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ARTICLE 1
GENERAL PROVISIONS

SECTION 1.1 TITLE

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

SECTION 1.2 AUTHORITY AND ENACTMENT

1.2.1 Zoning and Subdivision

The Board of Commissioners, pursuant to the authority conferred by the General Assembly of the State of North Carolina in NCGS 153A, Article 18, does hereby ordain and enact into laws these article and sections.

SECTION 1.3 PURPOSE

1.3.1 General

For the purpose of promoting the health, safety, and general welfare, this Ordinance is adopted by the governing body to regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of lots that may be occupied; the size of yards, courts, and other recreation and open spaces; the density of population; and the location, general design, appearance and use of buildings, structures and land for trade, industry, residence, or other purposes. (NCGS 153A-340)

1.3.2 Zoning

The zoning regulations in this Ordinance are in accordance with a comprehensive plan and are intended to lessen congestion in the roads; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve and improve the character of development in the County and its neighborhoods; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations have been made with reasonable consideration, among other things, as to the character of the jurisdiction and its areas and their peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdiction. (NCGS 153A-340)

1.3.3 Subdivision

The purpose of this Ordinance is also to provide for the orderly development of the County and its environs through the regulation of the subdivision of land. The regulations contained herein are intended to coordinate proposed development with existing development and with officially adopted plans for the future development of the County; to ensure the provision of adequate facilities for transportation, water, sewerage, and other public facilities in subdivisions; to ensure the proper legal description, monumentation, and recording of subdivided land; and to promote the public health, safety, and general welfare of the County. (NCGS 153A-330)

1.3.4 Flood Damage Prevention

It is the purpose of this Ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities; require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction; control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters; control filling, grading, dredging, and all other development that may increase erosion or flood damage; and to prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

1.3.5 Wireless Communications Facilities

The purpose and intent of this Ordinance to: (NCGS 153A-349.50)

1.3.501 Provide guidance and community standards for the siting of wireless communication facilities and to accommodate the growing need and demand for wireless communication services.

1.3.502 Minimize the impacts of wireless communication facilities on surrounding properties by establishing standards for location, structural integrity, and compatibility.

1.3.503 Encourage the location and co-location of wireless communication equipment on existing structures.

1.3.504 Minimize the visual, aesthetic, and public safety impacts and effects upon the historic and natural environments, and wildlife, and to reduce the need for additional antenna support structures.

1.3.505 Encourage coordination between the WCF developers and providers of wireless communication services.

1.3.506 Establish predictable and balanced codes governing the construction and location of wireless communications facilities, within the confines of permissible local regulations.

1.3.507 Establish technical and land use review procedures to ensure that applications for wireless communications facilities are reviewed and acted upon within a reasonable period of time.

1.3.508 Respond to the policies embodied in the *Telecommunications Act of 1996* in such a manner as not to unreasonably discriminate between providers of licensed and unlicensed services of personal commercial wireless services that may or may not be commercial in nature.

1.3.509 Protect the character of the County while meeting the needs of its citizens to enjoy the benefits of wireless communications services.

1.3.510 Consideration of and compatibility with the goals and objectives of the Moore County Land Use Plan and Code of Ordinances.

1.3.511 Seek to have shorter less obtrusive WCF countywide.

1.3.512 Allow for Permitted Use in all Zoning areas by Concealed WCFs.

1.3.513 Promote concealment of all future antenna support structures.

SECTION 1.4 BONA FIDE FARMS

The provisions of this Ordinance shall not apply to bona fide farms (defined in **Article 18**). This Ordinance does not impose nor exercise any controls over any tract of land where the land is used for the production of and activities relating to, or incidental to, the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, forestry, and all other forms of agriculture. Nor does it exercise control over any grain warehouses and warehouse operations that receive, load, weigh, dry, and store grain, farmhouse, barn, poultry house, or other farm buildings, including tenant or other houses for persons working on said farms, as long as such houses shall be in the same ownership as the farm and located on the farm and meets all North Carolina Building Codes required for the structure. Residences for non-farm use or occupancy and other non-farm uses shall be subject to the provisions of this Ordinance. (NCGS 153A-340b) For purposes of determining if a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence for classification of a bona fide farm:

1.4.401 A farm sales tax exemption certificate issued by the Department of Revenue; or

1.4.402 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; or

1.4.403 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

1.4.404 A forest management plan; or

1.4.405 A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency.

SECTION 1.5 JURISDICTION

This UDO shall be effective everywhere throughout the County outside corporate municipalities and except for any areas that lie within the extraterritorial planning jurisdiction now or hereafter established by any such municipality except as excluded above by bona fide farm exemption in **§1.4** (Bona Fide Farms). No building shall be erected or structurally altered nor shall any land development activity take place, unless it conforms to the provisions of this UDO. Uses of property shall be limited by the provisions of this UDO.

SECTION 1.6 SEVERABILITY

This UDO and various parts, sections, subsections, and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this UDO shall not be affected thereby.

SECTION 1.7 CONDITIONS, LIMITATIONS AND REPRESENTATIVES

Whenever any condition or limitation is included in an order authorizing a conditional use permit, special use permit, variance, certificate of occupancy, or site plan approval or is offered by an applicant in an application or public hearing for such permit or approval, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this UDO or the requirements of some provisions hereof, and to protect the public health, safety, and welfare, and that the officer or body would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful. Any and all representations made by the applicant to the County on the record during the application process, whether written, graphical, or verbal, shall be deemed a part of the application and may be relied upon in good faith by the County.

SECTION 1.8 REPEAL OF CONFLICTING ORDINANCES

All County Ordinances or parts of Ordinances which are in conflict or inconsistent with this UDO are repealed and superseded to the extent necessary to give this UDO full force and effect.

SECTION 1.9 APPLICATION OF REGULATIONS

The regulations set forth in this UDO shall affect all land, every structure, and every use of land or structure, and shall apply as follows:

1.9.1 Compliance Required

No structure or land shall hereafter be used or occupied, and no structure or part thereof shall be erected, moved onto, or structurally altered, except in compliance with the regulations of this UDO, for the district in which it is located.

1.9.2 Zoning Permit Required

No building, sign, or structure or any part thereof shall be erected, structurally altered or moved or changed in use until a Zoning Permit has been issued by the Zoning Administrator as set forth in **§3.3** (Zoning Permit) of this Ordinance. The issuance of a zoning permit is not required for any proposed structure twelve (12) feet or less in any direction, or if a building permit is not required.

SECTION 1.10 COMPLIANCE WITH PLANS

Permits or certificates issued on the basis of plans, drawings and applications shall authorize only the use, arrangement, and construction as set forth in such approved plans, drawings and applications and no other use, arrangement, or construction.

SECTION 1.11 CONFORMING USES AND STRUCTURES

1.11.1 Any use or structure existing prior to the effective date of this UDO that conforms to the regulations of this UDO for permitted uses, and satisfies the dimensional requirements and any other applicable regulations of the district in which it is located, may be continued, provided any use, structural, or other changes shall comply with the provisions of this UDO.

1.11.2 Any use or structure existing prior to the effective date of this UDO that would be permitted by this UDO as a conditional use in the district in which it is located, may be continued as if a conditional use permit had been issued, provided that any use, structural, or other changes shall comply with the provisions of this UDO.

SECTION 1.12 EFFECT OF AMENDMENTS

If subsequent amendments to this UDO or the Zoning Map result in the creation of additional nonconformities or conformities, such nonconformities or conformities shall be governed by the provisions of this UDO, unless otherwise stated in the amendment.

SECTION 1.13 PRIOR TO EFFECTIVE DATE

1.13.1 Projects Under Construction Prior to Effective Date

1.13.101 Any building or development for which a permit was issued before the effective date of this UDO may be completed in conformance with the issued permit and

other applicable permits and conditions, even if such building or development does not fully comply with provisions of this UDO.

13.14.102 Nothing in this UDO shall require a change to a phasing plan approved prior to the effective date of this UDO, provided construction is consistent with the terms and conditions of the phasing plan and proceeds to completion in a timely manner. The applicant shall ensure that a period of no more than two years without an active building permit occurs in order to continue a project under a previous phasing plan.

1.13.103 If construction is not completed according to the applicable permit terms, the Board of Commissioners may, for good cause shown, grant an extension of up to one year for such construction. If the building is not completed within the time allowed under the original permit or any extension granted, then the building may be constructed, completed or occupied only in compliance with this UDO.

1.13.2 Applications Submitted Prior to Effective Date

1.13.201 Any complete application submitted before the effective date of this UDO may be completed in conformance with applicable permits and conditions of the regulations in effect at the time of submission of the application, even if such application does not fully comply with provisions of this UDO.

1.13.202 If construction is not commenced or completed according to the applicable terms of the application, the Board of Commissioners may, for good cause shown, grant an extension of up to one year for such construction. If the building is not completed within the time allowed under the original application or any extension granted, then the building may be constructed, completed or occupied only in compliance with this UDO.

1.13.3 Planned Developments and Conditional Uses

Where a planned development, conditional use district, conditional use was approved prior to the effective date of this UDO, the provisions of this UDO shall apply to the extent that they do not conflict with the original conditions of approval.

SECTION 1.14 GRAPHICS AND ILLUSTRATIONS

Where graphics or illustrations included in this UDO conflict with the text of the regulations, the text shall control.

SECTION 1.15 EFFECTIVE DATE

This UDO was adopted on February 18, 2014 becoming effective February 18, 2014.

ARTICLE 2
REVIEW BODIES AND OFFICIALS

SECTION 2.1 ZONING ADMINISTRATOR

2.1.1 Establishment of Zoning Administrator

2.1.101 The Planning and Zoning Administrator (Zoning Administrator), or his authorized agent, is hereby authorized, and it shall be his duty, to enforce the provisions of this Ordinance.

2.1.102 This official shall have the right to enter upon the premises at any reasonable time necessary to carry out his duties.

2.1.103 It is the intention of this Ordinance that all questions arising in connection with enforcement and interpretation shall be presented first to the Zoning Administrator.

2.1.104 Appeal from his decision shall be made to the Board of Adjustment.

2.1.2 Powers and Duties

In administering the provisions of this Ordinance, the Zoning Administrator shall:

2.1.201 Make and maintain records of all applications for permits and requests listed herein, and records of all permits issued or denied, with notations of all special conditions or modifications involved.

2.1.202 File and safely keep copies of all plans submitted, and the same shall form a part of the records of his office and shall be available for inspection at reasonable times by any interested person.

2.1.203 Transmit to the appropriate board or commission and the Board of County Commissioners all applications and plans for which their review and approval is required.

2.1.204 Conduct inspections of the premises and, upon finding that any of the provisions of this Ordinance are being violated, notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.

2.1.205 Discuss plans with applicants and to advise them on the requirements of this Ordinance.

2.1.206 Review submitted plats and related materials of proposed subdivisions and to make any necessary on-site inspections to determine whether these requirements are being met and to advise the Subdivision Review Board of such facts.

2.1.207 Approve final plats where no significant changes have been made from the approved preliminary plat on all Subdivisions, and any other lawful duty as prescribed by this Ordinance or the Subdivision Review Board.

2.1.208 Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this section and **Article 12** (Flood Damage Prevention) have been satisfied, as well as ensure that all necessary Local, State and Federal permits have been received.

2.1.209 Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

2.1.210 Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.

2.1.211 Prevent encroachments into floodways and non-encroachment areas unless variance requirements of **§3.6** (Floodplain Variance) of this Ordinance are met.

2.1.212 Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with **§3.5.5** (Elevation Certification Requirements) of this Ordinance.

2.1.213 Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been flood proofed, in accordance with the provisions of **§3.5.5** (Elevation Certification Requirements) of this Ordinance.

2.1.214 Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of **§3.5.5** (Elevation Certification Requirements) of this Ordinance.

2.1.215 When flood proofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of **§3.5.5** (Elevation Certification Requirements) and **§12.2.3** (Non-Residential Construction).

2.1.216 Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location

of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in **§3.14** (Administrative Appeal).

2.1.217 When Base Flood Elevation (BFE) data has not been provided in accordance with **§3.5** (Floodplain Development Permit), obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to **§12.3.2** (Base Flood Elevation (BFE) Determination) in order to administer the provisions of this section.

2.1.218 When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with **§3.5.2** (Basis for Establishing Special Flood Hazard Areas), obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this section.

2.1.219 When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.

2.1.220 The Zoning Administrator or his/her Authorized Agent shall issue Watershed Protection Permits and Watershed Protection Occupancy Permits as prescribed herein. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours of the Administrator.

2.1.221 The Zoning Administrator shall keep records of all amendments to the local Water Supply Watershed Protection Ordinance and shall provide copies of all amendments upon adoption to the Division of Water Quality on or before January 1 of the following year.

2.1.222 The Zoning Administrator shall keep records of the jurisdiction's utilization of the provision that a maximum of five percent (5%) of the non-critical area of WS-II-BW and WS-III-BW watersheds may be developed with nonresidential development to a maximum of seventy percent (70%) built-upon surface area. Records for each watershed shall include the total acres of non-critical area of nonresidential development to a maximum of seventy percent (70%) built-upon surface area. Records of each watershed shall include the total acres of non-critical watershed area, total acres eligible to be developed under this option, total acres approved for this development option, and individual records for each project with the following information; location, acres, site plan, use, stormwater management plan as applicable and inventory of hazardous materials as applicable.

2.1.223 The Zoning Administrator and his/her Authorized Agent are granted the authority to administer and enforce the provisions of this Article, exercising in the fulfillment of his/her responsibility the full police power of Moore County. The

Zoning Administrator, or his/her duly authorized representative, may enter any building, structure, or premises, as provided by law, to perform any duty imposed upon him by this Article.

2.1.224 The Zoning Administrator shall keep a record of variances to the Moore County Water Supply Watershed Protection Ordinance. This record shall be submitted to the Division of Water Quality on or before January 1 of the following year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

2.1.3 Final Authority

The Zoning Administrator shall be responsible for final action regarding the following:

2.1.301 Zoning Permits for uses that are permitted by right

2.1.302 Floodplain Development Permits

2.1.303 Level 1 Minor Plat Approvals

SECTION 2.2 PLANNING BOARD

2.2.1 Establishment of Planning Board

The Planning Board is established pursuant to NCGS 153A-321.

2.2.2 Composition

2.2.201 The Planning Board shall consist of nine members. Members of the Planning Board shall be appointed by the Board of Commissioners for designated terms. Once appointed, the Board of Commissioners may reappoint a Planning Board member for one successive term.

2.2.202 All of the members of the Planning Board shall be residents of Moore County.

2.2.3 Meetings and Hearings

2.2.301 All meetings and hearings of the Planning Board shall be held at a regular place and shall be open to the public and shall be conducted in accordance with the procedure set forth in these regulations and rules of procedure adopted by the Planning Board.

2.2.302 No final action shall be taken on any issue unless a quorum is present.

2.2.4 Meeting Minutes

2.2.401 The Planning Board shall keep permanent minutes of all meetings. The minutes shall record attendance of its members, its resolutions, findings, recommendations and final actions.

2.2.402 The minutes of the Planning Board shall be public record.

2.2.5 Powers and Duties

In execution of the provisions of this UDO, the Planning Board shall have the following power and duties:

2.2.501 The Planning Board may exercise additional powers as may be described elsewhere in this UDO and as permitted by North Carolina General Statutes.

2.2.502 The Planning Board shall perform related duties as directed by the Board of Commissioners.

2.2.6 Review Authority

The Planning Board shall make recommendations regarding the following:

2.2.601 Text Amendments;

2.2.602 Rezonings;

2.2.603 Conditional Use Permits

2.2.604 Conditional Zoning requests (including Planned Unit Developments);

2.2.605 Conditional Use Districts.

SECTION 2.3 SUBDIVISION REVIEW BOARD

2.3.1 Establishment of Subdivision Review Board

The Moore County Subdivision Review Board is established as the designated planning agency, pursuant to NCGS 153A-321 and NCGS 153A-332, to review all major preliminary subdivision plats and minor subdivision plats, where applicable, within the planning jurisdiction of Moore County.

2.3.2 Composition

2.3.201 The Subdivision Review Board shall consist of nine members, which shall include representatives of the following departments or agencies: Planning and Zoning (1), Environmental Health (1), Public Utilities (1), Emergency Services (1), Moore County Schools (1) and the Geographic Information Service (1).

2.3.202 A representative of Parks and Recreation shall serve in a non-voting, advisory role at the meetings where issues related to Parks are discussed.

2.3.203 In addition to these representatives, two citizen members shall be appointed by the Board of Commissioners, one of which shall be a North Carolina licensed surveyor.

2.3.204 An alternate may be appointed by each department listed in **§2.3.211** to serve in the event that attendance by the original representative for a meeting is not possible. The alternate shall have full voting rights only when sitting for the representative

of record. There shall also be an alternate surveyor, who shall serve in the event of a conflict of interest for the regular surveyor member only.

2.3.3 Meetings

2.3.301 All meetings and hearings of the Subdivision Review Board shall be held at a regular place and shall be open to the public and shall be conducted in accordance with the procedure set forth in these regulations and rules of procedure adopted by the Subdivision Review Board.

2.3.302 No final action shall be taken on any issue unless a quorum is present.

2.3.4 Minutes

2.3.401 The Subdivision Review Board shall keep permanent minutes of all meetings. The minutes shall record attendance of its members, its resolutions, findings, recommendations and final actions.

2.3.402 The minutes of the Subdivision Review Board shall be public record.

2.3.5 Powers and Duties

In execution of the provisions of this UDO, the Subdivision Review Board shall have the following power and duties:

2.3.501 The Subdivision Review Board may exercise additional powers as may be described elsewhere in this UDO and as permitted by North Carolina General Statutes.

2.3.502 The Subdivision Review Board shall perform related duties as directed by the Board of Commissioners.

2.3.6 Review Authority

The Subdivision Review Board shall make recommendations regarding the following:

2.3.601 Text Amendments to this Ordinance

2.3.7 Final Authority

The Subdivision Review Board shall be responsible for final action regarding the following:

2.3.701 Preliminary Major Subdivision Plat Review;

2.3.702 Level 2 Minor Subdivisions

2.3.703 Subdivision Regulation Waivers

2.3.704 Other reviews as determined necessary.

SECTION 2.4 BOARD OF ADJUSTMENT

2.4.1 Establishment of the Board of Adjustment

The Board of Adjustment is established pursuant to NCGS 160A-388 and/or NCGS 153A-345.1.

2.4.2 Composition

2.4.201 The Board of Adjustment shall consist of five (5) members and two (2) alternates. Members of the Board of Adjustment shall be appointed by the Board of Commissioners for designated terms.

2.4.202 Alternates shall serve on the Board of Adjustment in the absence or temporary disqualification of any regular member or to fill a vacancy pending the appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board and serving on behalf of a regular member, has and may exercise all the powers and duties of a regular member.

2.4.203 New members shall be appointed for a maximum term of three (3) years, but may be appointed for less in order to stagger terms properly.

2.4.3 Meetings and Hearings

2.4.301 All meetings and hearings of the Board of Adjustment shall be held at a regular place and shall be open to the public and shall be conducted in accordance with the procedure set forth in these regulations and rules of procedure adopted by the Board of Adjustment.

2.4.302 The Chair of the board or any member acting as Chair, and the Clerk to the Board are authorized to administer oaths to witnesses in any matter coming before the Board. Any person who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor.

2.4.303 The Board of Adjustment through the Chair, or in the Chair's absence anyone acting as Chair, may subpoena witnesses and compel the production of evidence.

- To request issuance of a subpoena, persons with standing under NCGS 160A-393(d) may make a written request to the Chair explaining why it is necessary for certain witnesses or evidence to be compelled.
- The Chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive.
- The Chair shall rule on any motion to quash or modify a subpoena.
- Decisions regarding subpoenas made by the Chair may be appealed to the full Board of Adjustment.

2.4.304 No final action shall be taken on any issue unless a quorum is present.

2.4.4 Quasi-Judicial Decisions

2.4.401 The Board of Adjustment shall determine contested facts and make its decision within a reasonable time and shall be based upon competent, material, and substantial evidence in the record.

2.4.402 Each quasi-judicial decision shall be reduced to writing and reflect the Board's determination of contested facts and their application to the applicable standards, which must be signed by the Chair or other duly authorized member of the Board.

2.4.403 A quasi-judicial decision is effective upon filing the written decision with the Clerk to the Board or such other office or official as this Ordinance specifies and shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

2.4.5 Minutes

2.4.501 The Board of Adjustment shall keep permanent minutes of all meetings. The minutes shall record attendance of its members, its resolutions, findings, recommendations and final actions.

2.4.502 The minutes of the Board of Adjustment shall be public record.

2.4.6 Powers and Duties

In execution of the provisions of this UDO, the Board of Adjustment shall have the following power and duties:

2.4.601 The Board of Adjustment may exercise additional powers as may be described elsewhere in this UDO and as permitted by North Carolina General Statutes.

2.4.7 Final Authority

The Board of Adjustment shall be responsible for final action regarding the following:

2.4.701 Variances; and

2.4.702 Administrative appeals.

SECTION 2.5 WATERSHED REVIEW BOARD

2.5.1 Establishment of Watershed Review Board

The Moore County Planning Board is hereby appointed to serve as the Watershed Review Board.

2.5.2 Final Authority

The Watershed Review Board shall be responsible for final action regarding the following:

2.5.201 Special Non-Residential Intensity Allocations

2.5.202 Public Health and/or Water Quality Abatement

2.5.203 Density Averaging Certificates

SECTION 2.6 BOARD OF COMMISSIONERS

2.6.1 Powers and Duties

The Board of Commissioners shall be responsible for the adoption of comprehensive land use plans for Moore County or portions thereof and amendments to those plans.

2.6.2 Final Authority

In execution of the provisions of this UDO, the Board of Commissioners shall be responsible for final action regarding the following:

2.6.201 Text amendments;

2.6.202 Rezonings;

2.6.203 Conditional Use Permits

2.6.204 Conditional Use District Rezonings;

2.6.205 Conditional Zonings; and

2.6.206 Planned Unit Development review

ARTICLE 3
DEVELOPMENT REVIEW PROCEDURES

SECTION 3.1 SUMMARY OF REVIEW AUTHORITY

The following table summarizes review and approval authority under this UDO.

	Planning Staff	Subdivision Review Board	Board of Adjustment	Planning Board	Board of Commissioners	UDO Reference
Zoning Permit	Decision					§3.3
Sign Permit	Decision					§3.4
Floodplain Development Permit	Decision					§3.5
Floodplain Variance	Review		Decision**			§3.6
Text Amendment	Review			Review*	Decision*	§3.7
General Use Rezoning	Review			Review*	Decision*	§3.8
Conditional Use Permit	Review			Review*	Decision**	§3.9
Conditional Use District Rezoning	Review			Review	Decision**	§3.10
Conditional Zoning	Review			Review*	Decision*	§3.11
Planned Unit Development (PUD)	Review			Review*	Decision*	§3.11
Special Non-Residential Intensity Allocation	Review			Decision		§3.12
Watershed Density Averaging Certificate	Review			Decision		§3.13
Administrative Appeal			Decision**			§3.14
Variances	Review		Decision**			§3.15
Level 1 Minor Subdivision	Decision					§3.16
Level 2 Minor Subdivision	Review	Decision				§3.17
Family Subdivision	Decision					§3.18
Major Subdivision	Review	Decision				§3.19 §3.20
Subdivision Waiver	Review	Decision				§3.21
Vested Rights					Decision	§3.22
Extra-Territorial Jurisdiction (ETJ) Expansion	Review			Review*	Decision*	§3.23
*Public Hearing is required. **Quasi-Judicial Public Hearing is required.						

TABLE 3.1 Summary of Review Authority

SECTION 3.2 COMMON REVIEW PROCEDURES

3.2.1 Application Requirements

Applications required under this UDO shall be submitted on forms and in such numbers as required by Moore County Planning and Community Development.

3.2.2 Fees

3.2.201 All applications and associated fees shall be filed with the Planning and Community Development Department at the time of submittal.

3.2.202 An applicant who has paid the appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application prior to its distribution to a board for review shall be entitled to a refund of the amount paid upon written request to the Planning and Community Development Department. Once review has begun, no refund shall be available.

3.2.203 The applicant shall submit the cost of postage to notify all adjacent landowners as required in **§3.2.4** (Public Notice).

3.2.3 Completeness Review

3.2.301 All applications shall be sufficient for processing before staff is required to review the application.

3.2.302 An application shall be sufficient for processing when it contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of this UDO.

3.2.303 Once the application has been determined sufficient for processing, copies of the application shall be referred by staff to the appropriate reviewing entities.

3.2.304 The review officials may require an applicant to present evidence of authority to submit the application

3.2.4 Public Notice

3.2.401 Notice shall be required for public hearings of applications for approval as shown in Table 3.2.4: (NCGS 153A-343)

3.2.402 **Published Notice.** Where published notice is required, a distinctive advertisement shall be placed by the County in a local newspaper of general circulation once a week for two successive calendar weeks, the first notice being published not less than 10 days nor more than 25 days before the date fixed for the public hearing.

3.2.403 **Mailed Notices.** Where mailed notice is required, the County shall notify by certified mail return receipt requested (at the last addresses listed for such owners in the County tax records) the applicant and all adjacent property owners of the

property(s) in question. The notice shall be mailed at least ten but not more than 25 days prior to the date of the public hearing.

3.2.404 **Posted Notice**. Where posted notice is required, a sign shall be posted by the County not less than ten days prior to the public hearing at which the application shall be reviewed. The sign shall be posted on the property or at a point visible from the nearest public road.

3.2.405 Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a *bona fide* attempt has been made to comply with applicable notice requirements.

3.2.406 If the adoption or modification of any amendment of the Unified Development Ordinance will result in changes to the following (zoning map, changes that affect the permitted uses of land, changes related to telecommunications towers or windmills, changes to proposed new major subdivision preliminary plats, or an increase in the size of an approved subdivision by more than fifty percent (50%) of the subdivision's total land area, including developed and undeveloped land), which are located within five miles or less from the perimeter boundary of a military base, the Board of Commissioners or Planning Board shall provide written notice of the proposed changes by certified mail, or by any other written means reasonably designed to provide actual notice to the commander of the military base or the commander's designee not less than 10 days or more than 25 days before the date fixed for the public hearing.: (NCGS 153A-323(b))

3.2.407 Prior to the date of public hearing, the military may provide comments or analysis to the Board, regarding the compatibility of the proposed changes with military operations at the base. If the Board does not receive a response within 30 days of the notice, the military is deemed to waive the comment period.

	Published (Newspaper)	Mailed (Certified)	Posted (Sign)
Text Amendments	✓		
Rezoning	✓	✓	✓
Conditional Use Permit	✓	✓	✓
Conditional Use District	✓	✓	✓
Conditional Zoning District	✓	✓	✓
Planned Unit Development	✓	✓	✓
Variance	✓	✓	✓
Extra-Territorial Jurisdiction (ETJ) Expansion	✓	✓	

TABLE 3.2.4 Public Notice Requirements

3.2.5 Public Meetings

A public hearing shall be required for development review as shown in table 3.2.5.

	Board of Adjustment	Planning Board	Board of Commissioners
Text Amendments		✓	✓
Rezoning		✓	✓
Conditional Use Permit		✓	✓*
Conditional Use District		✓	✓*
Conditional Zoning District		✓	✓
Planned Unit Development		✓	✓*
Administrative Appeal	✓*		
Variance	✓*		
Extra-Territorial Jurisdiction (ETJ) Expansion		✓	✓
*Denotes hearing is evidentiary in nature and must follow quasi-judicial procedures.			

TABLE 3.2.5 Public Meeting Summary

3.2.6 Notice of Decision

Within 14 days after a decision is made, a copy of the decision shall be sent to the applicant and filed with the Zoning Administrator, where it shall be available for public inspection during regular office hours.

3.2.7 Withdrawal of Application

3.2.701 An applicant may withdraw an application at any time, by filing a statement of withdrawal with the Zoning Administrator.

3.2.702 The statement of withdrawal shall be signed by all persons who signed the application, or in the event of death or incompetence, by the estate's lawful personal representative.

3.2.703 The Zoning Administrator may withdraw applications due to failure of the applicant to submit required information within 90 days of the initial request.

3.2.704 An applicant may postpone a scheduled public hearing once per application for up to 90 days after the date the first public hearing was scheduled to occur, after which the Zoning Administrator may withdraw the application.

SECTION 3.3 ZONING PERMIT

3.3.1 Applicability

3.3.101 It shall be unlawful to begin moving, constructing, altering, or repairing, except ordinary repairs, of any building or other structure on a site including an accessory structure, until the Zoning Administrator has issued a zoning permit.

3.3.102 It shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use or any lot on which there is a nonconforming use, until the Zoning Administrator has issued a zoning permit for such intended use, including a determination that the proposed use, in all respects, conforms to the provisions of this UDO.

3.3.2 Application

3.3.201 All applications for a zoning permit shall be submitted in accordance with **§3.2** (Common Review Procedures) of this Ordinance.

3.3.202 In all cases where a building permit is required, application for a zoning permit shall be made concurrently with the application for a building permit. In all other cases, application shall be made before initiating any of the activities that trigger compliance with this section.

3.3.3 Action by the Zoning Administrator

If the proposed application is in conformity with the provisions of this UDO, and if all applicable permits have been approved by the Moore County Environmental Health Department, the Zoning Administrator shall issue a zoning permit, provided that all of the following conditions shall apply:

3.3.301 Issuance of a zoning permit shall in no case be construed as waiving any provisions of this UDO;

3.3.302 The Zoning Administrator shall not grant any exceptions to the actual meaning of any clause, standards, or regulation contained in this UDO to any person making application to excavate, construct, move, alter or use buildings, structures or land;

3.3.303 The Zoning Administrator shall issue a permit when the imposed conditions of this UDO are complied with by the applicant regardless of whether the use of the permit would violate contractual or other arrangements (including, but not by way of limitation, restrictive covenants) among private parties; and

3.3.304 The zoning permit shall include a determination that plans, specifications and the intended use of such structure and land do, in all respects, conform to the provisions of this UDO.

3.3.305 Prior to the issuance of a zoning permit, the Zoning Administrator shall consult with other applicable departments, as necessary.

3.3.4 Denial

If the proposed application is not in conformity with the provisions of this Ordinance, the Zoning Administrator shall not issue the zoning permit and shall provide in writing the cause of such disapproval to the applicant.

3.3.5 Review Criteria

Zoning permits shall be approved where the Zoning Administrator determines that the proposed use or activity is in conformity with all applicable requirements of this Ordinance.

3.3.6 Expiration of Zoning Permit

Once a zoning permit has been issued, all activities pursuant to such permit shall be commenced within six (6) months. If the proposed moving, constructing, altering, repairing, or use of land, as set forth in an application for a zoning permit, is discontinued for a period of one year or more, the zoning permit shall lapse and be of no further force and effect.

3.3.7 Appeal

Final action on a zoning permit may be appealed to the Board of Adjustment in accordance with **§3.14** (Administrative Appeal) of this Ordinance.

SECTION 3.4 SIGN PERMIT

3.4.1 Applicability

3.4.101 Except as otherwise provided in **§8.4** (Signs), no sign may be erected, located, or altered in any manner until a sign permit, and building permit if necessary, has been secured from the Moore County Planning and Community Development.

3.4.102 The change of copy on a legally constructed sign shall not require a permit.

3.4.2 Application Requirements

An application for sign permit shall be submitted in accordance with **§3.2.1** (Application Requirements) of this Ordinance.

3.4.3 Action by the Zoning Administrator

Following completion of the technical review period, the Director shall approve the sign permit for any sign, provided the sign meets all requirements of this Ordinance, and all other applicable electrical and building code requirements.

3.4.4 Revocation of Sign Permit

The sign permit shall be revoked if a sign is found to be in violation of the requirements of this Ordinance, or other applicable electrical and building code requirements.

3.4.5 Appeal

Final action on a sign permit may be appealed to the Board of Adjustment in accordance with **§3.14** (Administrative Appeal) of this Ordinance.

SECTION 3.5 FLOODPLAIN DEVELOPMENT PERMIT

3.5.1 Applicability

3.5.101 This Ordinance shall apply to all Special Flood Hazard Areas and areas bounded by flood of record contours within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs) if applicable, of the County of Moore and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

3.5.102 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 **§3.5.2** (Basis for Establishing Special Flood Hazard Areas) of this Ordinance.

3.5.103 No structure or 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.

3.5.2 Basis for Establishing Special Flood Hazard Areas

3.5.201 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, which are adopted by reference and declared to be a part of this Ordinance.

3.5.202 The "Flood of Record Contours" are those identified by the County of Moore in its Flood of Record Contour Map(s) dated October 17, 2006, which with accompanying supporting data, and any revision thereto, are adopted by reference and declared to be a part of this Ordinance.

3.5.3 Application Requirements

An application for a floodplain development permit shall be submitted in accordance with **§3.2** (Common Review Procedures) and shall also include the following:

3.5.301 A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

- 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;

- The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in **§3.5.2** (Basis for Establishing Special Flood Hazard Areas) of this Ordinance, or a statement that the entire lot is within the Special Flood Hazard Area;
- The boundary of the flood of record contour or a statement that the entire lot is within the flood of record contour when the lot is within or appears to be within the flood of record contour as shown on the community's Flood of Record Contour Map(s).
- Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in **§3.5.2** (Basis for Establishing Special Flood Hazard Areas) of this Ordinance.
- The boundary of the floodway(s) or non-encroachment area(s) as determined in **§3.5.2** (Basis for Establishing Special Flood Hazard Areas);
- The Base Flood Elevation (BFE) where provided as set forth in **§3.5.2** (Basis for Establishing Special Flood Hazard Areas); **§2.1.217** and **§2.1.218** (Powers and Duties of the Zoning Administrator); or **§12.3** (Standards for Floodplain Areas without Established Base Flood Elevations);
- The old and new location of any watercourse that will be altered or relocated as a result of proposed development;
- Certification of the plot plan by a registered land surveyor or professional engineer.

3.5.302 Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area or flood of record contours including but not limited to:

- Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
- Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and
- Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;

3.5.303 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.

3.5.304 A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this Ordinance are met. These details include but are not limited to:

- 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);

- Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with **§12.2.6** (Flood Opening Design Standards), when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30;

3.5.305 Usage details of any enclosed areas below the regulatory flood protection elevation.

3.5.306 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;

3.5.307 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.)

3.5.308 Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure **§12.2.9** (Recreational Vehicles), **§12.2.10** (Temporary Non-Residential Structures) and **§12.2.11** (Accessory Structures) of this Ordinance are met.

3.5.309 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.

3.5.4 Permit Requirements

The Floodplain Development Permit shall include, but not be limited to:

3.5.401 A description of the development to be permitted under the floodplain development permit.

3.5.402 The Special Flood Hazard Area determination for the proposed development per available data specified in **§3.5.2** (Basis for Establishing Special Flood Hazard Areas).

3.5.403 The regulatory flood protection or flood of record elevation required for the reference level and all attendant utilities.

3.5.404 The regulatory flood protection or flood of record elevation required for the protection of all public utilities.

3.5.405 All certification submittal requirements with timelines.

3.5.406 A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.

3.5.407 The flood opening requirements, if in the project is located in Zones A, AO, AE or A1-30.

3.5.408 Limitations of below BFE enclosure uses (if applicable). (i.e., Parking, Building Access and Limited Storage only).

3.5.5 Elevation Certification Requirements

3.5.501 An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. 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. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

3.5.502 An Elevation Certificate (FEMA Form 81-31) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, 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. . Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. 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 further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

3.5.503 A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. 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. 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 Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

3.5.504 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 taken within 90 days from the date of certification. The photographs must be taken with views confirming 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 3"x3". Digital photographs are acceptable.

3.5.6 Additional Certificate Requirements

3.5.601 **Floodproofing Certificate**. If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data and an operational plan, is required prior to the actual start of any new construction. 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. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. 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. Failure to submit the certification or failure to make required 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 issuance of a Certificate of Compliance/Occupancy.

3.5.602 **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 per **§12.2.4** (Manufactured Homes) of this Ordinance.

3.5.603 **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 issuance of a floodplain development permit.

3.5.7 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 **§3.5.5** (Elevation Certificate Requirements) and **§3.5.601** (Floodproofing Certificate) of this Ordinance.

3.5.701 Recreational Vehicles meeting requirements of **§12.2.9** (Recreational Vehicles);

3.5.702 Temporary Structures meeting requirements of **§12.2.10** (Temporary Non-Residential Structures); and

3.5.703 Accessory Structures less than 150 square feet meeting requirements of **§12.2.11** (Accessory Structures).

SECTION 3.6 FLOODPLAIN VARIANCE

3.6.1 Applicability

The Board of Adjustment as established by the County of Moore, hereinafter referred to as the "appeal board," shall hear and decide requests for variances from the requirements of this Ordinance. Variances may be issued for:

3.6.101 The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.

3.6.102 Functionally dependant facilities if determined to meet the definition as stated in Article 18 (Definitions and Word Interpretations) of this Ordinance, provided provisions of **§3.6.502**, **§3.6.503**, and **§3.6.505** of this Ordinance have been satisfied, and such facilities are protected by methods that minimize flood damages.

3.6.103 Any other type of development, provided it meets the requirements stated in this section.

3.6.2 Application Requirements

3.6.201 An application for a variance from the Flood Damage Prevention provision of this UDO shall be submitted in accordance with **§3.2** (Common Review Procedures).

3.6.202 A written report, signed and sealed by a licensed engineer in the State of North Carolina, addressing each of the factors listed in **§3.6.3** shall be submitted with the application for a variance.

3.6.3 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:

3.6.301 The danger that materials may be swept onto other lands to the injury of others;

3.6.302 The danger to life and property due to flooding or erosion damage;

3.6.303 The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

3.6.304 The importance of the services provided by the proposed facility to the community;

3.6.305 The necessity to the facility of a waterfront location as defined under **Article 18** (Definitions and Word Interpretations) of this Ordinance as a functionally dependant facility, where applicable;

3.6.306 The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

3.6.307 The compatibility of the proposed use with existing and anticipated development;

3.6.308 The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

3.6.309 The safety of access to the property in times of flood for ordinary and emergency vehicles;

3.6.310 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

3.6.311 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.

3.6.4 Criteria for Approval

3.6.401 Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or Local Laws, Regulations, or Ordinances.

3.6.402 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.

3.6.403 Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

3.6.404 Variances shall only be issued prior to development permit approval.

3.6.405 Variances shall only be issued upon a showing of good and sufficient cause;

3.6.406 Variances shall only be issued upon a determination that failure to grant the variance would result in exceptional hardship; and

3.6.407 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.

3.6.5 Hazardous Waste Management Facilities

A variance may not be issued for hazardous waste management facilities, salvage yards, and chemical storage facilities. 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

3.6.501 The use serves a critical need in the community.

3.6.502 No feasible location exists for the use outside the Special Flood Hazard Area.

3.6.503 The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation or flood of record contour elevation.

3.6.504 Critical facilities shall have at last 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.

3.6.505 The use complies with all other applicable Federal, State and local laws.

3.6.506 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 thirty (30) calendar days prior to granting the variance.

3.6.6 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.

3.6.7 Action Following Approval

3.6.701 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.

3.6.702 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. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

3.6.8 Appeal Following Approval

Any person aggrieved by the decision of the Board of Adjustment may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.

SECTION 3.7 TEXT AMENDMENTS

3.7.1 Applicability

The Board of County Commissioners may, on its own motion, upon recommendation of the Planning Board, or upon petition by an interested person, amend, supplement, change, modify or repeal the regulations established by this Ordinance.

3.7.2 Initiation of Amendments

A request to amend the text of this UDO may be initiated by the Board of Commissioners, Board of Adjustment, Planning Board, Subdivision Review Board, Zoning Administrator, or the general public.

3.7.3 Application Submittal

3.7.301 Applications for proposed amendments to this Ordinance must be submitted to the Moore County Planning and Community Development department at least thirty (30) days prior to the Planning Board meeting at which it is to be heard.

3.7.302 Application shall be submitted in accordance with **§3.2** (Common Review Procedures).

3.7.4 Notice and Public Hearings

The County shall hold all required public hearings and give notice in accordance with **§3.2.4** (Public Notice) and **§3.2.5** (Public Meetings) of this Ordinance.

3.7.5 Action by the Zoning Administrator

3.7.501 The Zoning Administrator shall draft the appropriate amendment and prepare a staff report that reviews the proposed text amendment request.

3.7.502 Following completion of technical review by staff, the Zoning Administrator shall forward the completed request and any related materials to the Planning Board for a recommendation.

3.7.6 Action by the Planning Board

3.7.601 The Planning Board shall make a recommendation on the text amendment application to the Board of Commissioners. If no written report is received from the Planning Board within 30 days of referral of the amendment to that board, the Board of Commissioners may proceed in its consideration of the amendment without the Planning Board recommendation.

3.7.602 Following Planning Board review, the Zoning Administrator shall forward the completed request and any related materials, including the Planning Board recommendation (if applicable), to the Board of Commissioners for final action.

3.7.7 Action by the Board of Commissioners

3.7.701 Before taking action on a text amendment, the Board of Commissioners shall consider the recommendations of the Planning Board and Zoning Administrator.

3.7.702 The Board of Commissioners may approve the amendment, deny the amendment, or send the amendment back to the Planning Board for additional consideration.

3.7.8 Approval Criteria

In evaluating any proposed amendment of the text of this Ordinance, the Planning Board and the Board of Commissioners shall consider the following:

3.7.801 The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;

3.7.802 The extent to which the proposed text amendment represents a new idea not considered in the existing Ordinance, or represents a revision necessitated by changing circumstances over time;

3.7.803 Whether or not the proposed text amendment corrects an error in the Ordinance;

3.7.804 Whether or not the proposed text amendment revises the Ordinance to comply with state or federal statutes or case law;

3.7.805 The proposed text amendment will advance the public health, safety and welfare of Moore County.

3.7.806 Whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable based on NCGS 153A-341.

3.7.9 Withdrawal of Application

3.7.901 Any application submitted in accordance with the provisions of this section for the purpose of amending the regulations of this Ordinance may be withdrawn at any time, but fees are nonrefundable.

3.7.902 Any application that has been withdrawn shall be reconsidered only as a new petition and must comply with the submission and review requirements of this Section.

SECTION 3.8 GENERAL USE REZONINGS

3.8.1 Applicability

3.8.101 Amendments to the Zoning Map shall be made in accordance with the provisions of this section. The Board of Commissioners shall consider amendments to the Zoning Map, as may be required from time to time.

3.8.102 General Use Rezonings should correspond with the boundary lines of existing platted lots or parcels. Where the boundaries of a rezoning request stop short of an exterior property line, it must be possible to subdivide and develop that portion of the property outside the proposed rezoning boundary in accordance with the existing zoning and other requirements of this Ordinance.

3.8.103 All zoning requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, prior to

advertisement of the public hearing, the rezoning shall be expanded to include all property necessary to meet zoning requirements.

3.8.2 Initiation of Amendment

A request for a rezoning may be initiated by the Board of Commissioners, the Planning Board, or the Zoning Administrator. An owner of land within the jurisdiction of the County (or a duly authorized agent or representative) may petition the Board of Commissioners for a rezoning.

3.8.3 Pre-Application Conference

Prior to submitting a formal application, a pre-application consultation may be conducted at the applicant's request. It is recommended that the applicant prepare a sketch plan or some depiction of the proposed development concept to a pre-application meeting with the Planning Staff to be sure the project will meet all requirements. Notwithstanding any provision contained in this Ordinance to the contrary, neither the staff's review of the plan submitted for review nor staff's comments to the Applicant relating thereto shall be considered a denial, approval or decision concerning the application.

3.8.4 Application Requirements

3.8.401 An application for general use rezoning shall be submitted in accordance with **§3.2** (Common Review Procedures).

3.8.402 Application shall include a description and statement of the present and proposed zoning regulation or district boundary, and the names and addresses of the owner or owners or the property involved.

3.8.403 An application for a General Use Rezoning should be submitted to the Zoning Administrator no later than thirty (30) days prior to the meeting at which it is to be considered.

3.8.404 A separate application must be submitted for each parcel of land that has different ownership.

3.8.5 Notice and Public Hearings

3.8.501 The County shall hold all required public hearings and give notice in accordance with **§3.2.4** (Public Notice) and **§3.2.5** (Public Meetings).

3.8.502 If the application will result in changes to the zoning map for fifty (50) parcels or more and owned by more than fifty (50) different property owners the mailed notice may be replaced by a published notice in accordance with NC G.S 153A-323. The published advertisement shall not be less than one half of a newspaper page in size. Property owners who reside outside of the newspaper circulation area, according to the address listed in the most recent tax listing for the affected property, shall be notified according to the provisions of **§3.2.403** (Mailed Notices).

3.8.6 Action by the Zoning Administrator

The Zoning Administrator shall prepare a staff report that reviews the rezoning request in accordance with the adopted plans and policies of the County and the general requirements of this UDO. Following completion of technical review by staff, the Zoning Administrator shall forward the completed request and any related materials to the Planning Board.

3.8.7 Action by the Planning Board

3.8.701 The Planning Board shall make a recommendation on the rezoning request to the Board of Commissioners. The Planning Board's recommendation shall include a written statement to the Board of Commissioners describing whether its recommendation is consistent with the adopted plans and policies of the County. If no such recommendation is received from the Planning Board within 30 days of referral of the request to the Planning Board, the Board of Commissioners may proceed in its consideration of the request without the Planning Board's recommendation.

3.8.702 Following Planning Board review, the Zoning Administrator shall forward the completed rezoning request and any related materials, including the Planning Board recommendation, to the Board of Commissioners for final action.

3.8.8 Action by the Board of Commissioners

3.8.801 Before taking action on a rezoning, the Board of Commissioners shall consider the recommendations of the Planning Board and Zoning Administrator.

3.8.802 The Board of Commissioners may approve the rezoning, deny the rezoning, continue review at a subsequent meeting, or send the rezoning back to the Planning Board for additional consideration.

3.8.803 Concurrently with adopting, denying, or remanding any rezoning, the Board of Commissioners shall adopt a statement describing whether its action is consistent with the adopted plans and policies of the County and explaining why the Board of Commissioners considers the action taken to be reasonable and in the public interest.

3.8.9 Approval Criteria

The following policy guidelines shall be followed concerning general use rezonings and no proposed rezoning; including small scale general use rezoning requests, will receive favorable recommendation unless:

3.8.901 The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.

3.8.902 There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.

3.8.903 There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state that they intend to make of the property involved.

3.8.904 There is convincing demonstration that the character of the neighborhood will not be materially or adversely affected by any use permitted in the proposed change.

3.8.905 The proposed change is in accord and consistent with the adopted Land Use Plan and any other adopted plans according to G.S. 153A-341 and is based on sound planning principles.

3.8.10 Modification of Application

An applicant in a zoning matter may reduce the geographic scope and or propose a district of lower density or intensity from that requested in the application by filing a statement of modification with the Zoning Administrator.

3.8.11 Reapplication for General Use Rezoning

If the application for a General Use Rezoning is denied by the Board of Commissioners, applicants must wait one full year before applying for the rezoning of the same property. Exceptions to this limitation include requests originating from the Planning Board, Board of Adjustment or County Administration. The Board of Commissioners, by eighty percent (80%) affirmative vote of its total membership, may waive this restriction if it finds any emergency exists.

SECTION 3.9 CONDITIONAL USE PERMITS

3.9.1 Applicability

3.9.101 Conditional uses within each general use district are uses that may or may not be appropriate in a particular district, depending on the location, the scale or size of the use, or other factors requiring individual review by the Planning Board and approval by the Board of Commissioners.

3.9.102 A conditional use permit shall be required for all conditional uses as set forth in the Permitted Land Use Table **Article 7** (Table of Uses).

3.9.103 Land uses owned by Moore County shall not be subject to the conditional use review requirements of this section. Public facilities, major and minor utilities and other land uses owned by Moore County shall be considered permitted uses.

3.9.104 Accessory Uses proposed by Moore County Schools shall not be subject to the conditional use requirements of this section and shall be considered a permitted use.

3.9.2 Pre-Application Conference

Prior to submitting a formal application, a pre-application consultation may be conducted at the applicant's request. It is recommended that the applicant prepare a sketch plan or some depiction of the proposed development concept for a pre-application meeting with the Planning Staff to be sure the project will meet all requirements. Notwithstanding any provision contained in this Ordinance to the contrary, neither the staff's review of the plan submitted for review nor staff's comments to the Applicant relating thereto shall be considered a denial, approval or decision concerning the application.

3.9.3 Application Submittal

3.9.301 The owner or owners of all the property included in the petition for a Conditional Use Permit shall submit all required application information to the Moore County Planning and Community Development Department at least thirty (30) days prior to the Planning Board meeting at which it is to be heard. Such application shall include all of the requirements pertaining to it in this Ordinance and shall be submitted in accordance with **§3.2** (Common Review Procedures) as applicable.

3.9.302 All Conditional Use Permit Applications shall include a Detailed Site Plan as outlined in **§8.1.2** (Detailed Site Plan) of this Ordinance.

3.9.4 Notice and Public Hearings

The County shall hold all required public hearings and give notice in accordance with **§3.2.4** (Public Notice) and **§3.2.5** (Public Meetings).

3.9.5 Action by Zoning Administrator

3.9.501 Upon submission of a completed application, the Zoning Administrator shall review the request and associated detailed site plan for consistency with the requirements of this Ordinance.

3.9.502 Upon completion of the technical review, the Zoning Administrator shall prepare a staff report that reviews the request in accordance with the adopted plans and policies of the County, and the general requirements of this Ordinance.

3.9.503 The report, site plan and any related application materials shall be forwarded to the Planning Board.

3.9.6 Action by the Planning Board

3.9.601 The Planning Board shall review and make a recommendation, which requires a simple majority, on the Conditional Use Permit request to the Board of Commissioners.

3.9.602 In recommending the Conditional Use Permit the Planning Board shall follow the conditional use approval criteria as listed in **§3.9.8** (Findings of Fact Required).

3.9.603 Following Planning Board review, the Zoning Administrator shall forward the completed Conditional Use Permit request and any related materials, including the Planning Board recommendation, to the Board of Commissioners for final action.

3.9.604 Should the request be denied, the applicant may elect to modify and resubmit the application to the Planning Board or take the current application to the Board of Commissioners without a positive recommendation from the Planning Board.

3.9.7 Action by the Board of Commissioners

3.9.701 The Board of Commissioners shall consider the application and evidence given at the public hearing and may grant or deny the Conditional Use Permit either of which requires a simple majority vote to pass.

3.9.702 The Board of Commissioners shall follow the conditional use approval criteria as listed in **§3.9.8** (Findings of Fact). A Conditional Use Permit request can be denied by the Board of Commissioners if the request would violate the provisions of this Ordinance if completed as proposed.

3.9.703 All requests for a Conditional Use Permit shall be reviewed by the Board of Commissioners within ninety (90) days of the date of referral of the request to the Planning Board.

3.9.704 Requests requiring revisions shall be returned to the Board of Commissioners within 90 days or the request shall be considered withdrawn.

3.9.705 If the Board denies the Conditional Use Permit, it shall enter the reason for its action in the minutes of the meeting at which the action is taken.

3.9.8 Findings of Fact

No conditional use permit shall be approved unless the following findings are made concerning the application:

3.9.801 The use will not materially endanger the public health or safety if located where proposed and developed according to plan;

3.9.802 The use meets all required conditions and specifications;

3.9.803 The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity;

3.9.804 The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the approved Moore County Land Use Plan.

3.9.9 Conditions

3.9.901 The Board of Commissioners may impose reasonable conditions in addition to any use standards listed in **Article 9** (Specific Use Standards) for the requested use and elsewhere in this Ordinance.

3.9.902 In order to add additional conditions, the Board of Commissioners must determine that additional conditions are necessary to protect the welfare and safety of the public and of property, or to meet the tests given elsewhere in this section.

3.9.903 All such additional conditions shall be entered in the minutes of the meeting at which the Conditional Use Permit is granted, on the Conditional Use Permit itself, and on the approved plans submitted therewith.

3.9.904 The Board of Commissioners may also waive or reduce any standards required by this Ordinance when approving a Conditional Use Permit request as long as the waiver or reduction of standards does not endanger the welfare and safety of the public and property.

3.9.10 Modifications to Approved Conditional Use Permit

If a proposed modification deviates from the approved Conditional Use Permit, the approved conditional use permit shall be amended in accordance with **§3.9** (Conditional Use Permits).

3.9.11 Effect of Decision

3.9.1101 If the application for a Conditional Use Permit is denied by the Board of Commissioners, there may be no subsequent application for the same or similar use submitted by any party for any part of the subject property until six (6) months have elapsed from the date of denial.

3.9.1102 The Conditional Use Permit and additional conditions, if applicable, shall run with the land and shall be binding on the original applicant as well as any successors, assigns, and heirs.

3.9.12 Period of Validity

An approved Conditional Use Permit shall expire 12 months from the date of approval unless the proposed development is pursued as set forth in one of the following alternatives:

3.9.1201 A complete building permit application has been submitted and remains valid.

3.9.1202 Where more than one building is to be built, the applicant may submit a series of building permit applications. The first application shall be submitted within twenty-four (24) months from the date approval was granted. Each subsequent application shall be submitted within 180 days from the date of issuance of a certificate of occupancy for the previous building; or

3.9.1203 If no building permit is required, a certificate of occupancy has been issued.

3.9.13 Building Permit/Certificate of Occupancy

No building permit or certificate of occupancy shall be issued until the required site plan of the proposed use or development has been approved by the Board of Commissioners.

3.9.14 Revocation of Conditional Use Permit

3.9.1401 In the event of failure to comply with the plans or any other conditions imposed upon the Conditional Use Permit and approved by the Board of Commissioners the permit shall be revoked by the Zoning Administrator and become void and of no effect.

3.9.1402 Before revoking a permit or other authorization, the Zoning Administrator must give the holder of the permit ten (10) days written notice of intent to revoke the permit and include the reasons for the intended revocation.

3.9.1403 On revoking a permit, the Zoning Administrator must give the holder of the permit a written notice, including reasons for, the revocation.

3.9.1404 No building permits for further construction or certificates of occupancy under this Conditional Use Permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of this Ordinance.

3.9.1405 In such cases, the owner of the property and owners of adjoining property shall be notified that the Conditional Use Permit is no longer in effect.

3.9.1406 The Zoning Administrator may reinstate a revoked conditional use permit or modification of a conditional use permit if the Zoning Administrator determines that the violations that were the cause of the revocation have been corrected.

3.9.15 Appeals

No appeal may be taken from the action of the Board of Commissioners in granting or denying a Conditional Use Permit except through the Moore County Superior Court as outlined in NCGS 153A-345(e2) or forever be barred.

SECTION 3.10 CONDITIONAL USE DISTRICT REZONINGS

3.10.1 Applicability

3.10.101 Conditional Use Districts are floating districts that correspond to general zoning districts (a floating district is one which is not shown on the map until the Board of Commissioners has approved a rezoning to that particular classification.)

3.10.102 Conditional use districts are identical to their corresponding general zoning districts in all respects except that a conditional use permit is required as a prerequisite to any use or development within them.

3.10.103 Parallel conditional use rezonings are provided as a voluntary alternative method of petitioning the Board of Commissioners for a zoning map or classification change. The owner is authorized to submit only conditions that restrict the uses that would otherwise be allowed in a zoning district.

3.10.104 Requests for the rezoning of property to a parallel conditional use district shall be considered and treated the same as any other rezoning in accordance with the procedures set for them in **§3.9** (Conditional Use Permit) except as modified by this Article.

3.10.2 Initiation of Amendments

3.10.201 An amendment to the Official Map of Zoning Districts which would classify a property into a parallel conditional use district shall be initiated only by an application signed by all of the owners of the property or by an agent, lessee, or contract purchaser specifically authorized by all of the owners to file such application for such amendment.

3.10.202 An agent, lessee or contract purchaser shall provide the Planning Department with written documentation that all of the owners of the property have authorized the filing of the application.

3.10.3 Pre-Application Conference

3.10.301 Prior to submitting a formal application, a pre-application consultation may be conducted at the applicant's request. It is recommended that the applicant prepare a sketch plan or some depiction of the proposed development concept to a pre-application meeting with the Planning Staff to be sure the project will meet all requirements.

3.10.302 Notwithstanding any provision contained in this Ordinance to the contrary, neither the staff's review of the plan submitted for review nor staff's comments to the Applicant relating thereto shall be considered a denial, approval or decision concerning the application.

3.10.4 Application Requirements

3.10.401 An application for a conditional use district rezoning shall be submitted in accordance with **§3.2.1** (Application Requirements) of this Ordinance.

3.10.402 A properly submitted application for a conditional use district incorporates a petition for rezoning and an application for a conditional use permit, including a detailed site plan based upon **§8.1.2** (Detailed Site Plan) of this Ordinance.

3.10.403 The application for such amendment shall be submitted to the Planning Department at least thirty (30) days prior to the scheduled Planning Board meeting. The Planning Staff shall review the application for compliance with the appropriate sections of the Ordinance and it shall be considered officially filed

only after it is examined by the Staff and found to be in compliance with this Ordinance.

3.10.404 The application for such amendment shall specify the use or uses which are intended for the property, as well as any additional conditions on the use of the property that the applicant may propose being attached to approval of the rezoning and accompanying conditional use permit. The intended uses must be ones that this Ordinance allows in the corresponding general use district.

3.10.405 Prior to any decision by the Planning Board or Board of Commissioners, the Planning Staff may request the applicant submit additional information regarding any condition stated in the application.

3.10.406 After the Planning Department has delivered the notice of Public Hearing to the newspaper, the applicant shall make no changes in the conditions which are less restrictive than those stated in the application. More restrictive conditions or additional conditions may be added to the application if such conditions are received by the Planning Department in writing and signed by all owners of the property at least two working days prior to the scheduled Board of Commissioners' Public Hearing.

3.10.5 Notice and Public Hearings

The County shall hold all required public hearings and give notice in accordance with **§3.2.4** (Public Notice) and **§3.2.5** (Public Meetings).

3.10.6 Action by the Zoning Administrator

3.10.601 The Zoning Administrator shall review the application for compliance with the appropriate sections of the Ordinance and it shall be considered officially filed only after it is examined by the Staff and found to be in compliance with this Ordinance.

3.10.602 The Zoning Administrator shall prepare a staff report that reviews the rezoning request in accordance with the adopted plans and policies of the County and the general requirements of this UDO. Following completion of technical review by staff, the Zoning Administrator shall forward the completed request and any related materials to the Planning Board.

3.10.7 Action by the Planning Board

3.10.701 The Planning Board shall review the request for a Conditional Use District Rezoning and make a recommendation to the Board of Commissioners.

3.10.702 In recommending the Conditional Use Permit attached to the Conditional Use District rezoning, the Planning Board shall follow the conditional use approval criteria as listed in **§3.9.8** (Findings of Fact Required).

3.10.703 In recommending the Conditional Use Permit, the Planning Board automatically recommends the Conditional Use District Rezoning.

3.10.704 Should the request be denied, the applicant may elect to modify and resubmit the application to the Planning Board or take the current application to the Board of Commissioners without a positive recommendation from the Planning Board.

3.10.8 Action by the Board of Commissioners

3.10.801 The Board of Commissioners shall hold a Public Hearing to consider the Conditional Use District Rezoning and Conditional Use Permit. The hearing shall follow quasi-judicial requirements including sworn testimony, the reliance on competent evidence, avoiding ex-parte contact and bias, and matching up evidence to findings of fact.

3.10.802 The Board of Commissioners shall review the applications including recommendations from the Planning Board, suggested conditions, and other information presented at the Public Hearing.

3.10.803 In approving the applications, the Board of Commissioners may attach such reasonable requirements in addition to those specified in the Planning Board's recommendation, and shall find the application meets the standards listed in **§3.9.8** (Findings of Fact).

3.10.804 All conditions shall be stated in the permit.

3.10.9 Alterations to Approved Conditional Use Districts

3.10.901 All changes or modifications to approved plans and conditions of development except for those listed below shall be considered in the same manner as the Conditional Use Permit review and approval process outlined in **§3.9** (Conditional Use Permits) and must follow the same procedures.

3.10.902 The following minor changes may be approved by the Planning Department without approval by the Board of Commissioners provided no Variance is required, the intent and layout of the approved plan is generally followed, conditions of approval are not violated, and such changes do not cause an impact.

- Slight variations in the building dimensions that do not depart from the general approved layout.
- Minor changes in parking lot or traffic lane dimensions.
- Minor dimensional changes to individual lots.
- Minor site modifications due to necessary engineering changes.
- Other similar insignificant changes.

3.10.903 In reviewing such changes, the Planning Department may require that the revision be handled in the same manner as a new project.

3.10.10 Time Limit

3.10.1001 Once the Conditional Use District Rezoning and Conditional Use Permit are approved, all conditions attached thereto shall be binding upon the property and all subsequent development and use of the property shall be in accordance with the approved Permits and Conditions.

3.10.1002 Since the intent of this type of district is to provide for workable alternative uses of property, it is intended that land will be zoned in accordance with firm plans to develop. Therefore, at the end of two (2) years from the date of approval, the Planning Board may examine progress made to determine if active efforts are proceeding.

3.10.1003 If it is determined by the Planning Board that active efforts to develop are not proceeding, the Board may institute proceedings to rezone the property to its previous zoning classification.

3.10.11 Failure to Comply

If for any reason any condition imposed pursuant to this Section is found to be illegal or invalid, or if the applicant should fail to accept any condition, the authorization of such Conditional Use Permit shall be null and void and of no effect, and proceedings shall be instituted to rezone the property to its previous zoning classification in accordance with the requirements of this Article.

SECTION 3.11 CONDITIONAL ZONING

3.11.1 Applicability

3.11.101 There are circumstances in which a general zoning district designation allowing a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of this Ordinance and adopted land development plan, comprehensive plan, corridor plans, small area plans, and other land use policy documents.

3.11.102 The rezoning process established in this Section provides for the accommodation of such uses by a reclassification of property into a conditional zoning district, subject to additional conditions which ensure compatibility of the proposed use with the use and enjoyment of neighboring properties.

3.11.103 A conditional zoning district allows a particular use or uses to be established only in accordance with specified standards and conditions tailored to each individual development project.

3.11.104 This is a voluntary rezoning procedure that is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative proposals that may not be undertaken for some time.

3.11.2 Initiation of Amendments

3.11.201 No tract of land may be considered for a Conditional Zoning district unless such tract is under single or unified ownership or control.

3.11.202 If listed in several ownerships, the application for zoning shall be accompanied by each landowner's written consent.

3.11.203 The holder of a written option to purchase or a developer under contract shall be considered an owner for purposes of this section provided the landowner's (or landowners') written consent is included with the application.

3.11.3 Pre-Application Conference

Prior to submitting a formal application, a pre-application consultation may be conducted at the applicant's request. It is recommended that the applicant prepare a sketch plan or some depiction of the proposed development concept to a pre-application meeting with the Planning Staff to be sure the project will meet all requirements. Notwithstanding any provision contained in this Ordinance to the contrary, neither the staff's review of the plan submitted for review nor staff's comments to the Applicant relating thereto shall be considered a denial, approval or decision concerning the application.

3.11.4 Community Meeting Required

Before an application for a Conditional Zoning District can be submitted, the petitioner must file with the Zoning Administrator a written report of at least one community informational meeting held by the petitioner.

3.11.401 The community informational meeting shall be held prior to the date of the Planning Board meeting at which the petition will be reviewed.

3.11.402 Written notice of such a meeting shall be given to the property owners and organizations entitled to notice as determined by policies established by the County.

3.11.403 The petitioner's report shall include, among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact; the date; time and location of the meeting; a roster of the names, mailing addresses, and telephone numbers of the persons in attendance at the meeting; a summary of issues discussed at the meeting; and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting.

3.11.404 In the event the petitioner has not held at least one meeting pursuant to this subsection, the petitioner shall file a report with the Zoning Administrator documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held.

3.11.405 The adequacy of a meeting held or report filed pursuant to this section shall be considered by the Board of County Commissioners but shall not be subject to judicial review.

3.11.5 Application Requirements

A completed application for a Conditional Zoning (except Planned Unit Developments) request shall include:

3.11.501 An application for a conditional use district rezoning shall be submitted in accordance with **§3.2** (Common Review Procedures) of this Ordinance.

3.11.502 A detailed site plan prepared in accordance with **§8.1.2** (Detailed Site Plan).

3.11.503 Written supporting documentation that specifies the actual use or uses proposed on the property

3.11.504 Proposed rules, regulations, and conditions that, in addition to all predetermined requirements of this Ordinance, will govern the development and use of the property.

3.11.505 A statement analyzing the reasonableness of the proposed rezoning.

3.11.506 Additional information may be required if deemed necessary by the Zoning Administrator after reviewing the application.

3.11.6 Application Requirements for Planned Unit Developments

Planned Unit Development rezoning requests must meet the application requirements listed in **§13.3** (Application Submittal for Planned Unit Developments).

3.11.7 Conditions to Approval

Specific conditions applicable to the conditional zoning districts may be proposed by the petitioner or the County or its agencies, but only those conditions mutually approved by the County and the petitioner may be incorporated into the zoning regulations or permit requirements.

3.11.701 Conditions and site-specific standards imposed in a conditional zoning district shall be limited to those that address the conformance of the development and use of the site to County Ordinances and an officially adopted comprehensive or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site.

3.11.702 Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the Board of County Commissioners may find appropriate or the petitioner may propose. Such conditions to approval of the petition may include dedication to the County or State, as appropriate, of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development.

3.11.703 The petitioner shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the Board of County Commissioners.

3.11.704 If for any reason any condition for approval is found to be illegal or invalid or if the petitioner should fail to accept any condition following approval, the approval of the site plan for the district shall be null and void and of no effect and proceedings shall be instituted by the County to rezone the property to its previous zoning classification or to another zoning district.

SECTION 3.12 SPECIAL NON-RESIDENTIAL INTENSITY ALLOCATION

3.12.1 Applicability

Non-residential development may occupy five percent (5%) of the watershed with a seventy percent (70%) built-upon area when approved as a Special Non-residential Intensity Allocation (SNIA).

3.12.2 Pre-Application Conference

Prior to submitting a formal application, a pre-application consultation may be conducted at the applicant's request. It is recommended that the applicant prepare a sketch plan or some depiction of the proposed development concept to a pre-application meeting with the Planning Staff to be sure the project will meet all requirements. Notwithstanding any provision contained in this Ordinance to the contrary, neither the staff's review of the plan submitted for review nor staff's comments to the Applicant relating thereto shall be considered a denial, approval or decision concerning the application.

3.12.3 Application Requirements

3.12.301 An application for Special Non-Residential Intensity Allocation shall be submitted in accordance with **§3.2** (Common Review Procedures).

3.12.302 A site plan prepared by a professional engineer must be submitted with the application demonstrating compliance with **§3.12.6** (Approval Criteria).

3.12.4 Action by the Zoning Administrator

3.12.401 The Zoning Administrator shall review the application for compliance with the appropriate sections of the Ordinance and it shall be considered officially filed only after it is examined by the Staff and found to be in compliance with this Ordinance.

3.12.402 The Zoning Administrator shall prepare a staff report that reviews the request in accordance with the adopted plans and policies of the County and the general requirements of this UDO. Following completion of technical review by staff, the Zoning Administrator shall forward the completed request and any related materials to the Planning Board.

3.12.5 Action by the Planning Board

3.12.501 The Planning Board shall act as the Watershed Review Board when hearing requests for Special Non-Residential Intensity Allocations.

3.12.502 The Planning Board shall consider the application and comments at the public hearing and may grant or deny the Special Non-Residential Intensity Allocation either of which requires a simple majority vote to pass.

3.12.503 Requests requiring revisions shall be returned to the Planning Board within 90 days or the request shall be considered withdrawn.

3.12.6 Approval Criteria

No Special Non-Residential Intensity Allocation shall be approved unless the following requirements are made.

3.12.601 Site Plan must demonstrate that the request will minimize built-upon surface area

3.12.602 All stormwater will be directed away from any surface waters

3.12.603 Best Management Practices will be incorporated to minimize water quality impacts.

3.12.604 All property subject to a request for a Special Non-Residential Intensity Allocation must be uniformly zoned.

SECTION 3.13 WATERSHED DENSITY AVERAGING CERTIFICATE

3.13.1 Applicability

3.13.101 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 these regulations. The amount of development allowed for the paired parcels taken together cannot exceed the amount of development that would be allowed if the parcels were developed separately.

3.13.102 A Density Averaging Certificate shall be obtained from the Planning Board sitting as the Watershed Review Board to ensure that both parcels considered together meet the standards of the Ordinance and that potential buyers have notice of how the watershed regulations were applied to the parcel pair. Only buyers of both of the paired parcels may submit the application for Density Averaging Certificate.

3.13.103 Development projects in the Balance of Watershed or Protected Area may incorporate undeveloped land elsewhere in the Balance of Watershed, Protected Area or Critical Area. The amount of additional undeveloped acreage required shall be determined by dividing the appropriate density or impervious coverage area factor into the number of dwelling units or impervious coverage area in

excess of the amount permitted on the project site by these regulations to determine the amount of other land to be reserved as undeveloped so that the overall density or intensity of the project shall not exceed the density or intensity that would be allowed if the parcels were developed separately.

3.13.104 The parcel pair shall be preferably in the same drainage area of the watershed.

3.13.105 Parcels to be used in pairs may be located in the Balance of Watershed, Protected or Critical Areas. However, if one of the parcels is located in the Balance of Watershed or Critical Area and one is located in the Protected Area, the Critical Area parcel shall not be developed. Density Averaging is not allowed between two parcels when both are in the Critical Area.

3.13.2 Application Requirements

3.13.201 A site plan for both parcels must be submitted and approved as part of the Density Averaging Certificate. If the certificate is granted, no change in the development proposal authorized for either parcel shall be made unless the permit is amended.

3.13.202 Sufficient information shall be submitted so that it may be determined that overall density of the paired parcel averaged density development, calculated either by dwelling units per acre or built upon area, shall not exceed the density that would be allowed if the parcels were developed separately.

3.13.203 Buffers shall at a minimum meet the appropriate minimum statewide water supply watershed protection requirements on both parcels in the parcel pair according to the density of development occurring on each parcel.

3.13.204 Sufficient information shall be submitted so that it may be demonstrated that the parcels are designed to:

- Minimize storm water runoff impact to the receiving waters by minimizing concentrated storm water flow;
- Maximize the use of sheet flow through vegetated areas;
- Minimize impervious surface areas;
- Locate development away from surface waters and drainage ways to the maximum extent practicable; and
- Stormwater runoff from density averaged development shall be controlled by vegetative conveyance to the maximum extent practicable.

3.13.205 Applicants shall agree to bind themselves and their successors in title, individually and collectively, to maintain the pattern of development proposed for so long as the requirements of this section are applicable.

3.13.206 Parties to enforcement of such agreement shall include Moore County. No such agreement shall be accepted without approval of the County Attorney as to the legal sufficiency of the documents involved.

3.13.3 Action by the Zoning Administrator

Upon issuance of a Density Averaging Certificate, the Zoning Administrator shall forward one copy to the Local Government Assistance Unit of the Division of Water Quality. Included with the approved certificate will be a site plan, registered plats for both properties, and a description of both properties and documentation reflecting the development restrictions to the parcel pair that will remain undeveloped.

3.13.4 Action by the Watershed Review Board

The Watershed Review Board shall make written findings supported by appropriate calculations and documentation that the plan as a whole conforms to the intent and requirements of this section, and that the proposed agreement assures protection of the public interest and achievement of the objectives of this section.

3.13.5 Approval Criteria

3.13.501 Parcel pairs being submitted for approval under this provision shall be submitted for development approval as a single unitary proposal.

3.13.502 Projects in the critical area may not utilize density averaging.

3.13.503 Undeveloped land included to meet the requirements of one project shall not be included as meeting the requirement of any existing or proposed project nor shall any land included in a parcel pair for which a watershed variance has been granted or would be required.

3.13.504 The preservation of undeveloped floodplain land, steep slopes, or other environmentally sensitive lands within the Critical Area is encouraged. All such land shall be properly vegetated.

3.13.505 The undeveloped parcel(s) or portion(s) thereof shall remain in a vegetated or natural condition and shall be placed in a permanent conservation easement granted under G.S. 121-35 to the County, a land conservation organization or other entity capable of providing for the ongoing maintenance of the undeveloped property.

3.13.506 At the time of the issuance of the Zoning Permit, the Density Averaging Certificate and conservation easement shall be caused to be recorded in the office of the Register of Deeds and filed with the Moore County Planning and Community Development Department. Notations shall be made by the Planning Director on the official Zoning Map and the approved development plans and or plats for future guidance in administration and as a public record.

3.13.507 The pattern of development and the agreement between the owners shall not be changed except by the issuance of a new or amended Density Averaging Certificate in the manner herein established.

SECTION 3.14 ADMINISTRATIVE APPEAL

3.14.1 Applicability

An appeal by any person aggrieved by a final order, interpretation or decision of the Zoning Administrator, or his deputy, of this UDO in regard to the provisions of this UDO may be taken to the Board of Adjustment.

3.14.2 Application Requirements

3.14.201 An appeal of an administrative decision shall be taken by filing a written notice of appeal specifying the grounds for the appeal with the Clerk to the Board and the Board of Adjustment.

3.14.202 An application for appeal of an administrative decision shall be submitted in accordance with **§3.2** (Common Review Procedures).

3.14.203 A notice of appeal of an administrative decision shall be considered filed when a complete application is delivered to the Clerk to the Board. The date and time of filing shall be entered on the notice.

3.14.204 An appeal of an administrative decision shall be filed with the Board of Adjustment within 30 days of receipt of the decision.

3.14.205 The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Board shall continue the hearing.

3.14.3 Notice and Public Hearings

The County shall hold all required evidentiary hearings and give notice in accordance with **§3.2.4** (Public Notice) and **§3.2.5** (Public Meetings).

3.14.4 Action by the Zoning Administrator

The Zoning Administrator shall transmit to the Board of Adjustment all the papers constituting the record upon which the appealed action was taken and provide a copy of the record to the appellant and to the owner of the property that is subject of the appeal if the appellant is not the owner. The Zoning Administrator who made a decision shall be present at the hearing as a witness.

3.14.5 Action by the Board of Adjustment

3.14.501 The Board of Adjustment may reverse or affirm (wholly or partly) or may modify the appealed approval, requirement, decision, or determination and shall make any requirement, decision or determination that is deemed necessary. To this end, the Board of Adjustments shall have all the powers of the officer from whom the appeal is taken.

3.14.502 A motion to reverse, affirm or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.

3.14.503 If a motion to reverse or modify is not made, or fails to receive approval by the majority of the members eligible to vote, then the appeal shall be denied.

- A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari.

3.14.504 Any motion to overturn a decision shall state the reasons or findings of fact that support the motion.

3.14.6 Effect of Administrative Appeal

An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from, unless the administrative official from who the appeal is taken certifies to the Board of Adjustment that, because of facts stated in the affidavit, a stay would, in their opinion, cause imminent peril to life or property or that because the violation is transitory in nature a stay would seriously interfere with the effective enforcement of this UDO. In that case, proceedings shall not be stayed except by restraining order which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within fifteen (15) days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with this Ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the Board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

3.14.7 Appeal to Court

No appeal may be taken from the action of the Board of Adjustment except through the Moore County Superior Court as outlined in NCGS 153A-345(e2) or forever be barred.

SECTION 3.15 VARIANCES

3.15.1 Applicability

3.15.101 The Board of Adjustment may vary certain requirements of this UDO that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this UDO, will, in an individual case, result in unnecessary hardship. The Board of Adjustment shall ensure that the spirit of this UDO shall be observed, public safety and welfare secured, and substantial justice done.

3.15.102 The existence of a nonconforming use of neighboring land, building, or structure in the same district, or of permitted or nonconforming uses in other districts, shall not constitute a reason for the requested variance.

3.15.2 Application Requirements

3.15.201 An application for a variance shall be submitted in accordance with **§3.2** (Common Review Procedures).

3.15.202 Applications for variances shall include a detailed site plan as described in **§8.1.2** (Detailed Site Plan).

3.15.3 Notice and Public Hearings

3.15.301 The County shall hold all required evidentiary hearings and give notice in accordance with **§3.2.4** (Public Notice) and **§3.2.5** (Public Meetings).

3.15.302 The Board shall fix a date for hearing the variance request, to be held within forty-five (45) days of the date a complete application was submitted, giving notice to the applicant by certified mail.

3.15.4 Burden of Proof

The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below as well as the burden of persuasion on those issues.

3.15.5 Action by the Zoning Administrator

3.15.501 The Zoning Administrator shall provide the Board of Adjustment with a copy of the application and all relevant materials pertaining to the request.

3.15.502 For Variances from **Article 11** (Watershed Overlay Districts), the Zoning Administrator shall notify in writing each local government having jurisdiction in the watershed. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Zoning Administrator prior to a decision by the Board of Adjustment. Such comments shall become a part of the record of the proceedings of the Board of Adjustment and must be received within a reasonable period of time.

3.15.6 Action by the Board of Adjustment

3.15.601 The Board of Adjustment may approve the request, deny the request, or continue the request.

3.15.602 Each decision shall be accompanied by a finding of fact that specifies the reason for the decision.

3.15.603 If a motion to approve a variance is made, or fails to receive approval by four-fifths of the members eligible to vote, the variance shall be denied.

3.15.604 In approving the variance, the Board of Adjustment may prescribe appropriate conditions provided that the conditions are reasonably related to the variance.

3.15.605 Conditions may be imposed by the Board of Adjustment regarding the location, character, and other features of the proposed building or use as may be deemed by the Board of Adjustment to protect property values and general welfare of the neighborhood. Nonconformance with such conditions and safeguards, when part of the terms under which the variance is granted, shall be deemed a violation of this UDO.

3.15.7 Findings of Fact

No variance shall be approved by the Board of Adjustment unless all of the following findings are made:

3.15.701 That unnecessary hardship would result from the strict application of the UDO and it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;

3.15.702 That the hardship results from conditions that are peculiar to the property, such as location, size, or topography, and 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;

3.15.703 That 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 a variance shall not be regarded as a self-created hardship; and

3.15.704 That 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.

3.15.8 Reapplication of Variance Request

The Board of Adjustment shall not hear an application for a variance previously denied if it finds that there have been no substantial changes in conditions or circumstances bearing on the application.

3.15.9 Appeal to Court

Any decision by the Board of Adjustment may be appealed in accordance with G.S. § Chapter 7A of the North Carolina General Statutes.

SECTION 3.16 LEVEL 1 MINOR SUBDIVISION

3.16.1 Applicability

A Level 1 Minor Subdivision is a subdivision that:

3.16.101 Consists of four (4) or less lots fronting an existing, approved public or private road;

3.16.102 Does not require any new public or private road to be constructed or dedicated nor easements for access to interior property;

3.16.103 Does not require the extension of a public water or sewer line other than laterals to serve individual lots;

3.16.104 Does not necessitate the installation of drainage improvements that would require easements through the property not being subdivided and;

3.16.105 Does not require a variance or waiver from any of the requirement of this UDO.

3.16.2 Application Requirements

3.16.201 All applications for minor plat review shall be submitted in accordance with **§3.2** (Common Review Procedures).

3.16.202 A plat must be submitted in accordance with **§3.17.3** (Plat Submittal Requirements) of this Ordinance.

3.16.3 Plat Submittal Requirements

The applicant for Level 1 minor subdivision plat approval shall submit to the Subdivision Administrator a plat drawn in waterproof ink on a sheet made of material and of a size that will be acceptable to the Moore County Register of Deeds Office for recording purposes. The Level 1 Minor subdivision plat shall contain the following information:

3.16.301 The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Moore County Registry;

3.16.302 The name and address of the subdivision owner or owners;

3.16.303 The Township, County and State where the subdivision is located;

3.16.304 The name of the surveyor and surveyor's registration number and the date of survey;

3.16.305 The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph;

3.16.306 All of the additional information required by NCGS 47-30, NCGS 39-32.3 of the North Carolina General Statutes, and **Appendix B** (Subdivision Plat Requirements) of this Ordinance; and

3.16.307 All of the applicable certificates and statements required in **Appendix C** (Subdivision Plat Certificates and Statements) of this Ordinance.

3.16.308 When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision.

3.16.4 Action by the Zoning Administrator

3.16.401 Upon submission of a completed application, the Zoning Administrator shall determine whether the plat conforms to the standards of a Level 1 Minor subdivision.

3.16.402 The Zoning Administrator shall render decision within fourteen (14) working days after receipt of the completed application.

3.16.403 If no decision is rendered by the Zoning Administrator within the required fourteen day period, the applicant may refer the Level 1 Minor plat to the Subdivision Review Board for review of the application under the major subdivision application approval process outlined in **§3.19** (Major Subdivision Preliminary Plat Review) of this Ordinance.

3.16.404 If the subdivision is disapproved, the Zoning Administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval.

3.16.5 Expiration of Plat

3.16.501 Approval of a Level 1 Minor plat is contingent upon the plat being recorded within sixty (60) days after the date the Certificate of Approval is signed by the Zoning Administrator or the Administrator's designee.

3.16.502 Failure to record the approved plat within the specified 60-day period shall render the plat null and void.

SECTION 3.17 LEVEL 2 MINOR SUBDIVISION

3.17.1 Applicability

A Level 2 Minor Subdivision is a subdivision that meets one of the following criteria:

3.17.101 Consists of four (4) or less lots fronting on a newly created private road.

3.17.102 Qualifies as a Level 1 Minor but a waiver from this Ordinance is requested.

3.17.2 Application Requirements

3.17.201 All applications for minor plat review shall be submitted in accordance with **§3.2** (Common Review Procedures).

3.17.202 A plat must be submitted in accordance with **§3.18.3** (Plat Submittal Requirements) of this Ordinance.

3.17.3 Plat Submittal Requirements

The applicant for Level 2 minor subdivision plat approval shall submit to the Zoning Administrator a plat drawn in waterproof ink on a sheet made of material and of a size that will be acceptable to the Moore County Register of Deeds Office for recording purposes. The Level 2 Minor subdivision plat shall contain the following information:

3.17.301 The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Moore County Registry;

3.17.302 The name and address of the subdivision owner or owners;

3.17.303 The Township, County and State where the subdivision is located;

3.17.304 The name of the surveyor and surveyor's registration number and the date of survey;

3.17.305 The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph;

3.17.306 All of the additional information required by NCGS 47-30, NCGS 39-32.3 of the North Carolina General Statutes, and **Appendix B** (Subdivision Plat Requirements); and

3.17.307 All of the applicable certificates and statements required by **Appendix C** (Subdivision Plat Certificates and Statements) of this Ordinance.

3.17.308 When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision.

3.17.4 Action by the Zoning Administrator

3.17.401 If the Subdivision Administrator determines that the submitted plat is incomplete, the Subdivision Administrator shall notify the applicant of the deficiencies. Plats shall not be forwarded to the Subdivision Review Board for review and approval until all deficiencies have been corrected.

3.17.402 Once the application and plat have been deemed complete the Zoning Administrator shall schedule a Subdivision Review Board meeting for a review of the Level 2 Minor subdivision plat.

3.17.5 Additional Review

At a minimum, the following agencies shall be given an opportunity to make recommendations concerning a subdivision plat before the plat is approved:

3.17.501 The NCDOT district highway engineer as to proposed State roads, State highways, and related drainage systems; and

3.17.502 The County Health Director or local public utility, as appropriate, as to proposed water and/or sewer systems; and

3.17.503 NC Department of Environment and Natural Resources; and

3.17.504 US Army Corps of Engineers.

3.17.6 Waivers

An applicant may request a waiver from the provisions of **Article 17** (Subdivision Regulations Subdivision in accordance with **§3.22** (Waiver from Subdivision Regulations) of this Ordinance.

3.17.7 Action by the Subdivision Review Board

3.17.701 The Subdivision Review Board (SRB) shall review the preliminary plat and the findings and recommendations of the Zoning Administrator, and any other reports or recommendations pertaining to the plat and shall approve, approve with conditions, or disapprove the preliminary plat. The Subdivision Review Board shall review and take action on each preliminary plat within sixty days after first consideration by the Subdivision Review Board.

3.17.702 If approval is granted, written confirmation shall be made on two copies of the preliminary plat. One copy of the approved preliminary plat shall be returned to the applicant. Approval of the preliminary plat is authorization for the applicant to proceed with the construction of the necessary improvements.

3.17.703 If the SRB conditionally approves the preliminary plat, the conditions and reasons thereof shall be stated in writing.

3.17.704 If the SRB disapproves the preliminary plat, the reasons for disapproval shall be stated in writing and reference shall be made to the specific section(s) of this Ordinance with which the plat does not comply. The applicant may make the recommended revisions and submit a revised preliminary plat.

3.17.8 Expiration of Plat Approval

3.17.801 Level 2 Minor subdivision plat approval shall be valid for a period of 2 years from the date of approval of the plat by the Subdivision Review Board unless an extension of time is applied for and granted by the Subdivision Review Board or unless a longer time period is established under applicable vested rights provisions.

3.17.802 Preliminary plats whose approval has elapsed shall be resubmitted in accordance with the provisions of this section.

3.17.803 Resubmitted plats shall conform to the current requirements of this Ordinance.

SECTION 3.18 FAMILY SUBDIVISION

3.18.1 Applicability

A Family Subdivision is a subdivision that:

3.18.101 Subdivisions involving the creation of lots for residential purposes which are to be deeded only to immediate family members and cannot be resold or deeded for three years.

3.18.102 For purposes of this section "immediate family members" shall be defined to include only: husbands, wives, mothers, fathers, brothers, sisters, children (biological, adopted, or step), grandmothers, grandfathers, grandchildren (biological, adopted, or step), aunts, uncles, nieces, and nephews.

3.18.2 Application Requirements

3.18.201 All applications for Family Subdivision plat review shall be submitted in accordance with **§3.2** (Common Review Procedures).

3.18.202 A plat must be submitted in accordance with **§3.19.3** (Plat Submittal Requirements) of this Ordinance.

3.18.3 Plat Submittal Requirements

The applicant for Family subdivision plat approval shall submit to the Zoning Administrator a plat drawn in waterproof ink on a sheet made of material and of a size that will be acceptable to the Moore County Register of Deeds Office for recording purposes. The Family subdivision plat shall contain the following information:

3.18.301 The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Moore County Registry;

3.18.302 The name and address of the subdivision owner or owners;

3.18.303 The Township, County and State where the subdivision is located;

3.18.304 The name of the surveyor and surveyor's registration number and the date of survey;

3.18.305 The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph;

3.18.306 All of the additional information required by NCGS 47-30 and NCGS 39-32.3 of the North Carolina General Statutes, and **Appendix B** (Subdivision Plat Requirements) of this Ordinance; and

3.18.307 All of the applicable certificates and statements required in **Appendix C** (Subdivision Plat Certificates and Statements) of this Ordinance.

3.18.308 When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision.

3.18.4 Action by the Zoning Administrator

3.18.401 Upon submission of a completed application, the Zoning Administrator shall determine whether the plat conforms to the standards of a Family subdivision as defined in **§17.2.3** (Family Subdivisions Standards) of this Ordinance.

3.18.402 The Zoning Administrator shall render decision within fourteen (14) working days after receipt of the completed application.

3.18.403 If no decision is rendered by the Zoning Administrator within the required fourteen day period, the applicant may refer the Family Subdivision plat to the Subdivision Review Board for review of the application under the major subdivision application approval process outlined in **§3.20** (Major Subdivision Preliminary Plats).

3.18.404 If the subdivision is disapproved, the Zoning Administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval.

3.18.5 Expiration of Plat Approval

Approval of a Family Subdivision plat is contingent upon the plat and all associated documents being recorded within sixty days after the date the Certificate of Approval is signed by the Zoning Administrator or the Administrator's designee. Failure to record the approved plat and all associated documents within the specified 60-day period shall render the plat null and void.

SECTION 3.19 MAJOR SUBDIVISION PRELIMINARY PLATS

3.19.1 Applicability

A major subdivision is the division of a lot, tract or parcel of land into five or more lots, tracts, parcels or other divisions of land at initial time of division or accumulative over a period of three (3) years. The parent lot, tract or parcel of land counts as one of the subdivided lots, tracts or other subdivisions of land for the purpose of determining whether the application for approval is to be treated as a major or minor subdivision.

3.19.2 Application Requirements

3.19.201 All applications for Major Preliminary plat review shall be submitted in accordance with **§3.2** (Common Review Procedures).

3.19.202 A plat must be submitted in accordance with **§3.19.3** (Preliminary Plat Submittal Requirements) of this Ordinance.

3.19.3 Preliminary Plat Submittal Requirements

The preliminary plat shall meet the requirements of **Article 17** (Subdivision Regulations) and contain the following information:

3.19.301 The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Moore County Registry;

3.19.302 The name, address, and telephone number of the subdivision owner or owners;

3.19.303 The Township, County and State where the subdivision is located;

3.19.304 The name, address, and telephone number of the surveyor, surveyor's registration number, and the date of survey;

3.19.305 The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph; and

3.19.306 All of the additional information required by NCGS 47-30 and NCGS 39-32.3 of the North Carolina General Statutes and **Appendix B** (Subdivision Plat Requirements) of this Ordinance.

3.19.4 Subdivision in Phases

3.19.401 When a subdivision is to be developed in phases, the preliminary plat shall be submitted for the entire development.

3.19.402 The boundary of each phase shall be shown on the preliminary plat.

3.19.403 A final plat may be submitted for each phase.

3.19.5 Action by the Zoning Administrator

3.19.501 The Zoning Administrator shall review the preliminary plat in accordance with the requirements of **Article 17** (Subdivision Regulations) as well as any other provision of this Ordinance that may apply.

3.19.502 If the Zoning Administrator determines that the submitted plat is incomplete, the Zoning Administrator shall notify the applicant of the deficiencies. Plats shall not be forwarded to the Subdivision Review Board for review and approval until all deficiencies have been corrected.

3.19.503 Once the application and plat have been deemed complete the Zoning Administrator shall schedule a Subdivision Review Board meeting for a review of the major subdivision plat.

3.19.6 Additional Review

At a minimum, the following agencies shall be given an opportunity to make recommendations concerning a subdivision plat before the plat is approved:

3.19.601 The NCDOT district highway engineer as to proposed State roads, State highways, and related drainage systems; and

3.19.602 The County Health Director or local public utility, as appropriate, as to proposed water and/or sewer systems; and

3.19.603 NC Department of Environment and Natural Resources; and

3.19.604 US Army Corps of Engineers.

3.19.7 Waivers

An applicant may request a waiver from the requirements listed in this section or in **Article 17** (Subdivision Regulations) in accordance with **§3.21** (Waiver from Subdivision Regulations) of this Ordinance.

3.19.8 Action by the Subdivision Review Board

3.19.801 The Subdivision Review Board shall review the preliminary plat and the findings and recommendations of the Zoning Administrator, and any other reports or recommendations pertaining to the plat and shall approve, approve with conditions, or disapprove the preliminary plat. The Subdivision Review Board shall review and take action on each preliminary plat within sixty days after first consideration by the Subdivision Review Board.

3.19.802 If approval is granted, written confirmation shall be made on two copies of the preliminary plat. One copy of the approved preliminary plat shall be returned to the applicant. Approval of the preliminary plat is authorization for the applicant to proceed with the construction of the necessary improvements.

3.19.803 If the SRB conditionally approves the preliminary plat, the conditions and reasons thereof shall be stated in writing.

3.19.804 If the SRB disapproves the preliminary plat, the reasons for disapproval shall be stated in writing and reference shall be made to the specific section(s) of this Ordinance with which the plat does not comply. The applicant may make the recommended revisions and submit a revised preliminary.

3.19.9 Expiration of Preliminary Plat for Major Subdivisions

3.19.901 Preliminary plat approval shall be valid for a period of two (2) years from the date of approval of the plat by the Subdivision Review Board unless an extension of time is applied for and granted by the Subdivision Review Board or unless a longer time period is established under applicable vested rights provisions.

3.19.902 Preliminary plats whose approval has elapsed shall be resubmitted in accordance with the provisions of this Section.

3.19.903 Resubmitted plats shall conform to the current requirements of these subdivision regulations.

SECTION 3.20 MAJOR SUBDIVISION FINAL PLATS

3.20.1 Applicability

The final plat shall conform substantially to the approved preliminary plat. If the submitted final plat deviates in its overall design from the approved preliminary plat, the plat shall be reviewed by the Subdivision Review Board following the same review and approval procedures set forth in **§3.19** (Major Subdivision Preliminary Plats) for preliminary plats. A reduction in lots or changes to reduce impact from the development (ex. lots sizes changed to accommodate watershed restrictions) shall not require additional review.

3.20.2 Application Requirements

3.20.201 The applicant for final plat approval shall submit to the Subdivision Administrator a final plat made of material and of a size that will be acceptable to the Moore County Register of Deeds Office for recording purposes.

3.20.202 When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision.

3.20.203 The scale of the plat shall be at one-inch equals not more than two hundred feet.

3.20.204 The applicant shall also submit seven prints of the plat as well as any required application forms and any required fee.

3.20.3 Final Plat Submittal Requirements

The final plat shall meet the requirements of **Article 17** (Subdivision Regulations) and contain the following information:

3.20.301 The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Moore County Registry;

3.20.302 The name, address, and telephone number of the subdivision owner or owners;

3.20.303 The Township, County and State where the subdivision is located;

3.20.304 The name, address, and telephone number of the surveyor, surveyor's registration number, and the date of survey;

3.20.305 The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph; and

3.20.306 All of the additional information required by NCGS 47-30 and NCGS 39-32.3 of the North Carolina General Statutes, and **Appendix B** (Subdivision Plat Requirements) of this Ordinance.

3.20.307 All of the applicable certificates and statements required in **Appendix C** (Subdivision Plat Certificates and Statements).

3.20.4 Action by the Zoning Administrator

3.20.401 The Zoning Administrator shall approve the final plat unless the Zoning Administrator finds that 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.

3.20.402 If the final plat is disapproved by the Subdivision 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.

3.20.403 The Zoning Administrator shall take expeditious action on a final plat. If the Subdivision 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 Subdivision Review Board for final plat approval according to the same review and approval procedures set forth in **§3.19** (Major Subdivision Preliminary Plats) for preliminary plats.

3.20.404 When the final plat is approved by the Zoning Administrator, a signed written certification to this effect shall be entered on the face of the plat (see **Appendix C** (Subdivision Plat Certificates and Statements) for certificate wording).

3.20.405 The Zoning Administrator may at any time refer an application for final plat approval to the entity that approved the preliminary plat. In such case, the plat shall be reviewed and a decision made regarding its approval or disapproval according to the same review and approval procedures set forth in **§3.19** (Major Subdivision Preliminary Plats) for preliminary plats.

3.20.406 No final plat shall be approved until all required improvements have been installed and approved or appropriate surety has been provided as set forth in **§17.6** (Improvement Guarantees for Major Subdivisions) of this Ordinance.

3.20.5 Inspection of Required Improvements for Major Subdivisions

Before approval of the final plat or before the release of improvements guarantees, the subdivider shall acquire the services of a licensed professional to supervise the construction, inspect upon completion, and certify in writing to the Subdivision Administrator that the improvements have, in fact, been installed in accordance with the requirements of this UDO, with the preliminary plat, or explanations and drawings of any necessary changes, and with the Division of Highway's Minimum Construction Standards.

3.20.6 Appeal

If a final plat is disapproved by the Zoning Administrator, the applicant may appeal the decision by requesting that the final plat be scheduled for review by the Subdivision Review Board according to the same review and approval procedures set forth in **§3.19** (Major Subdivision Preliminary Plats) for preliminary plats.

3.20.7 Expiration of Final Plat

Approval of a final plat is contingent upon the plat being recorded in the Office of the Register of Deeds within sixty days after the approval date of the final plat. Failure to record the approved plat within the specified 60-day period shall render the plat null and void.

SECTION 3.21 WAIVER FROM SUBDIVISION REGULATIONS

3.21.1 Applicability

Where the Subdivision Review Board finds that extraordinary hardships or practical difficulties may result from strict compliance with **Article 17** (Subdivision Regulations), and the intent of this Ordinance may be served to a greater extent by an alternative proposal, a waiver may be granted.

3.21.2 Application

3.21.201 An application for waiver from the subdivision regulations shall be submitted in accordance with **§3.2** (Common Review Procedures).

3.21.202 Application shall be submitted concurrently with the application for preliminary plat review.

3.21.203 An application shall also contain a statement by the subdivider explaining the reasons for a request for a waiver from the subdivision regulations.

3.21.3 Action by the Zoning Administrator

Once the application and plat have been deemed complete the Zoning Administrator shall schedule a Subdivision Review Board meeting for a review of requested waiver and preliminary subdivision plat in accordance with **§3.19** (Major Subdivision Preliminary Plats) of this Ordinance.

3.21.4 Action by the Subdivision Review Board

3.21.401 The Subdivision Review Board shall review the request waiver from the subdivision regulations concurrently with the preliminary plat.

3.21.402 The findings and recommendations of the Zoning Administrator, and any other reports or recommendations pertaining to the plat and waiver request shall be used by the Subdivision Review Board when reviewing waiver requests.

3.21.403 The Subdivision Review Board may approve, approve with conditions, or disapprove the request for a waiver from the subdivision regulations.

3.21.404 The Subdivision Review Board shall review and take action on each preliminary plat within sixty days after first consideration by the Subdivision Review Board.

3.21.405 If the Subdivision Review Board conditionally approves the waiver request and preliminary plat, the conditions and reasons thereof shall be stated in writing.

3.21.406 If the Subdivision Review Board disapproves the waiver request, the reasons for disapproval shall be stated in writing. The applicant may make the recommended revisions and submit a revised preliminary.

3.21.5 Approval Criteria

A waiver may be granted during the preliminary plat approval process if one of the following circumstances exist:

3.21.501 **Physical Hardship.** Where because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other physical conditions peculiar to the site, strict compliance with the provisions of the Ordinance would cause practical difficulties on the subdivider above and beyond what other subdividers would face.

3.21.502 **Equal or Better Performance.** Where, in the opinion of the Subdivision Review Board, a variance will result in equal or better performance in furtherance of the purposes of this UDO.

SECTION 3.22 VESTED RIGHTS

3.22.1 Applicability

3.22.101 The purpose of this section is to implement the provisions of NCGS 153A-344.1 of the North Carolina General Statutes pursuant to which a statutory zoning vested right is established upon the approval of a site specific development plan.

3.22.102 Following approval or conditional approval of a site specific development plan, nothing in this UDO shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval; provided that such reviews and approvals are not inconsistent with the original approval.

3.22.103 Nothing in this UDO shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or this UDO.

3.22.2 Establishment

3.22.201 A vested right shall be deemed established upon the valid approval, or conditional approval, of the above mentioned subdivision plat or Conditional Use Permit. Such vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the subdivision plat or Conditional Use Permit.

3.22.202 A right that has been vested as provided for in this section shall remain vested for a period of two (2) years. This vesting shall not be extended by any amendments

or modifications unless expressly provided by the County. The County may, but is not required to, extend the vested term to a maximum total of five (5) years.

3.22.3 Procedure

3.22.301 At the time that the landowner submits an application for a subdivision plat or Conditional Use Permit the landowner must declare he is seeking to acquire a vested right pursuant to NCGS 153A-344.1 of the North Carolina General Statutes and the Moore County Unified Development Ordinance by completing the appropriate form.

3.22.302 For subdivision plats, where a vested right will be sought, the Zoning Administrator will advertise and schedule a public hearing following the same procedure used for Conditional Use Permits. (For Conditional Use Permits, the scheduling of public hearings is automatic.)

3.22.303 For proposed developments that do not require subdivision plat approval or a Conditional Use Permit, the landowner may seek to establish a vested right by following procedures for application for a Conditional Use Permit.

3.22.304 A variance shall not constitute a site specific development plan and approval of a site specific development plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained.

3.22.4 Termination

A vested right, once established as provided for in this section, precludes any zoning action by the County which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved site specific development plan, except that the right will be terminated in the following circumstances:

3.22.401 With written consent of the affected landowner;

3.22.402 Upon finding by Ordinance after notice and public hearing that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan;

3.22.403 To the extent that the affected landowner receives compensation for all costs and losses;

3.22.404 Upon finding by Ordinance after notice and public hearing that the landowner, or his representative, intentionally supplied inaccurate information or made material misrepresentations that made a difference in the plan approval by the County;

3.22.405 Upon the enactment of a State or federal law or regulation that precludes development as contemplated in the site specific development plan; or,

3.22.406 At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

SECTION 3.23 EXTRA-TERRITORIAL JURISDICTION (ETJ) EXPANSION PROCEDURES

3.23.1 Applicability

Per the NC General Statutes (NCGS 160A-360), the Moore County Board of Commissioners must approve any extra-territorial jurisdiction (ETJ) expansion given that the County is currently enforcing zoning and subdivision regulations as well as the State Building Code within the proposed area.

3.23.2 Initiation of Amendment and Application Requirements

3.23.201 An application for an Extra-Territorial Jurisdiction (ETJ) expansion Allocation shall be submitted in accordance with **§3.2** (Common Review Procedures).

3.23.202 In addition, the applicant shall submit the following documents:

- Request by the municipality for the proposed ETJ expansion
- Map Depicting the proposed ETJ expansion with parcels
- Municipal approval of the proposed ETJ expansion

3.23.3 Notice and Public Hearings

3.23.301 The County shall hold all required public hearings and give notice in accordance with **§3.2.4** (Public Notice) and **§3.2.5** (Public Meetings).

3.23.4 Action by the Zoning Administrator

3.23.401 The Zoning Administrator shall review the submitted documents for completeness and prepare a staff report that reviews the request in accordance with the adopted plans and policies of the County and the general requirements of this UDO. Following completion of technical review by staff, the Zoning Administrator shall forward the completed request and any related materials to the Planning Board.

3.23.5 Action by the Planning Board

3.23.501 The Moore County Planning Board shall hold a public meeting, at which the Board of County Commissioners may sit concurrently with the Planning Board, if the Board of Commissioners so desires.

3.23.502 The Planning Board shall provide a recommendation, which requires a simple majority vote to pass, to the Board of County Commissioners in regards to the proposed ETJ Expansion.

3.23.503 Following Planning Board review, the Zoning Administrator shall forward the application materials and the Planning Board recommendation, to the Board of Commissioners for final action.

3.23.6 Action by the Board of Commissioners

3.23.601 The Moore County Board of Commissioners shall call for a public hearing for the next available regular evening meeting date, providing time for proper notification to affected property owners.

3.23.602 Notice of the public hearing shall be done in accordance with **§3.2.4** (Public Notice) and **§3.2.5** (Public Meetings). The Board of County Commissioners can provide for additional public hearings if so desired, in order to provide an opportunity for the general public and affected property owners to provide comments on the proposed ETJ expansion.

3.23.603 If 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, approving the ETJ expansion.

ARTICLE 4
NONCONFORMITIES

SECTION 4.1 GENERAL INFORMATION

4.1.1 Applicability

4.1.101 A "nonconformity" is any use, building, structure, or lot which lawfully existed prior to the adoption of this Ordinance and which fails to comply with one or more of the applicable regulations or standards established herein.

4.1.102 A nonconformity is also any use, building, structure, or lot which was lawfully created, constructed, etc., under this Ordinance but which was subsequently rendered nonconforming due to circumstances that were not self-created.

SECTION 4.2 NONCONFORMING STRUCTURES AND USES

4.2.1 Continuation

4.2.101 The conforming use of a structure existing at the effective date of this UDO, may be continued, although the structure's size or location does not conform with the yard, dimensional, height, parking, loading, access, lot area, and/or lot coverage provisions of this UDO.

4.2.102 Except as authorized by **§4.2.4** (Expansion), only that portion of the land in actual use may be so continued, and the nonconforming use may not be enlarged or extended, nor may any additional structures be added to be occupied by the nonconforming use.

4.2.2 Damaged or Destroyed

4.2.201 Nonconforming structures which are damaged by fire, explosion, flood, or other calamity may be reconstructed provided that the nature and degree of the nonconformity will not be changed or increased from that which existed prior to the damage or destruction.

4.2.3 Movement

4.2.301 A nonconforming structure, including a manufactured home, may not be moved off the lot or lots on which it is located, unless when relocated within the jurisdiction of the County, it complies with the regulations for the district in which it is located.

4.2.302 Further, any subsequent reuse of the lot or lots from which the nonconforming structure has been moved must comply with the regulations for the district in which it is located.

4.2.4 Expansion

4.2.401 A nonconforming structure may be enlarged or expanded provided that any expansion does not increase the degree of nonconformity.

4.2.402 The Planning Board may permit an expansion of an existing nonconformity that does not meet **§4.2.401** as a conditional use (See **§3.9** Conditional Use Permits), provided that the Planning Board finds that such an expansion would be in character with the uses permitted in the district.

4.2.403 In permitting an expansion, the Planning Board may require appropriate conditions and safeguards in accordance with the provisions of this UDO.

4.2.5 Discontinued or Terminated

If such nonconforming use is discontinued or terminated, as evidenced by the disconnection of electrical service to such use for a period of 365 days, any future use of the structure or land shall comply with the provisions of this UDO.

4.2.501 When a use constituting a violation of this Ordinance is in existence prior to adoption of the Unified Development Ordinance creating the violation, and that the use is grandfathered and subsequently terminated for any reason, the County shall bring an enforcement action within 10 years of the date of termination of the grandfathered status, unless the violation poses an imminent hazard to health or public safety. NCGS 153A-348

4.2.6 Change in Use

4.2.601 The Planning Board may permit as a conditional use (See **§3.9** Conditional Use Permits) a change in nonconforming use, provided that the requirements of **§4.2** (Nonconforming Structures and Uses) are met, and the Planning Board finds that such new use would be more in character with the uses permitted in the district than the previous use.

4.2.602 In permitting such change, the Planning Board may require appropriate conditions and safeguards in accordance with the provisions of this UDO.

4.2.603 Once a nonconforming use has been changed or altered so as to comply with the provisions of this UDO, it shall not revert back to a nonconforming use.

4.2.604 Once the Planning Board has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a nonconforming use and become subject to all the conditions required by the Board.

4.2.605 If the structure occupied by a nonconforming use is changed so as to be more in character with the uses permitted in the district in which it is located, it shall not subsequently be changed to be less in character.

SECTION 4.3 NONCONFORMING LOTS

4.3.1 Yard Requirements Modifications

4.3.101 For any lot in any zoning district which was recorded with the Moore County Register of Deeds Office prior to the effective date of zoning by Moore County that has a width or depth less than that required in the district in which it is located, the Zoning Administrator shall be authorized to reduce the yard and setback requirements for such lot of record by not more than thirty (30) percent.

4.3.102 Additional or other forms of yard modification may be permitted with a variance granted by the Board of Adjustment in accordance with **§3.16** (Variances).

SECTION 4.4 NONCONFORMING SIGNS

4.4.1 General

Any sign existing at the effective date of this UDO, which does not conform to the requirements of this UDO, may be continued as long as the provisions of this section are met.

4.4.2 Enlargement and Revision of Nonconforming Signs

4.4.201 No nonconforming sign, including but not limited to billboards, shall be erected, replaced, or otherwise modified in such a way as to increase the nature of the nonconformity.

4.4.202 Reasonable repair and maintenance of nonconforming signs, including the change of an advertising message, is permitted, provided that a nonconforming sign which is damaged or deteriorated to the extent of 50 percent or more of its value shall not be replaced unless it conforms to all provisions of this subsection.

4.4.3 Removal of Nonconforming Signs

4.4.301 Nonconforming signs, when removed for other than normal maintenance, may not be erected again, nor may any such sign be replaced with another nonconforming sign.

4.4.302 Nonconforming signs determined to be a public nuisance or detrimental to the health or safety of the populace shall be removed within 30 days of such determination and written notice to that effect delivered by certified mail to the property owner of record.

4.4.303 All nonconforming signs shall be completely removed within 30 days of the discontinuance of a business use advertised on said sign(s).

4.4.304 Property owners shall be responsible for removal of nonconforming signs.

4.4.305 Failure to remove the sign within thirty (30) days shall constitute a violation of this UDO and is punishable under the provisions of **Article 5** (Enforcement and Penalties) of this Ordinance.

ARTICLE 5
ENFORCEMENT AND PENALITIES

SECTION 5.1 ENFORCEMENT OF PENALITIES

5.1.1 Enforcement Authority

This Ordinance shall be enforceable in accordance with provisions available in the General Statutes of North Carolina Article 18, Chapter 153A. (NCGS 153A-324) (NCGS 153A-123)

5.1.2 Enforcement of Provisions

5.1.201 The Zoning Administrator shall be charged with the enforcement of the provisions of this UDO.

5.1.202 If the Zoning Administrator finds that any of the provisions of this UDO are being violated, he shall notify in writing the persons responsible for such violations, indicating the nature of violation and ordering the actions necessary to correct it.

5.1.203 The Zoning Administrator shall also take any other action authorized by this UDO to ensure compliance with or to prevent violation of its provisions.

5.1.204 The Zoning Administrator shall have the discretion to stay the accrual of civil penalties pending reasonable efforts by the violator to correct the violation.

5.1.205 The owner of the property on which the violation occurs may submit to the Zoning Administrator a written request for extension of the order's specified time limit for correction of the violation.

5.1.206 On determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit for reasons beyond the control of the person requesting the extension, the Zoning Administrator may extend the time limit as reasonably necessary to allow timely correction of the violation.

SECTION 5.2 VIOLATIONS AND VIOLATORS

5.2.1 Violation

5.2.101 It is unlawful and a violation of this Ordinance to establish, create, expand, alter, occupy or maintain any use, land development activity, or structure, including but not limited to signs and buildings, that violates or is inconsistent with any

provision of this Ordinance or any order, approval, or authorization issued pursuant to this Ordinance.

5.2.102 Approvals and authorizations include, but are not limited to, conditional use permits, building permits, zoning permits, certificates of occupancy, variances, development plans, planting plans, site plans, sign plans, and conditions of such permits, certificates, variances and plans.

5.1.103 It is also a violation to engage in any construction, land development activity, or use without all approvals and authorizations required by this Ordinance.

5.2.104 Each day of a violation is a separate and distinct violation.

5.2.105 When a use constituting a violation of this Ordinance is in existence prior to adoption of the Unified Development Ordinance creating the violation, and that the use is grandfathered and subsequently terminated for any reason, a County shall bring an enforcement action within 10 years of the date of the termination of the grandfathered status, unless the violation poses an imminent hazard to health or public safety. NCGS 153A-348

5.2.2 Violators

5.2.201 Violators include any person who owns, leases, occupies, manages, designs or builds any structure or land development activity in violation of this Ordinance and any person who owns, leases, or occupies a use in violation of this Ordinance.

5.2.202 A violation may be charged against more than one violator.

5.2.3 Complaints Regarding Violations

5.2.301 When a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written or verbal complaint. Such complaint shall state fully the cause and basis thereof and shall be filed with the Zoning Administrator, or his authorized agent. An investigation shall be made within ten (10) days. Actions as provided in these regulations shall be taken.

5.2.302 When a violation is discovered, and is not remedied through informal means, a written notice of violation shall be given. This notice shall be delivered by hand delivery or certified mail to the violator's last known address, or hand delivery to or posting the notice at the property in violation.

5.2.303 The notice shall include a description of the violation and its location, the measures necessary to correct it, the possibility of civil penalties and judicial enforcement action and notice of right to appeal. The notice shall also state the time period allowed, if any, to correct the violation, which time period may vary depending on the nature of the violation and knowledge of the violator. This notice is an administrative determination subject to appeal as provided below.

5.2.4 Appeals

5.2.401 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 for an Administrative Appeal as described in **§3.14** (Administrative Appeal). (NCGS 153A-345e)

5.2.402 Citations that follow the original notice of violation may not be appealed to the Board of Adjustment.

5.2.403 The Board of Adjustment shall hear the appeal and may affirm, or reverse, wholly or partly, or may modify the determination of the violation.

5.2.404 If there is no appeal, the determination of the Zoning Administrator is final.

5.2.5 Failure to Comply with Notice or Board of Adjustment Decision

If the violator does not comply with a notice of violation, which has not been appealed, or with a final decision of the Board of Adjustment, the violator shall be subject to enforcement action as prescribed by State law or by this Ordinance.

SECTION 5.3 ENFORCEMENT ACTION AND REMEDIES

5.3.1 Injunctive Relief

5.3.101 A violation may be corrected by any appropriate equitable remedy, a mandatory or prohibitory injunction, or an order of abatement as authorized by NCGS 153A-123.

5.3.102 The County may commence a civil action in the appropriate division of the General Court of Justice for enforcement in accordance with NCGS 153A-123.

5.3.103 It shall not be a defense to the County's application for equitable relief that there is an adequate remedy at law.

5.3.2 Criminal Penalties

5.3.201 Any person, firm, or corporation violating any Section or provision of this Ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined not more than $500.00 and/or imprisoned not more than twenty (20) days for each violation. NCGS 153A-123 (NCGS 14-4)

5.3.202 Each day such violation continues, however, shall be a separate and distinct offense, punishable as herein before provided.

5.3.203 The Zoning Administrator may refer a violation to the proper authority for possible criminal prosecution.

5.3.3 Civil Penalties

5.3.301 Violation of this Ordinance subjects the violator to a civil penalty in the amount of one hundred dollars ($100). (NCGS 153A-123c)

5.3.302 The Zoning Administrator may impose a civil penalty by giving the violator a written citation, either in person or by certified or registered mail, return receipt requested.

5.3.303 The citation shall describe the nature of the violation, specify the amount of the civil penalty being imposed, and direct the violator to pay the civil penalty to the County Finance office within ten (10) days of the date the citation is received. If the violator fails to either pay the civil penalty or correct the violation within this time limit, the Zoning Administrator may institute a civil action in the nature of a debt in a court of competent jurisdiction to recover the civil penalty.

5.3.304 For purposes of assessing the amount of a civil penalty, each day the violation remains uncorrected after receipt of the written citation shall constitute a separate violation that subjects the violator to additional civil penalty.

SECTION 5.4 WATERSHED REGULATION ENFORCEMENT

5.4.1 Criminal Penalities

Any person, firm, or corporation violating any provision of **Article 11** (Watershed Overlay Districts) shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with NCGS 14-4. The maximum fine for each offense shall not exceed $500.00. Each day the violation continues shall constitute a separate and distinct offense.

5.4.2 Civil Penalties

5.4.201 If any subdivision, development and/or land use is found to be in violation of any provision in **Article 11** (Watershed Overlay Districts), the Zoning Administrator shall, in addition to all other remedies available either in law or in equity, institute a civil penalty in the amount of $500.00.

5.4.202 In addition, the N.C. Environmental Management Commission may assess civil penalties in accordance with NCGS 143-215.6(a). Each day that the violation continues shall constitute a separate and distinct offense.

5.4.203 If the Zoning Administrator finds that any of the provisions of **Article 11** (Watershed Overlay Districts) are being violated, they shall notify in writing the person responsible for such violation, indicating the nature of the violation, and that orders the action necessary to correct it.

5.4.204 The Zoning Administrator shall order discontinuance of the illegal use of land, buildings or structures; removal of illegal buildings or structures, or of additions, alterations or structural changes thereto; discontinuance of any illegal work being

done; or shall take any action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

5.4.205 If a ruling of the Zoning Administrator is questioned, the aggrieved party or parties may appeal such ruling to the Moore County Board of Adjustment in accordance with **§3.14** (Administrative Appeals).

SECTION 5.5 WIRELESS COMMUNICATION FACILITIES ENFORCEMENT

5.5.1 Violations

5.5.101 Any violation of **Article 14** (Wireless Communication Facilities) or the terms of any wireless communication facility permit issued under this Ordinance shall be subject to the enforcement remedies and penalties set forth in this Article and as provided by law. (NCGS 153A-123)

5.5.102 Each day's violation of any provision of this Article or the terms of any wireless communication facility permit shall constitute a separate and distinct offense.

5.5.2 Radio Frequency Interference with Public Safety Equipment

Whenever the County has encountered radio frequency interference with its public safety communications equipment, and it believes that such interference has been or is being caused by one or more WCFs, the following steps shall be taken:

5.5.201 The County shall provide notification to all WCF service providers operating in the jurisdiction of possible interference with the public safety communications equipment. Upon such notification, the owners shall use their best efforts to cooperate and coordinate with the County and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry-public safety "Best Practices Guide," released by the FCC in February 2001, including the "Good Engineering Practices," as may be amended or revised by the FCC from time to time.

5.5.202 If any WCF owner fails to cooperate with the County in complying with the owner's obligations under this section or if the FCC makes a determination of radio frequency interference with the County public safety communications equipment, the owner who fails to cooperate and/or the owner of the WCF which caused the interference shall be responsible, upon FCC determination of radio frequency interference, for reimbursing the County for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the jurisdiction to determine the source of the interference. For the purposes of this subsection, failure to cooperate shall include failure to initiate any response or action as described in the "Best Practices Guide" within twenty-four (24) hours of the County's notification.

5.5.3 Enforcement Procedure

Upon finding a violation of this Article or of the terms of any wireless communication facility permit, the enforcement officer or his/her agent(s) shall notify the owner and service provider(s) of the nature of the violation and measures necessary to remedy the violation(s).

5.5.4 Failure to Comply

Upon the failure of the owner(s) and/or the service provider(s) to comply with a notice of corrective action and/or notice of default, the owner(s) and service provider(s) shall be subject to such remedies and penalties as may be provided herein.

5.5.5 Remedies

Any one or all of the following procedures shall be used to enforce the provisions of this Article or the terms of any wireless telecommunication permit and zoning permit:

5.5.501 **Injunction**: Violations may be enjoined, restrained, abated or mandated by injunction.

5.5.502 **Civil Penalties:** Any person who violates **Article 14** (Wireless Communications Facilities) or the terms of any wireless telecommunication permit and zoning permit shall be subject to assessment of a civil penalty in the amount of $250 for each violation. Each day's violation is a separate and distinct offense.

ARTICLE 6
ZONING DISTRICTS

SECTION 6.1 GENERAL INFORMATION

6.1.1 Zoning Districts Established

For the purposes of this Ordinance, the County of Moore is hereby dividing the County zoning jurisdiction into zoning districts with the designations as listed below: (NCGS 153A-342)

Residential and Conservation Districts		
RA	Rural Agricultural District	§6.2.2
RA-20	Residential and Agricultural – 20 District	§6.2.3
RA-40	Residential and Agricultural – 40 District	§6.2.3
RA-2	Residential and Agricultural – 2 District	§6.2.4
RA-5	Residential and Agricultural – 5 District	§6.2.4
RA-USB	Rural Agricultural Urban Service Boundary District	§6.2.5
RE	Rural Equestrian District	§6.2.6
R-MH	Mobile Home District	§6.2.7
GC-SL	Gated Community Seven Lakes District	§6.2.8
GC-WL	Gated Community Woodlake District	§6.2.8
PC	Public and Conservation District	§6.2.9
Commercial and Industrial Districts		
B-1	Neighborhood Business District	§6.3.2
B-2	Highway Commercial District	§6.3.3
VB	Village Business District	§6.3.4
I	Industrial District	§6.3.5
Planned Development Districts		
PUD-H	Planned Unit Development Hamlet	§6.4.1
PUD-R	Planned Unit Development Rural	§6.4.2
Overlay Districts		
HCOD	Highway Corridor Overlay Districts	§6.5
PCTDA	Permitted Commercial Tower Development Area	§6.6
WPO	Watershed Protection Overlay Districts	§6.7

6.1.2 Parallel Conditional Use Districts

6.1.201 Pursuant to NCGS 153A-342, the Board of Commissioners may establish by Ordinance conditional zoning upon request by or on behalf of property owners. Parallel conditional use districts shall be designated by adding "CUD" to the corresponding general use district.

6.1.202 All zoning regulations that apply to the general use district are minimum requirements for development within the corresponding parallel conditional use district.

6.1.203 A conditional use district may provide for greater but not lesser setbacks than those applicable to the corresponding general use district, and may specify that only one or some of the uses permissible in the general use district are permissible in the parallel conditional use district.

6.1.204 Under each parallel conditional use district, all uses allowed as permissible in the corresponding general use district are permitted only upon issuance of a conditional use permit by the Board of Commissioners in accordance with **§3.10** (Conditional Use District Rezoning).

6.1.3 Conditional Zoning Districts

6.1.301 Pursuant to NCGS 153A-342, the Board of Commissioners may establish by Ordinance various conditional zoning districts upon request by or on behalf of property owners.

6.1.302 All zoning regulations that apply to the general use district are minimum requirements for development within conditional zoning districts.

6.1.303 A conditional zoning district may provide for greater but not lesser setbacks than those applicable to the corresponding general use district, and may specify that only one or some of the uses allowed (either on a permitted or a conditional basis) in the general use district are allowed in the conditional zoning district.

6.1.304 If a petition for a conditional zoning district is approved, the development and use of the property shall be governed by the UDO requirements applicable to the district's zoning classification, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the Zoning Map. Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the Zoning Map by the appropriate district designation by adding "CZ" to the corresponding general use district. (e.g. RA-CZ)

6.1.4 District Boundaries Shown on Zoning Map

6.1.401 The boundaries of the districts are shown and made a part of the map accompanying this Ordinance, entitled "Zoning Map of Moore County North Carolina."

6.1.402 The 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.

6.1.403 The Zoning Map, properly attested, is posted at the County Planning Department in Carthage and is available for inspection by the public.

6.1.5 Interpretations of District Boundaries

Where uncertainty exists as to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

6.1.501 Where such district boundaries are indicated as approximately following street or highway lines, such lines shall be construed to be such boundaries.

6.2.502 Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.

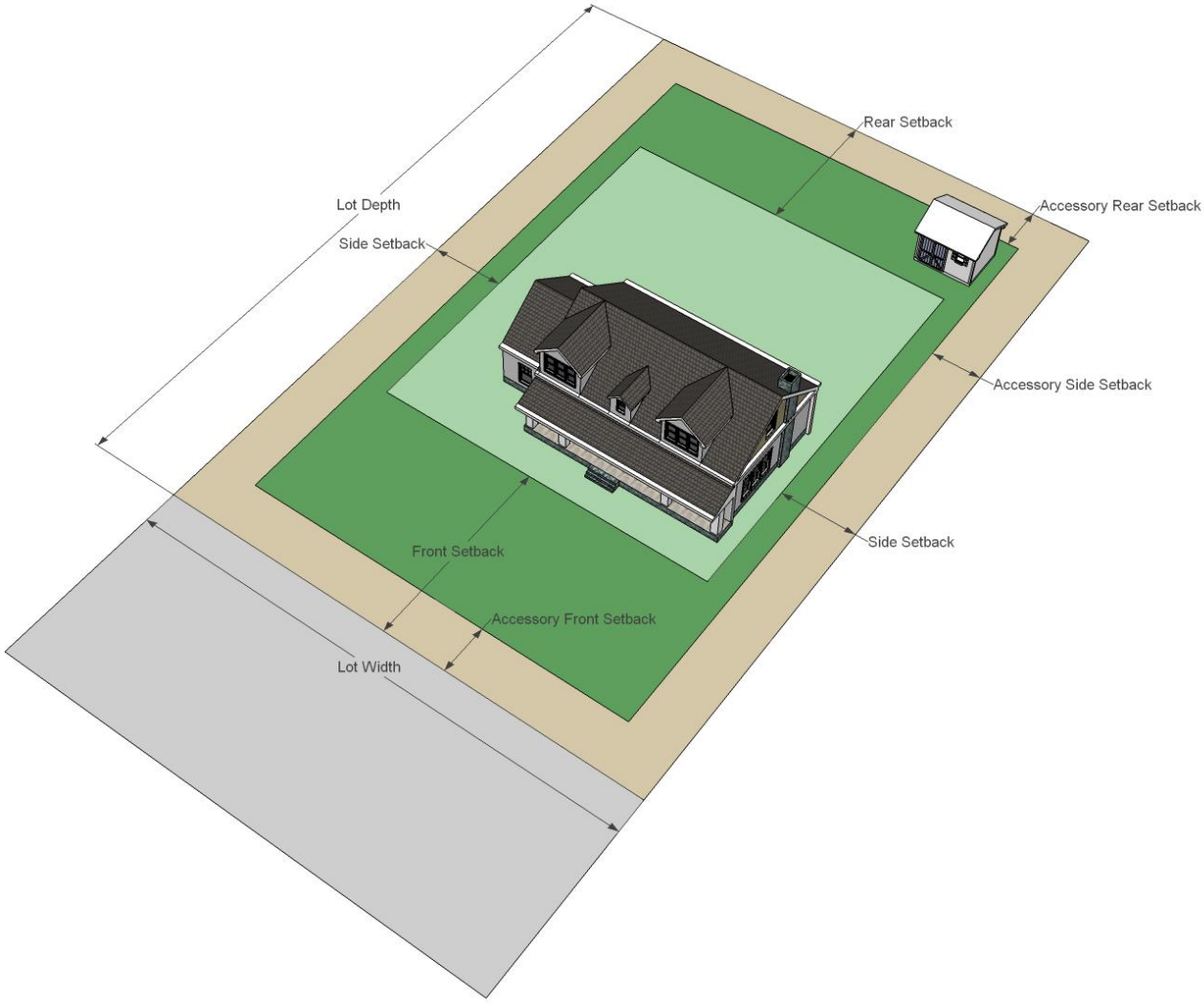
6.1.503 Where district boundaries are so indicated that they are approximately parallel to the center line of streets or highways, or the rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning map.

6.1.504 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.

6.1.505 In case any further uncertainty exists, the Board of Adjustment shall interpret the intent of the map as to location of such boundaries.

SECTION 6.2 RESIDENTIAL DISTRICTS

6.2.1 Typical Lot Layout and Yard Setbacks



6.2.2 Rural Agricultural (RA) District

The Rural Agricultural District is designed to reflect the pattern of development in rural Moore County by preserving and protecting current uses and way of life while also protecting property rights.

6.2.201 Dimensional Requirements

Lot Size Requirements		Required Yard Setbacks		
Minimum Lot Size	1 acre		Principal Structure	Accessory Structure
Minimum Lot Width	100 feet	Front	40 feet	10 feet
Minimum Lot Depth	150 feet	Side	15 feet	10 feet
Building Height		Side (Corner Lot)	15 feet	10 feet
Maximum Building Height	40 feet	Rear	30 feet	10 feet

6.2.3 Residential and Agricultural (RA-20) and (RA-40) Districts

These districts are established as districts in which the principal use of the land is for single family dwellings, duplexes and agricultural uses. In promoting the purposes of this Ordinance, the specific intent of these districts is to encourage the construction of and the continued use of the land for single family dwellings by prohibiting commercial and industrial use of land and other uses which would substantially interfere with the development of single family dwellings in these districts and discouraging any use which would generate traffic on minor streets other than normal traffic to serve residences on those streets.

6.2.301 Dimensional Requirements

Lot Size Requirements			Required Yard Setbacks for Structures		
	RA-20	**RA-40**		Principal	Accessory
Minimum Lot Size	20,000 sq ft	40,000 sq ft	Front	40 feet	40 feet
Minimum Lot Width	100 feet	100 feet	Side	15 feet	10 feet
Minimum Lot Depth	150 feet	200 feet	Side (Corner Lot)	25 feet	20 feet
Max Building Height	40 feet		Rear	30 feet	10 feet

6.2.4 Residential and Agricultural (RA-2) and (RA-5) Districts

These Residential and Agricultural Districts are established as districts in which the principal use of the land is for low-density residential and agricultural purposes. In promoting the purposes of this Ordinance, the specific intent of these districts is to insure that residential development not having access to public water supplies and dependent upon private means of sewage disposal, will occur at sufficiently low densities to insure a healthful environment by prohibiting commercial and industrial use of the land which would substantially interfere with the development or continuation of dwellings and agriculture 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;

6.2.401 Dimensional Requirements

Lot Size Requirements			Required Yard Setbacks for Structures		
	RA-2	**RA-5**		Principal	Accessory
Minimum Lot Size	2 acres	5 acres	Front	40 feet	40 feet
Minimum Lot Width	100 feet	200 feet	Side	15 feet	15 feet
Minimum Lot Depth	200 feet	300 feet	Side (Corner Lot)	25 feet	20 feet
Max Building Height	40 feet		Rear	30 feet	15 feet

6.2.5 Rural Agricultural Urban Service Boundary (RA-USB) District

The Rural Agricultural-Urban Service Boundary District is 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.

6.2.501 **Dimensional Requirements**

Lot Size Requirements		Required Yard Setbacks		
Minimum Lot Size	1 acre		Principal Structure	Accessory Structure
Minimum Lot Width	100 feet	Front	40 feet	10 feet
Minimum Lot Depth	150 feet	Side	15 feet	10 feet
Building Height		Side (Corner Lot)	15 feet	10 feet
Maximum Building Height	40 feet	Rear	30 feet	10 feet

6.2.6 Rural Equestrian (RE) District

The Rural Equestrian District is created to acknowledge what has become known as "Horse Country," in Moore County.

6.2.601 **Dimensional Requirements**

Lot Size Requirements		Required Yard Setbacks		
Minimum Lot Size	1 acre		Principal Structure	Accessory Structure
Minimum Lot Width	100 feet	Front	40 feet	40 feet
Minimum Lot Depth	200 feet	Side	15 feet	10 feet
Building Height		Side (Corner Lot)	25 feet	20 feet
Maximum Building Height	40 feet	Rear	30 feet	10 feet

6.2.7 Mobile Home (R-MH) District

The R-MH Mobile Home District is established to encourage and protect the use of manufactured homes and manufactured home parks. The District is designed to prohibit commercial and industrial use of land and to regulate other uses that would substantially interfere with the development or continuation of manufactured homes and parks in the District.

6.2.701 **Dimensional Requirements**

Lot Size Requirements		Required Yard Setbacks		
Minimum Lot Size	1 acre		Principal Structure	Accessory Structure
Minimum Lot Width	100 feet	Front	40 feet	40 feet
Minimum Lot Depth	200 feet	Side	15 feet	10 feet
Building Height		Side (Corner Lot)	25 feet	15 feet
Maximum Building Height	40 feet	Rear	30 feet	10 feet

6.2.8 Gated Community Seven Lakes (GC-SL) and Woodlake (GC-WL) District

The Gated Community Districts are created to reflect existing unincorporated Gated Communities. Primarily governed by restrictive covenants, District regulations are designed to reflect deeded covenant restrictions. Other environmental regulations (for example, Watershed Overlay Regulations) do apply within these communities and some business uses are allowed.

6.2.801 Dimensional Requirements

Lot Size Requirements			Required Yard Setbacks for Structures		
	GC-SL	GC-WL		Principal	Accessory
Minimum Lot Size	NONE	NONE	Front	NONE	10 feet
Minimum Lot Width	NONE	NONE	Side	NONE	10 feet
Minimum Lot Depth	NONE	NONE	Side (Corner Lot)	NONE	10 feet
Max Building Height	NONE		Rear	NONE	10 feet

6.2.9 Public and Conservation (P-C) District

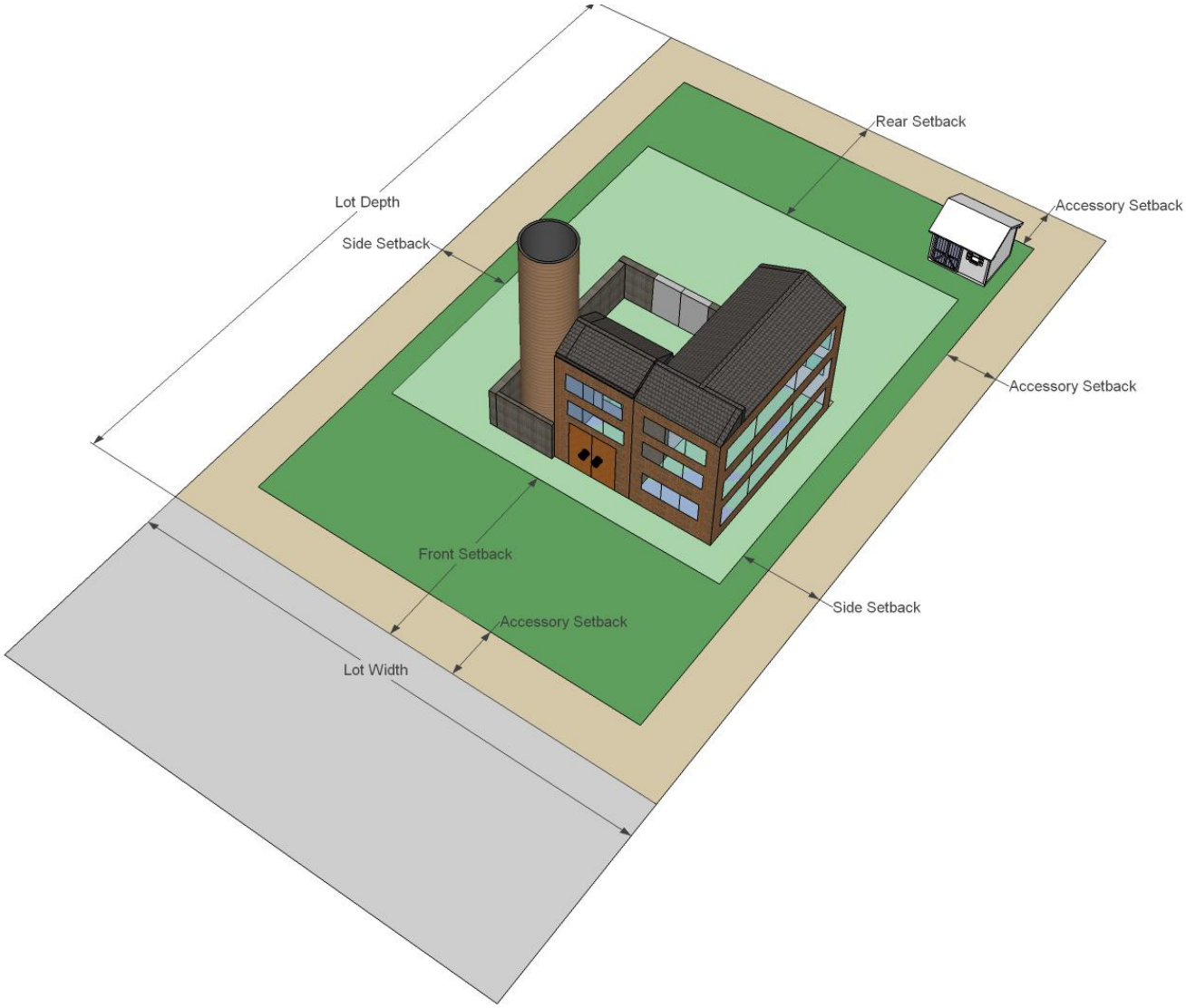
The P-C Public and Conservation District is established as a district in which the primary use of land is reserved for flood control, future thoroughfare rights-of-way, public recreation, community facility sites, forests and other similar open spaces which will encourage the continued use of land for conservation purposes.

6.2.901 Dimensional Requirements

Lot Size Requirements		Required Yard Setbacks		
Minimum Lot Size	5 acres		Principal Structure	Accessory Structure
Minimum Lot Width	NONE	Front	40 feet	40 feet
Minimum Lot Depth	NONE	Side	15 feet	10 feet
Building Height		Side (Corner Lot)	25 feet	20 feet
Maximum Building Height	40 feet	Rear	30 feet	10 feet

SECTION 6.3 COMMERCIAL AND INDUSTRIAL DISTRICTS

6.3.1 Typical Lot Layout and Yard Setbacks



6.3.2 Neighborhood Business (B-1) District

The Neighborhood Business District is established as a district in which the principal use of land is for commercial and service uses to serve the nearby, predominantly residential districts and rural areas of the County. It is also the intent to reduce traffic and parking congestion to a minimum in order to preserve residential values and promote the general welfare of the surrounding community. This district is intended to encourage the construction of and continued use of the land for neighborhood commercial and service purposes and to discourage uses that would substantially interfere with the development or continuation of the business structures in the district.

6.3.201 Dimensional Requirements

Lot Size Requirements		Required Yard Setbacks		
Minimum Lot Size	10,000 sq ft		Principal	Accessory
Minimum Lot Width	75 feet	Front	50 feet	50 feet
Minimum Lot Depth	100 feet	Side	15 feet	15 feet
Building Height		Side (Corner Lot)	20 feet	20 feet
Maximum Building Height	40 feet	Rear	20 feet	20 feet
Building height may be increased by one (1) foot for each five (5) foot increase in the front and side setback				

6.3.3 Highway Commercial (B-2) District

This district is established as a district in which the principal use of the land is for the retailing of both perishable and durable goods, provision of commercial services to adjacent urban areas, and the provision of services to travelers. It is intended that this district will be located throughout the County at areas considered to be commercial nodes. These nodes will occur where traffic and population densities are greatest and where highway business uses already exist.

6.3.301 Dimensional Requirements

Lot Size Requirements		Required Yard Setbacks		
Minimum Lot Size	10,000 sq ft		Principal	Accessory
Minimum Lot Width	75 feet	Front	50 feet	50 feet
Minimum Lot Depth	100 feet	Side	NONE	15 feet
Building Height		Side (Corner Lot)	25 feet	20 feet
Maximum Building Height	40 feet	Rear	25 feet	20 feet
Building height may be increased by one (1) foot for each five (5) foot increase in the front and side setback				

6.3.4 Village Business (VB) District

The Village Business District is created to acknowledge the developed business area surrounding the Gated Community of Seven Lakes. Like businesses are encouraged within this area - no Highway Corridor Overlay landscape requirements are imposed although landscaping compatible with surrounding businesses properties will be required along existing NC Highways and encouraged within the District itself.

6.3.401 Dimensional Requirements

Lot Size Requirements		Required Yard Setbacks		
Minimum Lot Size	NONE		Principal	Accessory
Minimum Lot Width	NONE	Front	NONE	NONE
Minimum Lot Depth	NONE	Side	NONE	NONE
Building Height		Side (Corner Lot)	NONE	NONE
Maximum Building Height	40 feet	Rear	NONE	NONE

6.3.5 Industrial (I) District

The Industrial District is established as a district in which the principal use of land is for warehousing and mixes of industrial uses which will not consume water in amounts beyond the capabilities of existing water resources in the County. It is also the intention of this district to allow uses that will not generate health and safety hazards to County residents. In promoting the general purposes of this Ordinance, the specific intent of this district is to provide appropriate zoning districts for carrying out the basic long-term objectives of the comprehensive land use plan and to encourage the continued use of land for industrial purposes and discourage any other use that would substantially interfere with the continuance of permitted uses in this district.

6.3.501 Dimensional Requirements

Lot Size Requirements		Required Yard Setbacks		
Minimum Lot Size	1 acre		Principal	Accessory
Minimum Lot Width	100 feet	Front	65 feet	65 feet
Minimum Lot Depth	150 feet	Side	25 feet	25 feet
Building Height		Side (Corner Lot)	50 feet	30 feet
Maximum Building Height	56 feet	Rear	30 feet	30 feet
Building height may be increased by one (1) foot for each five (5) foot increase in the front and side setback				

SECTION 6.4 PLANNED UNIT DEVELOPMENT DISTRICTS

6.4.1 Planned Unit Development – Hamlet (PUD-H) District

6.4.101 The Planned Unit Development–Hamlet (PUD-H) district is intended for mixed-use development in close proximity to existing municipalities where such development would complement these more urban areas and have better access to available infrastructure.

6.4.102 The minimum area required for a Planned Unit Development – Hamlet district is twenty five (25) contiguous acres. Parcels of land separated only by a public easement or right-of-way (road, utility,) shall be considered contiguous.

6.4.103 The project parcels must abut or have access to a major thoroughfare.

6.4.104 Dimensional requirements for the Planned Unit Development – Hamlet district can be found in **§13.7.2** (Dimensional Requirements) of this Ordinance.

6.4.2 Planned Unit Development – Rural (PUD-R) District

6.4.201 Planned Unit Development–Rural (PUD-R) is intended for the more rural areas of the County. While a mixture of uses is permitted, development is less intense than development in a PUD-H due to distance from existing municipalities and available infrastructure.

6.4.202 The minimum area required for a Planned Unit Development – Rural district is fifty (50) contiguous acres. Parcels of land separated only by a public easement or right-of-way (road, utility, and railroad) shall be considered contiguous.

6.4.203 Dimensional requirements for the Planned Unit Development – Rural district can be found in **§13.7.2** (Dimensional Requirements) of this Ordinance.

SECTION 6.5 HIGHWAY CORRIDOR OVERLAY DISTRICTS

6.5.1 Rural Highway Corridor Overlay District

6.5.101 Rural Highway Corridor Overlay Districts are hereby established as districts which overlay the zoning in every district along and on either side of **U.S. 1 Highway** south from Pinebluff's ETJ to the Richmond County line, **U.S. 15/501 Highway** between Pinehurst and Carthage (not including any municipal zoning jurisdiction, and not including the Urban Transition Highway Corridor Overlay District), and south from Aberdeen's ETJ to the Hoke County line (not including any municipal zoning jurisdiction), and from Carthage to the Lee County line (not including any municipal zoning jurisdiction), **N.C. 22 Highway** from the US 15-501 intersection at Carthage to Southern Pines (not including any municipal zoning jurisdiction), and **N.C. 211 Highway** from Pinehurst to Montgomery County line (not including any municipal zoning jurisdiction and the Seven Lakes Business District, and not including Urban/Village Highway Corridor Overlay District nor the Urban Transition Highway Corridor Overlay District). All uses with the exception of single family residential are subject to the standards as outlined in this Section.

6.5.102 Rural Highway Corridor Overlay Districts shall minimize commercial, industrial, office professional, and/or dense development patterns.

6.5.103 These highways provide visual images of the natural character of the area as well as agriculture and rural land uses.

6.5.104 Commercial, Industrial and Office Professional elements along these corridors shall be intermittent and clustering of these elements is encouraged at appropriate centralized locations.

6.5.105 The Rural Highway Corridor Overlay District shall be five hundred (500) feet from the edge of the Right-Of-Way on each side of the highway and run parallel to the Right-Of-Way.

6.5.106 The following table outlines the dimensional requirements and required yard setbacks for the Rural Highway Corridor Overlay District.

Minimum Yards Adjacent to Highways[1]	
Building Setback	75 ft
Parking Area Setback	50 ft
Landscape Buffer[2]	50 ft
Minimum Yards Adjacent to Property Lines	
Setback from Residential Districts	50 ft
Setback from Non-Residential Districts	25 ft
Building Height[3]	
Maximum Building Height	35 ft
Built Upon Areas[4]	
Maximum Built Upon Surface	70%
Maximum Building Footprint	40%
Maximum Front Yard Coverage (Parking)	40%

[1] Required yard spaces may be used to meet landscape buffer requirements. Highway yard setbacks and landscape buffer shall be measured from road right-of-way line.

[2] At the time of site plan approval, the Planning Board may reduce buffer widths and required planting by up to 50% if the site plan indicates berming, alternate landscaping, walls, opaque fence, or topographic features that will achieve the intent of this Section and are designed to complement adjacent properties. (Berms may not have a slope greater than two to one and must have a crown width of at least 2 feet.)

[3] For religious institutions, steeples are exempt from height requirements.

[4] Except as necessary to meet requirements of the Watershed Overlay Districts.

6.5.2 Urban Transition Highway Corridor Overlay District

6.5.201 Urban Transition Highway Corridor Overlay Districts are hereby established as districts which overlay the zoning in every district along and on either side of **U.S. 1 Highway** (from the north side of the Southern Pines ETJ north to the Cameron's extraterritorial jurisdiction (not including any municipal zoning jurisdiction), **U.S. 15/501 Highway** between Pinehurst and Carthage (not including any municipal zoning jurisdiction and not including the Rural Highway Corridor Overlay District), and **N.C. 211 Highway** from Pinehurst to the Seven Lakes Business District (not including any municipal zoning jurisdiction and not including the Rural Highway Corridor Overlay District and the Urban/Village Highway Corridor Overlay District). All uses with the exception of single family residential are subject to the standards as outlined in this Section.

6.5.202 Urban Transition Highway Corridor Overlay Districts shall be developed with a balance of residential, recreational, commercial, industrial and office professional uses.

6.5.203 These highway sections are best suited for providing a balance of naturalized and manmade conditions.

6.5.204 The visual quality of these highway sections depends on quality site planning, landscaping and preservation of natural features.

6.5.205 The Urban Transition Highway Corridor Overlay District shall be four hundred (400) feet from the edge of the Right-Of-Way on each side of the highway and run parallel to the Right-Of-Way.

6.5.206 The following table outlines the dimensional requirements and required yard setbacks for the Urban Transition Highway Corridor Overlay District.

Minimum Yards Adjacent to Highways[5]	
Building Setback	75 ft
Parking Area Setback	50 ft
Landscape Buffer[6]	50 ft
Minimum Yards Adjacent to Property Lines	
Setback from Residential Districts	50 ft
Setback from Non-Residential Districts	25 ft
Building Height[7]	
Maximum Building Height	35 ft
Built Upon Areas[8]	
Maximum Built Upon Surface	70%
Maximum Building Footprint	40%
Maximum Front Yard Coverage (Parking)	40%

[5] Required yard spaces may be used to meet landscape buffer requirements. Highway yard setbacks and landscape buffer shall be measured from road right-of-way line.
[6] At the time of site plan approval, the Planning Board may reduce buffer widths and required planting by up to 50% if the site plan indicates berming, alternate landscaping, walls, opaque fence, or topographic features that will achieve the intent of this Section and are designed to complement adjacent properties. (Berms may not have a slope greater than two to one and must have a crown width of at least 2 feet.)
[7] For religious institutions, steeples are exempt from height requirements.
[8] Except as necessary to meet requirements of the Watershed Overlay Districts.

6.5.3 Urban/Village Highway Corridor Overlay District

6.5.301 Urban Transition Highway Corridor Overlay Districts are hereby established as districts which overlay the zoning in every district along and on either side of **N.C. 211 Highway** from Pinehurst to the Seven Lakes Business District (not including any municipal zoning jurisdiction and outside the Rural Highway Corridor Overlay District and the Urban/Village Highway Corridor Overlay District). All uses with the exception of single family residential are subject to the standards as outlined in this Section.

6.5.302 Urban/Village Highway Corridor Overlay Districts allow for denser land use patterns for commercial and residential development than either the Rural Highway Corridor or Urban Transition Highway Corridor Overlay Districts.

6.5.303 However, the visual aspects of the development along these corridors shall be defined by an emphasis on landscape elements.

6.5.204 The Urban/Village Highway Corridor Overlay District shall be three hundred (300) feet from the edge of the Right-Of-Way on each side of the highway and run parallel to the Right-Of-Way.

6.5.305 The following table outlines the dimensional requirements and required yard setbacks for the Urban/Village Highway Corridor Overlay District.

Minimum Yards Adjacent to Highways[9]	
Building Setback	50 ft
Parking Area Setback	30 ft
Landscape Buffer[10]	30 ft
Minimum Yards Adjacent to Property Lines	
Setback from Residential Districts	25 ft
Setback from Non-Residential Districts	5 ft
Building Height[11]	
Maximum Building Height	35 ft
Built Upon Areas[12]	
Maximum Built Upon Surface	70%
Maximum Building Footprint	40%
Maximum Front Yard Coverage (Parking)	20%

[9] Required yard spaces may be used to meet landscape buffer requirements. Highway yard setbacks and landscape buffer shall be measured from road right-of-way line.

[10] At the time of site plan approval, the Planning Board may reduce buffer widths and required planting by up to 50% if the site plan indicates berming, alternate landscaping, walls, opaque fence, or topographic features that will achieve the intent of this Section and are designed to complement adjacent properties. (Berms may not have a slope greater than two to one and must have a crown width of at least 2 feet.)

[11] For religious institutions, steeples are exempt from height requirements.

[12] Except as necessary to meet requirements of the Watershed Overlay Districts.

SECTION 6.6 WIRELESS COMMUNICATION FACILITIY OVERLAYS

6.6.1 Permitted Commercial Tower Development Area (PCTDA)

6.6.101 The intent of the Permitted Commercial Tower Development Area Overlay is to enhance and guide current and future wireless telecommunications infrastructure needs of the County as well as to promote and maintain an aesthetically pleasing environment for the residents and visitors of Moore County.

6.6.102 The purpose of the Permitted Commercial Tower Development Areas (PCTDAs) is to provide areas for tower development needed to fill large voids in wireless telecommunications coverage.

6.6.103 Any new development in these areas shall conform to all Federal, State and local regulations.

6.6.104 See **Article 14** (Wireless Communications Facilities) of this Ordinance for specific Wireless Communications Facilities requirements.

SECTION 6.7 PUBLIC WATER SUPPLY WATERSHED OVERLAYS

6.7.1 Watershed II Critical Area Overlay (WS-II-CA) District

6.7.101 In order to maintain a predominately undeveloped land use intensity pattern, single family residential uses shall be allowed at a maximum of one dwelling unit per 80,000 sq. ft. or a maximum of six percent (6%) built-upon area.

6.7.102 All other residential and nonresidential development shall be allowed at a maximum of six percent (6%) built-upon area.

6.7.103 New sludge application sites and landfills are specifically prohibited.

6.7.2 Balance of Watershed II Overlay (WS-II-BW) District

6.7.201 In order to maintain a predominately undeveloped land use intensity pattern, single family residential uses shall be allowed at a maximum of one (1) dwelling unit per 40,000 sq. ft. or a maximum of twelve percent (12%) built-upon.

6.7.202 All other residential and nonresidential development shall be allowed a maximum of twelve percent (12%) built-upon area.

6.7.203 In addition, all new Development may occupy five percent (5%) of the balance of the watershed which is outside the critical area, with a seventy percent (70%) built-upon area when approved as a Special Non-residential Intensity Allocation (SNIA).

6.7.3 Watershed III Critical Area Overlay (WS-III-CA) District

6.7.301 In order to maintain a low to moderate land use intensity pattern, single family residential uses are allowed at a maximum of one (1) dwelling unit per 40,000 sq. ft. or a maximum of twelve percent (12%) built-upon area.

6.6.302 All other residential and nonresidential development shall be allowed to a maximum of twelve percent (12%) built-upon area.

6.7.303 New sludge application sites and landfills are specifically prohibited.

6.7.4 Balance of Watershed III Overlay (WS-III-BW) District

6.7.401 In order to maintain low to moderate land use intensity pattern, single family detached uses shall develop at a maximum of one (1) dwelling unit per 20,000 sq. ft. or a maximum of twenty-four percent (24%) built-upon area.

6.7.402 All other residential and nonresidential development shall be allowed a maximum of twenty-four percent (24%) built-upon area.

6.7.403 In addition, all new Development may occupy five percent (5%) of the watershed with a seventy percent (70%) built-upon area when approved as a Special Non-residential Intensity Allocation (SNIA).

6.7.5 Protected Area of Watershed IV Overlay (WS-IV-PA) District

6.7.501 Only new development activities that require an erosion/sedimentation control plan under State law or approved local government program are required to meet the provisions of this Ordinance when located in the WS-IV-PA Watershed.

6.7.502 In order to address a moderate to high land use intensity pattern, single family residential uses shall develop at a maximum of one (1) dwelling unit per 20,000 sq. ft. or a maximum of twenty-four percent (24%) or thirty-six percent (36%) built-upon area.

6.7.503 All other residential and nonresidential development shall be allowed at a maximum of twenty-four percent (24%) built-upon area.

6.7.504 A maximum of one (1) dwelling unit per 14,000 sq. ft. or thirty-six percent (36%) built-upon area is allowed for projects without a curb and gutter street system.

SECTION 6.8 EXCEPTIONS AND MODIFICATIONS

6.8.1 Purpose

The dimensional requirements of this Ordinance shall be adhered to in all respects except that under the specified conditions as outlined in this Section the requirements may be waived or modified as stated; and in addition, the dimensional requirements may be changed or modified by the Board of Adjustment as provided for in **§3.15** (Variances).

6.8.2 Yard Modifications

6.8.201 Architectural features such as open or enclosed fire escapes, steps, outside stairways, balconies and similar features, and uncovered porches may not project more than four (4) feet into any required yard.

6.8.202 Sills, cornices, eaves, gutters, buttresses, ornamental features, and similar items may not project into any required yard more than thirty (30) inches.

6.8.203 The setback and yard requirements of this Ordinance shall not apply to fences and walls.

6.8.3 Height Limit Modifications

6.8.301 Church steeples, chimneys, belfries, water tanks or towers, fire towers, flag poles, spires, monuments, cupolas, domes, antennas (except satellite dish antennas) silos, grain elevators and conveyors, and necessary mechanical appurtenances may be erected to any height, unless otherwise regulated within this Ordinance.

6.8.302 All structures and objects of natural growth that are fifty (50) feet or greater in height shall not be constructed or established on parcels located within Airport Zones as defined by the Ordinance to Limit Height of Objects Around Moore County Airport without an approved permit from the Moore County Airport Authority.

6.8.303 An approved permit from the Moore County Airport does not in any way confer an exception to any of the provisions within this Ordinance.

6.8.304 A structure exceeding thirty-five (35) feet in height in all areas within one thousand feet of any aircraft landing field shall only be permitted by the Moore County Board of Adjustment, after a public hearing, that it does not constitute a menace to safety.

6.8.305 The County may not authorize the construction of any tall building or structure with a vertical height of more than 200′ measured from the top of the foundation of the building, structure, or unit and to the uppermost point of the building, structure, or unit, in any area surrounding a major military installation, unless the County is in receipt of either a letter of endorsement issued by the Building Code Council or proof the Council's failure to act within the time allowed pursuant to NCGS 143-151.75.

ARTICLE 7
TABLE OF USES

SECTION 7.1 PERMITTED LAND USES

7.1.1 Use Table

The use table is subject to the explanation as set forth below.

7.1.101 A "**P**" indicates that a use is permitted in the respective district subject to the specific use standards in **Article 9** (Specific Use Standards) of this Ordinance. Such uses are also subject to all other applicable requirements of this UDO.

7.1.102 A "**C**" indicates a use that may be permitted in the respective general use district only where approved by the Planning Board in accordance with **§3.9.6** (Conditional Use Permits). Conditional uses are subject to all other applicable requirements of this UDO, including the specific use standards contained in **Article 9** (Specific Use Standards).

7.1.103 The "Use Standard" column on the table is a cross-reference to any specific use standard listed in **Article 9** (Specific Use Requirements) of this Ordinance. Where no cross-reference is shown, no additional use standard shall apply.

7.1.104 A blank cell in the use table indicates that a use is not permitted in the respective district.

7.1.2 Table of Uses

7.1.201 The following table lists the principal uses permitted by this UDO for general use districts.

7.1.202 For parallel conditional use districts, see **§6.1.2** (Parallel Conditional Use Districts); for conditional zoning districts, see **§6.1.3** (Conditional Zoning Districts).

	Residential Districts							Rural/Ag Districts				Commercial & Industrial Districts				
Accessory Uses	**RA-20**	**RA-40**	**RA-2**	**RA-5**	**GCSL**	**GCWL**	**R-MH**	**RE**	**RA-USB**	**RA**	**P-C**	**VB**	**B-1**	**B-2**	**I**	**Use Standards**
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Home Occupation, Standard	P	P	P	P	P	P	P	P		P						§9.2.1
Intensive Home Business			C	C				C		C						§9.2.2
Residential Solar Collectors	P	P	P	P	P	P	P	P	P	P						§9.2.3
Swimming Pools	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§9.2.4
Residential Uses	**RA-20**	**RA-40**	**RA-2**	**RA-5**	**GCSL**	**GCWL**	**R-MH**	**RE**	**RA-USB**	**RA**	**P-C**	**VB**	**B-1**	**B-2**	**I**	**Use Standards**
Accessory Dwelling Unit	P	P	P	P			P	P	P	P						§9.1.1
Accessory Dwelling Unit *(Manufactured Homes)*	P	P	P	P			P	P	P	P						§9.1.2
Additional Dwelling *(one for each 10 acres of land)*								P	P	P						§9.1.3
Apartments & other Multi-Family Structures with three or more units	C	C				P										§9.1.4
Barn Apartments			P	P				P		P						
Dwellings, Duplexes	P	P				P		P								
Dwellings, Single Family	P	P	P	P	P	P	P	P	P	P						
Manufactured Homes	P	P	P	P			P	P	P	P						§9.1.5
Manufactured Home Parks							C		C	C						Article 15
Personal Workshop/Storage Building	P	P	P	P			P	P	P	P						§9.1.6
Commercial Uses	**RA-20**	**RA-40**	**RA-2**	**RA-5**	**GCSL**	**GCWL**	**R-MH**	**RE**	**RA-USB**	**RA**	**P-C**	**VB**	**B-1**	**B-2**	**I**	**Use Standards**
Adult Entertainment															C	§9.3.1
Airfields, General Aviation													C		C	§9.3.2
Alcoholic Beverage Package Store												C	C	P		§9.3.3
Ambulance Services						C						P	P	P	P	§9.3.4
Animal Training Facility										C		C	C			§9.3.5
Animal Shelters and Kennels						C				C		C				§9.3.6
Antique Shops												P	P	P		
Appliance Sales and Service												P	P	P		
Arenas, Assembly and Exhibition Halls				C		P						C	P	P	P	§9.3.7
Auction House				C								C	P	P	P	§9.3.8
Automatic Teller Machine												P	P	P	P	
Automobile Parts Sales												P	P	P	P	
Automobile Rental or Leasing												P	P	P	P	

	Residential Districts							Rural/Ag Districts				Commercial & Industrial Districts				
Commercial Uses	**RA-20**	**RA-40**	**RA-2**	**RA-5**	**GCSL**	**GCWL**	**R-MH**	**RE**	**RA-USB**	**RA**	**P-C**	**VB**	**B-1**	**B-2**	**I**	**Use Standards**
Automobile Sales and Service												C	P	P	P	§9.3.9
Automobile Service												P	P	P	P	
Bakeries, commercial													P	P	P	
Bakeries, retail												P	P	P		
Banks, including drive-thru						P						P	P	P	P	
Beauty and Barber Shops						P						P	P	P		
Bed and Breakfast Operations	C	C	C	C									P			§9.3.10
Billboards															C	§9.3.11
Boat and RV Storage					P							P				
Building Material and Lawn and Garden Equipment Supplies												P	P	P		
Camp or Care Centers										P						
Campground, Public and Private				C									C		P	§9.3.12
Car or Truck Wash												P	P	P	P	
Cartage and Express Facilities															P	
Child Care, Center			C	C			C	C	C			C	P	P		§9.3.13
Child Care Facility	C	C	C	P		C		C	C	P		C	P	P		§9.3.13
Child Care, Family	C	P	P	P				C	P	P						§9.3.13
Clothing and Apparel Stores												P	P	P		
Clubs and Places of Entertainment, and Billiard or Pool Hall									C	C		C	C	P		§9.3.14
Contractor/Construction Business												P	P	P	P	
Convenience Stores *(including self-service gas pumps)*						P		C				P	P	P		§9.3.15
Department Stores												P	P	P		
Drug Stores and Gift Shops												P	P	P		
Dry Cleaning and Laundries						P						P	P	P	P	
Electronic Stores												P	P	P	P	
Farm Equipment Sales and Services													P	P	P	
Feed and Seed Sales								C					P	P	P	§9.3.16
Flea Market										C			C	P	P	§9.3.17
Florist										P		P	P	P	P	
Funeral Homes												P	P	P	P	
Furniture and Home Furnishing Store												C	C	P		§9.3.18
Grocery Store												P	P	P		

	Residential Districts							Rural/Ag Districts				Commercial & Industrial Districts				
Commercial Uses	**RA-20**	**RA-40**	**RA-2**	**RA-5**	**GCSL**	**GCWL**	**R-MH**	**RE**	**RA-USB**	**RA**	**P-C**	**VB**	**B-1**	**B-2**	**I**	**Use Standards**
Gun and Ammunition Sales and Service												P	P	P		
Hobby, Toy and Game Stores												P	P	P		
Hotels and Motels						P						C		C		§9.3.19
Ice Machine, Self Service												P	P	P	P	
Internet Sweepstakes Café												P	P	P		
Jewelry Stores												P	P	P		
Locksmith												P	P	P		
Manufactured or Modular Home Sales														P	P	
Mini-Warehouse / Storage Facilities						P						C	C	C	P	§9.3.20
Mixed Commercial and Residential												P	P	P		
Movie Theaters *(including outdoor drive-in)*												P		P	P	
Moving Companies															P	
Nursing & Convalescent Homes	C	C	C	C					C	C		C	P	P		§9.3.21
Offices - Business						C						P	P	P	P	§9.3.22
Offices - Professional and Medical						P						P	P	P	P	
Other Vehicle Equipment Sales and Services					P							C	P	P	P	§9.3.23
Pawn Shop												C	C	P	P	§9.3.24
Pet and Pet Supplies												P	P	P		
Printing, Publishing and Binding												P		P	P	
Private Utilities					P	P						P				
Radio and Television Studios														P	P	
Restaurants						P						P	P	P	P	
Restaurants *(including drive-ins and fast food)*												P	P	P	P	
Restaurants, Fast Food												P	P	P	P	
Retail, General Retail Store *(includes retail trade not specifically listed in other uses)*												P	P	P		
Road Side Stand										P		P	P	P		
Sawmill										C			C		P	§9.3.25
Sculpting													P		P	
Sculpting *(no outdoor storage)*												P				
Service Industries related to the Horse Industry								P				P	P	P	P	
Services not elsewhere listed												C	P	P		§9.3.26
Solar Collector Facility										C			C	C	C	§9.3.27

	Residential Districts							Rural/Ag Districts				Commercial & Industrial Districts				
Commercial Uses	**RA-20**	**RA-40**	**RA-2**	**RA-5**	**GCSL**	**GCWL**	**R-MH**	**RE**	**RA-USB**	**RA**	**P-C**	**VB**	**B-1**	**B-2**	**I**	**Use Standards**
Sporting Goods Store												P	P	P		
Taxi and Limousine Service													P	P	P	
Tobacco Store												P	P	P		
Vehicle Service Stations *(including Car Washes)*												C	P	P	P	§9.3.28
Veterinary Clinics						C		P		C		C	P	C		§9.3.29
Wholesale and Retail Trade												P	P	P		
Woodworking and Wood Products												C	C	C	C	§9.3.30
Wireless Communications Facilities, Attached Concealed	P	P	P	P			P	P	P	P	P		P	P	P	See Article 14
Wireless Communications Facilities, Attached Non - Concealed	C	C	C	C			C		C	C	C		C	C	C	See Article 14
Wireless Communications Facilities, Freestanding Concealed	P	P	P	P			P	P	P	P	P		P	P	P	See Article 14
Wireless Communications Facilities, Freestanding Non-Concealed									C	C			C	C	C	See Article 14
Wireless Communications Facilities, Mitigation of Existing WCF	C	C	C	C			C	C	C	C	C		C	C	C	See Article 14
Wireless Communications Facilities, Co-Location or Combination on Existing WCF	P	P	P	P			P	P	P	P	P		P	P	P	See Article 14
Wireless Communications Facilities, Antenna Element Replacement	P	P	P	P			P	P	P	P	P		P	P	P	See Article 14
Wireless Communications Facilities, Expansion Existing Antenna Array	P	P	P	P			P	P	P	P	P		P	P	P	See Article 14
Industrial Uses	**RA-20**	**RA-40**	**RA-2**	**RA-5**	**GCSL**	**GCWL**	**R-MH**	**RE**	**RA-USB**	**RA**	**P-C**	**VB**	**B-1**	**B-2**	**I**	**Use Standards**
Bottling Plants															P	
Brewery												P	P	P	P	
Distilleries															P	
Feed Processing													P		P	
Food Processing and Packaging															P	
Fuels Bulk Storage															C	§9.4.1
Landfill, Land clearing and inert debris															C	§9.4.2
Landfill, Sanitary															C	§9.4.3
Manufacturing, Asphalt Products															P	
Manufacturing, Concrete Products															P	
Manufacturing, Chemical															P	
Manufacturing, Computer and Electronic															P	

Manufacturing, Fertilizer *(includes storage)*															C	§9.4.4
Manufacturing, Furniture and Related Products													P	P	P	
Manufacturing, Heavy Equipment															P	
Manufacturing, Ice															P	
Manufacturing, Machinery															P	
Manufacturing, Metal															P	
Manufacturing, Miscellaneous *(not listed elsewhere)*															P	
Manufacturing, Nonmetallic Mineral															P	
Manufacturing, Pharmaceuticals															P	
	Residential Districts							**Rural/Ag Districts**				**Commercial & Industrial Districts**				
Industrial Uses	**RA-20**	**RA-40**	**RA-2**	**RA-5**	**GCSL**	**GCWL**	**R-MH**	**RE**	**RA-USB**	**RA**	**P-C**	**VB**	**B-1**	**B-2**	**I**	**Use Standards**
Manufacturing, Plastics and Rubber Products															P	
Manufacturing, Pottery and Ceramics										P		P	P	P	P	
Manufacturing, Transportation Equipment *(vehicle & vehicle parts)*															P	
Marina *(fuel supplies)*					P	P										
Mining *(or Quarrying)*									C	C			C		C	§9.4.5
Mulching Business															P	
Research and Development Facility												C	C	P	P	§9.4.6
Salvage Yards										C			C	C	C	§9.4.7
Textile Products Manufacturing												C			P	§9.4.8
Toxic Chemicals Processing or Disposal															C	§9.4.9
Warehousing, Storage, and Distribution															P	
Welding												P	P		P	
Wineries												P	P	P	P	
Institutional Uses	**RA-20**	**RA-40**	**RA-2**	**RA-5**	**GCSL**	**GCWL**	**R-MH**	**RE**	**RA-USB**	**RA**	**P-C**	**VB**	**B-1**	**B-2**	**I**	**Use Standards**
Cemeteries			C	C				C		C		P	P	P	P	§9.5.1
Clubs, Lodges and Community Centers *(Private Non-Profit)*			P	P	C	P			C	C		P	P	P		§9.5.2
Emergency Service Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Fairgrounds				C									C		P	§9.5.3
Family Care Home	P	P	P	P	P	P	P	P	P	P						
Group Care Facility	C	C	C	C			C	C	C	C	C		C	P		§9.5.4
Human Services Facility													P	P		§9.5.5

Libraries											P	P	P	P		
Museums and Art Galleries												P	C	P		§9.5.6
Post Offices, including Mail houses					P							P	P	P		
Public Facilities and Buildings						P			C	C			P	P	P	§9.5.7
Public Utility Substations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§9.5.8
Religious Institutions	C	P	P	P	C		P	P	P	P	C	P	P	P		§9.5.9
Schools, Academic	C	C	C	C		C				C				C		§9.5.10
Schools, Business or Trade	C	C	C	C						C		C		C	C	§9.5.11
Transportation and Freight Terminals													P	P	P	
	Residential Districts							**Rural/Ag Districts**				**Commercial & Industrial Districts**				
Agricultural Uses	**RA-20**	**RA-40**	**RA-2**	**RA-5**	**GCSL**	**GCWL**	**R-MH**	**RE**	**RA-USB**	**RA**	**P-C**	**VB**	**B-1**	**B-2**	**I**	**Use Standards**
Agricultural Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Greenhouses			C	C				P	P	P		P	P	P	P	§9.6.1
Horse Farms		P	P	P	P			P	P	P						
Intensive Swine Farms										C						Article 16
Produce Stands								P		P			P	P	P	
Recreational Uses	**RA-20**	**RA-40**	**RA-2**	**RA-5**	**GCSL**	**GCWL**	**R-MH**	**RE**	**RA-USB**	**RA**	**P-C**	**VB**	**B-1**	**B-2**	**I**	**Use Standards**
Airstrips, Private									P	C					C	§9.3.2
Amusement Park														C	C	§9.7.1
Bowling Alley												P	P	P	P	
Driving Range					C	C						C		C	C	§9.7.2
Go Cart and Motor Cross Tracks										C					C	§9.7.3
Golf Courses, Par 3				C	C	C					P			P		§9.7.4
Golf Courses				C	C	C					P					§9.7.4
Golf Courses, miniature golf												P		P		
Health Clubs and Gyms												P	P	P		
Parks and Playgrounds	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Recreation, Indoor												C	P	P		§9.7.5
Recreation, Outdoor					P	P			P	P		C	C	C		§9.7.6
Skating Rinks and Facilities													P	P	P	
Zoos				C						C				P	P	§9.7.7
Temporary Uses	**RA-20**	**RA-40**	**RA-2**	**RA-5**	**GCSL**	**GCWL**	**R-MH**	**RE**	**RA-USB**	**RA**	**P-C**	**VB**	**B-1**	**B-2**	**I**	**Use Standards**
Construction Office, Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§9.8.1
Itinerant Merchant												P	P	P	P	§9.8.2

Manufactured Office as a Temporary Use												P	P	P	P	
Manufactured Home or Recreational Vehicle, Temporary Use	P	P	P	P			P	P	P	P						§9.8.3
Parking Lot, Temporary		P	P	P				P		P	P	P	P	P	P	
Secondary Temporary Dwelling (for hardship circumstances, usually family)									P	P						
Special Event	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§9.8.4
Temporary Construction Building (must be removed within 30 days or receiving Certificate of Occupancy)	P	P	P	P							P	P	P	P		

ARTICLE 8
GENERAL DEVELOPMENT STANDARDS

SECTION 8.1 SITE PLAN REQUIREMENTS

8.1.1 Residential Plot Plan

For all residential and residential accessory uses not requiring a permit in accordance with **§3.9** (Conditional Use Permits), **§3.10** (Conditional Use District Rezonings) or **§3.11** (Conditional Zoning) must submit a residential plot plan concurrently with any application for a development permit. All residential plot plans must include the following information listed in this definition determined to be applicable to the project in consultation with planning staff.

8.1.101 Name, address of owner and/or applicant

8.1.102 Location of all existing and proposed structures showing distances measured to the property lines

8.1.103 Site Data Table giving information about the zoning, setbacks, and other dimensional requirements listed in the Zoning Ordinance as applicable

8.1.104 Septic system and repair area (Attachment from Environmental Health is acceptable)

8.1.105 Location of driveway and other access points to adjacent road right-of-ways

8.1.106 Location and dimensions of accessory structures and uses (such as pools, outbuildings, and carports)

8.1.107 Scale and north arrow

8.1.108 Other information deemed necessary by the Planner for considering all provisions of this Ordinance.

8.1.109 Some items from the Site Plan Checklist may be required. (For example: floodplain, watershed, impervious coverage, recorded deeds, access easements, septic system easements, etc.)

8.1.2 Detailed Site Plan

All new development, with the *exception* of single family residential permitted by right which follows the requirements for a residential plot plan as listed in **§8.1.1** (Residential Plot Plan) of this Ordinance, will be subject to Detailed Site Plan review by the Moore County Planning Department prior to the issuance of a Zoning Permit, Watershed Permit or Building Permit. All site plans must include the following information listed in the definition of a site plan and determined to be applicable to the project in consultation with planning staff.

8.1.201 Name, address of owner and applicant.

8.1.202 Name, signature, license number, seal and address of engineer, land surveyor, architect, and/or landscape architect, as applicable, involved in the preparation of the plan.

8.1.203 Title block denoting type of application, Land Record Key (LRK#), County, Township, block and lot, and street location.

8.1.204 Vicinity map.

8.1.205 A map to scale showing location of tract with reference to surrounding properties, streets, municipal boundaries as applicable, within one hundred feet (100 ft of property line).

8.1.206 A table of required and provided zoning district requirements, including lot area, width, depth, yard setbacks, building coverage, open space, parking, Highway Corridor Overlay District boundaries, lighting type and location, and planting plan etc.

8.1.207 North arrow and scale.

8.1.208 Acreage of tract to the nearest tenth of an acre.

8.1.209 Date of original site plan, most recent survey and all revisions.

8.1.210 Size and location of any existing or proposed structures with all setbacks dimensioned.

8.1.211 Location, name and dimensions of any existing or proposed streets, easements or rights-of-way, including sight triangles onto adjacent roads.

8.1.212 Copy and/or delineation of any existing or proposed deed restrictions or covenants.

8.1.213 Future development phases. (if applicable)

8.1.214 All existing water courses, floodplains, watershed protection areas or other environmentally sensitive areas on or within 100 feet of site, new % disturbance, area within watershed protection area, maximum built upon area allowed, maximum built upon area encumbered and delineation of all wetlands on the property.

8.1.215 Proposed utilities.

8.1.216 Landscape plan and details and buffers or screening requirements (if applicable in addition to HCOD).

8.1.217 Signage locations.

8.1.218 Site circulation plan showing number of parking spaces, size and type, aisle width, curb cuts, drives, sidewalks, driveways, loading areas, and all ingress and egress areas and dimensions.

8.1.219 Preliminary architectural plan and building elevations.

8.1.220 List of required permits including but not limited to: driveway access permit, airport height restriction permit (as applicable), soil and erosion control permit (as applicable) on-site wastewater disposal permit, septic system information, and other permits necessary for issuance of a zoning permit.

8.1.221 Indication of areas of outdoor activity (outdoor sales, outdoor storage, or outdoor assembly).

8.1.222 Location of solid waste disposal receptacles (dumpsters, recycling areas).

8.1.223 Any other information which the Planning Staff may deem necessary for consideration in enforcing all provisions of this Ordinance.

SECTION 8.2 SCREENING REQUIREMENTS

8.2.1 Applicability

8.2.101 Screening is automatically required on the side and rear lot lines that abut a residential or residential agricultural district for all non-residential uses including intensive home businesses, but not including home occupations, standard as listed under **Article 9** (Specific Use Standards) and **Article 18** (Definitions and Word Interpretations).

8.2.102 Information is to be submitted to the Planning Staff showing details of the proposed barrier as to the location and type of screening. Screening and buffers may also be required under the **Article 11** (Watershed Overlay Districts).

8.2.103 In cases where the use of a building or land is changing, there may be impediments to compliance with this Article. The Planning Department staff shall determine the level of compliance that is practical in these cases.

8.2.2 Screening Types

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

8.2.201 Type 1 - A seven (7) foot high attractive blind barrier that shall not permit the passage of light from one side to the other and it must also dampen noise where needed. Such barrier may be a decorative masonry wall, a wood plank or basket weave type fence, an open type fence with evergreen vegetation (minimum three (3) feet wide), or the like which is planted facing the adjoining property.

8.2.202 Type 2 - A three (3) foot wide, seven (7) foot high dense evergreen planting that shall be of a species that will normally be expected to reach a height of seven (7) feet in three (3) years time. Low limbs, etc. are not to be trimmed from the planting higher than twenty-four (24) inches from the ground.

8.2.203 Type 3 - A minimum of twenty (20) feet wide natural vegetative or planted strip. The natural vegetative or planted strip shall be either undisturbed, natural low bushes, shrubs, or trees, or a strip of plantings designed to simulate a wooded natural vegetative area. The trees planted in this screen shall be of such size for the trees to grow to a height of at least twelve (12) feet within three (3) years and the shrubs to grow to a height of two (2) feet within two (2) years. The planting will include a minimum of fifteen (15) trees, at least half evergreen, plus seven (7) shrubs per one hundred (100) linear feet of lot boundary prorated for less than 100 foot sections. Previously existing trees and shrubs shall count toward this requirement.

8.2.3 Screening Location

8.2.301 The width of the screening shall be included as part of the required yard (or setback).

8.2.302 A fence or barrier may also be installed in addition to the required screening, at the discretion of the property owner.

8.2.4 Construction and Maintenance

8.2.401 Screening must be installed or constructed, as appropriate, prior to the issuance of an Occupancy Permit.

8.2.402 Once erected, the screening shall be properly maintained at all times.

8.2.403 The construction and maintenance of all required screening shall be the responsibility of the landowner or developer.

8.2.5 Waiving of Screening Requirements

8.2.501 The screening requirements of this section may be waived by the Zoning Administrator along any boundary that is naturally screened by topography and/or existing vegetation that naturally screens the use from adjoining property.

8.2.502 Development that results in a one-time building footprint expansion of 250 square feet or less, or exterior building remodeling are exempted from the landscaping requirements of this section.

8.2.6 Deferring of Screening Requirements

The required landscaping portion of the screening may be deferred for up to six (6) months, or the next appropriate growing season, whichever comes first. The deferment shall be approved by the Zoning Administrator upon receipt of a landscaping guarantee security payable to Moore County meeting the following requirements:

8.2.601 The developer may deposit cash, cashier's check, an irrevocable letter of credit, or other instrument readily convertible into cash at face value, either with Moore

County or in escrow with a financial institution designated as an official depository of Moore County.

8.2.602 The developer or property owner shall obtain a landscaping plan and guaranteed cost estimate (official bid) from a landscaping firm.

8.2.603 The security shall equal one and a half (1.5) times the entire cost of installing all required landscaping, based on the landscaper's bid.

8.2.604 Any bond must be in the form of a cashier's check, or similar bank check, payable to the County of Moore and valid for a minimum period of six (6) months.

8.2.605 In the case of a failure on the part of the property owner to complete the landscaping, if any funds are not spent in completing the work, the County shall retain, as a service charge, ten (10) percent of its total cost and return the balance to the developer.

8.2.606 That said escrow account shall be held in trust until released by the Planning Director and may not be used or pledged by the developer in any other manner during the term of the escrow

8.2.607 That in the case of a failure on the part of the property owner to complete said improvements, the financial institution shall, upon notification by the Planning Director and submission to the financial institution of an estimate of the amount needed to complete the improvements, immediately pay to Moore County the funds estimated to complete 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.

8.2.7 Enclosure Requirements

8.2.701 In the residential and residential agricultural districts all outside storage of governmental, commercial, and industrial inventory or equipment or any other use which may represent a public hazard must be enclosed with a fence or wall at least seven (7) feet in height.

8.2.702 In commercial and industrial districts all business, servicing, processing, or storage, except off-street parking and loading, shall be within completely enclosed buildings or enclosed by a wall or fence (including entrance and exit gates) not less than seven (7) feet in height.

SECTION 8.3 PARKING AND LOADING

8.3.1 Applicability

At the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guestrooms, seats, or floor area, or before

conversion from one type of use or occupancy to another, permanent off-street parking space shall be provided in the amount specified by this Section.

8.3.2 Certification of Minimum Parking Requirements

8.3.201 Each application for a Zoning Permit (except for single family dwelling units) shall include information as to the location and dimensions of off-street parking and the means of ingress and egress to such space.

8.3.202 This information shall be in sufficient detail to enable the Zoning Administrator to determine whether the requirements of this Article are met.

8.3.3 Combination of Required Parking Spaces

8.3.301 The required parking space for any number of separate uses may be combined in one (1) lot, but the required space assigned to the one (1) use may not be assigned to another use except as provided in **§8.3.302**.

8.3.302 One-half (1/2) of the parking spaces required for civic organizations, or similar uses, whose peak attendance will be on a given day(s) and time(s) (e.g. churches) may be assigned to a use which will be closed on the opposite day(s) and time(s).

8.3.4 Remote Parking Spaces

8.3.401 If the off-street parking space required by this Ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within reasonable distance of the main entrance to the principal use, provided such land is in the same ownership as the principal use and in the same zoning district.

8.3.402 Said land shall be used for no other purposes so long as no other adequate provisions of parking space meeting the requirements of this Ordinance have been made for the principal use.

8.3.403 In such cases, the applicant for a permit for the principal use shall submit with his application for a Zoning Permit or a Certificate of Occupancy an instrument duly executed and acknowledged, which subjects said land to parking use in connection with the principal use for which it is made available. Such instrument shall become a permanent record and be attached to the Zoning Permit or Certificate of Occupancy application.

8.3.404 In the event such land is ever used for other than off-street parking space for the principal use to which it is encumbered and no other off-street parking space meeting the terms of this Ordinance is provided for the principal use, the Certificate of Occupancy or Zoning Permit for such principal use shall become void.

8.3.5 Parking Lot Requirements

Where parking lots for more than five (5) cars are permitted or required, the following provisions shall be complied with:

8.3.501 The lot may be used only for parking and not for any type of loading, sales, repair work, dismantling or servicing, but shall not preclude convention exhibits or parking of rental vehicles.

8.3.502 All entrances, exits, and drainage plans shall be approved and constructed before occupancy.

8.3.503 A strip of land five (5) feet wide adjoining any street line or any lot zoned for residential uses shall be reserved as open space, guarded with wheel bumpers and planted in grass and/or shrubs or trees.

8.3.504 Any parking lot of more than five (5) cars which is adjacent, along the side or rear property lines, to property used or zoned for residential uses, shall be provided with screening as described in **§8.2.2** (Screening Types).

8.3.505 Only one (1) entrance and one (1) exit sign no larger than two (2) square feet prescribing parking regulations may be erected at each entrance or exit.

8.3.506 The use of streets, sidewalks, alleys or other public rights-of-way for parking or maneuvering to and from off-street parking spaces is prohibited, except where such maneuvering is necessary in the use of driveways for access to and from single-family and two family dwellings.

8.3.507 All off-street parking areas shall be so arranged that ingress and egress is by forward motion of the vehicle.

8.3.508 Parking area edges shall be protected by suitable curbing, wheel guards, or other means to prevent vehicular encroachment on a public right-of-way or on adjacent property, and to protect the public right-of-way and adjoining properties from the damaging effects from surface drainage from parking lots.

8.3.509 Any lighting of parking areas shall be shielded so as to cast no light upon adjacent properties and streets.

8.3.6 Minimum Parking Requirements

The number of off-street spaces required by this Ordinance shall be provided on the same lot with the principal use except as provided in **§8.3.3** (Combination of Required Parking Spaces) and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum. In addition, a developer shall evaluate his own needs to determine if they are greater than the minimum specified by this Ordinance.

Use	Parking Requirements
Air, motor and rail freight terminals	Two (2) parking spaces for each three (3) employees, plus one (1) space for each vehicle in the operation.
Airports, Railroad Passenger Stations and Bus Terminals	One (1) parking space for each four (4) seats for waiting passengers, plus two (2) spaces for each three (3) employees, plus one (1) space for each vehicle used in the operation.
Animal Training Facility	Three (3) parking spaces for every four (4) employees on largest shift, plus one (1) space for each individual bedroom on site.
Auditoriums	One (1) parking space for each four (4) seats in the largest assembly room
Banks	One (1) parking space for each two hundred (200) square feet of gross floor space, plus one (1) space for each two (2) employees.
Beauty and Barber Shops	One (1) parking space for each service chair plus one (1) additional parking space for each employee.
Bed and Breakfast Operations	One (1) parking space for each room to be rented plus residential requirements.
Bowling Alleys	Two (2) parking spaces for each alley plus one (1) space for each 300 square feet of gross floor space for affiliated uses such as restaurants, bars and the like.
Camp or Care Center	One (1) parking space for each employee and one parking space for each five (5) beds.
Cemeteries	One (1) parking space for each employee.
Churches	One (1) parking space for each four (4) seats.
Civic Clubs, Fraternal Lodges or Community Centers	One (1) parking space for each two hundred (200) square feet of gross floor space, plus one (1) space for each two (2) employees.
Clinics	Five (5) parking spaces for each doctor plus one (1) parking space for each employee.
Day Care Facilities and Preschools	One (1) parking space for each employee plus one (1) parking space for every (5) students.
Dwellings, Duplexes	Two (2) parking spaces per dwelling unit.
Dwellings, Multi-Family	Two (2) parking spaces per dwelling unit.
Dwellings, Single-Family	Two (2) parking spaces per dwelling unit.
Fire Stations	One and one-half (1 1/2) parking spaces per employee or fireman on duty at one time.
Funeral Homes	One (1) parking space for each four (4) seats in the chapel or parlor.
Golf Courses	Four (4) spaces for each hole.
Greenhouse and Nurseries	One (1) parking space for each employee.
Home Occupations	One (1) parking space per home occupation in addition to residence requirements.
Hospitals and Sanitariums	One (1) parking space for each employee on the longest shift plus (1) parking space for each two (2) beds.
Hotels	One (1) parking space for each two (2) rooms to be rented, plus one (1) additional parking space for each (2) employees, plus additional parking spaces as may be required for any commercial or business uses located in the same building.
Human Services Facilities	One (1) space for every two (2) beds, plus one (1) space for each employee on the largest shift
Industrial Uses	Three (3) parking spaces for each four (4) employees on the largest shift.
Libraries	One (1) parking space for each four (4) seats provided for patron use.
Mobile Homes	Two (2) parking spaces per mobile home plus one (1) for the office in a mobile home park.
Motels, Tourist Homes and Guest Houses	One (1) parking space for each room to be rented plus one (1) space for each employee.
Nursing, Retirement and Convalescent Homes	One (1) parking space for each five (5) beds intended for patient use.

Use	Parking Requirements
Offices	One (1) parking space for each two hundred (200) square feet of gross floor space.
Private Clubs and Lounges	One (1) parking space for each two (2) seats at bars and one (1) parking space for each four (4) seats at tables.
Public Buildings	One (1) parking space for each employee plus one (1) parking space for each five (5) seats in the largest assembly room.
Public Utility Buildings	One (1) parking space for each employee.
Recreational Facilities (no spectators)	One (1) parking space for each employee plus one (1) parking space for every two (2) participants at full capacity.
Recreational Facilities (with Spectators)	Same as recreational facilities without spectators plus one (1) parking space for every four (4) spectator seats.
Research and Development Facility	One (1) parking space for every full-time employee per shift. No on-street parking allowed.
Restaurants and Cafeterias	One (1) parking space for each four (4) seats at tables, and one (1) parking space for each two (2) seats at counters or bars plus one (1) parking space for each two (2) employees.
Retail Uses Not Otherwise Listed	One (1) parking space for each three hundred (300) square feet of gross floor area.
Riding Stables and Academies	One (1) parking space for each employee plus one (1) parking space for every three (3) stalls or horses (whichever is more). Horse trailers are not to be stored in required parking spaces.
Rooming and Boarding Houses	One (1) parking space for each room to be rented plus one (1) parking space for each employee.
Schools, Elementary and Junior High	One (1) parking space for each classroom and administrative office, plus (1) parking space for each employee and one (1) large space for each bus.
Schools, Senior High	One (1) parking space for each twenty (20) students for which the building was designed, plus one (1) parking space for each classroom and administrative office plus one (1) parking space for each employee, plus one (1) large space for each bus.
Schools, College or Technical	One (1) parking space for every six (6) students, based upon the maximum number of students attending classes at any one time, plus one (1) space for each administrative office, plus one (1) space for each professor or teacher.
Service Stations	Five (5) parking spaces for each service bay.
Shopping Centers	One (1) parking space per 200 square feet of gross floor area.
Solar Collector Facility	One (1) parking space for each one (1) employee.
Stadiums or Arenas	One (1) parking space for each four (4) seats in the stadium or arena.
Stores, Department	One (1) parking space for each one hundred fifty (150) square feet of gross floor area.
Stores, Retail Food	One (1) parking space for each one hundred fifty (150) square feet of gross floor area.
Theaters, Indoor	One (1) parking space for each four (4) seats up to 400 seats, plus one (1) space for each six (6) seats above 400.
Video Arcades	One (1) parking space for every four (4) game machines plus one (1) space for each employee.
Wholesale Uses	One (1) parking space for each employee on the largest shift plus 1 space per 300 square feet of retail sales or customer service area plus 1 space per vehicle used in the operation.

8.3.7 Design Standards for Parking Spaces and Lots

8.3.701 All parking spaces shall have minimum dimensions of nine (9) feet in width and eighteen (18) feet in length.

8.3.702 All access or backup aisles shall conform to the following minimum dimensions:

Parking Angle	One-Way Traffic	Two Way Traffic
0 degrees	12 feet	24 feet
30 degrees	12 feet	22 feet
45 degrees	14 feet	20 feet
60 degrees	18 feet	24 feet
90 degrees	24 feet	24 feet

8.3.8 Access Standards

8.3.801 Where parking or loading areas are provided adjacent to the public street, ingress and egress thereto shall be made only through driveways not exceeding twenty-five (25) feet in width at the curb line of said street, except where the Zoning Administrator finds that a greater width is necessary to accommodate the vehicles customarily using the driveway.

8.3.802 Where two (2) or more driveways are located on the same lot, other than a mobile home park, the minimum distance between such drives shall be thirty (30) feet or one third (1/3) of the lot frontage, whichever is greater; however, this provision shall not apply to any commercial or industrial planned development. Driveway locations in such developments shall be approved by the North Carolina Department of Transportation.

8.3.803 Businesses adjacent to, or integrated in, a shopping center or cluster of commercial facilities shall use the common access with other business establishments in the center.

8.3.804 No driveway shall be located closer than twenty-five (25) feet to any street intersection.

8.3.9 Off-Street Loading Requirements

The off-street loading space required by this Article shall be provided for standing, loading, and unloading operations either inside or outside a building, on the same lot with the use served, and shall conform to the following standards:

8.3.901 Access aisles or apron spaces shall be of sufficient width to allow for proper backing and/or turning movements.

8.3.902 Required off-street loading areas including drives and access aisles shall be paved with an all-weather hard surface material.

8.3.903 Loading spaces and access ways shall be located in such a way that no truck or service vehicle using such areas shall block or interfere with the free, normal movement of other vehicles on a service drive or on any off-street parking area, public street, aisle or pedestrian way used for general circulation. In addition, the off-street loading facilities shall be designed and constructed so that all maneuvering of vehicles for loading and unloading purposes shall take place entirely within the property lines of the premises.

8.3.904 Loading area edges shall be protected by suitable curbing to prevent encroachment on a public right-of-way or on adjacent property, and to protect the public right-of-way and adjoining properties from the damaging effects of surface drainage from off-street loading areas.

8.3.905 Driveways shall be provided as required in **§8.3.8** (Access Standards).

8.3.906 Any lighting of loading areas shall be shielded so as to cast no light upon adjacent properties and streets.

8.3.907 Any off-street loading areas and access ways adjacent, along the side or rear property lines, to property used or zoned for residential purposes, shall be provided with screening meeting the standards described in **§8.2** (Screening Requirements).

8.3.10 Minimum Off-Street Spaces Required

8.3.1001 Uses which normally handle large quantities of goods, including but not limited to industrial plants, wholesale establishments, storage warehouses, freight terminals, hospitals or sanitariums, and retail sales establishments shall provide off-street loading facilities in the following amounts:

Gross Floor Area (square feet)	Minimum Number of Spaces Required
5,000- 20,000	1
20,001 – 50,000	2
50,001 – 80,000	3
80,001 – 125,000	4
125,001 – 170,000	5
170,001 – 215,000	6
215,001 – 260,000	7
260,001 +	7 + 1 for each additional 45,000 sq. ft.

8.3.1001 Uses which do not handle large quantities of goods, including but not limited to office buildings, restaurants, funeral homes, hotels, motels, apartment buildings, and places of public assembly, shall provide off-street loading facilities in the following amounts:

Gross Floor Area (square feet)	Minimum Number of Spaces Required
5,000 - 80,000	1
80,001 – 200,000	2
200,001 – 320,000	3
320,001 – 500,000	4
500,001 +	4 + 1 for each additional 180,000 sq. ft.

8.3.11 Design Standards for Off-Street Loading

8.3.1101 Each off-street loading space shall have minimum dimensions of fifteen (15) feet in width and thirty (30) feet in length.

8.3.1102 All off-street loading spaces shall have a minimum vertical clearance of fifteen (15) feet.

8.3.12 Vehicle Storage in Residential Districts

8.3.1201 No inoperative or unlicensed vehicles shall be permitted to be parked or stored longer than (14) fourteen days (except in the RA and RE zoning districts).

8.3.1202 In the RA and RE Districts, storage of inoperative or unlicensed vehicles shall be permitted in the rear yard only.

8.3.13 Mobile Home and Trailer Parking and Storing

It shall be unlawful to park or otherwise store for any purpose whatsoever any mobile home or trailer within any zone district except as follows:

8.3.1301 At a safe, lawful, and non-obstructive location on a street, alley highway, or other public place, providing that the trailer or mobile home shall not be parked for more than 24 hours;

8.3.1302 Within a mobile home park, provided, however, the mobile home shall either have a North Carolina or HUD Label of Compliance permanently attached thereto.

8.3.1303 On any other lot or plot provided that trailers, as defined in **Article 18**, shall be stored in a garage or carport or in the rear or side yard.

SECTION 8.4 SIGNS

8.4.1 Purpose

8.4.101 The purpose and intent of this Section is to support and complement the various land uses allowed in the County of Moore by the adoption of policies and regulations concerning the placement of signs.

8.4.102 Moore County recognizes that the outdoor placement of signs is a legitimate use of private property but that the erection of signs should be controlled and regulated in order to promote the health, safety, welfare and enjoyment of travel on and protection of the public investment in streets and roads in Moore County and to promote the reasonable, orderly and effective display of such signs, displays and devices.

8.4.103 It is also the intent of this Section to prevent signs from dominating the visual appearance of the area in which they are located and to enhance the aesthetic environment of the Moore County area.

8.4.2 Sign Plan Required

8.4.201 A Sign Plan shall be submitted to the Zoning Administrator in addition to requirements of **§3.4** (Sign Permit).

8.4.202 The Sign Plan submitted should show a detailed drawing of the sign, approximately to scale, showing the design including dimensions, method of attachment or support, and source of illumination.

8.4.203 The Sign Plan should also include a site plan approximately to scale indicating the location of the sign relative to property lines, easements, street right-of-ways, buildings and other signs.

8.4.3 Location of Signs

8.4.301 All signs, including the supports, frames, and embellishments thereto, must comply with location requirements outlined in this Ordinance.

8.4.302 Signs may not be attached, affixed, or painted on any light standard or other utility pole, any tree, or other natural object.

8.4.4 Traffic Safety Precautions

8.4.401 No permanent sign, or part thereof, shall be located within a sight distance area as defined by NC Department of Transportation and/or Moore County nor within the public right-of-way.

8.4.402 No sign shall make use of the words “STOP”, “SLOW”, “CAUTION”, “DANGER”, or any other word, phrase, symbol, or character in such manner as is reasonably likely to be confused with traffic directional and regulatory signs.

8.4.403 No sign shall be erected so that, by its location, color, nature, or message, it is likely to be confused with or obstruct the view of traffic signals or signs, or is likely to be confused with the warning lights of an emergency or public safety vehicle.

8.4.5 Illumination of Signs

8.4.501 All signs illuminated under the provisions of this Section shall be constructed to meet the requirements of the National Electric Code.

8.4.502 Signs which contain, include, or are lighted by any flashing, intermittent, or moving lights are prohibited, except those giving public information such as time, temperature and date. Electronic changeable message signs shall not be considered a flashing or intermittent sign if operated in accordance with the regulations found in **§8.4.21** (Electronic Changeable Message Signs).

8.4.503 The letters or message of internally illuminated signs shall consist of non-reflective material.

8.4.504 Flame as a source of light is prohibited.

8.4.6 Exempt Signs

The following types of signs are exempted from the application of the regulations of this section with the exception of **§8.4.4** (Location of Signs) and **§8.4.5** (Traffic Safety Precautions):

8.4.601 Unlighted signs, bearing only property identification numbers and names, mailbox numbers, the name of the occupant of the premises, or other identification *of premises not of a commercial nature.* Such signs shall not exceed two (2) square feet in area per occupant. If more than one (1) sign or nameplate is required, the total allowable signs shall not exceed eight (8) square feet.

8.4.602 Signs on private property for noncommercial purposes, such as private parking signs, signs on newspaper tubes, "No Trespassing" signs, and signs warning of animals.

8.4.603 Governmental flags and insignia, when not displayed in connection with a commercial promotion.

8.4.604 Holiday decorations in season.

8.4.605 Local notices and warnings, regulatory, informational, or directional signs erected by any public agency or utility.

8.4.606 Integral decorative or architectural features of buildings, including signs which denote only the building name, date of erection or street number. Such signs shall be permitted as exemptions when cut into any masonry surface or implanted with a metal plate.

8.4.607 Signs directing and guiding traffic and parking on private property, provided such signs are not illuminated, or are indirectly illuminated, bear no advertising matter, and do not exceed four (4) square feet in area per display surface.

8.4.608 The act of manually changing advertising copy of messages on any sign designed so that letters, numbers symbols and other similar characters attached to the sign can be manually changed in the field to indicate a different message, for the use of changeable copy, such as a product price sign.

8.4.609 Price signs at automobile service stations or other establishments engaged in the retail sale of gasoline. One (1) such sign is permitted for each frontage on a public street, provided it does not exceed nine (9) square feet in area. Any such sign shall be affixed to a permitted freestanding identification sign, to a canopy support in the vicinity of the gasoline pumps, or flat-mounted against the wall of a building.

8.4.610 Signs announcing the location of self-service or full service gasoline pumps at any establishment engaged in the retail sale of gasoline. Such signs shall be located in the vicinity of the gasoline pumps and shall not exceed nine (9) square feet in area.

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

8.4.612 Private "For Sale" signs temporarily attached to items or vehicles for sale providing they are no larger than one (1) square foot in size.

8.4.613 Signs used to identify a premises as being utilized by fire, EMS and other emergency services agencies. Such signs shall conform to the height, display area and setback allowed for Institutional signs.

8.4.7 Dimensional Requirements for Signs

8.4.701 All signs located within the Moore County planning jurisdiction must meet the dimensional requirements shown below:

Sign Type		Maximum Number	Maximum Sign Area (sq. ft.)	Maximum Height (ft)	Minimum Setback from Property Lines and Street Rights-of Way (ft)	Additional Specific Sign Type Standards
Freestanding	Pole	1 per street frontage	36	30	10	
	Monument			6		
	Portable	1 per site	36	6		See "Sign, Portable" in Article 18
Attached	Wall	1 per street frontage	Cannot exceed 20% of wall surface area facing street	Cannot exceed roofline of structure	N/A	See "Sign, Wall" in Article 18
	Canopy	1 sign per business establishment		A clear distance of at least seven and one-half (7.5) feet between ground level and the bottom of the sign must be maintained	N/A	
	Roof	Not Permitted	Not Permitted	Not Permitted	Not Permitted	
Institutional	Any Type	1 per street frontage	50	10	10	
Off-Premises Advertising	Single Use Displayed	1 per street frontage (exception exists for lots with 5 or more acres)*	36	6	10	See 8.4.9 (Off-Premise Advertising Signs (excluding Billboards)
	Multiple Uses Displayed		50	15	10	

Sign Type		Maximum Number	Maximum Sign Area (sq. ft.)	Maximum Height (ft)	Minimum Setback from Property Lines and Street Rights-of Way (ft)	Additional Specific Sign Type Standards
Industrial Park	Freestanding Monument	1 at each entrance of an industrial park	Main Entrance (50)	Main Entrance (10)	Not closer than 20 feet to any street right-of-way or 30 feet to any other property line.	See "Sign, Industrial" in Article 18
			Additional Entrance (32)	Additional Entrance (6)		
Multi-Tenant/Shopping Centers in Single Ownership	Freestanding	1 at each entrance	Main Entrance (50)	Main Entrance Allowed Height/Distance from Street 20/50 25/50 to 100 30/100 or more	No closer than 20 feet to any street right-of-way or 30 feet to any other property line	See "Sign, Multi Tenant" in Article 18
			Additional Entrance (32) Monument type only	Additional Entrance (6) Monument type only		

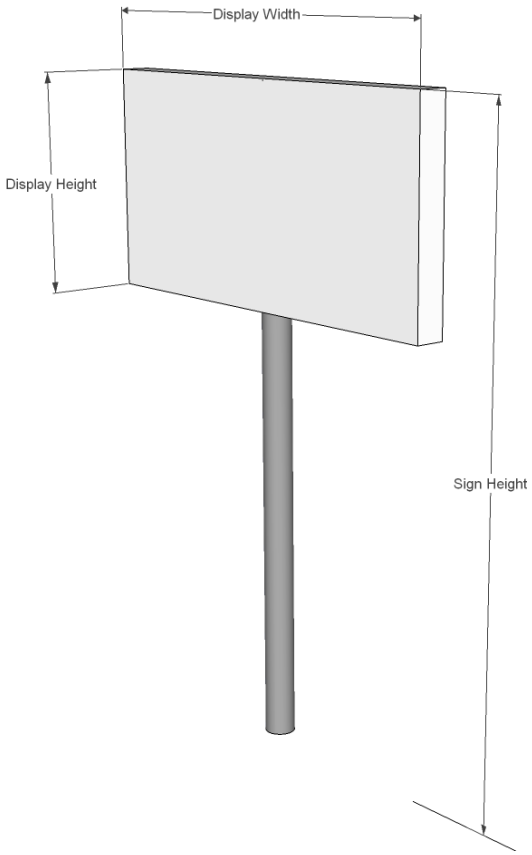
Sign Type		Maximum Number	Maximum Sign Area (sq. ft.)	Maximum Height (ft)	Minimum Setback from Property Lines and Street Rights-of Way (ft)	Additional Specific Sign Type Standards
Electronic Changeable Message		1 per street frontage	30% of total allowable sign area, or 25 square feet whichever is less	10	10 ft, and a minimum of 25′ from any property zoned or used for residential purposes.	See 8.4.11 (Electronic Changeable Message Signs)
Temporary	Real Estate	1 per street frontage (exception exists for lots with 5 or more acres)**	Residential Properties (4)	6	N/A	See "Sign, Real Estate" in Article 18
			Nonresidential/Approved Planned Development (16)			
	Construction	1 per site	Single Family/ Duplex (6)	10	10	See "Sign, Construction" in Article 18
			Multifamily/Nonresidential (16)			
	Yard/Garage Sale Signs	1 per site	4	3	N/A	See "Sign, Yard or Garage" in Article 18
	Grand Opening & "Coming Soon"	1 per site	16	6	10	See "Sign, Grand Opening" in Article 18
	Auction	1 per site	16	6	10	See "Sign, Auction" in Article 18

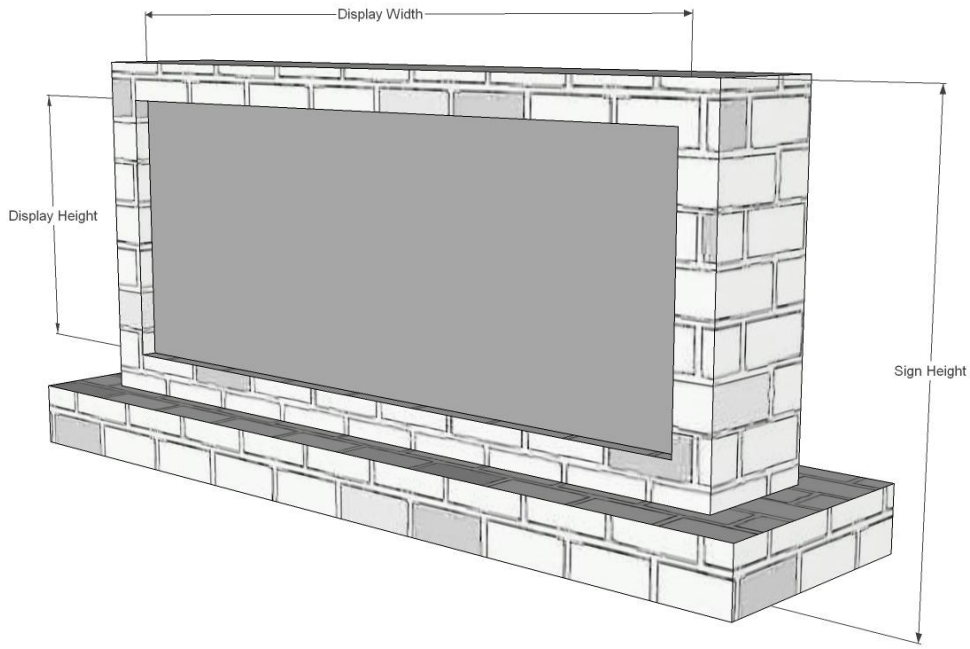
Notes:

* For premise/lots of five (5) acres or more in size and having a street frontage greater than four hundred (400) feet, a second sign may be erected if the total display area of both signs does not exceed thirty-two (32) square feet (second sign shall also not exceed six (6) feet in height).

** For premise/lots of five (5) acres or more in size and having a street frontage greater than four hundred (400) feet, a second sign may be erected if each sign does not exceed sixteen (16) square feet.

Campaign signs, provided they are placed only on private property with the permission of the property owner or occupant, do not exceed sixteen (16) square feet in display surface in all districts, and are free standing and not attached to any pole, fence, tree, or any other natural or manmade object. Such signs may be displayed not more than thirty (30) days prior to the election and must be removed within seven (7) days following the election.





8.4.8 Computation of Sign Area

8.4.801 The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight (8) straight lines, or a circle, oval, or ellipse, enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.

8.4.802 If the sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.

8.4.803 With respect to two-sided, multi-sided, or three dimensional signs, the surface area shall be computed by including the **total of all sides**, designed either to attract attention or communicate information, **that can be seen at one time** by a person from any vantage point.

8.4.9 Off Premise Advertising Signs (excluding billboards)

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

8.4.901 For premise / lots of five (5) acres or more in size and having a street frontage greater than four hundred (400) feet, a second sign may be erected if the total display area of both signs does not exceed thirty-two (32) square feet (second sign shall also not exceed six (6) feet in height).

8.4.902 An 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 fifteen (15) feet in height, fifty (50) square feet in total display area.

8.4.903 Off-premise advertising signs, not including billboards, shall not advertise a business, institution, or industry (including home occupations) on a premise farther than four (4) miles measured in a straight line distance from the sign to the closest parcel boundary on which the business, institution or industry is located.

8.4.904 A business, institution, or industry shall not erect more than three (3) off-premise advertising signs anywhere within the County's planning jurisdiction.

8.4.905 No residential development, business, institution, or industry with frontage on any of the following roadways: US Highway 1, US Highway 15-501, NC Highway 2, NC Highway 5, NC Highway 22, NC Highway 24/27, NC Highway 211, NC Highway 690, or NC Highway 705 is eligible to use this type of signage.

8.4.906 Signs must be placed on a legal 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.

8.4.907 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 sign permit application.

8.4.10 Billboards

8.4.1001 No billboard shall exceed two hundred fifty (250) square feet in gross area or thirty (30) feet in height above ground level or street level, whichever is lower.

8.4.1002 A billboard may have two (2) display sides, including an acute "V" shaped sign of forty-five (45) degrees or less.

8.4.1003 No billboard shall be erected closer than two hundred (200) feet from any property used or zoned for residential purposes and no billboard shall project closer than thirty (30) feet to any building on the same premise / lot, to any property line, or to any street right-of-way.

8.4.1004 No billboards shall be located within one thousand (1,000) feet along the same street frontage of another billboard as measured from the poles.

8.4.11 Electronic Changeable Message Signs

8.4.1101 Electronic changeable message signs shall only be permitted in the Village Business (VB), Neighborhood Business District (B-1), and Highway Commercial (B-2) zoning districts.

8.4.1102 Electronic changeable message signs shall only be permitted to advertise a business or service offered on the premise where the sign is located.

8.4.1103 Electronic changeable message signs shall not include animated or scrolling images, graphics, video active images (similar to television images), projected images or messages onto buildings or other objects.

8.4.1104 Electronic changeable message signs shall not have any moving, rotating, fluttering, blinking, or flashing elements. Animation, video, audio, pyrotechnics, or proximity marketing components are prohibited.

8.4.1105 Advertising messages or information shall remain in a fixed, static position for a minimum of thirty (30) seconds. The change sequence must be accomplished within an interval of two (2) seconds or less.

8.4.1106 No electronic changeable message sign shall exceed thirty (30) percent of the total allowable sign area, or twenty-five (25) square feet whichever is less, and shall not exceed ten (10) feet in height above ground level or street level, whichever is lower.

8.4.1107 Electronic changeable message signs shall be setback a minimum of twenty-five (25) feet from any property used or zoned for residential purposes.

8.4.1108 Electronic changeable message signs shall have an automatic dimmer (factory set to the illumination intensities set below) and a photo cell sensor to adjust illumination intensity or brilliance of the sign so that is shall not cause glare or impair the vision of motorists, and shall not interfere with any driver's operation of a motor vehicle. The sign shall not exceed a maximum illumination of 7,500 nits (candelas per square meter) during daylight hours and a maximum of 500 nits between dusk and dawn as measured from the sign's face at maximum brightness.

8.4.1109 Electronic changeable message signs shall contain a default design that will freeze the sign in one position with no more than a maximum illumination of 500 nits if a malfunction occurs.

8.4.1110 An electrical engineer's seal is required on all sign shop drawings to ensure all applicable settings required herein are met.

8.4.12 Maintenance and Removal of Signs

8.4.1201 All signs of any nature shall be maintained in a state of good repair.

8.4.1202 No sign shall be allowed to remain which becomes structurally unsafe, hazardous or endangers the safety of the public or property.

8.4.1203 Upon determining that a sign is structurally unsafe, hazardous or endangers the safety of the public or property, the Zoning Administrator shall order the same to be made safe or removed.

8.4.1204 The owner of the sign, the occupant of the premises on which the sign or structure is located, or the person or firm maintaining the same shall, upon written notice by certified mail from the Zoning Administrator forthwith in the case of immediate danger and in any case within ten (10) days, secure or repair the sign or structure in a manner approved by the Zoning Administrator or remove the same.

8.4.1205 If such order is not complied with within ten (10) days, the Zoning Administrator shall remove the sign at the expense of the owner or leasee thereof.

8.4.1206 No sign shall be erected or maintained in such a manner that any portion of its surface or its supports will interfere in any way with the free use or access to any fire escape, exit or standpipe, or so as to obstruct any window so that light or ventilation is reduced below minimum standards required by any applicable law or building code.

8.4.1207 Whenever a sign has been abandoned or advertises an activity, business, product, or service no longer conducted on the premises, such sign, including all of its attendant supports, frames, and hardware, shall be removed within two (2) months of the cessation or vacating of the use or establishment, unless such sign is utilized by a new use or establishment on the premises in conformance with all current regulations of this Ordinance.

8.4.1208 If such sign is not removed, or a sign is erected in violation of the provisions of this Section, the Zoning Administrator shall cause such sign to be removed or brought into compliance in accordance with the method prescribed for nonconforming signs in **§4.4** (Nonconforming Signs).

8.4.13 Prohibited Signs

Unless otherwise permitted as a temporary or Conditional Use, the following signs are prohibited:

8.4.1301 Banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices.

8.4.1302 Signs advertising an activity, business, product, or service no longer conducted on the premises upon which the sign is located.

8.4.1303 Off-premises advertising signs, or billboards. Certain off-premise advertising signs, not including billboards, that are to be located in the RA, B-1, B-2, RE, RA-5, RA-2, and RA-40 Zoning Districts are exempted from the prohibition and must adhere to the provisions in **§8.4.19** (Off-Premise Advertising Signs).

8.4.1304 Roof Signs.

8.4.1305 Projecting signs and freestanding signs located within a public right-of-way except when erected by the County, State, or Federal Government.

8.4.1306 Animated, rotating, or other moving, or apparently moving, signs shall be prohibited.

8.4.1307 Any Sign the Zoning Administrator determines obstructs the view of motorists using any street, approach to any street intersection, or which interferes with the effectiveness of or obscrues any traffic sign, device, or signals shall be prohibited.

ARTICLE 9
SPECIFIC USE STANDARDS

SECTION 9.1 RESIDENTIAL USES

9.1.1 Accessory Dwelling Unit

9.1.101 The accessory dwelling unit and principal structure must occupy the same lot;

9.1.102 No more than one accessory dwelling unit shall be permitted on a single deeded lot in conjunction with the principal dwelling;

9.1.103 Accessory dwelling units shall be located behind the front building line and meet all principle setback requirements;

9.1.104 The accessory dwelling unit shall not be served by a driveway separate from that serving the principal dwelling;

9.1.105 The heated floor area of the accessory dwelling unit shall not be less than 300 square feet.

9.1.2 Accessory Dwelling Unit – Manufactured Home

9.1.201 The accessory dwelling unit – manufactured home must meet all the requirements of Accessory Dwelling Unit as shown in **§9.1.1** (Accessory Dwelling Unit).

9.1.202 There shall be a minimum separation of thirty feet (30) between the principal structure and the accessory dwelling unit.

9.1.203 The lot size shall be a minimum of one and a half (1.5) times the lot size requirement for the applicable zoning district.

9.1.3 Additional Dwelling Unit

9.1.301 Additional Dwelling units are allowed at a density of one (1) additional dwelling per every ten (10) acres of land in the RA and RE zoning districts.

9.1.4 Apartments and Multifamily Structures

9.1.401 Side and rear yard minimum setbacks shall be increased to one and a half (1.5) times the minimum for the applicable zoning district.

9.1.402 One or more parking lots shall be constructed to accommodate all required parking. Individual parking spaces shall not have direct access to the street.

9.1.403 Any playground equipment must be located in the rear yard at least ten (10) feet from any property line.

9.1.5 Manufactured Homes

9.1.501 All manufactured homes placed, erected or located on any parcel or lot must have either a solid foundation, or skirting that fully encloses the crawl space beneath the manufactured home installed within 90 days of the final inspection of the manufactured home.

9.1.502 An additional ninety (90) day period to complete skirting may be authorized by the Zoning Administrator in cases where the applicant presents a documented hardship to compliance.

9.1.503 Manufactured homes located within Moore County prior to August 18, 1997 are exempt from this skirting requirement.

9.1.504 Manufactured homes placed, erected or located on any parcel or 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.

9.1.505 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.

9.1.506 No mobile home or trailer shall be used in any manner for business or commercial purposes except when used for a sales office on a mobile home sales lot, or for temporary use approved by the Zoning Administrator.

9.1.6 Personal Workshop/Storage Building

9.1.601 A structure to be used for storage or personal workspace, consistent with the type of storage allowed in a residential accessory structure, may be permitted provided the structure is residential in character, owned and used solely by the owner of the property on which it is to be located.

9.1.602 Such buildings may be built prior to the completion of the principal residential structure and the building shall become an accessory structure immediately following the placement of a principle residential structure on the property.

9.1.603 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.

9.1.604 The personal workshop/storage building may not be located on a parcel smaller than two (2) acres.

9.1.605 The personal workshop/storage building must meet the principal structure setbacks of the underlying zoning district.

9.1.606 Only one (1) structure is allowed on the property in the absence of a principal dwelling unit.

SECTION 9.2 ACCESSORY USES

9.2.1 Home Occupation, Standard

9.2.101 The operator of the home occupation must reside on the same lot as the operation.

9.2.102 No outside, window or any other display of products shall be visible from any adjoining lot or road.

9.2.103 No element of any home occupation may create odors, light emissions, noises or interference in radio or television reception detectable to adjoining properties or other nuisance factors.

9.2.104 Any and all outdoor lighting associated with any home occupation must be shielded to not case light onto adjoining property or rights-of-ways.

9.2.105 A home occupation may be conducted in the only as an accessory use to a principal site built single family dwelling.

9.2.106 The home occupation shall be clearly incidental, subordinate and secondary to the residential use of the dwelling and shall not change the residential character of the dwelling or character of surrounding properties.

9.2.107 Standard Home Occupations shall be limited to a maximum of 25 percent of the gross floor area of the principal structure, the entirety of an accessory structure or a combination thereof. Such accessory structures shall be less than or equal to the gross floor area of the principal structure.

9.2.108 No external alterations inconsistent with the residential use of the property shall be permitted.

9.2.109 Only one (1) person not a resident of the dwelling may be employed in connection with the home occupation

9.2.110 The following uses are those that have been determined to be suitable as a Standard Home Occupation.

- Bakeries, commercial
- Beauty and Barber Shops
- Carpentry
- Contractor / Construction Business (including but not limited to, general contractors, subcontractors, grading, landscaping, tree service, pool installation, etc.)
- Office – Business
- Office – Professional and Medical
- Produce Stands

9.2.111 Any Standard Home Occupation use that exceeds one or more of the specific standards listed above for Standard Home Occupations is automatically

considered an Intensive Home Business and must comply with all of the requirements as set forth **§9.2.2** (Intense Home Business).

9.2.2 Intensive Home Business

9.2.201 The operator of the intensive home business must reside on the same lot as the operation.

9.2.202 No outside, window or any other display of products shall be visible from any adjoining lot or road.

9.2.203 No element of any home occupation may create odors, light emissions, noises or interference in radio or television reception detectable to adjoining properties or other nuisance factors.

9.2.204 Any and all outdoor lighting associated with any home occupation must be shielded to not case light onto adjoining property or rights-of-ways.

9.2.205 Intensive Home Businesses shall be limited to a maximum of 50 percent of the gross floor area of the principal structure, the entirety of an accessory structure or a combination thereof. Such accessory structures shall be less than or equal to the gross floor area of the principal structure.

9.2.206 Any accessory structure utilized as the home occupation shall be located in the rear yard at least 50 feet from any adjoining property line or street right of way.

9.2.207 More than one individual, not a resident of the dwelling may be employed.

9.2.208 The specific use to be operated as the home occupation must comply with the specific standards for that use found in this Article and the parking requirements for the use.

9.2.209 The following uses are those that have been determined to be suitable as a Intensive Home Business

- Animal Shelters and Kennels
- Automobile Parts Sales
- Automobile Sales and Service
- Automobile Service (Use does not include junk vehicle storage)
- Bakeries, Commercial
- Boat Sales and Service
- Carpentry
- Child Care Facility
- Child Care Center
- Contractor / Construction Business
- Farm Equipment Sales and Service
- Feed and Seed Sales (no outdoor storage)
- Greenhouses
- Moving Companies

- Office – Business
- Office – Professional and Medical
- Other Vehicle and Equipment Sales and Services, including farm equipment, trucks, motorcycles, maintenance equipment storage, motor homes and campers and boats.
- Produce Stands
- Radio and Television Studios
- Recreation, Outdoor (including, but not limited to, ball fields, swimming pools, horseback riding trails, hiking trails, bicycling trails, saddle clubs and community rodeos)
- Sculpting
- Sculpting (no outdoor storage)
- Service Industries related to the Horse Industry
- Welding
- Woodworking and Wood Products

9.2.3 Residential Solar Collectors

9.2.301 All solar collector panels, ground-mounted or roof-mounted systems, that gather solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electricity for residential property shall meet the following requirements in addition to any other requirements specified elsewhere.

9.2.302 The solar panels must comply with North Carolina Building Code and National Electric Code with North Carolina amendments.

9.2.303 The ground-mounted solar panels must meet building setbacks for an accessory structure for the underlying zoning district set forth in **§6.2** (Residential Districts) and may not project into the setbacks.

9.2.304 The ground-mounted solar panels be located in the side or rear yard, and must be located as close to the ground as practicable and in no case higher than the principal structure.

9.2.305 The roof-mounted panels shall not extend beyond the perimeter of the roof on which the system is mounted or constructed. The total height of the solar panels shall not project above the ridge line of the roof on which they are mounted. The ridge line is defined as the highest point of the roof.

9.2.4 Swimming Pools

9.2.401 All public, commercial, or private outdoor swimming pools of more than two (2) feet in depth, above ground or below ground, and of either permanent or temporary construction shall meet the following requirements.

9.2.402 The setbacks for a swimming pool from any lot line are ten (10) feet from the side and rear lot line plus one (1) foot for each foot over five (5) of pool depth.

9.2.403 The swimming pool be located in the side or rear yard.

9.2.404 Community pools, private club pools, outdoor pools as accessory uses for commercial operations (e.g. motels), or outdoor pools in multi-family complexes shall locate the pool and decking a minimum of one hundred (100) feet inside the property lines adjacent to a residential use or zoning district and a minimum of fifty (50) feet from any other property line or street right-of-way.

9.2.405 That a fence be erected to a minimum height of four (4) feet to completely enclose all sides of the pool not bounded by a building.

9.2.406 Fencing requirements shall not apply when a swimming pool is an accessory use on a parcel five (5) acres or larger in size and the pool is located no closer than one-hundred (100) feet from any property line.

9.2.407 A self-closing and self-latching gate of equal height shall be installed and locked when the pool is not in use.

9.2.408 That all mechanical equipment be located a minimum of five (5) feet from any property line.

9.2.409 That all floodlights be shielded from adjacent properties to minimize offensive glare.

9.2.410 That all electrical wiring shall be in conformance with the National Electrical Code.

9.2.411 That no water may be discharged directly into natural streams or public waterways or on adjacent properties.

SECTION 9.3 COMMERCIAL USES

9.3.1 Adult Entertainment

9.3.101 No adult entertainment establishment shall be located within one thousand (1,000) feet of another adult entertainment establishment which shall be measured from the exterior walls of the building(s) containing such regulated use.

9.3.102 No adult entertainment establishment shall be located within seven hundred and fifty (750) feet of any area zoned for residential use or from the property line of residential unit(s), churches, synagogues, temples, nursery schools, day care centers (child/adult) and public or private schools, in all zoning districts, which will be measured from the property line(s) containing such regulated use.

9.3.103 Areas zoned for residential use shall be classified as any Rural Agricultural (RA, RA-USB, RA-5, RA-2, RA-40, RA-20), Rural Equestrian (RE), R-MH Mobile Home District (R-MH), Gated Community – Seven Lakes (GC-SL), and Gated Community – Woodlake (GC-WL) Zoning Districts, as well as the aforementioned districts' Conditional Use Districts.

9.3.104 Screening is required around the entire perimeter of any adult entertainment establishment. This screening shall consist of a naturally wooded area or planted with a mixture of evergreen and deciduous trees and shrubs to simulate a naturally wooded area within three (3) years. This screening shall be located in a fifteen (15) foot wide buffer.

9.3.105 Location of existing structures on property within 1,000 feet of exterior wall(s) of the regulated use shall be shown on the required commercial site plan.

9.3.106 Zoning of properties within 750 feet of each property line of the regulated use shall be shown on the required commercial site plan..

9.3.2 Airfield (General Aviation and Private)

9.3.201 Airport size and layout shall conform to current FAA design standards.

9.3.202 There shall be a minimum of three hundred (300) feet between any runway or taxiway and to the nearest property used or zoned for residential purposes, except that a residence may be located on the property of a small private airfield.

9.3.203 When located within one hundred (100) feet of the property line or street right-of-way and abutting property used or zoned for residential uses, hangars, storage buildings, terminals, loading docks, and parking lots shall be screened with one of the options meeting the requirements of **§8.2** (Screening Requirements) of this Ordinance.

9.3.204 Required development site plan shall include scaled drawings of location and size of landing strips and the location of landing lights (if applicable).

9.3.205 Application shall include a map of all property within 500 feet of proposed airfield or airstrip property line and within 1,500 feet of each end of the runway, including names and addresses of property owners and type of land use for each property, as given in the tax listings and the location, type, and height of any structure, including towers, over two hundred (200) feet in height and within a five (5) mile radius.

9.3.206 Application shall also include a copy of the current FAA design, approach, and airspace obstruction standards and documentation showing FAA permits and design approval.

9.3.3 Alcoholic Beverage Package Store

9.3.301 Drive-thru lanes and service windows shall be screened and set back a minimum of thirty (30) feet from property used or zoned for residential purposes.

9.3.302 The screening shall meet the requirements of **§8.2** (Screening Requirements).

9.3.303 Outdoor lighting around drive-thru lanes and service windows shall be shielded so as to prevent light from directly hitting adjacent property or any public right-of-way.

9.3.4 Ambulance Service

9.3.401 Ambulance service shall only be located on a State-maintained road or highway.

9.3.5 Animal Training Facility

9.3.501 All cages, kennels, pens or containment areas for animals shall not be visible from any public right of way.

9.3.502 Structures utilized for confinement, boarding, care, or breeding of animals require a minimum setback of 100 feet from any property line and 500 feet from any adjacent property zoned residential.

9.3.503 One (1) acre of land shall be required for each primary enclosure.

9.3.504 Not more than four (4) adult animals shall be housed in the same primary enclosure without supervision.

9.3.505 Primary enclosures for animals shall be structurally maintained in good repair and in a manner to prevent injury to animals and keep other animals out.

9.3.506 Primary enclosures shall be constructed so as to provide space to allow each animal to walk, turn about freely, and to easily stand, sit, and lie in a natural position.

9.3.507 The height of a primary enclosure other than a cage shall be no less than five (5) feet.

9.3.508 All enclosures shall be constructed to prevent the escape of animals.

9.3.509 Enclosures shall be constructed of such material, and in such a manner as to minimize the risk of injury to the animal, and shall encompass sufficient usable space to keep the animal in good condition. When an animal is confined the following minimum space requirements shall be adhered to:

Size of Animal	Pen Size
Greater than 26 inches at Withers or greater than 75 pounds	48 square feet
Greater than 20 inches up to 26 inches at Withers or not greater than 75 pounds	40 square feet
Greater than 12 inches up to 20 inches at Withers or not greater than 50 pounds	32 square feet
12 inches or less at Withers or not greater than 20 pounds	24 square feet

9.3.510 A separate five (5) foot perimeter fence is required if any animals have access to an outdoor enclosure, including unsupervised exercise areas.

9.3.511 All animal training facility buildings, runs, pens or other facility areas shall be screened from the view of all adjacent property used or zoned for residential purposes by fencing or vegetation meeting the requirements of **§8.2** (Screening Requirements).

9.3.512 No outdoor lighting shall illuminate any adjoining property

9.3.513 All Animal Training Facilities shall be in conformance with the Moore County Animal Control Ordinance.

9.3.514 All Animal Training Facilities shall be in conformance with all Federal, State and Local laws and receive all applicable permits and licenses from all necessary agencies.

9.3.515 Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin and insects. All open bags of food shall be stored in airtight containers with lids. Refrigeration shall be provided for supplies of perishable food.

9.3.516 Provisions shall be made for the daily removal and disposal of animal and food waste, bedding and debris from the housing facility in accordance with local Ordinances, to assure facility will be maintained in a clean and sanitary manner.

9.3.6 Animal Shelters and Kennels

9.3.601 No accessory buildings, outdoor run, or other animal holding or exercising facility shall be located in the front or side yards.

9.3.602 All kennel buildings, runs, pens, or other facilities shall be screened from the view of all adjacent property used or zoned for residential purposes by fencing or vegetation, meeting the requirements of **§8.2.2** (Screening Types) of this Ordinance.

9.3.603 All operations, including the provision of waste disposal and the removal of carcasses, shall comply with all federal, state, and local requirements.

9.3.7 Arenas, Assembly and Exhibition Halls

9.3.701 All buildings, including accessory garages or storage buildings, shall be set back from all property lines and street rights-of-way double (2 times) the minimum required for principal buildings in the applicable district.

9.3.702 Parking shall not be located in the front yard, except where the lot is two (2) acres or more in size and the parking is not in the required front yard. (i.e. The point where any parking area is closest to the street must be set back from the street right-of-way at least as far as the minimum setback for the principal building.)

9.3.703 Parking, loading, and outdoor activity areas, such as outdoor exhibition areas, picnic areas, amphitheaters, and outdoor stages and seating areas, must be screened from view from adjacent properties. This screening must meet the requirements of **§8.2.2** (Screening Types) of this Ordinance.

9.3.704 Outdoor lighting shall be shielded so as to prevent light from directly hitting adjacent property or any public right-of-way.

9.3.705 Any and all outdoor lighting must be shielded to not case light onto adjoining property or rights-of-ways.

9.3.706 The required development site plan shall indicate the style and location of all outdoor lighting.

9.2.707 There shall be no outdoor loudspeakers or public address system other than in an outdoor arena.

9.3.8 Auction House

9.3.801 Parking and loading areas must be screened from view from adjacent properties. This screening must meet the requirement listed in **§8.2.2** (Screening Types) of this Ordinance.

9.3.802 Outdoor lighting shall be shielded so as to prevent light from directly hitting adjacent property or any public right-of-way.

9.3.803 There shall be no outdoor auctions or display of items for sale.

9.3.804 There shall be no outdoor loudspeakers or public address system.

9.3.805 This use does not include estate auctions, tax sales, or court ordered sales at the site of the estate or other property being sold.

9.3.9 Automobile Sales and Service

9.3.901 Minimum setback from any street right-of-way or property line for automobile sales areas, service areas, parking and buildings shall meet the minimum building setbacks for the underlying zoning district or a minimum of twenty (20) feet, whichever is greater.

9.3.902 Screening must be provided which completely screens from view the automobile service areas, not including sales areas and shall be a durable wall or fence at least seven (7) feet in height.

9.3.903 Any material stored outside of a building on the property must be enclosed in accordance with **§8.2.7** (Enclosure Requirements) of this Ordinance.

9.3.10 Bed and Breakfast Operations

9.3.1001 The use must be located in a structure that was constructed as a single family dwelling.

9.3.1002 There shall be no less than one (1) bathroom, consisting of a bath or shower, water closet, and lavatory for each two (2) guestrooms.

9.3.1003 In addition to parking requirements listed in **§8.3** (Parking and Loading) of this Ordinance, no parking shall be allowed in any front yard.

9.3.1004 A floor plan of each dwelling must be provided, showing ingress and egress from each room, bathrooms, kitchen, dining areas, other public areas available to guests, and private quarters of the owner and staff.

9.3.1005 A fire protection plan approved by the County Fire Marshal must be submitted with the floor plan.

9.3.1006 The required development site plan shall depict neighboring properties and buildings within 200 feet of the property line.

9.3.1007 The owner must permanently reside on the site of the bed and breakfast inn. An owner is an individual with a twenty-five percent (25%) or greater interest in the business.

9.3.1008 All required state permits must be acquired and maintained.

9.3.11 Billboards

9.3.1101 Billboards must meet the requirements of **§8.4.18** (Billboards) of this Ordinance.

9.3.1102 The required detailed site plan must also show the location of any other billboards along both sides of the street for fifteen hundred (1,500) feet of the proposed site.

9.3.1103 The required detailed site plan must show the location of buildings and types of activities on the property on which it is to stand, on adjacent properties, and across the street, for a distance of five hundred (500) feet in both directions from the sign.

9.3.12 Campground, Public and Private (including Recreational Vehicle)

9.3.1201 In areas with developed campsites, separate sanitary facilities for both sexes (including showers) shall be available within four hundred (400) feet of each campsite and drinking water shall be available within one hundred (100) feet of each campsite.

9.3.1202 A camp store may by provided, for the use of campground users only, which may sell camping supplies, e.g. food, ice, personal supplies, etc.

9.3.1203 In primitive camping areas, drinking water and sanitary facilities shall be available within twelve hundred (1200) feet.

9.3.1204 No permanent camping shall be permitted. It is not intended that any structure, mobile or permanent, be used as a permanent residence except for the owner or operator.

9.3.1205 In areas with developed campsites, each campsite shall have a minimum of parking for two (2) vehicles.

9.3.1206 Adequate lighting shall be provided for all common areas, including interior lighting in any building open at night. All sanitary facilities and dumping areas, water faucets, parking areas (other than at each campsite), recreation areas, and other service buildings and general use sites shall be lit at night, either with a light mounted on the building or as a pole light. In developed camping areas, lights will be installed along walkways to water and sanitary facilities and at roadway or driveway intersections.

9.3.1207 Outdoor lighting shall be designed so as to minimize light from directly hitting adjacent property or any public right-of-way.

9.3.1208 In developed camping areas, an attendant will be on the site twenty-four (24) hours a day while the campground is open for business.

9.3.1209 Individual campsites and general use areas shall be kept clean and free from garbage, refuse, litter, and other conditions which can lead to the transmission of disease, breeding of rodents and insects, and which may present a fire hazard or contribute to the spread of fire.

9.3.1210 Location and approximate size of all buildings and structures within 500 feet of the property lines must be shown on the required site plan.

9.3.1211 Proposed layout of the campground, both primitive and developed camping areas, including individual sites, cabins, recreation areas, drinking water outlets, sanitary disposal facilities, comfort stations and other service buildings must be shown on the required site plan.

9.3.13 Child Care Center, Child Care Facility and Child Care, Family (including adult day care)

9.3.1301 Outdoor activity or play areas shall not be located in any front yard and shall be of a size equal to seventy-five (75) square feet per attendee, excluding children in cribs.

9.3.1302 As a principal use, an indoor activity area shall be provided equivalent to at least twenty-five (25) square feet per attendee.

9.3.1303 Play space shall be enclosed by a chain link or solid fence or wall at least four (4) feet high.

9.3.1304 A paved or otherwise improved driveway, with ingress and egress directly onto a public street, shall be constructed in such a manner as to provide entrance to and exit from the property without backing onto the street right-of-way.

9.3.1305 Location and approximate size of all existing buildings and structures on the adjacent lots shall be shown on the required site plan.

9.3.1306 Location and extent of open play area shall be shown on required site plan.

9.3.1307 All required state licenses and permits must be obtained and submitted with the application.

9.3.14 Clubs and Places of Entertainment (Commercial), and Billiard or Pool Hall

9.3.1401 The setback for any building and parking area shall be seventy-five (75) feet from any street right-of-way and any contiguous property line that is used or zoned for residential purposes.

9.3.1402 The setback for any building and parking area shall be thirty-five (35) feet from any street right-of-way and any contiguous property line that is used or zoned for nonresidential purposes.

9.3.1403 Outdoor lighting shall be designed so as to minimize light from directly hitting adjacent property or any public right-of-way.

9.3.15 Convenience Stores (including self-service fuel pumps)

9.3.1501 Fuel sales shall be located no less than a minimum distance of thirty (30) feet from any street right-of-way and forty (40) feet from any other property line.

9.3.1502 The location of all fuel pumps, drive-thru lanes and service windows, and car washes shall be shown on the required site plan.

9.3.1503 Other vehicular services, such as tire sales and service, auto repair, sale of auto accessories and supplies, etc. shall not be permitted, though an automated car wash shall be permitted.

9.3.1504 No outside storage of materials shall be permitted with the exception of merchandise normally displayed or stored outside (e.g. ice, fire wood, bottled gas, Christmas trees, beverage and snack machines, newspaper stands, and the like).

9.3.16 Feed and Seed Sales

9.3.1601 All buildings, storage sheds, and similar structures and parking or storage areas for vehicles, equipment, or supplies shall be set back from all property lines and street rights-of-way a minimum of the required setbacks for the principal building in the zoning district in which the property is located.

9.3.1602 The location of all buildings, storage sheds, and all outdoor sales or storage areas must be shown on the required development site plan.

9.3.1603 Outdoor storage is not permitted in the GC-SL zoning district.

9.3.17 Flea Market

9.3.1701 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.

9.3.1702 Any buildings or structures shall meet the current North Carolina State Building Code for indoor use.

9.3.18 Furniture and Home Furnishing Store

9.3.1801 Outdoor display areas are allowed, but furniture or other items must be removed at the close of business and must be clearly depicted on the required site plan.

9.3.19 Hotel and Motels

9.3.1901 Where the property line of the hotel or motel is adjacent to property zoned or used as residential, all hotel and motel buildings and parking shall be located at least fifty (50) feet from any property line or street right-of-way.

9.3.1902 Any accessory commercial activities, such as restaurants, and any outdoor recreational activities, such as swimming pools, must meet the required setbacks of the underlying zoning district.

9.3.20 Mini-Warehouse Storage Facilities

9.3.2001 The total ground area covered by buildings shall not exceed fifty percent (50%) of the lot, unless requirements of the Watershed Regulations mandate less built-upon area.

9.3.2002 Maximum height of any building cannot exceed twenty (20) feet.

9.3.2003 Outdoor lighting shall be designed so as to minimize light from directly hitting adjacent property or any public right-of-way

9.3.2004 The storage of hazardous, toxic, or explosive substances shall be prohibited.

9.3.2005 No business activity other than the rental of storage units shall be conducted on the premises.

9.3.21 Nursing and Convalescent Homes

9.3.2101 Minimum side and rear yard setbacks shall be at least fifty (50) feet.

9.3.2102 Service facilities, such as gift shops, snack bars, and personal service shops, may be provided if the facilities are completely within the building and designed to serve patrons of the facility and their visitors only.

9.3.2103 Any outdoor lighting in connection to an emergency room entrance must be mounted no higher than ten (10) feet (or the eave of a one story building), must have a total cutoff at ninety (90) degrees, and must not shine directly onto any adjoining property or street right-of-way.

9.3.22 Offices - Business

9.3.2201 Outdoor lighting shall be designed so as to minimize light from directly hitting adjacent property or any public right-of-way.

9.3.2202 Screening that meets the provisions of **§8.2** (Screening Requirements) must be provided for, but not limited to, parking lots, loading areas, places of assembly, or outdoor display areas, which may affect residential property or uses.

9.3.2203 This screening may be modified by reducing the required width of the buffer strip and the number of plants if all buildings, and parking lots are set back one hundred (100) feet from all property lines and street rights-of-way.

9.3.23 Other Vehicle Equipment Sales and Services

9.3.2301 Parking, loading, and outdoor storage areas must be screened from view from adjacent properties and meet the provisions of **§8.2** (Screening Requirements)

9.3.24 Pawn Shop

9.3.2401 No outdoor display areas are allowed.

9.3.2401 Any outdoor storage of inventory, must be located in the rear yard and must be screened from view from adjacent properties, meeting the provisions of **§8.2** (Screening Requirements)

9.3.25 Sawmill

9.3.2501 The owner(s) shall ensure the facility remains in compliance with local, State, and Federal regulations regarding air and water quality.

9.3.2502 All buildings, storage sheds, and other similar 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 of thirty (30) feet or the building setbacks for the underlying zoning district, whichever is greater.

9.3.2503 Sawdust created by the facility shall be disposed of in a manner that is acceptable by the North Carolina Department of Environmental and Natural Resources, Division of Environmental Management.

9.3.26 Services not elsewhere listed

9.3.2601 All buildings, storage sheds, and other similar 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 of ten (10) feet or the building setbacks for the underlying zoning district, whichever is greater.

9.3.2602 Screening that meets the provisions of **§8.2** (Screening Requirements) must be provided for, but not limited to, parking lots, loading areas, places of assembly, or outdoor display areas, which may affect residential property or uses.

9.3.27 Solar Collector Facility

9.3.2701 This type of use excludes any solar panels that are utilized or generating electricity for a residential property.

9.3.2702 Facilities shall be restricted to locations within three (3) miles of an existing or proposed electrical substation that can accommodate the proposed electrical production unless certification by a utility supplied engineer, from the utility with which the applicant has an interconnection agreement, establishes that voltage regulators or other devices are present allowing safe, efficient transmission of power over a greater distance. *(Amended Jan. 20, 2015)*

9.3.2703 A minimum building setback of fifty (50) feet, where abutting residential property and sixty-five (65) feet from public rights-of-way is required for ground-mounted

systems. This excludes any proposed solar collector facility to be installed on an existing or proposed building.

9.3.2704 The photovoltaic (PV) panels are to be located and situated so glare does not create a distraction or nuisance to traffic or adjacent residential properties.

9.3.2705 Solar components must have a UL listing, or a listing from an alternative testing agency accepted by the local jurisdiction having authority over the project, and must be designed with anti-reflective coating(s).

9.3.2706 All construction shall be in compliance with the National Electric Code and North Carolina Building Code.

9.3.2707 No structure shall exceed a height greater than twenty-five (25) feet, except for existing poles and overhead wiring. This is measured from finished grade at the base of the structure to its highest point. This would exclude any roof-mounted solar collection systems.

9.3.2708 Roof-mounted panels shall not extend beyond the perimeter of the building on which the system is mounted or constructed. The total height of the solar panels shall not exceed the maximum building height of the underlying zoning district.

a. Pitched Roof Systems – For all roof-mounted systems, the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.

b. Flat Roof Systems – For all flat roof applications, a drawing shall be submitted depicting the overall layout of the panels with the distance to the roof edge and any parapets on the building.

9.3.2709 All power transmission lines from a ground mounted solar energy system shall be located underground, excluding existing utilities.

9.3.2710 Inverter(s) shall be located a minimum one hundred and fifty (150) feet from any property line or public right-of-way.

9.3.2711 Where facility adjoins property used or zoned for residential purposes and public rights-of-way, a vegetative screen, either planted or naturally wooded area, shall be provided in accordance with **§8.2** (Screening Requirements) of this Ordinance.

9.3.2712 Access to site must be controlled by a fence at least six (6) feet in height, with 24/7 emergency access. Mechanical equipment and inverter shall be fenced by a minimum six (6) foot fence with 3-strand barbed wire or razor wire or an eight (8) foot fence.

9.3.2713 In the event a solar collector facility becomes abandoned, the applicant must provide a way of ensuring the remaining solar infrastructure does not create a hazard to the public.

a. If the applicant ceases operation of the energy facility or begins, but does not complete, construction of the project, the applicant shall restore the

site according to a decommissioning plan approved by the Planning Department.

b. The Solar Collector Facility owner is required to notify Moore County immediately in writing upon abandonment or cessation of the solar operation. The owner shall be responsible for the decommissioning of the facility within six (6) months from the date the applicant ceases use of the facility or the facility becomes obsolete. A project is decommissioned when all structures and equipment are removed and the site is restored to its original state.

9.3.2714 The electrical disconnect switch shall be clearly identified and unobstructed at all times. The owner must file a map with the Moore County Public Safety Department depicting where the disconnect switch is located, and supply all emergency contact information to emergency personnel to have on file.

9.3.28 Vehicle Service Stations (including car washes)

9.3.2801 Fuel sales shall be located no less than a minimum distance of twenty (20) feet from any street right-of-way or property line.

9.3.2802 Buildings shall be located at least twenty (20) feet from any street right-of-way or property line, or meet the minimum building setback for the underlying zoning district, whichever is greater.

9.3.2803 Other vehicular services, such as tire sales and service, auto repair, sale of auto accessories and supplies shall be permitted.

9.3.2804 No outside storage of materials shall be permitted with the exception of merchandise normally displayed or stored outside (e.g. ice, propane, beverage/snack machines, newspaper stands, etc.).

9.3.2805 Screening that meets the provisions of **§8.2** (Screening Requirements) must be provided for, but not limited to, parking lots, loading areas, or outdoor display areas, which may affect residential property or uses.

9.3.2806 Car washes must meet the requirements of **§8.2** (Screening Requirements).

9.3.29 Veterinary Clinics

9.3.2901 No accessory buildings, outdoor run, or other animal holding or exercising facility shall be located in the front yard.

9.3.2902 All kennel buildings, runs, pens, or other facilities shall be screened from the view of all adjacent property used or zoned for residential purposes by fencing or vegetation, meeting the requirements of **§8.2.2** (Screening Types) of this Ordinance.

9.3.2903 All operations, including the provision of waste disposal and the removal of carcasses, shall comply with all federal, state, and local requirements.

9.3.30 Woodworking and Wood Products

9.3.3001 Any side and rear yard setback abutting property used or zoned for residential purposes shall be increased to a fifty-five (55) feet minimum.

9.3.3002 Screening that meets the requirements of **§8.2.2** (Screening Types) of this Ordinance shall be provided along any side or rear property line, if adjacent property is used or zoned for residential purposes and around any outside storage areas, regardless of the use of adjacent property.

9.3.3003 If outside storage or activity areas may present a safety hazard to the public, the area shall be fenced, as well as screened, with a fence or wall at least seven (7) feet in height and kept locked at night or whenever not in use or open for business.

SECTION 9.4 INDUSTRIAL USES

9.4.1 Fuels, Bulk Storage

9.4.101 The boundary of the property shall be a minimum of two hundred (200) feet from any residential use or zoning district or any hospital, nursing or convalescent home, retirement home, life care community, school, or church. However, the Planning Board shall be authorized to increase this set back if the situation warrants, based on the specific substances that are to be manufactured or stored and in what specific quantities.

9.4.102 All structures (except fences or walls), buildings, storage areas, etc. used in the operation shall be a minimum of one hundred fifty (150) feet from all property lines or street right-of-way.

9.4.103 Buildings must meet all requirements for Hazardous Occupancy under the NC Building Code.

9.4.104 All storage facilities shall comply with the latest edition of the "Flammable and Combustible Liquids Code, NEPA 30" of the National Fire Protection Association.

9.4.105 The use shall be totally enclosed by a security fence or wall at least eight (8) feet high or enclosed within a locked fireproof building.

9.4.106 A vegetative screen, either planted or natural wooded area, shall be provided along any street right-of-way and any property line within four hundred (400) feet of property used or zoned for residential purposes. This screening must meet the requirements of **§8.2.2** (Screening Types) of this Ordinance.

9.4.107 All plans shall be reviewed by the County Fire Marshal for approval in order to determine that existing services provide adequate protection.

9.4.108 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.

9.4.109 The site shall be utilized in a manner that shall not pose a hazard off-site.

9.4.110 All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

9.4.111 Buildings must be maintained to meet all requirements for Hazardous Occupancy under the NC Building Code.

9.4.112 The local Fire Department shall be kept notified of the types of materials used, manufactured, or stored on the site.

9.4.2 Landfill, Land Clearing and Inert Debris

9.4.201 The minimum lot size must be 2 acres.

9.4.202 Access must be provided from a road or street that has a cleared travel way of at least thirty (30) feet.

9.4.203 Landfill must be staffed during operating hours.

9.4.204 Any maintenance facilities must be located at least 150 feet from any property line.

9.4.205 Use must meet all state, federal and local requirements.

9.4.3 Landfill, Sanitary

9.4.301 Use must meet all state, federal and local requirements.

9.4.302 The entire property, or portion of being used for landfill and supporting functions shall be fenced with a security fence at least seven (7) feet high and screened meeting **§8.2.2** (Screening Types) of this Ordinance.

9.4.4 Manufacturing, Fertilizer

9.4.401 Buildings must meet all requirements for Hazardous Occupancy under the NC Building Code.

9.4.402 All storage facilities shall comply with the latest edition of the "Flammable and Combustible Liquids Code, NEPA 30" of the National Fire Protection Association.

9.4.403 Outdoor storage of any materials shall be totally enclosed by a security fence or wall at least eight (8) feet high or enclosed within a locked fireproof building.

9.4.404 All plans shall be reviewed by the County Fire Marshal for approval in order to determine that existing services provide adequate protection.

9.4.405 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.

9.4.406 The site shall be utilized in a manner that shall not pose a hazard off-site, including air and water quality.

9.4.407 All unpaved storage areas shall be maintained in grass year round in a manner to prevent dust from adversely impacting adjacent properties.

9.4.408 Buildings must be maintained to meet all requirements for Hazardous Occupancy under the NC Building Code.

9.4.409 Operation of the facility shall remain in compliance with all applicable federal, state and local laws.

9.4.5 Mining and Quarrying

9.4.501 A letter or other certification of approval must be submitted from the North Carolina Department of Transportation, as to the safety and design of the access or entrance on to a State maintained street or road from the mine.

9.4.502 Access to a mine or mining operation must be from a road or street that is a State maintained road or a private road with a right-of-way width of not less than thirty (30) feet and a cleared or drivable area of not less than twenty (20) feet.

9.4.503 Any ingress or egress that does not abut one of the above roads, entrance etc. must also have a right-of-way width of not less than thirty (30) feet and a cleared and drivable area that is adequately maintained at all times for vehicular travel and that is at least twenty (20) feet in width.

9.4.504 An area of land, which shall not be less than fifty (50) feet in width (unless a lesser width is approved by the Planning Board) shall be provided along all boundaries of the affected land. This buffer area must be left at all times in a natural vegetative state or planted with trees, shrubs or plants that create a visual screen.

9.4.505 Trees and plants must be native to the area and trees shall not be less than six (6) feet in height within six (6) years.

9.4.506 If an earthen berm(s) is to be used within the buffer for visual screening they shall be planted with vegetation and shall not be less than six (6) feet in height at the crown and with slopes sufficient to minimize erosion.

9.4.507 No site disturbing activities are allowed until a Mining Permit has been issued by the State of North Carolina.

9.4.508 In the case of denial because all the requirements of this section were not met, the Application may be resubmitted when all requirements have been met, with no additional fee required, provided the plan is resubmitted within one hundred eighty (180) days of the notice of rejection or denial.

9.4.6 Research and Development Facility

9.4.601 Any fence greater than four (4) feet in height shall include along its border a five (5) foot wide planted or existing natural buffer where adjacent to residential uses.

9.4.602 The setback for any building and parking area shall be a minimum of twenty (20) feet from any street right-of-way and property line adjacent to residential property or meet the minimum building setbacks for the underlying zoning district, whichever is greater.

9.4.603 The setback for any building and parking area shall be a minimum of ten (10) feet from any street right-of-way and property line adjacent to non-residential property or meet the minimum building setbacks for the underlying zoning district, whichever is greater.

9.4.604 Outdoor lighting shall be shielded so as to minimize light from directly hitting adjacent property or any public right-of-way.

9.4.605 Screening must be provided in accordance with §8.2 (Screening Requirements) of this Ordinance.

9.4.7 Salvage Yards

9.4.701 Minimum setback from any street right-of-way to any outdoor storage area shall be at least one hundred (100) feet.

9.4.702 Minimum setback from any other property line shall be at least fifty (50) feet.

9.4.703 No junk, salvage, or wrecking yard shall be located less than five hundred (500) feet from any property used or zoned for residential purposes.

9.4.704 Screening is required which completely screens from view the stored items. Such screening shall be a durable wall or fence at least seven (7) feet high in addition to a minimum fifteen (15) foot wide vegetative strip around the entire perimeter of any outdoor storage area. This vegetated strip shall consist of a naturally wooded area or planted with a mixture of evergreen and deciduous trees and shrubs to simulate a naturally wooded area within three (3) years.

9.4.705 Required site plan must show the location of any existing structures on adjoining property within 500 feet of the property.

9.4.706 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.

9.4.8 Textile Product Manufacturing

9.4.801 A minimum setback from any street right-of-way for parking and buildings shall be twenty (20) feet or the minimum building setback for the underlying zoning district, whichever is greater.

9.4.802 A minimum setback from any property line for parking and buildings shall be twenty (10) feet or the minimum building setback for the underlying zoning district, whichever is greater.

9.4.803 Screening must be provided in accordance with **§8.2** (Screening Requirements) of this Ordinance for any parking and/or outdoor storage areas.

9.4.9 Toxic Chemicals Processing or Disposal

9.4.901 The boundary of the property shall be a minimum of two hundred (200) feet from any residential use or zoning district or any hospital, nursing or convalescent home, retirement home, life care community, school, or church. However, the Planning Board shall be authorized to increase this set back if the situation warrants, based on the specific substances that are to be manufactured or stored and in what specific quantities.

9.4.902 All structures (except fences or walls), buildings, storage areas, etc. used in the operation shall be a minimum of one hundred fifty (150) feet from all property lines or street right-of-way.

9.4.903 Buildings must meet all requirements for Hazardous Occupancy under the NC Building Code.

9.4.904 All storage facilities shall comply with the latest edition of the "Flammable and Combustible Liquids Code, NEPA 30" of the National Fire Protection Association.

9.4.905 The use shall be totally enclosed by a security fence or wall at least eight (8) feet high or enclosed within a locked fireproof building.

9.4.906 A vegetative screen, either planted or natural wooded area, shall be provided along any street right-of-way and any property line within four hundred (400) feet of property used or zoned for residential purposes.

9.4.907 All plans shall be reviewed by the County Fire Marshal for approval in order to determine that existing services provide adequate protection.

9.4.908 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.

9.4.909 The site shall be utilized in a manner that shall not pose a hazard off-site.

9.4.910 All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

9.4.911 Buildings must be maintained to meet all requirements for Hazardous Occupancy under the NC Building Code.

9.4.912 Operation of the facility shall remain in compliance with all applicable federal, state and local laws.

SECTION 9.5 INSTITUTIONAL USES

9.5.1 Cemeteries (*as primary use*)

9.5.101 All applicable requirements of North Carolina General Statutes and Moore County concerning interment of the dead shall be met.

9.5.102 No interment shall take place within ten (10) feet of any property line(s) or public right(s)-of-way.

9.5.103 All buildings, shall conform to the principal setbacks for the underlying zoning district.

9.5.2 Clubs, Lodges, and Community Centers

9.5.201 Outdoor lighting shall be shielded so as to minimize light from directly hitting adjacent property or any public right-of-way.

9.5.202 Screening that meets the provisions of **§8.2** (Screening Requirements) must be provided which will screen adjoining residential uses from the effects of light and noise generated on the site.

9.5.203 This screening may be modified by reducing the required width of the buffer strip and the number of plants if all buildings, and parking lots are set back one hundred (100) feet from all property lines and street rights-of-way.

9.5.3 Fairgrounds

9.5.301 The site must be located on a major roadway that can handle the anticipated traffic volume when the fairground is in use.

9.5.302 All buildings, arenas, stadiums, exhibit areas, barns, and similar activity areas, shall be set back from all property lines and street rights-of-way a minimum of one hundred (100) feet.

9.5.303 A fence at least seven (7) feet in height shall enclose activity areas and buildings that will stay locked when the fairground is not in use.

9.5.304 Outdoor lighting shall be shielded so as to minimize light from directly hitting adjacent property or any public right-of-way.

9.5.305 In addition to meeting the parking and loading requirements of §8.1 of this Ordinance, the fairground may place a parking lot anywhere on the property so long as it is set back from the property line or street right-of-way at least twenty (20) feet. One or more primary parking lots may be constructed to meet anticipated normal needs.

9.5.306 Overflow parking may be provided for special events, but must be grassed.

9.5.307 The location and dimensions of all buildings, outdoor activity and exhibition areas, and primary and overflow parking areas must be shown on the required site plan.

9.5.308 The location and use of adjacent properties and any buildings within five hundred (500) feet of the fairground property line must be shown on the required site plan.

9.5.4 Group Care Facility

9.5.401 Screening must be provided in accordance with **§8.2** (Screening Requirements) of this Ordinance.

9.5.402 Each facility must have a minimum uncovered land area of 5,000 or more square feet for the first twelve (12) residents, and 700 square feet for each additional resident.

9.5.403 Each facility must have a minimum heated floor area of 2,000 square feet for the first twelve (12) residents, and 110 square feet for each additional resident.

9.5.404 The facility may not be located within one-half mile of another such group care facility or family care home, as measured by a straight line distance, and not street distances.

9.5.5 Human Services Facilities

9.5.501 Outdoor lighting shall be shielded so as to minimize light from directly hitting adjacent property or any public right-of-way.

9.5.502 All outdoor recreation and activity areas shall be in the rear of the primary structure for the facility.

9.5.503 No outdoor storage of equipment or materials for the operation of the facility.

9.5.504 All applicable federal, state and local permits must be obtained for the use.

9.5.6 Museums and Art Galleries

9.5.601 Outdoor lighting shall be shielded so as to minimize light from directly hitting adjacent property or any public right-of-way.

9.5.602 Screening that meets the provisions of **§8.2** (Screening Requirements) must be provided for, but not limited to, parking lots, loading areas, places of assembly, or outdoor display areas, which may affect residential property or uses.

9.5.603 This screening may be modified by reducing the required width of the buffer strip and the number of plants if all buildings, and parking lots are set back one hundred (100) feet from all property lines and street rights-of-way.

9.5.7 Public Facilities and Buildings

9.5.701 Screening that meets the provisions of **§8.2** (Screening Requirements) must be provided for, but not limited to, parking lots, loading areas, or outdoor storage areas, which may affect residential property or uses.

9.5.702 This screening may be modified by reducing the required width of the buffer strip and the number of plants if all buildings, and parking lots are set back one hundred (100) feet from all property lines and street rights-of-way.

9.5.8 Public Utility Substations

9.5.801 Public utility substations or structures shall maintain standard setbacks applicable in the underlying zoning district from public rights-of-way and from any other property line.

9.5.802 Any noise producing equipment or generator must be stored within a structure, or must be setback a minimum fifty (50) feet from any public right-of-way or property line.

9.5.803 Screening that meets the provisions of **§8.2** (Screening Requirements) must be provided for the utility facility or structure(s), and shall be enclosed with a security fence seven (7) feet in height (minimum). The screening shall be located between the fence and property line(s) and right-of-way.

9.5.9 Religious Institutions

9.5.901 If child care on premises is provided, playgrounds for child care shall be enclosed by a chain link or solid fence or wall at least four (4) feet high.

9.5.902 A maintained driveway, with ingress and egress directly onto a public or private street or easement, shall be constructed in such a manner as to provide entrance to and exit from the property without backing onto street rights-of-way or easements.

9.5.10 Schools, Academic

9.5.1001 Playgrounds shall be surrounded with a chain link or solid fence or wall of at least six (6) feet in height.

9.5.1002 Outdoor lighting shall be shielded so as to prevent light from directly hitting adjacent property or any public right-of-way.

9.5.1003 All state licenses and permits must be submitted with the plan and application.

9.5.1004 The required detailed site plan (**§8.1.2** Detailed Site Plan) must also include the following:

- Location and approximate size of all existing buildings and structures on the adjacent lots.
- Location and extent of open playgrounds, ball fields, or other recreation or training areas.
- Estimated number of students.
- Subjects to be taught outside of regular classroom facilities (e.g. in laboratories, gyms, etc.).

9.5.11 Schools, Business or Trade

9.5.1101 Outdoor lighting shall be shielded so as to prevent light from directly hitting adjacent property or any public right-of-way.

9.5.1102 All state licenses and permits must be submitted with the plan and application.

9.5.1103 The required site plan (**§8.1.2** Detailed Site Plan) must also include the following:

- Location and approximate size of all existing buildings and structures and on adjacent lots.
- Location and extent of open recreation or training areas.

- Estimated number of students.
- Subjects to be taught outside of regular classroom facilities (e.g. in laboratories, shops, garages, gyms, etc.).

SECTION 9.6 AGRICULTURAL USES

9.6.1 Greenhouses (commercial)

9.6.101 All commercial buildings, greenhouses, storage sheds, and similar structures and parking or storage areas for vehicles, equipment, or supplies shall be set back from all property lines and street rights-of-way a minimum of the required setbacks for the principal building in the zoning district in which the property is located.

SECTION 9.7 RECREATIONAL USES

9.7.1 Amusement Park

9.7.101 Any amusement park must operate between the hours of 9:00AM and 10:00PM.

9.7.102 All rides, entertainment areas, and/or public gathering spaces shall be setback a minimum of one hundred (100) feet from any property line and/or street right-of-way.

9.7.103 The park must be screened with a thirty (30) foot wide natural or planted buffer and must be provide a seven (7) foot high security fence with 24/7 emergency access.

9.7.104 The park owner/operator shall coordinate with Moore County Public Safety on access to the park.

9.7.105 All rides must be properly installed and maintained.

9.7.106 All State permits must be obtained for all proposed amusement rides, as well as any other development permits.

9.7.2 Driving Range

9.7.201 No maintenance building or clubhouse shall be closer than one hundred (100) feet from any property line.

9.7.202 Driving ranges shall be located so that adjoining properties are not adversely affected by the activity due to noise, glare, traffic, or other factors.

9.7.203 Driving ranges shall have a minimum depth of one thousand (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.

9.7.204 Fencing, netting, trees, berms, or other control measures shall be provided around the perimeter of the driving area of driving ranges so as to prevent golf balls from leaving the driving area.

9.7.205 Lighting shall be shielded so as to cast no direct light on adjacent properties or onto any street right-of-way and hide the actual light source.

9.7.206 The location and dimensions of the driving area, along with the means of buffering to prevent balls from leaving the area shall be shown on the required detailed site plan.

9.7.207 The location and type of lighting, along with depiction of the lighting contour area shall be shown on the required detailed site plan.

9.7.208 The volume of any outdoor speakers or public address system must be kept low enough to not be heard off the premises.

9.7.3 Go Cart and Motor Cross Track

9.7.301 All buildings, including accessory garages or storage buildings, shall be set back from all property lines and street rights-of-way double (2 times) the minimum required for principal buildings in the applicable district.

9.7.302 All parking shall be contained within the property boundaries (no parking on road shoulders). Parking control shall be provided by the applicant.

9.7.303 Outdoor lighting shall be shielded so as to minimize light from directly hitting adjacent property or any public right-of-way.

9.7.304 The required detailed site plan shall indicate the style and location of all outdoor lighting.

9.7.305 Emergency Medical Services shall be provided during events.

9.7.4 Golf Courses (including Par 3)

9.7.401 No maintenance building or clubhouse shall be closer than one hundred (100) feet from any property line.

9.7.402 There shall be no lights on the course.

9.7.403 Any outdoor lighting associated with parking or security shall be shielded so as to cast no direct light on adjacent properties or onto any street right-of-way and hide the actual light source.

9.7.404 Fencing, trees, berms, or other control measures shall be provided around the perimeter of the golf course so as to prevent golf balls from leaving the property.

9.7.405 The location and dimensions of all golf courses as well as the location and type of outdoor security lighting shall be shown on the required site plan.

9.7.5 Recreation, Indoor

9.7.501 The setback for any building and parking area shall be thirty-five (35) feet from any street right-of-way and any contiguous property line that is used or zoned for residential purposes.

9.7.502 The setback for any building and parking area shall be ten (10) feet from any street right-of-way and any contiguous property line that is used or zoned for nonresidential purposes.

9.7.503 Outdoor lighting shall be designed so as to minimize light from directly hitting adjacent property or any public right-of-way.

9.7.504 A screening that meets the provisions of **§8.2** (Screening Requirements) must be provided which will screen adjoining residential uses from the effects of light and noise generated on the site.

9.7.505 This screening may modified by reducing the required width of the buffer strip and the number of plants if all buildings, and parking lots are set back one hundred (100) feet from all property lines and street rights-of-way.

9.7.6 Recreation, Outdoor

9.7.601 All buildings, picnic shelters, storage sheds or storage yards, and any intensive recreational use, such as playgrounds, swimming pools, ball fields, basketball courts, or tennis courts, shall be set back from all property lines and street rights-of-way a minimum of one and a half (1.5) times the required setbacks in the applicable zoning district.

9.7.602 An overflow parking area shall be made available to handle all traffic from special events such as festivals, sports tournaments and outdoor concerts. This overflow parking may be located anywhere on the property and must be grassed.

9.7.603 Buildings, parking lots, and intensive recreational uses, such as those listed above, shall be screened from adjacent residential property in accordance with **§8.2** (Screening Requirements) of this Ordinance.

9.7.604 Parking lots and overflow parking areas shall be depicted on the site plan.

9.7.7 Zoos

9.7.701 The owner(s) of the facility shall provide written evidence of application to the United States Department of Agriculture (USDA) for such a facility at the time of application and shall provide written evidence of USDA certification prior to issuance of a Certificate of Occupancy for the facility.

9.7.702 All areas to be used for purposes of a zoo, whether or not located within a structure, shall be identified on the site plan.

9.7.703 Any animals or areas deemed dangerous, or potentially dangerous, to the public shall be easily identified through signage and other necessary measures, and be located a minimum of one hundred (100) feet from any property line or street

right-of-way. These animals shall be enclosed within a security fence accommodated to that animal, or be located within a secure structure.

9.7.704 The owner(s) shall ensure the facility remains in compliance with local, State, and Federal regulations regarding permitting and containment of exotic animals.

9.7.705 The owner shall place on file with the Moore County Public Safety Department a copy of the facility's Emergency Action Plan and shall update the plan and notice Public Safety officials as conditions change. The plan shall include, but is not limited to, the following types of information:

- Types and number of animals retained
- Location of, and hazards associated with exotic and/or dangerous animals and/or plants (e.g. venomous snakes)
- Location of, and details regarding animal containment areas
- Locations, amounts and expiration dates of anti-venom
- Location of electric fence disconnect switches
- Fire suppression methods and devices within the facility
- Emergency contacts for owner(s) and operator(s) of the facility
- Inclement weather and animal evacuation sheltering plan
- Any other information Public Safety Officials deem necessary to protect the health, safety and welfare of the general public.

SECTION 9.8 TEMPORARY USES

9.8.1 Construction Office Trailer, Temporary

9.8.101 A construction office trailer may be used as a temporary office, security shelter or shelter for materials or tools (but not for residential purposes or sales offices) incident to construction on or development of the premises upon which the construction office trailer is located subject to the following conditions:

9.8.102 Such construction office shall be located at a building site upon receipt of a valid building permit for the construction project.

9.8.103 Such offices may remain upon a construction site for a maximum of 30 days after the issuance of the certificate of occupancy or two years from the date of issuance of the temporary use permit; provided, however, if the project is multi-family or nonresidential in nature, the temporary use permit may be extended beyond two years if the approved project is not yet completed and the applicant requests an extension within three months prior to the expiration of the permit period. Such extensions may be for one year.

9.8.104 Such use shall be located at least ten feet off all road rights-of-way and property lines in a residential district. In all other districts the office may be placed in any required yard setback but should not be placed over gas, electrical, water or sewer lines.

9.8.105 Such use shall be strictly limited to the time construction or development is actively underway. In no event shall the use continue more than six months without the further approval of the Director. The temporary use shall be approved only upon finding that actual construction is continuing.

9.8.2 Itinerant Merchant

9.8.201 The temporary sales of merchandise is permitted on certain vacant lots as shown in **Article 7** (Table of Uses) and on premises on which the vendor does not have a permanent retail operation are allowed in accordance with the following conditions:

9.8.2011 The application must include the signature of the owner of the property or the owner's agent or must have attached to it a copy of a lease or letter of agreement authorizing the proposed temporary use.

9.8.2012 The application must include a sketch showing what portion of the premises will be used for the temporary sale. Such area shall not impede driveways or other routes of ingress or egress.

9.8.2013 If the temporary use includes a tent, trailer or other temporary shelter, it shall be located so that it does not encroach on required setbacks applicable to the zoning district.

9.8.2014 Itinerant merchants are exempt from the **Article 10** (Highway Corridor Overlay Districts), **§8.2** (Screening Requirements), and **§8.3** (Parking and Loading) of this Ordinance.

9.8.3 Manufactured Home or Recreational Vehicle, Temporary Use

9.8.301 In all zoning districts where a single family dwelling is a use by right, the Zoning Administrator may permit the placement of a manufactured home or recreational vehicle on a lot of record on a temporary basis while a detached single family is being constructed on the same lot. Such permit may only be issued under the following conditions:

9.8.302 The manufactured home or recreational vehicle is used as the principal residence of the owner of the lot while the detached single-family is being constructed.

9.8.303 The temporary permit for the manufactured home or recreational vehicle shall not be issued by the Zoning Administrator until the owner of the lot has received a building permit for the construction of the detached single-family.

9.8.304 The manufactured home or recreational vehicle shall be placed on the lot in such manner that it meets all required setbacks for the principal structure.

9.8.305 The temporary permit shall initially be valid for a period of one year. The permit may be extended on a one-time basis for a period of no greater than 6 months if the Zoning Administrator determines that significant progress is being made in completing the construction of the detached single-family. Upon expiration of said eighteen-month period, the temporary permit for the manufactured home or recreational vehicle shall become invalid.

9.8.306 The manufactured home or recreational vehicle shall immediately be removed upon either the expiration of the temporary use permit for the manufactured home or recreational vehicle, upon expiration of the building permit for the detached single-family, or within 30 days of the issuance of a certificate of occupancy for the detached single-family.

9.8.307 An existing manufactured home located on the lot may be so used so long as all applicable regulations of this section are met.

9.8.4 Special Events

9.8.401 Special Events cannot be held longer than seven (7) consecutive days once every six (6) months on the same parcel or lot.

9.8.402 The application must include the signature of the owner of the property or the owner's agent or must have attached to it a copy of a lease or letter of agreement authorizing the proposed temporary use.

9.8.403 Parking for the event shall be located completely on the parcel and not within any rights-of-way or existing access easements.

9.8.404 A separate temporary permit must be obtained for satellite parking for special events occurring on a separate parcel. Applications for satellite parking areas must obtain NC Department of Transportation approval if necessary.

ARTICLE 10
HIGHWAY CORRIDOR OVERLAY DISTRICTS

SECTION 10.1 GENERAL INFORMATION

10.1.1 Objective and Purpose

10.1.101 In order to protect the rural character and natural environment of the area and to provide attractive highway corridors and gateways to our communities, Highway Corridor Overlay Districts are created.

10.1.102 It is the goal of these districts to enhance the attractiveness of the area to visitors and residents alike.

10.1.103 In all instances, coordination with the N.C. Department of Transportation (NCDOT) will be encouraged and policies and recommendations of NCDOT will be taken into consideration when administering this Article.

10.1.2 Highway Corridor Designation and Underlying Zoning

The use and development of any land or structures within a designated Highway Corridor Overlay District shall comply with regulations applicable to the underlying zoning districts, as well as the requirements of this Article.

10.1.3 Exemptions to Highway Corridor Overlay Requirements

10.1.301 Development that results in a one-time building footprint expansion of 250 square feet or less, or exterior building remodeling are exempted from the landscaping requirements of this Article.

10.1.302 In cases where the use of a building or land is changing, there may be impediments to compliance with this Article. The Planning Department staff shall determine the level of compliance that is practical in these cases.

10.1.303 Single Family Residential and their associated accessory buildings and uses are exempt from the requirements of this section. This does not include major subdivisions (Neighborhood Conservation or Conventional).

10.1.4 Minor Utility Structures

Minor utility structures are exempt from the requirements of this article subject to the following requirements:

10.1.401 Minor utility structures include sewer, water, storm drainage and collection system structures not limited to pump stations and lift stations. Poles, lines, pipes and onsite drainage facilities are allowed without restriction within the setback.

10.1.402 Driveways shall be offset such that they do not line up perpendicular to the building frontage.

10.1.403 Large shade trees shall be preserved or planted on 35 foot centers along the driveways and within the required setback.

10.1.404 Maximum building size is limited to 800 square feet.

10.1.405 Buildings shall be no closer than 20 feet to the edge of right-of-way.

10.1.406 Existing vegetation shall be incorporated into the setback where possible. In cases where vegetation is missing or has been thinned, a buffer strip shall be planted with 15 shrubs per 100 feet to help shield the building and parking area. The shrubs shall include at least 60% evergreens and be compatible with the surrounding area.

10.1.407 Side entrances and pitched roofs are encouraged.

10.1.5 Designation Boundaries

10.1.501 In order to carry out the purposes of this Ordinance, the County designates the following types of Highway Corridor Overlay Districts the boundaries of which are shown on the County Zoning Map(s) and described in **§6.5** (Overlay Districts) of this Ordinance.

10.1.502 The Highway Corridor Overlay Districts shall be measured from the edge of the highway or other public right of way.

SECTION 10.2 LANDSCAPE BUFFER REQUIREMENTS

10.2.1 Purpose and Application

10.2.101 The standards of this Section provide for the preservation of existing vegetation and for the installation and maintenance of installed vegetation (preservation of existing vegetation is desirable).

10.2.102 The purpose of these standards is to improve corridor appearance, allow for the ecological benefits provided by plants, establish vegetation consistent with site conditions and surroundings and enhance the natural beauty and public safety along highway corridors.

10.2.103 Additionally the purpose of these landscaping standards is to create the appearance that manmade development is situated within a forest or naturalized setting.

10.2.104 Land used for established buildings and support facilities for buildings should be developed in such a way as to maintain and enhance the pre-existing, and/or surrounding natural landscape conditions and appearance along the highway corridor.

10.2.105 The landscaping standards of this Section shall apply to all proposed non-single family development, unless specifically exempted by this Article.

10.2.2 Permitted Uses Within Buffer Area

10.2.201 The intent of buffer areas is to provide a space to separate differing uses, reduce the visual impact of development and provide for the retention or re-establishment of existing landscape conditions.

10.2.202 Buffers shall be left in an undisturbed natural vegetative state or provided with supplemental plantings.

10.2.203 Selective thinning of vegetation and removal of dead vegetation shall be permitted as long as the intent of the buffer requirement is maintained.

10.2.204 Driveways or walkways shall cross a buffer at approximately a perpendicular angle, if practical.

10.2.205 Grading in the designated buffer may be allowed with site plan approval, if the re-vegetation plan is determined to meet the intent of this Section.

10.2.206 Signs, light poles, and flagpoles as permitted by this Ordinance may be placed in front yard buffers.

10.2.3 Location of Buffers

Required buffers shall be provided along the perimeter of any lot or development unless alternate locations are approved. Buffers shall be designated and dimensioned on all site plans.

10.2.4 Application of Buffer Areas

10.2.401 When non-single family uses submit a site plan for locations next to property zoned or developed for residential uses, including multi-family, buffers shall be provided near the perimeter of the property which is submitting the site plan.

10.2.402 These buffer requirements shall not apply when a non-corridor public street or railroad right-of-way separates a non-single family use from a residential property.

10.2.403 The required buffer width is dependent on the type of Highway Corridor Overlay District. (see **§6.5** Highway Corridor Overlay Districts)

10.2.404 If the adjacent property is zoned for residential use but is vacant at the time of the proposed development, the required buffer shall be installed just as if the adjacent property were developed.

10.2.5 Existing and Planted Vegetation

10.2.501 Buffers require provision of both physical separation and landscape elements to meet the intent of this Ordinance.

10.2.502 Existing vegetation shall be used to meet all or part of the requirements of this Section, wherever possible, if it provides the same level of obscurity as the planted buffers required below.

10.2.503 Vegetation to be saved shall be identified on site plans along with protection measures to be used during grading and construction.

10.2.504 Required plantings allow for a mix of larger shade trees, pine trees, understory trees/large shrubs, and smaller shrubs to provide a naturalized planting closely matched to the ecosystem conditions of the site or surroundings.

10.2.505 The mix is designed to create a buffer which will give a satisfactory screen within three (3) years of planting, under normal maintenance, while allowing room for the various plants to mature naturally.

10.2.506 In calculating buffer planting requirements, areas of driveways and sight distance triangles are excluded.

10.2.6 Required Vegetative Plantings in the Buffer

10.2.601 The existing and/or planted vegetative buffer must be in a quantity that meets the following requirements:

Required Shade Trees per 100 Linear feet of property along the highway	6 trees
Required Shrubs per 100 linear feet of property along the highway.	15 shrubs
Refer to **Appendix A** (Recommended Landscaping Materials) for a list of recommended landscaping materials for Moore County.	

10.2.602 Large trees (pines and/or hardwoods) must be of a minimum size of 2 inches caliper, measured at breast height at planting.

10.2.603 Trees and shrubs shall be distributed along the entire length and width of the buffer.

10.2.604 Shrubs shall be a minimum container size of 3 gallons or balled with burlap, with minimum dimensions of 18 inch spread and 24 inch height, of a variety that can be expected to reach 4 feet in height within 3 years of planting.

10.2.605 A minimum of sixty percent (60%) of required shrubs shall be evergreen.

10.2.606 Shrubs shall not normally be planted closer than 6 feet to planted trees, nor within the drip line of existing, protected trees.

SECTION 10.3 PARKING AREA LANDSCAPING

10.3.1 Purpose

To reduce reflected sunlight and headlight glare from vehicles, as well as to maintain separation between vehicles and other uses, and to reduce the effects on the environment of vehicle use areas, including loading areas and gas pump areas.

10.3.2 Parking Area Perimeter Planting Requirements

10.3.201 Any new parking area, or expansion of 12 or more parking spaces, or new vehicle use area, including loading areas and gas pumps, with visibility from the highway or adjacent property, shall provide landscaped areas meeting the requirements of this Section.

10.3.202 Landscaped area, adjacent to and outside the street right of way and/or property line, equal to 5 square feet per linear foot of parking lot edge less driveways and sight distance triangles, shall be provided.

10.3.203 This perimeter planting area shall be a minimum of five (5) feet wide. Plants shall be located to not conflict with vehicle overhangs.

10.3.204 Required buffers and/or screens required in this Ordinance and located between parking lots and street and/or adjacent adjoining properties may provide relief from this requirement.

10.3.3 Planting Requirements

10.3.301 One (1) shade tree per 50 linear feet of right-of-way or property line less driveways and sight distance triangles;

10.3.302 One (1) evergreen shrub per 8 linear feet of right-of-way or property line less driveways and sight distance triangles;

10.3.303 Two (2) understory trees or pine trees may be substituted for each shade tree.

10.3.304 A masonry wall or opaque fence at least 36 inches tall, of a material compatible with the building, may be substituted for the requirements of the shrubs. Tree planting requirements will also apply.

10.3.305 A berm may be installed in combination with planting to provide 36 inch height of screening by the shrubs within the perimeter planting area. Tree planting requirements will also apply.

SECTION 10.4 GENERAL LANDSCAPING REQUIREMENTS

10.4.1 Landscape Plan

Prior to land disturbance activity for any non-single family development for which there is a landscape requirement, a landscape plan shall be submitted to the Zoning Administrator. Areas where plant material will be preserved shall be marked on-site prior to beginning land-disturbing activities.

10.4.2 Landscape Plan Requirements

10.4.201 A North arrow, legend and a location map

10.4.202 Zoning and existing land use of adjoining properties

10.4.203 Location of flood plains and rock outcroppings

10.4.204 Locations, type, size of existing plants to be preserved

10.4.205 Methods and details for protecting vegetation to be preserved

10.4.206 Proposed plants, size, location, and type

10.4.207 Existing buildings and paved areas

10.4.208 Proposed buildings, walks and paved areas, drives, loading areas, dumpsters, walls, fences, berms, water features, parking areas, vehicular use areas, lighting, and signs

10.4.209 Planting details

10.4.210 Underground and above ground utilities

10.4.211 Proposed modification to the public street

10.4.212 Wall and fence details as applicable

10.4.213 Sedimentation and erosion control plan if required.

10.4.3 Planting Size Requirements

10.4.301 Hardwood Trees – Two (2) inch caliper measured at Diameter Breast Height (DBH) at time of planting.

10.4.302 Pine and Evergreen Trees – Two (2) inch caliper measured at Diameter Breast Height (DBH) at time of planting.

10.4.303 Evergreen shrub – Three (3) gallon container or 18 inch spread and 24 inch height, depending on species (at time of planting). Additionally, the evergreen shrub shall be a species and size expected to reach 36 inch height and 30 inch spread within two (2) years of planting. A larger shrub may be required to reach the desired size within two (2) years.

10.4.305 Ornamental or understory tree – six (6) foot height at time of planting.

10.4.4 Landscape Material, Installation and Maintenance

10.4.401 The developer/owner shall provide and furnish all materials included on the landscape plan.

10.4.402 Plant materials shall conform to requirements in the latest edition of American Standard for Nursery Stock, which is published by the American Association of Nurserymen.

10.4.403 Plant materials shall be from the Recommended Plant Material List or approved at the time the landscape plan is reviewed.

10.4.404 Property owners shall ensure the survival and health of required plant materials. If a required plant dies or is in a deteriorating condition, it shall be replaced by the property owner within 90 days, or at the next appropriate planting season.

10.4.405 Existing trees shall be preserved per the Landscape Plan and these regulations. Plants to be preserved shall be identified on-site prior to any land disturbing activity.

ARTICLE 11
WATERSHED OVERLAY DISTRICTS

SECTION 11.1 AUTHORITY AND GENERAL REGULATIONS

11.1.1 Authority

The Legislature of the State of North Carolina has, in NCGS 153A-6.121, General Ordinance Authority and in NCGS 143-21, Watershed Protection Rules, delegated the responsibility and authority to local governmental units to establish water supply watershed protection programs, to regulate land use and development within water supply watersheds, and to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

11.1.2 Applicability

11.1.201 The provisions of this Article shall apply within the areas in Moore County's zoning jurisdiction that are designated as Public Water Supply Watersheds by the N.C. Environmental Management Commission and shall be defined and established on the map(s) entitled, "Moore County Public Water Supply Watershed Overlay Districts," which is adopted simultaneously herewith.

11.1.202 The "Moore County Public Water Supply Watershed Overlay Districts" Map and all explanatory matter contained thereon accompanies and is hereby made a part of this Ordinance.

11.1.3 Exceptions

11.1.301 Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any Ordinance or regulation pertaining thereto except any Ordinance which these regulations specifically replace; nor restrict any provisions of the Code of Ordinances of Moore County.

11.1.302 It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.

11.1.303 Existing development, as defined by this Article, is not subject to the requirements of this Article. Expansions to structures classified as existing development must meet the requirements of this Article; however, the built-upon area of the existing development is not required to be included in the density calculations.

11.1.304 A lot that pre-existed the original effective date of these regulations (December 31, 1993 or before), regardless of whether or not a vested right has been established,

may be developed for single-family residential purposes without being subject to the restrictions of this Article.

11.1.4 Application of Regulations

11.1.401 No building or land shall hereafter be used and no development shall take place except in conformity with the regulations herein specified for the watershed area in which it is located.

11.1.402 No area required for the purpose of complying with the provisions of this Ordinance shall be included in the area required for another building.

11.1.403 If a use or class of use is not specifically indicated as being allowed in a watershed area, such use or class of use is prohibited.

11.1.5 Rules Governing the Interpretation of Watershed Area Boundaries

Where uncertainty exists as to the boundaries of the watershed areas, as shown on the Watershed Map, the following rules shall apply:

11.1.501 Where area boundaries are indicated as approximately following either street, alley, railroad or highway lines or centerlines thereof, such lines shall be construed to be said boundaries.

11.1.502 Where area boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. However, a surveyed plat prepared by a registered land surveyor may be submitted to the [County][Town] as evidence that one or more properties along these boundaries do not lie within the watershed area.

11.1.503 Where the watershed area boundaries lie at a scaled distance more than twenty-five (25) feet from any parallel lot line, the location of watershed area boundaries shall be determined by use of the scale appearing on the watershed map.

11.1.504 Where the watershed area boundaries lie at a scaled distance of twenty-five (25) feet or less from any parallel lot line, the location of watershed area boundaries shall be construed to be the lot line.

11.1.505 Where other uncertainty exists, the Watershed Administrator shall interpret the Watershed Map as to location of such boundaries. This decision may be appealed to the Watershed Review Board.

11.1.6 Set Aside for Public Projects and Facilities

11.1.601 In order to assure that sufficient land is available for public projects and facilities within the five identified Watershed areas, 5% of the Special Nonresidential 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.

11.1.602 Ten percent (10%) of the Nick's Creek Watershed shall be set aside for these purposed. Public projects and facilities shall include schools, public buildings and other similar uses.

11.1.7 Watershed Certification for Subdivisions

11.1.701 All subdivisions of land are subject to the provisions contained in **Article 17** (Subdivision Regulations).

11.1.702 All subdivision of land meeting the requirements of this Article shall contain the certificate entitled **Public Water Supply Watershed Protection Certificate in Appendix C** (Subdivision Plat Certificates and Statements).

11.1.8 Establishment of Watershed Areas

The purpose of this Article is to list and describe the watershed areas herein adopted. For purposes of this Ordinance the County of Moore is hereby divided into the following area[s], as appropriate:

11.1.801 WS-II-CA (Critical Area)

11.1.802 WS-II-BW (Balance of Watershed)

11.1.803 WS-III-CA (Critical Area)

11.1.804 WS-III-BW (Balance of Watershed)

11.1.805 WS-IV-PA (Protected Area)

SECTION 11.2 WS-II-CA WATERSHED REGULATIONS

11.2.1 Allowed Uses

11.2.101 Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 and the rules and regulations of the Soil and Water Conservation Commission.

11.2.102 Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 1I.6101-.0209).

11.2.103 Residential development.

11.2.104 Non-residential development, excluding landfills and sites for land application of residuals or petroleum contaminated soils.

11.2.2 Density and Built-upon Limits

11.2.201 Single Family Residential development shall not exceed one dwelling unit per two (2) acres on a project by project basis.

11.2.202 No residential lot shall be less than two (2) acres [80,000 square feet excluding roadway right-of-way], except within an approved cluster development.

11.2.203 All Other Residential and Non-Residential--development shall not exceed six percent (6%) built-upon area on a project by project basis. for the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

SECTION 11.3 WS-II-BW WATERSHED REGULATIONS

11.3.1 Allowed Uses

11.3.101 Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.

11.3.102 Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 1I.0101-.0209).

11.3.103 Residential development.

11.3.104 Non-residential development excluding discharging landfills.

11.3.2 Density and Built-upon Limits

11.3.201 Single Family Residential development shall not exceed one dwelling unit per acre (1 du/ac) on a project by project basis.

11.3.202 No residential lot shall be less than one acre (or 40,000 square feet excluding roadway right-of-way), except within an approved cluster development.

11.3.203 All Other Residential and Non-Residential--development shall not exceed twelve percent (12%) built-upon area on a project by project basis except that up to ten percent (10%) of the balance of the watershed may be developed at up to seventy percent (70%) built-upon area on a project by project basis as approved by the Watershed Review Board (see **§3.13** Special Non-Residential Intensity Allocation). For the purpose calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

SECTION 11.4 WS-III-CA WATERSHED REGULATIONS

11.4.1 Allowed Uses

11.4.101 Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 and the rules and regulations of the Soil and Water Conservation Commission.

11.4.102 Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 1I.0101-.0209).

11.4.103 Residential development.

11.4.104 Non-residential development, excluding: 1) landfills and 2) sites for land application of residuals or petroleum contaminated soils.

11.4.2 Density and Built-upon Limits

11.4.201 Single Family Residential--development shall not exceed one dwelling unit per acre (1 du/ac) on a project by project basis.

11.4.202 No residential lot shall be less than one acre (or 40,000 square feet excluding roadway right-of-way), except within an approved cluster development.

11.4.203 All Other Residential and Non-Residential development shall not exceed twelve percent (12%) built-upon area on a project by project basis. For the purpose of calculating built-upon area, the total project area shall include total acreage in the tract on which the project is to be developed.

SECTION 11.5 WS-III-BW WATERSHED REGULATIONS

11.5.1 Allowed Uses

11.5.101 Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.

11.5.102 Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 1I.0101-.0209).

11.5.103 Residential development.

11.5.104 Non-residential development excluding discharging landfills.

11.5.2 Density and Built-upon Limits

11.5.201 Single Family Residential development shall not exceed two (2) dwelling units per acre, as defined on a project by project basis.

11.5.202 No residential lot shall be less than one-half (1/2) acre (or 20,000 square feet excluding roadway right-of-way), except within an approved cluster development.

11.5.203 All Other Residential and Non-Residential--development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis except that up to ten percent (10%) of the balance of the watershed may be developed with new development and expansions to existing development at up to seventy percent (70%) built-upon area on a project by project basis as approved by the Watershed Review Board (see **§3.13** Special Non-Residential Intensity Allocation). For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

SECTION 11.6 WS-IV-PA WATERSHED REGULATIONS

11.6.1 Allowed Uses

11.6.101 Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.

11.6.102 Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 1I.0101-.0209).

11.6.103 Residential development.

11.6.104 Non-residential development.

11.6.2 Density and Built-upon Limits

11.6.201 Single Family Residential development shall not exceed two (2) dwelling units per acre, as defined on a project by project basis.

11.6.202 No residential lot shall be less than one-half (1/2) acre (or 20,000 square feet excluding roadway right-of-way), or one-third (1/3) acre for projects without a curb and gutter street system, except within an approved cluster development.

11.6.203 All Other Residential and Non-Residential--development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis. For projects without a curb and gutter street system, development shall not exceed thirty-six percent (36%) built-upon area. For the purpose of calculating built-upon area, total project area shall include acreage in the tract on which the project is to be developed.

SECTION 11.7 DEVELOPMENT REGULATIONS

11.7.1 Cluster Development

Cluster development is allowed in all Watershed Areas under the following conditions:

11.7.101 Minimum lot sizes are not applicable to single family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single family detached developments for each watershed overlay district.

11.7.102 Density or built-upon area for the project shall not exceed that allowed for the critical area, balance of watershed or protected area, whichever applies.

11.7.103 All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.

11.7.104 Areas of concentrated density development shall be located in upland area and away, to the maximum extent practicable, from surface waters and drainage ways.

11.7.105 The remainder of the tract shall remain in a vegetated or natural state.

11.7.106 The title to the open space area shall be conveyed to an incorporated homeowners association for management; to a local government for preservation as a park or open space; or to a conservation organization for preservation in a permanent easement.

11.7.107 Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.

11.7.108 Cluster developments that meet the applicable low density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.

11.7.2 Buffer Areas Required

11.7.201 A minimum one hundred (100) foot natural vegetative buffer is required for all new development activities that exceed the low density option; otherwise, a minimum thirty (30) foot natural vegetative buffer for development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial stream bank or shoreline stabilization is permitted.

11.7.202 No new development is allowed in the natural vegetative buffer except for water dependent structures, other structures such as flag poles, signs and security lights which result in only diminutive increases in impervious area and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.

11.7.3 Vacant Lots

11.7.301 This category consists of vacant lots for which plats or deeds have been recorded in the Office of the Register of Deeds of Moore County as of December 31, 1993 or before.

11.7.302 Vacant lots may be used for any of the uses allowed in the Watershed Overlay District in which it is located.

11.7.303 Where the lot area is below the minimum specified in this Article, the Watershed Administrator or Deputy is authorized to issue a Watershed Protection and Zoning Permit provided the use is allowed in the Watershed Overlay District in which it is located.

11.7.4 Occupied Lots

11.7.401 This category consists of lots occupied for residential purposes prior to the original adoption of these regulations (December 31, 1993 or before).

11.7.402 These lots may continue to be used provided that whenever two or more adjoining lots of record, one of which is occupied, are in single ownership at any time after the original adoption of these regulations, and such lots individually or together have less area than the minimum requirements for residential purposes for the watershed zoning overlay district in which it is located, such lots may be required to be combined to create lots that meets the minimum size requirements or that minimize the degree of nonconformity.

11.7.5 Uses of Land

This category consists of uses existing at the time of original adoption of these regulations where such use of the land is not permitted to be established hereafter in the watershed zoning overlay district in which it is located. Such uses may be continued except as follows:

11.7.501 When such use of land has been changed to an allowed use, it shall not thereafter revert to any prohibited use.

11.7.502 Such use of land shall be changed only to an allowed use.

11.7.503 When such use ceases for a period of at least one hundred eighty (180) days, it shall not be reestablished.

11.7.6 Reconstruction of Buildings or Built-upon Area

Any existing building or built-upon area at the time of original adoption of these regulations not in conformance with the restrictions of this Article that has been damaged or removed may be repaired and/or reconstructed, except that there are no restrictions on single family residential development, provided:

11.7.601 Repair or reconstruction is initiated within twelve (12) months and is completed within two (2) years of such damage.

11.7.602 The total amount of space devoted to built-upon area may not be increased unless stormwater control that equals or exceeds the previous development is provided.

SECTION 11.8 PUBLIC HEALTH

11.8.1 General Public Health

11.8.101 No activity, situation, structure or land use shall be allowed within the watershed which poses a threat to water quality and the public health, safety and welfare.

11.8.102 Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the

improper management of stormwater runoff; or any other situation found to pose a threat to water quality.

11.8.2 Abatement

11.8.201 The Zoning Administrator shall monitor land use activities within the watershed areas to identify situations that may pose a threat to water quality.

11.8.202 The Zoning Administrator shall report all findings to the Watershed Review Board. The Zoning Administrator may consult with any public agency or official and request recommendations.

11.8.203 Where the Watershed Review Board finds a threat to water quality and the public health, safety and welfare, the Board shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation.

ARTICLE 12
FLOOD DAMAGE PREVENTION

SECTION 12.1 AUTHORIZATION

12.1.1 General

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3 and 4 of Article 18 of Chapter 153A; and Part 121, Article 6 of Chapter 153A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

12.1.2 Findings of Fact

12.1.201 The flood prone areas within the jurisdiction of the County of Moore are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

12.1.202 These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

12.1.3 Purpose

It is the purpose of this Ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

12.1.301 Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;

12.1.302 Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

12.1.303 Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

12.1.304 Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and

12.1.305 Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

12.1.4 Objectives

The objective of this Article are:

12.1.401 To protect human life and health.

12.1.402 To minimize expenditure of public money for costly flood control projects.

12.1.403 To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

12.1.404 To minimize prolonged business losses and interruptions.

12.1.405 To minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas.

12.1.406 To help maintain a stable tax base by providing for the sound use and development of flood prone areas.

12.1.407 To ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

12.1.5 General Development Standards

In all Special Flood Hazard Areas the following provisions are required.

12.1.501 All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

12.1.502 All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

12.1.503 All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

12.1.504 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. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers, etc.), hot water heaters, and electric outlets/switches.

12.1.505 All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

12.1.506 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 flood waters.

12.1.507 On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

12.1.508 Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance.

12.1.509 Nothing in this Ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this Ordinance and located totally or partially within the 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, flood of record contour or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this Ordinance.

12.1.510 New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in **§3.6.5** (Hazardous Waste Management Facilities).

12.1.511 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 certified according to **§3.5.5** of this Ordinance.

12.1.512 New critical facilities shall not be permitted, except by variance, as specified in **§3.6.5** (Hazardous Waste Management Facilities).

12.1.513 All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

12.1.514 All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

12.1.515 All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

12.1.516 All subdivision proposals and other 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 12.2 STANDARDS FOR FLOODPLAINS WITH ESTABLISHED BASE FLOOD ELEVATIONS

12.2.1 Applicability

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in **§3.5.2** (Basis for Establishing Special Flood Hazard Areas) or in all areas bounded by flood of record contours the following provisions, in addition to **§12.1.5** (General Development Standards) are required.

12.2.2 Residential Construction

New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation or flood of record elevation, as defined in **Article 18** (Definitions and Word Interpretations) of this Ordinance.

12.2.3 Non-Residential Construction

12.2.301 New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation or flood of record elevation, as defined in **Article 18** (Definitions and Word Interpretations) of this Ordinance.

12.2.302 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.

12.2.303 For AO Zones, the floodproofing elevation shall be in accordance **§12.6.2** of this Ordinance. Soil testing and compaction standards of the International Building Code shall be met.

12.2.304 A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Zoning Administrator as set forth in **§3.5.5** (Elevation Certificate Requirements) and **§3.5.6** (Additional Certificate Requirements), along with the operational and maintenance plans.

12.2.4 Manufactured Homes

12.2.401 Manufactured homes may be replaced within a Special Flood Hazard Area, **but no new placement of manufactured homes shall occur within the Special Flood**

Hazard Area or within an area bounded by flood of record contours of a lot of record, except by variance.

12.2.402 Replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation or flood of record elevation, as defined in **Article 18** (Definitions and Word Interpretations) of this Ordinance.

12.2.403 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 ξ143-143.16. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

12.2.404 All enclosures or skirting below the lowest floor shall meet the requirements of **§12.2.5** (Elevated Buildings)

12.2.405 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. This plan shall be filed with and approved by the floodplain administrator and the local Emergency Management coordinator.

12.2.406 Manufactured homes shall not be placed in a regulatory floodway or Non-Encroachment Area except for replacement structures in accordance with the provisions of **§12.5.3** (Manufactured Homes in Floodway and Non-Encroachment Areas).

12.2.5 Elevated Buildings

Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

12.2.501 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.

12.2.502 Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).

12.2.503 The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas.

12.2.504 Shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation.

12.2.505 Shall include, in Zones A, AO, AE, and A1-30 and within the flood of record contour, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters designed in accordance with **§12.2.6** (Flood Opening Design Standards) of this Ordinance.

12.2.6 Flood Opening Design Standards

Flood openings must be certified by a professional engineer or architect or meet or exceed the following design criteria.

12.2.601 A minimum of two flood openings on different sides of each enclosed area subject to flooding;

12.2.602 The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;

12.2.603 If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

12.2.604 The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;

12.2.605 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

12.2.606 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.

12.2.7 Additions and Improvements to Pre-FIRM Structures

Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

12.2.701 Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

12.2.702 A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

12.2.703 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

12.2.8 Additions and Improvements to Post-FIRM Structures

12.2.801 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.

12.2.802 Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

12.2.803 Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

12.2.804 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.

12.2.9 Recreational Vehicles (RV's)

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 quick disconnect type utilities, and has no permanently attached additions).

12.2.10 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:

12.2.1001 A specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year;

12.2.1002 The name, address, and phone number of the individual responsible for the removal of the temporary structure;

12.2.1003 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.

12.2.1004 A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

12.2.1005 Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

12.2.11 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:

12.2.1101 Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

12.2.1102 Accessory structures shall not be temperature-controlled;

12.2.1103 Accessory structures shall be designed to have low flood damage potential;

12.2.1104 Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

12.2.1105 Accessory structures shall be firmly anchored in accordance with **§12.1.501** (General Development Standards).

12.2.1106 All service facilities such as electrical shall be installed in accordance with **§12.1.504** (General Development Standards) and

12.2.1107 Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation or flood of record elevation in conformance with **§12.2.6** (Flood Opening Design Standards).

12.2.1108 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. Elevation or floodproofing certifications are required for all other accessory structures in accordance with **§3.5.5** (Elevation Certificate Requirements) and **§3.5.6** (Additional Certificate Requirements).

SECTION 12.3 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS

12.3.1 Applicability

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in **§3.5.2** (Basis for Establishing Special Flood Hazard Areas) where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to **§12.1.5** (General Development Standards) and **§12.2** (Standards for Floodplains with Established Base Flood Elevations), shall apply.

12.3.2 Base Flood Elevation (BFE) Determination

The BFE used in determining the regulatory flood protection elevation shall be determined based on one of the following criteria set in priority order:

12.3.201 If Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this Ordinance and shall be elevated or floodproofed in accordance with standards in **§2.1.217** and **§2.1.208**.

12.3.202 All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per **§3.5.2** (Basis for Establishing Special Flood Hazard Areas) to be utilized in implementing this Ordinance.

12.3.203 When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated to or above the regulatory flood protection elevation or flood of record elevation, as defined in **Article 18** (Definitions and Word Interpretations).

12.3.3 Construction Standards

No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side 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 in flood levels during the occurrence of the base flood discharge.

SECTION 12.4 STANDARDS FOR RIVERINE FLOODPLAINS WITH ESTABLISHED BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS

12.4.1 Applicability

Along rivers and streams where BFE data is provided but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas.

12.4.2 General Standards

12.4.201 All standards and requirements listed in **§12.2** (Standards for Floodplains with Established Base Flood Elevations) and **§12.3** (Standards for Floodplains Without Established Base Flood Elevations) of this Article shall apply.

12.4.202 Until a regulatory floodway or non-encroachment area is designated, 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 is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

SECTION 12.5 FLOODWAYS AND NON-ENCROACHMENT AREAS

12.5.1 Applicability

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in **§3.5.2** (Basis for Establishing Special Flood Hazard Areas). The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in **§12.1.5** (General Development Standards) and **§12.2** (Standards for Floodplains with Established Base Flood Elevations), shall apply to all development within such areas.

12.5.2 Encroachment Restrictions

No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:

12.5.201 It is demonstrated that the proposed encroachment would not result in any increase 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,

12.5.202 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.

12.5.203 If this subsection is satisfied, all development shall comply with applicable flood hazard reduction provisions of this Ordinance.

12.5.3 Manufactured Homes in Floodway and Non-Encroachment Areas

No manufactured homes shall be permitted, except replacement manufactured home park or subdivision, provided the following provisions are met:

12.5.301 The anchoring and the elevation standards of **§12.1.501**;

12.5.302 The no encroachment standard of **§12.5.202**.

SECTION 12.6 STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO)

12.6.1 Applicability

12.6.101 Located within the Special Flood Hazard Areas established in **§3.5.2** (Basis for Establishing Special Flood Hazard Areas), are areas designated as shallow flooding areas.

12.6.102 These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate.

12.6.103 In addition to **§12.1.5** (General Development Standards), all new construction and substantial improvements shall meet the requirements of this section.

12.6.2 General Standards for AO Zones

12.6.201 The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of three (3) feet, above the highest adjacent grade; or at least two feet above the highest adjacent grade plus a freeboard of one (1) foot if no depth number is specified.

12.6.202 Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in **§3.5.601** 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 effects of buoyancy. Certification is required as per **§3.5.6** (Additional Certificate Requirements)

12.6.203 Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

ARTICLE 13
PLANNED UNIT DEVELOPMENTS

SECTION 13.1 DEFINITION AND PURPOSE

13.1.1 Definition

13.1.101 A Planned Unit Development (PUD) is a unique zoning district that allows coordinated development on larger sites provided the conditions and standards established for the particular site are met.

13.1.102 As such, development within a PUD shall occur in accordance with unique conditions and standards established during the rezoning process that may vary from those contained within other sections of this Ordinance.

13.1.103 Such conditions and standards shall be applicable only to the specific parcel(s) of land that comprises that PUD, and shall run with the land regardless of ownership.

13.1.2 Purpose

The purpose of the PUD is to accommodate large-scale, master planned, mixed-use developments that cannot be accomplished through conventional zoning districts. It provides the ability to depart from conventional standards as a means of encouraging innovation, creativity and a higher level of development quality by allowing for the following:

13.1.201 creativity and innovation in the design that leads to more appropriate relationships between land uses and site features,

13.1.202 the establishment of a coordinated land plan and consistent treatment of common design elements,

13.1.203 a mixture of compatible uses,

13.1.204 clustering of development thereby increasing the amount of open space preserved,

13.1.205 a network of open space that serves a variety of recreational and environmental purposes and that is designed and located with respect to existing significant natural features and environmentally sensitive areas,

13.1.206 to encourage the preservation and improvement of the maximum amount of wetland as possible in accordance with the Moore County Land Use Plan,

13.1.207 the thoughtful integration of public or semi-public spaces and amenities to promote community gatherings and activities,

13.1.208 connectivity within the development to promote convenient vehicular and non-motorized access and optimal circulation,

13.1.209 efficient provision and use of public services and utilities,

13.1.210 flexibility to respond to market conditions over longer projected development periods due to the scale of such developments, and

13.1.211 if residential is a proposed land use, a variety of lot sizes and dwelling types to expand the spectrum of housing choices for households varying in type, size and age.

SECTION 13.2 TYPES OF PLANNED UNIT DEVELOPMENTS

13.2.1 Planned Unit Development – Hamlet (PUD-H)

Planned Unit Development–Hamlet (PUD-H) is intended for mixed-use development in close proximity to existing municipalities where such development would complement these more urban areas and have better access to available infrastructure. A PUD-H shall meet the following requirements:

13.2.101 Minimum area required: twenty-five (25) contiguous acres. Parcels of land separated only by a public easement or right-of-way (road, utility) shall be considered contiguous.

13.2.102 The site abuts or has access to a major thoroughfare.

13.2.2 Planned Unit Development – Rural (PUD-R)

Planned Unit Development–Rural (PUD-R) is intended for the more rural areas of the County. While a mixture of uses is permitted, development is less intense than development in a PUD-H due to distance from existing municipalities and available infrastructure. A PUD-R shall meet the following requirements:

13.2.201 Minimum area required: fifty (50) contiguous acres. Parcels of land separated only by a public easement or right-of-way (road, utility) shall be considered contiguous.

SECTION 13.3 APPLICATION SUBMITTAL

13.3.1 Planned Unit Development Application

An application for a Planned Unit Development must include all the information contained in **§3.11** (Conditional Zoning) of this Ordinance as well as the information contained in this section.

13.3.2 Documentation of Utilities

The availability of public utilities is a significant factor in the development process. Developments having access to both public water and sewer service will achieve greater density than properties that have access to either water or sewer only. If a property does not have access to either public water or sewer the maximum density could be significantly lower. The

following documentation submitted with the application will ensure the development proposed can be supported by the utilities either existing or proposed.

13.3.201 Documentation of preliminary approval of water and sewer service in accordance with Moore County Public Utilities policies.

13.3.202 Calculations demonstrating the estimated water and sewer capacity required to service the proposed project.

13.3.3 Traffic Impact Analysis

A traffic impact study performed and prepared by a qualified transportation or traffic engineer or planner. The requirement to prepare a full traffic impact analysis may be waived by the Administrator only if all of the following conditions are met:

13.3.301 Daily trip generation is less than 5,000 trips; and

13.3.302 The applicant submits a written request for a Traffic Impact Analysis waiver with appropriate supporting documentation; and

13.3.303 The County Manager concurs with the request.

13.3.4 Existing Conditions Map

An Existing Conditions Map(s) displaying existing site conditions (existing natural, man-made and legal features) must meet the required Drawing Standards as listed in **§13.3.10** (Drawing Standards) and shall include the following:

13.3.401 Existing natural features:

- A general description and location of prevalent tree canopy and vegetation.
- Orchards or other agricultural groves by common or scientific name.
- Soil types
- Streams, ponds, drainage ditches, swamps, 100-year floodplains, and general location of wetlands.
- Contour lines with contour intervals no greater than two feet as determined by a licensed engineer or land surveyor.
- If present, any unique land formations and significant natural features (i.e., endangered and threatened plants and animals, waterfalls, rock outcroppings, etc.).

13.3.402 Existing man-made features:

- Roads (public and private) and parking areas.
- Existing drainage swales/ditches
- Storm water facilities or drainage structures.
- Utility lines and other facilities, including water, sewer/septic, electric power, light poles, telephone, and gas.
- Buildings and other structures, including any designated historical structures.

13.3.403 Existing legal features:

- Zoning of the property, including zoning district lines where applicable.
- Boundaries of the parcel(s) that comprise the site to be developed (with bearings and distances noted on the boundaries that are also the exterior boundaries of the site),
- Boundaries of adjacent properties.
- Nearby corporate limits of County(s), County boundaries, and ETJ boundaries.
- Street and other rights-of-ways.
- Utility and other easements.
- Deed book and page reference noted on each parcel within the site.
- Zoning, use, pin number, Land Record Key (LRK) number, and ownership of all adjacent tracts.

Note: Acceptable sources of data include, but are not limited to, readily available data, such as Land Cover data (source: CGIA), Gap Analysis data (source: CGIA), National Wetlands Inventory (NWI), Natural Heritage Inventory (NHI) (source: CGIA), aerial photography, ortho, USGS maps, Moore County GIS data, etc.

13.3.5 Land Development Plan

A Land Development Plan that consists of a drawing or series of drawings that is intended to demonstrate the proposed mix of land uses within the property, general locations of such land uses and the overall transportation circulation pattern within the property. The Land Development Plan must meet the required Drawing Standards as described in **§13.3.10** (Drawing Standards) and must include:

13.3.501 A general vicinity map indicating the location of the property in relation to its surroundings.

13.3.502 The total number of acres of the site.

13.3.503 The proposed net developable acres of the site.

13.3.504 The proposed use categories (i.e., residential, commercial, etc.) with proposed maximum number of dwelling units or gross floor area of non-residential uses indicated for each use category.

13.3.505 The maximum gross density (Dwelling Units per Acre) for the development.

13.3.506 If sub-areas are delineated, the general boundaries of each sub-area and the proposed uses within each.

13.3.507 The proposed transportation circulation pattern including general points of ingress/egress for the development from existing roads and the general location of proposed Arterial and Collector streets within the site.

13.3.508 The general location of any proposed amenities.

13.3.509 Location and width of buffers at project edge.

13.3.510 The general location(s) of required open space and any additional open space to be provided. (see **§13.8** (Open Space Requirements) for description of open space)

13.3.511 The general location of proposed water and wastewater system connections.

13.3.512 The general location of proposed primary storm water management facilities.

13.3.6 Conceptual Plan

A Conceptual Plan that is an illustrative drawing, or series of drawings, that depicts the general design concept, character and intent for the development of the entire property. The ultimate arrangement of uses, the exact alignment and configuration of streets, thoroughfares, points of access and parking areas, and the precise location, height and mass of buildings to be constructed need not be finally determined in a Conceptual Plan, which may be only schematic in nature. (Note: The PUD requires the submittal of a detailed Preliminary Plan, as defined in **§13.4** (Preliminary Plat Approval) below, which shall control the development of the site.) The Conceptual Plan submittals must graphically include:

13.3.601 The general arrangement of all proposed commercial, civic, institutional, industrial, office and/or retail uses.

13.3.602 The general arrangement of all proposed residential uses.

13.3.603 The general location and type of any proposed amenities, including recreational and pedestrian circulation facilities.

13.3.604 The proposed transportation/circulation patterns including general points of ingress/egress for the development from existing roads and the general location and identification of proposed Local, Sub-Collector, Collector and Arterial streets within the development.

13.3.605 The general location of proposed primary project signs.

13.3.606 The general location of proposed open space.

13.3.607 The proposed project edge treatment(s), screening requirements and general landscape treatments.

13.3.608 The general location of primary proposed storm water management facilities (indicating approximate location of primary detention ponds, other facilities and best management practices to be employed).

13.3.609 The incorporation of any known historic structures or significant natural site features (i.e. rock outcroppings, waterfalls, etc.).

13.3.610 The general location of any other proposed major structures or facilities.

13.3.7 Development Conditions

Development Conditions – A set of conditions that will apply to development within the property that is identified in the Application for Rezoning. The following shall be included:

13.3.701 Development program that is a brief statement of the nature and intent of the proposed development, the proposed land use categories and the permitted uses within each category. This program shall specify the maximum number of dwelling units and/or gross floor area of non-residential uses for each proposed use category for the entire development and any proposed conversion schedule.

13.3.702 Development standards - Dimensional standards for each use or use category, as appropriate:

- Minimum lot sizes (area).
- Minimum lot width(s).
- Minimum building setback(s) and yard(s).
- Maximum impervious lot coverage.
- Maximum building/structure height(s).

13.3.703 Graphic illustrations that depict the above standards, such as typical lot layouts, shall be included, if differing from standards specified within this Article.

13.3.704 Statement(s) regarding the treatment of known natural and man made features identified on the existing conditions map **§13.3.5** (Land Development Plan)

13.3.705 Statement(s) regarding any public facilities, housing or infrastructure improvements to be made as part of the development.

13.3.706 Statement regarding the timing of development.

13.3.707 Statement regarding gated portions of the development, if any portion of the development is intended to be gated.

13.3.708 Any other proposed design conditions that differ from the standards set forth in this Article.

13.3.8 Completeness Determination

Within fifteen business days of receipt, the application shall be reviewed by the Zoning Administrator for completeness. The Planning Staff shall review the application for compliance with the appropriate sections of the Ordinance and it shall be considered officially filed only after it is examined by the Staff and found to be in compliance with this Ordinance.

13.3.9 Progress Reports

The developer will be required to provide the Planning Department with annual reports outlining progress to date along with circumstances that may result in delays.

13.3.10 Drawing Standards

All drawings submitted as part of the PUD application must meet the following minimum standards:

13.3.1001 Shall be drawn to scale, using such a scale that all features required to be shown on the plans are readily discernible.

13.3.1002 Shall be prepared by a Professional Engineer currently licensed and registered in the State of North Carolina by the NC Board of Examiners for Engineers and Surveyors, or by a Landscape Architect currently licensed and registered by the North Carolina Board of Landscape Architects.

13.3.1003 Shall include a title, contained within a title block giving the name(s) of the applicant(s), date, graphic scale, and the person or firm preparing the plan, a north arrow and a legend if necessary.

13.3.1004 The applicant shall provide an appropriate and reasonable number of copies (not to exceed 20) that the Planning Director deems necessary to expedite the review process and to provide necessary permanent records.

SECTION 13.4 PRELIMINARY PLAT APPROVAL

13.4.1 Preliminary Plat Required

13.4.101 Prior to the approval of any clearing, construction permits or plats within the PUD, the applicant must submit a Preliminary Plat prepared by a licensed surveyor to the Zoning Administrator for review and approval.

13.4.102 If development is phased, the submittal of a Preliminary Plat for each phase is required.

13.4.103 The Preliminary Plat must be in accordance with the approved Development Conditions and Land Development Plan attached to the approved zoning application.

13.4.104 Each Preliminary Plat shall include sufficient information allowing the Zoning Administrator to properly evaluate such plan for compliance with the specific PUD.

13.4.2 Preliminary Plan Requirements

The Preliminary Plan submittal shall include the following:

13.4.201 If development is phased, a summary table indicating the overall status of:

- The allocation of approved residential units or floor area of non-residential uses.
- The allocation of required open space (acres) within each phase.
- Projected commencement and completion date for subject phase.

13.4.202 A graphic depiction of the proposed phase which must meet the required Drawing Standards and shall include:

- A title, giving the names of the developers, the date, the scale of the plan, and the person or firm preparing the plan.
- Topography of the site, at contour intervals no greater than 10 (ten) feet
- Location and proposed use of all buildings, other than single-family units.
- Lot layout.
- Street network with street types specified, driveways, other traffic circulation areas and parking areas with spaces.
- Points of ingress/egress for existing roads.
- Service areas, off-street loading facilities, service drives
- Primary project sign locations and sizes, which may be further detailed in a sign plan accompanying the submittal.
- The location of storm water management facilities.
- The location of water and wastewater systems, particularly proposed fire hydrant locations and system connections to existing facilities.
- Open space areas (type and configuration) and access, if provided.
- The location and type of amenities including recreational and pedestrian circulation facilities.
- Landscaping, screening (fences, walls, vegetation) and buffer details indicating location and, if applicable, composition and height.
- Lighting plan, where applicable.
- The location of and plans for any historic structures or significant natural features.
- The location of any other proposed major structures or facilities.

13.4.203 A written explanation of any minor design modifications from the approved Land Development Plan, if applicable.

13.4.204 Certifications from the appropriate agencies that the proposed utility systems are or will be adequate to handle the proposed development.

13.4.205 A draft of the Articles of Incorporation for the Property Owners' Association (POA) and/or other legal documentation demonstrating the establishment/identification of the entity responsible for control and maintenance of required common areas and facilities.

13.4.206 A statement regarding sedimentation/erosion control. (Sedimentation and Erosion Control Plan shall be submitted to the Land Quality Section, Department of Environment and Natural Resources and shall be part of the set of construction drawings prepared in accordance with the approved Preliminary Plan.)

13.4.3 Preliminary Plan Approval

13.4.301 Within fifteen business days, the Planning Director shall determine if the Preliminary Plan is in overall compliance with the approved PUD.

13.4.302 Should the Planning Director determine that the Preliminary Plan submittal is not in compliance with the approved PUD, the Planning Director shall deny the Preliminary Plan submittal.

13.4.303 If denied, the applicant may revise and resubmit such Preliminary Plan or may elect to have the submittal forwarded to the Planning Board for consideration.

SECTION 13.5 AMENDMENTS, ADDITIONS AND EXPIRATION OF PUD

13.5.1 Expiration of the Approved PUD

13.5.101 Once the PUD is approved by the Board of Commissioners, the Land Development Plan and Development Conditions attached thereto, shall be binding upon the property and all subsequent development and use of the property shall be in accordance with the approved Land Development Plan and Development Conditions.

13.5.102 The approval of the PUD District zoning shall be null and void unless a Preliminary Plan for at least the initial phase has been submitted for review and approval within three (3) years after the date of approval of the PUD application and, if not submitted within such time frame, the zoning for the property shall revert back to its previous zoning classification. Such time period will not be extended with transfer of ownership.

13.5.103 Upon written request, one extension of time may be granted by the Board of Commissioners for a period not to exceed one year for good cause shown.

13.5.104 No request for an extension shall be considered unless a written request is submitted to the Planning Director no later than 45 calendar days prior to the date the PUD is to expire.

13.5.105 The extension shall be deemed granted until the Board of Commissioners has acted upon the request for extension.

13.5.106 Failure to submit a written request for an extension within the time limits established by this Section shall render the approved PUD Land Development Plan null and void upon the expiration of the three-year term.

13.5.2 Minor Amendments to the Approved PUD

Following approval of the PUD by the Board of Commissioners, the Zoning Administrator may approve the following minor amendments to the PUD:

13.5.201 Changes which result in a decrease in density (residential or non-residential)

13.5.202 Changes that result in increased density in overall PUD which are equal to or less than 10% (of the approved density amount as specified in the Development Conditions.)

13.5.203 Decrease in the amount of open space identified in the Land Development Plan if it is less than or equal to a ten percent (10%) change provided the minimum open space requirement is satisfied with the remaining open space and such open space meets all other requirements for open space regarding composition, contiguity, etc..

13.5.204 Change in dimensional standards set forth in the Development Conditions that result in a decrease in minimum standards or increase in maximum standards that is less than or equal to a ten percent (10%) change (i.e. an increase in building height and/or a decrease in required setbacks or yards).

13.5.205 Change in land use from multi- family to single- family or a change from any other use to open space/passive recreation.

13.5.206 Changes in major infrastructure features (i.e. roads, access, sewer, water, storm drainage) of the area which are clearly beneficial to the occupants of the PUD. In cases where infrastructure changes are not deemed to be clearly beneficial to property owners, the Planning Director may refer amendments to the Planning Board for review and approval.

13.5.207 Deviations arising from limited technical considerations which could not reasonably be anticipated during the approval process.

13.5.208 Any other change which has no material effect on the character of the approved Land Development Plan, as determined by the Planning Director, such as:

- Driveway relocations.
- Facility design modifications for amenities.
- Substitutions of landscaping materials within the same genus, so long as the substituted material is not of a type that is specifically prohibited per the Ordinance or approved PUD landscape standards.
- Modifications to uses in accordance with an approved Conversion Schedule supplied by the developer as part of the Development Conditions.

13.5.3 Major Amendments to the Approved PUD

The Board of Commissioners approval is required for any change that cannot be approved by the Zoning Administrator, including the following:

13.5.301 Changes in major infrastructure features referred to the Planning Board by the Zoning Administrator.

13.5.302 Changes that result in increased density in overall PUD greater than ten percent (10%) (of the approved amount as specified in the Development Conditions.)

13.5.303 Decrease in the amount of open space identified in the Land Development Plan if exceeds a ten (10%) percent change.

13.5.304 Change in dimensional standards set forth in the Development Conditions that result in a decrease in minimum standards or increase in maximum standards that exceeds a ten percent (10%) change (i.e. an increase in building height and/or a decrease in required setbacks or yards).

13.5.305 Significant changes in land use or addition of land uses, other than allowable changes specified in a Conversion Schedule that was approved during the initial PUD approval

13.5.306 An increase or decrease in project area other than survey or other base data corrections.

13.5.307 Change to proposed treatment of project edge.

13.5.308 Addition or reduction of driveways or access points, especially those which negatively affect connectivity.

13.5.4 Addition to the Approved PUD

Additional land area may be added to an existing PUD if the new area is adjacent to the original PUD and forms a logical addition to it. The procedure for rezoning an addition to PUD shall be the same as if an original application were filed.

SECTION 13.6 PHASED DEVELOPMENTS

13.6.1 Phased Development Requirements

13.6.101 Planned Unit Developments may be developed in phases. However, as initial phases are developed, the developer shall impose restrictive covenants on the additional portion of the tract in the Planned Unit Development. This will ensure that approved plans are completed.

13.6.102 When developed in phases, a maximum of fifty percent (50%) of the building permits outlined in the Preliminary Plan will be issued prior to completion of all infrastructure improvements.

13.6.103 Should the developer wish to secure the remaining building permits prior to installation of all improvements, the developer may obtain a performance bond equal to 1.5 times the entire cost of installing all required improvements.

13.6.104 The bond shall be payable to Moore County and the duration shall be until such time as the improvements are accepted by the Board of Commissioners.

13.6.105 The developer may deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with Moore County or in escrow with a financial institution designated as an official depository of Moore County.

13.6.106 The use of any instrument other than cash shall be subject to the approval of the Board of Commissioners and shall equal 1.5 times the entire cost of installing all required improvements.

13.6.107 If cash or other instrument is deposited in escrow with a financial institution as provided above, then the developer shall file with the Board of Commissioners an agreement between the financial institution and himself guaranteeing the following:

- That said escrow account shall be held in trust until released by the Board of Commissioners and may not be used or pledged by the developer in any other manner during the term of the escrow; and,
- That in the case of a failure on the part of the developer to complete said improvements, the financial institution shall, upon notification by the Board of Commissioners and submission by the Board to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately pay to Moore County the funds estimated to complete 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. If any funds are not spent in completing the improvements, the County shall retain, as a service charge, ten percent (10%) of the cost of completing those improvements and return the balance to the developer.

SECTION 13.7 GENERAL DEVELOPMENT STANDARDS

13.7.1 Permitted Uses

13.7.101 A PUD district may contain any combination of uses (permitted and conditional) listed in the Table of Uses.

13.7.102 All proposed uses listed in the approved zoning application are permitted uses subject to the conditions established through the rezoning process in connection with the specific application.

13.7.103 The type and location of any and all uses within the PUD district must be demonstrated to be appropriate for the project area and surrounding area.

13.7.104 Permitted uses are to be specific for that planned unit development, and must be approved by the Moore County Board of Commissioners.

13.7.2 Dimensional Requirements

The dimensional standards for all development within the PUD shall be specified in the development conditions. However, such dimensional standards shall adhere to the minimum and maximum dimensions requirements set forth in the tables below:

Dimensional Table						
Development Types	Lot Area (min. ft.)	Lot Width (min. ft.)	Front Yard (min. ft.)	Side Yard (min. ft.)	Rear Yard (min. ft.)	Height (max.)
Residential Uses and Structures						
Small (Detached) less than 2000 square feet	4,000	40	5	5	10[1]	40
Large (Detached) 2000 square feet or larger	7,200	90	5	10	10[1]	40
Townhouse/ Attached	1,100/unit	14/unit	0/5[2]	0/5[3]	10[1]	45[4]
Multifamily	1,100/unit	15/unit[5]	0/5[2]	0/5[3]	10[1]	60[4]
Commercial Uses and Structures						
Mixed Use/Single Use	5,000	20	0/5[2]	0/5[3]	10[1]	60[4]
Civic/Public Uses and Structures						
All structures	5,000	30	0/5[2]	0/5[3]	10[1]	60[4]
Industrial Uses and Structures						
All structures	20,000	100	15	20	30	60[4]

[1] The required rear yard depth shall be reduced to five feet when abutting an alley or dedicated open space. Appurtenances shall be allowed to extend into required rear yard as provided in the Appurtenances below.

[2] Buildings may provide a front yard of zero (building drawn up to sidewalk), otherwise, the minimum yard depth shall be five feet to provide adequate space for landscaping, a courtyard, or other amenity area. Appurtenances shall be allowed to extend into required front yard as provided in the Appurtenances below.

[3] A side yard of five feet must be used when the adjoining property is occupied by a detached residential unit. In all other situations, a side yard of zero may be used. Appurtenances shall be allowed to extend into required side yard as provided in the Appurtenances below.

[4] Height may be above the maximum height indicated, provided all portions of the structure exceeding the height limit indicated shall be stepped back an additional 1 foot from the adjoining property line for each additional foot in excess, the increased height does not negatively affect surrounding properties and it is approved by the Moore County Director of Public Safety. In all areas within one thousand feet of any aircraft landing field, a structure exceeding thirty-five (35) feet in height shall be permitted only upon a finding by the Board of Adjustment after a public hearing that it does not constitute a menace to safety. Church steeples, chimneys, belfries, water tanks or towers, fire towers, flag poles, spires, wireless and broadcasting towers, monuments, cupolas, domes, antennas (except satellite dish antennas), and similar structures and necessary mechanical appurtenances may be erected to any height, unless otherwise regulated.

[5] In order provide increased design flexibility for multifamily projects, the lot width requirement shall only apply to the first five units. The minimum lot width required for a multifamily project with more than five units is seventy (75) feet.

[6]Appurtenances. A step, stoop, open porch, balcony, awnings or other appurtenance may extend up to five (5) feet into the front setback, provided such features do not impede pedestrian circulation or extend more than twenty-five percent (25%) into the setback.

13.7.3 Lot Access

13.7.301 Access to lots must be provided by an interior street constructed as part of the development

13.7.302 No lot shall have direct access to an existing state maintained road.

13.7.4 Setbacks

13.7.401 PUDs shall, at a minimum, meet setback and landscape requirements of the Highway Corridor Overlay District in which they are located.

13.7.402 **Transitional Setbacks.** Along collector and arterial roadways, which have the potential to be expanded in the future to accommodate additional capacity based on increased traffic volumes and which are identified on adopted NCDOT and/or county-wide transportation improvement plans as future widening projects, a transitional setback shall be established. The setback is measured from the future right-of-way instead of the existing right-of-way.

13.7.5 Parking and Loading

Parking areas shall have a paved surface and all parking areas and traffic lanes shall be clearly marked. The standards for parking and loading set forth in **§8.3** (Parking and Loading) shall apply to all development within the PUD, with the following exceptions:

13.7.501 On-street parking shall be allowed provided that the road width will accommodate same. On-street parking may consist of parallel, perpendicular, angled or any combination of these types of parking spaces. If provided, on-street parking may be used to reduce the on-site parking requirement by up to fifty percent (50%).

13.7.6 Streets

All streets shall conform to the standards contained in **§17.3**, except as provided below:

13.7.601 The street system may include private roads, provided that all streets are designed and constructed in accordance with NCDOT minimum construction standards for subdivision roads and Moore County Public Safety road design standards.

13.7.602 Street network shall accommodate the network reflected in the adopted NCDOT Comprehensive Transportation Plan and other similar adopted plans.

13.7.603 The street system shall form a logical hierarchy with streets of lower classification connecting to streets of higher classification.

13.7.604 Private, dead-end roads may be terminated in a cul-de-sac or "T" turnaround. Where a "T" turnaround is used as the terminus for a private road, the dimensions (e.g., turning radius) of the "T" shall be sufficient to allow emergency service and trash collection vehicles adequate room to turn around.

13.7.605 Number of access points. A minimum of two (2) access points into the development are required or as per NCDOT regulations. If the development abuts

one (1) state-maintained road, providing two (2) or more access points along such road will be subject to NCDOT's review and approval. If the development abuts more than one state-maintained road, at least one (1) access point on each road shall be required, subject to NCDOT's review and approval.

13.7.7 Pedestrian Circulation

13.7.701 The pedestrian circulation system shall be designed to assure that pedestrians can walk safely and easily throughout the development.

13.7.702 The system shall link open space within the development as well as with existing or potential open space on adjoining parcels where such connections are prohibited.

13.7.703 All sidewalks along streets shall connect with off-road trails where such connections are practical.

13.7.704 Pedestrian trails and other pathways that will provide public access for educational or recreational purposes may be located in open space areas that count toward the minimum open space requirement provided they are located and/or constructed so as to have no adverse impacts on Primary, Secondary, and Tertiary Conservation Areas.

13.7.8 Signs

13.7.801 Signs within the development shall adhere to the standards set forth in **§8.4** (Signs) or as part of the zoning application or an amendment thereto.

13.7.802 The applicant may submit a unified sign plan that establishes more specific design standards (size, height, color, materials, illumination) and sign locations for the project to ensure a coordinated theme across the PUD District.

13.7.803 Such unified sign plan may be submitted after the approval of the zoning application and may be approved by the Zoning Administrator as an alternate to individual sign permits.

13.7.9 Stormwater Control

13.7.901 Storm water management shall meet or exceed the State's minimum requirements for storm water management.

13.7.902 A common master storm water management plan may be developed for the project as a whole and may employ best management practices. This neither prohibits the development of the PUD District in phases nor the phased implementation of the storm water management system.

13.7.10 Utility Lines

13.7.1001 All new utilities associated with the proposed development shall be underground unless just cause requires otherwise.

SECTION 13.8 OPEN SPACE REQUIREMENTS

13.8.1 Minimum Open Space Required

13.8.101 Where a developer elects to seek approval of a PUD-H as specified herein, at least twenty percent (20%) of the total land area in the PUD-H must be set aside as dedicated open space

13.8.102 Where a developer elects to seek approval of a PUD-R as specified herein, at least thirty percent (30%) of the total land area in the PUD-R must be set aside as dedicated open space

13.8.2 Types of Open Space

Open Space shall be comprised of one or more of three types of land: Primary Conservation Areas, Secondary Conservation Areas, and Tertiary Conservation Areas.

13.8.201 **Primary Conservation Areas**. Sensitive environmental features and/or significant cultural resources considered unbuildable in a legal or practical sense shall be delineated first in identifying areas to satisfy the minimum open space requirement.

- ***Wetlands***, including, but not limited to, streams, creeks, ponds, reservoirs, storm water management facilities for watershed protection purposes, and adjoining land areas as currently defined by the U.S. Army Corps of Engineers Field Manual.
- ***Floodplains***, defined as Special Flood Hazard Areas as determined by the Federal Emergency Management Agency (FEMA) or modeled by a Professional Engineer (PE) or County-designated flood of record contours.
- ***Vegetative buffers***, which screen the view of development and preserve the character of rural public roads. Any vegetative buffer provided may be used to satisfy the open space requirement, provided the minimum width of such buffer is not less than twenty five (25) feet and such buffers are not within a platted, privately-owned lot or publicly owned right-of-way.

13.8.202 **Secondary Conservation Areas**. Important natural or cultural features that may comprise the required open space provided all of the primary conservation areas within the site have been delineated and counted toward the open space requirement.

- ***Woodlands***, including forest land for the planting and production of trees and timber, where management practices such as selective timber harvesting and wildlife enhancement are employed. Such woodlands may consist of hardwood, pine, and/or mixed pine-hardwood forests identified as part of a site analysis conducted by a registered engineer, land surveyor, landscape architect, architect using aerial photographs and/or satellite imagery, a required Environmental Assessment or Environmental Impact Statement

and/or an independent site study conducted by a trained botanist and/or forester.

- ***Farmland,*** especially prime agricultural land as identified by the U.S.D.A. Soil Conservation Service and which is in active use for the production of crops and/or raising of livestock. Farmland can be leased for operation purposes only. The lease shall be subject to the approval of the POA and any transfer or assignment of the lease shall be further subject to the approval of the POA. Lease agreements so entered upon shall be recorded with the County within thirty (30) days of their execution. *This would be possible with larger tracts of land for crops and tillable land.* Agricultural land must be at least twenty (20) contiguous acres and contain at least twenty percent (25%) prime farmland soils or other soils of statewide importance.
- ***Land used for horticulture, silviculture or pasture uses.***
- ***Steep slopes,*** defined as those greater than twenty-five percent (25%), identified as part of a site analysis conducted by a registered engineer, land surveyor, landscape architect, architect or land planner and calculated using topographic maps from a Moore County data survey or from the U.S. Geological Survey
- ***Natural areas, particularly those containing unique plants and wildlife habitats and corridors*** identified as part of a Natural Heritage Inventory (NHI), a required Environmental Assessment or Environmental Impact Statement; and/or an independent site study conducted by a trained botanist and/or biologist. An existing conservation easement provided such conservation easement has been dedicated prior to application for approval of a PUD. The land subject to the easement may be counted toward satisfying the respective open space requirement provided it is a portion of and in the same ownership as the tract to be subdivided, and all other provisions of this section are met.
- ***Historic and archaeological sites*** listed on the National Register of Historic Places or included on the State's National Register study list, designated as a local historic landmark, designated as a local historic district, and/or identified as having a high potential for archaeological remains as part of a required Environmental Assessment or environmental Impact Statement and/or an independent site study conducted by a trained architectural historian or archaeologist. Where a historic or archaeological site is to be set aside as separate lot, and preserved and/or restored as part of the open space area, the entire area within the lot may be counted toward meeting the minimum open space requirement.

13.8.203 **Tertiary Conservation Areas**. Important natural or cultural features that may comprise the required open space provided the entire primary and secondary conservation areas within the site have been delineated and counted toward the open space requirement.

- ***Public and/or private recreation areas and facilities***, including Active recreation areas, such as public recreation areas, (including district and community parks), and private recreation facilities (including golf courses, playing fields, playgrounds, swimming pools, and courts for tennis, basketball, volleyball, and similar sports), whether public or private.
- ***Passive recreation areas***, such as pedestrian, bicycle, and equestrian trails, picnic areas, community commons or greens, and similar kinds of areas, whether public or private. Land in this category receives full credit toward meeting the minimum open space requirement.

13.8.3 Delineation of Open Space

13.8.301 All potential conservation areas shall be identified using a Site Analysis Map, which shall be drawn to scale, using such a scale that all features required to be shown on the plans are readily discernible, by a Professional Engineer currently licensed and registered in the State of North Carolina by the NC Board of Examiners for Engineers and Surveyors, or by a Landscape Architect currently licensed and registered by the North Carolina Board of Landscape Architects. Acceptable sources of data include, but are not limited to, readily available data, such as Land Cover data (source: CGIA), Gap Analysis data (source: CGIA), National Wetlands Inventory (NWI), Natural Heritage Inventory (NHI) (source: CGIA), aerial photography, orthography, USGS maps, etc.

13.8.302 In satisfying the open space requirement, the Primary Conservation Areas, as described in **§13.8.201** above, shall be delineated first.

13.8.303 If the minimum open space requirement cannot be satisfied with primary conservation areas, then Secondary Conservation Areas shall be delineated.

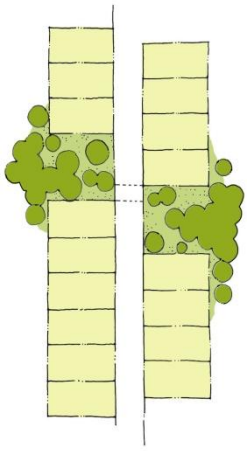
13.8.304 If the minimum open space requirement cannot be satisfied with primary and secondary conservation areas, then Tertiary Conservation Areas shall be delineated.

13.8.305 Where the site is equal to or greater than fifty acres, not more than eighty percent (80%) of the land used to meet the minimum open space requirement shall consist of Primary Conservation Area.

13.8.306 The remaining twenty percent (20%) must be fulfilled by Secondary Conservation Area and/or Tertiary Conservation Area.

13.8.307 Additional Open Space that exceeds the minimum requirement may be comprised of any type of Conservation Area.

13.8.4 Configuration or Design of Open Space

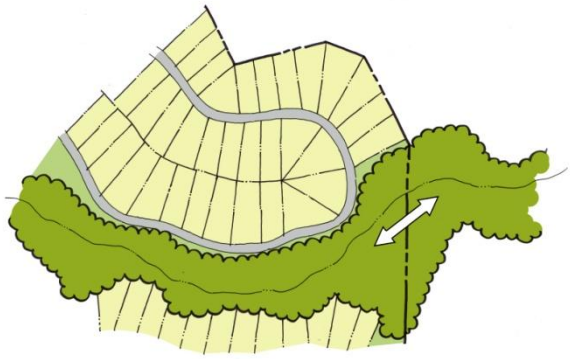


13.8.401 The minimum width for any required open space shall be fifty (50) feet.

13.8.402 At least sixty percent (60%) of the required open space shall be contiguous. For the purposes of this section, contiguous shall include any open space bisected by a residential street, provided that a pedestrian crosswalk is constructed to provide access to the open space on both sides of the street.

13.8.403 The right-of-way area is not included in the calculation of minimum open space required.

13.8.404 The open space shall adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.



13.8.405 The open space shall be directly accessible to the largest practicable number of lots within the subdivision.

13.8.406 Non-adjoining lots shall be provided with safe, convenient access to the open space (i.e. mid-block connections in logical locations).

13.8.407 No lot within the subdivision shall be further than a ¼ mile from the required open space, measured in a straight line without regard for street, sidewalk or trail connections to the open space.

13.8.5 Permitted Uses of Open Space

If open space is not intended to be maintained in its natural state, uses of open space may include the following:

13.8.501 Pedestrian or multipurpose trails;

13.8.502 Passive recreation areas, including pocket parks;

13.8.503 Active recreation areas, such as ball fields and playgrounds, provided that impervious area is limited to no more than ten percent (10%) of the total open space (active recreation areas in excess of this impervious area limit shall be located outside of the protected open space);

13.8.504 Golf courses (excluding clubhouse areas and maintenance facilities),

13.8.505 Above-ground utility rights-of-way, provided the area does not exceed fifty percent (50%) of the required open space;

13.8.506 Water bodies, such as lakes and ponds, and floodways provided the total surface area does not exceed fifty percent (50%) of the required open space;

13.8.507 Agriculture, horticulture, silviculture or pasture uses;

13.8.508 Landscaped storm water management facilities;

13.8.509 Easements for drainage, access, and underground utility lines.

13.8.6 Ownership of Open Space

13.8.601 No portion of the open space within a PUD (residential or non-residential) shall be part of an individual building lot unless a conservation easement is established in accordance with **§13.8.602**.

13.8.602 Open space may be owned and/or administered by any of the following methods, either individually or in combination.

- Fee simple dedication to Moore County, another unit of local government, the State of North Carolina or a private non-profit land conservancy.
- Dedication of conservation easements to Moore County, another unit of local government, the State of North Carolina or a private non-profit land conservancy. Such easements may apply to a single property owned by a homeowners association and/or to all or portions of individual lots owned by one or more property owners.
- Ownership by a property owners association where specific development restrictions and maintenance requirements are included as part of its bylaws and restrictive covenants.
- 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 structure on the property. The responsibility for maintaining the open space and any facilities shall be borne by the private land owner.

13.8.603 All open space shall be permanently restricted from further subdivision.

13.8.604 Where conservation easements have been dedicated prior to application for approval of a PUD, the land subject to the easement may be counted toward satisfying the respective open space requirement provided it is a portion of and in the same ownership as the tract to be subdivided, and all other provisions of this section are met.

13.8.7 Public Access to Open Space

13.8.701 Public access to open space preserved shall be provided only if such open space is to be dedicated to and therefore owned and maintained by Moore County, another unit of local government, the State of North Carolina or other public entity.

13.8.8 Maintenance of Open Space

13.8.801 Natural features shall be maintained in their natural condition, but may be modified to improve their appearance, functioning, or overall condition, as recommended by qualified professionals in the particular area being modified.

13.8.802 Permitted modifications may include:

- Reforestation;
- Forest management;
- Pasture or cropland management;
- Buffer area landscaping;
- Stream bank protection;
- Wetlands management;
- Understory clearing;
- Select clearing of meadows; and/or
- Creation of wildlife habitat

13.8.803 Unless accepted for dedication or otherwise agreed to by Moore County, another unit of local government, the State of North Carolina or a private non-profit land conservancy, the cost and responsibility of maintaining open space and any facilities located thereon shall be borne by the property owner and/or property owners association.

13.8.9 Disturbance of Open Space

Disturbance or construction activity may occur inside the open space when construction is done in such a way as to protect significant resources with approval of the Planning Director for the following limited purposes:

13.8.901 Emergency public safety activities when such activities cannot reasonably be restricted to areas outside the open space or other nearby developed areas. Measures shall be required to mitigate the impact of the disturbed area;

13.8.902 Engineered storm water controls, including but not limited to retention and detention basins, when they are designed to look like natural areas, provided the total area of water surface does not comprise more than fifty percent (50%) of the required open space.

13.8.903 Construction of a trail, pedestrian walkway, or road that will provide access between two (2) or more areas of the subdivision to be developed;

13.8.904 The removal of noxious species, such as kudzu or poison ivy, for general maintenance of the area.

ARTICLE 14
WIRELESS COMMUNICATIONS FACILITIES

SECTION 14.1 GENERAL INFORMATION FOR WIRELESS COMMUNICATIONS FACILITIES

14.1.1 Authority

This Article is enacted pursuant to the powers granted to Moore County by North Carolina General Statutes Chapter 153A-340, the authority granted by the Telecommunications Act of 1996 and Section 47 of the US Code.

14.1.2 Purpose

The purpose of this article is to provide guidance and community standards for the siting of wireless communication facilities and to accommodate the growing need and demand for wireless communication services.

14.1.3 Intent

14.1.301 The intent of this article is to be used by applicants as a checklist to minimize the impacts of wireless communications facilities on surrounding properties by establishing standards for location, structural integrity, and compatibility.

14.1.302 Encourage the location and collocation of wireless communications equipment on existing structures.

14.1.303 Minimize the visual, aesthetic, and public safety impacts and effects upon the historic and natural environments, and wildlife, and to reduce the need for additional antenna support structures.

14.1.304 Encourage coordination between the WCF developers and providers of wireless communication services.

14.1.305 Establish predictable and balanced codes governing the construction and location of wireless communications facilities, within the confines of permissible local regulations.

14.1.306 Establish technical and land use review procedures to ensure that applications for wireless communications facilities are reviewed and acted upon within a reasonable period of time.

14.1.307 Respond to the policies embodied in the Telecommunications Act of 1996 in such a manner as not to unreasonably discriminate between providers of licensed and

unlicensed services of personal commercial wireless services that may or may not be commercial in nature.

14.1.308 Protect the character of the County while meeting the needs of its citizens to enjoy the benefits of wireless communications services.

14.1.309 Consideration of and compatibility with the goals and objectives of the Moore County Land Use Plan and Code of Ordinances.

14.1.4 Goal

14.1.401 Establish a Countywide wireless telecommunications facilities system consistent with the County's Wireless Communications Facilities Management Plan.

14.1.5 Applicability

Except as provided in **§14.1.6** (Exempt Installations), the Ordinance standards within this Article shall apply to the development activities including installation, construction, or modification of the following wireless communications facilities:

14.1.501 Existing antenna support structures.

14.1.502 Proposed antenna support structures.

14.1.503 Public Safety antenna support structures.

14.1.504 Replacement of existing antenna support structures.

14.1.505 Co-location on existing antenna support structures.

14.1.506 Attached wireless communications facilities.

14.1.507 Concealed wireless communications facilities.

14.1.508 Antenna support structures, antennas, and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities that are licensed by the Federal Communications Commission shall be regulated in accordance with federal and other applicable local regulations.

14.1.6 Exempt Installations

The following items are exempt from the provisions of **Article 14** (Wireless Telecommunications Facilities). The following must comply with any other provisions contained in *Unified Development Ordinance of Moore County, North Carolina.*

14.1.601 Amateur radio station antennas.

14.1.602 Satellite earth stations that are one (1) meter (39.37 inches) or less in diameter and two (2) meters (78.74 inches) or less and not greater than thirty-five (35) feet above ground level.

14.1.603 A government-owned wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, and a written

determination of public necessity by the County; except that such facility must comply with all federal and state requirements. No wireless communications facility shall be exempt from the provisions of this division beyond the duration of the state of emergency.

14.1.604 A government-owned wireless communications facility erected for the purposes of installing antenna(s) and ancillary equipment necessary to provide communications for public health and safety.

14.1.605 A temporary, commercial wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, or determination of public necessity by the County and approved by the County; except that such facility must comply with all federal and state requirements. The wireless communications facility may be exempt from the provisions of this division up to three (3) months after the duration of the state of emergency, or determination of public necessity by the County. This provision may be extended in additional three (3) month increments.

14.1.606 Permits may be issued for up to one week for temporary facilities (COW) needed in conjunction with scheduled special events at specific locales that are likely to generate a need for additional capacity at the event that is expected to exceed existing installed capacity. A maximum of four (4) one-week permits may be issued by the Ordinance Administrator or his/her agent(s) for a temporary facility. Temporary facilities requiring a temporary permit for longer than four weeks must receive approval from the Moore County Board of Commissioners.

14.1.7 Permitted Commercial Tower Development Areas (PCTDA)

14.1.701 Permitted Commercial Tower Development Areas designated by Moore County, which are areas represented by a 2-mile radius from a specific street intersection, should be encouraged for all new tower applications. (See Appendix E)

14.1.702 Freestanding concealed and all other types of wireless telecommunications facilities are permitted within PCDTA's in accordance with Article 7 (Table of Uses)

14.1.8 Appeals

The Moore County Board of Adjustment shall hear and decide appeals where it is alleged there is an error on any order, requirement, decision or determination made by any administrative official in the enforcement of this Article. This section shall supersede **§3.14** (Administrative Appeals) and shall control in regard to administrative appeals pertaining to wireless communication facilities.

14.1.801 Administrative appeals shall be filed with the Ordinance Administrator or his/her agent(s) within ninety (90) days from the date of the action being appealed. The applicant shall submit a written appeal request on a form supplied by the

Ordinance Administrator or his/her agent(s). The appeal hearing for the appeal application shall occur within forty-five (45) days of receipt of a complete application.

14.1.802 The concurring vote of four (4) members of the Board of Adjustment hearing the appeal may vote to reverse any order, requirement, decision or determination of any administrative official charged with the enforcement of this Ordinance.

14.1.803 Public notice of the administrative appeal hearing and request shall be in accordance with **§14.2.4** (Required Notifications).

14.1.804 The applicant for an administrative appeal shall pay a nonrefundable fee as established by the Board of County Commissioners per the current fee schedule to Moore County to cover the cost of advertising and administration. This fee is in addition to any other fee that is applicable under this Ordinance or any other Ordinance.

14.1.805 The Board of Adjustment shall make written findings to support its decision either to grant or deny the appeal application, and a copy shall be provided to the applicant. A request for an appeal under this Section shall not constitute an admission by the applicant of any findings of fact made by the Board of Adjustment or a waiver of appeal rights provided by this Section.

14.1.806 Appeals from the decision of the Board of Adjustment in regard to an administrative appeal shall be taken directly to the Superior Court having jurisdiction. The appeal to the Superior Court must occur within thirty (30) days of the Board of Adjustment's decision, or forever be barred.

14.1.807 **Issuance of Permit**. Should any appeal and/or variance be approved by the appropriate body, the Ordinance Administrator or his/her agent(s) shall issue a wireless communication facility permit. The permit applicant shall acknowledge and agree to permit conditions approved by the Board of Commissioners, if applicable. If construction is not begun within twelve (12) months after the wireless communication facility permit is issued, the wireless communication facility permit shall expire

SECTION 14.2 APPLICATION SUBMITTAL REQUIREMENTS

14.2.1 General Application Requirements

The items listed in this section are required for submittal of all applications pertaining to wireless telecommunications facilities under this Article as deemed appropriate by the Zoning Administrator.

14.2.101 An affidavit by a radio frequency engineer demonstrating compliance with the County's Wireless Communications Facilities Management Plan.

14.2.102 Proof that a property and/or antenna support structure owner's agent has appropriate authorization to act upon the owner's behalf if applicable.

14.2.103 A signed statement from a qualified person, together with their qualifications, shall be included that certifies radio frequency emissions from the antenna array(s) comply with current FCC standards. A signed statement from a qualified person, together with their qualifications, shall be included that warrants radio frequency emissions from the antenna array(s) comply with FCC standards. The statement shall also certify that both individually and cumulatively, and with any other existing facilities located on or immediately adjacent to the proposed facility complies with current FCC standards.

14.2.104 For all applications except collocations, the applicant shall provide a statement as to the potential visual and aesthetic impacts of the proposed WCF on all adjacent residential zoning districts.

14.2.105 For all applications except collocations, a radio frequency analysis indicating the coverage of existing wireless communications sites, coverage prediction, and design radius, together with a certification from the applicant's radio frequency (RF) engineer that the proposed network design is intended to improve coverage or capacity potential or reduce interference and the proposed facility cannot be achieved by a concealed (stealth) facility, attached facility, replacement facility, collocation, or new antenna support structure.

14.2.106 Materials detailing the locations of existing wireless communications facilities to which the proposed antenna will be a handoff candidate, including latitude and longitude of the proposed and existing antenna.

14.2.107 Compliance letter from the State Historic Preservation Office (SHPO) if applicable.

14.2.108 Completed checklist demonstrating compliance with the National Environmental Policy Act (NEPA) if applicable.

14.2.109 If the proposed WCF is subject to FAA regulation, then prior to issuance of a building permit, a copy of any such FAA approval.

14.2.1010 If the United States Fish and Wildlife Service require the applicant to submit any information to them concerning the proposed wireless communications facility, the applicant shall also furnish a copy of any material submitted to the United States Fish and Wildlife Service to the County as part of the application package.

14.2.2 Radio Frequency Analysis Required

In order to facilitate the regulation, placement, and construction of WCFs, and to ensure that all parties comply to the fullest extent possible with the rules, regulations, and/or guidelines of the FCC, each owner of a WCF or applicant for a WCF shall agree in a written statement to the following:

14.2.201 Certification from the applicant that it complies with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI).

14.2.202 In the case of an application for collocated telecommunications facilities, the applicant, together with the owner of the subject site, shall use their best efforts to provide a composite analysis of all users of the site to determine that the applicant's proposed facilities will not cause radio frequency interference with the County's public safety communications equipment and will implement appropriate technical measures, as described in **§14.10** (Antenna Element Replacement and Expansion) to attempt to prevent such interference.

14.2.3 Performance Bond or Letter of Credit Required

14.2.301 Applicant shall submit a performance bond or letter of credit from an accepted bank in the amount of Twenty Thousand ($20,000.00) or a bond equal to the written estimate from a qualified tower removal contractor to guarantee that the facility will be removed when no longer in use.

14.2.302 Collocation applicants shall provide a performance bond equal to the written estimate from a qualified tower removal contractor to remove their equipment, cabinets, antenna, feed wires and all other appurtenances in collocation applicant's ownership/lease upon applicant's cessation of use.

14.2.4 Required Notifications

The items listed in this section are required for submittal of all applications pertaining to Wireless Communications Facilities under this Article that require a properly noticed public hearing per Article 7 (Table of Uses) **.** The applicant shall provide the Zoning Administrator or his/her agent(s) with a complete list of the names, and addresses of the property owners to be notified before any required public hearing shall be conducted. A wireless telecommunication permit application shall not be considered complete until a comprehensive list is provided. The County will verify the list for completeness and shall mail notices per the following provisions:

14.2.401 Adjacent or abutting property owners. Notice of any public hearing shall be sent by certified mail (return receipt requested) to the owners of all parcels of land adjacent to or abutting the site of the proposed telecommunication tower at the last address listed for such owners in the County property tax records;

14.2.402 Notice to other affected property owners. Notice to all other owners of properties within a one-quarter mile radius of the proposed telecommunication tower site shall be sent by first-class mail with proper postage affixed at the last address listed for such owners in the County property tax records.

14.2.403 Timeliness of notice. Any notices required under the above subsections shall be mailed at least ten (10) but not more than twenty-five (25) days prior to the date of the public hearing.

14.2.404 Notice of an application for a wireless communications facility shall comply with the provisions of NCGS 153A-323 and 153A-343 as amended.

14.2.405 The property for which the Conditional Use is proposed shall be posted at least one week before the public hearing.

14.2.5 Additional Submittal Requirements for All Freestanding WCF

In addition to those requirements found in this section the following specific information must be submitted for mitigated, non-concealed and concealed WCFs.

14.2.501 Certification furnished by a Registered Professional Engineer licensed in the State of North Carolina, that the WCF has sufficient structural integrity to accommodate the required number of proposed collocations.

14.2.502 A written statement by a Registered Professional Engineer licensed by the State of North Carolina specifying the design structural failure modes of the proposed facility, if applicable.

14.2.503 Identification of the intended service providers of the WCF.

14.2.504 Master Site Plan including fall zone radius labeled as a "NO BUILD ZONE".

14.2.505 Proposed maximum height of the proposed WCF, including measurement of the base the antenna support structure, less the lightning rod. .

14.2.506 The applicant shall provide a visual impact study including, but not limited to simulated photographic evidence of the proposed WCFs appearance from all public and private roadways, homes, businesses, and institutions located within one-half mile of the center point of the proposed tower site including the facility types the applicant has considered and the impact on adjacent properties including:

- Overall height
- Configuration
- Physical location
- Mass and scale
- Materials and color
- Illumination
- Architectural design

14.2.507 Three (3) sets (24″×36″) of signed and sealed site plans, including antenna support structure elevations, and landscape plans if required, and one (1) letter size copy (8½″×11″) and/or ledger size copy (11″x17″), and one (1) electronic version of the plans in .PDF file format, of the foregoing plans.

14.2.508 Prior to the issuance of a wireless communication facility permit, the applicant shall be required to provide certificates of insurance demonstrating it has a minimum of $1,000,000 in general liability insurance covering any liability arising out of its construction or operation of the wireless communication facility. The applicant shall be required to maintain such coverage in full force and effect until such time as all above-ground portions of the facility (not including any part of the foundation) have been removed.

14.2.509 A report, map and supporting technical data demonstrating the designated search ring and that all antenna attachments, collocations, including all potentially useable utility distribution poles or transmission towers and other elevated structures within the proposed geographic search ring, and alternative antenna configurations have been examined, and found unacceptable. The report shall include reasons that existing facilities such as utility distribution poles and transmission towers and other elevated structures are not acceptable alternatives to a new freestanding WCF. The report regarding the adequacy of alternative existing facilities or the mitigation of existing facilities to meet the applicant's need or the needs of service providers indicating that no existing wireless communications facility could accommodate the applicant's proposed facility shall demonstrate any of the following:

- No existing wireless communications facilities located within the geographic search ring meet the applicant's engineering requirements, and why.
- Existing wireless communications facilities are not of sufficient height or design strength to meet the applicant's engineering requirements, and cannot be increased in height.
- Existing wireless communications facilities do not have sufficient structural integrity to support the applicant's proposed wireless communications facilities and related equipment, and the existing facility cannot be sufficiently improved.
- Other limiting factors that render existing wireless communications facilities unsuitable.
- Technical data included in the report shall include certification by a Registered Professional Engineer licensed in the State of North Carolina or other qualified professional, whose qualifications shall be included with the report, regarding service gaps or service expansions that are addressed by the proposed WCF, and accompanying maps and calculations demonstrating the need for the proposed WCF.

14.2.6 Additional Submittal Requirements for Attached, Collocated or Combined Facilities

14.2.601 Certification furnished by a Registered Professional Engineer licensed in the State of North Carolina that the WCF has sufficient structural integrity to support the proposed antenna and feed lines in addition to any and all other equipment

located, mounted or planned for the future in accordance with **§14.5.3** (Designed for Maximum Co-location).

14.2.602 A signed statement from the antenna support structure owner or owner's agent agreeing to allow the collocation of other wireless equipment on the proposed antenna support structure, if the structure is designed or capable of additional wireless equipment.

14.2.7 Additional Submittal Requirements for Replacement or Expansion

14.2.701 For any repair or replacement of an existing antenna or antenna array on a WCF that changes the mechanical or electrical specifications of the WCF, but does not increase the number and/or size of feed lines to the existing WCF, the applicant must, prior to making such modifications, submit the following:

- A written statement setting forth the reasons for the modification.
- A description of the proposed modifications to the WCF, including modifications to antenna element design, type and number, as well as any additional feed lines from the base of the WCF to such antenna elements.
- A stamped or sealed structural analysis of the existing WCF prepared by a Registered Professional Engineer licensed by the State of North Carolina indicating that the existing antenna support structure as well as all existing and proposed appurtenances meets North Carolina Building Code requirements for facilities within Moore County (including wind loading) for the antenna support structure.

14.2.702 Any repair or replacement of an existing antenna or antenna array on a WCF that changes the mechanical specifications and/or that increases the number and/or size of feed lines and/or equipment cabinets of the existing WCF will be treated as a new collocation.

SECTION 14.3 GENERAL DEVELOPMENT STANDARDS FOR ALL WCF

14.3.1 Permitted Uses by Zoning District

The various types of wireless communication facilities outlined in this Article are permitted in accordance with Article 7 (Table of Uses). (*Amended March 3, 2015)*

14.3.2 Equipment cabinets

14.3.201 Cabinets shall not be visible from public views.

14.3.202 Cabinets may be provided within the principal building, behind a screen on a rooftop, or on the ground within the fenced-in and screened equipment compound.

14.3.3 Generators

14.3.301 Generators may not be used as a primary electrical power source.

14.3.302 Backup generators shall only be operated during power outages and for testing and maintenance purposes.

14.3.303 Any and all generators used for wireless communications purposes under this Article shall control the noise level by use of a silencer or other device that will reduce the noise level to no more than 70db.

14.3.304 Testing and maintenance shall only take place on weekdays between the hours of 8:30am and 4:30pm.

14.3.305 Generators may be used for temporary power prior to receipt of Certificate of Occupancy and not to exceed thirty (30) days.

14.3.4 Fencing

14.3.401 All equipment compounds shall be enclosed with a six (6) foot high opaque fence in all zoning districts except the Industrial (I) zoning district which shall be enclosed within a security fence consisting of chain-link with opaque stripping at least eight (8) feet in height topped with barbed wire.

14.3.402 Maintenance of fencing or wall shall be the responsibility of the tower owner for which the fence or wall is required. Fencing or wall shall be maintained in good condition at all times until all components within the fenced or walled area have been removed and properly abandoned per **§14.3.10** (Abandonment).

14.3.5 Access

14.3.501 Access to the WCF equipment compound shall be graded and stoned in a manner that will allow access by police and fire/rescue units.

14.3.502 As per Moore County Road Name and Addressing Ordinance, Section 4.c. applicant shall prominently display and maintain the assigned number on a post at the driveway intersection.

14.3.503 The numbers on the driveway display shall be no less than three (3) inches in height and have a night reflective surface.

14.3.504 Further, this address post shall be installed within five (5) business days from issuance of zoning permit.

14.3.6 Signage

14.3.601 Attaching commercial messages for off-site and on-site advertising shall be prohibited.

14.3.602 The only signage that is permitted upon a non-concealed antenna support structure, equipment cabinet, or fence shall be informational, and for the purpose of identifying (1) the antenna support structure (such as ASR registration number); (2) the party responsible for the operation and maintenance of the facility; (3) its current address and telephone number; (4) security or safety signs; (5) property manager signs (if applicable); and (6) signage appropriate to warn the general public as to the use of the facility for radiofrequency transmissions.

14.3.603 Where signs are otherwise permitted, a WCF may be concealed inside such signage, provided that all applicable standards for both the signage and the concealed WCF are met.

14.3.7 Lighting

14.3.701 Lighting on WCFs, if required by the Federal Aviation Administration (FAA), shall not exceed the FAA minimum standards.

14.3.702 Any Strobe 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, and shall utilize allowed downward shielding to minimize visual impact to pedestrians and reduce the potential attraction to migratory birds.

14.3.703 Dual lighting standards shall be used in the following manner.

14.3.704 Strobe lights during daylight hours and red lights during nighttime hours unless specifically prohibited by the FAA.

14.3.705 A WCF may utilize a security light controlled by a motion-detector sensor at or near the entrance to the facility.

14.3.706 Ground lighting used to respectfully illuminate the American flag on a concealed WCF flagpole shall be permitted provided that the maximum lumen output is 1300 lumens.

14.3.8 Equipment compound

14.3.801 The equipment compound shall not be used for the storage of any equipment or materials not needed for the operation or hazardous waste (e.g., discarded batteries).

14.3.802 No outdoor storage yards shall be allowed in a WCF equipment compound. In addition, the equipment compound shall not be used as habitable space.

14.3.9 Conformance with State and Federal Codes

14.3.901 WCFs and their equipment compounds shall be constructed and maintained in conformance with all applicable building code requirements.

14.3.902 Any applicant for facilities under this section shall certify that such proposed facility shall comply with all applicable federal regulations regarding interference protection.

14.3.903 In order to protect the public from excessive exposure to electromagnetic radiation, the WCF applicant shall certify through a written statement that the facility meets or exceeds current American National Standards Institute (ANSI) standards as adopted by the FCC.

14.3.10 Abandonment

14.3.1001 WCFs and the equipment compound shall be removed, at the owner's expense, within ninety (90) days of cessation of use, unless the abandonment is associated with a replacement antenna structure as provided in **§14.9** (Antenna Element Replacement and Expansion), in which case the removal shall occur within one hundred eighty (180) days of cessation of use.

14.3.1002 An owner wishing to extend the time for removal or reactivation shall submit an application stating the reason for such extension. The County may extend the time for removal or reactivation up to ninety (90) additional days upon a showing of good cause. If the antenna support structure or antenna is not removed in a timely fashion, the County may give notice that it will contract for removal within sixty (60) days following written notice to the owner. Thereafter, the County may cause removal of the antenna support structure with costs being borne by the current WCF or land owner.

14.3.1003 Upon removal of the WCF, the equipment compound and at ground foundations including two feet below ground level, the development area shall be returned to its natural state and topography and vegetation shall be consistent with the natural surroundings or consistent with the current use of the land at the time of removal. The cost of rehabilitation shall be borne by the current WCF or land owner.

SECTION 14.4 FREESTANDING CONCEALED WCF

14.4.1 Applicability

In addition to the general development standards listed in **§14.3** and the application submittal requirements listed in **§14.2** the following standards shall apply for all freestanding wireless communications facilities.

14.4.2 Determination of Need

No new or mitigated freestanding concealed WCF shall be permitted unless the applicant demonstrates that no existing structure can reasonably accommodate the applicant's proposed use; or that use of such existing facilities would prohibit personal wireless services in the geographic search ring to be served by the proposed antenna support structure.

14.4.3 Designed for Maximum Collocation

All new freestanding concealed WCF shall be designed for maximum collocation installations.

14.4.4 Designed for Non-Concealed Collocation

The following design types shall be used for applicable WCFs

14.4.401 All new freestanding concealed WCFs shall have a secondary, obvious function which may be, but is not limited to the following: church steeple, windmill, silo, bell tower, clock tower, light standard, flag pole with or without a flag, or tree and shall not exceed one hundred and ninety five feet (195') in height.

14.4.402 All WCF's up to eighty (80) feet in height shall be engineered and constructed to accommodate no less than two (2) antenna arrays.

14.4.403 All WCFs between eighty-one (81) feet and one hundred (100) feet shall be engineered and constructed to accommodate no less than three (3) antenna arrays.

14.4.404 All WCFs between one hundred and one (101) and one hundred and twenty-five (125) feet shall be engineered and constructed to accommodate no less than four (4) antenna arrays.

14.4.405 Where permitted, all WCFs between one hundred and twenty-six (126) feet and one hundred and ninety five (195) feet shall be engineered and constructed to accommodate no less than five (5) antenna arrays.

14.4.5 Minimum Lot Size

14.4.501 All new freestanding WCFs shall meet minimum lot size standards of the underlying zoning district and subject to **Article 6** (Zoning Districts).

14.4.6 Visual Profile

14.4.601 New freestanding antenna support structures shall be configured and located in a manner that shall minimize adverse effects including visual impacts on the landscape and adjacent properties.

14.4.7 Grading

14.4.701 Grading shall be minimized and limited only to the area necessary for the new WCF as approved by the County.

14.4.8 Safety

14.4.801 All support structures shall be certified to comply with the safety standards contained in the Electronics Industries Association /Telecommunications Industries Association (EIA/TIA) document 222-F, or current standard, "Structural Standards For Steel Antenna Towers and Supporting Structures," or current standard, as amended, by a Registered North Carolina Professional Engineer.

14.4.9 Setbacks

14.4.901 Setbacks shall not apply to freestanding concealed WCFs when they are installed on existing structures and when the modifications to the existing structure are in keeping with the aesthetics of the original structure.

14.4.10 Landscaping Requirements

All freestanding concealed WCFs must comply with the following landscaping requirements:

14.4.1001 For towers one hundred fifty (150) feet or less in height, at least one (1) row of evergreen shrubs capable of forming a continuous hedge at least five (5) feet in height shall be provided with individual plantings spaced not more than five (5) feet apart and at least one (1) row of evergreen trees with a minimum caliper of one and three-fourths (1 3/4) inches at the time of planting and spaced not more than twenty-five (25) feet apart shall be provided within fifteen (15) feet of the perimeter of the setback area.

14.4.1002 For towers more than one hundred fifty (150) feet in height, in addition to the requirements for landscaping above, one (1) row of deciduous trees, with a minimum caliper of two and one-half (2 1/2) inches at time of planting and spaced no more than forty (40) feet apart shall be provided within twenty-five (25) feet of the perimeter of the setback area required by item **§14.4.1101**.

14.4.1003 In lieu of the above requirements, in special cases including, but not limited to, cases where a required tree would be closer to the tower than the height of the tree at maturity, the applicant may prepare a detailed plan and specifications for landscape and screening, including plantings, fences, walls, topography, etc., to screen the base of the tower and accessory uses. The plan shall accomplish the same degree of screening achieved in items **§14.4.1101** and **§14.4.1102** above but may deviate from the specific requirements set forth, and it shall be determined by the Planning Director that the public interest will be equally served by such plan.

14.4.1004 All required landscaping shall be installed according to established planting procedures using good quality plant materials.

14.4.1005 No certificate of occupancy shall be issued until the required landscaping is completed in accordance with the approved landscape plan as certified by an on-site inspection by the Planning Director and/or Zoning Administrator. When the occupancy of a structure is desired prior to the completions of the required landscaping, a certificate of occupancy shall be issued only if the owner or developer provides to the County a form of surety bond in an amount equal to the remaining plant materials, related materials and installation costs.

14.4.1006 All required landscaping must be installed and approved by the first planting season following issuance of the certificate of occupancy or the surety bond will be forfeited to the County.

14.4.1007 The owners and their agents shall be responsible for providing, protecting and maintaining all landscaping in healthy and growing conditions, replacing unhealthy or dead plant materials within one (1) year or by the next planting season, whichever comes first. Replacement material shall conform to the original intent of the landscape plan.

14.4.11 Height

14.4.1101 In all zoning districts where permitted, the maximum height shall be limited to one hundred and ninety five feet (195'). (See Article 7 (Table of Uses))

14.4.1102 All height limits shall include above ground foundations, but exclude lightning rods or lights required by the FAA that do not provide any support for antennas.

14.4.12 Neighborhood Meeting Required

14.4.1201 A neighborhood meeting shall be held to facilitate the exchange of information and solicit public input by and between the applicant, nearby landowners and other citizens prior to finalization of a zoning petition.

14.4.1202 At a minimum, the applicant shall make the preliminary concept plan(s) available for review, explain the general concept for the proposed telecommunications tower and provide time for open comment and questions.

14.4.1203 Notice of the neighborhood meeting shall be made by the applicant in accordance with the procedures for noticing public hearings as outlined below. The notice shall:

- State the date, time and place of the neighborhood meeting.
- Identify the property encompassing the proposed telecommunications tower
- Succinctly summarize the general intent or concept for the proposed telecommunications tower as currently contemplated by the applicant.

14.4.1204 Notice of any neighborhood meeting shall be sent by certified mail (return receipt requested) to the owners of all parcels of land adjacent to or abutting the site of the proposed telecommunications tower at the last address listed for such owners in the County property tax records.

14.4.1205 Notice to all other owners of properties within a one-quarter mile radius of the proposed telecommunication tower site shall be sent by first-class mail with proper postage affixed at the last address listed for such owners in the County property tax records.

SECTION 14.5 FREESTANDING NON-CONCEALED WCF

14.5.1 Applicability

In addition to the general development standards listed in **§14.3** and the general application requirements listed in **§14.2** the following standards shall apply for all freestanding non-concealed wireless communications facilities.

14.5.2 Determination of Need

No new freestanding non-concealed WCF shall be permitted unless the applicant demonstrates that no existing structure can reasonably accommodate the applicant's proposed use; or that use of such existing facilities would prohibit personal wireless services in the geographic search ring to be served by the proposed antenna support structure.

14.5.3 Designed for Maximum Collocation

All new freestanding non-concealed WCF shall be designed for maximum collocation installations.

14.5.4 Designed for Non-Concealed Collocation

The following design types shall be used for applicable WCFs:

14.5.401 All new freestanding non-concealed WCFs of up to one hundred and ninety five feet (195') shall be of monopole design.

14.5.402 All new freestanding non-concealed WCF's up to eighty (80) feet in height shall be engineered and constructed to accommodate no less than two (2) antenna arrays.

14.5.403 All new freestanding non-concealed WCFs between eighty-one (81) feet and one hundred (100) feet shall be engineered and constructed to accommodate no less than three (3) antenna arrays.

14.5.404 All new freestanding non-concealed WCFs between one hundred and one (101) and one hundred and twenty-five (125) feet shall be engineered and constructed to accommodate no less than four (4) antenna arrays.

14.5.405 Where permitted, all new freestanding non-concealed WCFs greater than one-hundred and twenty-five (125) feet shall be engineered and constructed to accommodate no less than five (5) antenna arrays.

14.5.5 Minimum Lot Size

14.5.501 All new freestanding non-concealed WCFs shall meet minimum lot size standards of the underlying zoning district and subject to **Article 6** (Zoning Districts).

14.5.6 Visual Profile

14.5.601 New freestanding non-concealed WCFs antenna support structures shall be configured and located in a manner that shall minimize adverse effects including visual impacts on the landscape and adjacent properties.

14.5.7 Grading

14.5.701 Grading shall be minimized and limited only to the area necessary for the new freestanding non-concealed WCFs WCF as approved by the County.

14.5.8 Safety

14.5.801 All support structures shall be certified to comply with the safety standards contained in the Electronics Industries Association /Telecommunications Industries Association (EIA/TIA) document 222-F, or current standard, "Structural Standards For Steel Antenna Towers and Supporting Structures," or current standard, as amended, by a Registered North Carolina Professional Engineer.

14.5.9 Setbacks

14.5.901 The following table outlines the required yard setbacks for a freestanding non-concealed and its equipment compound:

WCF Setbacks Table[1]	
Type of Setback	**Freestanding Non-Concealed WCFs Setback Distance**
From Lot Line	Height of Tower
From Public Road (Measured from Right-OF -Way)	Height of Tower
From Private Road Identified in the Moore County Road Name and Addressing Ordinance (Measured from centerline of driving surface)	Height of Tower
From Designated Structure and/or Designated Boundary (if any), whichever is closest to the proposed WCF of the following: The National Register of Historic Places, Properties determined eligible by procedures specified under the National Historic Preservation Act of 1966, The North Carolina State Historic Preservation Office Study List, Locally Zoned Historic District, Locally Designated Historic Landmark	2640'

14.5.10 Landscaping Requirements

All non-concealed freestanding WCFs must comply with the following landscaping requirements:

14.5.1001 For towers one hundred fifty (150) feet or less in height, at least one (1) row of evergreen shrubs capable of forming a continuous hedge at least five (5) feet in height shall be provided with individual plantings spaced not more than five (5) feet apart and at least one (1) row of evergreen trees with a minimum caliper of one and three-fourths (1 3/4) inches at the time of planting and spaced not more than twenty-five (25) feet apart shall be provided within fifteen (15) feet of the perimeter of the setback area.

14.5.1002 For towers more than one hundred fifty (150) feet in height, in addition to the requirements for landscaping above, one (1) row of deciduous trees, with a minimum caliper of two and one-half (2 1/2) inches at time of planting and spaced

no more than forty (40) feet apart shall be provided within twenty-five (25) feet of the perimeter of the setback area required by item **§14.5.1101**.

14.5.1003 In lieu of the above requirements, in special cases including, but not limited to, cases where a required tree would be closer to the tower than the height of the tree at maturity, the applicant may prepare a detailed plan and specifications for landscape and screening, including plantings, fences, walls, topography, etc., to screen the base of the tower and accessory uses. The plan shall accomplish the same degree of screening achieved in items **§14.5.1101** and **§14.5.1102** above but may deviate from the specific requirements set forth, and it shall be determined by the Planning Director that the public interest will be equally served by such plan.

14.5.1004 All required landscaping shall be installed according to established planting procedures using good quality plant materials.

14.5.1005 No certificate of occupancy shall be issued until the required landscaping is completed in accordance with the approved landscape plan as certified by an on-site inspection by the Planning Director and/or Zoning Administrator. When the occupancy of a structure is desired prior to the completions of the required landscaping, a certificate of occupancy shall be issued only if the owner or developer provides to the County a form of surety bond in an amount equal to the remaining plant materials, related materials and installation costs.

14.5.1006 All required landscaping must be installed and approved by the first planting season following issuance of the certificate of occupancy or the surety bond will be forfeited to the County.

14.5.1007 The owners and their agents shall be responsible for providing, protecting and maintaining all landscaping in healthy and growing conditions, replacing unhealthy or dead plant materials within one (1) year or by the next planting season, whichever comes first. Replacement material shall conform to the original intent of the landscape plan.

14.5.11 Height

The following are the height requirements for non-concealed freestanding WCF:

14.5.1101 In RA and B-1 zoning districts a maximum of one hundred and ninety five (195) feet shall be permitted.

14.5.1102 The maximum height in all other zoning districts shall be limited to a total of one hundred fifty (150) feet.

14.5.1103 The Moore County Board of Commissioners may permit a tower greater than that allowed within the applicable zoning district only if undisputable evidence is provided at application that the WCF service area will be so substantially compromised that there would be a requirement of additional WCFs within a distance of two (2) miles.

14.5.1104 If granted additional height considerations, the WCF shall be designed to allow for a future reduction of elevation to no more than one hundred and ninety five (195) feet, or the replacement of the WCF with a monopole type structure, at the sole discretion of the County.

14.5.1105 The height limit shall include above ground foundations, but exclude lightning rods or lights required by the FAA that do not provide any support for antennas.

14.5.1106 Any proposed tower over 200′ in vertical height (measured from the top of the foundation to the uppermost point of the tower), which is located within five miles beyond the boundary of a military installation must receive endorsement from the Building Code Council or provide proof of the Council's failure to act within the time allowed. NCGS 143-151.75

14.5.12 Antenna Support Structure

Freestanding non-concealed WCFs shall be limited to a monopole type antenna support structure unless the applicant successfully demonstrates that such design is not feasible to accommodate the intended uses.

14.5.13 Neighborhood Meeting Required

14.5.1301 A neighborhood meeting shall be held to facilitate the exchange of information and solicit public input by and between the applicant, nearby landowners and other citizens prior to finalization of a zoning petition.

14.5.1302 At a minimum, the applicant shall make the preliminary concept plan(s) available for review, explain the general concept for the proposed telecommunications tower and provide time for open comment and questions.

14.5.1303 Notice of the neighborhood meeting shall be made by the applicant in accordance with the procedures for noticing public hearings as outlined below. The notice shall:

- State the date, time and place of the neighborhood meeting.
- Identify the property encompassing the proposed telecommunications tower
- Succinctly summarize the general intent or concept for the proposed telecommunications tower as currently contemplated by the applicant.

14.5.1304 Notice of any neighborhood meeting shall be sent by certified mail (return receipt requested) to the owners of all parcels of land adjacent to or abutting the site of the proposed telecommunications tower at the last address listed for such owners in the County property tax records.

14.5.1305 Notice to all other owners of properties within a one-quarter mile radius of the proposed telecommunication tower site shall be sent by first-class mail with proper postage affixed at the last address listed for such owners in the County property tax records.

SECTION 14.6 MITIGATION OF EXISTING FREESTANDING WCF

14.6.1 Applicability

In addition to the general development standards listed in **§14.3** and the general application requirements listed in **§14.2** the following standards shall apply for all mitigation of wireless communications facilities.

14.6.2 Determination of Need

WCF mitigation shall accomplish a minimum of one of the following: reduce the number of WCFs, replace an existing WCF with one that is less visually obtrusive, or replace an existing WCF with a new WCF to improve network functionality resulting in compliance with this Ordinance.

14.6.3 Designed for Maximum Collocation

All mitigated WCF shall be designed for maximum collocation installations.

14.6.4 Designed for Non-Concealed Collocation

The following design types shall be used for applicable WCFs:

14.6.401 All new freestanding WCFs of up to one hundred and ninety five feet (195′) shall be of monopole design.

14.6.402 All WCF's up to eighty (80) feet in height shall be engineered and constructed to accommodate no less than two (2) antenna arrays.

14.6.403 All WCFs between eighty-one (81) feet and one hundred (100) feet shall be engineered and constructed to accommodate no less than three (3) antenna arrays.

14.6.404 All WCFs between one hundred and one (101) and one hundred and twenty-five (125) feet shall be engineered and constructed to accommodate no less than four (4) antenna arrays.

14.6.405 Where permitted, all WCFs greater than one-hundred and twenty-five (125) feet shall be engineered and constructed to accommodate no less than five (5) antenna arrays.

14.6.5 Minimum Lot Size

All mitigated WCFs shall meet minimum lot size standards of the underlying zoning district and subject to **Article 6** (Zoning Districts).

14.6.6 Visual Profile

New freestanding antenna support structures shall be configured and located in a manner that shall minimize adverse effects including visual impacts on the landscape and adjacent properties.

14.6.7 Grading

Grading shall be minimized and limited only to the area necessary for the new WCF as approved by the County.

14.6.8 Safety

All support structures shall be certified to comply with the safety standards contained in the Electronics Industries Association /Telecommunications Industries Association (EIA/TIA) document 222-F, or current standard, "Structural Standards For Steel Antenna Towers and Supporting Structures," or current standard, as amended, by a Registered North Carolina Professional Engineer.

14.6.9 Setbacks

A new WCF approved for mitigation of an existing WCF shall not be required to meet new setback standards so long as the new WCF and its equipment compound are no closer to any property lines than the WCF and equipment compound being mitigated. For example, if a new WCF is replacing an old one, the new one is allowed to have the same setbacks as the WCF being removed, even if the old one had nonconforming setbacks.

14.6.10 Landscaping Requirements

All mitigated WCFs must comply with the following landscaping requirements:

14.6.1001 For towers one hundred fifty (150) feet or less in height, at least one (1) row of evergreen shrubs capable of forming a continuous hedge at least five (5) feet in height shall be provided with individual plantings spaced not more than five (5) feet apart and at least one (1) row of evergreen trees with a minimum caliper of one and three-fourths (1 3/4) inches at the time of planting and spaced not more than twenty-five (25) feet apart shall be provided within fifteen (15) feet of the perimeter of the setback area.

14.6.1002 For towers more than one hundred fifty (150) feet in height, in addition to the requirements for landscaping above, one (1) row of deciduous trees, with a minimum caliper of two and one-half (2 1/2) inches at time of planting and spaced no more than forty (40) feet apart shall be provided within twenty-five (25) feet of the perimeter of the setback area required by item **§14.6.1101**.

14.6.1003 In lieu of the above requirements, in special cases including, but not limited to, cases where a required tree would be closer to the tower than the height of the tree at maturity, the applicant may prepare a detailed plan and specifications for landscape and screening, including plantings, fences, walls, topography, etc., to screen the base of the tower and accessory uses. The plan shall accomplish the same degree of screening achieved in items **§14.6.1101** and **§14.6.1102** above but may deviate from the specific requirements set forth, and it shall be determined by the Planning Director that the public interest will be equally served by such plan.

14.6.1004 All required landscaping shall be installed according to established planting procedures using good quality plant materials.

14.6.1005 No certificate of occupancy shall be issued until the required landscaping is completed in accordance with the approved landscape plan as certified by an on-site inspection by the Planning Director and/or Zoning Administrator. When the occupancy of a structure is desired prior to the completions of the required landscaping, a certificate of occupancy shall be issued only if the owner or developer provides to the County a form of surety bond in an amount equal to the remaining plant materials, related materials and installation costs.

14.6.1006 All required landscaping must be installed and approved by the first planting season following issuance of the certificate of occupancy or the surety bond will be forfeited to the County.

14.6.1007 The owners and their agents shall be responsible for providing, protecting and maintaining all landscaping in healthy and growing conditions, replacing unhealthy or dead plant materials within one (1) year or by the next planting season, whichever comes first. Replacement material shall conform to the original intent of the landscape plan.

14.6.11 Height

The height of a WCF approved for mitigation shall not exceed one hundred and fifteen (115) percent of the height of the tallest WCF that is being mitigated up to a maximum of one hundred and ninety five (195) feet.

14.6.12 Neighborhood Meeting Required

14.6.1201 A neighborhood meeting shall be held to facilitate the exchange of information and solicit public input by and between the applicant, nearby landowners and other citizens prior to finalization of a zoning petition.

14.6.1202 At a minimum, the applicant shall make the preliminary concept plan(s) available for review, explain the general concept for the proposed telecommunications tower and provide time for open comment and questions.

14.6.1203 Notice of the neighborhood meeting shall be made by the applicant in accordance with the procedures for noticing public hearings as outlined below. The notice shall:

- State the date, time and place of the neighborhood meeting.
- Identify the property encompassing the proposed telecommunications tower

- Succinctly summarize the general intent or concept for the proposed telecommunications tower as currently contemplated by the applicant.

14.6.1204 Notice of any neighborhood meeting shall be sent by certified mail (return receipt requested) to the owners of all parcels of land adjacent to or abutting the site of the proposed telecommunications tower at the last address listed for such owners in the County property tax records.

14.6.1205 Notice to all other owners of properties within a one-quarter mile radius of the proposed telecommunication tower site shall be sent by first-class mail with proper postage affixed at the last address listed for such owners in the County property tax records.

SECTION 14.7 ATTACHED WIRELESS COMMUNICATIONS FACILITIES

14.7.1 Applicability

In addition to the general development standards listed in **§14.3** and the general submittal requirements listed in **§14.2** the following standards shall apply for all attached wireless communications facilities.

14.7.2 Height

14.7.201 In the event that an existing structure (other than a wireless communication tower) is proposed as a mount for a wireless communication facility, the height of the original structure shall not be increased by more than fifteen (15) feet above the highest point of a flat or mansard roof or fifteen (15) feet above the height at the midpoint between the peak and the eave of other roof styles, unless the facility is completely camouflaged (for example, a facility within a flag pole, steeple or chimney).

14.7.202 Any increase in height shall be in scale and proportionality to the structure as originally configured.

14.7.203 A provider may locate a wireless communication facility on a building that is legally non-conforming with respect to height, provided that the provisions of this section are met.

14.7.3 Locations

14.7.301 Attached concealed and non-concealed WCFs shall only be allowed on structures where the applicant has an agreement with the applicable utility or other authority that exercises jurisdiction over the subject right of way, on electrical distribution poles, transmission towers, and existing ball park light poles greater than fifty (50) feet in height, subject to approval of the County and/or the utility company.

14.7.302 Attached non-concealed WCFs may only be allowed on existing non-concealed antenna support structures.

14.7.4 Setbacks

14.7.401 An attached WCF and its equipment compound shall be one foot for every one foot in linear height. (*Amended March 3, 2015*)

14.7.402 Antennas may extend a maximum of 30 inches into the setback. However no antenna or portion of any structure shall extend into any easement.

14.7.5 Visual Profile

Feed lines and antennas shall be designed to architecturally match the façade, roof, wall, or structure on which they are affixed so that they blend with the existing structural design, color, and texture.

14.7.6 Equipment compound or cabinets

Equipment compounds or cabinets for WCFs under this subsection shall be designed and located in such a manner as to not interfere with the subject right of way or its primary utilization.

SECTION 14.8 COLLOCATED AND COMBINED WCF

14.8.1 Applicability

In addition to the general development standards listed in **§14.3** and the general application requirements listed in **§14.2** the following standards shall apply for all collocated and combined wireless communications facilities.

14.8.2 Height

14.8.201 A collocated or combined WCF shall not increase the height of an existing antenna support structure by the greater of more than ten percent (10%) or the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet.

14.8.3 Setbacks

14.8.301 A collocated or combined WCF, its equipment compound, and any ancillary equipment shall be one foot for every one foot in linear height. *(Amended March 3, 2015)*

14.8.302 When a collocated or combined WCF is to be located on a nonconforming building or structure, then the existing setbacks of the nonconforming structure shall prevail.

14.8.4 Visibility

14.8.401 New antenna shall be flush-mounted onto existing WCFs, unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.

14.8.5 Equipment Compound Expansion For Collocations

14.8.501 Existing equipment compounds may be increased by a maximum of 2,500 square feet from the previously approved equipment compound footprint for any collocation and shall also meet the requirements of **§14.3.8** (Equipment Compounds).

SECTION 14.9 ANTENNA ELEMENT REPLACEMENT AND EXPANSION

14.9.1 Applicability

14.9.101 Antenna Element Replacement shall mean the replacement of any or all of an antenna or antenna array with a model of the same manufacturer and model type or close specification.

14.9.102 Expansion of an Existing Antenna Array shall mean the addition of an antenna or antenna array with a new manufacturer and/or model type and/or increases the bandwidth of the antenna or antenna array.

14.9.2 Development Standards

14.9.201 Any repair or replacement of an existing antenna or antenna array with another of like manufacturer model, type, and number, and which will not alter the structural integrity of the support structure, in any way, or alter the ANSI standards regarding radiation exposure shall be exempted from further review provided that a notarized certification shall be submitted by a qualified technician stating that the replacement will not alter the structural integrity of the support structure, and that any changes will not affect electrical specifications.

14.9.202 Any repair or replacement of an existing antenna or antenna array on a WCF that changes the mechanical specifications and/or that increases the number and/or size of feed lines and/or equipment cabinets of the existing WCF will be treated as a new collocation.

SECTION 14.10 APPROVAL PROCESS

14.10.1 General Information for WCF Approval Process

All approvals are subject to the review processes outlined in the **Article 3**. Additionally, in accordance with the table in Article 7 (Table of Uses), the following approval process shall apply.

14.10.2 New WCFs and Antenna Element Replacements

14.10.201 Any application submitted pursuant to this section shall be reviewed by County staff for completeness. If any required item fails to be submitted, the application shall be deemed incomplete. Staff shall advise an applicant in writing within twenty (20) business days after submittal of an application regarding the completeness of the application. If the application is incomplete, such notice shall set forth the missing items or deficiencies in the application, which the applicant must correct and/or submit in order for the application to be deemed complete.

14.10.202 Within twenty (20) days of receiving a timely response from an interested potential co-applicant, the applicant shall inform the respondent and the County in writing as to whether or not the potential collocation or combining is acceptable and under what conditions. If the collocation or combining is not acceptable, then the applicant must provide the respondent and the County written justification as to why the collocation or combining is not feasible.

14.10.3 Supplemental Review

The County reserves the right to require a supplemental review for any type of WCF, as determined necessary, subject to the following:

14.10.301 Where due to the complexity of the methodology or analysis required to review an application for a wireless communication facility, the County may require the applicant to pay for a technical review by a third party expert, the costs of which shall be borne by the applicant and be in addition to other applicable fees.

14.10.302 The applicant shall submit as published in the County's current fee schedule.

14.10.303 Based on the results of the expert review, the approving authority may require changes to the applicant's application or submittals.

14.10.304 The supplemental review may address any or all of the following:

- The accuracy and completeness of the application and accompanying documentation.
- The applicability of analysis techniques and methodologies.
- The validity of conclusions reached.
- Whether the proposed wireless communications facility complies with the applicable approval criteria set forth in this Ordinance.

- Other recommendations deemed by the County to be relevant to determining whether a proposed wireless communications facility complies with the provisions of these codes.

SECTION 14.11 BIENNIAL OPERATING PERMITS

14.11.1 Biennial Operating Permit Required

14.11.101 A biennial wireless communication facility operating permit shall be required for each freestanding wireless communication facility within the jurisdiction of this Ordinance.

14.11.102 Persons operating wireless communication facilities on the effective date of this Ordinance shall comply with this permit requirement.

14.11.102 Applications for a biennial wireless communication facility operating permit shall include such technical information about the facility as the Ordinance Administrator or his/her agent(s) deems reasonable and appropriate.

14.11.103 Such information shall be in a form designated by the Ordinance Administrator or his/her agent(s).

14.11.2 Applicant's Certifications

Before a biennial wireless telecommunication facility operating permit shall be issued or renewed, the applicant must certify that:

14.11.201 It currently holds a FCC license to provide commercial wireless services and that such license is in good standing or, if the permittee is not a FCC licensee, that the license of each of its FCC tenants is in good standing.

14.11.202 The wireless communication facility continues to be operated by the applicant and that it has a continuing need for the facility to meet the requirements of its FCC license.

14.11.203 That the facility complies with all FCC rules and regulations currently in effect relating to environmental effects of electromagnetic radiation;

14.11.204 That the facility as currently constructed, maintained or operated is in compliance with all FAA rules and regulations.

14.11.205 That the applicant currently has liability insurance in force covering the wireless communication facility in an amount deemed necessary by this Ordinance, and amendments thereto.

14.11.206 That the applicant has not constructed, or modified any wireless communication facility on or after the effective date of this Ordinance without the approval of Moore County or, if it has done so, that it has ceased operating and has removed

all aboveground portions of such facilities (not including any part of the foundation).

14.11.207 That any bond or other security to secure removal of the wireless communication facility remains in full force and effect and that the applicant is in full compliance with **§14.3.10** (Abandonment).

14.11.3 Biennial Operating Permit Fee

Payment of a nonrefundable fee as established by the Board of County Commissioners per the fee schedule shall be required before a biennial wireless communication facility operating permit shall be issued.

14.11.301 The Biennial Operating Permit Fee may be adjusted from time to time by resolution of the Board of Commissioners.

14.11.302 Permits shall be issued for 2 year periods first beginning in January, 1999. Permits shall then be applied for every other January.

14.11.303 Permit fees shall not be pro-rated.

14.11.304 Private business users operating a single wireless communication facility at their place of business and governmental users are exempt from the fee.

ARTICLE 15
MANUFACTURED HOME PARKS

SECTION 15.1 GENERAL INFORMATION

15.1.1 Definition of a Manufactured Home Park

The placing, erection or installation of three or more manufactured homes on one parcel, plot or lot of land for the purpose of rental of a manufactured home or the rental of a portion of the parcel, plot or lot for a manufactured home shall constitute a manufactured home park for purposes of this Ordinance.

15.1.2 Existing or New Manufactured Home Parks

15.1.201 Existing manufactured home parks that do not meet the standards set forth in this Ordinance shall be considered non-conforming. Such parks shall not expand in any way, beyond the existing park at the time of adoption of this Ordinance, except that any additional new or expanding development must meet the requirements of this Ordinance.

15.1.202 The replacement and location of units on an existing manufactured home space or lot shall be permitted provided the total number of lots does not exceed the number of existing lots at the time of adoption of this Ordinance. Removal and replacement of units on such lots or spaces shall not be considered expansion of the manufactured home park.

15.1.203 All new manufactured home parks and all expansions to existing manufactured home parks must meet all standards set forth in this Article.

SECTION 15.2 APPLICATION AND PERMITTING REQUIREMENTS

15.2.1 Application Requirements

15.2.101 Prior to the construction of a new manufactured home park or the expansion of an existing manufactured home park, the developer shall make application to the Moore County Planning Board for a conditional use permit in accordance with **§3.9** of this Ordinance to construct or expand such a park.

15.2.102 The application shall be accompanied by three (3) copies of the proposed park plan.

15.2.2 Site Plan Requirements

The park plan shall be drawn to a scale of fifty (50) feet to one (1) inch or larger and shall include the following:

15.2.201 The name of the park, the names and addresses of the owner or owners, and the designer or Registered Surveyor or Professional Engineer, if the park plans are drawn other than by the owner.

15.2.202 Date, scale and approximate north arrow.

15.2.203 Boundaries of the tract shown with bearings and distances.

15.2.204 Proposed streets, proposed street names, traffic circulation, driveways, recreation areas, parking spaces, service buildings, water courses, easements, manufactured home lots, lot numbers, all structures to be located on the park site, and total acreage of the park.

15.2.205 Vicinity map showing the location of the park and the surrounding land usage.

15.2.206 Names of adjoining property owners.

15.2.207 The existing and proposed utility system for surface water drainage, streetlights, water supply, and solid waste and sewage disposal facilities.

15.2.208 Certification of approval of water system plan by the North Carolina Department of Environment and Natural Resources, Division of Environmental Health, Public Water Supply Section for systems proposed to serve fifteen (15) or more connections. For the systems proposed to serve less than fifteen (15) connections, the owner shall provide documentation that the system is adequate, potable and complies with applicable laws, rules and regulations.

15.2.209 The property owner shall provide verification that all necessary permits for the installation, operation and maintenance of wastewater collection, treatment, and disposal systems have been obtained for the proposed use of the property.

15.2.110 Certification of approval of solid waste storage, collection, and disposal plans by the Moore County Health Department.

15.2.211 Land contours with vertical intervals of not less than ten (10) feet for all manufactured home parks with fifteen (15) manufactured home spaces or more.

15.2.212 A letter or other certification of approval must be submitted from the North Carolina Department of Transportation, as to the safety and design of the access or entrance on to a state maintained street or road from the manufactured home park.

SECTION 15.3 DEVELOPMENT STANDARDS

15.3.1 Dimensional Requirements

Minimum manufactured home park area	2 acres
Minimum park width	100 feet
Minimum park depth	200 feet
Maximum density	4 units per acre
Minimum size of manufactured home space	7,500 square feet
Minimum manufactured home space width	50 feet
Minimum manufactured home space depth	100 feet
See **Article 6** (Zoning Districts) for setbacks and accessory structure requirements for each zoning district.	

15.3.2 Minimum Lot Size

15.3.201 A manufactured home park must be a minimum of two (2) acres of contiguous land in total park size and shall contain at least two (2) manufactured home lots/spaces at first occupancy.

15.3.202 A manufactured home park developed in phases shall be required to develop a minimum of three (3) lots in the first phase and a minimum of four (4) lots in all additional phases except where the remaining lots to be developed are less than four (4).

15.3.3 Utilities

15.3.301 The manufactured home park and all occupied units located in it must be connected to a municipal water/sewerage system or other systems approved by the Moore County Health Department or any State of North Carolina Department, Division, or office having jurisdiction.

15.3.302 All utility installations shall comply with applicable building and health codes of Moore County and the State of North Carolina, and the requirements of the North Carolina Utilities Commission.

15.3.303 For manufactured home parks with more than twenty (20) units, public water or wastewater MUST be provided.

15.3.304 An adequate, safe and potable water supply shall be provided for the manufactured home park. The source of the water supply shall either be through a municipal or public water system with the manufactured home park connecting to the water system, or when such system is not available, the manufactured home

park must be serviced by a water supply which meets applicable laws, rules, and regulations.

15.3.305 An adequate and safe sewage disposal system shall be provided in the manufactured home park. Collection systems, sewage treatment facilities or individual septic tank systems shall be approved by the North Carolina Division of Environmental Management or the Moore County Health Department as required by law.

15.3.306 Street lighting shall be provided throughout the manufactured home park based on a recommended plan, approved or suggested by the local electric power company.

15.3.307 All utility systems shall be located underground, and easements necessary for water, sewer, gas, electrical, cable TV, stormwater, if required, and other utilities systems shall be shown on the manufactured home park plans.

15.3.4 Access

15.3.401 All new manufactured home parks are required to have access to a North Carolina Department of Transportation maintained road, highway, or street, or if the entrance does not directly abut a NC maintained road, highway, or street, construction shall be in accordance with the accepted policies and standards of the North Carolina Department of Transportation, Division of Highways, Subdivision Roads Minimum Construction Standards at the time of submission of an application for a manufactured home park.

15.3.402 Internal roadways, with a width of at least twenty (20) feet, must be provided for access to individual units and other facilities located within the park and must be graded and maintained at all times in a condition such that normal roadway travel can occur and emergency vehicles can have unrestricted and ready access to any and all units and structures.

15.3.403 Each space shall have access to an internal roadway which must have a width of at least twenty (20) feet.

15.3.404 A park having four (4) or less spaces may have unpaved roads or streets.

15.3.405 A park having five (5) or more spaces shall have paved roads or streets, with a pavement width of not less than twelve (12) feet.

15.3.406 Roadways must be graded and maintained at all times in a condition such that normal roadway travel can occur and emergency vehicles can have unrestricted and ready access to any and all units and structures.

15.3.407 North Carolina Department of Transportation (NCDOT) standards for pavement design (materials and thickness) shall be met (NCDOT subdivision street standards for materials and thickness).

15.3.408 Unpaved roads or streets shall be graveled to a width of twelve (12) feet and a depth of four (4) inches.

15.3.409 No space shall have direct access to a public street or road.

15.3.5 Buffers

15.3.501 A densely planted buffer strip not less than ten (10) feet in width, of continuous evergreen composition or other approved plants, trees or shrubs native to the area, which must be not less than six (6) feet in height within two (2) years, shall be provided on all abutting property lines.

15.3.502 The planted buffer must be maintained in a natural living condition at all times.

15.3.6 Parking

15.3.601 A minimum of two (2) parking spaces is required for each space or lot, each of which shall be not less than nine (9) feet in width and eighteen (18) feet in length.

15.3.602 At least one (1) of the two (2) required parking spaces shall be located on or adjacent to each manufactured home space.

15.3.7 Manufactured Home Space Requirements

Manufactured home units shall be located only in spaces that meet the following requirements:

15.3.701 Each space shall be designed so that at least twenty (20) feet clearance will be maintained between units and between manufactured home(s) and other structures within the park.

15.3.702 Manufactured home units shall be located so that not less than a fifteen (15) foot setback is maintained from the centerline of the private interior roadway.

15.3.703 Each space shall have hook-up facilities for water, sewer, electricity and telephone services. All occupied manufactured home units shall have and use approved sanitary facilities within the manufactured home unit.

15.3.704 Storage of flammable or combustible possessions, materials or equipment in the area beneath a manufactured home is prohibited.

15.3.705 Each manufactured home park shall provide a clustered or other acceptable mail delivery system that is in compliance with the appropriate postal service guidelines. Consultation must be made with the appropriate agency for provisions of this system. Access to the mail delivery facility must be designed to allow cars to stop at the mail delivery facility without conflicts from passing vehicles.

15.3.8 Other Permitted Uses

15.3.801 Service buildings, recreation buildings, and other areas or structures providing laundry, sanitation, and managerial facilities are permitted subject to approval of

the Moore County Planning Department and any other Moore County Departments or State of North Carolina Departments, Divisions or offices having jurisdiction.

15.3.802 No such facility shall have direct access to a public street, but shall be served by the privately maintained roadway, within the manufactured home park.

15.3.803 Each manufactured home lot may be equipped with a storage building, provided that all such buildings are located to the rear of any manufactured home.

15.3.9 Installation of Individual Manufactured Homes

15.3.901 Each manufactured home shall be set up and installed in accordance with standards specified in the State of North Carolina Regulations for Manufactured Home and Modular Housing.

15.3.902 The owner/operator of a manufactured home park shall designate a uniform type of solid foundation enclosure or skirting fully enclosing the crawl space beneath each manufactured home in the manufactured home park. Foundation enclosures or skirting must be installed in accordance with applicable standards of the North Carolina State Building Code and must be installed within ninety (90) days of placement of the home.

15.3.10 Erosion and Stormwater Control Requirements

15.3.1001 In order to control erosion, all disturbed land areas shall be protected by a vegetative ground cover as defined in the State of North Carolina Erosion and Sedimentation Control Regulations.

15.3.1002 The manufactured home park must be designed and graded in such a manner as to provide for the adequate runoff of stormwater.

15.3.1003 Storm drains must be provided with sufficient inlets located at points of surface water accumulation to adequately intersect surface flow.

15.3.1004 All other requirements of the State of North Carolina Soil and Erosion and Sedimentation Control Regulations shall also be applicable.

15.3.1005 Protected water supply watershed standards may also be applicable.

SECTION 15.4 PARK OPERATORS DUTIES AND RESPONSIBILITIES

15.4.1 Maintenance

15.4.101 The manufactured home park owner/operator(s) is required to provide adequate supervision to maintain the park in compliance with the requirements of this Ordinance.

15.4.102 Further, the manufactured home park owner/operators shall keep all park owned facilities, improvements, equipment and all common areas in good repair and maintained at all times.

15.4.103 The accumulation or storage of materials that would constitute a fire hazard or would cause insect or rodent breeding and harborage is prohibited.

15.4.104 The grounds of a manufactured home park shall be maintained free of litter, debris and trash, including but not limited to abandoned appliances, automobiles, building materials or similar materials.

15.4.105 Grounds, buildings and storage areas within the manufactured home park shall be maintained at all times such as to produce a safe and healthy environment.

15.4.106 All garbage and refuse for individual manufactured homes in each park shall be stored in suitable waterproof and rodent proof trash receptacles which shall be kept covered with tightly fitting lids. A central collection system must be provided within the park either through a private collection system for individual manufactured homes or through the use of bulk containers (dumpsters), which shall be emptied at least weekly.

15.4.107 Each manufactured home park owner/operator shall submit to the Moore County Planning Department tenancy rules and regulations governing the operation of the manufactured home park.

15.4.2 Placement Supervision

Owner/Operators of manufactured home parks shall be required to supervise the placement of all manufactured homes on the site/space.

15.4.3 Assist County Tax Assessor

Operators shall be required to comply with G.S. 105-316 (a)(1), which requires that, as of January 1 of each year, each operator of a park, renting lots for three (3) or more manufactured homes, furnish to the County Tax Assessor the name of the owner of, and description of, each manufactured home located in the park.

SECTION 15.5 ISSUANCE OF COMPLIANCE PROCEDURES

15.5.1 Temporary Manufactured Home Compliance Certificate

15.5.101 After the Planning Board gives approval for the proposed manufactured home park plan or a phase of the plan, if it is to be developed in phases, the administrative official is authorized to issue a Temporary Manufactured Home Park Compliance Certificate.

15.5.102 The intent of this Temporary Manufactured Home Park Compliance Certificate is to enable the construction of the park, or a phase, according to the proposed plan,

but shall not be construed to entitle the applicant to offer spaces for rent or lease, or to operate a manufactured home park.

15.5.103 If construction of the manufactured home park or a phase has not begun within three hundred and sixty five (365) calendar days from the issued date of the Temporary Manufactured Home Park Compliance Certificate, the Temporary Manufactured Home Park Compliance Certificate shall be null and void and a new application must be submitted if the owner/developer desires to develop the manufactured home park.

15.5.104 However, the Planning Board may grant an extension of the Temporary Manufactured Home Park Compliance Certificate for a period not to exceed one hundred eighty (180) calendar days, when the applicant shows reasonable cause for the delay.

15.5.2 Manufactured Home Compliance Certificate

15.5.201 When the owner/developer has completed the construction of the manufactured home park or a phase, he shall apply to the administrative official for a Manufactured Home Park Compliance Certificate.

15.5.202 The administrative official and an official of the Moore County Health Department shall make an on-site inspection of the park.

15.5.203 If the park or a phase conforms to the approved plan, the administrative official shall issue the owner/developer the Manufactured Home Park Compliance Certificate for the park or the phase for which any application was filed.

15.5.204 If the park or a phase does not conform with the approved plan, the administrative official shall delay issuance of the Manufactured Home Park Compliance Certificate until the park or phase for which an application was filed comes into conformity.

15.5.205 The Manufactured Home Park Compliance Certificate issued to the applicant shall constitute the authority to operate the manufactured home park.

15.5.3 Phasing

When a manufactured home park is to be developed in phases, the proposed plan must be submitted for the entire development, and application for a Manufactured Home Park Compliance Certificate may be made for each phase completed and spaces may then be rented upon issuance of the Manufactured Home Park Compliance Certificate for the phase completed.

15.5.4 Violation

15.5.401 Violation of any of the requirements or provisions of this Article constitutes grounds for refusing to issue or for revoking a Manufactured Home Park Compliance Certificate.

15.5.402 Persons who operate, create, develop or expand a manufactured home park without complying with this Ordinance shall be subject to the penalties outlined in **Article 5** (Enforcement and Penalties).

ARTICLE 16
INTENSIVE SWINE FARMS

SECTION 16.1 ADMINISTRATION

16.1.1 Conflict with Other Laws and Regulations

The provisions of any Federal or State law or regulation establishing standards affording greater protection to the public health, safety, and general welfare, of the surface and ground water resources of the State shall prevail within the jurisdiction of Moore County and shall prevail over the standards in this Article.

16.1.2 Permit Required

16.1.201 No person shall initiate the construction/expansion or operation of an Intensive Swine Operation in Moore County without having a Conditional Use Permit as described in **§3.9** (Conditional Use Permit). Intensive Swine Operations owned by the same operator on contiguous parcels of property are considered to be one operation within the context of this Ordinance and the provisions of this Ordinance shall be so applied. All existing operations that meet State specifications will be deemed permitted by the Moore County Planning Department.

16.1.202 Existing operations which have been certified by the State are not required to obtain a permit under this the State are not required to obtain a permit under this Ordinance. These operations are listed in Appendix C, Animal Operations. However, such existing operations must comply with the Closure Provisions outlined in this Article.

16.1.203 The Conditional Use Permit shall expire if construction has not begun within six (6) months of its issuance date or if construction or expansion has not been completed within twelve (12) months of the permit's issuance date, unless extended by the Ordinance Administrator for good cause shown.

16.1.3 Documentation Required

In addition to the procedures outlined in **§3.9** (Conditional Use Permits) new or expanding swine farm applicants must supply the following completed documents (on file with the State) as part of the application for a Conditional Use Permit:

16.1.301 Individual Non-discharge Permit for the animal waste management system or Certificate of Coverage for the general permit for the animal waste management system, as appropriate;

16.1.302 Animal Waste Management Plan;

16.1.303 Waste Management Facility Site Evaluation Report or a comparable report certified by a professional engineer or technical specialist approved by the N.C. Soil and Water Conservation Commission; and

16.1.304 Animal Waste Management Plan Certification and Technical Specialist Certification (Certification of Design) showing that the design of the animal waste management system complies with all State and Federal requirements. In addition, the applicant must demonstrate to the Health Department, through appropriate documentation, that the design of the animal waste management system and the animal waste management plan will meet all other applicable requirements of these rules.

16.1.4 Notifications

In addition to the requirements outlined for notification of adjacent property owners outlined in **§3.2.4** (Public Notice) the Planning Department shall notify by certified mail, all owners of property within a quarter-mile radius of any proposed or existing confinement buildings or lagoons.

16.1.5 Transfer of Ownership

A conditional use permit is not required if the ownership of title of the land on which a swine farm is located is transferred unless the new owner proposes to expand the operation.

16.1.6 Facilitation and Compliance

16.1.601 To facilitate the administration of this Ordinance, copies of this Article shall be forwarded to the Division of Water Quality, the Soil & Water Conservation District, the Moore County Health Department, and the Cooperative Extension Service. Cooperation among administrative, monitoring and regulatory agencies and the Planning Department shall be promoted.

16.1.602 In addition, within thirty days after the effective date of this Ordinance, the Ordinance Administrator shall send a copy of this Article by certified mail to each owner of an existing swine farm in Moore County and to each owner in the County of an expanding or new swine farm known to the Ordinance Administrator at the time of the effective date of this Ordinance.

16.1.7 No Implied Guarantee

These rules or adherence to these rules shall not be taken as a guarantee that the health of the public or the ground and surface waters will be protected.

SECTION 16.2 DEVELOPMENT STANDARDS

16.2.1 Setbacks

16.2.101 Confinement buildings and lagoons of new or expanding swine farms shall be located a minimum distance of at least 2,500 feet from any existing residence that is either occupied or listed for rent or sale, nursing home, child care center, office building, commercial business, industry, institutional building, or place of public assembly as defined in G.S. 130A-334(7). This setback shall be increased in direct proportion to increases above 600,000 steady state live weight (SSLW) not to exceed 7,500 feet.

16.2.102 Confinement buildings and lagoons of new or expanding swine farms shall be located a minimum distance of at least two (2) miles from any golf course.

16.2.103 Confinement buildings and lagoons of new or expanding swine farms shall be located a minimum distance of at least 500 feet from any property boundary. This setback shall be increased in direct proportion to increases above 600,000 SSLW not to exceed 1,500 feet.

16.2.104 Confinement buildings and lagoons of new or expanding swine farms shall be located a minimum distance of at least 500 feet from any well supplying water to a public water system, as defined in NCGS 130A-313. This setback shall be increased in direct proportion to increases above 600,000 SSLW not to exceed 1,500 feet.

16.2.105 Confinement buildings and lagoons of new or expanding swine farms shall be located a minimum distance of at least 500 feet from any well that supplies water for human consumption. This setback shall be increased in direct proportion to increases above 600,000 SSLW not to exceed 1,500 feet.

16.2.106 No component of a liquid animal waste management system for which a permit is required under Part 1 or 1A of Article 21 of Chapter 143 of the General Statutes shall be constructed on land that is located within a 100-year flood plain.

16.2.107 A confinement facility or lagoon that is a component of a swine farm may be located closer to a residence or a property boundary than is allowed if written permission is given by the owner of the property, approved by the Planning Board during their review process, and recorded with the Register of Deeds.

16.2.108 Setback distance requirements of this Ordinance shall not be required with respect to residences or other structures which are built or established after a new or expanded swine farm has been approved according to this Ordinance.

16.2.2 Land Application Buffers

16.2.201 The outer perimeter of the land area onto which waste is applied from a lagoon that is a component of a swine farm shall be at least 75 feet from any boundary of property on which an occupied residence is located and from any perennial stream or river, other than an irrigation ditch.

16.2.202 This setback shall be increased in direct proportion to increases above 600,000 SSLW not to exceed 225 feet.

16.2.3 Floodplain

All new or expanding swine farms shall be in compliance with **Article 12** (Flood Damage Prevention).

16.2.4 Well Testing

16.2.401 All swine farms permitted under this Ordinance shall, within three months after receiving a Conditional Use Permit, provide baseline data from at least one monitoring well located within the swine farm boundaries. The Moore County Health Department shall determine if data from additional monitoring wells is necessary.

16.2.402 All properly constructed and operating wells situated on the property of a swine farm having a Conditional Use Permit must be tested for bacteria and nitrates two times per year (at six-month intervals) at the operator's expense. The well sample will be collected by Moore County Health Department Environmental Health Specialists, and tested by a State certified lab utilizing an appropriate chain of custody. Swine farm wells that are required to be tested at least twice annually by other law, regulation or contract are deemed to have met this requirement once copies of the results are made available to the Moore County Health Department.

16.2.403 Wells existing on parcels of land contiguous to swine farm property at the time of initial permitting under this Ordinance shall be tested at County expense for bacteria and nitrates prior to the initial operation of a new swine farm (to obtain baseline data) and two times per year thereafter for all operating swine farms.

16.2.404 In cases where well testing results identify ground water that does not meet State standards, the Moore County Health Department will notify the Ground Water Section of the Division of Water Quality, the operator of the swine farm, and any affected property owner for further investigation and remedial action.

16.2.5 Monitoring

16.2.501 Pursuant to NCGS 130A-17, Moore County Health Department Environmental Health Specialists shall, with notice and display of appropriate credentials, have access to the property where a swine farm exists to conduct well testing and assure compliance with these rules.

16.2.502 Any access to the property for these purposes shall not be unreasonably withheld by the operator.

16.2.6 Emergency Action Plan

16.2.601 The owner/operator of an Intensive Swine Operation shall post at the entry to the Intensive Swine Operation property, and on the door of the most prominent confinement building the emergency contact names and telephone numbers of the following:

- Owner,
- Operator,
- Alternative responsible person,
- Division of Water Quality Emergency
- Moore County Health Department.

16.2.602 The posting shall be in a manner such that it remains readable and protected from the elements. Copies of the Emergency Contacts' names and telephone numbers shall be forwarded to Division of Water Quality and the Moore County Planning Department. A plan for Moore County services and an individual producer's emergency plan are located in **Appendix D** (Intensive Swine Farm Emergency Plan)

ARTICLE 17
SUBDIVISIONS

SECTION 17.1 GENERAL INFORMATION

17.1.1 Purpose

17.1.101 The purpose of this Article is to establish procedures and standards for the development and subdivision of land within the jurisdiction of Moore County.

17.1.102 It is designed to provide for the orderly growth and development of the County; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and other public facilities; for the dedication and reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare.

17.1.2 No Subdivision without Plat Approval

17.1.201 No person may subdivide land except in accordance with applicable provisions of this UDO. In particular, no subdivision may occur unless and until a plat of the subdivision has been approved in accordance with the provisions of this UDO and recorded in the Moore County Register of Deeds Office.

17.1.202 The Moore County Register of Deeds Office shall not record a plat of any subdivision within the County jurisdiction unless the plat has been approved in accordance with the provisions of this UDO.

17.1.203 Not all divisions of land constitute subdivisions that are subject to regulation under this UDO. However, to ensure that such divisions are in fact exempt from the requirements of this UDO, all plats creating a division of land shall be presented to the Zoning Administrator before recordation in the Moore County Registry and the Zoning Administrator shall indicate on the face of the plat that the division is exempt from the provisions of this UDO if that is the case.

17.1.3 Exemptions to Subdivision Regulations

The following divisions are not included within the definition of subdivision and are not subject to the regulations prescribed by the subdivision regulations of this Ordinance:

17.1.301 The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as described in this Ordinance.

17.1.302 The division of land into parcels greater than ten (10) acres if no street right-of-way dedication is involved. (Dedication does not include a series of private drives or access easement to lot owners or a home owners association)

17.1.303 The public acquisition by purchase of strips of land for widening or opening streets.

17.1.304 The division of a tract in single ownership the entire area of which is no greater than two (2) acres into not more than three (3) lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the County as shown in this Ordinance.

17.1.305 The division of land other than for sale or development.

17.1.306 When associated with an existing lot of record, the creation of lots for septic tanks, dock access, or access easements.

17.1.307 The division of land pursuant to an Order of the General Court of Justice.

17.1.308 The division among heirs in order to settle an estate.

17.1.4 Prerequisite to Plat Recordation

17.1.401 A final plat must be prepared and approved pursuant to this Ordinance whenever a subdivision of land occurs.

17.1.402 Each subdivision plat within the County's jurisdiction shall be approved by the Moore County Subdivision Review Board or the Zoning Administrator or his/her authorized agent, as provided herein, before recordation in the Office of the Register of Deeds.

17.1.403 Such approval shall be entered in writing on the face of the plat by the Zoning Administrator or his/her authorized agent or by the Chairman of the Subdivision Review Board.

17.1.404 The Register of Deeds shall not file or record a plat of a subdivision of land located within the jurisdiction of this Ordinance that has not been approved in accordance with these provisions, nor shall the Clerk of Superior Court order or direct the recording of a plat in conflict with this section.

17.1.405 If a proposed subdivision of land meets one or more of the exclusions delineated under the definition of subdivision in **Article 18** (Definitions and Word Interpretations) or is not within the jurisdiction of this Ordinance as specified in **§1.5** (Jurisdiction), the property owner may submit to the Zoning Administrator maps, deeds, or other materials in sufficient detail to permit conclusive confirmation by the Zoning Administrator.

17.1.406 Any owner of land who wishes to record a plat of such a division of land shall obtain a Certificate of Exemption from the Zoning Administrator (see **Appendix C**, Subdivision Plat Certificates and Statements).

17.1.5 Monuments, Markers and other Surveying Requirements

17.1.501 Unless otherwise specified by this Ordinance, the Standards of Practice for Land Surveying as adopted by the N.C. State Board of Registration for Professional Engineers and Land Surveyors shall apply when conducting surveys for subdivisions; to determine the accuracy for surveys and placement of monuments, control corners, markers, and property corner ties; to determine the location, design and material of monuments, control corners, and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.

17.1.6 Construction Procedures

17.1.601 No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved and all plans and specifications have been approved by the appropriate authorities.

17.1.602 No building, zoning or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this Ordinance until all the requirements of this Ordinance have been met.

17.1.603 The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Zoning Administrator to provide for adequate inspections.

17.1.604 The approving authorities having jurisdiction or their representatives shall inspect and approve all completed work prior to release of the sureties.

17.1.7 Suitability of Land

17.1.701 Land which has been determined by the Subdivision Review Board 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 subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers.

17.1.702 Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Moore County Health Department or a qualified licensed professional determine that the land is suitable for the purpose proposed.

17.1.8 Public Water and Sewer

17.1.801 Major subdivisions of twenty (20) or more lots shall install and connect to public water and/or sewer.

17.1.802 Approval from the appropriate state or local agencies shall be obtained prior to submitting the Preliminary Plat for approval.

17.1.803 Major subdivisions to be developed with on-site sewage treatment and disposal systems must be evaluated in accordance with **§17.1.7** (Suitability of Land) of this Ordinance.

17.1.9 Oversized Improvements

17.1.901 The County of Moore may require installation of certain oversized utilities or the extension of utilities to adjacent property when it is in the interest of future development.

17.1.902 If the County requires the installation of improvements in excess of the standards required in this Ordinance the County shall pay the cost differential between the improvement required and the standards in this Ordinance.

17.1.10 Name Duplication

17.1.1001 The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within Moore County.

17.1.11 Thoroughfare Plans

17.1.1101 Where a proposed subdivision includes any part of a thoroughfare which has been designated as such upon any officially adopted Thoroughfare Plan of the County, such thoroughfare shall be platted by the subdivider in the location shown on the plan and at the width specified in this Ordinance or the Thoroughfare Plan, whichever standards are greater.

17.1.12 Reservation of School Site

17.1.1201 If the Moore County Board of County Commissioners and Board of Education have jointly determined the specific location and size of any school sites to be reserved, a copy of such plan shall be submitted to the planning office.

17.1.1202 The Zoning Administrator shall immediately notify the Board of Education whenever a preliminary plat is submitted which includes all or part of a school site to be reserved.

17.1.1203 The Board of Education shall promptly decide whether it still wishes the site to be reserved.

17.1.1204 It shall then notify the Zoning Administrator whether or not it wishes to reserve the site. If it does, the subdivision shall not be approved without such reservation.

17.1.1205 The Board of Education shall then have eighteen (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.

17.1.1206 If the Board of Education has not purchased or begun proceeding to condemn the site within eighteen (18) months, the subdivider may treat the land as freed of the reservation.

17.1.13 Zoning and Other Plans

17.1.1301 Proposed subdivisions must comply in all respects with the requirements of the zoning regulations in effect in the area to be subdivided, and any other officially adopted plans and regulations.

17.1.14 Professional Design and Certification

17.1.1401 Licensed Professional design and certification, as delineated in **Appendix B**, will be requested on all roads, drainage and utilities, unless otherwise directed by the Subdivision Review Board.

SECTION 17.2 MINOR SUBDIVISION DESIGN STANDARDS

17.2.1 Level 1 Minor Standards

17.2.101 All proposed tracts must meet the minimum dimensional requirements of the underlying zoning district of the parent parcel.

17.2.102 Flag lot design may be used in accordance with the requirements of **§17.5.3** (Flag lot Access) as an alternative means of access

17.2.103 Submitted plat must meet the requirements listed in **§3.16** (Level 1 Minor Subdivision).

17.2.2 Level 2 Minor Standards

17.2.201 All proposed tracts must meet the minimum dimensional requirements of the underlying zoning district of the parent parcel.

17.2.202 Flag lot design may be used in accordance with the requirements **§17.5.3** (Flag lot Access) as an alternative means of access

17.2.203 Submitted plat must meet the requirements listed in **§3.17** (Level 2 Minor Subdivision).

17.2.3 Family Subdivision Standards

17.2.301 All proposed tracts must meet the minimum dimensional requirements of the underlying zoning district of the parent parcel.

17.2.302 A private road maintenance agreement, if applicable, must be signed and recorded at the same time as the final plat in the Register of Deeds office.

17.2.303 The private road easement or right-of-way shall be a minimum of twenty (20) feet in width with an improved driving surface that is a minimum of twenty (20) feet wide, including the shoulder area.

17.2.304 The private access road shall be constructed and maintained only as an "all weather surface" roadway sufficient for vehicular traffic and the ingress and egress of emergency vehicles.

17.2.305 Maintenance shall include, without limitation, grading, scraping, ditching snow or debris removal, and the spreading of new gravel, as necessary, in the sole discretion of the owners of the lots served by said right-of-way.

17.2.306 The right-of-way shall be maintained with a thirteen (13) feet, and six (6) inches (13'-6") vertical clearance of tree limbs and obstructions so as to allow adequate passage of larger emergency service vehicles.

17.2.307 Lots considered for family subdivision status must obtain a septic suitability certificate from the Moore County Environmental Health Division prior to recordation of the plat with the Register of Deeds.

17.2.308 The improved driving surface as described in 17.2.303-17.2.306 shall be constructed and maintained to within 150 feet of all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building. Exceptions to this requirement shall be reviewed and approved by the Moore County Fire Marshal.

SECTION 17.3 GENERAL DESIGN STANDARDS FOR MAJOR SUBDIVISIONS

17.3.1 General Access Requirements

17.3.101 All subdivision lots or building sites shall abut on a public street, approved private streets, or a parking lot designed for joint use of occupants which has direct access to a public or approved private street, except as provided for in this subsection or anywhere else in this Ordinance as applicable.

17.3.102 It is the intention of this section that newly created lots and parcels have access to a public street or approved private road to ensure (i) legal ingress and egress for the owner/user of the lot, emergency vehicles, and public service vehicles; (ii) adequate provision of an all-weather travel surface; and (iii) sufficient means for the long-term maintenance of the roadway.

17.3.2 Types of Required Open Space

Open Space in all Major Subdivisions shall be comprised of one or more of three types of land: Primary Conservation Areas, Secondary Conservation Areas, and Tertiary Conservation Areas.

17.3.201 **Primary Conservation Areas.** Sensitive environmental features and/or significant cultural resources considered unbuildable in a legal or practical sense shall be

delineated first in identifying areas to satisfy the minimum open space requirement.

- ***Wetlands*,** including, but not limited to, streams, creeks, ponds, reservoirs, storm water management facilities for watershed protection purposes, and adjoining land areas as currently defined by the U.S. Army Corps of Engineers Field Manual.
- ***Floodplains***, defined as Special Flood Hazard Areas as determined by the Federal Emergency Management Agency (FEMA) or modeled by a Professional Engineer (PE) or County-designated flood of record contours.
- ***Vegetative buffers***, which screen the view of development and preserve the character of rural public roads. Any vegetative buffer provided may be used to satisfy the open space requirement, provided the minimum width of such buffer is not less than fifty (50) feet and such buffers are not within a platted, privately-owned lot or publicly right-of-way.

17.3.202 **Secondary Conservation Areas**. Important natural or cultural features that may comprise the required open space provided all of the primary conservation areas within the site have been delineated and counted toward the open space requirement.

- ***Woodlands***, including forest land for the planting and production of trees and timber, where management practices such as selective timber harvesting and wildlife enhancement are employed. Such woodlands may consist of hardwood, pine, and/or mixed pine-hardwood forests identified as part of a site analysis conducted by a registered engineer, land surveyor, landscape architect, architect or land planner using aerial photographs and/or satellite imagery, a required Environmental Assessment or Environmental Impact Statement and/or an independent site study conducted by a trained botanist and/or forester.
- ***Farmland*,** especially prime agricultural land as identified by the U.S.D.A. Soil Conservation Service and which is in active use for the production of crops and/or raising of livestock. Farmland can be leased for operation purposes only. The lease shall be subject to the approval of the POA and any transfer or assignment of the lease shall be further subject to the approval of the POA. Lease agreements so entered upon shall be recorded with the County within thirty (30) days of their execution. *This would be possible with larger tracts of land for crops and tillable land.* Agricultural land must be at least twenty (20) contiguous acres and contain at least twenty percent (25%) prime farmland soils or other soils of statewide importance.
- Land used for horticulture, silviculture or pasture uses.
- ***Steep slopes*,** defined as those greater than fifteen (15%), identified as part of a site analysis conducted by a registered engineer, land surveyor, landscape architect, architect or land planner and calculated using topographic maps from a Moore County data survey or from the U.S. Geological Survey

- ***Natural areas, particularly those containing unique plants and wildlife habitats and corridors*** identified as part of a Natural Heritage Inventory (NHI), a required Environmental Assessment or Environmental Impact Statement; and/or an independent site study conducted by a trained botanist and/or biologist. An existing conservation easement provided such conservation easement has been dedicated prior to application for approval of a Subdivision. The land subject to the easement may be counted toward satisfying the respective open space requirement provided it is a portion of and in the same ownership as the tract to be subdivided, and all other provisions of this section are met.
- ***Historic and archaeological sites*** listed on the National Register of Historic Places or included on the State's National Register study list, designated as a local historic landmark, designated as a local historic district, and/or identified as having a high potential for archaeological remains as part of a required Environmental Assessment or environmental Impact Statement and/or an independent site study conducted by a trained architectural historian or archaeologist. Where a historic or archaeological site is to be set aside as separate lot, and preserved and/or restored as part of the open space area, the entire area within the lot may be counted toward meeting the minimum open space requirement.

17.3.203 ***Tertiary Conservation Areas***. Important natural or cultural features that may comprise the required open space provided the entire primary and secondary conservation areas within the site have been delineated and counted toward the open space requirement.

- *Public and/or private recreation areas and facilities*, including Active recreation areas, such as public recreation areas, (including district and community parks), and private recreation facilities (including golf courses, playing fields, playgrounds, swimming pools, and courts for tennis, basketball, volleyball, and similar sports), whether public or private.
- Passive recreation areas, such as pedestrian, bicycle, and equestrian trails, picnic areas, community commons or greens, and similar kinds of areas, whether public or private. Land in this category receives full credit toward meeting the minimum open space requirement.

17.3.3 Delineation of Open Space

17.3.301 All potential conservation areas shall be identified using a Site Analysis Map, which shall be drawn to scale, using such a scale that all features required to be shown on the plans are readily discernible, by a Professional Engineer currently licensed and

registered in the State of North Carolina by the NC Board of Examiners for Engineers and Surveyors, or by a Landscape Architect currently licensed and registered by the North Carolina Board of Landscape Architects. Acceptable sources of data include, but are not limited to, readily available data, such as Land Cover data (source: CGIA), Gap Analysis data (source: CGIA), National Wetlands Inventory (NWI), Natural Heritage Inventory (NHI) (source: CGIA), aerial photography, orthography, USGS maps, Green Growth Toolbox (source: North Carolina Wildlife Resource Commission), Moore County GIS Data etc.

17.3.302 In satisfying the open space requirement, the Primary Conservation Areas, as described in **§17.4.501** above, shall be delineated first.

17.3.303 If the minimum open space requirement cannot be satisfied with primary conservation areas, then Secondary Conservation Areas shall be delineated.

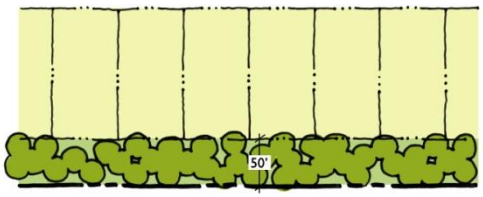
17.3.304 If the minimum open space requirement cannot be satisfied with primary and secondary conservation areas, then Tertiary Conservation Areas shall be delineated.

17.3.305 In instances where the site is equal to or greater than fifty acres, not more than eighty percent (80%) of the land used to meet the minimum open space requirement shall consist of Primary Conservation Area.

17.3.306 The remaining twenty percent (20%) must be fulfilled by Secondary Conservation Area and/or Tertiary Conservation Area.

17.3.307 Additional Open Space that exceeds the minimum requirement may be comprised of any type of Conservation Area.

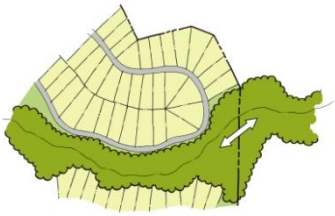
17.3.4 Configuration or Design of Open Space



17.3.401 The minimum width for any required open space shall be fifty (50) feet.

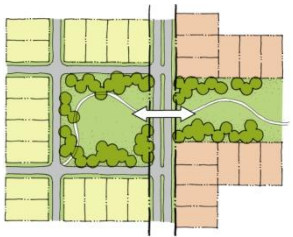
17.3.402 At least sixty percent (60%) of the required open space shall be contiguous. For the purposes of this section, contiguous shall include any open space bisected by a residential street, provided that a pedestrian crosswalk is constructed to provide access to the open space on both sides of the street.

17.3.403 The right-of-way area is not included in the calculation of minimum open space required.



17.3.404 The open space shall adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.

17.3.405 The open space shall be directly accessible to the largest practicable number of lots within the subdivision.



17.3.406 Non-adjoining lots shall be provided with safe, convenient access to the open space (i.e. mid-block connections in logical locations).

17.3.407 No lot within the subdivision shall be further than a ¼ mile from the required open space, measured in a straight line without regard for street, sidewalk or trail connections to the open space.

17.3.5 Permitted Uses of Open Space

If open space is not intended to be maintained in its natural state, uses of open space may include the following:

17.3.501 Pedestrian or multipurpose trails;

17.3.502 Passive recreation areas, including pocket parks;

17.3.503 Active recreation areas, such as ball fields and playgrounds, provided that impervious area is limited to no more than ten percent (10%) of the total open space (active recreation areas in excess of this impervious area limit shall be located outside of the protected open space);

17.3.504 Golf courses (excluding clubhouse areas and maintenance facilities).

17.3.505 Above-ground utility rights-of-way, provided the area does not exceed fifty percent (50%) of the required open space;

17.3.506 Water bodies, such as lakes and ponds, and floodways provided the total surface area does not exceed fifty percent (50%) of the required open space;

17.3.507 Agriculture, horticulture, silviculture or pasture uses;

17.3.508 Landscaped storm water management facilities;

17.3.509 Easements for drainage, access, and underground utility lines.

17.3.6 Ownership of Open Space

17.3.601 No portion of the open space within a Subdivision shall be part of an individual building lot unless a conservation easement is established in accordance with §17.4.902.

17.3.602 Open space may be owned and/or administered by any of the following methods, either individually or in combination.

- Fee simple dedication to Moore County, another unit of local government, the State of North Carolina or a private non-profit land conservancy.
- Dedication of conservation easements to Moore County, another unit of local government, the State of North Carolina or a private non-profit land conservancy. Such easements may apply to a single property owned by a homeowners association and/or to all or portions of individual lots owned by one or more property owners.

- Ownership by a property owners association where specific development restrictions and maintenance requirements are included as part of its bylaws and restrictive covenants per §17.7 (Owners' Association) of this Ordinance.
- 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 structure on the property. The responsibility for maintaining the open space and any facilities shall be borne by the private land owner.

17.3.603 All open space shall be permanently restricted from further subdivision.

17.3.604 Where conservation easements have been dedicated prior to application for approval of a Subdivision, the land subject to the easement may be counted toward satisfying the respective open space requirement provided it is a portion of and in the same ownership as the tract to be subdivided, and all other provisions of this section are met.

17.3.7 Public Access to Open Space

Public access to open space preserved shall be provided only if such open space is to be dedicated to and therefore owned and maintained by Moore County, another unit of local government, the State of North Carolina or other public entity.

17.3.8 Maintenance of Open Space

17.3.801 Natural features shall be maintained in their natural condition, but may be modified to improve their appearance, functioning, or overall condition, as recommended by experts in the particular area being modified.

17.3.802 Permitted modifications may include:

- Reforestation;
- Forest management;
- Pasture or cropland management;
- Buffer area landscaping;
- Stream bank protection;
- Wetlands management;
- Understory clearing;
- Select clearing of meadows; and/or
- Creation of wildlife habitat

17.3.803 Unless accepted for dedication or otherwise agreed to by Moore County, another unit of local government, the State of North Carolina or a private non-profit land conservancy, the cost and responsibility of maintaining open space and any facilities located thereon shall be borne by the property owner and/or property owners association.

17.3.9 Disturbance of Open Space

Disturbance or construction activity may occur inside the open space when construction is done in such a way as to protect significant resources with approval of the Planning Director for the following limited purposes:

17.3.901 Emergency public safety activities when such activities cannot reasonably be restricted to areas outside the open space or other nearby developed areas. Measures shall be required to mitigate the impact of the disturbed area;

17.3.902 Engineered storm water controls, including but not limited to retention and detention basins, when they are designed to look like natural areas, provided the total area of water surface does not comprise more than fifty percent (50%) of the required open space.

17.3.903 Construction of a trail, pedestrian walkway, or road that will provide access between two (2) or more areas of the subdivision to be developed;

17.3.904 The removal of noxious species, such as kudzu or poison ivy, for general maintenance of the area.

17.3.10 Street Design

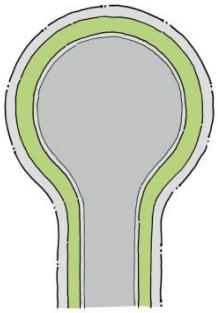
All streets in a major subdivision shall conform to the following standards:

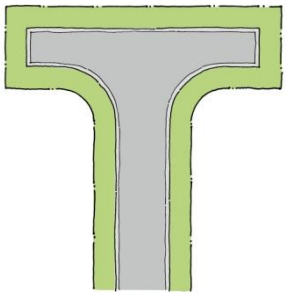
17.3.1001 The street system may include private roads, provided that all streets are designed and constructed in accordance with the North Carolina Department of Transportation Subdivision Road Minimum Construction Standards as well as requirements from Moore County Public Safety.

17.3.1002 Street network shall accommodate the network reflected in the adopted RPO Comprehensive Transportation Plan and other similar adopted plans

17.3.1003 The street system shall form a logical hierarchy with streets of lower classification connecting to streets of higher classification.

17.3.204 Private, dead-end roads may be terminated in a cul-de-sac or "T" turnaround. Where a "T" turnaround is used as the terminus for a private road, the dimensions (e.g., turning radius) of the "T" shall be sufficient to allow emergency service and trash collection vehicles adequate room to turn around.





Cul-de-Sac Hammerhead

17.3.11 Access Points

17.3.1101 If the development abuts one (1) state-maintained road, providing two (2) or more access points along such road will be subject to NCDOT's review and approval.

17.3.1102 If the development abuts more than one state-maintained road, at least one (1) access point on each road shall be required, subject to NCDOT's review and approval.

17.3.12 Alternative Street Standards

The applicant may submit alternative street design standards (subject to NCDOT approval) that vary in response to proposed function of the street, the anticipated adjacent land uses, character of the neighborhood, the anticipated traffic volume, the hierarchy within the street network, and the need for traffic calming measures.

17.3.13 Street Names

17.3.1301 Proposed streets, which are obviously in alignment with other existing streets, shall bear the same name.

17.3.1302 In no case shall the name for proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of the suffix, street, avenue, road, boulevard, drive, place, et cetera.

17.3.1303 Names shall be subject to tentative approval by the Subdivision Review Board. All new street names must receive final approval by the Board of Commissioners per the Moore County Road Name and Addressing Ordinance.

17.3.14 Traffic Signs and Controls (including street name signs)

17.3.1401 The subdivider shall be required to provide and erect, at the developer's expense, street name signs and traffic controls to State and County standards at all intersections within the subdivision.

17.3.15 Street Trees

17.3.1501 The subdivider shall plant or leave at least one (1) understory street tree or one (1) shade street tree (a list of recommended species is listed in **Appendix A** (Recommended Landscaping Materials) of this Ordinance).

- Understory street trees shall have a minimum caliper of one and one-half (1-1/2) inches measured six (6) inches above the ground at the time of planting.
- Shade street trees shall have a minimum caliper of two (2) inches measured six (6) inches above the ground at the time of planting.

17.3.1502 Understory tree(s) shall be planted or saved at a rate of one (1) tree for each twenty (20) feet of frontage on all streets.

17.3.1503 Shade trees shall be planted or saved at a rate of one (1) tree for each forty (40) feet of frontage on all streets.

17.3.1504 Tree plantings shall be completed in accordance with plans and specifications approved by and at such time as directed by the Subdivision Review Board.

17.3.1505 This requirement may be waived by the Subdivision Review Board if the subdivider guarantees protection of existing trees which would meet or exceed these requirements.

17.3.1506 Trees shall be planted between the front property lines and building setback lines where they are less subject to injury, decrease the chance of motor accidents, and enjoy more favorable conditions for growth.

17.3.1507 Street trees shall be preserved within a five (5) foot "street tree preservation" easement.

17.3.1508 Street trees shall not be planted where they will impede the sight triangle at intersections.

17.3.16 Street Layout

17.3.1601 The proposed street layout shall be coordinated with the street system of the surrounding area.

17.3.1602 Where possible, existing principal streets will be extended.

17.3.1603 Residential streets shall be laid out in such a way that their use by through traffic will be discouraged.

17.3.17 Intersections

17.3.1701 Streets shall intersect as nearly as possible at right angles, and no street shall intersect another at less than seventy-five (75) degrees unless permission is granted by the North Carolina Department of Transportation.

17.3.1702 Property lines at street intersections may be rounded with a minimum radius of twenty (20) feet. At an angle of intersection of less than seventy-five (75) degrees, a greater radius may be required by the Department of Transportation.

17.3.1703 Proper sight lines shall be maintained at all intersections of streets such that they meet state Department of Transportation's standards whether or not they are to be added to the state maintained system.

17.3.18 Half Streets

17.3.1801 The dedication of half streets of less than sixty (60) feet at the perimeter of a new subdivision shall be prohibited.

17.3.1802 If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half of the street shall be furnished by the subdivider.

17.3.1803 Where there exists a half-street in an adjoining subdivision, the remaining half shall be provided by the proposed subdivision. However, in circumstances where more than sixty (60) feet of right-of-way is required, a partial width right-of-way, not less than sixty (60) feet in width, may be dedicated when adjoining undeveloped property is owned or controlled by the subdivider; provided that the width of the partial dedication is such as to permit the installation of such facilities as may be necessary to serve abutting lots.

17.3.1804 When the adjoining property is subdivided, the remainder of the full required right-of-way shall be dedicated.

17.3.19 Marginal Access Streets

17.3.1901 Where a tract of land to be subdivided adjoins a principal arterial street, the subdivider shall be required to either provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial.

17.3.1902 Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial.

17.3.20 Cul-de-sacs, Dead-End and Stub Streets

17.3.2001 Where cul-de-sacs are permitted, they shall be constructed with permanent turnarounds according to the Department of Transportation's (DOT) standards.

17.3.2002 Dead end and Stub Streets are permitted with turnarounds according to the Department of Transportation's standards.

17.3.2003 In the case of a subdivision to be developed in phases, the final plat shall show any stub or dead end street for the phase to be developed. Where any lot faces the dead end street or stub street, a temporary turn around shall be constructed to Department of Transportation's standards before the sale of lots or release of guarantees.

17.3.21 Blocks

The lengths, widths and shapes of blocks shall be determined with due regard to: provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements; needs for vehicular and pedestrian circulation; control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas.

17.3.2101 Block lengths shall not exceed eighteen hundred (1800) feet nor be less than four hundred (400) feet. Where deemed necessary by the Subdivision Review Board, a pedestrian crosswalk of at least eight (8) feet in width shall be provided to assure

adequate pedestrian circulation or access to schools, shopping, churches, or transportation facilities.

17.3.2102 Blocks shall have a sufficient width to allow two (2) tiers of lots of minimum depth except where single tier lots are required to separate residential development from through vehicular traffic, another type of use, or where abutting a water area.

17.3.22 Lots

17.3.2201 Double frontage lots or through lots, shall be avoided, except where required to separate residential development from through traffic and other forms of development.

17.3.2202 Side lot lines shall be substantially at right angles to or radial to street lines.

17.3.2203 Lot sizes shall meet the requirements of this Ordinance. In approved Neighborhood Conservation Subdivisions, no minimum lot size, frontage, or depth is required.

17.3.2204 Cul-de-sac bulb lots shall have a minimum frontage of 50 feet.

17.3.2205 Building setbacks on all lots shall meet the requirements of this Ordinance or setbacks approved by the Subdivision Review Board.

17.3.23 Fire Service

Major residential subdivisions of twenty (20) or more lots and nonresidential subdivisions shall provide for fire service. Where in the opinion of the Subdivision Review Board a major subdivision of twenty or more lots cannot be economically connected to a County owned or operated water distribution system, a privately owned water supply, including hydrants, must be installed with a minimum of six inch water lines capable of delivering fire service flows. The Subdivision Review Board, subject to the approval of Emergency Services or the authority having jurisdiction, may authorize the use of water bodies on site in lieu of six inch lines with hydrants. Fire service flows and hydrant design and placement shall be consistent with all Fire Prevention Codes and policy manuals as set forth by Emergency Services or the authority having jurisdiction and the appropriate local utility provider. Unless authorized by the Subdivision Review Board and/or directed otherwise by design manuals of the local utility provider, the following standards shall apply.

17.3.2301 All fire hydrants shall be installed on a minimum six-inch waterline.

17.3.2302 There shall be at least one fire hydrant at each street intersection.

17.3.2303 Valves associated with fire hydrant assemblies shall be located within 12 to 25 feet of the edge of the pavement.

17.3.2304 No fire hydrant may be located more than 25 feet from the pavement edge.

17.3.2305 The applicant shall adhere to the following spacing schedule. Separation shall be measured along street centerlines.

PROPOSED USE	SPACING (FEET)
Residential (<6 units per acre)	1000
Residential (>6 units per acre)	500
Schools	300
Low and medium density nonresidential, single story	500
High density and multi-story nonresidential	300

17.3.2306 When schools and high-density and multi-story nonresidential intersections are less than 450 feet apart, a hydrant is not required between intersections.

17.3.2307 Where intersections are less than or equal to 1200 feet apart in low density residential developments, no hydrant is required between the intersections.

17.3.24 Storm Water Drainage

All subdivisions shall provide some form of storm water drainage system. 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. In addition, storm drainage systems shall meet the following requirements:

17.3.2401 No surface water shall be channeled or directed into a sanitary sewer.

17.3.2402 Where technically favorable, the subdivider shall connect to an existing storm drainage system.

17.3.2403 Where an existing storm drainage system cannot feasibly be extended to the subdivision or cannot handle the additional load, a surface drainage system shall be designed to protect the proposed development from water damage.

17.3.2404 Surface drainage courses shall comply with the standards and specifications of erosion control of the North Carolina Sedimentation Pollution Control Act, G.S. 143-34.12, Chapter 113A, Article 4 and the N.C. Administration Code Title 15, Chapter 4, and any adopted erosion and sedimentation control Ordinances.

17.3.2405 Stream banks and channels downstream from any land disturbing activity shall be protected from increase degradation by accelerated erosion caused by increase velocity of runoff from the land disturbing activity in accordance with the North Carolina Sedimentation Pollution Control Act, G.S. 143-34, 12, Chapter 113A, Article 4, and the N.C. Administration Code Title 15, Chapter 4.

17.3.2406 Anyone constructing a dam or impoundment within the subdivision must comply with the North Carolina Dam Safety Law of 1967 and the North Carolina Administrative Code Title 15, Sub-chapter 2 K.

17.3.2407 In all areas of special flood hazards, all subdivisions proposals shall have adequate drainage provided to reduce exposure to flooding.

17.3.2408 The subdivision drainage system shall be designed not only to protect the area of the subdivision, but to prevent increased flood flows due to newly developed impervious surface and other factors.

17.3.25 Drainage Easements

17.3.2501 Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming with the lines of such stream and be of sufficient width to provide adequate drainage for the subdivision.

17.3.2502 If a stream or drainage way does not cross a subdivision, a twenty (20) feet wide drainage way easement shall be provided along the topographically lowest property line(s) of lots within the subdivision.

17.3.26 Utility Easements

17.3.2601 Easements for underground or above ground utilities shall be provided where needed and of such a width which meets state and utility company standards.

17.3.2602 Where possible these easements shall be located in the street right-of-way.

17.3.2603 Where easements are necessary across land, they shall be located to the extent possible along property lines.

17.3.27 Underground Utilities

17.3.2701 All utilities shall be provided underground in all multifamily residential subdivisions and in all single family residential subdivisions where the minimum lot size is 20,000 square feet or less.

17.3.2702 Such underground utilities shall be designed and constructed according to state and utility company standards and policies.

17.3.28 Water and Sewage Disposal

Provided that as per **§17.1.8** (Public Water and Sewer), and if applicable, local standards are met, water supply and sewage disposal facilities to serve Major Subdivision developments may be provided through the use of:

17.3.2801 Individual wells and septic tanks provided either on each lot or in off-lot locations protected through recorded easements; or

17.3.2802 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

17.3.2803 Connection to a water and/or sewage disposal system operated by the County of Moore. System extensions are permitted only in accordance with applicable water, sewer and land use policies; or

17.3.2804 A combination of the above alternatives.

17.3.29 Utility Lines

All new utilities associated with the proposed development shall be underground unless just cause requires otherwise.

17.3.30 Soils Evaluation Report

17.3.3001 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.

17.3.3002 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.

17.3.3003 Prior to the approval of the final plat, the developer shall submit an additional report which shall include a lot-by-lot evaluation, signed and dated from a licensed soil scientist, for septic system capacity.

17.3.3004 The report must show that each proposed lot has been evaluated under the current provisions of Title 15A NCAC 18A.1900 et seq.

17.3.3005 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.

17.3.3006 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.

17.3.3007 The licensed Soil Scientist is required to sign and seal the submitted reports and the final subdivision plat.

17.3.3008 All submittals shall be made to the Moore County Planning Department. Moore County Environmental Health will develop guidelines for the Soil Scientist reports and evaluations as well as review reports submitted by the developers.

17.3.31 Recreational Requirements

17.3.3101 Subdividers of land for residential and/or non-residential major subdivisions shall be required to dedicate a portion of such land for the purpose of public recreation/open space, including the preservation of natural and cultural resources, and to serve the leisure needs of the residents of the subdivision.

17.3.3102 A site analysis shall be prepared by the applicant and shall identify in written and graphic form those areas characterized by steep slopes (15% or greater), flood plains and wetlands, rock outcroppings, mature woodlands (trees of 18 inches or greater in diameter), existing structures and cemeteries, and lakes, ponds, rivers and other water resources.

17.3.3103 Land provided or dedicated for passive recreation and open space purposes shall be of a character, slope and location suitable for use for walking, jogging, reading

and similar quiet activities, and the preservation of natural features and cultural resources such as steep slopes, rock outcrops, native plant life and wildlife cover, mature woodlands and water resources.

17.3.3104 Land dedicated for recreation/open space purposes shall be located so as to serve the needs of the residents of the subdivision.

17.3.3105 Recreation/open space areas shall be located so as to provide accessibility to all residents of the subdivision.

17.3.3106 Recreation/open space areas shall be located where land more suited for recreational purposes due to shape, level slopes and/or dry soil conditions is present.

17.3.3107 Land dedicated for recreational/open space purposes shall have at least fifty (50) feet of frontage on at least one (1) street within the subdivision.

17.3.3108 Land dedicated for public recreation/open space as required by this Ordinance shall be designated on both the preliminary and final plat(s) of the subdivision and must be dedicated to an appropriate unit of local government. Acceptance of the dedication may be one in trust if deemed appropriate by the Subdivision Review Board.

17.3.3109 Where the recreation/open space area is conveyed to a homeowners association, the subdivider shall file a declaration of covenants and restrictions in accordance with the provisions of this **§17.7** (Owners' Association).

17.3.32 Payments in Lieu of Dedication of Recreation Requirements

Any subdivider required to dedicate recreation/open space area pursuant to this Ordinance may, with the approval of the Subdivision Review Board, make a payment in lieu of dedication or make a combination of land dedicated and payment. Before approving a payment in lieu of dedication, the Subdivision Review Board shall find that no recreation/open space sites have been designated on any officially adopted Recreation Plan.

17.3.3201 The payment of such fees in lieu of land dedication shall be reviewed and approved as part of the preliminary plat. Any subdivider or developer wishing to make such payment shall attach to the application for preliminary approval a letter requesting the payment of fees in lieu of land dedication. Upon receipt of the preliminary subdivision plat, the Director of Planning and Development shall submit a copy thereof, along with the letter, to the Director of Parks, recreation and Cultural Resources for review by the Moore County Parks and Recreation Board. The Moore County Parks and Recreation Board shall submit any and all recommendations concerning the payment of fees in lieu of dedication to the Subdivision Review Board.

17.3.3202 The fees in lieu of dedication shall be paid prior to recording any lot(s) in the subdivision to which the fees relate.

17.3.3203 The amount of the payment shall be the product of the number of acres to be dedicated, as required by **§17.3.31** (Recreation Requirements) 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.

17.3.3204 All monies received by the County pursuant to this Section shall be used only for the acquisition or development of parks, greenways, open space sites, and related facilities.

SECTION 17.4 NEIGHBORHOOD CONSERVATION DESIGN STANDARDS

17.4.1 Purpose

The purpose of Neighborhood Conservation Option is to preserve open space in the form of agricultural and forestry lands, natural and cultural features, and rural community character 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. Specific objectives are as follows:

17.4.101 To preserve areas of the County with productive soils for continued agricultural and forestry use by preserving blocks of land large enough to allow for efficient operations.

17.4.102 To encourage the preservation and improvement of habitat for various forms of wildlife and to create new woodlands through natural succession and reforestation where appropriate.

17.4.103 To encourage the preservation and improvement of the maximum amount of wetland as possible in accordance with the Moore County Land Use Plan.

17.4.104 To minimize site disturbance and erosion through retention of existing vegetation and avoiding development on steep slopes.

17.4.105 To preserve open land, including those areas containing unique and sensitive features such as natural areas and wildlife habitats, steep slopes, streams, wetlands, and floodplains.

17.4.106 To preserve scenic quality of the County's more rural areas, and to minimize perceived density of development by minimizing views of new development from existing roads.

17.4.107 To preserve and maintain historic and archaeological sites and structures that serve as significant visible reminders of the County's social and architectural history.

17.4.108 To provide for the active and passive recreational needs of County residents.

17.4.109 To provide greater efficiency in the provision of services and infrastructure by reducing road length, utility runs, and the amount of paving for development.

17.4.110 To create compact neighborhoods accessible to open space amenities.

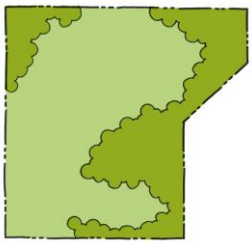
17.4.2 Applicability

17.4.201 The Neighborhood Conservation Option is permitted in all residential zoning districts upon approval of a major subdivision preliminary plat by the Subdivision Review Board in accordance with **§3.18** (Major Subdivision Preliminary Plat Review).

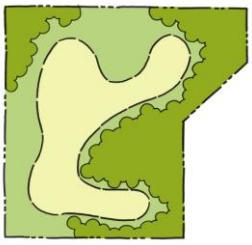
17.4.202 All Neighborhood Conservation Option subdivision plats shall comply with the requirements and standards specified in **§17.3** (General Design Standards for Major Subdivisions), this section and in all respects with other applicable codes and Ordinances to the extent that they are not in conflict with these provisions.

17.4.3 Neighborhood Conservation Design Process

Neighborhood Conservation Option subdivisions shall be designed around all of the Primary, Secondary, and Tertiary Conservation Areas, which together constitute the total required open space. The design process should therefore commence with the delineation of all potential open space, after which potential building sites are located. Following that, street alignments are identified, with lot lines being drawn in as the final step. This "four-step" design process is further described below:

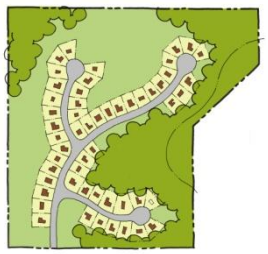


17.4.301 **Step 1:** Open Space Designation: All potential conservation areas shall be identified using a Site Analysis Map. See **§17.4.5** (Types of Open Space) for using conservation areas to meet minimum open space requirements.



17.4.302 **Step 2:** Building Site Location: During the second step, potential building sites are tentatively located, taking into consideration the locations of existing cleared areas, slope, etc.

17.4.303 **Step 3:** Street and Lot Layout: The third step consists of aligning proposed streets to provide vehicular access to each building in the most reasonable and economical manner. When access streets are laid out, they shall be located in such a way that avoids or at least minimizes impacts on the Primary, Secondary, and Tertiary Conservation Areas.



17.4.304 **Step 4:** Drawing in the Lot Lines: The fourth step consists of drawing in lot lines around potential building sites. Each lot must meet the requirements of **§13.7.2** (Dimensional Requirements) and shall contain a buildable area of sufficient size to accommodate intended structures (i.e. dwelling unit

and customary accessory uses, including, but not limited to, storage buildings and garages, patios and decks, and driveways.)

17.4.4 Minimum Open Space Required

Where a developer elects to seek approval of a Neighborhood Conservation Option as specified herein, at least thirty (30%) percent of the total land area in the Neighborhood Conservation Option must be set aside as protected open space.

17.4.5 Permitted Density

17.4.501 The allowable density shall be calculated based on minimum lot size permitted in the zoning district and gross acreage of the site to be developed

Example:

Permitted Density = Gross Area of Project Site / minimum lot size of zoning district

Example	
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	1.00 dwelling units per acre
Total Number of units permitted	100 units

17.4.502 To achieve this density, minimum lot size may be reduced provided that each lot meets any minimum area requirements for public health purposes, and all other provisions of this Ordinance, are met.

17.4.503 All lots shall be required to meet County Health Department requirements as well as NC State requirements for septic system installation.

17.4.6 Density Bonuses

17.4.4601 In the event that a developer seeks to contribute additional open space in the form of Primary Conservation Area, Secondary Conservation Area and/or Tertiary Conservation Area, then the developer will receive an additional density bonus based on the following scale:

Open Space Bonus	
Provided	Bonus %
30%	0%
31% - 35%	10%
36% - 40%	15%
41% - 45%	20%
46% - 50%	25%

17.4.4602 No additional units will be granted in the form of a density bonus for additional open space beyond the fifty percent (50%) of the total site (gross area).

SECTION 17.5 CONVENTIONAL SUBDIVISION DESIGN STANDARDS

17.5.1 Applicability

17.5.101 The Conventional Subdivision Option is permitted in all residential zoning districts upon approval of a major subdivision preliminary plat by the Subdivision Review Board in accordance with **§3.19** (Major Subdivision Preliminary Plat Review).

17.5.102 All Conventional Option subdivision plats shall comply with the requirements and standards specified in **§17.3** (General Design Standards for Major Subdivisions), this section and in all respects with other applicable codes and Ordinances to the extent that they are not in conflict with these provisions (including, but not limited to, provisions for minimum lot size, width, depth, etc.).

17.5.2 Clearing and Grading Limits

17.5.201 A maximum disturbance area of no more than 75% of a lot within a Conventional Option Subdivision may be cleared of natural vegetation or otherwise disturbed. This would allow for 25% of each lot to be preserved.

17.5.202 Clearing and grading limit line needs to be delineated on each lot.

17.5.3 Flag lot Access

Flag lots may be provided as an alternative means of access provided that the following requirements are met:

17.5.301 A flag lot shall serve only one single-family dwelling and its uninhabited accessory structures;

17.5.302 The maximum flagpole length shall not exceed 1,000 feet.

17.5.303 The minimum flagpole width on an approved public or private street shall be 30 feet;

17.5.304 The minimum lot size of a flag lot shall be the minimum lot size for the zoning district unless septic system requirements dictate a larger lot size. *(Note: The 'flagpole' portion of the lot is not used to calculate area, width, depth, and setbacks of the lot or to provide off-street parking.)*;

17.5.305 The minimum separation between the flagpole portion of the lot and that of another flag lot shall be 150 feet;

17.5.306 Where public water is available, any building on the flag lot must be within 1,000 feet of a hydrant. This distance shall be measured along the street, then along the flagpole, then in a straight line to the building location;

17.5.307 Where public sewer is available, occupied buildings on the flag lot shall have a gravity service line, or the sewer pump requirements shall be noted on the plat;

17.5.308 Use of a single driveway to serve a flag lot and an adjoining lot is permitted and encouraged; the preferred location for the driveway is on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole;

17.5.309 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; and

17.5.310 Flag lots shall be approved only where the configuration of the parcel or site features warrant such a lot design. Authorizing a flag lot design is intended to accommodate a particular extenuating circumstance which makes traditional lot design infeasible.

17.5.4 Minimum Open Space Required

Where a developer elects to seek approval of a Conventional Subdivision as specified herein, at least five (5%) percent of the total land area in the Conventional Subdivision must be set aside as protected open space. *(Amended March 3,2015)*

SECTION 17.6 IMPROVEMENT GUARANTEES FOR MAJOR SUBDIVISIONS

17.6.1 Agreement and Security Required

17.6.101 In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval, the County of Moore may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements.

17.6.102 Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Zoning Administrator, if all other requirements of this Ordinance are met.

17.6.103 To secure this agreement, the subdivider shall provide, subject to the approval of the Board of County Commissioners, either one, or a combination of the guarantees listed in this section equal to 1.25 times the entire cost as estimated by contractors under contract, by bids from licensed contractors, or by the subdivider's Licensed Professional.

17.6.2 Surety Performance Bonds

17.6.201 The subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina.

17.6.202 The bonds shall be payable to the County of Moore and shall be in an amount equal to 1.25 times the entire cost of installing all required improvements.

17.6.203 The duration of the bond(s) shall be until such time as the improvements are accepted by the Board of County Commissioners.

17.6.3 Cash or Equivalent Security

17.6.301 The subdivider shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with Moore County or in escrow with a financial institution designated as an official depository of Moore County.

17.6.302 The use of any instrument other than cash shall be subject to the approval of the Board of County Commissioners. The amount of deposit shall be equal to 1.25 times the cost of installing all required improvements. The Board of County Commissioners shall approve the bond amount.

17.6.303 If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the Board of County Commissioners an agreement between the financial institution and himself/herself guaranteeing the following:

- That said escrow account shall be held in trust until released by the Board of County Commissioners and may not be used or pledged by the subdivider in any other manner during the term of the escrow; and
- That in the case of a failure on the part of the subdivider to complete said improvements, the financial institution shall, upon notification by the Board of County Commissioners and submission by the Board to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to Moore County the funds estimated to complete the improvement, 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.

17.6.4 Default

17.6.401 Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety or the financial institute holding the escrow account shall, if requested by the County, pay all or any portion of the bond or escrow fund to the County of Moore up to the amount needed to complete the improvements based on an estimate.

17.6.402 Upon payment, the Board of County Commissioners in its discretion may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements.

17.6.5 Release of Guarantee Security

The Board of Commissioners may release a portion or all of any performance security posted as the improvements are completed and recommended for approval by the Zoning Administrator, after he/she has received the required statement from a Licensed Professional.

SECTION 17.7 OWNERS' ASSOCIATION

17.7.1 Establishment of Owners' Association

17.7.101 Creation. An Owners' Association shall be established to fulfill the requirement of the North Carolina Condominium Act or to accept conveyance and maintenance of all common areas and facilities within a development containing common areas.

17.7.102 Conveyance. Where developments have common areas for facilities serving more than one dwelling unit, these areas shall be conveyed to the Owners' Association in which all owners of lots in the development shall be members. All areas other than public road rights-of-way, other areas dedicated to the County, and lots shall be shown and designated as common areas. The fee-simple title of the common area shall be conveyed by the subdivider or developer to the Owners' Association.

17.7.103 Subdivision or Conveyance of Common Area. Common areas shall not be subsequently subdivided or conveyed by the Owners' Association unless a revised preliminary plat and a revised final plat showing such subdivision or conveyance have been submitted and approved.

17.7.104 Owners' Association Not Required. Developments involving only two units attached by a party wall shall not be required to have common areas or an Owners' Association. Developments with only two units attached and not having an

Owners' Association shall have an agreement between owners concerning maintenance of party walls.

17.7.2 Submission of Owners' Association Declaration

Prior or concurrently with the submission of the final plat for review and approval, the applicant shall submit a copy of the proposed Bylaws of the Owners' Association containing covenants and restraints governing the Association, plats, and common areas. The document shall address conditions placed on the preliminary plat by the Subdivision Review Board including but not limited to the following:

17.7.201 Existence Before Any Conveyance. The Owners' Association declaration shall be organized and in legal existence prior to the conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development.

17.7.202 Membership. Membership in the Owners' Association shall be mandatory for each original purchaser and each successive purchaser of a lot or unit. Provisions shall be made for the assimilation of owners in subsequent sections of the development.

17.7.203 Owners' Association Declaration shall include the following:

17.7.2031 Responsibilities of Owners' Association:

- The payment of premiums for liability insurance and local taxes;
- Maintenance of recreational and/or other facilities located on the common areas; and
- Payment of assessments for public and private improvements made to or for the benefit of the common areas.

17.7.2032 Default of Owners' Association.

- Upon default by the Owners' Association in the payment to the County of any assessments for public improvements or ad valorem taxes levied against the common areas, which default shall continue for a period of six months, each owner of a lot in the development shall become personally obligated to pay to the County a portion of the taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the County by the total number of lots in the development.
- If the sum is not paid by the owner within thirty days following receipt of notice of the amount due, the sum shall become a continuing lien on the property of the owner, his heirs, devisees, personal representatives and assigns.

- The County may either bring an action at law against the owner personally obligated to pay the same, or may elect to foreclose the lien against the property of the owner.

17.7.2033 Powers of the Association.

- The Owners' Association is empowered to levy assessments against the owners of lots or units within the development.
- Such assessments shall be for the payment of expenditures made by the Owners' Association for the items set forth in this Section, and any assessments not paid by the owner against whom such assessments are made shall constitute a lien on the lot of the owner.

17.7.2034 Easements

- Easements over the common areas for access, ingress, and egress from and to public streets and walkways and easements for enjoyment of the common areas, and for parking, shall be granted to each lot owner.

17.7.2035 Maintenance and Restoration

- Provisions for common area maintenance of and restoration in the event of destruction or damage shall be established.

17.7.204 If the condominium is a nonresidential condominium, the declaration shall contain the following provision:

17.7.2041 Parking spaces shall be allocated among the individual lots or units in such a manner that each unit is entitled to a sufficient number of parking spaces to comply with this Ordinance for the use intended to be located therein.

17.7.2042 The Owners' Association shall maintain a register listing the total number of parking spaces in the development and the number of parking spaces allocated to each lot or unit. A copy of this register shall be available to the Administrator at his request.

17.7.2043 The Owners' Association shall not reduce the number of parking spaces allocated to an individual lot or unit without the express written consent of the owner thereof, and in no case shall the number of parking spaces allocated to an individual unit be reduced to a number below that required by this Ordinance.

ARTICLE 18
DEFINITIONS AND WORD INTREPRETATIONS

SECTION 18.1 WORD INTREPRETATIONS

18.1.1 Word Interpretation

18.1.101 Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular.

18.1.102 The word "shall" is mandatory and not discretionary.

18.1.103 The word "may" is permissive.

18.1.104 The word "person" includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.

18.1.105 The word "lot" shall include the words "piece", "parcel", "tract", and "plot".

18.1.106 The word "building" includes all structures of every kind, except fences and walls, regardless of similarity to buildings.

18.1.107 The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", and "occupied for".

SECTION 18.2 DEFINITIONS

Abandon

To cease from actively using land, or any premises for its intended use for a time period greater than specified.

Abandoned Lagoon (Swine Farm)

A lagoon that has not been used in connection with a swine farm's waste management system for a continuous period of twelve months.

Abandonment (Solar Collector Facility)

The cessation or discontinued use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure. An "intent to resume" can be shown through continuous operation of a portion of the facility, maintenance of sewer, water, and other public utilities, or other outside proof of continuance.

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

A way of approaching or entering a property. Access also includes ingress, the right to enter, and egress, the right to leave.

Accessory Structure (Appurtenant Structure)

A structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms and rural areas.

Accessory Dwelling Unit (including manufactured homes)

A residential dwelling unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, located on the same lot as a single-family dwelling unit, whether within the same building as the single-family dwelling unit or in a detached building. Secondary dwelling units shall conform to all applicable standards in the building, plumbing, electrical, fire, health, and any other applicable codes.

Accessory Use:

A use, not including signs, which is:

1. Conducted or located on the same zoning lot as the principal building or use, except as may be specifically provided elsewhere in the Ordinance;
2. Clearly incidental, subordinate purpose to the principal use and,
3. Either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.

Acre Feet of Waste Lagoon Capacity (Intensive Swine Farm)

The maximum storage depth (in feet) of a lagoon, multiplied by the lagoon's surface area (in acres).

Addition (to an existing building)

An extension or increase in the floor area or height of a building or structure.

Adult Bookstore

An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

Adult Entertainment Establishment

An establishment that includes one of the following businesses:

- Adult bookstores;

- Adult motion picture theater housed in a permanent indoor structure;
- Clubs and other places of entertainment operated as a commercial enterprise providing nude or seminude entertainment such as "topless" dancing;
- Eating and drinking establishments providing nude or seminude entertainment such as "topless" dancing;
- Any physical culture establishment, masseur, Massage parlor, health salon or club not otherwise defined by this Ordinance; and,
- Adult motels and hotels.

Adult Motels and Hotels

A place where motion pictures not previously submitted to or not rated by the Motion Picture Association of America are shown in rooms designed primarily for lodging, which said motion pictures have as the dominant primary theme matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

Adult Motion Picture Theater

An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.

Affected land (relating to mining)

The surface area of land that is mined, the surface area of land associated with a mining activity so that soil is exposed to accelerated erosion, the surface area of land on which overburden and waste is deposited, and the surface area of land used for processing or treatment plant, stockpiles, nonpublic roads, and selling ponds.

Agriculture

The practice of (1) cultivating the soil and harvesting of crops, including, but not limited to fruits, vegetables, sod, flowers, and ornamental plants; (2) the planting and production of trees and timber; (3) 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; (4) aquaculture; (5) the operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation; (6) when performed on the farm, agriculture also includes the marketing and selling of agricultural products, agri-tourism, 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; and (7) a public or private gain 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, weigh, dry, and store grain. However, the operation of any accessory uses shall be secondary to that of the normal agricultural activities.

Agri-tourism activity

Any 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. An activity is an agri-tourism activity whether or not the participant paid to participate in the activity.

Agri-tourism, professional

Any person who is engaged in the business of providing one or more agri-tourism activities, whether or not for compensation.

Airfield, Small Private

The use of a field or grassed runway, on a noncommercial basis, for privately owned airplanes when the owner of at least one (1) of the resident planes lives on the premises. This small private airfield is not regulated by this Ordinance.

Airport

Any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

Alley

A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street and is not intended for general traffic.

Alter

To make any structural changes in the supporting or load-bearing members of a building, such as bearing walls, columns, beams, girders, or floor joists.

Ambulance Service

A privately owned facility for the dispatch, storage, and maintenance of emergency medical care vehicles.

Amusement Park

A commercially operated park with various devices for entertainment and booths for the sale of food and drink, which may include structures and buildings for shows and entertainment.

Ancillary Structure (Wireless Communication Facilities)

For the purposes of this Ordinance, any form of development associated with a wireless communications facility, including but not limited to: buildings, foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports; however, specifically excluding equipment cabinets.

Animal Training Facility

Any facility utilized for the training of animals beyond commonly accepted definitions of obedience or behavioral 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.

Animal Unit

A unit of measurement developed by the U.S. Environmental Protection Agency that is used to compare different types of animal operations.

Animal Waste Management Plan

A plan to properly collect, treat, store, and/or apply animal waste to the land in an environmentally safe manner. An approved plan shall meet the procedures established in 15A NCAC 2H.0217(a)(1)(H).

Animal Waste Management System

A combination of structural and non-structural practices which will properly collect, treat, store, and/or apply animal waste to the land such that no discharge of pollutants occurs to surface waters of the state by any means except as a result of a storm event more severe than the 25-year, 24-hour storm.

Antenna

Any apparatus designed for the transmitting and/or receiving of electromagnetic waves, including but not limited to: telephonic, radio or television communications. Types of elements include, but are not limited to: omni-directional (whip) antennas, sectionalized (panel) antennas, multi or single bay (FM & TV), yagi, or parabolic (dish) antennas.

Antenna, Dual-Band / Multi-Band

An antenna with separate elements for two or more commercial wireless service frequency bands (example: cellular and PCS or specialized mobile radio).

Antenna Array

A single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

Antenna Element

Any antenna or antenna array.

Antenna Support Structure

A vertical projection composed of metal or other material with or without a foundation that is designed for the express purpose of accommodating antennas at a desired height. Antenna support structures do not include any device used to attach antennas to an existing building or structure unless the device extends above the highest point of the building or structure by more than twenty (20) feet. Types of support structures include guyed structures, lattice structures and monopole structures:

Anti-Climbing Device (WCF)

Apiece or pieces of equipment, which are either attached to an antenna support structure, or which are freestanding and are designed to prevent people from climbing the structure. These devices may include but are not limited to fine mesh wrap around structure legs, "squirrel-cones," or other approved devices, but excludes the use of barbed or razor wire.

Antique Shop

Any premise used for the sale or trading of articles that are primarily over 50 years old or have collectible value.

Anti-reflective Coating

A special coating utilized in the construction of a solar module that absorbs the light from the sun and does not create a reflection, which could cause a distraction to roadway traffic, air traffic, and/or adjacent property owners.

Apartment

A room or suite of rooms intended for use as a residence by a single household or family. Such a dwelling unit may be located in an apartment house, duplex, or as an accessory use in a single family home or a commercial building.

Apartment House

A building containing three (3) or more dwelling units, except where permitted as an accessory use.

Appeal, Administrative

A request for a review of the Zoning Administrator's interpretation of any provision of this Ordinance.

Appliance Sales and Service

Any premise used for sale or service and repair of household appliances, such as stoves, ovens, refrigerators, freezers, etc.

Applicant

The party applying for permits.

Application

The completed form or forms and all accompanying documents and fees required of an applicant.

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 one (1) to three (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.

Arena (also Assembly and Exhibition Halls)

An open, partially enclosed, or fully enclosed facility used or intended to be used primarily for spectator sports.

ASR (WCF)
Antenna Structure Registration Number as required by the FAA and FCC.

Assembly
A joining together of completely fabricated parts creating a finished product.

Athletic Field
Outdoor sites, often requiring equipment, designed for athletic competition in field sports (e.g., softball, soccer, football).

Auction House
A structure or enclosure where goods or livestock are sold by auction.

ASR (WCF)
Antenna Structure Registration Number as required by the FAA and FCC.

Automatic Teller Machine (ATM)
A mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether outside or in an access-controlled facility. ATM's located within a building shall be considered accessory to the principal use.

Automobile Parts Sales
A retail establishment selling automobile parts, tires, and accessories. This use does not include tire recapping establishments.

Automobile Renting or Leasing
Rental of automobiles and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease.

Automobile Sales
Storage and display for the sale of new or used motor vehicles.

Automobile Service
A facility for the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, or providing collision services, including body, frame or fender repair and overall painting.

Automobile Service Station (Gas Station)
Any building or land used for the dispensing, sale, or offering for sale at retail any automobile fuels along with accessories such as lubricants or tires, except that car washing, mechanical and electrical repairs, and tire repairs shall only be performed incidental to the conduct of the service station and are performed indoors. There shall be no fuel pumps within fifteen (15) feet of any property line or street right-of-way and incidental activities shall not include tire retreading, major bodywork, major mechanical work, or upholstery work.

Bakeries, Retail
An establishment engaged in the retail sale of baked products for consumption. The products may be prepared either on or off site.

Bakeries, Commercial

An establishment engaged in the production of baked products, but where over-the-counter or retail sale is prohibited.

Bank (including drive in)

A building with or without drive-up window for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

Barn Apartment

A self-contained housing unit incorporated within a barn complete with its own sleeping, cooking, and sanitary facilities.

Basement

Any area of the building having its floor subgrade (below ground level) on all sides.

Base Flood (Floodplain)

A flood having a one (1) percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE)

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.

Base Station

The electronic equipment utilized by the wireless providers for the transmission and reception of radio signals.

Bed and Breakfast

A business in a private home of not more than eight guest rooms that offers bed and breakfast accommodations for a period of less than one week and that meets all the following: (1) does not serve food or drink to the general public for pay; (2) serves the breakfast meal, the lunch meal, the dinner meal, or a combination of all or some of these meals, only to overnight guests of the home; (3) includes the price of any meals served in the room rate; and (4) is the permanent residence of the owner or the manager of the business.

Berm

Any elongated earthen mound designed or constructed to separate, screen, or buffer adjacent land uses.

Best Management Practices (BMP)

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.

Biennial Operating Permit

The permit required every two years to continue operating a wireless telecommunication facility.

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.

Billiard or Pool Hall

A business establishment containing more than two pool or billiard tables for the use of patrons. Such operations may serve alcoholic beverages.

Block

A tract of land or a lot or a group of lots bounded by streets, public parks, golf courses, railroad rights-of-way, water courses, lakes, unsubdivided land, or a boundary line or lines of the County or its towns or any combination of the above.

Block Frontage

That portion of a block that abuts a single street.

Board of Adjustment

A local body, created by Ordinance, whose responsibility is to hear appeals from decisions of the Zoning Administrator and to consider requests for variances from the terms of the Zoning Ordinance.

Board of County Commissioners

The governing body of Moore County.

Boarding House

A building other than a hotel, inn, or motel, where, for compensation, meals are served and lodging is provided.

Bona Fide Farm

Any tract of land where the land is used for the production of and activities relating to, or incidental to, the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture. In addition, this Ordinance does not impose nor exercise any controls over croplands, timber lands, pasture lands, orchards, or idle or other farmlands. Nor does it exercise control over any farmhouse, barn, poultry house, or other farm buildings, including tenant or other houses for persons working on said farms, as long as such houses shall be in the same ownership as the farm and located on the farm. Residences for non-farm use or occupancy and other non-farm uses shall be subject to the provisions of this Ordinance.

Bowling Alley

An indoor facility for the sport of bowling that includes customary uses such as snack bars and arcades.

Breakpoint Technology

The engineering design of a monopole wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least five percent more susceptible to failure than any other point along the monopole so that in the event of a

structural failure of the monopole, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole.

Brewery

A use where the brewing of beers, meads, and/or similar beverages occurs on site. Retail sales, tasting facility and restaurant may be permitted as an accessory use.

Buffer

A strip of land with natural or planted vegetation located on a property to separate and partially obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.

Buffer, Watershed

An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers. See §11.7.2 (Buffer Area Required)

Buffer Strip

An area of land to be used for planting and/or open area the purpose of which is to provide a minimum separation of different uses of property.

Buildable Area (Building Envelope)

The space remaining on a zoning lot after the minimum open-space requirements (yards, setbacks) have been met.

Building

Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals, or property. 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 when calculating density for Watershed Overlay District requirements (See Article 11).

Building, Accessory

See Accessory Structure.

Building Footprint

The portion of a lot's area that is enclosed by the foundation of buildings, plus any cantilevered upper floor.

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.

Building Lot Coverage

The amount of net lot area or land surface area, expressed in terms of a percentage that is covered by all principal buildings.

Building Materials and Lawn and Garden Supply Store

The sale of building material and garden equipment and supplies from fixed point-of-sale locations. This use also includes the display of equipment designed to handle lumber and related products and garden equipment and supplies that may be kept either indoors or outdoors under covered areas.

Building, Principal (Main)

A building in which is conducted the principal use of the plot on which it is situated.

Building Setbacks

The minimum distance from all property lines and/or right-of-way lines and/or easement lines to the closest projection of the exterior face of buildings, walls, or other form of construction (i.e. decks, landings, terraces, porches, and patios on grade).

Building Setback Line (Subdivision Regulations)

A line parallel to the front, side, or rear property line in front of which no structure shall be erected. On a flag lot the "building setback line" runs parallel to the street and is measured from the point in the main portion of the lot (i.e. the "flag" part of the lot, not the "pole" part) which is closest to the street.

Built-Upon Area

Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious surfaces, including buildings, pavement, paved roads, recreation facilities (e.g. tennis courts), etc. (Note: Wooded slatted decks, golf courses, and the water area of a swimming pool are not considered built-upon area.)

Camp or Care Center

A facility licensed by the State of North Carolina, which consists of one or more buildings, located on at least twenty (20) acres of land, which provides accommodations for more than nine individuals and where the activities of those individuals predominantly occur in supervised groups.

Campground

Land upon which, for compensation, shelters (such as tents, travel trailers, and recreational vehicles) are erected or located for occupation by transients and/or vacationers. They may include such permanent structures and facilities as are normally associated with the operation of a campground.

Candlepower

The amount of light that will illuminate a surface one (1) foot distant from a light source to an intensity of one (1) foot-candle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminaire.

Canopy, Marquee, or Awning

A roof-like cover extending over a sidewalk, walkway, driveway, or other outdoor improvement for the purpose of sheltering individuals or equipment from the weather. An awning is made of fabric or some flexible fabric-like substance. Canopies and marquees are rigid structures of a permanent nature.

Car Wash

A building, or portion thereof, containing facilities for washing automobiles or other vehicles, using production line methods with a chain conveyor, blower, or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial hand washing of automobiles, whether washing is performed by the operator or by the customer.

Cemetery

Land used or dedicated to the burial of the dead.

Certificate of Occupancy

Official certification that a premise conforms to provisions of the Zoning Ordinance (and State Building Code) and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures or a change in use. Unless such a certificate is issued, a structure cannot be occupied, but a certificate may be issued for a portion of a structure ready for occupancy, such as separate dwelling or commercial units in a structure with multiple units.

Change of use

Any alteration in the primary use of a lot.

Chemical Storage Facility (Floodplain)

A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Child Care Facility

A program or arrangement where three (3) or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least 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. (Does not include recreational camps [operated for less than four months], drop in short term care while parents are on the premises, public schools, Bible Schools conducted during vacation periods, horseback riding, athletics, dance, art, music, gymnastics, or organized clubs such as boy and girl scouts 4-H programs, or boys and girls clubs).

Child Care Center

An arrangement where, at any one time, there are three or more preschool-age children (ages 3-5) or nine or more school-age children (ages 5-18) receiving child care regardless of the time of day, wherever operated, and whether or not operated for profit.

Child Care, Family

An arrangement where child care is located within a residence where, at any one time, more than two children, but less than nine children receive child care regardless of the time of day, wherever operated, and whether or not operated for profit.

Clothing and Apparel Store

Retail establishment where the retail sale of new clothing and clothing accessory merchandise takes place from fixed point-of-sale locations.

Club or Lodge (Private, Nonprofit, Civic, or Fraternal)

A nonprofit association of persons, who are bona fide members paying dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. The affairs and management of such "private club or lodge" are conducted by a Board of Directors, executive committee, or similar body chosen by the members. It shall be permissible to serve food and meals on such premises, providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed, provided it is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale of alcoholic beverages is in compliance with the applicable federal, state, and local laws.

Cluster Development

A subdivision concept that permits more efficient and varied residential or mixed use development by allowing smaller individual lot dimensions than would normally be permitted by applicable land use regulations in exchange for the provision of permanent open space within the same development.

Co-location

The practice of installing and operating multiple wireless carriers, service providers, and/or radio common carrier licensees on the same antenna support structure or attached wireless communication facility using different and separate antenna, feed lines and radio frequency generating equipment.

Combined Antenna

An antenna or an antenna array designed and utilized to provide services for more than one wireless provider for the same or similar type of services.

Commercial Services, Licensed

The purchase of a radio frequency spectrum in a specific geographic area purchased from the FCC.

Commercial Services, Unlicensed

The authorized use of a commercial radio frequency spectrum in a specific geographic area authorized by the FCC on a first come-first serve basis.

Common Open Space

A parcel or parcels of land, or an area of water, or a combination of both land and water, within the site designated for development and designed and intended for the use and

enjoyment of residents of the development or for the general public, not including streets or off-street parking areas. Common Open Space shall be substantially free of structures, but may contain such improvements as are in the plan as finally approved and are appropriate for the benefit of residents of the development.

Composting Facility

A facility in which only stumps, limbs, leaves, grass and untreated wood collected from land clearing or landscaping operations is deposited.

Conceptual Plan

An illustrative drawing, or series of drawings, that depicts the general design concept, character and development intent for the entire property. Due to the larger size of PUDs, which are typically constructed over a longer duration, it is acknowledged that actual layout depicted in a Preliminary Plan submitted after the approval of the rezoning application may differ from the Conceptual Plan.

Condominium

The term Condominium shall apply to residential and commercial development where portions of buildings are separately owned and where land and other improvements are held in undivided interest.

Confinement Building

Any structure used to confine, maintain, feed or grow swine in which swine waste collects naturally or must be collected for storage.

Contractor

One who accomplishes work or provides facilities under contract to another. The major portion of a contractor's work normally occurs outside and away from his business location. As used in this Ordinance, the term "contractor" does not include general assembly, fabrication, or manufacture at his business location.

Controlled-Access Highway

A roadway which, in accordance with State and Federal guidelines, is designed to give preference to through traffic by providing access connections at interchanges or selected public roads only, with no direct access from private roads or driveways and with no crossing at grade, including any interstate, State, or U.S. Route.

Convalescent Home (Nursing Home)

An institution, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for persons unrelated to the licensee. A convalescent home is a home for chronic or nursing patients who, on admission, are not as a rule acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A convalescent home provides care for persons who have remedial ailments or other ailments for which continuing medical and skilled nursing care is indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical

supervision. A major factor that distinguishes convalescent homes is that the residents will require the individualization of medical care.

Conversion

Changing the original purpose of the building to a different use.

Conversion Schedule

A table submitted, if the applicant chooses, with the application for zoning approval identifying the proposed range of conversion between different types of uses within the PUD District.

Covenant

A private legal restriction on the use of land, which is contained in the deed to the property or otherwise formally recorded. There may be certain legal requirements for formal establishment of a covenant such as a written document, a mutual interest in the property, that the covenant be concerned with the use of the land rather than individual characteristics of ownership, etc.

COW

Cell On Wheels, a temporary wireless facility intended for special or emergency uses

Critical Area

The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

Critical Facility

Any property that, if flooded, would result in severe consequences to public health and safety. Critical facilities include but are not limited to:

1. Hospitals, nursing homes, and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood;
2. Police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during, and after a flood; and
3. Public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during, and after a flood.

Cupola

A small dome and the shaft that supports it; sits on top of a building.

Cutoff Angle

The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

Cutoff-Type Luminaire

A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is ninety (90) degrees or less.

Dedication

The transfer of property from private to public ownership with no compensation involved.

Density

The average number of families, persons, housing units, or buildings per unit of land.

Density, Gross

The number of dwelling units or the amount of nonresidential gross floor area on a particular tract or parcel of land, ***taking into account*** the entire area of the tract or parcel.

Density, Net

The number of dwelling units or the amount of nonresidential gross floor area on a particular tract or parcel of land, ***not taking into account*** the portions of the tract or parcel on which buildings may not be erected, or development may not occur. Such areas closed to development include, but are not limited to: street rights-of-way, areas of special floor hazard, lakes or other water bodies, or wetlands falling under the regulatory jurisdiction of the U.S. Army Corps of Engineers.

Department Store

A business which is conducted under a single owners name wherein a variety of unrelated merchandise and services are housed and sold directly to the customer.

Developed Parcel (Density Averaging Certificate)

Any parcel of a parcel pair that, under any approval granted under this part, may be developed to a development density or intensity that exceeds the maximum development density or intensity that would apply to the parcel, if the paired-parcel averaged-density development option were not available.

Developer

Any company, firm, or individual that subdivides property that is subject to the regulation contained within this Ordinance.

Development

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, storage of equipment or materials or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Development Area

The area occupied by a wireless communications facility including areas inside or under the following: an antenna-support structure's framework, equipment cabinets, ancillary structures and access ways.

Development Conditions

The written development program, dimensional standards, special conditions and restrictions on development submitted with the application for planned unit development rezoning requests.

Discharging Landfill (Watershed Overlay Districts)

A landfill which discharges treated leachate and requires a National Pollution Discharge Elimination System (NPDES) permit.

Disposal

As defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

Distillery

A facility which produces by distillation spirits for consumption; the sales and distribution of which are subject to regulation by the North Carolina Alcoholic Beverage Control Commission. Uses that are clearly incidental to the production of spirits are allowed accessory uses to a distillery. On-site retail sale and sample shall not be permitted.

Distraction

A glare or diversion that draws the attention away from the roadway traffic or air traffic, which may cause harm or injury to the public.

Drainage Ditch

Any man-made waterway whose purpose is to convey water.

Drip Line

A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Driveway

A private roadway located on a parcel or lot used for vehicle access.

Dwelling

A building or portion thereof designed, arranged, or used for permanent living quarters. The term "dwelling" shall not be deemed to include a travel trailer, motel, hotel, tourist home, or other structures designed for transient residence.

Dwelling, Attached

A dwelling that is joined to another dwelling at one or more sides by a party wall or walls.

Dwelling, Detached
A dwelling that is entirely surrounded by open space on the same lot.

Dwelling, Duplex
A building containing two (2) dwelling units, other than where a second dwelling unit is permitted as an accessory use.

Dwelling, Multifamily
A building containing three (3) or more dwelling units, except where permitted as an accessory use.

Dwelling, Single Family
A building containing one dwelling unit only, but may include one (1) separate unit as an accessory use to be occupied only by employees or relatives of the household.

Dwelling Unit
One or more rooms which are arranged, designed, or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each "dwelling unit".

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.

Electronic Stores
Any place primarily engaged in retailing a general line of new consumer-type electronic products such as televisions, computers, and cameras; specializing in retailing a single line of consumer-type electronic products; retailing new electronic products in combination with repair and support services; and/or retailing new prepackaged computer software.

Elevated Building
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
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.

Equipment Cabinet
Any structure above the base flood elevation including: cabinets, shelters, pedestals, and other similar structures. Equipment cabinets are used exclusively to contain radio or other equipment necessary for the transmission or reception of wireless communication signals.

Equipment Compound
The fenced area surrounding the ground-based wireless communication facility including the areas inside or under the following: an antenna support structure's framework and ancillary structures such as equipment necessary to operate the antenna on the WCF that is

above the base flood elevation including: cabinets, shelters, pedestals, and other similar structures.

Erect

The acts of building, constructing, altering, reconstructing, moving a structure upon, or any physical operations on the premises which are required for construction.

Existing Development (Watershed Overlay Districts)

Those projects that are built or those projects that at a minimum have established a vested right as of the original effective date of these regulations (December 31, 1993 or before) based on at least one of the following criteria:

1. Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, and/or having filed a plat with the office of the Moore County Register of Deeds, or
2. Having an outstanding valid building permit as authorized by the General Statutes (G.S. 153A-344.1) or
3. Having expended substantial resources (time, labor, money) and having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 106A-385.1).

Existing Manufactured Home Park or Manufactured Home Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the December 15, 1989, the original effective date of the floodplain management regulations adopted by the community.

Existing Lot (Lot of Record) (Watershed Overlay Districts)

A lot which is part of a subdivision., a plat of which has been recorded in the Office of the Register of Deeds prior to the original effective date of these regulations (December 31, 1993 or before), or a lot described by metes and bounds, the description of which has been so recorded prior to the original effective date of these regulations (December 31, 1993 or before).

FAA

Federal Aviation Administration.

Fabrication

Manufacturing, excluding the refining or other initial processing of basic raw materials, such as metal, ores, lumber, or rubber. Fabrication relates to stamping, cutting, or otherwise shaping the processed materials into useful objects.

Fairgrounds

An area wherein buildings, structures, and land are used for the exhibition of livestock, farm products, etc., and/or for carnival-like entertainment.

Fall zone (WCF)

An area around the base of a wireless telecommunication tower required to be kept clear of buildings, other than equipment enclosures associated with the wireless telecommunication facility, to contain debris in the event of a tower structural failure. The fall zone is measured by a circular radius around the tower that equals the tower's height.

Family

One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage or adoption, no such family shall contain over five persons, but further provided that domestic servants employed or living on the premises may be housed on the premises without being counted as a family or families.

Family Care Home

A home that provides health, counseling, or related services, including room, board, and care, to six (6) or fewer handicapped persons in a family-type environment. These handicapped persons include those with physical, emotional, or mental disabilities, but not those who have been deemed dangerous to themselves or to others. A family care home may not be located within one-half mile of another family care home or group care facility as measured by a straight line distance.

Family Subdivision

A subdivision in which lots are conveyed to members of the lineal family or siblings.

Farm Equipment Sales and Service

An establishment selling, renting, or repairing agricultural machinery, equipment and supplies.

FCC

Federal Communications Commission.

Feed Lines (WCF)

Cables used as the interconnecting media between the transmission/receiving base station and the antenna.

Fence

An enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees, or other natural growth.

Fencing (Wireless Communications Facilities)

A fence or wall that completely surrounds the WCF, and shall be located coterminous with the setback lines. Landscaping shall be located between the property line and the fence/setback line.

Fence, Security

A fence designed to keep out unauthorized persons and kept locked when the area or facility is not in use or under observation. Security fences are often equipped with a self-closing and positive self-latching mechanism.

FIRM , Post

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

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.

Flea Market

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 individuals to sell articles that are either homemade, homegrown, handcrafted, 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. Rummage sales and garage sales are not considered to be flea markets.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM)

An official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

Flood Insurance

The insurance coverage provided under the National Flood Insurance Program.

Flood Insurance Rate Map (FIRM)

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 Contour

The boundary of the additional area outside of the area of special flood hazard that would be inundated if floodwaters rise to the flood of record elevation.

Flood Prone Area

see Floodplain

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.

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 Zoning Administrator serves as the Flood Plain 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 one (1) foot.

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.

Floor Area (for determining off-street parking and loading requirements)

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 nonresidential facilities, arcades, porticos, 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.

Floor Area, Gross

The total floor area enclosed within a building.

Florist

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.

Flush-Mounted

Any antenna or antenna array attached directly to the face of the support structure or building such that no portion of the antenna extends above the height of the support structure or building. Where a maximum flush-mounting distance is given, that distance shall be measured from the outside edge of the support structure or building to the inside edge of the antenna.

Foot-candle

A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

Freeboard

The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater that 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.

Frontage

All of the real property abutting a street line measured along the street right-of-way. Cul-de-sac bulb lots shall have a minimum frontage of fifty (50) feet.

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.

Funeral Home

A building or part thereof used for human funeral services. Such facilities may contain space and facilities for embalming and the performance of other services used in the preparation of the dead for burial; the storage of caskets, funeral urns, and other related funeral supplies; the storage of funeral vehicles; facilities for cremation; and a funeral chapel.

Furniture and Home Furnishing Store

Any place primarily engaged in the retail sale of new furniture and home furnishings from fixed point-of-sale locations.

Garage, Commercial

Any building or premises, except those described as a private or parking garage, used for the storage or care of motor vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.

Garage, Parking

Any building or premises, other than a private or commercial garage, used exclusively for the parking or storage of motor vehicles.

Garage, Private:

A building or space used as an accessory to, or a part of, the main building permitted in any residential district, providing for the storage of motor vehicles, and in which no business, occupation, or service for profit is in any way conducted, except in an approved home occupation.

Geographic Search Ring

An area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.

Glare

The effect of brightness in the field of view that causes annoyance or discomfort or interferes with seeing. It may be direct glare from a light source or reflected glare from a glossy surface.

Golf Course (including Par 3)

A tract of land laid out for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course includes a clubhouse, and shelters as accessory uses.

Golf Course, Miniature

A novelty version of golf played with a putter and a golf ball on a miniature course, typically with artificial playing surfaces, and including obstacles such as bridges and tunnels.

Greenhouse (exempt)

Those qualifying under the bona fide farm exemption

Greenhouse (non-exempt)

Those with commercial sales of non-exempt products (lawn furniture, fertilizer etc.)

Grocery Store

A retail establishment primarily selling pre-packaged and perishable food, as well as other convenience and household goods.

Groundcover

Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

Ground-Mounted Systems

Solar power systems consisting of solar panels held in place by racks or frames that are attached to ground based mounting supports, including pole mounts (which are driven directly into the ground or embedded in concrete), foundation mounts (such as concrete slabs or poured footings), and/or ballasted footing mounts (such as concrete or steel bases that use weight to secure the solar panel system in position and do not require ground penetration, which is well suited for sites where excavation is not possible, such as capped landfills and simplifies decommissioning or relocation of solar panel systems).

Ground Water

Those waters in the saturated zone of the earth as defined in 15A NCAC 2L.

Group Care Facility

A facility, other than a family care home, that is licensed by the State of North Carolina, that has support and supervisory personnel and provides room and board, personal care, or habilitation services in a family environment to handicapped persons, unwed mothers and battered spouses with their children.

Gun and Ammunition Store

A retail establishment primarily used for the sale or transfer of any handgun, long rifle, or shotgun and ammunition.

Guyed Structure

A style of antenna support structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of guyed wires that are connected to anchors placed in the ground or on a building.

Handoff Candidate

A wireless communication facility that receives call transference from another wireless facility, usually located in an adjacent first "tier" surrounding the initial wireless facility.

Hazardous Material (Watershed Overlay Districts)

Any Substance listed as such in; SARA Section 302. Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

Hazardous Waste Facility

As defined in NCGS Article 9 of Chapter 130A, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

Health Clubs and Gyms

A facility where members or non-members use equipment or space for the purpose of physical exercise.

Highest Adjacent Grade (HAG)

The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

Highway Corridor

A highway, street, or road, and its right-of-way and adjoining properties which serves as a primary traffic artery serving major centers of activity and carrying traffic between such centers at moderate speeds, which primarily has the function of carrying traffic which has an origin and destination removed from that street itself, and access to which is primarily provided by at-grade intersections which may be signal-controlled.

Historic Structure

Any structure that is:

1. listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
2. certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. individually listed on a local inventory of historic landmarks in communities with a Certified Local Government (CLG) Program; or
4. certified as contributing to the historical significance of a historic district designated by a community with a Certified Local Government (CLG) Program

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

Hobby, Toy and Game Stores

Establishments primarily engaged in retailing of toys, games, and hobby and craft supplies.

Home Care Unit

A facility meeting all the requirements of the State of North Carolina for boarding and care of not more than five (5) persons who are not critically ill and do not need professional medical attention, and is located on a lot of at least one (1) acre in size.

Home for the Aged, or Rest Home

A place for the care of aged and infirm persons whose principal need is a home with such sheltered and custodial care as their age and infirmities require. In such homes, medical care is only occasional or incidental, such as may be required in the home of any individual or family for persons who are aged and infirm. The residents of such homes will not, as a rule, have remedial ailments or other ailments for which continuing skilled planned medical and nursing care is indicated. A major factor that distinguishes those homes is that the residents may be given congregate services as distinguished from the individualization of medical care required in "patient" care. A person may be accepted for sheltered or custodial care because of a disability which does not require continuing planned medical care, but which does make

him unable to maintain himself in individual living arrangements. For the purposes of this Ordinance, a "home for the aged" shall also be considered a "rest home".

Home Occupation, Standard

Standard Home Occupations are comprised of uses that are deemed less intensive due to the specific use as well as the size of that use. Due to the less intensive nature of Standard Home Occupations they are permitted by right in all residential zoning districts. See **§9.2.1** for specific standards.

Horse Farm

A bona fide farm that, as a primary activity, conducts business by engaging in any one or more of the activities of breeding, training, buying, selling, showing, racing, and boarding of horses, including associated accessory activities.

Hotel

A building or other structure kept, maintained, advertised as, or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants. Rooms are furnished for the accommodation of such guests, and the hotel may or may not have one or more dining rooms, restaurants, or cafes where meals are served. Such sleeping accommodations and dining rooms, restaurants, or cafes, if existing, are located in the same building. Entry to sleeping rooms shall be from the interior of the building.

Human Services Center

A facility operated by a public or private organization that provides temporary lodging and one or more of the following supportive services for individuals for a period not to exceed twelve (12) consecutive months. See **§ 9.5.3** for specific standards.

Ice Machine, Self Service

An unattended structured 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 an accessory use to another approved commercial use.

Impervious Surface Area

The portion of the land area that allows little or no infiltration of precipitation into the soil. Impervious areas include, but are not limited to, that portion of a development project that is covered by buildings, areas paved with concrete, asphalt, or brick, gravel roads, patios, driveways, streets, and recreation facilities such as tennis courts. (Note: wooden slatted decks and the water area of a swimming pool are considered pervious.)

Incompatible Use

A use or service that is unsuitable for direct association and/or contiguity with certain other uses because it is contradictory, incongruous, or discordant.

Industrial Development

Any nonresidential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

Industrial Park

A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations.

Inn

An establishment meeting the definition of "hotel" except that it is designed for a more leisurely paced lifestyle with no more than one (1) active recreational facility provided, such as tennis courts or a swimming pool, with no more than twenty-five (25) guestrooms, and with a maximum of ten (10) percent of the total floor area (excluding guestrooms and hallways) in use as accessory commercial uses, such as gift shops or newsstands.

Inoperative Vehicle

Any vehicle, designed to be self-propelled, 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.

Institution

A society or organization founded for a religious, educational, social, or similar purpose.

Intensive Home Business

Intensive Home Businesses are home occupations that are of a more intensive nature due to the types of uses operated from single family dwelling units. See **§9.2.2** for more information and development standards.

Interconnection

The link between the utility company and the building that enables power to move seamlessly in either direction.

Internet Sweepstakes Café

Any business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined sweepstakes, electronic gaming operations or cyber cafés, who have a finite pool of winners. This does not include any lottery approved by the state.

Inverter

An electrical device that changes direct current (DC) to alternating current (AC); the converted AC can be at any required voltage and frequency with the use of appropriate transformers, switching, and control circuits.

Jewelry Store

Any establishment primarily engaged in retailing one or more of the following items: (1) new jewelry (except costume jewelry); (2) new sterling and plated silverware; and (3) new watches and clocks. Also included are establishments retailing these new products in combination with lapidary work and/or repair services.

Junk Yard

Any area, in whole or in part, where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, vehicles, rubber tires, and bottles. A "junk yard" includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

Kennel, Private

A kennel utilized as an accessory use to the primary residential use of single family dwelling unit for the purposes of keeping, boarding, training, breeding, and raising of private animals under private ownership. Such accessory use shall not be for profit. The term Private Kennel does not apply to an individual doghouse.

Kennel, Commercial

An establishment where private domesticated animals that are not owned by the owner or occupant of the premises are temporarily boarded for pay, trade, barter, commission, remuneration or kept as captured stray animals for any amount of time. Such Commercial Kennels may include medical areas for the treatment of animals, outdoor recreation areas for the animals, commonly accepted obedience and / or behavioral training as well as offices for the management and supervision of the establishment.

Lagoon

A confined body of water used to hold animal by-products including bodily waste from swine or a mixture of waste with feed, bedding, litter, or other agricultural materials.

Land Development Plan

A drawing, or series of drawings, submitted with the application for zoning approval of a PUD District that is intended to demonstrate the proposed mix of land uses within the property, general locations of such land uses and the overall transportation circulation pattern within the property. See **§13.3.6** for more information

Landfill

A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the N.C. General Statutes. For the purpose of this Article this term does not include composting facilities.

Landfill, Demolition

A sanitary landfill facility for stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth and other solid wastes resulting from construction, demolition or land clearing.

Landfill, Sanitary

A facility where waste material and refuse is placed in the ground in layers and covered with earth or some other suitable material each work day. Sanitary landfills shall also conform to requirements of 15A NCAC 13B regarding solid waste management.

Landscape Architect

A professional landscape architect registered by the State of North Carolina.

Landscaped Area

A portion of the site or property containing vegetation to exist after construction is completed. Landscaped areas can include, but are not limited to, natural areas, buffers, lawns, and plantings.

Lattice Structure

A tapered style of antenna support structure that consists of vertical and horizontal supports with multiple legs and cross bracing, and metal crossed strips or bars to support antennas.

Least Visually Obtrusive Profile

The design of a wireless communication facility intended to present a visual profile that is the minimum profile necessary for the facility to properly function.

Legal right-of-way

Any easement, State-maintained road, or dedicated right-of-way provided that the individual submits satisfactory evidence of the right-of-way.

Life Care Center

A facility which combines the functions of any combination of a retirement community, rest home, nursing home, and convalescent home, providing residential facilities for independent living, assisted care, and, possibly, nursing care.

Light, Cutoff

An artificial outdoor lighting fixture, or luminaire, designed to ensure that no light is directly emitted above a horizontal line parallel to the ground.

Light, Non-Cutoff

An artificial outdoor lighting fixture, or luminaire, that is designed to allow light to be directly emitted above a horizontal line parallel to the ground.

Loading Area or Space, Off-Street

An area logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles. Required off-street loading space is not to be included as off-street parking space in computing required off-street parking space.

Locksmith

Any establishment primarily engaged in (1) selling mechanical or electronic locking devices, safes, and security vaults, along with installation, repair, rebuilding, or adjusting services or (2) installing, repairing, rebuilding, and adjusting mechanical or electronic locking devices, safes, and security vaults.

Lot

A parcel of land in undivided ownership occupied, or intended for occupancy, by a main building or group of main buildings together with any accessory buildings, including such yards, open spaces, width, and area as are required by this Ordinance, either shown on a plat of record or described by metes and bounds and recorded with the Register of Deeds. For the purpose of this Ordinance, the word "lot" shall be taken to mean any number of contiguous lots or portions thereof, upon which one or more main structures for a single use are erected or are to be erected.

Lot, Corner

A lot abutting the intersection of two (2) or more streets or a lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot at the apex meet at any angle of less than one hundred thirty-five (135) degrees. In such a case the apex of the curve forming the corner lot shall be considered as the intersection of street lines for the purpose of this Ordinance, such as in corner visibility requirements.

Lot, Depth

The depth of a lot is the average distance between the front and back lot lines measured at right angles to its frontage and from corner to corner.

Lot, Double Frontage or Through

A continuous lot which fronts on two (2) or more streets other than at their intersection.

Lot, Flag

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 road/street to the main body of the lot. Flag lots shall meet the conditions and design standards delineated in **§17.5.3**.

Lot, Interior

A lot other than a corner lot.

Lot Lines

The 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, Single-Tier (Subdivision Regulations)

A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear of the lot is usually prohibited.

Lot, Width

The straight line distance between the points where the building setback line intersects the two side lot lines.

Lot of Record

A lot which is a part of a subdivision, a plat of which has been recorded in the office of the Moore County Register of Deeds, or a lot described by metes and bounds, the description of

which has been recorded in the office of the Register of Deeds by the owner or predecessor in title thereto.

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.

Luminaire

A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

Manufactured Home

A structure that:

1. Consists of a single unit completely assembled at the factory or of multiple principal components totally assembled at the factory and joined together at the site; and
2. Is designed so that the total structure (or in the case of a double-wide or triple-wide, each component thereof) can be transported on its own chassis; and
3. Is over thirty-two (32) feet long and over ten (10) feet wide; and
4. Is originally designed for human occupancy and provides complete, independent living facilities for one family when connected to required utilities including permanent provisions for living, sleeping, eating, cooking, and sanitation.

The placement of such a structure on a permanent foundation, or the addition of conventionally constructed sections, in no way changes its status as a manufactured home.

Manufactured Home Park

The placing, erection or installation of more than one (1) manufactured home on a parcel, plot or lot of land for the purpose of rental of a manufactured home or the rental of a portion of the parcel, plot or lot for a manufactured home shall constitute a manufactured home park for purposes of this Ordinance.

Manufactured Home Space

A plot of land within a mobile home park designed for the accommodation of one mobile home.

Manufactured Office

A structure identical to a mobile home except that it has been converted to, or originally designed and constructed for, commercial or office use.

Manufacturing, Asphalt

A facility or plant primarily engaged in the manufacturing of asphalt products which includes paving materials, blocks, roofing shingles and boards and tar paper.

Manufacturing, Chemical

A facility or plant where the transformation of organic and inorganic raw materials occurs by a chemical process and the formulation of products.

Manufacturing, Concrete

A facility of plant engaged in the production of concrete or concrete materials. This use shall include ready mix concrete facilities where plastic and unhardened concrete is produced and delivered to a purchaser. The production of concrete products such as concrete blocks, bricks and pipe is also included in this use.

Manufacturing, Computer and Electronic

A facility or plant that manufactures computers, computer peripherals, communications equipment, and similar electronic products, and establishments that manufacture components for such products.

Manufacturing, Fertilizer

Establishments primarily engaged in one or more of the following: (1) manufacturing nitrogenous or phosphatic fertilizer materials; (2) manufacturing fertilizers from sewage or animal waste; (3) manufacturing nitrogenous or phosphatic materials and mixing with other ingredients into fertilizers; and (4) mixing ingredients made elsewhere into fertilizers.

Manufacturing, Furniture

The manufacturing of household-type furniture, such as living room, kitchen and bedroom furniture as well as institutional (i.e., public building) furniture, such as furniture for schools, theaters, and churches.

Manufacturing, Ice

Establishments primarily engaged in manufacturing ice.

Manufacturing, Machinery

The manufacturing of products that apply mechanical force, for example, the application of gears and levers, to perform work. Some important processes for the manufacture of machinery are forging, stamping, bending, forming, and machining that are used to shape individual pieces of metal. Processes, such as welding and assembling are used to join separate parts together.

Manufacturing, Metal

The smelting and/or refining of ferrous and nonferrous metals from ore, pig or scrap, using electrometallurgical and other process metallurgical techniques. Establishments manufacture metal alloys and super-alloys by introducing other chemical elements to pure metals. The output of smelting and refining, usually in ingot form, is used in rolling, drawing, and extruding operations to make sheet, strip, bar, rod, or wire, and in molten form to make castings and other basic metal products.

Manufacturing, Nonmetallic Mineral

Nonmetallic Mineral Product Manufacturing subsector transforms mined or quarried nonmetallic minerals, such as sand, gravel, stone, clay, and refractory materials, into products for intermediate or final consumption. Processes used include grinding, mixing, cutting, shaping, and honing. Heat often is used in the process and chemicals are frequently mixed to change the composition, purity, and chemical properties for the intended product.

Manufacturing, Pharmaceutical and Medicine

Establishments primarily engaged in one or more of the following: (1) manufacturing biological and medicinal products; (2) processing (i.e., grading, grinding, and milling) botanical drugs and herbs; (3) isolating active medicinal principals from botanical drugs and herbs; and (4) manufacturing pharmaceutical products intended for internal and external consumption in such forms as ampoules, tablets, capsules, vials, ointments, powders, solutions, and suspensions.

Manufacturing, Plastics or Rubber

The manufacturing of goods by processing plastics, materials, and raw rubber. The core technology employed by establishments in this subsector is that of plastics or rubber product production.

Manufacturing, Pottery or Ceramics

Establishments primarily engaged in shaping, molding, glazing, and firing pottery, ceramics, plumbing fixtures, and electrical supplies made entirely or partly of clay or other ceramic materials.

Manufacturing, Transportation Equipment

A facility or factory that produces equipment for transporting people and goods and utilizes production processes similar to those of other machinery manufacturing establishments - bending, forming, welding, machining, and assembling metal or plastic parts into components and finished products.

Market Value

The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

Master Telecommunications Plan

A plan developed to enforce applicable community development standards, state statutes, and federal regulations related to the deployment of wireless telecommunications infrastructure.

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.

Mining

The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores or other solid matter.

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.

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.

Mining does not include:

1. Those aspects of deep mining not having significant effect on the surface, where the affected land does not exceed one acre in area.
2. 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.
3. Mining operations where the affected land does not exceed one (1) acre in area.
4. Plants engaged in processing minerals produced elsewhere and whose refuse does not affect more than one (1) acre of land.
5. Removal of overburden and mining of limited amounts of any ores or mineral solids when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, provided that no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business, and provided further that the affected land resulting from any exploratory excavation does not exceed one (1) acre in area.

Mini-Warehouse / Storage Facilities

A building, or group of buildings, in a controlled access and/or fenced compound that contains varying sizes of individual, compartmentalized and controlled access stalls or lockers for the dead storage of a customer's goods or wares. No sales, service, or repair activities other than the rental of dead storage units are permitted on the premises.

Mitigation

A modification of an existing antenna support structure to increase the height, or to improve its integrity, by replacing or removing one or several antenna support structure(s) located in proximity to a proposed new antenna support structure in order to encourage compliance with this Ordinance or improve aesthetics or functionality of the overall wireless network.

Mixed-Use- Development

A proposed development that includes residential and non-residential uses on the same development and or lot.

Mobile home

The term used for manufactured homes produced prior to June 15, 1976 when the HUD Code went into effect; prefabricated or factory-assembled residential units constructed prior to that date.

Modular Structure

A manufactured structure designed for year-round residential or commercial use, with major components or modules preassembled and transported to a site for final assembly and utility connection, but which is not designed to be transported on its own chassis. Such structures must meet all requirements of the North Carolina State Building Code and must have attached a North Carolina Validating Stamp.

Monopole Structure

A style of freestanding antenna support structure consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of antenna support structure is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof.

Motel

A building or other structure kept, maintained, advertised as, or held out to the public to be, a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants and where rooms are furnished for the accommodation of such guests. Entry to sleeping rooms may be from the interior or exterior of the building. Food may be served in dining rooms, restaurants, or cafes, which may be located in the same building as the sleeping rooms or may be in one or more separate buildings.

Mulch

Any material such as leaves, bark, chipped and / or ground wood or other organic materials left loose and applied to the soil surface to reduce evaporation.

Mulching Business

Any business establishment that manufactures, processes, distributes or otherwise engages in the commercial sale of mulch and ancillary mulching products determined to be supplemental to the use. Not to include landscaping businesses, woodworking shops, sawmills, lumber manufacturing or wood products or pine straw lots.

Multifamily Residence

A building containing two (2) or more dwelling units.

NIT

A unit measure of luminance or brightness equal to one candela per square meter, measured perpendicular to the rays of the source.

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.

Nonconforming Lot

A legal lot of record created by deed or recorded plat that was in compliance with the land use regulations in effect at the time of lot creation.

Nonconforming Use

The use of a building, mobile home, or land which 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.

Nonconformity, Dimensional

A nonconforming situation that occurs when the height, size, or minimum floor space of a structure, or the relationship between an existing building or buildings and other buildings or lot lines (i.e. setbacks), does not conform to the regulations applicable to the district in which the property is located.

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 one (1) foot as designated in the Flood Insurance Study report.

Non residential Development (Watershed Overlay Districts)

All development other than residential development, agriculture and silviculture.

Nuisance

Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

Official Maps or Plans

Any maps or plans officially adopted by the Board of County Commissioners as a guide for the development of Moore County.

Open Space

Refers to the three types of open space allowed for Planned Unit Developments and Neighborhood Conservation Subdivisions.

Open Space, Additional

Reference to open space that exceeds the requirement set forth by either the Planned Unit Development or Neighborhood Conservation Subdivision.

Open Space, Minimum

Refers to the amount of open space required in either a Planned Unit Development or Neighborhood Conservation Subdivision.

Operator (Swine Farm)

Any person, firm, corporation, limited liability company or other entity which operates an intensive swine operation within Moore County. Operation includes management of, or contracting for management of, an intensive swine operation, ownership of swine placed in an intensive swine operation in Moore County, or ownership of the facility into which swine are placed.

Ordinance

This, the Unified Development Ordinance, including any amendments. Whenever the effective date of the Ordinance is referred to, the reference includes the effective date of any amendment to it.

Outdoor storage yard operation (WCF)

Any commercial, industrial or institutional operation or an operation by a public authority that stores materials or equipment outside of an enclosed building.

Overlay District

A district which applies supplementary or replacement regulations to land which is classified into a general use district or a conditional use district.

Paired-Parcel Averaged-Density Development

A development proposal that includes a parcel pair meeting the development standards and that qualifies for local development approval under density averaging of this Ordinance.

Parcel Pair

Two non-contiguous parcels of land under the same or separate ownership, or two contiguous parcels of land under separate ownership, the development plans for which have been submitted in tandem so as to qualify for density averaged development permission.

Parent Parcel

The parcel of land that is proposed to be the subject of a development proposal.

Parking Lot or Area

An area or plot of land used for, or designated for, the parking or storage of vehicles, either as a principal use or as an accessory use.

Parking Space

A storage space of not less than one hundred sixty (160) square feet for one automobile, plus the necessary access space.

Parking Space, Off-Street

A parking space located outside of a dedicated street right-of-way.

Parking Lot, Temporary

A parking facility that provides temporary parking for a limited amount of time for special events or other approved activities. The temporary parking lot can be located on the same site as the activity or as a satellite parking lot. Temporary Parking lots must meet all required setbacks for the underlying zoning district.

Parks and Playgrounds

A public or private area of land with or without buildings designed to serve the recreation needs of the residents of the community. Such facilities may include but are not limited to walkways, greenways, benches, open fields, multi-use athletic courts, swimming and wading pools, amphitheaters and athletic fields (baseball, soccer, etc).

Pawnshop

An establishment that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the depositor, or loans or advances money on personal property by taking mortgage security thereon, and takes or receives such personal property.

Permitted Commercial Tower Development Areas (PCTDA)

Areas where tower development in needed to fill "holes" in coverage. Each PCTDA covers approximately 12.5 square miles.

Person

Any person, firm, corporation, partnership, limited partnership, limited liability company or other entity.

Personal Wireless Service (WCF)

Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined in the *Telecommunications Act of 1996*.

Pet and Pet Supply Shop

A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds and reptiles, excluding exotic animals and farm animals. The use also includes the sale of pet supplies such as food and accessories. The outdoor storage of animals is not permitted.

Planned Development (Subdivision Regulations)

Residential and non-residential developments utilizing site design concepts which vary from typical single buildings set in the middle of individual lots fronting on public streets; design alternatives often utilize commonly-owned open space and other facilities, alternative building types and lotting patterns, and private streets and include, but are not limited to, unified developments, townhouses, planned unit developments, and zero lot line properties.

Planning Board

The public agency in a community usually empowered to prepare a comprehensive land plan and to evaluate proposed changes in land use, either by public or private developers, for conformance with the plan.

Planning and Zoning Administrator (Zoning Administrator)

The official charged with the enforcement of the Zoning Ordinance.

Plat

A map, usually of land which is to be or has been subdivided, showing the location, boundaries, and ownership of properties; the location, bearing, and length of every street and alley line, lot line, and easement boundary line; and such other information as may be necessary to determine whether a proposed subdivision or development meets all required standards of this and other Ordinances.

Plat, Final

The final map of all or a portion of a subdivision that is presented for final approval.

Plat, Preliminary

A map indicating the proposed layout of a development and related information that is submitted for preliminary approval.

Plot Plan, Residential

A plan, drawn to scale, based upon a survey or tax parcel information, showing uses and structures existing and proposed for a parcel of land as required by the regulations involved. All residential plot plans must include the following information listed in this definition determined to be applicable to the project in consultation with planning staff. Residential plot plans are only for single-family development and accessory structures permitted by right. All other requests must use the more detailed site plan checklist.

Preliminary Plan

Plan depicting a more detailed configuration of uses for a particular phase of development. This plan will define the land uses, layout and densities to be built on that portion of the site. The plan must be consistent with the approved Development Conditions and Land Development Plan.

Premises

A single piece of property as conveyed in deed, or a lot or a number of adjacent lots on which is situated a land use, a building, or group of buildings designed as a unit or on which a building or a group of buildings are to be constructed.

Principal or Main Building

A building in which is conducted the principal or main use of the property.

Principally Above Ground

At least 51% of the actual cash value of the structure is above ground.

Private Recreation Clubs

A building or property owned or operated by a corporation, association or group of individuals established for the social, education, recreational or cultural enrichment of its members and not primarily for profit.

Private Road or Street

Any road or street which is not publicly owned and maintained and is used for access by the occupants of the development, their guests, and the general public.

Project Edge Buffer

The Project Edge is the area encompassing the outermost extent of the planned unit development or subdivision where it abuts adjacent properties, roadways or other adjacent features.

Proximity Marketing (OPTION C)

Localized wireless distribution of advertising content associated with a particular place; sometimes also referred to as mobile marketing, and/or bluecasting.

Public Road or Street

Any road or street right-of-way which is publicly owned and maintained.

Public Safety and/or Nuisance

Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Public Safety Communications Equipment

All communications equipment owned and utilized by a public entity for the purpose of ensuring the safety of the citizens of the County.

Public Sewer

A wastewater sewerage system which is owned by any unit of government or authority, or by a private corporation, person or association and which is designed to serve uses locating along existing lines or within the service area of the system, should additional collection lines be constructed.

Public Water System

Any system furnishing potable (drinkable) water for public consumption.

Radio Frequency Emissions

Any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment on the ground, antenna support structure, building, or other vertical projection.

Recreational Vehicle (also known as RV, fifth wheel)

A vehicle, which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.
5. This definition includes vehicles such as travel trailers, motor homes, and campers.

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.

Register of Deeds

The Register of Deeds for Moore County, North Carolina.

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 three (3) feet above the highest adjacent grade.

Remedy a Violation

To bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its

noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the Ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Replacement

(see Mitigation)

Research and Development Facility

A business that engages in research, or research and development, of innovative ideas in technology-intensive fields. Examples include research and development of computer software, information systems, communication systems, transportation, geographic information systems, multimedia and video technology, biotechnology and pharmaceuticals. Development and construction of prototypes may be associated with this use. Research requiring the use of animal husbandry, heavy equipment (such as construction equipment) or the generation of dust, smoke, fumes, odors, noise or unusual vibrations, shall not be allowed by this definition.

Reservation

Private entity obligation to withhold specific real estate from further development pending acquisition by a public agency.

Reservoir

Any impoundment of surface waters designed to provide drinking water to the public.

Residential Development

Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

Residential District or Land Zoned Residential

Indicates any District in which residential uses are permitted. Residential uses include manufactured homes.

Residential, Single Family

Any development where: 1) no building contains more than one dwelling unit, 2) every dwelling unit is on a separate lot, and 3) where no lot contains more than one dwelling unit.

Residual Acreage

A piece, parcel, tract, lot or plot of land that is left after a subdivision occurs.

Re-vegetation

Restoration and mitigation measures for a disturbed natural area or buffer zone.

Right-of-Way

An area owned and maintained by a municipality, the State of North Carolina, a public utility, a railroad, or a private entity for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, pedestrian walkways, utilities, or railroads.

Riparian Buffer

A vegetated buffer strip along a watercourse that filters stormwater and provides wildlife habitat.

Riverine

Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Road Side Stand

A structure erected for the display and sale of agricultural products and may or may not be located on a zoning lot where the principal use is agricultural. Requires appropriate commercial zoning and must comply with all site and structure provisions of the applicable zoning district and may sell additional products not of an agricultural nature.

Roof-Mounted Systems

Solar power systems consisting of solar panels held in place by racks or frames attached to roof based mounting supports, which include pole mounts (which are attached directly to the roof structure and may use additional rails for attaching the panel racking or frames) and/or ballasted footing mounts (such as concrete or steel bases that use weight to secure the panel system in position and do not require through penetration, allowing for decommissioning or relocation of solar panel systems with no adverse effect on the roof structure).

Salvage Yard (Floodplain)

Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

Sanitary Sewer

A wastewater sewerage system.

Satellite Earth Station

A single or group of parabolic (or dish) antennas that are mounted to a support device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration. A satellite earth station may include the associated separate equipment cabinets necessary for the transmission or reception of wireless communications signals with satellites.

Sawmill

A facility where logs are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

Self-Service Gasoline Pump

A gasoline or diesel fuel dispensing pump which is operated by the customer who pays the charge to an attendant or cashier.

Setback

The required minimum distance between every structure from all property lines and/or right-of-way lines and/or easement lines of the lot on which it is located.

Shopping Center

A nonresidential planned unified development, including shopping areas, which contains at least three (3) businesses within a minimum of ten thousand (10,000) square feet of gross floor area.

Sign

Any words, lettering figures, numerals, emblems, devices, trademarks, or trade names, or any combination thereof, by which anything is made known and which is designed to attract attention and/or convey a message. The term "sign" does not include the flag or emblem of any nation, organization of nations, state, political subdivision thereof, or any fraternal, religious or civic organization; works of art which in no way identify a product or business; scoreboards located on athletic fields; or religious symbols.

Sign Area

The entire face of a sign including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

Sign, Auction

A sign which announces the auction of real and/or personal property at the site of the property (not including auction houses). Such signs may be erected no more than thirty (30) days prior to the auction and must be removed no later than two (2) days after the auction.

Sign, Awning

Any sign, constructed of fabric-like non-rigid material, that is a part of a fabric or flexible plastic awning attached to a building.

Sign, Banner

Any sign, except an awning sign, made of flexible fabric-like material.

Sign, Campaign

A sign that advertises a candidate or issue to be voted upon on a definite election day.

Sign, Canopy and/or Awning

A sign which is suspended from or attached to a canopy or marquee.

Sign, Coming Soon

A sign which announces the future or planned opening of a new business, or institution, provided that such signs are on the premises in which the use is located, and are displayed for a period not to exceed sixty (60) days. A Coming Soon Sign may not be erected prior to the issuance of a Zoning and/or Building Permit.

Sign, Construction

A sign which has a message and display limited to project name, identification of architects, engineers, contractors, and other individuals or firms involved with the construction, the name of the building, the intended purpose of the building, and the expected completion date. These types of signs must not be erected prior to issuance of a Building Permit and must be removed within seven (7) days of issuance of a Certificate of Occupancy.

Sign, Electronic Changeable Message

An electronically-activated sign or any portion thereof whose message content of display, either whole or in part, may be changed by means of electrical, electronic, or computerized programming; an "electronic changeable message sign" includes a sign or any portion thereof that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic or symbol is defined by a small number of matrix elements using different combinations of light-emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area.

Sign, Freestanding

Any sign supported wholly or in part by some structure other than the building or buildings housing the business to which the sign pertains, or any sign which projects more than five (5) feet from the side of the building to which it is attached.

Sign, Grand Opening

A sign which announces the opening of a new business, or institution, provided that such signs are on the premises in which the use is located and are displayed for a period not to exceed thirty (30) days. A Grand Opening Sign may not be erected prior to the issuance of a Certificate of Occupancy.

Sign, Gross Area

The entire area within a single continuous perimeter enclosing the extreme limits of such sign. However, such perimeter does not include any structural elements lying outside the limits of such and not forming an integral part of the display. Sign, Height

The vertical distance measured from the natural ground level to the highest point of the sign, unless defined differently within the regulations.

Sign, Identification (Directory)

A sign used to display only the name, address, crest, or trademark of the business, individual, family, organization, or enterprise occupying the premises, the profession of the occupant or the name of the building on which the sign is displayed; or a permanent sign announcing the name of a subdivision, shopping center, tourist home, group housing project, church, school, park, or public or quasi-public structure, facility, or development, and the name of the owners or developers. A directory sign is an identification sign with multiple names.

Sign, Industrial Park

A freestanding monument identification sign advertising only the name and location of such industrial park and/or, the name and type of business of each occupant of the park.

Sign, Informational

Any on-premises sign containing no other commercial message, copy, announcement, or decoration other than instruction or direction to the public. Such signs include, but are not limited to, the following: identifying rest rooms, public telephones, automated teller machines, for lease, for sale, self-service, walkways, entrances and exits, freight entrances, traffic direction, and prices.

Sign, Monument

A freestanding sign, generally, but not necessarily, of a low profile in which there is usually no exposed frame, mast, or pole and which is built of brick, stone, concrete, wood, or other substantial material resembling a monument, fence or wall segment, or a berm.

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, and as allocated by the owner or management of the premise.

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, On Premise

A sign that draws attention to or communicates information about a business, service, commodity, that exists or is conducted, sold, offered, maintained or provided on the premises where the sign is located.

Sign Plan

See "Sign Plan, Detailed".

Sign, Pole

A type of freestanding sign supported by one or two poles or masts.

Sign, Portable

Any sign which is not permanently attached to the ground or to a building or other structure and which, because of its relatively light weight, is meant to be moved from place to place. In no case shall a portable sign be used to advertise any activity, event, service, or place other than on the premises where the sign is located. Such sign may or may not have changeable copy, may or may not be wired for lighting, and may or may not have wheels. "Sandwich boards" are included as portable signs.

Signs, Primary Project

Signs at main ingress/egress points, entry features or major signs between varying uses within a development.

Sign, Projecting

A sign attached to a wall and projecting away from that wall more than twelve (12) inches, but not more than five (5) feet.

Sign, Public Information

A sign, usually erected on public property or right-of-way and maintained by a public agency, which provides the public with information and in no way relates to a commercial activity including, but not limited to, speed limit signs, city limit signs, street name signs, and directional signs. These signs are in no way regulated by this Ordinance.

Sign, Public Interest

A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as "Warning" and "No Trespassing" signs.

Sign, Real Estate

A sign which is displayed to advertise the sale, rental, or lease of the premises on which said sign(s) are located. These types of signs must be removed within seven (7) days after sale, rental, or lease of the premises.

Sign, Roof

A sign which is displayed above the eaves of a building, and/or is attached to the roof or extends above the roof line of a building or structure. These signs are not allowed by this Ordinance.

Sign, Surface Area

The size of the surface of a sign, including any border or trim and all the elements of the matter displayed, but excluding the base, apron, supports, and other supportive structural members. In the case of three-dimensional letters or painted letters directly attached to a wall surface, the surface area shall be that area encompassing the individual letters themselves, including the background behind the letters and any trim or border.

Sign, Wall

A sign attached to or painted on a wall, not projecting away from the wall more than twelve (12) inches, with the exposed display surface in a plane parallel to the plane of the wall, and including signs attached to or otherwise displayed on or through a façade window. The following are not wall signs: wall identification signs and commemorative plaques not more than two (2) square feet in area, memorial cornerstones or tablets providing information on building erection or commemorating a person or event, or unit identification signs.

Sign, Yard or Garage Sale

A sign which announces a yard or garage sales or gives directions to a sale or other special event. These signs may be located on the premises where the sale or event is occurring or located off-site as directional signage to the sale or event. These signs must be independently freestanding signs (not attached to a tree or other living plant material, utility pole, or building) and must be located so as not to infringe upon proper sight distance for traffic. Such signs cannot be erected more than twenty-four (24) hours prior to the event and must be removed immediately upon its close.

Site Plan, Detailed

A plan, to scale, showing uses and structures existing and proposed for a parcel of land as required by the regulations involved. All site plans must include the information listed in §8.1.2 (Detailed Site Plan) of this Ordinance.

Skating Rink

A facility that provides an area for participant roller skating, ice skating, or skateboarding.

Solar Collector

Any ground or roof mounted solar device that absorbs and accumulates solar radiation for use as an alternative source of energy.

Solar Collector Facility

A commercial/industrial development which requires construction of specialized equipment, either a ground-mounted or roof-mounted system, in areas which optimize the collection of solar energy. These facilities are typically used to convert solar energy into electrical power for interconnection with the power grid for primarily off-site energy consumption and also referred to as a Solar Farm or Photovoltaic Energy Facility.

Solar Energy

The radiant energy from the sun that can be collected in the form of heat or light by a solar collector.

Solar Panel

A group of solar cells arranged into a panel that can be installed onto a flat surface and also referred to as solar modules.

Solid Waste Disposal Site (Floodplain)

As defined in (NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

Special Event

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. Special Events cannot be held longer than seven (7) consecutive days once every six (6) months.

Special Flood Hazard Area (SFHA)

The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year, as determined in Article 3, Section B of this Ordinance.

Special Non-residential Intensity Allocation Site Plan (SNIA Site Plan) (Watershed Overlay)

A site plan prepared by a Professional Engineer that shows how a project will minimize built-upon surface area, direct stormwater away from surface waters and incorporate Best Management Practices to minimize water quality impacts.

Specified Anatomical Areas

By reference, the definition of "specified anatomical areas" contained in N.C.G.S. 14-202.10 is incorporated into this Ordinance and shall be defined as such.

Specified Sexual Activities

By reference, the definition of "specified sexual activities" contained in N.C.G.S. 14-202.10 is incorporated into this Ordinance and shall be defined as such.

Sporting Goods Stores

An retail establishment primarily engaged in retailing new sporting goods, such as bicycles and bicycle parts; camping equipment; exercise and fitness equipment; athletic uniforms; specialty sports footwear; and sporting goods, equipment, and accessories.

Sprayfield (Swine Farm)

An area of land that has been approved in a certified waste management plan for the purpose of spraying swine waste, which has been stored in a liquid waste management system that is part of an Intensive Swine Operation.

Stable, Private

A stable on a lot not less than one (1) acre in size which has a capacity of not more than one (1) horse for each acre of lot area and where such horse(s) is(are) owned by the owners or occupants of the premises and are not kept for remuneration, hire, or sale; except compensation is allowed for the offering of on-site riding lessons and clinics.

Stable, Public

A stable meeting the same requirements as a private stable except that such horses may be owned by persons other than the owners or occupants of the premises and may be kept for remuneration, hire, or sale.

Start of Construction

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building. This includes substantial improvements.

Story

That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling above it.

Street

A right-of-way which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare, except an alley.

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, Collector

A street that carries traffic from minor streets to the major systems of arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development. Collector streets may also be referred to as "connector" or "feeder" streets.

Street, Cul-de-Sac

A very short road, open at one end only, with a special provision for turning around.

Street, Dead End/Stub

A street, open at one end only, with provisions for a temporary turn around that may be removed at a later date if the street is extended.

Street, Half

A street whose centerline coincides with a subdivision boundary with one-half the street right-of-way width being contained within the subdivision plat. Also, any existing street to which the parcel of land to be subdivided abuts on only one side.

Street, Minor or Residential (Local Street)

A street designed primarily to provide vehicular access to properties abutting it and not for through traffic.

Street, Marginal Access

A local or minor (service) street which parallels and is immediately adjacent to arterial streets, and which provides access to abutting properties and protection from through traffic. Marginal access streets may also be referred to as "service roads."

Street Line

The line between the street right-of-way and abutting property (i.e. right-of-way line).

Structure

Anything constructed or erected, including but not limited to buildings, manufactured homes, or a gas, liquid, or liquefied gas storage tank that is principally above ground, which requires location on the land or attachment to something having permanent location on the land.

Structure, Principal

The main building on a parcel of land.

Structural Alterations

Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, except for repair or replacement.

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 three 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, Major

The division of a lot, tract or parcel of land into five or more lots, tracts, parcels or other divisions of land at initial time of division or accumulative over a period of three (3) years. The parent lot, tract or parcel of land counts as one of the subdivided lots, tracts or other subdivisions of land for the purpose of determining whether the application for approval is to be treated as a major or minor subdivision.

Subdivision, Minor Level 1

A subdivision that (1) consists of 4 or less lots fronting on an existing, approved public road, (2) does not require any new public or private road to be constructed or dedicated nor easements for access to interior property, (3) does not require the extension of a public water or sewer line other than laterals to serve individual lots, (4) does not necessitate the installation of drainage improvements that would require easements through property not being subdivided, and (5) does not require a variance from any requirement of this Ordinance. Subdivisions that consist of 4 or less lots fronting on an existing private road subject to private road maintenance standards through an established Owners' Association shall be considered a Level 1 Minor Subdivision.

Subdivision, Minor Level 2

A subdivision that consists of 4 or less lots fronting on a newly created private road. The private road shall meet the right-of-way requirement, design and construction standards of NCDOT, with the exception of pavement, from the subdivision to a State-maintained road. These subdivisions must be reviewed by the Subdivision Review Board before they can be approved.

Subdivision, Neighborhood Conservation

A subdivision whose purpose is to preserve open space in the form of agricultural and forestry lands, natural and cultural features, and rural community character 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.

Subdivision Administrator

The official or the official's designee charged with the enforcement of the subdivision regulations of this Ordinance. The Zoning Administrator assumes all duties and responsibilities of the Subdivision Administrator in enforcing and interpreting this Ordinance.

Subdivision Review Board (SRB)

Representatives of local and state agencies who collectively review and evaluate plats and construction plans for compliance with all applicable regulations.

Substandard Lot

A lot created by deed or recorded plat after the effective date of the Moore County Zoning Ordinance that does not comply with the dimensional requirements in effect on the date the lot was created.

Substantial Damage

Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of substantial improvement. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Substantial Improvement

Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or,
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Surface Water

All waters of the state as defined in North Carolina General Statute 143-212, except underground waters.

SWCD

Moore County Soil & Water Conservation

Swimming Pool

A structure, whether above or below grade level, designed to hold water more than 18 inches deep to be used for recreational purposes. (The purpose of immersion, partial immersion, or swimming, and including all appurtenant equipment.)

Swine Farm

Any tract or contiguous tract of land in Moore County devoted to raising animals of the porcine species served by animal waste management systems having a design capacity of 600,000 steady state live weight or greater regardless of the actual number of swine on the farm.

Swine Farm, Existing

A swine farm in actual operation and which was stocked with swine on the effective date of this Ordinance.

Swine Farm, Expanding

A swine farm in actual operation whose animal waste management system is being expanded or replaced, in whole or in part, to serve a population greater than that which the farm's existing animal waste management system is designed to serve.

Swine Farm, New

Any farm that falls under Section .0200 et. Seq. Of Chapter 2 of Title 15A of the Administrative Code for the North Carolina Department of Environment and Natural Resources, which is stocked with swine for the first time after the effective date of this Ordinance.

Swine Waste

Swine excreta or a mixture of excreta with food, bedding, litter or other materials generated from an Intensive Swine Operation's lagoon in a liquid form.

Taxi and Limousine Service

A service that offers transportation in passenger automobiles to persons in return for remuneration. The business may include facilities for servicing, repairing, and fueling the automobiles.

Technical Specialist (Swine Farm)

Means a person designated under rules of the State Soil and Water Conservation Commission to develop and/or certify animal waste management plans under 15A NCAC 2H, Section .0217(a)(1)(H).

Temporary

Anything temporary is to exist less than six (6) months.

Tobacco Shop

A retail establishment primarily involved in the sale of tobacco products and related goods.

Tourism

The business of providing services for persons traveling for pleasure, tourism contributes to the vitality of the community by providing revenue to local business.

Tourist Home

Any dwelling occupied by the owner or operator in which rooms are rented to guests, for lodging of transients and travelers for compensation, and where food may be served, other than a bed and breakfast.

Tower (WCF)

(see Antenna Support Structure)

Toxic Substance (Watershed Overlay Districts)

Any substance or combination of substances including disease causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their off spring or other adverse health effects.

Trail/Path

A pedestrian/bicycle way located away from a public street or road right-of-way; an alternate path that is usually part of a greenway / trail system.

Trailer

Any vehicle or structure originally designed to transport vehicles, boats, or freight or intended for human occupancy for short periods of time. The term trailers shall include the House Trailers, Recreational Vehicle and Camping Trailer.

Trailer, House

A vehicular, portable structure built on a wheeled chassis, designed to be towed by a self-propelled vehicle for use for travel, recreation, or vacation purposes, having a body width ten (10) feet or less or a body length thirty-two (32) feet or less when equipped for road travel.

Trailer, Camping

A folding structure manufactured of metal, wood, canvas, plastic, or other materials, or any combination thereof, mounted on wheels and designed for travel, recreation, or vacation use.

Transmission Line, High Voltage Electric Power

A line transmitting, or designed to transmit, electricity of 66,000 or more volts, including poles, guys, wires, towers, and appliances, but not including transformer stations or substations.

UL (Underwriters Laboratories)

An independent product safety certification organization that develops standards and test procedures for products, materials components, assemblies, tools, and equipment, dealing with product safety.

Unattended Gasoline Pump

A gasoline or diesel fuel dispensing pump which dispenses fuel automatically according to the amount of money inserted into the pump. Such pumps are usually located without an attendant or other personnel on hand.

Understory

The small trees, shrubs, and other vegetation growing beneath the canopy of forest trees.

Undeveloped Parcel

The parcel in a parcel pair that is not developed.

Unified Sign Plan

An overall plan for the placement and design of multiple signs for a building, group of buildings, or use on a single lot.

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, Principal

The primary or predominant use of any lot, building, or structure.

Use, Temporary

A use established for a fixed period of time not to exceed 6 months with the intent that such use will terminate automatically upon expiration of the fixed time period unless permission to conduct the use is renewed.

Variance

A grant of relief from the requirements of this Ordinance.

Variance, Major (Watershed Overlay Districts)

A variance from the minimum statewide water supply watershed protection rules that results in the relaxation, by a factor of greater than ten (10) percent, of any management requirement that take the form of a numerical standard.

Variance, Minor (Watershed Overlay Districts)

A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to ten (10) percent of any management requirements.

Vegetative 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.

Violation

The failure of a structure or other development to be fully compliant with the regulations contained in this Ordinance.

Waiver

Official permission from the Subdivision Review Board to depart from the requirements of this Ordinance (see §3.21 for more information).

Warehouse

Facilities characterized by frequent heavy trucking activity, open storage of material, but not involved in manufacturing or production.

Water Dependent Structure (Watershed Overlay Districts)

Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

Water Surface Elevation (WSE) (Floodplain)

The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watercourse (Floodplain)

A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Watershed

The entire land area contributing surface drainage to a specific point. (e.g. the water supply intake).

WCF

(see Wireless Communication Facility)

Well, Properly Constructed (Swine Farm)

A well that is constructed and meets the requirements of 15A NCAC 2C "Well Construction Standards" and the Moore County regulations governing construction and abandonment of wells, when published.

Wetlands

Those areas that are defined as wetlands by the United States Army Corps of Engineers from time to time. Generally wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wholesale Trade

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. Merchandise may be stored outside enclosed buildings. Activities including physically assembling, sorting, and grading goods in large lots and breaking bulk for redistribution in smaller lots are conducted in such a way as to have a minimal impact on surrounding properties.

Winery

An agricultural processing facility used for the commercial purpose of processing grapes, other fruit products, or vegetables to produce wine or similar spirits. Processing includes wholesale sales, crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the winery and warehousing. Retail sales, tasting facility and restaurant may be permitted as an accessory use.

Wireless Communications Facility (WCF)

Any commercial or private wireless licensed and unlicensed service(s), which includes but is not limited to, cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), Microwave, Paging, Microwave, unlicensed spectrum services utilizing devices described in Part 15 of the FCC rules and regulations (e.g., wireless internet services).

Wireless Telecommunication Facility

Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennas, transmission cables, and equipment cabinets, and may include an antenna support structure. The following developments shall be deemed a WCF: developments containing new, mitigated, or existing antenna support structures, public antenna support structures, replacement antenna support structures, collocation on existing antenna support structures, attached wireless communications facilities, concealed wireless communication facilities, and non-concealed wireless communication facilities. Excluded from the definition are: amateur radio, and citizen band antennas, satellite earth stations and antenna support structures.

Wireless Communication Facility, Attached

An antenna or antenna array that is secured to an existing building or structure, <u>other than an antenna support structure</u>, with any accompanying pole or device which attaches it to the building or structure, together with transmission cables, and an equipment cabinet, which may be located either on the roof or inside/outside of the building or structure. An attached wireless communications facility is considered to be an accessory use to the existing principal use on a site. (Example: Mounting to a Water Tank, Church Steeple, and Grain Silo.)

Wireless Communication Facility, Concealed

A WCF, ancillary structure, or WCF equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site. Sometimes referred to as a stealth or camouflaged facility,

There are two types of ***<u>Concealed WCFs:</u>***

Wireless Communication Facility, Concealed Attached

Examples of concealed attached facility include, but are not limited to the following: painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural features that blend with an existing or proposed building or structure.

Example: Concealed antennas to a clock tower, Bell Tower, or rooftop parapet wall.

Wireless Communication Facility, Concealed Freestanding

Freestanding concealed WCFs usually have a secondary, obvious function which may be, but is not limited to the following: church steeple, windmill, silo, bell tower, clock tower, light standard, flagpole with or without a flag. (See also Non-concealed WCF)

Wireless Communication Facility, Freestanding Non-Concealed

Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennas, feed lines, and equipment cabinets, and may include an antenna support structure. A freestanding wireless communication facility includes, but is not limited to the following: guyed, lattice, or monopole antenna support structures. (See also Attached WCF)

Wireless Internet (Wi-Fi or Wi-Max)

(Wireless Fidelity). A term used by the Wireless Ethernet Compatibility Alliance to describe wireless networking technology. The term is used interchangeably with 802.11b. Instead of moving data through a network using Ethernet cable, Wi-Fi uses radio waves usually in the 2.4-GHz spectrum to move data across different frequencies. This is the same range used by a cordless phone and like a cordless phone's signal it can be distorted by large objects and walls, as described in Part 15 of the FCC rules and regulations.

Woodlands

Land that is undeveloped except for roads and utilities and contains stands of native trees.

Yard

An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

Yard, Front (Highway Yard)

A yard across the full width of the lot extending from the front line of the 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.

Yard, Rear

A yard 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.

Zero Lot Line

A concept commonly used in Planned Unit Developments where individual commercial buildings or dwellings, such as townhouses (row houses) and patio homes, are to be sold, along with the ground underneath and perhaps a small yard or patio area. Such commercial or residential units are located in buildings with two (2) or more units per building, usually including common walls. With zero lot line, the minimum requirements for lot area and yards need not be met and construction can take place up to the lot line.

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 Zoning Ordinance consists of two parts – a text and a map.

Zoning Amendment

An amendment to the official zoning map.

Zoning Approval

The issuance of a permit or authorization by the zoning official 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

An area established by this Ordinance where the individual properties are designed to serve compatible functions and to be developed at compatible scales.

Zoo

An area, building or structures which contain animals on exhibition for viewing by the public. This use would also include the use of petting zoos.

Shade Trees
Red Maple - Acer rubrum
Sugar Maple - Acer saccharum
River Birch - Betula nigra
Carolina Hornbeam - Carpinus caroliniana
Tulip Poplar - Liriodendron tulipifera
Fruitless Sweetgum - Liquidambar styraciflua "Rotundiloba"
Loblolly Pine - Pinus taeda
Longleaf Pine – Pinus palustris
White Oak - Quercus alba
Scarlet Oak - Quercus cocciniea
Pin Oak - Quercus palustris
Willow Oak - Quercus phellos
Red Oak - Quercus rubra
Shumard Oak - Quercus shumardi
Live Oak - Quercus virginana
Bald Cypress - Taxodium distichum
Evergreen Trees
Holly Hybrid – Ilex cassine "Emily Brunner"
American Holly – Ilex opaca "Green Leaf' or other Ilex opaca cultivars
Yaupon Holly – Ilex vomitoria
Red Cedar - Juniperus virginiana
Southern Magnolia – Magnolia grandiflora
Understory/Flowering Trees
Serviceberry – Amelanchier Canadensis
Redbud – Cercis Canadensis
Fringetree – Chionanthus virgincus
Dogwood – Cornus florida
Carolina Silverbell – Halesia Carolina
Sweetbay – Magnolia virginiana
Screening Shrubs
Azalea- Azalea indicia "Formosa"
Camellia – Camellia japonica
Leyland Cypress – Cupressus leylandii
Inkberry holly - Ilex glabra
Small Anise tree – Illicium parviflorum
Florida Leucothoe (Agarista populifolia) – Leucothoe populifolia
Waxmyrtle – Myrica cerifera
Devilwood – Osmanthus americanus
Fortune's osmanthus – Osmanthus fortunei

APPENDIX B
SUBDIVISION PLAT REQUIREMENTS

Submission of all plats or maps shall contain the following information before submission to the Subdivision Administrator for review.
An '**X**' indicates required information.
Additional information may be required for approval of the plat.
The Subdivision Administrator may waive items required if it is judged that they are not necessary to complete the review.

Information Required	Level 1 Minor Plats	Family Subdivision Plat	Level 2 Minor or Major Preliminary Plat	Level 2 Minor or Major Final Plat
Map Size and Materials				
Maps or plats submitted shall not exceed a maximum size of 24" by 36"			X	
Standard 18" by 24" sheet for plats to be recorded, minimum 1-1/2" border on the left side and a minimum ½" border on all other sides; or as required by the Moore County Register of Deeds	X	X		X
Original drawn on material as required by the Moore County Register of Deeds	X	X		X
Title Block				
Name of Subdivision	X	X	X	X
Name of the type of plat (minor plat, preliminary plat, final plat)	X	X	X	X
Owner's name with address	X	X	X	X
Location (including address, Township, County and State)	X	X	X	X
Date(s) plat(s) prepared or revised	X	X	X	X

Information Required	Level 1 Minor Plats	Family Subdivision Plat	Level 2 Minor or Major Preliminary Plat	Level 2 Minor or Major Final Plat
Scale of drawing in feet per inch. Drawing shall be at a scale of not less than 1" equal to 200'.	✘	✘	✘	✘
Bar graph	✘	✘	✘	✘
Name, address, and telephone # of preparer of plat (licensed surveyor, engineer, etc.)	✘	✘	✘	✘
Developer's name, address (if different from owner's)	✘	✘	✘	✘
General Information				
Zoning district(s) within the property and adjacent properties	✘	✘	✘	✘
Land Record Key Number	✘	✘	✘	✘
Plat book or deed book reference	✘	✘	✘	✘
Names of adjoining property owners (or subdivisions or developments of record with plat book reference)	✘	✘	✘	✘
Vicinity map showing location of site relative to surrounding area (typically drawn in upper right hand corner), at a scale of 1"= 2,000'	✘	✘	✘	✘
Corporate limits, County lines, and other jurisdiction lines, if any, on the tract	✘	✘	✘	✘
Registration and seal of land surveyor	✘	✘	✘	✘
North arrow and orientation (north arrow shall not be oriented towards bottom of map)	✘	✘	✘	✘
Source of property boundaries signed or sealed by registered land surveyor, architect, landscape architect, or engineer			✘	
Boundaries of the track to be subdivided showing all distances	✘	✘	✘	✘

Information Required	Level 1 Minor Plats	Family Subdivision Plat	Level 2 Minor or Major Preliminary Plat	Level 2 Minor or Major Final Plat
Tied to nearest street intersection if within 300 feet	✘	✘	✘	✘
Tied to USGS marker if within 2000 feet	✘	✘	✘	✘
Location of intersecting boundary lines and adjoining property	✘	✘	✘	✘
Location and description of all monuments, markers and control corners	✘			✘
Existing property lines on property to be subdivided (label as old property lines and show as dashed lines.	✘	✘	✘	✘
Location and use of all existing and proposed buildings	✘			
Distance of existing buildings to closest property lines	✘			
Name and location of any property or building on the National Register of Historic Places	✘	✘	✘	✘
Railroad lines and rights-of-way	✘	✘	✘	✘
Marshes, swamps, and other wetlands	✘	✘	✘	✘
Areas to be dedicated or reserved for the public	✘	✘	✘	✘
Areas designated as common area or open space under control of an Owners Association	✘	✘	✘	✘
Location of designated recreation areas and facilities			✘	✘
Location of any floodplain areas as shown on FEMA Flood Insurance Rate Maps	✘	✘	✘	✘
Existing and proposed topography of tract and 100 feet beyond property showing contour intervals of no greater than 5 feet			✘	

Information Required	Level 1 Minor Plats	Family Subdivision Plat	Level 2 Minor or Major Preliminary Plat	Level 2 Minor or Major Final Plat
Proposed Lot Lines and Dimensions	✘	✘	✘	✘
Square footage of all lots under 1 acre in size and acreage for all lots over 1 acre in size	✘	✘	✘	✘
Lots shall be sequenced or numbered consecutively	✘	✘	✘	✘
A note indicating that the proposed subdivision will be served by either a central or individual water supply	✘	✘	✘	✘
A note indicating that the proposed subdivision will be served by either a central or individual sewer/septic system	✘	✘	✘	✘
Size and location of buffer yard, walls, berms and fences			✘	
Existing and proposed signs			✘	
Location, dimensions and details of proposed clubhouses, pools, tennis courts, tot lots, or other common area recreation facilities			✘	
Site Calculations				
Acreage in total tract	✘	✘	✘	✘
Acreage in open space			✘	✘
Total number of lots proposed	✘	✘	✘	✘
Linear feet in streets			✘	✘
Area in newly dedicated right-of-way			✘	✘
Street Data				
Proposed and Existing total right-of-way width dimension on and adjacent to property	✘	✘	✘	✘
Right-of-way width dimension from centerline of existing public	✘	✘	✘	✘

Information Required	Level 1 Minor Plats	Family Subdivision Plat	Level 2 Minor or Major Preliminary Plat	Level 2 Minor or Major Final Plat
streets				
Pavement and/or curb lines			✘	
Pavement width dimensions			✘	
Cul-de-sac pavement radius			✘	
Existing and proposed street names			✘	✘
Location of required street trees			✘	✘
Utility Layout (Sewer, Water, Natural Gas, Electric, Cable TV, etc)				
Connections to existing systems			✘	
Line Sizes			✘	
Material of Lines			✘	
Location of Fire Hydrants			✘	
Blowoffs and Valves			✘	
Manholes			✘	
Catch Basins			✘	
Force mains			✘	
Any additional that may be required to review plat			✘	
Stormwater Mangement (for properties within a Watershed Overlay District)				
Location of Watershed Overlay District boundary	✘	✘	✘	✘
Classification of Watershed Overlay District	✘	✘	✘	✘
Area to be disturbed with number of graded acres and percentage noted			✘	

Information Required	Level 1 Minor Plats	Family Subdivision Plat	Level 2 Minor or Major Preliminary Plat	Level 2 Minor or Major Final Plat
Maximum allowable built-upon area for each lot or tract	✘	✘	✘	✘
Total impervious surface area, including streets, patios, parking areas, sidewalks and driveways	✘	✘	✘	
Location of permanent watershed protection controls	✘	✘	✘	✘
Location and width of required buffer areas	✘	✘	✘	✘
Permits and other documentation				
Documentation of submission of an Erosion Control Plan (if disturbing more than 1 acre)			✘	
Documentation of Approval of Erosion Control Plan (if disturbing more than 1 acre)				✘
Documentation of Approval of Driveway Access Permit from NCDOT	✘	✘		✘
Evidence of Notification to US Army Corp of Engineers of earth disturbing activities in Wetlands (if applicable)	✘	✘	✘	
Affidavit of Family Subdivision		✘		
Deed of Gift		✘		
Private Road Maintenance Agreement, if applicable		✘		
Required Certificates	See **Appendix C** for certificate requirements and language			

APPENDIX C
SUBDIVISION PLAT CERTIFICATES AND STATEMENTS

Type of Certificate or Statement	Level 1 Minor Plat or Family Subdivision Plat	Level 2 Minor Plat or Major Preliminary Plat	Level 2 Minor Plat or Major Final Plat
Certificate of Ownership	✘		
Certificate of Ownership and Dedication		✘	✘
Certificate of Level 1 Minor Subdivision Plat Approval	✘		
Certificate of Preliminary Major Subdivision Plat or Level 2 Minor Subdivision Plat Approval		✘	
Certificate of Final Major Subdivision Plat Approval or Level 2 Minor Subdivision Plat Approval			✘
Certificate of Survey and Accuracy	✘		✘
NCDOT Division of Highways District Engineer Certificate		✘	
Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements			✘
Private Roads Disclosure Statement, if applicable		✘	✘
Utilities Certificate			✘
Certificate of Purpose of Plat	✘	✘	✘
Certificate of Exemption	✘		
Review Officer Certification	✘		✘
Certificate Regarding Erosion and Sedimentation Control Plan		✘	
Certificate of Warranty			✘
Public Water Supply Watershed Protection Statement	✘	✘	✘
Public Street Maintenance Disclosure Statement			✘
Certificate of Soil Suitability			✘
Voluntary Agricultural District Proximity Statement	✘	✘	✘
Affidavit of Family Subdivision	✘		
Deed of Gift	✘		
Private Road Maintenance Agreement, if applicable	✘		

Certificate of Ownership *(For Use With Level 1 Minor Plats Only)*

I (We) hereby certify that I am (we are) the owner(s) of the property described hereon, which property is within the subdivision regulation jurisdiction of Moore County, North Carolina, and that I (we) freely adopt this plan of subdivision.

_____	_____
Owner	Date
_____	_____
Owner	Date

Certificate of Ownership and Dedication *(For Use With Major Plats and Level 2 Minor Plats Only)*

I (We) hereby certify that I am (we are) the owner(s) of the property described hereon, which property is located within the subdivision regulation jurisdiction of Moore County, North Carolina, that I (We) hereby freely adopt this plan of subdivision and dedicate to public use all areas shown on this plat as streets, alleys, walks, parks, open space, and easements, except those specifically indicated as private, and that I (we) will maintain all such areas until the offer of dedication is accepted by the appropriate public authority. All property shown on this plat as dedicated for a public use shall be deemed to be dedicated for any other public use authorized by law when such other use is approved by the Board of County Commissioners of Moore County in the public interest.

_____	_____
Owner	Date
_____	_____
Owner	Date
_____	_____
(Notarized)	Date

Certificate of Level 1 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 or Level 2 Minor Subdivision Plat Approval

I hereby certify that the Subdivision Review Board 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 12 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 or Level 2 Minor 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

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 as calculated is 1:_____; that this plat was prepared in accordance with NCGS 47-30 as amended. Witness my original signature, registration number and seal this ____ day of _____, A.D., 20_____.

Seal or Stamp of Surveyor

_____
Surveyor

_____
Registration Number

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

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 Date
of Utility Provider

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 and does not create a new road or change an existing street;

2. This survey is of an existing building or other structure, or natural feature, such as a water course;

3. This survey is a control survey;

d. This survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision; or

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: _____

Certificate of Exemption

Plats deemed to be an exemption to the provisions of these regulations shall contain the following statement prior to the owner's recording of such plats:

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

Review Officer Certification

The following certificate shall be shown of all subdivision plats:

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

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.

_____ _____

Date Licensed Professional

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 one (1) year from this date. Any improvements yet to be installed I shall fully warrant in this same manner for a period of one (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

_____

County Clerk

Public Water Supply Watershed Protection Certificate

The following certificate shall be placed on all subdivision plats which include property located within a watershed protection overlay district:

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

NOTICE: This property is in 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 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 Environmental Health is not guaranteed.

_____

Date Licensed Soil Scientist

_____

License No.

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.

APPENDIX D
INTENSIVE SWINE FARM EMERGENCY PLAN

This is the County Services Plan for Liquid Animal Waste Systems serving Intensive Livestock Operations.

If a call is received from a swine producer:

1. Advise the producer to call the **Division of Water Quality at 910-486-1541**. After hours, DWQ can be reached at **1-800-858-0368**.

2. Get name, phone number and location of discharge.

3. Advise producer to **call 911** (911 will page the Health Department and Emergency Services Personnel).

4. Advise producer to refer to his Individual Emergency Action Plan and begin actions to minimize environmental damage.

5. Person who receives call is responsible for calling the following agencies:

Soil and Water Conservation at 910-947-5183
Cooperative Extension at 910-947-3188

If a call is received from a private citizen:

1. Advise them to call the **Division of Water Quality at 910-486-1541**. After hours, DWQ can be reached at **1-800-858-0368.**

2. Get name of landowner and/or waste producer, location of discharge.

3. Advise citizen to **call 911** (911 will page the Health Department and Emergency Services Personnel).

4. Person who receives the call is responsible for calling:

Soil and Water Conservation at 910-947-5183
Cooperative Extension at 910-947-3188

*Receiver of call is responsible for making sure the Health Department and Soil and Water Conservation District Personnel are immediately notified and advised to call each other for meeting place if other than location of discharge.

AT SITE OF DISCHARGE:

Soil and Water Conservation District and/or Health Department personnel will:

1. Refer to Individual Emergency Plan and begin damage reduction actions.

2. Decide if discharge constitutes a danger to downstream residents. If so, notification will begin by Emergency Services.

3. Update County Manager periodically.

OTHER EMERGENCY PHONE NUMBERS	
Health Department	(910) 947-2858
Emergency Services	(910) 947-6317
Moore Regional Hospital	(910) 215-1000
Sheriff's Department	(910) 947-2931

INDIVIDUAL EMERGENCY ACTION PLAN FOR ANIMAL WASTE DISCHARGE

This disaster action plan was designed through a cooperative effort of agencies in Moore County to better prepare farmers and specialists to handle any liquid waste discharge that may have environmental or health risks.

EMERGENCY PHONE NUMBERS	
NC Department of Water Quality	(910) 486-1541 (After hours) 1-800-858-0368
Emergency	911
Moore Soil & Water Conservation	(910) 947-5183
Health Department	(910) 947-2858
Emergency Services	(910) 947-6317
Cooperative Extension	(910) 947-3188
Moore Regional Hospital	(910) 215-1000
Sheriff's Department	(910) 947-2931

HEAVY EQUIPMENT OPERATORS
(to be filled in by producer)

1.	Name and contact information
2.	
3.	
4.	
5.	

PUMPING CONTRACTORS
(to be filled in by producer)

1.	Name and contact information
2.	
3.	
4.	
5.	

In the event of a spill, call DWQ first, and then the Health Department, Soil and Water Conservation, and Cooperative Extension. If these cannot be reached, 911 offers a 24-hour service and can contact the Health Department.

After these calls have been made, look at the Emergency Action Plan provided by DWQ. This Plan sets forth immediate actions to be taken based on the type of discharge.

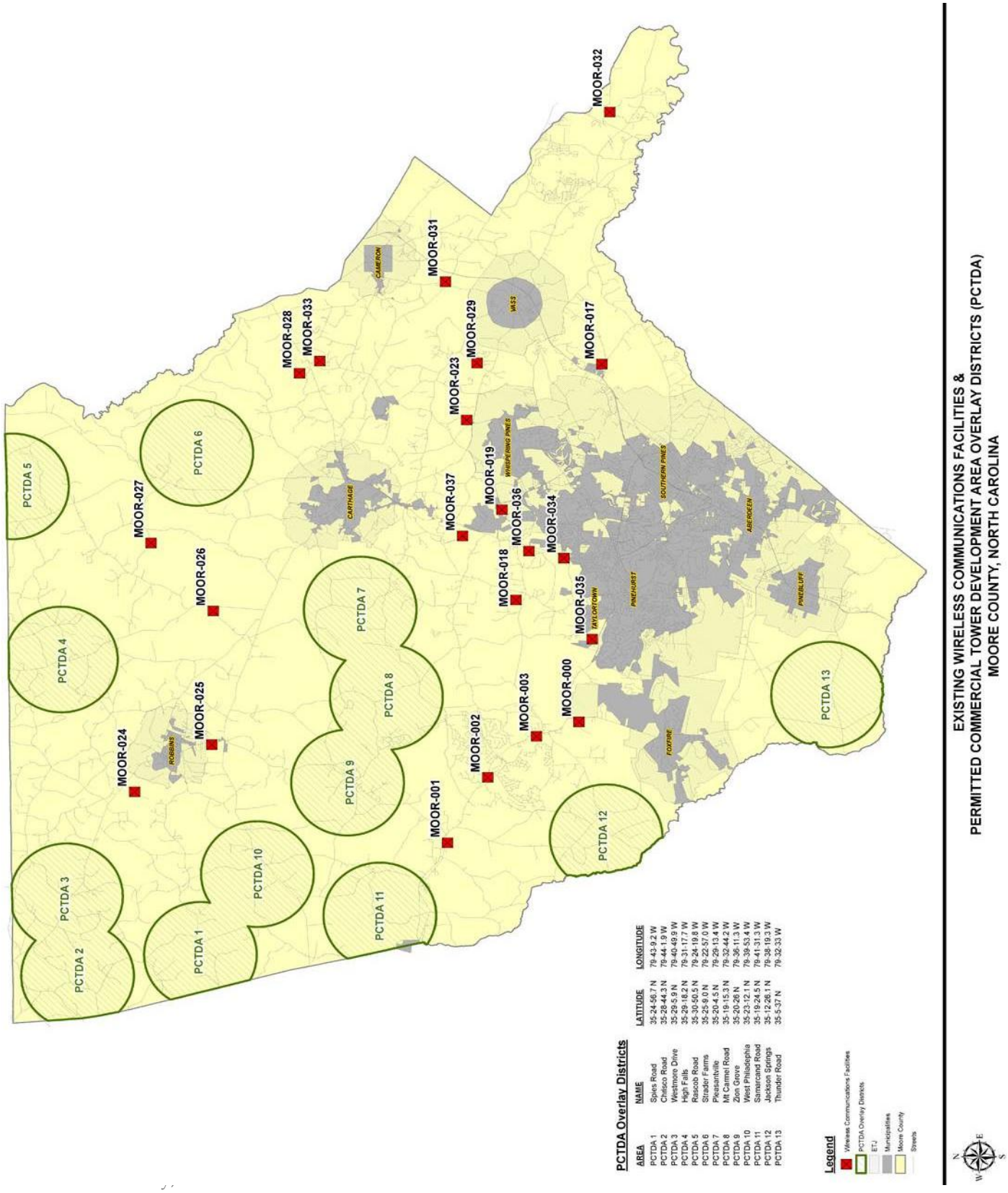
The farmer will have a GIS map showing perennial streams and houses within a one-mile area of the land in the waste utilization plan. A list of everyone "down-stream" in the immediate area and contact numbers will be provided in each plan. Soil and Water Conservation personnel, in conjunction with Health Department officials, will decide if the discharge warrants notification of individuals down stream. The farmer should begin carrying out emergency actions immediately without waiting for County officials or DWQ to arrive at the scene of discharge.

The following equipment should be noted as to a location where it can be found close to the premises.

Equipment	Location
1. Tractor	
2. Large quantities of soil for grading	
3. Front-end loader	
4. Extra irrigation equipment	
5. Hand tools (rakes, shovels, etc.)	
6.	
7.	

These measures should be taken as preventative steps to control the risks in emergency situations. Proper management must be used at all times and the waste management plan must be used and kept up to date.

APPENDIX E
PERMITTED COMMERCIAL TOWER DEVELOPMENT AREA OVERLAY DISTRICTS



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