

# 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;

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### 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.

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### 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

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### 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.