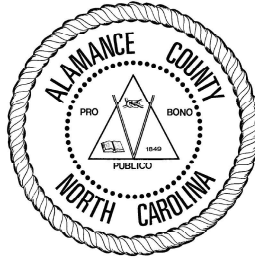


Board Chair:

Rodney Cheek

Planning Director:

Matthew Hoagland



Commissioners' Meeting Room

124 W Elm Street

Graham, NC 27253

September 11, 2025 at 7:00 PM

ALAMANCE COUNTY PLANNING BOARD AGENDA

Livestream: <https://tinyurl.com/22kb3exe>

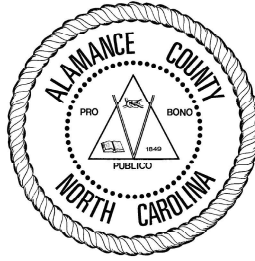
- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF PLANNING BOARD MINUTES**
August 14, 2025 Regular Meeting
- IV. PUBLIC COMMENTS***
- V. BOARD/COMMISSIONER RESPONSES**
- VI. OLD BUSINESS**
 - 1. Second Consideration of UDO Article 6.10 Amendments
 - 2. Second Consideration of UDO Article 6.11 Amendments
- VII. NEW BUSINESS**
 - 1. Consideration of Draft UDO Article 6.12 Amendments
 - 2. Consideration of Draft UDO Article 6.13 Amendments
- VIII. ANNOUNCEMENTS/DISCUSSION**
 - 1. Follow up on Staff Recommendation Policy Proposal
 - 2. October meeting
- 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*

Board Chair:
Rodney Cheek

Planning Director:
Matthew Hoagland



Commissioners' Meeting Room
124 W Elm Street
Graham, NC 27253
August 14, 2025 at 7:00 PM

ALAMANCE COUNTY PLANNING BOARD

August Meeting Minutes

Livestream: <https://tinyurl.com/22kb3exe>

I. CALL TO ORDER

The Alamance County Planning Board met in regular session in August 2025. The meeting was called to order by Chairman Rodney Cheek at 7:00 PM.

II. ROLL CALL

Present:

- Ernest Bare
- William Henry Vines
- Rodney Cheek
- Lee Isley
- Richard Tom King
- Henry Chandler
- Amie Perkins

Absent:

- Stephen Dodson
- Amie Perkins

III. APPROVAL OF PLANNING BOARD MINUTES

August 14, 2025, Regular Meeting

Mr. Isley made a motion to approve the minutes; seconded by Mr. Vines and approved unanimously.

IV. PUBLIC COMMENTS*

None

V. BOARD/COMMISSIONER RESPONSES

None

VI. OLD BUSINESS

None

VII. NEW BUSINESS

1. Consideration of Draft UDO Section 6.10 Amendments

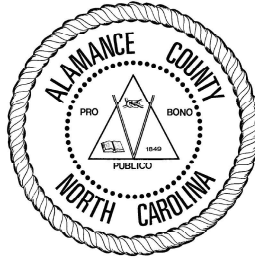
Planning Director Matthew Hoagland provided a review of draft updates to the UDO. He noted that the Board had recently completed review of subdivision ordinance amendments and would

Board Chair:

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ALAMANCE COUNTY PLANNING BOARD

August Meeting Minutes

now continue with Section 6.10- Watershed Protection Standards and Section 6.11 – Wireless Communication Facilities. He summarizes changes to each with the following:

Part 10: Watershed Protection Ordinance

Index: New index added to match the formatting of the other UDO articles.

Section 6.10.2. Item 4: spelled out “250” to match the numbering format of the rest of the drafts.

In general: There was basically no change to this document since so much of it is a copy of the state’s model ordinance. However, I would like to add a section on Watershed appeals and variances and to make the Board of Adjustment the Watershed Review Board. Also, I would like to create a new section in the UDO for “Environmental Regulations” to house watershed, flood zone, and Jordan Lake regulations.

2. Consideration of Draft UDO Section 6.11 Amendments

Part 11: Wireless Communication Facilities

Index: Formatted the same as all other draft ordinance changes.

6.11.1 Applicability: Relocated the sentence on the date of applicability from Section 6.11.3 to this section.

6.11.2. Exceptions: renamed as “Exceptions to Applicability.”

6.11.3 Location Requirements: Reorganized this section to divide where towers may be located followed by where they may not be located. Currently, the ordinance basically mixes the two; this format separates them into their own categories. The substance of the regulations is not changed.

6.11.4. Development Standards:

Sub. 6.11.4.1. Height Limits. we formatted the numbering and referenced the approval procedures of Section 6.11.10, which is later in the ordinance.

Sub. 6.11.4.2 Setbacks. we introduced a new term for *Regularly Occupied Structures*. The current ordinance only requires spacing from residential structures. This change to regularly occupied structures would make the same spacing requirements apply to homes, commercial buildings, churches, and similar structures. We also clarify that the same spacing will not apply to accessory structures like storage buildings or barns.

Under “Fall Zone,” we clarify that the measurement of the fall zone shall be 360 degrees from the center of the tower equal to 100% of the height of the tower.

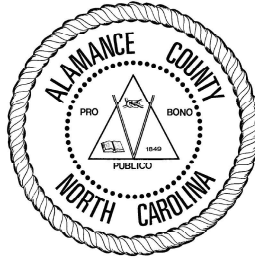
Removed the section on “Roads” because it would be redundant given the changes to the Fall Zone section.

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ALAMANCE COUNTY PLANNING BOARD

August Meeting Minutes

Under “Power Lines” and “Airports,” we simply reworded the numbering for consistency.

Sub. 6.11.4.3 Landscaping and Aesthetics, we simply formatted the numbering in the 5th bullet point, inserted the term “Planning Director, or the designee,” and added a note that a site in section may be required in order to approve existing vegetation as visual screening.

Sub. 6.11.4.4 Fencing introduced the term “equipment shelters or cabinets” in lie of accessory structures. I feel this better defines the equipment used to support a tower than accessory structures. Also formatted numbering.

Sub. 6.11.4.5. Lighting, corrected the spelling for “lens” and formatted numbering.

Sub. 6.11.4.6. Signage, formatted numbering.

Sub. 6.11.4.7. Structural Integrity, use of term “equipment” again instead of accessory structures.

Sub. 6.11.4.8. Power Output and Emissions, no change.

Sub. 6.11.4.9. Access to Wireless Facility, only numbering formatting.

6.11.5 Collocation and Shared Facilities, simply changes the section reference on the last sentence.

6.11.6 – 9, no change other than renaming 6.11.8 to simply “Permit Requirements.”

6.11.10 and 6.11.11, no change other than renaming them to “Planning Board Review” and “Board of Commissioners Review” respectively.

6.11.12, no change.

VIII. ANNOUNCEMENTS/DISCUSSION

1. Follow up on Staff Recommendation Policy Proposal
2. BGMPO 2050 Pedestrian Transportation Plan Map

Mr. Hoagland concluded the meeting by updating the Board on the 2050 BGMPO Pedestrian Map. He explained that while cities such as Burlington, Graham, and Mebane have had sidewalk systems in place for decades, much of the county lacks pedestrian infrastructure altogether. The Pedestrian Map is designed to identify where gaps exist and to provide a framework for prioritizing and funding future sidewalk projects. Mr. King mentioned that the long-term implication of sidewalks in Saxapahaw may prove complex since NCDOT will not own or

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maintain them. Mr. Hoagland acknowledged that is an issue but hopefully it would be something the county would not have to address for many decades to come.

IX. ADJOURNMENT

The Meeting was adjourned at 7:38 PM.

PART X. WATERSHED PROTECTION STANDARDS

<u>Section 6.10.1. Watershed Protection Standards</u>	<u>p. 2</u>
<u>Section 6.10.2. Establishment Of Watershed Zones</u>	<u>p. 2</u>
<u>Section 6.10.3. Watershed Critical Areas.....</u>	<u>p. 3</u>
<u>Section 6.10.4. Balance Of Watershed</u>	<u>p. 4</u>
<u>Section 6.10.5. Buffers</u>	<u>p. 6</u>
<u>Section 6.10.6. Cluster Developments in Watersheds</u>	<u>p. 6</u>
<u>Section 6.10.7. Bona Fide Farms</u>	<u>p. 7</u>
<u>Section 6.10.8. Rules Governing the Interpretation of Watershed Area Boundaries ...</u>	<u>p.7</u>
<u>Section 6.10.9. Existing Development</u>	<u>p. 7</u>
<u>Section 6.10.10. Watershed Protection Permits</u>	<u>p. 8</u>
<u>Section 6.10.11. Hazardous Material Inventory and Spill Containment Plan</u>	<u>p. 9</u>
<u>Section 6.10.12. Watershed Management Plan</u>	<u>p. 9</u>
<u>Section 6.10.13 Watershed Review Board Establishment and Procedures</u>	<u>p.9</u>
<u>Section 6.10.14 Amendments to the Watershed Protection Regulations</u>	<u>p.13</u>

6.10.1 WATERSHED PROTECTION STANDARDS

It is the intention of this section to protect the watershed areas of Alamance County. Primarily these watershed areas include the water supply lakes for the cities of Burlington, Graham, Mebane and for the Orange Water and Sewer Authority. This section is administered in order to provide for a safe and potable water supply for present and future generations of Alamance County citizens. The authority of this section is established by virtue of N.C.G.S. § 160D-926 and Article 21 of Chapter 143 of the General Statutes of North Carolina.

The Alamance County Planning Director, or their designee, shall act as the Watershed Administrator in accordance with Section 2.5 of this Ordinance.

6.10.2 ESTABLISHMENT OF WATERSHED ZONES

For purposes of this section, watersheds in Alamance County are hereby divided into the following zones, as appropriate:

- **Watershed Critical Area (WCA)**
- **Balance of Watershed (BOW)**

Within the two zones set forth the following watershed areas are identified:

WATERSHED CRITICAL AREA (WCA):

- Back Creek Watershed
- Stoney Creek Watershed
- Big Alamance Creek Watershed

BALANCE OF WATERSHED (BOW):

- Back Creek Watershed
- Stoney Creek Watershed
- Cane Creek Watershed
- Rocky River Watershed
- Haw River Watershed
- Upper Haw River Watershed

6.10.3 WATERSHED CRITICAL AREA

Watershed Critical Area (WCA)

The WCA is the area extending either one mile from the normal pool elevation of a water supply reservoir or to the ridge line of the watershed (whichever comes first); or one mile upstream from the intake located directly in the stream or river (run of the river), or the ridge line of the watershed (whichever comes first). In order to maintain a predominantly undeveloped land use intensity pattern in the WCA, single-family residential, multi-family residential and non-residential development shall be allowed at a maximum of one dwelling unit or use per two acres (1 d.u. or use/2 ac.). Built-upon area for multi-family residential and non-residential development shall not exceed six percent (6%) of lot area except for expansion of existing development.

1. Allowed Uses in Watershed Critical Area:

- Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 and the rules and regulations of the Soil and Water Conservation Commission.
- Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).
- Single-family residential development.
- Multi-family residential development.
- Non-residential development: Institutional, educational, religious, commercial, office or recreational.

2. Prohibited Uses in Watershed Critical Area:

- Cluster development
- Sites for land application of residuals or petroleum contaminated soils.
- Landfills, incinerators, and waste processors.
- Commercial use which sells, stores, or distributes motor fuel or other hazardous materials.
- Solid waste management facilities.
- Airports.
- Industry.
- Metal salvage facilities including junkyards.
- Manufacturing, use or storage of any Hazardous Production Material (HPM) or Highly Toxic Material (HTM) or determined by the Alamance County Board of Commissioners to be injurious to the health, safety or welfare of the County's residents due to the explosive, flammable or toxic characteristics of the materials.
- Package treatment plants, and community sewage facilities, except for subsurface septic tanks. (These facilities are allowed only if the Health Department determines that a public health problem can be alleviated by constructing such facilities.) Note: This provision does not prohibit the extension of municipal sewer lines (public) into the watershed critical area.

- Underground fuel or chemical storage tanks (except for L.P. Gas Storage).

3. Density and Built-upon Limits:

- Single-Family Residential.** Development shall not exceed one dwelling unit per two (2) acres on a project-by-project basis (1 d.u./2 ac.). No residential lot shall be less than two (2) acres.
- Multi-Family Residential and Non-Residential.** All multi-family residential and non-residential development shall require a minimum area of two (2) acres per dwelling unit or non-residential development use. No lot shall be less than two (2) acres. Development shall not exceed six percent (6%) built-upon area on a project by project basis. For the purpose of calculating built upon area, total project area shall include total acreage in the tract on which the project is to be developed.
- Existing Development.** Existing development is regulated under the provisions as stated in Section 3.2 of this ordinance.

- Above Ground Storage Tanks.** A spill containment plan is required for all new above ground storage tanks with accumulative capacity of over two hundred and fifty (250) gallons. (Except for L.P. Gas Storage).

6.10.4 BALANCE OF WATERSHED

The BOW is the entire land area contributing surface drainage to a specific point, the public water supply intake, minus the watershed critical area. In order to maintain a predominantly undeveloped land use intensity pattern in the BOW, single-family residential uses shall be allowed at a maximum of one dwelling unit per acre (1 d.u./ac.). No lot shall be less than one (1) acre. All multi-family residential and non-residential development shall require a minimum area of forty thousand square feet (40,000 sq. ft.) per dwelling unit or non-residential development use, when more than one unit or use is to be sited on a lot. Built-upon area shall not exceed twelve percent (12%) of lot area except for expansion of existing development (legal non-conformances).

1. Allowed Uses in Balance of Watershed:

- Agriculture, subject to the provision of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.
- Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality. (15 NCAC 11.6101 - .0209).
- Single-family residential development.
- Multi-family residential development.
- Non-residential development: institutional, educational, religious, commercial, office, industrial or recreational.
- Non-discharging landfills.

2. Prohibited Uses:

- Sites for land application of residuals or petroleum contaminated soils.

- Discharging landfills.
- Storage of hazardous materials unless a spill containment plan is implemented.

3. Density and Built-upon Limits:

- A. **Single-Family Residential.** Development shall not exceed one dwelling unit per acre on a project by project basis (1 d.u./ac.). No residential lot shall be less than one acre, except within an approved cluster development whose overall project density is no greater than one dwelling unit per acre.
- B. **Multi-family Residential.** No lot shall be less than one (1) acre. Also, all multi-family residential development shall require a minimum area of forty thousand square feet (40,000 sq. ft.) for each unit located on a lot, as subject to Health Department approval. Development shall not exceed twelve percent (12%) built-upon area on a project by project basis. For the purpose of calculating built upon area, total project area shall include total acreage in the tract on which the project is to be developed.
- C. **Non-Residential.** No lot shall be less than one (1) acre. Also, non-residential development shall require a minimum area of forty thousand square feet (40,000 sq. ft.) for each use located on a lot, as subject to Health Department approval. Development shall not exceed twelve percent (12%) built upon area on a project by project basis. For the purpose of calculating built upon area, total project area shall include total acreage in the tract on which the project is to be developed.

4. Special Non-Residential Intensity Allocation (SNIA).

Certain non-residential, specifically institutional uses, in the **Balance of the Watersheds (BOW)** may be allowed to exceed the limit of twelve percent (12%) built-upon area if they apply for approval under the Special Non-Residential Intensity Allocation (SNIA). Applicants shall apply to the Alamance County Planning Board, who shall make recommendation to the Board of County Commissioners. The Board of County Commissioners is authorized to approve SNIA's consistent with the provisions of this section.

- a. If the Board of County Commissioners approves the SNIA, an individual project can be developed up to seventy percent (70%) built-upon area. Up to ten percent (10%) of the balance of any designated watershed may be developed with this special allocation. The SNIA allocation is permitted only in the following watersheds:

Watershed	Maximum SNIA Acres Available
Back Creek	1,432
Stoney Creek	2,938
Cane Creek	164
Rocky River	554
Haw River	319

Big Alamance Creek	N/A
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- b. The SNIA allocation shall be used only for **institutional uses** within the balance of the above watersheds. Eligible institutional uses include: churches, schools, fire stations and governmental buildings. Projects must minimize built-upon surface areas and direct stormwater away from surface waters to minimize water quality impacts, as certified by an engineer registered in the State of North Carolina.
- c. The Watershed Administrator in the Administrative Services Department shall forward the request to the Planning Board for the SNIA allocation as well as keep records of the number of acres available to be developed under the SNIA allocation.

6.10.5 BUFFERS

STREAM AND POND BUFFER

The Jordan Lake Riparian Buffer Rules apply to all lands regulated by this section as required by 15A NCAC 02B .0267 as modified by 15A NCAC 02B .0295, Section 2 of Session Law 2013-395/Senate Bill 515, Section 52 of Session Law 2013-413/ House Bill 74, Section 13 of Session Law 2015-0246/House Bill 44/G.S. § 143-214.23A, Section 9 of Session Law 2017-209/ House Bill 56, and any successive revisions to these rules.

Agricultural Ponds are exempt per Session Law 2013-413, Section 52.

LAKE BUFFER

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

6.10.6 CLUSTER DEVELOPMENT IN WATERSHEDS

Clustering of development is allowed only in Balance of Watershed (BOW) areas. Provisions for clustering of development shall meet overall density standards set forth in this section, as well as the standards in the Alamance County Subdivision Ordinance.

6.10.7 BONA FIDE FARMS

Bona fide farms are exempt from the watershed regulations. However, farms are subject to other federal, state and local regulations. A SCS (Soil Conservation Services) conservation plan for each farm or timber stand is highly desirable.

6.10.8 RULES GOVERNING THE INTERPRETATION OF WATERSHED AREA BOUNDARIES

Where uncertainty exists as to the boundaries of the watershed areas, as shown on the Watershed Map, the following rules shall apply:

- a. Where area boundaries are indicated as approximately following either street, alley, railroad or highway lines or centerlines thereof, such lines shall be construed to be said boundaries.
- b. Where area boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. However, a surveyed plat prepared by a registered land surveyor may be submitted to the County as evidence that one or more properties along these boundaries do not lie within the watershed area.
- c. Where the watershed area boundaries lie at a scaled distance more than twenty-five feet (25') from any parallel lot line, the location of watershed area boundaries shall be determined by use of the scale appearing on the watershed map.
- d. Where the watershed area boundaries lie at a scaled distance of twenty-five feet (25') or less from any parallel lot line, the location of watershed area boundaries shall be construed to be the lot line.
- e. Where other uncertainty exists, the Watershed Administrator in the Administrative Services Department shall interpret the Watershed Map as to location of such boundaries. This decision may be appealed to the ~~Board of Adjustment~~ Watershed Review Board.

6.10.9 EXISTING DEVELOPMENT

Existing Development, as defined in this ordinance, may be continued and maintained subject to the provisions provided herein. Expansions to structures classified as Existing Development must meet the requirements of this ordinance, however, the built-upon area of the Existing Development is not required to be included in the built-upon area calculations. Please see Section 403 (B) Calculation of Project Density. This section deals with all existing development as defined in the EMC rules. All existing development, whether or not it meets the statewide minimum standards, is exempt from the provisions of this ordinance.

6.10.9.1 Uses of Land.

This category consists of Existing Development where such use of the land would not be permitted if it were new development. Such uses may be continued except as follows:

- (1) Such use of land shall be changed only to an allowed use.
- (2) When such use of land has been changed to an allowed use, it shall not thereafter revert to any prohibited use.
- (3) When such use ceases for a period of at least one year, it shall not be reestablished.

6.10.8.2. Reconstruction of Buildings or Built-upon Areas.

Any existing building or built-upon area not in conformance with the restrictions of this ordinance that has been damaged or removed may be repaired and/or reconstructed, except that there are no restrictions on single family residential development, provided:

(1) Repair or reconstruction is initiated within twelve (12) months and completed within two (2) years of such damage.

(2) The total amount of space devoted to built-upon area may not be increased unless stormwater control that equals or exceeds the previous development is provided.

6.10.10 WATERSHED PROTECTION PERMIT

No building or built-upon area shall be erected, moved, enlarged or structurally altered, nor shall any building permit be issued nor shall any change in the use of any building or land be made until a Watershed Protection Permit has been issued by the Watershed Administrator in the Administrative Services Department. Single-family development is exempt from the requirement of obtaining a Watershed Protection Permit.

Prior to the issuance of a Watershed Protection Permit, the Watershed Administrator may consult with qualified personnel for assistance to determine if the application meets the requirements of this section.

A Watershed Protection Permit shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant within twelve (12) months from the date of issuance.

a. Building Permit Required.

No permit required under the North Carolina State Building Code shall be issued for any activity until a Watershed Protection Permit is issued. Single-family residential development is exempt from the Watershed Protection Permit requirement.

b. Watershed Protection Occupancy Permit.

The Watershed Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this section have been met prior to the occupancy or use of a building hereafter erected, altered or moved and/or prior to the change of use of any building or land.

A Watershed Protection Occupancy Permit, either for the whole or part of a building, shall be applied for coincidental with the application for a Watershed Protection Permit and shall be issued or denied within ten (10) days after construction is approved by the Inspections Department.

When a change in use of land or use of an existing building occurs, the Watershed Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this section have been met coincidental with the Watershed Protection Permit.

No building or structure which has been erected, moved, or structurally altered may be occupied until the Watershed Administrator has approved and issued a Watershed Protection Occupancy Permit.

If the Watershed Protection Occupancy Permit is denied, the Watershed Administrator shall notify the applicant in writing stating the reasons for denial.

6.10.11 HAZARDOUS MATERIAL INVENTORY AND SPILL CONTAINMENT PLAN

An inventory of hazardous materials as applicable to Section 6.10.10 of this ordinance shall be kept in the Alamance County Emergency Management Office.

All spill containment plans required for new above ground storage tanks shall be kept on file in the Alamance County Emergency Management Office.

6.10.12 WATERSHED MANAGEMENT PLAN

The purpose of the Management Plan is to document industries that are located within the County's watershed boundaries which use, store or manufacture chemicals that could potentially pose a threat to water quality. The Management Plan will be used to verify that the hazardous materials inventory of each industry is up to date and kept on file in the Alamance County Emergency Management Office. The Toxic Chemical Release Inventory and response plan which is required under SARA Title III legislation is maintained by the Environmental Protection Agency (EPA). Also, the Alamance County Emergency Management Office maintains a computerized list of SARA Title III facilities.

6.10.13 WATERSHED REVIEW BOARD ESTABLISHMENT AND PROCEDURES

6.10.13.1 Establishment of Watershed Review Board.

The Alamance County Board of Adjustment, as established in Section 2.3 of this Ordinance, shall serve as the Watershed Review Board.

6.10.13.2 Powers and Duties of the Watershed Review Board.

Administrative Appeals.

The Watershed Review Board shall hear and decide appeals from any decision or determination made by the Watershed Administrator in the enforcement of this ordinance.

Any order, decision, or determination made by the Watershed Administrator may be appealed to and decided by the Watershed Review Board. An appeal from a decision of the Watershed Administrator must be submitted to the Watershed Review Board within thirty (30) calendar days from the date the order, interpretation, decision, or determination is issued. All appeals must be made in writing stating the reasons for appeal. Following submission of an appeal, the Watershed Administrator shall transmit to the Board all papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed, unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal has been filed with him, that by reason of facts stated in the certificate of approval for recording, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application of notice of the officer from whom the appeal is taken and upon due cause shown.

All appeals of Watershed Administrator decisions shall follow the procedures for appeals of administrative decisions in GS 160D-405.

Minor Variances.

The Watershed Review Board shall have the power to authorize, in specific cases, Minor Variances from the terms of this Ordinance. In addition, the Watershed Administrator shall notify all other local governments having jurisdiction in the designated watershed where the variance is being considered in accordance with the procedures set forth in N.C. Gen. Stat. 160D-406.

A. Applications for a variance shall be made on the proper form obtainable from the Watershed Administrator and shall include the following information:

- A site plan, drawn to a scale, indicating the property lines of the parcel upon which the use is proposed; any existing or proposed structures; parking areas and other built-upon areas; and surface water drainage. The site plan shall be neatly drawn and indicate north point, name and address of person who prepared the plan, date of the original drawing, and an accurate record of any later revisions.
- A complete and detailed description of the proposed variance, together with any other pertinent information which the applicant feels would be helpful to the Watershed Review Board in considering the application.
- Evidence or proposed witness testimony that tends to support a finding that each of the factors listed in subsection (C), below, are met.

- B. The Watershed Administrator shall notify, in writing, each local government having jurisdiction in the watershed and the entity using the water supply for consumption. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Watershed Administrator prior to a decision by the Watershed Review Board. Such comments shall become a part of the record of proceedings of the Watershed Review Board.
- C. Before the Watershed Review Board may grant a variance, it shall make the following three findings, which shall be recorded in the permanent record of the case, and shall include the factual reasons on which they are based:
1. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance. In order to determine that there are practical difficulties or unnecessary hardships, the Board must find that the five following conditions exist:
 - (a) If he complies with the provisions of the Ordinance, the applicant can secure no reasonable return from, nor make reasonable use of, his property. Merely proving that the variance would permit a greater profit to be made from the property will not be considered adequate to justify the Board in granting an variance. Moreover, the Board shall consider whether the variance is the minimum possible deviation from the terms of the Ordinance that will make possible the reasonable use of his property.
 - (b) The hardship results from the application of the Ordinance to the property rather than from other factors such as deed restrictions or other hardship.
 - (c) The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.
 - (d) The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates the Ordinance, or who purchases the property after the effective date of the Ordinance and then comes to the Board for relief.
 - (e) The hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice.

2. The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.
 3. In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done. The Board shall not grant a variance if it finds that doing so would in any respect impair the public health, safety, or general welfare.
- D. In granting the variance, the Board may attach conditions regarding the location, character, and other features of the proposed building, structure, or use that relate to the purpose and standards of this ordinance. If a variance for the construction, alteration or use of property is granted, such construction, alteration or use shall be in accordance with the approved site plan.
- E. The Watershed Review Board shall refuse to hear an appeal or an application for a variance previously denied if it finds that there have been no substantial changes in conditions or circumstances bearing on the appeal or application.
- F. A variance issued in accordance with this Section shall be considered a Watershed Protection Permit and shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant within six (6) months from the date of the decision.

Major Variances.

If the application calls for the granting of a Major Variance, and if the Watershed Review Board decides in favor of granting the variance, the Board shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include:

- The variance application;
- The hearing notices;
- The evidence presented;
- Motions, offers of proof, objections to evidence, and rulings on them;
- Proposed findings and exceptions;
- The proposed decision, including all conditions proposed to be added to the permit.

The preliminary record shall be sent to the Environmental Management Commission for its review and conclusion.

Appeals from the Watershed Review Board.

Appeals from the Watershed Review Board must be filed with the Superior Court within (thirty) 30 days from the date of the Board's written decision. Decisions by the Superior Court will be in the manner of certiorari.

6.10.14 AMENDMENTS TO THE WATERSHED PROTECTION REGULATIONS

The Alamance County Board of Commissioners may, on its own motion or on petition, after public notice and hearing, amend, supplement, change or modify the watershed regulations and restrictions as described herein.

No action shall be taken until the proposal has been submitted to the Watershed Review Board for review and recommendations. If no recommendation has been received from the Watershed Review Board within forty-five (45) days after submission of the proposal to the Chairman of the Watershed Review Board, the Board of Commissioners may proceed as though a favorable report had been received.

Under no circumstances shall the Board of Commissioners adopt such amendments, supplements or changes that would cause this ordinance to violate the watershed protection rules as adopted by the N.C. Environmental Management Commission. All amendments must be filed with the N.C. Division of Energy, Mineral, and Land Resources.

6.10.14.1 Public Notice and Hearing Required

Before adopting or amending this ordinance, the Board of Commissioners shall hold a public hearing on the proposed changes. A notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than ten (10) nor more than twenty-five (25) days before the date for the hearing.

PART XI. WIRELESS COMMUNICATIONS FACILITIES

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~~6.11 Wireless Communications Facilities~~

6.11.1 APPLICABILITY

The purpose of this section is to establish standards for the location, permitting, and appearance of wireless telecommunication facilities located on property within Alamance County's ordinance-making jurisdiction. The regulations contained within this section shall apply to any Wireless Communications Facilities constructed on or after February 18, 2013.

6.11.2 EXCEPTIONS TO APPLICABILITY

The provisions of this section shall not be deemed to apply to: a) any tower, antenna, or other communication structure located on property owned, leased, or otherwise controlled by Alamance County; or b) any amateur radio facility that is owned and operated by a federally-licensed amateur radio station operator.

6.11.3 LOCATION REQUIREMENTS FOR WIRELESS COMMUNICATION TOWERS

- ~~1. Any wireless communication tower constructed after February 18, 2013 may not be located within 1 mile of an existing tower.~~
- ~~2. Towers shall be located at least 1.5x height of the tower from any existing non-owner occupied residential or non-residential structure.~~
- ~~3. A tower may be located on the same lot as a residential structure, as long as the residential structure is occupied by the property owner.~~
- ~~4. A tower may not be located on top of any residential structure.~~
- ~~5. A tower may not be located on the same lot as an outdoor storage yard.~~
- ~~6. A lot that contains a wireless communication facility may be no smaller than 30,000 square feet.~~
- ~~7. A tower may not be constructed within a locally or nationally designated historic district. A tower may not be located within 1,000 feet of a locally or nationally designated historic district or historic landmark.~~
- ~~8. A tower may not be constructed within 1.5x the fall zone from a public right of way.~~
9. The siting of all wireless communication towers must comply with the requirements of the National Environmental Policy Act, the Federal Communications Commission, and the Federal Aviation Administration; and subject to the regulations below.

6.11.3.1 Wireless Communication Facilities may be located on properties under the following conditions, provided all setback, spacing, and dimensional requirements are met:

- On any lot at least 30,000 square feet in size;
- On the same lot as a residential structure, as long as adequate spacing is provided for in accordance with subsection 6.11.4.2 below.

- In a location at least one-hundred and fifty (150) percent the height of the tower from any public right of way or regularly occupied structure, as defined by Section 6.11.4.2.

6.11.3.2 Wireless Communication Facilities may not be located on property under the following conditions:

- On top of a residential structure;
- On the same lot as a junkyard, automobile graveyard, or similar outdoor storage yard as defined by this Ordinance;
- Within a locally or nationally designated historic district;
- Within one thousand (1,000) feet of a locally or nationally designated historic district or historic landmark;

6.11.4 DEVELOPMENT STANDARDS FOR WIRELESS COMMUNICATION TOWERS

a)

6.11.4.1. HEIGHT LIMITS

Administrative approval may be granted by the Planning Department for wireless communication towers that do not exceed ninety (90) feet in height. A tower that is proposed to exceed ninety (90) feet in height must receive approval from the Board of Commissioners. The approval procedure shall be in accordance with ~~the quasi-judicial hearing procedures established herein.~~ section 6.11.10 of this Ordinance.

b)

6.11.4.2. SETBACKS

Residential Regularly Occupied Structures - A wireless communication facility must be located at least one-hundred and fifty (150) percent the height of the tower ~~x 1.5~~ from any ~~residential-regularly occupied structure.~~ Regularly occupied structures include residences, commercial establishments, churches, and similar uses where individuals may inhabit the premises on a frequent basis. This ~~does~~ spacing shall not apply to a residential structure that is occupied by the owner of the property upon which the wireless communication facility is located, or an accessory structure like a barn or storage shed. The setback requirement for residential structures occupied by the property owner may be reduced with design certification by an engineer.

Fall Zone - The setback must include enough area to contain the fall zone entirely within the boundaries of the property ~~owned or leased by the wireless communication provider.~~ on which the Wireless Communication Facility is located. Fall zones shall be measured three hundred and sixty (360) degrees out from the center of the tower base in a distance equal to one hundred (100) percent the height of the tower.

Roads - A wireless communication facility must be located at least 1.5x the fall zone from any public right-of-way or private road.

Power Lines - A freestanding wireless communication tower must be located at least one hundred and fifty (150) percent the height of the tower ~~x 1.5~~ from any high-tension power lines.

Airports - A wireless communication facility must be located at least two thousand, five hundred (2,500) feet from any public or private airport.

~~**Accessory Structures** - In measuring setbacks, an accessory structure constructed to house equipment relating to the wireless communication facility must be included as part of the wireless communication facility. The edge of an accessory structure to a property line shall constitute an appropriate measurement.~~

e)

6.11.4.3 LANDSCAPING AND AESTHETICS

- Wireless communication facilities should be placed in a location that will provide for proper functioning, and one that will have minimal visual impact.
- All landscaping should be designed to be compatible with existing structures and landscapes on the property and on adjoining parcels.
- The color of a wireless communication facility should be neutral or compatible with its surroundings. In addition, colors must meet FAA standards.
- The use of camouflage or stealth technology is strongly encouraged.
- A vegetative buffer must be placed around the base of a wireless communication tower and any associated structures, such as an equipment facility or guy anchors. This buffer should be at least ten (10) feet wide and should include, at a minimum, one (1) row of evergreen or deciduous trees placed no further than eight (8) feet apart and one (1) row of evergreen shrubs spaced no more than five (5) feet apart.
- Existing vegetation on the site should be preserved as much as possible and incorporated into the site design.
- Vegetated buffers should be created through minimal grading activities and, as much as possible, should preserve existing mature growth on the site.
- Upon a showing that the existing site vegetation will provide a suitable buffer for the base of the tower or the perimeter of the site and minimize visual impacts, the ~~Administrator~~ Planning Director, or their designee, may grant a waiver of the buffer requirements contained above. A site inspection may be required in order to make such determinations.

d)

6.11.4.4. FENCING

A wireless communication facility must have a commercial-grade safety fence placed around the base of the tower and any ~~accessory structures supporting equipment shelters or cabinets~~. This fence should be at least eight (8) feet in height and constitute an opaque barrier. If the wireless communication facility has guy wire anchors, a separate fence with the same features as above may be placed around the base of each wire anchor.

e)

6.11.4.5. LIGHTING

A wireless communication tower shall not be artificially lighted unless required by the FAA or other applicable authority. All lighting installed at a wireless communication facility must comply with FAA regulations.

Any lighting at a wireless communication facility ~~should~~ shall be down shielded in order to contain the light on the property leased or owned by the wireless communication provider. At no time should any wireless communication facility lighting shine directly upon an adjacent property.

Unless otherwise required by the FAA, a red light and a type of ~~lense~~ lens used to reduce ground lighting must be used when the wireless communication facility is within one hundred (100) feet of a residential dwelling.

f)

6.11.4.6. SIGNAGE

No signage, logos, symbols, or any messages of a commercial or non-commercial nature are permitted on any wireless communication facility, accessory structure, or security fencing. This provision does not include the identification signage detailed below.

One small sign measuring no more than two (2) feet by three (3) feet that contains provider information, emergency telephone numbers, and any other information required by local, state, and federal regulations governing wireless communication facilities is permitted. This sign must be placed in a visible location on the security fencing.

g)

6.11.4.7. STRUCTURAL INTEGRITY

Each wireless communication facility and any ~~accessory structures supporting equipment~~ must be constructed and maintained in accordance with all state and federal building code requirements.

Each wireless communication tower must be constructed to accommodate the following number of antenna arrays:

1. Towers up to 90 feet: 1 array;
2. Towers between 91 feet and 120 feet: 2 arrays; and

3. Towers exceeding 120 feet: 3 arrays

h)

6.11.4.8. POWER OUTPUT AND EMISSIONS

Applicants for a permit for a wireless communication facility shall be required to submit documentation that shows that power output levels at the facility do not exceed those levels certified by the FCC. The wireless communications provider that owns the wireless communication facility may be asked on a periodic basis to provide the Administrator with documentation that demonstrates that the facility is in compliance with FCC output standards.

Emissions from a wireless communication facility shall not interfere with radio frequencies or television reception.

i)

6.11.4.9. ACCESS TO WIRELESS COMMUNICATION FACILITY

Access to the wireless communication facility site must be provided by an easement of no less than thirty (30) feet in width. The road base constructed shall be no less than ten (10) feet and no greater than eighteen (18) feet in width. This road must be of gravel construction and should be maintained regularly by the wireless communications provider. The access road to a wireless communication facility should be gated for security purposes with commercial-grade fencing.

6.11.5 COLLOCATION AND SHARED FACILITIES

- ~~1. An applicant for a wireless communication facility permit must demonstrate that it has made a good faith effort to place its wireless communication equipment onto an existing wireless communication facility structure. This shall be a condition of the permit, as provided in Section 6.11.8, below.~~
- ~~2. An applicant for a wireless communication facility permit that cannot collocate and will place its equipment on a newly constructed wireless communication structure must submit a collocation agreement with its permit application. This collocation agreement shall outline the applicant's policy for collocation on its structure and shall also provide information that illustrates the means by which the applicant will determine what rental rates to charge other users. These lease rates must be commercially reasonable and should not act as a deterrent to collocation.~~
- ~~3. Any wireless communication tower over ninety (90) feet should be constructed to accommodate multiple antenna arrays, pursuant to Section 6.11.4.(g) 6.11.4.7.~~

1. Pursuant to section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. § 1455(a), Alamance County may not deny and shall approve any eligible facilities request as provided in this section. Applications shall not be required for routine maintenance on wireless support structures and facilities, including in-kind replacement of wireless facilities. Routine maintenance includes activities associated with regular and general upkeep of transmission equipment, including the replacement of existing wireless facilities with facilities of the same size.
2. A collocation or eligible facilities request application is deemed complete unless notice is provided to the applicant in writing within forty-five (45) days of submission or within some other mutually agreed upon time frame. The notice shall identify the deficiencies in the application which, if cured, would make the application complete. An application may be deemed incomplete if there is insufficient evidence provided to show that the proposed collocation or eligible facilities request will comply with federal, State, and local safety requirements. An application may not be deemed incomplete for any issue not directly related to the actual content of the application and subject matter of the collocation or eligible facilities request. An application is deemed complete on resubmission if the additional materials cure the deficiencies indicated.
3. A written decision approving an eligible facilities request application shall be issued within forty-five (45) days of such application being deemed complete. For a collocation application that is not an eligible facilities request, the written decision to approve or deny the application within forty-five (45) days of the application being deemed complete.
4. A fee of no more than one thousand dollars (\$1,000) may be imposed for technical consultation and the review of a collocation or eligible facilities request application. The fee must be based on the actual, direct, and reasonable administrative costs incurred for the review, processing, and approval of a collocation application. Alamance County may engage a third-party consultant for technical consultation and the review of a collocation application. The fee for the review of the application may not be used for either of the following:
 - a. Travel expenses incurred during a third-party review of a collocation application.
 - b. Reimbursement for a consultant or other third party based on a contingent fee basis or results-based arrangement.

6.11.6 USE BY EMERGENCY SERVICES

A wireless communication provider must make the wireless communication facility available, free of charge, to the County for emergency service use. This use shall include, but is not limited to, an antenna array and space for electronic equipment within an accessory building. An antenna array placed by the County's emergency services shall only be located on a tower capable of handling multiple arrays. Any use by emergency services should not interfere with the proper functioning of the tower or of any wireless communication facilities within a one-mile radius.

6.11.7 REMOVAL OF ABANDONED TOWERS, ANTENNAE, AND SUPPORT STRUCTURES

- (1) The owner of a wireless communication facility must provide the Administrator with written notice if the facility is going out of service.
- (2) A wireless communication facility at which use has been discontinued for a period of one hundred and eighty (180) days shall be deemed abandoned.
- (3) A wireless communication facility shall not be considered abandoned unless all service providers with antenna arrays attached to the facility have discontinued use of the facility.
- (4) If the Administrator determines that a wireless communication facility has been abandoned, he or she shall send a written notice by certified mail, return receipt requested, to the owner of the wireless communication facility and to the property owner (if different). This notice shall contain information regarding why the wireless communication facility has been deemed abandoned and the availability of an appeals process for this decision.
- (5) Once the written notice has been received, the wireless communication facility owner has sixty (60) days in which to remove the facility from the property.
- (6) The County may require each applicant to post a performance bond to cover the potential costs of removal.
- (7) If the owner of the wireless communication facility believes that the Administrator's determination has been made in error, it may file a written appeal with the Board of Adjustment prior to the expiration of the sixty (60) day period for removal. Such appeal shall be heard by the Board within thirty (30) days of the filing of the appeal and any proceedings to remove the abandoned wireless communication facility shall be stayed pending the outcome of this appeal.

- (8) If the owner of the abandoned wireless communication facility does not remove the facility within the required removal period, the County may remove the facility and recover the costs from the owner. If the owner is no longer in business or cannot be located, the cost of removal may be assessed to the real property owner.
- (9) The County may assess civil penalties pursuant to the established fee schedule if the owner of the abandoned wireless communication facility fails to remove the structure within the required removal period.

6.11.8 PERMIT REQUIREMENTS FOR WIRELESS COMMUNICATION FACILITY

- (a) It shall be a violation of this Ordinance to construct and operate any wireless communication facility in Alamance County's ordinance-making jurisdiction without a permit issued pursuant to this section.
- (b) Any entity or individual desiring to construct and/or operate a wireless communication facility within Alamance County's ordinance-making jurisdiction must apply to the Alamance County Planning Department for a permit. This application must include:
 - 1. The name and address of the owner(s);
 - 2. The physical address of the property, including tax map block and lot numbers;
 - 3. The name and address of the agent(s) and officers, if the applicant is a corporation;
 - ~~4. Documents that demonstrate a need for coverage in the geographical area;~~
 - 4. Sealed drawings from an architect or engineer licensed in the State of North Carolina that contain the items listed below in (c);
 - 5. A copy of the applicant's collocation agreement or, in the absence of collocation, evidence that collocation is not feasible in accordance with the requirements set forth below in (d);
 - 6. Documentation from an architect or engineer licensed in the State of North Carolina that the proposed wireless communication facility has the structural integrity to accommodate more than one user, if the proposed facility is over ninety (90) feet in height;
 - 7. Certification from the FAA that the proposed wireless communication facility will not pose a hazard to air navigation;
 - 8. Documentation from a North Carolina Division of Highways engineer that his or her office has reviewed the proposed project and has determined that no highway access or right-of-way issues need to be resolved prior to approval of the application; and
 - 9. Proposed sedimentation control measures that have been approved by the North Carolina Department of Environment and Natural Resources.

(c) The sealed drawings submitted with the application must include

1. A scaled vicinity map showing the location of the proposed facility in relation to nearby roads, communities, and towns;
2. All property lines associated with the site;
3. The location of all proposed structures on the site;
4. Elevations of all proposed structures and a description or sample of the color(s) that will be associated with them;
5. A description of the height of the proposed structures;
6. Basic site plan information, such as existing topography (with 5' contours), proximity to floodplains and floodways, soil characteristics, existing vegetation, and other site elements that may restrict development;
7. A site plan showing any proposed alteration of topography and vegetation;
8. The location of any existing streets, buildings, railroads, transmission lines, sewers, bridges, culverts, drainpipes, and easements, to the extent that these may be determined from a field inspection of the property;
9. Landscaping plans that include buffer areas;
10. Plans for parking and security fencing;
11. Plans showing any access easement(s) and proposed points of ingress and egress in relation to a public or private road(s); and
12. Plans identifying any adjacent uses within five hundred (500) feet of the fall zone.

(d) If an applicant does not propose to collocate on an existing wireless communication facility, evidence must be shown to demonstrate that no existing wireless communication facility can accommodate the applicant's technological needs. This evidence should be in the form of letters sent to and received from the owners of existing wireless communication facilities in which it is demonstrated that one of the following conditions applies:

1. No antennae are located within the geographic area that is required for the applicant's technological needs;
2. No existing towers or structures within the geographic area are of sufficient height to meet the applicant's needs;
3. No existing towers or structures have the structural strength to support the proposed antenna and related equipment;
4. The proposed wireless communication facility would cause electromagnetic interference with antennae on existing towers or structures or vice versa;

5. The fees, costs, or contractual provisions for collocation required by the owner of an existing wireless communication facility that would meet the applicant's technological needs exceed the cost of new facility development;
6. Any other factors that render the use of existing towers or structures within the geographic area infeasible.

In addition, an applicant should include a summary explanation of why it believes that its proposed wireless communication facility cannot be located on an existing tower or structure.

- (e) A one-time permit fee of \$2,500 shall accompany the application.

6.11.9 ADMINISTRATIVE APPROVALS

- (a) Administrative approval may be obtained for
 1. Wireless communication towers that do not exceed ninety (90) feet in height;
 2. Placing an antenna array upon an existing wireless communication facility; or
 3. The operation of a temporary wireless communication facility.
- (b) In each instance, the applicant must submit all documentation required in ~~Section 14,~~ subsection 6.11.8 above, to the Planning Department for administrative review.
- (c) Upon review, the ~~Administrator~~ Planning Director, or their designee, will determine whether or not the submitted application complies with all of the terms of this Ordinance. ~~The Administrator may~~ Planning Director, or their designee, will then issue an approval, ~~an approval with conditions,~~ or a denial.
- (d) ~~If the Administrator denies the application is denied,~~ the reasons for the denial must be outlined in ~~a letter sent to the applicant via certified mail, return receipt requested.~~ writing and transmitted to the applicant. Such writing must be kept on file with the application and related documents. The applicant may make any suggested changes and submit its application to the Planning Board in accordance with the procedure outlined in Section 16, below. The applicant may modify the application and resubmit it to address any deficiencies which led to the denial. The applicant may also appeal the denial to the Board of Adjustment in accordance with Section 2.3 of this Ordinance, N.C. Gen. Stat. § 160D-405, and other applicable law.
- (e) ~~If the Administrator~~ Planning Director, or their designee, issues an approval ~~or an approval with conditions,~~ he or she then they shall also issue a wireless communication facility permit to the applicant. This permit shall entitle the applicant to proceed with construction and operation in accordance with the submitted development plan.

6.11.10 REVIEW OF PERMIT APPLICATION BY ADMINISTRATOR AND PLANNING BOARD REVIEW

- (a) Upon submission of the application, the ~~Administrator~~ Planning Director, or their designee, will review the application for compliance with the provisions of this Ordinance. During this review period, ~~the Administrator may request additional information from the applicant~~ may be requested in order to process the application.
- (b) After administrative review, the application will be presented to the Alamance County Planning Board for further review. Review by the Planning Board shall occur within sixty (60) days of the submission of the application. Following its review, the Planning Board may approve ~~the application, or~~ deny the application, ~~or approve the application conditions.~~
- (c) If the Planning Board denies the application ~~or gives conditional approval~~, the reasons for its action shall be noted in the Board's minutes and transmitted to the applicant in writing. The ~~owner~~ applicant may resubmit its application after making any corrective changes. Alternatively, the applicant may appeal the denial to the Board of Adjustment in accordance with Section 2.3 of this Ordinance, N.C. Gen. Stat. § 160D-405, and other applicable law.
- ~~(d) If, upon correction and resubmission of the application, the Planning Board again denies or approves the application with conditions, the applicant may submit its application directly to the Board of Commissioners.~~

6.11.11 REVIEW OF PERMIT APPLICATION BY BOARD OF COMMISSIONERS REVIEW

- ~~(a) After the Planning Board has rendered a decision on the application, the applicant may submit an application and final development plan to the Board of Commissioners. This plan may incorporate any changes suggested by the Planning Board or any additional information that the applicant wishes to provide.~~
- ~~(b) Review by the Board of Commissioners shall occur within sixty (60) days of submission of the application. This review shall also include consideration of the advisory decision rendered by the Planning Board. Following its review, the Board of Commissioners may approve the application, deny the application, or approve the application with conditions.~~
- ~~(c) If the Board of Commissioners denies the application or gives conditional approval, the reasons for its action shall be noted in the Board's minutes. The owner may resubmit its application after making any corrective changes.~~
- ~~(d) If, upon correction and resubmission of the application, the Board of Commissioners again denies the application, the applicant may initiate an appeal in the Superior Court of Alamance County. This appeal must be filed with the Clerk of Superior Court for Alamance County within thirty (30) days of the decision by the Board of Commissioners.~~

6.11.11 ISSUANCE OF PERMIT

- (a) It shall be a violation of this Ordinance to operate any wireless communication facility located within Alamance County's ordinance-making jurisdiction without a permit issued pursuant to this section.
- (b) If the above application procedure is followed and the Board of Commissioners approves the application or approves the application with conditions, the Board will issue a permit for the wireless communication facility. This permit shall entitle the applicant to proceed with construction and operation in accordance with the final development plan.

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PART XII. ABANDONED, JUNKED, AND NUISANCE MOTOR VEHICLES

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6.12 Abandoned, Junk and Nuisance Motor Vehicle

6.12.1 JURISDICTION AND PURPOSE

This section governs the storage, removal and disposal of abandoned, junked, and nuisance motor vehicles on public grounds and private property that fall within Alamance County's ordinance-making jurisdiction.

The purpose of this section is to preserve the aesthetic quality of, to promote the health and safety of citizens, and to minimize impacts on incompatible uses within Alamance County.

6.12.2 APPLICATION APPLICABILITY

- a) A property owner may store up to three (3) junked motor vehicles, as defined by this ordinance, on a given parcel of land at any time, provided that the vehicle does not pose an immediate threat to public health or create a public safety hazard. ~~Junked motor vehicles shall be kept behind the main structure or house located on the property and shall be covered with a "Car Cover", as defined by this ordinance, or with a heavy canvass covering that is properly secured. However, it shall be unlawful for the registered owner or person entitled to possession of a motor vehicle to cause or allow such vehicle to become a hazard to the public health, safety, or welfare.~~

6.12.3 EXCEPTIONS TO APPLICABILITY

- a) This Ordinance does not apply to any vehicle in an enclosed building, or roofed shelter, or to any vehicle on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise, such as in the case of a bona fide automobile graveyard or junkyard.
- b) Restoration of "Antique Motor Vehicles", as defined by this ordinance, shall be considered an exception.
- c) This Ordinance does not apply to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the County.
- d) This Ordinance does not apply to any motor vehicles that are being used on a regular basis for business, farm, or personal use.

6.12.4 REGULATION OF JUNKED MOTOR VEHICLES

Junked motor vehicles shall be kept behind the main structure or house located on the property and shall be covered with a "Car Cover", as defined by this ordinance, or with a heavy canvass covering that is properly secured.

Where the layout of a lot or other unique circumstances makes it impossible to store junked motor vehicles behind a main structure or house, such vehicles must be stored in the most discreet manner possible. The intent of such storage shall be to conceal the view of the vehicle(s) from any public or private road and from any neighboring property to the maximum extent possible.

When car covers or canvases become worn, damaged, or generally ineffective to conceal a vehicle, the property owner shall replace it with an effective cover or canvas.

- ~~b) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle to cause or allow such vehicle to become a hazard to the public health, safety, or welfare.~~

6.12.5 ENFORCEMENT PROCEDURES

Upon receiving any valid complaint related to the unlawful storage of junked motor vehicles, the Planning Director, or their designee, shall act in accordance with Article 4 of this Ordinance.

- ~~b.~~ The Administrator may enter on any premises within the County's ordinance-making jurisdiction by any lawful means at any reasonable hour to determine if any vehicles are abandoned, junked, and/or nuisance motor vehicles.
- ~~c.~~ Upon investigation, the Administrator may determine that a motor vehicle is an abandoned, junked, and/or nuisance motor vehicle as defined herein. ~~The Administrator and~~ may order the motor vehicle removed to a storage garage or area that has been approved by the Board of Commissioners of Alamance County.
- ~~d.~~ It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee, or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared an abandoned, junked, or nuisance motor vehicle.

6.12.5.1. Removal Procedures

- ~~e.~~ A vehicle may not be removed from private property without the written request of the owner, lessee, or occupant of the premises unless the Board of Commissioners or the Administrator has declared the vehicle to be a health or safety hazard.
- ~~f.~~ Alamance County may require a person requesting the removal from private property of any abandoned or junked motor vehicle to indemnify the County against any loss, expense, or liability incurred through the removal, storage, or sale of the vehicle.

6.12.3 EXCEPTIONS AND APPLICABILITY

- ~~e) This Ordinance does not apply to any vehicle in an enclosed building, or roofed shelter, or to any vehicle on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise, such as in the case of a bona fide automobile graveyard or junkyard.~~
- ~~f) Restoration of "Antique Motor Vehicles", as defined by this ordinance, shall be considered an exception.~~
- ~~g) This Ordinance does not apply to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the County.~~
- ~~h) This Ordinance does not apply to any motor vehicles that are being used on a regular basis for business, farm, or personal use.~~

6.12.4 6.12.5.2. Required Pre-Towing Notice

- a) Except as set forth in ~~Section 10~~ subsection 6.12.5.3 below, an abandoned, junked and/or nuisance motor vehicle which is to be removed shall be towed only after notice has been given to the registered owner or to the person entitled to possession of the motor vehicle. If the names and mailing addresses can be ascertained in the exercise of reasonable diligence, notice shall be given by certified first class mail, return receipt requested. If such names and addresses cannot be ascertained, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the County on or after a specific date. This date will be no sooner than seven (7) days after the notice is mailed or affixed to the vehicle, unless the vehicle is removed by the owner or legal possessor prior to that time.
- b) The notice required by Subsection (a) shall provide written findings of fact as to why the motor vehicle has been declared an abandoned, junked, or nuisance motor vehicle by the Administrator. This notice shall also state that the vehicle will be removed seven days after the postmarked date or affixation of the notice unless removed prior to that time.
- c) The notice required by Subsection (a) shall provide information on the availability of the appeal process that is set forth below in ~~Section~~ subsection 6.12.6.

6.12.5 6.12.5.3 Exception to Pre-Towing Notice Requirement

- ~~a)~~ The requirement that notice be given prior to the removal of an abandoned, junked, and/or nuisance motor vehicle may, as determined by the Administrator, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare. This includes, but is not limited to, situations that include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such a location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property. Such findings shall be documented in written form by the Administrator and included in the post-towing notice required by ~~Section 12~~ subsection 6.12.5.4 of this Ordinance.

~~6.12.6~~ **6.12.5.4 Required Post-Towing Notice**

- a) Any abandoned, junked, and/or nuisance motor vehicle which has been ordered removed may be towed to a storage garage or area by the tow truck operator or towing business contracting to perform such services for the County.
- b) Whenever a vehicle with a valid registration plate or registration is removed, the Administrator shall immediately notify the last known registered owner of the vehicle. This notice shall include the following:
 - A description of the removed vehicle;
 - The name, address, and contact number for where the vehicle is stored;
 - The violation with which the owner is charged, if any;
 - The procedure which the owner must follow to redeem the vehicle; and
 - The procedure to be followed in order to request a probable cause hearing on the towing.

~~6.12.7~~ **6.12.6 UNLAWFUL REMOVAL OF IMPOUNDED VEHICLES**

It shall be unlawful for any person to remove or attempt to remove any vehicle which has been impounded pursuant to this Ordinance from any facility designated by Alamance County for the storage of towed abandoned, junked, and/or nuisance motor vehicles unless and until all towing and storage fees have been paid or a bond in lieu of fees has been posted.

~~6.12.8~~ **6.12.7 DISPOSITION OF REMOVAL VEHICLES**

Any abandoned, junked, and/or nuisance motor vehicle which is not claimed by the owner or other person legally entitled to possession may be disposed of by the County or tow truck operator or towing business which has custody of the vehicle. Disposition of such vehicle shall be carried out in coordination with the County and in accordance with Article 1 of Chapter 44A of the North Carolina General Statutes.

~~6.13~~ **6.12.8 AUTOMOBILE GRAVEYARDS AND JUNKYARDS**

This section shall apply to properties which store four (4) or more junked motor vehicles, as defined by this ordinance, and to the operators of business that deal with such vehicles. Uses may include used car lots, junkyards, automobile graveyards, and similar operations.

~~6.13.1~~ **6.12.8.1 Permit Required For Automobile Graveyards and/or Junkyards Requirements**

It shall be unlawful after the effective date of this Ordinance, for any person, firm, or corporation or other legal entity to operate or maintain in any unincorporated area of Alamance County an automobile graveyard without a permit issued in accordance with the provisions of this Ordinance. A permit shall be issued by Alamance County or its agents upon showing of compliance with this Ordinance. The permit shall be valid for a period of three (3) years and may be renewed thereafter unless revoked for the nonconformance to this Ordinance.

~~6.13.2~~ **6.12.8.2 Screening and Fencing**

All automobile graveyards shall be screened by a fence or vegetation at all points where said fence or vegetation shall be necessary to screen the automobile graveyard from the view of persons from public roads or so as to create a barrier to the view of the public of said automobile graveyard except as provided in Section ~~6.13.3~~ Exceptions, subsection 6.12.8.3 below.

6.12.8.2.1 Fencing

Fencing may be located along the perimeter of the property or in a way that only contains the vehicles related to the automobile graveyard or junkyard. Regardless of fence location, it shall be considered a violation of this ordinance to place junked vehicles outside of the fence once constructed.

Fencing shall be at least six (6) feet in height and constructed to completely conceal vehicles from the view of the public and from neighboring properties. Fence materials may be metal, wood, or a composite material. In all cases, fencing materials shall be opaque and not allow for vehicles to be seen through the fence.

6.12.8.2.2 Vegetation

If vegetation is provided for screening, vegetation shall be of a type that will reach a minimum height of six (6) feet within three (3) years of planting, and shall be planted at intervals evenly spaced and in close proximity to each other so that a continuous, unbroken hedgerow (without gaps or open spaces) will exist to a height necessary to screen the automobile graveyard or junkyard from public view. A proposed plan for vegetation must be approved by designated Alamance County Agricultural Extension Service prior to planting. The hedgerow shall be maintained as a continuous, unbroken hedgerow for the period the property is used as an automobile graveyard. Screening is not required in front of the building.

Each owner, operator, or maintainer of an automobile graveyard to which this Ordinance applies shall utilize good husbandry techniques such as pruning, mulching and proper fertilization so that the vegetation will reach maturity as soon as is practical and will have maximum density in foliage. Dead or diseased vegetation shall be replaced at the next appropriate planting time.

6.12.8.3.3 Gates

The fence or vegetation shall have not more than two (2) gates and/or entrances on any street for the purposes of ingress and egress of motor vehicles. The gates shall be closed and securely locked at all times, except during business hours. The fence shall be maintained in good order and shall not be allowed to deteriorate.

6.13.3 6.12.8.3 Exceptions to Screening and Fencing

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

- Automobile graveyards which are in a location that is: Greater than 1000 feet from the nearest edge of right-of-way of any public road; or
- Those automobile graveyards which are screened by natural objects, so as not to be visible from any public road at any season of the year; or
- Those unlicensed junk cars located in a fully enclosed structure; or
- Those automobile graveyards permitted by Article 12 of the North Carolina General Statute Chapter 136.

6.13.4 6.12.9 STREAM BUFFERS

Any automobile graveyard which traverses or borders a perennial or intermittent stream must maintain a fifty (50) foot buffer of vegetation on both sides of the stream at all times to retard rapid water runoff and soil erosion and in which no automobile graveyard will be maintained. Perennial and intermittent streams are identified as solid blue lines and dotted blue lines on United States Geological Survey Maps.

6.13.5 6.12.10 ADVERTISEMENTS ON SCREENING

Screening required by this ordinance shall not be used for bill postings or other advertising purposes, except that a space not larger than six feet by twelve feet may be used for the advertisement of the business of the owner thereof.

6.13.6 6.12.11 REMEDIES AND PENALTIES FOR VIOLATION

- a) If any business is operated in violation of this Ordinance, in addition to other remedies, the County may institute an action for an injunction to stop the violation.
- b) The Alamance County ~~Inspections~~ Planning Department shall be responsible for enforcing the provisions of this Ordinance.

- e) Any person, firm, corporation or other entity who maintains or operates or who controls the maintenance or operation of an automobile graveyard in violation of this Ordinance shall be guilty of a misdemeanor pursuant to North Carolina General Statute §14-4 and subject to prosecution, and if convicted, shall be punished by a fine ~~not to exceed \$50 in accordance with Article 4 of this Ordinance,~~ or by imprisonment not to exceed thirty (30) days, or both, in the discretion of the Court. Each day that said automobile graveyard shall be maintained or operated in violation of this Ordinance shall constitute a separate and distinct offense.
- d) The Alamance County ~~Inspections~~ Planning Department shall have the power to revoke the permit required by ~~Section Three of this ordinance.~~ When the ~~Inspections~~ Department intends to revoke the permit, it shall serve the permittee with a notice of revocation. The permittee may appeal the revocation as provided in ~~Section Eleven~~ subsection 6.12.12 below. The permittee may continue operating ~~his~~ their business pending an appeal ~~under Section Eleven.~~ in accordance with N.C. Gen. Stat. 160D-405(f).

~~6.13.7~~ 6.12.12 VARIANCE PROCEDURE

- a) The Board of Adjustment may authorize variances from the provisions of this ordinance ~~regarding required screening~~ where there are practical difficulties or particular hardships in the way of carrying out the strict letter of the provisions of this ordinance. All requests for a variation shall be in writing and submitted to the Planning Department: and processed in accordance with Section 2.3 of this Ordinance, N.C. Gen. Stat. § 160D-406, and any other applicable law.
- b) ~~Notice:~~ All decisions on variances by the Board of Adjustment shall be reached only after a quasi-judicial hearing and after notice has been given by certified mail to the applicant and to any parties who may be reasonably able to claim standing in accordance with N.C.G.S. § 160D-1402(c). Such notice shall contain the address or location of the property for which a hearing by the board is sought, as well as a brief description of the nature of the application.

~~6.13.8~~ 6.12.13 APPEAL PROCEDURE

The revocation of any permit or the refusal to issue a permit ~~by the Alamance County Inspections Department,~~ shall entitle the person who applied for the permit to a hearing if such person submits written demand for a hearing within ~~fifteen (15)~~ thirty (30) days after receipt of written notice of the disapproval or revocation. The hearing shall be conducted by the Alamance County Board of Adjustment ~~and pursuant to procedures adopted by the Alamance County Board of Commissioners.~~ in accordance with Section 2.3 of this Ordinance, N.C. Gen. Stat. § 160D-405, and any other applicable law.