

ARTICLE 5 | Snow Camp Rural Preservation Ordinance

5.1. Establishment and Administration

- A. In order to protect and enhance the public health, safety, and welfare, zoning and land use regulation is established in the Snow Camp Area, as depicted on the Alamance County Official Zoning Map (also known as the “zoning map”).
- B. The regulation of land use and development will be consistent and orderly, prevent and mitigate conflicts between incompatible land use neighbors, minimize impacts to the natural environment, and protect the local character, aesthetics, and quality of life.
- C. To the extent that any standards or specifications of this Article conflict with other standards or specifications of the County or other governmental body, the more stringent standard shall apply, unless otherwise specified.
- D. The Administrator is identified as the Planning Director of Alamance County.

5.2. Transitional Provisions

Upon the effective adoption of this ordinance, the following standards will assist in recognizing that the existing use of land may continue until such time as it transitions to a conforming use or the owner rezones property to become conforming.

- A. Any legally-established uses in zoning districts where the Table of Permitted Uses does not allow that use may continue their operations within the existing footprint of their current operations or of their established entitlement via an approved, valid site plan or other vested, site-specific development plan. Future expansions or changes in operations, even if on the same parcel, shall adhere to the standards of this UDO, which may include the necessity to rezone a portion or entirety of one or more parcels.
- B. For parcels where a residential use coincides with a legally-established nonresidential or commercial use (as evidenced by the most recent tax return or other business registration with the County Tax office and/or the state), the standards above shall apply. The nonresidential use shall not expand without conforming with other applicable standards of this UDO, such as possibly requiring rezoning and/or subdivision of the nonresidential portion from the residential portion.

5.3. Review Procedures

The following review procedures are established in order to accomplish the regulation of land use in the Snow Camp Area.

5.3.1. ADMINISTRATIVE

- A. In order to effectively administer this Article and this Unified Development Ordinance, the Administrator shall issue Ordinance Compliance Certifications (OCC) for any regulated use or activity or change therein proposed in the regulated area, pursuant to Article 2 and Article 3.

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B. The following are exempt from the requirement to obtain an OCC, although that does not exempt these uses from obtaining other required permits, as may be required for each:

1. Pursuant to G.S. § 160D-903, bona fide farm operations.
2. Any accessory building smaller than 144 square feet of gross floor area or not measuring more than 12' in any dimension.
3. Lightweight aluminum or canvas type carports not exceeding 400 square feet or 12' mean roof height.
4. Facilities (other than buildings) associated with a public utility or an electric or telecommunications company in their capacity to deliver those utilities to the public.
5. Residential handicap ramps.
6. Tree cutting or maintenance on single family and duplex residential lots that does not impact any required buffering, screening, or street trees.

C. Application Contents

The application form shall be accompanied by a written statement and accurately scaled plans or plat drawings showing the following detail:

1. Property location, and ownership.
2. Existing and intended use of lot and structures.
3. Additional information as requested by the Administrator, including but not limited to, parking, landscaping, screening, buffers, signage, flood hazards, and floor areas.

5.3.2. LEGISLATIVE

The Alamance County Board of Commissioners may, at any time, amend, supplement, change, modify, or repeal the contents of the Alamance County Code of Ordinance (and as a component of that, this Unified Development Ordinance) and any boundaries of any County-established and maintained map (including the zoning map) or regulations herein. In advance of a decision by the Board of County Commissioners, the Planning Board shall be given an opportunity to review and make recommendation on the proposal. If the Planning Board does not make a recommendation within 60 days of their first hearing on an application, it may be taken up by the Commissioners for decision.

A. Initiation of Amendment

Proposed changes or amendments may be initiated by the County Board of Commissioners, Planning Board, Board of Adjustment, Administrator, or by one or more owners, optionees, or lessees of property within the area proposed to be changed or affected, or for Text

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Amendments may be initiated by any resident, property owner, or business owner within the County.

B. Boundaries

All petitions for amendment (i.e. - rezoning requests) must contain an actionable description of the property affected, if applicable. Petitions which do not correspond with existing, accurate property lines and an existing, County-issued property identification number (PIN) must include a metes-and-bounds description of the property and scaled drawings prepared by a licensed land surveyor indicating the exact boundaries of the area included.

C. Public Notification

Per G.S. § 160D-602, the following procedures have been established for Ordinance Amendments, Rezonings, Conditional Zoning Districts:

1. Published Notice

A notice shall be published in a newspaper of general circulation in the County once a week for 2 successive weeks. The first publication shall appear no less than 10 days or more than 25 days prior to the date fixed for the legislative or evidentiary public hearing. The notice shall include the time, place and date of the hearing/meeting and include a description of the property (if applicable) and the nature of the proposal.

2. Mailed Notice/Full Community Notice (for Rezonings and Conditional Zoning Districts)

a. The owners of affected parcels of land and the owners of all parcels of land abutting that parcel of land shall be mailed a notice of the hearing on the proposal by first-class mail at the last addresses listed for such owners on the county tax abstracts. For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing.

b. As an alternative, to the mailed notice requirements in the section above and per G.S. § 160D-602(b), the County may elect to serve notice through a full community notification for pending actions that affect at least fifty properties with at least fifty different property owners. The County shall publish notice of the hearing/meeting in a newspaper of general circulation in the County. Two advertisements shall be published in separate calendar weeks. Each advertisement shall not be less than $\frac{1}{2}$ of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice.

Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first class mail.

3. Posted Notice (for Rezonings and Conditional Zoning Districts)

In addition to providing published or mailed notice, as required in above, a sign shall be placed in a prominent location on the subject property(ies) or on an adjacent public street or highway right-of-way with a notice of the pending action and a phone number (designated County contact person or department) to contact for additional information. The notice shall be posted within the same time period specified for mail noted in this section.

D. Pursuant to NC G.S. § 160D Article 6, a statement of plan consistency and reasonableness shall be approved by the Board of Commissioners prior to any rezoning or text amendment.

E. Ordinance (or Text) Amendment

1. Approval Criteria

The following minimum criteria, which is not an exhaustive list, shall be explicitly considered when deciding an ordinance amendment:

- a. The extent to which the proposed ordinance amendment is consistent with the remainder of the UDO and adopted plans, including, specifically, any purpose and intent statements.
- b. The extent to which the proposed ordinance amendment represents a new idea not considered in the existing UDO, or represents a revision necessitated by changing circumstances over time.
- c. Whether or not the proposed ordinance amendment corrects an error in the UDO.
- d. Whether or not the proposed ordinance amendment revises the UDO to comply with state or federal statutes or case law.

F. Rezoning (Map Amendment)

1. Approval Criteria

In making amendments to the official zoning map, the following approval criteria, which is not an exhaustive list, shall be explicitly considered:

- a. Consistency (or lack thereof) with the Land Development Plan and other adopted plans.
- b. Compatibility with the present zoning and conforming uses of nearby property and with the character of the surrounding areas, including agricultural uses.

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- c. Suitability of the subject property for uses permitted by the current versus the proposed district.
- d. Whether the proposed change tends to improve the balance of uses or meets a specific demand in the County.
- e. Availability of sewer, water, transportation infrastructure, stormwater facilities, schools, and other necessary infrastructure generally suitable and adequate for the proposed use.
- f. Preservation of key features and operations of the natural environment.

5.4. Zoning Districts

The following zoning district is established in order to implement the standards of this Article. The purpose of this district is described below:

A. Rural Preservation District (RP)

This district is located in rural areas with limited public services and seeks to protect the environment, preserve farmland, and foster the continued enjoyment of rural life.

In addition to agricultural uses, it allows and encourages low-density residential development with incentives for small-scale subdivisions designed in a way that reduces impacts on agricultural and natural resources.

This district also permits small scale commercial, retail, and service uses serving the needs of area residents. Office or institutional uses are also included.

Additionally, limited industrial development is allowed in this district, including Class I and II uses as found in the Heavy Industry Development Ordinance. Class III uses are specifically excluded.

5.5. Use Regulation

5.5.1. INTERPRETATION

The Administrator is responsible for interpretation of the Table of Permitted Uses. All primary uses not explicitly listed in the Table of Permitted Uses are not permitted in the area regulated.

A. Similar Use Interpretation Criteria

1. When a specific use type appears to fit into two or more use categories, the Administrator is authorized to determine the most appropriate Use Group and specific use. The following considerations may be used in making similar use interpretations:
 - a. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category

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- b. The relative amount of site area or floor space and equipment devoted to the activity
- c. Relative amounts of sales from each activity
- d. The customer type for each activity (ex - retail or wholesale)
- e. Hours of operation
- f. Building and site arrangement
- g. Vehicles used with the activity
- h. The manner in which uses are classified by commonly used business classification reference sources, such as the North American Industrial Classification System (NAICS) or the Land Based Classification System (LBCS)
- i. The relative number of vehicle trips generated by the use; and/or
- j. How the use advertises itself.

5.5.2. USE CLASSIFICATIONS

A. Use Groups

For the purpose of interpreting the Table of Permitted Uses, land uses are classified into major groupings: “Residential,” “Public and Civic,” “Commercial, Service, and Office,” “Recreation and Entertainment”, “Industrial and Waste-Related,” “Agriculture”, and “Other.” These broad groupings are referred to as “use groups.” Use groups classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions.

B. Specific Uses

Each use group is further divided into “specific uses.” Specific uses describe the principal use being regulated, although secondary or accessory uses may also be present if they relate to and support the principal use. The “characteristics” subsection of each use category describes the common characteristics of each principal use.

C. Business

Any use or activity that functions as a traditional business or commercial use, whether or not such use or activity is performed for profit or financial gain, is a business.¹

D. Use of Examples

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Any “examples” listed for a specific use are typical uses included for increasing clarity but are not intended to represent an exhaustive list. The names of these typical uses are generic. They are based on common meaning and not on what a specific use may call itself.²

5.5.3. TABLE OF PERMITTED USES

- A. This table describes the primary or principal use(s) allowed in each zoning district, except for the Accessory, Temporary, and Home Occupation Uses which must accompany a primary use.
- B. Accessory uses are identified and regulated as described elsewhere in this UDO.
- C. P* indicates specific use standards apply in addition to other development standards that all development is obligated to comply with under the terms of this UDO. These specific use standards along with their definitions, are listed in this Article, below the Table of Permitted Uses.
- D. In the event that a particular use is not listed in the Table of Permitted Uses, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the Administrator shall determine whether a materially similar use exists in this chapter. Should the Administrator determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Administrator’s decision shall be recorded in writing.

1. Table of Permitted Uses

SPECIFIC USE	ZONING DISTRICT				NOTES
	“P” = Permitted; “-” = Not permitted Use definition are listed in (below)				
RP					
RESIDENTIAL USES					
Single-Family Dwelling, Detached House	P				
Manufactured Home	P				
Manufactured Home Subdivision/Park	P*				See Section 6.7
Two-Family Dwelling	P				
Upper-story Residence	P				
Group Living	P				

² For example, a use that calls itself “wholesale warehouse” but sells mostly to consumers is included in the retail sales and service category. This is because the actual activity on the site matches the description of the retail sales and service category.

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SPECIFIC USE	ZONING DISTRICT					NOTES
	"P" = Permitted; "-" = Not permitted Use definition are listed in (below)					
RP						
ACCESSORY, TEMPORARY, AND HOME OCCUPATIONS USES						
Accessory Structures	P					
Home Occupation	P					
Secondary Dwelling Unit	P					
Solar Panels	P*					As accessory to a primary structure, up to the capacity sufficient to power the primary structure + 25%
Temporary Uses	P					
PUBLIC/CIVIC USES						
Cemetery	P					
Day Care Facility (>9 Children)	P*					Shall be in conformance with NCGS § 110-86.
Detention/Correctional Facility	P					
Emergency and Safety Service	P					
Higher Education / School (Public or Private)	P					
Hospitals	P					
Library	P					
Religious Assembly (for non-religious assembly, civic clubs, etc., see "Recreational Clubs, Standalone")	P					
COMMERCIAL, SERVICE, AND OFFICE USES						
Animal Service (Shelter, Veterinary, Kennel, Cremation)	P					
Auto Services	P					
Bar, Nightclub, Lounge	P					

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SPECIFIC USE	ZONING DISTRICT					NOTES
	"P" = Permitted; "-" = Not permitted Use definition are listed in (below)					
	RP					
Bed and Breakfast	P*					Shall be in conformance with NCGS § 130A-247.
Body Art Service	P					
Financial Institution	P					
Funeral and Interment	P					
Gas Station	P					
Hotel/Motel	P					
Medical Lab	P					
Office (Medical / Professional)	P					
Pawn Shop, Currency Exchange, and Payday Loan Services	P					
Restaurant, Drive-thru	P					
Restaurant, Not Drive-thru	P					
Retail Sale and Service, Indoor (Building < 10,000 square feet)	P					
Retail Sale and Service, Indoor (Building > 10,000 square feet)	P					
Retail Sale and Service, Outdoor	p					
Rooming or Boarding House	p					
Vehicle Sales, Rentals, Leasing, and Service	p					
RECREATION AND ENTERTAINMENT USES						
Campground/Recreational Vehicle Park	P*					See RV Park Ordinance
Conference/Event Venue	P					
Equestrian Facilities, Clubs, and Stables	P					
Firearm/Hunting/Archery Ranges and Clubs	p					
Golf Course	P					

SPECIFIC USE	ZONING DISTRICT				NOTES
	RP				
Indoor Shooting Range	P				
Parks and Recreation Facility, Indoor or Outdoor	P				
Recreational Clubs, Standalone	P				
Wildlife, Game Preserve, Zoo	p				
INDUSTRIAL AND WASTE-RELATED USES – see also Section 6.5, Heavy Industrial Development					
CLASS I					
Fuel Bulk Storage	P*				See Section 6.5 Heavy Industrial Development
Ready-Mix Concrete Suppliers	P*				See Section 6.5 Heavy Industrial Development
Inert Debris Landfills	P*				See Section 6.5 Heavy Industrial Development
Renewable Energy Generating Facilities	P*				See Section 6.5 Heavy Industrial Development
CLASS II					
Resource Extraction	P*				See Section 6.5 Heavy Industrial Development
Automobile Salvage and Storage Facilities	P*				See Section 6.5 Heavy Industrial Development
Chemical Manufacturing	P*				See Section 6.5 Heavy Industrial Development
CLASS III					
Mining/Quarrying	-				See Section 6.5 Heavy Industrial Development

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SPECIFIC USE	ZONING DISTRICT "P" = Permitted; "-" = Not permitted Use definition are listed in (below)				NOTES
	RP				
Race Tracks	-				See Section 6.5 Heavy Industrial Development
Asphalt Plants	-				See Section 6.5 Heavy Industrial Development
Electricity Generating Facility	-				See Section 6.5 Heavy Industrial Development
Landfills-except inert debris	-				See Section 6.5 Heavy Industrial Development
Paper Mills	-				See Section 6.5 Heavy Industrial Development
Cement Manufacturing	-				See Section 6.5 Heavy Industrial Development
Waste-Facilities	-				See Section 6.5 Heavy Industrial Development
Saw Mills	-				See Section 6.5 Heavy Industrial Development
Metal Recycling and Salvage Facilities	-				See Section 6.5 Heavy Industrial Development
Other Industrial Uses					
Brewery/Microbrewery	P				
Contractor's Office, Landscaping, Grading, etc.	P				
Manufacturing, Artisan	P				
Manufacturing, General	P				

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SPECIFIC USE	ZONING DISTRICT					NOTES
	"P" = Permitted; “-” = Not permitted Use definition are listed in (below)					
RP						
Outdoor Storage (as principal use)	P					
Research and Development Facilities	P					
Self-Service Storage, Mini-Storage	P					
Warehousing & Wholesale Trade	P					
Waste-related Use (e.g. – Wastewater Treatment Plant, Sanitary Solid Waste Landfill, County)	P					
AGRICULTURE USES³						
Farmers Market	P					
Forestry, Farming, Field Crops	P					
Greenhouse	P					
Other Agriculture Uses Not Listed	P					
Ranching	P					
OTHER INFRASTRUCTURE RELATED USES						
Airfields and Landing Strips	P					
Static Transformer Stations, Radio/TV and Towers, Relay Station	P					
Telecommunication Facilities	P					See Section 6.11 Heavy Industrial Development
Water Tower	P					

5.6. Nonconformities

5.6.1. PURPOSE

The regulations in this Article govern nonconformities, which are uses, structures, and site elements that were lawfully established prior the date of adoption of this UDO, but no longer conform to the standards of this UDO. Site elements are associated with the current, previous,

³ Pursuant to NCGS §160D-903, these standards apply only for a use not classified as a bona fide farm.

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or proposed use of the property and include such things as parking areas, landscaping, buffers, signage, etc. The regulations of this chapter are intended to transition these nonconformities into conformity with the provision of this UDO.

5.6.2. DEFINITIONS

See Article 7 Definitions.

5.6.3. CONTINUATION OF NON-CONFORMITIES

See Article 3.

5.6.4. NONCONFORMING USES

A. Change of Use

1. A nonconforming use(s) may be changed, modified, or expanded to any permitted use(s) in the subject district. Thereafter, the property affected shall not revert to a nonconforming use.
2. A nonconforming use may not be changed to a different nonconforming use.
3. A nonconforming use shall not be expanded except in accordance with the most current version of this ordinance.
4. Except as specifically provided in this subsection, it is unlawful for any person to engage in any activity that causes an increase in the extent of nonconforming use or situation.
 - a. With respect to only nonconforming single family detached and duplex (two-family home) residential uses (regardless of structure type (i.e., manufactured home, "stick-built", etc.)), the following provisions shall apply:
 - i. A structure may be enlarged, such as adding a porch, additional bedroom or living room, as well as other residential supportive structures, such as sheds, garages, pool, gazebo, etc.
 - ii. Any additions shall adhere to all other applicable regulations of this Ordinance.

B. Extension or Enlargement

1. A nonconforming, primary use may be extended throughout any portion of a completed, existing building that, when the use was made nonconforming by this UDO, was manifestly designed or arranged to accommodate such use. However, a nonconforming use may not be extended to additional buildings or to land outside the original building. In this instance, outdoor sales, processing, or storage is not considered an accessory use.
2. A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use that

involves the removal of natural materials for the lot (e.g., a sand pit) may be expanded to the boundaries of the lot (not including any required buffers) where the use was established at the time it became nonconforming if at least 10% or more of the earth products had already been removed on the effective date of this Article.

3. The volume, intensity, or frequency of use of property where a nonconformity exists may be increased and the equipment or processes used at a location where a nonconformity 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 section occur.

Article 7 | Definitions

1. Family Subdivision

The creation of not more than three new lots for lineal family or sibling members.

"Lineal family" includes great-grandparents, grandparents, parents, children, grandchildren, great-grandchildren. Lots can be conveyed as a gift or for a nominal consideration. One of the three new lots shall include the residual/original parcel leaving a maximum of two lots for other lineal or sibling family members.

2. Manufactured Home (Mobile Home) Class A

A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

The home has a length not exceeding four times its width;

The pitch of the home's roof has a minimum vertical rise of one foot for each five feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;

The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;

A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home; and

The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

3. Manufactured Home (Mobile Home) Class B

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A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A manufactured home.

4. Manufactured Home (Mobile Home) Class C

Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home. Class C manufactured homes are not permitted within Alamance County's planning jurisdiction.

5. Nonconforming Use

The use of land, buildings, structures, or site elements that was lawfully established on a property prior to this UDO being adopted or amended, but does not conform to the use regulations of this UDO.