencies and the applicant shall be given the opportunity to correct them. The applicant will only be granted a Certificate of Occupancy and have the project deemed complete after receiving the Certificate of Approval.

If the applicant deems that changes to the project are necessary during the process of construction, they shall submit a detailed account of those changes to the Planning Department for review. The Planning Director, or their designee, may grant administrative approval to minor modifications of the project which may include slight alterations to building footprints, landscape features, areas related to vehicular traffic, or similar modest changes. If the changes are deemed to be major modifications, like building materials, additional buildings, and significant revisions to landscaping or other outdoor features, then such proposed changes will be resubmitted to the Appearance Commission for a revised Certificate or Approval. Such determinations shall always be made in writing.

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Section 5.7 Table of Uses, Interpretations, and Procedures

Land use districts have uses specified as permitted by right, permitted with additional regulations, requiring a special use permit, or not permitted. A detailed use table is provided below showing the uses allowed or not allowed in each district.

The use types represented in the table below are designed to anticipate and provide a process for common and foreseeable developments. Meanwhile, the land use districts established by this ordinance are explicitly designed to be flexible and feature a variety of uses, including those uncommon or unforeseen. Therefore, the Planning Director, or their designee may need to make interpretations from time to time since the available use types within each district are inherently open ended.

Where a use is proposed which does not match any of the uses listed in the table below, the Planning Director, or their designee, shall provide a written interpretation of the use as related to the most applicable use provided in the table. Such an interpretation may be the basis for denying an application or allowing it to proceed based on the proposed use and district. However, allowing a permit to proceed through normal processes after an interpretation is made shall not automatically guarantee final approval. The denial of an application based on a written interpretation may be appealed to the Board of Adjustment in accordance with Article 2, Part 3.

5.7.1 PRINCIPAL USES AND TABLE OF USES KEY

The following land use districts are represented by the corresponding abbreviations.

- (AG) Agricultural District
- (RR) Rural Residential Districts
- (ST) Suburban Transition Districts
- (EC) Employment Centers
- (RC) Rural Community Districts
- (MV) Mill Village Districts

The following describes the processes of each of the categories that the uses are subject to:

- (P) Permitted by Right: administrative review and approval subject to district provisions and other applicable requirements only.
- (PA) Permitted with Additional Regulations: Permitted by right subject to additional regulations as outlined elsewhere in this Ordinance.
- (SU) Special Use Permits required: Administrative processing followed by final approval or denial after a quasi-judicial hearing is conducted by the Board of Adjustment.
- (X) Not Permitted: Use types which are not permitted in the particular district.

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5.7.2 TABLE OF USES

Principal Use Table							
Use Type	**AG**	**RR**	**ST**	**EC**	**RC**	**MV**	**Additional Regulations**
Residential Uses, Household Living							
Dwelling, Single-Family Detached	P	P	P	X	P	P	
Dwelling, Cluster Subdivisions	X	X	X	X	X	PA	Article 6, Part 6
Dwelling, Duplex	P	P	P	X	PA	PA	Section 5.6
Dwelling, Triplex or Fourplex	X	X	P	X	PA	PA	Section 5.6
Dwelling, Multifamily (5 Units+)	X	X	P	X	PA	PA	Section 5.6
Dwelling, Manufactured (Single Home)	P	P	P	X	P	X	Article 6, Part 3
Dwelling, Manufactured Home Park (3+)	X	X	P	X	X	X	Article 6, Part 3
Dwelling, Secondary Residence	PA	PA	PA	X	PA	PA	Article 6, Part 6 (Sec. 6.6.14)
Dwelling, Accessory	PA	PA	PA	X	PA	PA	Article 6, Part 6 (Sec. 6.6.14)
Dwelling, Short-Term Rentals	PA	PA	PA	X	PA	PA	Article 6, Part 6 (Sec. 6.6.14)
Residential Uses, Group Living							
Adult Care Home/Nursing Home	X	SU	P	X	P	PA	Section 5.6
Family Care Home	P	P	P	X	P	P	Subsection 5.7.4
Retirement Home	X	SU	P	X	SU	PA	Section 5.6
Rehabilitation Center	X	SU	P	X	SU	X	
Agricultural & Animal Related Uses, Agriculture							
Farm	P	P	P	P	P	P	
Community Garden/Urban Agriculture	P	P	P	X	P	P	
Forestry	P	P	P	P	P	P	
Garden Center/Greenhouse/Nursery	P	P	P	P	P	PA	Section 5.6
Agricultural & Animal Related Uses, Agriculture Support Service							
Equestrian Facility	P	P	SU	X	SU	X	
Grain Storage Facility	P	P	P	P	P	P	
Sawmill	PA	X	X	P	X	X	Article 6, Part 4
Indoor/Outdoor Kennel	P	P	P	X	P	PA	Section 5.6
Stables	P	P	P	P	P	PA	Section 5.6
Veterinary Clinic/Hospital	P	P	P	X	P	PA	Section 5.6
Institutional Uses, Community & Government Services							
Clubs, Lodges, and Banquet Halls	SU	SU	SU	X	P	PA	Section 5.6
Community Centers/Cultural Centers	P	P	P	X	P	PA	Section 5.6
Place of Worship and Cemeteries	P	P	P	P	P	P	
College, University, or Vocational School	X	P	P	SU	SU	PA	Section 5.6
Elementary, Middle, or High School	P	P	P	X	P	PA	
Day Care Center	P	P	P	X	P	PA	Section 5.6
Correctional Facility	X	X	SU	SU	X	X	
Government Services, Administrative	X	P	P	P	P	PA	Section 5.6
Government Maintenance, Storage, or Distribution Facility	P	P	P	P	SU	X	
Public Park or Recreation Facility	P	P	P	X	P	PA	Section 5.6
Emergency Services	P	P	P	SU	SU	PA	Section 5.6
Institutional Uses, Health Care							
Hospital	X	P	P	X	P	PA	Section 5.6
Urgent Care Facility	X	P	P	X	P	PA	Section 5.6

Principal Use Table							
Use Type	**AG**	**RR**	**ST**	**EC**	**RC**	**MV**	**Additional Regulations**
Institutional Uses, Health Care (continued)							
Office, Medical/Dental	X	P	P	X	P	PA	Section 5.6
Office Park, Medical/Dental	X	P	P	X	P	PA	Section 5.6
Institutional Uses, Transportation, Communication, & Utility Uses							
Park and Ride Terminal	P	P	P	P	P	P	
Airport Facilities	SU	X	SU	SU	X	X	Minimum Lot Size: 40 acres
Transit Station	X	P	P	P	P	PA	Section 5.6
Broadcasting Station and Studio	X	X	P	P	P	PA	Section 5.6
Railroad Yard	X	X	P	P	X	X	
Solar Energy System	PA	X	X	PA	X	X	Article 6, Part 5
Telecommunications Facility	PA	PA	PA	PA	PA	PA	Article 6, Part 7; Section 5.6
Utility Facility	PA	PA	SU	SU	SU	SU	
Commercial Uses, Eating and Drinking Establishments							
Agricultural Food Operations	P	X	X	X	X	X	
Restaurants	X	X	P	X	P	PA	Section 5.6
Specialty Food Service	X	X	P	SU	P	PA	Section 5.6
Bar or Nightclub	X	X	P	SU	P	PA	Section 5.6
Commercial Uses, Offices							
Office Building	X	X	P	SU	P	PA	Section 5.6
Office Park	X	X	P	P	P	PA	Section 5.6
Commercial Uses, Recreation & Entertainment							
Adult Store/Sexually Oriented Business	X	X	PA	PA	X	X	Article 6, Part 2
Country Club	P	P	P	X	X	X	
Golf Course	P	P	P	X	X	X	
Fairgrounds, Temporary	P	P	PA	X	PA	PA	Permitted for up to 96 hours
Fairgrounds, Permanent	P	P	X	X	X	X	
Theater, Indoor	X	X	P	X	P	PA	Section 5.6
Theater, Outdoor	X	X	P	X	P	PA	Section 5.6
Shooting Ranges, Indoor	P	P	P	P	P	PA	Section 5.6
Shooting Ranges, Outdoor	PA	X	X	X	X	X	
RV Park	PA	PA	PA	X	PA	X	Article 6, Part 9
Recreation/Entertainment Facility, Outdoor	P	P	P	X	P	PA	Section 5.6
Brewery	P	X	P	X	P	PA	Section 5.6
Distillery	P	X	P	X	P	PA	Section 5.6
Winery	P	X	X	X	P	PA	Section 5.6
Commercial Uses, Funeral Related Uses							
Funeral Home	X	X	P	X	PA	PA	Section 5.6
Crematorium	X	X	P	P	X	X	
Commercial Uses, Retail Sales & Professional Sales							
Retail Sale	X	X	P	X	P	PA	Section 5.6
Convenience Store	X	PA	P	X	PA	PA	Section 5.6
Farmer's Market	P	P	P	X	P	PA	Section 5.6
Shopping Center	X	X	P	X	PA	PA	Section 5.6
Commercial Uses, Vehicle Service, Sales, & Related Uses							
Automobile Repair, Sales, or Rental	PA	X	PA	PA	PA	PA	Article 6, Part 8; Section 5.6
Automobile Graveyard/Junkyard	PA	X	PA	X	X	X	Article 6, Part 8

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Principal Use Table							
Use Type	**AG**	**RR**	**ST**	**EC**	**RC**	**MV**	**Additional Regulations**
Commercial Uses, Vehicle Service, Sales, & Related Uses (continued)							
Car Wash and Detailing	X	X	P	X	P	PA	Section 5.6
Home-Based Businesses	P	P	P	X	P	P	Section 5.6
Customary Home Occupations	P	P	P	X	P	P	Section 5.6
Commercial Uses, Lodging							
Bed and Breakfast	P	P	P	X	P	PA	Section 5.6
Hotel/Motel	X	X	P	X	PA	PA	Section 5.6
Industrial Uses, Industrial & Services Uses							
Industrial Park	X	X	X	P	X	X	
Manufacturing Facility	X	X	P	P	X	X	
Large Equipment Sales & Rental	X	X	P	P	P	X	
Commercial Storage Facility	X	X	P	P	P	X	
Research Laboratory	X	X	P	P	X	PA	Section 5.6
Warehousing and Distribution	X	X	P	P	X	X	
Wholesale Food Preparation	X	X	P	P	P	PA	Section 5.6
Wholesale Establishment	X	X	P	P	P	PA	Section 5.6
Data Centers, Small Scale	X	X	PA	PA	X	X	Article 6, Part 4
Data Centers, Hyperscale	X	X	X	PA	X	X	Article 6, Part 4
Industrial Uses, Manufacturing, Extraction, Landfill, & Recycling							
Recycling Drop-off Station	PA	PA	P	P	P	PA	Section 5.6
Landfills, Inert Debris	PA	X	X	PA	X	X	Article 6, Part 4
Landfills, Non-Inert Debris	PA	X	X	PA	X	X	Article 6, Part 4
Fuel Bulk Storage	X	X	X	PA	X	X	Article 6, Part 4
Ready-Mix Concrete Suppliers	X	X	X	PA	X	X	Article 6, Part 4
Soft Mining/Resource Extraction	X	X	X	PA	X	X	Article 6, Part 4
Chemical Manufacturing	X	X	X	PA	X	X	Article 6, Part 4
Racetracks	X	X	X	PA	X	X	Article 6, Part 4
Hard Mining / Resource Extraction / Quarrying	X	X	X	PA	X	X	Article 6, Part 4
Asphalt Plants	X	X	X	PA	X	X	Article 6, Part 4
Fossil Fuel Generation Facilities	X	X	X	PA	X	X	Article 6, Part 4

5.7.3. ACCESSORY USES

Accessory uses are secondary, ancillary uses or activities conducted in conjunction with the principal use on a particular property. To qualify as an "accessory use," the use must:

- be conducted or located on the same lot and in the same land use district as the principal use served,
- constitute only an incidental, insubstantial or subordinate part of the total activity taking place on the lot,
- be secondary, incidental to, subordinate in area and purpose to, and serve the principal use, and

- be either in the same ownership as the principal use, or clearly operated and maintained solely for the comfort, convenience, necessity or benefit of the occupants, employees, customers, or visitors of or to the principal use.

5.7.3.1. Regulations for Specified Accessory Uses. Without limiting the generality of subsection (1) above, the following activities are specifically regarded as accessory to residential principal uses, provided they satisfy the general criteria set forth above:

(a) *Home-based Business.* Home-based businesses shall be:
1. owned, operated or leased by the owner of the property on which the business is located, and
2. conducted within a garage or other residential accessory building associated with the residence provided the building's gross floor area doesn't exceed 10,000 square feet.

(b) *Home Occupation, Customary.* Customary home occupations shall be:
1. located entirely within a residence,
2. owned or operated by the property owner or an immediate family member, and
3. occupy no more than 1/3rd of the gross floor area of the residence in which it is conducted.

5.7.4. CERTAIN USES PERMITTED WITH ADDITIONAL REGULATIONS

The standards in this section apply to specified land uses identified by a "PA" in the Permitted Use Table found in Section 5.7.2.

(a) *Airport Facilities.* No airport facilities may be established on a lot that is less than 40 contiguous acres in area.
(b) *Fairground, Temporary.* Temporary fairgrounds shall not operate longer than 96 hours at the same location within any 180-day period.
(c) *Family Care Home.* No new family care home may be established within a one-half mile radius of an existing family care home.

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ARTICLE 6 | LAND USE AND DEVELOPMENT STANDARDS

PART 1. GENERAL REGULATIONS

Section 6.1.1 Applicability p.81

Section 6.1.2 Setbacks p.81

Section 6.1.3 Stream Buffers p.82

Section 6.1.4 Water Supply Lake Buffers p.82

Section 6.1.5 Temporary Residences p.82

Section 6.1.6 Height Restrictions ..... p. 84

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6.1 ~~General~~ 6.1.1 Applicability

This section is intended to provide standards for the use of property within the jurisdiction of this Ordinance. No building or land shall hereafter be used and no development shall take place except in conformity with the regulations herein specified.

~~6.1.1~~ 6.1.2 Setbacks

Buildings and structures shall not be erected within the setback area between said lot lines and the building setback lines. Setbacks should be measured from any right-of-way line.

Setback Type	Required Distance
Front Setback	
From Arterial Road	40’
From Major Collector Road	40’
From Minor Collector Road	35’
From Local Road	30’
From Cul-de-sac right-of-way	30’
Side Setback	25’ if abutting street ROW; 10’ if abutting property line that is not ROW
Rear Setback	20’

Accessory structures may be located no closer than three (3) feet ~~of~~ from any rear property line or easement line or five (5) feet from any side property line or easement line, if easement is present on property.

Cul-de-sac lots shall have a minimum frontage of ~~20’~~ twenty-six (26) feet at the street right-of-way line and a minimum width of ~~60’~~ sixty (60) feet when measured at ~~30’~~ thirty (30) feet back from right-of-way.

The determination of front, side, and rear property lines on irregularly shaped lots shall be made by the Planning Director or their designee. The determination will be based on the spirit and intent of this Ordinance to achieve an appropriate spacing and location of buildings and structures on individual lots.

Where these regulations conflict with setback standards in the Subdivision Ordinance, the standards specifically related to subdivisions shall apply in those instances.

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~~6.1.2~~ ## 6.1.3 Stream Buffers

A ~~50'~~ fifty (50) foot buffer of vegetation shall be maintained on both sides of all perennial streams at all times to retard rapid water runoff and soil erosion. Perennial streams are identified as the solid blue lines on United States Geological Survey Maps. Streets, roadways, railroads, and driveways are permitted in the buffer, but shall be constructed to cross the buffer as near to perpendicular as possible. Utility lines, greenways, and greenway type recreation facilities are permitted within the buffer but should be designed to have minimal impact. If the vegetative cover must be removed or disturbed, it shall be restored as soon as possible. The ~~50'~~ fifty (50) foot buffer shall be measured on a horizontal plane from the top of the bank of the stream. The buffer zone may be included in calculating the lot size.

~~6.1.3 STREAM BUFFERS WITHIN JORDAN LAKE WATERSHED AREAS~~

~~Stream buffers within the Jordan Lake Watershed areas are to follow the riparian buffer protection rules of 15A NCAC 02B .0267 and .0268 and Section 6(g) of Session Law 2009-216, found in Section 7(b) of Session Law 2009-484, Jordan Water Supply Nutrient Strategy. Stream determinations will also follow these rules.~~

~~6.1.4~~ ## 6.1.4 Water Supply Lake Buffers

A ~~100'~~ one hundred (100) foot wide natural buffer shall be maintained around all water supply reservoirs, measured from the normal pool elevation outward. Desirable artificial streambank or shoreline stabilization is permitted. No new development is allowed in the buffer except for water dependent structures and public projects such as road crossings and greenways where no practical alternative exists, and other structures causing diminutive increases in impervious areas such as flag poles, signs, and security lights.

~~6.1.5~~ ## 6.1.5 Temporary Residences

Temporary residences may only be allowed on properties that are either vacant or that are designated for residential use. Temporary residences shall not be allowed within Manufactured Home Parks or RV Parks.

Temporary use of a manufactured home, ~~or~~ travel trailer, or recreational vehicle (RV), as a temporary residence shall be permitted only as outlined below:

A. Manufactured homes used for this purpose must be installed in accordance with the Set-Up and Installation Standards adopted by the North Carolina Commissioner of Insurance.
B. Travel trailers, ~~and~~ RVs used as temporary residences for a period of more than thirty (30) days must be permitted by the Planning Department. A temporary residence~~s~~ permit, which shall be conspicuously affixed to the travel trailer or RV, shall be issued by the Planning Department and valid for the below periods of time.
    ~~a)~~ 1) If used as a supplementary residence in addition to a permanent residential dwelling on the property, for up to twelve (12) months.

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~~b)~~ 2) If used as a temporary residence based on a bona fide emergency which has made permanent residential dwelling units on a parcel unsuitable for habitation, for up to twelve (12) months with the option of permit renewal for an additional twelve (12) month period ~~by the Planning Department~~. ~~Use of the travel trailer or RV as a temporary residence must cease within 30 days of receipt of a certificate of occupancy for the permanent residential dwelling unit.~~

~~c)~~ 3) If used as a temporary residence during the course of renovation or construction on the permanent residential dwelling units on a parcel, for up to twelve (12) months with the option of permit renewal for an additional six (6) month period~~s by the Planning Department~~.

All temporary residences permitted under this section must conform to the standards in ~~Chapter 26 Article II~~ Section 7.1, "Flood ~~d~~Damage ~~p~~Prevention ~~o~~Ordinance" and shall tie into properly permitted water, electrical, and septic/sewer services on the property. Temporary residences which are used as a supplementary residence to a permanent residence may not be required to connect to water and septic/sewer services on the property. However, they must submit an Alamance County Environmental Health Alternate Sewage Disposal Consent Form with their Temporary Residence Permit Application.

When a temporary residence is used for the purpose of renovating or constructing a permanent residence, the applicant shall furnish evidence to the Planning Department that such efforts have commenced within thirty (30) days of obtaining the temporary residence permit. Evidence may include documentation to procure building materials, hire a building contractor, obtaining building permits, or any similar information. The Planning Department shall keep such documentation on file with the temporary residence permit and related documents.

For temporary uses associated with bona fide emergencies or renovation or construction of a permanent residence, ~~U~~use of the ~~travel trailer, or RV as~~ temporary housing must cease within thirty (30) days of receipt of a certificate of occupancy for the primary housing unit. Requests for temporary residence permit extensions must be made to the Planning Department in writing and be accompanied by some evidence to justify the need for permit renewal. The Planning Director, or their designee, may grant the extension only within the time parameters allowed under subsection B above and such permit extensions must be made in writing. Upon the expiration of a temporary residence permit, no new temporary permits may be issued for the same parcel of land within one (1) calendar year of the expiration date as outlined above.

All temporary residences must abide by the same setback regulations that apply to permanent structures. No permanent features like stairs or decks may be built onto temporary residences as they render them essentially immobile.

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~~6.6.1 PURPOSE AND INTENT~~

6.1.6 Height Restrictions

The following standards regulate and restrict the height of structures and objects of natural growth, and otherwise regulate the use of property affecting air traffic, in the vicinity of the Burlington-Alamance Regional Airport by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; referring to the Burlington-Alamance Regional Airport Height Restriction District Map which is incorporated in and made a part of this ordinance.

~~6.6.2~~ 6.1.6.1 ESTABLISHMENT OF AIRPORT DISTRICTS, DISTRICT MAP, AND BOUNDARIES

A. AIRPORT DISTRICTS. For the purpose of this section, a portion of Alamance County is hereby divided into an Airport District. The purpose of these standards is to regulate the height of objects in the vicinity of the airport to assure compatibility with aviation activity and maintain clear zones and approach zones in accordance with Federal Aviation Administration requirements.

B. ESTABLISHMENT OF THE DISTRICT MAP.

I. Alamance County is hereby divided into a district, as shown on the Height Restriction District Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance.

II. An official copy of the Height Restriction District Map of Alamance County shall be filed in the Offices of the County Clerk. This map shall bear the seal of Alamance County under the following words: "This is to certify that this is the Height Restriction District Map referred to in Article Two of the Height Restriction Ordinance (now Section ~~6.6~~ 6.1.6 of the Unified Development Ordinance) adopted by the Alamance County Board of Commissioners on December 19, 2016".

C. INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists with respect to the boundary of any district shown on the Official District Map the following rules shall govern:

1. Where any district boundary is indicated on the district map as following approximately the County boundary line or the corporate limits line of any incorporated place within the County, then such County boundary line or corporate limits line shall be construed to be such district boundary.

2. Unless otherwise indicated, the district boundaries follow natural features such as marsh edges and stream banks.

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3. Where indicated, district boundaries are parallel to the center lines of streets, highways or railroads, or the rights-of-way of same; property lines; streams or other bodies of water; or said lines extended at such distance therefore as indicated on the district map. If no distance is given, such distance shall be determined by the use of the scale on said district map.

4. Where district boundary lines are so indicated that they approximately follow property or lot lines, such property or lot lines shall be construed to be such boundary lines.

5. Where a district boundary line divides a parcel or lot, the location or any such district boundary line, unless indicated by dimensions shown on the district map, shall be determined by the use of the scale on said district map.

D. AIRPORT DISTRICT

This district is established for two purposes:

(1) to minimize safety, noise and light conflicts between airport users and property owners in the area;

(2) to adequately protect valuable public facilities upon which large amounts of public monies have already been spent. Protection will be accomplished to the extent legally possible by the exercise of the police power without compensation.

E. AIRPORT ZONE HEIGHT LIMITATIONS

Except as otherwise provided in this section, no structure shall be erected, altered or maintained, and no trees shall be allowed to grow in any zone created by this section to a height in excess of the applicable height limitation herein established for each zone in question as follows:

1. Approach Zone(s)

a. Runway 6 & 24 Precision Instrument Runway End (APA): Slopes (fifty) 50 feet outward for each foot upward (50:1) beginning at the end of and at the same elevation as the primary surfaces and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward (forty) 40 feet horizontally for each foot vertically (40:1) to an additional horizontal distance of 40,000 feet along the extended runway centerline.

b. Runway 6 – Precision Instrument Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

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c. Runway 24 – Precision Instrument Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

2. **Transitional Zones (APT):** Slopes seven feet outward for each foot upward (7:1) at (ninety) 90-degree angle from the primary and approach surfaces to a point intersecting the horizontal or conical surface. The transitional surface symmetric to the sides of the runway slopes seven feet outward for each foot upward (7:1) at an elevation same as the primary surface. The transitional surface symmetric to the sides of the precision approach surface slopes seven feet outward for each foot upward (7:1) beginning at the sides of and the same elevation as the approach surface and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.

3. **Horizontal Zone (APH):** Established at (one hundred) 100 feet above the airport elevation, or 716.1 feet above mean sea level.

4. **Conical Zone (APC):** Slopes (twenty) 20 feet outward for each foot upward for a lateral distance of 4,000 feet beginning at the periphery of the horizontal zone and extending to an elevation of 916.1 feet above mean sea level.

F. HEIGHT ~~RESTRICTIONS~~ LIMITATIONS

Except as otherwise provided or as necessary to airport operations, no structure or tree shall be constructed, altered, maintained, or allowed to grow in any airspace zone created in Section ~~6.6.2.D~~ 6.1.6.1(D) so as to project above any of the imaginary airspace surfaces described. Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail.

G. USE RESTRICTIONS

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this section in such a manner as to create electrical interference with navigational signals or radio communication between the Airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the Airport, impair visibility in the vicinity of the Airport, create bird strike hazards or otherwise endanger or interfere with the landing, taking-off, or maneuvering of aircraft intending to use Airport.

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The Burlington-Alamance Regional Airport Authority shall have the right to remove underbrush, trees and other obstacles in the pathways of said runways, so as to prevent interference with the slopes hereinabove set out, and no buildings or other structures shall be constructed of a height so as to interfere with such slopes.

~~6.6.3~~ 6.1.6.2 CONSTRUCTION PERMITS

~~a)~~

A) PERMITS.

No building permit within the Airport Approach Zone "APA", Airport Horizontal Zone "APH" or Airport Transitional Zone "APT" area shall be issued until it has been determined that the proposal upon which he is requested to act is in compliance with the terms of these regulations.

Except as specifically provided in ~~(A), (B), and (C)~~ subitems 1, 2, and 3 hereunder, no structure shall be erected or otherwise established, and no tree shall be planted which violates any zone hereby created unless a permit therefore shall have been applied for and granted. Each application permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this section shall be granted unless a variance has been approved in accordance with the variance procedures established by this ordinance.

~~(A)~~ 1. In the area lying within the limits of the horizontal zone (APH) and conical zone (APC), no permit shall be required for any tree or structure less than seventy-five feet (75') of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

~~(B)~~ 2. In areas lying within the limits of the approach zones (Precision Instrument Runway Approach Zone), but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

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~~(C)~~ 3. In the areas lying within the limits of the transition zones (APT), no permit shall be required for any tree or structure less than seventy-five feet (75') above the ground, except when such tree or structure because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions, shall be construed as permitting or intending to permit any construction, alteration of any structure, or growth of any tree in excess of any of the height limits established by this section except as set forth by the variance procedures of this Ordinance.

~~b)~~

B) EXISTING USES. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of the original Height Restriction Ordinance, which is replaced by this Ordinance, or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

~~c)~~

C) VARIANCES. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration (FAA) as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the application has been furnished to Planning Director; Chair of the Burlington-Alamance Regional Airport, the FAA and N.C. Dept. Division of Aviation for advice as to the aeronautical effects of the variance. If the above organizations do not respond to the application within fifteen (15) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

~~d)~~

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D) OBSTRUCTION MARKING AND LIGHTING. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain at the owner's expense such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard. If deemed proper by the Board of Adjustment this condition may be modified to require the owner to permit the Burlington-Alamance Regional Airport at its own expense, to install, operate or maintain the necessary markings and lights.

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ARTICLE 6 | LAND USE AND DEVELOPMENT STANDARDS

PART II. ADULT ESTABLISHMENTS AND SEXUALLY ORIENTED BUSINESSES

Section 6.2.1 Applicability p.91

Section 6.2.2 Location, Operation, Appearance, and Advertising Requirements..... p.91

Section 6.2.3 License Requirements p.93

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6.2.1 Applicability

Alamance County recognizes that sexually oriented businesses can and do cause adverse secondary impacts on neighboring properties. For example, increases in crime rates and decreases in neighboring property values can result from the location of sexually oriented businesses in inappropriate locations or from the operation of such businesses in an inappropriate manner.

This section is designed to governs the location and operation of adult establishments and sexually-oriented businesses as defined herein. The goal of these regulations is to prevent or ameliorate adverse secondary impacts from the location and operation of such businesses.

6.2.2 Location, Operation, Appearance, and Advertising Requirements

~~6.2.2(a)~~ 6.2.2.1 Location Restrictions

Adult establishments and sexually-oriented businesses must:

a) Not be located within one thousand (1,000') feet of any other adult establishment or sexually-oriented business regulated by this ordinance.
b) Not be located in a building, premises, structure, or other facility that contains another adult establishment or sexually-oriented business.
c) Be located within one thousand (1,000') feet of another building, premises, structure or other facility that contains an adult establishment or a sexually-oriented business as a secondary business activity.
d) Not be located within one thousand, five hundred (1,500') feet of a park, school, house of worship, community center, or child day care center.
e) Not be located within one thousand, five hundred (1,500') feet of a major residential subdivision.

~~Waiver of~~ Variance from Location Requirement

A property owner may petition the Board of ~~Commissioners of the County of Alamance~~ Adjustment ~~to waive~~ for a variance from the location requirements established above if they believe it causes an unnecessary hardship. ~~A petition should contain the name and address of the property owner, a description of the use(s) and size of the proposed adult establishment or sexually oriented business, and a preliminary plan for the property.~~

~~If the Board finds that the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Ordinance will be observed, it may waive the location requirement.~~

Variance petitions will be processed in accordance with Article 2, Section 2.3 of this Ordinance as well as N.C. Gen. Stat. 160D-705(d) and other applicable law.

~~6.2.2(b)~~ 6.2.2.2 Operation Restrictions

Adult Establishments and Sexually Oriented Businesses must conform to the following:

a) Hours of operation may only be between the hours of 2:00 p.m. and 2:00 a.m.

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b) No one under the age of twenty-one (21) may be admitted into the business operation.
c) In the case of massage parlors, no masseur or masseuse may massage a person under twenty-one (21) years old except under the direction of or by order of a license health professional.
d) No one under the age of twenty-one (21) may be employed by the business operation.
e) Performances in an adult establishment should occur only upon platforms that are raised at least four (4) feet from the floor.
f) Adult establishment and sexually oriented business entertainers must remain at least four (4) feet from patrons at all times during their performances.
g) In the course of an entertainment performance, adult establishment or sexually oriented business entertainers shall wear clothing that keeps their private parts completely and opaquely covered at all times.
h) In the course of all business except for an entertainment performance, entertainers must wear clothing that completely and opaquely covers their Specified Anatomical Areas at all times.
i) In the course of business, servers and other employees must wear clothing that completely and opaquely covers their Specific Anatomical Areas at all times.
j) No adult establishment or sexually oriented business shall permit Specified Sexual Activities to occur as part of its featured entertainment or as a primary or secondary activity within or outside of the building.
k) Viewing booths or rooms within an adult establishment or sexually oriented business must remain open and visible to the operator at all times. In the case of an adult mini motion picture theatre, no more than one (1) person shall be permitted in each booth or room at once.
l) Any sexually-oriented merchandise should be contained within a sealed wrapper. Merchandise with a sexually-explicit cover should be contained within an opaque sealed wrapper.
m) No adult establishment shall allow any entertainment or business activities to occur outside of the building in an area that is visible to or accessible by the public.
n) No person employed as a masseur or masseuse shall, in the course of business, massage a customer's Specified Anatomical Areas.
o) All individuals employed as a masseur or masseuse must comply with applicable rules and regulations promulgated by the Alamance County Health Department.
p) The operation of an adult establishment or sexually oriented business shall comply with the Alamance County Noise Ordinance at all times. Any violation of the Noise Ordinance shall be subject to the penalties prescribed in Section ~~1(b)~~ 9 therein.

Appearance and Advertising Restrictions

a) No sexually-oriented merchandise or entertainment shall be visible from the exterior of the building.

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b) Each adult establishment or sexually oriented business is limited to one primary sign measuring twenty (20) square feet, and two (2) window signs measuring six (6) square feet.
c) Signs and other forms of on- and off-premises advertising or display may not contain sexually-oriented graphics or language that is designed to attract patrons with allusions to Specified Anatomical Areas, nudity, and Specified Sexual Activities.
d) An adult establishment or sexually oriented business may not use lighting on its property that will adversely impact the use and enjoyment of adjacent properties.

6.2.3 License Requirements

A. License to Operate

It shall be a violation of this Ordinance to operate any Adult Establishment or Sexually Oriented Business in Alamance County's ordinance-making jurisdiction without a license issued pursuant to this ordinance. Any individual or entity desiring to operate an adult establishment or sexually oriented business on property located within Alamance County's ordinance-making jurisdiction must apply to the Alamance County Planning Department for a license.

Application Requirements

Application for Licensure to Operate shall include:

1. The name and address of the owner(s);
2. The physical address of the property, including tax map block and lot numbers;
3. The name and addresses of the agent(s) and officers, if the applicant is a corporation;
4. The name and address of the operator(s), if different from the owner(s), and;
5. A copy of a valid form of government-issued photo identification for each owner, operator, and agent. This photo identification may include a driver's license, United States passport, United States military identification card, a state identification card, or any other form of photo identification considered reliable by the Administrator.
6. A non-refundable license fee of $500.00.

Upon submission of the license application, a criminal background check shall be performed upon the owner(s), operator(s), and agent(s), if applicable. This background check shall be conducted in order to determine whether the individual(s) has been convicted of any drug-related felony or sexually-related crimes. The review period for the license application, including criminal background check, shall not exceed a period of twenty-one (21) business days.

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If the applicant follows the above application procedure, meets the standards described herein, and satisfactorily passes the criminal background check, a license to operate an adult establishment or sexually-oriented business shall be issued. This license attaches only to the business and is valid for one (1) year or for the period of ownership by the applicant, whichever is shorter.

License Renewal

A license may be renewed for one year upon its expiration with the payment of a renewal fee of $250.00 made to the Alamance County Planning Department.

Denial of Application

In the event that a background check reveals that any of the above individuals ~~has~~ have been convicted of a sexually-oriented or drug related felony within the past fifteen (15) years, or a sexually-oriented or drug related misdemeanor within the past ten (10) years, the license shall be denied. Failure to follow the procedures set forth herein, as well as failure to meet the standards established in this Ordinance, ~~the license shall be denied.~~ shall also result in the denial of the permit.

Appeals of denied permits may be filed per Section ~~4.2.2.~~ 2.4.1.b of this Ordinance.

B. Licensing for Managerial Employees

It shall be a violation of this Ordinance to operate any adult establishment or sexually oriented business on property located within Alamance County's ordinance-making jurisdiction without licenses issued pursuant to this section. It shall be the responsibility of the owner and/or operator of an adult establishment or sexually oriented business to apply for a license for all employees who shall be involved in the managerial operation of the business. This shall include operators and managers, but does not include servers, entertainers, escorts, masseurs, and clerks.

Application Requirements

Application for Managerial or Operator Licensure shall include:

1. The name and address of each operator and manager;
2. Any aliases or other names by which each operator and manager has been known;
3. A copy of a valid form of government-issued photo identification, which may include a driver's license, United States passport, United States military identification card, state identification card, or any other photo identification considered reliable by the Administrator;
4. The initial date of employment of each operator and manager; and
5. A completed background check authorization form.

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Application for a Managerial or Operator License shall be made within fifteen days from the first date of his or her employment. A nonrefundable fee of $200.00 per operator and/or manager shall accompany the application. Upon submission of the license application, a criminal background check shall be performed upon the operator and/or manager. This background check shall be conducted in order to determine whether each individual has been convicted of any human trafficking, drug-related or sexually-related crimes.

The review period for the license application, including criminal background check and written notification of the decision, shall not exceed a period of twenty-one (21) business days. If the above application procedure is followed and an operator or manager satisfactorily passes the criminal background check, an adult establishment or sexually oriented business managerial/operator license shall be issued. This license is valid for one (1) year and is personal to the managerial/operating employee. Said license shall not be sold or transferred and expires when the manager/operator leaves the employment of the business.

License Renewal

A manager/operator license may be renewed for one (1) year upon its expiration with the payment of a renewal fee of $100.00 to the Alamance County Planning Department.

Denial of Application

If the background check reveals that an individual has been convicted of a human trafficking, sexually-oriented or drug related felony within the past fifteen (15) years, or a human trafficking, sexually-oriented, or drug related misdemeanor within the past ten (10) years, the manager/operator license shall be denied. Failure to follow the application procedure outlined above shall also result in a denial of the application.

C. Licensing for Entertainers

It shall be a violation of this Ordinance to operate any adult establishment or sexually oriented business on property located within Alamance County's ordinance-making jurisdiction without licenses issued pursuant to this section. It shall be the responsibility of the owner/operator of an adult establishment or sexually-oriented business to apply for a license for all employees who shall be involved in entertainment activities at the adult establishment. This shall not include servers, escorts, masseurs, and clerks.

Application Requirements

Application for Entertainer Licensure shall include:

1. The name and address of each entertainer;
2. Any aliases or other names by which the entertainer has been known, including stage names used in entertaining;
3. A copy of a valid form of government-issued photo identification, which may include a driver's license, passport, military identification card, state identification card, or any other form of photo identification considered reliable by the Administrator;

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4. The initial date of employment of each entertainer; and

5. A complete background check authorization form.

Application for a license for an entertainer shall be made within fifteen (15) days from the first date of his or her employment. A nonrefundable fee of $50.00 per entertainer shall accompany the application.

Upon submission of the license application, a criminal background check shall be performed upon the entertainer. This background check shall be conducted in order to determine whether the individual has been convicted of any drug-related or sexually-related crimes. The review period for the license application, including criminal background check and written notification of the decision, shall not exceed a period of twenty-one (21) business days.

If the above application procedure is followed and an operator or manager satisfactorily passes the criminal background check, an entertainer license shall be issued. This license is valid for 1 year and is personal to the entertainer. Said license shall not be sold or transferred and expires when the entertainer leaves the employ of the applicant.

License Renewal

An entertainer license may be renewed for one (1) year upon its expiration with the payment of a renewal fee of $25.00 to the Alamance County Planning Department.

Denial of Application

If the background check reveals that an individual has been convicted of a sexually-oriented or drug related felony within the past fifteen (15) years or a sexually-oriented or drug related misdemeanor within the past ten (10) years, the entertainer license shall be denied. Failure to follow the application procedure outlined above shall also result in a denial of the application.

Appeals of denied permits may be filed per Section ~~4.2.2.~~ 2.4.1.b of this Ordinance.

D. Posting of Licenses

All validly-issued licenses for an adult establishment or sexually oriented business operation and for all managerial employees must be posted in a conspicuous location and manner on the premises of the business at all times. Validly-issued licenses for all entertainer employees must be kept in a location on the premises of the business operation so that they are readily available for inspection by the authorities responsible for enforcement of this Ordinance.

E. Revocation of Licenses

A license may be revoked by the Administrator if it is established that the license application contained false information or if the license holder is convicted of a drug-related or sexually-oriented crime.

F. Transfer of License Prohibited

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A license issued for any adult establishment or sexually oriented business may not be transferred with the property. A license obtained pursuant to Section ~~5.3.3~~ 6.2.3 shall be valid for one (1) year or the amount of time that the owner of record on the application owns the business, whichever is shorter. If ownership of the property is transferred, a new license must be obtained pursuant to Section ~~5.3.3.~~ 6.2.3. Application for this license must be made within thirty (30) days of the transfer of ownership.

While the new license application is pending, the Planning Director shall issue a temporary license for the business within three (3) business days of being provided with the new name of the business, if applicable, and the name and address of the new owner(s). This temporary license shall attach only to the business and shall be valid for thirty (30) days or until a new license is issued or denied, whichever is shorter.

If a new license is not obtained pursuant to this Ordinance, the business shall be deemed in violation of this Ordinance and civil penalties may be imposed.

G. Exceptions

None of the above location, licensing, operation, or appearance requirements shall apply to legitimate theatre operations that present plays or films of serious literary, artistic, political, or scientific merit.

Section ~~5.3.2(b)~~ 6.2.2(b) restrictions (g), (h), and (i) shall not apply to a private club, as defined by this Ordinance.

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ARTICLE 6 | LAND USE AND DEVELOPMENT STANDARDS

PART III. MANUFACTURED HOMES AND PARKS

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~~6.7 Manufactured Home Parks~~

6.3.1 ~~DEVELOPMENT SPECIFICATIONS~~ Purpose

The purpose of this section is to regulate and guide the development of manufactured home parks and individual manufactured homes in order to promote the public health, safety, and general welfare of the citizens of Alamance County. These regulations are designed to ensure that adequate roadways, fire safety, emergency access, off-street parking, utilities (water, sewer, and electricity), solid waste disposal, recreation, and privacy are provided to residents of manufactured homes in parks.

6.3.2 Development Specifications

A. Minimum Space Size

1. Service-based Size Requirements

Services Provided	Minimum Space Size
Manufactured Home requirements	
Individual Septic and Well	30,000 square feet
Community/Public Water and Septic System	20,000 square feet
Community/Public Sewer and Well	10,000 square feet
Community/Public Water and Sewer	8,000 square feet

2. Manufactured Home Parks located in the Balance of Watershed (BOW) shall have a minimum manufactured home space size of one (1) acre.
3. Manufactured Home Parks located in the Watershed Critical Area (WCA) of watersheds shall have a minimum manufactured home space size of two (2) acres.
4. Spaces within Manufactured Home Parks ~~and Recreational Vehicle/Travel Trailer Parks~~ (collectively referred to in this section as "Parks") are not transferable lots that can be deeded or sold except by an approved subdivision plat. Approved Manufactured Home Park plans are not to be construed as a subdivision.

*NOTE: Additional acreage may be required by the Alamance County Health Department to accommodate sewage disposal and well systems.

B. Road Standards

1. Manufactured Home Parks shall have a "clearway" of fifty (50) feet.

2. Within each designated clearway there shall be a "travelway." The travelway shall be at least twenty (20) feet wide and be maintained for all weather and emergency vehicle access. Every travelway that does not either intersect a public road or intersect into another travelway must provide for a vehicle turnaround as follows:

    a. For dead ends ~~less than~~ which are one hundred fifty (150~~'~~) feet in length or less (as measured from the nearest road or travelway intersection centerline to the center point of the dead end, cul-de-sac, or other end point of the travelway) ~~with~~ there shall be a minimum width of twenty (20~~'~~) feet ~~or other configuration as approved by the appropriate regulating agency~~.

    b. For ~~cul-de-sacs more than~~ dead ends which are one hundred fifty (150~~'~~) feet in length to five hundred (500) feet in length (as measured from the nearest road or travelway intersection centerline to the center point of the dead end, cul-de-sac, or other end point of the travelway) ~~with~~ there shall be a minimum cul-de-sac width of at least ninety-six (96~~'~~) feet at the end of the road or other turnaround configuration as approved by the ~~appropriate regulating agency~~ Alamance County Fire Marshal.

    c. For dead ends which are five hundred and one (501) feet in length to seven hundred and fifty (750) feet in length (as measured from the nearest road or travelway intersection centerline to the center point of the dead end, cul-de-sac, or other end point of the travelway) there shall be a minimum cul-de-sac width of at least ninety-six (96~~'~~) feet at the end of the road or other turnaround configuration as approved by the Alamance County Fire Marshal.

    d. No ~~cul-de-sac or other~~ dead-end road shall exceed two thousand, five hundred (2,500~~'~~) ~~feet~~ in length as measured from the nearest road or travelway intersection centerline to the center point of the dead end, cul-de-sac or other end point of the travelway.

3. All primary entry travelways must originate from a public right-of-way.

4. ~~These standards are a minimum and will be subject to review and approval by the appropriate agency.~~ Private Roads or other access easements may not originate from a Manufactured Home Park travelway.

C. Space Frontage

~~**I. Manufactured Home**~~

1. Each designated manufactured home space shall have a minimum width of ~~100'~~ sixty (60) feet of frontage on the ~~travelway.~~ clearway.

2. Manufactured home spaces fronting on cul-de-sacs shall have a minimum of ~~35'~~ twenty (20) feet of frontage at the edge of the ~~travelway.~~ clearway.

D. Parking

~~**I. Manufactured Home**~~

~~Each manufactured home space shall provide for two (2) designated parking spaces outside of the clearway for each manufactured home space. Each parking space shall have a minimum dimension of twenty (20') feet in length and 10' nine (9) feet in width, with minimum of four (4") inches of compacted gravel.~~

Manufactured Home Parks shall be arranged so that all vehicular parking can be accommodated off of any interior streets and outside of any clearway to ensure that emergency service vehicles have unobstructed access to all homes. Such parking allocation must be clearly shown on the site plan in accordance with Section 6.3.3 below.

All parking surfaces shall be paved, graveled, or filled with other solid materials as to ensure the integrity of vehicular load, provide for stable and accessible parking, and prevent erosion and vegetative overgrowth.

E. Setbacks

The following setbacks are established for units within manufactured home parks:

Side	10~~'~~ feet from adjoining unit space
Rear	10~~'~~ feet from adjoining unit space
Front	45~~'~~ feet from the centerline of travelway~~, effective setback is 25'~~
*NOTE: side and rear setbacks are to be measured from the side and rear space boundaries.	

In all cases, each lot boundary should be clearly identified with corner markers.

F. Signage

1. Each Manufactured Home Park must display and maintain a permanent sign with the name and address as assigned according to Alamance County Addressing Ordinance. These signs shall be no more than ten (10~~'~~) feet from each entrance. The sign shall be clearly visible with lettering at least four (4~~"~~) inches high. If the sign is posted perpendicular to the main road, the name and address number shall be visible from both directions.

2. Each manufactured home space shall be consecutively numbered as assigned according to the Alamance County Addressing Ordinance. Each space will display a sign no more than ten (10~~'~~) feet from the unit's driveway or required parking area and will be clearly visible from the travelway. Numbers should be at least four (4~~"~~) inches high. If the sign is posted perpendicular to the travelway, the address should be visible from both directions.

G. Garbage Disposal and General Maintenance

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All garbage and refuse in every Manufactured Home Park shall be stored in suitable water-tight and fly-tight standard garbage receptacles, and kept covered with tight fitting covers. At least one such receptacle shall be provided and conveniently located for every manufactured home space except where a dumpster or dumpsters are conveniently located and used in the same manner as separate receptacles. Operators are responsible for ensuring that the park is properly maintained according to all applicable ordinances.

H. Water and Sewage Disposal

All Manufactured Home Parks will be subject to monitoring and enforcement of water quality standards. Each space shall be provided an individual connection to a water supply and wastewater disposal system approved by Alamance County Environmental Health and/or the appropriate regulatory ~~authority~~ agency. No site plan, as required below, will be approved prior to review and approval by the appropriate regulatory authority.

~~**I. Manufactured Homes Connected with a Fair**~~

~~Manufactured homes serving itinerant workers connected to a fair may be parked on the fairground for the duration of the fair, but not to exceed 20 days, providing they are connected to a wastewater system as approved by the appropriate regulatory authority.~~

I. Non-residential developments such as coin-operated laundries, food stores, or common storage units may be permitted in a park, provided the uses are: (1) clearly subordinate to the residential use of the park; (2) designed to serve primarily the needs of park residents; and (3) developed to be in harmony with the residential character of the park. Such uses are subject to the service-based size requirements in Item A above as well as the setback and spacing requirements of Item E above.

~~6.7.2 CLUSTER DEVELOPMENT~~

~~Clustering of spaces within Manufactured Home Parks is not permitted.~~

6.3.3 Site Plan Requirements

Site plans shall be submitted for Manufactured Home Parks as required by the Alamance County Planning Department. Manufactured Home Parks located in a designated watershed in Alamance County shall also submit a site plan for review and approval per the Alamance County Watershed Protection Standards in this Ordinance.

All Manufactured Home Park Site Plans are required to show, at minimum:

- Date of Submission
- Name and address of owner(s)
- Name of ~~Subdivision~~ Manufactured Home Park (~~subdivision~~ park names shall not duplicate or approximate, phonetically, existing subdivision names)
- Location designation including a vicinity map (township, county, state) showing the property and surrounding area
- Name and address of surveyor or engineer

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- Scale in figures and bar graph
- North arrow
- Bearings and distances of property boundary
- Surrounding property lines, property owners, and subdivisions
- Topography including water courses, wooded areas, and contours at ~~'~~ five (5) foot intervals or less
- Location, extent, and identification of marginal land
- Acreage of property within the park
- Total proposed number of spaces
- Square feet of each space
- Existing conditions (on property to be ~~subdivided~~ developed and within 300' of property being ~~subdivided~~ developed) including, but not limited to, boundaries and identification of political subdivisions, boundaries and identification of land use districts, buildings, structures, or utilities (public or community), street right-of-way (including pavement and names), location and size of bridges, culverts, and other storm drainage facilities, location, width, and purpose of all easements.
- Proposed conditions including travelway alignments, clearways, and all associated dimensions including cul-de-sacs, t-turnarounds, clear zone measurements, parking areas, curve radii and site distance measurements as needed, proposed utilities, and any other infrastructure and storm drainage facilities, all easements, manufactured home spaces including separation lines, numbers, and approximate dimensions of spaces and setbacks, and proposed public use (open space) sites.
- All landscape buffers for the park
- Location, dimension, and content of signs as detailed in Subsection F above
- Location and capacity of any garbage receptacles as detailed in Subsection G above
- Any other information deemed necessary for site plan review by the Planning Department
- Approval of any other departments or agencies as required for compliance with the requirements of this or any other ordinance

6.3.4 Expansion ~~to~~ of Existing Development

Existing Manufactured Home Parks which were established prior to the effective date of this Ordinance shall be considered legal nonconformance subject to Section 3.2 of this ordinance ~~except for Section 3.2.3 DISCONTINUATION OF NON-CONFORMING USE.~~ Discontinuation of non-conforming use of Manufactured Home Parks is governed by Section 6.7.5.

Proposed expansions to Manufactured Home Parks shall only be allowed if the new portions of the park are expanded in compliance with the regulations of this Ordinance.

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6.3.5 Discontinuation of Non-Conforming Use

If a non-conforming Manufactured Home Park~~, for any reason,~~ discontinued the use of a park for~~,~~ any reason for a period of 365 days or more, such use may not resume until permits are obtained and all of the requirements of this Ordinance are met. For purposes of this Section, discontinued use takes place when not a single habitable manufactured home remains on a lot of a park. In such cases, the entire park would be discontinued and no longer be used as a Manufactured Home Park.

6.3.6 Miscellaneous Provisions

A. Permitting Required

No manufactured home shall be erected, moved, added to, or structurally altered without a building permit issued by the Alamance County Building Inspector.

B. Construction Standards

Only Class A, B, or C Manufactured Homes will be permitting within Manufactured Home Parks. Such manufactured homes are as defined by this ordinance and in accordance with the standards promulgated by the US Department of Housing and Urban Development (HUD) through the National Manufactured Housing Construction and Safety Standards Act of 1974.

Existing Class D Manufactured Homes, or homes that do not otherwise comply with HUD regulations, may remain in operation within parks if they are currently in use. However, if their use is discontinued for a period of three hundred and sixty five (365) days or more, they may not be permitted to be reestablished as a residence.

C. Manufactured Homes on Individual Lots

Manufactured Homes placed on individual lots, and not within Manufactured Home Parks, will be regulated the same as single family dwellings. Only Class A, B, or C Manufactured Homes are permitted within the County.

D. Cluster Development

Clustering of spaces within Manufactured Home Parks in a fashion similar to a Cluster Subdivision is prohibited.

E. Manufactured Homes Connected with a Fair

Manufactured homes serving itinerant workers connected to a fair may be parked on the fairground for the duration of the fair, but not to exceed twenty (20) days, providing they are connected to a wastewater system as approved by the appropriate regulatory authority.

F. Recreational Vehicles

Recreational Vehicles (RVs) may not be permitted within a Manufactured Home Park, either on a temporary or permanent basis. RVs which are unoccupied and stored in the same manner as personal vehicles are allowed without any additional permitting.

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ARTICLE 6 | LAND USE AND DEVELOPMENT STANDARDS

PART IV. HEAVY INDUSTRIAL DEVELOPMENT

Section 6.4.1 Applicability p.106

Section 6.4.2 Regulated Land Uses and Exceptions p.106

Section 6.4.3 Regulations and Standards p.107

Section 6.4.4 Permitting Procedures p.112

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6.4.1 Applicability

The following regulations of industrial development are adopted for the purpose of promoting the health, safety, and general welfare of the citizens of Alamance County, and to promote the peace and dignity of the County. The Alamance County Commissioners hereby establish certain criteria relating to industrial development and associated land uses. These uses by their very nature produce objectionable levels of aesthetic impact, traffic, noise, odors, vibrations, fumes, light, smoke, and/or other impacts upon the lands adjacent to them. These standards shall allow for the placement and growth of such uses, while maintaining the health, safety, and general welfare standards of established and commercial areas in Alamance County.

6.4.2 Regulated Land Uses and Exceptions

a. Regulated Land Uses

CLASS I
Fuel Bulk Storage, Ready-Mix Concrete Suppliers, Land Clearing and Inert Debris Landfills, Renewable Energy ~~Generating~~ Facilities
CLASS II
Resource Extraction, Automobile Salvage and Storage Facilities, Chemical Manufacturing, Data Centers (Small Scale)
CLASS III
Mining/Quarrying, Race Tracks, Asphalt Plants, Electricity Generating Facility, Landfills-except inert debris, Paper Mills, Cement Manufacturing, Waste Processing Facilities, Hazardous Waste Management Facilities, Solid Waste Disposal Facilities, Solid Waste Management Facilities, Saw Mills, Metal Recycling and Salvage Facilities, Data Centers (Hyperscale)

b. Exceptions to Applicability

The following are exceptions, by right, from regulations under this section:

1) Agricultural Farming Operations
2) Residential Land Uses

Exception from this Section does not grant immunity from other applicable sections of this Ordinance or other Alamance County Ordinances.

6.4.3 Regulations and Standards

Prior to the issuance of any permit under this section, the regulated land use must demonstrate compliance with the applicable regulations and standards imposed.

Classification	Minimum Lot Size	Building Height	Land Use Spacing	Operations Setback	Stream Setback
Class I	10 acres	40 feet	--	150 feet	100 feet
Class II	10 acres	40 feet	150 feet	150 feet	100 feet
Class III	40 acres	40 feet	1750 feet	500 feet	100 feet

A. Minimum Lot Size

No Class I or Class II land use regulated by this section shall be situated on a tract of land less than ten (10) acres in size. Class III land uses shall be located on a tract no less than forty (40) acres in size.

B. Building Height Limits

In order to allow for adequate fire protection, no building which is intended or used for human occupancy shall exceed a vertical height of forty (40) feet, measured from the top of the foundation (entrance grade) to the highest point of the roof assembly. No more than one (1) occupancy story may be below this entrance grade.

Excluded from this limitation are the following:

1. Water, radio, telephone (including cellular), or television towers or any equipment for the transmission of electricity or communications, or both; and
2. building, including chimneys, flagpoles, flues, spires, steeples, belfries, cupolas, antennas, poles, wires, or windmills, provided no part of the structure which is higher than (forty) 40 feet is intended or used for human occupancy. Structures which are slender in nature and minor vertical projections of a parent.

C. Land Use Spacing & Protected Facilities

All industries regulated by this section shall be required at the time of the issuance of an Intent-to-Construct permit to meet a minimum spacing requirement from any "protected facility" as defined by this section. Land use spacing shall be measured in a straight line without regard for intervening structures or objects from the closest edge of the property line of the tract(s) on which the area of operations is located to the nearest improvement currently in use as a protected facility. The purpose of this requirement is to minimize the potential negative impacts of conflicting uses of land.

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For the purpose of this section, the following shall be considered "protected facilities":

1. An educational facility
2. A North Carolina licensed child care facility
3. A North Carolina licensed assisted living facility
4. A North Carolina licensed nursing home
5. A public or privately-owned hospital
6. A rural medical center
7. A church
8. A dwelling unit
9. Historic landmarks recognized by Alamance County Historic Properties Commission

D. ~~Land Spacing Waiver~~ Variance Procedure

~~The Board of Commissioners may authorize individual land spacing waivers of the application of this Ordinance where there are practical difficulties or particular hardships in the way of carrying out the strict letter of the provisions of this Ordinance. Upon finding practical difficulties or unnecessary hardships existing with a strict application, individual requirements may be modified, provided they are consistent with the spirit, purpose, and the intent of the ordinance, substantial justice, and the public health and welfare secured. All requests for a review shall be written and submitted to the Alamance County Planning Department. Prior to consideration of a review by the Board of Commissioners, the request shall be referred to the Alamance County Planning Board for the Planning Board's recommendation. See Section 3.4. Notice: Decisions by the Board of Commissioners shall be reached only after a public hearing, quasi-judicial in nature, and after notice has been given by certified mail to the applicant. In addition, notice of the time and place of such public hearing shall be published in a paper of general circulation in the county not less than ten days nor more than thirty days previous to the hearing. Such notice shall contain the address or location of the property for which a hearing by the Board is sought, as well as a brief description of the nature of the application. Notice will follow NC GS 160D-406 Section B.~~

Applicants may pursue a variance in accordance with Section 2.3 of this Ordinance. Any authorized variance is required to be entered in writing in the meeting minutes of the Board of Adjustment and noted on any preliminary and as-built site plans associated with the project.

E. Operations Setback

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All industries regulated by this section shall be required to designate and maintain a minimum "operations setback". Operations setbacks shall be measured from the edge of the designated area of operations to the property line of the tract on which the area of operations is located. No area of operations or internal roadways may be located within the operations setback area, though direct access roadways may intersect the Operations Area in a perpendicular manner as to provide access to the Area of Operations. ~~Vegetative screening and fencing are allowed by right~~. Other design elements may be located within the operations setback when required as a condition of other local, state, or federal permits or regulations.

F. Traffic Impact Analysis

~~Access to all regulated industries shall be directly from a state-maintained road. No access from a private road shall be allowed.~~

All regulated land uses identified in Section 6.4.2 must have Direct Access from a state-maintained road, as defined by this Ordinance. Furthermore, submitted plans must indicate that all primary business traffic and other commercial activities related to the regulated industry will originate only from the state-maintained road providing Direct Access and not any side road or other method of ingress and egress which might otherwise provide access to the property.

Other methods of ingress and egress may be provided for safety reasons, emergency service purposes, or when necessary to comply with Fire Code or other applicable regulations. These secondary entrances must also originate from a state-maintained road and be arranged to enter the operations area in a perpendicular manner and not be arranged as an internal roadway.

All industries regulated by this section shall be required to demonstrate if their proposed heavy industrial use would create an amount of traffic (in terms of vehicle trips per day) that would push the roads by which the industry is gaining access over its practical carrying capacity as defined by the N. C. Department of Transportation (NCDOT). The most updated version of the Institute of Transportation Engineers "Trip Generation Manual" shall be used to determine the average number of daily trips generated by the proposed industry. The regulated industry shall add these projected daily vehicle trips to the most recent traffic counts performed by NCDOT for the surrounding road network.

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If the regulated industry will exceed the carrying capacity of the roads which provide access to the property over the practical carrying capacity, then the applicant shall provide a traffic impact analysis (TIA) performed by a N.C. licensed engineer or transportation planner. The TIA shall provide specific recommendations for the mitigation of impacts from the proposed traffic, acceleration and deceleration lanes, road design standards, shoulder width, stop lights and outlying intersection improvements.

G. Operations Area

Operation of the regulated land use outside of the designated area of operations is prohibited. The following areas shall not be allowed in the designated area of operation of the regulated industry:

1. Any area located within a special Flood Hazard Area as defined by the current Alamance County Flood Damage Prevention Ordinance.
2. Any area classified as wetlands or woody swamp by the U.S. Army Corp of Engineers.
3. Any area designated by the North Carolina Wildlife Resources Commission as habitat for an identified Species of Greatest Conservation Need (SGCN).

Co-location of other land uses regulated by this section within the area designated for operation of the regulated industry is not allowed. Each land use required by this section to designate an area for operation must maintain a separate and distinct operations area.

H. Stream Setbacks

All industries regulated by this section shall be required to maintain a minimum stream setback from any perennial or intermittent stream. Stream setbacks shall be measured from the area of operations to the top of the bank of the stream as defined in this section.

I. Landscaping & Screening

All industries regulated by this section shall be required to provide a landscaping/screening plan. The purpose of this requirement is to minimize/mitigate the visual impacts of the land use on adjacent properties as well as to maximize the buffering of noise and particulate matter.

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Screening shall be a minimum of fifty (50) feet in width for Class I ~~and Class II~~ uses and one hundred (100) feet for Class II and Class III uses. For Class I ~~and II~~ uses, the screening shall consist of a minimum of two staggered rows of plantings. For Class II and III uses, the screening shall consist of a minimum of three staggered rows of plantings. Plantings shall be a minimum of eight (8) feet on center with a maximum of ten (10) feet on center and be at least 36"-48" tall in seven (7) gallon size at time of installation. Mixed borders are encouraged. As part of the review process, the Planning Director may, at their discretion, consider existing screening and vegetation on the property. Suggestions for screening plans may be found in Appendix ~~6.5 Heavy Industrial Development~~ B, Screening Guidelines and Suggestions of this ~~o~~Ordinance.

In the event that an applicant is unable to plant required screening and/or landscaping; the applicant may post a bond or certified check in the amount of ~~1.5~~ one hundred and fifty (150) percent of ~~times~~ the engineer's cost estimate for the proposed plan. Should the applicant fail to install the necessary landscaping/screening, the County will be entitled to complete the landscaping plan using the proceeds of the bond or certified check.

J. Gating & Fencing

At a minimum, the area of operations of a regulated use shall be completely enclosed by a minimum six (6) foot high fence with a ~~self-locking gate.~~ self-closing and self-latching gate.

K. Lighting

Access ways, walkways and parking areas shall be lighted adequately by lighting fixtures which shall be so installed as to protect the street and neighboring properties from direct glare or hazardous interference of any kind. Applicants are encouraged to use light shielding and fixtures that are approved by the International Dark Sky Association (IDA) as these fixtures conserve energy, reduce monthly costs, and minimize the impact of light pollution on surrounding properties.

L. Compliance with Other Governmental Requirements

Applicants under this section are required to comply with all other applicable County, State, and Federal regulations. Said regulations include but are not limited to watershed protection, stormwater, erosion control, air quality, water quality, flood protection, building code, and NCDOT requirements. The Planning Director may require the applicant to submit additional information based on the permitting requirements. Failure to submit any additional information required by the Planning Director shall result in the denial or revocation of an Operations Permit.

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6.4.4 PERMITTING PROCEDURES

A. Pre-Application Meetings Required

The applicant or an authorized corporate officer is required to meet in person with a Planning Staff member to discuss the nature of their application at least fourteen (14) days prior to making a formal application and submitting a site plan.

At this pre-application meeting, the applicant shall identify in writing any additional permits which the applicant needs in order to operate the regulated industry and provide a reasonable timeline for obtaining those permits.

~~Additionally, the applicant shall identify any protected facilities in the spacing area for which a spacing waiver is required.~~

B. Intent-to-Construct Permits

An Intent-to-Construct Industrial Development Permit shall be required before the owner or operator of a regulated industry commences any ~~construction activities~~ business operations, to include producing materials, receiving materials, engaging in commercial activity on site, and similar operations. A separate Intent-to-Construct Industrial Development Permit is required for each regulated use.

1. *Public Hearing and Notice*

~~i.~~ Upon the certification of a complete application for an Intent-to-Construct Permit, a public hearing on the proposed permit shall be scheduled for the next regular meeting of the Planning Board. In preparation for the public hearing, the applicant shall provide all of the following between ten (10) and twenty-five (25) days prior to the meeting:

~~ii. Notice of a public hearing must be provided per N.C. Gen. Stat. §160D-406 (b) which is incorporated herein.~~

~~iii. In addition, the applicant must provide the following:~~

~~i.~~ a. The applicant shall cause notice of the public hearing to be published in a newspaper of general circulation in Alamance County. ~~not less than ten (10) days nor more than twenty-five (25) days before the date fixed for the public hearing.~~ The notice to be published is set forth in Appendix H to this Ordinance. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

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~~ii.~~ b. The applicant shall cause notice to be mailed, e-mailed, or delivered to each newspaper, wire service, radio station, and television station that has filed a written request for notice with the Alamance County Clerk. ~~This list may be obtained from the Alamance County Clerk to the Board of Commissioners.~~

~~iii.~~ c. The applicant shall prominently post a notice of the public hearing on the site proposed for the issuance of the Intent-to-Construct permit in the adjacent public street or highway right-of-way. When multiple parcels are included within the application, a posting on each individual parcel is not required, but the applicant shall post sufficient notices to provide reasonable notice to interested persons. Placement must be approved by the Planning Director.

~~iv.~~ d. The applicant shall cause to be mailed a notice of the public hearing by certified mail ~~at the last addresses listed on the county tax abstracts for the owners of all parcels of land abutting that parcel of land as shown on the county tax listing,~~ to the following parties: ~~and provide proof of said mailing to the Planning Director.~~

~~v. The applicant shall cause to be mailed a notice of the public hearing by first class mail at the last addresses listed on the county tax abstracts for:~~

~~1.~~

- the owners of all parcels of land abutting that parcel of land as shown on the county tax listing,

~~2.~~

- the owners of all parcels of land as shown on the county tax listing, any portion of which is located within the spacing limit of Class II and III uses as described in Section ~~6.5.3~~ 6.4.3 above.

~~3. the residents of any residential structures located on the parcels listed above~~

~~4.~~

- the holder(s) of any utility or other easement on the parcel(s) included in the application.

~~vi.~~ e. ~~The notice of the public hearing shall be mailed by the applicant to those property owners and residents identified above at least 21 days prior to the~~ not ~~less than ten (10) days nor more than twenty-five (25) days before the date fixed for the public hearing. The notice to be mailed is set forth in Appendix G~~ H ~~to this Ordinance.~~

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~~vii.~~ f. The applicant shall ~~produce a list showing all names and addresses to whom a notice of public hearing was mailed, and shall certify that proper notice was given to all required persons or organizations.~~ then provide proof that public notice was sufficiently given to the Planning Director. Improper notice or certification shall be grounds to deny an Intent-to-Construct permit.

~~iv.~~ g. The Planning Board shall hold a public hearing on the application for the Intent-to-Construct Permit only after proper notice has been given and said proof has been approved by the Planning Director. At this public hearing, the regulated industry and community members may comment on the application.

~~v.~~ h. Upon the issuance of an Intent-to-Construct permit, the Alamance County Land Records System or Geographic Information System shall be changed to include a notice reasonably calculated to alert a person researching a particular parcel that the parcel is located within the spacing requirements of a regulated use.

2. *Groundwater/ Well Study*

Applicants must certify whether any study or analysis of the impacts of the regulated land use on subsurface aquifers, ground water or wells is required to be undertaken by the applicant pursuant to state or federal regulations, or for purposes of applying for any state or federal permit. If such a study is required, then the applicant must submit a copy of the required study or analysis as part of the application for an Intent to Construct Permit.

3. *Approval of Intent-To-Construct Permit Applications*

~~i.~~ Completed applications shall be presented to the Planning Board for a public hearing and determination of compliance with the requirements of this Ordinance. If, at the conclusion of the public hearing, the Planning Board determines that the application is compliant with the requirements of this Ordinance, the ~~Planning Board~~ it shall ~~forward its approval recommendation to the Board of Commissioners for final approval.~~ approve the Intent-to-Construct Permit. If the Planning Board determines that the application is not compliant with the requirements of this Ordinance, the ~~Planning Board~~ it shall issue a written determination of its reasons and deny the application.

The Planning Board's decision may be appealed to the Board of Adjustment in accordance with Section 2.3.1 (b) of this Ordinance and other applicable law.

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~~ii. In cases where the Planning Board recommends approval of an application, the Board of Commissioners shall review the recommendation of the Planning Board and review the application for compliance with the requirements of this Ordinance. If the Board of Commissioners determines that the application is compliant with the requirements of this ordinance, it shall issue the Intent to Construct permit. If the Board of Commissioners determines that the application is not compliant with the requirements of this ordinance, it shall deny the application. The decision of the Board of Commissioners may be appealed pursuant to the appeals procedures defined herein.~~

4. *Duration of Intent-to-Construct Permits*

~~i.~~ a. Intent-to-Construct Permits require the permit holder to begin construction activities within ~~one (1) year~~ eighteen (18) months of the date of issuance. Delays due to those permitting requirements previously identified in the pre-application meeting shall not be grounds for permit expiration. If substantial construction activities have not been undertaken within this year, then the permit will expire and shall require re-application and review as a new project. The Planning Director, or their designee, may request evidence or documentation related to construction activities in order to verify compliance with this section.

~~ii.~~ b. ~~If an Operations Permit pursuant to this Ordinance has not been issued within one (1) year of the issuance of the last permitting requirement identified in the pre-application meeting, then the Intent to Construct Permit will expire and shall require re-application and review as a new project.~~

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~~iii.~~ If, prior to the issuance of an Operations ~~Industrial Development~~ Permit, any changes or amendments are made to an approved site plan which impact the requirements of this section, the changes or amendments must be submitted to the Planning Department for approval. In the event an application is resubmitted with substantial impacts, the Planning Director may require an additional public hearing and ~~re-approval of the application.~~ Planning Board approval of the modifications. Substantial impacts include modifying the area of operations, operations setbacks, or land use spacing; installing or altering internal roadways; altering fencing, gating, or lighting; erecting new buildings; altering landscaping or screening; improvements which may cause an increase in expected traffic to the property; altering stream setbacks or flood zone buffers; any activity which may cause a change in state or federal permitting requirements. When such impacts are deemed to be substantial, the Planning Director, or their designee, shall issue such a determination in writing and make that determination available to the Planning Board prior to the commencement of the additional public hearing.

C. Operations Permits

A valid Operations Industrial Development Permit shall be required before the owner or operator of a regulated land use commences, continues, or maintains operations of said land use. An Operations Industrial Development Permit is required for each regulated use.

1. *Post-Development/As-Built Site Plans*
   a. Prior to receiving an Operations Permit, all applicants shall be required to submit a final "as- built" site survey to the Alamance County Planning Department. The Post-Development site survey shall be drawn by a Registered Surveyor or Engineer pursuant to the guidelines provided in Appendix E Heavy Industrial Development of this ~~o~~Ordinance. This submission shall consist of two (2) paper copies.

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b. Operations Permits may be approved prior to the completion of any required traffic improvements upon the guarantee of said improvements by the owner/operator within an eighteen (18) month period. The County of Alamance may accept a surety bond issued by any company authorized to do business in this State, a letter of credit issued by any financial institution licensed to do business in this State, or another form of guarantee that provides equivalent security to a surety bond or letter of credit. All surety instruments shall be made payable to Alamance County. Surety must be in an amount equal to one and one-half times (150%) the cost of making the improvements, whereby such improvements may be made without cost to the public or subsequent purchasers of the property in the event of default on the part of the owner/operator. Owner/operators are required to obtain a letter from an engineer registered in North Carolina stating the total construction and surety amounts.

2. *Final Site Inspection*

   Prior to issuing an Operations Permit, a final site inspection shall be performed by the Alamance County Planning Department to ensure that development was established in harmony with the approved site plan.

3. *Other Requirements*

   A. Proof of an approved spill containment plan as ~~issued~~ authorized by the Alamance County ~~Fire Marshal~~ Emergency Management Department.

   B. Proof that all required permits from other governmental or regulatory agencies have been issued.

   C. The Operations permit must be displayed in a conspicuous place where it may be readily observed by the public upon entering the main business structure of the regulated use, if the business is open to public.

D. Operations Permit Renewal Required

Operations Permits issued under this section are valid for a period of two (2) years and shall automatically expire, unless renewed. An Operations Industrial Development Permit renewal is required for each regulated use.

1. *Site Visit Required*

   A site visit must be conducted by the Alamance County Planning Department prior to issuing a renewed permit to ensure continued compliance with this ordinance. It is the responsibility of the permit holder to schedule a site visit with the Alamance County Planning Department.

2. *Other Requirements*

   a. Proof of Tier II reporting, if applicable.

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b. Proof of continued compliance with all requirements of this Ordinance and maintenance of all required permits.
c. If the permitted location has been the subject of two or more enforcement actions within the renewal period, then the Planning Director, at their discretion, may require a public hearing before the Alamance County Planning Board prior to the renewal of the Operations Permit.

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ARTICLE 6 | LAND USE AND DEVELOPMENT STANDARDS

PART V. SOLAR ENERGY SYSTEMS

Section 6.5.1 Applicability p.120

Section 6.5.2 Exceptions to Applicability p.120

Section 6.5.3 Regulations and Standards..... p.120

Section 6.5.4 Permitting Procedures p.124

Section 6.5.5 Approval of Intent-to-Construct Permit Applications..... p. 125

Section 6.5.6 Approval of Solar Energy Systems Operations Permits..... p. 126

Section 6.5.7 Solar Energy Systems Operations Permit Renewal..... p. 126

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~~6.8 Solar Energy Systems Standards~~

6.5.1 APPLICABILITY

The following regulations are adopted for the purpose of promoting the health, safety, and general welfare of the citizens of Alamance County, and to promote the peace and dignity of the County. These uses by their very nature produce aesthetic, traffic, light impacts upon the lands adjacent to them and often result in conflicting neighboring land uses. These standards shall allow for the placement and growth of such uses, while maintaining the health, safety, and general welfare standards of established and commercial areas in Alamance County.

For the purposes of this Ordinance, Solar Energy Systems are also referred to as "SES."

~~6.8.1~~ 6.5.2 EXCEPTIONS TO APPLICABILITY

The following are exceptions, by right, from regulations under ~~Section 5.11 Solar Energy Systems Standards~~ this Ordinance:

a) Agricultural Farming Operations

b) Residential Land Uses

~~6.8.2~~ 6.5.3 REGULATIONS AND STANDARDS

Prior to the issuance of any permit under this section, the SES must demonstrate compliance with the regulations and standards imposed by this section.

A. Minimum Lot Sizes

No SES shall be situated on a tract of land less than ten (10) acres in size. Multiple parcels of land may be joined together to comprise the tract of the SES, but all parcels so joined must be contiguous and under the ownership and/or control of the same person or corporation, including through lease or rental arrangements, at the time of application.

B. Operations Setback.

All SES shall be required at the time of the issuance of a permit to create and thereafter maintain a seventy-five ~~foot~~ (75') foot minimum operations setback from all exterior property lines of the parcel(s) on which they are located. Operations setbacks shall be measured in a straight line without regard for intervening structures or objects from the closest exterior edge of the property line of the parcel(s) on which the area of operations is located to the nearest area of operations of the SES. This setback measurement shall apply to all features of the SES development, including battery storage devices, accessory structures, utility sheds, or similar instillations whether on the same parcel as the primary system or on a neighboring property.

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Vegetative buffers, fencing and access roads constructed and/or maintained for the sole use of the SES may be located within the operations setback. The purpose of this requirement is to minimize the potential negative impacts of conflicting uses of land.

In the event a Historic landmark recognized by Alamance County Historic Properties Commission is located on the same parcel as an SES, the SES shall be required at the time of the issuance of a permit to create and thereafter maintain a one hundred ~~foot~~ (100') foot setback from the closest edge of the Historic Landmark to the area of operations facing the Historic Landmark. Setbacks for the other sides of the SES remain seventy-five ~~feet~~ (75') feet.

C. Aviation Notification

a. A map analysis showing a radius of five (5) nautical miles from the center of the SES with any airport operations within this area highlighted shall be submitted with permit application.

b. For consideration of potential impacts to low altitude military flight paths, notification of intent to construct the SES shall be sent to the NC Commanders Council at least 30 days before the informational hearing. Proof of delivery of notification and date of delivery shall be submitted with permit application. Notification shall include:

   i. Location of SES (i.e. map, coordinates, address, or parcel ID)

   ii. Solar technology (i.e. polycrystalline PV, monocrystalline PV, ~~C~~cadmium ~~T~~telluride PV, evacuated tube solar thermal, flat plate solar thermal, etc.)

   iii. Approximate number of solar modules/panels

   iv. System mounting (i.e. fixed-tilt on flat roof, fixed-tilt ground-mount, 1-axis tracking ground-mount, etc.)

   v. The maximum height of the array from the ground or roof surface

   vi. The maximum height of any new utility poles

   vii. Power capacity of the system, in both DC and AC Watts where applicable

   viii. Acreage of array and acreage of total project

   ix. How will the project connect? (i.e. net meter, to existing distribution line, to new distribution line, to transmission line)

   x. Will a substation be constructed? If so, provide location and size

   xi. Is the site with fine nautical miles of aviation operations? If so, provide the required SGHAT analysis results

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c. The latest version of the Solar Glare Hazard Analysis Tool (SGHAT) or equivalent shall be used per its user's manual to evaluate the solar glare aviation hazard. The full report for each flight path and observation point, as well as the contact information for the zoning administrator, shall be sent to the authority indicated below at least thirty (30) days before the informational hearing. Proof of delivery of notification and date of delivery shall be submitted with permit application.

   i. For ~~A~~airport operations at airports in the National Plan of Integrated Airport Systems (NPIAS)12 within five (5) nautical miles of the center of SES: provide required information to the Federal Aviation Administration's (FAA) Airport District Office (ADO) with oversight of North Carolina13

   ii. For ~~A~~airport operations at airports *not* in the NPIAS, including military airports, within five (5) nautical miles of the center of SES: provide required information to the NC Commanders Council for military airports and to the management of the airport for non-military airports

   Any applicable SES design changes (~~e.g.~~ i.e. module tilt, module reflectivity, etc.) after initial submittal shall be rerun in the SGHAT tool and the new full report shall be sent without undue delay to the contact specified in b.i and b.ii above for accurate records of the as-built system.

D. Area of Operations

Construction or operation of the SES outside of the designated area of operations is prohibited.

Designated area of operation of an SES shall not be allowed in any area located within a special Flood Hazard Area.

E. Stream Setbacks

All SES shall be required to maintain a fifty ~~foot~~ (50') foot minimum stream setback from any stream as defined in this Ordinance. Stream setbacks shall be measured from the closest edge of the designated area of operations to the top of the bank of the applicable stream.

F. Landscaping & Screening

All SES shall be required to provide an acceptable landscaping/screening plan and to continuously maintain the plantings required by the plan. The purpose of this requirement is to establish a continuous vegetative screen in order to minimize/mitigate the visual impacts of the SES on adjacent properties as well as to maximize the buffering of noise and particulate matter. Screening shall be a minimum of thirty (30) feet in width and shall consist of a minimum of two staggered rows of plantings. Plantings shall be a minimum of eight (8) feet on center with a maximum of ten (10) feet on center and be at least thirty-six (36") - to (48") inches tall in seven (7) gallon size at time of installation. Mixed borders are encouraged. As part of the review process, the Planning Director may, at their discretion, consider existing

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screening and vegetation on the property. Suggestions for screening plans may be found in Appendix B of this ordinance.

In the event that an applicant is unable to plant required screening and/or landscaping at the time of building permit issuance, the applicant may post a bond in the amount of ~~1.5~~ one hundred and fifty (150) times the amount of a certified landscape architect's cost estimate for the proposed plan. Should the applicant fail to install the necessary landscaping/screening within twelve (12) months of building permit issuance, the County will be entitled to complete the landscaping plan using the proceeds of the bond.

G. Gating & Fencing

At a minimum, the area of operations of the SES shall be completely enclosed by a minimum six (6) foot high fence with a self-locking gate.

H. Lighting

Access ways, walkways and parking areas should be lighted adequately by lighting fixtures which shall be installed so as to protect the road and neighboring properties from direct glare or hazardous interference of any kind. Applicants are encouraged to use light shielding and fixtures that are approved by the International ~~Dark Sky~~ DarkSky Association (IDA) as these fixtures conserve energy, reduce monthly costs, and minimize the impact of light pollution on surrounding properties.

I. Compliance With Other Governmental Requirements

Applicants under this section are required to comply with all other applicable County, State, and Federal regulations such as watershed protection, stormwater, erosion control, air quality, water quality, flood protection, building code, and NCDOT requirements. The Planning Director may require the applicant to submit additional information based on the permitting requirements. Failure to submit any additional information required by the Planning Director shall result in the denial or revocation of an SES Permit.

J. Decommissioning

~~A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted with permit application. This plan shall provide for (see Appendix J for a sample decommissioning plan):~~

~~1. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, etc.)~~

~~2. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations~~

~~3. Restoration of property to condition prior to development of the SES.~~

~~4. Timeframe for completion of decommissioning activities, not to exceed one year.~~

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~~5. Description and copy of any lease or any other agreement with landowner regarding decommissioning.~~

~~6. Name and address of person or party responsible for decommissioning.~~

~~7. Plans and schedule for updating this decommissioning plan.~~

~~Before final electrical inspection, the applicant must provide evidence that the decommissioning plan was recorded with the Register of Deeds.~~

The applicant must ensure that a Decommissioning Plan is created and submitted to the Department of Environmental Quality. Such a plan shall be included with their SES application and related documents. If possible, the applicant shall furnish an approved copy of the plan as authorized by the Department of Environmental Quality.

Once the property or properties featuring the SES have been decommissioned, the applicant must return the land to its natural state, as far as practicable, unless an agreement exists between any leaseholder and landowner which directs otherwise.

~~6.8.3~~ 6.5.4 PERMITTING PROCEDURES

~~All SES shall be required to apply for a permit from the Alamance County Planning Department prior engaging in any construction and/or operational activities.~~

An Intent-to-Construct Permit (ITC Permit) shall be required before the owner or operator of a Solar Energy System commences with any construction activities.

a) **Pre-Application Meetings Required**

The applicant or an authorized corporate officer is required to meet in person or by video conference, with a Planning Department ~~S~~staff member to discuss the nature of their application at least fourteen (14) days prior to making a formal application and submitting a site plan.

At this pre-application meeting, the applicant shall identify in writing any additional permits which the applicant needs in order to operate the Solar Energy System and provide a reasonable timeline for obtaining those permits.

b) ~~**SES Permits**~~

~~An SES Permit shall be required before the owner or operator of an SES commences any construction activities.~~

c) b) **Informational Hearing and Notice**

i. Upon the submission of a complete application for an ~~SES~~ ITC Permit, an informational hearing on the proposed ~~SES~~ ITC permit shall be scheduled for the next regular meeting of the Planning Board.

ii. The Planning Board shall hold the informational hearing on the application for the ~~SES~~ ITC Permit. At this informational hearing, the SES owner and/or applicant and community members may present information and comment on the application.

iii. If, after the mailing of notice but prior to the issuance of an ~~SES~~ ITC Permit, any changes or amendments are made to an approved site plan which impact the requirements of this ordinance, the changes or amendments must be submitted to the Planning Department for approval.

In the event an application is resubmitted with substantial impacts, the Planning Director may require an additional informational hearing and re-approval of the application. Substantial impacts may include the addition of new solar arrays, modifying the area of operations, installing or altering roadways, access points, or fences, or similar impacts which the Planning Director deems substantial. Whether or not the impacts are deemed to be substantial, the Planning Director, or their designee, shall issue such a determination in writing and make that determination available to the applicant.

iv. Upon the issuance of an ~~SES~~ ITC permit, the Alamance County Land Records System or Geographic Information System shall be changed to include a notice reasonably calculated to alert a person researching a particular parcel that the parcel contains an SES.

~~6.8.4~~ 6.5.5 APPROVAL OF ~~SES~~ INTENT-TO-CONSTRUCT PERMIT APPLICATIONS

~~iv.~~ All applicants shall be required to submit a site plan for review as part of the permitting process. All site plans shall be drawn to scale by a Registered Surveyor or Engineer pursuant to the guidelines provided in Appendix I of this ordinance.

~~v.~~ The Planning Department shall review the site plan based on compliance with the regulations imposed by this ordinance and make a recommendation of approval or denial.

~~vi.~~ Completed applications shall be presented to the Planning Board for an informational hearing and determination of compliance with the requirements of this Ordinance. If the Planning Board determines that the application is compliant with the requirements of this Ordinance, the Planning Board shall direct the Planning Director to approve the permit. If the Planning Board determines that the application is not compliant with the requirements of this Ordinance, the Planning Board shall issue a written determination of its reasons and deny the application.

~~vii.~~ A denial may be appealed pursuant to the appeals procedure defined herein.

~~viii.~~ If the ITC Permit is approved, the applicant may commence with construction and move on to pursuing their Operations Permit as outlined below.

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~~6.8.5~~. 6.5.6 ~~FINAL~~ APPROVAL OF SOLAR ENERGY SYSTEM OPERATIONS PERMITS

A valid ~~SES~~ Operations Permit shall be required before the owner or operator of an SES commences, continues, or maintains operations of the SES.

1 Post-Development/As-Built Site Plans

All applicants shall be required to submit a final "as-built" site survey to the Alamance County Planning Department. The Post-Development site survey shall be drawn by a Registered Surveyor or Engineer pursuant to the guidelines provided in Appendix I of this ordinance. This submission shall consist of two (2) paper copies.

2. Final Site Inspection

A final site inspection shall be performed by the Alamance County Planning Department to ensure that SES was established in harmony with the approved site plan and that all required permits from other governmental or regulatory agencies have been issued.

~~6.8.6~~ 6.5.7 ~~SES~~ SOLAR ENERGY SYSTEMS OPERATIONS PERMIT RENEWAL ~~REQUIRED~~

SES permits issued under this Ordinance shall be renewed subject to a satisfactory inspection every three (3) years.

1. Renewal Fees

Prior to renewing the ~~permit~~ Operations Permit, the applicant shall be required to submit a renewal fee as determined by the Alamance County Board of Commissioners during the establishment of the annual budget for the given fiscal year. All fees are non-refundable.

2. Site Visit Required

To ensure continued compliance with this section, a site visit must be conducted by the Alamance County Planning Department prior to issuing a renewed permit. It is the responsibility of the permit holder to schedule a site visit with the Alamance County Planning Department.

3. Other Requirements

a. Proof of Tier II reporting, if applicable under the Emergency Planning and Community Right-to-Know Act of 1986.

b. Proof of continued compliance with all requirements of this Ordinance, including screening and fencing, and maintenance of all required local, state, and federal permits and conditions of any permit approval.

c. If the permitted location has been the subject of two or more enforcement actions within the renewal period, the Planning Director, at their discretion, may require a public hearing before the Alamance County Planning Board prior to the renewal of the SES Permit.

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ARTICLE 6 | LAND USE AND DEVELOPMENT STANDARDS

PART VI. SUBDIVISION STANDARDS

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~~6.9 Subdivision Standards~~

6.9.1 ~~EXCEPTIONS TO APPLICABILITY~~

~~The following shall not be included nor be subject to the regulations prescribed by this section:~~

i. ~~the combination or re-combination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as describe herein;~~

ii. ~~the division of land into parcels greater than ten acres where no street right-of-way dedication is involved;~~

iii. ~~the public acquisition by purchase of strips of land for the widening or opening of streets;~~

iv. ~~the division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the standards as described herein;~~

v. ~~the division of a cemetery into grave sites;~~

vi. ~~the division of property among heirs for the sole purpose of settling an active estate.~~

6.6.1. Purpose and Goal

The purpose of this section is to establish procedures and standards for the development and subdivision of land within the territorial jurisdiction of Alamance County. These provisions are also intended to provide for the orderly growth and development of the county; for the coordination of roads and highways; for the dedication or reservation of recreation areas; to dedicate rights-of-way or easements for road and utility purposes; and for the distribution of population and traffic in a manner that will create conditions essential to public health, safety, and the general welfare. These regulations are designed to further facilitate adequate provision for water, sewerage, parks, schools, and playgrounds, and also to facilitate the further re-subdivision of larger tracts into smaller parcels of land.

The goals of this section shall include safeguarding agricultural operations; reducing environmental impacts on water resources; reducing impervious surfaces and stormwater runoff; allowing for affordable home options; enhancing community pride in conservation and preservation; and better preserving a predominantly rural development pattern throughout the unincorporated areas of Alamance County.

~~6.9.2 GENERAL PROVISIONS~~

~~A. PLAT RECORDATION~~

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Plats Required for Subdivisions. Prior to the subdivision of a tract or parcel of land, a plat shall be prepared, approved, and recorded pursuant to the provisions of this section. No plat shall be required for division of land under an exception as listed in Section 6.9.1. However, it is recommended that a plat be prepared, submitted, stamped "Exception" and recorded. Prerequisite to Plat Recordation.

The Register of Deeds shall not record any subdivision plat within the territorial jurisdiction of this section without a Certificate of Approval or Certificate of Exception signed by the Subdivision Administrator on the plat.

Exceptions. Plats not subject to the provisions of this section may be recorded provided the owner desiring to record such plats places and executes a Certificate of Exception on the final plat.

B. PERMITS NOT ISSUED

No administrative agent of Alamance County shall issue any permit for the construction of any building, approval of electrical installation or other improvement requiring a permit, upon any land for which a subdivision plat is required, unless and until the requirements of this section have been complied with and approval granted in accordance with this section.

C. STREETS NOT MAINTAINED

No street in a development for which a plat is required shall be recommended for maintenance by the N.C. DOT or a municipality until such time as the requirements of this section have been complied with and approval granted in accordance with the provisions of this section.

D. APPROVAL OF THE SUBDIVISION OF LAND NOT TO CONSTITUTE ACCEPTANCE OF STREETS

The approval of a subdivision plat pursuant to this section shall not be deemed to constitute or effect the acceptance by Alamance County, N.C. DOT, or other public agency of the dedication of any street, utility line, or other public facility site shown on the plat.

E. WAIVERS AND AMENDMENT PROCEDURE

i. Cluster Development or Planned Unit Development. The Standards and requirements of this section may be modified in the case of a plan and program for a complete Cluster Development or Planned Unit Development where satisfactory evidence is presented that compliance with the standards and requirements of this section would cause an unusual, unnecessary, and substantial hardship, and if such developments provides adequate public spaces and improvements for pedestrian and vehicular circulation, recreation, light, air, service needs of the tract, and continued maintenance of on site group or public utilities when fully developed and populated, and which also provides such covenants, financial guarantees and other legal provisions to guarantee conformity to and achievement of the total development plan.

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ii. Site Conditions. Where, because of natural features or other existing physical conditions peculiar to the site, compliance with the standards and requirements of this section would cause an unusual and unnecessary hardship to the subdivider, waivers may be permitted, provided that such waivers will not have the effect of nullifying the purpose of these regulations.

F. PENALTIES FOR TRANSFERRING LOT IN UNAPPROVED SUBDIVISIONS

Any person who, being the owner, or agent of the owner, of any land located within the subdivision regulation jurisdiction of Alamance County as defined herein, hereafter subdivides such land in violation of this subdivision regulation ordinance or transfers or sells any part of such land by reference to, exhibition of, or any other use of a plat showing a subdivision of land before such plat has been properly approved under the provisions of this section and recorded in the office of the Register of Deeds of Alamance County, shall be guilty of a Class I misdemeanor. This section may also be enforced by injunction, order of abatement, or other equitable remedy upon application to the General Court of Justice. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties, or from the equitable remedy of injunction.

G. STATE PLATTING AND DISCLOSURE STATEMENT REQUIREMENT

All subdividers planning to sell lots not platted and recorded prior to October 1, 1975, are advised to consult N.C.G.S. § 136-102.6, "An Act to Require Compliance of Subdivision Streets with Minimum Standards." The Statute requires that all new streets, whether public or private, and all changes in streets be platted. N.C.G.S. § 136-102.6 also requires the subdivider to furnish to each lot purchaser a Subdivision Streets Disclosure Statement revealing the status of new streets, whether they are constructed to N.C. DOT standards, and who will bear maintenance responsibility for the streets. No provision of this Ordinance or of any other local Ordinance shall exempt a division of land from the provisions of N.C.G.S. § 136-102.6.

6.6.2 Application of Regulations

These regulations shall apply to all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions, for the purpose, whether immediate or future, of sale, transfer or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets.

6.6.2.1. No lot or plat (except as provided by Section 6.6.3. below) within Alamance County's subdivision jurisdiction shall be transferred, nor shall a plat or record thereof be recorded by the county Register of Deeds until a final plat of the subdivision has been submitted to and approved by Planning Department staff. Such approval shall be indicated on the face of the plat and signed by the Planning Director, or their designee.

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6.6.2.2. If the plat contains the certificate of a surveyor as stated in N.C. Gen. Stat. §47-30 (f)(11)(c), then the plat may be recorded without first undergoing Planning Department review or receiving the certificate of approval from a Review Officer.

6.6.2.3. The Register of Deeds shall not file a plat or record of subdivision of land within the county's jurisdiction that has not been certified as required above, or that is not a certified exemption as noted in Section 6.6.3. below.

6.6.2.3. No subdivision plat of land drawn after the effective date of adoption of this Ordinance shall be filed or recorded by the Register of Deeds until it has been approved in accordance with the provisions of this section. Likewise, the Clerk of Superior Court shall not order or direct the recording of a plat if the recording of such plat would be in conflict with this section.

~~6.9.3 PROCEDURE FOR SECURING APPROVAL OF SUBDIVISIONS~~

~~The Planning Director shall implement the provisions of this ordinance to review subdivision submittals with the assistance of the Technical Review Committee when appropriate and necessary.~~

~~Construction Plans~~

~~The subdivider shall submit one (1) copy of the construction plans for required street and utility improvements as prepared by an engineer registered in North Carolina. Plans are to be submitted to the Subdivision Administrator. This submission shall be prepared in accordance with the provisions of this Ordinance.~~

~~If street and utility improvements are not required in a subdivision by the provisions of this section, construction plans shall not be required.~~

~~Approval of the construction plans authorizes the subdivider to proceed with the construction of improvements and preparation of the final plat.~~

~~Final Plat~~

~~The subdivider shall submit one (1) reproducible final plat as defined by N.C.G.S. § 47-30 to the Subdivision Administrator. This submission shall be prepared in accordance with the provisions of this Ordinance.~~

~~a) Improvements and Certificates. No final plat shall be approved until all improvements are installed or their execution guaranteed as set forth in this section and all certificates required on final plats by this section have been properly completed and signed.~~

~~b) Recordation. All approved plats shall be recorded with the Alamance County Register of Deeds.~~

~~Final Approval~~

~~The Subdivision Administrator shall review final plats for compliance with the provisions of this Ordinance. The Subdivision Administrator shall approve final plats in conformance with the provisions of this and other applicable Ordinances.~~

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6.6.3. Exceptions to Applicability

The following shall not be included in the definition of a subdivision nor be subject to the regulations prescribed by this section.

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this ordinance.
2. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
3. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
4. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the local government, as shown in its subdivision regulations.
5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes. In these instances, a copy of the recorded last will and testament or attorney certification as to estate settlement must be provided to the Planning Department prior to approval. Subsequent subdivisions of land which was divided as a result of an estate settlement must then fully comply with this Ordinance.
6. The division of a parcel into a cemetery and grave sites.

Survey plats of subdivisions not subject to the provisions of this Ordinance may be recorded provided that the plats meet the standards set forth in Appendix L, Specifications for Preliminary and Final Plats, and the Subdivision Administrator shall sign a Certificate of Exemption (Appendix A, Certificate Number 15). The owner shall present such a certificate to the Register of Deeds as proof that one of the conditions of exception noted above is present.

6.9.4 ~~MINIMUM DESIGN STANDARDS~~

~~A. General~~

~~Land shall be subdivided in accordance with good land planning practices, including adequate consideration of the natural topography and drainage features and the type of development proposed.~~

~~B. Compliance with Official Plans and Ordinances~~

~~Land shall be subdivided in compliance with pertinent official development plans and ordinances.~~

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C. Streets and Roads

i. Street and Road Names. Street and road names shall be approved by the Addressing/911 Coordinator as required by ordinance.

ii. Coordination with Existing and Proposed Streets. Streets shall be designed in coordination with existing and proposed streets in the surrounding area providing for the continuation of appropriate streets.

Reservation of Right-of-Way future extensions shall be required on roads designed as N.C. DOT D.O.T. collector roads with 20-foot-wide pavement. No additional right-of-way shall be required where site conditions prohibit future road extensions.

iii. Cul-de-Sacs. Cul-de-sacs or other dead-end streets and roads designed to be permanently closed shall be provided at the closed end with sufficient right-of-way for vehicular turnarounds.

iv. Parkways. Parkways or double streets may be required to traverse a drainage way, watercourse or stream. The width of the right-of-way shall be adequate to accommodate the flow of stormwater.

v. Parallel Access Streets. Parallel access streets may be required along existing or proposed principal and minor arterials to provide separation of local traffic from through traffic.

vi. Non-Residential Area Streets. The widths of right-of-way and roadway surfacing on streets adjacent to existing or proposed non-residential property may be increased up to fifteen feet (15') to ensure the free flow of traffic without interference by vehicles entering or leaving the property.

vii. Reserve Strips. Reserve strips along road rights-of-way shall not be platted in any subdivision.

viii. District Highway Engineer Review. The District Highway Engineer shall be given an opportunity to make recommendations concerning an individual subdivision plat before the plat is approved. These recommendations shall be in relation to proposed State streets, State highways and related drainage systems.

D. Public Streets (Constructed to N.C. DOT Standards)

i. Right-of-Way. Street right-of-way shall be reserved and dedicated as follows:

Arterials and Major Collectors. The location for right-of-way for arterials and major collectors shall be coordinated with the Subdivision Administrator to ensure compliance with the Alamance County Thoroughfare Plan. Any required dedication shall be made based on the magnitude of the development. All right- of-way dedication shall be dedicated for public use.

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Minor Collectors and Local Streets. The location of any right-of-way for minor collectors and local streets shall be coordinated with the Subdivision Administrator to ensure compliance with the Alamance County Thoroughfare Plan. All right-of-way shall be dedicated for public use.

ii. Street Standards. Subdivision streets shall conform to the requirements and minimum standards of design as established by the N.C. DOT except for private subdivision roads.

iii. Intersections. The frequency of intersections, whether full or tee, and the right-of-way on each corner shall conform to N.C. DOT's standards as set forth in the document Subdivision Roads: Minimum Construction Standards, as amended.

iv. New Streets. New public streets shall be connected to existing streets that are either previously dedicated to the public or under N.C. DOT maintenance.

E. Private Roads

i. Private Roads. Private roads may be allowed in any development in which a tract of land is divided into no more than fourteen (14) parcels along the private road and each parcel shall not be less than one (1) acre in size, provided the following conditions are met:

a) Through deed restrictions future resubdivision of lots into smaller tracts is prohibited.

b) The subdivision does not embrace or abut any part of a proposed thoroughfare or street shown on the Alamance County Thoroughfare Plan.

c) Private Road Disclosure Statement shall be recorded per N.C.G.S. § 136-102.6, as amended, with each and every subsequent transfer of land in subdivisions with private roads. A sample Private Road Disclosure Statement is provided Appendix K.

d) A Certificate for Private Roads shall be included on the final plat and shall disclose the status of the road and road maintenance responsibilities.

e) Private roads shall be constructed in accordance with the standards set forth in Appendix L.

f) Class II private road subdivisions are required to form a Homeowner's Association to address, at minimum, maintenance of the new private road. A sample Homeowner's Association Agreement is provided in Appendix M.

g) Private roads shall be visually inspected by the Subdivision Administrator before final plat approval. The visual inspection is to ensure that general compliance with the private road standards have been met.

h) New private roads shall be connected to existing streets that are dedicated to the public and under public maintenance.

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ii. Classes of Private Roads. The standards and specifications for private roads depends on the number of lots served by the road as follows:

CLASS OF ROAD	NUMBER OF LOTS SERVED
I	1 – 4
II	5 - 14

It is required that a subdivision road with more than fourteen (14) lots be constructed to the standards of a public street as specified by the N.C. DOT.

64.21 Class I Private Roads intended to serve 2 or fewer new lots are not required to be constructed to Alamance County Standards or to be inspected before recordation of the final plat. However Alamance County does recommend that these Class I roads be built to these standards in order to provide adequate access, especially for emergency vehicles.

iii. Access and Maintenance. The guarantees of right-of-access and maintenance of any private road in the subdivision shall run with the land.

iv. Statement of Compliance. The Subdivision Administrator must receive a statement of compliance with the standards established for private roads in this section from an engineer registered in North Carolina. Certification is required prior to final plat approval.

v. Nonconforming Private Roads. In order to be considered a nonconforming private road, the road must meet the following:

a) A private road established prior to the original adoption of the Alamance County Subdivision Ordinance, July 3, 1972, shall be considered a nonconforming private road.

b) Be identifiable as an existing road on the 1974 Aerial Photography of Alamance County or be identifiable on Alamance County Tax Maps as an existing road prior to 1974. (A deed description, recorded plat or other photography which clearly indicates that a road was in existence may also be considered.)

c) The private road must cross more than one individual tract of land.

d) A nonconforming private road must be in a current condition as to provide year-round access.

vi. Subdivisions accessed by nonconforming private roads shall be approved when the following conditions are met:

a) The tract to be subdivided has at least a minimum sixty feet (60') of frontage on the road.

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b) An original tract of land adjoining a nonconforming private road may be divided utilizing this provision only once every two years.

c) The Private Road Disclosure Statement as provided in Appendix K shall be recorded.

d) All other provisions of this section are complied with.

F. Land Layout

Land layout shall be designed with due consideration given to the traffic circulation pattern and the contemplated use.

i. Width. The layout of land shall have sufficient width to provide two tiers of lots of minimum size, except blocks may be one lot in width where reverse frontage lots are required to separate development from through traffic on arterials and major collectors or to separate residential development from non residential uses.

ii. Distance Between Through Streets. Along each side of each street the distances between through streets shall fall between the minimum and maximum specified in N.C. DOT's Subdivision Roads: Minimum Construction Standards, as amended. It is recommended that subdividers consult N.C. DOT prior to designing major subdivisions involving street facilities.

G. Lots

Lots shall be designed in shape, size and location with due regard to topographic conditions, features of the surrounding area, contemplated use and official development plans and ordinances.

i. Street Frontage. Every lot shall front or abut on a public or private street or road, and shall have a minimum of sixty feet (60') of road frontage or be served by an Exclusive Access Easement.

Exclusive Access Easements shall be constructed in accordance with the standards set forth in Appendix N. This section shall only be used when the necessary 50-foot right-of-way for a private road cannot be obtained. This provision may be used only once on an original tract of land.

ii. Street Frontage - Cul-de-Sacs. Every cul-de-sac lot shall front or abut on a public street, or private road, and shall have at a minimum twenty feet (20') at the street right-of-way.

iii. Double and Reverse Frontage. Double frontage lots and reverse frontage lots shall be avoided, except where required to separate development from through traffic on arterial and major streets or to separate residential development from non- residential development.

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iv. Side Lot Lines. Side lot lines shall be substantially at right angles or radial to street lines.

v. Area of Lots. All lots shall conform with the minimum standards noted herein and the minimum standards contained in any applicable zoning ordinance, building code or other such regulation.

The following shall be excluded from the determination of minimum lot area and sizes:

a) Street and Railroad Right-of-Way. In the calculation of lot areas, lot depths, and lot widths, land within any street right-of-way or railroad right-of-way easement shall not be considered.

b) Marginal Land. Land subject to flooding or land which may aggravate the flood hazard or increase the danger to life or property if developed, and land uninhabitable for other reasons, shall not be considered in determining the minimum lot area or maximum lot depth as herein specified.

vi. Corner Lots. Corner lots shall have an extra width of twenty percent (20%) of the average lot width within the subdivision, but no corner lot shall be required to exceed one hundred feet (100') in width.

vii. Width and Depth. Lot width shall be no less than forty percent (40%) of lot depth, but no lot shall be required to be more than one hundred fifty feet (150') in width. Lots over one (1) acre are exempt from this standard.

viii. Buffer Strips.

a) Screening. A strip of land forty (40') in width, in addition to the minimum required lot depth and lot width, shall be provided between all principal arterials, minor arterials, non-residential properties, and other like uses, to buffer properties of existing or proposed residential development. This strip shall be a part of the lots and reserved permanently for screening conflicting uses of land.

b) Streams. A fifty (50') foot buffer of vegetation shall be maintained on both sides of all perennial streams at all times to retard rapid water runoff and soil erosion. Perennial streams are identified as the solid blue lines on United States Geological Survey (U.S.G.S.) Maps.

Streets, roadways, railroads, and driveways are permitted in the buffer, but shall be constructed to cross the buffer as near to perpendicular as possible. Utility lines, greenways and greenway type recreation facilities are permitted within the buffer but should be designed to have minimal impact. If the vegetative cover must be removed or disturbed, it shall be restored as soon as possible. The fifty (50') foot buffer shall be measured on a horizontal plane from the bank of the stream. The buffer zone may be included in calculating the lot size.

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ix. Water and Sewer Systems. The Alamance County Health Department, or local public utility, shall be given the opportunity to make recommendations concerning an individual subdivision plat before the plat is approved. The recommendations shall be in relation to proposed water or sewerage systems.

Sewer Systems. The Alamance County Health Department shall evaluate proposed and existing sewer systems on lot(s) ten (10) acres or less as follows:

New Subdivision Lots. New subdivision lots without existing sewer systems shall be evaluated by current state and local Health Department regulations.

New Subdivision Lots with Existing Sewer Systems. Existing system(s) shall be evaluated for apparent visual malfunctioning. Malfunctioning systems shall be repaired prior to subdivision plat approval. New property lines shall meet current minimum setback requirements or an easement for the subsurface wastewater facilities must be shown on the plat.

Lots Being Reduced in Size. Lots being reduced in size by partial combination with adjoining property shall be evaluated by the criteria listed in above as appropriate.

Connection to Public Sewer. Connection to public sewer shall be required if available. Structures over three hundred (300) feet from a sewer line are exempt provided that the alternate method of sewage disposal is approved by the Alamance County Health Department.

Lots Not Suitable for Subsurface Wastewater Disposal Systems.

In the event that a proposed lot or lots within a subdivision are found to be unsuitable for a proposed sewage disposal system, a certification entitled "Certificate Indicating Lot Not Approved for Subsurface Waste Disposal Systems" shall be placed on the final plat.

x. Minimum Lot Area for Residential Lots. Minimum lot area for residential lots with on-site facilities shall be determined by the result of soil analysis and investigations, and other appropriate criteria test, but in no case shall a lot with on-site systems be smaller than specified below:

Watershed Critical Area (WCA) *

Facility Provided	Minimum Lot Size
Septic System & Well	2 Acres
Public Water & Sewer	2 Acres

Balance of Watershed (BOW) *

Facility Provided	Minimum Lot Size

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Septic System & Well	1 Acre
Public Water & Sewer	1 Acre

Non-Watershed Areas (NWA) *

Facility Provided	Minimum Lot Size
Septic System & Well	30,000 sq. ft.
Community/Public Water & Septic System	20,000 sq. ft.
Community/Public Sewer & Well	10,000 sq. ft.
Community/Public Water & Sewer	8,000 sq. ft.

*NOTE: Additional acreage may be required by the Alamance County Health Department.

On lots which are not suitable for on-site subsurface wastewater systems for individual dwelling units or other uses, off-site disposal systems may be approved by the Health Department. Off-site systems may be provided by the use of easements or ownership of land designated for subsurface wastewater systems. A sewage easement of a minimum width of twenty feet (20') in width must be provided between the house location and the designated system area. Minimum easement area sizes for property utilizing off-site disposal systems shall be no smaller than 5,000 sq. ft. Additional area may be required by the Alamance County Health Department.

xi. Minimum Lot Area for Non-residential Lots. Minimum lot area for non-residential lots shall at a minimum meet the standards set out above for lots in 6.9.4.G.x above.

xii. Nonconforming Lot of Record. Nonconforming lots of record located in watersheds are not required to have a minimum area of forty thousand square feet (40,000 sq. ft.) in order to be used for development purposes. Additional lot area may be required by the Alamance County Health Department.

xiii. Cluster Development or Planned Unit Development. Development shall conform to the regulations as set forth in the Watershed Protection Standards, if applicable, as well as, in above Buffer and Sewer System specifications. Also, the following standards are set forth:

- Based upon overall density the total number of lots shall not exceed the number of lots allowed in conventional development.

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- ~~Built-upon area or stormwater control requirements of the project shall not exceed that allowed for the watershed critical areas, balance of watersheds or non-watershed areas, whichever applies, as certified by an engineer registered in North Carolina.~~

- ~~All built-upon area shall be designated and located to minimize stormwater runoff impact to receiving waters and minimize concentrated flow as certified by an engineer registered in North Carolina.~~

- ~~Within watershed critical areas, all land not included within the built-upon portion of the development but used to calculate overall density, shall be considered common area. Within the common area, no structures or land-disturbing activities are allowed, and the area shall remain wholly undisturbed to preserve the natural groundcover and the natural tree canopy. The following activities are allowed in the common area: (1) the occasional cutting or thinning of overcrowded trees or noxious vegetation in accordance with standard forestry management practices provided that no trees in excess of three (3) inches in diameter as measured twelve inches (12") or less from the ground are removed; (2) utilities and erosion control structure construction and maintenance; (3) the mechanical mowing of utility areas to control growth; (4) the normal maintenance by mechanical means is allowed for the removal of dead, diseased, deformed, poisonous, or noxious vegetation and pests harmful to health.~~

- ~~Where the development has an incorporated property owners' association for management, the title of the common area shall be conveyed to the association for management. Where a property owners' association is not incorporated, a maintenance agreement shall be filed with the property deeds with each property having an undivided interest in the common area.~~

~~H. Building Setback Lines~~

~~The building setback lines from the lot lines in subdivisions approved subsequent to July 3, 1972, shall be no less than the following distances:~~

~~Setback Line~~	**~~Distance in Feet~~**
~~From the **Front** Right-of-way Line~~	
~~On Streets:~~	
~~Arterial~~	~~40'~~
~~Major Collector~~	~~40'~~
~~Minor Collector~~	~~35'~~
~~Local~~	~~30'~~
~~From the **Side** Right-of-way Line Abutting Streets~~	~~25'~~
~~From the **Side** Property Line Non-abutting Street~~	~~10'~~

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From the **Rear** Property Line.....20'*

From a **Cul-De-Sac** Right-of-way Line.....30'**

* Accessory structures may be located to within three (3) feet of rear property line or easement line, if one exists.

** Cul-de-sac lots shall have a minimum frontage of 20' feet at the street right-of-way line and a minimum width of 60' feet at the front setback line (30' feet from the right-of- way line).

Buildings and structures shall not be erected within the setback area between said lot lines and the building setback lines.

I. Easements

i. Utility. Where appropriate, utility easements shall be determined by the electric, telephone and natural gas companies and the public or private suppliers of water and/or sewer services providing service to the subdivision. Appropriate easements shall be shown on the final plat prior to approval by the Subdivision Administrator.

Electric and communication service lines shall be placed underground and the additional cost, if any, shall comply with the appropriate rate schedule on file with the North Carolina Utilities Commission. Exceptions may be granted by the Subdivision Administrator for the service lines located along rear lot lines, and elsewhere at the request of the electric utility where voltage or other requirements indicate that underground service would not be feasible.

ii. Drainage. Where a drainageway, watercourse, or stream traverses or borders a subdivision, it shall be shown on the preliminary plan and the final plat and shall be designated a drainage easement. The easement shall conform with the lines of the watercourse and at a width adequate to accommodate the flow of stormwater.

Ditches or drainageways in subdivisions shall be sloped so as not to create dangerous conditions within the development.

A. Presentation on Plans and Plats. Watercourse boundaries as drawn on preliminary plans and final plats are to be interpreted as approximations of actual boundaries. For example, a twenty-foot (20') watercourse shall be deemed to extend approximately ten feet (10') on each side of the center of water flow, unless otherwise specified.

B. New and Relocated Watercourses. Where a subdivider proposes to create a new watercourse in order to relocate an existing watercourse or to handle road runoff, a drainage easement along the proposed new watercourse shall be indicated on the preliminary plan and the final plat. Any channels, diversions, or other improvements needed to carry water to or along this new course shall be constructed or guaranteed prior to final plat approval.

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~~J. Reservation of Public Facility Sites~~

~~It is in the public interest that land proposed for public facility sites by official development plans within or partially within property being subdivided should be reserved for the specific public use. In order to more effectively coordinate public and private plans, developers of land shown to have public use on official plans of Alamance County are encouraged to develop their preliminary subdivision plans recognizing the potential public use of these sites. Developers are further encouraged to negotiate with public agencies involved toward the end of acquiring said public sites in order that the integrity of the public plans may be maintained.~~

6.6.4 Plat Approval Not to Constitute Other Approvals

The approval of a plat pursuant to this Ordinance shall not be deemed to automatically constitute or affect the acceptance by Alamance County, the North Carolina Department of Transportation (N.C.D.O.T.), another public agency, or the public, of the dedication of any streets, grounds, public utility lines, easements or other similar facilities shown on the plat.

A. BUILDING AND DEVELOPMENT PERMITS
No administrative agent of Alamance County shall issue any permit for the construction of any building, approval of electrical installation or other improvement requiring a permit, upon any land for which a subdivision plat is required, unless and until the requirements of this section have been complied with and approval granted in accordance with this Ordinance.

B. ACCEPTANCE OF STREETS
No street in a development for which a plat is required shall be recommended for maintenance by the N.C.D.O.T. or another public agency until such time as the requirements of this section have been complied with and approval granted in accordance with the provisions of this Ordinance.

~~6.9.5 IMPROVEMENTS~~

~~A. Prerequisites to Approval of Final Plats~~

~~Installation of Improvements. No subdivision plats shall be granted final approval until the required improvements have been made in accordance with the provisions of this section.~~

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Guarantee of Improvements. Final plats may be approved prior to the completion of required improvements upon the guarantee of said improvements by the subdivider within an eighteen (18) month period. The County of Alamance may accept surety bond issued by any company authorized to do business in this State, a letter of credit issued by any financial institution licensed to do business in this State, or another form of guarantee that provides equivalent security to a surety bond or letter of credit. All surety instruments shall be made payable to Alamance County. Surety must be in an amount equal to one and one quarter times (125%) the cost of making the improvements, whereby such improvements may be made without cost to the public or subsequent purchasers of the property in the event of default on the part of the subdivider. Subdividers are required to obtain a letter from an engineer registered in North Carolina stating the total construction and surety amounts.

B. **Within the Jurisdiction of Any Municipality**

Within the subdivision regulation jurisdiction of any municipality whose governing body agrees by resolution to the provisions of this Ordinance, the required improvements such as grading and surfacing of streets, installing storm drainage and public water and sewer facilities, shall be in accordance with the requirements and standards specified by the respective municipalities.

C. **Within the Jurisdiction of this Ordinance**

Within the jurisdiction of this Ordinance, construction or guarantee of the following improvements shall be required prior to final plat approval.

Streets and Roads.

Clearing, Grubbing, Grading and Drainage. Right-of-way shall be cleared and grubbed as required by N.C. DOT. Street grading and drainage shall be completed as required by N.C. DOT.

Base and Surface. All materials, the construction of the shoulder and disturbed portions of the right-of way, and the application of the base course and pavement surface shall meet the requirements set forth in the most recently published requirements of the N.C. DOT.

Paving. Paving of public streets shall be required.

Stabilization. All unsurfaced disturbed portions of street right-of- way shall be stabilized by seeding, fertilizing and mulching or by another equally effective method.

Erosion and Sediment Control Plans. Subdividers are required to submit erosion and sediment control plans for all land disturbing activities covering more than one (1) acre to the North Carolina Department of Environmental Quality.

D. **Clearing of Drainage Courses**

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All debris, fallen trees, junk and other accumulations of any nature that will impede the passage of waters in their downstream course or cause flooding shall be removed from the channel and banks of any stream, creek and drainage way of the subdivision site prior to granting final plat approval.

E. **Removal of Rubbish**

All fallen trees, stumps, junk, and rubbish of any nature resulting from the grading of streets or the clearing of lots in the subdivision shall be removed from the subdivision site prior to the granting of final plat approval.

F. **Monuments and Markers**

Monuments and markers shall be located and installed as required and in accordance with the rules and regulations of the North Carolina Manual of Practice for Land Surveying, Volume I, as amended, and N.C.G.S. § 39-32, as amended. Monuments and markers shall be of the design and type described in said rules and regulations.

G. **Street Signs**

Street name signs shall be erected at each street intersection where said streets have three or more lots proposed for development. Street name signs shall be designed and erected in accordance with Alamance County street sign standards. Street signs shall be erected on roads built to state standards and private roads approved in accordance with this Ordinance.

The developer shall pay a fee as outlined in the fee schedule to the county for the required road name signs prior to final plat approval. The county will purchase and erect the road name signs in accordance with county policy.

H. **Utilities**

Where an established public water system is available to a subdivision and where water lines may be extended from it to all lots in the subdivision at a cost equal to or less than the cost of installing a well on each lot in the subdivision, the subdivider shall be required to provide each lot in the subdivision with access to a water line connected to such public water system.

Where an established public sewerage system is available to a subdivision and where sewer lines may be extended from it to all lots in the subdivision at a cost equal to or less than the cost of installing subsurface wastewater disposal systems on each lot in the subdivision, the subdivider shall be required to provide each lot in the subdivision with access to a sewer line connected to such public sewer system.

All subdividers subdividing property in an area where established public water and sewer systems are available shall provide the Alamance County Planning Department with an analysis indicating the cost relationship between on-site utilities versus public water and sewer facilities.

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6.6.5 Subdivision Variances and Appeals

A. VARIANCES

The Board of Adjustment may authorize a variance when the facts of the request before the Board show that unnecessary hardships would result from strict compliance with these regulations. In granting any variance, the Board shall hold an evidentiary hearing in accordance with N.C. Gen. Stat. §160D-406.

When unnecessary hardships would result from carrying out the strict letter of a subdivision regulation, the Board of Adjustment shall vary any of the provisions of the subdivision regulation upon a showing of all of the following:

1. Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

Any variance authorized by this section is required to be entered in writing in the minutes of the meeting of the Board of Adjustment and recorded on the final plat in the Office of the Register of Deeds of Alamance County.

Board of Adjustment decisions pertaining to subdivision variances may be appealed to Superior Court per N.C. Gen. Stat. §160D, Article 14.

B. APPEALS.

Appeals of administrative decisions regarding whether to approve or deny a preliminary or final subdivision plat, or for any other administrative decision implementing these subdivision regulations, shall be made to the Board of Adjustment. Appeal procedures shall be carried out in accordance with Section 2.3 of this Ordinance and N.G. Gen. Stat. 160D-405, -406, and other applicable state laws.

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6.9.6 ~~SPECIFICATIONS FOR PLANS AND PLATS~~

~~A. Preliminary Plans~~

~~Preliminary plans shall be prepared at the minimum scale of one inch equals two hundred feet (1" = 200'). Preliminary plans shall include, but not be limited to, the information in Appendix O.~~

~~B. Construction Plans~~

~~Construction plans, including plan and profile, shall be prepared as required by this Ordinance. The ratio of profile scales shall be ten to one (10 to 1), horizontal to vertical. The plans shall be at scales of 1" = 10', 1" = 30', 1" = 40' or 1" = 50'. Plans and profiles shall be drawn on standard size sheets of twenty two by thirty six inches (22" x 36"). Sufficient data for field construction shall be presented on the construction plans, including, but not limited to, the information shown in Appendix P.~~

~~C. Final Plats~~

~~Final plats shall be standard sheet size of eighteen by twenty four inches (18" x 24"). The scale for the plat shall be the largest that will fit the standard sheet but no smaller than one (1) inch equals four-hundred feet (400'). Final plats shall conform to N.C.G.S. § 47-30, as amended, and other requirements of this Ordinance. Final plats shall include but not be limited to data listed in Appendix Q.~~

~~D. Certificates~~

~~Certificates shall be on the final plat, as appropriate, and properly completed by the appropriate persons prior to submission to the Subdivision Administrator for final plat approval. Certificates are listed in Appendix A.~~

6.6.6 Aggregation

Two or more subdivisions shall be aggregated and treated as a single subdivision under this Article when (1) they are determined to be part of a unified plan of development, (2) they are physically proximate to one another and (3) there is a reasonable closeness in time between the completion of some or all of one subdivision and the submission of an application for authorization of another subdivision which is indicative of a common development effect.

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, but is not required to, determine that two or more projects are part of a unified plan of development.

- The same person has control of the developments;
- The same person has ownership or a significant legal or equitable interest in the developments;
- There is common management controlling the form of physical development or disposition of parcels of the development;

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- A master plan or series of plans or drawings exists covering the developments sought to be aggregated;
- 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;
- There is a common advertising scheme or promotional plan in effect for the developments sought to be aggregated.

6.6.7 Violation of Subdivision Regulations

It shall be a violation of this Ordinance, for any person who, being the owner or the agent of the owner of any land located within the territorial jurisdiction of this Ordinance, to subdivide their land in violation of these regulations or transfer or sell land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of these regulations and recorded with the Alamance County Register of Deeds. Violators are guilty of a Class 1 misdemeanor.

The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The local government may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision regulation. Building permits required pursuant to N.C. Gen. Stat. §160D-1110 may be denied for lots that have been illegally subdivided.

In addition to other remedies, Alamance County Government may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct. Violations of the provision of this Ordinance shall be carried out through the provisions outlined in Article 4.

6.6.8 General Requirements

6.6.8.1. PLATTING AND DISCOLURE REQUIREMENT

All subdividers planning to sell lots not platted and recorded prior to October 1, 1975, are advised to consult N.C. Gen. Stat. 136-102.6, “Compliance of Subdivision Streets with Minimum Standards of the Board of Transportation Required of Developers,” which requires that all new streets, whether public or private, and all changes in streets be platted. NC General Statute 136-102.6 also requires the subdivider to furnish to each lot purchaser a subdivision streets disclosure statement revealing the status of new streets, whether they are constructed to NC Department of Transportation standards, and who will bear maintenance responsibility for the streets.

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6.6.8.2. NAME OF SUBDIVISION

The name of a subdivision shall not duplicate nor closely approximate the name of an existing subdivision within Alamance County. This rule shall not apply to subdivisions which are developed in phases or aggregated in accordance with Section 6.6.6.

6.6.8.3. NUMBERING OF LOTS

Lots shall be numbered in sequential order beginning with the number one (1) for all new subdivision proposals. No lettering, decimal numbering, or a combination or lettering and numbering for lots will be accepted. For lot numbering within phased subdivisions, all lots shall be numbered in uninterrupted order within each respective phase. Phased subdivisions may only feature lots which are numbered in sequential order that either begin with the number one (1) or pick up with the immediate next number after the last lot of the previous phase.

6.6.8.4. ENVIRONMENTAL HEALTH EVALUATION

The Alamance County Environmental Health Section shall be given the opportunity to evaluate and make recommendations concerning all subdivision proposals in accordance with N.C. Gen. Stat. §160D-803. For lots not evaluated for subsurface wastewater disposal systems, Certificate 5 in Appendix A of this Ordinance shall be affixed to the final plat.

6.6.8.5. HISTORIC SITES, NATURAL AREAS, AND AGRICULTURAL PROPERTIES

In any new subdivision, due consideration shall be given to safeguard the rural character of Alamance County by preserving any properties of historical, prehistorical, architectural, and/or cultural significance. Similar consideration will be given to protect the operations and continuation of agricultural properties, parks, and other natural areas within the county.

6.6.8.5.1 All new subdivision proposals shall provide the name and location of any historic properties located within the proposed subdivision and they shall be clearly identified on both the preliminary and final plats. If any such historic property is listed on the US Department of Interior's National Register of Historic Places, or if any property has been designated by local ordinances as a "Historic Property" or “Historic Landmark” by the Alamance County Historic Properties Commission and Board of Commissioners, and the subdivision is subject to Planning Board review and approval, the Planning Board may provide that the following agencies be given an opportunity to make recommendations concerning an individual subdivision plat before the plat is approved:

1. The NC Department of Natural and Cultural Resources, State Historic Preservation Office; or

2. The Alamance County Historic Properties Commission.

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6.6.8.5.2. All new subdivision proposals for properties which overlap or incorporate any part of a proposed trail, as detailed on the Alamance County Trails Plan, shall provide for access easement to accommodate for the development of and perpetual access to such trail(s). Trails set aside for this purpose may be counted as part of the total Open Space of a development when part of a Cluster Subdivision proposal.

6.6.8.5. COMPLIANCE WITH OTHER REGULATIONS

Proposed subdivisions must comply in all respects with the requirements of any ordinance in effect in the area to be subdivided, and any officially adopted plans. Where conflicts exist between this and any other plan or ordinance, the more restrictive regulation shall govern.

6.6.9 Environmental Protection Measures

6.6.9.1. MARGINAL LAND

Land which is subject to flooding, or which may aggravate the flood hazard, which may increase the danger to life or property if developed, and land which is uninhabitable for other reasons shall be identified as Marginal Land and shall not be considered in determining the minimum lot area or lot depth as described in this Ordinance. Examples of Marginal Land may include features such as land within a public right-of-way or private road easement, land which is susceptible to improper drainage or erosion, land within the fall zone of a Wireless Communication Tower, land within a utility easement, or similar encumbrances. Marginal Land shall be identified, calculated and shown on the final plat.

6.6.9.2. FLOOD DAMAGE PREVENTION

All lands located within flood hazard areas as shown on the most recent Flood Insurance Rate Maps (FIRMs) or Flood Hazard Boundary Maps (FHBM) as published by the Federal Emergency Management Agency (FEMA) and adopted into the Alamance County Flood Damage Prevention Ordinance Regulations (Article 6, Part 4) shall be delineated and labeled on all preliminary and final subdivision plats if such areas exist within or adjoining the proposed subdivision.

All subdivision plats that show flood hazard areas as required in the subsection above shall have affixed to them a note indicating required development compliance with the Flood Damage Prevention Regulations as found in Article 6, Part 4.

6.6.9.3. SEDIMENTATION AND EROSION CONTROL

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In order to prevent soil erosion and sedimentation pollution of streams, springs, flat-water bodies, or other drainage networks, the subdivider shall comply with all requirements of the North Carolina Sedimentation Pollution Control Act of 1973 and other applicable rules promulgated by the North Carolina Department of Environmental Quality. Developers disturbing one (1) acre or more of land shall file an Erosion and Sediment Control Plan with the Regional Engineer of the Land Quality Section, NC Department of Environmental Quality. The approved plan shall be filed before any grading occurs in the proposed subdivision, and a copy shall be furnished to the Planning Department.

6.6.9.4. STORMWATER DRAINAGE

When applicable, the subdivider shall provide an adequate system for the drainage of all post-construction stormwater. The design of such a system shall be certified by a licensed engineer and included with the Construction Plans related to the project. No surface water shall be channeled or directed into a sanitary sewer. Stormwater control shall be designed to manage an expected quantity of water in accordance with Article 7, Part 4 of this Ordinance and to mitigate expected impacts on adjoining properties. Control measures should generally be designed to channel, hold, and dissipate stormwater without causing it to overflow or pool in areas where it is not intended to do so.

Where a drainageway, watercourse, or stream traverses or borders a subdivision, it shall be shown on the preliminary plans and the final plat and shall be designated as a drainage easement. The easement shall conform with the lines of the watercourse and at a width adequate to accommodate the flow of stormwater. Ditches or drainageways in subdivisions shall be sloped so as not to create dangerous conditions within the development, shall not create erosion, and shall keep flows below erosive velocities.

6.6.9.4.1. Presentation on Plans and Plats.

Watercourse boundaries as drawn on preliminary plans and final plats are to be interpreted as approximations of actual boundaries. For example, a twenty-foot (20') watercourse shall be deemed to extend approximately ten feet (10') on each side of the center of water flow, unless otherwise specified.

The subdivider shall provide for the perpetual operation and maintenance of stormwater control measures and have such requirements recorded with restrictive covenants or other property agreements related to the subdivision.

6.6.9.4.2. New and Relocated Watercourses

Where a subdivider proposes to create a new watercourse in order to relocate an existing watercourse or to handle road runoff, a drainage easement along the proposed new watercourse shall be indicated on the preliminary plan and the final plat. Any channels, diversions, or other improvements needed to carry water to or along this new course shall be constructed or guaranteed prior to final plat approval.

6.6.9.5. STREAMS

A fifty (50') foot buffer of vegetation shall be maintained on both sides of all perennial streams at all times to retard rapid water runoff and soil erosion. Perennial streams are identified as the solid blue lines on United States Geological Survey (U.S.G.S.) Maps.

Streets, roadways, railroads, and driveways are permitted in the buffer, but shall be constructed to cross the buffer as near to perpendicular as possible. Utility lines, greenways and greenway type recreation facilities are permitted within the buffer but should be designed to have minimal impact. If the vegetative cover must be removed or disturbed, it shall be restored as soon as possible. The fifty (50') foot buffer shall be measured on a horizontal plane from the top of the bank of the stream. The buffer zone may not be included in calculating the lot size and is regarded as Marginal Land for the purposes of this Ordinance.

For buffer requirements, reference the Jordan Lake Watershed Areas of Section 7, Part 3 of this Ordinance.

6.6.9.6. WATERSHED BUFFER AREAS

Natural buffers within Water Supply Watershed Areas shall be maintained in accordance with Article 7, Part 2 of this Ordinance. All subdivision plats for land within Watershed Areas are required to have affixed to them a note indicating required development compliance with stream, pond, and lake buffer regulations as found in Article 7 of this Ordinance.

6.6.9.7. CLEAR CUTTING

Properties shall not be clear cut while undertaking development activities. The preservation of the maximum amount of existing vegetation and selective removal of existing trees throughout the site is strongly encouraged during project design and construction. Vegetation may only be removed in order to install roads, utilities, and elements critical to the future development of lots.

In order to encourage such preservation, the Subdivision Administrator may document established vegetation preserved during the development phase towards the landscaping requirement.

Development activities that fail to maintain natural vegetation during forestry activities may be denied for a period of three (3) years from the date of clearing or five (5) years, if the harvest was a willful violation of this Ordinance. Forestry activities conducted in accordance with an established forestry management plan are exempt from this provision.

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6.6.10 Coordination and Continuation of Public and Private Roads

The proposed layout within a subdivision shall be coordinated with the existing road system of the surrounding area and where possible, existing principal roads shall be extended. Roads shall be measured from the centerline of the originating intersecting road to the center of a cul-de-sac, center of another intersecting road, or center of the turnaround feature, whether paved or graveled.

6.6.10.1. PUBLIC ROADS

In subdivisions where new roads provide access to fifteen (15) or more lots, Public Roads shall be required in accordance with the North Carolina Department of Transportation's Subdivision Roads Minimum Construction Standards manual (revised July 2020). Additionally, new public roads must be designed so that:

(1) The new road connects directly to a public road currently accepted for maintenance by the North Carolina Division of Highways.
(2) The right-of-way for the new road is a minimum of fifty (50) feet.
(3) The new road shall be completed as designed and approved prior to the approval of a final plat. Otherwise, subdividers may provide for the guarantee of improvements in accordance with Section 6.6.10.4.
(4) All new lots accessed by proposed subdivision streets shall be designed to accommodate for all off-street parking. Such parking arrangements shall be included in the Construction Plans prior to submission of the final plat.
(5) Mail cluster box units (CBUs) for residential developments shall be installed if required by the United States Postal Service (USPS). Such CBUs shall meet or exceed the standards of the USPS and be shown on any official plan submittals. In case of regulatory conflicts, any requirement of the USPS shall supersede regulations of this Ordinance.

6.6.10.3. PRIVATE ROADS

In subdivisions where new roads provide access to fourteen (14) or fewer lots, Private Roads may be allowed. Private Roads must be designed and constructed in accordance with the North Carolina Department of Transportation's Subdivision Roads Minimum Construction Standards manual, unless detailed otherwise.

New Private Road subdivisions may not embrace or abut any part of a proposed thoroughfare or street shown on the Burlington/Graham Metropolitan Planning Organization's Comprehensive Transportation Plan. Nuisance strips shall be prohibited. Private roads are permitted to be built across pond and lake dams provided a duly licensed North Carolina Civil Engineer certifies that said roads meet the minimum design criteria set forth in this Ordinance for Private Roads and that said dam crossing meets all applicable safety standards for dam crossings. Private roads may not overlap with, intersect with, or terminate into another private road.

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Developers who wish to voluntarily pave said private roads may do so provided that they follow the requirements for private paved roads and are certified as to meeting the minimum standards by a North Carolina licensed Surveyor or Civil Engineer.

Before receiving final approval, Private Roads must be visually inspected by the Subdivision Administrator in order to ensure that compliance with these standards have been met.

Private Roads are divided into the following classes based on the number of lots they propose to access:

CLASS OF ROAD	NUMBER OF LOTS SERVED
I	1 – 4
II	5 – 14

6.6.10.3.1. Unbuilt Private Roads and Exclusive Access Easements

For Class I Private Road subdivisions which serve no more than two (2) lots, the following road standards shall apply:

1. The right of way width must be at least fifty (50) feet.
2. The right of way must originate from an existing state-maintained road.
3. The right of way must be recorded on the final plat but does not have to be inspected by the Subdivision Administrator prior to final approval.

For Exclusive Access Easements serving one single-family dwelling only, please see the specifications for such easements in Appendix K of this Ordinance.

6.6.10.3.2. For Class I Private Roads, the following standards shall apply:

1. The new road must connect directly to a public road currently accepted for maintenance by the North Carolina Division of Highways.
2. The new road must conform with the N.C.D.O.T. Minimum Construction Standards for Subdivision Roads, except that pavement surfacing may be omitted and the depth of compacted gravel surface may be reduced to four (4) inches and the travel width may be reduced to ten (10) feet.
3. A Private Road Disclosure Statement shall be recorded per N.C. Gen. Stat. §136-102.6. (A sample Road Disclosure Statement is provided in Appendix I of this Ordinance).
4. The right of access and maintenance for lots along the private road shall run with the land.

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5. A statement of compliance with the Private Road standards of this Ordinance must be submitted by an engineer registered in North Carolina. This certification is required prior to final plat approval.
6. A certificate for Private Roads shall be included on the final plat and shall disclose the status of the road and road maintenance responsibilities.

6.6.10.3.3. For Class II Private Roads, the following standards shall apply:

1. The new road must connect directly to a public road currently accepted for maintenance by the North Carolina Division of Highways.
2. The new road must conform with the N.C.D.O.T. Minimum Construction Standards for Subdivision Roads, except that pavement surfacing may be omitted and the depth of compacted gravel surface may be reduced to six (6) inches and the travel width must be at least twenty (20) feet.
3. The road must be proven to be accessible to fire department apparatus trucks by way of a road capable of supporting an imposed load weighing at least 75,000 pounds.
4. A Private Road Disclosure Statement shall be recorded per N.C. Gen. Stat. § 136-102.6, as amended, with every subsequent transfer of land in subdivisions with private roads. (A sample Private Road Disclosure Statement is provided in Appendix I of this Ordinance).
5. The right of access and maintenance for lots along the private road shall run with the land.
6. A statement of compliance with the Private Road standards of this Ordinance must be submitted by an engineer registered in North Carolina. This certification is required prior to final plat approval.
7. A certificate for Private Roads shall be included on the final plat and shall disclose the status of the road and road maintenance responsibilities.

6.6.10.3.4. Maintenance of Private Roads.

For both Class I and Class II Private Roads, the subdivider shall be responsible for the maintenance of said Private Roads until such time as all approved lots have been sold. A sample agreement is provided in Appendix J of this Ordinance. For such maintenance agreements, the following shall apply:

1. The subdivider shall present a plan for the formation of a non-profit corporation or association of lot owners which includes proper agreements and covenants running with the land for the maintenance and repair of proposed roads to become effective after all of the approved lots are sold and the subdivider transfers the ownership maintenance responsibility to the non-profit corporation or association.

2. Covenants shall provide that charges and costs for maintenance and repair shall constitute a pro rata lien upon individual lots of the subdivision, second only to taxes and any bona fide, duly recorded first trust lien on each lot.
3. Recordation of said plan with the final plat is a mandatory condition for approval under this paragraph.
4. The plan, through its agreements and covenants, shall provide for assessments against property owners for the costs of maintenance and repair of the roads, with the assessments constituting a lien upon individual lots of the subdivision on a pro rata basis. Such a lien hereunder will be a valid lien on the property so affected from time of recordation of a notice of the lien in the office of the Register of Deeds, indexed in the Grantor index under the name of the owner(s) of the property to which the lien attaches, and in the Grantee index under the name of the non-profit corporation or landowner's association, as appropriate.
5. The notice of lien shall (a) indicate the owner(s) of the property affected thereby; (b) indicate the name of the non-profit corporation or landowner's association; (c) describe the property to which the lien attaches; (d) state that the lien is pursuant to this section of the Subdivision Regulations for Alamance County, North Carolina; and (e) include other information as may be necessary for clarity and compliance hereunder.
6. The notice of lien shall be canceled by a marginal entry on the face thereof, when satisfaction of the amount due under the lien has been made.
7. This cancellation shall be made by the President, or other officer, of the non-profit corporation or landowner's association so designated and authorized by the governing instrument of the organization.
8. The Register of Deeds is authorized to note such cancellation by a marginal entry upon exhibition of the original notice of lien properly canceled by the appropriate officer as above stated, or by other proper documentation presented by the non-profit corporation or landowners association.

Where possible, maintenance agreements should account for circumstances in which private roads may need to be upgraded to public road standards and transferred to the NC Department of Transportation.

6.6.10.3.5. Nonconforming Private Roads

A. Nonconforming Private Roads must meet the following criteria in order to be recognized as such:

   1. A private road established prior to the original adoption of the Alamance County Subdivision Ordinance, July 3, 1972, shall be considered a nonconforming private road.

2. Be identifiable as an existing road on the 1974 Aerial Photography of Alamance County or be identifiable on Alamance County Tax Maps as an existing road prior to 1974. (A deed description, recorded plat or other photography which clearly indicates that a road was in existence may also be considered.)

3. The private road must cross more than one individual tract of land.

4. A nonconforming private road must be in a current condition as to provide year-round access.

An on-site inspection may be required by the Subdivision Administrator in order to properly determine Nonconforming Private Road status.

B. Subdivisions accessed by nonconforming private roads shall be approved when the following conditions are met:

1. The tract to be subdivided meets the minimum road frontage required by the land use district as specified in Section 5.5.2 of this Ordinance.
2. An original tract of land adjoining a Nonconforming Private Road may be divided into no more than one (1) lot utilizing this provision only once every two (2) years.
3. The Private Road Disclosure Statement as provided in Appendix I shall be recorded and the Certification for Private Roads from Appendix A shall appear on the face of the plat.
4. A notation of the existence of the private road shall appear on the face of all preliminary and final plats, in addition to any citations of deed book and page numbers associated with the road, if applicable.
5. All other provisions of this Subdivision Ordinance must be complied with.

If all the above criteria are met, then the subdivision of a new lot shall be approved without the requirement to upgrade the road.

6.6.10.4. MISCELLANEOUS ROAD PROVISIONS

A. Previously Approved Subdivisions

Lots created by previously recorded plats may continue to observe the requirements in place at their time of approval until a proposed change to the lot(s) requires compliance with these regulations. For approved preliminary plats that clearly indicate phased development, such plans may be carried out under the terms of the ordinance prior to the adoption of these amendments.

B. Road Upgrades for New Subdivisions Along Existing Roads.

When the subdivision of new lots triggers the need to upgrade a road into a higher classification then said road shall be upgraded, at the cost of the subdivider, from

the originating point of the road to the point of access to the new lot or lots being created. The total number of applicable lots along a road shall be the determining factor for road classification when requiring a road upgrade for new subdivisions. Depending on the nature of the road upgrade, said subdivider shall be responsible for signing and recording a Private Road Disclosure Statement, as found in Appendix I of this Ordinance, or providing for a new Homeowners' Association Agreement addressing enhanced road maintenance, or for preparing the road for NCDOT acceptance and maintenance.

C. Road Names

Proposed roads that are obviously in alignment with existing roads shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names irrespective of the use of a suffix such as street, road, drive, place, court, boulevard, or similar term. Road names shall be subject to the approval of the Alamance County GIS Department.

D. Street Signs

Street name signs shall be erected at each street intersection where said streets have three or more lots proposed for development. Street name signs shall be designed and erected in accordance with the Road Naming and Addressing Ordinance of Alamance County. Street signs shall be erected on roads built to state standards and private roads approved in accordance with this Ordinance. Developers shall pay a fee for signs as outlined in the Planning Department's Fee Schedule prior to final plat approval. The county will purchase and erect the street name signs in accordance with applicable policies.

E. Reservation of Right of Way

Future right of way extensions shall be required for roads designed as N.C.D.O.T. collector roads with 20-foot-wide pavement. No additional right of way shall be required where site conditions prohibit future road extensions.

F. Cul-de-Sacs and Dead Ends

Cul-de-sacs or other dead-end streets and roads designed to be permanently closed shall be provided at the closed end with sufficient right-of-way for vehicular turnarounds.

G. Parkways

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Parkways or double streets may be required to traverse a drainage way, watercourse or stream. The width of the right-of-way for such parkways shall be adequate to accommodate the flow of stormwater.

H. Parallel Access Streets

Parallel access streets may be required along existing or proposed principal and minor arterials to provide separation of local traffic from through traffic.

I. Non-Residential Area Streets

The widths of right-of-way and roadway surfacing on streets adjacent to existing or proposed non-residential property may be increased up to fifteen feet (15') to ensure the free flow of traffic without interference by vehicles entering or leaving the property.

J. Median Strips

Median strips, or reserve strips, within road rights-of-way shall not be platted in new subdivision but the details of such strips must appear on proposed Construction Plans.

K. District Highway Engineer Review

The N.C.D.O.T. District Highway Engineer, or other authorized staff, shall be given an opportunity to make recommendations concerning an individual subdivision plat before the plat is approved. For these purposes, the N.C.D.O.T. representative shall be considered a member of the Technical Review Committee in accordance with Article 2 of this Ordinance. When applicable, the District Engineer, or other authorized N.C.D.O.T. staff person, shall sign the Certificate of Approval by Division of Highways of the North Carolina Department of Transportation as found in Appendix A of this Ordinance.

6.6.10.5. IMPROVEMENTS

A. Prerequisites to Approval of Final Plats

No subdivision plats shall be granted final approval until the required improvements have been made in accordance with the provisions of this section.

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However, final plats may be approved prior to the completion of required improvements upon the guarantee of said improvements by the subdivider within a twenty-four (24) month period. Alamance County may accept surety bonds issued by any company authorized to do business in the State of North Carolina, a letter of credit issued by any financial institution licensed to do business in the State of North Carolina, or another form of guarantee that provides equivalent security to a surety bond or letter of credit. All surety instruments shall be made payable to Alamance County and the County must receive the original copy of the bond.

Surety must be in an amount equal to one and one-quarter times (125%) the cost of making the improvements, whereby such improvements may be made without cost to the public or subsequent purchasers of the property in the event of default on the part of the subdivider. Subdividers are required to obtain a letter from an engineer registered in North Carolina stating the total construction costs and surety amounts and provide a copy of said letter to Alamance County.

Upon completion of the improvements, a duly authorized engineer, surveyor, or landscape architect shall verify completion. After receiving such confirmation, the Planning Director shall confirm completion referencing the bond number(s) and the amount and certify the bond's release.

B. Within the Jurisdiction of Any Municipality

Within the subdivision regulation jurisdiction of any municipality whose governing body agrees by resolution to the provisions of this Ordinance, the required improvements such as grading and surfacing of streets, installing storm drainage and public water and sewer facilities, shall be in accordance with the requirements and standards specified by the respective municipalities.

C. Clearing of Drainage Courses

All debris, fallen trees, junk and other accumulations of any nature that will impede the passage of waters in their downstream course or cause flooding shall be removed from the channel and banks of any stream, creek and drainage way of the subdivision site prior to granting final plat approval or release of financial security.

D. Removal of Rubbish

All fallen trees, stumps, junk, and rubbish of any nature resulting from the grading of streets or the clearing of lots in the subdivision shall be removed from the subdivision site prior to the granting of final plat approval.

6.6.11 Design Standards for Lots

In order to promote an orderly growth pattern throughout the unincorporated areas of Alamance County, all new subdivision lots shall meet the criteria as outlined below.

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6.6.11.1 AREA OF LOTS

Where allowable by district, the minimum lot area for residential lots with on-site septic facilities shall be determined by the result of soil analysis and investigations, and other appropriate criteria test, but in no case shall a lot with on-site septic systems be smaller than specified below:

MINIMUM LOT SIZE STANDARDS

Agricultural Districts (AG)	2 acres
Rural Residential Districts (RR):	65,000 square feet
Rural Community Districts (RC):	30,000 square feet
Employment Center Districts (EC):	30,000 square feet
Suburban Transition Districts (ST):	30,000 square feet
Mill Village Districts (MV):	(based on facility type below)
Individual Well and Septic System:	30,000 square feet
Community/Public Well and Septic System:	20,000 square feet
Individual Well and Community/Public Sewer:	10,000 square feet
Community/Public Water and Sewer:	8,000 square feet

Watershed Areas*

Watershed Critical Area (WCA)	2 acres**
Balance of Watershed (BOW)	1 Acre**

*Watershed lot size minimums shall be governed by the Watershed Protection Standards unless otherwise required by the land use district lot size standards above.
**Additional land area may be required by the Alamance County Health Department based on soil evaluations.

For lots which are not suitable for on-site subsurface wastewater systems for individual dwelling units or other uses, off-site disposal systems may be authorized by the Health Department. Off-site systems may be provided by the use of easements or ownership of adjacent parcels designated for subsurface wastewater systems. A sewage easement of a minimum width of fifteen (15) feet in width must be provided between the house location and the designated system area lot. Minimum easement area sizes for property utilizing off-site disposal systems shall be no smaller than 5,000 square feet though additional area may be required by the Alamance County Health Department. Such lots, and their square footage, shall be clearly shown on the subdivision plat and do not have to meet any other minimum Ordinance requirements.

Access to such off-site disposal systems shall be provided by an existing road, proposed road, or proposed access easement no less than ten (10) feet in width which shall be shown on the final plat.

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For multifamily structures, an additional fifty (50) percent of the minimum lot size shall be required for each additional unit based on facility type. (Example: residential duplex with a private well and septic system requires a three (3) acre lot size in the Agricultural District.)

Where watershed lot size standards apply, one hundred (100) percent of the minimum lot size requirement shall apply to each unit.

1. Calculation of Lot Areas.
   All lots shall conform with the minimum standards in this section and the minimum standards contained in any applicable land use ordinance, building code or other applicable regulation. The following shall be excluded from the determination of minimum lot area and sizes:
   a) Street and railroad rights-of-way.
   b) Marginal Land as defined by Section 6.6.9.1.

2. One Principal Dwelling Per Lot.
   Only one (1) principal dwelling may be located on each lot area as defined above, unless they meet the criteria for unconventional residential developments as detailed in Section 6.6.14 below. Guest houses or accessory dwellings may be allowed based on Health Department evaluation. Such structures should be arranged as an accessory to the primary dwelling and not intended to later become an independent dwelling. The subdivision administrator may require a survey to identify "lot area" for these purposes and all other road access and dimensional requirements of this Ordinance must be adhered to.

   In accordance with N.C. Gen. Stat. §160D-802, additional building sites which are intended to be used as separate dwellings will be treated as subdivisions and subject to all applicable regulations found in this Article.

6.6.11.2 BUILDING SETBACK REGULATIONS

The following setback distances shall apply from the property line of a parcel to the nearest point of any permanent structure. Permanent structures include features like commercial buildings, residential dwellings, accessory structures, and similar structures which are often placed on a permanent foundation or require obtaining a building permit to construct or place on a property. Such buildings and structures shall not be erected within the setback area between right-of-way lines or property lines and the setback lines as detailed below.

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The determination of front, side, and rear property lines on irregularly shaped lots shall be determined by the Subdivision Administrator. The determination will be based on the spirit and intent of this Ordinance to achieve an appropriate spacing and location of buildings and structures on individual lots. Setbacks distances shall be measured from the closest point of a permanent, vertical structure to the nearest respective property line.

The building setback lines from the lot lines in subdivisions approved after July 3, 1972, shall comply with the following distances:

Setback Line Distance in Feet

From the **Front** Right-of-Way

On Streets:

Arterial.....40 feet

Major Collector.....40 feet

Minor Collector.....35 feet

Local.....30 feet

From the **Side** Right-of-way Line Abutting Streets.....25 feet*

From the **Side** Property Line Non-Abutting Street.....10 feet*

From the **Rear** Property Line.....20 feet*

From a **Cul-De-Sac** Right-of-way Line.....30 feet

* Accessory structures may be located within three (3) feet of rear property line and five (5) feet from a side property line or ten (10) feet from a right-of-way line, if one exists. Accessory dwellings must adhere to standard setbacks as detailed in Section 6.6.14 below.

6.6.11.3. CONFIGURATION OF LOTS

1. Street Frontage. Every lot shall front or abut on a public or private street or road and shall have a minimum of fifty (50) feet of road frontage at the right of way or be served by an Exclusive Access Easement.

2. Cul-de-sac Lot Dimensions. Every cul-de-sac lot shall front or abut on a public street, or private road, and shall have at a minimum twenty-six (26) feet at the street right-of-way, as measured along the arc. Lot width shall be at least seventy-five (75) feet at the building site.

3. Double and Reverse Frontage. Double frontage lots and reverse frontage lots shall be avoided, except where required to separate development from through traffic on arterial and major streets or to separate residential development from non-residential development.

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4. Side Lot Lines. Side lot lines shall be substantially at right angles or radial to street lines.

5. Width and Depth. Lot width for non-cul-de-sac lots shall be no less than one hundred (100) feet at the building site. Lot depth shall be arranged as to accommodate and setback and buffer requirements. Where lot width requirements differ from those set out in Article 5 of this Ordinance, the more restrictive standard shall apply.

6. Corner Lots. Corner lots shall be arranged with enough width to accommodate the expanded setback requirements for side property lines abutting a right of way.

7. Buffer Strips. All new residential Major Subdivisions shall provide for a fifty (50) foot vegetative buffer between the development and any existing non-residential properties which immediately neighbor them. Vacant properties neighboring the subdivision do not need to be buffered.

   These buffer areas shall preserve natural features such as trees, grass, shrubs, ponds, streams, rivers, lakes, and similar natural elements. If planting of new vegetation is required within the buffer areas, developers shall choose native species recommended for the Piedmont region by the North Carolina Cooperative Extension. This buffer may not be intersected by subdivision roads or the rights of way containing subdivisions roads. Utilities may intersect these buffer areas only in cases where no practicable alternative exists. Buffers may exist within required setback areas and the preserved open space of Cluster Subdivisions as long as the buffer is designed as merely a component of the open space and not a substitute for it.

8. Water and Sewer Systems. The Alamance County Health Department, or local public utility, shall be given the opportunity to make recommendations concerning an individual subdivision plat before final approval. The recommendations shall be in relation to proposed water or sewerage systems. In the event that a proposed lot or lots within a subdivision are found to be unsuitable for a proposed sewage disposal system, a certification entitled "Certificate Indicating Lot Not Approved for Subsurface Waste Disposal Systems" shall be placed on the final plat.

9. Utility and Drainage Easements. Where appropriate, utility easements shall be determined by the electric, communication, natural gas, or similar utility companies and the public or private suppliers of water and/or sewer services providing service to the subdivision. Appropriate easements shall be shown on the final plat prior to approval by the Subdivision Administrator. Such utilities shall be included on the final plat in easements at least ten (10) feet in width.

Electric and communication service lines shall be placed underground and the additional cost, if any, shall comply with the appropriate rate schedule on file with the North Carolina Utilities Commission. Exceptions may be granted by the Subdivision Administrator for the service lines located along rear lot lines, and elsewhere at the request of the electric utility where voltage or other requirements indicate that underground service would not be feasible.

6.6.12 Types of Subdivisions

For the purposes of this section, new residential subdivisions shall be divided into the following categories:

1) MAJOR SUBDIVISIONS are defined as those consisting of fifteen (15) or more lots arranged for simultaneous division from a parent parcel. Subdivisions of this type are subject to all the lot size, road improvement, and other regulations otherwise required by this Ordinance.

   No more than four (4) lots within any new Major Subdivision may be accessed by an existing state-maintained road unless said road is classified as a Local Road on the NCDOT Function Classification Map. In those cases, all other lots must have access provided by new roads created explicitly for the purpose of accessing the additional lots. These roads must meet all the criteria as outlined in Section 6.6.11, based on the number of lots they provide access to.

   A. Conventional Subdivisions are defined as those that contain lots which all meet the minimum size standards of their land use districts as defined in Article 5 and Section 6.6.11.1 of this Ordinance, exclusive of rights-of-way or other marginal land.

   B. Cluster Subdivisions are defined as those containing lots which are as small as 8,000 square feet, exclusive of rights-of-way or other marginal land, which are to be serviced by some form of public or community utility arrangement. These subdivisions must retain twenty-five (25) percent of the overall development as open or shared-use space as outlined in Section 6.6.13.

2) MINOR SUBDIVISIONS are defined as those consisting of fourteen (14) or fewer lots arranged for simultaneous division from a parent parcel. Minor Subdivisions shall be divided into the following two categories:

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A. Class I Minor Subdivisions are those created for the purposes of sale, transfer, or development and consisting of four (4) or fewer lots. These subdivisions may be entirely accessed by existing state-maintained roads or private roads and shall be subject to all lot size, road improvement, and other regulations as required by this Ordinance.

B. Class II Minor Subdivisions are those created for the purposes of sale, transfer, or development and consisting of between five (5) and fourteen (14) lots. Subdivisions of this type shall be subject to all the lot size, road improvement, and other regulations otherwise required by this Ordinance.

   No more than four (4) lots within any new Class II Minor Subdivision may be accessed by an existing state-maintained road unless said road is classified as a Local Road on the NCDOT Function Classification Map. In those cases, all other lots must have access provided by new roads created explicitly for the purpose of accessing the additional lots. These roads must meet all the criteria as outlined in Section 6.6.11, based on the number of lots they provide access to.

6.6.13 Cluster Subdivisions

Clustering of residential lots is intended to encourage subdivision design that reduces traffic and environmental impacts, conserves natural areas and resources, encourages pride in rural community living, and allows for affordable home options throughout the unincorporated areas of Alamance County.

Cluster Subdivisions require that part of the subdivision is not devoted to residential lots or roads and is set aside as usable open space. This allows smaller lots to be concentrated on those parts of the subdivision best suited to accommodate development with the least adverse impacts. Clustering also allows smaller and less costly networks of roads and utilities and reduces the amount of impervious surface and stormwater runoff. The open space provided by clustering can be used to conserve and protect significant natural areas and environmentally sensitive areas, and to preserve important historic resources.

Cluster Subdivisions shall conform to the following standards:

1. Minimum Lot Size. Single-family residential lots shall be a minimum of 8,000 square feet of usable land (not to include any right-of-way or marginal land). For multifamily, attached structures, the lot area requirement shall be an additional fifty (50) percent of land based on facility type (see section 6.6.11.1).

2. Setback and Configuration Requirements. The minimum building setbacks for dwellings are as follows:

- Front Right of Way Line: 15 feet
- Front Yard on Cul-De-Sac: 10 feet
- Rear Property Line: 10 feet
- Rear Property Line (accessory structures): 3 feet
- Side Property Line: 10 feet
- Side Property Line (accessory structures): 5 feet

The minimum lot width of Cluster Subdivision lots must be at least thirty (30) feet at the street right of way. For lots along cul-de-sacs, the minimum width shall be twenty (20) measured on the chord. Width at the building site shall be no less than seventy-five (75) feet.

3. Designation of Open Space. Land within the subdivision site not used for lots, streets, or utility easements, shall be in one or more parcels dedicated or reserved as permanent open space. The total area of a parcel(s) dedicated or reserved as permanent open space shall make up at least twenty-five (25) percent of the parent tract prior to subdivision and is subject to the following:

   A. The open space need not be contiguous.
   B. The use of the shared open space shall be designed to give equal opportunity of enjoyment to the residents of the subdivision. Such use may come in the form of parks, playgrounds, recreational areas, picnic shelters, sidewalks, trails, or similar uses conducive to the environment of the neighborhood.
   C. The open space may also serve the purpose of acting as an off-site septic area for one or more lots as long as the proposed use of the open space does not compromise the functionality of such septic facilities.
   D. The layout of the open space shall consider providing a buffer between the new development and the state-maintained road from which it is accessed and/or neighboring developments.
   E. The open space shall be subject to a deed restriction, easement, or public dedication to ensure that the open space shall remain undeveloped and maintained for recreational and aesthetic enjoyment. Ownership of the open space shall be conveyed to a property owner's association, homeowners' association, public agency, land trust, or other non-profit organization that is capable of and willing to accept responsibility for managing the open space for its intended purpose. In the event that the reserved open space is determined to hold unique natural or cultural significance, the County may require the additional easements or protections to ensure significant features are protected.
   F. Ownership of the open space is not restricted but any transfer of ownership of this property is subject to the restrictions, conservation easement, or any other conditions which created the open space.

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G. The design of the open space shall consider protecting water quality, conserving farm and forest land, providing wildlife habitat and preserving the natural aesthetics of the surrounding area.
H. No more than twenty-five (25) percent of the open space may be made from an impervious material.
I. The proposed use or uses of the open space must be shown on the Construction Plans prior to final approval.

6.6.14 Unconventional Residential Developments

The following regulations shall apply when applicants seek to establish more than one dwelling unit on a single parcel of land, regardless of property size. When necessary, the Subdivision Administrator may require a survey to identify adequate lot area for the purposes of ensuring all dimensional, setback, road access, and other applicable requirements of this Ordinance are complied with. All dwellings, regardless of size or type, must comply with the North Carolina Building Code.

6.6.14.1 ACCESSORY DWELLING UNITS

Accessory Dwelling Units, as defined by this Ordinance, shall exist on the same property as a primary residence and shall be connected to the same well and septic or water and sewer system as the primary residence. These units shall be regulated in much the same manner as an accessory building though setbacks shall meet the same standards as the primary structure. No part of an accessory dwelling may be erected closer to the front property line than the primary residence. The heated square footage for accessory dwelling units must be less than that of the primary residence.

When accessory dwellings are connected to the same well or water source as the primary residence but are served by their own sewer or septic system connection, an additional fifty (50) percent of the minimum land area shall be required per residence.

6.6.14.2 SECONDARY RESIDENCES

Secondary residences, as defined by this Ordinance, exist on the same property as a primary residence but are serviced by independent well and septic systems or water and sewer systems. All secondary residences must comply with lot area, road access, setbacks and other requirements as if they were their own subdivision of land, including upgrading private roads to a higher standard if necessary.

Secondary residences will not be allowed on lots if the establishment of secondary residences would render the lot nonconforming with regards to lot size, access,

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setbacks, or other regulations. These regulations shall not apply to properly permitted temporary health care structures, as defined by N.C. Gen. Stat. §160D-915.

6.6.14.3 SHORT-TERM RENTALS

Short-term rentals, as defined by this Ordinance, must be established in permanent structures and shall not be permitted in temporary residences like manufactured homes or recreational vehicles. These uses may be established in primary residences, secondary residences, or accessory dwelling units as long as those structures and proposed uses comply with all other regulations within this Ordinance. No part of any short-term rental may be erected closer to the front property line than the primary residence.

Nonconforming structures may be established as short-term rentals as long as their use does not create any new nonconformities or any additions to them do not exacerbate any existing nonconformities. By establishing a short-term rental, property owners acknowledge that they are subject to Alamance County's Annual Business Personal Property Tax.

6.6.15 Approval Procedures

The following procedures shall apply in order to implement the provisions of this Ordinance. Review and approval of subdivision submittals may require the assistance of the Technical Review Committee.

A. Preliminary Plats and Plans

The subdivider shall submit at least one (1) copy of a preliminary plat or sketch plan for initial review by the Planning Director, or their designee. Preliminary Plans should be prepared at the minimum scale of one-inch equals two hundred feet (1" = 200') and include title data, existing conditions, and proposed plans as outlined in Appendix L of this Ordinance. Preliminary Plans are required in order to make a proposed development eligible for Technical Review Committee review and/or approval.

B. Construction Plans

After preliminary approval of Class II Minor Subdivisions and Major Subdivisions only, the subdivider shall submit at least one (1) copy of the construction plans for required street and utility improvements as prepared by an engineer registered in North Carolina. Plans are to be submitted to the Planning Department. This submission shall be prepared in accordance with Appendix M and other applicable regulations of this Ordinance.

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Construction plans, including plan and profile, shall be prepared as required by this Ordinance. The ratio of profile scales shall be ten to one (10 to 1), horizontal to vertical. The plans shall be at scales of 1" = 10', 1" = 20', 1" = 30', 1" = 40', 1" = 50' or 1" = 60'. Plans and profiles shall be drawn on standard size sheets of twenty-four by thirty-six inches (24" x 36").

If street and utility improvements are not required in a subdivision by the provisions of this section, construction plans shall not be required.

Approval of the construction plans authorizes the subdivider to proceed with the construction of improvements and preparation of the final plat.

C. Final Plats

When final plats are ready for submission, the subdivider shall submit one (1) reproducible copy as defined by N.C. Gen. Stat. §47-30 to the Planning Director, or their designee. Final plats shall be standard sheet size of eighteen by twenty-four inches (18" x 24"). The scale for the plat shall be the largest that will fit the standard sheet but no smaller than one (1) inch equals four-hundred feet (400').

This submission shall also be prepared in accordance with the provisions of this section and Appendix L of this Ordinance and shall comply with the following:

A. No final plat shall be approved until all improvements are installed or their execution guaranteed as set forth in Section 6.6.10.4 and all certificates required on final plats by this section have been properly completed and signed.
B. All applicable certificates shall be placed on the final plat and properly completed by the appropriate person or agency prior to final submission. Certificates are found in Appendix A of this Ordinance.
C. All approved plats should be recorded with the Alamance County Register of Deeds in a timely manner. The Planning Department shall not be held responsible for any plats which are not properly recorded after approval.

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ARTICLE 6 | LAND USE AND DEVELOPMENT STANDARDS

PART VII. WIRELESS COMMUNICATIONS TOWERS

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~~6.11 Wireless Communications Facilities~~

6.7.1 APPLICABILITY

The purpose of this section is to establish standards for the location, permitting, and appearance of wireless telecommunication facilities located on property within Alamance County's ordinance-making jurisdiction. The regulations contained within this section shall apply to any Wireless Communications Facilities constructed on or after February 18, 2013.

Wireless Communication Towers which do not exceed ninety (90) feet in height shall be approved administratively in accordance with Section 6.8.9 below.

Wireless Communication Towers which exceed ninety (90) feet in height shall be approved by the Planning Board in accordance with Section 6.8.10 below.

6.7.2 EXCEPTIONS TO APPLICABILITY

The provisions of this section shall not be deemed to apply to: a) any tower, antenna, or other communication structure located on property owned, leased, or otherwise controlled by Alamance County; or b) any amateur radio facility that is owned and operated by a federally-licensed amateur radio station operator.

6.7.3 LOCATION REQUIREMENTS ~~FOR WIRELESS COMMUNICATION TOWERS~~

1. ~~Any wireless communication tower constructed after February 18, 2013 may not be located within 1 mile of an existing tower.~~
2. ~~Towers shall be located at least 1.5x height of the tower from any existing non-owner occupied residential or non-residential structure.~~
3. ~~A tower may be located on the same lot as a residential structure, as long as the residential structure is occupied by the property owner.~~
4. ~~A tower may not be located on top of any residential structure.~~
5. ~~A tower may not be located on the same lot as an outdoor storage yard.~~
6. ~~A lot that contains a wireless communication facility may be no smaller than 30,000 square feet.~~
7. ~~A tower may not be constructed within a locally- or nationally-designated historic district. A tower may not be located within 1,000 feet of a locally or nationally designated historic district or historic landmark.~~
8. ~~A tower may not be constructed within 1.5x the fall zone from a public right-of-way~~.
9. The siting of all wireless communication towers must comply with the requirements of the National Environmental Policy Act, the Federal Communications Commission, ~~and~~ the Federal Aviation Administration~~.~~ and subject to the regulations below.

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6.7.3.1 Wireless Communication Facilities may be located on properties under the following conditions, provided all setback, spacing, and dimensional requirements are met:

- On any lot at least 30,000 square feet in size;
- On the same lot as a residential structure, as long as adequate spacing is provided for in accordance with subsection 6.7.4.2 below.
- In a location at least one-hundred and fifty (150) percent the height of the tower from any public right of way or regularly occupied structure, as defined by Section 6.7.4.2.

6.7.3.2 Wireless Communication Facilities may not be located on property under the following conditions:

- On top of a residential structure;
- On the same lot as a junkyard, automobile graveyard, or similar outdoor storage yard as defined by this Ordinance;
- Within a locally or nationally designated historic district;
- Within one thousand (1,000) feet of a locally or nationally designated historic district or historic landmark;

6.7.4 DEVELOPMENT STANDARDS ~~FOR WIRELESS COMMUNICATION TOWERS~~

~~a)~~

6.7.4.1. HEIGHT LIMITS

Administrative approval may be granted by the Planning Department for wireless communication towers that do not exceed ninety (90) feet in height. A tower that is proposed to exceed ninety (90) feet in height must receive approval from the Board of Commissioners. The approval procedure shall be in accordance with ~~the quasi-judicial hearing procedures established herein.~~ section 6.7.10 of this Ordinance.

~~b)~~

6.7.4.2 SETBACKS

~~Residential~~ ***Regularly Occupied Structures*** - A wireless communication facility must be located at least one-hundred and fifty (150) percent the height of the tower ~~x 1.5~~ from any ~~residential~~ regularly occupied structure. Regularly occupied structures include residences, commercial establishments, churches, and similar uses where individuals may inhabit the premises on a frequent basis. This ~~does~~ spacing shall not apply to a residential structure that is occupied by the owner of the property upon which the wireless communication facility is located, or an accessory structure like a barn or storage shed. The setback requirement for residential structures occupied by the property owner may be reduced with design certification by an engineer. All other regularly occupied structures must be placed outside of any Fall Zone as defined below.

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Fall Zone - The setback must include enough area to contain the fall zone entirely within the boundaries of the property ~~owned or leased by the wireless communication provider.~~ on which the Wireless Communication Facility is located. Fall zones shall be measured three hundred and sixty (360) degrees out from the center of the tower base in a distance equal to one hundred (100) percent the height of the tower.

Roads - A wireless communication facility must be located at least 1.5x the fall zone from any public right-of-way or private road.

Power Lines - A freestanding wireless communication tower must be located at least one hundred and fifty (150) percent the height of the tower ~~x 1.5~~ from any high-tension power lines.

Airports - A wireless communication facility must be located at least two thousand, five hundred (2,500) feet from any public or private airport.

~~***Accessory Structures*** - In measuring setbacks, an accessory structure constructed to house equipment relating to the wireless communication facility must be included as part of the wireless communication facility. The edge of an accessory structure to a property line shall constitute an appropriate measurement.~~

~~c)~~

6.7.4.3 LANDSCAPING AND AESTHETICS

- Wireless communication facilities ~~should~~ shall be placed in a location that will provide for proper functioning, and one that will have minimal visual impact.
- All landscaping ~~should~~ shall be designed to be compatible with existing structures and landscapes on the property and on adjoining parcels.
- The color of a wireless communication facility ~~should~~ shall be neutral or compatible with its surroundings. In addition, colors must meet FAA standards.
- The use of camouflage or stealth technology is strongly encouraged.
- A vegetative buffer ~~must~~ shall be placed around the base of a wireless communication tower and any associated structures, such as an equipment facility or guy anchors. This buffer should be at least ten (10) feet wide and ~~should~~ shall include, at a minimum, one (1) row of evergreen or deciduous trees placed no further than eight (8) feet apart and one (1) row of evergreen shrubs spaced no more than five (5) feet apart.
- Existing vegetation on the site should be preserved as much as possible and incorporated into the site design.
- Vegetated buffers should be created through minimal grading activities and, as much as possible, should preserve existing mature growth on the site.
- ~~Upon a showing that the existing site vegetation will provide a suitable buffer for the base of the tower or the perimeter of the site and minimize visual impacts, the Administrator may grant a waiver of the buffer requirements contained above~~.

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6.7.4.3.1 Landscaping Exemption

The Planning Director, or their designee, may grant an exemption to the landscaping and aesthetic requirements above when existing site vegetation will provide a suitable visual buffer for the base of the tower. Any such exemption may only be granted after a site inspection is conducted to make such a determination. Conditions which may warrant an exemption include existing perimeter vegetation on the property in which the wireless communication tower is to be located, agricultural factors which make the installation of new vegetation impractical, or other factors that adequately provide a visual buffer.

In all cases, any exemption granted shall be made in writing and delivered to the applicant, cite the justification for the exemption, and be kept on file with the other permitting records related to the wireless communication facility application.

~~d)~~

6.7.4.5 FENCING

A wireless communication facility must have a commercial-grade safety fence placed around the base of the tower and any ~~accessory structures~~ supporting equipment shelters or cabinets. This fence should be at least eight (8) feet in height and constitute an opaque barrier. If the wireless communication facility has guy wire anchors, a separate fence with the same features as above may be placed around the base of each wire anchor.

~~e)~~

6.7.4.6 LIGHTING

A wireless communication tower shall not be artificially lighted unless required by the FAA or other applicable authority. All lighting installed at a wireless communication facility must comply with FAA regulations.

Any lighting at a wireless communication facility ~~should~~ shall be down shielded in order to contain the light on the property leased or owned by the wireless communication provider. At no time should any wireless communication facility lighting shine directly upon an adjacent property.

Unless otherwise required by the FAA, a red light and a type of ~~lense~~ lens used to reduce ground lighting must be used when the wireless communication facility is within one hundred (100) feet of a residential dwelling.

~~f)~~

6.7.4.7 SIGNAGE

No signage, logos, symbols, or any messages of a commercial or non-commercial nature are permitted on any wireless communication facility, accessory structure, or security fencing. This provision does not include the identification signage detailed below.

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One small sign measuring no more than two (2) feet by three (3) feet that contains provider information, emergency telephone numbers, and any other information required by local, state, and federal regulations governing wireless communication facilities is permitted. This sign must be placed in a visible location on the security fencing.

~~g)~~

6.7.4.8 STRUCTURAL INTEGRITY

Each wireless communication facility and any ~~accessory structures~~ supporting equipment must be constructed and maintained in accordance with all state and federal building code requirements.

Each wireless communication tower must be constructed to accommodate the following number of antenna arrays:

1. Towers up to 90 feet: 1 array;
2. Towers between 91 feet and 120 feet: 2 arrays; and
3. Towers exceeding 120 feet: 3 arrays

~~h)~~

6.7.4.9 POWER OUTPUT AND EMISSIONS

Applicants for a permit for a wireless communication facility shall be required to submit documentation that shows that power output levels at the facility do not exceed those levels certified by the FCC. The wireless communications provider that owns the wireless communication facility may be asked on a periodic basis to provide the Administrator with documentation that demonstrates that the facility is in compliance with FCC output standards.

Emissions from a wireless communication facility shall not interfere with radio frequencies or television reception.

~~i)~~

6.7.4.10 ACCESS TO WIRELESS COMMUNICATION FACILITY

Access to the wireless communication facility site must be provided by an easement of no less than thirty (30) feet in width. The road base constructed shall be no less than ten (10) feet and no greater than eighteen (18) feet in width. This road must be of gravel construction and should be maintained regularly by the wireless communications provider. The access road to a wireless communication facility should be gated for security purposes with commercial-grade fencing.

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6.7.5 COLLOCATION AND SHARED FACILITIES

~~1. An applicant for a wireless communication facility permit must demonstrate that it has made a good faith effort to place its wireless communication equipment onto an existing wireless communication facility structure. This shall be a condition of the permit, as provided in Section 6.11.8, below.~~

~~2. An applicant for a wireless communication facility permit that cannot collocate and will place its equipment on a newly-constructed wireless communication structure must submit a collocation agreement with its permit application. This collocation agreement shall outline the applicant's policy for collocation on its structure and shall also provide information that illustrates the means by which the applicant will determine what rental rates to charge other users. These lease rates must be commercially reasonable and should not act as a deterrent to collocation.~~

~~3. Any wireless communication tower over ninety (90) feet should be constructed to accommodate multiple antenna arrays, pursuant to Section 6.11.4.(g)~~ 6.11.4.7.

1. Pursuant to section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. § 1455(a), Alamance County may not deny and shall approve any eligible facilities request as provided in this section. Applications shall not be required for routine maintenance on wireless support structures and facilities, including in-kind replacement of wireless facilities. Routine maintenance includes activities associated with regular and general upkeep of transmission equipment, including the replacement of existing wireless facilities with facilities of the same size.

2. A collocation or eligible facilities request application is deemed complete unless notice is provided to the applicant in writing within forty-five (45) days of submission or within some other mutually agreed upon time frame. The notice shall identify the deficiencies in the application which, if cured, would make the application complete. An application may be deemed incomplete if there is insufficient evidence provided to show that the proposed collocation or eligible facilities request will comply with federal, State, and local safety requirements. An application may not be deemed incomplete for any issue not directly related to the actual content of the application and subject matter of the collocation or eligible facilities request. An application is deemed complete on resubmission if the additional materials cure the deficiencies indicated.

3. A written decision approving an eligible facilities request application shall be issued within forty-five (45) days of such application being deemed complete. For a collocation application that is not an eligible facilities request, the written decision to approve or deny the application within forty-five (45) days of the application being deemed complete.

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4. A fee of no more than one thousand dollars ($1,000) may be imposed for technical consultation and the review of a collocation or eligible facilities request application. The fee must be based on the actual, direct, and reasonable administrative costs incurred for the review, processing, and approval of a collocation application. Alamance County may engage a third-party consultant for technical consultation and the review of a collocation application. The fee for the review of the application may not be used for either of the following:

    a. Travel expenses incurred during a third-party review of a collocation application.

    b. Reimbursement for a consultant or other third party based on a contingent fee basis or results-based arrangement.

6.7.6 USE BY EMERGENCY SERVICES

A wireless communication provider must make the wireless communication facility available, free of charge, to the County for emergency service use. This use shall include, but is not limited to, an antenna array and space for electronic equipment within an accessory building. An antenna array placed by the County's emergency services shall only be located on a tower capable of handling multiple arrays. Any use by emergency services should not interfere with the proper functioning of the tower or of any wireless communication facilities within a one-mile radius.

6.7.7 REMOVAL OF ABANDONED TOWERS, ANTENNAE, AND SUPPORT STRUCTURES

(1) The owner of a wireless communication facility must provide the Administrator with written notice if the facility is going out of service.

(2) A wireless communication facility at which use has been discontinued for a period of one hundred and eighty (180) days shall be deemed abandoned.

(3) A wireless communication facility shall not be considered abandoned unless all service providers with antenna arrays attached to the facility have discontinued use of the facility.

(4) If the Administrator determines that a wireless communication facility has been abandoned, he or she shall send a written notice by certified mail, return receipt requested, to the owner of the wireless communication facility and to the property owner (if different). This notice shall contain information regarding why the wireless communication facility has been deemed abandoned and the availability of an appeals process for this decision.

(5) Once the written notice has been received, the wireless communication facility owner has sixty (60) days in which to remove the facility from the property.

~~(6) The County may require each applicant to post a performance bond to cover the potential costs of removal.~~

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(6) If the owner of the wireless communication facility believes that the Administrator's determination has been made in error, it may file a written appeal with the Board of Adjustment prior to the expiration of the sixty (60) day period for removal. Such appeal shall be heard by the Board within thirty (30) days of the filing of the appeal and any proceedings to remove the abandoned wireless communication facility shall be stayed pending the outcome of this appeal.

(7) If the owner of the abandoned wireless communication facility does not remove the facility within the required removal period, the County may remove the facility and recover the costs from the owner. If the owner is no longer in business or cannot be located, the cost of removal may be assessed to the real property owner.

(8) The County may assess civil penalties pursuant to the established fee schedule if the owner of the abandoned wireless communication facility fails to remove the structure within the required removal period.

6.7.8 PERMIT REQUIREMENTS ~~FOR WIRELESS COMMUNICATION FACILITY~~

(a) It shall be a violation of this Ordinance to construct and operate any wireless communication facility in Alamance County's ordinance-making jurisdiction without a permit issued pursuant to this section.

(b) Any entity or individual desiring to construct and/or operate a wireless communication facility within Alamance County's ordinance-making jurisdiction must apply to the Alamance County Planning Department for a permit. This application must include:

1. The name and address of the owner(s);
2. The physical address of the property, including tax map block and lot numbers;
3. The name and address of the agent(s) and officers, if the applicant is a corporation;
4. ~~Documents that demonstrate a need for coverage in the geographical area;~~
4. Sealed drawings from an architect or engineer licensed in the State of North Carolina that contain the items listed below in (c);
5. A copy of the applicant's collocation agreement or, in the absence of collocation, evidence that collocation is not feasible in accordance with the requirements set forth below in (d);
6. Documentation from an architect or engineer licensed in the State of North Carolina that the proposed wireless communication facility has the structural integrity to accommodate more than one user, if the proposed facility is over ninety (90) feet in height;

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7. Certification from the FAA that the proposed wireless communication facility will not pose a hazard to air navigation;
8. Documentation from a North Carolina Division of Highways engineer that his or her office has reviewed the proposed project and has determined that no highway access or right-of-way issues need to be resolved prior to approval of the application; and
9. Proposed sedimentation control measures that have been approved by the North Carolina Department of Environment and Natural Resources.

(c) The sealed drawings submitted with the application must include

1. A scaled vicinity map showing the location of the proposed facility in relation to nearby roads, communities, and towns;
2. All property lines associated with the site;
3. The location of all proposed structures on the site;
4. Elevations of all proposed structures and a description or sample of the color(s) that will be associated with them;
5. A description of the height of the proposed structures;
6. Basic site plan information, such as existing topography (with 5' contours), proximity to floodplains and floodways, soil characteristics, existing vegetation, and other site elements that may restrict development;
7. A site plan showing any proposed alteration of topography and vegetation;
8. The location of any existing streets, buildings, railroads, transmission lines, sewers, bridges, culverts, drainpipes, and easements, to the extent that these may be determined from a field inspection of the property;
9. Landscaping plans that include buffer areas;
10. Plans for parking and security fencing;
11. Plans showing any access easement(s) and proposed points of ingress and egress in relation to a public or private road(s); and
12. Plans identifying any adjacent uses within five hundred (500) feet of the fall zone.

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(d) If an applicant does not propose to collocate on an existing wireless communication facility, evidence must be shown to demonstrate that no existing wireless communication facility can accommodate the applicant's technological needs. This evidence should be in the form of letters sent to and received from the owners of existing wireless communication facilities in which it is demonstrated that one of the following conditions applies:

1. No antennae are located within the geographic area that is required for the applicant's technological needs;
2. No existing towers or structures within the geographic area are of sufficient height to meet the applicant's needs;
3. No existing towers or structures have the structural strength to support the proposed antenna and related equipment;
4. The proposed wireless communication facility would cause electromagnetic interference with antennae on existing towers or structures or vice versa;
5. The fees, costs, or contractual provisions for collocation required by the owner of an existing wireless communication facility that would meet the applicant's technological needs exceed the cost of new facility development;
6. Any other factors that render the use of existing towers or structures within the geographic area infeasible.

In addition, an applicant should include a summary explanation of why it believes that its proposed wireless communication facility cannot be located on an existing tower or structure.

(e) A one-time permit fee of $2,500 shall accompany the application.

6.7.9 ADMINISTRATIVE APPROVALS

(a) Administrative approval may be obtained for

1. Wireless communication towers that do not exceed ninety (90) feet in height;
2. Placing an antenna array upon an existing wireless communication facility; or
3. The operation of a temporary wireless communication facility.

(b) In each instance, the applicant must submit all documentation required in ~~Section 14,~~ subsection 6.7.8 above, to the Planning Department for administrative review.

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(c) Upon review, the ~~Administrator~~ Planning Director, or their designee, will determine whether or not the submitted application complies with all of the terms of this Ordinance. The ~~Administrator may~~ Planning Director, or their designee, will then issue an approval, ~~an approval with conditions,~~ or a denial.

(d) If the ~~Administrator denies the~~ application is denied, the reasons for the denial must be outlined in ~~a letter sent to the applicant via certified mail, return receipt requested.~~ writing and transmitted to the applicant. Such writing must be kept on file with the application and related documents. ~~The applicant may make any suggested changes and submit its application to the Planning Board in accordance with the procedure outlined in Section 16, below.~~ The applicant may modify the application and resubmit it to address any deficiencies which led to the denial. The applicant may also appeal the denial to the Board of Adjustment in accordance with Section 2.3 of this Ordinance, N.C. Gen. Stat. § 160D-405, and other applicable law.

(e) If the ~~Administrator~~ Planning Director, or their designee, issues an approval ~~or an approval with conditions, he or she~~ then they shall also issue a wireless communication facility permit to the applicant. This permit shall entitle the applicant to proceed with construction and operation in accordance with the submitted development plan.

6.7.10 ~~REVIEW OF PERMIT APPLICATION BY ADMINISTRATOR AND~~ PLANNING BOARD REVIEW

This section shall provide for the review and approval procedures for Wireless Communication Towers which exceed ninety (90) feet in height.

(a) Upon submission of the application, the ~~Administrator~~ Planning Director, or their designee, will review the application for compliance with the provisions of this Ordinance. During this review period, ~~the Administrator may request~~ additional information from the applicant may be requested in order to process the application.

(b) After administrative review, the application will be presented to the Alamance County Planning Board for further review. Review by the Planning Board shall occur within sixty (60) days of the submission of the application. The Planning Board shall take up review of the application as a regular agenda item and may request input from the applicant and staff in their review process. Following its review, the Planning Board may approve ~~the application,~~ or deny the application~~, or approve the application conditions.~~

(c) If the Planning Board denies the application ~~or gives conditional approval~~, the reasons for its action shall be noted in the Board's minutes and transmitted to the applicant in writing. The ~~owner~~ applicant may resubmit its application after making any corrective changes. Alternatively, the applicant may appeal the denial to the Board of Adjustment in accordance with Section 2.3 of this Ordinance, N.C. Gen. Stat. § 160D-405, and other applicable law.

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~~(d) If, upon correction and resubmission of the application, the Planning Board again denies or approves the application with conditions, the applicant may submit its application directly to the Board of Commissioners.~~

~~6.11.11 REVIEW OF PERMIT APPLICATION BY BOARD OF COMMISSIONERS~~ REVIEW

~~(a) After the Planning Board has rendered a decision on the application, the applicant may submit an application and final development plan to the Board of Commissioners. This plan may incorporate any changes suggested by the Planning Board or any additional information that the applicant wishes to provide.~~

~~(b) Review by the Board of Commissioners shall occur within sixty (60) days of submission of the application. This review shall also include consideration of the advisory decision rendered by the Planning Board. Following its review, the Board of Commissioners may approve the application, deny the application, or approve the application with conditions.~~

~~(c) If the Board of Commissioners denies the application or gives conditional approval, the reasons for its action shall be noted in the Board's minutes. The owner may resubmit its application after making any corrective changes.~~

~~(d) If, upon correction and resubmission of the application, the Board of Commissioners again denies the application, the applicant may initiate an appeal in the Superior Court of Alamance County. This appeal must be filed with the Clerk of Superior Court for Alamance County within thirty (30) days of the decision by the Board of Commissioners.~~

6.7.11 ISSUANCE OF PERMIT

~~(a) It shall be a violation of this Ordinance to operate any wireless communication facility located within Alamance County's ordinance-making jurisdiction without a permit issued pursuant to this section.~~

~~(b) If the above application procedure is followed and the Board of Commissioners approves the application or approves the application with conditions, the Board will issue a permit for the wireless communication facility. This permit shall entitle the applicant to proceed with construction and operation in accordance with the final development plan.~~

An applicant may only proceed with constructing and operating a Wireless Communication Facility after receiving an approved permit in accordance with Section 6.7.9 or 6.7.10 above. It shall be a violation of this Ordinance to operate any wireless communication facility located within Alamance County's ordinance-making jurisdiction without a permit issued pursuant to this section. Violations will be adjudicated in accordance with Article 4 of this Ordinance.

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ARTICLE 6 | LAND USE AND DEVELOPMENT STANDARDS

PART VIII. ABANDONED, JUNKED, AND NUISANCE MOTOR VEHICLES

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~~6.12 Abandoned, Junk and Nuisance Motor Vehicle~~

6.8.1 JURISDICTION AND PURPOSE

This section governs the storage, removal and disposal of abandoned, junked, and nuisance motor vehicles on public grounds and private property that fall within Alamance County's ordinance-making jurisdiction.

The purpose of this section is to preserve the aesthetic quality of, to promote the health and safety of citizens, and to minimize impacts on incompatible uses within Alamance County.

6.8.2 ~~APPLICATION~~ APPLICABILITY

~~a)~~ A property owner may store up to three (3) junked motor vehicles, as defined by this ordinance, on a given parcel of land at any time, provided that the vehicle does not pose an immediate threat to public health or create a public safety hazard. ~~Junked motor vehicles shall be kept behind the main structure or house located on the property and shall be covered with a "Car Cover", as defined by this ordinance, or with a heavy canvass covering that is properly secured~~. However, it shall be unlawful for the registered owner or person entitled to possession of a motor vehicle to cause or allow such vehicle to become a hazard to the public health, safety, or welfare.

6.8.3 EXCEPTIONS TO APPLICABILITY

~~a)~~ This Ordinance does not apply to any vehicle in an enclosed building, or roofed shelter, or to any vehicle on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise, such as in the case of a bona fide automobile graveyard or junkyard.

~~b)~~ Restoration of "Antique Motor Vehicles", as defined by this ordinance, shall be considered an exception.

~~c)~~ This Ordinance does not apply to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the County.

~~d)~~ This Ordinance does not apply to any motor vehicles that are being used on a regular basis for business, farm, or personal use.

No vehicle, whether it is classified as an "Antique Motor Vehicle" or not, shall be exempt from the Stream Buffer and Flood Zone regulations of Article 7, Part 1 of this Ordinance.

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6.8.4 REGULATION OF JUNKED MOTOR VEHICLES

Junked motor vehicles shall be kept behind the main structure or house located on the property and shall be covered with a "Car Cover", as defined by this ordinance, or with a heavy canvass covering that is properly secured.

Where the layout of a lot or other unique circumstances makes it impossible to store junked motor vehicles behind a main structure or house, such vehicles must be stored in the most discreet manner possible. The intent of such storage shall be to conceal the view of the vehicle(s) from any public or private road and from any neighboring property to the maximum extent possible.

When car covers or canvases become worn, damaged, or generally ineffective to conceal a vehicle, the property owner shall replace it with an effective cover or canvas.

~~b) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle to cause or allow such vehicle to become a hazard to the public health, safety, or welfare.~~

6.8.5 ENFORCEMENT PROCEDURES

Upon receiving any valid complaint related to the unlawful storage of junked motor vehicles, the Planning Director, or their designee, shall act in accordance with Article 4 of this Ordinance.

~~b.~~ The Administrator may enter ~~on~~ any premises within the County's ordinance-making jurisdiction by any lawful means at any reasonable hour to determine if any vehicles are abandoned, junked, and/or nuisance motor vehicles.

~~c.~~ Upon investigation, the Administrator may determine that a motor vehicle is an abandoned, junked, and/or nuisance motor vehicle as defined herein~~. The Administrator~~ and may order the motor vehicle removed to a storage garage or area that has been approved by the Board of Commissioners ~~of Alamance County.~~

~~d.~~ It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee, or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared an abandoned, junked, or nuisance motor vehicle.

6.8.5.1. Removal Procedures

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~~e.~~ A vehicle may not be removed from private property without the written request of the owner, lessee, or occupant of the premises unless the Board of Commissioners or the Administrator has declared the vehicle to be a health or safety hazard.

~~f.~~ Alamance County may require a person requesting the removal from private property of any abandoned or junked motor vehicle to indemnify the County against any loss, expense, or liability incurred through the removal, storage, or sale of the vehicle.

~~6.12.3 EXCEPTIONS AND APPLICABILITY~~

~~e) This Ordinance does not apply to any vehicle in an enclosed building, or roofed shelter, or to any vehicle on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise, such as in the case of a bona fide automobile graveyard or junkyard.~~

~~f) Restoration of "Antique Motor Vehicles", as defined by this ordinance, shall be considered an exception.~~

~~g) This Ordinance does not apply to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the County.~~

~~h) This Ordinance does not apply to any motor vehicles that are being used on a regular basis for business, farm, or personal use.~~

~~6.12.4~~ **6.8.5.2. Required Pre-Towing Notice**

a) Except as set forth in ~~Section 10~~ subsection 6.8.5.3 below, an abandoned, junked and/or nuisance motor vehicle which is to be removed shall be towed only after notice has been given to the registered owner or to the person entitled to possession of the motor vehicle. If the names and mailing addresses can be ascertained in the exercise of reasonable diligence, notice shall be given by certified first class mail, return receipt requested. If such names and addresses cannot be ascertained, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the County on or after a specific date. This date will be no sooner than seven (7) days after the notice is mailed or affixed to the vehicle, unless the vehicle is removed by the owner or legal possessor prior to that time.

b) The notice required by Subsection (a) shall provide written findings of fact as to why the motor vehicle has been declared an abandoned, junked, or nuisance motor vehicle by the Administrator. This notice shall also state that the vehicle will be removed seven days after the postmarked date or affixation of the notice unless removed prior to that time.

c) The notice required by Subsection (a) shall provide information on the availability of the appeal process that is set forth below in ~~Section~~ subsection ~~6.9.6.~~ 6.8.6.

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~~6.12.5~~ **6.8.5.3 Exception to Pre-Towing Notice Requirement**

~~a)~~ The requirement that notice be given prior to the removal of an abandoned, junked, and/or nuisance motor vehicle may, as determined by the Administrator, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect ~~the~~ public safety and welfare. This includes, but is not limited to, situations that include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such a location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property. Such findings shall be documented in written form by the Administrator and included in the post-towing notice required by ~~Section 12~~ subsection 6.8.5.4 of this Ordinance.

~~6.12.6~~ **6.8.5.4 Required Post-Towing Notice**

~~a)~~ Any abandoned, junked, and/or nuisance motor vehicle which has been ordered removed may be towed to a storage garage or area by the tow truck operator or towing business contracting to perform such services for the County.

~~b)~~ Whenever a vehicle with a valid registration plate or registration is removed, the Administrator shall immediately notify the last known registered owner of the vehicle. This notice shall include the following:

- A description of the removed vehicle;
- The name, address, and contact number for where the vehicle is stored;
- The violation with which the owner is charged, if any;
- The procedure which the owner must follow to redeem the vehicle; and
- The procedure to be followed in order to request a probable cause hearing on the towing.

~~6.12.7~~ 6.8.6 UNLAWFUL REMOVAL OF IMPOUNDED VEHICLES

It shall be unlawful for any person to remove or attempt to remove any vehicle which has been impounded pursuant to this Ordinance from any facility designated by Alamance County for the storage of towed abandoned, junked, and/or nuisance motor vehicles unless and until all towing and storage fees have been paid or a bond in lieu of fees has been posted.

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~~6.12.8~~ 6.8.7 DISPOSITION OF REMOVAL VEHICLES

Any abandoned, junked, and/or nuisance motor vehicle which is not claimed by the owner or other person legally entitled to possession may be disposed of by the County or tow truck operator or towing business which has custody of the vehicle. Disposition of such vehicle shall be carried out in coordination with the County and in accordance with Article 1 of Chapter 44A of the North Carolina General Statutes.

~~6.13~~ 6.8.8 AUTOMOBILE GRAVEYARDS AND JUNKYARDS

This section shall apply to properties which store four (4) or more junked motor vehicles, as defined by this ordinance, and to the operators of business that deal with such vehicles. Uses may include used car lots, junkyards, automobile graveyards, and similar operations.

~~6.13.1~~ 6.8.8.1 Permit ~~Required For Automobile Graveyards and/or Junkyards~~ Requirements

It shall be unlawful after the effective date of this Ordinance, for any person, firm, or corporation or other legal entity to operate or maintain in any unincorporated area of Alamance County an automobile graveyard without a permit issued in accordance with the provisions of this Ordinance. A permit shall be issued by Alamance County or its agents upon showing of compliance with this Ordinance. The permit shall be valid for a period of three (3) years and may be renewed thereafter unless revoked for the nonconformance to this Ordinance.

~~6.13.2~~ 6.8.8.2 Screening and Fencing

All automobile graveyards shall be screened by a fence or vegetation at all points where said fence or vegetation shall be necessary to screen the automobile graveyard from the view of persons from public roads or ~~so as~~ to create a barrier to the view of the public of said automobile graveyard except as provided in ~~Section 6.13.3 - Exceptions.~~ subsection 6.8.8.3 below.

A. Fencing

Fencing may be located along the perimeter of the property or in a way that only contains the vehicles related to the automobile graveyard or junkyard. Regardless of fence location, it shall be considered a violation of this ordinance to place junked vehicles outside of the fence once constructed.

Fencing shall be at least ten (10) feet in height and constructed to completely conceal vehicles from the view of the public and from neighboring properties. Fence materials may be metal, wood, or a composite material. In all cases, fencing materials shall be opaque and not allow for vehicles to be seen through the fence.

B. Vegetation

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If vegetation is provided for screening, vegetation shall be of a type that will reach a minimum height of six (6) feet within three (3) years of planting, and shall be planted at intervals evenly spaced and in close proximity to each other so that a continuous, unbroken hedgerow (without gaps or open spaces) will exist to a height necessary to screen the automobile graveyard or junkyard from public view. A proposed plan for vegetation must be approved by designated Alamance County Agricultural Extension Service prior to planting. The hedgerow shall be maintained as a continuous, unbroken hedgerow for the period the property is used as an automobile graveyard. Screening is not required in front of the building.

Each owner, operator, or maintainer of an automobile graveyard to which this Ordinance applies shall utilize good husbandry techniques such as pruning, mulching and proper fertilization so that the vegetation will reach maturity as soon as is practical and will have maximum density in foliage. Dead or diseased vegetation shall be replaced at the next appropriate planting time.

C. Gates

The fence or vegetation shall have not more than two (2) gates and/or entrances on any street for the purposes of ingress and egress of motor vehicles. The gates shall be closed and securely locked at all times, except during business hours. The fence shall be maintained in good order and shall not be allowed to deteriorate.

~~6.13.3~~ 6.8.8.3 Exceptions to Screening and Fencing

The following automobile graveyards are excepted from the Screening and Fencing Requirements:

- Automobile graveyards which are in a location that is: Greater than 1000 feet from the nearest edge of right-of-way of any public road; or
- Those automobile graveyards which are screened by natural objects, so as not to be visible from any public road at any season of the year; or
- Those unlicensed junk cars located in a fully enclosed structure; or
- Those automobile graveyards permitted by Article 12 of the North Carolina General Statute Chapter 136.

~~6.13.4~~ 6.8.9 STREAM BUFFERS AND FLOOD ZONES

Any automobile graveyard which traverses or borders a perennial or intermittent stream must maintain a fifty (50) foot buffer of vegetation on both sides of the stream at all times to retard rapid water runoff and soil erosion and in which no automobile graveyard will be maintained. Perennial and intermittent streams are identified as solid blue lines and dotted blue lines on United States Geological Survey Maps.

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No automobiles or automotive parts may be stored in any portion of a Special Flood Hazard Area, as defined by this Ordinance, when Automobile Graveyards and Junkyards are operated on such properties. This restriction shall also include any "Antique Motor Vehicle" as defined by this Ordinance.

~~6.13.5~~ 6.8.10 ADVERTISEMENTS ON SCREENING

Screening required by this ordinance shall not be used for bill postings or other advertising purposes, except that a space not larger than six (6) feet by twelve (12) feet may be used for the advertisement of the business of the owner thereof.

~~6.13.6~~ 6.8.11 REMEDIES AND PENALTIES FOR VIOLATION

~~a)~~ If any business is operated in violation of this Ordinance, in addition to other remedies, the County may institute an action for an injunction to stop the violation.

~~b)~~ The Alamance County ~~Inspections~~ Planning Department shall be responsible for enforcing the provisions of this Ordinance.

~~c)~~ Any person, firm, corporation or other entity who maintains or operates or who controls the maintenance or operation of an automobile graveyard in violation of this Ordinance shall be guilty of a misdemeanor pursuant to North Carolina General Statute §14-4 and subject to prosecution, and if convicted, shall be punished by a fine ~~not to exceed $50~~ in accordance with Article 4 of this Ordinance, or by imprisonment not to exceed thirty (30) days, or both, in the discretion of the Court. Each day that said automobile graveyard shall be maintained or operated in violation of this Ordinance shall constitute a separate and distinct offense.

~~d)~~ The Alamance County ~~Inspections~~ Planning Department shall have the power to revoke the permit required by ~~Section Three of~~ this ordinance. When the ~~Inspections~~ Department intends to revoke the permit, it shall serve the permittee with a notice of revocation. The permittee may appeal the revocation as provided in ~~Section Eleven~~ subsection 6.9.12 below. The permittee may continue operating ~~his~~ their business pending an appeal ~~under Section Eleven.~~ in accordance with N.C. Gen. Stat. 160D-405(f).

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~~6.13.7~~ 6.8.12 VARIANCE PROCEDURE

~~a)~~ The Board of Adjustment may authorize variances from the provisions of this ordinance ~~regarding required screening~~ where there are practical difficulties or particular hardships in the way of carrying out the strict letter of the provisions of this ordinance. All requests for a variation shall be in writing and submitted to the Planning Department~~.~~ and processed in accordance with Section 2.3 of this Ordinance, N.C. Gen. Stat. § 160D-406, and any other applicable law.

~~b) Notice:~~ All decisions on variances by the Board of Adjustment shall be reached only after a quasi-judicial hearing and after notice has been given by certified mail to the applicant and to any parties who may be reasonably able to claim standing in accordance with N.C.G.S. § 160D-1402(c). Such notice shall contain the address or location of the property for which a hearing by the board is sought, as well as a brief description of the nature of the application.

~~6.13.8~~ 6.8.13 APPEAL PROCEDURE

The revocation of any permit or the refusal to issue a permit ~~by the Alamance County Inspections Department,~~ shall entitle the person who applied for the permit to a hearing if such person submits written demand for a hearing within ~~fifteen (15)~~ thirty (30) days after receipt of written notice of the disapproval or revocation. The hearing shall be conducted by the Alamance County Board of Adjustment ~~and pursuant to procedures adopted by the Alamance County Board of Commissioners.~~ in accordance with Section 2.3 of this Ordinance, N.C. Gen. Stat. § 160D-405, and any other applicable law.

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ARTICLE 6 | LAND USE AND DEVELOPMENT STANDARDS

PART IX. RECREATIONAL VEHICLES AND PARKS

Section 6.9.1 Purpose and Applicability ..... p. 193

Section 6.9.2 RV Park Development Standards p.193

Section 6.9.3 Accessory Uses ..... p. 199

Section 6.9.4 Site Plan Requirements ..... p. 200

Section 6.9.5 Expansion to Existing Development..... p. 201

Section 6.9.6 Recreational Vehicles on Individual Lots ..... p. 201

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~~6.14 Recreational Vehicle (RV) / Travel Trailer Parks~~

6.9.1 PURPOSE AND APPLICABILITY

The purpose of this section is to regulate the placement of Recreational Vehicles (RVs) within Alamance County in order to promote the public health, safety, and general welfare of the citizens of the county and to attempt to abate nuisances that may arise from the use of such vehicles.

Additionally, these regulations shall ensure that adequate roadways, fire safety, emergency access, off-street parking, utilities (water, sewer, and electricity), solid waste disposal, recreation, and privacy are provided to residents who occupy recreational vehicles on individual lots or in recreational vehicle parks.

All RV parks must be contained within the same parcel of land, and no uses shall be allowed on the property unless they are incidental and in support of the RV Park, as detailed in Section 6.9.3 below. Clustering of spaces within RV parks is not permitted.

6.9.2 RV PARK DEVELOPMENT ~~SPECIFICATIONS~~ STANDARDS

I. ~~**Minimum Space Size**~~ **Dimensional Requirements**

~~1. Service-based Size Requirements~~

~~**Services Provided**~~	~~**Minimum Space Size**~~
~~**Recreational Vehicle requirements**~~	
	~~2,400 square feet~~

~~2. RV Parks located in the Balance of Watershed (BOW) shall have a minimum manufactured home space size of one acre.~~

~~3. RV Parks located in the Watershed Critical Area (WCA) of watersheds shall have a minimum manufactured home space size of two acres.~~

1. The minimum space required for any Recreational Vehicle within a park shall be 2,400 square feet. One parking space, as required by Subsection D below, may be included within this 2,400 square-foot area in addition to the space reserved for the Recreational Vehicle.

2. RV Park development within any Balance of Watershed area may not exceed more than twelve (12) percent built-upon area per net acre of land.

3. RV Park development within any Critical Area of a Watershed may not exceed more than six (6) percent built-upon area per net two (2) acres of land.

4. Spaces within Recreational Vehicle/Travel Trailer Parks (collectively referred to in this section as "Parks") are not transferable lots that can be deeded or sold except by an approved subdivision plat. Approved RV Park plans are not to be construed as a subdivision.

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*NOTE: Additional acreage may be required by the Alamance County Health Department to accommodate sewage disposal and well systems.

B. Road Standards

1. RV Parks shall have a "clearway" of thirty (30) feet.

2. Within each designated clearway there shall be a "travelway." The travelway shall be at least twenty (20) feet wide and be maintained for all weather and emergency vehicle access. Every travelway that does not either intersect a public road or intersect into another travelway must provide for a vehicle turnaround as follows:

   a. For dead ends ~~less than~~ which are one hundred fifty (150') feet in length or less (as measured from the nearest road or travelway intersection centerline to the center point of the dead end, cul-de-sac, or other end point of the travelway) ~~with~~ there shall be a minimum width of twenty (20') feet ~~or other configuration as approved by the appropriate regulating agency~~.

   b. For ~~cul-de-sacs more than~~ dead ends which are one hundred fifty (150') feet in length to five hundred (500) feet in length (as measured from the nearest road or travelway intersection centerline to the center point of the dead end, cul-de-sac, or other end point of the travelway) ~~with~~ there shall be a minimum cul-de-sac width of at least ninety-six (96') feet at the end of the road or other turnaround configuration as approved by the ~~appropriate regulating agency~~ Alamance County Fire Marshal.

   c. For dead ends which are five hundred and one (501) feet in length to seven hundred and fifty (750) feet in length (as measured from the nearest road or travelway intersection centerline to the center point of the dead end, cul-de-sac, or other end point of the travelway) there shall be a minimum cul-de-sac width of at least ninety-six (96') feet at the end of the road or other turnaround configuration as approved by the Alamance County Fire Marshal.

   d. No ~~cul-de-sac or other~~ dead-end road shall exceed two thousand, five hundred (2,500') ~~feet~~ in length as measured from the nearest road or travelway intersection centerline to the center point of the dead end, cul-de-sac or other end point of the travelway.

3. All primary entry travelways must originate from a public right-of-way.

4. ~~These standards are a minimum and will be subject to review and approval by the appropriate agency.~~ Private Roads or other access easements may not originate from an RV Park travelway. Travelway use shall be reserved only for guests of the RV Park and in support of the accessory uses related to the RV Park.

C. Space Frontage

~~1. Recreational Vehicle~~

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Each designated ~~recreational vehicle (also referred to as RV)~~ RV space shall have a minimum width of forty (40~~'~~) feet of frontage ~~on~~ along the travelway.

D. Parking

~~1. Recreational Vehicle~~

~~Each RV space~~ Park ~~shall provide for~~ two (2) ~~designated parking spaces outside of the clearway;~~. ~~one~~ One ~~parking space may be met at an overflow parking area on the same parcel as the space~~ of land as the RV Park. ~~One parking space may be met within the allotted 2,400 square feet dedicated to each RV space.~~

~~Each parking space at any location shall have a minimum dimension of~~ at least twenty (20') ~~feet~~ in length and 10' ~~nine (9) feet in width, with minimum 4" of ABC (aggregate base course) stone.~~ Spaces designated for handicap, parallel, or diagonal parking may be larger ~~if necessary.~~

Manufactured Home Parks shall be arranged so that all vehicular parking can be accommodated off any interior streets and outside of any clearway to ensure that emergency service vehicles have unobstructed access to all RV spaces. Such parking allocation must be clearly shown on the site plan in accordance with Section 6.10.4 below.

All parking surfaces shall be paved, graveled, or filled with other solid materials as to ensure the integrity of vehicular load, provide for stable and accessible parking, and prevent erosion and vegetative overgrowth.

E. Setbacks, Landscaping, and Buffering

~~The following setbacks are established for units within RV parks:~~

The separation requirements of the ordinance ~~is~~ are intended to protect property values, preserve the character and integrity of the County and to promote the health, safety and welfare of County residents. Landscaping requirements are intended to ensure that park developments preserve the rural and natural setting common to the area. Buffers are intended to protect adjoining land uses, from the noise, dust, lights, threats to privacy, and aesthetic impacts of more intense land uses.

~~Structure setbacks~~	~~Min. distance 15 feet between structures on adjacent lots~~
~~Property Line Setback~~	~~Min. 40 ft. setbacks along all property lines~~
~~Landscape Buffer~~	~~Min. 30 ft. landscape buffer (can be within the 50 ft. property line setback)~~
~~Along public right of way~~	~~All spaces adjacent to public right of way shall meet a min. 40 ft. Setback~~

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~~Landscaping~~	~~A 30' landscape buffer shall be required along exterior parcel lines. Buffers are intended to protect adjoining land uses, from the noise, dust, lights, threats to privacy, and aesthetic impacts of more intense land uses.~~
~~Landscape Buffers~~	~~If any portion of any park is BOTH within 300 feet AND visible from any schools, churches or residences (other than that of the park owner), then the park owner will be required to install additional screening from view with a buffer strip or screened fence, along the boundary line facing the residence. For the purpose of this ordinance, a screened fence must be at least six feet high and of opaque material. Please see Appendix B for suggestions and guidelines for general screening. The buffer requirement may also be satisfied by existing natural vegetation meeting the intent of this ordinance provided that the natural vegetation is owned by the park owner. Whether to install a screened fence or a landscaping buffer to meet this requirement is up to the park owner. Landscape Buffers are not required across a public thoroughfare.~~
~~Screening~~	~~Any park with RVs or manufactured homes located within 50 feet of a public right of way shall be screened from view from the public road with a buffer as defined by this ordinance. In addition, any park with more than five RVs or manufactured homes adjacent to a public road right-of-way that do not have direct, individual driveway access to the public road shall be buffered from view from the road by a buffer defined by this ordinance. The buffer requirement may be satisfied by a screen fence defined as at least six feet in height and made of opaque materials. The buffer requirement may also be satisfied by existing natural vegetation meeting the intent of this ordinance provided that the natural vegetation is owned by the park owner.~~

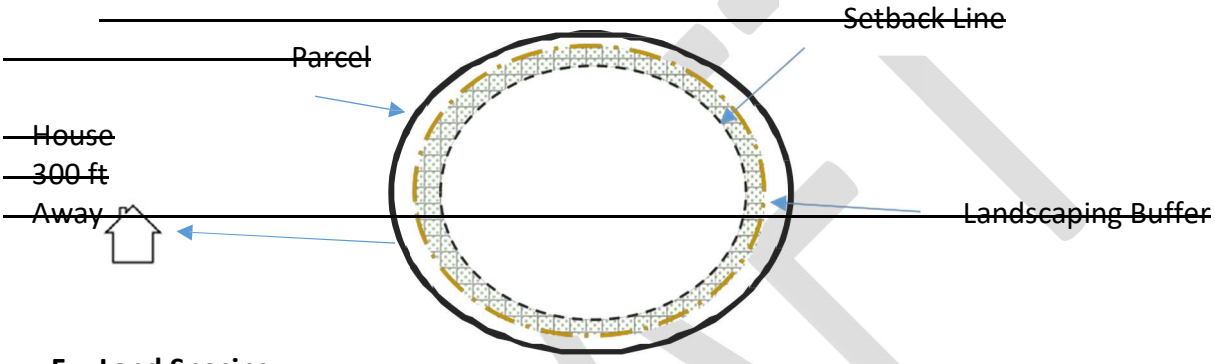
~~*Note: Persons operating parks shall utilize good husbandry techniques with regard to plant materials including but not limited to proper planting at 8ft on center double row staggered plantings, mulching, fertilization, pruning and otherwise proper maintenance to ensure a healthy, uniform, continuous solid vegetative screen as soon after planting as possible.~~
~~*Note: In all cases, each lot boundary should be clearly identified with corner markers.~~

All RV Park operations must abide by an internal forty (40) foot setback spacing from all property lines.

If any portion of the development exists within fifty (50) feet of a public road then a

landscaping buffer of at least thirty (30) feet must be maintained along the perimeter of the park. This buffer may exist within the forty (40) foot setback area. For suggestions and guidelines on vegetation and planting, please see Appendix B of this Ordinance.

Buffer requirements may also be satisfied by existing natural vegetation meeting the intent of this ordinance provided that the natural vegetation is owned by the park owner and within the setback spacing area. If natural vegetation is used, the Planning Director, or their designee, shall conduct a site visit in order to determine the effectiveness of the vegetation and reduce the analysis to writing. That analysis shall then be delivered to the applicant and kept on file with the other documents related to the RV Park development.



F. Land Spacing

Land Use Spacing & Protected Facilities

Uses regulated by this section shall be required to meet a minimum spacing requirement from any "protected facility" as defined by this section. Land use spacing shall be measured in a straight line without regard for intervening structures or objects from the closest edge of the property line of the tract(s) on which the RV park is located to the nearest improvement currently in use as a protected facility. The purpose of this requirement is to minimize the potential negative impacts of conflicting uses of land.

For the purpose of this section, the following shall be considered "protected facilities":

1. A religious Facility
2. A Manufactured Home Park
3. A Recreational Vehicle/Travel Trailer Park
4. A public or privately-owned park or playground
5. A school
6. A dwelling unit

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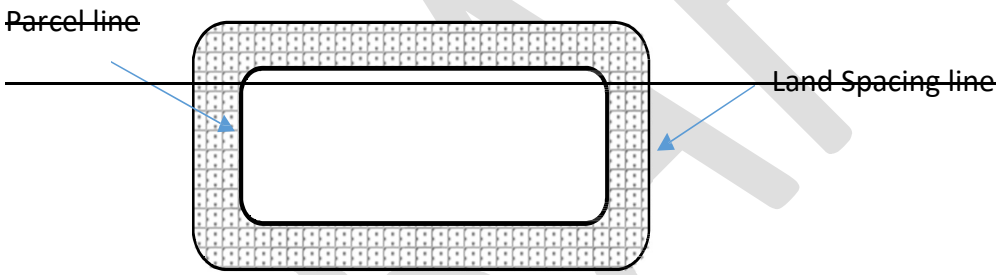
~~Exception: an RV park may be located in any direction from the residence of the owner of the RV park. The following are the land spacing requirements for Recreational Vehicle Park defined by number of units. Land spacing requirements are to be measured from the property line of the RV park to the neighboring property structure. As identified below:~~

~~Recreational Vehicle Park~~	
~~4 or more units~~	~~50 ft land spacing~~
~~*NOTE: Land spacing shall be measured in a straight line without regard for intervening structures or objects from the closest edge of the property line of the tract(s) on which the area of operations is located to the nearest use as listed. The purpose of this requirement is to minimize the potential negative impacts of conflicting uses of land.~~	
~~Where strict application of these standards are not achievable, the RV Park owner at his/her discretion may consider a five feet tall landscaping berm. The berm must maintain a minimum 3:1 slope ratio. The required landscaping for the park shall be planted atop the berm to meet the requirements of this ordinance.~~	



~~F.~~ G. Signage

1. Each RV Park must display and maintain a permanent sign with the name and address as assigned according to Alamance County Addressing Ordinance. These signs shall be no more than ten (10~~'~~) feet from each entrance. The sign shall be clearly visible with lettering at least four (4~~"~~) inches high. If the sign is posted perpendicular to the main road, the name and address number shall be visible from both directions.

2. Each RV space shall be consecutively numbered as assigned according to the Alamance County Addressing Ordinance. Each space will display a sign no more than 10' from the unit's driveway or required parking area and will be clearly visible from the travelway. Numbers should be at least four (4~~"~~) inches high. If the sign is posted perpendicular to the travelway, the address should be visible from both directions.

~~G.~~ H. Garbage Disposal and General Maintenance

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All garbage and refuse in every RV Park shall be stored in suitable water-tight and fly-tight standard garbage receptacles and kept covered with tight fitting covers. At least one such receptacle shall be provided and conveniently located for every RV space except where a dumpster or dumpsters are conveniently located and used in the same manner as

separate receptacles. Operators are responsible for ensuring that the park is properly maintained according to all applicable ordinances.

~~H.~~ I. Water and Sewage Disposal

All RV Parks will be subject to monitoring and enforcement of water quality standards. Each space shall be provided an individual connection to a water supply and wastewater disposal system approved by the appropriate regulatory authority. No site plan will be approved prior to review and approval by the appropriate regulatory authority.

~~**I. RV/Travel Trailer Park Exception**~~

~~One space may be used for a manufactured home for an administrator of the park with space meeting the minimum requirements required in the manufactured home park requirements.~~

~~E.~~ J. Approval and Permitting

Approvals and permits issued under this section are valid for a period of two (2) years and shall automatically expire, unless renewed. A Permit renewal is required for each RV park; should a permit expire for a park the owner will apply for a new permit under current ordinance at that time.

1. *Site Visit Required*

   A site visit must be conducted by the Alamance County Planning Department prior to issuing a renewed permit to ensure continued compliance with this ordinance. It is the responsibility of the permit holder to schedule a site visit with the Alamance County Planning Department.

2. *Other Requirements*

   a) Proof of continued compliance with all requirements of this Ordinance and maintenance of all required permits.

   b) If the permitted location has been the subject of two or more enforcement actions within the renewal period, then the Planning Director, at their discretion, may require a public hearing before the Alamance County Planning Board prior to the renewal of the Permit.

~~6.14.2 CLUSTER DEVELOPMENT~~

~~Clustering of spaces within RV Parks is not permitted.~~

6.9.3 ACCESSORY USES

Accessory uses shall be directly related to RV park operations and designed to blend in with the park's natural surroundings. Such uses shall be clearly accessory to the principal use as a campground/RV park. Accessory uses may include developments such as management offices, owner's living quarters, recreational facilities, bathroom or shower facilities, dumping stations, laundry facilities, convenience stores, restaurants, maintenance sheds, and other structures clearly incidental to the operation of the park. These uses shall be permitted as accessory only and subject to the following conditions:

- The shall not occupy more than ten (10) percent of the gross area of the park;
- The use shall be restricted to the enjoyment of the occupants of the park and/or related park association members, not the general public, and;
- Such establishments shall present no visible evidence from any public road of their commercial character.

6.9.3.1. Owner/Operator Living Quarters

~~One space may be~~ Space may be used within the park for a single-family dwelling or manufactured home for an administrator of the park. ~~with space meeting the minimum requirements required in the manufactured home park requirements.~~ These residential developments must meet the required minimum lot size regulations of the Subdivision Ordinance or Watershed Protection Standards, if applicable, and be properly permitted to connect to a water well and septic system in accordance with Alamance County Health Department standards. Other spacing and access requirements may be the same as those enforced on RV spaces.

~~6.14.3~~ 6.9.4 SITE PLAN REQUIREMENTS

Site plans shall be submitted for RV Parks as required by the Alamance County Planning Department. RV Parks located in a designated watershed in Alamance County shall also submit a site plan for review and approval per the Alamance County Watershed Protection Standards in this Ordinance.

All RV Park Site Plans are required to show, at minimum:

- Date of Submission
- Name and address of owner(s)
- Name of RV Park (RV Park names shall not duplicate or approximate, phonetically, existing subdivision/ Manufactured Home/ RV Park names)
- Location designation including a vicinity map (township, county, state) showing the property and surrounding area
- Name and address of surveyor or engineer
- Scale in figures and bar graph
- North arrow

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- Bearings and distances of property boundary
- Surrounding property lines, property owners, and subdivisions
- Topography including water courses, wooded areas, and contours at 5' intervals or less
- Location, extent, and identification of marginal land
- Acreage of property within the park
- Total proposed number of spaces
- Square feet of each space
- Existing conditions (on property to be subdivided and within 300' of property being subdivided) including, but not limited to, boundaries and identification of political subdivisions, boundaries and identification of land use districts, buildings, structures, or utilities (public or community), street right-of-way (including pavement and names), location and size of bridges, culverts, and other storm drainage facilities, location, width, and purpose of all easements.
- Proposed conditions including travelway alignments, clearways, and all associated dimensions including cul-de-sacs, t-turnarounds, clear zone measurements, parking areas, curve radii and site distance measurements as needed, proposed utilities, and any other infrastructure and storm drainage facilities, all easements, manufactured home spaces including separation lines, numbers, and approximate dimensions of spaces and setbacks, and proposed public use (open space) sites.
- All landscape buffers for the park
- Any other information deemed necessary for site plan review by the Planning Department.
- Approval of any other departments or agencies as required for compliance with the requirements of this or any other ordinance.

~~6.14.4~~ 6.9.5 EXPANSION TO EXISTING DEVELOPMENT

Existing RV or Travel Trailer Parks which were approved under the prior Manufactured Home Parks ordinance shall be considered legal nonconformance subject to Section 3.2 of this ordinance.

6.9.6 RECREATIONAL VEHICLES ON INDIVIDUAL LOTS

Recreational Vehicles may be used as a Temporary Residence as long as they are properly permitted under Section 6.1 of this Ordinance. Recreational Vehicles which are simply stored on individual lots and not intended for use as a Temporary Residence or within a Recreational Vehicle Park shall be viewed as personal property and not subject to the regulations of this Ordinance. Such RVs may be connected to an electrical power source without obtaining a Temporary Residence Permit as long as no person will live in the RV for a period of more than thirty (30) days and with the approval of the Building Inspections Department. Recreational Vehicles stored as personal property must be kept in good working order or may be regulated as Junked Motor Vehicles in accordance with Section 6.9 of this Ordinance.

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ARTICLE 7 | ENVIRONMENTAL PROTECTION STANDARDS

PART I. FLOOD DAMAGE PREVENTION

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Section 7.1.2 Purpose and Intent..... p. 203

Section 7.1.3 Disclaimer of Liability ..... p. 204

Section 7.1.4 Floodplain Development Application, Permit, and Certification Requirements p. 204

Section 7.1.5 Provisions for Flood Hazard Reduction p.210

Section 7.1.6 Development Specific Provisions for Flood Hazard Reduction p.212

Section 7.1.7 Standards for Floodplains Without Established Base Flood Elevations... p.218

Section 7.1.8 Standards for Floodplains Without Established Base Flood Elevations but Without Established Floodways or Non-encroachment Areas p.219

Section 7.1.9 Floodways and Non-Encroachment Areas p.219

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~~6.4.1~~ 7.1.1 APPLICABILITY

This section applies to all Special Flood Hazard Areas within the jurisdiction of Alamance County, including areas within any corporate limits or ~~Extra-Territorial Jurisdictions~~ extra-territorial jurisdictions of ~~the Village of Alamance.~~ any other community whose governing body agrees, by resolution, to such applicability.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS), which are adopted by reference and declared a part of this ordinance. Future revisions to the FIS and Digital Flood Insurance Rate Map (DFIRM) panels that do not change flood hazard data within the jurisdictional authority of Alamance County are also adopted by reference and declared a part of this ordinance. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within three (3) months.

No building permit or other permits shall be issued for the erection, demolition, alteration or expansion of any structure located within a designated flood hazard zone until a certificate of compliance with the Alamance County Flood Damage Prevention Regulations has been issued by the Planning Director, or their designee.

~~6.4.2~~ 7.1.2 PURPOSE AND INTENT

In keeping with purpose of this Ordinance, which is to promote public health, safety, and general welfare, and in effort to minimize public and private losses due to flood conditions within flood prone areas, this section adopts provisions designed to:

1. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights, or velocity;
2. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
5. Prevent or regulate construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

With the above outlined provisions, it is the objective of this ordinance to:

1. Protect human life, safety, and health;

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2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business losses and interruptions;
5. Minimize damage to public facilities and utilities that are located in flood prone areas;
6. Minimize damage to private and public property due to flooding;
7. Make flood insurance available to the community through the National Flood Insurance Program;
8. Maintain the natural and beneficial functions of floodplains;
9. Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
10. Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

~~6.4.3~~ 7.1.3 DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Alamance County or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

~~6.4.4~~ 7.1.4 FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT, AND CERTIFICATION REQUIREMENTS

A. Application Requirements

Application for a Floodplain Development Permit shall be made to the Planning Director, hereinafter referred to as the Floodplain Administrator, prior to any development activities located within Special Flood Hazard Areas.

The following items shall be presented to the Floodplain Administrator to apply for a Floodplain Development Permit:

1. Plot Plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

a. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
b. The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined by Section ~~5.6.1~~ 7.1.1, or a statement that the entire lot is within the Special Flood Hazard Area;
c. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined by Section ~~5.6.1~~ 7.1.1;
d. The boundary of the floodway(s) or non-encroachment area(s) as determined by Section ~~5.6.1~~ 7.1.1.
e. The Base Flood Elevation (BFE) where provided;
f. The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
g. The certification of the plot plan by a registered land surveyor or professional engineer.

2. Proposed Elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
   a. Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;
   b. Elevation in relation to NAVD 1988 to which any non-residential structure in Zones A, AE, AH, AO, A99 will be floodproofed; and
   c. Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.
3. Floodproofing Certificate ~~(FEMA Form 086-0-34)~~, if floodproofing~~,~~. The most recent, applicable FEMA form for the dry floodproofing of residential or non-residential structures is required with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
4. Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
   a. The proposed method of elevation, if applicable (i.e. fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and

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b. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with this ordinance when solid foundation perimeter walls are used in Zones A, AE, AH, AO, A99.

5. Usage details of any enclosed areas below the lowest floors
6. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
7. Certification that all other Local, State, and Federal permits required prior to floodplain development permit issuance have been received.
8. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of this ordinance are met.
9. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

B. Permit Requirements

The Floodplain Development Permit shall include, but not be limited to:

1. A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.)
2. The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Section ~~5.6.1~~ 7.1.1.
3. The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.
4. The Regulatory Flood Protection Elevation required for the protection of all public utilities.
5. All certification submittal requirements with timelines.
6. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of ~~6.4.8~~ 7.1.8 have been met.
7. The flood openings requirements, if in Zones A, AE, AH, AO, A99.
8. Limitations of below BFE enclosure uses, if applicable. (i.e. parking, building access, and limited storage only)
9. A statement that all materials below BFE/RFPE must be flood resistant materials.

C. Certification Requirements

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1. Elevation Certificates

   a) An Elevation Certificate~~, FEMA Form 086-0-33,~~ (most up-to-date form developed by FEMA) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

   b) An Elevation Certificate~~, FEMA Form 086-0-33,~~ (most up-to-date form developed by FEMA) is required after the reference level is established. Within 7 calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. Any work done within the 7-day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further worker being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop work order for the project.

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c) A final Finished Construction Elevation Certificate~~, FEMA Form 086-0-33,~~ (most up-to-date form developed by FEMA) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least two (2) photographs showing the front and rear of the building taken within ninety (90) days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in accordance with this ordinance. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least ~~3~~ three inches ~~x 3~~ by three inches (3" x 3"). Digital photographs are acceptable.

2. Floodproofing Certificate

a) If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate, ~~FEMA Form 086-0-34,~~ the most up-to-date, applicable FEMA form, with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

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b) A final Finished Construction Floodproofing Certificate ~~FEMA Form 086-0-34,~~ the most up-to-date, applicable FEMA form, with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.

3. Engineered Foundation Certificate

   If a manufactured home is placed within Zones A, AE, AH, AO, A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with this ordinance.

4. Professional Engineer Certified Report

   If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration and relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

5. Certification Exemptions

   The following structures, if located within Zones A, AE, AH, AO, A99 are exempt from the elevation/floodproofing certification requirements specified in items ~~1. and 2.~~ "a" and "b" of this subsection:

   a. Recreational Vehicles meeting requirements of 6.4.6.

   b. Temporary Structures meeting requirements of 6.4.6.

   c. Accessory Structures that are one hundred and fifty (150) square feet or less or $3,000.00 or less and meeting requirements of 6.4.6.

D. Determinations for Existing Buildings and Structures

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For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

1. Estimate the market value, or require the applicant to obtain and appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case or repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

~~6.4.5~~ 7.1.5 PROVISIONS FOR FLOOD HAZARD REDUCTION

In all Special Flood Hazard Areas, the following provisions are required:

1. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements.*

3. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

4. All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.

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a. Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.

b. Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.

5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems and discharges from the systems into flood waters.

7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

8. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

9. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located within a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of this ordinance.

10. All subdivision proposals and other development proposals:

a. shall be consistent with the need to minimize flood damage;

b. shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

c. shall have adequate drainage provided to reduce exposure to flood hazards;

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d. shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

11. When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.

~~6.4.6~~ 7.1.6 DEVELOPMENT SPECIFIC PROVISIONS FOR FLOOD HAZARD REDUCTION

In all Special Flood Hazard Areas where BFE data has been provided, the following provisions are required in addition to those specified in Section ~~6.4.5:~~ 7.1.5:

Residential Construction

New construction and substantial improvement of any residential structure, including manufactured homes, shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation.

Non-Residential Construction

New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation. Structures located in Zones A, AE, AH, AO, A99 may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with ~~6.4.4~~ 7.4.4 C. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in this ordinance, along with the operational plan and the inspection and maintenance plan.

Manufactured Homes

a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in definitions.

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b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance. Additionally, when the elevation would be met by an elevation of the chasses thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

c) All enclosures or skirting below the lowest floor shall meet the requirements of Elevated Buildings.

d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved, or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

Elevated Buildings

Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

a) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

b) Shall not be temperature-controlled or conditioned;

c) Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and

d) Shall include, in Zones A, AE, AH, AO, A99 flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

   ii. A minimum of two flood openings on different sides of each enclosed area subject to flooding;

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iii. The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;

iv. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

v. The bottom of all required flood openings shall be no higher than one (1) foot above the higher of the interior or exterior adjacent grade;

vi. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

vii. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

Additions and Improvements

a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

   i. Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

   ii. A substantial improvement, with modifications/rehabilitations/ improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.

b) Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements to the existing structure other than a standard door in the common wall, shall require only the addition to comply with the standards for new construction.

c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

   i. Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure.

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ii. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

d) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one-year period, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the one-year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. If the structure has sustained substantial damage, any repairs are considered substantial improvements regardless of the actual repair work performed. The requirement does not, however, included either:

i. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.

ii. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Recreational Vehicles

Recreational vehicles shall either:

a) Temporary Placement

i. Be on site for fewer than one hundred and eighty (180) consecutive days; ~~or~~

ii. Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions~~.~~;

iii. Be properly permitted in accordance with Section 6.1 of this Ordinance.

b) Permanent Placement. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.

Temporary Non-Residential Structures

Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator for review and written approval:

a) A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;

b) The name, address, and phone number of the individual responsible for the removal of the temporary structure;

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c) The time frame prior to the event at which a structure will be removed (i.e., minimum of seventy-two (72) hours before landfall of a hurricane or immediately upon flood warning notification;

d) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

e) Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

Accessory Structures

When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

b) Accessory structures shall not be temperature-controlled;

c) Accessory structures shall be designed to have low flood damage potential;

d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

e) Accessory structures shall be firmly anchored in accordance with the provisions of ~~6.4.5.~~ 7.1.5.

f) All service facilities such as electrical shall be installed in accordance with the provisions of ~~6.4.5.~~ 7.1.5; and

g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Section ~~6.4.5.~~ 7.1.5.

An accessory structure with a footprint less than one hundred and fifty (150) square feet or that is a minimal investment of $3,000.00 or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards or ~~6.4.5.~~ 7.1.5. Elevation or floodproofing certifications are required for all other accessory structures in accordance with ~~6.4.5.~~ 7.1.5.

Tanks

When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

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b) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;

c) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;

d) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of 6.4.6 of this Ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

e) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

   i. At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

   ii. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

Other Development

a) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of section 6.4.8.1 of this ordinance.

b) Retaining walls, sidewalks, and driveways in regulated floodways and NEAs that involve the placement of fill in regulated floodways shall meet the limitations of section 6.4.8.1 of this ordinance.

c) Roads and watercourse crossings in regulated floodways and NEAs, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of section 6.4.8.1 of this ordinance.

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~~6.4.7~~ 7.1.7 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in ~~Article 3, Section B,~~ Section 7.1.1 where no BFE data has been provided by FEMA, the following provisions, in addition to the provisions of ~~Article 5, Section A~~ Section 7.1.5, shall apply:

1. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:

   a. When BFE data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in ~~Article 5, Sections A and B~~ Section 7.1.5.

   b. When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of ~~Article 5, Sections B and F~~ Section 7.1.5.

   c. All subdivision, manufactured home park and other development proposals shall provide BFE data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such BFE data shall be adopted by reference in accordance with ~~Article 3, Section B,~~ Section 7.1.1 and utilized in implementing this ordinance. ~~ALAMANCE COUNTY FLOOD DAMAGE PREVENTION ORDINANCE APPROVED 9-18-17 Page 22 of24~~

   d. When BFE data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Article ~~2~~7. All other applicable provisions of ~~Article 5, Sections~~ Section 7.1.5 shall also apply.

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~~6.4.8~~ 7.1.8 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

1. Standards of ~~6.4.6;~~ 7.1.6; and

2. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

~~6.4.9~~ 7.1.9 FLOODWAYS AND NON-ENCROACHMENT AREAS

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in section ~~6.4.5.~~ 7.1.5. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in section ~~6.4.5.~~ 7.1.5. and section ~~6.4.6,~~ 7.1.6, shall apply to all development within such areas:

1. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
    a. It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood discharge, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or
    b. A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six (6) months of completion of the proposed encroachment.
2. If section ~~6.4.8.1~~ 7.1.8 is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
3. Manufactured homes may be permitted provided the following provisions are met:
    a. The anchoring and the elevation standards of section ~~6.4.6~~ 7.1.6; and
    b. The encroachment standards of section ~~6.4.8.1~~ 7.1.8.

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ARTICLE 7 | ENVIRONMENTAL PROTECTION STANDARDS

PART II. WATERSHED PROTECTION STANDARDS

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~~6.10 WATERSHED PROTECTION STANDARDS~~ 7.2.1 PURPOSE AND INTENT

It is the intention of this section to protect the watershed areas of Alamance County. Primarily these watershed areas include the water supply lakes for the cities of Burlington, Graham, Mebane and for the Orange Water and Sewer Authority. This section is administered in order to provide for a safe and potable water supply for present and future generations of Alamance County citizens. The authority of this section is established by virtue of N.C.G.S. § 160D-926 and Article 21 of Chapter 143 of the General Statutes of North Carolina.

The Alamance County Planning Director, or their designee, shall act as the Watershed Administrator in accordance with Section 2.5 of this Ordinance.

~~6.10.2~~ 7.2.2 ESTABLISHMENT OF WATERSHED ZONES

For purposes of this section, watersheds in Alamance County are hereby divided into the following zones, as appropriate:

- **Watershed Critical Area (WCA)**
- **Balance of Watershed (BOW)**

Within the two zones set forth the following watershed areas are identified:

WATERSHED CRITICAL AREA (WCA):

- Back Creek Watershed
- Stoney Creek Watershed
- Big Alamance Creek Watershed

BALANCE OF WATERSHED (BOW):

- Back Creek Watershed
- Stoney Creek Watershed
- Cane Creek Watershed
- Rocky River Watershed
- Haw River Watershed
- Upper Haw River Watershed

~~6.10.3~~ 7.2.3 WATERSHED CRITICAL AREA

Watershed Critical Area (WCA)

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The WCA is the area extending either one mile from the normal pool elevation of a water supply reservoir or to the ridge line of the watershed (whichever comes first); or one mile upstream from the intake located directly in the stream or river (run of the river), or the ridge line of the watershed (whichever comes first). In order to maintain a predominantly undeveloped land use intensity pattern in the WCA, single-family residential, multi-family residential and non-residential development shall be allowed at a maximum of one dwelling unit or use per two acres (1 d.u. or use/2 ac.). Built-upon area for multi-family residential and non-residential development shall not exceed six percent (6%) of lot area except for expansion of existing development.

1. Allowed Uses in Watershed Critical Area:

- Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 and the rules and regulations of the Soil and Water Conservation Commission.
- Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).
- Single-family residential development.
- Multi-family residential development.
- Non-residential development: Institutional, educational, religious, commercial, office or recreational.

2. Prohibited Uses in Watershed Critical Area:

- Cluster development
- Sites for land application of residuals or petroleum contaminated soils.
- Landfills, incinerators, and waste processors.
- Commercial use which sells, stores, or distributes motor fuel or other hazardous materials.
- Solid waste management facilities.
- Airports.
- Industry.
- Metal salvage facilities including junkyards.
- Manufacturing, use or storage of any Hazardous Production Material (HPM) or Highly Toxic Material (HTM) or determined by the Alamance County Board of Commissioners to be injurious to the health, safety or welfare of the County's residents due to the explosive, flammable or toxic characteristics of the materials.
- Package treatment plants, and community sewage facilities, except for subsurface septic tanks. (These facilities are allowed only if the Health Department determines that a public health problem can be alleviated by constructing such facilities.) Note: This provision does not prohibit the extension of municipal sewer lines (public) into the watershed critical area.

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- Underground fuel or chemical storage tanks (except for L.P. Gas Storage).

3. **Density and Built-upon Limits:**

   a. **Single-Family Residential.** Development shall not exceed one dwelling unit per two (2) acres on a project-by-project basis (1 d.u./2 ac.). No residential lot shall be less than two (2) acres.

   b. **Multi-Family Residential and Non-Residential.** All multi-family residential and non-residential development shall require a minimum area of two (2) acres per dwelling unit or non-residential development use. No lot shall be less than two (2) acres. Development shall not exceed six percent (6%) built-upon area on a project by project basis. For the purpose of calculating built upon area, total project area shall include total acreage in the tract on which the project is to be developed.

   c. **Existing Development.** Existing development is regulated under the provisions as stated in Section 3.2 of this ordinance.

4. **Above Ground Storage Tanks.** A spill containment plan is required for all new above ground storage tanks with accumulative capacity of over two hundred and fifty (250) gallons. (Except for L.P. Gas Storage).

~~6.10.4~~ 7.2.4 BALANCE OF WATERSHED

The BOW is the entire land area contributing surface drainage to a specific point, the public water supply intake, minus the watershed critical area. In order to maintain a predominantly undeveloped land use intensity pattern in the BOW, single-family residential uses shall be allowed at a maximum of one dwelling unit per acre (1 d.u./ac.). No lot shall be less than one (1) acre. All multi-family residential and non-residential development shall require a minimum area of forty thousand square feet (40,000 sq. ft.) per dwelling unit or non-residential development, when more than one unit or use is to be sited on a lot. Built-upon area shall not exceed twelve percent (12%) of lot area except for expansion of existing development (legal non-conformances).

1. **Allowed Uses in Balance of Watershed:**

   - Agriculture, subject to the provision of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.
   - Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality. (15 NCAC 11.6101 - .0209).
   - Single-family residential development.
   - Multi-family residential development.
   - Non-residential development: institutional, educational, religious, commercial, office, industrial or recreational.

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- Non-discharging landfills.

2. Prohibited Uses:

- Sites for land application of residuals or petroleum contaminated soils.
- Discharging landfills.
- Storage of hazardous materials unless a spill containment plan is implemented.

3. Density and Built-upon Limits:

e. **Single-Family Residential.** Development shall not exceed one dwelling unit per acre on a project by project basis (1 d.u./ac.). No residential lot shall be less than one acre, except within an approved cluster development whose overall project density is no greater than one dwelling unit per acre.

f. **Multi-family Residential.** No lot shall be less than one (1) acre. Also, all multi-family residential development shall require a minimum area of forty thousand square feet (40,000 sq. ft.) for each unit located on a lot, as subject to Health Department approval. Development shall not exceed twelve percent (12%) built-upon area on a project by project basis. For the purpose of calculating built upon area, total project area shall include total acreage in the tract on which the project is to be developed.

g. **Non-Residential.** No lot shall be less than one (1) acre. Also, non-residential development shall require a minimum area of forty thousand square feet (40,000 sq. ft.) for each use located on a lot, as subject to Health Department approval. Development shall not exceed twelve percent (12%) built upon area on a project by project basis. For the purpose of calculating built upon area, total project area shall include total acreage in the tract on which the project is to be developed.

4. Special Non-Residential Intensity Allocation (SNIA). Certain non-residential, specifically institutional uses, in the **Balance of the Watersheds (BOW)** may be allowed to exceed the limit of twelve percent (12%) built-upon area if they apply for approval under the Special Non-Residential Intensity Allocation (SNIA). Applicants shall apply to the Alamance County Planning Board, who shall make recommendation to the Board of County Commissioners. The Board of County Commissioners is authorized to approve SNIA's consistent with the provisions of this section.

a. If the Board of County Commissioners approves the SNIA, an individual project can be developed up to seventy percent (70%) built-upon area. Up to ten percent (10%) of the balance of any designated watershed may be developed with this special allocation. The SNIA allocation is permitted only in the following watersheds:

Watershed	Maximum SNIA Acres Available
Back Creek	1,432
Stoney Creek	2,938
Cane Creek	164
Rocky River	554
Haw River	319
Big Alamance Creek	N/A

b. The SNIA allocation shall be used only for **institutional uses** within the balance of the above watersheds. Eligible institutional uses include: churches, schools, fire stations and governmental buildings. Projects must minimize built-upon surface areas and direct stormwater away from surface waters to minimize water quality impacts, as certified by an engineer registered in the State of North Carolina.

c. The Watershed Administrator ~~in the Administrative Services Department~~ shall forward the request to the Planning Board for the SNIA allocation as well as keep records of the number of acres available to be developed under the SNIA allocation.

d. Following SNIA Permit approvals, the Watershed Administrator shall keep records of the County's issuance of SNIA Permits. Records shall include the total acres of non-critical watershed area to be developed, the total acreage of all developments issued a SNIA Permit, and individual records for each project with the following information:
   - The approved and complete SNIA Permit application;
   - A corresponding stormwater management plan, if applicable;
   - An inventory of hazardous materials, if applicable.

~~6.10.5~~ 7.2.5 BUFFERS

STREAM AND POND BUFFER

The Jordan Lake Riparian Buffer Rules apply to all lands regulated by this section as required by 15A NCAC 02B .0267 as modified by 15A NCAC 02B .0295, Section 2 of Session Law 2013-395/Senate Bill 515, Section 52 of Session Law 2013-413/ House Bill 74, Section 13 of Session Law 2015-0246/House Bill 44/G.S. § 143-214.23A, Section 9 of Session Law 2017-209/ House Bill 56, and any successive revisions to these rules. Agricultural Ponds are exempt per Session Law 2013-413, Section 52.

LAKE BUFFER

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A one hundred foot (100') wide natural buffer shall be maintained around all water supply reservoirs, measured from the normal pool elevation outward. Desirable artificial streambank or shoreline stabilization is permitted. No new development is allowed in the buffer except for water dependent structures and public projects such as road crossings and greenways where no practical alternative exists, and other structures causing diminutive increases in impervious areas such as flag poles, signs and security lights.

~~6.10.6~~ 7.2.6 CLUSTER DEVELOPMENT IN WATERSHEDS

Clustering of development is allowed only in Balance of Watershed (BOW) areas. Provisions for clustering of development shall meet overall density standards set forth in this section, as well as the standards in the Alamance County Subdivision Ordinance.

~~6.10.7~~ 7.2.7 BONA FIDE FARMS

Bona fide farms are exempt from the watershed regulations. However, farms are subject to other federal, state and local regulations. A SCS (Soil Conservation Services) conservation plan for each farm or timber stand is highly desirable.

6.10.8 7.2.8 RULES GOVERNING THE INTERPRETATION OF WATERSHED AREA BOUNDARIES

Where uncertainty exists as to the boundaries of the watershed areas, as shown on the Watershed Map, the following rules shall apply:

a. Where area boundaries are indicated as approximately following either street, alley, railroad or highway lines or centerlines thereof, such lines shall be construed to be said boundaries.

b. Where area boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. However, a surveyed plat prepared by a registered land surveyor may be submitted to the County as evidence that one or more properties along these boundaries do not lie within the watershed area.

c. Where the watershed area boundaries lie at a scaled distance more than twenty-five feet (25') from any parallel lot line, the location of watershed area boundaries shall be determined by use of the scale appearing on the watershed map.

d. Where the watershed area boundaries lie at a scaled distance of twenty-five feet (25') or less from any parallel lot line, the location of watershed area boundaries shall be construed to be the lot line.

e. Where other uncertainty exists, the Watershed Administrator in the Administrative Services Department shall interpret the Watershed Map as to location of such boundaries. This decision may be appealed to the ~~Board of Adjustment~~ Watershed Review Board.

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~~6.10.9~~ 7.2.9 EXISTING DEVELOPMENT

Existing Development, as defined in this ordinance, may be continued and maintained subject to the provisions provided herein. Expansions to structures classified as Existing Development must meet the requirements of this ordinance, however, the built-upon area of the Existing Development is not required to be included in the built-upon area calculations. All existing development, whether or not it meets the statewide minimum standards, is exempt from the provisions of this ordinance.

7.2.9.1 Uses of Land.

This category consists of Existing Development where such use of the land would not be permitted if it were new development. Such uses may be continued except as follows:

(1) Such use of land shall be changed only to an allowed use.

(2) When such use of land has been changed to an allowed use, it shall not thereafter revert to any prohibited use.

(3) When such use ceases for a period of at least one year, it shall not be reestablished.

7.2.9.2. Reconstruction of Buildings or Built-upon Areas.

Any existing building or built-upon area not in conformance with the restrictions of this ordinance that has been damaged or removed may be repaired and/or reconstructed, except that there are no restrictions on single family residential development,
provided:

(1) Repair or reconstruction is initiated within twelve (12) months and completed within two (2) years of such damage.

(2) The total amount of space devoted to built-upon area may not be increased unless stormwater control that equals or exceeds the previous development is provided.

~~6.10.10~~ 7.2.10 WATERSHED PROTECTION PERMIT

No building or built-upon area shall be erected, moved, enlarged or structurally altered, nor shall any building permit be issued nor shall any change in the use of any building or land be made until a Watershed Protection Permit has been issued by the Watershed Administrator in the Administrative Services Department. Single-family development is exempt from the requirement of obtaining a Watershed Protection Permit.

Prior to the issuance of a Watershed Protection Permit, the Watershed Administrator may consult with qualified personnel for assistance to determine if the application meets the requirements of this section.

A Watershed Protection Permit shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant within twelve (12) months from the date of issuance.

a. Building Permit Required.

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No permit required under the North Carolina State Building Code shall be issued for any activity until a Watershed Protection Permit is issued. Single-family residential development is exempt from the Watershed Protection Permit requirement.

b. Watershed Protection Occupancy Permit.

The Watershed Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this section have been met prior to the occupancy or use of a building hereafter erected, altered or moved and/or prior to the change of use of any building or land.

A Watershed Protection Occupancy Permit, either for the whole or part of a building, shall be applied for coincidental with the application for a Watershed Protection Permit and shall be issued or denied within ten (10) days after construction is approved by the Inspections Department.

When a change in use of land or use of an existing building occurs, the Watershed Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this section have been met coincidental with the Watershed Protection Permit.

No building or structure which has been erected, moved, or structurally altered may be occupied until the Watershed Administrator has approved and issued a Watershed Protection Occupancy Permit.

If the Watershed Protection Occupancy Permit is denied, the Watershed Administrator shall notify the applicant in writing stating the reasons for denial.

~~6.10.11~~ 7.2.11 HAZARDOUS MATERIAL INVENTORY AND SPILL CONTAINMENT PLAN

An inventory of hazardous materials as applicable to Section 6.10.10 of this ordinance shall be kept in the Alamance County Emergency Management Office. All spill containment plans required for new above ground storage tanks shall be kept on file in the Alamance County Emergency Management Office.

7.2.12 WATERSHED MANAGEMENT PLAN

The purpose of the Management Plan is to document industries that are located within the County's watershed boundaries which use, store or manufacture chemicals that could potentially pose a threat to water quality. The Management Plan will be used to verify that the hazardous materials inventory of each industry is up to date and kept on file in the Alamance County Emergency Management Office. The Toxic Chemical Release Inventory and response plan which is required under SARA Title III legislation is maintained by the Environmental

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Protection Agency (EPA). Also, the Alamance County Emergency Management Office maintains a computerized list of SARA Title III facilities.

7.2.13 WATERSHED REVIEW BOARD ESTABLISHMENT AND PROCEDURES

7.2.13.1 Establishment of Watershed Review Board.

The Alamance County Board of Adjustment, as established in Section 2.3 of this Ordinance, shall serve as the Watershed Review Board.

7.2.13.2 Powers and Duties of the Watershed Review Board.

Administrative Appeals.

The Watershed Review Board shall hear and decide appeals from any decision or determination made by the Watershed Administrator in the enforcement of this ordinance.

Any order, decision, or determination made by the Watershed Administrator may be appealed to and decided by the Watershed Review Board. An appeal from a decision of the Watershed Administrator must be submitted to the Watershed Review Board within thirty (30) calendar days from the date the order, interpretation, decision, or determination is issued. All appeals must be made in writing stating the reasons for appeal. Following submission of an appeal, the Watershed Administrator shall transmit to the Board all papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed, unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal has been filed with him, that by reason of facts stated in the certificate of approval for recording, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application of notice of the officer from whom the appeal is taken and upon due cause shown.

All appeals of Watershed Administrator decisions shall follow the procedures for appeals of administrative decisions in GS 160D-405.

Minor Variances.

The Watershed Review Board shall have the power to authorize, in specific cases, Minor Variances from the terms of this Ordinance. In addition, the Watershed Administrator shall notify all other local governments having jurisdiction in the designated watershed where the variance is being considered in accordance with the procedures set forth in N.C. Gen. Stat. 160D-406.

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A. Applications for a variance shall be made on the proper form obtainable from the Watershed Administrator and shall include the following information:

- A site plan, drawn to a scale, indicating the property lines of the parcel upon which the use is proposed; any existing or proposed structures; parking areas and other built-upon areas; and surface water drainage. The site plan shall be neatly drawn and indicate north point, name and address of person who prepared the plan, date of the original drawing, and an accurate record of any later revisions.

- A complete and detailed description of the proposed variance, together with any other pertinent information which the applicant feels would be helpful to the Watershed Review Board in considering the application.

- Evidence or proposed witness testimony that tends to support a finding that each of the factors listed in subsection (C), below, are met.

B. The Watershed Administrator shall notify, in writing, each local government having jurisdiction in the watershed and the entity using the water supply for consumption. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Watershed Administrator prior to a decision by the Watershed Review Board. Such comments shall become a part of the record of proceedings of the Watershed Review Board.

C. Before the Watershed Review Board may grant a variance, it shall make the following three findings, which shall be recorded in the permanent record of the case, and shall include the factual reasons on which they are based:

1. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance. In order to determine that there are practical difficulties or unnecessary hardships, the Board must find that the five following conditions exist:

(a) If he complies with the provisions of the Ordinance, the applicant can secure no reasonable return from, nor make reasonable use of, his property. Merely proving that the variance would permit a greater profit to be made from the property will not be considered adequate to justify the Board in granting an variance. Moreover, the Board shall consider whether the variance is the minimum possible deviation from the terms of the Ordinance that will make possible the reasonable use of his property.

(b) The hardship results from the application of the Ordinance to the property rather than from other factors such as deed restrictions or other hardship.

(c) The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.

(d) The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates the Ordinance, or who purchases the property after the effective date of the Ordinance and then comes to the Board for relief.

(e) The hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice.

2. The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.

3. In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done. The Board shall not grant a variance if it finds that doing so would in any respect impair the public health, safety, or general welfare.

D. In granting the variance, the Board may attach conditions regarding the location, character, and other features of the proposed building, structure, or use that relate to the purpose and standards of this ordinance. If a variance for the construction, alteration or use of property is granted, such construction, alteration or use shall be in accordance with the approved site plan.

E. The Watershed Review Board shall refuse to hear an appeal or an application for a variance previously denied if it finds that there have been no substantial changes in conditions or circumstances bearing on the appeal or application.

F. A variance issued in accordance with this Section shall be considered a Watershed Protection Permit and shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant within six (6) months from the date of the decision.

Major Variances.

If the application calls for the granting of a Major Variance, and if the Watershed Review Board decides in favor of granting the variance, the Board shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include:

- The variance application;

- The hearing notices;
- The evidence presented;
- Motions, offers of proof, objections to evidence, and rulings on them;
- Proposed findings and exceptions;
- The proposed decision, including all conditions proposed to be added to the permit.

The preliminary record shall be sent to the Environmental Management Commission for its review and conclusion.

Appeals from the Watershed Review Board.
Appeals from the Watershed Review Board must be filed with the Superior Court within (thirty) 30 days from the date of the Board's written decision. Decisions by the Superior Court will be in the manner of certiorari.

7.2.14 AMENDMENTS TO THE WATERSHED PROTECTION REGULATIONS

The Alamance County Board of Commissioners may, on its own motion or on petition, after public notice and hearing, amend, supplement, change or modify the watershed regulations and restrictions as described herein.

No action shall be taken until the proposal has been submitted to the Watershed Review Board for review and recommendations. If no recommendation has been received from the Watershed Review Board within forty-five (45) days after submission of the proposal to the Chairman of the Watershed Review Board, the Board of Commissioners may proceed as though a favorable report had been received.

Under no circumstances shall the Board of Commissioners adopt such amendments, supplements or changes that would cause this ordinance to violate the watershed protection rules as adopted by the N.C. Environmental Management Commission. All amendments must be filed with the N.C. Division of Energy, Mineral, and Land Resources.

7.2.14.1 Public Notice and Hearing Required

Before adopting or amending this ordinance, the Board of Commissioners shall hold a public hearing on the proposed changes. A notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than ten (10) nor more than twenty-five (25) days before the date for the hearing.

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ARTICLE 7 | ENVIRONMENTAL PROTECTION STANDARDS

PART III. JORDAN WATERSHED RIPARIAN BUFFER REGULATIONS

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7.3.1 Purpose and Intent

Alamance County's purpose in adopting the following regulations is to protect and preserve existing riparian buffers throughout the Jordan watershed as generally described in Rule 15A NCAC 02B .0262 (Jordan Water Supply Nutrient Strategy: Protection of Existing Riparian Buffers), in order to maintain their nutrient removal and stream protection functions. Additionally, this Rule will help protect the water supply uses of Jordan Reservoir and of designated water supplies throughout the Jordan watershed.

7.3.2 Applicability

These rules apply to all landowners and other persons conducting activities in the Jordan Watershed, including state and federal entities, and to all local governments in the Jordan Watershed, as described in 15A NCAC 02B .0262.

For the following types of buffer activities in the Jordan watershed, the North Carolina Division of Water Quality shall implement applicable requirements to the exclusion of local governments:

a) Activities conducted under the authority of the State of North Carolina.
b) Activities conducted under the authority of the United States.
c) Activities conducted under the authority of multiple jurisdictions.
d) Activities conducted under the authority of local units of government.
e) Forest harvesting activities described in Section 7.3.6 of this Ordinance.
f) Agricultural activities.
g) Activities conducted in a location where there is no local government program implementing NPDES stormwater requirements, Water Supply Watershed requirements, or a voluntary local stormwater or buffer initiative at the time of the activity.

7.3.3 Riparian Area Protection Within the Jordan Reservoir Watershed

7.3.3.1 BUFFERS PROTECTED

The following minimum criteria shall be used for identifying regulated buffers:

a) This Rule shall apply to activities conducted within, or outside of with impacts upon, fifty (50)-foot-wide riparian buffers directly adjacent to surface waters in the Jordan watershed (intermittent streams, perennial streams, lakes, reservoirs and ponds), excluding wetlands.

b) Wetlands adjacent to surface waters or within fifty (50) feet of surface waters shall be considered as part of the riparian buffer but are regulated pursuant to 15A NCAC 02H .0506.

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c) A surface water shall be subject to this Rule if the feature is approximately shown on any of the following references, and shall not be subject if it does not appear on any of these references:

i. The most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture.

ii. The most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS).

iii. Maps approved by the Geographic Information Coordinating Council and by the Commission. Prior to approving such maps, the Commission shall provide a 30-day public notice and opportunity for comment. Maps approved under this subsection shall not apply to projects that are existing and ongoing within the meaning of subsection 7.3.3.4.

d) Where the specific origination point of a stream regulated under this Item is in question, upon request of the N.C. Division of Water Quality or another party, an Alamance County representative shall make an on-site determination. The county representative who has successfully completed the Division's Surface Water Identification Training Certification course, its successor, or other equivalent training curriculum approved by the Division, shall establish that point using the latest version of the Division publication, Identification Methods for the Origins of Intermittent and Perennial Streams, available at:

(http://portal.ncdenr.org/web/wq/swp/ws/401/waterresources/streamdeterminations)or from the Division of Water Quality (401/Wetlands Unit)
1650 Mail Service Center,
Raleigh, NC, 27699-1650

Alamance County may accept the results of a site assessment made by another party who meets these criteria. Any disputes over on-site determinations made according to this item shall be referred to the Director of the Division of Water Quality in writing. The Director's determination is subject to review as provided in Articles 3 and 4 of N.C. Gen. Stat. §150B.

e) Riparian buffers protected by this Ordinance shall be measured pursuant to subsection 7.3.3.4 below.

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f) Parties subject to this Ordinance shall abide by all State rules and laws regarding waters of the state including but not limited to 15A NCAC 02H .0500, 15A NCAC 02H .1300, and Sections 401 and 404 of the Federal Water Pollution Control Act.

g) A riparian buffer may be exempt from this Rule as described in subsections 7.3.3.2. or 7.3.3.3. below.

h) No new clearing, grading, or development shall take place, nor shall any new building permits be issued in violation of this Ordinance.

7.3.3.2 EXEMPTION BASED ON ON-SITE DETERMINATION

When a landowner or other affected party including the Division believes that the maps have inaccurately depicted surface waters, he or she shall consult the Alamance County Planning Department. Upon request, a county representative who has successfully completed the Division's Surface Water Identification Training Certification course, its successor, or other equivalent training curriculum approved by the Division, shall make an on-site determination. Alamance County may also accept the results of site assessments made by other parties who have successfully completed such training. Any disputes over on-site determinations shall be referred to the Director of the Division of Water Quality in writing. A determination of the Director as to the accuracy or application of the maps is subject to review as provided in Articles 3 and 4 of G.S. 150B. Surface waters that appear on the maps shall not be subject to the buffer requirements of this Ordinance if a site evaluation reveals any of the following cases:

a) Man-made ponds and lakes that are not part of a natural drainage way that is classified in accordance with 15A NCAC 02B .0100, including ponds and lakes created for animal watering, irrigation, or other agricultural uses. (A pond or lake is part of a natural drainage way when it is fed by an intermittent or perennial stream or when it has a direct discharge point to an intermittent or perennial stream.)
b) Ephemeral streams.
c) The absence on the ground of a corresponding intermittent or perennial stream, lake, reservoir, or pond.
d) Ditches or other man-made water conveyances, other than modified natural streams.

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7.3.3.3 EXEMPTION WHEN EXISTING USES ARE PRESENT AND ONGOING

These regulations shall not apply to uses that are existing and ongoing; however, these regulations shall apply at the time an existing, ongoing use is changed to another use. Change of use shall involve the initiation of any activity that does not meet either of the following criteria for existing, ongoing activity:

a) It was present within the riparian buffer as of the effective date of this Ordinance and has continued to exist since that time. For any Division-administered activities listed in Section 7.3.2 of this Ordinance, a use shall be considered existing and ongoing if it was present within the riparian buffer as of the Rule's effective date of August 11, 2009 and has continued to exist since that time. Existing uses shall include agriculture, buildings, industrial facilities, commercial areas, transportation facilities, maintained lawns, utility lines and onsite sanitary sewage systems, any of which involve either specific, periodic management of vegetation or displacement of vegetation by structures or regular activity. Only the portion of the riparian buffer occupied by the footprint of the existing use is exempt from this Ordinance. Change of ownership through purchase or inheritance is not a change of use. Activities necessary to maintain uses are allowed provided that the site remains similarly vegetated, no impervious surface is added within fifty (50) feet of the surface water where it did not previously exist as of the effective date of a local program enforcing this Ordinance, or for Division administered activities listed in Section 7.3.2 of this Ordinance and existing diffuse flow is maintained. Grading and revegetating Zone Two is allowed provided that the health of the vegetation in Zone One is not compromised, the ground is stabilized and existing diffuse flow is maintained.

b) Projects or proposed development that are determined by the local government to meet at least one of the following criteria:
   i. Project requires a 401 Certification/404 Permit and these were issued prior to the effective date of this Ordinance, and prior to the August 11, 2009 effective date of this Rule for Division-administered activities listed in this Ordinance.
   ii. Projects that require a state permit, such as landfills, NPDES wastewater discharges, land application of residuals and road construction activities, have begun construction or are under contract to begin construction and had received all required state permits and certifications prior to the effective date of this Ordinance, and prior to the August 11, 2009 effective

date for Division-administered activities listed in Section 7.3.2 of this Ordinance;

iii. Projects that are being reviewed through the Clean Water Act Section 404/National Environmental Policy Act Merger 01 Process (published by the US Army Corps of Engineers and Federal Highway Administration, 2003) or its immediate successor and that have reached agreement with DENR on avoidance and minimization by the effective date of this Ordinance and prior to the August 11, 2009 effective date for state and federal entities; or

iv. Projects that are not required to be reviewed by the Clean Water Act Section 404/National Environmental Policy Act Merger 01 Process (published by the US Army Corps of Engineers and Federal Highway Administration, 2003) or its immediate successor if a Finding of No Significant Impact has been issued for the project and the project has the written approval of the local government prior to the effective date of the local program enforcing this Rule, or the written approval of the Division prior to the August 11, 2009 effective date for state and federal entities.

7.3.3.4 ZONES OF THE RIPARIAN BUFFER

The protected riparian buffer shall have two zones as follows:

c) Zone One shall consist of a vegetated area that is undisturbed except for uses provided for in the Table of Uses, subsection 7.3.4.2 of this Ordinance. The location of Zone One shall be as follows:
   - For intermittent and perennial streams, Zone One shall begin at the top of the bank and extend landward a distance of thirty (30) feet on all sides of the surface water, measured horizontally on a line perpendicular to a vertical line marking the top of the bank.
   - For ponds, lakes and reservoirs located within a natural drainage way, Zone One shall begin at the normal water level and extend landward a distance of thirty (30) feet, measured horizontally on a line perpendicular to a vertical line marking the normal water level.

d) Zone Two shall consist of a stable, vegetated area that is undisturbed except for uses provided for in the Table of Uses, subsection 7.3.4.2 of this Ordinance. Grading and revegetating in Zone Two is allowed provided that the health of the vegetation in Zone One is not compromised. Zone Two shall begin at the outer edge of Zone One and extend landward twenty (20) feet as measured

horizontally on a line perpendicular to the surface water. The combined width of Zones One and Two shall be fifty (50) feet on all sides of the surface water.

7.3.3.5 DIFFUSE FLOW REQUIREMENT

Diffuse flow of runoff shall be maintained in the riparian buffer by dispersing concentrated flow prior to its entry into the buffer and reestablishing vegetation as follows:

- Concentrated runoff from new ditches or manmade conveyances shall be converted to diffuse flow at non-erosive velocities before the runoff enters Zone Two of the riparian buffer;
- Periodic corrective action to restore diffuse flow shall be taken as necessary and shall be designed to impede the formation of erosion gullies;
- As set out in subsections 7.3.3.4 and 7.3.4.2 of this Ordinance, no new stormwater conveyances are allowed through the buffers except for those specified in subsection 7.3.4.2 Table of Uses, of this Ordinance addressing stormwater management ponds, drainage ditches, roadside ditches, and stormwater conveyances; and
- Activities conducted outside of buffers identified in subsection 7.3.3.1 that alter the hydrology in violation of the diffuse flow requirements set out in this Item shall be prohibited.

7.3.4 Potential Uses and Associated Requirements

7.3.4.1 APPROVAL FOR NEW DEVELOPMENT

Alamance County shall issue an approval for new development only if the development application proposes to avoid impacts to riparian buffers as defined in subsection 7.3.3.1., or where the application proposes to impact such buffers, it demonstrates that the applicant has done the following, as applicable:

i) Determined the activity is exempt from the requirements of this Ordinance;
j) Received an Authorization Certification from Alamance County pursuant to subsection 7.3.4.3;
k) For uses designated as "Allowable with Mitigation" in the Table of Uses below, received approve of a mitigation plan pursuant to this Ordinance;
l) Received a variance pursuant to subsection 7.3.5.2.

7.3.4.2 TABLE OF USES

The following chart sets out potential new uses within the buffer, or outside the buffer with impacts on the buffer, and categorizes them as exempt, allowable, or allowable with mitigation. All uses not categorized as exempt, allowable, or allowable with mitigation are

considered prohibited and may not proceed within the riparian buffer, or outside the buffer if the use would impact diffuse flow through the buffer, unless a variance is granted pursuant to subsection 7.3.5.2. Requirements for each category are given in subsection 7.3.4.3 below.

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Use	Exempt*	Allowable*	Allowable with Mitigation*
Access trails: Pedestrian access trails leading to the surface water, docks, fishing piers, boat ramps and other water dependent activities: • Pedestrian access trails that are restricted to the minimum width practicable and do not exceed 4 feet in width of buffer disturbance, and provided that installation and use does not result in removal of trees as defined in this Rule and no impervious surface is added to the riparian buffer • Pedestrian access trails that exceed 4 feet in width of buffer disturbance, the installation or use results in removal of trees as defined in this Rule or impervious surface is added to the riparian buffer	X	X	
Airport facilities: • Airport facilities that impact equal to or less than 150 linear feet or one-third of an acre of riparian buffer • Airport facilities that impact greater than 150 linear feet or one-third of an acre of riparian buffer • Activities necessary to comply with FAA requirements (e.g. radar uses or landing strips)1		X X	X
Archaeological activities	X		
Bridges		X	
Canoe Access provided that installation and use does not result in removal of trees as defined in this Rule and no impervious surface is added to the buffer.	X		
Dam maintenance activities: • Dam maintenance activities that do not cause additional buffer disturbance beyond the footprint of the existing dam or those covered under the US Army Corps of Engineers Nationwide Permit No. 3. • Dam maintenance activities that do cause additional buffer disturbance beyond the footprint of the existing dam or those not covered under the US Army Corps of Engineers Nationwide Permit No.3.	X	X	
Drainage ditches, roadside ditches and stormwater conveyances through riparian buffers: • New stormwater flows to existing drainage ditches, roadside ditches, and stormwater conveyances provided flows do not alter or result in the need to alter the conveyance and are managed to minimize the sediment, nutrients and other pollution that convey to waterbodies. • Realignment of existing roadside drainage ditches retaining the design dimensions, provided that no additional travel lanes are added and the minimum required roadway typical section is used based on traffic and safety considerations. • New or altered drainage ditches, roadside ditches and stormwater outfalls provided that a stormwater management facility is installed to control nutrients and attenuate flow before the conveyance discharges through the riparian buffer • New drainage ditches, roadside ditches and stormwater conveyances applicable to liner projects that do not provide a stormwater management facility due to topography constraints provided that other practicable BMPs are employed.	X	X X	X

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Use	Exempt*	Allowable*	Allowable with Mitigation*
Drainage of a pond in a natural drainage way provided that a new riparian buffer that meets the requirements of Items (7) and (8) of this Rule is established adjacent to the new channel	X		
Driveway crossings of streams and other surface waters subject to this Rule: • Driveway crossings on single family residential lots that disturb equal to or less than 25 linear feet or 2,500 square feet of riparian buffer • Driveway crossings on single family residential lots that disturb greater than 25 linear feet or 2,500 square feet of riparian buffer • In a subdivision that cumulatively disturb equal to or less than 150 linear feet or one-third of an acre of riparian buffer • In a subdivision that cumulatively disturb greater than 150 linear feet or one-third of an acre of riparian buffer	X	X X	X
Driveway impacts other than crossing of a stream or other surface waters subject to this Rule			X
Fences: • Fences provided that disturbance is minimized and installation does not result in removal of trees as defined in this Rule • Fences provided that disturbance is minimized and installation results in removal of trees as defined in this Rule	X	X	
Forest harvesting - see Item (14) of this Rule			
Fertilizer application: one-time application to establish vegetation	X		
Grading and revegetation in Zone Two provided that diffuse flow and the health of existing vegetation in Zone One is not compromised and disturbed areas are stabilized until they are revegetated.	X		
Greenway/hiking trails designed, constructed and maintained to maximize nutrient removal and erosion protection, minimize adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practical.		X	
Historic preservation	X		
Maintenance access on modified natural streams: a grassed travel way on one side of the water body when less impacting alternatives are not practical. The width and specifications of the travel way shall be only that needed for equipment access and operation. The travel way shall be located to maximize stream shading.		X	
Mining activities: • Mining activities that are covered by the Mining Act provided that new riparian buffers that meet the requirements of Items (7) and (8) of this Rule are established adjacent to the relocated channels • Mining activities that are not covered by the Mining Act OR where new riparian buffers that meet the requirements or Items (7) and (8) of this Rule are not established adjacent to the relocated channels • Wastewater or mining dewatering wells with approved NPDES permit	X	X	X
Playground equipment: • Playground equipment on single family lots provided that installation and use does not result in removal of vegetation • Playground equipment installed on lands other than single-family lots or that requires removal of vegetation	X	X	

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Use	Exempt*	Allowable*	Allowable with Mitigation*
Ponds created by impounding streams and not used as stormwater BMPs: • New ponds provided that a riparian buffer that meets the requirements of Items (7) and (8) of this Rule is established adjacent to the pond • New ponds where a riparian buffer that meets the requirements of Items (7) and (8) of this Rule is NOT established adjacent to the pond		X	X
Protection of existing structures, facilities and stream banks when this requires additional disturbance of the riparian buffer or the stream channel		X	
Railroad impacts other than crossings of streams and other surface waters subject to this Rule.			X
Railroad crossings of streams and other surface waters subject to this Rule: • Railroad crossings that impact equal to or less than 40 linear feet of riparian buffer • Railroad crossings that impact greater than 40 linear feet but equal to or less than 150 linear feet or one-third of an acre of riparian buffer • Railroad crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer	X	X	X
Recreational and accessory structures in Zone Two: • Sheds and gazebos in Zone Two, provided they are not prohibited under local water supply ordinance: o Total footprint less than or equal to 150 square feet per lot. o Total footprint greater than 150 square feet per lot. • Wooden slatted decks and associated steps, provided the use meets the requirements of Items (7) and (8) of this Rule: o Deck at least eight feet in height and no vegetation removed from Zone One. o Deck less than eight feet in height or vegetation removed from Zone One.		X X	X X
Removal of previous fill or debris provided that diffuse flow is maintained and vegetation is restored	X		
Road impacts other than crossings of streams and other surface waters subject to this Rule			X
Road crossings of streams and other surface waters subject to this Rule: • Road crossings that impact equal to or less than 40 linear feet of riparian buffer • Road crossings that impact greater than 40 linear feet but equal to or less than 150 linear feet or one-third of an acre of riparian buffer • Road crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer	X	X	X
Road relocation: Relocation of existing private access roads associated with public road projects where necessary for public safety: • Less than or equal to 2,500 square feet of buffer impact • Greater than 2,500 square feet of buffer impact		X	X

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Use	Exempt*	Allowable*	Allowable with Mitigation*
Stormwater BMPs: • Wet detention, bioretention, and constructed wetlands in Zone Two if diffuse flow of discharge is provided into Zone One • Wet detention, bioretention, and constructed wetlands in Zone One		X	X
Scientific studies and stream gauging	X		
Streambank or shoreline stabilization		X	
Temporary roads, provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions immediately after construction is complete and replanted immediately with comparable vegetation, except that tree planting may occur during the dormant season. A one-time application of fertilizer may be used to establish vegetation: At the end of five years the restored buffer shall comply with the restoration criteria in Item (8) of 15A NCAC 02B .0268: • Less than or equal to 2,500 square feet of buffer disturbance • Greater than 2,500 square feet of buffer disturbance • Associated with culvert installation or bridge construction or replacement.	X	X X	
Temporary sediment and erosion control devices, provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions immediately after construction is complete and replanted immediately with comparable vegetation, except that tree planting may occur during the dormant season. A one-time application of fertilizer may be used to establish vegetation. At the end of five years the restored buffer shall comply with the restoration criteria in Item (8) of Rule 15A NCAC 02B .0268: • In Zone Two provided ground cover is established within timeframes required by the Sedimentation and Erosion Control Act, vegetation in Zone One is not compromised, and runoff is released as diffuse flow in accordance with Item (8) of this Rule. • In Zones one and two to control impacts associated with uses approved by the local government or that have received a variance, provided that sediment and erosion control for upland areas is addressed, to the maximum extent practical, outside the buffer. • In-stream temporary erosion and sediment control measures for work within a stream channel that is authorized under Sections 401 and 404 of the Federal Water Pollution Control Act. • In-stream temporary erosion and sediment control measures for work within a stream channel.	X X	X X	
Utility, electric, aerial, perpendicular crossings of streams and other surface waters subject to this Rule[2,3,5]: • Disturb equal to or less than 150 linear feet of riparian buffer • Disturb greater than 150 linear feet of riparian buffer	X	X	

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Use	Exempt*	Allowable*	Allowable with Mitigation*
Utility, electric, aerial, other than perpendicular crossings[5]: • Impacts in Zone Two • Impacts in Zone One[2,3]		X	X
Utility, electric, underground, perpendicular crossings[3,4,5]: • Disturb less than or equal to 40 linear feet of riparian buffer • Disturb greater than 40 linear feet of riparian buffer	X	X	
Utility, electric, underground, other than perpendicular crossings[4]: • Impacts in Zone Two • Impacts in Zone One[1]	X X		
Utility, non-electric, perpendicular crossings of streams and other surface waters subject to this Rule[3,5]: • Disturb equal to or less than 40 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width • Disturb equal to or less than 40 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width • Disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width • Disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width • Disturb greater than 150 linear feet of riparian buffer	X	X X	X X
Utility, non-electric, other than perpendicular crossings[4,5]: • Impacts in Zone Two • Impacts in Zone One[1]		X	X
Vegetation management: • Emergency fire control measures provided that topography is restored • Mowing or harvesting of plant products in Zone Two • Planting vegetation to enhance the riparian buffer • Pruning forest vegetation provided that the health and function of the forest vegetation is not compromised • Removal of individual trees that are in danger of causing damage to dwellings, other structures or human life, or are imminently endangering stability of the streambank. • Removal of individual trees which are dead, diseased or damaged. • Removal of poison ivy • Removal of invasive exotic vegetation as defined in: *Smith, Cherri L. 1998. Exotic Plant Guidelines. Dept. of Environment and Natural Resources. Division of Parks and Recreation. Raleigh, NC. Guideline #30*	X X X X X X X X		
Vehicular access roads leading to water-dependent structures as defined in 15A NCAC 02B .0202, provided they do not cross the surface water and have minimum practicable width not exceeding ten feet.		X	
Water dependent structures as defined in 15A NCAC 02B .0202 where installation and use result in disturbance to riparian buffers.		X	

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Use	Exempt*	Allowable*	Allowable with Mitigation*
Water supply reservoirs: • New reservoirs where a riparian buffer that meets the requirements of Items (7) and (8) of this Rule is established adjacent to the reservoir • New reservoirs where a riparian buffer that meets the requirements of Items (7) and (8) of this Rule is not established adjacent to the reservoir		X	X
Water wells • Single family residential water wells • All other water wells	X	X	
Wetland, stream and buffer restoration that results in impacts to the riparian buffers: • Wetland, stream and buffer restoration that requires Division approval for the use of a 401 Water Quality Certification • Wetland, stream and buffer restoration that does not require Division approval for the use of a 401 Water Quality Certification	X	X	
Wildlife passage structures		X	

* To qualify for the designation indicated in the column header, an activity must adhere to the limitations defined for it in a given listing as well as the requirements established in Item (10) of this Rule.

[1] Provided that:
- No heavy equipment is used in Zone One.
- Vegetation in undisturbed portions of the buffer is not compromised.
- Felled trees are removed by chain.
- No permanent felling of trees occurs in protected buffers or streams.
- Stumps are removed only by grinding.
- At the completion of the project the disturbed area is stabilized with native vegetation.
- Zones one and two meet the requirements of Sub-Items (7) and (8) of this Rule.

[2] Provided that, in Zone One, all of the following BMPs for overhead utility lines are used. If all of these BMPs are not used, then the overhead utility lines shall require a no practical alternative evaluation by the local government, as defined in Item (11) of this Rule.
- A minimum zone of 10 feet wide immediately adjacent to the water body shall be managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed.
- Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
- Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain where trees are cut.
- Riprap shall not be used unless it is necessary to stabilize a tower.
- No fertilizer shall be used other than a one-time application to re-establish vegetation.
- Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
- Active measures shall be taken after construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.
- In wetlands, mats shall be utilized to minimize soil disturbance.

7.3.4.3 REQUIREMENTS FOR CATEGORIES OF USES

Uses designated in the Table of Uses as exempt, allowable, and allowable with mitigation within a riparian buffer shall have the following requirements:

a) EXEMPT. Uses designated as exempt are permissible without local government authorization provided that they adhere to the limitations of the activity as defined in the Table of Uses. In addition, exempt uses shall be designed, constructed and maintained to minimize soil disturbance and to provide the maximum water quality protection practicable, including

construction, monitoring, and maintenance activities.

b) ALLOWABLE. Uses designated as allowable may proceed provided that there are no practical alternatives to the requested use pursuant to subsection 7.3.4.4. below. This includes construction, monitoring, and maintenance activities. These uses require written authorization from Alamance County.

c) ALLOWABLE WITH MITIGATION. Uses designated as allowable with mitigation may proceed provided that there are no practical alternatives to the requested use pursuant to subsection 7.3.4.4. below and an appropriate mitigation strategy has been approved pursuant to subsection 7.3.5.3 of this Ordinance. These uses require written authorization from Alamance County.

7.3.5 Permit Procedures, Requirements, and Approvals

7.3.5.1. DETERMINATION OF "NO PRACTICAL ALTERNATIVES"

a) Persons who wish to undertake uses designated as allowable or allowable with mitigation shall submit a request for a "no practical alternatives" determination to the Alamance County Planning Department. The applicant shall certify that the project meets all the following criteria for finding "no practical alternatives":

- The basic project purpose cannot be practically accomplished in a manner that would better minimize disturbance, preserve aquatic life and habitat, and protect water quality;
- The use cannot practically be reduced in size or density, reconfigured or redesigned to better minimize disturbance, preserve aquatic life and habitat, and protect water quality; and
- Best management practices shall be used if necessary to minimize disturbance, preserve aquatic life and habitat, and protect water quality;

b) The applicant shall also submit at least the following information in support of their assertion of "no practical alternatives":

- The name, address and phone number of the applicant;
- The nature of the activity to be conducted by the applicant;
- The location of the activity, including the jurisdiction;
- A map of sufficient detail to accurately delineate the boundaries of the land to be utilized in carrying out the activity, the location and dimensions of any disturbance in riparian buffers associated with the activity, and the extent of riparian buffers on the land;
- An explanation of why this plan for the activity cannot be practically

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accomplished, reduced or reconfigured to better minimize disturbance to the riparian buffer, preserve aquatic life and habitat and protect water quality; and

- Plans for any best management practices proposed to be used to control the impacts associated with the activity.

c) Within sixty (60) days of a submission that addresses sub-item (b) above, Alamance County shall review the entire project and make a finding of fact as to whether the criteria in sub-item (a) above have been met. A finding of "no practical alternatives" shall result in issuance of an Authorization Certificate. Failure to act within sixty (60) days shall be construed as a finding of "no practical alternatives" and an Authorization Certificate shall be issued to the applicant unless one of the following occurs:

i. The applicant agrees, in writing, to a longer period;
ii. Alamance County determines that the applicant has failed to furnish requested information necessary to make the determination;
iii. The final decision is to be made pursuant to a public hearing; or
iv. The applicant refuses access to its records or premises for the purpose of gathering information necessary to the Alamance County's decision.

d) The local government may attach conditions to the Authorization Certificate that support the purpose, spirit and intent of the riparian buffer protection program.

e) Any appeals of determinations regarding Authorization Certificates shall be referred to the Director. The Director's decision is subject to review as provided in G.S. 150B Articles 3 and 4.

7.3.5.2. VARIANCES.

Persons who wish to undertake prohibited uses may pursue a variance. Alamance County may grant minor variances only. For major variances, Alamance County shall prepare preliminary findings and submit them to the Division of Water Quality for approval. The variance request procedure shall be as follows:

a) For any variance request, Alamance County shall make a finding of fact as to whether there are practical difficulties or unnecessary hardships that prevent compliance with the riparian buffer protection requirements. A finding of practical difficulties or unnecessary hardships shall require that the following conditions are met:

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i. If the applicant complies with the provisions of this Ordinance, he/she can secure no reasonable return from, nor make reasonable use of, his/her property. Merely proving that the variance would permit a greater profit from the property shall not be considered adequate justification for a variance. Moreover, Alamance County shall consider whether the variance is the minimum possible deviation from the terms of this Ordinance that shall make reasonable use of the property possible;

ii. The hardship results from application of this Rule to the property rather than from other factors such as deed restrictions or other hardship;

iii. The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, such that compliance with provisions of this rule would not allow reasonable use of the property;

iv. The applicant did not cause the hardship by knowingly or unknowingly violating this Rule;

v. The applicant did not purchase the property after August 11, 2009, the effective date of 15A NCAC 02B .0267, and then request a variance; and

vi. The hardship is rare or unique to the applicant's property.

b) For any variance request, the local government shall make a finding of fact as to whether the variance is in harmony with the general purpose and intent of the State's riparian buffer protection requirements and preserves its spirit; and

c) For any variance request, Alamance County shall make a finding of fact as to whether, in granting the variance, the public safety and welfare have been assured, water quality has been protected, and substantial justice has been done.

7.3.5.2.1 MINOR VARIANCES

A minor variance request pertains to activities that will impact only Zone Two of the riparian buffer. Minor variance requests shall be reviewed and approved based on the criteria in subsection 7.3.5.2, by the Alamance County Board of Adjustment pursuant to N.C. Gen. Stat. 160D-705. The Board of Adjustment may attach conditions to the variance approval that support the purpose, spirit and intent of the riparian buffer protection program. Requests for appeals of decisions made by the Board of Adjustment shall be made in writing to the Director of the Division of Water Quality. The Director's decision is subject to

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review as provided in G.S. 150B Articles 3 and 4.

7.3.5.2.2 MAJOR VARIANCES

A major variance request pertains to activities that will impact any portion of Zone One or any portion of both Zones One and Two of the riparian buffer. If Alamance County has determined that a major variance request meets the requirements in subsection 7.3.5.2(a) through 7.3.5.2(c) above, then it shall prepare a preliminary finding and submit it to the Commission for approval. Within ninety (90) days after receipt by Alamance County, the Commission shall review preliminary findings on major variance requests and take one of the following actions:

- approve,
- approve with conditions and stipulations, or
- deny the request.

Appeals from a Commission decision on a major variance request are made on judicial review to Superior Court.

7.3.5.3. MITIGATION

Persons who wish to undertake uses designated as allowable with mitigation shall meet the following requirements in order to proceed with their proposed use:

a) Obtain a determination of "no practical alternatives" to the proposed use pursuant to subsection 7.5.3.1 of this Ordinance; and
b) Obtain approval for a mitigation proposal pursuant to 15A NCAC 02B .0268.

7.3.6 REQUIREMENTS SPECIFIC TO FOREST HARVESTING

The following requirements shall apply for forest harvesting operations and practices:

a) All the following measures shall apply in the entire riparian buffer as applicable:

i. Logging decks and sawmill sites shall not be placed in the riparian buffer;
ii. Access roads and skid trails shall be prohibited except for temporary and permanent stream crossings established in accordance with 15A NCAC 011 .0203. Temporary stream crossings shall be permanently stabilized after any site disturbing activity is completed;
iii. Timber felling shall be directed away from the stream or waterbody;
iv. Skidding shall be directed away from the stream or water body and shall be done in a manner that minimizes soil disturbance and prevents the creation of

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channels or ruts;

v. Individual trees may be treated to maintain or improve their health, form or vigor;

vi. Harvesting of dead or infected trees as necessary to prevent or control the spread of tree pest and disease infestation shall be allowed. These practices must be approved by the Division of Forest Resources for a specific site pursuant to the rule. The Division of Forest Resources must notify the Division of all approvals;

vii. Removal of individual trees that are in danger of causing damage to structures or human life shall be allowed;

viii. Natural regeneration of forest vegetation and planting of trees, shrubs, or ground cover plants to enhance the riparian buffer shall be allowed provided that soil disturbance is minimized;

ix. High-intensity prescribed burns shall not be allowed; and

x. Application of fertilizer shall not be allowed except as necessary for permanent stabilization. Broadcast application of fertilizer to the adjacent forest stand shall be conducted so that the chemicals are not applied directly to or allowed to drift into the riparian buffer.

b) In Zone One, forest vegetation shall be protected and maintained. Selective harvest as provided for below is allowed on forest lands that have a deferment for use value under forestry in accordance with G.S. 105-277.2 through 277.6 or on forest lands that have a forest management plan. A plan drafted under either option shall meet the standards set out in this Item. Copies of either the approval of the deferment for use value under forestry or the forest management plan shall be produced upon request. For such forest lands, selective harvest is allowed in accordance with the following:

i. Tracked or wheeled vehicles are permitted for the purpose of selective timber harvesting where there is no other practical alternative for removal of individual trees provided activities comply with forest practice guidelines for water quality as defined in 15A NCAC 01I .0101 through .0209, and provided no equipment shall operate within the first 10 feet immediately adjacent to the stream except at stream crossings designed, constructed and maintained in accordance with Rule 15A NCAC 011 .0203;

ii. Soil disturbing site preparation activities are not allowed; and

iii. (iii) Trees shall be removed with the minimum disturbance to the soil and residual vegetation.

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c) In addition to the requirements of (b) in this Item, the following provisions for selective harvesting shall be met:

i. The first ten (10) feet of Zone One directly adjacent to the stream or waterbody shall be undisturbed except for the removal of individual high value trees as defined provided that no trees with exposed primary roots visible in the streambank be cut unless listed as an exempt activity under Vegetation Management in the Table of Uses, subsection 7.3.4.2 of this Ordinance;

ii. In the outer twenty (20) feet of Zone One, a maximum of fifty (50) percent of the trees greater than five (5) inches DBH may be cut and removed. The reentry time for harvest shall be no more frequent than every fifteen (15) years, except on forest plantations where the reentry time shall be no more frequent than every five (5) years. In either case, the trees remaining after harvest shall be as evenly spaced as possible; and

iii. In Zone Two, harvesting and regeneration of the forest stand shall be allowed in accordance with 15A NCAC 01I .0100 through .0200 as enforced by the Division of Forest Resources.

7.3.7 Rule Implementation

This Rule shall be implemented as follows:

A. For Division-administered activities listed in Section 7.3.2. of this Ordinance, the Division shall continue to implement the requirements of this Rule, which it has done since its effective date of August 11, 2009.

B. Alamance County shall implement buffer programs approved by the Commission in September 2010 and January 2011, or subsequent revisions to those programs approved by the Commission or its delegated authority, to ensure that existing land use activities and proposed development complies with local programs. These programs are required to meet the standards set out in this Rule, 15A NCAC 02B .0268, and are guided by the model buffer program approved by the Commission in September 2009. Alamance County shall issue an approval for new development only if the development application proposes to avoid impacts to riparian buffers defined in subsection 7.3.3.1 of this Ordinance, or where the application proposes to impact such buffers, it demonstrates that the applicant has done the following, as applicable:

i. Determined that the activity is exempt from requirements of this Ordinance;

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ii. Received an Authorization Certificate from the Division pursuant to subsection 7.3.5.1 of this Ordinance for uses designated as Allowable or Allowable with Mitigation;

iii. For uses designated as Allowable with Mitigation, received approval of a mitigation plan pursuant to 15A NCAC 02B .0268; and

iv. Received a variance pursuant to Section 7.3.5 above.

C. Local governments shall continue to submit annual reports to the Division summarizing their activities in implementing the requirements of this Rule;

D. If a local government fails to adopt or adequately implement its program as called for in this Rule, the Division may take appropriate enforcement action as authorized by statute, and may choose to assume responsibility for implementing that program until such time as it determines that the local government is prepared to comply with its responsibilities; and

E. The Division shall periodically inspect local programs to ensure that they are being implemented and enforced in keeping with the requirements of this Rule. Local governments shall maintain on-site records for a minimum of five (5) years and shall furnish a copy of these records to the Division within thirty (30) days of receipt of a written request for them. Local programs' records shall include the following:

- A copy of all variance requests;
- Findings of fact on all variance requests;
- Results of all variance proceedings;
- A record of complaints and action taken as a result of complaints;
- Records for stream origin calls and stream ratings; and
- Copies of all requests for authorization, records approving authorization and Authorization Certificates.

7.3.8 Other Laws, Regulations and Permits

In all cases, compliance with this Rule does not preclude the requirement to comply with all other federal, state and local laws, regulations, and permits regarding streams, steep slopes, erodible soils, wetlands, floodplains, forest harvesting, surface mining, land disturbance activities, or any other landscape feature or water quality-related activity.

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ARTICLE 7 | ENVIRONMENTAL PROTECTION STANDARDS

PART IV. STORMWATER CONTROL REGULATIONS

Section 7.4.1. Authority p.255

Section 7.4.2. Purpose and Goal p.255

Section 7.4.3. Applicability..... p.255

Section 7.4.4 Exemptions ..... p. 256

Section 7.4.5 Permitting Procedures ..... p. 256

Section 7.4.6 Deed Restrictions and Protective Covenants ..... p. 257

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7.4.1. Authority

Alamance County is authorized to adopt and enforce stormwater regulations to control stormwater quantity in accordance with N.C. Gen. Stat. 160D-925. However, the regulations contained within this Ordinance shall not be construed to regulate stormwater quality under any circumstance.

7.4.2 Purpose and Goal

The purpose of these regulations is to protect, maintain and enhance public health, safety, the environment, and the general welfare of Alamance County residents by establishing minimum requirements and procedures to control the quantity of post-construction stormwater runoff. The rules under this section are adopted in order to minimize damage to public and private property and infrastructure, and to abate nuisances that arise from excessive stormwater runoff occurrences.

The goal of these regulations is to establish review standards, a decision-making process, and better record keeping practices for stormwater control measures associated with higher density developments.

7.4.3 Applicability

These regulations shall apply to all unincorporated areas of Alamance County. They may also apply within the corporate limits or extra-territorial jurisdictions of municipalities which adopt them by official resolution of their governing board.

Where new development proposals will contain a built-upon area of twenty-four (24) percent or more of a total project area, which may or may not include more than one parcel of land, applicants shall develop measures which adequately control stormwater quantity. Measures shall be designed to control for a "One-year, 24-hour storm," as defined by 15A NCAC 02H .1002(30). This standard equates to the maximum amount of rainfall during a twenty-four (24) consecutive-hour period expected, on average, to occur once a year. One-year, 24-hour storm depths are estimated by the National Oceanic and Atmospheric Administration (NOAA) Precipitation Frequency Data Server (PFDS), which is incorporated into this Ordinance by reference.

Applicants shall provide details of such control measures on Construction Plans or other site plan documents, as requested by the Planning Director, or their designee.

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7.4.4 Exemptions

The following project types shall not be subject to the regulations of this section:

- Development or redevelopment projects that cumulatively disturb less than one (1) acre of land and which are not part of a larger common plan of development or sale;
- Bona fide farming operations as defined by N.C. Gen. Stat. 160D-903 unless such developments are for nonfarm purposes;
- Development proposals will contain a built-upon area of less than twenty-four (24) percent or more of a total project area, whether or not they include more than one parcel of land.

Projects exempt under this section shall not automatically exempt development from other rules promulgated by the North Carolina Department of Environmental Quality (NCDEQ). Applicants are strongly encouraged to consult with NCDEQ prior to undertaking any development project which will disturb an acre or more of land.

The Planning Director, or their designee, may request documentation to verify that projects are not subject to this Ordinance or NCDEQ regulations. Permit approvals may be withheld if such requested information is not provided.

7.4.5 Permitting Procedures

Applicants proposing projects which are subject to this Ordinance shall comply with the following procedures:

1. Applicants may submit sketch plans or other preliminary documentation and request that the Planning Director, or their designee, assist with determining whether a project will be subject to requirements of this Ordinance;
2. Applicants may submit formal site plans or engineered drawings before or after official review by the Technical Review Committee;
3. If the Planning Director, or their designee, determines that stormwater control measures will be required for a given development, they shall transmit such information to the applicant in writing;
4. Stormwater control measures shall be designed by an engineer licensed in the State of North Carolina and certified that they will, at a minimum, control stormwater for a "One-year, 24-hour storm," as defined by 15A NCAC 02H .1002(30);
5. If stormwater control measures are required, plans for them shall be included on official Construction Plans or engineered drawings and they shall be a necessary part of the Technical Review Committee approval process.

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After stormwater control measures have been constructed, an official as-built site plan shall be submitted to the Planning Department containing certification from a licensed engineer that the as-built data complies with the approved drawings for the project. The Planning Director, or their designee, shall confirm receipt of these as-built plans and keep them on file with other records related to the project.

Failure to submit such as-built plans shall constitute grounds for stop work orders, withholding building permit approvals, or other enforcement actions found in Article 4 of this Ordinance.

7.4.6 Deed Restrictions and Protective Covenants

Property owners shall record deed restrictions which include maintenance responsibilities and procedures prior to submitting a final as-built site plan to ensure that stormwater control measures will be maintained in perpetuity consistent with the specifications included with the engineer's certified plans.

For subdivision developments, deed restrictions shall be included with a homeowners' association agreement. Such agreements shall specify the mechanism whereby the homeowners' association assumes ownership and maintenance responsibilities for stormwater control measures.

In the cases above such deed restrictions shall be recorded with the Alamance County Register of Deeds.

For projects owned by public entities, the permittee shall have the option to incorporate specific restrictions and conditions into a facility management plan or another instrument in lieu of deed restrictions and protective covenants. Such plans must be transmitted to the Planning Department and kept on file with other records related to the project.

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ARTICLE ~~7~~ 8| DEFINITIONS

~~7.1~~ 8.1 Word Usage

For the purpose of this Ordinance:

a) Certain terms and words are hereby defined;

b) Words used in the present tense shall include the future;

c) Words used in singular number shall include the plural number, and the plural shall also include the singular;

d) The word "person" includes a firm, association, corporation, Municipal Corporation, trust, and company as well as the individual;

e) The word "structure" shall include the word "building;"

f) The word "lot" shall include the words, "plot," "parcel," and "tract;"

g) The word "shall" is always mandatory and not merely discretionary;

h) The word "will" is always mandatory and not merely discretionary;

i) Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

~~7.2~~ 8.2 Definitions

ABANDONED MOBILE HOME

A manufactured home for which an owner cannot be located through reasonable efforts that include utilizing the Alamance County Tax Assessor's records and other appropriate sources.

ABANDONED MOTOR VEHICLE

A motor vehicle that is (1) left on public grounds or County-owned property in violation of a law or ordinance prohibiting parking; (2) left for longer than twenty-four consecutive hours on property owned or operated by the County; (3) left for longer than two consecutive hours on private property without the consent of the owner, occupant, of lessee or the property; or (4) left for longer than seven consecutive days on public grounds.

ACCESS TRAILS (from Jordan Lake Buffer Rules)

Pedestrian trails constructed of pervious or impervious surfaces and related structures to access a surface water, including boardwalks, steps, rails, and signage.

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ACCESSORY DWELLING UNIT(S)

Dwellings which exist on the same property as a primary residence and are connected to the same well and septic system or water and sewer source as the primary residence. These dwelling units shall be regulated in much the same manner as an accessory building, pool house, or similar structure which is clearly secondary to the primary structure.

ACCESSORY STRUCTURE or APPURTENANT STRUCTURE

A structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports, and storage sheds are common urban accessory structures. Pole barns, hay sheds, and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling, or shop building.

ADDITION

An extension or increase in the floor area or height of a building or structure.

ADDRESS ADMINISTRATOR

The official or officials of Alamance County charged with the administration of regulating addressing and road naming.

ADULT BOOK/VIDEO STORE

An establishment or business which: a) receives a majority of its gross income during any calendar month from the sale or rental of publications or having as a substantial or significant portion of stock in trade (including books, magazines, other periodicals, videotapes, compact discs, DVDs, or another photographic, electronic, magnetic, or imaging medium) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas; or b) has a preponderance (either in terms of the weight and importance of the material or in terms of greater volume of materials) of its publications (including books, magazines, other periodicals, videotapes, compact discs, DVDs, or another photographic, electronic, magnetic, or imaging medium) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.

ADULT CABERET

A cabaret which features topless dancers or waitresses, go-go dancers, exotic dancers, male or female impersonators, or similar entertainment.

ADULT ESTABLISHMENT

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An adult bookstore, adult motion picture theatre, adult mini-motion picture theatre, adult live entertainment business, adult motel, escort service, or massage business as defined in this Ordinance. This term shall also include establishments and businesses that feature servers and employees who display Specified Anatomical Areas as defined herein.

ADULT LIVE ENTERTAINMENT

Any performance of or involving the actual presence of real individuals which exhibits Specified Sexual Activities or Specified Anatomical Areas, as defined in this Ordinance. This term shall not include live theatre performances which have serious literary, artistic, or political value.

ADULT LIVE ENTERTAINMENT BUSINESS

Any establishment or business wherein adult live entertainment is shown for observation by patrons.

ADULT MINI-MOTION PICTURE THEATER

An enclosed building with viewing booths or an enclosed building or open air theater with a capacity of less than fifty persons designed to hold patrons which is used for presenting motion pictures, a preponderance of which are distinguished or characterized by emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas as defined herein, for observation by patrons therein.

ADULT MOTEL

A hotel, motel, or similar commercial establishment that: a) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that depict or describe Specified Sexual Activities or Specified Anatomical Areas as one of its principal business purposes; b) offers a sleeping room for rent for a period of time that is less than ten hours; or c) allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.

ADULT MOTION PICTURE

A motion picture which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas. This term shall not include motion pictures which have serious artistic, political, or scientific value.

ADULT MOTION PICTURE THEATER

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An enclosed building or open air theater with a capacity of fifty or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas or an enclosed building or premises used for presenting adult motion pictures for observation by patrons therein. This term shall not include motion picture theatre establishments which present films of serious literary, artistic, political, or scientific value.

AGRICULURAL FARMING OPERATIONS

A bona fide farming operation whose primary purpose is the production of agricultural products including but not limited to crops, fruits, Christmas trees, forestry, vegetables, ornamental or flowering plants, dairy, livestock, poultry, swine, and all other forms of agricultural products having a domestic or foreign market. When performed on the farm, "agriculture", "agricultural", and "farming" also include the marketing and selling of agricultural products, agritourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural items produced on the farm, and similar activities incident to the operation of a farm. Included with this definition is the operation, equipment operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation.

AGRICULTURAL PRESERVATION DISTRICT

A parcel or tract of land or a group of parcels or tracts of land that have qualified for and have been accepted for inclusion into the Alamance County Voluntary Farmland Preservation Program.

AIRPORT (from Height Restriction Ordinance, HRO)

The Burlington-Alamance Regional Airport.

AIRPORT AUTHORITY (from HRO)

The Burlington-Alamance Airport Authority and its agents; a governing body charged with administering the operations of the Burlington-Alamance Airport.

AIRPORT ELEVATION (from HRO)

The established elevation of the highest point on the usable landing area; 616.1’ mean sea level, MSL.

AIRPORT FACILITIES (from Jordan Lake Buffer Rules)

All properties, facilities, buildings, structures, and activities that satisfy or otherwise fall within the scope of one or more of the definitions or uses of the words or phrases 'air navigation facility', 'airport', or 'airport protection privileges' under G.S. 63-1; the definition of 'aeronautical facilities' in G.S. 63-79(1); the phrase 'airport facilities' as used in G.S. 159-48(b)(1); the phrase 'aeronautical facilities' as defined in G.S. 159-81

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and G.S. 159-97; and the phrase 'airport facilities and improvements' as used in Article V, Section 13, of the North Carolina Constitution, which shall include, without limitation, any and all of the following: airports, airport maintenance facilities, clear zones, drainage ditches, fields, hangars, landing lighting, airport and airport-related offices, parking facilities, related navigational and signal systems, runways, stormwater outfalls, terminals, terminal shops, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way; restricted landing areas; any structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport or restricted landing area; easements through, or interests in, air space over land or water, interests in airport hazards outside the boundaries of airports or restricted landing areas, and other protection privileges, the acquisition or control of which is necessary to ensure safe approaches to the landing areas of airports and restricted landing areas, and the safe and efficient operation thereof and any combination of any or all of such facilities. Notwithstanding the foregoing, the following shall not be included in the definition of 'airport facilities':

(i) Satellite parking facilities;

(ii) Retail and commercial development outside of the terminal area, such as rental car facilities; and

(iii) Other secondary development, such as hotels, industrial facilities, free-standing offices and other similar buildings, so long as these facilities are not directly associated with the operation of the airport, and are not operated by a unit of government or special governmental entity such as an airport authority, in which case they are included in the definition of 'airport facilities'.

AIRPORT HAZARD (from HRO)

Any overhead powerline, not constructed, operated, and maintained according to standard engineering practices in general use which interferes with radio communication or navigation between a publicly owned airport and aircraft approaching or leaving same, or any structure of tree or use of land which obstructs the airspace required for the landing or takeoff of aircraft.

AIRPORT REFERENCE POINT (HRO)

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The point established as the approximate geographic center of the airport landing area and so designated.

ALTERATION OF A WATERCOURSE

A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard, or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

ANTENNA ARRAY (from Wireless Communication Facilities Ordinance, WCFO)

One or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include herein-directional antenna (rod), directional antenna (panel), and parabolic antenna (disc). This does not include the support structure.

ANTIQUE MOTOR VEHICLE

A motor vehicle, but not a reproduction thereof, manufactured more than twenty-five years prior to the current year and which, because of discontinued production and limited availability, is considered to be a model or make of significant value to collectors or exhibitors and which has been maintained in or restored, or will be maintained in or restored to a condition which is substantially in conformity with the manufacturer's specifications and appearance, and is listed for ad valorem taxes in Alamance County.

APPEAL

An official request for the review of any decision or interpretation of any provision of this Ordinance made by the Planning Director, or their designee. In all cases, appeals of administrative decisions shall be made to the Alamance County Board of Adjustment.

APPLICANT

A person, firm, or corporation who is the legal owner of a property, or a representative acting on behalf of an owner, proposing to subdivide or develop a property which is subject to the regulations of this Ordinance. (See also "Developer")

APPROACH SURFACE

An inclined plane longitudinally centered along the extended runway centerline, sloping outward and upward from the end of the primary surface. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH ZONE (from HRO)

An area beneath the approach surface as set forth in Section 6.6 of this Ordinance.

AREA OF FUTURE-CONDITIONS FLOOD HAZARD (from FDPO)

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The land area that would be inundated by the one-percent-annual-chance (100 year) flood base on future-conditions hydrology.

AREA OF OPERATIONS

The portion of a tract of land on which an industry is situated that is actually under use, or may actually be put to use in the future, for operations by the industry, including the area occupied by buildings, structures, parking, equipment, storage, stormwater control measures, and other uses necessary for the business of the industry. Area of operations shall not include required setbacks or those areas required by this Ordinance, or any other regulations, to be kept in a vegetative state.

AREA OF SHALLOW FLOODING (from FDPO)

A designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD (from FDPO)

See "Special Flood Hazard Area (SFHA).

AREAS REQUIRING DAILY COVERAGE (from Solid Waste Ordinance, SWO)

Areas designated for the disposal of solid waste, and which necessitate a daily covering of soil or other material as approved by the State.

ASPHALT PLANT

Establishments, with all related equipment, for the manufacture and production of asphalt and tar paving mixtures and blocks from purchased asphaltic materials (NAICS 324121). Also included in this definition are establishments engaged in manufacturing asphalt and tar paving mixtures and blocks and roofing cements and coatings from purchased asphaltic materials and/or saturating purchased mats and felts with asphalt or tar (NAICS 32412 and 324122).

ASSISTED LIVING FACILITY

Any group housing and services program for two or more unrelated adults, however named, which makes available, at a minimum, one meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one or more North Carolina licensed home care or hospice agencies.

ATTACHED WIRELESS COMMUNICATION FACILIT (from WCFO)

An antenna array that is attached to an existing structure. These structures include, but are not limited to, utility poles, signs, water towers, rooftops, equipment facilities, and towers with any accompanying pole or device which attaches the antenna array to the existing building or structure and associated connection cables.

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AUTOMOBILE GRAVEYARD

Any establishment or place of business which is maintained, used or operated for storing, keeping, buying, or selling six or more wrecked, scrapped, ruined, or dismantled motor vehicles, or motorized equipment; or any establishment or place of business upon which six or more unlicensed used motor vehicles or motorized equipment which cannot be operated under their own power are kept or stored for a period of fifteen days or more shall be deemed an "automobile graveyard" within the meaning of this ordinance.

AUTOMOTIVE SALVAGE FACILITY

Establishments primarily engaged in the merchant wholesale and retail distribution of used motor vehicle parts and establishments primarily engaged in dismantling motor vehicles for the purpose of selling the parts (NAICS 423140).

AUTOMOTIVE STORAGE FACILITY

Establishments primarily intended for the ~~short or long term~~ short- or long-term storage of wrecked or inoperative automobiles pending sale of the entire automobile. This definition does not include establishments where the storage of automobiles is ancillary to the repair of the automobiles stored, such as at a garage or repair shop.

BALANCE OF WATERSHED, BOW

The entire land area contributing surface drainage to a specific point, the public water supply intake, minus the watershed critical area.

BASE FLOOD

The flood having a one-percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION

A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area," it may be obtained from engineering studies available from Federal, State, or other sources using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard," establishes the "Regulatory Flood Protection Elevation."

BASEMENT

Any area of the building having its floor subgrade, or below ground level, on all sides.

BOARD OF ADJUSTMENT

The body established and appointed by the Alamance County Board of Commissioners to preside over and decide all quasi-judicial matters.

BOARD OF COMMISSIONERS

The Alamance County Board of Commissioners.

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BONA FIDE FARM

See agricultural operations.

BUFFER

An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

BUILDING

See "structure." Any structure having a roof supported by columns or by walls, and intended for shelter, housing, or enclosure of persons, animals, or property. The connection of two buildings by means of an open porch, breezeway, passageway, carport, or other such open structure, with or without a roof, shall not be deemed to make them one building.

BUILDING SETBACK LINES

A line parallel to the street right-of-way line or front property line, side property lines, and rear property line of a lot. Buildings and structures shall not be erected within the area between said lot lines and the building setback lines. Setback regulations shall only be applicable to permanent structures and not movable or personal property.

BUILT-UPON AREA

Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas (such as roads, parking lots, paths), recreation facilities (such as tennis courts), etc. Wooden slatted decks and the water area of a swimming pool are not considered pervious.

BULKY WASTE

The remains of, or pieces and parts of, large items of solid waste such as household appliances, furniture, automobiles, large auto parts, machinery, trees, stumps, or other tree remnants greater than six inches in diameter and other oversized or nonputrescible solid waste, both combustible and noncombustible, whose large size precludes or complicates their handling by normal solid waste collections, processing, or disposal methods.

BUSINESS

Any marketing activity conducted for the sale, trade, or barter of goods or services for a profit.

CABERET

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Any place wherein any type of alcoholic beverage is sold (or given away) to be consumed on the premises and the operator thereof holds a license from the state to sell such beverages.

CEMENT MANUFACTURING

establishments primarily engaged in manufacturing portland, natural, masonry, pozzolanic, and other hydraulic cements. Cement manufacturing establishments may calcine earths or mine, quarry, manufacture, or purchase lime (NAICS 327310).

CHARITABLE ORGANIZATION

An organization as defined in Section 501(c)(3) of the Internal Revenue Code which is primarily set up for the purposes of receiving and redistributing donated goods.

CHEMICAL MANUFACTURING

establishments primarily involved in the production, synthesis, formation, processing, refining, manufacturing, and/or distribution of chemical products in bulk, for other than retail sales on-site (including all chemical manufacturing in NAICS subsector 325).

CHEMICAL STORAGE FACILITY (from FDPO)

A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

CHILD CARE FACILITY

A child care facility as defined in G.S. §110-86 or any successor statute thereto.

CHURCH

Any building used on a regular basis for the primary purpose of serving as a place of public worship.

CLEARWAY ~~(Manufactured Home Park ordinance, MHP)~~

A cleared area of land in a manufactured home park or recreational vehicle park which contains the travelway, that is free of all obstacles that would prevent access by vehicles for emergency or other purposes. The clearway is privately owned by the ~~manufactured home~~ park operator. and its function is similar to that of a public right of way.

CLERK

The Clerk to the Alamance County Board of Commissioners.

CLUSTER DEVELOPMENT

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The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term includes nonresidential development as well as single-family residential and multi-family developments. For the purpose of this Ordinance, planned unit developments and mixed-use development are considered as cluster development.

COLLECTION

The act of removing solid waste, residential household garbage, or recyclable material from a point of generation to a central storage point or to a disposal site, and from a central storage point to a disposal site.

COLOCATION

Use of a communication facility or site by more than one wireless communication license holder or by one wireless communication license holder for more than one type of communications technology and/or placement of an antenna array on a structure owned and operated by a utility or public entity.

COMMERCIAL

The use of land for the purpose of operating a business intended to profit, whether or not a profit is actually realized, through the exchange of monies for goods and/or services.

COMMERCIAL GENERATOR

Any generator of Target Recyclables located in Alamance County other than a Residential Generator, and includes but is not limited to businesses, institutions, and public entities.

COMMERCIAL HAULER

Any person, whether or not for hire or profit, which collects and/or transports Target Recyclables and/or Solid Waste originated from a location other than the Person's residence or place of business. The operation of a Buyback Center shall not be deemed activities of a Commercial Hauler. Excluded from this definition is any eleemosynary organization.

COMMERCIAL SOLID WASTE

Solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities.

COMMITTEE

The Alamance County Voluntary Agriculture District Committee.

<u>COMPREHENSIVE PLAN/LAND DEVELOPMENT PLAN</u>

<u>The Land Development Plan, adopted by the Alamance County Board of Commissioners on November 18, 2020, which sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the county.</u>

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CONICAL SURFACE

A surface extending from the periphery of the horizontal surface at a slope of twenty feet outward for each foot upward (20:1) for a horizontal distance of 4,000 feet.

CONICAL ZONE

An area beneath the conical surface as set forth in Section 6.6 of this Ordinance.

CONSERVATION AGREEMENT

A right, whether stated in the form of a restriction, easement, covenant, condition, or otherwise, that is conveyed through a deed, will or any other instrument executed by or on behalf of the owner of land to the County for the purposes mentioned under this Ordinance. This right may be stated in the form of a negative restriction, executed on behalf of the owner of the land, whether appurtenant or in gross, and acquired by the County for the purpose of preserving the natural character of the land in accordance with the goals outlined under this ordinance and consistent with the Conservation and Historic Preservation Agreements Act.

CONSTRUCTION ACTIVITIES

Any studies, investigations, improvements, or other activities undertaken at the site of a proposed regulated industry pertaining to the construction, placement, erection, or establishment of the same, including but not limited to surveys, soil and other environmental tests, clearing and grading, pouring footers or pads, placing building materials or equipment at the site, locating or constructing buildings, structures, or other improvements, or any other similar activities, except those similar activities constitute operations as defined in this ordinance

CONSTRUCTION AND DEMOLITION WASTE

Solid waste including, but not limited to, waste building materials, packaging, and rubble resulting from construction, remodeling, repair, or demolition operations on pavements, houses, commercial buildings, or other structures, but not including inert debris, land-clearing debris, or yard trash.

COUNTY

Alamance County – a body corporate and politic existing under the laws of North Carolina.

<u>DATA CENTER (SMALL SCALE)</u>

DRAFT

A facility or group of facilities primarily used to house, operate, or maintain computer servers, data-storage equipment, networking equipment, or other information-technology equipment for the processing, storage, transmission, or distribution of digital data. The term includes associated buildings, cooling systems, backup-generation equipment, electrical substations or switchyards located on the same development site, and other appurtenant facilities. Facilities of this variety are designed, proposed, or reasonably anticipated to require aggregate maximum electric demand of up to ten (10) megawatts, measured at the point or points of electrical service or interconnection.

DATA CENTER (HYPERSCALE)

A facility or group of facilities primarily used to house, operate, or maintain computer servers, data-storage equipment, networking equipment, or other information-technology equipment for the processing, storage, transmission, or distribution of digital data. The term includes associated buildings, cooling systems, backup-generation equipment, electrical substations or switchyards located on the same development site, and other appurtenant facilities. Facilities of this variety are designed, proposed, or reasonably anticipated to require aggregate maximum electric demand of ten (10) megawatts or more, measured at the point or points of electrical service or interconnection.

DEAD STORAGE

Keeping or accumulating items or materials that are not being used for their intended purpose(s) for an extended period of time.

DEBRIS

The remains of, or pieces and parts of, destroyed buildings, automobiles, machinery, furniture, and other non-putrescible solid wastes, combustible and noncombustible.

DESIGN FLOOD

See “Regulatory Flood Protection Elevation.”

DEVELOPER

Any person undertaking any development as defined in this Ordinance. (See also “Applicant”)

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

As related to watershed protection standards, any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

DRAFT

DEVELOPMENT ACTIVITY, as related to Flood Damage Prevention Standards

Any activity defined as "development" which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including but not limited to: fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

DEVELOPMENT RIGHTS

The right to construct a building or structure, to improve land, or to extract minerals expressly reserved for the owner or interest holder of real property.

DIGITAL FLOOD INSURANCE RATE MAP, DFIRM

The digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

DIRECT ACCESS

A means of approaching or entering a property by virtue of the fact that it fronts or abuts a public or private road. Direct access shall not be achieved if approaching or entering a property is required by first traveling through another property or through access easements or other arrangements that exist between a property and a public or private road.

DISCHARGING LANDFILL

A facility with liners, monitoring equipment, and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.

DISCONTINUED

A voluntary or involuntary cessation of the original permitted use.

DISPOSAL

As defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

DISTRICT

Voluntary Agricultural District as established by this Ordinance.

~~DOT~~

~~North Carolina Department of Transportation.~~

DRAGSTRIP OR RACETRACK

Any commercial facility for the conducting of races of human- operated machines (e.g. automobiles, go-carts, lawnmowers or motorcycles).

DRIVEWAYS

A private way or street beginning at the property line of a lot abutting a public street, private street, easement or private right-of-way that will give access from a public street, recorded easement, recorded private street, or private right-of-way, and shall not serve more than two structures.

DWELLING

A building or structure that may be used as a place of residence.

DWELLING UNIT (from WPO)

As related to Watershed Protection standards, A building, or portion thereof, providing complete and permanent living facilities for one family.

As related to Heavy Industrial Development, (single and multi-family) any building, manufactured home, or modular home providing complete independent living facilities for a single or multi-family, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Two or more manufactured homes which are combined on one lot or parcel shall be considered as a single dwelling unit if they are joined together in one living unit for the use of a single family and meet all of the requirements for a "dwelling unit" under the Watershed Protection standards.

EASEMENT

A grant by the property owner for use by the public, a corporation, or person(s) to use a strip of land for a specific purpose.

EDUCATIONAL FACILITY

Any elementary school, secondary school, charter school, private school, community college, college, university, or any other similar institution or facility for the education of persons, including any property owned by such facility used for educational purposes.

ELECTRICITY GENERATING FACILITY

Any stand-alone plant not ancillary to another land use which is intended for the commercial generation of electric power from any source other than solar, hydroelectric, and wind, including but not limited to fossil fuels, nuclear, or waste products, to be primarily distributed to the public for compensation. This definition shall not apply to an agricultural farm, residence, business, or other facility where the sale of the electricity so produced is secondary to on-site consumption.

ELEVATED BUILDING

A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

DRAFT

ENCROACHMENT

The advance or infringement of uses, fill, excavation, buildings, structures, or development into a special flood hazard area, which may impede or alter the flow capacity of a floodplain.

EQUIPMENT FACILITY

Any structure used to contain ancillary equipment for a wireless communication facility.

ESCORT SERVICE

An establishment or business that coordinates the provision of companionship for a fee. This does not involve the arrangement of assignations or prostitution, nor does it include businesses which provide companionship as an ancillary part of health care, mental health, or child supervisory services.

ESTABLISHMENT

Any real property on which or in which there is operated or maintained any commercial, industrial, or service business or activity for profit.

EXISTING DEVELOPMENT

Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this Ordinance or those ordinances repealed and replaced by this ordinances, based on at least one of the following criteria: a) substantial expenditures of resource (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, b) having an outstanding valid building permit as authorized by the General Statutes (NCGS 153A-344.1 and NCGS 160A-385.1), or c) having an approved site specific or phased development plan as authorized by the General Statutes (NCGS 153A-344.1 and NCGS 160A-385.1)

EXISTING LOT

A lot or tract of land which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this Ordinance, or a lot or tract of land described by metes and bounds, the description of which has been so recorded prior to the adoption of this Ordinance.

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION

DRAFT

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community- or- a manufactured home park for which plans have been submitted to and approved by the Health Director or Planning Director on or before the date of adoption of these rules (previously approved MHPO was adopted November 16, 2015)

FAA

The Federal Aviation Administration

FALL ZONE

The radius around the base of the tower or attached wireless communication facility that is equal to the height of the tower. This is the area in which a collapsing tower or facility should fall.

FCC

The Federal Communications Commission

FTA

The Federal Telecommunications Act of 1996

FARM DISTRICT

A property used for bona fide agricultural purposes as defined by N.C. Gen. Stat. 160D-903 and categorized as either Present Use Value, Permanently Preserved, or Voluntary Agricultural District.

FEMA

The Federal Emergency Management Agency.

FENCE (Solid)

A continuous, opaque, unperforated barrier extending from the surface of the ground to a uniform height of not less than six (6) feet from the ground at any given point, constructed of wood, stone, or other metal, or any substance of a similar nature and strength and shall be weather and rot resistant.

FENCE (Perforated)

A continuous barrier extending from the surface of the ground to a uniform height of not less than six (6) feet from the ground at any given point, constructed of galvanized, zinc or weather coated wire, steel or any substance of a similar nature and strength, no less than 14 gauge in thickness, but with perforations or openings which are no larger than sixteen (4" x 4") square inches.

DRAFT

NOTE: Particular guidelines on fence height, materials, and other features may vary depending on the specific sections found within this Ordinance. Where fence requirements conflict with these definitions, the most strict application of standards shall apply.

FLOOD, or FLOODING

A general and temporary condition of partial or complete inundation of normally dry land areas from: a) the overflow of inland or tidal waters; and/or b) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)

An official map of a community, issued by the FEMA, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

FLOOD HAZARD AND BOUNDARY MAP (FHBM)

An official map of a community, issued by the FEMA, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

FLOOD INSURANCE

The insurance coverage provided under the National Flood Insurance Program.

FLOOD INSURANCE RATE MAP (FIRM)

An official map of a community, issued by the FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated, see also DFIRM.

FLOOD INSURANCE STUDY (FIS)

An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

FLOOD PRONE AREA

See “Floodplain.”

FLOOD ZONE

A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

FLOODPLAIN

Any land area susceptible to being inundated by water from any source.

DRAFT

FLOODPLAIN ADMINISTRATOR

The individual appointed to administer and enforce the floodplain management regulations.

FLOODPLAIN DEVELOPMENT PERMIT

Any type of permit that is required in conformance with the provisions of this Ordinance, prior to the commencement of any development activity.

FLOODPLAIN MANAGEMENT

The operation of an overall program of corrective and preventative measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to: emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

FLOODPLAIN MANAGEMENT REGULATIONS

This Ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes federal, state, or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

FLOODPROOFING

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

FLOOD-RESISTANT MATERIAL

Any building product (material, component, or system) capable of withstanding direct or prolonged contact (minimum of seventy-two hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Material Requirements*, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

FLOODWAY

The channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

DRAFT

FLOODWAY ENCROACHMENT ANALYSIS

An engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.

FOREST MANAGEMENT PLAN (from Jordan Lake Buffer Rules)

A document that defines a landowner's forest management objectives and describes specific measures to be taken to achieve those objectives. (N.C. Gen. Stat. 160D-921)

FOREST PLANTATION (from Jordan Lake Buffer Rules)

An area of planted trees that may be conifers (pines) or hardwoods. On a plantation, the intended crop trees are planted rather than naturally regenerated from seed on the site, coppice (sprouting), or seed that is blown or carried into the site.

FREEBOARD

The height added to the BFE to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the "Regulatory Flood Protection Elevation."

FREESTANDING WIRELESS COMMUNICATION TOWER

A wireless communication tower that is not attached to any existing building or structure, such as a utility pole, water tower, equipment facility, rooftop, or wall.

FUEL BULK STORAGE FACILITIES

Any establishment whose primary purpose is the wholesale or retail distribution, storage, distribution, mixing, or transfer of flammable or combustible liquids, gases, or solids, received or transferred by truck, train, tank vessel, pipelines, tank car, piping, portable tank or containers, or other method, including propane, methane, ethanol, gasoline, kerosene, oil, coal, and other fuels. This definition shall not include filling stations used solely for distribution to individual consumers; nor shall it include fuel stored at or on an agricultural farm, residence, business, or other facility where use of the fuel stored is limited primarily to on-site consumption (NAICS 424710 and 424720).

FUNCTIONALLY DEPENDENT FACILITY

A facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture sales, or service facilities.

DRAFT

GARBAGE

All putrescible waste, including food waste, animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human waste, and shall mean and include all such substances from all public and private establishments except residences.

GATE

A door or other device attached to a fence which, when opened, provides a means of ingress and egress of persons and things and which, when closed, forms a continuous barrier as part of the fence to which it is attached.

GENITALS

Male of female organs of sex and excretion. This includes the anus, penis, testicles, vulva, vagina, clitoris, and *mons veneris*. This term does not include female breasts.

GOVERNING BOARD

Refers to the Alamance County Board of Commissioners in almost all cases, especially when making legislative decisions concerning land use in the unincorporated areas of the county. Also refers to municipal elected bodies when those boards have established that the Alamance County Historic Properties Commission will serve as their Historic Properties Commission for the purpose of dealing with Historic Preservation matters as outlined in N.C. Gen. Stat. 160D, Part 4.

GREENWAY / HIKING TRAILS (from Jordan Lake Buffer Rules)

Pedestrian trails constructed of pervious or impervious surfaces and related structures including but not limited to boardwalks, steps, rails, and signage, and that generally run parallel to the shoreline.

HAZARD TO AIR NAVIGATION

An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HAZARDOUS PRODUCTION MATERIAL (HPM)

A solid, liquid, or gas that has a degree rating in health, flammability, laboratory, or production processes which have as their end product materials which are not hazardous, as defined in North Carolina State Building Code Volume V – Fire Prevention.

HAZARDOUS WASTE

DRAFT

A solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may: a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

HAZARDOUS WASTE MANAGEMENT FACILITY

As defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

HEALTH DIRECTOR

The director of the Alamance County Health Department, or his authorized representative.

HEALTH DEPARTMENT

The Alamance County Health Department.

HIGH VALUE TREE (from Jordan Lake Buffer Rules)

A tree that meets or exceeds the following standards: for pine species, 14-inch DBH or greater or 18-inch or greater stump diameter; or for hardwoods and wetland species, 16-inch DBH or greater or 24-inch or greater stump diameter.

HEIGHT (from HRO)

As related to Height Restriction standards, For the purpose of determining the height limits in all zones set forth in section 6.6 and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

As related to Wireless Communication Facilities, the distance measured from the ground to the highest point on the wireless communication facility.

HIGHEST ADJACENT GRADE, HAG

The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

HIGHLY TOXIC MATERIAL, HTM

A material which produces a lethal dose or lethal concentration within those categories as defined by the Code of Federal Regulations: Title 29, CFR 1910.1200, as defined in North Carolina State Building Code Volume V – Fire Protection.

HIKING TRAILS

(see GREENWAY/HIKING TRAILS)

HISTORIC STRUCTURE

DRAFT

Any structure that is: a) listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements of individual listing on the National Register; b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; c) individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program;" or d) certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government Program."

Certified Local Government (CLG) Programs are approved by the U.S. Department of the Interior in cooperation with the N.C. Department of Natural and Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

HOLDER

The County acquiring the property or property rights from the owner.

HORIZONTAL SURFACE, also BURLINGTON SAFETY SURFACE

A circular horizontal plane 100 feet above the airport elevation established by swinging arcs of 10,000 feet radii from the end of the primary surface of each runway end centerline and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

HORIZONTAL ZONE

An area beneath the horizontal surface as set forth in Section 6.6 this Ordinance.

HOSPITAL

Any facility as defined in G.S. §131E-76(3) or any successor statute thereto.

HOUSE TRAILER

Any trailer or semi-trailer designed and equipped to provide living or sleeping facilities and to be drawn by a motor vehicles.

HOUSING UNIT

Any house, manufactured home, an apartment, a group of homes, or a single room occupied or intended for occupancy as separate living quarters for one or more humans.

IMPERVIOUS SURFACE

See "Built-upon area."

<u>INDUSTRIAL DEVELOPMENT</u>

DRAFT

Any non-residential development that requires a National Pollutant Discharge Elimination System (NPDES) permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning, or developing any product or commodity.

INDUSTRIAL SOLID WASTE

All garbage and refuse from establishments other than those classified as residential.

INERT DEBRIS

Solid waste solely consisting of material that is virtually inert and is likely to retain its physical and chemical structure under expected conditions of disposal.

INSTITUTIONAL SOLID WASTE

Solid waste generated by educational, healthcare, correctional, and other institutional facilities.

JUNKED CAR

An unlicensed used motor vehicle or motorized equipment which cannot be operated under its own power.

JORDAN NUTRIENT SUPPLY OR JORDAN WATER SUPPLY NUTRIENT STRATEGY

The set of Rules 15A NCAC 2B.0262 through .0273 and .0311(p).

JORDAN RESERVOIR

The surface water impoundment operated by the US Army Corps of Engineers and named B. Everett Jordan Reservoir, as further delineated for purposes of the Jordan nutrient strategy in Rule 15A NCAC 2B.0262(4).

JORDAN WATERSHED

All lands and waters draining to B. Everett Jordan Reservoir.

JUNKED MOTOR VEHICLE

A motor vehicle that does not display a current license plate and also: (1) is partially dismantled or wrecked; (2) cannot be self-propelled or moved in the manner in which it originally was intended to move and is not being renovated and/or restored; or (3) is more than five years old and appears to be worth less than one hundred dollars.

JUNKYARD

An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for maintenance or operation of an automobile graveyard. The term shall include garbage dumps and sanitary landfills.

LAND-CLEARING DEBRIS

DRAFT

Solid waste generated solely from land clearing activities.

LANDFILL

A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the NCGS.

LANDFILL (INERT DEBRIS)

A disposal facility, or part of a disposal facility, where inert debris, land-clearing debris, yard trash, similar vegetative waste, asphalt, cured concrete, brick, concrete block, gravel, or rock is placed long-term in or on a parcel of land. This shall not include waste containing chemical adhesives or sealants, or lead-based paint. For the purposes of this Ordinance, these landfills may not accept those waste types associated with Landfills of the non-inert debris category.

LANDING AREA

Thea area of the Airport used for the landing, takeoff, or taxiing of aircraft.

LETTER OF MAP CHANGE, LOMC

An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

a) Letter of Map Amendment (LOMA): an official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective FIRM and establishes that a specific property, portion of a property, or structure is not located in a Special Flood Hazard Area.

b) Letter of Map Revision (LOMR): a revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

c) Letter of Map Revision Based on Fill (LOMR-F): a determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within a special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

DRAFT

d) Conditional Letter of Map Revision (CLOMR): a formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

LOT

A portion of a subdivision, or any other parcel of land, intended as a unit for a transfer of ownership or for development. Lot is further defined by:

CORNER LOT – a lot abutting upon two or more streets at their intersection.

DOUBLE FRONTAGE LOT – a continuous lot between two streets accessible from both of the streets which it fronts. Corner lots are not included unless they front on three streets.

LOT DEPTH – the distance of a line connecting the midpoints of the front and rear lines of a lot.

LOT WIDTH – the distance between the sidelines of a lot measured on a line drawn perpendicular to the line used in measuring lot depth and bisecting said line at its midpoint.

REVERSE FRONTAGE LOT – a continuous lot between two streets accessible from only one of the streets upon which it fronts.

LOT OF RECORD

See "Existing Lot."

LOWEST ADJACENT GRADE, LAG

The elevation of the ground, sidewalk, or patio slab immediately next to the building or deck support after completion of the building.

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

~~MAJOR RESIDENTIAL SUBDIVISION~~

~~A housing subdivision that includes fourteen or more lots which have been approved for residential purposes.~~

MAJOR VARIANCE <u>(WATERSHED)</u>

A variance from the minimum statewide watershed protection rules, that results in any one or more of the following: a) the relaxation, by a factor greater than ten percent, or any management requirement under the low density option; b) the relaxation, by a factor greater than five percent, of any buffer, density, or built upon area requirement under the high density option; c) any variation in the design, maintenance, or operation requirements of a wet detention pond or other approved stormwater management system.

MANUFACTURED HOME

Class A

A manufactured home that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development through the National Manufactured Housing Construction and Safety Standards Act of 1974.

Class B

A used, unaltered, undamaged manufactured home that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development through the National Manufactured Housing Construction and Safety Standards Act of 1974.

Class C

A used, unaltered, undamaged manufactured home that is not certified according to the standards promulgated by the US Department of Housing and Urban Development through the National Manufactured Housing Construction and Safety Standards Act of 1974.

Class D

A manufactured home which was constructed outside of the standards or prior to the effective date of the National Manufactured Housing Construction and Safety Standards Act of 1974, or which has been damaged, weathered, or altered in a way that will not meet applicable building code.

As related to Flood Damage Prevention standards - A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

DRAFT

As related to Dead Storage of Manufactured Homes standards - a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or forty body feet or more in length, or, when erected on site, is three hundred and twenty or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. For the purposes of this Ordinance, mobile homes shall be synonymous with manufactured homes, but travel trailers and campers shall not be considered manufactured homes.

As related to Manufactured Home Park standards: also known as Mobile Home, a residential dwelling unit designed for transportation after fabrication on its own wheels or on flatbeds or other trailers, and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy except for minor unpacking and assembly operations. Travel trailers, campers, or motor homes (or any other transportable structure with or without a permanent foundation) being used as a residence within an approved Manufactured Home Park shall not be considered a manufactured home. Travel trailers, campers, and motor homes being stored on a site (and not used as a residence on site) shall not be considered manufactured homes.

MANUFACTURED HOME PARK OR SUBDIVISION

As related to a park comprised of three or more manufactured homes on one tract of land, regardless of whether or not a fee is charged to occupy the land.

MANUFACTURED HOME SPACE

That portion of land in a Manufactured Home Park allotted to or designed for accommodation of one manufactured home.

MARKET VALUE

The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

MASSAGE

The manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping by hand or mechanical device.

MASSAGE BUSINESS

An establishment or business wherein massage is practiced. This includes establishments commonly known as health clubs, physical culture studios, or massage parlors.

MASTER STREET ADDRESS GUIDE, MSAG

DRAFT

Consists of the street name, addresses, and emergency service providers for that range. This lookup became the key step for Enhanced 9-1-1 services.

MEDICAL WASTE

Any solid waste which is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, but does not include any hazardous waste, radioactive waste, or those substances excluded from the definition of solid waste.

METAL RECYCLING AND SALVAGE FACILITIES

Establishments primarily engages in the merchant wholesale distribution of automotive scrap, industrial scrap, and other recyclable materials. Included in this industry are auto wreckers primarily engaged in dismantling motor vehicles for the purpose of wholesaling scrap (NAICS 423930).

MINING

The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from their original location; and the preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use.

"Mining" does not include excavation or grading when conducted solely in aid of on-site farming or of on-site construction for purposes other than mining; removal of overburden and mining of limited amounts of any ores or mineral solids when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, provided that no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business, and provided further that the affected land resulting from any exploratory excavation does not exceed one acre in area; excavation or grading where all of the following apply:

a) The excavation or grading is conducted to provide soil or other unconsolidated material to be used without further processing for a single off-site construction project for which an erosion and sedimentation control plan has been approved in accordance with Article 4 of Chapter 113A of the General Statutes.

b) The affected land, including nonpublic access roads, does not exceed five acres.

c) The excavation or grading is completed within one year.

d) The excavation or grading does not involve blasting, the removal of material from rivers or streams, the disposal of off-site waste on the affected land, or the surface disposal of groundwater beyond the affected land.

DRAFT

MINOR VARIANCE (WATERSHED)

A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to ten percent of any buffer, density, or built-upon area requirement under the low-density option.

MOTORIZED EQUIPMENT

Every device that is propelled or powered by mechanical power sources which is designed to accomplish any work.

MOTOR VEHICLE

Every device in, upon, or by which any person or property is or may be transported or drawn upon land, air, or water which is propelled by mechanical power sources, and every device designed to run upon land, air, or water that is pulled or pushed by a device propelled by mechanical power. This term shall include house trailers, travel trailers, farm equipment, and mobile homes.

MULTI-FAMILY RESIDENTIAL

Any development where: a) a single building contains more than one dwelling unit; b) more than one dwelling unit is on a separate deeded lot or manufactured home park lot; and/or c) a lot contains more than one dwelling unit.

MULTIPLE DWELLING UNITS

A building used or capable of being used for residential purposes wherein more than two separate and distinct places of habitation exist. May also be referred to as duplex apartment, apartment complex, townhouse, or condominium development.

N.C.D.O.T.

The North Carolina Department of Transportation.

NEW CONSTRUCTION

Structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

NON-CONFORMING LOT OF RECORD

A lot or tract of land which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this Ordinance, or a lot or tract of land described by metes and bounds, the description of which has been so recorded prior to the adoption of this Ordinance or in a watershed a lot described by a plat or a deed that was recorded prior to the effective date of local watershed protection regulations (or their amendments) that does not meet the minimum lot size or other development requirements of the statewide watershed protection rules.

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NON-ENCROACHMENT AREA (NEA)

The channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the Flood Insurance Study report.

NON-RESIDENTIAL DEVELOPMENT

All development other than residential development.

NUISANCE MOTOR VEHICLE

A motor vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be: (1) a breeding ground or harbor for mosquitoes, other insects, rats, or other pests, or (2) a point of heavy growth of weeds or other noxious vegetation over ten inches in height, or (3) a point of collection of pools or ponds of water, or (4) a point of concentration of quantities of gasoline, oil, or other flammable or explosive materials, or (5) one which has areas of confinement which cannot be operated from the inside, unless rendered safe by securing open or closed; or (6) so situated or located that there is a danger of it falling or turning over; or (7) one which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescent matter of any kind, or (8) any other vehicle specifically declared a health and safety hazard and a public nuisance by the Board of Commissioners of the County of Alamance.

NURSING HOME

A facility, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three or more persons unrelated to the operator.

OBSTRUCTION

Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in this Ordinance.

<u>OPEN SPACE</u>

<u>An area of land and/or water resources set aside, dedicated, or reserved for the common use and enjoyment of occupants of a subdivision neighborhood or other planned development. Such land may be developed for active and/or passive recreation pursuits with various man-made improvements to accommodate such activities in accordance with the regulations of this Ordinance.</u>

OPERATIONS

DRAFT

The manufacturing, production, processing, of any goods, substances, food, products or articles for commercial purposes, other uses necessary for the business of the industry and includes any storage or transportation associated with any such activity except to the extent the uses and storage or transportation are associated solely with construction activities.

OPERATOR

A person who owns or is responsible for the operation of a manufactured home park or travel trailer park.

OWNER OF A MOBILE HOME

Any person who is the legal or equitable owner of a mobile home and shall include: 1) any person whose name is entered upon a title to a structure deemed a mobile home under the provisions of this Ordinance; 2) any person whose name is entered upon a certificate of title of a vehicle deemed a mobile home under the provisions of this Ordinance; 3) any person who has purchased a mobile home as defined in this section under a contract of sale, conditional sales contract, lease-purchase agreement, or any other arrangement whereby at law such purchaser is the equitable owner of such mobile home, even though such purchaser's name is not entered on a title to or certificate of title of such mobile home; 4) any person who has listed or by law is entitled or required to list a mobile home as defined in this section in the office of the Tax Administrator of the County for ad valorem property tax purposes.

If two or more persons are deemed owners as defined by the above, each such person shall be required to comply with the provisions of this Ordinance and shall be subject to the non-conformance fee and charges for failure to comply, except that if one such person complies or has complied with this Ordinance in a particular period, other such persons may be excused from such compliance upon written application to and upon written notice of waiver from the Planning Director of the County.

PAPER MILL

Establishments primarily engaged in manufacturing paper from pulp. These establishments may manufacture or purchase pulp. In addition, the establishments may convert the paper they make. The activity of making paper classifies an establishment into this industry regardless of the output.

<u>PERENNIAL WATERBODY</u>

<u>A natural or man-made basin, including lakes, ponds, and reservoirs, that stores surface water permanently at depths sufficient to preclude growth of rooted plants. For the purpose of the State's riparian buffer protection program, the waterbody must be part of a natural drainage way (i.e., connected by surface flow to a stream).</u>

PERSON

DRAFT

A firm, corporation, general partnership, limited partnership, Limited Liability Corporation, sole proprietor, individual, individual acting on behalf of another, or any other entity of any type whatsoever.

PLANNED UNIT DEVELOPMENT

An area of minimum contiguous size to be planned, developed, operated, and maintained as a single entity and containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial, or industrial areas.

POST-FIRM

Construction or other development for which the "start of construction" occurred on or after August 15, 1994, the effective date of the initial Flood Insurance Rate Map.

PRE-FIRM

Construction or other development for which the "start of construction" occurred before August 15, 1994, the effective date of the initial Flood Insurance Rate Map.

PRECISION INSTRUMENT RUNWAY

A runway end having instrument capabilities utilizing air navigation with horizontal and vertical approach guidance.

PREMISES

A definite portion of real estate including land with its appurtenances, a building, or part of a building.

PRIMARY SURFACE

A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 2.3.2 of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway surface.

PRINCIPALLY ABOVE GROUND

The state in which at least 51% of the actual cash value of the structure is above ground.

PRIVATE CLUB

DRAFT

An establishment or business that is organized and operated solely for a social, recreational, patriotic, or fraternal purpose and that is not open to the general public, but only to bona fide members and their guests. A private club has a formal membership application process and maintains a current listing of its members. This term does not include establishments or businesses that merely charge a fee for entrance to the general public.

PRIVATE PARTS

Male or female genitalia. This term includes the anus, penis, testicles, vulva, vagina, clitoris, and *mons veneris*. This term does not include buttocks or female breasts.

PROGRAM

The Farmland Preservation Program.

PUBLIC NUISANCE and/or PUBLIC SAFETY

Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

PUBLIC NUISANCE

Conduct which unreasonably and significantly interferes with the health, safety, peace, comfort, or convenience of the public at large. This may include an action or omission that interferes with the use and enjoyment of one's property.

PUBLIC PLACE

An area which is accessible to the public at large, but is not necessarily a place devoted solely to the uses of the public. This term includes private businesses that are open to the public during regular business hours.

PUBLIC ROAD

A public street or road: any street, highway, thoroughfare, or other way of passage that has been irrevocably dedicated to the public or in which the public has acquired rights by prescription without regard to whether it is open for travel; a public road as defined in North Carolina General Statute Section 136-67.

QUARRYING

Open excavations where the works are visible at the surface and intended for the extraction of stone, slate, marble, or other mineral from a mass of surrounding rock.

<u>QUASI-JUDICIAL DECISION</u>

DRAFT

A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations.

RACETRACKS (see also: DRAGSTRIP)

A designated area where competitive vehicle and motorsport races are conducted. The term includes the track, spectator areas, garages, and any associated grounds, buildings, or appurtenances used to operate the races.

RADIOACTIVE WASTE

Any waste that emits ionizing radiation spontaneously.

RECREATIONAL VEHICLE, RV, TRAVEL TRAILER

A vehicle which is a) built on a single chassis; b) 400 square feet or less when measured at the largest horizontal projection; c) designed to be self-propelled or permanently towable; d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use; and e) is fully licensed and ready for highway use.

"Tiny Homes/Houses" and Park Models that do not meet the items listed above are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures.

RECREATIONAL VEHICE, RV, TRAVEL TRAILER PARK

As related to a park comprised of three or more recreational vehicles, RVs or travel trailers on one tract of land, regardless of whether or not a fee is charged to occupy the land.

RECREATIONAL VEHICLE, RV TRAVEL TRAILER PARK SPACE

That portion of land in a Recreational vehicle/ travel trailer Park allotted to or designed for accommodation of one Recreational vehicle/travel trailer.

READY-MIX CONCRETE SUPPLIERS

Establishments, such as batch plants or mix plants, primarily engaged in manufacturing concrete delivered to a purchaser in a plastic and unhardened state, where such establishments are not engaged in mining or quarrying sand and gravel (NAICS 327320).

REFERENCE LEVEL

The top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A, AE, AH, AO, A99. The reference level is the bottom of the lowest horizontal structural member of the lowest floor for structures within Special Flood Hazard Areas designated as Zone VE.

DRAFT

REFUSE

All non-putrescible waste, including ashes.

REGULATORY FLOOD PROTECTION ELEVATION

The Base Flood Elevation plus the Freeboard. In Special Flood Hazard Areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE *plus* two feet (*"freeboard"*). In Special Flood Hazard Areas where no BFE has been established, this elevation shall be the at least two feet above the highest adjacent grade.

RENEWABLE ENERGY FACILITY

Any stand-alone plant not ancillary to another land use which is intended for the commercial generation of electric power from hydroelectric, and wind to be primarily distributed to the public for compensation. This definition shall not apply to an agricultural farm, residence, business, or other facility where the sale of the electricity so produced is secondary to on-site consumption.

(From NCGS 62-133.8: *"Renewable energy facility" means a facility, other than a hydroelectric power facility with a generation capacity of more than 10 megawatts, that either:*

a. Generates electric power by the use of a renewable energy resource.
b. Generates useful, measurable combined heat and power derived from a renewable energy resource.
c. Is a solar thermal energy facility.

REPAIR

To fix a portion of a property that has sustained damage through an action or event that was not under the property owner's control or consciously contemplated by the property owner. This does not include remedial actions that will affect more than fifty percent of the assessed value of the property.

REPLACE

To fix an entire property or a substantial amount of a property that has sustained damage through an action or event that was not under the property owner's control or consciously contemplated by the property owner. This includes remedial actions that will affect more than fifty percent of the assessed value of the property. Replacement may also include acts of substitution that are not remedial in nature and are designed simply to upgrade a property or substantial portion of a property.

REPLACEMENT VALUE

DRAFT

The cost to restore a structure to its previously existing condition as computed by an appraisal which has been conducted by an appraiser holding a North Carolina State Certified General Real Estate Appraisal License and conducted in compliance with generally accepted practices within the appraisal community.

RESIDENTIAL

The use of land for the purpose of housing or living accommodations for human occupants. Residential land uses shall also include any accessory uses of the land that is not commercial in nature, as defined by this Ordinance, and incidental to the residential use.

RESIDENTIAL DEVELOPMENT

Any development in which its primary purpose is to serve for residential housing and its related accessory functions.

RESIDENTIAL GENERATOR

An individual household, dwelling, apartment, or other place of residence located in Alamance County, which produces Target Recyclables.

RESIDENTIAL HOUSEHOLD GARBAGE

All putrescible waste, including food waste, and non-putrescible waste both combustible and noncombustible, originating from residences, including paper, cardboard, plastic, or metal food or household chemical containers, wood objects, glass, bedding, crockery, metals, and other similar objects or materials, but specifically excluding bulky waste, animal offal and carcasses.

RESOURCE EXTRACTION

The use of a property whereby the primary intent is the commercial removal of any naturally occurring substance from the land not otherwise covered by the definition of mining and quarrying. Such substances include, but are not limited to ~~top soil~~ topsoil or fill dirt. Such substances do not include petroleum in any form, natural gas, or other ~~gaseous substance~~ gasses, agricultural products, timber, surface or subsurface water, or any renewable resource. The act of selling fill dirt that results from grading operations related to another project or which are secondary to other established businesses shall not be considered Resource Extraction.

RIGHT OF WAY

A type of easement that gives people the legal right to cross the property of another, typically for the public use of vehicular travel. The size of a right of way may vary based on the regulations within this Ordinance or N.C.D.O.T. standards. Rights of way are designed and set aside in order to feature elements like public roads, private roads, travelways, drainage ditches, driveway entrances, culvers, mailboxes, utilities, road signs, and similar features.

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RIVERINE

Relating to, formed by, or resembling a river (including tributaries), stream or brook, etc.

ROAD

See "Street."

RUBBISH

Non-putrescible solid wastes. Rubbish consists of both combustible and noncombustible materials, such as paper, cardboard, tin cans, yard waste, wood, glass, bedding, crockery, metals, and similar objects and materials.

RUNWAY

A defined area on an airport prepared for landing and takeoff of aircraft along its length. The planned usable runway length for the Airport is 7,000 feet. The runway end is the physical end of the hard surface, having a defined coordinate and elevation as noted on the Height Restriction Zoning Plan Map.

RURAL MEDICAL CENTER

A facility staffed on a regular basis by one (1) or more physicians licensed to practice medicine in the State of North Carolina, which facility is located outside the boundaries of a municipality and is established and maintained for the purpose of providing medical care to members of the community in which it is situated.

SALVAGE YARD

Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances, and related machinery.

SAW MILL

Any permanent commercial establishments primarily engaged in sawing dimension lumber, boards, beams, timbers, poles, ties, shingles, shakes, siding, and wood chips from logs or bolts. Sawmills may plane the rough lumber that they make with a planing machine to achieve smoothness and uniformity of size. Sawmills that are temporary, portable, or located on 10 acre or less are excluded from this definition.

SCRAP METAL

Discarded steel, ferrous, copper, and other metallic articles generated from residential, commercial, and industrial sources such as bedsprings, machinery, auto parts, lighting fixtures, shelving units, and similar units.

SCRAP TIRE

DRAFT

A tire that is no longer suitable for its original, intended purpose because of wear, damage, or defect.

SECONDARY RESIDENCES

Dwellings which exist on the same property as a primary residence but are serviced by independent well and septic systems.

SETBACK

The required distance from the property line of the parcel on which the wireless communication facility is located to the base of the support structure and equipment facility, or in the case of a guywire support, guywire anchors.

SEXUALLY-ORIENTED DEVICES

Any artificial or simulated Specified Anatomical Areas or other devices or paraphernalia that are designed principally for Specified Sexual Activities. This term does not include contraceptive devices.

SEXUALLY-ORIENTED SECONDARY BUSINESS ACTIVITY

A sexually-oriented business activity that occurs on the premises of an establishment or business where the primary purpose is not the sale of sexually-oriented materials, publications, or devices; the presentation of adult live entertainment; or the presentation of adult motion pictures. This sexually-oriented business activity does not constitute the majority of a business' income or a preponderance of a business' inventory or display of materials.

SHORELINE STABILIZATION (from Jordan Lake Buffer Rules)

The in-place stabilization of an eroding shoreline. Stabilization techniques which include "soft" methods or natural materials (such as root wads, or rock vanes) may be considered as part of a restoration design. However, stabilization techniques that consist primarily of "hard" engineering, such as concrete lined channels, riprap, or gabions, while providing bank stabilization, shall not be considered stream restoration.

SHORT-TERM RENTALS

Living quarters which may be established in primary residences, secondary residences, or accessory dwelling units as long as they comply with all other regulations within this Ordinance.

SINGLE-FAMILY RESIDENTIAL

Any development where: a) no building contains more than one dwelling unit; b) every dwelling unit is on a separate deeded lot or a manufactured home park lot and; 3) where no lot contains more than one dwelling unit.

DRAFT

SITE PLAN

A drawing or rendering used by a developer, or their authorized agent, which shows existing and/or proposed conditions for a given area, typically a parcel of land which is to be modified. These plans may show buildings, roads, sidewalks, trails, open space, parking, drainage or stormwater facilities, sanitary sewer lines, water lines, lighting, landscaping, or any similar site-specific elements.

SOIL ANALYSIS

A test of the soil suitability for absorption of effluent from on-site sewage treatment and disposal system based on soil analysis to determine the type of characteristics of the soil.

SOLAR ENERGY SYSTEMS

Developments which feature ground-mounted PV, concentrating PV (CPV), or concentrating solar power (CSP or solar thermal) panels capable of generating two megawatts AC (MW AC) or more directly connected to the local or regional electrical grid with the ability to deliver power to the electrical grid. The term includes solar arrays, accessory buildings, battery storage facilities, transmission facilities, and any other infrastructure necessary for the operation of the development. For purposes of this section, a smaller-scale solar panel installation designed to generate power for a single family residence or stand alone business shall not be regulated as a Solar Energy System.

SOLID WASTE

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Hazardous or non-hazardous garbage, residential household garbage, yard trash, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, domestic sewage and sludge generated by the treatment thereof in sanitary sewage collection, treatment, and disposal systems, and other material that is either discarded or being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, institutional, commercial, and agricultural operations, and from community activities. The term does not include: a) fowl and animal fecal waste; b) solid or dissolved material in (i) domestic sewage and sludge generated by the treatment thereof in sanitary sewage collection, treatment, and disposal systems which have a design capacity of more than 3,000 gallons or which discharge effluents to the surface waters; (ii) irrigation return flows; and (iii) wastewater discharges and the sludge incidental thereto and generated by the treatment thereof which are point sources subject to permits granted under section 402 of the Water Pollution Control Act, as amended (PL 92-500), and permits granted under GS 143-215.1 by the Environmental Management Commission; c) oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143, NCGS; d) any source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954 as amended (42 USC § 2011), or radioactive material as defined by the North Carolina Radiation Protection Act, GS 74-46 through 74-68, and regulated by the North Carolina Mining Commission. Solid waste shall include for the purpose of this Ordinance the definitions: Bulky Waste, Commercial Solid Waste, Construction and Demolition Waste, Debris, Garbage, Hazardous Waste, Industrial Solid Waste, Inert Debris, Institutional Solid Waste, Land Clearing Debris, Medical Waste, Residential Household Garbage, Rubbish, Scrap Metal, Scrap Tires, White Goods, and Yard Trash.

SOLID WASTE DISPOSAL FACILITY

Any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

SOLID WASTE DISPOSAL SITE

As defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

SOLID WASTE MANAGEMENT FACILITY

Land, personnel, and equipment used in the management of solid waste as defined in Title 15A of the North Carolina Administrative Code.

SOLID WASTE RECEPTACLE

Large metal container, commonly known as a dumpster, used for the temporary storage of solid waste and capable of being automatically emptied into collecting vehicles or transported to the county landfill.

SPECIAL FLOOD HAZARD AREA, SFHA

DRAFT

The land in the floodplain subject to a one percent or greater chance of being flooded any given year, as determined by section 6.4 of this Ordinance.

SPECIAL NON-RESIDENTIAL INTENSITY ALLOCATION, SNIA

A built-upon area allocation made under the procedures of the SNIA.

SPECIFIED ANATOMICAL AREAS

Less than completely or opaquely covered human genitals, pubic regions, buttocks, or female breast(s) below a point immediately above the top of the areola. This term also includes human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

Real or simulated conduct of a sexual nature which includes: human genitals and/or female breasts in a state of sexual stimulation or arousal; vaginal or oral sexual intercourse; acts of human masturbation; sodomy; fondling or other erotic touching of human genitals; pubic regions; buttocks; or female breasts; lewd exhibitions of uncovered human genitals; excretory functions; bestiality; or an act or condition that depicts torture, physical restraint by being fettered or bound, or flagellation of or by a nude person or a person clad in undergarments or in revealing or bizarre costume.

START OF CONSTRUCTION

Includes substantial improvement and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STEALTH TOWER TECHNOLOGY

Towers designed and located using existing or new structures in which the tower is not visible. This includes towers that are concealed within architectural features or camouflages through the use of exterior devices such as false trees.

<u>STORMWATER</u>

DRAFT

The flow of water which results from precipitation and which occurs immediately following rainfall or a snowmelt.

STREAM RESTORATION (from Jordan Lake Buffer Rules)

The process of converting an unstable, altered or degraded stream corridor, including adjacent riparian zone and flood-prone areas to its natural or referenced, stable conditions considering recent and future watershed conditions. This process also includes restoring the geomorphic dimension, pattern, and profile as well as biological and chemical integrity, including transport of water and sediment produced by the stream's watershed in order to achieve dynamic equilibrium. 'Referenced' or 'referenced reach' means a stable stream that is in dynamic equilibrium with its valley and contributing watershed. A reference reach can be used to develop natural channel design criteria for stream restoration projects.

STREAMS

An intermittent or perennial stream, pond, lake, or reservoir whose presence and location has been determined by the North Carolina Division of Water Resources, or if it appears on any of the following types of maps: the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture; the most recent version of the 1:24,000 scales (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS); OR a map approved by the Geographic Information Coordinating Council and by the NC Environmental Management Commission.

STREET ADDRESS

The combination of numbers and street names assigned by Alamance County that identifies a particular building or lot.

STREETS AND ROADS

A dedicated and accepted public right-of-way for vehicular traffic. The following functional classifications are used for rural roads and streets by the North Carolina Department of Transportation in the preparation of county thoroughfare plans. Where applicable, the equivalent classifications for urban streets and roads shall be used:

PRINCIPAL ARTERIAL – a rural link in a highway system serving travel and having characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designated as principal arterials.

MINOR ARTERIAL – a rural roadway joining cities and larger towns and providing intra-state and inter-county service at relatively high overall travel speeds with minimum interference to through movement.

DRAFT

MAJOR COLLECTOR – a facility which serve major intra-county travel corridors and traffic generators and provides access to the arterial system.

MINOR COLLECTOR – a facility which provides service to small local communities and traffic generators and provides access to the arterial system.

LOCAL ROAD – a public road which serves primarily to provide access to adjacent land and for travel over relatively short distances.

CUL-DE-SAC – a short street having only one end open to traffic and the other end being permanently terminated by a vehicular turn-around.

PRIVATE ROAD – a road not intended for public use or public dedication which serves a limited number of lots, and therefore is not built to NCDOT standards. Also refer to NCGS 136-102.6.

A right-of-way for vehicular traffic which affords the principal means of access to abutting properties in a watershed.

STRUCTURE

A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground in a flood area or an object constructed, or installed by man, including but without limitation: buildings, towers, smokestacks, and overhead transmission lines- in a watershed anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land.

<u>STUMP DIAMETER (from Jordan Lake Buffer Rules)</u>

<u>The diameter of a tree measured at six (6) inches above the ground surface level.</u>

SUBDIVIDER

Any person or firm, or official agent thereof, who subdivides any land deemed to be a subdivision.

<u>SUBDIVISION</u>

<u>All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets. For the purposes of this ordinance, the following classifications of subdivisions are established:</u>

1) <u>MAJOR SUBDIVISIONS. Subdivisions including fifteen (15) or more applicable lots.</u>
2) <u>MINOR SUBDIVISIONS. Subdivision including fourteen (14) or fewer applicable lots.</u>
    a. <u>Class 1 Minor Subdivision. Those consisting of four (4) or fewer lots.</u>
    b. <u>Class 2 Minor Subdivision. Those consisting of five (5) to fourteen (14) lots.</u>

DRAFT

SUBDIVISION STREET

Any dedicated and accepted public right-of-way for vehicular traffic, or a private street, either of which were established pursuant to the subdivision standards described herein.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. See definition for "substantial improvement."

SUBSTANTIAL IMPROVEMENT

Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: a) any correction of existing violations of state or community health, sanitary, safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or b) any alteration of a historic structure, provided that the alteration is approved by variance issued pursuant to the variance procedures established by this ordinance.

SUPPORT STRUCTURE

A structure designed and constructed specifically to support an antenna array. This includes, but is not limited to, a monopole, self-supporting tower, and guywire support tower. A support structure does not include any device that is used to attach a wireless communication facility to a building or structure.

TARGET RECYCLABLES

As to Residential Generators, means newspapers, corrugated cardboard, aluminum cans, food and beverage glass bottles and glass jars which are either clear or brown in color; and as to Commercial Generators, means in addition to these items listed, office paper – including computer paper and shredded office paper.

TECHNICAL BULLETIN and TECHNICAL FACT SHEET

DRAFT

A FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

TEMPORARY ROAD (from Jordan Lake Buffer Rules)

A road constructed temporarily for equipment access to build or replace hydraulic conveyance structures such as bridges, culverts, pipes or water dependent structures, or to maintain public traffic during construction.

TEMPORARY WIRELESS COMMUNICATION FACILITY

A wireless communication facility that is intended to be in used for ninety or fewer days.

THOROUGHFARE PLAN

A plan adopted for the development of existing and proposed major streets that will adequately serve the future needs of an area in an efficient and cost effective manner.

THROUGH STREET

Any street not ending in a permanent dead end. A street ending at a property boundary is a through street.

TOW

To remove a motor vehicle by any means.

TRANSITIONAL SURFACES

Surfaces extending outward at 90-degree angles to the runway centerline at a slope of seven feet horizontally for each foot vertically (7:1) to a point intersecting with the horizontal and conical surfaces.

TRANSITIONAL ZONES

Areas beneath the transitional surfaces as set forth in Section 6.6 of this Ordinance.

TRAVEL TRAILER

A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of a size or weight that does not require a special highway movement permit when towed by a motorized vehicle.

TRAVELWAY

DRAFT

A road or driveway used for access in a manufactured home park or recreational vehicle park allowing for the circulation of vehicle traffic. The travel way is privately owned by the manufactured home park operator. “Road” should not be considered the same as a publicly built or dedicated access easement.

TREE

Any object of natural growth.

VARIANCE

A modification or alteration of any requirement of this Ordinance, only granted at the conclusion of a quasi-judicial hearing by a four-fifths vote of the Board of Adjustment.

VEGETATION

Evergreen trees or shrubs or plants with a minimum height of four feet when planted, which reach a height of at least six feet within three years.

VESTED RIGHT

A right pursuant to NCGS 160D-108 and 160D 108.1 to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan.

WASTE PROCESSING FACILITY

Includes incinerators, composting facilities, household hazardous waste facilities, waste-to-energy facilities, transfer stations, reclamation facilities or any other location where wastes are consolidated, temporarily stored, salvaged or otherwise processed prior to being released into the air or transported to a final disposal site. Specifically included in this definition are medical waste facilities as defined by G.S. § 130A-309.26a.

WATER DEPENDENT STRUCTURE

Any structure for which the use requires access to or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

WATER SURFACE ELEVATION, WSE

The height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

WATERCOURSE

A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

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WATERSHED

The entire land area contributing surface drainage to a specific point, the public water supply intake.

WATERSHED CRITICAL AREA, WCA

The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one mile from the normal pool elevation of a water supply reservoir or to the ridge line of the watershed, whichever comes first; or one mile upstream from the intake located directly in the stream or river ("run-of-the-river"), or the ridge line of the watershed, whichever comes first.

WATERSHED MANAGEMENT PLAN

A plan that documents industries that are located within watershed boundaries which use, store, or manufacture chemicals that could potentially pose a threat to water quality and the response procedures for handling spills and/or discharges.

WHITE GOODS

Inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.

WIRELESS COMMUNICATIONS

Personal wireless services as defined in 47 USC §(7)(C), the "Telecommunications Act of 1966." This includes FCC licensed commercial wireless telecommunications services, including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.

WIRELESS COMMUNICATION FACILITY

Any unstaffed facility designed for the transmission and/or reception of wireless telecommunications services. This usually consists of an antenna array, connection cables, and equipment facility, and a support structure.

YARD TRASH

Solid waste solely consisting of vegetative matter resulting from landscaping maintenance, including grass clippings.

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ARTICLE ~~8~~ 9| APPENDICES

Appendix A. Plat Certificates

The following certificates shall be on the final plat, as appropriate, and properly completed by the appropriate persons prior to submission to the Subdivision Administrator for final plat approval:

1. **Certificate of Ownership and Dedication**. I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, which was conveyed to me (us) by deed recorded in Book ___, Page ___, and that I (we) hereby acknowledge this plat and allotment to be my (our) free act and deed and hereby establish the minimum building lines, and dedicate to public use as streets, alleys, crosswalks, easements, parks and other spaces forever as shown or indicated. Further, I (we) certify that the property as shown hereon is within the subdivision regulation jurisdiction of Alamance County.

   Owner Date

   Owner Date

   Attest Date

2. **Certificate of Accuracy.** I, _____, certify that this plat was drawn under my direction from an actual survey made under my supervision (deed description recorded in Book___, Page___, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in book ___, Page ___; that the ratio of precision as calculated is 1:_____; that this plat was prepared in accordance to G.S. § 47-30 as amended. Witness my original signature, registration number and seal this day of _____, A.D., 20___.

   _____
   Seal or Stamp

   _____
   Surveyor

   _____
   Registration Number

DRAFT

3. **Certificate of Approval of Wastewater Disposal Systems.** I hereby certify that all lots are provisionally approved for subsurface wastewater disposal systems, except as noted on the plat, subject to issuance of improvement permits by the Health Department, and, to the North Carolina Administrative Code.

Health Director or Deputy Date

4. **Certificate Indicating Lot Not Approved for Subsurface Wastewater Disposal Systems.** On _____(date), lot(s)_____, were found to be unsuitable for installation of a subsurface wastewater disposal system, in accordance with North Carolina Administrative Code.

Health Director or Deputy Date

5. **Certificate Indicating Lot Not Evaluated for Subsurface Wastewater Disposal Systems.**
Lot(s) _____ have not been evaluated at the time of subdivision for installation of a subsurface wastewater disposal system, pursuant to Title 15A Subchapter 18E of the North Carolina Administrative Code. The suitability of the property for subsurface sewage disposal systems is unknown and has not been determined as part of this subdivision process.

Health Director or Deputy Date

6. **Certificate of Approval for Existing Sewage Disposal Systems**. Lot(s)_____ has an existing sewage disposal system that complies with section 6.9.4.G.ix of the "The Alamance County Unified Development Ordinance".

Health Director or Deputy Date

7. **Certificate of Wastewater Disposal Systems permitted by The Engineered Option Permit.** I hereby certify that lot(s) _____ are approved for subsurface water disposal systems, except as noted on the plat, subject to issuance of a Notice of Intent to Construct by the Licensed Engineer.

Health Director or Deputy Date

DRAFT

8. **Certificate of Wastewater Disposal Systems permitted by The Authorized On-site Wastewater Evaluator.** I hereby certify that lot(s) _____ are approved for subsurface water disposal systems, except as noted on the plat, subject to issuance of a Notice of Intent to Construct by the Authorized On-site Wastewater Evaluator.

_____

Health Director or Deputy Date

9. **Certificate of Approval for Existing Sewage Disposal Systems.** Lot(s) _____ has an existing sewage disposal system that complies with section 6.9.4.G.ix of the "The Alamance County Unified Development Ordinance" as verified by the Licensed Engineer.

_____

Health Director or Deputy Date

10. **Certificate of Approval by Division of Highways of the North Carolina Department of Transportation**. Department of Transportation Division of Highways Proposed Subdivision Road(s)
Construction Standards Certificate

_____

Approved, District Engineer Date

11. **Disclosure Statement Certificate for Public Subdivision Roads**. I (We), the developer(s) of roads in _____Subdivision hereby state that the subdivision roads have been constructed to N.C. Department of Transportation standards. Until such time as the N.C. Department of Transportation adds the roads in_____Subdivision to the State System for Maintenance, I (We) as developer(s) shall assume all road maintenance responsibilities.

_____

Developer Date

12. **Certification for Private Roads**. I (We), the developer(s) of _____ subdivision hereby state that the subdivision roads, in subdivision are private roads, ownership and maintenance of the private road is the responsibility of _____. A Private Road Disclosure Statement for this subdivision is required to be recorded with each and every subsequent deed transferring ownership.

DRAFT

Developer Date

Attest Date

13. **Certificate of Approval of Required Improvements**. The undersigned hereby certify that the required improvements have been made on this property in an acceptable manner and in accordance with the specification of the Subdivision Ordinance of Alamance County and other applicable regulations, or that a performance or surety guarantee bond in the amount of _____ dollars ($_____) has been posted with the County of Alamance to assure completion of all required improvements in case of default on the part of the subdivider.

Subdivision Administrator, Alamance County Date

14. **Certificate of Approval**. This subdivision plat has been found to comply with the provisions of the Subdivision Ordinance of Alamance County and is approved this date for recording in the Office of the Register of Deeds of Alamance County.

Subdivision Administrator, Alamance County Date

15. **Certification of Exception**. I (We) hereby certify that I am (We are) the Owner(s) of the property shown and described hereon, which was conveyed to me (us) by deed recorded in Book ___, Page ___, and that the subdivision of the property shown on this plat is an exception to the Unified Development Ordinance of Alamance County, North Carolina under section 6.9.1.

Owner Date

Subdivision Administrator, Alamance County Date

16. **Disclosure Statement for Non-conforming Private Roads**.
I (We) the Grantors(s) of this property hereby state that the existing private road shown shall be maintained in a quality condition for year-round access by _____ or his/her heirs or successors, and that this agreement shall run with the title. I (We) further disclose that this is a private road and may not be considered acceptable access by lending institutions.

DRAFT

Grantor Date

Attest Date

17. Certificate of Purpose of Plat.

I, _____, registered land surveyor No. _____: certify to one or more of the following as indicated thus, √ or X:

A. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
B. That the survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
C. Any one of the following:
    i. That the survey is of an existing parcel or parcels of land and does not create a new street or change an existing street;
    ii. That the survey is of an existing building or other structure, or natural feature, such as a watercourse;
    iii. That the survey is a control corner.
D. That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision;
E. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in (a) through (d) above.

_____

(Surveyors Name) Registered Land Surveyor Date

18. Review Officer Certification.

State of North Carolina
County of Alamance

I, _____, Review Officer of Alamance County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer Date

DRAFT

19. Certificate of 911 Addressing Compliance

All road names and addresses comply with Alamance County Addressing Ordinance; property addresses are not legal descriptions and may be changed under its authority.

_____

Addressing Administrator Date

20. Certificate of Proximity to a Voluntary Agricultural District

The subdivision of the property shown on this plat is located within one-half (1/2) aerial mile of a Voluntary Agricultural District. All interested parties are encouraged to review the Alamance County Geographic Information Mapping System (GIS) Database layer for all tracts of land enrolled in a Voluntary Agricultural District.

_____

Subdivision Administrator Date

21. Certificate of Disclosure, Flood Damage Prevention Regulations

The subdivision of the property shown on this plat is located within the boundaries of a Flood Hazard Area as identified on the most recent Flood Insurance Rate Maps (FIRMs) or Flood Hazard Boundary Maps (FHBMs) as published by the Federal Emergency Management Agency (FEMA). Said Flood Hazard Areas have been designated on this plat. No development within said Flood Hazard Areas shall take place without first obtaining an approved Floodplain Development Permit Application from the Floodplain Administrator.

_____

Floodplain Administrator Date

22. Certificate of Approval for Watershed Protection Regulations

DRAFT

The subdivision of the property shown on this plat is located within the boundaries of:

_____

Name of Watershed Balance/Critical Area

I certify that the plat shown hereon complies with the Watershed Protection Standards established by this Ordinance for Alamance County, North Carolina.

_____

Watershed Administrator Date

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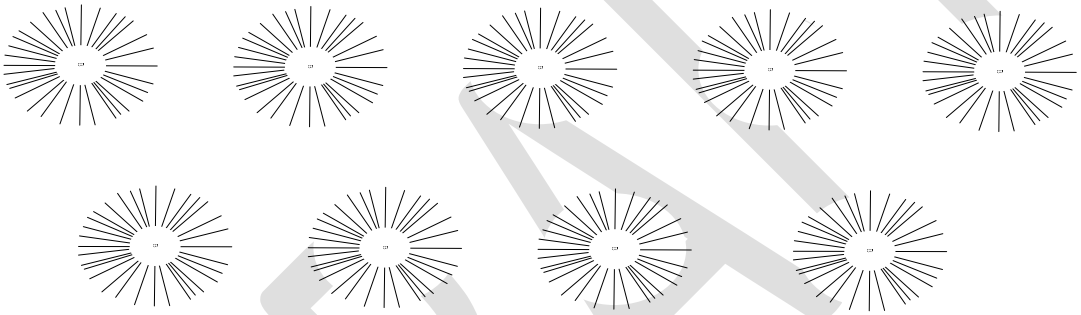
Appendix B. Screening Guidelines and Suggestions

General Guidelines

Screening buffers should be a minimum of thirty (30) feet in width for Class I and Class II Industrial Developments. Screening buffers for Class III and Class IV Industrial Developments should be a minimum of fifty (50) feet in width.

Planting for all screening buffers, in general, should be done in a "double-staggered" manner with plants set on 8-10 foot centers. Planting may be allowed further apart, depending on the trees, shrubs, and other vegetation involved, at the discretion of the Planning Director. In all cases, the screening should produce a continuous hedge that significantly reduces or eliminates the visual impact of the land use. Existing vegetation may be deemed adequate, based on a site visit and visual inspection.

Ex: Double-Staggered Planting



Suggested Vegetation

Applicants are strongly encouraged to consult with the County Horticulturalist to evaluate the quality of soil and probability of survival and proposed plants; including those suggested in these guidelines. The following trees are generally approved for visual screening purposes:

- Loblolly Pine (fast growing, 60-90' mature height)
- Arizona Cypress (medium growth, 40-50' mature height)
- Southern Magnolia (slow to medium growth, 60-80' mature height)
- Cryptomeria Yoshino (fast growing, 50' mature height)
- Tree Hollies (Nellie Stevens Holly, Mary Nell Holly, Emily Brunner Holly, Fosteri Holly, etc…. (fast growing, 20-25' mature height)

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Appendix C. Heavy Industrial Development Intent-to-Construct Permit Application

Alamance County Planning Department

Date: _____

Project Name: _____ Township Name: _____

Contact Person: _____ Parcel I.D. Number: _____

Contact Address: _____

Proposed Use: _____

Acreage of Lot: _____ Contact Phone: _____

Property Owner (if different) _____

1. Describe what the land and/or building(s) will be used for:

_____

_____

2. Please state the proposed days and hours of operation:

_____

3. Please state any additional comments you would like to make that you feel may be relevant to the consideration of this application:

_____

_____

By signing this application, the applicant hereby certifies to the best of their knowledge the following statements are true:

1. The industry for which the Permit is being requested will at all times comply with the applicable regulations and standards imposed under this Ordinance.

2. No Permit issued to the applicant under this Ordinance, or under any successor Ordinance hereto, has ever been revoked.

Applicant Signature: _____ Date: _____

Received by: _____ Date: _____

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Appendix D. Heavy Industrial Development Operations Permit

Alamance County Planning Department

Date: _____

Project Name: _____ Township Name: _____

Contact Person: _____ Parcel I.D. Number: _____

Contact Address: _____

Acreage of Lot: _____ Contact Phone: _____

Proposed Use: _____

By signing this application, the applicant hereby certifies to the best of their knowledge the following statements are true:

1. The industry for which the Permit is being requested will at all times comply with the applicable regulations and standards imposed under this Ordinance.
2. No Permit issued to the applicant under this Ordinance, or under any successor Ordinance hereto, has ever been revoked.
3. The proposed industry is properly permitted under and complies with, and at all times will be maintained and operated and will continue to be permitted under, all rules, regulations, and other requirements imposed by D.O.T., ~~D.E.N.R.,~~ D.E.Q. and any other applicable regulatory agency or governmental body.
4. The applicant is the owner or lessee of the tract or tracts on which the industry is located or is proposed to be located.
5. The applicant has been duly issued an Intent-to-Construct Industrial Development Permit by the Planning Department for the same proposed use, which Permit is still valid as of the date of filing of the application for the Operations Industrial Development Permit.

Applicant Signature: _____ Date: _____

Received by: _____ Date: _____

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Appendix E. Specifications for Heavy Industrial Site Plans

Title & General Information

a. Date of submission.
b. Location designation (township, county, state).
c. Name and address of surveyor (Surveyor must sign and seal the site plan).
d. Scale in figures and bar graph.
e. North arrow.
f. Vicinity Map
g. Surveyor's or Engineer's Seal

Site Data

a. Name and address of owner(s).
b. Parcel Identification Number(s)
c. Name of Project.
d. Total acreage
e. Total percentage of proposed and existing impervious surface area.

Project Area (as applicable)

a. Designated Area of Operations; clearly showing all fencing and existing and/or proposed buildings to be located on the site.
b. The distance of the Area of Operations from all property lines.
c. Location of any streams, ponds, or other waterways located on the property.
d. The distance of the Area of Operations from any streams (perennial or intermittent) located on the property.
e. Lake and stream buffers.
f. Location and extent of any marginal land/floodplain.
g. Representative topography.
h. Location and purpose of any existing or proposed rights-of-way or easements.
i. Location of any existing or proposed stormwater control devices.
j. Location of existing or proposed septic tank and drainage field or public utilities
k. Design of the parking lot, showing all points of entrance and exit, proposed lot lighting (if applicable), parking stalls, handicapped-parking stalls, and distance between stalls (aisles); including all dimensions.
l. Location and dimensions of loading berths.
m. Location of proposed gate and signage.
n. An exterior lighting plan showing locations of all lighting and proposed lighting fixtures.

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Appendix F. Heavy Industrial Development Operations Permit

Heavy Industrial Development Ordinance Operations Permit

Permit # _____

Applicant _____

Permitted Use: _____

Date: _____

Expires: _____

_____

Alamance County Planning Manager |

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~~Appendix G Heavy Industrial Development Fee Schedule~~

~~**Classification**~~	~~**Permit Application Fee**~~	~~**Renewal Fee**~~
~~**Class I**~~	~~$350~~	~~$50~~
~~**Class II**~~	~~$350~~	~~$50~~
~~**Class III**~~	~~$350~~	~~$50~~
~~**Nonconforming/Grandfathered**~~	~~$0~~	~~$50~~

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Appendix ~~H~~ G. Notice of Public Hearing

NOTICE OF PUBLIC HEARING

Please take notice that the Alamance County Planning Board will hold a public hearing on **DATE** at **TIME** to consider the following:

Application of **NAME/CORPORATE IDENTITY** for a **USE**.

This **USE** will be located at **ADDRESS**.

Please contact **COMPANY CONTACT** for more information about **NAME** or **USE**.

If you would like to view a copy of the complete application for this proposed **USE**, please contact the Alamance County Planning Department at **NUMBER** or view online at: **LOCATION**.

This public hearing will be held in the Commissioner's Meeting Room located on the 2nd floor of the Alamance County Office Building, 124 West Elm Street, Graham, NC 27253. All interested citizens are invited to attend. If any disabled person has a special request for a hearing interpreter or other assistance, please contact the ADA Coordinator at (336) 228-1312 TDD 570-6326.

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Appendix I H. Specifications for ~~SES~~ Solar Energy System Site Plans

Title & General Information

a. Date of submission
b. Location designation (township, county, state)
c. Name and address of surveyor (Surveyor must sign and seal the site plan)
d. Scale in figures and bar graph
e. North arrow
f. Vicinity Map
g. Surveyor's or Engineer's Seal

Site Data

a. Name and address of owner(s)
b. Parcel Identification Number(s)
c. Name of Project
d. Total acreage
e. Total percentage of proposed and existing impervious surface area

Project Area (as applicable)

a. Designated Area of Operations; clearly showing all fencing and existing and/or proposed buildings to be located on the site.
b. The distance of the Area of Operations from all property lines.
c. Location of any streams, ponds, or other waterways located on the property.
d. The distance of the Area of Operations from any stream (perennial or intermittent) located on the property.
e. Lake and stream buffers.
f. Location and extent of any marginal land/floodplain.
g. Representative topography.
h. Location and purpose of any existing or proposed rights-of-way or easements.
i. Location of any existing or proposed stormwater control devices.
j. Location of existing or proposed septic tank and drainage field or public utilities
k. Design of the parking lot, showing all points of entrance and exit, proposed lot lighting (if applicable), parking stalls, handicapped-parking stalls, and distance between stalls (aisles); including all dimensions.
l. Location and dimensions of loading berths.
m. Location of proposed gate and signage.
n. If necessary, an exterior lighting plan showing location of all lighting and proposed lighting fixtures.

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Appendix J Example Decommissioning Plan

This is a simple example decommissioning plan. Each SES may elect to use their own form.

Decommission Plan for Big Bright Solar Farm, located at _____

Date Prepared

Prepared and Submitted by Solar Developer ABC, the owner of Big Bright Solar Farm

As required by the Alamance County, Solar Developer ABC presents this decommissioning plan for Big Bright Solar Farm (the "Facility").

Decommissioning will occur as a result of any of the following conditions:

1. The land lease ends
2. The system does not produce power for 12 months
3. The system is damaged and will not be repaired or replaced

The owner of the Facility, as provided for in its lease with the landowner, will do the following as a minimum to decommission the project.

1. Remove all non-utility owned equipment, conduits, structures, fencing, and foundations to a depth of at least three feet below grade.
2. Remove all graveled areas and access roads unless the owner of the leased real estate requests in writing for it to stay in place.
3. Restore the land to a condition reasonably similar to its condition before SES development, including replacement of top soil removed or eroded.
4. Revegetate any cleared areas with warm season grasses that are native to the region, unless requested in writing by the owner of the real estate to not revegetate due to plans for agricultural planting.

All said removal and decommissioning shall occur within 12 months of the facility ceasing to produce power for sale.

The owner of the Facility, currently Solar Developer ABC, is responsible for this decommissioning. Nothing in this plan relieves any obligation that the real estate property owner may have to remove the facility as outlined in the Special Use Permit in the event the operator of the farm does not fulfill this obligation.

The owner of the Facility will provide Alamance County planning department and the Register of Deeds with an updated signed decommissioning plan within 30 days of change in the Facility Owner. This plan may be modified from time to time and a copy of any modified plans will be provided to the planning staff and filed with the Register of Deeds by the party responsible for decommissioning.

SES Owner: _____ Date:_____

Landowner (if different from SES Owner):_____ Date:_____

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Appendix ~~K~~ I. Private Road Disclosure Statement

The road in _____ Subdivision is declared to be private and subject to the following:

1. The road is not constructed to the standards established by the North Carolina Department of Transportation to permit inclusion in the State System for Maintenance.
2. The access provided by the road may not be considered acceptable by lending institutions.
3. The maintenance of the road shall be the responsibility of _____.
4. The road shall be maintained to the construction standards established in the Alamance County Subdivision Ordinance in effect at the time of approval and construction of the private road, if applicable.
5. The right of access to all lots in this subdivision shall be guaranteed.
6. This certificate shall be an attachment to the deed of each lot and shall be an attachment to each future deed of transfer.
7. All rights and responsibilities contained herein shall be transferred with each change of ownership.

IN TESTIMONY WHEREOF, the Declarant(s), _____, has caused this instrument to be signed and (his) (her) (their) seal(s) to be hereto affixed this ___ day of _____.

_____(seal) _____(seal)

State of North Carolina
County of Alamance

I, the undersigned Notary Public in and for the County and State afore said do hereby certify that _____ personally appeared before me and acknowledged the due execution of this document.
Witness my hand and seal this ___ day of _____.

_____(seal)
Notary Public

My Commission expires:_____

Certification of Purchaser(s)

I (We), purchaser(s) of Lot(s)_____in this afore named Subdivision have read and agree to the provisions of this Disclosure Statement and by my (our) hand so acknowledged this ___day of _____.

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_____(seal)

_____(seal)

State of North Carolina

County of Alamance

I, the undersigned Notary Public in and for the County and State afore do hereby certify that _____ personally appeared before me and acknowledged the receipt of this document.
Witness my hand and seal this _____ day of _____.

_____(seal)
Notary Public

My Commission expires:_____

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Appendix L Standards for Private Roads

Private Roads shall be constructed in such a manner so as to not be a threat to the health, safety or welfare of the residents using the road.

SPECIFIC PROVISIONS FOR PRIVATE ROADS:

A. Minimum Road Standards for Class I Private Road:

TYPE	DISTANCE
Width	50’
Travelway (minimum)	
Class I Road (4” Compacted Gravel)	10’
Shoulder (minimum)	
Class I Road	8’
Ditch (typical)	
Class I Road	4’
Utilities (typical)	4’
Outside Ditch to Outside Ditch	42’
Maximum Cut or Fill Slope	2:1
Design Speed (per N.C. DOT)	20 MPH
Minimum Sight Distances, Curves	110’
Minimum Centerline Radius	90’
Maximum Grade	12%
Cul-de-Sac Radius, Minimum	50’
Intersection Angle, Minimum degrees	75’

All standards are minimum. The certifying engineer may require higher standards based on site conditions and accepted engineering and construction practices. A detailed drawing for a Class I private road is attached.

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B. Drainage. All pipe culverts, and storm sewers, shall be constructed in such a manner as to alleviate accumulation of debris and silt buildup and shall be structurally and hydraulically sound and functioning in a normal manner. All drainage ditches shall be of sufficient width, depth and slope as to carry the anticipated discharges. All private roads shall have adequate drainage. The grade of the side ditches should be such that the water is carried rapidly to a stable outlet.

C. Stabilization of Shoulders. Erosion prevention on shoulders shall be undertaken by using the methods of seeding, sodding or mulching. On cut and fill slopes run-off shall be prevented on the slopes.

D. Erosion Control Plan. An Erosion Control Plan must be submitted to and approved by the North Carolina Department of Environment, Health and Natural Resources if more than one (1) acre is cleared or disturbed.

E. Minimum Road Standards for a Class II Private Road: Class II private roads shall meet minimum N.C. DOT design and improvement standards, except for paving.

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Appendix ~~M~~ J. Example Homeowners Association Agreement

NORTH CAROLINA
ALAMANCE COUNTY

RESTRICTIVE COVENANTS FOR **[SUBDIVISION NAME]**

THIS DECLARATION is made this **(DAY)** day of **(MONTH), (YEAR),** by **(NAME AND COMPLETE ADDRESS OF DEVELOPER),** hereinafter called Declarant;

WITNESSETH
THAT WHEREAS, Declarant is the owner of the real property described in Article I of the Declaration and desires to subject said real property to the restrictions, provisions, and covenants hereinafter set forth; each and all of which is and are for the benefit of such property and for each owner thereof, and shall inure to the benefit of and pass thereof, and shall apply to and bind the successors in instrument and any owner thereof.

NOW THEREFORE, the Declarant hereby declares that the real property described in and referred to in Article I hereof is and shall be held, transferred, sold and conveyed subject to the protective covenants, restrictions and provisions set forth below.

ARTICLE (#)
The real property which is, and shall be, held, transferred, sold and conveyed subject to the protective covenants, restrictions, and provisions set forth in the various articles of this declaration is located in _____Township, Alamance County, North Carolina, and more particularly described as follows:

Consisting of lots_____, of **(SUBDIVISION NAME)** as shown on the plat of the survey of **(SURVEY NAME)** recorded in Plat Book ____ at Page ___ of the Alamance County Registry. Reference is made to said plat for a more particular description of the property hereby restricted.

ARTICLE (#)
The real property hereinbefore described is made subject to the easements, protective covenants and restrictions hereinafter described for the purpose of insuring the best use and the most appropriate development of the property herein described.

The benefits and burdens herein are limited to the lots in the property herein described, and the scheme and plan of these covenants and restrictions are so limited, even though identical or similar restrictions may be imposed on other land nearby and the plat contains other lands.

These protective covenants and restrictions shall be and remain in force for 20 years. At such time, and at the end of each successive 10-year period thereafter, these provisions shall be deemed to have been extended for an additional 10 years unless a majority of the lot owners decide to terminate this indenture by written instrument duly recorded.

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ARTICLE (#)
All owners of lots bordering or having the use of the private road known as **(ROAD NAME)** whether they be initial purchasers or subsequent purchasers, shall be members of the **(SUBDIVISION NAME)** Homeowner's Association (hereinafter referred to as the Homeowner's Association). The initial purchasers of the odd numbered lots shall constitute the initial board of directors, who will serve until the members meet and elect other directors. The first meeting of the Homeowner's Association must occur within _____ months of the date this instrument is recorded. The initial meeting and any meeting thereafter until the association adopts a different method may be called by any member of the board of directors. If no such meeting has been called within sixty days of the date this instrument is recorded, a meeting may be called by any lot owner, by written notice sent by regular mail to the last known address of each owner. Each lot is entitled to one vote in matters decided by a vote of the members.

All lot owners of the subdivision are members of the Homeowner's Association but only members bordering or having the use of the private road vote on matters pertaining to the maintenance of the road.

The Homeowner's Association shall be solely responsible for enforcing these covenants, though this shall not preclude any lot owner from enforcing these covenants by an action in law or equity against the person violating these covenants.

ARTICLE (#)
The Homeowner's Association shall be solely responsible for maintaining the road that services this subdivision, and shall maintain it in good, serviceable, uneroded condition. Such maintenance shall be sufficient, at minimum, to comply with the standards for private subdivisions roads contained in the Alamance County Subdivision Ordinance governing Class (I or II) roads as approved in **(DATE OF CURRENT REVISION)**.

Such maintenance shall be paid for through assessments of the lot owners whose lots are bordering or having the use of the private road, the amount of which shall be fixed by the Homeowner's Association. By ownership of a lot, lot owners shall be deemed to have promised and become liable to pay all such assessments, and the Homeowner's Association may sue to collect any unpaid assessments in the courts of this State.

Should the Homeowner's Association fail to perform its obligations in this regard, any lot owner bordering or having the use of the private road may see to the maintenance of the road under the terms of any road maintenance agreement entered into by the parties.

ARTICLE (#)

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These restrictions and protective covenants may be changed, amended, modified, or cancelled as follows: Declarant, and lot owner, or the Homeowner's Association, when formed, acting through its board of directors, may give written notice, by regular mail sent to the last known address of each owner according to the Declarant's or to the association's records, of the time and place of a meeting at which the proposed change shall be considered, to each and every lot owner of record. If seventy-five percent (75%) or more of the lot owners shall vote in favor of the change, modification, or amendment the same shall thereupon be considered as approved.

Cancellation may be approved if and when the North Carolina Department of Transportation accepts total responsibility for the maintenance of the private road, and seventy-five (75%) or more of the lot owners vote in favor of the cancellation.

For purposes of this provision, the declarant shall be considered as a lot owner, and each lot owner shall be entitled to one vote for each lot owned (i.e., and owner owning three lots shall be entitled to three votes; four lots, etc.)

ARTICLE (#)

The invalidation of any portion of these Restrictions and Covenants by judgment or court order shall in no way affect any of the other provisions contained herein, and those provisions shall be severable from the invalidated portion and shall remain in full force and effect.

IN WITNESS WHEREOF, Declarant has caused this instrument to be signed on the day and year first above written.

(SUBDIVISION DEVELOPER NAME)_____(SEAL)
AUTHORIZING DEVELOPMENT OFFICIAL NAME & TITLE

STATE OF NORTH CAROLINA COUNTY OF ALAMANCE
I, _____, a Notary Public, do hereby certify that **(AUTHORIZING DEVELOPMENT OFFICIAL NAME & TITLE)** personally appeared before me this day and acknowledged the due execution of this foregoing instrument. Witness my hand and official seal, this _____ day of _____, 20____ (SEAL)

_____
Notary Public

My Commission expires: _____

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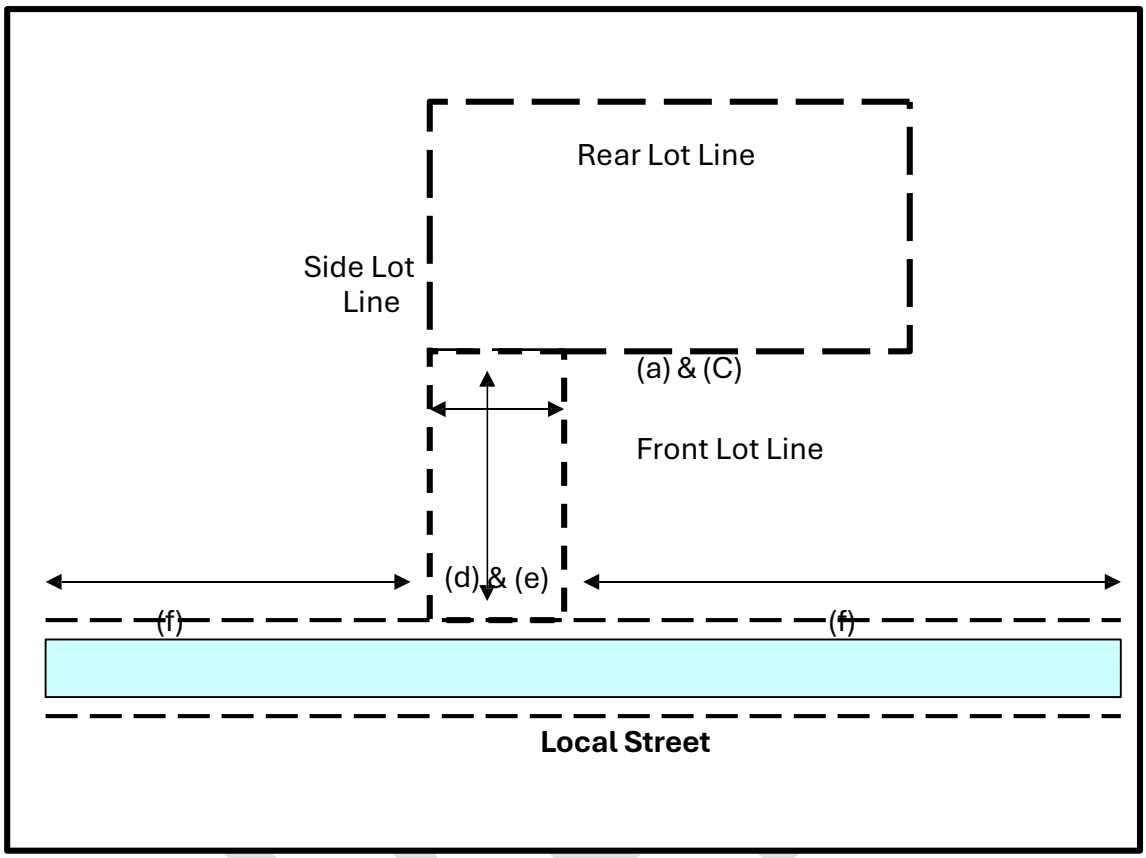
Appendix ~~N~~ K. Specifications for Exclusive Access Easements



Lot Served by Exclusive Access Easement

a) An Exclusive Access Easement shall serve only one single-family dwelling and its uninhabited accessory structures.
b) Lots to be served by an Exclusive Access Easement shall not be created in an area served by public water or sewer.
c) Minimum lot size shall be 1 acre.
d) The minimum easement width shall be 25 feet.
e) The minimum length shall be 300 feet.
f) The minimum separation between easement and any other platted access or right-of-way shall be 150 feet.
g) Location of the easement must be recorded on a plat.
h) The Exclusive Access Easement shall permit ingress, egress, and regress and necessary utilities required to serve the lot.

Appendix ~~O~~ L. Specifications for Preliminary ~~Plans~~ and Final Plats

~~**I. Title Data**~~

~~A. Date of submission.~~
~~B. Name and address of owner(s)~~
~~C. Name of subdivision (Subdivision names shall not duplicate or approximate, phonetically, existing subdivision names.)~~
~~D. Location designation (township, county, state), and location map showing the property to be subdivided and surrounding area.~~
~~E. Name and address of surveyor.~~
~~F. Scale in figures and bar graph.~~
~~G. North arrow.~~
~~H. Preliminary Plan" notation.~~

~~**II. Existing Conditions** (on property to be subdivided and within 300' feet of property being subdivided)~~

~~A. Street right-of-way, width of pavement and names.~~
~~B. Location and size of public utilities: sewer & water.~~
~~C. Location and size of bridges, culverts and other storm drainage facilities.~~
~~D. Location, width and purpose of all easements.~~
~~E. Bearings and distances of property boundary.~~
~~F. Surrounding property lines, property owners and subdivisions.~~
~~G. Boundaries and identification of political subdivisions.~~
~~H. Boundaries and identification of land use districts.~~
~~I. Buildings.~~
~~J. Topography including watercourses, wooded areas and contours at five feet (5') intervals or less.~~
~~K. Location, extent and identification of marginal land.~~
~~L. Driveways and roads (in use or abandoned) leading to other property.~~
~~M. Other natural or manmade conditions affecting site development.~~

~~**III. Proposed Plans**~~

~~A. Street alignments, right-of-ways and names.~~
~~B. Public utilities: sewer & water with connections to existing systems shown.~~
~~C. Location and size of bridges, culverts and other storm drainage facilities.~~
~~D. Location, width and purpose of all easements.~~
~~E. Lines, numbers and approximate dimensions of lots and blocks.~~
~~F. Minimum building setback lines.~~
~~G. Public use sites.~~
~~H. Site data:~~

~~a. Acreage of property to be subdivided.~~
~~b. Acreage of public use sites.~~
~~c. Number of lots.~~
~~d. Average lot size.~~
~~e. Square feet of each irregularly shaped lot.~~
~~f. Linear feet of streets~~

Preliminary and final plats prepared for recordation shall depict or contain the information indicated in the following table. An "x" indicates that the information is required.

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Information to be Displayed	**Preliminary Plat**	**Final Plat**
Title Block:		
Proposed name of subdivision	x	x
Name and address of owner(s) of the tract to be subdivided	x	x
Name and address of the developer if different than the owner	x	x
Name, address, and contact information of the registered surveyor	x	x
Date of plat preparation	x	x
Scale denoted both geographically and numerically	x	x
Vicinity map showing the relationship between the subdivision and area	x	x
North arrow	x	x
"Preliminary Plat" or "Final Plat" designation	x	x
Tax map and parcel number of the parent tract and the name of the township, county, and state in which the subdivision is located	x	x
Surveyor's seal or stamp	x	x
Page numbers, if applicable		x
Site Data: on the subject property and within 300' of the property being subdivided		
Existing property lines on the tract to be divided and on adjoining properties	x	x
Proposed lot layout in relation to any roads or easements	x	x
Total acreage of the tract or the portion to be subdivided	x	x
Total number of proposed lots, each numbered consecutively	x	x
Total acreage or square footage of each lot, including easements	x	x
Total acreage or square footage of each lot included in road rights-of-way and/or access easements	x	x
Proposed lot lines and buffers for each proposed parcel	x	x
Remaining acreage in the parent tract, if any	x	x
Boundary of the tract or portion thereof being subdivided	x	x
Bearings and distances of all property lines which are part of the subdivision	x	x
All required setbacks and buffers delineated and labeled on the plat or described in notes or tables conspicuously placed on the plat	x	x
Any block numbers or planned phase boundary dimensions	x	x
Ownership, deed reference, and parcel identification of adjoining parcels	x	x
The location of any existing and proposed uses on the proposed subdivision lot(s), and if known, on the adjoining parcels	x	
The name of any adjoining subdivision of records as proposed and under review	x	
Zoning classification, if any, both on the subject tract and on adjoining land	x	
Acreage in parks and recreational uses and other nonresidential uses	x	x
Total acreage or square foot for any reserved open space as part of a cluster subdivision or planned unit development.		
Minimum building setbacks table or notation	x	x
The location, size, and description of any existing natural or manmade features such as lakes, ponds, watercourses, wetland areas, flood zones, utility or natural gas pipelines, bridges, rail facility, communication towers, airport overlay zones, historical sites, graves, rock outcrops, electric transmission lines, etc.	x	x

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The location, size, and description of any proposed features such as trails, parks, recreation areas, designated open spaces, or public use areas	x	x
Applicable Certificates (see Appendix A)		x
Name and location of any property within the proposed subdivision that is listed on the National Register of Historic Places	x	x
Name and location of any property designated by local ordinance as a Historic Landmark or Historic District	x	x
Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line and setback line including dimensions, bearings or deflection angles, radii, central angles and tangent distance for the centerline of curved property lines that are not the boundary line of curved streets		x
All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute		x
The accurate locations and descriptions of all monuments, markers and control points		x
A copy of any proposed deed restrictions or similar covenants. Such restrictions are mandatory when private recreation areas are established		x
Street Data:		
Proposed road layout with names and public or private designation	x	x
Location and dimension of rights-of-way	x	x
Pavement or gravel travel surface widths	x	
Existing public street name(s) and state road number(s) and/or existing private street name(s) with deed book and page reference	x	x
Private road designation as either Class 1 or Class 2	x	x
Street maintenance agreement book and page number reference		x
Existing nonconforming road(s) labeled with deed reference	x	x
Existing and platted streets on adjoining properties and in the proposed subdivision	x	X
Utility Data:		
The location, dimensions, and description of any proposed utility features or easements such as water distribution systems, sanitary sewers, stormwater control measures, gas lines, communication cables, electric lines, drainage easements, erosion control measures, storm drains, etc.	x	x
Other easements showing locations, widths and purposes	x	x
Location and dimension of areas to be used for other than residential uses	x	x
Future ownership of recreation and open space lands at date of recording	x	x

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Appendix ~~P~~ M. Specifications for Construction Plans

I. Plan

A. Title data:

~~a.~~ i. Date of submission.

~~b.~~ ii. Name and address of owner(s).

~~c.~~ iii. Name of subdivision.

~~d.~~ iv. Location designation (township, county, state).

~~e.~~ v. Name and address of engineer.

~~f.~~ vi. Scale in figures and bar graph.

~~g.~~ vii. North arrow.

B. Street data:

~~a.~~ i. Physical features and structures in the right-of-way and elsewhere as affected by street construction.

~~b.~~ ii. Sufficient data on the center line or proposed streets to readily verify compliance with the provision of this Ordinance including horizontal curve data (point of intersection, delta angle, degree of curve, radius of curve, length of curve, tangent distance), station equality at intersections, width of existing pavements, right-of-way and typical street section.

C. Utilities including existing and proposed public water and sewer systems and other underground utilities and appurtenances.

D. Storm drainage facilities including the location, size and drainage area of bridges, culverts and drain pipes.

E. Erosion and sediment control plans (if applicable)

F. Stormwater control measures (if applicable)

G. Oher information required by any section of this Ordinance

II. Profile

A. Street data:

~~a.~~ i. Center line profiles of proposed streets. Said profiles shall be extended beyond the property being subdivided sufficiently to verify the feasibility of the proposed street.

~~b.~~ ii. Center line vertical curve data and elevations.

~~c.~~ iii. Center line profiles of intersecting (existing and proposed).

~~d.~~ iv. Grades.

~~e.~~ v. Station and elevation of intersecting streets.

~~f.~~ vi. Existing street and property line elevations.

~~g.~~ vii. Street names.

~~h.~~ viii. Benchmark description and elevation.

B. Utilities including existing and proposed public water and sewer systems and other underground utilities and appurtenances.

C. Storm drainage facilities including top and invert elevations for catch basin and manholes.

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~~Appendix Q Specifications for Final Plats~~

~~I. Title Data~~

~~A. Date of submission.~~

~~B. Name and address of owner(s).~~

~~C. Name of subdivision.~~

~~D. Location designation (township, county, state).~~

~~E. Name and address of surveyor.~~

~~F. Scale in figures and bar graph.~~

~~G. North arrow.~~

~~H. "Final Plat" notation.~~

~~I. Appropriate Certificates.~~

~~II. Surrounding Properties Information~~

~~A. Property lines, property owners and subdivisions.~~

~~B. Right-of-Way, easements, reservations and public use sites located and identified.~~

~~III. Property Being Subdivided~~

~~A. Street right-of-way, widths of pavements and names.~~

~~B. Property boundary lines including bearings and distances.~~

~~C. Block and lot lines and dimensions.~~

~~D. Minimum building setback lines.~~

~~E. Identification and dimensions of easements, reservations and dedicated area.~~

~~F. Locations, extent and identification of marginal land.~~

~~G. Sufficient data of monuments and markers to determine readily and reproduce on the ground, the locations, bearing and length of all the above items.~~

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