

**MOORE COUNTY PLANNING BOARD  
REGULAR MEETING  
THURSDAY, SEPTEMBER 3, 2015, 6:00 PM  
MOORE COUNTY HISTORIC COURTHOUSE – 2<sup>nd</sup> Floor**

**CALL TO ORDER – 6 PM**

**INVOCATION – (Member Volunteer)**

**PLEDGE OF ALLEGIENCE – (Member Volunteer)**

**MISSION STATEMENT – (Member Volunteer)**

**ELECTION OF VICE CHAIR**

**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 6, 2015
- C. Consideration of Abstentions

**III. WORK SESSION**

- 1. Text Amendments to the Moore County Unified Development Ordinance**

**IV. OTHER BOARD MATTERS**

**V. PLANNING DEPARTMENT REPORTS**

**VI. BOARD COMMENT PERIOD**

**VII. UPCOMING EVENTS**

- Tuesday, September 1, 2015 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage.
- Tuesday, September 15, 2015 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage.
- Thursday, October 1, 2015 6:00 PM Planning Board 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 commend during Public Hearings*

**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 4<sup>th</sup> 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 5<sup>th</sup> day of May, 2011 by a 9 to 0 vote of the Moore County Planning Board*

**MINUTES**  
**MOORE COUNTY PLANNING BOARD**  
**THURSDAY AUGUST 6 2015, 6:00 PM**  
**MOORE COUNTY HISTORIC COURTHOUSE – 2<sup>nd</sup> FLOOR**

**Board Members Present:** Rich Smith (Chair), Aaron McNeill (Vice Chairman),  
Joesph Garrison, Eli Schilling, Buck Mims, Gene Horne,  
Eddie Nobles, David Lambert

**Board Members Absent:** Scott McLeod

**Staff Present:** Debra Ensminger, Planning Director  
Misty Leland, County Attorney  
Lydia Cleveland, Administrative and Transportation  
Program Manager

**CALL TO ORDER**

Planning Board Chairman Rich Smith called the meeting to order.

**INVOCATION**

Board Member Buck Mims offered the invocation.

**MISSION STATEMENT**

Vice Chairman Aaron McNeill 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 Minutes of May 7, 2015
- C. Consideration of Abstentions

Board Member Gene Horne motioned to approve the Consent Agenda and the motion was seconded by Board Member David Lambert. The motion passed unanimously (8-0).

## **PUBLIC HEARING(s)**

Chairman Smith introduced the following case and Planning Director Ms. Ensminger.

***The Town of Pinebluff has requested to extend their extra-territorial jurisdiction (ETJ). The expansion area is located to the west of Pinebluff including a two (2) mile buffer from Parcel ID 00056458.***

Planning Director Debra Ensminger explained that the meeting is being held tonight because the Town of Pinebluff has requested an extension of their extra territorial jurisdiction (ETJ) to the west of Pinebluff including a 2 mile buffer from Parcel ID #0056458.

Ms. Ensminger turned over the item to the Pinebluff representative Mr. David Rooks.

Mr. David Rooks introduced himself as the Attorney representing Pinebluff. He referenced the map and stated that it represents a lengthy history that started 4 to 5 years ago when Pinebluff had a request of the county to expand on all sides. Since Pinebluff and the Town of Aberdeen overlap, the County requested that Aberdeen and Pinebluff come to terms first, which has since been completed. Mr. Rooks continued to explain that after the agreement between Aberdeen and Pinebluff the Town of Pinebluff made an application to the County which they thought was approved but at this time there is currently no agreement. Mr. Rooks stated that however in the interim something changed that changed everything. The legislature in 2011 adopted a change to the annexation ordinance. There are no involuntary annexations anymore and the only way an annexation can occur is with the consent of the majority of folks being annexed. Mr. Rooks explained that this really changed Pinebluff's perspective because they were originally planning to annex to the east to the intersection of 15-501 but now they are interested in going to the west. The reason they want to go to the west is there is a parcel that is the town's water tower which is directly above the starred parcel. Mr. Rooks explained that the starred parcel is the measuring point in which the annexation request comes. The ETJ expansion is based on the distance from the town's last annexation. Mr. Rooks further explained that there was a change in a local bill in 1999 that allows Pinebluff to annex automatically from its last annexation point. As indicated by the map Mr. Rooks stated that Pinebluff is not going the full two miles out and the rationale is to primarily protect their water and to just be sure of what type of development is going to occur on its west side. Mr. Rooks stated that the Town of Pinebluff informed him that their intentions are to remain zoned as it is now or low intensity residential agricultural. They have no interest in becoming industrial or something that might threaten their water. Mr. Rooks further explained that there is a creek that is called Horse Creek that runs across Roseland Road and runs pretty much along the eastern part of the annexation and is also part of what they are trying to protect. Mr. Rooks concluded by stating that at this point the only issue that is being discussed is an extension of the ETJ to the west based on the annexation that occurred on the starred lot. There is no interest in annexing to the east and the only annexations that may occur from this day forward is if someone has a public

health emergency due to failed septic systems and wells and they have to get into a municipal system.

Board Member Shilling asked for clarification on what they are allowed to annex because the resolution that the board received states they are able to annex within two miles of their corporate limits.

David Rooks stated yes this is correct but did not understand the question.

Board Member Shilling asked for clarification from a previous statement that the expansion is allowed from their current ETJ.

David Rooks stated it is from the corporate limits not the ETJ.

Board Member Mims stated that he wanted to make it clear that he is on the town board of Aberdeen and asked Mr. Rooks if there were any issues.

David Rooks stated that the agreement between Pinebluff and Aberdeen was honored in all respects so there should not be any issues.

Board Member Shilling asked the rationale to include portions of parcels in the ETJ and not whole parcels.

David Rooks explained there are a couple of parcels where this is the case and in these circumstances it is unavoidable.

Board Member Shilling at the time thought the boundary was a farther distance and the split parcels could be included as a whole in the expansion. This boundary was indicated as the black line on the map. Mr. Rooks explained that red line is boundary and that is why some parcels were split and ultimately they just want to protect their water.

Board Member Mims stated that the concern with county is relinquishing control and making sure the people within these areas are protected.

David Rooks stated that there are probably constitutional limits that governments can promise things.

Board Member Mims asked if there are any plans to develop any water and sewer lines in the undeveloped areas.

David Rooks stated no.

Board Member Joe Garrison asked if the proposal is approved does Pinebluff have to notify everyone and would the people have the same apparatus to express their concerns.

David Rooks stated that yes Pinebluff would hold a public hearing and go through a process of public participation.

Board Member Garrison asked for clarification regarding the intention of the expansion. Mr. Garrison understood that is to protect water and to keep zoning the same.

David Rooks stated yes this correct.

Board Member Garrison asked if the county already has it zoned, is the Town of Pinebluff saying the County is too relaxed.

David Rooks stated no it's just a matter of intergovernmental relations because you cannot always count on it being wisely ruled as it is today.

Board Member Mims asked if there are any water issues right now.

David Rooks stated no, it is more that they want to make sure of what is going to happen around their well.

Board Member Garrison had a question for Ms. Ensminger. Mr. Garrison asked if there are current protections for watersheds and water.

Ms. Ensminger stated yes there are watershed regulations that protect all of unincorporated Moore County.

Board Member Mims asked Ms. Ensminger if she knew of any issues in that particular area.

Ms. Ensminger stated that she did not.

Board Member Garrison asked Mr. Rooks if the decision is ultimately no, if there is a lawsuit or potential legal action the town would take.

David Rooks stated that the County Attorney Ms. Leland and himself have different views on the Senate Bill from 1999 and we are hoping it get resolved without exploring those different views.

Board Member Garrison further asked if there are any cases that court would use to make a decision.

David Rooks stated that he and Ms. Leland have asked outside sources and have found people that agree with each side.

Chairman Smith asked that if Pinebluff gains control of the zoning of the proposed parcels would they infringe on peoples' property rights to protect the well. Mr. Rooks

asked for further clarification and Chairman Smith stated that this seems to a protection of the well I just don't know individual property rights to be of a concern.

David Rooks explained that this would have to be addressed to the town board in Pinebluff.

Chairman Smith opened the public hearing.

Chairman Smith opened the floor to opponents of the proposed request.

Mr. Cliff Belcher of 725 Thunder Road asked for clarification regarding the protection of the water source. Mr. Belcher wanted to understand why it needed to be changed when the water source was already protected by Moore County. Mr. Rooks explained the water source is not the county's water supply it is Pinebluff's and they want to protect it. Mr. Belcher asked if citizens would still go through Moore County and Ms. Ensminger explained that if this request is approved individuals would still have to go through the county and Environmental Health for well and septic approval but building permits would go through Pinebluff. Mr. Belcher concluded that he doesn't understand why this request is necessary when we would still go through the county.

Mr. Greg Sasser property owner of 320 Whippoorwill stated that he and his wife purchased the property to live in the county and they would like to remain the same.

Mr. Howard Beal of 128 Ryder Cup Blvd had three questions for Pinebluff. First why has the circle been moved from the center of town and Chairman Smith explained this is due to the last annexation regulation that was adopted and allowed this change. Secondly Mr. Beal asked why some properties are skipped over and finally Mr. Beal asked what benefits they would receive because he feels this is taxation without representation.

John Darlington of 201 Murphy Drive North stated that he is the President of his subdivisions Homeowners Association and has some concerns regarding the minimum square footage that is required in Pinebluff. Mr. Darlington stated he assumes current homes will be grandfathered but has concerns about vacant lots in his subdivision and the minimum square foot requirement will not be beneficial for the demographic. Chairman Smith asked what will happen to the existing subdivision and County Attorney Ms. Leland stated she and Ms. Ensminger has never seen this before. Mr. Rooks explained he has seen this before and the existing homes would be considered nonconformities. Ms. Leland stated that a developer would probably run into the most issues. In conclusion Ms. Ensminger stated that Moore County does not regulate the size of structures.

Karen Reese May stated that she owns property in Addor and her property is divided by this request as well as other areas of Addor.

John Bright owns property on the north of side of Addor and is concerned about the exclusion of Addor and the ability to set up a mobile home. Mr. Bright concluded that he is concerned about the way business is being conducted.



Nancy Malone of 24E Persimmon Drive stated she is the President of the Homeowners Owners Association and is concerned the way Pinebluff conducts business. Ms. Malone explained the issues with water costs and that nothing is provided by the Town of Pinebluff. Ms. Malone concluded that she is against being controlled by Pinebluff in anyway shape or form.

Amy Kirk of 416 Rose Ridge Road is concerned about having the neighborhood being cut in half and does not want to be part of Pinebluff and would like to remain part of the Roseland neighborhood. Ms. Kirk concluded by stating that she believes this is just one step before annexation will occur.

Dale Daken 137 Ryder Cup Boulevard stated he doesn't have much to say because everyone has said pretty much what he wanted to say. Mr. Daken concluded by asking for a show of hands for those in favor of being taken over by Pinebluff.

David Rooks wanted to address the concerns of Ms. Kirks and that there will not be an annexation unless a majority is in favor of the change.

James Stancil of 420 Kirk Road stated that he pays extra for insurance because he is more than 5 miles from a fire department and he stated the statute 160(A)-360.

David Rooks stated that the reading of the statute does not take into account the local bill.

Bill Zell stated he is the Town Manager of Aberdeen and he said that he has one comment and one request. First Mr. Zell said his request is to allow Aberdeen to review this request before approval and his comment is they have 20 wells and have not completed any expansions.

Charles McKnight stated that he is always skeptical when land is involved and there is selective inclusion. Mr. McKnight would like some more explanation regarding why and the intent of the request.

Board Member Schilling asked Mr. Rooks about the request by Mr. Zell to include comment from the Town of Aberdeen. Mr. Rooks stated he would have no problem if they would like to provide comments.

Board Member Lambert asked Mr. Rooks if the lots that are not included pose no threat to the water. Mr. Rooks explained that he could not answer that question.

Board Member Mims asking Mr. Rooks if the Town of Pinebluff if they have explained specifically how this would protect the water source. Mr. Rooks explained that is a matter of protecting the future of the water source. Board Member Mims explained that is having a hard time understanding what they would do differently.

Board Member Eddie Nobles asked if there have been any maps completed to show how this would protect it in the future.

John Cook of 143 Sunnyview Road stated the reason the water has been brought up is to have a comparable case if it is denied.

Board Member Mims asked Mr. Rooks if there has been any studies completed that Mr. Nobles asked previously. Mr. Rooks stated that he is not aware of any completed.

Chairman Smith asked if anyone else would like to speak.

Fred Goins of 1407 Current St stated that everyone works hard and feels it is very unfair and that the community was blindsided by Pinebluff.

Hugh Madison of 195 Sunnyview Road stated that he believes everything Pinebluff has done is underhanded.

Jean Frye of 348 Kirk Road stated that Horse Creek is very well maintained by the local church.

Mary King of 158 A King Lane stated that we do not desire to be a part of this ETJ and would like to be left alone.

Joel Stancil stated that is concerned about not being notified and that it should be left alone to future generations.

Chairman Smith closed the public hearing.

Board Member Garrison stated that he would like to make a brief comment before providing a motion. In my opinion there is no immediate threat to the water source and it would be callus of any Board to ignore the concerns of its citizens.

Board Member Joseph Garrison made a motion to endorse the Moore County Board of Commissioners to deny the request for expansion of extraterritorial jurisdiction by the Town of Pinebluff. The motion was seconded by Board Member Eli Schilling. Chairman Smith asked for any discussion and Board Member Schilling stated that there are concerns of citizens that are legitimate. Board Member Mims stated there is not a specific problem to address or a specific plan that the County of Moore would do differently. Vice Chairman appreciated Mr. David Rooks for being present and requested a representative of Pinebluff to be present to explain their decisions. Chairman Smith asked for all those in favor of the motion and the motion passed unanimously (8-0).

Ms. Ensminger explained to the citizens present that this decision is not the final decision. A Call to Public Hearing will take place on September 1<sup>st</sup> and the actual Public Hearing will take place on September 15<sup>th</sup>.

## **OTHER BOARD MATTERS**

Board Member Mims congratulated Chairman Smith of his appointment to Chairman. Chairman Smith in return thanked Board Member Mims for his leadership during the last year.

Board Member Schilling welcomed Board Member David Lambert to the Planning Board.

## **PLANNING DEPARTMENT REPORTS**

Planning Director Debra Ensminger explained that the UDO work sessions will continue during the September Planning Board meeting.

## **BOARD COMMENT PERIOD**

No Board comments were given.

## **ADJOURNMENT**

With no further comments Board Member Schilling made a motion to adjourn, the motion was seconded by Board Member Garrison. The motion passed unanimously (8-0).

Respectfully submitted by,

Lydia Cleveland

**Proposed UDO Chapters**    (The underlined chapters are included in packet for review)

1. General Provisions

2. Review Bodies and Officials

3. Zoning Districts            (reviewed in July)

4. Dimensional Standards            (reviewed in July)

5. Table of Uses

6. Specific Use Standards

7. Non-Residential Screening            (reviewed in July)

8. Parking, Driveways, and Loading

9. Zoning & Sign Permits

10. Conditional Use Permits            (reviewed in July)

11. Amendments            (reviewed in July)

12. Conditional Zoning            (reviewed in July)

13. Appeals and Variances            (reviewed in July)

14. Vested Rights            (reviewed in July)

15. Nonconforming Situations            (reviewed in July)

16. Wireless Communications Facilities            (reviewed in July)

17. Manufactured Home Parks

18. Planned Unit Developments

19. Highway Corridor Overlay District

20. Watershed Overlay District

21. Flood Damage Prevention

22. Enforcement and Penalties            (reviewed in July)

23. Minor Subdivisions

24. Major Subdivisions

25. Definitions and Interpretations

26. Record of Amendments

# ARTICLE 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.

### 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 structures and land, not inconsistent with prevailing State General Statutes.

### 1.4 Jurisdiction

Except as otherwise expressly stated, this Ordinance applies to the unincorporated area of Moore County, to the extent of the law. This Ordinance shall in no way regulate bona-fide farms. (Add “exemption” category to Table of Uses and add language to Specific Use Standards)

### 1.5 Severability

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.

### 1.7 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 conflict with the provisions contained in any other local, State, or Federal regulation, the more restrictive provisions shall govern.

## 1.9 Compliance Required

The regulations set forth in this UDO shall affect all land, every structure, and every use of land or structure. No structure or land shall hereafter be used or occupied, and no structure or part thereof shall be erected, moved onto, or structurally altered, except in compliance with the regulations of this UDO, and other applicable regulations of local, State, or Federal governments.

~~The issuance of a zoning permit is not required for any proposed accessory structure twelve (12) feet or less 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 shall require approval. (Add "exemption" category to Table of Uses and add language to Specific Use Standards)~~

## 1.10 Street Access

No building shall be erected on a lot which does not have access to a street.

## ARTICLE 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 Zonings;
  4. Conditional Use Districts;
  5. Vested Rights;
  6. ETJ Expansions; and
  7. Amendments to the comprehensive land use plans for Moore County.
- B. Quasi-Judicial Appeal to Courts. Quasi-judicial decisions made by the Board of County Commissioners 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 thirty (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 County Commissioners pursuant to the Ordinance shall be subject to review at the request of any aggrieved party 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. One (1) year (365 days) in cases involving the appeal of a UDO text amendment;
  3. Three (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.

#### 2.2 Planning Board

- A. Powers and Duties. The Planning Board shall have all the powers and authority pursuant to NCGS 153A-321 and 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 Zonings;
4. Conditional Use Districts;
5. 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-321 and 153A-322 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. Minor Level 1 Flag Lot Subdivision Plats;
  2. Minor Level 2 Subdivision Plats;
  3. Major Preliminary Subdivision Plats; and
  4. 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. Floodplain Variances; and



3. 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 five (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 thirty (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. Sign Permit Approvals;
  4. Floodplain Development Permit Approvals;
  5. Level 1 Minor Subdivision Plat Approvals;
  6. Level 1 Minor Family Subdivision Plat Approval;
  7. Exemption Plat Approvals;
  8. Water Supply Watershed Approvals;
  9. Communication Tower Regulations Approvals; and
  10. Administrative Variance Approvals;

# ARTICLE 8

## PARKING & DRIVEWAYS

### 8.1 Applicability

Before a zoning permit is issued for the construction, reconstructions, expansion in footprint or capacity, or change in use of any building or land, for purposes other than a single or two-family family residence, all parking, loading, and driveways shall be reviewed and approved by the Administrator.

### 8.2 Minimum Parking Spaces Required

The number of off-street spaces required by this Ordinance shall be provided on the same lot with the principal use except as provided in Section 8.3 and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum.

| Uses                                                                                  | Parking Requirements                                                                                                                                       |
|---------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Auto service / repair shop                                                            | 5 spaces per service bay, plus 1 space per wrecker or service vehicle                                                                                      |
| Animal Training Facility                                                              | 3 spaces for every 4 employees on largest shift, plus 1 space for each individual bedroom on site.                                                         |
| Assembly such as auditoriums, churches, community centers, lodges, stadiums, theatres | 1 space for each 4 seats in the assembly room(s), plus 1 space per employee, or 1 space <b>for each 4 persons at full occupancy, whichever is greater.</b> |
| Banks                                                                                 | 1 space for each 200 square feet of gross floor space                                                                                                      |
| Beauty and Barber Shops                                                               | 2 spaces per operator                                                                                                                                      |
| Camp or Care Center                                                                   | 1 space for each employee and one space for each beds                                                                                                      |
| Clinics                                                                               | 5 spaces for each doctor plus 1 parking space for each employee                                                                                            |
| Day Care Facilities and Preschools                                                    | 1 space for each employee plus 1 parking space for every 5 students                                                                                        |
| Dwelling, Multi-Family                                                                | 2 spaces per dwelling unit                                                                                                                                 |
| Dwelling, Single Family                                                               | 1 space per dwelling                                                                                                                                       |
| Golf Courses                                                                          | 4 spaces for each tee                                                                                                                                      |
| Hotels, bed & breakfast, and similar uses                                             | 1 space per unit, plus 1 spaces per employee on a normal shift                                                                                             |
| Industrial Uses                                                                       | 1 space per 3 employees on the largest shift                                                                                                               |
| Nursing, Retirement and Convalescent Homes                                            | 1 space per 5 beds                                                                                                                                         |
| Offices                                                                               | 1 parking space for each 200 square feet of net rentable area.                                                                                             |
| Recreational & Amusement Facilities (no spectators)                                   | 1 space for every 2 participants at full capacity                                                                                                          |

|                                              |                                                                                                                                                                        |
|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Recreational Facilities<br>(with Spectators) | Same as recreational facilities without spectators plus 1 space for every 4 spectator seats                                                                            |
| Rehabilitation homes                         | 1 space per two beds                                                                                                                                                   |
| Restaurants, clubs, bars, and similar uses   | 1 space for each 4 seats at tables, 1 space for each 2 seats at counters or bars plus 1 space for each 2 employees                                                     |
| <b>Retail Uses</b>                           | <b>1 space for each 300 square feet of gross floor area, minus storage areas</b>                                                                                       |
| Riding Stables and Academies                 | 1 space for each employee plus 1 space for every 3 stalls or horses, whichever is more (horse trailers are not to be stored in required parking spaces)                |
| Schools, Elementary and Junior High          | 1 space for each classroom and administrative office, plus 1 space for each employee and 1 large space for each bus.                                                   |
| Schools, Senior High                         | Same as elementary schools plus 1 space for each 20 students                                                                                                           |
| Schools, College or Technical                | 1 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 |
| Solar Collector Facility                     | 1 space for each employee.                                                                                                                                             |
| <b>Stores, Retail Food</b>                   | <b>1 space for each 150 square feet of gross floor area, minus storage areas</b>                                                                                       |

### 8.3 Combination of Parking Spaces

The required parking space for any number of separate uses may be combined in one (1) lot, but the required space assigned to the one (1) use may not be assigned to another use except one-half of the required parking spaces for places of assembly halls whose peak attendance is at night or weekends may be assigned to a use which will be closed at night or weekends.

### 8.4 Parking Lot Requirements

Where parking lots, other than for single and two-family residential, ~~for more than five (5) cars~~ are permitted or required, the following provisions shall be provided:

1. A strip of land ~~five (5)~~ ten (10) feet wide adjoining any right-of-way line or any lot zoned for residential uses shall be reserved as open space, guarded with curbing or wheel guards and planted in grass and/or shrubs or trees.
2. Install screening as described in Section 7.2 (Screening Types), along side or rear property lines adjacent to property used or zoned for residential uses.
3. Only one (1) entrance and one (1) exit sign no larger than two (2) square feet prescribing parking regulations may be erected at each entrance or exit.
4. The use of streets, sidewalks, alleys or other public rights-of-way for parking or maneuvering to and from off-street parking spaces is prohibited.
5. Be so designed that ingress and egress is by forward motion.
6. Any lighting of parking areas shall be shielded so as to cast no light upon adjacent properties and streets.

7. All parking spaces shall have minimum dimensions of nine (9) feet in width and eighteen (18) feet in length.
8. All access or backup aisles shall conform to the following minimum dimensions:

| Parking Angle | One-Way Traffic | Two Way Traffic |
|---------------|-----------------|-----------------|
| 0 degrees     | 12 feet         | 24 feet         |
| 30 degrees    | 12 feet         | 22 feet         |
| 45 degrees    | 14 feet         | 20 feet         |
| 60 degrees    | 18 feet         | 24 feet         |
| 90 degrees    | 24 feet         | 24 feet         |

9. Each off-street loading space shall have minimum dimensions of fifteen (15) feet in width and ~~thirty (30)~~ forty (40) feet in length.
10. Off-street loading spaces and circulation area shall be of sufficient width to allow for proper backing and/or turning movements without blocking the normal movement of other vehicles.
11. Minimum off-street loading space shall conform based on type of use:
  - a. Retail Business: 1 space for each 20,000 square feet of gross floor area or fraction thereof
  - b. Wholesale and Industries: 1 space for each 20,000 square feet of gross floor area or fraction thereof
  - c. Office and Institutions: 1 space for each 50,000 square feet of gross floor area or fraction thereof

**~~8.3.12 — Vehicle Storage in Residential Districts — (REMOVE FROM UDO)~~**

~~8.3.1201 — No inoperative or unlicensed vehicles shall be permitted to be parked or stored longer than (14) fourteen days (except in the RA and RE zoning districts).~~

~~8.3.1202 — In the RA and RE Districts, storage of inoperative or unlicensed vehicles shall be permitted in the rear yard only.~~

**~~8.3.13 — Mobile Home and Trailer Parking and Storing — (Move to Screening Chapter)~~**

~~It shall be unlawful to park or otherwise store for any purpose whatsoever any mobile home or trailer within any zone district except as follows:~~

~~8.3.1301 — At a safe, lawful, and non obstructive location on a street, alley highway, or other public place, providing that the trailer or mobile home shall not be parked for more than 24 hours;~~

~~8.3.1302 — Within a mobile home park, provided, however, the mobile home shall either have a North Carolina or HUD Label of Compliance permanently attached thereto.~~

~~8.3.1303—On any other lot or plot provided that trailers, as defined in **Article 18**, shall be stored in a garage or carport or in the rear or side yard.~~

## **8.5 Driveway Standards**

- A. NCDOT Driveway approval. The North Carolina Department of Transportation is the approval authority where driveways affect access to State Highways. All access work done on state right-of-way shall be approved by the DOT before a zoning permit is issued.
- B. One or Two Lane Driveways. The width of any driveway intersection with the public or private street shall not exceed thirty (30) feet at its intersection with curb and street line.
- C. Four Lane Driveways. Driveways that have double lane ingress and egress (4-lanes) shall be a minimum sixty (60) feet width at intersection with curb and street line.
- D. Distance from Intersections. ~~No driveway shall be located closer than twenty five (25) feet to any street intersection.~~ No driveway (nearest edge) shall be located within twenty-five (25) feet of an intersection on a secondary road and forty (40) feet on a primary road except in the case where no other lot access to a street is available.
- E. Multiple Driveways. Two (2) or more driveways entering the same street from a single lot shall be permitted only if the minimum distance between the closest edges of the driveways equals or exceeds thirty (30) feet or as otherwise approved by the DOT.
- F. Connectivity. Businesses adjacent to, or integrated in, a shopping center or cluster of commercial facilities shall use the common access with other business establishments in the center.

# ARTICLE 9

## ZONING & SIGN PERMITS

### 9.1 **Applicability**

No land shall be used or occupied and no building shall be structurally altered, erected, moved, used, or its use changes, until a zoning permit is issued by the Administrator.

### 9.2 **Application**

- A. Pre-Application Meeting. To minimize development planning costs, avoid misunderstanding 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 & Natural Resources
  2. Corp of Engineers
  3. North Carolina Department of Transportation
  4. Moore County Environmental Health
  5. Moore County Public Utilities
  6. Moore County Building Inspections
  7. Moore County Fire Marshal
  8. Moore County 911 Addressing
- 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 structures
  3. Non-residential floor plans
  4. Setbacks
  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. Loading and unloading area
9. Existing and proposed utilities
10. Existing and proposed right of ways and easements
11. Non-residential screening plan
12. Floodplain and wetland areas
13. Significant natural features including lakes, streams, marshes, etc.
14. Existing and proposed impervious surface percentages
15. Location of any stormwater control devices including the name of the certifying engineer
16. Phasing plans
17. Any other information which the Administrator deems necessary as required per local, state, or federal law.

### **9.3 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 Environmental Health Department, the Administrator shall issue a zoning permit, provided that all of the following conditions shall apply:

1. Issuance of a zoning permit shall in no case be construed as waiving any provisions of this UDO;
2. The zoning permit shall include a determination that plans, specifications and the intended use of such structure and land do, in all respects, conform to the provisions of this UDO.

### **9.4 Denial**

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

### **9.5 Expiration**

Once a zoning or sign permit has been issued, all activities pursuant to such permit shall be commenced within six (6) months. If the proposed moving, constructing, altering, repairing, or use of land, as set forth in an application for a zoning or sign permit, is discontinued for a period of one (1) year or more, the permit shall lapse and be of no further force and effect.

### **9.6 Appeal**

Final action on a zoning or sign permit may be appealed to the Board of Adjustment in accordance with Section 13.1 (Administrative Appeals) of this Ordinance.