

**Board Chair:**  
Rodney Cheek

**Planning Director:**  
Matthew Hoagland



Commissioners' Meeting Room  
124 W Elm Street  
Graham, NC 27253  
July 11, 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. June 13, 2024 Regular Meeting
- IV. PUBLIC COMMENTS\***
- V. BOARD/COMMISSIONER RESPONSES**
- VI. OLD BUSINESS**
  1. Consideration of Clarifying UDO Article 6.1 Amendments
  2. Consideration of Clarifying UDO Article 6.2 Amendments
- VII. NEW BUSINESS**
  1. Subdivision Ordinance Lot Size and Width Amendments Draft
- VIII. ANNOUNCEMENTS/DISCUSSION**
- IX. ADJOURNMENT**

*\*Meeting Notes:*

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

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## **Members Present**

Rodney Cheek  
Vaughn Willoughby  
Anthony Pierce  
Henry Vines  
Stephen Dodson  
Bill Poe  
Lee Isley  
Amie Perkins

## **Members Absent**

Ernest Bare  
John Paisley

## **Staff Present**

Matthew Hoagland, *Planning Director*  
Ian Shannon, *Planner II*  
Brian Baker, *Assistant County Manager*  
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 call through in-person roster.

## **III. APPROVAL OF PLANNING BOARD MINUTES**

1. May 9, 2024 Regular Meeting

Motion to Accept: Henry Vines  
Second: Anthony Pierce  
Vote: Unanimous

## **IV. PUBLIC COMMENTS\***

(Designated time for Subdivision Ordinance Public Input Session)

Jeff Throneburg: Jeff mentioned that he has shown up for the past 2 months of discussion and wanted to recap some of what the board had been told. He mentioned the information Wilson Mize had provided about how unlikely cross-contamination was with individual septic systems. He also brought up the numbers he had presented last month on the cost of land and housing and how that compared to median income. He told the board that he had heard a lot

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from them about protecting the integrity of the county but they needed to protect the integrity of the citizens. If they can't afford to live in the county they will go elsewhere. He encouraged the board to keep the greater good in mind and protect the citizens of the county.

**Rick Murry:** Rick introduced himself as a custom home builder and secretary of the Homebuilder's Association. He told the board that he did not want to see lifelong residents moving because of the cost of land or being limited to what they could do with their land.

**Rodney Garrison:** Rodney introduced himself as a lifelong resident whose family had been in the county since 1865. He mentioned that he has seen the growth in the county as a well contractor. He said with house prices and property taxes he would not have been able to build his current home. He urged the board to work towards thoughtful and orderly growth with respect to the citizens of the county. He said that does not want to see the county sacrifice on the county and the environmental impact with growth moving out into rural areas.

**Marlow Countis:** Marlow told the board that he would like to see no change with lot sizes. He said that the current minimum is a minimum, not the average. He told the board that he had not heard one solid reason for the change. The water table wasn't an issue, there are backup fields for septic systems. He told the board that increases to lot sizes would negatively impact development and the biggest issue is affordability. He told the board that they were doing this just because they did not like development.

**Kristin Foust:** Kristen told the board that growth was coming and they needed to work with it instead of trying to stop it. She said the increase from 30,000sqft to 2 acres was astounding and that 1 acre would be much more reasonable. She said that the board needed to have a roundtable discussion with community members to come to a good conclusion for everyone.

**Chris Foust:** Chris said that the 2 acre change is one of the worst ways to preserve farmland. He told the board that all that would do is just increase the amount of land being taken from the farm with a subdivision. He said that the cluster option was good but was doubtful that the board would actually pass that. With 2 acres, a development would just eat up more land than it needs.

**Rob Countis:** Rob said that he had previously served on the board and was now a director of AKG which is a big employer in the county. He said that the county had a healthy economy and in order to recruit good employees there needed to be good housing for those employees. He said affordability was a major concern. He also told the board that he was also a licensed real estate broker and preserving property rights for owners was also a major concern.

**Jerry Cooper:** Jerry Read the Planning Department mission statement to the board which pledged to provide professional advice and expertise to boards, elected officials, and citizens. He said that this mission statement had been ignored as well as advice from numerous experts and speakers. He told the board that the plan would make the county less affordable and decrease economic opportunity and could be considered socioeconomic discrimination.

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### V. BOARD/COMMISSIONER RESPONSES

None at this time.

### VI. OLD BUSINESS

#### 1. Consideration of UDO Article 6.9 Subdivision Ordinance Amendments

Matthew outlined the requested changes to the amendment before opening it up to board discussion. Lee Isley asked about the 1-year limit on family subdivisions. Matthew said that they wanted some form of exception for family subdivisions but did not want to allow the rules to be bent too much. The 4-lot limit was mainly due to private road standards as well. He told the board that this could be changed or minor subdivisions could be considered exempt as well if the board wanted. There was some more discussion on the family subdivision option and how best to classify those. It was determined that with road standards there was really no need to limit them to 4 lots at a time. It was also brought up that if lots were sold outside the family then they would need to come under other regulation after that.

Stephen told the board he felt like the family option was just a band-aid to make the 2 lot requirement easier to digest and that if it weren't for the 2 acres they wouldn't be discussing this now. Rik told the board that they can definitely consider adding this exception but encouraged them to make sure it did not become larger than the rule itself. He also answered a question about the current exception for wills and active estates. He told the board that all this was doing was allowing an exempt family subdivision before the death of the family member.

Amie brought up stormwater plans and if there was any mechanism in the UDO to ensure maintenance of those. Matthew said that the presented amendments weren't too far from what was in the UDO already, that stormwater plans were required during construction plan review, but the Planning Department did not have staff or funding to ensure maintenance. He said that they relied on engineer's certificates and approval from NCDEQ. Amie mentioned that you usually do not hear anything about stormwater until it becomes a problem for other properties. She suggested that there needed to be something in place to verify that those systems go in as approved in their design. Stephen mentioned that because there was no current requirement the county did not have the staff and referred to the state for approvals here.

Motion to accept the draft as presented: Henry Vines

Stephen said that there should be more general discussion first and made a motion to open up the meeting for more discussion first.

Vaughn seconded Stephen's motion and Henry rescinded his motion to vote.

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Vote on Stephen's motion: unanimous.

Anthony asked about the section on unnecessary hardships and Mathew answered that those requirements came from general statute. The reason the word zoning was used is because statute uses zoning and land use regulation interchangeably.

Bill brought up the pie charts from Environmental Health and Planning for approved lot sizes. He pointed out that almost half of those lots were under 1 acre. Ryan told the board that a lot of lots are created before they get to Environmental Health based on what the developer wants or knows they can do so the numbers are not entirely from what would accommodate septic. Matthew mentioned that cluster subdivisions would be using off-site septic and that the board could approve something in between with the special use permit option.

Lee shared his concern with the board over the 2- acre proposal. He was mainly concerned with affordability and accessibility of housing. He said that personally he would like to see a 2-acre minimum but that would not be best for the county. He said that from looking at the issue with a wider perspective the 2-acre minimum would not achieve the goals that the board has with conservation. Amie added that housing is not affordable now, and it still won't be with the 2-acre minimum. She told the board that demand is so much greater than supply that changing to 2 acres would have a minimal effect. She told the board that there was a bigger issue here with housing and that in order to really shift things with affordability they would have to look at really dense property use.

Stephen told the board that the problem they were trying to solve was targeting high intensity developers without impacting smaller developers and families. He added that it was not an effective measure without zoning and asked if some kind of timeframe could be put into place. Matthew told the board that other recommendations could always be made to the commissioners but if zoning were adopted subdivision standards would stay in place until changed later. He added that there couldn't be a sunset policy on the amendment as well, the board would have to make other recommendations to adopt something else down the line.

Henry talked about how people moved to the county because they wanted space and that this would not impact the sale of land since land is a set supply. He said that whenever land comes up for sale whoever has money will buy it. Bill asked about the family exception potentially being a part of the hybrid subdivision option. Matthew said that the hybrid option was considered a major subdivision and the family exception would only apply to minor subdivisions. Lee asked for some clarification on the overall hybrid subdivision process. Matthew told the board that a subdivision that is not at 2 acres or a cluster would first go through the Planning Department for preliminary and TRC review and would then go to the Planning Board for a special use permit before they submitted construction plans. It would have to be set up in a quasi-judicial process like the Board of Adjustment. This would include notifying any neighbors and allowing testimony from anyone who may have standing in the approval or denial of the subdivision. The board would have to make impartial

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decisions based on the standards of the ordinance and policies the board would have to establish.

There was some more discussion on the 2-acre minimum. Both Stephen and Lee agreed that an increase to 1 acre would be more acceptable and Bill said that he would consider 1.5 acres with caveats for buffers and land spacing. Anthony told the board that the initial reason for this conversation was to look at slowing density. He said that he did not see a 1-acre or even a 2-acre minimum lot size doing that and if it were passed the board would be having this discussion all over again in a few years. He said the only effective tool they really had was zoning and that he did not think this would work to slow density with planned growth.

Motion to accept the amendment with changes that Matthew had outlined: Henry Vines  
Second: Bill Poe

Matthew mentioned that a consistency statement would have to be included after the vote.

Voting on the amendment as presented:

Stephen: no  
Vaughn: no  
Lee: no  
Anthony: no  
Amie: yes  
Henry: yes  
Bill: yes  
Rodney: yes

The motion fails due to a lack of a majority vote.

Motion to table the amendment until next month: Amie Perkins.

Matthew recommended looking at this in 2 parts and bringing back the technical cleanup with the rest of 6.9. He told the board that a new land use plan would be needed after this whole process and at that point it may be a good idea to look at zoning or something else for the county.

Motion to table does not pass.

Motion to discuss 6.1 and 6.2 during next month's meeting: Lee Isley  
Second: Anthony Pierce  
Vote: Unanimous

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Amie Perkins requested some information on the number of new permits for homes in the county and in the municipalities as well as the resale of homes.

### **VII. NEW BUSINESS**

1. Consideration of Clarifying UDO Article 6.1 Amendments
2. Consideration of Clarifying UDO Article 6.2 Amendments

### **VIII. ANNOUNCEMENTS/DISCUSSION**

None at this time.

### **IX. ADJOURNMENT**

Motion: Anthony Pierce  
Second: Stephen Dodson  
Vote: Unanimous

Adjourned at 9:14 pm.

**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
<b>Front Setback</b>	
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'
<b>Side Setback</b>	25' if abutting street ROW; 10' if abutting property line that is not ROW
<b>Rear Setback</b>	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.

⇒ 1) If used as a supplementary residence in addition to a permanent residential dwelling on the property, for up to 12 months.

- b) 2) 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.
- e) 3) 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 ~~d~~Damage ~~p~~Prevention ~~e~~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.

For temporary uses associated with bona fide emergencies or renovation or construction of a permanent residence, ~~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) calendar 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 (21) 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 (1) 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~~ have been convicted of a sexually-oriented or drug related felony within the past fifteen (15) years, or a sexually-oriented or drug related misdemeanor within the past ten (10) years, the license shall be denied. Failure to follow the procedures set forth herein, as well as failure to meet the standards established in this Ordinance, ~~the license shall be denied.~~ shall also result in the denial of the permit.

Appeals of denied permits 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 twenty-one (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 one (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 one (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 fifteen (15) years, or a human trafficking, sexually-oriented, or drug related misdemeanor within the past ten (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.

### **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 fifteen (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 twenty-one (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 one (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 fifteen (15) years or a sexually-oriented or drug related misdemeanor within the past ten (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 of denied permits 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 one (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 thirty (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 three (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 thirty (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.

## 6.9 Subdivision Standards

### 6.9.1 EXCEPTIONS TO APPLICABILITY

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

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

### 6.9.2 GENERAL PROVISIONS

#### A. PLAT RECORDATION

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

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

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

#### B. PERMITS NOT ISSUED

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

C. STREETS NOT MAINTAINED

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

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

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

E. WAIVERS AND AMENDMENT PROCEDURE

- i. Cluster Development or Planned Unit Development. The Standards and requirements of this section may be modified in the case of a plan and program for a complete Cluster Development or Planned Unit Development where satisfactory evidence is presented that compliance with the standards and requirements of this section would cause an unusual, unnecessary, and substantial hardship, and if such developments provides adequate public spaces and improvements for pedestrian and vehicular circulation, recreation, light, air, service needs of the tract, and continued maintenance of on-site group or public utilities when fully developed and populated, and which also provides such covenants, financial guarantees and other legal provisions to guarantee conformity to and achievement of the total development plan.
- ii. Site Conditions. Where, because of natural features or other existing physical conditions peculiar to the site, compliance with the standards and requirements of this section would cause an unusual and unnecessary hardship to the subdivider, waivers may be permitted, provided that such waivers will not have the effect of nullifying the purpose of these regulations.

F. PENALTIES FOR TRANSFERRING LOT IN UNAPPROVED SUBDIVISIONS

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

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

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

#### 6.9.3 PROCEDURE FOR SECURING APPROVAL OF SUBDIVISIONS

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

##### Construction Plans

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

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

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

##### Final Plat

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

- a) Improvements and Certificates. No final plat shall be approved until all improvements are installed or their execution guaranteed as set forth in this section and all certificates required on final plats by this section have been properly completed and signed.
- b) Recordation. All approved plats shall be recorded with the Alamance County Register of Deeds.

#### Final Approval

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

### 6.9.4 MINIMUM DESIGN STANDARDS

#### **A. General**

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

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

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

#### **C. Streets and Roads**

- i. Street and Road Names. Street and road names shall be approved by the Addressing/911 Coordinator as required by ordinance.
- ii. Coordination with Existing and Proposed Streets. Streets shall be designed in coordination with existing and proposed streets in the surrounding area providing for the continuation of appropriate streets.

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

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

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

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

- i. Right-of-Way. Street right-of-way shall be reserved and dedicated as follows:
  - Arterials and Major Collectors. The location for right-of-way for arterials and major collectors shall be coordinated with the Subdivision Administrator to ensure compliance with the Alamance County Thoroughfare Plan. Any required dedication shall be made based on the magnitude of the development. All right-of-way dedication shall be dedicated for public use.
  - Minor Collectors and Local Streets. The location of any right-of-way for minor collectors and local streets shall be coordinated with the Subdivision Administrator to ensure compliance with the Alamance County Thoroughfare Plan. All right-of-way shall be dedicated for public use.
- ii. Street Standards. Subdivision streets shall conform to the requirements and minimum standards of design as established by the N.C. DOT except for private subdivision roads.
- iii. Intersections. The frequency of intersections, whether full or tee, and the right-of-way on each corner shall conform to N.C. DOT's standards as set forth in the document Subdivision Roads: Minimum Construction Standards, as amended.
- iv. New Streets. New public streets shall be connected to existing streets that are either previously dedicated to the public or under N.C. DOT maintenance.

#### **E. Private Roads**



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

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

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

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

- iii. Access and Maintenance. The guarantees of right-of-access and maintenance of any private road in the subdivision shall run with the land.
- iv. Statement of Compliance. The Subdivision Administrator must receive a statement of compliance with the standards established for private roads in this section from an engineer registered in North Carolina. Certification is required prior to final plat approval.
- v. Nonconforming Private Roads. In order to be considered a nonconforming private road, the road must meet the following:
  - a) A private road established prior to the original adoption of the Alamance County Subdivision Ordinance, July 3, 1972, shall be considered a nonconforming private road.
  - b) Be identifiable as an existing road on the 1974 Aerial Photography of Alamance County or be identifiable on Alamance County Tax Maps as an existing road prior to 1974. (A deed description, recorded plat or other photography which clearly indicates that a road was in existence may also be considered.)
  - c) The private road must cross more than one individual tract of land.
  - d) A nonconforming private road must be in a current condition as to provide year-round access.
- vi. Subdivisions accessed by nonconforming private roads shall be approved when the following conditions are met:
  - a) The tract to be subdivided has at least a minimum sixty feet (60') of frontage on the road.
  - b) An original tract of land adjoining a nonconforming private road may be divided utilizing this provision only once every two years.
  - c) The Private Road Disclosure Statement as provided in Appendix K shall be recorded.
  - d) All other provisions of this section are complied with.

## **F. Land Layout**

Land layout shall be designed with due consideration given to the traffic circulation pattern and the contemplated use.

- i. Width. The layout of land shall have sufficient width to provide two tiers of lots of minimum size, except blocks may be one lot in width where reverse frontage lots are required to separate development from through traffic on arterials and major collectors or to separate residential development from non-residential uses.

- ii. Distance Between Through Streets. Along each side of each street the distances between through streets shall fall between the minimum and maximum specified in N.C. DOT's Subdivision Roads: Minimum Construction Standards, as amended. It is recommended that subdividers consult N.C. DOT prior to designing major subdivisions involving street facilities.

## G. Lots

Lots shall be designed in shape, size and location with due regard to topographic conditions, features of the surrounding area, contemplated use and official development plans and ordinances.

- i. Street Frontage. Every lot shall front or abut on a public or private street or road, and shall have a minimum of ~~sixty feet (60')~~ one hundred and seventy-five (175) feet of road frontage or be served by an Exclusive Access Easement.

Exclusive Access Easements shall be constructed in accordance with the standards set forth in Appendix N. This section shall only be used when the necessary 50-foot right-of-way for a private road cannot be obtained. This provision may be used only once on an original tract of land.

- ii. Street Frontage - Cul-de-Sacs. Every cul-de-sac lot shall front or abut on a public street, or private road, and shall have at a minimum ~~twenty feet (20')~~ twenty-six (26) feet at the street right-of-way, as measured along the chord.
- iii. Double and Reverse Frontage. Double frontage lots and reverse frontage lots shall be avoided, except where required to separate development from through traffic on arterial and major streets or to separate residential development from non-residential development.
- iv. Side Lot Lines. Side lot lines shall be substantially at right angles or radial to street lines.
- v. Area of Lots. All lots shall conform with the minimum standards noted herein and the minimum standards contained in any applicable zoning ordinance, building code or other such regulation.

The following shall be excluded from the determination of minimum lot area and sizes:

- a) Street and Railroad Right-of-Way. In the calculation of lot areas, lot depths, and lot widths, land within any street right-of-way or railroad right-of-way easement shall not be considered.
- b) Marginal Land. Land subject to flooding or land which may aggravate the flood hazard or increase the danger to life or property if developed, and land uninhabitable for other reasons, shall not be considered in determining the minimum lot area or maximum lot depth as herein specified.

- vi. Corner Lots. Corner lots shall have an extra width of twenty percent (20%) of the average lot width within the subdivision, but no corner lot shall be required to exceed one hundred feet (100') in width.
- vii. Width and Depth. Lot width shall be no less than forty percent (40%) of lot depth, but no lot shall be required to be more than one hundred fifty feet (150') in width. Lots over one (1) acre are exempt from this standard. Lots located along a cul-de-sac shall have a minimum width of at least one hundred and seventy-five (175) feet at the building site.
- viii. Buffer Strips.
  - a) Screening. A strip of land forty (40') in width, in addition to the minimum required lot depth and lot width, shall be provided between all principal arterials, minor arterials, non-residential properties, and other like uses, to buffer properties of existing or proposed residential development. This strip shall be a part of the lots and reserved permanently for screening conflicting uses of land.
  - b) Streams. A fifty (50') foot buffer of vegetation shall be maintained on both sides of all perennial streams at all times to retard rapid water runoff and soil erosion. Perennial streams are identified as the solid blue lines on United States Geological Survey (U.S.G.S.) Maps.

Streets, roadways, railroads, and driveways are permitted in the buffer, but shall be constructed to cross the buffer as near to perpendicular as possible. Utility lines, greenways and greenway type recreation facilities are permitted within the buffer but should be designed to have minimal impact. If the vegetative cover must be removed or disturbed, it shall be restored as soon as possible. The fifty (50') foot buffer shall be measured on a horizontal plane from the bank of the stream. The buffer zone may be included in calculating the lot size.
- ix. Water and Sewer Systems. The Alamance County Health Department, or local public utility, shall be given the opportunity to make recommendations concerning an individual subdivision plat before the plat is approved. The recommendations shall be in relation to proposed water or sewerage systems.

**Sewer Systems**. The Alamance County Health Department shall evaluate proposed and existing sewer systems on lot(s) ten (10) acres or less as follows:

**New Subdivision Lots**. New subdivision lots without existing sewer systems shall be evaluated by current state and local Health Department regulations.

**New Subdivision Lots with Existing Sewer Systems**. Existing system(s) shall be evaluated for apparent visual malfunctioning. Malfunctioning systems shall be repaired prior to subdivision plat approval. New property lines shall meet current minimum setback requirements or an easement for the subsurface wastewater facilities must be shown on the plat.

Lots Being Reduced in Size. Lots being reduced in size by partial combination with adjoining property shall be evaluated by the criteria listed in above as appropriate.

Connection to Public Sewer. Connection to public sewer shall be required if available. Structures over three hundred (300) feet from a sewer line are exempt provided that the alternate method of sewage disposal is approved by the Alamance County Health Department.

Lots Not Suitable for Subsurface Wastewater Disposal Systems.

In the event that a proposed lot or lots within a subdivision are found to be unsuitable for a proposed sewage disposal system, a certification entitled "Certificate Indicating Lot Not Approved for Subsurface Waste Disposal Systems" shall be placed on the final plat.

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

**Watershed Critical Area (WCA) \***

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

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

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

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

<u>Facility Provided</u>	<u>Minimum Lot Size</u>
Septic System & Well	<del>30,000</del> <u>65,000</u> sq. ft.
Community/Public Water & Septic System	20,000 sq. ft.
Community/Public Sewer & Well	10,000 sq. ft.
Community/Public Water & Sewer	8,000 sq. ft.

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

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

- xi. Minimum Lot Area for Non-residential Lots. Minimum lot area for non-residential lots shall at a minimum meet the standards set out above for lots in 6.9.4.G.x above.
- xii. Nonconforming Lot of Record. Nonconforming lots of record located in watersheds are not required to have a minimum area of forty-thousand square feet (40,000 sq. ft.) in order to be used for development purposes. Additional lot area may be required by the Alamance County Health Department.
- xiii. Cluster Development or Planned Unit Development. Development shall conform to the regulations as set forth in the Watershed Protection Standards, if applicable, as well as, in above Buffer and Sewer System specifications. Also, the following standards are set forth:
  - Based upon overall density the total number of lots shall not exceed the number of lots allowed in conventional development.
  - Built-upon area or stormwater control requirements of the project shall not exceed that allowed for the watershed critical areas, balance of watersheds or non-watershed areas, whichever applies, as certified by an engineer registered in North Carolina.
  - All built-upon area shall be designated and located to minimize stormwater runoff impact to receiving waters and minimize concentrated flow as certified by an engineer registered in North Carolina.

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

**H. Building Setback Lines**

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

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

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

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

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

## **I. Easements**

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

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

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

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

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

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

## **J. Reservation of Public Facility Sites**



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

#### 6.9.5 IMPROVEMENTS

##### **A. Prerequisites to Approval of Final Plats**

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

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

##### **B. Within the Jurisdiction of Any Municipality**

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

##### **C. Within the Jurisdiction of this Ordinance**

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

Streets and Roads.

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

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

Paving. Paving of public streets shall be required.

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

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

#### **D. Clearing of Drainage Courses**

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

#### **E. Removal of Rubbish**

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

#### **F. Monuments and Markers**

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

#### **G. Street Signs**

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

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

## H. Utilities

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

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

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

### 6.9.6 SPECIFICATIONS FOR PLANS AND PLATS

#### A. Preliminary Plans

Preliminary plans shall be prepared at the minimum scale of one-inch equals two hundred feet (1" = 200'). Preliminary plans shall include, but not be limited to, the information in Appendix O.

#### B. Construction Plans

Construction plans, including plan and profile, shall be prepared as required by this Ordinance. The ratio of profile scales shall be ten to one (10 to 1), horizontal to vertical. The plans shall be at scales of 1" = 10', 1" = 30', 1" = 40' or 1" = 50'. Plans and profiles shall be drawn on standard size sheets of twenty-two by thirty-six inches (22" x 36"). Sufficient data for field construction shall be presented on the construction plans, including, but not limited to, the information shown in Appendix P.

#### C. Final Plats

Final plats shall be standard sheet size of eighteen by twenty-four inches (18" x 24"). The scale for the plat shall be the largest that will fit the standard sheet but no smaller than one (1) inch equals four-hundred feet (400'). Final plats shall conform to N.C.G.S. § 47-30, as amended, and other requirements of this Ordinance. Final plats shall include but not be limited to data listed in Appendix Q.

#### D. Certificates

Certificates shall be on the final plat, as appropriate, and properly completed by the appropriate persons prior to submission to the Subdivision Administrator for final plat approval. Certificates are listed in Appendix A.

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