

# 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

**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;

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.



**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

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.).



- 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.