

Board Chair:
Rodney Cheek

Planning Director:
Matthew Hoagland



Commissioners' Meeting Room
124 W Elm Street
Graham, NC 27253
June 13, 2024 at 7:00 PM

ALAMANCE COUNTY PLANNING BOARD

AGENDA

Virtual-

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

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF PLANNING BOARD MINUTES**
 1. May 9, 2024 Regular Meeting
- IV. PUBLIC COMMENTS***
(Designated time for Subdivision Ordinance Public Input Session)
- V. BOARD/COMMISSIONER RESPONSES**
- VI. OLD BUSINESS**
 1. Consideration of UDO Article 6.9 Subdivision Ordinance Amendments
- VII. NEW BUSINESS**
 1. Consideration of Clarifying UDO Article 6.1 Amendments
 2. Consideration of Clarifying UDO Article 6.2 Amendments
- VIII. ANNOUNCEMENTS/DISCUSSION**
- IX. ADJOURNMENT**

**During the June 13, 2024 meeting, the Alamance County Planning Board would like to hear from the public during a "public input session." The purpose of this public input session will be to collect Alamance County residents' thoughts on lot sizes, subdivision regulations, and related county policies. The full text of the proposed changes to the Subdivision Ordinance can be found in the June 13th meeting agenda packet at www.Alamance-NC.com/planningdept under the Planning Board's Calendar and Agendas tab. For more information, call 336-570-4052.*

**Meeting Notes:*

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

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Members Present

Rodney Cheek
Vaughn Willoughby
Anthony Pierce
Henry Vines
Stephen Dodson
Bill Poe

Members Absent

Amie Perkins
Lee Isley
Ernest Bare
John Paisley

Staff Present

Matthew Hoagland,
Planning Director
Ian Shannon, *Planner II*
Janet Moreno, *Planning
Technician*
Rik Stevens, *County
Attorney*
Michelle Horn, *Assistant
County Attorney*
Rob Snow, *Environmental
Health Program Specialist*
Ryan Langley,
*Environmental Health
Program Specialist*

I. CALL TO ORDER

Called to order at 7:00PM.

II. ROLL CALL

Staff handled roll through in-person roster.

III. APPROVAL OF PLANNING BOARD MINUTES

1. April 11, 2024 Regular Meeting

Motion to accept: Vaughn Willoughby
Second: Anthony Pierce
Vote: Unanimous

IV. PUBLIC COMMENTS*

Jeff Throneburg: Jeff introduced himself to the board as a general contractor and the president of the Homebuilder's Association. He said that he had looked back at the previous meetings and said that not all of the numbers the board had been putting out were accurate. He told the board that changes should be made to benefit the youth, the future generations of the county. Jeff brought up a question about homes being built off of 62 and mentioned that

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Nathan Sawyer was developing those. Jeff told the board that he had purchased 2 lots to develop, and brought a 4-page itemized spreadsheet to show the board how much consideration and budget went into his development process. He told the board that an acre of land where he was developing was \$46,000. The well would cost between \$10,000 and \$14,000 and the septic would be between \$9,000 to \$11,000. He totaled this to \$71,000 in the dirt without any of the costs for the house or even clearing the lot. He told the board that adding that to the cost of the house would total \$365,326. At a current 30-year rate of 7.52% with a 5% down payment of \$18,616.30 that comes to a monthly payment of \$2,383. He told the board that all of this was before insurance, taxes, and PMI which takes that monthly payment to \$2,798. He then told the board that when looking at a 2-acre lot with a median price of \$72,000. The increase in overall cost brings that monthly payment to \$3,200. Jeff told the board that the average 32-year-old man takes home \$4,350 a month after taxes. He encouraged the board to reach out to homebuilders and everyone else in order to take more into consideration.

Chris Foust: Chris introduced himself as a former tobacco and dairy farmer who had transitioned into land development due to a lack of money in tobacco. He told the board that times are changing and that if the county wanted jobs then the land needed to be developed. He told the board that they moved out of the cities because the numbers for land development don't work out anymore. He said that he and his wife bought Salem Woods already developed and asked the board to look at Logan's Ridge as an example of affordable homes that look nice. He told the board that they have developed some 2-acre lots but a 2-acre minimum is too much. He said that a 1-acre minimum would be more reasonable but 2 acres would be unsustainable. He mentioned that some people may not want the growth but he believed the county does need more housing. Chris told the board that the growth is going to come no matter what and that they should encourage the residential growth within the county for housing.

V. BOARD/COMMISSIONER RESPONSES

Stephen Dodson told the board and the public that his intent was to look at this from the background of growing up in the rural lifestyle and trying to raise a family here in the county. He said that he had been going through the struggle of buying land and building a home so he was using that background to look out for the county. Anthony Pierce mentioned that regardless of what they recommend it likely won't ultimately fix this problem but it will be a start to it.

Henry Vines stated that he has lived in the county his whole life in the county. He said that the board was at a crossroads with what they wanted to do. He said that the county could look like Guilford or Orange County or it could protect rural life. He said that in regards to the concerns for affordability that there basically was none and everyone paid what they had to pay. He told the board that if nothing was done to deter the number of houses coming then the county would lose the rural feeling and that a 2-acre minimum would deter everything.

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He said that some people would like to see 5 acres but that would be excessive. Henry said that he was looking out for small builders since they did not have as many opportunities as larger developers. He told the board that an increase to 2 acres would not be much since 2/3 of the county is already at 2 acres.

Bill Poe talked about Morrisville and Cary compared to Alamance. He said that the numbers are not affordable but one way to make things more affordable was to have smaller lots. He told the board that that is already possible with community wells and city services but the county is already not affordable at the 30,000 sq ft minimum. Bill brought up some of the numbers Environmental Health had presented months ago and that most lots were larger than an acre. He talked about being a small builder back in Florida and losing out to larger developers and how that is happening in Alamance as well. He said that the growth is coming but increasing lot size minimums would not make a difference because of affordability.

VI. OLD BUSINESS

1. Consideration of Clarifying UDO Article 4 Amendments

Matthew had no additional changes but encouraged the board to let him know of any they had.

VII. NEW BUSINESS

1. Consideration of UDO Article 6.9 Subdivision Ordinance Amendments

Matthew started by saying that Article 6 was separated into 14 parts but it was clear that 6.9 would be the main focus so that was what the Planning Board was looking at tonight. He told the board that this was more of an overall re-write with new organization to look at the changes the board was discussing. He went over a summary of each section and then asked the board if there were any recommendations.

Stephen pointed out a number of grammatical edits throughout the proposed amendments and also asked about the referenced transportation plan. Matthew clarified that it was an outdated reference but a reference could be made to the BGMPO comprehensive plan instead. Stephen asked about a better way to categorize the subdivision types and if "hybrid subdivision" was really the best term to use. He also asked about some requirements for offsite septic areas. Rob Snow clarified some of the state standards on utility easement widths.

Stephen also asked about the clear-cutting section of the amendments, and Matthew said that the intent of that section was to encourage developers to only clear what was necessary. He also clarified that the proposed 35% ratio from the cluster subdivision requirements came as part of Vaughn's suggestion. When asked about the Planning Board's potential authority to review subdivisions Matthew said that some administrative approval procedures might be

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able to be granted, similar to how the board reviews some cell towers or HIDO projects right now.

Anthony asked about the proposed vegetative buffer requirement and what would be required if no buffer was in place. As it was written the buffer requirement was to mainly preserve present natural features but it could be expanded to require planting. There were also some questions on denials and revisions. Matthew clarified that if the Planning Board denied a plan and it was not revised in 6 months then it would be outright denied. Henry brought up the fact that the appeal process would still be in place as well. Henry also suggested that the vegetative buffer should not include any roads or rights of way and should be just vegetation.

There were some questions on the building setbacks for cluster subdivisions and if those would meet Fire Code. Matthew said that he could check with the Fire Marshals on that. There were also some questions on community septic areas. Rob told the board that there are a lot of state standards that go into permitting for those so a separate ordinance. He also said there were some allowed used for community septic space as open space.

Rodney asked if there were any provisions for family land subdivisions. Matthew said that there were none currently but that was something that he could look into adding options for that. He also said that some language was needed to differentiate between major and minor subdivisions. Vaughn suggested including family subdivisions as their own category. There were some questions brought up about private road standards and the turnarounds required by code. Matthew told the board he would get some further clarification and incorporate the board's suggestions into the amendments for them to consider next month.

VIII. ANNOUNCEMENTS/DISCUSSION

Matthew told the board that the UNC School of Government was holding some Planning Board trainings online. Staff had originally looked at the 16th but that was filled so they were looking at the second one on the 30th. He told the board that that second session was also filled up but they had been put on a waiting list. He asked the board to let him know if anyone was interested in possibly attending.

Matthew also said that he was planning on having the board look over changes to Section 6.9 during their next session and asked if they wanted to consider any additional sections. He told the board that he would let them know if there was ever too much at any time but he could try and have Sections 6.1 and 6.2 ready as well.

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IX. ADJOURNMENT

Motion to Adjourn: Anthony Pierce
Second: Stephen Dodson
Vote: Unanimous

Adjourned at 8:40pm.

PART I. GENERAL REGULATIONS

Section 6.1.1. Applicability p.2

Section 6.1.2. Setbacks p.2

Section 6.1.3. Stream Buffers p.2

Section 6.1.4. Stream Buffers Within Jordan Lake Watershed Areas p.3

Section 6.1.5. Water Supply Lake Buffers p.3

Section 6.1.6 Temporary Residences p.3

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6.1.1. General APPLICABILITY

This section is intended to provide standards for the use of property within the jurisdiction of this Ordinance. No building or land shall hereafter be used and no development shall take place except in conformity with the regulations herein specified.

6.1.12. SETBACKS

Buildings and structures shall not be erected within the setback area between said lot lines and the building setback lines. Setbacks should be measured from any right-of-way line.

Setback Type	Required Distance
Front Setback	
From Arterial Road	40'
From Major Collector Road	40'
From Minor Collector Road	35'
From Local Road	30'
From Cul-de-sac right-of-way	30'
Side Setback	25' if abutting street ROW; 10' if abutting property line that is not ROW
Rear Setback	20'

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

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

The determination of front, side, and rear property lines on irregularly shaped lots shall be determined by the Planning Director or their designee. 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.

Where these regulations conflict with setback standards in the Subdivision Ordinance, the standards specifically related to subdivisions shall apply in those instances.

6.1.23. STREAM BUFFERS

A 50' buffer of vegetation shall be maintained on both sides of all perennial streams at all times to retard rapid water runoff and soil erosion. Perennial streams are identified as the solid blue lines on United States Geological Survey Maps. Streets, roadways, railroads, and driveways are permitted in the buffer, but shall be constructed to cross the buffer as near to perpendicular as possible. Utility lines, greenways, and greenway type recreation facilities are permitted within the buffer but should be designed to have minimal impact. If the vegetative cover must be removed or disturbed, it shall be restored as soon as possible. The 50' buffer shall be measured on a horizontal plane from the bank of the stream. The buffer zone may be included in calculating the lot size.

6.1.34. STREAM BUFFERS WITHIN JORDAN LAKE WATERSHED AREAS

Stream buffers within the Jordan Lake Watershed areas are to follow the riparian buffer protection rules of 15A NCAC 02B .0267 and .0268 and Section 6(g) of Session Law 2009-216, found in Section 7(b) of Session Law 2009-484, Jordan Water Supply Nutrient Strategy. Stream determinations will also follow these rules.

6.1.45. WATER SUPPLY LAKE BUFFERS

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

6.1.56. TEMPORARY RESIDENCES

Temporary residences may only be allowed on properties that are either vacant or that are designated for residential use. Temporary residences may not be allowed within Manufactured Home Parks or RV Parks.

Temporary use of a manufactured home, ~~or~~ travel trailer, or recreational vehicle (RV), as a temporary residence shall be permitted only as outlined below:

- A. Manufactured homes used for this purpose must be installed in accordance with the Set-Up and Installation Standards adopted by the Commissioner of Insurance.
- B. Travel trailers, ~~and~~ RVs used as temporary residences for a period of more than thirty (30) days must be permitted by the Planning Department. A temporary residences permit, which shall be conspicuously affixed to the travel trailer or RV shall be issued by the Planning Department and valid for the below periods of time.
 - a) If used as a supplementary residence in addition to a permanent residential dwelling on the property, for up to 12 months.

- b) If used as a temporary residence based on a bona fide emergency which has made permanent residential dwelling units on a parcel unsuitable for habitation, for up to months with the option of permit renewal for additional 12-month periods by the Planning Department. Use of the travel trailer, or RV as a temporary residence must cease within 30 days of receipt of a certificate of occupancy for the permanent residential dwelling unit.
- c) If used as a temporary residence during the course of renovation or construction on the permanent residential dwelling units on a parcel, for up to 12 months with the option of permit renewal for additional 6-month periods by the Planning Department.

All temporary residences permitted under this section must conform to the standards in ~~Chapter 26 Article II~~ Section 6.4, "Flood Damage Prevention Ordinance" and shall tie into properly permitted water, electrical, and septic/sewer services on the property. Temporary residences which are used as a supplementary residence to a permanent residence may not be required to connect to water and septic/sewer services on the property. However, they must submit an Alamance County Environmental Health alternate sewage disposal consent form with their Temporary Residence Permit Application.

Use of the travel trailer, or RV as temporary housing must cease within 30 days of receipt of a certificate of occupancy for the primary housing unit. Upon the expiration of a temporary residence permit, no new temporary permits may be issued for the same parcel of land within one (1) year of the expiration date as outlined above.

**PART II. ADULT ESTABLISHMENTS AND SEXUALLY ORIENTED
BUSINESSES**

Section 6.2.1. Applicability p.2
Section 6.2.2. Location, Operation, Appearance, and Advertising Requirements.....p.2
Section 6.2.3. License Requirements p.4

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6.2.1 APPLICABILITY

Alamance County recognizes that sexually oriented businesses can and do cause adverse secondary impacts on neighboring properties. For example, increases in crime rates and decreases in neighboring property values can result from the location of sexually oriented businesses in inappropriate locations or from the operation of such businesses in an inappropriate manner.

This section is designed to govern the location and operation of adult establishments and sexually-oriented businesses as defined herein. The goal of these regulations is to prevent or ameliorate adverse secondary impacts from the location and operation of such businesses.

6.2.2 LOCATION, OPERATION, APPEARANCE, AND ADVERTISING REQUIREMENTS

6.2.2(a) Location Restrictions

Adult establishments and sexually-oriented businesses must:

- a) Not be located within 1,000' of any other adult establishment or sexually-oriented business regulated by this ordinance.
- b) Not be located in a building, premises, structure, or other facility that contains another adult establishment or sexually-oriented business.
- c) Be located within 1,000' of another building, premises, structure or other facility that contains an adult establishment or a sexually-oriented business as a secondary business activity.
- d) Not be located within 1,500' of a park, school, house of worship, community center, or child day care center.
- e) Not be located within 1,500' of a major residential subdivision.

Waiver of Variance from Location Requirement

~~A property owner may petition the Board of Commissioners of the County of Alamance Adjustment to waive for a variance from the location requirements established above if they believe it causes an unnecessary hardship. A petition should contain the name and address of the property owner, a description of the use(s) and size of the proposed adult establishment or sexually oriented business, and a preliminary plan for the property.~~

~~If the Board finds that the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Ordinance will be observed, it may waive the location requirement.~~

Variance petitions will be processed in accordance with Article 2, Section 2.3 of this Ordinance as well as N.C. Gen. Stat. 160D-705(d) and other applicable law.

6.2.2(b) Operation Restrictions

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

- a) Hours of operation may only be between the hours of 2:00pm and 2:00am.
- b) No one under the age of 21 may be admitted into the business operation.
- c) In the case of massage parlors, no masseur or masseuse may massage a person under 21 years old except under the direction of or by order of a license health professional.
- d) No one under the age of 21 may be employed by the business operation.
- e) Performances in an adult establishment should occur only upon platforms that are raised at least 4 feet from the floor.
- f) Adult establishment and sexually oriented business entertainers must remain at least 4 feet from patrons at all times during their performances.
- g) In the course of an entertainment performance, adult establishment or sexually oriented business entertainers shall wear clothing that keeps their private parts completely and opaquely covered at all times.
- h) In the course of all business except for an entertainment performance, entertainers must wear clothing that completely and opaquely covers their Specified Anatomical Areas at all times.
- i) In the course of business, servers and other employees must wear clothing that completely and opaquely covers their Specific Anatomical Areas at all times.
- j) No adult establishment or sexually oriented business shall permit Specified Sexual Activities to occur as part of its featured entertainment or as a primary or secondary activity within or outside of the building.
- k) Viewing booths or rooms within an adult establishment or sexually oriented business must remain open and visible to the operator at all times. In the case of an adult mini motion picture theatre, no more than 1 person shall be permitted in each booth or room at once.
- l) Any sexually-oriented merchandise should be contained within a sealed wrapper. Merchandise with a sexually-explicit cover should be contained within an opaque sealed wrapper.
- m) No adult establishment shall allow any entertainment or business activities to occur outside of the building in an area that is visible to or accessible by the public.
- n) No person employed as a masseur or masseuse shall, in the course of business, massage a customer's Specified Anatomical Areas.
- o) All individuals employed as a masseur or masseuse must comply with applicable rules and regulations promulgated by the Alamance County Health Department.

- p) The operation of an adult establishment or sexually oriented business shall comply with the Alamance County Noise Ordinance at all times. Any violation of the noise ordinance shall be subject to the penalties prescribed in Section 1(b) therein.

Appearance and Advertising Restrictions

- a) No sexually-oriented merchandise or entertainment shall be visible from the exterior of the building.
- b) Each adult establishment or sexually oriented business is limited to one primary sign measuring 20 square feet, and 2 window signs measuring 6 square feet.
- c) Signs and other forms of on- and off-premises advertising or display may not contain sexually-oriented graphics or language that is designed to attract patrons with allusions to Specified Anatomical Areas, nudity, and Specified Sexual Activities.
- d) An adult establishment or sexually oriented business may not use lighting on its property that will adversely impact the use and enjoyment of adjacent properties.

6.2.3 LICENSE REQUIREMENTS

A. License to Operate

It shall be a violation of this Ordinance to operate any Adult Establishment or Sexually Oriented Business in Alamance County's ordinance-making jurisdiction without a license issued pursuant to this ordinance. Any individual or entity desiring to operate an adult establishment or sexually oriented business on property located within Alamance County's ordinance-making jurisdiction must apply to the Alamance County Planning Department for a license.

Application Requirements

Application for Licensure to Operate shall include:

1. The name and address of the owner(s);
2. The physical address of the property, including tax map block and lot numbers;
3. The name and addresses of the agent(s) and officers, if the applicant is a corporation;
4. The name and address of the operator(s), if different from the owner(s), and;
5. A copy of a valid form of government-issued photo identification for each owner, operator, and agent. This photo identification may include a driver's license, United States passport, United States military identification card, a state identification card, or any other form of photo identification considered reliable by the Administrator.

6. A non-refundable license fee of \$500.00.

Upon submission of the license application, a criminal background check shall be performed upon the owner(s), operator(s), and agent(s), if applicable. This background check shall be conducted in order to determine whether the individual(s) has been convicted of any drug-related felony or sexually-related crimes. The review period for the license application, including criminal background check, shall not exceed a period of twenty-one business days.

If the applicant follows the above application procedure, meets the standards described herein, and satisfactorily passes the criminal background check, a license to operate an adult establishment or sexually-oriented business shall be issued. This license attaches only to the business and is valid for one year or for the period of ownership by the applicant, whichever is shorter.

License Renewal

A license may be renewed for one year upon its expiration with the payment of a renewal fee of \$250.00 made to the Alamance County Planning Department.

Denial of Application

In the event that a background check reveals that any of the above individuals has been convicted of a sexually-oriented or drug related felony within the past 15 years or a sexually-oriented or drug related misdemeanor within the past 10 years, the license shall be denied. Failure to follow the procedure set forth herein as well as failure to meet the standards established in this Ordinance, the license shall be denied. Appeals may be filed per Section ~~4.2.2~~-2.3.1.b of this Ordinance.

B. Licensing for Managerial Employees

It shall be a violation of this Ordinance to operate any adult establishment or sexually oriented business on property located within Alamance County's ordinance-making jurisdiction without licenses issued pursuant to this section. It shall be the responsibility of the owner and/or operator of an adult establishment or sexually oriented business to apply for a license for all employees who shall be involved in the managerial operation of the business. This shall include operators and managers, but does not include servers, entertainers, escorts, masseurs, and clerks.

Application Requirements

Application for Managerial or Operator Licensure shall include:

1. The name and address of each operator and manager;
2. Any aliases or other names by which each operator and manager has been known;

3. A copy of a valid form of government-issued photo identification, which may include a driver's license, United States passport, United States military identification card, state identification card, or any other photo identification considered reliable by the Administrator;
4. The initial date of employment of each operator and manager; and
5. A completed background check authorization form.

Application for a Managerial or Operator License shall be made within fifteen days from the first date of his or her employment. A nonrefundable fee of \$200.00 per operator and/or manager shall accompany the application. Upon submission of the license application, a criminal background check shall be performed upon the operator and/or manager. This background check shall be conducted in order to determine whether each individual has been convicted of any human trafficking, drug-related or sexually-related crimes.

The review period for the license application, including criminal background check and written notification of the decision, shall not exceed a period of 21 business days. If the above application procedure is followed and an operator or manager satisfactorily passes the criminal background check, an adult establishment or sexually oriented business managerial/operator license shall be issued. This license is valid for 1 year and is personal to the managerial/operating employee. Said license shall not be sold or transferred and expires when the manager/operator leaves the employment of the business.

License Renewal

A manager/operator license may be renewed for 1 year upon its expiration with the payment of a renewal fee of \$100.00 to the Alamance County Planning Department.

Denial of Application

If the background check reveals that an individual has been convicted of a human trafficking, sexually-oriented or drug related felony within the past 15 years or a human trafficking, sexually-oriented or drug related misdemeanor within the past 10 years, the manager/operator license shall be denied. Failure to follow the application procedure outlined above shall also result in a denial of the application. Appeals may be filed per Section 4.2.2-2.3.1.b of this Ordinance.

C. Licensing for Entertainers

It shall be a violation of this Ordinance to operate any adult establishment or sexually oriented business on property located within Alamance County's ordinance-making jurisdiction without licenses issued pursuant to this section. It shall be the responsibility of the owner/operator of an adult establishment or sexually-oriented business to apply for a license for all employees who shall be involved in entertainment activities at the adult establishment. This shall not include servers, escorts, masseurs, and clerks.

Application Requirements

Application for Entertainer Licensure shall include:

1. The name and address of each entertainer;
2. Any aliases or other names by which the entertainer has been known, including stage names used in entertaining;
3. A copy of a valid form of government-issued photo identification, which may include a driver's license, passport, military identification card, state identification card, or any other form of photo identification considered reliable by the Administrator;
4. The initial date of employment of each entertainer; and
5. A complete background check authorization form.

Application for a license for an entertainer shall be made within 15 days from the first date of his or her employment. A nonrefundable fee of \$50.00 per entertainer shall accompany the application.

Upon submission of the license application, a criminal background check shall be performed upon the entertainer. This background check shall be conducted in order to determine whether the individual has been convicted of any drug-related or sexually-related crimes. The review period for the license application, including criminal background check and written notification of the decision, shall not exceed a period of 21 business days.

If the above application procedure is followed and an operator or manager satisfactorily passes the criminal background check, an entertainer license shall be issued. This license is valid for 1 year and is personal to the entertainer. Said license shall not be sold or transferred and expires when the entertainer leaves the employ of the applicant.

License Renewal

An entertainer license may be renewed for 1 year upon its expiration with the payment of a renewal fee of \$25.00 to the Alamance County Planning Department.

Denial of Application

If the background check reveals that an individual has been convicted of a sexually-oriented or drug related felony within the past 15 years or a sexually-oriented or drug related misdemeanor within the past 10 years, the entertainer license shall be denied. Failure to follow the application procedure outlined above shall also result in a denial of the application. Appeals may be filed per Section ~~4.2.2-~~2.3.1.b of this Ordinance.

D. Posting of Licenses

All validly-issued licenses for an adult establishment or sexually oriented business operation and for all managerial employees must be posted in a conspicuous location and manner on the premises of the business at all times. Validly-issued licenses for all entertainer employees must be kept in a location on the premises of the business operation so that they are readily available for inspection by the authorities responsible for enforcement of this Ordinance.

E. Revocation of Licenses

A license may be revoked by the Administrator if it is established that the license application contained false information or if the license holder is convicted of a drug-related or sexually-oriented crime.

F. Transfer of License Prohibited

A license issued for any adult establishment or sexually oriented business may not be transferred with the property. A license obtained pursuant to Section ~~5.3.3~~ 6.2.3 shall be valid for 1 year or the amount of time that the owner of record on the application owns the business, whichever is shorter. If ownership of the property is transferred, a new license must be obtained pursuant to Section ~~5.3.3~~ 6.2.3. Application for this license must be made within 30 days of the transfer of ownership.

While the new license application is pending, the Planning Director shall issue a temporary license for the business within 3 business days of being provided with the new name of the business, if applicable, and the name and address of the new owner(s). This temporary license shall attach only to the business and shall be valid for 30 days or until a new license is issued or denied, whichever is shorter.

If a new license is not obtained pursuant to this Ordinance, the business shall be deemed in violation of this Ordinance and civil penalties may be imposed.

G. Exceptions

None of the above location, licensing, operation, or appearance requirements shall apply to legitimate theatre operations that present plays or films of serious literary, artistic, political, or scientific merit.

Section ~~5.3.2(b)~~ 6.2.2(b) restrictions (g), (h), and (i) shall not apply to a private club, as defined by this Ordinance.

PART IX. SUBDIVISION REGULATIONS

Section 6.9.1. Purpose and Goal	p.2
Section 6.9.2. Application of Regulations	p.2
Section 6.9.3. Exceptions to Applicability	p.3
Section 6.9.4. Plat Approval Not to Constitute Other Approvals	p.3
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Section 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.

Section 6.9.2 Application of Regulations

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

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

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

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

Section 6.9.3. Exceptions to Applicability

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

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

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

Section 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.

Section 6.9.5. Subdivision Variances and Appeals

A. VARIANCES

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

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

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

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

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

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

B. APPEALS.

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

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

Section 6.9.6. Aggregation

Two or more subdivisions shall be aggregated and treated as a single subdivision under this Article when (1) they are determined to be part of a unified plan of development, (2) they are physically proximate to one another and (3) there is a reasonable closeness in time between the completion of some or all of one subdivision and the submission of an application for authorization of another subdivision which is indicative of a common developmental effect.

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

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

Section 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.

Section 6.9.8. Presale of Lots

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

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

4. Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than 15 days after the delivery of the final recorded plat, during which 15-day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

Section 6.9.9. General Requirements

6.9.9.1. PLATTING AND DISCLOSURE REQUIREMENT

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

6.9.9.2. NAME OF SUBDIVISION

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

6.9.9.3. 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.

6.9.9.4. HISTORIC SITES, NATURAL AREAS, AND AGRICULTURAL PROPERTIES

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

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

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

6.9.9.4.2. All new subdivision proposals shall provide the names and locations of the following types of properties on both the preliminary and final plat:

- a) Farm Districts (Present Use Value, Permanently Preserved, or Voluntary Agricultural District)
- b) County Parks and natural assets (parks, trails, natural areas, recreational facilities)
- c) Any Public or Private School
- d) Any House of Worship

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

Section 6.9.10. Environmental Protection Measures

6.9.10.1. MARGINAL LAND

Land which is subject to flooding or which may aggravate the flood hazard, which may increase the danger to life or property if developed, and land which is uninhabitable for other reasons shall be identified as Marginal Land and shall not be considered in determining the minimum lot area or lot depth as described in this Ordinance. Examples of Marginal Land may include features such as land 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 and shown on the final plat.

6.9.10.2. FLOOD DAMAGE PREVENTION

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

6.9.10.2.1. Vegetative Buffers Established

All new subdivisions bordering Historic Properties, Historic Landmarks, Farm Districts, County Parks and Natural Assets, Public or Private Schools, and Houses of Worship as outlined above, shall provide for a fifty (50) foot vegetative buffer between said facilities and the development within the subdivision. These buffer areas shall preserve natural features such as trees, grass, shrubs, ponds, streams, rivers, lakes, and similar natural elements which are of value not only to the inhabitants of the subdivision, but to Alamance County as a whole. This buffer may not be intersected by subdivision roads or the rights of way containing subdivisions roads.

Utilities may intersect these buffer areas only in cases where no practicable alternative exists.

The Planning Board may enlarge this buffer area requirement as part of a Special Use Permit subdivision approval in instances where Planning Board review and approval is required.

6.9.10.3. SEDIMENTATION AND EROSION CONTROL

In order to prevent soil erosion and sedimentation pollution of streams, springs, flat-water bodies, or other drainage networks, the subdivider shall comply with all requirements of the North Carolina Sedimentation Pollution Control Act of 1973 and other applicable rules promulgated by the North Carolina Department of Environmental Quality. Developers disturbing an 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.

6.9.10.4. STORMWATER DRAINAGE

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

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

6.9.10.4.1. Presentation on Plans and Plats.

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

6.9.10.4.2. New and Relocated Watercourses

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

6.9.10.5. STREAMS

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

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

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

6.9.10.6. WATERSHED BUFFER AREAS

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

Section 6.9.11. Coordination and Continuation of Public and Private Roads

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

6.9.11.1. PUBLIC ROADS

In subdivisions where new roads provide access to fifteen (15) or more lots, Public Roads shall be required in accordance with the North Carolina Department of Transportation's

Subdivision Roads Minimum Construction Standards manual (revised July 2020). Additionally, new public roads must be designed so that:

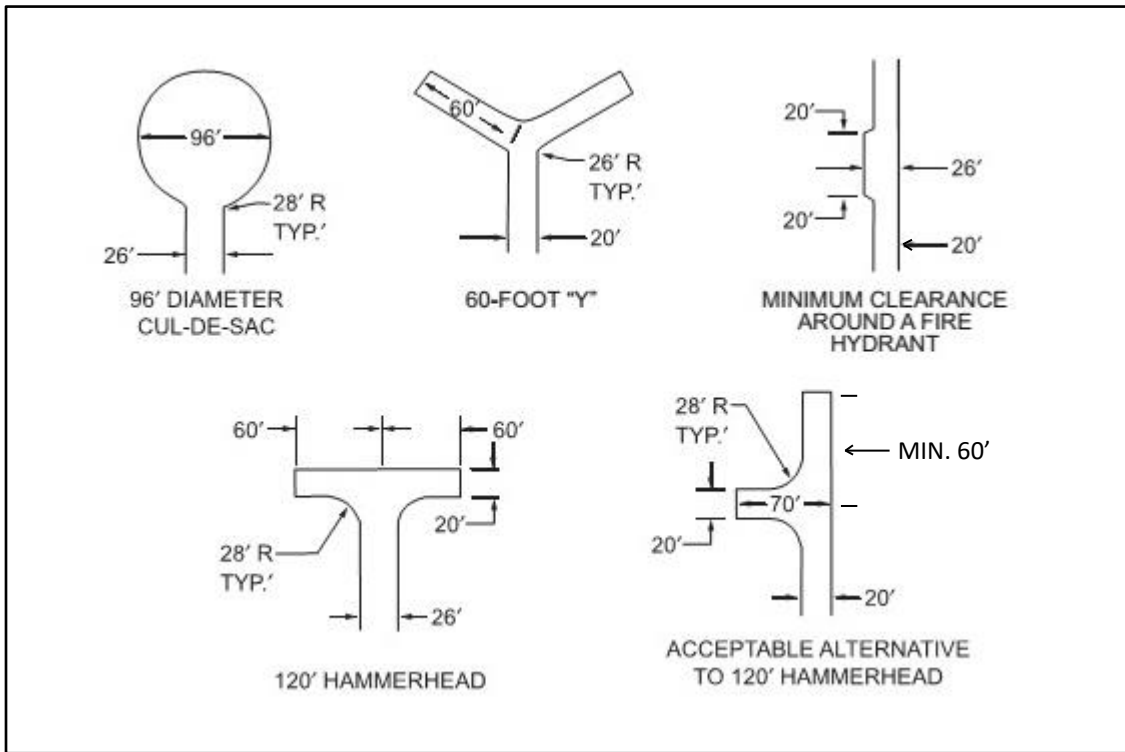
- (1) The new road connects directly to a public road currently accepted for maintenance by the North Carolina Division of Highways.
- (2) The right-of-way for the new road is a minimum of fifty (50) feet.
- (3) The new road shall be completed as designed and approved prior to the approval of a final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

6.9.11.2. DEAD-END PUBLIC ROADS

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

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

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



6.9.11.2. PRIVATE ROADS

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

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

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

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

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

CLASS OF ROAD	NUMBER OF LOTS SERVED
I	1 – 4
II	5 – 14

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

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

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

1. The new road must connect directly to a public road currently accepted for maintenance by the North Carolina Division of Highways.
2. The new road must conform with the N.C.D.O.T. Minimum Construction Standards for Subdivision Roads, except that pavement

surfacing may be omitted and the depth of compacted gravel surface may be reduced to six (6) inches and the travel width must be at least twenty (20) feet.

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

6.9.11.2.3 Maintenance of Private Roads.

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

1. The subdivider shall present a plan for the formation of a non-profit corporation or association of lot owners which includes proper agreements and covenants running with the land for the maintenance and repair of proposed roads to become effective after all of the approved lots are sold and the subdivider transfers the ownership maintenance responsibility to the non-profit corporation or association or to the NC Department of Transportation.
2. Covenants shall provide that charges and costs for maintenance and repair shall constitute a pro rata lien upon individual lots of the subdivision, second only to taxes and any bona fide, duly recorded first trust lien on each lot.
3. Recordation of said plan with the final plat is a mandatory condition for approval under this paragraph.

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

6.9.11.2.4. Unbuilt Private Roads and Exclusive Access Easements

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

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

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

6.9.11.2.5. Nonconforming Private Roads

- A. Nonconforming Private Roads must meet the following criteria in order to be recognized as such:

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

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

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

6.9.11.3. MISCELLANEOUS ROAD PROVISIONS

A. Previously Approved Subdivisions

For which plats had been recorded or preliminary plats had been approved prior to the date of adoption of this amendment may continue to observe requirements in place prior to such date in lieu of these requirements, if the intent for future of phased development was clearly set forth on such plats.

B. Road Names

Proposed roads that are obviously in alignment with existing roads shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names irrespective of the use of a suffix such as street, road, drive, place, court, boulevard, or similar term. Road names shall be subject to the approval of the Alamance County GIS Department.

C. Street Signs

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

D. Reservation of Right of Way

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

E. Cul-de-Sacs and Dead Ends

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

F. Parkways

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

G. Parallel Access Streets

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

H. Non-Residential Area Streets

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

I. Median Strips

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

J. District Highway Engineer Review

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

6.9.11.4. IMPROVEMENTS

A. Prerequisites to Approval of Final Plats

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

However, final plats may be approved prior to the completion of required improvements upon the guarantee of said improvements by the subdivider within an eighteen (18) month period. Alamance County may accept surety bonds issued by any company authorized to do business in this State, a letter of credit issued by any financial institution licensed to do business in this State, or another form of guarantee that provides equivalent security to a surety bond or letter of credit. All surety instruments shall be made payable to Alamance County and the County must receive the original copy of the bond.

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

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

B. Within the Jurisdiction of Any Municipality

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

- C. Clearing of Drainage Courses
All debris, fallen trees, junk and other accumulations of any nature that will impede the passage of waters in their downstream course or cause flooding shall be removed from the channel and banks of any stream, creek and drainage way of the subdivision site prior to granting final plat approval.
- D. Removal of Rubbish
All fallen trees, stumps, junk, and rubbish of any nature resulting from the grading of streets or the clearing of lots in the subdivision shall be removed from the subdivision site prior to the granting of final plat approval.
- E. Monuments and Markers
Monuments and markers shall be located and installed as required and in accordance with the rules and regulations of the North Carolina Manual of Practice for Land Surveying, Volume I, as amended, and N.C. Gen. Stat. § 47-30, as amended. Monuments and markers shall be of the design and type described in said rules and regulations.

Section 6.9.12. Design Standards for Lots

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

6.9.12.1 AREA OF LOTS

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

Watershed Critical Area (WCA) *

Minimum Lot Size: 2 Acres

Balance of Watershed (BOW) *

Minimum Lot Size: 2 Acres

Non-Watershed Areas (NWA) *

<u>Facility Provided</u>	<u>Minimum Lot Size</u>
Septic System & Well	2 Acres
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 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.

Family Subdivision lots may be as small as 30,000 square feet in size, exclusive of rights of way or marginal land, where served by private well and septic systems. Other lot size considerations shall be determined by the facility types provided above and by the evaluation of the Alamance County Environmental Health Department.

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

1. Calculation of Lot Areas.

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

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

2. One Dwelling Per Lot.

Only one (1) principal dwelling may be located on each lot area as defined above, whether or not they are placed on the same tax parcel. Guest houses or accessory structures to dwellings may be allowed based on Health

Department Evaluation. Such structures should be arranged as an accessory to the primary dwelling and not intended to later become an independent dwelling. A survey may be required to identify “lot area” for these purposes.

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

6.9.12.2 BUILDING SETBACK REGULATIONS

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

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

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

<u>Setback Line</u>	<u>Distance in Feet</u>
From the Front Right-of-Way	
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).

6.9.12.3. CONFIGURATION OF LOTS

1. Street Frontage. Every lot shall front or abut on a public or private street or road, and shall have a minimum of one hundred and seventy-five (175) feet of road frontage or be served by an Exclusive Access Easement.
2. Street Frontage (Lots along cul-de-sacs). Every cul-de-sac lot shall front or abut on a public street, or private road, and shall have at a minimum twenty-six (26') feet at the street right-of-way, as measured along the chord.
3. Double and Reverse Frontage. Double frontage lots and reverse frontage lots shall be avoided, except where required to separate development from through traffic on arterial and major streets or to separate residential development from non-residential development.
4. Side Lot Lines. Side lot lines shall be substantially at right angles or radial to street lines.
5. Width and Depth. Lot width in Conventional Major Subdivisions and Class II Minor Subdivisions shall be no less than one hundred seventy-five (175) feet in width. Lots along a cul-de-sac shall be exempt from this standard but must conform to the width and setback requirements of Section 6.9.12.2. Lot depth shall be arranged as to accommodate setback and buffer requirements.
6. Corner Lots. Corner lots shall be arranged with enough width to accommodate the enhanced setback requirements for side property lines abutting a right of way.
7. Buffer Strips. A strip of land forty (40') in width, in addition to the minimum required lot depth and lot width, shall be provided between all principal arterials, minor arterials, non-residential properties, and other like uses, to buffer properties of existing or proposed residential development. This strip shall be a part of the lots and reserved permanently for screening conflicting uses of land. This provision shall not apply in instances where buffers are established under Section 6.9.9.4.

8. Water and Sewer Systems. The Alamance County Health Department, or local public utility, shall be given the opportunity to make recommendations concerning an individual subdivision plat before the plat is approved. The recommendations shall be in relation to proposed water or sewerage systems.
- a) Sewer Systems. The Alamance County Health Department shall evaluate proposed and existing sewer systems on lot(s) ten (10) acres or less as follows:
 - b) New Subdivision Lots. New subdivision lots without existing sewer systems shall be evaluated by current state and local Health Department regulations.
 - c) 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.
 - d) 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.
 - e) 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.
 - i. 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.
 - ii. 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.
 - iii. 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.

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

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

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

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

Section 6.9.13. Types of Subdivisions

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

- 1) MAJOR SUBDIVISIONS are defined as those consisting of fifteen (15) or more lots arranged for simultaneous division from a parent parcel.
 - A. Conventional Subdivisions are defined as those which must contain lots at least two (2) acres in size, exclusive of rights-of-way and marginal land, which

may be serviced by any variety of utility arrangements. These subdivisions may be reviewed and approved administratively in accordance with Section 6.9.15.

- B. Cluster Subdivisions are defined as those containing lots which are less than two (2) acres in size but greater than 8,000 square feet, exclusive of rights-of-way and 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. These subdivisions may be reviewed and approved administratively in accordance with Section 6.9.15.
 - C. Hybrid Subdivisions are defined as those containing lots which are less than two (2) acres in size but greater than 8,000 square feet, exclusive of rights-of-way and marginal land, which may be serviced by any variety of utility arrangements. These subdivisions are subject to Special Use Permit review and approval by the Alamance County Planning Board. Prior to approval, the Planning Board may negotiate conditions related to the development with the developer as detailed in Section 6.9.15.
- 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 Family Subdivisions are those created for the purposes of sale or transfer to a direct family member. 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 are not subject to the two-acre minimum lot size requirement as detailed in Section 6.9.12.1. or the street frontage width and depth provisions of Section 6.9.12.3. 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.
 - B) Class II Subdivisions are those divided for private sale, transfer, or development, or are not intended for a direct family member, or are violative of the provisions of a Class I Family Subdivision. Such subdivisions shall be subject to all of the lot size, road improvement, and other regulations otherwise required by this Ordinance.

Section 6.9.14 Cluster Subdivisions

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

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

Cluster Subdivisions shall conform to the following standards:

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

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

3. Designation of Open Space. Land within the subdivision site not used for lots, streets, or utility easements, shall be in one or more parcels dedicated or reserved as permanent open space. The total area of a parcel(s) dedicated or reserved as permanent open space shall make up at least thirty-five (35) 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 open space shall be subject to a Conservation Easement conveyed to the homeowners' association setting aside the said open space from future development and, in areas subject to Watershed Protection Regulations, the said conservation easement shall limit use as it relates to water quality regulations. The title to the open space shall be conveyed to a property owner's association, homeowners' association, or other legal entity (public agency or nonprofit organization) that is capable of and willing to accept responsibility for managing open space for its intended purpose.
- E. Ownership of the Open Space is not restricted but any transfer of ownership of this property is subject to the conservation easement and any other conditions which created the Open Space.
- F. 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.
- G. The proposed use or uses of the open space must be shown on the Construction Plans prior to final approval.

4. Utility Requirements. All cluster developments shall have the approval of the Alamance County Environmental Health Department before any permits are obtained.

Section 6.9.15 Approval Procedures

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

6.9.15.1 SUBMITTAL PROCEDURES

1. Preliminary Plats and Plans

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

2. Construction Plans

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

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

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

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

3. Final Plats

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

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

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

- D. All approved plats shall be recorded with the Alamance County Register of Deeds.

6.9.15.2 PLANNING BOARD REVIEW AND APPROVAL OPTION

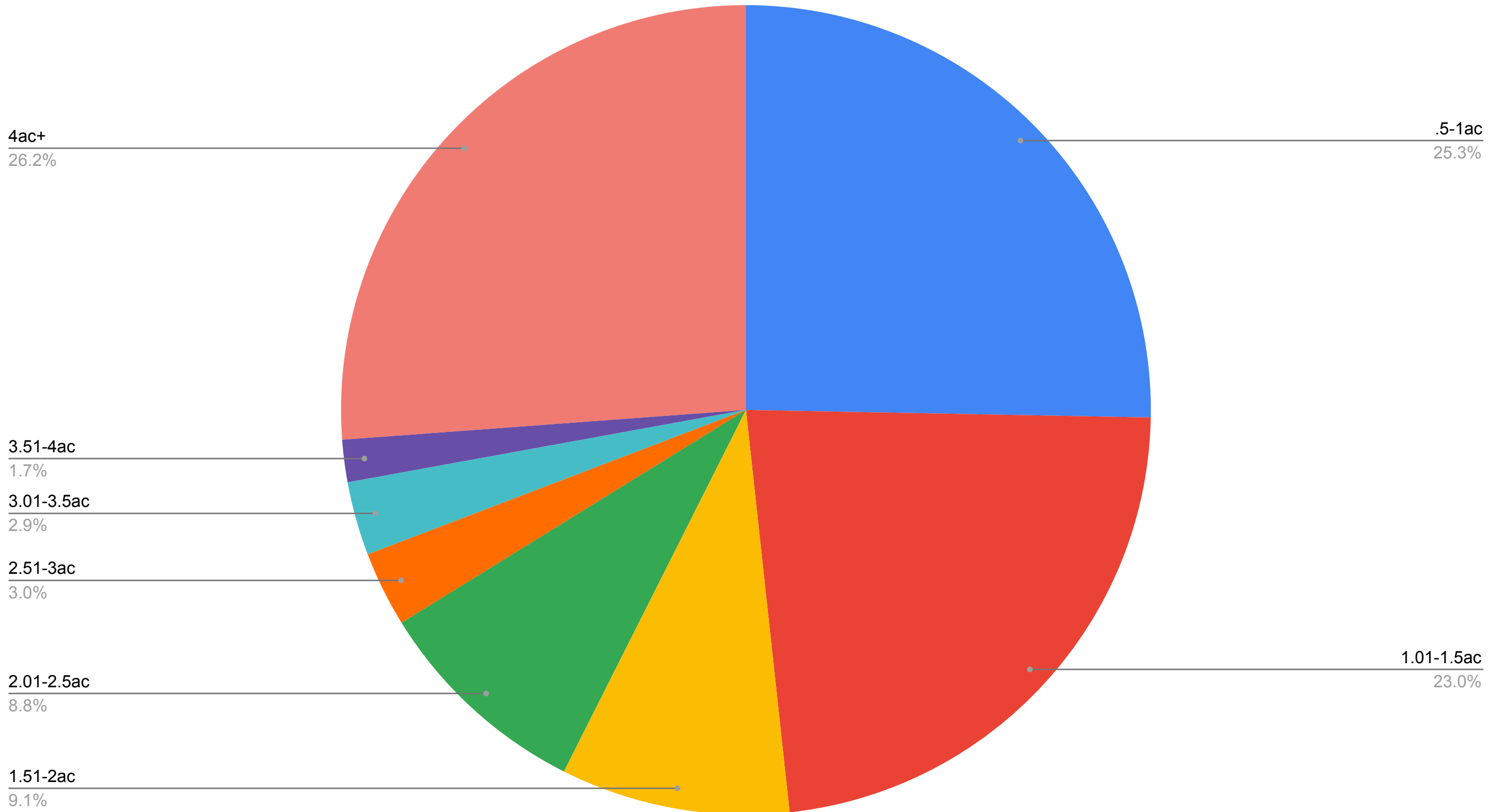
This section is intended to allow for subdivisions which do not fall into the Conventional Subdivision or Cluster Subdivision categories but which still seek to meet the purpose, goals, and intent of these regulations. These "Hybrid Subdivisions," as defined in Section 6.9.13., must undergo the review process as outlined above, obtain a Special Use Permit, and ultimately receive final approval from the Alamance County Planning Board. The Planning Board review option process shall include the following:

1. Subdivision proposals must undergo the Preliminary Plat and Construction Plan review stages as outlined above.
2. Applicants must submit a Special Use Permit application and pay any related fees as outlined in the Planning Department Fee Schedule.
3. The Planning Board will hold an evidentiary hearing pursuant to N.C. General Statutes §160D-406 and §160D-705(c) in order to hear and decide upon the Special Use Permit. Such hearings shall be noticed to the appropriate parties in accordance with N.C. Gen. Stat. §160D-406.
4. During their review, the Planning Board may negotiate conditions related to the development with the developer. Such conditions may include the preservation of open space, the configuration of lots or open space, natural buffers, planting trees or other vegetation, the installation of sidewalks, trails, greenways, pedestrian crosswalks, or similar community assets which fit the environment of the proposed subdivision.
5. If approved, the conditions related to the Special Use Permit approval and the date of the Planning Board meeting in which they were approved shall be affixed to the face of the final plat. The Special Use Permit shall be stamped as approved, signed by the Planning Director, and returned to the applicant. A copy of the approved Special Use Permit shall be kept on file with other relevant documents in the Planning Department.
6. If the Planning Board and developers cannot agree to negotiated conditions, the developer shall have six (6) months to revise the proposal and bring it back for secondary Planning Board consideration. Secondary consideration shall be publicly noticed to all parties receiving prior notice unless the date, time, and location of the secondary hearing is agreed to by the Planning Board during the meeting in which they first considered the proposal. If they developer does not bring the revised proposal back for consideration within the six (6) month timeframe, the proposal shall be considered expired and would have to start the application process over again.

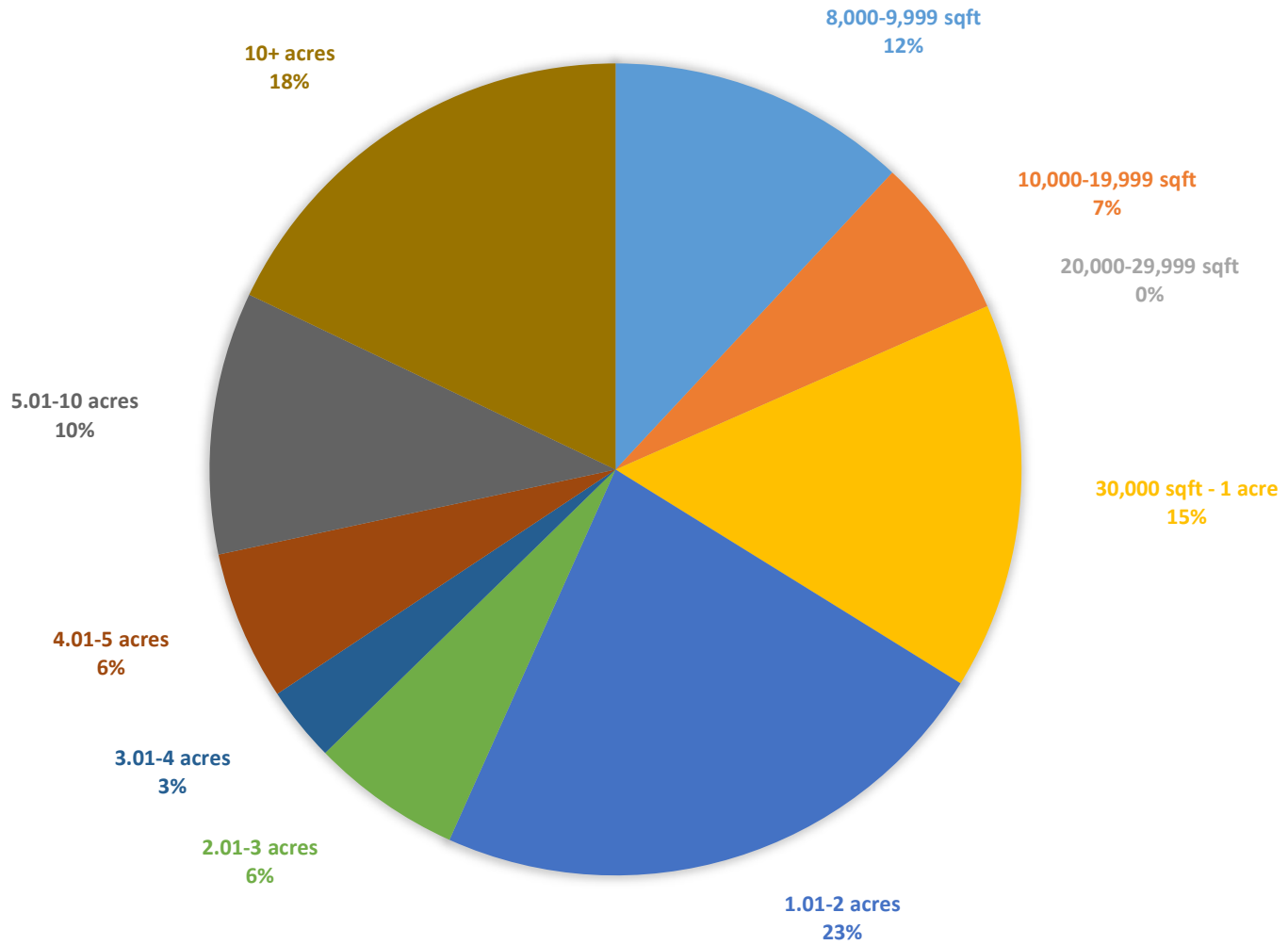
7. Once approved, the Chair of the Planning Board or the Planning Director shall sign the final plat and it shall be recorded with the Register of Deeds.

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Subdivision lot sizes 2019-2023 (sample size of 1597 permitted lots)



Planning Approved Lots Since Sept. 15, 2023



Month	8,000-9,999 sqft	10,000-19,999 sqft	20,000-29,999 sqft	30,000 sqft - 1 acre	1.01-2 acres	2.01-3 acres	3.01-4 acres	4.01-5 acres	5.01-10 acres	10+ acres	Total approved lots	
September 2023 (9/15)	0	0	0	0	0	3	1	0	2	2	0	8
October 2023	0	0	0	0	0	0	1	0	0	2	0	3
November 2023	24	13	0	0	0	22	0	0	2	0	0	61
December 2023	0	0	0	1	2	2	1	1	3	2	1	11
January 2024	0	0	0	4	9	9	1	2	1	2	1	20
February 2024	0	0	0	10	2	2	2	0	2	3	8	27
March 2024	0	0	0	1	4	4	3	1	0	5	20	34
April 2024	0	0	0	2	2	2	1	0	1	0	2	8
May 2024	0	0	0	6	2	2	2	2	1	5	4	22
June 2024	0	0	0	7	0	0	0	0	0	0	0	7
Totals	24	13	0	31	46	46	12	6	12	21	36	201