

Board Chair:

Planning Director:
Matthew Hoagland



Commissioners' Meeting Room
124 W Elm Street
Graham, NC 27253
January 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. ELECTION OF OFFICERS**
 - 1. Chair (Planning Director)
 - 2. Vice-Chair (Chair)
- IV. APPROVAL OF PLANNING BOARD MINUTES**
 - 1. November 9, 2023 Regular Meeting
 - 2. November 30, 2023 Special Meeting
- V. PUBLIC COMMENTS***
- VI. BOARD/COMMISSIONER RESPONSES**
- VII. NEW BUSINESS**
 - 1. Planning Board 2024 Meeting Calendar
 - 2. Consideration of Clarifying UDO Article 1 Amendments
- VIII. OLD BUSINESS**
 - 1. Minimum Lot Size Subcommittee Update
- IX. ANNOUNCEMENTS/DISCUSSION**
- X. 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*

Chair
Ray Cobb

Planning Director
Matthew Hoagland



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Members Present

Ray Cobb, Chair
Rodney Cheek
Vaughn Willoughby
Ernest Bare
Stephen Dodson
Bill Poe
Sandy Ellington-Graves
Amie Perkins
Stephen Dodson
Anthony Pierce

Members Absent

Blake Cobb
Eric McPherson
Arthur Hall
John Paisley

Staff Present

Matthew Hoagland,
Planning Director
Ian Shannon, *Planner I*
Rik Stevens, *County*
Attorney
Michelle Horn, *Assistant*
County Attorney
Brian Baker, *Assistant*
County Manager
Rob Snow, *Environmental*
Health Program Specialist

I. CALL TO ORDER

Called to order at 7:02 pm

II. ROLL CALL

Staff handled roll call through in-person roster.

III. APPROVAL OF PLANNING BOARD MINUTES

1. October 12, 2023

Stephen Dodson was absent, not absent and present.
Motion to accept as amended: Vaughn Willoughby
Second: Rodney Cheek
Vote: Unanimous

IV. PUBLIC COMMENTS*

Max Morgan: Max thanked the planning staff for keeping the department moving. He asked the Planning Board what data they were using to necessitate a change to the UDO for minimum lot sizes. He told the board that so far there has not been data shown to prove that there is a real problem.

Ray Cobb called for a brief recess to wait for Commissioner Pam Thompson to arrive. Called back to order 7:20 pm.

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V. BOARD/COMMISSIONER RESPONSES

VI. NEW BUSINESS

VII. OLD BUSINESS

1. Minimum Lot Size Discussion

Rodney Cheek gave the board an update on the progress of the minimum lot size subcommittee. He told the board that they were currently in the process of gathering data from a range of sources including EMS, schools, DOT, and more to look at the growth of the county. Sandy Ellington-Graves followed up with more information from the subcommittee and went over their goal to ensure that future growth in the county aligns with the vision of the county. She highlighted three main points that the subcommittee was looking at: determining appropriate minimum lot sizes, assessing current infrastructure and its ability to manage estimated growth, and environmental impacts. She told the board that another meeting was coming up soon and they would be able to give the board a summary after that.

The Planning Board discussed the projected population growth of the county. Bill Poe brought up the question of funding and pointed out that at some point taxes would have to go up to make up for infrastructure. There was some discussion on the new school and its capacity and how several other new schools would be needed to keep up with projected growth rates. Anthony Pierce brought into consideration looking at how each of the municipalities are growing and how that would impact the county through annexations and larger developments. Ray brought up a large proposed subdivision in Green Level that put their sewer system over capacity and would potentially cost millions in utility improvements. Vaughn Willoughby raised concern over undeveloped areas in watersheds and how those areas might look 10 years down the line.

Matthew Hoagland announced that the subcommittee would be meeting again the next Tuesday. He also mentioned that it was the role of planning staff to assist with research. He told the board that he had 2 rationales when looking at this issue. The first was more scientific with concerns over well/septic and watershed. The other was policy and looking at development in line with comprehensive planning. He stated that staff will try and help inform the subcommittee but they would likely have to follow one track or the other for specific changes and recommendations.

VIII. ANNOUNCEMENTS/DISCUSSION

Matthew announced that the Board of Commissioners had recently voted to reduce the number of Planning Board members to 9 and create a separate Board of Adjustment. He informed the board that an application had been set up for the Board of Adjustment and he also provided the board with a list of current Planning Board members and terms and some members who had expressed interest in the

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Board of Adjustment. Brian Baker followed up by telling the board that the Commissioners were planning on voting on appointments during the first December meeting.

Vaughn asked if this meant the Planning Board had to make new appointment recommendations. Ernest Bare and Bill Poe raised issues with how this was presented at the last Planning Board meeting as more of an idea and not an actualized plan. Sandy agreed and said if the board knew how far along the idea was at the time then they could have asked more questions or made different comment. Ray brought up township representation by saying the Planning Board was meant to represent all 13 townships. He asked how this would impact that representation. Rik Stevens stepped in to answer some of the questions. He told the board that they have opportunity to weigh in on ordinances but the Board of Commissioners can form and make changes to the Planning Board. In regards to the current subcommittee, the Planning Board can seek input from anyone and a non-board member could serve on a subcommittee but would not be able to make recommendations. Brian stated that this change was made in part to keep in line with other similar counties. There was some more discussion on township representation. Ray and Bill pointed out that while members on the board serve the whole county, neighbors and community members from individual townships do look to their Planning Board members for guidance.

Vaughn suggested that the Planning Board make new recommendations to the Board of Commissioners to ensure that there are good and experienced members on the boards. Sandy brought up the issue that under the new changes only 2 members from a single township would be allowed. She pointed out that both her and Rodney were up for re-appointment and a part of Newlin township and Bill is also part of Newlin township. Rodney stated that this set up the potential that neither he or Sandy could be appointed, that the Board of Commissioners has appointed members outside of the Planning Board's recommendations in the past.

Commissioner Pam Thompson brought up that there seemed to be a communication block somewhere here. She did not want to lose out on representation. Ray brought up that things are different township to township and that Alamance County is a lot different from any other county. Amie Perkins raised a question about being able to serve on both boards. Rik answered by saying that it was a possibility but it might create some conflict. Ray asked about making new recommendations. Brian said that they could likely move the Commissioners' vote to the second meeting in December to give some more time.

Matthew elaborated some more on the Board of Adjustment. Primarily they would see variance requests and appeals. The majority of cases are variances to the ordinance for road standards, setbacks, lot size, etc. He went over an example from Caswell County and mentioned that for variance cases there has to be actual hardship. He suggested that current Planning Board members would make great Board of Adjustment candidates but it would not be the same as being on the Planning Board because they would have to make unbiased rulings as opposed to recommendations.

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Rodney asked about allowing current applicants back during a special meeting to make new recommendations either next week or the 30th. It was determined that the 30th would work as a better date and that the Planning Board would want to hear from all previously considered applicants if possible. It was also mentioned that while there was no immediate need for the Board of Adjustment to be filled those members would need to be trained so it would be a good idea to make those recommendations as well.

Motion to hold a special meeting on November 30 to hear from applicants and make new recommendations to the Board of Commissioners: Rodney Cheek
Second: Vaughn Willoughby
Vote: Unanimous

Rodney give an update on Christmas dinner. The current plan was to work with a local church to hold a fundraiser dinner, which would be more private.

IX. ADJOURNMENT

Motion: Rodney Cheek
Second: Amie Perkins
Vote: Unanimous
Adjourned at 8:52 pm

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Members Present

Ray Cobb, Chair
Rodney Cheek
Vaughn Willoughby
Ernest Bare
Stephen Dodson
Bill Poe
Sandy Ellington-Graves
Amie Perkins
Stephen Dodson
Anthony Pierce

Members Absent

Blake Cobb
Eric McPherson
Arthur Hall
John Paisley

Staff Present

Matthew Hoagland,
Planning Director
Ian Shannon, *Planner II*
Rik Stevens, *County*
Attorney
Michelle Horn, *Assistant*
County Attorney

I. CALL TO ORDER

Called to order at 7pm

II. ROLL CALL

Staff handled roll call through in-person roster.

III. NEW BUSINESS

1. Appointment Recommendations, Current Planning Board Members:

- a) Amie Perkins: Haw River Township
- b) Rodney Cheek: Newlin Township
- c) Sandy Ellington-Graves: Newlin Township
- d) Blake Cobb: Pleasant Grove Township

2. New Applicants:

- a) David Hadley: Albright Township
- b) Catherine Dickens: Haw River Township
- c) Lee Isley: Patterson Township
- d) Max Morgan: Melville Township
- e) Michael Owens: Newlin Township
- f) Henry Chandler: Faucette Township
- g) William Vines Jr: Patterson Township
- h) Lindsey Causey: Boone Station Township

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Max Morgan: Max told the board he has been a lifelong resident of the county in the Melville township. He stated that he owns and operates mobile home parks, and has a realty business. He told the board that he wanted to help guide and have positive input on the growth of the county and wanted to protect people's rights and the community. He said that he also wanted to be considered for Board of Adjustments, and that his knowledge of UDO would be beneficial.

David Hadley: David told the board he was also a lifelong resident of the county. He started in 1987 in the homebuilding business and has been president of the local homebuilder's association for 3 terms, serving on the board for 27 years altogether. He stated he had been recommended for appointment last year but the Board of Commissioners appointed someone else instead. He said he wanted to serve the community as best he could.

Henry Vines: Henry thanked the board for the opportunity to speak and stated that he would like to serve on board to see the county planned in a structured way. He told the board that he has served on many communities throughout the years. He served on the zoning advisory committee, served as president of the farm bureau in the county and served on the state board of the farm bureau. He told the board that he wants to help the Planning Board lead the county in a planned growth.

Henry Chandler: Henry told the board that he wanted to be considered for both Planning Board and Board of Adjustment. He said he was not sure where he stood with the change to Planning Board member numbers. He knew the board had previously nominated David and Lee so he put in an application for the Board of Adjustment as well. He has also been a lifelong resident of the county and serves on the agricultural advisory board for farmland preservation as well as serving on the board of directors for his local fire department.

Ray Cobb gave a few words to thank everyone who came to speak and said that there were a number of people who could not be there. He told the board that he had also applied to be on the Board of Adjustment and thought Ike Holt and Henry Chandler would make good additions to that as well. He said that Henry Vines would make an excellent addition to the Planning Board.

To help the Planning Board sort through all of the applicants for both boards, Matthew Hoagland passed out some lists and mock ballots that the board could use to fill out and make recommendations. Anthony Pierce asked if everyone up for re-appointment wanted to be back on the board. Ray said that Blake Cobb might not be able to with some of the personal obligations he has right now. Sandy Ellington-Graves said that she would like to remain on the board if possible.

Rodney Cheek discussed the recent change to the Planning Board member numbers and the timeline of being told in October it was more of an idea than anything when it was likely already being planned then. He said that if he is still on the board next meeting then he was planning on making a motion to send the Board of Commissioners a letter to recommend they reverse this

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decision. There was then some discussion on if the Planning Board should make recommendations for a 9 member roster or a 13 member one. Matthew advised the board that if they vote on a 13 member roster and the Board of Commissioners does not reverse their decision then 4 members would just be excluded. Rodney said that with everything going on in the county right now that it was a bad time to cut members from the board. He thanked David Hadley for being there after being overlooked last year and thanked everyone else for being there as well.

There was some discussion on the bylaws of the Planning Board. Rik Stevens said that the Board of Commissioners had the authority to make changes to the ordinance that creates the Planning Board as well as the bylaws without Planning Board input. Matthew said that with the current change to the Planning Board, a change to the bylaws would follow.

Ray told the board that ever since he was appointed in 1996 that the Board of Commissioners has respected every recommendation the Planning Board has made and were thankful for what the Planning Board was doing. He brought up that there were 13 townships, not 9, and that 4 townships would go un-represented now. Amie Perkins talked about how she was surprised when she was appointed because she was not recommended and that she would like to remain on the planning board but acknowledged that there were many extremely qualified candidates.

During more discussion on recommending 9 or 13 members and a question on which board Sandy wanted to be considered for, Rik stated that there would actually be an issue with serving on both the Planning Board and the Board of Adjustment since someone could only hold 1 appointed and 1 elected position at once. Sandy would not be able to serve on both boards while still also serving on the Board of Education. Ray stated that Sandy would be a better choice for the Planning Board over the Board of Adjustment. Rodney asked if there would be any conflict in serving on both boards otherwise. Matthew and Rik answered by saying there wasn't anything that would prohibit it but it could lead people to believe there is a conflict and possibly lead to more appeals of decisions.

Motion to recommend re-appointing Amie Perkins, Sandy Ellington-Graves, and Rodney Cheek:
Ernest Bare
Second: Vaughn Willoughby
Vote: Unanimous

Motion to recommend Henry Vines: Anthony Pierce
Second: Stephen Dodson
Vote: Unanimous

Motion to recommend David Hadley as an alternate member: Amie Perkins
Second: Rodney Cheek
Vote: Unanimous

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Motion to recommend Lee Isley as an alternate member: Rodney Cheek

Second: Vaughn Willoughby

Vote: Unanimous

Motion to recommend Henry Chandler as an alternate member: Rodney Cheek

Second: Stephen Dodson

Vote: Unanimous

Motion to recommend Blake Cobb as an alternate member: Rodney Cheek

Second: Amie Perkins

Vote: Unanimous

3. Board of Adjustment Applicants:

- a) Henry Chandler
- b) Ray Cobb
- c) Isaac Holt, III
- d) Tom King
- e) Max Morgan

Tom King: Tom introduced himself and said that he has lived in the county for 40 years now. He told the board that he has 26 years of experience working in planning and about 20 years of that has been staffing Boards of Adjustment. He stated that he believed his experience would be very beneficial to the new board.

Matthew answered a question on alternate members saying that they were appointed in the same way that regular members were, but the Board of Commissioners had not yet decided how many alternates they want.

Motion to recommend Ray Cobb: Amie Perkins

Second: Anthony Pierce

Vote: Unanimous

Motion to recommend Tom King: Vaughn Willoughby

Second: Anthony Pierce

Vote: Unanimous

Motion to recommend Ike Holt: Vaughn Willoughby

Second: Rodney Cheek

Vote: Unanimous

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Motion to recommend Mike Owens: Rodney Cheek

Second: Bill Poe

Vote: Unanimous

Stephen Dodson asked if there would be any issue in recommending someone for the Board of Adjustment if they only applied for the Planning Board. Rik said there would be no issue with that, just a possible issue with people serving on both. Anthony Pierce suggested recommending Henry Chandler. Rodney asked about recommending Debra Hyder since she was recommended for Planning Board re-appointment last year. Since her application was not older than 2 years she was still applicable.

Motion to recommend Debra Hyder: Rodney Cheek

Second: Ernest Bare

Vote: Unanimous

Motion to recommend Lindsey Causey as an alternate member: Stephen Dodson

Second: Bill Poe

Vote: Unanimous

Amie Perkins acknowledged Max Morgan saying that they didn't always agree but he constantly shows up to Planning Board meetings.

Motion to recommend Max Morgan as an alternate member: Amie Perkins

Second: Anthony Pierce

Vote: Unanimous

There was some discussion on potentially recommending the Board of Commissioners as alternates to the Board of Adjustment instead. Rodney suggested that it wouldn't be a bad idea because they have already served as the county's Board of Adjustment in the past.

Motion to disregard the two already recommended alternates and recommend the Board of Commissioners as alternates instead: Vaughn Willoughby

Stephen stated that that the purpose of the Planning Board was to make recommendations where the Commissioners do not have the specific experience. He said that that experience would also be useful for the Board of Adjustment and suggested the board recommend members based on that. Anthony mentioned that even though the Commissioners have the experience from serving as the Board of Adjustment that could still create a conflict of interest since they have to run for office. Rik answered by saying the fact that the Commissioners are the current Board of Adjustment acknowledges that conflict already. He said the conflict is not so much the issue as is coaching whoever is appointed to make unbiased decisions.

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Vaughn repeated his motion.

Second: Bill Poe

The motion failed by vote.

Motion to recommend the two previously recommended alternates and not recommend any further alternates: Vaughn Willoughby

Second: Anthony Pierce

Vote: Unanimous

IV. ANNOUNCEMENTS/DISCUSSION

Bill asked if there were any updates on the minimum lot size subcommittee. Vaughn reported that there were none yet.

Rodney told the board that he would have more information on the Christmas dinner soon.

Anthony stated that the Graham parade was coming up and they were expecting a lot of attendance.

V. ADJOURNMENT

Motion to adjourn: Amie Perkins

Second: Rodney Cheek

Stephen asked about the overall application process and when applicants would hear if they were appointed or not. Matthew said that they would be able to tune into the Commissioners meeting but the clerk to the board was supposed to notify appointed members.

Vote on motion to adjourn: unanimous

Adjourned at 8:16pm

Alamance County

PLANNING DEPARTMENT
201 W. Elm Street
Graham, North Carolina, 27253
Tel. (336) 570-4053

2023 Planning Board Calendar

All meetings begin at 7 PM.

Meeting location:
Commissioners Meeting Room
124 W. Elm Street,
Graham, NC 27253

Meeting Date	Agenda Submittal Deadline	Agenda Mail-out/Posting Date
February 8, 2024	1/25/2024	2/2/2024
March 14, 2024	2/29/2024	3/8/2024
April 11, 2024	3/28/2024	4/5/2024
May 9, 2024	4/25/2024	5/3/2024
June 13, 2024	5/30/2024	6/7/2024
July 11, 2024	6/27/2024	7/5/2024
August 8, 2024	7/25/2024	8/2/2024
September 12, 2024	8/29/2024	9/6/2024
October 10, 2024	9/26/2024	10/4/2024
November 14, 2024	10/31/2024	11/8/2024
December 12, 2024	11/28/2024	12/6/2024
January 9, 2025	12/26/2024	1/3/2025

Adopted

ARTICLE 1 | GENERAL

1.1 Title

The official title of this document is Alamance County Unified Development Ordinance and is referred to throughout as the “UDO” or “Ordinance.”

1.2 Purpose

- a) The purpose of this Ordinance is to establish unified requirements and procedures for the development, maintenance and subdivision of properties within Alamance County’s jurisdiction. These standards are adopted in order to promote and protect citizen’s health, safety and welfare.
- b) This Ordinance also recognizes that the historic heritage of Alamance County is a valuable and important asset. By listing and regulating historic districts and landmarks, and acquiring historic properties, Alamance County seeks:
 - i. To safeguard the heritage of the County, including its municipalities, by preserving districts and landmarks therein that embody important elements of its culture, history, architectural history, or prehistory; and
 - ii. To promote the use and conservation of such districts and landmarks for the education, pleasure, and enrichment of the residents of the County and State as a whole.

1.3 ~~Exceptions to~~ Applicability

- a) Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which this Ordinance specifically replaces. When other ordinances or statutes impose more restrictive standards than those contained in this Ordinance, the more restrictive ordinances or statutes shall govern.
- b) It is not intended that this Ordinance shall be construed to preempt or supersede valid, existing restrictive covenants, ~~running with the land~~. However, if the provisions of this Ordinance impose greater restrictions or higher standards for the use of a building or land, then the provisions of this Ordinance shall control.
- c) In accordance with N.C.G.S. 160D-104, development approvals shall run with the land.
- d) Except as hereinafter provided, no building or structure shall be erected, moved, altered, or extended, and no land, building, or structure or part thereof shall be occupied or used unless in conformity with the regulations specified in this ordinance.

- e) This Ordinance shall in no way regulate, restrict, prohibit, or otherwise deter any use of property for a bona fide farm, and its related uses, except that any use of such property for non-farm purposes shall be subject to the provisions of this Ordinance or state law.

1.4 Authority

- a) For Floodplain Administration, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143 and Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare;
- b) For Historic Properties Commission, by authority of N.C.G.S. Chapter 160D-303, and Chapter 160D, Article 9, Part 4, of the North Carolina General Statutes to preserve the heritage of the State as a valued and important asset, and to allow for the conservation and preservation of historic districts and landmarks to stabilize and increase property values and strengthen the overall economy of the county;
- c) Height Restrictions Standards - Chapter 63, Article 4, of the General Statutes of the State of North Carolina authorize political subdivisions of the State of North Carolina to adopt, administer, and enforce under the police power airport zoning regulations;
- d) Farmland Preservation Standards - In accordance with the authority conferred by Chapter 153A of the North Carolina General Statutes and North Carolina General Statutes §§106-735 through 744 (the Agricultural Development and Farmland Preservation Enabling Act), and §§121-34 through 42 (the Conservation and Historic Preservation Agreements Act);
- e) Solar Energy Systems Standards - The Alamance County Board of Commissioners enacts this Ordinance pursuant to its police powers, as set forth in and authorized by Section 153A-121(a) of the North Carolina General Statutes; pursuant to its power to regulate businesses as set forth and authorized by Section 153A-134 of the North Carolina General Statutes; pursuant to its power to regulate noise as set forth and authorized by Section 153A-133 of the North Carolina General Statutes; pursuant to its power to regulate solid waste as set forth and authorized by Section 153A-134 of the North Carolina General Statutes; pursuant to its power to regulate explosive, corrosive, inflammable, or radioactive substances as set forth and authorized by Section 153A-128 of the North Carolina General Statutes and pursuant to its planning and zoning powers, as set forth in and authorized by Chapter 160D of the North Carolina General Statutes upon its effective date;
- f) And the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143 and in Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

1.5 Jurisdiction

This Ordinance shall apply as specified herein to all unincorporated areas of Alamance County and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability. Some Ordinance provisions will apply to municipalities' Extra-Territorial Jurisdiction and will be noted herein.

- a) For regulations pertaining to Floodplain, this Ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdiction (ETJs), if applicable, of Alamance County and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.
- b) For regulations pertaining to Historic Properties, this Ordinance shall apply to all areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs) if applicable, of Alamance County and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

1.6 Repeal of Existing Regulations

Upon Adoption, this Ordinance shall incorporate, rescind and replace the following Alamance County Ordinances:

- 1. Abandoned and Junk Motor Vehicles Ordinance
- 2. Adult Establishment Ordinance
- 3. Alcohol Plant Ordinance
- 4. Automobile Graveyards Ordinance
- 5. Dead Storage of Manufactured Homes Ordinance
- 6. Flood Damage Prevention Ordinance
- 7. Heavy Industrial Development Ordinance
- 8. Height Restriction Ordinance
- 9. Historic Properties Commission Ordinance
- 10. Insulation Contractors Ordinance
- 11. Manufactured Home Park Ordinance
- 12. Planning Board Ordinance
- 13. Redevelopment Ordinance
- 14. Sexually Oriented Business Ordinance
- 15. Solar Energy System Ordinance

16. Subdivision Ordinance
17. Watershed Protection Ordinance
18. Wireless Communications Facilities Ordinance

1.7 Relationship to Adopted Plans

~~The provisions of this Ordinance and any amendment thereto shall be interpreted to be consistent with the goals of policies included in any adopted Comprehensive or other specialized study related to land development within the planning jurisdiction of Alamance County.~~

It shall be the goal that any amendment to this Ordinance be consistent with any adopted Comprehensive Plan or other specialized study related to land development within the planning jurisdiction of Alamance County. However, inconsistencies with adopted plans shall not necessarily preclude the adoption of amendments as long as such adoption procedures are in keeping with North Carolina General Statutes.

1.8 ~~Reserved for~~ Amendment Procedures

The Board of Commissioners may amend, supplement, or change the text of this Ordinance following review and recommendation of the Planning Board according to the procedures established in N.C. General Statute 160D, Article 6 and this Article.

A text amendment may be initiated by the Board of Commissioners or Planning Board on its own motion, or by any owner of a legal interest in a county property, anyone else authorized in writing to act on a property owner's behalf, or by any non-owner in accordance with the procedures set forth below.

- a) Procedure for Submission and Consideration of Applications for Amendment.
 - i. Unless initiated by the Planning Board or Board of Commissioners, all applications for amendments to this Ordinance shall be in writing and signed and filed with the Planning Department.
 - ii. The Planning Director shall ensure that the application contains all the required information as specified in this Ordinance and on the application. Applications which are not complete, or otherwise do not comply with the provisions of this Ordinance shall be returned to the applicant with a notation of the deficiencies in the application.
 - iii. Completed applications shall be received at least 30 days prior to the Planning Board meeting at which the Planning Board will first consider the proposed amendment.

- iv. The Planning Board shall have a maximum of 45 days from the date of the Planning Board meeting to make a recommendation on the application. If a recommendation is not made during this time period, the application shall be forwarded to the Board of Commissioners without a recommendation from the Planning Board.
 - v. If a recommendation is made to the Board of Commissioners by the Planning Board concerning an amendment to change the text of this Ordinance, the recommendation shall be as follows: (A) Adoption of the amendment as written; (B) Adoption of the amendment as revised by the Planning Board; or (C) Denial of the amendment.
 - vi. In accordance with N.C.G.S. 160D-604(d), the Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board. In making their determination, a comment by the Planning Board that the proposed amendment is inconsistent with the Comprehensive or Land Use Plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners.
- b) Board of Commissioners Action.
- i. The Board of Commissioners shall not consider the adoption of any proposed application for amendment until after the Planning Board makes a recommendation, or fails to make a recommendation within the time allowed. The Board of Commissioners shall receive public comment on applications for amendments to this Ordinance in a public hearing at a time and place to be announced by public notice advertised in accordance with N.C.G.S. 160D-601. A quorum of the Board is required for the hearing.
 - ii. The Board of Commissioners may render a decision on the application in the form of any of the following options: (A) Adoption of the amendment as written; (B) Adoption of the amendment as revised by the Planning Board; or (C) Denial of the amendment. Alternatively, the Board of Commissioners may send the application back to the Planning Board for further study and consideration.
 - iii. The Board of Commissioners shall have the authority to continue a public hearing throughout multiple meetings or to call for additional public hearings on any amended application brought before them.
 - iv. In accordance with N.C.G.S. 160D-605(a), when adopting or rejecting any amendment, the Board of Commissioners shall approve a brief statement describing whether their action is consistent or inconsistent with an adopted Comprehensive or Land Use Plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the Commissioners that at the time of action on the amendment the Commissioners were aware of and considered the Planning Board's recommendations and any relevant portions of an adopted Comprehensive or Land Use Plan.

An applicant may withdraw his or her application at any time by written notice to the UDO Administrator and may resubmit at a subsequent date in compliance with the submittal schedule contained herein.

1.9 Interpretation

1.9.1. GENERAL

In the interpretation and application of this Ordinance, all provisions shall be:

- a) Considered as minimum requirements;
- b) Liberally construed in favor of the governing body; and
- c) Deemed neither to limit nor repeal any other powers granted under State statutes.

1.9.2. RESPONSIBILITY

The Planning Director, as designated by the Alamance County Manager, shall administer and enforce this ordinance.

In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria, or any other provision of the UDO, the Planning Director shall be responsible for interpretation and shall look to the Ordinance for guidance. Responsibility for interpretation by the Planning Director shall be limited to standards, regulations and requirements of the UDO, but shall not be construed to include interpretation of any technical codes adopted by reference in the UDO, and shall not be construed as overriding the responsibilities given to any commission, board, building inspector, or county officials named in other sections or articles of the UDO.

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity, and general welfare. It is not intended by this Ordinance to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, restrictive covenants, or agreements, the provisions of this Ordinance shall govern. Where one or more provisions of this UDO are in conflict with one another, the most restrictive shall apply.

If a use is not specifically listed in any of the provisions included in this Ordinance, then the Planning Director shall have the authority to interpret whether or not the use should be permitted. If the Planning Director rejects a proposal for a use that is not clearly disallowed in a particular district, then the UDO Administrator shall:

- Ensure that the citizen is provided with a copy of the interpretation in writing.

- Inform the citizen of the right to appeal the decision to the Board of Adjustment.
- Assist with the development of a proposed text amendment for consideration by the Planning Board and Board of Commissioners allowing policy-makers to determine whether the proposed use should be an allowable use or not. Financial responsibility for a proposed text change shall be on the applicant.

1.9.3. DELEGATION OF AUTHORITY

The Planning Director may delegate any appropriate authority and responsibility to any Planning Department staff in order to carry out the provisions of this ordinance. When carrying out such authority and responsibility, it is understood that the term "Planning Director" shall apply to any county staff person carrying out such delegated authority.

1.9.4. COMPUTATION OF TIME

Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded.

Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice and the notice or paper is served by mail (Certified Mail/Return Receipt Requested), three days shall be added to the prescribed period.

Time parameters for public hearings and board procedures shall follow applicable state law or this Ordinance.

1.10 Effective Date

This Ordinance shall become effective and in full force on June 21, 2021. Specific provisions for pre-existing or non-conforming development is contained in the text of the Ordinance.

1.11 Severability

If any section or specific provision or standard of this Ordinance is found by a court of competent jurisdiction to be invalid, the decision of the court shall not affect the validity of any other section, provision, or standard of this Ordinance.

1.12 Choice of Law and Venue

The State Courts of the State of North Carolina shall have sole jurisdiction over any disputes which arise under this ordinance or otherwise regarding the parties or properties subjected thereto. Similarly, for any disputes or controversies arising out of this UDO, venue shall be proper and shall lie exclusively in the Superior Court of Alamance County North Carolina.

1.13 Fees

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for all permits issued under this Ordinance, subdivision plat approval, site plan approval, variances, changes to Ordinance text, and other administrative relief. The amount of the fees charged shall be as set forth in the county's budget or as established by resolution of the Board of Commissioners filed in the office of the Clerk to the Board.

The County shall provide notice to interested parties of the imposition of or increase in fees or charges applicable solely to the construction of development subject to subdivision regulations at least seven (7) days prior to the first meeting where the imposition of or increase in the fees or charges is on the agenda for consideration. The County shall employ at least two of the following means of communication in order to provide the notice required by NCGS 160D-805:

- 1) Notice of the meeting in a prominent location on a web site managed or maintained by the County.
- 2) Notice of the meeting in a prominent physical location, including, but not limited to, any government building, library, or courthouse within the planning and development jurisdiction of the County.
- 3) Notice of the meeting by electronic mail or other reasonable means to a list of interested parties that is created by the County for the purpose of notification of public meetings.

During the consideration of the imposition of or increase in fees or charges as outlined above, the County shall permit a period of public comment. This section shall not apply if the imposition of or increase in fees or charges is contained in a budget filed in accordance with the requirements of NCGS 159-12.

Fees established in accordance with subsection 1.13.1 shall be paid upon submission of a signed application or notice of appeal.