



Randolph
County



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ARTICLE 5 | RURAL PRESERVATION ORDINANCE

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

Section 5.1 Establishment of Authority.....	p. 2
Section 5.2 Jurisdiction.....	p. 2
Section 5.3 Bona Fide Farm Exemption	p. 2
Section 5.4 Official Map Adopted - District Boundaries Established	p. 3
Section 5.5 Land Use Districts and Regulations	p. 5
Section 5.6 Mill Village Districts	p. 10
Section 5.7 Table of Uses, Interpretations, and Procedures	p. 17

Section 5.1 Establishment of Authority

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

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

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

Section 5.2 Jurisdiction

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

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

Section 5.3 Bona Fide Farm Exemption

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

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

- A farm sales tax exemption certificate issued by the Department of Revenue.
- A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to N.C. Gen. Stat. §105-277.3.

- A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
- A forestry management plan.

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

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

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

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

Section 5.4 Official Map Adopted - District Boundaries Established

5.4.1. LAND USE DISTRICT MAP

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

The County Clerk, as applicable, may upon validation by the Planning Director, or designee, certify a paper copy of the Official Land Use District Map, or portions of the

map, as a true and accurate copy of the Official Land Use District Map, or a portion thereof, under the authority of N.C. Gen. Stat. §160A- 79(b) and §153A-50.

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

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

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

5.4.2. INTERPRETATION OF BOUNDARIES

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

5.4.2.1. Boundaries Following Lot Lines

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

5.4.2.2. Boundaries That Do Not Follow Lot Lines

Where the ordinance establishing a land use district boundary identifies the boundary as following a particular natural feature such as a ridgeline, contour line, a river, stream, lake or other water course, or reflects a clear intent that the boundary follows the feature, the boundary shall be construed as following that feature as it actually exists. If, subsequent to the establishment of the boundary, such natural feature should move as a result of natural processes (slippage, subsidence, erosion, flooding, sedimentation, etc.), the boundary shall be construed as moving with the natural feature.

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

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

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

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

5.4.3. AMENDMENTS TO THE LAND USE DISTRICT MAP

Any person with an ownership or development stake in a property under the jurisdiction of this Ordinance may initiate or request to change the land use designation of that property in accordance with Article 1, Part 8 of this Ordinance and of N.C. Gen. Stat. §160D, Article 6.

An amendment to the Official Land Use District Map may also be initiated by the Planning Director, the Planning Board, or the Board of County Commissioners as long as it is also in line with applicable law. Such changes in the land use designations of properties shall not necessarily be deemed to be limiting the available uses of a property since the districts featured on the Land Use District Map are inherently open ended, as detailed in Section 5.6 below.

Section 5.5 Land Use Districts and Regulations

5.5.1 LAND USE DISTRICTS

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

- Agricultural (AG)
- Employment Center (GC)

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

For the purposes of this Ordinance, the following districts may be understood to generally accommodate the following types of development and design features:

Agricultural Districts (AG): refers generally to the properties primarily used for structures regulated under the North Carolina Residential Code, bona fide farms, agricultural operations, and uses that are supplemental to agricultural operations. Such uses might include feed and seed shops, rural fire stations, and churches.

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

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

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

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

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

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

5.5.2 LOT SIZE, DIMENSION, AREA, AND CONFIGURATION

Agricultural Districts (AG)

Minimum Lot Sizes

Residential Subdivisions:	5 acres
Residential Family Subdivisions:	1 acre
Residential Cluster Subdivisions:	8,000 square feet
Residential Density Subdivisions:	5 acre min. average
Non-residential Uses:	2 acres

Employment Center Districts (EC):

Minimum Lot Size:	30,000 square feet*
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*Lots may be smaller depending on utility arrangements. See Section 6.9.11 of this Ordinance.

Mill Village Districts (MV):

Minimum Lot Size:	30,000 square feet*
Residential or Mixed-Use Cluster:	8,000 square feet

*Lots may be smaller depending on utility arrangements. See Section 6.9.11 of this Ordinance.

Rural Community Districts (RC):

Minimum Lot Size:	30,000 square feet*
Residential or Mixed-Use Cluster:	8,000 square feet

*Lots may be smaller depending on utility arrangements. See Section 6.9.11 of this Ordinance.

Rural Residential Districts (RR):

Minimum Lot Size:	2 acres
Residential Family Subdivisions:	1 acre
Residential Cluster Subdivisions:	8,000 square feet
Residential Density Subdivisions:	2-acre average

Suburban Transition Districts (ST):

Minimum Lot Size: 30,000 square feet*

*Lots may be smaller depending on utility arrangements. See Section 6.9.11 of this Ordinance.

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:

Watershed Critical Area (WCA) *

Minimum Lot Size

Minimum Lot Size:

2 Acres

Balance of Watershed (BOW) *

Minimum Lot Size:

1 Acre

Non-Watershed Areas (NWA) *

Facility Provided

Minimum Lot Size

Septic System & Well

30,000 sq. ft.

Community/Public Water & Septic System

20,000 sq. ft.

Community/Public Sewer & Well

10,000 sq. ft.

Community/Public Water & Sewer

8,000 sq. ft.

*NOTE: Additional acreage may be required by the Alamance County Health Department based on soil evaluations. For additional lot design standards, please consult Section 6.9.11 of this Ordinance.

5.5.3 GENERAL PERMITTING REQUIREMENTS

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

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

5.5.3.1 Site Plans

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

1. Information showing the boundaries of the proposed property, including survey map and parcel identification number for the subject property;
2. If only a portion of the parcel is within a district, or if the parcel is split by land use districts, a boundary survey and vicinity map showing the property's total acreage, parcel number, current district classification(s) and the general location in relation to major streets, railroads, and/or waterways;
3. Notation of the applicable land use district;
4. All existing and proposed easements, reservations, and rights-of-way;
5. Proposed number and general location of all buildings, building sites, and their dimensions;
6. Proposed use of all land and structures, including the number of residential units and the total square footage of any nonresidential development;
7. All applicable setbacks, yards, buffers, screening, and landscaping required by these regulations or proposed by the applicant;
8. All existing and proposed points of access to public and/or private streets;
9. Stream buffers required through this or other Alamance County Ordinances or Regulations, and other Local, State, or Federal regulatory agencies. Delineation of areas within the regulatory floodplain as shown on the Official Flood Insurance Rate Maps for Alamance County
10. Proposed phasing, if any;
11. Generalized traffic, parking, and circulation plans;
12. Proposed provision of utilities;
13. The location of known sites of historic or cultural significance within or adjacent to the project area, including any structure over fifty (50) years old;
14. The approximate location of any cemetery,
15. Proposed number, location, and size of signs;
16. Location and description of any proposed lighting on the project site;
17. The location of existing and/or proposed storm drainage patterns and facilities intended to serve the proposed development, and impervious surface calculations; and
18. Any additional information that the Planning Director may request in order to properly process the permit application or prepare the plans for any appointed or elected board, if their approval is required.

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

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

Section 5.6 Mill Village Districts

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

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

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

5.6.1 PURPOSE

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

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

5.6.2 APPLICABILITY

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

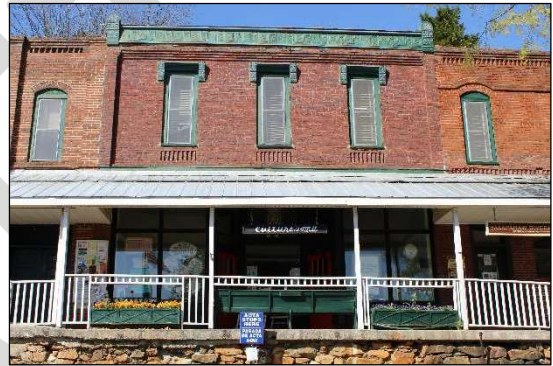
5.6.2 DESIGN ELEMENTS

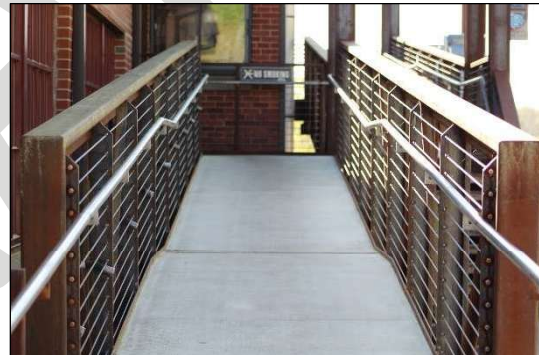
This section shall apply to all proposed uses for which a Building Permit is required and which are not regulated by the North Carolina Residential Code or an accessory structure

to a building regulated by the North Carolina Residential Code. This section shall also not apply to the development of parks, greenways, playgrounds, walking paths, sidewalks, and similar recreational areas for which no substantial structure is involved.

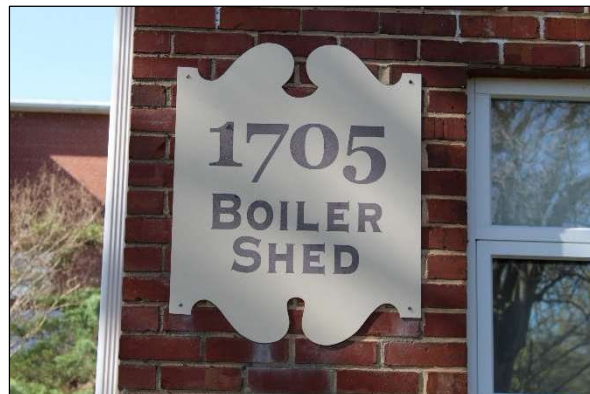
All proposed construction, unless exempted above, shall be designed to substantially match the aesthetic features of existing structures. Such elements shall include exterior wall cladding; window shape, placement, and framing; exposed steel and metal supports, rails, and awnings; wooden rails and awnings;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

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





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

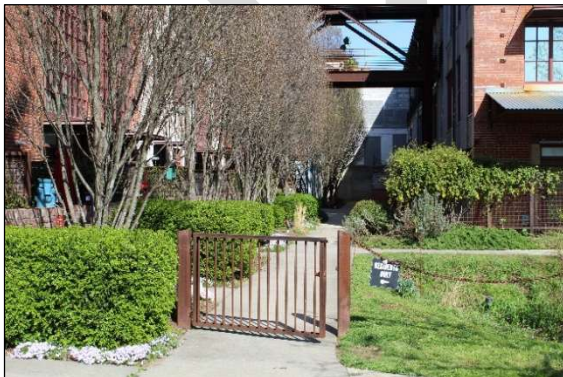




The images below reflect the desired appearance of miscellaneous exterior features:



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



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



Figures 5: Parking garage with original exposed brick wall.



Figure 6: Industrial style vent pipe to match building exterior.

5.6.3 APPLICATION PROCEDURES

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

5.6.3.1 Site Plan Requirements

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

1. All information as required by Section 5.4.2.1 above;
2. All proposed exterior material features of buildings including cladding, doors, windows, roofing, porches or decks, awnings, shutters, trim, chimneys, dormers, columns, railings, gables, dormers, and any similar elements;
3. All proposed exterior features of the property including yards, courtyards, driveways, parking areas, sidewalks, walkways, greenways, trails, landscaping, fencing, recreational uses, and any similar elements;
4. Any proposed signs, including construction materials, height, dimensions, colors, location on the property, and any similar important elements;

5. Any additional information that the Planning Director may request in order to properly process the permit application or prepare the plans for the Appearance Commission's consideration.

5.6.3.2 Development Layout Standards

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

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

<u>Configuration</u>	<u>Distance in Feet (Min. to Max.)*</u>
From a front sidewalk easement:	35 to 70
From a side sidewalk easement:	15 to 35
From a side property line:	10 to no max
From a rear property Line:	20 to no max

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

5.6.3.3 Technical Review Committee Submission

Once the application, site plan, and any other relevant information are deemed complete by the Planning Director, or their designee, the application shall be prepared for review by the Alamance County Technical Review Committee in accordance with Section 2.6 of this Ordinance.

If the application is approved by Technical Review Committee or approved with conditions, it may then proceed to the Appearance Commission in accordance with Section 5.5.3.3. below. If the application is denied by the Technical Review Committee, the applicant may resubmit the application in accordance with Section 2.6 of this Ordinance.

5.6.3.4 Recommendation of Approval

Upon receiving a completed application and site plan with the information outlined above and a favorable approval by the Technical Review Committee, the Planning Director, or their designee, shall certify that all necessary application requirements have been met. After certification, the application shall be prepared

for review at the next available Planning Board meeting within the timeframe of the Planning Board's agenda submittal deadline and agenda posting date.

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

If approved, the Recommendation of Approval will be signed by the Planning Director, or their designee, who shall also note the date of Appearance Commission approval. Such approval shall authorize the applicant to commence with development in accordance with other regulations and permitting requirements. Alternatively, if the Appearance Commission finds that certain elements should be addressed and amended in order to approve the certificate, the applicant shall have the opportunity to amend the application and resubmit it for secondary review.

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

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

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

deficiencies and the applicant shall be given the opportunity to correct them. The applicant will only be granted a Certificate of Occupancy and have the project deemed complete after receiving the Certificate of Approval.

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

Section 5.7 Table of Uses, Interpretations, and Procedures

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

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

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

5.7.1 PRINCIPAL USES AND TABLE OF USES KEY

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

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

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

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

5.7.2 TABLE OF USES

Principal Use Table							
Use Type	AG	RR	ST	EC	RC	MV	Additional Regulations
Residential Uses, Household Living							
Dwelling, Single-Family Detached	P	P	P	X	P	P	
Dwelling, Cluster Subdivisions	PA	PA	PA	X	PA	PA	Article 6, Part 9
Dwelling, Duplex	P	P	P	X	PA	PA	Pedestrian connections
Dwelling, Triplex or Fourplex	X	X	P	X	PA	PA	Ped. connections; Section 5.5
Dwelling, Multifamily (5 Units+)	X	X	P	X	PA	PA	Ped. connections; Section 5.5
Dwelling, Manufactured (Single Home)	P	P	P	X	P	X	
Dwelling, Manufactured Home Park (3+)	X	PA	PA	X	X	X	Article 6, Part 7
Residential Uses, Group Living							
Adult Care Home/Nursing Home	X	SU	P	X	P	PA	Section 5.5
Family Care Home	P	P	P	X	P	P	One half mile buffers
Retirement Home	X	SU	P	X	SU	PA	Section 5.5
Rehabilitation Center	X	SU	P	X	SU	X	
Agricultural & Animal Related Uses, Agriculture							
Farm	P	P	P	P	P	P	
Community Garden/Urban Agriculture	P	P	P	X	P	P	
Forestry	P	P	P	P	P	P	
Garden Center/Greenhouse/Nursery	P	P	P	P	P	PA	Section 5.5
Agricultural & Animal Related Uses, Agriculture Support Service							
Equestrian Facility	P	P	SU	X	PA	X	
Grain Storage Facility	P	P	P	P	P	P	
Sawmill	PA	PA	X	P	X	X	Article 6, Part 5

Principal Use Table							
Use Type	AG	RR	ST	EC	RC	MV	Additional Regulations
Agricultural & Animal Related Uses, Agriculture Support Service (continued)							
Indoor/Outdoor Kennel	P	P	P	X	P	PA	Section 5.5
Stables	P	P	P	P	P	PA	Section 5.5
Veterinary Clinic/Hospital	P	PA	P	X	P	PA	Section 5.5
Institutional Uses, Community & Government Services							
Clubs, Lodges, and Banquet Halls	SU	SU	SU	X	P	PA	Section 5.5
Community Centers/Cultural Centers	P	P	P	X	P	PA	Section 5.5
Place of Worship and Cemeteries	P	P	P	P	P	P	
College, University, or Vocational School	X	P	P	SU	SU	PA	Section 5.5
Elementary, Middle, or High School	P	P	P	X	P	PA	
Day Care Center	P	P	P	X	P	PA	Section 5.5
Correctional Facility	X	X	SU	SU	X	X	
Government Services, Administrative	X	P	P	P	P	PA	Section 5.5
Government Maintenance, Storage, or Distribution Facility	P	P	P	P	SU	X	
Public Park or Recreation Facility	P	P	P	X	P	PA	Section 5.5
Emergency Services	P	P	P	SU	SU	PA	Section 5.5
Institutional Uses, Health Care							
Hospital	X	P	P	X	PA	PA	Ped. connections; Section 5.5
Urgent Care Facility	X	P	P	X	PA	PA	Ped. connections; Section 5.5
Office, Medical/Dental	X	P	P	X	P	PA	Ped. connections; Section 5.5
Office Park, Medical/Dental	X	P	P	X	P	PA	Ped. connections; Section 5.5
Institutional Uses, Transportation, Communication, & Utility Uses							
Park and Ride Terminal	P	P	P	P	P	P	
Airport Facilities	SU	X	SU	SU	X	X	Minimum Lot Size: 40 acres
Transit Station	X	P	P	P	PA	PA	Ped. connections; Section 5.5
Broadcasting Station and Studio	X	X	P	P	PA	PA	Ped. connections; Section 5.5
Railroad Yard	X	X	P	P	X	X	
Solar Energy System	PA	PA	X	X	X	X	Article 6, Part 8
Telecommunications Facility	PA	PA	PA	PA	PA	PA	Article 6, Part 8; Section 5.5
Utility Facility	PA	PA	SU	SU	SU	SU	Landscape; fencing
Commercial Uses, Eating and Drinking Establishments							
Agricultural Food Operations	P	X	X	X	X	X	
Restaurants	X	X	P	X	PA	PA	Ped. connections; Section 5.5
Specialty Food Service	X	X	P	SU	PA	PA	Ped. connections; Section 5.5
Bar or Nightclub	X	X	P	SU	PA	PA	Ped. connections; Section 5.5
Commercial Uses, Offices							
Office Building	X	X	P	SU	PA	PA	Ped. connections; Section 5.5
Office Park	X	X	P	P	PA	PA	Ped. connections; Section 5.5
Commercial Uses, Recreation & Entertainment							
Adult Store/Sexually Oriented Business	X	X	PA	PA	X	X	Article 6, Part 2
Country Club	P	P	P	X	X	X	
Golf Course	P	P	P	X	X	X	
Fairgrounds, Temporary	P	P	PA	X	PA	PA	Permitted for up to 96 hours
Fairgrounds, Permanent	P	P	X	X	X	X	
Theater, Indoor	X	X	P	X	PA	PA	Ped. connections; Section 5.5

Principal Use Table							
Use Type	AG	RR	ST	EC	RC	MV	Additional Regulations
Commercial Uses, Recreation & Entertainment (continued)							
Theater, Outdoor	X	X	P	X	P	PA	Ped. connections; Section 5.5
Shooting Ranges, Indoor	P	P	P	P	P	PA	Ped. connections; Section 5.5
Shooting Ranges, Outdoor	PA	X	X	X	X	X	
RV Park	PA	PA	PA	X	PA	X	Article 6, Part14
Recreation/Entertainment Facility, Outdoor	P	P	P	X	PA	PA	Ped. connections; Section 5.5
Brewery	P	X	P	X	PA	PA	Ped. connections; Section 5.5
Distillery	P	X	P	X	PA	PA	Ped. connections; Section 5.5
Winery	P	X	X	X	PA	PA	Ped. connections; Section 5.5
Commercial Uses, Funeral Related Uses							
Funeral Home	X	X	P	X	PA	PA	Ped. connections; Section 5.5
Crematorium	X	X	PA	PA	X	X	
Commercial Uses, Retail Sales & Professional Sales							
Retail Sale	X	X	P	X	PA	PA	Ped. connections; Section 5.5
Convenience Store	X	PA	P	X	PA	PA	Ped. connections; Section 5.5
Farmer's Market	P	P	P	X	P	PA	Section 5.5
Shopping Center	X	X	P	X	PA	PA	Ped. connections; Section 5.5
Commercial Uses, Vehicle Service, Sales, & Related Uses							
Automobile Repair, Sales, or Rental	PA	X	PA	PA	PA	PA	Article 6, Part 13; Section 5.5
Automobile Graveyard/Junkyard	PA	X	PA	X	X	X	Article 6, Part 13
Car Wash and Detailing	X	X	P	X	P	PA	Section 5.5
Home-Based Businesses	P	P	X	X	P	PA	Section 5.5
Customary Home Occupations	P	P	SU	X	SU	PA	Section 5.5
Commercial Uses, Lodging							
Bed and Breakfast	P	P	P	X	PA	PA	Ped. connections; Section 5.5
Hotel/Motel	X	X	P	X	PA	PA	Ped. connections; Section 5.5
Industrial Uses, Industrial & Services Uses							
Industrial Park	X	X	X	P	X	X	
Manufacturing Facility	X	X	P	P	X	X	
Industrial and Large Equipment Sales & Rental	X	X	P	P	PA	X	Pedestrian connections
Commercial Storage Facility	X	X	P	P	PA	X	Pedestrian connections
Research Laboratory	X	X	P	P	X	PA	Section 5.5
Warehousing and Distribution	X	X	P	P	X	X	
Wholesale Food Preparation	X	X	P	P	P	PA	Section 5.5
Wholesale Establishment	X	X	P	P	P	PA	Section 5.5
Industrial Uses, Manufacturing, Extraction, Landfill, & Recycling							
Recycling Drop-off Station	PA	PA	P	P	P	PA	Section 5.5
Landfills, Inert Debris	PA	X	X	PA	X	X	Article 6, Part 5
Landfills, Non-Inert Debris	PA	X	X	PA	X	X	Article 6, Part 5
Fuel Bulk Storage	X	X	X	PA	X	X	Article 6, Part 5
Ready-Mix Concrete Suppliers	X	X	X	PA	X	X	Article 6, Part 5
Soft Mining/Resource Extraction	X	X	X	PA	X	X	Article 6, Part 5
Chemical Manufacturing	X	X	X	PA	X	X	Article 6, Part 5
Race Tracks	X	X	X	PA	X	X	Article 6, Part 5

Principal Use Table							
Use Type	AG	RR	ST	EC	RC	MV	Additional Regulations
Industrial Uses, Manufacturing, Extraction, Landfill, & Recycling (continued)							
Hard Mining / Resource Extraction / Quarrying	X	X	X	PA	X	X	Article 6, Part 5
Asphalt Plants	X	X	X	PA	X	X	Article 6, Part 5
Fossil Fuel Generation Facilities	X	X	X	PA	X	X	Article 6, Part 5

5.7.3. SPECIAL USE PERMITS

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

5.7.3.1. Applicability

Only those uses listed as special uses in a land use district in the Principal Table found in section 5.6 will be authorized. These uses may be permitted through the issuance of a special use permit by the Board of Adjustment if it determines that:

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

5.7.3.2. Review, Approval or Denial Processes

No inherent right exists to receive a special use permit. Such authorization must be approved under a specific set of circumstances and conditions. Each application and situation are unique. Every special use permit application, including amendments, must, at a minimum, be required to comply with every applicable requirement contained in this ordinance and the Unified Development Ordinance, as applicable. However, mere compliance with the generally applicable requirements may not be sufficient to ensure compatibility, and additional measures and conditions may be necessary to mitigate the impact of the proposed development.

- A. Initiation. An owner of real property, or that owner's authorized representative, may apply for a special use permit for that property. Applications must be submitted to the Planning Director at least thirty (30) calendar days prior to a regularly scheduled meeting of the Board of Adjustment. Applications must include a certificate of agency or power of attorney, if the applicant is not the property owner and a site plan showing the proposed layout of the development for which the specific special use permit is being sought.
- B. Planning Director Review. The application and supporting materials will be reviewed by the Planning Director prior to the meeting where the application is to be considered. Any written comments of the Planning Director will be reported to the Board, the applicant and property owner, prior to the hearing and become part of the hearing record. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.
- C. Board of Adjustment Review. The Board of Adjustment must hold at least one quasi-judicial hearing to act on the special use permit request. Notice of the hearing must be given as required by N.C. Gen. Stat. 160D-406(b).
- D. Approval Criteria. A special use permit will be issued unless the board concludes, based upon the information submitted at the hearing, that, if completed as proposed, the development will not comply with one or more requirements of this ordinance. However, even if the board finds the application complies with all provisions of this ordinance, it may still deny the permit if it concludes, based upon the information submitted at the hearing that, the use will not comply with findings 1 through 4 of paragraph (A) above.
- E. Decision. A majority vote of the board members is necessary to grant a special use permit. The board must determine contested facts and make its decision within a reasonable time. The decision must be based on competent, material and substantial evidence in the record as supplemented by arguments presented at the hearing. For the purposes of voting, vacant positions on the board and members who are disqualified from voting shall not be considered members for calculation of a majority if there are no qualified alternates available to take the place of such members.
- F. Conditions of Approval. The board may impose reasonable and appropriate conditions and safeguards in addition to, or that supersede any standard specified in this ordinance. Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public, and that provision be made for recreational space and facilities. Conditions and safeguards may not include requirements for which the county has no authority under statute to regulate nor requirements for which the courts have held to be unenforceable if directly imposed

by a local government, including, without limitation: taxes, impact fees, building design elements within the scope of N.C. Gen. Stat. 160D-702(b), driveway-related improvements in excess of those allowed in N.C. Gen. Stat. 136-18(29) and N.C. Gen. Stat. 160A-307, or other unauthorized limitations on the development or use of land. Failure to comply with or maintain compliance with any imposed condition is a violation of this ordinance.

- G. Form of Decision. The board's decision must be in writing, reflect the Board's determination of contested facts and their application to the applicable standards, be approved by the Board, and signed by the chair or other duly authorized board member.
- H. Effective Date of Decision. The board's decision is effective upon filing of the written decision with the Planning Director. The decision must be delivered within ten (10) calendar days of the effective filing date. Delivery will be by personal delivery, electronic mail or first-class mail to the applicant, landowner and any person who submitted a written request for a copy prior to the date the decision becomes effective.
 - 1. Appeals. Appeals from decisions of the board may be made in certiorari to the clerk of Alamance County Superior Court. The appeal must be filed thirty (30) calendar days after the effective date of the decision, or after a written copy of the effective decision is delivered as provided in paragraph (i) above, whichever is later. When first-class mail is used to deliver notice of the effective decision, three calendar days will be added to the time to file the appeal.
 - 2. Scope of Approval. A special use permit is valid for a period of 12 calendar months from its issuance date. Its issuance constitutes the development approval for the proposed land use and authorizes the applicant to pursue a county building permit and other approvals required to develop and establish the proposed use. Its issuance does not exempt the applicant from the need to obtain other required permits, or from the requirements of other local, state or federal permitting authorities.
- I. Subsequent Applications. An application for a special use permit may be withdrawn at any time. If the application has been advertised in compliance with N.C. Gen. Stat. 160D-406(b), an application requesting substantially the same use on all or part of the same described land will not be reconsidered within six calendar months of withdrawal. The Board of Adjustment shall refuse to hear an application for a special use permit previously denied if it finds there have been no substantial changes in conditions or circumstances bearing on the application

- J. Amendments. An amendment is a request for any enlargement, expansion, increase in intensity, relocation or modification of any condition of a previously approved and currently valid special use permit.
1. Amendments Affecting Multiple Parcels of Land. If multiple parcels of land are subject to a special use permit, the owners of individual parcels may apply for permit amendment provided the amendment will not result in other properties failing to meet the terms of the special use permit or regulations. Any approved amendment applies only to those properties whose owners applied for the amendment.
 2. Minor Amendments. A minor amendment is any amendment not involving a change in permitted use or overall development density. The Planning Director may approve shifts in on-site location and changes in size, shape, intensity or configuration of less than ten (10) percent; or a five (5) percent or less increase in floor area over what was originally approved, provided that such amendment complies with the following criteria:
 - a. No previous minor amendment has been granted pursuant to this paragraph;
 - b. Nothing in the currently valid special use permit precludes or otherwise limits such expansion or enlargement; and
 - c. The proposed minor amendment conforms to the requirements of this ordinance.
 3. Major Amendments. Any proposed amendment other than those considered a minor amendment are considered a major amendment and will be approved under the procedures applicable to the issuance of the original special use permit.
- K. Expansion or Enlargement of Uses Subject to Special Use Permit. Once a special use permit is granted, the use may be enlarged, extended, increased in intensity or relocated in accordance with this section unless the Board of Adjustment, in approving the initial special use permit, specifically established alternative procedures for consideration of future expansion or enlargement.
- L. Amendments to Nonconforming Special Uses. The Board of Adjustment may approve amendments to existing, valid special uses that are no longer allowed in the land use district in which they are located. Amendments allowing enlargement, expansion, increased intensity, relocation or continuance beyond the limitations of the existing special use permit are not permitted. Such approvals may not result in the enlargement or expansion of any nonconforming situation.

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

5.7.4. ACCESSORY USES

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

- be conducted or located on the same lot and in the same land use district as the principal use served,
- constitute only an incidental, insubstantial or subordinate part of the total activity taking place on the lot,
- be secondary, incidental to, subordinate in area and purpose to, and serve the principal use, and
- be either in the same ownership as the principal use, or clearly operated and maintained solely for the comfort, convenience, necessity or benefit of the occupants, employees, customers, or visitors of or to the principal use.

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

(a) *Home-based Business*. Home-based businesses shall be:

1. owned, operated or leased by the owner of the property on which the business is located, and
2. conducted within a garage or other residential accessory building associated with the residence provided the building’s gross floor area doesn’t exceed 10,000 square feet.

(b) *Home Occupation, Customary*. Customary home occupations shall be:

1. located entirely within a residence,
2. owned or operated by the property owner or an immediate family member, and

3. occupy no more than 1/3rd of the gross floor area of the residence in which it is conducted.

5.7.5. USES PERMITTED WITH ADDITIONAL REGULATIONS

The standards in this section apply to specified land uses identified by a “PA” in the Permitted Use Table found in Section 5.6.

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

PART IX. SUBDIVISION REGULATIONS

<u>Section 6.9.1. Purpose and Goal</u>	<u>p.2</u>
<u>Section 6.9.2. Application of Regulations</u>	<u>p.4</u>
<u>Section 6.9.3. Exceptions to Applicability</u>	<u>p.6</u>
<u>Section 6.9.4. Plat Approval Not to Constitute Other Approvals</u>	<u>p.16</u>
<u>Section 6.9.5. Subdivision Variances and Appeals</u>	<u>p.19</u>
<u>Section 6.9.6. Aggregation</u>	<u>p.20</u>
<u>Section 6.9.7. Violation of Subdivision Regulations</u>	<u>p.21</u>
<u>Section 6.9.8. General Requirements</u>	<u>p.21</u>
<u>Section 6.9.9. Environmental Protection Measures</u>	<u>p. 23</u>
<u>Section 6.9.10. Coordination and Continuation of Public and Private Roads</u>	<u>p. 25</u>
<u>Section 6.9.11. Design Standards for Lots</u>	<u>p.34</u>
<u>Section 6.9.12. Types of Subdivisions</u>	<u>p. 40</u>
<u>Section 6.9.13. Cluster Subdivisions.....</u>	<u>p. 41</u>
<u>Section 6.9.14. Approval Procedures.....</u>	<u>p. 43</u>

6.9 Subdivision Standards

6.9.1 EXCEPTIONS TO APPLICABILITY

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

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

6.9.1. Purpose and Goal

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

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

6.9.2 GENERAL PROVISIONS

A. PLAT RECORDATION

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

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

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

~~B. PERMITS NOT ISSUED~~

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

~~C. STREETS NOT MAINTAINED~~

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

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

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

~~E. WAIVERS AND AMENDMENT PROCEDURE~~

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

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

~~F. PENALTIES FOR TRANSFERRING LOT IN UNAPPROVED SUBDIVISIONS~~

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

~~G. STATE PLATTING AND DISCLOSURE STATEMENT REQUIREMENT~~

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

6.9.2 Application of Regulations

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

6.9.2.1. No lot or plat (except as provided by Section 6.9.3. below) within Alamance County's subdivision jurisdiction shall be transferred, nor shall a plat or record thereof be recorded by the county Register of Deeds until a final plat of the subdivision has been submitted to and approved by 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 Q, Specifications for Final Plats, and the Subdivision Administrator shall sign a Certificate of Exemption (Appendix A, Certificate Number 14). The owner shall present such 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) *

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

Balance of Watershed (BOW) *

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

~~Non Watershed Areas (NWA) *~~

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

~~*NOTE: Additional acreage may be required by the Alamance County Health Department.~~

~~On lots which are not suitable for on-site subsurface wastewater systems for individual dwelling units or other uses, off-site disposal systems may be approved by the Health Department. Off-site systems may be provided by the use of easements or ownership of land designated for subsurface wastewater systems. A sewage easement of a minimum width of twenty feet (20') in width must be provided between the house location and the designated system area. Minimum easement area sizes for property utilizing off-site disposal systems shall be no smaller than 5,000 sq. ft. Additional area may be required by the Alamance County Health Department.~~

- ~~xi. Minimum Lot Area for Non-residential Lots. Minimum lot area for non-residential lots shall at a minimum meet the standards set out above for lots in 6.9.4.G.x above.~~
- ~~xii. Nonconforming Lot of Record. Nonconforming lots of record located in watersheds are not required to have a minimum area of forty thousand square feet (40,000 sq. ft.) in order to be used for development purposes. Additional lot area may be required by the Alamance County Health Department.~~
- ~~xiii. Cluster Development or Planned Unit Development. Development shall conform to the regulations as set forth in the Watershed Protection Standards, if applicable, as well as, in above Buffer and Sewer System specifications. Also, the following standards are set forth:~~
 - ~~• Based upon overall density the total number of lots shall not exceed the number of lots allowed in conventional development.~~

- ~~Built-upon area or stormwater control requirements of the project shall not exceed that allowed for the watershed critical areas, balance of watersheds or non-watershed areas, whichever applies, as certified by an engineer registered in North Carolina.~~
- ~~All built-upon area shall be designated and located to minimize stormwater runoff impact to receiving waters and minimize concentrated flow as certified by an engineer registered in North Carolina.~~
- ~~Within watershed critical areas, all land not included within the built-upon portion of the development but used to calculate overall density, shall be considered common area. Within the common area, no structures or land disturbing activities are allowed, and the area shall remain wholly undisturbed to preserve the natural groundcover and the natural tree canopy. The following activities are allowed in the common area: (1) the occasional cutting or thinning of overcrowded trees or noxious vegetation in accordance with standard forestry management practices provided that no trees in excess of three (3) inches in diameter as measured twelve inches (12") or less from the ground are removed; (2) utilities and erosion control structure construction and maintenance; (3) the mechanical mowing of utility areas to control growth; (4) the normal maintenance by mechanical means is allowed for the removal of dead, diseased, deformed, poisonous, or noxious vegetation and pests harmful to health.~~
- ~~Where the development has an incorporated property owners' association for management, the title of the common area shall be conveyed to the association for management. Where a property owners' association is not incorporated, a maintenance agreement shall be filed with the property deeds with each property having an undivided interest in the common area.~~

H. Building Setback Lines

The building setback lines from the lot lines in subdivisions approved subsequent to July 3, 1972, shall be no less than the following distances:

<u>Setback Line</u>	<u>Distance in Feet</u>
From the Front Right-of-way Line	
On Streets:	
Arterial.....	40'
Major Collector.....	40'
Minor Collector.....	35'
Local.....	30'
From the Side Right-of-way Line Abutting Streets.....	25'

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

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

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

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

~~I. **Easements**~~

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

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

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

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

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

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

~~J. Reservation of Public Facility Sites~~

~~It is in the public interest that land proposed for public facility sites by official development plans within or partially within property being subdivided should be reserved for the specific public use. In order to more effectively coordinate public and private plans, developers of land shown to have public use on official plans of Alamance County are encouraged to develop their preliminary subdivision plans recognizing the potential public use of these sites. Developers are further encouraged to negotiate with public agencies involved toward the end of acquiring said public sites in order that the integrity of the public plans may be maintained.~~

6.9.4. Plat Approval Not to Constitute Other Approvals

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

A. BUILDING AND DEVELOPMENT PERMITS

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

B. ACCEPTANCE OF STREETS

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

6.9.5 IMPROVEMENTS

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

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

~~Guarantee of Improvements. Final plats may be approved prior to the completion of required improvements upon the guarantee of said improvements by the subdivider within an eighteen (18) month period. The County of Alamance may accept surety bond issued by any company authorized to do business in this State, a letter of credit issued by any financial institution licensed to do business in this State, or another form of guarantee that provides equivalent security to a surety bond or letter of credit. All surety instruments shall be made payable to Alamance County. Surety must be in an amount equal to one and one quarter times (125%) the cost of making the improvements, whereby such improvements may be made without cost to the public or subsequent purchasers of the property in the event of default on the part of the subdivider. Subdividers are required to obtain a letter from an engineer registered in North Carolina stating the total construction and surety amounts.~~

~~B. Within the Jurisdiction of Any Municipality~~

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

~~C. Within the Jurisdiction of this Ordinance~~

~~Within the jurisdiction of this Ordinance, construction or guarantee of the following improvements shall be required prior to final plat approval.~~

~~Streets and Roads.~~

~~Clearing, Grubbing, Grading and Drainage. Right-of-way shall be cleared and grubbed as required by N.C. DOT. Street grading and drainage shall be completed as required by N.C. DOT.~~

~~Base and Surface. All materials, the construction of the shoulder and disturbed portions of the right-of-way, and the application of the base course and pavement surface shall meet the requirements set forth in the most recently published requirements of the N.C. DOT.~~

~~Paving. Paving of public streets shall be required.~~

~~Stabilization. All unsurfaced disturbed portions of street right-of-way shall be stabilized by seeding, fertilizing and mulching or by another equally effective method.~~

~~Erosion and Sediment Control Plans. Subdividers are required to submit erosion and sediment control plans for all land disturbing activities covering more than one (1) acre to the North Carolina Department of Environmental Quality.~~

~~D. Clearing of Drainage Courses~~

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

~~E. Removal of Rubbish~~

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

~~F. Monuments and Markers~~

~~Monuments and markers shall be located and installed as required and in accordance with the rules and regulations of the North Carolina Manual of Practice for Land Surveying, Volume I, as amended, and N.C.G.S. § 39-32, as amended. Monuments and markers shall be of the design and type described in said rules and regulations.~~

~~G. Street Signs~~

~~Street name signs shall be erected at each street intersection where said streets have three or more lots proposed for development. Street name signs shall be designed and erected in accordance with Alamance County street sign standards. Street signs shall be erected on roads built to state standards and private roads approved in accordance with this Ordinance.~~

~~The developer shall pay a fee as outlined in the fee schedule to the county for the required road name signs prior to final plat approval. The county will purchase and erect the road name signs in accordance with county policy.~~

~~H. Utilities~~

~~Where an established public water system is available to a subdivision and where water lines may be extended from it to all lots in the subdivision at a cost equal to or less than the cost of installing a well on each lot in the subdivision, the subdivider shall be required to provide each lot in the subdivision with access to a water line connected to such public water system.~~

~~Where an established public sewerage system is available to a subdivision and where sewer lines may be extended from it to all lots in the subdivision at a cost equal to or less than the cost of installing subsurface wastewater disposal systems on each lot in the subdivision, the subdivider shall be required to provide each lot in the subdivision with access to a sewer line connected to such public sewer system.~~

~~All subdividers subdividing property in an area where established public water and sewer systems are available shall provide the Alamance County Planning Department with an analysis indicating the cost relationship between on-site utilities versus public water and sewer facilities.~~

6.9.5. Subdivision Variances and Appeals

A. VARIANCES

The Board of Adjustment may authorize a variance when 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 law.

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 Q.~~

~~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.

- a) The same person has control of the developments;
- b) The same person has ownership or a significant legal or equitable interest in the developments;
- c) There is common management controlling the form of physical development or disposition of parcels of the development;
- d) A master plan or series of plans or drawings exists covering the developments sought to be aggregated;

- e) There is a voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the developments sought to be aggregated;
- f) There is a common advertising scheme or promotional plan in effect for the developments sought to be aggregated.

6.9.7. Violation of Subdivision Regulations

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

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

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

6.9.8. 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

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

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

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

6.9.9.4.1. 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.

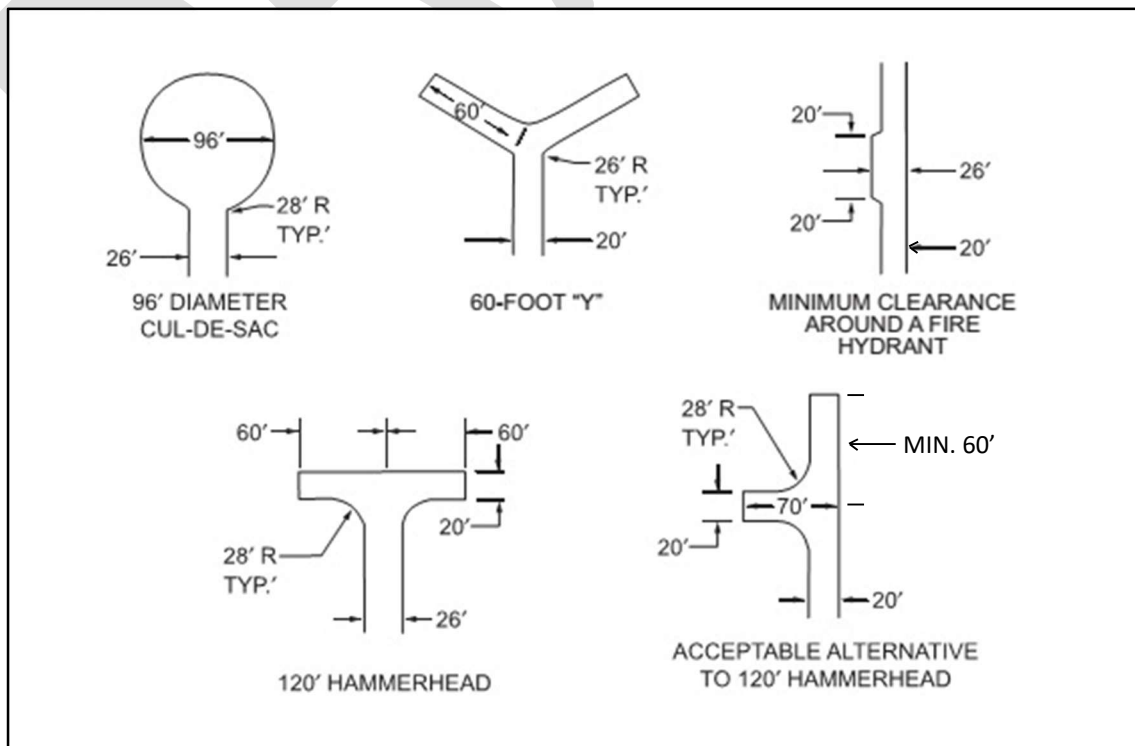
- (3) The new road shall be completed as designed and approved prior to the approval of a final plat. Otherwise, subdividers may provide for the guarantee of improvements in accordance with Section 6.9.10.4.
- (4) All new lots accessed by proposed subdivision streets shall be designed to accommodate 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.

6.9.10.2. DEAD-END PUBLIC ROADS

In order to promote safety for the residents of Alamance County and their property, certain dead-end roads shall be designed according to the most recent official North Carolina Fire Prevention Code road standards.

Where a fire hydrant is located on a public road, the minimum road width shall be twenty-six (26) feet, exclusive of shoulders. Other length, width, and turnaround requirements shall be designed for the travel surface dimensions of roads based on the standards and figures below:

<u>LENGTH (in feet)</u>	<u>WIDTH (in feet)</u>	<u>TURNAROUNDS REQUIRED</u>
<u>0-150</u>	<u>20</u>	<u>None required</u>
<u>151-500</u>	<u>20</u>	<u>120-foot Hammerhead, 60-foot "Y", or 96-foot cul-de-sac.</u>
<u>501-over</u>	<u>26</u>	<u>120-foot Hammerhead, 60-foot "Y", or 96-foot cul-de-sac.</u>



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 N 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 Private Road Disclosure Statement is provided in Appendix K 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.
7. The new road must meet other design criteria as detailed in Appendix L of this Ordinance.

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 K).

5. The right of access and maintenance for lots along the private road shall run with the land.
6. A statement of compliance with the Private Road standards of this Ordinance must be submitted by an engineer registered in North Carolina. This certification is required prior to final plat approval.
7. A certificate for Private Roads shall be included on the final plat and shall disclose the status of the road and road maintenance responsibilities.
8. The new road must meet other design criteria as detailed in Appendix L of this Ordinance.

6.9.10.3.4 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 M of this Ordinance. For such maintenance agreements, the following shall apply:

1. The subdivider shall present a plan for the formation of a non-profit corporation or association of lot owners which includes proper agreements and covenants running with the land for the maintenance and repair of proposed roads to become effective after all of the approved lots are sold and the subdivider transfers the ownership maintenance responsibility to the non-profit corporation or association or to the NC Department of Transportation.
2. Covenants shall provide that charges and costs for maintenance and repair shall constitute a pro rata lien upon individual lots of the subdivision, second only to taxes and any bona fide, duly recorded first trust lien on each lot.
3. Recordation of said plan with the final plat is a mandatory condition for approval under this paragraph.
4. The plan, through its agreements and covenants, shall provide for assessments against property owners for the costs of maintenance and repair of the roads, with the assessments constituting a lien upon individual lots of the subdivision on a pro rata basis. Such a lien hereunder will be a valid lien on the property so affected from time of recordation of a notice of the lien in the office of the Register of Deeds, indexed in the Grantor index under the name of the owner(s) of the property to which the lien attaches, and in the Grantee index under the name of the non-profit corporation or landowner's association, as appropriate.
5. The notice of lien shall (a) indicate the owner(s) of the property affected thereby; (b) indicate the name of the non-profit corporation or

landowner's association; (c) describe the property to which the lien attaches; (d) state that the lien is pursuant to this section of the Subdivision Regulations for Alamance County, North Carolina; and (e) include other information as may be necessary for clarity and compliance hereunder.

6. The notice of lien shall be canceled by a marginal entry on the face thereof, when satisfaction of the amount due under the lien has been made.
7. This cancellation shall be made by the President, or other officer, of the non-profit corporation or landowner's association so designated and authorized by the governing instrument of the organization.
8. The Register of Deeds is authorized to note such cancellation by a marginal entry upon exhibition of the original notice of lien properly canceled by the appropriate officer as above stated, or by other proper documentation presented by the non-profit corporation or landowners association.

6.9.10.3.5. 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 K 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.

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

6.9.11.1 AREA OF LOTS

At a minimum, newly created lots must conform to the size standards depicted below in each district as established by Section 5.4.2 of this Ordinance.

Agricultural Districts (AG)

Minimum Lot Sizes

<u>Residential Subdivisions:</u>	<u>5 acres</u>
<u>Residential Family Subdivisions:</u>	<u>1 acre</u>
<u>Residential Cluster Subdivisions:</u>	<u>15,000 square feet</u>
<u>Residential Density Subdivisions:</u>	<u>5 acre min. average</u>
<u>Non-residential Uses:</u>	<u>2 acres</u>

Employment Center Districts (EC):

<u>Minimum Lot Size:</u>	<u>30,000 square feet</u>
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Mill Village Districts (MV):

<u>Minimum Lot Size:</u>	<u>30,000 square feet</u>
<u>Residential or Mixed-Use Cluster:</u>	<u>8,000 square feet</u>

Rural Community Districts (RC):

<u>Minimum Lot Size:</u>	<u>30,000 square feet</u>
<u>Residential or Mixed-Use Cluster:</u>	<u>8,000 square feet</u>

Rural Residential Districts (RR):

<u>Minimum Lot Size:</u>	<u>2 acres</u>
<u>Residential Family Subdivisions:</u>	<u>1 acre</u>
<u>Residential Cluster Subdivisions:</u>	<u>8,000 square feet</u>
<u>Residential Density Subdivisions:</u>	<u>2-acre average</u>

Suburban Transition Districts (ST):

<u>Minimum Lot Size:</u>	<u>30,000 square feet</u>
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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:

Watershed Critical Area (WCA) * Minimum Lot Size

<u>Minimum Lot Size:</u>	<u>2 Acres</u>
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Balance of Watershed (BOW) *

<u>Minimum Lot Size:</u>	<u>1 Acre</u>
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Non-Watershed Areas (NWA) *

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

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

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

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

For multifamily structures, an additional fifty (50) percent of the lot size shall be required for each additional unit based on facility type. (Example: residential duplex with a private well and an on-site septic system in the Rural Residential District would require a three (3) acre lot.)

Where watershed lot size standards apply, and land use districts require a lot size greater than 30,000 square feet, the more restrictive regulation shall apply.

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, whether or not they are placed on the same tax parcel. 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. A survey may be required 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:

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

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

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. Utilities. Where appropriate, utility easements shall be determined by the electric, communication, natural gas, or similar utility companies and the public or private suppliers of water and/or sewer services providing service to the subdivision. Appropriate easements shall be shown on the final plat prior to approval by the Subdivision Administrator. Such utilities shall be included on the final plat 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. 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 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 5.4 of this Ordinance, exclusive of rights-of-way or other marginal land.
 - B. Cluster Subdivisions are defined as those containing lots which are as small as 8,000 square feet, exclusive of rights-of-way or other marginal land, which are 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 6.9.14.
 - C. Density Subdivisions are defined as those containing lots which are as small as 8,000 square feet, exclusive of rights-of-way or other marginal land, which may be serviced by any variety of utility arrangements and not subject to the open or shared-use space requirements of a Cluster Subdivision. Instead, the average lot size within these subdivisions must be at least five (5) acres in the Agricultural District and two (2) acres in the Rural Residential District, as defined by Section 5.4 of this Ordinance.
- 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 storm water runoff. The open space provided by clustering can be used to conserve and protect significant natural areas and environmentally sensitive areas, and to preserve important historic resources.

Cluster Subdivisions shall conform to the following standards:

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

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

3. Designation of Open Space. Land within the subdivision site not used for lots, streets, or utility easements, shall be in one or more parcels dedicated or reserved as permanent open space. The total area of a parcel(s) dedicated or reserved as permanent open space shall make up at least twenty-five (25) percent of the parent tract prior to subdivision and is subject to the following:
 - A. The open space need not be contiguous.
 - B. The use of the shared open space shall be designed to give equal opportunity of enjoyment to the residents of the subdivision. Such use may come in the form of parks, playgrounds, recreational areas, picnic shelters, sidewalks, trails, or similar uses conducive to the environment of the neighborhood.
 - C. The open space may also serve the purpose of acting as an off-site septic area for one or more lots as long as the proposed use of the open space does not compromise the functionality of such septic facilities.

- D. The layout of the open space shall consider providing a buffer between the new development and the state-maintained road from which it is accessed and/or neighboring developments
- E. The open space shall be subject to a deed restriction, easement, or public dedication to ensure that the open space shall remain undeveloped and maintained for recreational and aesthetic enjoyment. Ownership of the open space shall be conveyed to a property owner's association, homeowners' association, public agency, land trust, or other non-profit organization that is capable of and willing to accept responsibility for managing the open space for its intended purpose. In the event that the reserved open space is determined to hold unique natural or cultural significance, the County may require the additional easements or protections to ensure significant features are protected.
- F. Ownership of the open space is not restricted but any transfer of ownership of this property is subject to the restrictions, conservation easement, or any other conditions which created the open space.
- G. The design of the open space shall consider protecting water quality, conserving farm and forest land, providing wildlife habitat and preserving the natural aesthetics of the area
- H. 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 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 O of this Ordinance. Preliminary Plans are required in order to make a proposed development eligible for Technical Review Committee review and/or approval.

2. Construction Plans

After preliminary approval 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 P and other applicable regulations of this Ordinance.

Construction plans, including plan and profile, shall be prepared as required by this Ordinance. The ratio of profile scales shall be ten to one (10 to 1), horizontal to vertical. The plans shall be at scales of 1" = 10', 1" = 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 P of this Ordinance and shall comply with the following:

- A. No final plat shall be approved until all improvements are installed or their execution guaranteed as set forth in Section 6.9.10.4 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.

Supplemental Definitions

(Drafted to be added to Article 7 of the Alamance County U.D.O.)

Adult Care Home/Nursing Home – A facility which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three or more persons unrelated to the licensee. Such facilities provide care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated; who, however, are not sick enough to require general hospital care. Further definition of these facilities can be found in N.C. Gen. Stat. Chapter 131E, Article 6.

Agricultural Food Operations – The vending or sales of consumable products which came as a result of the growing, cultivating, raising, or otherwise producing of goods from the farm. Such operations may include, but are not limited to the sale of honey, milk, cuts of meat, vegetables, flowers, jams and jellies, canned goods, ice cream, spirits, farm to table dining, and similar operations. Such vending and sales are subject to all other applicable local, state, and federal building inspection and food safety regulations.

Cluster Subdivision – Also referred to as a “Conservation Subdivision,” a division of land into developable parcels with the intent to create smaller than average lots and conserve land resources. Specific requirements for the amount of conserved open space shall be based on their land use district category. Open space within these subdivisions shall be reserved for parks, playgrounds, recreational areas, picnic shelters, sidewalks, trails, or similar uses conducive to the environment of the neighborhood.

Customary Home Occupations – A professional service business like a salon, computer repair, accounting, or similar use which is operated entirely within an existing residential dwelling. All businesses must be owned or operated by the owner of the property or an immediate family member of the owner as defined by this ordinance. At a minimum, home occupation uses must be approved by the Alamance County Planning Department. In certain cases, like when an increase in commercial traffic to the home will occur, the home occupation use may be subject to the county’s Technical Review Committee process.

Family Care Home - A home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for not more than six (6) resident persons with disabilities. A “Person with disabilities” is a person with a temporary or permanent physical, emotional, or mental disability, including, but not limited to, an intellectual or other developmental disability, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments but not including persons with a mental illness who are dangerous to others as defined in G.S. 122C-3(11)b. A family care home is deemed a residential use of property for zoning purposes and is a permissible use in all residential districts and is further defined in N.C. Gen. State 160D-907.

Home-Based Business – An accessory business use of residential property such as engine repair, woodworking, welding, or similar use. Such business uses are usually located within a detached accessory building related to the primary residence. These uses may only be permitted as an accessory use to the preexisting primary residential use of the property and must be owned, operated, or leased by the property owner.

Park and Ride Terminal – An outdoor parking area with public transport connections allowing commuters and other persons traveling to an urban area to leave their vehicles and transfer to an alternate form of transportation, or carpool, for the remainder of the journey. Permanent features of such uses may include benches, bus terminals, toll stations or similar transportation-related features incidental to the facility. These facilities are also known as “incentive parking” of “commuter lots.”

Recreation/Entertainment Facility, Outdoor – A property which is commercial in nature and features any combination of land, water, or natural resources that is developed for active and/or passive recreation pursuits with various manmade features that accommodate such activities. Such facilities may include sports-oriented developments and athletic pursuits or entertainment facilities like weddings, concerts, parties, or special events.

Rehabilitation Center – A facility designed for the treatment of persons with functional limitations or chronic disabling conditions who have the potential to achieve a significant improvement in activities of daily living. Alternatively, such facilities may specialize in the treatment of conditions such as alcoholism, drug abuse, mental illness, or antisocial or criminal conduct.

Retirement Center - A facility that provides housing, shared dining and recreational opportunities for individuals of retirement age. Facilities may include occasional medical care, personal services, and significant social facilities to meet the needs of the residents but not the nursing or convalescent care of residents of a nursing home.