

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 Subdivision 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 in the Moore County Zoning Ordinance.
- 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.

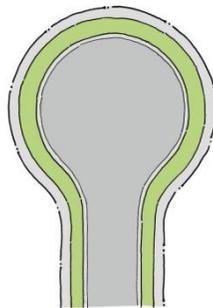
17.3.2 Street Design

All streets in a major subdivision shall conform to the following standards:

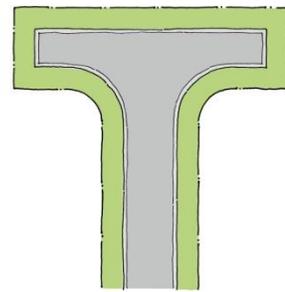
- 17.3.201 The street system may include private roads, provided that all streets are designed and constructed in accordance with the North Carolina Department of

Transportation Subdivision Road Minimum Construction Standards as well as requirements from Moore County Public Safety.

- 17.3.202 Street network shall accommodate the network reflected in the adopted RPO Comprehensive Transportation Plan and other similar adopted plans
- 17.3.203 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

17.3.3 Access Points

- 17.3.301 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.
- 17.3.302 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.

17.3.4 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.

17.3.5 Street Names

- 17.3.501 Proposed streets, which are obviously in alignment with other existing streets, shall bear the same name.
- 17.3.502 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.

- 17.3.503 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.

17.3.6 Traffic Signs and Controls (including street name signs)

- 17.3.601 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.

17.3.7 Street Trees

- 17.3.701 The subdivider shall plant or leave at least one (1) understory street tree or one (1) shade street tree of an approved species (a list of approved species is listed in **Appendix A** (Recommended Landscaping Materials)).
- 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.
- 17.3.702 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, and shade trees shall be planted or saved at a rate of one (1) tree for each forty (40) feet of frontage on all streets.
- 17.3.703 Tree plantings shall be completed in accordance with plans and specifications approved by and at such time as directed by the Subdivision Review Board.
- 17.3.704 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.
- 17.3.705 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.
- 17.3.706 Street trees shall be preserved within a five (5) foot "street tree preservation" easement.
- 17.3.707 Street trees shall not be planted where they will impede the sight triangle at intersections.

17.3.8 Street Layout

- 17.3.801 The proposed street layout shall be coordinated with the street system of the surrounding area.
- 17.3.802 Where possible, existing principal streets will be extended.

- 17.3.803 Residential streets shall be laid out in such a way that their use by through traffic will be discouraged.

17.3.9 Intersections

- 17.3.901 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.
- 17.3.902 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.
- 17.3.903 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.

17.3.10 Half Streets

- 17.3.1001 The dedication of half streets of less than sixty (60) feet at the perimeter of a new subdivision shall be prohibited.
- 17.3.1002 If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half of the street shall be furnished by the subdivider.
- 17.3.1003 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.
- 17.3.1004 When the adjoining property is subdivided, the remainder of the full required right-of-way shall be dedicated.

17.3.11 Marginal Access Streets

- 17.3.1101 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.
- 17.3.1102 Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial.

17.3.12 Cul-de-sacs, Dead-End and Stub Streets

- 17.3.1201 Where cul-de-sacs are permitted, they shall be constructed with permanent turnarounds according to the Department of Transportation's (DOT) standards.

- 17.3.1202 Dead end and Stub Streets are permitted with turnarounds according to the Department of Transportation's standards.
- 17.3.1203 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.

17.3.13 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.

- 17.3.1301 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.
- 17.3.1302 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.

17.3.14 Lots

- 17.3.1401 Double frontage lots or through lots, shall be avoided, except where required to separate residential development from through traffic and other forms of development.
- 17.3.1402 Side lot lines shall be substantially at right angles to or radial to street lines.
- 17.3.1403 Lot sizes shall meet the requirements of the Zoning Ordinance and/or Watershed Protection Ordinance. In approved Neighborhood Conservation Subdivisions, no minimum lot size, frontage, or depth is required.
- 17.3.1404 Cul-de-sac bulb lots shall have a minimum frontage of 50 feet.
- 17.3.1405 Building setbacks on all lots shall meet the requirements of the Zoning Ordinance or setbacks approved by the Subdivision Review Board.

17.3.15 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.

- 17.3.1501 All fire hydrants shall be installed on a minimum six-inch waterline.
- 17.3.1502 There shall be at least one fire hydrant at each street intersection.
- 17.3.1503 Valves associated with fire hydrant assemblies shall be located within 12 to 25 feet of the edge of the pavement.
- 17.3.1504 No fire hydrant may be located more than 25 feet from the pavement edge.
- 17.3.1505 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

- 17.3.1506 When schools and high-density and multi-story nonresidential intersections are less than 450 feet apart, a hydrant is not required between intersections.
- 17.3.1507 Where intersections are less than or equal to 1200 feet apart in low density residential developments, no hydrant is required between the intersections.

17.3.16 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:

- 17.3.1601 No surface water shall be channeled or directed into a sanitary sewer.
- 17.3.1602 Where technically favorable, the subdivider shall connect to an existing storm drainage system.
- 17.3.1603 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.
- 17.3.1604 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.

- 17.3.1605 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.
- 17.3.1606 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.
- 17.3.1607 In all areas of special flood hazards, all subdivisions proposals shall have adequate drainage provided to reduce exposure to flooding.
- 17.3.1608 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.

17.3.17 Drainage Easements

- 17.3.1701 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.
- 17.3.1702 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.

17.3.18 Utility Easements

- 17.3.1801 Easements for underground or above ground utilities shall be provided where needed and of such a width which meets state and utility company standards.
- 17.3.1802 Where possible these easements shall be located in the street right-of-way.
- 17.3.1803 Where easements are necessary across land, they shall be located to the extent possible along property lines.

17.3.19 Underground Utilities

- 17.3.1901 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.
- 17.3.1902 Such underground utilities shall be designed and constructed according to state and utility company standards and policies.

17.3.20 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:

- 17.3.2001 Individual wells and septic tanks provided either on each lot or in off-lot locations protected through recorded easements; or
- 17.3.2002 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
- 17.3.2003 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
- 17.3.2004 A combination of the above alternatives.

17.3.21 Utility Lines

All new utilities associated with the proposed development shall be underground unless just cause requires otherwise.

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.

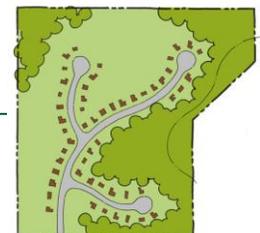
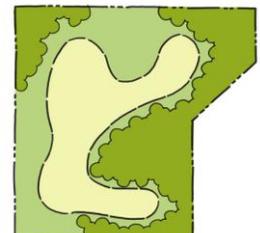
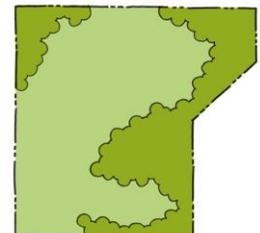
17.4.2 Applicability

- 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

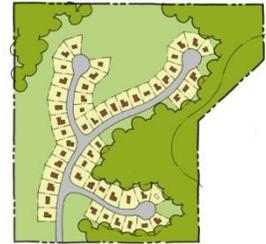
Neighborhood Conservation Option subdivisions shall be designed around all of the Primary, Secondary, and Tertiary Conservation Areas, which together constitute the total required open space. The design process should therefore commence with the delineation of all potential open space, after which potential 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 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.

17.4.501 **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 right-of-way.

17.4.502 **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 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.

17.4.503 **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.

17.4.6 Delineation of Open Space

17.4.601 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.

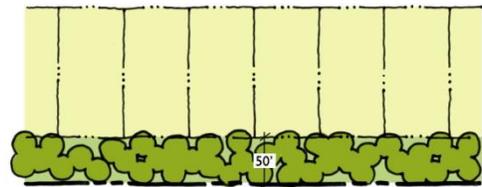
17.4.602 In satisfying the open space requirement, the Primary Conservation Areas, as described in §17.4.501 above, shall be delineated first.

17.4.603 If the minimum open space requirement cannot be satisfied with primary conservation areas, then Secondary Conservation Areas shall be delineated.

- 17.4.604 If the minimum open space requirement cannot be satisfied with primary and secondary conservation areas, then Tertiary Conservation Areas shall be delineated.
- 17.4.605 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.
- 17.4.606 The remaining twenty percent (20%) must be fulfilled by Secondary Conservation Area and/or Tertiary Conservation Area.
- 17.4.607 Additional Open Space that exceeds the minimum requirement may be comprised of any type of Conservation Area.

17.4.7 Configuration or Design of Open Space

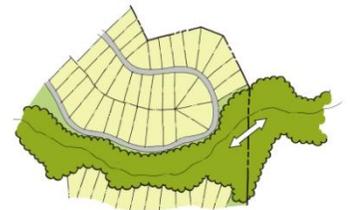
17.4.701 The minimum width for any required open space shall be fifty (50) feet.



17.4.702 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.

17.4.703 The right-of-way area is not included in the calculation of minimum open space required.

17.4.704 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.



17.4.705 The open space shall be directly accessible to the largest practicable number of lots within the subdivision.

17.4.706 Non-adjoining lots shall be provided with safe, convenient access to the open space (i.e. mid-block connections in logical locations).



17.4.707 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.

17.4.8 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:

- 17.4.801 Pedestrian or multipurpose trails;

- 17.4.802 Passive recreation areas, including pocket parks;
- 17.4.803 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);
- 17.4.804 Golf courses (excluding clubhouse areas and maintenance facilities).
- 17.4.805 Above-ground utility rights-of-way, provided the area does not exceed fifty percent (50%) of the required open space;
- 17.4.806 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;
- 17.4.807 Agriculture, horticulture, silviculture or pasture uses;
- 17.4.808 Landscaped storm water management facilities;
- 17.4.809 Easements for drainage, access, and underground utility lines.

17.4.9 Ownership of Open Space

- 17.4.901 No portion of the open space within a Neighborhood Conservation Subdivision shall be part of an individual building lot unless a conservation easement is established in accordance with §17.4.902.
- 17.4.902 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.
- 17.4.903 All open space shall be permanently restricted from further subdivision.

- 17.4.904 Where conservation easements have been dedicated prior to application for approval of a Neighborhood Conservation 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.

17.4.10 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.

17.4.11 Maintenance of Open Space

- 17.4.1101 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.

- 17.4.1102 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

- 17.4.1103 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.

17.4.12 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:

- 17.4.1201 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;
- 17.4.1202 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.

- 17.4.1203 Construction of a trail, pedestrian walkway, or road that will provide access between two (2) or more areas of the subdivision to be developed;
- 17.4.1204 The removal of noxious species, such as kudzu or poison ivy, for general maintenance of the area.

17.4.13 Permitted Density

- 17.4.1301 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:

$$\text{Permitted Density} = \frac{\text{Gross Area of Project Site}}{\text{minimum lot size of zoning district}}$$

Example

Gross Area of Project Site	100 acres (4,356,000 square feet)
Minimum Lot Size of the Zoning District	45,000 square feet (RA zoning district)
Permitted Density	.96 dwelling units per acre
Total Number of units permitted	96 units

- 17.4.1302 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 Article, are met.
- 17.4.1303 All lots shall be required to meet County Health Department requirements as well as NC State requirements for septic system installation.

17.4.14 Density Bonuses

17.4.1401 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%

17.4.1402 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).

17.4.15 Soils Evaluation Report

17.4.1501 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.

17.4.1502 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.

17.4.1503 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.

17.4.1504 The report must show that each proposed lot has been evaluated under the current provisions of Title 15A NCAC 18A.1900 et seq.

17.4.1505 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.

17.4.1506 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.

17.4.1507 The licensed Soil Scientist is required to sign and seal the submitted reports and the final subdivision plat.

17.4.1508 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.

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.

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 Recreational Requirements

- 17.5.401 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.
- 17.5.402 At a minimum, at least 5% of the tract to be subdivided must be preserved as recreation/open space.
- 17.5.403 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.
- 17.5.404 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.
- 17.5.405 Land dedicated for recreation/open space purposes shall be located so as to serve the needs of the residents of the subdivision.
- 17.5.406 Recreation/open space areas shall be located so as to provide accessibility to all residents of the subdivision.
- 17.5.407 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.
- 17.5.408 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.
- 17.5.409 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.

- 17.5.410 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 Ordinance.

17.5.5 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.

- 17.5.501 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.
- 17.5.502 The fees in lieu of dedication shall be paid prior to recording any lot(s) in the subdivision to which the fees relate.
- 17.5.503 The amount of the payment shall be the product of the number of acres to be dedicated, as required by §17.5.4 (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.
- 17.5.504 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 17.6 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.