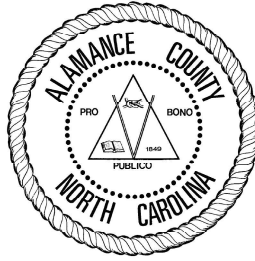


**Board Chair:**  
Rodney Cheek

**Planning Director:**  
Matthew Hoagland



Commissioners' Meeting Room  
124 W Elm Street  
Graham, NC 27253  
May 14, 2026 at 6:30 PM

# ALAMANCE COUNTY PLANNING BOARD AGENDA

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

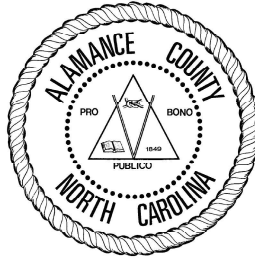
- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF PLANNING BOARD MINUTES**
  1. April 9, 2026 Regular Meeting
- IV. PUBLIC COMMENTS\***
- V. BOARD/COMMISSIONER RESPONSES**
- VI. OLD BUSINESS**
  1. Second review of UDO Article 6.5 HIDO draft amendments
  2. Second review of UDO Article 8 Appendix draft amendments
- VII. NEW BUSINESS**
  1. Consideration of UDO Article 6.9 Subdivision draft amendments
- VIII. ANNOUNCEMENTS/DISCUSSION**
  1. By Laws Section 1.2 Regular Meeting Location Change
- IX. ADJOURNMENT**

*(Public Comments Procedures)*

- 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  
April 9, 2026 at 6:30 PM

# ALAMANCE COUNTY PLANNING BOARD

## April Meeting Minutes

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

### I. CALL TO ORDER

Chairman Rodney Cheek called the April 9, 2026 Alamance County Planning Board meeting to order at 6:30 p.m.

### II. ROLL CALL

Members Present: Stephen Dodson, *Vice Chair*: Lee Isley, *Chair*: Rodney Cheek, Lee Kimrey, Richard Tom King, Mac Jordan, Henry Chandler

Members Absent: Amie Perkins

Staff Present: *Planning Director*: Matthew Hoagland, *Planner 1*: Keyshawn Haith,

*Assistant County Attorney*: Michelle Horn, *Assistant County Attorney*: Kwame Opata

### III. APPROVAL OF PLANNING BOARD MINUTES

#### 1. March 12, 2026 Regular Meeting

During review of the March 12, 2026 meeting minutes, Board member Henry Chandler noted a minor correction. He stated that the minutes incorrectly identified Henry Vines as a current board member on page 14, when he is not presently serving on the Planning Board. Mr. Chandler complimented the quality of the minutes and stated they were well prepared.

Additional corrections to the March 12, 2026 meeting minutes were identified by Board members. Members noted a spelling correction for Paul Koontz and stated that Lee Isley had not been listed as absent in the original draft. Planning Director Matthew Hoagland confirmed that these corrections had already been made in the internal version of the minutes following distribution of the agenda packet. Further discussion included a correction to terminology within the minutes, where "agricultural burner" was identified and clarified to be "air curtain burner." Board members expressed that the minutes were detailed and well prepared overall, emphasizing the importance of maintaining accuracy in the official record.

Board member Lee Kimrey requested an additional revision to the March 12, 2026 meeting minutes. He noted that comments made by County Attorney Rik Stevens regarding potential limitations on future zoning actions, specifically the possibility that the County may have only one opportunity to adopt a more restrictive ordinance, were not reflected in the minutes. Mr. Kimrey stated that he believed this discussion was significant and should be included in the official record.

A motion to approve the March 12, 2026 meeting minutes, as amended, was made by Henry Chandler and seconded by Stephen Dodson. The motion passed unanimously.

#### IV. PUBLIC COMMENTS\*

No individuals at the beginning of the meeting signed up to speak, and no public comments were made.

During the discussion, Chairman Rodney Cheek recognized an individual who arrived after the public comment period and allowed him to address the Board.

David Mayes spoke regarding concerns related to temporary housing regulations and existing nonconforming structures within the County. Mr. Mayes stated that he is currently impacted by a neighboring property where individuals are residing in a recreational vehicle (RV) on a long-term basis. He expressed concern that the RV had been in place for over a year and appeared to have permanent features, including a constructed deck, which raised questions about whether it was being used as a temporary residence in compliance with County regulations. Mr. Mayes also raised concerns regarding septic handling, stating that the occupants had not connected to a septic system and questioning how waste was being properly managed. He suggested that additional requirements should be implemented to ensure proper verification of septic disposal for temporary residences. In addition, Mr. Mayes expressed concern about the placement of the RV near property lines and stated that there are currently no clear setback requirements governing such uses. He indicated that the RV was located in the front yard near his property line, negatively impacting his property value and quality of life. Mr. Mayes further discussed concerns regarding a neighboring structure that predates current setback requirements but has recently been expanded. He stated that, while he understood the ability to maintain older nonconforming structures, he did not believe they should be allowed to be enlarged in a way that increases their impact on adjacent properties. Mr. Mayes also raised concerns about enforcement and communication between County departments, stating that construction activity had begun without permits and was later approved after substantial progress had already been made. He expressed frustration with the process and requested clearer guidelines, stronger enforcement, and improved coordination between departments. He concluded by recommending that the County consider additional regulations for temporary housing, including defined setbacks, time limits, and restrictions on placement, to prevent temporary uses from effectively becoming permanent.

During the public comment, Board member Tom King asked for clarification regarding the situation, specifically whether a house was being constructed on the property or if the RV was the primary residence.

In response, David Mayes stated that there was an existing house on the property and indicated that multiple individuals were living on the property, raising concerns about the intensity of use and overall compliance with County regulations.

In response to the Board's question, David Mayes clarified that individuals were residing both in the existing house and in the RV on the property. He stated that multiple adults were living on the site and expressed concern about the overall intensity of use. Mr. Mayes further described additional structures located along the shared property line, including small accessory structures such as a woodshed placed in close proximity to his fence. He stated that he had installed a privacy fence along the property line at his own expense to mitigate the visual impact, ensuring that it was properly located within his surveyed property boundaries. He expressed continued concern about the placement of structures near the property line and the cumulative impact on his property, noting that while certain items may meet minimum requirements, their proximity and appearance created an ongoing nuisance.

Board members engaged in additional discussion with David Mayes regarding the situation. Mr. Mayes reiterated that some of the construction activity, including the deck, was initially completed without a permit and later addressed through the permitting process. He stated that modifications had been made to move portions of the structure; however, he maintained that the structure still did not meet required setback distances and that additional attached elements, such as a lean-to, further complicated compliance. Mr. Mayes expressed frustration with the enforcement process, stating that he had contacted both the Building Inspections and Planning departments but felt there was a lack of coordination and follow-up. He indicated

that Building Inspections had approved the structure, while Planning staff had stated limitations in their ability to investigate, leaving him uncertain about how violations were being addressed.

Board members asked follow-up questions regarding septic and sanitation conditions. Mr. Mayes stated that he did not have direct evidence of improper discharge but expressed concern about how multiple occupants were being served by an existing septic system designed for a smaller household. He also noted the presence of additional materials being brought onto the property, including wood and fill, though he was unsure of their intended use. Mr. Mayes concluded by reiterating concerns about enforcement, requesting clearer guidelines, stronger oversight, and accountability when properties are not in compliance with established regulations.

## **V. BOARD/COMMISSIONER RESPONSES**

There were no individuals at the beginning of the meeting who signed up for Board or Commissioner responses, and no comments were made.

Following public comment, Chairman Rodney Cheek responded to David Mayes and thanked him for coming forward and sharing his concerns. Chairman Cheek explained that the Planning Board serves in an advisory role, conducting research and making recommendations to the Board of Commissioners, which is the governing body of Alamance County. Chairman Cheek acknowledged the concerns raised regarding temporary housing and stated that the County is currently reviewing regulations related to the use of recreational vehicles (RVs) as residences. He explained that, under the current interpretation of the ordinance, individuals are not permitted to reside in RVs, despite other forms of temporary or unconventional housing not being clearly regulated. He noted that this inconsistency has been identified and is being evaluated by the Planning and Legal Departments for potential updates to the ordinance. Chairman Cheek further stated that the County is continuing to work through ordinance revisions and that the process can be slow due to the need for careful review and compliance with state law. He emphasized that the Board had heard Mr. Mayes' concerns and that issues related to temporary housing and enforcement would be considered as part of ongoing discussions. Chairman Cheek also noted that Alamance County currently does not have a dedicated enforcement division, which can impact how complaints are addressed. He concluded by reiterating appreciation for Mr. Mayes' comments and assuring him that his concerns had been acknowledged and would be taken into consideration moving forward.

David Mayes thanked the Board for the opportunity to speak and for listening to his concerns. During follow-up discussion, Board members asked whether he had also been in contact with the Alamance County Environmental Health Department regarding septic and sanitation concerns. Mr. Mayes confirmed that he had interacted with Environmental Health staff and described some of his experiences navigating multiple departments. Mr. Mayes also expressed general frustration with the permitting process, noting what he perceived as inconsistencies and inefficiencies, including requirements for separate permits for features such as porches or steps associated with residential structures. He stated that the process could be confusing for residents and suggested that certain elements of permitting could be more streamlined. Mr. Mayes again thanked the Board and concluded his remarks.

Planning Director Matthew Hoagland responded to Mr. Mayes' concerns and acknowledged the challenges described. He explained that, in the situation referenced, the original proposal for the structure did not meet the threshold requiring a building permit under state law. However, the applicant later modified the proposal to include a larger addition that did require a permit. Mr. Hoagland stated that, due to the timing of submissions and the review process, Planning and Building Inspections were reviewing materials simultaneously, which resulted in inspections proceeding before full verification of the site plan could be completed. Mr. Hoagland noted that the site plan submitted indicated compliance with setback requirements; however, staff did not have sufficient time to verify those measurements prior to final inspection approval. He acknowledged that this was an unfortunate outcome but stated that it prompted internal changes to improve coordination and review procedures. He explained that the Planning

Department has since updated its process to ensure that site plans are reviewed and verified earlier in the process to prevent similar issues in the future. Regarding temporary housing, Mr. Hoagland stated that Mr. Mayes raised valid concerns. He noted that staff has already begun incorporating potential ordinance revisions addressing temporary residences, including limiting the ability to renew permits consecutively, requiring RVs to meet the same setback requirements as permanent structures, and identifying indicators of long-term occupancy such as decks, utilities, or other permanent features. Mr. Hoagland stated that these considerations have been incorporated into the draft ordinance revisions and would be reviewed again before final action is taken by the Planning Board.

Board member Lee Kimrey engaged in further discussion with Planning Director Matthew Hoagland regarding the structure and timing of temporary residence permits. Mr. Hoagland clarified that the intent of proposed ordinance revisions was not to change the existing time limits for temporary housing permits, but rather to address the ability to immediately reapply after a permit expires. Mr. Hoagland explained that the current ordinance provides three categories for temporary residences: (1) use as a supplementary residence on a property with an existing home, limited to 12 months with no renewal; (2) use in response to a bona fide emergency, such as a fire or natural disaster, which allows for an initial 12-month period with the option for a 12-month extension; and (3) use during active construction or renovation, which allows for a 12-month period with a possible six-month extension. He stated that the proposed revision would prevent applicants from immediately reapplying for a new temporary residence permit upon expiration of an existing permit. Instead, a waiting period, currently drafted as one year, would be required before a new permit could be issued, thereby preventing temporary uses from becoming effectively permanent.

Following staff's explanation, David Mayes asked a follow-up question regarding potential loopholes in the temporary residence permitting process. He expressed concern that property owners could extend temporary living situations by claiming ongoing construction or home additions, thereby allowing repeated permit approvals and effectively creating long-term or permanent occupancy under the guise of temporary use. Board members acknowledged the concern, noting that similar situations could arise if ordinance language is not clearly defined. Chairman Rodney Cheek responded by explaining that the Board's role is to ensure that ordinance language is properly written and adopted by the Board of Commissioners before enforcement actions can occur. He emphasized that any regulatory changes would require formal adoption before they could be enforced.

Mr. Mayes reiterated his concern that construction projects could be prolonged over many years, allowing temporary housing permits to be extended repeatedly. Board members and staff acknowledged this concern and noted that addressing such loopholes is part of the ongoing effort to strengthen and clarify ordinance language. Additional discussion among Board members shifted to broader considerations regarding recreational vehicles and their use. Members discussed the increasing presence of RVs and the potential for both temporary and recreational uses, including vacation or short-term occupancy. Questions were raised about whether the ordinance should address these scenarios more clearly, including the potential for RV parks, private recreational use, or short-term rentals. Planning Director Matthew Hoagland explained that current regulations recognize two primary scenarios for RV use: placement within an approved RV park or use as a temporary residence with an approved permit. He noted that there are currently no specific time limitations for occupancy within RV parks and acknowledged that enforcement outside of permitted scenarios can be difficult. Mr. Hoagland further stated that the ordinance review process has already included proposed definitions for related uses such as secondary residences, short-term rentals, and accessory dwelling units. He explained that the intent is not to impose unnecessary restrictions, but rather to provide clearer definitions and consistent standards to guide review and ensure fair and uniform application of regulations.

## **VI. OLD BUSINESS**

1. Continued Consideration of UDO Article 6.5 Road Access and related amendments

Planning Director Matthew Hoagland presented the continued discussion of proposed amendments to UDO Article 6.5, explaining that the document before the Board reflected a combination of prior Planning Department revisions and additional changes requested by the Board of Commissioners regarding road access for industrial properties. Mr. Hoagland provided an overview of the ongoing ordinance update process, noting that staff has been reviewing the development ordinance section by section since January 2024. He stated that the goal of this effort is to ensure compliance with updated general statutes, correct errors or ambiguities, and modernize the ordinance. He further explained that the revisions are being developed in draft form so that the Board can ultimately consider the ordinance as a single comprehensive document, rather than through multiple separate public hearings.

Section 6.5.2: Mr. Hoagland began reviewing specific updates, noting that Section 6.5.2 includes the addition of data centers as a Class 2 use and a revision to change the term “waste facilities” to “waste processing facilities” to align with existing definitions. He indicated that additional details would be discussed as the presentation continued.

During the presentation, Board member Mac Jordan asked how large-scale distribution or logistics centers, such as major warehouse facilities associated with companies like Publix and Walmart, would be classified under the ordinance. He expressed concern about the rapid growth of these facilities and the significant truck traffic they generate, noting that while many are currently located along major highways, that may not always be the case in the future.

Board member Lee Kimrey followed up on the discussion regarding distribution and logistics centers, asking staff how such a use would be classified under the current ordinance if an application were submitted. He requested clarification on where large-scale warehouse or distribution facilities would fall within the existing use categories.

Planning Director Matthew Hoagland responded that, unless a use is specifically identified as a regulated use within the ordinance, it is not classified under those provisions. He explained that in such cases, the project would instead be reviewed through the Technical Review Committee (TRC) process and would be subject to applicable requirements such as Environmental Health approval for well and septic, building permits, and NCDOT driveway approval. Mr. Hoagland stated that, under the current ordinance, uses not explicitly listed must be permitted, as the ordinance does not provide authority to regulate or deny unlisted use types.

Board members discussed the classification challenges associated with large-scale distribution and logistics centers, noting that such uses could potentially be submitted under more general categories, such as warehouses, despite having significantly different impacts. Members expressed concern that the current ordinance does not identify many emerging or modern land uses, which can create gaps in regulation. The Board acknowledged that similar issues have been discussed in the past, though prior efforts to categorize these uses had not been successful. Members emphasized the need to revisit this issue, particularly due to concerns about increased truck traffic, impacts on roadway infrastructure, and effects on quality of life for nearby residents. The Board generally agreed that additional consideration should be given to how and where these types of uses should be appropriately located within the County.

Further discussion between Board members and Planning Director Matthew Hoagland focused on potential approaches to addressing unclassified or emerging land uses. Mr. Hoagland stated that the most comprehensive solution would be the adoption of countywide zoning, which would allow for clearer regulation and placement of specific land uses. He explained that, without zoning, the alternative would be to amend the ordinance to identify and define as many anticipated use types as possible. Board members acknowledged that it may not be practical to account for every possible use but suggested focusing on

larger-scale or high-impact uses, such as those defined by size or operational characteristics. Mr. Hoagland added that another approach could involve refining the Heavy Industrial Development section of the UDO by expanding or clarifying classifications within the existing use table. The discussion emphasized the need for a practical method to better categorize uses without requiring a complete restructuring of the ordinance.

During the discussion, Chairman Rodney Cheek paused the presentation after noting that an individual had arrived and signed up to speak. Although the meeting had moved beyond the designated public comment period, Chairman Cheek allowed the individual to come forward and address the Board. *\*\*See Public Comments Section*

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Following the conclusion of public comments and Board discussion, Planning Director Matthew Hoagland resumed the presentation of proposed amendments to UDO Article 6.5. He proceeded to review each section and corresponding updates in detail.

Section 6.5.3 F: Mr. Hoagland explained that Section 6.5.3(F), related to traffic impact analysis, remained largely unchanged from the previous meeting, with the exception that applicability had been narrowed to local roads only, rather than including minor and major collectors.

Section 6.5.3 H: He then reviewed Section 6.5.3(H), noting the addition of the term “top of bank of the stream” to provide clarification for engineering considerations.

Section 6.5.3 I: In Section 6.5.3(I), he identified a correction to reference Appendix B for screening guidelines, stating that the previous reference was inaccurate.

Section 6.5.4 B: Mr. Hoagland next discussed Section 6.5.4(B), which included the updated definition of construction activities previously presented. He also noted the removal of references to North Carolina General Statute 160D-406(b) and explained that public hearing notification timelines had been standardized to a consistent range of 10 to 25 days to eliminate conflicting requirements. He further explained that the subsection regarding approval of Intent-to-Construct permit applications establishes a 45-day timeframe for the Planning Board to make a recommendation. If no action is taken within that timeframe, the Board of Commissioners may proceed, clarifying that the Planning Board’s role is advisory and not binding.

Section 6.5.4 C: Mr. Hoagland also noted a revision in Section 6.5.4(C), where responsibility for authorizing spill containment plans had been updated from the County Fire Marshal to the Emergency Management Department.

Additionally, Mr. Hoagland referenced discussion from the prior meeting regarding internal roadways, noting the need to potentially clarify ordinance language to distinguish between necessary access to a property and internal circulation roads subject to setback requirements.

Finally, Mr. Hoagland began reviewing proposed definitions corresponding to the table of uses. He explained that some uses currently lack formal definitions within the ordinance, which can create inconsistencies. As an example, he noted that while definitions exist for “inert debris” and “landfill” separately, there is no combined definition for “inert debris landfill.” He presented a proposed definition to clarify that use moving forward.

During the review of proposed definitions, Chairman Rodney Cheek asked for clarification regarding wording, specifically whether the ordinance package included distinct definitions for “trash” versus

“debris” in relation to the proposed definition of an inert debris landfill. Planning Director Matthew Hoagland responded that the ordinance does not currently include a separate definition distinguishing “trash” from “debris.” He noted that there is an existing definition for “inert debris” within the ordinance, which is relied upon in interpreting related uses. Chairman Rodney Cheek and Board members continued discussion regarding terminology within the proposed definitions, specifically raising concerns about the distinction between “yard trash” and “yard waste.” Chairman Cheek expressed concern that unclear terminology could lead to misuse or misinterpretation, providing an example of non-decomposable materials, such as plastic, being improperly classified as yard-related waste. Board members referenced the existing definition of yard trash, noting that it is defined as solid waste consisting solely of vegetative and landscaping materials, such as grass and similar organic matter. Planning Director Matthew Hoagland responded that, when drafting new definitions, staff made an effort to align language as closely as possible with existing state definitions to ensure consistency and clarity within the ordinance.

Board members and Planning Director Hoagland continued discussion regarding definitions related to solid waste and inert debris. Mr. Hoagland explained that the County’s ordinance generally mirrors state law, particularly the broad definition of solid waste found in North Carolina General Statutes. He noted that, while the ordinance distinguishes between different landfill classes, it currently lacks a clear and specific definition for an inert debris landfill, resulting in some ambiguity. Board members discussed the existing definitions for “landfill” and “inert debris,” noting that the current language does not clearly identify all materials permitted within an inert debris landfill. Questions were raised regarding whether materials such as unpainted brick, concrete, and block should be explicitly included, as these materials are recognized at the state level. Mr. Hoagland acknowledged this gap and stated that the proposed definition could be revised to better align with state guidance by including those materials. Additional discussion addressed other materials, including asphalt and roofing shingles, with Board members noting that these petroleum-based products may not qualify as inert debris and would likely fall under higher classifications, such as construction and demolition (C&D) or Class 3 landfill categories. Mr. Hoagland agreed that further clarification may be necessary to ensure consistency with state definitions and proper classification of materials. The Board also identified a typographical issue within the renewable energy facility definition, suggesting that the term “compensation” should be corrected to “consumption.” Mr. Hoagland noted that the language was taken directly from the existing ordinance but agreed that the correction should be made.

Mr. Hoagland concluded this portion of the discussion by stating that staff would incorporate the suggested revisions and clarifications into the draft ordinance for further review.

Planning Director Matthew Hoagland continued his review of proposed amendments, focusing on Class 2 definitions. He explained that revisions to the definition of “resource extraction” were intended to clarify the primary purpose of such operations. Mr. Hoagland noted that the current definition could unintentionally classify routine grading activities, such as those associated with construction projects, as resource extraction if material is sold. He stated that the proposed revision would instead focus on whether the primary intent of the operation is the commercial removal and sale of resources. He added that incidental sale of materials resulting from grading associated with another project would not be considered resource extraction under the revised definition. Hoagland noted that definitions for auto salvage and storage facilities and chemical manufacturing included only minor grammatical corrections.

He then introduced a proposed new definition for “data center,” explaining that the addition was recommended due to the increasing prevalence of such facilities. Mr. Hoagland stated that the draft definition presented to the Board was developed locally, but that the State had also proposed a definition through pending legislation that was not ultimately adopted. He reviewed the State’s draft definition, noting that it included criteria related to energy demand and operational scale, such as peak megawatt usage. Board members discussed the distinction between different types of data centers, including the concept of

“hyperscale” data centers based on energy usage. Mr. Hoagland indicated that staff could provide the State’s draft definition for further consideration as the Board evaluates how best to define and regulate these uses within the ordinance.

Planning Director Matthew Hoagland continued the review of proposed definitions, moving into Class 3 uses. He noted that there were no changes to the definitions for mining and boring, asphalt plants, electric generating facilities, paper mills, or cement manufacturing. Mr. Hoagland stated that the ordinance currently does not include a definition for racetracks and presented a proposed definition derived directly from North Carolina General Statutes to address that gap. He then discussed the definition of “landfill,” explaining that the ordinance distinguishes between Class 1 inert debris landfills and all other landfill types, which are classified as Class 3. Mr. Hoagland stated that the existing general definition of landfill would remain unchanged; however, additional language was proposed to clarify that, for purposes of the ordinance, landfills not classified as inert debris landfills would include those accepting municipal solid waste, construction and demolition debris, industrial waste, medical waste, hazardous waste, scrap tires, and other non-inert materials. He explained that this distinction was necessary to clearly differentiate between inert debris landfills and other types of waste disposal facilities within the ordinance.

Planning Director Matthew Hoagland continued the review of definitions, addressing the need to clarify terminology related to waste facilities. He explained that the ordinance currently includes “waste facilities” as a use but lacks a corresponding definition, with the closest existing term being “waste processing facility.” Mr. Hoagland stated that the proposed definition was intended to create consistency between use classifications and defined terms. He explained that the proposed definition was developed based on how waste processing facilities are referenced in the North Carolina Administrative Code, particularly in relation to facilities handling hazardous, medical, or other regulated waste streams. The proposed definition includes facilities or sites that accept various forms of waste, including municipal solid waste, construction and demolition debris, industrial waste, medical waste, hazardous waste, and scrap tires, and process those materials through activities such as incineration, composting, conversion to energy, consolidation, storage, or transport to a final disposal site. Mr. Hoagland noted that the definition specifically references “synthetic waste” to distinguish it from natural materials such as land clearing debris. He explained that this distinction ensures that activities involving natural materials, even if processed, would not be classified as waste processing facilities under the ordinance. He concluded this portion of the review by noting that there were no changes to the definitions for sawmills or metal recycling and salvage services.

Board member Lee Isley revisited the proposed definition for renewable energy facilities and sought clarification regarding a suggested terminology change from “compensation” to “consumption.” He referenced earlier comments and noted that the language appeared to distinguish between larger-scale renewable energy facilities that distribute energy commercially and smaller-scale systems intended for on-site residential or agricultural use.

Mr. Isley stated that he wanted to ensure the language was being interpreted correctly before making any revisions, particularly to confirm that both commercial distribution and on-site use scenarios were appropriately addressed within the definition. Mr. Isley indicated that, based on this distinction, the use of the term “compensation” in the first portion of the definition should remain unchanged, as it accurately reflects the intent of commercial energy generation, while “consumption” is more appropriate in describing smaller-scale, self-use systems.

Board members and Planning Director Matthew Hoagland continued discussion regarding the renewable energy facility definition and the distinction between “compensation” and “consumption.” Mr. Hoagland stated that he had not initially proposed changes to this definition but could review corresponding language in state statutes for additional clarity. Board members discussed how the definition would apply in practical

scenarios. One example involved an agricultural property where turbines are installed, and the landowner receives compensation for energy generation. Mr. Hoagland explained that such situations are addressed within the existing language, noting that when energy generation is secondary to the primary agricultural use, it would not be considered a standalone renewable energy facility under the ordinance. Additional scenarios were discussed, including the placement of turbines on non-agricultural properties such as rock quarries. Mr. Hoagland clarified that in such cases, the renewable energy component would likely be treated as a separate use and would be required to meet all applicable permitting, setback, and land use requirements independently under the Heavy Industrial Development Ordinance. The discussion concluded with Board members emphasizing the importance of clearly distinguishing between commercial energy generation for compensation and smaller-scale or secondary uses tied to on-site consumption, ensuring that the ordinance language accurately reflects those differences.

Board member Lee Kimrey raised a question regarding the proposed data center definition and asked whether staff had considered the potential need for additional regulations, specifically related to noise impacts. He inquired whether future adoption of data center provisions might include standards or controls addressing operational noise associated with such facilities.

Planning Director Matthew Hoagland responded that staff had not specifically discussed additional noise regulations related to data centers at this time. He noted that Alamance County already has a general noise ordinance in place that would apply to such uses. Mr. Hoagland added that the intent of including data centers within the Heavy Industrial Development Ordinance would be to ensure appropriate buffering requirements, such as minimum setbacks from neighboring properties, which could help mitigate potential impacts, including noise.

Board members continued discussion regarding potential impacts of data centers, with a focus on noise. It was noted that the County's existing noise ordinance includes exemptions for industrial manufacturing operations during normal business hours, which may not adequately address uses such as data centers that operate continuously. Board members expressed concern that data centers can generate significant noise levels on a 24-hour basis, primarily from cooling systems, including fans, chillers, and outdoor condensing units required to regulate internal temperatures. It was noted that these systems can produce a constant humming sound and may require backup units that operate intermittently, further contributing to noise levels. Discussion also included how other jurisdictions address these concerns, often through regulations that establish allowable decibel levels at property lines and require engineering analysis both prior to and after installation. Board members noted that mitigation measures, such as buffering and equipment placement, can help reduce noise impacts.

Planning Director Matthew Hoagland confirmed that data centers are being proposed as a Class 2 use under the ordinance, which would require significant setbacks and buffering, including minimum spacing from property lines and protected uses. Board members acknowledged that these requirements could provide some level of impact mitigation, though concerns about noise remained an important consideration for future review.

Board members and Planning Director Matthew Hoagland continued an in-depth discussion regarding noise impacts associated with data centers. Mr. Isley noted that such facilities can generate significant and continuous noise due to cooling systems, backup generators, and other equipment, with sound levels potentially ranging from 70 to 90 decibels. Board members compared these levels to everyday sounds, such as lawn equipment, emphasizing that the key concern is the continuous, 24-hour nature of the noise rather than short-term or intermittent impacts. The Board discussed how other jurisdictions address these concerns, including establishing maximum allowable decibel levels at the property line and requiring engineering studies both before and after construction to ensure compliance. Members noted that some

projects require limits around 60 decibels at the property boundary, along with post-construction verification and potential mitigation measures such as additional buffering, sound barriers, or equipment adjustments if standards are not met. Discussion also included the role of setbacks and vegetative buffers in reducing noise impacts. While the proposed Class 2 classification would require significant spacing, potentially up to 300 feet when combining setbacks and operational buffers, board members expressed concern that distance alone may not be sufficient to address continuous noise from large-scale facilities. Board members further discussed the potential for requiring a specific noise standard within the ordinance, rather than relying solely on spacing requirements. Suggestions included establishing a maximum decibel threshold at the property line, particularly for uses operating 24 hours a day, and ensuring that mitigation measures could be implemented if those thresholds are exceeded. Mr. Hoagland noted that while the current ordinance structure typically relies on spacing and buffering to mitigate impacts, the Board could consider adding a dedicated provision addressing noise for heavy industrial uses. He also mentioned that, rather than placing regulatory language within definitions, the Board may consider referencing or coordinating with the County's existing noise ordinance or incorporating more specific standards as part of the broader ordinance update process. The discussion concluded with general agreement that noise associated with data centers is a significant concern and should be carefully considered as part of the ongoing ordinance revisions.

Assistant County Attorney Michelle Horn provided input regarding the discussion on ordinance consistency. She stated that staff could begin reviewing and aligning related provisions across ordinances, similar to the current effort underway for solid waste regulations. She emphasized the importance of ensuring that definitions, such as those related to inert debris and other waste classifications, are consistent across all applicable ordinances to maintain clarity and cohesion. Ms. Horn noted that this type of coordination is part of a broader effort to review and update multiple County ordinances to ensure they function together effectively. She acknowledged that it is a substantial undertaking but indicated that the process is already in progress and would support more consistent and enforceable regulations moving forward.

Further discussion between Planning Director Matthew Hoagland, Assistant County Attorney Michelle Horn, and Board members focused on potential approaches to addressing noise impacts within the ordinance. Mr. Hoagland noted that any additional regulation should be carefully tailored so as not to unnecessarily restrict all heavy industrial uses, particularly those that operate primarily during normal business hours. Board members discussed the possibility of incorporating language that specifically addresses continuous or 24-hour noise-generating uses, distinguishing them from typical daytime industrial operations. It was suggested that standards could focus on noise occurring outside of reasonable business hours or apply specifically to uses that operate continuously. Ms. Horn indicated that staff could work on developing appropriate language to address these concerns, while ensuring consistency with existing ordinances. Mr. Hoagland agreed and stated that staff would explore options for incorporating such provisions into the ordinance as part of the ongoing revision process.

Board member Lee Kimrey raised a question regarding roadway classifications, asking how often local roads have been upgraded to minor collectors over the past several years. Planning Director Matthew Hoagland responded that he was not aware of any such changes within Alamance County, noting that while reclassification can occur, it is relatively rare. Board members acknowledged the uncertainty but agreed that changes in roadway classification are not common occurrences within the County.

Board members and Planning Director Matthew Hoagland continued discussion regarding roadway classifications and their potential impact on land use regulations. Board member Lee Kimrey raised concerns about how changes in roadway classification by the North Carolina Department of Transportation (NCDOT) could affect permitted uses under the ordinance. Mr. Hoagland explained that while changes in

classification, such as from a local road to a minor collector, do occur, they are relatively infrequent. Board members discussed that such reclassifications are based on multiple factors, including traffic volume, connectivity, roadway function, and regional access, rather than traffic alone. The discussion then focused on the implications of tying ordinance standards to NCDOT roadway classifications. Board members noted that if the ordinance relies on these classifications, a future change by NCDOT could alter the types of uses allowed along a roadway. For example, if a local road were later reclassified as a minor collector, it could potentially open the door for additional uses, including heavy industrial development, that were not previously permitted under the ordinance. Board members expressed concern that this could effectively allow state-level decisions to influence local land use outcomes without direct County action or notification to affected property owners. Questions were raised about whether there would be any mechanism to notify residents of such changes, with staff noting that no formal process currently exists for that type of notification. Mr. Hoagland clarified that the proposed ordinance language references the current NCDOT functional classification system, meaning that any future reclassification could impact how the ordinance is applied. Board members acknowledged that this approach could create unintended consequences and emphasized the need to carefully consider how roadway classifications are incorporated into the ordinance moving forward.

Board members and Planning Director Matthew Hoagland engaged in further discussion regarding the potential impacts of the proposed ordinance on existing heavy industrial uses. Board member Lee Kimrey questioned how many current operations in the County might become nonconforming if the proposed amendments were adopted. Mr. Hoagland responded that, based on his preliminary assessment, a significant number, potentially up to half, of existing uses could become nonconforming under the revised standards. The Board discussed the implications of nonconforming status, particularly for existing businesses seeking to expand or modify their operations. Mr. Hoagland explained that while nonconforming uses are typically allowed to continue, they often face restrictions on expansion, redevelopment, or modification, which can create challenges for long-term business viability. Board members noted that this could have unintended consequences for property owners and business operators, including limitations on growth, complications with permitting, and reduced marketability of properties. It was also discussed that if a nonconforming use ceases operation for a specified period, such as six months, the ability to resume that use may be lost.

The discussion highlighted that while nonconforming provisions are commonly used in land use regulation, they can present significant challenges in practice. Board members expressed concern about creating widespread nonconformities through ordinance changes and emphasized the importance of carefully evaluating the potential impacts on existing uses before moving forward.

Board member Lee Kimrey expressed strong opposition to the proposed road access provisions within the ordinance amendments. He stated clearly that he did not support the approach, describing it as problematic based on the discussion and potential impacts identified. Board members acknowledged differing perspectives on the proposal, and discussion followed regarding how best to proceed. It was noted that the Planning Board's role is to review the item as requested by the Board of Commissioners and provide a recommendation, which may include outlining both the benefits and drawbacks of the proposal. Mr. Kimrey stated that, while he understood the broader ordinance revision effort, he could not support the recommendation if the road access provisions remained as currently written. He emphasized that his vote would reflect his opposition to that specific component, even if included as part of a larger package of amendments. Board members discussed the option of either advancing the item independently or incorporating it into the larger set of ordinance revisions currently under review, with the understanding that the final decision would rest with the Board of Commissioners.

Board member Tom King raised additional concerns regarding the proposed road access provisions, specifically questioning whether the language may be too restrictive by limiting access to a single point.

He suggested that, in certain situations, allowing secondary or emergency access points could be beneficial to reduce congestion and improve traffic flow, particularly for larger developments. Board members discussed scenarios where restricting all access to a single state-maintained road could create unintended consequences, such as increased traffic concentration at one entrance or limiting the ability to safely disperse traffic across multiple access points. Mr. King noted that, in some cases, additional access points, such as gated emergency access or secondary entrances, may be necessary for operational or safety reasons.

Planning Director Matthew Hoagland explained that the proposed language was originally intended to ensure that access for heavy industrial uses would be directed toward higher-capacity roadways rather than local roads. However, he acknowledged that the current wording could create limitations in certain situations and may not allow for flexibility where multiple access points would be appropriate.

The Board recognized the need to balance traffic management goals with practical site design considerations and indicated that the language may need to be refined to allow for reasonable exceptions while still achieving the intent of directing traffic to appropriate roadways.

Board member Tom King raised a question regarding the notification requirements outlined in the draft ordinance, specifically referencing the 10- to 25-day timeframe for public notice. He asked whether staff had a defined process or timeline for issuing notices within that range after they are posted.

The question focused on how the notification period is managed in practice and whether there is a standard approach to ensure compliance with the required timeframe.

Board member Tom King and Planning Director Matthew Hoagland continued discussion regarding public notice requirements outlined in the draft ordinance. Mr. King referenced provisions related to posting notice of public hearings and indicated that clarification of the timeline would be beneficial. He also noted that certain sections of the draft appeared to be repetitive, particularly regarding notification requirements. Mr. Hoagland acknowledged that portions of the public hearing section contain duplicative language and indicated that the section could be streamlined to avoid redundancy. Board members discussed the distinction between notifying property owners and residents, noting practical challenges in identifying renters or occupants for notification purposes. Further discussion addressed appeal procedures, with Board members questioning how administrative decisions made by the governing board would be appealed. Mr. Hoagland explained that, under state law, appeals of administrative decisions typically proceed to the Board of Adjustment, which serves as the quasi-judicial body. He noted that this interpretation could be reviewed further for accuracy and alignment with statutory requirements. Board members also identified minor technical and grammatical corrections within the draft ordinance, including clarification of language within the resource extraction definition. Mr. Hoagland acknowledged the suggested edits and indicated that staff would incorporate corrections to improve clarity and consistency within the document. The Board concluded this portion of the discussion by recognizing that the public hearing and notification sections may require additional refinement to ensure clarity, reduce duplication, and align with legal standards.

Board member Stephen Dodson raised a question regarding the classification of ready-mix concrete suppliers under Class 1 uses, noting that asphalt plants are categorized as Class 3 uses. He asked whether there is a distinction between a ready-mix concrete supplier and a concrete batch plant and whether those uses should be classified differently within the ordinance. Mr. Dodson requested input from Chairman Rodney Cheek and other members with relevant experience to better understand the operational differences and whether the ordinance should differentiate between these types of facilities.

Chairman Rodney Cheek responded to Board member Stephen Dodson's question regarding the distinction between ready-mix concrete suppliers and concrete or asphalt plants. Chairman Cheek stated that, from an

operational perspective, the processes are similar in that both involve combining raw materials such as sand, stone, and other components to produce a final product. However, he noted that the primary distinction lies in the method and intensity of production. Chairman Cheek explained that ready-mix concrete operations typically involve batching materials and mixing them within a truck-mounted drum, with the final mixing process occurring during transport to a job site. In contrast, asphalt plants and larger concrete mixing facilities involve more intensive on-site processing, including heating materials and using burners, which contributes to higher levels of noise and odor. Board members discussed that while both uses involve material handling and mixing, asphalt plants generate additional impacts due to heating processes, including noticeable noise and odor. Chairman Cheek noted that these differences were previously considered when establishing classifications within the ordinance, with ready-mix concrete suppliers placed in a lower-impact category due to the absence of significant odor and reduced overall impact compared to asphalt plants. The Board acknowledged that, although there are operational similarities, the distinction between these uses has already been evaluated, and the current classification reflects differences in intensity and community impact.

Board member Stephen Dodson raised a recommendation regarding the landscaping and screening requirements outlined in the ordinance. He noted that the current draft establishes a minimum buffer of 50 feet for Class 1 and Class 2 uses and 100 feet for Class 3 uses. Mr. Dodson suggested that the Board consider increasing the minimum buffer requirement to 100 feet for all three classes. He explained that, based on personal observations and recent public feedback, particularly from discussions related to landfill applications, larger buffers may provide better long-term protection for neighboring properties. He noted that while a 50-foot buffer may be adequate in some cases, it may not be sufficient overtime as surrounding land uses change. Mr. Dodson emphasized that increasing the buffer could help address concerns related to visual impacts, noise, and overall compatibility between uses. Mr. Dodson offered this recommendation for the Board's consideration as part of the ongoing ordinance revisions.

Board members continued discussion regarding the proposed increase in landscaping and screening requirements. While there was general support for increasing buffer widths, members considered the potential impacts on property owners and developers. It was noted that requiring a 100-foot buffer in all cases could create additional costs, particularly for properties lacking existing vegetation, where applicants may be required to install extensive landscaping to meet ordinance standards. Planning Director Matthew Hoagland explained that the ordinance currently allows existing vegetation to count toward buffer requirements at the discretion of the Planning Director. However, he acknowledged that this approach introduces a level of subjectivity, which could lead to inconsistent interpretations and potential concerns from applicants. Board members discussed alternative approaches, including maintaining the current 50-foot buffer for Class 1 uses while increasing the requirement to 100 feet for Class 2 and Class 3 uses. This approach was viewed as a potential compromise that would enhance buffering for more intensive uses while limiting the burden on lower-impact uses. The discussion also highlighted challenges associated with defining what constitutes sufficient existing vegetation, noting that interpretations may vary depending on site conditions and staff judgment. Board members acknowledged the need to balance increased buffering with practical implementation considerations and fairness to property owners.

Board members and Planning Director Matthew Hoagland continued discussion regarding buffering requirements and operational standards for industrial uses. Mr. Hoagland indicated that, given the existing 150-foot operational setbacks for industrial uses, increasing vegetative buffers for certain classifications would be a reasonable compromise that supports compatibility between uses and neighboring properties. He noted that enhanced buffering generally promotes better outcomes for adjacent property owners. The Board reached a consensus to maintain the existing 50-foot buffer requirement for Class 1 uses while increasing the buffer requirement for Class 2 uses from 50 feet to 100 feet, aligning it with the existing requirement for Class 3 uses. This adjustment was agreed upon for inclusion in the draft ordinance moving

forward. Further discussion focused on clarifying terminology related to roadways within industrial developments. Board members emphasized the need to distinguish between “access roads” and “internal operational roadways.” Mr. Hoagland explained that access roads serve as the primary means of entry from public roadways into a site, while internal roads are used for circulation within the operational area of a development. Board members noted that failing to distinguish between these types of roadways could create unintended conflicts with setback and buffering requirements. For example, if access roads were considered part of the “area of operations,” it could make compliance with required setbacks impractical or impossible, particularly for properties with long access drives or flagpole-style configurations. Mr. Hoagland agreed that additional language should be drafted to clearly define and distinguish access roads from internal operational roads to ensure the ordinance functions as intended without creating unnecessary constraints. He indicated that staff would work on developing appropriate terminology and language for future consideration.

## **VII. NEW BUSINESS**

### **1. Consideration of UDO Article 8 Appendix amendments**

Planning Director Matthew Hoagland began the review of proposed Article 8 appendix amendments with Appendix A.

Appendix A: He explained that staff proposed adding four new certificates, identified as Certificates 19, 20, 21, and 22, addressing 911 addressing, proximity to an Agricultural Preservation District, flood damage prevention, and watershed compliance. Mr. Hoagland stated that the 911 addressing and Agricultural District certificates are already required by other County ordinances but are not currently included in the UDO. He explained that the flood damage prevention certificate is intended as a best practice to notify property owners when a portion of a property is located within a flood hazard area and that proper permitting may be required. He also noted that the watershed compliance certificate is similar to language included in the State model ordinance for disclosure.

Appendix B: There are no proposed changes to Appendix B at this time.

Appendix C: No substantive changes are proposed for Appendix C. He noted that staff made minor formatting adjustments to improve readability, specifically correcting line spacing and alignment where text previously extended or “bled” into adjacent lines.

Appendix E: Minor formatting changes were made to Appendix E, including adjustments to the lettering under each heading. He also noted a correction to terminology within the project area section, revising “stream” to “streams” for consistency and accuracy.

Appendix F: No proposed changes to Appendix F at this time.

Appendix G: Appendix G is currently outdated due to changes in the County’s fee schedule. He noted that, for example, the fee for an industrial permit has increased from the amount listed in the ordinance and no longer reflects current rates. Mr. Hoagland proposed eliminating Appendix G entirely, explaining that retaining the fee schedule within the UDO would require frequent ordinance amendments each time fees are updated. He stated that fees are now more appropriately maintained through the County’s annual budget process, making removal of this appendix a more efficient and practical approach.

Appendix H: Would be renumbered as Appendix G if Appendix G is eliminated. Otherwise, no substantive changes are proposed.

Appendix J: Staff is proposing to eliminate Appendix J, as decommissioning requirements for solar energy systems are now regulated by the North Carolina Department of Environmental Quality (NCDEQ) under state statute and corresponding administrative code. He explained that, under the proposed ordinance changes, the County would instead require applicants to provide a copy of the decommissioning plan submitted to NCDEQ, rather than maintaining a separate local appendix addressing the same requirements.

Appendix K: Appendix K would become Appendix I. Previous sections are deleted, otherwise no change.

Appendix L: Staff is proposing to eliminate Appendix L, explaining that the road standards for Class 1 and Class 2 uses would instead be incorporated directly into the ordinance. He noted that this change would improve clarity and organization by consolidating applicable standards within the main body of the UDO rather than maintaining them in a separate appendix.

Appendix M: Appendix M would be renumbered as Appendix J if the previously proposed appendices are eliminated. Otherwise, no substantive changes are proposed.

Appendix N: Appendix N would be renumbered as Appendix K if the previously proposed appendices are eliminated. Otherwise, no substantive changes are proposed.

Appendix O: Appendix O would be renumbered as Appendix L if the previously proposed appendices are eliminated. He explained that the revised version would consolidate both preliminary and final plat requirements into a single appendix and would incorporate a more streamlined, spreadsheet-style checklist format, replacing the current structure that separates the two processes.

Appendix P: Appendix P would be renumbered accordingly if the previously proposed appendices are eliminated. Otherwise, no substantive changes are proposed.

Appendix Q: Staff is proposing to eliminate Appendix Q, explaining that the information currently contained within it would be incorporated into the revised Appendix O.

Board member Lee Kimrey raised a question regarding language in the Voluntary Agricultural District ordinance, specifically asking about any established distance requirements for protection or notification when properties are located near such districts. He inquired whether staff could confirm the specific distance referenced in the ordinance and how it is applied in practice.

Board member Henry Chandler and Lee Kimrey continued discussion regarding notification requirements for properties located near Voluntary Agricultural Districts. Mr. Chandler noted that property owners are typically notified based on proximity but was unsure of the exact distance requirement. Director Matthew Hoagland clarified that the applicable standard is one-half mile, measured aurally. He explained that if a proposed subdivision is located within one-half mile of an established Voluntary Agricultural District, the applicant would be required to include a certificate on the plat indicating that proximity. This notification serves to inform future property owners of nearby agricultural operations.

Board members discussed the purpose and effectiveness of the proposed Agricultural District certificate. It was noted that the intent of the certificate is to provide disclosure to property owners that a nearby Voluntary Agricultural District exists, which may involve typical agricultural activities such as noise, odors, or other impacts. Board members acknowledged that, while such disclosures are often overlooked by property owners at the time of purchase, the certificate serves an important legal function. It was noted that the inclusion of this information on recorded plats provides formal notice and can help address future complaints by demonstrating that the property owner was informed of nearby agricultural uses at the time

of purchase. The Board further discussed that, in practice, concerns are often directed to County staff rather than real estate agents, reinforcing the importance of having clear and documented disclosure requirements in place.

Board member Stephen Dodson raised a question regarding the proposed checklist for preliminary and final plats, specifically referencing the sections on pages 26 and 27. He noted that while the checklist references requirements such as signatures, he did not see a clear requirement for a seal and asked whether that element should be included. Planning Director Matthew Hoagland responded that the checklist is still in a draft stage and acknowledged that some required elements may not yet be fully reflected. He explained that due to time constraints, the document had not been fully refined and would require additional review. Mr. Hoagland stated that staff intends to revisit the checklist to ensure all necessary components are included, such as seals, vicinity maps, north arrows, and other standard plat requirements. He noted that additional revisions and refinements would be made prior to presenting a final version.

Board members and Director Hoagland continued discussion regarding the proposed plat checklist, focusing on professional certification requirements. Board members questioned whether architects are authorized to seal plats, noting that this responsibility is typically assigned to licensed surveyors or engineers depending on the type of document. Mr. Hoagland explained that preliminary plats, construction plans, and final plats often involve different professionals, with engineers typically preparing construction plans and surveyors responsible for final plats intended for recordation. He emphasized the importance of maintaining clear distinctions between these document types to ensure compliance with professional standards and state requirements. Board members discussed the potential for confusion within the checklist, particularly where it references engineers, surveyors, and architects together. It was suggested that while listing names and addresses of professionals is appropriate, any requirement for a seal or certification should be clearly limited to those qualified to provide it, such as licensed surveyors or engineers. The Board also noted that the checklist language may have been drawn from multiple sources and could benefit from clarification to avoid misinterpretation by applicants. Mr. Hoagland acknowledged these concerns and indicated that staff would revise the checklist to ensure that certification requirements are clearly defined and aligned with professional licensing standards.

## **VIII. ANNOUNCEMENTS/DISCUSSION**

Planning Director Matthew Hoagland opened the discussion by noting that staff would continue refining the ordinance draft, including revisiting certain distance requirements and ensuring consistency across sections. He reminded the Board that, while all sections of the UDO have now been reviewed, additional work remains, particularly regarding the Subdivision Ordinance, which has not been revisited in detail since earlier discussions tied to a broader zoning proposal.

Board members discussed whether to proceed with reviewing the Subdivision Ordinance next or begin compiling a complete draft of the UDO for a comprehensive review. The Board generally agreed that the Subdivision Ordinance should be revisited before assembling a full draft document to avoid having to pause later in the process.

Mr. Hoagland then provided several updates. He formally welcomed Mr. Sam Powell as the new ex officio Commissioner liaison to the Planning Board. He also informed the Board that the Phillipie LCID Intent-to-Construct Permit had been presented to the Board of Commissioners, but no action was taken, and the item would return on the Commissioners' April 20 agenda. Additionally, he reported that the Saxapahaw Pedestrian Safety and Traffic Calming Study has been awarded to Three Oaks Engineering, with a contract expected to be finalized by the end of the fiscal year. The discussion then shifted to subdivision development trends within the County. Mr. Hoagland presented several recent subdivision examples, including Salem

Woods, Cane Creek, Aurora Acres, Evansfield, and a newly proposed large-scale subdivision consisting of over 500 lots. Board members reviewed these examples in the context of density, infrastructure, and long-term planning considerations. Board members expressed concerns regarding the scale and impact of large residential developments, particularly in relation to school capacity, infrastructure demands, and overall growth management. It was noted that current development patterns can result in high-density residential growth, even in unincorporated areas, and that such growth may have long-term fiscal implications for the County. Discussion also included the financial impact of residential development, with Board members noting that the cost of providing services to residential areas may exceed the tax revenue generated. Comparisons were made to illustrate how increased population can drive higher service costs, including education, emergency services, and infrastructure maintenance. Board members emphasized the importance of continued evaluation of development policies, including subdivision standards and potential zoning considerations, to better manage growth and ensure long-term sustainability for the County.

## **IX. ADJOURNMENT**

A motion to adjourn was made by Board member Lee Isley and seconded by Stephen Dodson. The motion passed unanimously.

The meeting was adjourned around 9:14 PM.

## PART V. HEAVY INDUSTRIAL DEVELOPMENT

<u>Section 6.5.1. Applicability .....</u>	<u>p.2</u>
<u>Section 6.5.2. Regulated Land Uses and Exceptions .....</u>	<u>p.2</u>
<u>Section 6.5.3. Regulations and Standards .....</u>	<u>p.3</u>
<u>Section 6.5.4. Permitting Procedures .....</u>	<u>p.8</u>

DRAFT

### 6.5.1 Applicability

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

### 6.5.2 Regulated Land Uses and Exceptions

a. Regulated Land Uses

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

b. Exceptions to Applicability

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

- 1) Agricultural Farming Operations
- 2) Residential Land Uses

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

### 6.5.3 Regulations and Standards

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

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

#### A. Minimum Lot Size

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

#### B. Building Height Limits

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

Excluded from this limitation are the following:

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

#### C. Land Use Spacing & Protected Facilities

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

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

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

**D. ~~Land Spacing Waiver Variance Procedure~~**

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

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

**E. Operations Setback**

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

**F. Traffic Impact Analysis**

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

All regulated land uses identified in Section 6.5.2 must have Direct Access from a state-maintained road, as defined by this Ordinance. Furthermore, submitted plans must indicate that all primary business traffic and other commercial activities related to the regulated industry will originate only from the State-maintained road providing Direct Access and not any side road or other method of ingress and egress which might otherwise provide access to the property. Other methods of ingress and egress may be provided for safety reasons, emergency service purposes, or when necessary to comply with Fire Code or other applicable regulations.

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

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

#### **G. Operations Area**

Operation of the regulated land use outside of the designated area of operations is prohibited.

The following areas shall not be allowed in the designated area of operation of the regulated industry:

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

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

#### **H. Stream Setbacks**

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

#### **I. Landscaping & Screening**

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

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

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

**J. Gating & Fencing**

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

**K. Lighting**

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

**L. Compliance with Other Governmental Requirements**

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

## 6.5.4 PERMITTING PROCEDURES

### A. Pre-Application Meetings Required

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

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

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

### B. Intent-to-Construct Permits

An Intent-to-Construct Industrial Development Permit shall be required before the owner or operator of a regulated industry commences any ~~construction activities~~ Construction Activities, as defined by this Ordinance. A separate Intent-to-Construct Industrial Development Permit is required for each regulated use.

#### 1. Public Hearing and Notice

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

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

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

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

- ~~ii. b. The applicant shall cause notice to be mailed, e-mailed, or delivered to each newspaper, wire service, radio station, and television station that has filed a written request for notice with the Alamance County Clerk. This list may be obtained from the Alamance County Clerk to the Board of Commissioners.~~
- ~~iii. c. The applicant shall prominently post a notice of the public hearing on the site proposed for the issuance of the Intent-to-Construct permit in the adjacent public street or highway right-of-way. When multiple parcels are included within the application, a posting on each individual parcel is not required, but the applicant shall post sufficient notices to provide reasonable notice to interested persons. Placement must be approved by the Planning Director.~~
- ~~iv. d. The applicant shall cause to be mailed a notice of the public hearing by certified mail at the last addresses listed on the county tax abstracts for the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, to the following parties, and provide proof of said mailing to the Planning Director. The hearing notice shall be distributed to all of the following:~~
- ~~v. The applicant shall cause to be mailed a notice of the public hearing by first class mail at the last addresses listed on the county tax abstracts for:~~
- ~~1.~~
    - ~~• the owners of all parcels of land abutting that parcel of land as shown on the county tax listing,~~
  - ~~2.~~
    - ~~• the owners of all parcels of land as shown on the county tax listing, any portion of which is located within the spacing limit of Class II and III uses as described in Section 6.5.3 above.~~
  - ~~3. the residents of any residential structures located on the parcels listed above~~
  - ~~4.~~
    - ~~• the holder(s) of any utility or other easement on the parcel(s) included in the application.~~

- ~~vi. e. The notice of the public hearing shall be mailed by the applicant to those property owners and residents identified above at least 21 days prior to the not less than ten (10) days nor more than twenty-five (25) days before the date fixed for the public hearing. The notice to be mailed is set forth in Appendix G H to this Ordinance.~~
- vii. f. The applicant shall produce a list showing all names and addresses to whom a notice of public hearing was mailed, and shall certify that proper notice was given to all required persons or organizations. then provide proof that public notice was sufficiently given to the Planning Director. Improper notice or certification shall be grounds to deny an Intent-to-Construct permit.
- ~~iv. g.~~ g. The Planning Board shall hold a public hearing on the application for the Intent-to-Construct Permit only after proper notice has been given and said proof has been approved by the Planning Director. At this public hearing, the regulated industry and community members may comment on the application.
- v. h. Upon the issuance of an Intent-to-Construct permit, the Alamance County Land Records System or Geographic Information System shall be changed to include a notice reasonably calculated to alert a person researching a particular parcel that the parcel is located within the spacing requirements of a regulated use.

## 2. Groundwater/ Well Study

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

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

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

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

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

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

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

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

### **C. Operations Permits**

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

#### **1. Post-Development/As-Built Site Plans**

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

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

2. Final Site Inspection

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

3. Other Requirements

- A. Proof of an approved spill containment plan as ~~issued~~ authorized by the Alamance County ~~Fire Marshal~~ Emergency Management Department.
- B. Proof that all required permits from other governmental or regulatory agencies have been issued.
- C. The Operations permit must be displayed in a conspicuous place where it may be readily observed by the public upon entering the main business structure of the regulated use, if the business is open to public.

#### **D. Operations Permit Renewal Required**

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

1. Site Visit Required

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

2. Other Requirements

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

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## TABLE OF REGULATED LAND USES DEFINITIONS – EXCERPTED FROM ARTICLE 7

### CLASS 1:

#### FUEL BULK STORAGE FACILITIES

Any establishment whose primary purpose is the wholesale or retail distribution, storage, distribution, mixing, or transfer of flammable or combustible liquids, gases, or solids, received or transferred by truck, train, tank vessel, pipelines, tank car, piping, portable tank or containers, or other method, including propane, methane, ethanol, gasoline, kerosene, oil, coal, and other fuels. This definition shall not include filling stations used solely for distribution to individual consumers; nor shall it include fuel stored at or on an agricultural farm, residence, business, or other facility where use of the fuel stored is limited primarily to on-site consumption (NAICS 424710 and 424720).

#### READY-MIX CONCRETE SUPPLIERS

Establishments, such as batch plants or mix plants, primarily engaged in manufacturing concrete delivered to a purchaser in a plastic and unhardened state, where such establishments are not engaged in mining or quarrying sand and gravel (NAICS 327320).

#### INERT DEBRIS LANDFILL

A disposal facility, or part of a disposal facility, where inert debris, land-clearing debris, yard trash, similar vegetative waste, asphalt, cured concrete, brick, concrete block, gravel, or rock is placed long-term in or on a parcel of land. This shall not include waste containing chemical adhesives or sealants, or lead-based paint.

#### RENEWABLE ENERGY FACILITY

Any stand-alone plant not ancillary to another land use which is intended for the commercial generation of electric power from hydroelectric, and wind to be primarily distributed to the public for compensation. This definition shall not apply to an agricultural farm, residence, business, or other facility where the sale of the electricity so produced is secondary to on-site consumption.

(Definition from NCGS 62-133.8:)

(7) "Renewable energy facility" means a facility, other than a hydroelectric power facility with a generation capacity of more than 10 megawatts, that either:

a. Generates electric power by the use of a renewable energy resource.

b. Generates useful, measurable combined heat and power derived from a renewable energy resource.

c. Is a solar thermal energy facility.

(8) "Renewable energy resource" means a solar electric, solar thermal, wind, hydropower, geothermal, or ocean current or wave energy resource; a biomass resource, including agricultural waste, animal waste, wood waste, spent pulping liquors, combustible residues, combustible liquids, combustible gases, energy crops, or landfill methane; waste heat derived from a renewable energy resource and used to produce electricity or useful, measurable thermal energy at a retail electric customer's facility; or hydrogen derived from a renewable energy resource. "Renewable energy resource" does not include peat, a fossil fuel, or nuclear energy resource.

## **Class 2:**

### RESOURCE EXTRACTION

The use of a property whereby the primary intent is the commercial removal of any naturally occurring substance from the land not otherwise covered by the definition of mining and quarrying. Such substances include, but are not limited to ~~top soil~~ topsoil or fill dirt. Such substances do not include petroleum in any form, natural gas, or other gaseous substance gasses, agricultural products, timber, surface or subsurface water, or any renewable resource. The act of selling fill dirt that results from grading operations related to another project or which are secondary to other established businesses shall not be considered Resource Extraction.

### AUTOMOTIVE SALVAGE FACILITY

Establishments primarily engaged in the merchant wholesale and retail distribution of used motor vehicle parts and establishments primarily engaged in dismantling motor vehicles for the purpose of selling the parts (NAICS 423140).

### AUTOMOTIVE STORAGE FACILITY

Establishments primarily intended for the ~~short or long term~~ short- or long-term storage of wrecked or inoperative automobiles pending sale of the entire automobile. This definition does not include establishments where the storage of automobiles is ancillary to the repair of the automobiles stored, such as at a garage or repair shop.

### CHEMICAL MANUFACTURING

eEstablishments primarily involved in the production, synthesis, formation, processing, refining, manufacturing, and/or distribution of chemical products in bulk, for other than retail sales on-site (including all chemical manufacturing in NAICS subsector 325).

### DATA CENTER

An industrial style facility primarily used for the storing of computer equipment used for the purpose of processing internet data. Activities at these centers typically involve cloud computing and storage, artificial intelligence processing, cryptocurrency exchanges, and similar computer activities. Use of these centers often require large quantities of electricity and fans or other cooling technologies for purposes of computer temperature control.

### **CLASS 3:**

#### **MINING**

The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from their original location; and the preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use.

"Mining" does not include excavation or grading when conducted solely in aid of on-site farming or of on-site construction for purposes other than mining; removal of overburden and mining of limited amounts of any ores or mineral solids when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, provided that no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business, and provided further that the affected land resulting from any exploratory excavation does not exceed one acre in area; excavation or grading where all of the following apply:

- a) The excavation or grading is conducted to provide soil or other unconsolidated material to be used without further processing for a single off-site construction project for which an erosion and sedimentation control plan has been approved in accordance with Article 4 of Chapter 113A of the General Statutes.
- b) The affected land, including nonpublic access roads, does not exceed five acres.
- c) The excavation or grading is completed within one year.
- d) The excavation or grading does not involve blasting, the removal of material from rivers or streams, the disposal of off-site waste on the affected land, or the surface disposal of groundwater beyond the affected land.

#### **QUARRYING**

Open excavations where the works are visible at the surface and intended for the extraction of stone, slate, marble, or other mineral from a mass of surrounding rock.

#### **RACETRACKS**

A designated area where competitive vehicle and motorsport races are conducted. The term includes the track, spectator areas, garages, and any associated grounds, buildings, or appurtenances used to operate the races.

#### ASPHALT PLANT

Establishments, with all related equipment, for the manufacture and production of asphalt and tar paving mixtures and blocks from purchased asphaltic materials (NAICS 324121). Also included in this definition are establishments engaged in manufacturing asphalt and tar paving mixtures and blocks and roofing cements and coatings from purchased asphaltic materials and/or saturating purchased mats and felts with asphalt or tar (NAICS 32412 and 324122).

#### ELECTRICITY GENERATING FACILITY

Any stand-alone plant not ancillary to another land use which is intended for the commercial generation of electric power from any source other than solar, hydroelectric, and wind, including but not limited to fossil fuels, nuclear, or waste products, to be primarily distributed to the public for compensation. This definition shall not apply to an agricultural farm, residence, business, or other facility where the sale of the electricity so produced is secondary to on-site consumption.

#### LANDFILL

A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the NCGS.

For the purposes of this ordinance, a landfill which is not an inert debris landfill, shall refer generally to those which accept municipal solid waste, construction and demolition debris, industrial solid waste, medical waste, hazardous waste, scrap tires, or any other type of waste which does not accept wastes types listed under the Inert Debris Landfill category.

#### PAPER MILL

Establishments primarily engaged in manufacturing paper from pulp. These establishments may manufacture or purchase pulp. In addition, the establishments may convert the paper they make. The activity of making paper classifies an establishment into this industry regardless of the output.

#### CEMENT MANUFACTURING

establishments primarily engaged in manufacturing portland, natural, masonry, pozzolanic, and other hydraulic cements. Cement manufacturing establishments may calcine earths or mine, quarry, manufacture, or purchase lime (NAICS 327310).

#### WASTE PROCESSING FACILITY

~~Includes incinerators, composting facilities, household hazardous waste facilities, waste-to-energy facilities, transfer stations, reclamation facilities or any other location where wastes are consolidated, temporarily stored, salvaged or otherwise processed prior to being released into the air or transported to a final disposal site. Specifically included in this definition are medical waste facilities as defined by G.S. § 130A-309.26a.~~

Lands or buildings which accept municipal solid waste, construction and demolition debris, industrial solid waste, medical waste, hazardous waste, scrap tires, or any other type of synthetic waste which is incinerated, composted, converted into another energy source, consolidated, temporarily stored, salvaged, or otherwise processed before being released into the air or transported to a final disposal site.

#### SAW MILL

Any permanent commercial establishments primarily engaged in sawing dimension lumber, boards, beams, timbers, poles, ties, shingles, shakes, siding, and wood chips from logs or bolts. Sawmills may plane the rough lumber that they make with a planing machine to achieve smoothness and uniformity of size. Sawmills that are temporary, portable, or located on 10 acre or less are excluded from this definition.

#### METAL RECYCLING AND SALVAGE FACILITIES

Establishments primarily engaged in the merchant wholesale distribution of automotive scrap, industrial scrap, and other recyclable materials. Included in this industry are auto wreckers primarily engaged in dismantling motor vehicles for the purpose of wholesaling scrap (NAICS 423930).

## Appendix ~~Θ~~ L. Specifications for Preliminary Plans and Final Plats

### ~~I.~~ Title Data

- ~~A.~~ Date of submission.
- ~~B.~~ Name and address of owner(s)
- ~~C.~~ Name of subdivision (Subdivision names shall not duplicate or approximate, phonetically, existing subdivision names.)
- ~~D.~~ Location designation (township, county, state), and location map showing the property to be subdivided and surrounding area.
- ~~E.~~ Name and address of surveyor.
- ~~F.~~ Scale in figures and bar graph.
- ~~G.~~ North arrow.
- ~~H.~~ Preliminary Plan" notation.

### ~~II.~~ Existing Conditions (on property to be subdivided and within 300' feet of property being subdivided)

- ~~A.~~ Street right of way, width of pavement and names.
- ~~B.~~ Location and size of public utilities: sewer & water.
- ~~C.~~ Location and size of bridges, culverts and other storm drainage facilities.
- ~~D.~~ Location, width and purpose of all easements.
- ~~E.~~ Bearings and distances of property boundary.
- ~~F.~~ Surrounding property lines, property owners and subdivisions.
- ~~G.~~ Boundaries and identification of political subdivisions.
- ~~H.~~ Boundaries and identification of land use districts.
- ~~I.~~ Buildings.
- ~~J.~~ Topography including watercourses, wooded areas and contours at five feet (5') intervals or less.
- ~~K.~~ Location, extent and identification of marginal land.
- ~~L.~~ Driveways and roads (in use or abandoned) leading to other property.
- ~~M.~~ Other natural or manmade conditions affecting site development.

### ~~III.~~ Proposed Plans

- ~~A.~~ Street alignments, right of ways and names.
- ~~B.~~ Public utilities: sewer & water with connections to existing systems shown.
- ~~C.~~ Location and size of bridges, culverts and other storm drainage facilities.
- ~~D.~~ Location, width and purpose of all easements.
- ~~E.~~ Lines, numbers and approximate dimensions of lots and blocks.
- ~~F.~~ Minimum building setback lines.
- ~~G.~~ Public use sites.
- ~~H.~~ Site data:
  - ~~a.~~ Acreage of property to be subdivided.
  - ~~b.~~ Acreage of public use sites.
  - ~~c.~~ Number of lots.
  - ~~d.~~ Average lot size.
  - ~~e.~~ Square feet of each irregularly shaped lot.
  - ~~f.~~ Linear feet of streets

Preliminary and final plats prepared for recordation shall depict or contain the information indicated in the following table. An "x" indicates that the information is required.

<b>Information to be Displayed</b>	<b>Preliminary Plat</b>	<b>Final Plat</b>
<b>Title Block:</b>		
<u>Proposed name of subdivision</u>	X	X
<u>Name and address of owner(s) of the tract to be subdivided</u>	X	X
<u>Name and address of the developer if different than the owner</u>	X	X
<u>Name, address, and contact information of the registered surveyor</u>	X	X
<u>Date of plat preparation</u>	X	X
<u>Scale denoted both geographically and numerically</u>	X	X
<u>Vicinity map showing the relationship between the subdivision and area</u>	X	X
<u>North arrow</u>	X	X
<u>“Preliminary Plat” or “Final Plat” designation</u>	X	X
<u>Tax map and parcel number of the parent tract and the name of the township, county, and state in which the subdivision is located</u>	X	X
<u>Surveyor’s seal or stamp</u>	X	X
<u>Page numbers, if applicable</u>		X
<b>Site Data: on the subject property and within 300’ of the property being subdivided</b>		
<u>Existing property lines on the tract to be divided and on adjoining properties</u>	X	X
<u>Proposed lot layout in relation to any roads or easements</u>	X	X
<u>Total acreage of the tract or the portion to be subdivided</u>	X	X
<u>Total number of proposed lots, each numbered consecutively</u>	X	X
<u>Total acreage or square footage of each lot, including easements</u>	X	X
<u>Total acreage or square footage of each lot included in road rights-of-way and/or access easements</u>	X	X
<u>Proposed lot lines and buffers for each proposed parcel</u>	X	X
<u>Remaining acreage in the parent tract, if any</u>	X	X
<u>Boundary of the tract or portion thereof being subdivided</u>	X	X
<u>Bearings and distances of all property lines which are part of the subdivision</u>	X	X
<u>All required setbacks and buffers delineated and labeled on the plat or described in notes or tables conspicuously placed on the plat</u>	X	X
<u>Any block numbers or planned phase boundary dimensions</u>	X	X
<u>Ownership, deed reference, and parcel identification of adjoining parcels</u>	X	X
<u>The location of any existing and proposed uses on the proposed subdivision lot(s), and if known, on the adjoining parcels</u>	X	
<u>The name of any adjoining subdivision of records as proposed and under review</u>	X	
<u>Zoning classification, if any, both on the subject tract and on adjoining land</u>	X	
<u>Acreage in parks and recreational uses and other nonresidential uses</u>	X	X
<u>Total acreage or square foot for any reserved open space as part of a cluster subdivision or planned unit development.</u>		
<u>Minimum building setbacks table or notation</u>	X	X
<u>The location, size, and description of any existing natural or manmade features such as lakes, ponds, watercourses, wetland areas, flood zones, utility or natural gas pipelines, bridges, rail facility, communication towers, airport overlay zones, historical sites, graves, rock outcrops, electric transmission lines, etc.</u>	X	X

<u>The location, size, and description of any proposed features such as trails, parks, recreation areas, designated open spaces, or public use areas</u>	X	X
<u>Applicable Certificates (see Appendix A)</u>		X
<u>Name and location of any property within the proposed subdivision that is listed on the National Register of Historic Places</u>	X	X
<u>Name and location of any property designated by local ordinance as a Historic Landmark or Historic District</u>	X	X
<u>Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line and setback line including dimensions, bearings or deflection angles, radii, central angles and tangent distance for the centerline of curved property lines that are not the boundary line of curved streets</u>		X
<u>All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute</u>		X
<u>The accurate locations and descriptions of all monuments, markers and control points</u>		X
<u>A copy of any proposed deed restrictions or similar covenants. Such restrictions are mandatory when private recreation areas are established</u>		X
<b>Street Data:</b>		
<u>Proposed road layout with names and public or private designation</u>	X	X
<u>Location and dimension of rights-of-way</u>	X	X
<u>Pavement or gravel travel surface widths</u>	X	
<u>Existing public street name(s) and state road number(s) and/or existing private street name(s) with deed book and page reference</u>	X	X
<u>Private road designation as either Class 1 or Class 2</u>	X	X
<u>Street maintenance agreement book and page number reference</u>		X
<u>Existing nonconforming road(s) labeled with deed reference</u>	X	X
<u>Existing and platted streets on adjoining properties and in the proposed subdivision</u>	X	X
<b>Utility Data:</b>		
<u>The location, dimensions, and description of any proposed utility features or easements such as water distribution systems, sanitary sewers, stormwater control measures, gas lines, communication cables, electric lines, drainage easements, erosion control measures, storm drains, etc.</u>	X	X
<u>Other easements showing locations, widths and purposes</u>	X	
<u>Location and dimension of areas to be used for other than residential uses</u>	X	X
<u>Future ownership of recreation and open space lands at date of recording</u>	X	X

## Appendix ~~P~~ M. Specifications for Construction Plans

### **I. Plan**

#### A. Title data:

- a. i. Date of submission.
- b. ii. Name and address of owner(s).
- c. iii. Name of subdivision.
- d. iv. Location designation (township, county, state).
- e. v. Name and address of engineer.
- f. vi. Scale in figures and bar graph.
- g. vii. North arrow.

#### B. Street data:

- a. i. Physical features and structures in the right-of-way and elsewhere as affected by street construction.
- b. ii. Sufficient data on the center line or proposed streets to readily verify compliance with the provision of this Ordinance including horizontal curve data (point of intersection, delta angle, degree of curve, radius of curve, length of curve, tangent distance), station equality at intersections, width of existing pavements, right-of-way and typical street section.

C. Utilities including existing and proposed public water and sewer systems and other underground utilities and appurtenances.

D. Storm drainage facilities including the location, size and drainage area of bridges, culverts and drain pipes.

E. Erosion and sediment control plans (if applicable)

F. Stormwater control measures (if applicable)

G. Other information required by any section of this Ordinance

### **II. Profile**

#### A. Street data:

- a. i. Center line profiles of proposed streets. Said profiles shall be extended beyond the property being subdivided sufficiently to verify the feasibility of the proposed street.
- b. ii. Center line vertical curve data and elevations.
- c. iii. Center line profiles of intersecting (existing and proposed).
- d. iv. Grades.
- e. v. Station and elevation of intersecting streets.
- f. vi. Existing street and property line elevations.
- g. vii. Street names.
- h. viii. Benchmark description and elevation.

B. Utilities including existing and proposed public water and sewer systems and other underground utilities and appurtenances.

C. Storm drainage facilities including top and invert elevations for catch basin and manholes.

## PART IX. SUBDIVISION REGULATIONS

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## 6.9 Subdivision Standards

### 6.9.1 EXCEPTIONS TO APPLICABILITY

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

- ~~i. the combination or re-combination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as describe herein;~~
- ~~ii. the division of land into parcels greater than ten acres where no street right of way dedication is involved;~~
- ~~iii. the public acquisition by purchase of strips of land for the widening or opening of streets;~~
- ~~iv. the division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots where no street right of way dedication is involved, and where the resultant lots are equal to or exceed the standards as described herein;~~
- ~~v. the division of a cemetery into grave sites;~~
- ~~vi. the division of property among heirs for the sole purpose of settling an active estate.~~

### 6.9.1. 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 Planning Department staff. Such approval shall be indicated on the face of the plat and signed by 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.

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

#### 6.9.3 PROCEDURE FOR SECURING APPROVAL OF SUBDIVISIONS

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

#### Construction Plans

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

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

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

#### Final Plat

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

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

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

#### Final Approval

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

### 6.9.3. Exceptions to Applicability

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

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

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

#### 6.9.4 MINIMUM DESIGN STANDARDS

##### **~~A. General~~**

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

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

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

##### **~~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) \***~~

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

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

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

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

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

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

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

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

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

~~**I. Easements**~~

- ~~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 the facts of the request before the Board show that unnecessary hardships would result from strict compliance with these regulations. In granting any variance, the Board shall hold an evidentiary hearing in accordance with N.C. Gen. Stat. §160D-406.

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

1. Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as

well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

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

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

## B. APPEALS.

Appeals of administrative decisions regarding whether to approve or deny a preliminary or final subdivision plat, or for any other administrative decision implementing these subdivision regulations, shall be made to the Board of Adjustment. Appeal procedures shall be carried out in accordance with Section 2.3 of this Ordinance and N.G. Gen. Stat. 160D-405, -406, and other applicable state laws.

### 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 development effect.

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

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

#### 6.9.7. 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. General Requirements

#### 6.9.8.1. 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.

#### 6.9.8.2. NAME OF SUBDIVISION

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

#### 6.9.8.3. NUMBERING OF LOTS

Lots shall be numbered in sequential order beginning with the number one (1) for all new subdivision proposals. No lettering, decimal numbering, or a combination of lettering and numbering for lots will be accepted. For lot numbering within phased subdivisions, all lots shall be numbered in uninterrupted order within each respective phase. Phased subdivisions may only feature lots which are numbered in sequential order that either

begin with the number one (1) or pick up with the immediate next number after the last lot of the previous phase.

#### 6.9.8.4. ENVIRONMENTAL HEALTH EVALUATION

The Alamance County Environmental Health Section shall be given the opportunity to evaluate and make recommendations concerning all subdivision proposals in accordance with N.C. Gen. Stat. §160D-803. For lots not evaluated for subsurface wastewater disposal systems, Certificate 5 in Appendix A of this Ordinance shall be affixed to the final plat.

#### 6.9.8.5. HISTORIC SITES, NATURAL AREAS, AND AGRICULTURAL PROPERTIES

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

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

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

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

#### 6.9.8.5. COMPLIANCE WITH OTHER REGULATIONS

Proposed subdivisions must comply in all respects with the requirements of any ordinance in effect in the area to be subdivided, and any officially adopted plans. Where conflicts

exist between this and any other plan or ordinance, the more restrictive regulation shall govern.

## 6.9.9. Environmental Protection Measures

### 6.9.9.1. MARGINAL LAND

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

### 6.9.9.2. FLOOD DAMAGE PREVENTION

All lands located within flood hazard areas as shown on the most recent Flood Insurance Rate Maps (FIRMs) or Flood Hazard Boundary Maps (FHBM) as published by the Federal Emergency Management Agency (FEMA) and adopted into the Alamance County Flood Damage Prevention Ordinance Regulations (Article 6, Part 4) shall be delineated and labeled on all preliminary and final subdivision plats if such areas exist within or adjoining the proposed subdivision.

All subdivision plats that show flood hazard areas as required in the subsection above shall have affixed to them a note indicating required development compliance with the Flood Damage Prevention Regulations as found in Article 6, Part 4.

### 6.9.9.3. 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.

#### 6.9.9.4. STORMWATER DRAINAGE

When applicable, the subdivider shall provide an adequate system for the drainage of all post-construction stormwater. The design of such a system shall be certified by a licensed engineer and included with the Construction Plans related to the project. No surface water shall be channeled or directed into a sanitary sewer. Stormwater control shall be designed to manage an expected quantity of water over a defined period of time and to mitigate expected impacts on adjoining properties. Control measures should generally be designed to channel, hold, and dissipate stormwater without causing it to overflow or pool in areas where it is not intended to do so.

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

##### 6.9.9.4.1. Presentation on Plans and Plats.

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

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

##### 6.9.9.4.2. New and Relocated Watercourses

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

#### 6.9.9.5. STREAMS

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

Streets, roadways, railroads, and driveways are permitted in the buffer, but shall be constructed to cross the buffer as near to perpendicular as possible. Utility lines, greenways and greenway type recreation facilities are permitted within the buffer but should be designed to have minimal impact. If the vegetative cover must be removed or disturbed, it shall be restored as soon as possible. The fifty (50') foot buffer shall be measured on a horizontal plane from the top of the bank of the stream. The buffer zone may not be included in calculating the lot size and is regarded as Marginal Land for the purposes of this Ordinance.

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

#### 6.9.9.6. 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.

### 6.9.10. Coordination and Continuation of Public and Private Roads

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

#### 6.9.10.1. PUBLIC ROADS

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

- (1) The new road connects directly to a public road currently accepted for maintenance by the North Carolina Division of Highways.
- (2) The right-of-way for the new road is a minimum of fifty (50) feet.
- (3) The new road shall be completed as designed and approved prior to the approval of a final plat. Otherwise, subdividers may provide for the guarantee of improvements in accordance with Section 6.9.10.4.

- (4) All new lots accessed by proposed subdivision streets shall be designed to accommodate for all off-street parking. Such parking arrangements shall be included in the Construction Plans prior to submission of the final plat.
- (5) Mail cluster box units (CBUs) for residential developments shall be installed if required by the United States Postal Service (USPS). Such CBUs shall meet or exceed the standards of the USPS and be shown on any official plan submittals. In case of regulatory conflicts, any requirement of the USPS shall supersede regulations of this Ordinance.

6.9.10.3. PRIVATE ROADS

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

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

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>

6.9.10.3.1 Unbuilt Private Roads and Exclusive Access Easements

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

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

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

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

1. The new road must connect directly to a public road currently accepted for maintenance by the North Carolina Division of Highways.
2. The new road must conform with the N.C.D.O.T. Minimum Construction Standards for Subdivision Roads, except that pavement surfacing may be omitted and the depth of compacted gravel surface may be reduced to four (4) inches and the travel width may be reduced to ten (10) feet.
3. A Private Road Disclosure Statement shall be recorded per N.C. Gen. Stat. §136-102.6. (A sample Road Disclosure Statement is provided in Appendix I of this Ordinance).
4. The right of access and maintenance for lots along the private road shall run with the land.
5. A statement of compliance with the Private Road standards of this Ordinance must be submitted by an engineer registered in North Carolina. This certification is required prior to final plat approval.
6. A certificate for Private Roads shall be included on the final plat and shall disclose the status of the road and road maintenance responsibilities.

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

1. The new road must connect directly to a public road currently accepted for maintenance by the North Carolina Division of Highways.
2. The new road must conform with the N.C.D.O.T. Minimum Construction Standards for Subdivision Roads, except that pavement surfacing may be omitted and the depth of compacted gravel surface may be reduced to six (6) inches and the travel width must be at least twenty (20) feet.

3. The road must be proven to be accessible to fire department apparatus trucks by way of a road capable of supporting an imposed load weighing at least 75,000 pounds.
4. A Private Road Disclosure Statement shall be recorded per N.C. Gen. Stat. § 136-102.6, as amended, with every subsequent transfer of land in subdivisions with private roads. (A sample Private Road Disclosure Statement is provided in Appendix I of this Ordinance).
5. The right of access and maintenance for lots along the private road shall run with the land.
6. A statement of compliance with the Private Road standards of this Ordinance must be submitted by an engineer registered in North Carolina. This certification is required prior to final plat approval.
7. A certificate for Private Roads shall be included on the final plat and shall disclose the status of the road and road maintenance responsibilities.

#### 6.9.10.3.4 Maintenance of Private Roads.

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

1. The subdivider shall present a plan for the formation of a non-profit corporation or association of lot owners which includes proper agreements and covenants running with the land for the maintenance and repair of proposed roads to become effective after all of the approved lots are sold and the subdivider transfers the ownership maintenance responsibility to the non-profit corporation or association 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.

#### 6.9.10.3.5. Nonconforming Private Roads

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

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

- B. Subdivisions accessed by nonconforming private roads shall be approved when the following conditions are met:

1. The tract to be subdivided 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 into no more than one (1) lot utilizing this provision only once every two (2) years.
3. The Private Road Disclosure Statement as provided in Appendix I shall be recorded and the Certification for Private Roads from Appendix A shall appear on the face of the plat.
4. A notation of the existence of the private road shall appear on the face of all preliminary and final plats.
5. All other provisions of this Subdivision Ordinance must be complied with.

If all the above criteria are met, then the subdivision of a new lot shall be approved without the requirement to upgrade the road.

#### 6.9.10.4. MISCELLANEOUS ROAD PROVISIONS

##### A. Previously Approved Subdivisions

Lots created by previously recorded plats may continue to observe the requirements in place at their time of approval until a proposed change to the lot(s) requires compliance with these regulations. For approved preliminary plats that clearly indicate phased development, such plans may be carried out under the terms of the ordinance prior to the adoption of these amendments.

##### B. Road Upgrades for New Subdivisions Along Existing Roads.

When the subdivision of new lots triggers the need to upgrade a road into a higher classification then said road shall be upgraded, at the cost of the subdivider, from the originating point of the road to the point of access to the new lot or lots being created. The total number of applicable lots along a road shall be the determining factor for road classification when requiring a road upgrade for new subdivisions. Depending on the nature of the road upgrade, said subdivider shall be responsible for signing and recording a Private Road Disclosure Statement, as found in Appendix I of this Ordinance, or providing for a new Homeowners' Association Agreement addressing enhanced road maintenance, or for preparing the road for NCDOT acceptance and maintenance.

##### C. Road Names

Proposed roads that are obviously in alignment with existing roads shall be given the same name. In assigning new names, duplication of existing names

shall be avoided and in no case shall the proposed name be phonetically similar to existing names irrespective of the use of a suffix such as street, road, drive, place, court, boulevard, or similar term. Road names shall be subject to the approval of the Alamance County GIS Department.

D. Street Signs

Street name signs shall be erected at each street intersection where said streets have three or more lots proposed for development. Street name signs shall be designed and erected in accordance with the Road Naming and Addressing Ordinance of Alamance County. Street signs shall be erected on roads built to state standards and private roads approved in accordance with this Ordinance. Developers shall pay a fee for signs as outlined in the Planning Department's Fee Schedule prior to final plat approval. The county will purchase and erect the street name signs in accordance with applicable policies.

E. Reservation of Right of Way

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

F. Cul-de-Sacs and Dead Ends

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

G. Parkways

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

H. Parallel Access Streets

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

I. Non-Residential Area Streets

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

J. Median Strips

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

K. District Highway Engineer Review

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

6.9.10.5. IMPROVEMENTS

A. Prerequisites to Approval of Final Plats

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

However, final plats may be approved prior to the completion of required improvements upon the guarantee of said improvements by the subdivider within a twenty-four (24) month period. Alamance County may accept surety bonds issued by any company authorized to do business in 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 or release of financial security.

D. Removal of Rubbish

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

### 6.9.11. Design Standards for Lots

In order to promote an orderly grown pattern throughout the unincorporated areas of Alamance County, all new subdivision lots shall meet the criteria as outlined below.

#### 6.9.11.1 AREA OF LOTS

Where allowable by district, the minimum lot area for residential lots with on-site septic facilities shall be determined by the result of soil analysis and investigations, and other appropriate criteria test, but in no case shall a lot with on-site septic systems be smaller than specified below:

<u>Subdivision Lot Type:</u>	<u>Minimum Lot Size</u>
<u>Watershed Critical Area (WCA) *</u>	<u>2 Acres</u>
<u>Balance of Watershed (BOW) *</u>	<u>1 Acre</u>
<u>Non-Watershed Areas (Based on Facilities Provided):</u>	
<u>Lots Accessed by Private Roads</u>	<u>1 Acre</u>
<u>Septic System &amp; Well</u>	<u>30,000 sq. ft.</u>

<u>Community/Public Water &amp; Septic System</u>	<u>20,000 sq. ft.</u>
<u>Community/Public Sewer &amp; Well</u>	<u>10,000 sq. ft.</u>
<u>Community/Public Water &amp; 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 minimum lot size shall be required for each additional unit based on facility type. (Example: residential duplex with a private well and septic system requires a 45,000 square foot lot size.) Where watershed lot size standards apply, one hundred (100) percent of the minimum lot size requirement shall apply to each unit.

1. Calculation of Lot Areas.

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

- a) Street and railroad rights-of-way.
- b) Marginal Land as defined by Section 6.9.9.1.

2. One Dwelling Per Lot.

Only one (1) principal dwelling may be located on each lot area as defined above, unless they meet the criteria for unconventional residential

developments as detailed in Section 6.9.14 below. Guest houses or accessory dwellings may be allowed based on Health Department evaluation. Such structures should be arranged as an accessory to the primary dwelling and not intended to later become an independent dwelling. The subdivision administrator may require a survey to identify “lot area” for these purposes and all other road access and dimensional requirements of this Ordinance must be adhered to.

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

#### 6.9.11.2 BUILDING SETBACK REGULATIONS

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

The determination of front, side, and rear property lines on irregularly shaped lots shall be determined by the Subdivision Administrator. The determination will be based on the spirit and intent of this Ordinance to achieve an appropriate spacing and location of buildings and structures on individual lots. Setbacks distances shall be measured from the closest point of a permanent, vertical structure to the nearest respective property line.

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

##### **Setback Line Distance in Feet**

##### **From the Front Right-of-Way**

##### **On Streets:**

**Arterial.....40 feet**

**Major Collector.....40 feet**

**Minor Collector.....35 feet**

**Local.....30 feet**

**From the Side Right-of-way Line Abutting Streets.....25 feet**

**From the Side Property Line Non-Abutting Street.....10 feet**

**From the Rear Property Line.....20 feet\***

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

\* Accessory structures may be located within three (3) feet of rear property line and five (5) feet from a side property line or easement line, if one exists. Accessory dwellings must adhere to standard setbacks as detailed in Section 6.9.14 below.

### 6.9.11.3. CONFIGURATION OF LOTS

1. Street Frontage. Every lot shall front or abut on a public or private street or road and shall have a minimum of fifty (50) feet of road frontage at the right of way or be served by an Exclusive Access Easement.
2. Cul-de-sac Lot Dimensions. Every cul-de-sac lot shall front or abut on a public street, or private road, and shall have at a minimum twenty-six (26) feet at the street right-of-way, as measured along the arc. Lot width shall be at least seventy-five (75) feet at the building site.
3. Double and Reverse Frontage. Double frontage lots and reverse frontage lots shall be avoided, except where required to separate development from through traffic on arterial and major streets or to separate residential development from non-residential development.
4. Side Lot Lines. Side lot lines shall be substantially at right angles or radial to street lines.
5. Width and Depth. Lot width for non-cul-de-sac lots shall be no less than one hundred (100) feet at the building site. Lot depth shall be arranged as to accommodate and setback and buffer requirements.
6. Corner Lots. Corner lots shall be arranged with enough width to accommodate the expanded setback requirements for side property lines abutting a right of way.
7. Buffer Strips. All new residential Major Subdivisions shall provide for a fifty (50) foot vegetative buffer between the development and any existing non-residential properties which immediately neighbor them. Vacant properties neighboring the subdivision do not need to be buffered.

These buffer areas shall preserve natural features such as trees, grass, shrubs, ponds, streams, rivers, lakes, and similar natural elements. If planting of new vegetation is required within the buffer areas, developers shall choose native species recommended for the Piedmont region by the North Carolina Cooperative Extension. This buffer may not be intersected by subdivision roads or the rights of

way containing subdivisions roads. Utilities may intersect these buffer areas only in cases where no practicable alternative exists. Buffers may exist within required setback areas and the preserved open space of Cluster Subdivisions as long as the buffer is designed as merely a component of the open space and not a substitute for it.

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

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

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

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.

### 6.9.12. Types of Subdivisions

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

- 1) MAJOR SUBDIVISIONS are defined as those consisting of fifteen (15) or more lots arranged for simultaneous division from a parent parcel. No more than four (4) lots within a Major Subdivision may be accessed by an existing state-maintained road. All other lots must have access provided 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.
  - 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 6.9.11.1 of this Ordinance, exclusive of rights-of-way or other marginal land.
  - B. Cluster Subdivisions are defined as those containing lots which are as small as 8,000 square feet, exclusive of rights-of-way or other marginal land, which are to be serviced by some form of public or community utility arrangement. These subdivisions must retain a percentage of the overall development as open or shared-use space as outlined in Section 6.9.13.
- 2) MINOR SUBDIVISIONS are defined as those consisting of fourteen (14) or fewer lots arranged for simultaneous division from a parent parcel. Minor Subdivisions shall be divided into the following two categories:
  - 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 access provided 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.
- C. Family Subdivisions are those created for the purposes of transfer to a direct family member and consist of no more than four (4) lots. A direct family member is any person related in direct lineage by blood, marriage, or adoption and shall include grandparents, parents, grandchildren, children, brothers, sisters, and their in-law counterparts, and their adopted counterparts. These subdivisions shall contain no more than four (4) lots and must be at least one (1) acre in size, exclusive of Marginal Land. Family Subdivision proposals may not be approved if they originate from the same parent parcel within one (1) calendar year from the date of the first Family Subdivision approval. In those circumstances, such subdivisions shall be subject to all lot size, road improvement, and other regulations as required by this Ordinance. Subdividers shall attest to the fact that the purpose of the subdivision is intended for a direct family member by virtue of signing the Family Subdivision Certificate as found in Appendix A of this Ordinance.

Subdivisions created under the Minor Subdivision provisions, and any remaining portion of the original parent tract, shall meet the minimum standards of this Ordinance and shall be limited to one (1) subdivision proposal out of an original parent tract once per two (2) year period. Should any additional divisions be requested during the two (2) year period, then regulations for creating a Major Subdivision shall apply.

### 6.9.13 Cluster Subdivisions

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

Cluster Subdivisions require that part of the subdivision is not devoted to residential lots or roads and is set aside as usable open space. This allows smaller lots to be concentrated on those parts

of the subdivision best suited to accommodate development with the least adverse impacts. Clustering also allows smaller and less costly networks of roads and utilities and reduces the amount of impervious surface and stormwater runoff. The open space provided by clustering can be used to conserve and protect significant natural areas and environmentally sensitive areas, and to preserve important historic resources.

Cluster Subdivisions shall conform to the following standards:

1. Minimum Lot Size. Single-family residential lots shall be a minimum of 8,000 square feet of usable land (not to include any right-of-way or marginal land). For multifamily, attached structures, the lot area requirement shall be an additional fifty (50) percent of land based on facility type (see section 6.9.11.1).
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
  - Side Property Line (accessory structures): 5 feet

The minimum lot width of Cluster Subdivision lots must be at least thirty (30) feet at the street right of way. For lots along cul-de-sacs, the minimum width shall be twenty (20) measured on the chord. Width at the building site shall be no less than seventy-five (75) feet.

3. Designation of Open Space. Land within the subdivision site not used for lots, streets, or utility easements, shall be in one or more parcels dedicated or reserved as permanent open space. The total area of a parcel(s) dedicated or reserved as permanent open space shall make up at least thirty (30) percent of the parent tract prior to subdivision and is subject to the following:
  - A. The open space need not be contiguous.
  - B. The use of the shared open space shall be designed to give equal opportunity of enjoyment to the residents of the subdivision. Such use may come in the form of parks, playgrounds, recreational areas, picnic shelters, sidewalks, trails, or similar uses conducive to the environment of the neighborhood.
  - C. The open space may also serve the purpose of acting as an off-site septic area for one or more lots as long as the proposed use of the open space does not compromise the functionality of such septic facilities.

- D. The layout of the open space shall consider providing a buffer between the new development and the state-maintained road from which it is accessed and/or neighboring developments.
- E. The open space shall be subject to a deed restriction, easement, or public dedication to ensure that the open space shall remain undeveloped and maintained for recreational and aesthetic enjoyment. Ownership of the open space shall be conveyed to a property owner's association, homeowners' association, public agency, land trust, or other non-profit organization that is capable of and willing to accept responsibility for managing the open space for its intended purpose. In the event that the reserved open space is determined to hold unique natural or cultural significance, the County may require the additional easements or protections to ensure significant features are protected.
- F. Ownership of the open space is not restricted but any transfer of ownership of this property is subject to the restrictions, conservation easement, or any other conditions which created the open space.
- G. The design of the open space shall consider protecting water quality, conserving farm and forest land, providing wildlife habitat and preserving the natural aesthetics of the surrounding area.
- H. No more than twenty-five (25) percent of the open space may be made from an impervious material.
- I. The proposed use or uses of the open space must be shown on the Construction Plans prior to final approval.

### 6.9.14 Unconventional Residential Developments

The following regulations shall apply when applicants seek to establish more than one dwelling unit on a single parcel of land, regardless of property size. When necessary, the Subdivision Administrator may require a survey to identify adequate lot area for the purposes of ensuring all dimensional, setback, road access, and other applicable requirements of this Ordinance are complied with. All dwellings, regardless of size or type, must comply with the North Carolina Building Code.

#### 6.9.14.1 ACCESSORY DWELLING UNITS

Accessory Dwelling Units, as defined by this Ordinance, shall exist on the same property as a primary residence and, whenever possible, shall be connected to the same well and septic or water and sewer system as the primary residence. These units shall be regulated in much the same manner as an accessory building though setbacks shall meet the same standards as the primary structure. No part of an accessory dwelling may be erected closer to the front property line than the

primary residence. The heated square footage for accessory dwelling units must be less than that of the primary residence.

When accessory dwellings are connected to the same well or water source as the primary residence but are served by their own sewer or septic system connection, an additional 20,000 square feet of land shall be required per unit. When accessory dwelling units are connected to the same sewer or septic system as the primary residence but are served by their own water source or well, an additional 10,000 square feet of land shall be required per unit.

#### 6.9.14.2 SECONDARY RESIDENCES

Secondary residences, as defined by this Ordinance, exist on the same property as a primary residence but are serviced by independent well and septic systems or water and sewer systems. All secondary residences must comply with lot area, road access, setbacks and other requirements as if they were their own subdivision of land, including upgrading private roads to a higher standard if necessary.

Secondary residences will not be allowed on lots if the establishment of secondary residences would render the lot nonconforming with regards to lot size, access, setbacks, or other regulations. These regulations shall not apply to properly permitted temporary health care structures, as defined by N.C. Gen. Stat. §160D-915.

#### 6.9.14.3 SHORT-TERM RENTALS

Short-term rentals, as defined by this Ordinance, must be established in permanent structures and shall not be permitted in temporary residences like manufactured homes or recreational vehicles. These uses may be established in primary residences, secondary residences, or accessory dwelling units as long as those structures and proposed uses comply with all other regulations within this Ordinance. No part of any short-term rental may be erected closer to the front property line than the primary residence.

Nonconforming structures may be established as short-term rentals as long as their use does not create any new nonconformities or any additions to them do not exacerbate any existing nonconformities. By establishing a short-term rental, property owners acknowledge that they are subject to Alamance County's Annual Business Personal Property Tax.

## 6.9.15 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.

### 6.9.14.1 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 Planning Director, or their designee. Preliminary Plans should be prepared at the minimum scale of one-inch equals two hundred feet (1" = 200') and include title data, existing conditions, and proposed plans as outlined in Appendix L of this Ordinance. Preliminary Plans are required in order to make a proposed development eligible for Technical Review Committee review and/or approval.

#### 2. Construction Plans

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

Construction plans, including plan and profile, shall be prepared as required by this Ordinance. The ratio of profile scales shall be ten to one (10 to 1), horizontal to vertical. The plans shall be at scales of 1" = 10', 1" = 20', 1" = 30', 1" = 40', 1" = 50' or 1" = 60'. Plans and profiles shall be drawn on standard size sheets of twenty-four by thirty-six inches (24" x 36").

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

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

#### 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 Planning Director, or their designee. Final plats shall be standard sheet size of eighteen by twenty-four inches (18" x 24"). The scale for the plat shall be the largest that will fit the standard sheet but no smaller than one (1) inch equals four-hundred feet (400').

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

- A. No final plat shall be approved until all improvements are installed or their execution guaranteed as set forth in Section 6.9.10.4 and all certificates required on final plats by this section have been properly completed and signed.
- B. All applicable certificates shall be placed on the final plat and properly completed by the appropriate person or agency prior to final submission. Certificates are found in Appendix A of this Ordinance.
- C. All approved plats should be recorded with the Alamance County Register of Deeds in a timely manner. The Planning Department shall not be held responsible for any plats which are not properly recorded after approval.

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# *Alamance County Planning Board By-Laws and Meeting Procedures*

## Article I Meetings

### Section 1.1 Annual Meetings

The annual meeting of the Alamance County Planning Board shall generally be the in the month of January of each year. At the annual meeting of each year, the Board shall elect members to the office of Chair and Vice-Chair. The Board shall also adopt a meeting schedule for the entire year; including the meeting date of the annual meeting for the next calendar year.

### Section 1.2 Regular Meetings

Regular meetings of the Alamance County Planning Board shall take place on the second Thursday of each month. Meetings will be held at 6:30 PM in the Alamance County Commissioners Room, 124. W. Elm St., Graham, NC 27253. Development Center Meeting Room at 1946 Martin Street, Burlington, NC 27217.

### Section 1.3 Special Meetings, Change of Meeting Date, Time, or Location.

In the event that a special meeting of the Alamance County Planning Board is necessary, Planning Board members shall be notified, either verbally or in writing, no less than forty-eight (48) hours prior to the time of the meeting. Notification of any change in meeting date, time, or location shall be done in accordance with applicable North Carolina General Statutes which regulate such notification and shall be posted on the County website.

### Section 1.6 Order of Proceedings

All Planning Board meetings shall follow, in general, the following order of proceedings:

1. Call to Order
2. Roll Call
3. Approval of Minutes
4. Public Comments
5. Board Responses
6. Old Business
7. New Business
8. Announcements
9. Adjournment

The Chair of the Planning Board may, at their discretion, make changes to the order the agenda to accommodate the public.

### Section 1.7 Public Comments

Anybody that attends a Planning Board meeting shall have the opportunity to make public comments on any agenda item. Prior to speaking, each person shall give their name and address