

## 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 Rezoning;
- 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 Rezoning;
- 2.6.203 Conditional Use Permits
- 2.6.204 Conditional Use District Rezoning;
- 2.6.205 Conditional Zoning; and
- 2.6.206 Planned Unit Development review