

Board Chair:

Rodney Cheek

Planning Director:

Matthew Hoagland



Commissioners' Meeting Room

124 W Elm Street

Graham, NC 27253

May 8, 2025 at 7:00 PM

ALAMANCE COUNTY PLANNING BOARD AGENDA

Virtual-

<https://www.youtube.com/channel/UC1QADkhkyUpac9rMs42imjA>

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF PLANNING BOARD MINUTES**
 - 1. April 10, 2025 Regular Meeting
- IV. PUBLIC COMMENTS***
- V. BOARD/COMMISSIONER RESPONSES**
- VI. OLD BUSINESS**
 - 1. Draft Rural Preservation Ordinance Review
- VII. NEW BUSINESS**
 - 1. Draft Subdivision Ordinance Amendments Review
- VIII. ANNOUNCEMENTS/DISCUSSION**
- IX. ADJOURNMENT**

**Meeting Notes:*

- 1. *Those wishing to make public comments should sign-in prior to the meeting.*
- 2. *In order to be fair and ensure that all citizens wishing to speak may be heard, the Chair may place time limits on public comments.*
- 3. *Any further discussion by the public on a given agenda item is subject to the discretion of the Chair of the Planning Board*

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I. CALL TO ORDER

Chairman Cheek called the meeting to order at 7:00pm

II. ROLL CALL

Present: Chairman Rodney Cheek, V. Chair Lee Isley, Henry Vines, Tom King, Henry Chandler, Ernest "Smokey" Bare, Amie Perkins.

Absent: Stephen Dodson, Mac Jordan, Commissioner John Paisley

Staff Present: Planning Director Matthew Hoagland, Planner II Ian Shannon, Assistant County Manager Brian Baker, Assistant County Attorney Michelle Horn

III. APPROVAL OF PLANNING BOARD MINUTES

Mr. Cheek asked if all board members had time to look over the March 13, 2025 Regular Meeting minutes. Mr. Bare made a motion to approve the minutes, which was seconded by Mr. Vines. Minutes were approved unanimously.

IV. PUBLIC COMMENTS*

Mr. Philip Morgan said he had prepared any comments but that he had been looking at the changes for mobile home parks. He thinks the new changes would be limiting affordable housing by removing them from agricultural districts. He thinks lot sizes are still too large and will cause issues when people want to sell land later or give to family member.

V. BOARD/COMMISSIONER RESPONSES

None.

VI. OLD BUSINESS

1. Draft Table of Land Uses Review
2. Draft Table of Land Uses Definitions

Mr. Hoagland said that since these two old business items are really interrelated then he could address both at the same time unless there was an objection from the board.

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First, he reported that he had Look into Elon's possible expansion plans toward Ossipee. He found out that this area is part of an outdated plan from Elon and they have no firm plans to expand here. Also, regarding 1/3 of a home being the limit for max usage of a home occupation business, he added this as the limit for usage under the new "Customary Home Occupation" definition. He said he had also talked to inspections about when certain A.D.A. requirements take effect. According to the chief inspector, if a business is open to the public it is supposed to have A.D.A. compliant ramps and other similar features, including home businesses.

He said he had also added home-based business as an accessory use to the principal use and set regulations around that. He also allowed home-based businesses in RR and ST districts in table of uses. He also removed Mobile Home Parks from the AG district. He added ½ mile separation for Family Care Homes.

Mr. Hoagland also explained that he decided to keep the agricultural uses listed in the table because not all agricultural operations may also meet the criteria to be exempt from zoning regulations. For example, a community garden in the Mill Village district may not meet the minimum lot size requirement for tax deferment but it would still be shown as allowed in this plan.

He also made the change to allow Clubs, Lodges, and Banquet Halls to be given a PA or SU label. He also changed it so that "Government Services, Admin" is no longer in the AG districts. He said for Airport Facilities he had changed the use to requiring a special use permit and added a minimum lot size of 40 acres to table of uses.

He said he created new use for "Food Operations incidental to Ag. Operations" and allowed in the AG districts as well as created a new definition for the use. He also moved "Adult Store/Sex Business" to the Recreation & Entertainment category. He changed Recycling Drop-Off Station to require landscaping/screening in AG and allowed in RR.

He concluded by saying that even though he had landscaping for this use and a variety of uses it is one thing he would like the board to discuss and give some guidance on. If certain landscaping is going to be required, then it would likely require quite a bit more detail somewhere in the ordinance, like an entire section on landscaping regulations.

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Mrs. Perkins asked a question temporary vs. permanent fairgrounds and the 96 hour requirement. The board had a lengthy discussion about fairground regulations and Mr. Hoagland concluded the discussion by seeing if there is a distinction and if there are any state requirements. He said he can certainly extend the 96-hour time frame if these events are longer and could also name something other than fairgrounds.

Regarding the definitions in Old Business, he had added: ag. food operation, the ½ mile separation of family care homes, added clarifications for home-based business and added customary home occupation.

The board then discussed hypothetical regulations surrounding home-based businesses and customary home occupations.

Mr. Vines asked if there's anything on here that limits the environmental impact of business like car painting booths. Mr. Hoagland said he did not know if inspections would even allow an outdoor paint booth like that. Mr. Baker said he thought air impact is monitored by the state, not the county. If it is noxious to neighbors then there could be a private lawsuit.

VII. NEW BUSINESS

1. Draft Rural Preservation Ordinance Review

Mr. Hoagland presented the following summary of the draft ordinance sections:

Index – Added in same format as all other draft ordinances

Section 5.1 – Establishes local government authority and sets out the purpose and goals of the ordinance.

Section 5.2 – Specifies the jurisdiction to which these regulations would apply.

Section 5.3 – Explains how and why bona fide farm operations would be exempt from the ordinance.

Section 5.4 – Establishes the various land use districts that we have covered in recent meetings; lot size regulations corresponding to those districts, and the permitting process for project approval.

Section 5.5 – Details exactly what the Mill Villages are and the form of developments which would be allowed there. In particular, Section 5.5.2 features photos of existing structures within the county so that future developers will know what types of design elements will be desired. Section 5.5.3 establishes a permitting review process very similar to Section 5.4. However, this subsection also establishes that the Planning Board will sit as the Alamance County Appearance

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Commission which will evaluate the characteristics of a proposed development within the Mill Village districts and make either a Recommendation of Approval or Denial prior to construction of the project.

Section 5.6 – Establishes the Table of Uses, which we covered during our last meeting. Any changes to the table since then were covered earlier under Old Business.

Section 5.7 – Incorrectly labeled as 5.8. This section establishes the district map which we've looked at in recent meetings as well as where it should be kept, how it should be interpreted, and how it should be amended.

The board had a lengthy discussion about the proposed regulations, especially lot sizes and subdivision types in each proposed district.

In conclusion, the board agreed to review the ordinance between tonight and the next meeting and to come back with questions, comments, and proposed changes. Mr. Cheek said they need to give some serious thought to deciding what size lots they would like to see in each of the districts as well as the types of subdivisions.

Mr. Hoagland said that was all that he had for new business.

VIII. ANNOUNCEMENTS/DISCUSSION

Mr. Hoagland informed the board that Ian has taken a new job with private firm in Roanoke, Virginia and that his last day with the county will be tomorrow, Friday the 11th. Mr. Hoagland thanked Ian for all his hard work and help with the department and said that he will truly miss having him around. He informed the board that he has been in hiring process for a while for the vacant Planner I position and now for the Planner II job as well. He said he does have someone starting on short term contract basis and a full-time employee scheduled to start in early May.

IX. ADJOURNMENT

Mr. Bare made a motion to adjourn the meeting, seconded by Mr. Isley. The vote to adjourn was unanimous.

Adjourned at 8:16

PART IX. SUBDIVISION REGULATIONS

<u>Section 6.9.1. Purpose and Goal</u>	<u>p.2</u>
<u>Section 6.9.2. Application of Regulations</u>	<u>p.4</u>
<u>Section 6.9.3. Exceptions to Applicability</u>	<u>p.6</u>
<u>Section 6.9.4. Plat Approval Not to Constitute Other Approvals</u>	<u>p.16</u>
<u>Section 6.9.5. Subdivision Variances and Appeals</u>	<u>p.19</u>
<u>Section 6.9.6. Aggregation</u>	<u>p.20</u>
<u>Section 6.9.7. Violation of Subdivision Regulations</u>	<u>p.21</u>
<u>Section 6.9.8. Presale of Lots</u>	<u>p.22</u>
<u>Section 6.9.9. General Requirements</u>	<u>p.22</u>
<u>Section 6.9.10. Environmental Protection Measures</u>	<u>p. 24</u>
<u>Section 6.9.11. Coordination and Continuation of Public and Private Roads</u>	<u>p. 27</u>
<u>Section 6.9.12. Design Standards for Lots</u>	<u>p.35</u>
<u>Section 6.9.13. Types of Subdivisions</u>	<u>p. 40</u>
<u>Section 6.9.14. Cluster Subdivisions.....</u>	<u>p. 41</u>
<u>Section 6.9.15. Approval Procedures.....</u>	<u>p. 44</u>

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.~~

6.9.1. Purpose and Goal

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

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

6.9.2 GENERAL PROVISIONS

A. PLAT RECORDATION

~~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.~~

6.9.2 Application of Regulations

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

6.9.2.1. No lot or plat (except as provided by Section 6.9.3. below) within Alamance County's subdivision jurisdiction shall be transferred, nor shall a plat or record thereof be recorded by the county Register of Deeds until a final plat of the subdivision has been submitted to and approved by the Planning Board or Planning Department staff. Such approval shall be indicated on the face of the plat and signed by the Chair of the Planning Board, the Planning Director, or their designee.

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

6.9.2.3. The Register of Deeds shall not file a plat or record of subdivision of land within the county's jurisdiction that has not been certified as required above, or that is not a certified exemption as noted in Section 6.9.3. below.

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.~~

6.9.3. Exceptions to Applicability

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

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

Survey plats of subdivisions not subject to the provisions of this Ordinance may be recorded provided that the plats meet the standards set forth in Appendix Q, Specifications for Final Plats, and the Subdivision Administrator shall sign a Certificate of Exemption (Appendix A, Certificate Number 14). The owner shall present such certificate to the Register of Deeds as proof that one of the conditions of exception noted above is present.

6.9.4 MINIMUM DESIGN STANDARDS

~~A. General~~

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

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

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

~~C. Streets and Roads~~

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

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

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

- ~~iii. Cul de Sacs. Cul de sacs or other dead end streets and roads designed to be permanently closed shall be provided at the closed end with sufficient right of way for vehicular turnarounds.~~
- ~~iv. Parkways. Parkways or double streets may be required to traverse a drainage way, watercourse or stream. The width of the right of way shall be adequate to accommodate the flow of stormwater.~~
- ~~v. Parallel Access Streets. Parallel access streets may be required along existing or proposed principal and minor arterials to provide separation of local traffic from through traffic.~~
- ~~vi. Non-Residential Area Streets. The widths of right of way and roadway surfacing on streets adjacent to existing or proposed non-residential property may be increased up to fifteen feet (15') to ensure the free flow of traffic without interference by vehicles entering or leaving the property.~~
- ~~vii. Reserve Strips. Reserve strips along road rights of way shall not be platted in any subdivision.~~
- ~~viii. District Highway Engineer – Review. The District Highway Engineer shall be given an opportunity to make recommendations concerning an individual subdivision plat before the plat is approved. These recommendations shall be in relation to proposed State streets, State highways and related drainage systems.~~

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

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

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

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

- ii. ~~Street Standards.~~ Subdivision streets shall conform to the requirements and minimum standards of design as established by the N.C. DOT except for private subdivision roads.
- iii. ~~Intersections.~~ The frequency of intersections, whether full or tee, and the right of way on each corner shall conform to N.C. DOT's standards as set forth in the document Subdivision Roads: Minimum Construction Standards, as amended.
- iv. ~~New Streets.~~ New public streets shall be connected to existing streets that are either previously dedicated to the public or under N.C. DOT maintenance.

~~E. Private Roads~~

- i. ~~Private Roads.~~ Private roads may be allowed in any development in which a tract of land is divided into no more than fourteen (14) parcels along the private road and each parcel shall not be less than one (1) acre in size, provided the following conditions are met:
 - a) ~~Through deed restrictions future resubdivision of lots into smaller tracts is prohibited.~~
 - b) ~~The subdivision does not embrace or abut any part of a proposed thoroughfare or street shown on the Alamance County Thoroughfare Plan.~~
 - c) ~~Private Road Disclosure Statement shall be recorded per N.C.G.S. § 136-102.6, as amended, with each and every subsequent transfer of land in subdivisions with private roads. A sample Private Road Disclosure Statement is provided Appendix K.~~
 - d) ~~A Certificate for Private Roads shall be included on the final plat and shall disclose the status of the road and road maintenance responsibilities.~~
 - e) ~~Private roads shall be constructed in accordance with the standards set forth in Appendix L.~~
 - f) ~~Class II private road subdivisions are required to form a Homeowner's Association to address, at minimum, maintenance of the new private road. A sample Homeowner's Association Agreement is provided in Appendix M.~~
 - g) ~~Private roads shall be visually inspected by the Subdivision Administrator before final plat approval. The visual inspection is to ensure that general compliance with the private road standards have been met.~~
 - h) ~~New private roads shall be connected to existing streets that are dedicated to the public and under public maintenance.~~
- ii. ~~Classes of Private Roads.~~ The standards and specifications for private roads depends on the number of lots served by the road as follows:

~~CLASS OF ROAD — NUMBER OF LOTS SERVED~~

I	1 — 4
II	5 — 14

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

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

- ~~iii. Access and Maintenance. The guarantees of right of access and maintenance of any private road in the subdivision shall run with the land.~~
- ~~iv. Statement of Compliance. The Subdivision Administrator must receive a statement of compliance with the standards established for private roads in this section from an engineer registered in North Carolina. Certification is required prior to final plat approval.~~
- ~~v. Nonconforming Private Roads. In order to be considered a nonconforming private road, the road must meet the following:~~
 - ~~a) A private road established prior to the original adoption of the Alamance County Subdivision Ordinance, July 3, 1972, shall be considered a nonconforming private road.~~
 - ~~b) Be identifiable as an existing road on the 1974 Aerial Photography of Alamance County or be identifiable on Alamance County Tax Maps as an existing road prior to 1974. (A deed description, recorded plat or other photography which clearly indicates that a road was in existence may also be considered.)~~
 - ~~c) The private road must cross more than one individual tract of land.~~
 - ~~d) A nonconforming private road must be in a current condition as to provide year round access.~~
- ~~vi. Subdivisions accessed by nonconforming private roads shall be approved when the following conditions are met:~~
 - ~~a) The tract to be subdivided has at least a minimum sixty feet (60') of frontage on the road.~~
 - ~~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>
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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 Front Right-of-way Line	
On Streets:	
Arterial.....	40'
Major Collector.....	40'
Minor Collector.....	35'
Local.....	30'
From the Side Right-of-way Line Abutting Streets.....	25'

~~From the **Side** Property Line Non-abutting Street.....10'~~
~~From the **Rear** Property Line.....20'*~~
~~From a **Cul-De-Sac** Right-of-way Line.....30'**~~

~~* Accessory structures may be located to within three (3) feet of rear property line or easement line, if one exists.~~

~~** Cul-de-sac lots shall have a minimum frontage of 20' feet at the street right-of-way line and a minimum width of 60' feet at the front setback line (30' feet from the right-of-way line).~~

~~Buildings and structures shall not be erected within the setback area between said lot lines and the building setback lines.~~

~~I. **Easements**~~

- ~~i. **Utility.** Where appropriate, utility easements shall be determined by the electric, telephone and natural gas companies and the public or private suppliers of water and/or sewer services providing service to the subdivision. Appropriate easements shall be shown on the final plat prior to approval by the Subdivision Administrator.~~

~~Electric and communication service lines shall be placed underground and the additional cost, if any, shall comply with the appropriate rate schedule on file with the North Carolina Utilities Commission. Exceptions may be granted by the Subdivision Administrator for the service lines located along rear lot lines, and elsewhere at the request of the electric utility where voltage or other requirements indicate that underground service would not be feasible.~~

- ~~ii. **Drainage.** Where a drainageway, watercourse, or stream traverses or borders a subdivision, it shall be shown on the preliminary plan and the final plat and shall be designated a drainage easement. The easement shall conform with the lines of the watercourse and at a width adequate to accommodate the flow of stormwater.~~

~~Ditches or drainageways in subdivisions shall be sloped so as not to create dangerous conditions within the development.~~

- ~~A. **Presentation on Plans and Plats.** Watercourse boundaries as drawn on preliminary plans and final plats are to be interpreted as approximations of actual boundaries. For example, a twenty foot (20') watercourse shall be deemed to extend approximately ten feet (10') on each side of the center of water flow, unless otherwise specified.~~

- ~~B. New and Relocated Watercourses. Where a subdivider proposes to create a new watercourse in order to relocate an existing watercourse or to handle road runoff, a drainage easement along the proposed new watercourse shall be indicated on the preliminary plan and the final plat. Any channels, diversions, or other improvements needed to carry water to or along this new course shall be constructed or guaranteed prior to final plat approval.~~

~~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.~~

6.9.4. Plat Approval Not to Constitute Other Approvals

The approval of a plat pursuant to this Ordinance shall not be deemed to automatically constitute or affect the acceptance by Alamance County, the North Carolina Department of Transportation (N.C.D.O.T.), another public agency, or the public of the dedication of any streets, grounds, public utility lines, easements or other similar facilities shown on the plat.

A. BUILDING AND DEVELOPMENT PERMITS

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

B. ACCEPTANCE OF STREETS

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

6.9.5 IMPROVEMENTS

~~A. Prerequisites to Approval of Final Plats~~

~~Installation of Improvements. No subdivision plats shall be granted final approval until the required improvements have been made in accordance with the provisions of this section.~~

~~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.~~

6.9.5. Subdivision Variances and Appeals

A. VARIANCES

The Board of Adjustment may authorize a variance when, in its opinion, unnecessary hardships would result from strict compliance with these regulations.

In granting any variance, the Board shall hold an evidentiary hearing in accordance with N.C. Gen. Stat. §160D-406. The Board shall take into account the nature of the proposed subdivision, the existing use of land in the vicinity, the existing environmental conditions, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity.

When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the Board of Adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:

1. Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

Any variance authorized by this section is required to be entered in writing in the minutes of the meeting of the Board of Adjustment and recorded on the final plat in the Office of the Register of Deeds of Alamance County.

Board of Adjustment decisions pertaining to subdivision variances may be appealed to Superior Court per N.C. Gen. Stat. §160D, Article 14.

B. APPEALS.

Appeals of decision regarding whether to approve or deny a preliminary or final subdivision plat is administrative, or for any other administrative decision implementing these subdivision regulations, the following applies:

1. If the decision is made by the Board of Commissioners or Planning Board, the decision is subject to review by filing an action in Superior Court seeking appropriate declaratory or equitable relief within 30 days from receipt of the written notice of the decision, which shall be made as provided in N.C. Gen. Stat. §160D-403(b).
2. If made by the staff or a staff committee, the decision is subject to appeal as provided in G.S. 160D-405.

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.~~

6.9.6. Aggregation

Two or more subdivisions shall be aggregated and treated as a single subdivision under this Article when (1) they are determined to be part of a unified plan of development, (2) they are physically proximate to one another and (3) there is a reasonable closeness in time between the

completion of some or all of one subdivision and the submission of an application for authorization of another subdivision which is indicative of a common developmental effect.

Each of the criteria listed below is indicative of a unified plan of development. Whenever one or more are found to exist, the reviewing authority may, but is not required to, determine that two or more projects are part of a unified plan of development.

- a) The same person has control of the developments;
- b) The same person has ownership or a significant legal or equitable interest in the developments;
- c) There is common management controlling the form of physical development or disposition of parcels of the development;
- d) A master plan or series of plans or drawings exists covering the developments sought to be aggregated;
- e) There is a voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the developments sought to be aggregated;
- f) There is a common advertising scheme or promotional plan in effect for the developments sought to be aggregated.

6.9.7. Violation of Subdivision Regulations

It shall be a violation of this Ordinance, for any person who, being the owner or the agent of the owner of any land located within the territorial jurisdiction of this Ordinance, to subdivide their land in violation of these regulations or transfer or sell land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of these regulations and recorded with the Alamance County Register of Deeds. Violators are guilty of a Class 1 misdemeanor.

The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The local government may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision regulation. Building permits required pursuant to N.C. Gen. Stat. §160D-1110 may be denied for lots that have been illegally subdivided.

In addition to other remedies, Alamance County Government may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct. Violations of the provision of this Ordinance shall be carried out through the provisions outlined in Article 4.

6.9.8. Presale of Lots

An owner or their agent may enter into contracts to sell or lease by property reference to an approved preliminary plat for which a final plat has not yet been approved under this Ordinance or recorded with the Register of Deeds, provided the contract does all of the following:

1. Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the recorded plat prior to closing and conveyance.
2. Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat.
3. Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than five days after the delivery of a copy of the final recorded plat.
4. Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than 15 days after the delivery of the final recorded plat, during which 15-day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

6.9.9. General Requirements

6.9.9.1. PLATTING AND DISCLOSURE REQUIREMENT

All subdividers planning to sell lots not platted and recorded prior to October 1, 1975, are advised to consult N.C. Gen. Stat. 136-102.6, "Compliance of Subdivision Streets with Minimum Standards of the Board of Transportation Required of Developers," which requires that all new streets, whether public or private, and all changes in streets be platted. NC General Statute 136-102.6 also requires the subdivider to furnish to each lot purchaser a subdivision streets disclosure statement revealing the status of new streets, whether they are constructed to NC Department of Transportation standards, and who will bear maintenance responsibility for the streets.

6.9.9.2. NAME OF SUBDIVISION

The name of a subdivision shall not duplicate nor closely approximate the name of an existing subdivision within Alamance County. This rule shall not apply to subdivisions which are developed in phases or aggregated in accordance with Section 6.9.6.

6.9.9.3. COMPLAINTS WITH OTHER REGULATIONS

Proposed subdivisions must comply in all respects with the requirements of any ordinance in effect in the area to be subdivided, and any officially adopted plans. Where conflicts exist between this and any other plan or ordinance, the more restrictive regulation shall govern.

6.9.9.4. HISTORIC SITES, NATURAL AREAS, AND AGRICULTURAL PROPERTIES

In any new subdivision, due consideration shall be given to safeguard the rural character of Alamance County by preserving any properties of historical, prehistorical, architectural, and/or cultural significance. Similar consideration will be given to protect the operations and continuation of agricultural properties, parks, and other natural areas within the county.

6.9.9.4.1 All new subdivision proposals shall provide the name and location of any historic properties located within the proposed subdivision and they shall be clearly identified on both the preliminary and final plats. If any such historic property is listed on the US Department of Interior's National Register of Historic Places, or if any property has been designated by local ordinances as a "Historic Property" or "Historic Landmark" by the Alamance County Historic Properties Commission and Board of Commissioners, and the subdivision is subject to Planning Board review and approval, the Planning Board may provide that the following agencies be given an opportunity to make recommendations concerning an individual subdivision plat before the plat is approved:

1. The NC Department of Natural and Cultural Resources, State Historic Preservation Office; or
2. The Alamance County Historic Properties Commission.

6.9.9.4.2. All new subdivision proposals for properties which overlap or incorporate any part of a proposed trail, as detailed on the Alamance County Trails Plan, shall provide for access easement to accommodate for the development of and perpetual access to such trail(s). Trails set aside for this purpose may be counted as part of the total Open Space of a development when part of a Cluster or Hybrid Subdivision proposal.

6.9.10. Environmental Protection Measures

6.9.10.1. MARGINAL LAND

Land which is subject to flooding or which may aggravate the flood hazard, which may increase the danger to life or property if developed, and land which is uninhabitable for other reasons shall be identified as Marginal Land and shall not be considered in determining the minimum lot area or lot depth as described in this Ordinance. Examples of Marginal Land may include features such as land within a public right-of-way or private road easement, land which is susceptible to improper drainage or erosion, land within the fall zone of a Wireless Communication Tower, land within a utility easement, or similar encumbrances. Marginal Land shall be identified, calculated and shown on the final plat.

6.9.10.2. FLOOD DAMAGE PREVENTION

- A. All lands located within flood hazard areas as shown on the most recent Flood Insurance Rate Maps (FIRMs) or Flood Hazard Boundary Maps (FHBM) as published by the Federal Emergency Management Agency (FEMA) and adopted into the Alamance County Flood Damage Prevention Ordinance Regulations (Article 6, Part 4) shall be delineated and labeled on all preliminary and final subdivision plats if such areas exist within or adjoining the proposed subdivision.
- B. No subdivision plat of land drawn after the effective date of adoption of this Ordinance shall be filed or recorded by the Register of Deeds until it has been approved in accordance with the provisions of this section. Likewise, the Clerk of Superior Court shall not order or direct the recording of a plat if the recording of such plat would be in conflict with this section.
- C. All subdivision plats that show flood hazard areas as required in the subsection above shall have affixed to them a note indicating required development compliance with the Flood Damage Prevention Regulations as found in Article 6, Part 4.
- D. No building permit or other permits shall be issued for the erection, demolition, alteration or expansion of a structure located within a designated flood hazard zone until a certificate of compliance with the Alamance County Flood Damage Prevention Regulations (Article 6, Part 4) has been issued by the Planning Director, or their designee.

6.9.10.2.1. Vegetative Buffers Established

All new subdivisions bordering Historic Properties, Historic Landmarks, Farm Districts, County Parks and Natural Assets, Public or Private Schools, and Houses of Worship as outlined above, shall provide for a fifty (50) foot vegetative buffer between said facilities and the development within the subdivision. These buffer areas shall preserve natural features such as trees, grass, shrubs, ponds, streams, rivers, lakes, and similar natural elements which are of value not only to the inhabitants of the subdivision, but to Alamance County as a whole. This buffer may not be intersected by subdivision roads or the rights of way containing subdivisions roads. Utilities may intersect these buffer areas only in cases where no practicable alternative exists.

6.9.10.3. SEDIMENTATION AND EROSION CONTROL

In order to prevent soil erosion and sedimentation pollution of streams, springs, flat-water bodies, or other drainage networks, the subdivider shall comply with all requirements of the North Carolina Sedimentation Pollution Control Act of 1973 and other applicable rules promulgated by the North Carolina Department of Environmental Quality. Developers disturbing one (1) acre or more of land shall file an Erosion and Sediment Control Plan with the Regional Engineer of the Land Quality Section, NC Department of Environmental Quality. The approved plan shall be filed before any grading occurs in the proposed subdivision, and a copy shall be furnished to the Planning Department.

6.9.10.4. STORMWATER DRAINAGE

The subdivider shall provide an adequate system for the drainage of all post-construction stormwater. The design of such a system shall be certified by a licensed engineer and included with the Construction Plans related to the project. No surface water shall be channeled or directed into a sanitary sewer.

Where a drainageway, watercourse, or stream traverses or borders a subdivision, it shall be shown on the preliminary plans and the final plat and shall be designated as a drainage easement. The easement shall conform with the lines of the watercourse and at a width adequate to accommodate the flow of stormwater. Ditches or drainageways in subdivisions shall be sloped so as not to create dangerous conditions within the development, shall not create erosion, and shall keep flows below erosive velocities.

6.9.10.4.1. Presentation on Plans and Plats.

Watercourse boundaries as drawn on preliminary plans and final plats are to be interpreted as approximations of actual boundaries. For example, a twenty-foot (20') watercourse shall be deemed to extend approximately ten feet (10') on each side of the center of water flow, unless otherwise specified.

The subdivider shall provide for the perpetual operation and maintenance of stormwater control measures and have such requirements recorded with restrictive covenants or other property agreements related to the subdivision.

6.9.10.4.2. New and Relocated Watercourses

Where a subdivider proposes to create a new watercourse in order to relocate an existing watercourse or to handle road runoff, a drainage easement along the proposed new watercourse shall be indicated on the preliminary plan and the final plat. Any channels, diversions, or other improvements needed to carry water to or along this new course shall be constructed or guaranteed prior to final plat approval.

6.9.10.5. STREAMS

A fifty (50') foot buffer of vegetation shall be maintained on both sides of all perennial streams at all times to retard rapid water runoff and soil erosion. Perennial streams are identified as the solid blue lines on United States Geological Survey (U.S.G.S.) Maps.

Streets, roadways, railroads, and driveways are permitted in the buffer, but shall be constructed to cross the buffer as near to perpendicular as possible. Utility lines, greenways and greenway type recreation facilities are permitted within the buffer but should be designed to have minimal impact. If the vegetative cover must be removed or disturbed, it shall be restored as soon as possible. The fifty (50') foot buffer shall be measured on a horizontal plane from the top of the bank of the stream. The buffer zone may be included in calculating the lot size.

For buffer requirements, reference the Jordan Lake Watershed Areas of Section 6.1.3 of this Ordinance.

6.9.10.6. WATERSHED BUFFER AREAS

Natural buffers within Water Supply Watershed Areas shall be maintained in accordance with Section 6.10.4. of this Ordinance. All subdivision plats for land within Watershed Areas are required to have affixed to them a note indicating required development compliance with stream, pond, and lake buffer regulations as found in Article 6, Section 6.10.4.

6.9.11. Coordination and Continuation of Public and Private Roads

The proposed layout within a subdivision shall be coordinated with the existing road system of the surrounding area and where possible, existing principal roads shall be extended. Roads shall be measured from the centerline of the originating intersecting road to the center of a cul-de-sac, center of another intersecting road, or center of the turnaround feature, whether paved or graveled.

6.9.11.1. PUBLIC ROADS

In subdivisions where new roads provide access to fifteen (15) or more lots, Public Roads shall be required in accordance with the North Carolina Department of Transportation's Subdivision Roads Minimum Construction Standards manual (revised July 2020). Additionally, new public roads must be designed so that:

- (1) The new road connects directly to a public road currently accepted for maintenance by the North Carolina Division of Highways.
- (2) The right-of-way for the new road is a minimum of fifty (50) feet.
- (3) The new road shall be completed as designed and approved prior to the approval of a final plat. Otherwise, subdividers may provide for the guarantee of improvements in accordance with Section 6.9.11.4.
- (4) All new lots accessed by proposed subdivision street shall be designed to accommodate for all off-street parking. Such parking arrangements shall be included in the Construction Plans prior to submission of the final plat.
- (5) Mail cluster box units (CBUs) for residential developments shall be installed if required by the United States Postal Service (USPS). Such CBUs shall meet or exceed the standards of the USPS and be shown on any official plan submittals. In case of regulatory conflicts, any requirement of the USPS shall supersede regulations of this Ordinance.

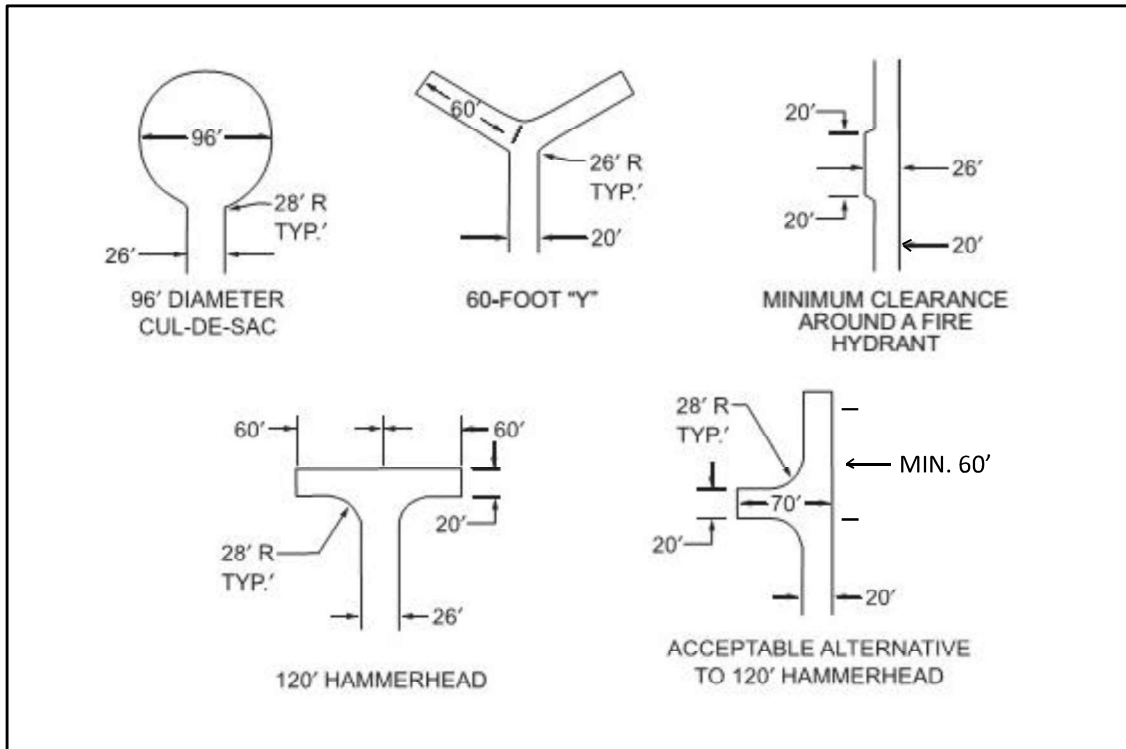
6.9.11.2. DEAD-END PUBLIC ROADS

In order to promote safety for the residents of Alamance County and their property, certain dead-end roads shall be designed according to the most recent official North Carolina Fire Prevention Code road standards. Where a fire hydrant is located on a public road, the minimum road width shall be twenty-six (26) feet, exclusive of shoulders.

Other length, width, and turnaround requirements shall be designed based on the standards and figures below:

<u>LENGTH (in feet)</u>	<u>WIDTH (in feet)</u>	<u>TURNAROUNDS REQUIRED</u>
<u>0-150</u>	<u>20</u>	<u>None required</u>
<u>151-500</u>	<u>20</u>	<u>120-foot Hammerhead, 60-foot "Y", or 96-foot cul-de-sac.</u>

501-over	26	120-foot Hammerhead, 60-foot "Y", or 96-foot cul-de-sac.
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6.9.11.2. PRIVATE ROADS

In subdivisions where new roads provide access to fourteen (14) or fewer lots, Private Roads may be allowed. Private Roads must be designed and constructed in accordance with the North Carolina Department of Transportation's Subdivision Roads Minimum Construction Standards manual, unless detailed otherwise.

New Private Road subdivisions may not embrace or abut any part of a proposed thoroughfare or street shown on the Burlington/Graham Metropolitan Planning Organization's Comprehensive Transportation Plan. Nuisance strips shall be prohibited. Private roads are permitted to be built across pond and lake dams provided a duly licensed North Carolina Civil Engineer certifies that said roads meet the minimum design criteria set forth in this Ordinance for Private Roads and that said dam crossing meets all applicable safety standards for dam crossings. Private roads may not overlap with, intersect with, or terminate into another private road.

Developers who wish to voluntarily pave said private roads may do so provided that they follow the requirements for private paved roads and are certified as to meeting the minimum standards by a North Carolina licensed Surveyor or Civil Engineer.

Before receiving final approval, Private Roads must be visually inspected by the Subdivision Administrator in order to ensure that compliance with these standards have been met.

Private Roads are divided into the following classes based on the number of lots they propose to access:

<u>CLASS OF ROAD</u>	<u>NUMBER OF LOTS SERVED</u>
<u>I</u>	<u>1 – 4</u>
<u>II</u>	<u>5 – 14</u>

6.9.11.2.1 For Class I Private Roads, the following standards shall apply:

1. The new road must connect directly to a public road currently accepted for maintenance by the North Carolina Division of Highways.
2. The new road must conform with the N.C.D.O.T. Minimum Construction Standards for Subdivision Roads, except that pavement surfacing may be omitted and the depth of compacted gravel surface may be reduced to four (4) inches and the travel width may be reduced to ten (10) feet.
3. The road must be proven to be accessible to fire department apparatus trucks by way of a road capable of supporting an imposed load weighing at least 75,000 pounds.
4. A Private Road Disclosure Statement shall be recorded per N.C. Gen. Stat. §136-102.6, as amended, with every subsequent transfer of land in subdivisions with private roads. (A sample Private Road Disclosure Statement is provided in Appendix K).
5. The right of access and maintenance for lots along the private road shall run with the land.
6. A statement of compliance with the Private Road standards of this Ordinance must be submitted by an engineer registered in North Carolina. This certification is required prior to final plat approval.
7. A certificate for Private Roads shall be included on the final plat and shall disclose the status of the road and road maintenance responsibilities.
8. The new road must meet other design criteria as detailed in Appendix L of this Ordinance.

6.9.11.2.2 For Class II Private Roads, the following standards shall apply:

1. The new road must connect directly to a public road currently accepted for maintenance by the North Carolina Division of Highways.
2. The new road must conform with the N.C.D.O.T. Minimum Construction Standards for Subdivision Roads, except that pavement surfacing may be omitted and the depth of compacted gravel surface may be reduced to six (6) inches and the travel width must be at least twenty (20) feet.
3. The road must be proven to be accessible to fire department apparatus trucks by way of a road capable of supporting an imposed load weighing at least 75,000 pounds.
4. A Private Road Disclosure Statement shall be recorded per N.C. Gen. Stat. § 136-102.6, as amended, with every subsequent transfer of land in subdivisions with private roads. (A sample Private Road Disclosure Statement is provided in Appendix K).
5. The right of access and maintenance for lots along the private road shall run with the land.
6. A statement of compliance with the Private Road standards of this Ordinance must be submitted by an engineer registered in North Carolina. This certification is required prior to final plat approval.
7. A certificate for Private Roads shall be included on the final plat and shall disclose the status of the road and road maintenance responsibilities.
8. The new road must meet other design criteria as detailed in Appendix L of this Ordinance.

6.9.11.2.3 Maintenance of Private Roads.

For both Class I and Class II Private Roads, the subdivider shall be responsible for the maintenance of said Private Roads until such time as all approved lots have been sold. A sample agreement is provided in Appendix M of this Ordinance. For such maintenance agreements, the following shall apply:

1. The subdivider shall present a plan for the formation of a non-profit corporation or association of lot owners which includes proper agreements and covenants running with the land for the maintenance and repair of proposed roads to become effective after all of the approved lots are sold and the subdivider transfers the ownership maintenance responsibility to the non-profit corporation or association or to the NC Department of Transportation.
2. Covenants shall provide that charges and costs for maintenance and repair shall constitute a pro rata lien upon individual lots of the subdivision,

second only to taxes and any bona fide, duly recorded first trust lien on each lot.

3. Recordation of said plan with the final plat is a mandatory condition for approval under this paragraph.
4. The plan, through its agreements and covenants, shall provide for assessments against property owners for the costs of maintenance and repair of the roads, with the assessments constituting a lien upon individual lots of the subdivision on a pro rata basis. Such a lien hereunder will be a valid lien on the property so affected from time of recordation of a notice of the lien in the office of the Register of Deeds, indexed in the Grantor index under the name of the owner(s) of the property to which the lien attaches, and in the Grantee index under the name of the non-profit corporation or landowner's association, as appropriate.
5. The notice of lien shall (a) indicate the owner(s) of the property affected thereby; (b) indicate the name of the non-profit corporation or landowner's association; (c) describe the property to which the lien attaches; (d) state that the lien is pursuant to this section of the Subdivision Regulations for Alamance County, North Carolina; and (e) include other information as may be necessary for clarity and compliance hereunder.
6. The notice of lien shall be canceled by a marginal entry on the face thereof, when satisfaction of the amount due under the lien has been made.
7. This cancellation shall be made by the President, or other officer, of the non-profit corporation or landowner's association so designated and authorized by the governing instrument of the organization.
8. The Register of Deeds is authorized to note such cancellation by a marginal entry upon exhibition of the original notice of lien properly canceled by the appropriate officer as above stated, or by other proper documentation presented by the non-profit corporation or landowners association.

6.9.11.2.4. Unbuilt Private Roads and Exclusive Access Easements

For Class I Private Road subdivisions which serve no more than two (2) lots, the following road standards shall apply:

1. The right of way width must be at least fifty (50) feet.
2. The right of way must originate from an existing state-maintained road.
3. The right of way must be recorded on the final plat but does not have to be inspected by the Subdivision Administrator prior to final approval.

For Exclusive Access Easements serving one single-family dwelling only, please see the specifications for such easements in Appendix N of this Ordinance.

6.9.11.2.5. Nonconforming Private Roads

- A. Nonconforming Private Roads must meet the following criteria in order to be recognized as such:
1. A private road established prior to the original adoption of the Alamance County Subdivision Ordinance, July 3, 1972, shall be considered a nonconforming private road.
 2. Be identifiable as an existing road on the 1974 Aerial Photography of Alamance County or be identifiable on Alamance County Tax Maps as an existing road prior to 1974. (A deed description, recorded plat or other photography which clearly indicates that a road was in existence may also be considered.)
 3. The private road must cross more than one individual tract of land.
 4. A nonconforming private road must be in a current condition as to provide year-round access.

An on-site inspection may be required by the Subdivision Administrator in order to properly determine Nonconforming Private Road status.

- B. Subdivisions accessed by nonconforming private roads shall be approved when the following conditions are met:
1. The tract to be subdivided has at least a minimum sixty feet (60') of frontage on the road.
 2. An original tract of land adjoining a Nonconforming Private Road may be divided utilizing this provision only once every two years.
 3. The Private Road Disclosure Statement as provided in Appendix K shall be recorded.
 4. All other provisions of this Subdivision Ordinance must be complied with.

6.9.11.3. MISCELLANEOUS ROAD PROVISIONS

- A. Previously Approved Subdivisions
For which plats had been recorded or preliminary plats had been approved prior to the date of adoption of this amendment may continue to observe requirements in place prior to such date in lieu of these requirements, if the intent for future of phased development was clearly set forth on such plats.
- B. Road Names
Proposed roads that are obviously in alignment with existing roads shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names irrespective of the use of a suffix such as street, road,

drive, place, court, boulevard, or similar term. Road names shall be subject to the approval of the Alamance County GIS Department.

C. 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. Developers shall pay a fee for signs as outlined in the Planning Department's Fee Schedule prior to final plat approval. The county will purchase and erect the street name signs in accordance with applicable policies.

D. Reservation of Right of Way

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

E. Cul-de-Sacs and Dead Ends

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

F. Parkways

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

G. 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.

H. 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.

I. Median Strips

Median strips, or reserve strips, within road rights-of-way shall not be platted in new subdivision but the details of such strips must appear on proposed Construction Plans.

J. District Highway Engineer Review

The N.C.D.O.T. District Highway Engineer, or other authorized staff, shall be given an opportunity to make recommendations concerning an individual subdivision plat before the plat is approved. For these purposes, the N.C.D.O.T. representative shall be considered a member of the Technical Review Committee in accordance with Article 2 of this Ordinance. When applicable, the District Engineer, or other authorized N.C.D.O.T. staff person, shall sign the Certificate of Approval by Division of Highways of the North Carolina Department of Transportation as found in Appendix A of this Ordinance.

6.9.11.4. IMPROVEMENTS

A. Prerequisites to Approval of Final Plats

No subdivision plats shall be granted final approval until the required improvements have been made in accordance with the provisions of this section.

However, 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. Alamance County may accept surety bonds 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 and the County must receive the original copy of the bond.

Surety must be in an amount equal to one and one-quarter times (125%) the cost of making the improvements, whereby such improvements may be made without cost to the public or subsequent purchasers of the property in the event of default on the part of the subdivider. Subdividers are required to obtain a letter from an engineer registered in North Carolina stating the total construction costs and surety amounts and provide a copy of said letter to Alamance County.

Upon completion of the improvements, a duly authorized engineer, surveyor, or landscape architect shall verify completion. After receiving such confirmation, the Planning Director shall confirm completion referencing the bond number(s) and the amount, and certify the bond's release.

B. Within the Jurisdiction of Any Municipality

Within the subdivision regulation jurisdiction of any municipality whose governing body agrees by resolution to the provisions of this Ordinance, the required improvements such as grading and surfacing of streets, installing storm drainage and public water and sewer facilities, shall be in accordance with the requirements and standards specified by the respective municipalities.

C. Clearing of Drainage Courses

All debris, fallen trees, junk and other accumulations of any nature that will impede the passage of waters in their downstream course or cause flooding shall be removed from the channel and banks of any stream, creek and drainage way of the subdivision site prior to granting final plat approval.

D. Removal of Rubbish

All fallen trees, stumps, junk, and rubbish of any nature resulting from the grading of streets or the clearing of lots in the subdivision shall be removed from the subdivision site prior to the granting of final plat approval.

E. 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. Gen. Stat. § 47-30, as amended. Monuments and markers shall be of the design and type described in said rules and regulations.

6.9.12. Design Standards for Lots

In order to prevent environmental impacts on water resources; reduce impervious surfaces and stormwater runoff; allow for affordable home options; enhance community pride in conservation and preservation; and to better preserve a predominantly rural development pattern throughout the unincorporated areas of Alamance County, all new subdivision lots shall meet the criteria as outlined below.

6.9.12.1 AREA OF 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) *

Minimum Lot Size: 2 Acres

Balance of Watershed (BOW) *

Minimum Lot Size: 1 Acre

Non-Watershed Areas (NWA) *

<u>Facility Provided</u>	<u>Minimum Lot Size</u>
<u>Septic System & Well</u>	<u>30,000 sq. ft.</u>
<u>Community/Public Water & Septic System</u>	<u>20,000 sq. ft.</u>
<u>Community/Public Sewer & Well</u>	<u>10,000 sq. ft.</u>
<u>Community/Public Water & Sewer</u>	<u>8,000 sq. ft.</u>

*NOTE: Additional acreage may be required by the Alamance County Health Department based on soil evaluations.

For lots which are not suitable for on-site subsurface wastewater systems for individual dwelling units or other uses, off-site disposal systems may be authorized by the Health Department. Off-site systems may be provided by the use of easements or ownership of adjacent parcels designated for subsurface wastewater systems. A sewage easement of a minimum width of fifteen (15) feet in width must be provided between the house location and the designated system area lot. Minimum easement area sizes for property utilizing off-site disposal systems shall be no smaller than 5,000 square feet though additional area may be required by the Alamance County Health Department. Such lots, and their square footage, shall be clearly shown on the subdivision plat and do not have to meet any other minimum Ordinance requirements.

Access to such off-site disposal systems shall be provided by an existing road, proposed road, or proposed access easement no less than ten (10) feet in width which shall be shown on the final plat.

For multifamily structures, an additional fifty (50) percent of the lot size shall be required based on facility type. (Example: residential duplex on septic system and well would require a three (3) acre lot.)

1. Calculation of Lot Areas.

All lots shall conform with the minimum standards in this section and the minimum standards contained in any applicable zoning ordinance, building code or other applicable regulation. The following shall be excluded from the determination of minimum lot area and sizes:

- a) Street and railroad rights-of-way. In the calculation of lot areas, lot depths, and lot widths, land within any street, railroad, or similar right-of-way or easement shall not be considered.
- b) Marginal Land as defined by Section 6.9.10.1.

2. One Dwelling Per Lot.

Only one (1) principal dwelling may be located on each lot area as defined above, whether or not they are placed on the same tax parcel. Guest houses or accessory structures to dwellings may be allowed based on Health Department Evaluation. Such structures should be arranged as an accessory to the primary dwelling and not intended to later become an independent dwelling. A survey may be required to identify "lot area" for these purposes.

In accordance with N.C. Gen. Stat. §160D-802, additional building sites which are intended to be used as dwellings will be treated as subdivisions and subject to all applicable regulations found in this Article.

6.9.12.2 BUILDING SETBACK REGULATIONS

The following setback distances shall apply from the property line of a parcel to the nearest point of any permanent structure. Permanent structures include features like commercial buildings, residential dwellings, accessory structures, and similar structures which are often placed on a permanent foundation or require obtaining a building permit to construct or place on a property. Such buildings and structures shall not be erected within the setback area between right-of-way lines or property lines and the setback lines as detailed below.

The determination of front, side, and rear property lines on irregularly shaped lots shall be determined by the Subdivision Administrator. The determination will be based on the spirit and intent of this Ordinance to achieve an appropriate spacing and location of buildings and structures on individual lots.

The building setback lines from the lot lines in subdivisions approved after July 3, 1972, shall comply with the following distances:

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

From a **Cul-De-Sac** Right-of-way Line.....30'**

* Accessory structures may be located to within three (3) feet of rear property line or easement line, if one exists.

** Cul-de-sac lots shall have a minimum frontage of 20' feet at the street right-of-way line and a minimum width of 60' feet at the front setback line (30' feet from the right-of-way line).

6.9.12.3. CONFIGURATION OF LOTS

1. Street Frontage. Every lot shall front or abut on a public or private street or road, and shall have a minimum of sixty (60) feet of road frontage or be served by an Exclusive Access Easement.
2. Street Frontage (Lots along 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 (20) feet at the street right-of-way, as measured along the chord.
3. Double and Reverse Frontage. Double frontage lots and reverse frontage lots shall be avoided, except where required to separate development from through traffic on arterial and major streets or to separate residential development from non-residential development.
4. Side Lot Lines. Side lot lines shall be substantially at right angles or radial to street lines.
5. Width and Depth. Lot width in Conventional Major Subdivisions and Class II Minor Subdivisions shall be no less than sixty (60) feet in width. Lots long a cul-de-sac shall be exempt from this standard but must conform to the width and setback requirements of Section 6.9.12.2. Lot depth shall be arranged as to accommodate setback and buffer requirements.
6. Corner Lots. Corner lots shall be arranged with enough width to accommodate the enhanced setback requirements for side property lines abutting a right of way.
7. Buffer Strips. 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. This provision shall not apply in instances where buffers are established under Section 6.9.9.4.

8. Water and Sewer Systems. The Alamance County Health Department, or local public utility, shall be given the opportunity to make recommendations concerning an individual subdivision plat before final approval. The recommendations shall be in relation to proposed water or sewerage systems. In the event that a proposed lot or lots within a subdivision are found to be unsuitable for a proposed sewage disposal system, a certification entitled "Certificate Indicating Lot Not Approved for Subsurface Waste Disposal Systems" shall be placed on the final plat.

9. Utilities. Where appropriate, utility easements shall be determined by the electric, communication, natural gas, or similar utility companies and the public or private suppliers of water and/or sewer services providing service to the subdivision. Appropriate easements shall be shown on the final plat prior to approval by the Subdivision Administrator. Such utilities shall be included on the final plat at least ten (10) feet in width.

Electric and communication service lines shall be placed underground and the additional cost, if any, shall comply with the appropriate rate schedule on file with the North Carolina Utilities Commission. Exceptions may be granted by the Subdivision Administrator for the service lines located along rear lot lines, and elsewhere at the request of the electric utility where voltage or other requirements indicate that underground service would not be feasible.

10. Clear Cutting. Properties shall not be clear cut while undertaking development activities. The preservation of the maximum amount of existing vegetation and selective removal of existing trees throughout the site is strongly encouraged during project design and construction. Vegetation may only be removed in order to install roads, utilities, and elements critical to the future development of lots.

In order to encourage such preservation, the Subdivision Administrator may document established vegetation preserved during the development phase towards the landscaping requirement.

Development activities that fail to maintain natural vegetation during forestry activities may be denied for a period of three (3) years from the date of clearing or five (5) years, if the harvest was a willful violation of this Ordinance. Forestry activities conducted in accordance with an established forestry management plan are exempt from this provision.

6.9.13. Types of Subdivisions

For the purposes of this section, new residential subdivisions shall be divided into the following categories:

- 1) MAJOR SUBDIVISIONS are defined as those consisting of fifteen (15) or more lots arranged for simultaneous division from a parent parcel. For these subdivisions, no more than four (4) lots may be accessed by an existing state-maintained road. All other lots must have accessed provided to them by new roads created explicitly for the purpose of accessing those lots. These roads must meet all the criteria as outlined in Section 6.9.11, based on the number of lots they provide access to. Subdivisions of this type are subject to all the lot size, road improvement, and other regulations otherwise required by this Ordinance.
- 2)
 - A. Conventional Subdivisions are defined as those that contain lots which all meet the minimum size standard as defined by their land use district in Section 5.4 of this Ordinance, exclusive of rights-of-way or other marginal land.
 - B. Cluster Subdivisions are defined as those containing lots which are as small as 8,000 square feet, exclusive of rights-of-way or other marginal land, which are be serviced by some form of public or community utility arrangement. These subdivisions must retain a percentage of the overall development as open or shared-use space as outlined in Section 6.9.14.
 - C. Density Subdivisions are defined as those containing lots which are as small as 8,000 square feet, exclusive of rights-of-way or other marginal land, which may be serviced by any variety of utility arrangements and not subject to the open or shared-use space requirements of a Cluster Subdivision. Instead, the average size all lot sizes within these subdivisions must be at least a five (5) acres in the Agricultural District and two (2) acres in the Rural Residential District, as defined by Section 5.4 of this Ordinance.
- 3) MINOR SUBDIVISIONS are defined as those consisting of fourteen (14) or fewer lots arranged for simultaneous division from a parent parcel. Minor Subdivisions shall be divided into the following two categories:
 - A) Class I Minor Subdivisions are those created for the purposes of sale, transfer, or development and consisting of four (4) or fewer lots. These subdivisions may be entirely accessed by existing state-maintained roads or private roads and shall be subject to all lot size, road improvement, and other regulations as required by this Ordinance.

- B) Class II Minor Subdivisions are those created for the purposes of sale, transfer, or development and consisting of between five (5) and fourteen (14) lots. For these subdivisions, no more than four (4) lots may be accessed by an existing state-maintained road. All other lots must have accessed provided to them by new roads created explicitly for the purpose of accessing those lots. These roads must meet all the criteria as outlined in Section 6.9.11, based on the number of lots they provide access to. Subdivisions of this type shall be subject to all the lot size, road improvement, and other regulations otherwise required by this Ordinance.

6.9.14 Cluster Subdivisions

Clustering of residential lots is intended to encourage subdivision design that reduces traffic and environmental impacts, conserves natural areas and resources, encourages pride in rural community living, and allows for affordable home options throughout the unincorporated areas of Alamance County.

Cluster Subdivisions require that part of the subdivision is not devoted to residential lots or roads and is set aside as usable open space. This allows smaller lots to be concentrated on those parts of the subdivision best suited to accommodate development with the least adverse impacts. Clustering also allows smaller and less costly networks of roads and utilities and reduces the amount of impervious surface and storm water runoff. The open space provided by clustering can be used to conserve and protect significant natural areas and environmentally sensitive areas, and to preserve important historic resources.

Cluster Subdivisions shall conform to the following standards:

1. Minimum Lot Size. Single-family residential lots shall be a minimum of 8,000 square feet of usable land (not to include any right-of-way or marginal land). For multifamily, attached structures, the lot area requirement shall be an additional fifty (50) percent of land based on facility type (see section 6.9.11.1).
2. Setback and Configuration Requirements. The minimum building setbacks for dwellings are as follows:
 - Front Right of Way Line: 15 feet
 - Front Yard on Cul-De-Sac: 10 feet
 - Rear Property Line: 10 feet
 - Rear Property Line (accessory structures): 3 feet
 - Side Property Line: 10 feet

The minimum lot width of Cluster Subdivision lots must be as least thirty (30) feet in width at the street right of way. For lots along cul-de-sacs, the minimum width shall be twenty (20) measured on the chord.

3. Designation of Open Space. Land within the subdivision site not used for lots, streets, or utility easements, shall be in one or more parcels dedicated or reserved as permanent open space. The total area of a parcel(s) dedicated or reserved as permanent open space shall make up at least twenty-five (25) percent of the parent tract prior to subdivision and is subject to the following:
 - A. The open space need not be contiguous.
 - B. The use of the shared open space shall be designed to give equal opportunity of enjoyment to the residents of the subdivision. Such use may come in the form of parks, playgrounds, recreational areas, picnic shelters, sidewalks, trails, or similar uses conducive to the environment of the neighborhood.
 - C. The open space may also serve the purpose of acting as an off-site septic area for one or more lots as long as the proposed use of the open space does not compromise the functionality of such septic facilities.
 - D. The layout of the open space shall consider providing a buffer between the new development and the state-maintained road from which it is accessed and/or neighboring developments
 - E. The open space shall be subject to a Conservation Easement conveyed to the homeowners' association setting aside the said open space from future development and, in areas subject to Watershed Protection Regulations, the said conservation easement shall limit use as it relates to water quality regulations. The title to the open space shall be conveyed to a property owner's association, homeowners' association, or other legal entity (public agency or nonprofit organization) that is capable of and willing to accept responsibility for managing open space for its intended purpose.
 - F. Ownership of the Open Space is not restricted but any transfer of ownership of this property is subject to the conservation easement and any other conditions which created the Open Space.
 - G. The design of the open space shall consider protecting water quality, conserving farm and forest land, providing wildlife habitat and preserving the natural aesthetics of the area
 - H. The proposed use or uses of the open space must be shown on the Construction Plans prior to final approval.
4. Utility Requirements. All cluster developments shall have the approval of the Alamance County Environmental Health Department before any permits are obtained.

6.9.15 Approval Procedures

The following procedures shall apply in order to implement the provisions of this Ordinance. Review and approval of subdivision submittals may require the assistance of the Technical Review Committee of Planning Board when necessary.

6.9.15.1 SUBMITTAL PROCEDURES

1. Preliminary Plats and Plans

The subdivider shall submit at least one (1) copy of a preliminary plat or sketch plan for initial review by the Subdivision Administrator. Preliminary Plans should be prepared at the minimum scale of one-inch equals two hundred feet (1" = 200') and include title data, existing conditions, and proposed plans as outlined in Appendix O of this Ordinance. Preliminary Plans are required in order to make a proposed development eligible for Technical Review Committee review and/or approval.

2. Construction Plans

After preliminary approval, the subdivider shall submit at least one (1) copy of the construction plans for required street and utility improvements as prepared by an engineer registered in North Carolina. Plans are to be submitted to the Subdivision Administrator. This submission shall be prepared in accordance with Appendix P and other applicable regulations of this Ordinance.

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-four by thirty-six inches (24" x 36").

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

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

3. Final Plats

When final plats are ready for submission, the subdivider shall submit one (1) reproducible copy as defined by N.C. Gen. Stat. §47-30 to the Subdivision Administrator. Final plats shall be standard sheet size of eighteen by twenty-four inches (18" x 24"). The scale for the plat shall be the largest that will fit the standard sheet but no smaller than one (1) inch equals four-hundred feet (400').

This submission shall also be prepared in accordance with the provisions of this section and Appendix P of this Ordinance and shall comply with the following:

- A. No final plat shall be approved until all improvements are installed or their execution guaranteed as set forth in Section 6.9.11.4 and all certificates required on final plats by this section have been properly completed and signed.
- B. Subdivision lots must also be evaluated and approved by Alamance County Environmental Health staff prior to final plat approval. Such staff members are authorized for approval in accordance with N.C. Gen. Stat. §160D-803.
- C. All applicable certificates shall be placed on the final plat and properly completed by the appropriate person or agency prior to final submission. Certificates are found in Appendix A of this Ordinance.
- D. All approved plats shall be recorded with the Alamance County Register of Deeds.