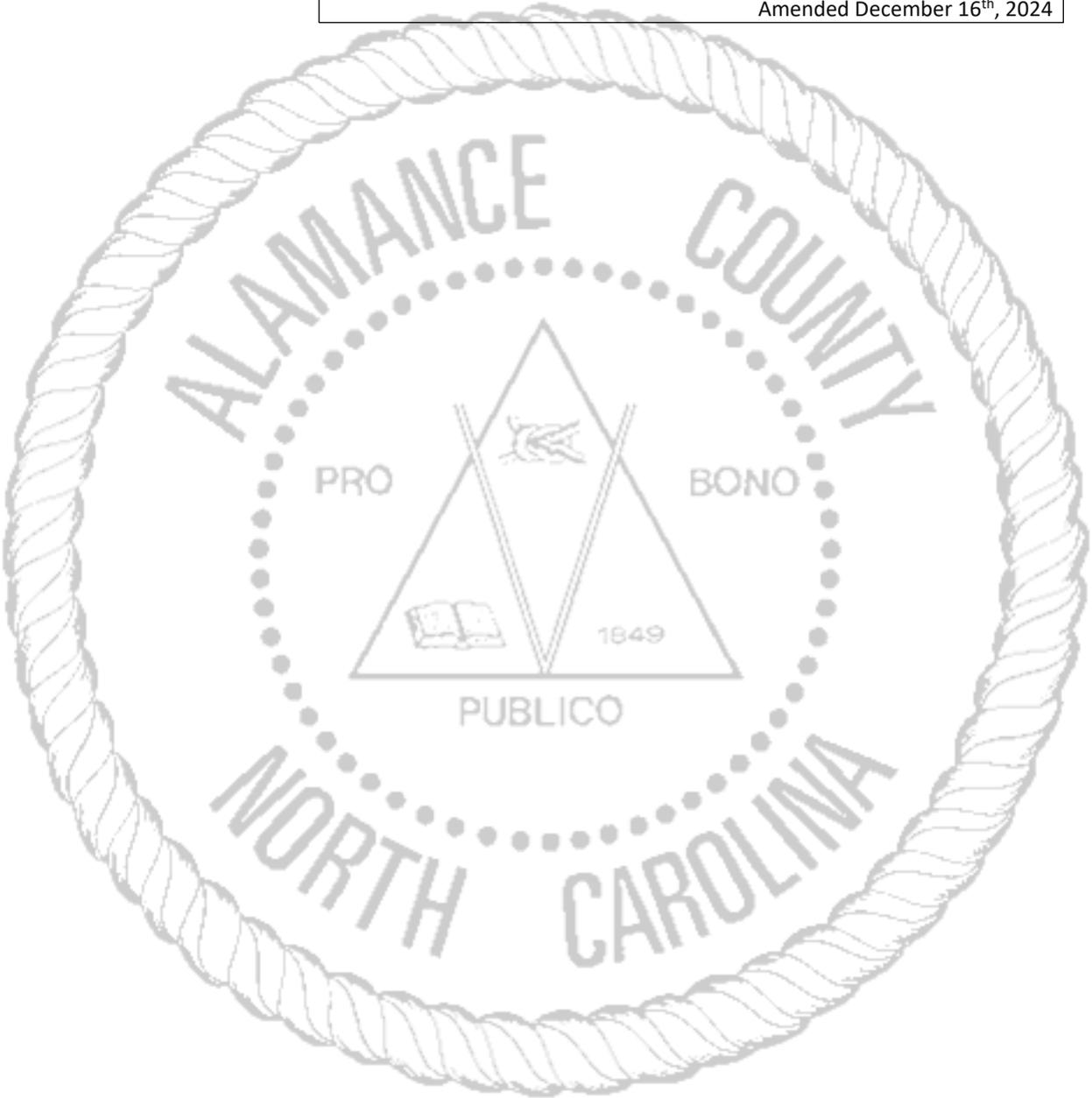


# Alamance County Unified Development Ordinance

**Prepared by Alamance County Planning Department**

Adopted June 21<sup>st</sup>, 2021  
Amended February 22<sup>nd</sup>, 2022  
Amended May 16<sup>th</sup>, 2022  
Amended June 20<sup>th</sup>, 2022  
Amended May 1<sup>st</sup>, 2023  
Amended November 6<sup>th</sup>, 2023  
Amended April 15<sup>th</sup>, 2024  
Amended December 16<sup>th</sup>, 2024



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## ARTICLE 1 | GENERAL

### 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 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.

## 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 Chapter 160D-303, of the North Carolina General Statutes;
- c) Height Restrictions Standards - Chapter 63, Article 4, of the General Statutes of the State of North Carolina authorize political subdivisions of the State of North Carolina to adopt, administer, and enforce under the police power airport zoning regulations;
- d) Farmland Preservation Standards - 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 - The Alamance County Board of Commissioners enacts this Ordinance pursuant to its police powers, as set forth in and authorized by Section 153A-121(a) of the North Carolina General Statutes; pursuant to its power to regulate businesses as set forth and authorized by Section 153A-134 of the North Carolina General Statutes; pursuant to its power to regulate noise as set forth and authorized by Section 153A-133 of the North Carolina General Statutes; pursuant to its power to regulate solid waste as set forth and authorized by Section 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 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;
- 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.

## 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:

1. Abandoned and Junk Motor Vehicles Ordinance
2. Adult Establishment Ordinance
3. Alcohol Plant Ordinance
4. Automobile Graveyards Ordinance
5. Dead Storage of Manufactured Homes Ordinance
6. Flood Damage Prevention Ordinance
7. Heavy Industrial Development Ordinance
8. Height Restriction Ordinance
9. Historic Properties Commission Ordinance
10. Insulation Contractors Ordinance
11. Manufactured Home Park Ordinance
12. Planning Board Ordinance
13. Redevelopment Ordinance
14. Sexually Oriented Business Ordinance
15. Solar Energy System Ordinance
16. Subdivision Ordinance
17. Watershed Protection Ordinance
18. Wireless Communications Facilities Ordinance

### 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.

### 1.8 Reserved for Amendment Procedure

### 1.9 Interpretation

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

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

### 1.10 Effective Date

This Ordinance shall become effective and in full force on June 21, 2021. Specific provisions for pre-existing or non-conforming 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

## ARTICLE 2 | REVIEW AUTHORITY AND ORDINANCE ADMINISTRATION

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

## 2.1 Planning Board

### 2.1.1 ESTABLISHMENT AND RESPONSIBILITIES

There is hereby established, by authority of Chapter 160D Section 301 of the North Carolina General Statutes an Alamance County Planning Board, which said Board shall:

- i. To prepare, review, maintain, monitor, and periodically update and recommend to the governing board a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis.
- ii. To facilitate and coordinate resident engagement and participation in the planning process.
- iii. To develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
- iv. To advise the governing board 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. § 160D-604.
- v. To exercise any functions in the administration and enforcement of various means for carrying out plans that the governing board may direct.
- vi. 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.
- vii. To perform any other related duties that the governing board may direct.

### 2.1.2 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 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 recommendation 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 Planning Board shall, before entering their duties, qualify by taking an oath of office as required by G.S. 160D-309.

### 2.1.3 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.
- 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.

### 2.1.4 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 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.

## 2.2 Historic Properties Commission (HPC)

### 2.2.1 ESTABLISHMENT AND RESPONSIBILITIES

There is hereby established, by authority of Chapter 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.

### 2.2.2 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.

#### 2.2.2a Qualifications of Members

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

#### 2.2.2b Terms

The terms of office shall be for three 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 unexcused absences annually before disciplinary action will be taken.

2.2.2c 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.

2.2.2d 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:

1. Undertake an inventory of properties of historical, prehistorical, architectural, and/or cultural significance.
2. Recommend to the governing board 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 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 or the commission, when authorized by the 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 Part. NC General Statutes - Chapter 160D 72
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 Board of Adjustment (BOA)

### 2.3.1 ESTABLISHMENT AND RESPONSIBILITIES

There is hereby established, by authority of Chapter 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.G.S. § 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.G.S. § 160D-405 and 406 shall be heard and decided as required by Chapter 106D or any subsequent statute.

### 2.3.2 MEMBERSHIP

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

- 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 G.S. 160D-309.

### 2.3.3 PROCEDURES

- i) A quorum of the Board, necessary to take official action, shall consist of four 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 G.S. 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 Planning Department

### 2.4.1 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:

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

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.

## 2.5 Planning Director

### 2.5.1 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.

### 2.5.2 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 as prescribed herein. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours.
- 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.
- 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.

- 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 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 1<sup>st</sup> 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.

### 2.5.3 RESPONSIBILITIES AS FLOODPLAIN ADMINISTRATOR

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

- 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).
- 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).
- 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).

- 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) and Article 5, Section B(2).
- 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, 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), 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.
- o) 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.
- p) 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.

- q) 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.
- r) 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.
- s) To follow through with corrective procedures of this ordinance.
- t) To review, provide input, and make recommendations for variance requests.
- u) 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.
- v) To coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

#### 2.5.4 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 Subdivision Standards.
- b) To act as staff support to the Technical Review Committee.

## 2.6 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.

### 2.6.1 MEMBERSHIP

The TRC shall consist of the Subdivision Administrator, representatives from the County Health Department, County Planning Board, County Soil and Water Conservation, NC Department of Transportation, NC Department of Environmental Quality, County Emergency Management, and the County Building Inspections Department.

Other agencies and specialists as deemed necessary by the Administrator to properly implement the provisions and intent of this Ordinance may be included from time to time.

### 2.6.2 MEETING REQUIREMENTS

The TRC shall meet the second and fourth Thursdays of each month as needed. The subdivider 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.

## ARTICLE 3 | ADMINISTRATIVE PROCEDURES

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.

### 3.1 General Standards for Applications and Review

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 may waive submission of required elements of information when the review officer determines 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 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.

##### Plats

- a) Plats shall be standard sheet size of 18" x 24" 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).
- c) Final plats shall conform to N.C.G.S. § 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.

#### 3.1.2 ADMINISTRATIVE REVIEW AND APPROVALS

Any applications required by this shall be submitted to the Planning Department upon a form published for that purpose. Upon receiving the complete application, the Administrator 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 may issue an approval, an approval with conditions, a denial, or may forward the application to the appropriate review body for review and approval. If the Administrator denies the application, 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](#) of this ordinance.

If the Administrator 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.

## 3.2 Grandfathering and Establishment of Non-conforming Uses and Structures

### 3.2.1 ESTABLISHMENT OF LEGAL NON-CONFORMANCES

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

#### NON-CONFORMING 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 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, the construction or alteration if which was begun prior to the effective date of this Ordinance, and which is diligently prosecuted.
- (B) Marking and Lighting. Notwithstanding the preceding provision of this Section, the owner of any non-conforming structure or tree 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 NON-CONFORMING USES

In cases of damage to a legal non-conforming 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 case 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.

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, 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.

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 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.

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.

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

### 3.5 Notification Procedures

The purpose of this section is to establish a procedure for public notification if required by Chapter 160D. An applicant's failure to comply with these instructions shall be due cause to cancel or reschedule any required hearing.

## ARTICLE 4 | ENFORCEMENT PROCEDURES

The purpose of this section is to establish the requirement and procedures for the management or enforcement of this ordinance.

All establishments within the 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.G.S. § 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 historic preservation 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 ordinance.

## 4.1 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.

## 4.2 Complaint, Inspection, and Determination of Violation

### 4.2.1 COMPLAINTS

Any individual may initiate a complaint to the Planning Department. Such complaints may be made verbally, in writing, or through a generally accepted 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.

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.

### 4.2.2 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 and to the landowner of the property involved, if the landowner is not the holder of the development approval, 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. The notice of violation may be posted on the property. 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. § 160D-1123 or G.S. § 160D-1206 or otherwise provided by law, a notice of violation may be appealed to the board of adjustment pursuant to G.S. § 160D-405.

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 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 G.S. § 160D.

#### 4.2.3 STOP WORK ORDERS

Whenever any work or activity subject to regulation pursuant to 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 specific part of the work or activity that is in violation or presents such a hazard to be immediately stopped. The order 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 G.S. § 160D-1112 and G.S. § 160D-1208, a stop work order may be appealed pursuant to G.S. § 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 G.S. § 160D-404.

### 4.3 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 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.

If the violation has not been corrected, the Planning Director may act to impose one or more of the remedies and penalties specified herein.

#### 4.4 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.

##### Civil Penalties

Any violation not addressed as outlined in Section 4.3 shall result in the imposition of a civil citation in the amount of \$500.00 per violation unless otherwise specified in this Ordinance. 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.

##### Criminal Penalties

Pursuant to N.C.G.S. § 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.

#### 4.5 Annual Notice for Chronic Violations

The Planning Director 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.

## ARTICLE 5 | Reserved for future Zoning Overlay for Snow Camp

## ARTICLE 6 | LAND USE AND DEVELOPMENT STANDARDS

## 6.1 General

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 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
<b>Front Setback</b>	
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'
<b>Side Setback</b>	25' if abutting street ROW; 10' if abutting property line that is not ROW
<b>Rear Setback</b>	20'

Accessory structures may be located no closer than 3' of rear property line or easement line, if easement is present on property.

Cul-de-sac lots shall have a minimum frontage of 20' at the street right-of-way line and a minimum width of 60' when measured at 30' back from right-of-way.

### 6.1.2 STREAM BUFFERS

A 50' 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' 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.

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 WATER SUPPLY LAKE BUFFERS

A 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.

6.1.5 TEMPORARY RESIDENCES

Temporary use of a manufactured home or travel trailer 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 Commissioner of Insurance.
- B. Travel trailers and RVs used as temporary residences for a period of more than 30 days must be permitted by the Planning Department. A temporary residences 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) If used as a supplementary residence in addition to a permanent residential dwelling on the property, for up to 12 months.
  - b) 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 12 months with the option of permit renewal for additional 12-month periods 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) 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 12 months with the option of permit renewal for additional 6-month periods by the Planning Department.

All temporary residences permitted under this section must conform to the standards in Chapter 26 Article II, "Flood damage prevention ordinance" and shall tie into properly permitted water, electrical, and septic/sewer services on the property. Use of the travel trailer or RV as temporary housing must cease within 30 days of receipt of a certificate of occupancy for the primary housing unit.

## 6.2 Adult Establishments and Sexually Oriented Businesses

### 6.2.1 APPLICABILITY

This section governs the location and operation of adult establishments and sexually-oriented businesses as defined herein.

### 6.2.2 LOCATION, OPERATION, APPEARANCE, AND ADVERTISING REQUIREMENTS

#### 6.2.2(a) Location Restrictions

Adult establishments and sexually-oriented businesses must:

- a) Not be located within 1,000' 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 1,000' 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 1,500' of a park, school, house of worship, community center, or child day care center.
- e) Not be located within 1,500' of a major residential subdivision.

#### Waiver of Location Requirement

A property owner may petition the Board of Commissioners of the County of Alamance to waive the location requirements established above. 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.

#### 6.2.2(b) Operation Restrictions

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

- a) Hours of operation may only be between the hours of 2:00pm and 2:00am.
- b) No one under the age of 21 may be admitted into the business operation.
- c) In the case of massage parlors, no masseur or masseuse may massage a person under 21 years old except under the direction of or by order of a license health professional.
- d) No one under the age of 21 may be employed by the business operation.
- e) Performances in an adult establishment should occur only upon platforms that are raised at least 4 feet from the floor.

- f) Adult establishment and sexually oriented business entertainers must remain at least 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 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) therein.

Appearance and Advertising Restrictions

- a) No sexually-oriented merchandise or entertainment shall be visible from the exterior of the building.
- b) Each adult establishment or sexually oriented business is limited to one primary sign measuring 20 square feet, and 2 window signs measuring 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 business days.

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 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 been convicted of a sexually-oriented or drug related felony within the past 15 years or a sexually-oriented or drug related misdemeanor within the past 10 years, the license shall be denied. Failure to follow the procedure set forth herein as well as failure to meet the standards established in this Ordinance, the license shall be denied. Appeals may be filed per Section 4.2.2.

**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.

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 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 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 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 15 years or a human trafficking, sexually-oriented or drug related misdemeanor within the past 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. Appeals may be filed per Section 4.2.2.

**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;
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 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 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 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 15 years or a sexually-oriented or drug related misdemeanor within the past 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 may be filed per Section 4.2.2.

### **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**

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 shall be valid for 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. Application for this license must be made within 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 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 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) restrictions (g), (h), and (i) shall not apply to a private club, as defined by this Ordinance.

## 6.3 Dead Storage of Manufactured Homes

### 6.3.1 APPLICABILITY

This section sets out to establish the requirement and procedures for the management of mobile homes, house trailers, and similar vehicular equipment designed for use as living or business quarter that have been allowed to deteriorate to the point of constituting a nuisance and for the identification of the owner for the purposes of appropriately disposing of the mobile home. The Board of County Commissioners hereby finds that such is necessary to enforce state ad valorem property tax laws, public health and safety laws and ordinances and other applicable state and local laws including, but not limited to, the abatement of nuisances.

### 6.3.2 DISPOSITION OF REMOVED MOBILE HOMES

Any mobile home determined to be lawfully removed pursuant to this ordinance or under Order of Abatement issued by a court of competent jurisdiction may be disposed of by the County or the County-authorized person or entity having custody of the mobile home. Disposition of such mobile home may be carried out in compliance with any applicable recycling program/and or ordinances, and shall not occur until at least 30 calendar days following the probable cause hearing.

### 6.3.3 EXCEPTIONS

The provisions of Section 6.3 shall not apply to mobile homes that are actively being used for residential purposes; provided that the mobile home has been properly permitted and is being operated in a lawful manner, including but not limited to, operation so as not to constitute a public nuisance.

The provisions of Section 6.3 shall not apply to mobile homes being used for residential, commercial, or storage purposes on a bona fide farm.

The provisions of Section 6.3 shall not apply to any Class I mobile home on the premises of a business enterprise being operated in a lawful place and manner if the mobile home is necessary to the operation of the enterprise, such as a mobile home dealership.

The provisions of Section 6.3 shall not apply to any Class II or Class III mobile home on the premises of a bona fide junkyard that is being operated in a lawful manner.

### 6.3.4 IMMUNITY

No person shall be held to answer in any criminal or civil action to any owner of a manufactured home found to be in violation of this ordinance for removing and/or disposing of such manufactured home as provided in this ordinance.

## 6.4 Flood Damage Prevention

### 6.4.1 APPLICABILITY

This section applies to all Special Flood Hazard Areas within the jurisdiction of Alamance County, including Extra-Territorial Jurisdictions of the Village of Alamance.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS, which are adopted by reference and declared a part of this ordinance. Future revisions to the FIS and 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 3 months.

6.4.2 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;
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 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 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, 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;
  - d. The boundary of the floodway(s) or non-encroachment area(s) as determined by Section 5.6.1.
  - 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, 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
  - 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.
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 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**

1. Elevation Certificates
  - a. An Elevation Certificate, FEMA Form 086-0-33, 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, 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.
- c. A final Finished Construction Elevation Certificate, FEMA Form 086-0-33, 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 2 photographs showing the front and rear of the building taken within 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 inches x 3 inches. 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, 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.
- b. A final Finished Construction Floodproofing Certificate, FEMA Form 086-0-34, 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. 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 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**

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 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.
  - 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;

- 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 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:

##### 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 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.
- 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 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 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:
  - i. A minimum of two flood openings on different sides of each enclosed area subject to flooding;

- ii. The total net area of all flood openings must be at least 1 square inch for each square foot of enclosed area subject to flooding;
- iii. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
- iv. The bottom of all required flood openings shall be no higher than 1 foot above the higher of the interior or exterior adjacent grade;
- v. 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
- vi. 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.
  - 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 1-year period, the cumulative cost of which equals or exceeds 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 1-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, include 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 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.
- 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 3 months, renewable up to 1 year;
- b) The name, address, and phone number of the individual responsible for the removal of the temporary structure;
- c) The time frame prior to the event at which a structure will be removed (i.e., minimum of 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.
- f) All service facilities such as electrical shall be installed in accordance with the provisions of 6.4.5; 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.

An accessory structure with a footprint less than 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. Elevation or floodproofing certifications are required for all other accessory structures in accordance with 6.4.5.

#### Tanks

When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- a) 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;
- b) 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;

- c) 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.
- d) 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.

6.4.7 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, where no BFE data has been provided by FEMA, the following provisions, in addition to the provisions of Article 5, Section A, 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.
- 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 Band F.
- 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 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. All other applicable provisions of Article 5, Section B shall also apply.

6.4.8 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.
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 1 foot at any point within the community.

6.4.9 FLOODWAYS AND NON-ENCROACHMENT AREAS

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in section 6.4.1. 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 and section 6.4.6, 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 6 months of completion of the proposed encroachment.
2. If section 6.4.8.1 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; and
  - b. The encroachment standards of section 6.4.8.1.

## 6.5 Heavy Industrial Development

### 6.5.1 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.

### 6.5.2 REGULATED LAND USES AND EXCEPTIONS

#### a. Regulated Land Uses

CLASS I
Fuel Bulk Storage, Ready-Mix Concrete Suppliers, Inert Debris Landfills, Renewable Energy Generating Facilities
CLASS II
Resource Extraction, Automobile Salvage and Storage Facilities, Chemical Manufacturing
CLASS III
Mining/Quarrying, Race Tracks, Asphalt Plants, Electricity Generating Facility, Landfills-except inert debris, Paper Mills, Cement Manufacturing, Waste Facilities, Saw Mills, Metal Recycling and Salvage Facilities

#### 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.

### 6.5.3 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
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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.

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**

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

#### **E. Operations Setback**

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. 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 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.

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 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. 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 III uses. For Class I and II uses, the screening shall consist of a minimum of two staggered rows of plantings. For Class 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 of this 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 times the engineer's 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.

**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.

6.5.4 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 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. 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.
- 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. The applicant shall cause notice of the public hearing to be published in a newspaper of general circulation in Alamance County not less than 10 days nor more than 25 days before the date fixed for the 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.
  - ii. 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. This list may be obtained from the Alamance County Clerk to the Board of Commissioners.
  - iii. 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. 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, 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 as described in section 6.5.3 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. 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 public hearing. The notice to be mailed is set forth in Appendix G to this Ordinance.

- vii. 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. Improper notice or certification shall be grounds to deny an Intent-to-Construct permit.
- iv. The Planning Board shall hold a public hearing on the application for the Intent-to-Construct Permit. At this public hearing, the regulated industry and community members may comment on the application.
- v. 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 the Planning Board determines that the application is compliant with the requirements of this Ordinance, the Planning Board shall forward its approval recommendation to the Board of Commissioners for final approval. 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.
- 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. Intent-to-Construct Permits require the permit holder to begin construction activities within one (1) year 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.
- ii. 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 per-application meeting, then the Intent-to-Construct Permit will expire and shall require re-application and review as a new project.
- 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.

### 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.

#### 2. 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 ordinance. This submission shall consist of two (2) paper copies.
- 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.

#### 3. 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.

4. Other Requirements

- A. Proof of an approved spill containment plan as issued by the Alamance County Fire Marshal.
- 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.
- 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.

## 6.6 Height Restrictions

### 6.6.1 PURPOSE AND INTENT

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 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 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.
  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 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 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.
    - 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 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 100 feet above the airport elevation, or 716.1 feet above mean sea level.

**4. Conical Zone (APC):** Slopes 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. 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 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.

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 CONSTRUCTION PERMITS

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) 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) 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) 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.
- (C) 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) 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) 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) 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.

## 6.7 Manufactured Home Parks

### 6.7.1 DEVELOPMENT SPECIFICATIONS

#### A. Minimum Space Size

##### 1. Service-based Size Requirements

Services Provided	Minimum Space Size
<b>Manufactured Home requirements</b>	
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 acre.
3. Manufactured Home Parks located in the Watershed Critical Area (WCA) of watersheds shall have a minimum manufactured home space size of two 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 50 feet.
2. Within each designated clearway there shall be a “travelway.” The travelway shall 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 150’ 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 a minimum width of 26’ feet or other configuration as approved by the appropriate regulating agency.
  - b. For cul-de-sacs more than 150’ 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 a minimum width of 96’ or other configuration as approved by the appropriate regulating agency.
  - c. No cul-de-sac or other dead end shall exceed 2500’ 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 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.

**C. Space Frontage**

**I. Manufactured Home**

- 1. Each designated manufactured home space shall have a minimum width of 100’ of frontage on the travelway.
- 2. Manufactured home spaces fronting on cul-de-sacs shall have a minimum of 35’ of frontage at the edge of the travelway.

**D. Parking**

**I. Manufactured Home**

Each manufactured home space shall provide for 2 designated parking spaces outside of the clearway for each manufactured home space. Each parking space shall have a minimum dimension of 20’ in length and 10’ feet in width, with minimum 4” of compacted gravel.

**E. Setbacks**

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

<b>Side</b>	10’ from adjoining unit space
<b>Rear</b>	10’ from adjoining unit space
<b>Front</b>	45’; from the centerline of travelway, effective setback is 25’
<b>*NOTE: side and rear setbacks are to be measured from the side and rear space boundaries.</b>	

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 10' from each entrance. The sign shall be clearly visible with lettering at least 4" 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 10' from the unit's driveway or required parking area and will be clearly visible from the travelway. Numbers should be at least 4" high. If the sign is posted perpendicular to the travelway, the address should be visible from both directions.

**G. Garbage Disposal and General Maintenance**

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 the appropriate regulatory authority. No site plan 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.

## 6.7.2 CLUSTER DEVELOPMENT

Clustering of spaces within Manufactured Home Parks is not permitted.

## 6.7.3 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 (subdivision 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
- 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 ' 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

6.7.4 EXPANSION TO EXISTING DEVELOPMENT

Existing Manufactured Home Parks 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.

6.7.5 DISCONTINUATION OF NON-CONFORMING USE

If a non-conforming Manufactured Home Park, for any reason, discontinued the use of a park for, 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.”

## 6.8 Solar Energy Systems Standards

### 6.8.1 EXCEPTIONS TO APPLICABILITY

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

- a) Agricultural Farming Operations
- b) Residential Land Uses.

### 6.8.2 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 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') 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. 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') 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').

#### 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, Cadmium 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 five nautical miles of aviation operations? If so, provide the required SGHAT analysis results
- 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 30 days before the informational hearing. Proof of delivery of notification and date of delivery shall be submitted with permit application.
- i. Airport operations at airport in the National Plan of Integrated Airport Systems (NPIAS)<sup>12</sup> within 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 Carolina<sup>13</sup>
  - ii. Airport operations at airport *not* in the NPIAS, including military airports, within 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. 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') 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 bank of the 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 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 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 times the landscape architect's 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 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.
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.

6.8.3 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.

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 Staff member to discuss the nature of their application at least 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) Informational Hearing and Notice**

- i. Upon the submission of a complete application for an SES Permit, an informational hearing on the proposed SES 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 Permit. At this informational hearing, the SES 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 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.
- iv. Upon the issuance of an SES 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 APPROVAL OF SES 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.

**6.8.5. FINAL APPROVAL**

A valid SES 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 SES 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, 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
- 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.

## 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.

### 6.9.2 GENERAL PROVISIONS

#### A. PLAT RECORDATION

**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.
- 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.

6.9.3 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.

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.

#### **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 for future extensions shall be required on roads designed as N.C. DOT 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 right-of-ways 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 insure 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.

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

<b>CLASS OF ROAD</b>	<b>NUMBER OF LOTS SERVED</b>
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.
  - 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.
- 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.
- 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) \***

<u>Facility Provided</u>	<u>Minimum Lot Size</u>
Septic System & Well	2 Acres
Public Water & Sewer	2 Acres

**Balance of Watershed (BOW) \***

<u>Facility Provided</u>	<u>Minimum Lot Size</u>
Septic System & Well	1 Acre
Public Water & Sewer	1 Acre

**Non-Watershed Areas (NWA) \***

<u>Facility Provided</u>	<u>Minimum Lot Size</u>
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.
  - 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:

<u>Setback Line</u>	<u>Distance in Feet</u>
From the <b>Front</b> Right-of-way Line	
On Streets:	
Arterial.....	40’
Major Collector.....	40’
Minor Collector.....	35’
Local.....	30’
From the <b>Side</b> Right-of-way Line Abutting Streets.....	25’
From the <b>Side</b> Property Line Non-abutting Street.....	10’
From the <b>Rear</b> Property Line.....	20’*
From a <b>Cul-De-Sac</b> 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**

- ii. 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.

- iii. 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.

#### **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.

### 6.9.5 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.

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**

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.

**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.

## 6.10 Watershed Protection Standards

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.

### 6.10.1 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

## 6.10.2 WATERSHED CRITICAL AREA

**Watershed Critical Area (WCA)**

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.
- 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 250 gallons. (Except for L.P. Gas Storage).

6.10.3 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 use, 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.

- 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:

- 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.
- 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.
- 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.

- 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:

<b>Watershed</b>	<b>Maximum SNIA Acres Available</b>
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.

6.10.4 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

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.

6.10.5 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.

## 6.10.6 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.

## 6.10.7 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.

## 6.10.8 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.**

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 in shall notify the applicant in writing stating the reasons for denial.

**6.10.9 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.

**6.10.10 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 Protection Agency (EPA). Also, the Alamance County Emergency Management Office maintains a computerized list of SARA Title III facilities.

## 6.11 Wireless Communications Facilities

### 6.11.1 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.

### 6.11.2 EXCEPTIONS

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.

### 6.11.3 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.

### 6.11.4 DEVELOPMENT STANDARDS FOR WIRELESS COMMUNICATION TOWERS

#### a) Height Limits

Administrative approval may be granted by the Planning Department for wireless communication towers that do not exceed 90 feet in height. A tower that is proposed to exceed 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.

b) Setbacks

**Residential Structures** - A wireless communication facility must be located at least the height of the tower x 1.5 from any residential structure. This does not apply to a residential structure that is occupied by the owner of the property upon which the wireless communication facility is located. The setback requirement may be reduced with design certification by an engineer.

**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.

**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 the height of the tower x 1.5 from any high-tension power lines.

**Airports** - A wireless communication facility must be located at least 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) Landscaping and Aesthetics

1. Wireless communication facilities should be placed in a location that will provide for proper functioning, and one that will have minimal visual impact.
2. All landscaping should be designed to be compatible with existing structures and landscapes on the property and on adjoining parcels.
3. The color of a wireless communication facility should be neutral or compatible with its surroundings. In addition, colors must meet FAA standards.
4. The use of camouflage or stealth technology is strongly encouraged.
5. A vegetative buffer must 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 10 feet wide and should include, at a minimum, 1 row of evergreen or deciduous trees placed no further than 8 feet apart and 1 row of evergreen shrubs spaced no more than 5 feet apart.
6. Existing vegetation on the site should be preserved as much as possible and incorporated into the site design.
7. Vegetated buffers should be created through minimal grading activities and, as much as possible, should preserve existing mature growth on the site.
8. 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.

d) Fencing

A wireless communication facility must have a commercial-grade safety fence placed around the base of the tower and any accessory structures. This fence should be at least 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) 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 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 used to reduce ground lighting must be used when the wireless communication facility is within 100 feet of a residential dwelling.

f) 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.

One small sign measuring no more than 2 feet by 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) Structural Integrity

Each wireless communication facility and any accessory structures 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) 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) Access to Wireless Communication Facility

Access to the wireless communication facility site must be provided by an easement of no less than 30 feet in width. The road base constructed shall be no less than 10 feet and no greater than 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.

## 6.11.5 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 6.11.18, 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)

## 6.11.6 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.

## 6.11.7 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.
- (7) 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.
- (8) 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.
- (9) 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.

#### 6.11.8 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;

5. Sealed drawings from an architect or engineer licensed in the State of North Carolina that contain the items listed below in (c);
6. 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);
7. 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;
8. Certification from the FAA that the proposed wireless communication facility will not pose a hazard to air navigation;
9. 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
10. 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.

- (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.

#### 6.11.9 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, above, to the Planning Department for administrative review.
- (c) Upon review, the Administrator will determine whether the submitted application complies with the terms of this Ordinance. The Administrator may issue an approval, an approval with conditions, or a denial.

- (d) If the Administrator denies the application, the reasons for the denial must be outlined in a letter sent to the applicant via certified mail, return receipt requested. 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.
- (e) If the Administrator issues an approval or an approval with conditions, he or she 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.

6.11.10 REVIEW OF PERMIT APPLICATION BY ADMINISTRATOR AND PLANNING BOARD

- (a) Upon submission of the application, the Administrator 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.
- (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. Following its review, the Planning Board may approve the application, 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. The owner may resubmit its application after making any corrective changes.
- (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

- (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.

6.11.12 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.

## 6.12 Abandoned, Junk and Nuisance Motor Vehicle

### 6.12.1 JURISDICTION

This governs the 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.

### 6.12.2 APPLICATION

- a) A property owner may store 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.
- 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.
- c) . 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.
- d) Upon investigation, the Administrator may determine that a motor vehicle is an abandoned, junked, and/or nuisance motor vehicle as defined herein. The Administrator may order the motor vehicle removed to a storage garage or area that has been approved by the Board of Commissioners of Alamance County.
- e) 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.
- f) 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.
- g) 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

- 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.

6.12.4 REQUIRED PRE-TOWING NOTICE

- a) Except as set forth in Section 10 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 6.12.6.

6.12.5 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 of this Ordinance.

6.12.6 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:

1. A description of the removed vehicle;
2. The name, address, and contact number for where the vehicle is stored;
3. The violation with which the owner is charged, if any;
4. The procedure which the owner must follow to redeem the vehicle; and
5. The procedure to be followed in order to request a probable cause hearing on the towing.

6.12.7 UNLAWFUL REMOVAL OF IMPOUNDED VEHICLE

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.

6.12.8 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 Automobile Graveyards

### 6.13.1 PERMIT REQUIRED FOR AUTOMOBILE GRAVEYARDS AND/OR JUNKYARDS

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 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.

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.

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 EXCEPTIONS TO SCREENING AND FENCING

The following automobile graveyards are excepted from the Screening and Fencing Requirements:

- a) 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
- b) 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

- c) Those unlicensed junk cars located in a fully enclosed structure; or
- d) Those automobile graveyards permitted by Article 12 of the North Carolina General Statute Chapter 136.

6.13.4 STREAM BUFFER

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.

6.13.5 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 feet by twelve feet may be used for the advertisement of the business of the owner thereof.

6.13.6 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 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 or by imprisonment not to exceed 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 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. The permittee may continue operating his business pending an appeal under Section Eleven.

6.13.7 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.
  
- b) Notice: 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 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) 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.

## 6.14 Recreational Vehicle (RV) / Travel Trailer Parks

### 6.14.1 DEVELOPMENT SPECIFICATIONS

#### I. Minimum Space Size

##### 1. Service-based Size Requirements

Services Provided	Minimum Space Size
<b>Recreational Vehicle requirements</b>	
	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.
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.

\*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 30 feet.
2. Within each designated clearway there shall be a “travelway.” The travelway shall 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 150’ 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 a minimum width of 24’ feet or other configuration as approved by the appropriate regulating agency.
  - b. For cul-de-sacs more than 150’ 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 a minimum width of 96’ or other configuration as approved by the appropriate regulating agency.
  - c. No cul-de-sac or other dead end shall exceed 2500’ 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 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.

**C. Space Frontage**

1. Recreational Vehicle

Each designated recreational vehicle (also referred to as RV) space shall have a minimum width of 40' of frontage on the travelway.

**D. Parking**

1. Recreational Vehicle

Each RV space shall provide for 2 designated parking spaces outside of the clearway; one parking space may be met at an overflow parking area on the same parcel as the space.

Each parking space at any location shall have a minimum dimension of 20' in length and

10' feet in width, with minimum 4" of ABC (aggregate base course) stone.

**E. Setbacks**

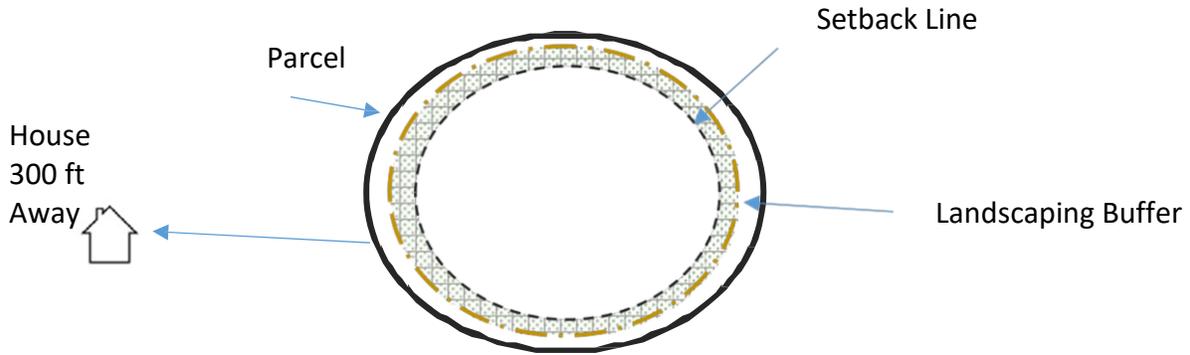
The following setbacks are established for units within RV parks:

The separation requirement of the ordinance is intended to protect property values, preserve the character and integrity of the County and to promote the health, safety and welfare of County residents.

<b>Structure setbacks</b>	<b>Min. distance 15 feet between structures on adjacent lots</b>
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
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.



**F. Land Spacing**

**Land Use Spacing & Protected Facilities**

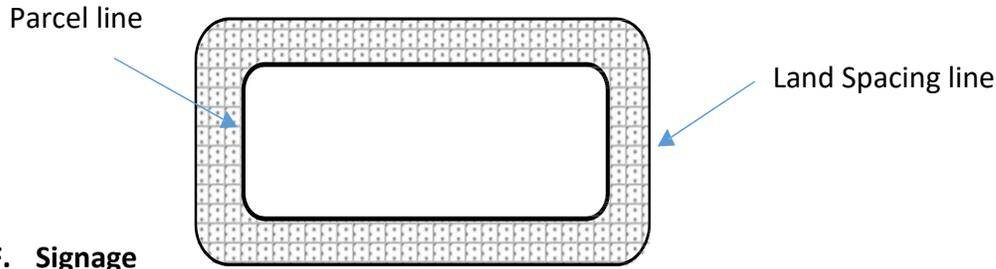
Uses regulated by this section shall be required to meet a minimum spacing requirement from any “protected facility” as defined by this section. Land use spacing shall be measured in a straight line without regard for intervening structures or objects from the closest edge of the property line of the 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

**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:

<b>Recreational Vehicle Park</b>	
<b>4 or more units</b>	<b>50 ft land spacing</b>
<p>*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.</p>	
<p>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.</p>	



**F. 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 10' from each entrance. The sign shall be clearly visible with lettering at least 4" 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 4" high. If the sign is posted perpendicular to the travelway, the address should be visible from both directions.

**G. Garbage Disposal and General Maintenance**

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. 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.

**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.

6.14.3 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
- ✓ 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 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.

## ARTICLE 7 | DEFINITIONS

### 7.1 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 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.

#### 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

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**

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.

**AGRICULTURAL 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.

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 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)

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.

ANTIQUÉ 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.

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)**

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 to three 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 FACILITY (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.

**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 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.

**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.

**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**

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 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.

CLUSTER DEVELOPMENT

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.

COMPREHENSIVE LAND USE PLANS

Any plans developed and adopted by the County which establish long-term goals and projects that the County will pursue over a designated period of time in an effort to control the development and to shape the character of the community.

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.

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.

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.*

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.

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 RACE TRACK

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.

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

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)

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.

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.

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 lumbars 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.

**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.

**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.

**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.

**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**

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.

**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.

HISTORIC STRUCTURE

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."

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.

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

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.

LANDING AREA

The 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.
- 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

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

*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.”

*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

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.

#### MINOR VARIANCE

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.

#### 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.

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.

OPERATIONS

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.

PERSON

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**

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.

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 VEHICLE, 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.

## 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.

## 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

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 commercial removal of any naturally occurring substance from the land not otherwise covered by the definition of mining and quarrying. Such substances include, but not limited to top soil or fill dirt. Such substances do not include petroleum in any form, natural gas, or other gaseous substance agricultural products, timber, surface or subsurface water, or any renewable resource.

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**

A tire that is no longer suitable for its original, intended purpose because of wear, damage, or defect.

**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.

## 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.

## 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.

## SOLID WASTE

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

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.

**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.

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.

#### SUBDIVIDER

Any person or firm, or official agent thereof, who subdivides any land deemed to be a subdivision.

#### 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

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 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**

A road or driveway used for access in a manufactured home 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.

**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.

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.

## ARTICLE 8 | 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

- 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

- 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.

---

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.

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

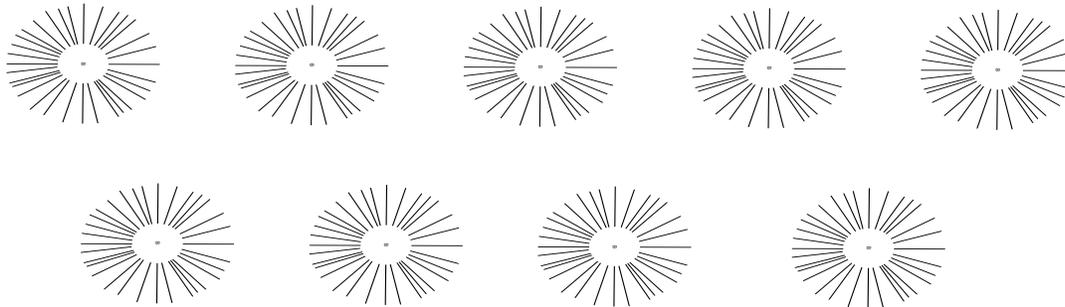
Appendix B Screening Guidelines and Suggestions

**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)

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: \_\_\_\_\_

\_\_\_\_\_

Appendix D Heavy Industrial Development Operations Permit  
Alamance County Planning Department

Date: \_\_\_\_\_

Project Name: \_\_\_\_\_

Township Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Parcel I.D. Number: \_\_\_\_\_

Contact Address: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

\_\_\_\_\_

Acreage of Lot: \_\_\_\_\_

Contact Phone: \_\_\_\_\_

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., 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: \_\_\_\_\_

## 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 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. An exterior lighting plan showing locations of all lighting and proposed lighting fixtures.

# Heavy Industrial Development Ordinance Operations Permit



Permit # \_\_\_\_\_

Applicant \_\_\_\_\_

Permitted Use: \_\_\_\_\_

Date: \_\_\_\_\_

Expires: \_\_\_\_\_

\_\_\_\_\_  
Alamance County Planning Manager |

## Appendix G Heavy Industrial Development Fee Schedule

<b><u>Classification</u></b>	<b><u>Permit Application Fee</u></b>	<b><u>Renewal Fee</u></b>
<b>Class I</b>	\$350	\$50
<b>Class II</b>	\$350	\$50
<b>Class III</b>	\$350	\$50
<b>Nonconforming/Grandfathered</b>	\$0	\$50

Appendix H 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.

## Appendix I Specifications for SES 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.

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:\_\_\_\_\_

Appendix K 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 \_\_\_\_\_.

\_\_\_\_\_ (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: \_\_\_\_\_

[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.	<u>Minimum Road Standards for Class I Private Road:</u>	
	<b><u>TYPE</u></b>	<b><u>DISTANCE</u></b>
	<b>Width</b>	50'
	<b>Travelway (minimum)</b>	
	Class I Road (4" Compacted Gravel)	10'
	<b>Shoulder (minimum)</b>	
	Class I Road	8'
	<b>Ditch (typical)</b>	
	Class I Road	4'
	<b>Utilities (typical)</b>	4'
	<b>Outside Ditch to Outside Ditch</b>	42'
	<b>Maximum Cut or Fill Slope</b>	2:1
	<b>Design Speed (per N.C. DOT)</b>	20 MPH
	<b>Minimum Sight Distances, Curves</b>	110'
	<b>Minimum Centerline Radius</b>	90'
	<b>Maximum Grade</b>	12%
	<b>Cul-de-Sac Radius, Minimum</b>	50'
	<b>Intersection Angle, Minimum degrees</b>	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.

- 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.

Appendix M 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.

**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 (#)**

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**

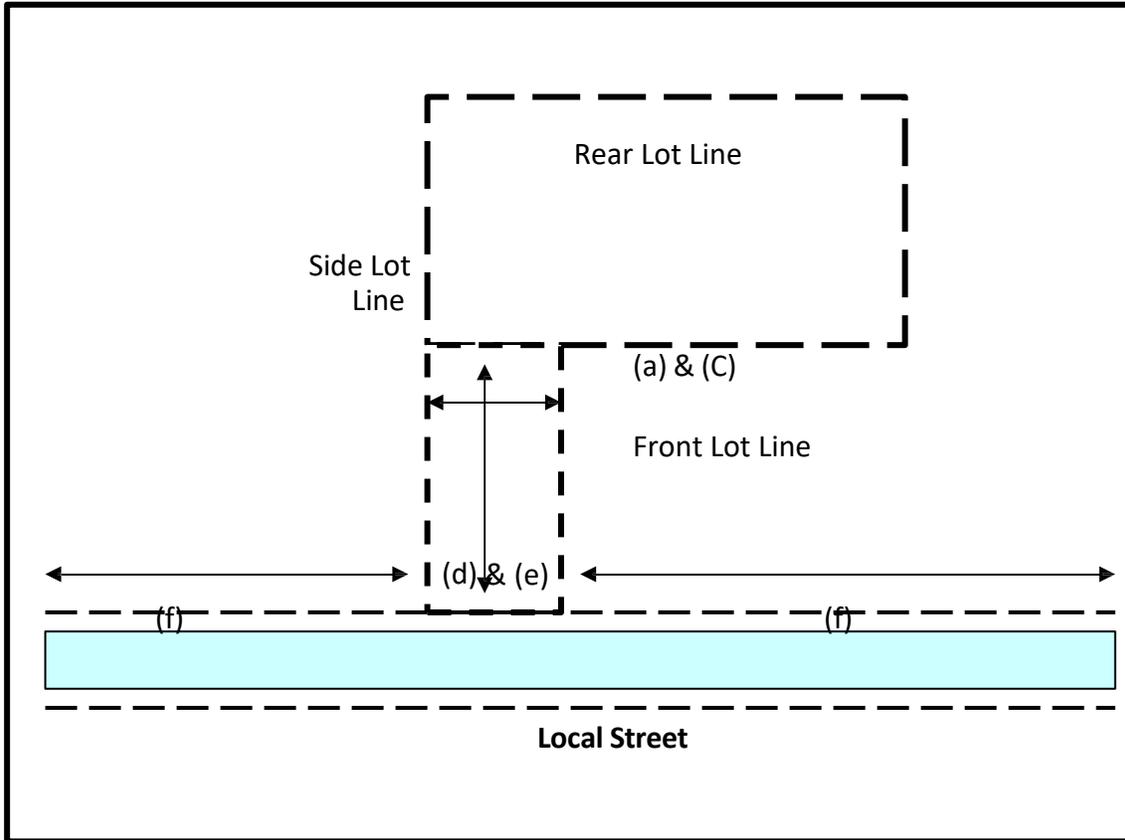
STATE OF NORTH CAROLINA COUNTY OF ALAMANCE

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: \_\_\_\_\_

Appendix N 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 Specifications for Preliminary Plans

- 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

## Appendix P Specifications for Construction Plans

### **I. Plan**

#### **A. 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 engineer.
- f. Scale in figures and bar graph.
- g. North arrow.

#### **B. Street data:**

- a. Physical features and structures in right-of-way and elsewhere as affected by street construction.
- b. 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.

### **II. Profile**

#### **A. Street data:**

- a. 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. Center line vertical curve data and elevations.
- c. Center line profiles of intersecting (existing and proposed).
- d. Grades.
- e. Station and elevation of intersecting streets.
- f. Existing street and property line elevations.
- g. Street names.
- h. 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.

## 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.

The Alamance County Board of Commissioners hereby adopts this ordinance,  
this the final, this the 21<sup>st</sup> day of June, 2021.

ALAMANCE COUNTY BOARD OF  
COMMISSIONERS

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner