MOORE COUNTY PLANNING BOARD
REGULAR MEETING
THURSDAY, SEPTEMBER 1 2016, 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd Floor

CALL TO ORDER – 6 PM

INVOCATION – (Member Volunteer)

PLEDGE OF ALLEGIENCE – (Member Volunteer)

MISSION STATEMENT – (Member Volunteer)

I. PUBLIC COMMENT PERIOD ***(Procedures are attached)***
Please sign up on the Public Comment Sign In sheet near the door

II. APPROVAL OF CONSENT AGENDA

All items listed below are considered routine and will be enacted by one motion. No separate discussion will be held except by a member of the Planning Board:

A. Approval of Meeting Agenda
B. Approval of Minutes of August 4, 2016
C. Consideration of Abstentions

III. PUBLIC HEARING

1. Moore County Planning Staff is requesting the rewrite of the Moore County Unified Development Ordinance to include the below Chapters. The revised language is available at moorecountync.gov/planning-and-transportation. Please note that the Moore County Unified Development Ordinance is a work in progress and has not yet been adopted by the Moore County Board of Commissioners.

   - Chapter 1. General Provisions
   - Chapter 2. Review Bodies and Administrator
   - Chapter 3. Intent of Zoning Districts
   - Chapter 4. Zoning Permits
   - Chapter 5. Dimensional Standards
   - Chapter 6. Table of Uses
   - Chapter 7. General Development Standards
   - Chapter 8. Specific Use Standards
   - Chapter 9. Nonconforming Situations
   - Chapter 10. Text Amendments & General Use Rezoning
   - Chapter 11. Conditional Rezoning
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   - Chapter 14. Vested Rights
   - Chapter 15. Watershed Overlay District
   - Chapter 16. Flood Damage Prevention
   - Chapter 17. Enforcement and Penalties
   - Chapter 18. Subdivisions
   - Chapter 19. Definitions
   - Chapter 20. Record of Amendments

IV. OTHER BOARD MATTERS

V. PLANNING DEPARTMENT REPORTS

VI. BOARD COMMENT PERIOD

VII. UPCOMING EVENTS

- Wednesday, August 31, 2016 2:00 PM Moore County Transportation Committee Meeting to be held at the Moore County Agricultural Building.
- Tuesday, October 4, 2016 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage.
- **Thursday, October 6, 2016 6:00 PM Planning Board Meeting to be held at the Historic Courthouse in Carthage**
- Tuesday, October 18, 2016 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage.

VIII ADJOURNMENT

Special accommodations for individuals with disabilities or impairments will be made upon request to the extent that reasonable notice is give to the County.
Please see attached procedures for the Public Comment Period and public comment during Public Hearing

PUBLIC COMMENT PROCEDURES
MOORE COUNTY PLANNING BOARD

The Moore County Planning Board is committed to allowing members of the public an opportunity to offer comments and suggestions for the efficient and effective administration of government. In addition to public hearings, a special time is set aside for the purpose of receiving such comments and suggestions. All comments and suggestions addressed to the Board during the Public Comment Period shall be subject to the following procedures:

1. *The Public Comment period will be held at the beginning of the Board meeting. The comment period will be limited to a maximum of thirty minutes*

1. *Persons who wish to address the Board during the Public Comment Period will register on a sign-up sheet available on the table outside the entrance door to the Meeting Room indicating contact information and topic. Sign-up sheets will be available beginning 30 minutes before the start of the meeting. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*

2. *Each person signed up to speak will have three (3) minutes to make his/her remarks. Each person signed up to speak will only be entitled to the time allotted to each speaker and one additional time period which may be yielded to him/her by another individual who has also signed up to speak on a particular topic.*

1. *Speakers will be acknowledged by the Board Chairperson in the order in which their names appear on the sign up sheet. Speakers will address the Board from the lectern at the front of the room and begin their remarks by stating their name and address.*

2. *Public comment is not intended to require the Board to answer any impromptu questions. Speakers will address all comments to the Board as a whole and not one individual member. Discussions between speakers and members of the audience will not be allowed.*

3. *Speakers will be courteous in their language and presentation. Matters or comments which are harmful, discriminatory or embarrassing to any citizens, official or employee of Moore County shall not be allowed. Speaker must be respectful and courteous in their remarks and must refrain from personal attacks and the use of profanity.*

4. *Only one speaker will be acknowledged at a time. If the time period runs out before all persons who have signed up get to speak, those names will be carried over to the next Public Comment Period.*

5. *Any applause will be held until the end of the Public Comment Period.*

6. *Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Chairperson.*

7. *Information sheets outlining the process for the public's participation in Board meetings will also be available in the rear of the Meeting Room.*

8. *Action on items brought up during the Public Comment Period will be at the discretion of the Board.*

Adopted on the 4th day of February, 2010 by a _8_ to _1_ vote of the Moore County Planning Board.

MOORE COUNTY PLANNING BOARD
PUBLIC HEARINGS PROCEDURES

The Moore County Planning Board serves the public as well as the Board of Commissioners. During each public hearing a special time has been set aside for the purpose of receiving comments and suggestions. To insure that comments and suggestions are productive and not unnecessarily long, procedural rules for conducting public hearings are necessary. The following procedural rules will be utilized during public hearings of the Moore County Planning Board:

1. *Anyone who would like to address the Board during a public hearing should register on the appropriate sign-up sheet indicating their name and address. Sign-up sheets will be available on the table outside the entrance door to the Meeting Room 30 minutes before the start of the meeting. Information sheets outlining the process for the public's participation in Board meetings and public hearings will also be available. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*

2. *Each speaker will be called by the Chairman to the lectern, will state their name and address clearly into the record before providing their comments.*

3. *Speakers will address all comments to the Board as a whole and not to any one individual member. Speakers will be respectful, courteous, refrain from personal attacks and the use of profanity.*

4. *Any applause will be held until the end of the public hearing.*

5. *Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Secretary.*

6. *Action on items brought up during the public hearing will be at the discretion of the Board.*

Adopted on the 5th day of May, 2011 by a 9 to 0 vote of the Moore County Planning Board

MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY AUGUST 4, 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR

Board Members Present:	Aaron McNeill, Scott McLeod, Bobby Hyman, Gene Horne, Rich Smith, John Cook
Board Members Absent:	Joseph Garrison (Chair), David Lambert, Eddie Nobles (Vice Chairman)
Staff Present:	Debra Ensminger, Planning Director Brian Godfrey, Assistant County Attorney Theresa Thompson, Senior Planner Lydia Cleveland, Administrative and Transportation Program Manager

Assistant County Attorney Brian Godfrey asked the Board to vote for a Chairman pro tem in order to conduct the meeting due to the absence of the Chairman and Vice Chairman. Board Member Scott McLeod made a motion to have Board Member Aaron McNeill serve as Chairman pro tem; the motion was seconded by Board Member Rich Smith. The motion passed unanimously 6-0.

CALL TO ORDER

Chairman pro tem Aaron McNeill called the meeting to order at 6:07

INVOCATION

Chairman pro tem McNeill offered the invocation.

PLEDGE OF ALLEGIANCE

Board Member Smith led in the reciting of the Pledge of Allegiance

MISSION STATEMENT

Board Member Smith read the Moore County Mission Statement.

PUBLIC COMMENT PERIOD

There was no public comment.

APPROVAL OF THE CONSENT AGENDA

A. Approval of Meeting Agenda
B. Approval of the Revised Minutes of June 2,2016
C. Approval of Minutes of July 7, 2016
D. Consideration of Abstentions

Board Member Gene Horne made a motion to approve the consent agenda. The motion was seconded by Board Member McLeod. The motion passed unanimously 6-0.

PUBLIC HEARING(S)

Chairman pro tem McNeill introduced the public hearing as the following.

Williams Sand and Clay, LLC is requesting a Conditional Use Permit for the use of a sand mine on approximately 50 acres (two phases of approximately 25 acres per phase) of an overall approximate 660 acre parcel (ParID 00013401) located north of and adjacent to NC Hwy 211 and east of and adjacent to Samarcand Rd, owned by Arthur R & Sons Williams, as identified in Moore County tax records.

Senior Planner Theresa Thompson presented the following as part of her presentation

"This request is to locate a mining facility for the purpose of a sand mine operation on approximately 50 acres of an overall 660 acre tract located on NC Hwy 211 and approximately 1 ½ miles east of Candor. The property is currently undeveloped. Adjacent land uses includes undeveloped property, single family homes, the Inn at Eagle Springs which is currently closed, and the Samarcand solar collector facility, as illustrated on the Land Use Map in your packets. The site plan meets the UDO's screening requirements by providing a minimum 50 foot buffer along the entire boundary of the project area. In addition to the minimum standards, the applicant will create an earthen berm a minimum of 6 feet in height along the 75 foot setback from NC Hwy 211. The applicant can speak to the specifics of the proposed mining facility. The proposed site plan meets all UDO requirements. The applicant has agreed that all specific use standards will be met as specified in the UDO which will be inspected by county staff before a Certificate of Occupancy is issued. In addition, to the minimum specific use standards the applicant is imposing several conditions such as hours of operation for mining activities, as listed in the staff report. Any recommendation of denial would need to include which finding is not met and how it is not met. The applicant is requesting a 5 year vested rights approval which requires the applicant to receive a zoning permit for mining activities within 2 years from the date of the conditional use permit approval or the permit becomes null and void. Staff recommends to approve or deny the conditional use permit for the use of mining, including the additional conditions, as agreed upon by the applicant and listed in the staff report."

The applicant William Arthur Williams stated that he appreciates the consideration of the request. Mr. Williams stated he wants to repurpose the 800 acre site that he has personally managed for 40 years. Mr. Williams explained the site is currently used for solar panels, deer hunting, forestry programs, and potentially the sand mining operation. Mr. Williams stated that the adjoining property owners are family members and he has a good relationship with the surrounding areas residents. Board Member McLeod asked how deep the pit will be and

Mr. Henry Haas stated that it will be 60 feet. Mr. Haas continued to explain that at the site there will be no excavation other than mechanical and there will be no blasting. Board Member John Cook asked if fuel will be kept on site and Mr. Williams answered no it will come from offsite when needed.

Board Member McLeod made a motion to endorse the Moore County Board of Commissioners to approve the Conditional Use Permit for the use of a sand mine on approximately 50 acres (two phases of 25 acres) of an overall approximate 660 acre parcel (ParID 00013401) located north of NC Hwy 211 and east of Samarcand Rd, owned by Arthur R & Sons Williams as identified in Moore County tax records, including the Application Review Comments and Recommendations as listed in the staff report. The motion was seconded by Board Member Bobby Hyman and the motion passed unanimously 6-0.

UDO DISCUSSION

Planning Director Debra Ensminger stated that the plan is to have the Unified Development Ordinance on the October Board of Commissioners agenda as well as on the September 8th Board of Commissioners Work Session.

The Board agreed to put the item on the next agenda and contact staff if there are any questions before the next meeting.

OTHER BOARD MATTERS

No board matters were discussed.

PLANNING DEPARTMENT REPORTS

No other reports were made by Planning staff.
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BOARD COMMENT PERIOD

No comments were made by the Board.

ADJOURNMENT

Board Member Hyman made a motion to adjourn. The motion was seconded by Board Member McLeod. The motion passed unanimously (6-0)

Respectfully submitted by,

Lydia Cleveland

UDO

Moore County Unified Development Ordinance

ADOPTED FEBRUARY 18, 2014

AMENDED MAY 20, 2014

AMENDED JANUARY 20, 2015

AMENDED MARCH 3, 2015

AMENDED MAY 19, 2016

AMENDED _____

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CHAPTER 1
GENERAL PROVISIONS

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," "this Ordinance," and the like.

1.2 Authority

The provisions of this Ordinance are adopted under authority of the General Statutes of North Carolina, with particular reference to Chapter 153A. If for any reason one or more sections or provisions of this Ordinance are held invalid, such judgement shall not affect, impair, or invalidate the remaining provisions of the Ordinance.

1.3 Purpose

This ordinance seeks to promote orderly development relative to a comprehensive plan of land use and population density. The same seeks to promote public health, safety, morals, and general welfare; protect development from natural hazards; protect the integrity of watersheds within the county; and in so doing, regulate the location and use of buildings and land, not inconsistent with NCGS 153A-341.

1.4 Jurisdiction

Except as otherwise expressly stated, this Ordinance applies to the unincorporated area of Moore County, to the extent of the law, including but not limited to NCGS 153A-320 and 160A-360. This Ordinance shall in no way regulate bona-fide farms (NCGS 153A-340).

1.7 Delegation of Authority

The Director, or his/her designees, is appointed to serve as the "Administrator" of this UDO.

1.8 Conflict

It is not intended by this Ordinance to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction, in any way, the provisions of this Ordinance shall govern. Moore County does not enforce private agreements. Wherever the provisions of this Ordinance conflicts with the provisions contained in any other local, State, or Federal regulation, the more restrictive provisions shall govern.

CHAPTER 2
REVIEW BODIES AND ADMINISTRATOR

2.1 Board of Commissioners

A. Powers and Duties. The Board of Commissioners shall have decision-making authority on the following requests:

1. Amendments to the UDO text and the Zoning Map;
2. Conditional Use Permits;
3. Conditional Rezonings;
4. Vested Rights;
5. ETJ Expansions; and
6. Amendments to the comprehensive land use plans for Moore County.

B. Quasi-Judicial Appeal to Courts. Quasi-judicial decisions made by the Board of Commissioners shall be subject to review at the request of any person who has standing as detailed within NCGS 153A-349 and 160A-393 by the Superior Court by proceedings in the nature of certiorari. The appeal to the Superior Court must be filed within 30 days of the filing of the decision of the Board of Commissioners by the Administrator or the delivery of the notice of the decision to the applicant, whichever is later.

C. Legislative Appeals to Courts. Legislative decisions made by the Board of Commissioners pursuant to the Ordinance shall be subject to review at the request of any aggrieved party, as detailed within NCGS 153A-348 by the Superior Court. The appeal to the Superior Court must be filed from the date of adoption of said Ordinance within the prescribed period below:

1. 60 days in cases involving the appeal of a Zoning Map amendment;
2. 1 year (365 days) in cases involving the appeal of a UDO text amendment;
3. 3 years (1,035 days) in cases involving an appeal based on an alleged defect in the adoption process of an Ordinance amending the UDO.
4. **10 years when a use constituting a violation in existence prior to adoption of this ordinance creating the violation, and that 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.**

2.2 Planning Board

A. Powers and Duties. The Planning Board shall have all the powers and authority pursuant to NCGS 153A-321 and 153A-322 shall perform any related duties as directed

by the Board of Commissioners. The Planning Board shall make recommendations of the following requests:

1. Amendments to the UDO text and the Zoning Map;
2. Conditional Use Permits;
3. Conditional Rezonings; and
4. Amendments to the comprehensive land use plans for Moore County.

The Planning Board shall act as the Watershed Review Board and have decision-making authority of the following requests:

1. Special Non-Residential Intensity Allocations (SNIA); and
2. Watershed Density Averaging Certificate;
3. Public Health and/or Water Quality Abatement; and
4. Watershed Variances.

B. Rules of Procedure. Rules, Membership, Composition, and Meetings shall be conducted in accordance with the by-laws and/or rules of procedures adopted by the Board of Commissioners.

2.3 Subdivision Review Board

A. Powers and Duties. The Subdivision Review Board shall have all the powers and authority pursuant to NCGS 153A-332 and shall perform any related duties as directed by the Board of Commissioners. The Subdivision Review Board shall have decision-making authority on the following requests:

1. Major Preliminary Subdivision Plats; and
2. Subdivision Regulation Waivers.

B. Rules of Procedure. Rules, Membership, Composition, and Meetings shall be conducted in accordance with the by-laws and/or rules of procedures adopted by the Board of Commissioners.

2.4 Board of Adjustments

A. Powers and Duties. The Board of Adjustments shall have all the powers and authority pursuant to NCGS 160A-388 and/or NCGS 153A-345.1 and shall perform related duties as directed by the Board of Commissioners. The Board of Adjustments shall have decision-making authority on the following requests:

1. Variances;
2. Reasonable Accommodation;
3. Floodplain Variances; and
4. Administrative Appeals.

B. Rules of Procedure. Rules, Membership, Composition, and Meetings shall be conducted in accordance with the by-laws and/or rules of procedures adopted by the Board of Commissioners.

C. Quasi-Judicial Decisions. 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. The written decision shall be signed by the chair or other duly authorized member of the board. Notifications of any Board of Adjustment's decisions shall be carried out per NCGS 160A-388. The Administrator shall notify the applicant, the property owner, or any individual who has submitted a written request for a copy prior to the date the decision becomes effective. This notice shall be made by registered or certified mail within 5 working days of the Board's actions.

D. Appeal to Courts. Quasi-judicial decisions made by the Board of Adjustments shall be subject to review at the request of any person who has standing as detailed within NCGS 160A-393 by the Superior Court by proceedings in the nature of certiorari. The appeal to the Superior Court must be filed within 30 days of the filing of the decision of the Board of Adjustment by the Administrator or the delivery of the notice of the decision to the applicant, whichever is later.

2.5 Administrator

A. Powers and Duties. Except as otherwise specifically provided, the Planning Director, and his/her designees, are appointed to serve as the "Administrator" of this UDO. The term "Staff" or "Planning Staff" may be used interchangeably with the term "Administrator." The Administrator shall have the following powers and duties:

1. Administration and enforcement of the provisions of this UDO;
2. Zoning Permit Approvals;
3. Floodplain Development Permit Approvals;
4. Minor Subdivision Plat Approvals;
5. Family Subdivision Plat Approvals;
6. Exemption Plat Approvals;
7. Major Final Subdivision Plats;
8. Water Supply Watershed Approvals; and
9. Administrative Variance Approvals.

CHAPTER 3
INTENT OF ZONING DISTRICTS

3.1 Zoning Districts Established

NCGS 153A-342 authorizes the County to establish general use zoning districts, as well as conditional zoning districts and overlay districts. For the purposes of this Ordinance, the County of Moore is divided into the following classes of zones:

General Use Zoning Districts			
RA	Rural Agricultural	GC-SL	Gated Community Seven Lakes
RA-20	Residential and Agricultural – 20	GC-WL	Gated Community Woodlake
RA-40	Residential and Agricultural – 40	PC	Public and Conservation
RA-2	Residential and Agricultural – 2	B-1	Neighborhood Business
RA-5	Residential and Agricultural – 5	B-2	Highway Commercial
RA-USB	Rural Agricultural Urban Service Boundary	VB	Village Business
RE	Rural Equestrian	I	Industrial
Conditional Zoning Districts			
CZ	Parallel Conditional Zoning	PUD-CZ	Planned Unit Development
MF-CZ	Multi-Family		
Overlay Zoning Districts			
HCOD	Highway Corridor Overlay Districts	FH	Flood Hazard Overlay District
WPO	Watershed Protection Overlay Districts		

3.2 Rural Agricultural (RA) District

A district intended to encourage the continuance of agricultural uses as well as to ensure that residential development of appropriate intensities that area consonant with the suitability of land, availability of public services, and that are compatible with surrounding development, will occur at appropriate densities to provide a healthful environment.

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

Districts in which the principal use of the land is for single family dwellings, duplexes and agricultural use and discouraging any use which would generate traffic on minor streets other than normal traffic to serve residences on those streets.

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

Districts in which the principal use of the land is for low-density residential and agricultural purposes and to discourage any use which would generate traffic on minor streets other than normal traffic to serve the residences and farms on those streets.

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

A district created to identify areas where Urban Services (sewer and water) could be provided over the next 10-15 years. Although the creation of this District implies no guarantee of services, it acknowledges areas undergoing growth pressures and affords slightly more protection from intrusive uses.

3.6 Rural Equestrian (RE) District

A district created to acknowledge what has become known as "Horse Country," in Moore County.

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

A district created to reflect existing unincorporated Gated Communities. Primarily governed by restrictive covenants, district regulations are designed to reflect deeded covenant restrictions.

3.8 Public and Conservation (P-C) District

A district in which the primary use of land is reserved for flood control, future thoroughfare rights-of-way, public recreation, community facility sites, forests and other similar open spaces which will encourage the continued use of land for conservation purposes.

3.9 Neighborhood Business (B-1) District

A district to provide for the development of commercial and service uses that serve community's commercial needs, are accessible by residents from surrounding neighborhoods, and are of such nature so as to minimize conflicts with surrounding residential areas.

3.10 Highway Commercial (B-2) District

A district to provide for the development of commercial and service centers that serve community, countywide, or regional commercial needs, are accessible by residents from surrounding neighborhoods, and are of such nature so as to minimize conflicts with surrounding residential areas.

3.9 Village Business (VB) District

A district created to acknowledge the developed business area surrounding the Gated Community of Seven Lakes.

3.10 Industrial (I) District

A district provide public and private uses of a production, warehousing, distribution, and industrial related services nature.

3.11 Parallel Conditional Zoning Districts

For the general use zoning districts described in this section there are established parallel Conditional Zoning Districts. Conditional rezoning affords a degree of certainty in land use decisions not possible when rezoning to a general district. Conditional Zoning Districts are established to provide for flexibility in the development of property while ensuring that the development is compatible with neighboring uses.

3.13 Multi-Family Conditional Zoning District

A district designed to accommodate a variety of attached single-family dwellings.

3.14 Planned Unit Development Conditional Zoning District

A district to provide for unified large scale residential, non-residential, and mixed-use developments that promote economical and efficient land use, improved level of amenities, creative design, and a better environment through the approval of a master plan that permits defined flexibility to accommodate land use adjustments in response to evolving market trends.

3.15 Highway Corridor Overlay District

The Highway Corridor Overlay District (HCOD) is intended to maintain or enhances the natural scenic beauty of designated corridors viewed by travelers. Three HCOD districts have been established. Wherever standards of the underlying zoning district differ from the watershed overlay standards, the more restrictive provisions shall apply.

A. Rural Highway. The Rural HCOD overlays the zoning along portions of the following roadways as depicted on the official zoning map, not including any municipal zoning jurisdiction: US 1 Highway, US Highway 15/501, NC 22 Highway, NC Highway 211. Commercial, Industrial and Office Professional elements along these corridors shall be intermittent and clustering of these elements is encouraged at appropriate centralized locations.

B. Urban Transition. The Urban HCOD overlays the zoning along portions of the following roadways as depicted on the official zoning map, not including any municipal zoning jurisdiction: US 1 Highway, US Highway 15/501, NC 211 Highway. There shall be a balance of residential, recreational, commercial, industrial and office professional uses. These highway sections are best suited for providing a balance of naturalized and manmade conditions.

C. Urban/Village. The Urban/Village HCOD overlays the zoning along a portion of the following roadway as depicted on the official zoning map: N.C. 211 Highway. This district allows for denser land use patterns for commercial and residential development, however, the visual aspects of the development along these corridors shall be defined by an emphasis on landscape elements.

3.16 Watershed Protection Overlay Districts

In accordance with NCGS Chapter 143 Chapter 21, three Watershed Protection Overlay Districts have been established to preserve the quality of the region's drinking water supplies. Wherever

standards of the underlying zoning district differ from the watershed overlay standards, the more restrictive provisions shall apply.

3.17 Flood Hazard Overlay District

In accordance with NCGS Chapter 143 Chapter 21, this overlay district is established to minimize public and private losses due to flood conditions within flood prone areas.

3.18 District Boundaries Shown on Zoning Map

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

3.19 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:

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

B. Where a district boundary line divides a lot or tract in single ownership, the district requirements for the least restricted portion of such lot or tract shall be deemed to apply to the whole lot or tract. The term "least restricted" shall refer to zoning restrictions, not lot or tract size.

CHAPTER 4
ZONING PERMITS

4.1 Zoning Permit Applicability

No land shall be used or occupied and no building, structure, or sign shall be erected, moved, enlarged, used, or structurally altered or its use changed, until a zoning permit, **signed by the property owner,** is issued by the Administrator, pursuant to NCGS 153A-349.2

4.2 Application

A. Pre-Application Meeting. To minimize development planning costs, avoid misunderstandings or interpretations, and ensure compliance with the requirements of this Ordinance, a pre-application meeting between the developer and planning staff is encouraged. The developer is also encouraged to submit a sketch plan.

B. Agency Review. Prior to the issuance of a zoning permit, the Administrator shall consult with other applicable departments, as necessary, including but not limited to:

1. North Carolina Department of Environmental Quality
2. US Army Corp of Engineers
3. North Carolina Department of Transportation
4. Moore County Airport Authority
5. Moore County Department of Environmental Health
6. Moore County Department of Public Works
7. Moore County Department of Planning (Building Inspections)
8. Moore County Department of Public Safety
9. Moore County Department of Geographic Information Services

C. Site Plan Requirements. Each application for a zoning permit and any other permit as indicated in this ordinance shall be accompanied by a site plan, drawn to scale, including the following information, as applicable.

1. Dimension of property (front, side, and rear property lines)
2. Dimensions and locations of any existing or proposed buildings and signs
3. Non-residential floor plans
4. Current and /or proposed setbacks from property lines, easements, and ROWs
5. Existing and proposed uses of building(s) and/or land
6. Dimensions and locations of driveways
7. Location and dimensions of parking lots spaces
8. Location and dimensions of loading and unloading areas
9. Existing and proposed utilities
10. Existing and proposed street right-of-ways and/or easements

11. Non-residential screening plan
12. Significant natural features including floodplain, wetlands, lakes, streams, etc.
13. Existing and proposed impervious surface percentages
14. Location of any stormwater control devices including the name of the certifying engineer
15. Phasing plans
16. Any other information which the Administrator deems necessary as required per local, state, or federal law.

4.3 Action by the 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 Department of Environmental Health, the Administrator shall issue a zoning permit **and mail a copy to the property owner,** provided that the zoning permit states:

A. Issuance of a zoning permit shall in no case be construed as waiving any provisions of this UDO and plans, specific use standards, and the intended use of such building and land do, in all respects, conform to the provisions of this UDO.
B. The applicant shall post a sign on the site within 10 days of the permit issuance for new buildings or changes of use, stating "Zoning Decision" including contact information of the Administrator, for a minimum of 10 days to notify the neighbors, or the Zoning Permit shall be null and void.

4.4 Denial

If the proposed application is not in conformity with the provisions of this Ordinance, the Administrator shall not issue the zoning permit and shall provide in writing the cause of such disapproval to the applicant. If a violation of this ordinance remains uncorrected, the Administrator may deny or withhold approval of any permit provided for in this ordinance that is sought for the property on which the violation exists.

4.5 Expiration

Once a zoning permit has been issued, all activities pursuant to such permit shall be commenced within 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 1 year or more, the permit shall lapse and be of no further force and effect.

4.6 Revocation

The Administrator may revoke any permit issued under this ordinance for failure to comply with the provision of this ordinance or the terms and conditions of a permit. Before a permit is revoked, the Administrator shall give the permit recipient 10 days notice of the alleged reasons for the revocation and of his/her right to obtain an informal hearing on the allegations. If the permit is revoked, the Administrator shall provide to the permittee a written statement of the decision and the reasons therefore.

CHAPTER 5
DIMENSIONAL STANDARDS

5.1 Table of Area and Setbacks

Reference: NCGS 153A-326 and 160A-306. (Properties located within a Highway Corridor Overlay District may have additional setback requirements.)

Minimum Lot Size Requirements				Principal Building Setbacks (Feet)				Accessory Building Setbacks (Feet)			
Zoning District	**Area**	**Lot Width (feet)**	**Lot Frontage (feet)**	**Front**	**Side**	**Side Corner**	**Rear**	**Front**	**Side**	**Side Corner**	**Rear**
RA	1 acre	100	100	40	15	25	30	10	10	10	10
RA-20	20,000 sq. ft.	100	100	40	15	25	30	40	10	20	10
RA-40	40,000 sq. ft.	100	100	40	15	25	30	40	10	20	10
RA-2	2 acres	100	100	40	15	25	30	40	15	20	15
RA-5	5 acres	200	100	40	15	25	30	40	15	20	15
RA-USB	1 acre	100	100	40	15	25	30	10	10	10	10
RE	1 acre	100	100	40	15	25	30	40	10	20	10
GC-SL	None	None	None	40	None	None	None	10	10	10	10
GC-WL	None	None	None	40	None	None	None	10	10	10	10
P-C	5 acres	NA	100	40	15	25	30	40	10	20	10
B-1	10,000 sq. ft.	75	100	50	15	20	20	50	15	20	20
B-2	10,000 sq. ft.	75	100	50	None	25	25	50	15	20	20
VB	10,000 sq. ft.	None	None	None	None	None	None	None	None	None	None
I	1 acre	100	100	65	25	50	30	65	25	30	30
MHP-CZ	3 ac.	Refer to Section 8.15									
MF-CZ	1 acre	100	100	40	15	25	30	40	15	25	30
PUD-CZ	25 ac.	Established by the Board of Commissioners at the time of approval.									

CHAPTER 6
TABLE OF USES

6.1 Use Table

A. Permitted Uses. P = Permitted uses are a use-by-right approved by the Administrator.

B. Conditional Uses. C = Conditional Use Permit approval required by the Board of Commissioners. (Refer to Chapter 12.)

C. Conditional Zoning. Z = Condition Rezoning within a parallel conditional zoning district required. (Refer to Chapter 11.)

D. Building Code Classification.

The "Bldg. Code Group" column is intended for reference purposes only and is subject to change without notice. Classifications should be verified by the Building Inspector and should follow the regulations of the applicable "Use & Occupancy Classification" per the 2012 NC Building Code. Change of uses will require sealed plans to be approved by the Building Inspector.

A = Assembly	M = Mercantile
B = Business	R = Residential
E = Education	S = Storage
F = Factory Industrial	U = Utility & Miscellaneous
H = Hazardous	Mix = Mixed Uses (Separation standards may apply)
I = Institutional	

E. Prohibited Uses. Blank = Districts in which particular uses are prohibited, **unless the Administrator determines that the use is similar to a permitted individual use by applying the following criteria:**

1. **The actual or projected characteristics of the activity**
2. **The relative amount of site area or floor space and equipment utilized**
3. **Relative amounts of sales from the activity and costumer type for the activity**
4. **The relative number of employees and hours of operation**
5. **Building and site arrangement and likely impact on surrounding properties**
6. **Types of vehicles used, parking requirements, and vehicle trips generated**

When uncertainty exists, the Administrator, after consultation with the County Attorney, shall be authorized to make the interpretation.

ACCESSORY USES & ACCESSORY BUILDINGS	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Accessory Uses & Buildings	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.1	R, S, U

AGRICULTURAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Agricultural Uses and Buildings (Not a Bona Fide Farm)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.2	U
Bona Fide Farm	"Bona Fide Farm" exemption status is obtained through the Moore County Planning Department.														8.3	S, U
Intensive Swine Farms									C					C	8.4	S, U

RESIDENTIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
SINGLE FAMILY HOUSEHOLD																
Accessory Dwelling Located within Stick Built Dwelling	P	P	P	P			P	P	P						8.5	R
Accessory Dwelling Located within Non-Residential Building											P	P	P		8.6	Mix
Accessory Manufactured Home	P	P	P	P			P	P	P						8.7	R
Accessory Stick Built Dwellings	P	P	P	P			P	P	P						8.8	R
Dwellings, Single Family	P	P	P	P	P	P	P	P	P						8.9	R-3
Dwellings, Duplexes	P	P			P	P	P		P						8.10	R-3
Family Care Home (6 or less)	P	P	P	P	P	P	P	P	P						8.11	I, R
Home Occupation, Level 1	P	P	P	P	P	P	P	P	P						8.12	R
Home Occupation, Level 2			C	C			C		C						8.13	R
Manufactured Home	P	P	P	P			P	P	P						8.14	R-3
Manufactured Home Park									Z						8.15	Mix
Personal Workshop / Storage Building	P	P	P	P			P	P	P						8.16	R, S
Planned Unit Development – Mixed Use	Conditional Rezoning to PUD-CZ is required.														8.17	Mix
MULTIFAMILY RESIDENTIAL																
Group Care Facility									Z			~~Z~~	P		8.18	I, R
Multifamily Dwellings (3 or more units per lot)	Conditional Rezoning to MF-CZ is required.														8.19	R-2
Nursing Home												P	P		8.20	B, I

COMMERCIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
ANIMAL SERVICES																
Animal Shelter									**C**					P	8.21	B
Animal Training Facility, **Military**									**C**					P	8.22	B
Kennels, **Overnight**									**C**			**C**	**C**	P	8.23	B
Pet Daycare, Grooming, **Obedience Training**											P	P	P		8.24	B
~~Service Industries related to the Horse Industry~~							~~P~~				~~P~~	~~P~~	~~P~~	~~P~~		~~B, U~~
Veterinary Clinic							P				P	P	P		8.25	B
OFFICES & GENERAL SERVICES																
Automatic Teller Machine (ATM)											P	P	P	P	8.26	U
Beauty / Barber Shop / Nail Salon						P					P	P	P		8.27	B
~~Bed and Breakfast~~	~~C~~	~~C~~	~~C~~	~~C~~	-	-	-	~~C~~	~~C~~	-	-		-	-		~~R-3~~
Dry Cleaning and Laundromat						P					P		P	P	8.28	B
Hotel and Motel													P		8.29	R-1
Office											P	P	P	P	8.30	B
Small Appliance Repair Shop											P	P	P	P	8.31	B
Tourist Home	**C**	**C**	**C**	**C**				**C**	**C**						8.32	R-3
Trade Contractor Office and Workshop											P	**Z**	P	P	8.33	B, S
COMMERCIAL USES	**RA-20**	**RA-40**	**RA-2**	**RA-5**	**GCSL**	**GCWL**	**RE**	**RA-USB**	**RA**	**P-C**	**VB**	**B-1**	**B-2**	**I**	**Specific Use Standards**	**Bldg. Code Group**
RETAIL SERVICES																
Auction House												P	P	P	8.34	A-3, B
Convenience Store						P					P	P	P	P	8.35	M
Feed & Seed Store												P	P	P	8.36	B, M
Florist											P	P	P	P	8.37	B
Flea / Vendor Market												Z	P		8.38	B, M
Garden Center											P	P	P		8.39	M, U
Manufactured or Modular Home Sales													P	P	8.40	B
Restaurant						P					P	P	P	P	8.41	A-2
Retail											P	P	P		8.42	M
Shopping Centers													Z	C	8.43	M
Wholesales											P		P	P	8.44	M

COMMERCIAL USES (CONTINUED)	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
VEHICLE SERVICES																
Boat & RV Storage					P						P	Z	**Z**		8.45	S-1
Car Wash or Auto Detailing											P	P	P	P	8.46	B
Commercial Truck Wash												C	P	P	8.47	B
Parking Lot as principle use of lot											P	P	P	P	8.48	S-2
Taxi Service												**Z**	P	P	8.49	B, A-3
Vehicle, Auto Parts, Tires, Farm Equipment, Boat, RV - Sales, Rental, or Service											P	P	P	P	8.50	B, S-1
Vehicle Service Stations (Gas Stations)											Z	P	P	P	8.51	M
Vehicle Wrecker Service												Z	Z	P	8.52	S-1
ADULT USES																
Bars / Tavern											Z		P		8.53	A-2
Brewery / Winery									**C**		P	~~P~~	P	P	8.54	A-2, F
Dance Club, Night Club, Billiard											Z		P		8.55	A-2, A-3
Distillery														P	8.56	F-1
Massage & Bodywork Therapy Practice, Unlicensed													P		8.57	B
Pawn Shop											Z		P	P	8.58	B
Sexually Oriented Business														Z	8.59	A-2, M
Tattoo Parlor, Body Piercing													P		8.60	B

EDUCATIONAL & INSTITUTIONAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Cemetery or Mausoleum, Commercial			**C**	**C**			**C**		**C**			P			8.61	n/a
Cemetery, Family	P	P	P	P	P	P	P	P	P						8.62	n/a
Day Care Facility	C	C	C	P		C	C	C	**Z**		C	P	P		8.63	E, I
Child Care, In-Home	C	P	P	P			C	P	P						8.64	E, R
Colleges, Business & Trade Schools												P	P	P	8.65	B
Funeral Home, accessory crematorium											P	P	P	P	8.66	A-3, B
Government Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.67	B
Hospital												P	P	P	8.68	I
Museums and Art Galleries											P	P	P		8.69	A-3
Religious Institutions	P	P	P	P	P		P	P	P	P	P	P	P		8.70	A-3, E
Security Training Facility									**C**						8.71	
Schools, Elementary, Middle, High												P	P		8.72	E

RECREATIONAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Accessory, Swimming Pool	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.73	A, R
Airport, Public or Private									**C**			~~Z~~		Z	8.74	A-3, B
Airstrip, Small Private									**C**			P			8.75	B
Assembly Hall						Z					Z	~~Z~~	**Z**	P	8.76	A-4, A-5
Camp or Care Centers									P						8.77	A-3, R-1
Campground, Public and Private									P						8.78	A-3, R-1
Camp, Recreation Day									P						8.79	A-3
Civic / Social Club, Lodge, & Organization				P	P	Z					P	P	P		8.80	A-2, A-3
Golf Driving Range					P	P				P	P	P	P		8.81	A-3
Golf Course, including Par 3					Z	Z				P		P	P		8.82	U
Marina (fuel supplies)					P	P									8.83	M
Neighborhood Park	P	P	P	P	P	P	P	P	P	P	P	P	P		8.84	U
Recreation, Indoor											C	C	P		8.85	A-5
Recreation, Low Impact Outdoor					P	P		P	P		C	P	P		8.86	A-5
Recreation, High Impact Outdoor									C		C	C	P		8.87	
Shooting Range, Indoor									**C**			**C**	P		8.88	A-5
Shooting Range, Outdoor									**C**			**C**	P		8.89	A-5
Zoo, Petting Zoo												P	P		8.90	A-5, U

INDUSTRIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
PRODUCTION																
Manufacturing, Light (no odors, no smoke)														P	8.91	F
Manufacturing, General														Z	8.92	F-1, F-2
UTILITIES / SERVICES																
Amateur Radio and Receive-only Antennas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.93	U
Contractors Storage Yard and Office									Z			Z	P	P	8.94	S-1, U
Crematorium Facility													Z	P	8.95	B
Public & Private Utility Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.96	U
Solar Collector Facility									Z						8.97	U
Solar Collectors, On-Site Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.98	U
Wireless Communication Facility									Z			Z	Z	Z	8.99	U
Co-Location on Existing WCF	P	P	P	P			P	P	P	P	P	P	P	P	8.100	U

INDUSTRIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
WAREHOUSING																
Mini-Warehouse (Self-Service)						P					Z	Z	P	P	8.101	S
Warehousing and/or Distribution Center													C	P	8.102	S-1, S-2
WASTE RELATED SERVICES																
Land Clearing and Composting Facility									Z			Z		C	8.103	U
Hazardous Waste /Toxic Chemicals Disposal or Processing														C	8.104	U
Landfill														C	8.105	U
Mining / Quarry Operation									Z			Z		C	8.106	U
Mulching									Z			Z		P	8.107	U
Salvage Yard														C	8.108	U
Sawmill									Z			Z		P	8.109	U

TEMPORARY USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Classroom, Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.110	S-1
Construction Office, Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.111	S-1
Itinerant Merchant											P	P	P	P	8.112	n/a
Land Clearing	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.113	F-1
Manufactured Home or RV, Temporary	P	P	P	P			P	P	P						8.114	R-3
Real Estates Office, Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.115	S-1
Temporary Events (Special Event)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.116	n/a
Yard Sales, Residential and Civic	P	P	P	P	P	P	P	P	P			P	P		8.117	n/a

CHAPTER 7
GENERAL DEVELOPMENT STANDARDS

7.1 Requirements for All Uses

The following standards apply to all new uses, buildings, and structures, or expansions to existing uses buildings and structures, unless otherwise indicated, and shall be a continuing obligation. The applicant shall submit a copy of all applicable local, state, or federal licenses or permits before obtaining a certificate of occupancy.

7.2 Access to Lots

No building shall be erected on a lot which does not abut a street right-of-way or have a deeded access to a street right-of-way. **Pursuant to the NC Fire Prevention Code, before the issuance of a certificate of occupancy for the new construction or placement of a building, including any new single family dwelling, an unobstructed driveway shall be installed with a minimum width of 20 feet and minimum vertical clearance of 13 feet 6 inches for accessibility by service and emergency vehicles. Gates or Barricades installed on Fire Apparatus Access Roads shall comply to the requirements in the adopted NC Fire Prevention Code.** The need for driveways greater than 36 feet wide may be considered by NCDOT. No driveway (nearest edge) shall be located within 50 feet of an intersection except in the case where no other lot access to a street is available. All access, with the exception of the construction of a total of 1 single family dwelling, shall be approved by NCDOT before a building permit is issued.

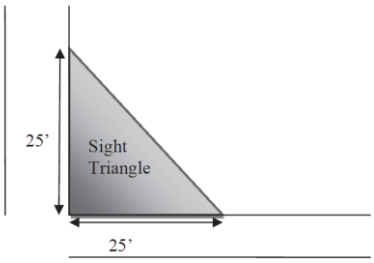
7.3 Address Display

The address number shall be displayed on the front of a building which is most clearly visible from the road. If a building is more than 75 feet or is not clearly visible from any road, the address number shall also be displayed, a minimum of four (4) inches in height and with a minimum stroke width of 0.5 inches, within a 3 foot perimeter at the end of the driveway or easement, not including mailboxes, nearest the street right-of-way that provides access to the building (to comply with the requirements in the adopted NC Fire Code). Numerals must be of contrasting color to the background and be of durable substance and mounting so as to withstand continual weatherization. No certificate of occupancy will be issued until road address numbers are properly displayed. It shall be unlawful for any person to erect, remove, or deface any address number. Failure to post, replace, or remove an address number, unless remedied voluntarily within 30 days of notification by the Administrator, will result in a violation of this Ordinance and subject to enforcement and penalties.

7.4 Building Separations

No portion of any building shall be located less than 10 feet from any other building as measured to the closest point.

7.5 Corner Visibility



No planting, fence or other obstruction to visibility of vehicles shall be installed in a triangular area bounded by the street right-of-way lines of a corner lot and lines joining points along these street lines 25 feet from the point of intersection, **unless as directed by NCDOT.**

7.6 Developments with Multiple Principle Uses

The principal building may include more than 1 principal use though each principal use is subject to applicable regulations for that use. In no case shall there be more than 1 principal building per lot, **unless specified elsewhere in this Ordinance** such as a shopping center, manufactured home park, multi-family complex, or planned unit development.

7.7 Fences and Walls

Zoning setback requirements shall not apply to fences and retaining walls. Building permits are required for retaining walls (nonresidential 5 feet or residential 4 feet or higher). Fences shall not be located within a utility easement without approval by the Moore County Department of Public Works.

7.8 Highway Corridor Overlay District

A. Applicability. All new building construction and major subdivisions within a Highway Corridor Overlay District shall comply with the regulations of this section wherever they are more restrictive than the underlying zoning district.

B. Existing Development. Expansions of 500 square feet or more and any change of use as defined by the NC Building Code shall comply with the regulations of this chapter. In these cases, the Administrator shall determine the level of compliance technically feasible, excluding the removal of asphalt.

C. Exemptions. Single family, duplexes and their accessory buildings and uses, any building expansions less than 500 square feet, and utility structures.

D. Minimum Lot, Buildings, and Screening Standards.

	Urban Village	Urban Transition	Rural Highway
District Boundaries from ROW lines	300 feet	400 feet	500 feet
Front Building Setback from highway	50 feet	75 feet	75 feet
Front Parking Setback from highway	30 feet	50 feet	50 feet
Setback from Residential Districts	25 feet	50 feet	50 feet
Setback from Non-Residential Districts	5 feet	25 feet	25 feet
Maximum Built Upon Surface	70%	70%	70%
Maximum Building Height	35 feet	35 feet	35 feet
Required Buffer Plantings	Type 3 Screening – See Section 7.10		

7.9 Height

Maximum height of any building or structure is 40 feet with the exception of the Industrial District which is 60 feet (or as otherwise required per Chapter 5 of the NC Building Code). Church steeples, chimneys, water tanks or towers, fire towers, flag poles, monuments, silos, grain elevators, conveyors, and similar appurtenances may be erected to any height in accordance with the NC Fire Prevention Code. Pursuant to NCGS 143-151.75, the County may not authorize the construction of any tall building or structure within 5 miles a major military installation without endorsement from the State Constriction Office.

Airport Zones. All buildings or structures and objects of natural growth that are 50 feet or greater in height shall not be constructed or placed on parcels located within Airport Zones without an approved permit from the Moore County Airport Authority. A building or structure exceeding 35 feet in height in all areas within one 1,000 feet of any aircraft landing field shall be permitted by the Moore County Board of Adjustments, that it does not constitute a menace to safety.

7.10 Light

All lights shall be shielded to prevent light from directly hitting abutting property or any public right-of-way.

7.11 Non-Residential Screening

A. Applicability. **The standards established in the section are intended to provide adequate buffering between non-residential and residential land uses.** Any new development or new use (except agricultural uses, temporary uses, home occupation level 1, **neighborhood parks**, single family residential, and duplexes) shall install screening along the side and rear lot lines that abut any residentially zoned property and along any front setback abutting residentially zoned property (not abutting a street right-of-way). In the event that the unusual topography of a site would make it

physically impossible to install and maintain the required landscaping, the Administrator may alter the requirements of this chapter provided the spirit and intent of this section is maintained.

B. Screening Types. Existing vegetation and berms can count provided the spirit and intent of this section is maintained. Unless specified elsewhere in this Ordinance, the screening shall be one of the following:

Type 1. A 6 foot high attractive blind and opaque barrier, such as a masonry wall, block wall, basket weave chain link fence, or opaque wooden fence (including entrance and exit gates) with the finished side of fence facing the adjoining property.

Type 2. A single row of evergreen shrubs placed no more than 4 feet apart **installed at a minimum height of 5 feet with the intent to achieve opaqueness and a minimum height of 10 feet in 5 years.** Low limbs are not to be trimmed from the planting higher than 24 inches from the ground.

Type 3. Existing vegetation width of 20 feet, including a minimum of 15 trees, at least half evergreen, **plus 15 shrubs**, at least half evergreen, per 100 linear feet of lot boundary, prorated for less than 100 foot sections. New or supplemental **trees shall be a minimum height of 6 feet at the time of installation with the intent to grow to 10 feet within 2 years. New or supplemental shrubs shall be a minimum of 5 feet at time of installation with the intent to grow to 10 feet within 5 years.**

C. Location. The width of the screening shall be included as part of the required setback. Vegetation shall be located outside of the street right-of-way, utility or access easements, and on the exterior side of any fence.

D. Extension. Screening shall be installed prior to the issuance of a Certificate of Occupancy. The Planning Director may approve a **temporary Certificate of Occupancy,** to defer the installation of landscaping if at the time would jeopardize the health of the plants, for no longer than 6 months.

E. Maintenance. The owner(s) of the property shall be responsible for the maintenance of all landscaping. All dead or substandard materials shall be removed and replaced with the **same plant type and minimum height of 7 feet**, within 30 days unless an extension not exceeding 6 months, is approved by the Administrator.

F. List of Recommended Native Species. Applicants are recommended to utilize non-invasive plants as listed below. Non-invasive plants are best adapted to the region's climate and soil conditions and are known to better resist drought, freezing temperatures, and diseases. In addition to their benefit to wildlife species, the use of native plants greatly reduces the need for water, fertilizers, and pesticides.

1. Canopy Trees (Deciduous). Black gum (Nyssa sylvatica), White oak (Quercus alba), Red maple (Acer rubrum), Scarlet oak (Quercus coccinea), Pin oak (Quercus palutris), Southern red oak (Quercus falcata), Sweetgum (Liquidambar styraciflua), Mockernut hickory (Carya glabra), Pignut hickory (Carya glabra).

2. Canopy Trees (Evergreen). Longleaf pine (Pinus palustris), Live oak (Quercus virginiana), Red cedar (Juniperus virginiana).
3. Midstory Trees (Deciduous). Sassafras (Sassafras albidum), American persimmon (Diospyros virginiana), Blackjack oak (Quercus marilandica), Flowering dogwood (Cornus florida), Redbud (Cercis canadensis), Sand post oak (Quercus margarettiae), Sourwood (Oxydendrum arboreum), Turkey oak (Quercus laevis).
4. Midstory Trees (Evergreen). American holly (Ilex opaca), Southern magnolia (Magnolia grandiflora), Yaupon holly (Ilex vomitoria).
5. Shrubs (Deciduous). Beautyberry (Callicarpa americana), Dangleberry (Gaylussacia frondosa), Sparkleberry (Vaccinium arboreum), Wild azalea (Rhododendron periclymenoides), Wild rose (Rosa carolina), Nestronia (Nestronia umbellata).
6. Shrubs (Evergreen). Devilwood (Osmanthus americanus), Inkberry holly (Ilex glabra), Waxmyrtle (Myrica cerifera).

G. List of Native Species Not Recommended. The following trees are native to the region but are typically found in wetlands, floodplains and bottomland forests. They will not flourish without frequent and constant irrigation.

1. Canopy Trees (Deciduous). Bald cypress (Taxodium distichum), Tulip poplar (Liriodendron tulipifera), River birch (Betula nigra), Willow oak (Quercus phellos), Shumard oak (Quercus shumardi), Bald cypress (Taxodium distichum), Tulip poplar (Liriodendron tulipifera), River birch (Betula nigra), Willow oak (Quercus phellos), Shumard oak (Quercus shumardi).
2. Midstory Trees (Deciduous). Carolina silverbell (Halesia carolina), Fringetree (Chionanthus virginicus), Serviceberry (Amelanchier canadensis).
3. Midstory Trees (Evergreen). Sweetbay (Magnolia virginiana).

H. Prohibited. The following list of non-native and/or diseased ridden plants are prohibited due their negative effect on the ecosystem: Asian bittersweet (Celastrus orbiculatus), Japanese barberry (Berberis thunbergii), Autumn olive (Elaeagnus umbellata), Japanese honeysuckle (Lonicera japonica), Japanese privet (Ligustrum japonicum), Bradford pear (Pyrus calleryana), Japanese wisteria (Wisteria floribunda), Burning bush (Euonymus alata), Kudzu (Pueraria montana), Leyland cypress (Cupressus leylandii), Chinese privet (Ligustrum sinense), Mimosa (Albizia julibrissin), Chinese silver grass (Miscanthus sinensis), Multiflora rose (Rosa multiflora), Chinese wisteria (Wisteria sinensis), Nandina (Nandina domestica), Common periwinkle (Vinca minor), Oregon grape (Mahonia bealei), English ivy (Hedera helix), Princess tree (Paulownia tomentosa), Holly hybrid (Ilex cassine), Tree of heaven (Ailanthus altissima).

7.12 Outdoor Display of Merchandise

All outdoor display of goods shall be located immediately abutting to the storefront, or building sides, and not in drive aisles, loading zones, fire lanes, or parking lots.

7.13 Outdoor Storage of Goods

In all zoning districts, any non-residential storage of governmental, commercial, and industrial inventory or equipment, except off-street parking and loading, shall be enclosed by a wall or fence as specified in Section 7.10 (Type 1). **When abutting property zoned for residential purposes outdoor storage shall also be located in the side or rear yards only and shall meet any property line setbacks.** Outdoor storage is not permitted in the GC-SL Zoning District.

7.14 Parking

Where parking, other than for single-family and duplex dwellings, is permitted or required, the following standards shall be provided:

A. Combination of Spaces. The required space assigned to 1 use may not be assigned to another use except one-half of the required parking spaces for places of assembly uses whose peak attendance is at night or weekends may be assigned to a use which will be closed at night or weekends.

B. Dimensional. Parking spaces shall have minimum dimensions of 9 feet by 18 feet. All access or backup aisles shall a minimum 20 foot width.

C. Loading Spaces. Each loading space shall have minimum dimensions of 15 feet by 40 feet in length. Retail Business: 1 space for each 20,000 square feet of gross floor area. Wholesale and Industries: 1 space for each 20,000 square feet of gross floor area. Office and Institutions: 1 space for each 50,000 square feet of gross floor area.

D. Remote Parking. Additional parking may be provided on any land within reasonable distance of the main entrance to the principal use, provided such land shall be used for no other purpose, is in the same ownership as the principal use, and in the same zoning district.

E. Safety. All parking spaces shall be located a minimum 10 feet from any street right-of-way or to residentially zoned property. Parking spaces abutting perpendicular to any street right-of-way shall be guarded with curbing or wheel guards. Parking lots shall be designed so that ingress and egress is by forward motion. The use of easements or street rights-of-ways for parking or maneuvering to and from off-street parking spaces is prohibited.

F. Supplemental. Parking accessibility standards are required per the NC Building Code, Chapter 11.

7.15 Setback Encroachments

Fire escapes, stairways, balconies, and uncovered porches may not project more than 4 feet into any required setback. Sills, cornices, eaves, gutters, buttresses, ornamental features, and similar items may not project more than 30 inches. Refer to Section 9.7 for setback subsidizations for existing lots of record.

7.16 Signs

A. Applicability. Except as provided otherwise in this chapter, no sign shall be erected, located, relocated, enlarge, replaced, or altered until a zoning permit, and building permit if applicable, have been secured.

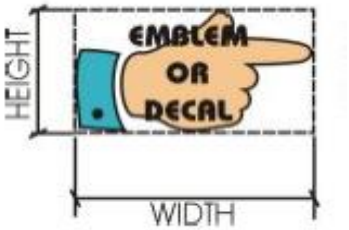
B. Exemptions from Permit Requirements.

1. Artwork or Symbols. Works of art which in no way identify a product or business or religious symbols.
2. Building Identification & Marker Signs. Signs bearing only building identification numbers and names or other identification of premises not of a commercial nature.
3. Coming Soon. A sign which announces the planned opening of a new business displayed for a period not to exceed 60 days.
4. Directional Signs on Private Property. Signs directing and guiding traffic and parking on private property, bear no advertising matter, and do not exceed 4 square feet in area per display surface.
5. Employee Vehicles. Signs painted on or permanently attached to a currently licensed vehicle that is not primarily used as a sign.
6. Fence Wraps. Displaying signage when affixed to perimeter fencing at a construction site per NCGS 153A-340(n).
7. Flags, Etc. Flags or insignia of any nation, organization of nations, state, county or municipality, any religious, civic or fraternal organization, or any educational or cultural facility per lot provided the height of any pole shall not exceed the maximum building height for the district. Refer also to the United States Flag Code for usage of the United States Flag.
8. Gas Pump Island Signs. Portable signs associated with gasoline stations, specifically those denoting gasoline prices, gas types and other petroleum related signage. Such signs must be located at the pump island.
9. Gas Station Price Signs. Price signs at gas stations or other establishments engaged in the retail sale of gasoline. One such sign is permitted for each frontage on a public street, provided it does not exceed 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.
10. Governmental Signs. Signs erected by any public agency or utility.
11. Holiday Decorations In Season. Temporary decorations or displays commonly associated with any national, local or religious holiday/celebration.
12. Maintenance. Cleaning, electrical repair, resurfacing of a sign face, and other maintenance of a sign shall not require a permit.
13. **No Trespass Signs. No trespassing signs shall not exceed four square feet in area.**
14. Temporary, Non-Commercial. Such signs as detailed in the "Dimensional Sign Chart" are permitted without the issuance of a zoning permit, though such signs must meet the stated requirements and be removed within 30 days of erection. Such signs are permitted on private property with the permission of the property owner or occupant. Signs shall not be erected on public property, shall not be illuminated, shall not be located in the right-of-way, and shall not be attached to or painted on

utility poles, trees, bridges, refuse containers, or other objects not intended to support a sign.

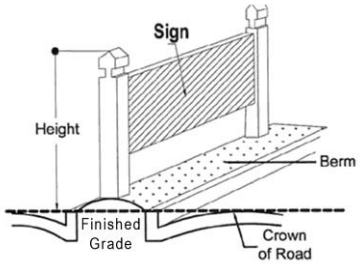
15. Political Signs. Shall be in conformance with NCGS 136-32.
16. **Temporary, Commercial. Such signs as detailed in the "Dimensional Sign Chart" are permitted without the issuance of a zoning permit, though such signs must meet the stated requirements.**
17. Vending Machine/Automatic Teller and Gasoline Pump Signs. Signs attached to and made an integral part of a vending machine, automatic teller machine or gasoline pump if advertising or giving information about the products or services dispensed or vended by that machine.

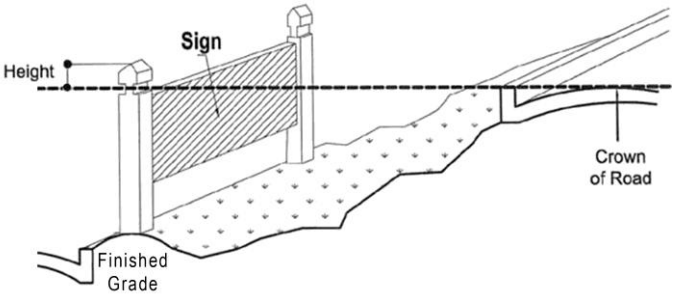
C. Computation of Sign Area. The area of a sign face shall be deemed to be the entire area within the smallest polygon that will encompass the writing, representation, emblem, or other display on the sign that can be reasonably calculated. Frames or structural members not bearing informational or representational matter shall not be included in computation of the area of a sign face. Computations of sign area shall include only 1 side of a double-faced sign structure. If a sign has 2 sides joined at an angle greater than 60 degrees, the surface of both sides shall be included in the computation of area.



D. Computation of Height.

1. Attached Signs. The sign height for attached signs shall be computed as the distance from the finished grade at the base of the building to which the sign is attached to the top of the highest component of the sign.
2. Ground (Freestanding) Signs. As illustrated below, the sign height for ground signs shall be computed as the lesser of: The distance from the base of the sign at the finished grade to the top of the highest component of the sign OR the distance from the nearest abutting street grade to which the sign is oriented, and on which the lot has frontage, to the top of the highest component of the sign.





E. Obsolete Signs. Signs which identify businesses no longer in existence shall be removed by the owner of the premises within 30 days of becoming an obsolete sign. Signs designed for changeable sign faces may be covered instead of removed.

F. Deteriorated Signs. Any sign which, together with its supports, braces, anchors, and other structural elements, is not maintained in accordance with the provisions of the NC Building Code, ~~or which is otherwise determined to be unsound or unsafe by the Building Inspector,~~ shall be removed or brought into compliance with all codes and ordinances within 30 days of notification by the Administrator. Failure to remedy the situation voluntarily within 30 days, unless an extension is given, will result in a violation of this Ordinance and subject to enforcement and penalties.

G. Signs on Public Property. The Administrator may remove and dispose of any sign placed on public property or within any right-of-way of any public or private street. In addition to other remedies and penalties of this section, the county has the right to recover from the sign owner, or person who placed the sign, the full costs of sign removal and disposal.

H. New Billboards. New billboards are allowed in the Industrial Zoning District contingent on conditional use permit approval. Billboards shall not be installed closer than 200 feet from any property used or zoned for residential purposes. Billboards shall not be located within 1,000 feet along the same street frontage of another billboard as measured from the poles.

I. Relocation or Reconstruction of Existing Billboards. Existing billboards that registered as qualified billboards through the Moore County Department of Planning shall be relocated or reconstructed pursuant to the requirements of this section:

1. Number. The total number of relocated and/or reconstructed billboards shall not exceed the number of qualified sign structures and sign faces that are registered as qualified billboards.
2. Dimensional and Setback Standards. Pursuant to Section 9.12 (B) or the existing size, height, or setback, whichever is smaller. Setbacks shall be a minimum 10 feet from the street right-of-way.
3. Lighting. Light emitted from any relocated or reconstructed billboard shall be in conformance with Section 7.9 (Lighting).

J. Off-Premise Signs (excluding Billboards). Off-premise 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:

1. For premise / lots of 5 acres or more in size and having a street frontage greater than 400 feet, a second sign may be erected if the total display area of both signs does not exceed 32 square feet (second sign shall also not exceed 6 feet in height).
2. 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 15 feet in height, 50 square feet in total display area.
3. No more than 3 off-premise advertising signs, not including billboards, shall not advertise on a premise farther than 4 miles measured in a straight line distance from the sign to the closest parcel boundary on which the business, is located.

4. 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.
5. 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.
6. 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.

K. 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. Advertising messages or information shall remain in a fixed, static position for a minimum of 30 seconds. The change sequence must be accomplished within an interval of 2 seconds or less. Electronic changeable message signs shall be setback a minimum of 25 feet from any property used or zoned for residential purposes.

L. Illumination of Signs. The letters or message of internally illuminated signs shall consist of non-reflective material. Flame as a source of light is prohibited.

M. Prohibited Signs.

1. Signs on Roadside Appurtenances. Signs attached to or painted on utility poles, trees, bridges, refuse containers, or other objects not intended to support a sign.
2. Signs Resembling Traffic Signals. Signs which by color, location, or nature, or that uses the word "STOP", "SLOW", "CAUTION", "DANGER", or any other word which is likely to be confused with traffic directional and regulatory signs is prohibited.
3. Signs Resembling Official Signs. Any sign that imitates an official governmental sign, or violates the Law of the State relating to outdoor advertising, is prohibited.
4. Flashing Signs. Signs which contain, include, or are lighted by any flashing or intermittent lights are prohibited. Electronic changeable message signs are permitted if operated in accordance with Section 7.15(J).
5. Traffic Hazards. Signs shall not include reflective material, flames, or lighting directed to a roadway or that interferes with vision of drivers.
6. Roof Signs. No sign shall extend above roofline.
7. Banners. Banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices, except as approved for grand openings and promotions.
8. **WCF and Antenna Signs. Attaching commercial messages for off-site and on-site advertising shall be prohibited.**

N. Dimensional Sign Chart.

Sign Type		Maximum Number	Maximum Sign Area (sq. ft.)	Maximum Height (ft)	Minimum Setbacks
Freestanding	Pole	1 per street frontage	36	30	10
	Monument			6	
	Portable	1 per site	36	6	
Attached	Wall	4 signs per building wall	20% of wall surface area facing street	Cannot exceed roofline	N/A
	Canopy	1 sign per business establishment	50% of the awning area	Minimum 7.5 from ground to bottom of sign	N/A
	Window / Door	25% of glass area on any 1 side of the building		N/A	N/A
Off-Premises Advertising	Single Use Displayed	1 per street frontage (except for lots with 5 or more acres)	36	6	10
	Multiple Uses Displayed		50	15	10
Billboard	Monument or Pole	1 per street frontage	250	30	30 feet to street ROW or any property line
Industrial Park	Monument or Pole	1 at each entrance	Main Entrance (50) Additional Entrance (32)	Main (10) Additional (6)	20 feet to street ROW or any property line
Multi-Tenant / Shopping Centers in Single Ownership	Wall	1 sign per business	20% of wall surface area facing street	Cannot exceed roofline	N/A
	Monument or Pole	1 at each entrance	Main Entrance (100) Outparcel (32-Monument)	Main (20) Outparcel (6)	20 feet to street ROW or any property line
Electronic Changeable Advertising Message	Monument or Pole	1 per street frontage	Up to 50% of total sign area, or 25 square feet whichever is less.	10	10 feet to street ROW and 30 feet to any property line
Temporary, Non-Commercial	Special Events, Yard Sales, Religious, Ideological	1 per street frontage	Residentially Zoned Properties (4)	6	10
			Nonresidential Zoned (16)		

Temporary, Commercial	Real Estate	1 per street frontage or 2 for lots with frontage greater than 400 feet	Residentially Zoned Properties (4)	6	10
			Nonresidential Zoned /Approved Planned Development (16)		
	Construction	1 per street frontage	Single Family / Duplex (6)	10	10
			Multifamily / Nonresidential (16)		
	Grand Opening (max 30 days)	Unlimited wall signs / 1 per street frontage	16	6	10
	Promotional (max 30 days per year)	Unlimited wall signs / 1 per street frontage	16	6	10
	Auction	1 per street frontage	16	6	10

CHAPTER 8
SPECIFIC USE STANDARDS

8.1 Accessory Uses or Buildings

A. Definition. An accessory use or building shall be incidental to the principle use or building and shall be conducted or located on the same lot. Examples may include garages, carports, **agricultural uses,** and storage buildings.

B. Standards. Accessory buildings shall be located in the rear or side yard, with the exception of the RA Zoning District which allows accessory buildings in the front yard, and shall meet the required accessory building setbacks.

C. Exempt Accessory Buildings. The issuance of a zoning permit is not required for any proposed accessory building less than 12 feet in any direction, or if a building permit is not required, though any change of use requires zoning approval. Any development within floodplains, wetlands, or watersheds requires approval.

8.2 Agricultural Uses and Buildings (Not a Bona Fide Farm)

A. Definition. The following types of agricultural uses of land and related buildings**, being a principal use or accessory to residential or non-residential uses,** when not associated with a bona fide farm, shall receive zoning and building approval, in addition to complying with all applicable local, state, and federal regulations:

1. Animal & Poultry. Feeding (including grazing), breeding, managing, selling, or producing livestock (such as cattle, hog, poultry, sheep, horses; not including dogs and cats), bee hives, fish, poultry, dairying and the sale of dairy products, animal and poultry husbandry.
2. Buildings. Any farmhouse, barn, poultry house or other farm buildings, including tenant or other dwellings units for persons working on said farms, so long as such dwellings shall be in the same ownership as the farm and located on the farm.
3. Equine Industry. Stabling, boarding, or training equines, providing riding lessons, training clinics, schooling shows, and similar uses.
4. Plant Related. Pasturage, horticulture, orchards, raising, harvesting, and on-site selling of crops, plants, fruits and vegetables of all kinds, Christmas trees, viticulture, silviculture, forestry, hydroponics, floriculture, aquaculture, orchards, vineyards, and plant nurseries.
5. Private Farms. The owning, breeding, leasing, recreational usage and training of any farm animals, bees and aviary products.
6. Sales of Agricultural Products. A principal or accessory building or structure erected for the display and sale of on-site or off-site agricultural products. **Additional**

products not of an agricultural nature shall not exceed 10% of merchandise. In no case shall a recreational vehicle be used as part of this facility. "Sales of Agricultural Products" include the terms: road side stand, produce stand, and farmer's market**. A winery or brewery may be permitted as an agricultural use only if operated in association with an on-site existing vineyard or grain farm. Wineries or breweries selling imported wine or beer are separate definitions.**

7. Accessory. Necessary accessory uses for packing, treating, or storing the produce, provided that the operation of the accessory use is clearly incidental to the agricultural activity. Examples may include offices, storage areas, barns, stables, irrigation systems, and repair facilities related to agricultural use.
8. Any combination thereof.

8.3 Bona Fide Farm

A. Definition. Per NCGS 153A-340 and 106-581.1, a bona fide farm is any tract of land where the land is used for one or more of the below classifications **when performed on the farm and includes and any other farm owned or leased to or from others by the bona fide farm operator, no matter where located:**

1. The production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry.
2. The cultivation of soil for production and harvesting of crops, including but not limited to fruits, vegetables, sod, flowers and ornamental plants.
3. The planting and production of trees and timber.
4. 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.
5. Aquaculture as defined in NCGS 106-758.
6. The operation, management, conservation, improvement, and maintenance of a farm and the buildings and structures on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation.
7. When performed on the farm, "agriculture", "agricultural", and "farming" also include the marketing and selling of agricultural products, agritourism, 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.
8. A public or private grain 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 out, weigh, dry, and store grain.

B. Exempt from Zoning. Farms that obtain bona fide farm status by the Moore County Department of Planning become exempt from the provisions of this Ordinance, with the

exception of swine farms. Any of the following shall constitute sufficient evidence for classification of a bona fide farm:

1. A farm sales tax exemption certificate issued by the Department of Revenue
2. 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
3. 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
4. A forest management plan
5. A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency.

C. Agricultural Tourism (Agritourism). Per NCGS 99E-30, agritourism is 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, and an activity involving any animal exhibition at an agricultural fair licensed by the Commissioner of Agriculture pursuant to G.S. 106-520.3. An activity is an agritourism activity whether or not the participant paid to participate in the activity. Examples of agritrourism **may include sales of agricultural and/or plant products (u-pick operations or road side stands), hay rides, horse farms (breeding, boarding, riding lessons, training, buying selling, showing, racing, etc.). corn mazes, tours, class field trips, wineries, and breweries. It does not include: shooting ranges, rides on non-farm recreational equipment including motorcycles or all-terrain vehicle (ATV).**

D. Accessory Uses. Accessory uses to bona fide farms are also exempt. Tenant or other houses for persons (including his/her family) working on said farms shall be in the same ownership as the farm and located on the farm. Residences for non-farm use or occupancy and any other non-farm uses shall be subject to the provisions of this Ordinance, per NCGS 153A-340b.

E. Supplemental. Certain building code and environmental health requirements may still apply but zoning permits are not required.

8.4 Intensive Swine Farm

A. Definition. 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, per NCGS 153A-340(3).

B. Notifications. In addition to the requirements for notification of abutting property owners the Moore County Department of Planning shall notify by certified mail, all owners of property within a quarter-mile radius of any proposed confinement buildings or lagoons.

C. Well Testing. Within 3 months after receiving a Conditional Use Permit, the swine farm shall:

1. Provide baseline data from a minimum 1, as determined by the Moore County Department of Environmental Health, monitoring well located within the swine farm boundaries.
2. Wells must be tested for bacteria and nitrates 2 times per year (six-month intervals) at the operator's expense. The samples shall be collected by the Moore County Department of Environmental Health and tested by a State certified lab, unless wells are required to be tested twice a year by another law shall submit copies of the results.
3. 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.
4. In cases where well testing results identify ground water that does not meet State standards, the Moore County Department of Environmental Health 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.

D. Supplemental. The applicant shall submit an Emergency Action Plan as deemed necessary by the Moore County Department of Public Safety. In addition to the procedures outlined in Chapter 12 (Conditional Use Permits), new or expanding swine farms shall be in accordance with state laws including but not limited to NCGS 106-803, 130A-17, and Chapter 21 of Chapter 143. Relevant information required for appropriate State and Federal applications shall also be provided during the Conditional Use Permit application, including but not limited to:

1. Individual Non-discharge Permit or Certificate of Coverage
2. Animal Waste Management Plan per 15A NCAC 2H.0217(a)(1)(H).
3. 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
4. Animal Waste Management Plan Certification and Technical Specialist Certification

8.5 Accessory Dwelling Located within a Stick Built Dwelling

A. Definition. An addition (such as a mother-in-law suite) to an existing single family stick-built dwelling, containing separate sleeping, kitchen, and bathroom facilities.

B. Standards. No more than 1 accessory dwelling located within a principal dwelling per lot.

8.6 Accessory Dwelling Located within a Non-Residential Building

A. Definition. An accessory dwelling, containing separate sleeping, kitchen, and bathroom facilities, located within a non-residential building.

B. Standards. No more than 2 accessory dwellings may be located within the principal nonresidential building. Fire resistance separation may be required per the NC Building Code.

8.7 Accessory Manufactured Home

A. Definition. An accessory manufactured home located on the same lot as the principal single-family stick-built dwelling OR principle manufactured home.

B. Standards. No more than 1 accessory manufactured home. There shall be a minimum of 1.5 times the minimum lot size requirement for the applicable zoning district. Accessory stick-built dwellings shall meet the required principle building setbacks with a minimum separation of 30 feet between any dwellings. An accessory dwelling may be located in the front yard provided it meets the required principle building setbacks. (A lot that existed prior to January 4, 1994 may be developed for single-family residential purposes without being subject to watershed regulations.)

8.8 Accessory Stick-Built Dwellings

A. Definition. An accessory (2nd) single-family stick-built dwelling may be located on the same lot as the principal single-family stick-built dwelling. The accessory dwelling may be combined with a detached garage, workshop, barn (barn apartments), etc.

B. Standards. There shall be no more than 2 accessory stick-built dwellings per lot. There shall be an additional 10 acres of land allotted for the 3rd stick-built dwelling. Accessory stick-built dwellings shall meet the required principle building setbacks with a minimum separation of 30 feet between any dwellings. An accessory dwelling may be located in the front yard provided it meets the required principle building setbacks. (A lot that existed prior to January 4, 1994 may be developed for single-family residential purposes without being subject to watershed regulations.)

8.9 Dwelling, Single Family

A. Definition. A minimum 350 square foot detached stick-built (including modular) dwelling containing sleeping, kitchen, and bathroom facilities constructed in accordance with the standards set forth in the NC Building Code, designed for and used as a permanent residence by 1 family.

B. Parking. 1 space per dwelling.

C. Prohibited. Permanent dwellings shall not include a travel trailer, motel, hotel, tourist home, or other buildings designed for transient residence.

8.10 Dwelling, Duplex

A. Definition. A residential building originally designed for 2 dwellings of 2 separate families living independently of each other. Each unit is completely separate from the other by a wall extending from the ground to the roof.

B. Standards. 1 duplex shall be permitted per lot. More than 1 duplex per lot may only be approved as a Multi-Family Dwelling (3 or more units per lot). 1 parking space per dwelling.

8.11 Family Care Home (6 or less)

A. Definition. A maximum of 6 handicapped persons, as defined by NCGS 168-21(2), may occupy a family care home. A family care home shall be in a building designated and constructed as a single-family dwelling.

B. Minimum Separation. Per NCGS 168-22, a family care home may not be located within 1/2 mile of another family care home as measured by a straight line distance, from property line to property line. It shall be the responsibility of the applicant to supply such information.

C. Prohibited. The term "handicapped" does not include the following:

1. Mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)b;
2. Those who present a direct threat to other people or to the property of others;
3. Per the Federal Fair Housing Act. 42 U.S.C. GS 3601-3631, handicapped does not include current illegal use of a controlled substance;
4. Persons convicted of the illegal manufacture or distribution of a controlled substance;
5. Sex offenders;
6. Halfway home for homeless people; or
7. Children from juvenile court or juvenile offenders.

8.12 Home Occupation, Level 1

A. Definition. Any business, occupation, or activity undertaken for gain that is incidental and secondary to the use of the stick-built or modular single family dwelling.

B. Standards. 1 home occupation shall be permitted per lot. Level 1 Home Occupations shall be limited to a maximum of 25% of 1 floor of the principal building, the entirety of an accessory building, or a combination thereof. The accessory building shall be less than or equal to the square footage of the principal building and shall be located in the rear yard. The operator of the home occupation must reside on the same lot. Only 1 person not a resident of the dwelling may be employed. Home occupations involving instruction, teaching, or training shall be limited to 5 students or participants at one time. Signage shall be limited to 1 sign of 4 square feet in area. 1 parking space per home occupation in addition to residence requirements. Any use that exceeds 1 or more of the specific standards is automatically a Level 2 Home Occupation. The following uses are those that have been determined to be suitable as a Level 1 Home Occupation:

1. Beauty / Barber Shop / Nail Salon
2. Office
3. Produce Stand
4. Small Appliance Repair Shop (No outdoor storage.)

C. Prohibited. No element of any home occupation may create odors, light, noises or interference in radio or television reception detectable to adjoining properties. No outside, window or any other display of products. No outside storage shall be used in connection with the home occupation.

D. Exempt. The following does not require zoning approval: Home Occupations utilizing no more than 1 room within the dwelling for no more than 1 computer and/or 1 desk type activity only, does not including any signage or display of products, does not typically generate more traffic volume beyond 1 costumer per day, and only up to 2 residents of said dwelling is employed in connection with the home occupation. Examples may include online sales businesses (jewelry making or embroidery), tax preparer, or scrapbooking.

8.13 Home Occupation, Level 2

A. Definition. Any business, occupation, or activity undertaken for gain that is incidental and secondary to the use of the stick-built dwelling unit. Level 2 Home Occupations are of a more intensive nature due to the types of uses operated.

B. Standards. 1 home occupation shall be permitted per lot. Level 2 Home Occupations shall be limited to a maximum of 50% of the gross floor area of the principal building, the entirety of an accessory building, or a combination thereof. The accessory building shall be less than or equal to the square footage of the principal building and shall be located in the rear yard and a minimum 50 feet from any adjoining property line or street right of way. The operator of the home occupation must reside on the same lot as the operation. More than one individual, not a resident of the dwelling may be employed. The specific use to be operated as the home occupation must comply with the specific uses standards, signage, parking, outdoor storage, screening, and other applicable regulations. The following uses are those that have been determined to be suitable as a Level 2 Home Occupation:

1. Animal Shelters
2. Day Care Facility
3. Contractors Storage Yard and Office
4. Feed and Seed Sales (no outdoor storage)
5. Florist
6. Garden Center
7. Kennels, Overnight
8. Pet Daycare, Grooming, Obedience Training
9. Recreation, Low Impact Outdoor
10. ~~Service Industries related to the Horse Industry~~
11. Small Appliance Repair Shop (may include outdoor storage)
12. **Taxi Service**
13. Trade Contractor Office and Workshop (may include outdoor storage)
14. Vehicle, Auto Parts, Tires, Farm Equipment, Boat, RV - Sales, Rental, Service

C. Prohibited. No element of any home occupation may create odors, light, noises or interference in radio or television reception detectable to adjoining properties. No outside, window or any other display of products.

8.14 Manufactured Home

A. Definition. A factory built single-family dwelling, which is manufactured under the authority of the Federal Manufactured Home Construction and Safety Standards Act of 1976.

B. Standards. Before a Certificate of Occupancy is issued, all manufactured homes shall have either a solid foundation or skirting that fully encloses the crawl space. Manufactured homes located within Moore County prior to August 18, 1997 are exempt from this skirting requirement. All manufactured homes placed or located on any 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. 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.

C. Prohibited. No living compartment or building other than that of a prefabricated building specifically designed for manufactured home use or extension shall be added to any manufactured home. This excludes front and rear uncovered porches and decks not exceeding 100 square feet.

8.15 Manufactured Home Park

A. Definition. A parcel of land, with single control or ownership, designed and improved for 3 or more individual spaces of said parcel that are leased for the placement of manufactured homes as a primary residence. Where properly regulated and located, manufactured home parks address the public need for alternative housing and achieve a satisfactory relationship to adjoining and nearby property.

B. Conditional Rezoning. Prior to the construction of a new MHP or expansion of an existing MHP, property owners shall apply to have the parcel rezoned to a Conditional Zoning District in accordance to Chapter 11 (Conditional Rezoning).

C. Existing manufactured home parks. Removal and replacement of units on existing lots or spaces, existing at the time of adoption of this Ordinance, are permitted.

D. Lot Layout.

1. Minimum Property Size – 3 acres
2. Maximum Density - 2 units per acre
3. Peripheral Buffer including any ROW– Type 3 Screening (See Section 7.10)
4. Minimum Road Frontage – 100 feet
5. Minimum Home Space Size – 10,000 square feet

Home Space Front Setback	30 feet (Accessory buildings – behind MH)
Home Space Side Setback	15 feet (Accessory buildings – 15 feet)
Home Space Rear Setback	20 feet (Accessory buildings – 5 feet)

E. Site Plan. The site plan shall be prepared by a licensed engineer, architect, or surveyor, which depicts the proposed general design and arrangement of uses and buildings. The site plan shall be submitted and reviewed in accordance with Chapter 4 (Zoning Permits). In addition, the following requirements shall be met on the site plan: lighting plan, streets, peripheral buffer, home spaces, phase lines, and land contours.

F. Lighting. Adequate lighting shall be provided for all common areas, streets, walkways, and dead-end streets for the safe movement of vehicles and pedestrians at night.

G. Utilities. All utilities shall be located underground. There shall be easements dedicated for utilities including, but not limited to water, sewer, gas, and electrical as shown on the site plan. For MHPs with more than 20 units, public water or wastewater shall be provided. All water and sewage facilities shall be designed and installed according to the standards of the Moore County Department of Public Works, Department of Environmental Health, and NC Department of Environmental Quality.

H. Streets. All roadways within a MHP shall be located outside of the home space. No space shall have direct access to a public street. A park having 5 or more spaces shall have paved roadways designed and constructed in compliance with NCDOT's Subdivision Roads Minimum Construction Standards as certified by a professional NC Engineer. Unpaved roadways shall be graveled to a minimum width of 20 feet, depth of 4 inches, with a minimum vertical clearance of 13 feet 6 inches for accessibility by service and emergency vehicles before a Certificate of Occupancy is issued. Gates or Barricades installed on Fire Apparatus Access Roads shall comply to the requirements in the adopted NC Fire Prevention Code. All dead end roadways shall be provided with a turn-around, pursuant to Section 18.7I. Permanent roadway name signs and stop signs shall be installed at intersections to all internal roadways. Maintenance of all internal streets and corresponding drainage facilities shall be the responsibility of the owner(s) of the park.

I. Operational Accessory Uses. Customary accessory uses provided by the property owner, shall be only for the use of park tenants, and shall not have direct access to a public road, but shall abut the internal roadway, including laundry facilities, sanitation, vending machines, recreation buildings and areas, and similar uses.

J. Administrative office. 1 administrative office may be located in a manufactured home which is used as a residence by the resident manager.

K. Storage buildings. Each manufactured home lot may be equipped with a storage building located to the rear of the manufactured home.

L. Phasing. When a MHP is to be developed in phases, the proposed plan must be submitted for the entire development, and application for a zoning permit shall be made for each phase and spaces may then be rented upon issuance of the building permit.

M. Occupancy. No building permits shall be issued until the MHP has completed construction per the approved site plan. In addition, the following shall be complete before a building permit for a manufacture home or accessory building is issued, as approved by the Administrator:

1. There shall be a minimum of 3 improved manufactured home spaces at first occupancy.
2. The entrance either abuts an NCDOT street or shall be constructed pursuant to NCDOT's Subdivision Roads Minimum Construction Standards Manual before a building permit is issued.
3. Site inspection by all applicable departments and agencies.

8.16 Personal Workshop / Storage Building

A. Definition. A building to be used for storage or personal workspace, consistent with the type of storage allowed in a residential accessory building, owned and used solely by the owner of the property on which it is to be located. 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.

B. Standards. Said building may be built prior to the principal dwelling unit and only one 1 is allowed on the property in the absence of a principal dwelling unit. The personal workshop/storage building may not be located on a parcel smaller than 2 acres. The personal workshop/storage building must meet the principal building setbacks of the underlying zoning district.

8.17 Planned Unit Development

A. Definition. A minimum area of 25 acres to be planned and developed as single integrated unit under unified control, adhering to a site plan designed to provide flexibility in building locations and in combining various land uses, making it possible to achieve certain economics in construction, as well as the preservation of open space and the inclusion of many amenities.

B. Submittal. The property owner shall apply to have the parcel(s) rezoned to Planned Unit Development - Conditional Zoning District (PUD-CZ) in accordance to Chapter 11 (Conditional Rezoning). The application for approval shall be accompanied by a site specific development plan and a preliminary plat submitted in accordance with Section 4.2.C (Site Plan Requirements), Chapter 11 (Conditional Rezoning), and Section 18.6-13 (Major Subdivisions). The site plan and preliminary plat shall be prepared by a licensed engineer or surveyor. In addition, the submittal shall include:

1. Minimum open space in compliance with Section 18.8(D-E);
2. Peripheral Buffer including street ROW– Type 3 Screening (See Section 7.12);

3. General location of proposed water and sewer system, fire service, and solid waste disposal plans;
4. Applicable Specific Use Standards (Chapter 8);
5. Total and per phase: lot lines, street right-of-ways, buildings and uses, amenities, number of dwelling units, square footage for each type of non-residential use, impervious surfaces, and density.

C. UDO Compliance. The PUD shall be in compliance with all relevant portions of the UDO, except that variations from these standards may be approved by the Board of Commissioners if the site plan is submitted and determined to be suitable for the PUD, is consistent with the intent of the standards, and ensures compatibility with land uses on surrounding properties.

D. Allowed Uses. Mixing land uses offers design alternatives to building types and lotting patterns. The proposed uses shall be a mixture of residential **and/or** non-residential uses. All uses permitted by right and conditional uses are allowed, subject to approval by the Board of Commissioners. **No commercial construction may be commenced until a minimum 50% of the proposed dwelling units or 100 dwelling units, whichever is smaller, are completed and ready for occupancy.**

E. Density and Dimensional Standards. All density and dimensional standards shall be established by the Board of Commissioners at the time of approval. PUD's shall be in accordance with watershed cluster development density requirements (Section 15.6).

F. Proposed phases. The submittal shall include a phasing plan and timeline for the development if applicable. If more than one phase is proposed, then the project improvements and amenities that are necessary or desirable for residents of the project, shall be constructed with the first phase of the project, or if this is not possible, then as early in the project as is technically feasible, as approved by the Board of Commissioners. A maximum of 50% of the building permits shall be permitted prior to completion of all infrastructure improvements. Should the developer wish to secure the remaining building permits prior to installation of all improvements, the developer shall obtain a guarantee per Section 18.13.

G. Planning Board Recommendation. That Planning Board shall examine the application for the establishment of a PUD-CZ District and shall, as a minimum, consider the following matters:

1. The site plan, preliminary plat, and regulatory standards imposed on the PUD-CZ District is designed to accomplish the purposes listed in Section 3.14;
2. Ingress and egress to property, signage, and proposed buildings and structures with reference to traffic safety and compatibility with properties in the area;
3. Documentation of preliminary approval of water and/or sewerage systems, and other essential services, whether public or private, with reference to location, availability, sufficiency, and maintenance;

4. Existing conditions such as wooded areas, streams, wetlands, floodplain, watershed, contour lines, utility lines, proposed amenities, open space, vegetative screening, peripheral buffer,; and
5. Informational table listing the deed book and page references noted for each parcel within the site, total number of acres, proposed use categories (ie. residential, commercial), total number of dwelling units, total square footage for each type of non-residential use, and total density.

H. Approval. An approved Conditional Zoning District and all conditions attached are binding on the property. After approval of the site plan and preliminary plat, the applicant can submit to receive the following approvals pursuant to Section 18.6-13 (Major Subdivisions), as applicable:

1. Construction plans
2. Installation and inspections of improvements
3. As-built drawings submittal and approval
4. Final plat approval

I. Deviations from Site Plan. The Administrator shall accommodate for deviations to the approved layout including, but not limited to, small site alterations such as realignment of streets and infrastructure. Substantial changes including, but not limited to, more than 10% increase density, requires approval by the Board of Commissioners.

8.18 Group Care Facility

A. Definition. An inpatient facility which provides supervision, medical care, behavioral and rehabilitation services, counseling, and may include outpatient follow-up care, for juveniles or adults including, but not limited to the mental or physically disabled, runaways, persons addicted to drugs, children undergoing rehabilitation or extended care, or battered spouses. This definition includes the terms homeless shelters, group homes for ex-convicts, halfway/transitional houses, boarding homes for children, psychiatric facilities, and drug and alcohol rehabilitation facilities.

B. Standards. **Facilities including halfway/transitional houses, homeless shelters, psychiatric facilities, or facilities serving individuals with drug addictions or prior criminal conduct, shall require a conditional use permit, and shall be a minimum of 2,500 feet from any other similar facility, park, day care facility, school, and sexually oriented business as measured by a straight line distance, from property line to property line. Minimum habitable floor space of 100 square feet shall be provided for each individual.** 1 parking space per 2 beds plus 1 space for each employee on the largest shift.

C. Supplemental. The applicant shall submit a security plan outlining management, on-site supervision, security provisions, maximum occupancy, crime prevention, alcohol, and drug use policies, etc.

8.19 Multifamily Dwellings (3 or more units per lot)

A. Definition. A building containing 3 or more dwellings per lot, including condominiums, or apartment complexes (including senior citizen apartment complexes). Does not include manufactured home parks, secondary detached stick built dwelling units, planned unit developments, or nursing homes.

B. Conditional Rezoning. Prior to the construction, the property owner shall apply to have the parcel rezoned to Multifamily Dwelling Conditional Zoning District (MF-CZ) in accordance to Chapter 11 (Conditional Rezoning).

C. Setbacks. **All buildings, outdoor recreational activities, and parking shall be located a minimum 50 feet from any residentially zoned property line.** Refer to Section 6.78 for swimming pool requirements.

D. Utilities. Applications including more than 20 units shall be accompanied by the proposed solid waste storage facilities, sanitary sewage, proposed water system and firefighting facilities such as hydrants and sprinkler connections.

E. Parking. 2 spaces per dwelling unit. Individual parking spaces shall not have direct access to the street.

F. Recreation Area. Recreational areas shall be clearly defined. Any playground equipment shall be a minimum 10 feet from any property line **and enclosed with permanent fencing a minimum 5 feet in height.**

G. Ownership of Common Areas. In cases where no Homeowners' Association is created, the developer shall be responsible for continued maintenance of recreational open space areas. In any multifamily development in which lots and/or units are individually sold, a Homeowners' Association (HOA) shall be required per the requirements set forth in Section 18.8(E).

8.20 Nursing Home

A. Definition. A facility for more than 6 people, providing housing, food service, and may also provide individual assistance with some medical needs or housekeeping. The facility may also provide recreation facilities and some personal service shops such as a gift shop and barber shop if located within the building and serves patrons of the facility and their visitors only. An apartment complex for senior citizens is considered "multifamily."

B. Standards. **All buildings, outdoor recreational activities, and parking shall be located a minimum 50 feet from any residentially zoned property line.** 1 parking space per 5 beds.

8.21 Animal Shelter

A. Definitions. A facility that is owned, operated, or maintained by a public body, an established humane society, or other private or nonprofit organization used to house and care for stray, abandoned, or neglected animals.

B. Standards. **All outdoor facilities such as play areas, cages, kennels, or pens shall be a minimum of 100 from any residentially zoned property line.** A separate 6 foot perimeter fence is required if any animals have access to an outdoor enclosure, including unsupervised exercise areas. 1 parking space for each employee plus 1 space for every 3 kennels. All operations, including the provision of waste disposal and the removal of carcasses, shall comply with all federal, state, and local requirements.

8.22 Animal Training Facility, Military

A. Definition. A facility utilized for the military or law enforcement training of animals beyond commonly accepted definitions of obedience 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.

B. Standards. Refer to 8.21(B).

8.23 Kennels, Overnight

A. Definition. A facility where dogs, cats, or other domestic animals over 6 months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed. Such a facility may have an indoor and outdoor component.

B. Standards. Refer to 8.21(B).

8.24 Pet Daycare, Grooming, Obedience Training

A. Definitions. An established where animals are dropped off and picked up daily and not boarded overnight. Animals may be bathed, clipped, and/or combed for the purpose of enhancing their aesthetic value or health, and a fee is charged. Animal grooming and obedience training may be accessory to pet daycares or the principal use.

B. Standards. **Any outdoor facilities shall meet provisions listed in Section 8.21(B) and requires conditional zoning approval.** 1 parking space for each employee plus 1 space for every 3 kennels.

~~**Service Industries related to the Horse Industry (Not a Bona Fide Farm)**~~

~~A. Definition. A building, group of buildings, or use of land, or any combination thereof, where provisions are made for horses or ponies are sheltered, boarded, fed, sold, bought, showed, trained, groomed, bred, for commercial or private use, includes riding instruction, stable leasing, and training equines including, but not limited to, providing riding lessons, training clinics and schooling shows, including associated accessory activities.~~

~~B. Large Scale Commercial Events. Temporary horse shows, races, rodeos, equestrian events, and horse auctions, may be permitted through temporary special event approval (refer to Section 8.113).~~

~~C. Parking. 1 space for each employee plus 1 space for every 3 stalls or horses (horse trailers are not to be stored in required parking spaces).~~

8.25 Veterinary Clinic

A. Definition. A facility for the provision of surgical or other medical treatments to animals. Animals may be kept in the facility overnight only during the recovery period or while under medical treatment without adhering to additional specific use standards.

B. Standards. **Outdoor kennels are prohibited. Kennels or overnight boarding (not for medical reasons) shall meet the standards of Section 8.21(B).** 5 parking spaces for each doctor plus 1 space for each employee.

8.26 Automatic Teller Machine (ATM)

A. Definition. A machine or device through which a customer can conduct certain banking transactions and which may or may not be located on the same lot as the bank or financial institution with which the machine is associated.

B. Standards. Shall be located so as not to interfere or conflict with sidewalks, pedestrian ways, parking areas, loading areas and driveways. Side and rear setback requirement shall be 5 feet. All other setbacks shall comply with underlying zoning district. 2 parking spaces per ATM and they shall be located off-street.

8.27 Beauty / Barber Shop / Nail Salon

A. Definition. Any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation.

B. Parking. 2 spaces per operator.

~~**Bed and Breakfast**~~

~~A. Definition. A business in a private home of not more than 8 guest rooms that offers bed and breakfast accommodations for a period of less than 2 weeks per 60 day period.~~

~~B. Standards. The use must be located in a building that was constructed as a single family dwelling which is the permanent residence of the owner or the manager of the business. There shall be no less than 1 bathroom, consisting of a bath or shower, water closet, and lavatory for each 2 guestrooms. Meals may be provided to overnight guests only and no cooking facilities may be provided in guest rooms. No parking shall be allowed in any front yard. 1 parking space per unit, plus 1 space per employee on a normal shift.~~

8.28 Dry Cleaning and Laundromat

A. Definition. Dry Cleaning – An establishment which launders or dry cleans clothes dropped off on the property directly by the customer. Laundromat - A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

B. Parking. 1 space per machine plus 1 space per employee.

8.29 Hotel and Motel

A. Definition. Building(s) containing sleeping accommodations for 10 or more persons, providing a temporary abode of persons who have their residences elsewhere.

B. Standards. All buildings, outdoor recreational activities such as swimming pools, and parking shall be located a minimum 50 feet from any residentially zoned property line. 1 parking space per room, plus 1 space per employee on a normal shift.

8.30 Office

A. Definition. An establishment providing direct services to consumers, conducted in a fully-enclosed building, including financial offices (banks, brokers, insurance agents, accountants, appraisers), general business offices (adoption agency, catering, cell phone store, cleaning service office, fortune tellers), instructional services (music, art and craft classes, and tutoring), licensed medical offices (dentists, doctors, counselors, chiropractor, hospice and palliative care facility, massage therapist, medical/optical/scientific research facility, physical therapist, psychologists, psychiatrists, labortories, blood banks), professional offices **– office use only** (architects, cartographers, engineers, lawyers, real estate agents, editors, publishers, journalists, graphic design, construction contractors, landscape design, surveyors, salespersons, travel agents), professional studios (artists, authors, sculptors, musicians, photographers, radio and television studios), and similar office uses. This use does not include manufacturing, repair, or storage of materials or products.

B. Standards. Massage therapists shall meet the requirements per the Moore County Code of Ordinance Section 9-46.

C. Parking. Financial Offices - 1 space for each 200 square feet of gross floor space, plus 1 space for each 2 employees. Medical Offices – 5 spaces for each doctor plus 1 space for each employee. Other types of offices – 1 space for each 300 square feet of gross floor area, minus storage areas.

8.31 Small Appliance Repair Shop

A. Definition. Repair establishments, where the principal activity includes, but not limited to the repair of home appliances and equipment, bicycles, lawnmowers, shoes, clocks, watches, and jewelry, and also includes tailors, gunsmiths, locksmiths, and upholstery shops. Vehicle repair shops and automobile service stations are separate definitions.

B. Gunsmith. Any person who repairs firearms. Facilities shall only discharge a firearm within an approved test fire vault. Outdoor test firing requires Conditional Use Permit

approval. Repair shops shall comply with all required permits and regulations, including but not limited to Alcohol, Tobacco and Firearms (ATF) permits.

8.32 Tourist Home

A. Definition. Any dwelling occupied by the owner or operator in which not more than 8 guest room accommodations are offered for a period of less than **30 days** per 60 day period for compensation, and where **food may not or may be served** such as a bed and breakfast.

B. Standards. The use must be located in a building that was constructed as a single family dwelling which is the permanent residence of the owner or the manager of the business. There shall be no less than 1 bathroom, consisting of a bath or shower, water closet, and lavatory for each 2 guestrooms. Meals may be provided to overnight guests only and no cooking facilities may be provided in guest rooms. No parking shall be allowed in any front yard. 1 parking space per unit, plus 1 space per employee on a normal shift.

8.33 Trade Contractor Office and Workshop

A. Definition. An establishment used by special trade contractors for office space and may include the following accessory uses within the principle building: the housing and/or operating of machinery, the fabrication of products, and interior storage. Special trade contractors include carpentry, septic installers, general contractors, subcontractors, grading, HVAC, electricians, plumbers, landscaping, woodworking, tree service, cabinetry, sign painting, metal work, and pool installation.

B. Parking. 1 space for each 300 square feet of gross floor area, minus storage areas.

8.34 Auction House

A. Definition. A fully-enclosed building used for the sale of goods, equipment, livestock, or vehicles, to the highest bidder.

B. Standards. Outdoor vehicle auctions shall utilize Type 3 Screening Requirements. One time estate auctions, tax sales, or court ordered sales at the site of the estate or other property being sold are exempt from zoning requirements. 1 parking space for each 300 square feet of gross floor area, minus storage areas.

8.35 Convenience Store

A. Definition. A small retail establishment (principal use) that may be in a rural area, designed and stocked to sell primarily food, ice cream, beverages, other household supplies, locally grown produce, gardening supplies, fishing tackle, and the like to customers who purchase only a relatively few items (in contrast to a "supermarket"). A small grill (restaurant) may be permitted within the building as an accessory use. Refer to "Vehicle Service Stations" for convenience stores associated with gas stations.

B. Parking. 1 space for each 150 square feet of gross floor area, minus storage areas.

8.36 Feed and Seed Store

A. Definition. An establishment engaged in retail sales of primarily agricultural products, related to the day-to-day activities of agricultural production, lawn furniture, including the bulk storage of fertilizers and related agrichemicals (per the NC Fire Prevention Code).

B. Parking. 1 space for each 150 square feet of gross floor area, minus storage areas.

8.37 Florist

A. Definition. 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.

B. Parking. 1 space for each 150 square feet of gross floor area, minus storage areas.

8.38 Flea Market

A. Definition. 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 various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old obsolete, 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. Residential yard sale is a separate definition. Sale or trade of exotic, domestic, or farm animals shall be prohibited.

B. Standards. 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 **unless approved by the Board of Commissioners. All outside retail areas shall be a minimum of 30 feet from any residentially zoned property line. All items shall be stored indoors when the flea market is not open for business or removed from the site at the close of each business day. 1 parking space for each 300 square feet of gross floor area, minus storage areas.**

C. Supplemental. Sales involving fruits, vegetables, and other eatable items shall be permitted through the Moore County Department of Environmental Health. Any buildings or structures shall meet the current NC Building Code. Any 700 square foot tent or 400 square foot tents with wall enclosures shall be approved by the Moore County Department of Public Safety. **Conditional Use Permit approval is required when sales are not contained within a fully-enclosed building.**

8.39 Garden Center

A. Definition. A place of business where retail and wholesale products and produce are sold to the consumer. These centers may include a nursery and/or greenhouses, import most of the plants sold, nursery products and stock, potting soil, garden tools, and lawn furniture.

B. Parking. 1 space for each employee.

8.40 Manufactured Home Sales

A. Definition. An establishment devoted to the retail sales of new or used manufactured homes, modular homes, and storage buildings.

B. Standards. The display area shall be set back a minimum of 20 feet from the street right-of-way and 10 feet from all other property lines. 5 parking spaces per employee.

8.41 Restaurant

A. Definition. An establishment where food and drink are served as a principal activity. Included in this definition are cafeterias, lunch counters, ice cream shops, bakeries, soda shops, drive-thru, and fast food restaurants. Drive-thru and fast food are not permitted in the CGWL Zoning District. **Per the NC Alcohol Beverage Control Commission, food sales must exceed 30% of total food and alcohol sales (including beer, wine, and mixed beverage sales) and food shall be available during all business hours.**

B. Standards. **Any outdoor seating or area used as part of the establishment shall not obstruct a minimum 4 foot walking path to any doorway and shall meet building setback requirements.** 1 parking space for each 4 seats at tables, 1 space for each 2 seats at counters or bars plus 1 space for each 2 employees. Such establishment must obtain applicable Alcohol Beverage Control Commission (ABC) licenses.

8.42 Retail Sales

A. Definition. Establishments where the principal use is for the sale or rental of goods or merchandise to the general public for personal or household consumption, where such goods are available for immediate purchase and removal from the premises by the purchaser, usually in small quantities, as well as services incidental to the sale of these goods, including but not limited to ABC stores, apparel stores, pharmacy & drug stores, furniture sales, hardware stores, grocery stores, ice machines (self service).

B. Grocery Store. A free standing store where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores. **A grocery store over 25,000 square feet proposed shall be subject to Conditional Use Permit approval.**

C. Ice House / Machines. An unattended building or structure 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 a principle use or an accessory use to another approved commercial use.

D. Alcoholic Beverage Package (ABC) Store. An establishment licensed by the state exclusively for the retail sale of alcoholic beverages, excluding beer and wine, in original packages for consumption off the premises where sold. Drive-thru lanes and service windows shall be screened and setback a minimum of 30 feet from property zoned for residential purposes.

E. Parking. Grocery Stores – 1 space for each 150 square feet of gross floor area, minus storage areas. Other Retail Sales – 1 space for each three hundred (300) square feet of gross floor area, minus storage areas.

8.43 Shopping Center

A. Definition. A group of 2 or more commercial establishments planned, developed, and managed as a unit with a unified design of buildings and with coordinated parking and service areas that will not be subdivided and designed for occupancy by separate businesses.

B. Standards. All outparcels developed as part of a shopping center shall be accessed internally, via the permitted entrances for the shopping center itself. 1 parking space for each 300 square feet of gross floor area, minus storage areas.

8.44 Wholesales

A. Definition. 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.

B. Standards. Businesses may or may not be open to the general public, but sales to the general public are limited. Accessory uses may include offices, product repair, warehouses, minor fabrication services, outdoor storage, and repackaging of goods. **Indoor facilities over 25,000 square feet proposed or outdoor storage/display areas occupying more than 30% of the lot shall be subject to Conditional Use Permit approval.** 1 parking space for each employee on the largest shift plus 1 space per vehicle used in the operation.

8.45 Boat & RV Storage

A. Definition. The storage of boats and recreational vehicles indoors or outdoors on a property.

B. Parking. 5 spaces per employee.

8.46 Car Wash or Auto Detailing

A. Definition. The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment, using production line method or, water, equipment, or soap for the complete or partial hand washing of automobiles, whether washing is performed by the operator or by the customer.

B. Standards. Car wash and auto detailing uses shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements, as illustrated on the site plan. 1 parking space per bay or washing station.

8.47 Commercial Truck Wash

A. Definition. The use of a site for the washing, waxing, and vacuuming of heavy equipment, trucks, and buses.

B. Standards. Refer to Section 8.47 B.

8.48 Parking Lot as Principle Use of Lot

A. Definition. Any building or premises used exclusively for the parking ~~and storage~~ of vehicles **for short and long-term fee parking.**

B. Standards. Parking spaces may be rented for parking, or otherwise used in accordance with an approved temporary event, but no other business of any kind shall be conducted on the lot, including repair service, **sales**, washing, display, or storage of vehicles or other goods.

8.49 Taxi Service

A. Definition. A service that offers transportation in passenger automobiles and vans to persons including those who are handicapped in return for remuneration.

B. Parking. 1 space per taxi.

8.50 Vehicle, Auto Parts, Tires, Farm Equipment, Boat, RV - Sales, Rental, Service (excluding storage or wrecked or junked vehicles)

A. Definition. Buildings and premises where the primary activity is for vehicles, auto parts, tires, farm equipment, boats, and/or recreational vehicles to be sold, rented, or serviced.

B. Service Standards. All repair or service activity, excluding washing, shall be conducted entirely within a fully-enclosed building. 5 parking spaces per service bay.

C. Sales Standards The display area shall be a minimum 5 from the street right-of-way and 10 feet from all other property lines. 1 parking space per 150 square feet, minus storage areas.

D. Prohibited. **There shall be a maximum of 10 inoperable vehicles stored outdoors.** Tire sales are not permitted in the Village Business District.

8.51 Vehicle Service Stations (Gas Stations)

A. Definition. An establishment where gasoline or diesel fuel is supplied at retail and where, in addition, convenience stores, car washes, tire sales and service, auto repair, and sale of auto accessories and supplies may be permitted as accessory uses, as indicated on the site plan. All accessory uses shall meet the applicable specific use standards.

B. Standards. Buildings, gasoline pumps, tanks, pump islands, and fuel sales shall conform to all setback requirements in accordance with the NC Fire Prevention Code. 1 parking space per pump plus 1 space per employee.

8.52 Vehicle Wrecker Service

A. Definition. An establishment operated for the purpose of temporary storage on-site of no more than 15 unstacked inoperable vehicles at one time. The use shall be considered a salvage yard when exceeding the minimum requirements.

B. Parking. 2 spaces per tow vehicle.

8.53 Bar / Tavern

A. Definition. An establishment, or part of an establishment, having as its principal or predominant use the serving of beer, wine, or liquor for consumption on the premises, and which sets a minimum age requirement for entrance, consistent with state law. Such uses may also provide on-site entertainment in the form of live performances, dancing, billiards, or other entertainment activities.

B. Standards. All buildings, outdoor seating/ entertainment, and parking areas shall be 50 feet from any residentially zoned property line **and a minimum 2,500 feet from any similar establishments, public park, day care facility, school, or sexually oriented business, as measured by a straight line distance, from property line to property line.** 1 parking space for each 2 people at full capacity. Additional temporary overflow parking of 1 space per 200 square feet of building area shall be required for establishments providing dancing and/or live entertainment.

C. Supplemental. Such establishment shall obtain applicable Alcohol Beverage Control Commission (ABC) permits.

8.54 Brewery / Winery (not a bona fide farm)

A. Definition. An establishment for the manufacture, blending, brewing, fermentation, processing, and packaging of beer or wine that may or may not be in association with an existing vineyard or hops and grain farm located on the same property. Retail sales, **banquet hall,** tasting facility, and restaurant may be permitted as an accessory use with all applicable Alcohol Beverage Control Commission (ABC) commission permits.

B. Standards. All buildings, outdoor seating/ entertainment, and parking areas shall be 50 feet from any residentially zoned property line. 1 parking space for each 2 people at full capacity.

8.55 Dance Club, Night Club, Billiard

A. Definition. An establishment that stays open after 10:00 PM on weekends or on more than an occasional basis, that offers food and beverages, including alcoholic beverages to persons 21 years of age and older, in conjunction with dancing or live performances, and which sets a minimum age requirement for entrance.

B. Standards. Refer to Section 8.54(B).

8.56 Distillery

A. Definition. A legal establishment for the manufacture, blending, fermentation, processing and packaging of distilled alcohol spirits (including but not limited to rum, vodka, and whiskey). Such facility does not provide on-site retail sales or samples and must comply with all Alcohol Beverage Control Commission (ABC) laws and permits.

B. Parking. 1 space for each 4 people at full capacity.

8.57 Massage & Bodywork Therapy Practice, Unlicensed

A. Definition. Any business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors. A business licensed through the Board of Massage & Bodywork Therapy is a separate definition.

B. Standards. Refer to Section 8.54(B) with the exception of 1 parking space per 150 square feet minus storage area.

8.58 Pawn Shop

A. Definition. An establishment primarily engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the sale of such property. A pawn broker is any person engaged in the business of lending money on the security of pledged goods and who may also purchase merchandise for resale from dealers and traders.

B. Standards. Refer to Section 8.54(B) with the exception of 1 parking space per 150 square feet minus storage area.

8.59 Sexually Oriented Business

A. Definition. An establishment which by law excludes minors by virtue of the fact that a substantial portion of its business is sexually explicit. SOB's includes any place defined as an "adult establishment" by NCGS 14-202.10. Such uses include, but are not limited to, adult arcades, adult book stores, adult video stores, adult theaters (drive-in, picture and min-picture), adult cabarets, massage parlors, or adult entertainment establishments.

B. Standards. All buildings and parking areas shall be 750 feet from any residentially zoned property line and a minimum 2,500 feet from another SOB, public park, day care facility, or school as measured by a straight line distance, from property line to property line. 1 parking space for each employee plus 1 space for each client at full capacity

8.60 Tattoo Parlor, Body Piercing

A. Definition. Any business, or any part of thereof, where tattooing and/or body piercing is practiced or where the business of tattooing and/or body piercing is conducted.

B. Standards. Refer to Section 8.54(B) with the exception of 1 parking space per 150 square feet minus storage area.

8.61 Cemetery or Mausoleum, Commercial

A. Definition. A place used or to be used and dedicated or designated for earth interments of human remains.

B. Standards. The minimum yard required for all in ground interment plots is 10 feet and above ground interment facilities and any buildings shall conform to principal building setbacks. 1 parking space for each employee.

8.62 Cemetery, Family

A. Definition. Privately-owned family place used or to be used and dedicated or designated for earth interments of human remains.

B. Standards. The development must meet all applicable environmental health regulations for wells and septic tanks.

8.63 Day Care Facility

A. Definition. A child or adult day care facility includes a program or arrangement where 3 or more children or adults, receive care on a regular basis of a minimum 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, in accordance with NCGS 110-86.

B. Standards. The size of the outdoor activity or play areas shall be installed as required by the NC Department of Health & Human Services before the Certificate of Occupancy is issued. Play spaces shall be enclosed by a chain link or solid fence or wall a minimum 4 feet high. The facility shall have ingress and egress directly onto a public street and shall provide entrance to and exit from the property without backing onto the street right-of-way. 1 parking space for each employee plus 1 space for every 5 students.

8.64 Child Care, In-Home

A. Definition. A family child care home is a child care arrangement located in a residence where, at any one time, more than 2 children, but less than 9 children, receive child care and of the children present at any one time in a family child care home, no more than 5 children shall be preschool-aged, including the operator's own preschool-age children, in accordance with NCGS 110-86(3)b and 91(7)b and NCAC SECTION .1700.

B. Child Care Family in a Manufactured Home. Singlewide manufactured homes are limited to a maximum of 3 preschool- age children (not more than 2 may be 2 years of age or less) and 2 school- age children. In cases where manufactured homes are used for in-home childcare facilities, the building shall have underpinning consisting of a brick curtain wall or have galvanized metal sheeting, ABS, or PVC plastic color skirting with interlocking edges, installed around the perimeter of the home. Skirting shall be consistent in appearance, in good condition, continuous, permanent, and unpierced except for ventilation and access.

C. Standards. Refer to Section 8.64 B. The childcare provider shall live in the residence full-time.

8.65 Colleges, Business & Trade Schools

A. Definition. An institution that provides full-time or part-time education beyond high school.

B. Standards. 1 parking space for every 6 students, based upon the maximum number attending classes at any one time, 1 space for each administrative office, plus 1 space for each professor.

8.66 Funeral Home

A. Definition. An establishment that provides human funeral services, including embalming and memorial services. Accessory uses may include a crematorium.

B. Standards. 1 parking space for each 4 seats in the chapel or parlor, plus 1 for each funeral vehicle, plus 1 space for each employee

8.67 Government Facility

A. Definition. A building or land use owned, operated, or occupied by a local, state, or federal governmental agency to provide a governmental service to the immediate area and needs of the county citizens. Examples include, but are not limited to, emergency service facilities, county offices, county utilities, libraries, post offices, libraries, employment offices, public assistance offices, vehicle registration and licensing services, and public recreational facilities, open space, and parks.

B. Parking. 1 parking space per employee and one for each 4 seats provided for patron use.

8.68 Hospital

A. Definition. An institution providing human health services primarily for in-patient medical and surgical care for the physically or mentally sick and injured and including related support facilities such as laboratories, out-patient departments, staff offices, food services, and gift shop.

B. Standards. 1 parking space per each 3 patient beds, plus 1 space for each staff or visiting doctor plus 1 space for each 2 employees on shift of average greatest employment.

8.69 Museums and Art Galleries

A. Definition. Museums are institution devoted to the procurement, care, study, and display of objects of lasting interest or value. Art galleries include original works of art bought, sold, loaned, appraised, or exhibited to the general public.

B. Parking. 1 space for every 4 participants at full capacity.

8.70 Religious Institutions

A. Definition. A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

B. Accessory Uses. Includes pastor's housing, Sunday school buildings, recreational buildings utilized by congregation only, fellowship halls, food pantry, day care facility, coffee house, bible school, and after-school facilities. Day care facilities shall meet the standards per Section 8.64 and shall submit a copy of state licenses before a Certificate of Occupancy is issued.

C. Church Cemeteries. A church cemetery shall be associated with the church, located on the same tract of land as a religious institution, or an immediately abutting parcel to a religious institution under the same ownership. The minimum yard required for all burial plots and any other building or structure is 30 feet from any exterior property line or the required district principal building setback, whichever is greater.

D. Parking. 1 space for each 4 seats in the assembly room(s), plus 1 space per employee, or 1 space for each 4 persons at full occupancy, whichever is greater.

8.71 Security Training Facility

A. Definition. An indoor and/or outdoor training facility for military or law enforcement on a minimum of 50 acres in area that includes daytime and/or nighttime hours of operation.

B. Firearms and Explosive Training. Firearm training facilities shall comply with Section 8.89. The "Military Handbook – Range Facilities and Miscellaneous Training Facilities Other Than Buildings (MIL-HDBK-1027/3B)" may be utilized for designing the military training facility. A listing of the type, amount, and physical location of all explosive material shall be provided by the applicant. Any overnight or temporary storage of weapons, ammunition, and explosives shall meet the Department of Defense storage and stand-off safety standards.

C. Blank Ammunition Training. Facilities involving the use of blank ammunition and/or explosive simulators shall include the proposed noise decibels to existing dwelling units within ¼ of a mile (approximately 1,320) from the project site.

D. Prohibited. Military type activities or maneuvers, including but not limited to hand-to-hand combat training, maritime training, swamp, or guerilla warfare techniques, incendiary type firings, infiltration course type training, etc. is permitted for use by law enforcement, military or federal agency groups only.

8.72 Schools, Elementary, Middle, High

A. Definition. A public or private school offering general, technical, or alternative instruction at the elementary, middle, and/or high school levels.

B. Standards. **All buildings, outdoor recreational areas, and parking shall be a minimum 50 feet from any residentially zoned property line. Screening is not required if all recreational uses are not lighted, including athletic fields, and are set back 100 feet from any residentially zoned property line.** Playgrounds shall be surrounded with a chain link or solid fence or wall of a minimum 4 feet in height.

C. Parking, Elementary and Middle Schools - 1 space for each classroom and administrative office, plus 1 space for each employee and 1 large space for each bus. High Schools - Same as elementary schools plus 1 space for each 20 students.

8.73 Accessory, Swimming Pools

A. Definition. All permanent or temporary public, commercial, or private above-ground or in-ground water containment areas more than 2 feet deep, designed for recreational use involving wading, swimming, and/or diving and including all structures, walks or patio areas of cement, stone, or wood at or above grade, built for, and used in conjunction with the swimming pool.

B. Residential Lot Layout. Swimming pools shall be located in side or rear yards and shall meet the accessory building setbacks.

C. Multi-Family and Non-Residential Lot Layout. Indoor and Outdoor facilities shall be a minimum of 100 feet inside the property lines abutting to a residential zoning district and a minimum of 50 feet from any other property line.

D. Supplemental. No water may be discharged directly into natural streams or public waterways or on abutting properties. All swimming pools shall comply with the latest and applicable version of the NC Building Code, including but not limited to fencing requirements, building, mechanical, or electrical related work. The NC Rules Governing Public Swimming Pools may apply when public or commercial activities are involved.

8.74 Airports, Public or Private

A. Definition. Any place which is used or intended for use for the landing and taking off of aircraft, and airport buildings, taxiways, aircraft storage, hangars, and other necessary buildings and open spaces.

B. Standards. There shall be a minimum of 300 feet between any runway or taxiway to the nearest property zoned for residential purposes. 1 parking space for each 4 seats for waiting passengers, plus 2 spaces for each 3 employees, plus 1 space for each vehicle used in the operation.

C. Supplemental. Application shall conform to current FAA design standards and the location, type, and height of any building or structure, including towers, over 200 feet in height and within a 5 mile radius. FAA permits are required before the Certificate of Occupancy is issued.

8.75 Airstrip, Small Private

A. Definition. The use of a field or grassed runway, on a noncommercial basis, for privately owned airplanes when the owner of a minimum 1 of the resident planes lives on the premises.

B. Standards. 1 building may be constructed for storage of planes. The building cannot be used or rented for storage of planes that do not belong to the property owner or lessee. There shall be a minimum of 300 feet between any runway or taxiway to the nearest property zoned for residential purposes, except that a residence may be located on the property of a small private airfield.

8.76 Assembly Hall

A. Definition. A fully or partially enclosed facility, or open area used or intended to be used primarily for spectator sports, entertainment events, expositions, public **or private** gatherings, conferences, and conventions and accessory uses such as snack bars, restaurants, and retail sales of related items, and other support facilities. "Assembly Hall" includes the terms amphitheater, arena, **banquet hall, coliseum**, convention center, exhibition hall, **receptionist hall,** retreat center, sports arena, and stadium.

B. Standards. Fully-enclosed buildings and parking shall be a minimum 50 feet from any residentially zoned property line. Partially enclosed or open recreational facilities shall be a minimum 100 feet from any property line. Parking (no spectators) shall be 1 space for every 2 participants at full capacity. Parking (with spectators) 1 space for every 4 spectator seats (one seat is equal to 2 feet of bench length).

8.77 Camp or Care Centers, Nonprofit

A. Definition. Land used by a nonprofit organization that consists of 1 or more buildings, located on a minimum 20 acres of land that provides accommodations for more than 9 individuals and where the activities of those individuals predominantly occur in supervised groups for recreational, religious, and/or educational purposes, including but not limited to retreat events and summer camps for children, groups or families. Accessory uses may include, but are not limited to, tents or cabins, staff housing, worship areas, dining areas, horse stables, ball fields, amphitheaters, retreat center, or swimming pools.

B. Parking. 1 parking space for each employee and one parking space for each 5 beds.

C. Utilities. All water and sewage facilities shall be designed and installed according to the standards of the Moore County Department of Public Works, Department of Environmental Health, and NC Department of Environmental Quality.

D. Prohibited. No one shall remain at the campground for more than 30 continuous days within a 60 day period with the exception of staff.

8.78 Campground

A. Definition. A lot in single ownership that has been developed or is intended to be developed for occupancy by tents, cabins, and all types of recreational vehicles, including tent trailers, for transient dwelling purposes.

B. Lot Layout.

1. Minimum Property Size – 20 acres
2. Maximum Density – 24 campsites per acre
3. Peripheral Buffer including street ROW– Type 3 Screening (See Section 7.10)
4. Minimum Campsite Size – 1,000 square feet
5. Minimum Space Width – 20 feet
6. Minimum setback of buildings from any property line – 50 feet
7. Minimum Common Open Space or Recreation Area – 10% of gross site

C. Existing Campground. All new campgrounds and all expansions to existing campgrounds shall meet all standards set forth in this Ordinance.

D. Site Plan. The site plan shall be prepared by a licensed engineer, architect, or surveyor, which depicts the proposed general design and arrangement of uses and buildings. In addition to the site plan requirements per Section 4.2(C), the following shall be included on the site plan: lighting, streets, peripheral buffer, campsite spaces, and phase lines.

E. Off-Street Parking. Each tent campsite shall have 2 parking spaces. The minimum parking space dimensions shall be 9 feet by 18 feet. Each RV space shall have off-street parking for 1 RV and parking space for a minimum 1 car.

F. Lighting. Interior lighting is required in any building open at night. Lighting shall be provided for all recreation areas, bathrooms, and dumping areas, and parking areas (other than at each campsite), shall be lit at night, either with a light mounted on the building or as a pole light.

G. Utilities. Drinking water and sanitary (bathrooms and showers) facilities shall be available within twelve hundred (1,200) feet. For RV campgrounds, a minimum 1 central sewage dumping station shall be provided for removing and disposing of waste from waste holding tanks. Sanitary facilities and dumping stations shall be separated from any campsite by a minimum of 50 feet. All water and sewage facilities shall be designed and installed according to the standards of the Moore County Department of Public Works, Department of Environmental Health, and NC Department of Environmental Quality. No provision of utilities or "hookups" shall be constructed on tent only campsites.

H. Streets. No space shall have direct access to a public street. All roadways within a campground shall be located outside of the campsite space. Unpaved streets or easements shall be graveled to a minimum width of 20 feet, depth of 4 inches, with a minimum vertical clearance of 13 feet 6 inches for accessibility by service and emergency vehicles before a Certificate of Occupancy is issued. Gates or Barricades installed on Fire Apparatus Access Roads shall comply with the adopted NC Fire Prevention Code. All dead end roadways shall be provided with a turn-around, pursuant to Section 18.7I.

Permanent roadway name signs and stop signs shall be installed at intersections to all internal roadways. Paved roadways shall be designed and constructed in compliance with NCDOT's Subdivision Roads Minimum Construction Standards as certified by a professional NC Engineer.

I. Accessory Uses. Customary accessory uses may be provided by the property owner, shall be only for the use of campers, and shall not have direct access to a public road, but shall abut the internal roadway as approved by the Administrator, including:

1. Service buildings such as an administrative office, bathhouses, laundry facilities, and 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.
2. Recreational uses such as walking trails, lakes, swimming pools, and game rooms.
3. A house or manufactured home may be located within the campground for the owner, manager or caretaker of the campground.

J. Phasing. When a campground is to be developed in phases, the proposed plan must be submitted for the entire development, and application for a zoning permit shall be made for each phase and spaces may then be rented upon issuance of the building permit. The first phase shall include no less than 3 spaces, NCDOT required or other applicable utilities and infrastructure shall be installed.

K. Prohibited. Storage of RVs, cars, boats, lumber, or other construction materials. No RV site shall be used as a permanent residence. No tent or RV shall remain at the campground for more than 30 continuous days within a 60 day period. Selling of individual campsites are prohibited. Room additions and porches are not allowed in campsite spaces. Any action toward removal of wheels of an RV is prohibited

L. Supplemental. The owner shall submit the facility's Emergency Action Plan as deemed necessary by the Moore County Department of Public Safet.

8.79 Camp, Recreational Day

A. Definition. Land located on a minimum 20 acres that provides low impact daytime activities for more than 9 individuals and where the activities predominantly occur in supervised groups for recreational, religious, and/or educational purposes, including but not limited to daytime retreat events for children, work groups, organizations, or families. Active recreational uses may include, but are not limited to outdoor archery, ziplines, swimming pools, and low impact obstacle courses.

B. Standards. All buildings and active recreational uses shall be constructed a minimum of 50 feet from any residentially zoned lot. 1 parking space for each employee plus 1 space for every 4 participants.

8.80 Civic / Social Club, Lodge, & Organization (Private Non-Profit)

A. Definition. A nonprofit organization whose members holds regular indoor meetings and pay dues, and that may maintain dining facilities and serve alcohol, provided it is

secondary to the common objective of the organization and is in compliance with applicable local, state, and federal laws, for the enjoyment of dues paying members and their guests. There are no sleeping facilities. This definition shall not include dance clubs or night clubs.

B. Standards. 1 parking space for each 4 seats in the assembly room(s), plus 1 space per employee, or 1 space for each 4 persons at full occupancy, whichever is greater.

8.81 Golf Driving Range

A. Definition. A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

B. Standards. Driving ranges shall have a minimum depth of 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. No maintenance building or clubhouse shall be closer than 50 feet from any residentially zoned property line. 2 parking spaces for each tee.

8.82 Golf Courses (including Par 3)

A. Definition. 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. This definition does not include miniature golf.

B. Standards. No maintenance building or clubhouse shall be closer than 50 feet from any residentially zoned property line. 4 parking spaces for each hole.

8.83 Marina (fuel supplies)

A. Definition. A facility where fuel supplies are available for watercraft.

8.84 Neighborhood Park

A. Definition. A public or private area of land designed to serve recreation needs of a community including a subdivision / neighborhood park. Facilities may include a playground, benches, picnic shelters, walkways, greenways, or open fields. This definition does not include multi-use athletic fields or courts, swimming pools, or amphitheaters.

B. Standards. Parks are not required to be screened. Playground equipment and fenced areas for recreation shall be located no closer than 30 feet from an existing residential building.

8.85 Recreation, Indoor

A. Definition. A fully enclosed facility providing for one or several recreational uses including sport auditoriums (basketball, dance, martial arts, soccer, swimming, tennis, wrestling), batting cages, bowling alleys, skating rinks, and other recreational uses such

as non-profit community centers, non-profit youth club facilities, health and fitness clubs, gyms, and movie theatres.

B. Standards. **All buildings and parking shall be located a minimum 50 feet from any residentially zoned property line.** 1 parking space for every 2 participants at full capacity.

8.86 Recreation, Low Impact Outdoor

A. Definition. Recreational activities open to the public or members that have a low potential for nuisance to abutting property owners. This generally includes one or more of the following passive recreational uses: parks (not including neighborhood parks), hiking, horseback riding, biking trails (non-motorized), and the following active recreational uses: 3 or less multi-use athletic fields or courts**, model airplanes (maximum 5 airplanes flying at the same time),** and swimming pools.

B. Standards. Passive Recreational Uses: No setback or screening required. Active Recreational Uses: ~~Screening is not required if all recreational uses are not lighted, including athletic fields, and are set back 100 feet from any residentially zoned property line.~~ **All fields and outdoor recreational uses shall be located a minimum 100 feet from any residentially zoned property line. Screening is not required.** 1 parking space for each employee plus 1 space for every 4 participants. The use of public street right-of-ways for parking including overflow parking shall be prohibited. **All lighted courts and fields shall be screened with a Type 3 Buffer (Refer to Section 7.10) from any abutting residential use on a different lot or residentially zoned property.**

8.87 Recreation, High Impact Outdoor

A. Definition. Public or private recreational activities that have a high potential for nuisance to abutting property owners. This generally includes one or more of the following active recreational uses: batting cages, amusement park, waterpark, fairgrounds, zoo, petting zoo, drive-in theatre, open or partially enclosed arenas and amphitheaters, go-cart or motorcross tracks, miniature golf, race tracks, or 4 or more multi-use athletic fields or courts, **or 6 or more model airplanes flying at the same time.**

B. Standards. Fully-enclosed buildings and parking shall be a minimum 50 feet from any residentially zoned property line. Partially enclosed or open recreational facilities shall be a minimum 100 feet from any property line. The use shall be totally enclosed by a security fence a minimum 6 feet high with 3-strand barbed wire or razor wire. The use of public street right-of-ways for parking including overflow parking shall be prohibited. Such uses shall have direct access to a paved street right-of-way. 1 parking space for each employee plus 1 parking space for every 2 participants at full capacity.

C. Drive-in theater. The picture screen shall be positioned and screened so that it cannot be seen from any public street or residentially zoned area. Use of the theater property for any purpose other than displaying motion pictures, including but not limited to flea markets, shall require a conditional use permit.

8.88 Shooting Range, Indoor

A. Definition. An enclosed, permanent building open to the public or to members of an organization, where firearms are discharged at targets regardless of whether a fee is paid to the owner or proprietor of the facility.

B. Standards. Shall be designed so projectiles cannot penetrate the walls, floor, or ceiling, and ricochets or back splatter shall not harm range users and shall incorporate walls and partitions capable of stopping all projectiles fired on the range by containing or redirecting bullets to the backstop. A backstop shall be installed that extends from side to side and from ceiling to floor to protect the end of the range completely from penetration by direct bullet strikes and prevents ricochets. Applicant shall include information which demonstrates what measures will be implemented so the use will not pose a hazard off site, including backstops and guarantees that the walls will be lined with a sound absorbing material to a 65 dbl rating at the adjoining property line. These guarantees shall be certified by an acoustical professional. 1 parking space per shooting lane.

C. Distance. All buildings or facilities shall be a minimum of 100 feet from any property line and a minimum 1,000 feet from a bar/tavern, day care facility, school, or sexually oriented business, as measured by a straight line distance, from property line to property line.

8.89 Shooting Range, Outdoor

A. Definition. A facility open to the public or members of an organization, where firearms are discharged at targets regardless of whether a fee is paid to the owner or proprietor of the facility. Shooting ranges shall be a minimum of 50 acres in area.

B. Setback. All shooting stations and targets on a range facility shall be setback a minimum 200 feet from all property lines.

C. Distances. All shooting stations and targets on a range facility shall be setback a minimum distance of ½ mile (approximately 2,640 feet) from any existing occupied dwelling, nursing home, school, church, or day care facility with exception to the owner's residence. Measurement shall be from property line to property line. The distance requirement may be varied with written permission in the form of an affidavit from all adjoining property owners and all rightful leaseholders of dwelling located within the ½ mile surrounding area affected thereby. In no case shall the distance requirement be less than ¼ of a mile (approximately 1,320 feet).

D. Design. The facility shall be designed by a certified professional engineer in accordance with the NRA's Range Source Book: A Guide to Planning and Construction, current edition and the US Department of Energy's Range Design Criteria (including but not limited to typical surface danger zone determination and backstop / barrier material thickness), whichever specific requirement from either document is most restrictive.

E. Fence. The use shall be totally enclosed by a security fence a minimum (6) feet high with 3-strand barbed wire or razor wire. "No Trespassing – Danger – Shooting Range" signs shall be installed at 50 foot intervals around the perimeter.

F. Lead Management. Applicant shall provide a plan outlining guidelines as specified by the Environmental Protection's Agency Best Management Practices for Lead at Outdoor Shooting Ranges, current edition.

G. Back Stops. All shooting stations must be oriented so firing trajectory is not directed toward a street right-of-way or dedicated access easement. There shall be protection of abutting propertied assured by proper design, location, and orientation of structures, backstops, and firing lines. A projectile-proof backstop, consisting of concrete, steel, earth, or a combination thereof, a minimum 20 feet high shall be erected and maintained behind all target areas.

H. Insurance. The permittee shall be required to carry a minimum $1,000,000 per occurrence of liability insurance.

I. Parking. 1 space per shooting lane.

J. Safety Officer. All range facilities open to the general public that allow the discharge of firearms shall provide an NRA Certified Range Safety Officer or individual that possesses the knowledge, skills, and attitude essential to organizing, conducting, and supervising safe shooting activities and range operations. This safety official shall be located at the firing line to aide in the proper discharge and safe handling of all weapons anytime live fire is being conducted.

K. Supplemental. **The applicant shall include the types of weapons proposed to be used.** The center or range must comply with all required permits and regulations, including but not limited to: Alcohol, Tobacco and Firearms (ATF) permits, National Fire Protection Association Standards, and International Building Code (Fire Prevention). The center or range and all individuals working with firearms or explosives at the facility shall be certified and permitted by Alcohol, Tobacco and Firearms (ATF) to conduct such operations in compliance with its permits.

L. Exemptions. Target practice areas on private property, hunters safety course training activities (by a certified trainer), temporary seasonal turkey shoots (special event approval required), or government facilities.

8.90 Zoo and Petting Zoo

A. Definition. A zoo is an area, building, or structures which contain wild animals kept for public exhibition. A petting zoo involves farm animals and other animals kept for public exhibition.

B. Standards. Any animals or areas deemed potentially dangerous shall be identified through signage and be located a minimum 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 secured building. 1 parking space for each employee plus 1 space for every 4 participants.

C. Supplemental. Written evidence of application to the United States Department of Agriculture (USDA) for such a facility shall be submitted at the time of application and written evidence of USDA certification is required prior to issuance of a Certificate of Occupancy for the facility. The owner(s) shall ensure the facility remains in compliance with local, State, and Federal regulations regarding permitting and containment of exotic animals. The owner shall submit the facility's Emergency Action Plan as deemed necessary by the Moore County Department of Public Safety.

8.91 Manufacturing, Light

A. Definition. An establishment or activity primarily engaged in manufacturing, production, assembly and other uses which would not be inherently obnoxious and yield only very minimal heat, noise, odor, smoke, light, vibration, dust, and does not include processing of hazardous gases, chemicals, and materials. Examples may include asphalt / concrete plants, bottling plant, electronic equipment, feed or food processing, furniture, garment, heavy equipment, ice plant, publishing and lithography, small appliance, textile & hosiery mill, research laboratory & development, and related products and uses.

B. Parking. 1 space per 3 employees on the largest shift.

8.92 Manufacturing, General

A. Definition. An establishment or activity primarily engaged in manufacturing, production, assembly and other uses having potential to produce heat, noise, odor, smoke, light, vibration, dust, and does not include processing of hazardous gases, chemicals, and materials. The site shall be utilized in a manner that shall not pose a hazard off-site, including air and water quality. Examples may include manufacture or assembly of ammunition, fertilizer, vehicles, petroleum, biodiesel, electric power generation plants, lumber mills, planning mills, pulp and paper mills, other wood products, and related products and uses.

B. Standards. 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. **All buildings and parking shall be located a minimum 50 feet from any residentially zoned property line. All outdoor storage areas shall be located a minimum 100 feet from any residentially zoned property line. The Board of Commissioners 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.** 1 parking space per 3 employees on the largest shift.

8.93 Amateur Radio and Receive-only Antennas

A. Definition. Any antenna used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

B. Standards. Amateur radio and receive-only antennas may be installed and operated as permitted uses, up to 100 feet tall. Towers may be up to 100 feet tall and shall be setback from all lot lines a distance equal to the structure's total height. The applicant shall provide certification from a civil engineer licensed in North Carolina that the tower design is such that it will not fall on abutting property or on any building on the property on which it is located. (NCGS 153A-341.2)

C. Supplemental. Operation of an amateur station requires an amateur operator license grant from the FCC.

8.94 Contractors Storage Yard and Office

A. Definition. An establishment used for the repair, maintenance, or storage of a contractor's vehicles, equipment, or materials and in which may maintain include accessory offices and workshops related to such activities, including but not limited to a construction contractor, welder, earth moving contractor, or mulching business.

B. Standards. All storage buildings, and outdoor storage areas shall be located a minimum 50 feet from any residentially zoned property line. 1 parking space per employee and 1 space for each 300 square of office space.

8.95 Crematorium Facility

A. Definition. A facility containing furnaces for the reduction of dead bodies to ashes by fire.

B. Parking. 1 space per 3 employees on the largest shift.

8.96 Public & Private Utility Facilities

A. Definition. Shall include public and private facilities and buildings that are or are not subject to county acceptance for operation and maintenance. Any septic related facilities shall be approved by the Department of Environmental Health. For purposes of this definition, utility facilities include the following uses and standards:

B. Water and Sewer. Public or private water distribution and sewer collection facilities, treatment plants, pump stations, lift stations, and any component part(s) thereof are exempt from zoning standards but shall be designed and constructed per Moore County's Department of Public Work's policies, specifications, and standards.

C. Electrical Utility Substations. A premise which may or may not contain buildings, where the interconnection and usual transformation of electrical service takes place between systems shall meet the following standards: The parcel on which the facility is located does not need to conform to minimum lot size requirements. Substations or structures shall maintain standard setbacks applicable in the underlying zoning district and shall

be enclosed with a fence 6 feet in height (minimum). Screening (Type 2 of Type 3 as specified in Section 7.10) shall be located between the fence and property line(s) and right-of-way. Any noise producing equipment or generator must be stored within a structure or must be setback a minimum 50 feet from any public right-of-way or property line.

8.97 Solar Collector Facility

A. Definition. A solar photovoltaic facility whose primary purpose is to generate power to sell for commercial gain and is typically sold to energy companies rather than end users.

B. Setbacks. All structures and security fencing must meet a 100-foot front setback measured from the edge of the rights-of-way and 50-foot side and rear setbacks.

C. Screening. A landscape buffer/screen along all exterior sides of the security fence must consist of:

1. On-site mature vegetation exists at a minimum height of ten feet and depth of 75 feet between the security fence and abutting property including rights-of-way; or
2. A single row of evergreens in combination with mature vegetation, installed at a height of five feet achieving opaqueness and a minimum height of ten feet in five years; or
3. A double row of off-set evergreens absent mature vegetation, installed at a height of five feet achieving opaqueness and a minimum height of ten feet in five years; or
4. A berm combined with evergreen vegetation installed at a height of five feet achieving opaqueness and a minimum height of ten feet in five years.
5. Topography. Where visibility of the solar farm is increased due to topography, the landscape buffer/screen must be planted on-site in an area that lessens the view of the solar farm. Where visibility of the solar farm is decreased due to topography, the landscape buffer/screen may be reduced. Both shall be determined by the planning director.
6. Maintenance. Landscape buffer/screens, ground cover, security fences, gates, and warning signs must be maintained in good condition until the solar farm is dismantled and removed from the site.

D. Safety Standards. All solar panels must be constructed to minimize glare or reflection onto abutting properties and abutting roadways and must not interfere with traffic or create a safety hazard. A security fence equipped with a gate and a locking mechanism must be installed at a minimum height of eight (8) feet along all exterior sides of the solar farm. A warning sign concerning voltage must be placed at the main gate to include the name of the solar farm operator and a local phone number for the solar farm operator in case of an emergency.

E. Erosion Control. Erosion control measures must be installed at construction entrances in order to minimize off-site soil damage. Existing grass must be maintained in perpetuity sufficient to prevent erosion.

F. Nuisance Control. Power transmission lines must be located underground to the extent practical. Inverter(s) shall be located a minimum one hundred and fifty (150) feet from any property line or public right-of-way.

G. Change of Ownership. The zoning authorization permit is subject to revocation if the Moore County Department of Planning is not notified when the solar farm company holding the permit sells or otherwise transfers its interest to another entity or individual.

H. Decommissioning Plan. Removal of solar farm equipment and site restoration:

1. The application must include decommissioning plans that describe the anticipated life of the solar farm, the estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the solar farm project will be decommissioned and the site restored.
2. Following a continuous six month period in which no electricity is generated, the permit holder will have six months to complete decommissioning of the solar farm. Decommissioning includes removal of solar panels, buildings, cabling, electrical components, and any other associated facilities below grade as described in the approved decommissioning plan.
3. Prior to the issuance of a zoning compliance certificate, the applicant must provide the county with a performance guarantee as provided in subsection (4) below. The amount of the guarantee shall be one and a quarter times the estimated decommissioning cost minus the salvageable value, or $50,000.00, whichever is greater. Estimates for decommissioning the site and salvage value shall be determined by a North Carolina licensed engineer or a licensed contractor. It is the responsibility of the applicant to provide the county with the certified cost estimate.
4. The following types of performance guarantees are permitted:
   a. A surety or performance bond that renews automatically, includes a minimum 60-day notice to the county prior to cancellation, is approved by the planning director, and is from a company on the U.S. Department of Treasury's Listing of Certified Companies. A bond certificate must be submitted to the Moore County Department of Planning each year verifying the bond has been properly renewed.
   b. A certified check deposited with the county finance director, as escrow agent, who will deposit the check in an interest-bearing account of the county, with all interest accruing to the applicant. Funds deposited with the county finance director will be returned when the solar farm is decommissioned and any necessary site restoration is completed.
   c. A no-contest irrevocable bank letter of credit from a banking corporation licensed to do business in the State of North Carolina. The terms of the letter must include the absolute right of the county finance director to withdraw funds from the bank upon certification by the county manager that the terms and conditions of the performance guarantee have been breached. The letter of credit must be valid up to 12 months from the date the performance guarantee was approved.

d. The full amount of the bond, certified check, or letter of credit must remain in full force and effect until the solar farm is decommissioned and any necessary site restoration is completed.
e. The land owner or tenant must notify the county when the site is abandoned.

I. Supplemental. The applicant must secure all necessary approvals and/or permits from NCDOT for the access points for project entrances prior to issuance of a zoning authorization permit. The applicant must provide written authorization from the local utility company acknowledging and approving connection to the utility company's grid.

8.98 Solar Collectors, On-Site

A. Definition. Solar collector panels, ground-mounted or roof-mounted systems, permitted as an accessory use in any zoning district, that gather solar radiation, as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electricity.

B. Ground Mounted Solar Panels. Shall be located in the side or rear yard, shall meet the required accessory building setbacks, shall not exceed 30% of the footprint of the principal structure, and in no case be higher than the principal structure.

C. Roof Mounted Panels. Shall not extend beyond the perimeter of the roof and shall not project above the highest point of the roof.

D. Supplemental. Elevation drawings shall be submitted in addition to the site plan. Solar panels shall comply with NC Building Code and National Electric Code and shall be inspected by the Building Inspector. The appropriate utility company shall approve an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

8.99 Wireless Communication Facility

A. Definitions:

1. Antenna. Communications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.
2. Co-location. The installation or replacement of new wireless facilities on previously approved structures, including towers, buildings, utility poles, and water tanks.
3. Wireless communication facility (WCF) – The set of equipment and network components, exclusive of the underlying support structure or tower, including antennas, transmitters, receivers base stations, power supplies, cabling, and associated equipment.
4. Wireless support structure (WSS). A new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole is not a wireless support structure.

B. Design of the WSS.

1. Buffer. Refer to Section 6.12. Grading shall be limited to necessary area.
2. Minimum Antennas. WSS up to 80 feet –2 antennas minimum. WSS between 81 and 100 feet – 3 antennas minimum. WSS 101 and 125 feet – 4 antennas minimum. WSS 126 feet or taller – 5 antennas minimum.
3. 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. The use shall be totally enclosed by a security fence a minimum (6) feet high with 3-strand barbed wire or razor wire.
4. Setbacks. One foot for every 1 foot in linear height from any property line. WCF shall be a minimum 2,640 feet from any designated National Register of Historic Places.
5. Height. Any WSS shall be 195 feet or less in height. The Moore County Board of Commissioners may permit a taller tower 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.

C. All WCF Application Requirements.

1. Necessity. For all new WSS applications, a certification from the applicant's RF engineer that it is not reasonably feasible (technically or commercially impractical or the owner of the WSS is unwilling to enter a contract at fair market value) to co-locate new antennas and equipment on an existing WSS within the geographic search area.
2. Safety. Documentation, sealed by a registered professional engineer, shall be provided indicating that the new WCF, or modification to an existing WCF, complies with the following. Such compliance shall be maintained throughout the life of the WCF:
   a. Site plan (Refer to Section 4.2)including the fall zone radius labeled "NO BUILD ZONE";
   b. That the American National Standards Institute (ANSI) requirements as adopted by the FCC for the proposed improvements are met;
   c. That radio frequency emissions from the antenna array(s) comply with current FCC standards;
   d. All applicable building, structural, electrical, and safety codes and with all other laws codifying objective standards reasonably related to health and safety shall be met;
   e. The WCF has sufficient structural integrity to accommodate the required number of proposed co-locations.
3. Insurance. Applicant shall submit certificates of insurance of a minimum $1,000,000 in general liability insurance covering any liability arising out of its construction or operation of the WCF.

4. Bond. Applicant shall submit a performance bond or letter of credit from an accepted bank in the amount of $20,000 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. Co-location applicants shall provide a new**, or provide evidence that the co-location is covered under the WCF bond,** 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 co-location applicant's ownership/lease upon applicant's cessation of use.
5. Lighting. Lighting shall not exceed the Federal Aviation Administration (FAA) minimum standards (minimum intensity and longest duration between flashes) and shall utilize allowed downward shielding to minimize visual impact to pedestrians and reduce the potential attraction to migratory birds. Strobe lights during daylight hours and red lights during nighttime hours unless specifically prohibited by the FAA. A WCF may utilize a security light controlled by a motion-detector sensor at or near the entrance to the facility.
6. Interference. Documentation shall be provided by an expert in radio frequency interference (RFI) that the proposed WCF, or modification to an existing WCF, will not cause RFI with the City's and/or the County's public safety communications equipment or normal radio and television reception. If there is an RFI with public safety communications the party causing the RFI shall reimburse the City and/or County for all costs associated with resolving the RFI.
7. Supplemental. Completed checklist demonstrating compliance with the National Environmental Policy Act (NEPA), United States Fish and Wildlife Service, State Historic Preservation Office (SHPO), and FAA approval, if applicable.

D. Exemptions from the Requirements of this Section.

A. Amateur Radio Towers (Refer to Section 6.94).
B. Satellite earth stations (satellite dishes).
C. Routine maintenance on any existing wireless communications facility that does not include the addition of any new antenna elements, feed lines, and/or associated support equipment on the facility or in the equipment compound, or the placement of any new WCF.
D. In-kind replacement of existing wireless facilities with facilities of the same size.
E. A government-owned WCF upon declaration of a state of emergency.
F. Antenna-supporting structures, antennas, and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities that are licensed by the FCC.
G. Temporary mobile communication towers pursuant to a Temporary Use Permit.

E. Structural Integrity Certification. A third-party structural analysis sealed by a registered professional engineer shall be submitted by the owner of the facility to the Administrator every 5 years from the date of the Certificate of Occupancy. The analysis shall certify that the structure has been inspected pursuant to building and safety codes

and is structurally sound. If the certification is not provided the Administrator shall issue a notice of violation and provide a timeframe to remove the facility.

F. Biennial Operating Permit. Persons operating wireless communication facilities on the effective date of this Ordinance shall comply with this permit requirement. Before a biennial operating permit shall be issued or renewed, the applicant must certify that:

1. In compliance with current FCC rules and FFC license is in good standing.
2. Evidence of the continued Liability Insurance of a minimum $1,000,000.
3. Evidence of any bond or other security if the WCF remains in full force.
4. Permit fees shall not be pro-rated.
5. Private business users operating a single WCF at their place of business and government uses are exempt from the fee.

G. Abandonment. WCFs shall be removed, at the owner's expense, within ninety (90) days of cessation of use, unless an extension is granted by the Administrator.

8.100 Co-Located or Combined Existing WCF

A. Definition. The installation or replacement of new wireless facilities on previously approved structures, including towers, buildings, utility poles, and water tanks.

B. Standards. Refer to Section 8.100 for standards and exemptions, as applicable.

8.101 Mini-Warehouse (Self-Storage Warehouses)

A. Definition. A fully enclosed building divided into units that are leased individually for storage. Storage shall be limited to dead storage. A single caretaker's residence may be included.

B. Standards. **All outdoor storage areas shall be located a minimum 50 feet from any residentially zoned property line.** No business activity other than the rental of storage units shall be conducted on the premises. **Outside storage shall be enclosed by a chain link fence a minimum 6 feet high and shall be limited to 25% of the total area of the site. There shall be a maximum of 10 inoperable vehicles stored outdoors.** 1 parking space per 300 square feet.

C. Prohibited. On-site retail sales, flea market, manufacturing, and service operations are prohibited. However, once a month, management may conduct a one-day auction or sale of abandoned or stored materials to settle unpaid storage bills in accordance with State of North Carolina regulations. The storage of hazardous, toxic, or explosive substances shall be prohibited.

8.102 Warehouse, Distribution Center, Freight Terminals

A. Definition. The indoor or outdoor / open storage of goods and materials for a specific commercial establishment or a group of establishments in a particular type of industry or commercial activity.

B. Standards. **All outdoor storage areas shall be located a minimum 50 feet from any residentially zoned property line.** 1 parking space for each employee plus 1 space for each vehicle used in the operation.

8.103 Land Clearing and Composting Facility

A. Definition. A commercial or public solid waste processing facility where land clearing, yard, or garden waste (stumps, limbs, leaves, brush, grass, and untreated wood collected from land clearing or landscaping operations) is deposited and transformed into soil or fertilizer by biological decomposition. This definition does not include backyard composting, accessory to a bona fide farm, farming and silvicultural operations. (15A NCAC § 13B.0101; see also NCGS § 130A-290).

B. Standards. Sites must be developed in accordance per the rules from the NC Administrative Code, Section .1400 (Solid Waste Compost Facilities) as approved by the NC Department of Environmental Quality, including but not limited to setback requirements as required per Section .1404 Siting/ Design Requirements for Solid Waste Composting Facilities. **Application shall include all of the information required by the "Solid Waste Management Rules" of the North Carolina Department of Human Resources, Division of Health Services, or successor agency.** 1 parking space for each employee plus 1 space for each vehicle used in the operation.

8.104 Hazardous/Toxic Waste Disposal or Processing

A. Definition. As defined in NCGS Chapter 9 of Chapter 130A, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste including any substance listed as such in SARA Section 302 Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances). This category includes manufacturing uses associated with hazardous characteristics or significant negative impacts, including frequent noxious fumes, dust, significant amounts of caustic or flammable materials, or radioactive materials. Examples of use types of hazardous manufacturing include oil refineries; hazardous or radioactive waste disposal or storage, linseed oil, shellac, turpentine manufacture or refining; ammonia, bleaching powder or chlorine processing;, and manufacture of chemicals; storage in bulk quantities above or below ground of flammable and combustible liquids, hazardous substances as provided in N.C.G.S. 143-215.77A, Chapter 18 of Chapter 95 and hazardous chemicals as provided in N.C.G.S. 95-174 but not storage at gasoline service stations in quantities for retail sales to the general public not storage for consumption on the premise.

B. Standards. **Any building or land as defined in Section 6.104A shall be located a minimum 100 feet from any property used or zoned for residential purposes and any street right-of-way.** A Type 3 screening buffer shall be provided along any boundary with another property not zoned Industrial. Proposed mitigation and hazard management plans shall be provided with the submittal of the preliminary site plan. The applicant shall provide a hazard management plan approved by local emergency service

agencies addressing hazards associated with movement of materials to or finished products from the site and shall provide for public safety and for mitigation of negative impacts that may include but are not limited to noise, odor, dust, chemicals, excessive vibration, and plans for public notifications and evacuations as may be necessary in the surrounding area. 3 parking spaces for each 4 employees on the largest shift plus spaces for vehicles used in the operation.

C. Supplemental. 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. Buildings must meet all requirements for Hazardous Occupancy under the NC Building Code. All storage facilities shall comply with the latest edition of the "Flammable and Combustible Liquids Code, NEPA 30" of the National Fire Protection Association.

8.105 Landfill

A. Definition. A lot or part thereof used primarily for the disposal of waste. Landfills shall include the following types:

1. 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.
2. Recycling Center. A building or an area where the primary activity is the separation of materials prior to shipment for manufacture into new materials. Junkyards or wrecking yards are a separate definition.

B. Standards. **Except for a freestanding office, all buildings or land used for the storage, treatment, processing, recycling, collection, recovery, or disposal of solid waste shall be located a minimum 100 feet from any property used or zoned for residential purposes and any street right-of-way.** The use shall be totally enclosed by a security fence a minimum 6 feet high with 3-strand barbed wire or razor wire. A Type 3 (Section 7.12) buffer shall be installed around the entire perimeter, including street right-of-way lines. 3 parking spaces for each 4 employees on the largest shift plus spaces for vehicles used in the operation.

C. Supplemental. 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.

8.106 Mining / Quarry Operation

A. Definition. A land use meeting any of the following situations: (1) The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores or other solid matter. (2) 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. (3) 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) 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. (2) Mining operations where the affected land does not exceed 1 acre in area.

B. Standards. A Type 3 (Section 7.12) buffer not less than 50 feet in width (unless a lesser width is approved by the Board of Commissioners) shall be provided along all boundaries of the affected land. This buffer area shall be left at all times in a natural vegetative state or planted with a Type 3 landscape buffer that creates a visual screen. **Access roads leading to any part of the operation shall be located a minimum of 50 feet from any property line of a residential use or residential zoned district. A plan shall be submitted showing truck routes to and from the site.** No digging or excavating shall occur within 50 feet of any property line. The Board may approve an earthen berm(s), that may or may not be located within the 50 foot buffer, not be less than 6 feet in height at the crown and with slopes sufficient to minimize erosion, planted with vegetation. 3 parking spaces for each 4 employees on the largest shift plus spaces for vehicles used in the operation.

C. Restoration. Before approval of a Conditional Use Permit for an excavation use, the operator shall submit a detailed plan for restoration of the site, including information on the anticipated future use of the restored land, existing and proposed final contours, and number per acre of trees or shrubs to be planted.

D. Supplemental. Definitions as listed in the NCGS and The Mining Act of 1971, both of North Carolina and as amended, shall apply to this Subsection. No site disturbing activities are allowed until a Mining Permit has been issued by the State of North Carolina. All mining activities in Moore County shall conform to the vibration policy adopted by the Land Quality Section of the North Carolina Department of Environmental Quality.

8.107 Mulching

A. Definition. 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. Mulch is 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.

8.108 Salvage Yards

A. Definition. Any area, in whole or in part, where any type of equipment, including but not limited to vehicles, appliances and related machinery are bought, sold, exchanged, stored, baled, packed, disassembled, or recycled. A "salvage yard" includes the terms vehicle wrecking yard, automobile graveyard, and junk yard as defined in NCGS 136-143.

B. Standards. Refer to Section 8.105 B and C.

8.109 Sawmill

A. Definition. 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.

B. Standards. All buildings, storage sheds, 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 30 feet or the building setbacks for the underlying zoning district, whichever is greater.

C. Supplemental. Sawdust created by the facility shall be disposed of in a manner that is acceptable by the North Carolina Department of Environmental Quality. The owner(s) shall ensure the facility remains in compliance with local, State, and Federal regulations regarding air and water quality.

8.110 Classroom, Temporary

A. Definition. Temporary classroom space, modular or manufactured, to augment an existing public educational facility. Temporary classrooms for use as part of an existing public educational facility may be allowed to remain on the site for longer than three years.

8.111 Construction Office, Temporary

A. Definition. Construction trailers and storage of materials are permitted in conjunction with the construction of a building, subdivision, infrastructure, or development when limited to the duration of the construction.

B. Standards. Such temporary buildings shall be removed after construction ceases for a period of 3 months or 30 days after the issuance of the certificate of occupancy. Such use shall be located a minimum 10 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 setbacks. Temporary uses shall comply with all other appropriate provisions of this Chapter and state building codes.

8.112 Itinerant Merchant

A. Definition. The temporary sales of merchandise and/or food on premises which the vendor does not have a permanent retail operation.

B. Standards. The owner of the property shall authorize in writing for the temporary use to be held on the property. The temporary use shall be located so that it does not encroach on required setbacks or street right-of-way. **The use may be permitted for a maximum of 90 consecutive days. These restrictions shall not be applicable to special events recognized by the County where mobile food vendors are permitted or nonprofit fundraising events of 5 days or less. A maximum of 1 building/display booth shall be allowed. The building/display booth must be portable and completely removed at the end of the period. Sales shall be limited to the daylight hours.**

C. Supplemental. Itinerant merchants are exempt from Highway Corridor Overlay Districts, Screening Requirements, and Parking requirements of this Ordinance. NCDOT driveway approval is required. Portable food sales shall be approved by the Moore County Department of Environmental Health.

8.113 Land Clearing and Sawmills, Temporary

A. Definition. Removal of stumps, limbs, leaves, concrete block, brick, rock, gravel, wood, and uncontaminated earth.

B. Supplemental. **Temporary land clearing is exempt from zoning standards but may require approval by the NC Department of Environmental Quality for projects that require a Sedimentation and Erosion Control Plan and/or resulting in the disturbance of 1 acre or more of land area, the US Army Corp of Engineers for projects requiring 404 Permits for the discharge of fill material into streams, wetlands and open waters, and by the NC Division of Water Resources (DWR) for projects requiring 401 water quality certification which is required for any licensed activity that may result in a discharge to waters of the U.S.**

8.114 Manufactured Home or Recreational Vehicle, Temporary Use

A. Definition. Temporary manufactured home or RV in conjunction with major renovation, construction of a stick built or manufactured dwelling, or due to casualty damage.

B. Standards. A temporary dwelling may be permitted concurrently with or after the issuance of the building permit for the principle dwelling for up to 12 months, which may be extended once by the Administrator for an additional 6 month. Upon expiration of said eighteen-month period, the expiration of the building permit for the dwelling, or within 30 days of the Certificate of Occupancy, the temporary permit shall become invalid.

8.115 Real Estate Office, Temporary

A. Definition. Residential and non-residential sales and leasing are permitted as a temporary use in a dwelling (model home) or tenant space or within a temporary building located in the same subdivision or development where the dwellings or non-residential buildings are to be located.

B. Standards. The sales use is permitted until the issuance of the last certificate of occupancy of open and valid building permits within the subdivision or development. A model home shall be converted to residential use after it used as a model home. The real estate sales office, or model home, shall be located on a lot that was approved as part of the subdivision or development and complies with the minimum yard and setback requirements of the zoning district in which it is located.

8.116 Temporary Event (Special Event)

A. Definition. 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 including, but not limited to, cultural events, musical events, celebrations, festivals, fairs, carnivals, circuses, and communal camping.

B. Standards. Special events cannot be held longer than 14 consecutive days once every 6 months on the same lot. The owner of the property shall authorize in writing for the event to be held on the property. The temporary parking lot can be located on the same site as the activity or as a satellite parking lot. The use of public street right-of-ways for parking shall be prohibited. **Activities creating loud noises (horns, speakers, music) shall not be located within 1,000 feet of residences not located on the site without written permission from the property owner(s). Structures associated with the use shall be permitted provided they are removed at the end of the event. Permanent signs are prohibited.** All temporary signs shall be approved under Section 7.15 (Signs).

C. Causes for Denial.

1. The application contains intentionally false or materially misleading information.
2. There is a finding that the special event would create an unreasonable risk of significant damage to public or private property, beyond normal wear and tear, injury to persons, and other adverse effects upon the public health, safety, or welfare.
3. The special event is of such a nature, size, or duration that the particular location requested cannot reasonably accommodate the event.

D. Additional Conditions. In approving the special event, the Administrator is authorized to impose such conditions to minimize any potential adverse impacts including the following:

1. Provision of temporary parking facilities, including vehicular access and egress.
2. Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of abutting properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat.
3. Regulation of temporary buildings, structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards.
4. Provision of sanitary and medical facilities.
5. Provision of solid waste collection and disposal.
6. Provision of security and safety measures.
7. Modification or elimination of certain proposed activities.
8. Regulation of operating hours and days, including limitation of the duration of the special event to a shorter time period than that requested or specified in this subsection.
9. Submission of a performance guarantee to ensure that any temporary facilities or structures used for such proposed special event will be removed from the site within

a reasonable time following the event and that the property will be restored to its former condition.

E. Supplemental. Zoning approval is contingent on required approvals from the Moore County Department of Environmental Health, Department of Public Safety, NCDOT Driveway Permit Approval, and other applicable state, local, and federal laws.

8.117 Yard Sales, Residential and Civic (limit 4 per year)

A. Definition. A temporary sale of normal used household goods by an individual occupant of a residence, a coordinated group of homeowners within an established development, or a non-profit civic or religious organization for the purpose of selling surplus household items for profit or for charitable purposes.

B. Standards. Yard sales are exempt from requiring a zoning permit but shall be limited to 3 consecutive days 6 times a year on any 1 lot. Any signs advertising such yard sale shall be removed at the conclusion of the sale. Signage shall be in accordance with Section 6.17 (Signs).

C. Prohibited. Items purchased elsewhere expressly for resale are prohibited. Goods intended for sale shall not be stored or displayed in the front or side yards of a dwelling except on the day of the sale.

CHAPTER 9
NONCONFORMING SITUATIONS

9.1 Applicability

The regulations of this Chapter govern nonconformities, which are lots, uses, buildings, structures, or signs there were lawfully established but because of the adoption of new or amended regulations no longer comply with one or more requirements of this ordinance. The burden of proving that a lawfully nonconformity exists (as opposed to a violation of this ordinance) rests with the subject landowner. Nonconforming status runs with the land and is not affected by changes of tenancy, ownership, or management.

9.2 Continuation

Nonconforming uses, buildings, structures, signs, and lots may be continued until they are removed, discontinued, dilapidated, or destroyed. If a nonconforming use is discontinued, as evidence by the disconnection of electrical or utility service for a period of one year (365 days), any future use of the building, structure, or land shall comply with the provisions of this ordinance.

9.3 Repairs and Maintenance

Incidental repairs and normal maintenance necessary to keep a lawful nonconformity in sound condition are permitted unless otherwise expressly prohibited by this ordinance.

9.4 Expansion

Expansions to nonconforming buildings or structures shall meet the requirements of this ordinance; however the built upon area of existing development built prior to December 31, 1993 is not required to be included in the density / built-upon area calculations. Nonconforming uses of buildings may be extended throughout the building provided no structural alterations (except those required by law or ordinance or ordered by an authorized officer to secure the safety of the building) are made therein but no such use shall be extended to occupy any land outside the building. Nonconforming uses of land shall not be extended to occupy a greater area of land. Nonconforming signs cannot be physically expanded, enlarged, or extended in any manner.

9.5 Replacement

Nonconforming buildings or 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. **If a nonconforming manufactured home is removed it may be replaced provided that the new**

manufactured home does not increase the degree of the nonconformity. ~~Nonconforming manufactured homes may be replaced within one year (365 days) from the date of removal, provided that the new manufactured home does not increase the degree of the nonconformity.~~ A nonconforming sign shall not be replaced or changed; provided, however, the copy, content, or message of the sign may be changed so long as the shape or size of the sign is not altered.

9.6 Movement

Should a building, structure, or sign be moved for any reason for any distance it shall hereafter conform to the regulations for the district in which it is located after it is moved.

9.7 Non-Conforming Legal Lots of Record

Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance. Any legal lot of record, that does not conform to the current minimum lot size and minimum lot width, may be used as a building site with related accessory buildings, provided that setbacks for such lot of record are not reduced more than 30%, as determined necessary by an Administrative Variance. Additional or other forms of yard modification may be permitted with a variance granted by the Board of Adjustments in accordance with Chapter 13. Whenever 2 or more contiguous vacant lots are in single ownership, and the lots individually or together have less area than minimum requirement for the zoning district, such lots may be combined to create 1 lot in order to reduce the nonconformity.

CHAPTER 10
TEXT AMENDMENTS & GENERAL USE REZONING

10.1 Applicability

Text amendment and zoning map amendments are intended to accommodate substantive changes that are consistent with the Moore County Land Use Plan and otherwise advance the public's health, safety, and general welfare. Pursuant to NCGS 153A-323, The Board of County Commissioners may, on its own motion, upon recommendation of the Planning Board, or upon petition by an interested person or parties, amend this Ordinance and zoning map. Refer to Chapter 11 for Conditional Rezoning requests.

10.2 Application Process

A. Submittal. The completed application shall be submitted at least 30 days prior to the Planning Board meeting at which it is to be heard. Upon completion of the technical review, the Administrator shall prepare and forward the staff report any related application materials to the Planning Board.

B. Planning Board. The Planning Board shall hold a legislative public hearing and shall review and make a recommendation of approval or denial to the Board of Commissioners that addresses Land Use Plan consistency and other matters as deemed appropriate by the Planning Board.

C. Board of Commissioners. the Board of Commissioners shall hold a legislative public hearing and concurrently with adopting, denying, or remanding any amendment request, the Board of Commissioners shall adopt a statement describing whether its action is consistent with the County Land Use Plan and explain why the action taken to be reasonable and in the public interest.

D. Notification of Decision. The Administrator shall mail the formal written copy of the decision to the applicant and/or the property owners of the petitioned property. There may be no subsequent application for the same or similar use submitted by any party for any part of the subject property until 12 months have elapsed from the date of denial. Exceptions to this limitation include requests originating from the Board of Commissioners, Planning Board, Board of Adjustment or County Administration.

E. Appeals to Court. Text amendment and zoning map amendment decisions shall be appealed to Superior Court pursuant to Section 2.1(C).

10.3 Notice of Public Hearings

A. Mailed Notice. Whenever there is a rezoning request, the Administrator shall notify by certified mail return receipt of the public hearings to the applicant(s), the owner(s) of the parcel(s) of land shown on the County tax records, and all property owners of abutting properties (as the last addresses listed in the County tax records) at least 10 but not more than 25 days prior to the date of each public hearing. [NCGS 153A-323(a)]

B. Published Notice. Notice of the public hearings for proposed text amendments and rezoning requests shall be published in a newspaper of general circulation once a week for 2 consecutive weeks prior to each public hearing. [NCGS 153A-323(a)]

C. Posted Notice. A sign shall be posted on the property to be rezoned, abutting to the road(s) or easement(s), not less than 10 days prior to each public hearing. When multiple parcels are included, a posting on each parcel is not required, but the County shall post sufficient notices to provide reasonable notice.

D. Fort Bragg Notification. Rezoning requests and text amendments that would change or affect the permitted uses of land located within 5 miles or less from the perimeter boundary of a military base shall be forwarded to the Regional Land Use Advisory Commission for review (NCGS 153A-323B) not less than 10 days or more than 25 days before the date fixed for the Planning Board public hearing. Staff shall forward RLUAC's analysis regarding the compatibility of the proposed changes with military operations at the base to the Planning Board and Board of Commissioners.

E. Fifty Or More Parcels. If the application will result in changes to the zoning map for 50 parcels or more and owned by more than 50 different property owners the mailed notice may be replaced by a published notice per Section 10.3(B). 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 Section 10.3(A).

CHAPTER 11
CONDITIONAL REZONING

11.1 Applicability

Pursuant to NCGS 153A-342, conditional zoning districts requires the approval of a rezoning by the Moore County Board of Commissioners and approval of a site specific development plan allowing for the development of specific land uses, as listed in Chapter 6 of this Ordinance. Parallel conditional zoning districts are restricted to those uses listed in the corresponding general zoning district. Following the approval of the petition, the subject property shall be identified on the Zoning Map by the appropriate district designation by adding "CZ" to the corresponding general use district, such as "RA-CZ" in numerical order, such as "RA-CZ-1" for the first approved CZ district.

11.2 Application Process

A. Submittal. A conditional rezoning application shall be considered only upon request of the owner of the affected property or a duly authorized representative of the property owner. The completed application shall be submitted at least 30 days prior to the Planning Board meeting at which it is to be heard and shall include the following:

1. A site plan prepared in accordance with Section 4.2(C).
2. A specification of the actual use(s) and any rules, regulations, or conditions for the proposed district that address the impacts expected to be generated by the development or use of the site.
3. Proposed phasing, if any, and approximate completion time for the project.
4. A statement analyzing the reasonableness of the proposed rezoning. The statement shall include, but not be limited to, the following:
   a. The conditional rezoning compatibility with the County Land Use Plan and other adopted plans of the County.
   b. The conditional rezoning compatibility with the existing land uses on abutting and neighboring tracts.
   c. The benefits and detriments of the conditional rezoning for the subject property, neighboring properties and the surrounding community.

B. Community Meeting. Community meetings are opportunities for informal communication between applicants and the owners and occupants of nearby lands, and other residents who may be affected by the application and to provide the applicant an opportunity to hear comments and concerns about the application as a means of resolving conflicts, where possible. At least 10 days prior to the Planning Board meeting,

the applicant shall hold at least one community meeting. The Administrator shall assist by:

1. Notifying by certified return receipt mail to owners of each property petitioned for rezoning, owner of each abutting property, property within 250 feet of the petitioned property, and the Home Owners Association (if applicable) at least 10 days prior to the community meeting.
2. Attend the community meeting(s) and draft a report including among other things, a listing of those persons and organizations contacted about the meeting, the date, time, and location of the meeting, a roster of the persons in attendance at the meeting, a copy of any materials presented at the meeting, a summary of issues discussed at the meeting, including changes suggested by the participants and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting and submit to the Planning Board and Board of Commissioners for review.

C. Planning Board. The Planning Board shall hold a legislative public hearing and shall review and make a recommendation of approval or denial to the Board of Commissioners that addresses Land Use Plan consistency and other matters as deemed appropriate by the Planning Board.

D. Board of Commissioners. The Board of Commissioners shall hold a legislative public hearing and concurrently with adopting, denying, or remanding any amendment request, the Board of Commissioners shall adopt a statement describing whether its action is consistent with the County Land Use Plan and explain why the action taken to be reasonable and in the public interest. In approving a conditional zoning district, the Town Board may modify standards established in the UDO provided the spirit of the regulations are maintained.

E. UDO Compliance. The request shall be in compliance with all relevant portions of the UDO, except that variations from these standards may be approved by the Board of Commissioners if the site plan is submitted and determined to be suitable for the request, is consistent with the intent of the standards, and ensures compatibility with land uses on surrounding properties.

F. Additional Conditions. Specific additional conditions applicable to the rezoning request may be proposed by the applicant, the Planning Board, or Board of Commissioners. Only those conditions mutually approved by the county and the applicant may be incorporated into the permit requirements. If a proposed condition is unacceptable to the owner, the petition can be withdrawn and the proposed rezoning cannot go forward. Likewise, if a condition is unacceptable to the Board of Commissioners, the petition can be denied and there is no rezoning. Per NCGS 153A-342(B), conditions and site-specific standards shall be limited to those that address the conformance of development and use of the site to County ordinances and officially adopted plans and those that address the impacts reasonably expected to be generated by the development or use of the site.

G. Notification of Decision. The Administrator shall mail the formal written copy of the decision to the applicant and the property owners of the petitioned property. There may be no subsequent application for the same or similar use submitted by any party for any part of the subject property until 12 months have elapsed from the date of denial.

H. Minor Changes. Should the Administrator, Building Inspector, Department of Environmental Health, Public Safety, or Public Works, or NCDOT identify minor changes the Administrator shall be authorized to accept such minor modifications to site plan, as necessary. Such minor changes may include, but not be limited to, small site alterations such as realignment of streets and relocation of utility lines due to engineering necessity.

I. Expiration. An approved Conditional Zoning District and all conditions attached are binding on the property. If for any reason any condition for approval is found to be illegal or invalid or if the applicant 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.

J. Violation of the Terms and Conditions of a CZ District. A violation of the site plan or conditions of a rezoning to a conditional zoning district is considered a violation of this Ordinance and subject to the same enforcement and penalties.

K. Appeals to Court. Zoning map amendment decisions shall be appealed to Superior Court pursuant to Section 2.1(C).

11.3 Notice of Public Hearings

A. Mailed Notice. The Administrator shall notify by certified mail return receipt of the public hearings to the applicant(s), the owner(s) of the parcel(s) of land shown on the County tax records, and all property owners of abutting properties (as the last addresses listed in the County tax records) at least 10 but not more than 25 days prior to the date of each public hearing.

B. Published Notice. Notice of the public hearings shall be published in the newspaper of general circulation once a week for 2 consecutive weeks prior to each public hearing.

C. Posted Notice. A sign shall be posted on the property to be rezoned, abutting to the road(s) or easement(s), not less than 10 days prior to each public hearing. When multiple parcels are included, a posting on each parcel is not required, but the County shall post sufficient notices to provide reasonable notice.

D. Fort Bragg Notification. Rezoning requests located within 5 miles or less from the perimeter boundary of a military base shall be forwarded to the Regional Land Use Advisory Commission for review (NCGS 153A-323B) not less than 10 days or more than 25 days before the date fixed for the Planning Board public hearing. Staff shall forward RLUAC's analysis regarding the compatibility of the proposed changes with military operations at the base to the Planning Board and Board of Commissioners.

CHAPTER 12
CONDITIONAL USE PERMITS

12.1 Applicability

There are some land uses which are basically in keeping with the intent and purpose of the district but which may have an impact on the area around them. These uses may be established, under certain conditions and with proper controls, in such a manner as to minimize any adverse effects. The uses for which conditional use permits are required are listed in the Table of Permitted Uses.

12.2 Application Process

A. Submittal. Property may be considered for a conditional use permit only through the submission by the owner(s) of the property. The completed application shall be submitted at least 30 days prior to the Planning Board meeting at which it is to be heard and shall include a site specific development plan prepared in accordance with Section 4.2(C) and proposed phasing, if any, and approximate completion time for the project. Upon completion of the technical review, the Administrator shall prepare and forward the staff report, site plan, and any related application materials to the Planning Board.

B. Planning Board. The Planning Board shall hold a legislative public hearing and shall review and make a recommendation based on the conclusions required for approval as listed in Section 12.2(C) and other matters as deemed appropriate by the Planning Board. In their review, they may suggest fair and reasonable conditions.

C. Board of Commissioners. The Board of Commissioners shall hold a quasi-judicial public hearing and may not approve a conditional use permit request unless it first reaches each of the following findings based on competent, substantial, and material evidence presented at the hearing:

1. The use will not materially endanger the public health or safety;
2. The use meets all required conditions and specifications;
3. The use will not substantially injure the value of adjoining property unless the use is a public necessity;
4. The use will be in harmony with the surrounding area and compatible with the surrounding neighborhood; and
5. The use will be in general conformity with the approved Moore County Land Use Plan.

D. Additional Conditions. In accordance with NCGS 160A-388(c), in approving an application, the Board of Commissioners may attach fair and reasonable conditions to the approval which assure that the required findings are upheld. Such conditions may

include, but are not limited to, right-of-way or easement dedication, recreation or open space, buffer provisions, limitation in scale, intensity, hours of operation, and other reasonable restrictions.

E. Notification of Decision. The Administrator shall notify the applicant, the property owner, or any individual who has submitted a written request for a copy prior to the date the decision becomes effective. This notice shall be made by registered or certified mail within 5 working days of the Board's actions. There may be no subsequent application for the same or similar use submitted by any party for any part of the subject property until 12 months have elapsed from the date of denial.

F. Minor Changes. Should the Administrator, Building Inspector, Department of Environmental Health, Public Safety, or Public Works, or NCDOT identify minor changes the Administrator shall be authorized to accept such minor modifications to site plan, as necessary. Such minor changes may include, but not be limited to, small site alterations such as realignment of streets and relocation of utility lines due to engineering necessity.

G. Expiration. The approved site specific development plan shall expire 2 years from the date of approval. In order for vested rights to be established upon approval of the site specific development plan or phased development plan, the applicant must indicate, at the time of application, that a zoning vested right is being sought per Section 14.3.

H. Revocation. In the event of failure to comply with the plans or any other conditions imposed upon the Conditional Use Permit, the Administrator shall give the permit holder 10 days written notice of intent to revoke the permit and request the permit holder to contact staff to set a reasonable time for the violation to be corrected. If the permit is revoked and the conditional use has not ceased, the use is considered a violation of this Ordinance and subject to enforcement and penalties.

I. Appeals to Court. 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 per Section 13.7.

12.3 Notice of Hearings

A. Mailed Notice. The Administrator shall notify by certified mail return receipt of the public hearings to the applicant(s), the owner of the parcel(s) of land as shown on the County tax records, and all property owners of abutting properties (as the last addresses listed in the County tax records) at least 10 but not more than 25 days prior to the date of each public hearing.

B. Published Notice. Notice of the public hearings shall be published in a newspaper of general circulation once a week for 2 consecutive weeks prior to each public hearing.

C. Posted Notice. A sign shall be posted not less than 10 days prior to each public hearing. The sign shall be posted on the property or at a point visible from the nearest road(s).

CHAPTER 13
APPEALS & VARIANCES

13.1 Administrative Appeals

A. Applicability. An appeal from any decision that can be appealed must be a final and binding order, requirement, or determination of the Administrator and may be taken to the Board of Adjustment by any person **with standing,** in accordance with NCGS 153A-345.1, 160A-388, and 160A-393.

B. Submittal. A notice of appeal of an administrative decision shall be considered filed when a complete application is delivered to the Clerk to the Board of Commissioners within 30 days of receipt of the decision or order. Any other person with standing as detailed within NCGS 153A-349 and 160A-393 to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal. The date and time of filing shall be entered on the notice.

C. Administrator. The 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 Administrator who made a decision shall be present at the hearing as a witness.

D. Board of Adjustment. The board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. The Board of Adjustment shall hold a quasi-judicial public hearing and 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.

E. Stay Causing Peril to Life or Property. 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 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, enforcement 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 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.

13.2 Variances

A. Applicability. The variance procedures authorize the Board of Adjustment to modify or vary regulations of the UDO when strict compliance with the regulation or standard would result in unnecessary hardships upon the subject property.

B. Submittal. The completed application shall be submitted to the Administrator and the Board of Adjustment shall fix a date for hearing the variance request, to be held within 45 days of the date a complete application was submitted, giving notice to the applicant by certified mail, and shall include a detailed site plan prepared by a licensed professional land surveyor, drawn to a scale in accordance with Section 4.2(C).

C. Board of Adjustment. Pursuant to NCGS 160A-388(d), The Board of Adjustment shall hold a quasi-judicial public hearing. No variance shall be approved by the Board unless all of the following findings are made:

1. That unnecessary hardship would result from the strict application of the UDO. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. That the hardship is due to the physical nature that is peculiar to the property, such as location, size, shape, or topography. 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. 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.
4. 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.

D. Additional Conditions. No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties. If a variance for the construction, alteration, or use of property is granted, such construction, alteration or use shall be in accordance with the approved site plan.

E. Expiration. All variances that are granted shall run with the property or building for which the variance is being sought and not with the owner of the property or building.

F. Violation or Invalidity of the Terms and Conditions of a CZ District. A violation of a variance or additional conditions of a variance is considered a violation of this Ordinance and subject to the same enforcement and penalties.

13.3 Reasonable Accommodation

A. Applicability. This section shall apply to those persons who are defined as disabled or handicapped under federal law. The federal laws include The Fair Housing Amendment Act, 42 U.S.C. § 3601, ("Fair Housing Act") which makes it unlawful to discriminate, make unavailable, or otherwise deny a dwelling to any person because of a handicap, and The Americans with Disabilities Act, 42 U.S.C. § 12102(1) ("ADA") which prohibits discrimination against persons with disabilities. Pursuant to the Fair Housing Amendment Act and the ADA individuals with handicaps or disabilities are defined as:

1. An individual with a physical or mental impairment that substantially limits one or more major life activities;
2. An individual with a record of having such an impairment; or
3. An individual regarded as having such an impairment.

B. Submittal. An application for a reasonable accommodation shall be submitted to the Administrator. The applicant shall have the burden of presenting evidence sufficient to allow the Board of Adjustment to make the findings set forth below. The following information shall be provided by the applicant:

1. The current actual use of the property;
2. The basis for the claim that the applicant is considered disabled or handicapped;
3. The UDO provision(s) or regulation(s) from which reasonable accommodation is being requested; and
4. An explanation of why the reasonable accommodation is necessary to make the specific property available for the individual.

C. Board of Adjustment. The Board of Adjustment shall hold a quasi-judicial public hearing. The Board may approve, deny, or continue the request. In approving the request, the Board may prescribe reasonable and appropriate conditions provided that the conditions are reasonably related to the request. In granting a reasonable accommodation request, the Board of Adjustment shall find based on competent, material, and substantial evidence, that the proposed accommodation:

1. Will be used by an individual or individuals with a disability or handicap protected under federal law;
2. Is "reasonable." An accommodation is reasonable if it will not undermine the legitimate purposes and effects of existing zoning regulations, and if it will not impose significant financial and administrative burdens upon the county and/or constitute a substantial or fundamental alteration of the ordinance provisions; and
3. Is "necessary." An accommodation is necessary if it will provide direct or meaningful therapeutic amelioration of the effects of the particular disability or handicap, and it

will afford handicapped or disabled persons equal opportunity to enjoy and use housing in residential districts in the county.

D. Expiration. Reasonable accommodations such as an accessory manufactured home due to a medical hardship, are approved for a specified time on a case by case basis to be renewed for successive periods so long as the hardship continues to exist, as reviewed and approved by the Administrator.

13.4 Notice of Public Hearings for Appeals and Variances

A. Mailed Notice. The Administrator shall notify by certified mail return receipt of the public hearings to the applicant(s), the owner(s) of the parcel(s) of land shown on the County tax records, and all property owners of abutting properties (as the last addresses listed in the County tax records) at least 10 but not more than 25 days prior to the date of each public hearing.

B. Published Notice. Notice of the public hearings shall be published in the newspaper of general circulation once a week for 2 consecutive weeks prior to each public hearing.

C. Posted Notice. A sign shall be posted on the subject property, abutting to the road(s) or easement(s), not less than 10 days prior to each public hearing.

14.5 Decision of the Board

Each decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the board.

13.6 Notification of Decisions

The Administrator shall notify the applicant, the property owner, or any individual who has submitted a written request for a copy prior to the date the decision becomes effective. This notice shall be made by registered or certified mail within 5 working days of the Board's actions.

13.7 Appeals to Court

Every decision of the Board of Commissioners and Board of Adjustment shall be subject to review by the Superior Court of Moore County by proceeding of nature of certiorari per NCGS 153A-349 and/or 160A-388(e2)(2) and/or 160A-393. The petition for writ of certiorari shall be filed with the Moore County Clerk of Court within 30 days after the Board’s decision is effective or a written copy thereof is given per Section 13.5. When first-class mail is used to deliver notice, 3 days shall be added to the time to file the petition.

CHAPTER 14
VESTED RIGHTS

14.1 Common Law

A. Applicability. A common law vested right establishes the right to undertake and complete the development and use of property on substantial expenditures in good faith reliance on a valid governmental approval. Such approvals include, but are not limited to zoning permits, sign permits, building permits, conditional use permits, certificates of zoning compliances, and preliminary plat approvals. A request for a determination of a common law vested right will be reviewed and acted upon by the Planning Director in accordance with the requirements and procedures set forth in this Chapter.

B. Application. The applicant shall provide satisfactory proof that each of the following standards are met, and is entitled to recognition of common law vested rights.

1. The applicant has, prior to the adoption or amendment of an ordinance, made expenditures or incurred contractual obligations substantial in amount relating to the proposed development.
2. The obligations and/or expenditures were incurred in good faith.
3. The obligations and/or expenditures were made in reasonable reliance on and after the issuance of a valid governmental permit, if such permit is required; provided however, a mistakenly-issued governmental permit shall not give rise to a common law vested right.
4. The amended or newly-adopted ordinance is a substantial detriment to the applicant.

C. Appeal. An appeal of the Planning Director's determination of the existence of a common law vested right may be taken to the Board of Adjustment pursuant to Chapter 13 and shall be heard in a quasi-judicial hearing.

14.2 Valid Building Permit

A. Applicability. The owner has a vested right only as long as the building permit remains valid and only for the work approved by the building permit.

B. Duration. The building permit shall expire 6 months after issuance if work has not commenced. The building permit also expires after work commences if there is a 12 month period of no work. Building permit may also be revoked for any substantial departure from the approved plans, failure to comply with any applicable local or state law (not just the building code and UDO), and any misrepresentations made in securing the permit. Building permits mistakenly issued may also be revoked. If the building permit expires or is revoked, the vested right based on it is also lost.

14.3 Site Specific Development Plans & Phase Development Plans

A. Applicability. The ability of the applicant to obtain a vested right after County approval of a site specific development plan or a phased development plan presents an appropriate balance between private expectations and the public interest, while also protecting the public health, safety, and welfare. A statutory vested right is a right established pursuant to NCGS 153A-344.1 to undertake and complete the development and use of a property under the term and conditions of an approved site specific development plan or phased development plan.

B. Vesting Established. Statutory vesting shall be deemed established with respect to any property on the same day upon the valid approval, or conditional approval, of a site specific development plan or a phased development plan, following notice and public hearing by the County.

C. Site Specific Development Plan. A site specific development plan includes any of the following plans or approvals: planned unit development, preliminary major subdivision plat, conditional use permit, or conditional zoning district. For preliminary subdivision plats, the Administrator will advertise and schedule a public hearing following the same procedure used for conditional use permits.

D. Phased Development Plan. A phased development plan includes any approvals for a phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan determined by the county to be a site specific development plan. The County may require the landowner to submit a site specific development plan for approval with respect to each phase or phases in order to obtain final approval to develop within the restrictions of the vested zoning classifications.

E. Duration. The site specific development plan or phased development plan vested rights is valid for a minimum of 2 years from the date of approval. The Board of Commissioners may authorize the approval for a period not exceeding 5 years where warranted in light of all relevant circumstances including, but not limited to, the size and phasing of the development, economic cycles, and market conditions. The vesting shall not be extended by any amendments or modifications to a site specific development plan unless expressly provided by the County.

F. Termination. A vested right shall terminate:

1. At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed;
2. With the written consent of the affected landowner;
3. To the extent that the affected landowner receives compensation for all costs and losses;
4. Upon finding by the Board of Commissioners, by Ordinance after notice and a hearing, that the landowner or his representative intentionally supplied inaccurate

information or made material misrepresentations which made a difference in the approval by the approval authority of the site specific development plan; or

5. Upon the enactment of a State or federal law or regulation that precludes development as contemplated in the site specific development plan.

14.4 Permit Choice

Per NCGS 153A-320.1 and 143-755, if a permit applicant submits a permit application for any type of development and a rule or ordinance changes between the time the permit application was submitted and a permit decision is made, the permit applicant may choose which version of the rule or ordinance will apply to the permit.

14.5 Development Agreements

Development agreements refer to the contracts that vest rights to develop a specific project for an extended period of time subject to the terms and conditions specified in the agreement. Each individual development agreement must be approved by ordinance of the Board of Commissioners per NCGS 153A-349.

CHAPTER 15
WATERSHED OVERLAY DISTRICTS

15.1 Applicability

In accordance with NCGS Chapter 143 Chapter 21, unless specifically exempt below, the provisions of this chapter shall apply to all development within a Watershed Overlay District, as designated and administered by the NC Environmental Management Commission. The class WS-IV district applies only to new development projects that require a Sedimentation and Erosion Control Plan and/or resulting in the disturbance of 1 acre or more of land area. Permitted uses and conditional uses listed in the Table of Uses for the appropriate district are allowed in the Watershed Overlay Districts. New sludge application sites and landfills are specifically prohibited in the critical areas of any district.

15.2 Exemptions

A. Existing Development. Buildings that were built prior to the original effective date of these regulations (January 4, 1994) are not subject to the requirements of this chapter.

B. Redevelopment. Redevelopment is allowed if the rebuilding activity does not have a net increase in built-upon area or provides equal or greater stormwater control than the previous development, except that there are no restrictions on single family residential redevelopment.

C. Expansions. Expansions to buildings classified as existing development shall comply with the regulations of this Chapter; however, the built-upon area of the existing development is not required to be included in the impervious calculations.

D. Nonconforming lots of record. A lot that pre-existed the original effective date of these regulations (January 4, 1994) may be developed for single-family residential purposes without being subject to the regulations of this chapter.

E. Recombination Plats. Recombination of contiguous nonconforming lots of record owned by the same party is required in order to establish a lot or lots that meet or nearly meet the development restrictions of this Section, as determined by the Administrator.

F. Silviculture. The NC Forest Service shall be the designated agency for oversight of compliance with water supply watershed protection requirements.

G. Agriculture. The NC Soil and Water Conservation Commission shall be the designated agency for administration of the applicable water supply watershed protection requirements.

H. NCDOT. Activities that are regulated in accordance with provisions of the National Pollutant Discharge Elimination System (NPDES) Permit No. NCS000250.

15.3 Density & Built Upon Limits

Minimum and maximum residential and non-residential density and built-upon limits shall be as indicated in the table below, or as required by the underlying zoning district or applicable subdivision regulations, whichever is most stringent.

Water Supply	Location in the Watershed	Maximum Allowable Density or Minimum Lot Size	
		Single-family residential (except within a Cluster Development - Section 20.6)	All other residential and Non-residential (calculate by total acreage in the tract)
WS-II	Critical Area	1 dwelling unit per 2 acres or 80,000 square foot lot excluding street right-of-way	6% built-upon area
	Balance of Watershed	1 dwelling unit per 1 acre or 40,000 square foot lot excluding street right-of-way	12% built-upon area (up to 70% with SNIA approval)
WS-III	Critical Area	1 dwelling unit per 1 acre or 40,000 square foot lot excluding street right-of-way	12% built-upon area
	Balance of Watershed	2 dwelling units per acre or 20,000 square foot lot excluding street right-of-way	24% built-upon area (up to 70% with SNIA approval)
WS-IV	Protected Area	With Curb & Gutter: 2 dwelling units per acre or 20,000 square foot lot excluding street right-of-way	With Curb & Gutter: 24% built-upon area (up to 70% with SNIA approval)
		Without Curb & Gutter: 3 dwelling units per 1 acre or 36% built upon area	Without Curb & Gutter: 36% built-upon area (up to 70% with SNIA approval)

15.4 Minimum Design Criteria for All New Developments

A. Vegetated Conveyances. Stormwater runoff from the development shall be transported by vegetated conveyances to the maximum extent practicable.

B. Stream Buffers. Vegetated (natural or planted) buffers shall be required along perennial waters indicated on the most recent version of the United States Geological Survey (USGS). The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers. No new development is

allowed in said buffer except for water-borne structures (e.g., piers, docks, etc.) or other structures such as flag poles, signs and security lights. Minimum widths shall apply:

1. SNIA approved projects – 100 feet
2. All other projects – 30 feet

15.5 Special Non-Residential Intensity Allocation (SNIA)

A. Applicability. Non-residential development, located outside of critical areas, may occupy 5% of the watershed with up to a 70% built-upon area, when approved as a Special Non-residential Intensity Allocation (SNIA).

B. Submittal. An application for a SNIA shall be submitted at least 30 days prior to the Planning Board meeting at which it is to be heard. Upon completion of the technical review, the Administrator shall prepare and forward the staff report any related application materials to the Planning Board.

C. Planning Board. The Planning Board shall act as the Watershed Review Board, shall hold a legislative public hearing, and shall review and approve or deny the SNIA request. Requests requiring revisions shall be returned to the Planning Board within ninety (90) days or the request shall be considered withdrawn.

D. Approval Criteria. SNIA requests shall not be approved unless the following requirements are met as demonstrated and certified on the site plan by a professional engineer:

1. The request will minimize built-upon surface area;
2. All stormwater will be directed away from any surface waters;
3. Best Management Practices will be incorporated to minimize water quality impacts; and
4. All property subject to a request for a Special Non-Residential Intensity Allocation must be uniformly zoned.

E. Set Aside for Public Projects and Facilities. 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. 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.

15.6 Cluster Developments

A. Applicability. Cluster Developments are allowed in all Watershed Areas.

B. Submittal. Cluster Developments shall be submitted as Conservation Subdivisions or Planned Unit Developments.

C. Approval Criteria. Cluster Developments shall not be approved unless the following requirements are met:

1. Built-upon areas shall be designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, shall transport stromwater runoff from the development by vegetated conveyances to the maximum extent practicable;
2. Areas of concentrated development shall be located in upland areas and away, to the maximum extent practicable, from surface waters (all waters of the state as defined in North Carolina General Statute 143-212, except underground waters) and drainageways;
3. The development shall meet all applicable density requirements per Section 18.8F (Permitted Density);
4. The development shall meet all applicable mimimum open space requirements per Section 18.8D (Minimum Open Space Required) and Section 18.8E (Ownership of Open Space).

15.7 Density Averaging of Noncontiguous Parcels

A. Applicability. 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 complying with this chapter. Density averaging of two noncontiguous parcels for purposes of complying with this chapter shall be allowed in accordance with this section and NCGS 143-214.5 (d2).

B. Submittal. The application shall be submitted at least 30 days prior to the Planning Board meeting at which it is to be heard. A site plan prepared in accordance with Section 9.2(C). Upon completion of the technical review, the Administrator shall prepare and forward the staff report any related application materials to the Planning Board.

C. Planning Board. The Planning Board shall act as the Watershed Review Board, shall hold a legislative public hearing, and shall review and approve or deny the request. Requests requiring revisions shall be returned to the Planning Board within ninety (90) days or the request shall be considered withdrawn.

D. Approval Criteria. The Watershed Review Board shall make written findings supported by appropriate calculations and documentation that the plan as a whole conforms to the requirements of this section.

15.8 Watershed Variance

A. Applicability. In addition to the other requirements of Section 13.2 (Variances), petitions to the standards of the chapter shall comply with the following:

1. Minor Variances. Shall include petitions for the reduction of any standard of this chapter by a factor of less than 10%. Minor variances shall be approved by the Board of Adjustments in accordance with Section 13.2 (Variances).

2. Major Variances. Shall include petitions for the reduction of any standard of this chapter by a factor of 10% or more. Major variances shall comply with Section 13.2 (Variances) except that a decision by the Board of Adjustment to approve a major variance shall be advisory only. The Administrator shall, within 30 days, forward a record of the Board of Adjustment hearing, findings, and conclusions to the North Carolina Environmental Management Commission or other appropriate State agency for final decision.

B. Notice to Local Governments. Prior to the Board of Adjustment meeting, the Administrator shall notify in writing to the clerks of all local governments having jurisdiction within that watershed of the variance being requested. Written responses from any of these local governments shall become a permanent part of the records.

CHAPTER 16
FLOOD DAMAGE PREVENTION

16.1 Applicability

In accordance with NCGS Chapter 143, Article 21 and Chapter 153A, Articles 6 and 18, this ordinance shall apply to all Special Flood Hazard Areas 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. No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

16.2 Basis for Establishing the Areas of Special Flood Hazard

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.

16.3 General Development Standards

In all Special Flood Hazard Areas the following provisions are required.

A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
B. All new construction and substantial improvements shall be constructed with materials, utility equipment resistant to flood damage.
C. 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.
D. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
E. 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 the flood waters.
F. 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 a 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, or stream setback, and provided that such repair, reconstruction or replacement meets all of the other requirements of this ordinance.

G. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, chemical storage facilities or critical facilities shall not be permitted except by variance as specified in Section 16.23 (Floodplain Variance).
H. 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 SFH area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to Section 16.21(A) (Floodproofing Certificate).
I. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage, including the location of public utilities and facilities.
J. All development proposals shall have adequate drainage to reduce exposure to flood hazards.
K. All subdivision and 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.

16.4 Base Flood Elevation (BFE) Determination

The BFE used in determining the regulatory flood protection elevation shall be determined by a sealed Elevation Certificate from a license land surveyor and/or other federal, state or local sources. When BFE has been determined, all new construction and substantial improvements shall be elevated to the determined regulatory flood protection elevation. When BFE data is not available (Approximate Zone A), the reference level shall be elevated to or above the regulatory Flood protection elevation as defined in Article 19 (Definitions). All subdivision, manufactured home parks and other development proposals shall provide Base Flood Elevation data if development is greater than 5 acres or has more than 50 lots/manufactured home sites. Such BFE data shall be adopted by reference per Section 16.2 (Basis for Establishing Special Flood Hazard Areas) to be utilized in implementing this ordinance. When BFE is not available, no encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of 20 feet 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 flood levels during the occurrence of the base flood discharge.

16.5 Floodways and Non-Encroachment Areas

Areas located within the SFH Areas established in Section 16.2 (Basis for Establishing Special Flood Hazard Areas) are designated as floodways and non-encroachment areas which are extremely hazardous due to the velocity of floodwaters which carries debris and potential projectiles. This includes areas along rivers and streams where BFE information is provided but there has been no floodway or non-encroachment area designation. In addition to standards outlined in Section 16.3 (General Development Standards) and Section 62.4 (Base Flood Elevation Determination), the following shall apply to all development in such areas. 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 will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. Once a floodway or non-encroachment area has been designated, no encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:

A. It is demonstrated that the proposed encroachment would not result in any increase
B. 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,
C. 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.
D. If these standards satisfied, all development shall comply with the applicable flood hazard reduction provisions of this ordinance.

16.6 Standards for Areas of Shallow Flooding (Zone AO)

These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not occur and where the path of flooding is unpredictable and indeterminate. The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Map (FIRM), in feet, plus a freeboard of 3 feet, above the highest abutting grade; or at least 2 feet above the highest abutting grade plus a freeboard of 1 foot if no depth number is specified. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 16.8 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 its effects of buoyancy. Certification is required as per Section 16.20 (Additional Certificate Requirements). Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

16.7 Residential Construction

New construction and substantial improvement of any residential structure shall have the reference level, including basement, elevated at no lower than the regulatory flood protection elevation, as defined in Chapter 18 of this ordinance.

16.8 Non-Residential Constriction

New construction and substantial improvement of any commercial, industrial or other non-residential structure shall have the reference level, including basement, no lower than the regulatory flood protection elevation as defined in Chapter 19 of this ordinance. 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. For AO Zones, the floodproofing elevation shall be in accordance with Section 16.21 of this ordinance. Soil testing and compaction standards of the International Building Code shall be met. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Administer as set forth in Section 16.19 (Elevation Certificates) and 16.21 (Additional Certificate Requirements), along with the operational and maintenance plans.

16.9 Manufactured Homes

Manufactured homes may only be replaced within a Special Flood Hazard Area. No new placement of manufactured homes shall occur within the Special Flood Hazard Area or within an area bounded by flood of record, except by variance. Replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Chapter 19 (Definition) of this Ordinance. 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 143-143.15. Additionally, when the elevation is met by an elevation of the chassis 36 inches or less above the grade at site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height, an engineering certification is required. All enclosures or skirting below the lowest floor shall meet the requirements of Section 12.10 (Elevated Buildings). 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 an approved by the floodplain administrator and the local Emergency Management coordinator.

16.10 Elevated Buildings

Fully enclosed area, of new and substantially improved structures, which is below the lowest floor:

A. 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. Access to the area shall be the minimum necessary for storage and entry to the living area.
B. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas.
C. Shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation.
D. Shall include, in Zones A, AO, AE and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters

designed in accordance with Section 12.20 (Flood Opening Design Standards) of this ordinance.

16.11 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:

A. 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.
B. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards o f new construction.
C. Where an independent perimeter load-bearing wall is provided between the addition and the
D. existing building, the addition(s) shall be considered a separate building and only the addition
E. must comply with the standards for new construction.

16.12 Additions and Improvements to Post-Firm Structures

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. For additions and/or improvements to post-FIRM structures that are not considered a substantial improvement, only the addition and/or improvements must comply with the standards for new construction. For additions and/or improvements for post-FIRM structures that are considered a substantial improvement, the existing structure and the additions and/or improvements must comply with the standards for new construction. 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.

16.13 Recreational Vehicles

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 a quick disconnect type utilities, and has no permanently attached additions).

16.14 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:

A. A specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year;
B. The name, address and phone number of the individual responsible for the removal of the temporary structure;
C. The time frame prior to the event at which a structure will be removed (i.e. minimum
D. of 72 hours before landfall of a hurricane or immediately upon flood warning notification;
E. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure, and;
F. Designation, accompanied by documentation, of a location outside the Special Flood Hazard
G. Area, to which the temporary structure will be moved.

16.15 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:

A. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking, or restroom areas;
B. Accessory structure shall not be temperature controlled;
C. Accessory structures shall be designed to have low flood damage potential;
D. Accessory structures shall be constructed and placed on the building site so as to offer
E. The minimum resistance to the flow of floodwaters;
F. Accessory structures shall be firmly anchored and all service facilities such as electrical shall be installed in accordance with Section 12.2 (General Development Standards) and
G. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with Section 12.20 (Flood Opening Design Standards).
H. 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 Section 12.21 (Additional Certificate Requirements).

16.16 Floodplain Development Permit Applicability

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 Section 12.2 (Basis for Establishing Special Flood Hazard Areas) of this ordinance. No structure of 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.

16.17 Application Requirements

An application for a Floodplain Development permit shall be submitted in accordance with Chapter 9 (Zoning and Sign Permits). A site plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

A. 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;
B. The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section 12.2 of this ordinance, or a statement that the entire lot is within the Special Flood Hazard Area;
C. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 12.2 of this ordinance;
D. The boundary of the floodway(s) or non-encroachment area(s) as determined in Section 12.2;
E. The Base Flood Elevation (BFE) where available;
F. The old and new location of any watercourse that will be altered or relocated as a result of proposed development;
G. Certification of the plot plan by a registered land surveyor or professional engineer.
H. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
    1. Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
    2. Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood proofed; and
    3. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed. 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.
I. 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:
    1. 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);
    2. Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with Section 16.20 (Flood Opening Design Standards), when solid foundation perimeter walls are used in Zones A, AO, AE and A1-30;
J. Usage details of any enclosed areas below the regulatory flood protection elevation;
K. 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;

L. 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.);
M. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure Section 16.13 (Recreational Vehicles), and Section 16.14 (Temporary Non-Residential Structures) and Section 16.15 (Accessory Structures) of this ordinance are met; and
N. 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.

16.18 Permit Requirements

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

A. A description of the development to be permitted under the floodplain development permit.
B. The Special Flood Hazard Area determination for the proposed development per available data specified in Section 16.2 (Basis for Establishing Special Flood Hazard Areas).
C. The regulatory flood protection elevation required for the reference level and all attendant utilities.
D. The regulatory flood protection elevation required for the protection of all public utilities.
E. All certification submittal requirements with timelines.
F. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
G. The flood opening requirements, if the project is located in Zones A, AO, AE or A1-30.
H. Limitations of below BFE enclosure uses (if applicable). (i.e. Parking, Building Access and Limited Storage only).

16.19 Elevation Certification Requirements

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 beginning construction. Failure to submit the certification of failure to make the required corrections shall be cause to deny a floodplain development permit.

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

If the Elevation Certificate is being used to obtain flood insurance through the NFIP, the certifier must provide at least 2 photographs showing the front and rear of the building within 90 days from the date of certification. The photographs must be take view 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"x 3". Digital photographs are acceptable.

16.20 Flood Opening Design Standards

Flood openings must be certified by a professional engineer or architect or meet or exceed the following design criteria:

A. A minimum of two flood openings on different sides of each enclosed area subject to flooding;
B. The total net area of all flood openings must be at least 1 square inch for each square foot of enclosed area subject to flooding;
C. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
D. The bottom of all required flood openings shall be no higher than 1 foot above the abutting grade;
E. 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
F. 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.

16.21 Additional Certificate Requirements

A. Floodproofing Certificate. If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA 81-65), with supporting data and an operational plan, is required prior to the 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 requires

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 Certificate of Occupancy/Compliance.

B. 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 Section 16.9 (Manufactured Homes) of this ordinance.

C. Watercourse Altering. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relation; 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 the issuance of a floodplain development permit.

16.22 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 Section 16.19 (Elevation Certificate Requirements) and Section 16.21 (Floodproofing Certificate) of this ordinance:

A. Recreational Vehicles meeting requirements of Section 16.13 (Recreational Vehicles);
B. Temporary Structures meeting requirements of Section 16.14 (Temporary Non-Residential Structures) and;
C. Accessory Structures less than 150 square feet meeting requirements of Section 16.15 (Accessory Structures).

16.23 Floodplain Variance

A. 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:

   1. The repair or rehabilitation of historic structures upon determination that the proposed repair or rehabilitation will not reclude the structure's continued designation as a historic structure and that variance is the minimum necessary to preserve the historic character and design of the structure.
   2. Functionally dependent facilities is determined to meet the definition as stated in Chapter 19 (Definitions) of this ordinance, provided provisions of Section 16.23(E) 2,3, and 5 have been satisfied, and such facilities are protected by methods that minimize flood damages.
   3. Any other type of development, provided is meets the requirements stated in this section.

B. Application Requirements. An application for a variance from the Flood Damage Prevention provision of this UDO shall be submitted in accordance with Chapter 13 (Variances). A written report, signed and sealed by a licensed engineer in the State of

North Carolina, addressing each of the factors listed in Section 16.23(C) shall be submitted with the application for a variance.

C. 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:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the service provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location as defined under Chapter 19 (Definitions) of this ordinance as a functionally dependent facility, where applicable;
6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. 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
11. 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.

D. Criteria for Approval.

1. Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
2. 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. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. Variances shall only be issued prior to development permit approval.
5. Variances shall only be issued upon a showing of good and sufficient cause;
6. Variances shall only be issued upon a determination that failure to grant the variance would result in exceptional hardship; and
7. 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.

E. 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:

1. The use serves a critical need in the community.
2. No feasible location exists for the use outside the Special Flood Hazard Area.
3. The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation or flood of record contour elevation.
4. 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.
5. The use complies with all other applicable Federal, State and local laws.
6. 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 30 calendar days prior to granting the variance.

F. 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.

G. Action Following Approval. 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. 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. 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.

16.24 Definitions

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 1 to 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.

Basement (Floodplain). Any area of the building having its floor subgrade (below ground level) on all sides.

Base Flood (Floodplain). A flood having a one 1% chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) (Floodplain). 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.

Elevated Building (Floodplain). 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 (Floodplain). 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.

FIRM , Post (Floodplain). 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 (Floodplain). 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.

Flood or Flooding (Floodplain). A general and temporary condition of partial or complete inundation of normally dry land areas from: The overflow of inland or tidal waters; and/or The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM) (Floodplain). 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 Rate Map (FIRM) (Floodplain). 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 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 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 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.

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.

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.

Highest Adjacent Grade (HAG). The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

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.

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.

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.

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.

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 2 feet above the highest adjacent grade.

Special Flood Hazard Area (SFHA). The land in the floodplain subject to a one 1% or greater chance of being flooded in any given year.

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 1 foot as designated in the Flood Insurance Study report.

CHAPTER 17
ENFORCEMENT & PENALTIES

17.1 Applicability

This Chapter applies to all provisions of this ordinance unless another Chapter has a separate enforcement section. Furthermore, it is a violation to engage in the building or use of a building or land, the use or installation of a sign, the subdivision (including selling, transfer, or development) of land, or any other activity requiring one or more permits or approvals under this ordinance without obtaining all such required permits or approvals. Any property owner on which a violation occurs, tenant, or occupant, contractor, or any other person who participates in a situation that is contrary to the requirements of this ordinance may be jointly or separately responsible and subject to enforcement.

17.2 Enforcement Procedures

A. Investigation. Upon receipt of a written or verbal complaint, the Administrator must investigate the complaint and determine whether a violation exists within 10 days. The Administrator shall proactively enforce any violation existing after a permit approved by a Board has been revoked.

B. Courtesy Letter. When a violation is discovered the Administrator shall send an informal letter, by first class mail and certified mail return receipt request, to the property owner and other person(s) responsible for any violation, detailing the nature of the violation(s) and the actions necessary to correct the violation. If the certified notice is returned, refused, or unclaimed, then the first-class mail to the same address is deemed proper notice. Failure to remedy the situation voluntarily within 30 days, unless an extension is given, will result in a formal notice of violation.

C. Violation Letter. A formal notice of violation shall be sent by first class mail and certified mail return receipt request, to the person(s) responsible for any violation, detailing the nature of the violation(s) and the actions necessary to correct the violation. If the certified notice is returned, refused, or unclaimed, then the first-class mail to the same address is deemed proper notice. The violation letter shall state that all violations must be corrected within 10 days of issuance of the violation letter. This letter shall also include possible penalties and/or legal actions, deadlines for appeal, and method of appeal. If the violation has not been corrected, and no appeal has been made to the Board of Adjustment within 10 days of the date of the letter, the Administrator shall pursue enforcement and penalties as outlined below.

17.3 Enforcement and Penalties

Pursuant to NCGS 153A-324 and 123(f), Moore County may utilize one or more of the following remedies and penalties to correct or abate a violation of this ordinance:

A. Civil Penalty. In accordance with NCGS 153A-123(c), the Administrator imposes a civil penalty by giving the violator a written citation, either in person or by certified mail return receipt request. The citation must describe the violation, specify the amount of the civil penalty being imposed, and direct the violator to pay the civil penalty to the county within 10 days of the date the citation is received or presumed to have been received. Violations of this ordinance subject the violator to a civil penalty in the amount of one $100 per day. Each day's continued violation is a separate and distinct offense. If the penalty is not paid timely, the County may recover the civil penalties through legal action. In addition, the County may place of a lien on the property subject to the penalty.

B. Criminal Penalty. Violation of this ordinance is punishable as set forth in NCGS 153A-123 (Enforcement of ordinances), 153A-334 (Penalties for transferring lots in unapproved subdivisions), and 14-4 (Violation of local ordinances misdemeanor).

C. Injunction and Abatement. Moore County may apply to any court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. Pursuant to NCGS 153A-123 if the violator fails to comply with a court order and the county has to abate the violation, then the county shall have a lien on the property on which the violation occurred to cover the county's cost of the abatement.

17.4 Repeat Violations

Any violation that is corrected but subsequently reestablished within a period of one year (365 days) from the date of correction shall be considered a continuation of the violation and the Administrator shall continue issuing the civil penalty or pursue other equitable reliefs.

17.5 Appeal

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 as described in Chapter 13. Citations that follow the original notice of violation may not be appealed to the Board of Adjustment. If there is no appeal, the determination of the Administrator is final.

CHAPTER 18
SUBDIVISIONS

18.1 Applicability

In accordance with NCGS 153A-331(a), the purpose of this chapter shall be to establish procedures and standards for the subdivision of land within the jurisdiction of the County, and to provide for orderly growth in a manner and under conditions that facilitate the adequate provision of streets, water, sewage disposal, and other considerations essential to public health, safety, and the general welfare.

18.2 Plats Shall be Required on Any Subdivision of Land

In accordance with NCGS 153A-331 and 332, plats shall be prepared, approved, and recorded pursuant to the provisions of this Ordinance whenever any subdivision of land takes place.

18.3 Exemptions to Subdivision Regulations

A. Applicability. In accordance with NCGS 153A-335, the following activities are not subject to the subdivision regulations of this Ordinance:

1. Combination / Recombination. The combination or recombination of portions of lots if the total number of lots is not increased and the resultant lots are equal to or exceed zoning requirements.
2. Divisions Greater Than 10 Acres. The division of land into parcels greater than 10 acres, **measured from the property lines**, if no street right-of-way public dedication is involved (not including private streets or access easements to lot owners or a home owners association.)
3. Public Acquisitions / Right-of-Way. The public acquisition by purchase of strips of land for widening or opening street right-of-ways or for public transportation system corridors.
4. Two into Three Lots. The division of a tract in single ownership the entire area of which is no greater than 2 acres into not more than 3 lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed zoning requirements, including but not limited to, minimum lot dimensional standards, as detailed in this Ordinance. *(Note: "Single ownership" refers to all of the contiguous land owned by the qualifying owner does not exceed two acres.)*
5. Estate Exclusion. The division of land among heirs in order to settle an estate by will or by order of a court of jurisdiction in the settlement of a decedent's estate. *(Note: Unless such lots meet the standards of this Ordinance, a building permit shall not be issued.)* A copy of the will or order shall be submitted to the Administrator.

6. Court Ordered Survey. The division of land pursuant to an Order of the General Court of Justice. A copy of the court order shall be submitted to the Administrator.
7. Easement Plats. Access and utility easements may be platted and recorded as exemptions from subdivision regulations. **Access easements shall be a minimum 20 feet in width pursuant to the NC Fire Code.**
8. Non-occupied Facilities. (Examples: Utility substations, septic tanks, family cemetery lots, dock access.) Individual lots are exempt from the minimum dimensional standards only. Each use shall comply with zoning district regulations including, but not limited to, setback and screening requirements.

B. Exempt Plat Submittal Requirements. The exempt plat shall be submitted in conformance with: (1) all applicable requirements zoning requirements, including but not limited to the minimum lot dimensional standards of the underlying zoning district, (2) NCGS 47-30, including but not limited to the applicable information required in Section 18.15 and (3) applicable statements required in Section 18.16.

C. Action by the Administrator. The Administrator shall render decision within 14 working days after receipt of the completed plat and associated documents. If the subdivision is disapproved, the Administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval.

D. Expiration of Plat Approval. Approval of an Exempt Subdivision plat is contingent upon the plat being recorded within 60 days after the date the plat was signed by the Administrator. Failure to record the approved plat within the 60 day period shall render the plat null and void.

E. Appeal. Final action on an Exempt Subdivision plat by the Administrator may be appealed to the Board of Adjustment in accordance with Section 13.1.

18.4 Family Subdivisions

A. Applicability. Family Subdivisions involve the creation of lots for residential purposes which are to be deeded only to family members and cannot be resold or deeded for 3 years. Each lot, shall front on an existing public or private road or on an existing or new access easement. The existing or new access easement shall be a minimum of 20 feet wide, including the shoulder area. *(Note: A minimum of 45 feet easement width is recommended to meet NCDOT's minimum right-of-way standard.)* For purposes of this section "immediate family members" shall include: husbands, wives, mothers, fathers, brothers, sisters, children (biological, adopted, or step), grandmothers, grandfathers, grandchildren (biological, adopted, or step), aunts, uncles, nieces, and nephews.

B. Family Plat Submittal Requirements. The family subdivision plat shall be submitted in conformance with: (1) all applicable zoning and subdivision requirements, (2) does not require the extension of a public water or sewer line other than laterals to serve individual lots, (3) **easements shall be 50 feet from intermittent streams and 100 feet from perennial streams,** (4) NCGS 47-30, including but not limited to the applicable

information required in Section 18.15, and (5) applicable statements required in Section 18.16.

C. Additional Documents. The Affidavit of Family Subdivision, Deed of Gift, and Private Road Maintenance Agreement, provided by the Administrator, shall be recorded at the same time as the family subdivision plat. Septic Suitability Certificate as determined by the Moore County Department of Environmental Health Division or licensed soil scientist for each proposed family subdivision lot.

D. Action by the Administrator. The Administrator shall render decision within 14 working days after receipt of the completed plat. The plat shall not be approved by the Administrator until all additional documents have been reviewed and approved. If no decision is rendered by the Administrator within the required 14 day period, the applicant may refer the Family Subdivision plat to the Subdivision Review Board for review. If the subdivision is disapproved, the Administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval.

E. Expiration of Plat Approval. Approval of a Family Subdivision plat is contingent upon the plat and associated documents being recorded within 60 days after the date the plat was signed by the Administrator. Failure to record the approved plat and all associated documents within the 60 day period shall render the plat null and void.

F. Appeal. Final action on a Family Subdivision plat by the Administrator may be appealed to the Board of Adjustment in accordance with Section 13.1.

18.5 Minor Subdivisions

A. Applicability. A Minor Subdivision is a subdivision that:
   1. Creates a maximum of 4 lots, including the residual or parent lot, **and/or any property within 500 feet from the original property boundaries,** for a period of 3 years;
   2. Does not require any new public or private street right-of-way to be constructed, expanded, or dedicated;
   3. Fronts an existing, approved public or private street right-of-way **or on an existing, expanded, or new access easement;**
   4. **The existing, expanded, or new access easement shall be a minimum of 20 feet wide, including the shoulder area; *(Note: A minimum 45 feet easement width is recommended to meet NCDOT's minimum right-of-way standard.)***
   5. **A maximum of 4 lots (existing and/or new) can gain access through an existing, expanded, or new access easement. Any parcel as shown on the Moore County Tax Map dated December 31, 2015 shall have no more than 1 (existing or future) shared access easement; and**
   6. Does not require a variance or waiver from any of the requirements of this UDO.

B. Flag Lots. A flag lot is 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. 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. The shall be no more than one flag lot within 300 feet of another flag lot. All flag lots shall have a minimum road frontage and minimum lot width of 30 feet.

C. Minor Plat Submittal Requirements. The plat shall be submitted in conformance with (1) all applicable zoning and subdivision requirements, (2) does not require the extension of a public water or sewer line other than laterals to serve more than 4 individual lots, (3) **easements shall be 50 feet from intermittent streams and 100 feet from perennial streams,** (4) NCGS 47-30, including but not limited to the applicable information required in Section 18.15, and (4) includes applicable statements required in Section 18.16

D. Additional Documents Submitted for Approval. NCDOT Driveway Approval (per NCGS 136-18(5) & 136-93) is required before plat approval. Lots considered for minor subdivision status on an existing or new easement must complete the Private Road Maintenance Agreement to be recorded at the same time as the minor subdivision plat.

E. Action by the Administrator. The Administrator shall render decision within 14 working days after receipt of the completed plat and additional documents. If no decision is rendered by the Administrator within the required 14 day period, the applicant may refer the plat to the Subdivision Review Board for review. If the subdivision is disapproved, the Administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval.

F. Expiration of Plat Approval. Approval of a Minor Subdivision plat is contingent upon the plat being recorded within 60 days after the date the plat is signed by the Administrator. Failure to record the approved plat and all associated documents within the 60 day period shall render the plat null and void.

G. Appeal. Final action on a Minor Subdivision plat by the Administrator may be appealed to the Board of Adjustment in accordance with Section 13.1.

18.6 Major Subdivisions - Preliminary Plat Submittal and Review

A. Applicability. All subdivisions shall be considered major subdivisions except those defined as exempt, family, or minor subdivisions. Major subdivisions are further classified as a division of a lot of land into 5 or more lots of land at initial time of division or accumulative over a period of 3 years or the creation, change, or expansion of a new or existing private or public streets.

B. Subdivision Review Approval Steps.

1. Preliminary Plat Submittal and Approval
2. **The applicant shall post a sign stating "Subdivision Decision"**
3. Construction Plan Submittal and Approval (or Improvement Guarantees approved by the Board of Commissioners)
4. Installation and Inspections of Improvements
5. As-Built Drawings Submittal and Approval

6. Final Plat Approval

C. Preliminary Plat Submittal. The preliminary plat shall be submitted to the Administrator at least 20 days prior to the Subdivision Review Board meeting. Preliminary plats shall meet the specifications in this Chapter and shall (1) be submitted as either a Conservation or Conventional Subdivision, (2) meet all applicable zoning and subdivision requirements, (3) comply with NCGS 47-30, including but not limited to the applicable information required in Section 18.15, and (4) include applicable statements required in Section 18.16.

D. Action by the Administrator. The Administrator shall review the preliminary plat and within 10 days provide comments to the applicant. Plats shall not be forwarded to the Subdivision Review Board for review and approval until all deficiencies have been corrected.

E. Agency Review. Before the preliminary plat is approved, the Administrator shall consult with other departments and agencies, if applicable, to ensure conformance of the proposed subdivision with the various development standards set forth by county and state agencies, including but not limited to:

1. Regional Land Use Advisory Commission – In accordance to Section 11.3 D. (Fort Bragg Notification)
2. Superintendent of Schools and/or Board of Education
3. North Carolina Department of Environmental & Natural Resources
4. Army Corp of Engineers
5. North Carolina Department of Transportation
6. Moore County Airport Authority
7. Moore County Department of Environmental Health
8. Moore County Department of Public Works
9. Moore County Building Inspections
10. Moore County Department of Public Safety
11. Moore County Department of 911 Addressing

F. Action by the Subdivision Review Board (SRB). The applicant shall submit 15 copies of the preliminary plat (24"X36") at least 10 days prior to the meeting. The SRB shall review the preliminary plat and shall approve, approve conditionally with modifications to bring the plat into compliance, or disapprove the plat.

G. Approval. 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.

H. Subdivision Decision Sign. The applicant shall post a sign on the site within 10 days of preliminary plat approval, stating "Subdivision Decision" and including contact information of the Administrator, for a minimum of 10 days to notify the neighbors of the subdivision decision, or the plat shall be null and void.

I. Conditional Approval. If the SRB approves the preliminary plat with conditions, the conditions shall be noted on the plat.

J. Denial. If the SRB disapproves the preliminary plat, the reasons for such action shall be stated in writing and references shall be made to the specific regulations with which the preliminary plat does not comply and possible modifications may be indicated for further considerations. The applicant may make the recommended revisions and submit a revised preliminary.

K. Expiration. Preliminary plat approval shall be valid for a period of two years from the date of approval of the plat by the SRB unless an extension of time is applied for and granted by the SRB. Each successive final plat for a phase of the subdivision shall be submitted for approval within two years of the date of approval of the previous final plat for a stage of the subdivision.

L. Appeal. Final action on a Major Subdivision plat by the Subdivision Review Board may be appealed Board of Adjustments in accordance with Section 13.1.

18.7 Major Subdivisions – Minimum Design Standards as Shown on Preliminary Plat

A. Conformity to existing maps or plans. The plat shall conform to any official map or plan adopted by the Board of Commissioners.

B. Topography. The general design shall take advantage of and be adjusted to the contour of the land so as to produce usable building sites and streets of reasonable gradients. Steep slopes (15% or greater) shall be labeled on the preliminary plat.

C. Suitability of Land. Land which has been determined by the SRB 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 applicant has taken the necessary measures to correct said conditions and to eliminate said dangers. Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Moore County Department of Environmental Health or a qualified licensed professional determine that the land is suitable for the purpose proposed.

D. Street Design Standards. All public or private streets and related components, including but not limited to storm water controls, drainage, curb and gutter, wheel chair ramps, pavement designs, traffic controls, guardrail, road intersections, islands or short medians at entrances, name markers, and minimum design criteria, shall be designed, constructed, and paved in accordance with the most current edition of NCDOT's "Subdivision Roads Minimum Construction Standards."

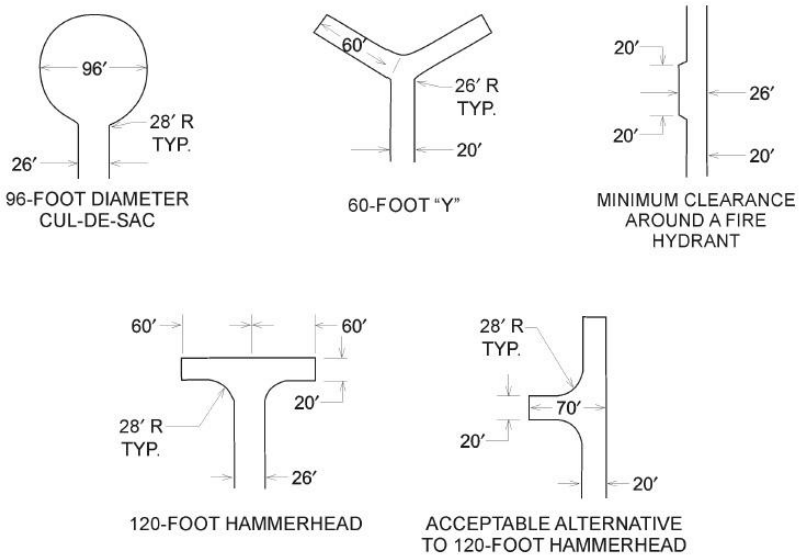
E. Alternative Street Standards. The applicant may submit alternative street design standards, subject to NCDOT and Moore County Dept. of Public Safety approval, that vary in response to the proposed function of the street and the anticipated traffic volume.

F. NCDOT approval. If any street proposes to access a state-maintained road, the subdivider shall receive NCDOT driveway approval as required by NCDOT's "Policy on Street and Driveway Access to North Carolina Highways" prior to construction and/or final plat approval. NCDOT may require a traffic impact study.

G. Street names. All roads shall comply with the applicable provisions of the "Moore County Road Name and Addressing Ordinance." All new street names shall receive final approval by the Board of Commissioners.

H. Traffic Signs and Control (including street name signs). The applicant 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.

I. Dead-End Streets. Dead-end roads shall be terminated in a cul-de-sac or "T" turnaround per the NC Fire Code Fire Apparatus Access Roads Standards:



J. Street Trees. The subdivider shall plant or leave at least 1 street tree for each 20 feet of frontage on all streets, **outside of sight triangles,** as illustrated on the preliminary plat. The trees planted shall be a minimum height of 6 feet at the time of installation with the intent to grow to 10 feet within 2 years. Refer to Section 7.10(F) for recommended native species list. Street trees may be installed either before final plat approval or before certificate of occupancy is issued for each dwelling unit.

K. Water and Sewer Options. All water and sewer systems shall be installed in accordance with County specifications and standards. Major subdivisions of 20 or more lots are required to install and connect to public water and/or sewer. Should private water and sewerage systems be provided (allowable only in areas where County services are not available), such shall meet the requirements of the health regulations of the State of North Carolina and of Moore County. Water supply and sewage disposal facilities to serve Major Subdivision developments may be provided through the use of:

1. Individual wells and septic tanks provided either on each lot or in off-lot locations protected through recorded easements (for subdivisions proposing nineteen or less lots); or
2. 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
3. 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
4. A combination of the above alternatives.

L. Fire Service. Major residential subdivisions of 20 or more lots and nonresidential subdivisions shall provide for fire service flow. 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 Moore County Dept. of Public Safety 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.

1. All fire hydrants shall be installed on a minimum six-inch waterline.
2. There shall be at least one fire hydrant at each street intersection.
3. Valves associated with fire hydrant assemblies shall be located within 12 to 25 feet of the edge of the pavement.
4. No fire hydrant may be located more than 25 feet from the pavement edge.
5. The applicant shall adhere to the following spacing schedule. Separation shall be measured along street centerlines. When schools and high-density and multi-story nonresidential intersections are less than 450 feet apart, a hydrant is not required between intersections. Where intersections are less than or equal to 1,000 feet apart in low density residential developments, no hydrant is required between the intersections.

PROPOSED USE	**SPACING (FEET)**
Residential	500
Schools	300
Low and medium density nonresidential, single story	500
High density and multi-story nonresidential	300

M. Utility Easements. Easements for underground or above ground utilities shall be provided where needed. Where easements are necessary across land, they shall be located to the extent possible along property lines.

N. Underground Utilities. All new utilities associated with the proposed development shall be underground unless just cause requires otherwise as approved by the Subdivision Review Board.

O. Oversized Improvements. The County may require installation of certain oversized utilities or the extension of utilities to abutting property when it is a part of the Long Range Utility Plan and the extension is in the interest of future development. If funds are budgeted by the County for this purpose, the installation of improvements in excess of the standards required in this Ordinance the County may pay the cost differential between the improvement required and the standards in this Ordinance.

P. Lots. Double frontage lots or through lots shall be avoided. Cul-de-sac bulb lots shall have a minimum frontage of 50 feet.

Q. Reservation of School Site. Pursuant to 153A-331(f), if the Moore County Board of Commissioners and Board of Education have jointly determined the specific location and size of any school sites to be reserved in accordance with a comprehensive land use plan, the Administrator shall notify the BOE whenever a preliminary plat is submitted which includes all or part of a school site to be reserved. If the BOE does wish to reserve the site, the subdivision shall not be approved without such reservation. The BOE shall then have 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. If the BOE has not purchased or begun proceeding to condemn the site within 18 months, the subdivider may treat the land as freed of the reservation.

18.8 Major Subdivisions – Option 1 – Conservation Design Standards

A. Purpose. The purpose of the conservation option is to preserve open space 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.

B. Applicability. The conservation option is permitted in all residential zoning districts. All conservation subdivision plats shall comply with the requirements and standards specified in this Ordinance and in all respects with other applicable codes and Ordinances.

C. Dimensional Requirements. No minimum lot size, frontage, or depth is required. The required minimum front, side, and rear setback shall be 10 feet and may be reduces to 5 feet when abutting an alley or dedicated open space.

D. Minimum Open Space Required. At least 30% of the total land area shall be set aside as protected open space. At least 60% of the required open space shall be contiguous. The right-of-way area is not included in the calculation of minimum open space required. In addition to woodlands, agriculture, historical site, or natural areas, open space may

include vegetative perimeter buffers (minimum 25 feet wide of Type 3 Screening). Public and/or private passive or active recreation areas may also be included within open space area contingent that the impervious surface area is limited to 10% of the total opens space. Areas in access shall be located outside of the protected open space. Storm water management facilities that are designed to look like natural areas and waterbodies such as ponds and wetlands may also be used provided the total area of water surface does not comprise more than 50% of the required open space.

E. Ownership of Open Space. No final plat shall be approved until all required legal instruments have been reviewed and approved by the County Attorney as to legal form and effect. Land dedicated for open space shall be designated on both the preliminary and final plat(s) of the subdivision. All open space shall be permanently restricted from further subdivision. Open space shall be owned and/or administered by 1 or more of the following methods:

1. Fee simple dedication to a public government entity or a private non-profit land conservancy which public access shall be provided.
2. Ownership by a home owners association (HOA) where specific development restrictions and maintenance requirements are included as part of its bylaws and restrictive covenants filed in the Register of Deeds Office. Such conveyances shall be approved by the County Attorney, subject to the North Carolina Unit Ownership Act / North Carolina Condominium Act, and shall be filed with the Moore County Department of Planning. The fee-simple title of the common area shall be conveyed by the subdivider or developer to the HOA before any lots are sold. The required organizational documents and by-laws shall include, but are not limited to, the following: Membership shall be mandatory for each buyer and any successive buyer. The developer shall be responsible for all maintenance and other responsibilities of the HOA until 60% of all units to be sold are sold. After 60% of all units are sold, the HOA shall levy assessments and assume its responsibilities. The HOA shall be responsible for liability insurance, taxes and maintenance of all recreational open space facilities, grounds and common areas. Any sums levied by the HOA that remain unpaid shall become a lien on the individual property.
3. 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 building or structure on the property. The responsibility for maintaining the open space and any facilities shall be borne by the private land owner.

F. Permitted Density. All lots shall be required to meet County Environmental Health Department requirements as well as NC State requirements for septic system installation. 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	100 dwelling units per acre
Total Number of units permitted	100 units

G. Bonuses. In the event that a developer seeks to contribute additional open space the developer will receive an additional density bonus based on the following scale:

Provided	Bonus %	Provided	Bonus %
30%	0%	41% - 45%	20%
31% - 35%	10%	46% - 50%	25%
36% - 40%	15%	n/a	n/a

No additional units will be granted in the form of a density bonus for additional open space beyond 50% of the total site (gross area).

18.9 Major Subdivisions – Option 2 – Conventional Subdivision Design Standards

A. Applicability. The conventional subdivision option is permitted in all residential zoning districts shall comply with the requirements and standards specified in this chapter and in all respects with other applicable codes and Ordinances. The stricter standards shall apply.

B. Clearing & Grading Limits. 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. Clearing and grading limit line shall be delineated on each lot.

C. Recreational Requirements. At least 5% of the tract to be subdivided must be preserved as public or private recreation and/or open space including the preservation of natural and cultural resources and/or to serve the leisure needs of the residents of the subdivision. Passive or active recreation areas shall be located so as to provide accessibility to all residents of the subdivision. Recreation and open space areas shall adhere to the standards set forth in Section 18.9(D).

D. Payments in Lieu of Dedication of Recreation Requirements. Recreation and/ or open space required for conventional subdivisions may 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 SRB shall find that no recreation/open space sites have been designated on any officially adopted Recreation Plan. The Moore County Parks and Recreation Board shall submit any and all recommendations concerning the payment of

fees in lieu of dedication to the SRB. The fees in lieu of dedication shall be paid prior to final plat approval. The amount of the payment shall be the product of the number of acres to be dedicated 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. 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.

18.10 Major Subdivision – Construction Process

A. Construction Plan Submittal. Following preliminary plat approval, the subdivider shall submit 8 paper copies and a digital copy of the construction plans to the Administrator. Licensed Professional Engineer design and certification are required on all construction related plans, including but not limited to streets, stormwater controls, drainage, and utilities (storm sewers, sanitary sewers, water systems, electric, cable, natural gas, telephone, etc.).

B. Agency Review. The construction plans shall be reviewed and approved by the appropriate departments and agencies prior to the start of construction and/or the submission of the final plat. The subdivider shall submit all required state permit approvals to the Administrator before construction begins, including but not limited to NCDEQ, Army Corp of Engineers, and NCDOT.

C. Soil Evaluation Report. The subdivider shall submit a report including a lot-by-lot evaluation, signed, sealed, and dated from a licensed soil scientist, for septic system capacity. The report must show that each proposed lot has been evaluated under the current provisions of Title 15A NCAC 18A.1900 et seq. 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. 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.

D. Start of Construction. The applicant, prior to commencing any work within the subdivision, shall make arrangements with the Administrator to provide for adequate inspections.

E. Inspections. No final plat shall be approved until all required infrastructure has received final inspection approval or appropriate surety has been provided. Upon completion of public or private streets the developer shall submit confirmation by the NCDOT or a registered engineer, that the roads have been constructed to NCDOT standards.

F. Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements. Before approval of the final plat or before the release of improvements guarantees, the applicant shall acquire the services of a licensed engineer to supervise the construction, inspect upon completion, and certify in writing to the Administrator that the improvements have, in fact, been installed in accordance with the

requirements of this UDO, with the preliminary plat, and with the Division of Highway's Minimum Construction Standards, or explanations and drawings of any necessary changes.

G. As-Builts. As-built drawings shall meet the requirements of the appropriate agency involved. No building, zoning or other permits shall be issued for construction of a building on any lot (not of record at the time of adoption of this Ordinance) until all the requirements of this Ordinance have been met and as-built drawings of all improvements have been submitted and approved by the appropriate agencies.

18.11 Major Subdivisions – Final Plat Submittal

A. Final Plat Submittal Requirements. The final plat shall conform substantially to the approved preliminary plat. Should the Administrator, Building Inspector, Environmental Health, the Fire Marshal, or NCDOT identify minor changes the Administrator shall be authorized to accept such minor modifications to plat, as necessary. Such minor changes may include, but not be limited to, small site alterations such as realignment of streets and relocation of utility lines due to engineering necessity. If the submitted final plat deviates in its overall design from the approved preliminary plat, the plat shall be reviewed by the SRB.

B. Action by the Administrator. The Administrator shall take expeditious action on a final plat. If the 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 SRB.

C. Approval. The Administrator shall approve the final plat unless 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.

D. Denial. If the final plat is disapproved by the 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.

E. Appeal. If a final plat is disapproved by the Administrator, the applicant may appeal the decision by requesting that the final plat be scheduled for review by the SRB. **If the SRB disapproves the final plat the applicant may appeal to the Board of Adjustments pursuant to Section 13.1.**

F. 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 60 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.

18.12 Phasing

A. Adequate Facilities. The Subdivision Review Board may not approve a phasing plan if they determine such phasing will not provide for adequate facilities to support any such phase or phases independent of the overall subdivision plan.

B. NCDOT Approval of Public Streets. Subsequent phasing shall not be approved until a written request to the NCDOT has been made for acceptance of all proposed public streets/roads in the previous phase. Further, all roads in any new phase of a subdivision are to be guaranteed until accepted for maintenance by NCDOT. The amount of this guarantee shall be for at least 50% of the total costs of construction of the subdivision road. Once a subdivision road is accepted for maintenance by NCDOT, through written confirmation by NCDOT, this guarantee may be released.

C. Plat Detail. When a subdivision is to be developed in phases the preliminary plat shall be submitted for the entire development. The boundary of each phase shall be shown on the preliminary plat. A final plat shall be submitted for each phase.

D. Expiration. Each successive final plat for a phase of the subdivision shall be submitted for approval within 24 months of the date of approval of the previous final plat for a stage of the subdivision.

18.13 Performance Guarantees for Major Subdivisions

A. Options. In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval, the **Board of Commissioners** may enter into an agreement with the subdivider for performance guarantees to assure successful completion of required improvements. The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Administrator. Per NCGS 153A-331(g) and 160A-372, the developer shall elect any of the following forms of guarantee:

1. Surety bond issued by any company authorized to do business in this State.
2. Letter of credit issued by any financial institution licensed to do business in this State.
3. Other form of guarantee that provides equivalent security to a surety bond or letter of credit.

B. Release. The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgement by the county that the improvements for which the performance guarantee is being required are complete. The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion.

C. Extension. If the improvements are not complete and the current performance guarantee is expiring, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period until such required improvements are complete. A developer shall demonstrate reasonable, good faith progress toward completion of the required improvements that are the subject of the performance guarantee or any extension. The form of any extension shall remain at the election of the developer. Any extension of the performance guarantee necessary to complete required improvements shall not exceed one hundred twenty-five percent (125%) of the

reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.

18.14 Waiver from Subdivision Regulations

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

1. 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.
2. Equal or Better Performance. Where, in the opinion of the SRB, a variance will result in equal or better performance in furtherance of the purposes of this UDO.

B. Submittal Process. Application shall be submitted concurrently with the application for preliminary plat review. An application shall also contain a statement by the subdivider explaining the reasons for a request for a waiver from the subdivision regulations.

C. Subdivision Review Board. The findings and recommendations of the Administrator, and any other reports or recommendations pertaining to the plat and waiver request shall be used by the SRB when reviewing waiver requests. The SRB may approve, approve with conditions, or disapprove the request for a waiver from the subdivision regulations. The SRB shall review and take action on each preliminary plat within 60 days. If the SRB conditionally approves the waiver request and preliminary plat, the conditions and reasons thereof shall be stated in writing. If the SRB 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.

18.15 Subdivision Plat Requirements

An '**X**' indicates that the information is required.

Information Required	Exempt Plat	Family Plat	Minor Plat	Major Prelim. Plat	Major Final Plat
Map Size and Materials					
Plat is 18X24", 21X30", or 24X36" in size	X	X	X	X	X
Min. margin 1½" on left side, ½" on all other sides	X	X	X	X	X
Legible black ink on mylar	X	X	X	X	X
Title Block					
Property Designation / Name of Subdivision	X	X	X	X	X
Type of plat (minor plat, preliminary plat, etc,)		X	X	X	X
Name of Property Owner	X	X	X	X	X
Township, County and State	X	X	X	X	X
Date the survey was prepared & any revision dates	X	X	X	X	X
Scale in words (Ex. 1"=200 feet)	X	X	X	X	X
Bar graph	X	X	X	X	X
Name, address, and telephone # of surveyor	X	X	X	X	X
The names, addresses, and telephone # of all owners, surveyors, architects, and engineers responsible for the subdivision				X	X
General Information					
Zoning district(s) of property & abutting properties		X	X	X	X
Parcel ID Number(s)		X	X	X	X
Plat book and/or deed book reference	X	X	X	X	X
Names of abutting property owners	X	X	X	X	X
Vicinity map	X	X	X	X	X
Corporate limits & county lines	X	X	X	X	X
Surveyor's original signature, seal, & registration #	X	X	X	X	X
North arrow and orientation	X	X	X	X	X
Course and distance of existing and proposed property lines (label old property lines)	X	X	X	X	X
Tied to nearest street intersection if within 300 feet		X	X	X	X
Tied to USGS marker if within 2000 feet	X	X	X	X	X
Location and description of all monuments, markers and control corners		X	X	X	X

Information Required	Exempt Plat	Family Plat	Minor Plat	Major Prelim. Plat	Major Final Plat
Minimum 2 control corners present when creating a new road right-of-way	✘	✘	✘	✘	✘
Location of all existing and proposed buildings including distance to property lines	✘	✘	✘	✘	✘
Square footage of all lots under 1 acre in size and acreage for all lots over 1 acre in size		✘	✘	✘	✘
Lots numbered consecutively		✘	✘	✘	✘
Lines not surveyed must be clearly indicated (include source data)	✘	✘	✘	✘	✘
All mapping shall comply with NCGS 47-30	✘	✘	✘	✘	✘
Required Certificates	See Section 25.16 for certificate requirements.				
If more than one sheet, each sheet must be signed, sealed, and numbered (ex. 1 of 3, 2 of 3, 3 of 3)					
Amenities & Natural Features Layout					
Location, dimension, and details of proposed recreation areas and facilities (golf courses, clubhouses, pools, tennis courts, playgrounds, etc.)				✘	✘
Required landscaping / perimeter buffer				✘	✘
Riding trails, pedestrian, or bicycle paths				✘	✘
Areas to dedicated as common area or open space – label the future ownership (HOA, dedication for public use to governmental body, etc.)				✘	✘
Areas to be used for uses other than residential				✘	✘
Name and location of any property or building on the National Register of Historic Places				✘	✘
Wetlands, marshes, rock outcrops, pond, lakes, streams, railroads, bridges and any other features affecting the site		✘	✘	✘	
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				✘	
Existing and proposed signs				✘	✘
Utility Layout					
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					

Information Required	Exempt Plat	Family Plat	Minor Plat	Major Prelim. Plat	Major Final Plat
Water & Sewer - Connections to existing systems, line sizes, material of lines, blowoff & valves, manholes, catch basins, force mains, location of fire hydrants				✘	
Storm drains, swales, detention ponds, & other drainage facilities, if any				✘	
Natural gas lines				✘	
Electric Lines				✘	
Telephone Lines, Cable TV, etc.				✘	
Utility and other easements				✘	
Any additional determined by reviewing agencies that may be required to review plat				✘	
Street Layout					
Proposed and existing right-of-ways – label public or private streets	✘	✘	✘	✘	✘
Right-of-way & pavement location, widths, & dimensions				✘	✘
Cul-de-sac pavement diameter				✘	
Approximate grades				✘	
Typical detailed cross section(s)				✘	
Existing and proposed street names				✘	✘
Location of required street trees (include a detail)				✘	✘
Subdivision Information & Calculations Table					
Classification of Watershed Overlay District		✘	✘	✘	✘
Existing & Proposed use(s) of land				✘	
Existing & Proposed zoning classification(s)				✘	
Front, side, rear setback requirements				✘	
Acreage in total tract to be subdivided		✘	✘	✘	
Acreage in recreation & open space (label)				✘	
Total number of lots proposed				✘	
Square footage of smallest lot in the subdivision				✘	
Linear feet in streets				✘	
Percent of entire project to be covered with impervious surfaces, including totals by phase				✘	✘
Separate impervious surface totals by streets, sidewalks, maximum allowed for each lot, etc.				✘	✘

Information Required	Exempt Plat	Family Plat	Minor Plat	Major Prelim. Plat	Major Final Plat
Permits and other documentation required before Final Plat Approval					
Construction plans for all infrastructure / improvements (such as streets, water, sewer, hydrants, stormwater, etc. Approval is required by appropriate agencies before construction begins)					✘
Inspection results of all improvements					✘
As built drawings of all improvements					✘
NCDEQ Approval of the Erosion & Sediment Control Plan (if disturbing more than 1 acre)					✘
NCDOT Approval of Driveway Access Permit					✘
Wetland delineation of property					✘
US Army Corp of Engineers Approval of earth disturbing activities in Wetlands (if applicable)					✘
Submit copy of HOA agreement to be approved by County Attorney					✘
Affidavit of Family Subdivision		✘			
Deed of Gift		✘			
Private Road Maintenance Agreement, if applicable		✘	✘		
Any other information the Administrator deems necessary to determine compliance with this Ordinance				✘	✘
Any other information considered by the Subdivision Review Board pertinent				✘	✘

18.16 Subdivision Plat Requirements

An '**X**' indicates that the information is required. The Administrator may waive items if it is determined that they are not applicable.

Type of Certificate or Statement	Exempt Plat	Family Plat	Minor Plat	Major Prelim. Plat	Major Final Plat
Certificate of Survey Accuracy	X	X	X	X	X
Certificate of Purpose of Plat	X	X	X	X	X
Review Officer Certification	X	X	X	X	X
Certificate of Ownership		X	X		
Certificate of Ownership and Dedication				X	X
Certificate of Exemption	X				
Exemption 153A-335 Compliance Statement	X				
Certificate of Family Subdivision Plat Approval		X			
Family Documents Deed References		X			
Septic Suitability Certificate Statement		X	X		
Voluntary Agricultural District Proximity Statement		X	X	X	X
Public Water Supply Watershed Protection Statement		X	X	X	X
Certificate of Minor Subdivision Plat			X		
Certificate of Preliminary Major Subdivision Plat				X	
Certificate of Final Major Subdivision Plat Approval					X
NCDOT Div. of Highways District Engineer Certificate			X		X
Public Street Maintenance Disclosure Statement					X
Private Roads Disclosure Statement					X
Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements					X
Utilities Certificate			X		X
Sediment & Erosion Control Plan Certificate					X
Stormwater Control Certificate				X	X
Certificate of Soil Suitability					X
Certificate of Warranty					X
Statements such as "Preliminary, Not For Recording" cannot be recorded.					

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

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: _____

Review Officer Certification

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 of Ownership *(For Use with Family & Minor Plats Only)*

I hereby certify that I am the owner of the property shown and described hereon, which is located within the subdivision regulation jurisdiction of Moore County, North Carolina, and that I hereby freely adopt this plan of subdivision.

_____ _____

Owner Date

_____ _____

Owner Date

Certificate of Ownership and Dedication *(For Use with Major Plats Only)*

I hereby certify that I am the owner of the property shown and described hereon, which is located within the subdivision regulation jurisdiction of Moore County, North Carolina, that I hereby freely adopt this plan of subdivision and dedicate all streets, alleys, parks, open space, and other sites and easements to public or private use as noted, and that I will maintain all such areas until the offer of dedication is accepted by the appropriate public authority.

_____ _____

Owner Date

_____ _____

Owner Date

_____ _____

(Notarized) Date

Certificate of Exemption

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

Exemption NCGS 153A-335 Compliance Statement

Approval of this exempt subdivision plat constitutes compliance with North Carolina General Statute 153A-335 only. Further development of the parcels shown subsequent to the date of this plat shall be subject to all applicable Federal, State, and local laws, statutes, ordinances, and/or codes.

Certificate of Family Subdivision Plat Approval

I hereby certify that the family 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

Septic Suitability Certificate Statement

I hereby certify that each new family subdivision lot has received a Septic Suitability Certificate from the Moore County Department of Environmental Health or a licensed soil scientist.

_____ _____

Subdivision Administrator Date

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.

Certificate of 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

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~~ 24 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

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

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

1. *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 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.

(List all inspected and approved improvements)

_____ _____

Date Licensed Professional

Seal _____

License Number

Storm Water Control Statement

I hereby certify that the subdivision of property shown and described hereon has systems designed to protect to the ten (or) twenty-five year storm level and were designed and constructed to NCDOT standards.

_____ _____

Date Licensed Professional

Seal _____

License Number

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 1 year from this date. Any improvements yet to be installed I shall fully warrant in this same manner for a period of 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

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/or 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 Department of Environmental Health is not guaranteed.

_____

Date Licensed Soil Scientist License No.

CHAPTER 19
DEFINITIONS

19.1 Word Interpretation

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. The word "shall" is mandatory and not discretionary. The word "may" is permissive. The word "person" includes a firm, association, organization, partnership, corporation, trust and company as well as an individual. The word "lot" shall include the words "piece", "parcel", "tract", and "plot". The word "building" includes all structures of every kind, except fences and walls, regardless of similarity to buildings. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", and "occupied for".

19.2 Definitions

Abandon. To cease from actively using land, or any premises for its intended use for a time period greater than specified.

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.

Building. Anything having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals, or property. "Building" includes the term structure with the exception of except fences and walls, regardless of similarity to buildings.

Built-Upon Area. Per NCGS 143-214.7(b2), built-upon area means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon area" does not include a slatted deck; the water area of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; or a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour)."

Certificate of Occupancy. Official certification that a premise conforms to provisions of this Ordinance (and State Building Code) and may be used or occupied.

Change of use. A change from one use in the Table of Uses to another or the addition or expansion of a new use or an existing use of a building and/or lot.

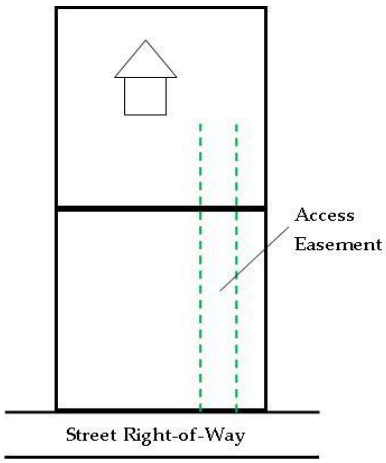
Covenant. A private legal restriction on the use of land, which is contained in the deed to the property or otherwise formally recorded.

Density. The number of families, persons, housing units, or buildings per unit of land.

Developer. Any company, firm, or individual that subdivides property that is subject to the regulation contained within this Ordinance.

Development. The act of bringing about growth; to construct or alter a structure, to make a change in use or appearance of land, to divide land into parcels, or to create or terminate rights of access.

Driveway. A private strip of land located on a parcel used for vehicle access. A driveway may be located on the principal building's lot and may also be located through an access easement. Driveways are not street right-of-ways.



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. In no case shall an easement be construed to mean a street right-of-way.

Family. One or more individuals residing in a dwelling, living as a single housekeeping unit, and complying with the following rules:

a. Any number of individuals related by blood, marriage, or adoption may occupy a dwelling unit.

b. Where some or all of the occupants are unrelated by blood, marriage, or adoption, the total number of occupants that are unrelated, shall not exceed three. In applying this provision, children who are under the age of 23 and who are children of the owner or a person renting an entire dwelling unit from the owner shall be counted as a single occupant.

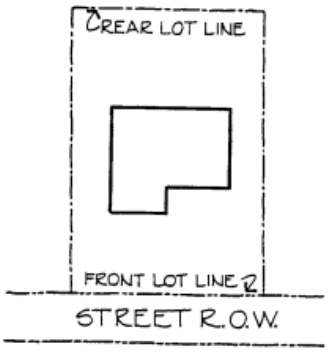
c. Where a reasonable accommodation has been approved.

d. The presence of household employees or children in foster care shall not disqualify any premises otherwise satisfying the above rules.

Impervious Surface Area. A surface covered by buildings, concrete, asphalt, or brick, gravel roads, patios, and driveways, or other materials which does not readily absorb water.

Inoperative Vehicle. Any vehicle, designed to be self-propelled on land, 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.

Lot. A parcel of land in occupied, or intended for occupancy, by a use, including one or more main buildings, accessory buildings, open space, and parking spaces as required by this Ordinance,



Lot Lines. The property lines bounding a lot.

Lot Line, Front. If a lot has one property line which is coterminous with a street right-of-way line, such line shall constitute the front lot line.

Lot, Width. The straight line distance between the two side lot lines, measured at the front building setback line.

Nuisance. Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons.

Peripheral Buffer. Area encompassing the outermost extent of the development.

Principal Building or Structure. A building or structure in which the primary use of the lot on which the building or structure is located is conducted.

Public Water or Sewer. A water or wastewater sewerage system which is owned by any unit of government designed to serve uses locating along existing lines or within the service area of the system, should additional collection lines be constructed.

Recreational Vehicle (RV). A vehicle, built on a single chassis containing 400 square feet or less when measured at the largest horizontal projection and designed to be self-propelled or permanently towable by another vehicle. An RV is not designed or intended for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use. This definition includes vehicles such as travel trailers, motor homes, and campers.

Residual or Parent Acreage. A piece, parcel, tract, lot or plot of land that is left after a subdivision occurs.

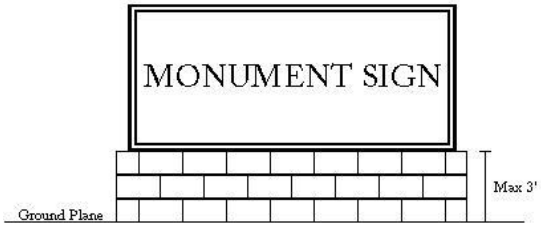
Right-of-way. An area of land not on a lot that is dedicated for public or private use to accommodate a transportation system (street right-of-way) and necessary public utility infrastructure. In no case shall a street right-of-way be construed to mean an access easement.

Setback. The required minimum distance between every building or structure from all property lines and/or right-of-way lines and/or easement lines of the lot on which it is located.

Sign. Any words, lettering figures, numerals, emblems, devices, trademarks, or trade names, or any combination thereof, by which anything is made known and which are visible from any right-of-way and is used to attract attention.

Sign, Freestanding. A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of a sign.

Sign, Monument. A freestanding sign where the base of the sign is on the ground and is supported by solid structural features other than support poles.



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.

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, Pole. A type of freestanding sign supported by one or two poles or masts.

Sign, Wall. A sign attached to a wall and not projecting away from the wall more than 12 inches.

Street. A public or private right-of-way which including "road" or "highway." In no case shall a street be construed to mean an access easement.

Street, Private. Any street right-of-way which is not publicly owned and maintained and is used for access by the occupants of the development, their guests, and the general public.

Street, Public. Any street right-of-way which is publicly owned and maintained.

Structure. See "Building."

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 3 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.

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, Nonconforming. The use of a building, structure, or land that was valid when brought into existence but by subsequent regulation, 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.

Use, New. Any purpose which has not before existed on said land or premises.

Use, Principal. The primary or predominant use of any land, lot, building, or structure.

Vehicle or Motor Vehicle. All machines designed or intended to travel over land by self-propulsion.

Yard, Front. An open space 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. An open space 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.

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 Unified Development Ordinance consists of two parts – a text and a map.

Zoning Approval. The issuance of a zoning permit by Administrator indicating that a proposed building, structure, or use of land meets all of the standards, criteria, procedures, and requirements contained in this Ordinance.

CHAPTER 20
RECORD OF AMENDMENTS

February 18, 2014.UDO Adoption by Moore County Board of Commissioners

May 20, 2014. Text Amendments:

- Article 8 (General Development Standards)
    - Section 8.4 (Signs)
- Article 12 (Flood Damage Prevention)
    - Section 12.1 (Authorization)
    - Section 12.2 (Standards for Floodplains w/Established Base Flood Elevations)
- Article 13 (Planned Unit Developments)
    - Section 13.7 (General Development Standards)
- Article 18 (Definitions & Word Interpretations)

January 20, 2015. Text Amendments:

- Article 9 (Specific Use Standards)
    - Section 3 (Solar Collector Facility)

March 3, 2015. Text Amendments:

- Article 7 (Table of Uses)
- Article 9 (Specific Use Standards)
    - Section 9.3 (Commercial Uses)
- Article 14 (Wireless Communication Facilities)
- Article 17 (Subdivisions)
- Article 18 (Definitions and Word Interpretations)
- Appendix A (Recommended Landscaping Materials)
- Appendix C (Subdivision Plat Certificates and Statements)

May 19, 2016. Text Amendments:

- Article 7 (Table of Uses)