

**Board Chair:**  
Rodney Cheek

**Planning Director:**  
Matthew Hoagland



Commissioners' Meeting Room  
124 W Elm Street  
Graham, NC 27253  
April 11, 2024 at 7:00 PM

# **ALAMANCE COUNTY PLANNING BOARD**

## **AGENDA**

Virtual-

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

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF PLANNING BOARD MINUTES**
  1. March 14, 2024 Regular Meeting
- IV. PUBLIC COMMENTS\***
- V. BOARD/COMMISSIONER RESPONSES**
- VI. OLD BUSINESS**
  1. Consideration of Clarifying UDO Article 3 Amendments
  2. Lot Size Subcommittee Report/Recommendation
- VII. NEW BUSINESS**
  1. Consideration of Clarifying UDO Article 4 Amendments
- VIII. ANNOUNCEMENTS/DISCUSSION**
- IX. ADJOURNMENT**

*\*Meeting Notes:*

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

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## **Members Present**

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

## **Members Absent**

## **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 Langlely, *Environmental Health Program Specialist*

## **I. CALL TO ORDER**

Called to order at 7:00 pm.

## **II. ROLL CALL**

Roll call handled by staff via in-person roster.

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

1. February 8, 2024 Regular Meeting

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

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

**Philip Morgan:** I did not really prepare anything, this was more last minute. I've heard the board talk a lot about protecting farmers, cones of influence on wells. It looks like the only people farmers need protection from are those that want 2, 5, or 10 acre lots. I'm not here to be arbitrary but I've heard the board use a lot of scare tactics like the cones of influence. A well can go dry but we also have huge wells that cities pump out and you don't see sinkholes.

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We're changing something that doesn't need to be changed and it would be good for the public to see something legitimate instead of just scare tactics.

**Jeff Allred:** I want to speak from the position of the property owner. It's your job to protect the residents of Alamance County. Let's say for example I have a 200 acre farm my in-laws deeded to me or my in-laws have to sell. Let's say we get 200 lots out of it right now. With this proposal you would only get 100 lots. Where are you protecting the residents of Alamance County. Either the land price is gonna go way down or the lot price is gonna go way up. What you're gonna end up doing is if the lot prices go way up for a 2 acre lot versus a 1 acre lot then basically you're saying you don't want poor people in Alamance County. There's already no affordable housing. I'm a surveyor by trade and you're seeing a lot of tiny homes, mobile homes, rv parks. If you go to a 2 acre minimum then that will be a huge detriment to development. If you're truly being loyal to the citizens then you need to protect the land owners.

**Kristen Foust:** I'm a contractor and developer doing business in the county and the surrounding counties. My husband is a septic tank contractor so we work around this on a daily basis. We've been listening to the meetings and trying to keep up with everything trying to take place here. We understand that a concern has been wells drying up and the size of septic repair areas. Our opinion is that Environmental Health evaluates these lots so they're going to know what is acceptable and suitable. We've had to combine some lots in subdivisions in the past to meet their standards so they are covering you guys in that. Jumping from 30,000 square feet to 2 acres is excessive and to us it is not in the best interests of the citizens of Alamance County. The 30,000 is a minimum. On average these lots are around an acre, sometimes an acre and a half. We feel like an acre would be a good medium but 2 acres is too much. The board needs to represent the entire county not just a few people and not for personal agendas. I do not believe there has been consensus among the board here to recommend to commissioners. I would like to see the board have more discussions and get more input from the public.

**Nathan Sawyer:** I've been in the Triad since 2007 and probably built over 400 houses in Alamance County and plan on continuing to do so. I'm bringing this up as a point of affordability. There is no affordable housing now in the county. Tiny homes and townhomes are the only available forms of affordable housing today. I'm selling 1,500 square foot vinyl boxes for \$375,000. I cannot double my land price, that won't sell. They won't appraise hardly at that price now. I implore you to consider that this will have a negative impact on the growth of Alamance County. My business partner is a developer and over the last 12 plus years he has developed over 2,600 lots in the county. He has land holdings to probably develop another 1,500 lots. That's land that is purchased but not yet approved. He is buying that land at a premium rate based on how much density he would be able to get. Passing this would be financially detrimental, cutting his value in half.

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### **V. BOARD/COMMISSIONER RESPONSES**

None at this time.

### **VI. OLD BUSINESS**

#### 1. Oaths of Office (A. Pierce and S. Dodson)

Oaths were given by Ernest Bare, Mayor of Ossipee.

#### 2. Consideration of Clarifying UDO Article 2 Amendments

Matthew Hoagland told the board that some additional proposed language had been added to the Article 2 amendments to re-include the language for the Historic Properties Commission. He mentioned that the reason this addition was so lengthy was because the HPC is governed by a specific section of 160d and there is a lot of procedure for how they go about conducting business and determining historic properties.

Lee Isley raised a question about preliminary review of Board of Adjustment items under Article 2 and Mathew clarified that that was more for items like special use permits that a Planning Board would need to review before the Board of Adjustment. He added that it was language from 160d that does not currently apply to the county but would be good to still include in case any ordinance changes are made in the future. There was also a question on board members needing to be residents of the county and if the commissioners had made any clarification with that. Rik Stevens told the board that the resolution passed by commissioners was for boards in general and would not impact this section. He added that it is fine for the Planning Board to have stricter requirements and said that they felt there was more of a need for the Planning Board to require residency specifically.

Henry Vines raised a question on the number of members per township and if they should limit it to 1 person per township. Rodney Cheek told him that the old number was 3 and it had been changed to 2 per township. He then said that it could be a problem reducing that number to 1 because then no one would want to be on the board if it felt like people were asking them to.

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Anthony Pierce asked about a 90 day limit under section 2.2.7 G in regards to the Historic Properties Commission. Matthew specified that the limit would be if someone came before the HPC and applied for their property to be considered and the commission did not take action within 90 days then there could be a mutual agreement between them to extend that time limit. Amie Perkins asked about the 6 month expiration date under the same section. It was cleared up that the language specified that work would have to start withing 6 months, not actually be completed in 6 months. Rik also brought up that the language for extending the time limit upon mutual agreement could be added to this section as well.

### **VII. NEW BUSINESS**

#### **1. RV Park Ordinance Amendment Application**

Matthew gave an overview of the proposed amendment to the board, all this would change would be changing the minimum width of the clearway in RV parks from 60 feet to 30 feet. He introduced the applicants, Anthony and Josh Moize and asked them to give some further information. Lee Isley told the board that he would be recusing himself from voting on this matter since one of the applicants was his cousin.

One of the applicants, Anthony Moize, told the board that when they were first developing their park the RV ordinance had not yet been established and that the language for the ordinance was largely written based on their park. He said he did not understand where the 60-foot clearway requirement came from but that the point of an RV park was to provide some more privacy and include more trees. He told the board that there had been no problems with getting EMTs out to the property. He added that he believed the 30-foot clearway was plenty, especially if there were two ways in and out.

There was some question from the board on the difference between clearway and travelway. Matthew told the board that the clearway was essentially the internal right of way on the property and the travelway was the actual graveled road.

Matthew then presented some pictures that he took on a site visit to the Simple Times RV park with Deputy Fire Marshal Jesse Gwyn to demonstrate how a 30-foot wide clearway would still be approvable for fire safety in an RV park.

There was some more discussion between the board and Matthew. Matthew told the board that because this wasn't something that staff could approve administratively and he did not think it would be a strong case for a variance he told the applicants that requesting a UDO amendment might be the best course of action. He told the board that he was not sure where the 60-foot requirement originally came from especially since the

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clearway for a mobile home park was 50 feet. Amie asked if this specific change needed to be addressed with all of the changes to the UDO or if it could happen separately. Matthew said it was up to the board how they wanted to handle it.

Motion to recommend changing the 60-foot clearway requirement for RV parks to 30 feet and send that to the Board of Commissioners: Ernest Bare  
Second: Vaughn Willoughby

John Paisley noted that Lee had asked to be recused and mentioned that a motion would be needed to officially recuse him from voting.

Motion to allow Lee Isley to recuse himself from voting on this matter: Ernest Bare  
Second: Amie Perkins  
Vote: Unanimous

Before the vote on the UDO amendment, Matthew read an amendment consistency statement required by 160d.

Vote on the motion for the UDO amendment: 7 in favor, 1 opposed from Amie Perkins, and 1 recusal from Lee Isley. The motion passes.

### **2. Consideration of Clarifying UDO Article 3 Amendments**

Matthew gave a brief overview of all of the proposed language changes and corrections, including adding a larger section for non-conforming uses. He specified that a lot of this language was needed because the UDO does not really make any distinctions on use without zoning. Other changes were replacing "administrator" with "planning director or designee" and changing a section that would now need to reference the Board of Adjustment. There was also some added language for deadlines for applications for quasi-judicial hearings. There was a question on the notification procedures and it was clarified that those are only for items that require public hearings like a UDO amendment or variance case hearing.

### **3. Lot Size Subcommittee Report/Recommendation**

Matthew started off by saying he had a brief presentation to give to the board but Environmental Health had also invited someone to come and answer some questions the board may have about well and septic.

Matthew began the presentation by going over the goal that the subcommittee had: safeguarding agricultural land, reducing environmental impacts, allowing for affordable housing options, enhancing the community, and better preserving the rural development pattern of the county. He then outlined the 4 specific recommendations from the subcommittee:

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1. Requiring a 2 acre minimum lot size standard.
2. Allowing for a cluster subdivision option to set aside open space for denser lots.
3. Allowing a Planning Board review option with conditional approval.
4. Requiring a 50-foot development buffer from farms, parks, historic districts, churches, and schools.

Matthew then deferred to Rodney for an overview of the history of the subcommittee. He told the board and audience that the overall discussion had started with him. The official action at the time was to form a subcommittee to back up the concern over development with data. They understood that it was not the job of the board or subcommittee to concern themselves with environmental issues or taxes because other departments handle those. Rodney talked about how the county had 3 main categories of taxes: agricultural, commercial/industrial, and residential. Between the three of them residential was the only one that costs the county more to administer than what they take in. He said that he was not saying the county should not have no residential development but that there needed to be a balance so that the money coming in and going out balanced out. He raised concerns for school budgets, road infrastructure, and staffing and budget for EMS and the sheriff's office. He said if we aren't careful then no one would be able to afford to live here.

Matthew then went through each of the 4 recommendations with some hypothetical diagrams to highlight how different developments could look under each option. There was some interjection from the audience during the third example about how the number and size of lots shown added up to more than what was hypothetically proposed. Matthew reiterated that these diagrams were purely hypothetical and just to illustrate the proposed recommendations. Anthony asked Matthew to expand some on the option for Planning Board approval, and Matthew talked about how in some other jurisdictions the developer and the governing board come to a conditional agreement for approval instead of the developer getting administrative approval. He noted that there would have to be specific policy put in place for the Planning Board to use in this case however. In going over a proposed timeline looking at the other UDO articles that the Planning Board was discussing, Matthew said that this would likely only be seriously discussed in September or October, but the board could decide to do otherwise if they wanted.

At this point Wilson Mize with the Department of Health and Human Services introduced himself to the board saying that he had run the state's private well program since 2008 and could answer any Environmental Health related questions the board may have. Rodney asked a question about cross contamination with large numbers of wells and septic systems close to each other. Wilson responded by saying that in a lot of his work he has rarely seen contamination even with some systems that are as close as 50 feet from a well. He said that the bulk of contaminants they see state-wide are naturally occurring ones, not ones from perfectly working septic systems. The only real issues with septic systems if they are older or faulty systems. He said that at a state level he does not see a concern with smaller lot sizes.

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There was some back and forth between Wilson, the board, and some members of the audience on the approval of smaller lots. Anthony asked Wilson if multiple wells in a dense area could impact the water table. Wilson said that that is always a concern but you cannot say for sure without data and doing a study. He said that there are a lot of factors that come into play that are really dependent on the geology. Wilson added that there were some situations in Wake County with several large capacity wells that did bring the water table down and dried out shallower wells. He added that there is not as much pressure from individual wells so it is less likely to happen.

Henry Vines added input that a major point of the 2 acre minimum was to preserve the rural character of the county and he did not want to see the county over-developed on smaller lots. There was some more interjections from the audience. Henry stated that there was plenty of room in the cities for that development but people enjoy the more rural farming areas of the county and those need to be preserved. He added that there is already a 2 acre restriction for some watersheds and that the goal was to accomplish a uniform lot size. Henry asked about the maintenance of community wells and Wilson answered saying that there are specific requirements for larger community wells for testing and maintenance. Henry and Vaughn Willoughby discussed a water survey that was done out of a proposed law that would meter wells and farm ponds and any other water resource. The state said that there was a concern that agriculture was using a large amount of water but after the survey it was determined that agriculture was actually one of the smallest uses of water compared to municipalities and industry and individual homes.

Discussion returned to the 2 acre lot size. There were a few questions about pre-existing and approved lots and family subdivisions. Matthew said that those lots would be grandfathered in and there could be some language added for family subdivisions. Lee raised some concern over affordable housing and how the goal of affordable housing was being met by a larger lot size. He gave an example of some real estate work he had done trying to help a family buy a home with specific financing and there was nothing they could do even months later with a larger amount approved. Lee said that it seemed like increased lot sizes and affordable options do not go together. Stephen Dodson shared some similar troubles he had with finding affordable property. He agreed that the larger lot size seemed to be counter-intuitive to affordability. Henry stated that the land does not cost that much, maybe 1% of what the house will cost. This cause a lot of interjection from the audience who argued that his assessment was not correct. Ray Cobb spoke up and gave an example of a lot down in Snow Camp that was \$60,000 for 1 acre. He added that increasing the minimum to 1 acre sounded reasonable but 2 acres was entirely too much.

Stephen brought up a hypothetical stating that if there were 2 100-acre tracts of farmland and a developer wanted to develop 100 lots they would buy one tract and develop it. If the minimum went to 2 acres than that developer just spends more money and buys twice the land to develop the same number of lots. He suggested that if the goal was to preserve



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farmland that allowing smaller lots would mean less land gets developed overall. Rodney answered and said that that was the conundrum that they were dealing with but whether you put 100 houses on 100 acres or 200 acres there is no rural integrity in that. There was a lot more interjection from the audience. Amie made a point of order that public comment had ended. There was still some more interjection from the audience afterward. Ernest made a motion to adjourn during the interjections.

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

### **IX. ADJOURNMENT**

Motion to Adjourn: Ernest Bare

Second: Amie Perkins

Vote: Unanimous

Adjourned at 8:43pm.

## 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.

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### 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 (~~1:400~~ 1 inch = 400 feet).
- 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.



## ARTICLE 4 | ENFORCEMENT PROCEDURES

The purpose of this section is to establish the requirements and procedures for the ~~management or~~ enforcement of the provisions of this Ordinance.

All establishments within the ~~Ordinance~~-making jurisdiction of Alamance County shall permit officials responsible for the enforcement of this Ordinance to enter upon and inspect the premises as necessary to ensure compliance with the provisions of this Ordinance.

This Ordinance may be enforced by any remedy provided by N.C. Gen. Stat. § 160D. If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used or developed in violation of this Ordinance or of any development regulation or other regulation made under authority of Chapter 160D of the North Carolina General Statutes, Alamance County, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, use, or development; to restrain, correct or abate the violation; to prevent occupancy of the building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about the premises.

In case any building, structure, site, area, or object designated as a historic landmark or located within a historic district designated pursuant to this Ordinance is about to be demolished whether as the result of deliberate neglect or otherwise, materially altered, remodeled, removed, or destroyed, except in compliance with the development regulation or other provisions of this Ordinance, Alamance County, the ~~Historic Preservation~~ Historic Preservation Commission, or other party aggrieved by such action may institute any appropriate action or proceedings to prevent such unlawful demolition, destruction, material alteration, remodeling, or removal, to restrain, correct, or abate such violation, or to prevent any illegal act or conduct with respect to such building, structure, site, area, or object. Such remedies shall be in addition to any others authorized by this Ordinance for violation of ~~an~~ the ~~Ordinance~~.

## 4.1 Establishing Responsibility

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance may be held jointly and severally liable for the violation as allowed by law.

## 4.2 Complaint, Inspection, and Determination of Violation

### 4.2.1 COMPLAINTS

Any individual may initiate a complaint to the Planning Department. Such complaints may be made verbally, in writing, or through an generally accepted electronic method by providing enough information to investigate the complaint. If complaints are made in writing, public records law may require disclosure of the written complaint.

The Planning Director or designee will assign responsibility for investigation and documentation to an investigator for the purposes of enforcing this Ordinance. Complaints shall be investigated, unless the Planning Director determines that the complaint is frivolous, duplicative, or does not allege a violation of law or this Ordinance. Wherever possible, photographic or videographic evidence shall be made in order to better verify the complaint and provide for accurate documentation.

### 4.2.2 NOTICE OF VIOLATION

When staff determines work or activity has been undertaken in violation of a development regulation adopted pursuant to this Ordinance or any State law delegated to Alamance County for enforcement purposes in lieu of the State or in violation of the terms of a development approval, a written notice of violation may be issued. The notice of violation shall be delivered to the holder of the development approval party responsible for the violation and to the landowner of the property involved, if the landowner is not the holder of the development approval responsible party, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity.

The notice of violation may be posted on the property. When posted, photographic evidence of such posting shall be made.

The person providing the notice of violation shall certify that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud. Except as provided by ~~G.S.~~ N.C. Gen. Stat. § 160D-1123 or ~~G.S.~~ § 160D-1206 or otherwise provided by law, a notice of violation may be appealed to the ~~b~~Board of a Adjustment pursuant to ~~G.S.~~ N.C. Gen. Stat. § 160D-405.

The Notice of Violation shall state specifically:

- i. Which section(s) of this Ordinance has been violated,
- ii. The date of the violation, and whether the violation is continuing in nature,
- iii. The date of issuance of the Notice of Violation,
- iv. The name and position of the person issuing the Notice of Violation,
- v. The requirements of this Ordinance,
- vi. A deadline of not more than thirty (30) working days from the date of service of the Notice of Violation for compliance or presentation of a satisfactory course of action to remedy the violation, and
- vii. The availability of the appeal process as set forth in this Ordinance or ~~G.S.~~ N.C. Gen. Stat. § 160D.

### 4.3 Remedies

Any or all of the following procedures may be employed to enforce the provisions of this Ordinance and to seek remedies for violations.

#### 4.2.3

##### 4.3.1. STOP WORK ORDERS

Whenever any work or activity subject to regulations ~~pursuant to~~ of this Ordinance or other applicable local development regulation or any State law delegated to Alamance County for enforcement purposes in lieu of the State is undertaken in ~~substantial~~ violation of any State or local law, or in a manner that endangers life or property, staff may order ~~the such specific part of the work or activity that is in violation or presents such a hazard~~ to be immediately stopped.

~~The~~ Such stop work orders shall be in writing, directed to the person doing the work or activity, and shall state the specific work or activity to be stopped, the reasons therefor, and the conditions under which the work or activity may be resumed. A copy of the order shall be delivered to the holder of the development approval and to the owner of the property involved (if that person is not the holder of the development approval) by personal delivery, electronic delivery, or first-class mail. The person or persons delivering the stop work order shall certify to the local government that the order was delivered and that certificate shall be deemed conclusive in the absence of fraud.

Except as provided by N.C. Gen. Stat. § 160D-1112 and § 160D-1208, a stop work order may be appealed pursuant to N.C. Gen. Stat § 160D-405. No further work or activity shall take place in violation of a stop work order pending a ruling on the appeal.

Violation of a stop work order shall constitute a Class 1 misdemeanor pursuant to N.C. Gen. Stat § 160D-404.

#### 4.3.2 DENIAL OF PERMIT, APPLICATION, OR CERTIFICATE

The Planning Director or their designee shall withhold or deny any permit, application, certificate, or other authorization on any land, building, structure, or use in which there is an uncorrected violation of a provision of this Ordinance, or of a condition or qualification of a permit, certificate, or other authorization previously granted. This section shall not apply to legal nonconformities as defined in Article 3.

#### 4.3.3 CONDITIONING PERMITS FOR CORRECTIVE ACTION

The Planning Director or their designee may condition the authorization of any permit or certificate upon the correction of the deficiency, payment of civil penalties within a specified time, or the posting of a compliance security bond approved by the Planning Director.

#### 4.3.4 REVOCATION OF PERMITS OR CERTIFICATES

The Planning Director or designee may revoke and require the return of a permit or certificate by notifying the permit holder in writing, stating the reason for the revocation. Permits or certificates shall be revoked for any of the following: substantial departure from the approved application, plans, or specifications; refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit or certificate. Any permit or certificate mistakenly issued in violation of an applicable state or local law may also be revoked.

### 4.3 Correction of Violations

Those found in violation shall be given thirty (30) days to remedy the violation. At the end of the thirty (30) day period, the Planning Director or designee will conduct a follow-up inspection and may, at their discretion, grant additional time to obtain compliance provided that the violator has made a good faith effort to bring the property into compliance.

If the violation has not been corrected, the Planning Director may act to impose one or more of the remedies and penalties specified herein.

### 4.4 Imposition of Penalties

In addition to other remedies cited herein or otherwise provided by state law, this Ordinance may be enforced by the issuance of civil or criminal citations to the responsible party found to be in violation of this Ordinance.

#### 4.4.1 Civil Penalties

Any violation not addressed as outlined in Section 4.3 shall result in the imposition of a civil citation in the amount of \$500.00 per violation unless otherwise specified in this Ordinance. Each day's violation shall be considered a separate and distinct offense that is subject to the ascribed fine. Failure to pay a civil penalty may subject the owner to a civil action if the penalty is not paid in the prescribed time.

#### 4.4.2 Criminal Penalties

Pursuant to N.C. Gen. Stat. § 14-4, any person violating any provision of this Ordinance—other than those specifically excluded from criminal punishment under §153A-123— shall be guilty of a Class III misdemeanor and, upon conviction, shall be punished in accordance with imprisonment or by fine of not more than \$500.00 or both.

Each day that the violation continues shall constitute a separate offense. The payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve the person of the liability for any taxes, fees, costs, or penalties otherwise imposed under this Ordinance.

#### 4.5 Annual Notice for Chronic Violations

The Planning Director or their designee may notify a chronic violator of this Ordinance that, if the violator's property is found to be in violation of the nuisance sections of this Ordinance, the county shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the county gave notice of violation at least three times under any provision of the public nuisance sections of this Ordinance.