



**MOORE COUNTY BOARD OF COMMISSIONERS**

**SPECIAL MEETING**

**WEDNESDAY, OCTOBER 12, 2022, 2:00 P.M.**

The Moore County Board of Commissioners convened for a Special Meeting at 2:00pm, Wednesday, October 12, 2022, at the Moore County Senior Enrichment Center, 8040 US HWY 15/501, West End, NC. The purpose of the meeting was for a work session on recommended revisions to the Moore County Unified Development Ordinance.

**Commissioners Present:**

*Chairman Frank Quis, Vice Chair Catherine Graham, Jerry Daeke, Nick Picerno*

**Commissioners Absent:**

*Otis Ritter*

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Chairman Quis called the meeting to order at 2:06pm.

Planning Director Debra Ensminger provided opening remarks and noted that the Planning Board had approved the revised Unified Development Ordinance (UDO) at its regular meeting held the previous week. She stated that it was hoped the Board of Commissioners could consider adoption at its second November regular meeting prior to newly elected commissioners taking office as new N.C.G.S. 160D laws were already in effect.

Ms. Ensminger introduced consultant Chad Meadows, Principal at Codewright Planners, to review the recommended revisions pursuant to N.C.G.S. 160D. Mr. Meadows provided a presentation, hereby incorporated as a part of these minutes by attachment as Appendix A.

Ms. Ensminger then reviewed staff-recommended changes to the UDO. The summary of changes provided by Ms. Ensminger is hereby incorporated as a part of these minutes by attachment as Appendix B.

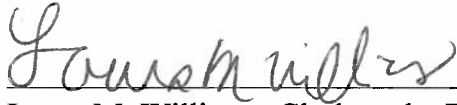
Ms. Ensminger and Mr. Meadows addressed questions by the commissioners.

Ms. Ensminger introduced her staff present: Jaimie Walters/Senior Planner, Ruth Pedersen/Senior Planner, and Michael Mandeville, Assistant Planning Director.

The commissioners agreed to move forward with the November schedule for the public hearing on the recommended revisions to the UDO.


There being no further business, upon motion made by Commissioner Graham, seconded by Commissioner Picerno, the Board voted 4-0 to adjourn the October 12, 2022, Special Meeting of the Moore County Board of Commissioners at 3:43pm.

  
Francis R. Quis, Jr., Chairman

  
Laura M. Williams, Clerk to the Board



Appendix A  
10/12/2022




# Moore County

Unified Development Ordinance • NCGS Chapter 160D Revisions  
Overview with Board of Commissioners 10.12.22

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## CODEWRIGHT PLANNERS

- Based in Durham, NC
- Founded 2014
- Completed codes for communities throughout the State
- AICP Certified
- Legislative Chair of NC Chapter, American Planning Association
- Chair, Durham City/County BOA



UDO 160D Revisions

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## OVERVIEW

- Background
- Key Changes by Chapter
- Discussion
- Next Steps

# UDO

Moore County Unified Development Ordinance  
MOORE COUNTY 10.12.22  
UDO Revisions 10.12.22

8.15.22 1

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## MEETING OBJECTIVES

1. Review proposed changes to the UDO
2. Answer Board of Commissioners questions

UDO 160D Revisions 8.15.22 4

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**PROJECT GOAL**  
 Update the current UDO to address all statutory requirements  
 Make the document easier to use

CHAPTER 1. GENERAL PROVISIONS

UDO 1600 Revisions

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**PROJECT STEPS**

UDO on Start Date  
December 2020

Diagnosis Report  
January 2021

BOC Work Session May 2021

County Staff Review  
Sept '21 - Sept '22

UDO

UDO 1600 Revisions

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**DOCUMENT BASICS**

1. Consistent with NCGS & other State laws/court precedent
2. Updated cross references
3. New heading fonts, headers, & footers
4. Increased use of summary tables
5. More detail throughout
6. Changes tracked (for review)

CHAPTER 1. GENERAL PROVISIONS

UDO 1600 Revisions

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**CHAPTER 1 GENERAL PROVISIONS key changes**

- Effective date added
- Clarifies lands and actions exempted from UDO (e.g., bona fide farms, wills, etc.)
- Clarifies standards apply to County & State government lands/operations
- Recognizes the comprehensive plan as an advisory document
- Clarifies conflict standards (least restrictive does not always apply)
- Adds severability clause

UDO 1600 Revisions

9 15 22

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**CHAPTER 2 REVIEW BODIES/ADMINISTRATOR**  
**key changes**

- Recognizes oath of office requirements
- Clarifies conflict of interest standards for all review bodies (including Administrator)
- All meetings open to public (except closed sessions) and must maintain records
- Clarifies powers and duties for Planning Board, SRB, & Administrator
- Clarifies quorum and voting rules for Planning Board and BOA

UDO 1500 Revisions 9.15.22 9

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**CHAPTER 3 INTENT OF ZONING DISTRICTS**  
**key changes**

- Recognizes **terminology changes** (conventional vs conditional zoning districts)
- **Abolishes conditional use districts** in favor of conditional districts (conditional use permits may no longer be attached to rezoning cases)
- Recognizes the County's 5 CUD districts and PUD-CZ district as **"legacy districts"**
- Establishes **"parallel"** conditional districts and associated standards (initiation, additive conditions only, conditional zoning site plan requirement)
- Establishes **additional standards for planned development conditional districts** (reductive conditions permitted, master plan required, terms & conditions statements, emphasis on compatibility at district edges)
- Clarification on HCOD boundaries
- Zoning Map -- historic versions on file and obtaining certified copies
- Administrator to interpret zoning map boundaries

UDO 1500 Revisions 9.15.22 10

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**CH. 4 ZONING PERMITS, SITE PLANS, & DETERMINATIONS**  
**key changes**

**Zoning Permits**

- Clarifies applicability to changes in use, adds exemptions
- Decision must be in writing
- Permit revocation must follow same process as issuance

**Site Plans**

- Clarifies applicability & exemptions (SFD, accessory serving SFD, signs, changes of use)
- Pre-application conference required & plan contents specified
- Decisions must be in writing (reasons for denial must be specified)
- Rules for extension (from BOC), expiration (2 years), & revocation

**Determinations**

- Zoning map, unlisted uses, UDO text, COA, vested rights status
- Must be in writing and are appealable to BOA

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**CHAPTER 5 DIMENSIONAL STANDARDS**  
**key changes**

• Carried forward with table notes

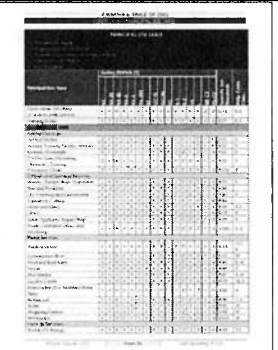
CHAPTER 5 DIMENSIONAL STANDARDS

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**CHAPTER 6 TABLE OF USES**  
key changes

- Table reformatted
- No changes in use types except: telecommunications, RLUIPA
- CUP replaced with SUP
- Columns added for MF-CZ & PD-CZ conditional districts
- Indicators "-" added for blank cells
- More clarity on change of use
- Accessory and temporary uses relocated, supplemented with additional clarity
- New section on prohibited uses



UDO 1600 Revisions

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**CHAPTER 7 GENERAL DEVELOPMENT STANDARDS**  
key changes

- No substantive changes in Section 1 through 14
- Minor section numbering changes, minor wording changes (for clarity), added consistency in treatment of numeric values, illustration captions added, plant species text converted to tables
- Removed reference to "airport zones" in §7.9, Height
- Signs provisions modified for greater content neutrality in accordance with Reed v. Gilbert SCOTUS ruling

UDO 1600 Revisions

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**CHAPTER 8 SPECIFIC USE STANDARDS**  
key changes

- No substantive changes
- Minor section numbering changes, minor wording changes (for clarity), added consistency in treatment of numeric values
- Planned unit development (current § 8.19) relocated to Ch. 3
- Added standards for temporary health care structures (NCGS prevents local government from prohibiting this use)
- Overhauled section on wireless telecommunications facilities (based on State and federal law)

UDO 1600 Revisions

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**CHAPTER 9 NONCONFORMING SITUATIONS**  
key changes

- Allows expansion to comply with flood protection standards
- Adds basic standards for replacement following casualty damage
- Recognizes that governmental acquisition of land does not render a lot nonconforming
- Addition of standards for addressing nonconforming site features during expansions or additions (parking, screening, fences, lighting)
  - <25%; 25%-75%; >75% of assessed value

UDO 1600 Revisions

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**CHAPTER 10 GENERAL APPLICATION REVIEW PROCEDURES**  
**key changes (this is a new chapter)**

- Clarifications on pre-application conferences
- Application filing and acceptance (completeness)
- Permit choice provisions
- Staff review and action (including staff report prep and distribution)
- Public notice of hearings requirements
- Legislative and evidentiary (quasi-judicial) hearing procedures
- Conditions of approval rules
- Written notice of decision requirements
- Continuance requests
- Limitations on successive applications

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**CHAPTER 11 TEXT AMENDMENTS & CONVENTIONAL REZONING**  
**key changes**

- Clarifies Planning Board review and requirement for provision of statement of consistency between the application and the comprehensive plan
- Establishes a series of review criteria that may be used by the BOC in deciding the application
- Clarifies automatic revision of future land use map (FLUM) in the event the BOC approves a rezoning that is inconsistent with the FLUM
- Clarifies process for legal challenge of BOC decision

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**CHAPTER 12 CONDITIONAL REZONING**  
**key changes**

- Clarifies purpose and intent of conditional zoning districts & process
- Prohibits conversions from conditional to conventional (vice versa)
- Identifies "CZ" district name suffix designator
- Establishes application submittal requirements (including concept plan or site plan)
- Describes basic submittal process, technical plan review, PB review/recommendation, BOC decision
- Clarifies conditions of approval
- Adds standards for major and minor modifications of concept plan/site plan
- Clarifies requirements for filing site plan if rezoning application included only a concept plan

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**CHAPTER 13 SPECIAL USE PERMITS**  
**key changes**

- Replaces conditional use permits with special use permits (160D mandate)
- Clarifies application must be filed by all listed landowners or their agents
- Requires a site plan to be submitted with SUP application
- Specifies requirements for conditions of approval (identified, in writing, accepted by applicant, etc.)
- Includes provisions for major and minor amendment
- Replacement, expiration, revocation rules
- Appeals of BOC to Superior Court

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**CHAPTER 14 APPEALS & VARIANCES**  
**key changes (restructured chapter)**

**Appeals**

- Clarifies initiation & standing to appeal
- Clarifies review criteria and voting rules
- Clarifies effect & tolling
- Distinguishes between appeal of quasi-judicial decision, challenge of legislative decision, & original civil action

**Variations**

- Adds purpose, intent, applicability
- Recognizes distinctions between zoning variations, flood variance, watershed variations
- Requires recordation of approved variance

**Reasonable Accommodation**

- Accommodates reductions under federal Fair Housing Act (physical disability, health conditions)

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**CHAPTER 15 VESTED RIGHTS**  
**key changes (restructured chapter)**

- Purpose and Intent (clarify when development does not have to comply with a change in the UDO rules)
- Clarifies when rules changes apply (to approved applications) and when they don't
- Distinguishes between vesting types and terms (building permit, development approval, site-specific vesting plan, multi-phase development permit, development agreement)
- Clarifies how vested rights are terminated (or withdrawn)
- Establishes vested right certificate process to allow site-specific vesting plans to extend vesting term up to 5 years from approval date

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**CHAPTER 16 WATERSHED OVERLAY DISTRICTS**  
**key changes**

- Carried forward with clarifications on appeal processes

**CHAPTER 17 FLOOD DAMAGE PREVENTION**  
**key changes**

- No substantive changes, simple wording adjustments for clarity only

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**CHAPTER 18 ENFORCEMENT & PENALTIES**  
**key changes**

- Adds purpose statement
- Clarifies each day is an additional violation
- Sets down the available remedies to the County
- Removes criminal penalties (this remain in place for sedimentation and erosion control violations)
- Adds statute of limitations provisions

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### CHAPTER 19 SUBDIVISIONS key changes

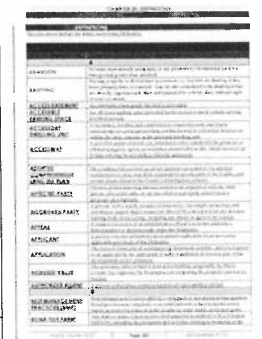
- Clarifies County may not compel production of a plat for an exempt subdivision (does not stop a Registrar from requiring one)
- Addresses access provisions for family subdivisions
- Adds the limited (expedited) subdivision process (up to 3 lots, etc.)
- Adds approval criteria for major subdivision preliminary plats (note major subdivisions require approval of a special use permit)
- Includes recent (fall 2022) staff-generated changes for subdivisions
- Overhauls performance guarantee provisions
- Adds new owners' association standards for subdivisions with common land or private infrastructure

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### CHAPTER 20 DEFINITIONS key changes

- New section on language construction
- Numerous new/updated definitions




UDO 1600 Revisions

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### DISCUSSION / NEXT STEPS

- Initial Overview with Planning Board 9-15-22
- Overview with BOC (today)
- Revisions/clarifications (as appropriate)
- Formal consideration by Planning Board (October 6, 2022)
- Public hearing with BOC (November 15, 2022)



**UDO**  
Moore County Unified Development Ordinance  
ADOPTED: 10/14/2022  
EFFECTIVE: 11/15/2022

UDO 1600 Revisions

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Appendix B  
10/12/2022

## Special Meeting of the Moore County Board of Commissioners

October 12, 2022

The Moore County Planning Department is requesting to amend and restructure the Moore County Unified Development Ordinance in its entirety, including revisions to all Chapters 1-20, for the purpose of bringing the Ordinance into compliance with NCGS 160D and other laws. The Moore County Planning Department is also requesting additional staff recommended revisions, not required by NCGS 160D, to Chapter 4, Chapter 6, Chapter 7, Chapter 8, Chapter 10, Chapter 11, Chapter 12, Chapter 13, Chapter 14, Chapter 18, and Chapter 19 of the Moore County Unified Development Ordinance.

### A. NCGS 160D Required Revisions as follows:

Table of Contents (As appropriate to reflect Chapter Amendments)

Chapter 1 (General Provisions)

Chapter 2 (Review Bodies and Administrator)

Chapter 3 (Intent of Zoning Districts)

Chapter 4 (Zoning Permits) to Chapter 4 (Zoning Permits, Site Plans, and Determinations)

Chapter 5 (Dimensional Standards)

Chapter 6 (Table of Uses)

Chapter 7 (General Development Standards)

Chapter 8 (Specific Use Standards)

Chapter 9 (Nonconforming Situations)

Chapter 10 (Text Amendments and General Use Rezoning) to Chapter 10 (General Application Review Procedures)

Chapter 11 (Conditional Rezoning) to Chapter 11 (Text Amendments & Conventional Rezoning)

Chapter 12 (Conditional Use Permits) to Chapter 12 (Conditional Rezoning)

Chapter 13 (Appeals and Variances) to Chapter 13 (Special Use Permits)

Chapter 14 (Vested Rights) to Chapter 14 (Appeals & Variances)

Chapter 15 (Watershed Overlay Districts) to Chapter 15 (Vested Rights)

Chapter 16 (Flood Damage Prevention) to Chapter 16 (Watershed Overlay Districts)

Chapter 17 (Enforcement and Penalties) to Chapter 17 (Flood Damage Prevention)

Chapter 18 (Subdivisions) to Chapter 18 (Enforcement & Penalties)

Chapter 19 (Definitions) to Chapter 19 (Subdivisions)

- a. Changes to the following sections have been made to reflect a recent amendment to G.S. 160D-1403 clarifying the procedures for appeals of subdivision decisions. If the subdivision plat decision is administrative in nature and made by a staff person or staff committee, then the appeal goes to the board of adjustment, the same as appeals of other staff decisions for development approvals. If the subdivision plat decision is administrative in nature and made by an elected or appointed board, the decision goes to superior court for declaratory or equitable relief. Finally, if the subdivision plat decision is quasi-judicial in nature, then the appeal goes to superior court in the nature of certiorari, the same as appeals of other quasi-judicial decisions.
  1. Section 19.4 (Family Subdivisions)
  2. Section 19.5 (Limited Subdivisions)
  3. Section 19.6 (Minor Subdivisions)

5. Chapter 10 (Text Amendments and General Use Rezoning) to Chapter 11 (Text Amendments & Conventional Rezoning)(Section 11.3), Chapter 11 (Conditional Rezoning) to Chapter 12 (Conditional Rezoning)(Section 12.5), Chapter 12 (Conditional Use Permits) to Chapter 13 (Special Use Permits) & Chapter 13 (Appeals and Variances) to Chapter 14 (Appeals and Variances) to give the Administrator the option to provide additional public notice of a public hearing beyond the statutory requirement on a case-by-case basis without any legal obligation to do so.