

MINUTES
MOORE COUNTY PLANNING BOARD SPECIAL MEETING
THURSDAY, SEPTEMBER 15, 2022, 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR

Board Members Present:

Joe Garrison (Chairman), Bobby Hyman (Vice chair), Tucker McKenzie, Amy Lynn, Farrah Newman, John McLaughlin, Mick McCue, David McLean

Board Members Absent:

Jeffrey Gilbert

Staff Present:

Stephanie Cormack, Admin Officer; Debra Ensminger, Planning Director; Jaimie Walters, Senior Planner; Ruth Pedersen, Senior Planner; Tron Ross, Associate County Attorney

CALL TO ORDER

Chairman Joe Garrison called the special meeting to order at 6:00 pm.

INVOCATION

Vice Chair Bobby Hyman offered the invocation.

PLEDGE OF ALLEGIANCE

Chairman Joe Garrison led in citing of the Pledge of Allegiance.

MISSION STATEMENT

Board Member Tucker McKenzie read the Moore County Mission Statement.

WORK SESSION

Debra Ensminger introduced Chad Meadows with CodeWright Planners; consultant Moore County has hired to update the Unified Development Ordinance to incorporate the changes that are already law. Ms. Ensminger explained that even though the County has not updated their Unified Development Ordinance staff has been following the law and implementing.

Mr. Meadows presented a PowerPoint presentation to the board going over Chapter 160D updates attached as exhibit A.

Jaimie Walters also explained to the board there were a few staff modifications outside of Chapter 160D attached as exhibit B.

BOARD COMMENT PERIOD

Chairman Joe Garrison thanked Mr. Meadows for the presentation and staff for all their work.

ADJOURNMENT

With no further comments Board Member Mick McCue made a motion to adjourn the September 15, 2022, special meeting. The motion was seconded by Vice Chair Bobby Hyman meeting adjourned at 8:02 p.m., the motion passed unanimously 8-0.

Respectfully submitted by,

Stephanie Cormack

"Exhibit A"



Moore County

Unified Development Ordinance • NCGS Chapter 160D Revisions
Overview with Planning Board 9.15.22

CODEWRIGHT PLANNERS

- Based in Durham, NC
- Founded 2014
- Completed codes for communities throughout the State
- AICP Certified
- Legislative Chair of NC Chapter, American Planning Association
- Chair, Durham City/County BOA

UDO 160D Revisions

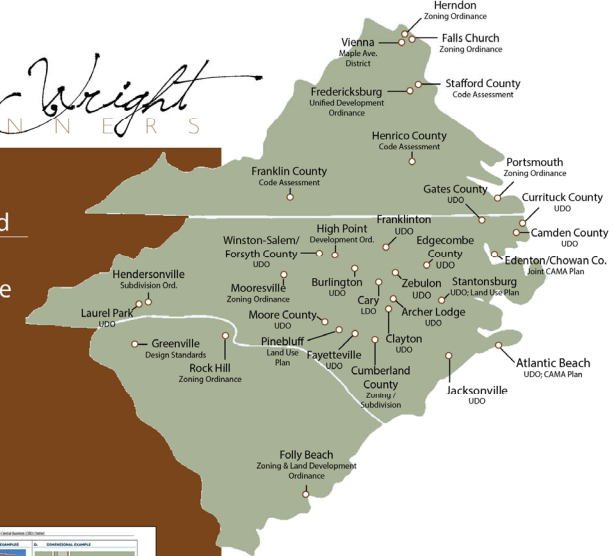


21

Codes Completed

29

Years of Experience







CodeWright
'MORE THAN JUST WORDS'

-  Simple Language
-  Measurable Criteria
-  Intuitive Structure
-  Beautiful Documents
-  Balance Flexibility & Predictability
-  Post-Adoption Assistance

CodeWright Planners, LLC, is a planning and zoning consultancy founded in Durham, NC in 2014. Chad Meadows serves as Principal and sole employee. CodeWright prepares development codes, plans, and studies solely for local government clients across the Southeast. We are passionate about creating beautiful, effective documents that meet our client's needs and exceed their expectations.



UDO

Moore County Unified Development Ordinance

ADOPTED: 2.18.14

LAST AMENDED: 4.20.21

OVERVIEW

- Background
- Key Changes by Chapter
- Discussion
- Next Steps

MEETING OBJECTIVES

1. Review proposed changes to the UDO
2. Answer Planning Board questions
3. Prepare a recommendation on the UDO for the Board of Commissioners

PROJECT GOAL

Update the current UDO to address all statutory requirements

Make the document easier to use

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 judgment 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 areas 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-341).
- 1.5 Conflict
- It is not intended by this Ordinance to interfere with, abrogate, or annul any covenants, 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.

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CHAPTER 2 REVIEW BODIES AND ADMINISTRATOR

- 2.1 Board of Commissioners
- A. **Review 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 Rezoning;
 4. Major Preliminary Subdivision Plans;
 5. Vested Rights;
 6. Extra-Territorial Jurisdiction (ETJ) Expansions;
 7. Amendments to the comprehensive land use plan for Moore County.
- B. **Quasi-Judicial Appeal to Courts.** Quasi-judicial decisions shall be subject to review at the request of any person who has standing as detailed within 160A-309(c) and 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 Board Order with the Clerk to the Board and the delivery of the Board Order. When first-class mail is used to deliver the Board Order, 3 days shall be added from the mailing date to the 30 day time allowed to file the appeal.
- 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 (1,095 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.
- D. **Extra-Territorial Jurisdiction (ETJ) Expansions.** Per NCGS 160A-360, a request by the municipality should include a parcel map and municipal approval of the proposed ETJ.

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CHAPTER 1. GENERAL PROVISIONS

SECTION 1.1. TITLE

A. **ORDINANCE TEXT**

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.

B. OFFICIAL ZONING MAP

The zoning map referenced in this Ordinance is officially titled as the "Zoning Map for Moore County, North Carolina" and may be referred to as "the Official Zoning Map" or "the zoning map."

SECTION 1.2. EFFECTIVE DATE¹

This Ordinance shall be in full force and effect on (insert the effective date of this Ordinance), and repeals and replaces the Moore County Unified Development Ordinance adopted on February 18, 2014, as amended.

SECTION 1.3. AUTHORITY²

The provisions of this Ordinance are adopted in accordance with:

A. THE NORTH CAROLINA GENERAL STATUTES

- The laws of the State of North Carolina, including but not limited to:
1. Chapter 153A, Article 4 (Form of Government);
 2. Chapter 153A, Article 6 (Delegation and Exercise of the General Police Power);
 3. Chapter 160D (Local Planning and Development Regulation);
 4. Chapter 143, Article 21 (Water and Air Resources);
 5. Chapter 113A, Article 4 (Sedimentation and Pollution Control);

B. OTHER RELEVANT LAWS

- The following laws and provisions:
1. The Code of Ordinances, Moore County, North Carolina, and
 2. Any special legislation enacted for Moore County by the North Carolina General Assembly.

SECTION 1.4. PURPOSE

The purpose of this Ordinance is to promote the public health, safety, and general welfare of residents and visitors to Moore County, and to ensure that all development within the County's planning jurisdiction is generally consistent with the County's Adopted Comprehensive Land Use Plan. More specifically, this Ordinance is adopted to:

- A. Protect development from natural hazards;
- B. Protect the integrity of watersheds within the County; and
- C. Regulate the location and use of buildings and land in ways that are consistent with NCGS §160D-701.

SECTION 1.5. JURISDICTION³

A. GENERALLY

The standards in this Ordinance shall govern all development and use of land lying within the unincorporated portions of Moore County except land within the planning and development jurisdiction of any municipality.

¹ This is a new optional section identified on Page 3 of the Diagnosis Memorandum.

² This section has been enhanced with a wider range of authority provisions.

³ The language in this section is replaced with several new provisions intended to clarify how the standards in this Ordinance are applied. The standards clarify that bona-fide farms are still subject to the subdivision, flood damage prevention, and water supply watershed protection requirements, and that governmental units are now required (in accordance with 160C) to comply with local development requirements. The standards also clarify that the County does not enforce private agreements or covenants.

CHAPTER 1. GENERAL PROVISIONS

SECTION 1.5. JURISDICTION

within Moore County, unless the municipality shall have, by resolution, formally requested the County to enforce this Ordinance within its jurisdiction.

B. EXEMPTIONS

The following forms of development and activities are exempted from the requirements of this Ordinance:

1. Agricultural and agri-tourism related activities taking place on a bona-fide farm in accordance with NCGS §160D-903;
 2. Forestry activities completed on a bona-fide farm or as subject to a forestry management plan approved in accordance with NCGS §160D-921; and
 3. The division of land into parcels as part of a probated will or in accordance with the intestate succession provisions of Chapter 29 of the North Carolina General Statutes.
4. Bona-fide farms and land taxed under the present use value system are not exempted from the subdivision, flood damage prevention, and watershed overlay district provisions in this Ordinance.

C. ANNEXATION

The standards in this Ordinance shall remain in effect on any lands subject to annexation, incorporation, or extension of extraterritorial jurisdiction (ETJ) by a municipality, until:

1. The municipality adopts development regulations for the affected area; or
2. Up to 60 days following the approval of an annexation, incorporation, or ETJ extension by a municipality if no development regulations for the affected area are adopted by the municipality as part of an annexation, incorporation, or ETJ extension.

D. EXTRATERRITORIAL JURISDICTION

A municipality that desires to extend its extraterritorial powers into the County's planning jurisdiction may do so only when the municipality and the County have agreed upon the area. When a municipality desires to relinquish jurisdiction over an area within its planning jurisdiction, the municipal regulations and powers of enforcement shall remain in effect until the sooner of the following takes place:

1. Moore County has adopted regulations for the relinquished jurisdiction; or
2. A period of 60 days following the action by which the municipality relinquished jurisdiction. During this period, the County may hold hearings and take other measures that may be required in order to adopt regulations for the relinquished area.

When a municipality is granted extraterritorial jurisdictional powers by Moore County in accordance with NCGS §160D-202, such approval shall be evidenced by a formally adopted resolution of the Board of Commissioners. Approval of extraterritorial jurisdiction may be rescinded by the Board of Commissioners upon two year's written notice to the municipality by repealing the resolution.

E. APPLICATION TO GOVERNMENTAL UNITS

Except as stated elsewhere in this Ordinance, the standards in this Ordinance shall apply to:

1. Development by the County, its agencies, or departments;
2. Development of buildings by a municipality or State agencies or departments, public colleges or universities, or other political subdivisions of the State, in accordance with the standards in NCGS §160D-913;
3. Development owned or held in tenancy by the government of the United States, its agencies, departments, or corporate services, to the full extent permitted by federal law. For those activities of the Federal Government exempted from these regulations, compliance is strongly encouraged.

F. RELATIONSHIP TO PRIVATE AGREEMENTS, COVENANTS, AND DEED RESTRICTIONS

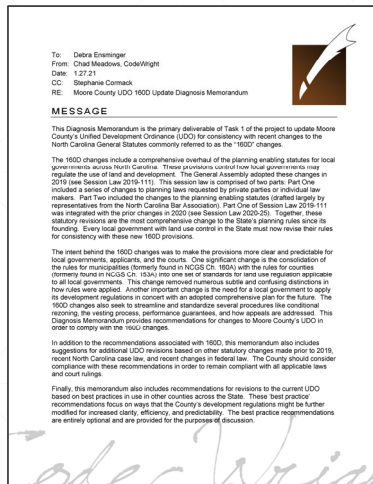
1. Except as hereinafter provided, this Ordinance shall not be deemed to interfere with, abrogate, annul, or otherwise affect in any manner whatsoever any easement, covenants, deed restrictions, or other private agreements between private parties.

UDO

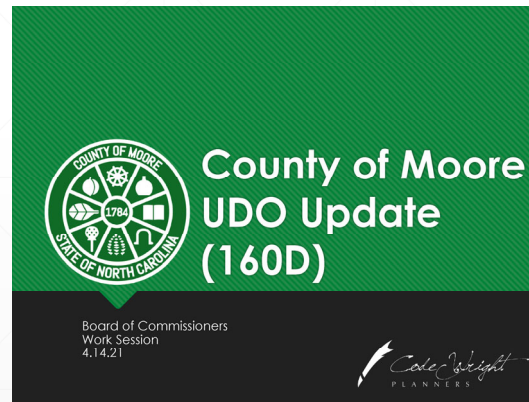
Moore County Unified Development Ordinance

ADOPTED FEBRUARY 18, 2014
AMENDED MAY 20, 2014
AMENDED JANUARY 20, 2015
AMENDED MARCH 3, 2015
AMENDED MAY 19, 2016
AMENDED OCTOBER 18, 2016
AMENDED SEPTEMBER 5, 2017
AMENDED NOVEMBER 7, 2017
AMENDED FEBRUARY 20, 2018
AMENDED MAY 1, 2018
AMENDED JULY 17, 2018
AMENDED NOVEMBER 20, 2018
AMENDED DECEMBER 3, 2018
AMENDED JANUARY 22, 2019
AMENDED JUNE 18, 2019
AMENDED NOVEMBER 19, 2019

UDO on Start Date
December 2020



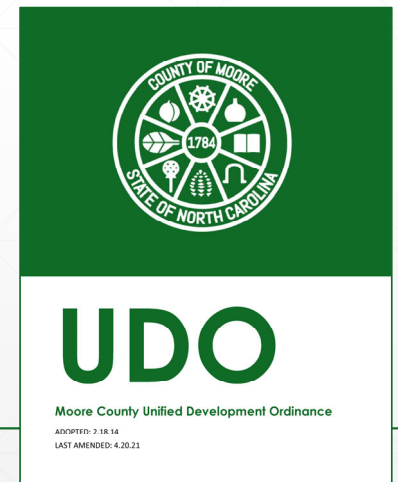
Diagnosis Report
January 2021



BOC Work Session May 2021

PROJECT STEPS

County Staff Review
Sept '21 – Sept '22



UDO 160D Revisions

DOCUMENT BASICS

1. Consistent with NCGS & other State laws/court precedent
2. Updated cross references
3. New heading fonts, headers, & footers
4. Increased use of summary tables
5. More detail throughout
6. Changes tracked (for review)

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CHAPTER 1 GENERAL PROVISIONS

key changes

- Effective date added
- Clarifies lands and actions exempted from UDO (e.g., bona fide farms, wills, etc.)
- Clarifies standards apply to County & State government lands/operations
- Recognizes the comprehensive plan as an advisory document
- Clarifies conflict standards (least restrictive does not always apply)
- Adds severability clause

CHAPTER 2 REVIEW BODIES/ADMINISTRATOR

key changes

- Recognizes oath of office requirements
- Clarifies conflict of interest standards for all review bodies (including Administrator)
- All meetings open to public (except closed sessions) and must maintain records
- Clarifies powers and duties for Planning Board, SRB, & Administrator
- Clarifies quorum and voting rules for Planning Board and BOA

CHAPTER 3 INTENT OF ZONING DISTRICTS

key changes

- Recognizes **terminology changes** (conventional vs conditional zoning districts)
- **Abolishes conditional use districts** in favor of conditional districts (conditional use permits may no longer be attached to rezoning cases)
- Recognizes the County's 5 CUD districts and PUD-CZ district as "**legacy districts**"
- Establishes "**parallel**" conditional districts and associated standards (initiation, additive conditions only, conditional zoning site plan requirement)
- Establishes **additional standards for planned development** conditional districts (reductive conditions permitted, master plan required, terms & conditions statements, emphasis on compatibility at district edges)
- Clarification on HCOD boundaries
- Zoning Map – historic versions on file and obtaining certified copies
- Administrator to interpret zoning map boundaries

CH. 4 ZONING PERMITS, SITE PLANS, & DETERMINATIONS

key changes

Zoning Permits

- Clarifies applicability to changes in use, adds exemptions
- Decision must be in writing
- Permit revocation must follow same process as issuance

Site Plans

- Clarifies applicability & exemptions (SFD, accessory serving SFD, signs, changes of use)
- Pre-application conference required & plan contents specified
- Decisions must be in writing (reasons for denial must be specified)
- Rules for extension (from BOC), expiration (2 years), & revocation

Determinations

- Zoning map, unlisted uses, UDO text, COA, vested rights status
- Must be in writing and are appealable to BOA

CHAPTER 5 DIMENSIONAL STANDARDS key changes

- Carried forward with table notes

CHAPTER 5. DIMENSIONAL STANDARDS

SECTION 5.1. TABLE OF AREA AND SETBACKS²⁹

The following table sets out the dimensional requirements for lots and the setback provisions for principal and accessory uses in this Ordinance.

A. APPLICABILITY IN PARALLEL CONDITIONAL ZONING DISTRICTS

The dimensional requirements in the table below are applied to the County's conventional zoning districts and shall also apply to a corresponding parallel conditional zoning district. For example, the standards applied to the RA district shall also apply to land designated as RA-CZ.

B. LOTS WITHIN CERTAIN OVERLAY ZONING DISTRICTS

In addition to compliance with the standards in the table below, any lots located within the HCOD and WPO shall be subject to additional dimensional requirements applied as a part of the overlay district standards.

C. ADDITIONAL REQUIREMENTS APPLIED TO FENCES, WALLS, AND SIGNS

In addition to any applicable standards in the table below, fences, walls, and signs must also comply with all other applicable dimensional requirements in Chapter 7 of this Ordinance.

TABLE OF DIMENSIONAL REQUIREMENTS											
Zoning District	MINIMUM LOT SIZE REQUIREMENTS [1]			PRINCIPAL BUILDING SETBACKS (FEET) [1]				ACCESSORY BUILDING SETBACKS (FEET) [1]			
	Area [2]	Lot Width (feet)	Lot Frontage (feet)	Front	Side	Corner Side	Rear	Front	Side	Corner Side	Rear
RA	1 acre	100	100	40	15	25	30	10	10	10	10
RA-20	20,000 sq. ft. [3]	100 [3]	100 [3]	40	15 [4]	25	30	40	10	20	10
RA-40	40,000 sq. ft. [3]	100 [3]	100 [3]	40	15 [4]	25	30	40	10	20	10
RA-2	2 acres	100	100	40	15	25	30	40	15	20	15
RA-5	5 acres	100	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 [3]	100 [3]	100 [3]	40	15 [4]	25	30	40	10	20	10
GC-SL	None	None	None	None	None	None	None	10	10	10	10
GC-WL	None	None	None	None	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

²⁹ The current dimensional standards table was not able to be revised and had formatting issues, so it has been rebuilt with no major changes except for the addition of table notes.

CHAPTER 5. DIMENSIONAL STANDARDS

SECTION 5.1. TABLE OF AREA AND SETBACKS

TABLE OF DIMENSIONAL REQUIREMENTS

Zoning District	MINIMUM LOT SIZE REQUIREMENTS [1]			PRINCIPAL BUILDING SETBACKS (FEET) [1]				ACCESSORY BUILDING SETBACKS (FEET) [1]			
	Area [2]	Lot Width (feet)	Lot Frontage (feet)	Front	Side	Corner Side	Rear	Front	Side	Corner Side	Rear
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
MF-CZ	1 acre [5]	100 [6]	100 [6]	40	15	25	30	40	15	25	30
PD-CZ	25 acres [7]	As identified in the approved planned development master plan									

NOTES:

[1] These figures may be reduced within an approved conservation subdivision.

[2] Minimum lot area may be reduced and maximum allowable density may be increased through the provision of open space at a rate exceeding the minimum percentage in a conservation subdivision (see Chapter 18).

[3] Applied to a duplex structure, not individual duplex units.

[4] Side setbacks may be zero for party walls between duplex dwellings on adjacent lots.

[5] The maximum residential density in the MF-CZ district shall be eight units per acre.

[6] Applied to the entire development, not individual lots.

[7] The 25-acre area requirement for the PD-CZ district is a minimum district size, not a minimum lot area requirement.

D. HEIGHT

See Section 7.9 for details on applicable maximum building heights.

CHAPTER 6 TABLE OF USES

key changes

- Table reformatted
- No changes in use types except: telecommunications, RLUIPA
- CUP replaced with SUP
- Columns added for MF-CZ & PD-CZ conditional districts
- Indicators “•” added for blank cells
- More clarity on change of use
- Accessory and temporary uses relocated, supplemented with additional clarity
- New section on prohibited uses

UDO 160D Revisions

CHAPTER 6. TABLE OF USES																
SECTION 6.1. PRINCIPAL USE TABLE																
PRINCIPAL USE TABLE																
P = Permitted by-Right S = Requires Special Use Permit Z = Permitted in Conditional Zoning District A = Allowed in PD District • = Not Permitted																
Principal Use Type	Zoning Districts [1]													Specific Use Standards	Bldg. Code	Class.
	RA	RA-20	RA-40	RA-2	RA-5	RA-15B	RE	GC-SL	GC-WL	PC	B-1	B-2	VB	MF-CZ	PD-CZ	
Multi-family Dwelling (3 or more units per lot)	•	•	•	•	•	•	•	•	•	•	•	•	•	Z	A	8.74
Nursing Home	S	S	S	S	S	•	•	•	•	•	P	P	•	Z	A	8.77
COMMERCIAL USES																
Animal Services																
Animal Shelter	Z	•	•	•	•	•	•	•	•	•	•	•	•	P	•	8.11
Animal Training Facility, Military	Z	•	•	•	•	•	•	•	•	•	•	•	•	P	•	8.12
Kennels, Overnight	Z	•	•	•	•	•	•	•	•	•	Z	Z	•	P	•	8.61
Pet Day Care, Grooming, Obedience Training	Z	•	•	•	•	•	•	•	•	•	P	P	P	•	A	8.82
Veterinary Clinic	Z	•	•	•	•	•	P	•	•	•	P	P	P	•	A	8.110
Offices and General Services																
Beauty / Barber Shop / Nail Salon	•	•	•	•	•	•	•	•	P	•	P	P	P	•	A	8.17
Bed and Breakfast	Z	Z	Z	Z	Z	•	•	•	•	•	•	•	•	Z	A	8.18
Dry Cleaning and Laundromat	•	•	•	•	•	•	•	•	P	•	P	P	P	•	A	8.41
Equestrian Cottage	•	•	•	•	•	•	Z	•	•	•	•	•	•	•	A	8.44
Hotel and Motel	•	•	•	•	•	•	•	•	•	•	P	•	•	•	A	8.59
Office	•	•	•	•	•	•	•	•	•	•	P	P	P	•	A	8.78
Small Appliance Repair Shop	•	•	•	•	•	•	•	•	•	•	P	P	P	•	A	8.99
Trade Contractor Office and Workshop	•	•	•	•	•	•	•	•	•	•	Z	P	P	•	A	8.106
Retail Services																
Auction House	•	•	•	•	•	•	•	•	•	•	P	P	•	P	•	8.14
Convenience Store	S	•	•	•	•	•	•	•	P	•	P	P	P	•	A	8.35
Feed and Seed Sales	S	•	•	•	•	•	S	•	•	•	P	P	•	P	•	8.46
Florist	P	•	•	•	•	•	•	•	•	•	P	P	P	•	A	8.48
Flea Market	S	•	•	•	•	•	•	•	•	•	Z	P	•	•	•	8.47
Garden Center	•	•	•	•	•	•	•	•	•	•	P	P	P	•	A	8.50
Manufactured or Modular Home Sales	•	•	•	•	•	•	•	•	•	•	•	P	•	P	•	8.66
Restaurant	•	•	•	•	•	•	•	•	P	•	P	P	P	•	A	8.90
Retail	•	•	•	•	•	•	•	•	•	•	P	P	P	•	A	8.91
Shopping Centers	•	•	•	•	•	•	•	•	•	•	•	Z	•	S	•	8.98
Wholesales	•	•	•	•	•	•	•	•	•	•	•	P	S	P	•	8.112
Vehicle Services																
Boat & RV Storage	•	•	•	•	•	•	•	P	•	•	•	Z	Z	•	•	8.19

CHAPTER 7 GENERAL DEVELOPMENT STANDARDS

key changes

- No substantive changes in Section 1 through 14
- Minor section numbering changes, minor wording changes (for clarity), added consistency in treatment of numeric values, illustration captions added, plant species text converted to tables
- Removed reference to “airport zones” in §7.9, Height
- Signs provisions modified for greater content neutrality in accordance with Reed v. Gilbert SCOTUS ruling

CHAPTER 8 SPECIFIC USE STANDARDS

key changes

- No substantive changes
- Minor section numbering changes, minor wording changes (for clarity), added consistency in treatment of numeric values
- Planned unit development (current § 8.19) relocated to Ch. 3
- Added standards for temporary health care structures (NCGS prevents local government from prohibiting this use)
- Overhauled section on wireless telecommunications facilities (based on State and federal law)

CHAPTER 9 NONCONFORMING SITUATIONS

key changes

- Allows expansion to comply with flood protection standards
- Adds basic standards for replacement following casualty damage
- Recognizes that governmental acquisition of land does not render a lot nonconforming
- Addition of standards for addressing nonconforming site features during expansions or additions (parking, screening, fences, lighting)
 - <25%; 25%-75%; >75% of assessed value

CHAPTER 10 GENERAL APPLICATION REVIEW PROCEDURES

key changes (this is a new chapter)

- Clarifications on pre-application conferences
- Application filing and acceptance (completeness)
- Permit choice provisions
- Staff review and action (including staff report prep and distribution)
- Public notice of hearings requirements
- Legislative and evidentiary (quasi-judicial) hearing procedures
- Conditions of approval rules
- Written notice of decision requirements
- Continuance requests
- Limitations on successive applications

CHAPTER 11 TEXT AMENDMENTS & CONVENTIONAL REZONING

key changes

- Clarifies Planning Board review and requirement for provision of statement of consistency between the application and the comprehensive plan
- Establishes a series of review criteria that may be used by the BOC in deciding the application
- Clarifies automatic revision of future land use map (FLUM) in the event the BOC approves a rezoning that is inconsistent with the FLUM
- Clarifies process for legal challenge of BOC decision

CHAPTER 12 CONDITIONAL REZONING

key changes

- Clarifies purpose and intent of conditional zoning districts & process
- Prohibits conversions from conditional to conventional (vice versa)
- Identifies “CZ” district name suffix designator
- Establishes application submittal requirements (including concept plan or site plan)
- Describes basic submittal process, technical plan review, PB review/recommendation, BOC decision
- Clarifies conditions of approval
- Adds standards for major and minor modifications of concept plan/site plan
- Clarifies requirements for filing site plan if rezoning application included only a concept plan

CHAPTER 13 SPECIAL USE PERMITS

key changes

- Replaces conditional use permits with special use permits (160D mandate)
- Clarifies application must be filed by all listed landowners or their agents
- Requires a site plan to be submitted with SUP application
- Specifies requirements for conditions of approval (identified, in writing, accepted by applicant, etc.)
- Includes provisions for major and minor amendment
- Replacement, expiration, revocation rules
- Appeals of BOC to Superior Court

CHAPTER 14 APPEALS & VARIANCES

key changes (restructured chapter)

Appeals

- Clarifies initiation & standing to appeal
- Clarifies review criteria and voting rules
- Clarifies effect & tolling
- Distinguishes between appeal of quasi-judicial decision, challenge of legislative decision, & original civil action

Variances

- Adds purpose, intent, applicability
- Recognizes distinctions between zoning variances, flood variance, watershed variances
- Requires recordation of approved variance

Reasonable Accommodation

- Accommodates reductions under federal Fair Housing Act (physical disability, health conditions)

CHAPTER 15 VESTED RIGHTS

key changes (restructured chapter)

- Purpose and Intent (clarify when development does not have to comply with a change in the UDO rules)
- Clarifies when rules changes apply (to approved applications) and when they don't
- Distinguishes between vesting types and terms (building permit, development approval, site-specific vesting plan, multi-phase development permit, development agreement)
- Clarifies how vested rights are terminated (or withdrawn)
- Establishes vested right certificate process to allow site-specific vesting plans to extend vesting term up to 5 years from approval date

CHAPTER 16 WATERSHED OVERLAY DISTRICTS

key changes

- Carried forward with clarifications on appeal processes

CHAPTER 17 FLOOD DAMAGE PREVENTION

key changes

- No substantive changes, simple wording adjustments for clarity only

CHAPTER 18 ENFORCEMENT & PENALTIES

key changes

- Adds purpose statement
- Clarifies each day is an additional violation
- Sets down the available remedies to the County
- Removes criminal penalties (this remain in place for sedimentation and erosion control violations)
- Adds statute of limitations provisions

CHAPTER 19 SUBDIVISIONS

key changes

- Clarifies County may not compel production of a plat for an exempt subdivision (does not stop a Registrar from requiring one)
- Addresses access provisions for family subdivisions
- Adds the limited (expedited) subdivision process (up to 3 lots, etc.)
- Adds approval criteria for major subdivision preliminary plats (note major subdivisions require approval of a special use permit)
- Includes recent (fall 2022) staff-generated changes for subdivisions
- Overhauls performance guarantee provisions
- Adds new owners' association standards for subdivisions with common land or private infrastructure

CHAPTER 20 DEFINITIONS

key changes

- New section on language construction
- Numerous new/updated definitions

CHAPTER 20. DEFINITIONS

SECTION 20.2. 19.2

DEFINITIONS

SECTION 20.2. 19.2 DEFINITIONS

The table below defines the terms used in this Ordinance.

TABLE OF DEFINITIONS	
Term	Definition
A	
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.
ACCESS EASEMENT	<u>An easement which grants the right to cross land.</u>
ACCESSIBLE PARKING SPACE	<u>An off-street parking space provided for the exclusive use of vehicles serving disabled persons.</u>
ACCESSORY DWELLING UNIT	<u>A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit but located in a detached structure or within the same structure as the principal dwelling unit.</u>
ACCESSWAY	<u>A paved or unpaved travel way intended to serve vehicles for the purposes of obtaining ingress, egress, or circulation around a lot or site. Subdivisions of up to four lots may be served by a vehicular accessway.</u>
ADOPTED COMPREHENSIVE LAND USE PLAN	<u>The combined future land-use policy guidance provided by the adopted comprehensive plan, area plans prepared for specific parts of the County, and system plans related to the County's infrastructure systems.</u>
AFFECTED PARTY	<u>Owners of land adjoining the land subject to an application and any other person who could suffer an adverse effect to a property interest from a proposed development.</u>
AGGRIEVED PARTY	<u>A person, with a legally recognized interest (i.e., fee simple ownership) and standing to appeal, that is injuriously affected by a decision from any decision-making body of the County, including any officer or agent of the County.</u>
APPEAL	<u>A request for review of an administrative official's or review authority's determination or decision made under this Ordinance.</u>
APPLICANT	<u>A person who has submitted a development application for review under applicable provisions of this Ordinance.</u>
APPLICATION	<u>The form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate County department or board as part of the development review processes.</u>
ASSESSED VALUE	<u>The monetary value of land or land and a building assigned by the Moore County Tax Appraiser for the purposes of computing the property's annual tax burden.</u>
AUTHORIZED AGENT	<u>A person with express written consent to act upon another's behalf.</u>
B	
BEST MANAGEMENT PRACTICES (BMP)	<u>Best Management Practices (BMPs). A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.</u>
BONA FIDE FARM	<u>Any tract or tracts of land used for farm purposes as defined in NCGS Section 160D-930, including the production and activities relating or incidental to the</u>

DISCUSSION / NEXT STEPS

- Question or Suggestions
- Recommendation to BOC
- Public hearing with BOC
- Adoption
- Final edits (based on comments)
- Posting



UDO

Moore County Unified Development Ordinance

ADOPTED: 2.18.14

LAST AMENDED: 4.20.21

"Exhibit B"

Ordinance Changes outside of 160D Strict Requirement

- 1) Changes to Subdivision section to address previous issues and to streamline process
 - a. Removed SRB approving family and minor subdivision plats
 - b. Removed certain items from (or changed their location on) requirement checklist
 - c. Added definition of Stormwater Management Plan to chapter and to definitions section
- 2) Zoning decision sign requirement removed from Chapter 4.
- 3) Added "Manufacturing, General" to CZ uses in Urban Transition HCOD
- 4) No longer requiring Biennial permits for existing cell towers
- 5) Public Hearing notification requirements have been changed to match what 160D states with the option to go above and beyond if department chooses.