

Board Chair:
Rodney Cheek

Planning Director:
Matthew Hoagland



Commissioners' Meeting Room
124 W Elm Street
Graham, NC 27253
March 14, 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. February 8, 2024 Regular Meeting
- IV. PUBLIC COMMENTS***
- V. BOARD/COMMISSIONER RESPONSES**
- VI. OLD BUSINESS**
 - 1. Oaths of Office (A. Pierce and S. Dodson)
 - 2. Consideration of Clarifying UDO Article 2 Amendments
- VII. NEW BUSINESS**
 - 1. RV Park Ordinance Amendment Application
 - 2. Consideration of Clarifying UDO Article 3 Amendments
 - 3. Lot Size Subcommittee Report/Recommendation
- VIII. ANNOUNCEMENTS/DISCUSSION**
- IX. ADJOURNMENT**

**Meeting Notes:*

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

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MINUTES

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Members Present

Rodney Cheek
Vaughn Willoughby
Ernest Bare
Bill Poe
Amie Perkins
Lee Isley
Henry Vines

Members Absent

Stephen Dodson
Anthony Pierce
John Paisley

Staff Present

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

I. CALL TO ORDER

Called to order at 7:03 PM.

II. ROLL CALL

Staff handled roll call through in-person roster.

III. APPROVAL OF PLANNING BOARD MINUTES

1. January 11, 2024 Regular Meeting

Motion to approve: Bill Poe
Second: Ernest Bare
Vote: Unanimous

IV. PUBLIC COMMENTS*

None at this time.

V. BOARD/COMMISSIONER RESPONSES

None at this time.

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VI. NEW BUSINESS

1. Oaths of Office

Planning Board members were sworn in at the same time by Ernest Bare, who is also Mayor of Ossipee. Matthew Hoagland will collect the signed oaths to be put on file with the county clerk.

2. Updating By-Laws and Meeting Procedures

Matthew Hoagland introduced the proposed changes to the by-laws. This included placing old business before new business and new language to stay uniform with the current UDO. He raised a question about changing the meeting time as well. The board agreed that the current meeting time works so they want to keep it as is but they did approve of the other changes.

Motion to make the suggested changes to reflect the UDO and current number of Planning Board members as well as swap old and new business: Vaughn Willoughby

Second: Henry Vines

Vote: Unanimous

In light of the recent motion, Rodney Cheek makes a call to talk about Article 1 in old business before coming back to further new business.

3. Consideration of Clarifying UDO Article 2 Amendments

Matthew introduces the Article 2 changes. Some of the general changes are to make sure that other sections of the UDO are properly references, that "Board of Commissioners" replaces the generic term "governing board," and that a few things are added to keep up with General Statute. Sections 2.1, 2.2, and 2.3 received some language updates. Section 2.4 would see some sections for public records and conflicts of interest. Section 2.5 would reference the UDO. Section 2.6 would expand on the requirements for TRC and give some explanation for decisions.

There were some questions from the board about TRC and if those projects would also need to go to the Planning Board, and if anything like solar or HIDO projects needed to go through TRC as well. It was brought up by Matthew and Brian Baker that solar and HIDO projects already have their own avenues for review so bringing them through TRC would be counter-productive.

Amie Perkins points out 2 other mentions of "governing board" that need changed in 2.1.1 iv and v. There was a few more questions on TRC and if a specific time needed to be stated in

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ALAMANCE COUNTY PLANNING BOARD MINUTES

the UDO. It was decided that if a time was stated then it would require a UDO amendment to change that.

The discussion returned to old business for the lot size subcommittee update.

VII. OLD BUSINESS

1. Consideration of Clarifying UDO Article 1 Amendments

In some general discussion, Henry Vines recommended adding a phrase under 1.2, a number 3 under section b “to protect and preserve farmland.” Bill Poe brought up the fact that that is a big part of the strategic plan and would be a good addition. Amie asked if this was the best section to mention that and Matthew said that adding it would put the UDO more in line with the comprehensive plan. He suggested that an item c for it might be better though. He also brought up that a proposed section e under 1.3 does mention this already but the board agreed that additional language would still be beneficial.

There were some questions on if all of the state regulations were properly mentioned at the end of the proposed 1.3 e. Matthew said he believed they were but would look through and make sure. Under 1.4 d it was questioned if the Farmland Preservation Ordinance should be mentioned. Vaughn and Matthew brought up that that ordinance was separate from the UDO and Planning would not have enforcement of it. Henry asked about HIDO being mentioned under section 1.4 e. Rik Stevens suggested that the words “other enabling authority” could replace “solar energy” and that sections e and f could be combined, then cite 1.4 e later on in the solar energy section of the UDO.

The discussion moves back to new business to discuss Article 2.

2. Lot Size Subcommittee update

The subcommittee met Tuesday at 4pm, their current plan is to make a formal recommendation at the March meeting. Currently they are looking at the minimum lot size standards as well as cluster development options. Vaughn told the board that the subcommittee was trying to be fair and thorough with their recommendation. Bill asked about cluster subdivisions, if the idea was still that lot sizes would be smaller in exchange for more open space. Rodney mentioned that there were two main areas they were looking

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at with cluster options, protecting wildlife and farmland. Bill asked about septic and cluster developments, and Rob Snow answered by saying that most clusters are on community wells. He added that the county permits those but there were also some state regulations that went into that, including monitoring and testing.

Henry mentioned that he had been looking into the cluster option some himself and mentioned one that he found in Maine which had lot sizes around 2 acres but the homes were all clustered together in pockets of 6 or 7 and partially separated by woods. He also said that a focus should be put on impervious surface area and how the lot size could help improve managing that. Matthew said that any of these ideas could be incorporated and that design standards could be established to cover further details.

VIII. ANNOUNCEMENTS/DISCUSSION

Matthew told the board that he will help sort out Anthony and Stephen taking their oaths but if need be it will be on the March agenda.

IX. ADJOURNMENT

Motion to adjourn: Ernest Bare
Second: Vaughn Willoughby
Vote: Unanimous

Adjourned at 8:13pm.

ARTICLE 2 | REVIEW AUTHORITY AND ORDINANCE ADMINISTRATION

This section is intended to create and clarify levels of responsibility for the various permits and processes outlined in this Ordinance. The following bodies and County staff have powers and responsibilities in administering and reviewing applications for development and preservation under this Ordinance:

Planning Board

Historic Properties Commission (HPC)

Board of Adjustment

Planning Department

Planning Director, or designee

Technical Review Committee

2.1 Planning Board

2.1.1 ESTABLISHMENT AND RESPONSIBILITIES

~~There~~ The Alamance County Planning Board is hereby established, by authority of ~~Chapter N.C. Gen. Stat. §160D-Section 301. of the North Carolina General Statutes an~~ Alamance County Planning Board, which said Board shall: The Planning Board shall have the following duties:

- i. To prepare, review, maintain, monitor, and periodically update and recommend to the ~~governing board~~ Board of Commissioners a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis.
- ii. To facilitate and coordinate resident engagement and participation in the planning process.
- iii. To develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
- iv. To advise the ~~governing board~~ Board of Commissioners concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by ~~G.S.~~ N.C. Gen. Stat. § 160D-604.
- v. To exercise any functions in the administration and enforcement of various means for carrying out plans that the ~~governing board~~ Board of Commissioners may direct.
- vi. To provide a preliminary forum for review of quasi-judicial decisions, provided that no part of the forum or recommendation may be used as a basis for the deciding board.
- vii. To perform any other related duties that the ~~governing board~~ Board of Commissioners may direct.

2.1.2 MEMBERSHIP

The membership of the Planning Board shall be composed of nine (9) residents of Alamance County and:

- i. Terms for members of the Planning Board shall last for three (3) years with a two (2) term limit. After two full consecutive terms, outgoing members shall be ineligible for reappointment for a period of one (1) year.

- ii. The Planning Board may offer a recommendation to the Board of Commissioners for board candidates, but such recommendation shall not be mandatory for appointment.
- iii. Members of the Planning Board must reside full-time in Alamance County. Failure to be a full-time resident of Alamance County shall be grounds for removal from the Planning Board.
- iv. In order to achieve participation from all areas of the County, no more than two (2) members of the Planning Board should reside in a single township. Residency will be based on Members' primary place of residence. Any change of residence must be reported to the Clerk to the Planning Board within ninety (90) days.
- v. A member of the Board of Commissioners shall be named as an ex officio (without vote) member of the Board in order to provide liaison between the Planning Board and the Board of Commissioners.
- vi. All members appointed to the Planning Board shall, before entering their duties, qualify by taking an oath of office as required by G.S. 160D-309.

2.1.3 PROCEDURES

- i. Any vote shall be carried by a simple majority present at the meeting unless a different standard is required by statute.
- ii. The Board shall adopt rules of procedure necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. The rules of procedure adopted by the Board shall at least provide for the selection of officers in the Board, the time and place of its regular meetings and the calling of special meetings, the procedures for the conduct of public hearings, and any other rule necessary for the operation of its meetings. Rules of Procedure should be amended when necessary to reflect changes in procedural requirements from ordinances or General Statutes. Such rules are subject to review and amendment as necessary by the Alamance County Board of Commissioners.
- iii. As it deems appropriate, the Board may from time to time establish various subcommittees or specialized boards to advise the full Board on matters within its responsibilities.
- iv. The Planning Board shall provide for the keeping of a record of its members' attendance, and of its resolutions, discussions, findings, and recommendations, which shall all be public record.

2.1.4 MEETING REQUIREMENTS

Meetings of the Planning Board shall be held at least quarterly. At the first meeting in each calendar year, the Planning Board shall elect a Chair and Vice Chair, and the

~~Planner-in-Charge~~ Planning Director or designate shall serve as the Clerk to the Planning Board. Additionally, at the first meeting in each calendar year, the Planning Board shall adopt an annual meeting schedule which shall be properly posted outside of the meeting room and registered with the Clerk to the Board of County Commissioners.

2.2 Historic Properties Commission (HPC)

2.2.1 ESTABLISHMENT AND RESPONSIBILITIES

~~There~~ The Alamance County Historic Properties Commission, or "HPC," is hereby established by authority of ~~Chapter N.C. Gen. Stat. §160D, Section 303, of the North Carolina General Statutes, a joint historic properties commission to be known as the Alamance County Historic Properties Commission or "HPC."~~ The jurisdiction of the Commission shall include the unincorporated areas of the County and the planning jurisdictions of the municipalities that designate the Alamance County Historic Properties Commission as their municipality's historic properties commission.

The Historic Properties Commission is created in order to recognize that the historical 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:

- a. 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
- b. To promote the use and conservation of such districts and landmarks for the education, pleasure, and enrichment of the residents of the County and the State as a whole.

2.2.2 MEMBERSHIP AND PROCEDURES

The Commission shall consist of at least nine (9) members but no more than fifteen (15) members appointed by the Board of Commissioners of Alamance County. The Commission shall elect a Chair and Vice Chair annually. All members must reside within the Commission's jurisdiction. In making appointments to the Commission, the Board of Commissioners shall strive to appoint members that geographically represent all areas of the HPC's territorial jurisdiction, including but not limited to, participating municipalities. In making appointments to the Commission, the Board of Commissioners shall seek the advice of local governing bodies, such as State or local historical agencies, societies, or organizations it may deem necessary. The Commission may appoint advisory bodies and committees as appropriate.

All members of the Historic Property Commission shall, before entering their duties, qualify by taking an oath of office as required by N.C. Gen. Stat. §160D-309.

2.2.2a Qualifications of Members

A majority of the members shall have demonstrated special interest, experience or education in history, architecture, archaeology, or related fields.

2.2.2b Terms

The terms of office shall be for three (3) years for each member ~~of said Commission.~~ Vacancies occurring for reasons other than expiration of term shall be filled as they occur for the period of the unexpired term. Active attendance at the meetings of the Commission is a prerequisite for membership of the Commission. Members are allowed up to three (3) unexcused absences annually before disciplinary action will be taken.

2.2.2c Rules of Procedure

The Commission shall adopt rules of procedure necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. The rules of procedure adopted by the Commission shall at least provide for the selection of officers in the Commission, the time and place of its regular meetings and the calling of special meetings, the procedures for the conduct of public hearings, the conduct of voting, the forms to be used in applying for and issuing or denying Certificates of Appropriateness, and a list of minor works for which staff may issue Certificates of Appropriateness.

2.2.2d Powers and Duties

The Commission is authorized and empowered to undertake such actions reasonably necessary to the discharge and conduct of its duties and responsibilities as outlined in this Ordinance and the N.C. General Statutes, including but not limited to the following:

1. Undertake an inventory of properties of historical, prehistorical, architectural, and/or cultural significance.
2. Recommend to the ~~governing board~~ Board of Commissioners, or applicable governing boards, areas to be designated by ordinance as "Historic Districts" and individual structures, buildings, sites, areas, or objects to be designated by ordinance as "Landmarks."

3. Acquire by any lawful means the fee or any lesser included interest, including options to purchase, to properties within established districts or to any such properties designated as landmarks to hold, manage, preserve, restore, and improve such properties, and to exchange or dispose of the property by public or private sale, lease or otherwise, subject to covenants or other legally binding restrictions that will secure appropriate rights of public access and promote the preservation of the property.
4. Restore, preserve, and operate historic properties.
5. Recommend to the ~~governing board~~ Board of Commissioners or other governing boards that designation of any area as a historic district or part thereof, or designation of any building, structure, site, area, or object as a landmark, be revoked or removed for cause.
6. Conduct an educational program regarding historic properties and districts within its jurisdiction.
7. Cooperate with the State, federal, and local governments in pursuance of the purposes of this Part. The ~~governing board~~ Board of Commissioners, other applicable governing board, or the commission, when authorized by ~~the~~ a governing board, may contract with the State, or the United States of America, or any agency of either, or with any other organization provided the terms are not inconsistent with State or federal law.
8. Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee, or agent of the commission may enter any private building or structure without the express consent of the owner or occupant thereof.
9. Prepare and recommend the official adoption of a preservation element as part of the local government's comprehensive plan.
10. Review and act upon proposals for alterations, demolitions, or new construction within historic districts, or for the alteration or demolition of designated landmarks, pursuant to ~~this Chapter 160D, Article 9, Part 4. NC General Statutes Chapter 160D~~ 72
11. Negotiate at any time with the owner of a building, structure, site, area, or object for its acquisition or its preservation, when such action is reasonably necessary or appropriate. ~~(2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)~~

2.2.3. DESIGNATING HISTORIC LANDMARKS

2.2.3a Adoption of an Ordinance of Designation

Upon Compliance with the procedures set out in Section 2.2.3d, the Board of Commissioners or other local governing board may adopt and, from time to time, amend or repeal an ordinance designating one or more historic landmarks. The ordinance shall include the following information:

1. List the name or names of the owner or owners of the property;
2. Describe each property designated in the ordinance, including the approximate area of the property so designated;
3. Describe those elements of the property that are integral to its historical, prehistoric, architectural, archaeological, and/or cultural significance;
4. Provide for each designated historic landmark, a suitable sign or plaque indicating that the landmark has been so designated, which the municipality, or the extraterritorial jurisdiction, where the sign is located is responsible for, and if none, the county; and
5. Any other information the local Board of Commissioners or applicable governing board deems necessary within the authority of this ordinance and the general statutes.

2.2.3b Criteria for Designation

In order for any building, structure, site, area, or object to be designated in an ordinance as a historic landmark, the Commission must find that the property is of special significance with regard to its history, prehistory, architecture, archaeology, and/or cultural importance, and that it possesses integrity of design, setting, workmanship, materials, feeling, and/or association.

2.2.3c Inventory

The Commission shall use an inventory of buildings, structures, sites, areas, or objects of historical, prehistoric, architectural, and archaeological significance in the county as a guide to the identification, assessment, and designation of historic landmarks. The Commission shall update the inventory from time to time.

2.2.3d Required Procedures for Designation

The Board of Commissioners or applicable governing board may not adopt or amend an ordinance designating a historic building, structure, site, area, or object, or acquire any landmark, until the steps prescribed by this ordinance and its subsections have been taken, including rules of procedure and guidelines for the altering, restoring, moving, or demolishing properties designated as historic. Designation procedures may be initiated at the request of a property owner or the Commission may contact property owners to determine interest in designation.

2.2.3e Designation Reports

The Commission shall make, or cause to be made, an investigation and report that includes all the information contained in this Section. Applications prepared by owners will be judged by the same criteria as those prepared by the Commission.

1. The name of the property to be considered for designation – both common and historic names, if they can be determined;
2. The name and address of the current property owner;
3. The location of the property proposed to be designated historic, including the street address and parcel identification number (GPIN);
4. The date of construction and of any later alterations, if any;
5. An assessment of this significance of the site or structure pursuant to Section 4.2;
6. An architectural or archaeological description of the area of the site or structure proposed to be designated, the report shall contain a description of those features;
7. A historical discussion of the site or structure within its type, period, and locality;
8. A photograph that clearly depicts the property proposed to be designated and supplementary photographs showing facades, details and siting; and
9. A map showing the location of the property and area to be designated, including any outbuildings and appurtenant features.

2.2.3f Review by the Department of Natural and Cultural Resources

A report accepted by the Commission shall be submitted to the North Carolina Department of Natural and Cultural Resources, Office of Archives and History or its successor agency, for comments pursuant to N.C. Gen. Stat. §160D-946, as amended from time to time. The Department of Natural and Cultural Resources or its successor agency, acting through the State Historic Preservation Officer, shall either upon request of the Department or at the initiative of the Commission, be given an opportunity to review and comment upon the substance and effect of the designation of any landmark pursuant to this ordinance.

2.2.3g Consideration of the Report

Once the designation report has been prepared, either by the Commission or by the owner, and is deemed by the Commission staff to meet the provisions of subsection 4.4.1, the Commission shall consider the report. The Commission may accept it, amend it, or recommend further study.

Prior to final action on a designation report, the Commission shall indicate the extent to which the landmark meets the criteria for designation in Section 2.2.3b.

The Commission should consider any comments received in writing from the Department of Natural and Cultural Resources or its successor agency. If the Department does not submit its written comments or recommendations in connection with any proposed designation within thirty (30) days following receipt of the report, the Commission and the Board of Commissioners, or applicable governing board, shall be relieved of any responsibility to consider such comments. After the expiration of the thirty (30) day comment period given the Department of Natural and Cultural Resources, the Commission may recommend to the local governing board that the property be designated as a historic landmark.

2.2.3h Submission to the Board of Commissioners

The Commission shall forward its recommendation to the Board of Commissioners or other appropriate governing board. The Commission shall submit a copy of the designation report, any written comments received from the Department of Natural and Cultural Resources, and if the recommendation is for approval, a proposed ordinance of designation, to the applicable governing board.

2.2.3i Public Hearing

When a proposed ordinance of designation is submitted, the Commission and the applicable governing board shall hold a joint public hearing or separate public hearings on the proposed ordinance. Reasonable notice of the time and place thereof shall be given in accordance with North Carolina General Statutes.

2.2.3j Adoption of a Designation Ordinance

Following the required public hearing, the local governing board shall consider the designation report, the Commission's recommendation, the Department of Natural and Cultural Resource's comments, and the comments made at the public hearing, and may adopt the ordinance as proposed, adopt the ordinance with amendments, or reject the ordinance.

2.2.4 Actions Subsequent to Approval

Upon adoption of the ordinance:

(a) Commission staff shall send the owner(s) of the landmark, as identified by current tax records, written notice of such designation within thirty (30) days of adoption of the ordinance by certified mail, return receipt requested.

(b) The Commission shall file one copy of the ordinance and any subsequent amendments thereto, in the office of the Register of Deeds of Alamance County. The Register of Deeds shall index each historic landmark according to the name of the owner in the grantee and grantor indexes. The Commission shall pay a fee for filing and indexing.

(c) A copy of the ordinance shall be given to the Alamance County Inspections Director.

(d) In the case of a landmark lying within the zoning jurisdiction of a municipality, a copy of the ordinance shall be kept on file in the office of the municipal clerk and be made available for public inspection at any reasonable time. A copy shall also be given to the municipality's Inspections Director.

(e) All tax maps maintained by Alamance County shall clearly indicate the designation of a building, structure, site, area, or object as a historic landmark for as long as the designation remains in effect.

(f) The Commission staff shall notify the tax assessor of Alamance County of the landmark designation. The assessor shall consider the designation and any recorded restriction on the landmark in appraising it for tax purposes.

2.2.4a Denied Applications

If the Board of Commissioners or applicable governing board denies a designation report, a copy of the meeting minutes at which the denial was rendered shall be mailed to the owner of the property proposed for designation.

2.2.5. Historic Districts

2.2.5a Adoption of an Ordinance of Designation

No historic district may exist without an ordinance designating it as such. Upon compliance with the procedures contained in Section 2.2.3d, the local governing board, within its jurisdiction, may adopt, amend, or repeal an ordinance designating one or more historic districts.

2.2.5b Criteria for Designation

In order for any area to be designated in an ordinance as a historic district, the Commission must find that the area is of special significance in terms of its history, prehistory, architecture, archaeology, and/or cultural importance, and that it possesses integrity of design, setting, workmanship, materials, feeling, and/or association.

2.2.5c Inventory

The Commission shall use an inventory of buildings, structures, sites, areas, or objects of historical, prehistoric, architectural, and archaeological significance in the county as a guide for the identification, assessment, and designation of historic districts. The Commission shall update the inventory from time to time.

2.2.5d Required Procedure for Designation

A local governing board may not adopt or amend an ordinance designating a historic district, nor may the local governing board or the Commission accept any district until the steps prescribed by this Section have been taken.

2.2.5e Designation Report

The Commission shall prepare or review an investigation and report describing the significance of the buildings, structure, features, sites, or surroundings included in any such proposed district, and the description of the boundaries of such district. Such report shall be referred to the local governing board or the local planning agency for its review and comment according to procedures set forth in the development ordinance of the corresponding jurisdiction.

2.2.5f Review by the Department of Natural and Cultural Resources

All designation reports shall be submitted to the North Carolina Department of Natural and Cultural Resources by the Commission. The Department of Natural and Cultural Resources or its successor agency, acting through the State Historic Preservation Officer, shall, either upon the request of the Department or at the initiative of the Commission be given an opportunity to review and comment upon the substance and effect of the designation of any district.

If the Department does not submit its written comments or recommendations in connection with any proposed designation within thirty (30) days following receipt of the report, the Commission and the applicable governing board shall be relieved of any responsibility to consider such comments. After the expiration of the thirty (30) day comment period given the Department, the Commission may recommend to the local governing board that the area be designated as a historic district.

2.2.5g Review by Other Groups

The local governing board may also, at its discretion, refer the designation report and proposed boundaries to any local preservation commission or other interested body for its recommendations prior to taking action to amend the development ordinance.

2.2.5h Adoption of a Designation Ordinance

On receipt of these reports and recommendations, the local governing board may proceed in the same manner as would otherwise be required for the adoption or amendment of any appropriate development ordinance provisions.

2.2.5i Revisions to Districts

With respect to any changes in the boundaries of an adopted historic district subsequent to its initial establishment, the requirements and procedures contained in Section 2.2.5 shall apply.

2.2.6. Certificates of Appropriateness

2.2.6a Requirements

From and after the designation of a historic landmark or district, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and

pavement, or other appurtenant features), nor above-ground utility structure, nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished on such landmark, or within such district until after an application for a Certificate of Appropriateness as to exterior features has been submitted to and approved by the Commission. In adopting an ordinance establishing a historic district, the Board of Commissioners or applicable governing board shall provide that no building permit or other permit granted for the purposes of constructing, altering, moving, or demolishing structures shall be issued unless the Commission has first issued a Certificate of Appropriateness authorizing the construction, alteration, moving, or demolition. Any building permit or such other permit not issued in conformity with this section shall be invalid. In approving a Certificate of Appropriateness, the Commission may attach reasonable conditions necessary to carry out the purposes of this ordinance. A Certificate of Appropriateness shall be required whether or not a building permit is required.

For purposes of this ordinance, “exterior features” shall include the architectural style or character, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building or other structure, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, “exterior features” shall mean the style, material, size, and location of all such signs. In adopting an ordinance establishing a historic district, the Board of Commissioners or applicable governing board may provide that “exterior features” also include historic signs, color, and significant streetscape, landscape, archaeological, and natural features of the area. The Commission shall take no action under this moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features which would be incongruous with the special character of the landmark or district.

2.2.6b Review Guidelines

Prior to the designation of any historic landmark or district, the Commission shall prepare and adopt the guidelines, not inconsistent with N.C. Gen. Stat. 160D Article 9, Part 4 for altering, restoring, moving, or demolishing of property designated as historic. It is the intention of these guidelines to ensure, insofar as possible, that changes in designated landmarks or properties located within designated districts shall be in harmony with the reasons for designation. The Secretary of the Interior’s Standards for Rehabilitation shall be used if no other design guidelines are adopted.

2.2.6c Limitations on Interior Review

Notwithstanding this ordinance, jurisdiction of the Commission over interior spaces shall be limited to specific interior features of architectural, artistic, or historical significance in publicly owned landmarks, and of privately-owned historic landmarks for which consent for interior review has been given by the owner. If an owner's consent for interior review has been filed in the office of the Alamance County Register of Deeds and indexed according to the name of the owner of the property in the grantee and grantor indexes, such consent shall bind future owners and/or successors in title. The ordinance establishing the historic designation shall specify the interior features to be reviewed and the specific nature of the Commission's jurisdiction over those features.

2.2.6d Certain Changes Not Prohibited

Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of a historic landmark or property located within a district that does not involve a change in design, material, or outer appearance thereof. Nor shall this ordinance be construed to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe or dangerous condition. Nothing herein shall be construed to prevent a property owner from making any use of his property not prohibited by other statutes, ordinances, or regulations. Nothing in this ordinance shall be construed to prevent the reasonable maintenance of or, in the event of an emergency, immediate restoration of any existing above-ground utility structure without approval by the Commission.

2.2.6e Administrative Approval for Minor Works Allowed

The Commission staff may issue a Certificate of Appropriateness for minor works, as listed in the Commission's Rules of Procedure. Minor works shall include and are defined as those exterior changes that do not involve substantial alterations, additions, or removals that could impair the integrity of the property and/or district as a whole.

No application for a minor works Certificate of Appropriateness may be denied without formal action by the Commission.

2.2.6f Delay in Demolition of Designated Properties

Except as provided below, the Commission may not deny an application for a Certificate of Appropriateness authorizing the demolition of a designated historic landmark or property located within a district. However, the Commission may delay the effective date of such a certificate for a period of up to 365 days from the date of approval. The Commission may reduce the period of delay where it finds that the owner would suffer undue hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period, the Commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the property, as provided in subsection 3.5(g). Any such agreement must be reduced to writing, kept on file in the Planning Department, and acknowledged during the next available regular meeting.

The Commission may deny an application for a Certificate of Appropriateness authorizing the demolition or destruction of a building, site, or structure determined by the State Historic Preservation Office to have statewide significance, as defined in the criteria of the National Register of Historic Places, unless the Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

If the Commission has voted to recommend designation of a property as a landmark or designation of an area as a district, and final designation has not been made by the Board of Commissioners or applicable governing board, the demolition or destruction of any building, site, or structure located on the property of the proposed landmark or in the proposed district may be delayed by the Commission for a period of up to 180 days or until the applicable governing board takes action on the designation, whichever occurs first. Should the Board of Commissioners or applicable governing board approve the designation prior to the expiration of the 180-day delay period, an application for a Certificate of Appropriateness for demolition must then be filed.

2.2.6g Demolition by Neglect

Demolition by neglect of any designated historic landmark or property located within a district shall constitute a violation of this ordinance. The Board of Commissioners or applicable governing board may take appropriate actions to prevent demolition by neglect, provided such actions include appropriate safeguards to protect the property owner from undue hardship.

2.2.7 Required Procedures

2.2.7a Submittal for Application

An application for a Certificate of Appropriateness shall be obtained from and, when completed, filed with the Planning Department. Applications for Certificates of Appropriateness shall be considered by the Commission at its next regularly scheduled meeting, provided they have been filed, complete in form and content, at least 10 working days before the meeting; otherwise, consideration shall be deferred until the following meeting.

2.2.7b Contents of Application

The Commission shall, by uniform rule in its Rules of Procedure, require information as is reasonably necessary to determine the nature of the application. An application for a Certificate of Appropriateness shall not be considered complete until the required information is included. An incomplete application shall not be accepted. Nothing shall prevent the applicant from filing with the application additional relevant information bearing on the application.

2.2.7c Notification of Affected Property Owners

Before considering an application for a Certificate of Appropriateness, the Commission shall notify by mail the owners of any adjacent property. The mailed notices are for the convenience of the property owners and occupants and any defect or their omission therein shall not impair the validity of issuing a Certificate of Appropriateness, or any following action.

2.2.7d Hearing

When considering an application, the Commission shall give the applicant and owners of any property likely to be materially affected by the application, an opportunity to be heard. Such opportunity shall appear as a business item on the agenda of a regular meeting.

2.2.7e Commission Action on Application

When considering the application, the Commission shall apply the review guidelines required by Section 2.2.6, and shall, before final action of the application, make findings of fact indicating the extent to which the application is or is not in compliance with the review criteria.

The Commission's action on the application shall be approval, approval with conditions, deferral, or disapproval.

2.2.7f Reasons for Commission's Actions to Appear in Minutes

The commission shall ensure that the cause for their decision be entered into the minutes of its meeting, whether it be approval, approval with conditions, deferral, or denial. The minutes shall also contain a summary of any citation to the evidence, testimony, studies, or other authority upon which it based its decision.

2.2.7g Time Limits

If the Commission fails to take final action upon any application within ninety (90) days after the complete application is considered by the Commission, the application shall be deemed to be approved as submitted. This time period may be extended upon mutual agreement between the Commission and the applicant.

A Certificate of Appropriateness shall expire six months after the date of issuance, or in the case of a demolition Certificate of Appropriateness, the effective date, if the work authorized by the certificate has not been commenced. If the work has been discontinued for a period of twelve months after commencement, the permit shall immediately expire.

2.2.7h Submission of New Application

If the Commission denies a Certificate of Appropriateness, a new application affecting the same property may be submitted only if substantial change is made in plans for the proposed construction, reconstruction, alteration, restoration, or moving.

2.2.7i Appeals of the Commission's Decision

An appeal may be made to the Alamance County Board of Adjustment, or to the board designated for such appeals within the corresponding jurisdiction, regarding the Commission's action in approving or denying any application for a Certificate of Appropriateness. Written notice of intent to appeal must be sent to the Commission, postmarked within thirty (30) days following the Commission's decision. Appeals must be filed with the Planning Department or the corresponding jurisdiction within 30 days following the Commission's decision. Appeals shall be in the nature of certiorari. The Board of Adjustment's decision in any such case may be appealed to the Superior Court of Alamance County.

2.2.8 Ordinance to Apply to Publicly Owned Buildings and Structures

Designated historic buildings, structures, sites, areas, or objects owned by State of North Carolina or any of its political subdivisions, agencies, or instrumentalities shall be subject to the regulations imposed by this ordinance, in accordance with N. C. Gen. Stat. 160D Article 9, Part 4.

2.2.9 Remedies

In case any building, structure, site, area, or object designated a historic landmark, or any property located within a historic district, is about to be demolished as the result of deliberate neglect or otherwise, materially altered, remodeled, or removed, except in compliance with this ordinance, the Board of Commissioners or applicable governing board, the Commission, or other party aggrieved by such action may institute any appropriate action or proceedings to prevent such unlawful demolition, material alteration, remodeling, or removal, to restrain, correct or abate such violation, or to prevent any illegal act or conduct with respect to such historic property.

2.2.10 Conflict with Other Laws

Whenever the provisions of this ordinance are in conflict with any other statute, charter provision, ordinance, or regulation of any governing board, the more restrictive ordinance or regulation shall govern.

2.3 Board of Adjustment (BOA)

2.3.1 ESTABLISHMENT AND RESPONSIBILITIES

~~There~~ The Alamance County Board of Adjustment is hereby established, by authority of ~~Chapter N.C. Gen. Stat. §160D, Section 302, of the North Carolina General Statutes, a~~ Board of Adjustment. The Board of County Commissioners shall appoint residents of Alamance County to serve as the Board of Adjustment. The Board of Adjustment shall have and exercise the following powers:

a) To authorize, in specific cases, variances from the terms of this Ordinance when unnecessary hardships would result from carrying out the strict letter of the regulations. The Board shall vary any of the provisions of this ordinance upon a showing of all of the following:

- (i) 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.
- (ii) 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.
- (iii) 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.
- (iv) 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.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

b) To hear and decide appeals from any order, requirement, decision, or determination made by the Planning Director or designee, Historic Properties Commission, Technical Review Committee or the Planning Board in the enforcement or application of this Ordinance.

- i) Pursuant to N.C. Gen Stat. § 160D-1402(c), appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer, department, Board, or Bureau of the political subdivision affected by any decision of the administrative agency.

- ii) All appeals hereunder N.C. Gen. Stat. § 160D-405 and -406 shall be heard and decided as required by Chapter 106D or any subsequent statute.

2.3.2 MEMBERSHIP

The Board of Adjustment shall be composed of five (5) members.

- i) Terms for members of the Board of Adjustment shall last for three (3) years. In appointing the original members or when filling vacancies, the Board of Commissioners may appoint certain members for less than three (3) years so that terms may not expire at the same time. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.
- ii) The Board of Commissioners may appoint alternate members to serve on the Board of Adjustment in cases of an absence, temporary disqualification, recusal from voting in specific hearings, or to fill a vacancy pending appointment of a member. Alternate members should be appointed in the same member as regular members. When in service, alternate members shall have all the same powers and duties of regular members.
- iii) All members appointed the Board of Adjustment shall, before entering their duties, qualify by taking an oath of office as required by N.C. Gen. Stat. §160D-309.

2.3.3 PROCEDURES

- i) A quorum of the Board, necessary to take official action, shall consist of four (4) members. The concurring vote of four-fifths of the Board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter in accordance with N.C. Gen. Stat. §160D-109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
- ii) Any vote shall be carried by a simple majority present at the meeting unless a different standard is required by statute.
- iii) The Board shall adopt rules of procedure necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. The rules of procedure adopted by the Board shall at least provide for the selection of officers in the Board, the time and place of its regular meetings and the calling of special

meetings, and any other rule necessary for the operation of its meetings. Rules of procedure are subject to review and amendment as necessary by the Alamance County Board of Commissioners.

- iv) The Board of Adjustment shall keep a record of its members' attendance, and of its resolutions, discussions, findings, and recommendations, which shall be public record.

2.4 Planning Department

2.4.1 ESTABLISHMENT AND RESPONSIBILITIES

The provisions of this Ordinance shall be administered by the Planning Department and its staff as the planning agency authorized by Chapter 160D for Alamance County. The Planning Department is established to perform the following duties described in said Chapter:

- a) Make studies of the County and surrounding areas;
- b) Recommend to the Board of Commissioners objectives to be sought in the development of the study area;
- c) Prepare and present to the Board of Commissioners plans for achieving these objectives;
- d) Develop, recommend, and enforce policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
- e) To maintain all records that pertain to the administration of this Ordinance and make these records available for public inspection, pursuant to Chapter 132 of the North Carolina General Statutes.
- f) Perform any other related duties that Chapter 160D of the North Carolina General Statutes or the Board of Commissioners may direct.

In accordance with N.C. Gen. Stat. §160D-109(c), no staff member shall make a final decision on an administrative decision required by this ordinance or state law if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to applicable regulations unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support

shall engage in any work that is inconsistent with his or her duties or with the interest of the County, as determined by the County.

The Alamance County Planning Department is hereby granted and specifically charged with responsibility, under the direction and subject to final approval of the Board of Commissioners for the following:

- i. Developing and proposing a community development plan;
- ii. Carrying out responsibilities as the County's lead agency for transportation planning;
- iii. Carrying out responsibilities as the County's lead agency for land development planning;
- iv. Administration of County Ordinances as assigned;
- v. Such other responsibilities as the Board of Commissioners may from time to time specifically assign to the Alamance County Planning Department.

2.5 Planning Director

2.5.1 ESTABLISHMENT OF RESPONSIBILITIES

The Planning Director, under the direction of the County Manager or his/her designee, shall serve as the professional staff support to the Planning Board, Historic Properties Commission, Board of Adjustment, and the Technical Review Committee. Duties assigned to staff may include, but are not limited to, drafting and implementing plans and development regulations to be adopted pursuant to Chapter 160D of the North Carolina General Statutes; determining whether applications for development approvals are complete; receiving and processing applications for development approvals; providing notices of applications and hearings; making decisions and determinations regarding development regulation implementation; determining whether applications for development approvals meet applicable standards as established by law and local ordinance; conducting inspections; issuing or denying certificates of compliance or occupancy; enforcing development regulations, including issuing notices of violation, orders to correct violations, and recommending bringing judicial actions against actual or threatened violations; keeping adequate records; and any other actions that may be required in order adequately to enforce the laws and development regulations under their jurisdiction. The Planning Director shall be responsible for the administration and enforcement of this Ordinance unless otherwise assigned within the text of this ordinance.

The Planning Director shall have the authority to appoint a designee to act in the place of the Planning Director at his/her discretion to assist in the administration and enforcement of this Ordinance. Nothing in this section is or shall be construed to limit the authority of any other officer of the County to observe and report violations of this ordinance during the course of conduct and within the scope of official duties.

This ordinance further establishes the Planning Director as Watershed Administrator, Floodplain Administrator, and Subdivision Administrator.

2.5.2 RESPONSIBILITIES AS WATERSHED ADMINISTRATOR

The duties of the Planning Director as Watershed Administrator are defined as, but not limited to, the following:

- a) To issue Watershed Protection Permits as prescribed herein. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours.
- b) To keep records of all amendments to the local water supply Watershed Protection Standards and shall provide copies of all amendments upon adoption to the North Carolina Department of Environmental Quality.
- c) To keep records of the jurisdiction's utilization of the Special Non-Residential Intensity Allocation (SNIA) provision. Records for each watershed shall include the total acres of the balance of the watershed, total acres eligible to be developed under this option, total acres approved for this development option, and individual records for each project with the following information: location, acres, site plan, and use, as applicable.
- d) To administer and enforce the provisions of the Watershed Protection Standards, exercising in the fulfillment of their responsibility the full police power of the County except that no civil or criminal action can be taken without the expressed permission of the County Manager. The Planning Director, or their duly authorized representative, may enter any building, structure, or premises, as provided by law, to perform any duty imposed upon them by this Ordinance.
- e) To keep a record of variances to the Watershed Protection Standards. This record shall be submitted for each calendar year to the Division of Water Quality; on or before January 1st of the following year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

In addition to the documentation provided above, a Hazardous Materials Inventory and a Spill Containment Plan, as applicable, shall be kept in the Alamance County Emergency Management Office.

2.5.3 RESPONSIBILITIES AS FLOODPLAIN ADMINISTRATOR

The duties of the Planning Director as Floodplain Administrator are defined as, but not limited to, the following:

- a) To review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this Ordinance have been satisfied.
- b) To review all proposed development within Special Flood Hazard Areas to assure that all necessary local, state, and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- c) To notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA)
- d) To assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- e) To prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of this ordinance are met.
- f) To obtain actual elevation (in relation to NAVD 1988) of the reference level, including basement, and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of ~~Article 4, Section B(3)~~ Article 6.4, Section 6.4.4 (c).
- g) To obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been flood-proofed, in accordance with the provisions of ~~Article 4, Section B(3)~~ Article 6.4, Section 6.4.4 (c).
- h) To obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of ~~Article 4, Section B(3)~~ Article 6.4, Section 6.4.4 (c).
- i) To obtain certification from a registered professional engineer or architect when flood-proofing is utilized for a particular structure. This is to be in accordance with the provisions of ~~Article 4, Section B(3)~~ Article 6.4, Sections 6.4.4 (c) and Article 5, Section B(2) 6.4.6 for Non-Residential Construction.
- j) To make the necessary interpretation when interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and the actual field conditions).

- k) When Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of ~~Article 3, Section B~~ Article 6.4, Section 6.4.1, the Administrator shall obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a federal, state, or other agency, including data developed pursuant to ~~Article 5, Section D(2)(c)~~ Article 6.4, Section 6.4.7 (2.c.), in order to administer the provisions of this Ordinance.
- l) When BFE data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Article 3, Section B, the Administrator shall obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other agency in order to administer the provisions of this Ordinance.
- m) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the BFE, the Administrator shall advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. The Administrator shall maintain a copy of the LOMA in the floodplain development permit file.
- ~~n) To permanently maintain all records that pertain to the administration of this Ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.~~
- n) To make onsite inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local Ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- o) To issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

- p) To revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- q) To make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her Planning Department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- r) To follow through with corrective procedures of this ordinance.
- s) To review, provide input, and make recommendations for variance requests.
- t) To maintain a current map repository to include, but not limited to, historical and effective Flood Insurance Study (FIS) Report, historical and effective Flood Insurance Rate Maps (FIRM) and other official flood maps and studies adopted in accordance with the provisions of Article 3, Section B of this Ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. The Administrator shall also notify State and FEMA of mapping needs.
- u) To coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

2.5.4 RESPONSIBILITIES AS SUBDIVISION ADMINISTRATOR

The duties of the Planning Director as Subdivision Administrator are defined as, but not limited to, the following:

- a) To implement the provisions of ~~the~~ Article 6, Section 6.9 Subdivision Standards.
- b) To act as staff support to the Technical Review Committee.

2.6 Technical Review Committee (TRC)

The Technical Review Committee is hereby established and authorized to review development plans. The TRC may perform necessary field work and investigation as required by this Ordinance.

The TRC shall serve as an advisory board for applicants and their authorized agents to ensure that development proposals comply with this ordinance and other applicable regulations. Development proposals which must undergo TRC review include the following:

- Major Residential Subdivisions (15 or more lots)
- Minor Subdivisions involving new Class I or Class II Private Roads
- Subdivisions which trigger an upgrade in road standards
- Adult Establishments/Sexually Oriented Businesses (Article 6.2)
- Manufactured Home Parks (Article 6.7)
- Automobile Graveyards (Article 6.13)
- Recreational Vehicle Parks (Article 6.14)
- Other non-residential developments

The Planning Director or their designee may recommend that an application for development approval undergo TRC review even if not explicitly listed above. This may be the case when particularly technical developments are proposed or in instances when multiple agencies will have to give approval. In these instances, the official recommending TRC review shall provide written justification to the applicant for such recommendation.

2.6.1 MEMBERSHIP

The TRC shall consist of the Subdivision Administrator, representatives from the County Health Department, County Planning Board, County Soil and Water Conservation, NC Department of Transportation, NC Department of Environmental Quality, County Emergency Management, and the County Building Inspections Department.

Other agencies and specialists as deemed necessary by the Administrator to properly implement the provisions and intent of this Ordinance may be included from time to time.

2.6.2 MEETING REQUIREMENTS

The TRC shall meet the second and fourth Thursdays of each month, or as needed. The ~~subdivider~~ applicant or their authorized agent is to be included in the technical review meeting, though ~~subdivider~~ attendance is not required for the meeting to be held.

The first and third Mondays of each month should serve as cutoff points for receiving plans. The TRC shall review plans and plats for compliance with provisions and intent of this Ordinance.

PLANNING REVIEW APPLICATION



Alamance County Planning Department

201 W. Elm Street Graham, NC 27244

planning@alamance-nc.com

(336) 570-4053

Submit one (1) printed copy and electronic set of plans to the Planning Office for review.

PROJECT SUMMARY:

A. Project Name: Simple Times RV Park Phase 3

B. Type of Plan:

<input type="checkbox"/> Minor Subdivision (≤ 14 lots)	<input type="checkbox"/> Sexually Oriented Business	<input type="checkbox"/> Solar Energy Systems
<input type="checkbox"/> Major Subdivision (> 14 lots)	<input type="checkbox"/> Commercial Development	<input type="checkbox"/> Wireless Communication Facility*
<input type="checkbox"/> Exempt Subdivision	<input type="checkbox"/> Heavy Industrial Development*	<input type="checkbox"/> Ordinance Variance*
<input type="checkbox"/> Manufactured Home Park	<input type="checkbox"/> Floodplain Development*	<input type="checkbox"/> Use Verification Letter
<input checked="" type="checkbox"/> RV Park	<input type="checkbox"/> Watershed Site Plan*	<input type="checkbox"/> Stream Determination
<input type="checkbox"/> Other (please specify in Section K below)		

*Note: these projects have additional required forms. Please refer to the Planning Department website (<https://www.alamance-nc.com/planningdept/>) or contact the Planning Department for more information.

C. Review Stage: ☐ Technical Review Committee ☐ Preliminary Plat ☐ Construction Plan ☐ Final Plat

D. Property Street Address: 7915 S HWY 49 Snow Camp NC 27349

Property Description: RV Park / Camp Ground

E. Owner/ Applicant: Anthony Moize

Owner/Applicant Address: 3103 Isley Dr. Snow Camp NC 27349

F. Report Comments to: Anthony Moize

Telephone Number: (336) 516-2267

E-Mail: info@simpletimesnc.com

Fax Number:

Report Comments to (additional contact): Josh Moize

Telephone Number: (336) 263 1611

E-Mail: josh.moize@yahoo.com

Fax Number:

G. Tax Map / Block / Parcel # (s): 101785

H. Total Tract Acreage: 22.75

I. Watershed: ☐ yes ☒ no If yes, which watershed:

J. Floodplain: ☐ yes ☒ no (A Floodplain Development Permit may also be required if the property is in the Floodplain)

K. Proposed Use (use separate page if necessary): Request Amendment (Sec. 6.14 RV Park Ordinance Sec B. #1)

L. Number and Type of Lots: 9 RV Sites

PLAN SUBMISSION GUIDELINES

All Major Subdivisions must submit a preliminary plat for review and undergo a TRC meeting before submitting a final plat. Minor and Exempt Subdivisions may submit preliminary plats to be reviewed digitally before submitting final plats.

Plans submitted for TRC Review must be submitted ten (10) days prior to the desired TRC meeting (TRC meetings may be scheduled for the 2nd & 4th Thursdays of each month). Submittals must be complete in order to be scheduled for review.

I have read, understood and completed the attached plan to the best of my knowledge and ability:

Applicant Signature: [Signature]

Phone: 336-516-2267

Date: 2/9/24

Reduce Clearway from 60' to 30'

6.14 Recreational Vehicle (RV) / Travel Trailer Parks

6.14.1 DEVELOPMENT SPECIFICATIONS

I. Minimum Space Size

1. Service-based Size Requirements

Services Provided	Minimum Space Size
Recreational Vehicle requirements	
	2,400 square feet

2. RV Parks located in the Balance of Watershed (BOW) shall have a minimum manufactured home space size of one acre.
3. RV Parks located in the Watershed Critical Area (WCA) of watersheds shall have a minimum manufactured home space size of two acres.
4. Spaces within Recreational Vehicle/Travel Trailer Parks (collectively referred to in this section as “Parks”) are not transferable lots that can be deeded or sold except by an approved subdivision plat. Approved RV Park plans are not to be construed as a subdivision.

*NOTE: Additional acreage may be required by the Alamance County Health Department to accommodate sewage disposal and well systems.

B. Road Standards

1. RV Parks shall have a “clearway” of ~~60~~ 30 feet.
2. Within each designated clearway there shall be a “travelway.” The travelway shall be maintained for all weather and emergency vehicle access. Every travelway that does not either intersect a public road or intersect into another travelway must provide for a vehicle turnaround as follows:
 - a. For dead ends less than 150’ in length (as measured from the nearest road or travelway intersection centerline to the center point of the dead end, cul-de-sac, or other end point of the travelway) with a minimum width of 24’ feet or other configuration as approved by the appropriate regulating agency.
 - b. For cul-de-sacs more than 150’ in length (as measured from the nearest road or travelway intersection centerline to the center point of the dead end, cul-de-sac, or other end point of the travelway) with a minimum width of 96’ or other configuration as approved by the appropriate regulating agency.
 - c. No cul-de-sac or other dead end shall exceed 2500’ in length as measured from the nearest road or travelway intersection centerline to the center point of the dead end, cul-de-sac or other end point of the travelway.
3. All travelways must originate from a public right-of-way.
4. These standards are a minimum and will be subject to review and approval by the appropriate agency.

ARTICLE 3 | ADMINISTRATIVE PROCEDURES

All activities regulated by this Ordinance shall be required to apply for permits or licenses through the Alamance County Planning Department prior to engaging in or expanding any regulated activity, construction and/or operational activities. Applicants are strongly encouraged to meet with Planning Staff to discuss the nature of their application prior to making a formal application or submitting a site plan.

DRAFT

3.1 General Standards for Applications and Review

The owner of the property or their authorized agent shall submit all applications. The Administrator may require reasonable proof of identity or responsibility from any person submitting an application.

The ~~Administrator or designated review officer~~ Planning Director or their designee may waive submission of required elements of information when ~~the review officer~~ they determines that such information is otherwise available or is not necessary.

All applications for permits shall be submitted, reviewed, and processed in accordance with the requirements specified in this Ordinance. No permit will be issued until a valid license, site plan or plat is approved as applicable. Any failure to review or make any determination shall not be deemed a waiver of the review or determination unless expressly stated in this Ordinance.

3.1.1 SPECIFICATIONS FOR PLANS AND PLATS

Site Plans

- a) Any applications for permits or licenses required by this ordinance shall be complete upon submittal. No application will be considered complete until all fees required by the County's fee schedule have been paid in full.
- b) Plans should be submitted in a generally acceptable format for the plan type submitted, should be clearly legible, and provide the information needed for the review body to determine conformance with this Ordinance.
- c) Specific items required for the review of site plans shall include but not be limited to the items listed on the application provided for that purpose.

Plats

- a) Plats shall be standard sheet size of 18" x 24" and shall meet the recording requirements established by the Alamance County Register of Deeds.
- b) The scale shall be the largest that will fit the standard sheet but no smaller than one-inch equals four hundred feet (1:~~4800~~ 400).
- c) Final plats shall conform to N.C. Gen. Stat. § 47-30, as amended, and any other requirements of this ordinance. Final plats shall include but not be limited to items listed on the application provided for that purpose.

3.1.2 ADMINISTRATIVE REVIEW AND APPROVALS

Any applications required by this ordinance shall be submitted to the Planning Department upon a form published for that purpose. Upon receiving the complete application, the ~~Administrator~~ Planning Director or their designee will review the application for compliance with the relevant provisions of this ordinance and advise the applicant on the appropriate permitting procedure needed.

Upon determining if the application complies with this ordinance, the ~~Administrator~~ Planning Director or designee may issue an approval, ~~an approval with conditions~~, a denial, may request the applicant provide additional information, or may forward the application to the appropriate review body for review and approval. If the ~~Administrator~~ denies the application is denied, the denial must be in writing and provided to the applicant. The applicant may then make changes to the application and resubmit. Any denial may be appealed as detailed in Section 2.3.1(b) of this ordinance.

If the ~~Administrator~~ Planning Director or their designee issues an approval ~~or an approval with conditions~~, a permit shall be issued to the applicant in standard format developed by the Planning Department. This permit shall entitle the applicant to proceed with construction and operation in accordance with the approved permit or license.

3.1.3 BOARD REVIEW AND RECOMMENDATIONS – PLANNING BOARD, HISTORIC PROPERTIES COMMISSION, OR BOARD OF ADJUSTMENT

For any application requiring Board or Commission review as established by the Development Standards of this ordinance, the Planning Department will first ensure that the application is complete prior to forwarding the application to the appropriate review board. The appropriate review board will be specified in the Development Standards of this ordinance. Review by the review board shall occur as required by law or this ordinance or within a reasonable time.

Following board review, the board may approve the application, deny the application, or approve the application with conditions. If the board denies the application or gives conditional approval, the reasons for its actions shall be documented and transmitted to the applicant as required by law or this ordinance. If the application is denied, the owner may resubmit the application after making corrective changes.

3.2 Grandfathering and Establishment of Non-conforming Uses and Structures

3.2.1 ESTABLISHMENT OF LEGAL NON-CONFORMANCES

Any regulated land use or structure properly permitted as required under a previous ordinance shall constitute a legal non-conformance. Such non-conformances may continue, subject to the provisions of this Ordinance. In all cases, the burden shall be upon the property owner or operator of the non-conforming use or structure to show clear, cogent, and convincing evidence that the use qualifies for such status.

NON-CONFORMING USES.

- (A) Regulations not Retroactive. The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of any non-conforming use. Nothing herein contained shall require change in the construction, alteration, or intended use of any structure, the construction or alteration if which was begun prior to the effective date of this Ordinance, and which is diligently prosecuted.
- (B) Marking and Lighting. Notwithstanding the preceding provision of this Section, the owner of any non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon so such markers and lights as shall be deemed necessary by the Planning Director to indicate to the operators of aircraft in the vicinity of the Burlington-Alamance Regional Airport, the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Burlington-Alamance Regional Authority.

3.2.2 DAMAGE TO LEGAL NON-CONFORMING USES

In cases of damage to a legal non-conforming use or structure, repairs may be made and the non-conforming use or structure may be continued; provided that said damage was not caused by the intentional conduct of the owner or operator; provided further that in making repairs, the owner or operator ensures that the footprint(s) of the original building(s) is maintained. If in case of expansion of the same, the expansion must meet the requirements established by this Ordinance. If a legal non-conforming structure is completely destroyed it may be allowed to rebuild in the same footprint and same size as the original structure was. Alternatively, such legal non-conforming structures may be rebuilt in a way that reduces the degree of nonconformity or that comes into compliance with this Ordinance.

3.2.3 DISCONTINUATION OF NON-CONFORMING USE

Notwithstanding the provisions of Section 3.2.2 above, if a non-conforming use is, for any reason, discontinued for one hundred eighty (180) or more consecutive days, such use may not resume until permits are obtained and all of the requirements of this Ordinance are met. For purposes of this Section, a regulated use shall not be deemed to be discontinued during such time as the owner or operator thereof has temporarily suspended operations solely due to the seasonal nature of the business.

3.2.4 TRANSFER OF PERMITS AND SALES OF NON-CONFORMING USES

A permit issued for any use of land regulated by this Ordinance runs with the land and may be transferred with the property, provided that all permits are legally obtained and maintained as required by this Ordinance.

3.2.5 RIGHTS ATTACHED TO ISSUED PERMITS

As established by Chapter 160D-108 of the North Carolina General Statutes, this ordinance recognizes and adheres to permit choice and vested rights as outlined therein.

3.2.6 NONCONFORMING LOTS OF RECORD

When the owners of legally existing lots of record at the time of the adoption of this ordinance, or their successors thereto, do not own sufficient land to enable them to conform to the area or width requirements within this ordinance, such lots may be used for development purposes provided that all other dimensional, and use requirements are met. This section applies only to undeveloped lots, which are understood to have no substantial structures on them.

3.2.7. NONCONFORMING STRUCTURES

Except as specifically provided in this Section, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming structure. A nonconforming use may not be extended to additional buildings or to land outside the original nonconforming building. A nonconforming use may not be extended to cover more land than was occupied, or manifestly designed and arranged to be occupied, by that use when it became nonconforming.

The volume, intensity, or frequency of use of property where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this Article occur.

Physical alteration of nonconforming structures or structures containing a nonconforming use is unlawful if it results in:

- I. An increase in the total amount of space devoted to the nonconformity;
- II. Greater nonconformity with respect to dimension restrictions such as yard requirements, height limitations, or density requirements;
- III. The enclosure of previously unenclosed areas, even though those areas are or were used in connection with the nonconforming activity.

Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted, subject to all applicable county regulations. Any structure used as a single-family dwelling unit and maintained as a nonconforming situation may be enlarged or replaced, as long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setbacks, height, density, road access or similar requirements. Nothing herein shall prevent the maintenance, repair, extension or construction of a residential accessory structure on a nonconforming lot, provided it is done in the conformance with the requirements of this Ordinance.

3.3 Expiration and Revocation of Permits and Licenses

Any permit, license, preliminary plat, or site plan approved under the provisions of this Ordinance shall expire one (1) calendar year from the date of its issue unless:

1. Otherwise specified by the license, permit, or plat;
2. For approved site plans, if construction has commenced in accordance with the approved permit and has been continuous or near continuous since issuance of the permit, the approval remains valid; or
3. When otherwise provided by law.

Any application for a permit, plat, site plan, or license application that has not been approved within six (6) months of its filing will be considered expired. The ~~Administrator~~ Planning Director of their designee may, for good cause, extend the time:

1. If a request is made, before the original time or its extension expires; or
2. By request made after the time has expired if the party failed to act because of excusable neglect.

The issuing body may grant one (1) extension for a period of six (6) months or less upon request of the applicant if all applicable conditions of issuance are met. Any further continuance will require approval by the ~~Planning Board or Board of Commissioners~~ Board of Adjustment.

No permit or application shall expire on any day when the Alamance County Planning Office is closed for business, instead the permit shall be deemed to expire at 5:00 pm on the first business day following reopening. Any disputes regarding time shall be resolved by reference to Rule 6 of the North Carolina Rules of Civil Procedure.

3.4 Quasi-Judicial Procedure

The Alamance County Board of Adjustment, as established by Chapter 160D of the North Carolina General Statutes shall hear all requests for a quasi-judicial hearing under this Ordinance.

- i) Boards shall follow the quasi-judicial procedures as outlined in N.C. Gen. Stat. § 160D in determining appeals of administrative decisions, special use permits, certificates of appropriateness, variances, or any other quasi-judicial decision.
- ii) An applicant may petition the Board of Adjustment for a quasi-judicial hearing only as allowed by the standards established by this Ordinance or applicable law.
- iii) Any application for a quasi-judicial hearing required by this Ordinance shall be made to the Planning Department upon a form published for that purpose, accompanied by payment of the approved review fees.
- iv) Prior to submittal to the Board, staff will complete an administrative review to verify that the application is complete and will forward the application to the Board of Adjustment for review.
- v) Quasi-judicial hearings shall require Public Notification as outlined by applicable law or this Ordinance.

Applicants for quasi-judicial hearings must submit a completed application at least thirty (30) days prior to the Board of Adjustment meeting in which the matter will be considered.

3.5 Notification Procedures

The purpose of this section is to establish a procedure for public notification if required by Chapter 160D or this Ordinance. In all cases, Planning Department staff shall notify applicable parties of a meeting or hearing within the parameters outlined in this Ordinance or by applicable state law. Such notification shall comply with Section 1.9.4 Computation of Time of this Ordinance. An applicant's failure to comply with ~~these~~ necessary instructions shall be due cause to cancel or reschedule any required hearing.

Alamance County Planning Department

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Planning Board Lot Size Subcommittee Report

Members:

Mr. Rodney Cheek

Mr. Vaughn Willoughby

Mrs. Sandy Ellington-Graves (Oct. 2023 – Jan. 2024)

Mr. Henry Vines (Jan. 2024 – present)

Goal:

To safeguard agricultural operations, reduce environmental impacts on water resources, reduce impervious surfaces and stormwater runoff, allow for affordable home options, enhance community pride in conservation and preservation, and to better preserve a predominantly rural development pattern throughout the unincorporated areas of Alamance County.

Recommendations:

- 1) To require a standard minimum lot size of two (2) acres for new residential subdivisions.
- 2) To allow for a “cluster subdivision option” which would require setting aside open space as part of new residential development on larger tracts of land.
- 3) To allow for Planning Board review and approval, with conditions.
- 4) To require a 50-foot development buffer from farms, county parks, historic districts, churches, and schools.

Prepared: February 27, 2024

Presented: March 14, 2024