



UDO

Moore County Unified Development Ordinance

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CHAPTER 1. GENERAL PROVISIONS

SECTION 1.1. TITLE

A. ORDINANCE TEXT

This UDO shall be known and may be cited as the "Moore County Unified Development Ordinance", and may be referred to as "this UDO," "this Ordinance," and the like.

B. OFFICIAL ZONING MAP

The zoning map referenced in this Ordinance is officially titled as the "Zoning Map for Moore County, North Carolina" and may be referred to as "the Official Zoning Map" or "the zoning map."

SECTION 1.2. EFFECTIVE DATE

This Ordinance shall be in full force and effect on November 15, 2022, and repeals and replaces the Moore County Unified Development Ordinance adopted on February 18, 2014, as amended.

SECTION 1.3. AUTHORITY

The provisions of this Ordinance are adopted in accordance with:

A. THE NORTH CAROLINA GENERAL STATUTES

The laws of the State of North Carolina, including but not limited to:

1. Chapter 153A, Article 4 (Form of Government);
2. Chapter 153A, Article 6 (Delegation and Exercise of the General Police Power);
3. Chapter 160D (Local Planning and Development Regulation);
4. Chapter 143, Article 21 (Water and Air Resources);
5. Chapter 113A, Article 4 (Sedimentation and Pollution Control);

B. OTHER RELEVANT LAWS

The following laws and provisions:

1. The Code of Ordinances, Moore County, North Carolina; and
2. Any special legislation enacted for Moore County by the North Carolina General Assembly.

SECTION 1.4. PURPOSE

The purpose of this Ordinance is to promote the public health, safety, and general welfare of residents and visitors to Moore County, and to ensure that all development within the County's planning jurisdiction is generally consistent with the County's Adopted Comprehensive Land Use Plan. More specifically, this Ordinance is adopted to:

- A. Protect development from natural hazards;
- B. Protect the integrity of watersheds within the County; and
- C. Regulate the location and use of buildings and land in ways that are consistent with NCGS §160D-701.

SECTION 1.5. JURISDICTION

A. GENERALLY

The standards in this Ordinance shall govern all development and use of land lying within the unincorporated portions of Moore County except land within the planning and development jurisdiction of any municipality within Moore County, unless the municipality shall have, by resolution, formally requested the County to enforce this Ordinance within its jurisdiction.

B. EXEMPTIONS

The following forms of development and activities are exempted from the requirements of this Ordinance:

1. Agricultural and agri-tourism related activities taking place on a bona fide farm in accordance with NCGS §160D-903;

CHAPTER 1. GENERAL PROVISIONS

SECTION 1.5. JURISDICTION

2. Forestry activities completed on a bona fide farm or as subject to a forestry management plan approved in accordance with NCGS §160D-921; and
3. The division of land into parcels as part of a probated will or in accordance with the intestate succession provisions of Chapter 29 of the North Carolina General Statutes.
4. Bona fide farms and land taxed under the present use value system are not exempted from the subdivision, flood damage prevention, and watershed overlay district provisions in this Ordinance.

C. ANNEXATION

The standards in this Ordinance shall remain in effect on any lands subject to annexation, incorporation, or extension of extraterritorial jurisdiction (ETJ) by a municipality, until:

1. The municipality adopts development regulations for the affected area; or
2. Up to 60 days following the approval of an annexation, incorporation, or ETJ extension by a municipality if no development regulations for the affected area are adopted by the municipality as part of an annexation, incorporation, or ETJ extension.

D. EXTRATERRITORIAL JURISDICTION

A municipality that desires to extend its extraterritorial powers into the County's planning jurisdiction may do so only when the municipality and the County have agreed upon the area. When a municipality desires to relinquish jurisdiction over an area within its planning jurisdiction, the municipal regulations and powers of enforcement shall remain in effect until the sooner of the following takes place:

1. Moore County has adopted regulations for the relinquished jurisdiction; or
2. A period of 60 days following the action by which the municipality relinquished jurisdiction. During this period, the County may hold hearings and take other measures that may be required in order to adopt regulations for the relinquished area.

When a municipality is granted extraterritorial jurisdictional powers by Moore County in accordance with NCGS §160D-202, such approval shall be evidenced by a formally adopted resolution of the Board of Commissioners. Approval of extraterritorial jurisdiction may be rescinded by the Board of Commissioners upon two year's written notice to the municipality by repealing the resolution.

E. APPLICATION TO GOVERNMENTAL UNITS

Except as stated elsewhere in this Ordinance, the standards in this Ordinance shall apply to:

1. Development by the County, its agencies, or departments;
2. Development of buildings by a municipality or State agencies or departments, public colleges or universities, or other political subdivisions of the State, in accordance with the standards in NCGS §160D-913.
3. Development owned or held in tenancy by the government of the United States, its agencies, departments, or corporate services, to the full extent permitted by federal law. For those activities of the Federal Government exempted from these regulations, compliance is strongly encouraged.

F. RELATIONSHIP TO PRIVATE AGREEMENTS, COVENANTS, AND DEED RESTRICTIONS

1. Except as hereinafter provided, this Ordinance shall not be deemed to interfere with, abrogate, annul, or otherwise affect in any manner whatsoever any easement, covenants, deed restrictions, or other private agreements between private parties.
2. Unless deed restrictions, covenants, or other contracts directly involve Moore County as a party in interest, the County shall have no administrative responsibility for enforcing such deed restrictions, covenants, or contracts.

G. VESTED RIGHTS

Nothing in this Ordinance is intended to repeal, supersede, annul, impair, or interfere with any existing vested rights provided they were lawfully established and remain in effect.

CHAPTER 1. GENERAL PROVISIONS

SECTION 1.6. CONSISTENCY WITH ADOPTED COMPREHENSIVE LAND USE PLAN

H. MINIMUM REQUIREMENTS

In the application of this Ordinance, all provisions shall be considered as minimum requirements and shall not be deemed to limit or repeal any other powers or authority granted under the North Carolina General Statutes.

SECTION 1.6. CONSISTENCY WITH ADOPTED COMPREHENSIVE LAND USE PLAN

A. GENERALLY

The administration, enforcement, and amendment of this Ordinance shall be accomplished in accordance with the County's adopted planning policy framework. This includes the 2013 Land Use Plan, the Small Area A Plan, and all other applicable County-Affirmed Comprehensive Land Use Plan documents.

B. CONFORMANCE

Adopted Comprehensive Land Use Plan is advisory in nature and does not carry the effect of law. Consistency with Adopted Comprehensive Land Use Plan is not a requirement for the continuing validity of any provision of this Ordinance, except as provided in NCGS §§ 160D-604 and 160D-605.

C. CONSISTENCY

This Ordinance is intended to ensure that all development within the County is consistent with the goals, objectives, policies, strategies, and actions contained in the County's Adopted Comprehensive Land Use Plan.

D. AMENDMENT UPON INCONSISTENCY

To the extent this Ordinance or the Official Zoning Map is or becomes inconsistent with the County's Adopted Comprehensive Land Use Plan, it should be amended to remain consistent. However, consistency with Adopted Comprehensive Land Use Plan is not a prerequisite for approval of a rezoning application, and the future land use map portion of the comprehensive plan shall be deemed amended when the Board of Commissioners approves a rezoning or planned development application that is inconsistent with the future land use map in accordance with NCGS §160D-605.

SECTION 1.7. CONFLICT

- A. If a provision of this Ordinance is inconsistent with State or federal law, the more restrictive provision controls, to the extent permitted by law.
- B. If a provision of this Ordinance is inconsistent with another provision found in other adopted ordinances of the County, the more restrictive provision shall govern, unless the terms of the more restrictive provision specifies otherwise.
- C. In cases where two or more standards in this Ordinance conflict with one another, the more restrictive standard shall control.
- D. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.
- E. In cases where one requirement of this Ordinance conflicts with an otherwise applicable standard associated with an overlay zoning district, the standard applicable in the overlay zoning district shall prevail.
- F. Authorized deviations, such as an approved variance, planned development approval, conditional rezoning, or density incentive, that are authorized by and established in accordance with this Ordinance shall control and not be considered to conflict with other more restrictive standards in this Ordinance.
- G. Development standards in Chapter 7, General Development Standards, that are more restrictive than an otherwise applicable use standard in Chapter 8, Specific Use Standards, shall control.
- H. In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.

SECTION 1.8. SEVERABILITY

CHAPTER 1. GENERAL PROVISIONS

SECTION 1.8. SEVERABILITY

The legislative intent of the Board of Commissioners in adopting this Ordinance is that all provisions shall regulate development in accordance with the existing and future needs of the County as established in this Ordinance, and promote the public health, safety, and general welfare of the landowners and residents of Moore County. If any section, subsection, sentence, boundary, or clause of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance. The Board of Commissioners hereby declares that it would have passed this Ordinance and any section, subsection, sentence, boundary, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, boundaries, clauses, or phrases are declared invalid.

CHAPTER 2. REVIEW BODIES AND ADMINISTRATOR

SECTION 2.1. GENERALLY

A. REVIEW BODIES ESTABLISHED

The following review bodies have powers and responsibilities for administering this Ordinance:

1. The Board of Commissioners;
2. The Planning Board;
3. The Board of Adjustment;
4. The Subdivision Review Board; and
5. The Administrator.

B. ALL MEETINGS SHALL BE OPEN

Except for closed session meetings conducted by the Board of Commissioners, all meetings of elected or appointed review bodies under this Ordinance shall be open to the public in accordance with NCGS §143-318 (Meetings of Public Bodies) and shall be conducted in accordance with the procedures set forth in these regulations, the County Code of Ordinances, the County's Adopted Comprehensive Land Use Plan, and rules of procedure adopted by the respective review bodies.

C. RULES OF PROCEDURE

Except for the Administrator, each review body established in this Ordinance shall adopt formal rules of procedure consistent with the level of decision-making delegated to that body. Adopted rules of procedure shall be kept on file in the County's offices, are available for public inspection, and shall be maintained by the designated staff to the review body.

D. OATH OF OFFICE

All review body members (including the Administrator) who review and decide applications under this Ordinance shall be administered the oath of office prior to commencing their duties in accordance with Article 6, Section 7 of the North Carolina Constitution by a person authorized to administer the oath. The County Clerk shall maintain a record of the oath's administration.

E. CONFLICT OF INTEREST

1. LEGISLATIVE AND ADMINISTRATIVE DECISIONS

- i. A review body member shall not vote on an application where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member in accordance with NCGS §160D-109.
- ii. A review body member shall not vote on an application where the landowner or applicant is a person with whom the member has a close familial, business, or other associational relationship. For the purposes of this section, "close familial relationship" means spouse, parent, child, brother, sister, grandparent, or grandchild, including step, half, and in-law relationships.

2. QUASI-JUDICIAL DECISIONS

- i. A review body member shall not participate in or vote on any quasi-judicial matter in a manner that would violate an affected persons' constitutional rights to an impartial decision maker.
- ii. Impermissible violations of due process include but are not limited to: a member having a fixed opinion prior to hearing the matter that is not susceptible to change; an undisclosed ex parte communication; a close familial, business, or other associational relationship with an affected person; or a direct, substantial, and readily identifiable financial impact on the member.

3. RECUSAL

CHAPTER 2. REVIEW BODIES AND ADMINISTRATOR

SECTION 2.2. BOARD OF COMMISSIONERS

- i. If a conflict of interest exists, then a review body member shall recuse themselves from participating in and voting on an application.
- ii. If an objection is raised to a member's participation and that member does not recuse himself or herself, then the remaining members shall, by majority vote, rule on the objection.

F. MINUTES AND RECORDS

1. Accurate minutes of each meeting shall be maintained by each review body showing the vote of each member on each question, or if absent or failing to vote, indicating such fact. Each review body shall keep records of its examinations and official actions.
2. All minutes and records from Board of County Commissioners meetings shall be filed in the office of the County Clerk for the public record.
3. All minutes and records from Planning Board, Board of Adjustment, and Subdivision Review Board meetings shall be filed in the offices of the Planning Department for the public record.

G. REGULAR MEETINGS

All review bodies shall meet at regularly scheduled times and at such other times as determined by the Chairperson as provided for in the rules of procedure. Special meetings may be called at any time by the Chairperson or by request of a majority of the members of the review body.

H. STAFF TO BOARDS

Other than the Board of Commissioners, the Administrator or a designee shall serve as staff to the review bodies identified in this Ordinance.

SECTION 2.2. BOARD OF COMMISSIONERS

A. POWERS AND DUTIES

The Board of Commissioners shall have decision-making authority on the following requests:

1. Amendments to the UDO text and the Official Zoning Map;
2. Special use permits;
3. Conditional rezonings;
4. Major preliminary subdivision plats;
5. Vested rights extensions;
6. Extraterritorial jurisdiction (ETJ) expansions;
7. Amendments to the Comprehensive Land Use Plan for Moore County.

B. APPEALS AND CHALLENGES

Appeals of quasi-judicial decisions and challenges of legislative decisions made by the Board of Commissioners shall be to the Superior Court for Moore County in accordance with the provisions in Chapter 14 of this Ordinance.

C. EXTRATERRITORIAL JURISDICTION (ETJ) EXPANSIONS

In accordance with NCCS §160D-202, a request by the municipality to extend its extraterritorial jurisdiction by more than one mile beyond its corporate limits should include a parcel map and municipal approval of the proposed ETJ expansion. The Planning Board and Board of Commissioners shall hold public hearings. Notice of the public hearings shall be published in a newspaper of general circulation once a week for 2 consecutive weeks prior to each public hearing. The Administrator shall notify by certified mail return receipt of the public hearings to the applicant(s) and the owner(s) of the parcel(s) of land shown on the County tax records at least 10, but not more than 25 days, prior to the date of each public hearing. If the ETJ expansion is approved, a resolution approving an agreement between the County of Moore and the municipality must be signed by the Chairman of the Board of Commissioners.

CHAPTER 2. REVIEW BODIES AND ADMINISTRATOR

SECTION 2.3. PLANNING BOARD

D. FEE SCHEDULE

The Board of Commissioners shall adopt annually, via ordinance, a schedule of fees and fines associated with this Ordinance.

SECTION 2.3. PLANNING BOARD

A. POWERS AND DUTIES

The Planning Board is hereby established in accordance with NCGS §160D-301 and shall perform any related duties as directed by the Board of Commissioners, including coordinating citizen engagement in the development of Adopted Comprehensive Land Use Plan.

B. RECOMMENDATIONS

The Planning Board shall review and make recommendations on the following requests:

1. Amendments to the UDO text and the Official Zoning Map;
2. Conditional rezonings;
3. Extraterritorial jurisdiction (ETJ) expansions; and
4. Amendments to the Comprehensive Land Use Plan for Moore County.

C. DECISION-MAKING AUTHORITY

The Planning Board shall act as the Watershed Review Board and have decision-making authority on the following requests:

1. Special non-residential intensity allocations (SNIA);
2. Watershed density averaging certificates;
3. Public health and/or water quality abatements;
4. Proposed major watershed variance approvals (for further consideration by the Environmental Management Commission); and
5. Minor watershed variances.

D. QUORUM

No official business of the Planning Board may be conducted without a quorum present. For any and all matters there shall be present a quorum in accordance with the by-laws and/or rules of procedures adopted by the Board of Commissioners.

E. VOTING

1. Except for decisions on minor watershed variances and proposed decisions on major watershed variances, an affirmative vote of the majority of Planning Board members constituting a quorum is required for all decisions. The Chairperson shall vote as any other member.
2. The concurring vote of four-fifths of the Watershed Review Board members shall be necessary to grant a minor watershed variance or a proposed major watershed variance. Proposed major watershed variance approvals must also be approved by the Environmental Management Commission before becoming effective.

F. APPEALS AND CHALLENGES

Appeals of quasi-judicial decisions and challenges of legislative decisions made by the Watershed Review Board shall be to the Superior Court for Moore County in accordance with the provisions in Chapter 14 of this Ordinance.

SECTION 2.4. BOARD OF ADJUSTMENT

A. POWERS AND DUTIES

The Board of Adjustment is hereby established in accordance with NCGS §160D-302 and shall perform related duties as directed by the Board of Commissioners. The Board of Adjustment shall have decision-making authority on the following requests:

CHAPTER 2. REVIEW BODIES AND ADMINISTRATOR

SECTION 2.5. SUBDIVISION REVIEW BOARD

1. Variances, except for minor watershed variance applications;
2. Reasonable accommodations; and
3. Administrative appeals.

B. QUORUM

No official business of the Board of Adjustment may be conducted without a quorum present. For taking action on an appeal or reasonable accommodation, there shall be present a quorum of at least three members from the entire Board of Adjustment. For taking action on a variance, there shall be present a quorum of at least four members from the entire Board of Adjustment.

C. VOTING

The concurring vote of four-fifths of the Board of Adjustment members shall be necessary to grant a variance. A simple majority of the Board of Adjustment members shall be required to decide any other matter. Members who are recused from voting due to a conflict of interest shall not be counted towards a simple or super majority.

D. APPEALS

Appeals of quasi-judicial decisions made by the Board of Adjustment shall be to the Superior Court for Moore County in accordance with the provisions in Chapter 14 of this Ordinance.

SECTION 2.5. SUBDIVISION REVIEW BOARD

A. POWERS AND DUTIES

1. The Subdivision Review Board is hereby established in accordance with NCGS §160D-306 and shall perform related duties as directed by the Board of Commissioners.
2. The Subdivision Review Board shall review applications on major preliminary subdivision plats.

B. QUORUM

No official business of the Subdivision Review Board may be conducted without a quorum present. For any and all matters there shall be present a quorum in accordance with the by-laws and/or rules of procedures adopted by the Board of Commissioners.

C. VOTING

An affirmative vote of the majority of Subdivision Review Board members constituting a quorum is required for all recommendations. The Chairperson shall vote as any other member.

SECTION 2.6. THE ADMINISTRATOR

A. DESIGNATION

Except as otherwise specified in this Ordinance, the Planning Director, and their designees, are appointed to serve as the "Administrator" of this UDO. The term "Staff" or "Planning Staff" may be used interchangeably with the term "Administrator." The Administrator shall be responsible for administration and enforcement of this Ordinance.:

B. RECOMMENDATIONS

The Administrator shall review and make recommendations on the following requests:

1. Concept plans associated with a conditional rezoning prior to consideration by the Planning Board;
2. Planned development master plans prior to consideration by the Planning Board;
3. Site plans associated with special use permit applications prior to consideration by the Board of Commissioners; and
4. Site plans to be considered as site-specific vesting plans by the Board of Commissioners.

C. DECISION-MAKING AUTHORITY

The Administrator shall have decision-making authority on the following requests:

- 1.** Zoning permits;
- 2.** Site plans;
- 3.** Floodplain development permits;
- 4.** Minor subdivision plats;
- 5.** Limited subdivision plats;
- 6.** Family subdivision plats;
- 7.** Exemption plats;
- 8.** Major final subdivision plats;
- 9.** Water Supply Watershed-related application approvals;
- 10.** Determinations; and
- 11.** Administrative adjustments.

D. OTHER POWERS AND DUTIES

The Administrator shall also have the following other responsibilities under this Ordinance:

- 1.** Conduct pre-application conferences;
- 2.** Serve as the Floodplain Administrator;
- 3.** Serve as the Watershed Administrator;
- 4.** Maintain the Official Zoning Map and related materials;
- 5.** Interpret the boundaries of the Official Zoning Map;
- 6.** Establish and maintain application forms;
- 7.** Determine application completeness;
- 8.** Provide expertise and technical assistance to the County's review bodies;
- 9.** Maintain records pertaining to the provisions of this Ordinance and make records available for public inspection; and
- 10.** Related duties as directed by the Board of Commissioners.

CHAPTER 3. INTENT OF ZONING DISTRICTS

SECTION 3.1. COMPLIANCE REQUIRED

Land within the County's planning jurisdiction shall not be developed except in accordance with the applicable zoning district regulations of this Chapter.

SECTION 3.2. ZONING DISTRICTS DISTINGUISHED

All land within the County's planning jurisdiction shall be located in one or more of the following types of zoning districts:

- A.** All land subject to these standards shall be classified into one of the "conventional" or "conditional" zoning districts identified in Section 3.3.
- B.** Land in any conventional or conditional zoning district may also be classified into one or more "overlay" zoning districts.
- C.** In cases where land is within an overlay zoning district, the standards in the overlay district apply in addition to the standards governing development in the underlying conventional or conditional zoning district.
- D.** Conflict between underlying and overlay zoning districts is addressed in accordance with Section 1.7.
- E.** Land in the County's jurisdiction shall be classified or reclassified into a conventional, conditional, or overlay zoning district only in accordance with the procedures and requirements set forth in Chapter 11, or Chapter 12, as appropriate.

SECTION 3.3. ZONING DISTRICTS ESTABLISHED

The following table sets out the conventional, conditional, and overlay zoning districts in this Ordinance established in accordance with NCGS §160D-703. All land in the County's planning jurisdiction shall be located within in at least one of the following conventional or conditional zoning districts. Some lands may also be located in one or more of the following overlay zoning districts.

TABLE OF CONVENTIONAL, CONDITIONAL, AND OVERLAY ZONING DISTRICTS

CONVENTIONAL ZONING DISTRICTS		CORRESPONDING CONDITIONAL ZONING DISTRICTS	
RA	Rural Agricultural	RA-CZ	Rural Agricultural-Conditional
RA-20	Residential and Agricultural – 20	RA-20-CZ	Residential and Agricultural – 20-Conditional
RA-40	Residential and Agricultural – 40	RA-40-CZ	Residential and Agricultural – 40-Conditional
RA-2	Residential and Agricultural – 2	RA-2-CZ	Residential and Agricultural – 2-Conditional
RA-5	Residential and Agricultural – 5	RA-5-CZ	Residential and Agricultural – 5-Conditional
RA-USB	Rural Agricultural Urban Service Boundary	RA-USB-CZ	Rural Agricultural Urban Service Boundary-Conditional
RE	Rural Equestrian	RE-CZ	Rural Equestrian-Conditional
GC-SL	Gated Community Seven Lakes	GC-SL-CZ	Gated Community Seven Lakes-Conditional
GC-WL	Gated Community Woodlake	GC-WL-CZ	Gated Community Woodlake-Conditional
PC	Public and Conservation		
B-1	Neighborhood Business	B-1-CZ	Neighborhood Business-Conditional
B-2	Highway Commercial	B-2-CZ	Highway Commercial-Conditional
VB	Village Business	VB-CZ	Village Business-Conditional
I	Industrial	I-CZ	Industrial-Conditional
		MF-CZ	Multi-Family-Conditional
		PD-CZ	Planned Development-Conditional
OVERLAY ZONING DISTRICTS			

CHAPTER 3. INTENT OF ZONING DISTRICTS

SECTION 3.4. TRANSITION OF LEGACY ZONING DISTRICTS

TABLE OF CONVENTIONAL, CONDITIONAL, AND OVERLAY ZONING DISTRICTS

CONVENTIONAL ZONING DISTRICTS		CORRESPONDING CONDITIONAL ZONING DISTRICTS
HCOD	Highway Corridor Overlay District	
WPO	Watershed Protection Overlay District	
FHO	Flood Hazard Overlay District	

SECTION 3.4. TRANSITION OF LEGACY ZONING DISTRICTS

A. DISTRICTS IDENTIFIED

The following five zoning districts are identified as legacy zoning districts, which exist on the County's Official Zoning Map, but which may not be established or modified except in accordance with the standards in Chapter 11 or Chapter 12 of this Ordinance.

1. B-1-CUD;
2. PUD/CUD;
3. RA-2 CUD;
4. RA-CUD; and
5. VB-CUD.

B. APPLICABLE REQUIREMENTS

Land located within a legacy zoning district shall continue to be subject to all terms and conditions associated with its approval or subsequent amendment.

C. REVISION

1. After November 15, 2022, no legacy zoning district boundary or applicable requirements may be modified except in accordance with the standards and requirements in this section.
2. Revision to a legacy zoning district shall require a conventional or conditional rezoning to one of the zoning districts established in Section 3.3 of this Ordinance.

SECTION 3.5. RURAL AGRICULTURAL (RA) DISTRICT

A district intended to encourage the continuance of agricultural uses as well as to ensure that residential development of appropriate intensities that are consonant with the suitability of land, availability of public services, and that are compatible with surrounding development, will occur at appropriate densities to provide a healthful environment. The RA District is also intended to accommodate rural commercial activities where the use, vegetative buffers, larger lots, and the compatibility of adjacent land uses are considered to provide suitable locations for rural commerce and other rural activities.

SECTION 3.6. RESIDENTIAL AND AGRICULTURAL (RA-20) AND (RA-40) DISTRICTS

Districts in which the principal use of the land is for single family dwellings, duplexes, and agriculture and discouraging any use which would generate traffic on minor streets other than normal traffic to serve residences on those streets.

SECTION 3.7. RESIDENTIAL AND AGRICULTURAL (RA-2) AND (RA-5) DISTRICTS

Districts in which the principal use of the land is for low-density residential and agricultural purposes and to discourage any use which would generate traffic on minor streets other than normal traffic to serve the residences and farms on those streets.

CHAPTER 3. INTENT OF ZONING DISTRICTS

SECTION 3.8. RURAL AGRICULTURAL URBAN SERVICE BOUNDARY (RA-USB) DISTRICT

SECTION 3.8. RURAL AGRICULTURAL URBAN SERVICE BOUNDARY (RA-USB) DISTRICT

A district created to identify areas where Urban Services (sewer and water) could be provided over the next 10-15 years. Although the creation of this district implies no guarantee of services, it acknowledges areas undergoing growth pressures and affords slightly more protection from intrusive uses.

SECTION 3.9. RURAL EQUESTRIAN (RE) DISTRICT

A district created to acknowledge what has become known as "Horse Country" in Moore County.

SECTION 3.10. GATED COMMUNITY SEVEN LAKES (GC-SL) AND WOODLAKE (GC-WL) DISTRICT

A district created to reflect existing unincorporated gated communities. Primarily governed by restrictive covenants, district regulations are designed to reflect deeded covenant restrictions.

SECTION 3.11. PUBLIC AND CONSERVATION (P-C) DISTRICT

A district in which the primary use of land is reserved for flood control, future thoroughfare rights-of-way, public recreation, community facility sites, forests and other similar open spaces which will encourage the continued use of land for conservation purposes.

SECTION 3.12. NEIGHBORHOOD BUSINESS (B-1) DISTRICT

A district to provide for the development of commercial and service uses that serve community's commercial needs, are accessible by residents from surrounding neighborhoods, and are of such nature so as to minimize conflicts with surrounding residential areas.

SECTION 3.13. HIGHWAY COMMERCIAL (B-2) DISTRICT

A district to provide for the development of commercial and service centers that serve community, countywide, or regional commercial needs, are accessible by residents from surrounding neighborhoods, and are configured to minimize conflicts with surrounding residential areas.

SECTION 3.14. VILLAGE BUSINESS (VB) DISTRICT

A district created to acknowledge the developed business area surrounding the Gated Community of Seven Lakes zoning district.

SECTION 3.15. INDUSTRIAL (I) DISTRICT

A district providing public and private uses of a production, warehousing, distribution, and industrial related services nature and may include indoor recreation uses..

SECTION 3.16. CONDITIONAL ZONING DISTRICTS DISTINGUISHED

A. GENERALLY

Conditional zoning districts are distinguished from conventional zoning districts in that conditional zoning districts are subject to additional requirements or limitations, agreed to by the landowner or landowner's agent and the Board of Commissioners, that are incorporated into the zoning district requirements upon its establishment. Conditional zoning districts may take the form of a parallel conditional zoning district, a planned development conditional district, or a multi-family conditional district.

B. PARALLEL CONDITIONAL ZONING DISTRICT

A parallel conditional zoning district is a conditional zoning district that directly corresponds to an existing conventional zoning district and is subject to the same dimensional requirements and range of allowable uses as the corresponding conventional zoning district except for any additional limitations or reductions in development potential proposed by the applicant and accepted by the Board of Commissioners. Parallel conditional zoning districts are subject to the standards in Section 3.17.

CHAPTER 3. INTENT OF ZONING DISTRICTS

SECTION 3.17. ADDITIONAL STANDARDS FOR PARALLEL CONDITIONAL ZONING DISTRICTS

C. PLANNED DEVELOPMENT CONDITIONAL ZONING DISTRICT

A planned development conditional zoning district is a negotiated zoning district that may or may not be consistent with an existing conventional zoning district. A planned development district application may propose a unique range of allowable uses, unique dimensional requirements, or other deviations and reductions from otherwise generally applicable standards in this Ordinance. A planned development conditional district requires the approval of a planned development master plan and statement of terms and conditions that details how development in the planned development district will be configured or will operate. Planned development conditional zoning districts are subject to the standards in Section 3.18.

D. MULTI-FAMILY CONDITIONAL ZONING DISTRICT

A multi-family conditional zoning district is a zoning district that allows for the establishment of a variety of uses, including single-family attached housing, subject to dimensional requirements of the zoning district and other applicable requirements.

SECTION 3.17. ADDITIONAL STANDARDS FOR PARALLEL CONDITIONAL ZONING DISTRICTS

A. PURPOSE AND INTENT

The rezoning of land to a conditional zoning district is intended to provide a landowner and the County an alternative to rezoning the land to a conventional zoning district, where the conventional zoning district allows certain uses and development that may be appropriate but also allows uses and development that may not conform to Adopted Comprehensive Land Use Plan or would have adverse impacts on public facilities or surrounding lands. Reclassification of land to a conditional zoning district allows a landowner to propose, and the Board of Commissioners to consider, additional conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations applicable in the parallel conventional zoning district. This enables the County and the landowner to tailor a zoning classification to accommodate desirable development while avoiding or addressing anticipated problems that may arise from development otherwise allowed by the conventional zoning district.

B. ESTABLISHMENT

Land shall be classified into a conditional zoning district only in accordance with the procedures and requirements set forth in this Ordinance for establishing a conditional zoning district.

C. APPLICABLE STANDARDS

Development in a conditional zoning district shall be subject to all the use and development standards and requirements that apply to development in the parallel conventional zoning district, plus any conditions imposed as part of the conditional zoning approval (including a conditional zoning plan, if provided), which may not be less restrictive than the regulations for the parallel conventional zoning district.

D. CONDITIONAL ZONING SITE PLAN

Applications for establishment of a conditional zoning district shall include a site plan as part of the application for a conditional zoning. The primary purpose for the site plan is to illustrate conditions that are difficult to describe with text. The site plan shall be of sufficient detail to depict the conditions proposed by the applicant and shall be reviewed by the Administrator for potential consistency with UDO requirements prior to consideration by the Planning Board.

SECTION 3.18. ADDITIONAL STANDARDS FOR PLANNED DEVELOPMENT (PD-CZ) CONDITIONAL ZONING DISTRICTS

CHAPTER 3. INTENT OF ZONING DISTRICTS

SECTION 3.18. ADDITIONAL STANDARDS FOR PLANNED DEVELOPMENT (PD-CZ) CONDITIONAL ZONING DISTRICTS

A. PURPOSE AND INTENT

The (PD-CZ) district is established and intended to encourage innovative and unified land planning and site design concepts that support economical and efficient use of land, creative design, a high quality of development, and a better built environment.

B. ESTABLISHMENT

Land shall be classified into a planned development conditional zoning district only in accordance with the procedures and requirements set forth in this Ordinance for establishing a planned development conditional zoning district.

C. PRIOR PLANNED UNIT DEVELOPMENTS

Land designated as Planned Unit Development-Conditional Zoning (PUD-CZ) prior to November 15, 2022, shall remain subject to the zoning conditions, site plan, and subdivision plats prepared in accordance with the district's approval. Any revisions to prior-approved conditions, site plans, or subdivisions shall require a rezoning to the PD-CZ district in accordance with the standards in this section.

D. MASTER PLAN REQUIRED

Establishment of a planned development conditional district requires a master plan to be submitted and approved as part of the application to establish the district. A master plan shall address the following:

1. The general location of individual development areas, identified by land use(s) and/or development density or intensity;
2. The general configuration and relationship of the principal elements of the proposed development, including general building types;
3. The acreage, types and mix of land uses, number of residential units (by use type), non-residential floor area (by use type), residential density, and non-residential intensity;
4. A development phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, if phasing is proposed;
5. The dimensional standards for lots applicable in each development area of the district;
6. The general location, amount, and type of open space (whether designated for active or passive recreation);
7. The location of environmentally sensitive lands, wildlife habitat, and resource protection lands;
8. The on-site transportation circulation system, including the general location of all public and private streets, existing or projected transit service, pedestrian and vehicular circulation features, and how they will connect with existing and planned systems;
9. The general location of on-site potable water and wastewater facilities, and how they will connect to existing systems;
10. The general location of on-site stormwater management facilities, and how they will connect to existing public systems; and
11. The general location of all other on-site public facilities serving the development, including but not limited to parks, schools, bus shelters, and facilities for fire protection, police protection, EMS, and solid waste management.

E. TERMS AND CONDITIONS STATEMENT

In addition to a master plan, an application for the establishment of a planned development conditional zoning district shall include a terms and conditions statement. The document shall incorporate by reference or include, but not be limited to:

1. A statement of planning objectives for the district;
2. The degree of consistency between the proposed planned development master plan and the applicable aspects of the County's Adopted Comprehensive Land Use Plan;
3. All conditions related to approval of the application;

CHAPTER 3. INTENT OF ZONING DISTRICTS

SECTION 3.19. MULTI-FAMILY CONDITIONAL (MF-CZ) ZONING DISTRICT

4. How transportation, potable water, wastewater, stormwater management, and other infrastructure will be provided to accommodate the proposed development;
5. The provisions related to environmental protection and monitoring;
6. The range of potential principal and accessory uses. Only those principal and accessory uses that are identified as allowable may be included within a planned development conditional zoning district application; and
7. Any other provisions the Board of Commissioners determines are relevant and necessary to the development of the PD-CZ in accordance with applicable standards and regulations.

F. COMPLIANCE REQUIRED

In no instance shall a planned development conditional zoning district application seek to modify, waive, or reduce any of the following standards:

1. Watershed Overlay District standards;
2. Special Flood Hazard Area standards; or
3. The standards for owners' associations in Section 19.15.

G. COMPATIBILITY ALONG DISTRICT BOUNDARIES

Development along the perimeter of a PD district shall be compatible with adjacent existing or proposed development outside the district. Where there are potential issues of land use compatibility, the planned development master plan shall provide for transition areas at the edges of the PD district that provide for appropriate buffering and/or ensure a complementary character of uses. Determination of complementary character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, hours of operation, exterior lighting, siting of service areas, or other aspects identified by the Board of Commissioners.

H. SITE PLAN REVIEW

1. The planned development master plan may take the form of a generalized concept plan for development that provides a general indication of building and site feature location, or it may be configured to the level of detail associated with site plans and construction drawings depicting exact building placement, location and profile of public infrastructure, and configuration of site features like parking, landscaping, and similar elements.
2. In cases where the master plan is more general or conceptual in nature, the development proposed in the planned development designation shall also undergo site plan review.
3. In cases where the master plan is detailed and meets the minimum requirements for a site plan in the opinion of the Board of Commissioners, the applicant may request, and the Board of Commissioners may grant, an exemption from subsequent site plan review.
4. If a site plan review exemption is granted by the Board of Commissioners, the proposed development shall fully comply with the development configuration depicted in the planned development master plan. Failure to comply with the approved master plan configuration shall require an amendment of the planned development application.
5. Regardless of the level of detail included in the master plan, the Administrator shall review and comment on the master plan prior to consideration of the planned development conditional rezoning district application by the Planning Board.

I. AMENDMENT

Amendments or modifications to a planned development master plan shall be considered in accordance with the standards and requirements for the establishment of a planned development conditional zoning district.

SECTION 3.19. MULTI-FAMILY CONDITIONAL (MF-CZ) ZONING DISTRICT

A district designed to accommodate a variety of attached single-family dwellings.

CHAPTER 3. INTENT OF ZONING DISTRICTS

SECTION 3.20. HIGHWAY CORRIDOR OVERLAY DISTRICT

SECTION 3.20. HIGHWAY CORRIDOR OVERLAY DISTRICT

- A.** In order to promote the general health, safety, and welfare of the community, to protect the rural character and natural environment of the area, and to provide attractive highway corridors and gateways to our communities, the Highway Corridor Overlay District is created. The Highway Corridor Overlay District (HCOD) is intended to maintain or enhance the natural scenic beauty of designated corridors viewed by all.
- B.** The HCOD is established as an overlay zoning district which overlays the underlying zoning district designations as depicted on the Official Zoning Map. and in the following locations:
- C.** The HCOD does not include any municipal zoning jurisdictions.
- D.** The following two HCOD sub-districts are established:

1. RURAL HIGHWAY

The Rural Highway HCOD sub-district overlays the zoning along portions of the following roadways as depicted on the Official Zoning Map, not including any municipal zoning jurisdiction: US 1 Highway and NC 690. This sub-district's goal is to provide compatible transitions between differing land uses, enhance the natural environment, and retain the existing rural character of Moore County. This sub-district applies in the following areas:

- i.** Lands located 400 feet south from Pinebluff's ETJ boundary to Richmond County line;
- ii.** Lands located 400 feet along either side of the US 15-501 right-of-way between Carthage ETJ boundary and Lee County line; and
- iii.** Lands located 400 feet along either side of the NC 690 right-of-way.

2. URBAN TRANSITION

The Urban HCOD sub-district overlays the zoning along portions of the following roadways as depicted on the official zoning map, not including any municipal zoning jurisdiction: US 1 Highway, US Highway 15/501, NC 22 Highway, and NC 211 Highway. This sub-district's goal is to improve property, support the natural conditions, and keep development consistent with the visual character and appearance of the nearby Towns. The Sandhills and Longleaf Pine are unique within North Carolina and these elements are of economic value to the Towns and make it a desirable place for both residents and visitors. This sub-district applies in the following areas:

- i.** Lands located 400 feet along either side of the US 1 Highway right-of-way from Southern Pines ETJ boundary north to Cameron's ETJ boundary;
- ii.** Lands located 400 feet along either side of the US 15-501 right-of-way between Pinehurst and Carthage and from Aberdeen to the Hoke County Line;
- iii.** Lands located 400 feet along either side of the NC 22 Highway right-of-way from the US 15-501 intersection at Carthage to Southern Pines; and
- iv.** Lands located 400 feet along either side of the NC 211 Highway right-of-way from Pinehurst to the Montgomery County line (including the Seven Lakes Village Business District).

- E.** All development located within the HCOD shall comply with the standards in Section 7.8 of this Ordinance.

SECTION 3.21. WATERSHED OVERLAY DISTRICTS

- A.** In accordance with NCGS Chapter 143 Chapter 21, a Watershed Overlay District comprised of three sub-districts is established to preserve the quality of the region's drinking water supplies. Lands located within the Watershed Overlay District are depicted on the Official Zoning Map and shall be subject to the standards in Chapter 16 of this Ordinance.
- B.** Wherever standards of the underlying zoning district differ from the watershed overlay standards, the more restrictive provisions shall apply.

SECTION 3.22. SPECIAL FLOOD HAZARD AREA

In accordance with NCGS Chapter 143 Chapter 21, a set of flood damage prevention standards is established as the Special Flood Hazard Area to minimize public and private losses due to flood conditions within flood prone

CHAPTER 3. INTENT OF ZONING DISTRICTS

SECTION 3.23. OFFICIAL ZONING MAP

areas. Lands located within the Special Flood Hazard Area are depicted on the County's Flood Insurance Rate Map or in a corresponding Flood Insurance Study and shall be subject to the standards in Chapter 17 of this Ordinance.

SECTION 3.23. OFFICIAL ZONING MAP

A. INCORPORATED BY REFERENCE

The boundaries of the zoning districts are shown and made a part of the map accompanying this Ordinance, entitled "the Official Zoning Map of Moore County, North Carolina." The Official Zoning Map and all the notations, references, and amendments thereto, and other information shown thereon are hereby made part of this Ordinance the same as if such information set forth on the map were all fully described and set out herein. The most recent versions of the Flood Insurance Rate Maps (FIRM) prepared by FEMA and the associated Flood Insurance Study (FIS), as amended, are hereby incorporated by reference herein and made part of this Ordinance.

B. AVAILABLE FOR INSPECTION

The Official Zoning Map, properly attested, is posted at the County Moore County Department of Planning in Carthage and is available for inspection by the public during normal business hours. Any State or federal maps affecting or incorporated into the Official Zoning Map are also available for inspection by the public during normal business hours.

C. HISTORICAL VERSIONS

The Administrator shall maintain paper or digital copies of superseded versions of the Zoning Map for historical reference. Prior versions of the Zoning Map are available for inspection in the Moore County Department of Planning by appointment.

D. CERTIFIED COPIES

Copies of the Official Zoning Map may be purchased from the County and paper copies of the map that are certified by the Administrator in accordance with NCGS §160A-79 shall be admissible in evidence and have the same force of effect as the original map.

SECTION 3.24. INTERPRETATIONS OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of any of the zoning districts as shown on the Official Zoning Map, the Administrator shall determine the boundaries in accordance with the Determination procedure and the following:

- A. Where such district boundaries are indicated as approximately following street, highway lines, or lot lines, such lines shall be construed to be such boundaries.
- B. Where a district boundary line divides a lot or tract in single ownership, the district requirements for the least restricted portion of such lot or tract shall be deemed to apply to the whole lot or tract. The term "least restricted" shall refer to zoning restrictions, not lot or tract size.
- C. If a street, alley, railroad, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the centerline of the abandoned or vacated roadbed or utility easement.
- D. Boundaries shown as approximately following a lot line shall be interpreted as following the lot line as it existed when the boundary was established. If a subsequent minor adjustment (such as from settlement of a boundary dispute or overlap) results in the lot line moving 10 feet or less, the zoning boundary shall be interpreted as moving with the lot line.
- E. Boundaries shown as approximately following a river, stream, canal, lake, or other watercourse shall be interpreted as following the centerline of the watercourse as it actually exists, and as moving with that centerline to the extent the watercourse moves as a result of natural processes (flooding, erosion, sedimentation, etc.).

CHAPTER 3. INTENT OF ZONING DISTRICTS

SECTION 3.24. INTERPRETATIONS OF DISTRICT BOUNDARIES

- F.** If the specific location of a depicted boundary cannot be determined from application of the above standards, it shall be determined by using the Official Zoning Map's scale to determine the boundary's distance from other features shown on the map.
- G.** Where the actual location of existing physical or natural features vary from that shown on the Official Zoning Map, or in other circumstances that are not covered by this subsection, the Administrator shall have the authority to determine the district boundaries.
- H.** In the case of Flood Hazard Overlay District boundaries, the FEMA work maps, if available, shall be used for scaling.
- I.** In cases where boundaries on the Official Zoning Map are based on another official map promulgated by the State or other federal agency and the other State or federal map is amended, the County's maps shall automatically be amended to remain consistent with the officially promulgated State or federal map.

CHAPTER 4. ZONING PERMITS, SITE PLANS, AND DETERMINATIONS

SECTION 4.1. ZONING PERMIT REQUIRED

A. APPLICABILITY

1. No land shall be used or occupied and no building, structure, or sign shall be erected, moved, enlarged, used, or structurally altered or its use changed, until a zoning permit, signed by the applicant, is reviewed, decided, and issued by the Administrator in accordance with this section.
2. Changes of use on an existing developed site that result in increased impervious surface, or that require additional off-street parking, changes to required landscaping, or changes to stormwater control mechanisms shall require issuance of a zoning permit.

B. EXEMPTIONS

1. Zoning permits are not required for the establishment or operational activities of buildings or uses associated with a bona fide farm (see Chapter 8).
2. The issuance of a zoning permit is not required for the establishment of an accessory building less than 12 feet in any direction, but the accessory building shall comply with all applicable setback requirements in this Ordinance.
3. Portable storage containers known as pods that are designed and constructed for the storage of household goods and any container including shipping containers are exempt from requiring a zoning permit.

C. ZONING PERMIT APPLICATION

1. APPLICATION REQUIREMENTS

- i. Each application for a zoning permit shall be accompanied by a site plan, prepared in accordance with Section 4.3, Site Plans.
- ii. Changes of use within an existing lawfully established site or building by a permitted use with no alterations to the building, no increases in impervious surface, no need for additional off-street parking, and no changes to stormwater control mechanisms shall not require preparation of a site plan but shall require issuance of a zoning compliance permit. Development exempted from the requirements to submit a site plan shall not be exempted from the requirements to obtain a zoning permit.

2. AGENCY REVIEW

Prior to the issuance of a zoning permit, the Administrator may consult with other applicable departments, as necessary, including but not limited to:

- i. North Carolina Department of Environmental Quality;
- ii. US Army Corp of Engineers;
- iii. North Carolina Department of Transportation;
- iv. Moore County Airport Authority;
- v. Moore County Department of Environmental Health;
- vi. Moore County Department of Public Works;
- vii. Moore County Department of Planning (Building Inspections);
- viii. Moore County Department of Public Safety; and
- ix. Moore County Department of Geographic Information Services.

D. ACTION BY THE ADMINISTRATOR

1. If the proposed zoning permit application is in conformity with the provisions of this UDO, and if all other required permits have been approved by the Moore County Department of Environmental Health or other appropriate agencies, the Administrator shall issue a zoning permit.
2. All decisions by the Administrator shall be in writing.

3. The zoning permit shall include a statement indicating: "Issuance of a zoning permit shall in no case be construed as waiving any provisions of the UDO, approved plans, specific use standards, and the intended use of such building and land do, in all respects, conform to the provisions of the UDO."

E. ZONING DECISION SIGN

The applicant shall post a sign containing the words "Zoning Decision" in letters at least 6 inches high, including contact information of the Administrator, on the site in a prominent location including street frontage, and provide evidence to the Administrator within 10 days of the permit issuance for new non-residential buildings or changes of use, for a minimum of 10 days to notify the neighbors, or the Zoning Permit shall be null and void.

F. DENIAL

If the proposed application is not in conformity with the provisions of this Ordinance, the Administrator shall not issue the zoning permit and shall provide, in writing, the cause of such disapproval to the applicant. If a violation of this Ordinance on the site that is the subject of the zoning permit application remains uncorrected, the Administrator may deny or withhold approval of the zoning permit.

G. EXPIRATION

Unless otherwise specified by statute, once a zoning permit has been issued, all activities pursuant to such permit shall be substantially commenced within one year of issuance. Unless provided otherwise by statute, if the proposed moving, constructing, altering, repairing, or other use of land, as set forth in an application for a zoning permit, is substantially commenced and the development work is intentionally and voluntarily discontinued for a period of two years or more after commencement, the permit and vesting shall expire and be of no further force and effect.

H. REVOCATION

1. The Administrator may revoke a zoning permit issued under this Ordinance for failure to comply with the provisions of this Ordinance or the terms and conditions of a permit. A zoning permit may only be revoked only through the same process as was used for its approval.
2. Before a zoning permit is revoked, the Administrator shall give the permit recipient 10 days-notice of the alleged reasons for the revocation and of their right to conduct an informal meeting with the Administrator on the allegations.
3. If the permit is revoked, the Administrator shall provide to the permittee a written statement of the decision and the reasons why the permit is being revoked.
4. The decision to revoke a permit may be appealed to the Board of Adjustment.

SECTION 4.2. SITE PLANS**A. APPLICABILITY**

Except for the forms of development exempted from site plan review by this section, all forms of development that involve construction, moving, or significant alteration of a building, habitable structure, or development site, or that result in an increase in the amount of impervious surface cover on a lot shall be subject to site plan review.

B. EXEMPTIONS

1. Site plan review shall not be required for the following:
 - i. Construction of an individual single-family detached home or placement of manufactured home on an individual lot;
 - ii. The establishment of an accessory use or structure on serving a single-family home;
 - iii. The construction or alteration of a sign; or

- iv.** Changes to an existing lot or building that do not impact the size or footprint of the existing building, increase the amount of impervious surface cover, require additional off-street parking spaces, or necessitate changes to landscaping.
 - 2.** Development exempted from site plan review shall still be required to obtain a zoning permit in accordance with Section 4.1, Zoning Permits.

C. PRE-APPLICATION CONFERENCE REQUIRED

To minimize development planning costs, avoid misunderstandings or interpretations, and ensure compliance with the requirements of this Ordinance, a pre-application conference between the developer and the Planning Staff is required for all non-residential projects, as determined applicable by the Administrator. The developer may, but is not required to, submit a sketch plan for consideration during the pre-application conference.

D. APPLICATION REQUIREMENTS

- 1.** Each application for a site plan, drawn to scale, including the following information, as determined applicable or relevant by the Administrator:
 - i.** Dimension of property (front, side, and rear property lines);
 - ii.** Dimensions and locations of any existing or proposed buildings and signs;
 - iii.** Existing and proposed uses of building(s) and/or land;
 - iv.** Non-residential, multi-family, and mixed -use floor plans;
 - v.** Existing and proposed street rights-of-way or easements;
 - vi.** Current and proposed setbacks from property lines, easements, and rights-of-way;
 - vii.** Dimensions and locations of driveway, parking lots, and parking spaces;
 - viii.** Dimensions and location of loading and unloading areas;
 - ix.** Existing and proposed utilities;
 - x.** Screening and landscaping plan;
 - xi.** Significant natural features including floodplain, wetlands, lakes, streams, etc.;
 - xii.** Existing and proposed impervious surface percentages;
 - xiii.** Location of any stormwater control devices, any stormwater control plans, and the name of the certifying engineer. The applicant is responsible for the accuracy of the stormwater controls shown on the site plan.
 - xiv.** Phasing plans
 - xv.** Any other information which the Administrator deems necessary as required per local, state, or federal law.
- 2.** The applicant is responsible for the accuracy of significant features shown on the site plan. The Administrator may require Army Corp of Engineer approval before a zoning permit is issued.

E. ACTION BY THE ADMINISTRATOR

- 1.** If the proposed site plan is in conformity with the provisions of this UDO, and if all other required permits have been approved by the Moore County Department of Environmental Health or other appropriate agencies, the Administrator shall approve the site plan.
- 2.** All decisions by the Administrator shall be in writing.

F. DENIAL

If the proposed application is not in conformity with the provisions of this Ordinance, the Administrator shall not approve the site plan and shall provide, in writing, the cause of such disapproval to the applicant. If a violation of this Ordinance on the site that is the subject of a site plan application remains uncorrected, the Administrator may deny or withhold approval of the site plan.

G. PLANS DISTINGUISHED

Conditional rezoning site plans and planned development master plans shall also be reviewed by the Administrator, who shall provide comments to the Planning Board and Board of Commissioners with respect to the degree of conformity with County requirements and any recommendations for revision to bring the proposed development into closer alignment with County standards or Adopted Comprehensive Land Use Plan.

H. AMENDMENT

Amendments to a site plan approval shall be considered in the same manner as the site plan approval.

I. EXTENSION

- 1.** Applicants with existing approved site plans may request an extension of the approval from the Board of Commissioners for a period of up to 12 months, if it concludes:
 - i.** The approval has not yet expired;
 - ii.** The approval recipient has proceeded with due diligence and in good faith;
 - iii.** Conditions have not changed so substantially as to warrant a new application; and
 - iv.** Where warranted in light of all relevant circumstances, including, but not limited to, site considerations, the need for the development, economic cycles, and market conditions or other considerations.
- 2.** Successive extensions may be granted for periods up to 12 months upon the same findings by the Board of Commissioners.

J. EXPIRATION

Unless otherwise specified by statute, once a site plan has been approved, all activities pursuant to approval shall be substantially commenced within two years of issuance. Unless provided otherwise by statute, if the proposed moving, constructing, altering, repairing, or other use of land, as set forth in an application for a site plan, is substantially commenced and the development work is intentionally and voluntarily discontinued for a period of two years or more after commencement, the permit and vesting shall expire and be of no further force and effect.

K. VESTING TERM FOR SITE-SPECIFIC VESTING PLANS

Applicants may extend the vesting term of an approved site plan beyond two years only in accordance with the provisions for vested rights in Chapter 15.

L. REVOCATION

- 1.** The Administrator may revoke a zoning permit issued under this Ordinance for failure to comply with the provisions of this Ordinance or the terms and conditions of a permit. A zoning permit may only be revoked only through the same process as was used for its approval.
- 2.** Before a zoning permit is revoked, the Administrator shall give the permit recipient 10 days-notice of the alleged reasons for the revocation and of their right to conduct an informal meeting with the Administrator on the allegations.
- 3.** If the permit is revoked, the Administrator shall provide to the permittee a written statement of the decision and the reasons why the permit is being revoked.
- 4.** The decision to revoke a permit may be appealed to the Board of Adjustment.

SECTION 4.3. DETERMINATION**A. PURPOSE AND INTENT**

The purpose for this determination procedure is to provide a process where an applicant may request documentation from the Administrator regarding the meaning of language in this Ordinance, boundaries on the Official Zoning Map, or aspects related to prior development application approvals.

B. APPLICABILITY

1. The Administrator is responsible for written determinations of the following:
 - i. The meaning of the text in this Ordinance;
 - ii. The location and extent of zoning district boundaries on the Official Zoning Map, and other maps incorporated by reference into this Ordinance;
 - iii. Whether an unlisted use is comparable to a use listed in Chapter 6;
 - iv. Definitions of undefined terms;
 - v. The meaning of conditions of approval;
 - vi. The vesting status of a prior development application approval; and
 - vii. Other aspects of this Ordinance, as appropriate.
2. Any written or oral determinations that do not meet the strict requirements of this section are advisory opinions. Advisory opinions have no binding effect and are not considered determinations subject to appeal.

C. REVIEW CRITERIA**1. OFFICIAL ZONING MAP BOUNDARIES**

Determination of district boundaries on the Official Zoning Map shall be in accordance with the standards in Section 3.23, Interpretations of District Boundaries, and consistent with the County's Adopted Comprehensive Land Use Plan.

2. UNLISTED USES

Determination of whether an unlisted use is similar to a use identified in Chapter 6 shall be based on consistency with the County's Adopted Comprehensive Land Use Plan and the following standards:

- i. The function, product, or physical characteristics of the use;
- ii. The impact on adjacent lands created by the use;
- iii. The type, size, and nature of buildings and structures associated with the use;
- iv. The type of sales (retail, wholesale), and the size and type of items sold and displayed on the premises;
- v. The types of items stored (such as vehicles, inventory, merchandise, chemicals, construction materials, scrap and junk, and raw materials including liquids and powders);
- vi. The volume and type of vehicle traffic generated by the use, and the parking demands of the use;
- vii. Any processing associated with the use, including assembly, manufacturing, warehousing, shipping, distribution, and whether it occurs inside or outside a building;
- viii. Any dangerous, hazardous, toxic, or explosive materials associated with the use;
- ix. The amount and nature of any nuisances generated on the premises, including noise, smoke, odor, glare, vibration, radiation, and fumes; and
- x. Any prior applicable determinations made by the Administrator or decisions made by the Board of Adjustment.

3. UNDEFINED TERMS

If a term in this Ordinance is undefined or the meaning is unclear, the Administrator may determine the term's meaning based upon appropriate definitions in any of the following sources:

- i. The North Carolina General Statutes;
- ii. The North Carolina Administrative Code;
- iii. The State Building Code(s);
- iv. Planning-related definitions in publications prepared or offered by the American Planning Association or the Urban Land Institute;
- v. The Oxford Dictionary of Construction, Surveying, and Civil Engineering;
- vi. Black's Law Dictionary; or
- vii. Other professionally-accepted source.

4. TEXT PROVISIONS AND PRIOR APPROVALS

Determinations regarding this text and approved applications shall be based on the following considerations:

- i.** The legislative intent of the provision, as indicated by purpose statements, its context and consistency with surrounding and related provisions, and any legislative history related to its adoption;
- ii.** When the legislative intent of a provision is unclear, the Administrator shall consider the clear and plain meaning of the provision's wording, as defined by the meaning and significance given specific terms used in the provision, as established in Chapter 20, and by the common and accepted usage of the term;
- iii.** The general purposes served by this Ordinance, as set forth in Section 1.4, Purpose; and
- iv.** Consistency with the County's Adopted Comprehensive Land Use Plan.

5. DETERMINATION OF VESTED RIGHTS

The determination of whether or not certain development activity or a development application approval is vested from changes in this Ordinance and the duration of the vesting shall be based on the following:

- i.** The standards in NCGS Section 160D-108; and
- ii.** Prior judicial determination from comparable cases, as determined in the sole discretion of the Administrator.

D. EFFECT

A written determination shall be binding on subsequent decisions by the Administrator or other administrative officials in applying the same provision of this Ordinance or the Official Zoning Map in the same circumstance, unless the determination is modified in accordance with this section, the determination is later determined to have been made in error, or the text of this Ordinance is amended.

E. RECORD

The Administrator shall maintain a record of written determinations that shall be available in the Planning Department offices for public inspection, on reasonable request, during normal business hours.

F. APPEAL

Appeal of a determination by the Administrator shall be made to the Board of Adjustment in accordance Section 14.1, Appeal of Administrative Decision.

CHAPTER 5. DIMENSIONAL STANDARDS

SECTION 5.1. TABLE OF AREA AND SETBACKS

The following table sets out the dimensional requirements for lots and the setback provisions for principal and accessory uses in this Ordinance.

A. APPLICABILITY IN PARALLEL CONDITIONAL ZONING DISTRICTS

The dimensional requirements in the table below are applied to the County's conventional zoning districts and shall also apply to a corresponding parallel conditional zoning district. For example, the standards applied to the RA district shall also apply to land designated as RA-CZ.

B. LOTS WITHIN CERTAIN OVERLAY ZONING DISTRICTS

In addition to compliance with the standards in the table below, any lots located within the HCOD and WPO shall be subject to additional dimensional requirements applied as a part of the overlay district standards.

C. ADDITIONAL REQUIREMENTS APPLIED TO FENCES, WALLS, AND SIGNS

In addition to any applicable standards in the table below, fences, walls, and signs must also comply with all other applicable dimensional requirements in Chapter 7 of this Ordinance.

TABLE OF DIMENSIONAL REQUIREMENTS

MINIMUM LOT SIZE REQUIREMENTS [1]				PRINCIPAL BUILDING SETBACKS (FEET) [1]				ACCESSORY BUILDING SETBACKS (FEET) [1]			
Zoning District	Area [2]	Lot Width (feet)	Lot Frontage (feet)	Front	Side	Corner Side	Rear	Front	Side	Corner Side	Rear
RA	1 acre	100	100	40	15	25	30	10	10	10	10
RA-20	20,000 sq. ft. [3]	100 [3]	100 [3]	40	15 [4]	25	30	40	10	20	10
RA-40	40,000 sq. ft. [3]	100 [3]	100 [3]	40	15 [4]	25	30	40	10	20	10
RA-2	2 acres	100	100	40	15	25	30	40	15	20	15
RA-5	5 acres	100	100	40	15	25	30	40	15	20	15
RA-USB	1 acre	100	100	40	15	25	30	10	10	10	10
RE	1 acre [3]	100 [3]	100 [3]	40	15 [4]	25	30	40	10	20	10
GC-SL	None	None	None	None	None	None	None	10	10	10	10
GC-WL	None	None	None	None	None	None	None	10	10	10	10
P-C	5 acres	NA	100	40	15	25	30	40	10	20	10
B-1	10,000 sq. ft.	75	100	50	15	20	20	50	15	20	20
B-2	10,000 sq. ft.	75	100	50	None	25	25	50	15	20	20
VB	10,000 sq. ft.	None	None	None	None	None	None	None	None	None	None
I	1 acre	100	100	65	25	50	30	65	25	30	30

CHAPTER 5. DIMENSIONAL STANDARDS

SECTION 5.1. TABLE OF AREA AND SETBACKS

TABLE OF DIMENSIONAL REQUIREMENTS

MINIMUM LOT SIZE REQUIREMENTS [1]				PRINCIPAL BUILDING SETBACKS (FEET) [1]				ACCESSORY BUILDING SETBACKS (FEET) [1]			
Zoning District	Area [2]	Lot Width (feet)	Lot Frontage (feet)	Front	Side	Corner Side	Rear	Front	Side	Corner Side	Rear
MF-CZ	1 acre [5]	100 [6]	100 [6]	40	15	25	30	40	15	25	30
PD-CZ	25 acres [7]	As identified in the approved planned development master plan									

NOTES:

- [1] These figures may be reduced within an approved conservation subdivision.
- [2] Minimum lot area may be reduced and maximum allowable density may be increased through the provision of open space at a rate exceeding the minimum percentage in a conservation subdivision (see Chapter 18).
- [3] Applied to a duplex structure, not individual duplex units.
- [4] Side setbacks may be zero for party walls between duplex dwellings on adjacent lots.
- [5] The maximum residential density in the MF-CZ district shall be eight units per acre.
- [6] Applied to the entire development, not individual lots.
- [7] The 25-acre area requirement for the PD-CZ district is a minimum district size, not a minimum lot area requirement.

D. HEIGHT

See Section 7.9 for details on applicable maximum building heights.

E. MEASUREMENTS AND EXCEPTIONS

1. The following encroachment standards shall apply to all required yards, so long as they do not extend into any easements:
 - a. Chimneys, prefabricated chimneys, flues, or smokestacks may extend a maximum of four feet into a required yard.
 - b. Building eave or roof overhang may extend up to 24 inches into a required yard; provided that such extension is at least three feet from the property line, its lower edge is at least seven and one-half feet above the ground elevation, and it is located at least five feet from any other building or eave.
 - c. Sills and ornamental features may project up to 24 inches into any required yard.
 - d. Fire escapes may project up to eight feet into any required yard, but must maintain at least seven and one-half feet above a sidewalk, greenway, or street.
 - e. Security gates and guard stations may be located within any required yard.
 - f. Unenclosed patios, decks, or terraces, including lighting structures, may extend up to four feet into any required side yard, or up to eight feet into any required rear yard.
 - g. Covered porches may encroach a maximum of 20% of the required front yard setback depth.
 - h. Mechanical equipment for residential uses, such as HVAC units and security lighting, may extend into any required side yard but shall remain at least four feet from the property line.
 - i. Structures below and covered by the ground may extend into any required yard.
 - j. Planters, retaining walls, fences, hedges, and other landscaping structures may encroach into any required yard subject to visibility restrictions
 - k. Utility lines located underground and minor structures accessory to utility lines (such as hydrants, manholes, and transformers and other cabinet structures) may encroach into any required yard.

CHAPTER 6. TABLE OF USES

SECTION 6.1. PRINCIPAL USE TABLE

The use table below lists the range of allowable principal uses, the zoning districts where they are permitted, and the type of application approval necessary from the County for the use to be established. The following application types are listed in the table:

A. PERMITTED USES

A “P” in a cell of the table indicates that the specific use type is permitted in the corresponding zoning district, subject to any referenced use standards identified in the table and issuance of a zoning permit (see Chapter 4) by the Administrator.

B. SPECIAL USES

An “S” in a cell of the table indicates that the specific use type may only be permitted in the corresponding zoning district following approval of a special use permit by the Board of Commissioners (see Chapter 12). Special uses are subject to any referenced use standards identified in the table and may be subject to additional conditions deemed necessary by the Board of Commissioners.

C. CONDITIONAL ZONING

A “Z” in a cell of the table indicates that the specific use type may only be permitted within a conditional zoning district that is parallel to the listed underlying zoning district (see Chapter 11). The conditional zoning district designation must be in place before the use type may be established.

D. PLANNED DEVELOPMENT DISTRICT

1. An “A” in a cell of the principal use table indicates that the specific use type is permitted in a planned development district, provided the specific use type is included in the list of potential use types in the master plan or terms and conditions document.
2. If a use type is listed as prohibited in a planned development district it may not be included in a master plan or terms and conditions document.

E. USE NOT PERMITTED

An “•” symbol in a cell of the summary use table indicates that the specific use type is not permitted in the corresponding zoning district.

F. BUILDING CODE CLASSIFICATION

1. The “Bldg. Code Group” column in the use table is intended for reference purposes only. Classifications will be verified by the Building Inspector and should follow the regulations of the applicable “Use & Occupancy Classification” in accordance with NC State Building Code.
2. Changes of use from one building code classification to a different building code classification within an existing building require approval of sealed plans by the Building Inspector.
3. The different kinds of building code classifications are set out in the table below.

BUILDING CODE CLASSIFICATIONS			
ABBREVIATION	CLASSIFICATION TYPE	ABBREVIATION	CLASSIFICATION TYPE
A	Assembly	M	Mercantile
B	Business	R	Residential
E	Education	S	Storage
F	Factory Industrial	U	Utility & Miscellaneous
H	Hazardous	Mix	Mixed Uses [1]
I	Institutional		
NOTES:			

BUILDING CODE CLASSIFICATIONS			
ABBREVIATION	CLASSIFICATION TYPE	ABBREVIATION	CLASSIFICATION TYPE
[1] Separation standards may apply.			

G. UNLISTED USES

1. In the event that a proposed principal use type is not listed in principal use table and provided such land use is not listed as prohibited use in this Chapter, the Administrator shall determine whether a materially similar land use exists in this Ordinance.
2. The Zoning Administrator shall determine whether or not an unlisted use is similar to an existing use type based on the standards in Section 4.3.C of this Ordinance.
3. Nothing shall limit the Administrator from seeking input from County staff, the Planning Board, or Board of Commissioners in making a determination of how to categorize an unlisted use.
4. Should the Administrator determine that a materially similar land use does exist, the regulations governing that land use shall apply to the unlisted use type and the Administrator's determination shall be recorded in writing.
5. In cases where a proposed unlisted use type is not found to be similar to an existing use type, the Administrator may, but shall not be required to, initiate a text amendment application to revise the text of this Ordinance to add the use type in accordance with (see Chapter 10).

H. CHANGE OF USE

1. Several of the provisions in this Ordinance are applied at the time of a change in use. For the purposes of this Ordinance, each of the following shall constitute a "change in use:"
 - i. When an existing principal use is replaced by a new principal use that is of a different use classification, use category, or use type designation;
 - ii. When an existing principal use that is conducted entirely indoors becomes conducted entirely outdoors, or vice versa;
 - iii. When an existing use type that is a nonconforming use changes to a different use type that is also nonconforming, regardless of whether the newer nonconforming use is more intense than the prior nonconforming use;
 - iv. Any change in an existing use or development site that triggers the application of a differing set of building code requirements, such as the switch from residential requirements to non-residential or combined use requirements;
 - v. When an existing principal use intensifies or expands (with or without a shift in the use type) in a manner that increases the average daily trips associated with the use by 100 percent or more; and
 - vi. If a combined or multiple principal use is changed in ways where the mixture of use types changes or where the relative proportion of floor area devoted to one of the existing use types is modified to the extent that the total minimum off-street parking standards for the entire development are changed.
2. Conversion from one use type to the same use type under the same or a different owner is not a change in use. Additions or expansions of an existing use may require the need for compliance with development or design standards in this Ordinance.
3. Changes of use type within a planned development district do not constitute a change in use provided the new use types is identified in the planned development terms and conditions document. The addition of a new or unlisted use types within a planned development shall require an amendment to the planned development district.
4. Addition or conversion of secondary uses or the operation of a temporary use does not constitute a change in principal use.

CHAPTER 6. TABLE OF USES

SECTION 6.1. PRINCIPAL USE TABLE

I. COMBINATION OR MULTIPLE PRINCIPAL USES

Developments with combination or multiple principal uses, such as shopping centers, shall:

1. Incorporate only those use types allowed in the applicable zoning district;
2. Comply with all the use standards that apply to each use type in the development; and
3. Comply with the required method of establishment for the use type identified in the principal use table.

J. MAJOR SUBDIVISION

The principal use table lists residential and non-residential major subdivisions and the zoning districts where these kinds of subdivisions are permitted in accordance with the applicable standards in Chapter 19. Minor, expedited, and family subdivisions are not required to obtain special use permit approval and are not prohibited in any zoning districts.

PRINCIPAL USE TABLE

P = Permitted by-Right

S = Requires Special Use Permit

Z = Permitted in Conditional Zoning District

A = Allowed in PD District

O = Not Permitted

Principal Use Type	Zoning Districts [1]														Specific Use Standards	Bldg. Code Class.														
	RA	RA-20	RA-40	RA-2	RA-5	RA-USB	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	I	MF-CZ	PD-CZ														
AGRICULTURAL USES																														
Agricultural Uses and Buildings (Not in a Bona Fide Farm)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.7	U												
Bona Fide Farm	Bona Fide Farm exemption status is obtained through the Moore County Planning Department														8.20	S, U														
RESIDENTIAL USES																														
Single-Family Household																														
Dwellings, Single Family	P	P	P	P	P	P	P	P	P	•	•	•	•	•	Z	A	8.44	R-3												
Dwellings, Duplex	•	P	P	•	•	•	P	•	P	•	•	•	•	•	Z	A	8.43	R-3												
Family Care Home (6 or less)	P	P	P	P	P	P	P	P	P	•	•	•	•	•	Z	A	8.46	I, R												
Manufactured Home	P	P	P	P	P	P	P	•	•	•	•	•	•	•	Z	A	8.66	R-3												
Manufactured Home Park	Z	•	•	•	•	•	•	•	•	•	•	•	•	•	•	A	8.67	Mix												
Personal Workshop	P	P	P	P	P	P	P	•	•	•	•	•	•	•	Z	A	8.84	R, S												
Multi-Family Residential																														
Group Care Facility	Z	•	•	•	•	•	•	•	•	•	S	P	•	•	•	A	8.56	I, R												
Multi-family Dwelling (3 or more units per lot)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	Z	A	8.77	R-2												
Nursing Home	S	S	S	S	S	•	•	•	•	P	P	•	•	•	Z	A	8.80	B, I												
COMMERCIAL USES																														
Animal Services																														
Animal Shelter	Z	•	•	•	•	•	•	•	•	•	•	•	•	•	P	•	8.11	B												
Animal Training Facility, Military	Z	•	•	•	•	•	•	•	•	•	•	•	•	•	P	•	8.12	B												
Kennels, Overnight	Z	•	•	•	•	•	•	•	•	•	Z	Z	•	P	•	A	8.63	B												
Pet Day Care, Grooming, Obedience Training	Z	•	•	•	•	•	•	•	•	•	P	P	P	•	•	A	8.85	B												

CHAPTER 6. TABLE OF USES
SECTION 6.1. PRINCIPAL USE TABLE

PRINCIPAL USE TABLE

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O = Not Permitted

Principal Use Type	Zoning Districts [1]														Specific Use Standards	Bldg. Code Class.			
	RA	RA-20	RA-40	RA-2	RA-5	RA-USB	RF	GC-SL	GC-WL	PC	B-1	B-2	VB	I	MF-CZ	PD-CZ			
Veterinary Clinic	Z	•	•	•	•	•	P	•	•	•	P	P	P	•	•	A	8.113	B	
Offices and General Services																			
Beauty / Barber Shop / Nail Salon	•	•	•	•	•	•	•	•	•	P	•	•	P	P	P	•	A	8.17	B
Bed and Breakfast	Z	Z	Z	Z	Z	Z	•	•	•	•	•	•	•	•	•	Z	A	8.18	
Commissary Kitchen	P	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.33	B	
Dry Cleaning and Laundromat	•	•	•	•	•	•	•	•	•	P	•	P	P	P	P	•	A	8.42	B
Equestrian Cottage	•	•	•	•	•	•	•	Z	•	•	•	•	•	•	•	•	A	8.45	
Hotel and Motel	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•	A	8.61	R-1
Office	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.81	B	
Small Appliance Repair Shop	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.102	B	
Trade Contractor Office and Workshop	•	•	•	•	•	•	•	•	•	•	Z	P	P	P	•	A	8.109	B, S	
Retail Services																			
Auction House	•	•	•	•	•	•	•	•	•	•	P	P	•	P	•	A	8.14	A-3, B	
Convenience Store	S	•	•	•	•	•	•	•	•	P	•	P	P	P	P	•	A	8.36	M
Feed and Seed Sales	S	•	•	•	•	•	•	S	•	•	P	P	•	P	•	A	8.47	B, M	
Florist	P	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.49	B	
Flea Market	S	•	•	•	•	•	•	•	•	•	Z	P	•	•	•	•	8.48	B, M	
Garden Center	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.52	M, U	
Manufactured or Modular Home Sales	•	•	•	•	•	•	•	•	•	•	P	•	P	•	•	•	8.68	B	
Mobile Food Campus	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	A	8.76	A-2, A-3	
Restaurant	•	•	•	•	•	•	•	•	•	P	•	P	P	P	P	•	A	8.93	A-2
Retail	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.94	M	
Shopping Centers	•	•	•	•	•	•	•	•	•	•	Z	•	S	•	A	8.101	M		
Wholesales	•	•	•	•	•	•	•	•	•	•	P	S	P	P	•	A	8.115	M	
Vehicle Services																			
Boat & RV Storage	•	•	•	•	•	•	•	•	P	•	•	•	Z	Z	•	•	8.19	S-1	
Car Wash or Auto Detailing	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.25	B	
Commercial Truck Wash	•	•	•	•	•	•	•	•	•	S	P	•	P	•	A	8.32	B		
Parking Lot as a Principal Use	•	•	•	•	•	•	•	•	•	P	P	P	P	P	Z	A	8.82	S-2	
Taxi Service	•	•	•	•	•	•	•	•	•	Z	P	•	P	•	A	8.106	B, A-3		

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SECTION 6.1. PRINCIPAL USE TABLE

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Zoning Districts [1]

Principal Use Type	RA	RA-20	RA-40	RA-2	RA-5	RA-USB	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	I	MF-CZ	PD-CZ	Specific Use Standards	Bldg. Code Class.
	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.110	B, S-1
Vehicle, Auto Parts, Tires, Farm Equipment, Boat, RV – Sales, Rental, or Service	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.110	B, S-1
Vehicle Service Station (Gas Stations)	•	•	•	•	•	•	•	•	•	•	P	P	Z	P	•	A	8.111	M
Vehicle Wrecker Service	•	•	•	•	•	•	•	•	•	•	Z	Z	•	P	•	•	8.112	S-1
Adult Uses																		
Adult Gaming Establishment	•	•	•	•	•	•	•	•	•	•	•	•	•	S	•	•	8.6	B
Bar / Tavern	•	•	•	•	•	•	•	•	•	•	•	P	S	•	•	A	8.16	A-2
Brewery / Winery	S	•	•	•	•	•	•	•	•	•	•	P	P	P	•	A	8.21	A-2, F
Dance Club / Night Club / Billiards	•	•	•	•	•	•	•	•	•	•	•	P	Z	•	•	•	8.38	A-2, A-3
Distillery	•	•	•	•	•	•	•	•	•	•	•	•	•	P	•	A	8.40	F-1
Massage & Bodywork Therapy	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.74	B
Pawn Shop	•	•	•	•	•	•	•	•	•	•	•	P	Z	P	•	•	8.83	B
Sexually Oriented Business	•	•	•	•	•	•	•	•	•	•	•	•	S	•	•	8.98	A-2, M	
Tattoo Parlor, Body Piercing	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•	•	8.105	B
EDUCATIONAL & INSTITUTIONAL USES																		
Cemetery or Mausoleum, Commercial	S	•	S	S	•	•	S	•	•	•	P	•	•	•	•	•	8.26	n/a
Child Care Facility	S	S	S	S	P	S	S	•	S	•	P	P	S	•	•	A	8.28	E, I
College / Business & Trade School	S	•	•	•	•	•	•	•	•	•	•	P	•	P	•	A	8.31	B
Funeral Home with Crematorium	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.51	A-3, B
Government Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.55	B
Hospital	•	•	•	•	•	•	•	S	S	•	•	•	•	•	•	A	8.60	I
Museum / Art Gallery	S	•	•	•	•	•	•	•	•	•	P	P	P	•	•	A	8.78	A-3
Religious Institution	P	•	•	P	P	P	•	P	P	•	P	P	P	•	•	A	8.92	A-3, E
Security Training Facility	S	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	8.97	B
School, Elementary / Middle / High	P	•	•	P	P	P	•	P	P	•	P	P	P	•	•	A	8.96	E
RECREATION USES																		

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Zoning Districts [1]

Principal Use Type	RA	RA-20	RA-40	RA-2	RA-5	RA-USB	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	I	MF-CZ	PD-CZ	Specific Use Standards	Bldg. Code Class.	
Airport, Public or Private	S	•	•	•	•	•	•	•	•	•	•	•	•	Z	•	A	8.8	A-3, B	
Airstrip, Small Private	S	•	•	•	•	•	•	•	•	•	P	•	•	•	•	•	A	8.9	B
Assembly Hall	Z	•	•	•	•	•	•	•	Z	•	•	Z	Z	P	•	A	8.13	A-4, A-5	
Camp or Care Center	P	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	A	8.22	A-3, R-1
Campground, Public and Private	P	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	A	8.23	A-3, R-1
Camp, Recreation Day	P	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	A	8.24	A-3
Civic / Social Club, Lodge, Organization	S	•	•	P	P	P	•	S	S	•	P	P	P	•	•	A	8.30	A-2, A-3	
Golf Driving Range	•	•	•	•	•	•	•	S	S	P	•	P	•	•	•	•	A	8.54	A-3
Golf Course (including par 3)	•	•	•	•	•	•	•	S	S	P	•	P	•	•	•	•	A	8.53	U
Marina (fuel & supplies)	•	•	•	•	•	•	•	P	P	•	•	•	•	•	•	•	A	8.71	M
Neighborhood Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.79	U	
Recreation, Indoor	•	•	•	•	•	•	•	•	•	•	S	P	S	P	•	A	8.89	A-5	
Recreation, Low Impact Outdoor	P	•	P	P	P	P	P	P	P	•	P	P	S	•	•	A	8.90	A-5	
Recreation, High Impact Outdoor	Z	•	•	•	•	•	•	•	•	•	•	•	Z	P	•	A	8.91	A-5	
Shooting Range, Indoor	Z	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	8.99	A-5	
Shooting Range, Outdoor	Z	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	8.100	A-5	
Zoo / Petting Zoo	Z	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	8.118	A-5, U	
INDUSTRIAL USES																			
Production																			
Manufacturing & Sales, Pottery	P	•	•	•	•	•	•	•	•	•	P	P	P	P	•	•	8.86	F	
Manufacturing, Light (no odors or smoke)	•	•	•	•	•	•	•	•	•	•	•	•	•	P	•	A	8.70	F	
Manufacturing, General	•	•	•	•	•	•	•	•	•	•	•	•	•	Z	•	•	8.71	F-1, F-2	
Utilities / Services																			
Contractors Storage Yard and Office	Z	•	•	•	•	•	•	•	•	•	P	•	P	•	•	•	8.35	S-1, U	
Crematorium Facility	•	•	•	•	•	•	•	•	•	•	Z	•	P	•	•	•	8.37	B	
Freight Terminal	Z	•	•	•	•	•	•	•	•	•	S	•	S	•	•	•	8.50	S-1, S-2	
Public & Private Utility Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.87	U		

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Principal Use Type	Zoning Districts [1]														Specific Use Standards	Bldg. Code Class.		
	RA	RA-20	RA-40	RA-2	RA-5	RA-USB	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	I	MF-CZ	PD-CZ		
Solar Collector Facility	•	•	•	•	•	•	•	•	•	•	•	•	•	S	•	•	8.103	U
Antenna Collocation, Major	S	S	S	P	P	P	P	•	•	•	P	P	P	P	Z	A	8.116	U
Antenna Collocation, Minor	P	P	P	P	P	P	P	P	P	•	P	P	P	P	Z	A	8.116	U
Small Wireless Facility	S	S	S	P	P	S	P	P	P	•	P	P	P	P	Z	A	8.116	U
Telecommunications Tower, Major	Z	•	•	•	•	•	•	•	•	•	•	Z	•	Z	•	A	8.116	U
Telecommunications Tower, Minor	S	•	•	•	•	•	•	•	•	•	P	P	S	P	Z	A	8.116	U
Warehousing																		
Mini-Warehouse (self service)	•	•	•	•	•	•	•	•	P	•	Z	Z	Z	Z	•	A	8.74	S
Warehousing or Distribution Center	Z	•	•	•	•	•	•	•	•	•	•	S	•	P	•	•	8.114	S-1, S-2
Waste-Related Services																		
Debris Management Facility	Z	•	•	•	•	•	•	•	•	•	Z	•	•	P	•	•	8.39	U
Hazardous Waste / Toxic Chemical Disposal or Processing	•	•	•	•	•	•	•	•	•	•	•	•	•	S	•	•	8.57	U
Landfill	•	•	•	•	•	•	•	•	•	•	•	•	•	S	•	•	8.65	U
Mining / Quarry Operation	Z	•	•	•	•	•	•	•	•	•	•	•	•	S	•	•	8.75	U
Salvage Yard	•	•	•	•	•	•	•	•	•	•	•	•	•	S	•	•	8.95	U
MAJOR SUBDIVISIONS																		
Residential Major Subdivision	•	S	S	•	•	S	•	•	•	•	•	•	•	•	•	•	Ch. 19	
Non-residential Major Subdivision	•	•	•	•	•	•	•	•	•	•	S	•	S	•	•	•	Ch. 19	
NOTES:																		
[1] Land located within the Highway Corridor Overlay District shall be subject to the sub-district-based use related provisions in Section 7.8 of this Ordinance.																		

SECTION 6.2. ACCESSORY USES AND STRUCTURES

A. DEFINITION

An accessory use or building shall be incidental and subordinate to the principal use or building, shall contribute to the comfort, convenience, or needs of occupants associated with the principal use or structure, and shall be conducted or located on the same lot. Examples of accessory buildings may include garages, carports, barns, and storage buildings.

B. PROCEDURE FOR ESTABLISHMENT

Accessory uses or structures may be approved in conjunction with the approval of the principal use or subsequently following the establishment of the principal use through the approval of a zoning permit or special use permit, as appropriate. No accessory use or structure shall be approved, established, or constructed before a principal use is approved in accordance with this Ordinance.

C. GENERAL STANDARDS FOR ALL SECONDARY USES AND STRUCTURES

1. PERMITTED ACCESSORY USES AND STRUCTURES

- i. Indoor and outdoor athletic courts (pickleball, basketball, tennis, etc.) shall be allowed as accessory uses to existing and proposed major subdivisions when they are clearly incidental to the subdivision and intended to serve the residents of the subdivision.

2. LOCATION OF ACCESSORY USES AND STRUCTURES

- i. Except on lots in the RA district, accessory buildings shall be located in the rear or side yard. Accessory uses and structures in the RA zoning district may also be located in the front yard, subject to the required accessory building setbacks.
- ii. Accessory horse stables are permitted in the front or side yard in the RA and RE zoning districts.
- iii. Except for fences and walls contributing to the screening function of a landscaping buffer, no accessory structure shall be located within a required landscaping area.
- iv. No accessory use or structure may be located in a required setback except as permitted by this Ordinance.
- v. No accessory use or structure shall:
 - 01. Be located within a designated fire lane;
 - 02. Obstruct required sight distance triangles;
 - 03. Impede ingress or egress to a lot, site, or principal structure;
 - 04. Be located above or beneath public utilities (except for fences or walls);
 - 05. Interfere with drainage or stormwater control measures; or
 - 06. Be within an emergency access route designated on an approved site plan.
- vi. Except for authorized stormwater control measures within a drainage easement, no accessory use or structure shall be located within any platted or recorded easement without the prior written consent of the landowner.

3. STRUCTURE HEIGHT

- i. Accessory structures shall comply with the height requirements for the zoning district where located.
- ii. Except for agricultural uses, no accessory structure's height shall exceed the height of the principal use.

4. MAXIMUM STRUCTURE SIZE

- i. No accessory use or structure shall exceed the floor area associated with the principal use or structure it serves.

D. COMPLIANCE WITH OTHER ORDINANCE REQUIREMENTS

Accessory uses and structures shall conform to the applicable requirements of this Ordinance, including this section, the district standards, the applicable use standards, and the development standards.

CHAPTER 6. TABLE OF USES

SECTION 6.2. ACCESSORY USES AND STRUCTURES

E. ACCESSORY USE TABLE

1. If a specific accessory use is allowed by-right, the cell underneath the zoning district is marked with a "P".
2. If a specific accessory use is allowed subject to a special use permit, the cell underneath the zoning district is marked with a "S".
3. A "Z" in a cell of the table indicates that the specific accessory use may only be permitted within a conditional zoning district that is parallel to the listed underlying zoning district (see Chapter 11). The conditional zoning district designation must be in place before the use type may be established.
4. If the accessory use or structure is not allowed in a zoning district, the cell is marked with an "•".
5. In the case of planned development districts, if an accessory use is allowable, it is marked with an "A", and the accessory use must be shown in the approved master plan or terms and conditions document.
6. If there is a reference contained in the column entitled "Specific Use Standards," refer to the cited section(s) for additional standards that apply to the specific accessory use.
7. The accessory use table below may not be inclusive of all possible accessory uses, and in the event an accessory use is proposed that is not listed in the table, the Administrator shall consult the principal use table to determine if the proposed accessory use corresponds to a listed principal use. Any permitted principal use in a zoning district is also permitted as an accessory use. In no instance shall an accessory use be permitted in a zoning district where it is prohibited as a principal use.
8. In the event a proposed accessory use is not listed in the table below and there is no corresponding principal use, the Administrator shall determine how to treat the accessory use in accordance with the standards for unlisted uses (see Section 6.1.G).

Accessory Use Type	RA	RA-20	RA-40	RA-2	RA-5	RA-USB	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	I	MF-CZ	PD-CZ	Specific Use Standards	Bldg. Code Class.
	RA	RA-20	RA-40	RA-2	RA-5	RA-USB	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	I	MF-CZ	PD-CZ		
RESIDENTIAL USES																		
Accessory Dwelling Located within Stick-Built Dwelling	P	P	P	P	P	P	P	•	•	•	•	•	•	•	Z	A	8.1	R
Accessory Dwelling Located within Non-Residential Building	•	•	•	•	•	•	•	•	•	•	P	P	P		Z	A	8.2	Mix
Accessory Manufactured Home	P	P	P	P	P	P	P	•	•	•	•	•	•	•	Z	A	8.3	R
Accessory Stick-Built Dwellings	P	P	P	P	P	P	P	•	•	•	•	•	•	•	Z	A	8.4	R
Carport or Garage	P	P	P	P	P	P	P	P	P	•	P	P	P	P	Z	A	6.2	R,S
Home Occupation, Level 1	P	P	P	P	P	P	P	P	P	•	•	•	•	•	Z	A	8.58	R
Home Occupation, Level 2	Z	•	•	Z	Z	•	Z	•	•	•	•	•	•	•	Z	A	8.59	R
Family Health Care Structure	P	P	P	P	P	P	P	P	P	•	•	•	•	•	•	A		R
COMMERCIAL USES																		
Automatic Teller Machine (ATM)	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.15	U
EDUCATIONAL AND INSTITUTIONAL USES																		
Cemetery, Family	P	P	P	P	P	P	P	P	P	•	•	•	•	•	•	A	8.27	n/a
Child Care Home Facility	P	S	P	P	P	S	S	•	•	•	•	•	•	•	•	A	8.29	E, R
RECREATION USES																		
Accessory Swimming Pool	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.5	A, R
Accessory Indoor Athletic Courts	Only allowed as an accessory use when clearly incidental to a major subdivision.														6.2.C	A, R		
INDUSTRIAL USES																		

CHAPTER 6. TABLE OF USES

SECTION 6.3. TEMPORARY USES

ACCESSORY USE TABLE

Accessory Use Type	RA	RA-20	RA-40	RA-2	RA-5	RA-USB	RF	GC-SL	GC-WL	PC	B-1	B-2	VB	I	MF-CZ	PD-CZ	Specific Use Standards	Bldg. Code Class.
Amateur Radio and Receive-only Antennas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.10	U
Solar Collectors, On-Site Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.104	U

SECTION 6.3. TEMPORARY USES

A. APPLICABILITY

The standards in this section apply to non-permanent uses that take place on a temporary basis whether on the same site or in different locations across the County's planning jurisdiction.

B. PROCEDURE FOR ESTABLISHMENT

Temporary uses or structures may be approved in conjunction with the approval of the principal use or subsequently following the establishment of the principal use through the approval of a zoning permit or special use permit, as appropriate. Temporary uses may take place on vacant lots.

C. GENERAL STANDARDS FOR ALL TEMPORARY USES AND STRUCTURES

All temporary uses and structures shall comply with the following general standards, unless otherwise specified in this Ordinance:

1. GENERAL REQUIREMENTS

An applicant proposing a temporary use or structure shall:

- i. Secure written permission from the landowner;
- ii. Obtain the appropriate permits and licenses from the County and other agencies;
- iii. Comply with the applicable requirements for signs if signage is proposed;
- iv. Meet public utility requirements for proper connection to water, sewer, electrical and other utility service connections, as applicable;
- v. Not violate the applicable conditions of approval that apply to a site or use on the site;
- vi. Not result in a situation where the principal use, if present, fails to comply with the standards of this Ordinance;
- vii. Ensure the site of a temporary use or structure contains sufficient land area for the temporary use and for the parking and traffic movement associated with the temporary use, without impacting environmentally sensitive lands; and
- viii. Ensure temporary uses remain in place no longer than 90 days if located within a special flood hazard area.

2. GENERAL CONDITIONS

In approving a zoning permit for temporary uses or structures, the Administrator is authorized to impose any of the following general conditions upon the premises benefited by the permit as may be necessary to reduce or minimize any potential adverse impacts upon other property in the area, as long as the condition relates to a situation created or aggravated by the proposed temporary use. The Administrator is authorized, where appropriate, to require:

- i. Provision of temporary parking facilities, including vehicular access and egress;
- ii. Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;
- iii. Prohibition of the storage or use of hazardous materials;

CHAPTER 6. TABLE OF USES

SECTION 6.4. PROHIBITED USES

- iv. Regulation of placement, height, size, and location of equipment;
- v. Provision of sanitary and medical facilities;
- vi. Provision of solid waste collection and disposal;
- vii. Provision of security and safety measures;
- viii. Use of an alternate location or date;
- ix. Modification or elimination of certain proposed activities; and
- x. Regulation of operating hours and days, including limitation of the duration to a shorter time period than requested or specified in this subsection.

D. TEMPORARY USE TABLE

1. If a specific temporary use is allowed by-right, the cell underneath the zoning district is marked with a "P".
2. If a specific temporary use is allowed subject to a special use permit, the cell underneath the zoning district is marked with a "S".
3. If the temporary use or structure is not allowed in a zoning district, the cell is marked with an "O".
4. In the case of planned development districts, if a temporary use is allowable, it is marked with an "A", and the temporary use must be set out in the approved master plan or terms and conditions document.
5. If there is a reference contained in the column entitled "Specific Use Standards," refer to the cited section(s) for additional standards that apply to the specific temporary use.
6. The temporary use table below may not be inclusive of all possible temporary uses, and in the event a temporary use is proposed that is not listed in the table, the Administrator shall consult the principal and accessory use tables to determine if the proposed temporary use corresponds to a listed principal or accessory use. In no instance shall a temporary use be permitted in a zoning district where it is prohibited as a principal or accessory use.
7. In the event a proposed temporary use is not listed in the table below and there is no corresponding principal or accessory use, the Administrator shall determine how to treat the temporary use in accordance with the standards for unlisted uses (see Section 6.1.G).

TEMPORARY USE TABLE

Temporary Use Type	RA	RA-20	RA-40	RA-2	RA-5	RA-USB	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	I	MF-CZ	PD-CZ	Specific Use Standards	Bldg. Code Class.
Construction Office, Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.34	S-1
Drop-In Child Care Facility	•	•	•	•	•	•	•	•	•	•	P	P	P	•	•	A	8.41	
Itinerant Merchant	•	•	•	•	•	•	•	•	•	•	P	P	P	P	•	A	8.62	n/a
Land Clearing	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.64	F-1
Manufactured Home or RV, Temporary	P	P	P	P	P	P	P	•	•	•	•	•	•	•	•	A	8.69	R-3
Real Estate Offices, Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.88	S-1
Temporary Events (Special Event)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Z	A	8.107	n/a
Temporary Family Health Care Structure	P	P	P	P	P	P	P	P	P	•	•	•	•	•	Z	A	8.108	R, I
Yard Sales, Residential and Civic	P	P	P	P	P	P	P	P	P	•	P	P	•	•	•	A	8.117	n/a

SECTION 6.4. PROHIBITED USES

A. USES PROHIBITED COUNTYWIDE

1. The following use types are not listed in the principal use table, and are prohibited throughout the County's planning jurisdiction in all zoning districts.
2. In cases where one or more of these uses is lawfully established and in operation prior to November 15, 2022, the use shall be subject to the provisions in Chapter 9.
 - i. Outdoor advertising or billboards, except where prohibition is preempted by State or federal law. Outdoor advertising lawfully established prior to November 15, 2022, may be permitted to continue as a nonconforming use only in accordance with Article 5. Nonconformities, and NCGS Section 160D-912.
 - ii. Acetylene gas manufacture;
 - iii. Acid manufacture;
 - iv. Ammonia, bleaching powder, or chlorine manufacture;
 - v. Biohazard or infectious waste storage or incineration;
 - vi. Cellophane manufacture;
 - vii. Creosote manufacture or treatment plants;
 - viii. Distillation of bones, coal, petroleum, refuse, tar, or wood;
 - ix. Glue and size manufacture;
 - x. Nitrogenous tankage, fish meal or manufacture of any fertilizer materials carrying an objectionable odor;
 - xi. Oilcloth or linoleum manufacture;
 - xii. Ore reduction;
 - xiii. Vinegar manufacturing.
 - xiv. Use of a boat, houseboat, or other floating structure as a temporary or permanent residence (this shall not prevent the overnight occupancy of a vessel temporarily moored while in transit on navigable waters); and
 - xv. Use of a recreational vehicle as a permanent residence.

B. USES PROHIBITED IN SPECIAL FLOOD HAZARD AREAS

1. The following uses are prohibited in designated floodways:
 - i. Buildings, including manufactured homes; and
 - ii. Any use that would cause any increase in base flood levels.
2. The following development is prohibited in designated floodplains due to the North Carolina Flood Act of 2000:
 - i. New solid waste disposal facilities;
 - ii. New hazardous waste management facilities;
 - iii. New salvage or junkyards; and
 - iv. New chemical storage facilities.

CHAPTER 7. GENERAL DEVELOPMENT STANDARDS

SECTION 7.1. REQUIREMENTS FOR ALL USES

The following standards apply to all new uses, buildings, and structures, or expansions to existing uses buildings and structures, unless otherwise indicated, and shall be a continuing obligation. The applicant shall submit a copy of all local, State, or federal licenses or permits and/or final inspections as applicable, before obtaining a certificate of occupancy.

SECTION 7.2. ACCESS TO LOTS

- A.** No building shall be erected on a lot which does not abut a street right-of-way or have a deeded access easement to a street right-of-way.
- B.** Pursuant to the NC Fire Prevention Code, before the issuance of a certificate of occupancy for the new construction or placement of a building, including any new single-family dwelling, an unobstructed driveway shall be installed with a minimum width of 20 feet and minimum vertical clearance of 13 feet 6 inches for accessibility by service and emergency vehicles.
- C.** Gates or barricades installed on fire apparatus access roads shall comply to the requirements in the adopted NC Fire Prevention Code.
- D.** The need for driveways greater than 36 feet wide may be considered by NCDOT.
- E.** No driveway (nearest edge) shall be located within 50 feet of an intersection except in the case where no other lot access to a street is available.
- F.** All access, with the exception of the construction of a total of 1 single family dwelling, shall be approved by NCDOT before a building permit is issued.

SECTION 7.3. ADDRESS DISPLAY

- A.** The address number shall be displayed on the front of a building which is most clearly visible from the street and/or access easement.
- B.** If a building is more than 75 feet or is not clearly visible, the address number shall also be displayed, a minimum of four inches in height and with a minimum stroke width of 0.5 inches, within a three-foot perimeter at the end of the driveway, not including mailboxes, nearest the street right-of-way that provides access to the building (to comply with the requirements in the adopted NC Fire Code).
- C.** Numerals must be of contrasting color to the background and be of durable substance and mounting so as to withstand continual weatherization.
- D.** No certificate of occupancy will be issued until address numbers are properly displayed.
- E.** It shall be unlawful for any person to erect, remove, or deface any address number.
- F.** Failure to post, replace, or remove an address number, unless remedied voluntarily within 30 days of notification by the Administrator, will result in a violation of this Ordinance and subject to enforcement and penalties.

EXAMPLE ADDRESS NUMBERS



10489

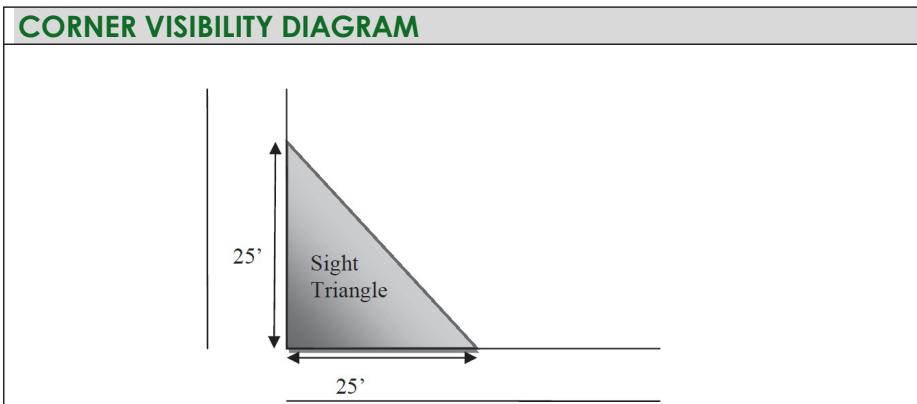
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SECTION 7.4. BUILDING SEPARATIONS

No portion of any building shall be located less than 10 feet from any other building as measured to the closest point.

SECTION 7.5. CORNER VISIBILITY

No planting, fence, or other obstruction to visibility of vehicles shall be installed in a triangular area bounded by lines located adjacent to the edge of street paving along a corner lot and lines joining points along either pavement edge located 25 feet from the point of intersection, unless as directed by the NCDOT.

**SECTION 7.6. DEVELOPMENTS WITH MULTIPLE PRINCIPAL USES**

The principal building may include more than 1 principal use though each principal use is subject to applicable regulations for that use. In no case shall there be more than one principal building per lot, unless specified elsewhere in this Ordinance such as a shopping center, manufactured home park, multi-family complex, or planned unit development.

SECTION 7.7. FENCES AND WALLS

Zoning setback requirements shall not apply to fences and retaining walls. Building permits are required for retaining walls of five feet in height or higher in non-residential districts and retaining walls of four feet or higher in residential districts. Fences shall not be located within a utility easement without prior approval of the easement holder.

SECTION 7.8. HIGHWAY CORRIDOR OVERLAY DISTRICT**A. NEW DEVELOPMENT**

All new building construction and major subdivisions within the Highway Corridor Overlay District (HCOD) shall comply with the regulations of this section. If there are more restrictive standards elsewhere in this Ordinance those standards shall control.

B. EXISTING DEVELOPMENT

1. If the total renovations, maintenance, and/or repairs to an existing building within a five-year period enlarge the footprint by 50% or more or collectively cost more than 50% of the tax value as recorded in the County tax record at the date of application, the entire lot shall comply with the requirements of this section.
2. Existing developments subject to sub-section (1) above) shall fully meet the minimum requirements in this Ordinance, excluding the removal of asphalt, unless compliance is determined to be technically infeasible as determined in the sole discretion of the Administrator or the Board of Commissioners.

C. EXEMPTIONS

1. Single family, duplexes (not including multi-family) and their accessory buildings and uses shall be exempted from these standards.
2. Developed lots in the Village Business zoning district are exempted from the building and parking setbacks and landscaping standards in this section.

D. MAINTENANCE AND CHANGES

Maintenance or changes made to 50% or more of the existing exterior building facade or other exterior elements of the building shall comply with the standards in this section.

E. SCREENING STANDARDS

1. The screening standards of this section shall apply to any expansion of a parking lot by 10 or more parking spaces.
2. If there is a change of use in a principal building, the lot shall fully comply with all applicable screening standards.
3. Sites that do not conform to the applicable screening standards and have ceased operation for more than 180 days after November 15, 2022, shall comply with the current screening standards.

F. PROHIBITED USES**1. URBAN TRANSITION SUB-DISTRICT**

The following use types are prohibited in the Urban Transition sub-district of the HCOD regardless of whether or not such use is allowable in the underlying zoning district:

- i. Manufactured or Modular Home Sales;
- ii. Storage Building Sales;
- iii. All uses listed under "Adult Uses" in the commercial uses portion of the principal use table (see Chapter 6);
- iv. All uses listed under "Waste Related Services" in the industrial uses portion of the principal use table (see Chapter 6);
- v. Cemetery or Mausoleum/Commercial;
- vi. Family Cemetery;
- vii. High Impact Outdoor Recreation;
- viii. Indoor Shooting Range;
- ix. Outdoor Shooting Range;
- x. Zoo/Petting Zoo;
- xi. Major or Minor Telecommunications Tower; and
- xii. All uses listed under "Warehousing" in the industrial uses portion of the principal use table (see Chapter 6).

2. RURAL HIGHWAY SUB-DISTRICT

The following use types are prohibited in the Rural Highway sub-district of the HCOD regardless of whether or not such use is allowable in the underlying zoning district:

- i. Sexually Oriented Business;
- ii. Outdoor Shooting Range;
- iii. All uses listed under "Waste Related Services" in the industrial uses portion of the principal use table (see Chapter 6).

G. CONDITIONAL ZONING USES**1. URBAN TRANSITION SUB-DISTRICT**

CHAPTER 7. GENERAL DEVELOPMENT STANDARDS

SECTION 7.8. HIGHWAY CORRIDOR OVERLAY DISTRICT

Any commercial buildings in excess of 10,000 square feet and any of the following use types may only be permitted within an underlying conditional zoning district when the lot or site is also located in the Urban Transition sub-district of the HCOD:

- i.** Group Care Facility;
- ii.** All uses listed under "Vehicle Services" in the commercial uses portion of the principal use table (see Chapter 6);
- iii.** Manufacturing, General

2. RURAL HIGHWAY SUB-DISTRICT

Any commercial buildings in excess of 50,000 square feet and any of the following use types may only be permitted within an underlying conditional zoning district when the lot or site is also located in the Rural Highway sub-district of the HCOD:

- i.** Group Care Facility;
- ii.** All uses listed under "Vehicle Services" in the commercial uses portion of the principal use table (see Chapter 6);
- iii.** All uses listed under "Adult Uses" in the commercial uses portion of the principal use table (see Chapter 6);
- iv.** Low Impact and High Impact Outdoor Recreation;
- v.** Mini-warehouse (Self-Service);
- vi.** Manufactured Home Sales;
- vii.** Storage Building Sales; and
- viii.** Indoor Shooting Range.

H. STORMWATER MANAGEMENT

A stormwater management plan meeting the following requirements shall be submitted as part of the application for development in the HCOD:

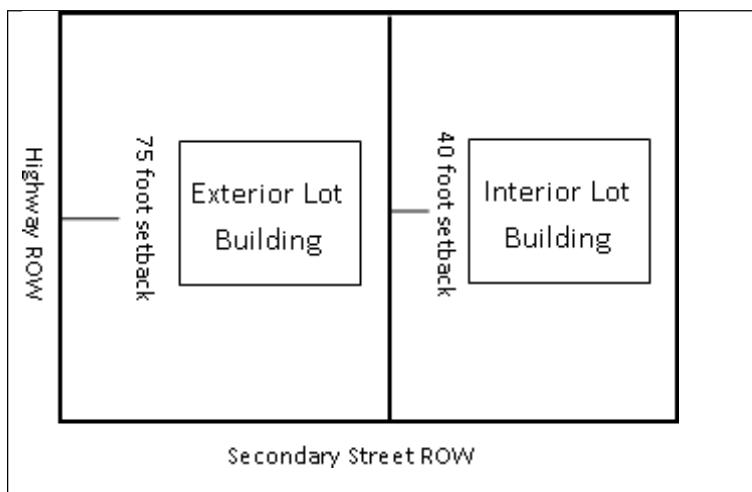
- 1.** The stormwater management plan and all stormwater control measures shall:
 - i.** Be designed by a professional licensed to complete such plans by the State of North Carolina;
 - ii.** Meet the most current edition of the North Carolina Department of Environmental Quality's (NCDEQ) Stormwater Design Manual; and
 - iii.** Be supported by the appropriate calculations, plan sheets, grading plans, planting plans and details, and specifications;
- 2.** The post development peak flow discharged rates shall not exceed the pre-development peak discharge rates for all storms up to and including the 25-year, 24-hour event; and
- 3.** Prior to issuance of a Certificate of Occupancy, the applicant shall provide written certification prepared by a state-registered professional confirming the completed project is configured and operating in accordance with the approved stormwater management plan, and shall submit "as-built" plans for all stormwater management measures after final construction is complete.

I. BUILDING STANDARDS

1. SETBACKS

- i.** The front building setback from the highway ROW is 75 feet.
- ii.** The building setback for internal lots with access to an internal street ROW shall be 40 feet.
- iii.** The building setback from residential districts is 50 feet.
- iv.** The building setback from non-residential districts is 25 feet.

SETBACK REQUIREMENTS



2. BUILDING DESIGN

The following building design standards shall apply only within the Urban Transition sub-district:

- i. Principal building entrances shall be oriented to public streets or towards the corners of streets.
- ii. Utility services shall be located underground. Wooden poles are prohibited.
- iii. Exterior walls shall be at least 60% glass, brick, stone, cementitious siding, and wood clapboard siding on all sides of the building. Corrugated metal, plywood, particleboard, untreated wood, and similar material are prohibited.
- iv. Pitched roofs shall be clad in wood shingles, standing seam metal, slate, or asphalt shingles.
- v. High intensity, bright, metallic, fluorescent or neon façade colors are prohibited.
- vi. Neon tubing is not allowed as accent material.
- vii. Accessory buildings and structures associated with a shopping center shall be of similar design, materials, and color as the principal structure.
- viii. No accessory uses or structures are permitted in the front yard.

3. HEIGHT

- i. The maximum building or structure height shall not exceed 35 feet.
- ii. Flagpoles and similar devices shall be limited to 35 feet in height.
- iii. All mechanical, electrical, communications, and service equipment, including satellite dishes shall be set back from the edge of the roof a minimum distance of one foot for every foot the feature extends above the roof surface.
- iv. Screen or parapet walls shall be constructed to the height of any fixture taller than three feet in height above the surface of the roof that would be visible from a street or abutting residential property.

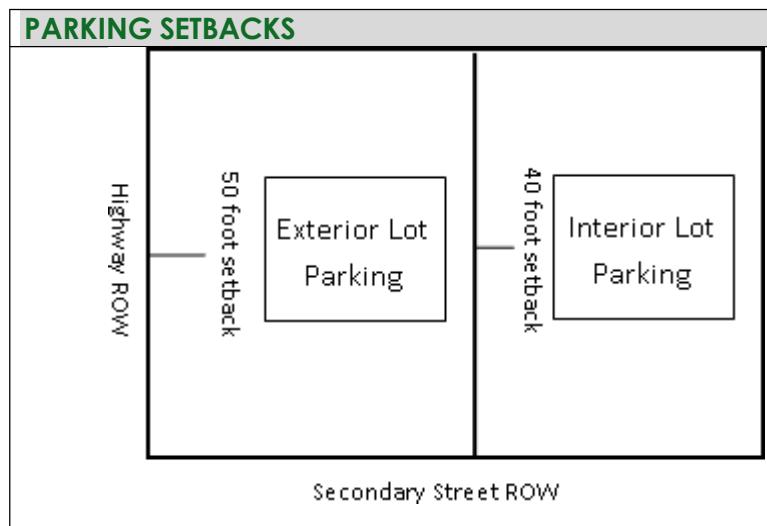
J. FENCES

1. Fences may be located along or in side and rear yards only. No fencing is permitted within a front or corner side yard.
2. Fences and walls shall be subject to the standards for Type 1 screening (see Section 7.11) as well as the following :
 - i. Chain link fences shall be vinyl coated and be of a neutral color such as green, brown, or black;
 - ii. Vinyl, wood board, shadow box, and /solid fence styles are permitted provided that the board width (vertical members) is not less than four inches or nominal width and not more than 10 inches nominal width; and
 - iii. Wooden fences greater than four feet in height are required to have a minimum of three horizontal support rails located in order to provide adequate support at the top, middle, and bottom portions of the fence. The requirement for three horizontal support rails shall not apply to vinyl fences.

K. PARKING

1. REQUIRED SETBACKS

- i. The required parking setback from the highway right-of-way line is at least 50 feet.
- ii. The required parking setback for internal lots with access to an internal street right-of-way shall be at least 40 feet from the front lot line.



2. LOCATION

- i. A development with 75 or fewer parking spaces may have a maximum of up to two rows of parking spaces located between any street and the front elevation of a building. All other off-street parking must be located on the side or rear of the building.
- ii. Developments with more than 75 parking spaces may have parking on at least three sides of the building but not more than 30% of the total provided off-street parking spaces shall be located between any street and the front elevation of a building.

3. PAVING

- i. Off-street parking lot paving is required in the Urban Transition sub-district only.
- ii. Suitable paving materials for required parking and driveway areas include, but are not limited to asphalt, porous asphalt, porous paving blocks, and concrete.
- iii. The use of grass is permitted for satellite parking areas.

4. STRIPING

- i. Striping of individual off-street parking spaces is required in the Urban Transition sub-district only.
- ii. The individual parking spaces are not required to be delineated in parking lots utilizing road bond, gravel, or grass surfacing.

5. CURBING

- i. Curbing around off-street parking and vehicular use areas is required in the Urban Transition sub-district only.
- ii. In cases where curbing is required, each off-street parking space shall be provided with curbing or a tire stop.

6. MAINTENANCE

Parking areas shall be maintained to provide for vehicle access and shall be kept free of litter, debris, outdoor display and sales activities, and material storage, including portable containers.

7. SERVICE AREAS

CHAPTER 7. GENERAL DEVELOPMENT STANDARDS

SECTION 7.8. HIGHWAY CORRIDOR OVERLAY DISTRICT

Parking for service vehicles and loading areas shall be designated, located, and screened with Type 1 or Type 2 screening (see Section 7.11) to minimize the view from adjacent properties and rights-of-way at the rear of the buildings.

8. COMPACT SPACES

- i. Up to 20% of the total number of required off-street parking spaces may be provided by compact or alternative transportation spaces, no less than eight feet in width.
- ii. Parking may also accommodate electric vehicle charging stations.

9. STORAGE

Off-street parking areas may be used only for temporary parking and not for any type of loading, sales, dead storage, or repair work.

10. STACKING

Where drive-thru or drive-up facilities are provided, space shall be provided to accommodate not less than three cars per stacking lane.

L. ACCESS

1. Within a development, safe and easy-to-use circulation is an important design principle.
2. The following access standards are required on lots and development sites located in the Urban Transition sub-district only.
3. All adjoining parcels serving (or potentially serving) non-residential or multi-family uses shall be interconnected as follows:

I. INTERCONNECTIVITY

01. All parking lots shall dedicate access easements and provide interconnectivity to adjoining properties.
02. The parking lot connection shall at least 20 feet wide.
03. If applicable, the connection shall align with a connection that has been previously constructed on an adjacent property.



II. STREET FRONTAGE

01. Any lot that is to be created or any existing lot on which a structure is to be erected or a use to be established shall be accessible to a public or private street right-of-way.

- 02.** Access via easement is not permitted.

III. DRIVEWAYS

- 01.** The maximum driveway width is 36 feet.
- 02.** The maximum number of driveways per lot is two.
- 03.** Where two or more driveways are located on the same lot, the minimum distance between the driveways shall be 30 feet.
- 04.** The minimum distance between a street intersection and a driveway entrance is 100 feet, except in cases where no other lot access to a street is available.
- 05.** Common or shared driveways on adjoining lots are recommended.

M. SCREENING ALONG HIGHWAY RIGHTS-OF-WAY

Lots abutting highway right-of-way in the HCOD (see Section 3.19) shall provide screening in accordance with the following standards:

- 1.** Lots lines abutting a highway right-of-way shall provide a 50-foot-wide landscaping buffer that includes at least 18 trees (with at least 50% evergreen) and 25 shrubs per 100 linear feet of buffer.
- 2.** New or supplemental trees planted within the required buffer shall grow to at least 10 feet in height within five years of planting.
- 3.** New or supplemental shrubs planted within the required buffer shall grow to at least five feet in height within five years of planting.
- 4.** Vegetation within the required buffer area shall be distributed along the entire length and width of the planted buffer.
- 5.** A mixture of plant types is recommended to mitigate the spread of disease.

N. VEHICULAR USE AREA SCREENING

1. PERIMETER SCREENING

- i.** Perimeter screening of vehicular use areas is required in the Urban Transition sub-district only.
- ii.** New or supplemental trees planted as part of perimeter screening shall grow to 10 feet in height within five years of planting.
- iii.** Shrubs planted as part of perimeter screening shall grow to three feet in height within three years of planting.
- iv.** All off-street parking, loading, and service areas shall be screened from view by use of one or more of the following:
 - 01.** A building;
 - 02.** A stone or brick wall, which may only be located within side and rear yards;
 - 03.** One tree, other than a longleaf pine, located every 30 feet on-center and one shrub located every three feet on-center; or
 - 04.** Establishment of a type 1, 2, or 3 perimeter screen (see Section 7.11) along lot lines in locations not more than 20 feet from vehicular use area's edge.

2. SCREENING WITHIN VEHICLE USE AREA

- i.** Screening within vehicle use areas is required in the Urban Transition sub-district only.
- ii.** In addition to exterior screening requirements, trees shall be installed in planting areas within parking lots to provide shade coverage and break up large areas of impermeable surface allowing areas for water infiltration.
- iii.** New or supplemental trees planted in vehicle use areas shall grow to 10 feet in height within five years of planting.
- iv.** Planting areas shall meet the following requirements:

01. TREES

CHAPTER 7. GENERAL DEVELOPMENT STANDARDS

SECTION 7.8. HIGHWAY CORRIDOR OVERLAY DISTRICT

Two trees, excluding longleaf pines, for 10 parking spaces distributed throughout the vehicular use area.. Landscaped areas containing trees that are surrounded by impervious surfaces shall have a minimum width of nine feet and include a minimum planting area of 150 square feet each.

02. SHRUBS

In addition to required trees, each planting area shall include evergreen shrubs configured so that there are at least four evergreen shrubs for every 10 parking spaces. In no instance shall shrubs be installed in a configuration that will interfere with their normal growth habit and diameter.

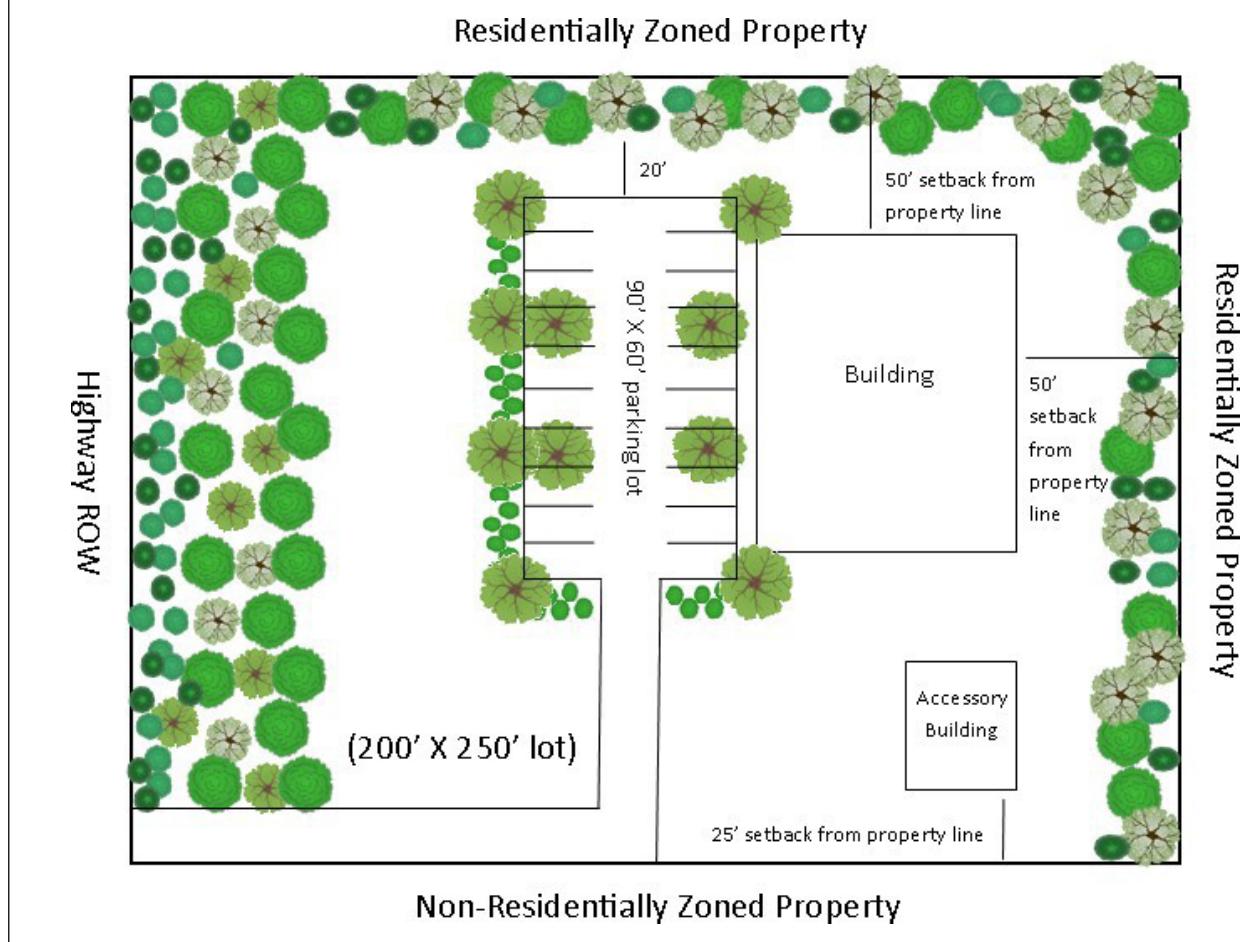
03. GROUNDCOVER

Each planting area shall be landscaped with mulch, groundcover, shrubs, or grass to protect against soil erosion.

04. BARRIERS

Barriers, such as wheel stops or six-inch standard curbs, must be provided between vehicular use areas and landscaped areas.

VEHICULAR USE AREA SCREENING REQUIREMENTS



O. DUMPSTER, MECHANICAL AND ELECTRICAL EQUIPMENT, OUTDOOR STORAGE SCREENING

1. All storage facilities shall be located to the rear of the primary building and shielded from any public roadway or adjacent property by means of type 1 (chained link is prohibited) or type 2 screening, unless already screened by a buffer yard.
2. Dumpster screening shall be at least five feet in height.

CHAPTER 7. GENERAL DEVELOPMENT STANDARDS

SECTION 7.9. HEIGHT

P. SIGNS

1. The maximum height for a sign is six feet.
2. Sign colors shall be uniform between ground signs and wall signs on the same lot or site.
3. Sign colors shall be muted.
4. Off-premises signs are prohibited.

Q. LIGHTING

1. DARK SKY ILLUMINATION

- i. Light source locations shall be chosen to minimize the hazards of glare.
- ii. The ratio of spacing to mounting height shall not exceed a four-to-one ratio.

2. SIGN ILLUMINATION

Electronic changeable message signs are prohibited.

3. PARKING LOT LIGHTING

- i. The maximum mounting height of illumination is 30 feet from the ground to the light source.
- ii. Light poles and fixtures shall be a matte or low-gloss grey, black, dark earthen, or bronze finish to minimize glare from the light source.

4. EXTERIOR LIGHTING

- i. The maximum average-maintained illumination is 3.0 lumens per square feet at the property line.
- ii. The light source must be white light.
- iii. The use of laser source light or any similar high intensity light for outdoor entertainment or advertisement is prohibited.
- iv. Awnings and canopies shall not be illuminated internally.

SECTION 7.9. HEIGHT

A. GENERALLY

1. Except within the Industrial (I) district, the maximum height of any building or structure shall be 40 feet or as otherwise required by the NC Building Code.
2. The maximum height of any building or structure within the Industrial (I) district shall be 60 feet or as otherwise required by the NC Building Code.
3. Church steeples, chimneys, water tanks or towers, fire towers, flag poles, monuments, silos, grain elevators, conveyors, and similar appurtenances are exempt from the maximum building or structure height requirements and may be erected to any height in accordance with the NC Fire Prevention Code.
4. Pursuant to NCGS 143-151.75, the County may not authorize the construction of any tall building or structure within five miles a major military installation without endorsement from the State Construction Office.

SECTION 7.10. EXTERIOR ILLUMINATION

All exterior lighting shall be shielded to prevent light from directly hitting abutting property or any public right-of-way.

SECTION 7.11. NON-RESIDENTIAL SCREENING

A. APPLICABILITY

1. The standards in this section are intended to provide adequate buffering between non-residential and residential land uses.
2. Unless exempted in accordance with sub-section (3) below, any new development including parking lots or a new use (shall install screening along the side and rear lot lines that abut any residentially zoned

property and along any front setback abutting residentially zoned property (not abutting a street right-of-way or railroad right-of-way).

3. The following uses are exempted from these screening requirements:

- i.** Agricultural uses;
- ii.** Temporary uses;
- iii.** Home occupation level 1;
- iv.** Neighborhood parks;
- v.** Single family residential dwellings;
- vi.** Duplexes; and
- vii.** Expansions to existing buildings or structures of 250 square feet or less.

B. EXISTING SCREENING

Existing vegetation and berms shall be used to meet all or part of the requirements of this section, wherever possible, provided the spirit and intent of this section is maintained.

C. ALTERNATIVE SCREENING

In the event that the unusual topography of a site would make it physically impossible to install and maintain the required screening, the Administrator may alter the requirements of this section, provided the spirit and intent of this section is maintained.

D. SCREENING TYPES

Unless specified elsewhere in this Ordinance, the screening shall be one of the following:

1. TYPE 1

A type 1 screen consists of a six-foot-high brick or stone wall, cinder block wall, basket weave chain link fence, or wooden plank fence (including entrance and exit gates) as depicted in the example pictures below, with the finished side of fence facing the adjoining property.

TYPE 1 SCREENING



CHAPTER 7. GENERAL DEVELOPMENT STANDARDS

SECTION 7.11. NON-RESIDENTIAL SCREENING

2. TYPE 2

A type 2 screen shall consist of a single row of evergreen shrubs configured to achieve opaqueness and a minimum height of 10 feet in 5 years of planting. Limbs higher than 24 inches from the ground are not to be trimmed from the shrubs.

3. TYPE 3

- i. A type 3 screen shall consist of existing undisturbed natural vegetation or a planted strip designed to simulate a wooded natural vegetative area.
- ii. The screen shall be at least 20 feet wide and shall include a minimum of 15 trees, at least half evergreen, plus 15 shrubs, at least half evergreen, for every 100 linear feet of lot boundary, prorated for less than 100-foot sections.
- iii. Vegetation shall be distributed along the entire length and width of the planted buffer.
- iv. New or supplemental trees planted within the screen shall grow to 10 feet within five years of planting.
- v. New or supplemental shrubs planted within the screen shall grow to 10 feet within five years of planting.
- vi. A mixture of plant types are recommended to mitigate the spread of disease.

E. LOCATION

1. The width of the screening shall be included as part of the required setback and/or as a boundary buffer outside of the required setback.
2. Vegetation shall be located outside of the street right-of-way, utility or access easements, and on the exterior side of any fence.

F. EXTENSION

1. Screening shall be installed prior to the issuance of a Certificate of Occupancy.
2. The Administrator may approve a conditional Certificate of Occupancy, to defer the installation of landscaping for up to six months if planting would jeopardize the health of the plants.

G. MAINTENANCE

1. The owner(s) of the property shall be responsible for the maintenance of all landscaping.
2. All dead or substandard materials shall be removed and replaced with the same plant type and with a minimum height of seven feet, within 30 days unless an extension not exceeding six months, is approved by the Administrator.

H. LIST OF RECOMMENDED NATIVE SPECIES

1. Applicants are recommended to utilize non-invasive plants as listed in this sub-section.
2. Non-invasive plants are best adapted to the region's climate and soil conditions and are known to better resist drought, freezing temperatures, and diseases.
3. In addition to their benefit to wildlife species, the use of native plants greatly reduces the need for water, fertilizers, and pesticides.
4. Recommended plants are listed in the table below:

RECOMMENDED VEGETATION SPECIES	
TYPE OF VEGETATION	SPECIES
Deciduous Canopy Trees	Black gum (<i>Nyssa sylvatica</i>)
	White oak (<i>Quercus alba</i>)
	Red maple (<i>Acer rubrum</i>)
	Scarlet oak (<i>Quercus coccinea</i>)
	Pin oak (<i>Quercus palustris</i>)
	Southern red oak (<i>Quercus falcata</i>)

CHAPTER 7. GENERAL DEVELOPMENT STANDARDS

SECTION 7.11. NON-RESIDENTIAL SCREENING

RECOMMENDED VEGETATION SPECIES	
TYPE OF VEGETATION	SPECIES
Evergreen Canopy Trees	Sweetgum (<i>Liquidambar styraciflua</i>)
	Mockernut hickory (<i>Carya glabra</i>)
	Pignut hickory (<i>Carya glabra</i>)
Deciduous Mid-Story Trees	Longleaf pine (<i>Pinus palustris</i>)
	Live oak (<i>Quercus virginiana</i>)
	Red cedar (<i>Juniperus virginiana</i>)
Evergreen Mid-Story Trees	Sassafras (<i>Sassafras albidum</i>)
	American persimmon (<i>Diospyros virginiana</i>)
	Blackjack oak (<i>Quercus marilandica</i>)
	Flowering dogwood (<i>Cornus florida</i>)
	Redbud (<i>Cercis canadensis</i>)
	Sand post oak (<i>Quercus margarettiae</i>)
	Sourwood (<i>Oxydendrum arboreum</i>)
Deciduous Shrubs	Turkey oak (<i>Quercus laevis</i>)
	American holly (<i>Ilex opaca</i>)
	Southern magnolia (<i>Magnolia grandiflora</i>)
Evergreen Shrubs	Yaupon holly (<i>Ilex vomitoria</i>)
	Beautyberry (<i>Callicarpa americana</i>)
	Dangleberry (<i>Gaylussacia frondosa</i>)
	Sparkleberry (<i>Vaccinium arboreum</i>)
	Wild azalea (<i>Rhododendron periclymenoides</i>)
	Wild rose (<i>Rosa carolina</i>)
	Nestronia (<i>Nestronia umbellata</i>)
	Devilwood (<i>Osmanthus americanus</i>)
	Inkberry holly (<i>Ilex glabra</i>)
	Waxmyrtle (<i>Myrica cerifera</i>)

I. LIST OF NATIVE SPECIES NOT RECOMMENDED

The trees in the table below are native to the region but are typically found in wetlands, floodplains and bottomland forests. They will not flourish without frequent and constant irrigation and are not recommended for use as required landscaping material.

VEGETATION SPECIES NOT RECOMMENDED	
TYPE OF VEGETATION	SPECIES
Deciduous Canopy Trees	Bald cypress (<i>Taxodium distichum</i>)
	Tulip poplar (<i>Liriodendron tulipifera</i>)
	River birch (<i>Betula nigra</i>)
	Willow oak (<i>Quercus phellos</i>)
	Shumard oak (<i>Quercus shumardi</i>)
Deciduous Mid-Story Tree	Carolina silverbell (<i>Halesia carolina</i>)
	Fringetree (<i>Chionanthus virginicus</i>)
	Serviceberry (<i>Amelanchier canadensis</i>)
Evergreen Mid-Story Trees	Sweetbay (<i>Magnolia virginiana</i>)

CHAPTER 7. GENERAL DEVELOPMENT STANDARDS

SECTION 7.12. OUTDOOR DISPLAY OF MERCHANDISE

J. LIST OF PROHIBITED SPECIES

- A. The trees in table below are examples of non-native or diseased ridden plants are prohibited in required landscaping areas due their negative effect on the ecosystem:

PROHIBITED VEGETATION	
SPECIES	SPECIES
Asian bittersweet (<i>Celastrus orbiculatus</i>)	Japanese honeysuckle (<i>Lonicera japonica</i>)
Autumn olive (<i>Elaeagnus umbellata</i>)	Japanese privet (<i>Ligustrum japonicum</i>)
Bradford pear (<i>Pyrus calleryana</i>)	Japanese wisteria (<i>Wisteria floribunda</i>)
Burning bush (<i>Euonymus alata</i>)	Kudzu (<i>Pueraria montana</i>)
Chinese privet (<i>Ligustrum sinense</i>)	Leyland cypress (<i>Cupressus leylandii</i>)
Chinese silver grass (<i>Miscanthus sinensis</i>)	Mimosa (<i>Albizia julibrissin</i>)
Chinese wisteria (<i>Wisteria sinensis</i>)	Multiflora rose (<i>Rosa multiflora</i>)
Common periwinkle (<i>Vinca minor</i>)	Nandina (<i>Nandina domestica</i>)
English ivy (<i>Hedera helix</i>)	Oregon grape (<i>Mahonia bealei</i>)
Holly hybrid (<i>Ilex cassine</i>)	Princess tree (<i>Paulownia tomentosa</i>)
Japanese barberry (<i>Berberis thunbergii</i>)	Tree of heaven (<i>Ailanthus altissima</i>)

SECTION 7.12. OUTDOOR DISPLAY OF MERCHANDISE

All outdoor display of goods shall be located immediately abutting to the storefront, or building sides, and not in drive aisles, loading zones, fire lanes, or parking lots.

SECTION 7.13. OUTDOOR STORAGE OF GOODS

- A. In all zoning districts, any non-residential storage of governmental, commercial, and industrial inventory or equipment, except off-street parking and loading, shall be enclosed by a wall or fence at least six feet in height.
- B. When abutting property zoned for residential purposes outdoor storage shall also be located in the side or rear yards only and shall meet any property line setbacks.
- C. Outdoor storage is not permitted in the GC-SL zoning district.

SECTION 7.14. PARKING

Off-street parking requirements for individual use types are identified in the specific use standards in Chapter 8. Where parking, other than for single-family and duplex dwellings, is permitted or required, the following standards shall be provided:

A. COMBINATION OF SPACES

The required parking space assigned to one use may not be assigned to another use except one-half of the required parking spaces for places of assembly type uses whose peak attendance is at night or weekends may be assigned to a use which will be closed at night or weekends.

B. DIMENSIONAL

1. Parking spaces shall have minimum dimensions of nine feet by 18 feet.
2. All access or backup aisles shall maintain a minimum 20-foot width.

C. LOADING SPACES

1. Each loading space shall have minimum dimensions of 15 feet by 40 feet in length.
2. Loading spaces shall be provided at the following rates:

I. RETAIL, WHOLESALE, AND INDUSTRIAL USE TYPES

One loading space for each 20,000 square feet of gross floor area.

II. OFFICE AND INSTITUTIONAL USE TYPES

One loading space for each 50,000 square feet of gross floor area.

D. REMOTE PARKING

Additional parking may be provided on any land within reasonable distance of the main entrance to the principal use, provided such land shall be used for no other purpose, is in the same ownership as the principal use, and in the same zoning district.

E. SAFETY

1. All parking spaces shall be located a minimum 10 feet from any street right-of-way or from residentially zoned property.
2. Parking spaces abutting but perpendicular to any street right-of-way shall be guarded with curbing or wheel guards.
3. Parking lots shall be designed so that ingress and egress is by forward motion.
4. The use of easements or street rights-of-ways for parking or maneuvering to and from off-street parking spaces is prohibited.

F. ACCESSIBLE SPACES

Accessible parking spaces are required in accordance with the NC Building Code, Chapter 11.

SECTION 7.15. SIGNS**A. APPLICABILITY**

Except as provided otherwise in this Chapter, no sign shall be erected, located, relocated, enlarged, replaced, or altered until a zoning permit and building permit if applicable, have been secured in accordance with the standards in this Ordinance.

B. PROHIBITED SIGNS

The following signs are prohibited throughout the County's planning jurisdiction:

1. SIGNS ON ROADSIDE APPURTENANCES

Signs attached to or painted on utility poles, trees, bridges, refuse containers, or other objects not intended to support a sign.

2. SIGNS RESEMBLING TRAFFIC SIGNALS

Signs which by color, location, or nature, or that uses the word "STOP", "SLOW", "CAUTION", "DANGER", or any other word which is likely to be confused with traffic directional and regulatory signs is prohibited.

3. SIGNS RESEMBLING OFFICIAL SIGNS

Any sign that imitates an official governmental sign or violates the law of the State relating to outdoor advertising, is prohibited.

4. FLASHING SIGNS

Signs which contain, include, or are lighted by any flashing or intermittent lights are prohibited. Electronic changeable message signs are permitted if operated in accordance with the standards in this section.

5. TRAFFIC HAZARDS

Signs shall not include reflective material, flames, or lighting directed towards a roadway or that interferes with vision of drivers.

6. ROOF SIGNS

No sign shall extend above a building or structure's roofline.

7. BANNERS AND SIMILAR SIGNAGE

Banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices.

C. EXEMPTIONS FROM THESE SIGN STANDARDS

The following forms of signage shall not be subject to these signage standards but may be subject to other applicable standards in this Ordinance, such as the requirement to obtain a building permit. Applicants shall be responsible for securing all required permits prior to erecting or modifying any of the following forms of excluded signage:

1. Fence-wrap signs affixed to fences surrounding a construction site in accordance with the standards in NCGS Section 160D-908;
2. Legal notices required by governmental bodies, public utilities, or civic associations;
3. Governmental signage, including flags, street signs, traffic warning signs, and other signage provided solely by governmental agencies for public health and safety;
4. Building cornerstones, historical plaques, or grave markers;
5. Signage associated with public transit stops;
6. Holiday displays on lots within all zoning districts;
7. Signage affixed to a motor vehicle or trailer, provided the motor vehicle or trailer is parked or stored on the same lot or site where the business being advertised is located;
8. Signage that is not visible from any off-site areas (e.g., entirely enclosed by opaque walls that prevent the visibility of signage from any off-site areas);
9. Signage associated with off-street parking spaces or the prohibition of parking in certain locations like fire lanes, bus lanes, or loading zones; and
10. Political signs established and maintained in accordance with NCGS 136-32.

D. SIGNS AND ACTIVITIES EXEMPTED FROM PERMIT REQUIREMENTS

The following signs and sign-related activities are exempted from the requirement to obtain a zoning permit, but remain subject to the standards in this section and other applicable parts of this Ordinance such as requirements to preserve sight stopping distance:

1. DIRECTIONAL SIGNS ON PRIVATE PROPERTY

Signs directing and guiding traffic and parking on private property that do not exceed four square feet in area per sign face area or four feet in height to the highest point of the sign..

2. EMPLOYEE VEHICLES

Signs painted on or permanently attached to a currently licensed vehicle that is not primarily used as a sign.

3. FLAGS

Up to three flags or similar insignia per lot provided the height of any pole shall not exceed the maximum building height for the district. Refer also to the United States Flag Code for usage of the United States Flag.

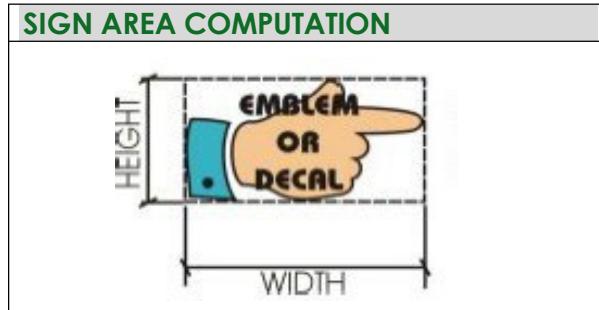
4. MAINTENANCE

Cleaning, electrical repair, resurfacing of a sign face, and other maintenance of a lawfully-established and conforming sign or structure for the sole purpose of supporting a sign. Electrical repair may require issuance of a building permit in accordance with applicable State law.

E. COMPUTATION OF SIGN AREA

1. The area of a sign face shall be deemed to be the entire area within the smallest polygon that will encompass the writing, representation, emblem, or other display on the sign that can be reasonably calculated.
2. Frames or structural members not bearing informational or representational matter shall not be included in computation of the area of a sign face.
3. Computations of sign area shall include only one side of a double-faced sign structure.

4. If a sign has two sides joined at an angle greater than 60 degrees, the surface of both sides shall be included in the computation of area.



F. COMPUTATION OF HEIGHT

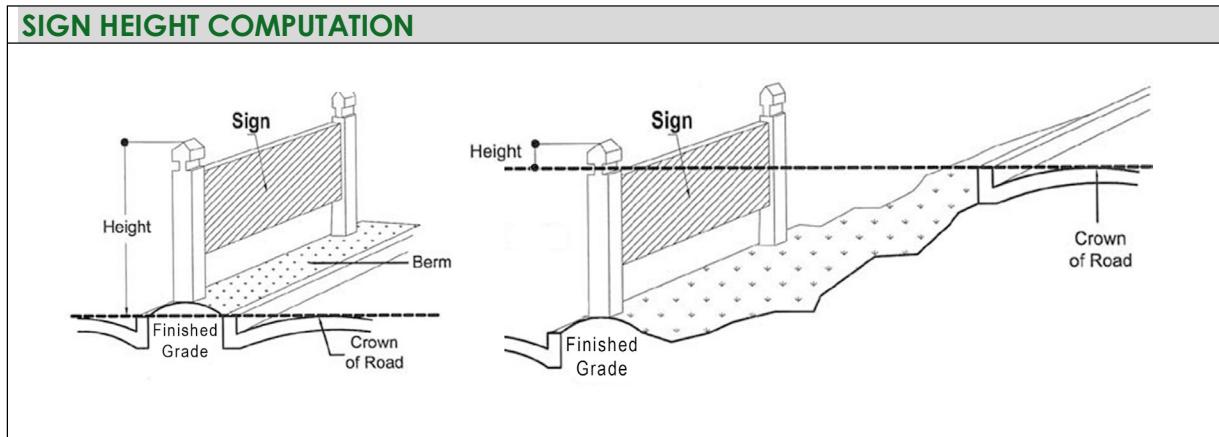
1. ATTACHED SIGNS

The sign height shall be the distance from the finished grade at the base of the building to which the sign is attached to the top of the highest component of the sign.

2. GROUND (FREESTANDING) SIGNS

The sign height shall be the lesser of:

- The distance from the base of the sign at the finished grade to the top of the highest component of the sign; or
- The distance from the nearest abutting street grade to which the sign is oriented, and on which the lot has frontage, to the top of the highest component of the sign.



G. OBSOLETE SIGNS

- Signs which identify businesses no longer in existence shall be removed by the owner of the premises within 30 days of becoming an obsolete sign.
- Signs designed for changeable sign faces may be covered instead of removed.
- If the County requires removal of a lawfully erected on-premises sign, it must pay compensation in accordance with G.S. 160D-912.1.

H. DETERIORATED SIGNS

- Any sign which, together with its supports, braces, anchors, and other structural elements, is not maintained in accordance with the provisions of the NC Building Code shall be removed or brought into compliance with all codes and ordinances within 30 days of notification by the Administrator.

- 2.** Failure to remedy the situation voluntarily within 30 days, unless an extension is given, will result in a violation of this Ordinance and subject to enforcement and penalties.

I. SIGNS ON PUBLIC PROPERTY

- 1.** The Administrator may remove and dispose of any sign placed on public property or within any right-of-way of any public or private street.
- 2.** In addition to other remedies and penalties of this section, the County has the right to recover from the sign owner, or person who placed the sign, the full costs of sign removal and disposal.

J. ILLUMINATION OF SIGNS

- 1.** The letters or message of internally illuminated signs shall consist of non-reflective material.
- 2.** Flame as a source of light is prohibited.

K. SPECIFIC SIGN STANDARDS**1. NEW BILLBOARDS**

- i.** New billboards are allowed in the Industrial zoning district contingent on approval of a special use permit (see Chapter 12).
- ii.** Billboards shall not be installed closer than 200 feet from any property used or zoned for residential purposes.
- iii.** Billboards shall not be located within 1,000 feet along the same street frontage of another billboard as measured from the poles.

2. REPLACEMENT BILLBOARDS

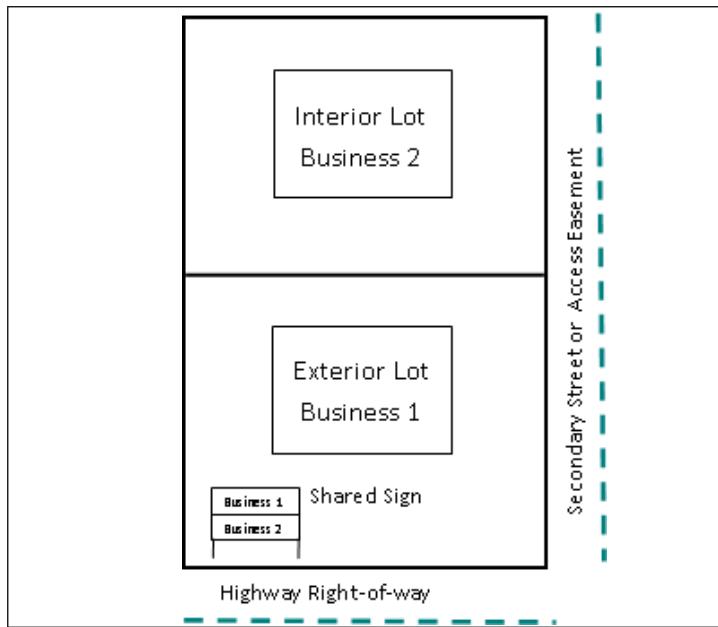
- i.** Billboards may be replaced on a case-by-case basis in accordance with NCGS 136-131.2.
- ii.** Confirmation of replacement permit approval by the NC Department of Transportation (NCDOT) is required before a zoning permit is issued.

3. OFF-PREMISE SIGNS (EXCLUDING BILLBOARDS)

Off-premise signs (excluding billboards) are permitted in the RA, B-1, B-2, RE, RA-5, RA-2, RA-40, and VB zoning districts subject to the following:

- i.** No more than one off-premise sign may be permitted per property. One off-premise advertising sign displaying multiple businesses may be used as the allowed sign(s) per premise, as long as the sign does not exceed 15 feet in height and 50 square feet in total display area.
- ii.** Lots of five acres or more in size and having a street frontage greater than 400 feet, may have a second off-premise sign if the total display area of both signs does not exceed 32 square feet and the second sign shall not exceed six feet in height.
- iii.** No more than three off-premise advertising signs per business, not including billboards, may be permitted on individual lots farther than four miles from the closest parcel boundary on which the business is located. Such distance shall be measured in a straight line distance from the sign to the closest parcel boundary.
- iv.** No residential development, business, institution, or industry with frontage on any of the following roadways is eligible to use this type of signage: US Highway 1, US Highway 15-501, NC Highway 2, NC Highway 5, NC Highway 22, NC Highway 24/27, NC Highway 211 (with the exception of properties zoned VB), NC Highway 690, or NC Highway 705. One adjacent interior lot may utilize a portion of the sign with the lot fronting the highway. Only one sign per street frontage is permitted.

OFF-PREMISE ADVERTISING SIGNS



- v. Signs must be placed on a lot of record and the applicant shall provide a notarized statement from all owners of property allowing the off-premise advertising sign to be erected on their property.
- vi. Verification from the North Carolina Department of Transportation that the sign will not be in violation of any State regulations at its proposed location must be submitted with the zoning permit application.

4. ELECTRONIC CHANGEABLE MESSAGE SIGNS

- i. Electronic changeable message signs may be permitted in the Village Business (VB), Neighborhood Business District (B-1), and Highway Commercial (B-2) zoning districts as well as on a lot with a school, governmental facility, or religious institution located within a residential zoning district.
- ii. Static hold times between message changes shall be a minimum of 30 seconds each.
- iii. The message change sequence must be accomplished within an interval of two seconds or less.
- iv. Electronic changeable message signs shall be setback a minimum of 25 feet from any property used or zoned for residential purposes.

L. INCIDENTAL SIGNS

Lots in non-residential zoning districts may include incidental signage in accordance with the following standards:

1. Incidental signage is permitted at a rate of one square foot of incidental sign face area for each 100 square feet of floor area of the principal structure, up to a maximum of 20 incidental signs per lot or development site comprised of multiple lots or buildings.
2. Incidental signs are permitted in addition to other types of allowable signage.
3. No single incidental sign may be larger than 36 square feet in sign face area, including both sides of a two-sided sign.
4. Incidental signs do not have a maximum duration but shall not include permanent modifications to a site or a building.

M. TEMPORARY SIGNS

Temporary signage is permitted on a lot or site in accordance with the following standards:

1. Up to one temporary sign shall be permitted on a lot or development site.
2. A temporary sign may have a maximum sign face area of 36 square feet, including both sides of a sign.
3. In no instance shall a temporary sign be located within a right-of-way or have a height exceeding six feet above the grade at the base of the sign.

CHAPTER 7. GENERAL DEVELOPMENT STANDARDS

SECTION 7.15. SIGNS

4. Temporary signs shall not be located within required sight distance triangles, but are permitted within required landscaping areas, provided they do not impact the performance objectives of required landscaping.
5. Temporary signs shall not be internally or externally illuminated.
6. There shall be no maximum duration for the placement of a temporary sign, and nothing shall prohibit the replacement of one temporary sign with another temporary sign.

N. SIGN STANDARDS BY SIGN TYPE

Signs permitted by this Ordinance shall comply with the dimensional standards table below.

TABLE OF DIMENSIONAL STANDARDS FOR SIGNAGE

SIGN TYPE		MAXIMUM NUMBER	MAXIMUM SIGN AREA (SQ. FT.)	MAXIMUM HEIGHT (FT.)	MINIMUM SETBACKS (FT.)
Freestanding	Pole	1 per street frontage	36	30	10
	Monument	1 per site	36	6	
	Portable	1 per site	36	6	
Attached	Wall	4 signs per building wall	20% of wall surface area facing street	Cannot exceed roofline	N/A
	Canopy	1 sign per business establishment	50% of the awning area	Minimum 7.5 from ground to bottom of sign	N/A
	Window / Door	25% of glass area on any 1 side of the building		N/A	N/A
Off-Premise Advertising	Single Use Display	1 per street frontage (except for lots with more than 5 acres)	36	6	10
	Multiple Uses Displayed	50		15	10
Billboards	Monument or Pole	1 per street frontage	250	30	30 feet to street ROW or any property line
Multi-Tenant Building or Multi-Building Development	Wall	1 sign per establishment	20% of wall surface area facing street	Cannot exceed roofline	N/A
	Monument or Pole	1 at each entrance	Main Entrance (100) Outparcel (32-Monument)	Main (20) Outparcel (6)	20 feet to street ROW or any property line
Electronic Changeable Advertising Message	Monument or Pole	1 per street frontage	Up to 50% of total sign area, or 25 square feet whichever is less	10	10 feet to street ROW and 30 feet to any property line
Temporary	Non-permanent	1 per lot	36	6	10

CHAPTER 8. SPECIFIC USE STANDARDS

The use standards in this chapter include standards applied to principal uses, accessory uses, and temporary uses. These standards shall apply to the listed use types regardless of whether the use type is listed in the summary table in Chapter 6.

SECTION 8.1. ACCESSORY DWELLING LOCATED WITHIN A SINGLE-FAMILY DWELLING

A. DEFINITION

An addition (such as a mother-in-law suite) to an existing single-family dwelling, containing separate sleeping, kitchen, and bathroom facilities.

B. STANDARDS

1. No more than one accessory dwelling located within a principal dwelling per lot.
2. Two dwelling units can be connected by a passageway or breezeway but shall be considered two separate buildings.

SECTION 8.2. ACCESSORY DWELLING LOCATED WITHIN A NON-RESIDENTIAL BUILDING

A. DEFINITION

An accessory dwelling, containing separate sleeping, kitchen, and bathroom facilities, located within a non-residential building.

B. STANDARDS

1. No more than two accessory dwellings may be located within the principal non-residential building.
2. Fire resistance separation may be required per the NC Building Code.

SECTION 8.3. ACCESSORY MANUFACTURED HOME

A. DEFINITION

An accessory manufactured home located on the same lot as the principal single-family dwelling or principal manufactured home.

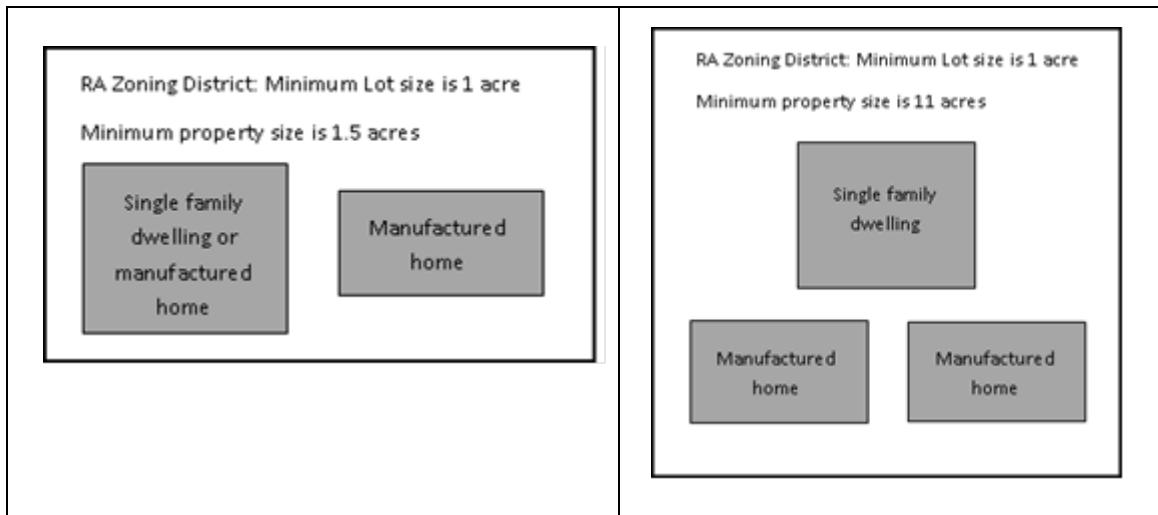
B. STANDARDS

1. There shall be no more than two manufactured homes per lot. There shall be a minimum of 1.5 times the minimum lot size requirement for the applicable zoning district for an accessory manufactured home.
2. There shall be an additional 10 acres of land beyond the minimum lot size for the applicable zoning district allotted for the second accessory manufactured home, in addition to a dwelling. Accessory dwellings shall meet the required principal building setbacks with a minimum separation of 30 feet between any dwellings. An accessory dwelling may be located in the front yard provided it meets the required principal building setbacks. (A lot that existed prior to January 4, 1994, may be developed for single-family residential purposes without being subject to watershed regulations.)

ACCESSORY MANUFACTURED HOME CONFIGURATIONS

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.4. ACCESSORY SINGLE-FAMILY DWELLINGS



SECTION 8.4. ACCESSORY SINGLE-FAMILY DWELLINGS

A. DEFINITION

An accessory (second) single-family dwelling may be located on the same lot as the principal single-family dwelling. The accessory dwelling may be combined with a detached garage, workshop, barn (barn apartments), etc.

B. STANDARDS

1. There shall be no more than two accessory dwellings per lot.
2. There shall be an additional 10 acres of land allotted for the third dwelling.
3. Accessory dwellings shall meet the required principal building setbacks with a minimum separation of 30 feet between any dwellings.
4. An accessory dwelling may be located in the front yard provided it meets the required principal building setbacks. (A lot that existed prior to January 4, 1994, may be developed for single-family residential purposes without being subject to watershed regulations.)

SECTION 8.5. ACCESSORY SWIMMING POOLS

A. DEFINITION

All permanent or temporary public, commercial, or private above-ground or in-ground water containment areas more than two feet deep, designed for recreational use involving wading, swimming, and/or diving and including all structures, walks or patio areas of cement, stone, or wood at or above grade, built for, and used in conjunction with the swimming pool.

B. RESIDENTIAL LOT LAYOUT STANDARDS

Swimming pools shall be located in side or rear yards and shall meet the accessory building setbacks.

C. MULTI-FAMILY AND NON-RESIDENTIAL LOT LAYOUT STANDARDS

Indoor and outdoor facilities shall be a minimum of 100 feet inside the property lines abutting to a residential zoning district and a minimum of 50 feet from any other property line.

D. OTHER STANDARDS

1. No water may be discharged directly into natural streams or public waterways or on abutting properties.
2. All swimming pools shall comply with the latest and applicable version of the NC Building Code, including but not limited to fencing requirements, building, mechanical, or electrical related work.

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.6. ADULT GAMING ESTABLISHMENT

3. The NC Rules Governing Public Swimming Pools may apply when public or commercial activities are involved.

SECTION 8.6. ADULT GAMING ESTABLISHMENT

A. DEFINITION

1. Any establishment deemed legal by State law, featuring one or more stand-alone electronic or conventional gaming units, skill-based or otherwise, or serving one or more patrons in such a capacity at any one time, which also rewards patrons with cash or other monetary payments, goods or certificates for services which are redeemable for cash or other monetary payment on or off premise and including on-line redemptions, as well as any rewards which cannot be legally obtained, consumed, or otherwise used by minors. Any use meeting this definition shall be considered a primary use regardless of association or location in conjunction with other permissible primary uses.
2. State of North Carolina sanctioned lottery functions shall not be considered as adult gaming establishments for the purposes of this Ordinance.

B. STANDARDS

1. All buildings, outdoor seating/ entertainment, and parking areas shall be 50 feet from any residentially zoned property line.
2. Adult gaming establishments shall provide at least one off-street parking space for every two persons of total building capacity.
3. An adult gaming establishment shall have no more than four machines per location.

SECTION 8.7. AGRICULTURAL USES AND BUILDINGS (NOT A BONA FIDE FARM)

The following types of agricultural uses of land and related buildings, being a principal use or accessory to residential or non-residential uses, when not associated with a bona fide farm, shall receive zoning and building approval, in addition to complying with all applicable local, State, and federal regulations.

A. ANIMAL & POULTRY

Feeding (including grazing), breeding, managing, selling, or producing livestock (such as cattle, hog, poultry, sheep, horses; not including dogs and cats), bee hives, fish, poultry, dairying and the sale of dairy products, animal and poultry husbandry.

B. BUILDINGS

Any farmhouse, barn, poultry house or other farm buildings, including tenant or other dwellings units for persons working on said farms, so long as such dwellings shall be in the same ownership as the farm and located on the farm.

C. EQUINE INDUSTRY

Stabling, boarding, or training equines, providing riding lessons, training clinics, schooling shows, and similar uses.

D. PLANT RELATED

Pasturage, horticulture, orchards, raising, harvesting, and on-site selling of crops, plants, fruits and vegetables of all kinds, Christmas trees, viticulture, silviculture, forestry, hydroponics, floriculture, aquaculture, orchards, vineyards, and plant nurseries.

E. PRIVATE FARMS

The owning, breeding, leasing, recreational usage and training of any farm animals, bees and aviary products.

F. SALES OF AGRICULTURAL PRODUCTS

A principal or accessory building or structure erected for the display and sale of on-site or off-site agricultural products. Additional products not of an agricultural nature shall not exceed 10% of merchandise. In no case

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.8. AIRPORTS, PUBLIC OR PRIVATE

shall a recreational vehicle be used as part of this facility. "Sales of Agricultural Products" include the terms: road side stand, produce stand, and farmer's market. A winery or brewery may be permitted as an agricultural use only if operated in association with an on-site existing vineyard or grain farm. Wineries or breweries selling imported wine or beer are separate definitions.

G. ACCESSORY

Necessary accessory uses for packing, treating, or storing the produce, provided that the operation of the accessory use is clearly incidental to the agricultural activity. Examples may include offices, storage areas, barns, stables, irrigation systems, and repair facilities related to agricultural use.

H. COMBINATION

Any combination of the above uses or activities.

SECTION 8.8. AIRPORTS, PUBLIC OR PRIVATE

A. DEFINITION

Any place which is used or intended for use for the landing and taking off of aircraft, and airport buildings, taxiways, aircraft storage, hangars, and other necessary buildings and open spaces.

B. STANDARDS

1. There shall be a minimum of 300 feet between any runway or taxiway to the nearest property zoned for residential purposes.
2. Applications to establish these uses shall conform to current FAA design standards and the location, type, and height of any building or structure, including towers, over 200 feet in height and within a five-mile radius.
3. FAA permits are required before the Certificate of Occupancy is issued.
4. Airports shall provide at least one off-street parking space for every four seats for waiting passengers, plus two parking spaces for every three employees, plus one parking space for each vehicle used in the operation.

SECTION 8.9. AIRSTRIP, SMALL PRIVATE

A. DEFINITION

The use of a field or grassed runway, on a non-commercial basis, for privately owned airplanes when the owner of at least one of the planes lives on the premises.

B. STANDARDS

1. Up to one building may be constructed for storage of planes.
2. The building cannot be used or rented for storage of planes that do not belong to the property owner or lessee.
3. There shall be a minimum of 300 feet between any runway or taxiway to the nearest property zoned for residential purposes, except that a residence may be located on the property of a small private airfield.

SECTION 8.10. AMATEUR RADIO AND RECEIVE-ONLY ANTENNAS

A. DEFINITION

Any antenna used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

B. STANDARDS

1. Amateur radio and receive-only antennas may be installed and operated as permitted uses, up to 100 feet tall.

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.11. ANIMAL SHELTER

2. Towers may be up to 100 feet tall and shall be setback from all lot lines a distance equal to the structure's total height.
3. The applicant shall provide certification from a professional engineer licensed in North Carolina that the tower design is such that it will not fall on abutting property or on any building on the property on which it is located.

C. SUPPLEMENTAL

1. Operation of an amateur station requires an amateur operator license grant from the FCC.
2. Proposed towers shall be forwarded to the Regional Land Use Advisory Commission for review prior to establishment.

SECTION 8.11. ANIMAL SHELTER

A. DEFINITIONS

A facility that is owned, operated, or maintained by a public body, an established humane society, or other private or nonprofit organization used to house and care for stray, abandoned, or neglected animals.

B. STANDARDS

1. All outdoor facilities such as play areas, cages, kennels, or pens shall be a minimum of 100 feet from any residentially zoned property line.
2. A separate six-foot perimeter fence is required if any animals have access to an outdoor enclosure, including unsupervised exercise areas.
3. An animal shelter shall provide one off-street parking space for each employee plus one off-street parking space for every three kennels.
4. All operations, including the provision of waste disposal and the removal of carcasses, shall comply with all federal, state, and local requirements.

SECTION 8.12. ANIMAL TRAINING FACILITY, MILITARY

A. DEFINITION

A facility utilized for the military or law enforcement training of animals beyond commonly accepted definitions of obedience training intended for household domesticated animals. Such facilities include both indoor and outdoor training, offices for the management and supervision of the facility, medical care facilities for the animals residing onsite and may include living quarters or dormitories for trainers and/or individuals being trained with the animals.

B. STANDARDS

A military animal training facility shall comply with the standards for an animal shelter.

SECTION 8.13. ASSEMBLY HALL

A. DEFINITION

A fully or partially enclosed facility, or open area used or intended to be used primarily for spectator sports, entertainment events, expositions, public or private gatherings, conferences, and conventions and accessory uses such as snack bars, restaurants, and retail sales of related items, and other support facilities. "Assembly Hall" includes the terms amphitheater, arena, banquet hall, coliseum, convention center, exhibition hall, receptionist hall, retreat center, sports arena, and stadium.

B. STANDARDS

1. Fully-enclosed assembly hall buildings and parking shall be a minimum of 50 feet from any residentially zoned property line.
2. Partially enclosed or open recreational facilities shall be a minimum 100 feet from any property line.

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.14. AUCTION HOUSE

3. Off-street parking for assembly hall uses with no spectators shall be provided at a rate of at least one parking space for every two participants at full capacity.
4. Off-street parking for assembly hall uses with spectators shall be provided at a rate of at least one parking space for every four spectator seats (one seat is equal to two feet of bench length).

SECTION 8.14. AUCTION HOUSE

A. DEFINITION

A fully enclosed building used for the sale of goods, equipment, livestock, or vehicles, to the highest bidder.

B. STANDARDS

1. Outdoor vehicle auctions shall utilize type 3 screening (see Section 7.11).
2. One time estate auctions, tax sales, or court ordered sales at the site of the estate or other property being sold are exempt from zoning requirements.
3. Auction houses shall provide at least one off-street parking space for every 300 square feet of gross floor area, minus storage areas.

SECTION 8.15. AUTOMATIC TELLER MACHINE (ATM)

A. DEFINITION

A machine or device through which a customer can conduct certain banking transactions and which may or may not be located on the same lot as the bank or financial institution with which the machine is associated.

B. STANDARDS

1. An ATM shall be located so as not to interfere or conflict with sidewalks, pedestrian ways, parking areas, loading areas, or driveways.
2. All side and rear setback requirements shall be five feet, and other setbacks shall comply with the underlying zoning district requirements.
3. An ATM shall include at least two off-street parking spaces.

SECTION 8.16. BAR / TAVERN

A. DEFINITION

An establishment, or part of an establishment, having as its principal or predominant use the serving of beer, wine, or liquor for consumption on the premises, and which sets a minimum age requirement for entrance, consistent with state law. Such uses may also provide on-site entertainment in the form of live performances, dancing, billiards, or other entertainment activities.

B. STANDARDS

1. All buildings, outdoor seating/ entertainment, and parking areas shall be 50 feet from any residentially zoned property line.
2. Bar and tavern uses shall provide at least one off-street parking space for each two people at full capacity.
3. Additional temporary overflow off-street parking of at least one parking space per every 200 square feet of building area shall be required for establishments providing dancing and/or live entertainment.

C. SUPPLEMENTAL

Such establishment shall obtain applicable Alcohol Beverage Control Commission (ABC) permits.

SECTION 8.17. BEAUTY / BARBER SHOP / NAIL SALON

A. DEFINITION

Any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation.

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.18. BED & BREAKFAST

B. PARKING

A beauty salon, barber shop, or nail salon shall provide at least two off-street parking spaces per operator or station.

SECTION 8.18. BED & BREAKFAST

A. DEFINITION

Any dwelling occupied by the owner or operator in which not more than eight guest room accommodations are offered for a period of less than 30 days per 60 day period for compensation, and where food may not or may be served such as a bed and breakfast.

B. STANDARDS

1. The use must be located in a building that was constructed as a single-family dwelling which serves as the permanent residence of the owner or the manager of the business.
2. There shall be no less than one bathroom, consisting of a bath or shower, water closet, and lavatory for each two guestrooms, with not more than one guestroom permitted in a detached structure on the same property.
3. Meals may be provided to overnight guests only and no cooking facilities may be provided in guest rooms.
4. No off-street parking shall be allowed in any front yard.
5. Bed and breakfast uses shall provide at least one off-street parking space per unit, plus one off-street parking space per employee on a normal shift.

SECTION 8.19. BOAT & RV STORAGE

A. DEFINITION

The storage of boats and recreational vehicles indoors or outdoors on a property.

B. PARKING

Such uses shall provide at least five off-street parking spaces per employee.

SECTION 8.20. BONA FIDE FARM

A. DEFINITION

In accordance with NCGS 160D-903 and 106-581.1, a bona fide farm is any tract of land where the land is used for one or more of the below classifications when performed on the farm and includes any other farm owned or leased to or from others by the bona fide farm operator, no matter where located:

1. The production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, swine, poultry.
2. The cultivation of soil for production and harvesting of crops, including but not limited to fruits, vegetables, sod, flowers and ornamental plants.
3. The planting and production of trees and timber.
4. Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals for individual and public use, consumption, and marketing. The raising, management, care, and training of horses includes the boarding of horses.
5. Aquaculture as defined in NCGS 106-758.
6. The operation, management, conservation, improvement, and maintenance of a farm and the buildings and structures on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation.
7. When performed on the farm, "agriculture", "agricultural", and "farming" also include the marketing and selling of agricultural products, agritourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities performed to add value to crops,

livestock, and agricultural items produced on the farm, and similar activities incident to the operation of a farm.

8. Any structure used or associated with equine activities, including, but not limited to, the care, management, boarding, or training, or horses, the instruction and training of riders, and therapeutic equine facilities operated by an organization exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code that provides therapeutic equine-related activities for persons who are physically, intellectually, or emotionally challenged.
9. A public or private grain warehouse or warehouse operation where grain is held 10 days or longer and includes, but is not limited to, all buildings, elevators, equipment, and warehouses consisting of one or more warehouse sections and considered a single delivery point with the capability to receive, load out, weigh, dry, and store grain.

B. STANDARDS

1. EXEMPT FROM ZONING

Farms that obtain bona fide farm status by the Moore County Department of Planning become exempt from the provisions of this Ordinance. Any of the following shall constitute sufficient evidence for classification of a bona fide farm:

- i. A farm sales tax exemption certificate issued by the Department of Revenue;
- ii. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to NCGS 105-277.3;
- iii. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return; or
- iv. A forest management plan.

2. AGRICULTURAL TOURISM (AGRI-TOURISM)

In accordance with NCGS 160D-903 and 99E-30, agritourism is any:

- i. Activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions, and an activity involving any animal exhibition at an agricultural fair licensed by the Commissioner of Agriculture pursuant to G.S. 106-520.3. An activity is an agritourism activity whether or not the participant paid to participate in the activity. Examples of agri-tourism may include sales of agricultural and/or plant products (u-pick operations or road side stands), hay rides, horse farms (breeding, boarding, riding lessons, training, buying selling, showing, racing, etc.), corn mazes, tours, class field trips, wineries, and breweries. It does not include: shooting ranges, rides on non-farm recreational equipment including motorcycles or all-terrain vehicle (ATV).
- ii. A building or structure that is used for agritourism is a bona fide farm purpose if the building or structure is located on a property that is owned by a person who holds a qualifying farmer sales tax exemption certificate from the Department of Revenue pursuant to G.S. 105-164.13E(a) OR is enrolled in the present-use value program pursuant to G.S. 105-277.3. Failure to maintain the requirements of this subsection for a period of 3 years after the date the building or structure was originally classified as a bona fide purpose pursuant to this subdivision shall subject the building or structure to applicable zoning and development regulation ordinances adopted by Moore County in effect on the date the property no longer meets the requirements of this subsection. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

3. ACCESSORY USES

Accessory uses to bona fide farms are also exempt including buildings and structures that are associated with farming activities, including, but not limited to, free standing or attached sheds, greenhouses, or other

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.21. BREWERY / WINERY (NOT A BONA FIDE FARM)

structures that are utilized to store any equipment, tools, commodities, or other items that are maintained or used in conjunction with farming activities. Existing or new residences constructed to the applicable residential building code situated on the farm occupied by the owner, lessee, or operator of the farm and other buildings or structures sheltering or supporting the farm use and operation.

4. SUPPLEMENTAL REQUIREMENTS

Certain building code and environmental health requirements such as subdivision (see Chapter 19), flood damage prevention (see Chapter 17), and watershed protection standards (see Chapter 16) still apply to bona fide farms but zoning permits are not required.

SECTION 8.21. BREWERY / WINERY (NOT A BONA FIDE FARM)

A. DEFINITION

An establishment for the manufacture, blending, brewing, fermentation, processing, and packaging of beer or wine that may or may not be in association with an existing vineyard or hops and grain farm located on the same property.

B. STANDARDS

1. Retail sales, banquet hall, tasting facility, and restaurant may be permitted as an accessory use with all applicable Alcohol Beverage Control Commission (ABC) commission permits.
2. All buildings, outdoor seating, entertainment, and parking areas shall be 50 feet from any residentially zoned property line.
3. Such uses shall provide at least one off-street parking space for every two people at full capacity.

SECTION 8.22. CAMP OR CARE CENTERS, NONPROFIT

A. DEFINITION

Land used by a nonprofit organization that consists of one or more buildings, located on a minimum 20 acres of land that provides accommodations for more than nine individuals and where the activities of those individuals predominantly occur in supervised groups for recreational, religious, and/or educational purposes, including but not limited to retreat events and summer camps for children, groups or families and transitional living facilities. Accessory uses may include, but are not limited to, tents or cabins, staff housing, worship areas, dining areas, horse stables, ball fields, amphitheaters, retreat center, or swimming pools.

B. PARKING

Such uses shall provide at least one off-street parking space for each employee and one parking space for every five beds.

C. UTILITIES

All water and sewage facilities shall be designed and installed according to the standards of the Moore County Department of Public Works, Department of Environmental Health, and NC Department of Environmental Quality.

D. PROHIBITED ACTIVITIES

Unless associated with a transitional living facility, no one shall remain at the campground for more than 30 continuous days within a 60-day period with the exception of staff.

SECTION 8.23. CAMPGROUND

A. DEFINITION

A lot in single ownership that has been developed or is intended to be developed for occupancy by tents, cabins, and all types of recreational vehicles, including tent trailers, for transient dwelling purposes.

B. LOT LAYOUT

A campground shall be configured in accordance with the table below:

CAMPGROUND CONFIGURATION	
FEATURE	REQUIREMENT
Minimum Property Size	20 acres
Maximum Density	24 campsites per acre
Peripheral Buffer including Street Rights-of-Way	Type 3 Screening (see Section 7.11)
Minimum Campsite Size	1,000 square feet
Minimum Space Width	20 feet
Minimum Setback of Buildings from Any Property Line	50 feet
Minimum Common Open Space or Recreation Area	10% of gross site

C. EXISTING CAMPGROUND

All new campgrounds and all expansions to existing campgrounds shall meet all standards set forth in this Ordinance.

D. SITE PLAN

1. The site plan shall be prepared by a North Carolina licensed engineer, architect, or surveyor, which depicts the proposed general design and arrangement of uses and buildings.
2. In addition to the site plan requirements in Chapter 4 the following shall be included on the site plan:
 - i. Lighting;
 - ii. Streets;
 - iii. Peripheral buffer;
 - iv. Campsite spaces; and
 - v. Phase lines.

E. OFF-STREET PARKING

1. Each tent campsite shall have two off-street parking spaces.
2. The minimum parking space dimensions shall be 9 feet by 18 feet.
3. Each recreational vehicle space shall have off-street parking for one recreational vehicle and parking space at least one automobile in a tandem configuration.

F. LIGHTING

1. Interior lighting is required in any building open at night.
2. Lighting shall be provided for all recreation areas, bathrooms, and dumping areas, and parking areas (other than at each campsite), shall be lit at night, either with a light mounted on the building or as a pole light.

G. UTILITIES

1. Drinking water and sanitary (bathrooms and showers) facilities shall be available within twelve hundred (1,200) feet.
2. For recreational vehicle campgrounds, a minimum of one central sewage dumping station shall be provided for removing and disposing of waste from waste holding tanks.
3. Sanitary facilities and dumping stations shall be separated from any campsite by a minimum of 50 feet.
4. All water and sewage facilities shall be designed and installed according to the standards of the Moore County Department of Public Works, Department of Environmental Health, and NC Department of Environmental Quality.
5. No provision of utilities or "hookups" shall be constructed on tent-only campsites.

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SECTION 8.24. CAMP, RECREATIONAL DAY

H. STREETS

1. No space shall have direct access to a public street.
2. All roadways within a campground shall be located outside of the campsite spaces.
3. Unpaved streets or easements shall be a minimum width of 20 feet, depth of four inches, with a minimum vertical clearance of 13 feet six inches for accessibility by service and emergency vehicles before a Certificate of Occupancy is issued.
4. Gates or barricades installed on fire apparatus access roads shall comply with the adopted NC Fire Prevention Code.
5. All dead-end roadways shall be provided with a turn-around, pursuant to Chapter 18.
6. Permanent roadway name signs and stop signs shall be installed at intersections to all internal roadways.
7. Paved roadways shall be designed and constructed in compliance with NCDOT's Subdivision Roads Minimum Construction Standards as certified by a professional NC Engineer.

I. ACCESSORY USES

Customary accessory uses may be provided by the property owner, shall be only for the use of campers, and shall not have direct access to a public road, but shall abut the internal roadway as approved by the Administrator, including:

1. Service buildings such as an administrative office, bathhouses, laundry facilities, and a camp store may be provided, for the use of campground users only, which may sell camping supplies, e.g., food, ice, personal supplies, etc.
2. Recreational uses such as walking trails, lakes, swimming pools, and game rooms.
3. A house or manufactured home may be located within the campground for the owner, manager, or caretaker of the campground.

J. PHASING

1. When a campground is to be developed in phases, the proposed plan must be submitted for the entire development, and application for a zoning permit shall be made for each phase and spaces may then be rented upon issuance of the building permit.
2. The first phase shall include no less than three spaces, NCDOT required or other applicable utilities and infrastructure shall be installed.

K. PROHIBITED ACTIVITIES

1. Storage of recreational vehicles, cars, boats, lumber, or other construction materials is prohibited.
2. No recreational vehicle site shall be used as a permanent residence.
3. No tent or recreational vehicle shall remain at the campground for more than 30 continuous days within a 60-day period.
4. Selling of individual campsites are prohibited.
5. Room additions and porches are not allowed in campsite spaces.
6. Any action toward removal of wheels of an recreational vehicle is prohibited.

L. SUPPLEMENTAL

The owner shall submit the facility's emergency action plan as deemed necessary by the Moore County Department of Public Safety.

SECTION 8.24. CAMP, RECREATIONAL DAY

A. DEFINITION

Land located on a minimum 20 acres that provides low impact daytime activities for more than nine individuals and where the activities predominantly occur in supervised groups for recreational, religious, and/or educational purposes, including but not limited to daytime retreat events for children, work groups,

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.25. CAR WASH OR AUTO DETAILING

organizations, or families. Active recreational uses may include, but are not limited to outdoor archery, ziplines, swimming pools, and low impact obstacle courses.

B. STANDARDS

1. All buildings and active recreational uses shall be constructed a minimum of 50 feet from any residentially zoned lot.
2. Such uses shall provide at least one off-street parking space for each employee plus one parking space for every four participants at maximum occupancy.

SECTION 8.25. CAR WASH OR AUTO DETAILING

A. DEFINITION

The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment, using production line method or, water, equipment, or soap for the complete or partial hand washing of automobiles, whether washing is performed by the operator or by the customer.

B. STANDARDS

1. Car wash and auto detailing uses shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements, as illustrated on the site plan.
2. Such uses shall provide at least one off-street parking space per bay or washing station.

SECTION 8.26. CEMETERY OR MAUSOLEUM, COMMERCIAL

A. DEFINITION

A place used or to be used and dedicated or designated for earth interments of human remains.

B. STANDARDS

1. The minimum yard required for all in ground interment plots is 10 feet and above ground interment facilities and any buildings shall conform to principal building setbacks.
2. Such uses shall provide at least one off-street parking space for each employee.

SECTION 8.27. CEMETERY, FAMILY

A. DEFINITION

Privately-owned family place used or to be used and dedicated or designated for earth interments of human remains.

B. STANDARDS

The development must meet all applicable environmental health regulations for wells and septic tanks.

SECTION 8.28. CHILD CARE FACILITY

A. DEFINITION

A child day care facility includes a program or arrangement where, at any one time, three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of a minimum once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption, in accordance with NCGS 110-86.

B. STANDARDS

1. The size of the outdoor activity or play areas shall be installed as required by the NC Department of Health & Human Services before the Certificate of Occupancy is issued.
2. The facility shall have ingress and egress directly onto a public street and shall provide entrance to and exit from the property without backing onto the street right-of-way.

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.29. CHILD CARE HOME FACILITY

3. Child care facilities shall provide at least one off-street parking space for each employee plus one parking space for every five students.
4. State licensure is required before a Certificate of Occupancy is issued.

SECTION 8.29. CHILD CARE HOME FACILITY

A. DEFINITION

1. A child care home facility is a child care arrangement located in a residence where child care is provided in accordance with NCGS 110-91 (7) b.
2. The number of children present at any one time in a family child care home, will be in accordance with NCGS 110-86(3)b and 91(7) b.

B. CHILD CARE IN A MANUFACTURED HOME

1. The home shall have underpinning consisting of a brick curtain wall or have galvanized metal sheeting, ABS, or PVC plastic color skirting with interlocking edges, installed around the perimeter of the home.
2. Skirting shall be in good condition and unpierced except for ventilation and access.
3. Singlewide manufactured homes are limited to a maximum of three preschool-age children where not more than two children may be two years of age or less and two school-age children.

C. STANDARDS

1. The child care provider shall live in the residence full-time.
2. Each play space shall be enclosed by a chain link or solid fence at least four feet high.
3. Such uses shall provide at least one off-street parking space for each employee plus at least one parking space for every five students.
4. State licensure is required before a Certificate of Occupancy is issued.

SECTION 8.30. CIVIC / SOCIAL CLUB, LODGE, & ORGANIZATION (PRIVATE NON-PROFIT)

A. DEFINITION

A nonprofit organization whose members holds regular indoor meetings and pay dues, and that may maintain dining facilities and serve alcohol, provided it is secondary to the common objective of the organization and is in compliance with applicable local, State, and federal laws, for the enjoyment of dues paying members and their guests. This definition shall not include dance clubs or night clubs.

B. STANDARDS

1. No sleeping facilities are permitted.
2. Such uses shall provide at least one off-street parking space for every four seats in the assembly room(s), plus one parking space per every employee, or one parking space for every four persons at full occupancy, whichever is greater.

SECTION 8.31. COLLEGES, BUSINESS & TRADE SCHOOLS

A. DEFINITION

An institution that provides full-time or part-time education beyond high school.

B. STANDARDS

Such uses shall provide at least:

1. One off-street parking space for every six students based upon the maximum number attending classes at any one time;
2. One off-street parking space for each administrative office; and
3. One off-street parking space for each professor.

SECTION 8.32. COMMERCIAL TRUCK WASH

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.33. COMMISSARY KITCHEN

A. DEFINITION

The use of a site for the washing, waxing, and vacuuming of heavy equipment, trucks, and buses.

B. STANDARDS

Commercial truck wash uses shall provide off-street parking in accordance with the standards for a car wash or auto detailing use.

SECTION 8.33. COMMISSARY KITCHEN

A. DEFINITION

An establishment operated under permit from the Moore County Environmental Health Department where food is stored, prepared, portioned, or packaged, or any combination of these, where such food is intended for consumption at another establishment or place. It may also include a food establishment that services a mobile food unit or a pushcart.

B. STANDARDS

1. No food shall be consumed or sold at the site unless associated with a permitted restaurant or other use that allows the consumption or sale of food.
2. The establishment shall obtain all applicable permits from the Moore County Environmental Health Department before a zoning permit is issued.

SECTION 8.34. CONSTRUCTION OFFICE, TEMPORARY

A. DEFINITION

Construction trailers and storage of materials are permitted in conjunction with the construction of a building, subdivision, infrastructure, or development when limited to the duration of the construction.

B. STANDARDS

1. Such temporary buildings shall be removed after construction ceases for a period of three months or 30 days after the issuance of the certificate of occupancy.
2. Such use shall be located a minimum 10 feet off all road rights-of-way and property lines in a residential district.
3. In all other districts the office may be placed in any required setbacks.
4. Temporary uses shall comply with all other appropriate provisions of this Chapter and the State Building Code.

SECTION 8.35. CONTRACTORS STORAGE YARD AND OFFICE

A. DEFINITION

An establishment used for the repair, maintenance, or storage of a contractor's vehicles, equipment, or materials and in which may maintain include accessory offices and workshops related to such activities, including but not limited to a construction contractor, welder, earth moving contractor, or mulching business.

B. STANDARDS

1. All storage buildings and outdoor storage areas shall be located a minimum 50 feet from any residentially zoned property line.
2. Such uses shall provide at least one off-street parking space per employee and one parking space for each 300 square of office space.

SECTION 8.36. CONVENIENCE STORE

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.37. CREMATORIUM FACILITY

A. DEFINITION

1. A small retail establishment (principal use) that may be in a rural area, designed and stocked to sell primarily food, ice cream, beverages, other household supplies, locally grown produce, gardening supplies, fishing tackle, and the similar items to customers who purchase only a relatively few items.
2. Refer to "Vehicle Service Stations" for convenience stores associated with gas stations.

B. STANDARDS

1. A small grill or restaurant may be permitted within the building as an accessory use.
2. Off-street parking shall be provided at a rate of at least one parking space for every 150 square feet of gross floor area, minus storage areas.

SECTION 8.37. CREMATORIUM FACILITY

A. DEFINITION

A facility containing furnaces for the reduction of dead bodies to ashes by fire.

B. PARKING

Crematoria shall provide at least one off-street parking space for every three employees on the largest shift.

SECTION 8.38. DANCE CLUB, NIGHT CLUB, BILLIARD

A. DEFINITION

An establishment that stays open after 10:00 PM on weekends or on more than an occasional basis, that offers food and beverages, including alcoholic beverages to persons 21 years of age and older, in conjunction with dancing or live performances, and which sets a minimum age requirement for entrance.

B. STANDARDS

Such uses shall be subject to the standards applicable to an adult gaming establishment.

SECTION 8.39. DEBRIS MANAGEMENT FACILITIES

A. DEFINITIONS

1. COMPOST FACILITY

A facility which utilizes a controlled biological process of degrading non-hazardous solid waste. This definition does not include backyard composting, accessory uses to a bona fide farm, farming and silvicultural operations.

2. YARD WASTE FACILITY

A facility which stores or processes yard trash and land clearing debris. "Yard trash" is a solid waste resulting from landscaping and yard maintenance such as brush, grass, tree limbs, and similar vegetative material. "Land-clearing debris" is solid waste generated solely from land-clearing activities, including stumps, limbs, leaves, grass, and untreated wood.

3. LAND CLEARING AND INERT DEBRIS LANDFILL (LCID)

A facility for the disposal of land clearing waste, concrete, asphalt, brick, concrete block, uncontaminated soil, gravel, rock, untreated/unpainted wood, and yard trash that is buried on-site.

4. MULCHING FACILITY

A facility that processes, distributes, or otherwise engages in the commercial sale of mulch and ancillary mulching products. Not to include landscaping businesses, woodworking shops, lumber manufacturing or wood products or pine straw lots. Mulch is any material such as leaves, bark, chipped and/or grounded wood or other organic materials left loose and applied to the soil surface to reduce evaporation.

5. CONCRETE RECYCLING FACILITY

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.40. DISTILLERY

A facility that deals with the processing (crushing, sorting, storing, stockpiling, grading, and washing) of hardened structural concrete to produce a reusable concrete product.

6. SAWMILLS

A facility where logs are processed to produce wood products, including pallet recycling and production, and not including the processing of timber for use on the same lot by the owner or resident of that lot.

B. STANDARDS

1. GENERALY

- i. Facilities shall be in accordance with Chapter 130A Article 9 of the North Carolina General Statutes, Title 15A Subchapter 13B of the North Carolina Administrative Code (Solid Waste Management).
- ii. All buildings, storage sheds, structures and parking or storage areas for vehicles, equipment, or supplies shall be set back from all property lines and public rights-of-way a minimum 30 feet or the building setbacks for the underlying zoning district, or as required by the North Carolina Department of Environmental Quality, whichever is greater.
- iii. Such uses shall provide at least one off-street parking space for each employee plus one parking space for each vehicle used in the operation.
- iv. Dust, dirt, and sawdust shall be disposed of in a manner that is acceptable by the North Carolina Department of Environmental Quality.
- v. The owner(s) shall ensure the facility remains in compliance with local, State, and federal regulations regarding air and water quality.

2. ADDITIONAL STANDARDS FOR YARD WASTE FACILITIES

- i. This facility is limited to two acres or 6,000 cubic yards per every three-month period.
- ii. Debris shall not be buried and the facility may not be used to stockpile material.
- iii. No less than 75% of material received must be removed within the same year.

3. ADDITIONAL STANDARDS FOR CONCRETE RECYCLING FACILITIES

Beginning on January 1st of each calendar year, a minimum of 75% by weight or volume of the recovered material stored at a facility shall be removed from the facility through sale, use, or reuse by December 31st of the same calendar year.

SECTION 8.40. DISTILLERY

A. DEFINITION

A legal establishment for the manufacture, blending, fermentation, processing and packaging of distilled alcohol spirits (including but not limited to rum, vodka, and whiskey). Such facility does not provide on-site retail sales or samples and must comply with all Alcohol Beverage Control Commission (ABC) laws and permits.

B. PARKING

A distillery shall provide at least one off-street parking space for every four people at full capacity.

SECTION 8.41. DROP-IN CHILD CARE FACILITY

A. DEFINITION

In accordance with NCGS 110- 86(2)(d)(d1), drop-in or short-term child care provided while parents participate in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels, or churches. Drop-in or short-term child care can also be provided by an employer for its part-time employees where the child is provided care not to exceed 2 1/2 hours during that day, the parents are on the premises, and there are no more than 25 children in any one group in any one room.

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.42. DRY CLEANING AND LAUNDROMAT

SECTION 8.42. DRY CLEANING AND LAUNDROMAT

A. DEFINITION

1. Dry cleaning is a business which launders or dry cleans clothes dropped off on the property by the customer or a location to pickup and drop-off items to be laundered or dry cleaned.
2. Laundromat is a facility where patrons wash or dry clothing or other fabrics in machines operated by the patron.

B. PARKING

Off-street parking spaces shall be provided at a rate of at least one space per every three washing machines plus one space for every employee on the largest shift.

SECTION 8.43. DWELLING, DUPLEX

A. DEFINITION

A residential building originally designed for two dwellings of two separate families living independently of each other. Each unit is completely separate from the other by a wall extending from the ground to the roof.

B. STANDARDS

1. Up to one duplex dwelling (consisting of two separate housing units) shall be permitted per lot.
2. More than one duplex per lot may only be approved as a multi-family dwelling (three or more units per lot).
3. At least one off-street parking space is required for each individual housing unit in a duplex.

SECTION 8.44. DWELLING, SINGLE FAMILY

A. DEFINITION

A detached dwelling unit containing sleeping, kitchen, and bathroom facilities constructed in accordance with the standards set forth in the NC Building Code, used as a permanent residence by one family.

B. PARKING

At least one off-street parking space is required for each dwelling.

C. PROHIBITED ACTIVITIES

Permanent single-family dwellings shall not include a travel trailer, park model, recreational vehicle, motel, hotel, or other buildings designed for transient residence unless specified elsewhere in this Ordinance.

SECTION 8.45. EQUESTRIAN COTTAGE

A. DEFINITION

Equestrian cottages provide accommodations for visitors, with equestrian needs, to the "Horse Country" area of Moore County.

B. STANDARDS

1. Accommodations for the cottage may be offered for a period of less than 30 days per any 60-day period.
2. Cottages shall not include manufactured homes.
3. There shall be no more than two cottages per property with the exception of a third unit if the property is comprised of at least 11 acres of land.
4. The permanent residence of the owner or the manager of the business may also be located on the property but shall be counted as one of the total units permitted.
5. Facilities related to the horse industry such as horse pastures, trails, run in sheds, barns, and stables may be permitted as accessory use.

SECTION 8.46. FAMILY CARE HOME

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.47. FEED AND SEED SALES

A. STANDARDS

1. A maximum of six handicapped persons, as defined by NCGS 168-21(2), may occupy a family care home.
2. A family care home shall be in a building designated and constructed as a single-family dwelling.

B. MINIMUM SEPARATION

in accordance with NCGS 168-22, a family care home may not be located within 1/2 mile of another family care home as measured by a straight line distance, from property line to property line. It shall be the responsibility of the applicant to supply such information.

C. RESIDENTS RESTRICTED

The term "handicapped" does not include the following:

1. Mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)b;
2. Those who present a direct threat to other people or to the property of others;
3. Persons receiving treatment for illegal use of a controlled substance in accordance with 42 U.S.C. GS 3601-3631;
4. Persons convicted of the illegal manufacture or distribution of a controlled substance;
5. Sex offenders;
6. Halfway home for homeless people; or
7. Children from juvenile court or juvenile offenders.

SECTION 8.47. FEED AND SEED SALES

A. DEFINITION

An establishment engaged in retail sales of primarily agricultural products, related to the day-to-day activities of agricultural production, lawn furniture, including the bulk storage of fertilizers and related agrichemicals subject to the NC Fire Prevention Code.

B. PARKING

Feed and seed sales uses shall provide at least one off-street parking space for every 150 square feet of gross floor area, minus storage areas.

SECTION 8.48. FLEA MARKET

A. DEFINITION

1. A building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old obsolete, or antique, and may include the selling of new or used goods at retail by businesses or individuals who are generally engaged in retail trade.
2. Residential yard sale is a separate definition.

B. STANDARDS

1. All outdoor display tables and/or racks, tents, tarps, shelters, coverings of any type, or vehicles used shall be removed within 72 hours from the time of opening unless otherwise approved by the Board of Commissioners.
2. All outside retail areas shall be a minimum of 30 feet from any residentially zoned property line.
3. All items shall be stored indoors when the flea market is not open for business or removed from the site at the close of each business day.
4. Flea markets shall provide at least one off-street parking space for every 300 square feet of gross floor area, minus storage areas.
5. Sales involving fruits, vegetables, and other eatable items shall be permitted through the Moore County Department of Environmental Health.
6. Sale or trade of exotic, domestic, or farm animals shall be prohibited.

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.49. FLORIST

7. Any buildings or structures shall meet the current NC Building Code.
8. Tents of 700 square feet or more in size and tents 400 square feet with wall enclosures shall be approved by the Moore County Department of Public Safety.
9. Flea markets not contained within a fully-enclosed building in the B-2 zoning district shall obtain a special use permit (see Chapter 12).

SECTION 8.49. FLORIST

A. DEFINITION

A retail business whose principal activity is the selling of plants which are not grown on the site and conducting business within an enclosed building.

B. PARKING

Florist uses shall provide at least one off-street parking space for every 150 square feet of gross floor area, minus storage areas.

SECTION 8.50. FREIGHT TERMINALS

A. DEFINITION

1. A facility designated for the loading, unloading, and transshipment of goods from and to trains or other modes of transportation.

B. STANDARDS

1. All structures, loading areas, parking areas, outdoor storage, and staging areas shall be located a minimum of 100 feet from any residentially zoned property line, and meet the industrial zoning district setbacks from any non-residentially zoned property lines.
2. The use shall be screened using type 3 screening along residentially zoned property lines and type 2 screening along any non-residentially zoned property lines. Wherever security fencing or type 1 screening is desired, it shall be placed on the interior side of the vegetative buffer.
3. Such uses shall provide at least 1 parking space for each employee plus one parking space for each vehicle used in the operation.
4. Truck terminals shall be located on or directly accessible to a major roadway as listed in the adopted Comprehensive Transportation Plan.

SECTION 8.51. FUNERAL HOME

A. DEFINITION

An establishment that provides human funeral services, including embalming and memorial services. Accessory uses may include a crematorium.

B. STANDARDS

A funeral home shall provide at least one off-street parking space for every four seats in the chapel or parlor, plus one parking space for each funeral vehicle, plus one parking space for each employee.

SECTION 8.52. GARDEN CENTER

A. DEFINITION

1. A place of business where retail and wholesale products and produce are sold to the consumer.
2. Garden centers may include a nursery and/or greenhouses, import most of the plants sold, nursery products and stock, potting soil, garden tools, and lawn furniture.

B. PARKING

Garden centers shall provide at least one off-street parking space for each employee.

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.53. GOLF COURSES (INCLUDING PAR 3)

SECTION 8.53. GOLF COURSES (INCLUDING PAR 3)

A. DEFINITION

A tract of land laid out for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse and shelters as accessory uses. This definition does not include miniature golf.

B. STANDARDS

1. No maintenance building or clubhouse shall be closer than 50 feet from any residentially zoned property line.
2. Golf courses shall provide at least four off-street parking spaces for each hole.

SECTION 8.54. GOLF DRIVING RANGE

A. DEFINITION

A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

B. STANDARDS

1. Driving ranges shall have a minimum depth of 1,000 feet from the tees to the end of the driving area or the end shall be controlled with netting and/or berms to prevent golf balls from leaving the property.
2. No maintenance building or clubhouse shall be closer than 50 feet from any residentially zoned property line.
3. Golf driving ranges shall provide at least two off-street parking spaces for each tee.

SECTION 8.55. GOVERNMENT FACILITY

A. DEFINITION

A building or land use owned, operated, or occupied by a local, state, or federal governmental agency to provide a governmental service to the immediate area and needs of the County's citizens. Examples include, but are not limited to, emergency service facilities, county offices, county utilities, county solid waste convenience site, libraries, post offices, employment offices, public assistance offices, vehicle registration and licensing services, and public recreational facilities, open space, and parks.

A convenience site is a small county-maintained facility, typically a satellite location, provided for convenience to citizens, used for the collection, separation, and short-term storage of waste, recyclables, and/or hazardous materials.

B. PARKING

Government facilities shall provide at least one off-street parking space per employee and one parking space for every four seats provided for patron use.

SECTION 8.56. GROUP CARE FACILITY

A. DEFINITION

An inpatient facility which provides supervision, medical care, behavioral and rehabilitation services, counseling, and may include outpatient follow-up care, for juveniles or adults including, but not limited to the mental or physically disabled, runaways, persons addicted to drugs, children undergoing rehabilitation or extended care, or battered spouses. This definition includes the terms homeless shelters, group homes for ex-convicts, halfway/transitional houses, boarding homes for children, psychiatric facilities, and drug and alcohol rehabilitation facilities.

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.57. HAZARDOUS/TOXIC WASTE DISPOSAL OR PROCESSING

B. STANDARDS

1. Facilities including halfway/transitional houses, homeless shelters, psychiatric facilities, or facilities serving individuals with drug addictions or prior criminal conduct shall be in accordance with the table of uses (Chapter 6).
2. A minimum habitable floor space of 100 square feet shall be provided for each individual in the facility.
3. Each group care facility shall provide at least one parking space per every two beds plus one space for each employee on the largest shift.

C. SUPPLEMENTAL REQUIREMENTS

The applicant shall submit a security plan outlining management, on-site supervision, security provisions, maximum occupancy, crime prevention, alcohol, and drug use policies.

SECTION 8.57. HAZARDOUS/TOXIC WASTE DISPOSAL OR PROCESSING

A. DEFINITION

As defined in NCGS Chapter 9 of Chapter 130A, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste including any substance listed as such in SARA Section 302 Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances). This category includes manufacturing uses associated with hazardous characteristics or significant negative impacts, including frequent noxious fumes, dust, significant amounts of caustic or flammable materials, or radioactive materials. Examples of use types of hazardous manufacturing include oil refineries; hazardous or radioactive waste disposal or storage, linseed oil, shellac, turpentine manufacture or refining; ammonia, bleaching powder or chlorine processing; and manufacture of chemicals; storage in bulk quantities above or below ground of flammable and combustible liquids, hazardous substances as provided in N.C.G.S. 143-215.77A, Chapter 18 of Chapter 95 and hazardous chemicals as provided in N.C.G.S. 95-174 but not storage at gasoline service stations in quantities for retail sales to the general public not storage for consumption on the premise.

B. STANDARDS

1. Any building or land used for hazardous/toxic waste disposal or processing shall be located a minimum 100 feet from any property used or zoned for residential purposes and any street right-of-way.
2. Type 3 screening (see Section 7.11) shall be provided along any boundary with another property not zoned industrial.
3. Proposed mitigation and hazard management plans shall be provided with the submittal of the preliminary site plan. The applicant shall provide a hazard management plan approved by local emergency service agencies addressing hazards associated with movement of materials to or finished products from the site and shall provide for public safety and for mitigation of negative impacts that may include but are not limited to noise, odor, dust, chemicals, excessive vibration, and plans for public notifications and evacuations as may be necessary in the surrounding area.
4. Such uses shall provide at least three off-street parking spaces for every four employees on the largest shift plus one parking space for each vehicle used in the operation.

C. SUPPLEMENTAL REQUIREMENTS

1. Documentation regarding the specific materials to be manufactured or stored and the potential hazard which may be encountered in an emergency due to these materials must be provided with required application.
2. Buildings must meet all requirements for Hazardous Occupancy under the NC Building Code.
3. All storage facilities shall comply with the latest edition of the "Flammable and Combustible Liquids Code, NEPA 30" of the National Fire Protection Association.

SECTION 8.58. HOME OCCUPATION, LEVEL 1

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.59. HOME OCCUPATION, LEVEL 2

A. DEFINITION

Any business, occupation, or activity undertaken for gain that is incidental and secondary to the use of the single-family dwelling.

B. STANDARDS

1. Up to one home occupation shall be permitted per lot.
2. Level 1 Home Occupations shall be limited to a maximum of 25% of 1 floor of the principal building, the entirety of an accessory building, or a combination thereof.
3. The accessory building shall be less than or equal to the square footage of the principal building and shall be located in the rear yard.
4. The operator of the home occupation must reside on the same lot.
5. Only one person not a resident of the dwelling may be employed.
6. Home occupations involving instruction, teaching, or training shall be limited to five students or participants at one time.
7. Signage shall be limited to one sign of up to four square feet in area.
8. At least one off-street parking space is required for a home occupation in addition to residence requirements.
9. The following uses are those that have been determined to be suitable as a Level 1 Home Occupation:
 - i. Beauty / Barber Shop / Nail Salon;
 - ii. Commissary Kitchen;
 - iii. Office (no licensed medical office);
 - iv. Produce Stand;
 - v. Small Appliance Repair Shop (no outdoor storage); or
 - vi. Trade Contractor Office and Workshop (no outdoor storage).
10. Any use that exceeds one or more of the standards in this section shall be considered a Level 2 Home Occupation.

C. PROHIBITED ACTIVITY

1. No element of any home occupation may create odors, light, noises, or interference in radio or television reception detectable to adjoining properties.
2. No outside, window, or any other display of products is permitted.
3. No outside storage shall be used in connection with the home occupation.

D. EXEMPTION

1. Home occupation activities consisting of all of the following attributes are exempted from zoning permit requirements:
 - i. The activity uses no more than one room within the dwelling for no more than one computer or one desk-type activity;
 - ii. It does not include any signage or display of products;
 - iii. It does not typically generate more traffic volume beyond one costumer per day; and
 - iv. Is limited to no more than two residents of the dwelling who are employed in connection with the home occupation.
2. Examples may include online sales businesses (jewelry making or embroidery), tax preparer, or scrapbooking.

SECTION 8.59. HOME OCCUPATION, LEVEL 2

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.60. HOSPITAL

A. DEFINITION

Any business, occupation, or activity undertaken for gain that is incidental and secondary to the use of the single-family dwelling. Level 2 Home Occupations are of a more intensive nature due to the types of uses operated.

B. STANDARDS

1. Up to one home occupation may be permitted per lot.
2. Level 2 Home Occupations shall be limited to a maximum of 50% of the gross floor area of the principal building, the entirety of an accessory building, or a combination thereof.
3. The operator of the home occupation must reside on the same lot as the operation.
4. More than one individual who is not a resident of the dwelling may be employed.
5. The specific use to be operated as the home occupation must comply with the specific use's standards, signage, parking, outdoor storage, screening, and other applicable regulations.
6. The following uses are those that have been determined to be suitable as a Level 2 Home Occupation:
 - i. Animal Shelters;
 - ii. Kennels, Overnight;
 - iii. Pet Day Care, Grooming, Obedience Training;
 - iv. Small Appliance Repair Shop (may include outdoor storage);
 - v. Trade Contractor Office and Workshop (may include outdoor storage);
 - vi. Feed and Seed Sales;
 - vii. Florist;
 - viii. Garden Center;
 - ix. Taxi Service;
 - x. Vehicle, Auto Parts, Tires, Farm Equipment, Boat, RV - Sales, Rental, Service;
 - xi. Child Care Facility (for accessory buildings only);
 - xii. Recreation, Low Impact Outdoor; and
 - xiii. Commissary Kitchen.

C. PROHIBITED

No element of any home occupation may create odors, light, noises or interference in radio or television reception detectable to adjoining properties. No outside, window or any other display of products.

SECTION 8.60. HOSPITAL

A. DEFINITION

An institution providing human health services primarily for in-patient medical and surgical care for the physically or mentally sick and injured and including related support facilities such as laboratories, out-patient departments, staff offices, food services, and gift shop.

B. STANDARDS

Hospitals shall provide at least one off-street parking space per every three patient beds, plus one parking space for each staff or visiting doctor, plus one parking space for every two employees on shift of average greatest employment.

SECTION 8.61. HOTEL AND MOTEL

A. DEFINITION

Building(s) containing sleeping accommodations and providing a temporary abode of persons who have their residences elsewhere.

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.62. ITINERANT MERCHANT

B. STANDARDS

1. All buildings, outdoor recreational activities such as swimming pools, and parking shall be located a minimum 50 feet from any residentially zoned property line.
2. Off-street parking spaces shall be provided at rate of at least one parking space per room plus one parking space per employee on a normal shift.

SECTION 8.62. ITINERANT MERCHANT

A. DEFINITION

The temporary sales of merchandise and/or food on premises which the vendor does not have a permanent retail operation.

B. STANDARDS

1. The owner of the property shall authorize, in writing, the temporary use to be held on the property.
2. The temporary use shall be located so that it does not encroach on required setbacks or street right-of-way.
3. The use may be permitted for a maximum of 90 consecutive days.
4. These restrictions shall not be applicable to special events recognized by the County where mobile food vendors are permitted or nonprofit fundraising events of five or fewer days.
5. A maximum of one building/display booth shall be allowed.
6. The building/display booth must be portable and completely removed when the use ends or is removed.
7. Sales shall be limited to the daylight hours.

C. SUPPLEMENTAL REQUIREMENTS

1. Itinerant merchants are exempt from the Highway Corridor Overlay district standards, screening requirements, and off-street parking requirements of this Ordinance.
2. NCDOT driveway approval is required.
3. Portable food sales shall be approved by the Moore County Department of Environmental Health.

SECTION 8.63. KENNELS, OVERNIGHT

A. DEFINITION

A facility where dogs, cats, or other domestic animals are trained, boarded, bred, or raised for compensation. Such a facility may have an indoor and outdoor component. Such a facility may have an indoor and outdoor component.

B. STANDARDS

An overnight kennel facility shall comply with the standards for an animal shelter.

SECTION 8.64. LAND CLEARING AND SAWMILLS, TEMPORARY

A. DEFINITION

Removal of stumps, limbs, leaves, concrete block, brick, rock, gravel, wood, and uncontaminated earth.

B. SUPPLEMENTAL

Temporary land clearing is exempt from zoning standards but may require approval by the NC Department of Environmental Quality for projects that require a sedimentation and erosion control plan or resulting in the disturbance of one acre or more of land area, the US Army Corp of Engineers for projects requiring 404 Permits for the discharge of fill material into streams, wetlands and open waters, and by the NC Division of Water Resources (DWR) for projects requiring 401 water quality certification which are required for any licensed activity that may result in a discharge to waters of the U.S.

SECTION 8.65. LANDFILL

A. DEFINITIONS**1. MUNICIPAL SOLID WASTE MANAGEMENT FACILITY (MSWF)**

A facility that receives municipal solid waste for processing, treatment, or disposal but does not accept hazardous waste, sludge, industrial waste, and/or solid waste from mining or agricultural operations.

2. CONSTRUCTION AND DEMOLITION LANDFILL FACILITY (C&DLF)

A facility that receives construction, remodeling, repair, and/or demolition waste for burial. C&D waste does not include yard waste, municipal, and/or industrial wastes.

3. INDUSTRIAL SOLID WASTE LANDFILL

A facility that receives solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under Subtitle C of Resource Conservation and Recovery Act.

4. MATERIAL RECOVERY FACILITY

A facility that receives non-hazardous solid waste which is collected, separated, processed, and/or reused or returned to use in the form of raw materials or products.

B. STANDARDS**1. GENERALLY**

- A. Facilities shall be in accordance with Chapter 130A Article 9 of the North Carolina General Statutes, Title 15A Subchapter 13B of the North Carolina Administrative Code (Solid Waste Management).
- B. Except for a freestanding office, all buildings shall be located a minimum 100 feet from any property used or zoned for residential purposes and any street right-of-way.
- C. The use shall be totally enclosed by a security fence with a minimum height of six feet and topped with 3-strand barbed wire or razor wire.
- D. Type 3 screening (see Section 7.11) shall be installed around the entire perimeter, including street right-of-way lines.
- E. Such uses shall provide at least three off-street parking spaces for every four employees on the largest shift plus one parking space for every vehicle used in the operation.

2. ADDITIONAL STANDARDS FOR MATERIAL RECOVERY FACILITIES

Beginning on January 1st of each calendar year, a minimum of 75% by weight or volume of the recovered material stored at a facility shall be removed from the facility through sale, use, or reuse by December 31st of the same calendar year.

C. SUPPLEMENTAL REQUIREMENTS

The applicant shall demonstrate that the stored materials will not pose a danger to surrounding properties, or residents, due to noise, light, runoff, animal or insect populations, or other factors.

SECTION 8.66. MANUFACTURED HOME**A. DEFINITION**

A factory built single-family dwelling, which is manufactured under the authority of the Federal Manufactured Home Construction and Safety Standards Act of 1976.

B. STANDARDS

1. A building permit shall be issued prior to expiration of a zoning permit.
2. Before a certificate of occupancy is issued, all manufactured homes shall have either a solid foundation or skirting that fully encloses the crawl space and all utilities per NC Building code.

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.67. MANUFACTURED HOME PARK

3. All manufactured homes placed or located on any lot, if constructed after June 15, 1976 must display the HUD label indicating that the unit meets or exceeds the construction standards approved by the U.S. Department of Housing and Urban Development.
4. A manufactured home that was constructed prior to June 15, 1976 that is already located within Moore County may be moved within the County provided all permits are obtained for set-up.

C. PROHIBITED

No manufactured home (mobile home, trailer, manufactured office, etc.) shall be used in any manner for storage (personal or commercial), business or commercial purposes except when used for a sales office on a manufactured home sales lot, an administrative office for a manufactured home park, or for a temporary use approved by the Administrator.

SECTION 8.67. MANUFACTURED HOME PARK

A. DEFINITION

A parcel of land, with single control or ownership, designed and improved for three or more individual spaces that are leased for the placement of manufactured homes as a primary residence. Where properly regulated and located, manufactured home parks address the public need for alternative housing and achieve a satisfactory relationship to adjoining and nearby property.

B. EXISTING MANUFACTURED HOME PARKS

Removal and replacement of units on existing lots or spaces, existing at the time of adoption of this Ordinance, are permitted.

C. LOT LAYOUT

The lot layout within a manufactured home park shall be in accordance with the following table:

MANUFACTURED HOME PARK LAYOUT	
FEATURE	REQUIREMENT
Minimum Property Size	3 acres
Maximum Density	2 units per acre
Peripheral Buffer including any ROW	Type 3 Screening (see Section 7.11)
Minimum Street Frontage	100 feet
Minimum Home Space Size	10,000 square feet
Off-Street Parking	Each home space shall have 2 parking spaces

D. SITE PLAN

1. A site plan depicting the proposed general design and arrangement of uses and buildings shall be prepared by a licensed engineer, architect, or surveyor.
2. The site plan shall be submitted and reviewed in accordance with Chapter 4.
3. The following features shall be depicted on the site plan:
 - i. Lighting plan;
 - ii. Streets;
 - iii. Peripheral buffer;
 - iv. Home spaces;
 - v. Phase lines; and
 - vi. Land contours.

E. LIGHTING

Adequate lighting for the safe movement of vehicles and pedestrians at night shall be provided for all common areas, streets, walkways, and dead-end streets.

F. UTILITIES

1. All utilities shall be located underground.
2. There shall be easements dedicated for utilities including, but not limited to water, sewer, gas, and electrical as shown on the site plan.
3. For parks with more than 20 units, public water or wastewater shall be provided.
4. All water and sewage facilities shall be designed and installed according to the standards of the Moore County Department of Public Works, Department of Environmental Health, and NC Department of Environmental Quality.

G. STREETS

1. All roadways within a park shall be located outside of the home space.
2. No space shall have direct access to a public street.
3. A park having five or more spaces shall have paved roadways designed and constructed in compliance with NCDOT's Subdivision Roads Minimum Construction Standards as certified by a professional NC Engineer.
4. Unpaved roadways shall be graveled to a minimum width of 20 feet, depth of four inches, with a minimum vertical clearance of 13 feet six inches for accessibility by service and emergency vehicles before a Certificate of Occupancy is issued.
5. All dead-end roadways shall be provided with a turn-around (see Section 18.7).
6. Permanent roadway name signs and stop signs shall be installed at intersections to all internal roadways.
7. Maintenance of all internal streets and corresponding drainage facilities shall be the responsibility of the owner(s) of the park.

H. OPERATIONAL ACCESSORY USES

Customary accessory uses provided by the property owner, shall be only for the use of park tenants, and shall not have direct access to a public road, but shall abut the internal roadway, including laundry facilities, sanitation, vending machines, recreation buildings and areas, and similar uses.

I. ADMINISTRATIVE OFFICE

Administrative office may be located in a manufactured home which is used as a residence by the resident manager.

J. STORAGE BUILDINGS

Each manufactured home lot may be equipped with a storage building located to the rear of the manufactured home.

K. PHASING

When a park is to be developed in phases, the proposed plan must be submitted for the entire development, and application for a zoning permit shall be made for each phase and spaces may then be rented upon issuance of the building permit.

L. OCCUPANCY

1. No building permits shall be issued until the park has completed construction per the approved site plan.
2. In addition, the following shall be complete before a building permit for a manufactured home or accessory building is issued, as approved by the Administrator:
 - i. There shall be a minimum of three improved manufactured home spaces at first occupancy.
 - ii. The entrance either abuts an NCDOT street or shall be constructed pursuant to NCDOT's Subdivision Roads Minimum Construction Standards Manual before a building permit is issued.

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.68. MANUFACTURED HOME SALES

- iii. Site inspection by all applicable departments and agencies.

SECTION 8.68. MANUFACTURED HOME SALES

A. DEFINITION

An establishment devoted to the retail sales of new or used manufactured homes, modular homes, and storage buildings.

B. STANDARDS

1. The display area shall be set back a minimum of 20 feet from the street right-of-way and 10 feet from all other property lines.
2. Such uses shall provide at least five off-street parking spaces per employee.

SECTION 8.69. MANUFACTURED HOME OR RECREATIONAL VEHICLE, TEMPORARY USE

A. DEFINITION

Temporary manufactured home or RV in conjunction with major renovation, construction of a single family or manufactured dwelling, or due to casualty damage.

B. STANDARDS

1. A temporary dwelling may be permitted concurrently with or after the issuance of the building permit for the principal dwelling for up to 12 months, which may be extended once by the Administrator for an additional six months.
2. Upon expiration of the eighteen-month period identified above, the expiration of the building permit for the dwelling, or within 30 days of the certificate of occupancy, the temporary permit shall become invalid.
3. In the event of a natural disaster, manufactured homes, RVs, and FEMA trailers may be permitted, including on a separate lot, without a building permit being issued for the damaged home, and may receive multiple extensions beyond the 12 months for the temporary use, as determined necessary by the Administrator.

SECTION 8.70. MANUFACTURING, LIGHT

A. DEFINITION

An establishment or activity primarily engaged in manufacturing, production, assembly and other uses which would not be inherently obnoxious and yield only very minimal heat, noise, odor, smoke, light, vibration, dust, and does not include processing of hazardous gases, chemicals, and materials. Examples may include asphalt / concrete plants, bottling plant, electronic equipment, feed or food processing, furniture, garment, heavy equipment, ice plant, publishing and lithography, small appliance, textile & hosiery mill, research laboratory & development, and related products and uses.

B. PARKING

Light manufacturing uses shall provide at least one off-street parking space for every three employees on the largest shift.

SECTION 8.71. MANUFACTURING, GENERAL

A. DEFINITION

- A. An establishment or activity primarily engaged in manufacturing, production, assembly and other uses having potential to produce heat, noise, odor, smoke, light, vibration, dust, and does not include processing of hazardous gases, chemicals, and materials. Examples may include manufacture or assembly of ammunition, fertilizer, vehicles, petroleum, biodiesel, electric

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.72. MARINA (FUEL SUPPLIES)

power generation plants, lumber mills, planning mills, pulp and paper mills, other wood products, and related products and uses.

B. STANDARDS

1. The site shall be utilized in a manner that shall not pose a hazard off-site, including air and water quality.
2. Documentation regarding the specific materials to be manufactured or stored and the potential hazard which may be encountered in an emergency due to these materials must be provided with required application.
3. All buildings and parking areas shall be located a minimum 50 feet from any residentially zoned property line.
4. All outdoor storage areas shall be located a minimum 100 feet from any residentially zoned property line.
5. The Board of Commissioners shall be authorized to increase this setback if the situation warrants, based on the specific substances that are to be manufactured or stored and in what specific quantities.
6. Manufacturing uses shall provide at least one off-street parking space for every three employees on the largest shift.

SECTION 8.72. MARINA (FUEL SUPPLIES)

A. DEFINITION

A facility where fuel supplies are available for watercraft.

SECTION 8.73. MASSAGE & BODYWORK THERAPY PRACTICE

A. DEFINITION

Any business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors.

B. STANDARDS

1. Massage therapists shall comply with the standards in Section 9-46 of the Moore County Code of Ordinances.
2. Such uses shall provide at least one off-street parking space for every 150 square feet of building area, minus storage area.

SECTION 8.74. MINI-WAREHOUSE (SELF-SERVICE)

A. DEFINITION

A fully enclosed building divided into units that are leased individually for storage. Storage shall be limited to dead storage. A single caretaker's residence may be included.

B. STANDARDS

1. All outdoor storage areas shall be located a minimum 50 feet from any residentially zoned property line.
2. No business activity other than the rental of storage units shall be conducted on the premises.
3. Outside storage, with the exception of vehicles, recreational vehicles, and boats, shall be limited to 25% of the total area of the site and shall be enclosed by a chain link fence with a minimum height of six feet.
4. In no instance shall there be a more than 10 inoperable vehicles stored outdoors.
5. Mini-warehouse uses shall provide at least one off-street parking space per every 300 square feet.

C. PROHIBITED

1. On-site retail sales, flea market, manufacturing, and service operations are prohibited. However, once a month, the management of a mini-warehouse use may conduct a one-day auction or sale of abandoned or stored materials in accordance with State of North Carolina regulations.
2. The storage of hazardous, toxic, or explosive substances shall be prohibited.

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.75. MINING / QUARRY OPERATION

SECTION 8.75. MINING / QUARRY OPERATION

A. DEFINITION

1. A land use meeting any of the following situations:
 - i. The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores or other solid matter;
 - ii. Any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from their original location; or
 - iii. The preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial or construction use.
2. Mining does not include:
 - i. Excavation or grading when conducted solely in aid of on-site farming or of on-site construction for purposes other than mining, such as constructing a residence, garage, commercial or industrial building; or
 - ii. Mining operations where the affected land does not exceed 1 acre in area.

B. STANDARDS

1. A vegetative buffer not less than 50 feet in width (unless a lesser width is approved by the Board of Commissioners) shall be provided along all boundaries of the affected land. This buffer area shall be left at all times in a natural vegetative state or planted with a Type 3 landscape buffer (see Section 7.11) that creates a visual screen.
2. Access roads leading to any part of the operation shall be located a minimum of 50 feet from any property line of a residential use or residential zoned district.
3. A plan shall be submitted showing truck routes to and from the site.
4. No digging or excavating shall occur within 50 feet of any property line.
5. The Board of Commissioners may approve an earthen berm(s) of at least six feet in height at the crown of the berm, that may or may not be located within the 50 foot buffer, with slopes sufficient to minimize erosion, planted with vegetation.
6. Such uses shall provide at least three off-street parking spaces for every four employees on the largest shift plus one parking space for each vehicle used in the operation.

C. RESTORATION

Before approval for an excavation use, the operator shall submit a detailed plan for restoration of the site, including information on the anticipated future use of the restored land, existing and proposed final contours, and number per acre of trees or shrubs to be planted.

D. SUPPLEMENTAL

1. Definitions as listed in the NCGS and The Mining Act of 1971, both of North Carolina and as amended, shall apply to this subsection.
2. No site disturbing activities are allowed until a mining permit has been issued by the State of North Carolina.
3. All mining activities in Moore County shall conform to the vibration policy adopted by the Land Quality Section of the North Carolina Department of Environmental Quality.

SECTION 8.76. MOBILE FOOD CAMPUS

A. DEFINITION

The sale of food and beverages by multiple individual mobile food vendors on a single parcel of land that provides shared parking, outdoor dining areas, waste receptacles, and restroom facilities, and that may include a mixture of uses such as mobile retail vendors and recreational vendors or facilities.

B. PERMITTING

1. Prior to construction, the property shall be rezoned to Planned Development Conditional Zoning (PD-CZ) district in accordance with Chapter 11 (Conditional Rezoning), and Section 3.18 (Additional Standards for PD-CZ).
2. The Master Plan shall be reviewed by the appropriate County departments as well as outside agencies such as, but not limited to, NCDOT and NCDEQ. The Master Plan shall be subject to the standards outlined in this section, as well as any additional conditions placed on the application by the Board.
3. Mobile food vendors shall obtain permitting from the County Environmental Health Department where their commissary is located and display such permit on the mobile food structure at all times.

C. OPERATIONS

1. Hours of operation shall be limited to the hours between 7AM and 12AM. If the Mobile Food Campus is located within 200 feet of a residential zoning district or building used for single-family or two-family dwelling, the hours of operation shall be limited to between 7AM and 10PM.
2. All vendors and accessory uses/structures shall be located a minimum of 100 feet from any dwelling in an adjacent residential district.
3. Mobile vendor vehicles, including those associated with mobile food vendors and/or mobile retail or recreational vendors, may remain on-site overnight for storage, but shall only be permitted to do so if operating on-site a minimum of four (4) consecutive days per week. Mobile food campuses shall not be utilized to permanently store mobile vendor vehicles that are not in use as an active vendor on the campus. Active use is described as operating a minimum of four (4) consecutive days per week on-site.
4. Mobile Food Campuses may be permitted as Commissary Kitchens, provided they meet the specific use standards in Section 8.33, and they obtain all applicable permits from the Moore County Environmental Health Department.
5. Mobile Food Campuses shall be limited in the quantity of stalls for vendors (including mobile food, retail, and recreational vendors) based on the calculations provided below:
 - i. A maximum of four (4) mobile vendors shall be permitted per acre for the first one (1) acre.
 - ii. Two (2) additional mobile vendors shall be permitted per one-half acre following the first acre.
 - iii. No more than fifteen (15) mobile vendors shall be permitted in total on one campus.

D. OUTDOOR DINING

1. The Mobile Food Campus shall include one (1) or more shared outdoor dining or seating areas. These areas shall be reflected on the Master Plan.
2. All outdoor dining and seating shall be Americans with Disabilities Act (ADA) compliant.
3. All outdoor dining areas shall provide appropriate outdoor lighting if hours of operation occur prior to 8AM and after 5PM.

E. UTILITIES AND WASTE

1. All waste must be disposed of properly and removed at the end of each day, or as needed to maintain the health and safety of the public.
2. Trash receptacles shall be provided at all outdoor dining areas and shall be properly emptied at the end of each day.
3. An on-site restroom facility shall be provided to service all mobile food vendors and visitors. These facilities shall be located entirely indoors and in accordance with the North Carolina Plumbing Code.

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.77. MULTIFAMILY DWELLINGS

On-site restrooms shared with an associated principal use may be used to fulfill this requirement. Portable toilets are prohibited.

4. Temporary connections to potable water are prohibited. All plumbing and electrical connections shall be in accordance with State building code. The use of portable generators is prohibited.
5. If operating after dark, the vehicle shall provide appropriate lighting.

F. ACCESS AND PARKING

1. All vendors shall be accessed by an internal private street and/or shared parking lot.
2. A minimum of five (5) parking spaces shall be provided per mobile food vendor to serve employees and customers. Additional parking shall be provided for accessory uses such as mobile retail vendors and/or recreational vendors/facilities. Final parking lot design and space count shall be determined during the review of the Master Plan and PD-CZ application.

G. SIGNAGE

1. Signage for the Mobile Food Campus shall be permitted subject to the requirements outlined in Section 7.15 of this ordinance.

SECTION 8.77. MULTIFAMILY DWELLINGS

A. DEFINITION

A building containing three or more dwellings per lot, including condominiums, or apartment complexes (including senior citizen apartment complexes). Multi-family dwellings do not include manufactured home parks, secondary detached dwelling units, planned unit developments, or nursing homes.

B. CONDITIONAL REZONING

Prior to the construction, the property owner shall apply to have the parcel rezoned to Multifamily Dwelling Conditional Zoning (MF-CZ) district in accordance with Chapter 11 (Conditional Rezoning), and Section 3.18.

C. SETBACKS

All buildings, outdoor recreational activities, and parking shall be located a minimum 50 feet from any residentially zoned property line. Refer to the specific use standards for swimming pool requirements.

D. UTILITIES

Applications including more than 20 units shall be accompanied by proposed solid waste storage facilities, sanitary sewage, proposed water system, and firefighting facilities such as hydrants and sprinkler connections.

E. PARKING

Off-street parking spaces shall be provided at a rate of at least two parking spaces per dwelling unit. Individual parking spaces shall not have direct access to the street serving the multi-family development's entry or exit.

F. RECREATION AREA

1. Recreational areas shall be clearly defined.
2. Any playground equipment shall be a minimum 10 feet from any property line and enclosed with permanent fencing a minimum five feet in height.

G. OWNERSHIP OF COMMON AREAS

1. In cases where no homeowners' association is created, the developer shall be responsible for continued maintenance of recreational open space areas.
2. In any multi-family development in which lots and/or units are individually sold, a homeowners' association (HOA) shall be required per the requirements set forth in Section 18.8.

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.78. MUSEUMS AND ART GALLERIES

SECTION 8.78. MUSEUMS AND ART GALLERIES

A. DEFINITION

Museums are institution devoted to the procurement, care, study, and display of objects of lasting interest or value. Art galleries include original works of art bought, sold, loaned, appraised, or exhibited to the general public.

B. PARKING

Such uses shall provide at least one off-street parking space for every four participants at full capacity.

SECTION 8.79. NEIGHBORHOOD PARK

A. DEFINITION

A public or private area of land designed to serve recreation needs of a community including a neighborhood park within a subdivision. Facilities may include a playground, benches, picnic shelters, walkways, greenways, or open fields. This definition does not include multi-use athletic fields or courts, swimming pools, or amphitheaters.

B. STANDARDS

1. Parks are not required to be screened.
2. Playground equipment and fenced areas for recreation shall be located no closer than 30 feet from an existing residential building.

SECTION 8.80. NURSING HOME

A. DEFINITION

1. A facility for more than six people, providing housing, food service, and may also provide individual assistance with some medical needs or housekeeping.
2. The facility may also provide recreation facilities and some personal service shops such as a gift shop and barber shop if located within the building and serves patrons of the facility and their visitors only.
3. An apartment complex for senior citizens is considered "multifamily."

B. STANDARDS

1. All buildings, outdoor recreational activities, and parking shall be located a minimum 50 feet from any residentially zoned property line.
2. Nursing homes shall provide at least one off-street parking space per every five beds.

SECTION 8.81. OFFICE

A. DEFINITION

1. An establishment providing direct services to consumers, conducted during normal business hours, in a fully enclosed building, including:
 - i. Financial offices (banks, brokers, insurance agents, accountants, appraisers);
 - ii. General business offices (adoption agency, catering, cell phone store, cleaning service office, fortune tellers);
 - iii. Instructional services (music, art and craft classes, and tutoring);
 - iv. Licensed medical offices (dentists, doctors, counselors, chiropractor, hospice and palliative care facility, massage therapist, medical/optical/scientific research facility, physical therapist, psychologists, psychiatrists, laboratories, blood banks);
 - v. Professional offices – office use only (architects, cartographers, engineers, lawyers, real estate agents, editors, publishers, journalists, graphic design, construction contractors, landscape design, surveyors, salespersons, travel agents);

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.82. PARKING LOT AS PRINCIPAL USE

- vi. Professional studios (artists, authors, sculptors, musicians, photographers, radio and television studios); and
 - vii. Similar office uses.
2. This use does not include manufacturing, repair, or storage of materials or products.

B. PARKING

1. Off-street parking for office use types shall be provided at the following rates:

2. FINANCIAL OFFICES

At least one parking space for each 200 square feet of gross floor space plus one parking space for every two employees.

3. MEDICAL OFFICES

At least five parking spaces for each doctor plus one parking space for each employee who is not a doctor.

4. OTHER TYPES OF OFFICES

At least one parking space for every 300 square feet of gross floor area, minus storage areas.

SECTION 8.82. PARKING LOT AS PRINCIPAL USE

A. DEFINITION

Any building or premises used exclusively for the parking of vehicles for short and long-term fee parking.

B. STANDARDS

Parking spaces may be rented for parking, or otherwise used in accordance with an approved temporary event, but no other business of any kind shall be conducted on the lot, including repair service, sales, washing, display, or storage of vehicles or other goods.

SECTION 8.83. PAWN SHOP

A. DEFINITION

An establishment primarily engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the sale of such property. A pawn broker is any person engaged in the business of lending money on the security of pledged goods and who may also purchase merchandise for resale from dealers and traders.

B. STANDARDS

Pawn shops shall be subject to the standards applied to adult gaming establishments except that such uses shall provide at least one off-street parking space for every 150 square feet of building area, minus storage area.

SECTION 8.84. PERSONAL WORKSHOP

A. DEFINITION

A building to be used for personal workspace, owned and used solely by the owner of the property on which it is to be located. Such buildings cannot be rented and shall not be used in any manner that would not be allowed in the zoning district in which it is located.

B. STANDARDS

1. Only one personal workshop is allowed on the property.
2. The personal workshop must meet the principal building setbacks of the underlying zoning district.

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.85. PET DAY CARE, GROOMING, OBEDIENCE TRAINING

SECTION 8.85. PET DAY CARE, GROOMING, OBEDIENCE TRAINING

A. DEFINITIONS

An establishment where animals are dropped off and picked up daily and not boarded overnight. Animals may be bathed, clipped, and/or combed for the purpose of enhancing their aesthetic value or health, and a fee is charged. Animal grooming and obedience training may be accessory to pet day cares or the principal use.

B. STANDARDS

1. Any outdoor facilities shall require approval of a special use permit (see Chapter 12) and comply with the provisions for an animal shelter.
2. Pet day care, grooming, and obedience training uses shall provide one off-street parking space for each employee plus one off-street parking space for every three kennels.

SECTION 8.86. POTTERY MANUFACTURING AND SALES

A. DEFINITION

The process of forming objects with clay and other ceramic materials.

B. STANDARDS

1. Potteries may be a principal use or an accessory use to residential or agricultural uses.
2. Potteries may include teaching workshops, studios, galleries, and retail sales.

SECTION 8.87. PUBLIC & PRIVATE UTILITY FACILITIES

A. DEFINITION

1. Utility facilities include the following uses:
 - i. Public or private water distribution and sewer collection facilities;
 - ii. Treatment plants;
 - iii. Pump stations;
 - iv. Lift stations;
 - v. Electrical substations; and
 - vi. Wireless Telecommunications Towers Serving Electrical Substations (See Section 8.115.B.7)
2. Such uses also include public and private facilities and buildings that are or are not subject to county acceptance for operation and maintenance.

B. STANDARDS

I. GENERALLY

01. Any component part(s) thereof are exempt from zoning standards in this Ordinance, but shall be designed and constructed in accordance with Moore County's Department of Public Work's policies, specifications, and standards.
02. Any septic related facilities shall be approved by the Department of Environmental Health.

II. ELECTRICAL UTILITY SUBSTATIONS

A premise which may or may not contain buildings, where the interconnection and usual transformation of electrical service takes place between systems shall meet the following standards:

01. The parcel on which the facility is located does not need to conform to minimum lot size requirements.
02. Substations or structures shall maintain standard setbacks applicable in the underlying zoning district and shall be enclosed with a fence of at least six feet in height.
03. Screening (Type 2 or Type 3, as specified in Section 7.11) shall be located between the fence and property line(s) and right-of-way.

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.88. REAL ESTATE OFFICE, TEMPORARY

- 04.** Any noise producing equipment or generator must be stored within a structure or must be setback a minimum 50 feet from any public right-of-way or property line.

III. WIRELESS TELECOMMUNICATIONS TOWERS SERVING ELECTRICAL SUBSTATIONS

Wireless telecommunications towers serving electrical substations shall meet the following standards.

01. COMPLIANCE WITH FEDERAL AND STATE REGULATIONS

All wireless communication facilities shall comply with or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government that regulates wireless communications facilities.

02. OBSTRUCTION LIGHTING

Lighting of a wireless communication facility shall be limited to that required for compliance with FAA minimum standards. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Nighttime strobing or flashing lights are prohibited, unless required by the FAA.

SECTION 8.88. REAL ESTATE OFFICE, TEMPORARY

A. DEFINITION

Residential and non-residential sales and leasing are permitted as a temporary use in a dwelling (model home) or tenant space or within a temporary building located in the same subdivision or development where the dwellings or non-residential buildings are to be located.

B. STANDARDS

1. The sales use is permitted until the issuance of the last certificate of occupancy of open and valid building permits within the subdivision or development.
2. A model home shall be converted to residential use after it used as a model home.
3. The real estate sales office, or model home, shall be located on a lot that was approved as part of the subdivision or development and complies with the minimum yard and setback requirements of the zoning district in which it is located.

SECTION 8.89. RECREATION, INDOOR

A. DEFINITION

1. GENERALLY

A fully enclosed facility providing for one or several recreational uses including sport auditoriums (basketball, dance, martial arts, soccer, swimming, tennis, wrestling), batting cages, bowling alleys, skating rinks, and other recreational uses such as non-profit community centers, non-profit youth facilities, health and fitness clubs, gyms, movie theatres, gymnastics training, and general gaming establishments.

2. GAMING ESTABLISHMENT

Any establishment deemed legal by State law, excluding billiards halls, adult gaming establishments and any others similarly defined in this Chapter, whose primary use is to provide entertainment services to the general public in the form of electronic or conventional gaming units which provide either no reward to patrons or rewards of limited value such as children's toys, games, and novelties when all rewards can be legally obtained and used by all ages and are not redeemable for cash or any other kind of compensation or services on or off premises, including on-line redemptions. Examples include traditional video game arcades and children's and family game centers, whether stand-alone or in conjunction with a restaurant or other permissible uses. This shall be considered a primary use when occupying more than 50 percent of the gross floor area of an establishment or being used by more than 50 percent of the patrons at any time or representing more than 50 percent of the total sales of the establishment.

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.90. RECREATION, LOW IMPACT OUTDOOR

B. STANDARDS

1. All buildings and parking shall be located a minimum 50 feet from any residentially zoned property line.
2. Indoor recreation uses shall provide at least one off-street parking space for every two participants at full capacity.
3. Gymnastics training facilities, shall be permitted in an Industrial zoned district provided:
 - a) All activities associated with such use shall be conducted indoors. (i.e., no training events shall occur outside the enclosed facility)
 - b) There shall be one parking space for every two (2) participants, plus one parking space for each coach.

SECTION 8.90. RECREATION, LOW IMPACT OUTDOOR

A. DEFINITION

Recreational activities open to the public or members that have a low potential for nuisance to abutting property owners. This generally includes one or more of the following passive recreational uses: parks (not including neighborhood parks), hiking, horseback riding, biking trails (non-motorized), and the following active recreational uses: three or fewer multi-use athletic fields or courts, model airplanes, and swimming pools.

B. STANDARDS

1. PASSIVE RECREATIONAL USES

No setback or screening is required.

2. ACTIVE RECREATIONAL USES

- i. All runways, fields and outdoor recreational uses shall be located a minimum 100 feet from any residentially zoned property line.
- ii. Screening is not required.
- iii. All model airplane runways, fields, and lighted courts shall be screened with a Type 3 screening (see Section 7.11) from any abutting residential use on a different lot or residentially zoned property.

3. ALL RECREATION USES

- i. Recreation uses shall provide at least one off-street parking space for each employee plus one space for every four participants.
- ii. The use of public street rights-of-way for parking including overflow parking shall be prohibited.

SECTION 8.91. RECREATION, HIGH IMPACT OUTDOOR

A. DEFINITION

Public or private recreational activities that have a high potential for nuisance to abutting property owners. This generally includes one or more of the following active recreational uses: batting cages, amusement park, waterpark, fairgrounds, drive-in theatre, open or partially enclosed arenas and amphitheaters, go-cart or motocross tracks, miniature golf, race tracks, or four or more multi-use athletic fields or courts.

B. STANDARDS

1. GENERALLY

- i. Fully-enclosed buildings and parking shall be a minimum of 50 feet from any residentially zoned property line.
- ii. Partially enclosed or open recreational facilities shall be a minimum 100 feet from any property line.
- iii. The use shall be totally enclosed by a security fence with a minimum height of six feet and topped with three-strand barbed wire or razor wire.
- iv. The use of public street rights-of-way for parking including overflow parking shall be prohibited.
- v. Such uses shall have direct access to a paved street right-of-way.

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.92. RELIGIOUS INSTITUTIONS

- vi. Such uses shall provide at least one off-street parking space for every employee plus one parking space for every two participants at full capacity.

2. ADDITIONAL STANDARDS FOR A DRIVE-IN THEATER

- i. The picture screen shall be positioned and screened so that it cannot be seen from any public street or residentially zoned area.
- ii. Use of the theater property for any purpose other than displaying motion pictures, including but not limited to flea markets, shall require approval of a special use permit.

SECTION 8.92. RELIGIOUS INSTITUTIONS

A. DEFINITION

A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

B. ACCESSORY USES

Includes pastor's housing, Sunday school buildings, recreational buildings utilized by congregation only, fellowship halls, food pantry, childcare facility, school, coffee house, bible school, and after-school facilities.

C. STANDARDS

- 1. Schools located on the same lot as the religious institution and located in residential zoning districts shall meet the applicable specific use standards.
- 2. Childcare facilities shall meet the applicable specific use standards and shall submit a copy of State licenses before a Certificate of Occupancy is issued.
- 3. The minimum yard required for all burial plots and any other building or structure associated with a cemetery is 30 feet from any exterior property line or the required district principal building setback, whichever is greater.
- 4. A cemetery shall be associated with the religious institution and be located on the same tract of land as a religious institution, or an immediately abutting parcel to a religious institution under the same ownership.
- 5. Religious institutions shall provide at least one off-street parking space for every four seats in the assembly room(s), plus one parking space per employee, or one parking space for every four persons at full occupancy, whichever is greater.

SECTION 8.93. RESTAURANT

A. DEFINITION

- 1. An establishment where food and drink are served as a principal activity. Included in this definition are cafeterias, lunch counters, ice cream shops, bakeries, soda shops, drive-thru, and fast-food restaurants.
- 2. Per the NC Alcohol Beverage Control Commission, food sales must exceed 30% of total food and alcohol sales (including beer, wine, and mixed beverage sales) and food shall be available during all business hours.

B. STANDARDS

- 1. Drive-thru and fast food are not permitted in the CGWL zoning district.
- 2. Any outdoor seating or area used as part of the establishment shall maintain a minimum four-foot-wide walking path to any doorway and shall meet building setback requirements.
- 3. Restaurants shall provide at least one off-street parking space for each four seats at tables plus at least one parking space for each two seats at counters or bars plus at least one parking space for each two employees.
- 4. Restaurants serving alcohol must obtain applicable Alcohol Beverage Control Commission (ABC) licenses.

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.94. RETAIL SALES

SECTION 8.94. RETAIL SALES

A. DEFINITIONS

1. GENERALLY

Establishments where the principal use is for the sale or rental of goods or merchandise to the general public for personal or household consumption, where such goods are available for immediate purchase and removal from the premises by the purchaser, usually in small quantities, as well as services incidental to the sale of these goods, including but not limited to ABC stores, apparel stores, pharmacy & drug stores, furniture sales, hardware stores, grocery stores, ice machines (self service).

2. GROCERY STORE

A free-standing store where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.

3. ICE HOUSE / MACHINES

An unattended building or structure where ice is bagged automatically or dispensed in bulk to the consumer and is activated by the insertion of money, credit cards, check cards, token or similar means. This use can be a principal use or an accessory use to another approved commercial use.

B. ALCOHOLIC BEVERAGE PACKAGE (ABC) STORE

An establishment licensed by the State exclusively for the retail sale of alcoholic beverages, excluding beer and wine, in original packages for consumption off the premises where sold.

C. STANDARDS

1. Establishment of a grocery store over 25,000 square feet in square footage shall require approval of a special use permit (see Chapter 12).
2. Drive-thru lanes and service windows associated with alcoholic beverage package stores shall be screened and setback a minimum of 30 feet from property zoned for residential purposes.

D. PARKING

1. Grocery stores shall provide at least one off-street parking space for every 150 square feet of gross floor area, minus storage areas.
2. All other retail sales uses shall provide at least one off-street parking space for every 300 square feet of gross floor area, minus storage areas.

SECTION 8.95. SALVAGE YARDS

A. DEFINITION

Any area, in whole or in part, where any type of equipment, including but not limited to vehicles, appliances and related machinery are bought, sold, exchanged, stored, baled, packed, disassembled, or recycled. A "salvage yard" includes the terms vehicle wrecking yard, automobile graveyard, and junk yard as defined in NCGS 136-143. Any property upon which six or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of 15 days or more shall be deemed to be an "automobile graveyard."

B. STANDARDS

These uses shall comply with the standards applied to debris management facilities.

SECTION 8.96. SCHOOLS, ELEMENTARY, MIDDLE, HIGH

A. DEFINITION

A public or private school offering general, technical, or alternative instruction at the elementary, middle, and/or high school levels.

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.97. SECURITY TRAINING FACILITY

B. STANDARDS

1. All buildings, outdoor recreational areas, and parking shall be a minimum 50 feet from any residentially zoned property line.
2. Screening is not required if all recreational uses are not lighted, including athletic fields, and are set back 100 feet from any residentially zoned property line.
3. Playgrounds shall be surrounded with a chain link or solid fence or wall of a minimum four feet in height.

C. PARKING

Off-street parking shall be provided in accordance with the following:

1. Elementary and middle schools shall provide at least one parking space for each classroom and administrative office, plus one parking space for each employee and one space capable of accommodating a bus for each bus serving the use.
2. High schools shall provide the same amount of parking as elementary schools plus one additional parking space for each 20 students.

SECTION 8.97. SECURITY TRAINING FACILITY

A. DEFINITION

An indoor and/or outdoor training facility for military or law enforcement on a minimum of 50 acres in area that includes daytime and/or nighttime hours of operation.

B. STANDARDS

1. FIREARMS AND EXPLOSIVE TRAINING

- i. Firearm training facilities shall comply with Section 8.89. The "Military Handbook – Range Facilities and Miscellaneous Training Facilities Other Than Buildings (MIL-HDBK-1027/3B)" may be utilized for designing the military training facility.
- ii. A listing of the type, amount, and physical location of all explosive material shall be provided by the applicant.
- iii. Any overnight or temporary storage of weapons, ammunition, and explosives shall meet the Department of Defense storage and stand-off safety standards.

2. BLANK AMMUNITION TRAINING

Facilities involving the use of blank ammunition and/or explosive simulators shall include the proposed noise decibels to existing dwelling units within $\frac{1}{4}$ of a mile (approximately 1,320) from the project site.

3. PROHIBITED ACTIVITIES

Military type activities or maneuvers, including but not limited to hand-to-hand combat training, maritime training, swamp, or guerilla warfare techniques, incendiary type firings, infiltration course type training, etc. is permitted for use by law enforcement, military, or federal agency groups only.

SECTION 8.98. SEXUALLY ORIENTED BUSINESS

A. DEFINITION

An establishment which by law excludes minors by virtue of the fact that a substantial portion of its business is sexually explicit. Sexually oriented businesses include any place defined as an "adult establishment" by NCGS 14-202.10. Such uses include, but are not limited to, adult arcades, adult book stores, adult video stores, adult theaters (drive-in, picture and min-picture), adult cabarets, massage parlors, or adult entertainment establishments.

B. STANDARDS

1. All buildings and parking areas shall be 750 feet from any residentially zoned property line and a minimum 2,500 feet from another sexually oriented business, public park, nursing home, church, child care facility, or school as measured by a straight line distance, from property line to property line.

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.99. SHOOTING RANGE, INDOOR

2. Such uses shall provide at least one off-street parking space for each employee plus at least one parking space for each client at full capacity.

SECTION 8.99. SHOOTING RANGE, INDOOR

A. DEFINITION

An enclosed, permanent building open to the public or to members of an organization, where firearms are discharged at targets regardless of whether a fee is paid to the owner or proprietor of the facility.

B. STANDARDS

1. Indoor shooting ranges shall be designed so projectiles cannot penetrate the walls, floor, or ceiling, or be designed so that all projectiles fired on the range are contained or redirected to the backstop. Ricochets or back splatter shall not harm range users.
2. A backstop shall be installed that extends from side to side and from ceiling to floor to protect the end of the range completely from penetration by direct bullet strikes and prevents ricochets.
3. The applicant shall include information in their application which demonstrates what measures will be implemented so the use will not pose a hazard off site, including backstops and guarantees that the walls will be lined with a sound absorbing material to a 65 dB rating at the adjoining property line. These guarantees shall be certified by an acoustical professional.
4. Indoor shooting ranges shall provide at least one off-street parking space per shooting lane.
5. All buildings or facilities shall be a minimum of 100 feet from any property line.

SECTION 8.100. SHOOTING RANGE, OUTDOOR

A. DEFINITION

A facility that is open to the public or members of an organization, where firearms are discharged at targets regardless of whether a fee is paid to the owner or proprietor of the facility.

B. MINIMUM SIZE

Outdoor shooting ranges shall be a minimum of 50 acres in area.

C. SETBACK

All shooting stations and targets on a range facility shall be setback a minimum 200 feet from all property lines.

D. SEPARATION DISTANCES

1. All shooting stations and targets on a range facility shall be setback a minimum distance of $\frac{1}{2}$ mile (approximately 2,640 feet) from any existing occupied dwelling, nursing home, school, church, or child-care facility with exception to the owner's residence. Measurement shall be from property line to property line.
2. The distance requirement may be varied with written permission in the form of an affidavit from all adjoining property owners and all rightful leaseholders of dwelling located within the $\frac{1}{2}$ mile surrounding area affected thereby.
3. In no case shall the distance requirement be less than $\frac{1}{4}$ of a mile (approximately 1,320 feet).

E. DESIGN

The facility shall be designed by a North Carolina professional engineer with demonstrated expertise in the subject matter in accordance with the NRA's Range Source Book: *A Guide to Planning and Construction*, current edition, and the US Department of Energy's *Range Design Criteria* (including but not limited to typical surface danger zone determination and backstop / barrier material thickness), whichever specific requirement from either document is most restrictive.

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.101. SHOPPING CENTER

F. FENCE

1. The use shall be totally enclosed by a security fence with a minimum height of six feet and topped with 3-strand barbed wire or razor wire.
2. "No Trespassing – Danger – Shooting Range" signs shall be installed at 50-foot intervals around the perimeter.

G. LEAD MANAGEMENT

The applicant shall provide a plan outlining compliance with the guidelines specified by the Environmental Protection Agency's *Best Management Practices for Lead at Outdoor Shooting Ranges*, current edition.

H. BACK STOPS

1. All shooting stations must be oriented so firing trajectory is not directed toward a street right-of-way or dedicated access easement.
2. There shall be protection of abutting property assured by proper design, location, and orientation of structures, backstops, and firing lines.
3. A projectile-proof backstop, consisting of concrete, steel, earth, or a combination thereof, a minimum 20 feet high shall be erected and maintained behind all target areas.

I. INSURANCE

The permittee shall be required to carry a minimum \$1,000,000 per occurrence of liability insurance.

J. PARKING

Outdoor shooting ranges shall provide at least one off-street parking space per shooting lane.

K. SAFETY OFFICER

1. All outdoor shooting range facilities open to the general public that allow the discharge of firearms shall provide an NRA Certified Range Safety Officer or individual that possesses the knowledge, skills, and attitude essential to organizing, conducting, and supervising safe shooting activities and range operations.
2. This safety official shall be located at the firing line to aide in the proper discharge and safe handling of all weapons anytime live fire is being conducted.

L. SUPPLEMENTAL REQUIREMENTS

1. The applicant shall include the types of weapons proposed to be used.
2. The center or range must comply with all required permits and regulations, including but not limited to:
 - i. Alcohol, Tobacco, and Firearms (ATF) permits;
 - ii. National Fire Protection Association Standards; and
 - iii. International Building Code (Fire Prevention).
3. The outdoor shooting range and all individuals working with firearms or explosives at the facility shall be certified and permitted by Alcohol, Tobacco and Firearms (ATF) to conduct such operations in compliance with its permits.

M. EXEMPTIONS

Target practice areas on private property, hunter's safety course training activities (by a certified trainer), temporary seasonal turkey shoots (special event approval required), or government facilities are not considered outdoor shooting ranges and are exempted from these standards.

SECTION 8.101. SHOPPING CENTER

A. DEFINITION

A group of two or more commercial establishments planned, developed, and managed as a unit with a unified design of buildings and with coordinated parking and service areas that will not be subdivided and designed for occupancy by separate businesses.

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.102. SMALL APPLIANCE REPAIR SHOP

B. STANDARDS

1. All outparcels developed as part of a shopping center shall be accessed internally, via the permitted entrances for the shopping center itself.
2. Shopping centers shall provide at least one off-street parking space for every 300 square feet of gross floor area, minus storage areas.

SECTION 8.102. SMALL APPLIANCE REPAIR SHOP

A. DEFINITION

1. Repair establishments, where the principal activity includes, but is not limited to the repair of home appliances and equipment, bicycles, lawnmowers, shoes, clocks, watches, and jewelry, and also includes tailors, gunsmiths, locksmiths, and upholstery shops.
2. Vehicle repair shops and automobile service stations are not small appliance repair shops.

B. GUNSMITH

A gunsmith is a small appliance repair shop use type that repairs firearms. Gunsmith uses shall comply with the following requirements.

1. Up to one gun receiver manufacturing machine may be permitted as an accessory use.
2. Ammunition manufacturing is prohibited.
3. Facilities shall only discharge a firearm within an approved test fire vault.
4. Outdoor test firing requires approval of a special use permit (see Chapter 12).
5. Gunsmith shops shall comply with all required permits and regulations, including but not limited to Alcohol, Tobacco, and Firearms (ATF) permits.

SECTION 8.103. SOLAR COLLECTOR FACILITY

A. DEFINITION

A solar photovoltaic facility whose primary purpose is to generate power to sell for commercial gain and is typically sold to energy companies rather than end users.

B. SETBACKS

All structures and security fencing must meet a 100-foot front setback measured from the edge of the rights-of-way and 50-foot side and rear setbacks.

C. SCREENING

A landscape buffer/screen shall be provided along all exterior sides of the security fence and must consist of:

1. On-site mature vegetation at a minimum height of ten feet and depth of 75 feet between the security fence and abutting property including rights-of-way; or
2. A single row of evergreens in combination with mature vegetation, installed at a height of five feet achieving opaqueness and a minimum height of ten feet in five years; or
3. A double row of off-set evergreens, installed at a height of five feet achieving opaqueness and a minimum height of ten feet in five years; or
4. A berm combined with evergreen vegetation installed at a height of five feet achieving opaqueness and a minimum height of ten feet in five years.

D. TOPOGRAPHY

1. Where visibility of the solar farm is increased due to topography, the landscape buffer/screen must be planted on-site in an area that lessens the view of the solar farm from off-site areas.
2. Where visibility of the solar farm is decreased due to topography, the landscape buffer/screen may be reduced.
3. The location of screening shall be determined by the Administrator.

E. MAINTENANCE

Landscape buffer/screens, ground cover, security fences, gates, and warning signs must be maintained in good condition until the solar farm is dismantled and removed from the site.

F. SAFETY STANDARDS

1. All solar panels must be constructed to minimize glare or reflection onto abutting properties and abutting roadways and must not interfere with traffic or create a safety hazard.
2. A security fence equipped with a gate and a locking mechanism must be installed at a minimum height of eight feet along all exterior sides of the solar farm.
3. A warning sign concerning voltage must be placed at the main gate to include the name of the solar farm operator and a local phone number for the solar farm operator in case of an emergency.

G. EROSION CONTROL

1. Erosion control measures must be installed at construction entrances in order to minimize off-site soil damage.
2. Existing grass must be maintained in perpetuity sufficient to prevent erosion.

H. NUISANCE CONTROL

1. Power transmission lines must be located underground to the extent practical.
2. Inverter(s) shall be located a minimum 150 feet from any property line or public right-of-way.

I. CHANGE OF OWNERSHIP

The zoning permit is subject to revocation if the Moore County Department of Planning is not notified when the solar farm company holding the permit sells or otherwise transfers its interest to another entity or individual.

J. DECOMMISSIONING PLAN

Removal of solar farm equipment and site restoration shall be conducted in accordance with the following:

1. The application must include decommissioning plans that describe the anticipated life of the solar farm, the estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the solar farm project will be decommissioned and the site restored.
2. Following a continuous six-month period in which no electricity is generated, the permit holder will have six months to complete decommissioning of the solar farm.
3. Decommissioning includes removal of solar panels, buildings, cabling, electrical components, and any other associated facilities below grade as described in the approved decommissioning plan.
4. Prior to the issuance of a zoning permit, the applicant must provide the County with a performance guarantee as provided in the subsection below. The amount of the guarantee shall be one and one-quarter the estimated decommissioning cost minus the salvageable value, or \$50,000.00, whichever is greater. Estimates for decommissioning the site and salvage value shall be determined by a North Carolina professional engineer or a licensed contractor. It is the responsibility of the applicant to provide the county with the certified cost estimate.
5. The following types of performance guarantees are permitted:
 - i. A surety or performance bond that renews automatically, includes a minimum 60-day notice to the County prior to cancellation, is approved by the Planning Director, and is from a company on the U.S. Department of Treasury's Listing of Certified Companies. A bond certificate must be submitted to the Moore County Department of Planning each year verifying the bond has been properly renewed.
 - ii. A certified check deposited with the County Finance Director, as escrow agent, who will deposit the check in an interest-bearing account of the County, with all interest accruing to the applicant. Funds deposited with the County Finance Director will be returned when the solar farm is decommissioned and any necessary site restoration is completed.

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.104. SOLAR COLLECTORS, ON-SITE

- iii. A no-contest irrevocable bank letter of credit from a banking corporation licensed to do business in the State of North Carolina. The terms of the letter must include the absolute right of the County Finance Director to withdraw funds from the bank upon certification by the County Manager that the terms and conditions of the performance guarantee have been breached. The letter of credit must be valid up to 12 months from the date the performance guarantee was approved.
- iv. The full amount of the bond, certified check, or letter of credit must remain in full force and effect until the solar farm is decommissioned and any necessary site restoration is completed.
- v. The landowner or tenant must notify the county when the site is abandoned.

K. SUPPLEMENTAL REQUIREMENTS

- 1. The applicant must secure all necessary approvals and/or permits from NCDOT for the access points for project entrances prior to issuance of a zoning permit.
- 2. The applicant must provide written authorization from the local utility company acknowledging and approving connection to the utility company's grid.

SECTION 8.104. SOLAR COLLECTORS, ON-SITE

A. DEFINITION

Solar collector panels, ground-mounted or roof-mounted systems, permitted as an accessory use in any zoning district, that gather solar radiation, as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electricity.

B. GROUND MOUNTED SOLAR PANELS

- 1. On-site solar collectors shall be located in the side or rear yard, shall meet the required accessory building setbacks.
- 2. In the RE Zoning District, ground mounted solar panels shall be allowed in the front yard and must meet principal structures setbacks. Type 2 or Type 3 screening from all adjacent properties shall be provided in accordance with Section 7.11.

C. ROOF MOUNTED PANELS

On-site solar collectors are regulated pursuant to NCGS §160D-914.

D. SUPPLEMENTAL REQUIREMENTS

- 1. Elevation drawings shall be submitted in addition to the site plan.
- 2. Solar panels shall comply with NC Building Code and National Electric Code and shall be inspected by the Building Inspector.
- 3. The appropriate utility company shall approve an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

SECTION 8.105. TATTOO PARLOR, BODY PIERCING

A. DEFINITION

Any business, or any part of thereof, where tattooing and/or body piercing is practiced or where the business of tattooing and/or body piercing is conducted.

B. STANDARDS

Tattoo and body piercing establishments shall be subject to the standards applied to adult gaming establishments except that such uses shall provide at least one off-street parking space for every 150 square feet of building area, minus storage area.

SECTION 8.106. TAXI SERVICE

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.107. TEMPORARY EVENT (SPECIAL EVENT)

A. DEFINITION

A service that offers transportation in passenger automobiles and vans to persons including those who are handicapped in return for remuneration.

B. PARKING

Taxi service uses shall provide at least one off-street parking space per taxi.

SECTION 8.107. TEMPORARY EVENT (SPECIAL EVENT)

A. DEFINITION

A group activity including, but not limited to, a performance, meeting, assembly, contest, exhibit, ceremony, or non-routine activity, within the community that will bring together a large number of people including, but not limited to, cultural events, musical events, celebrations, festivals, fairs, carnivals, circuses, and communal camping.

B. STANDARDS

1. Special events cannot be held on the same lot for longer than 14 consecutive days or once every six months.
2. The owner of the property shall authorize in writing for the event to be held on the property.
3. The temporary parking lot can be located on the same site as the activity or as a satellite parking lot.
4. The use of public street rights-of-way for parking shall be prohibited.
5. Activities creating loud noises (horns, speakers, music) shall not be located within 1,000 feet of residences not located on the site.
6. Structures associated with the use shall be permitted provided they are removed at the end of the event.
7. Permanent signs are prohibited.
8. All temporary signs shall be approved in accordance with the standards for sign (see Section 7.15).

C. CAUSES FOR DENIAL

1. The application contains intentionally false or materially misleading information.
2. There is a finding that the special event would create an unreasonable risk of significant damage to public or private property, beyond normal wear and tear, injury to persons, and other adverse effects upon the public health, safety, or welfare.
3. The special event is of such a nature, size, or duration that the particular location requested cannot reasonably accommodate the event.

D. ADDITIONAL CONDITIONS

In approving the special event, the Administrator is authorized to impose such conditions to minimize any potential adverse impacts including the following:

1. Provision of temporary parking facilities, including vehicular ingress and egress.
2. Control of nuisance factors such as the prevention of direct illumination of abutting properties, noise, vibrations, smoke, and dust.
3. Location and size of temporary buildings, structures, and facilities.
4. Provision of sanitary, medical facilities, and solid waste collection, and disposal.
5. Provision of security and safety measures.
6. Modification or elimination of certain proposed activities including limitation of the duration of the special event to a shorter time period.

E. SUPPLEMENTAL REQUIREMENTS

Zoning approval is contingent on required approvals from the Moore County Department of Environmental Health, Department of Public Safety, NCDOT driveway permit approval, and other applicable State, local, and federal laws.

SECTION 8.108. TEMPORARY FAMILY HEATH CARE STRUCTURES

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.109. TRADE CONTRACTOR OFFICE AND WORKSHOP

One temporary family health care structure is permitted on a lot with a single-family detached dwelling, in accordance with the standards in NCGS Section 160D-915, and the following standards:

A. STRUCTURE

A temporary family health care structure is one that:

1. Is transportable and primarily assembled at a location other than the site of installation;
2. Is located on a lot with an existing single-family detached dwelling;
3. Is limited to one occupant who is a mentally or physically impaired person related to the caregiver;
4. Is used by a caregiver or legal guardian in providing care for one mentally or physically impaired person on property owned or occupied as the caregiver's or guardian's residence;
5. Has no more than 300 square feet of gross floor area;
6. Is connected with water, wastewater, and electrical systems by branching service from the single-family detached dwelling;
7. Has the same street address and mailbox as the existing single-family detached dwelling;
8. Uses the same driveway as the existing single-family dwelling, unless the structure is accessed from a right-of-way not used by the dwelling (e.g., a rear alley or separate street access on a corner or through lot);
9. Meets the dimensional standards of the zoning district for a single-family detached dwelling; and
10. Meets the applicable provisions in the North Carolina Building Code; however, is not located on a permanent foundation.

B. NEED AND RELATIONSHIP

1. The occupant of the structure must be a mentally or physically impaired person that is a resident of the State who requires assistance with two or more activities of daily living (bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating) as certified in writing by a physician licensed to practice in North Carolina.
2. The caregiver must be an individual 18 years of age or older who provides care for the mentally or physically impaired person and is a first or second degree relative of the impaired person. A first or second degree relative is a spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew or niece, including half, step, and in-law relationships.

C. PERMIT CONDITIONS

1. Once the applicant provides sufficient proof that the family health care structure meets all standards, then the structure shall be permitted for a period of 12 months.
2. The applicant may renew the prior approval for a 12-month period and continue to renew it provided the applicant provides evidence of continued need and compliance with these standards.
3. The County may make periodic inspections of the temporary family health care structure at reasonable times convenient to the applicant.
4. No signage shall be permitted on the exterior of the structure or on the lot that identifies or promotes the existence of the structure.
5. The structure shall not be subdivided or otherwise separated in ownership from the single-family detached dwelling.
6. The structure shall be removed within 60 days if the impaired occupant is no longer receiving or in need of assistance.
7. The approval may be revoked or other enforcement actions taken if these standards are violated.

SECTION 8.109. TRADE CONTRACTOR OFFICE AND WORKSHOP

A. DEFINITION

1. An establishment used by special trade contractors for office space and may include the following accessory uses within the principal building:

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.110. VEHICLE, AUTO PARTS, TIRES, FARM EQUIPMENT, BOAT, RV - SALES, RENTAL, SERVICE

- i. The housing and/or operating of machinery; and
- ii. The fabrication of products, and interior storage.
2. Special trade contractors include carpentry, septic installers, general contractors, subcontractors, grading, HVAC, electricians, plumbers, landscaping, woodworking, tree service, cabinetry, sign painting, metal work, and pool installation.

B. PARKING

Off-street parking spaces shall be provided at a rate of at least one parking space for every 300 square feet of gross floor area, minus storage areas.

SECTION 8.110. VEHICLE, AUTO PARTS, TIRES, FARM EQUIPMENT, BOAT, RV - SALES, RENTAL, SERVICE

A. DEFINITION

Buildings and premises where the primary activity is for vehicles, auto parts, tires, farm equipment, boats, and/or recreational vehicles to be sold, rented, or serviced.

B. SERVICE STANDARDS

1. All repair or service activity, excluding washing, shall be conducted entirely within a fully-enclosed building.
2. Vehicle service uses shall provide at least five off-street parking spaces per service bay.

C. SALES STANDARDS

1. The display area shall be a minimum of five from the street right-of-way and 10 feet from all other property lines.
2. Vehicle sales uses shall provide at least one off-street parking space per every 150 square feet, minus storage areas.

D. PROHIBITED ACTIVITIES

1. No more than a maximum of 10 inoperable vehicles may be stored outdoors.
2. Tire sales are not permitted in the Village Business (VB) district.

SECTION 8.111. VEHICLE SERVICE STATIONS (GAS STATIONS)

A. DEFINITION

An establishment where gasoline or diesel fuel is supplied at retail and where, in addition, convenience stores, car washes, tire sales and service, auto repair, and sale of auto accessories and supplies may be permitted as accessory uses, as indicated on the site plan.

B. STANDARDS

1. Buildings, gasoline pumps, tanks, pump islands, and fuel sales shall conform to all setback requirements in accordance with the NC Fire Prevention Code.
2. All accessory uses shall meet the applicable specific use standards.
3. Service stations shall provide at least one off-street parking space per pump plus one parking space per employee.

SECTION 8.112. VEHICLE WRECKER SERVICE

A. DEFINITION

1. An establishment operated for the purpose of temporary storage on-site of no more than 15 unstacked inoperable vehicles at one time.
2. The use shall be considered a salvage yard when exceeding the minimum requirements.

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.113. VETERINARY CLINIC

B. PARKING

Wrecker service uses shall provide at least one off-street parking space per employee on a regular shift.

SECTION 8.113. VETERINARY CLINIC

A. DEFINITION

A facility for the provision of surgical or other medical treatments to animals. Animals may be kept in the facility overnight only during the recovery period or while under medical treatment without adhering to additional specific use standards.

B. STANDARDS

1. Veterinary clinics with indoor or outdoor kennels or overnight boarding (not for medical reasons) shall require approval of a special use permit (see Chapter 12).
2. Veterinary clinics shall provide at least five off-street parking spaces for each doctor plus one off-street parking space for each employee.

SECTION 8.114. WAREHOUSE, DISTRIBUTION CENTER

A. DEFINITION

The indoor or outdoor / open storage of goods and materials for a specific commercial establishment or a group of establishments in a particular type of industry or commercial activity.

B. STANDARDS

1. All outdoor storage areas shall be located a minimum of 50 feet from any residentially zoned property line.
2. Such uses shall provide at least one off-street parking space for each employee plus one parking space for each vehicle used in the operation.

SECTION 8.115. WHOLESALE SALES

A. DEFINITION

1. An establishment primarily engaged in selling durable and nondurable goods to retailers; to industrial, commercial, institutional, farm, construction contractors, or professional business uses; or to other wholesalers. Businesses may or may not be open to the general public, but sales to the general public are limited. Accessory uses may include offices, product repair, warehouses, minor fabrication services, outdoor storage, and repackaging of goods.

B. STANDARDS

1. Indoor facilities over 25,000 square feet in floor area or outdoor storage/display areas occupying more than 30% of the lot shall require approval of a special use permit (see Chapter 12).
2. Wholesale sales uses shall provide at least one off-street parking space for each employee on the largest shift plus one parking space per vehicle used in the operation.

SECTION 8.116. WIRELESS COMMUNICATION FACILITY

A. PURPOSE AND INTENT

This section establishes general standards for the siting of wireless communication facilities that will provide for the public health, safety, and welfare. The standards are intended to ensure that residents, businesses, and public safety operations in the County's planning jurisdiction have reliable access to wireless communications services. More specifically, the provisions of this section are intended to:

1. Ensure adequate protection of residential areas and uses from potential adverse impacts of communications facilities, and to generally encourage the location of these facilities in areas where adverse impact on the community is minimal;
2. Encourage the placement of telecommunications facilities in non-residential areas;

- 3.** Minimize the number of new major telecommunications towers generally;
- 4.** Create conditions where telecommunications service providers are able to provide telecommunications services effectively and efficiently in accordance with State and federal law;
- 5.** Strongly encourage the joint use or collocation of new and existing telecommunications facilities so as to minimize the number of new telecommunications towers throughout the County;
- 6.** Establish collocation and concealed towers as the preferred options for the accommodation of telecommunications equipment; and
- 7.** Ensure that wireless communications facilities located within the public right of way do not obstruct sight distance triangles or create safety hazards for pedestrians or bicyclists.

B. APPLICABILITY

The standards in this section shall apply to all telecommunications facilities except for the following, which are exempted from these standards but remain subject to all other applicable standards in this Ordinance:

- 1.** Removal of antennas, antenna support structures, or telecommunications equipment on an existing telecommunications tower, utility pole, vertical projection, or equipment compound that does not result in a substantial modification;
- 2.** The operation of a small wireless facility solely within the interior of a structure, stadium, or athletic facility;
- 3.** Routine maintenance on an existing telecommunication facility;
- 4.** Installation, modification, or operation of a micro-wireless facility, receive-only television antenna, or receive-only radio antenna for noncommercial use;
- 5.** Installation, modification, or operation of FCC-licensed amateur ("ham") radio equipment;
- 6.** Dish antenna or earth stations; and
- 7.** Wireless Telecommunication Towers Serving Electrical Substations in accordance with Section 8.86 (Public & Private Utility Facilities)
- 8.** Any Wireless Communication Facility to be constructed on state-owned land is exempt from Conditional Rezoning or NCGS 160D-913D and thus will undergo administrative review in accordance with Section 10.7, Staff Review and Action, and Section 8.116 Wireless Communication Facility. The Wireless Communication Facility application will be reviewed by RLUAC and Fort Bragg in addition to any required FAA review, and a condition of their approval is a determination that the proposed structure will not pose a hazard to military aviation operations.

C. RETENTION OF EXPERT ASSISTANCE AND REIMBURSEMENT BY APPLICANT

The County may hire any consultant and/or expert necessary to assist the County in reviewing and evaluating application for a wireless communications facility, including the construction and modification of the site, in accordance with these standards.

- 1.** Upon filing an application, an applicant shall deposit with the County funds sufficient to reimburse the County for all reasonable costs of consultant and expert evaluation and consultation to the County in connection with the review of any application, including the construction and modification of the site, once permitted.
- 2.** The initial deposit shall be in the amount set forth in the adopted fee schedule and shall be paid at the time the application is submitted. The County will maintain a separate escrow account for all such funds.
- 3.** The County's consultants/experts shall invoice the County for its services in reviewing the application, including the construction and modification of the site, once permitted.
- 4.** If at any time during the process this escrow account has a balance less than an amount set forth in the adopted fee schedule, the applicant shall immediately, upon notification by the County, replenish the escrow account so that it maintains the minimum required balance. Any additional escrow funds shall be deposited with the County before any further action or consideration is taken on the application.
- 5.** In the event that the amount held in escrow by the County is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant.

D. WIRELESS COMMUNICATIONS FACILITIES DISTINGUISHED

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.116. WIRELESS COMMUNICATION FACILITY

The following use types and configurations are considered to be wireless communications facilities subject to these requirements:

1. New and replacement major telecommunication towers of 50 feet in height or taller;
2. New and replacement minor telecommunication towers of up to 50 feet in height;
3. Stealth or concealed telecommunication towers, antennae, or telecommunications equipment;
4. Major collocations of antennae and associated equipment on existing towers, buildings, or other vertical projections;
5. Minor collocations of antennae and associated equipment on existing towers, buildings, or other vertical projections; and
6. The installation of small wireless facilities on land outside a public street right-of-way.

E. GENERAL STANDARDS APPLICABLE TO ALL TYPES OF WIRELESS COMMUNICATION FACILITIES

The following requirements shall apply to all new wireless communications facilities and any modifications to an existing wireless communications facility that exceeds the scope of routine maintenance, as defined in this section.

1. BUILDING PERMIT REQUIRED

Prior to installation or modification exceeding the scope of routine maintenance, all wireless communications facilities shall receive a building permit in accordance with the requirements in this Ordinance.

2. COMPLIANCE WITH FEDERAL AND STATE REGULATIONS

All wireless communication facilities shall comply with or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government that regulates wireless communications facilities. In addition to federal requirements, all wireless communication facilities shall comply with or exceed current standards and regulations of the State of North Carolina pertaining to telecommunications facilities NCGS Sections 160D-930 through 160D-934.

3. INTERFERENCE

No wireless communication facility shall disturb, diminish, or interfere with public safety, radio, television, or other wireless telecommunications signals in accordance with FCC requirements.

4. STRUCTURALLY SOUND

All elements of a telecommunication facility shall demonstrate, to the satisfaction of the County, that the equipment and the structure supporting the equipment is structurally sound and can accommodate the proposed equipment and appurtenances.

5. SIGHT DISTANCE AT INTERSECTIONS

All elements of a wireless communication facility shall be located outside of, and shall in no way obstruct, required sight distance triangles. This requirement shall apply to existing streets as well as to future street intersections that have been designed or where right-of-way is currently being protected by the State.

6. ACCESSORY EQUIPMENT

Accessory equipment, including any buildings, cabinets, or shelters, shall be used only for the purposes of housing telecommunications equipment and other supplies in direct support of the operation of the wireless communications facility. Any equipment or materials not used in direct support of such operation shall not be stored on the site.

7. OBSTRUCTION LIGHTING

Lighting of a wireless communications facility shall be limited to that required for compliance with FAA minimum standards. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Nighttime strobing or flashing lights are prohibited, unless required by the FAA.

8. SIGNAGE

Signage shall be limited to safety or informational signage identifying the party responsible for the

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.116. WIRELESS COMMUNICATION FACILITY

operation and maintenance of the facility and any additional security or safety signs, as necessary, in the opinion of the Administrator.

9. UNAUTHORIZED ACCESS PROHIBITED

Telecommunications towers and vertical projections with telecommunications equipment with a height of 30 feet above grade or more shall be designed or configured to prevent unauthorized persons from climbing on the wireless communication facility whether through use of walls or fencing with a minimum height of six feet above adjacent grade, or anti-climbing devices.

10. NONCONFORMING TELECOMMUNICATIONS FACILITIES

- i. Lawfully established wireless communications facilities in operation prior to November 15, 2022, that do not comply with these standards may remain and operate as nonconforming uses.
- ii. In the event of conflict between these standards and the standards for nonconforming situations in Chapter 9, Nonconforming Situations, the standards in this section shall control with respect to wireless communications facilities.
- iii. Ordinary and routine maintenance may be performed on a nonconforming wireless communications facility.
- iv. Minor collocation of antennae, antenna-support structures, and related telecommunications equipment is allowed, provided that the overall height of the existing nonconforming wireless communications facility remains unchanged or is reduced.
- v. In no instance shall a collocation resulting in an increased overall height or a requiring substantial modification, as defined in this section and NCGS Section 160D-932, be permitted on a nonconforming wireless communications facility.
- vi. In the event a nonconforming telecommunications tower is removed, it shall not be replaced with another nonconforming telecommunications tower.

11. CESSION

- i. A wireless communication facility shall be considered to have ceased operation if the County receives written notice from a wireless services provider that it intends to cease operations at a particular wireless communications facility or if a wireless communications facility ceases to transmit a telecommunications signal for a period of 30 consecutive days or longer.
- ii. Upon receipt of a written notice from a wireless services provider or upon determination that a wireless communication facility has ceased operation, the County shall forward written documentation of the cessation to the wireless services provider, or the owner of the land, if different.

12. ABANDONMENT

- i. The wireless communications facility shall be deemed abandoned if telecommunications signals do not resume for a period of 180 consecutive days or longer from the date the written documentation of cessation is filed.
- ii. Upon making a determination that a wireless communications facility has been abandoned, the County shall forward written documentation of the abandonment to the wireless services provider, or the owner of the land, if different.

13. REMOVAL

- i. The County may require the wireless services provider or the owner of the land, if different, to remove an abandoned wireless communications facility within 30 days of the date it is deemed abandoned.
- ii. Should the wireless services provider, or the owner of the land, if different, fail to remove the abandoned wireless communications facility within 30 days of the date that notice of abandonment is filed, the County may cause the wireless communications facility to be removed and may recover the actual cost of such removal, including legal fees, if any, from the wireless services provider, or the owner of the land, if different.

14. LIABILITY INSURANCE

- i. The permit holder for wireless communications facilities shall secure and at all times maintain public liability insurance for personal injuries, death, and property damage, and umbrella insurance coverage,

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.116. WIRELESS COMMUNICATION FACILITY

until the tower is removed from the site, in amounts as set forth below:

- 01.** Commercial general liability covering personal injuries, death, and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
- 02.** Automobile coverage: \$1,000,000 per occurrence/\$2,000,000 aggregate; and
- 03.** Worker's compensation and disability: statutory amounts.

- ii.** The commercial general liability insurance policy shall specifically include the County and consultants as an additional named insured.
- iii.** The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the state and with a Best's rating of at least A.
- iv.** The insurance policies shall contain an endorsement obligating the insurance company to furnish the County with at least 30 days' prior written notice in advance of the cancellation of the insurance.
- v.** Renewal or replacement policies or certificates shall be delivered to the County at least 15 days before the expiration of the insurance that such policies are to renew or replace.
- vi.** Before construction of a permitted wireless communications facility is initiated, but in no case later than 15 days after issuance of the zoning permit, the permit holder shall deliver to the County a copy of each of the policies or certificates representing the insurance in the required amounts.

F. STANDARDS FOR COLLOCATION OF ANTENNAE

1. COLLOCATIONS DISTINGUISHED

All collocations shall be classified as either a major collocation or a minor collocation in accordance with the following:

- i.** A major collocation includes placement of antennas, antenna-support structures, and related telecommunications equipment on any of the following: a building's roof; a building's wall; a vertical projection such as a water tank, electric transmission tower, or similar vertical projection not constructed for the sole purpose of providing telecommunications services; or an existing or replacement telecommunications tower where the collocation requires a substantial modification, as defined in these standards and NCGS Section 160D-931.
- ii.** A minor collocation includes placement of antennas, antenna-support structures, and related telecommunications equipment on an existing or replacement telecommunications tower, provided no substantial modification, as defined in these standards and NCGS Section 160D-931, is required. A minor collocation may also be referred to as an "eligible facility," as defined in these standards and NCGS Section 160D-931.
- iii.** In addition to the placement of antennas and antenna-support structures, collocations may also include the placement of telecommunications equipment on a telecommunications tower, on a vertical projection, on the ground in close proximity to a telecommunications tower or vertical project, within an equipment compound, within an equipment cabinet, within a building, or on a building's roof. Nothing shall prohibit the replacement of an existing telecommunications tower or activities that increase the overall height of an existing telecommunications tower in order to accommodate a proposed collocation.

2. SUBSTANTIAL MODIFICATION

Collocations on an existing or replacement telecommunications tower that require or result in any of the following shall be considered a substantial modification:

- i.** Increasing the existing overall height of the telecommunications tower by the greater of: 20 feet or more than ten percent; or
- ii.** Adding an appurtenance (excluding cabling supports) to the body of an existing telecommunications tower that protrudes horizontally from the edge of the tower by the greater of: more than the width of the telecommunications tower at the height of the appurtenance; or more than 20 feet from the edge of the tower; or
- iii.** Increasing the square footage of an existing equipment compound by more than 2,500 square feet.

iv. Substantial modifications that require an increase in the overall height of an existing telecommunications tower or require a replacement tower that exceeds the height of the existing telecommunications tower by more than 40 feet shall require review as a new telecommunication tower.

3. MAXIMUM HEIGHT

Antennae, antenna-support structures, or other telecommunications equipment, associated with a major collocation on a building wall or roof shall not project more than ten feet above the highest point of the building's roof or parapet wall.

4. METHOD OF ATTACHMENT

Antennae, antenna-support structures, or other telecommunications equipment, associated with a collocation shall be mechanically fastened to the building, roof, vertical projection, or telecommunications tower in a manner that minimizes the potential for structural failure or endangerment of the public from falling telecommunications equipment. The Administrator shall require an applicant for a collocation to furnish evidence from a professional engineer licensed in the State of North Carolina that the proposed collocation meets the applicable State and local building and fire code requirements.

5. APPEARANCE WHEN CONCEALED

When a collocation is proposed on a concealed telecommunications tower, the collocation shall be configured in the manner necessary to ensure the tower's concealment is not compromised or negatively impacted.

6. SETBACKS

In cases where an existing telecommunication tower's height is increased or where an existing telecommunications tower is replaced in order to accommodate a collocation, the existing or replacement tower shall be set back at least one foot from the front, side, and rear lot lines for each foot of overall wireless communications facility height, to the maximum extent practicable. Secondary structures, including equipment cabinets, guy wire anchors, and other ground-based equipment shall conform with the applicable dimensional requirements for the zoning district where located.

G. STANDARDS FOR TELECOMMUNICATIONS TOWER, MAJOR

1. TOWERS DISTINGUISHED

A new or replacement telecommunications tower with a height of 50 feet or more above grade is a major telecommunications tower subject to these standards. A new or replacement telecommunications tower with a height less than 50 feet above grade shall be considered a minor telecommunications tower.

2. SETBACKS

Towers and their associated antennas shall be set back at least one foot from the front, side, and rear lot lines for each foot of overall wireless communications facility height. In cases where an existing telecommunication tower's height is increased or where an existing telecommunications tower is replaced in order to accommodate a major or minor collocation, the existing or replacement tower shall comply with the setback requirements, to the maximum extent practicable.

3. MAXIMUM HEIGHT

The maximum height (including antenna and other appurtenances) for any new, replaced, or collocated telecommunication tower is 300 feet, as measured from the adjacent pre-construction grade to the top of the highest appurtenance on the tower. In no instance shall the collocation of an eligible facility or a collocation that constitutes a substantial modification result in a telecommunication tower with a height that exceeds 300 feet above the adjacent pre-construction grade. In cases where a telecommunications tower is mounted to or on top of a building, the overall height of the building and the attached tower shall not exceed 300 feet from the adjacent preconstruction grade. The adjacent pre-construction grade shall be the grade at the base of the building closest to the tower.

4. COLLOCATION REQUIRED

Telecommunications towers shall be designed to accommodate the present and future needs of the owner and as well as the collocation of additional equipment, in accordance with the following standards:

- i.** Towers of 50 to 80 feet in height shall be configured to accommodate the collocation of at least two telecommunications service provider's equipment.
- ii.** Towers of 81 to 130 feet in height shall be configured to accommodate the collocation of at least three telecommunications service provider's equipment.
- iii.** Towers of 131 feet in height or higher shall be configured to accommodate the collocation of at least four telecommunications service provider's equipment.

H. STANDARDS FOR TELECOMMUNICATIONS TOWER, MINOR

1. TOWERS DISTINGUISHED

A concealed telecommunications tower is a telecommunications tower and associated equipment that is designed to appear as something other than a traditional wireless communications facility. A minor telecommunications tower is a use that is designed to appear as a traditional communications facility except that the maximum height of the tower portion of the facility is less than 50 feet above grade.

2. APPEARANCE OF A CONCEALED TELECOMMUNICATIONS TOWER

A concealed telecommunications tower shall be configured to conceal the presence of the tower, antennas, antenna-support structures, and related telecommunications equipment in order to obscure its purpose as a wireless communications facility, to the maximum extent practicable. Allowable configurations include, but are not limited to: bell towers, clock towers, water towers, silos, chimneys, steeples, light poles, flag poles, or evergreen trees. Antennae, antenna support structures, cabling, and related appurtenances shall be enclosed, camouflaged, screened, or otherwise obscured so that they are not readily identifiable as wireless telecommunications equipment to the casual observer (see Concealed Facilities Figure).

CONCEALED FACILITIES



3. SETBACKS

Concealed and minor telecommunications towers and associated secondary structures, including equipment cabinets, shall comply with the applicable dimensional requirements for non-residential uses in the zoning district where located. In no instance shall a concealed or minor telecommunications tower be exempted from the minimum applicable setback requirements for non-residential uses. In cases where an existing concealed telecommunication tower's height is increased or where an existing concealed

telecommunications tower is replaced in order to accommodate a major or minor collocation, the existing or replacement concealed telecommunications tower shall comply with the setback requirements above, to the maximum extent practicable.

4. MAXIMUM HEIGHT

The maximum height for any concealed wireless telecommunication tower is 200 feet, as measured from the adjacent pre-construction grade to the top of the highest appurtenance on the tower. In no instance shall a collocation of an eligible facility or work associated with a substantial modification result in a concealed telecommunication tower with a height that exceeds 200 feet above the adjacent pre-construction grade. The maximum height for a minor telecommunications tower is less than 50 feet from the adjacent pre-construction grade to the top of the highest appurtenance on the tower.

5. COLLOCATION

Concealed and minor telecommunications towers are encouraged (but not required) to accommodate the collocation of other antennae. Collocations of equipment on a minor telecommunications tower (whether a major or minor collocation) shall not increase the overall height of the tower by more than 10 feet beyond the initially approved height of the minor telecommunications tower. Actions that result in an increase in tower height by more than 10 feet shall require the minor telecommunications tower to undergo review as a major telecommunications tower. Any collocated equipment on a concealed telecommunications tower must maintain the appearance of the facility as a concealed telecommunications tower. In no instance shall a concealed telecommunications tower be replaced with a telecommunications tower that is not concealed in order to accommodate a collocation.

I. STANDARDS FOR WIRELESS COMMUNICATIONS FACILITIES, SMALL

1. CONSOLIDATED APPLICATION

An applicant may file a single consolidated application for up to 25 separate small wireless facilities at one time, but the County may choose to issue separate decisions on one or more of the facilities included within a consolidated application.

2. LOCATED WITHIN PUBLIC RIGHT-OF-WAY

In cases where a small wireless facility is proposed within a public right-of-way, the small wireless facility shall comply with all standards applicable to the right-of-way.

3. TIMEFRAME FOR REVIEW

Applications for establishment of a small wireless facility shall be processed and decided within 45 days from the date the application is determined to be complete. Nothing shall prohibit the County and the applicant from mutually agreeing to a longer review period.

4. TIMING FOR OPERATION

Construction of a small wireless facility shall commence within six months of its approval and the small wireless facility shall be activated for use within one year from the permit issuance date, unless delayed by a lack of commercial power at the site.

5. MAXIMUM EQUIPMENT SIZE

In no instance shall a small wireless facility exceed the following maximum size limitations; a small wireless facility that exceeds these maximum size limitations shall be reviewed in accordance with the standards for a collocation.

- i.** Each antenna, and any exposed elements, shall be capable of fitting within an enclosure of six cubic feet, or less.
- ii.** All other wireless equipment associated with the small wireless facility shall maintain a maximum cumulative volume of 28 cubic feet, or less. The following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.117. YARD SALES, RESIDENTIAL AND CIVIC

demarcation boxes, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or the support structure.

6. MAXIMUM HEIGHT

No new structure intended to support a small wireless facility shall be taller than 50 feet above the adjacent pre-construction grade. An existing structure (such as a utility pole, light standard, sign, etc.) may be replaced in order to accommodate a small wireless facility, but the replacement structure shall not exceed the height of the original structure being replaced. In no instance shall the antennae or equipment associated with a small wireless facility project more than ten feet above the height of the structure the small wireless facility is mounted on. In cases where a new structure installed to serve a small wireless facility exceeds 50 feet in height, the structure shall be reviewed and decided in accordance with the standards for a telecommunications tower. In cases where a replacement structure intended to serve a small wireless exceeds the height of the original structure, the replacement structure shall be reviewed and decided in accordance with the standards for a collocation.

7. PLACEMENT

A small wireless facility, including the support structure and all other equipment, shall not obstruct the safe passage of vehicles, pedestrians, or bicycles.

8. METHOD OF ATTACHMENT

Antennae, antenna-support structures, or other wireless communications equipment, associated with a small wireless facility shall be mechanically fastened to the supporting structure in a manner that minimizes the potential for structural failure or endangerment of the public from falling wireless telecommunications equipment. The Administrator shall require an applicant for a small wireless facility to furnish evidence from a professional engineer licensed in the State of North Carolina that the proposed wireless communications facility meets the applicable State and local building and fire code requirements.

9. APPEARANCE

The portion of a small wireless facility attached to the support structure shall match the color of the support structure, to the maximum extent practicable. In cases where an applicant proposes inclusion of a small wireless facility on a decorative support structure, sign, or other existing structure not constructed solely for the purposes of providing wireless telecommunications services, the County may require the small wireless facility to be configured or concealed to ensure compatibility with the structure.

10. ELECTRICAL SERVICE

In cases where a small wireless facility is proposed in areas where electrical service is underground, all electrical service to the small wireless facility shall also be underground.

SECTION 8.117. YARD SALES, RESIDENTIAL AND CIVIC

A. DEFINITION

A temporary sale of normal used household goods by an individual occupant of a residence, a coordinated group of homeowners within an established development, or a non-profit civic or religious organization for the purpose of selling surplus household items for profit or for charitable purposes.

B. STANDARDS

1. Yard sales are exempt from zoning permit requirements but shall be limited to a maximum of three consecutive days up to six times a year on any single lot.
2. Any signs advertising a yard sale shall be removed at the conclusion of the sale.
3. Signage shall be in accordance with the sign standards in this Ordinance (see Section 6.15).

C. PROHIBITED

1. Items purchased elsewhere expressly for resale are prohibited.

CHAPTER 8. SPECIFIC USE STANDARDS

SECTION 8.118. ZOO AND PETTING ZOO

2. Goods intended for sale shall not be stored or displayed in the front or side yards of a dwelling except on the day of the sale.

SECTION 8.118. ZOO AND PETTING ZOO

A. DEFINITION

A zoo is an area, building, or structures which contain wild animals kept for public exhibition. A petting zoo involves farm animals and other animals kept for public exhibition.

B. STANDARDS

1. Any animals or areas deemed potentially dangerous shall be identified through signage and be located a minimum 100 feet from any property line or street right-of-way.
2. These animals shall be enclosed within a security fence accommodated to that animal or be located within a secured building.
3. Such uses shall provide at least one off-street parking space for each employee plus one parking space for every four persons of capacity.

C. SUPPLEMENTAL REQUIREMENTS

1. Written evidence of application to the United States Department of Agriculture (USDA) for such a facility shall be submitted at the time of application and written evidence of USDA certification is required prior to issuance of a certificate of occupancy for the facility.
2. The owner(s) shall ensure the facility remains in compliance with local, State, and federal regulations regarding permitting and containment of exotic animals.
3. The owner shall submit the facility's Emergency Action Plan as deemed necessary by the Moore County Department of Public Safety.

CHAPTER 9. NONCONFORMING SITUATIONS

SECTION 9.1. PURPOSE

The purpose of this Chapter is to allow nonconformities to continue to exist, but to regulate and limit their expansion so as to bring them into conformity with these standards to the extent that is reasonably practicable.

SECTION 9.2. APPLICABILITY

- A. The regulations of this Chapter govern nonconformities, which are lots, uses, buildings, structures, or signs there were lawfully established but because of the adoption of new or amended regulations no longer comply with one or more requirements of this Ordinance.
- B. The burden of proving that a lawfully nonconformity exists (as opposed to a violation of this Ordinance) rests with the subject landowner.
- C. Nonconforming status runs with the land and is not affected by changes of tenancy, ownership, or management.

SECTION 9.3. CONTINUATION

- A. Unless otherwise specified by statute, legal nonconforming uses, buildings, structures, and signs may be continued until they are intentionally and voluntarily discontinued, for a period of two years.
- B. If a legal nonconformity is intentionally and voluntarily discontinued, as evidenced by the disconnection of electrical or utility service for a period of two years, the nonconformity shall expire and any future use of the building, structure, sign, or land shall comply with the provisions of this Ordinance.
- C. Any time a nonconformity is converted to a conforming situation, the former nonconformity shall not revert to its prior nonconforming status.

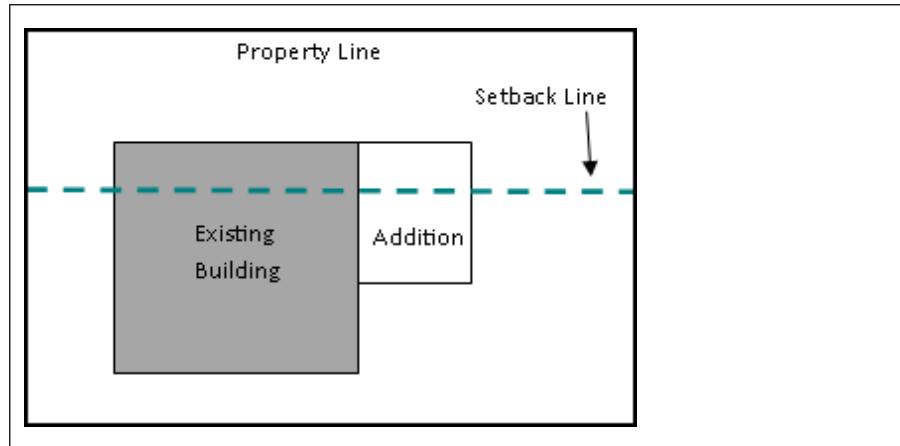
SECTION 9.4. REPAIRS AND MAINTENANCE

- A. Incidental repairs and normal maintenance necessary to keep a nonconformity in sound condition are permitted unless otherwise expressly prohibited by this Ordinance.
- B. A nonconformity may be strengthened or upgraded in cases where such improvement is necessary to protect public safety, in the sole discretion of the Administrator.

SECTION 9.5. EXPANSION

- A. Expansions to nonconforming buildings or structures shall meet the requirements of this Ordinance; however the built upon area of existing development built prior to December 31, 1993 is not required to be included in the density / built-upon area calculations.
- B. Nothing in this section shall limit the increase in elevation of an existing or damaged residential building or structure in the special flood hazard area to a height above the regulatory flood elevation.
- C. Nonconforming uses of buildings may be extended throughout the building provided no structural alterations (except those required by law or ordinance or ordered by an authorized officer to secure the safety of the building) are made therein but no such use shall be extended to occupy any land outside the building.
- D. Nonconforming signs cannot be physically expanded, enlarged, or extended in any manner though the sign may be relocated or reconstructed or its message may be changed in accordance with Section 9.7, Replacement..
- E. Minor expansions are allowed as long as the following is satisfied:
 1. The expansion is not greater than 15% of the nonconforming structure and does not extend into a setback.

EXTENSION OF NONCONFORMING BUILDING OR STRUCTURE

**SECTION 9.6. CONVERSION**

No nonconforming use shall be converted to another nonconforming use.

SECTION 9.7. REPLACEMENT**A. DAMAGED OR DESTROYED**

1. Except as authorized by 9.5 (Expansion), nonconforming structure (s)/ building (s) which are damaged by fire, explosion, flood, or other calamity may be reconstructed provided the nature or degree of the nonconformity will not be changed or increased from that which existed prior to the damage or destruction.

B. INSIGNIFICANT DAMAGE

If a nonconforming use or structure is damaged by fire, explosion, flood, or other calamity to an extent less than 51 percent of its current assessed value or square footage, it may be restored to its pre-damage condition, provided the degree of nonconformity is not extended, expanded, enlarged, or the use is altered in any way that increases the degree of nonconformity.

C. SIGNAGE

1. The copy, content, or message of the sign may be changed so long as the shape, size, or height of the sign is not increased. The copy, content, or message of a nonconforming sign may not be changed in cases when the sign or the use it advertises has been discontinued for a period of two years or more.
2. Lawfully erected on -premises signs may be relocated or reconstructed on the same parcel in accordance with G.S. 160D-912.1, if the following circumstances exist:
 - i. The sign complies with the local development rules that applied when it was originally constructed.
 - ii. The square footage of the total advertising surface area of the sign does not increase, and
 - iii. Any relocation construction work begins within twenty-four months of the date of the sign's removal. If the parties disagree as to whether a sign was lawfully erected, the local government has the burden of proving that the sign was not lawfully erected.

SECTION 9.8. MOVEMENT

Should a nonconforming building, structure, or sign be moved for any reason for any distance it shall hereafter conform to the regulations for the district in which it is located after it is moved. Nonconforming signs may be moved in accordance with Section 9.7.

SECTION 9.9. NONCONFORMING LOTS OF RECORD

CHAPTER 9. NONCONFORMING SITUATIONS

SECTION 9.10. NONCONFORMING SITES

- A.** Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements for the zoning district where located, as established by this Ordinance.
- B.** Any lawfully established lot of record that does not conform to the current minimum lot size or minimum lot width, may be used as a building site with related accessory buildings, provided:
 - 1.** The required setbacks for the lot are not reduced by more than 30 percent in accordance with Chapter 14, Appeals and Variances; and
 - 2.** Reductions to minimum required setbacks, lot width, or other dimensional standards may only be permitted with a variance granted by the Board of Adjustment in accordance with Chapter 14.
- C.** Whenever two or more contiguous vacant lots are in single ownership, and the lots individually or together have less area than minimum requirement for the zoning district, such lots may be combined to create one lot in order to reduce the nonconformity.
- D.** Conforming lots subject to governmental acquisition of a portion of the lot for a public purpose that results in the lot becoming nonconforming because it no longer complies with lot area, width, or depth standards of the zoning district where located shall be deemed conforming, provided the development complies with the following:

1. COMPLIES WITH USE TABLE

The development proposed complies with the requirements in Chapter 6, Table of Uses; and

2. COMPLIES WITH DIMENSIONAL STANDARDS

With the exception of the lot area requirements for the district where located, the development proposed shall comply with all other dimensional standards and other requirements of the district where located.

SECTION 9.10. NONCONFORMING SITES

A. APPLICABILITY

- 1.** For purposes of this section, the term "nonconforming site features" includes the following:
 - i.** Nonconforming off-street parking;
 - ii.** Nonconforming non-residential screening;
 - iii.** Nonconforming walls or fences; and
 - iv.** Nonconforming exterior illumination.
- 2.** Changes of use and expansion of existing buildings or structures on nonconforming sites shall comply with the standards in this section.

B. CHANGES OF USE

Changes in use shall comply with the following requirements:

- 1.** In cases where an existing use is replaced by another use type of the same or lesser intensity (as measured by number of vehicular trips generated, hours of operation, or number of on-site visitors), then compliance with site features requirements shall be in accordance with the standards in Section 9.10.D, Expansion of Buildings or Structures.
- 2.** In cases where an existing use is replaced by a more intense use type (as measured by number of vehicular trips generated, hours of operation, or number of on-site visitors) full compliance with all applicable provisions in this Ordinance is required.

C. DETERMINATION OF COST AND ASSESSED VALUE

- 1.** For purposes of determining if upgrading of nonconforming site features is required by this subsection, the cost of the expansion shall be as shown on the approved building permit application.
- 2.** Assessed value shall be based on the most recently available tax records from Moore County.

D. EXPANSION OF BUILDINGS OR STRUCTURES

If a building permit is required for expansion of the building or structure, the expansion shall require correction of existing on-site nonconforming off-street parking, landscaping, screening, wall or fencing, and exterior lighting in accordance with this section.

1. 25 PERCENT OR LESS OF STRUCTURE VALUE

Expansions in any continuous one-year period that costs 25 percent or less of the current assessed value of the structure shall not require any correction to nonconforming site aspects.

2. MORE THAN 25 PERCENT BUT LESS THAN 75 PERCENT OF STRUCTURE VALUE

Expansions in any continuous one-year period that costs more than 25 percent but less than 75 percent of the current assessed value of the structure shall require that a corresponding percentage of the off-street parking, screening, wall or fencing, and exterior illumination standards of this Ordinance be installed or upgraded on the site, until the site achieves 100 percent compliance.

Example: A hypothetical building is required to provide at least 40 off-street parking spaces, but the building site only includes 20 spaces. If the building is remodeled such that the cost of remodeling equals 30 percent of the building's assessed value, the remodeling project must add 12 parking spaces (30% x 40 required spaces). This increases the development's degree of compliance with off-street parking standards from 50 percent (20 of 40 required spaces) to 80 percent (32 of 40 required spaces).

3. 75 PERCENT OR MORE OF ASSESSED VALUE

Expansion projects that cost 75 percent or more of the current assessed value of the structure shall require 100 percent compliance with the off-street parking, screening, wall or fencing, and exterior illumination standards of this Ordinance.

4. TWO OR FEWER ADDITIONAL PARKING SPACES

When two or fewer additional off-street parking spaces are required under this subsection as a result of an expansion project, such additional off-street parking is not required to be installed, but the applicant may install a comparable number of bicycle parking spaces.

5. ADDITION OF OUTDOOR STORAGE AREA ONLY

When only outdoor operations/storage/display areas are being added or increased on a site, the percentage increase in outdoor operations area shall require a corresponding percentage increase in non-residential screening. Screening augmentation shall be located so as to achieve the performance objectives in this Ordinance, with priority given to screening the impacts of outdoor operations.

E. PHYSICALLY CONSTRAINED PROPERTIES - COMPLY TO MAXIMUM EXTENT PRACTICABLE

Lands that are physically constrained due to limited size, topography, or other environmental considerations may seek a reduction to these standards in accordance with Chapter 14, Appeals and Variances.

CHAPTER 10. GENERAL APPLICATION REVIEW PROCEDURES

SECTION 10.1. PURPOSE AND INTENT

This Chapter establishes the procedures used by the County for the processing of applications for development permits or approvals. It is the intent of this Chapter to establish a uniform set of processes to foster greater efficiency and predictability for applicants, County residents, County staff, and elected and appointed officials during the review of development applications.

SECTION 10.2. CONFLICT WITH SPECIFIC PROCEDURES

In instances where the standards in this section are in conflict with the standards for a specific application review procedure, the standards in the specific review procedure shall control.

SECTION 10.3. PRE-APPLICATION CONFERENCE

A. PURPOSE

The purpose of a pre-application conference is to provide an opportunity for the applicant to learn about the submittal requirements, procedures, and standards applicable to a particular development application. A pre-application conference is also an opportunity for County staff to become familiar with, and offer preliminary comments about the scope, features, and impacts of the proposed development, as it relates to the standards in this Ordinance.

B. APPLICABILITY

1. Unless otherwise required by this Ordinance, a pre-application conference is optional.
2. There are no limits on the number of pre-application conferences that may be conducted.
3. Discussions at a pre-application conference are not binding on the County or on an applicant and do not constitute filing or review of an application.

C. SCHEDULING

Applicants shall contact the Administrator to schedule a pre-application conference.

D. PROCEDURE

1. Following receipt of a request for a pre-application conference, the Administrator shall schedule the conference and notify the applicant of the time, location, and any suggested submittal requirements.
2. During the conference, attendees will explain the application review process and any special issues or concerns regarding the subject proposal.

E. SUBMITTAL REQUIREMENTS

1. Applicants may, but are not required to, prepare a generalized site sketch or plot plan of the development as part of the request to schedule a pre-application conference.
2. No material submitted during a pre-application conference shall constitute an application for development or be binding on the County or an applicant.

SECTION 10.4. COMMUNITY MEETING

A. PURPOSE

The purpose of the community meeting is to inform landowners and occupants of nearby lands about a development application that is going to be reviewed under this Ordinance, and to provide the applicant an opportunity to hear comments and concerns about a development application prior to the review process. The community meeting is proposed as a means of resolving potential conflicts and outstanding issues with nearby landowners, where possible, in an informal context.

B. APPLICABILITY

A community meeting is required prior to initial consideration by the Planning Board for a conditional rezoning or planned development application. A community meeting is optional, at the applicant's discretion, for any other proposed development application.

C. PROCEDURE

In cases when a community meeting is conducted, it shall comply with the following procedure:

1. TIMING

- i. The meeting should be held at a time of day when the maximum number of neighbors may attend, typically between the hours of 10AM and 8PM.
- ii. The meeting shall take place no less than ten days before the application is to be initially considered by the Planning Board.
- iii. There is nothing limiting the conduct of more than one community meeting provided they are all conducted at least ten days prior to the initial consideration of the application by the Planning Board.

2. FORM

- i. The community meeting can take the form of a meeting or gathering between the applicant, or the applicant's representative, and landowners or other interested parties.
- ii. Multiple meetings may take place, but advance notification for each meeting shall be provided in accordance with Section 10.4.C.4, Notification.

3. LOCATION

- i. The neighborhood information meeting shall take place in a location open to the general public or a community space as close as possible to the site where development is proposed.
- ii. In the event no public or community space is suitable, the meeting may take place at another County-owned site, subject to a prior reservation made by the applicant.

4. NOTIFICATION

- i. The applicant shall provide notification of the community meeting via certified mail, return receipt requested, to all landowners and occupants abutting the subject site where development is proposed.
- ii. Mailed notice shall also be provided to each home owner's association, if applicable, responsible for lands abutting the subject site where development is proposed.
- iii. Mailed notice shall be provided no less than ten days prior to the date of the community meeting.

5. INFORMATION PROVIDED

The applicant shall provide the following in the community meeting invitation:

- i. The purpose of the meeting;
- ii. A description of the proposed development;
- iii. The time, date, and location of the meeting;
- iv. Telephone and email contact information for the applicant or applicant's representative; and
- v. Any additional information that would promote understanding of the development proposal.

6. CONDUCT OF MEETING

At the meeting, the applicant shall explain the development proposal and the proposed application, respond to questions and concerns attendees raise about the application, and propose ways to resolve conflicts and concerns.

7. STAFF ATTENDANCE

- i. County staff shall attend the community meeting and shall prepare a report documenting the proceedings. The report shall describe the following:
 01. A listing of the parties and organizations receiving notice of the community meeting;
 02. The date, time, and location of the community meeting;
 03. A listing of all meeting attendees;

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SECTION 10.5. APPLICATION FILING AND ACCEPTANCE

04. Copies of all materials presented at the community meeting;
 05. A summary of the issues discussed during the community meeting;
 06. Any changes to the proposed application suggested by meeting attendees; and
 07. Any changes made to the application by the applicant as a result of the community meeting.
- ii. In cases where more than one community meeting is conducted, County staff shall attend each meeting and prepare a separate report for each community meeting conducted.
 - iii. The community meeting report shall be included with the application materials provided to the Planning Board and Board of County Commissioners.
 - iv. Nothing shall limit a County staff member from attending a community meeting as a private citizen in cases where they are a party who is required to be notified about the meeting.

SECTION 10.5. APPLICATION FILING AND ACCEPTANCE

A. AUTHORITY TO FILE APPLICATIONS

1. Unless expressly stated otherwise in this Ordinance, development applications associated with a particular lot or site reviewed under this Ordinance shall be filed by the landowner, contract purchaser, or other person having a recognized property interest in the land on which development is proposed.
2. Applications for amendments to the text of this Ordinance may only be initiated by the Administrator, the Planning Board, the Board of County Commissioners, or a landowner.

B. APPLICATION CONTENT

The County shall establish development application content and forms, which shall be maintained by the Administrator.

C. APPLICATION FEES

1. The Board of Commissioners shall establish application fees and may amend and update those fees as necessary. Fees shall cover the costs of review, including public notification, as required.
2. No action shall be taken on an application and no application approval shall be issued until all required application fees are paid in full.

D. APPLICATION FILING

1. Applications shall be filed with the County in the form established by the County, along with the appropriate application fee.
2. An application shall not be considered to be submitted until determined to be complete in accordance with Section 10.5.F, Determination of Application Completeness.
3. No application shall be reviewed or decided until after it is determined to be complete.

E. BURDEN OF PRESENTING COMPLETE APPLICATION

The burden of presenting and maintaining a complete application shall be solely upon the applicant.

F. DETERMINATION OF APPLICATION COMPLETENESS

Upon development application filing, the Administrator shall determine, within seven business days, whether the application is complete or incomplete. A complete application is one that:

1. Contains all information and materials identified in this Ordinance and all supporting documentation, as required for submittal of the particular type of application;
2. Is in the form and number of copies required by the County;
3. Is legible and printed to scale, where appropriate;
4. Is signed by the person(s) with the authority to file the application;
5. Includes information in sufficient detail to evaluate whether or not the application complies with the applicable review standards in this Ordinance;
6. Is accompanied by the fee established for the particular type of application;
7. Includes material associated with a pre-application conference, if one is required;

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SECTION 10.6. PERMIT CHOICE

8. Includes the written summary of a neighborhood information meeting, if one was conducted prior to application submittal; and
9. Is not subject to the limitations described in Section 10.14, Limitation on Subsequent Applications.

G. APPLICATION INCOMPLETE

If the application is incomplete, the Administrator shall notify the applicant of the deficiencies in writing. The applicant may correct the deficiencies and resubmit the application for completeness determination in accordance with Section 10.5, Application Filing and Acceptance.

H. APPLICATION COMPLETE

1. On determining that the application is complete, it shall be considered as submitted, and the County shall notify the applicant and commence review in accordance with the procedures and standards of this Ordinance.
2. Nothing shall preclude the Administrator or a review authority from re-evaluating an application for completeness in the event application inadequacies are revealed at a date subsequent to an application being declared complete.

SECTION 10.6. PERMIT CHOICE

- A.** If a development permit applicant submits a permit application for any type of development and a rule or ordinance is amended, including an amendment to any applicable land development regulation, between the time the development permit application was submitted and a development permit decision is made, the development permit applicant may choose which adopted version of the rule or ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application. If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the development permit applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit. If an applicable rule or ordinance is amended after the development permit is wrongfully denied or after an illegal condition is imposed, as determined in a proceeding challenging the permit denial or the condition imposed, the development permit applicant may choose which adopted version of the rule or ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application. Provided, however, any provision of the development permit applicant's chosen version of the rule or ordinance that is determined to be illegal for any reason shall not be enforced upon the applicant without the written consent of the applicant. .
- B.** This section applies to all development permits issued by the State and by local governments.
- C.** If a permit application is placed on hold at the request of the applicant for a period of six consecutive months or more, or the applicant fails to respond to comments or provide additional information reasonably requested by the local or State government for a period of six consecutive months or more, the application review is discontinued and the development regulations in effect at the time permit processing is resumed apply to the application.
- D.** Where multiple local development permits are required to complete a development project, the development permit applicant may choose the version of each of the local land development regulations applicable to the project upon submittal of the application for the initial development permit. This subsection is applicable only for those subsequent development permit applications filed within 18 months of the date following the approval of an initial permit.
- E.** Any person aggrieved by the failure of a State agency or local government to comply with this section or G.S. 160D-108(b) may apply to the appropriate division of the General Court of Justice for an order compelling compliance by the offending agency or local government, and the court may issue that order. Actions brought pursuant to any of these sections shall be set down for immediate hearing, and subsequent proceedings in those actions shall be accorded priority by the trial and appellate courts.

SECTION 10.7. STAFF REVIEW AND ACTION

A. INITIAL STAFF REVIEW

1. Following application completeness determination, development application materials shall be distributed by the Administrator to all appropriate staff and review agencies for review and comment.
2. Applications shall be reviewed during the review cycle in place when the application is determined to be complete.
3. In considering the application, the Administrator or other County staff (as appropriate), shall review the application, relevant support material, and any comments from other staff and review agencies to which the application was referred.
4. If deficiencies in complying with applicable standards of this Ordinance are identified, the Administrator shall notify the applicant of such deficiencies in writing and provide the applicant a reasonable opportunity to discuss them and revise the application accordingly.

B. STAFF REPORT AND RECOMMENDATION

1. The Administrator shall prepare a written staff report on any application to be reviewed or decided by the Planning Board, Board of County Commissioners, or the Board of Adjustment.
2. The staff report shall conclude whether the application complies with all applicable review standards of this Ordinance.
3. The staff report shall not include a recommendation from County staff on variance applications or appeals.
4. In cases where the staff finds an application does not comply with the provisions of this Ordinance the staff report shall cite the specific code section(s) in question and the reasons why the application fails to comply.
5. A staff report is not required for applications decided by the Administrator, though one may be prepared.

C. DISTRIBUTION OF APPLICATION AND STAFF REPORT

In cases where a staff report is prepared, the Administrator shall take the following actions within a reasonable time period before the application is scheduled for review:

1. Schedule and ensure any required public notice of the application (if appropriate) is prepared in accordance with Section 10.8, Public Notification;
2. Transmit the application, related materials, and staff report to the appropriate review authority (ies);
3. Transmit a copy of the staff report and any related materials to the applicant, the appellant, and the landowner (if the landowner is different from the appellant or the applicant) at the same time they are transmitted to the appropriate review authority (ies); and
4. Make the application, related materials, and staff report available for examination by the public.

D. APPLICATIONS SUBJECT TO DECISION BY STAFF

1. In cases where a development application is decided by the Administrator or other designated County staff member, the appropriate County staff member shall make one of the following decisions, based on the review standards set forth for the application type:
 - i. Approve the application;
 - ii. Disapprove the application; or
 - iii. Delay decision making for a specified time to allow the applicant to revise the application for compliance with the requirements in this Ordinance.
2. In some instances, County staff may decide an application contingent upon further revision by the applicant in accordance with the direction provided in the decision.

E. CONFLICT OF INTEREST

1. A County staff member shall not make a decision on an application where:
 - i. The outcome of the matter being considered is reasonably likely to have a direct, substantial, or readily identifiable financial impact on them or a member of their immediate family; or

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SECTION 10.8. PUBLIC NOTIFICATION

- ii. In cases where there is a close familial, business, or other associational relationship with the landowner or applicant.
- 2. No County staff member shall be financially interested in or employed by a business that is financially interested in a development subject to regulation under this Ordinance unless the County staff member is the owner of the land or building involved.
- 3. No County staff member or an employee of a company contracting with the County to provide staff support shall engage in any work that is inconsistent with their duties or inconsistent with the interest of the County, as determined by the County.

SECTION 10.8. PUBLIC NOTIFICATION

A. PUBLIC MEETING DISTINGUISHED

1. Public meetings conducted in accordance with this Ordinance are not public hearings, and do not require the provision of public notification to individual landowners adjacent to the development in accordance with this section.
2. Public meetings do require general public notification in accordance with Section NCGS 143-318.12.

B. PUBLIC HEARING SCHEDULING

When a development application is subject to a public hearing, the Administrator shall ensure that the public hearing is scheduled for a regular meeting or a meeting specially called for that purpose by the review authority.

C. PUBLIC NOTIFICATION REQUIREMENTS

1. All development applications subject to public notification shall comply with the appropriate standards in NCGS Sections 160D-406, 160D-601, 160D-602, 160D-1005, and other applicable sections of the North Carolina General Statutes, as appropriate.
2. The Public Notification Requirements Table below summarizes the provisions related to public notice. In computing the required time periods, the day the notice is published, mailed, or posted shall not be included, but the day of the hearing shall be included.

PUBLIC NOTIFICATION REQUIREMENTS TABLE

DEVELOPMENT APPLICATION TYPE	TYPE OF PUBLIC NOTIFICATION REQUIRED (R=REQUIRED)		
	PUBLISHED [1] [2]	MAILED [3]	POSTED [4]
Appeal	<input type="radio"/>	R [5]	<input type="radio"/>
Planned Development	R	R	R
Rezoning	R	R [6]	R
Special Use Permit	<input type="radio"/>	R	R
Text Amendment	R	<input type="radio"/>	<input type="radio"/>
Variance	<input type="radio"/>	R	R
Vested Rights Certificate	R	R	<input type="radio"/>

PUBLIC NOTIFICATION REQUIREMENTS TABLE

DEVELOPMENT APPLICATION TYPE	TYPE OF PUBLIC NOTIFICATION REQUIRED (R=REQUIRED)		
	PUBLISHED [1] [2]	MAILED [3]	POSTED [4]
NOTES:			
[1] Published notice shall be provided once a week for two successive calendar weeks, with the first notice published between 10 and 25 days before the public hearing.	[2] Applications that would change the Official Zoning Map, the range of allowable uses, changes to telecommunications towers or wind energy conversion facilities, changes to major subdivision plats, or increases of 50 percent or more in the size of an existing subdivision within 5 miles of a military installation shall require mailed notice be provided via certified mail to the Regional Land Use Advisory Commission between 10 and 25 days before the public hearing.	[3] Mailed notice shall be provided to the applicant, affected landowners, and landowners of abutting land between 10 and 25 days before the public hearing.	[4] Posted notice shall be provided between 10 and 25 days before the public hearing.
[5] Mailed notice shall only be required in cases where an appeal pertains to a particular lot or site.	[6] Public notification of large-scale zoning map amendments of more than 50 lots may be provided in accordance with NCGS Section 160D-602.b.		

D. PUBLISHED NOTICE REQUIREMENTS

When the North Carolina General Statutes require that public notice be published, the designated review authority shall publish a notice in a newspaper that is regularly published at least one time per week and that has general circulation in the County.

E. MAILED NOTICE REQUIREMENTS

When the North Carolina General Statutes require that public notice be mailed, the designated review authority shall notify by certified mail return receipt of the public hearings to the applicant(s), the owner(s) of the parcel(s) owned per the most recent deed recorded in the Register of Deeds Office, and all property owners of abutting properties (as the last addresses listed in the County tax records) at least 10 but not more than 25 days prior to the date of each public hearing.

1. Notice shall be deemed mailed by its deposit in the United States first class mail, properly addressed, postage paid. The content and form of the notice shall comply with Section 10.8.G, Notice Content.
2. A copy of the mailed notice shall be maintained in the offices of the designated review authority for public inspection during normal business hours.
3. Mailed notice shall not be required when a rezoning includes more than 50 lots or tracts owned by at least 50 different landowners, provided the County publishes a map (occupying at least $\frac{1}{2}$ of a newspaper page) showing the boundaries of the affected area in a newspaper of general circulation once a week for two successive calendar weeks between 10 days and 25 days before the public hearing. Affected landowners residing outside the newspaper circulation area shall be notified via first class mail pursuant to Section 10.8.E, Mailed Notice Requirements.
4. The County may, as a matter of policy, and on a case-by-case basis, provide public notification about a pending application that exceeds the minimum requirements for who shall receive mailed notice specified in the North Carolina General Statutes. Decisions about instances when such public notification shall be provided is in the sole discretion of the County, and evidence of such additional notification shall be included within the staff report prepared for the application.

F. POSTED NOTICE REQUIREMENTS

When the North Carolina General Statutes require that public notice be posted, the Administrator shall provide the required posted public notice in accordance with the following:

- 1.** A sign (or signs) shall be placed on the subject property in a conspicuous location so as to be clearly visible to the traveled portion(s) of the respective street(s). Where the land subject to the notice does not have frontage on a public street, the sign shall be erected on the nearest street right-of-way.
- 2.** The content and form of the notice shall comply with Section 10.8.G, Notice Content.

G. NOTICE CONTENT

Unless expressly indicated otherwise by the North Carolina General Statutes, all notices by mail or publication shall:

- 1.** Identify the date, time, and place of the public hearing;
- 2.** Describe the land involved by parcel identification number (PIN), street address, or by its relationship to a fronting street and the nearest cross street (if applicable);
- 3.** Describe the nature and scope of the proposed development or action; and
- 4.** Identify the means to contact a County official for further information.

H. CONSTRUCTIVE NOTICE

- 1.** Minor defects in any notice shall not impair the notice or invalidate proceedings if a bona fide attempt is made to comply with applicable notice requirements. Minor defects in notice may include, but are not limited to:
 - i.** Errors such as landowner name, title, or address existing in the County tax listing; or
 - ii.** Typographical or grammatical errors that do not impede communication of the notice to affected parties.
- 2.** Failure of a party to receive written notice shall not invalidate subsequent action. A posted notice that becomes no longer visible due to weather, theft, or other unintended circumstances shall not invalidate proceedings if a bona fide attempt is made to comply with applicable posted notice requirements. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a public hearing and the location of the subject property shall be strictly adhered to.

SECTION 10.9. PUBLIC MEETINGS AND HEARINGS**A. HEARINGS DISTINGUISHED**

- 1.** Public hearings identified in this Ordinance shall be either legislative or quasi-judicial (evidentiary) in nature.
- 2.** Public hearings conducted for appeals, variances, and special use permits are quasi-judicial or evidentiary in nature. All other public hearings are legislative in nature.

B. LEGISLATIVE PUBLIC HEARINGS**1. PROCEDURE**

- i.** Legislative public hearings shall not be conducted until after provision of required public notification in accordance with Section 10.8, Public Notification.
- ii.** The legislative public hearing shall be open to the public and shall be conducted in accordance with the review authority's adopted rules of procedure for public hearings.
- iii.** Attendees shall be afforded the opportunity to comment during a public hearing, as authorized in the adopted rules of procedure.

2. VOTING

- i.** The review authority shall consider the application, relevant support materials, staff report, any recommendations, and public comments. After the conclusion of the public hearing, it shall make one

of the decisions authorized for the particular type of application based on the review standards applicable to the application type.

- ii.** A review authority member shall not vote on an application where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member in accordance NCGS Section 160D-109.
- iii.** A review authority member shall not vote on an application where the landowner or applicant is a person with whom the member has a close, familial, business, or other associational relationship.
- iv.** A decision of the review authority on an application considered during a legislative public hearing shall be decided by a simple majority of the review authority members, excluding any members who are recused from voting due to a conflict of interest.

3. APPLICATION REVISION

- i.** An applicant may revise an application during a legislative public hearing in response to recommendations or suggestions of the review authority.
- ii.** In cases where a substantial change to an application is proposed following review by a prior review authority, the review authority deciding the application shall not make a decision on the application until after it is remanded to the prior review authority (ies) for consideration of the substantial change.
- iii.** The review authority deciding the application may approve an application modified during a legislative public hearing provided that all changes are properly identified in the motion of approval and that any conditions of approval are consented to, in writing, by the applicant.
- iv.** In cases where an application has been modified during a legislative public hearing, the applicant shall submit any necessary site plans, plats, or other documents depicting the modification to the appropriate County staff for consideration and approval prior to issuance of any development permit approvals.
- v.** The County may provide additional public notice related to revision of an application on a case-by-case basis but is under no legal requirement to provide additional notice in cases where applications are revised in accordance with this section.

4. REMAND

A review authority may remand the application to a prior review authority or County staff for further consideration of new information or specified issues or concerns, if appropriate.

5. RECORD

- i.** A recording may be made of all public hearings and if made, the recordings shall be maintained in accordance with County policy.
- ii.** Accurate minutes shall also be kept of all proceedings, but a transcript need not be made.

C. QUASI-JUDICIAL PUBLIC HEARINGS

Quasi-judicial public hearings shall be conducted in accordance with State law, the review authority's rules of procedure, and the following requirements:

1. NOTICE REQUIRED

Quasi-judicial public hearings shall not be conducted until after provision of required public notification in accordance with Section 10.8, Public Notification.

2. APPLICATION MATERIALS

The Administrator or staff to the board shall transmit to the board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the board prior to the hearing if at the same time they are distributed to the board a copy is also provided to the appellant or applicant and to the landowner if that person is not the appellant or applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.

3. OPPORTUNITY TO PRESENT TESTIMONY AND EVIDENCE

The applicant, the County, and any party with standing shall be afforded a reasonable opportunity to present testimony and evidence in support of or in opposition to the application, and to ask questions of or cross examine the applicant, the applicant's representatives, anyone providing testimony during the hearing, County staff, and the County staff's representatives.

4. LIMITATION ON EVIDENCE

- i. The Chair or other presiding officer may limit or exclude incompetent evidence, immaterial evidence, repetitive evidence, and personal attacks.
- ii. Decisions shall not be based upon hearsay evidence though such evidence may be entered into the record.
- iii. Only evidence presented during the public hearing may be relied upon in making a decision on the application.

5. EX PARTE COMMUNICATION

Ex parte communications between an applicant or an affected party and a member of the review authority are prohibited. If it occurs, it shall be disclosed during the quasi-judicial public hearing.

6. VOTING**I. GENERALLY**

The review authority shall consider the application, relevant support materials, staff report, any recommendations, and public comments. After the conclusion of the public hearing, it shall make one of the decisions authorized for the particular type of application based on the review standards applicable to the application type.

II. CLEARLY STATE FACTORS FOR DECISION

Unless stated otherwise in this Ordinance, the decision shall reflect the review authority's determination of any contested facts and their application to the applicable standards.

III. CONFLICTS OF INTEREST

01. A review authority member shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker.
02. Impermissible violations of due process include but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change; an undisclosed ex parte communication; a close familial, business, or other associational relationship with an affected person; or a direct, substantial, and readily identifiable financial impact on the member.
03. If an objection is raised to a member's participation and that member does not recuse themselves, the remaining members shall, by majority vote, rule on the objection.

7. APPLICATION REVISION

- i. An applicant may revise an application during a quasi-judicial public hearing in response to recommendations or suggestions of the review authority.
- ii. The review authority may approve an application modified during a quasi-judicial public hearing provided all changes are properly identified in the motion of approval by the review authority and that any conditions of approval are consented to, in writing, by the applicant.
- iii. In cases where an application has been modified during a quasi-judicial public hearing, the applicant shall submit any necessary site plans, plats, or other documents depicting the modification to the appropriate County staff prior to issuance of any development permit approvals.

8. DELAY OF DECISION

The review authority may delay a decision on the application if additional information is requested of the applicant.

9. RECORD

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SECTION 10.10. CONDITIONS OF APPROVAL

- i. A recording may be made of all public hearings and if made, the recordings shall be maintained in accordance with County policy.
- ii. Accurate minutes shall be kept of all proceedings, but a transcript need not be made.

D. PUBLIC MEETINGS

Meetings conducted by review authorities prior to the forum in which a decision on the application is made shall be considered public meetings, not public hearings. Public meetings shall be conducted in accordance with the review authority's rules of procedure and the following requirements:

1. PROCEDURE

- i. Public meetings shall require public notification in accordance with Section NCGS 143-318.12 but shall not require prior public notice of any individual applications to be considered during the public meeting, though it may be provided by the County on a case-by-case basis.
- ii. The public meeting shall be open to the public and shall be conducted in accordance with the review authority's adopted rules of procedure for public meetings.
- iii. There is no requirement to allow public comment or testimony during a public meeting, though it may be provided at the Chair or other presiding officer's discretion.

2. VOTING

- i. A decision of a review authority shall be decided by a simple majority of the members present and voting.
- ii. A review authority member shall recuse themselves from voting on an application where:
 - 01. The outcome of the matter being considered is reasonably likely to have a direct, substantial, or readily identifiable financial impact on them or a member of their immediate family; or
 - 02. In cases where there is a close familial, business, or other associational relationship with the landowner or applicant.

SECTION 10.10. CONDITIONS OF APPROVAL

- A. Conditions shall be limited to those that address conformance of development and use of the site with County regulations and adopted plans and that address the impacts reasonably expected to be generated by the development or use of the site.
- B. Conditions shall be in writing and may be supplemented with text or plans and maps.
- C. No condition shall be made part of the application which:
 - 1. Specifies the ownership status, race, religion, or other characteristics of the occupants of housing units;
 - 2. Establishes a minimum size of a dwelling unit;
 - 3. Establishes a minimum value of buildings or improvements;
 - 4. Excludes residents based upon race, religion, or income; or
 - 5. Obligates the County to perform in any manner relative to the approval of the application or the development of the land.
- D. All conditions of approval shall be consented to, in writing, by all owners of land or applicants subject to the conditions.

SECTION 10.11. WRITTEN NOTICE OF DECISION

A. CONTENT

The notification of a decision on a development application shall be issued in the name of the applicant or applicant's agent, as appropriate, directed to the address(es) identified in the application materials, and shall identify the following:

- 1. The land or matter subject to the application;
- 2. A reference to any approved plans, as appropriate;

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SECTION 10.12. EFFECT OF DEVELOPMENT APPROVAL

3. The approved use(s), if any; and
4. Any conditions of approval or other applicable requirements.

B. TIMING

Except where otherwise stated in this Ordinance, the Administrator shall provide the applicant written notification of a decision or action within 10 business days after a final written decision on a development application.

C. COPY OF DECISION

1. In addition to providing the notification of a decision on an application to an applicant, the Administrator shall make a copy of the decision available to anyone who submits a written request prior to the issuance of the decision.
2. The Administrator shall also make a copy of the notice of decision available to the public in the County offices during normal business hours.

SECTION 10.12. EFFECT OF DEVELOPMENT APPROVAL

Approval of a development application in accordance with this Ordinance authorizes only the particular use, plan for development, or other specific activity approved.

SECTION 10.13. CONTINUANCE, OR WITHDRAWAL

An applicant may request that a review authority's consideration of a development application be continued or withdrawn by submitting a written request to the appropriate review authority.

A. PROCEDURE FOR APPLICATIONS SUBJECT TO A PUBLIC HEARING

1. In cases where an applicant seeks a continuance of an application subject to a public hearing, but public notification of the hearing has not yet been provided, the Administrator shall consider and decide the request.
2. If public notification of the pending public hearing has been provided in accordance with this Ordinance, the request for continuance shall be placed on the public hearing agenda and be considered by the review authority. Additional public notification may be required for a continued application.
3. A request for continuance may be approved in cases where the applicant needs additional time to prepare evidence, secure approval from outside agencies, bring the application into closer alignment with the County's Adopted Comprehensive Land Use Plan or the requirements of this Ordinance, or for good cause, as determined by the review authority.

B. WITHDRAWAL

1. An applicant may withdraw an application at any time.
2. If an applicant withdraws an application for the same land after public notification two times within a single calendar year, the same application may not be resubmitted for a period of one year from the date of the second withdrawal.
3. Application fees for withdrawn applications shall not be refunded.

SECTION 10.14. LIMITATION ON SUBSEQUENT APPLICATIONS

A. APPLICATION DENIED

1. LEGISLATIVE DECISIONS

If a development application requiring a legislative public hearing is denied, no application proposing the same or similar development on all or part of the same site shall be submitted within one year after the date of denial unless the review authority approves a reduction in this time limit in accordance with Section 10.14.B, Reduction in Time Limit. For the purposes of this section, "the same or similar development" shall mean:

- i.** The same use type(s) in the same approximate location(s) as the denied application; or
- ii.** The same use type(s) in the same approximate building configuration (e.g., building height, floor area, massing) as the denied application.

2. QUASI-JUDICIAL DECISIONS

There is no time limit on resubmitting an application that is denied during a quasi-judicial public hearing provided that any subsequent application may not be similar or substantially similar to the application that was denied, in the sole discretion of the review authority responsible for the decision.

B. REDUCTION IN TIME LIMIT

The owner of land subject to this subsection, or the owner's authorized agent, may submit a written request for reduction of the time limit, along with a fee to defray the cost of processing the request, to the Administrator, who shall transmit the request to the review authority. The review authority may grant the request only on a finding by two-thirds of its membership that the owner or agent has demonstrated that:

- 1.** There is a substantial change in circumstances relevant to the issues or facts considered during review of the prior application that might reasonably affect the review authority's application of the relevant review standards to the development proposed in the new application; or
- 2.** New or additional information is available that was not available at the time of review of the prior application and that might reasonably affect the review authority's application of the relevant review standards to the development proposed in the new application; or
- 3.** The new application proposed to be submitted is materially different from the prior application; or
- 4.** The final decision on the prior application was based on a material mistake of fact.

CHAPTER 11.TEXT AMENDMENTS & CONVENTIONAL REZONING

SECTION 11.1. APPLICABILITY

Text amendment and zoning map amendments are intended to accommodate substantive changes to the Official Zoning Map or the text of this Ordinance that are consistent with the Moore County Land Use Plan and otherwise advance the public's health, safety, and general welfare.

SECTION 11.2. APPLICATION SUBMITTAL

- A.** The Board of County Commissioners may, on its own motion, upon recommendation of the Planning Board, or upon petition by an interested person or parties, amend this Ordinance and zoning map.
- B.** Rezoning applications shall be submitted by the owner or an agent with permission granted by the owner. In no instance shall the County accept third-party rezoning applications submitted by persons who are not owners of the land subject to the application and who do not have the owner's consent.
- C.** A text amendment application may be submitted by anyone.

SECTION 11.3. APPLICATION PROCESS

A. SUBMITTAL

1. Following completion of a required pre-application conference with the Administrator and a Project Review Team meeting with all departments, as determined necessary by the Administrator, the completed application shall be submitted at least 45 days prior to the Planning Board meeting at which it is to be heard.
2. The Planning Department shall have 7 days from the date of submittal to notify the applicant that the application is complete in accordance with Section 10.5.F, Determination of Application Completeness.
3. Complete applications shall undergo technical review, and the Administrator shall prepare and forward the staff report any related application materials to the Planning Board in accordance with Section 10.7, Staff Review and Action.
4. The Administrator shall also provide public notice as appropriate for the type of application in accordance with Section 10.8, Public Notification.

B. PLANNING BOARD REVIEW

1. The Planning Board shall hold a public meeting and shall review the application and make a recommendation of approval or denial to the Board of Commissioners.
2. When conducting a review of a proposed text or conventional zoning map amendment, the Planning Board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners

C. BOARD OF COMMISSIONERS DECISION

1. After the conclusion of a legislative public hearing, the Board of Commissioners shall decide the text amendment or conventional rezoning application in accordance with the standards in Section 11.3.D, Review Criteria.
2. The decision shall be one of the following:
 - i. Approval of the application;
 - ii. Denial of the application;
 - iii. Approval of a revised application; or

- iv.** Remand of the application to County staff for further consideration.
 - 3.** The decision shall be based on the legislative discretion of the Board of Commissioners, taking into consideration the recommendation of the Planning Board and the standards in Section 11.3.D, Review Criteria.
 - 4.** When adopting or rejecting any text or conventional zoning map amendment, the Board of Commissioners shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan.

D. REVIEW CRITERIA

The advisability of approval of a text amendment or conventional rezoning application is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny an application, the Board of Commissioners may weigh the relevance of and consider the following:

- 1.** Whether the proposed application advances the public health, safety, or welfare;
- 2.** Whether and the extent to which the proposed application is appropriate for its proposed location, and is consistent with the purposes, goals, objectives, and policies of the County's Adopted Comprehensive Land Use Plan;
- 3.** Whether the application is necessitated by changed conditions;
- 4.** If approval of the application addresses a demonstrated community need;
- 5.** If the application addresses an unforeseen matter not present when the Ordinance was adopted;
- 6.** Whether an approval of the application is reasonable and in the public interest; and
- 7.** Other factors as the Board of Commissioners may determine to be relevant.

E. DESIGNATION ON FUTURE LAND USE MAP

In cases where the Board of Commissioners approves a rezoning application, they deem to be inconsistent with Adopted Comprehensive Land Use Plan, the future land use map shall be automatically amended with a note referencing the rezoning application approval and no additional request or application for a comprehensive plan amendment shall be required.

F. NOTIFICATION OF DECISION

The Administrator shall mail the formal written copy of the decision to the applicant and/or the property owners of the petitioned property in accordance with Section 10.11, Written Notice of Decision.

G. CHALLENGE TO DECISION

A legislative decision of the Board of Commissioners with regard to a text amendment or a conventional rezoning application may be challenged by the filing of a declaratory judgement action in the Superior Court of Moore County in accordance with Section 14.3, Challenge to Legislative Decision.

CHAPTER 12. CONDITIONAL REZONING

SECTION 12.1. PURPOSE AND INTENT

- A.** The purpose of this section is to provide a uniform means for amending the Official Zoning Map to establish a conditional zoning district.
- B.** In cases where the standards of a conventional zoning district are inadequate to ensure that development allowed by the district will conform to the County's adopted plans or to appropriately address the impacts expected to be generated by development, a landowner may apply for a conditional rezoning.
- C.** The conditional rezoning, if approved, establishes a parallel conditional zoning district that is equivalent to a corresponding conventional zoning district, except as modified through additional conditions that the applicant and County mutually agree are necessary to ensure conformance with adopted plans and to adequately address expected development impacts.
- D.** Parallel conditional zoning districts are restricted to those uses (meaning either one or multiple uses) listed in the corresponding conventional zoning district.
- E.** Only those uses listed (or determined to be equivalent uses) as illustrated on the concept plan or supporting materials as permitted uses and/or conditional uses, in the corresponding zoning district shall be permitted.

SECTION 12.2. PROCEDURES DISTINGUISHED

Applications filed as a conditional rezoning application may not be converted to a conventional rezoning application during the review process and shall instead be withdrawn and resubmitted as a conventional rezoning application (see Chapter 11).

SECTION 12.3. DISTRICTS DISTINGUISHED

Following the approval of the application, a conditional zoning district shall be identified on the Official Zoning Map by adding "CZ" to the corresponding conventional district abbreviation, such as "RA-CZ."

SECTION 12.4. APPLICATION FILING

- A.** Conditional rezoning applications may only be initiated by all the listed landowner(s) of the land subject to the application, or their authorized agents.
- B.** All conditions of approval proposed by the applicant must be included with the conditional zoning application.
- C.** Conditional rezoning applications shall include a concept plan depicting the proposed development configuration that shall be reviewed by County staff prior to consideration by the Planning Board.
- D.** The application for the establishment of a conditional zoning district shall include each of the following items:
 - 1.** A generalized concept plan or site plan prepared in accordance with Chapter 4;
 - 2.** A specification of the actual use(s) and any rules, regulations, or conditions for the proposed district that address the impacts expected to be generated by the development or use of the site;
 - 3.** Proposed phasing, if any, and approximate completion time for the project;
 - 4.** A statement analyzing the reasonableness of the proposed rezoning. The statement shall include, but not be limited to, the following:
 - i.** The size, physical conditions, and other attributes of the area proposed to be rezoned;
 - ii.** The benefits and detriments to the landowners, the neighbors, and the surrounding community;
 - iii.** The relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment;
 - iv.** Why the action being requested is in the public interest; and
 - v.** Any changed conditions warranting the amendment.
 - 5.** Applications that include a concept plan shall require subsequent approval of a subdivision and/or site plan as appropriate.

SECTION 12.5. APPLICATION PROCESS

A. SUBMITTAL

1. An application for a conditional rezoning may be submitted following completion of a required pre-application conference with the Administrator and a Project Review Team meeting with all departments as determined necessary by the Administrator.
2. The completed application shall be submitted at least 45 days prior to the Planning Board meeting at which it is to be heard.
3. The Planning Department shall have 7 days from the date of submittal to notify the applicant that the application is complete in accordance with Section 10.5.F, Determination of Application Completeness.
4. Complete applications shall undergo technical review, and the Administrator shall prepare and forward the staff report any related application materials to the Planning Board in accordance with Section 10.7, Staff Review and Action.
5. An applicant for a conditional rezoning shall conduct a community meeting (see Chapter 10) prior to initial consideration of the application by the Planning Board.
6. The Administrator shall also provide public notice as appropriate for the type of application in accordance with Section 10.8, Public Notification.

B. RECOMMENDATION BY PLANNING BOARD

1. After conclusion of a public meeting, the Planning Board shall make a recommendation on the application in accordance with Section 12.5.D, Review Criteria.
2. In making its recommendation, the Planning Board shall prepare a written statement regarding the application's consistency with the County's Adopted Comprehensive Land Use Plan.
3. During its review of a conditional rezoning application, the Planning Board may suggest revisions to the proposed conditions (including the concept plan), consistent with the provisions of Section 12.6.E, Conditions of Approval. Only those revisions agreed to in writing by the applicant shall be incorporated into the application.

C. BOARD OF COMMISSIONERS DECISION

1. After the conclusion of a legislative public hearing, the Board of Commissioners shall decide the rezoning application in accordance with the standards in Section 12.6.D, Review Criteria.
2. The decision shall be one of the following:
 - i. Approval of the application;
 - ii. Denial of the application;
 - iii. Approval of a revised application; or
 - iv. Remand of the application to the Planning Board or Technical Review Committee for further consideration.
3. The decision shall be based on the legislative discretion of the Board of Commissioners, taking into consideration the recommendation of the Planning Board and the standards in Section 12.6.D, Review Criteria.
4. In making its decision, the Board of Commissioners shall adopt a written statement of reasonableness and consistency with the County's Adopted Comprehensive Land Use Plan in accordance with NCGS Section 160D-605.

D. REVIEW CRITERIA

The advisability of an amendment to the Official Zoning Map to establish a conditional zoning district is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a proposed conditional rezoning, the Board of Commissioners may weigh the relevance of and consider the following:

1. Whether the proposed conditional rezoning advances the public health, safety, or welfare;

2. Whether and the extent to which the proposed conditional rezoning is appropriate for its proposed location, and is consistent with the purposes, goals, objectives, and policies of the County's Adopted Comprehensive Land Use Plan;
3. Whether an approval of the conditional rezoning is reasonable and in the public interest;
4. Whether and the extent to which the concept plan associated with the conditional rezoning is consistent with this Ordinance; and
5. Any other factors as the Board of Commissioners may determine to be relevant.

E. CONDITIONS OF APPROVAL

1. Only conditions mutually agreed to by the owner(s) of the property that is the subject of a conditional zoning district designation and the Board of Commissioners may be approved as part of a conditional rezoning application establishing a conditional zoning district.
2. Unless subject to an approved condition, all requirements of a corresponding conventional zoning district shall apply to a conditional zoning district.
3. Conditions of approval shall comply with Section 10.10, Conditions of Approval.

F. DESIGNATION ON FUTURE LAND USE MAP

In cases where the Board of Commissioners approves a conditional rezoning application they deem to be inconsistent with Adopted Comprehensive Land Use Plan, the future land use map shall be automatically amended with a note referencing the rezoning application approval and no additional request or application for a comprehensive plan amendment shall be required.

G. EFFECT

Lands subject to a conditional rezoning shall be subject to all the standards, conditions, and plans approved as part of that application. These standards, plans, and approved conditions are perpetually binding on the land as an amendment to this Ordinance and the Official Zoning Map, and may only be changed in accordance with the procedures established in this Ordinance.

H. AMENDMENT

Amendments to a conditional rezoning application approval shall be considered as minor modifications or major modifications, in accordance with the following:

1. MINOR MODIFICATIONS

- i. Subsequent plans and permits for development within a conditional zoning district may include minor modifications, provided the development continues to meet the minimum requirements of this Ordinance. Minor modifications are limited to changes that have no material effect on the character of the development or changes that address technical considerations that could not reasonably be anticipated at the time of the conditional rezoning application approval.
- ii. The following minor modifications may be approved by the Administrator if they meet the requirements of this ordinance:
 01. Changes to the location of entrances or driveways, the rearrangement of internal streets, turn lanes, drives, or access restrictions;
 02. Changes to the configuration of parking areas, but not the number of parking spaces;
 03. Changes to the configuration or location of open space or placement of required amenities, provided the amount of open space is unchanged;
 04. Changes to the configuration of non-residential screening, including types of materials, provided minimum width and planting requirements are met;
 05. Changes to the proposed building elevation, including materials, provided that the change retains the same general architectural character and remains consistent with the design parameters established in the approval; and

CHAPTER 12. CONDITIONAL REZONING

SECTION 12.6. EXPIRATION

- 06.** Changes to the arrangement or location of buildings provided the total size of all buildings within the development is not increased by more than 5% of the original approved building area and the impervious surface total does not exceed the allowable total for the location.
- iii.** Nothing shall limit the landowner of an individual lot from seeking approval of a minor modification provided such modification is applied solely to the lot(s) under their ownership and provided the modification is not a major modification.
- iv.** In no instance shall a minor modification include any changes to the range of proposed uses or the overall density of the development.

2. MAJOR MODIFICATIONS CONSIDERED AMENDMENTS

- i.** Changes that materially affect the basic configuration of the development, basic parameters of conditions of approval, or that exceed the scope of a minor modification are considered major modifications or amendments.
- ii.** Major modifications include, but are not limited to:
- 01.** Increases in building height;
 - 02.** Changes in proposed use types;
 - 03.** Changes in size of buildings that increase the approved total area of all buildings by more than 5% or increase impervious surface beyond the allowable limit for the location;
 - 04.** Any increase in impervious surface that would require approval of a Special Non-Residential Intensity Allocation;
 - 05.** Decreases in open space;
 - 06.** Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected); and
 - 07.** Change in the location of any public easement.
- iii.** Major modifications shall be treated as an amendment that must be reviewed and considered in accordance with the procedures and standards established for the original approval of a conditional rezoning application.

3. SITE PLANS FILED FOLLOWING APPROVAL OF A CONCEPT PLAN

Site plans that deviate substantially from a prior-approved concept plan shall be considered a major modification requiring re-review of the associated conditional rezoning application. For the purposes of this section, "substantial deviation" shall include any major modifications identified in subsection (2) above or changes to:

- i.** The number or size of principal buildings;
- ii.** The general placement or arrangement of principal buildings or open space;
- iii.** Landscaping, screening, buffering, or exterior lighting that, in the opinion of the Administrator, will result in increased visibility or auditory impacts on adjacent properties;
- iv.** The location, placement, or configuration of service, loading, refuse facilities that, in the opinion of the Administrator, will result in negative impacts on adjacent properties or public rights-of-way; and
- v.** Any other aspect, that in the opinion of the Administrator, differs from the approved concept plan to a degree that warrants deeper consideration by the Board of County Commissioners.

I. CHALLENGE TO DECISION

A legislative decision of the Board of Commissioners with regard to a conditional rezoning application may be challenged by the filing of a declaratory judgement action in the Superior Court of Moore County in accordance with Section 14.3, Challenge to Legislative Decision.

SECTION 12.6. EXPIRATION

CHAPTER 12. CONDITIONAL REZONING

SECTION 12.7. VIOLATION OF THE TERMS AND CONDITIONS OF A CZ DISTRICT

An approved conditional zoning district and all conditions attached are binding on the property. If for any reason any condition for approval is found to be illegal or invalid or if the applicant should fail to accept any condition following approval, the approval of the subdivision or site plan for the district shall be null and void and of no effect and proceedings may be instituted by the County to rezone the property to its previous zoning classification or to another zoning district.

SECTION 12.7. VIOLATION OF THE TERMS AND CONDITIONS OF A CZ DISTRICT

A violation of the site plan or conditions of a rezoning to a conditional zoning district is a violation of this Ordinance and subject to the enforcement and penalties in Chapter 18.

CHAPTER 13. SPECIAL USE PERMITS

SECTION 13.1. PURPOSE AND INTENT

There are some land uses which are basically in keeping with the intent and purpose of the district but which may have an impact on the area around them. These uses may be established, under certain conditions and with proper controls, in such a manner as to minimize any adverse effects.

SECTION 13.2. APPLICABILITY

The uses for which conditional use permits are required are listed in the Table of Uses (see Chapter 6).

SECTION 13.3. APPLICATION FILING

- A.** Special use permit applications may only be initiated by all the listed landowner(s) of the land subject to the application, or their authorized agents.
- B.** Special use permit applications shall include a site plan (see Chapter 4) depicting the proposed development configuration that shall be reviewed by County staff prior to consideration by the Board of County Commissioners.
- C.** Special use permit applications shall also specify the approximate completion time for the project.

SECTION 13.4. APPLICATION PROCESS

A. SUBMITTAL

1. Following completion of a required pre-application conference with the Administrator and a Project Review Team meeting with all departments, as determined necessary by the Administrator, the completed application shall be submitted at least 45 days prior to the Board of Commissioners meeting at which it is to be heard.
2. The Planning Department shall have 7 days from the date of submittal to notify the applicant if the application is complete in accordance with Section 10.5.F, Determination of Application Completeness.
3. Complete applications shall undergo technical review, the Administrator shall prepare and forward the staff report and related application materials to the Board of Commissioners.

B. DECISION BY BOARD OF COMMISSIONERS

The Board of Commissioners shall conduct a quasi-judicial public hearing and shall make a decision in accordance with Section 13.4.C, Review Criteria.

C. REVIEW CRITERIA

The Board of Commissioners shall not approve a special use permit application unless it first makes each of the following findings, based on competent, substantial, and material evidence presented at the hearing.

1. The use will not materially endanger the public health or safety; and
2. The use meets all required conditions and specifications; and
3. The use will not substantially injure the value of adjoining property unless the use is a public necessity; and
4. The use will be in harmony with the surrounding area and compatible with the surrounding neighborhood; and
5. The use will be in general conformity with the approved Moore County Land Use Plan; and
6. The use is subject to a site plan that accurately depicts the proposed use's configuration.

D. CONDITIONS

1. The Board of Commissioners may apply conditions of approval that are reasonable and appropriate in accordance with Section NCGS 160D-705(c), and Section 10.10, Conditions of Approval.
2. Conditions may be proposed to:
 - i. Assure that the use will be harmonious with the area where proposed;

- ii. Ensure the use is consistent with the purpose and intent of this Ordinance;
 - iii. Ensure the use is consistent with the applicable Adopted Comprehensive Land Use Plan;
 - iv. Limit the special use permit to a specified duration;
 - v. Place limits on the availability of proposed residential dwelling units to coincide with the provision or maintenance of adequate public facilities; or
 - vi. Address other considerations necessary, in the sole discretion of the Board of Commissioners.
3. All conditions shall be identified in the approval, the notice of decision, and on the associated concept plan.
4. All conditions of approval shall be consented to, in writing, by all owners of land subject to the conditions.

E. NOTIFICATION OF DECISION

The Administrator shall mail the formal written copy of the decision to the applicant and/or the property owners of the petitioned property in accordance with Section 10.11, Written Notice of Decision.

F. EFFECT

1. A special use approval is perpetually binding and run with the land, unless amended or limited in duration by the Board of Commissioners.
2. The Board of Commissioners may require, as a condition of approval, that development subject to an approved special use permit shall also undergo site plan review (see Chapter 4).
3. An action invalidating a special use condition of approval (such as an intensity or hours of operation limitation) shall render the special use permit and associated site plan null and void.
4. Special uses shall meet all applicable State and federal requirements for location and operation. Failure to maintain compliance with those requirements may result in the revocation of the special use permit and associated site plan.

G. AMENDMENT

Proposed amendments to a special use permit application approval shall be considered as minor modifications or major modifications, in accordance with the following.

1. MINOR MODIFICATIONS

- i. Subsequent plans and permits for development subject to a special use permit may include minor modifications to the approval, provided the development continues to meet the minimum requirements of this Ordinance. Minor modifications are limited to changes that have no material effect on the character of the development or changes that address technical considerations that could not reasonably be anticipated at the time of the development approval.
- ii. The following minor modifications may be approved by the Administrator, in consultation with other appropriate County staff:
 01. Changes to the location of entrances or driveways, the rearrangement of internal streets, turn lanes, drives, or access restrictions;
 02. Changes to the configuration of parking areas, but not the number of parking spaces;
 03. Changes to the configuration or location of open space or placement of required amenities, provided the amount of open space is unchanged;
 04. Changes to the configuration of non-residential screening, including types of materials, provided minimum width and planting requirements are met;
 05. Changes to the proposed building elevation, including materials, provided that the change retains the same general architectural character and remains consistent with the design parameters established in the approval; and
 06. Changes to the arrangement or location of buildings provided there is no increase in the number of buildings, size, or amount of impervious surface.
- iii. In no instance shall a minor modification include any changes to the range of permitted uses or the overall density of the development.

2. MAJOR MODIFICATIONS

- i. Changes that materially affect the basic configuration of the development, basic parameters of conditions of approval, or that exceed the scope of a minor modification are considered major modifications.
- ii. Major modifications include, but are not limited to:
 - 01. Increases in building height;
 - 02. Changes in use designations;
 - 03. Changes in density or intensity;
 - 04. Decreases in open space;
 - 05. Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected); and
 - 06. Change in the location of any public easement.
- iii. Major modifications shall be treated as an amendment that must be reviewed and considered in accordance with the procedures and standards established for the original approval of a special use permit application.

3. REPLACEMENT

If a special use is replaced by a use otherwise permitted by right in the zoning district, the special use permit approval is deemed abandoned and the special use permit approval is null and void.

4. EXPIRATION

Unless otherwise stated in the special use permit approval, a special use permit shall expire and become null and void two years after the date of issuance if:

- i. Substantial commencement of construction has not yet taken place; or
- ii. The authorized use has not commenced.

H. REVOCATION

- 1. In the event of failure to comply with the plans or any other conditions imposed upon the special use permit approval, the Administrator shall give the permit holder 10 days written notice of intent to revoke the permit and request the permit holder to contact staff to set a reasonable time for the violation to be corrected.
- 2. If the permit is revoked and the special use has not ceased, the use is considered a violation of this Ordinance and subject to enforcement and penalties in Chapter 18.
- 3. A special use permit may only be revoked in accordance with the procedure used to grant its approval.

I. APPEAL

Appeal of a quasi-judicial decision made by the Board of Commissioners with respect to a special use permit application shall be made to the Superior Court for Moore County in accordance with Section 14.2, Appeal of Quasi-Judicial Decision.

CHAPTER 14. APPEALS & VARIANCES

SECTION 14.1. APPEAL OF ADMINISTRATIVE DECISION

A. PURPOSE AND INTENT

This appeal procedure is proposed to establish a clear and predictable procedure for persons with standing to appeal a decision or determination by a review authority.

B. APPLICABILITY

1. Appeals of administrative decisions or determinations by a County official, or legislative decisions by the Watershed Review Board, or legislative decisions by the Planning Board made pursuant to this Ordinance shall be reviewed and decided by the Board of Adjustment in accordance with this section.
2. Appeals of decisions by the Board of Commissioners or of decisions on quasi-judicial minor watershed variances by the Watershed Review Board are not subject to these standards, and shall be considered in accordance with Section 14.2, or Section 14.3, as appropriate.

C. INITIATION

1. A property owner or other person with standing shall initiate an appeal by filing a written notice of appeal with the Administrator within 30 days of the date they receive the written notice of determination or decision being appealed.
2. Receipt of written notice provided via first class mail in accordance with NCGS Section 160D-403(b) of the shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

D. STANDING

The following criteria are used to determine whether an individual has standing to bring civil actions for declaratory relief, injunctive relief or other remedies and joinder of complaint and petition for writ of certiorari in certain cases against administrative decisions in lieu of bringing an appeal to the Board of Adjustment under NCGS Section 160D-1402:

1. Any person possessing any of the following criteria:
 - i. An ownership interest in the property that is the subject of the decision being appealed, a leasehold interest in the property that is the subject of the decision being appealed, or an interest created by easement, restriction, or covenant in the property that is the subject of the decision being appealed.
 - ii. An option or contract to purchase the property that is the subject of the decision being appealed.
 - iii. An applicant before the review authority whose decision is being appealed.
2. Any other person who will suffer special damages as the result of the decision being appealed.
3. An incorporated or unincorporated association to which owners or lessees of property in a designated area belong by virtue of their owning or leasing property in that area, or an association otherwise organized to protect and foster the interest of the particular neighborhood or local area, so long as at least one of the members of the association would have standing as an individual to challenge the decision being appealed, and the association was not created in response to the particular development or issue that is the subject of the appeal.
4. The Moore County Board of County Commissioners.

E. DECISION

1. The Board of Adjustment, at the conclusion of a quasi-judicial public hearing, shall decide the application for the appeal.
2. The decision shall be based on the competent, material, and substantial evidence in the record of the appeal, as supplemented by arguments presented at the quasi-judicial hearing, and the standards in Section 14.1.F, Review Criteria, and NCGS Section 160D-405.
3. The decision shall be one of the following:

CHAPTER 14. APPEALS & VARIANCES

SECTION 14.2. APPEAL OF QUASI-JUDICIAL DECISION

- i. Affirmation of the decision or determination (in whole or in part);
 - ii. Modification of the decision or determination (in whole or in part); or
 - iii. Reversal of the decision or determination (in whole or in part).
4. A vote to affirm, reverse, or modify a decision or determination shall require a simple majority of all Board of Adjustment members (excluding vacant board member positions and any board members who are recused from voting on a particular case). In accordance with §160D-406(i), simple majority calculations shall be based on the total number of board member positions, regardless of whether the member is absent. Positions may only be excluded from the simple majority calculation when the position is vacant and there is no appointed alternate or when a board member has been recused from voting based upon a conflict of interest in accordance with Section 2.1.E.
5. Each decision shall be made in writing and reflect the Board of Adjustment's determination of contested facts and their application to the standards in this Ordinance.
6. The written decision shall be signed by the Chair or other duly authorized member of the Board of Adjustment.
7. The decision of the Board of Adjustment shall be effective upon the filing of the written decision in the offices of the Planning Department.

F. REVIEW CRITERIA

1. The Board of Adjustment is limited to the following decisions in considering the appeal:
 - i. Whether the review authority erred in the determination of this Ordinance; or
 - ii. Whether the review authority erred in determining whether a standard of this Ordinance was met.
2. The BOA shall not hear any evidence or make any decision based on hardships or special conditions, except as part of an application for a variance.

G. EFFECT

1. The filing of an appeal shall stay all of the following:
 - i. Any further proceedings or actions conducted by the applicant except in such cases where such stoppage would cause imminent peril to life or property as determined by the Administrator;
 - ii. The application of any further remedies for violation of this Ordinance by the County; and
 - iii. The accumulation of any further fees or fines associated with violation of this Ordinance.
2. In the event enforcement proceedings are not stayed by an appeal, the appellant may file a request for an expedited hearing of the appeal in accordance with NCGS Section 160D-405(f), and the Board of Adjustment shall conduct a meeting to hear the appeal within 15 days of the date the request for an expedited hearing is filed.
3. Nothing shall prevent the Board of Adjustment from staying the issuance of any final approval of development applications, including building permits, affected by the issue being appealed in accordance with NCGS Section 160D-405(f).

H. APPEAL

Appeal of a quasi-judicial decision made by the Board of Adjustment shall be made to the Superior Court for Moore County in accordance with Section 14.2, Appeal of Quasi-Judicial Decision.

SECTION 14.2. APPEAL OF QUASI-JUDICIAL DECISION

- A. Appeal of a quasi-judicial decision shall be subject to review by the Superior Court of Moore County by proceedings in the nature of certiorari and in accordance with NCGS Section 160D-406, Section 160D-1402, Section 160D-1403, and Section 160D-1405, as appropriate.
- B. The landowner or applicant shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery,

CHAPTER 14. APPEALS & VARIANCES

SECTION 14.3. CHALLENGE TO LEGISLATIVE DECISION

electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

- C.** Any other person with standing to appeal shall file a petition for review with the Clerk of Court within 30 days from receipt, by any source, actual or constructive notice of the decision being appealed.
- D.** Receipt of written notice provided via first class mail in accordance with NCGS Section 160D-403(b) shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

SECTION 14.3. CHALLENGE TO LEGISLATIVE DECISION

A. OFFICIAL ZONING MAP ADOPTION OR AMENDMENT; DEVELOPMENT AGREEMENT

1. Legislative decisions made by the Board of Commissioners pursuant to the adoption of the Official Zoning Map, amendment to the Official Zoning Map, or with respect to a development agreement shall be subject to review at the request of any aggrieved party, as detailed within in NCGS Section 160D-1401, and NCGS Section 160D-1405, by the Superior Court for Moore County.
2. The challenge to the legislative decision must be filed with the Clerk of Court for the Superior Court of Moore County within 60 days from the receipt of written notice or receipt from any source of constructive notice of the determination.

B. ORDINANCE TEXT ADOPTION OR AMENDMENT

Legislative decisions made by the Board of Commissioners pursuant to the adoption of this Ordinance or other development regulation shall be subject to review at the request of any aggrieved party, as detailed in NCGS Section 160D-1401 and 160D-1405, by the Superior Court for Moore County. The appeal to the Superior Court must be filed within the following timeframes:

1. VALIDITY OF ACTION

Challenges to the validity of ordinance language shall be filed within one year of the date that the ordinance or amendment becomes effective or when the party bringing the challenge has standing to file the challenge, whichever is later.

2. PROCEDURAL FLAW

Challenges to an ordinance or amendment based upon the process of adoption shall be filed within three years of the adoption date of the ordinance or amendment.

C. DECISION BY WATERSHED REVIEW BOARD

Challenge of legislative decisions by the Watershed Review Board shall be made in accordance with Section 14.4, Appeal of Decision by Watershed Review Board.

SECTION 14.4. APPEAL OF DECISION BY WATERSHED REVIEW BOARD

- A.** Appeals of legislative decisions made by the Watershed Review Board shall be made in accordance with Section 14.1, Appeal of Administrative Decision.
- B.** Appeals of a quasi-judicial decision on a minor watershed variance made by the Watershed Review Board shall be made in accordance with Section 14.2, Appeal of a Quasi-Judicial Decision.

SECTION 14.5. ORIGINAL CIVIL ACTIONS

- A.** Persons with standing, as defined in NCGS Section 160D-1403.1 may bring an original civil action in Superior Court without first being heard by the Board of Adjustment for some administrative decisions, determinations of vested rights, and notices of violation in cases where the applicant claims the decision or a provision in this Ordinance is:

1. Unconstitutional;
2. Beyond statutory authority;
3. Pre-empted by State law; or

- 4.** A taking of all property value.
- B.** Direct appeals of determinations of the text in this Ordinance or the Official Zoning Map by a County official to Superior Court are not permitted and must first be heard by the Board of Adjustment, in accordance with this section.

SECTION 14.6. VARIANCES**A. PURPOSE AND INTENT**

The purpose of this section is to allow deviations from certain standards of this Ordinance when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as topographical conditions, narrowness, shallowness, or shape of a specific parcel of land), a literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest.

B. APPLICABILITY

- 1.** Development that would otherwise be subject to undue and unique hardship from the applications of the standards in this Ordinance may seek relief from the standards in accordance with this section.
- 2.** No variance may be sought that increases development density (e.g., units per acre) beyond that allowed in a base zoning district, or that would permit a use not allowed in a zoning district.
- 3.** Applications seeking variance from the watershed protection standards applicable in the Watershed Overlay Districts district shall be filed and considered in accordance with this section and Chapter 16.
- 4.** Applications seeking variance from the flood damage prevention standards applicable in the Special Flood Hazard Area shall be filed and considered in accordance with this section and Chapter 17.

C. DECISION

- 1.** The Board of Adjustment, after the conclusion of a quasi-judicial public hearing, shall decide the application for a variance.
- 2.** The decision shall be based on the competent, material, and substantial evidence in the record, as supplemented by the arguments presented at the quasi-judicial hearing, and the applicable standards in Section 14.2.D, Review Criteria.
- 3.** The decision shall be one of the following:
 - i.** Approval of the variance as proposed;
 - ii.** Approval of the variance with revisions; or
 - iii.** Denial of the variance.
- 4.** The vote on a variance shall require a 4/5 supermajority of all Board of Adjustment members (excluding vacant board member positions and any board members who are recused from voting on a particular case). In accordance with §160D-406(i), supermajority calculations shall be based on the total number of board member positions, regardless of whether the member is absent. Positions may only be excluded from the supermajority calculation when the position is vacant and there is no appointed alternate or when a board member has been recused from voting based upon a conflict of interest in accordance with Section 2.1.E.
- 5.** Each decision shall be made in writing and reflect the Board of Adjustment's determination of facts and their application to the standards in this Ordinance.
- 6.** The written decision shall be signed by the Chair or other duly authorized member of the Board of Adjustment.
- 7.** The decision of the Board of Adjustment shall be effective upon the filing of the written decision.

D. REVIEW CRITERIA

The standards in this section are organized into the standards applicable to variances from the zoning- and subdivision-related provisions, the flood hazard requirements, and watershed provisions.

1. ZONING- AND SUBDIVISION-RELATED VARIANCE STANDARDS**I. REQUIRED FINDINGS OF FACT**

A zoning- or subdivision-related variance shall be approved on a finding the applicant demonstrates all of the following:

- 01.** Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- 02.** 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.
- 03.** 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 the variance shall not be regarded as a self-created hardship.
- 04.** The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured, and substantial justice is achieved.

II. FACTORS THAT MAY NOT BE CONSIDERED

None of the following may be used as the basis for approving a zoning-related or subdivision-related variance:

- 01.** Personal circumstances;
- 02.** A request for a particular use that is expressly, or by inference, prohibited in the zoning district;
- 03.** Hardships resulting from factors other than application of the relevant standards of this Ordinance;
- 04.** The fact that land or a structure may be utilized more profitably or be more marketable with a variance;
- 05.** The citing of other conforming or nonconforming uses of land or structures in the same or other zoning districts; or
- 06.** Financial hardship.

2. FLOOD DAMAGE PREVENTION VARIANCE STANDARDS

Criteria for the consideration of variances from the County's flood damage prevention standards are in Chapter 17.

3. WATERSHED OVERLAY DISTRICT VARIANCE STANDARDS

Criteria for the consideration of variance from the County's watershed overlay district standards are in Chapter 16.

E. CONDITIONS

In granting a variance, the Board of Adjustment may prescribe conditions of approval to ensure compliance with the standards of this section, and to assure that the use of the land to which the variance applies will be compatible with surrounding lands and will not alter the essential character of the neighborhood. Conditions shall be in accordance with the following:

- 1.** Conditions must be reasonably related to the variance application.
- 2.** A variance granted subject to a condition of approval shall be permitted as long as there is compliance with the condition.
- 3.** Violation of a condition of approval shall be deemed a violation of this Ordinance.
- 4.** If a violation or invalidation of a condition of approval occurs, the Administrator may initiate proceedings to revoke the authorization for the development subject to the variance.
- 5.** Conditions of approval shall comply with Section 10.10, Conditions of Approval.

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SECTION 14.7. REASONABLE ACCOMMODATION

F. RECORDATION

If a variance application is approved, the notice of decision may be recorded by the applicant in the office of the Moore County Register of Deeds.

G. EFFECT

Approval of a variance authorizes only the particular regulatory relief approved by the Board of Adjustment. It does not exempt the applicant from the responsibility to obtain all other permits or development approvals required by this Ordinance or any other applicable laws and does not indicate that the development for which the variance is granted should receive other permits or development approvals under this Ordinance unless the relevant and applicable portions of this Ordinance are met.

H. VIOLATION

A violation of a variance or additional conditions of a variance is considered a violation of this Ordinance and subject to the same enforcement and penalties.

I. APPEAL

Appeal of a quasi-judicial decision made by the Board of Adjustment with respect to a variance application shall be made to the Superior Court for Moore County in accordance with Section 14.2, Appeal of Quasi-Judicial Decision.

SECTION 14.7. REASONABLE ACCOMMODATION

A. PURPOSE AND INTENT

This section provides a procedure for reasonable accommodation of eligible persons in cases where the strict application of the standards of this Ordinance would deprive them of their right to equal opportunity to occupy a dwelling under the federal Fair Housing Act.

B. APPLICABILITY

1. For the purposes of this section, an eligible person is a person who meets the definition of a disabled or handicapped person under federal law.
2. A person recovering from substance abuse is considered a person with a disability or handicap, provided they are not currently engaging in the illegal use of controlled substances.

C. APPLICATION

1. An application for reasonable accommodation may be made by any of the following:
 - i. A person with a disability or handicap, or their legal representative; or
 - ii. A provider of housing for persons with disabilities or handicaps.
2. An application for reasonable accommodation shall also include the following:
 - i. The basis for the claim that the applicant or persons receiving services from the applicant is considered disabled or handicapped under federal law;
 - ii. The Ordinance provision from which the reasonable accommodation is being requested; and
 - iii. An explanation of why the reasonable accommodation is necessary to make specific land or development available for the applicant.

D. DECISION

1. The Board of Adjustment, at the conclusion of a quasi-judicial public hearing, shall decide the application for the reasonable accommodation.
2. The decision shall be based on the competent, material, and substantial evidence, as supplemented by arguments presented at the quasi-judicial hearing, and the standards in Section 14.3.E, Review Criteria.
3. The decision shall be one of the following:
 - i. Approval of the reasonable accommodation application as proposed;

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- ii. Approval of the reasonable accommodation application with revisions; or
 - iii. Denial of the application.
4. Each decision shall be made in writing and reflect the Board of Adjustment's determination of contested facts and their application to the standards in this Ordinance.
 5. The written decision shall be signed by the Chair or other duly authorized member of the Board of Adjustment.
 6. The decision of the Board of Adjustment shall be effective upon the filing of the written decision in the offices of the Planning Department.

E. REVIEW CRITERIA

1. A reasonable accommodation application shall be approved on a finding the proposed accommodation:
 - i. Will be used by an individual or individuals with a disability or handicap protected under federal law;
 - ii. Is the minimum needed to provide accommodation; and
 - iii. Is reasonable and necessary.
2. For the purposes of this section, an accommodation is reasonable if it would not undermine the legitimate purposes of this Ordinance, it does not constitute a substantial alteration of this Ordinance or other County standard, and it will not impose significant financial and administrative burden upon the County.
3. For the purposes of this section, an accommodation is necessary if it would provide direct or meaningful improvement of the effects of the particular disability or handicap, and would afford handicapped or disabled persons equal opportunity to use housing in the County.

F. EFFECT

A reasonable accommodation shall not affect an applicant's obligation to comply with other applicable standards in this Ordinance that are not the subject of the reasonable accommodation application.

G. EXPIRATION

Reasonable accommodations such as an accessory manufactured home due to a medical hardship, are approved for a specified time on a case-by-case basis to be renewed for successive periods so long as the hardship continues to exist, as reviewed and approved by the Administrator.

H. APPEAL

Appeal of a quasi-judicial decision made by the Board of Adjustment with respect to a reasonable accommodation application shall be made to the Superior Court for Moore County in accordance with Section 14.2, Appeal of Quasi-Judicial Decision.

CHAPTER 15. VESTED RIGHTS

SECTION 15.1. PURPOSE AND INTENT

This section is intended to implement NCGS Section 160D-108 with respect to the establishment of zoning vested rights for landowners or applicants who have received a development approval from the County.

SECTION 15.2. VESTED RIGHTS DEFINED

As used in this Ordinance, a zoning vested right is defined as the right to undertake and complete the development and use of land under the terms and conditions of a development approval issued by the County.

SECTION 15.3. EFFECT OF A VESTED RIGHT

- A.** Development approvals that have an established vested right in accordance with NCGS Section 160D-108 and this section shall preclude any action by the County that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property authorized by the development approval, except where a change in State or federal law occurs and has a retroactive effect on the development or use.
- B.** Except when subject to sub-section (C) below, amendments to this Ordinance shall not be applicable to any of the following development approvals after they are vested:
 - 1.** Building or uses of land for which a development permit application has been submitted and approved in accordance with this Ordinance and NCGS Section 143-755;
 - 2.** Subdivisions of land for which a subdivision application has been submitted and approved in accordance with this Ordinance and NCGS Section 143-755;
 - 3.** A site-specific vesting plan approved in accordance with this Ordinance and NCGS Section 160D-108.1;
 - 4.** A multi-phase development approved in accordance with this Ordinance and NCGS Section 160D-108; and
 - 5.** A vested right established by the terms of an approved development agreement in accordance with this Ordinance and Article 10 of Chapter 160D of the North Carolina General Statutes.
- C.** Amendments to this Ordinance shall apply to vested development approvals if:
 - 1.** A change to State or federal law occurs and has a retroactive effect on the development or use;
 - 2.** There is written consent to be subject to the amendment by the landowner;
 - 3.** The development approval expires; or
 - 4.** The development is not undertaken or completed in accordance with the approval.

SECTION 15.4. ESTABLISHMENT OF A VESTED RIGHT

A vested right may only be established following an approval of a development application in accordance with this section and the applicable requirements in the North Carolina General Statutes. The following section details the ways in which a vested right may be established.

A. COMMON LAW VESTED RIGHTS

1. DEFINED

A common law vested right establishes the right to undertake and complete the development and use of property on substantial expenditures in good faith reliance on a valid governmental approval. Such approvals include, but are not limited to:

- i.** Zoning permits;
- ii.** Sign permits;
- iii.** Building permits;
- iv.** Special use permits;
- v.** Certificates of zoning compliance; and
- vi.** Preliminary plats.

2. ESTABLISHMENT

A request for a determination of a common law vested right will be reviewed and acted upon by the Administrator in accordance with the requirements and procedures set forth in this Chapter and Section 4.3, Determination.

3. APPLICATION

The applicant shall provide satisfactory proof that each of the following standards are met in order to establish a common law vested right:

- i.** The applicant has, prior to the adoption or amendment of an ordinance, made expenditures or incurred contractual obligations amounting to 25 percent or more of the total project cost not including any land costs.
- ii.** The obligations and/or expenditures were incurred in good faith.
- iii.** The obligations and/or expenditures were made in reasonable reliance on and after the issuance of a valid governmental permit, if such permit is required; provided however, a mistakenly-issued governmental permit shall not give rise to a common law vested right.
- iv.** The amended or newly adopted ordinance is a substantial detriment to the applicant.

B. ISSUANCE OF A BUILDING PERMIT

Issuance of a building permit by the County in accordance with the applicable standards in this Ordinance, the County Code of Ordinances, and applicable State law shall entitle the building permit holder to vested rights to develop the proposal as identified in the approved building permit, subject to the following standards:

- 1.** The applicant shall not be required to file for a determination to establish common law vested rights to establish or maintain vested status during the time period for which the building permit remains valid.
- 2.** The owner has a vested right only as long as the building permit remains valid and only for the work approved by the building permit.
- 3.** The building permit shall expire six months after issuance if work has not commenced.
- 4.** The building permit shall expire after work commences if there is a 12-month period of no work.
- 5.** The building permit may be revoked for any substantial departure from the approved plans, failure to comply with any applicable local or State law (not just the building code and UDO), and any misrepresentations made in securing the permit.
- 6.** Building permits mistakenly issued may also be revoked.
- 7.** If the building permit expires or is revoked, the vested right based on it is also lost.

C. STATUTORY VESTED RIGHTS

Development permits for a building, use of a building, use of land, or subdivision of land establishes statutory vested rights, which shall entitle the permit holder to vested rights to develop the proposal as identified in the approved permit, subject to the following standards:

- 1.** Issuance of a building permit is not considered a development permit, and the vesting term shall only continue in accordance with Section 15.4.B, Issuance of a Building Permit.
- 2.** A development permit is valid for one year after issuance, unless otherwise specified by statute, and the applicant is vested in that permit for the term of validity.
- 3.** If the applicant fails to substantially commence authorized work within one year, then the development permit and vesting expire.
- 4.** With the substantial commencement of authorized work under a valid permit, vesting continues.
- 5.** The development permit and vesting also expire after substantial work commences if there is a two-year period of intentional and voluntary discontinuance of work after commencement unless otherwise specified by statute.

D. SITE-SPECIFIC VESTING PLAN

1. DEFINED

CHAPTER 15. VESTED RIGHTS

SECTION 15.5. TERMINATION

- i. For the purposes of this section, a site-specific vesting plan is defined as a plan of land development submitted to the County for purposes of obtaining approval.
- ii. A site-specific vesting plan must provide, with reasonable certainty, all of the following:
 01. The boundaries of the development;
 02. Topographic and natural features affecting the site;
 03. The approximate location of proposed buildings, structures, and other improvements;
 04. The approximate dimensions, including height, of proposed buildings and other structures;
 05. The approximate location of all existing and proposed infrastructure on the site, including water, sewer, streets, and pedestrian ways;
 06. The type or types of proposed land uses; and
 07. The density or intensity of development.
- iii. A variance, sketch plan, concept plan, or any other document that fails to describe with reasonable certainty the type and intensity of use for a specific lot or lots of property shall not constitute a site-specific vesting plan.
- iv. The following development approvals constitute a site-specific vesting plan:
 01. A concept plan or site plan associated with a conditional rezoning application (see Chapter 12);
 02. A master plan associated with a planned development;
 03. Preliminary plats approved in accordance with Chapter 19;
 04. Site plans approved in accordance with Chapter 4; and
 05. Special use permits approved in accordance with Chapter 13.

2. ESTABLISHMENT

Development approvals identified by this Ordinance as site-specific vesting plans shall be granted a vested right to develop for a maximum period of two years from the date of the approval, provided the development subject to the approval complies with all applicable terms and conditions.

3. EXTENSION

- i. The two-year vesting duration of a site-specific vesting plan may be extended up to five years from the date of the approval only in accordance with Section 15.6, Vested Rights Certificate.
- ii. Site-specific vesting plans meeting the definition of a multi-phase development shall be vested in accordance with Section 15.4.E, Multi-Phase Development Plan.

E. MULTI-PHASE DEVELOPMENT PLAN

1. A multi-phase development plan that occupies at least 25 acres of land area, is subject to a master plan that depicts the types and intensities of all uses as part of the approval and includes more than one phase shall be considered as a multi-phase development plan that is granted a vested right to develop for a period of seven years from the date of approval of the first site plan associated with the development.
2. Vesting shall commence upon approval of the site plan for the first phase of the development.
3. The vested right shall remain in effect provided the development does not expire and provided it complies with all the applicable terms and conditions of the approval.

F. DEVELOPMENT AGREEMENT

A development agreement shall be vested in accordance with the vesting term identified in the development agreement.

SECTION 15.5. TERMINATION

1. Vested rights established in accordance with this Ordinance shall run with the land.
2. In no instance shall vesting status extend beyond the maximum duration for the type of development application approval.

CHAPTER 15. VESTED RIGHTS

SECTION 15.6. VESTED RIGHTS CERTIFICATE

3. In no instance shall the vesting status of a development approval continue after the development approval expires or if the development approval is revoked for failure to comply with the terms of the approval or of this Ordinance.
4. In no instance shall the vesting status of a development approval continue after it is determined that the development approval was based upon intentional inaccurate information or material misrepresentations.
5. In no instance shall vested rights continue if the Board of Commissioners finds, after a duly noticed public hearing, that natural or man-made hazards resulting from the development would result in a serious threat to public health, safety, or welfare if the development were to be continued or completed.
6. In the event of commenced but uncompleted work associated with a development approval, vested rights shall expire within 24 months of the discontinuance of work. This 24 month period shall not include the time associated with work stoppage resulting from an appeal or litigation.

B. LIMITATIONS

1. The establishment of a vested right does not preclude the County's application of overlay zoning district requirements or other development regulations that do not affect the type of land use, its density, or intensity.
2. A vested right shall not preclude the application of changes to building, fire, plumbing, electrical, or mechanical codes made after the development approval where a vested right was established.

SECTION 15.6. VESTED RIGHTS CERTIFICATE

A. PURPOSE

The purpose for this section is to establish a clear procedure for an applicant to request vesting or protection from changes in this Ordinance that take place after approval of the application but prior to completion of an approved site-specific vesting plan.

B. APPLICABILITY

1. A vested right may be established, in accordance with Section NCGS 160D-108(d), and this section.
2. A vested rights certificate shall be limited to development included in a site-specific vesting plan. For the purposes of this section, a site-specific vesting plan shall be one of the following development approvals:
 - i. A concept plan or site plan associated with a conditional rezoning;
 - ii. A master plan associated with a planned development;
 - iii. Preliminary plat;
 - iv. Site plan; or
 - v. Special use permit.
3. The public hearing for a vested rights certificate shall be conducted concurrently or following the public hearing associated with a conditional rezoning application, planned development, preliminary plat, or special use permit, at the discretion of the Board of Commissioners.
4. The public hearing for a vested rights certificate associated with a site plan shall be conducted following approval of the site plan in accordance with Section 4.2, Site Plans.

C. DECISION

1. After the conclusion of a public hearing, the Board of Commissioners shall decide the vested rights certificate application in accordance with the standards in Section 12.6.D, Review Criteria.
2. The decision shall be one of the following:
 - i. Approval of the vested rights certificate as proposed;
 - ii. Approval of a revised vested rights certificate; or
 - iii. Denial of the vested rights certificate.
3. The vested rights certificate is deemed established upon the approval by the Board of Commissioners of a qualifying site-specific vesting plan to which the application for a vested rights certificate was attached.

D. REVIEW CRITERIA

An application for a vested rights certificate shall be approved if:

- 1.** The vested rights certificate is for an approved site-specific vesting plan;
- 2.** The development is valid and unexpired;
- 3.** Any required variances have been obtained;
- 4.** The request is in accordance with NCGS Section 160D-108; and
- 5.** The application is warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations.

E. EFFECT

- 1.** A vested rights certificate shall be approved prior to issuance of a building permit.
- 2.** Each document used to establish a site-specific vesting plan shall bear the following notation:

"Approval of this application establishes a zoning vested right under NCGS Section 160D-108, as amended. Unless terminated at an earlier date, the vested right shall be valid until _____(date)."

- 3.** The establishment of a vested right shall not preclude the application of overlay zoning district provisions that impose additional requirements but do not affect the allowable type and intensity of use, or through ordinances that are general in nature and are applicable to all property subject to land use regulation by the County, including, but not limited to: building, fire, plumbing, electrical, and mechanical codes.

F. DURATION

- 1.** In no instance shall a vested right certificate provide a vested right for a period of longer than five years from the date of approval.

- 2.** A vested right certificate shall expire and become null and void:

- i.** At the end of the applicable vesting period; or
- ii.** If a building permit application for the development subject to the certificate is not submitted within two years of the approval of the vested rights certificate associated with a special use permit, preliminary plat, or site plan, or five years of the approval of a vested rights certificate associated with a conditional rezoning; or

- iii.** Upon a finding by the Board of Commissioners after public notice and a public hearing, that:

- 01.** Natural or man-made hazards on or in the immediate vicinity of the land, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated;

- 02.** The landowner or landowner's representative intentionally supplied inaccurate information or made material misrepresentations which affected the approval of the site-specific vesting plan;

- 03.** The landowner failed to comply with any condition imposed upon the establishment of the site specific vesting plan or vested rights certificate; or

- iv.** Upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant fees incurred after approval of the certificate by the County, together with interest at the legal rate until paid. Compensation shall not include any diminution in the value of the land which is caused by such action; or

- v.** With the written consent of the affected landowner.

- 3.** Upon enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the site-specific vesting plan, the Board of Commissioners may modify the affected provisions of the certificate by ordinance, if after conducting a hearing, it finds the changed conditions created by the change in the State or federal law have a fundamental effect on the site-specific vesting plan.

SECTION 15.7. APPEAL**A. ADMINISTRATOR'S DECISION**

Appeal of a decision by the Administrator on a vested rights determination shall be reviewed and decided by the Board of Adjustment in the nature of certiorari and in accordance with NCGS Section 160D-405, and Section 14.1, Administrative Appeal.

B. BOARD OF COMMISSIONER'S DECISION

A legislative decision of the Board of Commissioners with regard to a vested right certificate application may be challenged by the filing of a declaratory judgement action in the Superior Court of Moore County in accordance with Section 14.3, Challenge to Legislative Decision.

CHAPTER 16. WATERSHED OVERLAY DISTRICTS

SECTION 16.1. APPLICABILITY

- A.** In accordance with NCGS Chapter 143 Article 21, unless specifically exempt below, the provisions of this Chapter shall apply to all development within a Watershed Overlay District, as designated and administered by the NC Environmental Management Commission.
- B.** The class WS-IV district applies only to new development projects that require a sedimentation and erosion control plan resulting in the disturbance of one acre or more of land area.
- C.** Permitted uses and conditional uses listed in the Table of Uses (see Chapter 6) for the appropriate district are allowed in the Watershed Overlay Districts, but new sludge application sites and landfills are specifically prohibited in the critical areas of any watershed overlay district.

SECTION 16.2. EXEMPTIONS

A. EXISTING DEVELOPMENT

Buildings that were built prior to January 4, 1994, are exempted from the requirements of this Chapter.

B. REDEVELOPMENT

Redevelopment is allowed if the rebuilding activity does not have a net increase in built-upon area or provides equal or greater stormwater control than the previous development, except that there are no restrictions on single family residential redevelopment.

C. EXPANSIONS

Expansions to buildings classified as existing development shall comply with the regulations of this Chapter; however, the built-upon area of the existing development is not required to be included in the impervious calculations.

D. NONCONFORMING LOTS OF RECORD

A lawfully established lot existing prior to January 4, 1994, may be developed for single-family residential purposes without being subject to the regulations of this Chapter.

E. RECOMBINATION PLATS

Recombination of contiguous nonconforming lots of record owned by the same party is required in order to establish a lot or lots that meet or nearly meet the development restrictions of this section are exempted from these regulations, as determined by the Administrator.

F. SILVICULTURE

Silviculture is exempted from the requirements of this Chapter, as determined by the NC Forest Service.

G. AGRICULTURE

Agricultural activity is exempted from these requirements, as determined by the NC Soil and Water Conservation Commission.

H. NCDOT

Activities that are regulated in accordance with provisions of the National Pollutant Discharge Elimination System (NPDES) Permit No. NCS000250 shall be exempted from the standards in this Chapter.

SECTION 16.3. DENSITY & BUILT UPON LIMITS

Minimum and maximum residential and non-residential density and built-upon limits shall be as indicated in the table below, or as required by the underlying zoning district or applicable subdivision regulations, whichever is most stringent.

CHAPTER 16. WATERSHED OVERLAY DISTRICTS

SECTION 16.4. MINIMUM DESIGN CRITERIA FOR ALL NEW DEVELOPMENTS

WATERSHED OVERLAY DISTRICT DENSITY AND BUILT-UPON LIMITS			
WATERSHED	MAXIMUM ALLOWABLE DENSITY OR MINIMUM LOT SIZE		
OVERLAY DISTRICT TYPE	LOCATION IN THE WATERSHED	SINGLE-FAMILY RESIDENTIAL (EXCEPT WITHIN CLUSTER DEVELOPMENT)	ALL OTHER RESIDENTIAL AND NON-RESIDENTIAL (CALCULATE BY TOTAL ACREAGE IN THE TRACT)
WS-II	Critical Area	Average of 1 dwelling unit / 2 acres per project <u>OR</u> 80,000 square foot lot excluding street right-of-way	6% built-upon area
	Balance of Watershed	Average of 1 dwelling unit / 1 acre per project <u>OR</u> 40,000 square foot lot excluding street right-of-way	12% built-upon area (up to 70% with SNIA approval)
WS-III	Critical Area	Average of 1 dwelling unit / 1 acre per project <u>OR</u> 40,000 square foot lot excluding street right-of-way	12% built-upon area
	Balance of Watershed	Average of 2 dwelling units / 1 acre per project <u>OR</u> 20,000 square foot lot excluding street right-of-way	24% built-upon area (up to 70% with SNIA approval)
WS-IV	Protected Area	With Curb & Gutter: Average of 2 dwelling units / 1 acre per project <u>OR</u> 20,000 square foot lot excluding street right-of-way	With Curb & Gutter: 24% built-upon area (up to 70% with SNIA approval)
		Without Curb & Gutter: Average of 3 dwelling units / 1 acre per project <u>OR</u> 36% built upon area	Without Curb & Gutter: 36% built-upon area (up to 70% with SNIA approval)

SECTION 16.4. MINIMUM DESIGN CRITERIA FOR ALL NEW DEVELOPMENTS

A. VEGETATED CONVEYANCES

Stormwater runoff from the development shall be transported by vegetated conveyances to the maximum extent practicable.

B. STREAM BUFFERS

1. Vegetated (natural or planted) buffers shall be required along perennial waters indicated on the most recent version of the United States Geological Survey (USGS).
2. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.
3. No new development is allowed in the required buffer except for water-borne structures (e.g., piers, docks, etc.) or other structures such as flag poles, signs, and security lights.
4. The following minimum buffer widths shall apply:
 - i. Special Non-Residential Intensity Allocation (SNIA) approved projects: 100 feet; and
 - ii. All other projects: 30 feet.

SECTION 16.5. SPECIAL NON-RESIDENTIAL INTENSITY ALLOCATION (SNIA)

A. APPLICABILITY

Non-residential development, located outside of critical areas, may occupy up to five percent of the watershed with up to a 70 percent built-upon area, when approved as a special non-residential intensity allocation (SNIA).

CHAPTER 16. WATERSHED OVERLAY DISTRICTS

SECTION 16.6. CLUSTER DEVELOPMENTS

B. SUBMITTAL

1. An application for a SNIA shall be submitted at least 30 days prior to the Watershed Review Board meeting at which it is to be heard.
2. Upon completion of the technical review, the Administrator shall prepare and forward the staff report any related application materials to the Watershed Review Board in accordance with Section 10.7, Staff Review and Action.

C. WATERSHED REVIEW BOARD

1. The Planning Board shall act as the Watershed Review Board, shall hold a legislative public hearing, and shall review and approve or deny the SNIA request.
2. Notice of the public hearing shall be published in a newspaper of general circulation once a week for two consecutive weeks prior to the public hearing.
3. Requests requiring revisions shall be returned to the Planning Board within 90 days or the request shall be considered withdrawn.

D. APPROVAL CRITERIA

SNIA requests shall not be approved unless the following requirements are met as demonstrated and certified on the site plan by a professional engineer:

1. The request will minimize built-upon surface area;
2. All stormwater will be directed away from any surface waters;
3. Best management practices will be incorporated to minimize water quality impacts; and
4. All property subject to a request for a special non-residential intensity allocation is uniformly zoned.

E. APPEAL

Appeal of a decision made by the Watershed Review Board with respect to a SNIA application shall be made in accordance with Section 14.4, Appeal of Decision by Watershed Review Board.

F. SET ASIDE FOR PUBLIC PROJECTS AND FACILITIES

1. In order to assure that sufficient land is available for public projects and facilities within Watershed Overlay Districts, 5 percent of the special non-residential intensity allocation shall be set aside for such projects in the Drowning Creek Watershed, the Bear Creek Watershed, the Little River (Vass) Watershed, and the Little River #2 Watershed.
2. At least ten percent of the Nick's Creek Watershed shall be set aside for public projects and facilities, including schools, public buildings, and other similar uses.

SECTION 16.6. CLUSTER DEVELOPMENTS

A. APPLICABILITY

Cluster developments are allowed in all watershed overlay districts.

B. SUBMITTAL

Cluster developments shall be submitted as a conservation subdivision or planned developments.

C. APPROVAL CRITERIA

Cluster developments shall not be approved unless the following requirements are met:

1. Built-upon areas shall be designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, shall transport stormwater runoff from the development by vegetated conveyances to the maximum extent practicable;
2. Areas of concentrated development shall be located in upland areas and away, to the maximum extent practicable, from surface waters (all waters of the state as defined in North Carolina General Statute 143-212, except underground waters) and drainageways; and
3. The development shall meet all applicable density requirements per Section 16.3 Density and Built-Upon Limits;

CHAPTER 16. WATERSHED OVERLAY DISTRICTS

SECTION 16.7. DENSITY AVERAGING OF NONCONTIGUOUS PARCELS

4. The development shall meet all applicable minimum open space requirements in Section 19.9.D, Minimum Open Space Required, and Section 19.9.E, Ownership of Open Space.

SECTION 16.7. DENSITY AVERAGING OF NONCONTIGUOUS PARCELS

A. APPLICABILITY

1. Density averaging involves the use of two noncontiguous parcels and is based on the idea that the development plans for a pair of parcels can be submitted together and treated as a single project for purposes of complying with this Chapter.
2. Density averaging of two noncontiguous parcels for purposes of complying with this Chapter shall be allowed in accordance with this Section and NCGS 143-214.5 (d2).

B. SUBMITTAL

1. The application shall be submitted at least 30 days prior to the Watershed Review Board meeting at which it is to be heard.
2. Applications shall include a site plan prepared in accordance with Chapter 4.
3. Upon completion of the technical review, the Administrator shall prepare and forward the staff report any related application materials to the Watershed Review Board in accordance with Section 10.7, Staff Review and Action.

C. WATERSHED REVIEW BOARD

1. The Planning Board shall act as the Watershed Review Board, shall hold a legislative public hearing, and shall review and approve or deny the request.
2. Requests requiring revisions shall be returned to the Watershed Review Board within 90 days or the request shall be considered withdrawn.

D. APPROVAL CRITERIA

The Watershed Review Board shall make written findings supported by appropriate calculations and documentation that the plan, as a whole, conforms to the requirements of this Section.

E. APPEAL

Appeal of a decision made by the Watershed Review Board with respect to an application for density averaging of noncontiguous parcels shall be made in accordance with Section 14.4, Appeal of Decision by Watershed Review Board.

SECTION 16.8. WATERSHED VARIANCE

A. APPLICABILITY

In addition to the other requirements of Section 14.2, Variances, variance requests from the standards of this Chapter shall comply with the following:

B. MINOR VARIANCES

1. Minor variance applications are intended for developments seeking the reduction of any standard of this Chapter by a factor of less than 10 percent.
2. Minor variances shall be approved by the Watershed Review Board in accordance with this section and all applicable State law.

C. MAJOR VARIANCES

1. Major variance applications are intended for developments seeking the reduction of any standard of this Chapter by a factor of 10 percent or more.
2. Major variances shall comply with Section 14.2, Variances, except that a decision by the Watershed Review Board to approve a major variance shall be advisory only.

CHAPTER 16. WATERSHED OVERLAY DISTRICTS

SECTION 16.9. ALLOCATION TRANSFER BETWEEN JURISDICTIONS

3. The Administrator shall, within 30 days of a decision by the Watershed Review Board, forward a record of the Watershed Review Board hearing, findings, and conclusions to the North Carolina Environmental Management Commission or other appropriate State agency for final decision.

D. APPEAL

Appeal of a quasi-judicial decision made by the Watershed Review Board with respect to a minor watershed variance application shall be made to the Superior Court for Moore County in accordance with Section 14.2, Appeal of Quasi-Judicial Decision.

E. NOTICE TO LOCAL GOVERNMENTS

1. Prior to the Watershed Review Board meeting, the Administrator shall notify, in writing, the clerks of all local governments having jurisdiction within that watershed of the variance being requested.
2. Written responses from any of these local governments shall become a permanent part of the records.

SECTION 16.9. ALLOCATION TRANSFER BETWEEN JURISDICTIONS

Moore County, having jurisdiction within a designated water supply watershed may transfer, in whole or in part, its rights to the 5/70 land area to one of the other local government jurisdictions located within Moore County within the same water supply watershed upon submittal of an approved joint resolution between Moore County Board of Commissioners and the governing body of the municipality and approval by the NC Department of Environmental Quality.

CHAPTER 17. FLOOD DAMAGE PREVENTION

SECTION 17.1. APPLICABILITY

- A.** In accordance with NCGS Chapter 143, Article 21 and Chapter 160D-923, this Chapter shall apply to all Special Flood Hazard Areas within Moore County's planning jurisdiction, and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.
- B.** No structure or land located within the Special Flood Hazard Area shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this Chapter and other applicable regulations.

SECTION 17.2. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Moore County dated October 17, 2006, and as revised, updated, or amended, which are adopted by reference and declared to be a part of this Chapter.

SECTION 17.3. GENERAL DEVELOPMENT STANDARDS

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

- A.** All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- B.** All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- C.** Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- D.** All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- E.** New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the flood waters.
- F.** Nothing in these standards shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of these standards and located totally or partially within a floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction or replacement meets all of the other requirements of these standards.
- G.** New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, chemical storage facilities or critical facilities shall not be permitted except by variance as specified in Section 17.23, Floodplain Variance.
- H.** A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and is certified according to Section 17.21.A,(Floodproofing Certificate).
- I.** All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage, including the location of public utilities and facilities.
- J.** All development proposals shall have adequate drainage to reduce exposure to flood hazards.
- K.** All subdivision and development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

SECTION 17.4. BASE FLOOD ELEVATION (BFE) DETERMINATION

CHAPTER 17. FLOOD DAMAGE PREVENTION

SECTION 17.5. FLOODWAYS AND NON-ENCROACHMENT AREAS

- A.** The Base Flood Elevation (BFE) used in determining the regulatory flood protection elevation shall be determined by a sealed Elevation Certificate from a license land surveyor and/or other federal, State or local sources.
- B.** When BFE has been determined, all new construction and substantial improvements shall be elevated to the determined regulatory flood protection elevation.
- C.** When BFE data is not available (Approximate Zone A), the reference level shall be elevated to or above the regulatory Flood protection elevation as defined in Section 17.24, Definitions.
- D.** All subdivisions, manufactured home parks, and other development proposals shall provide Base Flood Elevation data if development is greater than five acres or has more than 50 lots/manufactured home sites.
- E.** Such BFE data shall be adopted by reference per Section 17.2, Basis for Establishing Special Flood Hazard Areas, to be utilized in implementing these standards.
- F.** When BFE is not available, no encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of 20 feet from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase flood levels during the occurrence of the base flood discharge.

SECTION 17.5. FLOODWAYS AND NON-ENCROACHMENT AREAS

- A.** Areas located within the Special Flood Hazard Areas established in Section 17.2, Basis for Establishing Special Flood Hazard Areas, are designated as floodways and non-encroachment areas which are extremely hazardous due to the velocity of floodwaters which carries debris and potential projectiles. This includes areas along rivers and streams where BFE information is provided but there has been no floodway or non-encroachment area designation.
- B.** In addition to standards outlined in Section 17.3, General Development Standards, and Section 17.4, Base Flood Elevation Determination, the following shall apply to all development in such areas.
- C.** No encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- D.** Once a floodway or non-encroachment area has been designated, no encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
 - 1.** It is demonstrated that the proposed encroachment would not result in any increase
 - 2.** In the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit or,
 - 3.** A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
 - 4.** If these standards satisfied, all development shall comply with the applicable flood hazard reduction provisions of this ordinance.

SECTION 17.6. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO)

- A.** These areas have special flood hazards associated with base flood depths of one-to-three feet where a clearly defined channel does not occur and where the path of flooding is unpredictable and indeterminate.
- B.** The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Map (FIRM), in feet, plus a freeboard of three feet, above the highest abutting grade; or at least two feet above the highest abutting grade plus a freeboard of one foot if no depth number is specified.
- C.** Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 17.8 so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and its effects of buoyancy.

CHAPTER 17. FLOOD DAMAGE PREVENTION

SECTION 17.7. RESIDENTIAL CONSTRUCTION

- D.** Certification is required as per Section 17.20, Additional Certificate Requirements.
- E.** Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

SECTION 17.7. RESIDENTIAL CONSTRUCTION

New construction and substantial improvement of any residential structure shall have the reference level, including basement, elevated at no lower than the regulatory flood protection elevation, as defined in Section 17.24, Definitions.

SECTION 17.8. NON-RESIDENTIAL CONSTRUCTION

- A.** New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, no lower than the regulatory flood protection elevation as defined in Section 17.24, Definitions.
- B.** Structures located in A, AE, and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
- C.** For AO Zones, the floodproofing elevation shall be in accordance with Section 17.21 of these standards.
- D.** Soil testing and compaction standards of the International Building Code shall be met.
- E.** A registered professional engineer or architect shall certify that the standards of this sub-section are satisfied. Such certification shall be provided to the Administer as set forth in Section 17.19, Elevation Certificates, and 17.21, Additional Certificate Requirements, along with the operational and maintenance plans.

SECTION 17.9. MANUFACTURED HOMES

- A.** Manufactured homes may only be replaced within a Special Flood Hazard Area.
- B.** No new placement of manufactured homes shall occur within the Special Flood Hazard Area or within an area bounded by flood of record, except by variance.
- C.** Replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Section 17.24, Definitions.
- D.** Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by engineer certification, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15.
- E.** Additionally, when the elevation is met by an elevation of the chassis 36 inches or less above the grade at site, the chassis shall be supported by reinforced piers or engineered foundation.
- F.** When the elevation of the chassis is above 36 inches in height, an engineering certification is required.
- G.** All enclosures or skirting below the lowest floor shall meet the requirements of Section 17.10, Elevated Buildings.
- H.** An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas.
- I.** This plan shall be filed with an approved by the floodplain administrator and the local Emergency Management coordinator.

SECTION 17.10. ELEVATED BUILDINGS

Fully enclosed areas of new or substantially improved structures, which is below the lowest floor, shall comply with the following:

CHAPTER 17. FLOOD DAMAGE PREVENTION

SECTION 17.11. ADDITIONS AND IMPROVEMENTS TO PRE-FIRM STRUCTURES

- A.** Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the area shall be the minimum necessary for storage and entry to the living area.
- B.** The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas.
- C.** Shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation.
- D.** Shall include, in Zones A, AO, AE and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters designed in accordance with Section 17.20, Flood Opening Design Standards.

SECTION 17.11. ADDITIONS AND IMPROVEMENTS TO PRE-FIRM STRUCTURES

Additions or improvements to pre-FIRM structures when the addition or improvements are in combination with any interior modifications to the existing structure shall comply with the following:

- A.** If not a substantial improvement, the addition or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
- B.** A substantial improvement, both the existing structure and the addition or improvements must comply with the standards of new construction.
- C.** Where an independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

SECTION 17.12. ADDITIONS AND IMPROVEMENTS TO POST-FIRM STRUCTURES

- A.** Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
- B.** For additions or improvements to post-FIRM structures that are not considered a substantial improvement, only the addition or improvements must comply with the standards for new construction.
- C.** For additions and/or improvements for post-FIRM structures that are considered a substantial improvement, the existing structure and the additions and/or improvements must comply with the standards for new construction.
- D.** Where an independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

SECTION 17.13. RECREATIONAL VEHICLES

Recreational vehicles shall be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by a quick disconnect type utilities and has no permanently attached additions).

SECTION 17.14. TEMPORARY NON-RESIDENTIAL STRUCTURES

Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

- A.** A specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year;
- B.** The name, address, and phone number of the individual responsible for the removal of the temporary structure;
- C.** The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

CHAPTER 17. FLOOD DAMAGE PREVENTION

SECTION 17.15. ACCESSORY STRUCTURES

- D.** A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
- E.** Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

SECTION 17.15. ACCESSORY STRUCTURES

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

- A.** Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking, or restroom areas);
- B.** Accessory structure shall not be temperature controlled;
- C.** Accessory structures shall be designed to have low flood damage potential;
- D.** Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- E.** Accessory structures shall be firmly anchored and all service facilities such as electrical shall be installed in accordance with Section 17.3, General Development Standards, and flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with Section 17.20, Flood Opening Design Standards.
- F.** An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate.
- G.** Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 17.21, Additional Certificate Requirements.

SECTION 17.16. FLOODPLAIN DEVELOPMENT PERMIT APPLICABILITY

- A.** A Floodplain Development Permit shall be required in conformance with the provisions of this section prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Section 17.2, Basis for Establishing Special Flood Hazard Areas.
- B.** No structure of land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this section and other applicable regulations.

SECTION 17.17. APPLICATION REQUIREMENTS

An application for a Floodplain Development permit shall be submitted in accordance with Chapter 10, General Application Review Procedures, and the following:

- A.** An application for a flood development permit shall include a site plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 1. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 2. The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section 17.2 of these standards, or a statement that the entire lot is within the Special Flood Hazard Area;
 3. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 17.2;
 4. The boundary of the floodway(s) or non-encroachment area(s) as determined in Section 17.2;
 5. The Base Flood Elevation (BFE) where available;
 6. The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
 7. Certification of the plot plan by a registered land surveyor or professional engineer.

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SECTION 17.18. PERMIT REQUIREMENTS

- B.** Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
1. Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 2. Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood proofed; and
 3. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed. If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.
- C.** A foundation plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of these standards are met. These details include but are not limited to:
1. The proposed method of elevation, if applicable (i.e. fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
 2. Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with Section 16.20 (Flood Opening Design Standards), when solid foundation perimeter walls are used in Zones A, AO, AE and A1-30;
- D.** Usage details of any enclosed areas below the regulatory flood protection elevation;
- E.** Plans and/or details for the protection of public utilities and facilities such as sewer/gas/electrical, and water systems to be located and constructed to minimize flood damage;
- F.** Copies of all other Local, State, and Federal permits required prior to floodplain development permit issuance (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.);
- G.** Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure Section 17.13, Recreational Vehicles, and Section 17.14, Temporary Non-Residential Structures and Section 17.15, Accessory Structures, are met; and
- H.** A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

SECTION 17.18. PERMIT REQUIREMENTS

The floodplain development permit shall include, but not be limited to:

- A.** A description of the development to be permitted under the floodplain development permit.
- B.** The Special Flood Hazard Area determination for the proposed development per available data specified in Section 17.2, Basis for Establishing Special Flood Hazard Areas.
- C.** The regulatory flood protection elevation required for the reference level and all attendant utilities.
- D.** The regulatory flood protection elevation required for the protection of all public utilities.
- E.** All certification submittal requirements with timelines.
- F.** A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
- G.** The flood opening requirements, if the project is located in Zones A, AO, AE or A1-30.
- H.** Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access, and limited storage only).

SECTION 17.19. ELEVATION CERTIFICATION REQUIREMENTS

- A.** An elevation certificate (FEMA Form 81-31) is required prior to the actual start of any new construction.

CHAPTER 17. FLOOD DAMAGE PREVENTION

SECTION 17.20. FLOOD OPENING DESIGN STANDARDS

- B.** It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level.
- C.** The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to beginning construction. Failure to submit the certification of failure to make the required corrections shall be cause to deny a floodplain development permit.
- D.** A final as-built elevation certificate (FEMA 81-31) is required after construction is completed and prior to the certificate of occupancy/compliance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities.
- E.** The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to issuance of the certificate of occupancy/Compliance.
- F.** In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification of failure to make required corrections shall be cause to withhold the certificate of occupancy/compliance.
- G.** If the elevation certificate is being used to obtain flood insurance through the NFIP, the certifier must provide at least two photographs showing the front and rear of the building within 90 days from the date of certification. The photographs must confirm the building description and diagram number. If the building has split level or multi-level areas, provide at least two additional photographs showing side views of the building. All photographs must be in color and measure at least three inches square. Digital photographs are acceptable.

SECTION 17.20. FLOOD OPENING DESIGN STANDARDS

Flood openings must be certified by a professional engineer or architect or meet or exceed the following design criteria:

- A.** A minimum of two flood openings on different sides of each enclosed area subject to flooding;
- B.** The total net area of all flood openings must be at least one square inch for each square foot of enclosed area subject to flooding;
- C.** If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
- D.** The bottom of all required flood openings shall be no higher than one foot above the abutting grade;
- E.** Flood openings may be equipped with screens, louvers or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
- F.** Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

SECTION 17.21. ADDITIONAL CERTIFICATE REQUIREMENTS

A. FLOODPROOFING CERTIFICATE

- 1.** If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a floodproofing certificate (FEMA 81-65), with supporting data and an operational plan, is required prior to the start of any new construction.
- 2.** It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level.
- 3.** Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.
- 4.** The Floodplain Administrator shall review the certificate data and plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval.

CHAPTER 17. FLOOD DAMAGE PREVENTION

SECTION 17.22. CERTIFICATE EXEMPTIONS

5. Failure to submit the certification or failure to make requires corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the certificate of occupancy/compliance.

B. ENGINEERED FOUNDATION CERTIFICATION

If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with Section 17.9, Manufactured Homes.

C. WATERCOURSE ALTERING

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

SECTION 17.22. CERTIFICATE EXEMPTIONS

The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in Section 17.19, Elevation Certificate Requirements, and Section 17.21, Floodproofing Certificate:

- A. Recreational vehicles meeting requirements of Section 17.13, Recreational Vehicles;
- B. Temporary structures meeting requirements of Section 17.14, Temporary Non-Residential Structures and;
- C. Accessory structures less than 150 square feet meeting requirements of Section 17.15, Accessory Structures.

SECTION 17.23. FLOODPLAIN VARIANCE

A. GENERALLY

The Board of Adjustment, hereinafter referred to as the "appeal board," shall hear and decide requests for variances from the requirements of this Chapter. Variances may be issued for:

1. The repair or rehabilitation of historic structures upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that variance is the minimum necessary to preserve the historic character and design of the structure.
2. Functionally dependent facilities is determined to meet the definition in Section 17.24, Definitions, provided provisions of Section 17.23(E) 2,3, and 5 have been satisfied, and such facilities are protected by methods that minimize flood damages.
3. Any other type of development, provided is meets the requirements stated in this section.

B. APPLICATION REQUIREMENTS

1. An application for a variance from these standards shall be submitted in accordance with Chapter 14.
2. A written report, signed and sealed by a licensed engineer in the State of North Carolina, addressing each of the factors listed in Section 17.23(C) shall be submitted with the application for a variance.

C. TECHNICAL EVALUATION, FACTORS AND STANDARDS

In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the service provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location as defined under Chapter 19 (Definitions) of this ordinance as a functionally dependent facility, where applicable;

- 6.** The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- 7.** The compatibility of the proposed use with existing and anticipated development;
- 8.** The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- 9.** The safety of access to the property in times of flood for ordinary and emergency vehicles;
- 10.** The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- 11.** The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

D. CRITERIA FOR APPROVAL

- 1.** Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances;
- 2.** Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge;
- 3.** Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
- 4.** Variances shall only be issued prior to development permit approval;
- 5.** Variances shall only be issued upon a showing of good and sufficient cause;
- 6.** Variances shall only be issued upon a determination that failure to grant the variance would result in exceptional hardship; and
- 7.** Variances shall only be issued upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

E. HAZARDOUS WASTE MANAGEMENT FACILITIES

- 1.** A variance may be issued for solid waste disposal facilities or critical facilities located in Special Flood Hazard Areas or within an area bounded by a flood of record contour, provided that all of the following conditions are met:
 - i.** The use serves a critical need in the community.
 - ii.** No feasible location exists for the use outside the Special Flood Hazard Area.
 - iii.** The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation or flood of record contour elevation.
 - iv.** Critical facilities shall have at least one access road connected to land outside of the area bounded by a flood of record contour that is capable of supporting a 4,000-pound vehicle. The top of the access road must be no lower than one-half (0.5) feet below either the regulatory flood protection elevation or the flood of record contour elevation.
 - v.** The use complies with all other applicable Federal, State and local laws.
 - vi.** The County of Moore has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least 30 calendar days prior to granting the variance.
- 2.** A variance may not be issued for hazardous waste management facilities, salvage yards, and chemical storage facilities

F. CONDITIONS OF APPROVAL

Upon consideration of the factors listed above and the purposes of this section, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this UDO.

G. ACTION FOLLOWING APPROVAL

- A. The Director shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- B. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) or flood of record elevation and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage.
- C. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- D. Any person aggrieved by the decision of the Board of Adjustment may appeal such decision to the Superior Court for Moore County in accordance with Section 160D-1402 of the North Carolina General Statutes.

SECTION 17.24. DEFINITIONS

The terms used in this Chapter shall be defined in accordance with the following table.

FLOOD DAMAGE PREVENTION DEFINITIONS	
TERM	DEFINITION
AREA OF SHALLOW FLOODING	A designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from 1 to 3 feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
BASE FLOOD (FLOODPLAIN)	A flood having a one 1% chance of being equaled or exceeded in any given year.
BASE FLOOD ELEVATION (BFE) (FLOODPLAIN)	A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a Special Flood Hazard Area, it may be obtained from engineering studies available from a Federal or State other source using FEMA approved engineering methodologies. This elevation, when combined with the Freeboard, establishes the Regulatory Flood Protection Elevation.
BASEMENT (FLOODPLAIN)	Any area of the building having its floor subgrade (below ground level) on all sides.
ELEVATED BUILDING (FLOODPLAIN)	A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
ENCROACHMENT (FLOODPLAIN)	The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
FIRM, POST (FLOODPLAIN)	Construction or other development for which the start of construction occurred on or after the effective date of the initial Flood Insurance Rate Map for the area.
FIRM, PRE (FLOODPLAIN)	Construction or other development for which the start of construction occurred before the effective date of the initial Flood Insurance Rate Map for the area.
FLOOD BOUNDARY AND FLOODWAY	An official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are

FLOOD DAMAGE PREVENTION DEFINITIONS

TERM	DEFINITION
MAP (FBFM) (FLOODPLAIN)	delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).
FLOOD INSURANCE RATE MAP (FIRM) (FLOODPLAIN)	An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.
FLOOD INSURANCE STUDY (FIS)	An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.
FLOOD OF RECORD ELEVATION	The peak elevation of the water surface above mean sea level recorded during an historic flood, where the recorded elevation exceeds the base flood elevation.
FLOOD OR FLOODING (FLOODPLAIN)	A general and temporary condition of partial or complete inundation of normally dry land areas from: The overflow of inland or tidal waters; and/or the unusual and rapid accumulation of runoff of surface waters from any source.
FLOOD PRONE AREA	See Floodplain.
FLOOD ZONE	A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.
FLOODPLAIN	Any land area susceptible to being inundated by water from any source.
FLOODPLAIN ADMINISTRATOR	The individual appointed to administer and enforce the floodplain management regulations. The Administrator serves as the Floodplain Administrator for this Ordinance.
FLOODPLAIN DEVELOPMENT PERMIT	Any type of permit that is required in conformance with the provisions of this Ordinance, prior to the commencement of any development activity.
FLOODPLAIN MANAGEMENT	The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
FLOODPLAIN MANAGEMENT REGULATIONS	This Ordinance and other building codes, health regulations, special purpose Ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.
FLOODPROOFING	Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.
FLOODWAY	The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot.
FLOOR AREA (FOR DETERMINING OFF-	The gross total horizontal area of all floors below the roof, including usable basements, cellars, and accessory storage areas such as counters, racks, or closets, but excluding, in the case of non-residential facilities, arcades, porticos,

FLOOD DAMAGE PREVENTION DEFINITIONS

TERM	DEFINITION
STREET PARKING AND LOADING REQUIREMENTS)	and similar areas open to the outside air which are accessible to the general public and which are not designed or used as areas for sales, display, storage, service, or production. However, "floor area", for the purpose of measurement for off-street parking spaces shall not include: floor area devoted to primarily storage purposes (except as otherwise noted above); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor other than area devoted to retailing activities, to the production or processing of goods, or business or professional offices.
FREEBOARD	The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. The Base Flood Elevation plus the freeboard establishes the Regulatory Flood Protection Elevation.
FUNCTIONALLY DEPENDENT FACILITY	A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.
HIGHEST ADJACENT GRADE (HAG)	The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.
LOWEST ADJACENT GRADE (LAG)	The elevation of the ground, sidewalk, or patio slab immediately next to the building, or deck support, after completion of the building.
LOWEST FLOOR (FLOODPLAIN)	Lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.
MEAN SEA LEVEL	For purposes of this Ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.
NEW CONSTRUCTION (FLOODPLAIN)	Structures for which the start of construction commenced on or after the effective date of the original version of the community's Flood Damage Prevention Ordinance and includes any subsequent improvements to such structures.
NON-ENCROACHMENT AREA	The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot as designated in the Flood Insurance Study report.
REFERENCE LEVEL	The top of the lowest floor, excluding the foundation system, for structures within all Special Flood Hazard Areas designated as Zone AE, A, or AO.

CHAPTER 17. FLOOD DAMAGE PREVENTION

SECTION 17.24. DEFINITIONS

FLOOD DAMAGE PREVENTION DEFINITIONS

TERM	DEFINITION
REGULATORY FLOOD PROTECTION ELEVATION	The Base Flood Elevation plus the Freeboard. In Special Flood Hazard Areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In Special Flood Hazard Areas where no BFE has been established, this elevation shall be at least 2 feet above the highest adjacent grade.
SPECIAL FLOOD HAZARD AREA (SFHA)	The land in the floodplain subject to a one 1% or greater chance of being flooded in any given year.

CHAPTER 18. ENFORCEMENT & PENALTIES

SECTION 18.1. PURPOSE AND INTENT

This section establishes procedures through which the County ensures compliance with the provisions of this Ordinance and obtains corrections for Ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this section are intended to encourage the voluntary correction of violations, where possible.

SECTION 18.2. APPLICABILITY

- A.** This Chapter applies to all provisions of this Ordinance unless another chapter has a separate enforcement section.
- B.** It is a violation to engage in the building or use of a building or land, the use or installation of a sign, the subdivision (including selling, transfer, or development) of land, or any other activity requiring one or more permits or approvals under this Ordinance without obtaining all such required permits or approvals.
- C.** Any property owner on which a violation occurs, tenant, or occupant, contractor, or any other person who participates in a situation that is contrary to the requirements of this Ordinance may be jointly or separately responsible and subject to enforcement.

SECTION 18.3. ENFORCEMENT PROCEDURES

A. INVESTIGATION

1. Upon receipt of a written or verbal complaint, the Administrator must investigate the complaint and determine whether a violation exists within 45 days.
2. The Administrator shall proactively enforce any violation existing after a permit approved by a review authority has been revoked.

B. COURTESY LETTER

1. When a violation is discovered, the Administrator shall send an informal letter, by first class mail and certified mail return receipt request, to the property owner and other person(s) responsible for any violation, detailing the nature of the violation(s) and the actions necessary to correct the violation.
2. If the certified notice is returned, refused, or unclaimed, then the first-class mail to the same address is deemed proper notice.
3. Failure to remedy the situation voluntarily within 30 days, unless an extension is given, will result in a formal notice of violation.

C. FORMAL NOTICE OF VIOLATION

1. A formal notice of violation shall be sent by personal delivery, electronic delivery, first class mail, certified mail return receipt requested, to the landowner, the person holding the development approval, the occupant, or any other person(s) responsible for any violation, detailing the nature of the violation(s) and the actions necessary to correct the violation. The notice of violation may also be posted in a conspicuous location on the property or site of the violation.
2. If the certified notice is returned, refused, or unclaimed, then the first-class mail to the same address is deemed proper notice.
3. The violation letter shall state that all violations must be corrected within 10 days of issuance of the violation letter.
4. This letter shall also include possible penalties and/or legal actions, deadlines for appeal, and method of appeal.
5. If the violation has not been corrected, and no appeal has been made to the Board of Adjustment within 10 days of the date of the letter, the Administrator shall pursue enforcement and penalties as outlined in the sections below.

6. Each day a violation continues following notice or failure to comply is considered a separate and distinct offense.

SECTION 18.4. ENFORCEMENT AND PENALTIES

Pursuant to NCGS Sections 160D-404 and NCGS 153A-123(f), Moore County may utilize one or more of the following remedies and penalties to correct or abate a violation of this Ordinance:

A. CONDITIONED PERMIT OR CERTIFICATE

1. A review authority may condition the authorization of any permit, certificate, or other approval for land, subdivision, building, structure, sign, use, or development activity with a violation or outstanding, but still authorized enforcement action, upon the correction of the violation, payment of civil penalties within a specified time, or the posting of a compliance guarantee approved by the appropriate governmental authority.
2. In no instance shall the authorization of any permit, certificate, or approval for one property with a violation or outstanding enforcement action be conditioned with the correction of a violation, payment of civil penalties within a specified time, or the posting of a compliance guarantee for a different property.

B. STOP WORK ORDERS**1. GENERAL**

Whenever the Administrator or a designee determines that a person is engaged in doing work that constitutes, creates, or results in a violation of this Ordinance and that irreparable injury will occur if the violation is not terminated immediately, that official may order the specific part of the work that constitutes, creates, or results in a violation of this Ordinance to be immediately stopped.

2. ORDER IN WRITING

- i. The stop work order shall be in writing and directed to the landowner, and the occupant or person doing the work.
- ii. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.
- iii. 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.
- iv. The County official delivering the notice shall certify that the order was delivered and that certificate shall be deemed conclusive in the absence of fraud.

3. APPEAL

Any person aggrieved by the issuance of a stop work order may appeal the issuance of the order to the Board of Adjustment in accordance with Section 14.1, Appeals. No further work or activity shall take place in violation of a stop work order pending a ruling on the appeal.

4. COMPLIANCE REQUIRED

Neither the responsible person nor a landowner upon whom a stop work order is served shall continue with work in violation of the stop work order while it remains in effect, unless the order is stayed.

C. REVOCATION OF PERMITS

1. The Administrator may revoke and require the return of a permit by notifying the permit holder in writing, stating the reason for the revocation.
2. Building permits may be revoked, in accordance with NCGS Section 160D-1115, for any of the following:
 3. Any substantial departure from the approved application, plans, or specifications;
 4. Refusal or failure to comply with the requirements of State or local laws; or
 5. For making false statements or misrepresentations in securing the permit, certificate, or approval.

6. Any permit or certificate mistakenly issued in violation of an applicable State or County law may also be revoked.
7. Revocation of a permit or approval shall be processed in the same manner as the permit or approval was granted.

D. CIVIL PENALTY

1. In accordance with NCGS Section 153A-123(c), the Administrator imposes a civil penalty by giving the violator a written citation, either in person or by certified mail return receipt request.
2. The citation must describe the violation, specify the amount of the civil penalty being imposed, and direct the violator to pay the civil penalty to the county within 10 days of the date the citation is received or presumed to have been received.
3. Violations of this Ordinance subject the violator to a civil penalty in the amount of one \$100 per day.
4. Each day's continued violation is a separate and distinct offense.
5. If the penalty is not paid timely, the County may recover the civil penalties through legal action.
6. In addition, the County may place of a lien on the property subject to the penalty.

E. INJUNCTIVE RELIEF**1. ACTION BY BOARD OF COMMISSIONERS**

Whenever the Board of Commissioners has reasonable cause to believe that any person is violating or threatening to violate this Ordinance, or any rule or order adopted or issued pursuant to this Ordinance, or any term, condition, or provision of an approved development plan, or soil erosion and sedimentation control plan, it may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the County, for injunctive relief to restrain, correct, abate, mandate, or enjoin the violation or threatened violation.

2. SUPERIOR COURT

The action shall be brought in the Superior Court of Moore County. Upon determination by a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation.

3. NO RELIEF FROM CRIMINAL PENALTIES

The institution of an action for injunctive relief under this section shall not relieve any party to such proceedings from any civil or criminal penalty prescribed for violations of this Ordinance.

F. ORDER OF ABATEMENT

In addition to an injunction, the County may apply for and the court may enter an Order of Abatement as part of the judgment in the case. An Order of Abatement may direct any of the following actions:

1. That buildings or other structures on the property be closed, demolished, or removed;
2. That fixtures, furniture, or other moveable property be moved or removed entirely;
3. That improvements, alterations, modifications, or repairs be made; or
4. That any other action be taken as necessary to bring the property into compliance with this Ordinance.

G. EQUITABLE REMEDY

The County may apply to a court of law for any appropriate equitable remedy to enforce the provisions of this Ordinance. The fact that other remedies are provided under general law or this Ordinance shall not be used by a violator as a defense to the County's application for equitable relief.

H. STATE AND COMMON LAW REMEDIES

In addition to other enforcement provisions contained in this section, the Board of County Commissioners may exercise any and all enforcement powers granted to it by state law or common law.

I. PREVIOUS ENFORCEMENT

Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions.

J. REMEDIES; CUMULATIVE AND CONTINUOUS

All such remedies provided herein shall be cumulative. To the extent that North Carolina law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

SECTION 18.5. REPEAT VIOLATIONS

Any violation that is corrected but subsequently reestablished within a period of one year (365 days) from the date of correction shall be considered a continuation of the violation and the Administrator shall continue issuing the civil penalty or pursue other equitable reliefs.

SECTION 18.6. STATUTE OF LIMITATIONS

Enforcement of violations of this Ordinance shall be in accordance with NCGS Section 1-49(3) and NCGS Section 1-51(5).

SECTION 18.7. APPEAL

- A.** A violator who has received a notice of violation may appeal the determination that a violation has occurred to the Board of Adjustment by making a written request as described in Chapter 14.
- B.** Citations that follow the original notice of violation may not be appealed to the Board of Adjustment.
- C.** If there is no appeal, the determination of the Administrator is final.

CHAPTER 19. SUBDIVISIONS

SECTION 19.1. APPLICABILITY

In accordance with NCGS Section 160D-801, the purpose of this Chapter is to establish procedures and standards for the subdivision of land within the planning jurisdiction of the County, and to provide for orderly growth in a manner and under conditions that facilitate the adequate provision of streets, water, sewage disposal, and other considerations essential to public health, safety, and the general welfare.

SECTION 19.2. PLATS SHALL BE REQUIRED ON ANY SUBDIVISION OF LAND

In accordance with NCGS Section 160D-803, plats shall be prepared, approved, and recorded pursuant to the provisions of this Ordinance whenever any subdivision of land takes place.

SECTION 19.3. EXEMPT SUBDIVISIONS

A. EXEMPTIONS IDENTIFIED

In accordance with NCGS Section 160D-802, the following activities are not subject to the subdivision regulations of this Ordinance:

1. COMBINATION / RECOMBINATION

The combination or recombination of portions of lots when the total number of lots is not increased and the resultant lots are equal to or exceed the dimensional requirements of the zoning district where located.

2. DIVISIONS GREATER THAN 10 ACRES

The division of land into parcels, each greater than 10 acres, measured from the property lines, if no street right-of-way public dedication is involved. The creation of private streets or access easements maintained by an owners' association does not constitute public dedication of street right-of-way.)

3. PUBLIC ACQUISITIONS / RIGHT-OF-WAY

The public acquisition, by purchase, of strips of land for widening or opening street rights-of-way or for public transportation system corridors.

4. TWO INTO THREE LOTS

- i. The division of a tract in single ownership, the entire area of which is no greater than two acres, and the division resulting in not more than three lots, provided no street right-of-way dedication is involved and the resultant lots are equal to or exceed the applicable zoning district dimensional requirements.
- ii. This exemption only applies in cases when all of the contiguous land owned by the qualifying single owner does not exceed two acres in area.

5. ESTATE EXCLUSION

- i. The division of land among heirs in order to settle an estate by a probated will or by order of a court of jurisdiction in the settlement of a decedent's estate or in accordance with intestate succession under Chapter 29 of the General Statutes.
- ii. Unless the lots in the estate exclusion meet the standards of this Ordinance, a building permit shall not be issued.
- iii. A copy of the will or order shall be submitted to the Administrator as part of the materials associated with the subdivision exemption.

6. COURT ORDERED SURVEY

- i. The division of land pursuant to an Order of the General Court of Justice.
- ii. A copy of the court order shall be submitted to the Administrator as part of the materials associated with the subdivision exemption.

7. EASEMENT PLATS

- i. Access and utility easements may be platted and recorded as exemptions from these subdivision regulations.

CHAPTER 19. SUBDIVISIONS

SECTION 19.4. FAMILY SUBDIVISIONS

- ii. Access easements shall be a minimum 20 feet in width pursuant to the NC Fire Code.

8. NON-OCCUPIED FACILITIES

- i. The subdivision of land to establish special lots intended solely for non-occupied structures like utility substations, septic tanks, family cemetery lots, dock access, and similar features.
- ii. Individual lots for non-occupied facilities are exempt from the minimum dimensional standards of the zoning district where located, but each use shall comply with other zoning district regulations including, but not limited to, required setbacks and screening requirements.

B. EXEMPT SUBDIVISION SUBMITTAL REQUIREMENTS

The exempt subdivision application shall be submitted in conformance with:

1. All applicable requirements zoning requirements, including but not limited to the minimum lot dimensional standards of the underlying zoning district;
2. Demonstrated compliance with the standards in NCGS Section 47-30 if the applicant is seeking to file a plat; and
3. Any applicable statements in Section 19.16.

C. ACTION BY THE ADMINISTRATOR

1. The Administrator shall render decision within 14 working days after receipt of the completed application and associated documents.
2. If the subdivision is disapproved, the Administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval.

D. APPEAL

Appeal of the Administrator's decision on an exempt subdivision application shall be made to the Board of Adjustment in accordance Section 14.1, Appeal of Administrative Decision.

SECTION 19.4. FAMILY SUBDIVISIONS

A. APPLICABILITY

1. Family subdivisions involve the creation of lots for residential purposes which are to be deeded only to immediate family members and cannot be resold or deeded to a person who is not an immediate family member for at least three years from the date the lot is established.
2. For purposes of this section "immediate family members" shall include: husbands, wives, mothers, fathers, brothers, sisters, children (biological, adopted, or step), grandmothers, grandfathers, grandchildren (biological, adopted, or step), aunts, uncles, nieces, and nephews.

B. FAMILY PLAT REQUIREMENTS

The family subdivision plat shall comply with all of the following:

1. All applicable zoning and subdivision requirements;
2. Any required easements shall be 50 feet from perennial streams;
3. All applicable requirements for plats in NCGS Section 47-30, including but not limited to the applicable information required in Section 19.15;
4. All applicable certification statements required in Section 19.16;
5. Each lot in a family subdivision shall front on an existing public or private road or on an existing or new access easement with a minimum width of at least 20 feet, including the shoulder areas. Access easement widths of at least 45 feet are encouraged in order to comply with NCDOT's minimum right-of-way width standards; and
6. Extension of public water or sewer service laterals to individual lots in the subdivision served by public utilities (but not extension of common lines except where required to serve lots in the family subdivision).

C. ADDITIONAL DOCUMENTS

1. The application for a family subdivision shall include the following additional items:

- i. The signed affidavit of family subdivision, or deed of gift.

D. ACTION BY THE ADMINISTRATOR

1. The Administrator shall render decision within 14 working days after receipt of the completed plat.
2. The plat shall not be approved by the Administrator until all additional documents have been reviewed and approved.
3. If no decision is rendered by the Administrator within the required 14 day period, the applicant may refer the Family Subdivision plat to the Subdivision Review Board for review.
4. If the subdivision is disapproved, the Administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval.

E. EXPIRATION OF PLAT APPROVAL

1. Approval of a family subdivision plat is contingent upon the plat and associated documents being recorded within 60 days after the date the plat was signed by the Administrator.
2. Failure to record the approved plat and all associated documents within the 60-day period shall render the plat null and void.

F. APPEAL

Appeal of the Administrator's decision on a family subdivision application shall be made to the Board of Adjustment in accordance Section 14.1, Appeal of Administrative Decision.

SECTION 19.5. LIMITED SUBDIVISIONS

A. PURPOSE AND INTENT

The purpose for this limited subdivision review procedure is to allow certain land divisions to be reviewed via an abbreviated review procedure based on their small size and limited likelihood to create significant impacts on surrounding lands.

B. APPLICABILITY

The standards in this section shall apply to divisions of land meeting all the following criteria:

1. The proposed division of land is not exempted from the subdivision standards by NCGS Section 160D-802;
2. The proposed division will not result in more than three lots (including any residual or "parent" parcel);
3. The area of land subject to the division shall be comprised of at least five acres under common ownership;
4. No land included in a limited subdivision application shall have been the subject of an limited subdivision application approval within the preceding ten years; and
5. A proposed permanent means of ingress and egress to each lot is recorded prior to or concurrent with the limited subdivision plat.
6. Divisions of land that are not consistent with these criteria shall not be considered limited subdivisions, and shall be subject to the applicable review procedure and subdivision requirements of this Ordinance.
7. Limited subdivisions are not exempted from applicable zoning district dimensional requirements.

C. APPLICATION

Limited subdivision plats shall be prepared by a professional land surveyor or professional engineer licensed to practice in North Carolina.

D. REVIEW CRITERIA

A limited subdivision plat shall be approved by the Administrator if the application complies with the following:

1. The limited subdivision plat is on a sheet or sheets suitable for recording with the Moore County Register of Deeds;
2. The limited subdivision plat is prepared and sealed by a professional land surveyor or professional engineer;

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SECTION 19.6. MINOR SUBDIVISIONS

3. The limited subdivision plat complies with all applicable standards in this Ordinance and NCGS Section 47-30;
4. The limited subdivision plat includes all required certifications;
5. The applicant has secured all required State and federal permit approvals;
6. The lots in the subdivision have been approved by the Moore County Health Department;
7. All lots in the limited subdivision comply with the applicable dimensional requirements for the zoning district where located;
8. The lots are served by a NCDOT-maintained roadway or a right-of-way constructed to and maintained in accordance with County standards; and
9. No land included in a limited subdivision application shall have been the subject of an limited subdivision application approval within the preceding ten years.
10. Limited subdivisions of land located within a special flood hazard area shall comply with the applicable standards in Chapter 17.

E. RECORDATION

1. Once a limited subdivision is approved, a signed statement of the approval shall be entered on the face of the plat by the Administrator. The limited subdivision plat may not be recorded without this certification. Failure to record the limited subdivision plat shall render the limited subdivision plat null and void.
2. Land may not be conveyed until the limited subdivision is recorded.
3. A copy of the recorded plat shall be filed with the Administrator within five business days of recording or the limited subdivision plat shall be null and void.

F. EFFECT

1. Approval of the limited subdivision plat allows the sale or conveyance of lots within the subdivision.
2. Building permits may be issued following recordation of the limited subdivision plat.
3. Physical improvements to the land may not be commenced until after recordation of the limited subdivision plat.
4. Land subject to a limited subdivision approval shall not be further subdivided as an limited subdivision within ten years of the date of the prior limited subdivision approval.
5. **Expiration**
6. A limited subdivision plat shall be null and void unless it is recorded in the office of the Moore County Register of Deeds within 30 days of approval.

G. APPEAL

Appeal of the Administrator's decision on a limited subdivision application shall be made to the Board of Adjustment in accordance Section 14.1, Appeal of Administrative Decision.

SECTION 19.6. MINOR SUBDIVISIONS

A. IDENTIFIED

A Minor Subdivision is a subdivision that:

1. Creates a maximum of four lots, including the residual or parent lot, and/or any property within 500 feet from the original property boundaries, for a period of three years;
2. Does not require any new public or private street right-of-way to be constructed, expanded, or dedicated;
3. Fronts an existing, approved public or private street right-of-way or on an existing, expanded, or new access easement with a minimum width of at least 20 feet, including the shoulders; and
4. Does not require a variance or waiver from any of the requirements of this UDO.

B. FLAG LOTS

1. A flag lot is a lot that in its shape resembles a flag on a pole, where the flag part is the main body of the lot and the pole part is the narrow portion of the lot that provides access from the street.

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SECTION 19.7. MAJOR SUBDIVISIONS - PRELIMINARY PLAT SUBMITTAL AND REVIEW

2. The pole portion of the lot is not used to calculate area, width, depth, and setbacks of the lot or to provide off-street parking.
3. A flag lot shall serve only one single-family dwelling and its uninhabited accessory structures.
4. Flag lots shall only be approved when particular extenuating circumstance which makes traditional lot design and a minimum 100 foot road frontage infeasible.
5. There shall be no more than one flag lot within 300 feet of another flag lot.
6. The maximum pole length shall not exceed 1,000 feet.
7. The minimum pole width on an approved public or private street shall be 30 feet.
8. No re-subdivision of a flag lot shall be permitted unless access to the proposed new lot(s) can be provided from an approved public or private street.

C. MINOR PLAT SUBMITTAL REQUIREMENTS

The minor subdivision plat shall comply with all of the following:

1. All applicable zoning and subdivision requirements;
2. Any required easements shall be 50 feet from intermittent streams and 100 feet from perennial streams;
3. All applicable requirements for plats in NCGS Section 47-30, including but not limited to the applicable information required in Section 19.15;
4. All applicable certification statements required in Section 19.16; and
5. Extension of public water or sewer service laterals to individual lots in the subdivision served by public utilities (but not extension of common lines except where required to serve lots in the minor subdivision).

D. ACCESS REQUIREMENTS

1. A maximum of four lots (existing and/or new) can gain access through an existing, expanded, or new access easement.
2. Any parcel as shown on the Moore County Tax Map dated December 31, 2015, shall have no more than one (existing or future) access easement.

E. ACTION BY THE ADMINISTRATOR

1. The Administrator shall render decision on a minor subdivision application within 14 working days after receipt of the completed plat and additional documents.
2. If no decision is rendered by the Administrator within the required 14 day period, the applicant may refer the plat to the Subdivision Review Board for review.
3. If the subdivision is disapproved, the Administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval.

F. EXPIRATION OF PLAT APPROVAL

1. Approval of a minor subdivision plat is contingent upon the plat being recorded within 60 days after the date the plat is signed by the Administrator.
2. Failure to record the approved plat and all associated documents within the 60-day period shall render the plat null and void.

G. APPEAL

Appeal of the Administrator's decision on a minor subdivision application shall be made to the Board of Adjustment in accordance Section 14.1, Appeal of Administrative Decision.

SECTION 19.7. MAJOR SUBDIVISIONS - PRELIMINARY PLAT SUBMITTAL AND REVIEW

A. DEFINED

1. Major subdivisions are classified as a division of land into five or more lots of land at initial time of division or accumulative over a period of three years or a subdivision of two or more lots involving the creation, change, or expansion of a new or existing private or public streets.

CHAPTER 19. SUBDIVISIONS

SECTION 19.7. MAJOR SUBDIVISIONS - PRELIMINARY PLAT SUBMITTAL AND REVIEW

2. All subdivisions shall be considered major subdivisions except those meeting the requirements for an exempt, family, or minor subdivision.

B. DISTRICTS PERMITTED

Major subdivisions shall only be permitted in accordance with the principal use table in Chapter 6.

C. SUBDIVISION REVIEW APPROVAL STEPS

The approval process for a major subdivision shall consist of the following steps (listed sequentially):

1. Initial consultation with County Staff;
2. Pre-application conference scheduled;
3. Pre-application conference;
4. Infrastructure Meeting (fire flow test results are required);
5. Preliminary Plat Submittal and Approval a minimum 30 days prior to the Subdivision Review Board Meeting – recommendation;
6. Subdivision Review Board Meeting;
7. Board of Commissioners Meeting – decision (including required approval of an associated special use permit);
8. Board Written Order of Decision;
9. Construction plan submittal and approval (or performance guarantees approved by the Board of Commissioners);
10. Installation and inspections of improvements (like streets);
11. As-built drawings submittal and approval; and
12. Final plat application and decision.

D. PRE-APPLICATION CONFERENCE

1. The applicant shall conduct a pre-application conference in accordance with Section 10.3, Pre-application Conference.
2. The applicant shall file a concept plan or site sketch showing a general design for the entire development project area for consideration during the pre-application conference.
3. The concept plan or site sketch should identify layout of streets, number of lots, phasing, adjacent land uses, open space and buffers, easements, etc.

E. PRELIMINARY PLAT SUBMITTAL

Preliminary plats shall:

1. Comply with the specifications in this Chapter;
2. Be submitted as a conservation subdivision (see Section 19.9) or a conventional subdivision (see Section 19.10);
3. Meet all applicable zoning and subdivision requirements; and
4. Include applicable statements required in Section 19.16.

F. PRELIMINARY SOIL EVALUATION REPORT

1. The developer shall provide a report from a licensed soil scientist who shall perform a soil assessment prior to approval of the preliminary subdivision plat.
2. The report from the soil scientist shall accompany the submittal of the preliminary plat and shall be in the form of a letter, signed and dated, and shall include the possibilities of lot sizes the site can support.

G. DRAINAGE

A Stormwater Management Plan with Stormwater Control Measures (SCMs) meeting the most current edition of the North Carolina Department of Environmental Quality Stormwater Design Manual shall be required prior to preliminary plat approval for subdivisions in a WS-II, WS-III, or WS-IV Watershed, which are the only three Watershed Overlay District Types in this Ordinance. Projects within a High-Quality Watershed (HQW) or an Outstanding Resource Watershed (ORW) also require a Post-Construction

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SECTION 19.7. MAJOR SUBDIVISIONS - PRELIMINARY PLAT SUBMITTAL AND REVIEW

Stormwater Management Permit from the North Carolina Department of Environmental Quality Division of Energy, Mineral and Land Resources (DEMRL) prior to the construction of any built-upon area. For example, a proposed subdivision in a WS-IIIP watershed and not in a HQW is required to submit a stormwater management plan to the County but does not need a Post-Construction Stormwater Management Permit from DEMRL. When a Post-Construction Stormwater Management Permit is required, it shall be obtained from DEMRL, and a copy of the permit shall be submitted to the County prior to preliminary plat approval. Subdivisions in the HQW, with up to 12% built-upon area, are considered Low Density where stormwater runoff may be through dispersed flow or vegetated conveyance. Projects with greater than 12% built-upon area are High Density and require engineered Stormwater Control Measures (SCMs) per DEMRL. All stormwater control structures shall be designed by a state registered professional with qualifications appropriate for the type of system required. Residential subdivisions shall have systems designed to protect to the ten (10) year storm level, and commercial and industrial shall be protected to the twenty-five (25) year storm level. Each lot shall contain a suitable building area safe from inundation and erosion. Sanitary sewer systems, septic tank drainfields, water systems, wells, and adjacent properties shall be protected from inundation by surface water.

H. ACTION BY THE ADMINISTRATOR

The Administrator shall review the preliminary plat and within 10 days provide comments to the applicant.

I. AGENCY REVIEW

Before the preliminary plat is approved, the Administrator shall consult with other departments and agencies, if applicable, to ensure conformance of the proposed subdivision with the various development standards set forth by county and state agencies, including but not limited to:

- 1. Regional Land Use Advisory Commission;**
- 2. Superintendent of Schools and/or Board of Education;**
- 3. North Carolina Department of Environmental Quality;**
- 4. Army Corp of Engineers;**
- 5. North Carolina Department of Transportation;**
- 6. Moore County Airport Authority;**
- 7. Moore County Department of Environmental Health;**
- 8. Moore County Department of Public Works;**
- 9. Moore County Building Inspections;**
- 10. Moore County Department of Public Safety; and**
- 11. Moore County Department of 911 Addressing.**

J. REVIEW BY THE SUBDIVISION REVIEW BOARD (SRB)

The applicant shall submit 15 copies of the preliminary plat (24"X36") at least 10 days prior to the meeting. The SRB shall review the preliminary plat and determine if the proposed application is complete and if the preliminary plat, as proposed, meets the applicable requirements of this Ordinance.

K. ACTION BY THE BOARD OF COMMISSIONERS

The Board of Commissioners shall hold a quasi-judicial public hearing and shall approve, approve conditionally, or disapprove the preliminary plat and an associated special use permit based on the standards in Section 19.7.J, Approval Criteria. In no instance shall the Board of Commissioners use any portion of the Subdivision Review Board's deliberations or recommendations as a basis for deciding the preliminary plat application or the associated special use permit application in accordance with NCGS Section 160D-301(b)(6).

L. APPROVAL CRITERIA

- 1. An application for a major subdivision preliminary plat and associated special use permit shall be approved, provided:**
 - i. The major subdivision is proposed in a zoning district where it is permitted (see Chapter 6);**

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- ii. The subdivision location and configuration is in accordance with the applicable goals enumerated in the Moore County Land Use Plan;
 - iii. The subdivision location and configuration is in harmony with the surrounding community character, as determined by the Board of County Commissioners;
 - iv. The major subdivision is consistent with and supported by the goals for infrastructure enumerated in the Moore County Land Use Plan;
 - v. The major subdivision is capable of being reasonably served by available or planned infrastructure, in the sole discretion of the Board of County Commissioners;
 - vi. The special use permit portion of the major subdivision preliminary plat application is consistent with the applicable requirements in Chapter 13;
 - vii. The preliminary plat is prepared and sealed by a professional land surveyor, professional landscape architect, or professional engineer;
 - viii. The preliminary plat includes all applicable certifications;
 - ix. All lots have been certified by the Moore County Health Department as capable of accommodating the wastewater generated from the proposed use, in cases when the lot(s) is not served by a centralized wastewater system;
 - x. The lots shown on the preliminary plat are in substantial conformance with all applicable requirements in the zoning district where located;
 - xi. The preliminary plat complies with all standards and conditions of any applicable permits and development approvals from outside agencies, utilities, volunteer fire departments, and any other applicable agency or service provider;
 - xii. The name of the subdivision shall not duplicate or be similar to the name of an existing subdivision in Moore County or incorporated area of the County; and
 - xiii. The preliminary plat complies with all other applicable requirements in this Ordinance and the County Code of Ordinances.
2. Subdivisions of land located within a special flood hazard area shall comply with the applicable standards in Chapter 17.

M. WRITTEN NOTICE OF DECISION

1. If approval is granted, written confirmation shall be made on two copies of the preliminary plat.
2. One copy of the approved preliminary plat shall be returned to the applicant.
3. Approval of the preliminary plat is authorization for the applicant to proceed with the construction of the necessary improvements.

N. CONDITIONAL APPROVAL

If the Board of Commissioners approves the preliminary plat with conditions, the conditions shall be noted on the plat.

O. DENIAL OF APPLICATION

1. If the Board of Commissioners disapproves the preliminary plat, the reasons for such action shall be stated in writing and references shall be made to the specific regulations with which the preliminary plat does not comply and possible modifications may be indicated for further considerations.
2. The applicant may make the recommended revisions and submit a revised preliminary.

P. EXPIRATION

1. Preliminary plat approval shall be valid for a period of two years from the date of approval of the plat by the Board of Commissioners unless an extension of time is applied for and granted by the Board of Commissioners.
2. Each successive final plat for a phase of the subdivision shall be submitted for approval within two years of the date of approval of the previous final plat for a stage of the subdivision.

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SECTION 19.8. MAJOR SUBDIVISIONS – MINIMUM DESIGN STANDARDS AS SHOWN ON PRELIMINARY PLAT

Q. APPEAL

Appeal of a quasi-judicial decision made by the Board of Commissioners with respect to a major subdivision preliminary plat application shall be made to the Superior Court for Moore County in accordance with Section 14.2, Appeal of Quasi-Judicial Decision.

SECTION 19.8. MAJOR SUBDIVISIONS – MINIMUM DESIGN STANDARDS AS SHOWN ON PRELIMINARY PLAT

A. CONFORMITY TO EXISTING MAPS OR PLANS

The plat shall conform to any official map or plan adopted by the Board of Commissioners.

B. TOPOGRAPHY

1. The general design shall take advantage of and be adjusted to the contour of the land so as to produce usable building sites and streets of reasonable gradients.
2. Steep slopes (15% or greater) shall be labeled on the preliminary plat.

C. SUITABILITY OF LAND

1. Land which has been determined by the Board of Commissioners on the basis of engineering or other expert surveys or studies to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed, shall not be platted for that purpose, unless and until the applicant has taken the necessary measures to correct said conditions and to eliminate said dangers.
2. Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Moore County Department of Environmental Health or a qualified licensed professional determine that the land is suitable for the purpose proposed.

D. STREET DESIGN STANDARDS

All public or private streets and related components, including but not limited to storm water controls, drainage, curb and gutter, wheel chair ramps, pavement designs, traffic controls, guardrail, road intersections, islands or short medians at entrances, name markers, and minimum design criteria, shall be designed, constructed, and paved in accordance with the most current edition of NCDOT's "Subdivision Roads Minimum Construction Standards."

E. MARGINAL ACCESS STREETS

1. Where a tract of land to be subdivided adjoins an arterial street, the subdivider shall provide a marginal access street parallel or adjacent to the arterial street for the lots to be developed adjacent to the arterial.
2. Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial.
3. A maximum of five lots may front an arterial street as approved by the NCDOT, on a case-by-case basis.

F. NCDOT APPROVAL

1. If any street proposes to access a state-maintained road, the subdivider shall receive NCDOT driveway approval as required by NCDOT's *"Policy on Street and Driveway Access to North Carolina Highways"* prior to construction and/or final plat approval.
2. NCDOT or the Board of Commissioners may require a traffic impact study when a road capacity or safety issue exists.
3. The required homeowners' association (HOA) documents and by-laws, to be recorded at the same time as the final plat, shall include the following:
 4. The HOA shall be responsible for the maintenance of all streets by means of a private road maintenance agreement until the streets are part of the State highway system.
 5. The developer is responsible for maintenance of the streets until a HOA is formed.

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SECTION 19.8. MAJOR SUBDIVISIONS – MINIMUM DESIGN STANDARDS AS SHOWN ON PRELIMINARY PLAT

G. STREET NAMES

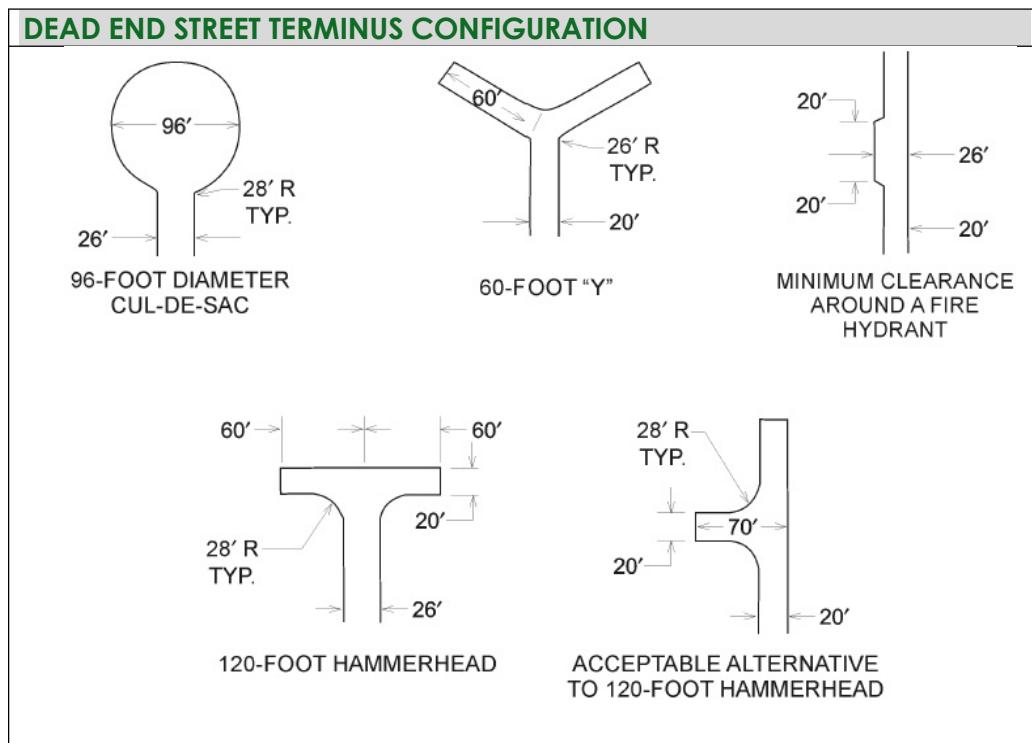
1. All roads shall comply with the applicable provisions of the "Moore County Road Name and Addressing Ordinance."
2. All new street names shall receive final approval by the Board of Commissioners.

H. STREET NAME AND TRAFFIC CONTROL SIGNS

The applicant shall be required to provide and erect, at the developer's expense, street name signs per the Moore County Road Names & Addressing Ordinance and traffic control signs per the NCDOT Manual on Uniform Traffic Control Devices at all intersections within the subdivision prior to final plat approval.

I. DEAD-END STREETS

Dead-end roads shall be terminated in a cul-de-sac or "T" turnaround per the NC Fire Code Fire Apparatus Access Roads Standards:



J. STREET TREES

1. The subdivider shall plant or leave at least one street tree for each 20 feet of street frontage along all streets, outside of sight triangles, as illustrated on the preliminary plat.
2. The trees planted shall be a minimum height of six feet at the time of installation with the intent to grow to 10 feet within two years.
3. Street trees shall be configured in accordance with Section 7.11.H, List of Recommended Native Species.
4. Street trees may be installed either before final plat approval or before certificate of occupancy is issued for each dwelling unit.

K. WATER AND SEWER OPTIONS

1. All water and sewer systems shall be installed in accordance with County specifications and standards.
2. Major subdivisions are required to install and connect to public or community water and/or sewer.
3. Water supply and sewage disposal facilities to serve major subdivision developments may be provided through the use of:

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SECTION 19.8. MAJOR SUBDIVISIONS – MINIMUM DESIGN STANDARDS AS SHOWN ON PRELIMINARY PLAT

- i. Individual wells or septic tanks provided either on each lot or in off-lot locations protected through recorded easements; or
- ii. A community water and/or sewage disposal system designed, constructed, and maintained in conformity with all applicable County, State, and Federal standards, regulations, and policies; or
- iii. Connection to a public water and/or sewage disposal system shall be provided. System extensions are permitted only in accordance with applicable local and State water, sewer and land use policies. The proposed public water and/or sewer supply shall show that the existing facilities have the capacity to handle the additional usage generated by the development and what affect it will have on future capacity in the area; or
- iv. A combination of the above alternatives.

L. FIRE SERVICE

1. Major subdivisions shall provide for fire service flow and shall follow the insurance service office (ISO) and the current adopted fire code.
2. Any major subdivisions greater than six driving miles could potentially be placed in a non-protective fire class and should not be considered.

M. UTILITY EASEMENTS

1. Easements for underground or above ground utilities shall be provided where needed.
2. Where possible, these easements shall be located in the street right-of-way.
3. Where easements are necessary across land, they shall be located to the extent possible along property lines.

N. OVERSIZED IMPROVEMENTS

1. The County may require installation of certain oversized utilities or the extension of utilities to abutting property when it is a part of the long range utility plan and the extension is in the interest of future development.
2. If funds are budgeted by the County for this purpose, the installation of improvements in excess of the standards required in this Ordinance the County may pay the cost differential between the improvement required and the standards in this Ordinance.

O. LOTS

1. Double frontage lots or through lots shall be avoided.
2. Cul-de-sac bulb lots shall have a minimum frontage of 50 feet.

P. RESERVATION OF SCHOOL SITE

1. Pursuant to NCGS Section 160D-804(f), if the Moore County Board of Commissioners and Board of Education have jointly determined the specific location and size of any school sites to be reserved in accordance with a comprehensive land use plan, the Administrator shall notify the Board of Education whenever a preliminary plat is submitted which includes all or part of a school site to be reserved.
2. If the Board of Education does wish to reserve the site, the subdivision shall not be approved without such reservation.
3. The Board of Education shall then have 18 months beginning on the date of preliminary approval of the subdivision within which to acquire the site by purchase or by exercise of the power of eminent domain.
4. If the Board of Education has not purchased or begun proceeding to condemn the site within 18 months, the subdivider may treat the land as freed of the reservation.

Q. CLUSTER MAILBOXES

1. Appropriate mail receptacles must be provided for the receipt of mail as approved by the Postal Service and other applicable departments.

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SECTION 19.9. MAJOR SUBDIVISIONS – OPTION 1 – CONSERVATION DESIGN STANDARDS

2. Cluster mailboxes shall be located outside of the right-of-way and in a owners' association-maintained areas.
3. Approval of cluster mailbox installations by the United States Postal Service and Building Inspector is required prior to final plat approval.
4. Applicants for a major subdivision that choose to construct a private mail house structure or building instead of cluster mailboxes shall obtain a commercial building permit. Private mail house structures or buildings shall:
 - i. Be located outside of the street right-of-way;
 - ii. Be located on land controlled by a homeowners' association; and
 - iii. Provide off-street parking at a rate of one space per employee plus one space per every 20 mailboxes.

SECTION 19.9. MAJOR SUBDIVISIONS – OPTION 1 – CONSERVATION DESIGN STANDARDS

A. PURPOSE

The purpose of the conservation option is to preserve open space that might be lost through conventional development approaches. To accomplish this goal, greater flexibility and creativity in the design of such developments is encouraged and allowed.

B. APPLICABILITY

1. The conservation option shall only be permitted in the Residential and Agricultural – 20 (RA-20), Residential and Agricultural – 40 (RA-40), and Rural Agricultural Urban Service Boundary (RA-USB) residential zoning districts in accordance with the principle use table in Chapter 6.
2. All conservation subdivision plats shall comply with the requirements and standards specified in this Ordinance and in all respects with other applicable codes and Ordinances.

C. DIMENSIONAL REQUIREMENTS

1. No minimum lot size, frontage, or depth is required.
2. The required minimum front, side, and rear setback shall be 10 feet and may be reduced to five feet when abutting an alley or dedicated open space, or reduced to a zero lot line configuration for duplexes.
3. Minimum setbacks, measured from the furthest point of the house (such as eves or decks) shall meet the fire code separation requirements, as applicable (For example: A minimum 31-foot separation requires a minimum 16-foot side setback.)

D. MINIMUM OPEN SPACE REQUIRED

1. At least 30 percent of the total land area shall be set aside as protected open space.
2. At least 40 percent of the required open space shall be contiguous.
3. The right-of-way area is not included in the calculation of minimum open space required.
4. In addition to woodlands, agriculture, historical sites, or natural areas, open space may include vegetative perimeter buffers with a minimum 25-feet width configured as a Type 3 Screening).
5. Contained within the open space, at least five percent of the total net area of any proposed conservation subdivision shall provide for active park space, passive park space, and/or trails.
6. Areas in access shall be located outside of the protected open space.
7. Wetlands, storm water management facilities that are designed to look like natural areas, and waterbodies such as ponds may also be used provided the total area of water surface does not comprise more than 50 percent of the required open space.

E. OWNERSHIP OF OPEN SPACE

1. Land dedicated for open space shall be designated on both the preliminary and final plat(s) of the subdivision.
2. All open space shall be permanently restricted from further subdivision.

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3. Open space shall be owned and/or administered by one or more of the following methods:

- i.** Fee simple dedication to a public government entity or a private non-profit land conservancy which public access shall be provided.
- ii.** Ownership by a homeowners' association (HOA) where specific development restrictions and maintenance requirements are included as part of its bylaws and restrictive covenants filed in the Register of Deeds Office. The fee-simple title of the common area shall be conveyed by the subdivider or developer to the HOA before any lots are sold. The required organizational documents and by-laws shall include, but are not limited to, the following: Membership shall be mandatory for each buyer and any successive buyer. The developer shall be responsible for all maintenance and other responsibilities of the HOA until 60% of all units to be sold are sold. After 60% of all units are sold, the HOA shall levy assessments and assume its responsibilities. The HOA shall be responsible for liability insurance, taxes and maintenance of all recreational open space facilities, grounds and common areas. Any sums levied by the HOA that remain unpaid shall become a lien on the individual property.
- iii.** A private landowner may retain ownership of the open space, provided a conservation easement established for that express purpose is recorded in the public records of Moore County prior to the approval of a plat or issuance of a building permit for a vertical building or structure on the property. The responsibility for maintaining the open space and any facilities shall be borne by the private land owner.

F. PERMITTED DENSITY

1. All lots shall be required to meet County Environmental Health Department requirements as well as NC State requirements for septic system installation.
2. Permitted density is calculated by dividing the minimum lot size for each dwelling unit by the gross area of the site. The table below provides an example of the permitted density calculation.

PERMITTED DENSITY DETERMINATION	
REQUIREMENT	NUMERIC VALUE
Gross Area of Project Site	100 acres (4,356,000 square feet)
Minimum Lot Size of the Zoning District	43,560 square feet (RA zoning district)
Permitted Density	1.0 dwelling units per acre
Total Number of Units Permitted	100 units

G. BONUSES

In the event that a developer seeks to contribute additional open space beyond the minimum required, the developer will receive an additional density bonus based on the following scale:

DENSITY BONUSES IN CONSERVATION SUBDIVISIONS	
OPEN SPACE PROVIDED (% OF TOTAL DEVELOPMENT SITE)	DENSITY BONUS (% INCREASE IN ALLOWABLE NUMBER OF DWELLING UNITS)
30%	0%
31% - 35%	10%
36% - 40%	15%
41% - 45%	20%
46% - 50% [1]	25%
NOTES:	

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SECTION 19.10. MAJOR SUBDIVISIONS – OPTION 2 – CONVENTIONAL SUBDIVISION DESIGN STANDARDS

DENSITY BONUSES IN CONSERVATION SUBDIVISIONS	
OPEN SPACE PROVIDED (% OF TOTAL DEVELOPMENT SITE)	DENSITY BONUS (% INCREASE IN ALLOWABLE NUMBER OF DWELLING UNITS)
[1] No additional units will be granted in the form of a density bonus for additional open space beyond 50% of the total site (gross area).	

SECTION 19.10. MAJOR SUBDIVISIONS – OPTION 2 – CONVENTIONAL SUBDIVISION DESIGN STANDARDS

A. APPLICABILITY

The conventional subdivision option shall only be permitted in the Residential and Agricultural – 20 (RA-20), Residential and Agricultural – 40 (RA-40), and Rural Agricultural Urban Service Boundary (RA-USB) residential zoning districts in accordance with the principle use table in Chapter 6 and shall comply with the requirements and standards specified in this Chapter and in all respects with other applicable codes and Ordinances. The stricter standards shall apply.

B. CLEARING & GRADING LIMITS

1. A maximum disturbance area of no more than 75 percent of a lot within a conventional option subdivision may be cleared of natural vegetation or otherwise disturbed.
2. This would allow for 25 percent of each lot to be preserved.
3. Clearing and grading limit line shall be delineated on each lot.

C. OPEN SPACE REQUIREMENTS

1. At least 5 percent of the tract to be subdivided must be preserved as public or private recreation and/or open space including the preservation of natural and cultural resources and/or to serve the leisure needs of the residents of the subdivision.
2. Passive or active recreation areas shall be located so as to provide accessibility to all residents of the subdivision.
3. Recreation and open space areas shall adhere to the standards set forth in Section 19.9.D.

D. PAYMENTS IN LIEU OF DEDICATION OF RECREATION REQUIREMENTS

1. Recreation and/ or open space required for conventional subdivisions may make a payment in lieu of dedication or make a combination of land dedicated and payment.
2. Before approving a payment in lieu of dedication, the Board of Commissioners shall find that no recreation/open space sites have been designated on any officially adopted Recreation Plan.
3. The Moore County Parks and Recreation Board shall submit any and all recommendations concerning the payment of fees in lieu of dedication to the Board of Commissioners.
4. The fees in lieu of dedication shall be paid prior to final plat approval.
5. The amount of the payment shall be the product of the number of acres to be dedicated and the assessed value for property tax purposes of the land being subdivided, adjusted to reflect its current fair market value at the time such payment is due to be paid.
6. All monies received by the County pursuant to this Section shall be used only for the acquisition or development of parks, greenways, and open space sites.

SECTION 19.11. MAJOR SUBDIVISION – CONSTRUCTION PROCESS

A. CONSTRUCTION PLAN SUBMITTAL

1. Following preliminary plat approval, the subdivider shall submit eight paper copies and a digital copy of the construction plans to the Administrator.

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SECTION 19.12. MAJOR SUBDIVISIONS – FINAL PLAT SUBMITTAL

2. Licensed professional engineer design and certification are required on all construction related plans, including but not limited to streets, stormwater controls, drainage, and utilities (storm sewers, sanitary sewers, water systems, electric, cable, natural gas, telephone, etc.).

B. AGENCY REVIEW

1. The construction plans shall be reviewed and approved by the appropriate departments and agencies prior to the start of construction and/or the submission of the final plat.
2. The subdivider shall submit all required state permit approvals to the Administrator before construction begins, including but not limited to NCDEQ, Army Corp of Engineers, and NCDOT.

C. SOIL EVALUATION REPORT

1. Prior to final plat approval, the subdivider shall submit a report including a lot-by-lot evaluation, signed, sealed, and dated from a licensed soil scientist, for septic system capacity.
2. The report must show that each proposed lot has been evaluated per Article II, Chapter 130A of 15A NCAC 18E "Laws and rules for Sewage treatment and Disposal Systems."
3. The evaluation should note whether there is adequate space for an on-site individual private water source and an on-site subsurface sewage treatment and disposal system, if needed.
4. If the developer proposes a system that would treat a flow of 3,000 GPD or greater, and therefore would require state approval, a letter from the State would also be required to be submitted for final plat approval.
5. Moore County Environmental Health will develop guidelines for the Soil Scientist reports and evaluations as well as review reports submitted by developers.

D. START OF CONSTRUCTION

The applicant, prior to commencing any work within the subdivision, shall make arrangements with the Administrator to provide for adequate inspections.

E. INSPECTIONS

1. No final plat shall be approved until all required infrastructure has received final inspection approval or appropriate surety has been provided.
2. Upon completion of public or private streets the developer shall submit confirmation by the NCDOT or a registered engineer, that the roads have been constructed to NCDOT standards.

F. CERTIFICATE OF APPROVAL OF THE DESIGN AND INSTALLATION OF STREETS, UTILITIES, AND OTHER REQUIRED IMPROVEMENTS

Before approval of the final plat or before the release of improvements guarantees, the applicant shall acquire the services of a licensed engineer to supervise the construction, inspect upon completion, and certify in writing to the Administrator that the improvements have, in fact, been installed in accordance with the requirements of this UDO, with the preliminary plat, and with the Division of Highway's Minimum Construction Standards, or explanations and drawings of any necessary changes.

G. AS-BUILTS

1. As-built drawings shall meet the requirements of the appropriate agency involved.
2. No building, zoning or other permits shall be issued for construction of a building on any lot (not of record at the time of adoption of this Ordinance) until all the requirements of this Ordinance have been met and as-built drawings of all improvements have been submitted and approved by the appropriate agencies.

SECTION 19.12. MAJOR SUBDIVISIONS – FINAL PLAT SUBMITTAL

A. FINAL PLAT SUBMITTAL REQUIREMENTS

1. The final plat shall conform substantially to the approved preliminary plat.

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2. Should the Administrator, Building Inspector, Environmental Health Director, the Fire Marshal, or NCDOT identify minor changes the Administrator shall be authorized to accept such minor modifications to plat, as necessary.
3. Such minor changes may include, but not be limited to, small site alterations such as realignment of streets and relocation of utility lines due to engineering necessity.
4. If the submitted final plat deviates in its overall design from the approved preliminary plat, the plat shall be reviewed by the Board of Commissioners.

B. ACTION BY THE ADMINISTRATOR

1. The Administrator shall take expeditious action on a final plat.
2. If the Administrator fails to act within 15 business days after the final plat is submitted, the applicant may request that the final plat be reviewed by the Board of Commissioners.
3. Approval

The Administrator shall approve the final plat unless the plat fails to comply with one or more of the requirements of this Ordinance or that the final plat differs substantially from the plans and specifications approved for the preliminary plat.

C. DENIAL

If the final plat is disapproved by the Administrator, the applicant shall be furnished with a written statement of the reasons for the disapproval and reference shall be made to the specific section(s) of this Ordinance with which the plat does not comply.

D. APPEAL

Appeal of the Administrator's decision on a final plat application shall be made to the Superior Court of Moore County in accordance with NCGS Section 160D-1403.

E. EXPIRATION OF FINAL PLAT

1. Approval of a final plat is contingent upon the plat being recorded in the Office of the Register of Deeds within 60 days after the approval date of the final plat.
2. Failure to record the approved plat within the specified 60-day period shall render the plat null and void.

SECTION 19.13. PHASING

A. ADEQUATE FACILITIES

The Administrator may not recommend approval of a phasing plan if they determine such phasing will not provide for adequate facilities to support any such phase or phases independent of the overall subdivision plan.

B. NCDOT APPROVAL OF PUBLIC STREETS

1. Subsequent phasing shall not be approved until a written request to the NCDOT has been made for acceptance of all proposed public streets/roads in the previous phase.
2. All roads in any new phase of a subdivision are to be guaranteed until accepted for maintenance by NCDOT.
3. The amount of this guarantee shall be for at least 50 percent of the total costs of construction of the subdivision road. Once a subdivision road is accepted for maintenance by NCDOT, through written confirmation by NCDOT, this guarantee may be released.

C. PLAT DETAIL

1. When a subdivision is to be developed in phases the preliminary plat shall be submitted for the entire development. The boundary of each phase shall be shown on the preliminary plat.
2. A final plat shall be submitted for each phase.

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SECTION 19.14. PERFORMANCE GUARANTEES FOR MAJOR SUBDIVISIONS

D. EXPIRATION

Each successive final plat for a phase of the subdivision shall be submitted for approval within 24 months of the date of approval of the previous final plat for a stage of the subdivision.

SECTION 19.14. PERFORMANCE GUARANTEES FOR MAJOR SUBDIVISIONS

A. PURPOSE AND INTENT

1. These standards create the additional flexibility necessary for lots in a subdivision to be conveyed or for issuance of a building permit to commence with development prior to completion of all required infrastructure or site improvements, subject to the prior approval of the Board of Commissioners, and provided funds have been reserved for completion of these features.
2. These provisions ensure that funds are available for the County's use to complete required public infrastructure or private site features in the event an applicant is unable to do so.

B. APPLICABILITY

1. Performance guarantees shall be configured and managed in accordance with the standards in this section. Acceptance of a performance guarantee is in the sole discretion of the Board of Commissioners, who are under no obligation to approve a performance guarantee for any feature or under any circumstance.
2. The following facilities and site features may be eligible for performance guarantees at the discretion of the County:
 - i. Sidewalks, multi-use paths, and greenways;
 - ii. Private stormwater control measures and erosion control facilities;
 - iii. Street lights; and
 - iv. Placement of vegetation, except when required as part of erosion control measures.
3. All other public infrastructure or required site features shall be completed prior to issuance of a certificate of occupancy for the development, the conveyance of lots, or approval of the final plat, as appropriate.

C. INELIGIBLE FACILITIES

The following infrastructure facilities are not eligible for performance guarantees, and shall be completed and dedicated to the County or other appropriate agency, prior to approval of a final plat, conveyance of lots, or issuance of a building permit:

1. Public potable water;
2. Public sanitary sewer;
3. Functional fire protection infrastructure;
4. The base and initial courses of asphalt on a street;
5. Stormwater drainage facilities associated with a street right-of-way;
6. Curb and gutter; and
7. Street signs and traffic control signals.

D. STORMWATER AND EROSION CONTROL FACILITIES

Stormwater control measures and erosion control facilities shall not be subject to these performance guarantee standards, but shall be subject to the specific provisions for performance guarantees associated with those features in accordance with NCGS 160D-804.

E. FORM

1. The form of a performance guarantee shall take one of the following forms, at the sole discretion of the applicant:
 - i. A surety bond issued by a firm licensed to operate in the State of North Carolina;
 - ii. A letter of credit issued by a financial institution licensed to operate in the State of North Carolina; or
 - iii. Cash or certified check; or

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SECTION 19.14. PERFORMANCE GUARANTEES FOR MAJOR SUBDIVISIONS

- iv. Other form of guarantee that provides equivalent security to the forms listed above, as determined by the County.
- 2. In cases where more than one facility or site feature is requested to be subject to a performance guarantee, the applicant may provide a single, consolidated performance guarantee for all facilities or site features. In no instance shall performance guarantees associated with private stormwater control mechanisms or sedimentation control be consolidated with any other performance guarantee.
- 3. If cash or other instrument is deposited in escrow with a financial institution, an agreement between the financial institution and the developer shall be filed with the County guaranteeing the following:
- 4. That the escrow account shall be held in trust until released by the County and may not be used or pledged by the developer for any other matter during the term of the escrow; and
- 5. That in case of a failure on the part of the developer to complete or repair the improvements, the financial institution shall, upon notification by the County, immediately pay the funds deemed necessary by the County to complete or repair the improvements up to the full balance of the escrow account, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County; and
- 6. The financial institution holding the cash or other instrument shall indicate to the County its notification requirements for release or payment of funds.

F. DECISION

After the conclusion of a public hearing, the Board of Commissioners shall decide applications for performance guarantees, which shall take one of the following forms:

- 1. Approval of the performance guarantee;
- 2. Denial of the performance guarantee; or
- 3. Remand of the application to County staff for further consideration.

G. REVIEW CRITERIA

- 1. An application for a performance guarantee shall be approved if the application complies with the following:
 - i. The request is for an eligible facility or site feature;
 - ii. The request is in the form and the amount required;
 - iii. The term of the guarantee is for the minimum period of time necessary; and
 - iv. The Board of Commissioners finds that approval of the performance guarantee is in alignment with the purpose and intent of this Ordinance and the County's Adopted Comprehensive Land Use Plan.
- 2. The performance guarantee shall be conditioned on the performance of all work necessary to complete the installation of the required improvements within the term of the guarantee.

H. AMOUNT

1. GENERALLY

The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued. The local government may determine the amount of the performance guarantee or use a cost estimate determined by the developer. The reasonably estimated cost of completion shall include one hundred percent (100%) of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional twenty-five percent (25%) allowed under this subdivision includes inflation and all costs of administration regardless of how such fees or charges are denominated. The amount of any extension of any performance guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.

2. ESTIMATED COSTS

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Estimated costs of completing installation of required public improvements, vegetation, or stormwater measures shall be itemized by improvement type and certified by the developer's licensed professional, and is subject to approval by the Board of Commissioners.

3. RENEWAL

If a performance guarantee is renewed, the Administrator may require the amount of the performance guarantee be updated to reflect changes in cost over time.

I. SEQUENCE

1. Performance guarantee applications may be filed along with any application for a subdivision, site plan, special use permit, building permit, or zoning permit, as appropriate.
2. Development subject to a performance guarantee shall not receive a certificate of occupancy or final development approval until all infrastructure or site features subject to a performance guarantee have been installed and accepted by the County or other appropriate agency.

J. AS-BUILT PLANS REQUIREMENTS

1. PUBLIC IMPROVEMENTS

Upon completion of a public improvements, an architect or professional engineer licensed by the State of North Carolina and retained by the developer shall certify, in writing, that the completed public improvements have been constructed in accordance with the approved plans and shall submit actual "as-built" plans for all public improvements after final construction is completed.

2. STORMWATER CONTROL MEASURES

Upon completion of a private stormwater control mechanism, the developer shall certify to the Administrator that the completed project is in accordance with all applicable requirements in this Ordinance, the County's Code of Ordinances, and State law.

3. INSPECTION REQUIRED

- i. The County shall conduct an inspection of the improvements subject to the performance guarantee within 30 days of a request received from a developer and advise the developer whether the improvements are completed to the required specifications.
- ii. In the event the County and the developer disagree whether a required improvement is completed to the specifications of the County, a developer may obtain a certification under seal from a licensed professional engineer that the required improvements have been completed to the specifications of the local government.

K. MAINTENANCE

1. WARRANTY FOR STORMWATER CONTROL MEASURES

- i. Upon completion of construction of public or private stormwater control measures, the developer shall request a warranty inspection. Once all the improvements are deemed acceptable by the Administrator or a designee and pass the warranty inspection, the developer shall submit the following to the County:
 - ii. A set of acceptable as-built drawings;
 - iii. A written warranty against defects which shall guarantee the material and workmanship of required improvements for a period of not less than one year from the date of such acceptance.

2. MAINTENANCE OF STREETS UNTIL ACCEPTANCE

Following completion, the developer of any development containing streets shall sign a street maintenance disclosure statement to guarantee that the streets will be properly maintained until the offer of dedication is accepted by the NCDOT, or until maintenance responsibility is transferred to an owners' association if streets are private.

L. MAXIMUM TERM

1. Performance guarantees shall have a maximum term of one year, unless the developer determines a longer term is necessary to complete the public facilities or private site features. Acceptance of the proposed guarantee remains at the discretion of the Board of Commissioners.

M. EXPIRATION

1. The applicant shall demonstrate good faith towards the completion of public infrastructure or private site features subject to a performance guarantee. In the event the features subject to a guarantee are not completed prior to the expiration of the guarantee, the applicant shall request a renewal of the performance guarantee in accordance with these standards.
2. In the event an application for renewal of a performance guarantee has been filed with the County prior to expiration of an existing guarantee, the County shall delay the provision of notice of failure to install or complete improvements in accordance with Section 19.14.N, Forfeiture.

N. FORFEITURE**1. NOTICE OF FAILURE TO INSTALL OR COMPLETE IMPROVEMENTS**

If the owner or developer fails to complete installation of the guaranteed improvements within the term of the performance guarantee (as may be extended), the Administrator shall give the owner or developer 30 day's written notice of the scope and degree of the default, by certified mail.

2. COUNTY COMPLETION OF IMPROVEMENTS

After the 30-day notice period expires, the County may draw on the guarantee and use the funds to perform the work necessary to complete installation of the guaranteed improvements. After completing such work, the County shall provide a complete accounting of the expenditures to the owner or developer. In the event of a default triggering the use of the performance guarantee, the County shall return any of the unused deposited cash funds or other security.

O. RELEASE OR REDUCTION**1. RELEASE REQUESTED**

- i. The County shall release or reduce a performance guarantee only after:
- ii. The owner or developer has submitted to the County a written request for a release or reduction of the performance guarantee that includes certification by the owner's or developer's engineer or contractor, whichever is appropriate, that installation of the guaranteed improvements has been completed in accordance with approved plans and specifications, and as-builts (if applicable);
- iii. County staff has performed an inspection of the improvements and certified in writing that installation of the guaranteed improvements is completed in accordance with approved plans and specifications; and
- iv. The County shall return or release a performance guarantee within 30 days of acknowledging its completion or the receipt of an engineer's certification.
- v. No release or reduction in performance guarantee amounts will be considered until more than 25 percent of the work is in place and approved.

2. ACCEPTANCE SHALL BE DOCUMENTED

The Administrator shall provide written notice of the County's final acceptance of the improvements subject to performance guarantees.

3. IMPROPER RELEASE OF FINANCIAL GUARANTEES

If the County releases a performance guarantee through error, the error shall not release the developer from responsibility for the completion of all improvements in accordance with this Ordinance.

P. CHALLENGE OF DECISION

A legislative decision of the Board of Commissioners with regard to a performance guarantee request may be challenged by the filing of a declaratory judgement action in the Superior Court of Moore County in accordance with Section 14.3, Challenge to Legislative Decision.

SECTION 19.15. OWNERS' ASSOCIATION

A. PURPOSE

The purpose of this section is to set out the requirements for establishment of a homeowners' or property owners' association (hereinafter "association") that shall be responsible for the long-term maintenance of open space and private infrastructure in a subdivision. This section also sets out the requirements associated with transfer of subdivision control and maintenance responsibility from the subdivider to the association.

B. CREATION REQUIRED

1. A homeowners' or property owners' association shall be established in areas that have private open space or shared private infrastructure (like private streets). Associations are required to accept ownership and maintenance responsibility of all open space set-aside(s) and shared infrastructure within a development.
2. Associations are also required in order to fulfill the requirements of Chapter 47C (the "Condominium Act") of the North Carolina General Statutes, or the requirements of Chapter 47F (the "Planned Community Act") of the North Carolina General Statutes.
3. The association shall be in legal existence prior to the conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development, though maintenance responsibility shall only transfer from the developer to the association in accordance with the standards in this section.

C. PROCEDURE FOR ESTABLISHMENT

1. Documents for the creation of the association shall be recorded in the office of the Register of Deeds for Moore County. Documentation shall include, but not be limited to the information in Section 19.15.F.
2. The association shall be established by the subdivider prior to the sale of the first lot in the subdivision.
3. Nothing shall prevent the subdivider from retaining maintenance responsibility for all open space areas and private infrastructure provided documentation to that effect is recorded in the office of the Register of Deeds prior to the issuance of the first Certificate of Occupancy.

D. DOCUMENTATION REQUIREMENTS

1. The association documents shall include, but not be limited to, the following:
 - i. A declaration of all restrictive covenants;
 - ii. A declaration of all deed restrictions;
 - iii. A declaration that the association is responsible for liability insurance and all applicable taxes;
 - iv. A declaration of common ownership and maintenance responsibilities of all on-site improvements not dedicated to a local or State agency, including but not limited to drainage systems, wastewater systems, open space set-aside areas, recreational facilities, and private infrastructure;
 - v. A description of the structural organization and operating procedures of the association;
 - vi. Association by-laws;
 - vii. A legal description of all open space set-asides and other lands owned in common;
 - viii. Provisions establishing the legal authority of the association to maintain control over all common areas, common features, and private infrastructure in the subdivision, following transfer of control by the subdivider;
 - ix. Provisions authorizing the association to compel contributions from owners in the development to cover their proportionate share of maintenance costs associated with common areas, common features, and private infrastructure;

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- x.** Provisions authorizing the association to increase the amount of mandatory fees or assessments, when necessary, for the continued maintenance of common areas, common features, or private infrastructure; and
- xi.** Provisions authorizing the association to convert any member's unpaid assessments into a lien on real property.

E. MEMBERSHIP REQUIREMENTS

1. Following establishment of the association, membership in the association shall be automatic and mandatory for all purchasers of land within the subdivision and their successors in title.
2. All members of an association shall be responsible for contributions to the association's reserve fund to cover their proportionate share of maintenance costs associated with common areas, common features, and private infrastructure.

F. FAILURE TO MAINTAIN IS A VIOLATION

Failure to maintain open space areas, common features, or infrastructure is a violation of this Ordinance and is subject to the penalties and remedies in Chapter 18.

SECTION 19.16. SUBDIVISION PLAT REQUIREMENTS

The table below identifies the kind of information required on a subdivision application filed under this Ordinance. An "R" indicates that the information is required, and a blank cell indicates that the information is not required.

TABLE OF SUBDIVISION APPLICATION REQUIREMENTS					
INFORMATION REQUIRED	EXEMPT PLAT	FAMILY PLAT	MINOR PLAT	MAJOR PRELIM. PLAT	MAJOR FINAL PLAT
MAP SIZE AND MATERIALS					
Plat is 18X24", 21X30", or 24X36" in size	R	R	R	R	R
Legible black ink on mylar or white paper	R	R	R	R	R
TITLE BLOCK					
Property Designation / Name of Subdivision	R	R	R	R	R
Type of plat (minor plat, preliminary plat, etc.,)		R	R	R	R
Name of Property Owner	R	R	R	R	R
Township, County and State	R	R	R	R	R
Date the survey was prepared & any revision dates	R	R	R	R	R
Scale in words (Ex. 1"=200 feet)	R	R	R	R	R
Bar graph	R	R	R	R	R
Name, address, and telephone # of surveyor	R	R	R		R
The names, addresses, and telephone # of all owners, surveyors, architects, and engineers responsible for the subdivision				R	R
GENERAL INFORMATION					
Zoning district(s) of property & abutting properties		R	R	R	R
Parcel ID Number(s)		R	R	R	R
Plat book and/or deed book reference	R	R	R	R	R
Names of abutting property owners	R	R	R	R	R
Vicinity map	R	R	R	R	R
Corporate limits & county lines	R	R	R	R	R

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TABLE OF SUBDIVISION APPLICATION REQUIREMENTS

INFORMATION REQUIRED	EXEMPT PLAT	FAMILY PLAT	MINOR PLAT	MAJOR PRELIM. PLAT	MAJOR FINAL PLAT					
Surveyor and/or engineer original signature, seal, & registration #				R						
Surveyor's original signature, seal, & registration #	R	R	R		R					
North arrow and orientation	R	R	R	R	R					
Course and distance of existing and proposed property lines (label old property lines)	R	R	R	R	R					
Tied to nearest street intersection if within 300 feet		R	R		R					
Tied to USGS marker if within 2000 feet	R	R	R		R					
Location and description of all monuments, markers and control corners		R	R		R					
Minimum 2 control corners present when creating a new road right-of-way	R	R	R		R					
Location and type of all existing buildings including distance to property lines	R	R	R							
Location of all existing and proposed buildings (if applicable) including distance to property lines				R	R					
Square footage of all lots under 1 acre in size and acreage for all lots over 1 acre in size		R	R	R	R					
Lots numbered consecutively		R	R	R	R					
Lines not surveyed must be clearly indicated (include source data)	R	R	R	R	R					
All mapping shall comply with NCGS 47-30	R	R	R		R					
Required Certificates	See Section 25.16 for certificate requirements.									
If more than one sheet, each sheet must be signed, sealed, and numbered (ex. 1 of 3, 2 of 3, 3 of 3)										
AMENITIES & NATURAL FEATURES LAYOUT										
Location, dimension, and details of proposed recreation areas and facilities (golf courses, clubhouses, pools, tennis courts, playgrounds, etc.)				R	R					
Required landscaping / perimeter buffer				R	R					
Riding trails, pedestrian, or bicycle paths				R	R					
Areas to dedicated as common area or open space – label the future ownership (HOA, dedication for public use to governmental body, etc.)				R	R					
Areas to be used for uses other than residential				R	R					
Name and location of any property or building on the National Register of Historic Places				R	R					
Wetlands, marshes, pond, lakes, streams, railroads, and bridges (Certification statement required on Family and Minor Plats) (DELINEATION REQUIRED ON MAJOR PLAT)				R						
Location of any floodplain areas as shown on FEMA Flood Insurance Rate Maps	R	R	R	R	R					

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SECTION 19.16. SUBDIVISION PLAT REQUIREMENTS

TABLE OF SUBDIVISION APPLICATION REQUIREMENTS

INFORMATION REQUIRED	EXEMPT PLAT	FAMILY PLAT	MINOR PLAT	MAJOR PRELIM. PLAT	MAJOR FINAL PLAT
Existing and proposed topography of tract and 100 feet beyond property showing contour intervals of no greater than 5 feet				R	
Existing and proposed entrance signs (if applicable) including sight triangles and located outside the ROW				R	R
UTILITY LAYOUT					
A note indicating that the proposed subdivision will be served by either a central or individual water supply				R	
A note indicating that the proposed subdivision will be served by either a central or individual sewer / septic system				R	
Water & Sewer - Connections to existing systems, line sizes, material of lines, blowoff & valves, manholes, catch basins, force mains, location of fire hydrants				R	
Storm drains, swales, detention ponds, & other drainage facilities, if any				R	
Natural gas lines				R	
Electric Lines				R	
Telephone Lines, Cable TV, etc.				R	
Utility and other easements				R	
Any additional determined by reviewing agencies that may be required to review plat				R	
STREET LAYOUT					
Proposed and existing rights-of-way – label public or private streets	R	R	R	R	R
Right-of-way & pavement location, widths, & dimensions				R	R
Cul-de-sac pavement diameter				R	
Approximate grades				R	
Typical detailed cross section(s)				R	
Existing and proposed street names				R	R
SUBDIVISION INFORMATION & CALCULATIONS TABLE					
Classification of Watershed Overlay District		R	R	R	R
Existing & Proposed use(s) of land				R	
Existing & Proposed zoning classification(s)				R	
Front, side, rear setback requirements				R	
Acreage in total tract to be subdivided		R	R	R	
Acreage in recreation & open space (label)				R	
Total number of lots proposed				R	

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INFORMATION REQUIRED	EXEMPT PLAT	FAMILY PLAT	MINOR PLAT	MAJOR PRELIM. PLAT	MAJOR FINAL PLAT
Estimated linear feet in streets				R	
Linear feet in streets					R
Estimated percent of entire project to be covered with impervious surfaces, including totals by phase				R	
Percent of entire project to be covered with impervious surfaces, including totals by phase					R
Estimated separate impervious surface totals by streets, sidewalks, maximum allowed for each lot, etc.				R	
Separate impervious surface totals by streets, sidewalks, maximum allowed for each lot, etc.					R
PERMITS AND OTHER DOCUMENTATION REQUIRED BEFORE FINAL PLAT APPROVAL					
Construction plans for all infrastructure / improvements (such as streets, water, sewer, hydrants, stormwater, etc. Approval is required by appropriate agencies before construction begins)					R
Stormwater management plan				R	
Inspection results of all improvements					R
As built drawings of all improvements					R
NCDEQ Approval of the Erosion & Sediment Control Plan (if disturbing more than 1 acre)					R
NCDOT Approval of Driveway Access Permit					R
Wetland delineation of property					R
US Army Corp of Engineers Approval of earth disturbing activities in Wetlands (if applicable)					R
Submit copy of HOA agreement to be approved by the Administrator					R
Affidavit of Family Subdivision		R			
Deed of Gift		R			
Any other information the Administrator deems necessary to determine compliance with this Ordinance				R	R

SECTION 19.17. SUBDIVISION PLAT CERTIFICATION REQUIREMENTS

A. TABLE

1. The table below identifies the kind of certification statement required on a subdivision plat filed under this Ordinance. An "R" indicates that the particular certification statement is required, and a blank cell indicates that the information is not required.
2. The exact certification language to be used follows the table.
3. The Administrator may waive items if it is determined that they are not applicable.

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SECTION 19.17. SUBDIVISION PLAT CERTIFICATION REQUIREMENTS

TABLE OF SUBDIVISION CERTIFICATION REQUIREMENTS

TYPE OF CERTIFICATE OR STATEMENT [1]	EXEMPT PLAT [2]	FAMILY PLAT	MINOR PLAT	MAJOR PRELIM. PLAT	MAJOR FINAL PLAT
Certificate of Survey Accuracy	R	R	R		R
Certificate of Purpose of Plat	R	R	R		R
Review Officer Certification	R	R	R		R
Certificate of Ownership and Dedication				R	R
Certificate of Exemption	R				
Exemption 160D-802 Compliance Statement	R				
Certificate of Family Subdivision Plat Approval		R			
Family Documents Deed References		R			
Septic Suitability Certificate Statement (areas of suitable & unsuitable soil for subsurface sewage disposal stamped by a soil scientist)				R	
Voluntary Agricultural District Proximity Statement		R	R	R	R
Public Water Supply Watershed Protection Statement		R	R	R	R
Certificate of Minor Subdivision Plat			R		
Certificate of Preliminary Major Subdivision Plat				R	
Certificate of Final Major Subdivision Plat Approval					R
NCDOT Div. of Highways District Engineer Certificate					R
Public Street Maintenance Disclosure Statement					R
Private Roads Disclosure Statement					R
Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements					R
Utilities Certificate			R		R
Sediment & Erosion Control Plan Certificate					R
Stormwater Control Certificate					R
Licensed Soil Scientist Certificate					R
Certificate of Warranty					R
Amenities & Natural Features Layout Certificate		R	R		

NOTES:

[1] Statements such as "Preliminary, Not For Recording" cannot be recorded.

[2] Preparation of an exempt plat is voluntary and at the discretion of the applicant for an exempt subdivision application.

B. CERTIFICATION STATEMENTS

1. The following paragraphs identify the text to be included as individual certification statements on subdivision plats reviewed under this Ordinance.
2. Professional preparing subdivision plat documents for review or recordation shall use the language exactly as listed in this section.

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Certificate of Survey and Accuracy

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, page ____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book ____, page ____; that the ratio of precision or positional accuracy as calculated is ____; that this plat was prepared in accordance with NCGS 47-30 as amended. Witness my original signature, license number and seal this ____ day of _____, A.D., 20____.

Seal or Stamp of Surveyor

Professional Land Surveyor

License Number

Certificate of Purpose of Plat

The final plat shall contain one of the following statements, signed and sealed by the plat preparer:

- a. This survey creates a subdivision of land within the jurisdictional area of Moore County, North Carolina and that the County has an Ordinance that regulates parcels of land.
- b. This survey is located in a portion of a County or Municipality that is unregulated as to an Ordinance that regulates parcels of land.
- c. Any one of the following:
 1. This survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new road or change an existing street. For the purpose of this section, an "existing parcel" or "existing easement" is an area of land described in a single, legal description or legally recorded subdivision that has been or may be legally conveyed to a new owner by deed in its existing configuration.
 2. This survey is of an existing feature, such as a building or other structure, or natural feature, such as a water course.
 3. This survey is a control survey. For the purposes of this section, a "control survey" is a survey that provides horizontal or vertical position data for support or control of other surveys or for mapping. A control survey, by itself, cannot be used to define or convey rights or ownership.
 4. That the survey is a proposed easement for a public utility as defined in G.S. 62-3.
- d. This survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exemption to the definition of subdivision.
- e. The information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in (a) through (d) above.

Signed: _____

SEAL

Surveyor

Date: _____

Review Officer Certification

State of North Carolina

I, _____, Review Officer of Moore County, North Carolina, certify that the map or plat which this certification is affixed meets all statutory requirements for recording.

Review Officer

Date

CHAPTER 19. SUBDIVISIONS
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Certificate of Ownership (For Use with Family & Minor Plats Only)

I hereby certify that I am the owner of the property shown and described hereon, which is located within the subdivision regulation jurisdiction of Moore County, North Carolina, and that I hereby freely adopt this plan of subdivision.

Owner

Date

Owner

Date

Certificate of Ownership and Dedication (For Use with Major Plats Only)

I hereby certify that I am the owner of the property shown and described hereon, which is located within the subdivision regulation jurisdiction of Moore County, North Carolina, that I hereby freely adopt this plan of subdivision and dedicate all streets, alleys, parks, open space, and other sites and easements to public or private use as noted, and that I will maintain all such areas until the offer of dedication is accepted by the appropriate public authority.

Owner

Date

Owner

Date

(Notarized)

Date

Certificate of Exemption

I hereby certify that the division of property shown and described hereon is exempt from the Moore County Subdivision Ordinance by definition and/or ordinance.

Subdivision Administrator

Date

Exemption NCGS 160D-802 Compliance Statement

Approval of this exempt subdivision plat constitutes compliance with North Carolina General Statute 160D-802 only. Further development of the parcels shown subsequent to the date of this plat shall be subject to all applicable Federal, State, and local laws, statutes, ordinances, and/or codes.

Certificate of Family Subdivision Plat Approval

I hereby certify that the family subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets or change in existing utilities, that the subdivision shown is in all respects in compliance with the Subdivision Regulations of Moore County, North Carolina, and that therefore this plat has been approved by the Subdivision Administrator, subject to its being recorded in the Moore County Registry within sixty days of the date below.

Subdivision Administrator

Date

Septic Suitability Certificate Statement

I hereby certify that each new family subdivision lot has received a Septic Suitability Certificate from the Moore County Department of Environmental Health or a licensed soil scientist.

Subdivision Administrator

Date

Voluntary Agricultural Proximity Statement

The following statement shall be placed on all subdivision plats that include lots that are within one aerial mile of a Voluntary Agricultural District.

'These parcels are located near an area that is presently used for agricultural purposes. Normal agricultural operations may conflict with residential land use. NC Law (General Statutes Section 106-701) provides some protection for existing agricultural operations against nuisance laws.

Certificate of Minor Subdivision Plat Approval

I hereby certify that the minor subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets or change in existing utilities, that the subdivision shown is in all respects in compliance with the Subdivision Regulations of Moore County, North Carolina, and that therefore this plat has been approved by the Subdivision Administrator, subject to its being recorded in the Moore County Registry within sixty days of the date below.

Subdivision Administrator

Date

Certificate of Preliminary Major Subdivision Plat Approval

I hereby certify that the Board of Commissioners of Moore County, North Carolina approved on the _____ day of _____, 20__ the preliminary plan of subdivision as shown on this plat. Preliminary approval is valid for a period of 24 months from the above date or as established under the vested rights procedures, if applicable.

Subdivision Administrator

Date

Certificate of Final Major Subdivision Plat Approval

I hereby certify that the subdivision depicted hereon has been granted final approval pursuant to the Subdivision Regulations of Moore County, North Carolina subject to its being recorded in the Office of Register of Deeds within 60 days of the date below. I further certify that streets, utilities and other improvements have been installed in an acceptable manner and according to specifications of Moore County in the subdivision depicted hereon or that a performance bond or other sufficient surety in the amount of \$_____ has been posted with Moore County to assure completion of required improvements.

Subdivision Administrator

Date

NCDOT Division of Highways District Engineer Certificate

I hereby certify that the streets as depicted hereon are/are not consistent with the requirements of the North Carolina Department of Transportation, Division of Highways.

District Engineer

Date

Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements

A. To be used when all improvements have been installed prior to final plat approval

I hereby certify that I have inspected and find that all streets, utilities, and other required improvements as shown on the preliminary and final plats of the _____ Subdivision have been installed in an acceptable manner and according to County and State specification and standards.

Date

Licensed Professional

Seal

Registration Number

B. To be used when some, but not all, improvements have been installed prior to final plat approval

I hereby certify that I have inspected and find that the following streets, utilities, and other required improvements as shown on the preliminary and final plats of the _____ Subdivision have been installed in an acceptable manner and according to County and State specification and standards.

(List all inspected and approved improvements)

Date

Licensed Professional

Seal

Registration Number

Private Streets Disclosure Statement

1. The following statement shall be placed on all subdivision plats that include private streets:

'The maintenance of streets designated on this plat as 'private' shall be the responsibility of property owners within this development having access to such roads. Private streets as shown hereon will not be included, for maintenance purposes, in the North Carolina highway system. Neither Moore County nor the North Carolina Department of Transportation will maintain a private street.'

Utilities Certificate

I hereby certify that the _____ improvements have been installed in an acceptable manner and in accordance with the requirements of the Subdivision Regulations of Moore County, North Carolina or that a performance bond or other sufficient surety has been provided to assure completion of the required improvements.

Signature of Authorized Agent
of Utility Provider

Date

Certificate Regarding Erosion and Sedimentation Control Plan

Where a subdivision of property does not require an Erosion and Sedimentation Control Plan as determined by licensed professional, the plat shall show the following certificate with signature

I hereby certify that the subdivision of property shown and described hereon does not require an approved Erosion and Sedimentation Control Plan.

(List all inspected and approved improvements)

Date

Licensed Professional

Seal

License Number

Storm Water Control Statement

I hereby certify that the subdivision of property shown and described hereon has systems designed to protect to the ten (or) twenty-five year storm level and were designed and constructed to NCDOT standards.

Date

Licensed Professional

Seal

License Number

Certificate of Warranty

(To be modified if signed by an officer of a corporation)

I hereby certify that I know of no defects from any cause and will fully warrant all improvements which have been installed to be free from defects in material and workmanship for a period of 1 year from this date. Any improvements yet to be installed

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I shall fully warrant in this same manner for a period of 1 year from the date of the release of guarantees. In the event that defects are discovered in any such improvements during the warranty period, I shall replace and/or repair the defective improvements at my own expense.

Date	Subdivider	
Attest:		
	Subdivision Administrator	
	<hr/>	
	County Clerk	

Public Water Supply Watershed Protection Certificate

I certify that the plat shown hereon complies with the Moore County Watershed Ordinance and is approved by myself, as agent for the Watershed Review Board for recording in the Moore County Register of Deeds Office.

Subdivision Administrator	Date
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NOTICE: This property is located within a Public Water Supply Watershed – Development Restrictions May Apply.

Include the following when applicable

Any engineered stormwater controls shown on this plat are to be operated and maintained by the property owners and/or a property owners' association pursuant to the Operation and Maintenance Agreement filed with the Office of the County Register of Deeds in Book ____ Page ____.'

Public Street Maintenance Disclosure Statement

The following statement shall be placed on all subdivision plats that include newly constructed streets intended to be maintained by the NCDOT:

'The maintenance of public street(s) shown on this plat is (are) intended to be the responsibility of the North Carolina Department of Transportation, provided that all requirements for acceptance are met. Until such time as the NCDOT accepts the street(s), I (We) will provide for necessary maintenance of the streets.'

Owner(s)

Licensed Soil Scientist Certificate

The following statement shall be placed on all subdivision plats that include lots where access to public water and/or sewer are not available.

I hereby certify that the lot(s) on this plat have been evaluated under the current provisions of Title 15A NCAC 18A.1900 et seq., and have found to have adequate space for an on-site individual private water source and on-site subsurface sewage treatment and disposal system. NOTE: Due to variations in siting specific uses and potential for changes in regulation or soil conditions, issuance of a Well Permit or Improvement Permit by Moore County Department of Environmental Health is not guaranteed.

Date	Licensed Soil Scientist	License No.
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Amenities & Natural Features Layout Certificate

The following statement shall be placed on all Family Plats and Minor Plats.

Wetlands, marshes, ponds, lakes, streams, railroads, or bridges may affect the site. This statement is based on GIS information and not an actual delineation.

CHAPTER 20. DEFINITIONS

SECTION 20.1. WORD INTERPRETATION

The following rules shall apply for construing or interpreting the terms and provisions of this Ordinance.

A. MEANINGS AND INTENT

1. All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in Section 1.4 Purpose, and the specific purpose statements set forth throughout this Ordinance.
2. When a specific section of these regulations gives a different meaning than the general definition provided in Section 20.2, Definitions, the specific section's meaning and application of the term shall control.
3. Terms that are not defined are subject to their common or customary meaning.

B. HEADINGS, ILLUSTRATIONS, AND TEXT

1. In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.
2. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

C. LISTS AND EXAMPLES

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

D. COMPUTATION OF TIME

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the County, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the County.

E. TIME-RELATED LANGUAGE

1. Whenever certain hours are named, they shall mean standard time or daylight savings time as may be in current use by the County.
2. The term "day" means a calendar day, or any day during a week, including business days and weekend days.
3. The term "holiday" means a legal holiday recognized by the County.
4. The term "week" means five business days and two weekend days. Weeks commence on a Monday.
5. The term "month" means a calendar month.
6. The term "year" means a calendar year.
7. The term "temporary" shall mean a condition lasting for only a limited period of time; not permanent.

F. REFERENCES TO THIS ORDINANCE

A reference to an article, section, sub-section, or paragraph means an article, section, sub-section, or paragraph of this Ordinance, unless otherwise specified.

G. REFERENCES TO OTHER ORDINANCES OR PUBLICATIONS

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition or adopted version of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

H. REFERENCES TO NORTH CAROLINA GENERAL STATUTES

Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section.

I. DELEGATION OF AUTHORITY

Whenever a provision of this Ordinance requires or authorizes an officer or employee of the County to do some act or perform some duty, the officer or employee may designate, delegate, or authorize subordinates to perform the act or duty unless the terms of the provision specifically provide otherwise.

J. JOINT AUTHORITY

All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

K. TECHNICAL AND NON-TECHNICAL TERMS

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

L. PUBLIC OFFICIALS AND AGENCIES

All public officials, bodies, and agencies to which references are made are those of Moore County, unless otherwise indicated.

M. MANDATORY AND DISCRETIONARY TERMS

The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may," "can," and "should" are permissive in nature.

N. CONJUNCTIONS

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items, conditions, provisions or events apply.
2. "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

O. TENSES, PLURALS, AND GENDER

1. Words used in the past or present tense include the future tense as well as the past and present.
2. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.
3. Words used in the masculine gender include the feminine gender and the neuter, and vice versa.

P. OATH

The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in like cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

Q. TERM NOT DEFINED

If a term used in any article of this Ordinance is not defined, the Administrator is authorized to interpret the term in accordance with Section 4.3, Determinations, based upon the definitions used in professionally accepted sources.

SECTION 20.2. - DEFINITIONS

The table below defines the terms used in this Ordinance.

TABLE OF DEFINITIONS

TERM	DEFINITION
A	
ABANDON	To cease from actively using land, or any premises for its intended use for a time period greater than specified.
ABUTTING	Having property or district lines in common; i.e., two lots are abutting if they have property lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street, alley, railroad right-of-way, or stream.
ACCESS EASEMENT	An easement which grants the right to cross land.
ACCESSIBLE PARKING SPACE	An off-street parking space provided for the exclusive use of vehicles serving disabled persons.
ACCESSORY DWELLING UNIT	A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit but located in a detached structure or within the same structure as the principal dwelling unit.
ACCESSWAY	A paved or unpaved travel way intended to serve vehicles for the purposes of obtaining ingress, egress, or circulation around a lot or site. Subdivisions of up to four lots may be served by a vehicular accessway.
ADOPTED COMPREHENSIVE LAND USE PLAN	The combined future land-use policy guidance provided by the adopted comprehensive plan, area plans prepared for specific parts of the County, and system plans related to the County's infrastructure systems.
AFFECTED PARTY	Owners of land adjoining the land subject to an application and any other person who could suffer an adverse effect to a property interest from a proposed development.
AGGRIEVED PARTY	A person, with a legally recognized interest (i.e., fee simple ownership) and standing to appeal, that is injuriously affected by a decision from any decision-making body of the County, including any officer or agent of the County.
APPEAL	A request for review of an administrative official's or review authority's determination or decision made under this Ordinance.
APPLICANT	A person who has submitted a development application for review under applicable provisions of this Ordinance.
APPLICATION	The form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate County department or board as part of the development review processes.
ASSESSED VALUE	The monetary value of land or land and a building assigned by the Moore County Tax Appraiser for the purposes of computing the property's annual tax burden.
AUTHORIZED AGENT	A person with express written consent to act upon another's behalf.
B	
BEST MANAGEMENT PRACTICES (BMP)	Best Management Practices (BMPs). A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.
BONA FIDE FARM	Any tract or tracts of land used for farm purposes as defined in NCGS Section 160D-930, including the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture as defined in NCGS Section 106-581.1. In addition, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a "Goodness

TABLE OF DEFINITIONS

TERM	DEFINITION
	Grows in North Carolina" product that is produced on a farm subject to a conservation agreement under NCGS Section 106-743.2 is a bona fide farm purpose. Any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes: 1. A farm sales tax exemption certificate issued by the Department of Revenue; 2. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to NCGS Section 105-277.3; 3. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return; and 4. A forest management plan.
BUILDING	Any structure used or intended for supporting or sheltering any use or occupancy. "Building" includes the term structure (see definition) of every kind, including but not limited to decks, gazebos, retaining walls (greater than 4 feet), swimming pools (see Specific Use Standards) etc., with the exception of except fences and walls, regardless of similarity to buildings. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.
BUILDING FLOOR AREA	The gross floor area of an individual structure built for support, shelter or enclosure for any occupancy or storage.
BUILDING HEIGHT	The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the building. Spires, cupolas, chimneys, antennae attached to a building, and/or projections from buildings, radios, TV, communications, telecommunication, and water towers are not to be included in the calculations of building height.
BUILT-UPON AREA	Per NCGS 143-214.7(b2), built-upon area means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon area" does not include a slatted deck; the water area of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; or a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour), or landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle; or artificial turf, manufactured to allow water to drain through the backing of the turf and installed according to the manufacturer's specifications over a pervious surface. The owner or developer of a property may opt out of any of the exemptions from "built-upon area" set in this definition.
	C
CERTIFICATE OF OCCUPANCY	Official certification that a premise conforms to provisions of this Ordinance (and State Building Code) and may be used or occupied.

CHAPTER 20. DEFINITIONS**SECTION 20.2. - DEFINITIONS****TABLE OF DEFINITIONS**

TERM	DEFINITION
CERTIORARI	A situation where an appellant may file an appeal of a decision directly to a higher court of law.
CHANGE OF USE	A change from one use in the Table of Uses to another or the addition or expansion of a new use or an existing use of a building and/or lot.
CHANGEABLE COPY	Text or other depictions on the face of a sign that are capable of being revised on a regular or infrequent basis.
CITATION	A formal notice to a person that he or she is charged with a violation of this Ordinance, and that penalty is due.
CIVIL ACTION	A legal action at law brought between a private party(ies) and the County to protect a civil right or to compel a civil remedy (as opposed to criminal prosecution).
CIVIL PENALTY	A fine or other financial penalty imposed by a court, the County, or another governmental entity as restitution for violation of this Ordinance or other wrongdoing.
CLOSE FAMILIAL RELATIONSHIP	The relationship with a spouse, parent, child, brother, sister, grandparent, or grandchild, including step, half, and in-law relationships.
CLUSTER MAILBOX UNIT	A centralized grouping of individually locked and keyed mailboxes meeting the specifications of the United States Postal Service.
COMMON AREA	Land within a subdivision or development that is owned in common by two or more residents or property owners. Common area may or may not be open to use by members of the general public.
COMMON LAW VESTED RIGHT	Legal doctrine that recognizes where property owners have reasonably made a substantial expenditure of money, time, labor or energy in a good faith reliance on a permit from the government, that they acquire "vested rights" or a protected right to complete the development of their land as originally begun despite any changes in the zoning on the property.
COMPLETE APPLICATION	An application filed for development approval under this Ordinance that meets all the requirements in Section 10.5.F, Determination of Application Completeness, including: <ol style="list-style-type: none">1. Contains all information and materials established by the Administrator as required for submittal of the particular type of application;2. Is in the form established by the Zoning Administrator as required for submittal of the particular type of application;3. Includes information in sufficient detail to evaluate the application to determine whether it complies with the appropriate review standards of this Ordinance; and4. Is accompanied by the fee established for the particular type of application. An application will not be accepted for review until it is complete.
COMPLETENESS DETERMINATION	The process of determining if an application for a development approval is or is not complete. An application for development is not considered as "submitted" until it is determined to be complete.
COMPLETION OF CONSTRUCTION OR DEVELOPMENT	No further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.

TABLE OF DEFINITIONS

TERM	DEFINITION
COMPLIANCE GUARANTEE	A performance guarantee provided by a party responsible for correcting a violation of this Ordinance that the County may use to correct the violation in the event the responsible party fails to.
COMPREHENSIVE PLAN	A comprehensive plan that has been officially adopted by the Board of County Commissioners in accordance with Section 160D-501.
CONDITION OF APPROVAL	A limitation or stipulation on the range of allowable uses, density, intensity, configuration, or operational parameters of new development or redevelopment. A condition may be proposed by an applicant, a staff member, or a review authority that must be accepted by an applicant in writing and the County to become binding.
CONSTRUCTION	Architectural design, site configuration, or building materials or colors that are compatible, accordant, or harmonious with one another or with similar features in other developments in the general vicinity.
CONTIGUOUS	Abutting directly or immediately adjacent to a boundary or separated only by a street, railroad or public utility right-of-way.
CONTINUANCE	The adjournment or postponement of review or decision on an application to specified future date.
COURT-ORDERED SUBDIVISION	The division of land between two or more parties as ordered as part of a settlement imposed by the judicial system.
COVENANT	A binding written agreement between two or more private parties regarding the use, occupancy, or configuration of development that runs with the land.
D	
DEDICATION	A gift, by the owner, or a right to use land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance.
DEED RESTRICTION	A written private agreement that restricts the use, occupancy, or configuration placed upon the title of real estate often by the developer.
DENSITY	The number of families, persons, housing units, or buildings per unit of land.
DETERMINATION	A written interpretation prepared by the Zoning Administrator or a designee that explains the meaning or intent of standard in this Ordinance, the location of a boundary on the Official Zoning Map, or the requirements of a development approval.
DEVELOPER	A person engaging in land, site, or building development.
DEVELOPMENT	Development means any of the following: <ul style="list-style-type: none"> • The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure; • Excavation, grading, filling, clearing, or alteration of land; • The subdivision of land, as defined in NCGS Section 160D-802; or • The initiation or substantial change in the use of land or the intensity of the use of land.
DEVELOPMENT PERMIT	An administrative or quasi-judicial approval that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal, including any of the following: <ol style="list-style-type: none"> a. Zoning permits.

TABLE OF DEFINITIONS

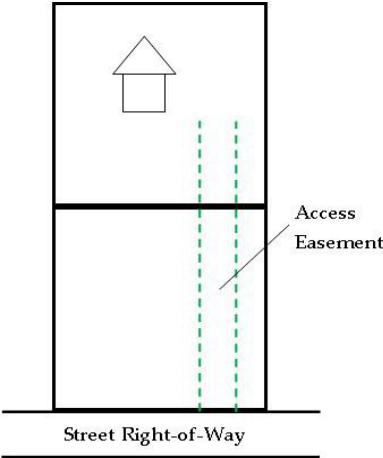
TERM	DEFINITION	
	<ul style="list-style-type: none"> b. Site plan approvals. c. Special use permits. d. Variances. e. Certificates of appropriateness. f. Plat approvals. g. Development agreements. h. Building permits. i. Subdivision of land. j. State agency permits for development. k. Driveway permits. l. Erosion and sedimentation control permits. m. Sign permits. 	
DISPERSED FLOW	Uniform shallow flow that is conveyed to a vegetated filter strip (as defined in 15A NCAC 2H .1059), another vegetated area, or stormwater control measure. The purpose of "dispersed flow" is to remove pollutants through infiltration and setline, as well as to reduce erosion prior to stormwater reaching surface waters.	
DRIVEWAY	A private strip of land located on a parcel used for vehicle access. A driveway may be located on the principal building's lot and may also be located through an access easement. Driveways are not street rights-of-way.	
DWELLING UNIT	Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses or appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home, mobile home, or recreational vehicle if used solely for a seasonal vacation purpose.	
E		
EASEMENT	A right given by the owner of land to another party for specific limited use of that land. For example, a property owner may give an easement on his property to allow utility facilities like power lines or pipelines, to allow light to reach a neighbor's windows, or to allow access to another property. In no case shall an easement be construed to mean a street right-of-way.	
ELIGIBLE FACILITY REQUEST	An application for the installation of new or replacement antennas and related wireless telecommunications equipment on an existing telecommunications tower. An eligible facilities request may include increasing the height and/or	

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TERM	DEFINITION
	replacement of an existing telecommunications tower but shall not include any activities that constitute a "substantial modification" as defined in this Ordinance and Section NCGS 160D-931. Eligible facility requests are reviewed and decided in accordance with the procedures for a minor collocation.
ENCROACHMENT	The location of a building, structure, or portion of a building or structure in an open space, setback, yard, required landscape area, buffer, or other area typically required to remain free of buildings or structures.
ENLARGEMENT	Increasing the floorplate, footprint, or square footage of a building, structure, outdoor use area, or activity.
EQUITABLE REMEDY	A court-ordered non-monetary remedy that directs a party to take a particular action for violation of this Ordinance or other applicable law.
EROSION	The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.
EROSION CONTROL MEASURE	A device which controls the soil material within the land area under responsible control of the person conducting a land-disturbing activity.
EX PARTE COMMUNICATION	Any communication between a member of a review authority and a person involved in a development application that is made without the presence or knowledge of the other members of the same review authority.
EXEMPTION	A use, site feature, or development condition that is exempted authorized to deviate from otherwise applicable requirements.
	F
FAMILY	One or more persons occupying a dwelling unit and living as a single household.
FEES	An amount charged in accordance with the regularly adopted fee schedule of the County.
FILED APPLICATION	An application for development approval under this Ordinance that has not been delivered to the County but not yet determined to be complete.
FINAL PLAT	A plan or drawing recorded in the office of the register of deeds that identifies the metes and bounds as well as all applicable conditions applied to a lot or group of lots that have been subdivided.
FRONTAGE	A strip or extent of land abutting and extending along a street.
FUTURE LAND USE MAP	A portion of the County's Adopted Comprehensive Land Use Plan that identifies the desired long term uses of all land within the County's planning area. The future land use map is typically a part of the comprehensive plan.
	G
GENERAL STATUTES	A statute is a written law passed the General Assembly that sets forth general propositions of law that courts apply to specific situations.
GOOD CAUSE	Legally adequate or substantial grounds or reason to take a certain action based upon the circumstances of each individual case.
GOOD FAITH	A sincere belief or motive without any malice or the desire to defraud others or conceal the truth.
GROUND BASED MECHANICAL EQUIPMENT	Utility or other equipment of a mechanical nature that is mounted on or below grade on the site it serves.
GROUND COVER	Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

CHAPTER 20. DEFINITIONS**SECTION 20.2. - DEFINITIONS****TABLE OF DEFINITIONS**

TERM	DEFINITION
GUYED TOWER	A communication tower that is supported, in whole or in part, by guy wires and ground anchors.
	H
HABITABLE SPACE	A space in a building for living, sleeping, eating or cooking, or used as a home occupation.
HARDSHIP	Special or specified circumstances that place an unreasonable or disproportionate burden on one applicant or landowner over another.
	I
IMPERVIOUS SURFACE AREA	A surface covered by buildings, concrete, asphalt, or brick, gravel roads, patios, and driveways, or other materials which does not readily absorb water.
IMPROVEMENT	The construction of buildings and the establishment of basic services and amenities associated with development, including, but not limited to streets and sidewalks, parking areas, water and sewer systems, drainage system, property markers and monuments, recreation facilities (i.e., lakes, swimming pools, tennis courts, golf courses, club houses, cabanas, marinas, docks and the like) and other similar construction or establishment.
INJUNCTIVE RELIEF	A court-order act or inhibition of an act by a violator granted to the County or other governmental agency for a violation of this Ordinance or other applicable law.
IN-LIEU FEE	Monetary compensation offered by a landowner or applicant as an alternative to provision of some other required site or development feature.
INOPERATIVE VEHICLE	Any vehicle, designed to be self-propelled on land, which by virtue of broken or missing component parts, is no longer capable of self-propulsion. For the purpose of this Ordinance, any vehicle that is registered with the North Carolina Division of Motor Vehicles and has a current North Carolina motor vehicle registration license affixed to it shall not be considered inoperative.
INTERMITTENT STREAM	A well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the water table. The flow may be heavily supplemented by stormwater runoff. An intermittent stream often lacks the biological and hydrological characteristics commonly associated with the conveyance of water.
INVASIVE SPECIES	A plant species identified as noxious or dangerous by the County or other governmental agency.
	J
	K
	L
LAND DEVELOPMENT REGULATION	Land development regulation is defined to be any State statute, rule, or regulation, or local ordinance affecting the development or use of real property, including any of the following: <ol style="list-style-type: none">Unified development ordinance.Zoning regulation, including zoning maps.Subdivision regulation.Erosion and sedimentation control regulation.Floodplain or flood damage prevention regulation.Mountain ridge protection regulation.

CHAPTER 20. DEFINITIONS

SECTION 20.2. - DEFINITIONS

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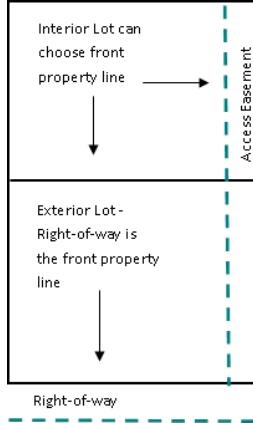
TERM	DEFINITION	
	<p>g. Storm water control regulation.</p> <p>h. Wireless telecommunication facility regulation.</p> <p>i. Historic preservation or landmark regulation.</p> <p>j. Housing code.</p> <p>k. North Carolina State Building Code enforcement.</p>	
LAND-DISTURBING ACTIVITY	Any use of the land by any person in residential, industrial, educational, institutional, or commercial development, highway and road construction and maintenance, that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.	
LANDOWNER	As applied to the standards related to vested rights, an owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of the owner.	
LATTICE TOWER	A guyed or self-supporting, open, steel frame structure, with three or more sides, that is used to support telecommunications equipment.	
LEGISLATIVE PUBLIC HEARING	A hearing held for the purpose of soliciting public comments on a proposed change in the zoning text or zoning map. Reasonable time limits on speakers may be imposed and responsible decorum maintained. However, unlike quasi-judicial hearings, there is no requirement for oaths, no limits on expression of personal opinions, and no limit on discussing the matter outside the context of the hearing.	
LOT	A parcel of land occupied, or intended for occupancy, by a use, including one or more main buildings, accessory buildings, open space, and parking spaces as required by this Ordinance.	
LOT LINE, FRONT	That part of the lot adjacent to the street right-of-way line or its land access easement. When an exterior lot fronts a street right-of-way and fronts its access easement the right-of-way is the front property line. When an interior lot is in close vicinity to a street right-of-way and fronts its access easement the property owner shall have the option to choose the front lot line.	
LOT LINES	The property lines bounding a lot. Where a lot of record includes a right-of-way, the lot lines are presumed not to extend into the right-of-way.	
LOT OF RECORD, NONCONFORMING.	A lot, the area, dimensions, or location of which was duly recorded pursuant to statute in the Office of Register of Deeds, lawfully existing at the effective date of this ordinance or prior freestanding zoning and subdivision ordinances that cannot meet the minimum size and/or lot width requirements of the district in which the lot is located.	
LOT, WIDTH	The straight line distance between the two side lot lines, measured at the front building setback line.	
	M	

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TERM	DEFINITION
MAINTENANCE, ROUTINE	Simple, small-scale activities (usually requiring only minimal skills or training) associated with regular (daily, weekly, monthly, etc.), recurring, and preventative upkeep of a building, equipment, or machine against normal wear and tear.
MAJOR VARIANCE	As used in the Watershed Overlay district, a variance from the minimum statewide watershed protection rules that results in any one or more of the following: <ul style="list-style-type: none"> • The relaxation by a factor greater than ten percent of any management requirement under the low-density option; • The relaxation by a factor greater than five percent of any buffer, density, or built-upon area requirement under the high-density option; or • Any variation in the design, maintenance, or operation requirements of a wet detention pond or other approved stormwater management system.
MANUFACTURED HOME	A factory-built structure, transportable in one or more sections, that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. This includes any structure with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.), as amended. This does not include recreation vehicles.
MANUFACTURED HOME CLASS A	A manufactured home that is commonly referred to as a "double-wide" home, or one that is brought to its site in two or more separate parts of at least 10 feet in width and assembled on a single foundation.
MANUFACTURED HOME CLASS B	A manufactured home that is commonly referred to as a "single-wide" home that is comprised of a single structure approximately 12 feet in width or less and placed on a single foundation.
MANUFACTURED HOME CLASS C	A manufactured home that does not meet the federal HUD standards.
MAXIMUM EXTENT PRACTICABLE	No feasible or practical alternative exists, as determined by the County, and all possible efforts to comply with the standards or regulation to minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factor determining "maximum extent practicable."
MINOR VARIANCE	As used in the Watershed Overlay district, a variance from the minimum statewide watershed protection rules that results in the relaxation by a factor of up to five percent of any buffer or the relaxation by a factor of up to 10 percent of any management requirement under the low-density option.
MOBILE FOOD VENDOR	A motor vehicle or a food trailer towed by another vehicle that is designed and equipped to sell food and/or beverages directly to consumers.
MODIFICATION, MINOR	A change, revision, addition, or deletion to a development approval of a de minimum or small nature that does not impact the basic configuration or operation of development.
MONOPOLE TOWER	A communication tower consisting of a single pole, constructed without guy wires and ground anchors.

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TERM	DEFINITION
MONUMENT	A permanent marker, typically inserted into the ground, showing the location of a lot line, lot corner, or other demarcation associated with a lot or right-of-way.
	N
NATIVE VEGETATION	Plants that are endemic or naturally occurring within a specified area.
NONCONFORMING LOT OF RECORD	A lot of record that was lawful at the date on which it was established but does not conform to the current dimensional requirements of the zoning district in which it is located. As used in the Watershed Protection Overlay district, a lot described by a plat or a deed that was recorded prior to the effective date of local watershed protection regulations (or their amendments) that does not meet the minimum lot size or other development requirements of the statewide watershed protection rules.
NONCONFORMING SIGN	Any sign that was lawfully established but does not meet the standards of this Ordinance.
NONCONFORMING SITE (SITE FEATURE)	Parking, landscaping, exterior lighting, screening, or fences or walls located on a development site that do not comply with the minimum requirements of this Ordinance.
NONCONFORMING STRUCTURE	A structure that was lawful on the date on which it was established, but does not conform to current dimensional, elevation, location, or other requirements of this Ordinance.
NONCONFORMING USE	A use type which was lawful on the date on which it was established but is now no longer a permitted use of that lot, building, or structure under this Ordinance. A use that when established did not require a special use permit, but now requires a special use permit shall be considered a nonconforming use until special use permit approval is obtained.
NONCONFORMITY	A use, building, site, sign, or site feature that does not comply with the minimum requirements of this Ordinance or other applicable County law.
NORTH CAROLINA ADMINISTRATIVE CODE	A set of written rules prepared by the North Carolina Department of Health and Human Services that are used to help affected parties interpret the North Carolina General Statutes.
NOTICE OF PUBLIC HEARING	The formal legal notification of a public hearing on a proposed development application. A "published notice" is one required to be printed in a newspaper of general circulation. A "mailed notice" is one delivered to specified individuals by US Mail. A "posted notice" is a sign posted on or near the property subject to the application.
NOTICE OF VIOLATION	A notice indicating a violation of this Ordinance.
NUISANCE	Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons
	O
OATH	The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in like cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

CHAPTER 20. DEFINITIONS**SECTION 20.2. - DEFINITIONS****TABLE OF DEFINITIONS**

TERM	DEFINITION
OCCUPY OR OCCUPANCY	The act, state, or condition of holding, possessing, residing, or otherwise using a premise, lot, site, building, or dwelling.
OFFICIAL MAPS OR PLANS	Any maps or plans officially adopted by the Moore County Board of County Commissioners as a guide to the development of the Official Zoning Map.
OFFICIAL ZONING MAP	The Official Zoning Map upon which the boundaries of various zoning districts are drawn, and which is an integral part of this Ordinance.
OFF-STREET LOADING SPACE	An area provided for the purpose of loading and unloading goods or materials for use.
OFF-STREET PARKING SPACE	An area designated for the temporary storage of one vehicle.
ON-CENTER SPACING	Placement of landscape material in a regularly spaced pattern of equal distance between plants.
OPEN SPACE	Those areas set aside and protected from development which may be left in a generally unimproved state.
OPEN SPACE, ACTIVE	Land set aside for the residents or a development and under common ownership that is configured for active forms of recreation. Active open space typically includes playgrounds, athletic fields and courts, and similar features devoted to movement, activity, or sports pursuits.
OPEN SPACE, PASSIVE	Land set aside for the residents or a development and under common ownership that is configured for active forms of recreation. Active open space typically includes playgrounds, athletic fields and courts, and similar features devoted to movement, activity, or sports pursuits.
OWNER	The legal or beneficial owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property. "Owner" shall include long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties for profit; and every person or entity having joint ownership of the property. A secured lender not in possession of the property does not constitute an owner, unless the secured lender is included within the meaning of "owner" under another description in this definition, such as a management entity.
OWNERS' ASSOCIATION	An organization of homeowners or property owners of lots or land in a particular subdivision, condominium, or planned development. The owners' association is responsible for maintaining and enhancing the shared private infrastructure (e.g., stormwater, streets, and sidewalks) and common elements such as recreation areas.
	P
PARENT ENTITY	An affiliate that directly, or indirectly through one or more intermediaries, controls another person.
PARENT PARCEL	A tract of land further subdivided into one or more additional lots.
PENALTY	Punishment for violation of a law or rule.
PERENNIAL STREAM	A well-defined channel that contains water year-round during a year with normal rainfall. Ground-water is the primary source of water, but they also carry stormwater. They exhibit the typical biological, hydrological, and physical

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TERM	DEFINITION
	characteristics commonly associated with the continuous conveyance of water. These features are regulated by NC DWR and typically regulated by the U.S. Army Corps of Engineers.
PERFORMANCE GUARANTEE	Cash or other guarantee provided by an applicant in-lieu of completion of public infrastructure or installation of required private site features prior to issuance of a building permit or other development approval.
PERIPHERAL BUFFER	Area encompassing the outermost extent of the development.
PERMIT	The approval document allowing land disturbing activities to be initiated. A project may be developed in phases with separate permits for each phase.
PERSON	Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.
PHASE	The discrete portion of a proposed development.
PLAN, AS-BUILT	A set of engineering or site drawings that delineate the specific permitted development like forms of public infrastructure, as actually constructed.
PLAN, CONCEPT	A generalized or conceptual plan for development intended solely for illustrative purposes to assist a review authority in its consideration of a proposed development. A concept plan may, but does not necessarily need to include, the detailed elements typically found in a site plan (for example, detailed locations of buildings, location of off-street parking, location of landscaping, etc.).
PLAN, CONSTRUCTION	Drawing and specifications prepared by a qualified person showing buildings, structures, utilities, infrastructures, and site configuration aspects associated with development. Construction plans are most commonly associated with infrastructure such as streets, water, sewer, stormwater management, or drainage facilities.
PLAN, PLOT	A simple plan or sketch that may or may not be prepared by a professional that denotes the proposed development of a site. A plot plan is prepared to scale.
PLAN, SITE	A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include, but is not limited to, site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities, that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review.
PLANNING JURISDICTION	The land area subject to this Ordinance, excluding land area within corporate limits or extraterritorial jurisdictions, land subject to a pending application for voluntary annexation, or any land subject to an agreement between the County and other governmental entity that extends planning control to that governmental entity.
PLAT	
POST-CONSTRUCTION STORMWATER	A permit obtained from the North Carolina Department of Environmental Quality Department of Energy, Mineral, and Land Resources to minimize the impact of stormwater runoff from development on the water quality of surface

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TERM	DEFINITION
MANAGEMENT PERMIT	waters and to protect their designated best usages in High Quality Watersheds (HQW) and Outstanding Resource Waters (ORW).
PRE-APPLICATION CONFERENCE	A meeting or conference conducted by a potential applicant for a permit or development approval and County staff for the purposes of discussing a potential application or County rules regarding development.
PRINCIPAL BUILDING OR STRUCTURE	A building or structure in which the primary use of the lot on which the building or structure is located is conducted.
PROFESSIONAL ENGINEER	An expert knowledgeable in civil engineering, architecture, traffic management, stormwater management, or construction licensed by the State of North Carolina to provide design and construction services for development.
PROFESSIONAL LAND SURVEYOR	An expert knowledgeable in the delineation and demarcation of lot lines, land ownership, grading, and similar aspects licensed by the State of North Carolina to provide design and construction services for development.
PROFESSIONAL LANDSCAPE ARCHITECT	An expert knowledgeable in plants, planting techniques stormwater management, outdoor structural design, and similar aspects licensed by the State of North Carolina to provide design and construction services for development.
PUBLIC HEARING	A hearing conducted by a review authority for the purpose of allowing interested members of the public to provide testimony or evidence for the review authority to consider in deciding an application under this Ordinance. A public hearing is required to be publicly noticed prior to conducting the hearing.
PUBLIC INFRASTRUCTURE	Infrastructure (such as potable water lines, sanitary sewer lines, streets, storm drainage, sidewalks, trails, etc.) and related facilities or appurtenances that are owned by the public and intended for use by the public.
PUBLIC MEETING	A meeting conducted by a review authority for the consideration of a development application submitted under this Ordinance that is open to any member of the public to attend. A public meeting is not subject to public notification requirements.
PUBLIC WATER OR SEWER	A water or wastewater sewerage system which is owned by any unit of government designed to serve uses located along existing lines or within the service area of the system, should additional collection lines be constructed
	Q
QUASI-JUDICIAL DECISION	A decision by an elected or appointed body that applies previously established policies. Examples include decisions on appeals and variances.
QUASI-JUDICIAL PUBLIC HEARING	A formal public hearing involving the legal rights of specific parties conducted by the Board of Commissioners or the Board of Adjustment based on evidence and sworn testimony presented during the public hearing. Decisions made during such hearings are based upon and supported by the record developed at the hearing, and typically involve findings of fact made by review authority.
QUORUM	The minimum number of review authority members that must be present in order to conduct official business or take official action.
	R
REASONABLE ACCOMMODATION	Any change or adjustment to a provision of this Ordinance or condition of approval that would allow an individual with a disability to enjoy equal access to a dwelling, structure or site that is available to other individuals.

CHAPTER 20. DEFINITIONS

SECTION 20.2. - DEFINITIONS

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TERM	DEFINITION
RECOMBINATION	The consolidation or shifting of lot lines between two or more parcels.
RECORDATION	Filing a plat or paperwork associated with a subdivision or other form of development at the Moore County Register of Deeds to ensure the documents are available for public inspection in perpetuity.
RECREATIONAL VEHICLE (RV)	A vehicle, built on a single chassis containing 400 square feet or less when measured at the largest horizontal projection and designed to be self-propelled or permanently towable by another vehicle. An RV is not designed or intended for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use. This definition includes vehicles such as travel trailers, motor homes, and campers.
REMEDY	The manner in which a right or law is enforced or satisfied when a violation of this Ordinance or related law has occurred.
REMEDY A VIOLATION	An act to bring the structure or other development into compliance with State or community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impact may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this section or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.
REQUIRED YARD	The land area located between a lot line and the boundary of a required setback.
RESERVATION	An obligation, shown on a subdivision or site plan, to keep land free from development and available for public acquisition for a stated period of time.
RESERVE STRIPS	Strips of land that are not developed as a means of limiting or preventing vehicular access.
RESIDUAL OR PARENT ACREAGE	A piece, parcel, tract, lot, or plot of land that is left after a subdivision occurs.
REVIEW AUTHORITY	The Administrator, Planning Director, Planning Board, Board of Adjustment, or Board of County Commissioners, as appropriate.
RIGHT-OF-WAY	An area of land not on a lot that is dedicated for public or private use to accommodate a transportation system (street right-of-way) or necessary public utility infrastructure. In no case shall a street right-of-way be construed to mean an access easement.
	S
SETBACK	The required minimum distance between every building, measured from the furthest point of the building (such as eves, deck) from all property lines and/or right of way lines of the lot on which it is located. Setbacks are not required from easement lines. (This does not include utility easements.) Fire escapes, awnings, stairways, steps, ramps, stoops, sills, ornamental features, balconies, decks, carports, whether enclosed or unenclosed, and similar items shall be considered as a part of the main building and shall not project into the required yard (unless as an exception in accordance with Section 5.1.E – Measurements and Exceptions). Setbacks shall be measured to the body or box of the manufactured home and not to the pull structure or hitch on the end of the home.

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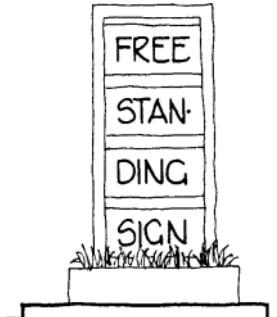
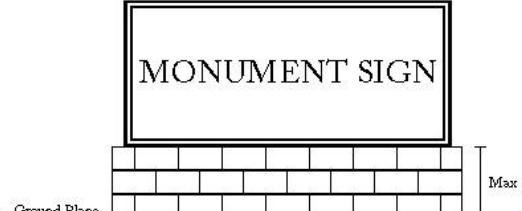
TERM	DEFINITION
SIGHT DISTANCE TRIANGLE	The triangular area formed by a diagonal line connecting two points located at designated locations on intersecting right-of-way lines or a right-of-way line and the curb or a driveway.
SIGN	Any words, lettering figures, numerals, emblems, devices, trademarks, or trade names, or any combination thereof, by which anything is made known and which are visible from any right-of-way and is used to attract attention.
SIGN, FREESTANDING	A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of a sign.
	
SIGN, MONUMENT	A freestanding sign where the base of the sign is on the ground and is supported by solid structural features other than support poles.
	
SIGN, MULTI-TENANT	A sign located at the entrance to a multi-tenant / shopping center in single ownership or under unified control that advertise only the name and location of such center and the name and type of businesses of one or more occupants thereof. Individual tenants of a multi-tenant / shopping center are not permitted a freestanding sign of any kind. Individual tenant wall signs are permitted based on the maximum sign area.
SIGN, OFF-PREMISE ADVERTISING	A sign, not including billboards, that advertises a business, institution, or industry (including home occupations) on a premise other than the premise on which the business or industry (including home occupations) is located.
SIGN, OFF-PREMISES (BILLBOARD)	A sign which directs attention to a business, commodity, service, entertainment, or other message not conducted, sold, or offered on the premises where such sign is located.
SIGN, POLE	A type of freestanding sign supported by one or two poles or masts.
	

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TERM	DEFINITION
SIGN, WALL	A sign attached to a wall and not projecting away from the wall more than 12 inches.
SIMPLE MAJORITY	More than half of the voting members of a review authority deciding an application under this Ordinance.
SPECIAL USE PERMIT	A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with any applicable specific standards.
STAGING AREA	A location where vehicles, equipment, or material are assembled for the purpose of transporting the assembled vehicles, equipment, or material to another location.
STANDING	The legal right or authority to initiate or participate in legal proceedings based upon a sufficient level of connection or potential harm from a decision or activity.
STATE BUILDING CODE	A series of ordinances enacted by North Carolina that establish the minimum requirements that must be met in the construction and maintenance of buildings for the purpose of safety and sanitation.
STOP WORK ORDER	An order issued by the County to a landowner or developer to cease and desist all land-disturbing or development activity on a site pending resolution of a problem or conflict.
STORMWATER CONTROL MEASURES (SCMS)	Also known as "Best Management Practice" or "BMP" means a permanent structural device that is designed, constructed, and maintained to remove pollutants from stormwater runoff by promoting settling or filtration; or to mimic the natural hydrologic cycle by promoting infiltration, evapo-transpiration, post-filtration discharge, reuse of stormwater, or a combination thereof.
STORMWATER MANAGEMENT PLAN	The set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts, and techniques intended to maintain or restore quality of stormwater runoff to pre-development levels.
STREET	A public or private right-of-way including "road" or "highway." In no case shall a street be construed to mean an access easement.
STREET, ARTERIAL	A street connecting widely separated areas and designed to carry a large volume of traffic which may be fast, heavy or both. Arterial streets are sometimes referred to as "major thoroughfares," "freeways," "expressways," etc., and are usually numbered State or Federal Highways. Numbered State Secondary Roads are included in this definition.
STREET, MARGINAL ACCESS	A local street which parallels and is immediately adjacent to arterial streets, and which provides access to abutting properties and protection from through traffic.
STREET, PRIVATE	Any street right-of-way which is not publicly owned and maintained and is used for access by the occupants of the development, their guests, and the general public.
STREET, PUBLIC	Any street right-of-way which is publicly owned and maintained.

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TERM	DEFINITION
STRUCTURAL ALTERATIONS	Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, except for repair or replacement.
STRUCTURE	A walled and roofed building that is principally above ground, a gas or liquid storage tank, or other man-made facilities or infrastructure. For floodplain management purposes "principally above ground" means that at least 51% of the actual cash value of the structure is above ground.
SUBDIVIDER	Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.
SUBDIVISION	The following is the statutory definition of "subdivision" which exempts certain categories from subdivision regulations. No subdivisions of land are exempt from the Watershed Protection Ordinance. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all division of land involving the dedication of a new street or a change in existing streets. Remaining acreage from the parent tract must be surveyed when the remaining lot size is less than 3 times the minimum lot size of the zoning district. The remaining acreage must show that all dimensional criteria for the zoning district can be met, including minimum width and depth.
SUBDIVISION, EXEMPT	A division of land that is exempted from review and approval by the County in accordance with the North Carolina General Statutes.
SUBDIVISION, EXPEDITED	A subdivision of three or fewer lots comprised of more than five acres in accordance with NCGS Section 160D-802.
SUBSTANTIAL COMMENCEMENT	The initiation of development or development-related activity subject to the requirements of this Ordinance. Each of the following activities must have taken place in order to achieve substantial commencement: <ul style="list-style-type: none"> - All required authorizations to begin the development are secured; and - All application fees and applicable fines have been paid in full; and - Any required notice of commencement to all governmental entities or other identified parties has taken place; and - Performance of some form of site-related activity that requires prior approval from the County has taken place. Initiation of site-related activity that does not require some form of approval from the County, such as surveying, site investigation, plan or study preparation, minor clearing or grubbing of the site, full or partial demolition, or agricultural related activity associated with a bona fide farm, shall not be considered as substantial commencement.
SUPER MAJORITY	A situation where an affirmative vote on a development application requires more positive or supportive votes than a simple majority. Typically, a super majority requires an affirmative vote of at least four-fifths of the review authority members present and voting.
	T
TELECOM-MUNICATIONS FACILITIES, COLLOCATION	The placement, installation, modification, or replacement of antenna and related wireless telecommunications equipment on, under, or within an existing or replacement telecommunications tower, utility pole, building, or other vertical projection.

TABLE OF DEFINITIONS

TERM	DEFINITION
TELECOM-MUNICATIONS FACILITIES, MAJOR	The construction or installation of a new telecommunications tower with a height of 30 feet or more above the adjacent pre-construction grade and associated equipment, including the equipment compound, access, electrical service, and other related facilities.
TELECOM-MUNICATIONS FACILITIES, MINOR	The construction or installation of a new telecommunications tower with a height of less than 30 feet above the adjacent pre-construction grade or that meets the definition of a concealed telecommunications tower.
TEMPORARY	Anything temporary is to exist less than six (6) months, unless otherwise specified by this Ordinance.
TEMPORARY WIRELESS COMMUNICATIONS FACILITY	A portable, self-contained wireless facility that provides wireless telecommunications services on a temporary or emergency basis. A temporary wireless facility may include a generator to provide power to the facility.
TRACT	All contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.
TRAFFIC CONTROL SIGNAL	A mechanical device used to regulate the flow of vehicles, bicycles, or pedestrians along streets, sidewalks, and intersections.
TRANSITIONAL LIVING FACILITY	A residential single or multifamily structure or structures in which the residents are supervised and/or mentored but not provided with medical treatment, where the residents are not considered a danger to others, and where residents stay for not more than three years. Transitional living facilities provide education, supervision, and guidance and are intended to prepare residents for independent living.
	U
USE	Any continuing or repetitive occupation or activity taking place upon a parcel of land or within a building including, but not limited to; residential, manufacturing, retailing, offices, public services, recreational, and educational.
USE, NEW	Any purpose which has not before existed on said land or premises.
USE, NONCONFORMING	The use of a building, structure, or land that was valid when brought into existence but by subsequent regulation, does not conform to the use regulation of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments which may be incorporated.
USE, PRINCIPAL	The primary or predominant use of any land, lot, building, or structure.
	V
VARIANCE	A grant of relief from the requirements of this Ordinance in response to a hardship.
VEHICLE OR MOTOR VEHICLE	All machines designed or intended to travel over land by self-propulsion.
VESTED RIGHT	A right pursuant to NCGS Section 160D-102 to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan.
VEGETATED CONVEYANCE	A permanent, designed waterway lined with vegetation that is used to convey stormwater runoff at a non-erosive velocity within or away from a developed area.

TABLE OF DEFINITIONS

TERM	DEFINITION
VIOLATION	A breach, infringement, or transgression of a law or requirement in this Ordinance or a permit or development approval.
	W
WIRELESS COMMUNICATIONS FACILITIES, SMALL	A wireless telecommunications facility consisting of an antenna and associated wireless telecommunications equipment installed on a utility pole, public utility pole, building, or other vertical projection not specifically intended for the accommodation of wireless telecommunications facilities (e.g., a traffic signal mast arm, a light standard, sign pole, etc.) that does not exceed the maximum size requirements for such facilities as listed in NCGS Section 160D-947.
	X
	Y
YARD, FRONT	An open space across the full width of the lot facing a street or access easement extending from the front lot line and nearest line of the building.
YARD, REAR	An open space extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building
YARD, SIDE	An open space on the same lot with a building, between the building and the side line of the lot, extending through, from the front building line, to the rear of the lot
	Z
ZONING	A police power measure, enacted primarily by general purpose units of local government, in which the community is divided into districts or zones within which permitted and conditional uses are established, as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts. The Unified Development Ordinance consists of two parts – a text and a map.
ZONING APPROVAL	The issuance of a zoning permit by Administrator indicating that a proposed building, structure, or use of land meets all of the standards, criteria, procedures, and requirements contained in this Ordinance.
ZONING DISTRICT, CONVENTIONAL	A designation or classification applied to certain lots or tracts as shown on the Official Zoning Map. Conventional zoning districts specify the broad range of allowable land use types permitted on lots or tracts within the particular district. The conventional zoning district standards also specify the applicable dimensional requirements for lots and buildings as well as any unique provisions that apply to solely lands in the particular district.
ZONING DISTRICT, OVERLAY	An indicator, found on the Official Zoning Map, of an additional set of applicable zoning-related provisions that apply to lands located within the overlay zoning district boundary. Overlay zoning district requirements are applied in addition to or instead of the underlying conventional zoning district requirements.