

Board Chair:
Rodney Cheek

Planning Director:
Matthew Hoagland



Commissioners' Meeting Room
124 W Elm Street
Graham, NC 27253
September 12, 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. July 11, 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. Consideration of Clarifying UDO Article 6.3 Amendments
 2. Consideration of Clarifying UDO Article 6.4 Amendments
 3. Consideration of Clarifying UDO Article 6.5 Amendments
 4. Consideration of Clarifying UDO Article 6.6 Amendments
- 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*

6.3 Dead Storage of Manufactured Homes

6.3.1 APPLICABILITY

This section sets out to establish the requirement and procedures for the management of mobile homes, house trailers, and similar vehicular equipment designed for use as living or business quarters that have been allowed to deteriorate to the point of constituting a nuisance and for the identification of the owner for the purposes of appropriately disposing of the mobile home. The Board of County Commissioners hereby finds that such is necessary to enforce state ad valorem property tax laws, public health and safety laws and ordinances and other applicable state and local laws including, but not limited to, the abatement of nuisances.

6.3.2 DISPOSITION OF REMOVED MOBILE HOMES

Any mobile home determined to be lawfully removed pursuant to this ordinance or under Order of Abatement issued by a court of competent jurisdiction may be disposed of by the County or the County-authorized person or entity having custody of the mobile home. Disposition of such mobile home may be carried out in compliance with any applicable recycling program/and or ordinances, and shall not occur until at least thirty (30) calendar days following the probable cause hearing.

6.3.3 EXCEPTIONS

The provisions of Section 6.3 shall not apply to mobile homes that are actively being used for residential purposes; provided that the mobile home has been properly permitted and is being operated in a lawful manner, including but not limited to, operation so as not to constitute a public nuisance.

The provisions of Section 6.3 shall not apply to mobile homes being used for residential, commercial, or storage purposes on a bona fide farm.

The provisions of Section 6.3 shall not apply to any Class I mobile home on the premises of a business enterprise being operated in a lawful place and manner if the mobile home is necessary to the operation of the enterprise, such as a mobile home dealership.

The provisions of Section 6.3 shall not apply to any Class II or Class III mobile home on the premises of a bona fide junkyard that is being operated in a lawful manner.

6.3.4 IMMUNITY

No person shall be held to answer in any criminal or civil action to any owner of a manufactured home found to be in violation of this ordinance for removing and/or disposing of such manufactured home as provided in this ordinance.

PART IV. FLOOD DAMAGE PREVENTION

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6.4.1 APPLICABILITY

This section applies to all Special Flood Hazard Areas within the jurisdiction of Alamance County, including areas within any corporate limits or ~~Extra-Territorial Jurisdictions~~ extra-territorial jurisdictions of the Village of Alamance. any other community whose governing body agrees, by resolution, to such applicability.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS), which are adopted by reference and declared a part of this ordinance. Future revisions to the FIS and Digital Flood Insurance Rate Map (DFIRM) panels that do not change flood hazard data within the jurisdictional authority of Alamance County are also adopted by reference and declared a part of this ordinance. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within three (3) months.

6.4.2 PURPOSE AND INTENT

In keeping with purpose of this Ordinance, which is to promote public health, safety, and general welfare, and in effort to minimize public and private losses due to flood conditions within flood prone areas, this section adopts provisions designed to:

1. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights, or velocity;
2. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
5. Prevent or regulate construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

With the above outlined provisions, it is the objective of this ordinance to:

1. Protect human life, safety, and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business losses and interruptions;
5. Minimize damage to public facilities and utilities that are located in flood prone areas;

6. Minimize damage to private and public property due to flooding;
7. Make flood insurance available to the community through the National Flood Insurance Program;
8. Maintain the natural and beneficial functions of floodplains;
9. Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
10. Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

6.4.3 DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Alamance County or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

6.4.4 FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT, AND CERTIFICATION REQUIREMENTS

A. Application Requirements

Application for a Floodplain Development Permit shall be made to the Planning Director, hereinafter referred to as the Floodplain Administrator, prior to any development activities located within Special Flood Hazard Areas.

The following items shall be presented to the Floodplain Administrator to apply for a Floodplain Development Permit:

1. Plot Plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - a. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - b. The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined by Section ~~5-6.1~~ 6.4.1, or a statement that the entire lot is within the Special Flood Hazard Area;
 - c. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined by Section ~~5-6.1~~ 6.4.1;

- d. The boundary of the floodway(s) or non-encroachment area(s) as determined by Section ~~5.6.1~~ 6.4.1.
 - e. The Base Flood Elevation (BFE) where provided;
 - f. The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
 - g. The certification of the plot plan by a registered land surveyor or professional engineer.
2. Proposed Elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
 - a. Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;
 - b. Elevation in relation to NAVD 1988 to which any non-residential structure in Zones A, AE, AH, AO, A99 will be floodproofed; and
 - c. Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.
 3. Floodproofing Certificate (FEMA Form 086-0-34), if floodproofing, The most recent, applicable FEMA form for the dry floodproofing of residential or non-residential structures is required with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
 4. Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - a. The proposed method of elevation, if applicable (i.e. fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
 - b. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with this ordinance when solid foundation perimeter walls are used in Zones A, AE, AH, AO, A99.
 5. Usage details of any enclosed areas below the lowest floors
 6. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
 7. Certification that all other Local, State, and Federal permits required prior to floodplain development permit issuance have been received.

8. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of this ordinance are met.
9. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

B. Permit Requirements

The Floodplain Development Permit shall include, but not be limited to:

1. A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.)
2. The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Section ~~5.6.1~~ 6.4.1.
3. The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.
4. The Regulatory Flood Protection Elevation required for the protection of all public utilities.
5. All certification submittal requirements with timelines.
6. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of 6.4.8 have been met.
7. The flood openings requirements, if in Zones A, AE, AH, AO, A99.
8. Limitations of below BFE enclosure uses, if applicable. (i.e. parking, building access, and limited storage only)
9. A statement that all materials below BFE/RFPE must be flood resistant materials.

C. Certification Requirements

1. Elevation Certificates

- a. An Elevation Certificate, ~~FEMA Form 086-0-33~~, (most up-to-date form developed by FEMA) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
- b. An Elevation Certificate, ~~FEMA Form 086-0-33~~, (most up-to-date form developed by FEMA) is required after the reference level is established. Within 7 calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. Any work done within the 7-day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further worker being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop work order for the project.
- c. A final Finished Construction Elevation Certificate, ~~FEMA Form 086-0-33~~, (most up-to-date form developed by FEMA) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least two (2) photographs showing the front and rear of the building taken within ninety (90) days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in accordance with this ordinance. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least ~~3~~ three inches ~~by three inches~~ (3" x 3"). Digital photographs are acceptable.

2. Floodproofing Certificate

- a. If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate, ~~FEMA Form 086-0-34~~, with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
- b. A final Finished Construction Floodproofing Certificate, ~~FEMA Form 086-0-34~~, with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.

3. Engineered Foundation Certificate

If a manufactured home is placed within Zones A, AE, AH, AO, A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with this ordinance.

4. Professional Engineer Certified Report

If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration and relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

5. Certification Exemptions

The following structures, if located within Zones A, AE, AH, AO, A99 are exempt from the elevation/floodproofing certification requirements specified in items ~~1. and 2.~~ "a" and "b" of this subsection:

- a. Recreational Vehicles meeting requirements of 6.4.6.
- b. Temporary Structures meeting requirements of 6.4.6.
- c. Accessory Structures that are one hundred and fifty (150) square feet or less or \$3,000.00 or less and meeting requirements of 6.4.6.

D. Determinations for Existing Buildings and Structures

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

1. Estimate the market value, or require the applicant to obtain and appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case or repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

6.4.5 PROVISIONS FOR FLOOD HAZARD REDUCTION

In all Special Flood Hazard Areas, the following provisions are required:

1. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*.
3. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
4. All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
 - a. Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.
 - b. Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems and discharges from the systems into flood waters.
7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
8. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

9. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located within a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of this ordinance.
10. All subdivision proposals and other development proposals:
 - a. shall be consistent with the need to minimize flood damage;
 - b. shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
 - c. shall have adequate drainage provided to reduce exposure to flood hazards;
 - d. shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
11. When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.

6.4.6 DEVELOPMENT SPECIFIC PROVISIONS FOR FLOOD HAZARD REDUCTION

In all Special Flood Hazard Areas where BFE data has been provided, the following provisions are required in addition to those specified in Section 6.4.5:

Residential Construction

New construction and substantial improvement of any residential structure, including manufactured homes, shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation.

Non-Residential Construction

New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation. Structures located in Zones A, AE, AH, AO, A99 may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with 6.4.4 C. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in this ordinance, along with the operational plan and the inspection and maintenance plan.

Manufactured Homes

- a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in definitions.
- b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
- c) All enclosures or skirting below the lowest floor shall meet the requirements of Elevated Buildings.
- d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved, or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

Elevated Buildings

Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

- a) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
- b) Shall not be temperature-controlled or conditioned;
- c) Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and
- d) Shall include, in Zones A, AE, AH, AO, A99 flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - i. A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - ii. The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - iii. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - iv. The bottom of all required flood openings shall be no higher than one (1) foot above the higher of the interior or exterior adjacent grade;
 - v. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - vi. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

Additions and Improvements

- a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - i. Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

- ii. A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.
- b) Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements to the existing structure other than a standard door in the common wall, shall require only the addition to comply with the standards for new construction.
- c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - i. Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure.
 - ii. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- d) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one-year period, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the one-year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. If the structure has sustained substantial damage, any repairs are considered substantial improvements regardless of the actual repair work performed. The requirement does not, however, include either:
 - i. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.
 - ii. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Recreational Vehicles

Recreational vehicles shall either:

- a) Temporary Placement
 - i. Be on site for fewer than one hundred and eighty (180) consecutive days; ~~or~~

- ii. Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions;)
 - iii. Be properly permitted in accordance with Section 6.1.6 of this Ordinance.
- b) Permanent Placement. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.

Temporary Non-Residential Structures

Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator for review and written approval:

- a) A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
- b) The name, address, and phone number of the individual responsible for the removal of the temporary structure;
- c) The time frame prior to the event at which a structure will be removed (i.e., minimum of seventy-two (72) hours before landfall of a hurricane or immediately upon flood warning notification;
- d) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
- e) Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

Accessory Structures

When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
- b) Accessory structures shall not be temperature-controlled;
- c) Accessory structures shall be designed to have low flood damage potential;
- d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- e) Accessory structures shall be firmly anchored in accordance with the provisions of 6.4.5.
- f) All service facilities such as electrical shall be installed in accordance with the provisions of 6.4.5; and

- g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Section 6.4.5.

An accessory structure with a footprint less than 150 square feet or that is a minimal investment of \$3,000.00 or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards or 6.4.5. Elevation or floodproofing certifications are required for all other accessory structures in accordance with 6.4.5.

Tanks

When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- a) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
- b) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
- c) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of 6.4.6 of this Ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
- d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
 - i. At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - ii. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

Other Development

- a) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of section 6.4.8.1 of this ordinance.

- b) Retaining walls, sidewalks, and driveways in regulated floodways and NEAs that involve the placement of fill in regulated floodways shall meet the limitations of section 6.4.8.1 of this ordinance.
- c) Roads and watercourse crossings in regulated floodways and NEAs, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of section 6.4.8.1 of this ordinance.

6.4.7 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in ~~Article 3, Section B, Section 6.4.1~~ where no BFE data has been provided by FEMA, the following provisions, in addition to the provisions of ~~Article 5, Section A~~ Section 6.4.5, shall apply:

- 1. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- 2. The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:
 - a. When BFE data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in ~~Article 5, Sections A and B~~ Section 6.4.5.
 - b. When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of ~~Article 5, Sections B and F~~ Section 6.4.5.
 - c. All subdivision, manufactured home park and other development proposals shall provide BFE data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such BFE data shall be adopted by reference in accordance with ~~Article 3, Section B, Section 6.4.1~~ and utilized in implementing this ordinance. ~~ALAMANCE COUNTY FLOOD DAMAGE PREVENTION ORDINANCE APPROVED 9-18-17 Page 22 of 24~~

- d. When BFE data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Article 27. All other applicable provisions of Article 5, Sections Section 6.4.5 shall also apply.

6.4.8 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

1. Standards of 6.4.6; and
2. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

6.4.9 FLOODWAYS AND NON-ENCROACHMENT AREAS

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in section 6.4.1. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in section 6.4.5 and section 6.4.6, shall apply to all development within such areas:

1. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
 - a. It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood discharge, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or
 - b. A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within 6 months of completion of the proposed encroachment.

2. If section 6.4.8.1 is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
3. Manufactured homes may be permitted provided the following provisions are met:
 - a. The anchoring and the elevation standards of section 6.4.6; and
 - b. The encroachment standards of section 6.4.8.1.

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PART V. HEAVY INDUSTRIAL DEVELOPMENT

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6.5.1 Applicability

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

6.5.2 Regulated Land Uses and Exceptions

a. Regulated Land Uses

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

b. Exceptions to Applicability

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

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

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

6.5.3 Regulations and Standards

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

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

A. Minimum Lot Size

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

B. Building Height Limits

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

Excluded from this limitation are the following:

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

C. Land Use Spacing & Protected Facilities

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

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

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

D. Land Spacing ~~Waiver Variance~~

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

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 and Section 2.3 of this Ordinance.

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 noted on any preliminary and as-built site plans associated with the project.

E. Operations Setback

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

F. Traffic Impact Analysis

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

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

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

G. Operations Area

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

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

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

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

H. Stream Setbacks

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

I. Landscaping & Screening

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

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

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

J. Gating & Fencing

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

K. Lighting

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

L. Compliance with Other Governmental Requirements

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

6.5.4 Permitting Procedures

A. Pre-Application Meetings Required

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

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

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

B. Intent-to-Construct Permits

An Intent-to-Construct Industrial Development Permit shall be required before the owner or operator of a regulated industry commences any construction activities. A separate Intent-to-Construct Industrial Development Permit is required for each regulated use.

1. Public Hearing and Notice

- i. Upon the certification of a complete application for an Intent-to-Construct Permit, a public hearing on the proposed permit shall be scheduled for the next regular meeting of the Planning Board.
- ii. Notice of a public hearing must be provided per N.C. Gen. Stat. §160D-406 (b) which is incorporated herein.
- iii. In addition, the applicant must provide the following:

- i. The applicant shall cause notice of the public hearing to be published in a newspaper of general circulation in Alamance County not less than ten (10) days nor more than twenty-five (25) days before the date fixed for the hearing. The notice to be published is set forth in Appendix H to this Ordinance. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.
- ii. The applicant shall cause notice to be mailed, e-mailed, or delivered to each newspaper, wire service, radio station, and television station that has filed a written request for notice. This list may be obtained from the Alamance County Clerk to the Board of Commissioners.
- iii. The applicant shall prominently post a notice of the public hearing on the site proposed for the issuance of the Intent-to-Construct permit in the adjacent public street or highway right-of-way. When multiple parcels are included within the application, a posting on each individual parcel is not required, but the applicant shall post sufficient notices to provide reasonable notice to interested persons. Placement must be approved by the Planning Director.
- iv. The applicant shall cause to be mailed a notice of the public hearing by certified mail at the last addresses listed on the county tax abstracts for the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, and provide proof of said mailing to the Planning Director.
- v. The applicant shall cause to be mailed a notice of the public hearing by first class mail at the last addresses listed on the county tax abstracts for:
 1. the owners of all parcels of land abutting that parcel of land as shown on the county tax listing,
 2. the owners of all parcels of land as shown on the county tax listing, any portion of which is located within the spacing limit as described in section 6.5.3 above.
 3. the residents of any residential structures located on the parcels listed above
 4. the holder(s) of any utility or other easement on the parcel(s) included in the application.

- vi. The notice of the public hearing shall be mailed by the applicant to those property owners and residents identified above at least twenty-one (21) days prior to the public hearing. The notice to be mailed is set forth in Appendix G H to this Ordinance.
- vii. The applicant shall produce a list showing all names and addresses to whom a notice of public hearing was mailed, and shall certify that proper notice was given to all required persons or organizations. Improper notice or certification shall be grounds to deny an Intent-to-Construct permit.
- iv. The Planning Board shall hold a public hearing on the application for the Intent-to-Construct Permit. At this public hearing, the regulated industry and community members may comment on the application.
- v. Upon the issuance of an Intent-to-Construct permit, the Alamance County Land Records System or Geographic Information System shall be changed to include a notice reasonably calculated to alert a person researching a particular parcel that the parcel is located within the spacing requirements of a regulated use.

2. Groundwater/ Well Study

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

3. Approval of Intent-To-Construct Permit Applications

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

- ii. In cases where the Planning Board recommends approval of an application, the Board of Commissioners shall review the recommendation of the Planning Board and review the application for compliance with the requirements of this Ordinance. If the Board of Commissioners determines that the application is compliant with the requirements of this ordinance, it shall issue the Intent-to-Construct permit. If the Board of Commissioners determines that the application is not compliant with the requirements of this ordinance, it shall deny the application. The decision of the Board of Commissioners may be appealed to the Board of Adjustment pursuant to ~~the appeals procedures defined herein.~~ Section 2.3 of this Ordinance.

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

- i. Intent-to-Construct Permits require the permit holder to begin construction activities within one (1) year of the date of issuance. Delays due to those permitting requirements previously identified in the pre-application meeting shall not be grounds for permit expiration. If substantial construction activities have not been undertaken within this year, then the permit will expire and shall require re-application and review as a new project.
- ii. If an Operations Permit pursuant to this Ordinance has not been issued within one (1) year of the issuance of the last permitting requirement identified in the pre-application meeting, then the Intent-to-Construct Permit will expire and shall require re-application and review as a new project.
- iii. If, prior to the issuance of an Operations Industrial Development Permit, any changes or amendments are made to an approved site plan which impact the requirements of this section, the changes or amendments must be submitted to the Planning Department for approval. In the event an application is resubmitted with substantial impacts, the Planning Director may require an additional public hearing and re-approval of the application.

C. Operations Permits

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

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

- a. Prior to receiving an Operations Permit, all applicants shall be required to submit a final “as- built” site survey to the Alamance County Planning Department. The Post-Development site survey shall be drawn by a Registered Surveyor or Engineer pursuant to the guidelines provided in Appendix E Heavy Industrial Development of this Ordinance. This submission shall consist of two (2) paper copies.
- b. Operations Permits may be approved prior to the completion of any required traffic improvements upon the guarantee of said improvements by the owner/operator within an eighteen (18) month period. The County of Alamance may accept a surety bond issued by any company authorized to do business in this State, a letter of credit issued by any financial institution licensed to do business in this State, or another form of guarantee that provides equivalent security to a surety bond or letter of credit. All surety instruments shall be made payable to Alamance County. Surety must be in an amount equal to one and one-half times (150%) the cost of making the improvements, whereby such improvements may be made without cost to the public or subsequent purchasers of the property in the event of default on the part of the owner/operator. Owner/operators are required to obtain a letter from an engineer registered in North Carolina stating the total construction and surety amounts.

2. Final Site Inspection

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

3. Other Requirements

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

D. Operations Permit Renewal Required

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

1. Site Visit Required

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

2. Other Requirements

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

PART VI. HEIGHT RESTRICTIONS

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6.6.1 PURPOSE AND INTENT

The following standards regulate and restrict the height of structures and objects of natural growth, and otherwise regulate the use of property affecting air traffic, in the vicinity of the Burlington-Alamance Regional Airport by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; referring to the Burlington-Alamance Regional Airport Height Restriction District Map which is incorporated in and made a part of this ordinance.

6.6.2 ESTABLISHMENT OF AIRPORT DISTRICTS, DISTRICT MAP, AND BOUNDARIES

- A. AIRPORT DISTRICTS. For the purpose of this section, a portion of Alamance County is hereby divided into an Airport District. The purpose of these standards is to regulate the height of objects in the vicinity of the airport to assure compatibility with aviation activity and maintain clear zones and approach zones in accordance with Federal Aviation Administration requirements.
- B. ESTABLISHMENT OF THE DISTRICT MAP.
- I. Alamance County is hereby divided into a district, as shown on the Height Restriction District Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance.
 - II. An official copy of the Height Restriction District Map of Alamance County shall be filed in the Offices of the County Clerk. This map shall bear the seal of Alamance County under the following words: "This is to certify that this is the Height Restriction District Map referred to in Article Two of the Height Restriction Ordinance (now Section 6.6 of the Unified Development Ordinance) adopted by the Alamance County Board of Commissioners on December 19, 2016".
- C. INTERPRETATION OF DISTRICT BOUNDARIES.
- Where uncertainty exists with respect to the boundary of any district shown on the Official District Map the following rules shall govern:
1. Where any district boundary is indicated on the district map as following approximately the County boundary line or the corporate limits line of any incorporated place within the County, then such County boundary line or corporate limits line shall be construed to be such district boundary.
 2. Unless otherwise indicated, the district boundaries follow natural features such as marsh edges and stream banks.

3. Where indicated, district boundaries are parallel to the center lines of streets, highways or railroads, or the rights-of-way of same; property lines; streams or other bodies of water; or said lines extended at such distance therefore as indicated on the district map. If no distance is given, such distance shall be determined by the use of the scale on said district map.
4. Where district boundary lines are so indicated that they approximately follow property or lot lines, such property or lot lines shall be construed to be such boundary lines.
5. Where a district boundary line divides a parcel or lot, the location or any such district boundary line, unless indicated by dimensions shown on the district map, shall be determined by the use of the scale on said district map.

D. AIRPORT DISTRICT

This district is established for two purposes:

- (1) to minimize safety, noise and light conflicts between airport users and property owners in the area;
- (2) to adequately protect valuable public facilities upon which large amounts of public monies have already been spent. Protection will be accomplished to the extent legally possible by the exercise of the police power without compensation.

E. AIRPORT ZONE HEIGHT LIMITATIONS

Except as otherwise provided in this section, no structure shall be erected, altered or maintained, and no trees shall be allowed to grow in any zone created by this section to a height in excess of the applicable height limitation herein established for each zone in question as follows:

1. Approach Zone(s)

- a. Runway 6 & 24 Precision Instrument Runway End (APA): Slopes 50 feet outward for each foot upward (50:1) beginning at the end of and at the same elevation as the primary surfaces and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontally for each foot vertically (40:1) to an additional horizontal distance of 40,000 feet along the extended runway centerline.
- b. Runway 6 – Precision Instrument Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

- c. Runway 24 – Precision Instrument Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. **Transitional Zones (APT)**: Slopes seven feet outward for each foot upward (7:1) at 90-degree angle from the primary and approach surfaces to a point intersecting the horizontal or conical surface. The transitional surface symmetric to the sides of the runway slopes seven feet outward for each foot upward (7:1) at an elevation same as the primary surface. The transitional surface symmetric to the sides of the precision approach surface slopes seven feet outward for each foot upward (7:1) beginning at the sides of and the same elevation as the approach surface and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.
3. **Horizontal Zone (APH)**: Established at 100 feet above the airport elevation, or 716.1 feet above mean sea level.
4. **Conical Zone (APC)**: Slopes 20 feet outward for each foot upward for a lateral distance of 4,000 feet beginning at the periphery of the horizontal zone and extending to an elevation of 916.1 feet above mean sea level.
- F. HEIGHT RESTRICTIONS
Except as otherwise provided or as necessary to airport operations, no structure or tree shall be constructed altered, maintained, or allowed to grow in any airspace zone created in Section 6.6.2.D so as to project above any of the imaginary airspace surfaces described. Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail.
- G. USE RESTRICTIONS
Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this section in such a manner as to create electrical interference with navigational signals or radio communication between the Airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the Airport, impair visibility in the vicinity of the Airport, create bird strike hazards or otherwise endanger or interfere with the landing, taking-off, or maneuvering of aircraft intending to use Airport.

The Burlington-Alamance Regional Airport Authority shall have the right to remove underbrush, trees and other obstacles in the pathways of said runways, so as to prevent interference with the slopes hereinabove set out, and no buildings or other structures shall be constructed of a height so as to interfere with such slopes.

6.6.3 CONSTRUCTION PERMITS

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A) PERMITS.

No building permit within the Airport Approach Zone “APA”, Airport Horizontal Zone “APH” or Airport Transitional Zone “APT” area shall be issued until it has been determined that the proposal upon which he is requested to act is in compliance with the terms of these regulations.

Except as specifically provided in (A), (B), and (C) hereunder, no structure shall be erected or otherwise established, and no tree shall be planted which violates any zone hereby created unless a permit therefore shall have been applied for and granted. Each application permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this section shall be granted unless a variance has been approved in accordance with the variance procedures established by this ordinance.

~~(A)~~ 1. In the area lying within the limits of the horizontal zone (APH) and conical zone (APC), no permit shall be required for any tree or structure less than seventy-five feet (75') of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

~~(B)~~ 2. In areas lying within the limits of the approach zones (Precision Instrument Runway Approach Zone), but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

~~(C)~~ 3. In the areas lying within the limits of the transition zones (APT), no permit shall be required for any tree or structure less than seventy-five feet (75') above the ground, except when such tree or structure because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions, shall be construed as permitting or intending to permit any construction, alteration of any structure, or growth of any tree in excess of any of the height limits established by this section except as set forth by the variance procedures of this ordinance.

b)

B) EXISTING USES. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of the original Height Restriction Ordinance, which is replaced by this ordinance, or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

c)

C) VARIANCES. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration (FAA) as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the application has been furnished to Planning Director; Chair of the Burlington-Alamance Regional Airport, the FAA and N.C. Dept. Division of Aviation for advice as to the aeronautical effects of the variance. If the above organizations do not respond to the application within fifteen (15) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

d)

D) OBSTRUCTION MARKING AND LIGHTING. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain at the owner's expense such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard. If deemed proper by the Board of Adjustment this condition may be modified to require the owner to permit the Burlington-Alamance Regional Airport at its own expense, to install, operate or maintain the necessary markings and lights.

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